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PROCEEDINGS AND DEBATES OF THE 103$^{d}$ CONGRESS, SECOND SESSION

# SENATE—*Tuesday, March 22, 1994*

*(Legislative day of Tuesday, February 22, 1994)*

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*And whosoever will be chief among you, let him be your servant*—Matthew 20:27.

Gracious God our Father, we pray this morning with profound gratitude for all the men and women who, though invisible to the public, provide the Senate with services without which it could not function. We thank Thee for their dedication, for the long hours many of them work, often reporting long before the Senate opens and remaining long after it recesses. We thank You for their faithful labors when the Senators return to their States to respond to constituent needs. We thank You that often they serve as shock absorbers against exploitation of the Senators. We ask Thy blessing upon these faithful men and women, hard at work behind the scenes. Help us to be sensitive to their needs and the needs of their families, and to remember how indispensable they are to the business of the United States.

We pray this in the name of Him who was the Servant of servants. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, March 22, 1994.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. CAMPBELL thereupon assumed the chair as Acting President pro tempore.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Pennsylvania [Mr. WOFFORD] is recognized to speak for up to 20 minutes. The Senator from Pennsylvania is recognized.

## WELFARE REFORM

Mr. WOFFORD. Mr. President, this Congress is ready to move forward on proposals to change our Nation's welfare system as we know it. It has been a long time coming. For years, I have been pressing the idea that the current welfare system is not working. We have had too many well-meaning but costly and ultimately ineffective social programs—programs that too often promote dependency, not responsibility; complacency, not initiative; make work instead of real work.

In my first speeches as a Senator I said it is a scandal that a society with so much work to do is paying able men and women to sit idle—that people on welfare deserve the dignity of a job. For at the core of what we are as people is the dignity of work—the independence and self-respect that come from having a job, doing it well, supporting a family.

I am glad to say that we have finally reached a point when almost all of us—Democrat and Republican, people of all races, colors, and economic circumstances—agree: The welfare system is broken. It is not working for those who are trapped in it. And it is not working for those who have to pay for it.

The incentives in the current system are wrongheaded. Instead of encouraging families to stay together, it rewards them for splitting apart. Instead of encouraging work, it rewards idleness.

A lot of people in Washington—on both sides of the aisle, in the White House, and the Congress—now are talking about how to achieve welfare reform. That is an important development. As someone who has already put into action the principle of moving people from the welfare rolls to the job rolls, I intend to bring the Pennsylvania experience into the thick of this debate.

For over 4 years before I came to the Senate I was Pennsylvania's Secretary of Labor and Industry in Governor Casey's cabinet. One of my key efforts was to turn upside down the very idea of the State's unemployment offices. We turned them into a network of one-stop-shop job centers.

The point was not just a change in name, but a fundamental change in direction. We did not want a bureaucracy that was satisfied with maintaining people on unemployment. We wanted to create one-stop shops that brought together in one team under one roof the many Federal and State job training, job search, and placement programs. A team that would not be satisfied until they helped a person achieve one goal: a new job. And as a result, we helped a lot of people keep off welfare.

We applied the same idea in moving people already on welfare into the world of work. Three different State agencies came together to form a Single Point of Contact Program. You would think it was common sense to bring all the needed services together in a single office. But I cannot even count the number of people who told

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

me about having to go from one government office to another, waiting on line, filling out forms and using up valuable time that they could have used looking for a job.

The program is an important model for producing real success in helping people move from welfare to work.

So when I got to Washington, one of the first things I did was go to my colleague from the Kennedy and Johnson administrations, Senator MOYNIHAN, who is our creative and experienced leader on welfare issues in the Senate. I told him that I wanted to be an active partner in taking the next critical steps on the road Congress began when it enacted the 1988 Family Security Act.

Since then, Senator BOREN and I have also worked together—with bipartisan support—to create a pilot program that provides work for welfare recipients and keeps others from ever going on welfare. We built on one of the most successful work programs this country has every known: Franklin Roosevelt's Civilian Conservation Corps. At the height of the Great Depression, the CCC took millions of unemployed young men off the streets and put them to work in our parks and forests, building facilities we still use and enjoy to this day.

Senator BOREN and I want to enable young people today get the kind of rigorous work experience that provides skills, training, personal responsibility, and self-respect, while at the same time meeting our most pressing community needs. That is the National Civilian Community Corps just now being launched as part of the new national service program we enacted last summer.

That is another key pilot program that helps keep people off of welfare. But the purposes of a pilot light is to ignite the whole furnace. Now, as we prepare to reform the welfare system as a whole, it is essential that we use these working models to guide us; to lead us back to what should have been the first principle of welfare all along: work.

Over the past several months, I have been consulting my former colleagues on the front lines. And learning from the experiences of the welfare recipients themselves. Both from those who have succeeded in lifting themselves off of the dole, and from those who have not.

Experience teaches me that effective reform rests on five basic propositions:

First, welfare must be changed from long-term income support into job preparation and placement. Second, whenever possible, the work should be in the private sector. And any public service work must be disciplined and well structured. Third, we have to turn upside down the current incentives that discourage work and that especially means health care reform. Fourth, we have to upgrade the education and job training programs. And fifth, we have to insist that parents take greater responsibility for themselves and their children.

Let me start by going back for a moment in history:

When President Roosevelt created aid to families with dependent children as part of the Social Security Act in the 1930's, it was to help widows and orphans. The program was intended to provide temporary relief—not to create a permanent way of life.

But today the majority of long-term welfare beneficiaries enter the program not as widows and orphans, but as teenagers. And, for far too many of them, it is not a short-term transitional program, but a long-term income support program. That has to change.

So the first change is make jobs, not benefits, the focus of welfare. Intensive job training and job search should be the expectation, not the exception. And after a reasonable period—the two years President has proposed—people who are able to work should be required to work.

Better yet, from the day anyone applies for welfare, we must emphasize that the period on welfare should be as short as possible, preferably much less than 2 years. That is the kind of new direction we took in our Single Point of Contact Program in Pennsylvania.

Before we created the Single Point of Contact Program, the main concern of our State's welfare system was giving out benefits. It was a bureaucracy geared to determining who qualifies for the program and writing out checks. It was, in a sense, a benefits factory whose byproduct was dependency.

The purpose and culture of our single point of contact effort is totally different. From the moment participants enter, they know they are there to prepare for and find work—not just to receive a benefit check.

And we have had measurable success at training and placing in jobs those who are often the most difficult to employ. It is still on too small a scale, but we have proven that we can achieve the second key goal: moving people into private sector jobs.

Yet the hard fact is that even with vastly expanded job training, not every welfare recipient will be able to get a private sector job in 2 years. Our economy still is not creating enough of those jobs. But those who cannot find one should be called on to do well-organized public service work. There is certainly plenty and badly needed work to do.

One caution: I also know from experience that public service work can degenerate into make work. As Pennsylvania's Secretary of Labor and Industry, I saw how well-intentioned efforts like summer jobs for youth can pay young people to kill time in local government offices doing little more than moving around meaningless files.

At the same time, I have also seen rigorous, team-based public work in the nonprofit, independent sector that is both worthwhile in meeting community needs and useful in developing not only job skills, but also the discipline, responsibility, and initiative that is essential for success in work and in life.

An effective public works program has to achieve a careful balance. It has to require more than simply putting in a certain number of hours to get a welfare check. It should be a job for which the former welfare recipients are paid by the community agency or service corps where they work.

The work should be structured. Whether it is out in the community or inside an office, the tasks should be challenging, the rewards well-earned. A pay check, not a welfare check, is essential if people are to see themselves—and be seen as—moving from welfare to work.

Third, we have to get rid of the disincentives to work that exist in the system today. To put it simply, we have to make work pay. We have already taken an important first step by increasing the earned income tax credit. This enables families with low earnings to gain tax credits for each dollar that they earn themselves. Only those who work get the credit. And, up to a limit, the more they work, the more they get.

The earned income tax credit is exactly the opposite of welfare. Welfare penalizes people who go to work by cutting their benefits. So it encourages them to stay at home. But the tax credit rewards work. As a result, it is estimated that over half a million low-income Pennsylvania families will qualify for some $808 million in additional earnings.

That is only a start. What I hear over and over again all across our State—from employers and workers, from welfare recipients and social workers—is that the single most powerful incentive to stay on welfare is the health care benefits available while on welfare.

As Secretary of Labor and Industry, I found that the biggest obstacle to our effort to move people from welfare to work was how many poor single mothers were afraid to take job training opportunities because the entry-level jobs they could get did not include the health benefits that staying on Medicaid gave them and their children.

As long as people are afraid to leave welfare because they are afraid of losing their health care, people will stay on welfare when they could take jobs. And what is even worse, some people will actually quit jobs that lack health benefits and go on welfare in order to qualify for Medicaid.

Last fall at a Small Business Committee hearing I held in northeastern Pennsylvania, Philadelphia businessman Samuel Kuttab told how it broke his heart, and hurt his bottom line, to have dedicated, productive workers quit their jobs and go on welfare when what they really needed was health insurance.

At a Labor Committee hearing I held earlier this year in Chester, PA, I heard from Kathleen Lawson of Lester, PA—a mother who has worked all her life. Her job does not provide health insurance. Recently doctors found a lump in her breast. She is concerned that she may be forced to quit and go on welfare—so that Medicaid will pay for the treatment she needs to fight breast cancer.

Marguerite Jones of Sharon Hill, PA, had a similar story. A mother of three, Ms. Jones used to work in a mental health group home. Her job provided health insurance for herself—but not for her children. One of her sons has severe asthma. She couldn't afford his medication—so she was forced to give him only half of the dosage he needed. She went to the local welfare office to see if she could get medical assistance for her son—but was told that she was over the income limit by $5 dollars. Five dollars.

After struggling for years, Marguerite Jones left her job and went on welfare. Now her son is able to take the full dosage of his medication. And she is unemployed. Why do we force people to make that kind of a choice between their independence and their children's health?

The head of a county welfare office told me that more than half the people who come to the welfare office seeking assistance are actually looking for medical assistance—not cash benefits. These are working people without health care. And far too often, they, like Marguerite Jones, become unemployed people on Medicaid.

This is unacceptable. Clearly, health care reform that guarantees every American private health insurance is an essential prerequisite to reforming welfare. If anyone thinks that we can do one without the other then they don't understand the problem.

Some believe that we cannot accomplish both health care reform and welfare reform this year, in this Congress. I disagree. The fact is, we cannot end welfare as we know it unless we reform health care. And to those who say that Congress cannot move forward on both tracks at the same time, these stories tell us that we cannot afford not to.

That leads me to the fourth key part of the puzzle: preventing people from going on welfare in the first place. That means improved job training, education, and job search programs for those who are laid off through no fault of their own. As we did with our Job Center Program in Pennsylvania, we have to turn our Federal unemployment system into a reemployment system.

When I was secretary of labor and industry, at one point we counted 22 separate and uncoordinated Federal job training and placement programs. I am proud that the one-step shop idea we pioneered in Pennsylvania is providing a model for Secretary Reich and the Clinton administration for how to combine, simplify and streamline job training, and placement services.

For those who have not yet joined the work force, we need to expand the kind of school-to-work transition and youth apprenticeship programs that are also working in Pennsylvania. We know that in learning-by-doing, young people gain not only the job skills, but also the discipline, initiative and personal responsibility required to succeed as workers in a competitive world economy.

In recent years, only half of our high school graduates enter postsecondary education or training programs. Of these, only half have completed their degrees. Too many of these young people move from one low-skill job to the next, with periods of unemployment and sometimes welfare in between. It is estimated that 50 percent of adults in their late twenties have not found a steady job. We simply cannot afford to waste their productivity, talents and skills.

The Career Pathways Act Senator SIMON and I introduced last year—now incorporated in the School-to-Work Transition Act, will help the half of high school students who do not go on to college prepare for good jobs, for real jobs in the private sector.

The average stay on welfare is under 2 years—but a third of those who enter welfare as teenagers stay on welfare for over 10 years. So it makes sense to focus intensive services and requirements first of all on those who are most likely to stay on welfare for a long time—the young, and those with the most barriers to employment.

That is what we did in Pennsylvania with the Single Point of Contact Program. We targeted those who have never worked before, those without a high school diploma or GED, and those who are illiterate: 80 percent are under 30 years old.

And despite the tough odds, we achieved results. One success story is Donna Russini of Swissvale, PA. Donna went onto welfare after her divorce. She had some work experience, but few marketable skills. She had trouble finding a job that would support her and her son. She entered the Single Point of Contact Program in 1987. She said "my goal was to have my son, Tony, look at me with pride."

The program gave Donna the direction and the job skills she needed. She graduated from a secretarial program and attended Allegheny Community College part-time. Ms. Russini now has a good job at Integra Bank—but she does not forget how far she has come. She says, "I keep one food stamp in my wallet to remind me where I come from."

Like so many people in our State and across the country who have been forced by circumstances onto welfare, Donna Russini knows the value of independence and importance of taking responsibility for herself and her family. She wants to set a good example for her son. And the system does not make it easy for her.

And that leads to the fifth point, the system seems to make it easy for parents who don't take their responsibilities seriously. It is a scandal that only a small fraction of single mothers get any child support at all from absent fathers today. Of the $55 billion in child support that is owed, only $11 billion is collected.

Bringing children into this world is a serious responsibility. For fathers as well as mothers. No one can doubt that our American society seems somehow to have devalued that responsibility.

Hard economic circumstances are something we all understand. Most Americans have felt hard-pressed in the pocketbook over the past few years. But that is no excuse for deadbeat dads skipping out on the obligations they owe to their own children.

That is why I am a cosponsor of Senator BRADLEY's legislation to improve and strengthen the collection of child support—especially between different States. We need to do a better job of establishing paternity and determining and collecting child support payments in this country—because an ever-increasing number of America's poor are children. And the more children who grow up poor, the more young adults there are who are likely to fall into the same welfare trap.

Our job, in Congress and in our country, must be to break that cycle of dependency that all too often continues from one generation to the next. I believe we are ready to do it.

Republicans in Congress have offered a serious proposal for reform. I do not agree with every detail of their plan. But their approach shares a number of elements I have been proposing and the President is proposing.

We have the opportunity now to build on that common ground and find a consensus for action.

The vast majority of Americans want a system built on reciprocal responsibility. And few dislike our current dependency system more than those who are in it and struggling to escape it. We owe it to them and to our country not to lose this opportunity to end welfare as we know it.

Just a few months before I came to the Senate, I spoke at Rosemont College's Centennial Symposium on the Papal Encyclical Rerum Novarum. To prepare for it, I went back to Pope Leo's 1891 document. Of course, there were elements in it that no longer apply to our modern society; as well as ideas for workers' rights that have been adopted in our laws and are part of our new reality.

But my primary reaction was how much truth he spoke. And how he still speaks to us today with unfinished agenda for action.

For many years in public affairs, I have seen how governments are big, slow, lumbering bureaucratic steeds that need to be stung into action by gadflies. Pope Leo was far more than a gadfly when he wrote of the scandal of the wretched condition of the century working classes. Looking at today's problems, I called my talk, "The Scandal of the Nonworking Classes." I said:

> We need a new encyclical which looks at the one-fourth of our people, more or less, who are without work—who are born into a class that is programmed not to work or who have fallen into that class. They have fallen into the safety net of our so-called welfare system and been entrapped by it.

The principle to guide our action was stated by Leo himself. "Work for all who are able to work is 'necessary; for without the result of labor a man cannot live.'" He went back to the Biblical authority: "In the sweat of thy brow thou shall eat thy bread."

In short, work is the essential way to make life more human. That's why our challenge today, as we take action to end the scandal of a welfare system which is failing the very people it was meant to serve, is the same challenge Leo put to all governments over a century ago:

> Everyone should put his hand to the work which falls to his share, and that at once and straightaway, lest the evil which already is so great become through delay absolutely beyond remedy.

Mr. President, the evils of our current welfare system are already great, but they are not beyond remedy—not if we in this Congress put our hands to the work which is our share; and if we do so without delay.

Mr. LOTT addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi [Mr. LOTT], is recognized.

Mr. LOTT. I thank the Chair.

(The remarks of Mr. LOTT pertaining to the introduction of S. 1955 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LOTT. I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator is recognized for 10 minutes.

## UNITED STATES-JAPAN RELATIONS: A STRATEGIC FRAMEWORK

Mr. BRADLEY. Mr. President, America's most important relationship internationally is with a country that is in the throes of a historic transformation. It is a country trying to break free from the bureaucratic shackles which have victimized its people and reduced its quality of life, shackles which have denied the public a voice in the governance of their country and a fair share of if considerable prosperity.

The stakes in the success of this transformation are high. If it succeeds, this country will emerge as a primary American partner in working for the kind of international environment conducive to a stable, peaceful, prosperous, and democratic future. If it fails, the world will be more nasty and brutish, and we will have to devote more of our scarce resources in support of vital national interests abroad.

The country in question is not Russia or China, it is Japan. And our approach to Japan has broad implications for American interests across the board: in bilateral trade, Japan's political reform, and American strategic interests.

The most visible symbol of the United States-Japan relationship is our merchandise trade deficit, now over $59 billion. Our current account deficit, which takes into account our surplus in service trade, is only around $12 billion smaller.

To understand what can work to reduce the bilateral trade balance, we must first understand what will not work. Quantitative measures will not eliminate the bilateral trade imbalance. The studies I have seen indicate that removing every single Japanese barrier would reduce the merchandise trade deficit by less than 20 percent. For example, a comprehensive study by the Institute for International Economics concludes that Japanese market access barriers are limiting American merchandise exports by only about $9 to $18 billion, or less than the increase in that deficit since 1990. This is significant, of course, and argues for effective policies to open Japanese markets. But it pales in comparison with the magnitude of the overall problem.

The economic fact is that the overall U.S. trade deficit will continue as long as the gap remains between American savings and investment. As long as we consume more than we save, we will need to draw in goods from abroad. The Japanese component of that overall deficit will remain too large as long as the macroeconomic mix is wrong.

Japan is currently in recession, the deepest since its recovery from World War II. Industrial production is down 3.1 percent from a year ago. Unemployment is up and, for the first time in two generations, Japanese workers fear for their jobs. As a result, Japanese consumers are buying less and importing less. In fact, Japanese households spent 0.6 percent less in 1993 than in 1992, the first year-on-year drop in 12 years.

At the same time, the American economy is enjoying a recovery. This recovery, I should point out, owes something to the administration's successful effort to cut the budget deficit by almost $500 billion. Americans are buying more—industrial production is up 4.8 percent; retail sales have increased 5.8 percent. As a result, America is sucking in more imports. This combination of Japan in recession and America in recovery has led to a worsening of the bilateral trade deficit.

So our first task is to get the macroeconomic fundamentals in synch. That means the Japanese must take effective measures to get their economy growing again. A growing Japanese economy will do more than quantitative targets to bring the deficit down.

However, a growing economy is not enough. For even in a growing Japanese economy that imports more American goods, there will remain barriers to American companies in specific markets. Make no mistake about that. There are barriers. In pulp and paper, wood products, flat glass, auto parts—the list goes on and on—Japanese cartels and other market barriers are making it very difficult for United States firms to gain market share. These barriers must be removed. The question, then, is not whether to try to eliminate the barriers to the penetration of American goods into the Japanese market, but how to get those barriers removed.

There are two approaches to opening the Japanese economy to our products. One is to set and enforce quantitative sales targets on a market-by-market basis. Mr. President, I do not think this is going to work.

The problem with quantitative measures is that, like all measures for managing trade, they deny American firms the ability to compete and win market share. This is because, while it is always possible for bureaucrats to come up with a number—indeed, that is what Soviet bureaucrats did for over 60 years—there is no guarantee the number chosen will be the right number.

The Americans inevitably will see this number as a floor. The Japanese will see it as a ceiling. So trade will settle at that figure, or lower, even though there is no way of knowing whether that figure is the right one. If it is too high, trade will not reach it, no matter how much pressure is applied. If it is too low, we have missed out on sales and jobs.

However, there is another way. Instead of trying to manage results, we can focus our efforts on improving the working of the market. This means negotiating rules, then providing for adjudication. Under a transparent, open market, with agreed rules, backed by a transparent, open dispute resolution mechanism, American companies will have the opportunity to increase market share well beyond any number Japanese bureaucrats would agree to. When the market, not bureaucrats, decide, American companies benefit.

Take the semiconductor agreement, for example. The target was set at 20 percent. Foreign market share is hovering around 20 percent and will continue to do so. That is what the target was; that is roughly where we are. I believe that in an open, transparent market with adequate dispute resolution, the American share alone would be far higher than 20 percent. Or, if the share did not exceed 20 percent, it would be for market reasons. Perhaps, for example, the product in question has lost its technological edge and American industry was focusing its efforts elsewhere. What good is a 20-percent market share in buggy whips? The point is, the market would decide, not a Japanese or American bureaucrat.

You do not have to take my word for this. Even the semiconductor industry, the beneficiary of the semiconductor agreement, concurs. In a March 2 form letter to me, the president of the Semiconductor Industry Association admits,

> There is no doubt that the United States share alone of the Japanese semiconductor market would be far higher than 20 percent if the market was open to free and fair competition.

In other words, with no quantitative target but an open market we would be doing a lot better.

I agree with those who assert that previous rules-based negotiations, such as the MOSS and SII talks, have been largely ineffective. But I believe they were ineffective not because of their focus on rules, but because of the lack of an ajudication process to hold the sides to their agreements. What we need to do is keep the focus on the process, while adding effective enforcement.

The focus on quantitative indicators also undercuts our interest in a successful Japanese political transformation. Prime Minister Hosokawa, the first post-war prime minister who is not from the Liberal Democratic Party, came to power on a wave of reform promises and has already taken courageous steps to update Japan's political economy. He has cracked open Japan's rice market, to the eventual benefit of Japan's consumers. He has also established single-member electoral districts which will give urban consumers a greater voice in the political process and has removed some of the money corruption that has so plagued Japanese politics.

Hosokawa's ultimate objective is to reduce the power of the bureaucracy and the entrenched big business interests, and thereby empower the people, the consumers, through their elected representatives. When consumers have more power, they will demand—and get—cheaper goods, higher quality goods, and a better standard of living. Cheaper goods, higher quality goods—that means American goods.

As I have explained, the Japanese Government must get its economy going again. To do that, Hosokawa is going to have to override the objections of his bureaucrats. The recent announcement of a $50 billion income tax cut shows how far he has come—and how far he still has to go.

The bureaucrats in the Finance Ministry are pushing hard for a consumption tax increase to counteract Hosokawa's income tax cut, even though that would reduce or even eliminate the stimulus to Japan's economy. In other words, the bureaucracy is putting budget stringency ahead of the economic welfare of the Japanese people. Hosokawa has secured the $50 billion cut for 1 year, but the questions of whether it will be permanent and whether it will be paid for by other tax increases, have yet to be settled. If Hosokawa is to do the right thing, he will need the power to override the bureaucrats.

But a policy focused on quantitative indicators works against Hosokawa's efforts by strengthening the bureaucrats and the cartels, and cutting the consumer out of the process. Quantitative targets need someone to do the quantifying and someone to monitor results against the targets. Politicians will not do this. Voters will not do this. Bureaucrats will. And who will they work with? The cartels, of course. Quantitative targets, then, strengthen the bureaucracy and the cartels at the expense of the consumer, at the expense of political reform, and at the expense of American exports.

There is a better way. A rules-based approach with an effective dispute settlement mechanism would, by opening up the process, educate Japanese consumers to the market impediments which are reducing their quality of life. Once an American company demonstrates, through a transparent dispute-settlement process, how it could deliver a better product at a lower price, Japanese consumers will be empowered to demand the product and demand the elimination of the market impediment. The argument will shift from, "Why are the Americans managing trade?" to "Why does our Japanese system work against our interests as Japanese people?"

Finally, a trade policy focusing on quantitative measures would be devastating to America's strategic interests.

I realize that there is a constituency here in the United States that favors standing up to Japan. I know that failure of the framework talks was politically safer than agreement.

But I also know that leadership means identifying and pursuing American interests, even at short-term political cost. And, in this case, our interests are clear—you do not pick needless fights with your closest allies.

Every President intones that "the most important bilateral relationship we have is with Japan." It has become a mantra, not a policy. Yet we see at the same time a policy that I would call trust but quantify. What does that sound like? Trust, but verify, the Reaganera cold war refrain. What does that tell you? That we do not trust our most important global strategic partner any more than we trusted our most dangerous strategic rival. That signals an ominous mindset that could hinder the achievement of our worldwide strategic objectives.

Look at our most important foreign policy challenges in this time of transformations following the end of the cold war, such as strengthening the global economy; containing nuclear proliferation in North Korea; supporting reform in Russia and the rest of the former Soviet Union; encouraging the development of a globally responsible China; reforming the international financial institutions. The list goes on, but all the items have one thing in common. Without United States-Japan cooperation, we will not be successful.

However, no cooperative relationship can succeed without trust, the trust underpinning tough decisions and sacrifices. Trust but quantify, by undermining United States-Japanese trust, undermines our ability to manage these issues.

In addition, it puts the United States at a disadvantage vis-a-vis Japan in our legitimate economic competition. Take, for example, our economic relations with the Southeast Asian "Tigers." These countries are all going to the Japanese saying, "Don't give in. Don't accept managed trade." All of these countries see free and open trade as vital to their economic development and prosperity, so they support Japan, which in this case ironically has the opportunity to portray itself as a free-trader standing firm against American efforts at managed trade.

As a result, a policy based on quantitative indicators undercuts the United States position as the balance to Japan in these countries, thereby reducing American influence and market share. It clears the way for the Japanese to become the champions of free trade and to portray us as the country pushing policies that are contrary to southeast Asian interests.

And it is not only the ASEAN's who are concerned. The Europeans are not only critical of a quantity-based approach, they are trying to take advantage by cozying up to the Japanese as one free trader to another.

So where do we go from here? I would recommend a two-part strategy: launch a new round of negotiations to agree on trading rules backed by dispute-settlement procedures, and identify areas for strategic cooperation.

First, we start a new round of talks. The goal of these negotiations would be to identify market impediments in specific sectors, negotiate rules to remove those barriers, and agree on an effective dispute settlement mechanism to ensure that both sides stick to their agreements.

What kind of dispute mechanism would provide United States companies adequate relief when Japanese markets don't function properly? I would recommend a three-part structure consisting of GATT/WTO procedures, United States-Japan binational panels, and a subcabinet early warning committee.

### 1. GATT/WTO PROCEDURES

The Uruguay round provides negotiated rules and an agreed panel structure for those areas covered by the agreement. Panels are made up of three experts chosen from a permanent roster. Decisions can be appealed, but cannot be blocked by the losing party. The winner can use cross retaliation against a recalcitrant loser. The problem here, of course, is that Japan largely conforms to GATT rules. The problems are in areas, such as competition policy, which are not covered under GATT.

### 2. BINATIONAL PANELS

For those issues that fall outside of GATT, such as competition policy, financial services, specific sector agreements, asset prices, et cetera, the United States and Japan would negotiate bilateral rules backed by a binational dispute panel mechanism. The United States-Israel FTA panel structure is a good model, with its three-member panels. Each side chooses one member and jointly chooses the president.

Panel procedures would be open and transparent, with ample scope for nonofficial input and maximum publicity. After all, the whole point is for consumers to know what is going on. There would be strict time limits on the process to prevent stalling.

Like the United States-Canada chapter 18 panels, United States-Japan panels would hold hearings and issue reports. Reports would be politically binding and form the basis for a resolution. Whenever possible, the result would be nonimplementation or removal of the offending measure. If that didn't happen, the Government of the winning party would be free to take sanctions. These sanctions would not, as now, appear as the result of Government fiat, but be seen by consumer as the result of an open, logical process.

### 3. SUBCABINET EARLY WARNING

Prevention is the best policy. To nip budding disputes, where possible, the United States and Japan should establish an informal group at subcabinet level. The group would be composed, perhaps, of a deputy USTR, Under Secretaries of State and Commerce, and an NEC deputy, with Japanese counterparts. The idea would be to develop an informal forum for straight talk that would eliminate misunderstandings that lead to disputes. This would not be adding a layer of bureaucracy to manage trade, but simply an informal discussion group to keep lines of communication open.

As the final piece of the trade puzzle, the two governments could set up a deregulation working group. Deregulation is essential to opening Japan's market, but it also constitutes the greatest threat to Japan's bureaucracy, since it would weaken the bureaucracy's power over its domestic constituencies. The fate of the Hiraiwa Commission report demonstrates the size of the obstacle.

What we must find is a way to empower Hosokawa to deregulate by giving him two arguments: The Americans want it, and it is good for Japan. We could do this by setting up a deregulation working group made up of executive, legislative, business, labor, and academic representatives. This satisfies the the Americans want it criterion. The group could build on the Hiraiwa Commission, and be charged to study regulation in both countries and come up with ideas that would benefit Japan. This satisfies the it's good for Japan criterion.

There would be no formal mechanism for implementing the Commission's recommendations. If these were binding, I doubt either bureaucracy, United States or Japanese, would agree to participate. However, assuming Hosokawa really is committed to deregulation, the Commission could give him a leg up on the bureaucrats.

Second, beyond trade, we need to look for high profile cooperative efforts in areas of strategic importance to us and the Japanese. The areas specified in the Framework Agreement—environment, technology, development of human resources, population, and AIDS—are a start but, frankly, do not go far enough. We must work together on such topics as human rights in China, North Korea proliferation, Russian reform, Middle East oil, and reform of the international economic system. In this way, we can build momentum in our relationship and establish the trust so vital to our strategic interests.

The United States has a major stake in the historic transformation underway in Japan. For half a century, the United States has borne the responsibility for making the international system work, for creating a benign international environment in which America and Americans can prosper. We should not shoulder that responsibility alone, but neither can we cast it off.

That responsibility now requires intelligent support for Japan's transformation. Trade policy must be at the center of our efforts, but a trade policy that works in synch with the ongoing transformation of Japan's economy and politics to achieve results that conform to both our interests.

Mr. HATCH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Under the previous order, morning business closes at 10 o'clock. If the Senator wishes the full 15 minutes, he would have to ask unanimous consent.

Mr. HATCH. Mr. President, I ask unanimous consent that I be afforded the full 15 minutes and that the time not be counted against the budget resolution.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

## NOMINATION OF CHIEF JUSTICE ROSEMARY BARKETT

Mr. HATCH. Mr. President, upon review of her judicial record and of her testimony before the Judiciary Committee, I have decided that I must oppose the nomination of Florida Chief Justice Rosemary Barkett to be a judge of the U.S. Court of Appeals for the Eleventh Circuit. I do so with regret because I like Chief Justice Barkett, and I consider her to be a fine person. But, I do so with the firm view that her record establishes that she will substitute her own policy views for the written law and take too soft an approach to criminal law enforcement.

In reaching this conclusion, I stress that no judicial nominee needs to agree with my reading of the law, or any other Senator's reading, in all or nearly all cases. But, there are just too many cases, across too wide a range of subjects, where I believe this nominee stepped well past the line of responsible judging. I and other Senators inquired about many of these cases at her hearing before the Judiciary Committee. Incidentally, I notified Chief Justice Barkett in advance of the cases that would be the subject of inquiry. I was not reassured by her testimony. Indeed, Chief Justice Barkett herself ultimately admitted that she overreached or was careless in a number of important opinions.

For example, in her dissent in University of Miami versus Echarte, Chief Justice Barkett voted to strike down statutory caps on noneconomic damages in medical malpractice cases. In addition to a variety of State law grounds, her dissent also relied upon the Federal equal protection clause. Without citing any Federal precedent, she asserted:

> I fail to see how singling out the most seriously injured medical malpractice victims for less than full recovery bears any rational relationship to the Legislature's stated goal of alleviating the financial crisis in the medical liability insurance industry.

In fact, the rational relationship between the means and the goal is self-evident and was clearly spelled out by the legislature. One might well disagree with caps on noneconomic damages as a policy matter. But, Chief Justice Barkett's purported application of rational-basis review is a stark overreach and a flagrant misuse of the Federal equal protection clause. At her hearing, she acknowledged that she should not have relied on that clause.

In another case, Shriner's Hospital versus Zrillic, the nominee again relied on the rational basis standard under the Federal equal protection clause—as well as on a variety of State law grounds—in striking down a statute. In her opinion, she took the remarkable position that "underinclusive or overinclusive classifications fail to meet even the minimal standards of the rational basis test." This distortion of rational basis review into something akin to strict scrutiny clearly flies in the face of equal protection principles set forth in nearly 50 years of U.S. Supreme Court precedent.

Justice Barkett's misreliance on the Federal equal protection clause in these two cases is all the more striking to me in light of her partial dissent in Foster versus State. There, in seeking to rely on a theory of statistical racial discrimination in a challenge to the death penalty, she expressly acknowledged that the Federal equal protection clause was unavailable to her in light of a Supreme Court decision, McCleskey versus Kemp, squarely rejecting her view under the U.S. Constitution. Accordingly, in her Foster opinion she only relied on the Florida equal protection clause. Yet, she did not recognize the error of relying on the Federal Constitution when she wrote her opinions in Echarte and Zrillic. Her failure to appreciate in these two opinions that Supreme Court precedent foreclosed her reliance on the U.S. Constitution deeply troubles me. Supreme Court precedent governs lower courts not only when the claim presented is identical to that previously rejected by the Supreme Court but also when the basic doctrinal principles enunciated by the Supreme Court are applicable to a case. The failure to appreciate this opens the door to judicial activism—a door, I regret to say, I believe this nominee has repeatedly walked through.

I also find Chief Justice Barkett's reliance on Federal substantive due process very troubling. In State versus Saiez, she wrote an opinion holding that a State law criminalizing the possession of embossing machines capable of counterfeiting credit cards "violated substantive due process under the Fourteenth Amendment to the United States Constitution." Briefly, let me just say here, this expansive, substantive use of the due process clause is insupportable under Supreme Court precedent. The nominee testified that she was really relying on State due process grounds and her inclusion of the Federal due process clause was "careless".

Now, I can accept that, on occasion, a sitting judge may wish to phrase an opinion differently, in hindsight, or even believe that he or she got an opinion wrong. But tossing into her opinion the Federal equal protection clause and the Federal due process clause, on occasions where they very clearly do not belong, raises concerns that I do not find assuaged by testimony acknowledging this was erroneous. These two clauses are among the most powerful tools a judge can use, if so inclined, to legislate from the bench. In the case of the equal protection clause, virtually every law classifies people into at least two classes on some basis. Congress might enact limits on medical or product liability, which are subject to equal protection analysis as a component of the due process clause of the fifth amendment. States or Congress may seek to remove recipients from welfare rolls after a time limit of 2 years. A misreliance on Federal equal protection in reviewing these laws would lead to their erroneous invalidation. In the case of the due process clause, there is a tendency by some judges and commentators to read almost anything into it. This is all the more troubling because the misuse of these two clauses is not subject to limiting principles of judging, but only to the whim of the judge.

There will be many cases of first impression before the eleventh circuit. There will also be many times when precedents must be construed, and they may be construed broadly or narrowly. Most appellate decisions are not reviewed by the Supreme Court. These errors, then, are not merely technical or academic.

My concern about the nominee's approach to judging is heightened by other cases. For example, in a redistricting case (In re Constitutionality of Senate Joint Resolution 2G), the Florida Supreme Court selected from among six different modifications to a state legislative redistricting plan. Writing "dubitante," Justice Barkett stated that she was—

> loath to agree to any of the convoluted plans submitted under these hurried circumstances * * * If I had to choose only among those presented, however, I would choose the plan submitted by the NAACP simply because this is the organization that has traditionally represented and promoted the position that advances all minority interests.

At her hearing, Justice Barkett recognized that this opinion gave a clear appearance of partiality, as it expressed a preference for a party based on who the party was rather than the merits of that party's argument. She stated that she wished she had written her opinion differently.

On an occasional lapse, I am willing to give the benefit of the doubt to a nominee. But there are just too many instances in Justice Barkett's judicial record—the principal basis for evaluating her nomination—of overreaching, and on very significant issues, to leave me comfortable with elevating her to the eleventh circuit.

There are many other cases that concern me. For example, in Stall versus State, Chief Justice Barkett joined a dissent striking down a State obscenity statute on State law grounds. She also wrote separately in an opinion that, again, is sweeping and overbroad.

There are several problems with this dissent.

First, her statement that, "A basic legal problem with the criminalization of obscenity is that it cannot be defined" is flatly contradicted by the U.S. Supreme Court's landmark opinion in Miller versus California (413 U.S. 15 (1973)), which Chief Justice Barkett does not even acknowledge, much less discuss.

Second, she sweepingly claims that an obscenity law such as the one in Florida violates "every principle of notice and due process in our society"—not, I might add, a statement limited to state law principles, and, again, contradicted by the Miller decision.

Third, Chief Justice Barkett's opinion mischaracterizes the Florida law in the case: That law does not turn on the "subjective" view of a handful of law enforcement people and jurors or judges, as she incorrectly suggests. The Florida law incorporates the standard set forth by the U.S. Supreme Court in Miller. The law bans materials that, judged by contemporary community standards, appeal to the prurient interest, that depict or describe, in a patently offensive way, specifically defined sexual conduct, and that lack serious literary, artistic, political, or scientific value. Thus, the role of jurors or judges under this law would not be to make their own "subjective definition" of what is obscene, but rather to discern and apply existing community standards.

Incidentally, while I am pleased that she voted to uphold a Florida child pornography statute in a different case, I make two observations. First, this does not mitigate her sweeping views about the more general subject of obscenity. Second, contrary to her testimony, the child pornography statute is a different statute from the one she voted to strike down in Stall.

I have all of these concerns, and have yet to reach the issue of criminal law enforcement generally and the issue of the death penalty. There is much to say on these subjects.

With respect to criminal law issues aside from the death penalty, I believe that the nominee has too often erroneously come down on the side of lawbreakers and against police officers and law enforcement. She has exhibited an unduly restrictive view of the Fourth Amendment that would hamstring the police, especially with regard to controlling drugs.

[See, e.g., *Bostick* v. *State*, 554 So.2d 1153 (Fla. 1989), rev'd, 111 S.Ct. 2382 (1991), on remand, 593 So.2d 494 (Fa. 1992); *State* v. *Riley*, 511 So.2d 282 (Fla. 1987), rev'd, 488 U.S. 445 (1989), on remand, 549 So.2d 673 (Fla. 1989); *Cross* v. *State*, 560 So.2d 228 (Fla. 1990); *Sarantopoulos* v. *State* (Fla. Dec 9, 1993)].

For example, in Bostick, a case involving cocaine trafficking, Justice Barkett adopted an across-the-board, per se ban on passenger searches on intercity buses even though Supreme Court precedent clearly called for an analysis of a search's legality based on all of the particular circumstances of the search. The U.S. Supreme Court reversed her.

The U.S. Supreme Court also reversed her in the Riley case, where her misapplication of precedent would have led to dismissal of charges against criminals growing marijuana. In yet another drug case, the Court criticized her overbroad reading of precedent.

In her dissent in a case called Cross, Justice Barkett refused to credit the testimony of police officers that they had seen cocaine packaged in the same peculiar way on hundreds of occasions in their combined 20 years of law enforcement. In so doing, she ignored Florida precedent cited by the majority that provided that the observation of an experienced policeman of circumstances associated with drugs could provide probable cause for an arrest.

In another dissent, she ignored settled principles enunciated in U.S. Supreme Court precedent in finding that someone who was growing marijuana in his backyard had his fourth amendment rights violated when police, acting on a tip, looked over a 6-foot fence, spotted the marijuana plants and then obtained a search warrant. Rather than inquiring whether the defendant had an expectation of privacy that was objectively reasonable, Chief Justice Barkett simply displayed her personal opposition toward what she regarded as overly intrusive law enforcement.

Justice Barkett has also written opinions striking down narrowly drawn laws that ban loitering for the purpose of prostitution and drug dealing. These opinions are badly flawed and misapply precedent. Moreover, they seriously disable communities from preventing harmful crime.

In my view, there are too many other instances where she unjustifiably construed criminal statutes in favor of criminals.

[See, e.g., *State* v. *Bivona*, 460 So.2d 469 (Fla. DCA 1984), rev'd, 496 So.2d 130 (Fla. 1986); *Gayman* v. *State*, 616 So.2d 17 (Fla. 1993).]

With regard to the death penalty, I appreciate that the nominee has voted to uphold the death penalty a number of times. I would expect as much in a State with a lawful death penalty and, unfortunately, a great deal of violent crime. But as I stated at Justice Barkett's hearing, a proper inquiry into a nominee's judicial outlook on the death penalty is not ended merely by noting that the nominee has upheld the death penalty in a number of cases, where even the most activist of judges cannot avoid its imposition. If a nominee exhibits a clear tendency to strain for unconvincing escapes from the imposition of the death penalty in cases where that penalty is appropriate, then that raises concerns in my mind about the nominee's fidelity to the law, no matter how many times the nominee may have upheld the death penalty in other cases. From my review of her record, I have concluded that Justice Barkett clearly exhibits such a tendency.

Let me further note at this point that one of Justice Barkett's dissenting opinions would render the death penalty virtually unenforceable, unless imposed on the basis of racial quotas. Her partial dissent in Foster versus State, had it been the law of Florida when she joined the Florida Supreme Court, would likely have led to a different outcome in many, if not virtually all, of the cases where she did vote to uphold the death penalty. Indeed, the theory she embraced in Foster, until its rejection by the U.S. Supreme Court in 1987, had become a principal weapon in the antideath penalty movement's arsenal.

Overall, I believe that Justice Barkett, in reviewing death sentences, views aggravating circumstances too narrowly; construes mitigating circumstances too broadly; creates unjustified categorical exclusions from death penalty eligibility; subjects the death penalty to racial statistical analysis that would paralyze its implementation, as I have just discussed; and creates procedural anomalies.

Let me mention just two of the many cases that concern me. Dougan versus State is a 1992 Florida Supreme Court case.

Dougan was the leader of a group that called itself the Black Liberation Army and that, according to the trial judge, had as its "apparent sole purpose * * * to indiscriminately kill white people and thus start a revolution and a race war." One evening in 1974, he and four other members of his group, armed with a pistol and a knife, went in search of victims. They picked up a white hitchhiker, Steven Orlando, drove him to an isolated trash dump, stabbed him repeatedly, and threw him to the ground. As Orlando writhed in pain and begged for his life, Dougan put his foot on Orlando's head and shot him twice—once in the chest and once in the ear—killing him instantly. Subsequent to the murder, Dougan made several tape recordings bragging about the murder, and mailed them to the victim's mother as well as to the media. The following excerpt from one of the tapes aptly illustrates the content:

> He was stabbed in the back, in the chest and the stomach, ah, it was beautiful. You should have seen it. Ah, I enjoyed every minute of it. I loved watching the blood gush from his eyes.

The Florida Supreme Court upheld the death penalty for Dougan. Justice Barkett and another Justice joined a remarkable and very disturbing dissent by Justice McDonald in which she voted to reduce the death penalty to life imprisonment, with eligibility for parole in 25 years.

I rarely fault a nominee about an opinion the nominee has joined rather than written. And I do not hold a nominee to every word or phrase in an opinion he or she joins. There is an outlook which pervades this dissenting opinion, however, which is so striking and disturbing that I believe it is appropriate to consider it in evaluating this nomination. This is especially so in light of the fact that in many other cases Justice Barkett has written separately, or merely stated that she concurred in, or dissented from, the result, when another opinion had not suited her.

Normally, I would summarize this dissent, but I do not want anyone listening to think that I am distorting it. Accordingly, I am going to read verbatim excerpts from it:

> This case is not simply a homicide case, it is also a social awareness case. Wrongly, but rightly in the eyes of Dougan, this killing was effectuated to focus attention on a chronic and pervasive illness of racial discrimination and of hurt, sorrow, and rejection. Throughout Dougan's life his resentment to bias and prejudice festered. His impatience for change, for understanding, for reconciliation matured to taking the illogical and drastic action of murder. His frustrations, his anger, and his obsession of injustice overcame reason. The victim was a symbolic representation of the class causing the perceived injustices.
>
> To some extent, [Dougan's] emotions were parallel to that of a spouse disenchanted with marriage, full of discord and disharmony which, because of frustration or rejection, culminate in homicide. We seldom uphold a death penalty involving husbands and wives or lovers, yet the emotion of that hate-love circumstance are somewhat akin to those which existed in this case.
>
> Such a sentence reduction should aid in an understanding and at least a partial reconciliation of the wounds arising from discordant racial relations that have permeated our society. To a large extent, it was this disease of racial bias and discrimination that infect an otherwise honorable person and contributed to the perpetration of the most horrible of crimes. An approval of the death penalty would exacerbate rather than heal those wounds still affecting a large segment of our society.

This opinion reeks of a moral relativism and excuse-making that I find shocking and unacceptable. As much as I personally like Chief Justice Barkett, I find it disturbing that President Clinton would nominate someone to a judgeship who applied these views to judicial decisions.

In the October 11, 1992, Sunshine magazine, the following reactions to this Dougan dissent are quoted:

> "How can they compare a cold-blooded, premeditated, torturous crime that's motivated by racial hate and equate that to the emotional circumstances in domestic murders?" asks prosecutor Chuck Morton, himself a black man, after rereading the Dougan case.
>
> Adds Tallahassee prosecutor Ray Markey: "To say that this white victim was a sacrificial lamb and call it a social awareness case—that's scary."

The Dougan majority had this to say in response to the dissent that Justice Barkett joined:

> We disagree with the dissent that this pitiless murder should be equated with the emotional circumstances often existent in homicides among spouses. While Dougan may have deluded himself into thinking murder justified, there are certain rules by which every civilized society must live. One of these rules must be that no one may take the life of another indiscriminately, regardless of what that person may perceive as a justification.
>
> Our review must be neutral and objective. This Court recently upheld the death penalty in the indiscriminate killing of two blacks by a white defendant. The circumstances of this case merit equal punishment. To hold that death is disproportionate here would lead to the conclusion that the person who put the bomb in the airplane that exploded over Lockerbie, Scotland, or any other terrorist killer should not be sentenced to death if the crimes were motivated by deepseated philosophical or religious justifications.

Let me explain why the general attitude and outlook adopted by Justice Barkett in that dissent concern me so much. The approach taken in that dissent is certainly applicable to others besides Dougan, including criminals of all races. Let me note that we have many cases in our country of racially motivated, disgusting, violent crimes against racial minorities. I do not view the perpetrators of such violence as worthy of a lesser penalty on account of their backgrounds or personal histories either.

If a person of any race, ethnic background, or social class considering violent or other crimes comes to believe that the judicial system views past mistreatment or discrimination against them as mitigating the seriousness of the crimes they commit or the penalties they face, I believe you undermine the principle of neutral justice and seriously reduce the deterrent value of the law. You create, frankly, an environment or atmosphere of permissiveness if these kinds of reasons can be used to justify lesser sentences. And I am not only talking about murder cases, such as the recent Colin Ferguson case on a Long Island commuter train. I mean other crimes as well, assault, robbery, carjackings.

Before Senators cast their votes on this nominee, they should read the opinions in this Dougan case, along with any other opinions they deem relevant. Mr. President, I ask unanimous consent that a copy of the Dougan case be included in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATCH. In another case, *LeCroy* v. *State* [533 So.2d 750 (Fla. 1988)], the Florida Supreme Court, by a vote of six to one, affirmed a death sentence for two brutal first-degree murders by LeCroy, who was 17 years and 10 months old when he committed the murders. The court noted, among other things that the sentencing judge gave great weight to LeCroy's youth but found him mentally and emotionally mature. It also noted that Florida statutes clearly provided for some decades that 17-year-olds charged with capital crimes should be punished as adults. Construing U.S. Supreme Court precedent, it ruled that there was no constitutional bar to the imposition of the death penalty on those who were 17 at the time of the capital offense.

In her lone dissent, Justice Barkett concluded that the eighth amendment of the Federal Constitution prohibited Florida from executing those who were under 18 at the time of the crime. Reaching out to overturn this death sentence seems to be another clear instance of the nominee injecting her own policy preferences for the law. It is an unfortunate fact that 16- and 17-year-olds are committing the most vicious of adult crimes, including much-noted murders of tourists. If a State wishes to treat them as adults when they commit such crimes, then the substitution of a judge's personal views for the legislature's enactment is wrong. Not surprisingly, the U.S. Supreme Court later confirmed that it was the majority in LeCroy, rather than Justice Barkett, who had correctly read the Federal Constitution. (See Stanford versus Kentucky.)

I have many other concerns about this nominee—including, for example, her openness to pervasive quotas—and many other opinions of hers that trouble me. These concerns are outlined in some detail in three memoranda on Justice Barkett's cases that I would like to attach to my remarks. Mr. President, I request unanimous consent that these three memoranda be included in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HATCH. Some may claim that those of us who have concerns over this nomination have focused on a relatively small number of cases and that this is not an appropriate way to evaluate the nominee. I have a three-part response to this concern.

First, a large number of cases of any appellate court are, frankly, routine, and I would expect that virtually all judges would rule unobjectionably in most cases before them.

Second, and more importantly, if a small number of cases gives rise to large concerns, it is appropriate to base a vote on those cases. For example, the flagrant misuse of the Federal equal protection clause and the Federal due process clause may have occurred in just a handful of cases. But these two constitutional provisions are far too powerful, far too open to picking and choosing among democratically enacted statutes based on the policy preferences of a judge, for me to be much comforted by unobjectionable decisions in numerous other, routine cases. A single dissent that would sweepingly invalidate obscenity laws, notwithstanding clear U.S. Supreme Court precedent to the contrary, is tremendously significant for what it says about a nominee's legal outlook in a very important area of law. And it gives rise to doubts about whether the nominee will properly apply that Supreme Court precedent, especially in light of other opinions that give cause for the same concern in other contexts. A series of search and seizure opinions, improperly hamstringing the police in significant ways—especially in the war on drugs—has an importance beyond the mere number of these cases. An opinion, like her partial dissent in Foster, that would paralyze enforcement of the death penalty counts more than scores of routine death penalty cases. Joinder in an opinion like the Dougan dissent speaks volumes about a nominee's outlook on crime and personal responsibility.

I could go on and on, but this leads me to my third point:

The concerns about this nominee arise from more than a handful of cases, and they arise across numerous areas of the law, not just the death penalty.

I therefore have concluded with regret that I cannot in good conscience support this nomination.

I will close by noting that all of the tough-on-crime rhetoric the President serves up means less than his actions, including selection of judges. Placing more police officers on the street will avail us little if judges hamstring them; construe our criminal laws in an unduly narrow fashion; or sentence the criminals they do convict with unwarranted sympathy for the criminal.

I urge my colleagues to review the cases and the hearing testimony for themselves. I believe they will reach the same conclusion.

EXHIBIT 1

[Supreme Court of Florida, Jan. 2, 1992, Rehearing Denied April 1, 1992]

JACOB JOHN DOUGAN, APPELLANT, VERSUS STATE OF FLORIDA, APPELLEE, NO. 71755

Defendant was convicted in the Circuit Court, Duval County, R. Hudson Olliff, J., of homicide. Defendant appealed. The Supreme Court, 343 So.2d 1266, affirmed, and later, 362 So.2d 657 vacated sentence and remanded for resentencing. On remand, defendant was again sentenced to death, and the Supreme Court again affirmed, 398 So.2d 439. Subsequently, the Supreme Court, 470 So.2d 697, granted defendant new appeal, affirmed his conviction, vacated death sentence, and remanded for resentencing hearing. On remand, defendant was again sentenced to death. The Supreme Court held that: (1) direction to jury to follow mandate of death penalty statute was not error; (2) finding that aggravating circumstances existed sufficient to warrant imposition of death penalty was not error; (3) finding that mitigating evidence was insufficient to warrant sentence of life imprisonment, rather than death, was not error; and (4) death sentence was not disproportionate.

Affirmed.

Kogan, J., concurred in the results only.

McDonald, J., dissented and filed an opinion in which Shaw, C.J., and Barkett, J., joined.

1. Jury 🔑33(5.1)

Trial court has broad discretion in determining if peremptory challenges exercised by prosecutor are racially motivated. (Per Curiam opinion of three Justices with one Justice concurring in the result)

2. Criminal Law 🔑731

Jury may, in its discretion, decide to grant "jury pardon" in deciding defendant's guilt. (Per Curiam opinion of three Justices with one Justice concurring in the result.)

3. Criminal Law 🔑1206.1(2)

Death penalty statutes must restrain and guide sentencing discretion in order to insure that death penalty is not meted out arbitrarily and capriciously. (Per Curiam opinion of three Justices with one Justice concurring in the result.)

4. Criminal Law 🔑796, 1206.1(2)

Death penalty statute, and instructions and recommendation forms based upon it, sets out clear and objective standard for channeling jury's discretion. (Per Curiam opinion of three Justices with one Justice concurring in the result.) West's F.S.A. §921.141(2).

5. Criminal Law 🔑796

Direction to jury to follow mandate of death penalty statute in determining whether to render advisory sentence of death or live imprisonment was not error; statute, which provides that jury must take into consideration both aggravating and mitigating circumstances and recommend sentence of death if sufficient aggravating circumstances exist and are not outweighed by sufficient mitigating circumstances, sets out clear and objective standard, and allowing jury to disregard statutory directions and guidance would engender arbitrariness and capriciousness in jury recommendations. (Per Curiam opinion of three Justices with one Justice concurring in the result.) West's F.S.A. §921.141(2).

6. Criminal Law 🔑796

Standard jury instruction on nonstatutory mitigating evidence is not ambiguous and allows jurors to consider and weigh relevant mitigation evidence. (Per Curiam opinion of three Justices with one Justice concurring in the result.)

7. Criminal Law 🔑986.2(1)

Deciding whether particular mitigating circumstances have been established and, if established, weight to be afforded those circumstances lies with trial court, and trial court's decision will not be reversed because appellant reaches opposite conclusion. (Per Curiam opinion of three Justices with one Justice concurring in the result.)

8. Homicide 🔑357(3, 7, 11)

Aggravating factors sufficient to warrant imposition of death penalty had been established where defendant and his companions set out with intent to kill any white person they came upon, defendant and his companions kidnapped and murdered hitchhiker in heinous, atrocious and cruel manner, defendant's killing of victim was committed in cold, calculated, and premeditated manner, and defendant, subsequent to murder, made several tape recordings bragging about murder, which were mailed to victim's mother and to the media. (Per Curiam opinion of three Justices with one Justice concurring in the result.) West's F.S.A. §921.141(2).

9. Homicide 🔑357(3, 4, 7, 11)

In homicide prosecution, mitigating evidence, and sentence to death, rather than life imprisonment, was required where, although defendant participated in civil rights activities and was active in community, social, health, and welfare work, and codefendants who also participated in murder had received lesser sentences, evidence indicated that murder was committed during kidnapping, that murder was heinous, atrocious and cruel, and that defendant had murdered victim in cold, calculated, and premeditated manner. (Per Curiam opinion of three Justices with one Justice concurring in the result.) West's F.S.A. §921.141(2).

10. Homicide 🔑357(3, 7, 11)

In homicide prosecution, death was not disproportionate sentence where defendant and his companions set out to murder any white person they encountered, defendant and his companions kidnapped hitchhiker and murdered him in heinous, atrocious and cruel manner, defendant, as leader of group, directed execution of kidnapping and murder in cold, calculated, and premeditated manner, and defendant was not mentally deficient, even though defendant had suffered life of racial prejudice. (Per Curiam opinion of three Justices with one Justice concurring in the result.) West's F.S.A. §921.141(2).

James E. Ferguson, II of Ferguson, Stein, Watt, Wallas & Adkins, P.A., Charlotte, N.C., for appellant.

Robert A. Butterworth, Atty. Gen. and Gary L. Printy, Asst. Atty. Gen., Tallahassee, for appellee.

PER CURIAM

We again review a sentence of death imposed on Jacob John Dougan, Jr., for a homicide committed on June 17, 1974.[1] This Court affirmed two prior death sentences, but later vacated them and remanded for resentencing; the findings of guilt have been affirmed.[2]

The trial judge accurately set forth the facts of this murder in his sentencing order:

"The four defendants, Jacob John Dougan, Elwood Clark Barclay, Dwyne Crittendon, and Brad W. Evans, were part of a group that termed itself the "Black Liberation Army" (BLA), and whose apparent sole purpose was to indiscriminately kill white people and thus start a revolution and racial war.

"Dougan was the group's unquestioned leader and it was he who conceived the murderous plan. Apparently he did not have to break down a wall of morality to induce Barclay, Crittendon, and Evans to participate—but it was Dougan's plan—and he pushed it through to murderous finality. The act of Dougan in firing the fatal shots and his leadership were undoubtedly reasons the jury recommended death only for him.

"The trial testimony showed that on the evening of June 17, 1974, the four defendants and William Hearn (who testified for the State) all set out in a car armed with a pistol and a knife with the intent to kill a "devil"—the "devil" being any white person they came upon under such advantageous circumstances that they could murder him, her, or them.

"As they drove around Jacksonville, they made several stops and observed a number of white persons as possible victims, but decided the circumstances were not advantageous and that they might be seen and/or thwarted by witnesses. At one stop, Dougan wrote out a note—which was to be placed on the body of the victim ultimately chosen for death.

"Eventually, the five men drove towards Jacksonville Beach, where they picked up a white hitchhiker, 18-year-old Stephen Anthony Orlando. Against Orlando's will and over his protest, they drove him to an isolated trash dump, ordered him out of the car, stabbed him repeatedly, and threw him to the ground. As the 18-year-old youth writhed in pain and begged for his life, Dougan put his foot on Orlando's head and shot him twice—once in the chest and once in the ear—killing him instantly."

Subsequent to the murder, Dougan made several tape recordings bragging about the murder, which were mailed to the victim's mother as well as to the media. The following excerpt from one of the tapes aptly illustrates the content:

> The reason Stephen was only shot twice in the head was because we had a jive pistol. It only shot twice and then it jammed; you can tell it must have been made in America because it wasn't worth a shit. He was stabbed in the back, in the chest and the stomach, ah, it was beautiful. You should have seen it. Ah, I enjoyed every minute of it. I loved watching the blood gush from his eyes.

The jury recommended the death sentence by a vote of nine to three. The trial court found three aggravating circumstances and no mitigating circumstances and sentenced Dougan to death. Dougan raises numerous points on appeal, only some of which merit discussion.[3]

[1] The prosecutor exercised several peremptory challenges against black prospective jurors, and Dougan now argues that he failed to give racially neutral explanations for those excusals. The trial court, however, has broad discretion in determining if peremptory challenges are racially motivated. *Reed* v. *State*, 560 So.2d 203 (Fla.), *cert. denied*,——U.S. ——, 111 S.Ct. 230, 112 L.Ed.2d 184 (1990). Our review of the record shows no abuse of discretion in the trial court's acceptance of the prosecutor's explanations of the peremptory challenges. Thus, we find no merit to Dougan's first point on appeal.

Subsection 921.141(2), Florida Statutes (1987), provides:

> (2) ADVISORY SENTENCE BY THE JURY.—After hearing all the evidence, the jury shall deliberate and render an advisory sentence to the court, based upon the following matters:
>
> (a) Whether sufficient aggravating circumstances exist as enumerated in subsection (5);
>
> (b) Whether sufficient mitigating circumstances exist which outweigh the aggravating circumstances found to exist; and
>
> (c) Based on these considerations, whether the defendant should be sentenced to life imprisonment or death.

The instructions and jury's recommendation form used in this case tracked the language of the statute. During deliberations, however, the jury asked the court if it could recommend life imprisonment "in the event that the jury decides that sufficient aggravating circumstances exist to justify a death sentence and that sufficient mitigating circumstances do not exist." After conferring with the parties, the court told the jury to answer each question on the recommendation form "as you deem appropriate from the law and the evidence." Dougan now argues that the jury should be allowed to recommend life imprisonment regardless of its findings as to aggravating and mitigating circumstances. We disagree.

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[1] Footnotes at end of article.

[2, 3] A jury may, in its discretion, decide to grant a "jury pardon" in deciding a defendant's guilt. *E.g., Amado* v. *State*, 585 So.2d 282 (Fla.1991). On the other hand, "where discretion is afforded . . . on a matter so grave as the determination of whether a human life should be taken or spared, that discretion must be suitably directed and limited so as to minimize the risk of wholly arbitrary and capricious action." *Gregg* v. *Georgia*, 428 U.S. 153, 188–89, 96 S.Ct. 2909, 2932, 49 L.Ed.2d 859 (1976). As pointed out by the United States Supreme Court, "there is no . . . constitutional requirement of unfettered sentencing discretion . . . and States are free to structure and shape consideration of mitigating evidence 'in an effort to achieve a more rational and equitable administration of the death penalty.'" *Boyde* v. *California*, 494 U.S. 370, 110 S.Ct. 1190, 1196, 108 L.Ed.2d 316 (1990) (quoting *Franklin* v. *Lynaugh*, 487 U.S. 164, 181, 108 S.Ct. 2320, 2331, 101 L.Ed.2d 155 (1988)). To that end, death penalty statutes must restrain and guide the sentencing discretion to ensure "that the death penalty is not meted out arbitrarily and capriciously." *California* v. *Ramos*, 463 U.S. 992, 999, 103 S.Ct. 3446, 3452, 77 L.Ed.2d 1171 (1983). *Cf. California* v. *Brown*, 479 U.S. 538, 541, 107 S.Ct. 837, 93 L.Ed.2d 934 (1987) ("death penalty statutes [must] be structured so as to prevent the penalty from being administered in an arbitrary and unpredictable fashion.").

[4] Under subsection 921.141(2) death may be the appropriate recommendation if, and only if, at least one statutory aggravating factor is established. After an aggravator has been established, any mitigating circumstances established by the evidence must be weighed against the aggravator(s). Florida's death penalty statute, and the instructions and recommendation forms based on it, set out a clear and objective standard for channeling the jury's discretion.

[5] Dougan's claim that the jury should be allowed to disregard the statutory directions and guidance would engender arbitrariness and capriciousness in jury recommendations. This is improper because [i]t is no doubt constitutionally permissible, if not constitutionally required, for the State to insist that "the individualized assessment of the appropriateness of the death penalty [be] a moral inquiry into the culpability of the defendant, and not an emotional response to the mitigating evidence." Whether a juror feels sympathy for a capital defendant is more likely to depend on that juror's own emotions than on the actual evidence regarding the crime and the defendant. It would be very difficult to reconcile a rule allowing the fate of a defendant to turn on the vagaries of particular jurors' emotional sensitivities with our longstanding recognition that, above all, capital sentencing must be reliable, accurate, and nonarbitrary. At the very least, nothing . . . prevents the State from attempting to ensure reliability and nonarbitrariness by requiring that the jury consider and give effect to the defendant's mitigating evidence in the form of a "reasoned *moral* response," rather than an emotional one. The State must not cut off full and fair consideration of mitigating evidence; but it need not grant the jury the choice to make the sentencing decision according to its own whims or caprice.

*Saffle* v. *Parks*, 494 U.S. 484, 110 S.Ct. 1257, 1262–63, 108 L.Ed.2d 415 (1990) (citations omitted). Thus, we find no error in the trial court's directing the jury to follow the mandate of subsection 921.141(2).

[6] We also find no merit to Dougan's other arguments about the instructions on mitigating evidence. The standard jury instruction on nonstatutory mitigating evidence is not ambiguous and allows jurors to consider and weigh relevant mitigating evidence. *Robinson* v. *State*, 574 So.2d 108 (Fla.), *cert. denied*, —— U.S. ——, 112 S.Ct. 131, 116 L.Ed.2d 99 (1991). Dougan's contention that evidence of no prior criminal history can be rebutted only by convictions is incorrect. *Walton* v. *State*, 547 So.2d 622 (Fla. 1989), *cert. denied*, 493 U.S. 1036, S.Ct. 759, 107 L.Ed.2d 775 (1990).

The trial court found that three aggravators had been established—committed during a kidnapping; heinous, atrocious, or cruel; and committed in a cold, calculated, and premeditated manner. As nonstatutory mitigating evidence, the court specifically considered Dougan's civil rights activities, his community social, health, and welfare work, his family and personal background, his codefendants' lesser sentences, and the racial unrest at the time of this murder. The court held that, on this record, the evidence did not mitigate the penalty. Now, Dougan claims that the trial court erred both in finding that the aggravators had been established and in not finding that mitigators had been established. We disagree.

[7–9] Dougan states that the mitigating evidence related to four areas: 1) positive character traits; 2) contribution of racial oppression to the homicide; 3) potential for rehabilitation; and 4) inequality between his sentence and those of his codefendants and argues that the court erred in not finding that mitigators had been established. It is apparent from the judge's written findings that he considered these matters. Based on his evaluation of the evidence, however, he decided that the facts of this case did not support Dougan's contention that these matters constituted mitigating circumstances. *Rogers* v. *State*, 511 So.2d 526 (Fla. 1987), *cert. denied*, 484 U.S. 1020, 108 S.Ct. 733, 98 L.Ed.2d 681 (1988). Deciding whether particular mitigating circumstances have been established and, if established, the weight afforded it lies with the trial court, and a trial court's decision will not be reversed because an appellant reaches the opposite conclusion. *Sireci* v. *State*, 587 So.2d 450 (Fla. 1991); *Stano* v. *State*, 460 So.2d 890 (Fla. 1984), *cert. denied*, 471 U.S. 1111, 105 S.Ct. 2347, 85 L.Ed.2d 863 (1985). We find no reversible error regarding consideration of the evidence Dougan presented in his attempt to mitigate his sentence.

We likewise find no error in the trial court's holding three aggravators to have been established. The evidence fully supports finding this murder to have been committed during a kidnapping. The facts also set this murder apart from the norm of killing by illustrating the victim's suffering and Dougan's indifference to the victim's pleas and support finding the heinous, atrocious, or cruel aggravator. *Cf. Ponticeli* v. *State*, 593 So.2d 483 (Fla. 1991), and cases cited therein. Finally, the planning and execution of this murder demonstrate the heightened premeditation needed to find it had been committed in a cold, calculated, and premeditated manner. *Cf. Cruse* v. *State*, 588 So.2d 983 (Fla. 1991); *Rogers*. As discussed later, Dougan had no colorable claim of any moral or legal justification for this killing.

[10] Turning to Dougan's final point, we disagree that death is disproportionate in this case. There was no suggestion that Dougan is mentally deficient. To the contrary, he is intelligent and articulate and a leader among men. In fact, he recruited his codefendants while teaching them karate. He knew precisely what he was doing.

The dissent suggests that because Dougan has suffered a life of racial prejudice and that this murder was related to this, his sentence should be reduced to life. We do not minimize the injustices perpetrated by our society upon the black race. However, it must be noted that Dougan suffered less from the racial discrimination that occurred while he was growing up than many others of his race. Although abandoned by his mother, he was adopted at the age of two and one-half years by loving parents who provided him with a stable environment. Several witnesses said that he was well liked in high school, and he achieved the rank of Eagle Scout. There was no evidence that he suffered any racial discrimination not common to all of the black community.

We disagree with the dissent that this pitiless murder should be equated with the emotional circumstances often existent in homicides among spouses. While Dougan may have deluded himself into thinking this murder justified, there are certain rules by which every civilized society must live. One of these rules must be that no one may take the life of another indiscriminately, regardless of what that person may perceive as a justification.

Our review must be neutral and objective. This Court recently upheld the death penalty in the indiscriminate killing of two blacks by a white defendant. Asay v. *State, 580 So.2d 610 (Fla.), cert. denied, —— U.S. ——, 112 S.Ct. 265, 116 L.Ed.2d 218 (1991). The circumstances of this case merit equal punishment. To hold that death is disproportionate here would lead to the conclusion that the person who put the bomb in the airplane that exploded over Lockerbie, Scotland, or any other terrorist killer should not be sentenced to death if the crime were motivated by deep-seated philosophical or religious justifications.*

We have reviewed the other issues Dougan raises[4] and find no reversible error. Therefore, we affirm the sentence of death.

It is so ordered.

OVERTON, GRIMES and HARDING, JJ., concur.

KOGAN, J., concurs in result only.

McDONALD, J., dissents with an opinion, in which SHAW, C.J., and BARKETT, J., concur.

McDONALD, Justice, dissenting.

This case is unique; it is also a case of contrast. Dougan's counsel describes the events as a tragic aberration while others view them as frightening, inexcusable, and callous. In the entire bizarre series of events leading to and following the murder by "an unacceptable act of violence upon an unsuspecting white youth," Dougan was the leader and the planner.

Substantial evidence was presented at the last sentencing proceeding to assist the jury, the trial judge, and this Court in determining the appropriate sentence. The jury recommended death,[5] which the trial judge imposed. He found that the homicide was cold, calculated, and premeditated without any pretense of moral justification, that in its planning it was especially cruel and atrocious and in its execution especially heinous, and that there was a kidnapping to facilitate the crime. The trial judge either rejected mitigating circumstances or found them to be so insignificant that they did not outweigh the aggravating ones.

It is not our function on review to reweigh the evidence, but, rather, to determine whether the trial judge's findings and conclusions are supported by the record. There is evidence to support the conclusions of the trial judge on the aggravating factors, even though in the mind of Dougan there was a pretense of moral justification for his acts. On the other hand, it is our responsibility to review the totality of the circumstances to determine whether death is appropriate when compared to other death sentences. *Adams* v. *State*, 412 So.2d 850 (Fla.), *cert. Denied*, 459 U.S. 882, 103 S.Ct. 182, 74 L.Ed.2d 148 (1982); *Brown* v. *Wainright*, 392 So.2d 1327 (Fla.), *cert. Denied*, 454 U.S. 1000, 102 S.Ct. 542, 70 L.Ed.2d 407 (1981). We have reduced death sentences to life imprisonment after reviewing both the aggravating and mitigating circumstances as shown in the record and concluding that death is not warranted. *E.g.*, *Halliwell* v. *State*, 323 So.2d 557 (Fla.1975).

Dougan's mother was white and his father, whom he never knew, was black. After Dougan's birth, his mother returned to an all white community where she abandoned her son. Although as much white as black, Dougan was rejected by his white relatives and the white population. Ultimately he was adopted by an understanding and compassionate family which also came from a biracial background. An intelligent person, Dougan was well educated and became a leader in the black community, but throughout his life was confronted with a perception of injustice in race relations. Within the black community he was respected. He taught karate and counseled black youths. When blacks were refused service at a lunch counter, he participated in a sit-down strike in defiance of a court order and was held in contempt of court therefor. This was the only blemish, if it can be called one, on his police record until this homicide.

The events of this difficult case occurred in tumultuous times. During the time of the late sixties and early seventies, there was great unrest throughout this country in race relations. Duval County, where this homicide occurred, did not escape and was also a place of such unrest. I mention these facts not to minimize what transpired, but, rather, to explain the environment in which the events took place and to evaluate Dougan's mind-set.

The trial judge was aware of everything I have stated. Indeed, he substantially recited these facts in his sentencing order. His final conclusion was that the grossness of the homicide clearly outweighed any other factor or combination thereof which may have lessened the ultimate penalty. The majority agrees, but I cannot.

We have said that the death penalty is reserved for those cases where the most aggravating and least mitigating circumstances exist.[6] We must determine whether Dougan belongs to that class of killers for whom the death penalty is the appropriate punishment. In resolving that issue and mindful of the factors set forth in section 921.141, Florida Statutes (1973), and established case law, we must carefully review what was done, how it was done, why it was done, and what kind of a person did it. How the public views these factors depends to a large extent upon the vantage point or perception of those looking at them. Understandably, in the eyes of the victim, or potential victims, the aggravating factors clearly outweigh the mitigating; in the eyes of the defendant, his friends, and most of those situated in the circumstances of Dougan, the death penalty is not warranted and is disproportionate to the majority of hate slayings, at least where the victim is black and the perpetrator is white.

Even though we are aware of and sensitive to these contrasting emotions, our review must be neutral and objective. This case is not simply a homicide case, it is also a social awareness case. Wrongly, but rightly in the eyes of Dougan, this killing was effectuated to focus attention on a chronic and pervasive illness of racial discrimination and of hurt, sorrow, and rejection. Throughout Dougan's life his resentment to bias and prejudice festered. His impatience for change, for understanding, for reconciliation matured to taking the illogical and drastic action of murder. His frustrations, his anger, and his obsession of injustice overcame reason.[7] The victim was a symbolic representative of the class causing the perceived injustices.

In comparing what kind of person Dougan is with other murderers in the scores of death cases that we have reviewed, I note that few of the killers approach having the socially redeeming values of Dougan. In comparison to Dougan's usual constructive practices, this homicide was indeed an aberration. He has made and, if allowed to live, can make meaningful contributions to society.

I ask again the question, is this one of the most aggravated and least mitigated cases reserved for the ultimate penalty of death? When considering the totality of the circumstances, but with compassion for and, hopefully, understanding from the family of the victim, I think not. A life sentence makes this penalty more proportionate to what has existed in emotional or other racially caused homicides.

Such a sentence reduction should aid in an understanding and at least a partial reconciliation of the wounds arising from discordant racial relations that have permeated our society. To a large extent, it was this disease of racial bias and discrimination that infected an otherwise honorable person and contributed to the perpetration of the most horrible of crimes. An approval of the death penalty would exacerbate rather than heal those wounds still affecting a large segment of our society.

Accordingly, I believe that the death penalty should be vacated and that Dougan's sentence should be reduced to life imprisonment without eligibility for parole for twenty-five years from the date of his incarceration for this murder.

SHAW, C.J. and BARKETT, J., concur.

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FOOTNOTES

[1] We have jurisdiction. Art. V, §3(b)(1), Fla. Const.

[2] *Barclay* v. *State*, 343 So.2d 1266 (Fla. 1977), *cert. denied*, 439 U.S. 892, 99 S.Ct. 249, 58 L.Ed.2d 237 (1978); *Barclay* v. *State*, 362 So.2d 657 (Fla. 1978); *Dougan* v. *State*, 398 So.2d 439 (Fla.), *cert. denied*, 454 U.S. 882, 102 S.Ct. 367, 70 L.Ed.2d 193 (1981); *Dougan* v. *Wainwright*, 448 So.2d 1005 (Fla. 1984); *Dougan* v. *State*, 470 So.2d 697 (Fla. 1985), *cert. denied*, 475 U.S. 1098, 106 S.Ct. 1499, 89 L.Ed.2d 900 (1986).

[3] Several issues have been decided adversely to Dougan's contentions: 1) adequacy of instructions on aggravating factors, *e.g.*, *Sochor* v. *State*, 580 So.2d 595 (Fla.), *cert. granted*, — U.S. —, 112 S.Ct. 436, 116 L.Ed.2d 455 (1991); 2) ex post facto application of the cold, calculated, and premeditated aggravating factor, *Combs* v. *State*, 403 So.2d 418 (Fla. 1981), *cert. denied*, 456 U.S. 984, 102 S.Ct. 2258, 72 L.Ed.2d 862 (1982); and 3) diminution of the jurors' sense of responsibility, *e.g.*, *Grossman* v. *State*, 525 So.2d 833 (Fla. 1988), *cert. denied*, 489 U.S. 1071, 109 S.Ct. 1354, 103 L.Ed.2d 822 (1989).

[4] The remaining issues are: 1) impermissible appeal to racial bias; 2) refusal to grant change of venue; 3) no probable cause for the arrest; and 4) abdication of prosecutorial function.

[5] The State describes the jury's recommendation of death as basically saying "that Mother Theresa would get the death penalty for organizing a plan to go out and kidnap an innocent man, torture him and then twice shoot him in the head."

[6] "Death is a unique punishment in its finality and in its total rejection of the possibility of rehabilitation. It is proper, therefore, that the Legislature has chosen to reserve its application to only the most aggravated and unmitigated of most serious crimes." *State* v. *Dixon*, 283 So.2d 1, 7 (Fla. 1973), *cert. denied*, 416 U.S. 943, 94 S.Ct. 1950, 40 L.Ed.2d 295 (1974).

[7] To some extent, his emotions were parallel to that of a spouse disenchanted with marriage, full of discord and disharmony which, because of frustration or rejection, culminate in homicide. We seldom uphold a death penalty involving husbands and wives or lovers, yet the emotions of that hate-love circumstance are somewhat akin to those which existed in this case. *See, e.g.*, *Ross* v. *State*, 474 So.2d 1170 (Fla. 1985); *Blair* v. *State*, 406 So.2d 1103 (Fla. 1981). However, if pecuniary gain is a dominant motive in a spousal homicide, we have upheld it. *E.g.*, *Buenoano* v. *State*, 527 So.2d 194 (Fla. 1988); *Byrd* v. *State*, 481 So.2d 468 (Fla. 1985), *cert. denied*, 476 U.S. 1153, 106 S.Ct. 2261, 90

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## EXHIBIT 2

## JUSTICE BARKETT AND CRIMINAL LAW

This memorandum presents opinions by Justice Barkett in the field of criminal law that raise concerns about her decisionmaking in this field. This memorandum generally does not address Justice Barkett's death penalty jurisprudence, which is the subject of a separate memorandum.[1]

### FOURTH AMENDMENT

Justice Barkett has a pattern of unduly restrictive search-and-seizure decisions that would hamstring the police in their battle against drugs if her views had prevailed.

*Bostick* v. *State*, 554 So.2d 1153 (Fla. 1989), rev'd, 111 S. Ct. 2382 (1991), on remand, 593 So.2d 494 (Fla. 1992)

Two Broward County Sheriff's officers searching for persons with illegal drugs boarded a bus going from Miami to Atlanta during a stopover in Fort Lauderdale. They had badges and insignia and one had a zipper pouch containing a visible pistol. They asked to inspect the defendant's ticket and identification. The ticket and identification matched. "However, the two police officers persisted and explained their presence as narcotics agents on the lookout for illegal drugs. In pursuit of that aim, they then requested the defendant's consent to search his luggage." Cocaine was discovered in his luggage, and he was arrested and charged with cocaine trafficking.

The trial judge determined, as a question of fact, that the defendant consented to the search and had been informed of his right to refuse consent. His motion to suppress was denied, and he then pled guilty, reserving his right to appeal the denial of the suppression motion. An appellate court affirmed.

By a 4 to 3 vote, the Florida Supreme Court, in an opinion by Justice Barkett, ruled that the search violated Bostick's Fourth Amendment rights. Justice Barkett's opinion adopted a per se rule that the police practice of routinely boarding buses to question passengers violates the Fourth Amendment rights of the persons questioned, and that any consent to search is necessarily tainted by this violation. The three dissenters rejected this per se rule; relying on U.S.

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Footnotes at end of article.

Supreme Court precedent, they instead stated that the validity of consent was to be determined from the totality of circumstances, and they would have upheld the conviction.

By a 6 to 3 vote, the U.S. Supreme Court, in an opinion by Justice O'Connor, reversed Justice Barkett's ruling. *Florida* v. *Bostick*, 111 S. Ct. 2382 (1991). The Court rejected creation of a per se rule, and instead ruled that the determination whether a particular encounter constitutes a seizure must be made in the light of all the circumstances. The Court found "dispositive" the same U.S. Supreme Court precedent that the dissenters to Justice Barkett's opinion had relied on.

On remand, the Florida Supreme Court, by a 4-3 vote, ruled the search lawful. Justice Barkett, in dissent, concluded that "Bostick's consent to search was invalid as a product of an unreasonable seizure under the specific facts of this case."

This case is noteworthy in several respects:

1. Justice Barkett initially adopted an overbroad per se rule that would clearly have had the effect (including in the specific case at hand) of vitiating freely given consent to search and of freeing criminals.

When asked why she did not apply the totality-of-the-circumstances test called for under U.S. Supreme Court precedent, Justice Barkett did not answer the question. Instead, she stated that "search and seizure I think is one of the most difficult areas of the law" [135:7-8] and suggested (despite clear per se language in her opinion) that it was the U.S. Supreme Court that had "interpreted" her opinion to create a per se rule [135:12-14].

2. Justice Barkett did not follow existing U.S. Supreme Court precedent that both the U.S. Supreme Court and three of her colleagues recognized as dispositive. (The fact that three Supreme Court Justices sided with Justice Barkett does not in any sense validate her position: they were not obligated to adhere to Supreme Court precedent; she was.)

3. Justice Barkett found occasion to compare the police search method at issue to methods used by "Nazi Germany, Soviet Russia, and Communist Cuba."[2]

At her hearing Justice Barkett denied that she had made any such comparison: "Senator, I would never compare the conduct of any of our police officers in this country to those of Nazi Germany or Soviet Russia, and I do not think there is any question but that had I made such a comparison, I would not have received the support of many of the rank-and-file officers in my State." [136:23-137:3]

Her opinion shows, however, that Justice Barkett clearly did make such a comparison. The fact that she was able to obtain the support of many police officers in her retention campaign is beside the point (as is the number of prosecutors and law enforcement personnel who opposed her retention).

Justice Barkett's opinion elicited a rebuke from Florida Attorney General Bob Butterworth (a Barkett supporter). A January 23, 1990, St. Petersburg Times article reported on a speech he gave to the Florida Sheriffs Association:

"'A pattern appears to be developing, a pattern that should be discouraging to every law-abiding Floridian,' Butterworth said. 'During the past two or three years, the Florida Supreme Court has begun to show itself substantially more liberal on crime issues than the U.S. Supreme Court.'

"Butterworth said the time may be approaching when Floridians should consider constitutional amendments so accused criminals in Florida don't have rights that aren't available in other states.

"Butterworth gave the sheriffs a blow-by-blow look at three Florida Supreme Court rulings that overturned the convictions of defendants in drug cases. Two of the three were written by Justice Rosemary Barkett; the third was an unsigned opinion approved by a 4-3 majority of the justices.

"One of the opinions, written by Barkett in November, compared the searches conducted by Broward County sheriff's deputies on commercial buses with the roving patrols and arbitrary searches conducted in Nazi Germany, Soviet Russia and communist Cuba.

"'It is an insult to the 36,000 police officers in our state to be likened to Nazis,' Butterworth said. 'I can assure you that the three Florida law enforcement officers who lost their lives in the line of duty last year were not Nazis. Such language is simply not appropriate, and we should expect more from the highest court in this state.'"

*State* v. *Riley*, 511 So.2d 282 (Fla. 1987), rev'd, 488 U.S. 445 (1989), on remand, 549 So.2d 673 (Fla. 1989)

From a helicopter hovering 400 feet above Riley's property, police detected marijuana growing in a greenhouse. They then obtained a warrant to search the greenhouse, and arrested Riley. The trial court granted Riley's motion to suppress, but the appellate court reversed.

In a unanimous opinion by Justice Barkett, the Florida Supreme Court ruled that the helicopter surveillance of Riley's greenhouse violated the Fourth Amendment. In determining that Riley had a reasonable expectation of privacy that was invaded by the helicopter surveillance, Justice Barkett sought to distinguish the U.S. Supreme Court's decision in *California* v. *Ciraolo*, 476 U.S. 207 (1986). In *Ciraolo*, the Court had held that surveillance from a fixed-wing aircraft flying at 1000 feet did not violate the Fourth Amendment. According to Justice Barkett, "We simply cannot dismiss as irrelevant the difference between a fixed-wing aircraft flying at 1,000 feet and a helicopter circling and hovering at 400 feet so that its occupants can look through an opening in a roof." She further stated that "[s]urveillance by helicopter is particularly likely to unreasonably intrude upon private activities" and that "the details observed here from the vantage point of a circling and hovering helicopter could [not] just as easily have been discerned by any person casually flying over the area in a fixed- wing aircraft."

The U.S. Supreme Court reversed by a 5-4 vote. The plurality and concurring opinions found *Ciraolo* indistinguishable (as, apparently, did the authors of the dissenting opinions, since they had also dissented in *Ciraolo*). In the words of the plurality opinion: "there is nothing in the record or before us to suggest that helicopters flying at 400 feet are sufficiently rare in this country to lend substance to [Riley's] claim that he reasonably anticipated that his greenhouse would not be subject to observation from that altitude." *Florida* v. *Riley*, 488 U.S. 445, 451-452 (1989).

On remand, the Florida Supreme Court remanded to the trial court for further evidentiary development. *Riley* v. *State*, 549 So.2d 673 (Fla. 1989). Justice Barkett's opinion for the court asserted, "All nine justices of the United States Supreme Court agreed that the record lacked evidentiary development of Riley's claimed expectation of privacy." A separate opinion took the position that Riley's Fourth Amendment claim should be decided adversely to him, without any further evidentiary development.

A couple aspects of this case warrant attention:

1. Justice Barkett's attempted distinction of *Ciraolo* is not faithful to the rationale of *Ciraolo*. The question is whether an expectation of privacy is reasonable. To determine this, one should look, under the principle of *Ciraolo*, to whether helicopter flights at an altitude of 400 feet are legal or common. To instead compare what can be seen at 400 feet from a helicopter to what can be seen at 1000 feet from a plane is to misapply *Ciraolo*.

2. Justice Barkett's suggestion on remand that all 9 U.S. Supreme Court Justices believed that additional evidentiary development was necessary is not accurate. Both the plurality and the concurring opinion clearly believed that the state of the record could be held against Riley. Ultimately, it is probably a question of state law whether further development should be permitted. But the fact that Justice Barkett mischaracterized what the U.S. Supreme Court had said in order to support her remand order is troublesome.

The White House briefing materials contain a similar distortion: "The United States Supreme Court narrowly reversed on the question of allocation of the burden of proof in showing a constitutionally unacceptable invasion of privacy." [Br. at 23]

This is the second of the three cases Florida Attorney General Butterworth cited in his January, 1990 speech as part of a pattern of liberal criminal decisions of the Florida Supreme Court.

*Cross* v. *State*, 560 So.2d 228 (Fla. 1990)

Three detectives spotted Cross in an Amtrak station. Based on her monitoring of them and her lack of luggage for the trip that she was taking, they asked if they could speak with her. She said yes. When the name on her ticket did not match the name on her driver's license, they asked for permission to search her tote bag but advised her that she did not have to consent. She consented. Inside the tote bag, the detectives found a hard baseball-shaped object wrapped in brown tape inside a woman's slip. Having seen cocaine packaged in this manner on "hundreds of occasions" in their combined 20 years of law enforcement experience, they then arrested Cross. The contents of the package proved to be cocaine. The trial judge granted Cross's motion to suppress, but the court of appeal (ultimately) reversed.

By a vote of 5-2, the Florida Supreme Court held that probable cause existed for the arrest. The majority opinion cited Florida precedent holding that the observation of an experienced policeman of circumstances associated with drugs could provide sufficient probable cause. Justice Barkett, dissenting, adopted the reasons stated by a dissenting judge below, who opined that the taped package did not create probable cause. That opinion did not acknowledge, much less credit, the experience of the police officers that cocaine is often packaged in that unusual manner.

The majority opinion appears clearly correct, and Justice Barkett's dissent appears to reflect an unwarranted reluctance to rely on the experience of police officers (despite precedent warranting such reliance).

At her hearing, Justice Barkett stated: "My concern in that case, Senator, was to the quality of the evidence presented. *The conclusion of a police officer that it was his experience that this is the way it was does not comport, in my judgment with evidence.* A simple conclusory statement does not comport with the requisite evidence." [146:22–147:2]

The police officers' sworn testimony that they had seen cocaine packaged that way "hundreds of times" was not "conclusory." Justice Barkett is simply refusing to credit the police officers' testimony.

*Sarantopoulos* v. *State* (Fla. Dec. 9, 1993)

Having received an anonymous tip that Sarantopoulos was growing marijuana in his backyard, two police officers went to his residence. They entered a neighbor's yard, and one of the officers, standing on his tiptoes, peered over a six-foot high wood fence and spotted marijuana plants. The police then obtained a search warrant and arrested Sarantopoulos. The trial court granted Sarantopoulos's motion to suppress, but the appellate court reversed.

The Florida Supreme Court, by a 5–2 vote, held that the search was lawful. It reasoned that Sarantopoulos lacked a reasonable expectation of privacy in his backyard, since it was protected from view only from those who remained on the ground and who were unable to see over the six-foot fence.

Justice Barkett, dissenting, stated, "I cannot believe that American citizens sitting on porches or in their backyards are not constitutionally protected when government agents, acting only on an anonymous tip, climb on ladders or stretch on tiptoes to peer over privacy fences."

The core legal issue under U.S. Supreme Court law—which, under Florida law, governs application of Florida's search-and-seizure provision—is whether Sarantopoulos had a reasonable expectation of privacy. Justice Barkett's opinion, unlike the majority's, does not meaningfully address this issue. Instead, it simply reflects a hostility towards what she regards as overly intrusive law enforcement.

At her hearing, Justice Barkett said that the fact that the search was based on an anonymous tip was "a factor which I found very significant here." [141:20] But this factor is irrelevant to the question whether Sarantopoulos had a reasonable expectation of privacy in the first place; it comes into play only if he did. She also claimed that "another element [was] whether or not the police were lawfully in the [neighbor's] yard." [143:1–2] Again, that question has nothing to do with the prior question whether Sarantopoulos had a reasonable expectation of privacy.

*State* v. *Wells*, 539 So.2d 464 (Fla. 1989), aff'd (but criticized), 495 U.S. 1 (1990)

Wells was stopped for speeding. When the officer smelled alcohol on his breath, he arrested Wells for DUI. The officer then noticed cash lying on the car's floorboard, and asked Wells to open the car's trunk. Wells agreed to do so, but neither he nor the officer was able to work the trunk's lock. The officer then informed Wells that the car would be impounded. Wells gave permission for the trunk to be forced open and examined. The car was then transported to a facility, and a locked suitcase was found in the trunk. The suitcase was forced open and was found to contain a large amount of marijuana.

By a vote of 6–1, the Florida Supreme Court, in an opinion originally signed by Justice Barkett but later issued per curiam, held that the search of the suitcase violated Wells' Fourth Amendment rights. Among other things, the court held that the search of the luggage was not permissible under an inventory search theory. Justice Barkett construed a U.S. Supreme Court precedent, *Colorado* v. *Bertine*, 479 U.S. 367 (1987), as "mandat[ing] either that all containers will be opened during an inventory search, or that no containers will be opened. There can be no room for discretion." Since the police did not have a policy specifically requiring the opening of closed containers, the search of the suitcase was held to violate *Bertine*.

The U.S. Supreme Court, while affirming the judgment of the Florida Supreme Court, criticized Justice Barkett's reading of *Bertine*: "in forbidding uncanalized discretion to police officers conducting inventory searches, there is no reason to insist that they be conducted in a totally mechanical 'all or nothing' fashion. * * * A police officer may be allowed sufficient latitude to determine whether a particular container should or should not be opened in light of the nature of the search and characteristics of the container itself. * * * The allowance of the exercise of judgment based on concerns related to the purposes of an inventory search does not violate the Fourth Amendment." *Florida* v. *Wells*, 495 U.S. 1, 4 (1990). (This opinion was joined by five Justices; two other Justices also expressly disagreed with Justice Barkett's reading; and no Justice defended it.)

This case illustrates Justice Barkett's inclination to create mechanical rules that severely limit police discretion and that turn the Fourth Amendment into a straitjacket.

The White House briefing materials note that the U.S. Supreme Court upheld the decision in *Wells*, but fail to mention the fact that the Court criticized Justice Barkett's reasoning. [Br. at 22] The White House cites *Wells* and *Riley* in support of the claim that Justice Barkett is "vigilant in upholding the rights of individuals *while respecting the critical need for swift and fair law enforcement.*" [Br. at 22]

PROSECUTORIAL DISCRETION

*Foster* v. *State*, No. 76,639 (Fla. Apr. 1, 1993)

(This case is addressed more fully in the death penalty memorandum. Its implications for quotas are discussed in the constitutional law memorandum. This memorandum will address its implications for criminal law generally.)

Foster, two young women, and another man, Lanier, drove to a deserted area where one of the women was to make some money by having sex with Lanier. As Lanier, who was very drunk, was disrobing, Foster suddenly began hitting him and then held a knife to Lanier's throat and sliced his neck. Foster and the women then dragged the still-breathing Lanier into the bushes and covered him with branches and leaves. Foster then took a knife and cut Lanier's spine. Foster and the women then split the money found in Lanier's wallet.

Foster was convicted of murder and sentenced to death in 1975. On resentencing, the trial court, finding three aggravating circumstances, again imposed the death penalty. The Florida Supreme Court, by a 4–3 vote, rejected Foster's claim that his death sentence was a product of racial discrimination against black victims. (The court did remand for resentencing on other grounds.)

Justice Barkett, dissenting from this racial discrimination ruling, would not accept the majority's determination that Foster's statistical evidence purporting to show that white-victim defendants in Bay County were more likely to get the death penalty than black-victim defendants failed to establish a constitutional violation. (Lanier, evidently, was white; Foster's race does not appear to be stated, but newspaper accounts report that he is also white.) Justice Barkett would have relied on the Florida Constitution's Equal Protection Clause to reach a result rejected by the U.S. Supreme Court in *McCleskey* v. *Kemp*, 481 U.S. 279 (1987), under the federal Equal Protection Clause. In *McCleskey*, the Court ruled that a capital defendant claiming a violation of the federal Equal Protection Clause must show the existence of purposeful discrimination and a discriminatory effect on him. According to Justice Barkett:

(1) The *McCleskey* standard fails to address the problem of "unconscious discrimination."

(2) Statistical evidence of discriminatory impact in capital sentencing that "cannot be traced to blatant or overt discrimination" should establish a violation of Florida's Equal Protection Clause.

(3) This statistical evidence should be construed broadly to include not only analysis of the disposition of first-degree murder cases, "but also other information that could suggest discrimination, such as the resources devoted to the prosecution of cases involving white victims as contrasted to those involving minority victims, and *the general conduct of a state attorney's office, including hiring practices and the use of racial epithets and jokes*." (Emphasis in italic.)

(4) The defendant should have the initial burden of showing the strong likelihood that discrimination influenced the decision to seek the death penalty. "Such discrimination conceivably could be based on the race of the victim or on the race of the defendant." Once the initial burden has been met, "the burden then shifts to the State to show that the practices in question are not racially motivated."

In addition to the fact (addressed elsewhere) that Justice Barkett's proposed standard would paralyze implementation of the death penalty, there is no reason why the standard should be limited to death penalty cases; her theory would apply equally to robbery, rape, and all other crimes. There is likewise no reason why Justice Barkett's standard would be limited to cases with white victims; a killer of a male victim, for example, could try to show that sexism pervades the prosecutor's office. As Justice Powell said in rejecting this standard in *McCleskey*: "McCleskey's claim, taken to its logical conclusion, throws into serious question the principles that underlie our entire criminal justice system." *McCleskey*, 481 U.S., at 314–315.

Justice Barkett's proposed standard would effectively impose rigid judicial oversight of prosecutorial decisionmaking.

STATUTORY CONSTRUCTION

*State* v. *Bivona*, 460 So.2d 469 (Fla. DCA 1984), rev'd, 496 So.2d 130 (Fla. 1986)

Bivona was arrested for shoplifting in California in June 1983. He was also charged by information with a previous bank robbery in Florida. On Florida's request, the State of California held him in jail pending his extradition to Florida, which occurred in August 1983. In January 1984, Bivona filed a motion claiming that the state had failed to bring him to trial within the 180 days required under Florida law. Bivona's motion counted from the time he was first arrested in California, not from the time he was returned to Florida. The trial judge granted the motion and dismissed the charges against him.

Judge Barkett, then on the district court of appeals, wrote the opinion for a divided (2–1) court affirming the dismissal of charges. The State relied on a section of the law in question, Rule 3.191(b)(1), that read:

"A person who is . . . incarcerated in a jail or correctional institution outside the jurisdiction of this State, or who is charged by indictment or information issued or filed under the laws of this State, is not entitled to the benefit of [the 180-day time period] until that person returns or is returned to the jurisdiction of the court within which the Florida charge is pending and until written notice of this fact is filed with the court and served upon the prosecutor."

Noting that Bivona had cooperated in being extradited, Judge Barkett ruled that this section "must be interpreted to apply [only] when a defendant is incarcerated in jails outside the jurisdiction of this state *on charges pending in the other state*." (Emphasis in italic.)

The Florida Supreme Court unanimously reversed. It found the language of Rule 3.191(b)(1) to be "without ambiguity" and criticized Judge Barkett for "put[ting] a gloss on it, unwarranted by anything that appears in rule 3.191."

*Gayman* v. *State*, 616 So.2d 17 (Fla. 1993)

Facts: Gayman was found guilty of petit theft. Because he had two prior convictions for petit theft, the trial court adjudicated him guilty of felony petit theft. It also classified him as a habitual violent felony offender (under the state habitual offender statute) based on a prior felony conviction for aggravated battery. His sentence was enhanced accordingly. A second petitioner, Williams, faced a similar situation; his prior felonies were for burglary and cocaine selling.

By a 6-1 vote, the Florida Supreme Court rejected Gayman's and Williams' claim that enhancement of a sentence based on a prior conviction constituted double jeopardy.

Justice Barkett, dissenting in part, opined that it was not sufficiently clear that the Florida legislature specifically intended the double enhancement (as a felony and as a habitual felony offender).

Justice Barkett fails to demonstrate that the ordinary operation of the Florida statutes would provide anything other than double enhancement. In asserting that the Florida legislature's intent was not sufficiently clear, Justice Barkett is implicitly repudiating the basic principle that legislative intent is reflected in the plain meaning of statutes. This repudiation is a license for judicial activism.

### ANTI-LOITERING LAWS

A separate memorandum discusses the serious defects arising from Justice Barkett's opinions that held unconstitutional laws prohibiting loitering for the purpose of prostitution (Wyche) and for the purpose of drug-related activity (E.L. and Holliday). The injury that these rulings inflict on the ability of communities to police themselves bears attention.

### OBSCENITY

Justice Barkett's dubiously reasoned position that laws against obscenity violate due process (in Stall) is discussed in a separate memorandum. Justice Barkett uses the hypothetical danger of misapplication of obscenity laws to strike down provisions that safeguard the civilized life of the community.

### FOOTNOTES

[1] The case summaries in this memorandum are not intended to discourage the reader from reviewing the opinions themselves. Indeed, we encourage such review. In addition, the transcript of Justice Barkett's hearing is available for review in the minority office of the Senate Judiciary Committee.

[2] The passage in fuller context reads: "The intrusion upon privacy rights caused by the Broward County police is too great for a democracy to sustain. Without doubt the inherently transient nature of drug courier activity presents difficult law enforcement problems. Roving patrols, random sweeps, and arbitrary searches or seizures would go far to eliminate such crime in this state. Nazi Germany, Soviet Russia, and Communist Cuba have demonstrated all too tellingly the effectiveness of such methods. Yet we are not a state that subscribes to the notion that ends justify means."

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## JUSTICE BARKETT AND THE DEATH PENALTY

This memorandum presents Justice Barkett's approach to the death penalty. It is based on a review of over 300 death penalty cases in which Justice Barkett has participated, including every case in which she has written an opinion.[1]

Part I provides basic background on Florida's death penalty statute and on applicable laws governing death penalty proceedings. Part II examines a broad array of cases that illustrate how Justice Barkett applies these laws. Part III analyzes the oft-made (but little-scrutinized) claim by Justice Barkett's supporters that she has voted to enforce the death penalty in more than 200 cases.

At the outset, it should be made clear that Justice Barkett has voted to uphold the death penalty on a substantial number of occasions. This only begins the inquiry, however, for one would expect that a judge in a state with a death penalty and many murders committed within it will have many occasions when he or she must uphold the death penalty. But if a nominee exhibits a clear tendency to strain for unconvincing escapes from imposing the death penalty in cases where it is appropriate, that raises a concern about a judge's fidelity to the law, no matter how many times the nominee has upheld the death penalty in other cases. Moreover, as explained below, if Justice Barkett's view in the Foster case had prevailed, it is likely that the death penalty would be effectively repealed.

### I. FLORIDA DEATH PENALTY LAW

Under Florida law, Fla. Stat. §921.141, a defendant who has been found guilty of capital murder then faces a separate sentencing proceeding to determine whether he should be sentenced to death or to life imprisonment. Florida is a so-called "weighing" state: the death sentence is warranted if the statutory "aggravating circumstances" outweigh the "mitigating circumstances." Florida law expressly limits the aggravating circumstances (or "aggravators") to the following list of 11:

(a) the defendant was under sentence of imprisonment when he committed the capital crime;

(b) the defendant was previously convicted of another capital felony or of a felony involving use or threat of violence;

(c) the defendant knowingly created a great risk of death to many persons;

(d) the capital crime was committed while the defendant was committing, or attempting to commit, or fleeing from committing or attempting to commit, a robbery, sexual battery, arson, burglary, kidnapping, aircraft piracy, or bombing;

(e) the capital crime was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody;

(f) the capital crime was committed for pecuniary gain;

(g) the capital crime was committed to disrupt or hinder the lawful exercise of any government function;

(h) the capital crime was especially heinous, atrocious, or cruel;

(i) the capital crime was a homicide and was committed in a cold, calculated, and premeditated manner without any pretense of moral or legal justification;

(j) the victim was a law enforcement officer engaged in the performance of his official duties; and

(k) the victim was an elected or appointed public official engaged in the performance of his official duties, and the motive was related to the victim's official capacity.

Fla. Stat. §921.141(5). Florida law lists the following seven mitigating circumstances (or "mitigators"):

(a) the defendant has no significant history of prior criminal activity;

(b) the capital crime was committed under the influence of extreme mental or emotional disturbance;

(c) the victim participated in the defendant's conduct or consented to the act;

(d) the defendant was merely an accomplice whose participation was relatively minor;

(e) the defendant acted under extreme duress or the substantial domination of another person;

(f) the capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired; and

(g) the age of the defendant at the time of the crime. Fla. Stat. §921.141(6). In addition, under current federal constitutional rulings, any other mitigating evidence is also to be weighed.

The capital sentencing proceeding has two stages. In the first stage, the jury renders an advisory sentence based on whether sufficient aggravators exist and on whether the mitigators outweigh the aggravators. Fla. Stat. §921.141(2). In the second stage, the trial judge makes these same determinations. Id. §921.141(3). But under Florida case law, *Tedder* v. *State*, 322 So.2d 908 (Fla. 1975), a jury's recommendation of a life sentence is to be given great weight and can be overturned by the trial judge only if no reasonable person could conclude that death was not warranted.

A death sentence is entitled to automatic review by the Florida Supreme Court. Fla. Stat. §921.141(4). *Under a 1972 provision, anyone who is punished by "life" imprisonment may be eligible for parole after 25 years. Fla.* Stat. §775.082.

Once death-sentenced murderers have lost their direct appeal, they may pursue postconviction relief under state law (as well as federal postconviction relief in the federal courts). Two basic avenues may be pursued. First, a convicted capital murderer may file a motion for postconviction relief in the trial court under Florida Rule of Criminal Procedure 3.850. Denial of this motion is then reviewable by the Florida Supreme Court. Second, a convicted capital murderer may file an original action in the Florida Supreme Court for a writ of habeas corpus under Article V, section 3(b)(9) of the Florida Constitution.

### II. JUSTICE BARKETT'S DEATH PENALTY JURISPRUDENCE

This Part will present cases that illustrate various of the means employed by Justice Barkett to vote against the death penalty. These include: (A) construing aggravators exceedingly narrowly; (B) construing mitigators very broadly; (C) creating categorical exclusions from death penalty eligibility; (D) subjecting the death penalty to racial statistical analyses that would paralyze its implementation; (E) developing procedural anomalies; and (F) failing to provide any reason at all.

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[1] The case summaries in this memorandum are not intended to discourage the reader from reviewing the opinions themselves. Indeed, we encourage such review. In addition, the transcript of Justice Barkett's hearing is available for review in the minority office of the Senate Judiciary Committee.

### *A. Construing Aggravators Exceedingly Narrowly*

When aggravators are given artificially narrow constructions, those who would face the death penalty escape it. Many of Justice Barkett's opinions illustrate a tendency to read the aggravators far too narrowly. For example:

*Cruse* v. *State*, 588 So.2d 983 (Fla. 1991)—

Cruse loaded an assault rifle, a shotgun, a pistol, and 180 rounds of ammunition into his car and began driving to a shopping center. On the way, he fired the shotgun at a 14-year-old boy who was playing basketball and then at the boy's parents and brother. At the shopping center, he shot and killed two shoppers who were leaving a grocery store and wounded a third. He then shot at various other customers, killing one and wounding another.

When Cruse heard sirens approaching, he got back in his car and drove across the street to another shopping center. When Officer Ronald Grogan approached in his police car, Cruse turned, inserted a new clip into his rifle, and fired eight times into the car, killing Officer Grogan.

Officer Gerald Johnson then entered the parking lot and exited his car. Cruse shot at Officer Johnson and wounded him in the leg. Cruse then headed into the parking lot, searching for the wounded officer. When he found him, he shot Officer Johnson several more times, killing him. As a rescue team attempted to move Officer Grogan's car out of Cruse's line of fire, Cruse fired several shots at them and told them to "get away from the cop. I want the cop to die."

Cruse then entered a store and began firing at people trying to escape. He killed one more and wounded many others. He then found two women hiding in the women's restroom and held one as a hostage for several hours. In all, Cruse killed six people and wounded 10 others.

Cruse was found guilty of, among other things, six counts of first-degree murder. The jury recommended death on all six counts. The trial court imposed the death penalty for the murders of Officers Grogan and Johnson.

By a vote of 6 to 1, the Florida Supreme Court affirmed the convictions and the death sentences. In her lone dissent, Justice Barkett voted to reverse the convictions. In addition, she stated that the death sentence was in any event inappropriate for Cruse.

The basis upon which Justice Barkett would have reversed the convictions was the prosecution's alleged failure to make available to Cruse so-called "Brady evidence." Under the U.S. Supreme Court's ruling in *Brady* [v. *Maryland*, 373 U.S. 83 (1963)], the prosecution must provide the accused, upon the accused's request, material evidence in its possession that is favorable to the accused. As she stated in your opinion, "Evidence is material when 'there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different.'"

Justice Barkett would have ruled that evidence of the names of two mental health experts whom the prosecution had contacted should have been turned over to Cruse, and that the failure to turn over this evidence required reversal of the convictions and remand for a new trial. In her opinion, she rejected the majority's opinion that this evidence was merely cumulative. In addition, she stated, "I do not believe that the fact that other experts at trial expressed the same opinion [regarding Cruse's mental state] is a pertinent part of the inquiry of whether or not a Brady violation occurred."

In the second part of her dissent, Justice Barkett concluded that even if the convictions were to be upheld, the death sentence was in any event not warranted and should be reduced to life. She would have found that the cold-calculated-and-premeditated aggravator was not met. In particular, she concluded that Cruse had the "pretense of moral or legal justification" for his killings because "the evidence shows that Cruse was acting in response to his delusions that people were trying to harm him."

Justice Barkett also took the position that even apart from what she saw as a pretense of moral or legal justification, there was insufficient evidence of heightened premeditation in the murders of the two police officers.

*Analysis*: Justice Barkett's dissent appears riddled with flaws:

(1) Her position that it is not pertinent under *Brady* whether evidence is merely cumulative conflicts with the principle that evidence is material for purposes of *Brady* only if there is a reasonable probability that disclosure of the evidence would have led to a different result at trial. Merely cumulative evidence is by definition not material. So it appears that the basis upon which she voted to reverse Cruse's convictions is clearly invalid.

(2) As the majority pointed out, the consensus of the experts who testified was that Cruse's delusions related to a fear that others were trying to turn him into a homosexual, not to a fear of any physical harm. It therefore appears that Justice Barkett's finding of a pretense of moral or legal justification rests on a serious mischaracterization of the evidence.

(3) What additional facts would be needed to persuade Justice Barkett that Cruse had heightened premeditation? The evidence of heightened premeditation was clear: With respect to the murder of Officer Grogan, the evidence shows that when Officer Grogan approached in his police car, Cruse turned, inserted a new clip into his rifle, and fired eight times into the car, killing Officer Grogan. In addition, as a rescue team attempted to move Officer Grogan's car out of Cruse's line of fire, Cruse fired several shots at them and told them to "get away from the cop. I want the cop to die." With respect to the murder of Officer Johnson, the evidence shows that when Officer Johnson entered the parking lot and exited his car, Cruse shot at him and wounded him in the leg. Cruse then headed into the parking lot, searching for the wounded officer. When he found him, he shot Officer Johnson several more times, killing him.

*McKinney* v. *State*, 579 So.2d 80 (Fla. 1991)—

A driver of a rental car was shot to death in Miami when he stopped to ask directions. McKinney was convicted of first-degree murder (as well as armed robbery, armed kidnapping, and other offenses) and was sentenced to death.

The Florida Supreme Court, in an opinion by Justice Barkett, voted 6–1 to reverse the death sentence on the ground that the aggravators had not been sufficiently proven. E.g.: "While it is true that the victim was shot multiple times, a murder is not heinous, atrocious, or cruel without additional facts to raise the shooting to the shocking level required by this factor."

*Analysis*: Justice Barkett's determination that the only evidence supporting the "heinous, atrocious, or cruel" aggravator was the number of gunshot wounds ignores the special vulnerabilities that visitors face and the shocking nature of the crime. Indeed, there has been a recent rash of killings of tourists driving rental cars in Miami.

*Porter* v. *State*, 564 So.2d 1060 (Fla. 1990)—

Porter was the live-in lover of Evelyn Williams from 1985 until July 1986. Their relationship was marked by several violent incidents, including Porter's threat to kill Williams and her daughter. Porter left town for a few months, during which time Williams established a relationship with another man, Burrows.

When Porter returned to town in October 1986, Williams refused to see him. Porter contacted Williams' mother, who told him that Williams did not wish to see him anymore. A few days before the murders, Williams asked to borrow a gun from a friend; the friend declined, but the gun was later missing. During each of the two days before the murder, Porter was seen driving past Williams' home. Then, after drinking heavily, Porter invaded Williams' home, shot her to death, threatened to kill her daughter, and then killed Burrows in a scuffle. Porter pled guilty to the two murders, and was sentenced to death for the murder of Williams.

By a vote of 5 to 2, the Florida Supreme Court affirmed the death sentence. Barkett, dissenting (with Kogan), opined that in "almost every other case where a death sentence arose from a lover's quarrel or domestic dispute," the court had reversed the death sentence, and that the heightened premeditation aggravator had therefore not been met. She also concluded that Porter's heavy drinking rendered the death sentence disproportionate.

*Analysis*: The evidence of heightened premeditation was clear; indeed, Porter basically stalked his victim for two days. Justice Barkett's characterization of the murder as arising from "lover's quarrel or domestic dispute" appears inaccurate and beside the point.

*Hodges* v. *State*, 595 So.2d 929 (Fla. 1992)—

On the morning that Hodges was scheduled for a hearing on a charge of indecent exposure, the 20-year-old clerk who had complained of the indecent exposure was found shot to death next to her car in her store's parking lot. Hodges was convicted and sentenced to death. By a 6–1 vote, the Florida Supreme Court affirmed the death sentence.

Justice Barkett, dissenting, would have ruled that the two aggravators—witness elimination and cold, calculated, and premeditated killing—were "so intertwined here that they should be considered as one" and that, so considered, they did not strongly outweigh the mitigators.

*Analysis*: The two aggravators are "intertwined" only in the sense that aggravators arising out of the same murderous episode are inevitably intertwined. Witness elimination clearly involves a concern that the "cold, calculated, and premeditated" aggravator does not.

At her hearing, Justice Barkett claimed that her dissent followed (though it did not cite) a case called *Cherry* v. *State*, 544 So.2d 184 (Fla. 1989). In *Cherry*, the court, in an opinion by Justice Barkett, held that the aggravating factor of murder for pecuniary gain improperly duplicated the aggravating factor of murder during the commission of a burglary where the sole purpose of the burglary was pecuniary gain. The central precedent cited in *Cherry*, however, permits aggravators to be counted separately where they relate to "separate analytical concepts," *Provence* v. *State*, 337 So.2d 783 (Fla. 1976), which would certainly appear to be the case in *Hodges*. Justice Barkett's dissent surely does not provide an adequate basis for her conclusion.

The White House briefing materials brazenly and falsely describe Justice Barkett's dissent in *Hodges* as "another excellent example of Justice Barkett's strict adherence to established Florida and U.S. death penalty jurisprudence." [Br. at 25]

*B. Construing mitigators too expansively*

In many cases, Justice Barkett appears to give undue weight to alleged mitigating evidence or to rely on such evidence to contend that the death penalty is somehow disproportionate to the crime. She appears too ready to adopt the view that society, or racism, or deprivation, mitigates responsibility for the horrific crime that the defendant has committed.

*Dougan* v. *State*, 595 So.2d 1 (Fla. 1992)—

Dougan was the leader of a group that called itself the Black Liberation Army and that, according to the trial judge, had as its "apparent sole purpose . . . to indiscriminately kill white people and thus start a revolution and a race war." He conceived a plan for his group to kill a "devil"—i.e., "any white person they came upon under such advantageous circumstances that they could murder him." One evening in 1974, he and four other members of his group, armed with a pistol and a knife, picked up a white hitchhiker, drove him to a trash dump, stabbed him repeatedly, and threw him to the ground. "As the 18-year-old youth writhed in pain and begged for his life, Dougan put his foot on [the youth's] head and shot him twice—once in the chest and once in the ear." Later, Dougan made several tape recordings bragging about the murder, and mailed them to the victim's mother as well as to the media. The following tape excerpt was said to be illustrative of the tapes' content: "He [the youth] was stabbed in the back, in the chest and the stomach, *ah, it was beautiful. You should have seen it. Ah, I enjoyed every minute of it. I loved watching the blood gush from his eyes.*" (Emphasis in italics.)

Dougan's case had been considered on the merits five previous times by the Florida Supreme Court. The court had affirmed two prior sentences but later vacated them and remanded for resentencing. On the most recent resentencing, the jury recommended death, and the trial court found three aggravating circumstances and no mitigating circumstances and therefore sentenced Dougan to death.

The Florida Supreme Court affirmed the death sentence. The plurality rejected a slew of arguments, including the claim that the death penalty was disproportionate under the circumstances.

Justice Barkett *joined* a dissent written by Justice McDonald that would have held the death penalty disproportionate. The dissent made the following remarkable observations:

1. "This case is not simply a homicide case, *it is also a social awareness case*. Wrongly, but *rightly in the eyes of Dougan, this killing was effectuated to focus attention on a chronic and pervasive illness of racial discrimination and of hurt, sorrow, and rejection*. Throughout Dougan's life his resentment to bias and prejudice festered. His impatience for change, for understanding, for reconciliation *matured* to taking the illogical and drastic action of murder. His frustrations, his anger, and his *obsession of injustice overcame reason. The victim was a symbolic representation of the class causing the perceived injustices*." 595 So.2d, at 7–8 (emphasis in italics).

2. "To some extent, [Dougan's] emotions were parallel to that of a spouse disenchanted with marriage, full of discord and disharmony which, because of frustration or rejection, culminate in homicide. We seldom uphold a death penalty involving husbands and wives or lovers, yet the emotion of that hate-love circumstance are somewhat akin to those which existed in this case." 595 So.2d at 7 n. 7.

3. "*The events of this difficult case occurred in tumultuous times*. During the time of the late sixties and early seventies, there was great unrest throughout this country in race relations. . . . I mention these facts not to minimize what transpired, but, rather, to *explain the environment* in which the events took place and to *evaluate Dougan's mindset*." 595 So.2d, at 7 (emphasis in italics).

4. "There is evidence to support the conclusions of the trial judge on the aggravating factors, *even though in the mind of Dougan there was a pretense of moral justification for his acts*." 595 So.2d, at 6 (emphasis in italics).

5. "Understandably, in the eyes of the victim, or potential victims, the aggravating factors clearly outweigh the mitigating; *in the eyes of the defendant, his friends, and most of those situated in the circumstances of Dougan, the death penalty is not warranted* and is disproportionate to the majority of hate slayings, at least where the victim is black and the perpetrator is white. Even though we are aware of and sensitive to these contrasting emotions, our review must be neutral and objective." 595 So.2d, at 7 (emphasis in italics). (The dissent proceeds directly from here to the first passage quoted above.)

6. "In comparing what kind of person Dougan is with other murderers in the scores of death cases that we have reviewed, I note that few of the killers approach having the socially redeeming values of *Dougan*." 595 So.2d, at 8 (emphasis added). (This apparently refers to the dissent's earlier observations that Dougan was "intelligent," "well educated," "a leader in the black community," "taught karate and counseled black youths," and once "participated in a sit-down strike in defiance of a court order" at a lunch counter that refused service to blacks.)

*Analysis*: (1) The October 11, 1992, *Sunshine* magazine quoted two prosecutors' responses to the dissent that Justice Barkett joined:

"'How can they compare a cold-blooded, premeditated, torturous crime that's motivated by racial hate and equate that to the emotional circumstances in domestic murders?' asks prosecutor Chuck Morton, himself a black man, after rereading the Dougan case.

"Adds Tallahassee prosecutor Ray Markey: 'To say that this white victim was a sacrificial lamb and call it a social awareness case—that's scary.'"

In the words of the plurality, "While Dougan may have deluded himself into thinking this murder justified, there are certain rules by which every civilized society must live. . . . To hold that death is disproportionate here would lead to the conclusion that the person who put the bomb in the airplane that exploded over Lockerbie, Scotland, or any other terrorist killer should not be sentenced to death if the crime were motivated by deep- seated philosophical or religious justifications." 595 So.2d, at 6.

(2) While Justice Barkett did not author the dissent, she signed onto it in its entirety. The fact that she would join such an opinion speaks volumes, especially since she regularly writes separately when she has a different view.

At her hearing, Justice Barkett stated that she had taken a position in *Dougan* at one point that was "different from the one I took ultimately in the dissent. It is a very close case. I cannot quarrel with a conclusion which would have found it the other way. I cannot quarrel with the majority in that case." [74:10–15]

This comment is troubling in several respects: (1) What happens in conference is confidential. To engage in self-serving, selective disclosure of confidences is to abuse the process. (2) If Justice Barkett found the dissent so persuasive that she abandoned a previously held position, that exacerbates the concerns that *Dougan* raises. (3) How can she say that she cannot quarrel with the majority? She did quarrel with it: she dissented. If she is saying that she cannot express a reasoned argument against the majority, then on what basis did she dissent?

*Wickham* v. *State*, 593 So.2d 191 (Fla. 1991)—

In March 1986, Wickham was driving with family and friends when they discovered that they were low on money and gas. Wickham decided to obtain money through robbery. His group tricked a passing motorist into stopping to examine their car, and Wickham then pointed a gun at him. When the motorist attempted to return to his car, Wickham shot him in the back, and then again in the chest. When the victim pled for his life, Wickham shot him twice in the head. Wickham then rummaged through the victim's pockets and found $4.05. At trial, the jury convicted and recommended death. The trial judge found six aggravating circumstances and no mitigating circumstances, and sentenced Wickham to death.

The Florida Supreme Court affirmed the death sentence by a 4 to 2 vote, with Justices Barkett and McDonald dissenting. According to Justice Barkett's dissent, "If the death penalty is supposed to be reserved for the most heinous of crimes and the most culpable of murderers, Jerry Wickham does not seem to qualify. . . . At the time he committed this senseless murder, Jerry Wickham was a forty-year-old mentally deficient, socially maladjusted individual who had been institutionalized for almost his entire life." 593 So.2d, at 194–195.

*Analysis*: (1) *Wickham* and *Dougan*, read together, are especially revealing: Wickham was "mentally deficient"; Dougan was "intelligent" and "well educated." Wickham was "socially maladjusted"; Dougan was socially well-adjusted ("a leader in the black community," "respected," etc.). Remarkably, the very qualities that Justice Barkett sees as somehow sparing Wickham from the death penalty, when converted into their opposites, manage to spare Dougan. (2) Justice Barkett's tendency to find unjustified mitigation for violent crime is reflected in the following passage from her dissent: "In early 1966, at the age of twenty-two, [Wickham] was permanently discharged from the mental hospital with no directions, no support, and no medication. *Not surprisingly*, seven months later he attempted to rob a cab driver, shooting him in the process." 593 So.2d, at 195 (emphasis in italics).

*Hayes* v. *State*, 581 So.2d 121 (Fla. 1991)—

In the course of an evening consuming beer, cocaine, and marijuana, Hayes and two friends conspired to rob and shoot a taxicab driver in order to raise money to buy more cocaine. Hayes volunteered to do the shooting. Carrying out their plan, they borrowed a gun, then called a taxicab. During the ride, Hayes shot the driver in the back of his neck and killed him. Hayes then took forty dollars from the driver's pockets.

Hayes was convicted of first-degree murder. Mitigating evidence at the penalty phase showed that he had a neglectful, abusive, and deprived upbringing, that he had borderline intelligence, and that he had been consuming drugs and alcohol heavily for three years. The jury recommended death, and the trial court, finding that the aggravators—(1) "cold, calculated, and premeditated" and (2) for pecuniary gain and in the course of an armed robbery—clearly outweighed the mitigating evidence, sentenced Hayes to death.

The Florida Supreme Court, by a 5-2 vote, affirmed the death sentence. Justice Barkett, dissenting with Kogan, would have found that the mitigating evidence "renders the death sentence disproportional punishment in this case."

*Hudson* v. *State*, 538 So.2d 829 (Fla. 1989)—

Two months after breaking up with his girlfriend, Hudson, armed with a knife, broke into her home during the night. The former girlfriend, having received threats from him, was spending the night elsewhere. But her roommate was at home. When she began screaming at him to leave, Hudson stabbed her to death, put her body in the trunk of her car, and dumped her in a drainage ditch in a tomato field. Hudson was convicted and sentenced to death.

By a 6 to 1 vote, the Florida Supreme Court affirmed the death sentence. Justice Barkett, dissenting from the sentence, relied on the trial court's finding that Hudson "was apparently surprised by the victim during [his] burglarizing of [her] home" in support of her view that the death penalty was disproportionate to the offense.

*Analysis*: Anyone who breaks into a home that he believes to be occupied should expect to encounter an occupant. It is odd that this would somehow become mitigating.

*King* v. *State*, 514 So.2d 354 (Fla. 1987)—

While an inmate at a work-release correctional facility, King killed an elderly woman and robbed and burned her home. He was convicted of first-degree murder and was sentenced to death. The conviction and death sentence were affirmed on direct appeal, and his state postconviction petition was denied. On federal habeas, he obtained resentencing, but was again sentenced to death.

By a 5-2 vote, the Florida Supreme Court affirmed the resentence of death. In dissent, Justice Barkett (with Kogan) opined that a capital defendant must be permitted to offer at the penalty phase so-called "lingering doubt evidence"—evidence that the defendant might not actually be guilty of the crime of which he has just been convicted beyond a reasonable doubt.

*Analysis*: (1) If the defendant has been found guilty beyond a reasonable doubt, it follows that any evidence suggestive of his innocence either has already been rejected by the jury and the judge as not credible or would give rise, at most, only to *un*reasonable or whimsical doubts. Why should evidence that does not give rise to even a reasonable doubt of guilt and that is not otherwise relevant in any respect be required to be admitted in the sentencing phase as evidence of possible innocence? (2) In *Franklin* v. *Lynaugh*, 487 U.S. 164 (1988), the U.S. Supreme Court rejected Justice Barkett's position and made clear that it was not consistent with pre-existing precedent. In the words of Justice O'Connor's concurring opinion, "Our cases do not support the proposition that a defendant who has been found to be guilty of a capital crime beyond a reasonable doubt has a constitutional right to reconsideration by the sentencing body of lingering doubts about his guilt." 487 U.S. at 187.

### *C. Categorical exclusions*

Justice Barkett would define certain categories of criminals—e.g., minors and those who are mentally retarded—as ineligible for the death penalty, and then would construe those categories very expansively. For example:

*LeCroy* v. *State*, 533 So.2d 750 (Fla. 1988)—

By a vote of six to one, the court affirmed a death sentence for two brutal first-degree murders by LeCroy, who was 17 years and ten months when he committed the murders. The court noted, among other things, that the sentencing judge gave great weight to LeCroy's youth but found him mentally and emotionally mature, and that Florida statutes specify that a child of any age charged with a capital crime "shall be tried and handled in every respect as if he were an adult." Construing U.S. Supreme Court precedent, it ruled that there was no constitutional bar to the imposition of the death penalty on those who were 17 at the time of the capital offense.

Justice Barkett, dissenting from the death sentence, stated her belief that both the Eighth Amendment of the federal Constitution and a state constitutional provision prohibit imposition of the death penalty on one who was a "child" at the time of the crime. "[T]he death penalty is totally inappropriate when applied to persons who, because of their youth, have not fully developed the ability to judge or consider the consequences of their behavior." 533 So.2d, at 758. "I am confident that most reasonable persons would agree that the death penalty cannot be imposed on children below a certain age. . . . In my view, that line should be drawn where the law otherwise distinguishes 'minors' from adults"—i.e., at 18 years. *Id.*, at 759. "I cannot agree, as the majority implicitly holds, that one whose maturity is deemed legally insufficient in other respects should be considered mature enough to be executed in the electric chair." *Id.*

*Analysis*:

(1) It would seem that the existing statutes permitting execution of those under 18, both in Florida and in other states, are a more reliable barometer than Justice Barkett's own subjective sense of what "most reasonable persons would agree."

(2) As the majority emphasizes, the trial court found that LeCroy's ability to judge the consequences of his behavior was fully developed. It would seem that a State should be able to choose to structure its determination on an individualistic basis, rather than be required to engage in the fiction that the moment a person turns 18, he acquires a maturity that did not previously exist.

(3) The relevant question is not whether someone is "mature enough to be executed" (whatever that means); rather, it is whether someone is mature enough to recognize the wrong of brutally killing a human being. It is plainly commonsensical, and surely constitutional, for the people of a State to conclude that the degree of maturity that is necessary to exercise sound judgment regarding voting or marrying may be somewhat greater than the degree necessary to recognize the wrong of brutally killing a human being.

(4) In *Stanford* v. *Kentucky*, 492 U.S. 361 (1989), the U.S. Supreme Court later rejected her position, as it held that there was no constitutional bar to execution of 16- and 17-year-olds.

In her written response to written questions submitted after her hearing, Justice Barkett stated that "there was no express evidence that the Florida Legislature had considered the question" of executing minors and that her *LeCroy* dissent "concluded that the Legislature had not sufficiently expressed its intent to execute juveniles to satisfy the Eighth Amendment."

This response is unsatisfactory in at least two respects: (1) It fails to acknowledge, much less rebut, the majority's detailed demonstration that the Florida legislature had, for the past 35 years, "repeatedly reiterated the historical rule that juveniles charged with capital crimes will be handled in every respect as adults" and that "it cannot be seriously argued that the legislature has not consciously decided that persons seventeen years of age may be punished as adults" and be subject to the death penalty. (2) Justice Barkett's written response gives the misimpression that her dissent rests on the ground that the legislature was not sufficiently clear. In fact, her dissent is in no way so limited.

*Hall* v. *State*, 614 So.2d 473 (Fla. 1993)—

In 1978, Hall and another man decided to steal a car to use in a robbery. They spotted a 7-month-pregnant woman in a grocery store parking lot. Hall forced her into her car and drove her to a secluded area, where Hall and the other man raped, beat and shot her to death. Hall was convicted and sentenced to death.

By a 5-2 vote, the Florida Supreme Court affirmed Hall's death sentence. The court ruled in part that the trial record supported the trial judge's conclusion that the mitigators alleged by Hall either had not been established or were entitled to little weight.

Justice Barkett, dissenting (with Kogan), did not agree that the mitigators had not been established. Instead, she would have found that Hall was mentally retarded and would have held that execution of the mentally retarded is cruel and unusual punishment under the Florida Constitution.

*Analysis*: (1) Justice Barkett relies on provisions of the Florida Constitution to reach anti-death penalty results well beyond what identical provisions of the federal Constitution have been construed to require. (2) Justice Barkett is often more ready than her colleagues to credit the defendant's mitigating evidence.

### *D. Racial quotas*

*Foster* v. *State*, No. 76,639 (Fla. Apr. 1, 1993)—

Foster, two young women, and another man, Lanier, drove to a deserted area where one of the women was to make some money by having sex with Lanier. As Lanier, who was very drunk, was disrobing, Foster suddenly began hitting him and then held a knife to Lanier's throat and sliced his neck. Foster and the women then dragged the still-breathing Lanier into the bushes and covered him with branches and leaves. Foster then took a knife and cut Lanier's spine. Foster and the women then split the money found in Lanier's wallet.

Foster was convicted of murder and sentenced to death in 1975. On resentencing, the trial court, finding three aggravating circumstances, again imposed the death penalty. The Florida Supreme Court, by a 4-3 vote, rejected Foster's claim that his death sentence was a product of racial discrimination against black victims. (The court did remand for resentencing on other grounds.)

Justice Barkett, dissenting on this point, would not accept the majority's determination that Foster's statistical evidence purporting to show that white-victim defendants in Bay County were more likely to get the death penalty than black-victim defendants failed to establish a constitutional violation. (Lanier, evidently, was white; Foster, according to newspaper accounts, was also white.) Justice Barkett would have relied on the Florida Constitution's Equal Protection Clause to reach a result rejected by the U.S. Supreme Court in *McCleskey* v. *Kemp*, 481 U.S. 279 (1987). In *McCleskey*, the Court ruled that a capital defendant claiming a violation of the federal Equal Protection Clause must show the existence of purposeful discrimination and a discriminatory effect on him. According to Justice Barkett:

(1) The *McCleskey* standard fails to address the problem of "unconscious discrimination."

(2) "Statistical evidence" of discriminatory *impact* in capital sentencing that "cannot be traced to blatant or overt discrimination" should establish a violation of Florida's Equal Protection Clause.

(3) This "'statistical' evidence" should be construed broadly to include not only analysis of the disposition of first-degree murder cases, "but also other information that could suggest discrimination, such as the resources devoted to the prosecution of cases involving white victims as contrasted to those involving minority victims, and *the general conduct of a state attorney's office, including hiring practices and the use of racial epithets and jokes*." (Emphasis in italics.)

(4) The defendant should have the initial burden of showing the strong likelihood that discrimination influenced the decision to seek the death penalty. "Such discrimination conceivably could be based on the race of the victim or on the race of the defendant." Once the initial burden has been met, "the burden then shifts to the State to show that the practices in question are not racially motivated."

*Analysis*: (1) Justice Barkett's proposed standard would paralyze implementation of the death penalty. (This point should be kept in mind in considering her supporters' claims about her death penalty record.) Under her standard, in every capital case involving either a non-white defendant or a white victim, the capital defendant would be able to investigate the general practices of the state attorney's office. A more burdensome inquiry could hardly be imagined. (2) Indeed, as Justice Powell pointed out in his opinion in *McCleskey*, there is no reason why Justice Barkett's standard would be limited to cases with non-white defendants or white victims. A white defendant should be able to try to show that racial discrimination against whites infected the State's decision. A Catholic defendant could try to show that state attorneys told jokes about the priest and the rabbi, etc. A female defendant (or a killer of a male victim) could try to show that sexism pervades the prosecutor's office. (3) There is also no reason why Justice Barkett's standard should be limited to death penalty cases; her theory would apply equally to robbery, rape, and all other crimes. In Justice Powell's words, "McCleskey's claim, taken to its logical conclusion, throws into serious question the principles that underlie our entire criminal justice system." *McCleskey*, 481 U.S., at 314-315.

At her hearing, Justice Barkett stated: "I have not suggested in this opinion or anywhere else that statistics is the be-all and end-all of the inquiry. I do believe that perhaps statistics may be something that could be submitted to be included in an offer of proof on this question, but I clearly do not believe that some questions can be resolved only by use of statistical analysis." [157:1-6] How this statement can be reconciled with her opinion—in which she clearly embraces reliance on statistical evidence—is not clear.

### *E. Developing procedural anomalies*

Justice Barkett has taken a number of positions that would place substantial procedural roadblocks in the way of the death penalty; she has taken other positions that give capital defendants special advantages. In the postconviction context, where the doctrine of procedural bar enables courts to dispose of claims that were not timely raised or that were otherwise not properly preserved, Justice Barkett has frequently declined to apply the law of procedural bar as uniformly as the court and has instead created ad hoc exceptions. See, e.g., *Bundy* v. *State*, 538 So.2d 445 (Fla. 1989); *Francis* v. *Dugger*, 581 So.2d 583 (Fla. 1991); *Foster* v. *State*, 518 So.2d 901 (Fla. 1987); *Johnson* v. *State*, 536 So.2d 1009 (Fla. 1988); *Jones* v. *State*, 533 So.2d 290 (Fla. 1988).

*Grossman* v. *State*, 525 So.2d 833 (Fla. 1988)—

Grossman, on probation following a prison term, drove with a companion to a wooded area to shoot a handgun that he had recently stolen from a home. When a wildlife officer came upon them, she took possession of Grossman's shotgun. Grossman pleaded with her not to turn him in, since he would be returned to prison for violating the terms of his probation. When the officer refused his plea, Grossman beat her with a large flashlight. After she fired her weapon in self-defense, Grossman wrestled the weapon away and shot her in the back of the head, killing her. Grossman was convicted and sentenced to death.

By a 6–1 vote, the Florida Supreme Court affirmed the death sentence. Justice Barkett, dissenting, would have continued to adhere to a view concededly rejected by numerous Florida Supreme Court decisions: namely, that the U.S. Supreme Court decision in *Caldwell* v. *Mississippi*, 472 U.S. 320 (1985)—which held that it was error for a prosecutor to urge a capital sentencing jury not to view itself as determining whether the defendant would die, since the correctness of the death sentence would be reviewed on appeal—applied under Florida's scheme to the advisory jury as well as to the sentencing judge. Justice Barkett also would not have permitted written findings in support of sentencing to be made three months after sentencing, where no specific oral findings were made at the time that the death sentence was imposed. She therefore would have required that the sentence be reduced to life.

*Burr* v. *State*, 518 So.2d 903 (Fla. 1987)—

Burr was convicted of first-degree murder and robbery with a firearm and was sentenced to death. His conviction and sentence were affirmed on direct appeal. Following the signing of a death warrant, he filed a motion for postconviction relief, which was denied by the trial court.

By a 6–1 vote, the Florida Supreme Court affirmed the denial of relief. Justice Barkett, dissenting, would have decided for Burr based on an issue that she conceded had not even been raised by Burr—the consideration of collateral crimes evidence during the sentencing phase.

At her hearing, Justice Barkett claimed that "the United States Supreme Court reversed Burr on the same basis upon which I dissented." [95:9–10] This claim is not accurate: The U.S. Supreme Court GVRed—granted, vacated and remanded—Burr in light of its intervening decision in a case called Johnson v. *Mississippi, where the Court ruled that a death sentence could not be based on a conviction that is no longer valid. Justice Barkett's dissent is not so limited and would appear to challenge the admission of any collateral crimes evidence.*

*Stewart* v. *State*, 549 So.2d 171 (Fla. 1989)—

Stewart, hitchhiking, was a passenger in a car. When the driver stopped to drop him off, Stewart, struck her on the head with the butt of a gun, shot her and shot and killed her companion, forced them from the car, and drove away. The trial judge, following the jury's recommendation, sentenced Stewart to death. The trial court made detailed oral findings that were dictated into the record; it failed, however, to provide separate written findings in support of its sentence.

The Florida Supreme Court, by a 5–2 vote, remanded so that the trial court could provide written findings, as required by an intervening decision construing state law. Justice Barkett, dissenting with Kogan, would have overruled a recent precedent by holding that a trial court's failure to provide contemporaneous written findings required that a death sentence be converted to life.

*Hamblen* v. *Dugger*, 546 So.2d 1039 (Fla. 1989)—

Hamblen pled guilty to first-degree murder and waived his right to have a jury consider whether he should be executed. At his sentencing hearing, he presented no mitigating evidence and agreed with the prosecutor's recommendation of death. The trial judge sentenced him to death. The sentence was affirmed on direct appeal (with Justice Barkett dissenting).

The capital collateral representative then filed a habeas petition on Hamblen's behalf. The Florida Supreme Court, by a vote of 6–1, denied the petition. Justice Barkett, dissenting, opined that a court that "gives a defendant the 'right' to waive presentation of mitigating factors" cannot perform its required function of weighing the aggravating and mitigating factors.

*Woods* v. *State*, 531 So.2d 79 (Fla. 1988)—

Justice Barkett opined that she would require a court to entertain any claim made by a condemned prisoner, no matter how dilatory the assertion of the claim: "a court must consider any point raised by a condemned prisoner as a reason why the death penalty should not be imposed."

*Analysis*: One of the problems in state administration of the death penalty has been the deliberate 11th-hour filing of claims by death row inmates whose sentences have been validly imposed and upheld both on direct and collateral appeal. At some reasonable point, a State must be permitted to prevent abuse of its criminal justice system. Otherwise, a death row inmate could delay his execution forever simply by filing another claim. Justice Barkett's dissent does not seem at all attentive to the legitimate interests of the State.

### *F. Providing no reason*

In some 50 or so cases, Justice Barkett has provided no explanation—or at times only a conclusory statement—when she has refused simply to join the opinion of the court. In a number of these cases, she actually voted to grant relief. For example:

*White* v. *State*, 559 So.2d 1097 (Fla. 1990)—

White was convicted of robbing a small grocery store and shooting to death a customer. His conviction and death sentence were affirmed on appeal. In a petition for postconviction relief, White claimed, among other things, that his counsel had been ineffective. The Florida Supreme Court, by a vote of 5 to 2, affirmed the denial of his petition; in particular, the court addressed in detail, and found meritless, White's claim of ineffective assistance of counsel.

Justice Barkett's entire dissent reads as follows: "I cannot concur in the majority's conclusion that appellant received a fair trial with effective assistance of counsel."

When asked at her hearing why she did not provide any further explanation for overturning a sentence recommended by the jury, imposed by the trial judge, affirmed on direct appeal, and upheld by the trial judge and the majority of her colleagues in postconviction proceedings, Justice Barkett stated: "[O]ur court is an extremely busy court. . . . I would have liked to have had, I am sure, the opportunity to have expanded here. But time constraints sometimes preclude you from amplifying any further than that." [87:8–17] This response does not adequately explain why Justice Barkett failed even to identify the primary reasons that led her to dissent.

*Engle* v. *Florida*, 510 So.2d 881 (Fla. 1987)—

Engle and another man robbed $67 from a convenience store, took the female cashier from the store, and strangled and stabbed her to death. A four-inch laceration, likely caused by a fist, was found in the interior of the victim's vagina. The jury recommended life, but the trial judge, finding four aggravators and no mitigators, sentenced Engle to death.

By a vote of 6–1, the Florida Supreme Court ruled that there was not a reasonable basis for the jury's life recommendation and affirmed the death sentence. Justice Barkett, in a two-sentence dissent, stated, without any further explanation, her belief that "the record adequately supports the jury's recommendation of life imprisonment."

See also *Kennedy* v. *Wainwright*, 483 So.2d 424 (Fla. 1986); *Thomas* v. *Wainwright*, 486 So.2d 574 (Fla. 1986); *Thomas* v. *Wainwright*, 486 So.2d 577 (Fla. 1986); *Funchess* v. *State*, 487 So.2d 295 (Fla. 1986); *Spaziano* v. *State*, 570 So.2d 289 (Fla. 1990); *Swafford* v. *Dugger*, 569 So.2d 1264 (Fla. 1990); *Turner* v. *State*, 530 So.2d 45 (Fla. 1987).

*G. Other noteworthy cases Torres-Arboledo* v. *State*, 524 So.2d 403 (Fla. 1988)—

Torres-Arboledo, an illegal alien from Colombia, rounded up two other men and went to a car body shop, where they attempted to take the owner's gold chain. When the owner resisted, Torres-Arboledo shot him to death. The jury recommended a life sentence, but the trial judge, finding two aggravators and no mitigators, overrode it and imposed death.

The Florida Supreme Court, by a 6–1 vote, affirmed the death sentence. Justice Barkett, in a three-sentence dissent, opined that the standard for overriding a jury life recommendation had not been met: "In light of the totality of the circumstances presented, it simply cannot be said that no reasonable jury could have recommended life."

In a number of other cases, Justice Barkett has been far more ready than her colleagues to find that a trial judge's override of a jury's life recommendation was not warranted. See, e.g., *Routly* v. *Wainwright*, 590 So.2d 397 (Fla. 1991); *Johnson* v. *State*, 536 So.2d 1009 (Fla. 1988).

*Swafford* v. *State*, 533 So.2d 270 (Fla. 1988)

*Facts*: The body of a female gas station attendant was found in a wooded area by a dirt road some miles from where she worked. She had been sexually battered and shot nine times, twice in the head. Swafford was convicted and sentenced to death. At his trial, evidence included testimony regarding an incident that took place two months after the murder: A witness, Johnson, testified that Swafford suggested that they "go get some women" and proceeded to say that "we'll do anything we want to her" and then "I'll shoot her in the head twice." In response to Johnson's question whether that wouldn't bother him, Swafford said that "it does for a while, you know, you just get used to it." Swafford then proceeded to target a victim and draw his gun, but Johnson ended the enterprise.

By a vote of 5–2, the Florida Supreme Court affirmed the death sentence. The majority held that Johnson's "other acts" evidence was admissible under the state counterpart to Rule 404(2) of the Federal Rules of Evidence as evidence of the meaning of Swafford's statement that "you just get used to it," and that this statement, in context, was relevant to establishing his crime two months before.

Justice Barkett, dissenting, asserted that the "only relevance of this testimony was to establish the criminal propensity and character of Swafford" and that it should therefore have been excluded under Rule 404(2).

*Analysis*: The majority's analysis is sound. While one might question how probative Swafford's statement was, Justice Barkett is wrong when she says its "only relevance" is to propensity and character.

### III. CLAIMS REGARDING JUSTICE BARKETT'S PRO-DEATH PENALTY VOTES

Justice Barkett's supporters have routinely claimed that she has voted to enforce the death penalty in more than 200 cases. The White House has made available a list of 275 supposed such cases. Here is a statement made by Senator Hatch at Justice Barkett's hearing in response to these statistical claims:

"The White House and other supporters of Justice Barkett's nomination have made statistical claims regarding her death penalty record in an effort to rebut charges that she is soft on the death penalty. In support of these statistical claims, the White House has produced a lengthy table of her death penalty rulings. I would like to respond to these claims.

"Let me say at the outset that I believe that judges should be judged by the quality of their legal reasoning and by their fidelity to the law. A careful examination of particular opinions is the best measure of these qualities. It is precisely such an examination that I have conducted and hope to continue at this hearing. By contrast, because the craft of judging lies foremost in reasoning and not in results, broad statistical compilations of results often obscure far more than they clarify.

"Unfortunately, the White House's statistics suffer from more than the usual deficiencies. In the first place, the table of death penalty cases contains pervasive doublecounting. In particular, where (as routinely happens) the Florida supreme court addresses both a Rule 3.850 postconviction petition and a habeas petition in the same case, the White House counts this case as two cases. This doublecounting has the predictable effect of padding the list of cases in which the White House says that Justice Barkett has voted to enforce the death penalty. Even more remarkably, it has the perverse effect of including in this list of supposed votes to enforce the death penalty numerous cases in which Justice Barkett has in fact voted to grant relief to the petitioning convicted murderer.

"Second, the White House's list of cases in which Justice Barkett "has voted with the majority" is not limited to those cases in which she has been part of the majority. It includes, for example, a substantial number of cases in which she has refused to join the majority and has instead either dissented in part or relied on grounds significantly more adverse to the death penalty. It also includes a very large number of cases in which, without offering any explanation, she has merely concurred in the result.

"Thus, for example, a case such as *Foster* v. *State*—in which Justice Barkett, in partial dissent, takes a position that would virtually paralyze implementation of the death penalty—is listed by the White House as a case in which Justice Barkett and the majority are in agreement. [Case 91 on White House list] Other examples abound. For example, *Melendez* v. *State* [498 So.2d 1258 (Fla. 1986)]—#576 on the White House list—is identified as a case in which the majority and Justice Barkett were in agreement even though Justice Barkett, writing separately in that case, opined that she "believe[d] that the evidence does not rise to the level of certainty that should support imposition of the death penalty." Likewise, if one starts running through the list chronologically, in three of the very first cases [*Kennedy* v. *Wainwright*, 483 So.2d 424 (Fla. 1986) (#625 on list), *Adams* v. *Wainwright*, 484 So.2d 1211 (Fla. 1986) (#624 on list), and *Thomas* v. *Wainwright*, 486 So.2d 574 (Fla. 1986) (#621 on list)], Justice Barkett voted to stay the petitioner's execution and the majority did not, but the White House fails to identify this disagreement.

"A third basic flaw in the White House's statistical analysis is that the White House fails to compile, much less analyze, case histories of death-sentenced convicts. It is not at all unusual for a death-sentenced murderer to make numerous passes through the court system. This point is shown by the fact that the set of 275 occasions on which the White House says that Justice Barkett has voted to enforce the death penalty comprises well under 200 separate convicted murderers, many or most of whom will make yet more passes at escaping their sentence. In this regard, it bears mention that of these fewer than 200 murderers, Justice Barkett would have granted relief, even beyond what her court had elsewhere granted or what her positions in yet other cases might dictate, to some one-third of them somewhere along the line.

"The White House also makes certain statistical claims regarding Justice Barkett's death penalty cases and the U.S. Supreme Court. It states, for example, that "on eight occasions since 1987, Justice Barkett has voted to impose the death penalty in cases where a majority of the U.S. Supreme Court has voted to vacate that punishment." But the White House fails to make clear a number of relevant matters:

"'In none of these cases did the U.S. Supreme Court rule that the death sentence could not be imposed or even that resentencing was necessary.

"'Indeed, only one of these eight cases was even argued before the Court. In the other seven cases, the Supreme Court used the procedural device known as a GVR —grant, vacate, and remand—to enable the state supreme court to consider the possible impact of an intervening U.S. Supreme Court decision. The Supreme Court liberally uses this GVR device, especially in death cases. A GVR does not necessarily reflect disagreement with the state supreme court's ruling; rather, it simply gives the state supreme court the opportunity to consider the possible application of the intervening U.S. Supreme Court decision.

"'In the one case that was decided on the merits, the Supreme Court remanded so that the Florida supreme court could make the basis for its ruling more clear. In seven of these eight cases, the death penalty was imposed on remand from the Supreme Court. In short, these cases provide no meaningful basis for a comparison of how Justice Barkett stands in relation to the Supreme Court on the death penalty.'

"The White House also asserts that 'in four cases in which Justice Barkett dissented from a death sentence and that case was reviewed by the U.S. Supreme Court, the Court agreed with Justice Barkett, and not the Florida Supreme Court majority.' In fact, however, the Supreme Court did not agree with the legal position that Justice Barkett took in any of the four cases. Instead, it relied on other grounds in summarily vacating the death sentence in one of the cases and issuing GVRs in light of intervening precedent in the other three.

"For these same reasons, the White House's claim regarding the 'nine instances in which the U.S. Supreme Court has reached a conclusion different from Rosemary Barkett's in a capital case' misses the mark. I must also note that the White House fails to consider those cases from other jurisdictions in which the U.S. Supreme Court has rejected the very positions taken by Justice Barkett in other cases.

"The White House also fails to observe a striking fact that the statistics do show. Even if one accepts the White House's loaded numbers, these numbers show that there have been more than one hundred occasions on which Justice Barkett has dissented from the Florida Supreme Court's decision to enforce the death penalty. By contrast, there has not been one occasion—not one single occasion—on which Justice Barkett has been in dissent from a majority decision to grant relief to a convicted capital murderer. This drastic disparity makes all the more telling the White House's refusal to compile—or at least to disclose—data on any cases in which even a single justice has taken a position that is more favorable to the convicted murderer than Justice Barkett's.

"I emphasize again that I believe that a careful reading of a judge's cases is the best means of examining that judge's record."

## JUSTICE BARKETT'S CONSTITUTIONAL DECISIONMAKING

Florida chief justice Rosemary Barkett, who has been nominated for a seat on the Eleventh Circuit Court of Appeals, has a record of constitutional decisionmaking that merits careful scrutiny. This memorandum will discuss some opinions of hers that raise serious concerns. In particular, it will focus on her constitutional decisionmaking in such areas as equal protection, substantive due process, the First Amendment, obscenity, and quotas.

As one would expect with any judge who has decided a large number of cases, Justice Barkett has, of course, written a number of opinions that are unobjectionable or soundly reasoned. But the broader question is whether her judicial record reflects a strong commitment to apply the Constitution and laws as written, or whether it instead reflects an inclination to impose her own policy outlook in the guise of judging.[1]

### I. RATIONAL-BASIS REVIEW UNDER THE EQUAL PROTECTION CLAUSE

The U.S. Supreme Court's equal protection jurisprudence is well-settled: "this Court's cases are clear that, unless a classification warrants some form of heightened review because it jeopardizes exercise of a fundamental right or categorizes on the basis of an inherently suspect characteristic, the Equal Protection Clause requires only that the classification rationally further a legitimate state interest." *Nordlinger* v. *Hahn*, 112 S. Ct. 2326, 2331–2332 (1992).

How this rational-basis test is to be applied is also well-settled. As Justice Blackmun reiterated in NORDLINGER (for an 8-Justice majority), "the Equal Protection Clause is satisfied so long as there is a plausible policy reason for the classification, the legislative facts on which the classification is apparently based rationally may have been considered to be true by the government decisionmaker, and the relationship of the classification to its goal is not so attenuated as to render the distinction arbitrary or irrational." *Nordlinger* v. *Hahn*, 112 S. Ct. 2326, 2332 (1992) (citations omitted).

The Supreme Court, citing cases going back to 1970, reiterated these basic principles earlier this year in another 8-Justice opinion (written by Justice Thomas):

"[E]qual protection is not a license for courts to judge the wisdom, fairness, or logic of legislative choices. In areas of social and economic policy, a statutory classification that neither proceeds along suspect lines nor infringes fundamental constitutional rights must be upheld against equal protection challenge if there is a reasonably conceivable state of facts that could provide a rational basis for the classification. . . . *This standard of review is a paradigm of judicial restraint*. . . . On rational basis-review, a classification in a statute . . . comes to us bearing a strong presumption of the legislative classification have the burden 'to negative every conceivable basis which might support it.'"

*FCC* v. *Beach Communications*, 113 S. Ct. 2096, 2101–2102 (1993) (emphasis in italic) (case citations omitted).

Examination of Justice Barkett's cases calls into serious question whether she has been faithful to this "paradigm of judicial restraint." In the case of *University of Miami* v. *Echarte*, 618 So. 2d 189 (Fla. 1993), the Florida Supreme Court ruled that a statutory monetary cap on noneconomic damages in medical malpractice cases did not violate Equal Protection. The court cited at length the legislature's concern over the "financial crisis in the medical liability insurance industry"; its concern that providers of medical care would "be unable to purchase liability insurance, and many injured persons [would] therefore be unable to recover damages"; its recognition that the size and increasing frequency of very large claims was a cause of these problems; and its concern that damages for noneconomic losses were being awarded arbitrarily and irrationally.

In dissent, Justice Barkett (among other grounds) her view that the statutory caps "violate[ ] . . . the equal protection clauses of the Florida and *United States Constitutions*." (Emphasis in italic.) In her view, the caps could not survive even minimal rational-basis scrutiny. Her application of the rational basis test appears to differ fundamentally from the settled test set forth by the U.S. Supreme Court. Justice Barkett does not cite any federal precedent. Instead, she makes a startling assertion: "I fail to see how singling out the most seriously injured medical malpractice victims for less than full recovery bears any rational relationship to the Legislature's stated goal of alleviating the financial crisis in the medical liability insurance industry." In fact, the rational relationship between the means and the goal appears self-evident and was clearly spelled out by the legislature. Thus, it is difficult to avoid the conclusion that instead of giving the legislation the "strong presumption of validity" to which it is entitled, Justice Barkett is substituting her own policy preferences in place of those of the legislature through the purported application of rational-basis review.

The point here is not the merits, or lack of merits, of caps on noneconomic damages as a matter of policy. The point, rather, is that under clear Supreme Court precedent issues like this are left broadly to the legislatures. It is a cause of great concern that Justice Barkett, first, would rely on the federal Equal Protection Clause (since state law grounds, under her view, sufficed to reach the same result), and, second, would fail to follow clear and longstanding Supreme Court precedent in applying that clause. More generally, one must be very concerned that a judge who would so casually invoke the federal Equal Protection Clause to invalidate legislative action in this area is very ready to continue to misuse the federal Equal Protection Clause—a very powerful tool if so misused—to impose her policy preferences instead of applying the law.

This concern has very broad ramifications. For example, Congress might well enact damage caps as part of product liability reform or as part of medical liability reform under a health care bill. Because the U.S. Supreme Court has held that the equal protection principle applies to the federal government under the Fifth Amendment's due process clause, the logic of Justice Barkett's position would seem almost certainly to lead to these caps being struck down.

At her hearing Justice Barkett said that Echarte was "primarily" a case implicating the state constitutional right of access to the courts. [47:9–48:3] "I grant you that I used the term 'Federal Constitution,' but . . . the analysis is totally using Florida cases under a Florida system." [48:12–15] She ultimately conceded that she should not have invoked the federal equal protection clause: "The only reaching out was including the phrase 'Federal Constitution,' I should not have done that." [50:12–14]

Justice Barkett's response heightens the concern that she invokes the federal Constitution in a cavalier and clearly erroneous manner. The fact that she cited only Florida cases emphasizes, rather than assuages, this concern.

Another Equal Protection case that raises similar concerns is *Shriners Hospitals* v. *Zrillic*, 563 So.2d 64 (Fla. 1990). There, Justice Barkett wrote the opinion for the court striking down, on numerous bases, a Florida statute that permitted a direct heir to cancel a gift to charity made in a will when that will was executed less than six months before the testator's death. The purpose of the statute was to guard against undue influence on charitable gift givers. One of the bases on which she struck down the statute was the federal Equal Protection Clause.

Again, the concern here is not with the wisdom, or lack of wisdom, of the statute, but rather with the reasoning by which she used the federal Equal Protection clause to invalidate it. In that case, she stated,

"Equal protection analysis requires that classifications be neither too narrow nor too broad to achieve the desired end. Such underinclusive or overinclusive classifications fail to meet even the minimal standards of the rational basis test."

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[1] The case summaries in this memorandum are not intended to discourage the reader from reviewing the opinions themselves. Indeed, we encourage such review. In addition, the transcript of Justice Barkett's hearing is available for review in the minority office of the Senate Judiciary Committee.

Her opinion proceeds to hold that the statute is underinclusive because it protects against only one type of undue influence exerted on testators (that exerted by charities), and that it is overinclusive because it would render voidable many intentional bequests not tainted by undue influence. Her opinion further states that the six-month period set forth in the statute is irrational; in her words; "[t]here is no rational distinction to automatically void a devise upon request when the testator survives the execution of a will by five months and twenty-eight days, but not when the testator survives a few days longer."

Justice Barkett's opinion cites no federal authority for the proposition that the rational basis test for the federal equal protection clause forbids both underinclusive and overinclusive classifications. Nor could she, for this proposition appears plainly incorrect: the U.S. Supreme Court has long held that a classification does not violate Equal Protection simply because it "is to some extent underinclusive and overinclusive." *Vince* v. *Bradley*, 440 U.S. 93, 108 (1979). As Justice Douglas stated in an opinion for the Court more than 40 years ago, "It is no requirement of equal protection that all evils of the same genus be eradicated or none at all." *Railway Express Agency* v. *New York*, 336 U.S. 106, 110 (1949). The Court restated this basic principle just last year: "[T]he legislature must be allowed leeway to approach a perceived problem incrementally. . . . '[It] may take one step at a time, addressing itself to the phase of the problem which seems most acute to the legislative mind. The legislature may select one phase of one field and apply a remedy there, neglecting the others.'" *FCC* v. *Beach Communications*, 113 S. Ct., at 2102 (quoting *Williamson* v. *Less Optical*, 348 U.S. 483 (1955)).

Justice Barkett's ruling that the six-month period is irrational simply because it produces different results when the testator survives 5 months and 28 days versus 6 months and 1 day is also deeply troubling. A similar objection could be voiced against every time limit in the law. But in such matters the legislature "ha[s] to draw the line somewhere," *Beach Communications*, 113 S. Ct., at 2102, and when it does so, the "restraints on judicial review have added force, "*id.*—restraints ignored by Justice Barkett in her opinion in this case.

Again, this case goes very far towards transforming rational-basis scrutiny into strict scrutiny. Indeed, if applied consistently, there are few laws that could survive the test that Justice Barkett sets forth. (For example, a law that terminates welfare benefits after two years would be clearly susceptible to invalidation under Justice Barkett's equal protection analysis.) Of equal concern is the prospect that the test would not be applied consistently, but would be used arbitrarily and selectively to strike down particular laws that one considers unsound.

As with Echarte, Justice Barkett asserted that "the thrust of that [Zrillic] opinion again was grounded in the Florida Constitution." [53:19–20] "[E]qual protection . . . is really not at all the focus which concerned me in Zrillic." [123:3–6] [Even though she specifically invoked the federal equal protection clause, she said that "when I am thinking equal protection, generally I am thinking in terms of the prior case law of my own court in my own State." [53:25–54:2] Why, then, did she invoke the federal equal protection clause? Again, her response reflects an alarmingly cavalier attitude towards constitutional interpretation.

Indeed, her use of the federal Equal Protection Clause in Echarte and Zrillic is all the more striking in light of her partial dissent in *Foster* v. *State* (discussed more fully below and in other memoranda). There, Justice Barkett recognized that the U.S. Supreme Court decision in *McCleskey* v. *Kemp* foreclosed her from using the federal Equal Protection Clause as the basis for a statistical attack on the death penalty, so she instead relied solely on the Florida constitution's counterpart.

It must be noted that the fact that Justice Barkett had available sufficient state law grounds makes all the more troubling her invocation of federal equal protection: not only is she making bad federal constitutional law (which activist judges in other courts might later rely on), but she is also, in effect, immunizing her ruling from U.S. Supreme Court review (since the existence of sufficient state law grounds deprives that Court of Jurisdiction).

The danger of unprincipled, result-oriented decisionmaking that results from this misstatement of Equal Protection principles can perhaps be illustrated by comparing Justice Barkett's opinion in this Zrillic case to her dissent in *LeCroy* v. *State*, 533 So.2d 750 (Fla. 1988). In LeCroy, the six other Justices voted to affirm the death sentence for a murderer who was 17 years and 10 months old at the time that he committed two brutal first-degree murders. In her lone dissent, Justice Barkett took the position that the Eighth Amendment prohibits the execution of a person who was under 18 at the time of his offense. In short, she took the view that the Constitution imposed a bright-line age minimum of 18 for offenses that can result in the death penalty. (The U.S. Supreme Court subsequently rejected the position that she took.)

For present purposes, it is revealing to apply the methodology of her Shriners opinion to the position that she took in LeCroy. Applying that Shriners methodology, one would say that a bright-line age minimum of 18 is both underinclusive and overinclusive. It is underinclusive because it fails to protect from capital punishment those persons over 18 who (in the language of her LeCroy dissent) "have not fully developed the ability to judge or consider the consequence of their behavior." It is overinclusive because it does protect those under 18 who have in fact fully developed their deliberative faculties. Moreover, her Shriners methodology would appear to dictate the conclusion that the 18-year bright line is simply irrational, since it would exempt from the death penalty a heinous murderer who was 17 years, 11 months, and 28 days at the time of his offense, but would not exempt someone who was a few days older. In short, her Shriners methodology leads to the conclusion that what she thought in LeCroy to be constitutionally mandated under the Eighth Amendment is instead constitutionally impermissible under the Equal Protection clause.

In sum, Justice Barkett's serious misapplication of rational-basis review under the Equal Protection Clause allows a judge to substitute his or her own policy preferences for the legislature's legitimate enactments.

## II. SUBSTANTIVE DUE PROCESS

The manner in which Justice Barkett has invoked "substantive due process"—even where no fundamental right is at stake and rational-basis review is therefore in order—also raises serious concerns. In *State* v. *Saiez*, 489 So.2d 1125 (Fla. 1986), for example, she wrote an opinion holding that a state law criminalizing the possession of embossing machines capable of counterfeiting credit cards "violate[d] substantive due process under the fourteenth amendment to the United States Constitution" (as well as under Florida's constitution). Specifically, she stated that the law was "not reasonably related to achieving [the] legitimate legislative purpose" of curtailing credit card fraud. In her words, "It is unreasonable to criminalize the mere possession of embossing machines when such a prohibition clearly interferes with the legitimate personal and property rights of a number of individuals who use embossing machines in their businesses and for other non-criminal activities." Justice Barkett cited no federal authority in support of this proposition.

The principle set forth in Saiez, if taken seriously, would have far-reaching consequences. A broad range of criminally proscribed items also have legitimate uses. Switchblades can be used to slice apples. Marijuana can be prescribed as medicine. Drug paraphernalia can be used for tobacco. Explosive devices can be used to build tunnels. It is extraordinary to conclude that "substantive due process" or any other principle of law disables society from determining that the harmful effects of some or all of these so outweigh the beneficial effects that possession should be criminalized. Again, the real danger is that this overbroad and unsound principle can be applied selectively in an unprincipled manner.

Justice Barkett acknowledged that she had relied on the federal due process clause, but again thought such reliance mitigated by the fact that she had discussed only cases construing the state constitutional counterpart: "if you go on to look at the language that is used from other cases, they are all Florida cases which have utilized the same phrase, but interpreted it in a different way." [126:12–15] When asked why she didn't apply just the State due process clause, she responded: "I think in essence I did, Senator, and all I can—I mean, I can certainly accept that in a body of law there are going to be occasions when you are going to be careless." [129:6–9]

## III. LOITERING AND THE FIRST AMENDMENT

In her plurality opinion (over a vigorous 3-justice dissent) in *Wyche* v. *State*, 619 S.2d 231 (Fla. 1993), Justice Barkett struck down as facially unconstitutional an ordinance that prohibited loitering for the purpose of prostitution. In companion cases decided the same day as Wyche—*E.L.* v. *State*, 619 S.2d 252 (Fla. 1993), and *Holliday* v. *City of Tampa*, 619 So.2d 244 (Fla. 1993)—she likewise struck down as facially unconstitutional ordinances prohibiting loitering for the purpose of engaging in drug-related activity.

Her first holding in Wyche was that the ordinance did not require proof of intent to engage in unlawful acts of prostitution. This holding is puzzling. The language of the ordinance—criminalizing loitering "in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting, or procuring another to commit an act of prostitution"—appears plainly amenable to a reading that the purpose that must be manifested actually exist. In addition, the ordinance specifically provided, "No arrest shall be made for a violation of this subsection unless the arresting officer first affords such person the opportunity to explain this conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose." Especially in the criminal law, where such mens rea requirements are routinely implied, it seems quite a stretch to construe the ordinance otherwise.

Justice Barkett offered the view that to construe the ordinance to have a specific intent requirement would be to "legislate" from the bench. But it seems that it would have been more consistent with the judicial role to invoke a tenet that is basic to our separation-of-powers system and that was clearly recognized in Florida case law: namely, that courts "have a duty to avoid a holding of unconstitutionality if a fair construction of the legislation will so allow." *State* v. *Ecker*, 311 So.2d 104, 109 (Fla. 1975).

Justice Barkett's second holding in Wyche was that, even if the ordinance were construed to require specific intent to engage in unlawful acts of prostitution, it "still would be subject to unconstitutional application" and therefore would chill protected speech in violation of the First Amendment. But virtually every law could hypothetically be applied in an unconstitutional manner that could chill First Amendment speech. Under First Amendment doctrine, a person challenging a law as facially overbroad must show that it would reach a substantial amount of constitutionally protected activity. It is difficult to see how the ordinance, if construed to require specific intent, would reach any constitutionally protected activity, much less a substantial amount.

The one federal case that Justice Barkett cites in support of her holding, *Board of Airport Commissioners* v. *Jews for Jesus, Inc.*, 482 U.S. 569 (1987), is plainly inapposite. The Supreme Court in Jews for Jesus simply stated that the regulation in that case—which banned all First Amendment activities at an airport—could not be permitted to be remedied by case-by-case adjudication. To compare the absolutist ban on First Amendment speech in that case to the hypothetical and purely incidental effect on speech arguably resulting from the ordinance in Wyche is strained in the extreme.

Another serious problem with Justice Barkett's opinion in Wyche is that it is at serious odds with—indeed, appears irreconcilable with—the Florida Supreme Court's 1975 ruling in *State* v. *Ecker*, 311 So.2d 104 (Fla. 1975), which held that a general anti-loitering statute was constitutional. Indeed, Wyche appears to overrule Ecker without even citing it or otherwise acknowledging it. This is not a proper way to deal with precedent.

Asked about Wyche, Justice Barkett repeatedly claimed that all members of her court agreed that the statute was defective but that the dissent was ready to remedy it. [186:10–11, 186:25–187:1, 187:8–9] In fact, however, the dissent stated that the statute was facially constitutional (i.e., was not defective).

The net effect of Wyche, E.L., and Holliday is to hamper severely the ability of communities to combat the scourges of prostitution and drugs.

### IV. OBSCENITY

In *Stall* v. *State* [570 So.2d 257 (Fla. 1990)], the Florida Supreme Court ruled—as it had several times before—that Florida's laws against obscenity were constitutional. In a brief 4-paragraph dissent, Justice Barkett took the position that all criminal obscenity laws violate due process. (She also joined another dissent that held that obscenity laws violate the state right of privacy.) In her words:

"A basic legal problem with the criminalization of obscenity is that it cannot be defined. . . . Thus, this crime, unlike all other crimes, depends, not on an objective definition obvious to all, but on the subjective definition, first, of those who happen to be enforcing the law at the time, and, second, of the particular jury or judges reviewing the case. Such a procedure runs counter to every principle of notice and due process in our society."

Arguably, Justice Barkett might intend that her due process holding rest only on the state constitution, though she invokes "every principle of notice and due process in our society." In any event, she does not even cite, much less discuss, U.S. Supreme Court precedent, such as *Miller* v. *California*, 413 U.S. 15 (1973), that contradicts her position. Miller held that material that, judged by contemporary community standards, appeals to the prurient interest, that depicts or describes, in a patently offensive way, specifically defined sexual conduct, and that lacks serious literary, artistic, political, or scientific value can be outlawed as obscene.

Indeed, it appears that Justice Barkett misreads or mischaracterizes the law that she would strike down. The Florida law incorporated Miller's focus on contemporary community standards as the benchmark of whether material is obscene. Thus, the role of jurors would not be to make their own "subjective definition" of what is obscene (as Justice Barkett suggests), but rather to discern and apply the existing community standards.

Further, the premise of Justice Barkett's position—namely, that obscenity laws are somehow unique—is dubious. There are any number of criminal laws whose definition or application is not any more "objective" than obscenity laws. Take, for example, criminal negligence or child neglect. Indeed, the difference between justifiable self-defense and unjustified homicide can equally be said to turn "on the subjective definition, first, of those who happen to be enforcing the law at the time, and, second, of the particular jury or judges reviewing the case." These features are an inherent part of our criminal justice system. So it seems that her basic premise cannot be maintained and that no special solicitude for obscenity is warranted.

At her hearing, Justice Barkett stated that the statute in Stall "had language in it which, in my judgment, was very ambiguous." [105:8–10] But since the language of the Stall statute was the Miller standard, this suggests that Justice Barkett is not content with the Miller standard. Given Justice Barkett's treatment of other Supreme Court precedents mentioned in this and other memoranda, there is reason to worry that her apparent disagreement with this standard would lead her to apply it too narrowly.

Justice Barkett also claimed at length that her opinion in Stall needs to be read together with her vote in *Schmitt* v. *State*, 590 So.2d 404 (Fla. 1991), where she joined the per curiam opinion upholding a conviction under Florida's child pornography statute. Justice Barkett repeatedly claimed that the two cases involved "the very same statute" [106:25]: "in both those cases, the same statute was being decided, the same statute was being considered". [106:16–17] In fact, however, Stall involved the definition of obscenity under Fla. Stat. 847.001, whereas Schmitt involved the definition of child pornography under Fla. Stat. 827.071. Justice Barkett's apparent claim that the court's decision in Schmitt somehow vindicated her position in Stall [see 107:15–22] cannot be sustained. (She may also be claiming that her dissent in Stall was confined to her disagreement with the definition of "sexual conduct" in subsection 847.001(11), which is identical to the definition of "sexual conduct" in the child pornography law. But: (a) nothing in her dissent remotely supports such a limited reading, and (b) the separate requirement in the obscenity law of "appeal to the prurient interest"—a requirement not present in the child pornography statute—eliminates any overbreadth and makes such a claim untenable.)

### V. QUOTAS

Justice Barkett's views on quotas are of serious concern. According to newspaper reports, Justice Barkett was a member of the Florida Commission on the Status of Women, which issued a report in February 1993 that recommended passage of state legislation requiring that all of Florida's decisionmaking boards, councils, and commissions be half male and half female by 1998. Justice Barkett defended the Commission against charges that its report advocated a quota system, by saying:

"It is not in the context of a quota system. It is simply an acknowledgment that women make up one-half of the population of this state." (St. Petersburg Times, 2/23/93.)

If a rigid requirement that positions be filled according to population is not a quota, then it is difficult to imagine what would be. (Florida Governor Lawton Chiles stated that he opposed the Commission proposal because it would create a quota system. Orlando Sentinel Tribune, 2/23/93.) This issue is not merely semantic: it may directly affect the breadth of the remedial authority that Justice Barkett would believe that she would have as a federal judge in cases of alleged discrimination. The Supreme Court has ruled that the use of preferential remedies and voluntary preferences is generally disfavored, although it has upheld them in narrow circumstances. If Justice Barkett cannot recognize a quota for what it is, how can one have confidence that she will properly construe Supreme Court precedents governing quotas and other preferences and respect the limits that the Supreme Court has placed on their use?

Told that her views appeared to lead to pervasive race and sex quotas, Justice Barkett did not dispute this. Indeed, she appeared to embrace it (in the euphemism of "representation"): "The goal of every women's group, Senator, that I am aware of and the goal of every minority group is that there be representation in policy-making bodies that are going to affect their lives, whether it is in the private sector or in the public sector. And I think that that is a goal that is laudable. There are many different ways of trying to achieve it, but I do not think that there is any question that it should be achieved, and I am committed to that." [184:3–11]

Of course diversity in private and public employment and in policymaking bodies is welcome. The critical question, however, is whether it is to be pursued by nondiscriminatory means or by the use of quotas and preferences. Justice Barkett's statement appears to treat this fundamental distinction as though it were insignificant.

Even more disturbing is Justice Barkett's dissent in *Foster* v. *State*, No. 76,639 (Fla. Apr. 1, 1993). In that case, Foster, two young women, and another man, Lanier, drove to a deserted area where one of the women was to make some money by having sex with Lanier. As Lanier, who was very drunk, was disrobing, Foster suddenly began hitting him and then held a knife to Lanier's throat and sliced his neck. Foster and the women then dragged the still-breathing Lanier into the bushes and covered him with branches and leaves. Foster then took a knife and cut Lanier's spine. Foster and the women then split the money found in Lanier's wallet.

Foster was convicted of murder and sentenced to death in 1975. On resentencing, the trial court, finding three aggravating circumstances, again imposed the death penalty. The Florida Supreme Court, by a 4-3 vote, rejected Foster's claim that his death sentence was a product of racial discrimination against black victims. (The court did remand for resentencing on other grounds.)

Justice Barkett, dissenting from this racial discrimination ruling, would not accept the majority's determination that Foster's statistical evidence purporting to show that white-victim defendants in Bay County were more likely to get the death penalty than black-victim defendants failed to establish a constitutional violation. (Lanier, evidently, was white; Foster, according to newspaper accounts, was also white.) Justice Barkett would have relied on the Florida Constitution's Equal Protection Clause to reach a result rejected by the U.S. Supreme Court in *McCleskey* v. *Kemp*, 481 U.S. 279 (1987), under the federal Equal Protection Clause. In McCleskey, the Court ruled that a capital defendant claiming a violation of the federal Equal Protection Clause must show the existence of purposeful discrimination and a discriminatory effect on him. According to Justice Barkett:

(1) The McCleskey standard fails to address the problem of "unconscious discrimination."

(2) Statistical evidence of discriminatory impact in capital sentencing that "cannot be traced to blatant or overt discrimination" should establish a violation of Florida's Equal Protection Clause.

(3) This statistical evidence should be construed broadly to include not only analysis of the disposition of first-degree murder cases, "but also other information that could suggest discrimination, such as the resources devoted to the prosecution of cases involving white victims as contrasted to those involving minority victims, and *the general conduct of a state attorney's office, including hiring practices and the use of racial epithets and jokes.*" (Emphasis in italics.)

(4) The defendant should have the initial burden of showing the strong likelihood that discrimination influenced the decision to seek the death penalty. "Such discrimination conceivably could be based on the race of the victim or on the race of the defendant." Once the initial burden has been met, "the burden then shifts to the State to show that the practices in question are not racially motivated."

The paralyzing effect that Justice Barkett's proposed standard would have on the death penalty—and, indeed, if taken to its logical conclusion, on the criminal justice system generally—will be addressed in another memorandum. For present purposes, what must be emphasized are the broad-ranging implications that Justice Barkett's disparate impact analysis could have on the issue of quotas generally. Her focus on "unconscious discrimination" shows that she rejects, for purposes of Florida's Constitution, the basic principle under the federal Constitution that discriminatory intent is an essential element of an Equal Protection violation. Her opinion also raises a legitimate concern that she might adopt a view of statistical disparities under federal statutes like the recently amended Title VII that effectively mandates pervasive adoption of race and sex quotas.

### VII. CONCERNS ABOUT IMPARTIALITY

In *In re Constitutionality of Senate Joint Resolution 2G*, 601 So.2d 543 (Fla. 1992), the Florida Supreme Court selected from among six different modifications to a state legislative redistricting plan. Writing "dubitante," Barkett wrote that she was "loath to agree to any of the convoluted plans submitted under these hurried circumstances. . . . If I had to choose only among those presented, however, *I would choose the plan submitted by the NAACP simply because this is the organization that had traditionally represented and promoted the position that advances all minority interests.*" (Emphasis in italics.)

Justice Barkett's frank admission that she would give special weight to a position based on who offered it rather than on its intrinsic merits is very disturbing and appears clearly at odds with the obligation of judicial impartiality.

Justice Barkett claimed that her words were "concededly very inartful[]" [174:15] and that what she "was attempting to say . . . was in rebuttal to a claim that the NAACP did not adequately represent the interests of African Americans." [175:1-4; see also 177:9-13] "I can understand in this case why you would read it the way you would read it. It is inartful, and I wish that I had the opportunity to edit that more than anything else that we have been talking about." [175:12-14]

Concern about Justice Barkett's impartiality also arose at her hearing over her involvement with a trial lawyer's group, the Academy of Florida Trial Lawyers, while the case of *University of Miami* v. *Echarte* was pending. Specifically:

(1) The Academy of Florida Trial Lawyers submitted an amicus brief in this case in October 1991. The Trial Lawyers brief (like other briefs submitted on behalf of one party) argued that the cap on non-economic damages in medical malpractice cases was unconstitutional.

(2) In 1992, this same organization of trial lawyers created an annual award named after her, the Rosemary Barkett Award, to be given each year to a person who, in the view of the trial lawyers, has made outstanding contributions to the law. In November 1992, she agreed to present the first annual award at the trial lawyers' annual convention, which took place one week after her successful retention election.

(3) In May 1993, she, in dissent, accepted the argument that the cap on non-economic damages was unconstitutional.

It does not seem at all consistent with her obligation to maintain both the fact and the appearance of impartiality for her to decide a case in which an organization that had named an award after her had filed a brief. Indeed, her actions would seem to have violated the ABA Code of Judicial Conduct. Canon 2, subpart B states that a judge "shall not lend the prestige of judicial office to advance the private interests of others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. . . ." Canon 3, subpart E(1) states that a judge should disqualify herself in a proceeding in which her impartiality might reasonably be questioned.

Justice Barkett stated that she understood the trial lawyers' award to reflect the group's commitment to "equal justice under the law" [179:20-21] and not to have anything to do with its "private interests" [181:7]. In any event, the trial lawyers' amicus brief in Echarte clearly advanced their private interests, and her participation in that case would seem to give rise to an appearance of lack of impartiality.

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## PRESIDENT MARY ROBINSON OF IRELAND ON THE FUTURE OF THE WORLD COMMUNITY

Mr. KENNEDY. Mr. President, during her visit to Boston earlier this month, Ireland's President, Mary Robinson, delivered a major address at Harvard on the future of the world community and the need for more effective international cooperation to deal with the challenges we face.

In her address on March 11, she emphasized the opening words of the preamble of the U.N. Charter—"We the peoples of the United Nations, determined to save succeeding generations from the scourge of war." She urged the western industrial nations of the world to renew and update that commitment today, by dealing more effectively with the opportunities and responsibilities of being part of the larger global community. She reminded us all of the importance of this aspect of our leadership. As she stated,

> We need a vision of the whole * * * that does not protect some of us from an acceptance of crisis simply because we are fortunate enough to be exempt from its immediate consequences.

She urged nations to learn to respect one another's diversity, so that we can draw strength and not weakness from our differences. She urged us to explore and share new approaches to economic development, alleviation of poverty, and protection of the environment.

I believe that President Robinson's thoughtful and stimulating address will be of interest to all of us concerned with these issues and with the future of relations among nations, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the Record, as follows:

[Irish Times/Harvard Colloquium, John F. Kennedy School of Government, Boston, Mar. 11, 1994]

### ADDRESS BY THE PRESIDENT OF IRELAND MARY ROBINSON

### WE THE PEOPLES OF THE UNITED NATIONS * * *—RENEWING THAT DETERMINATION

The preamble to the United Nations Charter, written in 1945, is an eloquent statement of its fundamental aims. It begins with these words: "We the peoples of the United Nations, determined to save succeeding generations from the scourge of war." And it then sets out those aims. I want to reflect on that preamble today, but with an emphasis on its opening words. Even as I prepare to do so, I am fully aware that I cannot claim a specialist wisdom on the United Nations. On the other hand, I am also aware that I have the true privilege of holding an elected office which is removed from day-to-day policy issues. This in turn has allowed me the advantage and responsibility of a different time-scale, with all the opportunities for reflection that brings.

The phrase "We the peoples" was so powerful in its time because it made an assertion about common human purpose following on an episode of terrible human suffering. It looked boldly to the future. Now that future is our past. As we look back to it today, we can see more clearly the exceptional dangers of that past. We can also see clearly those times in this century when the sense of crisis—widely felt and widely shared—was sufficient to generate analysis and institutions to avert further danger. I want to ask today—in the light of those exceptional and powerful words—whether we can find our way again, as a community who shares a planet, to a sense of crisis which is sufficient to the present danger.

Fifty years ago today the world was at war. Millions had died; millions had yet to die. As well as the tragedy of death and suffering, there was an additional and terrible spectacle: Some of the most creative aspects of human intelligence—including its outcome in technology—had been mobilized for the purposes of human destruction. Against that background, and even while the outcome was still uncertain, plans were already under way for a better world. The U.S., British, Soviet and Chinese governments had agreed that they would seek to establish "a general international organization, based on the principle of the sovereign equality of peace-loving states." So began the process of discussion which culminated with the signature of the Charter of the United Nations, by fifty-one nations, at San Francisco in June 1945.

Now, half a century later, the United Nations has grown and developed. Its membership has more than trebled. We are preparing to celebrate its 50th anniversary. I know that Governments are already at work, in New York and elsewhere, debating possible change and reform in the institutions and structures of the United Nations so that it can better achieve its stated aim—the maintenance of international peace and security. I do not propose here to enter that debate, but I wish it every success. In fact I do not intend to put forward proposals here as such, but to evoke possibilities. Our world has changed; our institutions have changed. In fifty years we have come a long way and brought those institutions with us. And yet as Dag Hammarskjold says in Markings: "The longest journey is the journey inwards." It is that inward journey, of reflection and questioning and re-evaluation, which concerns me this evening.

But even an inward journey is affected by outward events. There are three such events which seem to me to have shaped our century and our world. The first was the cataclysm of the First World War.

The shift of consciousness wrought by that war was enormous. You only have to look at a poet like Francis Ledwidge, who came from County Meath in my own country to see an instance of its sheer waste. In one of his summer poems he writes "soon the swallows will be flying south". He had hardly finished that poem before he died in France, at the front, still in his twenties.

Ledwidge is just one example. The loss of a whole generation of young Europeans in that war had a huge effect. The effect to restructure the world after that war—an effort led by Woodrow Wilson—saw two ideas begin to find general acceptance in international life. One was a concept noted in the American Declaration of Independence—that peoples everywhere should be free to determine their own future, to form independent States if they so wished—in the general recognition of the principle of self-determination. This in turn brought to an end the world of Empire and colony, and led to the emergence everywhere of the independent, sovereign, territorial state as the unit of social and political organization. We now live in a world of such states, and it seems humanity is likely to organize itself that way for some time to come.

But the second idea which followed on that first one is also important: the idea that a new order of independent states needed to generate an institutional structure, so as to avoid conflict and promote cooperation. For this purpose, the League of Nations was set up. It was open to all States and was based on a covenant, which for the first time in history, set out a written constitution or code for relations between States. But its flawed and weak structures were finally swept away in the Second World War.

The ferocity and scope of this war exceeded any other. Much of the land surface of the planet, of its industrial power, and of its technology was mobilized for the purposes of destruction. Nazism, which had grown like a malignity out of Western civilization, created a system more uniquely and objectively evil than any seen before.

The extent of human cruelty and degradation involved in the concentration camps, and the process of revelation followed by a horrified international realisation of what had happened, marks the second defining event of our century. When Immanuel Kant described the imperative of treating each human being as an end and not a means, he proposed a standard of humanity which was reversed in the terrible logic of the death camps, which reduced each victim of the system to the status and powerlessness of an object and a means.

The camps forced new understandings on the world. Above all, they showed the need for an accepted and internationally validated code of human rights which all States subscribed to, and which would set limits on what any State may do internally.

There was some symmetry to what happened after the First and Second World Wars. Once again international society was reconstituted, once again the family of more specialised international organizations was grouped around it. The new system, like the League of Nations, was based on the sovereignty and equality of States—though the Charter did accord a special role and responsibility to the five permanent members of the Security Council. Indeed the Charter contained an explicit provision precluding the organisation from intervening in matters which were essentially within the domestic jurisdiction of a State. It was a document with careful provisions towards a balance between independence and responsibility.

I have put before you so far two of the major developments which have affected the organization of international life in this century. One is the adoption worldwide of the sovereign territorial State, based on the principle of self-determination of peoples. The other is the growing acceptance, following the horror of genocide, that State sovereignty cannot be an absolute.

These shifts of consciousness are hard to pinpoint, yet deeply formative. I now come to another one which I can best summarise in two conflicting pictures which most of us hold in our minds and our memory. One of these pictures is of the mushroom cloud—that terrible potential image of human destruction which so many of us grew up with. The other is of the marvellous and poignant picture of the planet earth, photographed by the astronauts who landed on the moon—an image saying as much about human creativity as the other said about the human capacity for self-destruction.

That first picture, of a cloud of death, became a symbol of the Cold War. That time of competition—with its policy of mutually assured destruction—is now over. But the risks are still there and may be greater than before. The big powers who held those weapons and were ready to destroy each other were at least disciplined in the holding of their arsenals. Now as they dismantle those arsenals other dangers present themselves, the more ominous for being more diffuse. If this century tells us anything it is that knowledge once acquired cannot be suppressed. More and more nations have laid their hands on the secrets of death. And a world where small- and medium-sized nuclear powers multiply will be exceptionally dangerous.

And dangerous, it must be said, not just to us, but to that other image: of a globe, enamelled with blue oceans and suspended in a black sky above its moon, a globe which is hostage to our vision and our greed. While the photograph itself may be an image of beauty and fragility, it is also a warning to us of the limitations of our own environment, and the vulnerability of our planet Earth. But emotive reactions are not enough. We need a careful and painstaking consciousness to suit the intense need this planet has for our care and caution.

Almost everything I have been speaking about so far reaches back into the events of the past and yet is relevant too, to the resources of the present—whether those resources are the physical ones of the planet, or the attitudes with which we meet the moment we find ourselves in. We look back through the century, whether through the photographs of the astronauts, or the pages of a history book, and we recognize our world. The millennium lies ahead. What world will our children look back on, and their children? Some patterns have already been established, but it is our response to them and the agenda we set which will determine our children's prospects.

To start with, there is a world population at present of 5½ billion. It took thousands of years, until the 19th century, for there to be one billion. Then the process accelerated. Even at the lowest projections it will have increased to 7½ billion by about the year 2025. The world will then have five times as many people as at the beginning of this century.

When you consider that 95 percent of that growth in the next thirty years will take place in developing countries, and that it will increasingly be an urban population, you can see the effect of this on one of the other shaping factors of our world which is its economy.

It has become possible now to talk about a global economy because the world's individual economies are increasingly linked. The linkages are not just economic. With the growth of information technology has come the phenomenon of financial and stock markets operating in a unified fashion around the world on a 24-hour basis. When New York closes, Tokyo is already opening with all of the complex and delicate reactions of one market to another. And with this extraordinary theatre of action and information has come the sobering fact that governments can no longer withstand—even in concert—the collective force of individual investors.

This increase in information is mirrored in the revolution in communications. We live in a world where perceptions are powerfully affected by television images and sometimes disturbingly distanced by them. Satellite has made us all one: it is a pitiless light showing us both our disasters and our self-protection from them at one and the same time. But the truth is that to make a complex present visible requires an increase, not a decrease in our attention, however difficult this is: I may say that in Ireland one of the ways we pay attention is by our own strong and loyal memories of images from our past: whether of our own Frederick Boland at the UN breaking his gavel, or Frank Aiken urging the non-proliferation of nuclear weapons, long before that was an easy argument to make, or by the sight of the difficult and courageous contribution that Irish soldiers make to peacekeeping.

These factors—of population and economy and the images which bring them to us—lead directly to a point which I think is central: of how the world's resources—greater now than ever before—are to be shared. As President of Ireland, a country with rich agricultural land, and at the same time an historic memory of famine, I stood in the camps in Somalia and saw the real effect of poverty. And yet Somalia is a local crisis which focuses on an even more dreadful truth: that 1½ billion people—the same population which inhabited the planet at the turn of the century—now live in that absolute poverty. If there is one emphasis more than any other I want to place in this speech it is this: that if we, as human beings, accept—whether by non-engagement or indifference or an evasion of information—the situation of those people, then in my view we fail in our responsibility to our humanity in a way which cannot be justified or redeemed by any other action.

Finally all these questions—of population, of economy and of distribution—lead to the question of the planet itself. That beautiful image, seen from space, is a more flawed and ambiguous one if you look closely. And we should look closely. We are losing our forests, our topsoil, our animals, our habitats. We have polluted our air, our oceans, our rivers. We have run through an ecological fortune even in a single generation, and like many profligate heirs we hardly know what we have spent and what we have left. But we can be sure that one of the things we are squandering is our children's futures.

All the factors I have put before you lead to a single question. How are we to manage this new world? The question may be urgent and fresh to this generation. But it is in effect the same question which in 1945, as the Second World War was ending, confronted the leaders of the victorious countries. They understood the dangers which another conflict between States would present. Their answer to that question was a new and better international organization of States—the United Nations—which has now become universal, and which needs to be strengthened and developed further.

I am now right back to where I began tonight with those opening words of the U.N. charter: "We the peoples of the United Nations, determined to save succeeding generations from the scourge of war." The choice of words, with its implication that it was peoples rather than governments which drafted the charter, was hardly more than a rhetorical device at the time. I think it is vital that we take that phrase now and refresh its meaning and give it a new vitality if we are to answer that question about managing our world.

Those two ideas of self-determination and individual responsibility which were highlighted in the aftermath of two world conflicts are once again undergoing a process of change. Humanity may continue to organize itself into sovereign states, but the factors I mentioned—including limited resources and ever growing population—mean that sovereignty is being increasingly eroded by global developments. The complex inter-relationship of the world structure demands that people everywhere are brought increasingly into participation in decision-making.

I want to suggest four ideas which I see as fundamental to the way we should now organize and structure our relations in this changing world. I can summarize them as follows: connectedness, listening, sharing and participation.

First connectedness: I put it to you that we need to see this world as a single whole. We need to understand the connectedness of its fate and our actions. Can we find a way to achieve what has come to be called "sustainable development" so that the larger human population of the next century may be able to achieve a decent human life in ways that are in harmony with the Earth, and which respect and rely on its marvelous capacity for renewal? If we are to do that, we need a vision of the whole that does not divide the science of ecology from the social consequences of famine; that does not protect some of us from an acceptance of crisis simply because we are fortunate enough to be exempt from its immediate consequences. The development of a sense of connectedness is an intellectual responsibility which requires that we understand the relationship of political, social and environmental factors.

The second fundamental idea is the ability to listen, and it is a more complex task than it sounds. A distinguished political scientist, Samuel Huntington, wrote recently of the possibility that "a clash of civilizations" could be a basis for future wars. We cannot allow this to happen. We need to listen to the narrative of each other's diversities, so that we can draw strength and not weakness from our differences.

But respect for diversity should not make us abandon the ideas that there are universal values which ought to be upheld as part of what it is to be human. We must hold on to what has been achieved in human rights over the last fifty years. We must continue to insist that certain rights, which are grounded in human nature, as it has developed and grown through history, are of universal validity.

At the same time, only by listening to each other's diversities, can we be sure that what we call universal is not in fact culture-bound. Our listening to the different stories which emphasize our diversity is the surest way to inform and strengthen our view of what is universal.

The third fundamental idea which I put to you is that of sharing. Abraham Lincoln asked if the Government of the American nation could survive "half slave and half free". Our world cannot and will not survive without conflict if one fifth is prosperous and four-fifths subsists in various degrees of misery.

It may be that the idea of sharing is too simple. It suggests an old model of development aid, given in benevolence from one part of the world to the other, less prosperous, part. It may not adequately reflect the fact that there is a need for radical re-thinking leading to fundamental structural change.

In your part of the world and in mine—in Europe, North America and parts of the Asia Pacific—we have developed consumer societies which are more prosperous than any in human history. And more wasteful. Are the developing countries to take this as a model? It is estimated that by the year 2000 half the growth in the world's gross product will come from East Asia and half the world's population will live there. As things stand, these countries cannot deny their peoples a share in the consumption for which we have been the chief role model. Why should they? But if they take our way of life as exemplary, how is our planet to sustain the consequences?

The answer to this question can only come with a fundamental and unswerving re-thinking of the society which we have been creating, with its increasing transformation of raw material into luxuries rather than necessities, its heedless output of waste, its profligate use of resources.

Another re-think may be imposed on developed societies such as yours and mine in regard to the nature of work. Since the industrial revolution work in our societies has been a basis for income distribution and self-esteem. Now, however, it seems societies such as ours face chronic unemployment—or at the least a casualisation of work—as industry becomes more automated and technology advances. At the same time there is a growing tendency for industry to be highly mobile—to move from West to East, North to South, in pursuit of lower wages.

How do our societies handle these developments without being disfigured by them? Must we resign ourselves to a growing restlessness as social benefits in the West are steadily cut and social protections are removed in an ultimately futile effort to compete with lower wage rates elsewhere? Or can we meet the challenge of re-thinking the nature of work itself, and the role it plays in a developed society where production is increasingly automated?

In the world of the 21st century information, more than ever, will be power. The setting up of information super-highways marks a new Industrial Revolution. I put it to you strongly that the idea of sharing has a particular meaning in this context. In the new information revolution education, capital, technology and knowledge are powerful partners. These resources, once linked together, will have an enormous impact on how we live. But what of the developing world? Now is the moment to make sure that the information highway does not stretch laterally around the world from North America to Europe and Japan but with no junction route to the South. This is where the connectedness of our vision, as I suggested earlier, comes into its own. This is where the idea of listening becomes real. We must ensure that the developing world does not watch at the window, envious of what it can see, but unable to benefit from the communications revolution.

The fourth idea is fundamental to the way we live. It is that of participation. The concept of doing things to and for people is no longer a viable one.

As you can appreciate, I have a particular interest in this idea, because it opens the whole question of women in society. I have just come from addressing a Woman's Forum and speaking to the Commission on the Status of Women at the UN in New York. I consider myself a witness to this matter, because as President of Ireland I have seen the powerful effect of women's groups and the dimension which women can bring to the social and political life around them. In many ways, these groups are the best text I know of the benefits of developing a parity of participation by men and women

The broader arena for participation is, of course, democracy and political freedom. Over the past decade there has been a remarkable growth in the process of democratization around the world. This process must continue so that people are drawn more and more to participate in, and make their voices heard, in the systems of government. The model will not everywhere be the same.

Indeed it would be wrong to think a certain kind of Western democracy is always the most suitable model. But it is important that the trend towards participation by people everywhere in the system of government under which they live should be encouraged.

There is another way in which participation can thrive. There has been a remarkable growth in recent years in non-governmental associations and groups, both within countries and internationally. And even more remarkable are the links and networking between such organizations. This is a welcome development which has paralleled the development of the UN itself. Forty-one NGOs participated in the San Francisco Conference. Now there are nearly a thousand with consultative status. The importance of these organizations lies in their ability to speak for individual concerns. I think we see this clearly in major international conferences. What is so interesting—apart from the main agenda of these conferences—is the vivid and persuasive role played in them by these non-governmental organizations. Even where their advice may not be accepted, their voices are heard. The Rio Conference on the environment in 1992, the Vienna Conference on Human Rights in 1993, and the Cairo conference on population which will happen this Autumn and the Conference on Women in Beijing in 1995 offer a rare theatre, with a world wide audience, for the exchange of views. And the non-governmental organizations have made full use of that stage.

But we need to move from spectacle to action. So far our main focus has been on the very fact that these conferences have occurred and are occurring; that the arguments have been made; that the coverage has happened. But neither the conferences, nor the arguments, nor the coverage are enough in themselves. They need to be taken into the very heart of the decision-making processes of all those international organizations which are part of the UN family. Once they are and only then—can the consequences of so much discussion and debate be felt. Finally this concept of participation in decision-making has little meaning unless it can reach into one of the most vital areas of all—where the resources of a developing country can be almost crippled by the burden of debt. And so there is a real need for the organizations of financial governance such as the World Bank and the International Monetary Fund to be true partners in these processes of consultation and revision.

I am aware—in everything I have said tonight—of how fragile are the words we speak compared with the meanings we want to convey. I particularly feel this in that gap which opens up between information and urgency whenever the subject is our future and the future of this planet. I want to convey a sense of crisis; and yet to do that—and I am like many others in this—I have to provide those statistics, those arguments, those rational paragraphs which can actually defer our sense of danger and immediacy. But there is a crisis. I feel it. We need to feel it.

Perhaps the real question is how are we to catch the attention of this area of the world, which is still partly sheltered from the crisis? When I had small children—and I think many people in this room will have known the feeling—I remember exactly how I felt if one of them strayed near anything dangerous. I wanted to call out something which would make them turn their heads, walk back and avoid the danger. Thinking about this later it seems to me that no parent, in that situation, ever finds exactly the right words. But no parent ever fails to find the right tone. It is the tone—the right and exact tone which expresses danger—which we need now.

In 1945 the framers of the UN Charter found that tone. The world turned its head to those opening words. But at the time the sense of danger had been shared. The world had come through a major disaster and was determined it must not be allowed to happen again. Now we live in a time when so many methods of expression—even the images of disaster which come to us over television—encourage us not to pay attention. They allow us that crucial distance from our own sense of danger and engagement which may just be an inch too much for what is happening to our planet and our future and the futures of our children.

In a way, a great deal of what I have been speaking about today is language itself: its uses and its excuses, its inadequacy, as we have come to use it, in conveying a true picture of reality which will move us to action. We need a new, exact and agreed language if we are to continue the spirit of the 1945 charter, with its powerful address to feeling and intent. We need to listen to warnings so as to avoid the consequences of neglecting them. There is a beautiful warning, written by the poet, Robert Lowell, in his poem "Waking Early Sunday Morning"—a poet who is so associated with this city and this University. We need not accept the darkness of his elegy, nor the depth of his pessimism. But we must be deeply moved and stirred by the vision which he evokes.

Pity the planet, all joy gone
From this sweet volcanic cone;
Peace to our children when they fall
In small war on the heels of small
War—until the end of time
To Police the earth, a ghost
Orbiting forever lost
In our monotonous sublime.

With the tone of that warning in our ears, let us turn our heads once again and re-dedicate ourselves:

"We the peoples of the United Nations, determined to take responsibility for our world * * *"

## ST. PATRICK'S DAY STATEMENT BY THE FRIENDS OF IRELAND

Mr. KENNEDY. Mr. President, recent months have seen far-reaching developments which have raised hope for peace and reconciliation in Northern Ireland.

The Friends of Ireland is a bipartisan group of Senators and Representatives opposed to violence and terrorism in Northern Ireland and dedicated to maintaining a United States policy that promotes a just, lasting, and peaceful settlement of the conflict that has cost more than 3,100 lives over the past quarter century.

Last week, the Friends of Ireland released its annual St. Patrick's Day statement. I believe it will be of interest to all of our colleagues who are concerned about this issue, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### STATEMENT BY THE FRIENDS OF IRELAND, ST. PATRICK'S DAY, 1994

The Friends of Ireland in the United States Congress join more than 44 million Irish Americans, and indeed Irish people everywhere, in celebrating our Irish heritage on this St. Patrick's Day. We welcome to Washington the Prime Minister of Ireland, An Taoiseach, Albert Reynolds. And we renew our commitment to a peaceful resolution of the conflict which has plagued Northern Ireland for the past quarter century.

One year ago, the Congressional Friends of Ireland joined "friends of Ireland everywhere in urging all parties to make special efforts this year to bring about peace and reconciliation in Northern Ireland." The last twelve months have indeed seen historic developments which have raised hopes that at long last the parties to the conflict in Northern Ireland may be ready to begin the hard task of reconciliation. It is truly a time of opportunity.

Most especially, we welcome the peace initiatives culminating in the December 15 Joint Declaration by Prime Minister Reynolds and British Prime Minister John Major. The Declaration has been widely acclaimed in Ireland and the United Kingdom and throughout the world, and President Clinton and Irish Americans have welcomed it as the most hopeful path toward peace and justice in Northern Ireland in many years. We fully support the Declaration, which provides a framework for continued dialogue aimed at achieving a peaceful and secure future throughout the island of Ireland. Building upon the Declaration, we urge continued dialogue between and among the two governments and all political parties which seek a constitutional way forward towards solving the problems of Ireland. We welcome the joint affirmation of the Irish and British governments on February 19 to such a process. Both the British and Irish governments have gone the extra mile for peace, and we commend their commitment to achieving the earliest possible end to the conflict.

The Friends of Ireland continue to support a united Ireland achieved through peaceful consent, and we welcome the statement by the British Government in the Declaration that "it is for the people of the island of Ireland alone, by agreement between the two parts respectively, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish."

As the Irish Government stated in the Declaration, "the democratic right of self-determination by the people of Ireland as a whole must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland."

The Declaration assures that no avenue is foreclosed with regard to the future status of Northern Ireland. It also assures that a predetermined outcome will not be forced on either community. Both communities in Northern Ireland should be reassured by these guarantees.

Most important, the Declaration is inclusive. It welcomes to the peace table all who oppose the violence that has achieved nothing and cost so much in the past 25 years.

The Friends of Ireland unequivocally condemn the violence which has claimed more than 3,100 lives—the majority of whom have been civilians—in the 25 year history of the conflict.

We condemn the continuing violence of all paramilitary groups in Northern Ireland, both Republican and Loyalist. We note that since the Troubles began, more Catholic civilians have been killed by the IRA, than have been killed by British security forces. We also note that Loyalist paramilitary groups such as the UFF and UVF, which routinely and deliberately target civilians for assassination, have in recent years been responsible for an increasing number of deaths in Northern Ireland.

The Friends of Ireland condemn the recent upsurge of IRA bombing attacks in densely populated locations, such as Heathrow Airport, with the attendant risk of numerous casualities. We deplore the recent reciprocal paramilitary murders in Northern Ireland and hope that they will not increase. The Friends repeat that it is such indiscriminate bombings and killings that represent the worst abuse of human rights in the Northern Ireland context. We appeal to Sinn Fein and the IRA to accept the Declaration as a basis for further negotiation toward permanent peace and justice. We call for an end to all violence and the entering into of negotiations, so that Northern Ireland may be spared further destruction as the peace process continues.

The Friends of Ireland commend the high attention that President Clinton has given the situation in Northern Ireland. The President has frequently reaffirmed his commitment and willingness to have the United States contribute to the efforts to bring lasting peace to Northern Ireland. The President has also, in both budgets he has sent to the Congress, requested funding for the International Fund for Ireland.

The Friends of Ireland also continue to be concerned about human rights abuses in Northern Ireland, and we view recent reports by the U.S. Department of State and internationally recognized human rights organizations with concern.

Since 1969, more than 340 people have been killed by the police and Army in Northern Ireland, a large number in disputed circumstances. Yet 1993 marked the first year since 1969 that no one in Northern Ireland was killed by a member of the British security forces. We welcome this development and hope that it reflects a trend toward stricter control and greater restraint. However, prosecutions of members of the security forces for earlier uses of lethal force have been rare, and convictions have been even rarer. We share the concern of the nationalist community over the need for accountability by members of the security forces. The Friends of Ireland urge the British Government to deal effectively with these concerns by adopting stricter rules to prevent abuses in the use of lethal force.

We continue to be concerned about the lack of other safeguards in the system of justice in Northern Ireland, which differs in many ways from the system of justice in Great Britain.

We urge the British Government to take steps to end human rights abuses in Northern Ireland and to address the recommendations made in reports by the Committee on the Administration of Justice in Northern Ireland and other internationally recognized human rights organizations.

The Friends of Ireland continue to support the work of the International Fund for Ireland, which was established in 1986 to promote economic and social development in Northern Ireland and to facilitate and encourage contact and reconciliation between the two communities.

Since its creation, the Fund has provided assistance to 3,000 projects. In 1993, it contributed to 400 new projects, creating 2,600 full-time permanent jobs. Seventy-five percent of the Fund's resources are targeted to the most disadvantaged areas in Northern Ireland and border counties of the Republic of Ireland.

We also remain concerned about employment discrimination in Northern Ireland. The Fair Employment Act of 1989 was passed by the British Government to address the disparities between Catholic and Protestant unemployment in Northern Ireland, and we commend the positive steps taken under the Act to end discrimination. Nevertheless, the level of Catholic male unemployment remains twice as great as that of Protestants. As Bob Cooper, Chairman of the Fair Employment Commission, characterized the situation, "while the pendulum is swinging slowly towards the center, there is still some considerable distance to go before it gets there. * * *"

The Friends of Ireland await the completion in 1995 of the review of employment equality which the British Government is undertaking. This review should examine all ways, including stronger legislation, in which more effective progress can be made to eliminate job discrimination and achieve fair participation by both communities in the workforce.

Finally, we welcome and firmly endorse the recent call for fair employment and greater investment in Northern Ireland by the leaders of the Catholic, Presbyterian, Anglican and Methodist churches in Ireland. As they noted: "Investment can contribute to the prosperity of both communities in Northern Ireland, an end to disparities in unemployment, and a reduction in violence."

As Friends of Ireland, our hope on this St. Patrick's Day is that 1994 will be the year in which the violence ends and the courageous people of Northern Ireland—Catholic and Protestant—begin at last to live together in peace and prosperity. Important steps have been taken. This opportunity for peace and reconciliation should be embraced. That is our wish for the coming year.

Friends of Ireland Executive Committee:

Senate: Edward M. Kennedy, Daniel Patrick Moynihan, Claiborne Pell, and Christopher J. Dodd.

House of Representatives: Thomas S. Foley, Robert H. Michel, Frank McCloskey, Pat Williams, Joseph M. McDade, Barbara Kennelly, Henry J. Hyde, John P. Murtha, William F. Clinger, Jr., William J. Coyne, James T. Walsh, Richard E. Neal, and Jack Quinn.

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## HAPPY BIRTHDAY NO. 200 TO TOWN OF CHAPEL HILL

**Mr. HELMS.** Mr. President, for sometime now, residents of Chapel Hill, NC, have been singing happy birthday to this remarkable and historic home of the University of North Carolina.

This is its bicentennial, the 200th anniversary of the founding of a community which, until fairly recent times, was just a pleasant village. It may yet be pleasant but it is no longer a village. It is instead a center for many activities that regularly capture nationwide attention including—from time to time, but not this year—the Nation's No. 1 NCAA basketball championship.

I was asked some time ago to pen a few comments in recognition of this Chapel Hill milestone. I don't normally do this, but in the instance of Chapel Hill's bicentennial, I do ask unanimous consent that my salute to Chapel Hill and its leaders be printed in the RECORD at the conclusion of my remarks.

There being no objection, the salute was ordered to be printed in the RECORD, as follows:

### SALUTE TO CHAPEL HILL

A number of North Carolina communities have been around longer than Chapel Hill, which this year celebrates its 200th anniversary, and there are many other North Carolina communities that possess great attractiveness and charm. But there are few, if any, communities with which so many have fallen in love as quickly and as deeply as with the Town of Chapel Hill.

Well after my life span began, more than seven decades ago, Chapel Hill was still little more than a village consisting of Franklin Street and a few flanking lanes. When I was at Wake Forest College, not many miles away in northern Wake County, the University of North Carolina with its 3,000 students of Chapel Hill was a gigantic institution.

Today, beginning its 201st year, this once-peaceful academic hamlet has becomes a vibrant city whose borders, population and economic activity have expanded manyfold. The distinguished university which the city encloses now enrolls more than 20,000 students and has spread far beyond the original boundaries of Old East, the Old Well and Davie Poplar.

All progress has its price. Chapel Hill's progress has seen a once-leisurely gait become a quickstep. The once-prevalent atmosphere of calm timelessness has given way in some degree to urgency and haste.

Nevertheless, Chapel Hill, more than most municipalities in these times, has saved and insulated what was priceless from the past. Whether or not blue is its predominant color, Chapel Hill is entitled to its often proclaimed billing as a significant slice of paradise.

So Dot Helms and I congratulate the Town of Chapel Hill—its government, its leaders, its institutions, its burgeoning businesses, its citizens. Congratulations upon reaching the age of 200.

And best wishes for the third century that is just now beginning.

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## BUDGET SCOREKEEPING REPORT

**Mr. SASSER.** Mr. President, I hereby submit to the Senate the Budget Scorekeeping Report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through March 18, 1994. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $4.4 billion in budget authority and $0.7 billion in outlays. Current level is $0.1 billion above the revenue floor in 1994 and below by $30.3 billion over the 5 years, 1994–98. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $312.1 billion, $0.7 billion below the maximum deficit amount for 1994 of $312.8 billion.

There has been no action that affects the current level of budget authority, outlays, or revenues since the last report, dated March 17, 1994.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, March 21, 1994.*

Hon. JIM SASSER,
*Chairman, Committee on the Budget, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the 1994 budget and is current through March 18, 1994. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 64). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated March 15, 1994, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,
ROBERT D. REISCHAUER,
*Director.*

Enclosure.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1994, 103D CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS MARCH 18, 1994

[In billions of dollars]

| | Budget resolution (H. Con. Res. 64)[1] | Current level[2] | Current level over/under resolution |
|---|---|---|---|
| ON-BUDGET | | | |
| Budget authority | 1,223.2 | 1,218.9 | −4.4 |
| Outlays | 1,218.1 | 1,217.5 | −0.7 |
| Revenues: | | | |
| 1994 | 905.3 | 905.4 | 0.1 |
| 1994–98 | 5,153.1 | 5,122.8 | −30.3 |
| Maximum deficit amount | 312.8 | 312.1 | −0.7 |
| Debt subject to limit | 4,731.9 | 4,462.6 | −269.3 |
| OFF-BUDGET | | | |
| Social Security outlays: | | | |
| 1994 | 274.8 | 274.8 | (3) |
| 1994–98 | 1,486.5 | 1,486.5 | (3) |
| Social Security Revenues: | | | |
| 1994 | 336.3 | 335.2 | −1.1 |
| 1994–98 | 1,872.0 | 1,871.4 | −0.6 |

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral Reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50 million.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1994 AS OF CLOSE OF BUSINESS MARCH 18, 1994

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| ENACTED IN PREVIOUS SESSIONS | | | |
| Revenues | | | 905,429 |
| Permanents and other spending legislation[1] | 721,182 | 694,713 | |
| Appropriation legislation | 742,749 | 758,885 | |
| Offsetting receipts | (237,226) | (237,226) | |
| Total previously enacted | 1,226,705 | 1,216,372 | 905,429 |
| ENACTED THIS SESSION | | | |
| Emergency supplemental appropriations, fiscal year 1994 (P.L. 103–211) | (2,286) | (248) | |
| ENTITLEMENTS AND MANDATORIES | | | |
| Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted[2] | (5,562) | 1,326 | |
| Total current level[3][4] | 1,218,857 | 1,217,451 | 905,429 |
| Total budget resolution | 1,223,249 | 1,218,149 | 905,349 |
| Amount remaining: | | | |
| Under budget resolution | 4,392 | 698 | |
| Over budget resolution | | | 80 |

[1] Includes budget committee estimate of $2.4 billion in outlay savings for FCC spectrum license fees.

[2] Includes changes to baseline estimates of appropriated mandatories due to enactment of Public Law 103–66.

[3] In accordance with the Budget Enforcement Act, the total does not include $13,608 million in budget authority and $8,896 million in outlays in emergency funding.

[4] At the request of committee staff, current level does not include scoring of section 601 of Public Law 102–391.

Notes.—Numbers in parentheses are negative. Detail may not add due to rounding.

## SECRETARY OF STATE WARREN CHRISTOPHER'S VISIT TO CHINA

Mr. PELL. Mr. President, the recent trip by Secretary of State Warren Christopher to the People's Republic of China [PRC], despite criticisms to the contrary, was a necessary one for it underscored to a Chinese audience too used to the accolades of businessmen the importance of human rights to American foreign policy. His visit also accomplished more than is given public credit. Secretary Christopher followed the correct course in going to China and engaging with the Chinese. I applaud him.

Thus, for the last few months journalists and interested parties in the international business community have been portraying the country as divided on the issue of human rights and most-favored-nation status. The Chinese have, of course, been trying to encourage the perception of such divisions. The Chinese should harbor no doubt, however, of the President's determination to see significant progress achieved.

As the Secretary noted in a press conference after his discussions with the Chinese leadership, he found that differences between China and the United States are narrowing and that it is clear that the Chinese are open to discussion and dialog.

The Secretary made progress on several major issues:

First, the United States and China signed a joint declaration fully implementing the prison labor agreement. Chinese prison labor facilities will be inspected. This is one of the two mandatory issues that the President set out in his Executive order last year concerning renewal of China's most-favored-nation trading status. It is significant.

Second, the Chinese made a commitment to work with the United States to resolve the outstanding emigration cases that remain—another key aspect of the President's Executive order.

Third, the Chinese confirmed their support for the Universal Declaration of Human Rights. In so doing, the Chinese have acknowledged the legitimacy of our discussions with them on their compliance with its provisions.

Fourth, the Chinese said they would permit International Committee of the Red Cross delegates to visit prisons and individual prisoners. This has been an important concern among human rights advocates. Establishing ICRC access to Chinese prisons acknowledges again that concern about China's treatment of prisoners is of international interest—not just an American issue. In a related matter, the Secretary received a detailed accounting of a list of 235 prisoners and he was told that an additional accounting of 106 Tibetan prisoners would be provided. As the Secretary noted, this is a step, but not a conclusive step in the right direction.

Finally, the Chinese indicated that they would review information about their jamming of Voice of America broadcasts. What does this mean? I believe that it is a clear signal that the Chinese will stop interfering with VOA transmissions. Shortly the Congress will have before it the conference report for the State Department authorization bill which contains authority for establishing a Radio Free Asia. Unjamming VOA is a first step in making certain Radio Free Asia is also heard.

The Secretary was also able to raise at the highest levels our concern over continued efforts by the Chinese to proliferate weapons of mass destruction in violation of their international commitments and of our interest in the Chinese having a serious discussion with the Dalai Lama about cultural and religious matters in Tibet.

Was the Secretary's visit a breakthrough?

No; it was not. And no one could expect that given the difficult nature of the issues that divide China and the United States. As an experienced and skilled negotiator, the Secretary understood this challenge before embarking on his mission. He wanted to deepen a dialog with China's leaders. The success of his trip should not be judged solely in terms of what agreements were achieved, but also on how clearly the Chinese heard the determination in his voice. Given the strong reaction by the Chinese Foreign Minister who criticized the Secretary after his visit for not showing enough sincerity, it is clear that the Chinese heard Secretary Christopher.

I know. I visited China and Tibet in late 1992. As with many recent visitors, I was impressed by the economic transformation of China. The hustle and bustle of open markets is apparent everywhere. It is a sound that none of us want to dim. Not extending most-favored nation status would certainly mute those noises.

Unfortunately, discordant sounds now seem to dominate our bilateral relations following the Secretary's visit. That was not his intent, nor was it the appropriate action by the Chinese. Secretary Christopher is a wise and composed, but persistent, diplomat whose objective is not to isolate China but to integrate it more completely into the community of nations. That is a goal all of us share.

Over the coming months, I believe that wise policymakers on both sides will defuse the current sense of confrontation and replace it with a recognition that more can be achieved through calm and rational dialog than through threats and confrontation.

## BRADY BILL

Mr. CRAIG. Mr. President, I just want to bring to the attention of the Members of the Senate an article that appeared in the Washington Times this morning. It is as a result of a memo to Attorney General Janet Reno from an Assistant Attorney General Walter Dellinger. It came on Saturday. The Washington Post covered it and the Washington Times covered it this morning.

The memorandum explained that the Federal Government had no ability to enforce a background check requirement on the new Brady bill.

Let me repeat that. It was a statement I had made on the floor during the heat of the debate on the Brady bill, that the Government had no authority to enforce it; that if State law enforcement officers chose not to use this law, that they could walk away from it. And that is exactly what is going on in the Justice Department today.

What did our friends on the other side who were using the political placebo of the Brady bill tell us year after year? "This is not a slippery slope toward gun control. It works because it requires law enforcement to do a background check on handgun purchases. It has teeth. It will stop crime."

Let me repeat, a memorandum from Assistant Attorney General Walter Dellinger to Janet Reno saying we have no authority, Mr. President, to enforce the Brady bill. I think it is important that the record show that, as we begin another extensive debate on the false illusion that somehow if we take the rights of law-abiding citizens away from them in their ability to own guns that we will make the streets of America safe. That is false politics, and anybody who engages in it on this floor must now go tell their Attorney General: Can you enforce a phony piece of legislation, or is it merely a political cover during an election year process?

I yield back the floor

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, what is the pending business?

## CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of Senate Concurrent Resolution 63, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 63) setting forth the congressional budget for the United States Government for the fiscal years 1995, 1996, 1997, 1998, and 1999.

The Senate proceeded to consider the concurrent resolution.

Mr. SASSER. Mr. President, I have some initial housekeeping unanimous-consent requests to take up prior to beginning debate on the resolution. Each of these has been cleared, I might say, with the Republican manager.

First, section 305(b)(3) of the Congressional Budget Act provides, and I quote:

> Following the presentation of opening statements on the concurrent resolution on the budget for a fiscal year by the chairman and ranking minority member of the Committee on the Budget of the Senate, there shall be a period of up to 4 hours for debate on economic goals and policy.

### UNANIMOUS-CONSENT AGREEMENT

Mr. SASSER. Mr. President, I ask unanimous consent that there be debate only on Senate Concurrent Resolution 63, the concurrent budget resolution, until the Senate resumes consideration of the concurrent resolution following disposition of S. 208, the park concessions bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

### PRIVILEGE OF THE FLOOR

Mr. SASSER. Mr. President, I ask unanimous consent that the staff of the Committee on the Budget and its members be allowed to remain on the floor during consideration of Senate Concurrent Resolution 63. I send to the desk a list of the staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

### CORRECTION IN TYPOGRAPHICAL ERRORS IN REPORT ACCOMPANYING THE RESOLUTION

Mr. SASSER. Mr. President, there are minor typographical errors in the report to accompany the resolution. I send to the desk an errata sheet and ask unanimous consent that it be printed in the RECORD.

There being no objection, the errata sheet was ordered to be printed in the RECORD, as follows:

### ERRATA

On page 18, under "Function 550: HEALTH," change the last word in the second paragraph from "unfunded" to "underfunded."

On page 19, move the fourth full paragraph (regarding Head Start) to page 18, immediately before "Function 550: HEALTH" (so that it may properly appear under the preceding function, "Function 500: EDUCATION, TRAINING, EMPLOYMENT AND SOCIAL SERVICES").

Mr. SASSER. Mr. President, for the information of Senators, let me just take a moment to review the program for the next few hours under the unanimous-consent agreement just reached.

The ranking Republican member of the Budget Committee and I will give our opening statements, to be followed by debate on economic goals and policies. The Senate will recess, under the previous order, for the party conferences between the hours of 12:30 and 2:30 p.m. At 2:30 p.m., the Senate will proceed to vote on final passage of S. 208, the national park concessions bill. Amendments to the budget resolution will be in order after 2:50 p.m. this afternoon.

Mr. President, when we met last year to consider the budget for the 1994 fiscal year, the 1994 budget resolution, we faced a very formidable task. The deficit was spinning out of control, out of control in both the short term and the long term. This was an unfortunate legacy of many years of neglect and many years of evasion.

At that time, deficits were projected to reach historic levels. The 1995 deficit estimated at $305 billion was estimated to swell to $388 billion by 1998, and then to nearly double by the year 2003.

To recapitulate, the 1995 deficit in April 1993 was estimated to be $305 billion. And this deficit was to grow in 1995 from $305 billion to $388 billion by 1998. And then, shockingly, it was to nearly double by the year 2003. That is what we were faced with last year at this time.

The larger economy was both a culprit in driving up the deficits and it was also a victim of the deficits. The Nation was vexed by lackluster economic growth and poor job creation. The weak economy was fueling larger deficits, and the uncontrolled deficits were undermining the confidence of consumers and also the financial markets.

The President insisted that we break this financial downward spiral. And although there was apprehension as to whether we could withstand the fiscal contraction needed to reduce the deficit, we took the necessary step at the necessary time.

Now, many of our colleagues, especially those on the minority side, did not believe the deficit reduction package would work, period. Not a single one of them voted for it. In my judgment, they were clinging to the wreckage of a failed economic philosophy. Instead of reduced deficits, instead of tax equity, instead of lower interest rates, instead of seeing a robust economy resulting from this lowering of the deficit, they saw the Four Horsemen of the Apocalypse coming over the horizon. The CONGRESSIONAL RECORD is full of their anxieties and prophecies of doom.

It does no good to repeat the comments that were made at that time. The important thing, Mr. President, is that the right step was taken. We passed the largest single deficit reduction package in the history of the United States of America. The plan reduced the deficit by $500 billion. It cut spending by $255 billion, allocated every new tax dollar to deficit reduction, restrained discretionary spending at a hard freeze level, and cut $90 billion out of entitlement spending.

Now, Mr. President, as I have said earlier, we have not broken the back of the deficit problem, but we have certainly administered a very sharp crack to its vertebrae. If we do not stray from the path that we are on, the 1998 deficit will be $200 billion less than it otherwise would have been. And that is just the beginning.

For the first time since Harry Truman was President of this country, we will have 3 years in a row of declining deficits. And bear in mind that Harry Truman was presiding over a budget and a country which was coming out of World War II. And the deficit as a percentage of gross domestic product, or national income, will reach 2.3 percent, the lowest level since 1979, before the deficits began to explode during the decade of the 1980's.

Now, in testimony before the Senate Budget Committee on January 27, 1994, the Congressional Budget Office Director, Dr. Robert Reischauer, said:

> The deficit picture is significantly brighter than it appeared 1 year ago when the Congressional Budget Office projected the budget deficit would soar above $350 billion by fiscal year 1998. CBO now predicts that the Federal deficit will fall from $223 billion in the current fiscal year to below $170 billion in fiscal year 1996.

Continuing, and quoting directly from Dr. Reischauer, he says:

> The dramatic improvement since last January is largely the result in August of a major package of tax increases and spending cuts—the Omnibus Budget Reconciliation Act of 1993.

Now, Mr. President, some of my colleagues have tried to attribute this unparalleled deficit reduction solely to the economy. I would submit that is a very distorted picture, indeed. As Dr. Reischauer observed, it gives short shrift to the discipline, unified and carefully constructed strategy that brought the deficit down. And over the next 5 years nearly 75 percent of the total 5-year decline in the deficit will result from the deficit reduction plan presented by the President and passed by this Senate.

The simple fact is that the improved deficit and economic picture represent a self-reinforcing knot. The improved economy bolsters the improved deficits and vice versa. And I think even our friends on the other side have to admit that that is infinitely better than a condition in which a weak economy drives us deeper into the deficit hole and vice versa.

It was, Mr. President, the credibility of long-term deficit reduction to which the financial markets responded so favorably. The Chairman of the Council of Economic Advisers, Laura Tyson, told the Senate Budget Committee last month, and I quote Dr. Tyson:

> The decline in long-term interest rates since January of 1993 has tracked very closely the fortunes of the administration's economic plan.

The Congressional Budget Office Director, Dr. Reischauer, further underscored the relationship between interest rates tumbling, coming to their lowest levels in over 20 years, and the largest multiyear deficit reduction package in history.

In testimony earlier this year before the Budget Committee, Dr. Reischauer said:

> I think certainly part of the reduction in interest rates that we have experienced relates to this successful deficit reduction effort.

Now, since we took the steps to bring down deficits, the drop in interest rates caused sectors of the economy that rely on long-term financing to expand very rapidly. Let us just talk about a few things that the drop in interest rates brought about.

First, housing starts, housing permits, housing sales all soared in the fourth quarter of 1993 at a more than 50-percent annual rate. In December, all three housing indicators stood at their best levels in the last 4½ years, and they are expected to rebound smartly after the return of normal weather in March.

Sales of domestically produced cars and light trucks—that is, cars and light trucks produced in the United States—jumped at a more than 50-percent annual rate over the last 5 months. They stood in February at their best level since 1986.

Current domestic production plans indicate that first quarter assembly of cars and light trucks will be close to the record levels of the 1970's. Mr. President, that is real economic progress creating tens of thousands of jobs for auto workers, for those who supply the auto industry, for those who service the auto industry.

What about other sectors of this economy? Real business investment spending advanced at a 22-percent rate in the fourth quarter of 1993 and today stands at an all-time high. New orders for business equipment which always precede future production of investment goods shot up at a 51-percent annual rate over the last 6 months. And each of these very pronounced improvements at the end of last year stands in marked contrast to the very modest gains that these interest sensitive sectors had shown over the past 4 years.

Their strengthening propelled the real gross domestic product of this Nation to grow in the fourth quarter of 1993 at a 7.3-percent annual rate, well ahead of the pace that came earlier in the recovery. As a consequence of strong growth toward the end of last year, economic performance during the first year of the Clinton administration surpassed by a wide margin that seen in the 4 preceding years.

Real gross domestic product—that is the gross domestic product corrected for inflation—grew more than 3 times as fast in the first year of the Clinton Presidency than it did during the preceding 4 years. A total of almost 2 million private sector jobs, 1.901 million, to be exact, have been created since President Clinton was inaugurated. That is far more than the 1 million jobs that were added during the previous 4 years. In other words, during the first year of the Clinton administration, we created almost twice as many private sector jobs as had been created in the previous 4 years. If they continue at that rate, President Clinton will have created almost eight times more jobs in his 4-year term than were created in the preceding 4-year term of his predecessor.

What is most heartening is living standards rose during the first year of the Clinton administration more than during the preceding 4 years. Living standards are measured by per capita income, real growth in per capita income, and real growth in per capita income in 1993 grew more than in the preceding 4 years put together.

Recent data indicate that this acceleration in economic growth will continue into 1994. The index of leading indicators rose for the sixth consecutive month in December, up at a 5.4-percent annual rate.

This is the best 6-month performance of this economic growth index in over a decade. In fact, the Office of Management and Budget, the Congressional Budget Office, and the Blue-Chip Economic Consensus forecast all predict that real GDP for 1994, as a whole, will increase at its best rate in 6 years. Let me repeat that. The consensus of private blue chip economists, the Congressional Budget Office, and the Office of

Management and Budget all predict that the gross domestic product of the United States will increase in 1994 at its best rate in over 6 years.

Welcome as this pickup in current economic activity may be, the beneficial effect of last year's budget agreement on long-term economic performance is even more important. There is now a developing consensus that the economy's underlying rate of growth has accelerated.

In his testimony before the Joint Economic Committee on January 31 of this year, the Federal Reserve Board Chairman, Dr. Alan Greenspan, a conservative economist appointed during the Reagan administration, said, and I quote him directly:

> I don't recall as good an underlying base in the long-term economic outlook any time in the last two or three decades.

Dr. Greenspan is saying that he does not remember, or he has not seen, the economic outlook look as good on a long-term basis, based only the fundamentals of this economy, anytime in the last 20 or 30 years. Did you know that most economists share the optimistic outlook of the Chairman of the Federal Reserve Board?

The projections of the administration, the Congressional Budget Office, and the 50 private forecasters surveyed by blue-chip indicators are all very similar. They foresee solid real GDP growth of about 3 percent per year with hardly any rise in inflation.

So, Mr. President, the verdict is in. The deficit reduction package that we passed in 1993 despite the dire predictions that it would cause the economy to drop, that it was nothing but a tax bill, that it was going to cause widespread unemployment, that it was going to accelerate us into a recession—the verdict is in, and the verdict is that we have dramatically changed the economic direction of the United States of America for the better. This economy is on the path to renewal with rising output, increased employment, and falling deficits.

We might ask ourselves, and the question before the Senate now is, What action do we take at the present time? Mr. President, I would advise my colleagues that we simply stay the course that brought us to this point. It has served us well, and there is no reason to warrant a departure.

We are in an economy with deficits coming down, with economic growth continuing in a sustained noninflationary manner. Those who argue for deeper cuts in both discretionary spending and entitlements that we see in the present budget, I say to them, let us stay this course for 1 year, or perhaps 2. Let this deficit reduction package that we passed last year work its way through the full economy, and then come back and take another look to see if we should take further steps to reduce deficits. But unfortunately, the critics are once again not giving us credit for our cuts in spending and for our entitlement savings.

Discretionary spending next year will fall below last year's level. That has not happened since Neil Armstrong was setting foot on the Moon in 1969. And coincidentally, Mr. President, the last time this Nation had a balanced budget was in 1969 as President Lyndon Johnson was exiting the Presidency.

The President's budget called for the complete elimination of 115 programs, cutting below last year's nominal level in more than 300 programs. And discretionary spending, as a share of the economy, is lower than at any time since 1940. Let me repeat that. Discretionary spending, as a share of the overall economy, is lower than at any time since 1940 in this budget before us.

I think we have made some truly remarkable achievements. If someone had come to me in January or February 1993 and asked if we could have achieved the deficit reduction that we have achieved, with the corresponding economic growth that is accompanying it, I would have said: I do not think we can do it.

But we have done it, and it is a remarkable achievement indeed. But I expect we are going to hear a lot about the spending problem not having been solved. And we are going to hear a lot about deficits that will shoot upward again beginning in 1999 because of the alleged "uncontrolled growth in the entitlements." It is always amusing to me to see how our colleagues are so concerned about what is going to happen 4, 5, 6, or 7 years down the road. Somehow they cannot bring themselves to deal with problems that we have to deal with today and tomorrow.

Parenthetically, I observe that the people who are making the most noise about unrestrained deficits in the outyears, almost without exception voted against a deficit reduction package that cut the projected deficit in the year 2003 from $655 to $343 billion.

There is no denying that entitlements are a thorny issue. But I want to take just a moment to give credit where credit is due. I want to give credit to the distinguished ranking member of the Budget Committee, Senator DOMENICI, for his leadership some years ago in bringing about a budget process change, especially in the entitlement area. The paygo system he helped institute is working to control new entitlement growth, and I think it is a tribute to my good friend from New Mexico. In fact, we have legislated very little new entitlement growth since the paygo system was put in place. We certainly have not ignored entitlement programs when it comes to spending reductions—especially in health care.

In the old days when the cowboys would come into the saloon, many times they were required to check their guns at the door. Well, let us just check our rhetoric at the door as we look at this budget and see what has occurred to entitlement programs. In 10 of the last 13 years, we have passed bills reducing Medicare outlays. The aggregate since 1980 comes to a 20-percent cut. Just by looking at Congressional Budget Office scoring of each of these bills, we can see that we have cut $165 billion from Medicare since the paring back began in 1981.

Last year's reconciliation bill made substantial entitlement cuts—a net reduction of $88 billion over 5 years—and total entitlement program reductions were $102 billion.

Some of these savings were used to pay for an increase in the earned income tax credit. That is an effort, using the Tax Code, to try to encourage people to move from welfare to the work force. That is an effort to try to give all people who work for a living at least a modicum of a decent standard of living. The total of reductions were $13 billion more than had been achieved in the budget summit 3 years earlier and $26 billion more than had been proposed in the President's budget last year.

Last year's bill, which cut Medicare by $56 billion, also achieved major reforms in other entitlement programs and with major savings. Here are some of the top savers in the entitlement area: Medicaid was reduced by $7 billion; civil service and military retirement was reduced by $10.7 billion; the student loan program was reduced by $4.2 billion; the administration of Federal welfare programs cut by almost $4 billion; agricultural entitlement programs cut by $3.2 billion; veterans programs cut by $2.6 billion; and banking and housing program mandatory spending cut by $3.1 billion. Those are cuts in entitlement programs.

I am not trying to argue that we have done all that needs to be done. I am simply reminding my colleagues that it is inaccurate to contend that we never touched the entitlement programs. We have been going at them for a decade, going at them very frequently, in a bipartisan way.

The only accounts in this Federal budget that are growing faster than the gross domestic product of this country are in the area of health care. We have before us major reform proposals for both health care and welfare. As we stand on the cusp of major reforms in health care, I think it makes no sense to keep picking at the edges of Medicare and Medicaid. We already know that the past 13 years of tinkering with Medicare has helped contribute to the health insurance problems that we are now hoping to reform. And merely sprucing up health care, with a nip at Medicare here, and a tuck at Medicaid there, is no longer an option. We need a complete overhaul that will take into account the fundamental problems of coverage and cost containment in the overall system.

Some contend that reform of the health care system will end up costing more money. I am not so cynical about our prospects about coming up with a meaningful health reform bill. The distinguished majority leader, put it best the other day when he said: "No plan is perfect, but we cannot let the perfect be the enemy of the good."

So we will be working together to come up with the best approach to these reforms. I am confident that our tried and true paygo system, which has already undergone some real tests and has prevailed, will continue to serve us well.

I want to sketch out the committee's budget resolution as reported. With one major exception, it tracks very closely the President's fiscal year 1995 budget. This budget resolution is necessary to sustain the historic deficit reduction that we passed last year. Over the next 5 years, there will be in excess of $600 billion in reduced deficits, rather than the $500 billion for which we aimed. I want to repeat that so all of our colleagues will absorb this and understand it. We are now reducing the deficit, over the next 5 years, by $600 billion, rather than the $500 billion we anticipated last year.

This same path of deficit reduction will sustain a robust and surging economy that continues to perform beyond our expectations.

The 1995 budget resolution contains the following key components:

The baseline we worked from for 1995 accepts all of the President's program cuts and all of the President's program terminations. This translates to some 300 programs which are either cut or terminated.

(Mrs. MURRAY assumed the chair.)

Mr. SASSER. The resolution also closes a $3.1 billion gap that opened up on the discretionary side of the budget for fiscal year 1995 because of differences between OMB and CBO scoring. That required the committee to cut $3 billion more from the President's budget.

I would note that in the past we have not necessarily accepted the more conservative Congressional Budget Office scoring. I am reminded specifically of the budgets that were submitted by President Bush in fiscal year 1992 and fiscal year 1993 which used OMB's numbers for appropriations rather than CBO's numbers. But this year we will be totally scrupulous and we have filled the supposed gap to hit CBO's account targets.

In addition to the reductions contained in the chairman's mark, the committee adopted an amendment making further cuts in 602(a) allocations reported to the Senate Appropriations Committee.

For fiscal year 1995 budget authority would be reduced by $5.3 billion and outlays would be reduced by $1.6 billion. Over the next 5 years, budget authority for all discretionary spending, including defense, would be cut by $43.2 billion in budget authority and outlays of $26.1 billion. All savings would go to deficit reduction.

The 1995 budget resolution falls below the caps by $1.6 billion in 1995 and by more than $5 billion in each of the next 4 years. Over 5 years, the budget resolution is below the legal spending limits by $26 billion.

Madam President, I want to stress that while I support the budget resolution, I do not think that this amendment we passed in the committee is particularly well advised.

First, I think we already have exercised considerable fiscal restraint. But more important, we have administered the correct formula of fiscal contraction. The economy has been able to absorb the medicine and still grow at a very productive rate. There is a very delicate balance here and I do not want to upset it at this time.

I am not saying we solved the deficit problem. I know we have not. The deficit is still a very real and profound problem. All of us know that there will be another round of deficit reduction, and I hope when it comes in 1 year or 2 that it will be a bipartisan round of deficit reductions this time.

But I believe we need this interval to give the economy time to thoroughly digest last year's deficit reduction program before we embark on another course of cuts.

This is not a time to be headstrong. This is a time, I think, to be prudent, a time to be cautious, a time to continue down the deficit reduction path, a time to flourish and nurture this economic growth that we are presently experiencing.

We need to keep our priorities straight. We should cut those programs that do not produce and invest in those programs that perform well. I believe we can find bipartisan support to do exactly that. But that does not mean that we have to start hacking away at the good and the bad. It does not mean that we should squeeze additional deficit reduction from accounts that are already frozen.

This amendment brings back into focus a nagging problem that plagues this body's efforts to engage in serious and credible deficit reduction. The amendment that was passed in the Budget Committee calls for making cuts in nonspecific areas.

Interestingly enough during consideration of the budget resolution, the Budget Committee rejected 10 amendments, 10 amendments that made specific spending cuts. But when the vote came on this amendment that deals only in general amounts, a majority of the Budget Committee voted for it and what happens? We passed the buck on to the Appropriations Committee. And those who voted for it on the Budget Committee will say when the appropriators have to make these cuts, "Well, I did not vote for cuts; I did not want those cuts to be made. It is the appropriators that made those cuts. I was not for them. I was for something else being cut."

That is what you get into with these nonspecific reductions. We are just going to cut $1.6 billion in outlays next year. We do not say where they are going to come from. We just say we are going to cut it. That is not serious budgeting. That is budgeting by headline.

The action of many of my colleagues sustained something that the distinguished majority leader has long warned about. Senators are very fond of making cuts in general. They can go back home and tell the Rotary Club, and their constituents: "Oh, I voted for cuts. I voted for cuts and the reduced spending in general in the abstract." But they are very reluctant to vote for specific spending cuts.

The great writer Robert Louis Stevenson once said:

> Everybody, sooner or later sits down to a banquet of consequences.

And those who supported this amendment are going to sit down to a banquet table of their consequences if it is sustained, and they will be eating bitter fruit indeed.

Well, no matter what clever complex, and arcane machinery the mind of human kind can come up with—and I think we have seen about all of them by now here—dealing with the budgeting process, the process of reducing spending, and bringing down the deficit comes down to one thing, and one thing only: You must have the courage to vote for specific spending cuts. And we very rarely see that.

Last summer I was on the floor of this body trying to reduce spending, trying to phase out the space station. We failed. We tried to cut the superconducting super collider. Eureka, we succeeded in that, but not because we did it in this body, but because our colleagues in the House said we are just not going to spend any more money on it. And we fought desperately last year just to make a few cuts in the very expensive Star Wars Program.

Mark my word, I am going to be back when the appropriations bills hit the floor this year, and I am going to add Milstar to my list of proposed cuts. I hope that many of those same Senators who supported reducing the 602(a) allocation in this committee will join with me in voting to cut some of these specific wasteful programs.

I think one of the things that is going to be thrown overboard, whether we like it or not, if this amendment stands is the new nuclear aircraft carrier. It simply cannot be financed out the 602 allocation that is going to go to the Armed Services Committee.

Returning now to the overall content of this resolution, we deal with the whole question of mandatory programs such as health care, welfare reform, GATT, and nutrition.

The budget resolution is completely agnostic when it comes to which health care plan or combination of plans will be ultimately passed.

The reserve clauses in this resolution are strictly enabling legislation and nothing more, which allows deficit neutral legislation to be considered on the floor.

We have added back to the President's budget in a few areas which merit an additional note.

The committee's resolution restores roughly 70 percent of the President's reduction in the Low Income Heating Assistance Program, so-called LIHEAP.

We also restored the administration's $202 million in cuts in mass transit operating grants.

The committee resolution as reported rejects the proposed $63 million reduction in various Rural Electrification Administration loan and loan guarantee programs.

And for Ryan White, we have added $182 million over last year's funding level.

We have offset those adds and filled the $3.1 billion gap with a group of adjustments to the President's discretionary totals. The committee's resolution, as reported, assumes the ceiling contained in the Federal Work Force Restructuring Act, which recently passed both Houses.

The resolution also assumes that requested funding for the acquisition of Federal buildings is reduced by $300 million. Budget authority still exceeds the 1994 funding level and the current services baseline.

In addition, the resolution, as reported, assumes roughly a 3-percent across-the-board cut in agency overhead expenses. The cut does not apply to the Department of Defense or the Social Security Administration and excludes obligations for R&D and GSA rent and minimizes the application to program-related obligations.

The cuts in overhead specifically affect purchases of land and equipment, supplies, transportation, consulting, and printing, and contracting-out services.

There will be no reconciliation instruction because there are no tax increases in this bill or reductions proposed in the budget.

On the mandatory side, the committee does not recommend any reductions for the simple reason that the major programs are all being scrutinized by the relevant committees, and major reforms are forthcoming.

Well, Madam President, in conclusion, I believe we have made remarkable progress in the past year. The measure of our journey is not in time, nor difficulty, but in what we have achieved. We have achieved falling deficits. We have achieved an expanding economy. We have achieved a higher standard of living for working men and working women. The challenge we face today is whether we have the courage to stay the course.

Madam President, I have here some graphic evidence of the progress which we have made during the past year.

In April 1993, the Office of Management and Budget was predicting a budget deficit for fiscal year 1994 of $305 billion. The current OMB estimate, after the passage of the Deficit Reduction Act, is $236 billion, and the current Congressional Budget Office estimate is $228 billion.

So, as a result of the Deficit Reduction Act we passed, and as a result of economic expansion, we now have seen the deficit reduced from $305 billion for 1994 to $228 billion.

In April 1993, we were predicting for fiscal year 1995 a deficit of $302 billion. We are now anticipating, because of the Deficit Reduction Act that we passed, a deficit of $177 billion by OMB estimates and $179 billion by CBO estimates, a very dramatic reduction.

In April 1993, we were predicting for 1996 a deficit of $298 billion. Because of the Deficit Reduction Act we passed and the expanding economy, that is now predicted to be between $178 billion and $180 billion, well over a $100-billion reduction; well over a one-third reduction in the so-called deficit. The same is true for 1997 and for 1998.

Look at 1998, Madam President. In April 1993, the Office of Management and Budget was predicting a deficit of $388 billion. The prediction now of both CBO and OMB for 1998 is a deficit of $187 billion. By our action on this Deficit Reduction Act that we passed last year, we will reduce the deficit in 1998 alone by over $200 billion.

And look what is happening in the economy. This is real business investment in billions of 1987 dollars. Look at that line, going almost straight up, as this economy recovers. This real business investment is the best evidence we have that we have a robust economy on our hands for the coming year and for the outyears.

Look, too, at this index of leading economic indicators. These are what the economists rely on to predict economic growth in the years ahead and to predict whether we are going to be in a recession, have moderate growth, or substantial growth.

Look at these leading economic indicators. Beginning in the fall of 1993, that line is going almost straight up. That is an indication of robust economic growth to come.

Well, what has happened to the deficit over the same period of time? These were the deficit projections in April of 1993. The deficit was predicted to be $310 billion in 1993, to stabilize; and then, in 1997, start going through the roof by the year 2003.

What this line indicated was the bankruptcy of the Government of the people of the United States. Look at what has happened since we passed the Deficit Reduction Act. Instead of $310 billion for fiscal year 1993, it is now $255 billion; coming down in 1995 to about $170 billion and staying flat until the outyears; and, of course, going up somewhat if nothing is done about health care costs.

The blue line represents discretionary spending from 1995 to 1999 with no cap on it. That is if we just let discretionary spending grow with inflation; in other words, no real increase in discretionary spending, but just let it go up with inflation so that you have the same purchasing power.

You see that it grows from something akin to $550 billion to up to about $610 billion. Well, we placed caps on discretionary spending in our 1993 economic package that we passed, our deficit reduction package. And, rather than discretionary spending going straight up during this 4-year period, we see it remaining relatively flat for the whole 4-year period. That is somewhere in the neighborhood of $540 billion to $550 billion.

The red mark represents the amendment that was passed in the Senate Budget Committee. This amendment, as I said, reduces, over that period, budget authority by $65 billion and outlays by $26 billion. In 1995, the amendment passed by the Senate Budget Committee will reduce budget authority by $12 billion and outlays by $1.6 billion relative to the caps over the next 5 years.

And you can see this is the red line which puts the domestic cap below the Budget Enforcement Act that we passed last year.

The distinguished ranking member has been waiting patiently for his turn to speak and make his opening statement this morning. I want to defer now to Senator DOMENICI for his comments.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Madam President, I hope I did not cause my colleague to stop before he was ready?

Mr. SASSER. No.

Mr. DOMENICI. Madam President, the lack of interest in a budget resolution this year, it is fair to say, indicates that not very much is happening. I can assure my colleagues, the media was not very interested in the markup during the 2 days we were in session. Also, there is not a great deal of interest on the part of our fellow Senators because essentially the budget does nothing this year. In fact, it does precisely what we said it would do last year. I assume that, if this mode is continued, next year it will do exactly what it was told to do in the Budget Enforcement Act, passed in August of last year.

I would like to take a few minutes today and discuss why that is not good enough. In the meantime, in my own way, let me describe some of the very, very difficult situations we face in terms of the people understanding what we are doing. Rather than proceed to talk about why we are doing nothing and why doing nothing is very, very frightening to this Senator in terms of our children and the legacy of debt we are going to leave them, let me talk a minute about the idea of who is fiscally responsible and who is not, who is willing to vote for hard cuts and who is not.

My good friend, Chairman JIM SASSER whom I have grown to respect and admire—and it is a pleasure working with him. And right up front here I want to thank my excellent staff and indicate I observed his excellent staff worked very hard on this technical and difficult problem. I thank both sides, the Democratic staff and Republican staff.

But let me just use one of the Senator's examples since a lot of Americans wonder who is for cutting and who is not. The Senator said he came to the floor and recommended cutting the space station, that we should not have that as an American program. And he says to the people listening: The people who did not vote for that must be for bigger deficits or for not cutting spending.

Madam President, the truth of the matter is, whether the space station was cut or not made zero difference in terms of aggregate deficit numbers and how much we will spend each year as a nation. That is because we are now operating not on a program-by-program basis but by one overall expenditure cap that cannot be violated. I know this does not sound quite right to many Americans who do not believe we have a way of saying we will not spend any more than a given amount but we actually do have a way. This Senator does not think that those budget limits are low enough, but we do have a way.

Since 1990, we finally invented and enforced a way to see to it that if we say you are only going to spend $540 billion in the year 1995, you cannot spend more than $540 billion. That is written into law. The law says if you have appropriated more than $540 billion at the end of the year, there is an automatic cut across the board to bring it down to $540 billion. That was thought up in the 1990 summit when many of us were meeting over at Andrews Air Force Base. Many think we did not come up with a very good product. Some think there are some components that are very good. This is a component that is very good.

Consequently, if you cut the space station here on the floor in an appropriations bill, the real test of whether you wanted to cut the budget or not is not part of that vote. The important vote is the one that says, when you cut that money out of the budget, you reduce the spending cap by an equal amount. That occurred in the Senate, if I recall. Many voted to take the program out but said leave the cap right where it is.

What does that do to spending? It only means you chose the space program to cut and you want to spend the money somewhere else. Spending gets filled back up to the cap in the ensuing weeks because there is no other rule around. You spend the money on other programs that you would have spent on the space station.

So as a Senator who has understood this process since we started this budget process of mandatory binding caps that would be followed by an across-the-board cut if you exceed them—I do not think people ought to too quickly pass judgment on individual appropriation items as being a budget cutter unless the cutters are willing to lower the cap for total expenditures. Otherwise, the only thing the cut says is "Spend the money someplace else." I do not think anybody can deny what I just said. Every time we have removed a program, Congress has proceeded to spend right back up to the cap, which means we have not saved anything.

My last point is there are a lot of priorities that the Republican side might want and the Democrat side might not want, and vice versa. But if you just pick your priorities and vote on them, you are simply picking priorities. You are not cutting deficits, if you leave the total amount to be spent where it was to begin with. You have not saved anything.

It is also interesting that the budget process has evolved to a point where—with regard to the budgeteers and people who are going to come to this floor and talk about what they are going to cut—the budget resolution does not have any individual programs in it to cut. That might surprise some people. It is just a lot of numbers. You see a whole bunch of numbers.

So if somebody comes to the floor and says today I am offering an amendment that says I do not want to spend money for this program but I would like to spend it for this other program—if they leave the numbers in the budget resolution exactly where they were, that vote is nothing more than an expression of desire. They are in effect saying, "I would like the Congress to not spend money on this, and in turn spend it on that." When we are all finished with this, what controls what is really spent are, the dollar numbers we give to the Appropriations Committee. They divide it up, and they spend it and bring it to the floor in 13 separate bills.

So while we will have a lot of rhetoric—some of it will be great, some of it will make a very good point in terms of what ought to be and what people think they want to do, frankly, to simply move money around—unless you change the caps you have not changed the budget one bit.

Let me now refer to a couple of charts for a minute. I know the first discussions here are supposed to be about the economy, but I choose to weave the economy into the next 30 or 40 minutes and not separate it out. I want to make sure everybody who is looking at the American fiscal policy understands what we are leaving for our children as the legacy of indebtedness. Professor Tribe once expressed it this way: America is kind of a revolutionary country where we are opposed to taxation without representation. But the deficit and its enormous size is taxation of our youth and the next generation and the next generation, without any representation, because assuredly they will have to pay more taxes to pay it off. So in a very real sense the deficit is taxation of generations yet unborn without representation.

Here is the reality of the "stay the course," "do nothing in addition to what we did last year" approach to fiscal policy. In 1995, the deficit will be $178 billion. That will be the number if we stay the course.

The deficit does not come down anymore. It starts going up and in 1998—that is not very far from now—the fifth year of this budget, it rises further. And if those who look at budgets are right—and I believe they are—and if current policy is left unchanged, deficits will exceed $350 billion by the year 2004. I do not think anybody really thinks this Nation is going to have sustained recovery with this reality. And it is a reality, it is just not yet fixed in the minds of the American people and policymakers.

Let us look at where this deficit comes from, and maybe we will all understand why it is not enough to stay the course.

In 1990, the budget of the United States was made up of $184 billion in net interest and $185 billion in nondefense discretionary. That means what we spend on education, what we spend on housing, what we spend on highways and the like. Defense, $319 billion; and entitlements and mandatory expenditures, like the health care programs—Medicare, Medicaid, Social Security, and a lot of others, hundreds of them—the amount was $567 billion.

We go to 1995—the budget year we are going to vote on—the interest is now up to $212 billion; nondefense discretionary has gone up almost $70 billion, which many people would be shocked by because we are always telling them how much we cut. In fact defense is the only one that went down. It went from $319 billion to $291 billion. Next, the entitlements and mandatory programs of our land, go from $560 billion to $843 billion, almost a $300 billion increase.

Frankly, it is these entitlements and mandatories that nothing is being done about.

Then let us look at what the projections are for 1999. These are from the Congressional Budget Office. Lo and behold, stay the course. Do you think that after looking at these spending increases Americans would say: "Well, you told us we are cutting programs and that we are spending less at home and less on defense and less on foreign affairs, everything is just getting cut all over the place"?

Let us look at nondefense discretionary from 1995 to 1999. That is the one I explained a while ago—education and the like. It does not go down. It goes from $249 billion to $283 billion. If my quick arithmetic is right, practically a $50 billion increase. Not down, up.

Defense, again, comes down. It will then go to $280 billion. It was once $319 billion. But then consider what happens. Mandatories and entitlements, goes up to $1.099 trillion from $843 billion in 1995. Some quick arithmetic: $250 billion more in these next 5 years.

The point of this is very, very simple: When, how and where will we finally control this budget? When will we get these upward trends turned around?

Madam President, there are no cuts in this budget—no new cuts, to this increase of $250 billion.

Point No. 1, frankly, I do not believe we can sustain this trend for very long. Point No. 2, in my opinion, the best time to make real changes in domestic programs, both from the political standpoint and from the reality of economics is when the economy is growing. You will never change the spending habits of a nation in any permanent and significant way when the economy is coming down. It does not work. People are frightened. It does not make good sense from the standpoint of wanting to do things that are not adverse to economic growth. So, it seems to me, that now would be the time to take a serious look at some new and different ways to approach the mandatory and entitlement programs of this land.

A great deal has been said about the buoyant state of the American economy. Hopefully between now and 12:15 or so, and throughout the next 15 to 20 hours, we can speak some more about how the economy got to where it is. But I think it is important that as part of this debate we talk about something that is now getting a little worrisome and yet it is being held up as the most single positive phenomenon that should cause success to continue and the American economy to grow and prosper; and that is lower interest rates.

In August 1993, the Democrats in the Senate and House, led by President Clinton, passed a deficit reduction package. I am sure that many Americans will be shocked to learn that that was not the beginning of this recovery; that was not the beginning of the interest rate declines.

Before I go on with the rest of my thoughts, let me say the economy is doing splendidly, especially when you consider the rest of the world. I am very pleased. I am glad it is happening. If I were on the other side of the aisle, I would be bragging about it, too. I would be trying to say we did it; it is our economic recovery. But I think it is our job to be a little realistic and make sure we understand all that surrounds those kinds of statements.

The 10-year T-notes are very, very important for many reasons, partly because most of our debt is evidenced by 10-year T-notes. Three-month Treasury bills are an indication of how the short-term market on interest rates is going. They are very important, too, although not terribly relevant to the business community. Nevertheless, they indicate downward trends in interest.

In 1990, these 3-month bills started coming down. By 1992 they were below 3 percent. What has happened since then? Instead of coming down further, they have gone up. And today, as we speak, without any recent change in policy by the Federal Reserve, they are inching up so that now they are back to 3.5 percent.

That means that interest rates have been having a healthy effect on this economy for about 2½, almost 3 years, rates have been coming down during that period of time.

The 10-year notes follow the same pattern. I believe it is not just interest rates that are making the economy go but a lot of other things that came together midyear of last year and really buoyed the economy, which had been growing at a very slow pace.

The downward spiral in the trend of interest rates started about 3 months into 1990 and, with ups and downs, continued downward, and, believe it or not, during the Clinton administration they came down a little bit more. But for everyone it is obvious they are going back up again. In fact, they have gone up more than 1 full point, from a low of almost 5 to 6.5 percent today, a rather clear upward trend and a clear signal.

Now, that only means to me, if it is interest rates that concern us, we better be worried about all the trends coming back together at the wrong time moving in the wrong direction. When the markets and everyone else find out this deficit is on the way back up and not up just a little bit but substantially and significantly, that this deficit is moving up and the debt will grow rapidly, it would seem to me we will not add to the quality of things going on in the American economy that would cause interest rates to come down.

So I believe the time is now to do some major surgery on mandatory and entitlement programs, and later I will present, hopefully in behalf of most Republicans, an approach to doing that, to getting that $365 to $400 billion deficit down dramatically and reducing the deficit over the next 5 years substantially more than is proposed.

Having said that, let me talk a little bit about the successes we have had so far. And again I say to Senator SASSER, who has done a marvelous job, sometimes I appreciate very much how difficult it is for him to get all of his Democrats together on something and to make it move. I had to do that once for 6 years, and it is tough. I believe it is not as difficult this year because of what I have already explained. We are really just enforcing the caps that were imposed heretofore as part of a 5-year program.

But I think it is worth stating again that, if you look at July 1993 when the so-called big deficit package was passed, let us analyze two things.

First, I am not trying to deny the President or Democrats the joy of claiming great success, but I do think we ought to talk about a little realism. When the U.S. Government makes a major policy change which will affect the economy, I think it is general consensus among most economists, in fact, I would say almost everybody on the joint economic advisory group that advises the President would say it takes about 1 to 1½ years for the economy to react to major policy changes, be it tax cuts or be it investment tax credits of the Kennedy era. It just does not happen overnight.

Well, just think a minute. The largest quarter of GDP growth in the last 4½ to 5 years was the last quarter of 1993 when the GDP, gross domestic product, grew at 7.5 percent. That was 1 month after the passage of the package that was heralded as the reason for the pickup. Now, having said that, CBO reported in their economic and budget outlook fiscal years 1994–98, "Although monetary actions operate powerfully on the economy, they do so only indirectly and with an uncertain lag, perhaps more than a year."

The deficit in the year 1998 is projected still to be $201 billion and at the same time the 5-year program in the document before the Senate, assumes constant growth of over 2.7 percent, for the next 4 years, and assumes these interest rates do not go up but actually stay level or in some cases decline from current rates.

After 1998 deficits skyrocket, and I believe the question is: Should we do something about that this year or not? I think we should. It is not easy. In fact, it is very difficult to do that. But I would submit that at least we are going to try. We are going to offer, either today or early tomorrow, an alternative. It will get the deficit to $99 billion by 1998, and we will also be able to turn the tax tables so that they favor families with children and homemakers, part of a thrust to change the Tax Code to do a better job of recognizing how expensive and difficult it is to raise children these days, especially on the economic side when the Government has dramatically reduced the deduction that you can take for dependent children.

Madam President, currently our economy is growing, we are creating jobs for our people, and our businesses, by and large, are prospering. This is good news. The Federal deficit is declining from $255 billion last year to an estimated $225 billion this year. With continued growth the deficit will decline again in the coming fiscal year to about $180 billion.

President Clinton is fortunate to have come into office inheriting an economy in the recovery stage of the current business cycle expansion—the ninth expansion of the post-war era. It is this upswing in the business cycle that, more than anything else, has contributed to the recent decline in the deficit. However, the work of the Budget Committees over the past 4 years has also contributed—through establishing caps on discretionary spending first in 1990 and then extending them again last year.

But the job is far from done. And the resolution before us today leaves the job undone. Now is not the time for us to be taking a break or putting the budget process on automatic pilot.

### THE PROBLEM

First, the low interest rates which began coming down 4 years ago and have stoked recent economic growth are creeping back up. Ten-year Treasury-note interest rates—representative of long-term rates—are now at 6.4 percent, down from 8.9 percent in September 1990. This 6.4 percent is approximately equal to the 6.6-percent level reached last January when President Clinton assumed office.

The administration has been quick to take credit for interest rate declines that occurred last year, but rates are not back to about the level when President Clinton took office. This increase has, according to economists, already had a dampening effect upon consumer activity.

Simply stated, economic growth is not a certainty. The average peacetime expansion has lasted but 14 quarters, only 11 if one removes the exceptional 1980's expansion, the longest peace-time expansion on record. The current expansion is in its 12th quarter. The administration and the Congress must now rely on more than just the momentum of the business cycle to keep the economy strong and vibrant. We must continue to structure policies that increase net national savings for investment and growth.

Second and related to the economics discussed above, is the deficit trend after 1996. It is not good. Because, as we all know, after fiscal 1996 the deficit begins turning upward again and embarks on a relentless upward spiral, driving past the $300 billion mark shortly after the turn of the century.

The resolution reported by the committee does not do anything to change this long-term trend. Even including the impact of the Exon-Grassley discretionary cut amendment adopted in committee, the deficit will still rise throughout the next 5 years growing back to $200 billion by 1999. These estimates assume 10 years of uninterrupted economic growth averaging over 2.5 percent annual real growth.

During last year's budget debate, we were repeatedly told by the White House and members of this committee that health care reform would bring down the deficit in the outyears. But CBO dashed that myth. The secret is out—there is no deficit reduction in the Clinton health care reform plan.

More importantly, the Senate-reported resolution at best would only reduce spending $36 billion over the next 5 years, $20 billion of that $36 billion occurring in 1999—in other words "back-in loaded". And all of these reductions would come from that area of the budget known as discretionary programs, annually appropriated. The real culprit of spending growth—mandatory spending—is left untouched in this resolution.

What is more interesting, the resolution before us today does not accept the President's spending cuts for LIHEAP, mass transit, REA, Impact Aid part B, Ryan White grants, and Head Start. While adding back real spending for these Presidential cuts, the resolution finds questionable real offsets in the form of delaying obligations for the Head Start Program, delaying obligations for the National Institutes of Health, delaying obligations for Federal building programs, assuming different outlay rates for housing programs, and cutting agency overhead rates by 3 percent.

I do not think anybody can argue that the resolution before us today, including the discretionary savings from the Exon-Grassley amendment, does anything to address the real spending problem of this country.

### THE SOLUTION

We cannot fool people anymore. We cannot simply say we did the work last year—we're taking this year off. We cannot duck our responsibilities simply because it's an election year. It is clear that the President's budget and the House-passed budget resolution along with the one before us today are really designed to hold the course. They are do-nothing budgets.

But Republicans are not satisfied with the direction this course will take in the longer run. We have much more to do if we are to keep our economy moving forward.

Republicans are willing to work to make that happen. Contrary to the opinion of some, Republicans want this President to succeed. We particularly want this Nation to succeed. We want to bring our deficit down—cut it in half by the end of the President's term as he promised—to help create jobs, and to provide some security to our people. Republicans want to help the President meet his campaign goal of providing a middle-income tax cut to hard-working American families with children.

After many weeks of work and development, Republicans offered in committee a comprehensive Republican alternative to the Clinton budget as embodied in the chairman's remark. It was a principled budget.

It was a budget designed to provide real security to the American people. Moreover, the GOP alternative budget helped President Clinton achieve his two campaign promises—to cut the deficit in half and provide a middle-class tax cut.

And the Republican alternative would have provided real security to the American people. It would have enhanced their national security, their personal security, and their future security.

Our alternative began by providing for current and future security by achieving real deficit reduction. The Republican alternative budget would have reduced the deficit $318 billion over the next 5 years. This is $322 billion more in deficit reduction than the President proposes and $303 billion more in deficit reduction than the House-passed resolution contains and $280 billion more than the Senate-reported resolution.

It reduced the deficit to $99 billion in 1999. It cut the deficit in half that year compared to the Clinton policies. The $99 billion deficit in 1999 would be $106 billion less than the deficit projected under the Clinton budget.

The alternative budget then sought to enhance the personal security to middle-class families by providing promised tax relief to American families and small business.

Provided tax relief to middle-class families by providing a $500 tax credit for each child in the household. The provision grants needed tax relief to the families of 52 million American children. The tax credit would have provided a typical family of four $80 every month for family expenses and savings.

Restored deductibility for interest on student loans to assist our young people seeking to advance their education.

Indexed capital gains for inflation and allowed for capital loss on principal residence; and

Created new incentives for family savings and investments through new IRA proposals that would have allowed penalty free withdrawals for first-time homebuyers, educational and medical expenses. It also would have created an IRA for homemakers.

Furthermore, we sought to help small business and spur job creation by extending the R&E tax credit for 1 year, providing for a 1-year exclusion of employer-provided educational assistance, and adjusting depreciation schedules for inflation.

The Republican alternative budget sought to ensure the personal security of Americans by fully funding the Senate crime bill trust fund—providing $22 billion for anticrime measures over the next 5 years. The Clinton budget does not. The House-passed budget does not.

Our alternative ensured our national security by increasing funding for President Clinton's defense request by the $20-billion shortfall acknowledged by the Pentagon. By rejecting the Republican amendment to restore the firewall between defense and nondefense spending, the committee-reported resolution as modified by the Exon-Grassley amendment to cut discretionary spending $43.2 billion in budget authority, can only be considered a further risk to national security funding in the future.

The alternative budget addressed the largest and fastest growing component of Federal spending—the non-Social Security mandatory spending programs. The alternative was willing to reduce the projected rate of growth in the Medicare Program from 10.6 percent annually to 7.8 percent annually over the next 5 years. The alternative was willing to reduce the rate of growth in the Medicaid Program from 12 percent annually to 8.1 percent annually over the next 5 years.

While the alternative budget was austere, Federal spending would still continue to grow. Total spending would increase from $1.48 trillion in fiscal year 1995 to more than $1.7 trillion in fiscal year 1999.

The GOP alternative budget did not paper over the problems confronting us. Rather, it responded to the fears and concerns of the American people. It gave workers a break, it gave families a break, and, most importantly, it would have given our children a break from having to pay our bills.

Unfortunately the alternative brightline vision for America's future was rejected on a straight party line vote in the committee. I believe the full Senate will have an opportunity to vote on the Republican alternative before this debate ends.

The administration projects that the economic expansion currently underway will continue in coming years. I do not believe there is a person on either side of the aisle that doesn't hope that that's the case. In fact the administration's projections of benign deficits ahead crucially hinge on this assumption—and of course the assumption of significant savings from the administration's health care reform. Unfortunately this rosy scenario is based on a "Sun is shining now" attitude about the economy. Yes, we had strong growth in the fourth quarter of 1993, but we must put this in economic context.

President Clinton was fortunate to come into office inheriting an economy in the recovery stage of the ninth business cycle of the postwar era. Owing to underlying conditions that had been steadily improving for a number of years, the economy continued the expansion in 1993 that had begun a year and a half earlier in the spring of 1991.

Important components of this expansion include 3 years of improving household and business balance sheets, declining interest rates since 1990 and declining inflation that goes all the way back to the early 1980's when inflation peaked at 12 percent or so.

Low inflation and interest rates have set a solid foundation for economic growth, reflecting a determined and successful Federal Reserve—though I believe they have not been receiving the credit they deserve. Here are the facts:

Following a declining trend that began in 1990, interest rates reached their lowest levels since the 1960's. Three-month Treasury bill interest rates—representative of short-term rates—declined from 7.8 percent in April 1990 just before the recession began to 3.0 percent by the beginning of 1993. The 3-percent rate was reached before President Clinton came to office and short-term rates have done no better since then.

The 10-year Treasury note rates—representative of long-term rates—are now at 6.4 percent, down from 8.9 percent in September 1990. Almost all of that decline occurred before President Clinton took office. Rates declined further last year but have now risen nearly back to the 6.6 percent levels of early 1993.

Part of the interest rate reductions we have seen reflects expectations of lower inflation ahead than previously thought. Inflation averaged 12 percent in the late 1970's and in 1980, 4 percent during the mideighties, and 3 percent in 1992 and 1993. Inflation partly reflects the costs of production and growth in these costs has moderated because of large gains in worker productivity in recent years. During 1992, nonfarm business productivity, the best measure of economywide worker productivity, rose 3.6 percent. That's the biggest 1-year increase since the early 1960's. productivity growth in 1993 was a slower 1.9 percent.

Following a downward trend that started in 1990, household debt burdens have receded to levels last seen in the mid-1980's. Household debt service as a percent of disposable income declined from a high of 19 percent in late 1989 to nearly 16 percent by the end of 1993—about equal the level in 1985. Payment delinquencies on consumer loans fell sharply in 1992 and the trend continued in 1993. They are now at a level not seen in 6 years.

As a result of improving conditions, real GDP advanced at an average rate of 3.2 percent over the four quarters of 1993, higher than the 2.7 percent pace of the first seven quarters of the expansion and slower than the pace in 1992. Over the four quarters of 1992 real GDP rose a strong 3.9 percent, the fastest pace since 1987.

Partly owing to the strong GDP advance in 1992, disposable income per capita after adjusting for inflation rose 3.8 percent or an average of $527 per person during 1992—the largest 1-year rise since 1984. In 1993, income per person held to the high level achieved at the end of 1992.

While this administration was quick to take credit for interest rate declines that occurred during part of last year, rates have now risen back up to about the level when President Clinton took office. It appears now that they wish to have their economic plan take credit for the pickup in real GNP in the fourth quarter. Again, it is important that we understand what is going on in terms of the economic cycle and the recovery that began in 1991. Alan Binder, a member of President Clinton's Council of Economic Advisers has written:

> Rapid economic growth always follows on the heels of a steep recession. I call it the Joe Palooka effect, after those inflatable toys on which young boys worked out their aggressions a generation ago. Because Joe Palooka was weighted at the bottom, he always snapped back after being pummeled to the ground.

Herbert Stein, Chairman of Richard Nixon's Council of Economic Advisers has always said:

> The business cycle was more important than any President's acts.

Taking credit for the pickup in growth that began in October of last year, the administration has pointed to OBRA 1993, the Budget Reconciliation Act completed a little more than a month earlier in August. But, this is what economists have said about the delay between policy and the economy. Nobel Prize winner Lawrence Klein wrote in 1991 that a fiscal policy GNP "multiplier reaches a high * * * after four or five quarters." CBO reported in their "Economic and Budget Outlook: Fiscal Years 1994–1998":

> Although monetary actions operate powerfully on the economy, they do so only indirectly and with an uncertain lag, perhaps more than a year.

We should ask, is it likely that the substantial declines in interest rates between 1990 and 1992 stimulated real GNP in 1993? In my estimation, that lagged effect makes eminent sense. Could the August 1993 OBRA affect October 1993 growth? That just doesn't fly no matter how many times it is asserted.

Based on such flimsy support, we cannot rely on the speed up of growth in the fourth quarter to justify a sanguine view of our future economy. In fact, Democrats in Congress have joined the administration in carrying the logic of crediting President Clinton's economic plan for strengthening the fourth quarter a dangerous, yet erroneous, step further. They advocate a stay the course path to sustain healthy economic growth. It makes no sense to me. The Shadow Open Market Committee, a group of eminent academic and business sector economists, declared in their most recent public statement:

> Although the administration takes credit for improved economic performance, recent growth mainly reflects past Federal Reserve policy.

Moreover, even lower interest and inflation rates, and the benefits they produce, may now have ended. Declines in interest rates that occurred in 1993 have all but disappeared. The economy is approaching capacity levels not seen since 1988 and this puts pressure on prices.

Unfortunately, economic growth during this expansion, or any other, is not a certainty—the average peace-time expansion lasts but 14 quarters, only 11 if you remove the exceptional 1980's expansion, the longest peace-time expansion on record. The current expansion is in its 12th quarter.

At this point, we must now rely on more than just the momentum of the business cycle to keep the economy strong and vibrant—we must rely on good policies. Assuming a "Sunny day" scenario because the Sun has been shining is not enough to bank our future economic growth and budget prospects on.

It is funny that I should say this, but candidate Clinton advocated what I thought was "good policy" during the campaign. He said he would cut the deficit in half in 4 years, and cut taxes for the middle class. That sounded like a pretty good goal then, and it is the goal we should aim for today.

Might I ask our chairman, I intend now to suggest to our Republicans, Mr. President, that anyone who has amendments at least get me familiar with them so we will begin to compare how many amendments we have because I gather most Senators would like to see us move expeditiously with this resolution, and I for one want to accommodate many who have said this on my side and I know the Senator wants to do the same.

So I am asking Republicans to give us their amendments so we begin to make some order on our side. Is that a fair way to proceed?

Mr. SASSER. I think that is an excellent course to pursue, and I wish to join with the distinguished Senator in asking that all Senators from the Democratic side who are contemplating offering amendments to bring those amendments to us, let us know what they are so that we can make arrangements to bring them up in an orderly way.

As all Senators know, we are operating under, I think, a 30-hour time agreement. So, if we are going to entertain amendments of everybody and give them adequate time, we need to get the amendments early. If we do not and all the amendments come in at the end of the day, then Senators ought to understand there will be little or no time for debate and there will not be a fair airing of their amendments.

So I urge all Senators on our side to bring their amendments to me in the Chamber or to our very able Budget Committee staff here and let us begin the orderly process of trying to align them for taking up.

I thank the Senator.

Mr. DOMENICI. Madam President, might I ask, is there anybody on our side who wants to speak before we go out for policy luncheons?

Would the Senator from Iowa like to speak?

Mr. GRASSLEY. Is it possible to speak for 20 minutes?

Mr. DOMENICI. I am going to take 5, and then I will yield.

Does the chairman have other time requirements?

Mr. SASSER. Yes. The distinguished Senator from Washington wishes to speak.

Mr. DOMENICI. How does the Senator want to do that?

How much time did the chairman use this morning and how much did I use?

The PRESIDING OFFICER. The Senator from New Mexico has used 28 minutes; the Senator from Tennessee has used approximately 56 minutes.

Mr. SASSER. Since we are ahead on time, perhaps we will yield and let Senator GRASSLEY go next.

Mr. DOMENICI. Can I use 5 additional minutes before I do that on my time?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I ask unanimous consent to insert in the RECORD a statement that I would entitle "A Budget Process Concern."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### A BUDGET PROCESS CONCERN

The Congressional Budget and Impoundment Act of 1974 celebrates its 20th anniversary this July. It is particularly ironic in this anniversary year that critical public policy issues with major fiscal policy consequences now before the Congress are being ignored by the Budget Committees. The most important public policy issue confronting the Congress this year—health care reform—an issue that affects one-seventh of our economy is delegated to a "reserve fund" in the committee-reported resolution.

In addition to health care reform, the reported resolution contains 10 other reserve funds for future legislation ranging from trade-related legislation to the "nanny" tax. The expanding use of reserve funds, many of which are for broadly defined purposes, erodes this committee's budgeting role and the importance of a budget resolution for setting fiscal policy.

The 1974 Budget Act requires Congress to write binding outlay, revenue, and deficit totals in the budget resolution. Section 2(2) of the Budget Act states in part "that it is essential to provide for the congressional determination each year of the appropriate levels of Federal revenues and expenditures".

A reserve fund provides for a procedure to adjust the aggregate spending and revenue levels in the budget resolution. With the eleven reserve funds in the budget resolution, we have no idea what the levels of outlays and revenues will be.

The first such reserve fund was established in the FY 1984 budget resolution. However, this reserve fund was for specific initiatives and was limited to specific amounts. Through FY 1991, reserve funds were used sparingly, usually limited to defined amounts, and specific in purpose. Beginning with the FY 1992 budget resolution, reserve funds have grown in number and have been broadened in scope.

*Number of reserve funds*

| Budget resolution:<br>Fiscal year: | |
|---|---|
| 1984 | 1 |
| 1987 | 2 |
| 1988 | 4 |
| 1989 | 3 |
| 1990 | 2 |
| 1991 | 1 |
| 1992 | 5 |
| 1993 | 5 |
| 1994 | 7 |
| 1995 | 11 |

When the Budget Committee simply sets discretionary funding right at the statutory caps and provides open-ended reserve funds to cover every conceivable mandatory spending initiative that the Congress will face over the next year, then this committee has given up its budgeting role to a significant degree. We have become simply a deficit enforcement committee that takes no meaningful actions on fiscal policy.

One of the chief purposes of the 1974 Budget Act was to bring "backdoor" (or mandatory) spending under control. During the debate on the Budget Act, then Senator Bentsen gave an eloquent description of the purposes of the congressional budget process:

"Piecemeal reductions in Federal programs, which is more or less what the Congress presently does, fail to provide a permanent solution to the problem of regaining and retaining congressional control over Federal spending. Congress has to have a means for making an independent judgement on the amount of Government money to be spent each year and we need the machinery for insuring coordination among the various committees incurring obligations and making outlays."

Reserve funds erode our control of spending and revenue levels and put us back on the path of making piecemeal decisions. It is ironic that 20 years after the Budget Act became law, the budget resolution, which was intended to control mandatory spending, is being used to facilitate open-ended expansions of such spending.

Finally, we gained adoption of an amendment to the health care reserve fund in this resolution to make it applicable to amendments. For the other ten reserve funds, a deficit-neutral bill reported by a committee will be exempt from Budget Act points of order pertaining to spending and revenue levels. However, a deficit-neutral amendment that changes the mix of revenues and outlays in the reported bill would be subject to a 60 vote Budget Act point of order.

If a budget resolution is going to contain this many reserve funds that are so broadly defined, it is unfair to put individual Senators at such a disadvantage relative to the committees in writing legislation.

Mr. DOMENICI. Madam President, we have 11 reserve funds in this budget resolution. I am concerned about the growing number of reserve funds, and I have a history of how that evolved from almost none to 11 in 1984, the first time we ever used a reserve fund, and it was very precise and specific.

I think to say that reserve funds are an adaptation of the pay-as-you-go, which was kind of invented and thought up in 1990, is probably a fair statement. But I do not think it means that everything is going to be all right so long as we have pay-go on new programs. So let me try to give an example to the Senate of why that concerns me.

If you look at this major component of the components of the budget, the real problem with this budget is that the entitlements and mandatory expenditures, which in 1995 would be $1,843.9 billion, and it will grow to $1 trillion in 1999 just 4 years later, the real problem with the way we are headed is something like this: The biggest component of that is Social Security. Let us set that aside for a minute. The next biggest component, without any question, is the health-care programs of the U.S. Government: big, growing precipitously, one might even say somewhat out of control.

If they are out of control and are growing at 2½ times inflation, then the President of the United States was right in his campaign. I was right, the Senator from New Mexico was right 6 or 7 years ago when the statement was made that without controlling health care costs you will never control the Federal deficit. That is pretty obvious. If you let things continue as they are, those two occur.

Since everybody has been saying you have to control health care to get the deficit under control, I am very concerned about starting a health care debate with language in a resolution that says it does not matter whether there is any reduction in the tremendous surge in costs of these programs. What really matters is that when you do the new program that you put enough taxes in, cut other programs someplace or another, but you do not have to really reduce the costs of the spiraling programs.

Let me put it another way.

If in fact we were supposed to get the deficit under control by getting health care costs down, then we do not get the deficit under control by leaving health care costs alone and spending all of the money we might save on new health-care programs. It just will not work. So we have gone from "without health care savings we cannot balance the budget" to saying "it is OK so long as we do not spend any more than what health care costs are today" That will never work.

The President was mistaken when he sent his package up here. He was trying to tell us he would get some deficit reduction along with new programs. Then the Congressional Budget Office said, "Wait a minute. That is not true. It may be true in 10 years. But for the time being, you are going to spend more, not less."

So to merely say about health care so long as it comes out deficit neutral it is all OK, it seems to me to acknowledge we are not going to reduce the costs and apply any of those savings to the deficit of the United States. I will have to conclude you will never get the deficit under control because you have given up the ingredients that were there to be used.

Having said that, I would also suggest that I very much would like to start the debate on health care with the budget on Medicare and Medicaid having assumed the position in a budget where there are already savings built in that are applied to the deficit. Then I think you have a realistic picture of where you are going to end up, not the kind of situation that I envision occurring now as I look at the spiraling costs of health care and the fact that we are not going to get any contribution to the deficit from health care costs to the U.S. Government.

Madam President, I yield the floor. I understand Senator GRASSLEY desires to speak. How late are we going to go, I ask the chairman? We have a policy lunch at 12:30 and a leadership meeting at 12:15.

Mr. SASSER. Madam President, 12:15 or 12:30. The chairman would be most accommodating to the distinguished ranking member. We can do either one.

Mr. DOMENICI. Thank you. I think we can go to 12:15. I have to go to another meeting. Senator GRASSLEY might be able to stay 10 minutes or so. We will ask him. If not, we will ask to recess at 12:15.

Mr. GRASSLEY. Madam President, I yield myself such time as I might consume. I am thinking in terms of roughly 20 minutes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I want to address the so-called $20 billion inflation problem. This deals with the outyears of the Department of Defense's future year defense plan [FYDP].

We have had a parade of witnesses before the Budget Committee in recent weeks, including Secretary of Defense Perry, and they all tell the same story. They tell us how inflation is a culprit. It is very difficult to predict what inflation is going to be, and, consequently, they cannot supply definite figures for the outyears for the future year defense plan.

I do not know why the Department of Defense cannot predict inflation for 5 years out and do it for budgetary purposes, because every other agency of the Federal Government must do that, and does do it. So I just do not buy the excuse that it is very difficult and impossible to predict for 5 years out.

We are just starting our analysis of the fiscal year 1995 future year defense plan. So I cannot make final judgments today about the problem's cause, and I cannot about its true size. However, I do have some preliminary conclusions based on available information.

First, the mere existence of a $20 billion future year defense plan budget disconnect constitutes a violation of section 221, title X of the United States Code. This law was passed by Congress in 1987. Under section 221, the Department of Defense must submit a future year defense plan to the Congress, and they must do it each and every year, and they must do it so that it is fully consistent with the President's budget.

The purpose of this law is simple. It forces the Department of Defense and the Secretary to make some very hard decisions to squeeze all of the programs into the President's budget. That means they would be forced to make tradeoffs, to make tradeoffs when it is very necessary to make tradeoffs, because decisions not made today mean spending lots of money and obligating lots of money down the road.

Of course, in the process of making the decisions, that means the Secretary of Defense must eliminate unaffordable programs. The question we must ask is: Does the fiscal year 1995 future year defense plan comply with that 1987 law?

I want to take a few moments to examine the facts as we know them.

This chart with the three lines of figures is the President's budget for Defense. The President's budget is the top line, totaling $1.2355 trillion for 5 years. This is what the President says the Department of Defense is allowed in fiscal years 1995 through 1999.

The second line shows the numbers in the fiscal year 1995, future years defense program at $1.2557 trillion.

The third line—the line that is the point of my remarks—shows the difference between the budget and the future years defense program: $20.2 billion.

DOD's future years defense program exceeds the President's allowance by $20.2 billion. The future years defense program is over budget, then, by that $20.2 billion. In other words, it is overprogrammed.

To hide the overprogramming and to make the books balance, as required by law, Pentagon bureaucrats inserted negative funding wedges or plug figures. The use of such budget gimmicks is inconsistent with the spirit and intent of the 1987 law. The Department of Defense got caught with a $45 billion negative funding wedge in 1989. So Congress amended the law in 1989 to specifically outlaw such devices—devices like are being used here. The amendment allowed for management contingency accounts, like potential funding requirements, but only if such accounts are included in both the President's budget and in the future years defense program—meaning that these two lines should balance. Obviously, they do not.

Madam President, I ask unanimous consent to have printed in the RECORD sections from page 666 of the conference report on the fiscal year 1990 defense authorization bill of House report 101-331, because it explains the rule on negative funding wedges.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### Conference Report on Authorizing Appropriations for Fiscal Year 1990 for Military Activities of the Department of Defense, for Military Construction, and for Defense Activities of the Department of Energy, to Prescribe Personnel Strengths for such Fiscal Year for the Armed Forces, and for Other Purposes

#### *Consistency in the budget presentations of the Department of Defense (sec. 1602)*

The House bill contained a provision (sec. 1202) that would amend the existing provision of law (10 U.S.C. 114 (f) and (g)) that requires the submission of the Five Year Defense Program to Congress by April 1 of each year. The House bill would eliminate the provision of law that allows inconsistencies between the President's budget and the Five Year Defense Program if such inconsistencies are explained in detail. Under the House bill, no inconsistencies would be permitted. The House bill would also change the date for submission of the Five Year Defense Program from April 1 to be at or about the time that the President's budget is submitted to Congress.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that provides that the use of management contingency accounts is not precluded, provided such accounts are included in both the President's budget and the Five Year Defense Program. The conferees understand that the Department of Defense may not be able to submit the Five Year Defense Program in support of a new budget request at precisely the same time as the President's budget following years when the Congress has failed to provide full year authorizations and appropriations in a timely fashion for the previous fiscal year.

Mr. GRASSLEY. Secretary Perry's prepared testimony before the Budget Committee on March 9 tells us why the funding wedge was inserted in the future years defense program.

Late last year, he testified, after the Bottom-Up Review was completed, that DOD discovered that the future years defense program exceeded the President's budget authority by a very substantial margin—much more substantial than this, in fact. More money was needed, is what he said. So the President weighed in in December on a major policy decision, as far as this funding wedge is concerned.

President Clinton decided to provide extra money for pay raises over the future years defense program period, and that was all he was going to do—money for pay raises, period, nothing else. In fact, he said "no" on extra money for inflation. In other words, the President was not going to give any more money to the Defense Department because they had what they thought was a potential inflation problem that they had to deal with. I quote from Secretary Perry's testimony to the Budget Committee: "The President opted not to budget for the multiyear inflation bill."

Since the President opted not to budget for the multiyear inflation bill, why are those costs then presented in the Department of Defense future years defense program?

In other words, why is this figure here? Why has Secretary Perry failed to make hard decisions, then, to bring his top line down, as required by law? Twenty-billion dollars is less than 2 percent of the $1.2 trillion future years defense program. A good business executive like Secretary Perry should be able to solve such a modest problem in a flash. I am baffled by his failure to do it.

Secretary Perry and others say it is no big deal. The problem is, as they would want you to think, all in the outyears. They tell us, "Do not worry." They tell us that we can fix it tomorrow. At least, that is what I hear them saying.

I see this as an attempt to disguise the significance of the outyears. At the Pentagon, the outyears are the whole enchilada, and I think Secretary Perry knows that.

You know how it works. The military buys complex weapons and equipment that can take years to build and, consequently, years to pay for. There are frequently multiple buys for the same piece of equipment. These can extend over 5 or 10 different budgets.

The budget must be hooked up to the outyears, and the outyears and the budget should be in sync. You should not have $20 billion of overprogramming.

The $1.02 billion of advance procurement money in the 1995 budget, for example, is a direct link to the outyears. When we approve that in this budget, we are merely making a downpayment, and obligating money for outyears. But when there is overprogramming in those outyears, like now, advance procurement could be a downpayment on a dead horse. Advance procurement dollars could be hooked up to programs that must be axed down the road, with a concomitant waste of taxpayers' dollars that has been spent before that time. In fact, this is how the really big money gets wasted. This is how the military does not get what it needs.

That brings me to the second major point. I think it may be misleading and inaccurate to characterize this $20 billion in the future years defense program/budget mismatch as strictly an inflation problem. That is what the Secretary of Defense says it is—an inflation problem.

The $20 billion inflation problem, I fear, is a smoke screen for a much bigger problem out there, a problem that could be $50 billion or $100 billion—a real blivet. A blivet, of course, is 5 pounds of manure in a four-pound sack. Like on the chart here, you cannot quite get it in there. You try to push that $20 billion in there, and you just cannot get it in. The Department's handling of this whole problem makes me very suspicious.

This sack is not big enough for that $20 billion.

The first sign of trouble came with Mr. Ted Warner's testimony before the House Armed Services Committee on February 4 of this year. He is the Assistant Secretary for Strategy and Resources. He testified that amounts allocated in the future year defense program would exceed the President's budget authority by $20 billion.

Next we discovered a gaping hole in the President's budget: more, new defense budget blanks.

I want to show you those blanks are right here.

Madam President, these are the blanks that I was referring to in the President's budget for the outyears of the defense budget, the future year defense program. No figures here for that.

This is also in table 5.1 of the Budget of the U.S. Government, fiscal year 1995, Historical Tables on page 69.

There is no breakdown here of the DOD budget by a major appropriation account for fiscal years 1996 through 1999. No data whatsoever for military personnel; for operations and maintenance; for procurement; for research, development, test and evaluation; for military construction, for family housing; for allowances; and for all others. Where is that data?

After the fuss over the missing budget data, the Department of Defense Comptroller sent the committee two tables. Those two tables lay bare the plan for concealing the future year defense program/budget mismatch. Their integrity rests on the plug figures that I referred to moments ago.

Mr. Perry's inability to resolve the so-called $20 billion inflation problem tells me that the inflation problem is hooked up to a much bigger problem. In other words, this $20 billion is nothing more than the tip of an iceberg.

Sources in the Pentagon confirm that. They say there is at least another $20 to $30 billion in overprogramming, and maybe much more. So we are really looking at perhaps even as much as a $50 billion problem—minimum. The Congressional Budget Office says it is a $50 billion problem.

The last future year defense program given to Congress was back in February 1991. So for 1992 and 1993, no future year defense program. And that one that we received in 1991 gives us a clue about the size of the blivet I have spoken about.

It assumed $172 billion in savings from the proposed program terminations, management efficiencies like the defense management review, and base closures.

Were those savings realized? Do you think so? I doubt it, I doubt it very much.

If these savings did not happen, then we are dealing with really a megablivet.

Madam President, I leave my colleagues with this question: How did the Department of Defense move from $172 billion overprogramming in 1991 to just $20 billion of overprogramming in the outyears for the period of time now through 1999? Did efficiency do it? Did the Department of Defense really save that much money?

Secretary of Defense Perry has promised to make the future year defense program honest. I hope that Secretary Perry is right; that he does that. But I think we are off to a bad start. The new plug figures given to the committee point to more future year defense program monkey business down the road.

Madam President, there is one person in the Defense Department I think who knows how to handle that problem, and that is a budget analyst by the name of Chuck Spinney. At the Perry hearing, I recommended that he be invited to brief the committee on the results of his latest analysis on future year defense program/budget mismatch. Senator DOMENICI suggested that we have side-by-side testimony from both Mr. Spinney and Mr. Perry. I think that that is very definitely an excellent idea. Between the two of them, we should get to the bottom of this problem.

So on March 11, I wrote to the chairman of the committee to formally request that such a hearing be scheduled. I asked that the hearing take place after the General Accounting Office completes its analysis of the new future year defense program. The GAO analysis should be done in May, provided GAO gets access to the data and provided our Pentagon bureaucrats do not conduct some stonewalling operation.

With the GAO assessment in hand, we should have a much better understanding of what this problem is, so that we get real numbers and we take care of this overprogramming problem that we have at the Defense Department. So that the 1987 law, as amended in 1989—so that we cannot have and do not have this mismatch which we have now, contrary to law—so that that law is abided by.

I hope that we can get directives from this Congress respected by the Department of Defense. The $230.4 billion plug figures that are inserted in this budget at the last minute do not meet the intent of Congress in that law.

I yield the floor.

The PRESIDING OFFICER (Mr. BREAUX). The Senator yields the floor.

Who yields time?

Mr. SASSER. Mr. President, I yield such time to the Senator from Washington as she may consume.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Thank you, Mr. President.

I have to say, I am delighted to be back in the Chamber today talking about the President's budget. These are good days to be a member of the Budget Committee. I am not an economist, but I know it has been a good year for all of us. It has been good for America, good for America's kids, and good for my home State of Washington.

During the next few days, we are going to see a lot of charts and hear a lot of statistics. I could add to the debate by telling you how my region leads the country in consumer confidence; how unemployment has decreased across the State of Washington, despite the layoffs by the Boeing Co.; how the construction industry and businesses associated with international trade each employed an additional 12,000 people during 1993; and how housing starts in our Tri-Cities and in Spokane were among the top five in the country.

But I do not want to talk about baselines and outyears and caps. I want to talk today about something average Americans understand about budgets. I want to talk about courage and tough choices.

I have not been here long, but I have learned a great deal in this body. I have seen how easy it is to score political points while holding up the Nation's business. I have learned how some of our colleagues demand more and more cuts because it sounds good.

Do not misunderstand. I agree with them. As long as we have a deficit, we need to keep cutting spending. But the method that I have seen used in this body is a sham and everyone knows it.

I have watched as some Senators offer amendments which call for massive unspecified cuts—or vague, across-the-board reductions. And then I am astounded as they vote against every amendment which calls for a specific cut.

I saw all that happen in the Budget Committee last year and again last week. And I am sure we will see it on the floor again in the next few days.

But the people of this country will not be fooled. They are demanding honesty and courage in the budget process, and that is what they deserve. I would remind those who criticize the President's plan, it contained over 300 specific budget cuts and it eliminates more than 100 specific programs.

The President was not afraid to name the names of the programs he thought were wasteful. He showed courage and he made tough choices. He went to the White House and I came to the Senate at a time when it is better to cut than receive.

Mr. President, you and I and our friends here voted for a tough budget, with real cuts, and the plan is working. And this year we are going to trim more.

We have changed our priorities and given our children hope. Every child, no matter who he or she is, or where they come from, must have the opportunity to succeed. I know that as well as anyone.

I come from a low-income family of nine. And because of education and the kinds of opportunities found in this budget before us today, I stand here as a U.S. Senator.

I know Government cannot do it all. I know spending does not solve every problem. Throughout my life I have had to make tough decisions on what to spend, what to buy, and what to invest in. As a school board president, I have voted to close schools. As a mother with limited resources, I have told my kids no more often than yes when they asked me to buy them something. And as an appropriator and a member of the Budget Committee I have told my friends and my neighbors, the Federal Government cannot fund every project that comes before us.

But I believe the Federal Government can create opportunities. And there is no group in this Nation more deserving than our children, all of our children: Children who need help learning through Head Start; children who need to escape the violence of our inner cities; children living with AIDS and other debilitating diseases; children whose future is darkened by poverty; children who need nutritional assistance through the WIC program; children who go to bed and dream of a home, and a job, and a better life. And this budget recognizes all of those children.

Our colleagues talk on this floor a lot about violence. I have spoken personally with young violent offenders, and they tell me over and over again, adults do not care about them. They learned that lesson when they were very young.

We need to give those kids not only the skills they never learned, but also hope for the future. That is why I support this budget. It invests in our kids and it takes people into account.

We cannot assume that our work ended last year. We have to keep on target. Otherwise we will go back to the days of out-of-control spending and mortgaging our children's future. We will abandon a generation of youth to more crime, more violence, unskilled jobs, and no health care.

It is time for us as a nation to send a message to children that they are our top priority. This budget sends that message.

I thank the chairman of the Budget Committee, Senator SASSER, for his work and diligence on this budget and I look forward to working with him toward its passage.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I yield myself such time as I may consume.

Mr. President, I thank the distinguished Senator from Washington [Mrs. MURRAY], for her very perceptive statement here on the floor of the U.S. Senate today. I might say, the Senator from Washington [Mrs. MURRAY], has become one of the most valuable members of our Senate Budget Committee in a relatively short period of time. She has developed and demonstrates a solid grasp of budget issues. And she has the courage of her convictions.

She will stand and vote for specific budget cuts to make savings in the overall budget, and she is quite correct. She has analyzed this thing, I think, appropriately, when she says some of our colleagues come here and vote for large, nonspecific spending cuts that they know are going to fail. But when it comes time to vote for the specific budget cuts, then they wither like summer soldiers when the frost comes—they are nowhere to be found.

But the distinguished Senator from Washington is always there. She has the courage of her convictions. She has been a stalwart on the Senate Budget Committee. Speaking as the chairman, she has been a very substantial asset. I am very pleased she serves on our committee and she does an outstanding job—not just for herself, but for her constituents in the State of Washington, and I think for all Americans who are concerned about a fair and equitable distribution of the Federal budget, and who are concerned about trying to get these deficits under control.

Mr. President, I see no other Senators who wish to speak. I suggest the Senate recess for the various conferences.

## RECESS

The PRESIDING OFFICER. Without objection, and under the previous order, the Senate will stand in recess until the hour of 2:30 p.m.

Thereupon, at 12:16 p.m., the Senate recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mrs. FEINSTEIN).

## NATIONAL PARK SERVICE CONCESSIONS POLICY REFORM ACT OF 1994

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a vote on S. 208, to reform the policies of the National Park Service, and for other purposes.

Mr. JOHNSTON. Madam President, I wish to again commend Senator BUMPERS' for his years of hard work on this important legislation. As the subcommittee chairman, he has drafted this legislation, conducted the hearings, and negotiated the compromise that we are passing today. In addition, I would like to again compliment the Senator from Utah [Mr. BENNETT] who has worked very closely with Senator BUMPERS and the rest of us on the Energy Committee in bringing this bill together. He brought a fresh, objective and business-oriented view of the concessions issue to the table and without his assistance, our road would have been much rougher.

Madam President, I would also like to acknowledge the contribution of a number of staff members who have been involved in this legislation—particularly, David Brooks, Tom Williams, Diane Balamoti, and Jason Dilg of the Energy Committee staff; Rich Glick and Tracy Crowley of Senator BUMPERS staff; and Chip Yost and Jim Barker of Senator BENNETT's staff. I thank each of them for their help and hard work.

Mr. SIMPSON. Madam President, I rise to join my colleague, the senior Senator from Wyoming, MALCOLM WALLOP, in opposition to this bill.

I share my colleagues strong concerns about the provisions that force concessionaires to forfeit their private property rights.

That, in my view, is an unconstitutional taking of private property. I do not believe for an instant that the rather convoluted formula for depreciation and purchase of the private property is just compensation as that phrase is used in the constitution.

Just means fair and equitable.

There is nothing just in accelerating a depreciation schedule over 10 years for some improvements that range in the millions of dollars.

If the Senate passes this legislation, we will be directing the Department of Interior to do nothing less than confiscate the private property of concessionaires who have done nothing wrong. Indeed, the concessionaires currently doing business in Wyoming National Parks are doing a fine job and providing a needed—and much appreciated—service to the public.

I am at a loss to understand why this provision is being supported by the administration. It is a puzzling thing.

I can very easily understand why the Park Service wants to get its hands on the revenues from concessionaires. It does not take a rocket scientist to understand why the Park Service wants to keep that money, rather than turn it over to the Treasury. I hunch that they would like to keep it "off budget" also. That invites abuse and we should vote against this bill because of that provision alone.

The National Park Service enjoys a billion dollar yearly budget. They are constantly saying they "need more" funding, and this is an attractive mechanism for that. But in terms of services, it is the concessionaires that provide the food, the lodging, and the recreational opportunities for the vast majority of the public that visit our national parks.

It is the Park Service personnel who enforce the laws and they employ many good people who do the "heavy lifting" in maintaining the roads and the attractions.

We can not, however, say that the Park Service collects the entrance fees, because our experience in Wyoming is that often, those collection booths are abandoned.

We have heard our able colleague, Senator BURNS of Montana, speak eloquently on that issue last year.

Instead of ensuring that entrance fees are collected, the administration now seems to prefer spending its energy thinking up creative ways to request additional revenues from another group of taxpayers—concessionaires. Concessionaires pay income, State, and local taxes and they pay a great deal.

This legislation targets those concessionaires—the last remaining revenue generating activity in our parks—for eventual extinction. When the concessionaires are forced out, who will provide the needed public services and amenities?

Certainly not the Park Service—they have not even been able to collect entrance fees on a regular basis.

We are very fortunate in Wyoming to have some of the finest park supervisors in the country. Bob Barbee of Yellowstone Park is one of the most able men I have come to know. He does it all. I admire him greatly. They are all good people who work cooperatively with the fine concessionaires that we are fortunate to have in our Wyoming Parks.

I do not believe this policy originated at the local park level. We need only look about a mile west of this building to find the source of this ill-advised and unjust policy.

There is only a single provision of this bill that has merit. That is the provision which grants preferential renewal rights to the "small" concessionaires: outfitters.

Outfitters deserve deference in our policy—they are excellent stewards and provide services to the general public and often assist Park Service personnel in maintenance and upkeep activities. These small businesses are entitled to respect for their contributions in the management policy of the parks.

It is most unfortunate that the respect shown the small outfitters in this bill did not extend to the administration's policy for all concessionaires. It is unfortunate, and it is unjust. I oppose this legislation and I encourage my colleagues to oppose it also.

Mr. WALLOP. Madam President, my opposition to S. 208 is very simple. Enactment of this legislation will:

First, seriously undermine a very successful system under which the private sector has financed and provided quality services to the public at reasonable rates;

Second, place increases pressures on an already overextended National Park Service budget;

Third, result in totally unnecessary Federal expenditures at the expense of not only the National Park Service, but all agencies which must compete for funds from the Interior and Related Agencies Appropriation account;

Fourth, reduce Federal revenues; and

Fifth, threaten National Park System resources.

Under the present system the Concession Policy Act of 1965, the private sector—not the Federal Government—provides visitor services. When Congress passed the Concession Policy Act in 1965, we intended to discourage the turnover of concession operations.

As a matter of Federal policy, we decided that the private sector should be encouraged to provide visitor services. They would be regulated and would be allowed to make a reasonable profit. In exchange, they, not the Federal Government and the taxpayers, would be required to raise the capital to construct and maintain facilities to standards set by the Federal Government. Continuity of good services at reasonable rates to our park visitors was judged to be more important than the collection of receipts. That was a time when our national parks were considered to be public treasures for the benefit of the public. Concessions were never intended to be cash cows for the Government, but rather an efficient cost effective means of providing visitor services. The Government has full authority to adjust the franchise fee to ensure a fair return to the Federal Government under the 1965 act, that it has not, speaks to Park Service management, not statutory weakness.

The present system works because concessioners are provided a preferential right of renewal if they perform adequately, which ensures continuity of service, and a possessory right in all improvements, which they can use as collateral for loans. Title to all facilities resides in the United States. The concessioner is entitled to the sound value of the possessory interest if the contract is not renewed.

S. 208 eliminates all future possessory interests unless the Secretary determines that the elimination of possessory interest will prevent the submission of satisfactory proposals, and requires that, as a condition of contract renewal, present concessioners agree to have their current possessory interest reduced in value over a period of years until it is eliminated. I submit that the analysis is simple.

An existing concessioner with a $5 million possessory interest facing renewal can either have his interest reduced to nothing or he can take the money. A competitor who might otherwise have bid on the contract would be faced with paying the $5 million without its value as collateral, since it will be reduced for him as well. What is likely to happen is that no one will want the contract until the Federal Government pays off the existing concessioner.

A partial survey of outstanding possessory interests indicate that the total exceeds $1 billion with interests ranging from as little as $100,000 to over $150 million. CBO estimates that 90 percent of the contracts will come under the provisions of the new law within the next 5 years. If that is correct and my concerns are correct, the Interior and related agencies appropriation accounts are facing somewhere between $150 million and $200 million of additional unavoidable costs each year. That is almost 20 percent of the entire budget for the National Park Service just to buy out the existing possessory interests. Those costs will come out of the limited funding available for all the programs within that subcommittee, and all for no purpose.

The costs, however, do not end there. Without the possessory interest and the right of renewal, there will be neither the collateral nor the incentive for concessioners to maintain or expand visitor facilities. Those expenses will fall on the National Park Service and the Federal taxpayer. If any of you have spent the past 2 months driving the Clara Barton memorial parking lot and pothole obstacle avoidance parkway, you will have some idea of what the capability of the Park Service is to maintain what they already have.

The claims of increased revenues will not happen. Concessioners will still be limited in the charges they can exact from the visitor, and will have to recapture the additional expenditures through lower, not higher, franchise fees. The Federal deficit will simply increase. Competition will not be enhanced, since smaller operations will not have access to sufficient collateral. Larger corporations may well now be able to force out the small family businesses which have provided services in some of our parks for generations. That is not a policy we should be encouraging.

Secretary Babbitt already has authority to gain increased franchise fees, to negotiate the relinquishment of possessory interests, and the obligation to provide quality services at reasonable rates to the public. This legislation simply dismantles a system which works, threatens park resources, raids the Treasury, jeopardizes the park experience for the public, and all so we can say we reformed a carefully crafted partnership which has provided Americans a National Park System second to none in the world.

I ask unanimous consent that a letter from the Babbitt Brothers Reading Co.—the Secretary's family business—be inserted in the RECORD at this point. The Senate should find this opposition to the Secretary's support more than a little interesting.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BABBITT BROS. TRADING CO.,
*Flagstaff, AZ, March 11, 1994.*

Mr. ROGER G. KENNEDY,
*Director, National Park Service, U.S. Department of the Interior, Washington, DC.*

DEAR DIRECTOR KENNEDY: I enjoyed your speech to the National Parks Hospitality Association last week. The challenges you face of downsizing and streamlining are the same challenges that many businesses throughout the United States have had to face.

Babbitts is no different. Over the past five years, we have closed eight unprofitable retail locations and dramatically cut our corporate overhead. Over the past five years, we have dropped from 700 employees to 500 employees.

With one major exception, our approach to ensuring the survival of a one-hundred-five-year-old company is similar to your approach. In 1987 our company was carrying $20,500,000 in bank borrowings (a debt to equity ratio of 9:1). Our survival plan included an aggressive approach to cutting costs and reducing debt. In order to reduce our debt to a manageable level, we had to sell and lease back some of our operating properties.

The Park Service seems to want to acquire properties at the expense of further increasing the national debt. There is no question that amortizing possessory interest over a period of time will result in lower concession fees and lower revenues to the federal government.

I won't bore you with any further discussion of Senate Bill 208. I'm sure you understand all the pros and cons and the concerns of the concessionaires. Many of those concerns were discussed at the El Tovar Symposium last fall. I respectfully request you consider suggesting two changes to the bill:

(1) grandfathering existing possessory interest thereby honoring commitments made by the Park Service when improvements were made in the parks; and,

(2) extending standards lengths of contracts to 15 years. Fifteen year contracts would lessen the administrative burden on the Park Service and would go a long way in ensuring that future National Park improvements would be provided by concessionaires.

As long as I am writing, I would like to bring to our attention my concerns regarding the General Management Plan at the Grand Canyon. I have enclosed copies of a letter I sent to Bob Chandler and a copy of a letter from Steve Carothers, president of the consulting firm, SWCA, regarding the GMP. I believe my proposals are a reasonable compromise and accomplish the parks objectives with minimal environmental impact.

Babbitts has had a presence on the south rim of the Grand Canyon since 1905. Our love and appreciation for the park is deeply rooted in the family and our employees. I am concerned about how our Board of Directors and shareholders may view the proposed legislative changes. That coupled with the uncertainty of future contract renewals and impacts from the GMP may result in our company "cashing out" of the business.

We may be just one of many smaller concessionaires leaving the parks.

I hope you will see fit to intercede in the legislative process.

Sincerely,

W. DAVID CHAMBERS,
*President & CEO.*

Mr. LAUTENBERG. Madam President, I am pleased to rise in support of S. 208, a compromise sponsored by Senators BUMPERS, JOHNSTON, and BENNETT. S. 208 reforms the Federal Government's system of contracting with private concessions in national parks by bringing the management of the concessions in line with today's standard business practices and by eliminating the sweetheart deals with concessioners that have plagued the taxpayer and our national parks for years.

This reform is long overdue. In the almost three decades since Congress enacted the Concessions Policy Act of 1965, management of the concessions in national parks has continued without reform. But reform is needed now.

Madam President, since 1965, national parks have witnessed a dramatic incerase in visitors and popularity. As a result, the business climate for concessioners has improved. Concession incentives drafted in 1965—like ensuring that the concessioners hold monopoly status, a preferential right of renewal and possessory interest, and nominal franchise fees—are not needed in the world of 1994. Today, such incentives are enjoyed by few businesses in a free market; indeed, no concessioner outside the national park system enjoys these deals.

S. 208 reforms the way Government does business with national park concessioners and assures a fairer return on the taxpayer's dollar. In 1992, concessioners grossed $650 million and paid only $17.2 million in fees. That is 2.6 percent of their gross revenues. Concessioners outside the NPS system pay an average of 5 to 50 percent of gross.

This is no way to do business. For too long the Federal Government has leased the use of its resources for rock-bottom fees. Be it grazing fees, logging on public lands, or hard rock mining claims, this method of business has got to go.

Madam President, we all know that the Federal deficit is a major concern. We continue to subsidize industries in ways that simply make no sense. It is time to stop, and this bill is a good start.

It is estimated that the competition ensured in this bill may result in increased franchise fees amounting to $40 million more dollars to the Government. The bill will also establish a special account into which the fees will be put that will go back to the parks, instead of the General Treasury.

I have heard that this bill will create a number of dire scenarios—that the national parks will fall in disarray and it will be the park visitor who will truly bear the brunt of the failure. It is curious to me that some of those who advocate the virtues of competition for Government contracts are against this bill. I do not understand why competition in general is good while competition in the national parks will result in lower standards. I do not believe this, but it is indicative of the gridlock that prevents reform.

This bill, a compromise bill, will result in fairer management of the system, which will give the taxpayers a better bang for their buck while enhancing the national parks that are one of our country's greatest treasures.

I am proud to be a cosponsor of this legislation, and I urge my colleagues to join me in supporting S. 208.

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 9, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—90

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hutchison
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Smith
Specter
Warner
Wellstone
Wofford

NAYS—9

Faircloth
Helms
Hollings
Murkowski
Shelby
Simpson
Stevens
Thurmond
Wallop

NOT VOTING—1

Inouye

So the bill (S. 208), as amended, was passed, as follows:

S. 208

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Park Service Concessions Policy Reform Act of 1994".

### SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—In furtherance of the Act of August 25, 1916 (39 Stat. 535), as amended (16 U.S.C. 1, 2–4), which directs the Secretary of the Interior to administer areas of the National Park System in accordance with the fundamental purpose of preserving their scenery, wildlife, natural and historic objects, and providing for their enjoyment in a manner that will leave them unimpaired for the enjoyment of future generations, the Congress finds that the preservation and conservation of park resources and values requires that such public accommodations, facilities, and services as the Secretary determines are necessary and appropriate in accordance with this Act—

(1) should be provided only under carefully controlled safeguards against unregulated and indiscriminate use so that visitation will not unduly impair these values; and

(2) should be limited to locations and designs consistent to the highest practicable degree with the preservation and conservation of park resources and values.

(b) POLICY.—It is the policy of the Congress that—

(1) development within a park shall be limited to those facilities and services that the Secretary determines are necessary and appropriate for public use and enjoyment of the park in which such facilities and services are located;

(2) development within a park should be consistent to the highest practicable degree with the preservation and conservation of the park's resources and values;

(3) such facilities and services should be provided by private persons, corporations, or other entities, except when no private interest is qualified and willing to provide such facilities and services;

(4) if the Secretary determines that development should be provided within a park, such development shall be designed, located, and operated in a manner that is consistent with the purposes for which such park was established;

(5) such facilities and services should be awarded to the person, corporation, or entity submitting the best proposal through a competitive selection process; and

(6) such facilities or services should be provided to the public at reasonable rates.

### SEC. 3. DEFINITIONS.

As used in this Act, the term—

(1) "concessioner" means a person, corporation, or other entity to whom a concessions contract has been awarded;

(2) "concessions contract" means a contract, including permits, to provide facilities or services, or both, at a park;

(3) "facilities" means improvements to real property within parks used to provide accommodations, facilities, or services to park visitors;

(4) "park" means a unit of the National Park System;

(5) "proposal" means the complete proposal for a concessions contract offered by a potential or existing concessioner in response to the minimum requirements for the contract established by the Secretary; and

(6) "Secretary" means the Secretary of the Interior.

### SEC. 4. REPEAL OF CONCESSIONS POLICY ACT OF 1965.

The Act of October 9, 1965, Public Law 89–249 (79 Stat. 969, 16 U.S.C. 20–20g), entitled "An Act relating to the establishment of concession policies administered in the areas administered by the National Park Service and for other purposes", is hereby repealed. The repeal of such Act shall not affect the validity of any contract entered into under such Act, but the provisions of this Act shall apply to any such contract except to the extent such provisions are inconsistent with the express terms and conditions of the contract.

### SEC. 5. CONCESSIONS POLICY.

Subject to the findings and policy stated in section 2 of this Act, and upon a determination by the Secretary that facilities or services are necessary and appropriate for the accommodation of visitors at a park, the Secretary shall, consistent with the provisions of this Act, laws relating generally to the administration and management of units of the National Park System, and the park's general management plan, concessions plan, or other applicable plans, authorize private persons, corporations, or other entities to provide and operate such facilities or services as the Secretary deems necessary and appropriate.

### SEC. 6. COMPETITIVE SELECTION PROCESS.

(a) IN GENERAL.—(1) Except as provided in subsection (b), and consistent with the provisions of subsection (g), any concessions contract entered into pursuant to this Act shall be awarded to the person submitting the best proposal as determined by the Secretary, through a competitive selection process.

(2) Within 180 days after the date of enactment of this Act, the Secretary shall promulgate appropriate regulations establishing such process. The regulations shall include provisions for establishing a method or procedure for the resolution of disputes between the Secretary and a concessioner in those instances where the Secretary has been unable to meet conditions or requirements or provide such services, if any, as set forth in a prospectus pursuant to sections 6(c)(2) (D) and (E).

(b) TEMPORARY CONTRACT.—Notwithstanding the provisions of subsection (a), the Secretary may award a temporary concessions contract in order to avoid interruption of services to the public at a park except that the Secretary shall take all reasonable and appropriate steps to consider competing alternatives for such contract.

(c) PROSPECTUS.—(1) Prior to soliciting proposals for a concessions contract at a park, the Secretary shall publish a notice of availability for a prospectus soliciting proposals at least once in local or national newspapers or trade publications, as appropriate, and shall make such prospectus available upon request to all interested parties.

(2) The prospectus shall include, but need not be limited to, the following information:

(A) The minimum requirements for such contract, as set forth in subsection (d).

(B) The terms and conditions of the existing concessions contract awarded for such park, if any, including all fees and other forms of compensation provided to the United States by the concessioner.

(C) Other authorized facilities or services which may be provided in a proposal.

(D) Facilities and services to be provided by the Secretary to the concessioner, if any, including but not limited to, public access, utilities, and buildings.

(E) Minimum public services to be offered within a park by the Secretary, including but not limited to, interpretive programs, campsites, and visitor centers.

(F) Such other information related to the proposed concessions operation which is not privileged or otherwise exempt from disclosure under Federal law as the Secretary determines is necessary to allow for the submission of competitive proposals.

(d) MINIMUM PROPOSAL REQUIREMENTS.—(1) No proposal shall be considered which fails to meet the minimum requirements as determined by the Secretary. Such minimum requirements shall include, but need not be limited to, the minimum acceptable franchise fee, the duration of the contract, facilities, services, or capital investment required to be provided by the concessioner, and measures needed to ensure the protection and preservation of park resources.

(2) The Secretary may reject any proposal, notwithstanding the amount of franchise fee offered, if the Secretary determines that the person, corporation, or entity is not qualified, is likely to provide unsatisfactory service, or that the proposal is not responsive to the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities or services to the public at reasonable rates.

(3) If all proposals submitted to the Secretary either fail to meet the minimum requirements or are rejected by the Secretary, the Secretary shall establish new minimum contract requirements and re-initiate the competitive selection process pursuant to this section.

(e) SELECTION OF BEST PROPOSAL.—(1) In selecting the best proposal, the Secretary shall consider the following principal factors:

(A) The responsiveness of the proposal to the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(B) The experience and related background of the person, corporation, or entity submitting the proposal, including but not limited to, the past performance and expertise of such person, corporation, or entity in providing the same or similar facilities or services.

(C) The financial capability of the person, corporation, or entity submitting the proposal.

(D) The proposed franchise fee: *Provided*, That consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities or services to the public at reasonable rates.

(2) The Secretary may also consider such secondary factors as the Secretary deems appropriate.

(f) CONGRESSIONAL NOTIFICATION.—(1) The Secretary shall submit any proposed concessions contract with anticipated annual gross receipts in excess of $5,000,000 (indexed to 1993 constant dollars) or a duration of ten or more years to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.

(2) The Secretary shall not ratify any such proposed contract until at least 60 days subsequent to the notification of both Committees.

(g) NO PREFERENTIAL RIGHT OF RENEWAL.—(1) Except as provided in paragraph (2), the Secretary shall not grant a preferential right to a concessioner to renew a concessions contract executed pursuant to this Act.

(2)(A) Notwithstanding the provisions of paragraph (1), the Secretary shall grant a preferential right of renewal to a concessioner—

(i) for a concessions contract which—

(I) primarily authorizes a concessioner to provide outfitting, guide, river running, or other similar services within a park; and

(II) does not grant the concessioner any interest in any structure, fixture, or improvement pursuant to section 11 of this Act; or

(III) the Secretary estimates will have annual gross revenues of no more than $500,000; and

(ii) where the Secretary determines that the concessioner has operated satisfactorily during the term of the previous contract; and

(iii) where the Secretary determines that the concessioner submits a responsive proposal for the new contract which satisfies the minimum requirements established by the Secretary.

(B) For the purposes of paragraph (2), the term "preferential right of renewal" means that the Secretary shall allow a concessioner satisfying the requirements of subparagraph (A) the opportunity to match the terms and conditions of any competing proposal which the Secretary determines to be the best offer.

(h) NO PREFERENTIAL RIGHT TO ADDITIONAL SERVICES.—The Secretary shall not grant a preferential right to a concessioner to provide new or additional services at a park.

### SEC. 7. FRANCHISE FEES.

(a) IN GENERAL.—Franchise fees, however, stated, shall not be less than the minimum fee established by the Secretary for each contract. The minimum fee shall be determined in a manner that will provide the concessioner with a reasonable opportunity to realize a profit on the operation as a whole, commensurate with the capital invested and the obligations assumed.

(b) MULTIPLE CONTRACTS WITHIN A PARK.—If multiple concessions contracts are awarded to authorize concessioners to provide the same or similar outfitting, guide, river running, or other similar services at the same approximate location or resource within a specific park, the Secretary shall establish an identical franchise fee for all such contracts. Such fee shall reflect fair market value, as determined by the Secretary.

### SEC. 8. USE OF FRANCHISE FEES.

(a) SPECIAL ACCOUNT.—Except as provided in subsection (b), all receipts collected pursuant to this Act shall be covered into a special account established in the Treasury of the United States. Amounts covered into such account in a fiscal year shall be available for expenditure, subject to appropriation, solely as follows:

(1) 50 percent shall be allocated among the units of the National Park System in the same proportion as franchise fees collected from a specific unit bears to the total amount covered into the account for each fiscal year, to be used for resource management and protection, maintenance activities, interpretation, and research.

(2) 50 percent shall be allocated among the units of the National Park System on the basis of need, in a manner to be determined by the Secretary, to be used for resource management and protection, maintenance activities, interpretation, and research.

(b) PARK IMPROVEMENT FUND.—(1) In lieu of collecting all or a portion of the franchise fees that would otherwise be collected pursuant to the concessions contract, the Secretary shall, where the Secretary determines it to be practicable, require a concessioner to establish a Park Improvement Fund (hereinafter in this section referred to as the "fund"), in which the concessioner shall deposit the franchise fees that would otherwise be required by the contract.

(2) The fund shall be maintained by the concessioner in an interest bearing account in a Federally-insured financial institution.

The concessioner shall maintain the fund separately from any other funds or accounts and shall not co-mingle the monies in the fund with any other monies. The Secretary may establish such other terms, conditions, or requirements as the Secretary determines to be necessary to ensure the financial integrity of such fund.

(3) Monies from the fund, including interest, shall be expended by the concessioner solely as directed by the Secretary for activities and projects within the park which are consistent with the park's general management plan, concessions plan, and other applicable plans, and which the Secretary determines will enhance public use, safety, and enjoyment of the park, including but not limited to projects which directly or indirectly support concession facilities or services required by the concessions contract. Projects paid for from the fund shall not include routine, operational maintenance of facilities. A concessioner shall not be allowed to make any advances or credits to the fund.

(4) A concessioner shall not be granted any interest in improvements made from fund expenditures, including any interest granted pursuant to section 11 of this Act.

(5) Nothing in this subsection shall affect the obligation of a concessioner to insure, maintain, and repair any structure, fixture, or improvement assigned to such concessioner and to insure that such structure, fixture, or improvement fully complies with applicable safety and health laws and regulations.

(6) The concessioner shall maintain proper records for all expenditures made from the fund. Such records shall include, but not be limited to invoices, bank statements, canceled checks, and such other information as the Secretary determines to be necessary.

(7) The concessioner shall annually submit to the Secretary a statement reflecting total activity in the fund for the preceding financial year. The statement shall reflect monthly deposits, expenditures by project, interest earned, and such other information as the Secretary requires.

(8) Upon the termination of a concessions contract, or upon the sale or transfer of such contract, any remaining balance in the fund shall be transferred by the concessioner to the successor concessioner, to be used solely as set forth in this subsection. In the event there is not a successor concessioner, the fund balance shall be deposited into the special account established in subsection (a).

**SEC. 9. DURATION OF CONTRACT.**

(a) MAXIMUM TERM.—A concessions contract entered into pursuant to this Act shall be awarded for a term not to exceed ten years: *Provided, however*, That the Secretary may award a contract for a term not to exceed twenty years if the Secretary determines that the contract terms and conditions necessitate a longer term.

(b) TEMPORARY CONTRACT.—A temporary concessions contract awarded on a non-competitive basis pursuant to section 6(b) of this Act shall be for a term not to exceed two years.

**SEC. 10. TRANSFER OF CONTRACT.**

(a) IN GENERAL.—(1) No concessions contract may be transferred, assigned, sold, or otherwise conveyed by a concessioner without prior written notification to, and approval of the Secretary.

(2) The Secretary shall not approve the transfer of a concessions contract to any individual, corporation or other entity if the Secretary determines that—

(A) such individual, corporation or entity is, or is likely to be, unable to completely satisfy all of the requirements, terms, and conditions of the contract; or

(B) such transfer, assignment, sale or conveyance is not consistent with the objectives of protecting and preserving park resources, and of providing necessary and appropriate facilities or services to the public at reasonable rates: *Provided*, That such approval shall not be unreasonably withheld.

(b) CONGRESSIONAL NOTIFICATION.—Within thirty days after receiving a proposal to transfer, assign, sell, or otherwise convey a concessions contract, the Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives of such proposal. Approval of such proposal, if granted by the Secretary, shall not take effect until sixty days after the date of notification of both Committees.

**SEC. 11. PROTECTION OF CONCESSIONER INVESTMENT.**

(a) EXISTING STRUCTURES.—(1) A concessioner who before the date of the enactment of this Act has acquired or constructed, or is required under an existing concessions contract to commence acquisition or construction of any structure, fixture, or improvement upon land owned by the United States within a park, pursuant to a concessions contract, shall have a possessory interest therein, to the extent provided by such contract.

(2) The provisions of this subsection shall not apply to a concessioner whose contract in effect on the date of enactment of this Act does not include recognition of a possessory interest.

"(3)(A) Except as provided in subparagraph (B), with respect to a concessions contract entered into on or after the date of enactment of this Act, the provisions of subsection (b) shall apply to any existing structure, fixture, or improvement as defined in paragraph (a)(1), except that the value of the possessory interest as of the termination date of the first contract expiring after the date of enactment of this Act shall be used as the basis for depreciation, in lieu of the actual original cost of such structure, fixture, or improvement.

"(B) If the Secretary determines during the competitive selection process that all proposals submitted either fail to meet the minimum requirements or are rejected (as provided in section 6), the Secretary may, solely with respect to a structure, fixture, or improvement covered under this paragraph, suspend the depreciation provisions of subsection (b)(1) for the duration of the contract: *Provided*, That the Secretary may suspend such depreciation provisions only if the Secretary determines that the establishment of other new minimum contract requirements is not likely to result in the submission of satisfactory proposals, and that the suspension of the depreciation provisions is likely to result in the submission of satisfactory proposals.

(b) NEW STRUCTURES.—(1) On or after the date of enactment of this Act, a concessioner who constructs or acquires a new, additional, or replacement structure, fixture, or improvement upon land owned by the United States within a park, pursuant to a concessions contract, shall have an interest in such structure, fixture, or improvement equivalent to the actual original cost of acquiring or constructing such structure, fixture, or improvement, less straight line depreciation over the estimated useful life of the asset according to Generally Accepted Accounting Principles: *Provided*, That in no event shall the estimated useful life of such asset exceed the depreciation period used for such asset for Federal income tax purposes.

(2) In the event that the contract expires or is terminated prior to the recovery of such costs, the concessioner shall be entitled to receive from the United States or the successor concessioner payment equal to the value of the concessioner's interest in such structure, fixture, or improvement. A successor concessioner may not revalue the interest in such structure, fixture, or improvement, the method of depreciation, or the estimated useful life of the asset.

(3) Title to any such structure, fixture, or improvement shall be vested in the United States.

(c) INSURANCE, MAINTENANCE AND REPAIR.—Nothing in this section shall affect the obligation of a concessioner to insure, maintain, and repair any structure, fixture, or improvement assigned to such concessioner and to insure that such structure, fixture, or improvement fully complies with applicable safety and health laws and regulations.

**SEC. 12. RATES AND CHARGES TO PUBLIC.**

The reasonableness of a concessioner's rates and charges to the public shall, unless otherwise provided in the bid specifications and contract, be judged primarily by comparison with those rates and charges for facilities and services of comparable character under similar conditions, with due consideration for length of season, seasonal variance, average percentage of occupancy, accessibility, availability and costs of labor and materials, type of patronage, and other factors deemed significant by the Secretary.

**SEC. 13. CONCESSIONER PERFORMANCE EVALUATION.**

(a) REGULATIONS.—Within one hundred and eighty days after the date of enactment of this Act, the Secretary shall publish, after an appropriate period for public comment, regulations establishing standards and criteria for evaluating the performance of concessions operating within parks.

(b) PERIODIC EVALUATION.—(1) The Secretary shall periodically conduct an evaluation of each concessioner operating under a concessions contract pursuant to this Act, as appropriate, to determine whether such concessioner has performed satisfactorily. In evaluating a concessioner's performance, the Secretary shall seek and consider applicable reports and comments from appropriate Federal, State, and local regulatory agencies, and shall seek and consider the applicable views of park visitors and concession customers. If the Secretary's performance evaluation results in an unsatisfactory rating of the concessioner's overall operation, the Secretary shall provide the concessioner with a list of the minimum requirements necessary for the operation to be rated satisfactory, and shall so notify the concessioner in writing.

(2) The Secretary may terminate a concessions contract if the concessioner fails to meet the minimum operational requirements identified by the Secretary within the time limitations established by the Secretary at the time notice of the unsatisfactory rating is provided to the concessioner.

(3) If the Secretary terminates a concessions contract pursuant to this section, the Secretary shall solicit proposals for a new contract consistent with the provisions of this Act.

(c) CONGRESSIONAL NOTIFICATION.—The Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives of each unsatisfactory rating and of each concessions contract terminated pursuant to this section.

**SEC. 14. RECORDKEEPING REQUIREMENTS.**

(a) IN GENERAL.—Each concessioner shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of the concessioner's contract have been, and are being faithfully performed, and the Secretary or any of the Secretary's duly authorized representatives shall, for the purpose of audit and examination, have access to such records and to other books, documents and papers of the concessioner pertinent to the contract and all the terms and conditions thereof as the Secretary deems necessary.

(b) GENERAL ACCOUNTING OFFICE REVIEW.—The Comptroller General of the United States or any of his or her duly authorized representatives shall, until the expiration of five calendar years after the close of the business year for each concessioner, have access to and the right to examine any pertinent books, documents, papers, and records of the concessioner related to the contracts or contracts involved.

**SEC. 15. EXEMPTION FROM CERTAIN LEASE REQUIREMENTS.**

The provisions of section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b), relating to the leasing of buildings and properties of the United States, shall not apply to contracts awarded by the Secretary pursuant to this Act.

**SEC. 16. NO EFFECT ON ANILCA PROVISIONS.**

Nothing in this Act shall be construed to amend, supersede, or otherwise affect any provision of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

**SEC. 17. IMPLEMENTATION.**

Beginning on June 1, 1997 and bi-annually thereafter the Inspector General of the Department of the Interior shall submit a report to the Committee on Energy and Natural Resources of the United States Senate and the appropriate Committees of the House of Representatives on the implementation of this Act and the effect of such implementation on facilities operated pursuant to concession contracts and on visitor services. Each report shall—

(a) identify any concession contracts which have been renewed, renegotiated, terminated, or transferred during the year prior to the submission of the report and identify any significant changes in the terms of the new contract;

(b) state the amount of franchise fees the rates which would be charged for services, and the level of other services required to be provided by the concessioner in comparison to that required in the previous contract;

(c) assess the degree to which concession facilities are being maintained using the condition of such facilities on the date of enactment of this Act as a baseline;

(d) determine whether competition has been increased or decreased with respect to the awarding of each contract;

(e) set forth the amount of revenues received and financial obligations incurred or reduced by the Federal Government as a result of the comparison of the Act for the reporting period and in comparison with previous reporting periods and the baseline year of 1993, including the costs, if any, associated with the acquisition of possessory interests.

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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## TO ELECT MARTHA S. POPE SECRETARY OF THE SENATE

Mr. MITCHELL. Madam President, I send a resolution to the desk and ask that it be stated and considered immediately.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 191) to elect as the Secretary of the Senate, Martha S. Pope.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Madam President, Members of the Senate, the distinguished Secretary of the Senate, Walter J. Stewart, who served this institution with great integrity, dedication, and loyalty for many decades, has informed me of his intention to leave the Senate employ effective April 14 of this year.

I know of no person, other than Members of the Senate themselves, who has been so devoted, so loyal, and so knowledgeable about and committed to the Senate as an institution than has been our friend, Joe Stewart.

He has been a superb administrator, he has been a friend, adviser, and he has been a source of institutional memory that all Senators have had the opportunity to call upon whenever necessary. There was no time of day or night, no day of the year, when he was not available, and he will be sorely missed.

I will at an appropriate time present to my colleagues in the majority a resolution of commendation for Joe Stewart, and I know that these few words are inadequate to convey the sense of gratitude and loss which we all feel.

The resolution before us calls for Martha S. Pope, who currently serves as Sergeant at Arms, to replace Mr. Stewart as Secretary of the Senate effective April 15, 1994. The resolution has been cleared by the Republican colleagues, and I ask that it be considered as passed.

The PRESIDING OFFICER. Without objection, the question is on agreeing to the resolution.

The resolution (S. Res. 191) was agreed to.

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The resolution is as follows:

S. RES. 191

*Resolved*, That Martha S. Pope be, and she is hereby, elected Secretary of the Senate, effective April 15, 1994.

## TO ELECT SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, ROBERT LAURENT BENOIT

Mr. MITCHELL. Madam President, I send a resolution to the desk and ask that it be stated and immediately considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 192) to elect Sergeant at Arms and Doorkeeper of the Senate, Robert Laurent Benoit.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Madam President, as I previously stated, Martha Pope, who currently serves as Sergeant at Arms of the Senate, and who has served in that position with great distinction, will become Secretary of the Senate effective April 15. And under this resolution, Robert L. Benoit has been nominated to succeed her as Sergeant at Arms.

Mr. Benoit has been a longtime employee of the Senate, serving for the past 14 years as the field representative in charge of my offices in Maine, and prior to that, he served the Senate as an assistant to my predecessor, Senator Muskie. He is an extremely able, intelligent, and decisive person who will, I believe, serve effectively in the position of Sergeant at Arms, and will meet the high standards which Martha Pope has established as set for that office by her conduct.

I now, Madam President, urge adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 192) was agreed to.

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The resolution is as follows:

S. RES. 192

*Resolved*, That Robert Laurent Benoit be, and he is hereby elected Sergeant at Arms and Doorkeeper of the Senate, effective April 15, 1994.

Mr. MITCHELL. Madam President, I thank my colleagues.

I yield the floor.

Mr. HARKIN. Madam President, first of all, I want to join the distinguished majority leader with regard to the two individuals named. Joe Stewart has been an exemplary Secretary of the Senate for many years, and has always been most helpful and considerate to this Senator. I know I speak for a lot of other Senators in saying he is going to be sorely missed. He has been a great help in making sure that this institution runs in an orderly and effective manner. We are going to miss him.

I congratulate Mr. Benoit on his elevation to the position of Sergeant at Arms and wish him well.

## CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. I yield to the distinguished Senator from Iowa such time as he may consume.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I will shortly offer an amendment on behalf of myself, Senators MURRAY, ROCKEFELLER, WOFFORD, DASCHLE, and FEINGOLD.

First of all, I want to congratulate the distinguished Senator from Tennessee for bringing a tough budget onto the floor. It is tough. But, overall, it is fair. Obviously, each of us could design one differently in regard to how we feel. But it has been a very tough assignment for the Senator from Tennessee.

He has done a superb job in putting it altogether and bringing a budget here that continues to cut the deficit and bring the deficit down.

The Senator from Tennessee deserves all of our thanks and our praise for making sure that we cut the deficit and bring the deficit down. I want to compliment him on that and recognize his efforts in continuing this effort to bring our budget deficit down.

Mr. SASSER. Madam President, I thank my friend from Iowa for his very kind comments. I would ask my friend from Iowa if he would be good enough to add me as a cosponsor of his amendment?

Mr. HARKIN. I will be honored to have the distinguished chairman as a cosponsor of this amendment and will so add his name.

Madam President, my amendment will transfer the proposed $513 million increase for Star Wars to a critical public safety program, the Edward Byrne Memorial State and Local Law Enforcement Assistance Program and again to cut more wasteful spending and reduce the deficit further.

If you were to ask a group of average Americans about their concerns for this country and what is uppermost in their minds, two words would be heard again and again. One is "crime" and the other is "deficit."

Madam President, we must take action to address these issues. I am proud to have supported the two most significant pieces of legislation addressing them in many years. First, the President's Budget Reconciliation Act, which has spurred the recent improvement in the economy and is bringing our deficit down day by day and week by week. I also supported the Senate crime bill, which addresses crime on a broad front.

Unfortunately, Madam President, the budget resolution before us would eliminate a vital formula grant program that has helped hundreds of communities nationwide to fight crime and drugs. The Drug Control and System Improvement Grant Program, which is the formula grant component of the Edward Byrne programs, is the primary source of Federal financial assistance for State and local drug law enforcement efforts. This year, some $358 million in block grants were distributed to State and local law enforcement agencies through this formula grant program.

On Monday, I announced the award of some $3.8 million in Byrne grant funds for my State of Iowa. But under the budget report, future funds under this program would be entirely eliminated. The reason this formula grant program is so important is that these funds are getting down to our local departments and really making a difference. Just last week, the Appanoose County sheriff in Iowa shut down one of the largest businesses in the county, an indoor marijuana-producing operation producing an estimated $15 million in street value of drugs was uncovered.

In Decatur County, a methamphetamine laboratory was recently shut down. Some of these drug dealers are coming in from big cities and other places in the country to rural areas, drawn to the open spaces where the nearest neighbor could be a one-half mile or more away.

Our State law enforcement agencies have reacted to this threat. In 1987, we had only two drug task forces in the State. Today, there are 23 drug task forces, and 58 of Iowa's 99 counties participate in one or more of the drug task forces. Many of these agencies are recipients of Federal funds through the Byrne Federal Formula Program.

Without the formula grant funding, many valuable antidrug efforts would be eliminated in my State and in many other States. Just last weekend, Madam President, I met on Saturday afternoon with 14 of Iowa's most prominent law enforcement officials. They told me what these Edward Byrne funds have meant to law enforcement efforts in Iowa.

For example, the Polk County sheriff's office receives about $200,000 per year from this program to fund its drug task force. Well, how has that money paid off? Well, Sheriff Bob Rice, an outstanding sheriff of Polk County, said that in the last 3 years, the task force has arrested over 500 persons, filed nearly 1,000 criminal charges, and seized over $2.5 million in assets.

Both Sheriff Rice and Police Chief Bill Moulder of the Des Moines police force pointed out to me how effective the Byrne funds were. There is a State match of 25 percent. Once the formula grant goes out, the State and local government has to match it by 25 percent. But as both Chief Moulder and Sheriff Rice told me, the Byrne money actually doubles in size in their areas. They have been able to use it on their drug task forces, which seize tainted assets, which they then turn around and sell. Really, it has afforded them the ability to double the amount of money that the Byrne formula grant would otherwise produce. So this program has had a major impact in Polk County, the county of the state capital, Des Moines. Without these funds, it would be very difficult to operate this program. In fact, Sheriff Rice told me that if the Byrne formula grant money was done away with, they would lose five drug enforcement officers this year and they would not be able to continue the type of programs that they have had.

(Mrs. BOXER assumed the chair.)

Mr. HARKIN. So, Madam President, restoring the Byrne funds is a top priority of law enforcement groups, who know the impact this program has had on crime and drugs—but not only just in arrests and convictions and seizures of assets; the Byrne money has also been used for prevention.

We all know how effective the DARE Program is in local law enforcement in our areas, because we know local law enforcement officers are part of the DARE Program. They go into our schools and work with high school students. By all accounts, I think the DARE Program has been very effective throughout this country.

Sheriff Bill Davis of Calhoun County, IA, who has jurisdiction over these DARE Programs in Iowa, told me on Saturday at this meeting how necessary the Byrne money is for the DARE Program. They have 35 local projects in Iowa. They are using this money, not just to arrest, but to go into high schools and use it very effectively for preventive measures. I was told that, overall, about 60 percent of the Byrne Program money goes to the uniformed police officers; about 40 percent goes to local jurisdictions, local agencies, for prevention, for corrections, and also for prosecutions.

Every one of the law enforcement officers I talked to on Saturday said that what the Byrne money allows is for them to be proactive, rather than just to react to drug crimes. It allows them to actually go out in a proactive manner, both in prevention and in sting operations, and in uncovering laboratories and things like that for methamphetamines. It allows them to act proactively.

I mentioned prosecution. In Iowa, we have nine prosecutors that are solely dedicated to the drug task enforcement project in Iowa. These nine prosecutors are funded out of the Byrne formula grant money that comes to Iowa. The attorney general's office in Iowa said these nine prosecutors would be out in July if the funding was cut.

So, again, whether it is for the uniformed officers and police forces, whether it is for prevention in the DARE Programs, or whether it is for prosecutions, the Byrne formula grant money has been the underpinning of our efforts in drug enforcement in our country.

Almost all of the forces, police forces and others, in this country support this program. The National Association of Police Organizations and the National Sheriffs Association have both written to me supporting continuation of this program. The bipartisan leadership of the Senate Judiciary Committee also recognizes its importance. In the report of the Budget Committee on this bill, Senators BIDEN, THURMOND, SIMPSON and BROWN, all of the Judiciary Committee, express their support for the Byrne Formula Grant Program.

At the same time, Madam President, we are asked to cut the vital Byrne Program, the budget resolution incredibly provides an 18.7 percent increase in star wars. That is right. You may have thought star wars was dead and gone, but it is still around. Quite frankly, it amazes me that we are trying to put an 18-percent increase into star wars again this year. We do not call it that anymore; we call it BMD, ballistic missile defense. More than half of that BMD budget now goes to theater missile defenses. That is the defense against the real threat of the shorter-range missiles like the Scud missiles. But over $1.2 billion of the BMD budget still goes for the old star wars pipe dream: stopping a sudden long-range nuclear strike by the Soviet Union, or since that does not exist my longer, by whoever else might be out there.

In fact, this national BMD account has been increased in the fiscal 1995 budget request from $1.1 billion to $1.21 billion. I believe we ought to be putting some money into theater ballistic missile defenses for the short-range missiles. That is where we ought to be concentrating. But this old pipe dream of orbiting laboratories and laser beams and particle beams and x-ray lasers, and all these fancy things that are going to shoot down intercontinental ballistic missiles is a relic of the past. This program not only funds that, but it increases it from last year.

How can we justify funding for a missile shield against a nuclear attack by the Soviet Union, which does not exist any longer, when our people in this country are facing a very real crime threat on our streets every night, every week, every month of the year? Where are our priorities?

My amendment is actually very modest. It will cut star wars back to this year's level of $2.74 billion. In my judgment, I think we ought to cut it deeper, but we made a modest cut. Maybe we can reduce funding later on in the year. My amendment still leaves $2.74 billion for ballistic missile defense. The Pentagon can still spend the $2 billion it has requested for fiscal 1995 for theater missile defenses.

Again, I want to point out that my amendment will in no way cut into the Pentagon's request for theater missile defense programs. The Pentagon can take it out of the long-range missile defense program.

So what this would do is amount to about a $405 million increase for theater missile defense over last year, about a 25-percent increase. I wanted to make it clear that this amendment does not cut the theater missile defense programs. My amendment would transfer these funds from the old star wars kind of program to restore the discretionary portion of the Byrne Program to its fiscal 1994 level, with the remainder going to reduce spending.

So, Madam President, my amendment transfers $513 million out of star wars; of that, $358 million goes to the Byrne formula grant program and about $155 million goes for deficit reduction.

A few weeks ago, Madam President, many Members of this body, including myself, voted for proposed amendments to the Constitution to require a balanced budget. But the hard choices needed are choices like this. How do we want to spend the money we are going to spend next year? How do we want to set up our budget? Well, I know which one I think will contribute more to our Nation's long-term security.

By transferring these funds, we send a signal that we have our priorities straight.

I call my amendment star wars to street wars. We do not have star wars. We do not even see anywhere on the horizon that we are going to have this kind of long range ballistic missile attack coming in on the United States.

But I can tell you that tonight in Washington, DC, and in New York, and in our major cities and many of our smaller communities, people will be killed, drug transactions will take place, and young people will get hooked on drugs for the first time. This will happen tonight and it will happen tomorrow night and it will happen every night this week. That is the real threat to this country. And the Byrne formula grant program is a very effective part of dealing with that real threat to this country.

So, with this amendment, Star Wars to Street Wars, let us make our choices. What are our priorities?

Again, I want to point out that this amendment does not bind the appropriations process, but it sends a clear message of the intent of this body that I believe will have a real impact on final appropriations for this program.

If you want money to go into the Byrne formula grant program to fight crime and to fight drugs, this is a chance to say so right here. Otherwise, it is not going to happen; the money is going to go into star wars.

It is clear to me that the problem of drugs and the deficit far outweighs the need for increased funding for star wars. I hope that my colleagues will join me in supporting this amendment.

Madam President, I ask unanimous consent to also add the present occupant of the chair, Senator BOXER, as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I ask unanimous consent that the time I used in my statement in which I explained my amendment be charged against my time on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1558

Mr. HARKIN. Madam President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:.

The Senator from Iowa [Mr. HARKIN], for himself and Mrs. MURRAY, Mr. ROCKEFELLER, Mr. WOFFORD, Mr. DASCHLE, Mr. FEINGOLD, Mr. SASSER, and Mrs. BOXER, proposes an amendment numbered 1558.

Mr. HARKIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 5, line 1, decrease the amount by $155,000,000.

On page 5, line 11, decrease the amount by $155,000,000.

On page 5, line 22, decrease the amount by $158,000,000.

On page 5, line 23, decrease the amount by $59,000,000.

On page 5, line 24, increase the amount by $69,000,000.

On page 5, line 25, increase the amount by $8,000,000.

On page 6, line 1, decrease the amount by $10,000,000.

On page 6, line 7, decrease the amount by $158,000,000.

On page 6, line 8, decrease the amount by $59,000,000.

On page 6, line 9, increase the amount by $69,000,000.

On page 6, line 10, increase the amount by $8,000,000.

On page 6, line 11, decrease the amount by $10,000,000.

On page 6, line 17, decrease the amount by $158,000,000.

On page 6, line 18, decrease the amount by $59,000,000.

On page 6, line 19, increase the amount by $69,000,000.

On page 6, line 20, increase the amount by $8,000,000.

On page 6, line 21, decrease the amount by $10,000,000.

On page 7, line 1, decrease the amount by $158,000,000.

On page 7, line 2, decrease the amount by $59,000,000.

On page 7, line 3, increase the amount by $69,000,000.

On page 7, line 4, increase the amount by $8,000,000.

On page 7, line 5, decrease the amount by $10,000,000.

On page 7, line 8, decrease the amount by $158,000,000.

On page 7, line 9, decrease the amount by $217,000,000.

On page 7, line 10, decrease the amount by $148,000,000.

On page 7, line 11, decrease the amount by $140,000,000.

On page 7, line 12, decrease the amount by $150,000,000.

On page 8, line 7, decrease the amount by $158,000,000.

On page 8, line 8, decrease the amount by $59,000,000.

On page 8, line 9, increase the amount by $69,000,000.

On page 8, line 10, increase the amount by $8,000,000.

On page 8, line 11, decrease the amount by $10,000,000.

On page 10, line 3, decrease the amount by $513,000,000.

On page 10, line 4, decrease the amount by $236,000,000.

On page 10, line 11, decrease the amount by $195,000,000.

On page 10, line 18, decrease the amount by $56,000,000.

On page 10, line 25, decrease the amount by $10,000,000.

On page 11, line 7, decrease the amount by $10,000,000.

On page 35, line 8, increase the amount by $358,000,000.

On page 35, line 9, increase the amount by $78,000,000.

On page 35, line 16, increase the amount by $136,000,000.

On page 35, line 23, increase the amount by $125,000,000.

On page 36, line 6, increase the amount by $18,000,000.

Mr. HARKIN. I yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. I thank the Chair.

Madam President, I rise this afternoon to support the amendment offered by the distinguished Senator from Iowa. With this amendment, Senator HARKIN, I believe, wisely directs resources toward the chronically underfunded domestic programs and away from a single, consistently overfunded military program.

What the Harkin amendment seeks to do, as he has explained, is increase funding for Federal grants to State and local governments for community policing and drug patrols, while reducing the planned funding increases for the ballistic missile defense programs.

The Senator from Iowa, I am sure, has been struck by the fact that we no longer call it star wars. They have changed the name now. It is no longer star wars or the strategic defense initiative. It is now the Ballistic Missile Defense Program.

But Senator HARKIN's amendment, unlike many of those we consider in this body, offers specific program cuts to pay for his proposed increases. I commend the Senator for taking that approach. It is always very easy to come up with a nonspecific spending reduction to pay for an add-on, but the Senator is taking the responsible approach, I think, in stating specifically what he would reduce to pay for the amendment that he is offering, therefore, making his amendment deficit neutral.

This country has already spent over $32 billion on ballistic missile defense research. I commend the administration for its efforts in scaling back the proposal that it inherited from the Bush administration. But the administration still plans to spend an additional $18 billion over the next 5 years for ballistic missile defense.

For 1995, the President's budget request includes some $3.3 billion for ballistic missile defense activities, an increase of $800 million over last year's level, increasing spending on ballistic missiles defense activities by $500 million over last year's level.

In testimony before the Budget Committee, the Department of Defense indicated that this increase of nearly 20 percent—when we are cutting 300 domestic discretionary programs—this increase of 20 percent makes ballistic missile defense one of the fastest growing programs in the Pentagon. Based on my knowledge of the President's request, this kind of increase would make it one of the fastest growing programs in the entire Federal budget. We hear a lot about the growth in entitlements, but this Ballistic Missile Defense Program is growing faster than any of the entitlement programs on which so much attention is focused.

Most of this half-billion-dollar increase is earmarked for theater missile defense programs. Nobody has any theater missiles that can strike the United States. These theater missile defense programs are of much greater benefit to our allies than they are to the United States. In fact, of the $18 billion the administration plans to spend on ballistic missile defense in the 5-year period from 1995 to 1999, over one-half of this total is intended for the theater missile defense programs.

The truth is that our allies, many of them, live daily under the threat of an attack by shorter-range theater missiles, and many more could come within range in the near future. But despite this immediate and direct threat, our allies are doing precious little about theater missile defense. And why should they? Let Uncle Sugar finance all the research and development on these theater missile defense systems.

If I were a German citizen or a German political leader, I would say why should I endanger any of my domestic programs? Why should I endanger the health programs to the German citizens? Why should I undermine the unemployment compensation system to the French citizens? Why should I take away from infrastructure development for Belgian citizens to develop ballistic missile defenses? There is no need to do that, let the Government of the United States pay for it. Let them cut the programs for their citizens to pay for this ballistic missile defense program that will largely go to defending us.

I do not blame them for doing that. I think that is smart on their part. I do not think it is very wise of us, however, to continue to shoulder the burden of doing this to the tune of raising our expenditures up to $3.3 billion—$500 million over last year.

This amendment offered by our friend from Iowa, which I am proud to cosponsor, is not going to damage the U.S. ballistic missile defense effort. The funding for ballistic missile defense would still total about $2.8 billion, and that is more than all our allies combined, even though, as I said earlier, their countries are at greater risk of ballistic missile attack. This would preserve, even with the Harkin spending reduction for ballistic missile defense, a very robust ballistic missile defense program. And the Harkin amendment would allow our Government to devote additional resources to address the problems encountered by millions of Americans each and every day: crime and drugs.

If you went down the streets of the major cities in this country, or if you went down the main streets of the small towns and municipalities in this country, and you asked any citizen you came in contact with, "What do you think is the greatest threat, a ballistic missile attack or being mugged by a criminal on the street?" We all know the answer to that. If you asked them what is the greatest threat—being hit by a missile, is that the greatest threat to our society? Or is it drugs and what they are doing to our young people? Without exception, I think they will tell you uniformly—not just 98 percent—100 percent would say a much greater threat to our safety and to our country is criminality, criminal conduct, drugs, the whole host, the whole constellation of antisocial conduct that surrounds drugs—that is a much greater threat to our society and to our country than ballistic missiles.

So I commend our friend from Iowa. I think he is leading an effort here to adjust our fiscal priorities. He is doing it without increasing the Federal budget deficit. What he is saying is yes, we are going to maintain a robust ballistic missile defense program, but we are not going to inflate that program to the point we are robbing other very important and very crucial domestic priorities such as police work, and doing something about the drugs in this country.

So I commend the Senator and I urge my colleagues to support the Harkin amendment.

Madam President, I ask unanimous consent that the time I used speaking in favor of the Harkin amendment be charged against the proponents of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WOFFORD. Madam President, I rise to add my name as a cosponsor to Senator HARKIN's amendment. The Edward Byrne Memorial State and Local Law Enforcement Assistance Program has proven an essential element in Pennsylvania's fight against crime and drugs.

In Pennsylvania, the Byrne Program provides total support for the Commonwealth's Drug Control and System Improvement [DCSI] Program. DCSI has supported many important and effective law enforcement projects across the State including: local drug enforcement and prevention task forces, crime victim's service programs, alternative sentencing programs such as boot-camps, child abuse prosecution task forces, and other community-based crime prevention programs. In addition, the DCSI is currently funding projects statewide related to improving criminal history records information which are essential to fulfilling the background check requirements of the Brady law.

I have received numerous letters from legislators and criminal justice officials in Pennsylvania stressing the importance of maintaining funding of the Byrne Program. Police Chief Paul L. Wood of the borough of Wilkinsburg captured that sentiment in his letter from which I quote:

> Wilkinsburg desperately needs the help offered in [the Byrne Grant Program]. We are a distressed community and do not have the money to increase our staff, to operate local drug task forces, and to fight drug related activity. The last week in February, our officers confiscated over $4,000 worth of crack cocaine and a large amount of money from juveniles. Wilkinsburg has serious problems and we need the services this [Program] provides.

Quite simply, the Byrne Program works for Pennsylvania and works for the Nation. At a time when we are searching for successes in fighting crime and drugs, when we are exploring ways to best deploy our limited crime-fighting resources, we cannot do so at the expense of those programs that are proven successes.

Madam President, now is the time that we need to forge a new definition of our national security, one that looks to guaranteeing our citizens security in their towns, in their neighborhoods and in their homes. With this amendment Senator HARKIN has taken an important step in that direction and I am proud to be a cosponsor.

Madam President, I ask unanimous consent to insert in the RECORD letters that I have received from Pennsylvanians supporting continued funding for the Byrne Program.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF PENNSYLVANIA,
COUNTY OF YORK,
*York, PA, March 9, 1994.*

Hon. HARRIS L. WOFFORD, Jr.,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR WOFFORD: I recently learned of the President's recommendation to terminate the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program in the FY 1995 budget. This program is the mainstay of Pennsylvania's Drug Control and System Improvement Program which program has provided me with the capability to establish the York County Drug Task Force and a special child abuse prosecution unit. The impact of these programs has been unprecedented in York County.

### YORK COUNTY DRUG TASK FORCE

The York County Drug Task Force is comprised of county, state, federal, and local law enforcement officers. The purpose of the task force is twofold: interdiction and education/demand reduction. Prior to its inception, coordination of investigations across jurisdictional lines was virtually non-existent. Since the establishment of the York County Drug Task Force, there has been a 152% increase in narcotics cases which are prosecuted by my office. The funds received by York County from the Byrne Grant have provided for the overtime pay of police officers assigned to the drug task force and the necessary equipment required therefor. The presence of our drug task force has facilitated the cooperation and exchange of information among all levels of law enforcement in this county. I cannot imagine returning to pre-task force methods of drug law enforcement.

In the area of education, a portion of the funds we receive is employed to put an officer into every 5th and 6th grade classroom in the county for a series of three classes. These classes focus on peer pressure, drug education, and self-awareness. This county has noticed a decrease in the number of juveniles being charged with possession of narcotics since the introduction of demand reduction education.

The number of law enforcement officers is not the only available weapon in combatting the escalating crime epidemic facing our nation. While additional officers can always be used, the task force concept is a force multiplier—one that we can ill afford to lose in the war against drugs.

### YORK COUNTY CHILD ABUSE PROSECUTION UNIT

Unlike most other crimes, the investigation and prosecution of child abuse involves people and agencies other than law enforcement. Successful resolution of cases, therefore, requires coordination during the investigation among all those involved—the prosecutor, police, child protective services, the medical community, and mental health therapists.

The York County Child Abuse Unit was initiated in 1990 and consisted of a Child Abuse Prosecutor and a Unit Coordinator. Through monies from Pennsylvania's Drug Control and System Improvement Program, the unit was able to add an Investigator and a Paralegal in 1992. The unit was created to serve the special needs of child victims. It is designed to assist the child victim as his or her case proceeds through the criminal justice system.

In York County, we maintain a conviction rate of 96 percent with many of these cases being resolved with guilty pleas, a direct result of perpetrator confessions to our well-trained investigators. The success of our unit would not have been possible without money from the Drug Control and Systems Improvement Program.

I urge you to oppose the President's recommendation to terminate the Edward Byrne Memorial as the impact to our Child Abuse Unit as well as newly established units across Pennsylvania would suffer as would our abused children.

Sincerely yours,
H. STANLEY REBERT,
*District Attorney.*

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HOUSE OF REPRESENTATIVES,
COMMONWEALTH OF PENNSYLVANIA,
*Harrisburg, PA, March 7, 1994.*

Re FY 1995 Budget/Byrne formula grants.

Hon. HARRIS L. WOFFORD, Jr.,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR WOFFORD: As a member of the Pennsylvania Commission on Crime and Delinquency, I was recently advised that the President's budget recommendations for FY 1995 include a recommendation to terminate the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program. That program totally supports Pennsylvania's Drug Control and System Improvement (DCSI) Program. In 1994, Pennsylvania received $15,216,000 from the Byrne Formula Grants.

Over the past year, I have had the opportunity to review hundreds of proposals that depend upon DCSI funding throughout Pennsylvania. In addition, I have been fortunate to personally observe the benefits of these programs. I know the President wants to put 100,000 more police officers on the streets, but at what cost to existing programs?

Numerous state and local agencies have had the opportunity to experiment and be innovative in producing long-lasting criminal justice solutions. DCSI grants have funded a wide variety of projects, a few of which include the following:

Criminal Justice Training.
Local Drug Task Force Operations.
Combatting of Drug Gang Activities.
Motivational Boot Camps.
Intermediate Punishment.
Treatment Alternatives to Street Crime (TASC).
Juvenile/Organized Crime Drug Traffickers.
Dangerous Drug Offender Unit.
Community Policing.
School-Based Probation.

It is my opinion that these programs will do far more good than spreading 100,000 police officers around the country. I believe it is essential for Congress to preserve the present mechanism for delivery of federal funds to the state. I urge you to examine the impact on these programs closely when the budget comes up for consideration.

If you need any additional information, do not hesitate to contact me.

Sincerely yours,
ALBERT H. MASLAND.

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THE CITY OF HARRISBURG,
BUREAU OF POLICE,
*Harrisburg, PA, February 28, 1994.*

Hon. HARRIS L. WOFFORD, Jr.,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR WOFFORD: Allow me to bring to your attention a concern which has been raised within my organization and within law enforcement agencies throughout the Commonwealth.

President Clinton's budget recommendation for FY 1995 includes a recommendation to terminate the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program (DCSI).

As Chief of Police for a mid-sized municipal agency, I can verify that the DCSI Program provides police administrators with the fiscal means to develop and test various innovative approaches to preventing and controlling crime.

Recently, this Bureau submitted a grant application for the Neighborhood Dispute Settlement of Dauphin County. We intend to use the NDS to mediate disputes between neighbors rather than having the district officer issue criminal complaints and spend needless time in court. Through the use of mediation services it is likely serious crime between neighbors can and will be prevented and an added benefit will be the freeing up of officers to address the more serious crimes in our community.

This serves to illustrate only one example of how the DCSI Program can support and assist in developing these innovative approaches to addressing crime on a local level.

It is certainly my belief that state and municipal governments are in the best position to develop and evaluate programs to be used at the local level.

Congress needs to support this mechanism for the delivery of federal crime control funds to this level of government if we as municipal agencies are to continue to be innovative in our approach to addressing the many issues of crime in our society.

Your active support in this very important matter will be appreciated.

Sincerely,

RICHARD S. SHAFFER,
*Chief of Police.*

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COMMONWEALTH OF PENNSYLVANIA,
THE PENNSYLVANIA COMMISSION ON SENTENCING,
*State College, PA, February 28, 1994.*

Hon. HARRIS L. WOFFORD, Jr.,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR WOFFORD: I am writing to express my opposition to a recommendation that the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program be terminated. This program totally supports Pennsylvania's Drug Control and System Improvement Program. I have been personally involved in a number of projects supported through these programs grants.

These monies in Pennsylvania have supported a number of very effective and worthy projects including the development of computer information systems for law enforcement, county jails, district attorneys, victim service agencies, and adult probation. There are plans to develop an automated sentence/sentencing, guidelines application program. There are also a number of projects currently being funded related to improving criminal history records information which are crucial to fulfilling background checks under the Brady Bill.

Additionally, these monies are used for training and educational programs for those involved in the criminal justice field. This has been especially important in the area of developing and implementing safe, secure, and viable sentencing alternatives for nonviolent offenders. Numerous programs in Pennsylvania which were given "seed" money through these grants, are not either self-supporting or supported through local or state government. If not for the initial start-up monies [which are matched with local dollars], there is a very high probability that none of these programs would be in existence.

Congress needs to maintain this mechanism for supporting the state's criminal justice initiatives. Please do not allow a budget that removes this vital funding to be approved.

Thank you, in advance, for your continued support of the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program.

Sincerely,

IODEEN M. HOBBS,
*Associate Director.*

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PENNSYLVANIA DEPARTMENT
OF CORRECTIONS,
*Camp Hill, PA, March 2, 1994.*

Hon. HARRIS WOFFORD, Jr.,
*U.S. Senate,*
*Federal Building, Harrisburg, PA.*

DEAR SENATOR WOFFORD: I am writing to you concerning President Clinton's budget proposal which calls for the elimination of the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program. I wanted to make you aware of how devastating it would be to Pennsylvania to lose this program and the accompanying $15,216,000 that it received in fiscal year 1994.

These funds, administered through the Pennsylvania Commission on Crime and Delinquency, support Pennsylvania's Drug Control and System Improvement Program (DCSI) which has given local jurisdictions an opportunity to enhance their crime prevention and victim assistance programs, develop model programs, test new ideas, and share information and experiences with others across the Commonwealth. The beauty of the program has been its incentive for creativity and its ability to assist in the development of community level initiatives to improve the justice system by encouraging cooperative efforts between agencies.

Prior to my employment with the Pennsylvania Department of Corrections, I worked for fourteen years in the Philadelphia District Attorney's Office. As Director of Victim Services for that agency, I was privileged to work with several community based programs that were funded through the DCSI program, which covered initiatives such as developing model programs designed to enhance security in the home for domestic violence victims and an anti-violence education program in the Philadelphia School System.

Many statewide initiatives enhancing victim services have also been funded, such as, the development of a Victim Service Agency's computer information system, multi-disciplinary approaches to child abuse prosecution, and comprehensive victim services. These programs would never have gotten off the ground without the initial funding provided through the DCSI program. Without your continued support from this funding stream, no new initiatives will rise in Pennsylvania if the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program is eliminated.

I ask your careful review of this portion of the President's budget and the great impact it will have on community initiatives in Pennsylvania. I hope that you will support the continuation of this program.

Sincerely,

MARY ACHILLES,
*Director, Victim Services.*

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HOUSE OF REPRESENTATIVES,
COMMONWEALTH OF PENNSYLVANIA,
*Harrisburg, PA, March 4, 1994.*

Senator HARRIS WOFFORD,
*Russell Senate Building,*
*Washington, DC.*

DEAR HARRIS: President Clinton's budget request for FFY 1995 recommended that the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program be terminated so that funds are available to put 100,000 more police officers on the street.

As a Commissioner on the Pennsylvania Crime and Delinquency Commission and as a member of the House Judiciary and Appropriations Committees, I call on you to oppose this recommendation.

Byrne Formula Grants completely support Pennsylvania's Drug Control and System Improvement (DCSI) Program. Among other things, DCSI monies have provided services to crime victims; funded community based crime prevention strategies; assisted drug intervention, treatment, and rehabilitation initiatives; helped criminal justice agencies share and develop information; supported boot camps and other intermediate sanction mechanisms; and assisted in child abuse prosecution.

Pennsylvania received $15,216,000 in FFY 1995 under this grant program.

Increasing the number of police in our communities may or may not be a laudable goal, but the DCSI Program is too valuable to sacrifice to it. Again I urge that the Byrne Grants be preserved.

Yours,

BABETTE JOSEPHS.

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**Mr. ROCKEFELLER.** Mr. President, I am proud to be a cosponsor of Senator HARKIN's amendment to restore funding for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, because this program has been the bedrock for local justice systems to combat drugs and violent crime.

At a time when public alarm over drugs and violent crime is escalating, it seems to me to be a penny-wise but pound-foolish decision to cut funding for such an effective grassroots program for law enforcement. Personally, I believe that one of the real strengths of the Byrne Program is that it is a formula grant that States and local communities can rely on to use as a foundation to fight crime year in and year out. The program helps forge a local partnership because it requires matching funds which ensure that communities are involved.

This program fills a vital need, especially in rural areas, where community policing cannot be effective because of the nature of rural areas like West Virginia. All of our communities are concerned about violent crime, and all of them deserve Federal support and incentives.

But the people who are most convincing on this issue, are the law enforcement officials themselves who are on the front lines every day in the fight against crime. I want to share with my colleagues samples of letters from West Virginia law enforcement officials about this program, and ask for unanimous consent that copies of letters from Col. Thomas L. Kirk, superintendent of the West Virginia State Police, and the Honorable Virgil Miller be printed in the RECORD following my statement.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WEST VIRGINIA STATE POLICE,
*South Charleston, WV, February 8, 1994.*
Hon. JOHN D. ROCKEFELLER IV,
*U.S. Senate, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR ROCKEFELLER: On Friday, February 4, 1994, the Washington Post printed an article outlining President Clinton's plans to terminate one hundred and fifteen federal programs. This plan includes the block grant portion of the Edward Byrne Memorial Grant program, which is administered by the Bureau of Justice Assistance.

I have corresponded with you and spoken with members of your staff in the recent past concerning reductions in this program. It appears that our worst fears are coming to pass since the President apparently intends to eliminate this most important program.

Every day, as police officers, we are urged to tailor our efforts to combat the ever rising violent crime rate. To work towards the accomplishment of this task requires broad based support, yet this support is now being threatened. The termination of this program would eliminate a resource which is critical to our efforts.

Our task forces are purposely designed to combat both drug trafficking and violent crime. This design was an obvious choice, since the two are so closely interrelated. The elimination of this funding would result in personnel reductions, shortages in investigative resources, and would, overall, seriously jeopardize the cooperative policing efforts which have been so successful to date.

There have been suggestions that funds from the block grant program may be shifted to a discretionary grant program, thereby providing for closer scrutiny of each request. If this happens and the present trend continues, West Virginia will most likely not receive necessary funding in support of its policing efforts. In the past this type of funding has routinely been awarded to larger metropolitan areas, despite the fact that they already had more law enforcement resources available, both in terms of their individual tax base and in terms of the existing Federal law enforcement presence. West Virginia has never fallen within this category and if final approval is received, the Firearms Task Force grant which we are currently applying for will be a first for our state. Based upon past experience, President Clinton's plan, if implemented, will be devastating to public safety in West Virginia.

I would also note that rural states in general, West Virginia included, have already been overlooked by the President's initiatives to increase the number of police officers on the street. My staff has reviewed the parameters of the Police Hiring Supplement Program in detail. By its very design it simply is not applicable to rural jurisdictions, nor does it appear to be applicable to any "state level" law enforcement entity. Although rural states such as ours received a smaller share, since the Byrne Memorial block grant program is population based, it was at least something we felt we could count on. It now appears that rural law enforcement may be completely cut off from support which is crucial to our efforts. The people of West Virginia pay Federal taxes like all other Americans; they are entitled to better treatment than this.

I urge you to strongly support the preservation of the state administered federal assistance delivery system currently in place under the United States Department of Justice administered Edward Byrne Memorial Grant Program.

We, in the West Virginia law enforcement community, are aware of the importance of controlling federal spending, however, there is no more critical need in this nation than to reduce crime and violence. The law enforcement community is grateful for the assistance you have rendered in the past and again we ask for your help in preserving the integrity of this vitally important program.

Sincerely,

COL. THOMAS L. KIRK,
*Superintendent.*

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COURT HOUSE,
*Buckhannon, WV, February 10, 1994.*
Hon. JOHN D. ROCKEFELLER IV,
*U.S. Senate, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR ROCKEFELLER: I am writing on behalf of the Upshur/Lewis/Harrison Drug Task Force, which also includes the cities of Clarksburg and Bridgeport working in conjunction with the W.Va State Police, DEA, FBI, and IRS to urge you to preserve the integrity of the State Administrated Federal Assistance Delivery systems currently in place under the U.S. Department of Justice—administered Edward Byrne Memorial State and Local Law Enforcement Assistance discretionary and formula grant programs and to employ that delivery system in the distribution of any future criminal justice grant-in-aid programs, including financial assistance specifically intended for local government.

The HLUCTF urges you to support the full funding for the Byrne Memorial grant program in the Fiscal Year 1995 Budget. When the Federal Office of Management & Budget submits its recommendations to Congress for spending for the federal agencies and programs, we are hopeful the recommendations covering the U.S. Department of Justice, Office of Justice Programs will include a sufficient allotment to preserve the viability of the Byrne Memorial grant program.

The Drug Control and Systems improvement/Byrne Memorial grant program (1998–present) have provided state and local governments with the impetus and financial means to develop and implement new and innovative approaches to preventing and controlling crime.

In the Fiscal Year 1994, the appropriation of the Byrne Memorial grant program was reduced by six percent from the previous funding level, after being sustained at $473 million each year for three fiscal years. However, the strength of these grant-in-aid programs has been in the inducement and flexibility that they have provided the state and the local governments to identify crime priorities and to experiment with new programs that address crime problems. This experimentation and innovation by state and local governments under the Safe Streets Acts Grant-In-Aid Program produces and continues to produce under the Byrne Memorial grant program, many significant and lasting criminal justice initiatives.

We applaud and support your efforts to increase federal aid to state and local governments and urge you to employ the Byrne Memorial grant funds delivery system in the distribution of any future criminal justice grant-in-aid program, including financial assistance specifically intended for local units of government and to support full funding of the Byrne Memorial grant program in the fiscal year 1995 budget.

Certainly, there is no more critical need in this nation that to reduce crime and violence. The public has every right to expect to be safe and secure at home and in the streets and turn to the government for the will and resources to meet this expectation. We look forward to working with you in this matter of mutual interest. With kindest and personal regards and sincere best wishes.

Sincerely yours,

VIRGIL D. MILLER,
*Sheriff Upshur County.*

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Madam President, I suggest the absence of a quorum and ask unanimous consent the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mrs. MURRAY. Madam President, I thank the Senator from Iowa.

I rise briefly today to speak in strong support of this amendment, and I am pleased to be an original cosponsor of it.

As the chairman knows, I spoke this morning regarding the need for responsible amendments that named specific cuts. The Senator from Iowa, [Mr. HARKIN] has once again shown the leadership we have come to expect from him by offering this amendment.

I always say that the budget needs more everyday common sense, and that is what this amendment is about that has been offered by the Senator from Iowa.

I recently held a series of violence forums around the State of Washington. I heard firsthand from many teenagers and violent offenders about what we need to do to keep our streets safe. I talked with law enforcement officials who told me how important programs like this are. The Byrne Formula Grant Program gets to the heart of the needs in our neighborhoods. It is an investment which will have a direct impact on our neighborhoods that each one of us will see.

My good friends, the Senator from Iowa and the Senator from Tennessee, our chairmen, have made a compelling case for this amendment.

I will not take any more time except to say I fully support this amendment. I thank them for their leadership. I am convinced it will move to speedy adoption.

Thank you, Madam President. I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator yield back her time, or does she give it back to the Senator from Iowa?

Mrs. MURRAY. I yield my time back to the Senator from Iowa.

Mr. HARKIN. Madam President, I yield myself a couple minutes.

I again want to thank the Senator from Washington for her support for this amendment. I again thank her for all of her input and leadership on both the issue of getting our budget deficit down in a meaningful way to make sure that we do reduce that deficit and, second by making sure we have our spending priorities in order. I want to thank the Senator from Washington for her support.

Madam President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Might I inquire, how much time does Senator HARKIN have remaining on the first-degree amendment?

The PRESIDING OFFICER. The Senator from Iowa has 27 minutes remaining.

Mr. DOMENICI. I assume since the chairman is in favor of the amendment that I have the hour in opposition to the amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Madam President, would the Senator from Washington, Senator GORTON, like 20 minutes, 15 minutes?

Mr. GORTON. Fifteen minutes.

Mr. DOMENICI. I yield 15 minutes of that time to Senator GORTON.

The PRESIDING OFFICER. The Senator has 57 minutes remaining, and he yields 15 minutes to the Senator from Washington.

Mr. GORTON. Madam President, Edward Byrne was a young New York City policeman killed in action by drug lords in the 1980's. You would think that in his tough talk on crime, the President would have remembered this heroic officer whose name has done more to take dope pushers off our streets than perhaps any other. But the President has proposed we eliminate funding for the Byrne grants. At a time when our families and neighborhoods need effective law enforcement more than ever, we cannot afford to forget this successful program.

The distinguished Senator from Iowa has proposed to restore this program to exactly the level at which it found itself last year. With that proposition, I agree in part with. The method by which he proposes to pay for it, I disagree profoundly.

So I intend to use this 15 minutes, first, to amplify on the remarks of the distinguished Senator from Iowa as to what this program means with respect to law enforcement, the field in which we agree completely, and then to suggest that when all time has been yielded back, that I will have a second-degree amendment to amendment of the Senator from Iowa which will do two things:

First, it will restore not just the amount of the Byrne grants which they have been in the current year, but the amount for which they were authorized and which they received up to the current year, which is some $423 million a year as against the $358 million, about which is the subject of this amendment.

And, second, to take that money not out of national defense, the single function which is and continues to lose more than any other function in our budget, but taking a leaf from the proposals of a more broad nature made by the distinguished Senator from New Mexico in the Budget Committee itself to take it from allowances with a specific reference to the amount of money that we, in the Federal Government, spend across the board on furniture and on furnishings.

With that introduction, I should like to go back and speak to the Byrne grants themselves for a particular period of time.

As the Senator from Iowa well knows, the National Governors Association, the National Criminal Justice Association, the National Sheriffs Association, the International Association of Chiefs of Police, and the Fraternal Order of Police all have expressed support for full restoration of the Byrne formula grants.

Madam President, I ask unanimous consent that their letters in support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL SHERIFFS' ASSOCIATION,
*Alexandria, VA, March 21, 1994.*

Hon. SLADE GORTON,
*U.S. Senate, Washington, DC.*

DEAR SENATOR GORTON: On behalf of the 22,000 members of the National Sheriffs' Association, I am writing to thank you for your efforts to preserve the Edward Byrne Grant Program. Elimination of these funds will have the most devastating impact on law enforcement, especially on small and rural jurisdictions. This comes at a time when there is no more critical need in this nation than to reduce crime and violence. The sheriffs of this nation applaud your stand and commend you for your efforts. As always, NSA is prepared to support legislation in the best interest of law enforcement and the public.

I would be grateful if you would keep me informed of any progress regarding your amendment. Thank you for your endeavors.

Sincerely,

CHARLES "BUD" MEEKS,
*Executive Director.*

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NATIONAL GOVERNORS' ASSOCIATION,
NATIONAL CRIMINAL JUSTICE ASSOCIATION,
*March 21, 1994.*

Hon. SLADE GORTON,
*U.S. Senate, Washington, DC.*

DEAR SENATOR GORTON: We are writing on behalf of the National Governors' Association and the National Criminal Justice Association to applaud your statement on the floor of the Senate on March 16, 1994, in support of preservation of the Edward Byrne Memorial State and Local Law Enforcement Assistance formula grant program.

The Byrne Memorial program, as you so aptly pointed out in your statement, is a vital source of financial assistance for states and local governments' efforts to halt the epidemic of violent crime in this country. Byrne Memorial funds have underwritten most of the major advances in the field of criminal justice; including community policing, boot camps, and multi-jurisdictional drug enforcement task forces, such as those in place under Byrne funding in your own state of Washington.

The Byrne Memorial program is as equitable, efficient, effective, and accountable a grant-in-aid initiative as any the federal government has to offer. The program's strength lies in the flexibility that it provides the states and local governments to identify crime priorities and to develop, test, and replicate new and innovative approaches to preventing and controlling crime.

Governors, state legislators, state and local police officials, and numerous other public policymakers and criminal justice officials are united in their commitment to continuation of the Byrne Memorial program and in their belief that President Clinton's proposal to eliminate the Byrne Memorial formula grant program in his fiscal year 1995 budget should not be allowed by the Congress to go forward.

We understand that you plan to offer an amendment during floor debate of the budget resolution in support of the Byrne Memorial grant program. We wholeheartedly support that action and hope that your colleagues in the Senate will lend their support to your amendment.

Thank you again for your commitment to preserving the Byrne Memorial program.

Sincerely,

NOLAN E. JONES,
*Director of Justice and Public Safety, National Governors' Association.*

GWEN A. HOLDEN,
*Executive Vice President, National Criminal Justice Association.*

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INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE,
*Alexandria, VA, March 22, 1994.*

Hon. SLADE GORTON,
*U.S. Senate, Washington, DC.*

DEAR SENATOR GORTON: The International Association of Chiefs of Police (IACP) is in full support of all efforts to maintain and enhance funding for the Edward Byrne Memorial State and local Law Enforcement Assistance Programs and the Regional Information Sharing Program (RISS) in the FY 1995 Budget.

The IACP understands that several sources of funding are under consideration from reducing consulting services to reducing funding for Star Wars projects. The Congress is in the best position to determine which programs can best be reduced. The IACP knows however that these grant monies are vital to law enforcement to fund multi-jurisdictional narcotics task force that are the main defense against drug traffickers at the local level. Without this support, a coordinated and cost effective law enforcement effort is impossible and leaves communities across America vulnerable to unchecked drug trafficking.

The IACP and its members urges continuation of the Byrne Formula Grant and RISS programs in the FY' 1995 Budget.

Sincerely,

SYLVESTER DAUGHTRY, Jr.,
*President.*

Mr. GORTON. Madam President, as we look at the various programs which are contained in this budget, one of the overwhelming demands of the American people is for effectiveness in the spending of Federal money. If every Federal program were as cost effective as the Byrne grants, we would have very little need for some of the more drastic changes in our budget which have been proposed here.

According to the Washington State Patrol which supervises the exercise of these grants in Washington State, for every program dollar, either from the Federal Government or by match, spent on multijurisdictional task forces within the Byrne grants, $8.40 worth of drugs are removed from the streets. Not only is the program cost effective, it is unusually successful.

In the State of Washington, the conviction rate for those prosecuted after being arrested by these drug task forces under Byrne grants is 90 percent. For arrests outside of these Byrne grant task forces, the conviction rate is 42 percent.

Let me go through just a few of the ways in which this program operates in the State of Washington, which I believe is typical of all of the States which utilize these Byrne grants.

In the State of Washington, there are 21 such programs occupying almost all of the counties and the great and overwhelming majority of the population of the State of Washington. As you can note from this map, many of them cross county lines; all of them cross various jurisdictional lines within counties. They are the primary source of drug interdiction in Washington State. Considering the millions of dollars in assets seized every year in the prevention of drug abuse, the Byrne Grant Program in Washington State is among the wisest investments of Federal taxpayer money.

Designed to provide State and local flexibility and control over law enforcement strategies, Byrne grant money is distributed directly to all States on a population-based formula.

Madam President, I ask unanimous consent that a summary of the amounts each State has received in fiscal year 1994 be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

*Byrne Formula Grant Program*

[Fiscal year 1994]

| *Allocation of funds* | *Allocation* |
|---|---|
| Alabama | $5,827,000 |
| Alaska | 1,595,000 |
| Arizona | 5,465,000 |
| Arkansas | 3,756,000 |
| California | 37,704,000 |
| Colorado | 5,033,000 |
| Connecticut | 4,808,000 |
| DC | 1,597,000 |
| Delaware | 1,717,000 |
| Florida | 16,980,000 |
| Georgia | 8,946,000 |
| Hawaii | 2,278,000 |
| Idaho | 2,167,000 |
| Illinois | 14,765,000 |
| Indiana | 7,647,000 |
| Iowa | 4,248,000 |
| Kansas | 3,904,000 |
| Kentucky | 5,373,000 |
| Louisiana | 6,007,000 |
| Maine | 2,368,000 |
| Maryland | 6,748,000 |
| Massachusetts | 8,048,000 |
| Michigan | 12,149,000 |
| Minnesota | 6,237,000 |
| Mississippi | 4,012,000 |
| Missouri | 7,088,000 |
| Montana | 1,878,000 |
| Nebraska | 2,810,000 |
| Nevada | 2,477,000 |
| New Hampshire | 2,220,000 |
| New Jersey | 10,184,000 |
| New Mexico | 2,780,000 |
| New York | 22,502,000 |
| North Carolina | 9,055,000 |
| North Dakota | 1,653,000 |
| Ohio | 14,032,000 |
| Oklahoma | 4,725,000 |
| Oregon | 4,445,000 |
| Pennsylvania | 15,216,000 |
| Rhode Island | 2,093,000 |
| South Carolina | 5,192,000 |
| South Dakota | 1,743,000 |
| Tennessee | 6,886,000 |
| Texas | 21,950,000 |
| Utah | 3,057,000 |
| Vermont | 1,575,000 |
| Virginia | 8,500,000 |
| Washington | 7,020,000 |
| West Virginia | 3,056,000 |
| Wisconsin | 6,866,000 |
| Wyoming | 1,451,000 |

Mr. GORTON. Madam President, States and localities must match up to 25 percent of the cost of the program, and no more than 10 percent of the formula grant to a State can be used for administrative purposes. Most of it, in fact, gets through to the streets, to the law enforcement agencies which deal with drugs themselves.

Twenty different law enforcement activities are included within Byrne grants. Multijurisdictional task forces that integrate Federal, State and local law enforcement agencies and prosecutors, demand reduction education programs like the DARE Program, programs designed to target clandestine drug labs, community and neighborhood crime prevention programs and white collar crime and organized crime.

Of all the activities permitted under Byrne grants, the multijurisdictional task forces are among the most cost effective and productive in the fight against crime.

In the State of Washington, a total 21 multijurisdictional task forces, the drug prosecution assistance program, and several community policing programs were funded with Byrne grants during this current fiscal year for a total of $7 million.

More than half of that amount was dedicated toward the task forces, with the Washington State Patrol playing an important role as coordinator and supervisor. Uncommon cooperation among State and local law enforcement has made Washington State's task forces renowned for their efficiency and effectiveness.

Listen to some specific examples, Madam President. According to Capt. Hal Mahnke of the Cowlitz-Wahkiakum Narcotics Task Force, right here, in 1993 alone that task force arrested 442 suspected drug dealers, seized 21 automobiles from drug dealers and $57,000 in cash. Captain Mahnke told me that "most crimes that police officers investigate can be traced to drug activity. And we have plenty of drug activity. If we lose more drug investigative ability, we will see a definite increase in the crime rate in our area."

Comdr. Al Shelstad of the Snohomish County Regional Narcotics Task Force, which is here just north of Seattle, reports that since 1988 his task force has seized more than $19 million in narcotics, $367,000 in drug dealer vehicles, and $322,000 in cash.

Detective Sgt. Brent Pfundheller, supervisor of the Spokane Regional Drug Task Force, in the eastern part of the State, tells me in the fall of 1992 the Spokane Task Force ended one of the largest marijuana investigations in the State of Washington's history. More than 7,000 plants were seized with a street value of $7 to $10 million. Last year, the task force arrested more than 120 individuals for possession and/or trafficking in narcotics.

Detective Sgt. Dave Rekow of the South King County Task Force, in the metropolitan area of Seattle, reports that his group just last January seized more than 2 kilograms of cocaine in west Seattle. That seizure led to another one in Everett, WA resulting in 25 kilograms of cocaine, nearly half a million dollars in cash and several weapons. He told me, and I quote:

> Without the assistance of the Edward Byrne Memorial fund, we would, because of budgetary restraints, dissolve the South King County Task Force and reassign those officers to other enforcement efforts.

Sergeant Kennelly of the Tri-City Metro Drug Task Force reports that 241 individuals were arrested last year by the eight task force members for narcotics-related offenses. He adds that—

> Without the grant money, the Tri-City Metro Drug Task Force would not be able to operate. Each individual agency would then

> be burdened with trying to cope with the volume of narcotics that are so prevalent in the Tri-City area. Without the manpower and resources available to each agency which the task force provides as a unit, it would be an impossible task for the agencies to effectively combat the drug program.

We have similar quotes from Grays Harbor County, from Clark and Skamania Counties' drug task force, from the Interagency Narcotics Task Force Team in Grant County, from the West Sound Narcotics Enforcement Team, from Bob Thurston of the Quad Cities Drug Task Force.

And finally, Lt. Jim Pryde, of the Thurston County Narcotics Task Force, reports that since 1990 more than $12 million in illegal drugs, 238 firearms and 522 felony arrests have been made. He says:

> Loss of the drug grant funding would severely and negatively impact the quality of life we are fighting to maintain in Thurston County and the State of Washington.

This is what we face if this program is wiped out.

This second chart illustrates what the Washington State Patrol says would be the devastating impact of the loss of Byrne grants. On this two-colored map of the State of Washington, those in red are counties and areas in the State in which drug task forces are operating. Those in green are ones that have not participated. Some 90 percent of the people of the State of Washington live in areas supported by Byrne grants.

The Washington State Patrol says that—

> The loss of interjurisdictional cooperation would be greatly impaired. Loss of the BJA funding would cause approximately 80 percent of the multijurisdictional task forces to disband. The effectiveness of the remaining 20 percent would be greatly reduced. Rural areas would suffer the most because they do not have funds to replace lost Federal dollars; and drug control strategy is adversely impacted if task forces fold. Traffickers will move into areas where there is lower law enforcement presence.

Madam President, law enforcement officials across the country shake their heads in disbelief as they hear about page 97 of the fiscal year 1995 budget summary for the Department of Justice as proposed by the President, which reads as follows:

> The elimination of the Byrne formula grants is requested in order to support expansion of Juvenile Justice Program crime prevention activities and provide some of the funding necessary for the Department to maintain its primary Federal law enforcement responsibilities. Further, the administration believes that many new State and local assistance programs provisions, offered by the pending Crime Control and Law Enforcement Act, will more than offset the loss of the Byrne program formula grants. These new State and local programs, authorized in the crime bill, will include grants for community policing, criminal history records upgrades, boot camps, drug courts for youthful and nonviolent offenders and drug treatment in prisons and jails.

In other words, the administration is saying, "Don't worry; you are covered."

Law enforcement has a right to be skeptical.

First, few would argue with the need for more juvenile crime justice assistance programs. To think, however, that eliminating the main defense against drug trafficking will not erode our efforts on behalf of children is absurd. Juvenile justice programs and narcotics task forces are part of the same effort and cannot be traded off against one another.

Second, it is not clear what the administration means by "funding necessary for the Department to maintain its primary Federal law enforcement responsibilities." That could mean anything from ethics briefings for the White House to salaries and expenses of a special prosecutor. Since much of the Byrne money goes to multijurisdictional task forces that include Federal law enforcement and pursue interstate drug trafficking, it is hard to believe that these are not considered primary Federal law enforcement responsibilities.

Third, law enforcement personnel cannot reasonably rely on the administration's belief that the pending Crime Control and Law Enforcement Act will more than offset the loss of the formula grants. Considering the fact that there is a $16 billion difference between the Senate-passed crime bill and the bill currently being debated in the House of Representatives, few can know what, if anything, will emerge from the Senate-House conference comparable to the Byrne grants.

Fourth, the administration seems to neglect the substantial sum, nearly $2 billion according to some estimates, that these multijurisdictional task forces generate in seized assets.

Finally, the President's enthusiasm over hiring 50,000 new——

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. GORTON. Will the Senator give me another 5 minutes?

Mr. DOMENICI. I yield the Senator 5 minutes.

Mr. GORTON. Finally, the President's enthusiasm over hiring 50,000 new officers perplexes many of those in and outside of law enforcement. In doing so, he suggests that eliminating experienced narcotics officers who are primarily responsible for drug interdiction before the drugs get to the cities can somehow be justified by hiring rookie cops in the big cities for a period of 3 years. We desperately need new police officers in our cities but not at the expense of law enforcement in rural areas. In taking from rural task forces to pay for new city police, the President is blatantly suggesting that we rob Peter to pay Paul when both are obviously needed.

Now, Madam President, it is because of the tremendous success of these programs that our view is that they should be restored to their roughly historic level, and that is why the amount of money that we would propose is slightly larger than that in the Harkin amendment. But more significant, Madam President, is the fact that in one very real sense, in spite of the statement of the distinguished chairman of the Budget Committee, none of these amendments are truly specific. The pattern of an amendment which I will set up will be identical to that of Senator HARKIN. They simply change numbers in particular lines on particular pages of the budget resolution.

Fundamentally, however, the Harkin amendment takes all of the money for the restoration of these grants out of function 050; that is to say, national defense. He advertises and argues that this will come out of a portion, not all, of our antiballistic missile defense force. Maybe so, maybe not. That will not be decided here on the floor of the U.S. Senate. It cannot be decided during the course of the budget resolution. It does, however, come out of our function for national defense, a function which has declined in real terms ever since 1985 and is declining in absolute terms during the course of this year in spite of the fact that the President has said that he wants no more cuts in national defense, and in spite of the fact that we already have a $20 billion to $40 billion asterisk in the defense funds because the amount of money in the function, admittedly by the Department of Defense, is insufficient to pay for the defense which the President of the United States himself thinks to be necessary.

So my alternative proposal will be to take it out of allowances and earmark it against the money that we are spending on furniture, and it would be my intention that it come equally out of all of the functions in which those expenditures come, which would include a very modest cut in the defense function but it would be one which is directly proportional to the size of the defense function as a part of the overall budget and not solely and completely out of the defense function, which is already very, very short.

So while I am absolutely convinced that the Senator from Iowa has done a great service in speaking about the Byrne grant, and I agree with him completely, I think we can do better on the Byrne grant. I think we can do better on the functions from which we pay for the Byrne grant. I think we can do better for the defense of the United States.

Mr. HARKIN. Madam President, I, on my time, if the Senator, my good friend from Washington, will engage in a colloquy with me on where we are getting the money—we both agree the Edward Byrne fund ought to be saved or increased a little bit, if at all possible. I think that is a general sentiment here.

I guess the question then comes down to where are we going to get the money? The Senator is right. I do take it out of 050. I have indicated to him in my remarks that it should come from the ballistic missile defense fund and that portion which is the star wars program, not the theater missile defense. That whole star wars program goes from $1.2 to $1.21 billion, and that is where I propose the money come from.

The Senator is right. Obviously, it has to be appropriated. Obviously, an amendment then would be in place on the appropriations bill when it comes to the floor.

So I made it clear where I would get my money. I am still a little uncertain as to where the Senator from Washington will get his money to put into the Edward Byrne program. I understand what he says; that he was going to get portions from every function; a little bit out of every function. Well, does that mean some of it will come from education? Will some come from health care? Will some come from the National Institutes for Health, which we are trying to fund to put money into basic medical research? Would some of this come from job training? Where would it come from? Will all of it come out of all of these? That is what I am asking the Senator from Washington. Would, under his proposal, a little bit come out of all of these programs that I mentioned?

Mr. GORTON. Madam President, I respond to the distinguished Senator that the amounts that will come out of each of the functions across the board under the alternative proposal of the Senator from Washington will be directly proportional to the amount in the allowance section, the small print, in the budget directed toward the purchase of furnishings for various Federal Government agencies. That, of course, is precisely specific, no more or no less specific than the amendment of the Senator from Iowa, which comes out of national defense. Of course, it would come out of any function of national defense, I suppose, if some of these agencies ended up preferring their own personal comforts for the work which they were designed to do that they might buy their plush furnishings in any event and shortchange their own activities.

It is not the intent of the Senator from Washington—the intent of the Senator from Washington is identical to that of the Senator from New Mexico, who had a similar but broader amendment during the course of the debate over the budget resolution in the Budget Committee itself.

In any event, it comes out of the allowances section, and the precise intent will be to reduce by 50 percent the amount of money all Federal agencies spend on furniture and furnishings.

Mr. HARKIN. I appreciate those remarks. I guess my point is, again, the Senator says that, but his amendment does not mean that. It could come out of anywhere, just as the Senator from Washington is saying about my amendment. Mine comes out of national defense. I have indicated it would come out of star wars. Obviously, the appropriators can take it out of anywhere. If we take the amendment of the Senator from Washington, it does not necessarily have to come out of furnishings. It can come out of something else across the board.

My amendment, then, will send a strong signal to the Appropriations Committee about where our priorities are. Again, I do not have any real case to make for furnishings. I do not know what the situation is with furnishings. I suppose if you run an office, you have to have office equipment. I do know about the National Institutes of Health, though. I do know that they need equipment. They need lab equipment. They need proper furnishings to conduct their research, as do our extramural grants that go out to other universities. I suppose that would be included in that, too. I do not know exactly what all is included in the furnishings.

But, again, my point is this: We have had a huge increase in the star wars budget this year. It has gone up by almost 30 percent over last year. Again, is that where our priorities are?

The Senator from Washington states that we have had all of these big cuts in the military spending. I think it is time to start pricking that balloon and that myth. The Senator did say that it has come down since 1986. He is right. We had a huge buildup under Ronald Reagan, and since 1986 it has come down.

But, Madam President, I have a chart that shows that since the cold war started—defining the cold war as starting after the Korean war—there have been 16 years during that cold war when we had the threat of the Soviet Union intercontinental ballistic missiles, nuclear warfare threatening us. In 16 of those years we spent less on defense than we are this year in constant dollars. At the height of the cold war, in 16 of those years, we spent less than we did this year. Most of the years in which we spent more were the Vietnam war years.

I would also point out that if you added up the military budgets of every country in the world who could be our potential enemy, Russia, Iraq, China, North Korea, Libya, Iran, Syria, and Cuba, add them all up, it comes to $52.6 billion.

This year we are spending $277 billion, five times more than all of our potential enemies all put together. Yet, the Senator from Washington says that is not enough. Five times more than all of our potential enemies all put together, and that is not enough. Well, I am sorry. I beg to differ. I think that is more than enough. And I think it is time for our allies to start picking up more of the burden and not our taxpayers. I think if the taxpayers are putting this money in, it ought to go back to fight our street wars, and put it into the Edward Byrne Program to fund it. That is why I called my amendment star wars to street wars. I guess the Senator from Washington would call his "Furniture to Street Wars." Maybe he has a name, I do not know. I think it is time to put our priorities in order and cut the Star Wars Program. How much time do I have left?

The PRESIDING OFFICER (Mr. ROBB). The Senator has 19 minutes remaining.

Mr. HARKIN. Mr. President, I yield the floor and reserve the remainder of my time.

Mr. DOMENICI. Mr. President, let me suggest that, as I understood the way we were going to do things, Senator HARKIN was first, and that was at the request of the majority. The Republicans would go second. I think Senator GORTON is waiting to go second, but we have additional time on the Harkin amendment. I am going to use a few minutes and yield a few more minutes to Senator GORTON.

The PRESIDING OFFICER. The Senator from New Mexico has 37 minutes and 14 seconds remaining.

Mr. DOMENICI. Let me see if I can put this matter into perspective as I see it. The Senate in this first amendment—and I assume throughout the debate on this budget resolution we are going to be talking about areas about where Senators from both sides of the aisle think the President of the United States made a mistake in his budget. This is a big one. This is a very big mistake in the President's budget.

Frankly, I do not think the Senate is going to let this mistake get by without a lot of debate. There are three or four others in the area of criminal justice that are not going to get by without a big debate. This is a big one because not too many years ago we established a grant program for our States, and we named it after a very, very big police hero from New York City, as I recall. I think Senator D'AMATO brought him over because his father came to witness the ceremony of honoring this marvelous son who was a policeman and was just blown up by somebody who decided to kill him. We named this after that person. It is a tremendous fund, because it goes to our sovereign States in a manner that is reasonably related to the problems they have in terms of dollars. And then they get to use it for a myriad of things that they think are important. Believe you me, they are using it for tremendous law enforcement advances in our sovereign States. Senator GORTON alluded to some of them a while ago.

What the President did, I believe, in an effort to reach a certain level of expenditures and no more in terms of the caps, is tell America he was going to invest a lot of money into law enforcement. But the big new item for law enforcement was community-based policemen. So a very large new program was put in under criminal justice.

My recollection is that it is over a billion dollars for 50,000 community-based law enforcement people. Frankly, in order to make room for that, the President took the Byrne Grant Program and reduced it dramatically. What is going on here today in both the Harkin amendment and the Gorton amendment to be proposed, second-degree amendment, is to try to reinstate this so-called Byrne fund to its preexisting level, before the President cut it, and in some cases to let it go up a little bit, because it is thought to be one of the best crime fighting expenditures the Federal Government has.

Frankly, I think everybody understands that the Appropriations Committee is not going to cut the Byrne fund as much as the President recommended in his budget. It just cannot be. The States are going to tell us it is impossible and you cannot do this to us. And the President will lose any initiative of being a crime fighter when the States are through telling him: You cut more in the Byrne fund, which is helpful to us, than all this community police stuff you are talking about. It is going to get funded.

What we are doing here on the floor today, Senator HARKIN would say, look, I know how it ought to be funded. I am going to cut the Strategic Defense Initiative some and that will make up for the money in the Byrne fund. To tell you the truth, the President said we should not do this. Why did he say that? The President said in two different large quotes in his State of the Union Address: I have cut defense all that it should be cut. That is paraphrasing. In fact, he said something I did not think I would hear: Some of my staff and people that advise me—again paraphrasing—wanted me to cut defense more, but I refused to. It has been cut enough.

When you tear away all of what somebody wants this amendment to be—what Senator HARKIN wants it to be—it is another cut in defense to pay for what the President did not fund in the criminal justice section, the Byrne amendment. It is nothing more, nothing less. There is no doubt that this ballistic missile defense fund is not going to be cut as much as the Senator says it should be, because the Defense Appropriations Committee is going to make that decision. I remind everyone that the President himself said we should not be cutting this, because we have cut defense enough.

So, in my opinion, standing on its own, that amendment should not pass here today. Frankly, I believe the Senators want to vote for an amendment that says we are for putting the Byrne grant program on crime prevention back to where it was before, and even raise it a little. As I said, it is probably going to happen whether we vote on it here today or not, because the appropriators are going to cut someplace else and fund that program.

But if we want to vote to reinstate this fund so we can say we are crime fighters—we are even better crime fighters than the President—then it seems to me that Senator GORTON's idea that we ought to say to the agencies of this Government: Do not buy any new furniture, or at least 50 percent less, and do not use so many outside consultants; use half as many. That is what essentially he intends to do—send a signal that it is those kinds of excesses that should have been restrained in the President's budget so he would not have had to cut the crime-fighting Byrne funding for our States and localities.

With that, I ask the Chair, how much time do I have remaining?

The PRESIDING OFFICER. The Senator controls 30 minutes 49 seconds.

Mr. DOMENICI. I yield the floor.

Mr. KOHL. Mr. President, I ask to speak for 3 minutes in behalf of the Byrne amendment.

Mr. HARKIN. I yield the Senator 3 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KOHL. Mr. President, I rise today to support the amendment of my colleague from Iowa, which would, in his words, transfer Federal funds from star wars to street wars. It would take money currently slated to the missile defense budget and use it to restore cuts proposed to the Byrne grant anticrime and antidrug program.

Star wars to street wars is more than just a catchy phrase, it is a good idea. I was, frankly, surprised to see the President propose the elimination of the Byrne formula grant program in his budget at precisely the time the Federal Government has finally begun to face up to its responsibility to address the crime and drug problem in a truly tough, smart fashion.

The fact is that the Byrne Grant Program works. In my home State of Wisconsin alone it funds 27 drug task forces and more than 20 drug enforcement positions as well as a highly effective program that shuts down crack houses in Milwaukee.

The proposed elimination of this program has prompted more than 50 law enforcement officials from all over Wisconsin to write and call me.

They write and call with success stories; stories about the important things they have done, and the drug crime that they have fought, with the Byrne grant money.

These are clearly difficult times that compel us to make all sorts of tough budget-cutting decisions. It is our responsibility not to shy away from these difficult votes. But it is also our responsibility to ensure that our budget-cutting knife does not slice the heart out of our anticrime and antidrug efforts. We must distinguish muscle from fat. Programs that work as well as the Byrne grant program are muscle—they simply should not be cut.

So it is for this reason that I strongly support the amendment proposed by my colleague from the State of Iowa, Senator HARKIN.

I thank you and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. It is my understanding that time is charged equally to both sides.

The PRESIDING OFFICER. If neither side yields time, that is correct.

Mr. DOMENICI. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee, Senator SASSER.

Mr. SASSER. How much time does Senator HARKIN have available?

The PRESIDING OFFICER. The Senator from Iowa has 16 minutes and 44 seconds.

Mr. SASSER. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides.

The PRESIDING OFFICER. Is there objection? Without objection, the time will be charged equally against both sides.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time? The Chair recognizes the Senator from Iowa [Mr. HARKIN].

### AMENDMENT NO. 1558, AS MODIFIED

Mr. HARKIN. Mr. President, we are trying to reach an agreement. First of all, I ask unanimous consent to modify my amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GORTON. No objection.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, with its modification, is as follows:

Replace the matter to be inserted at the designated places with the following:

On page 5, line 1, decrease the amount by $93,000,000.

On page 5, line 11, decrease the amount by $93,000,000.

On page 5, line 22, decrease the amount by $144,000,000.

On page 5, line 23, decrease the amount by $35,000,000.

On page 5, line 24, increase the amount by $91,000,000.

On page 5, line 25, increase the amount by $11,000,000.

On page 6, line 7, decrease the amount by $144,000,000.

On page 6, line 8, decrease the amount by $35,000,000.

On page 6, line 9, increase the amount by $91,000,000.

On page 6, line 10, increase the amount by $11,000,000.

On page 6, line 11, decrease the amount by $10,000,000.

On page 6, line 17, decrease the amount by $144,000,000.

On page 6, line 18, decrease the amount by $35,000,000.

On page 6, line 19, increase the amount by $91,000,000.

On page 6, line 20, increase the amount by $11,000,000.

On page 6, line 21, decrease the amount by $10,000,000.

On page 7, line 1, decrease the amount by $144,000,000.

On page 7, line 2, decrease the amount by $35,000,000.

On page 7, line 3, increase the amount by $91,000,000.

On page 7, line 4, increase the amount by $11,000,000.

On page 7, line 8, decrease the amount by $144,000,000.

On page 7, line 9, decrease the amount by $179,000,000.

On page 7, line 10, decrease the amount by $88,000,000.

On page 7, line 11, decrease the amount by $77,000,000.

On page 7, line 12, decrease the amount by $88,000,000.

On page 8, line 7, decrease the amount by $144,000,000.

On page 8, line 8, decrease the amount by $35,000,000.

On page 8, line 9, increase the amount by $91,000,000.

On page 8, line 10, increase the amount by $11,000,000.

On page 8, line 11, decrease the amount by $10,000,000.

On page 35, line 8, increase the amount by $420,000,000.

On page 35, line 9, increase the amount by $92,000,000.

On page 35, line 16, increase the amount by $160,000,000.

On page 35, line 23, increase the amount by $147,000,000.

On page 36, line 6, increase the amount by $21,000,000.

Mr. HARKIN. Mr. President, let me briefly state what the modification is. Basically the modification would still reduce star wars by $513 million. It would increase the amount going to the Byrne program by $423 million, and it would reduce the deficit by only $90 million. It adjusts all the numbers accordingly.

That is the modification. I want to make it very clear, it still reduces the star wars program by the $513 million. It shifts most of that into the Byrne program, but there is $90 million that is used for deficit reduction. And that is the modification.

Mr. President, I have consulted with my friend, the Senator from Washington, who feels as strongly I do, I know, about the Byrne program. We just have a difference on how to fund it. We have worked out an agreement which is acceptable to our side and I know is acceptable to their side.

I ask unanimous consent that the pending Harkin amendment be set aside; that Senator GORTON be recognized to offer a first-degree amendment on the Byrne program; that there be 20 minutes of debate on the Gorton amendment equally divided in the usual form; that upon conclusion of debate on the Gorton amendment, the Senate proceed without any intervening action to vote on or in relation to the Harkin amendment, and on disposition of that, to be followed without intervening action or debate by a vote on or in relation to the Gorton amendment, and that no second-degree amendments be in order to either amendment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from Iowa?

Mr. GORTON. Reserving the right to object.

The PRESIDING OFFICER. The Senator reserves that right.

Mr. GORTON. Our parliamentarians tell us it is a little bit more complicated than that, Mr. President, because, of course, at this point, since we are going to vote back to back, this Senator does not know which of two amendments to put up. That will depend on the success or the failure of the Harkin amendment. So if the unanimous-consent agreement should be modified so that I will put up an amendment at this point, we will debate it, as per the request of the Senator from Iowa, but if the Harkin amendment should pass, that I have unanimous consent to substitute a different amendment for this one.

Mr. HARKIN. We have a gentleman's agreement. I understand what the Senator is going to do, and it is perfectly acceptable.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. SASSER. Mr. President, reserving the right to object, will the distinguished Senator explain the agreement?

Mr. HARKIN. As I understand the agreement, it is this. I have just modified my amendment. That amendment will be set aside. Senator GORTON is going to offer an amendment in the first degree, and upon completion of debate on that, we will proceed to vote on my amendment up or down. On the disposition of that, we would proceed to the Gorton amendment. However—and the Senator is right—if my amendment passes, the amendment that he is now debating is moot, and he wants to be able to modify that amendment at that point to get an up-or-down vote.

Let me explain in plain English what we are doing here. I have taken the money from star wars to fund the Byrne program. There is a little bit left over that goes to deficit reduction. Senator GORTON'S amendment takes the money out of a furnishings account that is spread over all of the different functions to pay for the Byrne program. If my amendment wins, Senator GORTON wants to offer an amendment that would basically undo what my amendment did. It would take the money out of my amendment that was taken out of star wars, put all that money back into star wars and take the money out of the furnishings account to pay for the Byrne program.

Mr. GORTON. Will the Senator yield?

Mr. SASSER. If the Senator will yield——

Mr. GORTON. In other words, this Senator at this point does not know whether or not Senator HARKIN will prevail. Part of my amendment will depend on whether it prevails or does not prevail. I will put up one form of it. But if his prevails, I wish to substitute the second form for it. The effect will be the same. If Senator HARKIN'S wins and mine loses, the Byrne grants come out of star wars. If mine wins after his, it displaces his and the money comes out of the allowances with the intention that it be in the furnishings account.

Mr. SASSER. But in the event his wins, then the Senator will modify his amendment and the modification will be in such a way that you still fund the Byrne provision but you will take the funds from where at that juncture?

Mr. GORTON. That is correct.

Mr. SASSER. No.

Mr. GORTON. I will take them from allowances with the intention that they be from the furnishings account, exactly what we have been debating all this time.

Mr. SASSER. All right.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from Iowa? If not, that will be the order of the Senate.

AMENDMENT NO. 1559

(Purpose: Restore the Edward Byrne formula grants by reducing all agencies furniture accounts)

The PRESIDING OFFICER. Under the order just adopted, the Harkin amendment will be set aside. The Senator from Washington is recognized to offer an amendment.

Mr. GORTON. Mr. President, I send an amendment to the desk and ask it be considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 1559.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 35, line 8, increase the amount by $423,000,000.

On page 35, line 9, increase the amount by $93,000,000.

On page 35, line 15, increase the amount by $423,000,000.

On page 35, line 16, increase the amount by $241,000,000.

On page 35, line 22, increase the amount by $423,000,000.

On page 35, line 23, increase the amount by $402,000,000.

On page 36, line 5, increase the amount by $423,000,000.

On page 36, line 6, increase the amount by $423,000,000.

On page 36, line 12, increase the amount by $423,000,000.

On page 36, line 13, increase the amount by $423,000,000.

On page 41, line 11, decrease the amount by $423,000,000.

On page 41, line 12, decrease the amount by $93,000,000.

On page 41, line 18, decrease the amount by $423,000,000.

On page 41, line 19, decrease the amount by $241,000,000.

On page 41, line 25, decrease the amount by $423,000,000.

On page 42, line 1, decrease the amount by $402,000,000.

On page 42, line 7, decrease the amount by $423,000,000.

On page 42, line 8, decrease the amount by $423,000,000.

On page 42, line 14, decrease the amount by $423,000,000.

On page 42, line 15, decrease the amount by $423,000,000.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON. Mr. President, I yield myself so much of my 10 minutes as I may utilize.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. GORTON. The Senator from Iowa has explained the situation, as we have set it out, quite accurately. Each of us agrees on the vital importance of Byrne grants to effective law enforcement and particularly to effective drug interdiction in the United States. The Senator from Iowa, in fact, has acceded to me and has listed the amount in his amendment to be essentially equal to my own, that is to say, the 1993 Byrne grant numbers. So we no longer have any difference on the importance of Byrne grants to law enforcement and to drug interdiction at all.

We do have a difference on the function or functions from which that money should be taken. The Senator from Iowa proposes that it be taken out of antiballistic missile defense. This Senator proposes that it be taken out of all functions proportionate to the amount of money that they spend on furniture and on furnishings which, of course, will include a very small amount from the defense function itself.

So the basic debate in which we are engaged at the present time is whether or not we want to restore this money for a vitally effective law enforcement function out of national defense or out of furnishings. I think it is a very simple proposition. Are we going to take perhaps the single most important function of the U.S. Government, its national defense, in a time of great unrest in the world, and deprive it of another $500 million over all of the cuts in defense which have taken place across the course of the last decade, a national defense function which the President has said he does not wish to cut, a particular item which the President has said he does not wish to cut, or should we take that money out of new furniture and new furnishings for all of the bureaucracy of the United States at a time, ironically, in which we are going to cut 200,000 or 250,000 people off of the Federal payroll.

It seems to me, Mr. President, the answer to that question is obvious. Of course, we should not cut back on national defense because, remember, whatever our stated intention that this money come out of star wars, it will come out of whatever the body decides it will come out of within the whole range of national defense at the time at which we finally pass an appropriations bill for the defense of the United States.

We already have a huge asterisk of, what is it, I ask Senator DOMENICI, $20 billion or more by which defense is underfunded for the very defense structure which the President of the United States has asked? Senator HARKIN asks that we add to that asterisk another one-half billion dollars, we take another one-half billion dollars out of defense. This Senator says, "No." We do need the Byrne Program. It is vitally important. Let us take it out of luxuries. Let us not take it out of the sinew of our national defense. Consequently, however the first vote goes, if you vote for the Gorton amendment on the second round, you will have determined that you want the Byrne grant, but you will have determined that you are going to take them out of luxuries, out of new furnishings for the governmental entities of the United States and not out of the sinew of this country's national defense.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I agree with my colleague from Washington that we have to increase the Byrne account and get that money out to our police and law enforcement for their programs for prevention and for prosecution. However, again, I would point out that the Gorton amendment takes the money for this out of all functions. He says it is going to come out of furnishings. It does not necessarily have to come out of furnishings. There is no specified item in each fund for furnishings. It is sort of an object account within every department that they have for furnishings. He says it is going to come out. Maybe it will; maybe it will not. We do not really know that for a fact. I do not know how much money is in furnishings.

Mr. GORTON. Approximately $1 billion.

Mr. HARKIN. The Senator says approximately $1 billion per year we spend on furnishings. I am not certain. I take his word for it. I would have to look at every function to see.

But again there is not any specific line item that says furnishings that we can go after. So really what he is digging into is all of the different functions. It could come out of education. It could come out of health, the FBI, the Justice Department, and prosecutions. Everything this could come out of. the Senator's amendment does not really distinguish the source. It says everything is equal out there; this cuts across the board.

My amendment specifies exactly where that money would come from. We had $2.74 billion for the old Star Wars Program last year. The President has asked and this budget includes an increase over that of about $513 million to $3.25 billion.

Again, the very accounts that the Senator from Washington is going after have all been frozen or cut in previous years. Here is one account that was not cut and was not frozen. That is star wars. It is increased by $500 million.

So what I have done is I have carefully drafted my amendment to say we will take it from the Star Wars Program, $513 billion. That will still leave $2 billion for theater missile defense programs to go after the real military threat out there. That is the time of Scud missiles, the theater missile programs that we need. We do not need to increase at this time the old star wars concept of shooting down intercontinental ballistic missiles.

So I use that money to transfer from star wars to street wars, to put it in the Byrne Program.

I believe the amendment I have offered is a much cleaner amendment. It correctly states what our priorities are going to be. It cuts down an increase that was made in the Star Wars Program, leaves it at last year's level. The Gorton amendment basically cuts into programs that have already been frozen or cut themselves. Therein I think lies the difference.

Again, I urge Senators to send a signal loud and clear that we do not need $500 million increase in Star Wars, but we do need $500 million increase in fighting crime and drugs in America.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, how much time does Senator GORTON have?

The PRESIDING OFFICER. Six minutes and 2 seconds.

Mr. GORTON. I yield such time as he wishes to use.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President and fellow Senators, you have a clear vote it seems to me. One, do you support the President of the United States when he said we shall not cut defense anymore? He even said, "My staff has advised me, some of them have, to cut defense. But it is wrong. We have cut defense enough."

The Harkin amendment would cut defense some more to pay for what the President should have funded from the beginning: The Byrne amendment which fights drugs and crimes in our cities and States in probably the best way that any Federal money is spent. The other choice is to take Senator GORTON's approach, and it will be the second vote, and say we do not want to cut defense anymore, but we do want to replenish the Byrne Grant Program in its totality. We want to fund it right up to current policy which means inflation on top of last year because it is a great program.

Then Senator GORTON says, as I would interpret it, the President should never cut the Byrne grants, and said to the agencies of this Government, you can spend $1 billion on new furniture. So we say cut that in half. I believe had the President been looking at $1 billion worth of new furniture or cutting the Byrne grants, he would have said cut the furniture. In any event, whether he says it or not, we ought to say it here today. That is why we ought to support the second vote.

Everybody wins. Senator HARKIN gets the Byrne grant replenished. The United States Senate, which probably to a man and to a woman, wants to replenish that program. It is a good program. It should not be cut. It will not be cut.

That version wins, and who loses? The only thing that loses is the big allowance account of this Government. If you are worried about specificity, it is a $9 billion account, and it is full of generalities: rent, across-the-board reductions. It also assumes that we are going to have procurement savings, and it has a dollar number for it.

So Senator GORTON's amendment is as real as you can get on a budget resolution, and I think it deserves support of the Senate.

How much time do I have?

The PRESIDING OFFICER. The Senator controls 3 minutes, and 48 seconds.

Mr. DOMENICI. I yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas, Mr. GRAMM.

Mr. GRAMM. Mr. President, I want to add one thing to what Senator DOMENICI said. The President, in a very passionate moment in his State of the Union Address said, "And some have said cut defense further. And I have said no." Of course 3 days later, the President's budget came out and he cut defense by another $117 billion.

Unless our alternative passes, it is too late for this budget to fulfill the President's promise. But the point is, do not cut defense any further than the President cut it after he promised he would not cut it.

So I think the question is, are we going to buy furniture for the Government, or are we going to continue to fund national defense, even though the President has already cut it $117 billion more than he promised he would cut it?

I think that is the issue. And on that basis, I think it is very important that we reject the Harkin amendment and that we accept the Gorton amendment to fund DARE, to fund the war on drugs, to fund our rural task force effort. I am very much in favor of Byrne funding.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa [Mr. HARKIN] controls 6 minutes and 4 seconds.

Mr. HARKIN. Let me clear up a misconception, Mr. President, which I think that the Senator from Texas has on this defense spending.

Quite frankly, I want to make the point again that the Star Wars Program was not cut. It was increased by $513 million over last year. That is really the issue. Do we want to keep pouring money into the old Star Wars Program, Edward Teller's dream, lasers, x-ray particle beams, star wars and all that kind of nonsense? We have put $32 billion into star wars, and what do we have to show for it? Not a thing.

What if we were to put that $32 billion into high-speed rail, into clean energy systems, or into education and better schools for our kids in this country? Then we would have something to show for it. That is not enough for the Senator from Texas. Oh, no. He wants another $500 million to go into the Star Wars Program. I am sorry. My goal is not cutting defense. It is cutting the old Star Wars Program. That is what we are doing here with this amendment. We are putting it into fighting drugs and fighting crime through the Byrne Program.

Second, I hear all this talk about cutting defense and cutting defense. The fact is that since the cold war started, there have been 16 years during the height of the cold war when we spent less money on defense than we are doing today. We are spending more, but the Soviet Union no longer exists. There is no big threat to the United States security. And the only years in which we spent more were during the Vietnam war years.

So what are we talking about here in terms of cutting defense? We are talking about cutting it below what it was when Ronald Reagan built it up.

Last, Mr. President, of all the potential enemies we face in the world, Russia, Iraq, China, North Korea, Libya, Iran, Syria, and Cuba, add them all, what they spend on defense, it comes to $52 billion. We are spending $277 billion, five times more than all of our enemies put together. But that is not enough for the Senator from Texas. No, he has to spend more on defense.

Well, there are legitimate needs in defense. But I submit to you, Mr. President, that star wars is not one of those. It is time to take the President's request, and I believe the President is wrong on this when he asked for a half billion dollars more in star wars. Take that increase, bring it down to last year's level and put it into the Byrne program to fight crime and drugs. That is what the Harkin amendment does. I ask for the Senators' support on that amendment to send a message loud and clear that Star Wars is gone, over and done with. If you want to fund defense, put it into something else, not in star wars.

I yield the floor.

Mr. GORTON. Mr. President, the Senator from Iowa and the Senator from Washington agree totally on the Byrne grant program. We agree as to its effectiveness on the war on drugs and with respect to interdisciplinary task forces. We agree on the DARE Program. What they do not agree on is how to pay for a program which the President most improvidently took out of his budget. The Senator from Iowa believes it ought to come out of national defense, and that is all he can do with this resolution, but he wishes to earmark it to come out of star wars. In that, he disagrees with his own Department of Defense, with his own President of the United States, and disagrees, of course, with the budget resolutions that came out of the Budget Committee.

The Senator from Washington believes that our national defense is more important than new furnishings for bureaucrats, and believes the money ought to come out of those furnishings. It is as simple as that. We are going to restore money for Byrne grants, I am convinced of that. The question is whether or not we take it out of the defense of the United States or furniture allowances.

The Senator from South Carolina has asked to speak for 4 minutes. I suspect I do not have that much time left. I will yield to him whatever time I have left, plus the difference between that and 4 minutes off the bill.

The PRESIDING OFFICER. The Senator from Iowa has 3 minutes.

Mr. HARKIN. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise in strong opposition to the Harkin amendment. I wish to commend the able Senator from Washington State for the position he has taken.

I am astonished that the Senator from Iowa would bring this proposal to the floor now—of all times.

Just last week we learned that North Korea is developing two long-range ballistic missiles along with their nuclear weapons program. Director of Central Intelligence Woolsey has said that if deployed, they could project North Korea's offensive reach throughout the northwest Pacific.

Ballistic missiles are the primary choice to deliver weapons of mass destruction because there is no effective defense against them. We do have the Patriot, but its antimissile capabilities are limited, and it may not be effective against chemical or biological warheads.

Perhaps the Senator from Iowa has not been reading the papers or watching the news in the past few weeks. The danger posed by North Korea is obvious. What more does it take for this country to get serious about ballistic missile defense? We ought to be adding money for missile defense and expediting the program, not cutting it further.

Missiles and weapons of mass destruction are spreading all over the world, especially in outlaw states like Iran, Iraq, and North Korea. It is significant that every nation in the potential column of nuclear arms proliferants also has a parallel ballistic missile program.

If we are serious about stopping the spread of missiles and mass destructive weapons, we ought to be building the most effective theater missile defense that our technology will permit. Senator HARKIN may not realize it, but his amendment will hurt theater defense as well as homeland defense. First, the so-called star wars homeland defense program died long ago. What remains of homeland defense is technology work in land-based elements and sensors. It is not the star wars pipe-dream system as the Senator characterized it. This work has produced technologies that enhance theater defense. Second, the threats we are facing are approaching intercontinental range. The new North Korean missile is a case in point. It may have a range of 3,500 kilometers. Third, theater defense is already underfunded. To cut another $523 million from BMDO will hurt theater defense by crippling the entire effort, despite what the Senator may say.

Only missile defense can make ballistic missiles less useful and thus less attractive to would-be aggressors. Without missile defense our counterproliferation policy is impotent against a determined violator like North Korea. Without better missile defenses our troops deployed overseas and our allies are vulnerable to the most potent military threat we face today.

The Harkin amendment will extend this vulnerability. I urge the defeat of the Harkin amendment.

I yield the floor and thank the managers for their courtesy.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa has 3 minutes remaining.

Mr. HARKIN. Mr. President, I want to say that the Senator from South Carolina is right. We should be concerned about North Korea, I say to the Senator. We should be concerned about North Korea. But right now, I say to the Senator from South Carolina, I do not know if he knows how much they spend on their military. Right now, we spend in 5 days what North Korea spends in an entire year.

Here is the chart right here, Mr. President. In 1 year, North Korea spends $2.2 billion in defense. We spend $277 billion in defense. Yes, we are concerned about North Korea. Of course, we are. But to somehow argue that we have to spend even more than what we are spending now to swat at a gnat—maybe the Senator from South Carolina is afraid of the gnats and ants, but I am not. Our military is up to North Korea any day of the week. In 5 days, we spend more on defense than North Korea spends in one entire year. If that is not enough, God help us all.

I yield the remainder of my time.

Mr. GRASSLEY. Mr. President, my friend from Iowa certainly raises some good points about whether we should be increasing funding for star wars.

He also is right to support the Edward Byrne Memorial State and Local Law Enforcement Assistance Program; it has been an unqualified success.

This matching grant program plays an indispensable role in fighting drug use in rural America. These grants are distributed fairly, on the basis of population, and require State commitment to anticrime efforts through matching funds.

In Iowa, these funds enable more than 20 coordinated State and local drug task forces to function. The Byrne grants also increase undercover work in smaller communities.

As drug trafficking has spread to rural areas, less populous areas need to address drug problems that had only existed in concentrated form in urban centers.

Without the Byrne grants, localities lacking the population and resources to combat drugs would not be able to adequately respond.

It is unfortunate that the Clinton administration decided to eliminate this successful program.

I agree with the Senator's intention to fund the Byrne Program and I voted twice in Budget Committee to restore funding for this program. It would have been paid for by reducing funds to the Legal Services Corporation, and to mass transit.

Unfortunately, the Democrats on the committee voted these amendments down. It seems they believed it was more important to fund lawyers, not fight drugs.

So I have voted to fund the Byrne Program twice in committee and will support the amendment on the floor offered by Senator GORTON that will fund this program.

However, I disagree with my Iowa colleague in wanting to take from defense to pay for this domestic program. If defense spending is cut it should be used for deficit reduction in my view, not for more spending elsewhere.

This year, I don't subscribe to the liberal view that we should cut defense and spend it on social engineering. Rather, we should reduce the deficit with defense cuts, and we should prioritize better on the domestic side, given the state of the debt and deficits.

And so I must reluctantly oppose my friend from Iowa, and instead support the amendment of the Senator from Washington whose approach is consistent with how I believe these funds should be transferred.

Mr. AKAKA. Mr. President, I urge my colleagues to restore funding to the formula grant portion of the Edward Byrne Memorial State and Local Law Enforcement Assistance Block Grant Program.

I know how valuable the Byrne Program is to the State of Hawaii, and I have heard from many State and county law enforcement officials regarding the critical impact this program has on combating youth and domestic violence, expanding treatment facilities for drug abusers, improving criminal history records, and stemming the flow of illegal drugs.

During last summer's appropriations debate, I contacted the Senate Appropriations Committee to express my serious concern that any decrease from previous funding levels would have a significant impact on Hawaii.

I was, therefore, dismayed to learn that the fiscal year 1995 budget proposal would eliminate the formula grant portion of this successful program. Although the discretionary portion would be doubled, the budget proposal could not guarantee that Hawaii would receive the funds that have become so valuable in its fight against drugs and crime.

As I have mentioned before, Hawaii is an island paradise. However, there are problems in paradise, and State and local jurisdictions need the valuable resource of the Byrne Formula Grant Program.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1558, as modified.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—40

Akaka
Baucus
Biden
Boren
Boxer
Bradley
Breaux
Bumpers
Daschle
DeConcini
Dodd
Dorgan
Feingold
Harkin
Hatfield
Hollings
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—59

Bennett
Bingaman
Bond
Brown
Bryan
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Exon
Faircloth
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hutchison
Johnston
Kassebaum
Kempthorne
Kerrey
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Inouye

So the amendment (No. 1558), as modified, was rejected.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I ask for the yeas and nays on the Gorton amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I rise in strong support of the Gorton-Hatch amendment to the budget concurrent resolution. Frankly, I am very concerned abut the significant cuts to law enforcement proposed in President Clinton's fiscal year 1995 budget.

I commend my colleague for his leadership on this issue. I was pleased to work with him on this amendment as this has been a priority of mine for some time.

Existing Byrne memorial state and local law enforcement block grants, which police have been counting on, are cut in the proposed 1995 budget. This program currently provides my State of Utah over $3 million in law enforcement assistance. Utah desperately needs this funding. It has become a transshipment point for drug traffickers. Gangs are also a serious problem.

The argument some suggest is that this program is being eliminated in order to fund the crime bill's proposed community policing program. Yet, the crime bill funding is expected to come from savings earned through personnel reductions, not from existing law enforcement grants. this program has proven to be both effective and extremely popular. It should be retained.

These grants are used by the States for a variety of law enforcement purposes. In fact, over 950 task forces and drug unit have been established or expanded throughout the country through the use of these formula grants. These grants are also used to hire prosecutors and train law enforcement personnel. Ironically, while the administration is proposing the elimination of this successful formula program which insures that each State gets its fair share of law enforcement resources, the department has proposed increasing the funds available for discretionary grants.

There is clearly a need for fiscal restraint and budget cuts. But in a budget of $1.5 trillion, priorities can and must be met. We must ensure that budget cuts are not borne on the backs of law enforcement and crime victims. We cannot permit this administration to further impair the Government's ability to meet its obligations to our Nation's law abiding citizens. Cutting existing law enforcement grant programs is an unwise choice, especially in light of our Nation's crime problem.

For these reasons, I urge my colleagues to support the Gorton-Hatch amendment.

Mr. MURKOWSKI. Mr. President, as we take up the administration's budget request for fiscal year 1995, I rise to add my support to the Gorton amendment and demand reconsideration of the administration's proposal to completely eliminate the Edward Byrne Memorial State and Local Law Enforcement Assistance Program. Despite President Clinton's tough rhetoric on crime, he has seen fit to cut out one of the most valuable and cost effective means at our disposal for combating drugs and drug related crimes.

For 1994, the Byrne Program provides $358 million in grants directly to the States according to a population based formula. States may use the money to perform a variety of law enforcement activities, including multijurisdictional task forces, neighborhood and community crime prevention, location of clandestine drug labs, and white collar and organized crime. This flexibility recognizes the rapidly changing tactics of drug criminals and allows those on the front lines to adjust their enforcement efforts accordingly.

My State of Alaska received $1,595,000 this year through the Byrne programs, and these funds have truly made a difference. Let me quickly cite just one example to illustrate this point. Unalaska, AK, is probably the last place in the world many people would expect to find a thriving cocaine network. Unalaska is a small, isolated community located in the Aleutian Island chain, and like many Alaskan communities, accessible only by boat or aircraft. With a year-round population of only 3,000 people, local law enforcement is understandably quite limited.

Yet State and local agents have recently uncovered a sophisticated cocaine distribution system on the island which took advantage of isolation, limited law enforcement presence, and the large quantities of money generated by the seasonal seafood industry. Although based on Unalaska, the drug sales reached northward all the way to communities in Bristol Bay and Kodiak, over 500 miles away.

After an 8-month investigation, officers arrested 27 people, and the State has filed 77 criminal charges. The price of cocaine in Unalaska, Bristol Bay, and Kodiak has doubled from $100 to $200 a gram, a signal that the supply of drugs to these communities has been effectively diminished.

Elimination of Byrne grant funding would devastate Alaska's drug enforcement efforts, and severely harm the entire law enforcement community. It would mean the loss of nine state troopers and five prosecuting attorneys. These figures represent a 35-percent reduction of full-time drug enforcement efforts State-wide, and a 9-percent reduction in prosecuting attorneys. Byrne grant resources have made it possible for the State of Alaska to field the necessary expertise and manpower to confront major narcotics operations operating out of the Pacific Northwest. In the case of Unalaska, State and local law enforcement officials have interrupted the supply of drugs over a considerable area of the State.

Over the last 3 years, Byrne grant funding has been reduced by $142 million to a 1994 level of $358 million. Despite these cutbacks, State and local law enforcement agencies continue to demonstrate impressive results. We should not reward the competence and effectiveness of these fine men and women by eliminating the funds which make their successes possible.

The Gorton amendment restores these needed funds to the most fiscally responsible manner. I am pleased to support this program and this amendment.

### VOTE ON AMENDMENT NO. 1559

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1559 offered by the Senator from Washington.

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. DORGAN] and the Senator from Hawaii [Mr. INOUYE] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—97

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hutchison
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—1

Hollings

NOT VOTING—2

Dorgan
Inouye

So, the amendment (No. 1559) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. I ask unanimous consent that when the Senate resumes consideration of Senate Concurrent Resolution 63 tomorrow morning at 9 a.m., there be 20 hours for debate remaining on the resolution, equally divided; that Senator DOMENICI be recognized at 9 a.m. to offer a Republican alternative budget amendment and that no second-degree amendments be in order to the Domenici amendment or to language that may be stricken; that a vote on or in relation to the Domenici amendment occur at 11 a.m. tomorrow; that upon disposition of the Domenici amendment, Senator DODD be recognized to offer an amendment relating to education, with no second-degree amendments in order, nor to the language which may be stricken by the Dodd amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, Mr. President, I wonder if the majority leader would, on the time of voting on the substitute, make that an extra half-hour. Instead of 11, could we make it 11:30?

Mr. MITCHELL. So there would be 2½ hours?

Mr. DOMENICI. Correct.

Mr. MITCHELL. Mr. President, I ask——

Mr. DOMENICI. And we may yield back. We can say no later than that if the Senator would like.

Mr. MITCHELL. I then inquire of the chairman, I assume he has no objection to that, making it 2½ hours?

Mr. SASSER. No objection.

Mr. MITCHELL. Mr. President, I modify my request to accommodate the request of the Senator from New Mexico.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues.

Mr. President, accordingly, there will be no further rollcall votes this evening.

Mr. President, I thank the distinguished chairman and ranking member.

For the information of Senators, it is my hope that we could complete action on this resolution by the close of business on Thursday. That is our hope and intention. I know there are several amendments remaining, but I hope that we can complete this. There are other important matters which we will have to act on prior to leaving for the recess. This obviously is a very important matter, one required by our procedures, and I thank my colleagues for their cooperation.

## MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HOMICIDES BY GUNSHOT IN NEW YORK CITY

Mr. MOYNIHAN. Mr. President, I rise, as I have done each week during this session of the 103d Congress, to announce to the Senate that during this past week, 25 people were killed in New York City by gunshot.

## COMMITTEE OF 100

Mr. McCAIN. Mr. President, next week a delegation representing the Committee of 100, an organization of prominent Chinese-Americans, will be visiting China to introduce themselves and to promote an understanding of American attitudes toward the People's Republic of China [PRC]. At the center of its message to China are the results of a study commissioned by the committee and carried out by Wirthlin Associates.

The Wirthlin study, as I understand it, concentrates on the opinions of four United States constituencies essential to the development of our policy toward the PRC: United States congressional decisionmakers, business decisionmakers, Chinese-Americans, and the general public. It is my hope that providing Chinese leaders with the findings will underscore the importance of our relationship in all its many facets.

I have long admired the work of the Committee of 100 and the very distinguished members that represent it. The members of the committee represent Chinese-Americans from all over the Nation and across a wide range of political opinions and professions. To give my colleagues an idea of the caliber of people making up the organization, I commend to them the biographies of three members who recently visited my office, one of whom, Ms. Ming Chen Hsu, is an Arizona resident. The biographies are somewhat dated, but I think they illustrate well the competence of the Committee of 100 delegation.

I ask unanimous consent that the three biographies, as well as a complete delegation list, filled with distinguished Chinese-Americans, appear in the RECORD so that my colleagues might examine them.

I wish the Committee of 100 delegation well in their efforts to establish a dialog with the PRC and look forward to speaking with them upon their return. Given the state of United States-Chinese relations today, their efforts to promote mutual understanding could not come at a better time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Patriots Asian Pacific American Heritage]

### MING CHEN HSU, COMMISSIONER, THE FEDERAL MARITIME COMMISSION

From vice president of international trade for the RCA Corporation to her current position as commissioner of the Federal Maritime Commission, Ming Chen Hsu for over 30 years has been part business woman, part politician, and part diplomat. During this time period, she was named the Governor's Special Trade Representative by former Governor Thomas Kean of New Jersey and served as director of the State Commerce Department's Division of International Trade.

After leaving China and her family in 1944, Hsu made it to California via the help of a United States army plane and troop ship. In New York, she enrolled at Barnard College, later transferring to George Washington University in Washington, DC. By 1949, she received her BA in foreign affairs with a minor in international economics. By this time, her father was sent to Taiwan with Chaing Kai-shek and her mother and sister soon joined her in New York. She later received her PhD from New York University and was the Penfield Fellow of International Affairs Diplomacy, and Belles-Lettres. Hsu also obtained a LLD from Ramapo College in 1988 and from Kean College in 1989.

Hsu constantly faced the possibility of deportation and received temporary stays. She eventually married Richard Hsu, then president of the China Institute in America. Soon, Hsu began working for NBC as a researcher. She received her first break with RCA. NBC's parent company, when they asked Hsu to make a presentation because they were interested in investing in foreign television stations. Within the year, she moved to RCA and worked on corporate planning and marketing. According to Hsu, the position was not glamorous. By the 1970's, Hsu made a name for herself. After years of slowly climbing the corporate ladder, she became director of international marketing in 1976 and was staff vice president in 1980. Representing RCA before representatives of the People's Republic of China, hosting delegations, and working with United States government agencies were a few of her accomplishments during this time period.

Her constant commitment to public service and her weariness of the rigid corporate environment were some of the reasons she left RCA and accepted the position as director of the New Jersey State Commerce Department's Division of International Trade in 1982. Working with her good friend, former New Jersey Governor Thomas Kean, she set out to promote New Jersey as a place to do business. Through Hsu's efforts, over 1,000 companies from 48 countries invested in New Jersey—employing some 175,000 residents. Among the firms Hsu helped bring to New Jersey: Hyundai, Sharp Electronics, and Samsung Electronics.

After former Governor Kean left office, the White House asked Hsu to come to Washington to become commissioner of the Federal Maritime Commission. She was confirmed by the Senate in June 1990. She was reappointed in 1991 after completing the term of a former commissioner.

Hsu's and the Commission's major concern is to protect United States shipping and trade practices or trade statutes that have been enacted by foreign governments. Many complaints have been filed against a number of countries for their discriminatory trade practices. The Commission is currently gathering information on certain shipping practices from countries such as Japan, Taiwan, Venezuela and the Ivory Coast. Hsu states, "The object is to free up trade and make it easier for our exporters to sell in those countries."

The numerous committees Hsu has worked with include the Defense Advisory Committee on Women in the Services, the New Jersey Advisory Council of Channel Thirteen/WNET, the National Commission on the Observance of International Women's Year, the United States Commission on Civil Rights, and the Newark Museum, Newark, New Jersey. Some of the awards she has received include Woman on the Move Award from the Business Journal of New Jersey in 1989, the Paul L. Troast Award for Outstanding Public Service from the New Jersey Business and Industry in 1989, the Philbrook Award from the Women's Political Caucus in 1989, and Woman of the Year from the Asian-American Professional Women's Association in 1983.

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[From the Patriots Asian Pacific American Heritage]

### BRIG. GEN. JOHN L. FUGH, JUDGE ADVOCATE GENERAL, DEPARTMENT OF THE ARMY

After years of legal service for the United States Army, Brigadier, General John Fugh is the current Judge Advocate General, overseeing a worldwide legal organization for the Army.

As the current Judge Advocate General, Brigadier General John L. Fugh heads a worldwide legal organization for the Army consisting of 1,700 active duty lawyers. 350 civilian lawyers, 2,200 reserved component lawyers (nonactive national Guard or United States Army Reserve lawyers), and over 5,000 paralegal and administrative personnel. Fugh added that this is a statutory position and his responsibilities include being the legal adviser to the Army leadership and directing Army lawyers in the performance of their duties. Fugh also oversees the Judge Advocate General's School in Virginia, a claims service at Fort Meade, and a judiciary that includes judges and appellate judges. His duties are not only limited to the military justice arena. Fugh also handles civil law matters, such as Army contracts with the defense industry, protest disputes, and litigation. "I also assist the Justice of Department in the Federal courts, take care of soldiers' personal legal concerns, and handle legal concerns, and handle legal work in operational areas." Fugh added.

Born in Beijing, China, Fugh attended Georgetown University School of Foreign Service, the George Washington University Law School, and Harvard University's Kennedy School of Government. Fugh has also attended the Judge Advocate General's School, the United States Army Command and General Staff College, and the United States Army War College.

With over 30 years in the United States. Army, Fugh stated that he has not experience overt discrimination, "just the usual ethnic slurs one can expect from peers along the way. "In 1984, I became the first Chinese-American and the first non-white person to become General in the United States Army, so you can see that being a minority, or Chinese did not hurt me too much," commented Fugh.

Fugh has travelled extensively throughout his career. He visits the field to make sure the delivery of legal services is going well. "My next visit will be to Budapest to meet with my counterpart in the Hungarian Army. They're trying to catch up, being a former Communist country, and the interests of our national and foreign policy is to further the democratization of their society." Topics to be discussed between the two include environmental compliance and clean-up law and litigation, and civil military relations.

Prior to his appointment as Judge Advocate General, his key assignments at Headquarters, Department of the Army, include service as the Assistant Judge Advocate General (1990–1991), Assistant Judge Advocate General for Civil Law (1984–1990), and Chief, Litigation Division (1982–1984). Fugh has also been the Special Assistant in the Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), and the Staff Judge Advocate for Legal Counsel for the Third Armored Division in Frankfurt, Germany, for the United States Ballistic Missile Defense Program, for the Office of the Army Chief of Staff in Arlington, Virginia, and for the Military Assistance Advisory Group in Taipei, Taiwan.

Asked about his plans when he retires, Fugh stated that he hoped to do something in the area of international trade in the Pacific. "There, I can use my language, ability, background, and training. Of course, being a lawyer, I would work with law firms and our United States corporate entities and businesses over there." Because China is second to Japan in terms of favorable trade balance, Fugh would like to work on ways to promote United States companies to the Chinese.

His awards and declarations include: the Defense Superior Service Medal, Legion of Merit, Meritorious Service Medal (with Oak Leaf Cluster), Air Medal, Joint Service Commendation Medal, Army Commendation Medal (with Oak Leaf Cluster), Office of Secretary of Defense Badge, and Army Staff Badge.

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### VITA OF KUNG-LEE WANG

Mr. Wang is a businessman and economist. He is an active Asian Pacific American community leader. Born in China, he is a naturalized American citizen. He has a broad range of experiences as a senior government official an internationally known resource and inter-industry economist, a businessman and a community activist.

From 1955 to 1960, he was an economist-operations analyst with the C.F.I.R., Inc., a consulting firm. For twenty-two years, he worked as an economist for the U.S. Department of the Interior. From 1966 to 1982, he was a GS 15 senior economist. After 12 years as the chief of Quantitative Economics at the Bureau of Mines, he left the U.S. Civil Service in June 1982 and heads his own economic, business development and marketing consulting firm, KLW International, Inc.

In December 1982, he helped to found the Chinatown Development Corporation (CDC). CDC and its partners jointly bid and won the right to develop the Far East Trade Center in the heart of Washington, D.C. Chinatown on top of a transfer stop for three of the five Washington, D.C. subway lines from the Washington Metropolitan Area Transit Authority in May 1983. Since 1982, he has served CDC as Director and/or Officer. Now CDC is the largest limited partner of the Far East Trade Center Associates partnership that is developing a $200 million mixed-use real estate project, next to Chinatown Friendship Archway and near the Washington, D.C. Convention Center.

Mr. Wang received his B.A. degree in economics from Yenching University in China, received his M.A. degree in economics from Brown University, his M.B.A. degree in business economics from Columbia University and his M.B.A. degree in political economy and government from Harvard University.

He is a professional economist with international reputation in mineral economics and inter-industry (input-output) analysis, has authored many monographs, articles and book (sections) on mineral economics and input-output analysis. He was the founder and first president of the American Institute of Mining Metallurgical and Petroleum Engineers (AIME) Washington, D.C. Mineral Economics Section, 75–78, first time in AIME history to have a section devoted to economics. He was the national Chairman of AIME Council of Economics, 80–81. The Council has over 10,000 members among the total 55,000 AIME members at that time.

Mr. Wang is the founder of the Organization of Chinese Americans, Inc. (OCA) and served as its first National President, 73–77; National Board Member, 73–91; and OCA Business Advisory Council coordinator, 83. OCA, with 8,000 members and 11 chapters in 26 states, is a nonprofit, nonpartisan national advocacy organization dedicated to ensuring justice and equal opportunities for Chinese, other Asians and all Americans; to eliminate ignorance about the bigotry against Chinese and other Asian Americans; to promote a positive image for Chinese and other Asian Americans; and to encourage active participation of all Americans in all levels of civic, political and economic life in America.

Mr. Wang is the chairman of the U.S. China Capital Cities Friendship Council, Inc.

since 1987 that carries out and promotes cultural and business exchange between the two sister cities. He is the founder and president of the U.S. China Council for International Exchange, Inc. since February 1988 that promotes professional personnel exchange between the U.S. and China.

Mr. Wang is a co-founder and national director of the National Council of Chinese American Voters League and the Asian American Voters Coalition since 1984. The principle purpose of the two organizations is to promote political involvement of Asian Americans in mainstream American politics. He is also a co-founder and past President of the Asian Pacific American Heritage Council, Inc. of the Washington, D.C. area. Since 1979, the Council has been sponsoring annual Asian Pacific American Heritage Week activities that promote the positive image of Asian and Pacific Islanders and has been the prime mover in successfully asking the President to proclaim the annual Asian Pacific Heritage Week by Executive Order since 1979.

He is a co-founder and past national director of the Association of Chinese Schools, Inc. that promotes and coordinates activities of the 120 weekend Chinese language and cultural schools in the eastern United States. He was a counselor of the Harvard University-Kennedy School of Government Alumni Association Executive Council, 1978–82. He was a past national Vice President of the Asian Pacific American Chamber of Commerce, 1983–84.

He is a member of the Board of Directors of the Committee of 100 since 1989 and its current Executive Director. The Committee of 100 is a national organization of Chinese American leaders in arts, academia, public service, business and the sciences. The Committee's mission is to provide leadership in advocating respect for the inherent dignity and rights of Chinese Americans and Chinese everywhere and to promote a constructive relationship between the people of China and the United States.

His firm, KLW International, Inc., provides consulting assistance to business enterprises in the Far East and South East Asia in the fields of marketing, investment, finance, economic and business analysis, negotiations and public relations. The firm also provides consulting services to Americans firms outside of Washington, D.C. area in qualifying for minority business programs of U.S., state and local governments such as 8(a) program, mentor-protege program, etc. and in assisting firms to bid for business contracts from various government agencies and Fortune 500 corporations.

In 1964, he was selected to receive the Career Education Award from the Ford Foundation and U.S. Civil Service Commission. In 1966, he was selected as a Fellow of the National Institute of Public Affairs. He was the recipient of the 1976 Engineer of the Year Award and the 1984 Mineral Economist of the Year Award from the AIME-Washington, D.C. Section. He is listed in the Who's Who in the East and Who's Who in the World of Marquis Who's Who, Inc., in the Men and Women of Distinction and Men of Achievement of International Biographical Centre, Cambridge, England, U.K., and American Men and Women of Science: Economics of Bowker and Co. He is the recipient of the Civil Rights Award of the Year, 1988 by the Asian and Pacific American Civil Rights Alliance.

COMMITTEE OF 100—CHINA TRIP DELEGATION LIST

I. ATTENDING BOARD OF DIRECTORS-GOVERNORS

Mr. Yo-Yo Ma. A world famous concert cellist. (Cambridge, Massachusetts)

Mr. I.M. Pei. A world renowned architect. (New York City, New York)

Dr. Chang-Lin Tien. Chancellor, University of California at Berkeley. (Berkeley, California)

II. ATTENDING BOARD OF DIRECTORS-OFFICERS

Chairman: Ms Shirley Young. Vice President Consumer Product Development, General Motors Corporation. (Detroit, Michigan)

Vice Chairman: Mr. Henry Tang. Senior Vice President and Managing Director, Jeffries & Company Inc. (New York City, New York)

Treasurer: Mr. Oscar Tang. Former CEO and President, Reich and Tang Inc. (New York City, New York)

Secretary: Mr. Charles Pei Wang. Member and Former Vice Chairman, US Civil Rights Commission; Former President, China Institute in America. (New York City, New York)

Executive Director: Mr. Kung-Lee Wang. Founder and First National President, Organization of Chinese Americans Inc.; President, US-China Council of International Exchange and Professional Quantitative (Input-Output) and Mineral Resource Economist. (Rockville, Maryland)

III. ATTENDING BOARD OF DIRECTORS-MEMBERS

*Ms. Lily Lee Chen.* Chairwoman, Han. Chuan (U.S.A.) Corporation; Former Mayor City of Monterey Park, California; Delegate to Democratic National Convention; and Past National President, Organization of Chinese American Women. (Glendale, California)

*Ms. Leeann Chin.* Author *Betty Crocker's New Chinese Cookbook, Recipes by Leeann Chin.* CEO and Founder of Leeann Chin, Inc, an organization that runs many restaurants. (Bloomington, Minnesota)

*Ms. Ming Chen Hsu.* U.S. Federal Maritime Commissioner (Appointed by President George Bush in 1990). Delegate to the Republican National Conventions, 1984, 1988. Former Vice-President of RCA Corporation. (Washington, D.C.)

*Mr. David K. Lam.* President and CEO, Expert Edge Inc.; Past President Asian American (High Technology) Manufacturers Association of Silicon Valley, California. (Palo Alto, California)

*Dr. T. Y. Lin.* Chairman of the Board, Lin Tung-Yen China Inc.; Professor Emeritus of Civil Engineering, University of California Berkeley; Recipient of US Presidential National Medal of Science, 1986. (San Francisco, California)

*Mr. Wei-Ming Lu.* Executive Director, Lowertown Redevelopment Corporation, a US $425 Million Real Estate Development Project, St. Paul, Minnesota; Chairman, Midwest Asian Center. (St. Paul, Minnesota)

*Dr. Edmund Hsin-Tung Pi.* Professor of Clinical Psychiatry and Director of Transcultural Psychiatry, University of Southern California School of Medicine. (Los Angeles, California)

*Mr. Charles Y. C. Tse.* Lawyer, Vice Chairman (retired), Warner Lambert Company; Director, Foster-Wheeler Corporation; Director, Brendon Systems Corporation; Director, Transcell Technologies Inc.; and President, Cancer Research Institute (1992). (New York City, New York)

V. ATTENDING DELEGATION MEMBERS

Major General John L. Fugh, U.S. Army Retired. Formerly The Judge Advocate General, Department of the Army. Currently, partner at a large law firm, McGuire, Woods, Battle & Boothe, Washington, D.C. office. (Washington, D.C.)

Mr. John Chien-Nan Huang. U.S. Representative and Director of Lippo Group of Indonesia and Hong Kong and Vice Chairman, Lippo Bank California and Lippo Group (USA) Companies. (Glendale, California)

Mr. James M. Li. President, International Business Development Group, 1993 and President, Consumer Financial Service Group, 1991–93, Travel Related Service Companies, Inc. American Express. (New York City, New York)

Mr. Don Liu, MD. Professor of Ophthalmology and Chief of Oculoplastic and Orbital Surgery, University of Southern California School of Medicine Doheny Eye Institute. (Los Angeles, California)

Dr. Charles Sie. Vice-President of Advanced Technology and Engineering Excellence at Xerox Corporation; Manager, Technology Portfolio for Xerox Office Document Systems Division. (Palos Verdes, California)

Dr. John B. Tsu. Regent and Professor, John F. Kennedy University; President, Asian American Political Education Foundation; Secretary's Western Regional Representative for the US Department of Education, 1989–91; National Chairman, Asian Pacific Americans for Bush and Quayle, 1988 and 1992. (Millbrae, California)

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## VOLUNTARY SCHOOL PRAYER

Mr. THURMOND. Mr. President, yesterday, by a vote of 345 to 64, the House of Representatives agreed to withhold Federal education funds from school districts that prohibit students from engaging in voluntary prayer in public school. I applaud my colleagues in the House for this vote and especially commend Congressman JOHNSON of Texas who drafted the language. This amendment should remain in the bill which will provide Federal aid to elementary and secondary school programs.

Also, my good friend and colleague, Senator HELMS, had offered a similar amendment to S. 1150, the Goals 2000, Educate America Act, which was adopted in the Senate by a vote of 75 to 22. However, the House-Senate conference on Goals 2000, in a hasty manner, adopted so-called compromise language on the Helms amendment which completely misses the mark of the original Senate position. Hopefully, this action will not stand and the Senate will have the opportunity to reiterate its position on voluntary prayer in public schools.

Mr. President, last year on the first legislative day of the 103d Congress, I introduced Senate Joint Resolution 9 which is a proposed constitutional amendment to allow voluntary school prayer. This bill is essentially the same as legislation which I introduced at the request of President Reagan in March 1983, during the 98th Congress. I reintroduced this amendment in the 99th, 100th, 101st, and 102d Congress. This proposal would restore the right to pray voluntarily in pubic schools—a right which was freely exercised under our Constitution for 170 years until the Supreme Court ruled to the contrary.

Until the Supreme Court ruled in the Engel and Abington school district decisions, the establishment clause of the first amendment was generally understood to prohibit the Federal Government from officially approving, or holding in special favor, any particular faith or denomination. In crafting that clause, our Founding Fathers sought to prevent what had originally caused many colonial Americans to emigrate to this country—an official, state religion. At the same time, they sought, through the free exercise clause, to guarantee to all Americans the freedom to worship God without government interference or restraint. In their wisdom, they recognized that true religious liberty precluded the government from both forcing and preventing worship.

In the 1960's, in one fell swoop, the Supreme Court overturned the long-settled public policies of tens of thousands of communities across the country. A moment of voluntary prayer at the start of the school day—a policy that had enriched the education of generations of schoolchildren since the founding of the Republic—was determined by the Supreme Court to be a menace to the first amendment.

Mr. President, every morning we open the Senate and begin our workday with the comfort and stimulus of voluntary prayer. As a nation, we continue to recognize God in our Pledge of Allegiance by affirming that we are a nation "under God." Our currency is inscribed with the motto, "In God We Trust." It is time we restored the simple freedom of our citizens to offer prayer in our public schools and institutions. The public expression through prayer and recognition in other ways of our faith in God is a fundamental part of our American heritage. It should not be excluded from our public schools.

Mr. President, our liberty springs from and depends upon an abiding faith in God. This has been clear from the time of George Washington, who stated in his farewell address:

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports * * *. And let us with caution indulge the supposition that morality can be maintained without religion * * * [R]eason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

Mr. President, there is much discussion across this Nation on the breakdown of values and morality. There are concerns of violence in schools threatening the safety of teachers and students alike and undermining a sound learning environment. Of course, school prayer is not the panacea to end all problems, but I am confident that it will considerably add to the well-being and character development of America's children.

Again, I commend the recent action by the House of Representatives and believe that we must rededicate our efforts to amending the Constitution to return voluntary prayer to public schools.

I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, let me express my appreciation to the distinguished Senator from South Carolina for his remarks. He and I have fought this battle for 21 years, to my knowledge. And as long as I am in the Senate, we will continue to do our best to restore voluntary prayer in the schools. It should never have been eliminated in the first place.

If I may, I should like to ask the distinguished Senator from South Carolina one question.

The Senator was a conferee on the Goals 2000, was he not?

Mr. THURMOND. That is correct.

Mr. HELMS. Is it not a fact that all of the issues had been ostensibly taken care of over several days of meetings, and the Helms amendment was put off to be the last item to be resolved by the conferees? And after that, it is my understanding that the so-called compromise language on the Helms amendment—which was not a compromise because the Democratic staff knew the language was unacceptable from the minute it was first proposed—was hastily adopted with virtually no debate during literally the last minute or two of the conference. Is that the understanding of the Senator from South Carolina?

Mr. THURMOND. That is my understanding. I was necessarily absent but my staff was present and informed me of the situation.

Mr. HELMS. I understand.

It is a fact, is it not, that both the House and the Senate by overwhelming margins had approved what has come to be known as the Helms amendment? Is that correct?

Mr. THURMOND. That is correct. The Senate passed the amendment of the Senator from North Carolina overwhelmingly by a vote of 75–22, and the House passed the same language overwhelmingly yesterday by a vote of 345 to 64.

Mr. HELMS. Prior to that, I ask the Senator, is it not a fact that the House of Representatives had instructed by an overwhelming vote their conferees to retain the Helms amendment on the Goals 2000 bill?

Mr. THURMOND. I was informed that that was the case.

Mr. HELMS. I thank the Senator.

I want to say to the Senator that I have no desire whatsoever to delay the Senate in its quest for adjournment or recess on Thursday of this week. But unless and until the Helms amendment is restored to the Goals 2000 bill, this Senate runs the risk of being in session. And I will do my best to correct the error in judgment that was made by the senior Senator from Massachusetts on this issue in conference.

I do not want to delay any Senator from going home. I do not want to delay myself. But this issue is so significant to what we hope to restore to this country. We could pass all the laws we want to about drugs, crime, and all the rest of it. But unless we get back on a moral and spiritual footing, I do not believe this country has a chance.

Does the Senator agree with that?

Mr. THURMOND. This is a vital issue. It concerns our society as a whole, and I am confident that we ought to pass this. And I think it will improve the social situation in the entire Nation.

Mr. HELMS. Again, I thank the Senator for his kind remarks. I thank the Chair.

I yield the floor.

Mr. THURMOND. Again, I commend the able Senator from North Carolina.

Mr. HELMS. I thank the Senator.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MIKULSKI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senators to the Board of Visitors of the U.S. Naval Academy:

The Senator from Maryland [Ms. MIKULSKI], from the Committee on Appropriations;

The Senator from Maryland [Mr. SARBANES], at large;

The Senator from Oregon [Mr. HATFIELD], from the Committee on Appropriations; and

The Senator from Arizona [Mr. MCCAIN], from the Committee on Armed Services.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the following Senators to the Board of Visitors of the U.S. Military Academy:

The Senator from Nevada [Mr. REID], from the Committee on Appropriations;

The Senator from Alabama [Mr. SHELBY], from the Committee on Armed Services;

The Senator from Mississippi [Mr. COCHRAN], from the Committee on Appropriations; and

The Senator from South Dakota [Mr. PRESSLER], at large.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the

Board of Visitors of the U.S. Air Force Academy:

The Senator from Nebraska [Mr. EXON], from the Committee on Armed Services;

The Senator from South Carolina [Mr. HOLLINGS], from the Committee on Appropriations;

The Senator from Montana [Mr. BURNS], from the Committee on Appropriations; and

The Senator from Idaho [Mr. KEMPTHORNE], at large.

Mr. HELMS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PERSEPHONE RETURNS TO THE ALLEGHENIES

Mr. BYRD. Madam President, "Winter tames man, woman, and beast," but Robert Browning has announced the good news:

The year's at the spring.
And the day's at the morn;
Morning's at seven;
The hillside's dew-pearled;
The lark's on the wing;
The snail's on the thorn:
God's in his heaven—
All's right with the world.

Even as I stand here on the floor of the U.S. Senate, an imperceptible miracle is taking place all around us—on the Capitol Grounds, around the U.S. Capitol Building, on The Mall, along the banks of the Potomac, in the parks—and in the adjacent countryside.

Without our feeling it, and with few people taking notice of it, the axis on which planet Earth spins is changing its angle.

That change of angles has been going on annually without interruption apparently for billions of years.

Off the coast of southern California, the change in the angle of the Earth's axis will bring the swallows back to Capistrano.

Off the coast of the Carolinas, the change in the angle of the Earth's axis will bring sunbathers back to the beaches on the Outer Banks and vacationers to the Grand Strand along Myrtle Beach.

And as that angle shifts, drastic changes will occur, and suddenly, the cherry blossoms will pop open and within a few days be gone.

With little advance notice, temperatures here will shoot up into the eighties—one day 65 degrees, the next day 85 degrees. Not many more weeks will slip by until, with little advance notice, air-conditioning here will have to be turned on again in Government buildings, stores, and schools. Overcoats, scarfs, and gloves will have to be stored away until next November. And with little advance notice, overheating taxicabs will appear along steaming streets through which perspiring throngs of men and women scurry to escape the increasing burn of an intemperately hot Washington spring—a spring that will all too prematurely literally and figuratively melt into another scorching Washington summer.

However, only a few score miles west of here lies West Virginia, where the resplendent forms of Nature's glorious rebirth are everywhere to be seen:

* * * The marigold, that goes to bed with the sun,
And with him rises weeping. * * * daffodils,
That come before the swallow dares, and take
The winds of March with beauty; violets dim,
But sweeter than the lids of Juno's eyes
Or Cytherea's breath; pale primroses,
That die unmarried ere they can behold
Bright Phoebus in his strength * * *

Even as I speak here today, spring is making its approach to the hills and highlands of West Virginia.

But in the Allegheniës, across which West Virginia is draped like a cloak, and along the Blue Ridge across which West Virginia's Eastern Panhandle is gently stretched, and down deep valleys and stream gorges reaching toward the mighty Ohio River in numbers too generous to count, spring returns more subtlely, more gently, and more politely than it does here in these Potomac bottomlands.

Even as I speak, in the high reaches of Pocahontas and Randolph Counties, WV, to the extended joy of skiers, high-banked snow still rests heavily on the peaks and slopes of mountains so old that their rock strata yet carry the fossil remains of lumbering dinosaurs and long-extinct sea creatures whose descendants we can today collect along the shore's edge at Ocean City or Rehoboth.

But with each passing day, the snow banks of the Alleghenies will melt, adding a pristine flow to the mother tributaries that feed into the New River and the Potomac, the Monongahela, the Kanawha, the Big Sandy, and the Gauley rivers.

The temperatures in the Alleghenies will moderate slightly, calling tomorrow for gloves to be put away, but postponing until next week or the week after, tucking the scarf into a dresser drawer, and requiring yet a few more weeks until wool can be exchanged for cotton, and the cottons then again for sheerer and lighter garments.

Across the mountains to the west, temperatures in the 80's will not arrive until mid- or late-May in most climes, and even then, cool breezes will wisp out of the lush forests and green hills at night to replace the mild heat of the day with refreshment and relief.

But before that natural air-conditioning begins, West Virginia will offer up to the sensitive and appreciative observer some of the choicest experiences that spring offers anywhere in the world.

Senators, have you ever come out of your house on a cool spring morning to be greeted by an assembly of blossoming crocuses that were not there when you looked yesterday, but today foretell the wonders of the season ahead? I have—in West Virginia.

Have you ever followed a path down a hillside just as the "rosy fingers of dawn" are emerging across a cloudless, early-spring morning, to witness at your feet and overlaying a broad mountain valley below, the stray vapors of a morning fog lifting skyward on gentle drafts? I have—in West Virginia.

Have you ever marveled at the lingering dew on early-spring spiderwebs stretched about new-spring blades of grass—cobwebs whose patterns and ornamentation suggest diamond necklaces that might render a Russian tsarina jealous? I have—in West Virginia.

Have you ever surveyed day by day the emerging tender leaves on a variety of hardwood tress—maples, oaks, hickory—or the first spring buds on a dogwood? I have—in West Virginia.

I have studied across rugged crags and plunging knolls—some so remote and so wild that never in the history of mankind on Earth has a human foot been set there—I have watched there the week-to-week progress of Nature's mantle of leaves and blossoms that cover winter's drabness, and double as shelter and sustenance for returning flocks of birds and for awakening deer and other native fauna.

Little happens quickly in West Virginia's salubrious spring. Over and over, one can calculate and watch the daily changes in the world about—the gradually warming sun, the gradually greening fields, the gradually thickening leaves, the gradually flowering rhododendron and mountain laurel, the gradually climbing and sweet-smelling honeysuckle vines, the gradually more varied chirping of birds, the gradually clearer waters in rippling brooks—all things done in God's time and measured by God's timepiece.

No wonder the song says, "Almost heaven, West Virginia."

Clocks in West Virginia are set on Eastern Time, Mr. President, but life in West Virginia is lived largely on "God's Time" minus most of the hurry and bustle, the ulcers, and lost tempers that characterize the passage of time in so many other places.

Madam President, I have labored hard to help build up the "economic infrastructure," as we say here in Washington, of my State—to draw more people and jobs to West Virginia. That is important.

But I hope that West Virginia can grow economically without sacrificing the unique wonders that render West

Virginia unlike any other place in America or in the world. There in West Virginia, just as the God-bestowed spring emerges so gradually and so gently, so can a child grow into manhood or womanhood—as I think God intends us all to so grow—nurtured in the deepest of human values and caressed by the richest wonders of Nature—wonders intended for everyone, but so richly bestowed most generously of all on the people of West Virginia—where "the wind laughs and murmurs and sings of a land where even the old are fair and even the wise are merry of tongue."

Madam President, I invite Senators to visit West Virginia sometime this spring and invite you to visit the State and witness for yourself some of the qualities of life that I have described.

But, Madam President, be careful not to tell too many others about the beauties you see there. Be careful not to reveal how much more rested you feel after sleeping one night in a West Virginia bed. Be careful not to talk too much about the friendliness of the people you might meet in Preston County or in Pendleton County or in Huntington or Beckley. Take care not to brag too much about the beauty of Greenbrier County or the magic of Dolly Sods or Seneca Rock or Spruce Knob or Cranberry Glades. After all, you and I might want to keep a good thing a secret just between ourselves.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## APPOINTMENT OF CONFEREES—H.R. 3474

The PRESIDING OFFICER. Pursuant to the order of March 17, 1994, the Chair appoints the following Senators to serve as conferees on H.R. 3474.

The Presiding Officer appointed Mr. RIEGLE, Mr. SARBANES, Mr. DODD, Mr. D'AMATO, and Mr. GRAMM conferees on the part of the Senate.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. FEINGOLD. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Order No. 742, Calendar Order No. 750, Calendar Order No. 778, and Calendar Order No. 779.

I further ask unanimous consent that the nominees be confirmed en bloc; that any statement appear in the RECORD as if read; that, upon confirmation, the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

### DEPARTMENT OF DEFENSE

Stephen C. Joseph, of Minnesota, to be an Assistant Secretary of Defense.

Helen Thomas McCoy, of Maryland, to be an Assistant Secretary of the Army.

### DEPARTMENT OF JUSTICE

Deval L. Patrick, of Massachusetts, to be an Assistant Attorney General.

Jamie S. Gorelick, of Maryland, to be Deputy Attorney General.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## CHILD SAFETY PROTECTION ACT

Mr. FEINGOLD. Madam President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 965, a bill to provide for toy safety and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House agree to the amendment of the Senate to the bill (H.R. 965) entitled "An Act to provide for toy safety and for other purposes", with the following amendment:

In lieu of the matter inserted by said amendment, insert:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Child Safety Protection Act".*

***TITLE I—TOY LABELING REQUIREMENTS***

***SEC. 101. REQUIREMENTS FOR LABELING CERTAIN TOYS AND GAMES.***

*(a) REQUIREMENT UNDER FEDERAL HAZARDOUS SUBSTANCES ACT.—The Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) is amended by adding at the end the following new section:*

***"SEC. 24. REQUIREMENTS FOR LABELING CERTAIN TOYS AND GAMES.***

*"(a) TOYS OR GAMES FOR CHILDREN WHO ARE AT LEAST 3.—*

*"(1) REQUIREMENT.—The packaging of any toy or game intended for use by children who are at least 3 years old but not older than 6 years (or such other upper age limit as the Commission may determine, which may not be less than 5 years old), any descriptive material which accompanies such toy or game, and, in the case of bulk sales of such toy or game when unpackaged, any bin, container for retail display, or vending machine from which the unpackaged toy or game is dispensed shall bear or contain the cautionary statement described in paragraph (2) if the toy or game—*

*"(A) is manufactured for sale, offered for sale, or distributed in commerce in the United States, and*

*"(B) includes a small part, as defined by the Commission.*

*"(2) LABEL.—The cautionary statement required by paragraph (1) for a toy or game shall be as follows:*

" ⚠ *WARNING:*

***CHOKING HAZARD—Small parts.***
***Not for children under 3 yrs.***

*"(b) BALLOONS, SMALL BALLS, AND MARBLES.—*

*"(1) REQUIREMENT.—In the case of any latex balloon, any ball with a diameter of 1.75 inches or less intended for children 3 years of age or older, any marble intended for children 3 years of age or older, or any toy or game which contains such a balloon, ball, or marble, which is manufactured for sale, offered for sale, or distributed in commerce in the United States—*

*"(A) the packaging of such balloon, ball, marble, toy, or game,*

*"(B) any descriptive material which accompanies such balloon, ball, marble, toy, or game, and*

*"(C) in the case of bulk sales of any such product when unpackaged, any bin, container for retail display, or vending machine from which such unpackaged balloon, ball, marble, toy, or game is dispensed,*

*shall bear or contain the cautionary statement described in paragraph (2).*

*"(2) LABEL.—The cautionary statement required under paragraph (1) for a balloon, ball, marble, toy, or game shall be as follows:*

*"(A) BALLOONS.—In the case of balloons, or toys or games that contain latex balloons, the following cautionary statement applies:*

" ⚠ *WARNING:*

***CHOKING HAZARD—Children under 8 yrs. can***
***choke or suffocate on uninflated or broken balloons.***
***Adult supervision required.***

***Keep uninflated balloons from children.***
***Discard broken balloons at once.***

*"(B) BALLS.—In the case of balls, the following cautionary statement applies:*

" ⚠ *WARNING:*

***CHOKING HAZARD—This toy is a small ball.***
***Not for children under 3 yrs.***

*"(C) MARBLES.—In the case of marbles, the following cautionary statement applies:*

" ⚠ *WARNING:*

***CHOKING HAZARD—This toy is a marble.***
***Not for children under 3 yrs.***

*"(D) TOYS AND GAMES.—In the case of toys or games containing balls, the following cautionary statement applies:*

" ⚠ *WARNING:*

***CHOKING HAZARD—Toy contains a small ball.***
***Not for children under 3 yrs.***

*In the case of toys or games containing marbles, the following cautionary statement applies:*

" ⚠ *WARNING:*

***CHOKING HAZARD—Toy contains a marble.***
***Not for children under 3 yrs.***

*"(c) GENERAL LABELING REQUIREMENTS.—*

*"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), any cautionary statement required under subsection (a) or (b) shall be—*

*"(A) displayed in its entirety on the principal display panel of the product's package, and on any descriptive material which accompanies the product, and, in the case of bulk sales of such product when unpackaged, on the bin, container for retail display of the product, and any vending machine from which the unpackaged product is dispensed, and*

*"(B) displayed in the English language in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on such package, descriptive materials, bin, container, and vending machine, and in a manner consistent with part 1500 of title 16, Code of Federal Regulations (or successor regulations thereto).*

*"(2) EXCEPTION FOR PRODUCTS MANUFACTURED OUTSIDE UNITED STATES.—In the case of a product manufactured outside the United States and directly shipped from the manufacturer to the consumer by United States mail or other delivery service, the accompanying material inside the package of the product may fail to bear the required statement if other accompanying material shipped with the product bears such statement.*

*"(3) SPECIAL RULES FOR CERTAIN PACKAGES.—(A) A cautionary statement required by subsection (a) or (b) may, in lieu of display on the principal display panel of the product's package, be displayed on another panel of the package if—*

*"(i) the package has a principal display panel of 15 square inches or less and the required statement is displayed in three or more languages; and*

*"(ii) the statement specified in subparagraph (B) is displayed on the principal display panel and is accompanied by an arrow or other indicator pointing toward the place on the package where the statement required by subsection (a) or (b) appears.*

*"(B)(i) In the case of a product to which subsection (a), subsection (b)(2)(B), subsection (b)(2)(C), or subsection (b)(2)(D) applies, the statement specified by this subparagraph is as follows:*

" ⚠ ***SAFETY WARNING***

*"(ii) In the case of a product to which subsection (b)(2)(A) applies, the statement specified by this subparagraph is as follows:*

" ⚠ ***WARNING—CHOKING HAZARD***

*"(d) TREATMENT AS MISBRANDED HAZARDOUS SUBSTANCE.—A balloon, ball, marble, toy, or game, that is not in compliance with the requirements of this section shall be considered a misbranded hazardous substance under section 2(p).".*

*(b) OTHER SMALL BALLS.—A small ball—*

*(1) intended for children under the age of 3 years of age, and*

*(2) with a diameter of 1.75 inches or less,*

*shall be considered a banned hazardous substance under section 2(q) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)).*

*(c) REGULATIONS.—The Consumer Product Safety Commission (hereinafter referred to as the "Commission") shall promulgate regulations, under section 553 of title 5, United States Code, for the implementation of this section and section 24 of the Federal Hazardous Substances Act by July 1, 1994, or the date that is 6 months after the date of enactment of this Act, whichever occurs first. Subsections (f) through (i) of section 3 of the Federal Hazardous Substances Act (15 U.S.C. 1262) shall not apply with respect to the issuance of regulations under this subsection.*

*(d) EFFECTIVE DATE; APPLICABILITY.—Subsections (a) and (b) shall take effect January 1, 1995, and section 24 of the Federal Hazardous Substances Act shall apply only to products entered into commerce on or after January 1, 1995.*

*(e) PREEMPTION.—*

*(1) IN GENERAL.—Subject to paragraph (2), a State or political subdivision of a State may not establish or enforce a requirement relating to cautionary labeling of small parts hazards or choking hazards in any toy, game, marble, small ball, or balloon intended or suitable for use by children unless such requirement is identical to a requirement established by amendments made by this section to the Federal Hazardous Substances Act or by regulations promulgated by the Commission.*

*(2) EXCEPTION.—A State or political subdivision of a State may, until January 1, 1995, enforce a requirement described in paragraph (1) if such requirement was in effect on October 2, 1993.*

***SEC. 102. REPORTING REQUIREMENTS.***

*(a) REPORTS TO CONSUMER PRODUCT SAFETY COMMISSION.—*

*(1) REQUIREMENT TO REPORT.—Each manufacturer, distributor, retailer, and importer of a marble, small ball, or latex balloon, or a toy or game that contains a marble, small ball, latex balloon, or other small part, shall report to the Commission any information obtained by such manufacture, distributor, retailer, or importer which reasonably supports the conclusion that—*

*(A) an incident occurred in which a child (regardless of age) choked on such a marble, small ball, or latex balloon or on a marble, small ball, latex balloon, or other small part contained in such toy or game; and*

*(B) as a result of that incident the child died, suffered serious injury, ceased breathing for any length of time, or was treated by a medical professional.*

*(2) TREATMENT UNDER CPSA.—For purposes of section 19(a)(3) of the Consumer Product Safety Act (15 U.S.C. 2068(a)(3)), the requirement to report information under this subsection is deemed to be a requirement under such Act.*

*(3) EFFECT ON LIABILITY.—A report by a manufacturer, distributor, retailer, or importer under paragraph (1) shall not be interpreted, for any purpose, as an admission of liability or of the truth of the information contained in the report.*

*(b) CONFIDENTIALITY PROTECTIONS.—The confidentiality protections of section 6(b) of the Consumer Product Safety Act (15 U.S.C. 2055(b)) apply to any information reported to the Commission under subsection (a) of this section. For purposes of section 6(b)(5) of such Act, information so reported shall be treated as information submitted pursuant to section 15(b) of such Act respecting a consumer product.*

### *TITLE II—CHILDREN'S BICYCLE HELMET SAFETY*

***SEC. 201. SHORT TITLE.***

*This title may be cited as the "Children's Bicycle Helmet Safety Act of 1993".*

***SEC. 202. STANDARDS.***

*(a) IN GENERAL.—Bicycle helmets manufactured 9 months or more after the date of the enactment of this Act shall conform to—*

*(1) any interim standard described under subsection (b), pending the establishment of a final standard pursuant to subsection (c); and*

*(2) the final standard, once it has been established under subsection (c).*

*(b) INTERIM STANDARDS.—The interim standards are as follows:*

*(1) The American National Standards Institute standard designated as "Z90.4–1984".*

*(2) The Snell Memorial Foundation standard designated as "B-90".*

*(3) The American Society for Testing and Materials (ASTM) standard designated as "F 1447".*

*(4) Any other standard that the Commission determines is appropriate.*

*(c) FINAL STANDARD.—Not later than 60 days after the date of the enactment of this Act, the Commission shall begin a proceeding under section 553 of title 5, United States Code, to—*

*(1) review the requirements of the interim standards set forth in subsection (a) and establish a final standard based on such requirements;*

*(2) include in the final standard a provision to protect against the risk of helmets coming off the heads of bicycle riders;*

*(3) include in the final standard provisions that address the risk of injury to children; and*

*(4) include additional provisions as appropriate.*

*Sections 7, 9, and 30(d) of the Consumer Product Safety Act (15 U.S.C. 2056, 2058, 2079(d)) shall not apply to the proceeding under this subsection and section 11 of such Act (15 U.S.C. 2060) shall not apply with respect to any standard issued under such proceeding. The final standard shall take effect 1 year from the date it is issued.*

*(d) FAILURE TO MEET STANDARDS.—*

*(1) FAILURE TO MEET INTERIM STANDARD.—Until the final standard takes effect, a bicycle helmet that does not conform to an interim standard as required under subsection (a)(1) shall be considered in violation of a consumer product safety standard promulgated under the Consumer Product Safety Act.*

*(2) STATUS OF FINAL STANDARD.—The final standard developed under subsection (c) shall be considered a consumer product safety standard promulgated under the Consumer Product Safety Act.*

Mr. FEINGOLD. Madam President, I ask unanimous consent that the Senate disagree to the House amendment to the Senate amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The presiding Officer appointed Mr. HOLLINGS, Mr. FORD, Mr. BRYAN, Mr. DANFORTH, and Mr. GORTON conferees on the part of the Senate.

## AUTHORITY FOR COMMITTEES TO REPORT

Mr. FEINGOLD. Madam President, I ask unanimous consent that, during the recess of the Senate, Senate committees may file committee-reported Legislative and Executive Calendar business on Tuesday, April 5, from 11 a.m. to 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 11:19 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1284) to amend the Developmental Disabilities Assistance and Bill of Rights Act to expand or modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes.

### ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following joint resolution:

S.J. Res. 56. Joint Resolution to designate the week beginning April 11, 1994, as "National Public Safety Telecommunicators Week."

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2382. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated March 1, 1994; pursuant to the order of January 30, 1975, as modified by the order April 11, 1986; referred jointly to the Committee on Appropriations, the Committee on Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on the Judiciary, and the Committee on Small Business.

EC-2383. A communication from the Secretary of Defense, transmitting, pursuant to law, notice relative to the Future Years Defense Program; to the Committee on Armed Services.

EC-2384. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on appropriations legislation within 5 days of enactment; to the Committee on the Budget.

EC-2385. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of options for spending reductions and revenue increases; to the Committee on the Budget.

EC-2386. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving United States exports to Russia; to the Committee on Banking, Housing, and Urban Affairs.

EC-2387. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the Youth Conservation Corps for fiscal year 1993; to the Committee on Energy and Natural Resources.

EC-2388. A communication from the Secretary of Energy, transmitting, pursuant to law, notice relative to the annual/quarterly report on the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

EC-2389. A communication from the Deputy Administrator of the General Services Adminisrtation, transmitting, pursuant to law, a building project survey report for Springfield, IL; to the Committee on Environment and Public Works.

EC-2390. A communication from the Secretary of Defense, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2391. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to requests for agency records under the Freedom of Information Act during calendar year 1993; to the Committee on the Judiciary.

EC-2392. A communication from the Assistant Attorney General, Legislative Affairs, transmitting, a draft of proposed legislation to allow removal of suits against the United States and its agencies, as well as those against Federal officers, and to allow removal of suits against Federal agencies and officers that are brought in tribal courts, courts of Indian offenses, and local courts of U.S. territories and possessions; to the Committee on the Judiciary.

EC-2393. A communication from the Executive Director of the National Mediation Board, transmitting, pursuant to law, a report relative to requests made under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2394. A communication from the Postmaster General, transmitting, pursuant to law, a report relative to requests made under the Freedom of Information Act for calendar year year 1993; to the Committee on the Judiciary.

EC-2395. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the annual report on the Arts and Artifacts Indemnity Program for fiscal year 1993; to the Committee on Labor and Human Resources.

EC-2396. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a draft of proposed legislation entitled "Community Services Block Grant Amendments of 1994;" to the Committee on Labor and Human Resources.

EC-2397. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the Office of Minority Health for fiscal years 1991 and 1992; to the Committee on Labor and Human Resources.

EC-2398. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the Youth Gang Drug Prevention Program for fiscal year 1992; to the Committee on Labor and Human Resources.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MITCHELL (for Mr. INOUYE), from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1146. A bill to provide for the settlement of the water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County, Arizona, and for other purposes (Rept. No. 103-239).

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 155. A resolution commending the Government of Italy for its commitment to halting software piracy.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. MOYNIHAN, from the Committee on Finance:

Charles F. Meissner, of Maryland, to be an Assistant Secretary of Commerce, vice Thomas J. Duesterberg, resigned.

Susan G. Esserman, of Maryland, to be an Assistant Secretary of Commerce, vice Alan M. Dunn, resigned.

William Booth Gardner, of Washington, to be Deputy United States Trade Representative, with the rank of Ambassador, vice Michael H. Moskow, resigned.

Lynn M. Bragg, of Maryland, to be a Member of the United States International Trade Commission for the term expiring June 16, 2002, vice Anne Brunsdale, term expired.

(The above nominations were approved subject to the nominees' commitment to appear and testify before any duly constituted committee of the Senate.)

By Mr. PELL, from the Committee on Foreign Relations:

Jeanette W. Hyde, of North Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of Dominica, Ambassador Extraordinary and Plenipotentiary of the United States of America to St. Lucia, and Ambassador Extraordinary and Plenipotentiary of the United States of America to St. Vincent and the Grenadines.

Nominee: Jeanette W. Hyde.

Post: U.S. Ambassador to Barbados.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, Gore for Senate Committee—$1,000 (1989); Price for Congress Committee—$400 (1990); Gantt for Senate Committee—$1,000 (1990); Gore for Senate Committee—$1,000 (1990); Americans for Kerry Committee—$250 (1991); David Price Reelection Committee—$1,000 (1991); Committee to Reelect Terry Sanford—$500 (1991); Gephardt for Congress Committee—$250 (1991); and Clayton for Congress—$500 (1992).

Also David Price for Congress Committee—$1,000 (1992); Committee to Reelect Terry Sanford—$1,500 (1992); Committee to Elect Bill Clinton President—$1,000 (1992); Braun for Senate Committee—$1,000 (1992); NC Democratic Campaign (Federal Account)—$5,000 (1992); DNC Victory Fund (Finance Council Membership)—$5,000 (1992); DNC Victory Fund—$5,000 (1992); and DSCC—$200 (1992).

2. Spouse, Terry Sanford for Senate Committee—$250 (1989); Democratic House and Senate Council—$5,000 (1989); Gore for Senate Committee—$1,000 (1989); David Price for Congress—$500 (1990); Gantt for Senate Committee—$1,000 (1990); Clark for Congress Committee—$500 (1990); Democratic House and Senate Council—$1,500 (1990); Gore for Senate Committee—$1,000 (1990); Bill Clinton for President—$250 (1991); and David Price for Congress—$300 (1991).

Clark for Congress Committee—$400 (1991); Stevens for Congress Committee—$300 (1991); Gephardt for Congress Committee—$250 (1991); Democratic House and Senate Council—$1,500 (1991); Bradley for Senate Committee—$1,000 (1991); Americans for Kerry Committee—$250 (1991); Terry Sanford for Senate Committee—$2,000 (1992); Bill Clinton for President—$750 (1992); Stevens for Congress Committee—$500 (1992); DNC Victory Fund—$7,000 (1992); Friends of Clayton and Watt for Congress—$200 (1992); Democratic House and Senate Council—$1,500 (1992); and Democratic House and Senate Council—$625 (1993).

Children and spouses, None.

Stepchildren and spouses names, Martha Hyde Jones, Dan Jones (spouse) none, Charlie W. Hyde, none, Barbara Hyde White, Joseph White (spouse), none.

Parents names, Gurney C. Wallace, deceased, Effie W. Wallace, none.

Grandparents, names, Nettie B. Whitlock, Jones J. Whitlock, deceased.

Brothers and spouses, none.

Sisters and spouses names, June W. Smith, John G. Smith (spouse), none, Wanda W. Dobbins, Ralph A. Dobbins (spouse), none.

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Sam W. Brown, Jr., of California, for the rank of Ambassador during his tenure of service as Head of Delegation to the Conference on Security and Cooperation in Europe (CSCE).

Josiah Horton Beeman, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Western Samoa.

Nominee: Josiah Horton Beeman.

Post: Ambassador to New Zealand and Western Samoa.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, $250, 1989, Muenster for Senate; $250, 1990, Friends of Les Aspin; $125, 1990, Keep Geo. Brown in Congress; $100, 1992, Friends of Les Aspin; $1,000, 1992, Levine for Senate; $500, 1992, EMK'94; $100, 1993, Farr for Congress; and $500, 1993, Feinstein for Senate.

2. Spouse, Linda.

3. Children and spouses, none.

4. Parents names, Josiah Horton Beeman, Helen Hooper Beeman (deceased).

5. Grandparents, deceased for over 30 years.

6. Brothers and spouses, Jerrold Hooper Beeman (deceased.

7. Sisters and spouses, Anne Beeman Lack, none.

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Donald M. Blinken, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Hungary.

Nominee: Donald M. Blinken.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, $250, 1990, DNC; $1,000, 1990, Moynihan Committee; $2,000, 1991, Moynihan Committee; $5,000, 1992, DNC; $2,000, 1992, DNC; $1,000, 1992, DNC; $1,000, 1991, Clinton for President; $5,788, 1992, DNC; and $1,000, 1993, Democratic Senate Campaign. $2,000, 1993, Democratic Senate Campaign; $1,000, 1993, Dick Swett for Congress; $500, 1992, Abrams '92; $250, 1992, Citizens for Downey; $500, 1992, Citizens for Downey; $100, 1992, Braun for Senate; $250, 1990, Bill Green for Congress; and 250, 1992, NYS Democratic Committee.

2. Spouse, Vera Blinken, $1,000, 1992, Clinton for President; $3,000, 1992, DNC; $1,000, 1990, Moynihan Committee; $1,000, 1993, Democratic Senate Committee; and $1,000, 1993, Democratic Senate Committee.

3. Children and spouses, Antony J. Blinken, $1,000, 1992, Clinton for President; $2,000, 1993, The Moynihan Committee.

Alan John Blinken, $10,000, 1992, DNC; $1,000, 1992, Friends of Bob Carr; $500, 1992, Owens for Senate; $1,000, 1992, Clinton for President; $500, 1992, Kerry Committee; $1,000, 1991, Committee for Tim Wirth; $1,000, 1991, Liz Holtzman for Senate; $1,500, 1991, DNC; and $10,000, 1991, DNC. $1,000, 1990, Bill Bradley for U.S. Senate; $500, 1990, Eisendrath Campaign Committee; $500, 1990, Sloane for Senate Committee; $1,000, 1990, Friends of Al Gore, Jr. (Primary); $1,000, 1990, Friends of Al Gore, Jr. (General); $250, 1990, Women's Campaign Fund; $1,000, 1989, Andrew Stein for Congress; $500, 1989, Coelho for Congress; $1,000, 1989, Re-Elect Congressman Schumer.

4. Parents, names, Maurice H. Blinken, deceased, Ethel Blinken, none.

5. Grandparents, names, Mier Blinken and Anna Blinken, Kate Horowitz and Morris Horowitz, deceased.

6. Brothers and spouses, names, Robert and Allison Blinken, $10,000 1992, DNC Victory Fund; $2,000, 1992, DNC Victory Fund; and $5,000, 1990, Alan Blinken '90.

Melinda Blinken, $1,000, 1988, People for John Heinz Committee; $1,000, 1988, Al Gore for President Committee; $1,000, 1990, Re-Elect Congressman Chuck Schumer; $1,000, 1990, Bill Bradley for U.S. Senate '90; $200, 1990, Reed for Congress; $1,000, 1992, Susan Molinari for Congress; $500, 1992, Barbara Boxer for U.S. Senate; $1,000, 1992, Clinton for President; $1,000, 1992, Abrams '92; $250, 1992, Kerry for President; and $500, 1992, Lynn Yaekel for Senate.

March Fong Eu, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federated States of Micronesia.

Nominee: March Fong Eu.

Post: Ambassador to Micronesia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses, names, Marchesa/Jim Stein, none, Matthew/Paula Fong, $100, 1988, George Bush; and $100, 1988, Pete Wilson.

4. Parents names: Yuen Kong/Shiu (me) Shee deceased.

5. Grandparents names: deceased.

6. Brothers and spouses names: Bob Kong/Xiao Ling Huo Henry/Rose Kong, none.

7. Sisters and spouses names: Ruby/K.Y. Fong, none.

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Richard Dale Kauzlarich, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Azerbaijan.

Nominee: Richard D. Kauzlarich.

Post: Ambassador to the Republic of Azerbaijan.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, none.

2. Spouse: Anne Kauzlarich, none.

3. Children and spouses names: Richard D. Kauzlarich, Terri L. Kauzlarich, none.

4. Parents names: Victor Kauzlarich, Eva M. Kauzlarich, none.

5. Grandparents names: George Kauzlarich, Emma Kronfeld, deceased.

6. Brothers and spouses names: Stanley J. Kauzlarich, none.

7. Sisters and spouses names: Victoria J. Kauzlarich, none, James Thane none.

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Charles R. Baquet III, of Maryland, to be Deputy Director of the Peace Corps, vice Barbara Zartman, resigned.

Thomas L. Baldini, of Michigan, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada, vice Gordon K. Durnil, resigned.

Susan Bayh, of Indiana, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada, vice Hilary Paterson Cleveland.

Alice Chamberlin, of New Hampshire, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada, vice Robert F. Goodwin.

Harold C. Pachios, of Maine, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 1996, vice Lewis W. Douglas, Jr., term expired.

Lewis Manilow, of Illinois, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring

July 1, 1996, vice Tom C. Korologos, term expired.

Alexander Fletcher Watson, of Massachusetts, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 1996, vice Bernard William Aronson, term expired.

John F. Hicks, Sr., an Assistant Administrator of the Agency for International Development, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 1997, vice Scott M. Spangler, term expired.

Barry S. Newman, of Virginia, to be United States Alternate Executive Director of the International Monetary Fund for a term of two years, vice Quincy Mellon Krosby, resigned.

(The above nominations were approved subject to the nominees' commitment to appear and testify before any duly constituted committee of the Senate.)

By Mr. MITCHELL (for Mr. INOUYE) from the Committee on Indian Affairs:

Michael H. Trujillo, of Oregon, to be Director of the Indian Health Service, Department of Health and Human Services, for a term of four years. (New position)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMON:

S. 1954. A bill to extend the deadlines applicable to certain hydroelectric projects under the Federal Power Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LOTT (for himself, Mr. SHELBY, Mr. HATCH, Mr. BROWN, Mr. BURNS, Mr. COATS, Mr. COVERDELL, Mr. DOLE, Mr. GRASSLEY, Mr. GREGG, Mr. HELMS, Mrs. KASSEBAUM, Mr. MACK, Mr. MCCAIN, Mr. NICKLES, Mr. SIMPSON, and Mr. SMITH):

S. 1955. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to reform the budget process, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. SHELBY (for himself, Mr. CONRAD, Mr. JOHNSTON, Mr. BREAUX, and Mr. FAIRCLOTH):

S. 1956. A bill to amend the Consumer Credit Protection Act to improve disclosures made to consumers who enter into rental-purchase transactions, to set standards for collection practices, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PELL (by request):

S. 1957. A bill to provide for a United States contribution to the Interest Subsidy Account of the successor (ESAF II) to the Enhanced Structural Adjustment Facility of the International Monetary Fund; to the Committee on Foreign Relations.

By Mr. MURKOWSKI (for himself, Mr. STEVENS, and Mr. AKAKA):

S. 1958. A bill to amend title 38, United States Code, to exclude certain payments received under the Alaska Native Claims Settlement Act from the determination of annual income for purposes of eligibility for veterans pension; to the Committee on Veterans' Affairs.

By Mr. GRAHAM:

S. 1959. A bill to prevent delay in the completion of Federal construction projects, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MCCAIN:

S. 1960. A bill to increase housing opportunities for Indians; to the Committee on Indian Affairs.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. DECONCINI, and Mr. KERRY):

S. 1961. A bill to provide for necessary medical care for former civilian prisoners of war; to the Committee on Labor and Human Resources.

By Mr. DODD (for himself and Mr. ROCKEFELLER):

S. 1962. A bill to provide for demonstration projects in 6 States to establish or improve a system of assured minimum child support payments; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL:

S. Res. 191. A resolution to elect the Secretary of the Senate, Martha S. Pope; considered and agreed to.

S. Res. 192. A resolution to elect Sergeant at Arms and Doorkeeper of the Senate, Robert Laurent Benoit; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LOTT (for himself, Mr. SHELBY, Mr. HATCH, Mr. BROWN, Mr. BURNS, Mr. COATS, Mr. COVERDELL, Mr. DOLE, Mr. GRASSLEY, Mr. GREGG, Mr. HELMS, Mrs. KASSEBAUM, Mr. MACK, Mr. MCCAIN, Mr. NICKLES, Mr. SIMPSON, and Mr. SMITH):

S. 1955. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to reform the budget process, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days to report or be discharged.

### BUDGET PROCESS REFORM ACT

Mr. LOTT. Mr. President, today as we begin debate on the budget resolution for the next fiscal year, I think it is appropriate that we also think at this time about the need for budget process reform.

Twenty years ago, we passed the Congressional Budget and Impoundment Control Act of 1974. I supported it at that time because I thought we needed some process to take a look at how much we were spending, what it was going for, and just basically adding up what we were doing. Up until that time, there was no budget. We had authorization bills and appropriations bills out of the various subcommittees of Appropriations Committee, and nobody ever added them up to see what we were spending really, in total, and what it was doing to the deficit.

So we passed the Budget and Impoundment Control Act, and I thought it was a good idea at the time. This bill established our basic budget process as we know it today. Twenty years has been long enough to see what has worked and what has not worked. Some of it has been fine; some of it has not accomplished all we would like for it to have accomplished. So, as the old adage says, "Hindsight is 20/20." It is time for us to take advantage of what we can see behind us, learn from it, and make some changes.

As we consider this fiscal year 1995 budget, we should also make significant changes in the budget process that the Budget Act, the Budget and Impoundment Control Act, established in 1974.

That is why I am introducing a bill today to overhaul the Federal budget process, along with a number of our colleagues, including Democrats and Republicans. Process reform may not seem very glamorous. Indeed, it is not. But it is the foundation upon which all of our annual spending and taxing decisions are made. Without a strong foundation, a house will not stand.

There are two fundamental components of the budget which must be addressed to achieve effectiveness and efficiency in budgeting, as well as deficit reduction. After all, that should be our goal.

As we debate the budget, we will see this week that as a matter of fact we continue to have deficits every year, and the debt continues to go up every year. In fact, it will go up, some estimate, to $5 trillion over the next 5 years unless we find some way to better address the problem.

But the two components of the budget go hand in hand. The first is the process for development and implementation of a budget, and the second is the actual determination of the taxing and spending levels within that budget.

This bill addresses the first component, process reform, as its title, "The Budget Process Reform Act," indicates. I am introducing this bill with my friend Senator SHELBY and 15 other original Senate cosponsors. This bill would radically change the way Congress does business.

With budget reform in place, we could then effectively administer the second component of budgeting, the resource allocation process: where and how much do we spend of the taxpayers money. We will have a structure designed to permit clear, rational, and accountable choices among competing priorities.

That is the difficult part. If we would just basically says we have this much coming in, and that is all we are going to spend, there would be a ferocious debate about what our priorities would be and how we would spend that money.

But that is what we are here for, and in the end we could make, I think, rational decisions about our priorities for spending and keep the budget deficits and eventually the debt under control.

I do think deficits matter, and as far as pointing fingers, I am not doing that. I think we all have contributed to this problem. But I think instead of looking back at the past, and how we got here, we need to be looking forward to how we stop this problem.

I believe the momentum behind the balanced budget amendment, which we have debated and which got a very strong vote—it came within four votes in the Senate, and I believe five votes in the House of Representatives—is an indication of a continuing and, I believe, growing concern about this problem.

Our Nation is facing a fiscal crisis. Our deficit for fiscal year 1993 was $255 billion. Our debt for fiscal year 1994 is projected to be $4.734 trillion. That is $13,345 for every man, woman, and child in America. We must do something about this.

Why are we debating these types of changes? Because Congress needs handcuffs. Unfortunately, Congress has not been willing to make the tough choices and cut spending enough.

There have been some starts and fits and stops, back and forth, and we have accomplished some things. I remember in 1981 and 1982, we actually cut the deficit some. Last year, the process I think actually did contribute to cutting the deficit some. I objected because I thought too much of it was done in the tax area. But the net result was that we still have not made enough tough choices to deal with the problem.

I can understand why each one of us were sent here by constituencies to protect the interests of our various States. In my own State, we have a lot of poverty; we have a lot of needs. We need better roads. We need better schools. Naturally, I am interested in trying to help my State with those needs.

Putting procedural changes in place such as the balanced budget amendment and some of the provisions of this bill would force Congress to be more responsible stewards of our constituents' hard-earned money.

I do want to point out that even if we had a budget surplus, I would still believe the changes in this bill are necessary. The system needs to be tweaked. As it stands currently, it does not allow the budget to reflect the current priorities of our Nation.

This bill was also introduced in the House by my friend Congressman CHRIS COX. He and Congressman CHARLES STENHOLM have worked very hard on this and there are now over 160 cosponsors in the House.

The bill will achieve the following objectives: simplification of the process, a shift from its current bias toward higher spending, and compliance with current law.

The Budget Process Reform Act would accomplish these goals through the following specific provisions:

First, it requires the budget resolution to be a joint one, voted on by April 15. Making it legally binding by requiring the President's signature will involve the President in the process at an early stage and ensure a shared effort.

I think that would be very important. You may say: Well, this President is not involved. But maybe he is more than others. I think until we get this requirement for a joint resolution, the President will not be as involved. We really need him.

The bill espouses a wise concept: Budget first, spend second. No spending bills—either authorizations or appropriations—could be considered prior to passage of the budget resolution. This will allow spending bills to move through the appropriations process in a logical and timely manner.

Second, the bill forces overall spending decisions to be made at a macro level. This year's budget is 4 volumes, 2,013 pages, and weighs 6 pounds.

How many of us are actually going to read it?

It takes a budget guru just to figure out what we're spending on a specific program. Our system seems designed to keep us all confused.

This bill would simplify the budget process by first requiring a 1-page budget document reflecting the total spending levels in the 19 summary categories currently used.

This would facilitate an easier decisionmaking process and the ability to prioritize—and see—where we are spending the American taxpayers' money.

We should not get bogged down in the details. That job belongs to the authorizers and appropriators.

The budget would also set ceilings on all Federal spending for the coming fiscal year, except for Social Security and interest on the debt. The bill does not say what those ceilings would be, but merely that Congress would set them and then live by them.

The President would be required to submit the detailed support 2 weeks later, after the overall spending decisions had been addressed.

The bill would eliminate baseline budgeting as we know it. This concept of budgeting allows automatic spending increases every year. This is the only place I know in the world where you allow for an increase and then you begin deciding how much you are going to add to that from that particular point.

I believe there are two fundamental problems with this: First, this means spending automatically goes up every year. Period. Second, this does not allow Congress to make decisions about where we should spend more or less.

I think anyone who considers this issue in terms of their own financial position would agree that this is poor policy and it is not even honest. For instance, how many of you automatically plan to spend 3 or 4 percent—or whatever the annual inflation rate is—more each year than you did the year before?

I was very encouraged by the vote on this issue in the Senate Budget Committee markup last Thursday. The Budget Committee voted 15 to 5 for a sense-of-the-Congress to eliminate baseline budgeting. This provision was also included in the House passed budget resolution. This is a change whose time has come. I urge that we adopt this provision.

The bill also contains a bias in favor of spending constraint which is in sharp contrast to our current situation. Any spending which exceeds the caps set in the budget resolution would be subject a three-fifth's vote of the Senate. Thus, the only way to adopt spending proposals by simple majority would be to authorize and appropriate within the ceilings of a duly enacted budget law.

Additionally, the ceilings on spending would also apply to entitlements. Again, this merely means that Congress would decide on specific spending totals for these programs. Congress has abdicated their control over the largest Government programs. As a result, these programs have grown uncontrollably. We must reign them in and make conscious decisions about the Government spending instead of just signing the blank check year after year.

The head of each executive agency that administers any entitlement program would be authorized to adjust benefit levels and eligibility requirements, so that the program costs exactly what Congress has appropriated and no more.

To maintain the integrity of congressional control over the legislative process, the CBO—rather than the OMB—would be the scorekeeper for determining whether particular authorization and appropriations measures were consistent with the budget ceilings. In his State of the Union speech last year, President Clinton said that the CBO should be the official scorekeeper. I do not have any bias for CBO. In fact, I have a lot of reservations about it. But, we need to decide who it is going to be, so we will have consistent numbers.

President Clinton has also repeatedly stated his support for the line item veto. This bill would give it to him. Why shouldn't the President of the United States have the same ability as 43 Governors to reduce targeted, pork-barrel projects?

This bill gives the President the authority to rescind over-budget spending unless Congress were to enact legislation expressly overturning it. This gives the President the power to selectively reduce individual programs by a percentage, leaving intact some portions of programs budgeted by Congress if he chooses. This would help control spending.

The bill also precludes the need for continuing resolutions by automatically reverting any unfinished appropriations bills to the prior year's spending level. It amazes me, by law, Congress is to finish all appropriations bills by June 30. Yet, every year we miss this legal deadline and are forced to pass continuing resolutions because we can't get our work done in a timely manner. Various Government agencies and programs do not know whether they are going to be able to continue or not. We always talk about shutting down the Washington Monument. It is time to stop that insanity.

This provision of the bill will prevent actual or threatened annual shutdowns of the Federal Government.

In addition, this reversion would encourage spending restraint—if no action were taken on the appropriations bills, spending would not increase from year to year.

In conclusion, through the Budget Process Reform Act we will enforce the law. We will require cooperation between the President and Congress. We will bring entitlement programs under budget control. Above all, we will make the system clear and understandable to the people whose money we are spending.

As we annualy translate our Nation's priorities into a Federal budget, we can use this new process to both plan and discipline our spending while still achieving our goals. The final result will be a meaningful budget which allows Congress to focus on the effects of the bottom line on the economy and on the tradeoffs which must be made among priorities to control overall levels of spending.

This is a bipartisan plan. In preparing this legislation, we drew upon the experience and ideas of Democratic and Republican administration officials, congressional leaders, and academic experts across the past seven decades. This bill is a good starting point for real deficit reduction.

It sets the mechanisms in place to facilitate a more efficient and effective budget system.

I am hopeful that the grounds swell of support for reform will enable us to get this bill through this Congress. We need to put aside old ways of thinking and doing things. I believe Congress can do what it must do. We can win back the people's trust.

Our fiscal problems are not unsurmountable. A child must learn to step before he walks, and walk before he runs.

I remind my colleagues of a quote by St. Francis of Assisi:

Start by doing what's necessary; then do what is possible; and suddenly you are doing the impossible.

So I urge my colleagues to join me and the cosponsors of this bill in taking this step towards restoring fiscal responsibility, discipline, and accountability.

Mr. President, I ask unanimous consent that the Budget Process Reform Act be printed in it's entirety at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1955

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Budget Process Reform Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—STATEMENT OF CONGRESSIONAL PURPOSE

Sec. 101. Improvement in decisionmaking process.
Sec. 102. Reform of fiscal management.
Sec. 103. Safeguards against delay and inaction.

TITLE II—BINDING BUDGET LAW

Sec. 201. Joint resolution establishing binding budget law.
Sec. 202. Budget required before spending bills may be considered.
Sec. 203. "baseline" budgeting prohibited; unadjusted year-to-year comparisons required in budget law.
Sec. 204. President's budget submissions.

TITLE III—ENFORCEMENT MECHANICS

Subtitle A—Supermajority Required to Break Budget Law

Sec. 301. Three-fifths requirement for all spending bills in absence of budget law.
Sec. 302. Three-fifths requirement for over-budget spending bills.
Sec. 303. Three-fifths requirement for waiver of this Act.

Subtitle B—Limited Enhanced Rescission Authority

Sec. 304. Rescission authority limited to spending above limits of congressional budget law.
Sec. 305. Application.

Subtitle C—"Blank Check" Appropriations Prohibited

Sec. 306. Intent of Senate.
Sec. 307. Fixed-dollar appropriations required.
Sec. 308. Agency-adjusted benefits.
Sec. 309. Budget authority and entitlement authority may cover only a single fiscal period.

Subtitle D—"Pay As You Go" Requirement for New Spending

Sec. 310. Spending offsets required.
Sec. 311. Three-fifths vote required to waive point of order.

TITLE IV—SUSTAINING MECHANISM

Sec. 401. Automatic continuing resolution.
Sec. 402. Contingency regulations.
Sec. 403. Unauthorized appropriations prohibited.

TITLE V—PROTECTION OF SOCIAL SECURITY

Sec. 501. Benefits protected against deficit reduction.
Sec. 502. Conforming amendment.

TITLE VI—TIMETABLE

Sec. 601. Revision of timetable.

TITLE VII—CONFORMING AMENDMENTS

Sec. 701. Conforming and technical amendments changing "concurrent" to "joint" resolutions.
Sec. 702. Further conforming and technical amendments.
Sec. 703. Conforming amendments to the Impoundment Control Act of 1974.
Sec. 704. Conforming amendment to title 31, United States Code.

TITLE VIII—DEFINITIONS AND RULES OF INTERPRETATION

Sec. 801. Definitions.
Sec. 802. Amendments to Congressional Budget and Impoundment Control Act of 1974.
Sec. 803. Use of terms.

TITLE IX—EFFECTIVE DATE

Sec. 901. General provision.
Sec. 902. Fiscal year 1993.

## TITLE I—STATEMENT OF CONGRESSIONAL PURPOSE

### SEC. 101. IMPROVEMENT IN DECISIONMAKING PROCESS.

Because the Federal budget process is the principal vehicle by which many of the most fundamental policy choices in Government are made, the purpose of this Act is to facilitate rational, informed, and timely decisions by the Congress in the course of that process.

### SEC. 102. REFORM OF FISCAL MANAGEMENT.

It is the sense of the Congress that a properly functioning Federal budget process should focus the attention of policymakers and the public on the aggregate impact of Federal spending on the economy, and on the tradeoffs that must be made among priorities in order to control overall levels of spending. To this end, the Act is intended to establish a budget process that, in each fiscal period—

(1) requires the adoption of a budget before, not after, any spending begins;

(2) produces decisions on that budget early in the budgeting cycle;

(3) encourages cooperation between Congress and the President in adopting the budget;

(4) ties each subsequent spending decision to an overall, binding budget total;

(5) requires regular, periodic decisions on appropriate spending levels for all Federal programs, not just those arbitrarily deemed "controllable"; and

(6) produces a bias in favor of fiscal responsibility that can be overcome only if the Congress expressly determines to do so.

### SEC. 103. SAFEGUARDS AGAINST DELAY AND INACTION.

The Congress further finds that a properly functioning budget process should contain safeguards against delay and inaction, so that temporary shut-downs of the Federal Government may be avoided when the President and the Congress fail to complete work on the budget prior to the beginning of a fiscal period. Accordingly, this Act is intended to provide an enforcement mechanism that gives meaning and importance to the timely adoption of a budget, and a sustaining mechanism that ensures a continuation of the Government should the political process produce deadlock or a failure to act in a timely fashion.

## TITLE II—BINDING BUDGET LAW

### SEC. 201. JOINT RESOLUTION ESTABLISHING BINDING BUDGET LAW.

To encourage early consultation and cooperation between the Congress and the

President on decisions concerning overall spending levels for all Federal programs, the Congress shall enact a binding budget law, in the form of a joint resolution, by April 15 of the calendar year before that in which the fiscal period commences. The technical amendments contained in title VI and section 701 of this Act are intended to assist in the establishment of this requirement. The budget law itself shall fit on a single page, which sets forth specific budget ceilings in the following 19 major functional categories, which together comprise the entire Federal budget.

Function 050: National Defense
Function 150: International Affairs
Function 250: General Science, Space and Technology
Function 270: Energy
Function 300: Natural Resources and Environment
Function 350: Agriculture
Function 400: Transportation
Function 450: Community and Regional Development
Function 500: Education, Training, Employment and Social Services
Function 550: Health
Function 570: Medicare
Function 600: Income Security
Function 650: Social Security
Function 700: Veterans Benefits and Services
Function 750: Administration of Justice
Function 800: General Government
Function 900: Net Interest
Function 920: Allowances
Function 950: Undistributed Offsetting Receipts.

By thus requiring that the budget process begin with highly generalized macroeconomic decisions about spending in 19 overall categories, this section is intended to facilitate agreement within Congress itself, and between Congress and the President, on how much the Federal Government should spend in the ensuing fiscal period.

### SEC. 202. BUDGET REQUIRED BEFORE SPENDING BILLS MAY BE CONSIDERED.

Unless and until a joint resolution on the budget is enacted with respect to any major functional category for a fiscal period, it shall not be in order in either the House of Representatives or the Senate, or any committee or subcommittee thereof, to consider any spending bill affecting spending in that category, except as provided in Title III of this Act. The purpose of this provision is to ensure that until the budget is signed into law, no authorization or appropriations bill shall be considered in the Congress.

### SEC. 203. "BASELINE" BUDGETING PROHIBITED; UNADJUSTED YEAR-TO-YEAR COMPARISONS REQUIRED IN BUDGET LAW.

Section 301(e) of the Congressional Budget Act of 1974 is amended by—

(1) inserting after the second sentence the following: "The starting point for any deliberations in the Committee on the Budget of each House on the joint resolution on the budget for the next fiscal period shall be the estimated level of outlays for the current period in each function and subfunction. Any increases or decreases in the Congressional budget for the next fiscal period shall be from such estimated levels.";

(2) striking paragraphs (2) and (3) and inserting the following:

"(2) a comparison of levels for the current fiscal period with proposed spending for the subsequent fiscal periods along with the proposed increase or decrease of spending in percentage terms for each function and subfunction;

"(3) information, data, and comparisons indicating the manner in which, and the basis on which, the committee determined each of the matters set forth in the joint resolution, including information on outlays for the current fiscal period and the decisions reached to set funding for the subsequent fiscal years;";

(3) inserting "and" after the semicolon in paragraph (7);

(4) striking paragraph (8); and

(5) redesignating paragraph (9) as paragraph (8).

The technical amendments contained in sections 702(g) and 704(b) of this Act are intended to apply the same prohibition against "baseline" budgeting to the budgets prepared by the President and the Congressional Budget Office reports to the Budget Committees.

### SEC. 204. PRESIDENT'S BUDGET SUBMISSIONS.

On or before the fifteenth day after a joint resolution on the budget is enacted, the President shall submit to the Congress a detailed budget for the fiscal period beginning on October 1 of the current calendar year, including all summaries and explanations required under section 1105(a) of title 31, United States Code.

## TITLE III—ENFORCEMENT MECHANICS

### Subtitle A—Supermajority Required to Break Budget Law

### SEC. 301. THREE-FIFTHS REQUIREMENT FOR ALL SPENDING BILLS IN ABSENCE OF BUDGET LAW.

Unless and until a joint resolution on the budget is enacted with respect to any major functional category for a fiscal period, it shall not be in order in the Senate or any committee or subcommittee thereof, to consider any spending bill affecting spending in that category unless it is approved by the affirmative vote of three-fifths of the Members voting, a quorum being present.

### SEC. 302. THREE-FIFTHS REQUIREMENT FOR OVER-BUDGET SPENDING BILLS.

(a) DETERMINATION OF BUDGET EFFECT OF ALL PROPOSED SPENDING BILLS.—The Congressional Budget Office shall provide to the Senate (or the appropriate committee, subcommittee, or conference thereof) as soon as practicable after the introduction of any spending bill, its estimate of the costs in each major functional category attributable to that bill during the fiscal period in which it is to become effective and in each of the next 4 fiscal years, together with the basis for such estimate. The Congressional Budget Office report shall not be required, however, if the Congressional Budget Office certifies that a spending bill will likely result in applicable costs of less than $10,000,000. For purposes of estimating the costs attributable to any spending bill that includes new credit authority, the report shall deem the market value of any loan (if it were sold by the Federal Government) or the assumption cost of any guarantee (if it were assumed at market rates) to be the costs attributable to such loan or guarantee in the fiscal period in which it is made.

(b) CBO REPORT REQUIRED BEFORE CONSIDERATION OF SPENDING BILLS.—It shall not be in order in the Senate, or in any committee thereof, to consider any spending bill, unless and until the report referred to in subsection (a) has been made available to the Senate or the appropriate committee or subcommittee thereof.

(c) THREE-FIFTHS REQUIREMENT FOR ALL OVER-BUDGET SPENDING BILLS.—It shall not be in order in the Senate (or in any committee, subcommittee, or conference) to consider any spending bill for a fiscal period that the report referred to in subsection (a) indicates would in such fiscal period exceed a budget ceiling, unless such bill is approved by the affirmative vote of three-fifths of the Members voting, a quorum being present.

(d) DETERMINATION OF SPENDING IN A CATEGORY.—A spending bill shall be deemed to break a budget ceiling if—

(1) its cost in any major functional category as estimated in the report referred to in subsection (a); and

(2) all other budget authority, budget outlays, and entitlement authority, if any, in that major functional category for the relevant fiscal period contained in any previously enacted legislation for the fiscal period; and

(3) to the extent that new budget authority or entitlement authority for the relevant fiscal period has not been granted (or modified from the level of the previous fiscal period) in any other enacted legislation for any program within such major functional category, the amounts of budget authority and entitlement authority for such major functional category (or part thereof) for the previous fiscal period;

exceed the budget ceiling for such major functional category.

### SEC. 303. THREE-FIFTHS REQUIREMENT FOR WAIVER OF THIS ACT.

No waiver of any provision of this Act, including the calendar deadlines for completion of Congressional action and the provisions concerning over-budget spending, shall be effective unless approved by the affirmative vote of three-fifths of the Members of the Senate, a quorum being present. No committee of the Senate shall have jurisdiction to report a rule governing procedures for consideration of spending bills covered by this Act, if such rule would violate the provisions of this section. Nothing in this provision shall be deemed to require a supermajority vote to amend this Act.

### Subtitle B—Limited Enhanced Rescission Authority

### SEC. 304. RESCISSION AUTHORITY LIMITED TO SPENDING ABOVE LIMITS OF CONGRESSIONAL BUDGET LAW.

The Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) is amended by redesignating sections 1013 through 1017 as sections 1014 through 1018, respectively, and inserting after section 1012 the following new section:

"RESCISSION OF SPENDING ABOVE LIMITS OF CONGRESSIONAL BUDGET LAW

"SEC. 1013. (a) TRANSMITTAL OF SPECIAL MESSAGE.—The President may transmit to both Houses of Congress for consideration in accordance with this section one or more special messages to rescind (in whole or in part) items of budget authority or entitlement authority sufficient to ensure that the levels of budget authority, entitlement authority, and outlays in a functional category do not exceed the levels stated in the budget law for the applicable fiscal period (or, in the absence of a budget law, do not exceed such levels in the previous fiscal period).

"(b) LIMITATIONS.—For purposes of this section—

"(1) continuing appropriations made pursuant to section 1311 of title 31, United States Code, shall be treated as continuing appropriations for an entire fiscal period; and

"(2) the levels of budget authority, entitlement authority, and outlays shall be determined on the basis of the reports made by the Congressional Budget Office pursuant to section 202 of the Budget Process Reform Act of 1990.

"(c) CONTENTS OF SPECIAL MESSAGE.—Each special message transmitted under subsection (a) shall specify, with respect to each item of budget authority to be rescinded, the matters referred to in paragraphs (1) through (5) of section 1012(a).

"(d) REQUIREMENT NOT TO MAKE AVAILABLE FOR OBLIGATION.—Any item of budget authority to be rescinded as set forth in such special message shall not be made available for obligation unless, within the prescribed 45-day period, Congress completes action on a rescission bill disapproving the rescission of the amount to be rescinded. Funds made available for obligation under this procedure may not be included in a special message again.

"(e) PROCEDURES.—

"(1)(A) Before the close of the third day beginning after the day on which a special message to rescind an item of budget authority is transmitted to the House of Representatives and the Senate under subsection (a), a bill may be introduced (by request) by the majority leader or minority leader of the House of the Congress in which the appropriation Act providing the budget authority originated to disapprove the rescission set forth in the special message. If such House is not in session on the day on which a special message is transmitted, the bill may be introduced in such House, as provided in the preceding sentence, on the first day thereafter on which such House is in session.

"(B) A bill introduced in the House of Representatives or the Senate pursuant to subparagraph (A) shall be referred to the Committee on Appropriations of such House. The Committee shall report the bill without substantive revision (and with or without recommendation) not later than 15 calendar days of continuous session of the Congress after the date on which the bill is introduced. A committee failing to report a bill within the 15-day period referred to in the preceding sentence shall be automatically discharged from consideration of the bill and the bill shall be placed on the appropriate calendar.

"(C) A vote on final passage of a bill introduced in a House of the Congress pursuant to subparagraph (A) shall be taken on or before the close of the 25th calendar day of continuous session of the Congress after the date of the introduction of the bill in such House. If the bill is agreed to, the Clerk of the House of Representatives (in the case of a bill agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill agreed to in the Senate) shall cause the bill to be engrossed, certified, and transmitted to the other House of the Congress on the same calendar day on which the bill is agreed to.

"(2)(A) A bill transmitted to the House of Representatives or the Senate pursuant to paragraph (1)(C) shall be referred to the Committee on Appropriations of such House. The committee shall report the bill without substantive revision (and with or without recommendation) not later than 10 calendar days of continuous session of the Congress after the bill is transmitted to such House. A committee failing to report the bill within the 10-day period referred to in the preceding sentence shall be automatically discharged from consideration of the bill and the bill shall be placed upon the appropriate calendar.

"(B) A vote on the final passage of a bill transmitted to a House of the Congress pursuant to paragraph (1)(C) shall be taken on or before the close of the 10th calendar day of continuous session of the Congress after the date on which the bill is transmitted to such House. If the bill is agreed to in such House, the Clerk of the House of Representatives (in the case of a bill agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill agreed to in the Senate) shall cause the engrossed bill to be returned to the House in which the bill originated, together with a statement of the action taken by the House acting under this paragraph.

"(3)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill under this section shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable and shall require an affirmative vote of two-thirds of the Members voting, a quorum being present. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives applicable to other bills in similar circumstances.

"(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill under this section, and all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

"(f) AMENDMENTS PROHIBITED.—No amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. No motion to suspend the application of this subsection shall be in order in either House, not shall it be in order in either House for the presiding officer to entertain a request to suspend the application of this subsection by unanimous consent.".

### SEC. 305. APPLICATION.

The amendments made by section 304 shall apply to items of budget authority (as defined in subsection (g)(1) of section 1013, as added by section 103(b) of this Act) provided by appropriation Acts (as defined in subsection (g)(3) of such section) that become law after the date of enactment of this Act.

## Subtitle C—"Blank Check" Appropriations Prohibited

### SEC. 306. INTENT OF SENATE.

It is the intent of the Senate, by this provision, to put an end to open-ended, "blank check" appropriations, which typically authorize the spending of "such sums as may be necessary." By requiring explicit decisions concerning the desired level of spending for each federal program (except social security and interest on the debt), it is intended that currently uncontrolled programs will be brought within the discipline of an overall budget.

### SEC. 307. FIXED-DOLLAR APPROPRIATIONS REQUIRED.

(a) FIXED-DOLLAR APPROPRIATIONS.—For every account except social security and interest on the debt, every appropriation for a fiscal period for any program, project, or activity shall be for a specific, fixed dollar amount. Any appropriations of "such sums as may be necessary" (except with respect to the automatic continuing resolution provided for by section 401 of this Act) are hereby prohibited.

(b) POINT OF ORDER.—It shall not be in order in the Senate (or in any committee, subcommittee, or conference) to consider any appropriation that is in violation of subsection (a).

### SEC. 308. AGENCY-ADJUSTED BENEFITS.

The head of each Executive agency that administers any entitlement program is authorized to adjust benefit levels and eligibility requirements, or both, with respect to the program such that aggregate outlays for a fiscal period do not exceed the fixed-dollar appropriation proved pursuant to this title such fiscal period. Such adjustment shall be made by rule or, pending adoption of appropriate rules, informal guideline. The purpose of any such rule or guideline shall be to ensure that the fixed-dollar appropriations for the program authorized by Congress are not exceeded.

### SEC. 309. BUDGET AUTHORITY AND ENTITLEMENT AUTHORITY MAY COVER ONLY A SINGLE FISCAL PERIOD.

Chapter 13 of title 31, United States Code, is amended by inserting after section 1312 the following new section:

**"§ 1313. Budget authority and entitlement authority must cover single fiscal period**

"(a) Notwithstanding any other provision of law and except as provided by subsection (b), no budget authority or entitlement authority—

"(1) enacted on or after the date of enactment of this section shall be effective for more than one fiscal period; or

"(2) enacted before the date of enactment of this section shall continue in effect beyond the end of the first fiscal period beginning after the date of enactment of this section.

"(b) Subsection (a) does not apply with respect to appropriations for the repayment of indebtedness incurred under chapter 31 or benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act.".

### Subtitle D—“Pay As You Go” Requirement for New Spending

### SEC. 310. SPENDING OFFSETS REQUIRED.

It shall not be in order in the Senate to consider any supplemental appropriation measure, or any other bill, resolution, or amendment which authorizes, requires, or provides new entitlements/mandatory spending as defined in section 3 (12)(A) of the Congressional Budget and Impoundment Control Act of 1974, or which authorizes spending for a fiscal period that the report referred to in section 302(a) of this Act indicates would in such fiscal period exceed a budget ceiling, unless any such increased spending called for therein is offset fully in each such fiscal period in such measure, bill, resolution or amendment by an equal amount of reductions in existing spending.

### SEC. 311. THREE-FIFTHS VOTE REQUIRED TO WAIVE POINT OF ORDER.

The point of order established by this subtitle may be waived or suspended in the Senate, and an appeal of the ruling of the Chair on a point of order raised under this section may be sustained, only by the affirmative vote of three-fifths of the Members voting, a quorum being present.

## TITLE IV—SUSTAINING MECHANISM

### SEC. 401. AUTOMATIC CONTINUING RESOLUTION.

Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

### “§ 1311. Continuing appropriation

“(a) If for any account an appropriation for a fiscal period does not become law before the beginning of such fiscal period, there are hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any program, project, or activity provide for in the most recent appropriation Act at a rate of operations not in excess of the rate of operations provided for such program, project, or activity in such Act. In no case shall the total dollar amount of appropriations for any program, project or activity pursuant to this section exceed the appropriation for such program, project, or activity in the most recent appropriation Act, determined on a fiscal-period basis.

“(b) Amounts appropriated pursuant to subsection (a) for a program, project, or activity shall be available during a fiscal period until the earlier of—

“(1) the day on which the appropriation bill for such fiscal period which would include the program, project, or activity takes effect; or

“(2) the last day of such fiscal period.”.

### SEC. 402. CONTINGENCY REGULATIONS.

Chapter 13 of title 31, United States Code, is amended by inserting after section 1311 the following new section:

### “§ 1312. Contingency regulations

“(a) Notwithstanding any other provisions of law and except as provided by subsection (b), the head of each Executive agency that administers any entitlement program shall, by rule, (or informal guideline, pending adoption of appropriate rules), provide for the adjustments of benefit levels or eligibility requirements, or both, with respect to the program such that aggregate outlays for a fiscal period do not exceed the fixed-dollar appropriation provided pursuant to section 314 (requiring fixed-dollar appropriations) or section 401 (providing for an Automatic Continuing Resolution) of this Act for such fiscal period.

“(b) In the case of social safety net programs, the rules shall provide each State the option of receiving an aggregate amount for the fiscal period for such programs equal to the amount it received for the preceding fiscal period for such programs (in which case such State could, in its discretion, allocate the benefits among such programs to best meet the needs of recipients in its State) or the amounts it received for each such program for such preceding fiscal period.

“(c) As used in this section—

“(1) the term ‘Executive agency’ has the meaning given such term in section 105 of title 5, United States Code;

“(2) the term ‘entitlement program’ means any spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974; and

“(3) the term ‘social safety net programs’ means the following programs: family support payments, adoption assistance, child support enforcement, food stamps, foster care, medicaid, child nutrition programs, social services block grant, and supplemental security income (SSI).”.

### SEC. 403. UNAUTHORIZED APPROPRIATIONS PROHIBITED.

Section 401(b) is amended to read as follows:

“(b) CONTROLS ON LEGISLATION PROVIDING FUNDING.—(1) It shall not be in order in either the House of Representatives or the Senate to consider any bill, resolution, or conference report that provides budget authority or spending authority described in subsection (c)(2)(C) except a bill or resolution reported by the Committee on Appropriations of that House or a conference report made by a committee or conference all of whose conferees are member of the Committee on Appropriations.

“(2) Paragraph (1) shall not apply to benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act.”.

## TITLE V—PROTECTION OF SOCIAL SECURITY

### SEC. 501. BENEFITS PROTECTED AGAINST DEFICIT REDUCTION.

Nothing in this Act shall be construed to require or permit reductions in Social Security benefits otherwise payable pursuant to applicable law or regulations.

### SEC. 502. CONFORMING AMENDMENT.

Chapter 13 of title 31, United States Code, is amended by inserting after section 1313 the following new section:

### “§ 1314. Protection of social security from budget deficit reduction measures

“No reductions in benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act shall be made as a consequence of the Budget Process Reform Act”.

## TITLE VI—TIMETABLE

### SEC. 601. REVISION OF TIMETABLE.

Section 300 (2 U.S.C. 631) is amended to read as follows:

“TIMETABLE

“SEC. 300. The timetable with respect to the Congressional budget process for any Congress (beginning with the One Hundred Third Congress) is as follows:

| “On or before: | Action to be completed: |
|---|---|
| First Monday in February. | President submits short-form budget recommendations. |
| February 15 | Congressional Budget Office submits report to Budget Committees. |
| February 25 | Committees submit views and estimates to Budget Committees. |
| March 31 | Budget Committees report joint resolution on the budget. |
| April 15 | Congress completes action on joint resolution on the budget and transmits it to the President for signature or veto. |
| President signs joint resolution, or Congress overrides veto. | Authorization and appropriations bills may be considered in the Congress. |
| 15th day after enactment of joint budget resolution. | President submits complete budget and support documents. |
| June 10 | Appropriations Committees report last of annual appropriation bills. |
| September 30 | Congress completes action on reconciliation legislation and annual appropriation bills. |
| October 1 | Fiscal period begins. Congress completes all necessary action on budget, authorizations and appropriations, or automatic continuing resolution takes effect.”. |

## TITLE VII—CONFORMING AMENDMENTS

### SEC. 701. CONFORMING AND TECHNICAL AMENDMENTS CHANGING “CONCURRENT” TO “JOINT” RESOLUTIONS.

(a) Sections 300, 301, 302, 303, 304, 305, 308, 310, and 311 (2 U.S.C. 631 et seq.) are amended by striking “concurrent resolutions” each place it appears and by inserting “joint resolutions”.

(b) The table of contents set forth in section 1(b) is amended by striking “Concurrent” in the items relating to sections 301, 303, and 304 and inserting “Joint”.

(c) Clauses 4(a)(2), 4(b)(2), 4(g), and 4(h) of rule X, clause 8 of rule XXIII, and rule XLIX of the Rules of the House of Representatives are amended by striking “concurrent” and by inserting in its place “joint”.

(d) Section 258C(b)(1) of the Deficit Control Action of 1985 is amended by striking “concurrent” and by inserting “joint”.

### SEC. 702. FURTHER CONFORMING AND TECHNICAL AMENDMENTS.

(a) Section 302(f) (2 U.S.C. 633(f)) is amended—

(1) in paragraph (1) by striking “(1) IN THE HOUSE OF REPRESENTATIVES.—”, by striking “new budget authority for such fiscal year, new entitlement authority effective during such fiscal year, or” and by striking “new discretionary budget authority, new entitlement authority, or”; and

(2) by striking paragraph (2).

(b) Section 303 is amended—

(1) in its heading by striking “NEW BUDGET AUTHORITY, NEW SPENDING AUTHORITY,” and the comma before “OR CHANGES”;

(2) in subsection (a) by striking paragraphs (1), (4) and (5) and by redesignating paragraphs (2), (3), and (6) as paragraphs (1), (2), and (3), respectively; and

(3) in subsection (b) by striking paragraph (1)(A), by striking “(B)”, by striking the dash after “resolution”, and by striking the last sentence.

(c) The table of contents set forth in section 1(b) is amended by striking “new budget authority, new spending authority,” and the comma before “or changes” in the item relating to section 303.

(d) Section 311 is amended—

(1) in its heading by striking “NEW BUDGET AUTHORITY, NEW SPENDING AUTHORITY, AND”;

(2) in subsection (a)(1) by striking "providing new budget authority for such fiscal year, providing new entitlement authority effective during such fiscal year, or"; by striking "the appropriate level of total new budget authority or total budget outlays set forth in the most recently agreed to concurrent resolution on the budget to be exceeded, or";

(3) by repealing subsection (b); and

(4) by redesignating subsection (c) as subsection (b), and by striking "new budget authority, budget outlays, new entitlement authority, and" in subsection (c) (as redesignated).

(e) The table of contents set forth in section 1(b) is amended by striking "new budget authority, new spending authority, and" in the item relating to section 311.

(f) The last sentence of clause 4(b) of rule XI of the Rules of the House of Representatives is amended by inserting before the period at the end of the following: "; nor shall it report any rule or order which would waive any point of order set forth in title III of the Budget Process Reform Act".

(g) The first sentence of section 202(f)(1) of the Congressional Budget Act of 1974 is amended to read as follows: "On or before February 15 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate a report, for the fiscal year commencing on October 1 of that year, with respect to fiscal policy, including (A) estimated budget outlays in all functions and subfunctions for appropriated accounts for the current fiscal year and estimated budget outlays under current law for all entitlement programs for the next fiscal year, (B) alternative levels of total revenues, total new budget authority, and total outlays (including related surpluses and deficits), and (C) the levels of tax expenditures under existing law, taking into account projected economic factors and any changes in such levels based on proposals in the budget submitted by the President for such fiscal year.".

### SEC. 703. CONFORMING AMENDMENTS TO THE IMPOUNDMENT CONTROL ACT OF 1974.

(a) Section 1011(5) (2 U.S.C. 682(5)) is amended—

(1) by striking "1012, and" and inserting "1012, the 20-day periods referred to in paragraphs (1)(b) and (2)(A) of section 1013(c), the 45-day period referred to in section 1013(b), and";

(2) by striking "1012 during" and inserting "1012 or 1013 during";

(3) by striking "of 45" and inserting "of the applicable number of"; and

(4) by striking "45-day period referred to in paragraph (3) of this section and in section 1012" and inserting "period or periods of time applicable under such section".

(b) Section 1011 is further amended—

(1) in paragraph (4) by striking "1013" and inserting "1014"; and

(2) in paragraph (5)—

(A) by striking "1016" and inserting "1017"; and

(B) by striking "1017(b)(1)" and inserting "1018(b)(1)".

(c) Section 1015 (as redesignated) is amended—

(1) by striking "1012 or 1013" each place it appears and inserting "1012, 1013, or 1014";

(2) in subsection (b)(1) by striking "1012" and inserting "1012 or 1013";

(3) in subsection (b)(2) by striking "1013" and inserting "1014"; and

(4) in subsection (e)(1)—

(A) by striking "and" at the end of subparagraph (A),

(B) by redesignating subparagraph (B) as subparagraph (C),

(C) by striking "1013" in subparagraph (C) (as redesignated), and

(D) by inserting after subparagraph (A) the following new subparagraph:

"(B) he has transmitted a special message under section 1013 with respect to a proposed rescission; and".

(d) Section 1016 (as redesignated) is amended by striking "1012 or 1013" each place it appears and inserting "1012, 1013, or 1014".

(e) Section 1012(b) is amended by inserting before the last sentence the following new sentence: "The preceding sentence shall not apply to any item of budget authority proposed by the President to be rescinded under this section that the President has also proposed to rescind under section 1013 and with respect to which the 45-day period referred to in subsection (e) of such section has not expired.".

(f) The table of sections set forth in section 1(b) is amended—

(1) by redesignating the items relating to sections 1013 through 1017 as items relating to sections through 1018, respectively; and

(2) by inserting after the item relating to section 1012 the following new item:

"Sec. 1013. Rescission of spending above limits of congressional budget law.".

### SEC. 704. CONFORMING AMENDMENT TO TITLE 31, UNITED STATES CODE.

(a) The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new items:

"Sec. 1311. Continuing appropriation.
"Sec. 1312. Contingency regulations.
"Sec. 1313. Budget authority and entitlement authority must cover single fiscal period.
"Sec. 1314. Protection of Social Security from budget deficit reduction measures.".

(b) Paragraph (5) of section 1105(a) of title 31, United States Code, is amended to read as follows:

"(5) except as provided in subsection (b) of this section—

"(A) estimated expenditures and proposed appropriations for each function and subfunction in the current fiscal year;

"(B) estimated expenditures and proposed appropriations the President decides are necessary to support the Government for each function and subfunction in the fiscal year for which the budget is submitted; and

"(C) a comparison of levels of estimated expenditures and proposed appropriations for each function and subfunction in the current fiscal year and the fiscal year for which the budget is submitted, along with the proposed increase or decrease of spending in percentage terms for each function and subfunction;".

(b) Section 1105(a) of title 31, United States Code, is amended—

(1) in the first sentence, by inserting "on a single page, which sets forth specific budget ceilings for that fiscal period in the nineteen major functional categories described in section 201 of the Budget Process Reform Act" before the period; and

(2) by repealing the second sentence and all of the third sentence preceding the colon and inserting the following: "On or before the fifteenth day after a joint resolution on the budget for that budget period is enacted, the President shall submit a detailed budget for that fiscal period, including a budget message and summary and supporting information, as follows".

## TITLE VIII—DEFINITIONS AND RULES OF INTERPRETATION

### SEC. 801. DEFINITIONS.

(a) DEFINITION OF BUDGET LAW.—Section 3(4) (2 U.S.C. 622(4)), containing general definitions under the Budget Act is amended to read as follows:

"(4) The term 'budget law' or 'joint resolution on the budget' means—

"(A) a joint resolution setting forth the simplified budget for the United States Government for a fiscal period as provided in section 301; and

"(B) any other joint resolution revising the budget for the United States Government for a fiscal period as described in section 304.".

(b) OTHER DEFINITIONS.—Section 3 (2 U.S.C. 622) is further amended by adding at the end the following new paragraphs:

"(11) The term 'major functional category' refers to the groupings of budget authority, budget outlays, and credit authority (including continuing appropriations pursuant to section 1331 of title 31, United States Code) into any one of the following:

"Function 050: National Defense
"Function 150: International Affairs
"Function 250: General Science, Space and Technology
"Function 270: Energy
"Function 300: Natural Resources and Environment
"Function 350: Agriculture
"Function 400: Transportation
"Function 450: Community and Regional Development
"Function 500: Education, Training, Employment and Social Services
"Function 550: Health
"Function 570: Medicare
"Function 600: Income Security
"Function 650: Social Security
"Function 700: Veterans Benefits and Services
"Function 750: Administration of Justice
"Function 800: General Government
"Function 900: Net Interest
"Function 920: Allowances
"Function 950: Undistributed Offsetting Receipts.".

"(12) The term 'budget ceiling' means the dollar amount set forth in a budget law for a major functional category.

"(13) The term 'spending bill' means any bill or resolution, or amendment thereto or conference report thereon, which provides budget authority, spending authority, credit authority, or outlays.

"(14) The term 'fiscal period' means the twelve-month fiscal year beginning October 1 currently in use, or any other fiscal period (such as a biennial period) that may subsequently be adopted for the management of the budget of the United States.".

### SEC. 802. AMENDMENTS TO CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.

Except as otherwise expressly provided, whenever any provision of this Act is expressed as an amendment to a section or other provision, the reference shall be deemed to be made to a section or other provision of the Congressional Budget and Impoundment Control Act of 1974.

### SEC. 803. USE OF TERMS.

Whenever any term is used in this Act which is defined in section 3 of the Congressional Budget Impoundment Control Act of 1974, the term shall have the meaning given to such term in that Act.

## TITLE IX—EFFECTIVE DATE

### SEC. 901. GENERAL PROVISION.

Except as provided in section 902, this Act and the amendments made by it shall become effective January 1, 1995, and shall apply to fiscal periods beginning after September 30, 1995.

**SEC. 902. FISCAL YEAR 1993.**

Notwithstanding subsection (a), the provisions of—

(1) the Congressional Budget Impoundment Control Act of 1974,

(2) title 31, United States Code, and

(3) the Balanced Budget and Emergency Deficit Control Act of 1985, (as such provisions were in effect on the day before the effective date of this Act) shall apply to the fiscal year beginning on October 1, 1994.

Mr. SHELBY. Mr. President, next year, we will pay close to $300 billion just on interest on the national debt—$300 billion. Mr. President. That is about one-fifth of the budget for 1995.

Because we will spend so much on our budget in 1995 on just financing our national debt, just paying the interest alone, not paying anything off, I remain unconvinced that we are on the right track, that we are doing what we need to do to address our chronic deficit and national debt problems.

While CBO's recent projection of the 1995 deficit is lower than originally expected, it does not speak to our long-term deficit and debt future, because we have not changed the way we spend money around here. Our system has not changed; yet, our problems are systemic.

Indeed, Mr. President, although deficit reduction was the justification for last year's tax bill, which raised over $230 billion in new taxes, Federal spending continues to increase at a progressive rate through the next 5 years. From 1994 through 1998, spending will continue to increase from $1.5 to $1.8 trillion.

So, Mr. President, in reality, at the same time Congress was raising new taxes, it was also increasing spending.

Mr. President, I ask you: Is this fiscal restraint? Is this a sign of a Government on a diet? It would not appear so. Rather, it looks more like the kind of diet that ends up putting 10 pounds on you instead of taking 10 pounds off.

Let us not forget spending cuts. The President claims over 300 specific program cuts in the fiscal 1995 budget, and several proposals have been offered over the past few months which would have similarly made specific program cuts in order to lower the deficit.

The fact is, however, Mr. President, that many of these proposals had nothing to do with lowering the deficit. Instead, they would only have authorized a shift in spending. These proposals would not only have had no effect on shrinking the size of the Federal pie, but, in fact, even with the proposed cuts, the Federal pie would continue to get larger through Federal spending.

So, Mr. President, I submit that while we may be slowing the growth of the debt, we are still accelerating toward fiscal disaster.

Mr. President, if we want to put the brakes on excess Federal spending, we need to change how we go about spending the Federal dollar. We need to reform our annual budget process.

What role does our budget process play today if we have to wait to pass a 5-year budget agreement locking in spending levels before we can address spending cut proposals? And why should it be necessary for Congress to always promise spending cuts in the future, or as we say, in the "outyears," and deliver tax increases today or—or in the case of the 1994 tax bill—yesterday? You will recall that it was retroactive taxes.

The reason is because Congress is unaccountable—unaccountable by choice as well as by nature. Congress has no real incentives and faces no threatened penalties to encourage fiscally responsible behavior here.

Thus far, Mr. President, Congress has sought and approved simple, politically expedient solutions to our complex deficit and debt problems. In fact, the rallying call for deficit reduction that started this past summer may have proved to be more of a cloak than a standard in combating the deficit and our national debt.

Our current budget process favors increased Federal spending, not less spending. It is impotent in enforcing current budget ceilings and remains hostile to cuts in Federal programs. In short, Mr. President, the budget process that we have today itself is impervious to efforts to cut the Federal deficit and national debt.

Indeed, Mr. President, the budget process can strengthen or weaken Congress' ability and Congress' resolve to gain control over its excessive spending habits.

Senator LOTT and I have joined the efforts of Representatives COX and STENHOLM in trying to create a budgetary framework that is receptive to efforts to curb Federal spending and facilitate fiscal responsibility here.

The Budget Process Reform Act seeks to take Federal spending off of automatic pilot and put it under stricter fiscal controls. It proposes to reform the process to provide greater budget discipline and stronger budget enforcement mechanisms.

The act would require that a legally binding budget resolution be in place prior to the consideration of any appropriations or authorization bills. Such a budget would fit on one page, setting aggregate spending totals for each of the 19 spending categories we deal with.

The bill would eliminate baseline budgeting and require that all entitlements, excepting Social Security and interest on the debt, are given fixed-sum appropriations.

In addition, in order to have effective enforcement, the bill would require a three-fifths supermajority to spend overbudget and would grant the President enhanced rescission authority when a budget category exceeds its allowable spending level.

Mr. President, this is effective legislation. It contains no gimmicks. Rather, the bill establishes a process for spending Federal dollars that imposes discipline and order while providing the flexibility to prioritize Federal spending without draconian measures such as across-the-board cuts or unlimited line-item veto authority.

While many may seek solace in the fact that the annual deficit is less than predicted for this year, it is a hollow promise for our future and for our children's future.

Without doubt, Mr. President, Congress must reform its budget process if it is ever to effectively address this country's sinister deficits and heavy debt—and ensure its citizens of a bright economic future.

I ask my colleagues in the Senate to join Senator LOTT and me in cosponsoring this important piece of legislation.

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By Mr. SHELBY (for himself, Mr. CONRAD, Mr. JOHNSTON, Mr. BREAUX, and Mr. FAIRCLOTH):

S. 1956. A bill to amend the Consumer Credit Protection Act to improve disclosures made to consumers who enter into rental-purchase transactions, to set standards for collection practices, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

### RENTAL PURCHASE REFORM ACT OF 1994

• Mr. SHELBY. Mr. President, today I introduce the Rental-Purchase Reform Act of 1994, a bill that would regulate the rental-purchase industry. This legislation would ensure that consumers are provided straightforward disclosures of the important terms in rental-purchase agreements.

Under a rental-purchase transaction, consumers rent televisions, stereos, VCR's, refrigerators, furniture, and other household items by the week or by the month. There is no long-term obligation to rent the property beyond the initial rental period. However, after renting the property for a specified period of time, ownership of the item transfers automatically to the consumer.

Consumers have found rental-purchase transactions to be an attractive means of obtaining goods that may be out of reach through traditional purchase transactions. It is my understanding that renters become owners in approximately 25 percent of rental-purchase transactions.

There have been some abuses in this industry. Passage of this legislation will help curb these abuses. While this bill is similar to legislation enacted in 36 States, it goes farther than many of these State statutes. This legislation requires 11 contract disclosures, including the amount and timing of rental payments, the total number and the total dollar amount of rental payments and other charges necessary to acquire ownership, whether the property is new or used, the cash price of the property, and other disclosures important to consumers when shopping for merchandise for their homes.

This bill also requires price tags on all of the merchandise in rental-purchase stores showing consumers the important aspects of the transaction. The bill would ensure that consumers may terminate a rental-purchase agreement voluntarily at any time with no penalty. This bill also contains substantive consumer protections, including reinstatement rights for consumers, which allow them up to 90 days to catch up on any past-due payments.

This bill also regulates the collection practices of rental merchants and the advertising of rental-purchase products. Specifically, the bill will require lessors to disclose important financial information in the advertising of rental rates or the right to acquire ownership. Finally, this bill would allow consumers to file suit for violations of the act with statutory damages and would preempt State laws which do not provide the same level of protection to rental-purchase consumers as that contained in this bill. Although 36 States have passed legislation to regulate this industry, uniform Federal regulation is still needed. I urge my colleagues to support this legislation and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1956

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Rental-Purchase Reform Act of 1994".

### SEC. 2. REQUIREMENTS FOR RENTAL-PURCHASE TRANSACTIONS.

The Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) is amended by adding at the end the following new title:

### "TITLE X—RENTAL-PURCHASE TRANSACTIONS

**"§ 1001. Short title**

"This title may be cited as the 'Rental-Purchase Reform Act of 1994'.

**"§ 1002. Findings and purposes**

"(a) The Congress finds that a significant number of consumers engage in rental-purchase transactions. These transactions have taken place, in many instances, without provision of adequate disclosures and other protections to consumers.

"(b) The purposes of this title are the following:

"(1) To assure meaningful disclosure of the terms of rental-purchase agreements, including disclosure of all costs to consumers under those agreements.

"(2) To regulate the collection practices of rental-purchase merchants.

"(3) To provide certain substantive rights to consumers under rental purchase agreements.

**"§ 1003. Definitions**

"(a) For purposes of this title:

"(1) The term 'advertisement' means a commercial message in any medium intended to aid, promote, or assist, directly or indirectly, a rental-purchase agreement.

"(2) The term 'agricultural purpose' includes—

"(A) the production, harvest, exhibition, marketing, transportation, processing, or manufacture of agricultural products by a natural person who cultivates plants or propagates or nurtures agricultural products; and

"(B) the acquisition of farmlands, real property with a farm residence, or personal property and services used primarily in farming.

"(3) The term 'Board' means the Board of Governors of the Federal Reserve System.

"(4) The term 'consumer' means an individual that, as a party to a rental-purchase agreement, is provided use of personal property.

"(5) The term 'date of consummation' means the date on which a consumer becomes contractually obligated under a rental-purchase agreement.

"(6) The term 'merchant' means a person who provides the use of property through a rental-purchase agreement and to whom a consumer's initial obligation under the agreement is payable.

"(7) The term 'personal property' means property that is not real property under the laws of the State where the property is located when it is made available under a rental-purchase agreement.

"(8) The term 'rental-purchase agreement'—

"(A) means an agreement between a consumer and a merchant—

"(i) under which the merchant agrees to provide to the consumer the use of personal property for an initial period of 4 months or less;

"(ii) that is automatically renewable with each payment by the consumer; and

"(iii) that permits but does not obligate the consumer to become the owner of the property; and

"(B) does not include any credit sale (as that term is defined in section 103(g)).

"(9) The term 'State' means any State, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(b) REFERENCES TO REGULATIONS.—Any reference to any provision of this title shall be considered to include reference to the regulations prescribed by the Board under this title.

**"§ 1004. Exempted transactions**

"This title does not apply to rental-purchase agreements primarily for business, commercial, or agricultural purposes, or those made with government agencies or instrumentalities or with organizations.

**"§ 1005. General disclosure requirements**

"(a) The merchant under a rental-purchase agreement shall disclose to the consumer under the agreement the information required by this title. In a transaction involving more than one merchant, only one merchant is required to make the disclosures.

"(b) The disclosures required under this title shall be made—

"(1) at or before the date of consummation of the rental-purchase agreement;

"(2) clearly and conspicuously in writing, in a form that the consumer may keep; and

"(3) in the case of disclosures required under section 1006, segregated from all other terms, data, or information provided to the consumer.

"(c) If a disclosure required to be made by a merchant under this title becomes inaccurate as the result of any act, occurrence, or agreement occurring after delivery of the required disclosure, the resulting inaccuracy is not a violation of this title.

**"§ 1006. Rental-purchase disclosures**

"For each rental-purchase agreement, the merchant shall disclose to the consumer under the agreement the following, as applicable:

"(1) The amount of the initial rental payment, including any fees, taxes, or other charges which may be required at or before the date of consummation of the agreement.

"(2) The amount and timing of rental renewal payments.

"(3) The total number and the total dollar amount of rental payments and other charges necessary to acquire ownership of the property.

"(4) A statement that the consumer will not own the property until the consumer has made the total dollar amount necessary to acquire ownership.

"(5) A statement that the total dollar amount of payments does not include other charges, such as late payment or reinstatement fees, and that the consumer should examine the rental-purchase agreement for an explanation of these charges, if applicable.

"(6) A statement that the consumer may be responsible for the fair market value of the property if it is lost, stolen, damaged, or destroyed.

"(7) A statement indicating whether the property is new or used, except that a statement that indicates that new property is used property is not a violation of this title.

"(8) A statement of—

"(A) the manufacturer's suggested retail price, where applicable; or

"(B) the price for which the property is available from the merchant in a cash sale.

"(9) A clear statement of the terms of the consumer's option to purchase.

"(10) A statement—

"(A) identifying the party that is responsible for maintaining or servicing the property while it is being rented;

"(B) describing that responsibility; and

"(C) disclosing that if any part of a manufacturer's express warranty covers the property at the time the consumer acquires ownership of the property, the warranty will be transferred to the consumer if allowed by the terms of the warranty.

"(11) The date of consummation of the transaction and the identities of the merchant and consumer.

**"§ 1007. Point-of-sale disclosures**

"Each item of property displayed or offered pursuant to a rental-purchase agreement shall have affixed to it a point-of-sale card, tag, or label that clearly and conspicuously discloses only the following:

"(1) Whether the property is new or used.

"(2) The price of the property in a cash sale.

"(3) The amount of each rental payment under the agreement.

"(4) The total number of rental payments necessary to acquire ownership of the property under the agreement.

"(5) The total dollar amount of rental payments necessary to acquire ownership of the property under the agreement.

**"§ 1008. Prohibited practices**

"(a) A rental-purchase agreement may not contain—

"(1) a confession of judgment;

"(2) a negotiable instrument;

"(3) a security interest or any other claim of a property interest in any goods except those goods the use of which is provided by the merchant pursuant to the agreement;

"(4) a wage assignment; or

"(5) a waiver by the consumer of a claim or defense.

"(b) Each rental-purchase agreement shall—

"(1) provide a statement of any obligation of the consumer and the merchant under the agreement to repair any defect or malfunction of the property covered by the agreement, and any limitation of those obligations;

"(2) provide that the consumer may terminate the agreement without penalty by voluntarily surrendering or returning the property covered by the agreement upon expiration of any rental term; and

"(3) contain a provision for reinstatement of the agreement, which at a minimum—

"(A) permits a consumer who fails to make a timely rental renewal payment to reinstate the agreement, without losing any rights or options which exist under the agreement, by the payment of all past due rental charges and any late fee, within 7 days after the renewal date;

"(B) if the consumer returns or voluntarily surrenders the property covered by the agreement, other than through judicial process, during the applicable reinstatement period set forth in subparagraph (A), permits the consumer to reinstate the agreement during a period of at least 30 days after the date of the return or surrender of the property by the payment of all past due rental charges, and any applicable redelivery, repair, or late fees; and

"(C) if the consumer has paid 60 percent or more of the total dollar amount of payments necessary to acquire ownership of the property under the agreement and returns or voluntarily surrenders the property, other than through judicial process, during the applicable reinstatement period set forth in subparagraph (A), permits the consumer to reinstate the agreement during a period of at least 90 days after the date of the return of the property by the payment of all past due rental charges, and any applicable redelivery, repair, or late fees.

"(c) Subsection (b) shall not be construed to prevent a merchant from attempting to repossess property during the reinstatement period, but such a repossession does not affect the consumer's right to reinstate. Upon reinstatement, the merchant shall provide the consumer with the same property, or substitute property of comparable quality and condition.

**"§ 1009. Collection practices**

"(a) A merchant under a rental-purchase agreement, in communicating with any person other than the consumer for the purpose of acquiring information as to the location of a consumer—

"(1) shall identify himself or herself and state that he or she is confirming or correcting location information concerning the consumer;

"(2) shall not communicate with any person more than once, unless—

"(A) requested to do so by the person; or

"(B) the merchant reasonably believes that the earlier response is erroneous or incomplete and that the person now has correct or complete location information;

"(3) shall not communicate by postcard;

"(4) shall not use any language or symbol on any envelope or in the contents of any communication which indicates that the communication relates to the recovery or repossession of property; and

"(5) shall not communicate with any person other than the consumer's attorney, after the merchant knows the consumer is represented by an attorney with regard to the rental-purchase agreement and has knowledge of, or can readily ascertain, the attorney's name and address, unless the attorney fails to respond within a reasonable period of time to communication from the merchant or unless the attorney consents to direct communication with the consumer.

"(b)(1) Without the prior consent of the consumer given directly to the merchant or the express permission of a court of competent jurisdiction, a merchant shall not communicate with a consumer in connection with the recovery or repossession of property—

"(A) at the consumer's place of employment;

"(B) at any unusual time or place or a time; or

"(C) at any place known or which should be known to be inconvenient to the consumer.

"(2) In the absence of knowledge of circumstances to the contrary, a merchant shall assume that the convenient time for communicating with a consumer is after 8:00 a.m. and before 9:00 p.m., local time at the consumer's location.

"(c) A merchant may not communicate, in connection with a rental-purchase agreement, with any person other than the consumer, the consumer's attorney, or the merchant's attorney, except—

"(1) as reasonably necessary to acquire location information concerning the consumer in accordance with subsection (a);

"(2) after receiving prior consent from the consumer given directly to the merchant;

"(3) after receiving express permission of a court of competent jurisdiction; or

"(4) as reasonably necessary to effectuate a post-judgment judicial remedy.

"(d) If a consumer notifies the merchant in writing that the consumer desires the merchant to cease further communication with the consumer, the merchant shall not communicate further with the consumer with respect to the rental-purchase agreement, except—

"(1) to advise the consumer that the merchant's further efforts to communicate are being terminated;

"(2) to notify the consumer that the merchant may invoke specified remedies allowable under law which are ordinarily invoked by the merchant; or

"(3) as necessary to effectuate any post-judgment remedy.

"(e) A merchant shall not—

"(1) use or threaten to use violence or criminal means to harm the physical person, reputation, or property of any person;

"(2) use obscene, profane, or abusive language;

"(3) cause a telephone to ring, or engage any person in telephone conversation, repeatedly or continuously with intent to annoy, abuse, or harass any person;

"(4) place any telephone call without disclosing the caller's identity; or

"(5) perform any other act intended to harass or abuse a consumer.

**"§ 1010. Receipts and accounts**

"A merchant shall provide the consumer a written receipt for each payment made by cash or money order.

**"§ 1011. Renegotiations and extensions**

"A renegotiation of a rental-purchase agreement is deemed to be a new agreement for purposes of this title, requiring new disclosures. A renegotiation shall be considered to occur when an existing rental-purchase agreement is satisfied and replaced by a new agreement undertaken by the same merchant. Events such as the following shall not be treated as renegotiations:

"(1) The addition or return of property in a multiple-item agreement or the substitution of property, if in either case the average payment allocable to a payment period is not changed by more than 25 percent.

"(2) A deferral or extension of one or more periodic payments, or portions of a periodic payment.

"(3) A reduction in charges in the agreement.

"(4) An agreement involving a court proceeding.

"(5) Any other event described in regulations prescribed by the Board.

**"§ 1012. Rental-purchase advertising**

"(a) If an advertisement refers to or states the amount of any payment or the right to acquire ownership, the merchant that makes the advertisement shall also clearly and conspicuously state in the advertisement the following items, as applicable:

"(1) That the transaction advertised is to occur under a rental-purchase agreement.

"(2) The total number and total dollar amount of rental payments necessary to acquire ownership under the agreement.

"(3) That the consumer acquires no ownership rights in the property if the total dollar amount of rental payments necessary to acquire ownership is not paid.

"(b) The owner or personnel of any medium in which an advertisement appears or through which it is disseminated shall not be liable for a violation of this section.

"(c) Subsection (a) does not apply to an advertisement which—

"(1) does not refer to or state the amount of any payment,

"(2) is published in the yellow pages of a telephone directory or in any similar directory of businesses, or

"(3) is displayed in the merchant's place of business.

**"§ 1013. Administrative enforcement**

"(a) The requirements imposed by this title shall be enforced by the Board.

"(b) All of the functions and powers of the Board under this Act are available to the Board to enforce compliance by any person with the requirements imposed by this title.

**"§ 1014. Civil liability**

"(a) Except as otherwise provided in this title, a merchant who willfully violates this title with respect to a consumer is liable to the consumer in an amount equal to the following:

"(1) In an action by an individual consumer, the sum of—

"(A) actual damages sustained by the consumer as a result of the violation; and

"(B) not less than $100.

"(2) In a class action, the amount the court determines to be appropriate with no minimum recovery as to each member.

"(b)(1) An action under this section may be brought in any United States district court of competent jurisdiction, by not later than one year of the date of the occurrence of the violation.

"(2) This subsection does not bar a consumer from asserting a violation of this title in an action to collect a debt brought more than one year after the date of the occurrence of the violation as a matter of defense by recoupment or set off, except as otherwise provided by State law.

"(c)(1) A consumer may not take any action to offset any amount for which a merchant is potentially liable under subsection

(a) against any amount owed by the consumer, unless the amount of the merchant's liability has been determined by judgment of a court of competent jurisdiction in an action in which the merchant was a party.

"(2) This subsection does not bar a consumer who is in default on the obligation from asserting a violation of this title as an original action, or as a defense or counterclaim to an action brought by the merchant to collect amounts owed by the consumer.

**"§ 1015. Defenses**

"(a) A merchant is not liable under section 1014 for a violation of the requirements of section 1006 if within 15 days after first having knowledge of the violation, and before an action under section 1014 is filed or written notice of the violation is received from the consumer, the merchant notifies the consumer of the violation and makes whatever adjustments in the account are necessary to assure that the consumer will not be required to pay an amount in excess of the amounts actually disclosed.

"(b)(1) A merchant is not liable under this title for any act done or omitted in good faith in conformity with any rule, regulation, interpretation, or approval promulgated by the Board or by an official duly authorized by the Board.

"(2) Paragraph (1) applies even if, after the act or omission has occurred, the rule, regulation, interpretation, or approval is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

"(c) A merchant is not liable under this title for a violation if the merchant establishes, and at the time of the violation is implementing, procedures reasonably calculated to prevent the violation.

**"§ 1016. Liability of assignees**

"(a) For purposes of sections 1014 and 1015, the term 'merchant' includes an assignee of a merchant. However, an action under section 1014 for a violation of this title may be brought against an assignee only if the violation is apparent on the face of the rental-purchase agreement to which it relates. A violation apparent on the face of a rental-purchase agreement includes a disclosure that can be determined to be incomplete or inaccurate from the face of the agreement. An assignee has no liability in a case in which the assignment is involuntary.

"(b) In an action by or against an assignee, the consumer's written acknowledgement of receipt of a disclosure shall be conclusive proof that the disclosure was made, if the assignee had no knowledge that the disclosure had not been made when the assignee acquired the rental-purchase agreement to which it relates.

**"§ 1017. Regulations**

"(a) The Board shall issue regulations to carry out the purposes of this title, to prevent its circumvention, and to facilitate compliance with its requirements. The regulations may contain classifications and differentiations and may provide for adjustments and exceptions for any class of transaction.

"(b) The Board shall publish model disclosure forms and clauses to facilitate compliance with the disclosure requirements of this title and to aid consumers in understanding transactions under rental-purchase agreements. In designing forms, the Board shall consider the use by merchants of data processing or similar automated equipment. Use of the models shall be optional. A merchant who properly uses the model disclosure forms shall be deemed to be in compliance with the disclosure requirements.

"(c) Any regulation issued by the Board, or any amendment or interpretation thereof, that requires a disclosure different from the disclosures previously required by regulations of the Board shall not be effective before the October 1 that follows the date of promulgation by at least 6 months. The Board may at its discretion lengthen that period of time to permit merchants to adjust their forms to accommodate new requirements. The Board may also shorten that period of time, notwithstanding the first sentence, if it makes a specific finding that such action is necessary to comply with the findings of a court or to prevent unfair or deceptive practices. In any case, merchants may comply with any newly promulgated disclosure requirement prior to its effective date.

**"§ 1018. Relation to state laws**

"This title does not annul, alter, affect, or exempt any person subject to this title from complying with the laws of any State with respect to a matter covered by this title, except to the extent that those laws—

"(1) are inconsistent with this title; and

"(2) provide a lesser degree of protection for consumers.

**"§ 1019. Effect on government agencies**

"No civil liability under this title may be imposed on the United States or any of its departments or agencies, any State or political subdivision, or any agency of a State or political subdivision.".●

By Mr. PELL (by request):

S. 1957. A bill to provide for a United States contribution to the Interest Subsidy Account of the successor [EASF II] to the Enhanced Structural Adjustment Facility of the International Monetary Fund; to the Committee on Foreign Relations.

EASF LEGISLATION

Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to provide for a United States contribution to the interest subsidy account of the successor [ESAF II] to the Enhanced Structural Adjustment Facility of the International Monetary Fund.

This proposed legislation has been requested by the Department of the Treasury, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the general counsel of the Department of the Treasury, which was received on March 16, 1994.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1957

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following new section:

**"SEC. 61. CONTRIBUTION TO THE INTEREST SUBSIDY ACCOUNT OF THE SUCCESSOR (ESAF II) TO THE ENHANCED STRUCTURAL FACILITY OF THE INTERNATIONAL MONETARY FUND.**

"(a) CONTRIBUTION AUTHORIZED.—

"(1) IN GENERAL.—Subject to paragraph (2), the United States Governor of the Fund may contribute $100,000,000 to the Interest Subsidy Account of the successor (ESAF II) to the Enhanced Structural Adjustment Facility of the Fund on behalf of the United States.

"(2) CONTRIBUTION.—The contribution authorized in paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

"(b) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—To pay for the contribution authorized in subsection (a), there are authorized to be appropriated $100,000,000 without fiscal year limitation for payment by the Secretary of the Treasury.".

DEPARTMENT OF THE TREASURY,
*Washington, March 14, 1994.*

Hon. AL GORE,
*President of the Senate, Washington, DC.*

DEAR MR. PRESIDENT: I am pleased to transmit herewith a draft bill, "To provide for a United States contribution to the Interest Subsidy Account of the successor (ESAF II) to the Enhanced Structural Adjustment Facility of the International Monetary Fund."

The bill would authorize the United States Governor of the International Monetary Fund (Fund) to contribute $100,000,000 on behalf of the United States to the Interest Subsidy Account of ESAF II. The commitment to make this contribution is subject to obtaining the necessary appropriations.

The original ESAF was established in 1987 to enable the Fund to provide balance of payments assistance on concessional terms of low-income developing countries that have protracted payments problems and that are prepared to adopt a multi-year economic and structural reform program. On December 15, 1993, the Fund adopted a decision to establish ESAF II once the Executive Board determines that sufficient contributions have been made to the facility's Interest Subsidy Account. The establishment of ESAF II would help assure that countries with minimum access to resources that are willing to initiate reforms are provided with continued access to resources on concessional terms.

It would be appreciated if you would lay the draft bill before the Senate. An identical draft bill has been transmitted to the Speaker of the House of Representatives.

The Office of Management and Budget has advised that there is no objection to the transmittal of this draft bill to the Congress, and that enactment would be in accord with the Administration's program.

Sincerely,

JEAN E. HANSON.

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By Mr. MURKOWSKI (for himself, Mr. STEVENS, and Mr. AKAKA):

S. 1958. A bill to amend title 38, United States Code, to exclude certain payments received under the Alaska Native Claims Settlement Act from the determination of annual income for purposes of eligibility for veterans pension; to the Committee on Veterans Affairs.

VETERANS PENSION LEGISLATION

Mr. MURKOWSKI. Mr. President, often when proposed legislation is presented to this body by its sponsors, they state that they are pleased to be introducing the bill in question. Usually, Mr. President, that is the case with me. Today, however, I am not entirely happy to be introducing a bill which, in my view, should not be necessary. Unfortunately, the failure of one Federal agency, the Department of Veterans Affairs [VA], to perceive accurately the clear intent of the Congress when it enacted amendments to the Alaska Native Claims Settlement Act [ANCSA] in 1987 makes this bill, which is purely technical and which seeks only to put into practical affect congressional intent as expressed in ANCSA, necessary. Before I launch into an explanation of the legislation I propose today, however, I want to thank my distinguished colleagues, Senators STEVENS and AKAKA, for joining me as cosponsors of this bill.

As many Members of this body will recall, the Congress has labored hard over the years to reach a series of compromises relating to the settlement of the land claims of Alaska's Native peoples. Those compromises are reflected in the text, and the underlying purposes of, the Alaska Native Claims Settlement Act, codified at 43 U.S.C. section 1601 et seq., as enacted in 1971, and amended in 1988. By the legislation that I introduce today, I do not intend to upset—or to effect in any way whatsoever—the delicate balance of compromises reflected in this landmark legislation; indeed, I would not amend ANCSA at all. My only purpose is to see to it that ANCSA, as amended in 1988, be put into full effect by requiring that the VA disregard payments received by Alaska Natives under ANCSA—as intended by the 1988 amendments to ANCSA—when it computes Alaska Natives' eligibility for VA's means-tested pensions programs. My amendment would amend statutes which govern VA's pension program to accomplish that result.

To fully explain why this legislation is necessary, I need to outline briefly the general terms of ANCSA and, in particular, a relatively minor—but absolutely critical—provision of the statute relating to needs-based Federal benefits. The overall purpose of ANCSA, as stated in the legislation itself, is to provide "a fair and just settlement of all claims by Natives and Native groups of Alaska, based on aboriginal land claims." Public Law 92-203, section 2(a), 85 Stat. 688 (1971). ANCSA was, and remains, an unusual—indeed, a landmark—piece of legislation in resolving Native land claims. In the words of our colleague, Senator BINGAMAN, ANCSA adopted "a novel, experimental approach in [the Federal Government's] relationship with Native Americans. It departed from the conventional method of * * * settling tribal land claims [by] creating * * * a framework for * * * administering Native lands and funds through a * * * [Native]-run corporate structure." S. Rept. No. 100-201 at 45, additional views.

To summarize, under ANCSA, Native Alaskans received a combination of cash, mineral lease proceeds, and land in exchange for the extinguishment of aboriginal land claims. Those assets, however, were not distributed directly to individual Native Alaskans when ANCSA was enacted in 1971. Rather, ANCSA authorized the creation of 12 Native owned and operated regional corporations to administer those assets for the benefit of Alaska Native shareholders. These corporations continue to exist today, and they distribute funds received in settlement of Native land claims, and funds generated from corporate earnings, to Native village corporations and to Alaska Native shareholders.

When ANCSA was enacted, the question arose as to whether these distributions should be taken into account in determining whether an Alaska Native would be eligible to receive Federal Food Stamp assistance. The Congress concluded—wisely, I think—that it would not be fair to penalize Alaska Natives for settling their land claims by causing them to lose eligibility for food stamps as a result of receiving settlement payments. Thus, ANCSA, as originally enacted, contained a provision, codified at 43 U.S.C. section 1626(b), which stated that "in determining the eligibility of any household to participate in the Food Stamp Program, any compensation, remuneration, revenue, or other benefit received by any member of such household * * * shall be disregarded." It was only when ANCSA was amended in 1988 that this "compensation disregard" provision was expanded.

As was stated in the Senate report accompanying the 1988 amendments to ANCSA,

> Currently, section 29 of ANCSA directs that any compensation, remuneration, revenue or other benefit received pursuant to ANCSA "shall be disregarded" in determining eligibility to participate in the Food Stamp Program. *Natives have been denied benefits or have received diminished benefits* in other Federal or federally-assisted programs, because of benefits received under ANCSA. Accordingly, the new subsection (c) in this section clarifies the present protections as *including all Federal or federally-assisted programs.* It also *specifically exempts dividends up to $2,000 per individual per year and dividends and distribution of stock from consideration in eligibility determinations.* Application of less restrictive eligibility tests are not prohibited by this language. S. Rept. 100-201 at 39 (emphasis added).

Based on this clear expression of intent to broaden and expand the already-existing "disregard" provisions within section 29 of ANCSA, the statute was amended to read as follows:

> In determining the eligibility of a household, an individual Native, or a descendant of a Native * * * to—
>
> * * * * *
>
> (3) receive financial assistance or *benefits, based on need, under any Federal program or federally-assisted program,*
>
> *none of the following* received from a Native corporation, shall be considered or taken into account as an asset or resource:
>
> (A) *cash (including cash dividends on stock received from a Native corporation) to the extent that it does not, in the aggregate, exceed $2,000 per individual per annum;*
>
> (B) stock (including stock issued or distributed by a Native corporation as a dividend or distribution on stock);
>
> (C) a partnership interest;
>
> (D) land or an interest in land (including land or an interest in land received from a Native Corporation as a dividend or distribution on stock); and
>
> (E) an interest in a settlement trust.
>
> 43 U.S.C. section 1626(c) (emphasis added).

It seems to me, Mr. President, that the law could hardly be clearer. By any reading of this statute, and the explanation of it contained in the Senate Energy and Natural Resources Committee's report, one can only conclude that ANCSA payments are to be disregarded not only for purposes of food stamps, but for any and all Federal needs-based benefits programs. To the extent that the words of the statute, or the Senate's expression of purpose, might have admitted to any ambiguity—and, frankly, I do not see how anyone could contend that they do—the requirement that ANCSA be construed in a fashion sympathetic to Native interests, see, e.g., *Cape Fox Corp.* v. *U.S.*, 4 Cl. Ct. 223, 231 (1983), would require that any such ambiguity be resolved to require the "disregarding" of ANCSA payments. When one considers that the needs-based benefit program in question is a veterans program—a program which embodies a longstanding tradition of resolving doubt in the veteran's favor—the door should have been slammed, I think, on any thought that ANCSA dividends might be used to reduce pension benefits to which a veteran might be eligible.

Unfortunately, the VA's general counsel has taken a differing view. In two separate legal opinions, the general counsel has stated, in effect, that despite the foregoing, VA shall take ANCSA dividends into account for purposes of determining eligibility for, and the amount of benefit received under, VA's veterans pension program. This, Mr. President, is totally indefensible in my view.

As is made clear in ANCSA, payments received under ANSCA—whether they be cash, cash dividends, up to $2,000 per year, stock dividends, land, whatever—are not to be "considered" or "taken into account" for purposes of determining eligibility for "benefits, based on need, under any Federal program." Equally, ANCSA payments are not to be taken into account for purposes of diminishing needs-based Federal benefits. See S. Rept. 100-201, supra. VA's pension program—which is not a retirement pension program but is, rather, an "income maintenance" program which assures that wartime veterans who are permanently and totally disabled due to nonservice connected disability will not be forced to live below subsistence income levels—is clearly a "benefit, based on need." See 38 U.S.C. chapter 15. And yet, VA allows payments received pursuant to ANCSA to be taken into account in determining if one is eligible to receive pension benefits. So, for example, a veteran having an annual income of $6,000 who would otherwise be eligible for pension would be disqualified if he or she were to receive $2,000 per year in cash dividends under ANCSA. Equally—and more importantly for practical purposes—VA offsets ANCSA dividends on a dollar-for-dollar basis when it computes the amount of pension benefits to be paid. So, for example, a VA pension recipient who would otherwise receive $7,397 per year in pension benefits would only receive $5,397 if he or she were also to be a recipient of $2,000 per year in ANCSA distributions. This despite the clear indication of congressional intent to the contrary.

My colleagues might ask how VA justifies such action. I am told that VA reasons as follows: ANCSA says that cash paid to Alaska Natives shall not be taken into account as "assets" or "resources;" a person's "assets" or "resources" are akin to his or her "net worth;" therefore, Congress intended that ANCSA payments not be taken into account for determining eligibility only for a certain kind of means tested benefits programs—those that rely on "net worth" computations—as distinguished from "annual income" computations—to determine eligibility; eligibility for VA pension programs is governed by the applicant's "annual income," not his or her "net worth;" therefore, ANCSA's directive that Native Corporation dividends be disregarded does not apply to VA pension programs, even though eligibility is based on need, since pension eligibility is determined by reference to annual income, not net worth. I will only comment, at this point, that this chain of reasoning stretches out of all proportion any considered interpretation of what Congress actually intended when it amended ANCSA in 1988.

Mr. President, the Congress had no such income versus net worth distinction in mind when it expanded the disregard provision of ANCSA. It had in mind something more direct: It wanted to preclude ANCSA payments from causing Alaska Natives to be ineligible for food stamps, and any other needs-based Federal benefits; and it wanted to assure that such benefits would not be diminished as a result of ANCSA receipts. My bill, Mr. President, would see to it that that clear intent would be put into effect by forbidding VA from taking ANCSA payments into account for purposes of its pension programs.

As I stated, Mr. President, when I opened these comments, I am not particularly pleased to introduce this legislation. In light of VA's interpretation of the law, this legislation is necessary. But it should not be necessary since, to my way of thinking, the words and policy of ANCSA clearly required the result dictated by this bill: a disregarding of Native Corporation payments under ANCSA for purposes of both eligibility for veterans pension payments and the amounts of those payments. If there is a lesson to be learned here it is that whatever words we choose in legislating we cannot rely on logic and common sense to guide the interpretation of those words.

I ask my colleagues to support this common sense piece of legislation. Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1958

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXCLUSION OF PAYMENTS FROM DETERMINATION OF ANNUAL INCOME.**

Section 1503(a) of title 38, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10)(B) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(11) cash, stock, land, or other interest referred to in subparagraphs (A) through (E) below paragraph (3) of section 29(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c)), whether attributable to the disposition of real property, profits from the operation of real property, or otherwise, that is received from a Native Corporation under such Act (43 U.S.C. 1601 et seq.).".

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By Mr. GRAHAM:

S. 1959. A bill to prevent delay in the completion of Federal construction projects, and for other purposes; to the Committee on Governmental Affairs.

### FEDERAL CONSTRUCTION PROJECT LEGISLATION

Mr. GRAHAM. Mr. President, I rise today to introduce a bill to speed up Federal construction projects. My bill is similar to a Florida State law which speeds up funding for State construction projects. The purpose was to accelerate the progress of getting capital outlay projects started. According to William Scaringe, the director of the Florida division of building construction, the Florida law has been very "effective and the State likes it." Mr. Scaringe said that during the first 3 to 4 years under the Florida law, projects would bunch up that agencies wanted to get bid. Now Mr. Scaringe says the State has no problem with the mandated deadlines. The State has the controls in place so projects get funded and the funds don't sit waiting for a project.

My bill is very similar to the State of Florida's law. Under my bill, a Federal project would lose its funding unless work begins within 2 years of the Federal appropriation. The goal is to speed up construction, to create jobs, and to use Federal dollars more efficiently. We should not leave Federal money sitting around and gathering dust when it could be used for worthwhile projects.

Under my bill, work on each phase of the project would have to begin within 2 years of Federal appropriation for that phase. If a project were funded for design, design would have to begin within 2 years. If a project were fully funded, construction would have to begin within 2 years.

Since 1992, my staff has reviewed federally funded construction projects in Florida. At this time we have found that more than one-fourth of Florida's federally funded construction projects are running behind schedule.

When we see that projects are delayed, I have written letters to the Federal and State agencies whenever a project is behind schedule. In these letters, I have tried to determine why the projects are lagging and whether I can help expedite them.

The bill would provide the incentive to diminish these delays, and to find alternatives for projects that are hopelessly behind schedule. It would also discourage Congress from appropriating money to projects that have not been carefully planned out and would help ensure that construction begins on projects before their design is obsolete.

In December 1993, 30 percent of Florida's projects—or 396 million dollars' worth—were listed as delayed.

Among the construction projects that are substantially delayed around the country are:

IRS Complex, Chamblee, GA—Site acquisition appropriated in 1990. Work has not begun.

Federal Building-Courthouse, Boston, MA—Construction appropriated in 1990. Construction has not begun.

Southeast Federal Center-Infrastructure, Washington, DC—Appropriated in 1991. Construction delayed until 1996.

The bill also requires each Federal agency to report to the Director of the Office of Management and Budget on a quarterly basis on the status of each ongoing construction project that is under the agency's jurisdiction. The agencies shall identify each project, which projects are delayed and the reason for the delay. This information shall be given to the Director of OMB who shall work with each agency to facilitate removal of the delay on each project. The Director will then report to the Congress on a annual basis on the construction projects.

The bill would only affect projects authorized after its enactment.

Mr. President, the bill is an important step to improve the Federal Government's fiscal responsibility and I encourage my colleagues to review and cosponsor this bill.

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By Mr. MCCAIN:

S. 1960. A bill to increase housing opportunities for Indians; to the Committee on Indian Affairs.

### INDIAN HOUSING DEVELOPMENT AND REFORM ACT OF 1994

Mr. MCCAIN. Mr. President, I rise today to introduce the Indian Housing Development and Reform Act of 1994.

Before I begin my remarks, I want to publicly express my appreciation to Senator MIKULSKI, Senator GRAMM, and their staffs for their efforts to secure and preserve increased funding for Indian housing. I know their efforts have given Indian people a renewed sense of hope that their housing needs have not been forgotten.

While the majority of our Nation has been served under the public housing program since it was first established in 1937, American Indians and Alaska Natives were not declared eligible for Federal housing programs until 1961. And in fact, a substantial number of Indian housing units were not authorized until the early 1970's. The Office of Indian Housing at the Department of Housing and Urban Development was not permanently established until 1978. Given the slow evolution of the Indian housing program, it is not hard to understand why there continues to be a substantial number of Indian families in need of safe, decent, and sanitary housing.

I want to briefly highlight a few key provisions contained in this bill.

First, the bill increases the current Indian housing authorization from 3,000 to 4,000 units. The primary concern of Indian tribes continues to be the authorization level for the development of new housing units. While appropriations for Indian housing have been near the presently authorized level for the past several years, I believe we can do better.

Second, my bill would reform Federal Indian housing programs by taking the Housing Improvement Program now administered by the Bureau of Indian Affairs at the Department of the Interior and consolidating it with the primary Federal Indian housing programs now administered by the Office of Native American Programs at the Department of Housing and Urban Development.

The objective of this consolidation is not—repeat—not to eliminate the Housing Improvement Program [HIP]. No one disputes the fact that HIP is a valuable source of housing assistance. Unfortunately, according to five separate audits by the Department of the Interior's inspector general, HIP has been seriously mismanaged and abused. In response to these audit findings, the former Assistant Secretary for Indian Affairs wrote the following memorandum chastising bureau personnel for failing to do their job:

DEPARTMENT OF THE INTERIOR,
*Washington, DC, April 12, 1993.*

To: All Area Directors, Director, Office of Self-Governance.

Through: Acting Deputy Commissioner of Indian Affairs.

From: Assistant Secretary-Indian Affairs.

Subject: Program Management.

The Housing Improvement Program (HIP) started informally in 1964 as an outgrowth of disaster relief efforts in California and Montana. Regulations were developed in 1975 and contracting pursuant to P.L. 93-638 began in late 1978. In 1983, Congress removed HIP funding from what was then known as the "Band" placing it in a construction account and directing that: "HIP be more cost effective and better meet housing need." The result was the redirected HIP which, among other things, included (1) inventory of housing need and (2) use of model contract.

A General Accounting Office (GAO) report in 1987 showed that redirected HIP internal controls needed strengthening in three areas. The Acting Assistant Secretary—Indian Affairs issued a five page memorandum on August 7, 1987, mandating corrective action covering model contracting enforcement, construction monitoring and inspection, and use of the selection criteria.

In 1992, the Office of the Inspector General (OIG) began HIP audits for selected Bureau of Indian Affairs (BIA) operated programs in Albuquerque and Sacramento Areas. They also audited one tribal P.L. 93-638 contract in Aberdeen and one in Sacramento. All reports pointed out serious management problems with the Housing Improvement Program. Similar weaknesses were identified by BIA staff in those Areas who applied A-123 reviews to HIP. It is noted that not all Areas fulfilled their responsibility with this internal review.

The OIG has also completed a HIP audit for the Portland Area. The pending report covers two BIA Agency HIP operations and three tribally contracted programs. It is anticipated that the Portland Audit will also be highly critical of HIP management.

In the past eighteen months we have been embarrassed by GAO and OIG reports on Social Services, Credit and Financing, and now HIP. A common thread which runs through these audits is that we are not being responsible program managers. We are not insuring compliance to regulations as to client eligibility and requirements. We are not verifying, documenting, and enforcing.

It doesn't seem to matter whether the program is BIA operated or the services provided pursuant to P.L. 93-638 contracts, we are failing to do our job. Public funds are being wasted; clients not eligible are being served and clients who should be served are not receiving needed assistance. This must stop.

As to HIP, we are working towards revision of 25 CFR 256 and updating the 64 BIAM. This will take some time. We are also developing an instrument for review of Area HIP. This will also take time. Meanwhile, each Area Director and the Director, Office of Self-Governance is required to do the following:

1. Review the Albuquerque, Sacramento and Pit River OIG Audits. Reports for Omaha and Portland will be distributed when they become final.
2. Review the position paper on redirected HIP which was approved by the Deputy Assistant Secretary—Indian Affairs on April 30, 1985, and transmitted to all Area Directors on May 21, 1985, by the Deputy Director, Office of Indian Services.
3. Review the August 7, 1987, memorandum to All Area Directors from the Acting Assistant Secretary—Indian Affairs entitled "General Accounting Office Audit Report on Indian Housing."
4. Review 25 CFR 256.
5. Certify that housing personnel are knowledgeable of those trade crafts required by page 11 of the redirected HIP Position Paper.
6. Certify that P.L. 93-638 contractors are using the model contract as required by "redirected HIP" and specifically mandated by the above referenced August 7, 1987, memorandum.
7. Certify that all units for which HIP funds are being expended have been inspected pursuant to 25 CFR 256.9, required by page 10 of the "Redirect" and mandated by page 2 of the August 7, 1987, memorandum.
8. Certify that all HIP recipients are eligible pursuant to 25 CFR 256.6 and selected in accord with 256.7 and page 2 of the 1987 memorandum.
9. Certify that Contracting Officers award HIP Contracts only after concurrence from the Housing Officers as to work plans, eligibility of homeowners, and funding. A copy of final inspection should become part of the contract file and Housing office records.

I expect a personal certification from each Area Director to the above nine (9) requirements by COB May 17, 1993. Your certification is to be addressed to the Deputy Commissioner of Indian Affairs. Any certification which cannot assure total compliance shall include a specific Action Plan not to exceed six (6) months for corrective action.

In conclusion, and perhaps waxing philosophically, a few words need to be said about public officials. Private citizens can do anything they so desire so long as it is not specifically prohibited by law. Public officials can only do those things which are specifically authorized. This is a very significant difference. Our authorizations derive from Public Laws, regulations, manuals, policies, court cases and IBIA decisions. If it is not authorized, we cannot do it.

Regardless of whether the desired action is perceived as good or bad, we do not possess the authority to act unless specifically authorized. We do not possess authority to serve ineligible clients, approve less than professional work (such as shoddy work on a HIP house) or fail to verify basic requirements.

Simply put, we have been acting outside of our authority (a very incriminating comment against public officials in a liberal democracy) to allow those things to occur which now have been documented in audits going back for a decade. We must become professional public officials.

The final report of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing did not mince words about the BIA's administration of HIP:

The BIA has consistently failed to fulfill its responsibility to Native American people mandated by the Snyder Act. In testimony before the Commission, the BIA has admitted that it failed to meet its own goals for providing basic housing needs. Its major housing program for Indians, the Housing Improvement Program, has functioned for over 20 years as a self-perpetuating bureaucracy unable to bring about any significant improvements in the Native housing crisis. BIA has underestimated housing needs and has built only a fraction of the new homes desperately required in Indian country. Annual HIP appropriations have been significantly below the BIA's own declared need.

Despite this criticism, the Commission recommended increased funding for HIP. Apparently, the Commission concluded that the need for housing assistance outweighed the need for HIP reform. I strongly disagree with the Commission. I believe it is important to ensure that all levels of government possess the integrity, accountability, and capability to meet the needs of Indian citizens. The overriding goal should be to strengthen and improve the capacity of the Federal and tribal governments to effectively and efficiently provide the necessary programs and services to the Indian people. I believe the best way to accomplish this goal for Indian housing is to transfer HIP to HUD.

In addition, I believe the transfer of HIP to HUD is consistent with the administration's proposals for reinventing government which seeks to lower administrative expenses by improving productivity and efficiency. In fact, the report of the National Performance Review included several recommendations for the consolidation of various Federal programs that have a common goal. The transfer would also contribute to the President's goal of reducing Federal employment by 252,000 full-time employees by 1999.

I want to point out to my friends in Indian country that while I see merit in transferring HIP to HUD, it does not represent a general belief on my part that there needs to be a wholesale division and transfer of BIA programs to other Federal agencies as some people will argue.

Finally, section 8 of the bill authorizes $500,000 in grants to Indian tribal governments to obtain technical assistance. In the past, the Congress has seen fit to identify one organization for Indian tribes to secure such assistance. After thinking carefully about this particular approach, I believe technical assistance is best arranged between an Indian tribe and the service provider that the tribe believes can best meet its needs. The service provider is then made directly accountable to the tribe and is likely to deliver a higher quality of service in return. I do not believe any organization is entitled to Federal assistance which establishes them as the sole provider. Organizations should earn the trust of the constituency they seek to serve.

Mr. President, I ask unanimous consent that a copy of the bill and the section-by-section analysis to the bill be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1960

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Indian Housing Development and Reform Act of 1994".

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) Indian tribes face an unprecedented crisis due to the lack of shelter for a growing number of individuals and families, including elderly persons, persons with disabilities, and families with children;

(2) the demand for Indian housing has become more severe and, in the absence of more effective efforts and consistent funding, is expected to become dramatically worse, endangering the lives and safety of Indian and Alaska Native people;

(3) the Federal Government has a historical and special legal relationship with, and resulting responsibility to, Indian tribes;

(4) included within the relationship referred to in paragraph (3) is a trust responsibility to provide decent, safe, sanitary, and affordable housing to the members of Indian tribes residing on reservations;

(5) the Inspector General of the Department of the Interior has issued several audit reports on various area offices of the Bureau of Indian Affairs and has concluded that the Housing Improvement Program has been severely mismanaged and abused;

(6) as a result of the mismanagement and abuse of the Housing Improvement Program, persons who are not eligible for the Program are receiving assistance while persons who are eligible for the Program are not receiving needed assistance;

(7) the Secretary of Housing and Urban Development has the primary responsibility for the delivery of Indian housing services; and

(8) the transfer of the Housing Improvement Program to the Department of Housing and Urban Development will eliminate useless bureaucracy and waste while allowing the Secretary of Housing and Urban Development to administer the Housing Improvement Program according to the Program's intended goals and objectives.

**SEC. 3. DEFINITIONS.**

For purposes of this Act, the following definitions shall apply:

(1) DEPARTMENT.—The term "Department", unless otherwise specified, means the Department of Housing and Urban Development.

(2) INCORPORATED DEFINITIONS.—The terms "Indian", "Indian housing authority", and "Indian tribe" have the same meanings as in section 3 of the United States Housing Act of 1937.

(3) PROGRAM.—The term "Program" means the Housing Improvement Program of the Bureau of Indian Affairs, Department of the Interior, as set forth in part 256 of title 25, Code of Federal Regulations.

(4) SECRETARY.—The term "Secretary", unless otherwise specified, means the Secretary of Housing and Urban Development.

**SEC. 4. HOUSING IMPROVEMENT PROGRAM.**

(a) TRANSFER OF PROGRAM.—

(1) IN GENERAL.—The Program is hereby transferred to the Department.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the expiration of the 180-day period following the date of enactment of this Act.

(b) PROGRAM GOALS.—Notwithstanding any other provision of law, the goals of the Program are—

(1) to benefit Indian families by providing decent, safe, and sanitary shelter and by reducing the health and social costs created by an unsafe and unsanitary environment; and

(2) to provide for renovations, repairs, and additions to existing Indian houses, including repairs to houses that remain substandard but need repairs for the health or safety of the occupants and repairs to bring Indian houses to standard condition.

(c) ADMINISTRATION OF THE PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out the Program in accordance with this section.

(2) LIMITATION ON ASSISTANCE.—Notwithstanding paragraph (3) or any other provision of law, the Secretary, unless otherwise authorized by the governing body of an Indian tribe—

(A) shall provide assistance under the Program only to the governing body of an Indian tribe; and

(B) shall not provide any such assistance to an Indian housing authority.

(3) MODIFICATIONS TO PROGRAM.—The Secretary is authorized to modify or otherwise change the Program to meet the goals set forth in subsection (b).

(d) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS.—Except as otherwise provided in this section, the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the Program, subject to section 1531 of title 31, United States Code, shall be transferred to the Department. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

(e) TRANSFER OF PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided in this section, the Secretary of the Interior shall transfer such personnel to the Department to administer the Program as the Secretary considers necessary and appropriate.

(2) NO SEPARATION OR REDUCTION IN GRADE OR COMPENSATION FOR 1 YEAR.—Except as otherwise provided in this section, any transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation during the 1-year period beginning on the date on which the employee is transferred to the Department.

(3) EXECUTIVE SCHEDULE EMPLOYEES.—Except as otherwise provided in this section, any person who, on the day preceding the date on which such person is transferred to the Department under this section, holds a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(4) PRESIDENTIAL APPOINTEES.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred pursuant to this section, shall terminate on the effective date of this section.

(f) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the Program, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with the Program, as may be necessary to carry out this section. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for such further measures and dispositions as may be necessary to effectuate the purposes of this section.

(g) Continuing Effect of Legal Documents.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official, or by a court of competent jurisdiction, in the performance of the Program which are transferred under this section; and

(2) that are in effect on the effective date of subsection (a)(1), or that were final before such date and are to become effective on or after such date;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(h) Proceedings Not Affected.—The provisions of this section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Department of the Interior on the effective date of subsection (a)(1), with respect to the Program, and such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this section shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(i) Actions Not Affected.—The provisions of this section shall not affect actions commenced before the effective date of subsection (a)(1), and in all such actions, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(j) Nonabatement of Actions.—No action or other proceeding commenced by or against the Department of the Interior, or by or against any individual in the official capacity of such individual as an officer of the Department of the Interior, shall abate by reason of the enactment of this section.

(k) Administrative Actions Relating to Promulgation of Regulations.—Any administrative action relating to the preparation or promulgation of a regulation by the Department of the Interior relating to the Program may be continued by the Department with the same effect as if this section had not been enacted.

(*l*) Transition.—The Secretary is authorized to utilize—

(1) the services of such officers, employees, and other personnel of the Department of the Interior with respect to the Program; and

(2) funds appropriated to the Program for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(m) References.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the Secretary of the Interior, with regard to the Program, shall be deemed to refer to the Secretary; and

(2) the Department of the Interior, with regard to the Program, shall be deemed to refer to the Department.

(n) Regulations.—The Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out this section. The Secretary shall issue final regulations to carry out this section, based on such notice, after providing opportunity for public comment on the notice.

(o) Authorization of Appropriations.—There are authorized to be appropriated $34,000,000 for fiscal years 1996, 1997, 1998, 1999, and 2000 to carry out the Program.

### SEC. 5. AUTHORIZATION.

Section 5(c) of the United States Housing Act of 1937 (42 U.S.C. 1437c(c)) is amended by adding at the end the following new paragraph:

"(9) Using the additional budget authority that becomes available during fiscal years 1996, 1997, 1998, 1999, and 2000, the Secretary shall, to the extent approved in appropriation Acts, reserve authority to enter into obligations aggregating, for public housing grants for Indian families under subsection (a)(2), an amount sufficient to provide assistance for an additional 4,000 units of Indian housing for each such year.".

### SEC. 6. ELIGIBLE INDIANS.

Section 201 of the United States Housing Act of 1937 (42 U.S.C. 1437aa) is amended by adding at the end the following new subsection:

"(d) Eligible Families.—

"(1) In general.—Except as provided in section 202(d) of this title and paragraph (2) of this subsection, low-income housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority shall be limited to Indian low-income families.

"(2) Exception.—An Indian housing authority may provide assistance to any non-Indian family on an Indian reservation or other Indian area if the Indian housing authority determines that the need for housing for such families on the Indian reservation or other Indian area cannot reasonably be met without such assistance.

"(3) Existing assistance.—Nothing in this subsection shall be construed to prohibit or otherwise affect any assistance provided to a family served by an Indian housing authority on the date of enactment of this subsection.".

### SEC. 7. CERTAIN WAGE RATES NOT APPLICABLE.

(a) Wage Rates.—Beginning on the date of enactment of this Act, the provisions of the Davis-Bacon Act shall not be applicable to any construction, alteration, or repair, including painting and decorating, carried out pursuant to any contract entered into after the date of enactment of this Act, except as provided in subsection (b), in connection with any housing project of 40 units or less involving Indian housing developed or operated by an Indian housing authority.

(b) Existing Contracts.—The provisions of subsection (a) shall not affect any contract in effect on the date of enactment of this Act, or any contract that is entered into on or after such date of enactment pursuant to invitations for bids that were outstanding on such date of enactment.

### SEC. 8. TECHNICAL ASSISTANCE.

(a) Technical Assistance Grants.—The Secretary is authorized to make grants to Indian tribes for use by such tribes in obtaining technical assistance in connection with Indian housing programs.

(b) Authorization of Appropriations.—There are authorized to be appropriated $500,000 to carry out the provisions of subsection (a).

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## SECTION-BY-SECTION ANALYSIS OF THE INDIAN HOUSING DEVELOPMENT AND REFORM ACT OF 1994

Section 1. Short Title.

Section 2. Congressional findings.

Section 3. Definitions.

Section 4. This section transfers the Housing Improvement Program at the Bureau of Indian Affairs to the Department of Housing and Urban Development. The department would use the same goals, standards and objectives of the existing HIP program. In addition, program funding would still be made to Indian tribal governments. The bill authorizes $34 million per year through FY 2000. HIP funding has generally ranged between $17 million to $20 million per year.

Section 5. This section authorizes budget authority sufficient to provide 4,000 units of Indian housing per year through FY 2000. The current authorization is 3,000 units.

Section 6. (a) Amends the 1937 Housing Act by requiring that the HUD Indian housing program is limited to low-income Indian families.

(b) An Indian housing authority is authorized to assist non-Indian families only if it is determined that the housing needs of non-Indian families on an Indian reservation cannot be reasonably met without such assistance.

(c) Any non-Indian family currently being served by an Indian housing authority is not affected by this section.

Section 7. (a) provides that the prevailing wage rates shall not apply to an Indian housing project that involves 40 units or less.

(b) provides that existing contracts, contracts signed on the date of enactment or invitations for bids issued before the date of enactment shall not be affected by this section.

Section 8. This section authorizes technical assistance grants to be made to Indian tribes. Tribes may then purchase technical assistance from the provider of choice. The bill authorizes $500,000 for this section.

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By Mr. KENNEDY (for himself, Mr. Dodd, Mr. DeConcini, and Mr. Kerry):

S. 1961. A bill to provide for necessary medical care for former civilian prisoners of war; to the Committee on Labor and Human Resources.

## CIVILIAN EX-POW HEALTH AND DISABILITY LEGISLATION

Mr. KENNEDY. Mr. President, on behalf of Senators Dodd, DeConcini, Kerry, and myself, I am introducing legislation to address the health and disability needs of civilian ex-prisoners of war.

The bill concerns basic issues of fairness and justice for a group of Americans who have endured a great deal of suffering and who urgently need relief. In 1948, Congress passed the War Claims Act which extended health disability and detention benefits to more than 6,000 American civilians interned by the Japanese during World War II. Most of them were private citizens residing in the Philippines at the outbreak of the war.

Like military ex-POW's, civilian internees suffer from a number of physical and psychological disabilities caused by their imprisonment. Among the most common are gum disease caused by their poor diet in the internment camps, and post-traumatic stress syndrome.

The War Claims Act created a War Claims Commission to administer benefits to these individuals. That function was later taken over by the Department of Labor's Office of Worker's Compensation Program [OWCP]. It also established eligibility criteria, benefit levels, and procedural requirements that claimants must meet in order to receive medical and disability benefits. Of close to 5,000 cases administered since the War Claims Act was passed, between 75–100 cases remain active.

By the time War Claims Act became law, the needs of other POW groups had already been addressed. Former military POW's had access to health and disability benefits through the Veterans' Administration. Compensation programs for Federal employees interned in wartime prison camps had been authorized in 1916 by the Federal Employees Compensation Act. Similar benefits for the employees of independent Federal contractors were established in 1942 under the Defense Base Act.

Despite the importance of the 1948 law in securing health and disability benefits for civilian ex-POW's, the act is deficient in a number of important respects.

First, the 1948 law covers only those who were interned in the Philippines and other Japanese-controlled territories during World War II. This provision excludes a majority of WWII-era detainees. According to the Committee on Civilian Internee Rights, eliminating this exclusion would extend coverage by an additional 5,600 survivors, raising the total number of civilian ex-POW's covered by Federal health and disability benefits to 8,600. It also denies coverage to approximately 100 American civilians detained in Korea and Vietnam during the conflicts in those regions.

Second, the process for filing claims is unnecessarily burdensome and out of step with the more streamlined approach used to administer medical and disability benefits to other POW's. The Department of Veterans Affairs automatically approves claims related to presumptive conditions—conditions widely recognized as caused or exacerbated by periods of internment. But former civilian POW's must document that an injury or medical condition is related to their detainment, no matter how common the condition.

Finally, the disability benefits established by the War Claims Act have been unfairly eroded by four and a half decades of inflation. Under the act, the level of disability benefits is set at $25 a week—an amount derived by taking 66 percent of the National Average Weekly Wage in 1948.

Further, the maximum amount of disability benefits is set by the law at $7,500 per claimant. By contrast, the law covering those who were Federal workers or Federal contractors at the time of their capture imposes no such limit, benefit levels are automatically adjusted for increases in the cost of living.

The Civilian Ex-Prisoner of War Health and Disability Benefits Act of 1994 corrects these deficiencies. All civilian POW's from WWII and the Korean and Vietnam wars will be eligible to receive health and disability benefits. This eligibility extension also applies to civilians who went into hiding to avoid becoming prisoners of war in those conflicts.

In determining eligibility, the bill extends to civilian POW's the same presumptive conditions used by the VA to evaluate claims filed by former military POW's.

Benefit levels are also updated by the measure. The bill eliminates the per claimant cap on total disability payments under the War Claims Act. In addition, the bill sets weekly disability payment levels at the levels established by FECA, thereby creating parity with ex-POW's who were Federal workers of Federal contractors when they were interned. Linking compensation levels to FECA also assures that disability benefit levels will be adjusted every year of increases in the cost of living.

Mr. President, this bill is long overdue as a matter of simple justice. I hope that Congress will expedite its action, and I ask unanimous consent that its text may be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1961

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Civilian Ex-Prisoner of War Health and Disability Benefits Act of 1994".

**SEC. 2. MEDICAL CARE AND DISABILITY BENEFITS.**

(a) ELIGIBILITY.—A former civilian prisoner of war is entitled to receive necessary medical care and disability benefits for any injury or disability resulting from the period of internment or hiding. Any presumptive medical and dental condition related to a period of internment provided for former military prisoners of war under section 1112(b) of title 38, United States Code, shall be extended to former civilian prisoners of war and shall be considered to have been incurred in or aggravated by such period of internment or hiding without regard to the absence of any record of such injury.

(b) PAYMENT OF BENEFITS.—Prompt monetary payment or reimbursement shall be facilitated for reasonable and necessary expenditures for all medical treatment, including rehabilitation, mental health services, and dental care, provided for under this section for which a claim and any documentation determined necessary by the Secretary of Labor has been filed with the Secretary of Labor.

(c) WAIVER OF LIMITATIONS.—There shall be no limitation on the total medical or disability benefits which a person may receive for any injury or disability resulting from the period of internment or hiding.

(d) RATE OF COMPENSATION.—Compensation for disability shall be equal to the weekly equivalent of the minimum monthly rate of compensation payable for a total disability covered by chapter 81 of title 5, United States Code, as computed under section 8112(a) of such title.

(e) CREDITING BENEFITS UNDER THE SOCIAL SECURITY ACT.—The benefits provided by this section to any individual shall be reduced to the extent such benefits are provided under title XVIII of the Social Security Act, or any private insurance, for the same medical condition or disability.

**SEC. 3. ADVISORY COMMITTEE.**

(a) ESTABLISHMENT.—The Secretary of Labor shall establish an advisory committee to be known as the Former Civilian Prisoner of War Committee (hereafter in this section referred to as the "advisory committee"). The members of the advisory committee shall be appointed by the Secretary of Labor from the general public and shall include appropriate representatives of former civilian prisoners of war and individuals who are recognized authorities in fields pertinent to the injuries and disabilities prevalent among former civilian prisoners of war.

(b) AUTHORITY OF THE SECRETARY OF LABOR.—The Secretary of Labor shall determine the number, terms of service, and pay and allowances of members of the advisory committee. The Secretary of Labor shall consult with and seek the advice of the advisory committee with respect to the administration of benefits under this Act.

(c) REPORT.—Not later than January 1, 1996, the Secretary of Labor shall submit to Congress a report on the programs and activities of the Department of Labor that pertain to those former civilian prisoners of war. The Secretary of Labor shall include in the report—

(A) an assessment of the needs of such civilian prisoners of war with respect to health and disability benefits;

(B) a review of the programs and activities of the Office of Workers' Compensation Program designed to meet such needs; and

(C) such recommendations as the advisory committee considers to be appropriate.

(d) INFORMATION ON BENEFITS.—Not later than 90 days after the date of enactment of this Act, and at appropriate times thereafter, the Secretary of Labor shall seek out former civilian prisoners of war and provide them with information regarding applicable changes in law, regulations, and services to which such citizens are entitled by virtue of this Act.

**SEC. 4. REGULATIONS.**

The Secretary of Labor shall prescribe regulations as may be necessary to ensure that benefits provided to former civilian prisoners of war under this Act are coordinated with and do not duplicate any benefits provided such persons under the War Claims Act.

**SEC. 5. DEFINITIONS.**

For purposes of this Act—

(1) the term "former civilian prisoner of war" means a person determined by the Department of Labor, in consultation with the Department of State and the Department of Defense, as being someone who, being then a citizen of the United States was forcibly interned by an enemy government or its agents, or a hostile force, or who went into hiding in order to avoid capture by such government, its agents, or hostile force, during a period of war, or other period for at least 30 days, including those interned or who went into hiding during the Asian-Pacific Theater or in the European Theater of World War II during the period beginning September 1, 1939, and ending December 31, 1946, in Korea during the period beginning June 25, 1950, and ending July 1, 1955, or in Vietnam during the period beginning February 28, 1961, and ending on the date designated by the President by Executive order as the date of termination of the Vietnam conflict, except—

(A) a person who at any time voluntarily gave aid to, collaborated with, or in any manner served such a government, or

(B) a person who at the time of his capture or entrance into hiding was—

(i) a person within the purview of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, and as extended;

(ii) a person within the purview of the Act entitled "An Act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes", approved December 2, 1942, as amended; or

(iii) a regularly appointed, enrolled, enlisted, or inducted member of any military or naval force; and

(2) the term "hostile force" means any nation, or any national thereof, or any other person serving a foreign nation—

(A) engaged in war against the United States or any of its allies; or

(B) engaged in armed conflict, whether or not war has been declared, against the United States or any of its allies.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this Act, such sums as may be necessary for each of the fiscal years 1995 through 2000.

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By Mr. DODD (for himself and Mr. ROCKEFELLER):

S. 1962. A bill to provide for demonstration projects in 6 States to establish or improve a system of assured minimum child support payments; to the Committee on Finance.

### CHILD SUPPORT ASSURANCE ACT OF 1994

Mr. DODD. Mr. President, I rise today to introduce a piece of legislation whose subject should be central to our debate over welfare reform. This bill, the Child Support Assurance Act of 1994, seeks to put a stop to one of the principal causes of child poverty in this country, lack of financial support from absent parents. I am delighted to be joined in this effort by my colleague from West Virginia, Senator ROCKEFELLER, who has long been a champion of children's causes and this concept in particular.

If I had to sum this legislation in one word, it would be responsibility: Parents' responsibility to support their kids and our responsibility as a nation to support struggling families. If we can begin to live up to these responsibilities, we will go a long way toward solving the problems that lead people to turn to welfare.

### WELFARE REFORM, WELFARE PREVENTION

I firmly believe we will not succeed in reforming welfare until we succeed in reforming child support. In my view, the term welfare reform does not do justice to the task at hand. Of course, we need welfare reform that will encourage people to become self-sufficient and leave government assistance. But just as important, we need welfare prevention—policies to allow people to avoid welfare in the first place. We need to seriously ask ourselves, what can we as a nation do to support families in danger of sliding into poverty?

At or near the top of our list of answers should be putting some teeth and some assurances into our child support system. Lack of child support is one of the principal causes of poverty for one-parent families. The census bureau illustrated this fact when it estimated that between 1984 and 1986 approximately half-a-million children fell into poverty after their father left home.

In 1989 alone, the children and single parents of America were owed $5.1 billion in unpaid child support. This week, we will discuss a budget resolution in which we had to squeeze and cut just to come up with an extra $700 million for Head Start this year. And that $700 million should make a real difference in the fight against child poverty. But $700 million is tiny in comparison with the amount of money owed in back child support. Can you imagine the difference it would make for the children of America if they received that $5 billion they are being cheated out of annually?

Connecticut is no different from any other State. Despite a child support enforcement system that ranks among the best in the Nation, its child support delinquencies now total nearly half-a-billion dollars. That is half-a-billion dollars in a State of only 3½ million people.

### CLEAR CONNECTION

The clear connection between child support and welfare was illustrated for the subcommittee on children last August during a hearing I chaired on this topic. Geraldine Jensen testified about struggling as a single mother, receiving no help from her ex-husband. She had to work 60 hours a week just to make ends meet. One day she realized her kids had gone from two parents to one parent when her husband left, and then from one parent to none when she had to take her second job. She was working so much that she had no time for her children.

So Ms. Jensen quit her jobs and went on AFDC. She finally collected the child support owed her 7 years later, and she was able to get back on her feet. As president of the Association for Children for the Enforcement of Support, Ms. Jensen is now working to fashion a child support system that will make stories like hers a thing of the past.

But the reality today is that there are far too many families out there like Ms. Jensen's. And far too many children are plunged into poverty when their parents do not live up to their responsibilities.

The poverty rate for single-parent families headed by women is nearly 33 percent. This compares to a poverty rate of under 8 percent for 2-parent families.

Why is the poverty rate so high for households led by single women? The primary reason is a lack of support from absent fathers. Forty-two percent of single mothers do not even have child support orders for their children. For poor women, this figure is 57 percent. And a child support order is no guarantee of support. In 1989, half of all mother-let families with child support orders received no support at all or less than the amount due.

### CHILDHOOD'S END

As a recent report titled "Childhood's End" by the National Child Support Assurance Consortium poignantly illustrated, these are much more than simply numbers on a page for the children involved. For far too many young Americans, the lack of child support means poverty. It means not being able to go to the doctor when they're sick. It means going to bed hungry. It means teetering on the brink of homelessness.

We have known for some time now that our child support system needs a major overhaul. The Child Support Amendments of 1984 and the Family Support Act of 1988 made modest improvements. For every 100 child support cases in 1983, there were 15 in which there was a collection. In 1990, there were 18. Out of 100, 15 to 18 is a step in the right direction, but we clearly have a long, long way to go.

The bill we are introducing today would take us further down the road toward an effective child support system. It would create incentives for responsible behavior: Incentives for custodial parents to seek child support orders, incentives for noncustodial parents to follow those orders, and incentives for States to make sure this whole process works. As a last resort, it would provide a minimum level of support for all children not living with both parents.

Right now, the poor children of America are the ones paying for the failings of our families and the failings of our child support system. It is time for all of us to help shoulder this burden.

RIGOROUS REQUIREMENTS

The bill would authorize demonstrate grants to six States for use in guaranteeing and assured child support benefit. Participating States would have to meet a rigorous set of requirements. To qualify, States would already have to be doing a good job of collecting child support and would have to be at, or above, the national median for paternity establishment. And during the course of the grant, the State would have to show real, measurable improvement in paternity establishment, child support orders, and collections.

Just as the Child Support Assurance Act calls on participating States to meet their obligations, it would do the same for participating families. To qualify, the custodial parent would have to possess, or be seeking, a child support award or have a good reason not to.

We hope that this approach will serve as a model for the country. To test this proposition, the Department of Health and Human Services would conduct 3- and 5-year evaluations of the demonstration programs to gauge whether the approach should be extended nationally.

I hope my colleagues will join Senator ROCKEFELLER and me in supporting this legislation and demanding that we all meet our responsibilities to America's children.

I ask unanimous consent that the full text of this bill be printed in the RECORD, along with several letters of support.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1962

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Child Support Assurance Act of 1994".

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds that—

(1) the number of single-parent households has increased significantly;

(2) there is a high correlation between childhood poverty and growing up in a single-parent household;

(3) family dissolution often brings the economic consequence of a lower standard of living for the custodian and children;

(4) children are nearly twice as likely to be in poverty after a family dissolution as before a family dissolution;

(5) one-fourth of the single mothers who are owed child support receive none and another one-fourth of such mothers receive only partial child support payments;

(6) single mothers above and below the poverty line are equally likely to receive none of the child support they are owed; and

(7) the failure of children to receive an adequate level of child support limits the ability of such children to thrive and to develop their potential and leads to long-term societal costs in terms of health care, welfare, and loss in labor force productivity.

(b) PURPOSE.—It is the purpose of this Act to enable participating States to establish child support assurance systems in order to improve the economic circumstances of children who do not receive a minimum level of child support from the noncustodial parents of such children and to strengthen the establishment and enforcement of child support awards. The child support assurance approach is structured on a demonstration basis in order to implement and evaluate different options with respect to the provision of intensive support services and mechanisms for administering the program on a national basis.

**SEC. 3. ESTABLISHMENT OF CHILD SUPPORT ASSURANCE DEMONSTRATION PROJECTS.**

(a) IN GENERAL.—In order to encourage States to provide a guaranteed minimum level of child support for every eligible child not receiving such support, the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall make grants to not more than 6 States to conduct demonstration projects for the purpose of establishing or improving a system of assured minimum child support payments in accordance with this section.

(b) CONTENTS OF APPLICATION.—An application for grants under this section shall be submitted by the Governor of a State and shall—

(1) contain a description of the proposed child support assurance project to be established, implemented, or improved using amounts provided under this section, including the level of the assured benefit to be provided, the specific activities to be undertaken, and the agencies that will be involved;

(2) specify whether the project will be carried out throughout the State or in limited areas of the State;

(3) estimate the number of children who will be eligible for assured minimum child support payments under the project, and the amounts to which they will be entitled on average as individuals and in the aggregate;

(4) describe the child support guidelines and review procedures which are in use in the State and any expected modifications;

(5) contain a commitment by the State to carry out the project during a period of not less than 3 and not more than 5 consecutive fiscal years beginning with fiscal year 1996;

(6) contain assurances that the State—

(A) is currently at or above the national median paternity establishment rate (as defined in section 452(g)(2) of the Social Security Act),

(B) will improve the performance of the agency designated by the State to carry out the requirements under part D of title IV of the Social Security Act by at least 4 percent each year in which the State operates a child support assurance project under this section in—

(i) the number of cases in which paternity is established when required;

(ii) the number of cases in which child support orders are obtained; and

(iii) the number of cases with child support orders in which collections are made; and

(C) to the maximum extent possible under current law, will use Federal, State, and local job training assistance to assist individuals who have been determined to be unable to meet such individuals' child support obligations;

(7) describe the extent to which multiple agencies, including those responsible for administering the Aid to Families With Dependent Children Program under part A of title IV of the Social Security Act and child support collection, enforcement, and payment under part D of such title, will be involved in the design and operation of the child support assurance project; and

(8) contain such other information as the Secretary may require by regulation.

(c) USE OF FUNDS.—A State shall use amounts provided under a grant awarded under this section to carry out a child support assurance project designed to provide a minimum monthly child support benefit for each eligible child in the State to the extent that such minimum child support is not paid in a month by the noncustodial parent.

(d) REQUIREMENTS.—(1) A child support assurance project funded under this section shall provide that—

(A) any child (as defined in paragraph (2)) with a living noncustodial parent for whom a child support order has been sought (as defined in paragraph (3)) or obtained and any child who meets "good cause" criteria for not seeking or enforcing a support order is eligible for the assured child support benefit;

(B) the assured child support benefit shall be paid promptly to the custodial parent at least once a month and shall be—

(i) an amount determined by the State which is—

(I) not less than $1,500 per year for the first child, $1,000 per year for the second child, and $500 per year for the third and each subsequent child, and

(II) not more than $3,000 per year for the first child and $1,000 per year for the second and each subsequent child;

(ii) offset and reduced to the extent that the custodial parent receives child support in a month from the noncustodial parent;

(iii) indexed and adjusted for inflation; and

(iv) in the case of a family of children with multiple noncustodial parents, calculated in the same manner as if all such children were full siblings, but any child support payment from a particular noncustodial parent shall only be applied against the assured child support benefit for the child or children of that particular noncustodial parent;

(C) for purposes of determining the need of a child or relative and the level of assistance, one-half of the amount received as a child support payment shall be disregarded from income until the total amount of child support and Aid to Families With Dependent Children benefit received under part A of title IV of the Social Security Act equals the Federal poverty level for a family of comparable size;

(D) in the event that the family as a whole becomes ineligible for Aid to Families With Dependent Children under part A of the Social Security Act due to consideration of assured child support benefits, the continuing eligibility of the caretaker for Aid to Families With Dependent Children under such title shall be calculated without consideration of the assured child support benefit; and

(E) in order to participate in the child support assurance project, the child's caretaker shall apply for services of the State's child support enforcement program under part D of title IV of the Social Security Act.

(2) For purposes of this section, the term "child" means an individual who is of such an age, disability, or educational status as to be eligible for child support as provided for by the law of the State in which such individual resides.

(3) For purposes of this section, a child support order shall be deemed to have been "sought" where an individual has applied for services from the State agency designated by

the State to carry out the requirements of part D of title IV of the Social Security Act or has sought a child support order through representation by private or public counsel or pro se.

(e) CONSIDERATION AND PRIORITY OF APPLICATIONS.—(1) The Secretary shall consider all applications received from States desiring to conduct demonstration projects under this section and shall approve not more than 6 applications which appear likely to contribute significantly to the achievement of the purpose of this section. In selecting States to conduct demonstration projects under this section, the Secretary shall—

(A) ensure that the applications selected represent a diversity of minimum benefits distributed throughout the range specified in subsection (d)(1)(B)(i);

(B) consider the geographic dispersion and variation in population of the applicants;

(C) give priority to States the applications of which demonstrate—

(i) significant recent improvements in—

(I) establishing paternity and child support awards,

(II) enforcement of child support awards, and

(III) collection of child support payments;

(ii) a record of effective automation; and

(iii) that efforts will be made to link child support systems with other service delivery systems;

(D) ensure that the proposed projects will be of a size sufficient to obtain a meaningful measure of the effects of child support assurance;

(E) give priority, first, to States intending to operate a child support assurance project on a statewide basis, and, second, to States that are committed to phasing in an expansion of such project to the entire State, if interim evaluations suggest such expansion is warranted; and

(F) ensure that, if feasible, the States selected use a variety of approaches for child support guidelines.

(2) Of the States selected to participate in the demonstration projects conducted under this section, the Secretary shall require, if feasible—

(A) that at least 2 provide intensive integrated social services for low-income participants in the child support assurance project, for the purpose of assisting such participants in improving their employment, housing, health, and educational status; and

(B) that at least 2 have adopted the Uniform Interstate Family Support Act.

(f) DURATION.—(1) During fiscal year 1995, the Secretary shall develop criteria, select the States to participate in the demonstration, and plan for the evaluation required under subsection (h). The demonstration projects conducted under this section shall commence on October 1, 1995, and shall be conducted for not less than 3 and not more than 5 consecutive fiscal years, except that the Secretary may terminate a project before the end of such period if the Secretary determines that the State conducting the project is not in substantial compliance with the terms of the application approved by the Secretary under this section.

(g) COST SAVINGS RECOVERY.—The Secretary shall develop a methodology to identify any State cost savings realized in connection with the implementation of a child support assurance project conducted under this Act. Any such savings realized as a result of the implementation of a child support assurance project shall be utilized for child support enforcement improvements or expansions and improvements in the Aid to Families With Dependent Children Program conducted under part A of title IV of the Social Security Act within the participating State.

(h) EVALUATION AND REPORT TO CONGRESS.—(1) The Secretary shall conduct an evaluation of the effectiveness of the demonstration projects funded under this section. The evaluation shall include an assessment of the effect of an assured benefit on—

(A) income from nongovernment sources and the number of hours worked;

(B) the use and amount of government supports;

(C) the ability to accumulate resources;

(D) the well-being of the children, including educational attainment and school behavior; and

(E) the State's rates of establishing paternity and support orders and of collecting support.

(2) Three and 5 years after commencement of the demonstration projects, the Secretary shall submit an interim and final report based on the evaluation to the Committee on Finance and the Committee on Labor and Human Resources of the Senate, and the Committee on Ways and Means and the Committee on Education and Labor of the House of Representatives concerning the effectiveness of the child support assurance projects funded under this section.

(i) STATE REPORTS.—The Secretary shall require each State that conducts a demonstration project under this section to annually report such information on the project's operation as the Secretary may require, except that all such information shall be reported according to a uniform format prescribed by the Secretary.

(j) RESTRICTIONS ON MATCHING AND USE OF FUNDS.—(1) A State conducting a demonstration project under this section shall be required—

(A) except as provided in paragraph (2), to provide not less than 20 percent of the total amounts expended in each calendar year of the project to pay the costs associated with the project funded under this section;

(B) to maintain its level of expenditures for child support collection, enforcement, and payment at the same level, or at a higher level, than such expenditures were prior to such State's participation in a demonstration project provided by this section; and

(C) to maintain the Aid to Families With Dependent Children benefits provided under part A of title IV of the Social Security Act at the same level, or at a higher level, as the level of such benefits on the date of the enactment of this Act.

(2) A State participating in a demonstration project under this section may provide no less than 10 percent of the total amounts expended to pay the costs associated with the project funded under this section in years after the first year such project is conducted in a State if the State meets the improvements specified in subsection (b)(6)(B).

(k) COORDINATION WITH CERTAIN MEANS-TESTED PROGRAMS.—For purposes of—

(1) the United States Housing Act of 1937;

(2) title V of the Housing Act of 1949;

(3) section 101 of the Housing and Urban Development Act of 1965;

(4) sections 221(d)(3), 235, and 236 of the National Housing Act;

(5) the Food Stamp Act of 1977;

(6) title XIX of the Social Security Act; and

(7) child care assistance provided through part A of title IV of the Social Security Act, the Child Care and Development Block Grant, or title XX of the Social Security Act,

any payment made to an individual within the demonstration project area for child support up to the amount which an assured child support benefit would provide shall not be treated as income and shall not be taken into account in determining resources for the month of its receipt and the following month.

(l) TREATMENT OF CHILD SUPPORT BENEFIT.—Any assured child support benefit received by an individual under this Act shall be considered child support for purposes of the Internal Revenue Code of 1986.

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary in each of the fiscal years 1995, 1996, 1997, 1998, 1999, and 2000 to carry out the purposes of this Act.

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CENTER FOR LAW AND SOCIAL POLICY,
*Washington, DC, March 21, 1994.*
Hon. CHRISTOPHER DODD,
*Committee on Labor and Human Resources, Subcommittee on Children, Families, Drugs and Alcoholism, Washington, DC.*

DEAR SENATOR DODD, the Center for Law and Social Policy commends you for sponsoring the Child Support Assurance Act of 1994.

In recent times, a great deal of attention has been paid to the idea of "ending welfare as we know it." The real issue, however, is ending poverty as we know it. In particular, we must be committed to eliminating the poverty of children being raised in single-parent families. To ameliorate this poverty, a child support assurance system is absolutely essential. Your bill takes a strong positive step toward creating such a system.

The Child Support Assurance Act of 1994 authorizes up to six demonstration projects. In a demonstration project site, any eligible child could receive a monthly guaranteed child support payment. If the child's non-custodial parent paid support, that money would be used to reimburse the government for the assured benefit. If the non-custodial parent paid no support or paid less than the guaranteed amount, the child would still receive the guaranteed payment. Each site would set its own payment structure (within the limits set out in the bill) and would use a variety of guideline approaches to determine what the non-custodial parent should pay.

Three aspects of the Child Support Assurance Act of 1994 are particularly important. First, it gives priority to states which have already shown a commitment to improving child support enforcement and requires all participating states to improve enforcement over the life of the demonstration project. Any test of child support assurance ought to be conducted in conjunction with improving enforcement. Not only is this fiscally prudent, but also it emphasizes that the child's parent is and should be the primary source of his/her support.

Second, the bill gives priority to states wishing to operate state-wide demonstration projects. The primary reason for having demonstration projects, rather than moving immediately to a national child support assurance system, is to learn how to phase in an assurance system nationwide. To learn as much as we can, large scale projects are needed and your bill recognizes this.

Third, the bill helps the most vulnerable children—those receiving AFDC. By providing a partial disregard of the assurance payment, it allows children subsisting on meager AFDC benefits the chance to obtain a family income that is closer to the poverty line. By providing a source of reliable child support to supplement the wages of a parent when the family leaves AFDC, it makes escape from poverty possible.

We look forward to working with you to make child support assurance a reality.

Sincerely,

PAULA ROBERTS,
*Senior Staff Attorney.*

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WOMEN'S LEGAL DEFENSE FUND,
*Washington, DC, March 21, 1994.*

Hon. CHRISTOPHER J. DODD and Hon. JAY D. ROCKEFELLER IV,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATORS DODD AND ROCKEFELLER, the Women's Legal Defense Fund is a national, nonprofit advocacy organization that for more than twenty years has worked for policies that help women and their families achieve economic security, equal opportunity in the workplace, and access to quality health care. For more than ten years, we have worked in Congress, the executive branch, and the states, to improve this country's child support system. We write to express our strong support for a program of child support assurance, and to commend the important steps in that direction that would be taken under the Child Support Assurance Act of 1994.

Children need and deserve the support of both parents. Single parents, usually mothers, struggle to provide both nurturance and economic support for their children. They confront a labor market that offers many of them only low wage, part time, and insecure jobs, if any; often unavailable or unaffordable child care; and still insufficient flexibility to combine paid work and caretaking, even with the improvements of the Family and Medical Leave Act. As a result, over half of the children in single parent families live in poverty.

Despite reforms, a majority of single mothers and their children cannot count on the child support system to deliver economic support from the other parent. Now, when a noncustodial parent fails to pay, and the state fails to collect, the burden of these failures falls on children. Child support assurance would protect children from this loss, just as Social Security survivors' insurance protects against the loss of a parent. Thus, child support assurance is needed as a matter of simple justice.

In addition, child support assurance is an effective route to both child support and welfare reform. With child support assured, mothers who now despair of ever actually receiving child support will have a greater incentive to seek child support awards. The states will have a greater incentive to collect them. And a child support assurance program that allows mothers to combine paid work and an assured minimum benefit can truly "make work pay." With a reliable source of income in place to supplement their wages, many mothers will be able to avoid applying for public assistance. If the program is designed so that mothers receiving public assistance do not experience a dollar for dollar reduction in income, they will be able to improve their families' economic security with the assured benefit. The disincentives to work that are part of the current public assistance program will be reduced. And the fathers of children now receiving public assistance will have a greater incentive to pay. Most importantly, child support assurance can alleviate the poverty that far too many children and single mothers must bear.

The Women's Legal Defense Fund believes that every child deserves an assurance of child support. Although the Child Support Assurance Act of 1994 authorizes only demonstration projects, not a universal program, the demonstration projects it would authorize include several crucial features:

Participation would be open to custodial parents who have child support awards; are seeking awards; or have good cause not to seek a child support award. This creates an incentive for single parents to seek to establish child support, without penalizing them for system delays or failures, or putting them at risk of additional abuse.

There would be real economic benefits for all families, and work incentives would remain, because half of the assured benefit would be disregarded from income for families receiving AFDC.

At least some demonstration projects would assure a minimum benefit large enough to make a real difference in children's lives.

The Child Support Assurance Act of 1994 would represent real progress toward equity and security for children in single parent families, goals the Women's Legal Defense Fund will work to help achieve.

Sincerely,

JUDITH L. LICHTMAN,
*President.*

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CHILDREN'S DEFENSE FUND,
*Washington, DC, March 21, 1994.*

Hon. CHRISTOPHER J. DODD and Hon. JOHN D. ROCKEFELLER,
*U.S. Senate,*
*Washington, DC 20510.*

DEAR SENATORS DODD AND ROCKEFELLER, we want to congratulate you for your leadership in developing a proposal to create six state demonstrations of child support assurance. We believe your partnership in supporting this concept will provide the impetus to help make child support assurance a reality.

Child support assurance is a key building block in a long-term strategy to meet the needs of children and families. With its emphasis on personal responsibility and incentives to work, as well as on reducing child poverty and economic insecurity, the proposal will unite advocates for children. It will make a genuine difference in children's lives by making child support a regular, reliable source of income that encourages custodial parents to work because they can anticipate having reliable contributions from the non-custodial parent or the government. It is an essential component of a welfare reform strategy that encourages work and parental responsibility.

We are heartened by your expectation that states must improve the way they establish paternity and enforce support in order to participate in child support assurance. We agree that child support assurance must be coupled with aggressive efforts to improve child support enforcement, both to keep government cost down and to underscore the message that every child deserves the support of both parents.

Child support assurance is built on the premise that government will insure children against harm when parents fail to meet their responsibilities, but will continue to hold parents responsible. When a parent leaves the household, this parental responsibility does not end. Child support assurance protects children and reinforces parent responsibility by helping provide a stable economic base for children, but also by aggressively pursuing reimbursement from the non-custodial parent when he or she fails to pay support.

We appreciate your longstanding work to help children, and look forward to working with you on this important proposal.

Sincerely,

NANCY EBB,
*Senior Staff Attorney.*

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Mr. ROCKEFELLER. Mr. President, I am proud to join my distinguished colleague from Connecticut [Mr. DODD] in introducing a demonstration project which will help us chart a bold course in promoting parental responsibility and stable support for children. It truly is an honor to join with such a dedicated, effective advocate for children in promoting a new concept of security for children.

Today, we are joining forces to promote a demonstration project, the Child Support Assurance Act of 1994. It is a combination of our previous individual initiatives, but we are united in our commitment to aggressively push this concept as part of comprehensive welfare reform. Child support assurance, we believe, will be the effective carrot to get the Federal Government, States, and individuals working to collect the billions of dollars that parents owe their children in child support.

This demonstration is just one piece of the puzzle—but, I believe, is a key piece to link others together. We understand and agree that child support assurance will not be effective unless we dramatically improve child support enforcement efforts. But our child support assurance demonstration will provide tremendous incentives for States and parents to work with the Federal Government to establish paternity, get child support awards in place, and collect the money from all parents who have an obligation to support their children. Only as a last resort would a minimum benefit kick in for the child if the parent did not pay after all efforts were made to collect. The minimum benefit will ensure that children aren't penalized when an absent parent shirks their obligations.

Such stable, consistent support is vital for children. A recent study by the National Institute of Child Health and Human Development noted that children of single-parent families are at increased risk. It noted that the single most important factor in accounting for the lower achievement of children in single-parent families is poverty and economic insecurity. Income differences account for half of the increased risk for disadvantages. The researchers noted that because income is such an important factor in the increased risk for disadvantages among children in single-parent families, policies that serve to minimize the negative economic impact on children may help reduce their difficulties.

The National Child Support Assurance Consortium issued a compelling report called Childhood's End in January 1993 that outlined what happens to children when child support payments are missing or just late. Let me share just a few of the report's significant findings about what happens to children when child support is not paid:

Fifty-five percent of mothers reported that their children missed regular health check-ups.

Thirty-six percent of mothers reported that their children did not get medical care when they became ill.

Fifty-seven percent of the mothers reported that their children lost their regular child care.

The list goes on and on, and it is tragic that parents are not living up to their financial obligations and placing their own children at risk. And demographers warn us that one out of every two children growing up today will spend some time living with only one parent, and therefore half of our children will be dependent on child support.

All these statistics indicate that we must dramatically strengthen our child support enforcement system to protect all children who are at risk, and I believe this child support assurance demonstration will do exactly that.

As chairman of the National Commission on Children, I wanted to put this initiative into perspective. Our bipartisan commission issued a unanimous report entitled "Beyond Rhetoric, A New American Agenda for Children and Families." This historic report clearly stated that the best way to help children is to strengthen families, and I wish that every child could grow up in a stable home, with two loving parents and financial security.

But in reality, over 15.7 million children are living in single-parent families and dependent on child support. Only 26 percent of those children receive the financial support they deserve from their absent parent. This means that 74 percent are placed at risk. These children deserve our compassion and support, not penalties and sanctions. We believe our child support assurance demonstration which will require improved child support enforcement, should help.

I believe this demonstration will promote parental responsibility and over the long-run strengthen families by sending a clear signal we believe every parent has obligation to support their children.

This demonstration should also promote work and responsibility for single-parents on welfare. While our child support assurance program is not means tested, it will offer stronger incentives for parents on welfare to return to work. For example, if a parent on welfare goes to work, their AFDC benefits are reduced, but if that same parent returns to work their child support award is continued and the family is better off. Our hope is that the vast majority of the child support awards will be paid by the absent parent. But when it is impossible to collect from the absent parent, and the single-parent has fully cooperated, the assured minimum benefit will ensure that the child is not penalized and put at risk.

The concept of child support assurance has attracted interest from groups across a broad range of the political spectrum, and it holds enormous potential to offer security to children. It deserves to be tested and this demonstration project is an ideal opportunity to explore this innovative idea.

I ask for unanimous consent that background information on child support facts be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD as follows:

### FACTS AND FIGURES ON CHILD SUPPORT

One out of every two children growing up today will spend some time living with only one parent, and therefore will be dependent on child support.[1]

10 million women are custodial parents of 15.7 million children, but only 58 percent have a child support award in place, and of those women, only 26 percent receive full payment.[2]

$11.2 billion was collected in child support in 1989, but $5.1 billion more was due in support.[3]

(This does not include arrearages, which are estimated by the Office of Child Support Enforcement at about 22 billion cases in the system. Nor does it include support for 42 percent of cases in which an award has not been established.)

If all eligible mothers had child support award pegged to current state guidelines, children would be eligible for about $30 billion in support payments each year.[4]

Researchers estimate that if we improved child support enforcement and established a national child support assurance system, the results could yield:

A reduction of 8 percent to 9 percent in the poverty rate, and

A decline of 12 percent to 20 percent in welfare dependency.[5]

## ADDITIONAL COSPONSORS

### S. 208

At the request of Mr. BUMPERS, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 208, a bill to reform the concessions policies of the National Park Service, and for other purposes.

### S. 235

At the request of Mr. REID, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 235, a bill to limit State taxation of certain pension income, and for other purposes.

### S. 257

At the request of Mr. BUMPERS, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 257, a bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

### S. 784

At the request of Mr. HATCH, the names of the Senator from Pennsylvania [Mr. WOFFORD] and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

### S. 978

At the request of Mr. BAUCUS, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Michigan [Mr. LEVIN], the Senator from Nevada [Mr. REID], the Senator from Maryland [Mr. SARBANES], the Senator from Ohio [Mr. METZENBAUM], the Senator from Connecticut [Mr. DODD], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 978, a bill to establish programs to promote environmental technology, and for other purposes.

### S. 1040

At the request of Mr. BINGAMAN, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1040, a bill to support systemic improvement of education and the development of a technologically literate citizenry and internationally competitive work force by establishing a comprehensive system through which appropriate technology-enhanced curriculum, instruction, and administrative support resources and services, that support the National Education Goals and any national education standards that may be developed, are provided to schools throughout the United States.

### S. 1171

At the request of Mr. BREAUX, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1171, a bill to amend the Internal Revenue Code of 1986 with respect to the taxation of certain sponsorship payments to tax-exempt organizations and certain amounts received by Olympic organizations.

### S. 1231

At the request of Mr. MOYNIHAN, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Michigan [Mr. RIEGLE], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 1231, a bill to provide for simplified collection of employment taxes on domestic services, and for other purposes.

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[1] Irwin Garfinkel and Sara McLanahan, "Single Mothers and Their Children: A New American Dilemma" (Washington, DC: The Urban Institute Press, 1986) p.1.

[2] U.S. Census Bureau, "Statistical Brier: Who's Supporting the Kids?" October 1991.

[3] Same.

[4] David Good and Maureen Pirog-Good, "The efficiency of State Child Support Enforcement Programs" in Public Budgeting and Finance," Fall 1990, p. 25.

[5] Daniel Meyer, Irwin Garfinkel, Philip Roobins, and Donald Oellerich, "The Costs and Effects of a National Child Support Assurance System" (University of Wisconsin-Madison Institute for Research on Poverty, Discussion Paper 940-91, March 1991), p. 28.

S. 1592

At the request of Mr. DOMENICI, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 1592, a bill to improve Federal decisionmaking by requiring a thorough evaluation of the economic impact of Federal legislative and regulatory requirements on State and local governments and the economic resources located in such State and local governments.

S. 1651

At the request of Mr. D'AMATO, the names of the Senator from Virginia [Mr. ROBB] and the Senator from Tennessee [Mr. MATHEWS] were added as cosponsors of S. 1651, a bill to authorize the minting of coins to commemorate the 200th anniversary of the founding of the United States Military Academy at West Point, New York.

S. 1688

At the request of Mr. GRAHAM, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1688, a bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules.

S. 1691

At the request of Mr. CONRAD, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1691, a bill to amend the Internal Revenue Code of 1986 to provide taxpayers engaged in certain agriculture-related activities a credit against income tax for property used to control environmental pollution and for soil and water conservation expenditures.

S. 1791

At the request of Mr. KEMPTHORNE, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1791, a bill to provide for mandatory life imprisonment of a person convicted of a second offense of kidnapping a minor.

S. 1825

At the request of Mr. BUMPERS, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 1825, a bill to authorize collection of certain State and local taxes with respect to the sale, delivery, and use of tangible personal property.

S. 1830

At the request of Mrs. FEINSTEIN, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1830, a bill to authorize funding for the small business defense conversion program of the Small Business Administration, and for other purposes.

S. 1920

At the request of Mr. DOMENICI, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from Virginia [Mr. WARNER], the Senator from Washington [Mr. GORTON], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from New Hampshire [Mr. SMITH], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of S. 1920, a bill to amend title IV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") to ensure the safety of public water systems, and for other purposes.

S. 1933

At the request of Mr. MCCAIN, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 1933, a bill to repeal the Medicare and Medicaid Coverage Data Bank, and for other purposes.

S. 1943

At the request of Mrs. KASSEBAUM, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 1943, a bill to consolidate Federal employment training programs and create a new process and structure for funding the programs, and for other purposes.

SENATE JOINT RESOLUTION 172

At the request of Mr. DOLE, the names of the Senator from New Hampshire [Mr. GREGG], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Maine [Mr. COHEN], the Senator from North Dakota [Mr. CONRAD], the Senator from Idaho [Mr. CRAIG], the Senator from Ohio [Mr. GLENN], the Senator from Massachusetts [Mr. KERRY], the Senator from Wisconsin [Mr. KOHL], the Senator from Tennessee [Mr. MATHEWS], the Senator from Maine [Mr. MITCHELL], the Senator from Wyoming [Mr. SIMPSON], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 172, a joint resolution designating May 30, 1994, through June 6, 1994, as a "Time for the National Observance of the Fiftieth Anniversary of World War II."

SENATE RESOLUTION 170

At the request of Mr. CHAFEE, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of Senate Resolution 170, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included as primary care providers for women in Federal laws relating to the provision of health care.

## SENATE RESOLUTION 191—ELECTING THE SECRETARY OF THE SENATE, MARTHA S. POPE

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 191

*Resolved*, That Martha S. Pope be, and she is hereby, elected Secretary of the Senate, effective April 15, 1994.

## SENATE RESOLUTION 192—ELECTING THE SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, ROBERT LAURENT BENOIT

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 192

*Resolved*, That Robert Laurent Benoit be, and he is hereby elected Sergeant at Arms and Doorkeeper of the Senate, effective April 15, 1994.

## AMENDMENTS SUBMITTED

### CONGRESSIONAL BUDGET RESOLUTION

### SPECTER AMENDMENT NO. 1557

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the concurrent resolution (S. Con. Res. 63) concurrent resolution setting forth the Congressional Budget for the U.S. Government for fiscal years 1995, 1996, 1997, 1998, and 1999; as follows:

On page 13, decrease the amount on line 7 by $2,150,000,000.

On page 13, decrease the amount on line 8 by $1,400,000,000.

On page 13, decrease the amount on line 14 by $2,200,000,000.

On page 13, decrease the amount on line 15 by $2,100,000,000.

On page 13, decrease the amount on line 21 by $2,250,000,000.

On page 13, decrease the amount on line 22 by $2,250,000,000.

On page 14, decrease the amount on line 3 by $2,350,000,000.

On page 14, decrease the amount on line 4 by $2,300,000,000.

On page 14, decrease the amount on line 10 by $2,400,000,000.

On page 14, decrease the amount on line 11 by $2,350,000,000.

On page 24, increase the amount on line 17 by $1,290,000,000.

On page 24, increase the amount on line 18 by $801,000,000.

On page 24, increase the amount on line 25 by $733,000,000.

On page 25, increase the amount on line 1 by $700,000,000.

On page 25, increase the amount on line 8 by $750,000,000.

On page 25, increase the amount on line 16 by $783,000,000.

On page 25, increase the amount on line 17 by $766,000,000.

On page 25, increase the amount on line 24 by $800,000,000.

On page 25, increase the amount on line 25 by $783,000,000.

On page 26, increase the amount on line 8 by $635,000,000.

On page 26, increase the amount on line 9 by $395,000,000.

On page 26, increase the amount on line 15 by $733,000,000.

On page 26, increase the amount on line 16 by $700,000,000.

On page 26, increase the amount on line 22 by $750,000,000.

On page 26, increase the amount on line 23 by $750,000,000.

On page 27, increase the amount on line 5 by $783,000,000.

On page 27, increase the amount on line 6 by $766,000,000.

On page 27, increase the amount on line 12 by $800,000,000.

On page 27, increase the amount on line 13 by $783,000,000.

On page 30, increase the amount on line 20 by $225,000,000.

On page 30, increase the amount on line 21 by $204,000,000.

On page 31, increase the amount on line 2 by $734,000,000.

On page 31, increase the amount on line 3 by $700,000,000.

On page 31, increase the amount on line 9 by $750,000,000.

On page 31, increase the amount on line 10 by $750,000,000.

On page 31, increase the amount on line 16 by $784,000,000.

On page 31, increase the amount on line 17 by $767,000,000.

On page 31, increase the amount on line 23 by $800,000,000.

On page 31, increase the amount on line 23 by $784,000,000.

Mr. SPECTER. Mr. President, this amendment transfers $2.1 billion in budget authority and $1.4 billion in outlays from NASA's space station program for fiscal year 1995 into the following areas:

First, LIHEAP: $225 million in fiscal year 1995 to restore funds cut by the President and not fully restored by the Senate Budget Committee.

Second, Education and training (Function 500): $1.3 billion for Job Training Partnership Act [JTPA], Job Corps, vocational education, adult education, Prison Literacy, Neglected and Delinquent Program, and drug free schools.

Third, Prenatal care/pregnancy prevention (function 550): $635 million for Maternal and Child Health Block Grant Program, health start, community and migrant health centers, and substance abuse treatment for pregnant women, family planning, comprehensive school health, Center for Disease Control, Teen Pregnancy Program, Department of Education Comprehensive School Health Program, Maternal and Child Health Block Grant Program.

For the remaining 5 years under the budget resolution, the savings from cancellation of the space station are divided equally between functions 600, 500, and 550 to support the programs above.

### HARKIN (AND OTHERS) AMENDMENT NO. 1558

Mr. HARKIN (for himself, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. WOFFORD, Mr. DASCHLE, Mr. FEINGOLD, Mr. SASSER, Mrs. BOXER, Mr. BAUCUS, Mr. KOHL, and Mr. LAUTENBERG) proposed an amendment to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:

On page 5, line 1, decrease the amount by $155,000,000.

On page 5, line 11, decrease the amount by $155,000,000.

On page 5, line 22, decrease the amount by $158,000,000.

On page 5, line 23, decrease the amount by $59,000,000.

On page 5, line 24, increase the amount by $69,000,000.

On page 5, line 25, increase the amount by $8,000,000.

On page 6, line 1, decrease the amount by $10,000,000.

On page 6, line 7, decrease the amount by $158,000,000.

On page 6, line 8, decrease the amount by $59,000,000.

On page 6, line 9, increase the amount by $69,000,000.

On page 6, line 10, increase the amount by $8,000,000.

On page 6, line 11, decrease the amount by $10,000,000.

On page 6, line 17, decrease the amount by $158,000,000.

On page 6, line 18, decrease the amount by $59,000,000.

On page 6, line 19, increase the amount by $69,000,000.

On page 6, line 20, increase the amount by $8,000,000.

On page 6, line 21, decrease the amount by $10,000,000.

On page 7, line 1, decrease the amount by $158,000,000.

On page 7, line 2, decrease the amount by $59,000,000.

On page 7, line 3, increase the amount by $69,000,000.

On page 7, line 4, increase the amount by $8,000,000.

On page 7, line 5, decrease the amount by $10,000,000.

On page 7, line 8, decrease the amount by $158,000,000.

On page 7, line 9, decrease the amount by $217,000,000.

On page 7, line 10, decrease the amount by $148,000,000.

On page 7, line 11, decrease the amount by $140,000,000.

On page 7, line 12, decrease the amount by $150,000,000.

On page 8, line 7, decrease the amount by $158,000,000.

On page 8, line 8, decrease the amount by $59,000,000.

On page 8, line 9, increase the amount by $69,000,000.

On page 8, line 10, decrease the amount by $8,000,000.

On page 8, line 11, decrease the amount by $10,000,000.

On page 10, line 3, decrease the amount by $513,000,000.

On page 10, line 4, decrease the amount by $236,000,000.

On page 10, line 11, decrease the amount by $195,000,000.

On page 10, line 18, decrease the amount by $56,000,000.

On page 10, line 25, decrease the amount by $10,000,000.

On page 11, line 7, decrease the amount by $10,000,000.

On page 35, line 8, increase the amount by $358,000,000.

On page 35, line 9, increase the amount by $78,000,000.

On page 35, line 16, increase the amount by $136,000,000.

On page 35, line 23, increase the amount by $125,000,000.

On page 36, line 6, increase the amount by $18,000,000.

### GORTON (AND OTHERS) AMENDMENT NO. 1559

Mr. GORTON (for himself, Mr. HATCH, Mr. D'AMATO, and Mr. ROTH) proposed an amendment to the concurrent resolution, S. Con. Res. 63, supra; as follows:

On page 35, line 8, increase the amount by $423,000,000.

On page 35, line 9, increase the amount by $93,000,000.

On page 35, line 15, increase the amount by $423,000,000.

On page 35, line 16, increase the amount by $241,000,000.

On page 35, line 22, increase the amount by $423,000,000.

On page 35, line 23, increase the amount by $402,000,000.

On page 36, line 5, increase the amount by $423,000,000.

On page 36, line 6, increase the amount by $423,000,000.

On page 36, line 12, increase the amount by $423,000,000.

On page 36, line 13, increase the amount by $423,000,000.

On page 41, line 11, decrease the amount by $423,000,000.

On page 41, line 12, decrease the amount by $93,000,000.

On page 41, line 18, decrease the amount by $423,000,000.

On page 41, line 19, decrease the amount by $241,000,000.

On page 41, line 25, decrease the amount by $423,000,000.

On page 42, line 1, decrease the amount by $402,000,000.

On page 42, line 7, decrease the amount by $423,000,000.

On page 42, line 8, decrease the amount by $423,000,000.

On page 42, line 14, decrease the amount by $423,000,000.

On page 42, line 15, decrease the amount by $423,000,000.

## NOTICE OF HEARING

#### SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. GLENN. Mr. President, I would like to announce that the Subcommittee on Federal Services, Post Office, and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on March 24, 1994. The Postmaster General of the United States will present the Annual Report of the Postal Service.

The hearing is scheduled for 10 a.m., in room 342 of the Senate Dirksen Office Building. For further information, please contact Todd Menotti, at 224-2254.

## AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON ARMED SERVICES

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, March 22, 1994, at 2:30 p.m., in closed session to receive an interim briefing from Senators LEVIN and WARNER on their investigation on Somalia.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, March 22, 1994, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, March 22, 1994, at 10 a.m. to hold a business meeting to vote on pending business, and to receive testimony from the Secretary of State and ACDA Director on the Chemical Weapons Convention, Treaty Doc. 103–21.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Further Perspectives on OSHA Reform, during the session of the Senate on March 22, 1994, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 22, 1994 at 4 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the subcommittee on Federal Services, Post Office, and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, March 22, 1994, to review operational testing and to discuss proposals for operational testing.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## TRIBUTE TO ABE POLLIN

• Ms. MIKULSKI. Mr. President, I rise today to salute a distinguished citizen of the State of Maryland, Mr. Abe Pollin. In recognition of his lifetime of work in furthering the bond of friendship between Israel and the United States, the Joint Commission on the American Promenade in Israel has named Abe Pollin the founding father from the State of Maryland for the American Promenade.

The American Promenade is a privately funded national park located at the gateway to Jerusalem, whose purpose is to commemorate the unique bond of friendship between the two countries. It will consist of 50 marble monuments bearing the flags and official seals of the 50 States, and the United States-Israel Friendship Botanical Garden featuring Biblical and State trees and flowers. An outstanding personality from each State will be honored by the Joint Commission as a founding father, whose name will be permanently inscribed on the monument along with the names of the current Governor and U.S. Senators.

In selecting Abe Pollin for this honor, the Joint Commission is now recognizing something that we in Maryland have known for quite a while—that this is a man whose accomplishments in business, in his community, and in public affairs will long be remembered.

As the owner of two professional sports franchises, the Washington Bullets basketball team and the Washington Capitols hockey team, Abe Pollin has brought national recognition to the Baltimore/Washington market and generated excitement and pride in the accomplishments of its teams. As the operator of a very successful home building company and the director of a local savings and loan, Abe Pollin has directly contributed to the local economy and enabled many Marylanders to own their own homes. Finally, as a member of the board of directors for the United Jewish Appeal, the National Jewish Hospital, the Jewish Community Center, and the John F. Kennedy Cultural Center, Abe Pollin has shown his concern over many years for the spiritual, cultural, and material needs of his community.

Mr. President, I believe the Joint Commission made a wise decision. I salute my good friend, Abe Pollin, and I urge my colleagues to join me in congratulating him on his selection for this prestigious honor.•

## COMMISSIONING OF THE U.S.S. "CURTIS WILBUR"

• Mr. KEMPTHORNE. Mr. President, I rise today to recognize the latest ship in the U.S. Naval fleet, the U.S.S. *Curtis Wilbur*. DDG 54, an Arleigh Burke guided missile destroyer, was commissioned Saturday in Long Beach, CA.

The ship is named after Curtis Dwight Wilbur, who served as Secretary of the Navy under Calvin Coolidge. His administration was characterized by his energetic efforts to strengthen and modernize the Navy. His foresight, instincts, and statesmanship helped restore credibility and respect to our naval forces following the Teapot Dome scandal and the subsequent resignation of Secretary of the Navy Edwin Denby.

Curtis Wilbur headed up our Navy during the difficult times between World War I and World War II. Restrictive treaties, pacifists who would eliminate the Navy, and a reluctant Congress all contributed to the deterioraton of the Navy. Secretary Wilbur successfully argued to Congress that we were in danger of creating a hollow force. He also championed naval aviation and added it to the curriculum of the Naval Academy.

As Secretary of the Navy, Curtis Wilbur fought for the front line troops. He argued that our men needed good ships as good homes for the men—clean and shipshape for good service. He also stressed that money was needed for constant training. His persistence paid off. Morale improved, as desertions went down and reenlistments went up. With the exception of four ships, the entire cruiser strength of the Navy in 1941 was the result of Secretary Wilbur and his dedication. Mr. President, where would this country have been if Curtis Wilbur had not insisted on cruiser construction?

I might add that under Secretary Wilbur's administration, the light cruiser, CL–47, the U.S.S. *Boise*, was built and commissioned. The *Boise* and her crew earned 11 battle stars and the nickname "The One Ship Fleet" for her heroics in World War II.

We can learn from Curtis Wilbur. Let me quote from a fine article written by Col. James W. Hammond, Jr., USMC (Ret.), entitled "The Almost forgotten Secretary." He wrote, "He felt it was criminal to require American boys to accept hazards stemming from inadequate equipment or lack of training because of underfunding." Mr. President, we face those same issues today. Secretary Wilbur's legacy lives on today, and I think we can all learn from his example. We must strive to ensure our men and women have the finest equipment and training possible before we send them into harm's way.

Mr. President, I ask that an article from the Saturday, March 18 Idaho Statesman about Curtis Wilbur and his son, who lives in Boise, be included in the RECORD.

The article follows:

[From the Idaho Statesman, Mar. 19, 1994]

### SUCCESS ON LAND AND SEA

(By Tim Woodward)

When the Navy commissions its newest ship today, no one will be prouder than Lyman Wilbur.

The U.S.S. Curtis Wilbur is named after his father, Secretary of the Navy under Calvin Coolidge. The ship is fourth in a new class of hightech guided missile destroyers.

At 93, Boisean Lyman Wilbur took the trip to Long Beach, Calif. for today's commissioning in stride. Chief engineer for the Morrison-Knudsen Co. from 1947 to 1970, he still is very much a man in charge. His voice is strong, his bearing erect, his presence commanding. His memories of titanic construction projects and billion-dollar contracts are as sharp as an accountant's pencil.

Before leaving for Long Beach, Wilbur took time to reminisce at his home near Hillcrest Country Club. Dapper in dress slacks and black oxfords, surrounded by mementos of world travels and a panoramic view of the Boise Front, he talked about his illustrious father, his famous boss and his own distinguished career.

His famous father was a "stern but gentle" man, a man of striking contrasts. As Secretary of the Navy, Curtis Wilbur was largely responsible for preserving "Old Ironsides," now a national monument in Boston Harbor. He was a driving force in rebuilding the Navy after World War I and helped pioneer the concept of naval aviation. He worked with Adm. Richard Byrd, the Antarctic explorer. President Harding promised him a seat on the U.S. Supreme Court.

The other side of the man who knew presidents was less daunting. He told his children bedtime stories, taught Sunday school classes, wrote children's books.

"In spite of being terribly busy and not always being able to get home for dinner, he always had time for the family," Wilbur recalled. "He used to tell us stories, some of which he wrote as books. One was published as 'The Bear Family at Home and How the Circus Came to Visit Them.'

"Dad always made us toe the mark, but he did it in a gentle way. It never hurt if he spanked us, but we felt so bad for disappointing him that we'd cry."

Lyman Wibur grew up in California, accustomed to the company of influential people. Before his father was Secretary of the Navy, he was chief justice of the California Supreme Court.

Curtis wanted his son to follow his example by attending the Naval Academy, but Wilbur chose to follow his uncle—then president of Stanford University—in academic pursuits instead. He earned a degree from Stanford in engineering and had eight years' experience when the Depression began.

By 1931, he was looking for work. A judge at a tea party urged him to apply with one of the companies building Hoover Dam, then the largest construction project in the world. Harry Morrison, who happened to be there the day he applied, hired him on the spot.

"He was a wonderful person." Wilbur said of Morrison. "He would get the most out of people and probably paid less than anyone for comparable work just because people wanted to work for him.

"He was telling me after just a few minutes things what I considered company secrets. He had a way of cutting people in on the operation of the company. He'd send you out and say go do it. If you need help, call."

Morrison sent Wilbur out a lot. When Wilbur and his late wife were building their Boise home in 1955, his first priority was "a place for my suitcase. I was traveling three fourths of the time."

He worked on the Taugus River Bridge in Portugal, making 11 trips to Lisbon in a year. The bridge has the deepest piers in the world.

He spent three years in Morocco, building airbases. He worked on the world's largest hydroelectric project, on the border of Brazil and Paraguay, and another "almost as big" in Venezuela.

He helped negotiate what became a $2 billion contract with the Navy for airfields in Vietnam. His work there won him the 1966 Man of the Year award from "Engineering News Record," the engineering profession's trade journal.

Wilbur says his father would be "greatly honored" by today's commissioning, and "of course the whole family feels the same way."

So much so that an estimated 70 family members are in Long Beach to see the ship join the fleet.

Lyman, the senior member of the family, probably won't say much about his own military service—as an Army private during the waning months of World War I.

"The only Navy connection I have is Dad wanted me to go to the Naval Academy. I studied all one summer for the exam, but then my uncle was appointed head of Stanford.

The Navy's loss was Idaho's gain. Wilbur will long be remembered as MK's top engineer during construction of Lucky Peak, Brownlee, Oxbow and Hells Canyon dams.

"Frankly," he said, "I don't think I'd have cared for Naval service."•

## RAYMOND F. McCASKEY HONORED

• Ms. MOSELEY-BRAUN. Mr. President, I would like to honor a distinguished Illinoisan, Raymond F. McCaskey, who is the 1994 recipient of the Anti-Defamation League's Distinguished Community Service Award. Mr. McCaskey is the Blue Cross and Blue Shield of Illinois president and chief executive officer.

Ray joined Blue Cross in 1976 as an associate actuary, and rose through the ranks of vice president, chief financial officer, and president. He was named chief executive officer in 1993, overseeing the operations of Illinois oldest and largest health insurer.

Ray McCaskey has a strong commitment to people, and to service. Blue Cross has nurtured many community projects and programs under his tenure. Every day, Blue Cross CareVans travel to Chicago's poorest neighborhoods helping in the battle against disease. Since the program began in 1989, CareVan nurses have administered nearly 100,000 immunizations.

Blue Cross is a corporate sponsor of the Chicago Housing Authority's Midnight Basketball League, the Cabrini Green Summer Youth League and Cabrini Greens, the gardening program which has planted seeds of hope and pride at one of the city's largest public housing projects. Ray McCaskey also has continued the fight against illiteracy begun by his predecessor, S. Martin Hickman. Blue Cross is the major underwriter of Chicago United's Family Learning Center project to promote early childhood development and adult literacy.

Under Ray's leadership, Blue Cross has been a strong advocate of health care reform on the national and State levels. He serves on Illinois Gov. Jim Edgar's health care reform task force as one of two key committee chairmen. Ray also serves on the board of directors of the Mental Health Association in Illinois.

As head of one of the major employers in Illinois, Ray McCaskey has promoted equal employment opportunity and affirmative action. Blue Cross has a strong commitment to hiring and promoting minorities, women, veterans, and persons with disabilities. In numerous communications with Blue Cross employees, and most importantly, by personal example, Ray has made clear that everyone must respect and appreciate individual differences.

In presenting its 1994 Distinguished Community Service Award to Ray McCaskey, the Anti-Defamation League said it is "proud to honor this distinguished American whose life and works embody our very highest ideals and aspirations."

I wish to convey my heartfelt congratulations to Ray as he receives this special honor.•

## ILLINOIS TOPS IN BATTLE AGAINST DRUNK DRIVING

• Mr. SIMON. Mr. President, I am proud to announce that in the rating the States survey conducted by Mothers Against Drunk Driving [MADD], the State of Illinois received the highest grade in the country, an "A-minus". MADD found that over the past 12 years, Illinois has gone from having one of the worst laws in the country to having the most effective program in the Nation to deter and combat drunk drivers.

This rating is very encouraging, and I commend the strong leadership of Governor Edgar, solid support from the people of Illinois, and a strong public information and education program. In addition, maintaining drunk driving offense information on driver's license records indefinitely, and progressive penalties for subsequent offenders also played a large role in this success story.

It is my pleasure to recognize the citizens of Illinois for their efforts in fighting the senseless deaths and injuries caused by drunk drivers.•

## INDIANA WINNERS OF 1993–94 EIGHTH GRADE YOUTH ESSAY CONTEST

• Mr. LUGAR. Mr. President, I rise today to congratulate a group of young Indiana students who have shown great educative achievement. I would like to bring to the attention of my colleagues the winners of the 1993–94 Eighth Grade Youth Essay Contest which I sponsor in association with the Indiana Farm Bureau and Bank One of Indianapolis. These students have displayed strong writing abilities and have proven themselves to be outstanding young Hoosier scholars. I submit their names for the CONGRESSIONAL RECORD because they demonstrate the capabilities of today's students and are fine representatives of our Nation.

This year, Hoosier students wrote on the theme, "Pyramid Builders Live on

**Indiana Farms." Students were encouraged to consider and creatively express what effect Indiana agriculture has on their daily lives. I would like to submit for the RECORD the winning essays of Sara Hounshell of Orange County and Christopher J. Myers of Wabash County. As State winners of the Youth Essay Contest, these two outstanding students were recognized on Friday, March 18, 1994, during a visit to our Nation's Capital.**

**The essays follow:**

### PYRAMID BUILDERS LIVE ON INDIANA FARMS

(By Sara Hounshell, Orange County)

I am an Egyptian girl, thirteen years of age. Once a stranger visited from a far away place called Indiana. This was his story.

"You're not alone in pyramid building. Indiana farmers contribute to what we call the 'Food Guide Pyramid,' a chart which I'll explain.

"Bread, cereal, rice, and pasta form the base group, and provide vitamins, minerals, and fiber. On the next level, providing these same nutrients, are the fruit and vegetable groups. Next is the milk, yogurt, and cheese group, and the meat, fish, eggs, poultry, dry beans, and nuts group. Both provide calcium, iron, and zinc. The top group, containing fats, sweets, and oils, should be avoided. These foods contain many calories and few nutrients."

He paused and I reflected on his words. "Why is a balanced diet so important?" I asked.

"Eating a balanced diet prevents disease. By avoiding excess sodium, sugar, and cholesterol, you avoid health disorders that could lead to premature death, like coronary heart disease, high blood pressure, and obesity. Obesity causes heart attacks, strokes, and diabetes. More benefits of a healthy diet are a great appearance and a longer, more productive life," he replied.

I thought for a minute and then asked, "Why are Indiana farmers important to a healthy diet?"

He answered, "Indiana farmers raise many animals, like cattle, sheep, swine, poultry, and fish. They also grow plants, such as corn, soybeans, oats, barley, wheat, fruits, and vegetables. These products are grown on Indiana farms of all sizes and are sold world wide.

"Indiana farmers are some of the most important, yet over-looked men in our land. Without them, we would be nothing."

Long after he'd left, I still thought of his words. This Indiana sounds like a wonderful place and the Indiana farmer, a hero.

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### PYRAMID BUILDERS LIVE ON INDIANA FARMS

(By Christopher J. Myers, Wabash County)

Today's Indiana farmers are the pyramid builders of the twentieth-century. Just as the ancient Egyptians used the products of the earth and technology to build important pyramids, so do Indiana farmers. Using the rich earth and modern technology, they build the levels of the United States Department of Agriculture's food pyramid.

It is said that, "Variety is the spice of life." According to the food pyramid, variety is the key to building a balanced diet. The pyramid base contains foods made from grains. Eating six to seven servings daily provides important fiber, vitamins, and minerals. The second level recommends that you eat three to five servings of vegetables and two to four servings of fruit daily. The milk and meat groups are located on the third level. Two to three servings daily provides protein, calcium, iron, and zinc. Fats, oils, and sweets at the tip of the pyramid should be eaten sparingly.

Eating a balanced diet has many benefits. A diet low in fat and cholesterol reduces your chance of having a heart attack and some cancers. Limiting your intake of fats, oils, and sweets helps maintain a healthy weight. This may prevent high blood pressure, heart disease, stroke, and diabetes. Using only small amounts of salt reduces the risk of high blood pressure.

Indiana farmers produce an amazing variety of products on 65,000 farms covering 16 million acres. Indiana is ranked first nationally in the production of popcorn and ducks; third in eggs and soybeans; and fourth in chickens, tomatoes, and corn. Today's Hoosier farm worker produces enough food to feed seventy-five additional people in the United States and twenty-one people abroad.

In the future, we will continue to depend on Hoosier farmers to provide high quality products from the good earth to build the food pyramid.

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### 1993–94 DISTRICT WINNERS

District 1: Kelly Doreen Hannon, Dan Jancha.
District 2: Rachel Vonderau, Benjamin Cichocki.
District 3: Stacy Tebo, Nathan Blume.
District 4: Kathryn Gilbert, Christopher J. Myers.
District 5: Adam Phillips.
District 6: Jacqueline M. Boone, Shawn Howard.
District 7: Sandra Halter, Paul Fleschner.
District 8: Laura Willett, Mike Pogue.
District 9: Sara Hounshell, Kelly David O'Donnell.
District 10: Darcy Lynn Fowler, Justin Selmeyer.

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### 1993–94 COUNTY WINNERS

Allen: Rachel Vonderau, Benjamin Cichocki.
Bartholomew: Laura Willett, Mike Pogue.
Blackford: Kristin Dinse, Nick Ehrhart.
Carroll: Nate Slavens.
Cass: Jessica Smith, Nathan Blume.
Clay: Kate Yegerlehner.
Clinton: Kelley Gray.
Daviess: Sandra Halter.
Delaware: Robyn Pearson, Scott Lynn Cain.
Dearborn: Darcy Lynne Fowler, Justin Selmeyer.
Decatur: Christy Kunz, Hale Kile.
Fayette: Heather Mitchell, Chad Mauger.
Floyd: Heather Bunch, Nathan Hock.
Franklin: Carrie Mergenthal.
Fulton: Amy Allison Eizinger.
Gibson: Rebecca Coomer.
Hamilton: Jacqueline Boone, Michael Cochran.
Harrison: Sarah Yeager, Chris Chamber.
Howard: David Fang.
Jay: Kathryn Gilbert, Matt Vold.
Lake: Ann Marie Bronowski, Michael Flutka.
Madison: Harmony Warner, Jeremy Davis.
Marion: Andrea Kirk, Shawn Howard.
Morgan: Adam Phillips.
Newton: Stacey Tebo, John Wheelock.
Orange: Sara Houshell.
Porter: Kelly Doreen Hannon, Andy Bien.
Posey: Sarah Seib, Mark Alan Blackburn.
Randolph: Anita Harris, Isaac Thornburg.
St. Joseph: Jill Boruff, Dan Jancha.
Starke: Kristie J. Kelley, John Ostrega.
Switzerland: Jerri Lynn Peters, Nathan Jones.
Vanderburgh: Leah Michelsen, Kelly David O'Donnell.
Vigo: Kirsten Henry, Paul Fleschner.
Wabash: Brandy E. Smith, Christopher J. Myers.
Warrick: Jessica Locker, Erick T. Hilbert.
Washington: Kelly Hauger, Andrew Knapp.
Wayne: Beth Jeffries.
Wells: Jamie Stromberg, Landon Smith.●

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## A FUTURE FOR BOSNIA AND HERZEGOVINA

**● Mr. DECONCINI. Mr. President, it was heartening to see the weekend news from Sarajevo, which is no longer about daily killings. For the first time in about 2 years, the remaining residents of the besieged Bosnian capital were able to enjoy a soccer match, in which—by the way—Sarajevo beat the United Nations 4 to 0. More important, in terms of survival, were the images of the first U.N. humanitarian relief convoy to arrive in the isolated enclave of Maglaj since last October.**

**These developments demonstrate the truth of what many have said since the outbreak of hostilities in Bosnia and Herzegovina: that a credible use of force by the international community could bring the bloodshed to an end. To trigger such a force, it was critical that the United States take the lead, which, finally, it did. NATO issued an ultimatum for the withdrawal of heavy weapons around Sarajevo, and four Bosnian Serb aircraft were shot down for violating the "no-fly zone." President Clinton initiated a process to bring the Croat population of Bosnia-Herzegovina back into the Bosnian fold. This led, last week, to a new Bosnian constitution creating a federation of cantons, a good first step despite the way in which it may undemocratically perpetuate the politics of ethnic division. It also led to a mutually advantageous economic confederation between Bosnia and Herzegovina and Croatia.**

**These welcome developments are an indication of what can be done when members of the international community are determined to end aggression and warfare. They also illustrate the effectiveness of U.S. leadership in garnering the necessary political will in this regard. Frankly, I hope that those who viewed the aggression in Bosnia-Herzegovina as a civil war in which we should let them go ahead and kill each other, realize what such policies of inaction have done. In their toleration of genocide, and support for action only to the extent necessary to soothe public consciences, we failed to save at least 150,000 innocent, civilian lives. This puts a heavy responsibility on us to help give Bosnia and Herzegovina back its future, a future which we allowed to be stolen by war criminals, and I hope that those opposing preemptive action early on will now at least feel bound to support the more difficult challenges ahead. While the develop-**

ments that have taken place are positive, they are far from complete, and the international community must further toughen its resolve to ensure that U.N. resolutions are carried out.

In the short term, for example, the ultimatum regarding Sarajevo should be extended to all besieged enclaves, in particular the designated "safe havens" and perhaps the entire country. Force should be used, if necessary, to ensure the delivery of humanitarian relief to isolated, starving and freezing populations.

In the medium term, we should make it clear to the Serb militants that the Bosnians do not get anything less than is being suggested in the current deliberations on a Bosnian federation. Bosnia and Herzegovina stays united, and territory seized by force is to be returned. If the Serb response is not satisfactory, alternatives to continued mediation should be considered, including punitive airstrikes by NATO to negate the Serb militants' ability to sustain their aggression, or the lifting of the arms embargo on a Bosnian-Croatian alliance so that it can defend itself and save its people.

In the longer term, if the Bosnian Serbs do come to terms, we must be prepared to preserve the peace, and support human rights, reconciliation and democratization in Bosnia and Herzegovina the best we can. This means, potentially, United States participation in peacekeeping in Bosnia and Herzegovina. I would support this if it were done under NATO auspices, if the peace plan respects the territorial integrity of Bosnia and Herzegovina and other important principles, and, most importantly, if the peacekeepers were given the mandate to ensure the peace plan is implemented as agreed, unlike what has happened in neighboring Croatia. In any event, this also means the persistent pursuit and prompt prosecution of war criminals, wherever they are found.

We will also need to make sure that peace in Bosnia does not mean that the war has simply moved somewhere else. Current preventive diplomacy measures—such as the CSCE mission in Macedonia and European missions in other neighboring countries, must be continued and reenforced, and Belgrade must feel pressure to agree to the reestablishment of the CSCE Missions in Kosovo, Sandzak, and Vojvodina, where the situation has worsened in the last year. Finally, we must not even think of lifting sanctions until we have seen deeds, not just more words, out of Belgrade. Sanctions should only be selectively lifted after the Serbs have come to the table, agreed to terms acceptable to their Bosnian counterparts, and begun to implement them in good faith.

Political will, Mr. President, has started us on what may be the path toward peace in the Balkans. We must now have the resolve to see the process through, and not fall into the trap of believing that a peace agreement alone means peace, and that everything can return to normal in Bosnia-Herzegovina overnight. Our commitment to Bosnia and Herzegovina must be firm and long term. We have nothing less at stake than the principles upon which a peaceful and prosperous world order are based.•

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## TRIBUTE TO EMBROIDERY SERVICES, INC.

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to two outstanding northern Kentucky businessmen and their company. Embroidery Services, Inc., in Erlanger, KY, was recently recognized by the U.S. Small Business Administration [SBA] as the top small business in Kentucky. Company founder and president George Riggs and vice president Thomas Wells were each named as the 1994 Small Business Person of the Year for the State of Kentucky by SBA.

These outstanding Kentuckians certainly earned this honor. Embroidery Services, Inc., which embroider designs on clothing, began in 1981 as a contract embroiderer with few customers, and even fewer employees. The company had about 20 workers when it began leasing space at the Northern Kentucky University Small Business Incubator in Erlanger almost 5 years ago. Just 3 years ago, the company was enjoying modest success with annual sales at $2.2 million. Today, Embroidery Services has about 100 employees and last year sales topped $10 million.

Mr. President, I visited Mr. Riggs at Embroidery Services last year, and saw firsthand the success of this growing company. With high-technology computerized embroidery machines, the company decorates everything from pillows to polo shirts, producing about 70,000 pieces each month. The quality of work is recognized across the United States and beyond. Ninety percent of the company's sales are to resort areas in the United States and Mexico, and Embroidery Services also ships products to Spain, Italy, and Japan.

During my tour of Embroidery Services, I was equally impressed by the quality workmanship evident in the products, and the business savvy which has enabled Mr. Riggs and Mr. Wells to build such a successful company. Mr. Riggs, who is quite modest about his entrepreneurial achievements, has called himself a bad planner because his company has had to move into larger facilities six times. It is a problem that many companies would like to have. Embroidery Services, which started in a 100-square-foot office, will move into its seventh location in September—a 36,000-square-foot facility. The company also now has an outlet store to sell overrun and slightly damaged merchandise, as well as a smaller production facility.

Mr. President, Embroidery Services, Inc., is truly an outstanding example of a small business success story. Each year, the SBA chooses one business per State to honor during Small Business Week, May 1–3 here in Washington. I am very pleased that such an exceptional business will represent the Commonwealth, and congratulate George Riggs, Tom Wells, and the fine employees of Embroidery Services on this honor.

I ask to insert an article from the Kentucky Post into today's CONGRESSIONAL RECORD.

The article follows:

[From the Kentucky Post]

### BOONE HAS BEST SMALL BUSINESS

Embroidery Services Inc., a Boone County company that does decorative embroidery on garments, has added a stitch to its mantle of awards.

The company has been chosen as the top small business in Kentucky by the U.S. Small Business Administration.

Both George J. Riggs, company founder and president, and Thomas R. Wells, vice president, have been notified by the administration of their selections as 1994 Small Business Person of the Year for the State of Kentucky.

"Actually, it comes out that the business is selected. They pick one business per state and all 50 of us will be in Washington in May," Wells said.

State award winners are recognized and national winners are announced as part of Small Business Week events May 1–3 in Washington, D.C.

Embroidery Services, which traces its growth spurt to the Small Business Incubator of Northern Kentucky, has grown to about 100 employees and sales of more than $10 million last year.

The company was singled out last year by the Northern Kentucky Chamber of Commerce as an outstanding example of growing local companies.

Much of the company's recent growth has come from embroidered T-shirts sold in resort areas, but the company embroiders jackets, sweatshirts and T-shirts sold in department stores as well as the resort area specialties.

"Three years ago sales were $2.2 million and that jumped to $7.2 million and we've just finished a year at $10.3 million," Wells said.

The number of employees at the company varies depending on orders, but Wells said he expects employment to peak in the busy season this year at 110 to 120 people.

Riggs started the company in 1981 as a contract embroiderer with a relatively small base of customers. The company was growing and had 20 employees when it began leasing space at the Small Business Incubator in Highland Heights almost five years ago. The company has since moved to a larger space on Cox Avenue in the Mineola Pike industrial area.•

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## AMERICAN BAR ASSOCIATION'S EFFORTS TO CONTROL GUN VIOLENCE

• Mr. SIMON. Mr. President, today I rise to commend the continuing efforts of the American Bar Association [ABA] to control gun violence in our society. For almost 30 years, the ABA has supported policies regulating the sale and use of guns. The ABA began its efforts in 1965, endorsing amendments to the Federal Firearms Act of 1934. Most recently, the ABA supported legislation to limit the availability of assault weapons to military and law enforcement organizations.

In a resolution adopted this February, the ABA observed that guns have played a large role in creating the culture of violence which victimizes our youth, and reaffirmed its opposition to the uncontrolled sale and use of guns. The ABA urged legislative bodies to vigorously pursue solutions to the problem of gun violence.

I greatly appreciate the support and efforts of the ABA, and I commend the ABA for facing this issue.•

## S. 1275

• Mr. DURENBERGER. Mr. President, this past Thursday the Senate passed S. 1275, the Community Development, Credit Enhancement, and Regulatory Improvement Act of 1993.

I congratulate my colleagues for approaching the issue of banking reform in a bipartisan manner. This bill will reduce the onerous burden of unnecessary paperwork and redtape for banking institutions, strengthen the small business and real estate lending markets through the securitization of loans, and increase the availability of credit in distressed communities. I strongly support these important reforms.

However, I oppose the restrictions imposed on so-called high-cost mortgages. I share the concerns of those who seek to end the practice of reverse redlining by unscrupulous lenders who prey on unsophisticated borrowers. However, most lenders engaged in nonstandard mortgages provide essential alternative financial services for homeowners facing a short-term liquidity crisis.

Individuals who are unable to make mortgage payments due to a short-term financial crisis such as the loss of a business or a death in the family need the opportunity to get back on their feet. Unfortunately, due to numerous regulatory and practical restrictions, banks are unable to refinance a loan which is already delinquent. The only lenders who are willing and able to refinance the delinquent mortgage are those engaged in higher cost mortgages—mortgages with balloon payments, high interest rates, or related lending terms. By accepting these terms, the lender is compensated for the inherent risk that he or she accepts in making the loan and the borrower is able to keep his or her home. I do not call this usury; I call it opportunity.

I regret that my colleague from Texas, Senator GRAMM, was unable to offer his amendment which would have recognized the difference between a nonstandard mortgage and an unscrupulous loan. I urge the conference committee to retain financing options for individuals faced with temporary financing options for individuals faced with temporary financial hardships. In my judgment, as long as the terms of these mortgages are disclosed, these options must be preserved.•

## ORDERS FOR TOMORROW

Mr. FEINGOLD. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Wednesday, March 23; that following the prayer, the Journal of proceedings be approved to date; that the time for the two leaders reserved for their use later in the day; and that the Senate then immediately resume consideration of Senate Concurrent Resolution 63, the concurrent budget resolution, as proved for under the provisions of a previous unanimous-consent agreement.

The PRESIDING OFFICER. Without objection it is so ordered.

## ORDER OF PROCEDURE

Mr. FEINGOLD. Madam President, I ask unanimous consent that the Senate stand in recess, as ordered, upon the conclusion of the remarks of the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Republican leader, Mr. DOLE.

## THE 10TH MOUNTAIN DIVISION

Mr. DOLE. Madam President, I want to take a moment to pay tribute to our Armed Forces. Recently, in soldiers, a magazine published by the United States Army, I read an article about the battle that occurred on October 3 and 4, 1993, in Mogadishu, Somalia. The article focused on the brave officers and men from the unit that fought through the darkness to relieve Army Rangers and assist them in their return to safety—the men of the 2d Battalion, 14th Infantry Regiment, known as the Golden Dragons. The 2d Battalion, 14th Infantry is part of the 10th Mountain Division, my old unit, and one with a long history of tackling tough missions for our Nation. These young soldiers, representing America, fought for nearly 18 hours, mostly at night, to come to the aid of their fellow soldiers in the Ranger task force.

These selfless young men represent what is best about the soldiers serving in today's Army. They are highly trained and skilled in their profession; a profession which demands much, and, at a moment's notice, can put them in harm's way.

During World War II, the 10th Mountain Division had a well-deserved reputation for training hard to prepare for the tough, demanding combat missions it would be given. This training paid off well in combat. The performance of the Golden Dragons indicates that today's 10th Mountain soldiers truly carry forward those traditions. Their bravery and devotion to duty is well-documented; their loyalty to our Nation and the accomplishments of their comrades unequaled.

The 14th Infantry Regiment has a long history of outstanding service in both peace and war. At the end of the Civil War, General McClellan recognized the bravery of the men of the regiment by positioning them at the place of honor—the right of the line—during the grand parade in Washington, DC. The unit at the right of the line was the guide unit for all the other regiments during battle and generally was the first to engage the enemy. The regimental motto, "The Right of the Line," reflects this honor and tradition.

The 14th Infantry Regiment is no stranger to peacekeeping or multinational operations, either. The 14th Infantry served with forces from European nations in China during the Boxer Rebellion in 1900. After the 1906 earthquake that nearly leveled San Francisco, the regiment provided disaster relief. More recently, the unit provided humanitarian assistance to Haitian refugees at Guantanamo Bay. And the soldiers of the 14th Infantry Regiment continued this outstanding tradition of selfless service during the deployment to Somalia.

On October 3, 1993, the Golden Dragons were serving as the ready reaction force for the U.N. Forces in Mogadishu. Within minutes of being given the mission to assist the Ranger task force, one company was on the move. Twice, this force found there way blocked by heavy fire; the men fought through the first encounter but were stopped in a second engagement. After regrouping, they again set out in the darkness to assist their beleaguered comrades. Again, they encountered heavy fire, but they fought through to link up with the Rangers. The linkup of forces under fire is one of the most difficult operations a unit can be given, even in full daylight. The fact that this mission was accomplished under conditions of darkness, while receiving heavy fire, attests to the skill, training, and bravery of these fine soldiers.

After the linkup, these soldiers stayed, under fire, for more than 2 hours to free the body of one of their comrades-in-arms trapped in the wreckage of a helicopter downed earlier in the fighting. Only after recovering the body of that soldier and accounting for all remaining Rangers did the combined force withdraw. No doubt about it, the soldiers of the 10th Mountain Division share many common values with the Rangers, including the commitment not to leave fallen comrades on the battlefield.

America and the soldiers of the 2d Battalion, 14th Infantry paid a heavy price for their bravery and dedication; two of these young Americans made the ultimate sacrifice. The commitment, devotion to duty, loyalty to each other and the Nation, and perseverance under fire of these soldiers reflects the finest traditions of the 14th Infantry, the 10th Mountain Division and indeed, America's Army. Their willingness to put their lives on the line in service to the Nation is a shining example of what makes this country, and its Armed Forces, so great. These fine young Americans deserve our deepest thanks and admiration and have again demonstrated that they deserve the honor of serving on the right of the line.

## RECESS UNTIL WEDNESDAY, MARCH 23, 1994, AT 9 A.M.

Mr. DOLE. Madam President, in accordance with the previous order, I move we recess.

The motion was agreed to and, at 6:36 p.m., the Senate recessed until Wednesday, March 23, 1994, at 9 a.m.

## NOMINATIONS

Executive nominations received by the Senate March 22, 1994:

### DEPARTMENT OF STATE

WILLIAM J. CROWE, JR., OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

### THE JUDICIARY

THEODORE ALEXANDER MCKEE, OF PENNSYLVANIA, TO BE U.S. CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE A. LEON HIGGINBOTHAM, JR., RETIRED.

RAYMOND L. FINCH, OF VIRGIN ISLANDS, TO BE A JUDGE FOR THE DISTRICT COURT OF THE VIRGIN ISLANDS FOR A TERM OF 10 YEARS, VICE DAVID V. O'BRIEN, DECEASED.

PAUL L. FRIEDMAN, OF THE DISTRICT OF COLUMBIA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE GERHARD A. GESELL, RETIRED.

VANESSA D. GILMORE, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, VICE A NEW POSITION CREATED BY PUBLIC LAW 101–650, APPROVED DECEMBER 1, 1990.

GLADYS KESSLER, OF THE DISTRICT OF COLUMBIA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE MICHAEL BOUDIN, RESIGNED.

EMMET G. SULLIVAN, OF DISTRICT OF COLUMBIA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE LOUIS F. OBERDORFER, RETIRED.

RICARDO M. URBINA, OF THE DISTRICT OF COLUMBIA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE AUBREY E. ROBINSON, JR., RETIRED.

### IN THE COAST GUARD

THE FOLLOWING REGULAR AND RESERVE OFFICERS OF THE U.S. COAST GUARD TO BE PERMANENT COMMISSIONED OFFICERS IN THE GRADES INDICATED:

*To be lieutenant commander*

CURTIS B. ODOM
KEVIN P. CARPENTIER
JOSEPH R. CASTILLO

*To be lieutenant*

JOSEPH A. DERIE II
ROBERT M. DEAN IV
JOSEPH A. BOUDROW
JAMES MCLAUGHLIN
LOUISE A. BERNEY
VICTOR E. BLALACK III
TIMOTHY B. MESSINGER
KEVIN C. BURKE
WAYNE F. MACKENZIE
EDWARD J. KREJCI
JEFFERY P. HAYS
DANIEL P. KANE
JEFFREY M. RAMOS
LARRY W. HEWETT
ARTHUR J. SNYDER
KEITH A. LANE
JOHN K. MERRILL
RICHARD J. REINEMANN
DAVID R. XIRAU
JOSEPH J. MAHR
JEFFREY C. JACKSON
RICHARD C. BILBRO
ROBERT W. BILLER
JAMES E. STAMPER
STEVEN K. SHAFFER
JAMES S. ELBE
GUY L. SNYDER
STEVEN A. SUTTON
JUDY A. PERSALL
EARL B. SMITH
RONALD J. CANTIN
OSCAR W. STALLINGS, JR.
FREDERICK T. WILLIAMSON III
KKEVIN L. LEE
TIMOTHY J. CIAMPAGLIO
DONALD R. DYER, JR.
GREGORY D. CASE
JAMES T. HURLEY
JOHN D. RIDDLE
LEE E. JACKSON
KAREN JONES
WILLIAM A. FOX
RONALD L. RIEDINGER
KIRK N. SCHILLING
DIANE W. DURHAM
GARY G. KUNZ
GERALD P. ACHENBACH
PETER M. VANRUITENBEEK
GARY M. MESSMER
JEFFREY A. OVASKA
DANIEL E. MADISON
PHILLIP F. BROOKINGS
ROBERT L. WEGMAN
CHARLES SRIOUDOM
KENNETH M. ALBEE
OZIEL VELA

*To be lieutenant (junior grade)*

MARK S. LENASSI
CHRISTOPHER E. BOEHM
BARRY D. CALHOUN
MARK A. PANICEK
JOHN F. BOURGEOIS
THOMAS P. WALKER
DAVID R. MORGAN
RICHARD E. LORENZEN
GREGORY S. PIERCE
RICK D. CHRISTOFFERSEN
DEAN E. WILLIS
JOHN R. KNOTTS
MARILYN M. DYKMAN
THOMAS O. MURPHY
KEITH B. JANSSEN
JAMES M. KAHRS
BRAD L. SULTZER
RICHARD PINEIRO
STEVEN M. WISCHMANN
CURTIS J. FARRELL
JOHN P. FLYNN
AYLWYN S. YOUNG
PETER A. SCHICHTEL
JON J. BOWEN
DANIEL A. DEMARCHIS
DAVID C. NEUHAUS
LORINDA J. COUCH
STEPHEN G. GIBSON
ROBERT E. O'CONNELL
JOHN T. KONDRATOWICZ
MARSHALL E. WRIGHT
APRIL A. BROWN
VIRGINIA K. ELSESSER
JOHNNY GONZALEZ
ROBERT E. ALLEN
PATRICK W. BAKER
GEORGE P. WELZANT
MARK A. EYLER
JAMES J. VINCENT, JR.
DOUGLAS C. CLEMENTS
NANCY J. NELSEN
MAUREEN P. MARCH
ANDREW C. WISCHMEIER
CHARLES G. MURPHY
TIMOTHY P. CONNORS
ANDREA L. THOMAS
JOEL K. MOORE
TODD A. SCHMIDT
DENNIS E. BRANSON
HAROLD G. WHITLEY
CHRISTOPHER K. PALMER
THOMAS W. GAUNTT, JR.
GREGORY S. HUGHES
SAMUEL R. CREECH, JR.
HOWARD R. SHAW
EILEEN C. NALLY
LLOYD BANKS, JR.
MICHAEL K. HOLLAND
MICHAEL A, EDGERTON
GARY I. TODD, JR.
JOSEPH DIRENZO, III
TIMOTHY J. ESPINOZA
CLIFFORD K. BAYUK
DARRLY P. VERFAILLIE
ROBERT K. MACGREGOR
MARK S. RUSSELL
THOMAS K. OWENS
KENNETH D. DAHLIN
JACQUES L. ROSARIO
TIMOTHY D. SICKLER
JAMES R. DEYO
KENNETH IVERY
DANIEL C. KELLEHER
ANTHONY J. DAVERN
JOHN P. RADZISZEWSKI
BEVERLY A.BUYSSE
JOSE J. RODRIQUEZ
CURTIS J. SHAW
GEORGE J. PAITL, JR.
JEFFREY H. JAGER
PATRICIA J. HILL
GREG A. FONDRAN
RAYMOND M. WOOLDRIDGE
KYLE P. MCAVOY
JOHN T. MCALEESE
THEODORE J. FERRING III
ROBERT E. MCFARLAND
WINSTON E. LESLIE
RONALD W. NORTHRUP
PETER F. MARTIN
SCOTT M. ROGERS
DAVID S. FLURIE
BRENDAN E. O'BRIEN
ANDREW E. TUCCI
GARY L. JONES
HARLAN V. WALLACE
SEAN K. MOON
MICHAEL R. HEISLER
BRIAN P. THOMPSON
JAMES W. TEDTAOTAO
SCOTT K. DOW
JOHN P. NEWBY
BRIAN E. HUDSON
ERIC M. KING
DELWIN R. WITTERS
DOUGLAS E. NASH
JOHN F. CAMERON
JEFFREY A. BENOIST
JAME S. O'KEEFE
STACY L. OTTO
RANDALL E. WATSON
ALAN R. MARTINEZ
JOHN R. BEVILACQUA
RAMON L. GEIGEL, JR.
EUGENE R. LYTTON, JR.

### IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

#### JUDGE ADVOCATE GENERAL'S CORPS

*To be major*

THOMAS E. AYRES, [redacted]
*BRIAN S. BANKS, [redacted]
*ELIZABETH BERRIGAN, [redacted]
*MICHAEL J. BERRIGAN, [redacted]
*JOSEPH H. BESTUL, [redacted]
*DAVID L. CONN, [redacted]
*TIMOTHY M. CONNELLY, [redacted]
*DENISE COUNCILROSS, [redacted]
*FLORA D. DARPINO, [redacted]
*JAMES J. DILIBERTI, [redacted]
*PHILIP G. EVANS, [redacted]
*JANET H. FENTON, [redacted]
DAVID B. FREEMAN, [redacted]
*KEVIN P. FRITZ, [redacted]
*MARVIN K. GIBBS, [redacted]
*KEVIN H. GOVERN, [redacted]
*MICHAEL J. HARGIS, [redacted]
*TARA O. HAWK, [redacted]
*JAMES W. HERRING, [redacted]
*ROY H. HEWITT [redacted]
FRANK M. HRUBAN, [redacted]
*ROBIN L. JOHNSON, [redacted]
*KEVIN D. JONES, [redacted]
*RANDY T. KIRKVOLD, [redacted]
*MICHAEL H. LEONARD, [redacted]
MAURICE A. LESCAULT, [redacted]
*STEWART MONEYMAKER, [redacted]
MICHAEL A. NEWTON, [redacted]
JAMES A. NORTZ, [redacted]
*CHRISTOPHER OBRIEN, [redacted]
*JONATHAN F. POTTER, [redacted]
*ANTONIO RAIMONDO, [redacted]
*SCOTT F. ROMANS, [redacted]
*STEPHEN D. SANDERS, [redacted]
*BERTIE A. SMISEK, [redacted]
*KYLE D. SMITH, [redacted]
KATHERIN SPAULDING, [redacted]
*PAMELA M. STAHL, [redacted]
FRED P. TAYLOR, [redacted]
*GUY J. TAYLOR, [redacted]
*LINDA D. TAYLOR, [redacted]
*MARK W. TOOLE, [redacted]
*RANDALL J. VANCE, [redacted]
*STEVEN E. WALBURN, [redacted]
*DAVID A. WALLACE, [redacted]
*RICKEY WATSON, [redacted]
*JOEL E. WILSON, [redacted]

### IN THE NAVY

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

#### MEDICAL CORPS

*To be lieutenant*

DIANA B. BARRETT
JOHN L. BASTIEN
ERIK W. BERGMAN
RONALD J. BOUCHER
CAROL A. CAROTHERS
WILLIAM R. CARTER
JERRY R. CASTRO
MARK E. CHISAM
ALLISON W. COSTE
KURT R. EICHENMULLER
ROBERT P. ENGLERT
JENNIFER L. ERDMAN
JAY B. ERICKSON
DAN E. FISHER
KIM M. FORMAN
WILLIAM C. FREUDENTHAL
ERIC M. GESSLER
BRIAN J. GRADY
JOHN L. GRIMWOOD
CHRISTOPHER A. HAM
JOHN V. HARDAWAY
STEVEN J. HUDSON
JOHN S. KENNEDY
TINA T. LIEBIG
JOHN W. LOVE
JULIE MAURER
MICHAEL T. MAZUREK
CHARLES E. MCCANNON
MICHAEL S. MCCLINCY
KEVIN A. MCKENNEY
THOMAS V. MESSE
STERLING A. MEZA
DAVID P. MURPHY
COUNG TAN NGUYEN
CHRISTOPHER W. NORWOOD
JOHN J. PAPE
MARTIN W. PRUSS
CHRISTOPHER H. REED
LORI M. ROGERS
ERIC M. SERGIENKO
DEANA J. SHANKS
JILL D. SIREN
ROBERT C. STABLEY
CHARLES B. TONER
LINDA C. ULRICH
ANASTASIA F. VALENZUELA
CHRISTINA WALSH
CYNTHIA A. WILKES

### DEPARTMENT OF DEFENSE

ROGER HILSMAN, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS. (NEW POSITION.)

ROBERT N. SHAMANSKY, OF OHIO, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS. (NEW POSITION.)

STANLEY K. SHEINBAUM, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS, VICE JOHN P. ROCHE, RESIGNED.

### IN THE MARINE CORPS

THE FOLLOWING-NAMED MAJORS IN THE U.S. MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COLONEL UNDER THE PROVISIONS OF SECTION 624 OF TITLE 10, UNITED STATES CODE:

*To be lieutenant colonel*

DUNNIGAN, RICHARD M., [redacted]
BRANCH, RICHARD C., [redacted]
WHITFIELD, WALTER V., [redacted]
KIRK, JOHN J., JR., [redacted]
HUGHES, JACK M., [redacted]
HICKSON, ERNEST E., [redacted]
HARRIS, WILLIE J., [redacted]
JOHNSON, EDWARD I., [redacted]
DOLAN, MICHAEL F., [redacted]
VIVERETTE, LEE J., III, [redacted]
VAUGHT, HARVEY D., [redacted]
HESSLER, WILLIAM G., [redacted]
DECAMP, WILLIAM T., III, [redacted]
REED, LOYD W., [redacted]
MINGO, RICHARD, [redacted]
ROBINSON, JOSEPH R., [redacted]
OLSON, JEFFREY L., [redacted]
ELKINS, STEVEN T., [redacted]
TRUBA, ROY E., [redacted]
JENNINGS, JAMES M., [redacted]
IRLBACHER, GEORGE W., JR., [redacted]
SMITH, RICHARD J., [redacted]
BUTLER, WILLIAM G., III, [redacted]

MYERS, DILLARD O., [redacted]
COULTER, ALLEN, [redacted]
DOZIER, ROBERT D., [redacted]
STEARNS, LEROY D., JR., [redacted]
DIGNAN, JUNE M., [redacted]
FIELDLER, EDWIN JR., [redacted]
SUMMERS, JEFFREY M., [redacted]
PRYOR, ROGER M., [redacted]
THOMAS, JAMES M., [redacted]
LONGORIA, ALFREDO, JR., [redacted]
BOWER, JOHN F., [redacted]
HUFFMAN, LARRY D., [redacted]
TURNER, PAUL F., [redacted]
MCCARTHY, KEVIN J., [redacted]
SMITH, HAROLD G., JR., [redacted]
VANDERMEER, WILLIAM S., JR., [redacted]
BRISTOW, JERRY D., [redacted]
HAND, PAUL A., [redacted]
HOLCOMB, EDDIE L., [redacted]
HASTY, BOYETTE S., [redacted]
BARKER, MICHAEL J., [redacted]
OLSON, FREDRIC M., [redacted]
GUMBEL, JOHN D., [redacted]
CONTI, EUGENE K., [redacted]
ADAMS, PAUL D., [redacted]
JAMES, JOHN W., [redacted]
VALENTINO, ANTHONY W., [redacted]
WESTERVELT, SCOTT, [redacted]
LEFEBVRE, PAUL E., [redacted]
INNERST, JOSEPH P., [redacted]
REDMAN, JAMES M., [redacted]
BAIGIS, GERARD B., [redacted]
KAMPSEN, MICHAEL E., [redacted]
SWELTZ, KENNETH W., [redacted]
STRAIN, PATRICK M., [redacted]
DEWITT, JOHN D., JR., [redacted]
MECKEL, RICHARD C., JR., [redacted]
HARRIS, RODGER C., [redacted]
GIANI, VINCENT C., [redacted]
KNOBEL, MICHAEL P., [redacted]
LENAC, RANDOLPH S., [redacted]
LANGDON, LOREN K., [redacted]
SULLIVAN, DANIEL D., [redacted]
WOZNIAK, JOHN L., JR., [redacted]
STINEMETZ, KURT C., [redacted]
EDWARDS, LLOYD P., [redacted]
PACE, JAMES A., [redacted]
MCCLAREN, HARRY E., [redacted]
JENNINGS, GAIL E., [redacted]
DELAIR, CHARLES E., [redacted]
MILLS, JOHN E., [redacted]
DIAZ, GILBERT B., [redacted]
LAKE, RICHARD M., [redacted]
GUILFOYLE, WILLIAM F., [redacted]
FENSTERMACHER, STEPHEN M., [redacted]
MCARTHUR, HEINZ M., [redacted]
HUMMER, STEVEN A., [redacted]
ABBOTT, DAVID J., [redacted]
LEDOUX, JOHN L., [redacted]
DUNN, JOHN M., [redacted]
PEELER, DAVID H., [redacted]
LEE, JOHN S., [redacted]
SMITH, RANDY R., [redacted]
DIFALCO, FRANK J., [redacted]
ENOCH, JOHN T., JR., [redacted]
SHULTIS, STEVEN C., [redacted]
CUNNINGS, JOHN T., [redacted]
BILLIPS, PAUL E., [redacted]
MCGOWAN, JAMES F., III, [redacted]
FERGUSON, SAMUEL E., [redacted]
PATTERSON, JEFFREY J., [redacted]
LAMBERT, KIRK S., [redacted]
KACHILLA, MICHAEL A., [redacted]
BUKAUSKAS, JOHN A., [redacted]
ANDERSON, BRUCE C., [redacted]
DEARMAN, MILTON [redacted]
COBB, CARL G., [redacted]
KERRIGAN, TERENCE K., [redacted]
DINGESS, BRIAN D., [redacted]
KOEHLER, WILLIAM C., JR., [redacted]
LESHCHYSHYN, DANIEL D., [redacted]
RYAN, SCOTT D., [redacted]
BIXLER, GLENN C., [redacted]
REUSS, GREGORY C., [redacted]
PUCKETT, NEAL A., [redacted]
NICHOLS, JAMES D., [redacted]
WEIGL, OTTO W., JR., [redacted]
LHUILLIER, THOMAS P., [redacted]
BACON, JOHN L., [redacted]
SWARD, THOMAS B., [redacted]
DAVIS, JAMES M., [redacted]
BERGSTROM, JOHN L., IV, [redacted]
GARRARD, DAVID L., [redacted]
JOSEPH, STEPHEN E., [redacted]
SNYDER, MARSHALL K., [redacted]
BARNES, BRUCE M., [redacted]
STEFFANETTA, GENE A., [redacted]
BEAVERS, LARRY G., [redacted]
GREENWOOD, THOMAS C., [redacted]
ROGERS, JAMES A., [redacted]
HAMILTON, TERRY [redacted]
POWERS, JEFFREY A., [redacted]
POMFRET, JOHN J., [redacted]
KOLP, JONATHAN A., [redacted]
ODONOGUE, PATRICK M., [redacted]
FOX, RAYMOND C., [redacted]
STOCKWELL, HARMON A., [redacted]
FARRAR, JAY C., [redacted]
WHITE, JEFFREY A., [redacted]
COOK, TERRENCE P., [redacted]
ALLEN, ANDREW M., [redacted]
POLLOCK, DANIEL J., [redacted]
GARDNER, VICTOR M., III, [redacted]
SUPNICK, GARY S., [redacted]
RENDON, MICHAEL P., [redacted]
MEYER, TERENCE J., [redacted]
CREAMER, ROBERT L., JR., [redacted]
TREADWAY, WILLIAM G., [redacted]
BISHOP, DEBORA K., [redacted]
COATES, ROBERT J., [redacted]
DICK, MICHAEL E., [redacted]
HOUSTON, FLOYD D., [redacted]
RODGERS, RONALD L., [redacted]
SIFFORD, MARK D., [redacted]
LISTON, WILLIAM R., [redacted]
INSERRA, GLEN A., [redacted]
BAILEY, RONALD L., [redacted]

## CONFIRMATIONS

### Executive nominations confirmed by the Senate March 22, 1994:

DEPARTMENT OF DEFENSE

STEPHEN C. JOSEPH, OF MINNESOTA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

HELEN THOMAS MCCOY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

DEPARTMENT OF JUSTICE

DEVAL L. PATRICK, OF MASSACHUSETTS, TO BE AN ASSISTANT ATTORNEY GENERAL.

JAMIE S. GORELICK, OF MARYLAND, TO BE DEPUTY ATTORNEY GENERAL.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

# HOUSE OF REPRESENTATIVES—*Tuesday, March 22, 1994*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. MONTGOMERY).

## DESIGNATION OF SPEAKER PRO TEMPORE

The Speaker pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
*Washington, DC, March 22, 1994.*

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
*Speaker of the House of Representatives.*

## MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, February 11, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

## A RESPONSIBLE AND AFFORDABLE APPROACH TO HEALTH REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 4 minutes.

Mr. GOSS. Mr. Speaker, Monday night a week ago the President pounded on his bully pulpit in Boston and decreed that the Republicans have no viable health reform alternative. He was frustrated. He was wrong. Two nights later his own party proved that by attacking the GOP health plan during the first House Oxford debate. I don't blame Democrats for not wanting to defend Clinton's plan. I sat through countless Republican meetings on the subject—and met regularly representatives from the White House last spring to present Republican ideas and concerns about health. Republicans have introduced several comprehensive health bills. Each is distinguishable from the President's plan in two respects: First, Republican plans rely much less on new taxes and new Government bureaucracies—depending much more on directly empowering individuals to make their own choices in a reformed and revitalized market. Second, Republicans seek to pay for reforms. Rather than throw new taxes and more debt at a system notorious for waste and inefficiency, Republican reform bills redirect wasteful spending to worthy purposes—and reward innovation and cost-effectiveness. The most widely supported Republican health bill is H.R. 3080, the Affordable Health Care Now Act, crafted by Members of the Republican leader's task force on health reform. We spent more than 2 years studying the problems in our current system taking testimony and developing reasonable user friendly solutions. H.R. 3080 has 142 cosponsors—more than any other reform proposal now before Congress—and many of its provisions were included in the reform bill passed by the Democratic controlled Senate in 1992. Unfortunately, the acknowledged value of H.R. 3080's provisions are summarily dismissed by critics who say the bill does not go far enough and guarantee universal coverage. In practical terms, though, what good is declaring health care a right? Ask the veterans in my area what a right entitles you to if the system you depend on is underfunded or inadequate. Rather than holding out false promises, H.R. 3080 addressed the two biggest needs we see today in our health system—making affordable insurance more accessible to those in need and attacking the rising cost of care. It does these things without creating new bureaucracies or raising huge new taxes. By comparison, CBO estimated the President's bill will increase the deficit by $136 billion over the next 8 years. Another study of the President's bill found it contains 818 new regulatory mandates, would require more than 2,000 pages of Federal regulations and would monopolize the attention of 100,000 public employees. Seeking to avoid a massive collectivization of the health sector by Government, we attempted to fix what is obviously broken by building on what works. For instance, of the 37 million uninsured, nearly 80 percent are working or are dependents of someone who is employed. And most work for small businesses, which have less market power in negotiating group insurance rates. H.R. 3080 encourages formation of larger, multiple-employer purchasing arrangements, and requires small group insurers to offer three different standardized insurance options to all small employers. Our bill then requires employers to offer, but not pay for one of the plans. To ensure affordable coverage, restrictions on premium variances between groups and limits on annual premium increases are imposed. Individuals whose employers do not pick up the tab can deduct the cost of their unsubsidized premiums. Or they can purchase a catastrophic insurance plan and establish a medical saving account—all with before-tax dollars. These tax changes and insurance market reforms should provide immediate relief to the vast majority of those who cannot access adequate care today. But the bill does more to ensure access. Recognizing recent innovations in the Medicaid Program, and broader initiatives like that now being discussed in Florida, the bill gives States the flexibility to revise Medicaid programs. Finally, the bill includes substantial new funds for community-based health centers already providing care—at cost-effective rates—for those who fall through the cracks. Our approach, unlike the Clinton plan, won't force the 80 percent of Americans who are generally satisfied with their care to give up their insurance—for some new, unproven plan. I hope the President will read H.R. 3080 and understand that there are alternatives for reform—Republicans have offered some real choices all Americans will want to consider.

## THE WHITMAN WATERSHED

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from New Jersey [Mr. SAXTON] is recognized during morning business for 3 minutes.

Mr. SAXTON. Mr. Speaker, we spend a huge amount of our time in the House of Representatives dealing with budgets and taxes, and we can learn a lot from things that go on around this country.

Mr. Speaker, last November, the people of New Jersey voted for less government and lower taxes when they elected Christine Todd Whitman Governor of our fine State. The citizens of New Jersey believed Governor Whitman when she promised to take the measures necessary to reduce government spending and cut the massive tax burden punishing the hard workers in our State.

Just over 2 weeks ago, Governor Whitman took the first step toward fulfilling her commitment when she signed into law a measure that provides for a 5-percent reduction in the State income tax retroactive to January 1, 1994. She also repealed a business

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

surtax retroactive to the beginning of the year.

And just last week, Governor Whitman took the second major step needed in making good on her promise to bring financial sanity and responsibility back to New Jersey.

Speaking before the State legislature the Governor unveiled her landmark budget. This unprecedented budget actually spends less than last year's budget.

The Governor's budget was met with approval by a strong majority of citizens and opinionmakers.

Mr. Speaker, please allow me to quote from the Governor's address. Speaking to the legislature and the people of New Jersey the Governor said:

> There is only one way to cut government spending, and that is to cut the amount of tax dollars that we take out of your pocket.
>
> The more money (New Jerseyians) have to spend, the more the economy will grow. You elected me to cut taxes and government spending in order to create jobs and stimulate economic growth. And that's exactly what my tax cuts will do.

The Governor then elaborated on the evils of unchecked taxes:

> Taxes in New Jersey . . . are too high. High taxes drive jobs out . . . They make it hard for young families to buy homes and for senior citizens to keep them.

The New Jersey economy has been hit harder than most. The citizens of New Jersey have seen thousands of jobs go south in search of lower tax States.

Now, with Governor Whitman's leadership, New Jersey will be able to keep these jobs. Workers from surrounding high tax States will now flock to New Jersey.

In fact, Mr. Speaker, the Whitman budget removes more than 380,000 New Jerseyians from the tax rolls. This means that some senior citizens, students, and people working their way off of welfare rolls will pay no income tax at all.

The Governor's budget also calls for a hefty middle-class tax cut. Families with incomes under $80,000 will have their tax rates cut by 15 percent. This is much needed relief for hard-working families trying to get ahead.

Mr. Speaker, the tax reductions incorporated in the Governor's budget are fully paid for by reductions in Government.

In summary, Governor Whitman believes the only way big government can be restrained is by restricting the amount of funds available to spend on it. The Governor believes that the American people can spend their money better than government bureaucrats.

Mr. Speaker, Governor Whitman emphasizes the need to once again incorporate common sense and smart decision making into government spending.

For instance the Governor said:

> You make . . . choices every month when you pay your Mortgage or rent, buy food, and pay your utility bill. . . . Then you see if you have enough money left over to go on vacation. . . . You don't spend more money than you are taking in. Government shouldn't either.

I believe the Governor's budget provides us with an example of how Government can and should be run.

Mr. Speaker, Governor Whitman's speech is a must read for all Americans Therefore, later today I will insert the text of the Governor's budget speech into today's CONGRESSIONAL RECORD as part of the Extension of Remarks.

In closing, it would be a shame if the Federal Government could not learn a valuable lesson from the well thought-out decisions of States like New Jersey and leaders like Governor Whitman.

Two years from now, when New Jersey is once again thriving and the envy of its neighbors, people will look back to this speech given by the Governor, on March 15, 1994, as the beginning of the Whitman watershed.

□ 1040

## THE URGENT NEED TO ADDRESS THE COMMON LANGUAGE ISSUE

The SPEAKER pro tempore (Mr. MONTGOMERY). Under the Speaker's announced policy of February 11, 1994, the gentleman from Missouri [Mr. EMERSON] is recognized for 3 minutes.

Mr. EMERSON. Mr. Speaker, the question of whether or not the United States has a common, official language grows more urgent each day. The longer we wait to address this issue the more polarized the positions become and the harsher the rhetoric on both sides.

There are some in this Chamber that would like to see the Government extend any and every service in any and every language; if we subscribed to their methods, before long we would have a Government functioning in over 200 languages. Why? Because invariably, when we start administering Government in the second and third most popular minority language, we are going to be requested to provide the same accessibility to the fourth on down the line. I ask my colleagues, are we not about to cross the threshold of establishing a very dangerous and costly precedent?

On the other hand, there are some in this Chamber, that subscribe to the English only philosophy. That being—everything in English; no exceptions. Unfortunately, the common language debate suffers as a result of this philosophy. This type of mentality results in fear and misperceptions that should not be associated with the common language debate or my legislation—H.R. 123, The Language of Government Act, which would designate English as our common official language.

For three consecutive Congresses now, I have been the chief sponsor of the Language of Government Act (H.R. 123). If my colleagues have analyzed this legislation over the past three Congresses, my colleagues have seen that as the issue has continued to evolve, I have changed the legislation over the course of time. If my colleagues have not analyzed my bills, then I encourage you to do so because the common language issue and the need for a coherent government language policy is not going away. I believe that my bill is a rational vehicle for addressing this issue.

I make note of the maturation of this legislation because I want every one of my colleagues to understand my strong desire to put together a bill which addresses the concerns of as many people as possible. I have listened to each Member's concerns and have attempted to work with them in order to ensure that my legislation meets those concerns. Of all fronts, I believe I have been accommodating.

Within my legislation, H.R. 123, I have included an exemption clause which ensures that no essential services—emergency, health, safety, and justice—would be restricted. It is not English only. The term "English Only" is most often used by the anti-common-language groups to promote the falsehood that The Language of Government Act is opposed to other languages.

I recognize that there are individuals living in the United States who do not know English, and we have an obligation to extend certain essential services to them to ensure that they can get by. However, it is my strong belief that we have an even greater obligation to ensure that they get the chance to learn English so that they cannot only get by but can prosper—and fully partake of all the economic, social, and political opportunities that exist in this great country of ours.

Currently, we adhere to an arbitrary decisionmaking process—every so often we decide to extend a particular Government service or function to a particular minority language group. I would argue that we often do this without first looking at the inevitable negative consequences. What we are creating are linguistic enclaves, language minority groups that are dependent on the Government to get by. Do we not owe these individuals better than that? Is not money spent on some of these services, bètter spent on creating English language instruction facilities? I do not believe it's enough to apply political expedient Band-Aids. We ought not be throwing individuals a fish and telling them to eat of it as long as they can, which is all we are doing when we keep mounting the number of services we offer them in their language. Rather, we ought to be giving individuals a fishing-pole so that they can catch all the fish they need. That fishing-pole is a proficiency in the English language.

My legislation states that the Government has an affirmative obligation to promoting the English language—elevating that goal to official capacity. At the same time, the bill seeks to set some commonsense parameters on the number and type of Government services that will be offered in a language other than English. We do not need a full scale multilanguage Government. But, if we do not address this issue in a forward-thinking, pro-active manner, that is just what we are going to have allowed to develop.

It has been said by some that I spend too much time explaining what I am not opposed to, by focusing so much attention on my bill's exemption clause. However, I feel it is imperative that each and every Member of this Chamber understand that I am not proposing that we not offer help to those in need. My bill states that the official Government functions, official Government documents, and official Government meetings will be recorded and conducted in English. If we commit to governing in English, then we also must commit to ensuring that the citizens we govern understand the language in which we are governing—it goes hand in hand.

We must come together now, this Congress, and hammer out our differences on this issue and pass this bill. If we continue to wait, the problem is only going to continue to grow. The two sides are only going to become more polarized, and I fear what the results might be.

I appeal to each and every one of my colleagues to analyze my bill. H.R. 123, in my opinion, is the best vehicle for addressing the common language issue. We cannot continue to turn our backs on this issue. Please join me today, by becoming a cosponsor of H.R. 123.

## INTRODUCTION OF THE YOUTH DEVELOPMENT BLOCK GRANT ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentlewoman from Maryland [Mrs. MORELLA] is recognized for 4 minutes.

Mrs. MORELLA. Mr. Speaker, I am pleased to offer my strong support for legislation just introduced with my distinguished colleague, the gentleman from New Jersey [Mr. PAYNE]. It is a youth development block grant, and the legislation would provide much needed funds to community-based organizations for the coordination and expansion of development programs for young people from 6 to 19 years of age.

Too often, we focus attention on our young people only when their behavior becomes a problem to society. Daily newspaper and broadcast reports highlight the plight of troubled youth who overdose on drugs, bring weapons to school, and get involved in robberies and carjackings. Even the President reacted to the shootings at Eastern High School in the District of Columbia recently when a student brought a gun to school and shot two classmates.

We, in Congress, are passing legislation to provide funds to local school systems for crime prevention equipment, such as metal detectors, and training programs for teachers in conflict resolution. We are introducing amendments to major education legislation to devise specific penalties for students who bring weapons to school. We are doing little, however, to find alternatives for at-risk youth that will help them grow into productive citizens.

The main goal of the Youth Development Block Grant Act is to promote and support positive programs for young people. This act would provide funds to youth clubs, sports and recreation activities, mentoring, leadership development, and community service programs through which young children and teenagers could develop the values and lifeskills they need to succeed.

Child and alcohol abuse, and fragmentation of the family also contribute to the unprecedented challenges that face our Nation's youth. These challengers often lead to emotional disorders, academic underachievement, and sometimes even suicide. According to experts, early intervention can be effective and beneficial in affording young people the opportunity to achieve a measure of success in their personal lives.

All youth development block grant funds would go to the development of nonacademic programs that promote hands-on methods to assist a broad range of youth to develop social, moral, emotional, physical, and cognitive competencies. Under the block grant programs families and communities would work together to provide youth with a foundation of experiences that will prepare them to meet the challenges of adulthood. The emphasis of these programs would be on prevention, and 95 percent of block grant funds would go directly to local communities.

The youth block grant proposal has been crafted by a collaboration of 15 community-based organizations dedicated to serving our Nation's youth. These organizations have brought a wealth of experience to this legislation and collectively serve more than 25 million children and youth each year. They include the YMCA and the YWCA, the Boys and Girls Clubs of America, the Boy Scouts and Girl Scouts, Camp Fire Boys and Girls, the 4-H Club, the American Red Cross, the Association of Junior Leagues, Child Welfare League, Girls Inc., National Network of Runaway and Youth Services, WAVE, and the Salvation Army.

Often, these organizations are competing against each other for funds to develop youth programs. This legislation builds on the strength of these community-based organizations, allowing them to coordinate their efforts to serve at-risk youth.

The biggest challenges facing our children and youth are outside of the classroom. Of the children entering school, 1 in 5 is living in poverty. Half a million children who started school this year were born to teenage mothers. Many were exposed to drugs in utero or contracted HIV disease. A combination of factors puts these children at long-term disadvantage.

Mr. Speaker, schools cannot meet the developmental needs of these challenged youth. Young people spend less than half their time in school. After-school-activities are of the utmost importance in shaping the lives of these individuals. We must take these children off the streets and out of empty houses. We can do this by providing community-based organizations with the funds and the means to collaborate and develop meaningful programs that will help young people grow into productive adults. The Youth Development Block Grant Act will enable these organizations to reach out to millions of currently unserved youth. It is an investment in our Nation's future, and I am pleased to join the gentleman from New Jersey [Mr. PAYNE] in introducing this legislation which will afford our young people with the positive opportunities that they need and deserve.

□ 1050

## WHITEWATER

The SPEAKER pro tempore (Mr. LAROCCO). Under the Speaker's announced policy of February 11, 1994, the gentleman from Texas [Mr. SAM JOHNSON] is recognized during morning business for 2½ minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, yesterday the chairman of the Banking Committee, and my colleague, the gentleman from Texas [Mr. GONZALEZ] abruptly canceled Thursday's scheduled oversight hearings involving the Resolution Trust Corporation [RTC]. As required by law, should Congress not obey the law?

Mr. GONZALEZ' decision to delay this hearing comes after several weeks of personal efforts to deny House Republicans on the Banking Committee access to documents and answers to legitimate oversight questions involving the failure of Madison Guaranty Savings & Loan in Arkansas.

In an effort to offer the carrot with the stick, Mr. GONZALEZ also wrote a letter yesterday to Speaker FOLEY, requesting that special hearings be held on the matter of Whitewater.

Within the past 2 weeks, Mr. GONZALEZ has written to Federal regulators to suggest that documents related to Madison be withheld. He also advised those same regulators in a subsequent letter that they need not answer questions related to Madison when they appeared at the now delayed RTC hearings.

This same delicate handling was not in evidence in the past for Silverado Savings & Loan. I have to wonder if there is an inconsistency here.

In trying to hide issues related to Whitewater, Mr. GONZALEZ has prevented the Banking Committee from conducting its regular oversight of a historically mismanaged bureaucracy—the RTC.

Mr. GONZALEZ should not allow political and partisan concerns to regulate the business of the House Banking Committee. In his job as chairman he is a conduit for the legislative process. Oversight of the RTC is needed and should not be sacrificed to protect those related to the Whitewater case—just as we have not protected others in the past.

When I learned of the effect that Whitewater rumors were having on domestic and international markets last week, I wrote the Speaker myself. If you are interested, that letter appeared in the Dallas Morning News last Friday, March 18.

I ask again for my friend from Texas to hold the oversight hearings which are legally within the Banking Committee's purview, and I submit my letter to the Speaker for the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
*Washington, DC, March 11, 1994.*

Hon. THOMAS S. FOLEY,
*Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: The reaction of domestic and foreign financial markets to unsubstantiated rumors about the death of former Deputy White House Counsel Vincent W. Foster, and the Whitewater affair, prove beyond question that America's economic stability is being impacted by the failure to resolve issues involving these matters.

Today's Washington Post quotes a New York source as saying that, "Whitewater is rapidly becoming an 'investable' event". Changes occurring in foreign markets are attributed to the fact that, "Foreigners are focusing on Whitewater for the first time."

Markets, which are based on risk, are responding accordingly. Yesterday's drop in the Dow Jones industrial average of nearly 23 points, rise in the yield of 30-year Treasury bonds and flow of capital to gold and other "safe havens" all reveal a softening in the markets over Whitewater concerns.

An article in the Wall Street Journal states:

"Fallout from wild speculation regarding the suicide last year of Deputy White House Counsel Vincent Foster as well as President Clinton's past financial dealings moved from Washington to Wall Street, where stock and bond markets tumbled."

Clearly, the time is now and the responsibility is ours to restore confidence in the federal government.

Waiting on the Special Prosecutor to complete his investigation of possible criminal wrongdoing before we act is not an option. His activity will consume many months before a resolution is at hand. The extensive course of his work is not a proper excuse for our failure to fulfill our responsibilities to govern.

In 1991, in reference to allegations that Republicans had sought to delay the release of hostages in Iran, you were quoted as saying: "We have no conclusive evidence of wrongdoing, but the seriousness of the allegations, and the weight of circumstantial information, compel an effort to establish the facts."

While there is considerable disagreement about whether criminal wrongdoing is attributable to the President, there can be no doubt that the allegations are serious and the weight of circumstantial evidence is overwhelming.

For the record, the following appear to be unchallenged fact:

A member of the White House staff who was intimately involved in Whitewater is dead;

Senior staff at the White House intervened in the FBI and U.S. Park Police investigation of that death and removed records related to Whitewater from the deceased's office;

Top administration officials were involved in what the President has termed "improper" meetings with White House staff about a federal criminal referral involving Madison Guaranty Savings and Loan;

The President's counsel has resigned as a result of meetings regarding Madison Guaranty and Whitewater;

Ten individuals in this administration have been subpoenaed to appear before a federal grand jury regarding contacts about Whitewater and/or Madison Guaranty Savings and Loan;

The Secretary of the Treasury has initiated an independent investigation by the Office of Government Ethics over contacts involving Whitewater and Madison Guaranty Savings and Loan.

Evidence that officials close to the President have involved themselves in matters related to Whitewater begs the question about this administration's earlier actions and appointments involving federal law enforcement and independent regulatory organizations. Specifically:

This administration asked for the resignations of every United States Attorney shortly after taking office;

A friend of the President was appointed the United States Attorney in Little Rock;

A former law partner of Hillary Rodham Clinton was appointed to the number three position in the U.S. Justice Department before the Attorney General had been appointed;

The top positions at the Resolution Trust Corporation and the Federal Deposit Insurance Corporation have been filled for over a year by "temporary" appointments with ties to the President;

The circumstantial evidence, public allegations about the President, and admitted improper behavior by White House staff would seem to meet your above referenced standards for congressional hearings.

Vice President Al Gore, during his tenure in Congress, gave a speech on the floor of the Senate about the so-called "October Surprise". Then-Senator Gore said:

"The evidence which has thus far trickled into the public domain is still fragmentary. Much of it is circumstantial, but it is compelling. If the allegations are not true, the country needs to know they are not true."

Vice President Gore's concern about the public's need to know the truth is even more relevant now, because financial markets are reacting to unsubstantiated rumors about the President's involvement in matters involving Whitewater and Madison Guaranty Savings and Loan.

Earlier this week you dismissed calls for Congressional hearings on this matter because, as you firmly stated: "There is no evidence of any kind of wrongdoing in this matter. None."

The President and his aides have made similar statements. In fact, conventional wisdom, as reported by the press, is that the bungling by administration and White House staff has been more damaging to the President than anything he did prior to taking office.

Given your unqualified support for the President and his disavowal of any wrongdoing, it seems to me that there is every reason to hold Congressional hearings which would "clear the air" on this matter.

Despite the President's public statements and the majority party's reassurances, international and domestic financial markets and the American public are losing confidence in this President's ability to govern. Every attempt so far to dispel these concerns has been unsuccessful.

As a member of the House Committee on Banking, Finance and Urban Affairs, it is my responsibility to be aware of how these matters are affecting financial markets. As members of Congress, it is our responsibility to ensure the functioning of the federal government. We are not fulfilling our duties if we delay any longer holding formal congressional hearings on the President's involvement with Madison Guaranty, his dealings related to Whitewater, and issues surrounding the death of Vincent Foster.

As Speaker of the House of Representatives, the most senior elected official under the Constitution not in the executive branch, you must initiate congressional hearings on these matters.

I appreciate your attention to this important matter and await your response.

Sincerely,

SAM JOHNSON,
*Member of Congress.*

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## A TRIBUTE TO BISHOP JAMES ALEXANDER FORBES

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from New York [Mr. TOWNS] is recognized during morning business for 1 minute.

Mr. TOWNS. Mr. Speaker, I rise today to talk about the accomplishments of Bishop James Alexander Forbes, a man that has really provided leadership in this Nation, a person that dropped out of school in the sixth grade, took a correspondence course, and after finishing that, they gave him his high school diploma. He then went on to college where he received a bachelor's and a master's degree. Not only that, but he was able to motivate eight children, five girls and three boys, and all of them have at least a master's degree.

The boys all have their doctorates.

One is the pastor of the Riverside Church, James Alexander Forbes, Jr.; the other, the pastor of the Faith Christian Church in Raleigh, NC; the other, a psychiatrist in Richmond, VA.

All the girls as indicated, have a master's.

I think that that is the kind of family that should be lifted up and that

Bishop James Alexander Forbes on his 80th birthday, wherever you are, the world is indeed indebted to you for your achievements and your accomplishments.

## COMMITTEE FUNDING RESOLUTION SCHEDULED FOR TODAY

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Ohio [Mr. BOEHNER] is recognized during morning business for 5 minutes.

Mr. BOEHNER. Mr. Speaker, later on today the House will consider the Committee Funding Resolution. This is an annual event and this resolution before us this year will cover the period for the remainder of 1994.

Many Members in this Chamber believe that this resolution covers all of the funding for committees when, in fact, that is not the case, not even close.

Looking at the chart next to me, the total amount of funding for committees is not the $52 million that we will debate today but it is almost $130 million. Only 41 percent of the amount that is spent on committees is actually covered by the Committee Funding Resolution. That is referred to as investigative committee, where the majority controls some 80 percent of those investigative staffers while the minority controls roughly 20 percent of those staffers.

So I bring to the attention of my colleagues that we have some problems, and I would like to point those out during the remainder of my time.

The first is that I think it is time to change the funding process. If we are going to have a committee funding process, we ought to have all of the funds for all of the committees dealt with in this committee funding resolution, not just the 41 percent that we are going to debate today.

I think it is also of note that if we look at this pie chart, we will see that the Committee on Appropriations gets 16 percent of the funds right off the top, some $21 million that we spend to fund the Committee on Appropriations. I think it might be of interest to my colleagues who sit on the other 26 standing committees when they realize that the Committee on Energy and Commerce, who most of us thought was probably the most powerful committee here in the Congress, only receives $9.6 million. The powerful Committee on Ways and Means only receives $7.9 million.

And at a time when we are trying to find ways to reduce spending, it is rather inconceivable to me and was shocking and a surprise to me to find out that the Committee on Appropriations takes $21 million.

It is not part of the committee funding resolution; it is done in the legislative appropriations bill that will come to the floor later on this spring and it is merely a line item to take care of their own staffers.

The third point I would like to make is last year during the legislative appropriations bill, the Congress voted to cut 4 percent of the staff here in the House and in the report language that accompanied the legislative appropriations bill last year where that vote occurred, it says, on page 28, and I quote,

> The Director of Nonlegislative and Financial Services, as de facto budget officials, shall prepare a plan for achieving the necessary reductions. This plan should be developed in consultation with and with the approval of the bipartisan leadership, consisting of the Speaker, the Majority Leader and the Minority Leader, and the Committee on House Administration and the House Committee on Appropriations.

There is quite a debate going on about how we are going to achieve this 4-percent reduction here in the House.

The Committee on House Administration has come to some agreement that it should not occur in Members' offices or in Members' offices staffs but should occur in committees and/or other nonlegislative areas of the House.

The reason I bring this issue to the attention of the Members is that as we look at committee funding, we see that the amount we are spending on committees has grown increasingly over the years. I believe we can cut 4 percent of our staffs and we can do it in the committee area.

I would also bring to the attention of the Chamber the plan that was brought to the Committee on House Administration by our chairman, the gentleman from North Carolina [Mr. ROSE], in consultation with the gentleman from Missouri [Mr. CLAY], and say that it really makes a sham of this process. They want to take the House restaurant workers as an example and contract the House restaurant system out and take those 188 full-time equivalent positions in the House restaurant and say they no longer work for the House and it is a reduction in the number of employees in the House.

That is just not being honest with our colleagues here in the Chamber, and it is not being honest with the American people. I think we have to look at ourselves in the mirror and say it is time to cut and it is time to find real savings in slots here in Congress.

We can do it, and we must do it, so let us not kid ourselves.

Later on this afternoon, when the committee funding resolution comes to the floor, I urge my colleagues to look closely at this chart that I have next to me and realize that only 41 percent of the cost of the committees is going to be dealt with in this committee funding resolution.

Therefore, Mr. Speaker, I urge my colleagues today to oppose that resolution as well.

□ 1100

## TRANSFERRING BLM LAND BACK TO STATES

The SPEAKER pro tempore (Mr. LAROCCO). Under the Speaker's announced policy of February 11, 1994, the gentleman from Wyoming [Mr. THOMAS] is recognized during morning business for 4 minutes.

Mr. THOMAS of Wyoming. Mr. Speaker, I rise today to discuss a bill which I and a number of my colleagues plan to introduce tomorrow. This legislation would transfer the lands currently administered by the Bureau of Land Management to the State in which the lands are located.

Every year since I have been in Congress, we have become involved in a long and hard debate about management of the public lands in the West. This is especially true for the lands administered by the BLM.

Issues such as grazing fees, mining law, and oil and gas leases have become continually more contentious and there does not seem to be an end in sight.

Currently, the BLM controls nearly 270 million acres of land in the United States. Nearly 18 million acres of this land is located in my home State of Wyoming. As you can well imagine, this puts a heavy burden on the people of my State and significantly affects Wyoming's economy.

In addition, the BLM places a heavy budgetary burden on the taxpayer. The 1995 BLM budget request is $1.2 billion and payments in lieu of taxes request is $104 million. Clearly, the BLM is a massive Federal bureaucracy that costs large amounts of money to administer.

My bill to return the BLM lands back to the States would solve the Federal Government's problems. For my colleagues who claim Westerners are getting a free ride on these lands, and costing taxpayers millions—my bill has an answer to your concerns. Give it back to the States.

For my colleagues who believe the mineral industry and oil and gas companies are getting a sweet deal on BLM lands—my bill is an answer to your problems. Give it back to the States.

For my colleagues who support local control and believe government operates the best when it is closest to the people—my bill achieves that goal by giving these lands back to the State government.

No more worries about supposed grazing subsidies, timber subsidies, or oil and gas subsidies.

Under this proposal, all BLM lands except special conservation areas would be offered to the respective State, subject to valid existing rights. Each State must accept or decline the offer in total.

It is a great solution. Fair to both the Feds and the States.

This bill makes good sense for a number of reasons: In fact, here are the top 10 reasons to transfer the BLM lands over to the States:

First, the land stays public. States will keep the lands for the public good and multiple use.

Second, creates real local control and reduces Federal control. Supports the Vice President's idea of reinventing Government.

Third, would put Wyoming people in charge of Wyoming, Colorado people in charge of Colorado. Just like the States in the East.

Fourth, provides fairness and equity with other States in terms of land patterns and what they were allowed to keep as States.

Fifth, protects access for hunters, sportsmen, and recreation. State control will be more sensitive to these issues than the Feds.

Sixth, builds the States' economy and gives them control over their future.

Seventh, BLM lands were residual anyway. In fact it was a burden that was never meant to be.

Eighth, finally solves the problem of grazing, mining law reform, and other issues at the Federal level.

Ninth, it will allow the Department of Interior to focus on priority items such as National Parks, which are deteriorating faster than improvements can be made.

Tenth, bill will be a major cost savings to the Federal treasury. No more need for annual appropriations for the BLM.

Mr. Speaker, this bill makes sense. It supports the goal of good government and I urge all of my colleagues to join me in this effort to reform the way public lands are managed.

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## RTC OVERSIGHT HEARINGS MUST BE HELD

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Ohio [Mr. HOKE] is recognized for 3½ minutes.

Mr. HOKE. Mr. Speaker, I have been here in the House now for about a year and a quarter, and I thought that I began to understand things and how things work. Occasionally then something will come about and happen, and I am just nonplused. Today was one of those days.

In 1989, Congress passed the Resolution Trust Corporation Act. Among other things, what that did was establish a statutory obligation to hold semiannual oversight hearings to oversee and to manage and look into what the RTC, the Resolution Trust Corporation, was doing with respect to the failed savings and loans.

Those oversight hearings are supposed to be held in the House Committee on Banking, Finance and Urban Affairs every 6 months, semiannually. The last one was supposed to have occurred in December. In fact, it was scheduled for December 3 and postponed until March 24, which is just a couple of days from now.

I look in the paper this morning and read the Washington Post, only to find out that in fact the chairman of the House Committee on Banking, Finance and Urban Affairs has indefinitely postponed those hearings. One can only ask why.

Well, it is obvious, I suppose, why. But what is not obvious and what ought to be stated is that the law does not state that those hearings only can be held if there will not be any embarrassing witnesses that might bring up facts which are embarrassing either to the chairman or to the administration. It does not say that they are only going to be held in the absence of a scandal or potential scandal. It does not say that those hearings are held only when everything is going along swimmingly. In fact, is not the whole purpose of having oversight hearings with respect to the RTC to ferret out and find out if there have been improprieties, if in fact the taxpayers' dollars have not been used in the way they are supposed to be used?

Apparently, from what I understand, there are some people from Kansas City, from the office of the Resolution Trust Corporation in Kansas City, who want to testify to exactly that. Now they are not going to be allowed to do that.

It really brings into question the whole issue of allegiance to politics or allegiance to principles. It makes you wonder where is the allegiance in this House? Is it to politics? Is it to the Democratic Party, or the Republican Party? Is it to the President? Is it to the leadership? Or is it to principles, that is, the Constitution, the laws that we pass, the laws that this Congress itself has passed.

We cannot simply obey the law only when it is convenient. It seems to me that there should be no wonder that in terms of public confidence, the public ranks Congressmen 24th out of 25. We are just ahead of used car salesmen when it comes to public trust and confidence. It surely ought to be obvious why the public overwhelmingly supports term limits.

I urge the chairman of the Committee on Banking, Finance and Urban Affairs to immediately schedule the hearings that he has a statutory obligation to schedule, and to immediately carry on with that oversight responsibility that was given to the Committee on Banking, Finance and Urban Affairs, so that we can restore some modicum of public trust in this institution, that we might do the things that we are charged constitutionally and by dint of law, passed by this Congress, to do.

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## DENY MOST-FAVORED-NATION TREATMENT FOR CHINA

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentlewoman from California [Ms. PELOSI] is recognized during morning business for 5 minutes.

Ms. PELOSI. Mr. Speaker, last evening a number of our colleagues, the gentleman from New York [Mr. GILMAN], the ranking Republican on the Foreign Affairs Committee, the gentleman from North Carolina [Mr. ROSE], chair of the House Administration Committee, and leading voice for Tibet in this body, both of them, the gentleman from Massachusetts [Mr. MARKEY], a person with great knowledge and concern about the proliferation of weapons, both nuclear and nonconventional, as well as women on the streets of America sent in by the Chinese Government and Chinese Army, we joined together to have a special order to congratulate Secretary of State Christopher for standing firm when he went to Beijing presenting the President's policy and presenting the terms of his Executive order.

As you may recall, Mr. Speaker, last year Congress was poised to pass legislation putting stern conditions on the renewal of most-favored-nation status to China. Those conditions included improvement in human rights, addressed proliferation of weapons, and other trade issues. The President in his wisdom chose instead to issue an Executive order with reasonable and achievable conditions calibrated to be met by the Chinese within a 12-month period under which we could continue our trade. They would continue to have preferential access to the U.S. market, and we would have made a difference by using the leverage we have.

Why do we think we have this leverage? We do believe it because the Chinese need access to the United States market to fuel their economic growth at home. Nearly 40 percent of all Chinese exports come to the United States. This nets for the Chinese Government, last year, $25 billion in trade surplus. That is why we believe that we have an opportunity, while we have something they wanted, preferential access to our markets, and we have something they wanted, access to their markets as well, but also an improvement in human rights.

Unfortunately, Mr. Speaker, even since last night, the situation as far as trade and the surplus is concerned has worsened. The figures are out this morning and saying that America's second biggest deficit—we hear a lot of talk about the deficit with Japan, and with China a great deal of the focus has been on human rights and proliferation. But the second biggest deficit is with China, and the second biggest deficit for January was $2.19 billion, a giant 69 percent larger than the month of December.

□ 1110

This is all happening at a time when we are arguing for more access to United States products to go into China, because most United States products are barred from China, a grave disservice to the American worker, as well as addressing other trade violations in our relationship by the Chinese.

Ironically, Mr. Speaker, when our Secretary went there and was treated with great discourtesy by the Chinese Government, it was ironic, I think, that when he later met with the American business community in Beijing that they did not stand in solidarity with our Secretary of State.

How refreshing it would have been if their statement coming out of Beijing to America as well as to the authorities in Beijing that "Mr. Secretary, while we may not agree on your approach or the use of MFN for improving human rights, we stand with you in your effort to promote democratic values in China. We stand with you because they are America's values, and we stand with you because, frankly, it is good for business."

Do not take it just from me, Mr. Speaker. I was pleased to see that when the Secretary came back it was ironic, again, that instead of people rallying to him, some in the press decided that they would criticize his trip and say that he should not have delivered the message; while, at the same time, they had been criticizing the administration for not delivering a clear enough message. So we all know that you get criticized for whatever you do, and the Secretary is a capable, long distance runner. He understands that criticism follow actions, and he has to stick by his policy.

I was pleased to see that in spite of all the public-relations-generated articles that appeared in some of the newspapers inside the beltway, China spends a great deal of money here on lawyers and PR firms to effect policy, that in Los Angeles, a businesswriter for the Los Angeles Times wrote:

> Right now China's leaders are pushing American companies to lobby the United States Government. And U.S. business people seem a bit too ready to cooperate. Some of them lectured Christopher at the U.S. Chamber of Commerce in Beijing, criticizing his emphasis on human rights.

Mr. Flanigan called this action by the business community there distasteful, disloyal, and dumb.

Mr. Speaker, since the 5 minutes went by so fast for me, I will be sending out some of these other articles which praise the Secretary for his courage and the clarity of his message and rally to his side as he promotes democratic values while promoting United States trade in a very fair way with China.

## RECESS

The SPEAKER pro tempore (Mr. LAROCCO). Pursuant to clause 12, rule I, the Chair declares the House in recess until 12 noon.

Accordingly (at 11 o'clock and 13 minutes a.m.) the House stood in recess until 12 noon.

□ 1200

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. MCNULTY] at 12 noon.

## PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We know gracious God, that we have been given this day to serve people in their need and to nurture both life and love, and so we pray that we will respond to this brief time with all good grace and with thankful hearts. With gratefulness for all Your gifts to us and with appreciation for the occasions that this time presents, we offer this word of gratitude and praise. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from California [Mr. TUCKER] will please come forward and lead the House in the Pledge of Allegiance.

Mr. TUCKER led the House in the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## REPORT FROM EL SALVADOR

(Mr. MEEHAN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, I just returned from El Salvador, where I was an official observer in this weekend's elections. I was impressed by the fact that parties from across the political spectrum cooperated closely at the polling places I visited. The absence of violence was remarkable considering that they were fighting each other in a bitter civil war only 2 years ago.

There were, however, problems with the elections. An undetermined number of voters never received registration cards, and I saw many people turned away from the polls because their names did not appear on official lists even though they had voting cards.

These administrative snafus are especially troubling because of their disparate impact on the opposition. The likelihood of a runoff presents an opportunity to straighten out procedural problems. We should press for better organization and a complete review of the electoral registry before the final election.

The United States should also press for full implementation of the peace accords, including land transfers, reform of the judicial system, and the resolution of investigations into political violence. El Salvador has come a long way fast, but we have an obligation to help avoid a slide back into chaos.

## APRIL 15

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, spring is here. Soon the leaves will be on the trees, baseball will be on the field, and taxes will be on our minds.

Yes, April 15 is coming quickly, and for many people that means higher taxes. Thanks to the Clinton budget, we can all expect to pay more in taxes to support more of the President's social welfare programs.

Is it not interesting that the First Family has spent so much time trying not to pay their own taxes?

From underwear deductions to underreported tax returns, the Clintons have a history of tax avoidance.

We all know the Clintons have what it takes to take what you've got, but apparently they also have what it takes to keep what they have got.

I urge the American people to think about the First Family when they pay their taxes this April 15. Bill Clinton is very good at raising taxes, but he is not so good at paying them.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4041

Mr. BLILEY. Mr. Speaker, I introduced H.R. 4041 on March 17. Unfortunately, the original bill contained a typographical error which resulted in the gentleman from New York [Mr. PAXON] being listed as a cosponsor. I therefore ask unanimous consent that the name of the gentleman from New York [Mr. PAXON] be removed as a cosponsor of H.R. 4041.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

## BALANCED APPROACH URGED TO OMNIBUS CRIME BILL

(Mr. TUCKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUCKER. Mr. Speaker, this week we are going to address the important issue of a crime bill across this country, an omnibus crime bill.

Mr. Speaker, all of us know that crime is perhaps the number one issue that faces this country, but as we debate and as we discuss this issue this week, Mr. Speaker, let us be smart and intelligent about a crime bill for this country. Let us not just be reactionary and say that the answer to the problem is putting everyone in prison.

Yes, we have to create more prisons; yes, we have to have stiffer penalties, but at the same time we have to realize, Mr. Speaker, that crime is not the sickness that is plaguing this country. Crime is the symptom. And we have to understand that unemployment, undereducation, miseducation are still problems that plague this country.

We built more prisons in the 1980's than any country in the world and we still have the highest crime rate.

Mr. Speaker, when are we going to get educated and when are we going to learn that crime is just the symptom? Let us have a balanced approach to the omnibus crime bill this week.

## ACTIVITIES OF THE BANKING COMMITTEE

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I am perplexed and saddened.

I have been a member of the Banking Committee of this House now going on 14 years. During those years we have always had comity and mutual respect among our members. By tradition and temperament we have never been among the bitterly partisan crowd here in Washington—not even when we had sharp differences on the issues.

But that tradition has now been broken.

Mr. Speaker, the chairman of the committee, my friend, HENRY GONZALEZ, and I have always worked together for the good of the people.

But I stand here today in disbelief at his abrupt cancellation of our Banking Committee oversight hearing. The chairman's letter yesterday used intemperate language and harshly impugned the integrity of our colleague, JIM LEACH, one of the least partisan and most respected statesmen of this body.

I would beg our chairman to reconsider these oversight hearings on the Resolution Trust Corporation and our committee's statutory and constitutional obligation.

The S&L bailout cost taxpayers $150 billion—$60 million in one single Arkansas thrift.

Mr. Speaker, this is a sad day. The chairman of the Banking Committee is questioning our motives. Newspaper editorials are calling it the cancellation stonewalling. The call for a select committee is beside the point. The cancellation of the RTC oversight hearings is being seen as a play for time.

But this will not wash. Yesterday's development further tarnishes the reputation of Congress. As E.J. Dionne writes in this morning's Washington Post on the Whitewater handling, "if there is nothing to hide, then why do they seem to be hiding things?"

## DISTURBING EFFECTS FELT FROM NAFTA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, NAFTA is 10 weeks old, and already workers from 50 plants have filed for job training and displacement services. That is 50 plants, 10 weeks, 5 plants a week—9 in Pennsylvania, 8 in Washington, 7 in New Jersey, 5 in New York, 4 in Massachusetts.

What do we say to those families of workers without jobs? Sorry? Good luck? Hope you make it?

What are the jobs they are being retrained for, I ask the Members of Congress. Burger flippers? Corn cob pipe assemblers?

Mr. Speaker, NAFTA was a treaty, and in fact I say it is unconstitutional. With layoffs like this, NAFTA means free trade for Mexico all right and stone-cold unemployment and separation from work for American workers.

Mr. Speaker, the Congress had better start looking for jobs in our own country.

## WHITEWATERGATE—ANOTHER TYPE OF MARCH MADNESS

(Mr. HORN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HORN. Mr. Speaker, March Madness is here. No, I am not talking about the NCAA College Basketball Tournament; I am talking about the Democratic Party's strange aversion to open hearings on the Whitewatergate affair.

The latest majority party escapade regarding Whitewater occurred when the chairman of the Banking Committee first decided not to hold legally required oversight hearings on the Resolution Trust Corporation and then dramatically, no doubt due to pressure, changed his mind.

He has now called for a select committee to investigate this sordid affair. He would rather have someone else do the dirty work.

But even that is progress. But when, when, when?

I agree with those who say we need to put the whole scandal behind us so we can work on the issues in which the voters are interested. But first, we need to find out the facts.

Mr. Speaker, support full disclosure. If the President and his agents and staff did nothing wrong, then they should have nothing to fear. Let this House—and the American public—have full disclosure.

□ 1210

## COMMEMORATIVE STAMP OF NINETEENTH AMENDMENT

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, next year this Nation will celebrate a milestone: the 75th anniversary of women winning the constitutional right to vote.

It is hard to imagine a time when women were not allowed to vote. It is especially difficult to believe for the 49 women who sit in this Chamber.

But just as we wonder today about the delay in granting this right, men and women in the future will wonder why we did not enact the equal rights amendment sooner.

Twenty-two years ago today, Congress passed the ERA. Unfortunately, it is still not the law of the land. The passage of the 19th amendment was the result of almost 75 years of steadfast work. It is my profound hope that we can add the ERA to the Constitution much quicker than that.

The Congressional Caucus for Women's Issues has sent a letter to the Postal Service, asking them to commission a stamp to commemorate the 19th amendment. I hope we get that. But an even better celebration would be the final ratification of the ERA.

I hope my colleagues will support our request for a commemorative stamp. And I also hope we can one day soon complete the work of 22 years ago today.

## THE TRUTH

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, the Banking Committee chairman has finally seen the light. He has endorsed the concept of hearings on Whitewater, despite earlier condemning Republicans for trying to get the facts on the whole affair.

The Chairman said: "It is time for Democrats to use the truth, the weapon Republicans fear the most."

Of course, if Republicans feared the truth, we would not have been calling for hearings. Indeed, searching for the truth has been our only mission all along.

We Republicans do not seek to destroy the Presidency. It is preposterous to think that we even have that power.

We simply want what the American people want—the truth.

It is too bad that some in this House and the administration have been so reluctant to let us examine the facts. It is too bad that our only hearing scheduled to date has been yanked.

Let us show that none of us in this House fear the truth. Let us have hearings and set the truth free.

## UNITED STATES SHOULD SIGN U.N. CONVENTION ON RIGHTS OF THE CHILD

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, 171 nations have signed the U.N. Convention on the Rights of the Child. Only 19 have not—including the United States of America.

Mr. Speaker, the United States is the only industrialized nation on Earth which has not signed the U.N. Convention on the Rights of the Child.

Mr. Speaker, the United States today, at 22 percent, has double the rate of childhood poverty of any other industrialized country. Today in America, 5 million children go hungry; over 100,000 sleep out on the streets; 10 million kids lack health insurance; and we rank 19th in the world in infant mortality.

Mr. Speaker, I am happy to tell you that President Clinton has recently informed me that he has taken the positive step of asking the Departments of Justice, State, and Health and Human Services to conduct a comprehensive review of the convention. Further, at a conference last week that I organized, Dr. William Galston, Deputy Assistant to the President for Domestic Policy, indicated that this task force would make a recommendation to the President this spring.

I am delighted that we are finally making some important progress on this issue, and am cautiously optimistic that President Clinton, unlike his predecessor, will soon sign this treaty and send it to the Senate for ratification.

Mr. Speaker, let us join the rest of the world and sign the U.N. Convention on the Rights of the Child. Future generations will remember us less for the number of nuclear weapons that we possess, for the guns and tanks that we build, than for the happiness and well-being of the most vulnerable and fragile members of our society, our children.

## BIPARTISAN HEARINGS NECESSARY ON WHITEWATER

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, there is a great deal of debate about whether the Congress should conduct hearings and an investigation of the Whitewater affair. I believe the Congress should fulfill its constitutional duties to oversee the executive branch in this matter. The Democratic Congress did that at least 12 times in the last decade, and now that same Democratic-controlled Congress should take that responsibility, even though we have a Democrat President. Party should play no role in this event.

Mr. Speaker, I believe that the leadership of this Congress now believes that they can have an investigation of Whitewater and related events without interfering with the ongoing criminal investigation and without providing immunity to witnesses. We can do this and still conduct a good hearing.

The fact is, if it were not for the RTC oversight hearings in the Senate, we would not have known about the meetings between the White House and the Treasury Department.

Clearly Congress has a role to play in this matter. It is time we held bipartisan hearings on this very important issue.

## PROPOSED LEGISLATION WOULD GIVE RELIEF TO EMPLOYERS ON SUPPLYING DETAILED HEALTH CARE DATA

(Mrs. FOWLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. FOWLER. Mr. Speaker, yesterday I introduced legislation to repeal yet another expensive and burdensome Federal mandate placed upon American Business. My legislation would repeal section 13581 of the Omnibus Budget Reconciliation Act of 1993, which established the Medicare/Medicaid data bank.

This onerous provision—which took effect January 1 of this year—requires employers who provide health care coverage to send detailed information on current and past employees to a central data bank. This information includes names, social security numbers, health care plans and period of coverage, and failure to comply with the requirement would result in a substantial fine. In my view, this new mandate actually penalizes employers who provide health care, which hardly seems logical.

No funding was provided in the bill for either employers or the health care financing administration to implement this difficult and expensive project.

This databank is just another unfunded mandate placed on the backs of those who provide America's jobs. HCFA cannot administer the data bank and working America cannot afford it.

I urge my colleagues to join me in cosponsoring H.R. 4095.

## NO COMMON SENSE EPA

(Mr. ALLARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLARD. Mr. Speaker, recently I spoke to the House concerning an enforcement action by the Environmental Protection Agency against the town of Fort Morgan, CO.

This town of only 9,600 residents continues to be the victim of a Federal bureaucracy that is out of control. The EPA has taken the city to Federal court, alleging a failure to properly enforce the Clean Water Act. The problem is—there is nothing wrong with the water in Fort Morgan. There has been no harm done to the people or the environment. The fine is being assessed simply because the EPA does not like the way the city has chosen to enforce the law.

What makes this case particularly bizarre is the fact that the city is willing to fix any problems the EPA has. The city is even willing to build a new $13 million waste water facility.

Despite all this, the EPA insists on punishing the city of Fort Morgan. It is now insisting on a fine of $675,000, or more than $70 for every resident of Fort Morgan. This is way out of line—past fines to small and medium-size communities have ranged from 13 cents per person to a high of $7.89 per person, but never anything approaching $70 per person.

This is a classic case of the Federal Government trying to impose its will on a small community and accomplishing nothing in the process.

## DUCKING RESPONSIBILITY

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, yesterday the chairman of the Banking Committee ducked his responsibility to this House and to the American people.

Required by law to hold RTC oversight hearings twice a year, the chairman said no.

The cancer of the Whitewater/Madison scandal, Mr. Speaker, is robbing the Presidency of what little integrity it has left. But the chairman passed the buck to the Democrat leadership, which to this point has done nothing but stonewall and run interference for the Clintons.

In all fairness, Mr. Speaker, the chairman must be under incredible pressure.

After all, Chairman GONZALEZ introduced three impeachment resolutions during the Reagan and Bush administrations, and cosponsored a fourth.

For his strength to whither at a critical moment such as this is a testament to the partisan desperation of the White House.

Whether it is the Banking Committee, where the responsibility belongs, Mr. Speaker, or a select committee, the Clintons and the Democrat leadership are going to have to face an unhappy fact: The American people are going to get to the bottom of Whitewater.

□ 1220

## IN SEARCH OF THE TRUTH

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, yesterday the chairman of the House Committee on Banking, Finance and Urban Affairs, the gentleman from Texas [Mr. GONZALEZ] sent the following letter to House Speaker FOLEY. I quote, in part:

> DEAR MR. SPEAKER: It is time for Democrats to use the truth. I recommend that the House leadership draft and endorse a resolution calling for full hearings on the Whitewater affair. I note that the Senate has already committed itself to hearings. I suggest that House hearings be held in a forum of broad reach, possibly a select committee, that can explore all the charges. We have a responsibility to set the record straight, which is possible only through a full public hearing of every aspect of this matter.
>
> Sincerely,
>
> HENRY B. GONZALEZ.

The gentleman from Texas [Mr. GONZALEZ] is absolutely right. I support him in an unqualified way. We do need to have a committee. I support the idea of a select committee. And the only thing that I would add is that we ought to pay for it in a fiscally responsible way. We ought to cut 1 percent or one-half percent from every committee in this House in order to pay for it so that we are not going to increase the deficit to do it.

## IN PRAISE OF THE MARYLAND TERPS

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, how sweet it is! This past weekend Exree Hipp hopped, Johnny Rhodes romped, Duane Simpkins soared, Keith Booth bolted, Joe Smith slam-dunked, and coach Gary Williams and the mighty Maryland Terrapins roared into the Sweet 16 of the NCAA tournament.

This has not been an easy road back to prominence, Mr. Speaker. The drug overdose death of Maryland basketball star Len Bias in June 1986 rocked the campus and the basketball program which, until now, seemed unable to recover from that tragic incident.

But the patient and the program are fully recovered. Last Thursday against St. Louis and Saturday against Massachusetts, the young Terrapins showed strength and maturity in beating the number seven and number two seeds in their bracket, thereby advancing the Terps to the Sweet 16 for the first time since 1985.

I stand before you today with the support of the entire State of Maryland in praising the mighty Terrapins team, Coach Gary Williams and Athletic Director Andy Gieger, and I encourage all in the Washington metropolitan area to join in saluting the Maryland Terps and wishing them success this weekend in Dallas.

Mr. Speaker, let me also say that Georgetown and George Mason and George Washington distinguished themselves as well. But we who went to Maryland are particularly proud of our Terps.

## WHITE HOUSE CAN'T "WHITEOUT" WHITEWATER

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the White House would like to whiteout Whitewater and the suspicious stories surfacing daily about the President's investments.

The administration's strategy for dealing with Whitewater is twofold. It claims Whitewater is a partisan attack by Republicans and that it is being used to hold up health care.

The reality is that we are not the hold up. We are moving ahead on health care, welfare, crime, and illegal immigration reform.

All Republicans are asking for is what Americans are asking for: Full disclosure from the White House. Republicans want to get on with the business of government.

If the President shares our desire to get back to governing, only he can remove the roadblocks that stand in the way.

The fastest way to get beyond Whitewater would be for the White House to allow congressional hearings immediately and just tell the American people the truth.

There are no substitutes for full disclosure and straight answers. The American people want the truth. They deserve it now.

## CANCELLATION OF RTC OVERSIGHT HEARINGS

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, yesterday House Banking Committee Chairman GONZALEZ accused Republicans of "using an array of half truths, old rumors, half-baked conspiracy theories, and outright lies" in our efforts to hold RTC oversight hearings, and ask some important questions on Whitewater.

He also postponed the statutorily mandated RTC oversight hearings set for this Thursday, citing Republican inability to discuss the matter in a calm and dispassionate manner. This is outrageous.

Mr. Speaker, Republicans did not create Whitewater. In seeking hearings we are simply trying to apply the same standards that were unceasingly and vigorously applied to recent Republican administrations.

Americans are tired of finger pointing, name calling, and abdication of responsibility. As long as the White House and the Democrat leadership persist in passing the buck on Whitewater, Americans can rightfully remain disgusted with how their Government deals with important national issues.

The saddest part of this issue is that the American people are getting shortchanged, losing faith in our ability to address serious social and economic issues. Until we effectively put Whitewater behind us this feeling will persist.

Under the leadership of Representative JIM LEACH, Republicans are trying to restore faith in Government. We are trying to get to the bottom of Whitewater and its RTC implications before it overflows the banks of the river and cripples the White House and Congress.

## WHEN PR GOES TOO FAR

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, even as the Democrat leaders in Congress are running from the President's health care and cranking out their own plans, the White House PR machine is in overdrive. Last week the Washington Post front page reported on health care news from the President's recent carefully orchestrated swing to Connecticut. The report had more to do with press attention than it did with health care: 65 articles, 10 local newscasts, 6 radio broadcasts and repeated network coverage, a pretty good take for a few hours of the President's time and tens of thousands of the taxpayers' dollars, and conclusive evidence that the White House spin doctors care more about press coverage than health care coverage.

The White House road show is going everywhere, Colorado, Florida, and onward in a similar PR boost, but how much is too much?

The White House is too busy reading its own press clips to hear what the American people are saying. They are saying that Government-run health care is bad news. It does not work, and they want something else.

Let us go to work on H.R. 3080. It is good medicine, and it is medicine we can swallow.

### THE WHITEWATER FIASCO

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, it is springtime in Washington, and that means sunshine, unless, of course, we are talking about shining a little light on Whitewater. The Whitewater fiasco continues.

Yesterday, the chairman of the House Committee on Banking, Finance and Urban Affairs canceled RTC oversight hearings. These hearings, which are already most overdue, are required by the rules of the House and the law of the land. Yet they were canceled, because the Democrat leadership found them inconvenient.

It would appear that they do not want the American people to hear what officials at the Resolution Trust Corporation have to say about Madison and the Whitewater Development Corp.

Mr. Speaker, what about Madison and Whitewater is so profound that the American people must be kept in the dark about the entire affair. More importantly, when will we be able to dispose of this issue and get on with doing the people's business.

All that anyone has asked for is that matters concerning Whitewater be dealt with in an open and honest manner. Evidently, this is too much to ask.

### THE PRESIDENT'S HEALTH CARE PLAN

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, as we begin our debate on the President's health care plan, we must keep in mind what will happen without the Clinton health care plan. First, half of 37 million uninsured Americans will get health care insurance in less than 4 months. In less than 1 year, 72 percent will get it without the Clinton health care plan.

Second, the rise in the health inflation rate is beginning to grind to a halt, as companies impose their own cost control measures. And it is about time. Pharmaceuticals, which have been growing at 14 percent, are now barely 3 percent in their inflation rate. Other costs are falling in line because of the hard work and competition between the various health care providers.

Do we need a national health board of seven appointed individuals that will have a global budget? Do we need regional health alliances which will select our doctors and other providers and enforce the global budget?

□ 1230

The Clinton health care plan will result in employee mandates, employee taxes, rationing, and shortages of quality health care, loss of choice of doctor and other providers, and a burgeoning bureaucratic system.

Ontario closed its hospital for 3 weeks at Christmastime. There are more MRIs in Philadelphia than all of Canada. There are long lines in Canada and Great Britain. Do not let it happen here. Stop nationalized health care.

### CRISIS ON THE KOREAN PENINSULA

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, a crisis potentially of enormous proportions is taking place on the Korean Peninsula, indeed with the potential to be the most serious military confrontation of our time. The consequences are enormous. North Korea, defying international law and all logic, is proceeding with the possibility of the development of nuclear weapons, and prohibiting proper inspections.

It needs to be understood that the audience in this crisis is larger than those in Seoul, Washington, Tokoyo, or Beijing. Regimes from Iran and Iraq, from South America to South Asia, will be watching. If international law can be defied, if the United Nations can be ignored, if American will can be broken, the entire international system of controlling nuclear weapons and of inspections will be broken.

Mr. Speaker, I urge the administration to stand firm, to stand steady. Do not allow this moment to pass to keep the order in maintaining inspections.

### CONGRATULATIONS TO STEVEN SPIELBERG FOR ACADEMY AWARD

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I normally do not do this. I am not from California, I am not from Hollywood, and I have never met Steven Spielberg, but I want tell the Members that last night I was extremely happy that he won the Academy Award for best director and for best picture.

Mr. Speaker, listen to this list of movies he has made: E.T., Empire of the Sun, Jaws, Close Encounters of the Third Kind, Raiders of the Lost Ark, the Color Purple, Schindler's List; fantastic movies, great entertainment for the family, and they really tell a story.

He is one of the most talented, intelligent, and gifted movemakers of our time; in fact, of all time. I am very happy he won the Academy Award last night. He has made us laugh, he has made us cry, he has made America think, and he has made us understand. I think Steven Spielberg is truly a great American, a great director, and I think he is a national treasure and he deserves national recognition.

### COMMEMORATING EQUAL RIGHTS FOR WOMEN

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today is a particularly special day for the House of Representatives and for Americans. March 22 marks the day in 1972 when Congress passed the equal rights amendment, clearing it for ratification by the States.

As you may know, the ERA was first introduced in 1923, 3 years after the 19th amendment was ratified—finally, granting women the right to vote. It is difficult to comprehend that women gained the right to vote only 74 years ago. Women have made tremendous gains over the years and we cherish those many victories. While we have many unmet goals, today is a day of remembrance for the millions of Americans who have helped us get to this point in history.

This week, the Caucus for Women's Issues will be asking the U.S. Postmaster to issue a commemorative stamp in celebration of the 75th anniversary of the 19th amendment. August 26, 1995 marks that day. I ask all my colleagues to join in support of our request.

We have been trying to lick problems facing women for years, maybe this is one request that we can lick right away.

### WE NEED REAL WELFARE REFORM

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, last week the administration presented its welfare reform package to Congress. It appears that Mr. Clinton's plan to end welfare as we know it will only move a fraction of all parents on welfare onto the work rolls over a 5-year period. Reports indicate that the President calls for $15 billion in new social services spending.

Instead of matching his promise to move all able-bodied recipients from welfare to work, the Clinton administration would exempt two-thirds of the 5 million families on welfare from any time limits or work requirements. Where is the reform, Mr. Speaker?

Working class families were promised a middle-class tax cut by Bill Clinton. What happened? The President ended up increasing taxes.

The President also promised the American people health care reform that would change things for the better. Yet his plan would end up costing jobs, reducing wages, and increasing taxes.

Mr. Speaker, in each of these cases, Republicans have real reform plans that will produce results.

## IN SUPPORT OF INCLUSION OF FULL REPRODUCTIVE HEALTH SERVICES AS PART OF UNIFORM HEALTH BENEFITS PACKAGE

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, I rise today to urge my colleagues to support the inclusion of full reproductive health care services for women in any uniform national health benefits package that is mandated as part of health care reform.

All women should have the opportunity to make decisions about their own reproductive health. They must also have the ability to act on such decisions through access to the full range of reproductive health services including contraception, prenatal care, and abortion.

Most private health insurance plans and health maintenance organizations currently cover abortion services as part of reproductive health care for women. In fact, over 78 million women now have insurance coverage for abortion services, including Members of Congress, their spouses and all Federal workers, under the Federal Employee Health Benefit Plan. We are not talking about adding a new health benefit for women; we are continuing coverage of a health benefit that most women already have. To eliminate any component of reproductive health care for women is discriminatory.

Abortion is one of the most commonly performed and safest surgical procedures performed on women in this country. According to insurance industry analysts, unlike experimental drugs and new medical treatments, abortion is a safe and proven procedure. It is neither a social nor a political issue for the health insurance industry and it should stay that way. Increased access to safe and legal abortions has resulted in unquestioned health benefits for women.

Exclusion of abortion from a uniform health benefits package will deny many women access to safe and legal abortion services. Only women who can afford to purchase services outside of the benefits package will have access to abortion services.

Universal access to abortion services is one of the most controversial and emotional issues in the debate on health care reform. Regardless of our individual beliefs about abortion, it is unconscionable that Congress should impede any woman from making what is a difficult, highly personal and private decision.

I also respect the right of all individuals to make informed choices, including the right of health care providers to choose not to participate in interventions that conflict with their own religious, moral, or ethical beliefs.

I urge Members to consider this resolution and support it.

## COMPARING WHITEWATER AND WATERGATE

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, I do not address the House today to make the obvious comparisons between Whitewater and Watergate. I think it would be wrong for me to continue on this vein, because many other people have spoken about that today, and continue to speak about that, but I would like to make another historical comparison that I think a lot of people are missing today.

Mr. Speaker, one of the reasons that Whitewater is not being compared to Watergate is because the economy seems to be doing so well today that the President is able to talk about the economy. I would just like the American people to note that it takes about 1½ to 2 years for any President's policies to actually impact on the economy of the United States of America.

□ 1240

The first 2 years of the Jimmy Carter administration were relatively good years because, of course, he was living on the policies in those 2 years, the economy that was dictated by the policies prior to Jimmy Carter becoming President. That is what we have today under Bill Clinton.

I would just predict that once the increase in regulation, the increase in taxation, the Democratic policies that this administration has put into place actually impact on the economy, this economy will go down, people will suffer, and then they will really be interested in hearing the comparisons between Whitewater and Watergate.

## LEWIS GRIZZARD: A GREAT SOUTHERNER AND GREAT AMERICAN

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, today hundreds are gathering for a memorial service in Moreland, GA to pay their respects to a great Southerner and great American; a man who follows in the tradition of Mark Twain and Will Rogers. That man is Lewis Grizzard. On behalf of the House, I would like to offer my respects as well.

Lewis Grizzard was everyman's champion. His wit, humor, and love of life in the South tickled the funny bones and touched the hearts of millions. Even readers he sometimes infuriated are going to miss him.

Born in Fort Benning, GA, Lewis Grizzard became a national celebrity and one of Georgia's favorite sons. In his short life of 47 years, he authored 20 books, produced several records, and wrote a thrice-weekly column that originated at the Atlanta Journal-Constitution and was syndicated in 450 newspapers across the country. Through his writings, we have all gotten a lot of laughs from Lewis Grizzard over the years.

But, Lewis imparted a lot of wisdom in his writings as well. He was a keen observer of the changing South and he was fiercely proud of his southern roots. Lewis Grizzard reminded us in his writings of the simple yet meaningful things in life, like small towns, church on Sundays, and the Georgia Bulldogs.

Mr. Speaker, I can offer no higher praise than this: Lewis Grizzard made life for all of us more enjoyable.

## FULL DISCLOSURE ON WHITEWATER

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, the stonewalling by the Democrat majority in the House has subsided, at least for now. Earlier this morning the bipartisan leadership of the House has come to some agreement that there will be hearings on the Whitewater matter, and their related intricate dealings with regard to the administration and others in Arkansas.

This is a very important step because it is only through hearings and public disclosure and full disclosure that the House can meet its constitutional responsibility to provide oversight over the executive branch of government.

We have heard a lot over these last few weeks, we have a special prosecutor, a special counsel who is looking at criminal activity, civil problems that may have occurred. The Congress has a responsible role, and I am glad to see that we have come to some agreement today, which is the first step in putting together a structure that will bring hearings to this House and full disclosure to the American people.

## IMPROVING AMERICA'S SCHOOLS ACT OF 1994

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to House Resolution 366 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 6.

□ 1244

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6) to extend for 6 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes, with Mrs. KENNELLY Chairman pro tempore in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Monday, March 21, 1994, title IX of the proposed Elementary and Secondary Education Act was open for amendment at any point.

Are there further amendments to title IX?

AMENDMENT OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROHRABACHER: Page 762, after line 8, insert the following:

**"SEC. 9508. PROHIBITING BENEFITS FOR ILLEGAL ALIENS.**

"No funds authorized in this Act may be used to provide any benefit or assistance to any individual who is not—

"(1) a citizen or national of the United States;

"(2) a permanent resident alien; or

"(3) an alien who is a parolee, asylee, or refugee under the Immigration and Nationality Act.".

Mr. ROHRABACHER. Madam Chairman, this amendment is one of a series of amendments that I intend to offer to end the practice of providing Federal benefits to illegal aliens. Each of these amendments will have the effect of stemming the huge drain on the Federal budget caused by opening the Federal treasury without restriction to people who have violated the laws of our country by coming here.

In this case, my amendment will also eliminate one of the largest unfunded Federal mandates in existence. This mandate has come about through a combination of the Player versus Doe Supreme Court decision and a lack of congressional policy in this area.

In 1982, the Supreme Court decided by a 5 to 4 vote that, in the absence of congressional policy to the contrary, States must provide a free education to illegal aliens. Let me repeat that, Madam Chairman. This Supreme Court decision was not only decided by one vote, in a more liberal Supreme Court than we have today, but even by its terms, it is a mandate on the States, not the Federal Government.

And, as is obvious to anyone who actually reads the majority opinion in this case, the only reason the State of Texas was not allowed to make the distinction between citizens and legal residents on the one hand, and illegal aliens on the other, was because Congress had made no such distinction.

What I am proposing today, Madam Chairman, is for Congress to make that distinction—so that the States can then constitutionally make the decision that citizens and legal residents from all racial and ethnic backgrounds shall come first; that those who have entered our country in violation of our laws are not entitled to the same benefits as our own citizens and legal residents. Once Congress makes this delineation, Plyler versus Doe will no longer keep States from making the same decision.

In my State of California, the most popular initiative currently being circulated for placement on the ballot is the SOS initiative. This initiative ends State-funded benefits, including education benefits, to illegal aliens. The only way this initiative can be fully effective, the only way California taxpayers and the taxpayers of other States will be able to lift this burden from their backs, is for Congress to adopt this amendment.

Yes, Madam Chairman, it is tough to tell parents that their children will not receive a free education, if those children are not here legally. And it is tough to tell them they won't receive long-term disaster aid, or other Federal benefits. And it is probably even tougher to tell them that they, and their children, will be deported because they came here illegally.

But just because it is tough to do doesn't mean it shouldn't be done, Madam Chairman. Just because it is tough to say "no" doesn't mean we should entice everyone in the world with the promise that if they can make it here illegally, they will get every benefit Federal, State, and local governments provide to citizens and legal residents, including educating their children, and in their own native language, no less.

Madam Chairman, continuing to provide the current panoply of taxpayer-paid benefits to anyone who can make it here illegally is fueling our deficit, and will eventually bankrupt this Nation, and its State and local governments, as well. I ask my colleagues to support this step toward fiscal sanity for all levels of government.

□ 1250

Mr. RICHARDSON. Madam Chairman, I move to strike the last word.

Madam Chairman, this amendment is counterproductive, shortsighted, and an unconstitutional attempt to build upon anti-immigrant sentiment. Not only does the amendment deprive children of receiving an education, but it is also an unfunded Federal mandate that places a huge financial burden on every local school in every district in this Nation. Local schools would be forced to investigate the immigration status of its students and their parents without receiving any money from the Federal Government. In short, this amendment harms schools, and sends the message to some children that they are different and not good enough to receive the same education as other children who, for some reason, are considered better than they are.

As proposed, this amendment would expose innocent individuals who are U.S. citizens or otherwise legally admitted into this country to widespread discrimination. It is likely that only those who look different than someone like Mr. ROHRABACHER will be asked by untrained school officials to produce proof of citizenship when they are detained or questioned. In fact, innocent individuals have been mistakenly deported, and under this amendment, cases of mistaken identity will be enormously increased. This amendment will force teachers to single out and discriminate against students in order to receive the funds they desperately need.

Furthermore, school administrators and teachers who are already overwhelmed with the educational system would have to enforce complex immigration laws. As an unfunded Federal mandate, this amendment would place unreasonable administrative and costly burdens on every district in this country including those with little immigration. The fact is that this amendment will not prevent illegal immigration. Instead, the result will be a country where children will grow up poorly educated and will be unable to compete in a global economy.

The amendment also forces Federal, State, and local jurisdictions to act against the principles of our constitution. The Supreme Court has ruled that all children are allowed access to public education. More importantly, the Court determined that children of undocumented individuals eventually acquire legal status. Therefore, if these children are denied an education, we will be creating an underclass of individuals who will be ill-prepared to take on their roles as future workers and contributors to society.

Madam Chairman, school boards as well as the Immigration and Naturalization Service oppose this amendment. They do so because they understand that our focus needs to be on the enhancement of our educational system for all children. By discriminating against our children and by adding more burdens and costs to our local schools, we would be harming all Americans. We as a Congress, including a majority of Republican Members, overwhelmingly voted against an effort to force school officials to become INS agents. Let's take the next positive step and help schools focus not on additional paperwork and more redtape, but on the education of all our children.

Mr. GOODLING. Madam Chairman, I move to strike the penultimate word.

Madam Chairman, I have one concern about the amendment, and that concern is that it would appear to me to be broad enough that it would include children of migrant laborers who come in from other countries. If that is true, they are probably the most needy and their parents are the most needed because, being in the orchard business myself, to try to hire locally you might as well let the fruit rot and drop because it is too expensive to get it harvested. But after you let it rot and drop, you have to go out and pick it up anyway in order to protect the soil.

So I would hope that it does not include children of migrant workers who begin, when they come in and start harvesting in Florida, then they move up through the South, come into Pennsylvania and Ohio and end up in California generally. The youngsters have it difficult enough because they are being moved from school district to school district to school district. So I am concerned that the language would be broad enough that they would not have an exemption because I do not read an exemption for them in the legislation.

Mr. BECERRA. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, if you will recall, about a week and a half ago we defeated an amendment that was somewhat similar to the amendment we face today by the gentleman from California [Mr. ROHRABACHER]. At that point the amendment would have imposed upon schools a requirement that they report the number of children in their schools who did not have documents to be in this country, as well as to also document the number of children who had a parent who did not have documents to be in this country.

That was an amendment which had no funding behind it and would have required schools to become INS agents, teachers to spy on the children, children to snitch on their parents as well. What we found was that it would have been unworkable and unfundable, and it would have cost us millions, if not billions, of dollars to try to enforce.

That amendment was defeated, defeated soundly, I must say, by a vote of 78 in favor and 329 against. There were more Republicans who voted against that amendment than there were Republicans who supported that amendment.

This amendment does implicitly what that previous amendment did explicitly; that is, require schools to document what their children's status is, whether or not a child looks as Anglo as any other child in this Nation, white or Latino or Africa-American or Asian, it would make no difference. A school cannot discriminate and say, "You look foreign-born, and therefore I am going to find out if in fact you are here with documentation." You would have to go to every child in every school and document that this person somehow is not here legally. You would have to undertake, if you are a school district, the same type of action that the INS is required to take in order to deport someone, because if you do not, then you are, in essence, admitting that you are discriminating because you are somehow selectively deciding who to choose to administer some type of examination to find out if this person is here legally or not.

The worst part about this particular amendment, I would say, is that the person whom we are choosing to go after is a child, a child who is trying to receive an education.

I would hope that we keep in mind in this particular debate that we are talking about imposing upon a school district, upon administrators, and upon teachers and upon children and their parents a requirement that they determine somehow what the INS is obligated by law to do—and that is, if someone is here, legally or not—and here we are pinpointing children.

What is the biggest problem with this particular amendment? Besides the cost and the Federal Government here is providing not a single cent to pay for the cost of a school to try to determine the status of a child, but the worst part about this is that we are talking about a bill, an amendment here that would have virtually no effect, if any at all, on those who are coming into this country without documentation. Think about it, a person who crosses the borders without documentation is coming, for the most part, without children. The person is coming to find a job. If someone is coming across these borders without documentation and bringing a family, chances are the reason he or she is bringing family is to flee conditions which are worse than they are here in the United States.

Chances are the child of that particular immigrant without documents will not be afforded education in that home country. Chances are the health care for that child is going to be no better than the health care in a country like the United States if we were to exclude any funding for health care. But in terms of education, we are talking about trying to educate a young mind, whether the mind is of a child who came with parents, completely innocently, because the parents came across this border without documentation, is completely ignored by this amendment. What it says is that we will discipline, we will penalize a child who is in the school to learn because his or her parent may have come across the border without documentation. And I say may because you have to prove it. You cannot deny someone access to something or the benefit of something without proving he or she is not entitled to it. You are innocent in this country until proven guilty. This would require schools to determine that someone is guilty, something that requires a judicial process.

So we are not only causing States and school districts to incur tremendous costs through this amendment but we have no guarantees that it will do anything to reduce the number of people who are coming into our borders without documents because people certainly will not leave if they hear that their child all of a sudden does not have access to education, because what they truly are looking for is a way to provide for their family. A lot of these immigrants were not heavily educated themselves. They never were expected to have their child get educated heavily in their own country. So, depriving the child of a decent education probably will have very little effect, deterrent effect on people who wish to come into this country without documents.

□ 1300

It is an unfunded mandate, a heavy burden on school districts, and I would urge my colleagues to vote against this particular amendment because it does nothing to address the issue of immigration which we should do through immigration laws.

Mr. BOEHNER. Madam Chairman, I ask unanimous consent to limit debate on this amendment to 30 minutes, to be equally divided between both sides.

The CHAIRMAN pro tempore. Does the gentleman desire to include in his unanimous-consent request all amendments thereto?

Mr. BOEHNER. Yes, Madam Chairman, to include all amendments thereto.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from California [Mr. ROHRABACHER] will be recognized for 15 minutes, and the gentleman from Michigan [Mr. KILDEE] will be recognized for 15 minutes.

Mr. KILDEE. Madam Chairman, I yield 5 minutes to the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Madam Chairman, I guess the best way to start this discussion this time, as I look at the gentleman from California [Mr. ROHRABACHER], is to quote a Member of his party some years ago and simply say: "Here you go again."

Madam Chairman, I have no understanding why the gentleman from California continues to believe that this kind of an amendment can have any real effect on the issue that he wishes to address, an issue of whether or not we have an immigration problem or an immigration situation in the country. If, in fact, it is a problem for some of us, the time to deal with that is not when a child enters school. As the gentleman from California on our side clearly stated, Madam Chairman, this amendment is no different than the gentleman's original amendment because that amendment stated that we had to count everyone. It said:

> For this amendment to be carried out you have to count everyone, and, if you make a mistake in counting, a district runs the risk under this amendment of losing its funding.

Now we are not talking about funding only for undocumented children, Madam Chairman. We are talking about funding for all children. So technically, my colleagues, take a district anywhere in California, a district anywhere in Michigan, in Illinois, in New York, in Florida. I can say as a former school employee of a school district, what you have to go through to find out who these children are takes weeks, months, perhaps half a year, and the gentleman doesn't speak at all to what happens to those funds during that time. So technically anyone, under this amendment, could then sue in any court in the land to say "Don't allow New York City, San Diego, Pasadena, or anyplace in Hawaii, wherever, to receive funding this fiscal year because they still have not completed their study," and we would be in violation of the law.

Then we go to the point that we bring up every time which is: How the heck do you get around finding out who is documented and who is not?

Well, the first unfair part of this continues to be, and it is like, as my colleague knows, we are repeating ourselves all the time, but the gentleman keeps coming up with these amendments. The first thing is that only those who look foreign will be asked to prove that they are citizens, and only those who look foreign will be asked to ask their parents if they are citizens or not, and I think that that is, first of all, improper, it is unfair, and it creates a problem because, as the gentleman well knows, someone that would go in with my first name would be asked to prove that he is a citizen, and, having been born an American citizen, I have no proof, and I carry no proof with me, that I am an American citizen.

So, I continue to implore the gentleman who every other time of the day is one of the nicest people I know in this country, but the minute he gets behind these amendments, Madam Chairman, he becomes an individual that is so hard to understand. I implore the gentleman to reconsider these kinds of amendments. I know he is going to come up with one on every single bill every time we are allocating any dollars to any area of this country. I ask him to reconsider what he is doing and say, If you, in fact, believe that there is an immigration problem in this country, then deal with it under an immigration package of bills that deals with that issue. Once a child is here, once a person is in a flood, once a person is in an earthquake, do not single them out to be the only ones in the society that have to prove that they are citizens.

Madam Chairman, this is costly. This is going to cost the local districts a lot of money, and for a person who is known to be a fiscal conservative I am surprised that the gentleman from California [Mr. ROHRABACHER] would put on different districts of the Nation such difficult costs.

I say to the gentleman, Don't pass it on. Don't even consider going through with this amendment today. Our rules allow us to pull the amendments back, and you would get a standing ovation from this side if you did so.

Mr. ROHRABACHER. Madam Chairman, I yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Madam Chairman, I would just like to have a colloquy with my friend, the gentleman from California [Mr. ROHRABACHER]. This particular amendment, and other amendments that he has had, have brought up the question from the other side in terms of Federal mandates, and I thought we might explore that a little bit because I think there is some misinformation out here. I think this side recognizes that we have an immigration problem, a situation, as the colleague who just spoke, and we have to get to the heart of this matter.

Another area I would like to explore with him is the idea of how the Supreme Court's decision on this has been and how the gentleman's amendment would tie in with the Supreme Court, and I think there has been some statements by the Supreme Court on this matter.

So I think we should try and talk about the fact, and I would like to yield to my colleague from California to talk about this, two areas, in terms of the Federal mandates, what that means in the schools, and the idea of what the Supreme Court has said on this, and how the gentleman's legislation would affect that decision.

Mr. ROHRABACHER. Madam Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from California.

Mr. ROHRABACHER. Madam Chairman, the requirement, or the mandate, that local school districts provide education for illegal aliens just as they provide education for legal residents and U.S. citizens was dictated by Pyler versus Doe. However a reading of Pyler versus Doe, which was only a 5-to-4 decision in a court that was much more liberal than it is today, a reading of that decision makes very clear that the States are not mandated if the Federal Government sets a policy. What I am attempting to do today and with the amendments which I will offer on other bills in the future is for us to state the policy, which is what the justices of the Supreme Court asked us to do, in terms of whether or not benefits should be made available or be mandated for States to be made available to illegal immigrants. If we indeed pass resolutions and amendments like the one I am suggesting today, it complies with what the Supreme Court suggested was necessary, for us to take the mandate off of the local government and the local schools.

In other words, Madam Chairman, when we are talking about mandated education costing billions of dollars, that is not mandated if the Congress acts. It is very clear in that Supreme Court decision.

So, those on the other side of the aisle who are suggesting that the mandate will be held if we indeed set the policy are wrong. In fact, we are talking about saving the taxpayers billions of dollars by eliminating that mandate on our local schools and our States.

Mr. STEARNS. So, to emphasize what the gentleman is saying here, Madam Chairman, the Pyler versus Doe Supreme Court decision said States are not mandated if the Federal Government sets a policy, and in this amendment, the one that the gentleman had yesterday on striking the provisions in dealing with bilingual education and in many of his amendments, they have been shown to be setting the policy by the Federal Government in the gentleman's amendment. So that precludes the idea that there is any Federal mandates, so I think my colleagues should realize this whole argument on the basis of this is that all Federal mandates on the States is erroneous if we in Congress set the policy. Is that not true?

Mr. ROHRABACHER. The gentleman is correct. The purpose of my amendment is to eliminate the Federal mandate on the State and the local government, a mandate that today costs the taxpayers of this country billions of dollars in order to provide benefits for people who may not have contributed at all to the tax base—which may or may not have contributed to the tax base which is being taxed in order to provide that benefit.

☐ 1310

Mr. STEARNS. So in this case there are going to be extra funds required, there is a stipulation, and we are setting the policy. We hear on the other side that we are forcing children to spy on their parents and things like that. The gentleman might want to address that because we hear that continually from the other side.

Mr. ROHRABACHER. Madam Chairman, the amendment which would have required the schools to count the number of illegal aliens at no time suggested that those schools turn any name of anyone over to any Federal authority. It is understood the amendment, of course, was a tactic used to obfuscate the central point, and the purpose of that amendment was to get a count. The amendment was very clear and the newspaper accounts of my amendment were very clear that at no time did I require, suggest, or in any way make any type of hint that local school districts should be taking the names of the children and turning them over to the INS. We specifically by that amendment wanted a count. All we needed to do was to get a count of the problem.

In California we have millions of people who have come there from other countries, not just from Latin America and Mexico but from other countries of the world as well, who are now receiving educational benefits for their children. It is breaking the budget.

Governor Chiles from the gentleman's own State of Florida complained that the same thing is happening in Florida. The budgets of States are being broken by the fact that people naturally want to come here. Good and decent people want to come here from all over the world, but we have to determine this today: Where does our allegiance lie? With the people who have been here legally and are U.S. citizens, at a time of a budget crunch, should we be spending the money, our limited dollars, for their benefit, or shall we open it up to everybody in the world who can come here illegally and thus hurt our own people?

Mr. STEARNS. Madam Chairman, taking back my own time, I have just one other point. In Florida we have a number of illegal immigrants who are in prisons, and we are trying to prevent that. Governor Chiles is suing the Federal Government because of the illegal immigrants who are in Florida.

I would just like to say in summary that all the gentleman is trying to do is get information so we can have a handle on this problem. So the gentleman's amendment is specifically saying, "Let's find out how many children there are."

Mr. ROHRABACHER. Madam Chairman, the first thing is to set the principle and then let us get the numbers, and then let us try to find the enforcement mechanism.

Mr. STEARNS. Madam Chairman, I thank the gentleman.

Mr. KILDEE. Madam Chairman, I yield 4 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Madam Chairman, I thank the gentleman for yielding time to me, and I yield to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Madam Chairman, I thank the gentlewoman for yielding.

I only wish to speak for just a short moment for the purpose of clarifying the colloquy that went on between the 2 gentleman on the other side of the aisle.

I do not think anyone is saying that if the Federal Government could—and it can at this stage—tell States they do not have to provide education to a particular individual, that therefore there would be some demand upon a State. Clearly there would not if in fact there were no requirement by the Federal Government to do so.

But what the 2 gentleman forget completely in their colloquy is that there has to be a determination made that someone is here without documentation. Someone has to adjudicate that a child or an adult is not legally here.

I say to the gentleman from California [Mr. ROHRABACHER] that his amendment does nothing to provide school districts the money they need to go through the adjudicatory process to determine that. The gentleman leaves it up to the States and the school districts, the schools themselves, to pay for the cost of adjudication, and, therefore, that is a heavy, large unfunded mandate.

What some of us on this side of the aisle are saying is, "Let's deal with those immigration issues, but let's deal with the issues in the immigration law, not in education law, where we are going to impact tremendous numbers of children."

We do not know who we are going to attack, if we are not attacking those who are here with or without documentation. So let us not fool anyone. This is a magnificent unfunded Federal mandate the gentleman is proposing. It may not be an unfunded mandate the way the gentleman has explained it, but it certainly is an unfunded mandate that will require schools to do something they are not right now required to do.

Mrs. MINK of Hawaii. Madam Chairman, I thank the gentleman for his comments.

Madam Chairman, I think that this amendment is an egregious attempt to alter what has been the basic philosophy of this country, and that is to assume the fundamental responsibility of educating our children in our public school systems by those who do not want to be in the public school systems to preserve the integrity of the private schools.

But we have always felt undergirded by the Supreme Court decision that the responsibility of all of us in our communities through our local school boards, in our States, and indeed through the Congress, is to afford educational opportunity to our children.

The mischief of this amendment is to say that there are some children in our society that ought not to be educated, and that if a school system does not segregate out from its population those who are not entitled to an education, it could suffer the harm of losing Federal funds, and that is a very, very difficult predicament that school systems are going to find themselves in.

There is no doubt that there is an illegal immigration problem in this country, but why use the children of our country to enforce the laws that ought to be enforced by the Justice Department and by all the other law enforcement agencies that we have put this responsibility upon? Why do we want to do this to our children and to our school systems that now have to segregate among our children to try to determine whether indeed any one of them is receiving an education that they ought not to receive because of this prohibition?

This is a very harmful amendment. It will divide our children, it will divide our families, and it will cause egregious harm in our communities.

Madam Chairman, I beg this House not to use the children of America or our schools to enforce the laws with regard to immigration, and I hope that this amendment will be defeated.

Mr. ROHRABACHER. Madam Chairman, I yield myself 3 minutes.

Madam Chairman, we do not want to use our children, that is right. We are not talking about setting up a policy for our children. We are talking about setting a policy for the children of the world and the parents of the world. Let the word go forth from this Congress to anyone in the world who wants to improve the life of their children if they can make it across the borders of the United States legally or illegally. The Members on that side of the aisle who are making that argument at this time want to provide those children with all their educational benefits.

Is that a threat to the well-being of the people of the United States of America, to our children? Darned straight, it is a threat. We have only limited funds in this country to provide education and health benefits for our people. We are not talking about our children. We are talking about all the people who would bring their children to our country, good people, decent people, who are concerned about their families. But we cannot afford to take care of them because it is going to hurt the quality of education for our own children.

Let us not kid ourselves. The people out there who are listening to this debate are not being kidded by this. We cannot afford to do this. We say that anyone from far-off foreign lands, whether it is Latin America, Asia, Africa, Europe, or wherever they are, do not have the right to these benefits because we cannot afford to take care of everybody in the world. They know that is a threat.

The fact is that there have been some legitimate arguments presented today. Let me take care of one argument. This ends the mandate. Here is the Supreme Court decision. We can read the

Supreme Court decision. We are talking about lifting the mandate that costs billions of dollars. That is what we are talking about right now. The Supreme Court said that Federal policy will determine whether or not there is a mandate to educate illegal alien children, and until the Congress acts, the States must educate those children.

Now what we are asking right now is to end that mandate in the way the Supreme Court asks us to end the mandate.

Yes, our friends on the other side of the aisle have made these arguments. They say people of color may feel humiliated because they, more than other people, will be asked to provide identification, and that, I think, is a legitimate argument, and one of legitimate concern. It is not a concern, however, that cannot be met. We are trying to set the principle down, and we can find enforcement methods once that principle has been set down on how to do this without violating the rights of our own people or humiliating our own citizens, of whatever color or racial background.

For example, once we set the principle down, perhaps the American people will go along with creating a tamperproof Social Security card with a chip in it which will permit all citizens to identify themselves without any racial or ethnic humiliation whatsoever, because it will let everyone be able to prove their citizenship and their legal status right there on the spot. That is one thing we are moving to once we get down and recognize the problem.

Madam Chairman, in California and in many other States this is a major problem and a major threat to the well-being of our people.

☐ 1320

The CHAIRMAN pro tempore (Mrs. KENNELLY). The Chair would announce that the gentleman from California [Mr. ROHRABACHER] has 6 minutes remaining, and the gentleman from Michigan [Mr. KILDEE] has 6 minutes remaining.

Mr. KILDEE. Madam Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Madam Chairman, I rise in strong opposition to this amendment.

Madam Chairman, we expect a lot out of our teachers in America today.

We expect them to be educators and role models, counselors and motivators, babysitters, and disciplinarians.

And we ask them to do all that in the face of budget cuts and metal detectors, turf wars and teenage angst, decreasing resources, and increasing diversity.

And even with all that, most of them do a wonderful job.

But the supporters of this amendment feel that our teachers do not do enough.

That they do not have enough responsibility.

So supporters of this amendment want teachers and school districts to get into the Perry Mason business.

They do not just want teachers to be trained in reading, writing, and arithmetic.

They want them to be trained as agents of the INS.

Instead of spending money on computers and books, supporters of this amendment want to require schools to set up INS offices next to the lunchroom.

Make no mistake about it, that is what this amendment does.

It not only requires local schools to police Federal immigration laws. But it requires schools to conduct investigations of their own students to make sure they are legal.

Madam Chairman, this is not what schools are for and that is why the House overwhelmingly rejected a similar amendment a few weeks ago.

What is more, this amendment requires all of this—the investigations, the background checks, the constant monitoring by teachers—without providing so much as a dime of Federal money to help.

Madam Chairman, talk about redtape.

Talk about unfunded mandates.

This amendment is the mother load of all unfunded mandates.

But above everything else, this amendment does one substantial, unforgivable thing, one thing that no government should ever be a party to, this amendment codifies discrimination.

Ask yourself this: How are teachers supposed to decide who to check and who not to check?

Will it be based strictly on appearances?

Will every student who doesn't have blond hair and blue eyes be forced to line up in the gym and flash their papers?

Or will teachers just randomly pick students out of study halls and recess lines who do not look quite right?

Is that how it works?

Madam Chairman, what kind of message does that send to the other students? That it is OK to discriminate?

That it is OK to suspect somebody is guilty of wrongdoing just because they look different or sound different?

Madam Chairman, maybe I come from the old school.

I believe teachers should focus on report cards, not green cards.

I believe they should prepare all of our students for the future, not just a select few.

Let us be honest: This amendment will not improve schools or increase test scores.

All this amendment will do is divert our teachers away from teaching and burden schools with more redtape.

Madam Chairman, a first grade classroom is not the place to interrogate students and enforce immigration laws.

We have other agencies to do that.

Yes, we need realistic approaches to solve our immigration problems.

But this amendment is nothing but a cost-shifting, teacher-exploiting, student-discriminating amendment, and just as we did a few weeks ago with an equally hateful amendment, I urge my colleagues to reject it.

Mr. KILDEE. Madam Chairman, I yield 30 seconds to the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Madam Chairman, just to make a clarification, I asked the city of New York to let me know how much it would cost just to count 1 million school children, and they said $5 to $10 a head. That is $5 to $10 million in New York City. In New York State it would be from $15 to $30 million. In California, where there are 5 million students, it would be $25 to $50 million just to count. Before a hearing, any court case, any cleaning up of the system, just to count the children, it would cost in California from $25 to $50 million.

Mr. ROHRABACHER. Madam Chairman, I yield 1 minute to the gentleman from California [Mr. STEARNS].

Mr. STEARNS. Madam Chairman, just a question. It costs $5 to $10 just to count a child. Let me ask you this question: When a child comes into school, do they not register and provide lots of identification when they do this? Why could this not be done at the same time? So that maybe the estimate that was given to you was on the basis of going out separately and doing this. But this all could be done simultaneously.

First of all, I cannot believe it is going to cost $10 to count. But let us set that aside. Let us talk about the idea, when you collect all this other information when a child comes in, can you not at the same time establish their citizenship and at that point have the information?

Second, would not the gentleman concede that once this information is provided that my colleague's amendment is offering, we might be able to save money in the long-term, because we will have a handle on a very significant problem, and we can come back here and actually tackle the problem of what are we going to do about these large number of illegal immigrants and how to correct this situation.

Mr. KILDEE. Madam Chairman, I yield 1 minute to the gentleman from New York [Mr. FISH].

Mr. FISH. Madam Chairman, many of us are growing increasingly concerned with two trends in Federal aid to education. The first is the creation of unfunded mandates and the second is the erosion of local control and flexibility in determining such matters as curriculum, textbooks, and teacher certification.

There are far too many examples of unfunded mandates. The Asbestos Schools Hazard Abatement Act once again has not been funded. Public Law 94–142, the Education for All Handicapped Children Act promised a 40-percent Federal share. This year the Federal share is only 8 percent.

Goals 2000 for all its virtues is clearly more prescriptive than necessary to meet the desirable national standards.

Madam Chairman, amendments we are considering to H.R. 6 attempt to dictate to school authorities who they should teach and not teach despite State laws to the contrary—the case in my State of New York. We are asked to prohibit Federal funding if certain life styles are presented in a positive way.

Madam Chairman, it is hard to imagine a deeper or more subjective intrusion into curriculum decisions than what is before us.

I urge my colleagues to place the higher principle of local control of what is taught in our classrooms over their particular bias.

Mr. KILDEE. Madam Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I apologize to this body for coming late to this argument.

I rise in opposition to the Rohrabacher amendment for two reasons. First, in trying to implement the amendment, we risk damaging the entire learning environment and undermining the purpose of the amendment. Second, the amendment imposes unworkable requirements on schools.

We had this debate nearly 5 years ago. I would like to think I know something or have had some involvement with the counting of the population of this country.

In the fall of 1989 we confronted the question of whether or not we were going to try to distinguish between legal and illegal residents in the broader sense.

We came to the conclusion it would undermine public confidence in the entire undertaking, that citizens and noncitizens alike would be affected, that accuracy of the overall count would go out the window, and the same arguments apply here.

These were not just my arguments. These were the arguments of the Secretary of Commerce of the Bush administration and a very bipartisan majority of this body.

In trying to implement the amendment we have before us, we risk damaging the learning environment and undermining the purpose of the amendment.

The purpose of the amendment is to target resources at entitled students. But what we are talking about here is disturbing an entire classroom by our effort. In doing so, we affect not only those children who would be denied education, but our children as well, the majority of children in that classroom that is so disturbed. The teacher's relationships to students, parents, and the community would be affected as a whole.

The real problem, however, is that the undertaking will not work. The amendment assumes that schools know the students' immigration status or that they will be able to find out. The fact is that there are dozens of categories that range from seasonal agricultural workers, to refugees, and parents and students can move from one category to another without realizing it.

Students and teachers would need extensive training simply to carry out the duties mandated by the requirement. According to the National Academy of Sciences, even highly trained statisticians find categories complex and confusing, and the same problem applied in the census. Temporary enumerators cannot know the intricacies of immigration law and carry out the normal duties.

As a result, accuracy goes out the window. After disrupting the school environment, we would have, at best, flawed information, students categorized by untrained personnel, miscategorized students being denied benefits, and policymakers who will want to use these numbers for a wide variety of additional purposes according to the argument of the sponsors of the amendment.

Madam Chairman, for these reasons, and so many more that have been laid here before us today, I hope that we can reject this amendment on bipartisan grounds.

Mr. ROHRABACHER. Madam Chairman, I yield myself 3 minutes.

Madam Chairman, what we have got to determine here is do we have a problem? And the fact is, I believe we have a problem. And I believe that no matter what happens in the votes on this floor, the people of the United States understand we have a problem when we are providing a benefit level to illegal aliens to such a degree that it is attracting people from all over the world to come here.

This is a major threat to the well-being of the people of my State. I want Members to know that those illegal aliens coming to my State, the people providing those services are taxpayers from all over the country. And the flood of illegal aliens we have experienced will continue to grow and grow until it affects every State, if we send the message to the world that anyone who can come here is going to get the same benefits as an American citizen or a legal resident.

It is a giant, 100-mile-high welcome home or welcome here sign to anybody who wants to improve the well-being of their family. Most of the people in the world who want to come here and most of the people who come here are good and decent people, people we can respect and identify with. If we were in their position, we would do exactly the same thing.

But we cannot afford to take care of everyone in the world. This, what we are determining today and by the amendments I will present in the future, is whether or not the scarce resources that are paid for by the taxpayers of our country will be first used to provide benefits and services at the very least to our own citizens and legal residents.

Yes, we have a problem. This is immigration policy. Anybody who tells the American people that we can solve this flood of illegal immigration that is coming into our country now and still provide those benefits simply by reinforcing the border, I do not believe that they are giving an answer to the American people that the people will believe.

If there is an unworkable solution to trying to solve the immigration problem, it is giving thousands of dollars worth of benefits to anybody who can sneak across the border, and then claiming that the INS is going to solve the problem at the border.

We also hear that asking, just asking, this is supposedly a unsolvable problem, just asking someone to prove their citizenship or legal residency is some type of a violation. Yet there is a vast, vast majority of people in this hall, including on the other side of the aisle, that believe employers should do this.

What we have now, and what has changed in our country in the last few years, in the last 10 years, is illegal immigrants did not apply in the past for these services because they were afraid they would be deported and they would be reported by those people who run these services. That is not the way it is now. In fact, what we have said is that an employer must determine this status, must go through these procedures, so we give a disincentive for illegal aliens to come here to work and provide them an incentive not to work, but instead to apply for Government services and programs.

What a travesty that is.

□ 1330

Mr. KILDEE. Madam Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Madam Chairman, I rise in strong opposition to the Rohrabacher amendment, because I believe it undermines the constitutional principle which guarantees education to all children regardless of their citizen status.

Madam Chairman, I rise in strong opposition to the Rohrabacher amendment which would deny the use of Federal funds to educate undocumented students.

The Rohrabacher amendment would impose unfunded mandates on local school districts by requiring all schools which receive Federal funding to identify and collect data on the citizenship status of every student. The mission of our public schools is to educate our children—all of our children. Our schools have neither the capacity nor the desire to track their students' immigration status. Forcing our educators to serve as agents of the Immigration and Naturalization Service [INS] diverts them from their appropriate mission.

In addition, this provision would undermine a constitutional principle which guarantees the right of all children, regardless of their citizenship status, access to a public education. The 1982 Supreme Court decision, Plyer versus Doe, requires that States provide a public education to all children. By prohibiting Federal money from being used for undocumented students, the Rohrabacher amendment would shift the costs of educating these children to State and local governments.

Madam Chairman, the Rohrabacher amendment would not serve any legitimate public policy purpose. Denying students an education will not prevent or discourage undocumented immigrants from entering the United States. Rather, this provision would result in discrimination of U.S. citizens and documented residents who look or sound foreign.

This amendment would perpetuate an undereducated population in our country. Uneducated children will likely grow up as illiterate adults, unable to function in society and contribute to our tax base. This provision would ultimately have a negative affect on all our children and our society as a whole.

Immigration is an issue which need not and should not be addressed in this bill. The Rohrabacher amendment would do no good and much harm to our schools, our students, and our country.

Madam Chairman, I urge my colleagues to join in voting against this amendment to H.R. 6.

Mr. KILDEE. Madam Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. Madam Chairman, I rise in opposition to the Rohrabacher amendment, because I believe it would threaten the very fabric of our society by creating a permanent subclass of undereducated children in this country.

Madam Chairman, I rise in opposition to the Rohrabacher amendment. Over the past few weeks, this House has overwhelmingly defeated amendments to H.R. 6 which would have imposed unreasonable administrative burdens on our public schools and denied Federal funding for essential educational programs. In both cases, the amendments unfairly impacted the most vulnerable members of our society—our children.

The Rohrabacher amendment would be even more harmful to our schools and to our children by denying the use of Federal funds for any benefit to undocumented children. Apart from violating the basic, constitutionally guaranteed right of all children to a public education, this amendment would have the devastating effect of denying school districts a critical source of funding unless they assume the role of the INS and somehow determine the immigration status of all students. Clearly, this is a function our already overburdened schools are neither equipped for nor should be required to undertake.

Perhaps even more tragically, this amendment, if adopted, would threaten the very fabric of our society by creating a permanent subclass of undereducated children in our country. The Federal Government must not sanction a two-tiered educational system where the quality of a child's education is determined by his or her parentage.

This amendment will do nothing toward either improving our schools or addressing immigration policy and must be soundly defeated.

Mr. KILDEE. Madam Chairman, I yield back the balance of my time.

Mr. ROHRABACHER. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, this is not a debate between Members on one side who are a bunch of scrooges, who do not like people who come here from other countries. In fact, the fact is that immigrants have played an important role in the development of our country. They continue to play a positive role in our country, as we bring in more legal immigrants into the United States of America than all the rest of the nations combined.

If Members look at my voting record, they will see that I support a high level of positive legal immigration, because legal immigrants who come here are required to take care of themselves and required not to be people who are dependent on government services for their lives when they get here. That is what differentiates legal immigration from illegal immigration.

Illegal immigration now is threatening the well-being of the people of the United States. We have a responsibility to watch out for them. This includes legal residents and immigrants who have come here, gone through the system, immigrants who have gone through the process.

They are the ones, by the way, who are the most insulted by this argument that we have got to provide the same services to illegal immigrants that we provide to them, after they have waited years and gone through the process and obeyed the law.

This is a decision, what we are deciding on today and will be deciding on with future amendments that I will propose, whether or not this is the principle we will want to operate under, whether or not this Government should accept that principle, that benefits and services should be provided by Government only to those people who are here legally and U.S. citizens and that people who come here illegally are not, do not have the right to those same benefits.

If we continue to accept the principle that is being espoused by the Members on the other side of the aisle, our country is going to go broke. We are going to go broke in the fast lane. There is nothing, nothing that we can do to afford to pay for all of the services that will be needed to provide benefits for everyone in the world who can come here, even if they come here legally.

The CHAIRMAN pro tempore (Mrs. KENNELLY). The question is on the amendment offered by the gentleman from California [Mr. ROHRABACHER].

The amendment was rejected.

### AMENDMENT OFFERED BY MR. DOOLITTLE

Mr. DOOLITTLE. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOOLITTLE: Page 762, after line 8, insert the following:

**SEC. 9506. SEX EDUCATION.**

"(a) SEX EDUCATION INSTRUCTION.—All public elementary and secondary schools receiving assistance under this act in classes that teach sex education or discuss sexual intercourse, sexually transmitted diseases (STDs), including acquired immune deficiency syndrome (AIDS), shall continuously stress throughout the sex education program and sexual intercourse discussion that abstinence from sexual intercourse is the only protection that is 100 percent effective against unwanted teenage pregnancy, STDs, and AIDS when transmitted sexually. All material and instruction in classes that teach sex education and discuss sexual intercourse shall be age appropriate.

"(b) CRITERIA.—All sex education courses that discuss sexual intercourse shall satisfy the following criteria:

"(1) Course material and instruction shall be age appropriate.

"(2) Course material and instruction shall stress that abstinence is the only contraceptive method which is 100 percent effective, and that all other methods of contraception carry a risk of failure in preventing unwanted teenage pregnancy. Statistics based on the latest medical information shall be provided to pupils citing the laboratory and real-life failure and success rates of condoms and other contraceptives in preventing pregnancy.

"(3) Course material and instruction shall stress that STDs are serious possible hazards of sexual intercourse. Pupils shall be provided with statistics based on the latest medical information citing the laboratory and real-life failure and success rates of condoms in preventing AIDS and other STDs among elementary and secondary pupils.

"(4) Course material and instruction shall include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual intercourse outside of marriage and the consequences of unwanted adolescent pregnancy.

"(5) Course material and instruction shall stress that pupils should abstain from sexual intercourse until they are ready for marriage.

"(6) Course material and instruction shall teach honor and respect for monogamous heterosexual marriage.

"(7) Course material and instruction shall advise pupils of the laws pertaining to their financial responsibility to children born in and out of wedlock.

"(8) Course material and instruction shall advise pupils that it is unlawful for males of any age to have sexual relations with females under a certain age to whom they are not married.

"(9) Course material and instruction shall emphasize that the pupil has the power to control personal behavior. Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations, such as respect for one's self and others.

"(10) Course material and instruction shall teach pupils to refrain from making unwanted physical and verbal sexual advances and how to say no to unwanted sexual advances. Pupils shall be taught that it is wrong to take advantage of, or to exploit, another person. The material and instruction shall also encourage youth to resist negative peer pressure.

Mr. DOOLITTLE (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DOOLITTLE. Madam Chairman, we face today a crisis of family disruption due, among other things, to the explosion in out-of-wedlock teenage pregnancies.

As this chart shows, teenager out-of-wedlock pregnancies have nearly doubled over the past two decades, and this development is causing an enormous problem that we confront every day as a country, when we talk about the problems of criminal activity, of drug abuse, of underachievement in school, etc.

In my opinion, and in the opinion of experts who have examined it, these things all tie back into the problem of family disruption, much of which is due to, in addition to separation or divorce or death of a parent, out-of-wedlock pregnancies.

Illegitimate births have increased more than 400 percent since 1960. We know that we can do something that makes a difference, and that something is to give teenagers the skills that they need in order to refuse early sexual activity.

Now, for decades we have tried the approach of teaching about sexuality and about the pregnancies and sexually transmitted diseases and so forth. And it has not had any impact.

In Atlanta, one prominent gynecologist in the mid-1970's, who instituted these programs, discovered that it was not having an impact in terms of people reducing their sexual activity as teenagers or in terms of increasing birth control efforts. And so this gynecologist, in a program for junior high school students added to the existing curriculum an element that taught people skills to resist advances for sexual activity, to do some role playing, to give people some practical reasons why abstinence was a good thing, not preaching, but simply to explain to people why abstinence helped them avoid certain very serious problems, among which were, of course, pregnancies or sexually transmitted diseases or the reality of caring for an infant when they are not financially equipped to do so or the impact that a baby can have on a teenager's life.

These were the sorts of things that were added to the curriculum. And lo and behold, it made quite a difference. This chart here illustrates this difference.

In this program in Atlanta, which applied to the junior high grades, Members can see at the end of the eighth grade for those who were in the program, 4 percent initiated sexual activity. Whereas for those who did not have the program, 20 percent did so.

Of course, as my colleagues can see, the older they get, the closer these bars get. But they can still see, even here at the end of the ninth grade, 24 percent of the students in this program, initiated sexual activity versus 39 percent of the students initiated sexual activity who did not have the abstinence-based sex education program.

□ 1340

Madam Chairman, this translates for our purposes into many, many billions of dollars that we can avoid spending on emotionally crippled young people who got that way because they were born out of wedlock. We can prevent this by undertaking measures which demonstrably work.

For that reason, I bring this amendment to the floor of the House, feeling that we are genuinely in a crisis of family deterioration.

The CHAIRMAN pro tempore (Mrs. KENNELLY). The time of the gentleman from California [Mr. DOOLITTLE] has expired.

(By unanimous consent, Mr. DOOLITTLE was allowed to proceed for 2 additional minutes.)

Mr. DOOLITTLE. Madam Chairman, it is costing the taxpayers of this country billions and billions of dollars. Any time we pick up the papers and we read about the crime in the District of Columbia or any other urban area across the United States, we ask ourselves, "What can we do about this situation? How are we going to change this?" This is one of the ways, I would submit, that we can begin to change the deteriorating social conditions within the United States.

Yes, building prisons and having tougher laws are part of one approach that we need to have, I stipulate to that, but we will never build enough prisons or have laws Draconian enough that in and of themselves they are going to stem this problem. We need to start right at the beginning, on the other end of things, before we spend money to build those expensive prisons and deal with people, equip our young people to live better lives, to avoid the pitfalls of promiscuous sexual activity, and the results from that will be much fewer problems that we are going to have to deal with later on as a society, when all we know to do ultimately is to lock people up and keep them locked up. That is really not a very good solution. It may be part of the solution, because we have to have some immediate answer, but the long-term answer is to deal with this side of the equation.

Madam Chairman, this chart shows that abstinence-based sex education works. I offer this amendment today in the hopes of encouraging more districts, all districts who get Federal funds, to begin to incorporate abstinence-based sex education into their programs.

### AMENDMENT OFFERED BY MRS. UNSOELD TO THE AMENDMENT OFFERED BY MR. DOOLITTLE

Mrs. UNSOELD. Madam Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mrs. UNSOELD to the amendment offered by Mr. DOOLITTLE:

In the subsection (a) of the amendment made to page 762, strike "in classes that teach" and insert "which use such funds to teach".

In subsection (b) of the amendment made to page 762, strike "shall satisfy" and insert "may use".

Add at the end of the amendment made to page 762, after line 8, add the following:

"(c) NO FEDERAL CONTROL OF CURRICULUM.—Nothing in this section shall be construed—

"(1) to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or schools' instructional content, curriculum, or related activities;

"(2) to limit the application of the General Education Provisions Act;

"(3) to require the distribution of scientifically or medically false or inaccurate materials or to prohibit the distribution of scientifically or medically true or accurate materials; or

"(4) to create any legally enforceable right.

"(d) RULE OF CONSTRUCTION.—In carrying out the provisions of this section, the Secretary shall not—

"(1) review any curricula or instructional materials;

"(2) promulgate regulations; or

"(3) take any administrative or legal action against a State or local educational agency or school.

Mrs. UNSOELD (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mrs. UNSOELD. Madam Chairman, although some Members have insisted that they support the local control of education, the Doolittle amendment would for the first time in history establish a Federal curriculum that all schools would be required to follow. This unprecedented and unwarranted Federal intrusion into the classrooms of America must be opposed. The Doolittle amendment would establish several pages of detailed requirement that every sex education class in the country would be required to follow, even if the instruction was paid for entirely by local funds.

The adoption of this amendment would subject every school in the country to curriculum policing by the Department of Education to maintain Federal funding. State and local educational agencies will end up submitting textbooks and instructional materials to the department for approval or evaluating them, again, checklists set out in Federal regulations. Federal auditors may also be deployed to monitor classroom instruction.

Madam Chairman, is it appropriate to request that the chart be removed while I am speaking?

The CHAIRMAN pro tempore. Yes, it is. The Chair would request that someone please remove the chart while a new amendment is on the floor.

Mrs. UNSOELD. Madam Chairman, the issues raised by the Doolittle amendment are important, but they are ones that parents and local communities are more than capable of deciding for themselves. They do not want, nor do they need, Congress to tell them what to do, nor do they wish to see the U.S. Congress become a national school board that usurps the right of local communities.

My amendment clarifies that nothing in the section shall interfere with the right of local communities to select curricula appropriate to the needs of the children in their communities. My amendment preserves local autonomy and acknowledges that local communities have the right and the ability to determine what is taught in their schools.

Madam Chairman, I urge adoption of my amendment to the Doolittle amendment.

Mr. DOOLITTLE. Madam Chairman, I rise in opposition to this amendment.

Madam Chairman, I oppose this amendment. It would substantially dilute the amendment which I have offered. To hear the talk about local control, that "we cannot have Congress becoming a national school board," Congress is a national legislature to bail out people around the country, to pay for welfare benefits and medical benefits of people who are poor, and to provide for housing assistance for people who are poor, to help States fight crime, so come on, these are the social problems we are trying to avoid.

That is what my amendment goes to, by taking an approach that works, and it has been proven that it works in various places across the country, and it is helping young people to resist the pressures for early sex.

When I contrast the benefits of that approach versus the supposed negative, that Congress is mandating to local school districts, violating something that is supposedly sacrosanct, we dictate to local school districts all the time what they can and cannot do in various programs in the Federal Government.

Madam Chairman, I just cannot see sitting here as a Congress and year in and year out, borrowing money we do not have in order to fund programs that do not work, remedial programs, that deal with people who are already hardened criminals, or people who have been born out of wedlock, and they are living in poverty, and trying to help them somehow, and generally failing.

It just seems to me that my amendment is a better way to go, Madam Chairman. This amendment is a proactive approach, to deal with the problem before it is a problem, rather than taking the reactive or the reactionary approach and simply dealing with the results of teenagers' promiscuous sexual activity, results that in many cases could have been avoided if we had taken an aggressive stand before real trouble happened.

The California Legislature, of which I was a part a few years go, passed a bipartisan program that basically stresses abstinence and we are seeing positive results. There are positive results in the program in Maryland, and in other programs around the country. I described with the chart the program in Atlanta. It does work.

The Unsoeld amendment represents business as usual; throw in a word or two about the virtues of abstinence, but just keep passing out the condoms and keep the old traditional approach, which is not working.

We know what works. Traditional sex education, overlaid with abstinence-based education, actually works. Interestingly enough, even when the young people initiate sexual contacts, when they have come out of this program the numbers of contacts are fewer and the rate of condom use is higher, so it is a complete program. It does work, and for that reason, in order to take what we know and give it to the Nation as a whole, we need to defeat the Unsoeld amendment because, basically, it will dilute the effect of the amendment which I have offered.

Mr. GUNDERSON. Madam Chairman, will the gentleman yield for some questions?

Mr. DOOLITTLE. I am happy to yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Madam Chairman, there are questions meant in all sincerity, because I frankly think some of the goals of what the gentleman is trying to pursue here are not all bad.

I am a little confused as to the enforcement mechanism. How would this operate, if the gentleman's amendment is passed? It is a requirement that any school, any LEA in America, before they teach a sex education course, would submit a study plan or a curriculum or a textbook to the Department for approval? How do we accomplish that, No. 1?

No. 2, if a school should teach a sex education course that does not comply, then what are the penalties in enforcement mechanisms? I am asking these questions in good faith.

Mr. DOOLITTLE. Madam Chairman, I think the gentleman will find the requirements are set forth in the amendment, setting forth that course material and instructions shall emphasize abstinence and emphasize a variety of things pertaining thereto.

Mr. GUNDERSON. If the gentleman will continue to yield, does the State education agency, under the gentleman's amendment, approve this? Does the Federal Department of Education approve it?

Who determines whether small town school district America complies with the standards of the gentleman's amendment?

Mr. DOOLITTLE. It would be consistent with the process we have now where these standards have been set forth in the bill, and the districts receiving the funds from the Federal Government are obligated to abide by them.

Mr. GUNDERSON. But under most of the plans what is done right now is the State develops a plan and that State plan is approved by the Federal Government, and then the States implement that within their State.

Is it the gentleman's intent under this amendment that States would be the enforcement tool, or is it your intent that LEA's must apply to the Federal Department of Education for approval of a particular curricula before they can teach it?

Mr. DOOLITTLE. I anticipate it would work the way it does now with the planning going to the State and then that plan being approved by the Government.

Mr. GUNDERSON. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I would like to just continue the discussion because I did not have any time of my own previously.

What happens if a school does not comply under the gentleman's amendment? What is the intent? Is it the gentleman's intent that all funds in that school, all Federal funds from school lunch to chapter 1 to chapter 2, to bilingual to handicapped education, that all of those would be eliminated? I am just asking, is that the intent?

Mr. DOOLITTLE. The intent, of course, is to get the abstinence-based sex education in their existing sex education or sexually transmitted disease programs, and we use money as the enforcement mechanism for this, like so many other things around here.

Mr. GUNDERSON. But that gets back to my question, because I do not think, I hope there is no Member of Congress who disagrees with at least the sense of Congress that we ought to promote abstinence. I am not arguing that at all. I am just trying to figure out how this works in the real today world of education. Where is the enforcement section of your amendment that would say that the Department of Education shall monitor or the States are monitors, and if schools fail to comply with this curriculum, that that language would require the elimination of any Federal funds?

This is a good faith discussion. I am honestly asking questions.

Mr. HANCOCK. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Missouri.

Mr. HANCOCK. I realize there has to be certain enforcement mechanisms, but can we not rely on the schools to enforce the law, the schools themselves to enforce the law? And then if they do not, rely on the parents to bring it to the attention of either the Federal Department of Education or to the proper officials to enforce the law? I did not realize that we have to come up with all types of mechanisms to force our public schools to comply with the laws that are written in the U.S. Congress.

Mr. GUNDERSON. There are a number of laws written that have no penalty provisions. It is sort of like a sense of the Congress. They are there, but if you do not comply, so what?

What I am trying to find out is if this is intended to be a sense of the Congress, along that line, then hopefully the department will encourage the States to encourage the local education agencies who pursue sexual education courses to include and emphasize abstinence. I mean if that is the goal, that is fine. The gentleman has a number of criteria here in the course. I can only tell the gentleman from my general discussions I think with most people, the No. 1 problem in sex education courses in America is, frankly, the training of the teacher. In all due respect, we have too many retired football coaches teaching sex education in this country who do not know anything about it.

Mr. HANCOCK. If the gentleman will yield, I think one of the major problems in all education in the United States is the training of the teachers.

Mr. GUNDERSON. That might be. And frankly, I was tempted to offer an amendment to the Doolittle amendment that has some kind of requirement that the person teaching the course knew what they were talking about. We dealt with the teacher certification issue 2 weeks ago, and I do not think anybody wants to get back to that issue on the Federal level. I am simply trying to figure out if this is mainly a sense of the Congress, if it is our goal that States and the Federal Government would encourage local education agencies to do these things.

Mr. DOOLITTLE. If the gentleman will yield again, I will respond that this would all be done, as I understand it, through the existing plans that are put together by the States, and then sent to the Secretary of Education where I guess they are approved. And the enforcement mechanism for that would be similar to what is done in other parts of the bill relative to making sure that money is spent. In order to get districts to pay attention to some of the successes around the country, we would like to have the enforcement mechanism. I did not draft a separate enforcement mechanism other than what already exists for other moneys.

Mr. GUNDERSON. Perhaps the chairman of the subcommittee can help us on this, because there are a number of sections in the bill where, as a condition of receiving chapter 1 funds or chapter 2 funds, you have to do certain things. And I am not attacking the amendment. I am honestly trying to figure out where we are. I do not see that in this amendment. The gentleman may want to offer that as an amendment to it.

Is there any enforcement tool? Does the chairman see any enforcement tools in the amendment as written? What happens if the Osseo school district in Wisconsin has a sex education course but does not comply?

Mr. KILDEE. If the gentleman will yield, I would suggest he address that question to the author of the amendment.

Mr. GUNDERSON. The gentleman is suggesting that there may be an ordinary enforcement tool for the entire Elementary and Secondary Education Act that would apply. But I am not sure that there is such a thing.

Mr. KILDEE. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, let me say that I find, and most Members in this Chamber find the goal of the gentleman from California [Mr. DOOLITTLE] very laudable. I raised three children. They are all young adults now, and I certainly tried to install that goal in my efforts to teach them about the wonderful gift of sexuality. I think his goal is wonderful. But I am wondering whether the Federal Government should get involved in that goal.

We have voted on several amendments in the last few weeks during consideration of H.R. 6 that would have limited local control of curriculum, and all those amendments were defeated, and rightfully so. Both in GEPA and in the act which established the Department of Education, Members may recall that was a very hotly debated issue. We put strict provisions into that legislation establishing the Department to make sure that the Federal Government would not get involved in matters of curriculum.

Very often all of us are tempted, because of some priority we may have, to ignore that and try to inject ourselves into the local or State curriculum, but we are forbidden to do that. And I think it is a dangerous step, once we start moving into the area of curriculum, that we open the door and more and more the Federal Government will be dictating to the local school districts what their curriculum should contain.

Let me read the language that was written in that law in 1979:

> No provision of any applicable program shall be construed to authorize any department, agency, officer or employee of the United States to exercise any direction, supervision or control over the curriculum, program of instruction, administration or personnel of any educational institution, school or school system, or over the selection of library resources, textbooks and other printed or published instructional materials.

I submit we take that language very carefully. That language was for many an essential ingredient in their voting for the establishment of the Department of Education. And I think while many of us on both sides of the aisle are tempted to skirt around that, that we create a very dangerous path when we do that.

Mrs. UNSOELD. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentlewoman from Washington.

Mrs. UNSOELD. Mr. Chairman, I thank the gentleman for yielding. The programs about which the gentleman from California [Mr. DOOLITTLE] was speaking, that is funding and also congressional Federal requirements that went with them were federally funded programs. But the Doolittle amendment imposes a Federal curriculum on how local school boards can use their own dollars. It has not been done before in our history, and it is not appropriate now for the Federal Government to dictate to local governments how they would use their own education funding money.

Mr. KILDEE. Many of my colleagues heard me state many times that education is a local function, a State responsibility and a very important Federal concern, and I think that balance is very important.

□ 1400

But with this amendment we make education a Federal function. We are getting involved in the nitty-gritty of curricula, and again, all of us from time to time have had something we would like to inject in that. I think we are always safer when we avoid that path.

Mr. BEREUTER. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, this amendment to the amendment is as good a time as any to express some very basic concerns about H.R. 6 and the amendments proposed to it.

I would urge that my colleagues who want to be educational activists for elementary and secondary education run for the State legislatures or the local school boards, or that they go back to those bodies, because that is primarily where the responsibility for elementary and secondary public education lies.

Madam Chairman, like the overwhelming majority of my constituents, this Member has strong concerns regarding the intrusion of the Federal Government in State and local education policy which is contained in H.R. 6. For the same reason I am also especially concerned about a number of amendments to be offered to this legislation. I agree with the sentiment expressed in most of those amendments; however, the Federal Government has no constitutional role in determining local school policy or curriculum. The basic legislation before us, H.R. 6, is similarly flawed by mandates of all kinds—regardless of the subject matter or motives of the authors.

I want to remind my colleagues that under the determination set out by article X of the U.S. Constitution, the responsibility to provide and regulate education is left to the States; there is no primary Federal role in public education specified by the U.S. Constitution, in spite of the views of activists inside and outside of Congress.

Madam Chairman, again for these reasons this Member urges his colleagues to reject H.R. 6 as a usurpation of the education responsibilities of the States and their school districts.

This enlargement of the Federal role in certification and regulation of education is in direct contradiction to our Federal system of Government as prescribed by the U.S. Constitution.

This Member considers himself to be an activist on education, very much interested in encouraging education at all levels. But in my judgment, my colleagues, the responsibilities of the Federal Government are primarily two, when it comes to education.

First is to assure equal access to public education to all Americans. That is a primary role given to the Federal Government by several amendments. That is our duty.

The second responsibility, to be exercised on rare occasions, it seems to this Member, is to act in a few cases where there is compellingly large public concern across the Nation about some important aspect of education and encourage appropriate actions by the States and their school districts to meet that concern of high public priority.

A few years ago, for example, it was felt across the country, and then reflected in this Congress, that there was a major deficiency in the quality of science and math education, especially in our secondary schools. And Congress at that time acted to provide encouragement to the States and their school districts to act to meet this problem. That is an example of the second and limited role for the Federal Government in the field of elementary and secondary education.

Madam Chairman, beyond that, the Federal Government should permit the States to do their job in education, and to give them encouragement for their responsibilities. No mandates, no certifications, no requirements from the Federal Government are justified in H.R. 6 or in well-intended amendments.

Mr. ENGEL. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the clarifying amendment offered by the gentlewoman from Washington [Mrs. UNSOELD] to the Doolittle amendment to H.R. 6.

Quite frankly, I am very surprised and appalled by some of the statements from my friends on the other side of the aisle who have always professed to be opposed to Federal mandates, to be opposed to the Federal bureaucracy, who say they are for States' rights and for local control and against the heavy-handedness of Washington coming down and telling the States and localities what to do, and here we have just such an attempt to try to do that, to mandate local education policy from Washington.

I do not think we ought to do that. I do not think the American people want us to do that.

I think the American people understand that the communities themselves should decide what is appropriate, and that Washington should not be saying, "We are smarter than everyone. We are going to tell you back, Mr. and Mrs. Hometown Person, what your schools ought to be doing. We know better in Washington than you do back home." I do not think we do.

I do not think that is what we want to do.

The Unsoeld amendment modifies the Doolittle language to make it consistent with the prohibitions against Federal control of education set forth in the GEPA in the Department of Education Organization Act.

If the Unsoeld amendment is not adopted, the Doolittle provision would essentially direct Department of Education employees to perform duties to which they are prohibited from doing by two other statutes. The curriculum mandate that would be established by the Doolittle amendment would involve the making of subjective judgments by Federal bureaucrats about the extent to which curricula and the resources of local schools comply with its requirements.

If a school's sex education curriculum included 5 days of instruction and discussion of abstinence, is it meeting the Doolittle amendment's mandate to stress abstinence, or are 2 days required, or are 20 days required?

Under the Doolittle amendment as originally introduced, a bureaucrat in Washington, not the parents and the local school boards, would make this decision. The Unsoeld amendment would ensure that all of these subjective decisions will continue to be made at the local level where it ought to be made.

Finally, the Unsoeld amendment includes provisions which are identical to provisions included in amendments offered by some of our Republican colleagues regarding content, student performance, and opportunity-to-learn standards. The purpose of the Unsoeld amendment, as with these earlier Republican amendments is to ensure that States and localities retain exclusive control over the content of curricula and that the Federal Government does not impose any mandates on the content of instruction in our schools.

I urge my colleagues to adopt the Unsoeld amendment.

The Federal Government does not have the authority to mandate sex education curriculum. I would also say those of us on the Education Committee have labored long and hard to make H.R. 6 the document that it should be.

During the course of the past several days, we have time and time again seen amendments come before this body that, in my opinion, have no place here. It certainly tries our patience in terms of open rules when amendments get defeated by more than hundreds of votes, and here they are again and again.

I think that this amendment should be defeated, and the Unsoeld clarifying amendment to the Doolittle amendment should be supported.

Mr. HERGER. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in strong opposition to the gutting Unsoeld substitute and in strong support of the Doolittle amendment, which would encourage teenagers to practice abstinence as the best method of birth control and avoiding sexually transmitted diseases such as AIDS.

Our antidrug education programs tell young people that drug abuse is dangerous and that alcohol use is inappropriate for minors, who do not have the judgment or maturity to make responsible decisions in this area. We tell kids to just say no to drugs and alcohol abuse. It is a simple, clear message that young people can understand. It conveys the values we want to transmit about drug abuse.

Why then, in the face of an AIDS epidemic, and with the explosion of teenage pregnancy and illegitimacy, don't we use the same message in our sex education classes? What's wrong with telling young people to just say no to sexual activity when they are too young to engage in it responsibly?

This is not an issue of attempting to force one sectarian viewpoint on our public schools. Virtually every major religious tradition I can think of discourages premarital sex.

Why? Because it makes sense. Teenagers who engage in early sexual activity are far more likely to become pregnant. They are more likely to drop out of school. They become vulnerable to deadly killer diseases like AIDS.

Sex education programs that do not stress abstinence in essence give students permission to engage in sexual activity. They tell them "if it feels good, do it, but do it with a condom."

Where has this led? First of all, it has led to the explosion of illegitimate births in this country. Since the permissive let it all hang out decade of the 1960's illegitimacy has increased more than 400 percent.

The percentage of unmarried teenagers getting pregnant has nearly doubled in the last 20 years. We have a welfare crisis in this country as a result.

We also have an increasingly violent generation of virtually parentless youths who carry guns and kill people for their sneakers. The system is not working, and the failure to instill positive values in our young people is the main cause of this misery.

The Doolittle amendment takes a step toward promoting positive values that young people will respect. Sure, it will not be 100 percent effective, but it is bound to be more effective than our current policy of doing nothing to promote sound values. It will give young people the power to resist peer pressure, and a reason not to do something they are not ready to do.

The school systems that have tried abstinence education find that it works. In the State of Washington, for example, students who participated in the abstinence-based teen-aid program are 27 percent less likely to begin sexual activity than those who do not take the course once. When teen sexual activity could mean contracting AIDS, that means young lives are being saved.

Let us do something positive to restore values in our school systems.

□ 1410

Let us defeat the Unsoeld gutting amendment and adopt the Doolittle amendment.

Miss COLLINS of Michigan. Madam Chairman, I move to strike the requisite number of words, and I rise to support the Unsoeld amendment and oppose the Doolittle amendment.

Many people think that ignorance is bliss. They think if you just do not teach about sex education, that sex will just go away. They think that if you just say "no," that what you want will prevail. But we know that that is simplistic at best.

The Federal Government has absolutely no right and no business to legislate curriculum. Yes, I believe abstinence is best, yes, our churches believe abstinence is best, our parents and schools believe abstinence is best, but you do not legislate abstinence.

If you could do that, then it would have worked a long time ago. But since biblical times it does not work.

What we have to do is educate our young children. Our young children need to know about sex education, they need to know about birth control, they need to know exactly what is fact and what is fantasy.

Yes, it is good to just say no; it is good to emphasize abstinence, but what does emphasis mean, Madam Chairman? Does emphasis mean that the instructor should mention it once and no more? Does it mean that for every day of sex education the instructor should start off with abstinence?

I think we are going into deep waters, Madam Chairman. I think that the gentleman's motives are probably very good, but I think his message is wrong.

I yield to the gentlewoman from the State of Washington [Mrs. UNSOELD].

Mrs. UNSOELD. I thank the gentlewoman for yielding to me.

Madam Chairman, some speeches coming from across the aisle would be much more appropriately made before a local school board. This is not an amendment about values, it is not an amendment about abstinence, it is not an amendment about those things that we feel would better our teenagers. What it is about is who makes the decisions for local school boards, the men and women from the community who run for the school board or who work with the school officials, who work with the parents on a daily basis? Are they rightly the ones to make the decisions about what will be in their curricula and how their local money will be used?

I submit that that is where these decisions should be made, and not imposed by a big-brother government that is drafting a curriculum at the Federal level and imposing it on local schools.

For gosh sakes, get Government off their backs.

Mrs. MORELLA. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in opposition to the Doolittle amendment and in support of the second degree amendment offered by Representative UNSOELD.

Regardless of the intent of Mr. DOOLITTLE and Mr. HANCOCK whose amendments will be offered subsequently, these amendments place Federal control over local school matters. Congress has always uniformly and consistently deferred all decisions with respect to curriculum content to State and local officials.

The amendments would interfere with the authority of local school boards to determine the content of their programs. In my own district in Montgomery County, MD, the schoolboard is in the process of debating some controversial changes in the sex education program in the local schools. Members of the school board know the local community well. They have received input from parents, teachers, and principals regarding what is appropriate to address the needs of the children who live in the county.

Madam Chairman, I believe abstinence should be emphasized as the most effective means of preventing unwanted pregnancies, but the Federal Government should not usurp the local government.

I have received numerous calls from constituents asking me to please make sure that this important education bill does not interfere with the decision-making powers of local education agencies. The Hancock and Doolittle amendments would involve the making of subjective judgements by Federal officials about the extend to which curricula and resources of local schools comply with Federal mandates.

The Doolittle and Hancock amendments would burden Federal, State, and local education officials with massive administrative requirements. The Department of Education would be required to issue detailed regulations setting forth what is and is not permissible. Local schools would have to evaluate their curricula, school library resources, and instructional materials to determine whether or not they meet these new requirements.

The amendments could entangle our courts with new litigation cases. Any citizen or advocacy group could file suit against a school charging that elements of its curricula or the remarks of a classroom teacher violated the provisions of the Hancock and Doolittle amendments.

The Unsoeld amendment limits the administrative burden imposed by the Hancock amendment on Federal, State, and local governments. They would prohibit the Federal Government from issuing regulations setting out what can and cannot be taught in our schools. The Unsoeld amendment would prevent Federal employees from monitoring and approving the contents of instruction in our schools. The Unsoeld amendment would protect local schools against having to refund Federal assistance whenever department employees objected to the content of their curriculum.

For these reasons, I urge my colleagues to vote in favor of the second degree amendment offered by Congresswoman UNSOELD and preserve the right of local school boards to develop programs that conform to local community standards.

Mr. OWENS. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the Unsoeld amendment. I do not want to be redundant, but this is not an amendment about values, this is an amendment about micromanaging and local control. Monstrous, monumental micromanagement would have to take place in order carry out the Doolittle amendment. The Doolittle amendment invades the prerogatives of the local school boards as very few other amendments have done. Throughout all of our debate on Goals 2000, where the Federal Government seeks to set certain standards in content and curricula and standards in performance, everything has been voluntary, everything has been in terms of, We will state certain models and the States, in the final analysis, will decide what they want to do. Local control in curriculum has not been violated in any of the legislation for education that we have pursued so far. If there are people who really want to have the Federal Government have a greater role in promoting values and preventing teenage pregnancies and providing more positive sex education, then there are many things the Federal Government can do.

□ 1420

Madam Chairman, let us be brave enough to take on the media, be brave enough to use the power of the Federal Government through the Federal Communications Commission. The No. 1 problem in America with respect to the values of young people is the influence of the media, television, radio, and motion pictures. The Federal Government has direct control over the airwaves either through the FCC broadcast regulations or through the FCC regulation of cable.

I say to my colleagues, if you are interested in having this body do what this body can do best and what local school boards cannot do, then try to promote more stringent requirements on the manner in which sex and the wanton participation in sex is encouraged via our media via the radio, television, and motion picture formats.

We have the power to regulate interstate commerce, the movement of pornographic magazines. There are a number of things we can do. Corporations are responsible for most of the programming that appears on broadcast television and much of the programming that appears on cable television. We have power with respect to the regulation of corporate activity. We have power with respect to regulation of how they spend their advertising dollars.

If you want to be brave and do something about trying to influence teenage values, then why not take on a greater regulation role with respect to the FCC, with respect to corporate power and the kinds of things they finance? Why not take on a greater regulation role with respect to the motion picture industry, the magazine industry? There are a number of ways in which you can deal with, and deal more effectively with, your agenda to better promote more positive attitudes among teenagers with respect to sex education. We have no business in interfering, and we hope that they will take the necessary steps to provide enough sex education to guarantee that the youngsters know how to protect their own health to guarantee they know how to survive.

Madam Chairman, AIDS is a very deadly disease. Schools must not ignore teaching about AIDS in a way which helps teenagers to survive. Everybody is in favor of that. Nobody in America, no responsible adult, and certainly nobody in this House, no school board in America, is against teaching abstinence, and my colleagues will probably find no school board in America where abstinence is not already a major part of this concern. Everybody does it. We do not need to have regulations handed down by the Federal Government to do what has been embedded in our tradition and our culture. All the religions, as some have pointed out, all the religions promote abstinence.

I say to my colleagues, If you want to do something about the degrading influences of sex on teenagers, do what we can do best. Deal with the FCC. Deal with those agencies that are under the Federal Government that we do have power to regulate. Leave the school boards alone. Leave local control of education alone.

Mr. POMBO. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I feel it is critical that my colleagues understand the meaning of the Doolittle amendment to the children of our Nation.

The Centers for Disease Control estimates that over 1 million Americans are infected with HIV. This same agency estimates there are 12 million other cases of sexually transmitted diseases occurring each year in the United States.

If sex education is going to be taught in school, it is apparent that the lesson plan should include teaching abstinence. This is the practice in my State of California, and that is why 180,000 teenagers are learning to resist the message of rap lyrics by choosing education and future success rather than settling for pregnancy and future poverty.

The Doolittle amendment will ensure that all public elementary and secondary school classes on sex education shall continuously stress that abstinence is the only protection that is 100 percent effective against unwanted teenage pregnancy, sexually transmitted diseases, and acquired immune deficiency syndrome.

After decades of programs which emphasized contraception—the so-called experts can look at their dismal results. The percentage of teenagers getting pregnant has nearly doubled in 20 years and illegitimate births have increased more than 400 percent in the last 30 years. Each year one in nine girls ages 15 to 19 become pregnant.

We as a nation should not be proud of these numbers. We need to make changes. We need to find another way. The Doolittle amendment is clearly a step in the right direction.

In the last 10 years some schools have been including abstinence in their sex education curriculum. And the results have been clearly positive.

I ask my fellow colleagues, if you believe we should reduce the spread of sexual transmitted disease vote in favor of the Doolittle amendment.

If you believe we should reduce the number of unwanted pregnancy in this country vote for the Doolittle amendment.

It is time to go back to the basics. It is time to embrace the virtue of chastity. Support the Doolittle amendment and give our children an opportunity for a better life.

Madam Chairman, I yield to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Madam Chairman, in 1940 teachers named the top problems in public schools as talking out of turn, chewing gum, making noise, and running in halls. In 1990 teachers named the top problems as drug abuse, alcohol abuse, pregnancy, suicide, and rape.

A recent Roper Starch Worldwide poll amongst 12- to 17-year-olds and parents found that pressure to have sex at too young an age tops the list of issues that both see as a threat to children. The pollsters found that 46 percent of the parents and 44 percent of the children ranked pressure for early sex as somewhat or extremely threatening to young people. AIDS was ranked as the next biggest threat to young people.

Madam Chairman, my amendment will ensure that all public elementary and secondary school classes that teach sex education shall stress that abstinence is the only protection that is 100 percent effective. It is just that simple.

I believe in local control, too, and I do not believe this in any way infringes on local control, but this goes right to the heart of the issue. By passing my amendment and defeating the Unsoeld amendment we are going to help young people help themselves.

Madam Chairman, we know abstinence-based sex education works. It has been proven, so I ask my colleagues to vote no on the amendment offered by the gentlewoman from Washington [Mrs. UNSOELD] and yes on the Doolittle amendment.

The CHAIRMAN pro tempore (Mrs. KENNELLY). The question is on the amendment offered by the gentlewoman from Washington [Mrs. UNSOELD] to the amendment offered by the gentleman from California [Mr. DOOLITTLE].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DOOLITTLE. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to rule XXIII, clause 2(c), the Chair will reduce to a minimum of 5 minutes the recorded vote following the vote on the amendment offered by the gentlewoman from Washington [Mrs.

UNSOELD] if there is no intervening debate.

The vote was taken by electronic device, and there were—ayes 262, noes 166, not voting 10, as follows:

[Roll No. 76]

AYES—262

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonilla
Bonior
Boucher
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Cox
Coyne
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goodling
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Houghton
Hoyer
Huffington
Hughes
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kim
Kleczka
Klein
Klink
Klug
Kolbe
Kopetski
Kreidler
Lambert
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (GA)
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCurdy
McDade
McDermott
McHale
McInnis
McKinney
Meehan
Menendez
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Pickle
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rangel
Reed
Reynolds
Richardson
Ridge
Roemer
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Skaggs
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—166

Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Bartlett
Barton
Bevill
Bilirakis
Bliley
Boehner
Borski
Brewster
Browder
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cramer
Crane
Crapo
Cunningham
Danner
Deal
DeLay
Dickey
Doolittle
Dornan
Duncan
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Foglietta
Fowler
Franks (CT)
Gallegly
Geren
Gingrich
Glickman
Goodlatte
Grams
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoekstra
Horn
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Johnson, Sam
Kasich
Kennedy
King
Kingston
Knollenberg
Kyl
LaFalce
Lancaster
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Manzullo
McCollum
McCrery
McHugh
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Montgomery
Moorhead
Myers
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Portman
Poshard
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Roberts
Rogers
Roth
Rowland
Royce
Sarpalius
Saxton
Schaefer
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Swett
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Traficant
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Clay
Gallo
Gillmor
Grandy
Hastings
Meek
Natcher
Olver
Sundquist
Thompson

□ 1450

Messrs. APPLEGATE, BORSKI, PAYNE of Virginia, VOLKMER, and BRYANT, Mrs. LLOYD, Mrs. MEYERS of Kansas, Mr. RAHALL, and Mr. QUILLEN changed their vote from "aye" to "no."

Mr. KIM and Mr. JOHNSON of South Dakota changed their vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. DARDEN). The question is on the amendment offered by the gentleman from California [Mr. DOOLITTLE], as amended.

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOODLING. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 407, noes 20, not voting 11, as follows:

[Roll No. 77]

AYES—407

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis

McKeon
McKinney
McMillan
McNulty
Meehan
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Vucanovich
Walker
Walsh
Washington
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

### NOES—20

Abercrombie
Clayton
Collins (IL)
Collins (MI)
Crane
Dellums
Dingell
Edwards (CA)
Ford (MI)
Frank (MA)
Kopetski
Mink
Nadler
Owens
Payne (NJ)
Scott
Thompson
Underwood (GU)
Waters
Watt

### NOT VOTING—11

Brown (CA)
Clay
de Lugo (VI)
Gallo
Gillmor
Grandy
Hastings
Meek
Natcher
Sundquist
Volkmer

☐ 1458

Ms. WATERS, Mrs. COLLINS of Illinois, Mr. PAYNE of New Jersey, and Mr. EDWARDS of California changed their vote from "aye" to "no."

Mr. SAWYER and Mr. MILLER of California changed their vote from "no" to "aye."

☐ 1508

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

Mr. KILDEE. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the RECORD and open to amendment at any point, and that the debate on the remainder of the bill and all amendments be limited to 3 hours.

Mr. WALKER. Mr. Chairman, reserving the right to object, I do so to ask a couple of questions. Would the gentleman tell us how many more amendments there are to the bill?

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Chairman, there are five more amendments on the Clerk's desk.

Mr. WALKER. There are five amendments left for consideration. There is no doubt that this has become kind of the forever bill on the floor.

Mr. KILDEE. The continuing saga of H.R. 6, right.

Mr. WALKER. I know of a number of our colleagues who have literally hung around for days waiting for their amendments to come up. It seems to me that by placing a limitation on five amendments, we could reach a time where a couple of those amendments would literally have no time at all for debate.

Mr. KILDEE. If the gentleman will continue to yield, I would ask the gentleman if he would be willing to have 1 hour of debate on each amendment?

Mr. WALKER. I wish the gentleman would withhold the request until we have had a chance to check that out with the Members who offered the various amendments. It may well be that when we come back into session the next time, we could agree to that and agree to a time limitation at that point. I am concerned that we do not understand at this point whether or not that would be sufficient time for various Members to debate their amendments.

Mr. KILDEE. We may very well not come back until after the Easter recess. The gentleman understands that?

Mr. WALKER. However, at that point, certainly, the gentleman at that time could raise a time limit request that would have been thoroughly talked through with the Members who have potential amendments on the floor.

Mr. KILDEE. If the gentleman will continue to yield, my only point would be that it would be easier to go back to the floor if we know how much time was to be consumed so the leadership could make plans accordingly.

☐ 1510

Mr. WALKER. Mr. Chairman, as I would understand it, you could in fact get permission in the full House at some other time to do that kind of time limitation, once it is agreed to. But as far as I know, we have not consulted with the Members on our side of the aisle as to whether or not an hour of time would be sufficient for them. It may well be in some cases that is more than enough time. But I do not know that to be the case and so, therefore, at this time I would have to object.

Mr. KILDEE. I understand.

The Chairman pro tempore (Mr. DARDEN). Objection is heard.

Ms. LONG. Mr. Chairman, we are all aware of the link between education and earning potential—the more you learn, the more you earn. In order to increase the potential that the youth of our Nation complete high school, we need to take preventive steps to ensure that those most at-risk of dropping out—pregnant teens—are given the support they need to stay in school.

A program currently operating in Indiana has successfully addressed the needs of pregnant teens and, as a result, has increased the birthweight of their babies and improves the potential that they will return to high school after they give birth. This program, the "Have a Healthy Baby" program, focuses on prenatal nutrition and wise lifestyle choices for pregnant teens and adults. It is taught in 138 high schools in Indiana and is designed to address the issues of daily nutritional choices and the relationship of life-style choices, such as drugs, alcohol and smoking, which affect the health of the baby. Only 2.6 percent of the 1,716 females enrolled in the program gave birth to low birthweight infants, compared to Indiana's average of 6.7 percent of births being low birthweight. The savings to the Medicaid system from this program are estimated at over $4 million. In addition, these teens are more likely to stay in school while pregnant and return to school after they give birth, giving them a better chance of obtaining a job that would make them self-sufficient.

We cannot ignore the fact that teen pregnancy is a serious problem in our country. However, it can be addressed constructively by improving their chances of having healthy babies, staying in school and becoming contributing members of society. Everyone benefits from programs such as this and I am pleased to support the inclusion of programs like "Have a Healthy Baby" in H.R. 6.

Mr. KILDEE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. DE LA GARZA) having assumed the chair, Mr. DARDEN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6) to extend for 6 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes, had come to no resolution thereon.

## SENSE OF THE HOUSE REGARDING CONSTITUTIONAL OBLIGATION TO CONDUCT OVERSIGHT OF MATTERS RELATING TO OPERATIONS OF THE GOVERNMENT

Mr. GEPHARDT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 394) to express the sense of the House that Congress has a constitutional obligation to conduct oversight of matters relating to the operations of the Government.

The Clerk read as follows:

H. RES. 394

*Resolved*, That it is the Sense of the House of Representatives that—

(a) Congress has a Constitutional obligation to conduct oversight of matters relating to the operations of the government, including matters related to any governmental investigations which may, from time to time, be undertaken.

(b) The Speaker, Majority and Minority Leaders should meet to determine the appropriate timetable, procedures, and forum for appropriate Congressional oversight, including hearings on all matters related to "Madison Guaranty Savings and Loan Association ('MGS&L'), Whitewater Development Corporation and Capital Management Services Inc. ('CMS')."

(c) No witness called to testify at these hearings shall be granted immunity under sections 6002 and 6005 of Title 18, United States Code, over the objection of Special Counsel Robert B. Fiske, Jr.

(d) The hearings should be structured and sequenced in such a manner that in the judgment of the Leaders they would not interfere with the ongoing investigation of Special Counsel Robert B. Fiske, Jr.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri [Mr. GEPHARDT] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. MICHEL] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a resolution presented by the gentleman from Illinois [Mr. MICHEL] and myself. It is a sense-of-the-House resolution. It says that the Congress has a constitutional obligation to conduct oversight of matters relating to the operations of the Government, including matters relating to any governmental investigations which may from time to time be undertaken.

It states that the Speaker, the majority and the minority leader should meet to determine the appropriate timetable, procedures, and forum for appropriate congressional oversight, including hearings on all matters related to Madison Guaranty Savings & Loan Association, Whitewater Development Corp., and Capital Management Services, Inc.

It further states that no witness called to testify shall be granted immunity under certain sections of the United States Code over the objections of the special counsel, Robert Fiske.

Finally, it says that the hearings should be structured and sequenced in such a manner that in the judgment of the leaders, they would not interfere with the ongoing investigation of the special counsel, Mr. Fiske.

Over the past days and weeks, there have been a number of allegations lodged, there has been a great deal of speculation about the Whitewater Development Corp. and the facts surrounding that corporation. And I might add that that speculation is not unimportant. The American people have the right to know the facts. Congress has an obligation to try to provide those facts.

But we also have an obligation to ensure that our three-branch Government does not become a three-ring circus.

We have an obligation to ensure that we find the facts without all the partisan fingerpointing that only distracts us from the real business of the people.

That is why the minority leader and I have submitted this resolution. Because while we cannot ignore Whitewater, neither can we allow it to flood this Chamber.

There is a special counsel in place. An independent, objective, and seemingly Republican-leaning special counsel.

He is doing his work, carefully and thoughtfully, and I think in quick time.

And there is a role for congressional oversight as well. Congressional oversight that does not interfere with the special counsel's work. Congressional oversight that is vigilant about the facts, and fair in its methods.

Both parties have now agreed to sit down, and try to find the best way to structure such oversight hearings—without compromising the work of the special counsel—without granting immunity to those who testify—and without crossing the line that separates the people's priorities from party politics.

I believe we will reach such an agreement, in good faith and with due speed.

Then we can get back and now we should get back to the real work we were sent here to do—guaranteeing health care for all Americans; keeping our economy on the path to growth and progress; and improving the general welfare, not of a handful of would-be prosecutors, but of the good people we were elected to serve.

Mr. Speaker, I reserve the balance of my time.

Mr. MICHEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the distinguished majority leader indicated, we are cosponsoring this resolution today. Originally I had intended to offer a motion to recommit the committee funding resolution to provide for an investigation and hold appropriate hearings on Whitewater. But after discussions this morning in the Speaker's office, we agreed on this resolution which is in the same language as was adopted in the other body some time ago.

Today the House is expressing the need for oversight and hearings, and today the House is expressing its right and the public's right to know the workings of its Government. This is but the first step in establishing procedures and guidelines for congressional oversight hearings, but it is very meaningful that we are here at this point.

Congress has a constitutional mandate to oversee the programs that it enacts into law. Serious allegations have been raised about the potential misuse of Government funds in various Federal programs as well as other ethical improprieties.

The New York Times in the Sunday edition stated the case well:

> Whitewater raises at least two important policy issues that fall within the oversight authority of the House and Senate Banking Committees. One involves the integrity of the banking system, the other the integrity of its regulators.

That is what congressional oversight is all about, and that is the intent here.

Let me be clear about one point. Special Prosecutor Fiske is investigating potential criminal wrongdoing. That is his job and not ours. These congressional hearings are not about criminal liability but about the proper, legitimate role of Congress is oversight.

And may I say, finally, that we all owe a deep debt of gratitude to one of our own Members, the gentleman from Iowa [Mr. LEACH], our ranking member on the Committee on Banking, Finance and Urban Affairs, who has done so much to pursue the constitutional duty of congressional oversight when no one was interested and when many obstacles were placed in his way. The gentleman from Iowa [Mr. LEACH] has brought dignity, intelligence, and fairness to the process for which we are indebted to him.

Mr. Speaker, I include with my remarks a list of the number of congressional investigations that have taken place since 1981, as follows:

CONGRESSIONAL INVESTIGATIONS

1981: William Casey, CIA.

1982: EPA, Superfund; EPA, private meetings.

1983: John Fedders, SEC; OSHA, Office of VP.

1984: Hugh Reilly, NLRB; Charles Wick, USIA.

1985: Victor Thompson, Synthetic Fuels Corporation, Synthetic Fuels Corporation; Charles Wick, USIA "Blacklist".

1986: HUD Influence Peddling; EPA, Superfund; Walter Lenaham, Textile Imports; Robert Buford, BLM; Iran Contra.

1987: Michael Deaver; Joseph Wright, OMB; Iran Contra.

1988: Ambassador Faith Whittlesey; Edwin Meese, DOJ.

1989: June Koch, HUD.

1990: Wedtech Corporation; Silverado Banking.

1992: October Surprise; Competitiveness Council; Columbus Quincentenary Commission.

Mr. Speaker, if I might at this time ask the distinguished majority leader several questions to be perfectly clear here, is the Democratic leadership committed to holding the previous RTC oversight hearing that is mandated by law?

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, the answer is yes.

Mr. MICHEL. Do we have any idea of when that might be scheduled?

Mr. GEPHARDT. I would say to the gentleman that it would be scheduled as soon as practicable, in consultation with all of the people on the committee, and the chairman of the committee, and the ranking member and the Members on both sides.

Mr. MICHEL. And it is my understanding from previous conversations that we have had that the minority will be allowed a day of witnesses as provided under rule XI, is that correct?

Mr. GEPHARDT. The gentleman is correct.

Mr. MICHEL. I thank the distinguished majority leader.

Does this resolution therefore then, I would ask the majority leader, put the House on record as being committed to holding hearings, realizing that the timing, procedure, and other matters still have to be worked out?

Mr. GEPHARDT. As the Speaker I believe stated in the meeting, and probably later in the press conference that the gentleman was able to have with him, our commitment is in good faith, and in consultation with the minority leadership and others in the minority to try to find the right way of having hearings, the right schedule, and in conjunction with Mr. Fiske. So that is our commitment. Our commitment is to in good faith try to find a way to have the kind of hearings that would be reasonable with regard to this matter.

□ 1520

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman.

Mr. Speaker, I reserve the balance of my time.

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the majority leader for yielding me this time, and I thank the majority leader and the minority leader for working this out.

Let me just say that obviously a resolution like this involves issues where there are some conflicting crosscurrents. The most important conflicting crosscurrents are the right of the public to know and the obligation of Mr. Fiske to conduct a full and fair investigation. And those do conflict at times, not just on the issue of immunity which the resolution handles, but as any prosecutor can tell you, he certainly does not want his witnesses to state their full point of view before the public before he gets a chance to present the case, examine them, et cetera. So you have that conflicting, and then you have another conflict here, and that is the public's certain right, a right which we all support, to find out what is going on.

But at the same time, the conflict being the political overtones to this where the motives of both sides are doubted. And I think this resolution deals with those two conflicts very well.

The public will have the right to find out what goes on, and yet it will not interfere with Mr. Fiske's obligation to turn over every stone and prosecute or investigate this case to the fullest and take it where it leads.

Second, by allowing that to happen, I think we also clear the air of some of the partisan overtones that have occurred in the last few days, and really do not bring credit not only to this House but do not affirm the public's view that everything will be unveiled.

So I would salute the majority leader and the minority leader and the House leadership on both sides of the aisle for coming together with this resolution, as was mentioned, very similar to the Senate resolution, which does, I think, ably deal with both sets of conflicts.

I urge support for it.

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Speaker, I thank the distinguished leader for yielding me this time.

Mr. Speaker, I rise for several purposes. One, I would like to commend the leadership of the majority for reaching the conclusion it did.

I would stress here that the first and major request that the minority made last November was for a full and open hearing. That was all it was. And it was only after that request was turned down that this issue escalated in magnitude. What this represents today is the first bipartisan commitment to a bipartisan hearing. And that is all the minority initially requested.

One of the real traumas of this issue is how to bring it to resolution. In this Member's view, it cannot be brought to resolution without full public disclosure. That is what the minority is seeking, public disclosure. Then the issue can be put behind.

I happen to concur totally with the view of the President of the United States that this country wants to get on with the health care debate, they want to get on with the business of welfare reform, with crime legislation.

The most propitious way to do that is to put this issue behind, bringing witnesses, letting the public draw what conclusions it may wish, and then we are through.

Let me conclude by noting that the minority is very sensitive to the rights of potential witnesses. We have no desire whatsoever to put people through a more difficult process than that which would be understandable and reasonable under the circumstance. I would also say the minority has bent over backwards to be sensitive to the legitimate concerns of the special counsel. We have provided him witness lists in advance. We have provided him a great deal of material.

We have no intent nor power to offer immunity, which is the issue that causes hearings to be difficult for potential prosecutors. With regard to learning the minority pledges decency of temper, it pledges a strict adherence to the rules of the House, and it pledges to do everything possible to be respectful of the operation of the special counsel's office.

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. CLINGER], the distinguished ranking member on our Committee on Government Operations, a committee which also has jurisdiction in this regard.

Mr. CLINGER. Mr. Speaker, I thank my leader for yielding me this time.

I also wish to commend the majority and the minority leaders for working out this accommodation in recognition that we do as a Congress have a constitutional duty to conduct effective, aggressive oversight of the executive branch.

Under the committee funding resolution which will be before us later today, literally millions of taxpayer dollars are being allocated to the various congressional oversight committees for the express purpose of conducting oversight of these activities, and despite the acceptance of these funds, we have not been perhaps as vigorous in this regard as we should be in bringing to closure an issue that has kept the country involved for way too many weeks.

The current Whitewater affairs has clearly raised serious questions which need to be considered by the Congress and that go beyond frankly Whitewater itself. For example, through my position as ranking Republican on the Committee on Government Operations, which is principal oversight committee of the Congress, I have been reviewing some disturbing circumstances surrounding the investigation of Vince Foster's death, not to determine the cause of death or not even, frankly, to determine whether that death had any involvement with the Whitewater situation or not, but really to try and determine if there was in fact an improper impediment or interference with that investigation by the White House.

So I think that the Committee on Government Operations may well have a vital role to play in the conduct of any hearing on general Whitewater topics and should be included in the hearings called for by this resolution unless, or course, there is a select committee designated as a result of further discussions between the majority and minority.

Let me now also mention what I really believe to be a dangerous patter I see emerging wherein the executive branch has increasingly denied information to Republican Members of Congress conducting legitimate oversight responsibilities. In turn, senior congressional Democrats have used their committee positions to assist the executive in blocking effective oversight of the executive branch which it has been my observation increasingly is necessary. So, Mr. Speaker, we abandon our responsibilities and turn our backs on the Constitution when we allow this to happen.

The American people expect us to do our jobs. I think this resolution commits us to a pattern that it will see that our job is done and effective oversight is carried out.

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Louisiana [Mr. LIVINGSTON], a member of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, I am grateful we are here, but I am at a loss to understand what the controversy has been about over these last several months.

A resolution like this should have passed without discussion months ago. This really is not a partisan issue.

But unfortunately with the stonewalling of the administration and the majority party, it has become one. The mere oversight of the Madison Savings and Loan should have been routine, just as the oversight of Neil Bush and the Silverado Savings and Loan was. There is no difference, except that because of the constant refusal by the White House and the Democrats to investigate this matter, we now see extraneous issues rising to the surface, like suggestions of shredding of documents, improper SBA loans, sweetheart deals, withholding of information from the RTC, from the FBI, and from the IRS, sealed autopsy and death investigation documents regarding a prominent administration counsel who was alleged to have been working on private affairs of the President.

☐ 1530

We are bothered by the fact that the No. 2 and No. 3 attorneys at the Justice Department have resigned, one in the wake of suggestions of questionable billings at his former law firm, the same firm to which the First Lady belonged, possibly for billing American taxpayers too much. He being one of the best friends of the President, we are concerned the case in which he is suggested to have overbilled, lists the First Lady as co-counsel. Now we hear the President may have underpaid his taxes, but that he took extraordinary writeoffs.

We worry that the First Lady qualified herself in court as a Federal employee, but neglected to put her assets in a blind trust during the first 7 months of the Presidency, she being heralded as one of the most astute attorneys in the country.

Mr. Speaker, Neil Bush's role as a passive director in a failed savings-and-loan prompted congressional hearings, and so should Madison Savings and Loan, for it is all that the Bush deal was and so very much more.

We should have full disclosure and full hearings, and we should not complete those hearings until every single question has been answered.

Mr. GEPHARDT. Mr. Speaker, I reserve my time. We have one additional speaker remaining, and I would like to have that speaker close.

Mr. MICHEL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA] to propound several questions.

Mrs. ROUKEMA. I thank the gentleman from Illinois for yielding to me.

I want to say I want to ask these questions as a member of the Committee on Banking, Finance and Urban Affairs, and I want to preface my questions by saying that I want to be sure that there is no inference here that either Mr. LEACH or any of us members, Republican members of the committee, had intruded on the proper procedures with our original request on these oversight hearings.

There was certainly nothing in the requests made by Mr. LEACH that would violate the authority or the responsibilities of the special prosecutor. I want to be sure there is nothing here that has an inference as to that; but since, as I understand it—I was not in the negotiations—as I understand it from this discussion, there are now proposals in this resolution that commit this House to two hearings, that that is an iron-clad commitment; that at least one hearing or a series of hearings that is going to be our proper oversight role as the Banking Committee oversight over both the integrity of the system as well as the integrity of the regulators, I believe was mentioned by one of the speakers, the previous speaker.

Now, would the majority leader respond, please?

Mr. GEPHARDT. If the gentlewoman would yield, there is a commitment here to carry out as soon as practicable the legally authorized and required hearing in the Committee on Banking on oversight of the Resolution Trust Corporation. It is my understanding that that is probably a 2-day event. There is a hearing that is held by the majority, and then under rule XI, as I understand it, the minority has the right to conduct a hearing according to the rules of the House and the Banking Committee. And the commitment is as soon as practicable to have both of those hearings.

Mrs. ROUKEMA. Is the gentleman thereby saying that the authority over the calling of witnesses will be separated according to majority and minority, or will it follow the normal practice of the committee?

Mr. GEPHARDT. If the gentlewoman would yield, it is my understanding that the witnesses in this type hearing are invited, that the minority has the ability to invite people to come. And then the questions and the appropriateness of the questions as you go through the hearings is determined by the procedures of the committee.

Mrs. ROUKEMA. That is fine. And then the second part of the resolution makes a total commitment subject to further negotiations as to further hearings of either a special committee or some other committee designated by the House. It is very unclear as to the discussion thus far as to the composition of that committee.

Mr. GEPHARDT. If the gentlewoman would yield, she is quite right. It is unclear at this point the forum, it is unclear exactly how these could be structured, it is unclear as to exactly what would be included. These are all issues that have to be discussed and decided. But there is a commitment to make every attempt in good faith between the parties to work out those issues. We are not concerned about whether or not there are hearings; what we are concerned about, and the minority is concerned about, is how it is done, that it is done properly so that it does not interfere, as the resolution says, with what is the job and the responsibility of the special counsel.

Mr. MICHEL. Mr. Speaker, I simply want to remind the gentlewoman from New Jersey [Mrs. ROUKEMA] that we are operating under strict time limitations, and I have obligated my time here, I hope the answers have satisfied the gentlewoman's questions. If not, we will try as soon as we can to supply more information.

Mrs. ROUKEMA. If the answer concurs with what the gentleman understands.

The SPEAKER pro tempore (Mr. DE LA GARZA). The Chair would advise the gentlewoman from New Jersey [Mrs. ROUKEMA] that the gentleman from Illinois [Mr. MICHEL] has control of the time.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Let me say that everybody on both sides of this question are acting in good faith and I think we just need to clarify what the situation is, because the legislative history on this resolution becomes extremely important. I have heard a number of caveats in what the gentleman from Missouri [Mr. GEPHARDT] was telling us. We are operating with an AP story here that says, after your meeting today, that the Speaker insisted he was not making a concession that hearings were going to take place. Now, in my view, it seems to met that we have conceded, for purposes of this resolution, that we do not know enough to know when these hearings are going to be held, we do not know enough to know how they are going to be held.

But what I want to be assured of is that hearings are going to be held, comprehensive hearings are going to be held on Whitewater. Can the gentleman give me that——

Mr. GEPHARDT. If the gentleman would yield.

Mr. WALKER. I certainly do yield.

Mr. GEPHARDT. What the Speaker was saying earlier today and what we are trying to say now is that there is a commitment to try in good faith to find the right, the appropriate way, to have hearings on Whitewater. Obviously implicit in that statement is the understanding that even after we both try in good faith to do that, that we may not be able to agree on how to do that.

Mr. WALKER. If the gentleman would allow me to reclaim my time.

Mr. GEPHARDT. Well, let me finish and I will give you more time.

Let me finish.

If that were to happen, obviously there is nothing that precludes the minority at that point, if that unforeseen thing happens, to come to the floor and ask for a resolution that would call for hearings under the circumstances which you would want to have the hearings. But you and all the Members of the House have a commitment that we will do everything in our power to try to work out those hearings appropriately.

Mr. Speaker, I would like to yield to the gentleman from Pennsylvania [Mr. WALKER] 2 additional minutes.

Mr. WALKER. I thank the gentleman for yielding. I appreciate that. But from my perspective, the committees of the Congress with jurisdiction in the areas mentioned in this resolution already have all the powers they need to hold hearings. There is no doubt those hearings can be held. The Committee on Banking, Finance and Urban Affairs can schedule hearings tomorrow, the committee on Small Business can hold hearings tomorrow; all of the processes and procedures are in place already in the rules. We know, because during the 1980's there are literally dozens of hearings held during oversight of possible misfeasance or malfeasance in the administrations. So we know these things can take place.

What we are seeking in this resolution is an assurance that, given all of those things, that we are going to have those hearings, that they are no longer going to be blocked by consultations with the administration; that these hearings are going to go ahead and be held. I have not heard that yet. I would be happy to yield.

Mr. GEPHARDT. If the gentleman would yield, there has been no attempt on this side to block hearings by the leadership of the House. What we have attempted to do is to figure out how to do this appropriately in coordination with the special counsel, now that we have a special counsel.

Mr. WALKER. I would say to the gentleman that the chairman of the Committee on Banking, Finance and Urban Affairs came to the floor one day and assured this gentleman in a colloquy on the floor that there were going to be hearings held in his committee. Within a matter of hours he had backed off of that.

□ 1540

The newspaper stories at that time said that he backed off it after consultations with the leadership on the gentleman's side. Now maybe the stories were completely wrong, but I have to assume that somewhere that kind of dialogue took place. But he backed off on what he promised this gentleman on the floor that day.

Mr. GEPHARDT. Mr. Speaker, if the gentleman would yield, let me review again what I think is being committed in this resolution:

First, that the hearings which the gentleman just talked about in the Committee on Banking, Finance and Urban Affairs will take place as soon as practicable——

Mr. WALKER. No, we were going to have those hearings, and then he also promised comprehensive hearings on Whitewater would be held.

Mr. GEPHARDT. I am reviewing now what is in the resolution. That is first.

Second, the gentleman is right, that there are other committees that have other fragments and pieces of this fact situation that will be dealt with in other committees under their own rules. As the gentleman stated, the Committee on Small Business has already taken something with regard to a GAO report today.

Finally, there is a commitment again to try to find a way to have a more comprehensive set of hearings in an appropriate way, hopefully in one forum, but we have not addressed that question yet, but in one forum that can go forward under a time schedule and under a procedure that is agreeable, and makes sense to both sides, and makes sense to the special prosecutor.

Mr. WALKER. So the gentleman is telling me that the newspaper story here is wrong, that the Speaker was not saying when he said, "a concession, that he was not making, a concession that hearings are going to take place." He is saying that that is a misstatement of the situation and that in fact this resolution is predicated on a good-faith belief that hearings will be held.

Mr. GEPHARDT. If the gentleman will continue to yield, maybe it is a difference of interpretation.

The SPEAKER pro tempore (Mr. DE LA GARZA). The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

Mr. GEPHARDT. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would say to the gentleman that perhaps it is a difference in interpretation of the words of the Speaker. I believe, again, the commitment is ironclad that there will be an attempt made, a very serious attempt in good faith, to try to find a way in the proper forum, at the proper time, in the proper sequencing, in coordination with the special prosecutor, to have comprehensive hearings that will put all the facts on the table.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Missouri [Mr. GEPHARDT].

Mr. MICHEL. Mr. Speaker, I yield the balance of our time to the distinguished gentleman from Illinois [Mr. HYDE].

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 1 minute.

Mr. HYDE. Mr. Speaker, I am going to support this resolution, but I just want to say I regret keenly that we are giving up in this resolution the right to immunize witnesses. We should be very jealous of our prerogatives and the right of oversight by Congress rests in the constitution. It may well be to properly fulfill our constitutional duty of oversight we might have to give immunity to some witness. I hope not, and I think that can be agreed upon by people on this investigating committee. But why do we yield to Mr. Fiske whose job is to prosecute, search out, investigate and report on whether criminal activity has occurred? Our job is to oversee how this institution worked and how the people worked it, and it may be that we will need to grant immunity to somebody.

Mr. Speaker, we should be jealous of our powers just as the President is jealous of executive privilege. All Presidents have resisted the War Powers Act. I say to my colleagues, you don't diminish the office during your tenure, and we shouldn't diminish the power of any and every investigating committee of the House by yielding in the beginning before we get into hearings a power that may well be necessary for us to fulfill our responsibility for proper oversight.

That may be just a slight point, but I wanted to make it.

Mr. GEPHARDT. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I support the resolution, and I would like to make clear the basis.

First, we have had two sets of accusations. Many of us felt that the first set really did not—really rise to the level requiring a full investigation. We have been talking to some extent about events involving regulations of a savings and loan institution during the mid-1980's. We ought to be very clear when people talk about whether there has been any abuse within the administration, that with regard to those events, Madison Savings and Loan, Whitewater, et cetera, that no member of the Clinton administration was then holding Federal office. Any failure at that time to protect the interests of the Federal Government presumably will be laid at the door of the hearings of the people then in office, the appointees of President Reagan and, subsequently, the appointees of President Bush. I did believe that we have had in this Congress sufficient airing of those periods. If people want to go back to them later, I see no harm to it.

It did seem to me that a new set of issues arose when people alleged that there may have been at the White House some interference with the regulatory process. I have seen no suggestion that anything adverse happened, but I do agree that when allegations reach a certain level of decibel that it becomes important to have the hearings.

Now we ought to be very clear. Hearings are not a sign that something definitely has gone wrong. I think an analogy of the independent counsel statute is important. I have always felt that was important, both to find out where there was wrongdoing and to give the appropriate exoneration where wrongdoing was inaccurately charged, and one of the advantages of the independent counsel is that the independent counsel can give that exoneration with a degree of credibility that the President's own party could not give. I regard hearings now as a similar opportunity. I welcome the chance to have hearings.

Frankly we have heard even on the floor today references to two people resigning in the Justice Department when obviously one has nothing to do with anything remotely comparable here. An innuendo, an inference perhaps, because of billing practices that happened because the First Lady was in the same firm. I welcome the chance to set these straight. But I do think we have to talk about the role of the special counsel.

Many of us believe that there was not a sufficient legal basis to trigger the appointment of a special counsel, but the administration, I think sensibly to lean over backwards, appointed one at the request of the Republican leadership, and now the special counsel, a Republican, an appointee, a would-be appointee of Republican administrations, having said, "It will interfere with the investigation you asked me to have if you have a certain kind of hearing"; I think we are on to that, and I would differ with my friend, the gentleman from Illinois. We appointed the special counsel. The President asked that a special counsel be appointed because the Republicans asked that we have him. To interfere now with the special counsel to do things that the special counsel said would be an interference with his ability to do his job lays down the groundwork later on for discrediting the special counsel. Having asked for one, having gotten one, it seems to me that consistency and fairness require that the special counsel be allowed to do his job without any interference.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I agree perfectly with everything the gentleman from Massachusetts said. I just formally do not like to yield a prerogative that is ours.

Mr. FRANK of Massachusetts. Mr. Speaker, I acknowledge what the gentleman from Illinois said. He might not disagree in a specific instance, but let me say to my friend, by making that decision about immunity in a resolution on which we vote I don't think we give away any of our prerogatives. I don't think we're suggesting we give them to anybody else, and I gather we do agree in the given instance given the circumstances of the appointment of this special counsel to do things which he said would interfere, and, as we know, it's not just immunity that can interfere, but it is witnesses hearing what other witnesses say, it is having things done in public which ought to be done in private, it is having interviews at one level when they are being conducted privately at another.

I do think that it is very important, given the circumstances of this special counsel when he was appointed, that we not be interfering with what the special counsel does, and, therefore, I think it is appropriate that the resolution says we will work together, both sides, in good faith to come up with a format for hearings that will not interfere with the special counsel because, having appointed him, having led to having put pressure on to appoint him, having seen his appointment, now to undercut him now I think would be an illegitimate action.

□ 1550

Therefore, the resolution seems to me to be appropriately done.

Finally, let me say that people who say that the chairman of the Banking Committee was somehow under the direction of the leadership have apparently never worked with the chairman of the Banking Committee. We may disagree with him, but his integrity and his commitment to fairness, as he sees fit, and his independence ought not to be things that anyone would question.

Mr. GEPHARDT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DE LA GARZA). The question is on the motion offered by the gentleman from Missouri [Mr. GEPHARDT] that the House suspend the rules and agree to the resolution, H. Res. 394.

The question was taken.

Mr. MICHEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 408, nays 15, not voting 10, as follows:

[Roll No. 78]

YEAS—408

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Mann
Manton

Manzullo
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—15

Abercrombie
Collins (MI)
Conyers
Dellums
Foglietta
Ford (MI)
Kopetski
Matsui
McKinney
Miller (CA)
Pelosi
Stupak
Towns
Washington
Waters

NOT VOTING—10

Clay
Gallo
Gillmor
Grandy
Hastings
Maloney
Meek
Natcher
Sundquist
Torres

☐ 1617

Mr. MILLER of California, Mr. TOWNS, and Ms. McKINNEY changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business for rollcall vote No. 78. Had I been present on the House floor I would have cast my vote as follows: Roll No. 78: "Yea" on House Resolution 394, Mr. GEPHARDT's resolution to express the sense of the House that Congress has a constitutional obligation to conduct oversight matters related to the operation of the Government.

## PROVIDING AMOUNTS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY CERTAIN STANDING COMMITTEES

Mr. FROST. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 369) providing amounts from the contingent fund of the House for the expenses of investigations and studies by certain committees of the House in the session of the 2d 103d Congress, and I ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. RES. 369

*Resolved,* That there shall be paid out of the contingent fund of the House in accordance with this primary expense resolution not more than the amount specified in section 2 for investigations and studies by each committee named in such section, including expenses—

(1) in the case of a committee named in section 3, for procurement of consultant services under section 202(i) of the Legislative Reorganization Act of 1946; and

(2) in the case of a committee named in section 4, for provision of assistance for members of professional staff in obtaining specialized training under section 202(j) of such Act.

SEC. 2. The committees and amounts referred to in the first section are: Committee on Agriculture, $2,257,937; Committee on Armed Services, $2,669,197; Committee on Banking, Finance and Urban Affairs, $4,188,650; Committee on the District of Columbia, $342,035; Committee on Education and Labor, $4,238,064; Committee on Energy and Commerce, $6,608,907; Committee on Foreign Affairs, $4,145,214; Committee on Government Operations, $3,282,875; Committee on House Administration, $1,994,288; Permanent Select Committee on Intelligence, $104,500; Committee on the Judiciary, $2,734,853; Committee on Merchant Marine and Fisheries, $2,395,679; Committee on Natural Resources, $2,243,095; Committee on Post Office and Civil Service, $1,889,736; Committee on Public Works and Transportation, $3,170,666; Committee on Rules, $722,479; Committee on Science, Space, and Technology, $2,959,438; Committee on Small Business, $1,073,000; Committee on Standards of Official Conduct, $100,000; Committee on Veterans' Affairs, $827,034; and Committee on Ways and Means, $5,070,000.

SEC. 3. (a) Of the amounts provided for in section 2, each committee named in subsection (b) may use not more than the amount specified in such subsection for consultant services under paragraph (1) of the first section.

(b) The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $12,000; Committee on Armed Services, $40,000; Committee on the District of Columbia, $8,000; Committee on Education and Labor, $100,000; Committee on Energy and Commerce, $25,000; Committee on Government Operations, $10,000; Committee on House Administration, $225,000; Committee on Natural Resources, $2,500; Committee on Post Office and Civil Service, $60,000; Committee on Public Works and Transportation, $50,000; Committee on Science, Space, and Technology, $25,000; Committee on Standards of Official Conduct, $45,000; Committee on Veterans' Affairs, $18,750; Committee on Ways and Means, $10,000.

SEC. 4. (a) Of the amounts provided for in section 2, each committee named in subsection (b) may use not more than the amount specified in such subsection for specialized training under paragraph (2) of the first section.

(b) The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $2,000; Committee on Armed Services, $8,000; Committee on the District of Columbia, $1,000; Committee on Education and Labor, $10,000; Committee on Government Operations, $2,000; Committee on House Administration, $20,000; Permanent Select Committee on Intelligence, $5,000; Committee on the Judiciary, $5,000; Committee on Natural Resources, $100; Committee on Public Works and Transportation, $30,000; Committee on Rules, $2,500; Committee on Science, Space, and Technology, $19,032; Committee on Standards of Official Conduct, $1,000; and Committee on Veterans' Affairs, $1,500.

SEC. 5. In addition to any other activity referred to in this resolution, the Committee on House Administration, using funds from the amount specified with respect to that Committee in section 2—

(1) shall, through House Information Systems, develop, operate, maintain, and improve computer and information services for the House, including direct computer and information systems support for Members, committees, administrative offices, and other governmental entitles, and shall conduct necessary investigations and studies of such services;

(2) is authorized to oversee any reimbursement for services described in paragraph (1) and any expenditure of amounts so reimbursed; and

(3) is authorized to provide for professional development programs, office and personnel management consultation services, and periodic publication of handbooks, guides, bulletins, and other items necessary for the House.

SEC. 6. Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 7. Amounts shall be available under this resolution for investigations and studies carried out during the period beginning at noon on January 3, 1994, and ending immediately before noon on January 3, 1995.

SEC. 8. Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

Mr. FROST (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from Texas?

There was no objection.

### COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the amendment in the nature of a substitute.

The Clerk read as follows:

Strike out all after the resolving clause and insert the following:

That there shall be paid out of the contingent fund of the House in accordance with this primary expense resolution not more than the amount specified in section 2 for investigations and studies by each committee named in such section, including expenses—

(1) in the case of a committee named in section 3, for procurement of consultant services under section 202(i) of the Legislative Reorganization Act of 1946; and

(2) in the case of a committee named in section 4, for provision of assistance for members of professional staff in obtaining specialized training under section 202(j) of such Act.

Sec. 2. The committees and amounts referred to in the first section are: Committee on Agriculture, $2,190,199; Committee on Armed Services, $2,500,427; Committee on Banking, Finance and Urban Affairs, $3,953,784; Committee on the District of Columbia, $328,354; Committee on Education and Labor, $3,955,526; Committee on Energy and Commerce, $6,349,077; Committee on Foreign Affairs, $3,800,113; Committee on Government Operations, $3,184,389; Committee on House Administration, $1,902,621; Permanent Select Committee on Intelligence, $104,500; Committee on the Judiciary, $2,465,860; Committee on Merchant Marine and Fisheries, $2,229,175; Committee on Post Office and Civil Service, $1,871,039; Committee on Public Works and Transportation, $2,922,324; Committee on Rules, $708,029; Committee on Science, Space, and Technology, $2,870,655; Committee on Small Business, $1,002,250; Committee on Standards of Official Conduct, $90,000; Committee on Veterans' Affairs, $746,402; and Committee on Ways and Means, $4,826,844.

Sec. 3. (a) Of the amounts provided for in section 2, each committee named in subsection (b) may use not more than the amount specified in such subsection for consultant services under paragraph (1) of the first section.

(b) The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $12,000; Committee on Armed Services, $40,000; Committee on the District of Columbia, $8.000; Committee on Education and Labor, $100,000; Committee on Energy and Commerce, $25,000; Committee on Government Operations, $10,000; Committee on House Administration, $225,000; Committee on Natural Resources, $2,500; Committee on Post Office and Civil Service, $60,000; Committee on Public Works and Transportation, $50,000; Committee on Science, Space, and Technology, $25,000; Committee on Standards of Official Conduct, $45,000; Committee on Veterans' Affairs, $18,750; and Committee on Ways and Means, $10,000.

Sec. 4. (a) Of the amounts provided for in section 2, each committee named in subsection (b) may use not more than the amount specified in such subsection for specialized training under paragraph (2) of the first section.

(b) The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $2,000; Committee on Armed Services, $8,000; Committee on the District of Columbia, $1,000; Committee on Education and Labor, $10,000; Committee on Government Operations, $2,000; Committee on House Administration, $20,000; Permanent Select Committee on Intelligence, $5,000; Committee on the Judiciary, $5,000; Committee on Natural Resources, $100; Committee on Public Works and Transportation, $30,000; Committee on Rules, $2,500; Committee on Science, Space, and Technology, $19,032; Committee on Standards of Official Conduct, $1,000; and Committee on Veterans' Affairs, $1,500.

Sec. 5. In addition to any other activity referred to in this resolution, the Committee on House Administration, using funds from the amount specified with respect to that Committee in section 2—

(1) shall, through House Information Systems, develop, operate, maintain, and improve computer and information services for the House, including direct computer and information systems support for Members, committees, administrative offices, and other governmental entities, and shall conduct necessary investigation and studies of such services;

(2) is authorized to oversee any reimbursement for services described in paragraph (1) and any expenditure of amounts so reimbursed; and

(3) is authorized to provide for professional development programs, office and personnel management consultation services, and periodic publication of handbooks, guides, bulletins, and other items necessary for the House.

Sec. 6. Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved by the Committee on House Administration.

Sec. 7. Amounts shall be available under this resolution for investigations and studies carried out during the period beginning at noon January 3, 1994, and ending immediately before noon on January 3, 1995.

Sec. 8. Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

Sec. 9. The Committee on House Administration shall have authority to make adjustments in amounts for investigations and studies under section 2, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 2.

Mr. FROST (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. Frost] is recognized for 1 hour.

□ 1620

Mr. FROST. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Kansas [Mr. Roberts], the ranking minority member of the Subcommittee on Accounts of the Committee on House Administration, pending which I yield myself such time as I may consume, with the understanding that any additional time which I may yield will be subject to the specific limitation, for debate purposes only.

Mr. Speaker, before explaining this amendment, I wish to thank all of the Members of the subcommittee on accounts for their hard work in considering each committee's budget request. Attendance at each session was excellent. In particular, I wish to thank the gentleman from Washington, [Al Swift] who is retiring after 15 years of dedicated service on the committee. Finally, I wish to thank all of the chairmen and ranking minority members from the respective committees and their staffs. Their cooperation enabled us to evaluate all budget requests in a through and timely manner.

The committee amendment in the nature of a substitute incorporates all of the subcommittee's determinations on each original primary expense resolution from the customary 20 standing committees and the permanent select committee on intelligence for the 2d session of the 103d Congress. It does not include the Committees on Appropriations and Budget. The proposed amendment was adopted by the subcommittee at its markup on March 8 by a rollcall vote of 8 to 5, after completion of hearings on each individual resolution. The amendment was subsequently adopted without change by the full committee on March 9, by a vote of 12 to 7.

This year the subcommittee had the very difficult task of continuing the process of reducing the cost of Government. When we commenced the hearings, I stated that the subcommittee had two major responsibilities. First, we had to ensure that the committees of the House had adequate funds to discharge their legislative and oversight responsibilities. Second, we had to make certain that the authorization of committee funds was fiscally responsible in an climate of declining resources. In my judgement, we have discharged both of these responsibilities in a manner which attempts to be reasonable and fair.

Regarding the subcommittee's work product, the amendment provides a total authorization which represents a 5-percent reduction from 1993's level. The total authorization for 1993 was $52,774,866. This amount represents the sum of funds authorized by House Resolution 107, the omnibus primary expense resolution for 1993, and funds authorized pursuant to House rule XI, clause 5(f) to continue the four defunct select committees for 3 months of 1993. Both of these amounts were charged to the applicable fiscal year 1993 appropriations line item, for standing committees, special and select. Therefore it is reasonable to include both of these amounts in the 1993 baseline as part of the total authorized amount.

As was the case in 1993, funds saved from entities which have not been reauthorized were not redistributed to other committees.

Instead they were set aside as genuine savings. In addition, further reductions were achieved, from every remaining committee under our jurisdiction. This was done in keeping with the commitment of the House Democratic leadership to cut the cost of Congress.

For the purpose of comparing the 1994 funding level with the funding level for 1993, we have utilized the previously mentioned 1993 authorization as the baseline. The total amount recommended by the committee amendment for 1994 is $50,128,299. This amount is $2,646,637 below the total authorization of $52,774,866 for 1993. Therefore, the recommended amount for 1994 represents a 5.01-percent reduction from the 1993 authorized level.

Furthermore, the committees under our jurisdiction were frozen in 1992, cut by 5 percent in the aggregate in 1993, and we propose an additional 5-percent reduction for 1994. It is difficult to see how anyone could argue that we have not actually cut the cost of Congress in very real terms.

The subcommittee's amendment cuts every committee in a manner which attempts to be rational and fair. We applied such relevant criteria as each committee's jurisdictional responsibilities, projected 1994 workload, and historical funding patterns to determine the level of cuts. However, we rejected the single criterion which was suggested by our minority colleagues, that is, that reductions should be tied to a committee's alleged treatment or mistreatment of its minority members.

This single predetermined standard seems to be driven by the Republican leadership. Most of the ranking minority members who appeared before the Accounts Subcommittee indicated that they were satisfied with their treatment by their respective chairmen. Yet I doubt that we will get a single Republican vote in support of these genuine cost reductions. The minority leadership has adopted the position that we should reduce overall funding for the committees further, while increasing the minority portion of the remainder to at least 33 percent on all committees. We have to ask ourselves if this is a genuine effort at cost reduction or an attempt to gain partisan advantage.

The subcommittee also resisted attempts to gridlock the process by focusing on matters which are clearly beyond our control. I am referring to funds provided in appropriations for the so-called statutory account and the operation of the Committees on Appropriations and Budget. The consideration of these matters by the Accounts Subcommittee would require changes to House rules and statutory law. These proposals were considered and rejected by the final report of the House Members of the Joint Committee on the Reorganization of Congress.

It is my opinion that the historical rationale for the distinction between these accounts should be maintained. In any event, as I stated previously, these matters are beyond our control.

Mr. Speaker, I would like to take a few minutes to expose the persistent myth that the legislative branch is continually getting larger and more expensive.

Since 1979, appropriations for the entire legislative branch have actually declined by 1.7 percent after adjusting for inflation [AFI]. In contrast, funding for the executive branch has increased by 30 percent [AFI] during this time period.

As the first chart shows, during the Reagan-Bush years civilian executive branch employment grew at an alarming rate—from 2.8 million in 1981 to a high point of over 3.06 million in 1987. This increase under Republican administrations, represented the addition of approximately 250,000 workers to the Federal pay roll. Therefore, I ask you, which party should be labeled "The Big Government Spenders"? It is no wonder President Clinton wants to reduce the executive branch by a quarter million workers. He inherited a lot of leftover fat to trim. This same chart shows, in contrast, that both the legislative branch in general, and the House and Senate in particular, remained static in terms of employees from 1981 to 1993. Committee investigative employees, have actually decreased by 2.47 percent, from 1,013 in 1983, to 988 as of January of 1994.

Clearly the Democratic controlled legislative branch has done a better job of curtailing expenses and staff, than the Republican controlled executive branch did when they had the White House.

The Founding Fathers envisioned the House of Representatives to be the first branch of our National Government. Yet for fiscal year 1994, the appropriations for the entire legislative branch totalled $2.3 billion. This might sound like a lot of money, but it amounts to less than one-fifth of 1 percent of the overall Federal budget.

In terms of employment, the second chart shows that in 1993 there were 2.9 million civilian executive branch employees to 37,000 legislative branch employees. In other words, in 1993 there were 79 civilian executive branch employees, for each legislative branch employee. Frankly, in terms of cost, we are extremely small in comparison to the executive branch. I ask my colleagues, how are we to continue to effectively legislate and oversee the vast Federal bureaucracy if we continue to cut the budget of Congress just for the sake of cutting?

Concerning the investigative account, which is before you today, the third chart shows that from a high point of approximately $60 million in 1991 we have reduced this account steadily to our current proposal of $50 million dollars contained in the committee amendment. The 1994 recommendation is actually $45 million in 1991 constant dollars. Therefore, the resolution is a 24.6 percent reduction from 1991's authorized level after adjustment for inflation.

Finally, I urge all Members to vote for the adoption of this amendment, even though I think that it is fair to say that no one is truly happy with it. Certainly committee chairmen do not like having their budgets cut when they have increasing work loads. The minority is not happy either; but they would have us fire Democrat staff and hire Republican staff and claim that they are reducing spending.

Although no one is satisfied, I urge your support for this reasonable proposal. Tough choices were made and no committee remained untouched; but, we have clearly heard the call of our constituents and our President to reduce the cost of Government.

□ 1630

Mr. Speaker, I reserve the balance of my time.

Mr. ROBERTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the amendment offered by Chairman FROST.

I appreciate the comments of the Accounts Subcommittee Chairman MARTIN FROST regarding the majority's proposed committee funding resolution, our subcommittee hearings and the efforts of the minority.

First, I wish to thank all the members for their participation, in particular Congresswoman JENNIFER DUNN, Congressman JOHN BOEHNER, and Congressman BILL THOMAS. I appreciate the professional manner in which the majority, in particular Mr. FROST, has illustrated through our hearings.

Throughout our subcommittee hearings, the minority focused on the growth of committee spending, majority and minority staffing ratios and the historical treatment of the minority. As well, the minority raised issues outside the immediate scope of our committee funding resolution regarding the need to reform the committee funding process and a mandated 4-percent reduction in congressional staff. I know these issues will not be settled today by this debate, but I believe they should become bipartisan concerns and goals for our leadership to resolve.

### INVESTIGATIVE FUNDING/BASELINE

For the record, I believe it is important that we all share an understanding of Congress' spending on House committees.

House Resolution 369 is not representative of the entire funding provided committees for 1994. Rather, the resolution only illustrates roughly 41 percent of committees entire spending—or an estimated $51 million of the more than $120 million that will be spent on House committees in 1994. The other funding source, known as statutory funding, is provided directly in the legislative branch appropriations bill and does not have to be annually authorized in this resolution. In addition, committees' investigative resources are provided on a calendar year and statutory resources are provided on fiscal years—a timetable that only confuses the best financial managers and making it impossible to accurately determine a committee's resources.

The minority has developed an alternative to the current system (H. Res. 383) to require annual authorization in an effort to increase oversight and consistency in the committee funding process. I anticipate this will be further discussed later in the debate.

Now, as to the baseline or if a cut is really a cut.

Chairman FROST has indicated that the majority views the baseline for 1994 to be equal to the House's 1993 committee authorization level.

In 1993, the House authorized $52,774,866 in investigative funding for the 21 committees authorized in House Resolution 369, as well as 5 other committees that are no longer in existence, the Joint Committee on the Organization of Congress and 4 select committees—Aging, Children, Narcotics and Hunger.

The majority has calculated the past spending on these five now-defunct committees as part of their 1994 baseline of $52,774,866, a $1,492,475 exaggeration in the actual resources provided 1993 when compared to 1994. Smoke and mirrors to claim a cut that is not a cut.

The minority recognizes that the majority resolution is providing real reductions in committee spending for 1994 beyond the $1.5 million cushion, but these reductions are not at the rate being claimed by the majority. Overall, the majority reduction is a 2.3-percent cut, not the 5 percent that has been asserted.

### MINORITY RATIOS

Further, it is important to understand the use and allocation of resources. House rules provide that the chairmen of committees determine the amount of investigative funding provided the minority. The majority determines our minority funding, thus controlling the ability of the minority to respond and develop alternative positions. Such power has lead to longterm understandings and comity between the majority and minority, but this has not been the case on many committees and in some committees the minority has been denied a fair share of the resources.

In response to this concern, an alternative position has been developed that the minority should be provided at least one-third of the investigative funds provided a committee. This figure is in line with the current Senate understanding and previous House votes have supported this guaranteed allocation formula. However, today the minority continues to receive only 21.5 percent of investigative resources. Only 4 of 21 committees provide a figure at or above the 33 percent goal.

Five years ago, Tony Coelho and NEWT GINGRICH were part of the House Administration Committee membership that developed a longterm understanding and agreement on the future investigative funding. The Coelho-Gingrich agreement recognized that minority one-third goal and stated that we would work to reach the one-third goal over the next several years through attrition and increased funding. In 1989, the minority received 16.5 percent of investigative staff compared to the 1994 level of 21.5 percent.

Yes, Mr. Speaker, progress has been made. But, it has been slow. It is estimated that it would be the year 2010 before the one-third goal would be achieved at this rate. This situation only continues to frustrate the minority and we again urge the Democratic leadership to act in helping to resolve this matter. Support a one-third guarantee for the minority.

### MINORITY ALTERNATIVE COMMITTEE FUNDING AMENDMENT

Under the direction of the Republican leadership, a Republican alternative to Mr. FROST's proposal was offered to reduce committee's investigative funding by 7.9 percent or $4,051,387—this cut is equal to a 4 percent reduction in entire committee funding—the combination of investigative and statutory funding.

The Republican alternative was developed after considering the mandated reductions agreed upon during debate on the fiscal 1994 Legislative Branch Appropriations Act and its accompanying House report. The act requires a 4 percent staff reduction in the House of Representatives by September 30, 1995. The majority has failed to recognize this requirement with their proposal and we now face uncertainty in how, where and when additional staff cuts will be achieved.

Specifically, the minority alternative provides a 2.5 percent across-the-board reduction for all committees. The remaining impact to achieve a total 7.9 percent reduction is distributed among committees based upon historical staff ratios between the majority and minority, in an effort to reward committees with ratios closet to the one-third minority goal.

The minority alternative was offered a an amendment in the nature of a substitute at both the subcommittee and full committee meetings. Both times this measure failed on a party-line vote.

I intend to offer this same proposal as a motion to recommit and solicit my colleagues support.

### CONCLUSION

Mr. Speaker, during these days of deficit spending and budget cutting, we believe Congress should not be an exception. The House of Representatives has seen considerable staff increases in both committee and administrative offices. It is only fair to see these areas reduce spending to assist in achieving responsible reductions in Federal spending.

In addition, the minority is not making an unreasonable request of the majority to terminate staff in order to provide additional slots for minority positions. In fact this goal has been met on several committees through attrition and total committee reductions. Instead, the minority is only trying to highlight a longterm difficulty between the majority and minority. The minority is asking for a commitment that progress will be made in this area.

I appreciate having the opportunity to work with my colleagues on this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from North Carolina [Mr. ROSE], the chairman of the Committee on House Administration.

□ 1640

Mr. ROSE. Mr. Speaker, as chairman of the Committee on House Administration, and as an ex-officio member of the Subcommittee on Accounts, I would like to congratulate the gentleman from Texas—Chairman MARTIN FROST—for the excellent work he did in producing this 1994 committee funding resolution.

At a time when we have been directed by our leadership to continue the task of reducing the cost of Congress, the Accounts Subcommittee's final recommendation achieves that objective. It is based upon real reductions, and it cuts every committee.

The aggregate decrease for committees, under the resolution before you today, is 5 percent below 1993's authorized level.

These reductions were accomplished in a rational manner, taking into consideration such factors as jurisdiction, oversight responsibilities, and projected workload for 1994.

Every Member who votes for this resolution, can honestly say that his or her vote reduced the size and operating cost of the House.

I would remind my colleagues that, of the committees which come under this resolution, aggregate spending was frozen in 1992. The following year, in 1993, the House cut that aggregate by 5 percent. This resolution continues the process by cutting another 5 percent.

I urge my colleagues, on both sides of the aisle, to recognize the need for rational—and measured—steps in the downsizing of Government. This resolution recognizes that need, and provides that balance.

I thank the gentleman for yielding me the time.

Mr. ROBERTS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Ohio [Mr. BOEHNER], an extremely important member of the subcommittee and a gentleman who has pressed for reform in the way we can better control our overall committee funding resources.

Mr. BOEHNER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker and my colleagues, I come to the floor today to oppose the committee funding resolution as presented by the majority.

As the gentleman from Kansas [Mr. ROBERTS] has pointed out, what is portrayed as a 5-percent cut really in fact is a 2-percent cut, and we can quibble over the amounts.

But let us all be honest. There was $996,000 included in the baseline from select committees that had been eliminated before last year's resolution came to the floor. We have also included in the baseline some half-million dollars that was spent for the Joint Committee for the Reorganization of Congress, which went out of existence. So to include $1.5 million in the baseline that was never intended to be there this year anyway, I think, stretches the truth just a bit.

So the fact is it is a 2-percent cut. It is a step in the right direction, but, oh, so modest of a step in the right direction.

The second point that I would make is the point that the gentleman from Kansas [Mr. ROBERTS] pointed out, and that is this committee resolution deals with 41 percent of the total committee finances. Total committee funding this year will be $129,927,000, in round numbers, $130 million. The $50 million requested is only 41 percent of those resources.

The gentleman from Kansas [Mr. ROBERTS] did a very good job in pointing out that this process ought to be controlled. These funds, these 41 percent, are on a calendar-year basis. The 38 percent are on a fiscal-year basis. And yet after all of the chairmen and the ranking members have come before the committee to justify why they should get the amounts that they requested, the Committee on Appropriations never came before our committee, nor did the Committee on the Budget, which brings me to my third point, which is the amount of money that is spent on committees.

We have got some very large committees in the Congress, the Committee on Energy and Commerce that spends about $9.6 million, and we have got the Committee on Ways and Means that spends about $7.9 million, Foreign Affairs almost $7 million, and the Committee on Appropriations is also a large committee.

But it costs $21.2 million to fund the Committee on Appropriations.

Now I would suggest that because they do not have to go through this committee funding process, it makes it very easy for them to put the amount of money that they want directly into the legislative appropriations bill and never having to come before the committee to justify their budget. The other point I would make is that last year during the legislative appropriation debate, the Congress voted to cut our staffs by 4 percent. The Congress voted. It was not a proposal from this side or that side. The Congress decided we are going to cut 4 percent of our staff.

We are still groping how we are going to do that. In that request last summer, in that vote, the report language says, and I quote,

> The Director of Non-Legislative and Financial Services, a de facto budget officer, shall prepare a plan for achieving the necessary reductions. This plan should be developed in consultation with and with the approval of the bipartisan leadership consisting of the Speaker, majority leader, and the minority leader and the Committee on House Administration and the House Committee on Appropriations.

Now, I will bring to the Chamber's attention the fact that our chairman, the gentleman from North Carolina [Mr. ROSE], of the Committee on House Administration, brought forth a proposal that was voted on in committee several weeks ago, never having been shared with the minority, never having consulted the minority leader, and you want to talk about a sham for cutting 4 percent of our staff, look what we are going to do.

We are going to contract out the House restaurant system and take the 188 employees who work for us, and we are going to shift them to the outside contractor. We are really cutting staff, I can see. We are also going to count them as part of our 4 percent reduction.

Now, I would say to my colleagues that this is not what we committed to when we cast our vote to reduce our staff by 5 percent, and the fact is that we ought to take our time. We ought to bite the bullet and carry out these reductions.

So the Republican Members today are going to offer a 7.9-percent cut in the investigative funds, the 41 percent of the budget, to try to achieve the 4-percent overall reduction.

I feel bad that we have got to ask the 25 standing committees who have taken a hit last year and who are going to take a hit this year, that we are going to ask them to bear the whole brunt of this. This process does not allow us to cut the Committee on Appropriations or the Committee on the Budget.

So the fact is, support the Republican alternative today.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from California [Mr. MINETA], the distinguished chairman of the Committee on Public Works and Transportation.

Mr. MINETA. Mr. Speaker, I rise in support of House Resolution 369, the committees' funding resolution for 1994. I do want to thank and commend the chairman of the Committee on House Administration, Mr. ROSE, the chairman of the Subcommittee on Accounts, Mr. FROST, the distinguished members of the committee and their staff for their diligence and hard work in bringing forward this resolution today. Striking a happy balance with committee budgets is a difficult and thankless job.

Mr. Speaker, I will vote for this resolution—not enthusiastically—but I will vote for it, not because I support the degree of budget cutting we are into now, or even because budget cutting is the politically correct thing to do. I am deeply concerned that if this resolution does not pass, the cuts to committees will be larger, and we will have succeeded in making a disastrous predicament even worse.

Historically, the work of the Congress increases in direct proportion to the enormity of the challenges facing this Nation. Getting more work done with less is quickly becoming one of the greatest of our challenges.

The Committee on Public Works and Transportation, for example, is the largest authorizing committee in Congress, and we have a heavy legislative schedule this session: the Clean Water Act, enactment of the National Highway System, an airport and airway reauthorization bill, and the Water Resources Development Act, just to name a few. Yet, as chair of that committee, I am reduced to operating a major congressional committee by scavenging for used equipment, borrowing staff from agencies and outside organizations, and using volunteer interns. We have eliminated practically all of our travel budget, seriously hampering our oversight operations. My staff works long hours, and I can't even pass along a cost-of-living allowance, much less a merit increase.

I can tell you as a committee Chair, there are countless challenges and frustrations in my job, but few more exasperating than trying to stretch and make do with resources that long ago passed their day. In our committee, we are having to accept that it will be nearly impossible to handle our full agenda on our present budget. Each successive cut just makes our predicament more desperate.

The Constitution provides that we are a co-equal branch of Government. Yet, the 1994 appropriation for the legislative branch is less than one-fifth of 1 percent of the entire Federal budget—one-fifth of 1 percent. I cannot imagine that would even be visible on a pie chart. As we continue to chop away at our one-fifth of 1 percent share, what are we doing to our Government's system of checks and balances?

Matching executive branch cost-cutting targets is going to be extremely difficult because the legislative branch has not grown as fast. In trying to keep up with their pace, I fear we will find that while the executive branch is streamlining, we in the legislative branch are self-destructing. Clearly, we are saving money. But at what cost? We are progressively undermining our ability to make in-depth, informed legislative judgments and to vigorously pursue our oversight responsibilities.

In my view, we have to take a serious look at what we are doing to this institution. It is time to rethink the size of budget cuts in the legislative branch. In answering to the American people, I would much rather defend funding we truly need, than try to explain that our job did not get done for lack of resources.

There is no doubt we have to pass this resolution, and we should. While it does not go as far as I had hoped in providing the support we need, it does represent a good-faith effort under very difficult circumstances. Accordingly, I will vote for this resolution and urge my colleagues to do the same.

□ 1650

Mr. ROBERTS. Mr. Speaker, I yield 4 minutes to the gentlewoman from Washington [Ms. DUNN], who has made a most valuable contribution to our subcommittee's efforts.

Ms. DUNN. Mr. Speaker, I thank the gentleman very much for yielding this time to me.

First I want to thank the ranking members of our committee, the gentleman from Kansas [Mr. ROBERTS] and the gentleman from California [Mr. THOMAS] for their leadership, and I also appreciate the manner in which Chairman FROST conducted the subcommittee hearings.

We had a good series of hearings and discussions held in our subcommittee, and I believe that this drove the final decision on funding in the right direction, in the direction of cutting the committee funding.

First, let me say that I am pleased that my Democrat colleagues on the Committee on House Administration now support cutting overall committee funding. Personally, I wanted more cuts. In fact, my freshman Republican colleagues have called for more dramatic cuts; last year 25 percent, and this year it was 10 percent.

This call for dramatic cuts is in direct response to the directive of our constituents for more responsible government.

Thus I suppose that the big question is how much should the cut be? According to the Republican baseline, House Resolution 369, passed on a party-line vote, results in a reduction to committee funding by 2.3 percent, a minor cut but still a cut.

The Republican baseline adds up the funds received by the 20 standing committees and the permanent Select Committee on Intelligence. It is fairly simple. We have said here are the remaining committees, what do they need to effectively function? Here is my concern, Mr. Speaker, with the argument put forth by my Democratic colleagues on the committee: They use a baseline that adds in the amounts funded last year for the four select committees and the Joint Committee on the Organization of Congress. Why is that a problem? Let me give you an idea.

As a result of the efforts of the freshman Republican class, the select committees were killed last year, and as a member of the Joint Committee on the Organization of Congress, I can tell everyone that it too is defunct at this point, dead, kaput, finished, over.

In fact, it was created with a explicit 1-year lifespan so it sun setted on 31 December, 1993. Yet the Democrats have added those five dead and buried committees into their baseline before they made their cut. That is why I am amazed that my Democratic colleagues are claiming that they are proposing a 5-percent cut. They are not.

What the majority is proposing is a 2.3-percent reduction in total committee funding and of this 2.3-percent cut, I say be proud of it; it is a minor cut, but it is a cut and it is a start in the right direction.

It is not as much as I wanted, but the majority should be somewhat commended for their efforts.

Mr. Speaker, by claiming a much larger percentage reduction, in reality they are again reinforcing the image in the public minds that Congress just will not level with people. So once again we are strengthening the hands of those who say the Congress is a den of the disingenuous. This is especially ironic when we see the budget of the Joint Committee on the Organization of Congress, since one of its primary missions was to improve public understanding of the Congress, yet here we are using 1993 budget numbers to inflate and create a bogus baseline and thereby confuse the public rather than increase public understanding.

Mr. Speaker, the taxpayers of America want to know why a cut is not a cut; why increases sometimes are called cuts; but why these misleading baselines are used to make the public think that bold action is being taken when plainly it is not.

We have many honorable men and women in this body, Mr. Speaker, yet we do a disservice to each and every one of them when we try to shave the issues. For the good of the institution and for the sake of clarity, let us be candid. Republicans want a 7.9-percent cut in committee funding, and Democrats want a 2.3-percent reduction. Fair enough, Mr. Speaker, let us state the facts, vote the issues, and then take it to the American people.

Mr. ROBERTS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY], a member of the subcommittee.

Mrs. KENNELLY. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I want to commend the chairman of the Accounts Subcommittee, the gentleman from Texas [Mr. FROST], for the way he has managed the course on which we have embarked—which is a gradual and rational reduction in committee funding as part of an overall effort to streamline the congressional branch of Government.

Last year, as we have heard, committee funding was cut by 5 percent, and again this year the Accounts Subcommittee presents the House with another 5-percent reduction overall. Some committees were cut more than others for a variety of reasons including their 1994 projected workload, but the important point is that no committee escaped the knife—all committees were cut. I do not believe these cuts are painless. Rather, I believe they will have some negative effect on the ability of committees to function and will require some adjustment by the chairmen and ranking minority members of the committees. That is why I do not support any deeper cuts and hope the House would overwhelmingly reject any such suggestion.

Finally, Mr. Speaker, I would simply like to note for the record that in 1987 the subcommittee began to suggest to the committees over which it has jurisdiction that there was need to improve the number of women in top jobs within the committee structures. Since that time, the number of women staff directors has risen from zero to seven, and the number of women counsels, staff directors, and staff within 75 percent of the pay cap has increased by 25 percent. This is a good trend, and I think we will improve in the future.

Mr. Speaker, I strongly support this resolution and oppose the motion to recommit.

Mr. ROBERTS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. MICA], who is not a member of the subcommittee but who made a valuable contribution during our hearing process.

Mr. MICA. I thank the gentleman for yielding this time to me.

Mr. Speaker, I appreciate the opportunity to address the House on this issue.

I am here really to speak about unfairness in this resolution and also unfairness in this process. If we could take just a minute, I would like to tell you I am a member of the Committee on Government Operations. The House Government Operations Committee is one of the oldest committees in this Congress. In fact, in the history of the Congress it dates back to 1814 and it broke off from the Committee on Ways and Means. In 1814 our predecessors and Founders had the wisdom to see that we should have oversight and investigations of how the taxpayers' money is spent and how Government is operated here. That is the important task of the House Government Operations Committee. It is different from almost any other committee, maybe, with the exception of the Committee on Standards of Official Conduct, dealing with ethics.

Let me say that the unfairness that we see is demonstrated purely by the facts and statistics.

Look at the distribution of the investigative staff for the Government Operations Committee. The minority has 14 percent, the majority has 58 percent. As far as the dollars—and I am not here asking for a penny more in dollars or a penny more in staff for this committee—I am saying what is unfair is the distribution.

□ 1700

The expenditures:

The Republicans will get $594,000; the Democrats, $2.1 million, and then just look at the graphic illustration. Nine minority staff investigators, and that is only because I have raised Cain on this issue from the first day we came here, and now we have 52 in the majority.

Is that the proper distribution of staff and taxpayer funds?

And what is most important is this is really a question of the integrity of this process. It is not just a question of fairness. We are dealing with a committee that deals with the investigation and oversight of the executive branch of government.

Is this fair?

This actually again deals with the integrity of the process. The minority does not have the tools, the staff or the financing to conduct a fair oversight, to conduct fair investigations and to participate in the process in a fair and equitable manner.

What is even more disconcerting to me today is that the other party controls the White House, the executive branch, all the legislative branches, and here we are responsible for investigations in oversight.

Not only is the minority being cut off from staff now, we have seen a very dangerous precedent with the Whitewater investigations. We are also being cut off from information.

So, my colleagues, I talk today about a question not only about fairness, but a question of integrity of the very process where the Committee on House Administration is not funded under this resolution. It is unfair, and I ask my colleagues to vote against it, and I ask my colleagues to join me in bringing fairness and integrity to this process.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the distinguished gentleman from Washington [Mr. SWIFT] who has served valiantly on this subcommittee for many years.

Mr. SWIFT. Mr. Speaker, I want to commend the gentleman from Texas [Mr. FROST] as well as the gentleman from Kansas [Mr. ROBERTS]. I think of them as the chairman and ranking member on the thankless task force which is the Subcommittee on Accounts.

Mr. Speaker, as my colleagues know, there is a game that children play, probably been playing it since Og came out of a cave and hit something with a rock. I call it the "My daddy can beat up your daddy" kind of game, and it sometimes is played this way, although one could use a whole bunch of different ways of playing it, but sometimes one kid will say, "My daddy makes a million dollars," and the other kid will say, "My daddy makes $2 million," to which the response is, "My daddy makes $5 million," to which, of course, the response is, "My daddy makes $10 million."

Then, Mr. Speaker, someone always finds the capper, the one that wins the debate: "My daddy makes a million dollars more than whatever your daddy makes."

No response; somebody loses.

Mr. Speaker, as my colleagues know, we play that game here in this institution, only it goes more like this:

What if we cut that appropriation 5 percent?

No, I want more.

What if we cut it 7½ percent?

No, I want to cut it more.

What if we cut it 10 percent?

Then, Mr. Speaker, if they are real candid, they will say, "No, you don't understand. No matter what you want to cut, I want to cut it more."

That is the game that we are playing here, Mr. Speaker, but in this particular instance they are bringing new meaning to the word more because not only do they want to cut more, but they also want to spend more on themselves.

I say to my colleagues, That's a great game if you can get away with it, and I do not blame anybody for trying that.

Here we have a proposal before us which has a 5-percent cut below the spending that the House had in the last Congress, and every single committee of this House participates and has its share of that cut. But what they say is that they want to cut more and spend more, and how do they do that? They cut the Democrats more, and they spend more on the Republicans, and if I could get away with that, I think we might try that over here sometime. It is a bait and switch kind of game. They do not use the same argument to rationalize the two actions they are taking. For cutting the Democrats, Mr. Speaker, they use the standard reduce government spending argument. To justify their increases they use a different argument, namely an argument that we need more in order to do the job.

That is great. I admire the audacity. But I urge all of my colleagues to vote for the real, no-gains, everybody-contributes, cut in congressional spending, and that measure is the majority proposal. Vote against the motion to recommit, and vote for the committee proposal.

Mr. ROBERTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to pay at this point in the debate a tribute to my friend and colleague, the gentleman from Washington [Mr. SWIFT] who is not running for reelection and who has a long record of service to the Committee on House Administration and to this Congress. It is tough duty being on the Committee on House Administration. He referred to the job I have and the job that the gentleman from Texas [Mr. FROST] has as a thankless task. I have known Mr. SWIFT on a personal friendship basis and on a working colleague basis for 12 of the 14 years I have been here and working on the Committee on House Administration. I want to wish him well.

Mr. Speaker, the gentleman from Washington [Mr. SWIFT] is usually in good spirits. Reform sometimes is in the eyes of the beholder, and there are occasions when we have had strong differences of opinion as to what is a cut, what is the baseline, what is an appropriate figure for the minority, is the minority truly saying, "We will cut, but, yes, we would like some more for our side," and that is certainly true, but we can do it in a different way, or, as has been said in the gentleman's profession: There is another side to the story.

Mr. Speaker, I had meant to give the gentleman from Washington [Mr. SWIFT] a happy pill before we started this debate in the hopes that we could achieve the continued bipartisan dialog that we have always enjoyed, and he has not really tossed a lemon into this debate because between us both we have always been able to make lemonade out of a lemon.

Now, Mr. Speaker, having said that and wishing him well——

Mr. SWIFT. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Washington.

Mr. SWIFT. Mr. Speaker, I would simply point out that the gentleman from Kansas [Mr. ROBERTS] and I happen to park our cars next to each other, and, as tough as it sometimes gets on the Committee on House Administration, neither of us has ever come back and found a dent kicked in the side of our car. It says something, I think about our character.

Mr. Speaker, I thank the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, I thank the gentleman from Washington [Mr. SWIFT] for his observation, and I have been very careful to look in the rear view mirror when I want to reverse the course of the majority in this Congress.

Let me quote from a study conducted by two gentlemen that are preeminent in their profession, Thomas Mann and Norman Ornstein "A Second Report of the Renewing Congress Project," where they say:

> But the recommendations of the Joint Committee in this area are too limited in particular, we believe that the House must address the issue of inequity in staff resources by guaranteeing the minority party one-third of the investigative staff on committees, just like the rules that now guarantees the minority one-third of the statutory staff. The majority party in Congress has unique responsibilities, including administrative ones, but there is no good reason to deny a reasonable share of the institution's resources to the minority.

That is all we are asking. Part of what we are is what they allow us to be, and we have moved from 16 to 21 percent, but it is going to take us to the year 2010 before we get adequate resources at least to the level it was agreed to 5 years ago. That is why we are upset. That is why we have a little blood pressure about this.

Now in relation to the so-called cuts where there are no cuts, since 1984 to date we have increased per year in committee funding, with the exception of some committees who have had freezes, and I am privileged to serve on one, but the average increase the last 10 years: 4.71 percent. The total, that is a 55-percent increase total.

☐ 1710

Now, it is true that the majority party has a 2.3-percent decrease in funding. It is not 5 percent. Oh, it is 5 percent if you add in the select committees that you have already cut, and it is 5 percent if you add in the Joint Committee on the Organization of the Congress. This is not really cutting off our nose to save our face. You missed the nose. It is 2.3 percent.

Having said that, let me point out the longstanding increases since 1947. That goes back a long ways.

The committee investigative funding authorizations have gone up 6,458 percent. Members' clerk-hire authorizations, 5,767 percent; legislative branch, 3,625 percent. Yes, I am saying thousand. U.S. per capita income, 1,401 percent; House committee staff employment, 1,133 percent up; the Consumer Price Index, only 533 percent; Members' clerk-hire employment, 398 percent.

I think you can see over the long term the Congress has really not been suffering too much in regard to adequate funding.

So during these days of deficit spending and budget cutting, we obviously believe on our side that Congress should not be an exception. As I have indicated, the House has seen considerable staff increases in both committees and in administrative offices. I believe it is only fair to see these areas really reduce spending to assist in achieving responsible reductions in Federal spending.

I do not think the minority is making an unreasonable request of the majority to reduce staff in order to provide additional slots for the minority position. The gentleman from Florida [Mr. MICA] has the unique notion that the staffing should reflect the actual ratio of Democrats and Republicans in the House. What could be more fair than that?

Instead, the minority has only tried to highlight a long-term difficulty between the majority and the minority, and the minority is asking for a commitment that real progress will be made in this area.

In fact, this goal has been met by several ways, not asking the majority to cut back, but through attrition. In some cases on committees that I know of, they have made joint efforts to reduce, and, in so doing, raised the minority ratio. So it is not only that we ask the Democrats to cut to simply increase the Republican staff.

At this juncture, Mr. Speaker, I want to again thank the distinguished chairman of the subcommittee. I appreciate having the opportunity to work with my colleagues on this resolution. I am going to reserve the balance of my time.

The SPEAKER pro tempore (Mr. DE LA GARZA). The gentleman from Kansas [Mr. ROBERTS] has 3 minutes remaining, and the gentleman from Texas [Mr. FROST] has 9 minutes remaining.

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I rise to congratulate the chairman of the Subcommittee on Accounts on the fine work that he has done.

Mr. Speaker, the funding resolution we are considering today provides authorizations to expend funds appropriated by the House for the investigative activities of 21 standing committees of the House.

The resolution provides $50.1 million for the investigations and studies during 1994 of those 21 committees, excluding Appropriations and the Budget Committees.

The Appropriations Committee also has an investigative budget. For our surveys and investigations staff we have appropriated $6.4 million for the salaries and expenses in fiscal year 1994 for the investigations and studies conducted by the Appropriations Committee. In calendar 1993, 67 staff years of activity produced 38 reports and 76 supplemental memorandums.

Those funds were provided as authorized by law, in the fiscal year 1994 Legislative Branch Appropriations Act.

The funds were contained in a single line item in the appropriations bill and were subject to the will of the House when we considered that bill last June.

The bill also contained $389,000 for similar activities of the Budget Committee.

So there is a comparable procedure to what we are doing today for the other committees. The difference is that the Appropriations and Budget Committees investigative funds are separated out—and are therefore more vulnerable to amendments.

I think any criticism of this procedure is unfounded. The process is straightforward. There is not additional protection given to our investigative funding.

If the minority wants to reduce the funding for the so-called rule XI committee employees—the professional staffs of each standing committee—including Appropriations and Budget—they can do so by offering an amendment on the legislative appropriations bill. The salary funds for those employees are carried in one line item in that bill. If you want to reduce that budget, do it on the actual funding bill—legislative appropriations.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 369, the committee funding resolution for 1994. I want to thank and commend the chairman of the Subcommittee on Accounts, Mr. FROST, and all the members of the subcommittee and the full House Administration Committee for the fairness and courtesy with which we have been treated in this process.

This resolution represents a responsible approach to the matter of committee funding. While it imposes discipline, it will also allow our committees sufficient resources to fulfill their responsibilities to the full membership of the House. Some of the more important measures to be considered by the 103d Congress fall within the jurisdiction of the Committee on Energy and Commerce, foremost among them health care reform. We are also working on reform of our telecommunications regulatory system, as well as reauthorization of Superfund and the Resource Conservation and Recovery Act.

This resolution wisely and prudently acknowledges the need for fiscal responsibility with the American public's demand that we complete our work, and I urge my colleagues to support the resolution.

Mr. BARRETT of Nebraska. Mr. Speaker, I rise in opposition to the committee funding resolution. Funding resolutions used to be worked out with compromise and trust. However, these two qualities have deteriorated more and more with the passage of time.

After 3 years on this committee, my frustration with the committee grows. The partisan gamesmanship that pervades the committee has created an atmosphere of inefficient government. Our constituents deserve better. When Republicans drafted their proposal for committee funding they did so with the intent of meeting several goals. First, we wanted to remain committed to providing adequate investigative funding, while also substantially reducing the spending by the committees. Second, we wanted to meet the House's overall target of a 4-percent reduction in staff positions by fiscal year 1995.

This goal would have been much easier to achieve with the Republican alternative than with House Resolution 369, because the funding reductions in this resolution are not serious enough to mandate any further staff reductions.

Third, Republicans had requested funding amounts for the committees to reflect a fair allocation for the minority, by allocating one-third of committee funds to the minority party. In the end, as is the case most of the time with this committee, the decisions were made along party lines.

At our last committee meeting, this frustration came to a head. A committee resolution that concerned the contracting out of the House restaurants contained a provision I had dealt with as a member of the bipartisan Administrative Oversight Subcommittee. This provision was taken out of the bipartisan structure and installed in a resolution at the partisan level and rammed down on the minority. This was a complete breech of trust as to how the Administrative Oversight Subcommittee works and functions.

I had been under the impression that, in the wake of the House scandals of the past, this bipartisan committee was created to deal with nonlegislative and financial issues in a fair and impartial manner.

What is the purpose of even having this bipartisan subcommittee if every issue that the majority can't pass at the subcommittee level goes to the full committee and passes along a party-line vote?

While I do not expect the minority party to get equal treatment with respect to the majority, I do think that we deserve a fair treatment. Asking for fair treatment is not an unreasonable request.

But today, we are presented with a funding resolution that makes minimal reductions in committee spending. The resolution also diminishes the bipartisan goal, to allocate one-third of investigative funds to the minority party.

Mr. Speaker, the whole process of committee funding is in need of reform. This resolution only authorizes 41 percent of total committee funding. The other 59 percent is directly appropriated with no review by the authorizing committee.

I urge my colleagues to vote against this measure and send it back to the committee where comity and bipartisanship can perhaps begin anew.

Mr. ROBERTS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the committee amendment in the nature of a substitute and the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute amendment was agreed to.

### MOTION TO RECOMMIT OFFERED BY MR. ROBERTS

Mr. ROBERTS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. ROBERTS. Mr. Speaker, I am, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

### H. RES. 369. MOTION TO RECOMMIT

Mr. ROBERTS moves to recommit the resolution H. Res. 369 to the Committee on House Administration with instructions to promptly report back to the House a resolution identical to the text of H. Res. 369 as amended by the House, except for the following: Strike Section 2 and insert in lieu thereof the following:

Section 2. "The committee and amounts referred to in the first section are:

Committee on Agriculture, $2,201,489.00, 33% of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member.

Committee on Armed Services, $2,462,542.00, 33% of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member.

Committee on Banking, Finance and Urban Affairs, $3,864,598.00, 33% of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member.

Committee on District of Columbia, $333,484.00, 33% of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member.

Committee on Education and Labor, $3,798,387.00, 33% of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member.

Committee on Energy and Commerce, $5,677,655.00, 33% of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member.

Committee on Foreign Affairs, $3,627,960.00, 33% of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member.

Committee on Government Operations, $2,899,495.00, 33% of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member.

Committee on House Administration, $1,755,956.00, 33% of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member.

Permanent Select Committee on Intelligence, $104,500.00, 33% of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member.

Committee on the Judiciary, $2,154,583.00, 33% of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member.

Committee on Merchant Marine and Fisheries, $2,154,439.00, 33% of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member.

Committee on Natural Resources, $1,973,273.00, 33% of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member.

Committee on Post Office and Civil Service, $1,708,533.00, 33% of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member.

Committee on Public Works and Transportation, $2,823,263.00, 33% of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member.

Committee on Rules, $622,242.00, 33% of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member.

Committee on Science, Space and Technology, $2,748,494.00, 33% of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member.

Committee on Small Business, $1,001,233.00, 33% of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member.

Committee on Standards of Official Conduct, $97,500.00, 33% of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member.

Committee on Veteran's Affairs, $715,203.00, 33% of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member.

Committee on Ways and Means, $4,507,185.00, 33% of such amount, or such greater percent as may be agreed to by the Chairman and Ranking Minority Member, to be paid at the direction of the Ranking Minority Member.

Mr. ROBERTS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ROBERTS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The Chair announces that under the appropriate rule, if necessary, he will reduce the vote on final passage to 5 minutes.

The vote was taken by electronic device, and there were—yeas 172, nays 251, not voting 10, as follows.

[Roll No. 79]

### YEAS—172

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hancock
Hansen
Harman
Hastert
Hefley
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

### NAYS—251

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velázquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

### NOT VOTING—10

Clay
Gallo
Gillmor
Grandy
Hastings
Herger
Maloney
Natcher
Quillen
Sundquist

□ 1737

The Clerk announced the following pair:

On this vote:

Mr. Quillen for, with Mrs. Maloney against.

Mr. GEPHARDT and Mr. BROWDER changed their vote from "yea" to "nay."

Mr. SAM JOHNSON of Texas changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. DE LA GARZA). The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

### RECORDED VOTE

Mr. ROBERTS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 250, noes 172, not voting 11, as follows:

[Roll No. 80]

### AYES—250

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Hall (TX)
Hamburg
Hamilton
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

### NOES—172

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)

Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hancock
Hansen
Harman
Hastert
Hefley
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Clay
Gallo
Gillmor
Grandy
Hastings
Herger
Maloney
Natcher
Quillen
Sundquist
Waters

□ 1745

Mr. LEWIS of California changed his vote from "aye" to "no."

So the resolution, as amended was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, I wish to have the record reflect that had I been present on rollcall No. 80, I would have voted "aye."

## GENERAL LEAVE

Mr. FROST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 369, the resolution just agreed to.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from Texas?

There was no objection.

## HOUR OF MEETING ON TOMORROW

Mr. FROST. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed yesterday in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 4067, de novo; and H.R. 4034, by the yeas and nays.

## MULTIFAMILY HOUSING PROPERTY DISPOSITION REFORM ACT OF 1994

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4067, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. GONZALEZ] that the House suspend the rules and pass the bill, H.R. 4067, as amended.

The question was taken.

Mr. YATES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair announces that he will reduce to 5 minutes the time for any other recorded vote after the first such vote in this series.

The vote was taken by electronic device, and there were—yeas 413, nays 9, not voting 11, as follows:

[Roll No. 81]

YEAS—413

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw

Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—9

Collins (IL)
Collins (MI)
Filner
Gutierrez
Hamilton
Hinchey
Sanders
Traficant
Yates

NOT VOTING—11

Ballenger
Clay
Gallo
Gillmor
Grandy
Hastings
Maloney
Natcher
Quillen
Sundquist
Washington

□ 1805

Mr. GUTIERREZ changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1299) to reform requirements for the disposition of multifamily property owned by the Secretary of Housing and Urban Development, enhance program flexibility, authorize a program to combat crime, and for other purposes and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1299

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Housing and Community Development Act of 1993".

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—FHA MULTIFAMILY REFORMS

Sec. 101. Multifamily property disposition.
Sec. 102. Repeal of State agency multifamily property disposition demonstration.
Sec. 103. RTC marketing and disposition of multifamily projects owned by HUD.
Sec. 104. Civil money penalties against general partners and certain managing agents of multifamily housing projects.
Sec. 105. Models for property disposition.
Sec. 106. Preventing mortgage defaults.
Sec. 107. Interest rates on assigned mortgages.
Sec. 108. Authorization of appropriations.

TITLE II—ENHANCED PROGRAM FLEXIBILITY

Subtitle A—Office of Public and Indian Housing

Sec. 201. Revitalization of severely distressed public housing.
Sec. 202. Disallowance of earned income for residents who obtain employment.
Sec. 203. Ceiling rents based on reasonable rental value.
Sec. 204. Resident management program.

Subtitle B—Office of Community Planning and Development

Sec. 211. Economic development initiative.
Sec. 212. HOME investment partnerships.
Sec. 213. HOPE match requirement.
Sec. 214. Flexibility of CDBG program for disaster areas.
Sec. 215. Flexibility of HOME program for disaster areas.

Subtitle C—Community Partnerships Against Crime

Sec. 221. COMPAC program.

TITLE III—TECHNICAL AND OTHER AMENDMENTS

Subtitle A—Public and Assisted Housing

Sec. 301. Correction to definition of family.
Sec. 302. Identification of CIAP replacement needs.
Sec. 303. Applicability of public housing amendments to Indian housing.
Sec. 304. Project-based accounting.
Sec. 305. Operating subsidy adjustments for anticipated fraud recoveries.
Sec. 306. Technical assistance for lead hazard reduction grantees.
Sec. 307. Environmental review in connection with grants for lead-based paint hazard reduction.
Sec. 308. Fire safety in federally assisted housing.
Sec. 309. Section 23 conversion projects.
Sec. 310. Indemnification of contractors for intellectual property rights disputes.
Sec. 311. Assumption of environmental review responsibilities under United States Housing Act of 1937 programs.
Sec. 312. Increased State flexibility in the Low-Income Home Energy Assistance Program.

Subtitle B—Multifamily Housing

Sec. 321. Correction of multifamily mortgage limits.
Sec. 322. FHA multifamily risk-sharing; HFA pilot program amendments.
Sec. 323. Subsidy layering review.

Subtitle C—Miscellaneous and Technical Amendments

Sec. 331. Technical correction to rural housing preservation program.
Sec. 332. CDBG technical amendment.
Sec. 333. Environmental review in connection with special projects.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Mount Rushmore Commemorative Coin Act.
Sec. 402. Minority community development grants for communities with special needs.

**SEC. 3. DEFINITIONS.**

As used in this Act—

(1) the term "FHA" means the Federal Housing Administration;

(2) the term "Secretary" means the Secretary of Housing and Urban Development; and

(3) the term "RTC" means the Resolution Trust Corporation.

## TITLE I—FHA MULTIFAMILY REFORMS

**SEC. 101. MULTIFAMILY PROPERTY DISPOSITION.**

(a) FINDINGS.—The Congress finds that—

(1) the portfolio of multifamily housing project mortgages insured by the FHA is severely troubled and at risk of default, requiring the Secretary to increase loss reserves from $5.5 billion in 1991 to $11.9 billion in 1992 to cover estimated future losses;

(2) the inventory of multifamily housing projects owned by the Secretary has more than tripled since 1989, and, by the end of 1993, may exceed 75,000 units;

(3) the cost to the Federal Government of owning and maintaining multifamily housing projects escalated to approximately $250 million in fiscal year 1992;

(4) the inventory of multifamily housing projects subject to mortgages held by the Secretary has increased dramatically, to more than 2,400 mortgages, and approximately half of these mortgages, secured by projects with over 230,000 units, are delinquent;

(5) the inventory of insured and formerly insured multifamily housing projects is rapidly deteriorating, endangering tenants and neighborhoods;

(6) over 5 million very low-income families today have a critical need for housing that is affordable and habitable; and

(7) the current statutory framework governing the disposition of multifamily housing projects effectively impedes the Government's ability to dispose of properties, protect tenants, and ensure that projects are maintained over time.

(b) MANAGEMENT AND DISPOSITION OF MULTIFAMILY HOUSING PROJECTS.—Section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11) is amended to read as follows:

**"SEC. 203. MANAGEMENT AND DISPOSITION OF MULTIFAMILY HOUSING PROJECTS.**

"(a) GOALS.—The Secretary of Housing and Urban Development (hereafter in this section referred to as the 'Secretary') shall manage or dispose of multifamily housing projects that are owned by the Secretary or that are subject to a mortgage held by the Secretary in a manner that—

"(1) is consistent with the National Housing Act and this section;

"(2) will protect the financial interests of the Federal Government; and

"(3) will, in the least costly fashion among reasonable available alternatives, further the goals of—

"(A) preserving housing so that it can remain available to and affordable by low-income persons;

"(B) preserving and revitalizing residential neighborhoods;

"(C) maintaining existing housing stock in a decent, safe, and sanitary condition;

"(D) minimizing the involuntary displacement of tenants;

"(E) maintaining housing for the purpose of providing rental housing, cooperative housing, and homeownership opportunities for low-income persons; and

"(F) minimizing the need to demolish multifamily housing projects.

The Secretary, in determining the manner in which a project is to be managed or disposed of, shall balance competing goals relating to individual projects in a manner that will further the purposes of this section.

"(b) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) MULTIFAMILY HOUSING PROJECT.—The term 'multifamily housing project' means any multifamily rental housing project that is, or prior to acquisition by the Secretary was, assisted or insured under the National Housing Act, or was subject to a loan under section 202 of the Housing Act of 1959.

"(2) SUBSIDIZED PROJECT.—The term 'subsidized project' means a multifamily housing project receiving any of the following types of assistance immediately prior to the assignment of the mortgage on such project to, or the acquisition of such mortgage by, the Secretary:

"(A) Below market interest rate mortgage insurance under the proviso of section 221(d)(5) of the National Housing Act.

"(B) Interest reduction payments made in connection with mortgages insured under section 236 of the National Housing Act.

"(C) Direct loans made under section 202 of the Housing Act of 1959.

"(D) Assistance in the form of—

"(i) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

"(ii) additional assistance payments under section 236(f)(2) of the National Housing Act;

"(iii) housing assistance payments made under section 23 of the United States Housing Act of 1937 (as in effect before January 1, 1975); or

"(iv) housing assistance payments made under section 8 of the United States Housing Act of 1937 (excluding payments made for tenant-based assistance under section 8);

if (except for purposes of section 183(c) of the Housing and Community Development Act of 1987) such assistance payments are made to more than 50 percent of the units in the project.

"(3) FORMERLY SUBSIDIZED PROJECT.—The term 'formerly subsidized project' means a multifamily housing project owned by the Secretary that was a subsidized project immediately prior to its acquisition by the Secretary.

"(4) UNSUBSIDIZED PROJECT.—The term 'unsubsidized project' means a multifamily housing project owned by the Secretary that is not a subsidized project or a formerly subsidized project.

"(c) MANAGEMENT OR DISPOSITION OF PROPERTY.—

"(1) DISPOSITION TO PURCHASERS.—The Secretary is authorized, in carrying out this section, to dispose of a multifamily housing project owned by the Secretary on a negotiated, competitive bid, or other basis, on such terms as the Secretary deems appropriate considering the low-income character of the project and the requirements of subsection (a), to a purchaser determined by the Secretary to be capable of—

"(A) satisfying the conditions of the disposition plan;

"(B) implementing a sound financial and physical management program that is designed to enable the project to meet anticipated operating and repair expenses to ensure that the project will remain in decent, safe, and sanitary condition;

"(C) responding to the needs of the tenants and working cooperatively with tenant organizations;

"(D) providing adequate organizational, staff, and financial resources to the project; and

"(E) meeting such other requirements as the Secretary may determine.

"(2) CONTRACTING FOR MANAGEMENT SERVICES.—The Secretary is authorized, in carrying out this section—

"(A) to contract for management services for a multifamily housing project that is owned by the Secretary (or for which the Secretary is mortgagee in possession), on a negotiated, competitive bid, or other basis at a price determined by the Secretary to be reasonable, with a manager the Secretary has determined is capable of—

"(i) implementing a sound financial and physical management program that is designed to enable the project to meet anticipated operating and maintenance expenses to ensure that the project will remain in decent, safe, and sanitary condition;

"(ii) responding to the needs of the tenants and working cooperatively with tenant organizations;

"(iii) providing adequate organizational, staff, and other resources to implement a management program; and

"(iv) meeting such other requirements as the Secretary may determine; and

"(B) to require the owner of a multifamily housing project that is subject to a mortgage held by the Secretary to contract for management services for the project in the manner described in subparagraph (A).

"(3) FORECLOSURE SALE.—In carrying out this section, the Secretary shall—

"(A) prior to foreclosing on any multifamily housing project held by the Secretary, notify both the unit of general local government in which the property is located and the tenants of the property of the proposed foreclosure sale; and

"(B) upon disposition of a multifamily housing project through a foreclosure sale, determine that the purchaser is capable of implementing a sound financial and physical management program that is designed to enable the project to meet anticipated operating and repair expenses to ensure that the project will remain in decent, safe, and sanitary condition.

"(d) MAINTENANCE OF HOUSING PROJECTS.—

"(1) HOUSING PROJECTS OWNED BY THE SECRETARY.—In the case of multifamily housing projects that are owned by the Secretary (or for which the Secretary is mortgagee in possession), the Secretary shall—

"(A) to the greatest extent possible, maintain all such occupied projects in a decent, safe, and sanitary condition;

"(B) to the greatest extent possible, maintain full occupancy in all such projects; and

"(C) maintain all such projects for purposes of providing rental or cooperative housing.

"(2) HOUSING PROJECTS SUBJECT TO A MORTGAGE HELD BY THE SECRETARY.—In the case of any multifamily housing project that is subject to a mortgage held by the Secretary, the Secretary shall require the owner of the project to carry out the requirements of paragraph (1).

"(e) REQUIRED ASSISTANCE.—In carrying out the goals specified in subsection (a), the Secretary shall take not less than one of the following actions:

"(1) CONTRACT WITH OWNER.—Enter into contracts under section 8 of the United States Housing Act of 1937, to the extent budget authority is available, with owners of multifamily housing projects that are acquired by a purchaser other than the Secretary at foreclosure or after sale by the Secretary.

"(A) SUBSIDIZED OR FORMERLY SUBSIDIZED PROJECTS RECEIVING CERTAIN ASSISTANCE.—In the case of a subsidized project referred to in subparagraph (A), (B), or (C) of subsection (b)(2) or a formerly subsidized project that was subsidized as described in any such subparagraph—

"(i) the contract shall be sufficient to assist at least all units covered by an assistance contract under any of the authorities referred to in subsection (b)(2)(D) before acquisition, unless the Secretary acts pursuant to the provisions of subparagraph (C) of this paragraph;

"(ii) in the case of units requiring project-based rental assistance pursuant to clause (i) that are occupied by families who are not eligible for assistance under section 8, a contract under this subparagraph shall also provide that when a vacancy occurs, the owner shall lease the available unit to a family eligible for assistance under section 8; and

"(iii) the Secretary shall take actions to ensure the availability and affordability, as defined in paragraph (3)(B), for the remaining useful life of the project, as defined by the Secretary, of any unit located in any project referred to in subparagraph (A), (B), or (C) of subsection (b)(2) that does not otherwise receive project-based rental assistance under this subparagraph. To carry out this clause, the Secretary may require purchasers to establish use or rent restrictions on these units.

"(B) SUBSIDIZED OR FORMERLY SUBSIDIZED PROJECTS RECEIVING OTHER ASSISTANCE.—In the case of a subsidized project referred to in subsection (b)(2)(D) or a formerly subsidized project that was subsidized as described in subsection (b)(2)(D)—

"(i) the contract shall be sufficient to assist at least all units in the project that are covered, or that were covered immediately before foreclosure on or acquisition of the project by the Secretary, by an assistance contract under any of the authorities referred to in such subsection, unless the Secretary acts pursuant to provisions of subparagraph (C); and

"(ii) in the case of units requiring project-based rental assistance pursuant to clause (i) that are occupied by families who are not eligible for assistance under section 8, a contract under this paragraph shall also provide that when a vacancy occurs, the owner shall lease the available unit to a family eligible for assistance under section 8.

"(C) EXCEPTIONS TO SUBPARAGRAPHS (A) AND (B).—In lieu of providing project-based rental assistance under subparagraph (A) or (B), the Secretary may require certain units in unsubsidized projects to contain use restrictions providing that such units will be available to and affordable by very low-income families for the remaining useful life of the project, as defined by the Secretary, if—

"(i) the Secretary matches any reduction in the number of units otherwise required to be assisted with project-based rental assistance under subparagraph (A) or (B) with at least an equivalent increase in the number of units made affordable, as such term is defined in paragraph (3)(B), to very low-income persons within unsubsidized projects;

"(ii) the Secretary makes tenant-based assistance under section 8 available to low-income tenants residing in units otherwise requiring project-based rental assistance under subparagraph (A) or (B) upon disposition; and

"(iii) the units described in clause (i) are located within the same market area.

"(D) CONTRACT REQUIREMENTS FOR UNSUBSIDIZED PROJECTS.—Notwithstanding actions that are taken pursuant to subparagraph (C), in any unsubsidized project—

"(i) the contract shall be at least sufficient to provide project-based rental assistance for all units that are covered or were covered immediately before foreclosure or acquisition by an assistance contract under—

"(I) section 8(b)(2) of the United States Housing Act of 1937, as such section existed before October 1, 1983 (new construction and substantial rehabilitation); section 8(b) of such Act (property disposition); section 8(d)(2) of such Act (project-based certificates); section 8(e)(2) of such Act (moderate rehabilitation); section 23 of such Act (as in effect before January 1, 1975); or section 101 of the Housing and Urban Development Act of 1965 (rent supplements); or

"(II) section 8 of the United States Housing Act of 1937, following conversion from section 101 of the Housing and Urban Development Act of 1965; and

"(ii) the Secretary shall make available tenant-based assistance under section 8 of the United States Housing Act of 1937 to tenants currently residing in units that were covered by an assistance contract under the Loan Management Set-Aside program under section 8(b) of the United States Housing Act of 1937 immediately before foreclosure or acquisition of the project by the Secretary.

"(2) ANNUAL CONTRIBUTION CONTRACTS.—In the case of multifamily housing projects that are acquired by a purchaser other than the Secretary at foreclosure or after sale by the Secretary, enter into annual contribution contracts with public housing agencies to provide tenant-based assistance under section 8 of the United States Housing Act of 1937 to all low-income families who are otherwise eligible for assistance, in accordance with the requirements of subparagraph (A), (B), or (D) of paragraph (1), on the date that the project is acquired by the purchaser. The Secretary shall take action under this paragraph only after making a determination that there is an adequate supply of habitable housing in the area that is available to and affordable by low-income families using such assistance. With respect to subsidized or formerly subsidized projects, actions may be taken pursuant to this paragraph in connection with not more than 10 percent of the aggregate number of units in subsidized or formerly subsidized projects disposed of by the Secretary in each fiscal year.

"(3) OTHER ASSISTANCE.—

"(A) IN GENERAL.—In accordance with the authority provided under the National Housing Act, reduce the selling price, apply use or rent restrictions on certain units, or provide other financial assistance to the owners of multifamily housing projects that are acquired by a purchaser other than the Secretary at foreclosure, or after sale by the Secretary, on terms that will ensure that at least those units otherwise required to receive project-based section 8 assistance pursuant to subparagraph (A), (B), or (D) of paragraph (1) are available to and affordable by low-income persons for the remaining useful life of the project, as defined by the Secretary.

"(B) DEFINITION.—A unit shall be considered affordable under this paragraph if—

"(i) for very low-income tenants, the rent for such unit does not exceed 30 percent of 50 percent of the area median income, as determined by the Secretary, with adjustments for family size; and

"(ii) for low-income tenants other than very low-income tenants, the rent for such unit does not exceed 30 percent of 80 percent of the area median income, as determined by the Secretary, with adjustments for family size.

"(C) VERY LOW-INCOME TENANTS.—The Secretary shall provide assistance under section 8 of the United States Housing Act of 1937 to any very low-income tenant currently residing in a unit otherwise required to receive project-based rental assistance under section 8, pursuant to subparagraph (A), (B), or (D) of paragraph (1), if the rents charged such tenants as a result of actions taken pursuant to this paragraph exceed the amount payable as rent under section 3(a) of the United States Housing Act of 1937.

"(4) TRANSFER FOR USE UNDER OTHER PROGRAMS OF THE SECRETARY.—

"(A) IN GENERAL.—Enter into an agreement providing for the transfer of a multifamily housing project—

"(i) to a public housing agency for use of the project as public housing; or

"(ii) to an owner or another appropriate entity for use of the project under section 202 of the Housing Act of 1959 or under section 811 of the Cranston-Gonzalez National Affordable Housing Act.

"(B) REQUIREMENTS FOR AGREEMENT.—The agreement described in subparagraph (A) shall—

"(i) contain such terms, conditions, and limitations as the Secretary determines appropriate, including requirements to assure use of the project under the public housing, section 202, and section 811 programs; and

"(ii) ensure that no current tenant will be displaced as a result of actions taken under this paragraph.

"(f) OTHER ASSISTANCE.—In addition to the actions required by subsection (e), the Secretary may take any of the following actions:

"(1) SHORT-TERM LOANS.—Provide short-term loans to facilitate the sale of multifamily housing projects to nonprofit organizations or to public agencies if—

"(A) authority for such loans is provided in advance in an appropriations Act;

"(B) such loans are for a term of not more than 5 years;

"(C) the Secretary is presented with satisfactory documentation, evidencing a commitment of permanent financing to replace such short-term loan, from a lender who meets standards set forth by the Secretary; and

"(D) the terms of such loans are consistent with prevailing practices in the marketplace or the provision of such loans results in no cost to the Government, as defined in section 502 of the Congressional Budget Act.

"(2) TENANT-BASED ASSISTANCE.—Make available tenant-based assistance under section 8 of the United States Housing Act of 1937 to very low-income families that do not otherwise qualify for project-based rental assistance.

"(3) ALTERNATIVE USES.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, and subject to notice to and comment from existing tenants, allow not more than—

"(i) 5 percent of the total number of units in multifamily housing projects that are disposed of by the Secretary during each fiscal year to be made available for uses other than rental or cooperative housing, including low-income homeownership opportunities, community space, office space for tenant or housing-related service providers or security programs, or small business uses, if such uses benefit the tenants of the project; and

"(ii) 5 percent of the total number of units in multifamily housing projects that are disposed of by the Secretary during each fiscal year to be used in any manner, if the Secretary and the unit of general local government or area-wide governing body determine that such use will further fair housing, community development, or neighborhood revitalization goals.

"(B) DISPLACEMENT PROTECTION.—The Secretary shall—

"(i) make available tenant-based assistance under section 8 of the United States Housing Act of 1937 to any tenant displaced as a result of actions taken by the Secretary pursuant to subparagraph (A); and

"(ii) take such actions as the Secretary determines necessary to ensure the successful use of any tenant-based assistance provided under this subparagraph.

"(4) AUTHORIZATION OF USE OR RENT RESTRICTIONS IN UNSUBSIDIZED PROJECTS.—In carrying out the goals specified in subsection (a), the Secretary may require certain units in unsubsidized projects upon disposition to contain use or rent restrictions providing that such units will be available to and affordable by very low-income persons for the remaining useful life of the property, as defined by the Secretary.

"(g) CONTRACT REQUIREMENTS.—

"(1) CONTRACT TERM.—

"(A) IN GENERAL.—Contracts for project-based rental assistance under section 8 of the United States Housing Act of 1937 provided pursuant to this section shall be for a term of not more than 15 years; and

"(B) CONTRACT TERM OF LESS THAN 15 YEARS.—To the extent that units receive project-based rental assistance for a contract term of less than 15 years, the Secretary shall require that rents charged to tenants for such units shall not exceed the amount payable for rent under section 3(a) of the United States Housing Act of 1937 for a period of at least 15 years.

"(2) CONTRACT RENT.—

"(A) IN GENERAL.—The Secretary shall set contract rents for section 8 project-based rental contracts issued under this section at levels that, in conjunction with other resources available to the purchaser, provide for the necessary costs of rehabilitation of such project and do not exceed the percentage of the existing housing fair market rents for the area, as determined by the Secretary under section 8(c) of the United States Housing Act of 1937.

"(B) UP-FRONT GRANTS.—If such an approach is determined to be more cost-effective, the Secretary may utilize the budget authority provided for project-based section 8 contracts issued under this section to

"(i) provide project-based section 8 rental assistance; and

"(ii) provide up-front grants for the necessary costs of rehabilitation.

"(h) DISPOSITION PLAN.—

"(1) IN GENERAL.—Prior to the sale of a multifamily housing project that is owned by the Secretary, the Secretary shall develop a disposition plan for the project that specifies the minimum terms and conditions of the Secretary for disposition of the project, the initial sales price that is acceptable to the Secretary, and the assistance that the Secretary plans to make available to a prospective purchaser in accordance with this section. The initial sales price shall reflect the intended use of the property after sale.

"(2) COMMUNITY AND TENANT INPUT INTO DISPOSITION PLANS AND SALES.—

"(A) IN GENERAL.—In carrying out this section, the Secretary shall develop procedures to obtain appropriate and timely input into disposition plans from officials of the unit of general local government affected, the community in which the project is situated, and the tenants of the project.

"(B) TENANT ORGANIZATIONS.—The Secretary shall develop procedures to facilitate, where feasible and appropriate, the sale of multifamily housing projects to existing tenant organizations with demonstrated capacity or to public or nonprofit entities that represent or are affiliated with existing tenant organizations.

"(C) TECHNICAL ASSISTANCE.—

"(i) IN GENERAL.—To carry out the procedures developed under subparagraphs (A) and (B), the Secretary is authorized to provide technical assistance, directly or indirectly.

"(ii) TECHNICAL ASSISTANCE PROVIDERS.—Recipients of technical assistance funding under the Emergency Low Income Housing Preservation Act of 1987, the Low-Income Housing Preservation and Resident Homeownership Act of 1990, subtitle B of title IV of the Cranston-Gonzalez National Affordable Housing Act, shall be permitted to provide technical assistance to the extent of such funding under any of such programs or under this section, notwithstanding the source of funding.

"(iii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this subparagraph. In addition, the Secretary is authorized to use amounts appropriated for technical assistance under the Emergency Low Income Housing Preservation Act of 1987, the Low-Income Housing Preservation and Resident Homeownership Act of 1990, subtitle B of title IV of the Cranston-Gonzalez National Affordable Housing Act, for the provision of technical assistance under this section.

"(i) RIGHT OF FIRST REFUSAL.—

"(1) PROCEDURE.—

"(A) NOTIFICATION BY SECRETARY OF THE ACQUISITION OF TITLE.—Not later than 30 days after the Secretary acquires title to a multifamily housing project, the Secretary shall notify the appropriate unit of general local government and State agency or agencies designated by the Governor of the acquisition of such title.

"(B) EXPRESSION OF INTEREST.—Not later than 45 days after receiving notification from the Secretary under subparagraph (A), the unit of general local government or designated State agency may submit to the Secretary a preliminary expression of interest in the project. The Secretary may take such actions as may be necessary to require the unit of general local government or designated State agency to substantiate such interest.

"(C) TIMELY EXPRESSION OF INTEREST.—If the unit of general local government or designated State agency has expressed interest in the project before the expiration of the 45-day period referred to in subparagraph (B) and has substantiated such interest if requested, the Secretary shall notify the unit of general local government or designated State agency, within a reasonable period of time, of the terms and conditions of the disposition plan, in accordance with subsection (h). The Secretary shall then give the unit of general local government or designated State agency not more than 90 days after the date of such notification to make an offer to purchase the project.

"(D) NO TIMELY EXPRESSION OF INTEREST.—If the unit of general local government or designated State agency does not express interest before the expiration of the 45-day period referred to in subparagraph (B), or does not substantiate an expressed interest if requested, the Secretary may offer the project for sale to any interested person or entity.

"(2) ACCEPTANCE OF OFFERS.—If the Secretary has given the unit of general local government or designated State agency 90 days to make an offer to purchase the project, the Secretary shall accept an offer that complies with the terms and conditions of the disposition plan. The Secretary may accept an offer that does not comply with the terms and conditions of the disposition plan if the Secretary determines that the offer will further the goals specified in subsection (a) by actions that include extension of the duration of low-income affordability restrictions or otherwise restructuring the transaction in a manner that enhances the long-term affordability for low-income persons. The Secretary shall, in particular, have discretion to reduce the initial sales price in exchange for the extension of low-income affordability restrictions beyond the period of assistance contemplated by the attachment of assistance pursuant to subsection (e) or for an increase in the number of units that are available to and affordable by low-income families. If the Secretary and the unit of general local government or designated State agency cannot reach agreement within 90 days, the Secretary may offer the project for sale to the general public.

"(3) PURCHASE BY UNIT OF GENERAL LOCAL GOVERNMENT OR DESIGNATED STATE AGENCY.—Notwithstanding any other provision of law, a unit of general local government (including a public housing agency) or designated State agency may purchase multifamily housing projects in accordance with this subsection.

"(4) APPLICABILITY.—This subsection shall apply to projects that are acquired on or after the effective date of this subsection. With respect to projects acquired before such effective date, the Secretary may apply—

"(A) the requirements of paragraphs (2) and (3) of section 203(e) as such paragraphs existed immediately before the effective date of this subsection; or

"(B) the requirements of paragraphs (1) and (2) of this subsection, if the Secretary gives the unit of general local government or designated State agency—

"(i) 45 days to express interest in the project; and

"(ii) if the unit of general local government or designated State agency expresses interest in the project before the expiration of the 45-day period, and substantiates such interest if requested, 90 days from the date of notification of the terms and conditions of the disposition plan to make an offer to purchase the project.

"(j) DISPLACEMENT OF TENANTS AND RELOCATION ASSISTANCE.—

"(1) IN GENERAL.—Whenever tenants will be displaced as a result of the demolition of, repairs to, or conversion in the use of, a multifamily housing project that is owned by the Secretary (or for which the Secretary is mortgagee in possession), the Secretary shall identify tenants who will be displaced, and shall notify all such tenants of their pending displacement and of any relocation assistance that may be available. In the case of a multifamily housing project that is subject to a mortgage held by the Secretary, the Secretary shall require the owner of the project to carry out the requirements of this paragraph, if the Secretary has authorized the demolition of, repairs to, or conversion in the use of such multifamily housing project.

"(2) RIGHTS OF DISPLACED TENANTS.—The Secretary shall assure for any such tenant (who continues to meet applicable qualification standards) the right—

"(A) to return, whenever possible, to a repaired unit;

"(B) to occupy a unit in another multifamily housing project owned by the Secretary;

"(C) to obtain housing assistance under the United States Housing Act of 1937; or

"(D) to receive any other available relocation assistance as the Secretary determines to be appropriate.

"(k) MORTGAGE AND PROJECT SALES.—

"(1) IN GENERAL.—The Secretary may not approve the sale of any loan or mortgage held by the Secretary (including any loan or mortgage owned by the Government National Mortgage Association) on any subsidized project or formerly subsidized project, unless such sale is made as part of a transaction that will ensure that such project will continue to operate at least until the maturity date of such loan or mortgage, in a manner that will provide rental housing on terms at least as advantageous to existing and future tenants as the terms required by the program under which the loan or mortgage was made or insured prior to the assignment of the loan or mortgage on such project to the Secretary.

"(2) SALE OF CERTAIN PROJECTS.—The Secretary may not approve the sale of any subsidized project—

"(A) that is subject to a mortgage held by the Secretary; or

"(B) if the sale transaction involves the provision of any additional subsidy funds by the Secretary or a recasting of the mortgage;

unless such sale is made as part of a transaction that will ensure that such project will continue to operate at least until the maturity date of the loan or mortgage, in a manner that will provide rental housing on terms at least as advantageous to existing and future tenants as the terms required by the program under which the loan or mortgage was made or insured prior to the proposed sale of the project.

"(3) MORTGAGE SALES TO STATE AND LOCAL GOVERNMENTS.—Notwithstanding any provision of law that may require competitive sales or bidding, the Secretary may carry out negotiated sales of mortgages held by the Secretary that are secured by subsidized, unsubsidized, or formerly subsidized multifamily housing projects, without the competitive selection of purchasers or intermediaries, to units of general local government or State agencies, or groups of investors that include at least 1 such unit of general local government or State agency, if the negotiations are conducted with such agencies, except that—

"(A) the terms of any such sale shall include the agreement of the purchasing agency or unit of local government or State agency to act as mortgagee or owner of a beneficial interest in such mortgages, in a manner consistent with maintaining the projects that are subject to such mortgages for occupancy by the general tenant group intended to be served by the applicable mortgage insurance program, including, to the extent the Secretary determines appropriate, authorizing such unit of local government or State agency to enforce the provisions of any regulatory agreement or other program requirements applicable to the related projects; and

"(B) the sales prices for such mortgages shall be, in the determination of the Secretary, the best prices that may be obtained for such mortgages from a unit of general local government or State agency, consistent with the expectation and intention that the projects financed will be retained for use under the applicable mortgage insurance program for the life of the initial mortgage insurance contract.

"(4) SALE OF MORTGAGES COVERING UNSUBSIDIZED PROJECTS.—Notwithstanding any other provision of law, the Secretary may sell mortgages held on unsubsidized projects on such terms and conditions as the Secretary may prescribe.

"(l) PROJECT-BASED RENTAL ASSISTANCE FOR TERM OF LESS THAN 15 YEARS.—Notwithstanding subsection (g), project-based rental assistance in connection with the disposition of a multifamily housing project may be provided for a contract term of less than 15 years if such assistance is provided—

"(1) under a contract authorized under section 6 of the HUD Demonstration Act of 1993; and

"(2) pursuant to a disposition plan under this section for a project that is determined by the Secretary to be otherwise in compliance with this section.

"(m) REPORT TO CONGRESS.—Not later than June 1 of each year, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, a report describing the status of multifamily housing projects owned by or subject to mortgages held by the Secretary, on an aggregate basis, which highlights the differences, if any, between the subsidized and the unsubsidized inventory. The report shall include—

"(1) the average and median size of the projects;

"(2) the geographic locations of the projects, by State and region;

"(3) the years during which projects were assigned to the Department, and the average and median length of time that projects remain in the HUD-held inventory;

"(4) the status of HUD-held mortgages;

"(5) the physical condition of the HUD-held and HUD-owned inventory;

"(6) the occupancy profile of the projects, including the income, family size, race, and ethnic origin of current tenants, and the rents paid by such tenants;

"(7) the proportion of units that are vacant;

"(8) the number of projects for which the Secretary is mortgagee in possession;

"(9) the number of projects sold in foreclosure sales;

"(10) the number of HUD-owned projects sold;

"(11) a description of actions undertaken pursuant to this section, including—

"(A) a comparison of results between actions taken after the date of enactment of the Housing and Community Development Act of 1993 and actions taken in the years preceding such date of enactment;

"(B) a description of any impediments to the disposition or management of multifamily housing projects, together with a recommendation of proposed legislative or regulatory changes designed to ameliorate such impediments;

"(C) a description of actions taken to restructure or commence foreclosure on delinquent multifamily mortgages held by the Department; and

"(D) a description of actions taken to monitor and prevent the default of multifamily housing mortgages held by the Federal Housing Administration;

"(12) a description of any of the functions performed in connection with this section that are contracted out to public or private entities or to States, including—

"(A) the costs associated with such delegation;

"(B) the implications of contracting out or delegating such functions for current Department field or regional personnel, including anticipated personnel or work load reductions;

"(C) necessary oversight required by Department personnel, including anticipated personnel hours devoted to such oversight;

"(D) a description of any authority granted to such public or private entities or States in conjunction with the functions that have been delegated or contracted out or that are not otherwise available for use by Department personnel; and

"(E) the extent to which such public or private entities or States include tenants of multifamily housing projects in the disposition planning for such projects; and

"(13) a description of the activities carried out under subsection (i) during the preceding year.".

(c) EFFECTIVE DATE.—The Secretary shall, by notice published in the Federal Register, which shall take effect upon publication, establish such requirements as may be necessary to implement the amendments made by this section. The notice shall invite public comments and, not later than 12 months after the date on which the notice is published, the Secretary shall issue final regulations based on the initial notice, taking into account any public comments received.

### SEC. 102. REPEAL OF STATE AGENCY MULTIFAMILY PROPERTY DISPOSITION DEMONSTRATION.

Section 184 of the Housing and Community Development Act of 1987 (12 U.S.C. 1701z–11 note) is hereby repealed.

### SEC. 103. RTC MARKETING AND DISPOSITION OF MULTIFAMILY PROJECTS OWNED BY HUD.

(a) AUTHORIZATION.—The Secretary may carry out a demonstration with not more than 50 unsubsidized multifamily housing projects owned by the Secretary, using the RTC for the marketing and disposition of the projects. Any such demonstration shall be carried out pursuant to an agreement between the RTC and the Secretary on such terms and conditions as are acceptable to the RTC and the Secretary. The RTC shall establish policies and procedures for marketing and disposition, subject to review and approval by the Secretary.

(b) RULES GOVERNING THE DEMONSTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), in carrying out the provisions of this section, the RTC shall dispose of unsubsidized multifamily housing projects pursuant to the provisions of section 21A(c) of the Federal Home Loan Bank Act.

(2) EXCEPTION.—Notwithstanding paragraph (1), a very low-income tenant currently residing in a unit otherwise required under subsection (e)(1)(D) of section 203 of the Housing and Community Development Amendments of 1978 to receive project-based rental assistance under section 8, shall upon disposition pay not more than the amount payable as rent under section 3(a) of the United States Housing Act of 1937.

(c) DETERMINATION OF PROJECTS INCLUDED.—In determining which projects to include in the demonstration, the Secretary and the RTC shall take into consideration—

(1) the prior experience of the RTC in disposing of other multifamily housing projects in the jurisdictions in which such projects are located; and

(2) such other factors as the Secretary and the RTC determine to be appropriate.

(d) REIMBURSEMENT.—The agreement entered into pursuant to subsection (a) shall provide that the Secretary shall reimburse the RTC for the direct costs associated with the demonstration, including the costs of administration and marketing, property management, and any repair and rehabilitation. The Secretary may use proceeds from the sale of the projects to reimburse the RTC for its costs.

(e) REPORTS.—

(1) ANNUAL REPORTS.—The Secretary and the RTC shall jointly submit an annual report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives detailing the progress of the demonstration.

(2) FINAL REPORT.—Not later than 3 months after the completion of the demonstration, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a report describing the results of the demonstration and any recommendations for legislative action.

(f) TERMINATION.—The demonstration under this section shall not extend beyond the termination date of the RTC.

### SEC. 104. CIVIL MONEY PENALTIES AGAINST GENERAL PARTNERS AND CERTAIN MANAGING AGENTS OF MULTIFAMILY HOUSING PROJECTS.

(a) CIVIL MONEY PENALTIES AGAINST MULTIFAMILY MORTGAGORS.—Section 537 of the National Housing Act (12 U.S.C. 1735f–15) is amended—

(1) in subsection (b)(1), by inserting after "mortgagor" the second place it appears the following: "or general partner of a partnership mortgagor";

(2) in subsection (c)—

(A) by striking the heading and inserting the following:

"(c) OTHER VIOLATIONS.—"; and

(B) in paragraph (1)—

(i) by striking "The Secretary may" and all that follows through the colon and inserting the following:

"(A) LIABLE PARTIES.—The Secretary may also impose a civil money penalty under this section on—

"(i) any mortgagor of a property that includes 5 or more living units and that has a mortgage insured, coinsured, or held pursuant to this Act;

"(ii) the general partner of a partnership mortgagor of such property; or

"(iii) any agent employed to manage the property that has an identity of interest with the mortgagor or the general partner of a partnership mortgagor of such property.

"(B) VIOLATIONS.—A penalty may be imposed under this paragraph for knowingly and materially taking any of the following actions:";

(ii) in subparagraph (B), as redesignated, by redesignating subparagraphs (A) through (L) as clauses (i) through (xii), respectively; and

(iii) by adding after clause (xii), as redesignated, the following new clauses:

"(xiii) Failure to maintain the premises, accommodations, and the grounds and equipment appurtenant thereto in good repair and condition in accordance with regulations and requirements of the Secretary, except that nothing in this clause shall have the effect of altering the provisions of an existing regulatory agreement or federally insured mortgage on the property.

"(xiv) Failure, by a mortgagor or general partner of a partnership mortgagor, to provide management for the project that is acceptable to the Secretary pursuant to regulations and requirements of the Secretary.''; and

(iv) in the last sentence, by deleting ''of such agreement'' and inserting ''of this subsection'';

(3) in subsection (d)(1)(B), by inserting after ''mortgagor'' the following: '', general partner of a partnership mortgagor, or identity of interest agent employed to manage the property,'';

(4) in subsection (d), by adding at the end the following new paragraph:

''(5) Payment of penalty.—No payment of a civil money penalty levied under this section shall be payable out of project income.'';

(5) in subsection (e)(1), by deleting ''a mortgagor'' and inserting ''an entity or person'';

(6) in subsection (f), by inserting after ''mortgagor'' each place such term appears the following: '', general partner of a partnership mortgagor, or identity of interest agent employed to manage the property,'';

(7) by striking the heading of subsection (f) and inserting the following: ''Civil Money Penalties Against Multifamily Mortgagors, General Partners of Partnership Mortgagors, and Certain Managing Agents'';

(8) in subsection (j), by striking ''all civil money'' and all that follows through the period at the end and inserting the following: ''the Secretary shall apply all civil money penalties collected under this section, or any portion of such penalties, to the fund established under section 201(j) of the Housing and Community Development Amendments of 1978.''; and

(9) by adding at the end the following new subsection:

''(k) Identity of Interest Managing Agent.—For purposes of this section, the term 'identity of interest managing agent' means an ownership entity, or its general partner or partners, which has an ownership interest in and which exerts effective control over the property's ownership.''.

(b) Implementation.—The Secretary shall implement the amendments made by this section by regulation issued after notice and opportunity for public comment. A proposed rule shall be published not later than March 1, 1994. The notice shall seek comments primarily as to the definition of the terms 'ownership interest in' and 'effective control', as such terms are used in the definition of identity of interest managing agent.

(c) Applicability of Amendments.—The amendments made by subsection (a) shall apply only with respect to—

(1) violations that occur on or after the effective date of the final regulations implementing the amendments made by this section; and

(2) in the case of a continuing violation (as determined by the Secretary), any portion of a violation that occurs on or after such date.

### SEC. 105. MODELS FOR PROPERTY DISPOSITION.

The Federal Housing Commissioner shall develop models which shall be designed to assist States and units of general local government in using other Federal programs for the purpose of acquiring, rehabilitating, or otherwise participating in—

(1) the disposition, pursuant to section 203 of the Housing and Community Development Amendments of 1978, of multifamily housing projects owned by the Secretary; or

(2) the sale, pursuant to section 203 of the Housing and Community Development Amendments of 1978, of multifamily housing projects subject to mortgages held by the Secretary.

### SEC. 106. PREVENTING MORTGAGE DEFAULTS.

(a) Multifamily Housing Planning and Investment Strategies.—

(1) Preparation of assessments for independent entities.—Section 402(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715–1a note) is amended by adding at the end the following: ''The assessment shall be prepared by an entity that does not have an identity of interest with the owner.''.

(2) Timing of submission of needs assessments.—Section 402(b) of the Housing and Community Development Act of 1992 (12 U.S.C. 17152–1a note) is amended to read as follows:

''(b) Timing.—To ensure that assessments for all covered multifamily housing properties will be submitted on or before the conclusion of fiscal year 1997, the Secretary shall require the owners of such properties, including covered multifamily housing properties for the elderly, to submit the assessments for the properties in accordance with the following schedule:

''(1) For fiscal year 1994, 10 percent of the aggregate number of such properties.

''(2) For each of fiscal years 1995, 1996, and 1997, an additional 30 percent of the aggregate number of such properties.''.

(3) Review of comprehensive needs assessments.—Section 404(d) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715–1a note) is amended to read as follows:

''(d) Review.—

''(1) In general.—The Secretary shall review each comprehensive needs assessment for completeness and adequacy before the expiration of the 90-day period beginning on the receipt of the assessment.

''(2) Incomplete or inadequate assessments.—If the Secretary determines that the assessment is substantially incomplete or inadequate, the Secretary shall—

''(A) provide the owner with a reasonable amount of time to resubmit an amended assessment; and

''(B) indicate to the owner the portion of the original assessment requiring completion or other revision.''.

(4) Repeal of notice provision.—Section 404(f) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715–1a note) is hereby repealed.

(5) Funding.—Title IV of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–1a note) is amended by adding at the end the following new section:

**''SEC. 409. FUNDING.**

''(a) Allocation of Assistance.—Based upon needs identified in comprehensive needs assessments, and subject to otherwise applicable program requirements, including selection criteria, the Secretary may allocate the following assistance to owners of covered multifamily housing projects and may provide such assistance on a noncompetitive basis:

''(1) Operating assistance and capital improvement assistance for troubled multifamily housing projects pursuant to section 201 of the Housing and Community Development Amendments of 1978, except for assistance set aside under section 201(n)(1).

''(2) Loan management assistance available pursuant to section 8 of the United States Housing Act of 1937.

''(b) Operating Assistance and Capital Improvement Assistance.—In providing assistance under subsection (a) the Secretary shall use the selection criteria set forth in section 201(n) of the Housing and Community Development Amendments.

''(c) Amount of Assistance.—The Secretary may fund all or only a portion of the needs identified in the capital needs assessment of an owner selected to receive assistance under this section.''.

(b) Flexible Subsidy Program.—

(1) Deletion of utility cost requirements.—Section 201(i) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a(i)) is hereby repealed.

(2) Repeal of mandatory contribution from owner.—Section 201(k)(2) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a(k)(2)) is amended by striking '', except that'' and all that follows through ''such loan''.

(3) Funding.—Section 201(n) of the Housing and Community Development Amendments of 1978 (42 U.S.C. 1715z–1a(n)) is amended to read as follows:

''(n)(1) For fiscal year 1994 only, in providing, and contracting to provide, assistance for capital improvements under this section, the Secretary shall set aside an amount, as determined by the Secretary, for projects that are eligible for incentives under section 224(b) of the Emergency Low Income Housing Preservation Act of 1987, as such section existed before the date of enactment of the Cranston-Gonzalez National Affordable Housing Act. The Secretary may make such assistance available on a noncompetitive basis.

''(2) Except as provided in paragraph (3), with respect to assistance under this section not set aside for projects under paragraph (1), the Secretary—

''(A) may award assistance on a noncompetitive basis; and

''(B) shall award assistance to eligible projects on the basis of—

''(i) the extent to which the project is physically or financially troubled, as evidenced by the comprehensive needs assessment submitted in accordance with title IV of the Housing and Community Development Act of 1992; and

''(ii) the extent to which such assistance is necessary and reasonable to prevent the default of federally insured mortgages.

''(3) The Secretary may make exceptions to selection criteria set forth in paragraph (2) to permit the provision of assistance to eligible projects based upon—

''(A) the extent to which such assistance is necessary to prevent the imminent foreclosure or default of a project whose owner has not submitted a comprehensive needs assessment pursuant to title IV of the Housing and Community Development Act of 1992;

''(B) the extent to which the project presents an imminent threat to the life, health, and safety of project residents; or

''(C) such other criteria as the Secretary may specify by regulation or by notice printed in the Federal Register.

''(4) In providing assistance under this section, the Secretary shall take into consideration—

''(A) the extent to which there is evidence that there will be significant opportunities for residents (including a resident council or resident management corporation, as appropriate) to be involved in the management of the project (except that this paragraph shall have no application to projects that are owned as cooperatives); and

''(B) the extent to which there is evidence that the project owner has provided competent management and complied with all regulatory and administrative instructions (including such instructions with respect to the comprehensive servicing of multifamily projects as the Secretary may issue).''.

(c) IMPLEMENTATION AND EFFECTIVE DATE FOR SUBSECTIONS (a) AND (b).—

(1) IN GENERAL.—The Secretary shall, by notice published in the Federal Register, which shall take effect upon publication, establish such requirements as may be necessary to implement the amendments made by subsections (a) and (b). The notice shall invite public comments and, not later than 12 months after the date on which the notice is published, the Secretary shall issue final regulations based on the initial notice, taking into account any public comments received.

(2) CONTENTS.—The notice and the regulations shall describe the method by which the Secretary allocates assistance in accordance with section 409 of the Housing and Community Development Act of 1992 (as added by section 106(a) of this Act) and paragraphs (2) and (3) of section 201(n) of the Housing and Community Development Amendments of 1978.

(3) ANNUAL PUBLICATIONS.—The Secretary shall publish annually in the Federal Register—

(A) the method by which the Secretary determines which capital needs assessments will be received each year, in accordance with sections 402(b) and 404(d) of the Housing and Community Development Act of 1992; and

(B) a list of all owners of covered multifamily housing projects, by project, that have received funding under—

(i) section 409 of the Housing and Community Development Act of 1992 (as added by section 106(a) of this Act); or

(ii) paragraphs (2) and (3) of section 201(n) of the Housing and Community Development Amendments of 1978.

(4) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by subsections (a) and (b) shall take effect for amounts made available for fiscal year 1995.

(B) EXCEPTION.—Notwithstanding subparagraph (A), section 201(n)(1) of the Housing and Community Development Amendments of 1978 (as added by subsection (b)(3)) shall take effect on the date of enactment of this Act.

(d) STREAMLINED REFINANCING.—As soon as practicable, the Secretary shall implement a streamlined refinancing program under the authority provided in section 223 of the National Housing Act to prevent the default of mortgages insured by the FHA which cover multifamily housing projects, as defined in section 203(b) of the Housing and Community Development Amendments of 1978.

(e) PARTIAL PAYMENTS OF CLAIM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, if the Secretary is requested to accept assignment of a mortgage insured by the Secretary that covers a multifamily housing project, as such term is defined in section 203(b) of the Housing and Community Development Amendments of 1978, and the Secretary determines that partial payment would be less costly to the Federal Government than other reasonable alternatives for maintaining the low-income character of the project, the Secretary may request the mortgagee, in lieu of assignment, to—

(A) accept partial payment of the claim under the mortgage insurance contract; and

(B) recast the mortgage, under such terms and conditions as the Secretary may determine.

(2) CONDITION.—As a condition to a partial claim payment under this section, the mortgagor shall agree to repay to the Secretary the amount of such payment and such obligation shall be secured by a second mortgage on the property on such terms and conditions as the Secretary may determine.

(f) GAO STUDY ON PREVENTION OF DEFAULT.—

(1) IN GENERAL.—Not later than June 1, 1994, the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a report that evaluates the adequacy of loan loss reserves in the General Insurance and Special Risk Insurance Funds and presents recommendations for the Secretary to prevent losses from occurring.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) evaluate the factors considered in arriving at loss estimates and determine whether other factors should be considered;

(B) determine the relative benefit of creating a new, actuarially sound insurance fund for all new multifamily housing insurance commitments; and

(C) recommend alternatives to the Secretary's current procedures for preventing the future default of multifamily housing project mortgages insured under title II of the National Housing Act.

(g) GAO STUDY ON ACTUARIAL SOUNDNESS OF CERTAIN INSURANCE PROGRAMS.—

(1) IN GENERAL.—Not later than June 1, 1994, the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a report that evaluates, in connection with the General Insurance Fund, the role and performance of the nursing home, hospital, and retirement service center insurance programs.

(2) CONTENTS.—The reports submitted under paragraph (1) shall—

(A) evaluate the strategic importance of these insurance programs to the mission of the FHA;

(B) evaluate the impact of these insurance programs upon the financial performance of the General Insurance Fund;

(C) assess the potential losses expected under these programs through fiscal year 1999;

(D) evaluate the risk of these programs to the General Insurance Fund in connection with changes in national health care policy;

(E) assess the ability of the FHA to manage these programs; and

(F) make recommendations for any necessary changes.

(h) ANNUAL ACTUARIAL REVIEW.—

(1) SPECIAL RISK INSURANCE FUND.—Section 238(c) of the National Housing Act (12 U.S.C. 1715z–3(c)) is amended by adding at the end the following new paragraph:

"(3) The Secretary shall undertake an annual review of the actuarial soundness of each of the insurance programs comprising the Special Risk Insurance Fund, and shall present findings from such review to the Congress in the FHA Annual Management Report.".

(2) GENERAL INSURANCE FUND.—Section 519 of the National Housing Act (12 U.S.C. 1735c) is amended by adding at the end the following new subsection:

"(g) ANNUAL ACTUARIAL REVIEW.—The Secretary shall undertake an annual review of the actuarial soundness of each of the insurance programs comprising the General Insurance Fund, and shall present findings from such review to the Congress in the FHA Annual Management Report.".

(i) ALTERNATIVE USES FOR PREVENTION OF DEFAULT.—

(1) IN GENERAL.—Subject to notice and comment from existing tenants, to prevent the imminent default of a multifamily housing project subject to a mortgage insured under title II of the National Housing Act, the Secretary may authorize the mortgagor to use the project for purposes not contemplated by or permitted under the regulatory agreement, if—

(A) such other uses are acceptable to the Secretary;

(B) such other uses would be otherwise insurable under title II of the National Housing Act;

(C) the outstanding principal balance on the mortgage covering such project is not increased;

(D) any financial benefit accruing to the mortgagor shall, subject to the discretion of the Secretary, be applied to project reserves or project rehabilitation; and

(E) such other use serves a public purpose.

(2) DISPLACEMENT PROTECTION.—The Secretary shall—

(A) make available tenant-based assistance under section 8 of the United States Housing Act of 1937 to any tenant displaced as a result of actions taken by the Secretary pursuant to paragraph (1); and

(B) take such actions as the Secretary determines necessary to ensure the successful use of any tenant-based assistance provided under this paragraph.

(3) IMPLEMENTATION.—The Secretary shall, by notice published in the Federal Register, which shall take effect upon publication, establish such requirements as may be necessary to implement the amendments made by this subsection. The notice shall invite public comments and, not later than 12 months after the date on which the notice is published, the Secretary shall issue final regulations based on the initial notice, taking into account any public comments received.

(j) MORTGAGE SALE DEMONSTRATION.—The Secretary may carry out a demonstration to test the feasibility of restructuring and disposing of troubled multifamily mortgages held by the Secretary through the establishment of partnerships between public, private, and nonprofit entities.

(k) NATIONAL INTERAGENCY TASK FORCE ON MULTIFAMILY HOUSING.—

(1) FUNCTIONS.—Section 543(e)(1) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended—

(A) in subparagraph (D), by striking "and" at the end;

(B) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(F) make available appropriate information to the Department of Housing and Urban Development that will assist in preventing the future default of multifamily housing project mortgages insured under title II of the National Housing Act.".

(2) USE OF APPROPRIATIONS AUTHORITY.—Section 543(h) of the Housing and Community Development Act of 1992 is amended by inserting after the first sentence the following: "The Secretary may use any non-Federal or private funding or may use the authority provided for salaries and expenses in appropriations Acts for activities carried out under this section.

### SEC. 107. INTEREST RATES ON ASSIGNED MORTGAGES.

Section 7(i)(5) of the Department of Housing and Urban Development Act (42 U.S.C.

3535(i)(5)) is amended by striking the first semicolon, and all that follows through "as determined by the Secretary".

### SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

(a) SPECIAL RISK INSURANCE FUND.—Section 238(b) of the National Housing Act (12 U.S.C. 1715z–3(b)) is amended by striking the fifth sentence.

(b) GENERAL INSURANCE FUND.—Section 519 of the National Housing Act (12 U.S.C. 1735c) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) (as added by section 106(h)(2) of this Act) as subsection (f).

(c) MULTIFAMILY INSURANCE FUND APPROPRIATIONS.—Title V of the National Housing Act (12 U.S.C. 1731a et seq.) is amended by adding at the end the following new section:

### "SEC. 541. AUTHORIZATION OF APPROPRIATIONS FOR GENERAL AND SPECIAL RISK INSURANCE FUNDS.

"There are authorized to be appropriated $350,000,000 for fiscal year 1994 and $360,500,000 for fiscal year 1995, to be allocated in any manner that the Secretary determines appropriate, for the following costs incurred in conjunction with programs authorized under the General Insurance Fund, as provided by section 519, and the Special Risk Insurance Fund, as provided by section 238:

"(1) The cost to the Government, as defined in section 502 of the Congressional Budget Act, of new insurance commitments.

"(2) The cost to the Government, as defined in section 502 of the Congressional Budget Act, of modifications to existing loans, loan guarantees, or insurance commitments.

"(3) The cost to the Government, as defined in section 502 of the Congressional Budget Act, of loans provided under section 203(f) of the Housing and Community Development Amendments of 1978.

"(4) The costs of the rehabilitation of multifamily housing projects (as defined in section 203(b) of the Housing and Community Development Amendments of 1978) upon disposition by the Secretary.".

## TITLE II—ENHANCED PROGRAM FLEXIBILITY

### Subtitle A—Office of Public and Indian Housing

### SEC. 201. REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING.

(a) IN GENERAL.—Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) by amending subsection (b) to read as follows:

"(b) [RESERVED].";

(2) in subsection (c)(2), by striking "$200,000" and inserting "$500,000";

(3) in subsection (c)(3)—

(A) by redesignating subparagraphs (E) through (I) as subparagraphs (F) through (J), respectively;

(B) by inserting after subparagraph (D) the following new subparagraph:

"(E) planning for community service and support service activities to be carried out by the public housing agency, residents, members of the community, and other persons and organizations willing to contribute to the social, economic, or physical improvement of the community (community service is a required element of the revitalization program);"; and

(C) in subparagraph (H), as redesignated, by striking "designing a suitable replacement housing plan," and inserting "designing suitable relocation and replacement housing plans,";

(4) in subsection (c)(4)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following new subparagraph:

"(D) a description of the community service and support service planning activities to be carried out by the public housing agency, residents, members of the community, and other persons and organizations willing to contribute to the social, economic, or physical improvement of the community;";

(5) in subsection (c)(5)—

(A) by striking subparagraph (E) and redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), accordingly;

(B) in subparagraph (E), as redesignated, by inserting before the semicolon ", taking into account the condition of the stock of the public housing agency as a whole"; and

(C) by adding at the end the following:

"In making grants under this subsection, the Secretary may select a lower-rated, approvable application over a higher-rated application to increase the national geographic diversity among applications approved under this section.";

(6) in subsection (d)(2)—

(A) by redesignating subparagraphs (E) through (I) as subparagraphs (G) through (K), respectively;

(B) by inserting after subparagraph (D) the following new subparagraphs:

"(E) community service activities to be carried out by residents, members of the community, and other persons willing to contribute to the social, economic, or physical improvement of the community (community service is a required element of the revitalization program);

"(F) replacement of public housing units;"; and

(C) in subparagraph (K), as redesignated—

(i) by striking "15 percent" and inserting "20 percent"; and

(ii) by inserting before the period at the end the following: ", except that an amount equal to 15 percent of the amount of any grant under this subsection used for support services shall be contributed from non-Federal sources (which contribution shall be in the form of cash, administrative costs, and the reasonable value of in-kind contributions and may include funding under title I of the Housing and Community Development Act of 1974)";

(7) in subsection (d)(3)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following new subparagraph:

"(D) a description of the community service and support service activities to be carried out by the public housing agency, residents, members of the community, and other persons and organizations willing to contribute to the social, economic, or physical improvement of the community;";

(8) in subsection (d)(4)—

(A) in subparagraph (D), by inserting "(with assistance from the Department of Housing and Urban Development if necessary)" after "applicant";

(B) by striking subparagraph (E) and redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively;

(C) in subparagraph (E), as redesignated, by inserting before the semicolon ", taking into account the condition of the applicant's stock as a whole"; and

(D) by adding at the end the following:

"In making grants under this subsection, the Secretary may select a lower-rated, approvable application over a higher-rated application to increase the national geographic diversity among applications approved under this section.";

(9) in subsection (e), by adding at the end the following new paragraph:

"(3) DEMOLITION AND REPLACEMENT.—

"(A) IN GENERAL.—Notwithstanding any other applicable law or regulation, a revitalization plan under this section may include demolition and replacement on site or in the same neighborhood if the number of replacement units provided in the same neighborhood is fewer than the number of units demolished as a result of the revitalization effort.

"(B) TENANT-BASED ASSISTANCE.—Notwithstanding the limitations contained in subparagraph (A)(v) or (C) of section 18(b)(3), a public housing agency may replace not more than one-third of the units demolished or disposed of through a revitalization project under this section with tenant-based assistance under section 8.";

(10) in subsection (h)—

(A) by amending paragraph (5) to read as follows:

"(5) SEVERELY DISTRESSED PUBLIC HOUSING.—The term 'severely distressed public housing' means a public housing project or a building in a project—

"(A) that requires major redesign, reconstruction, redevelopment, or partial or total demolition to correct serious deficiencies in the original design (including inappropriately high population density), deferred maintenance, physical deterioration or obsolescence of major systems, and other deficiencies in the physical plant of the project; and

"(B) that either—

"(i)(I) is occupied predominantly by families with children that have extremely low incomes, high rates of unemployment, and extensive dependency on various forms of public assistance; and

"(II) has high rates of vandalism and criminal activity (including drug-related criminal activity); or

"(ii) that has a vacancy rate, as determined by the Secretary, of 50 percent or more;

"(C) that cannot be revitalized through assistance under other programs, such as the programs under sections 9 and 14, or through other administrative means because of the inadequacy of available funds; and

"(D) that, in the case of individual buildings, the building is, in the Secretary's determination, sufficiently separable from the remainder of the project to make use of the building feasible for purposes of this section."; and

(B) by adding at the end the following new paragraphs:

"(6) COMMUNITY SERVICE.—The term 'community service' means services provided on a volunteer or limited stipend basis for the social, economic, or physical improvement of the community to be served.

"(7) SUPPORT SERVICES.—The term 'support services' includes all activities designed to lead toward upward mobility, self-sufficiency, and improved quality of life for the residents of the project, such as literacy training, job training, day care, and economic development. Such activities may allow for the participation of residents of the neighborhood."; and

(11) in subsection (i)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) CONFORMING AMENDMENT.—The first sentence of section 25(m)(1) of the United

States Housing Act of 1937 (42 U.S.C. 1437w(m)(1)) is amended to read as follows:

"(1) The term 'eligible housing' means a public housing project, or one or more buildings within a project, that is owned or operated by a public housing agency that has been troubled for not less than 3 years and that, as determined by the Secretary, has failed to make substantial progress toward effective management.".

(c) USE OF TENANT-BASED ASSISTANCE FOR REPLACEMENT HOUSING.—Section 18(b)(3)(C)(i) of the United States Housing Act of 1937 (42 U.S.C. 1437p(b)(3)(C)(i)) is amended by striking "15-year".

(d) REPLACEMENT HOUSING OUTSIDE THE JURISDICTION OF THE PHA.—Section 18(b)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437p(b)(3)), as amended by subsection (c), is amended—

(1) by redesignating subparagraphs (D) through (H) as subparagraphs (E) through (I), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph:

"(D) may provide that all or part of such additional dwelling units may be located outside of the jurisdiction of the public housing agency (the 'original agency') if—

"(i) the location is in the same housing market area as the original agency, as determined by the Secretary;

"(ii) the plan contains an agreement between the original agency and the public housing agency in the alternate location or other public or private entity that will be responsible for providing the additional units in the alternate location ('alternate agency or entity') that the alternate agency or entity will, with respect to the dwelling units involved—

"(I) provide the dwelling units in accordance with subparagraph (A);

"(II) complete the plan on schedule in accordance with subparagraph (F);

"(III) meet the requirements of subparagraph (G) and the maximum rent provisions of subparagraph (H); and

"(IV) not impose a local residency preference on any resident of the jurisdiction of the original agency for purposes of admission to any such units; and

"(iii) the arrangement is approved by the unit of general local government for the jurisdiction in which the additional units will be located;".

### SEC. 202. DISALLOWANCE OF EARNED INCOME FOR RESIDENTS WHO OBTAIN EMPLOYMENT.

(a) IN GENERAL.—Section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a) is amended—

(1) by striking the undesignated paragraph at the end of subsection (c)(3) (as added by section 515(b) of the Cranston-Gonzalez National Affordable Housing Act); and

(2) by adding at the end the following new subsection:

"(d) DISALLOWANCE OF EARNED INCOME FROM PUBLIC HOUSING RENT DETERMINATIONS.—Notwithstanding any other provision of law, the rent payable under subsection (a) for any public housing unit by a family whose income increases as a result of employment of a member of the family who was previously unemployed for one or more years (including a family whose income increases as a result of the participation of a family member in the Family Self-Sufficiency program or other job training program) shall not be increased for a period of 18 months, beginning with the commencement of employment as a result of the increased income due to such employment. After the expiration of the 18-month period, rent increases due to the continued employment of such family member shall be limited to 10 percent per year. In no case shall rent exceed the amount determined under subsection (a).".

(b) APPLICABILITY OF AMENDMENT.—Notwithstanding the amendment made by subsection (a), any resident of public housing participating in the program under the authority contained in the undesignated paragraph at the end of section 3(c)(3) of the United States Housing Act of 1937 as such paragraph existed before the date of enactment of this subsection shall continue to be governed by such authority.

### SEC. 203. CEILING RENTS BASED ON REASONABLE RENTAL VALUE.

(a) AMENDMENT.—Section 3(a)(2)(A)(iii) of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)(2)(A)(iii)) is amended to read as follows:

"(iii) is not less than the reasonable rental value of the unit, as determined by the Secretary.".

(b) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall, by regulation, after notice and an opportunity for public comment, establish such requirements as may be necessary to carry out the provisions of section 3(a)(2)(A) of the United States Housing Act of 1937, as amended by subsection (a).

(2) APPLICABILITY.—Except in the case of an Indian housing authority, the regulations issued pursuant to paragraph (1) shall not apply to scattered site public housing units.

(3) TRANSITION RULE.—Prior to the issuance of final regulations under paragraph (1), a public housing agency may implement ceiling rents which shall be—

(A) determined in accordance with section 3(a)(2)(A) of the United States Housing Act of 1937, as such section existed before the date of enactment of this Act; or

(B) equal to the 95th percentile of the rent paid for a unit of comparable size by tenants in the same project or a group of comparable projects totaling 50 units or more.

### SEC. 204. RESIDENT MANAGEMENT PROGRAM.

Section 20(f) of the United States Housing Act of 1937 (42 U.S.C. 1437r(f)) is amended—

(1) in paragraph (2), by striking "$100,000" and inserting "$250,000"; and

(2) in paragraph (3), by adding at the end the following: "The Secretary may use not more than 10 percent of the amounts made available under this subsection for program monitoring and evaluation, technical assistance, and information dissemination.".

## Subtitle B—Office of Community Planning and Development

### SEC. 211. ECONOMIC DEVELOPMENT INITIATIVE.

(a) SECTION 108 ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Section 108(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(a)) is amended—

(A) in the first sentence—

(i) by striking "or" after "section 105(a);"; and

(ii) by inserting before the period the following: "; (5) the acquisition, construction, reconstruction, or installation of public facilities (except for buildings for the general conduct of government); or (6) in the case of colonias, public works and site or other improvements"; and

(B) by striking the second sentence and inserting the following: "A guarantee under this section (including a guarantee combined with a grant under subsection (q)) may be used to assist a grantee in obtaining financing only if the grantee has made efforts to obtain the financing without the use of the guarantee (and, if applicable, the grant) and cannot complete the financing consistent with the timely execution of the proposed activities and projects without the guarantee (or, if applicable, the grant).".

(2) DEFINITION.—Section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)) is amended by adding at the end the following new paragraph:

"(24) The term 'colonia' means any identifiable community that—

"(A) is in the State of Arizona, California, New Mexico, or Texas;

"(B) is in the United States-Mexico border region;

"(C) is determined to be a colonia on the basis of objective criteria, including lack of potable water supply, lack of adequate sewage systems, and lack of decent, safe, and sanitary housing; and

"(D) was in existence as a colonia before the date of the enactment of the Cranston-Gonzalez National Affordable Housing Act.".

(b) ECONOMIC DEVELOPMENT GRANTS.—

(1) IN GENERAL.—Section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308) is amended by adding at the end the following new subsection:

"(q) ECONOMIC DEVELOPMENT GRANTS.—

"(1) AUTHORIZATION.—The Secretary may make grants in connection with notes or other obligations guaranteed under this section to eligible public entities for the purpose of enhancing the security of loans guaranteed under this section or improving the viability of projects financed with loans guaranteed under this section.

"(2) ELIGIBLE ACTIVITIES.—Assistance under this subsection may be used for the purposes of and in conjunction with projects and activities assisted under subsection (a).

"(3) APPLICATIONS.—Applications for assistance under this subsection shall be submitted by eligible public entities in the form and in accordance with the procedures established by the Secretary. Eligible public entities may apply for grants only in conjunction with a request for guarantee under subsection (a).

"(4) SELECTION CRITERIA.—The Secretary shall establish criteria for awarding assistance under this subsection. Such criteria shall include—

"(A) the extent of need for such assistance;

"(B) the level of distress in the community to be served and in the jurisdiction applying for assistance;

"(C) the quality of the plan proposed and the capacity or potential capacity of the applicant to successfully carry out the plan; and

"(D) such other factors as the Secretary determines to be appropriate.".

(2) CONFORMING AMENDMENT.—Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended—

(A) in section 101(c) in the second sentence, by inserting "or a grant" after "guarantee"; and

(B) in section 104(b)(3), by inserting "or a grant" after "guarantee".

(c) USE OF UDAG RECAPTURES.—Section 119(o) of the Housing and Community Development Act of 1974 (42 U.S.C. 5318(o)) is amended by inserting before the period the following: ", except that amounts available to the Secretary for use under this subsection as of October 1, 1993, and amounts released to the Secretary pursuant to subsection (t) may be used to provide grants under section 108(q).".

(d) UDAG AMNESTY PROGRAM.—

(1) AMENDMENT.—Section 119 of the Housing and Community Development Act of 1974

(42 U.S.C. 5318) is amended by adding at the end the following new subsection:

"(t) UDAG Amnesty Program.—If a grant or a portion of a grant under this section remains unexpended as of the issuance of a notice implementing this subsection, the grantee may enter into an agreement, as provided under this subsection, with the Secretary to receive a percentage of the grant amount and relinquish all claims to the balance of the grant within 90 days of the issuance of notice implementing this subsection (or such later date as the Secretary may approve). The Secretary shall not recapture any funds obligated pursuant to this section during a period beginning on the date of enactment of the Housing and Community Development Act of 1993 until 90 days after the issuance of a notice implementing this subsection. A grantee may receive as a grant under this subsection—

"(1) 33 percent of such unexpended amounts if—

"(A) the grantee agrees to expend not less than one-half of the amount received for activities authorized pursuant to section 108(q) and to expend such funds in conjunction with a loan guarantee made under section 108 at least equal to twice the amount of the funds received; and

"(B)(i) the remainder of the amount received is used for economic development activities eligible under title I of this Act; and

"(ii) except when waived by the Secretary in the case of a severely distressed jurisdiction, not more than one-half of the costs of activities under subparagraph (B) are derived from such unexpended amounts; or

"(2) 25 percent of such unexpended amounts if—

"(A) the grantee agrees to expend such funds for economic development activities eligible under title I of this Act; and

"(B) except when waived by the Secretary in the case of a severely distressed jurisdiction, not more than one-half of the costs of such activities are derived from such unexpended amount.".

(2) Implementation.—Notwithstanding subsection (f), not later than 10 days after the date of enactment of this Act, the Secretary shall, by notice published in the Federal Register, which shall take effect upon publication, establish such requirements as may be necessary to implement the amendments made by this subsection.

(e) Guarantee of Obligations Backed by Section 108 Loans.—Section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), as amended by subsection (b), is amended by adding at the end the following new subsection:

"(r) Guarantee of Obligations Backed by Section 108 Loans.—

"(1) Authorization.—The Secretary may, upon such terms and conditions as the Secretary deems appropriate, guarantee the timely payment of the principal of and interest on trust certificates or other obligations that—

"(A) are offered by the Secretary, or by any other offeror approved for purposes of this subsection by the Secretary; and

"(B) are based on and backed by a trust or pool composed of notes or other obligations guaranteed by the Secretary under this section.

"(2) Full faith and credit of the United States.—Subsection (f) shall apply to any guarantee under this subsection.

"(3) Subrogation.—If the Secretary pays a claim under a guarantee issued under this section, the Secretary shall be subrogated fully to the rights satisfied by such payment.

"(4) Powers of the secretary.—No Federal, State, or local law shall preclude or limit the exercise by the Secretary of—

"(A) the power to contract with respect to public offerings and other sales of notes, trust certificates, and other obligations guaranteed under this section upon such terms and conditions as the Secretary deems appropriate;

"(B) the right to enforce by any means deemed appropriate by the Secretary any such contract; and

"(C) the Secretary's ownership rights, as applicable, in notes, certificates, or other obligations guaranteed under this section, or constituting the trust or pool against which trust certificates or other obligations guaranteed under this section are offered.".

(f) Effective Date.—The Secretary shall, by notice published in the Federal Register, which shall take effect upon publication, establish such requirements as may be necessary to implement the amendments made by this section. The notice shall invite public comments and, not later than 12 months after the date on which the notice is published, the Secretary shall issue final regulations based on the initial notice, taking into account any public comments received.

**SEC. 212. HOME INVESTMENT PARTNERSHIPS.**

(a) Participation by State Agencies or Instrumentalities.—Section 104(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704(2)) is amended by inserting before the period at the end the following: ", or any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive to act on behalf of the State with regard to the provisions of this Act".

(b) Simplify Program-Wide Income Targeting for Home Rental Housing.—Section 214(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12744(1)) is amended by striking "such funds are invested with respect to dwelling units that are occupied by" each place such term appears and inserting "(i) the families receiving such rental assistance are, or (ii) the dwelling units assisted with such funds are occupied by" in each such place.

(c) Remove First-Time Homebuyer Limitation for Home Units.—Section 215(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)) is amended by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(d) Simplify Resale Provisions.—Section 215(b)(3)(B) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(4)(B)), as redesignated by subsection (c), is amended by striking "subsection" and inserting "title".

(e) Stabilization of Home Funding Thresholds.—The Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 et seq.) is amended—

(1) in section 216, by striking paragraph (10);

(2) in section 217(b), by striking paragraph (4);

(3) in section 217(b)(3)—

(A) in the first sentence, by striking "only those jurisdictions" and all that follows through "allocation" and inserting "jurisdictions that are not participating jurisdictions that are allocated an amount of $500,000 or more and jurisdictions that are participating jurisdictions shall receive an allocation"; and

(B) in the last sentence, by striking ", except as provided in paragraph (4)"; and

(4) in section 216—

(A) in paragraph (3)(A), by striking "Except as provided in paragraph (10), a jurisdiction" and inserting "A jurisdiction"; and

(B) in paragraph (9)(B), by striking ", except as provided in paragraph (10)".

(f) Comprehensive Affordable Housing Strategy.—

(1) HOME program.—Section 218(d) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12748(d)) is amended in the first sentence, by inserting "that it is following a current housing affordability strategy that has been approved by the Secretary in accordance with section 105, and" after "certification".

(2) Homeless assistance programs.—Section 401 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361) is amended to read as follows:

**"SEC. 401. HOUSING AFFORDABILITY STRATEGY.**

"(a) Requirement To Follow a CHAS.—Assistance may be made available under subtitle B to metropolitan cities, urban counties, and States receiving a formula amount under section 413, only if the jurisdiction certifies that it is following a current housing affordability strategy that has been approved by the Secretary in accordance with section 105 of the Cranston-Gonzalez National Affordable Housing Act.

"(b) Requirement for Consistency With CHAS.—Assistance may be made available under this title only if the application contains a certification that the proposed project or activities are consistent with the housing affordability strategy of the State or unit of general local government in which the project is located. The certification shall be from the public official responsible for submitting the strategy for the jurisdiction.".

(3) Conforming changes.—Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by striking sections 426(a)(2)(F), 434(a)(10), and 454(b)(9).

(g) HOME Matching Requirements.—Section 220(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12750(a)) is amended to read as follows:

"(a) Contribution.—Each participating jurisdiction shall make contributions to housing that qualifies as affordable housing under this title that total, throughout a fiscal year, not less than 25 percent of the funds drawn from the jurisdiction's HOME Investment Trust Fund in that fiscal year. Such contribution shall be in addition to any amounts made available under section 216(3)(A)(ii).".

(h) Separate Audit Requirement for the HOME Program.—Section 283 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12833) is amended—

(1) by striking the section heading and inserting the following:

**"SEC. 283. AUDITS BY THE COMPTROLLER GENERAL.";**

(2) by striking subsection (a);

(3) in subsection (b)—

(A) by striking "(b) Audits by the Comptroller General.—"; and

(B) by redesignating paragraphs (1) and (2) as subsections (a) and (b), respectively; and

(4) in subsection (a), as redesignated by paragraph (3), by striking the second sentence.

(i) Home Environmental Review Amendments.—Section 288 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12838) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "participating jurisdictions" and inserting "jurisdictions, Indian tribes, or insular areas''; and

(B) by adding at the end the following: ''The regulations shall—

''(1) provide for the monitoring of environmental reviews performed under this section;

''(2) at the discretion of the Secretary, facilitate training for the performance of such reviews; and

''(3) establish criteria for the suspension or termination of the assumption under this section.

The Secretary's duty under this subsection shall not be construed to limit any responsibility assumed by a State or unit of general local government with respect to any particular release of funds.'';

(2) in subsection (b) in the first sentence, by striking ''participating jurisdiction'' and inserting ''jurisdiction, Indian tribe, or insular area'';

(3) in subsection (c)(4), by striking ''participating jurisdiction'' and inserting ''jurisdiction, Indian tribe, or insular area''; and

(4) in subsection (d), by striking ''Assistance to a State.—In the case of assistance to States'' and inserting the following: ''Assistance to Units of General Local Government From a State.—In the case of assistance to units of general local government from a State''.

(j) Use of CDBG Funds for Home Administrative Expenses.—Section 105(a)(13) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(13)) is amended by inserting after ''charges related to'' the following: ''(A) administering the HOME program under title II of the Cranston-Gonzalez National Affordable Housing Act; and (B)''.

(k) Project Delivery Costs.—Section 105(a)(21) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(21)) is amended—

(1) by inserting ''in connection with tenant-based assistance and affordable housing projects assisted under title II of the Cranston-Gonzalez National Affordable Housing Act'' after ''housing counseling''; and

(2) by striking ''authorized'' and all that follows through ''any law'' and inserting ''assisted under title II of the Cranston-Gonzalez National Affordable Housing Act''.

### SEC. 213. HOPE MATCH REQUIREMENT.

Section 443(c)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12893(c)(1)) is amended by striking ''33'' and inserting ''25''.

### SEC. 214. FLEXIBILITY OF CDBG PROGRAM FOR DISASTER AREAS.

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following new section:

### "SEC. 122. SUSPENSION OF REQUIREMENTS FOR DISASTER AREAS.

''For the duration of time during which an area has been declared a disaster area by the President under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Secretary may suspend all requirements for purposes of assistance under section 106 for that area, except for those related to public notice of funding availability, nondiscrimination, fair housing, labor standards, environmental standards, and requirements that activities benefit persons of low- and moderate-income.''.

### SEC. 215. FLEXIBILITY OF HOME PROGRAM FOR DISASTER AREAS.

Title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) is amended by adding at the end the following new section:

### "SEC. 290. SUSPENSION OF REQUIREMENTS FOR DISASTER AREAS.

''For the duration of time during which an area has been declared a disaster area by the President under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Secretary may suspend all requirements for purposes of assistance under this title for that area, except for those related to public notice of funding availability, nondiscrimination, fair housing, labor standards, environmental standards, and low-income housing affordability.''.

## Subtitle C—Community Partnerships Against Crime

### SEC. 221. COMPAC PROGRAM.

(a) Conforming Provisions.—Section 5001 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901) is amended in the table of contents—

(1) by striking the item relating to the heading for chapter 2 and inserting the following:

''Chapter 2—Community Partnerships Against Crime'';

(2) by striking the item relating to section 5122 and inserting the following:

''Sec. 5122. Purposes.'';

and

(3) by adding the following after the item relating to section 5130:

''Sec. 5131. Technical assistance.''.

(b) Short Title, Purposes, and Authority To Make Grants.—The Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901 et seq.) is amended by striking the chapter heading for chapter 2, and by striking sections 5121, 5122, and 5123 and inserting the following:

### "CHAPTER 2—COMMUNITY PARTNERSHIPS AGAINST CRIME

### "SEC. 5121. SHORT TITLE.

''This chapter may be cited as the 'Community Partnerships Against Crime Act of 1993'.

### "SEC. 5122. PURPOSES.

''The purposes of this chapter are to—

''(1) improve the quality of life for law-abiding public housing residents by reducing the levels of fear, violence, and crime in their communities;

''(2) expand and enhance the Federal Government's commitment to eliminating crime in public housing;

''(3) broaden the scope of the Public and Assisted Housing Drug Elimination Act of 1990 to apply to all types of crime, and not simply crime that is drug-related;

''(4) target opportunities for long-term commitments of funding primarily to public housing agencies with serious crime problems;

''(5) encourage the involvement of a broad range of community-based groups, and residents of neighboring housing that is owned or assisted by the Secretary, in the development and implementation of anti-crime plans;

''(6) reduce crime and disorder in and around public housing through the expansion of community-oriented policing activities and problem solving;

''(7) provide training, information services, and other technical assistance to program participants; and

''(8) establish a standardized assessment system to evaluate need among public housing agencies, and to measure progress in reaching crime reduction goals.

### "SEC. 5123. AUTHORITY TO MAKE GRANTS.

''The Secretary of Housing and Urban Development, in accordance with the provisions of this chapter, may make grants, for use in eliminating crime in and around public and other federally assisted low-income housing projects (1) to public housing agencies (including Indian housing authorities), and (2) to private, for profit, and nonprofit owners of federally assisted low-income housing. In designing the program, the Secretary shall consult with the Attorney General.''.

(c) Eligible Activities.—Section 5124(a) of the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11903(a)) is amended—

(1) in the introductory material preceding paragraph (1), by inserting ''and around'' after ''used in'';

(2) in paragraph (3), by inserting '', such as fencing, lighting, locking, and surveillance systems'' before the semicolon;

(3) in paragraph (4), by striking subparagraph (A) and inserting the following new subparagraph:

''(A) to investigate crime; and'';

(4) in paragraph (6)—

(A) by striking ''in and around public or other federally assisted low-income housing projects''; and

(B) by striking ''and'' after the semicolon;

(5) in paragraph (7)—

(A) by striking ''where a public housing agency receives a grant,'';

(B) by striking ''drug abuse'' and inserting ''crime''; and

(C) by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following new paragraphs:

''(8) the employment or utilization of one or more individuals, including law enforcement officers, made available by contract or other cooperative arrangement with State or local law enforcement agencies, to engage in community policing involving interaction with members of the community on proactive crime control and prevention;

''(9) youth initiatives, such as activities involving training, education, after school programs, cultural programs, recreation and sports, career planning, and entrepreneurship and employment; and

''(10) resident service programs, such as job training, education programs, drug and alcohol treatment, and other appropriate social services that address the contributing factors of crime.''.

(d) Applications.—Section 5125 of the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11904) is amended—

(1) in subsection (a)—

(A) by striking ''To receive a grant'' and inserting the following:

''(1) Applications.—To receive a grant'';

(B) in the second sentence, by striking ''drug-related crime on the premises of'' and inserting the following: ''crime in and around''; and

(C) by adding at the end the following new paragraphs:

''(2) One-year renewable grants.—

''(A) In general.—Eligible applicants may submit an application for a 1-year grant under this chapter that, subject to the availability of appropriated amounts, shall be renewed annually for a period of not more than 4 years, if the Secretary finds, after an annual or more frequent performance review, that the public housing agency is performing under the terms of the grant and applicable laws in a satisfactory manner and meets such other requirements as the Secretary may prescribe.

''(B) Preference.—The Secretary shall accord a preference to applicants for grants under this paragraph if the grant is to be used to continue or expand activities eligible for assistance under this chapter that have received previous assistance either under this chapter, as it existed prior to the enactment of the Housing and Community Development Act of 1993, or under section 14 of the United States Housing Act of 1937. Such preference shall not preclude the selection by the Secretary of other meritorious applications, particularly applications which address urgent or severe crime problems or which demonstrate especially promising approaches to reducing crime. Such preference shall not be construed to require continuation of activities determined by the Secretary to be unworthy of continuation.

"(3) PUBLIC HOUSING AGENCIES THAT HAVE ESPECIALLY SEVERE CRIME PROBLEMS.—The Secretary shall, by regulation issued after notice and opportunity for public comment, set forth criteria for establishing a class of public housing agencies that have especially severe crime problems. The Secretary may allocate a portion of the annual appropriation for this program for public housing agencies in this class.".

(2) in subsection (b)—

(A) by striking the introductory material preceding paragraph (1) and inserting the following: "The Secretary shall approve applications under subsection (a)(2) that are not subject to a preference under subsection (a)(2)(B) on the basis of—";

(B) in paragraph (1), by striking "drug-related crime problem in" and inserting the following: "crime problem in and around";

(C) in paragraph (2), by inserting immediately after "crime problem in" the following: "and around"; and

(D) in paragraph (4), by inserting after "local government" the following: ", local community-based nonprofit organizations, local resident organizations that represent the residents of neighboring projects that are owned or assisted by the Secretary,";

(3) in subsection (c)(2), by striking "drug-related" each place it appears; and

(4) by striking subsection (d).

(e) DEFINITIONS.—Section 5126 of the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11905) is amended by striking paragraphs (1) and (2), and redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively.

(f) IMPLEMENTATION.—Section 5127 of the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11906) is amended by striking "Cranston-Gonzalez National Affordable Housing Act" and inserting "Housing and Community Development Act of 1993".

(g) REPORTS.—Section 5128 of the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11907) is amended—

(1) by striking "The Secretary" and inserting the following:

"(a) GRANTEE REPORTS.—The Secretary";

(2) by striking "drug-related crime in" and inserting "crime in and around"; and

(3) by adding at the end the following new subsection:

"(b) HUD REPORTS.—The Secretary shall submit a report to the Congress describing the system used to distribute funds to grantees under this section. Such report shall include, at a minimum—

"(1) a description of the criteria used to establish the class of public housing agencies with especially severe crime problems and a list of such agencies;

"(2) the methodology used to distribute funds among the public housing agencies on the list created under paragraph (1); and

"(3) the Secretary's recommendations for any change to the method of distribution of funds.".

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 5130 of the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11909) is amended—

(1) in the first sentence of subsection (a), by striking "$175,000,000 for fiscal year 1993" and all that follows through the end of the sentence and inserting "$265,000,000 for fiscal year 1994 and $325,000,000 for fiscal year 1995."; and

(2) in subsection (b)—

(A) in the heading, by striking "SET-ASIDES" and inserting "SET-ASIDE"; and

(B) by striking the second sentence.

(i) REPEAL.—Section 520(k) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11908) is hereby repealed.

(j) TECHNICAL ASSISTANCE.—The Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901 et seq.) is further amended by adding at the end the following new section:

### "SEC. 5131. TECHNICAL ASSISTANCE.

"Of the amounts appropriated annually for each of fiscal years 1994 and 1995 to carry out this chapter, the Secretary shall use not more than $10,000,000, directly or indirectly, under grants, contracts, or cooperative agreements, to provide training, information services, and other technical assistance to public housing agencies and other entities with respect to their participation in the program authorized by this chapter. Such technical assistance may include the establishment and operation of the clearinghouse on drug abuse in public housing and the regional training program on drug abuse in public housing under sections 5143 and 5144 of this Act. The Secretary is also authorized to use the foregoing amounts for obtaining assistance in establishing and managing assessment and evaluation criteria and specifications, and obtaining the opinions of experts in relevant fields.".

## TITLE III—TECHNICAL AND OTHER AMENDMENTS

### Subtitle A—Public and Assisted Housing

### SEC. 301. CORRECTION TO DEFINITION OF FAMILY.

The first sentence of section 3(b)(3)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(B)) is amended—

(1) by striking "means" and inserting "includes"; and

(2) by inserting "and" immediately after "children,".

### SEC. 302. IDENTIFICATION OF CIAP REPLACEMENT NEEDS.

Section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l) is amended—

(1) in subsection (d)—

(A) by striking paragraph (2); and

(B) in paragraph (4)—

(i) by striking "and replacements,"; and

(ii) by striking "(1), (2), and (3)" and inserting "(1) and (3)"; and

(2) in subsection (f)(1)—

(A) by striking subparagraph (B); and

(B) in subparagraph (D), by striking "(1), (2), and (3)" and inserting "(1) and (3)".

### SEC. 303. APPLICABILITY OF PUBLIC HOUSING AMENDMENTS TO INDIAN HOUSING.

(a) AMENDMENT.—Section 201(b) of the United States Housing Act of 1937 (42 U.S.C. 1437aa(b)) is amended to read as follows:

"(b) APPLICABILITY OF TITLE I.—Except as otherwise provided by law, the provisions of title I shall apply to low-income housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority.".

(b) APPLICABILITY OF AMENDMENT.—The amendment made by subsection (a) shall not affect provisions of the United States Housing Act of 1937 that were made applicable to public housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority in accordance with section 201(b)(2) of such Act, as such section existed before the effective date of this section.

(c) APPLICABILITY OF HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992.—Sections 103(a)(1), 112, 114, 116, 118, 903, and 927 of the Housing and Community Development Act of 1992 shall apply to public housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority.

### SEC. 304. PROJECT-BASED ACCOUNTING.

Section 6(c)(4)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437d(c)(4)(E)) is amended by striking "250" and inserting "500".

### SEC. 305. OPERATING SUBSIDY ADJUSTMENTS FOR ANTICIPATED FRAUD RECOVERIES.

Section 9(a) of the United States Housing Act of 1937 (42 U.S.C. 1437g(a)) is amended by adding at the end the following new paragraph:

"(4) Adjustments to a public housing agency's operating subsidy made by the Secretary under this section shall reflect actual changes in rental income collections resulting from the application of section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988.".

### SEC. 306. TECHNICAL ASSISTANCE FOR LEAD HAZARD REDUCTION GRANTEES.

Section 1011(g) of the Housing and Community Development Act of 1992 (42 U.S.C. 5318 note) is hereby repealed.

### SEC. 307. ENVIRONMENTAL REVIEW IN CONNECTION WITH GRANTS FOR LEAD-BASED PAINT HAZARD REDUCTION.

Section 1011 of the Housing and Community Development Act of 1992 (42 U.S.C. 5318 note) is amended—

(1) by redesignating subsection (o) as subsection (p); and

(2) by adding after subsection (n) the following new subsection:

"(o) ENVIRONMENTAL REVIEW.—

"(1) IN GENERAL.—For purposes of environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1960 and other provisions of law that further the purposes of such Act, a grant under this section shall be treated as assistance under the HOME Investment Partnership Act, established under title II of the Cranston-Gonzalez National Affordable Housing Act, and shall be subject to the regulations promulgated by the Secretary to implement section 288 of such Act.

"(2) APPLICABILITY.—This subsection shall apply to—

"(A) grants awarded under this section; and

"(B) grants awarded to States and units of general local government for the abatement of significant lead-based paint and lead dust hazards in low- and moderate-income owner-occupied units and low-income privately owned rental units pursuant to title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992 (Public Law 102-139, 105 Stat. 736).".

### SEC. 308. FIRE SAFETY IN FEDERALLY ASSISTED HOUSING.

Section 31(c)(2)(A)(i) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2227(c)(2)(A)(i)) is amended by adding "(or equivalent level of safety)" after "system".

### SEC. 309. SECTION 23 CONVERSION PROJECTS.

(a) Section 23 Conversion.—

(1) Authorization.—Notwithstanding contracts entered into pursuant to section 14(b)(2) of the United States Housing Act of 1937, the Secretary is authorized to enter into obligations for conversion of Leonard Terrace Apartments in Grand Rapids, Michigan, from a leased housing contract under section 23 of such Act to a project-based rental assistance contract under section 8 of such Act.

(2) Repayment required.—The authorization made in paragraph (1) is conditioned on the repayment to the Secretary of all amounts received by the public housing agency under the comprehensive improvement assistance program under section 14 of the United States Housing Act of 1937 for the Leonard Terrace Apartment project and the amounts, as determined by the Secretary, received by the public housing agency under the formula in section 14(k) of such Act by reason of the project.

(b) Contract Renewal.—

(1) In general.—Leased housing contracts under section 23 of the United States Housing Act of 1937, as such section existed before the date of enactment of the Housing and Community Development Act of 1974, that—

(A) were converted to section 8 contracts on terms similar to or the same as the terms of the section 8 new construction program; and

(B) expire during fiscal year 1994 or 1995;

shall be extended for a period not to exceed 5 years as if the rents on such projects were established under the section 8 new construction program, except that section 8(c)(2)(C) of the United States Housing Act of 1937 shall not apply to such contracts.

(2) Budget compliance.—To the extent that paragraph (1) results in additional costs under this section, such paragraph shall be effective only to the extent that amounts to cover such additional costs are provided in advance in appropriation Acts.

### SEC. 310. INDEMNIFICATION OF CONTRACTORS FOR INTELLECTUAL PROPERTY RIGHTS DISPUTES.

A recipient of Federal housing assistance may not use such funds to indemnify contractors or subcontractors against costs associated with litigating or settling disputes concerning the infringement of intellectual property rights.

### SEC. 311. ASSUMPTION OF ENVIRONMENTAL REVIEW RESPONSIBILITIES UNDER UNITED STATES HOUSING ACT OF 1937 PROGRAMS.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new section:

**"SEC. 26. ENVIRONMENTAL REVIEWS.**

"(a) In General.—

"(1) Release of funds.—In order to assure that the policies of the National Environmental Policy Act of 1969 and other provisions of law which further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of funds under this title, and to assure to the public undiminished protection of the environment, the Secretary may, under such regulations, in lieu of the environmental protection procedures otherwise applicable, provide for the release of funds for projects or activities under this title, as specified by the Secretary upon the request of a public housing agency under this section, if the State or unit of general local government, as designated by the Secretary in accordance with regulations, assumes all of the responsibilities for environmental review, decisionmaking, and action pursuant to such Act, and such other provisions of law as the regulations of the Secretary may specify, which would otherwise apply to the Secretary with respect to the release of funds.

"(2) Implementation.—The Secretary, after consultation with the Council on Environmental Quality, shall issue such regulations as may be necessary to carry out this section. Such regulations shall specify the programs to be covered.

"(b) Procedure.—The Secretary shall approve the release of funds subject to the procedures authorized by this section only if, not less than 15 days prior to such approval and prior to any commitment of funds to such projects or activities, the public housing agency has submitted to the Secretary a request for such release accompanied by a certification of the State or unit of general local government which meets the requirements of subsection (c). The Secretary's approval of any such certification shall be deemed to satisfy the Secretary's responsibilities under the National Environmental Policy Act of 1969 and such other provisions of law as the regulations of the Secretary specify insofar as those responsibilities relate to the release of funds which are covered by such certification.

"(c) Certification.—A certification under the procedures authorized by this section shall—

"(1) be in a form acceptable to the Secretary;

"(2) be executed by the chief executive officer or other officer of the State or unit of general local government who qualifies under regulations of the Secretary;

"(3) specify that the State or unit of general local government under this section has fully carried out its responsibilities as described under subsection (a); and

"(4) specify that the certifying officer—

"(A) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and agrees to comply with each provision of law specified in regulations issued by the Secretary insofar as the provisions of such Act or other such provision of law apply pursuant to subsection (a); and

"(B) is authorized and consents on behalf of the State or unit of general local government and himself or herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his or her responsibilities as such an official.

"(d) Approval by States.—In cases in which a unit of general local government carries out the responsibilities described in subsection (c), the Secretary may permit the State to perform those actions of the Secretary described in subsection (b) and the performance of such actions by the State, where permitted by the Secretary, shall be deemed to satisfy the Secretary's responsibilities referred to in the second sentence of subsection (b).".

### SEC. 312. INCREASED STATE FLEXIBILITY IN THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

Section 927 of the Housing and Community Development Act of 1992 (42 U.S.C. 8624) is amended—

(1) in subsection (a)—

(A) in the heading, by striking "(a) Eligibility.—" and inserting the following:

"(a) In General.—";

(B) by striking "(including but not limited to the Low-Income Home Energy Assistance Program)"; and

(C) by inserting ", except as provided in subsection (d)" before the period at the end;

(2) in subsection (b)—

(A) by striking "such" and inserting "or receiving energy"; and

(B) by inserting before the period at the end "for any program in which eligibility or benefits are based on need, except as provided in subsection (d)"; and

(3) by adding at the end the following new subsection:

"(d) Special Rule for Low-Income Home Energy Assistance Program.—For purposes of the Low-Income Home Energy Assistance Program, tenants described in subsection (a)(2) shall not have their eligibility automatically denied. States may consider the amount of the heating or cooling component of utility allowances received by such tenants when setting benefit levels under the Low-Income Home Energy Assistance Program. Any reduction in fuel assistance benefits must be reasonably related to the amount of the heating or cooling component of the utility allowance received. States shall ensure that the highest level of assistance will be provided to those households with the highest energy burdens, in accordance with section 2605(b)(5) of the Low-Income Home Energy Assistance Act of 1981.".

## Subtitle B—Multifamily Housing

### SEC. 321. CORRECTION OF MULTIFAMILY MORTGAGE LIMITS.

The National Housing Act (12 U.S.C. 1701 et seq.) is amended in sections 207(c)(3), 213(b)(2), 220(d)(3)(B)(iii), and 234(e)(3) by striking "$59,160" each place it appears and inserting "$56,160".

### SEC. 322. FHA MULTIFAMILY RISK-SHARING; HFA PILOT PROGRAM AMENDMENTS.

(a) In General.—Section 542(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended—

(1) in paragraph (1), by inserting after "qualified housing finance agencies" the following: "(including entities established by States that provide mortgage insurance)";

(2) in paragraph (2)—

(A) in subparagraph (C), by striking the last sentence and inserting the following: "Such agreements shall specify that the qualified housing finance agency and the Secretary shall share any loss in accordance with the risk-sharing agreement."; and

(B) by adding at the end the following new subparagraph:

"(F) Disclosure of records.—Qualified housing finance agencies shall make available to the Secretary such financial and other records as the Secretary deems necessary for program review and monitoring purposes.";

(3) in paragraph (7)—

(A) by striking "very low-income"; and

(B) by striking "(2)"; and

(4) by adding at the end the following new paragraphs:

"(9) Environmental and other reviews.—

"(A) Environmental reviews.—

"(i) In general.—(I) In order to assure that the policies of the National Environmental Policy Act of 1969 and other provisions of law which further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the insurance of mortgages under subsection (c)(2), and to assure to the public undiminished protection of the environment, the Secretary may, under such regulations, in lieu of the environmental protection procedures otherwise applicable, provide for agreements to endorse for insurance mortgages under subsection (c)(2) upon the request of qualified housing finance agencies under this subsection, if the State or unit of general local government, as designated by the Secretary in accordance with regulations, assumes all of the responsibilities for environmental review, decision-making, and action pursuant to such Act, and such other provisions of law as the regulations of the Secretary may specify, that would otherwise apply to the Secretary with respect to the insurance of mortgages on particular properties.

"(II) The Secretary shall issue regulations to carry out this subparagraph only after consultation with the Council on Environmental Quality. Such regulations shall, among other matters, provide—

"(aa) for the monitoring of the performance of environmental reviews under this subparagraph;

"(bb) subject to the discretion of the Secretary, for the provision or facilitation of training for such performance; and

"(cc) subject to the discretion of the Secretary, for the suspension or termination by the Secretary of the qualified housing finance agency's responsibilities under subclause (I).

"(III) The Secretary's duty under subclause (II) shall not be construed to limit any responsibility assumed by a State or unit of general local government with respect to any particular property under subclause (I).

"(ii) PROCEDURE.—The Secretary shall approve a mortgage for the provision of mortgage insurance subject to the procedures authorized by this paragraph only if, not less than 15 days prior to such approval, prior to any approval, commitment, or endorsement of mortgage insurance on the property on behalf of the Secretary, and prior to any commitment by the qualified housing finance agency to provide financing under the risk-sharing agreement with respect to the property, the qualified housing finance agency submits to the Secretary a request for such approval, accompanied by a certification of the State or unit of general local government that meets the requirements of clause (iii). The Secretary's approval of any such certification shall be deemed to satisfy the Secretary's responsibilities under the National Environmental Policy Act of 1969 and such other provisions of law as the regulations of the Secretary specify insofar as those responsibilities relate to the provision of mortgage insurance on the property that is covered by such certification.

"(iii) CERTIFICATION.—A certification under the procedures authorized by this paragraph shall—

"(I) be in a form acceptable to the Secretary;

"(II) be executed by the chief executive officer or other officer of the State or unit of general local government who qualifies under regulations of the Secretary;

"(III) specify that the State or unit of general local government under this section has fully carried out its responsibilities as described under clause (i); and

"(IV) specify that the certifying officer consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and under each provision of law specified in regulations issued by the Secretary insofar as the provisions of such Act or such other provisions of law apply pursuant to clause (i), and is authorized and consents on behalf of the State or unit of general local government and himself or herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities as such an official.

"(iv) APPROVAL BY STATES.—In cases in which a unit of general local government carries out the responsibilities described in clause (i), the Secretary may permit the State to perform those actions of the Secretary described in clause (ii) and the performance of such actions by the State, where permitted by the Secretary, shall be deemed to satisfy the Secretary's responsibilities referred to in the second sentence of clause (ii).

"(B) LEAD-BASED PAINT POISONING PREVENTION.—In carrying out the requirements of section 302 of the Lead-Based Paint Poisoning Prevention Act, the Secretary may provide by regulation for the assumption of all or part of the Secretary's duties under such Act by qualified housing finance agencies, for purposes of this section.

"(C) CERTIFICATION OF SUBSIDY LAYERING COMPLIANCE.—The requirements of section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 may be satisfied in connection with a commitment to insure a mortgage under this subsection by a certification by a housing credit agency (including an entity established by a State that provides mortgage insurance) to the Secretary that the combination of assistance within the jurisdiction of the Secretary and other government assistance provided in connection with a property for which a mortgage is to be insured shall not be any greater than is necessary to provide affordable housing.

"(10) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) MORTGAGE.—The term 'mortgage' means a first mortgage on real estate that is—

"(i) owned in fee simple; or

"(ii) subject to a leasehold interest that—

"(I) has a term of not less than 99 years and is renewable; or

"(II) has a remaining term that extends beyond the maturity of the mortgage for a period of not less than 10 years.

"(B) FIRST MORTGAGE.—The term 'first mortgage' means a single first lien given to secure advances on, or the unpaid purchase price of, real estate, under the laws of the State in which the real estate is located, together with the credit instrument, if any, secured thereby. Any other financing permitted on property insured under this section must be expressly subordinate to the insured mortgage.

"(C) UNIT OF GENERAL LOCAL GOVERNMENT; STATE.—The terms 'unit of general local government' and 'State' have the same meanings as in section 102(a) of the Housing and Community Development Act of 1974.".

(b) DEFINITION OF MULTIFAMILY HOUSING.—Section 544(1) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended to read as follows:

"(1) The term 'multifamily housing' means housing accommodations on the mortgaged property that are designed principally for residential use, conform to standards satisfactory to the Secretary, and consist of not less than 5 rental units on 1 site. These units may be detached, semidetached, row house, or multifamily structures.".

**SEC. 323. SUBSIDY LAYERING REVIEW.**

Section 911 of the Housing and Community Development Act of 1992 (42 U.S.C. 3545 note) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) CERTIFICATION OF SUBSIDY LAYERING COMPLIANCE.—The requirements of section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 may be satisfied in connection with a project receiving assistance under a program that is within the jurisdiction of the Department of Housing and Urban Development and under section 42 of the Internal Revenue Code of 1986 by a certification by a housing credit agency to the Secretary, submitted in accordance with guidelines established by the Secretary, that the combination of assistance within the jurisdiction of the Secretary and other government assistance provided in connection with a property for which assistance is to be provided within the jurisdiction of the Department of Housing and Urban Development and under section 42 of the Internal Revenue Code of 1986 shall not be any greater than is necessary to provide affordable housing."; and

(2) by striking subsection (c) and inserting the following:

"(c) REVOCATION BY SECRETARY.—If the Secretary determines that a housing credit agency has failed to comply with the guidelines established under subsection (a), the Secretary—

"(1) may inform the housing credit agency that the agency may no longer submit certification of subsidy layering compliance under this section; and

"(2) shall carry out section 102(d) of the Housing and Urban Development Reform Act relating to affected projects allocated a low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986.".

### Subtitle C—Miscellaneous and Technical Amendments

**SEC. 331. TECHNICAL CORRECTION TO RURAL HOUSING PRESERVATION PROGRAM.**

Section 515(c)(1) of the Housing Act of 1949 (42 U.S.C. 1485(c)(1)) is amended by striking "December 21, 1979" and inserting "December 15, 1989".

**SEC. 332. CDBG TECHNICAL AMENDMENT.**

Notwithstanding any other provision of law, the city of Slidell, Louisiana may submit, not later than 10 days following the enactment of this Act, and the Secretary of Housing and Urban Development shall consider and accept, the final statement of community development objectives and projected use of funds required by section 104(a)(1) of the Housing and Community Development Act of 1974 in connection with a grant to the city of Slidell under title 1 of such Act for fiscal year 1994.

**SEC. 333. ENVIRONMENTAL REVIEW IN CONNECTION WITH SPECIAL PROJECTS.**

(a) IN GENERAL.—

(1) RELEASE OF FUNDS.—In order to assure that the policies of the National Environmental Policy Act of 1969 and other provisions of law which further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of funds for special projects appropriated under an appropriations Act for the Department of Housing and Urban Development, such as special projects under the head "Annual Contributions for Assisted Housing" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993, and to assure to the public undiminished protection of the environment, the Secretary of Housing and Urban Development may, under such regulations, in lieu of the environmental protection procedures otherwise applicable, provide for the release of funds for particular special projects upon the request of recipients of special projects assistance, if the State or unit of general local government, as designated by the Secretary in accordance with regulations, as-

sumes all of the responsibilities for environmental review, decisionmaking, and action pursuant to such Act, and such other provisions of law as the regulations of the Secretary specify, that would otherwise apply to the Secretary were the Secretary to undertake such special projects as Federal projects.

(2) IMPLEMENTATION.—The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality. Such regulations shall—

(A) provide for monitoring of the performance of environmental reviews under this section;

(B) in the discretion of the Secretary, provide for the provision or facilitation of training for such performance; and

(C) subject to the discretion of the Secretary, provide for suspension or termination by the Secretary of the assumption under paragraph (1).

(3) RESPONSIBILITIES OF STATE OR UNIT OF GENERAL LOCAL GOVERNMENT.—The Secretary's duty under paragraph (2) shall not be construed to limit any responsibility assumed by a State or unit of general local government with respect to any particular release of funds under paragraph (1).

(b) PROCEDURE.—The Secretary shall approve the release of funds for projects subject to the procedures authorized by this section only if, not less than 15 days prior to such approval and prior to any commitment of funds to such projects, the recipient submits to the Secretary a request for such release, accompanied by a certification of the State or unit of general local government which meets the requirements of subsection (c). The Secretary's approval of any such certification shall be deemed to satisfy the Secretary's responsibilities under the National Environmental Policy Act of 1969 and such other provisions of law as the regulations of the Secretary specify insofar as those responsibilities relate to the releases of funds for special projects to be carried out pursuant thereto which are covered by such certification.

(c) CERTIFICATION.—A certification under the procedures authorized by this section shall—

(1) be in a form acceptable to the Secretary;

(2) be executed by the chief executive officer or other officer of the State or unit of general local government who qualifies under regulations of the Secretary;

(3) specify that the State or unit of general local government under this section has fully carried out its responsibilities as described under subsection (a); and

(4) specify that the certifying officer—

(A) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and agrees to comply with each provision of law specified in regulations issued by the Secretary insofar as the provisions of such Act or other such provision of law apply pursuant to subsection (a); and

(B) is authorized and consents on behalf of the State or unit of general local government and himself or herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities as such an official.

(d) APPROVAL BY STATES.—In cases in which a unit of general local government carries out the responsibilities described in subsection (a), the Secretary may permit the State to perform those actions of the Secretary described in subsection (b) and the performance of such actions by the State, where permitted by the Secretary, shall be deemed to satisfy the Secretary's responsibilities referred to in the second sentence of subsection (b).

## TITLE IV—GENERAL PROVISIONS

### SEC. 401. MOUNT RUSHMORE COMMEMORATIVE COIN ACT.

(a) DISTRIBUTION OF SURCHARGES.—Section 8 of the Mount Rushmore Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) the first $18,750,000 shall be paid during fiscal year 1994 by the Secretary to the Society to assist the Society's efforts to improve, enlarge, and renovate the Mount Rushmore National Memorial; and

"(2) the remainder shall be returned to the United States Treasury for purposes of reducing the national debt.".

(b) RETROACTIVE EFFECT.—If, prior to the date of enactment of this Act, any amount of surcharges have been received by the Secretary of the Treasury and paid into the United States Treasury pursuant to section 8(1) of the Mount Rushmore Commemorative Coin Act, as in effect prior to the date of enactment of this Act, that amount shall be paid out of the Treasury to the extent necessary to comply with section 8(1) of the Mount Rushmore Commemorative Coin Act, as in effect after the date of enactment of this Act. Amounts paid pursuant to the preceding sentence shall be out of funds not otherwise appropriated.

### SEC. 402. MINORITY COMMUNITY DEVELOPMENT GRANTS FOR COMMUNITIES WITH SPECIAL NEEDS.

(a) AUTHORIZATION.—There are hereby authorized to be expended from sums appropriated for water infrastructure financing and other wastewater activities for cities with special needs, not more than $25,000,000, for wastewater treatment projects, including the construction of facilities and related expenses in minority communities with special needs to—

(1) improve the housing stock infrastructure in the special needs communities; and

(2) abate health hazards caused by groundwater contamination from septage in arid areas with high groundwater levels.

(b) TREATMENT PROJECTS.—The wastewater treatment projects authorized under this section shall include innovative technologies such as vacuum systems and constructed wetlands.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "cities with special needs" includes minority communities with special needs;

(2) the term "minority" means an African-American, a Hispanic-American, an Asian-American, or a Native American; and

(3) the term "minority community with special needs" means an unincorporated community—

(A) that, based on the latest census data, has a minority population in excess of 50 percent;

(B) that has been unable to issue bonds or otherwise finance a wastewater treatment system itself because its attempts to change its political subdivision have been rejected by the State legislature; and

(C) for which the State legislature has appropriated funds to help pay for a wastewater treatment project.

### MOTION OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. GONZALEZ moves to strike out all after the enacting clause of the Senate bill, S. 1299, and to insert in lieu thereof the provisions of H.R. 4067, as passed by the House.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. GONZALEZ].

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read:

An Act to amend section 203 of the Housing and Community Development Amendments of 1978 to provide for the disposition of multifamily properties owned by the Secretary of Housing and Urban Development, to provide for other reforms in programs administered by the Secretary, and to make certain technical amendments, and for other purposes.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 4067) was laid on the table.

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## URBAN RECREATION AND AT-RISK YOUTH ACT OF 1994

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4034, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4034, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 361, nays 59, not voting 13, as follows:

[Roll No. 82]

YEAS—361

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Baker (CA)
Baker (LA)
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Buyer
Byrne
Callahan
Calvert
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio

Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastert
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
Kleczka
Klein
Klug
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Levy

Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge

Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NAYS—59

Allard
Applegate
Archer
Armey

Bachus (AL)
Barrett (NE)
Bereuter
Bunning

Burton
Camp
Coble
Collins (GA)

Combest
Cox
Crane
Crapo
DeLay
Dornan
Dreier
Duncan
Fields (TX)
Gingrich
Goodlatte
Hancock
Hansen
Hefley
Herger
Hoekstra

Inglis
Johnson, Sam
King
Kingston
Klink
Knollenberg
Lightfoot
Linder
McHugh
Moorhead
Nussle
Packard
Paxon
Penny
Ramstad
Roberts

Rogers
Rohrabacher
Royce
Santorum
Sensenbrenner
Shuster
Smith (MI)
Solomon
Spence
Stump
Taylor (NC)
Thomas (WY)
Walker
Zeliff
Zimmer

NOT VOTING—13

Ballenger
Clay
Fish
Gallo
Gillmor

Grandy
Hastings
Leach
Maloney
Natcher

Quillen
Sundquist
Washington

☐ 1816

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. BALLENGER. Mr. Speaker, I missed rollcall votes 81 and 82. Had I been present, I would have voted "yea" in support of the Multifamily Housing Property Disposition Reform Act of 1994 and "nay" against the Urban Recreation and At-Risk Youth Act of 1994.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, March 23, 1994.

## MARINE MAMMAL PROTECTION ACT AMENDMENTS OF 1994

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1636) to authorize appropriations for the Marine Mammal Protection Act of 1972 and to improve the program to reduce the incidental taking of marine mammals during the course of commercial fishing operations, and for other purposes, as amended.

The Clerk read as follows:

S. 1636

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Marine Mammal Protection Act Amendments of 1994".

**SEC. 2. AMENDMENT OF MARINE MAMMAL PROTECTION ACT OF 1972.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

**SEC. 3. FINDINGS AND DECLARATION OF POLICY.**

Section 2 (16 U.S.C. 1361) is amended—

(1) in paragraph (2) by inserting "essential habitats, including" after "made to protect"; and

(2) in paragraph (5) in the matter following subparagraph (B) by inserting "and their habitats" before "is therefore necessary".

**SEC. 4. MORATORIUM AND EXCEPTIONS.**

(a) Section 101(a) (16 U.S.C. 1371(a)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Consistent with the provisions of section 104, permits may be issued by the Secretary for taking, and importation for purposes of scientific research, public display, photography for educational or commercial purposes, or enhancing the survival or recovery of a species or stock, or for importation of polar bear parts (other than internal organs) taken in sport hunts in Canada. Such permits, except permits issued under section 104(c)(5), may be issued if the taking or importation proposed to be made is first reviewed by the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals established under title II. The Commission and Committee shall recommend any proposed taking or importation, other than importation under section 104(c)(5), which is consistent with the purposes and policies of section 2 of this Act. If the Secretary issues such a permit for importation, the Secretary shall issue to the importer concerned a certificate to that effect in such form as the Secretary of the Treasury prescribes, and such importation may be made upon presentation of the certificate to the customs officer concerned.";

(2) in paragraph (2) in the first sentence by inserting immediately before the period at the end the following: ", or in lieu of such permits, authorizations may be granted therefor under section 118, subject to regulations prescribed under that section by the Secretary without regard to section 103";

(3) in paragraph (3)(B)—

(A) by inserting ", photography for educational or commercial purposes," after "purposes"; and

(B) by inserting "or as provided for under paragraph (5) of this subsection," after "subsection,";

(4) by amending paragraph (4) to read as follows:

"(4)(A) Except as provided in subparagraph (B) and (C), the provisions of this Act shall not apply to the use of measures—

"(i) by the owner of fishing gear or catch, or an employee or agent of such owner, to deter a marine mammal from damaging the gear or catch;

"(ii) by the owner of other private property, or an agent, bailee, or employee of such owner, to deter a marine mammal from damaging private property;

"(iii) by any person, to deter a marine mammal from endangering personal safety; or

"(iv) by a government employee, to deter a marine mammal from damaging public property,

so long as such measures do not result in the death or serious injury of a marine mammal.

"(B) The Secretary shall, through consultation with appropriate experts, and after notice and opportunity for public comment, publish in the Federal Register a list of guidelines for use in safely deterring marine mammals. In the case of marine mammals listed as endangered species or threatened species under the Endangered Species Act of 1973, the Secretary shall recommend specific measures which may be used to nonlethally deter marine mammals. Actions to deter marine mammals consistent with such guidelines or specific measures shall not be a violation of this Act.

"(C) If the Secretary determines, using the best scientific information available, that certain forms of deterrence have a significant adverse effect on marine mammals, the Secretary may prohibit such deterrent methods, after notice and opportunity for public comment, through regulation under this Act.

"(D) The authority to deter marine mammals pursuant to subparagraph (A) applies to all marine mammals, including all stocks designated as depleted under this Act.";

(5) in paragraph (5) by adding at the end the following new subparagraphs:

"(D)(i) Upon request therefor by citizens of the United States who engage in a specified activity (other than commercial fishing) within a specific geographic region, the Secretary shall authorize, for periods of not more than 1 year, subject to such conditions as the Secretary may specify, the incidental, but not intentional, taking by harassment of small numbers of marine mammals of a species or population stock by such citizens while engaging in that activity within that region if the Secretary finds that such harassment during each period concerned—

"(I) will have a negligible impact on such species or stock, and

"(II) will not have an unmitigable adverse impact on the availability of such species or stock for taking for subsistence uses pursuant to subsection (b), or section 109(f) or pursuant to a cooperative agreement under section 119.

"(ii) The authorization for such activity shall prescribe, where applicable—

"(I) permissible methods of taking by harassment pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for subsistence uses pursuant to subsection (b) or section 109(f) or pursuant to a cooperative agreement under section 119,

"(II) the measures that the Secretary determines are necessary to ensure no unmitigable adverse impact on the availability of the species or stock for subsistence uses pursuant to subsection (b) or section 109(f) or pursuant to a cooperative agreement under section 119, and

"(III) requirements pertaining to the monitoring and reporting of such taking by harassment, including requirements for the independent peer review of proposed monitoring plans or other research proposals where the proposed activity may affect the availability of a species or stock for taking for subsistence uses pursuant to subsection (b) or section 109(f) or pursuant to a cooperative agreement under section 119.

"(iii) The Secretary shall publish a proposed authorization not later than 45 days after receiving an application under this subparagraph and request public comment through notice in the Federal Register, newspapers of general circulation, and appropriate electronic media and to all locally affected communities for a period of 30 days after publication. Not later than 45 days after the close of the public comment period, if the Secretary makes the findings set forth in clause (i), the Secretary shall issue an authorization with appropriate conditions to meet the requirements of clause (ii).

"(iv) The Secretary shall modify, suspend, or revoke an authorization if the Secretary finds that the provisions of clauses (i) or (ii) are not being met.

"(v) A person conducting an activity for which an authorization has been granted under this subparagraph shall not be subject to the penalties of this Act for taking by harassment that occurs in compliance with such authorization.

"(E)(i) During any period of up to three consecutive years, the Secretary shall allow the incidental, but not the intentional, taking by persons using vessels of the United States or vessels which have valid fishing permits issued by the Secretary in accordance with section 204(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(b)), while engaging in commercial fishing operations, of marine mammals from a species or stock designated as depleted because of its listing as an endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) if the Secretary, after notice and opportunity for public comment, determines that—

"(I) the incidental mortality and serious injury from commercial fisheries will have a negligible impact on such species or stock;

"(II) a recovery plan has been developed or is being developed for such species or stock pursuant to the Endangered Species Act of 1973; and

"(III) where required under section 118, a monitoring program is established under subsection (d) of such section, vessels engaged in such fisheries are registered in accordance with such section, and an incidental take reduction plan has been developed or is being developed for such species or stock.

"(ii) Upon a determination by the Secretary that the requirements of clause (i) have been met, the Secretary shall publish in the Federal Register a list of those fisheries for which such determination was made, and, for vessels required to register under section 118, shall issue an appropriate permit for each authorization granted under such section to vessels to which this paragraph applies. Vessels engaged in a fishery included in the notice published by the Secretary under this clause which are not required to register under section 118 shall not be subject to the penalties of this Act for the incidental taking of marine mammals to which this paragraph applies, so long as the owner or master of such vessel reports any incidental mortality or injury of such marine mammals to the Secretary in accordance with section 118.

"(iii) If, during the course of the commercial fishing season, the Secretary determines that the level of incidental mortality or serious injury from commercial fisheries for which a determination was made under clause (i) has resulted or is likely to result in an impact that is more than negligible on the endangered or threatened species or stock, the Secretary shall use the emergency authority granted under section 118 to protect such species or stock, and may modify any permit granted under this paragraph as necessary.

"(iv) The Secretary may suspend for a time certain or revoke a permit granted under this subparagraph only if the Secretary determines that the conditions or limitations set forth in such permit are not being complied with. The Secretary may amend or modify, after notice and opportunity for public comment, the list of fisheries published under clause (ii) whenever the Secretary determines there has been a significant change in the information or conditions used to determine such list.

"(v) Sections 103 and 104 shall not apply to the taking of marine mammals under the authority of this subparagraph.

"(vi) This paragraph shall not govern the incidental taking of California sea otters and shall not be deemed to amend or repeal the Act of November 7, 1986 (Public Law 99-625; 100 Stat. 3500)."; and

(6) by adding at the end the following new paragraph:

"(6)(A) A marine mammal product may be imported into the United States if the product—

"(i) was legally possessed and exported by any citizen of the United States in conjunction with travel outside the United States, provided that the product is imported into the United States by the same person upon the termination of travel;

"(ii) was acquired outside of the United States as part of a cultural exchange by an Indian, Aleut, or Eskimo residing in Alaska; or

"(iii) is owned by a Native inhabitant of Russia, Canada, or Greenland and is imported for noncommercial purposes in conjunction with travel within the United States or as part of a cultural exchange with an Indian, Aleut, or Eskimo residing in Alaska.

"(B) For the purposes of this paragraph, the term—

"(i) 'Native inhabitant of Russia, Canada, or Greenland' means a person residing in Russia, Canada, or Greenland who is related by blood, is a member of the same clan or ethnological grouping, or shares a common heritage with an Indian, Aleut, or Eskimo residing in Alaska; and

"(ii) 'cultural exchange' means the sharing or exchange of ideas, information gifts, clothing, or handicrafts between an Indian, Aleut, or Eskimo residing in Alaska and a Native inhabitant of Russia, Canada, or Greenland, including rendering of raw marine mammal parts as part of such exchange into clothing or handicrafts through carving, painting, sewing, or decorating.".

"(b) ACTIONS AFFECTING SECTION 101(b).—Section 101(b) is amended by adding at the end the following new sentence: "In promulgating any regulation or making any assessment pursuant to a hearing or proceeding under this subsection or section 117(b)(2), or in making any determination of depletion under this subsection or finding regarding unmitigable adverse impacts under subsection(a)(5) of this Act that affects stocks or persons to which this subsection applies, the Secretary shall be responsible for demonstrating that such regulation, assessment, determination, or finding is supported by substantial evidence on the basis of the record as a whole. The preceding sentence shall only be applicable in an action brought by one or more Alaska Native organizations representing persons to which this subsection applies."

(c) Section 101(c) 16 U.S.C. 1371(c)) is amended to read as follows:

"(c) It shall not be a violation of this Act to take a marine mammal if such taking is imminently necessary in self-defense or to save the life of a person in immediate danger, and such taking is reported to the Secretary within 48 hours. The Secretary may seize and dispose of the carcass.".

### SEC. 5. PERMITS.

(a) PROHIBITIONS.—Section 102(a) (16 U.S.C. 1372(a)) is amended—

(1) in paragraph (2)(B) by striking "for any purpose in any way connected with the taking or importation of" and inserting "to take or import"; and

(2) in paragraph (4) by—

(A) striking "or offer to purchase or sell" and inserting "export, or offer to purchase, sell, or export";

(B) striking "product; and" and inserting "product—"; and

(C) inserting after and below the text of the paragraph the following:

"(A) that is taken in violation of this Act; or

"(B) for any purpose other than public display, scientific research, or enhancing the survival of a species or stock as provided for under subsection 104(c); and".

(b) PERMITS.—Section 104 (16 U.S.C. 1374) is amended—

(1) in subsection (a) by inserting "except for the incidental taking of marine mammals in the course of commercial fishing operations" before the period at the end;

(2) in subsection (c)—

(A) in paragraph (1) in the first sentence by striking "and after";

(B) by amending paragraph (2) to read as follows:

"(2)(A) A permit may be issued to take or import a marine mammal for the purpose of public display only to a person which the Secretary determines—

"(i) offers a program for education or conservation purposes that is based on professionally recognized standards of the public display community;

"(ii) is registered or holds a license issued under 7 U.S.C. 2131 et seq.; and

"(iii) maintains facilities for the public display of marine mammals that are open to the public on a regularly scheduled basis and that access to such facilities is not limited or restricted other than by charging of an admission fee.

"(B) A permit under this paragraph shall grant to the person to which it is issued the right, without obtaining any additional permit or authorization under this Act, to—

"(i) take, import, purchase, offer to purchase, possess, or transport the marine mammal that is the subject of the permit; and

"(ii) sell, export, or otherwise transfer possession of the marine mammal, or offer to sell, export, or otherwise transfer possession of the marine mammal—

"(I) for the purpose of public display, to a person that meets the requirements of clauses (i), (ii), and (iii) of subparagraph (A);

"(II) for the purpose of scientific research, to a person that meets the requirements of paragraph (3); or

"(III) for the purpose of enhancing the survival or recovery of a species or stock, to a person that meets the requirements of paragraph (4).

"(C) A person to which a marine mammal is sold or exported or to which possession of a marine mammal is otherwise transferred under the authority of subparagraph (B) shall have the rights and responsibilities described in subparagraph (B) with respect to the marine mammal without obtaining any additional permit or authorization under this Act. Such responsibilities shall be limited to—

"(i) for the purpose of public display, the responsibility to meet the requirements of clauses (i), (ii), and (iii) of subparagraph (A),

"(ii) for the purpose of scientific research, the responsibility to meet the requirements of paragraph (3), and

"(iii) for the purpose of enhancing the survival or recovery of a species or stock, the responsibility to meet the requirements of paragraph (4).

"(D) If the Secretary—

"(i) finds in concurrence with the Secretary of Agriculture, that a person that holds a permit under this paragraph for a marine mammal, or a person exercising rights under subparagraph (C), no longer meets the requirements of subparagraph (A)(ii) and is not reasonably likely to meet those requirements in the near future, or

"(ii) finds that a person that holds a permit under this paragraph for a marine mammal, or a person exercising rights under subparagraph (C), no longer meets the requirements of subparagraph (A)(i) or (iii) and is not reasonably likely to meet those requirements in the near future,

the Secretary may revoke the permit in accordance with section 104(e), seize the marine mammal, or cooperate with other persons authorized to hold marine mammals under this Act for disposition of the marine mammal. The Secretary may recover from the person expenses incurred by the Secretary for that seizure.

"(E) No marine mammal held pursuant to a permit issued under subparagraph (A), or by a person exercising rights under subparagraph (C), may be sold, purchased, exported, or transported unless the Secretary is notified of such action no later than 15 days before such action, and such action is for purposes of public display, scientific research, or enhancing the survival or recovery of a species or stock. The Secretary may only require the notification to include the information required for the inventory established under paragraph (10).";

(C) by amending paragraph (3) to read as follows:

"(3)(A) The Secretary may issue a permit under this paragraph for scientific research purposes to an applicant which submits with its permit application information indicating that the taking is required to further a bona fide scientific purpose. The Secretary may issue a permit under this paragraph before the end of the public review and comment period required under subsection (d)(2) if delaying issuance of the permit could result in harm to a species, population, or individual, or in loss of unique research opportunities.

"(B) No permit issued for purposes of scientific research shall authorize the lethal taking of a marine mammal unless the applicant demonstrates that a nonlethal method of conducting the research is not feasible. The Secretary shall not issue a permit for research which involves the lethal taking of a marine mammal from a species or stock that is depleted, unless the Secretary determines that the results of such research will directly benefit that species or stock, or that such research fulfills a critically important research need.

"(C) Not later than 120 days after the date of enactment of the Marine Mammal Protection Act Amendments of 1994, the Secretary shall issue a general authorization and implementing regulations allowing bona fide scientific research that may result only in taking by Level B harassment of a marine mammal. Such authorization shall apply to persons which submit, by 60 days before commencement of such research, a letter of intent via certified mail to the Secretary containing the following:

"(i) The species or stocks of marine mammals which may be harassed.

"(ii) Geographic location of the research.

"(iii) The period of time over which the research will be conducted.

"(iv) The purpose of the research, including a description of how the definition of bona fide research as established under this Act would apply.

"(v) Methods to be used to conduct the research.

Not later than 30 days after receipt of a letter of intent to conduct scientific research under the general authorization, the Secretary shall notify the applicant if the proposed research is likely to result in the taking, including Level A harassment, of a marine mammal, and that subparagraph (A) applies, or shall issue a letter confirming that the general authorization applies. If no such notification is received, the proposed research shall be covered under the general authorization."; and

(D) by adding at the end the following new paragraphs:

"(5)(A) The Secretary may issue a permit for the importation of polar bear parts (other than internal organs) taken in sport hunts in Canada, including polar bears taken prior to the date of enactment of the Marine Mammal Protection Act Amendments of 1994, to an applicant which submits with its permit application proof that the polar bear was legally harvested in Canada. Such a permit shall be issued if the Secretary, in consultation with the Marine Mammal Commission and after notice and opportunity for public comment, finds that—

"(i) Canada has a monitored and enforced sport hunting program consistent with the purposes of the Agreement on the Conservation of Polar Bears;

"(ii) Canada has a sport hunting program based on scientifically sound quotas ensuring the maintenance of a sustainable population;

"(iii) the export and subsequent import are consistent with the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and other international agreements and conventions; and

"(iv) the export and subsequent import are not likely to contribute to illegal trade in bear parts.

"(B) The Secretary shall establish and charge a reasonable fee for permits issued under this paragraph. All fees collected under this paragraph shall be available to the Secretary for use in developing and implementing cooperative research and management programs for the conservation of polar bears in Alaska and Russia pursuant to section 113(d).

"(6) A permit may be issued for photography for educational or commercial purposes involving marine mammals in the wild only to an applicant which submits with its permit application information indicating that the taking will be limited to Level B harassment, and the manner in which the products of such activities will be made available to the public.

"(7) Upon request by a person for a permit under paragraph (2), (3), or (4) for a marine mammal which is in the possession of any person authorized to possess it under this Act and which is determined under guidance under section 402(a) not to be releasable to the wild, the Secretary shall issue the permit to the person requesting the permit if that person—

"(A) meets the requirements of clauses (i), (ii), and (iii) of paragraph (2)(A), in the case of a request for a permit under paragraph (2);

"(B) meets the requirements of paragraph (3), in the case of a request for a permit under that paragraph; or

"(C) meets the requirements of paragraph (4), in the case of a request for a permit under that paragraph.

"(8)(A) No additional permit or authorization shall be required to possess, sell, purchase, transport, export, or offer to sell or purchase the progeny of marine mammals taken or imported under this subsection, if such possession, sale, purchase, transport, export, or offer to sell or purchase is—

"(i) for the purpose of public display, and by or to, respectively, a person which meets the requirements of clauses (i), (ii), and (iii) of paragraph (2)(A);

"(ii) for the purpose of scientific research, and by or to, respectively, a person which meets the requirements of paragraph (3), or

"(iii) for the purpose of enhancing the survival or recovery of a species or stock, and by or to, respectively, a person which meets the requirements of paragraph (4).

"(B)(i) A person which has a permit under paragraph (2), or a person exercising rights under paragraph (2)(C), which has possession of a marine mammal that gives birth to progeny shall—

"(I) notify the Secretary of the birth of such progeny within 30 days after the date of birth; and

"(II) notify the Secretary of the sale, purchase, or transport of such progeny no later than 15 days before such action.

"(ii) The Secretary may only require notification under clause (i) to include the information required for the inventory established under paragraph (10).

"(C) Any progeny of a marine mammal born in captivity before the date of the enactment of the Marine Mammal Protection Act Amendments of 1994 and held in captivity for the purpose of public display shall be treated as though born after that date of enactment.

"(9) No marine mammal may be exported for the purpose of public display, scientific research, or enhancing the survival or recovery of a species or stock unless the receiving facility meets standards that are comparable to the requirements that a person must meet to receive a permit under this subsection for that purpose.

"(10) The Secretary shall establish and maintain an inventory of all marine mammals possessed pursuant to permits issued under paragraph (2)(A), by persons exercising rights under paragraph (2)(C), and all progeny of such marine mammals. The inventory shall contain, for each marine mammal, only the following information which shall be provided by a person holding a marine mammal under this Act:

"(A) The name of the marine mammal or other identification.

"(B) The sex of the marine mammal.

"(C) The estimated or actual birth date of the marine mammal.

"(D) The date of acquisition or disposition of the marine mammal by the permit holder.

"(E) The source from whom the marine mammal was acquired including the location of the take from the wild, if applicable.

"(F) If the marine mammal is transferred, the name of the recipient.

"(G) A notation if the animal was acquired as the result of a stranding.

"(H) The date of death of the marine mammal and the cause of death when determined."; and

(3) in subsection (e)(1) by—

(A) striking "or" at the end of subparagraph (A);

(B) striking the period at the end of subparagraph (B) and inserting ", or"; and

(C) adding at the end the following new subparagraph:

"(C) if, in the case of a permit under subsection (c)(5) authorizing importation of polar bear parts, the Secretary, in consultation with the appropriate authority in Canada, determines that the sustainability of Canada's polar bear populations are being adversely affected or that sport hunting may be having a detrimental effect on maintaining polar bear populations throughout their range.".

(c) EXISTING PERMITS.—Any permit issued under section 104(c)(2) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(2)) before the date of the enactment of this Act is hereby modified to be consistent with that section as amended by this Act.

### SEC. 6. PURPOSE AND USE OF THE FUND.

Section 405 (16 U.S.C. 1421d) as amended by this Act is further amended—

(1)(A) in subsection (b)(1)(A) by striking "and" at the end of clause (ii); and

(B) by inserting a new clause (iii) as follows:

"(iii) for care and maintenance of a marine mammal seized under section 104(c)(2)(C); and"; and

(2) in subsection (d) by striking "For purposes of carrying out this title, the" and inserting "The".

### SEC. 7. APPLICATION TO OTHER TREATIES AND CONVENTIONS.

Section 113 (16 U.S.C. 1383) is amended by—

(1) designating the existing paragraph as subsection (a); and

(2) adding at the end the following new subsections:

"(b) Not later than 1 year after the date of enactment of the Marine Mammal Protection Act Amendments of 1994, the Secretary of the Interior shall, in consultation with the contracting parties, initiate a review of the effectiveness of the Agreement on the Conservation of Polar Bears, as provided for in Article IX of the Agreement, and establish a process by which future reviews shall be conducted.

"(c) The Secretary of the Interior, in consultation with the Secretary of State and the Marine Mammal Commission, shall review the effectiveness of United States implementation of the Agreement on the Conservation of Polar Bears, particularly with respect to the habitat protection mandates contained in Article II. The Secretary shall report the results of this review to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than April 1, 1995.

"(d) Not later than 6 months after the date of enactment of the Marine Mammal Protection Act Amendments of 1994, the Secretary of the Interior, acting through the Secretary of State and in consultation with the Marine Mammal Commission and the State of Alaska, shall consult with the appropriate officials of the Russian Federation on the development and implementation of enhanced cooperative research and management programs for the conservation of polar bears in Alaska and Russia. The Secretary shall report the results of this consultation and provide periodic progress reports on the research and management programs to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate.".

### SEC. 8. CONSERVATION PLANS.

Section 115(b) (16 U.S.C. 1383b(b) is amended by adding at the end the following new paragraph:

"(4) If the Secretary determines that a take reduction plan is necessary to reduce the incidental taking of marine mammals in the course of commercial fishing operations from a strategic stock, or for species or stocks which interact with a commercial fishery for which the Secretary has made a determination under section 118(b)(1), any conservation plan prepared under this subsection for such species or stock shall incorporate the take reduction plan required under section 118 for such species or stock.".

### SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) DEPARTMENT OF COMMERCE.—Title I is amended by inserting after section 115 the following:

### "SEC. 116. AUTHORIZATION OF APPROPRIATIONS.

"(a) DEPARTMENT OF COMMERCE.—(1) There are authorized to be appropriated to the Department of Commerce, for purposes of carrying out such functions and responsibilities as it may have been given under title I and title IV of the Marine Mammal Protection Act of 1972 (other than sections 117 and 118 of that Act), $12,138,000 for fiscal year 1994, $12,623,000 for fiscal year 1995, $13,128,000 for fiscal year 1996, $13,653,000 for fiscal year 1997, $14,200,000 for fiscal year 1998, and $14,768,000 for fiscal year 1999.

"(2) There are authorized to be appropriated to the Department of Commerce, for purposes of carrying out sections 117 and 118 of the Marine Mammal Protection Act of 1972, $20,000,000 for each of the fiscal years 1994 through 1999.

"(b) DEPARTMENT OF THE INTERIOR.—There are authorized to be appropriated to the Department of the Interior, for purposes of carrying out such functions and responsibilities as it may have been given under title I of the Marine Mammal Protection Act of 1972, $8,000,000 for fiscal year 1994, $8,600,000 for fiscal year 1995, $9,000,000 for fiscal year 1996, $9,400,000 for fiscal year 1997, $9,900,000 for fiscal year 1998, and $10,296,000 for fiscal year 1999.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section is amended by inserting after the item relating to section 115 the following:

"Sec. 116. Authorization of appropriations.".

(c) AUTHORIZATION.—Title II (16 U.S.C. 1401 et seq.) is amended by adding at the end the following:

### "SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Marine Mammal Commission for carrying out this title $1,500,000 for fiscal year 1994, $1,550,000 for fiscal year 1995, $1,600,000 for fiscal year 1996, $1,650,000 for fiscal year 1997, $1,700,000 for fiscal year 1998, and $1,750,000 for fiscal year 1999.".

(d) CLERICAL AMENDMENT.—The table of contents in the first section is amended by inserting after the item relating to section 206 the following:

"Sec. 207. Authorization of appropriations.".

### SEC. 10. STOCK ASSESSMENTS.

Title I is amended by adding at the end the following new section:

### "SEC. 117. STOCK ASSESSMENTS.

"(a) IN GENERAL.—Not later than August 1, 1994, the Secretary shall, in consultation with the appropriate regional scientific review group established under subsection (d), prepare a draft stock assessment for each marine mammal stock which occurs in waters under the jurisdiction of the United States. Each draft stock assessment, based on the best scientific information available, shall—

"(1) describe the geographic range of the affected stock, including any seasonal or temporal variation in such range;

"(2) provide for such stock the minimum population estimate, current and maximum net productivity rates, and current population trend, including a description of the information upon which these are based;

"(3) estimate the annual human-caused mortality and serious injury of the stock by source and, for a strategic stock, other factors that may be causing a decline or impeding recovery of the stock, including effects on marine mammal habitat and prey;

"(4) describe commercial fisheries that interact with the stock, including—

"(A) the approximate number of vessels actively participating in each such fishery;

"(B) the estimated level of incidental mortality and serious injury of the stock by each such fishery on an annual basis;

"(C) seasonal or area differences in such incidental mortality or serious injury; and

"(D) the rate, based on the appropriate standard unit of fishing effort, of such incidental mortality and serious injury, and an analysis stating whether such level is insignificant and is approaching a zero mortality and serious injury rate;

"(5) categorize the status of the stock as one that either—

"(A) has a level of human-caused mortality and serious injury that is not likely to cause the stock to be reduced below its optimum sustainable population; or

"(B) is a strategic stock, with a description of the reasons therefor; and

"(6) estimate the potential biological removal level for the stock, describing the information used to calculate it, including the recovery factor.

"(b) PUBLIC COMMENT.—(1) The Secretary shall publish in the Federal Register a notice of the availability of a draft stock assessment or any revision thereof and provide an opportunity for public review and comment during a period of 90 days. Such notice shall include a summary of the assessment and a list of the sources of information or published reports upon which the assessment is based.

"(2) Subsequent to the notice of availability required under paragraph (1), if requested by a person to which section 101(b) applies, the Secretary shall conduct a proceeding on the record prior to publishing a final stock assessment or any revision thereof for any stock subject to taking under section 101(b).

"(3) After consideration of the best scientific information available, the advice of the appropriate regional scientific review group established under subsection (d), and the comments of the general public, the Secretary shall publish in the Federal Register a notice of availability and a summary of the final stock assessment or any revision thereof, not later than 90 days after—

"(A) the close of the public comment period on a draft stock assessment or revision thereof; and

"(B) final action on an agency proceeding pursuant to paragraph (2).

"(c) REVIEW AND REVISION.—

"(1) The Secretary shall review stock assessments in accordance with this subsection—

"(A) at least annually for stocks which are specified as strategic stocks

"(B) at least annually for stocks for which significant new information is available; and

"(C) at least once every 3 years for all other stocks.

"(2) If the review under paragraph (1) indicates that the status of the stock has changed or can be more accurately determined, the Secretary shall revise the stock assessment in accordance with subsection (b).

"(d) REGIONAL SCIENTIFIC REVIEW GROUPS.—(1) Not later than 60 days after the date of enactment of this section, the Secretary of Commerce shall, in consultation with the Secretary of Interior (with respect to marine mammals under that Secretary's jurisdiction), the Marine Mammal Commission, the Governors of affected adjacent coastal States, regional fishery and wildlife management authorities, Alaska Native organizations and Indian tribes, and environmental and fishery groups, establish at least 3 independent regional scientific review groups representing Alaska, the Pacific Coast (including Hawaii), and the Atlantic Coast (including the Gulf of Mexico) consisting of individuals with expertise in marine mammal biology and ecology, population dynamics and modeling, commercial fishing technology and practices, and stocks taken under section 101(b). The Secretary of Commerce shall, to the maximum extent practicable, attempt to achieve a balanced representation of viewpoints among the individuals on each regional scientific review group. The regional scientific review groups shall advise the Secretary on—

"(A) population estimates and the population status and trends of such stocks;

"(B) uncertainties and research needed regarding stock separation, abundance, or trends, and factors affecting the distribution, size, or productivity of the stock;

"(C) uncertainties and research needed regarding the species, number, ages, gender, and reproductive status of marine mammals;

"(D) research needed to identify modifications in fishing gear and practices likely to reduce the incidental mortality and serious injury of marine mammals in commercial fishing operations;

"(E) the potential impacts of habitat destruction, including marine pollution and natural environmental change, on specific marine mammal species or stocks; and

"(F) any other issue which the Secretary or the groups consider appropriate.

"(2) The scientific review groups established under this subsection shall not be subject to the Federal Advisory Committee Act (5 App. U.S.C.).

"(3) Members of the scientific review groups shall serve without compensation, but may be reimbursed by the Secretary, upon request, for reasonable travel costs and expenses incurred in performing their obligations.

"(4) The Secretary may appoint or reappoint individuals to the regional scientific review groups under paragraphs (1) as needed.

"EFFECT ON SECTION 101(b). This section shall not affect or otherwise modify the provisions of section 101(b).".

### SEC. 11. TAXING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS.

Title I as amended by this Act, is further amended by adding at the end the following new section:

### "SEC. 118. TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS.

"(a) IN GENERAL.—(1) Effective on the date of enactment of this section, and except as provided in section 114 and in paragraphs (2), (3), and (4) of this subsection, the provisions of this section shall govern the incidental taking of marine mammals in the course of commercial fishing operations by persons using vessels of the United States or vessels which have valid fishing permits issued by the Secretary in accordance with section 204(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(b)). In any event it shall be the immediate goal that the incidental mortality or serious injury of marine mammals occurring in the course of commercial fishing operations be reduced to insignificant levels approaching a zero mortality and serious injury rate within seven years of the date of enactment of this section.

"(2) In the case of the incidental taking of marine mammals from species or stocks designated under this Act as depleted on the basis of their listing as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), both this section and section 101(a)(5)(E) of this Act shall apply.

"(3) Sections 104(h) and title III, and not this section, shall govern the taking of marine mammals in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean.

"(4) This section shall not govern the incidental taking of California sea otters and shall not be deemed to amend or repeal the Act of November 7, 1986 (Public Law 99-625; 100 Stat. 3500).

"(5) Except as provided in section 101(c), the intentional lethal take of any marine mammal in the course of commercial fishing operations is prohibited.

"(6) Sections 103 and 104 shall not apply to the incidental taking of marine mammals under the authority of this section.

"(b) ZERO MORTALITY RATE GOAL.—(1) Commercial fisheries shall reduce incidental mortality and serious injury of marine mammals to insignificant levels approaching a zero mortality and serious injury rate within seven years after the date of enactment of this section.

"(2) Fisheries which maintain insignificant serious injury and mortality levels approaching a zero rate shall not be required to further reduce their mortality and serious injury rates.

"(3) Three years after such date of enactment, the Secretary shall review the progress of all commercial fisheries, by fishery toward reducing incidental mortality and serious injury to insignificant levels approaching a zero rate. The Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives a report setting forth the results of such review within 1 years after commencement of the review. The Secretary shall note any commercial fishery for which additional information is required to a accurately assess the level of incidental mortality and serious injury of marine mammals in the fishery.

"(4) If the Secretary determines after review under paragraph (3) that the rate of incidental mortality and serious injury of marine mammals in a commercial fishery is not consistent with paragraph (1), then the Secretary shall take appropriate action under subsection (f).

"(c) REGISTRATION AND AUTHORIZATION.—(1) The Secretary shall, within 90 days after the date of enactment of this section—

"(A) publish in the Federal Register for public comment, for a period of not less than 90 days, any necessary changes to the Secretary's list of commercial fisheries published under section 114 (b)(1) are which is in existence on March 31, 1994 (along with an explanation of such changes and a statement describing the marine mammal stocks interacting with, and the approximate number of vessels or persons actively involved in, each such fishery) and have—

"(i) frequent incidental mortality and serious injury of marine mammals;

"(ii) occasional incidental mortality and serious injury of marine mammals; or

"(iii) a remote likelihood of or no known incidental mortality or serious injury of marine mammals;

"(B) after the close of the period for such public comment, publish in the Federal Register a revised list of commercial fisheries and an update of information required by subparagraph (A), together with a summary of the provisions of this section and information sufficient to advise vessel owners on how to obtain an authorization and otherwise comply with the requirements of this section; and

"(C) at least once each year thereafter, and at such other times as the Secretary considers appropriate, reexamine, based on information gathered under this Act and other relevant sources and after notice and opportunity for public comment, the classification of commercial fisheries and other determinations required under subparagraph (A) and publish in the Federal Register any necessary changes.

"(2)(A) An authorization shall be granted by the Secretary in accordance with this section for a vessel engaged in a commercial fishery listed under paragraph (1)(A)(i) or (ii), upon receipt by the Secretary of a completed registration form providing the name of the vessel owner and operator, the name and description of the vessel, the fisheries in which it will be engaged, the approximate time, duration, and location of such fishery operations, and the general type and nature of use of the fishing gear and techniques used. Such information shall be in a readily usable format that can be efficiently entered into and utilized by an automated or computerized data processing system. A decal or other physical evidence that the authorization is current and valid shall be issued by the Secretary at the time an authorization is granted, and so long as the authorization remains current and valid, shall be reissued annually thereafter.

"(B) No authorization may be granted under this section to the owner of a vessel unless such vessel—

"(i) is a vessel of the United States; or

"(ii) has a valid fishing permit issued by the Secretary in accordance with section 204(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(b)).

"(C) Except as provided in subsection (a), an authorization granted under this section shall allow the incidental taking of all species and stocks of marine mammals to which this Act applies.

"(3)(A) An owner of a vessel engaged in any fishery listed under paragraph (1)(A)(i) or (ii) shall, in order to engage in the lawful incidental taking of marine mammals in a commercial fishery—

"(i) have registered as required under paragraph (2) with the Secretary in order to obtain for each such vessel owned and used in the fishery an authorization for the purpose of incidentally taking marine mammals in accordance with this section, except that owners of vessels holding valid certificates of exemption under section 114 are deemed to have registered for purposes of this subsection for the period during which such registration is valid;

"(ii) ensure that a decal or such other physical evidence of a current and valid authorization as the Secretary may require is displayed on or is in the possession of the master of each such vessel;

"(iii) report as required by subsection (e); and

"(iv) comply with a take reduction plan and emergency regulations issued under this section.

"(B) Any owner of a vessel receiving an authorization under this section for any fishery listed under paragraph (1)(A)(i) or (ii) shall, as a condition of that authorization, take on board an observer if requested to do so by the Secretary.

"(C) An owner of a vessel engaged in a fishery listed under paragraph (1)(A)(i) or (ii) who—

"(i) fails to obtain from the Secretary an authorization for such vessel under this section;

"(ii) fails to maintain a current and valid authorization for such vessel; or

"(iii) fails to ensure that a decal or other physical evidence of such authorization issued by the Secretary is displayed on or is in possession of the master of the vessel,

and the master of any such vessel engaged in such fishery, shall be deemed to have violated this title, and for violations of clauses (i) and (ii) shall be subject to the penalties of this title, and for violations of clause (iii) shall be subject to a fine of not more than $100 for each offense.

"(D) If the owner of a vessel has obtained and maintains a current and valid authorization from the Secretary under this section and meets the requirements set forth in this section, including compliance with any regulations to implement a take reduction plan under this section, the owner of such vessel, and the master and crew members of the vessel, shall not be subject to the penalties set forth in this title for the incidental taking of marine mammals while such vessel is engaged in a fishery to which the authorization applies.

"(E) Each owner of a vessel engaged in any fishery not listed under paragraph (1)(A)(i) or (ii), and the master and crew members of such a vessel, shall not be subject to the penalties set forth in this title for the incidental taking of marine mammals if such owner reports to the Secretary, in the form and manner required under subsection (e), instances of incidental mortality or injury of marine mammals in the course of that fishery.

"(4)(A) The Secretary shall suspend or revoke an authorization granted under this section and shall not issue a decal or other physical evidence of the authorization for any vessel until the owner of such vessel complies with the reporting requirements under subsection (e) and such requirements to take on board an observer under paragraph (3)(B) as are applicable to such vessel. Previous failure to comply with the requirements of section 114 shall not bar authorization under this section for an owner who complies with the requirements of this section.

"(B) The Secretary may suspend or revoke an authorization granted under this subsection, and may not issue a decal or other physical evidence of the authorization for any vessel which fails to comply with a take reduction plan or emergency regulations issued under this section.

"(C) The owner and master of a vessel which fails to comply with a take reduction plan shall be subject to the penalties of section 105 and 107, and may be subject to section 106.

"(5)(A) The Secretary shall develop, in consultation with the appropriate States, affected Regional Fishery Management Councils, and other interested persons, the means by which the granting and administration of authorizations under this section shall be integrated and coordinated, to the maximum extent practicable, with existing fishery licenses, registrations, and related programs.

"(B) The Secretary shall utilize newspapers of general circulation, fishery trade associations, electronic media, and other means of advising commercial fishermen of the provisions of this section and the means by which they can comply with its requirements.

"(C) The Secretary is authorized to charge a fee for the granting of an authorization under this section. The level of fees charged under this subparagraph shall not exceed the administrative costs incurred in granting an authorization. Fees collected under this subparagraph shall be available to the Under Secretary of Commerce for Oceans and Atmosphere for expenses incurred in the granting and administration of authorizations under this section.

"(d) MONITORING OF INCIDENTAL TAKES.—

"(1) The Secretary shall establish a program to monitor incidental mortality and serious injury of marine mammals during the course of commercial fishing operations. The purposes of the monitoring program shall be to—

"(A) obtain statistically reliable estimates of incidental mortality and serious injury;

"(B) determine the reliability of reports of incidental mortality and serious injury under subsection (e); and

"(C) identify changes in fishing methods or technology that may increase or decrease incidental mortality and serious injury.

"(2) Pursuant to paragraph (1), the Secretary may place observers on board vessels as necessary, subject to the provisions of this section. Observers may, among other tasks—

"(A) record incidental mortality and injury, or by-catch of other nontarget species;

"(B) record numbers of marine mammals sighted; and

"(C) perform other scientific investigations.

"(3) In determining the distribution of observers among commercial fisheries and vessels within a fishery, the Secretary shall be guided by the following standards:

"(A) The requirement to obtain statistically reliable information.

"(B) The requirement that assignment of observers is fair and equitable among fisheries and among vessels in a fishery.

"(C) The requirement that no individual person or vessel, or group of persons or vessels, be subject to excessive or overly burdensome observer coverage.

"(D) To the extent practicable, the need to minimize costs and avoid duplication.

"(4) To the extent practicable, the Secretary shall allocate observers among commercial fisheries in accordance with the following priority:

"(A) The highest priority for allocation shall be for commercial fisheries that have incidental mortality or serious injury of marine mammals from stocks listed as endangered species or threatened species under the Endangered Special Act of 1973 (16 U.S.C. 1531 et seq.).

"(B) The second highest priority for allocation shall be for commercial fisheries that have incidental mortality and serious injury of marine mammals from strategic stocks.

"(C) The third highest priority for allocation shall be for commercial fisheries that have incidental mortality or serious injury of marine mammals from stocks for which the level of incidental mortality and serious injury is uncertain.

"(5) The Secretary may establish an alternative observer program to provide statistically reliable information on the species and number of marine mammals incidentally taken in the course of commercial fishing operations. The alternative observer program may include direct observation of fishing activities from vessels, airplanes, or points on shore.

"(6) The Secretary is not required to place an observer on a vessel in a fishery if the Secretary finds that—

"(A) in a situation in which harvesting vessels are delivering fish to a processing vessel and the catch is not taken on board the harvesting vessel, statistically reliable information can be obtained from an observer on board the processing vessel to which the fish are delivered;

"(B) the facilities on a vessel for quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized; or

"(C) for reasons beyond the control of the Secretary, an observer is not available.

"(7) The Secretary may, with the consent of the vessel owner, station an observer on board a vessel engaged in a fishery not listed under subsection (c)(1)(A) (i) or (ii).

"(8) Any proprietary information collected under this subsection shall be confidential and shall not be disclosed except—

"(A) to Federal employees whose duties require access to such information;

"(B) to State or tribal employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person;

"(C) when required by court order; or

"(D) in the case of scientific information involving fisheries, to employees of Regional Fishery Management Councils who are responsible for fishery management plan development and monitoring.

"(9) The Secretary shall prescribe such procedures as may be necessary to preserve such confidentiality, except that the Secretary shall release or make public upon request any such information in aggregate, summary, or other form which does not directly or indirectly disclose the identity or business of any person.

"(e) REPORTING REQUIREMENT.—The owner or operator of a commercial fishing vessel subject to this Act shall report all incidental mortality and injury of marine mammals in the course of commercial fishing operations to the Secretary by mail or other means acceptable to the Secretary within 48 hours after the end of each fishing trip on a standard postage-paid form to be developed by the Secretary under this section. Such form shall be capable of being readily entered into and usable by an automated or computerized data processing system and shall require the vessel owner or operator to provide the following:

"(1) The vessel name, and Federal, State, or tribal registration numbers of the registered vessel.

"(2) The name and address of the vessel owner or operator.

"(3) The name and description of the fishery.

"(4) The species of each marine mammal incidentally killed or injured, and the date, time, and approximate geographic location of such occurrence.

"(f) TAKE REDUCTION PLANS.—(1) The Secretary shall develop and implement take reduction plan designed to assist in the recovery or prevent the depletion of each strategic stock which interacts with a commercial fishery listed under subsection (c)(1)(A)(i) or (ii), and may develop and implement such a plan for any other marine mammal stocks which interact with a commercial fishery listed under subsection (c)(1)(A)(i) which the Secretary determines, after notice and opportunity for public comment, has a high level of mortality and serious injury across a number of such marine mammal stocks.

"(2) The immediate goal of a take reduction plan shall be to reduce, within 6 months of its implementation, the incidental mortality or serious injury of marine mammals incidentally taken in the course of commercial fishing operations to levels less than the potential biological removal level established in this section. The long-term goal of the plan shall be to reduce, within 5 years of its implementation, the incidental mortality or serious injury of marine mammals incidentally taken in the course of commercial fishing operations to insignificant levels approaching a zero mortality and serious injury rate, taking into account the economics of the fishery, the availability of existing technology, and existing State or regional fishery management plans.

"(3) If there is insufficient funding available to develop and implement take reduction plan for all such stocks that interact with commercial fisheries listed under subsection (c)(1)(A)(i) or (ii), the Secretary shall give highest priority to the development and implementation of take reduction plans for species or stocks whose level of incidental mortality and serious injury exceeds the potential biological removal level, those that have a small population size, and those which are declining most rapidly.

"(4) Each take reduction plan shall include—

"(A) a review of the information in the final stock assessment published under subsection (c) and any substantial new information;

"(B) an estimate of the total number and, if possible, age and gender, of animals from the stock that are being incidentally lethally taken or seriously injured each year during the course of commercial fishing operations, by fishery;

"(C) recommended regulatory or voluntary measures for the reduction of incidental mortality and serious injury,

"(D) recommended dates for achieving the specific objectives of the plan.

(5)(A) For any stock in which incidental mortality and serious injury from commercial fisheries exceeds the potential biological removal level established under section 117, the plan shall include measures the Secretary expects will reduce, within 6 months after of the plan's implementation, such mortality and serious injury to a level blow the potential biological removal level.

"(B) For any stock in which human-casued mortality and serious injury exceeds the potential biological removal level, other than a stock to which subparagraph (A) applies, the plan shall include measures the Secretary expects will reduce, to the maximum extent practicable within 6 months of the plan's implementation, the incidental mortality and serious injury by such commercial fisheries from that stock. For purposes of this subparagraph, the term 'maximum extent practicable' means to the lowest level that is feasible for such fisheries within the 6-month period.

(6)(A) At the earliest possible time (not later than 30 days) after the Secretary issues a final stock assessment for a strategic stock, the Secretary shall, and for stocks that interact with a fishery listed under subsection (c)(1)(A)(i) for which the Secretary has made a determination under paragraph (1), the Secretary may—

"(i) establish a take reduction team for such stock and appoint the members of such team in accordance with subparagraph (C); and

"(ii) publish in the Federal Register a notice of the team's establishment, the names of the team's appointed members, the full geographic range of such stock, and a list of all commercial fisheries that cause incidental mortality and serious injury of marine mammals from such stock.

"(B) The Secretary may request a take reduction team to address a stock that extends over one or more regions or fisheries, or multiple stocks within a region or fishery, if the Secretary determines that doing so would facilitate the development and implementation of plans required under this subsection.

"(C) Members of take reduction teams shall have expertise regarding the conservation or biology of the marine mammal species which the incidental take plan will address, or the fishing practices which result in the incidental mortality and serious injury of such species. Members shall include representatives of Federal agencies, each coastal State which has fisheries which interact with the species or stock, appropriate Regional Fishery Management Councils, interstate fisheries commissions, academic and scientific organizations, environmental groups, all commercial and recreational fisheries groups and gear types which incidentally take the species or stock, Alaska Native organizations or Indian tribal organizations, and others as the Secretary deems appropriate. Take reduction teams shall, to the maximum extent practicable, consist of an equitable balance among representatives of resource user interests and nonuser interests.

"(D) Take reduction teams shall not be subject to the Federal Advisory Committee Act (5 App. U.S.C.). Meetings of take reduction teams shall be open to the public, and prior notice of meetings shall be made public in a timely fashion.

"(E) Members of take reduction teams shall serve without compensation, but may be reimbursed by the Secretary, upon request, for reasonable travel costs and expenses incurred in performing their duties as members of the team.

"(7) Where the human-caused mortality and serious injury from a strategic stock is estimated to be equal to or greater than the potential biological removal level established under section 117 for such stock and such stock interacts with a fishery listed under subsection (c)(1)(A)(i) or (ii), the following procedures shall apply in the development of the take reduction plan for the stock:

"(A)(i) Not later than 6 months after the date of establishment of take reduction team for the stock, the team shall submit a draft take reduction plan for such stock to the Secretary, consistent with the other provisions of this section.

"(ii) Such draft take reduction plan shall be developed by consensus. In the event consensus cannot be reached, the team shall advise the Secretary in writing on the range of possibilities considered by the team, and the views of both the majority and minority.

"(B)(i) The Secretary shall take the draft take reduction plan into consideration and, not later than 60 days after the submission of the draft plan by the team, the Secretary shall publish in the Federal Register the plan proposed by the team, any changes proposed by the Secretary with an explanation of the reasons therefor, and proposed regulations to implement such plan, for public review and comment during a period of not to exceed 90 days.

"(ii) In the event that the take reduction team does not submit a draft plan to the Secretary within 6 months, the Secretary shall, not later than 8 months after the establishment of the team, publish in the Federal Register a proposed take reduction plan and implementing regulations, for public review and comment during a period of not to exceed 90 days.

"(C) Not later than 60 days after the close of the comment period required under subparagraph (B), the Secretary shall issue a final take reduction plan and implementing regulations, consistent with the other provisions of this section.

"(D) The Secretary shall during a period of 30 days after publication of a final take reduction plan, utilize newspapers of general circulation, fishery trade associations, electronic media, and other means of advising commercial fishermen of the requirements of the plan and how to comply with them.

"(E) The Secretary and the take reduction team shall meet every 6 months, or at such other intervals as the Secretary determines are necessary, to monitor the implementation of the final take reduction plan until such time that the Secretary determines that the objectives of such plan have been met.

"(F) The Secretary shall amend the take reduction plan and implementing regulations as necessary to meet the requirements of this section, in accordance with the procedures in this section for the issuance of such plans and regulations.

"(8) Where the human-caused mortality and serious injury from a strategic stock is estimated to be less than the potential biological removal level established under section 117 for such stock and such stock interacts with a fishery listed under subsection (c)(1)(A) (i) or (ii), or for any marine mammal stocks which interact with a commercial fishery listed under subsection (c)(1)(A)(i) for which the Secretary has made a determination under paragraph (1), the following procedures shall apply in the development of the take reduction plan for such stock:

"(A)(i) Not later than 11 months after the date of establishment of a take reduction team for the stock, the team shall submit a draft take reduction plan for the stock to the Secretary, consistent with the other provisions of this section.

"(ii) Such draft take reduction plan shall be developed by consensus. In the event consensus cannot be reached, the team shall advise the Secretary in writing on the range of possibilities considered by the team, and the views of both the majority and minority.

"(B)(i) The Secretary shall take the draft take reduction plan into consideration and, not later than 60 days after the submission of the draft plan by the team, the Secretary shall publish in the Federal Register the plan proposed by the team, any changes proposed by the Secretary with an explanation of the reasons therefor, and proposed regulations to implement such plan, for public review and comment during a period of not to exceed 90 days.

"(ii) In the event that the take reduction team does not submit a draft plan to the Secretary within 11 months, the Secretary shall, not later than 13 months after the establishment of the team, publish in the Federal Register a proposed take reduction plan and implementing regulations, for public review and comment during a period of not to exceed 90 days.

"(C) Not later than 60 days after the close of the comment period required under subparagraph (B), the Secretary shall issue a final take reduction plan and implementing regulations, consistent with the other provisions of this section.

"(D) The Secretary shall, during a period of 30 days after publication of a final take reduction plan, utilize newspapers of general circulation, fishery trade associations, electronic media, and other means of advising commercial fishermen of the requirements of the plan and how to comply with them.

"(E) The Secretary and the take reduction team shall meet on an annual basis, or at such other intervals as the Secretary determines are necessary, to monitor the implementation of the final take reduction plan until such time that the Secretary determines that the objectives of such plan have been met.

"(F) The Secretary shall amend the take reduction plan and implementing regulations as necessary to meet the requirements of this section, in accordance with the procedures in this section for the issuance of such plans and regulations.

"(9) In implementing a take reduction plan developed pursuant to this subsection, the Secretary may, where necessary to implement a take reduction plan to protect or restore a marine mammal stock or species covered by such plan, promulgate regulations which include, but are not limited to, measures to—

"(A) establish fishery-specific limits on incidental mortality and serious injury of marine mammals in commercial fisheries or restrict commercial fisheries by time or area;

"(B) require the use of alternative commercial fishing gear or techniques and new technologies, encourage the development of such gear or technology, or convene expert skippers' panels;

"(C) educate commercial fishermen, through workshops and other means, on the importance of reducing the incidental mortality and serious injury of marine mammals in affected commercial fisheries; and

"(D) monitor in accordance with subsection (d), the effectiveness of measures taken to reduce the level of incidental mortality and serious injury of marine mammals in the course of commercial fishing operations.

"(10)(A) Notwithstanding paragraph (5), in the case of any stock to which paragraph (5) applies for which a final stock assessment has not been published under section 117(b)(3) by April 1, 1995, due to a proceeding under section 117(b)(2), or any Federal court review of such proceeding, the Secretary shall establish a take reduction team under paragraph (6) for such stock as if a final stock assessment had been published.

"(B) The draft stock assessment published for such stock under section 117(b)(1) shall be deemed the final stock assessment for purposes of preparing and implementing a take reduction plan for such stock under this section.

"(C) Upon publication of a final stock assessment for such stock under section 117(b)(3) the Secretary shall immediately reconvene the take reduction team for such stock for the purpose of amending the take reduction plan, and any regulations issued to implement such plan, if necessary, to reflect the final stock assessment or court action. Such amendments shall be made in accordance with paragraph (7)(F) or (8)(F), as appropriate.

"(D) A draft stock assessment may only be used as the basis for a take reduction plan under this paragraph for a period of not to exceed two years, or until a final stock assessment is published, whichever is earlier. If, at the end of the two-year period, a final stock assessment has not been published, the Secretary shall categorize such stock under section 117(a)(5)(A) and shall revoke any regulations to implement a take reduction plan for such stock.

"(E) Subparagraph (D) shall not apply for any period beyond two years during which a final stock assessment for such stock has not been published due to review of a proceeding on such stock assessment by a Federal court. Immediately upon final action by such court, the Secretary shall proceed under subparagraph (C).

"(11) Take reduction plans developed under this section for a species or stock listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall be consistent with any recovery plan developed for such species or stock under section 4 of such Act.

"(g) EMERGENCY REGULATIONS.—(1) If the Secretary finds that the incidental mortality and serious injury of marine mammals from commercial fisheries is having, or is likely to have, an immediate and significant adverse impact on a stock or species, the Secretary shall take actions as follows:

"(A) In the case of a stock or species for which a take reduction plan is in effect, the Secretary shall—

"(i) prescribe emergency regulations that, consistent with such plan to the maximum extent practicable, reduce incidental mortality and serious injury in that fishery; and

"(ii) approve and implement, on an expedited basis, any amendments to such plan that are recommended by the take reduction team to address such adverse impact.

"(B) In the case of a stock or species for which a take reduction plan is being developed, the Secretary shall—

"(i) prescribe emergency regulations to reduce such incidental mortality and serious injury in that fishery; and

"(ii) approve and implement, on an expedited basis, such plan, which shall provide methods to address such adverse impact if still necessary.

"(C) In the case of a stock or species for which a take reduction plan does not exist and is not being developed, or in the case of a commercial fishery listed under subsection (c)(1)(A)(iii) which the Secretary believes may be contributing to such adverse impact, the Secretary shall—

"(i) prescribe emergency regulations to reduce such incidental mortality and serious injury in that fishery, to the extent necessary to mitigate such adverse impact;

"(ii) immediately review the stock assessment for such stock or species and the classification of such commercial fishery under this section to determine if a take reduction team should be established; and

"(iii) may, where necessary to address such adverse impact on a species listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq., place observers on vessels in a commercial fishery listed under subsection (c)(1)(A)(iii), if the Secretary has reason to believe such vessels may be causing the incidental mortality and serious injury to marine mammals from such stock.

"(2) Prior to taking action under paragraph (1) (A), (B), or (C), the Secretary shall consult with the Marine Mammal Commission, all appropriate Regional Fishery Management Councils, State fishery managers, and the appropriate take reduction team (if established).

"(3) Emergency regulations prescribed under this subsection—

"(A) shall be published in the Federal Register, together with an explanation thereof;

"(B) shall remain in effect for not more than 180 days or until the end of the applicable commercial fishing season, whichever is earlier; and

"(C) may be terminated by the Secretary at an earlier date by publication in the Federal Register of a notice of termination, if the Secretary determines that the reasons for emergency regulations no longer exist.

"(4) If the Secretary finds that incidental mortality and serious injury of marine mammals in a commercial fishery is continuing to have an immediate and significant adverse impact on a stock or species, the Secretary may extend the emergency regulations for an additional period of not more than 90 days or until reasons for the emergency no longer exist, whichever is earlier.

"(h) PENALTIES.—Except as provided in subsection (c), any person who violates this section shall be subject to the provisions of section 105 and 107, and may be subject to section 106 as the Secretary establishes by regulations.

"(i) ASSISTANCE.—The Secretary shall provide assistance to Regional Fishery Management Councils, States, interstate fishery commissions, and Indian tribal organizations in meeting the goal of reducing incidental mortality and serious injury to insignificant levels approaching a zero mortality and serious injury rate.

"(j) CONTRIBUTIONS.—For purposes of carrying out this section, the Secretary may accept, solicit, receive, hold, administer, and use gifts, devises, and bequests.

"(k) CONSULTATION WITH SECRETARY OF THE INTERIOR.—The Secretary shall consult with the Secretary of the Interior prior to taking actions or making determinations under this section that affect or relate to species or population stocks of marine mammals for which the Secretary of the Interior is responsible under this title.

"(l) DEFINITIONS.—As used in this section, each of the terms 'fishery' and '* * * of the United States' has the same meaning as it does in section 3 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802).".

### SEC. 12. DEFINITIONS.

Section 3 (16 U.S.C. 1362) is amended—

(1) in paragraph (13) by inserting "harm," before "harass" each place it appears; and

(2) by adding at the end the following:

"(18)(A) The term 'harassment' means any act of pursuit, torment, or annoyance which—

"(i) has the potential to injure a marine mammal or marine mammal stock in the wild; or

"(ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

"(B) The term 'Level A harassment' means harassment described in subparagraph (A)(i).

"(C) The term 'Level B harassment' means harassment described in subparagraph (A)(ii).

"(19) The term 'harm' means an act or series of acts which is likely to result in significant habitat modification or degradation that is likely to threaten the survival or recovery of a stock.

"(20) The term 'strategic stock' means a marine mammal population or stock—

"(A) for which the level of direct human-caused mortality exceeds the potential biological removal level;

"(B) which, based on the best available scientific information, is declining and is likely to be listed as a threatened species under the Endangered Species Act of 1973 within the foreseeable future; or

"(C) is listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), or is designated as depleted under the Act.

"(21) The term 'potential biological removal level' means the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population. The potential biological removal level is the product of the following factors:

"(A) The minimum population estimate of the stock.

"(B) One-half the maximum theoretical or estimated net productivity rate of the stock at a small population size.

"(C) A recovery factor of between 0.1 and 1.0.

"(22) The term 'Regional Fishery Management Council' means a Regional Fishery Management Council established under section 302 of the Magnuson Fishery Conservation and Management Act.

"(23) The term 'bona fide research' means scientific research on marine mammals, the results of which—

"(A) likely would be accepted for publication in a referred scientific journal;

"(B) are likely to contribute to the basic knowledge of marine mammal biology or ecology; or

"(C) are likely to identify, evaluate, or resolve conservation problems.

"(24) The term 'Alaska Native organization' means a group designated by law or formally chartered which represents or consists of Indians, Aleuts, or Eskimos residing in Alaska.

"(25) The term 'take reduction plan' means a plan developed under section 118.

"(26) The term 'take reduction team' means a team established under section 118.

"(27) The term 'net productivity rate' means the annual per capita rate of increase in a stock resulting from additions due to reproduction, less losses due to mortality.

"(28) The term 'minimum population estimate' means an estimate of the number of animals in a stock that—

"(A) is based on the best available scientific information on abundance, incorporating the precision and variability associated with such information; and

"(B) provides reasonable assurance that the stock size is equal to or greater than the estimate.".

### SEC. 13. PENALTIES; PROHIBITIONS.

"(a) CIVIL PENALTIES.—Section 105(a)(1) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1375(a)(1)) is amended by inserting", except as provided in section 118," immediately after "thereunder" and by inserting ", harassment," immediately after "taking".

"(b) CRIMINAL PENALTIES.—Section 105(b) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1375(b)) is amended by inserting "except as provided in section 118)" immediately after "thereunder".

"(c) PROHIBITIONS.—Section 102(a) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1372(a)) is amended by striking "and 114 of this title or title III" and inserting in lieu thereof "114, and 118 of this title and title IV".

### SEC. 14. INDIAN TREATY RIGHTS; ALASKA NATIVE SUBSISTENCE.

Nothing in this Act, including any amendments to the Marine Mammal Protection Act of 1972 made by this Act—

(1) alters or is intended to alter any treaty between the United States and one or more Indian tribes; or

"(2) affects or otherwise modifies the provisions of section 101(b) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(b)), except as specifically provided in the amendment made by section 4(h) of this Act.

### SEC. 15. TRANSITION RULE; IMPLEMENTING REGULATIONS.

"(a) TRANSITION RULE.—Section 114(a)(1) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1383a(a)(1)) is amended by striking "ending April 1, 1994," and inserting in lieu thereof "until superseded by regulations prescribed under section 118, or until September 1, 1995, whichever is earlier,".

(b) IMPLEMENTING REGULATIONS.—Except as provided otherwise in this Act, or the amendments to the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) made by this Act, the Secretary of Commerce or the Secretary of the Interior, as appropriate, shall, after notice and opportunity for public comment, promulgate regulations to implement this Act and the amendments made by this Act by January 1, 1995.

### SEC. 16. TECHNICAL AND CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 3 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362) is amended—

(1) by striking paragraph (17); and

(2) by redesignating the second paragraph (15) and paragraph (16) as paragraphs (16) and (17), respectively.

(b) MARINE MAMMAL HEALTH AND STRANDING RESPONSE.—The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended—

(1) by redesignating title III, as added by Public Law 102-587 (106 Stat. 5060), as title IV; and

(2) by redesignating the sections of that title (16 U.S.C. 1421 through 1421h) as sections 401 through 409, respectively.

(c) UNUSUAL MORTALITY EVENT FUND.—Section 405(a) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421d(a)), as so redesignated by subsection (b)(2) of this section, is amended by striking "a fund" and inserting in lieu thereof "an interest bearing fund".

### SEC. 17. HUMAN ACTIVITIES WITHIN PROXIMITY OF WHALES.

(a) LAWFUL APPROACHES.—In waters of the United States surrounding the State of Hawaii, it is lawful for a person subject to the jurisdiction of the United States to approach, by any means other than an aircraft, no closer than 100 yards to a humpback whale or any other whale, regardless of whether the approach is made in waters designated under section 222.31 of title 50, Code of Federal Regulations, as cow/calf waters.

(b) TERMINATION OF LEGAL EFFECT OF CERTAIN REGULATIONS.—Subsection (b) of section 222.31 of title 50, Code of Federal Regulations, shall cease to be in force and effect.

### SEC. 18. SCRIMSHAW EXEMPTIONS.

Notwithstanding any other provision of law, any valid certificate of exemption renewed by the Secretary (or deemed to be renewed) under section 10(f)(8) of the Endangered Species Act of 1973 (16 U.S.C. 1539(f)(8)) for any person holding such a certificate with respect to the possession of pre-Act finished scrimshaw products or raw material for such products shall remain valid for a period not to exceed 5 years beginning on the date of enactment of this Act.

### SEC. 19. MARINE MAMMAL COOPERATIVE AGREEMENTS IN ALASKA.

Title I of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

### "SEC. 119. MARINE MAMMAL COOPERATIVE AGREEMENTS IN ALASKA.

"(a) In General.—The Secretary may enter into cooperative agreements with Alaska Native organizations to conserve marine mammals and provide co-management of subsistence use by Alaska Natives.

"(b) Grants.—Agreements entered into under this section may include grants to Alaska Native organizations for, among other purposes—

"(1) collecting and analyzing data on marine mammal populations;

"(2) monitoring the harvest of marine mammals for subsistence use;

"(3) participating in marine mammal research conducted by the Federal Government, States, academic institutions, and private organizations; and

"(4) developing marine mammal co-management structures with Federal and State agencies.

"(c) Effect of Jurisdiction.—Nothing in this section is intended or shall be construed—

"(1) as authorizing any expansion or change in the respective jurisdiction of Federal, State, or tribal governments over fish and wildlife resources; or

"(2) as altering in any respect the existing political or legal status or Alaska Natives, or the governmental or jurisdictional status of Alaska Native communities or Alaska Native entities.

"(d) Authorization of Appropriations.—There are authorized to be appropriated for the purposes of carrying out this section—

"(1) $1,500,000 to the Secretary of Commerce for each of the fiscal years 1994, 1995, 1996, 1997, 1998, and 1999; and

"(2) $1,000,000 to the Secretary of Interior for each of the fiscal years 1994, 1995, 1996, 1997, 1998, and 1999. The amounts authorized to be appropriated under this subsection are in addition to the amounts authorized to be appropriated under section 7 of the Act entitled 'An Act to improve the operation of the Marine Mammal Protection Act of 1972, and for other purposes', approved October 9, 1981 (16U.S.C. 1384).".

### SEC. 20. MARINE ECOSYSTEM PROTECTION.

Section 110 (16 U.S.C. 1380) is amended by striking subsection (c) and inserting the following:

"(c)(1) No later than 1 year after the date of enactment of the Marine Mammal Protection Act Amendments of 1994, the Secretary of Commerce shall convene a regional workshop for the Gulf of Maine to assess human-caused factors affecting the health and stability of that marine ecosystem, of which marine mammals are a part. The workshop shall be conducted in consultation with the Marine Mammal Commission, the adjacent coastal States, individuals with expertise in marine mammal biology and ecology, representatives from environmental organizations, the fishing industry, and other appropriate persons. The goal of the workshop shall be to identify such factors, and to recommend a program of research and management to restore or maintain that marine ecosystem and its key components that—

"(A) protects and encourages marine mammals to develop to the greatest extent feasible commensurate with sound policies of resource management;

"(B) has as the primary management objective the maintenance of the health and stability of the marine ecosystems;

"(C) ensures the fullest possible range of management options for future generations; and

"(D) permits nonwasteful, environmentally sound development of renewable and nonrenewable resources.

"(2) On or before December 31, 1995, the Secretary of Commerce shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of the workshop under this subsection, proposed regulatory or research actions, and recommended legislative action.

"(d)(1) The Secretary of Commerce, in consultation with the Secretary of the Interior, the Marine Mammal Commission, the State of Alaska, and Alaska Native organizations, shall, not later than 180 days after the date of enactment of the Marine Mammal Protection Act Amendments of 1994, undertake a scientific research program to monitor the health and stability of the Bering Sea marine ecosystem and to resolve uncertainties concerning the causes of population declines of marine mammals, sea birds, and other living resources of that marine ecosystem. The program shall address the research recommendations developed by previous workshops on Bering Sea living marine resources, and shall include research on subsistence uses of such resources and ways to provide for the continued opportunity for such uses.

"(2) To the maximum extent practicable, the research program undertaken pursuant to subsection (d)(1) shall be conducted in Alaska. The Secretary shall utilize, where appropriate, traditional local knowledge and may contract with a qualified Alaska Native organization to conduct such research.

"(3) The Secretary of Commerce, the Secretary of the Interior, and the Commission shall address the status and findings of the research program in their annual reports to Congress required by sections 103(f) and 204 of this Act.".

### SEC. 21. INTERJURISDICTIONAL FISHERIES ACT OF 1986.

Section 308(b) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(b)) is amended by striking "$2,500,000 for each of the fiscal years 1989, 1990, 1991, 1992, 1993, 1994, and 1995" and inserting in lieu thereof "$65,000,000 for each of the fiscal years 1994 and 1995".

### SEC. 22. COASTAL ECOSYSTEM HEALTH.

(a) Requiement To Convey.—Not later than September 30, 1994, the Secretary of the Navy shall convey, without payment or other consideration, to the Secretary of Commerce, all right, title, and interest to the property comprising that portion of the Naval Base, Charleston, South Carolina, bounded by Hobson Avenue, the Cooper River, the landward extension of the northwest side of Pier R, and the fenceline between the buildings known as RTC–1 and 200. Such property shall include Pier R, the buildings known as RTC–1 and RTC–4, and all walkways and parking areas associated with such buildings and Pier R.

(b) Survey: Effect on Liability of Secretary of Navy.—The acreage and legal description of the property to be conveyed pursuant to this section shall be determined by a survey approved by the Secretary of the Navy. Such conveyance shall not release the Secretary of the Navy from any liability arising prior to, during, or after such conveyance as a result of the ownership or occupation of the property by the United States Navy.

(c) Use by National Oceanic and Atmospheric Administration.—The property conveyed pursuant to this section shall be used by the Secretary of Commerce in support of the operations of the National Oceanic and Atmospheric Administration.

(d) Reversion Rights.—Conveyance of the property pursuant to this section shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately be conveyed to the public entity vested with ownership of the remainder of the Charleston Naval Base, if and when—

(1) continued ownership and occupation of the property by the National Oceanic and Atmospheric Administration no longer is compatible with the comprehensive plan for reuse of the Charleston Naval Base developed by the community reuse committee and approved by the Secretary of the Navy; and

(2) such public entity provides for relocation of the programs and personnel of the National Oceanic and Atmospheric Administration occupying such property, at no further cost to the United States Government, to a comparable facility, including adjacent waterfront and pier, within the Charleston area.

### SEC. 23. PACIFIC COAST TASK FORCE; GULF OF MAINE.

Title I of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

### "SEC. 120. PACIFIC COAST TASK FORCE.

"(a) Pinniped Removal Authority.—Notwithstanding any other provision of this title, the Secretary may permit the lethal removal of pinnipeds in accordance with this section.

"(b) Application.—(1) Any State may apply to the Secretary to authorize the lethal removal of individually identifiable pinnipeds which are having a significant negative impact on the decline or recovery of salmonid fishery stocks which—

"(A) have been listed as threatened species or endangered species under the Endangered Species Act of 1973;

"(B) the Secretary finds are approaching endangered species or threatened species status (as those terms are defined in that Act); or

"(C) migrate through Ballard Locks at Seattle, Washington.

"(2) Any such application shall include a means of identifying the individual pinniped or pinnipeds, and shall include a detailed description of the problem interaction and expected benefits of the removal.

"(c) Actions in Response to Application.—(1) Within 15 days of receiving an application, the Secretary shall determine whether the application has produced sufficient evidence to warrant establishing a Pinniped-Fishery Interaction Task Force to address the situation described in the application. If the Secretary determines that such sufficient evidence has been provided, the Secretary shall establish a Pinniped-Fishery Interaction Task Force and publish a notice in the Federal Register requesting public comment on the application.

"(2) A Pinniped-Fishery Interaction Task Force established under paragraph (1) shall consist of designated employees of the Department of Commerce, scientists who are knowledgeable about the pinniped interaction that the application addresses, representatives of affected conservation and fishery community organizations, Indian Treaty tribes, the States, and such other organizations as the Secretary deems appropriate.

"(3) Within 60 days after establishment, and after reviewing public comments in response to the Federal Register notice, the Pinniped-Fishery Interaction Task Force shall—

"(A) recommend to the Secretary whether to approve or deny the proposed lethal removal of the pinniped or pinnipeds, including along with the recommendation a description of the specific pinniped individual or individuals, the proposed location, time, and method of removal, criteria for evaluating the success of the action, and the duration of the authority; and

"(B) suggest nonlethal alternatives, if available and practicable, including a recommended course of action.

"(4) Within 30 days after receipt of recommendations from the Pinniped-Fishery Interaction Task Force, the Secretary shall either approve or deny the application. If such application is approved, the Secretary shall immediately take steps to implement the lethal removal, which shall be performed by Federal or State agencies, or qualified individuals under contract to such agencies.

"(5) After implementation of an approved application, the Pinniped-Fishery Interaction Task Force shall evaluate the effectiveness of the permitted lethal removal or alternative actions implemented. If implementation was ineffective in eliminating the problem interaction, the Task Force shall recommend additional actions. If the implementation was effective, the Task Force shall so advise the Secretary, and the Secretary shall disband the Task Force.

"(d) CONSIDERATIONS.—In considering whether an application should be approved or denied, the Task Force and the Secretary shall consider—

"(1) population trends, feeding habits, the location of the pinniped interaction, how and when the interaction occurs, and how many individual pinnipeds are involved;

"(2) past efforts to nonlethally deter such pinnipeds, and whether the applicant has demonstrated that no feasible and prudent alternatives exist and that the applicant has taken all reasonable nonlethal steps without success;

"(3) the extent to which such pinnipeds are causing undue harm, impact, or imbalance with other species in the ecosystem, including fish populations; and

"(4) the extent to which such pinnipeds are exhibiting behavior that presents an ongoing threat to public safety.

"(e) LIMITATION.—The Secretary shall not approve lethal removal for any pinniped from a species or stock that is—

"(1) listed as threatened or endangered under the Endangered Species Act of 1973;

"(2) designated as depleted under this Act; or

"(3) specified under section 117(a)(7) of this Act.

"(f) CALIFORNIA SEA LIONS AND PACIFIC HARBOR SEALS; INVESTIGATION AND REPORT.—

"(1) The Secretary of Commerce shall engage in a scientific investigation to determine whether California sea lions and Pacific harbor seals—

"(A) are having a significant negative impact on the recovery of salmonid fishery stocks which have been listed as threatened species or endangered species under the endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or which the Secretary finds are approaching endangered or threatened species status; or

"(B) are having broader impacts on the coastal ecosystems of Washington, Oregon, and California.

The Secretary shall conclude this investigation and prepare a report on its results no later than October 1, 1995.

"(2) Upon completion of the scientific investigation required under paragraph (1), the Secretary shall enter into discussions with the Pacific States Marine Fisheries Commission on behalf of the States of Washington, Oregon, and California for the purpose of addressing any issues or problems identified as a result of the scientific investigation, and to develop recommendations to address such issues or problems. Any recommendations resulting from such discussions shall be submitted, along with the report, to the Committee on Merchant Marine and Fisheries of the United States House of Representatives and the Committee on Commerce, Science, and Transportation of the United States Senate.

"(3) The Secretary shall make the report and the recommendations submitted under paragraph (2) available to the public for review and comment for a period of 90 days.

"(4) There are authorized to be appropriated to the Secretary such sums as are necessary to carry out the provisions of this subsection.

"(5) The Pacific States Marine Fisheries Commission is authorized to use funds appropriated under section 308(c) of the Interjurisdictional Fisheries Act (16 U.S.C. 4107(c)) to participate in discussions with the Secretary under paragraph (2).

"(g) REGIONWIDE PINNIPED-FISHERY INTERACTION STUDY.—

(1)(A) The Secretary may conduct a study, of not less than three high predation areas in anadromous fish migration corridors with the Northwest Region of the National Marine Fisheries Service, on the interaction between fish and pinnipeds. In conducting the study, the Secretary shall consult with other State and Federal agencies with expertise in pinniped-fishery interaction. The study shall evaluate—

"(i) fish behavior in the presence of predators generally;

"(ii) holding times and passage rates of anadromous fish stocks in areas where such fish are vulnerable to predation;

"(iii) whether additional facilities exist, or could be reasonably developed, that could improve escapement for anadromous fish; and

"(iv) other issues the Secretary considers relevant.

"(B) Subject to the availability of appropriations, the Secretary may, not later than 18 months after the commencement of the study under this subsection, transmit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives.

"(2) The study conducted under this subsection may not be used by the Secretary as a reason for delaying or deferring a determination under subsection (c).

"(h) GULF OF MAINE TASK FORCE.—The Secretary shall establish a Pinniped Fishery Interaction Task Force to advise the Secretary on issues or problems regarding seals interacting in a dangerous or damaging manner with aquaculture resources in the Gulf of Maine. No later than 2 years from the date of enactment, the Secretary shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing recommended available alternatives to mitigate such interactions.

(i) GULF OF MAINE HARBOR PORPOISE.—(1) Nothing in section 117 shall prevent the Secretary from publishing a stock assessment for Gulf of Maine harbor porpoise in an expedited fashion.

"(2) In developing and implementing a take and reduction plan under section 118 for Gulf of Maine harbor porpoise, the Secretary shall consider all actions already taken to reduce incidental mortality and serious injury of such stock, and may, based on the recommendations of the take reduction team for such stock, modify the time period for compliance with section 118(f)(5)(A), to be no later than April 1, 1997.".

**SEC. 24. FURTHER TECHNICAL AND CONFORMING AMENDMENTS.**

(a) AMENDMENTS RELATING TO DEFINITION OF SECRETARY.—

(1) EXECUTION OF PRIOR AMENDMENTS.—The amendments set forth in section 3004(b) of the Marine Mammal Health and Stranding Response Act (106 Stat. 5067)—

(A) are deemed to have been made by that section to section 3(12) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(12)); and

(B) shall not be considered to have been made by that section to section 3(11) of that Act (16 U.S.C. 1362(11)).

(2) FURTHER TECHNICAL AND CONFORMING AMENDMENTS.—Section 3(12)(B) of the Marine Mammal Protection Act of 1972, as deemed by paragraph (1)(A) of this subsection to have been amended by section 3004(b) of the Marine Mammal Health and Stranding Response Act (106 Stat. 5067), is further amended in subparagraph (B) by striking "in title III" and inserting "In section 118 and title IV".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if enacted as part of section 3004 of the Marine Mammal Health and Stranding Response Act (106 Stat. 5067).

(c) FURTHER AMENDMENTS TO TITLE IV. The Act is amended—

(1) in section 401(b)(3) (as redesignated by this section) by striking "304" and inserting "404";

(2) in section 405(b)(1)(A)(i) (as redesignated by this section) by striking "304(b)" and inserting "404(b)";

(3) in section 406(a)(2)(A) (as redesignated by this section) by striking "304(b)" and inserting "404(b)";

(4) in section 406(a)(2)(B) (as redesignated by this section) by striking "304(c)" and inserting "404(c)";

(5) in section 408(1) (as redesignated by this section)—

(A) by striking "305" and inserting "405", and

(B) by striking "307" and inserting "407";

(6) in section 408(2) (as redesignated by this section) by striking "307" and inserting "407";

(7) in section 409(1) (as redesignated by this section) by striking "305(a)" and inserting "405(a)";

(8) in section 409(5) (as redesignated by this section) by striking "307(a)" and inserting "407(a)";

(9) in section 102(a) (16 U.S.C. 1372(a)) by striking "title III" and inserting "title IV";

(10) in section 109(h)(1) (16 U.S.C. 1379(h)(1)) by striking "title III" and inserting "title IV";

(11) in section 112(c) (16 U.S.C. 1382(c)) by striking "or title III" and inserting "or title IV"; and

(12) in the table of contents in the first section, by striking the items relating to the title that is redesignated by paragraph (2) of this section and the sections that are redesignated by paragraph (3) of this section and inserting the following:

"TITLE IV—MARINE MAMMAL HEALTH AND STRANDING RESPONSE

"Sec. 401. Establishment of program.
"Sec. 402. Determination; data collection and dissemination.
"Sec. 403. Stranding response agreements.
"Sec. 404. Unusual mortality event response.
"Sec. 405. Unusual mortality event activity funding.
"Sec. 406. Liability.
"Sec. 407. National Marine Mammal Tissue Bank and tissue analysis.
"Sec. 408. Authorization of appropriations.
"Sec. 409. Definitions."

**SEC. 25. TRANSFER.**

Of amounts appropriated by Public Law 103-139 to the Department of the Navy for Shipbuilding and Conversion, Navy, the Secretary of the Navy shall transfer $8,000,000 not later than April 15, 1994, to the Administrator of the Maritime Administration for the conversion of the USNS CHAUVENET to a training ship for the Texas Maritime Academy's Training Program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, yesterday the House passed H.R. 2760, the Marine Mammal Protection Act Amendments of 1994. At the same time, the Senate passed S. 1636, similar legislation which also reauthorizes and improves the act. The bills as passed are similar in content and purpose, although not identical.

For the past 24 hours, members of this committee have been working with the members of the Senate Committee on Commerce, Science, and Transportation to achieve consensus on this important legislation, and I am pleased to bring before you today a committee amendment that consists of an agreed-to text.

Substantive changes to the bill passed yesterday include:

Improved protection measures for the subsistence rights of Alaska Natives;

A requirement that the National Marine Fisheries Service report on the status of all the marine mammal stocks in U.S. waters that this act seeks to protect; and

Reasonable goals that will allow fishermen to continue fishing and still reduce the number of marine mammals that are accidentally killed during the course of commercial fishing operations.

In short, Mr. Speaker, the committee amendment which we bring before you today is an even better bill than that passed by this body yesterday, and I strongly urge my colleagues to support it.

I wish to include in my statement a copy of a letter that I had sent to Chairman DE LA GARZA regarding a jurisdictional matter between the Agriculture Committee and the Merchant Marine and Fisheries Committee with respect to the Marine Mammal Protection Act.

I would like to insert the letter in the RECORD so that there is no misunderstanding about that issue.

Hon. E DE LA GARZA,
*Chairman, Committee on Agriculture, Longworth House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: I want to thank you and your staff for your assistance in the reauthorization of the Marine Mammal Protection Act of 1972.

As you are aware, on March 16, our Committee approved H.R. 2760, the Marine Mammal Protection Act [MMPA] Amendments of 1994. One of the issues of concern during consideration of the bill was the role of the Department of Agriculture's Animal and Plant Health Inspection Service [APHIS] and the Department of Commerce's National Marine Fisheries Service in the issuance of MMPA public display permits.

Currently, the practice of the Department of Commerce is to issue an MMPA permit for the public display of a marine mammal only to those public display facilities that are registered or licensed by the APHIS under the Animal Welfare Act. Although this is not required by law, it is a practice which was developed pursuant to a Memorandum of Understanding (effective September 20, 1979) between the Departments of Agriculture, Interior and Commerce.

In section 6 of H.R. 2760, we have codified this practice to ensure that the Secretary of Commerce issues MMPA public display permits only to those facilities registered or licensed with APHIS. The legislation does not amend the Animal Welfare Act nor does it infringe upon or alter the responsibilities of the Secretary of Agriculture. The bill simply clarifies the authority of the Secretary of Commerce in issuing MMPA public display permits.

None of the amendments made to the MMPA in H.R. 2760 amend any statute within the jurisdiction of your Committee nor do they limit the authority of the Secretary of Agriculture under the Animal Welfare Act. APHIS has also reviewed these provisions to ensure that they do not alter any existing authority or jurisdiction.

I hope this letter clarifies the provisions in H.R. 2760 which may be of interest to you and again, I want to thank you for all your help.

With kind regards.

GERRY E. STUDDS,
*Chairman.*

Mr. FIELDS of Texas. Mr. Speaker, I yield myself such time as I may consume.

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Mr. Speaker, I rise in strong support of S. 1636, a bill to reauthorize and amend the Marine Mammal Protection Act [MMPA] of 1972.

The MMPA governs a variety of subjects including public display, scientific research, subsistence use of marine mammals, and the incidental take of marine mammals during commercial fishing operations.

During the past year, the Committee on Merchant Marine and Fisheries held a number of hearings to consider various reauthorization issues. It was a pleasure working with you, Chairman STUDDS, and other members to draft the language that has been incorporated within this consensus document. While there may be a difference of opinion on certain isolated provisions, S. 1636 is the result of many long hours of hard work, determination, and compromise.

Mr. Speaker, as you know, we face an April 1, 1994, deadline to reauthorize the act. I believe the language outlined in the bill governing the interaction of commercial fishing activities with marine mammals will not be overburdensome. It uses good science through the establishment of scientific working groups and take reduction teams, stock assessments, and the determination of critical stocks. This information is vital in order to make rational decisions based on science rather than emotion or moral judgments.

S. 1636 also allows the importation of polar bear trophies from Canada—a country whose polar bear population is healthy. Canada's management program is based on science, which ensures a sustainable polar bear population, and is consistent with international conservation agreements. The bill ensures that conservation of polar bears worldwide is not compromised in any way.

S. 1636 also addresses the authority to grant permits for public display, clarifies the roles of various Federal agencies, provides for the welfare of the marine mammals, and meets the needs of the public display community.

Again, Mr. Speaker, it was a pleasure having the opportunity to work with Chairman STUDDS and Congressman YOUNG to ensure that our marine mammal resources are properly managed in the future. I support adoption and urge all Members to vote "aye" on this important legislation.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington [Ms. CANTWELL].

Ms. CANTWELL. Mr. Speaker, I rise in support of S. 1636, as amended, and ask unanimous consent to revise and extend my remarks.

Mr. Speaker, I want to thank Chairman STUDDS and the ranking members of both the Merchant Marine and Fisheries Committee and the Subcommittee on Environment and Natural Resources for bringing the Marine Mammal Protection Act reauthorization bill before this House today. I know their work on this vital legislation has been extremely challenging, but we now have a bill that addresses several important issues for the people of the Northwest and our need to manage marine mammal populations and their interaction with other species.

This bill establishes a compromise that balances industry and environmental interests, and represents a new era in managing the interaction between marine mammals and the commercial fishing industry. The legislation not only reduces the incidental killing or injuring of marine mammals by the fishing industry, but also gives the industry a clear process for dealing more effectively with marine mammal populations.

Northwest salmon resources are in serious trouble. Comprehensive and decisive action must be taken to address the threat to salmon ecosystems. Loss of habitat caused by development, logging, agriculture, and dams has contributed to the decline of fish runs throughout the Northwest, but the Cedar River steelhead in Washington State have been driven to the brink of extinction by a robust population of California sea lions. This bill will give us one of the tools we need not only to take positive action on behalf of the Cedar River steelhead, but also to intervene in other potentially critical situations as they develop.

Since the early 1980's a group of California sea lions—collectively known as Herschel—have been eating Cedar River steelhead, which migrate through a fish ladder at the Ballard Locks in Seattle. Normally, sea lions feeding on healthy fish stocks is natural, but this is not a normal situation. For the Cedar River steelhead run to be sustained, 1,600 fish must return to spawn each year. The last time that goal was reached was in the 1985-86 season. Since then, the steelhead have been declining steadily. Only 21 steelheads have passed through the Ballard fish ladder this year.

This legislation will allow Washington State to address one of the forces contributing to the critical status of the Cedar River steelhead run: California sea lions. By establishing a task force to advise the Secretary of Commerce on managing conflicts between species—such as the one at the Ballard Locks—and providing intervention options before those conflicts become critical. I hope we will be able to avoid other critical situations in the future.

I commend Chairman STUDDS for his commitment to enacting legislation that will enable States to manage the interaction of species more effectively. The clash of species has become an emotional and divisive dilemma in the Northwest. The State of Washington, or any State with a similar problem, must be given the tools to deal with conflicts between species before they become critical and threaten the survival of one or more of those species. This legislation recognizes and gives us those tools.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. FIELDS of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, yesterday the House and Senate each passed their versions of the Marine Mammal Protection Act Amendments of 1994. Last night, the staff of the House and Senate, in a marathon work session, completed work on combined version of the two bills. What we are considering today is a compromise text acceptable to the two bodies which protects marine mammals, allows U.S. fishermen to continue to operate, protects Native Alaskan subsistence users, removes bureaucratic roadblocks for scientists and others, clarifies the responsibility of the Federal Government in regard to public display, and generally makes the Marine Mammal Protection Act a better law.

Again, I want to thank the chairman of the committee, Mr. STUDDS, for his leadership in conserving marine resources and his willingness to deal fairly with all the difficult issues that faced us.

Mr. Speaker, I urge adoption of the bill.

Mr. MCDERMOTT. Mr. Speaker, I commend the Merchant Marine and Fisheries Committee and, in particular, its distinguished chairman, for the long hours of work dedicated to bringing this bill to the floor. I have worked with the committee to resolve some of the complex and contentious issues in the bill but, unfortunately, I am unable to support this conference report.

At the heart of the conflict over this bill is the question of when, and under what circumstances, to sanction the killing of a marine mammal. The committee's struggle to resolve that issue mirrors one that has been ongoing in my district at the Ballard Locks for more than a decade. Each year from January to May, California sea lions gather in the channel leading to the locks and consume up to 60 percent of a Lake Washington steelhead run now on the brink of extinction.

It has become clear that survival of the steelhead may depend upon the option to kill the sea lions that feed upon them at the Ballard Locks. Annually, more than 1,600 returning steelhead are needed to sustain the population, but so far this winter fewer than 50 fish have passed through the fish ladder at the locks. As the number of spawning steelhead returning from the open sea declines, it becomes all the more critical to protect them from predation by sea lions at the locks. For this reason, I am not opposed to the idea of allowing States to petition the Secretary of Commerce for permission to remove sea lions by lethal means, in urgent instances.

Regrettable, however, this conference report does not address adequately the crisis my constituents are facing at the Ballard Locks. Last November, marine mammal experts in my district recommended that a fish tracking study be conducted by the appropriate State and Federal fisheries agencies. This study is the first of its kind in which scientists have been able to track movement of fish through the area of predation at the locks, and it is critical that we continue to build upon the knowledge we gain from this study.

I have sought unsuccessfully to amend the Marine Mammal Protection Act to authorize additional money to both continue studying fish behavior and identify and construct fish passage and fish ladder improvements at the Ballard Locks, to aid the recovery of salmonid fishery stocks. Such an authorization would help my constituents pursue any reasonable measure to protect steelhead and minimize predation upon them by sea lions. The committee has given the Secretary of Commerce permission to conduct the studies, but there is neither a directive nor funding to carry out this work that will address a long-term solution.

In addition, the lethal taking provision in this bill, in cases specific to the Ballard Locks, will allow the Secretary to authorize killing of marine mammals that feed on fish not in danger of becoming listed under the Endangered Species Act. This provision gives license to kill sea lions even if they are not threatening a fish run, thus making the sea lions vulnerable to unnecessary lethal removal.

I regret that I am unable to support this bill, because it offers the potential to address critical conflicts between declining fish runs and marine mammals. Instead, I will request that the Committee on Appropriations provide money to the appropriate natural resources agencies and the Army Corps of Engineers to study and modify obstructions to fish passage at the Ballard Locks. This should improve both understanding of fish behavior in the locks and operation of the fish ladder, thereby enhancing the passage of many species of fish through the locks. I am hopeful that these changes will significantly strengthen the very fragile steelhead run at the locks and overcome the difficult conflict between fish and marine mammals.

Mr. FIELDS of Texas. Mr. Speaker, I urge my colleagues to support this piece of legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUDDS. Madam Speaker, I would simply say that the staff on both sides deserves extraordinary commendation for the amount of effort displayed here, especially Mrs. Karen Steuer. This has been an ordeal for them, and I think we have done it.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Ms. ESHOO). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS], that the House suspend the rules and pass the Senate bill, S. 1636, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

## AUTHORIZING THE CLERK TO MAKE TECHNICAL CORRECTIONS IN ENGROSSMENT OF S. 1636, MARINE MAMMAL PROTECTION ACT AMENDMENTS OF 1994

Mr. STUDDS. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of the bill, S. 1636, including corrections in spelling, punctuation, section numbering, and cross-referencing.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## GENERAL LEAVE

Mr. STUDDS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on S. 1636, as amended, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request to the gentleman from Massachusetts?

There was no objection.

## INTERSTATE BANKING EFFICIENCY ACT OF 1994

Mr. NEAL of North Carolina. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3841) to amend the Bank Holding Company Act of 1956, the Revised Statutes of the United States, and the Federal Deposit Insurance Act to provide for interstate banking and branching, as amended.

The Clerk read as follows:

### H.R. 3841

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Interstate Banking Efficiency Act of 1994".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.

TITLE I—INTERSTATE BANKING AND BRANCHING

Sec. 101. Interstate banking.
Sec. 102. Interstate branching by national banks.
Sec. 103. Interstate branching by State banks.
Sec. 104. Branching by foreign banks.
Sec. 105. Interstate consolidations.
Sec. 106. Branch closures.
Sec. 107. Prohibition against deposit production offices.
Sec. 108. Federal Reserve Board study on bank fees.
Sec. 109. Restatement of existing law.

TITLE II—CRA EVALUATIONS

Sec. 201. State-by-State CRA evaluations of depository institutions with interstate branches.

### TITLE I—INTERSTATE BANKING AND BRANCHING

**SEC. 101. INTERSTATE BANKING.**

(a) INTERSTATE ACQUISITIONS.—Section 3(d) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(d)) is amended to read as follows:

"(d) INTERSTATE ACQUISITIONS.—

"(1) APPROVALS AUTHORIZED.—

"(A) IN GENERAL.—Subject to paragraph (2), the Board may approve an application under this section by a bank holding company to acquire, directly or indirectly, any voting shares of, interest in, or all or substantially all of the assets of any additional bank or any bank holding company located in any State other than the home State of the applicant bank holding company.

"(B) CONCENTRATION LIMITS.—

"(i) IN GENERAL.—The Board may not approve an application under subparagraph (A) if—

"(I) the applicant (including all insured depository institutions which are affiliates of the applicant) controls, or upon completion of the acquisition would control, more than 10 percent of the total amount of insured depository institution deposits in the United States; or

"(II) the applicant (including all insured depository institutions which are affiliates of the applicant) controls, or upon completion of the acquisition would control, 30 percent or more of the total amount of insured depository institution deposits in the State in which the bank to be acquired is located.

"(ii) WAIVER BY STATE.—A State may waive the application of clause (i)(II) to an acquisition in such State.

"(2) APPLICABILITY OF STATE LAW TO ACQUISITIONS.—

"(A) INAPPLICABILITY OF CERTAIN STATE LAWS TO ACQUISITIONS.—Subject to paragraph (3), any acquisition described in paragraph (1)(A) which has been approved under this section may be consummated notwithstanding any law of any State that would prohibit or otherwise limit such acquisition on the basis of—

"(i) the location or size of the acquiring company or any subsidiary of such company;

"(ii) the number of bank subsidiaries of such company; or

"(iii) any other factor that—

"(I) directly or indirectly, has the effect of prohibiting or limiting the acquisition of shares or control of a bank or bank holding company located in such State by an out-of-State bank holding company; and

"(II) is not applied with similar effect with respect to acquisitions of banks or bank holding companies located in such State by bank holding companies located in the State.

"(B) APPLICABILITY OF STATE LAW ON THE FORM OF ACQUISITION.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subsection and subject to clause (ii), any law of a host State which—

"(I) is in existence on the date of the enactment of the Interstate Banking Efficiency Act of 1994 or is enacted after such date; and

"(II) allows an out-of-State bank or bank holding company to establish a bank in the host State only by acquiring an existing bank in the host State,

shall apply with respect to the establishment or acquisition of a bank in the host State under this subsection.

"(ii) APPLICABILITY OF PROVISIONS RELATING TO MINIMUM PERIOD OF EXISTENCE OF ACQUIRED BANK.—In the case of any State law referred to in clause (i) which is enacted after the date of the enactment of the Interstate Banking Efficiency Act of 1994 and requires the bank to be acquired to have been in existence (as of the date of the transaction) for a period of time greater than 5 years, such law shall be applied under clause (i) by substituting '5-year period' for such greater period.

"(3) APPLICABILITY OF STATE LAW TO INTERSTATE BANKING OPERATIONS.—

"(A) STATE TAXATION AUTHORITY NOT AFFECTED.—No provision of this subsection shall be construed as affecting the authority of any State or political subdivision of any State to apply and administer any tax or method of taxation to any bank, bank holding company, or foreign bank, or any affiliate of any bank or bank holding company, to the extent such tax or tax method is otherwise permissible by or under the Constitution of the United States of America or other Federal law.

"(B) APPLICABILITY OF DEPOSIT CAPS AND ANTITRUST LAWS.—No provision of this subsection shall be construed as affecting—

"(i) the authority of any State to limit the percentage of the total amount of insured depository institution deposits in the State which may be held or controlled by any bank to the extent the application of such limitation does not discriminate against out-of-State banks or bank holding companies; or

"(ii) the applicability of the antitrust laws or any State law which is similar to the antitrust laws.

"(4) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) ANTITRUST LAWS.—The term 'antitrust laws'—

"(i) has the same meaning as in subsection (a) of the 1st section of the Clayton Act; and

"(ii) includes section 5 of the Federal Trade Commission Act to the extent such section 5 relates to unfair methods of competition.

"(B) DEPOSITS.—The term 'deposits' has the same meaning as in section 3(l) of the Federal Deposit Insurance Act.

"(C) HOME STATE.—The term 'home State' means, with respect to a bank holding company, the State in which the total deposits of all banking subsidiaries of such company were the largest on the later of July 1, 1966, or the date on which the company becomes a bank holding company.

"(D) HOST STATE.—The term 'host State' means, with respect to a bank holding company acquiring or establishing a bank in a State other than such company's home State, the State in which the bank being acquired or established is located.

"(E) INSURED DEPOSITORY INSTITUTION.—The term 'insured depository institution' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

"(F) OUT-OF-STATE BANK HOLDING COMPANY.—The term 'out-of State bank holding company' means, with respect to any State, a bank holding company the home State of which is another State.".

(b) SUBSIDIARY DEPOSITORY INSTITUTIONS AS AGENTS.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) by adding at the end the following new subsection:

"(q) SUBSIDIARY DEPOSITORY INSTITUTIONS AS AGENTS FOR CERTAIN AFFILIATES.—

"(1) IN GENERAL.—Any depository institution subsidiary of a depository institution holding company may receive deposits, renew time deposits, close loans, disburse proceeds of loans, and receive payments on loans and other obligations as agent for a depository institution affiliate located in another State.

"(2) DEPOSITORY INSTITUTION ACTING AS AGENT IS NOT A BRANCH.—Notwithstanding any other provision of law, a depository institution acting as agent in accordance with paragraph (1) for a depository institution affiliate shall not be considered to be a branch of the affiliate.

"(3) ACTIVITIES AS AGENT.—Paragraph (1) shall not be construed as authorizing a State depository institution to engage in activities as an agent in which such institution is not authorized to engage as principal under the laws of the State in which such institution acts as agent.

"(4) PLAN ON MEETING LOCAL CREDIT NEEDS.—

"(A) IN GENERAL.—If a depository institution holding company controls any depository institution which acts as agent for another depository institution subsidiary of such company pursuant to paragraph (1), the depository institution holding company shall file a local credit needs plan with the appropriate Federal banking agency for the subsidiary which acts as agent before the date on which the subsidiary begins acting as agent.

"(B) LOCAL CREDIT NEEDS PLAN DEFINED.—The term 'local credit needs plan' means a plan for meeting local credit needs in the communities served by any depository institution subsidiary (of a bank holding company) which acts as agent pursuant to paragraph (1), which includes an estimate of the extent to which the amount of the anticipated savings attributable to the use of depository institution subsidiaries as agents under this subsection will be available to meet such local credit needs.".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply after the end of the 12-month period beginning on the date of the enactment of this Act.

**SEC. 102. INTERSTATE BRANCHING BY NATIONAL BANKS.**

Section 5155 of the Revised Statutes (12 U.S.C. 36) is amended—

(1) by redesignating subsections (d) through (h) as subsections (g) through (k), respectively;

(2) by inserting after subsection (c) the following new subsections:

"(d) INTERSTATE BRANCHING BY NATIONAL BANKS.—

"(1) APPROVALS OF ACQUISITION OF EXISTING BRANCHES AUTHORIZED.—Subject to paragraphs (3) and (4) and subsections (e) and (f), after the end of the 3-year period beginning on the date of the enactment of the Interstate Banking Efficiency Act of 1994, the Comptroller of the Currency may approve an application to allow a national bank to—

"(A) acquire a bank or branch located outside the home State of such bank in a State in which the bank does not maintain a branch; and

"(B) operate such bank or branch (including any branch of such bank) as a branch,

if the conditions established in paragraph (6) are met.

"(2) STATE 'OPT-IN' ELECTION TO PERMIT INTERSTATE BRANCHING THROUGH DE NOVO BRANCHES.—Subject to subsections (e) and (f), the Comptroller of the Currency may approve an application by a national bank to establish and operate a de novo branch outside the home State of such bank in a State in which the bank does not maintain a branch if—

"(A) there is in effect in the host State a law that—

"(i) expressly permits all out-of-State banks to establish de novo branches in such State; and

"(ii) applies equally to national and State banks; and

"(B) the conditions established in paragraph (6) are met.

"(3) STATE 'OPT-OUT' ELECTION TO PROHIBIT INTERSTATE BRANCHING BY ACQUISITION OF EXISTING BANKS.—

"(A) IN GENERAL.—An application by a national bank to establish a branch in a State other than the home State of such bank through the acquisition of an existing bank or branch in the host State may not be approved by the Comptroller of the Currency if there is in effect in the host State a law which—

"(i) expressly prohibits all out-of-State banks from acquiring a branch located in such State through the acquisition of an existing bank or branch in the host State;

"(ii) was enacted during the period beginning on January 1, 1990, and ending 3 years after the date of the enactment of the Interstate Banking Efficiency Act of 1994; and

"(iii) applies equally to national and State banks.

"(B) EFFECT OF PROHIBITION.—A national bank whose home State has in effect a prohibition described in subparagraph (A) may not acquire or establish, under this subsection, a branch located in any other State.

"(4) STATE LAWS REQUIRING MINIMUM PERIOD OF EXISTENCE FOR ACQUISITIONS BY OUT-OF-STATE BANKS.—

"(A) LAWS ENACTED BEFORE INTERSTATE BANKING ACT.—In the case of a State in which a law is in effect which—

"(i) allows an out-of-State bank or bank holding company to establish a bank in the host State only by acquiring a bank or branch (in the host State) which has been in existence for not less than the minimum time period specified in such law; and

"(ii) took effect on or before the date of the enactment of the Interstate Banking Efficiency Act of 1994,

an out-of-State national bank which has no branch in such State may establish a branch in the State under this subsection only by acquiring a bank or branch which has been in existence for not less than the minimum time period specified in such law.

"(B) SUBSEQUENT ENACTMENTS.—In the case of a State in which a law is in effect which—

"(i) allows an out-of-State bank or bank holding company to establish a branch in the host State only by acquiring a bank or branch (in the host State) which has been in existence for not less than the minimum time period specified in such law; and

"(ii) took effect after the date of the enactment of the Interstate Banking Efficiency Act of 1994,

an out-of-State national bank which has no branch in such State may establish a branch in the State under this subsection only by acquiring a bank or branch which has been in existence for not less than the lesser of the minimum time period specified in such law or 5 years.

"(5) EARLY APPROVAL AUTHORIZED IF STATE LAW PERMITS.—The Comptroller of the Currency may approve an application under paragraph (1) before the expiration of the 3-year period described in such paragraph if the State in which the branch is or will be located has in effect a law which expressly permits interstate branching by all national and State banks.

"(6) CONDITIONS APPLICABLE TO THE ESTABLISHMENT OR ACQUISITION OF INTERSTATE BRANCHES.—The Comptroller of the Currency may approve an application under paragraph (1) or (2) by a national bank to acquire or establish a branch only if—

"(A) the national bank is adequately capitalized (as defined under section 38 of the Federal Deposit Insurance Act) as of the date the application is filed; and

"(B) the Comptroller of the Currency determines that—

"(i) the national bank will continue to be adequately capitalized upon the consummation of the acquisition or establishment of the branch; and

"(ii) on the basis of an evaluation conducted by the Comptroller, the management of the bank has the necessary management skills to manage the operations of the bank upon the consummation of the acquisition or establishment of the branch.

"(e) PROVISIONS APPLICABLE TO APPLICATION AND APPROVAL PROCESS.—

"(1) CONSULTATION WITH STATE BANK SUPERVISOR.—In determining whether to grant approval of an application under subsection (d), the Comptroller of the Currency shall consider the views of any appropriate State bank supervisor of the bank which submits the application regarding the bank's compliance with applicable State community reinvestment laws.

"(2) COMPLIANCE WITH STATE FILING REQUIREMENTS.—

"(A) IN GENERAL.—An out-of-State national bank that files an application under subsection (d) to acquire or establish a branch within a host State shall—

"(i) comply with any filing requirement of the host State that—

"(I) is not discriminatory in nature; and

"(II) is similar in effect to any requirement imposed by the host State on a nonbanking corporation from another State that seeks to engage in business in the host State; and

"(ii) submit a copy of the application to the State bank supervisor of the host State.

"(B) PENALTY FOR FAILURE TO COMPLY.—The Comptroller of the Currency may not approve an application under subsection (d) by an out-of-State national bank which materially fails to comply with subparagraph (A) with respect to such application.

"(3) CONCENTRATION LIMITS.—

"(A) IN GENERAL.—The Comptroller of the Currency may not approve an application by a bank under subsection (d) if—

"(i) the bank (including all insured depository institutions which are affiliates of the bank) controls, or upon completion of the acquisition would control, more than 10 percent of the total amount of insured depository institution deposits in the United States; or

"(ii) the bank (including all insured depository institutions which are affiliates of the bank) controls, or upon completion of the acquisition would control, 30 percent or more of the total amount of insured depository institution deposits in the State in which the proposed branch would be located.

"(B) NOT APPLICABLE TO DE NOVO OUT-OF-STATE BRANCHES.—Subparagraph (A) shall not apply to the establishment of a de novo branch outside the home State of a national bank.

"(C) WAIVER BY STATE.—A State may waive the application of subparagraph (A)(ii) to the acquisition of banks or branches in such State.

"(4) CONSIDERATION OF BANK AFFILIATES.—In determining whether to grant approval of an application under subsection (d) with respect to a proposed branch by a national bank which, as of the date of the application, does not have a branch in the host State (of the proposed branch), the Comptroller of the Currency shall take into account the most recent written evaluation under section 807 of the Community Reinvestment Act of 1977 of each bank affiliate of the bank which submits the application.

"(5) DEFINITIONS.—For purposes of this subsection and subsections (d) and (f) the following definitions shall apply:

"(A) AFFILIATE.—The term 'affiliate' has the same meaning as in section 2(k) of the Bank Holding Company Act of 1956.

"(B) ANTITRUST LAWS.—The term 'antitrust laws'—

"(i) has the same meaning as in subsection (a) of the 1st section of the Clayton Act; and

"(ii) includes section 5 of the Federal Trade Commission Act to the extent such section 5 relates to unfair methods of competition.

"(C) DE NOVO BRANCH.—The term 'de novo branch' means a branch of a national bank which—

"(i) is originally established by the national bank as a branch; and

"(ii) does not become a branch of such bank as a result of—

"(I) the acquisition by the bank of an insured depository institution or a branch of an insured depository institution; or

"(II) the conversion, merger, or consolidation of any such institution or branch.

"(D) DEPOSITS.—The term 'deposits' has the same meaning as in section 3(l) of the Federal Deposit Insurance Act.

"(E) HOME STATE.—The term 'home State' means, with respect to a national bank, the State in which the main office of the bank is located.

"(F) HOST STATE.—The term 'host State' means any State in which a national bank establishes or maintains a branch other than the home State of such bank.

"(G) INSURED DEPOSITORY INSTITUTION.—The term 'insured depository institution' has the same meaning as in section 3(c)(2) of the Federal Deposit Insurance Act.

"(H) OUT-OF-STATE BANK.—The term 'out-of-State bank' means, with respect to any State, a bank whose home State is another State.

"(I) OUT-OF-STATE BANK HOLDING COMPANY.—The term 'out-of-State bank' means, with respect to any State, a bank holding company whose home State (as defined in section 3(d)(4)(D) of the Bank Holding Company Act of 1956) is another State.

"(J) STATE BANK.—The term 'State bank' has the same meaning as in section 3(a)(2) of the Federal Deposit Insurance Act.

"(K) STATE BANK SUPERVISOR.—The term 'State bank supervisor' has the same meaning as in section 3(r) of the Federal Deposit Insurance Act.

"(f) APPLICABILITY OF STATE AND FEDERAL LAW TO INTERSTATE BRANCHING OPERATIONS.—

"(1) CERTAIN STATE LAWS APPLICABLE TO NATIONAL BANK BRANCHES.—

"(A) IN GENERAL.—Any branch of an out-of-State national bank shall be subject to the laws of the host State with respect to intrastate branching, consumer protection, fair lending, and community reinvestment as if the branch were a branch of a bank chartered by that State, except to the extent any such State law is preempted by Federal law regarding the same subject.

"(B) PROHIBITION ON DISCRIMINATORY EFFECT.—Notwithstanding subparagraph (A), a branch of an out-of-State national bank shall not be subject to a State law described in such subparagraph to the extent the Comptroller of the Currency determines that the application of the law has, or would have, a discriminatory effect on the branch in comparison with the effect the application of such law has with respect to branches of a bank chartered by the State.

"(C) ENFORCEMENT OF APPLICABLE STATE LAWS.—The provisions of any State law to which a branch of a national bank is subject under this paragraph shall be enforced, with respect to such branch, by the Comptroller of the Currency.

"(2) TREATMENT OF BRANCH AS BANK.—All laws of a host State, other than the laws described in paragraph (1) or laws pertaining to the application or administration of any tax or method of taxation, shall apply to a branch (in such State) of an out-of-State national bank in the same manner and to the same extent such laws would apply if the branch were a national bank located in that State.

"(3) STATE TAXATION AUTHORITY NOT AFFECTED.—No provision of this subsection or subsection (d) or (e) shall be construed as affecting the authority of any State or political subdivision of any State to apply and administer any tax or method of taxation to any national bank, including any branch of a national bank, any bank holding company which controls a national bank, or any affiliate of any such bank or bank holding company to the extent such tax or tax method is otherwise permissible by or under the Constitution of the United States of America or other Federal law.

"(4) STATE-IMPOSED NOTICE REQUIREMENTS.—A host State may impose any notification or reporting requirement on a branch established or acquired under subsection (d) if the requirement—

"(A) does not discriminate against out-of-State banks or bank holding companies; and

"(B) is not preempted by any Federal law regarding the same subject.

"(5) APPLICABILITY OF DEPOSIT CAPS AND ANTITRUST LAWS.—No provision of this subsection or subsection (d) or (e) shall be construed as affecting—

"(A) the authority of any State to limit the percentage of the total amount of insured depository institution deposits in the State which may be held or controlled by any bank (including all insured depository institutions which are affiliates of the bank) to the extent the application of such limitation does not discriminate against out-of-State banks or bank holding companies; or

"(B) the applicability of the antitrust laws or any State law which is similar to the antitrust laws."; and

(3) in subsection (i) (as so redesignated by the amendment made by paragraph (1) of this section), by striking "The term" and inserting "BRANCH.—Except as provided in section 18(q) of the Federal Deposit Insurance Act, the term".

### SEC. 103. INTERSTATE BRANCHING BY STATE BANKS.

(a) IN GENERAL.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

**"SEC. 44. STATE BANK BRANCHES.**

"(a) CONSENT OF CORPORATION.—

"(1) ESTABLISHMENT OF BRANCHES.—No State nonmember insured bank (except a District bank) may establish and operate any new domestic branch without the prior written consent of the Corporation.

"(2) CHANGE OF LOCATION OF STATE BANK OFFICES AND BRANCHES.—No State nonmember insured bank (except a District bank) may move the main office or any domestic branch of such bank from 1 location to another without the prior written consent of the Corporation.

"(3) CHANGE OF LOCATION OF INSURED BRANCH OF FOREIGN BANK.—No foreign bank may move any insured branch from 1 location to another without the prior written consent of the Corporation.

"(4) FACTORS TO BE CONSIDERED.—The Corporation shall consider the factors enumerated in section 6 in making any determination under this subsection.

"(b) ESTABLISHMENT OF FOREIGN BRANCHES.—

"(1) IN GENERAL.—No State nonmember insured bank shall establish or operate any foreign branch without the prior written consent of the Corporation.

"(2) CONDITIONS AND REGULATIONS.—The Corporation may establish such conditions and prescribe such regulations for the establishment and operation of foreign branches of State nonmember banks as the Corporation may determine to be appropriate.

"(c) INTERSTATE BRANCHING BY STATE BANKS.—

"(1) APPROVALS OF ACQUISITION OF EXISTING BRANCHES AUTHORIZED.—Subject to paragraphs (3) and (4) and subsections (d) and (e), after the end of the 3-year period beginning on the date of the enactment of the Interstate Banking Efficiency Act of 1994, the appropriate Federal banking agency may approve an application under this section to allow an insured State bank to—

"(A) acquire a bank or branch located outside the home State of such bank in a State in which the bank does not maintain a branch; and

"(B) operate such bank or branch (including any branch of such bank) as a branch,

if the conditions established in paragraph (6) are met.

"(2) STATE 'OPT-IN' ELECTION TO PERMIT INTERSTATE BRANCHING THROUGH DE NOVO BRANCHES.—Subject to subsections (d) and (e), the appropriate Federal banking agency may approve an application by a State bank to establish and operate a de novo branch outside the home State of such bank in a State in which the bank does not maintain a branch if—

"(A) there is in effect in the host State a law that—

"(i) expressly permits all out-of-State banks to establish de novo branches in such State; and

"(ii) applies equally to national and State banks; and

"(B) the conditions established in paragraph (6) are met.

"(3) STATE 'OPT-OUT' ELECTION TO PROHIBIT INTERSTATE BRANCHING BY ACQUISITION OF EXISTING BANKS.—

"(A) IN GENERAL.—An application by an insured State bank to establish a branch in a State other than the home State of such bank through the acquisition of an existing bank or branch in the host State may not be approved by the appropriate Federal banking agency if there is in effect in the host State a law which—

"(i) expressly prohibits all out-of-State banks from acquiring a branch located in such State through the acquisition of an existing bank or branch in the host State;

"(ii) was enacted during the period beginning on January 1, 1990, and ending 3 years after the date of the enactment of the Interstate Banking Efficiency Act of 1994; and

"(iii) applies equally to national and State banks.

"(B) EFFECT OF PROHIBITION.—An insured State bank whose home State has in effect a prohibition described in subparagraph (A) may not acquire or establish, under subsection (c), a branch located in any other State.

"(4) STATE LAWS REQUIRING MINIMUM PERIOD OF EXISTENCE FOR ACQUISITIONS BY OUT-OF-STATE BANKS.—

"(A) LAWS ENACTED BEFORE INTERSTATE BANKING ACT.—In the case of a State in which a law is in effect which—

"(i) allows an out-of-State bank or bank holding company to establish a bank in the host State only by acquiring a bank or branch (in the host State) which has been in existence for not less than the minimum time period specified in such law; and

"(ii) took effect on or before the date of the enactment of the Interstate Banking Efficiency Act of 1994,

an out-of-State insured State bank which has no branch in such State may establish a branch in the State under this subsection only by acquiring a bank or branch which has been in existence for not less than the minimum time period specified in such law.

"(B) SUBSEQUENT ENACTMENTS.—In the case of a State in which a law is in effect which—

"(i) allows an out-of-State bank or bank holding company to establish a branch in the host State only by acquiring a bank or branch (in the host State) which has been in existence for not less than the minimum time period specified in such law; and

"(ii) took effect after the date of the enactment of the Interstate Banking Efficiency Act of 1994,

an out-of-State insured State bank which has no branch in such State may establish a branch in the State under this subsection only by acquiring a bank or branch which has been in existence for not less than the lesser of the minimum time period specified in such law or 5 years.

"(5) EARLY APPROVAL AUTHORIZED IF STATE LAW PERMITS.—The appropriate Federal banking agency may approve an application under paragraph (1) before the expiration of the 3-year period described in such paragraph if the State in which the branch is or will be located has in effect a law which expressly permits interstate branching by all national and State banks.

"(6) CONDITIONS APPLICABLE TO THE ESTABLISHMENT OR ACQUISITION OF INTERSTATE BRANCHES.—The appropriate Federal banking agency may approve an application under paragraph (1) or (2) by an insured State bank to acquire or establish a branch only if—

"(A) the bank is adequately capitalized (as defined under section 38) as of the date the application is filed;

"(B) the bank is authorized to establish branches in other States under the law of the home State of the bank; and

"(C) the appropriate Federal banking agency determines that—

"(i) the bank will continue to be adequately capitalized upon the consummation of the acquisition or establishment of the branch; and

"(ii) on the basis of an evaluation conducted by the agency, the management of the bank has the necessary management skills to manage the operations of the bank upon the consummation of the acquisition or establishment of the branch.

"(d) PROVISIONS APPLICABLE TO APPLICATION AND APPROVAL PROCESS.—

"(1) CONSULTATION WITH STATE BANK SUPERVISOR.—In determining whether to grant approval of an application under subsection (c), the appropriate Federal banking agency shall consider the views of any appropriate State bank supervisor of the bank which submits the application regarding the bank's compliance with applicable State community reinvestment laws.

"(2) COMPLIANCE WITH STATE FILING REQUIREMENTS.—

"(A) IN GENERAL.—An out-of-State insured State bank that files an application under subsection (c) to acquire or establish a branch within a host State shall—

"(i) comply with any filing requirement of the host State that—

"(I) is not discriminatory in nature; and

"(II) is similar in effect to a requirement imposed by the host State on a nonbanking corporation from another State that seeks to engage in business in the host State; and

"(ii) submit a copy of the application to the State bank supervisor of the host State.

"(B) PENALTY FOR FAILURE TO COMPLY.—The appropriate Federal banking agency may not approve an application under subsection (c) by an insured State bank which materially fails to comply with subparagraph (A) with respect to such application.

"(3) CONCENTRATION LIMITS.—

"(A) IN GENERAL.—The appropriate Federal banking agency may not approve an application by a bank under subsection (c) if—

"(i) the bank (including all insured depository institutions which are affiliates of the bank) controls, or upon completion of the acquisition would control, more than 10 percent of the total amount of insured depository institution deposits in the United States; or

"(ii) the bank (including all insured depository institutions which are affiliates of the bank) controls, or upon completion of the acquisition would control, 30 percent or more of the total amount of insured depository institution deposits in the State in which the proposed branch would be located.

"(B) NOT APPLICABLE TO DE NOVO OUT-OF-STATE BRANCHES.—Subparagraph (A) shall not apply to the establishment of a de novo branch outside the home State of an insured State bank.

"(C) WAIVER BY STATE.—A State may waive the application of subparagraph (A)(ii) to the acquisition of banks or branches in such State.

"(4) CONSIDERATION OF BANK AFFILIATES.—In determining whether to grant approval of an application under subsection (c) with respect to a proposed branch by an insured State bank which, as of the date of the application, does not have a branch in the host State (of the proposed branch), the appropriate Federal banking agency shall take into account the most recent written evaluation under section 807 of the Community Reinvestment Act of 1977 of each bank affiliate of the bank which submits the application.

"(e) APPLICABILITY OF STATE AND FEDERAL LAW TO INTERSTATE BRANCHING OPERATIONS.—

"(1) STATE LAWS APPLICABLE TO BRANCHES OF OUT-OF-STATE BANKS.—

"(A) IN GENERAL.—Subject to subsection (d), any branch of an out-of-State insured State bank shall be subject to the laws of the host State as if such branch were a branch of a bank chartered by that State.

"(B) ACTIVITIES OF BRANCHES.—An insured State bank that establishes a branch in a host State may not conduct any activity at such branch that is not permissible for a bank chartered by the host State.

"(C) RESERVATION OF CERTAIN RIGHTS TO STATES.—No provision of this subsection or subsection (c) or (d) shall be construed as limiting in any way the right of a State to—

"(i) determine the authority of State banks chartered in that State to establish and maintain branches; or

"(ii) supervise, regulate, and examine State banks chartered by that State.

"(2) STATE TAXATION AUTHORITY NOT AFFECTED.—No provision of this subsection or subsection (c) or (d) shall be construed as affecting the authority of any State or political subdivision of any State to apply and administer any tax or method of taxation to any State bank, including any branch of a State bank, any bank holding company which controls any State bank, or any affiliate of any such bank or bank holding company to the extent such tax or tax method is otherwise permissible by or under the Constitution of the United States of America or other Federal law.

"(3) STATE-IMPOSED NOTICE REQUIREMENTS.—A host State may impose any notification or reporting requirement on a branch established or acquired under subsection (c) if the requirement—

"(A) does not discriminate against out-of-State banks or bank holding companies; and

"(B) is not preempted by any Federal law regarding the same subject.

"(4) APPLICABILITY OF DEPOSIT CAPS AND ANTITRUST LAWS.—No provision of this subsection or subsection (c) or (d) shall be construed as affecting—

"(A) the authority of any State to limit the percentage of the total amount of insured depository institution deposits in the State which may be held or controlled by any bank (including all insured depository institutions which are affiliates of the bank) to the extent the application of such limitation does not discriminate against out-of-State banks or bank holding companies; or

"(B) the applicability of the antitrust laws or any State law which is similar to the antitrust laws.

"(f) COORDINATION OF EXAMINATION AUTHORITY.—

"(1) IN GENERAL.—A host State bank supervisor may examine a branch operated in the host State by an out-of-State insured State bank to—

"(A) determine compliance with host State laws regarding banking, community reinvestment, fair lending, consumer protection, and permissible activities; and

"(B) ensure that the activities of the branch do not constitute a significant risk to the safe and sound operation of the branch.

"(2) ENFORCEMENT.—If the State bank supervisor of a host State described in paragraph (1) determines that there is a violation of host State law concerning the activities being conducted by a branch operated in such State by an out-of-State insured State bank or that the branch is being operated in an unsafe and unsound manner, such host State bank supervisor or, to the extent authorized by the law of the host State, a State law enforcement officer may undertake such enforcement actions or proceedings as would be permitted under host State law if the branch were a bank chartered by the host State.

"(3) COOPERATIVE AGREEMENT.—The State bank supervisors of 1 or more States may enter into cooperative agreements to facilitate State regulatory supervision of State banks and branches, including cooperative agreements relating to the coordination of examinations and joint participation in examinations.

"(4) FEDERAL REGULATORY AUTHORITY.—No provision of this section shall be construed as limiting the authority of any Federal banking agency to examine any bank or branch of a bank for which the agency is the appropriate Federal banking agency.

"(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) ANTITRUST LAWS.—The term 'antitrust laws'—

"(A) has the same meaning as in subsection (a) of the 1st section of the Clayton Act; and

"(B) includes section 5 of the Federal Trade Commission Act to the extent such section 5 relates to unfair methods of competition.

"(2) DE NOVO BRANCH.—The term 'de novo branch' means a branch of a bank which—

"(A) is originally established by the bank as a branch; and

"(B) does not become a branch of such bank as a result of—

"(i) the acquisition by the bank of an insured depository institution or a branch of an insured depository institution; or

"(ii) the conversion, merger, or consolidation of any such institution or branch.

"(3) HOME STATE.—The term 'home State' means, with respect to a State bank, the State by whom the bank is chartered.

"(4) HOST STATE.—The term 'host State' means the State in which a bank establishes or maintains a branch other than the home State of the bank.

"(5) OUT-OF-STATE BANK.—The term 'out-of-State bank' means, with respect to any State, a bank whose home State is another State.

"(6) OUT-OF-STATE BANK HOLDING COMPANY.—The term 'out-of-State bank' means, with respect to any State, a bank holding company whose home State (as defined in section 3(d)(4)(D) of the Bank Holding Company Act of 1956) is another State.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3(o) of the Federal Deposit Insurance Act (12 U.S.C. 1813(o)) is amended to read as follows:

"(o) DEFINITIONS RELATING TO DOMESTIC AND FOREIGN BRANCHES.—

"(1) BRANCH.—The term 'branch' means a domestic branch or a foreign branch, except when such term is used in connection with the term 'Federal branch' or 'insured branch'.

"(2) DOMESTIC BRANCH.—The term 'domestic branch' includes any branch bank, branch office, branch agency, additional office, or any branch located in any State at which deposits are received, checks are paid, or money is lent.

"(3) FOREIGN BRANCH.—The term 'foreign branch' means any office or place at which banking operations are conducted and which is not located in any State.".

**SEC. 104. BRANCHING BY FOREIGN BANKS.**

(a) IN GENERAL.—Section 5(a) of the International Banking Act of 1978 (12 U.S.C. 3103(a)) is amended to read as follows:

"(a) INTERSTATE BRANCHING AND AGENCY OPERATIONS.—

"(1) FEDERAL BRANCH OR AGENCY.—Subject to the provisions of this Act and with the prior written approval by the Board and the Comptroller of the Currency of an application, a foreign bank may establish and operate a Federal branch or agency in any State outside the home State of such foreign bank to the extent that the establishment and operation of such branch would be permitted under section 5155 of the Revised Statutes if the foreign bank were a national bank whose home State (as defined in subsection (e)(5) of such section) is the same State as the home State of the foreign bank.

"(2) STATE BRANCH OR AGENCY.—Subject to the provisions of this Act and with the prior written approval by the Board and the appropriate State bank supervisor of an application, a foreign bank may establish and operate a State branch or agency in any State outside the home State of such foreign bank to the extent that such establishment and operation would be permitted under section 44 of the Federal Deposit Insurance Act if the foreign bank were a State bank whose home State (as defined in subsection (g) of such section) is the same State as the home State of the foreign bank.

"(3) CRITERIA FOR DETERMINATION.—In approving an application under paragraph (1) or (2), the Board and (in the case of an application under paragraph (1)) the Comptroller of the Currency—

"(A) shall apply the standards applicable to the establishment of a foreign bank office in the United States under section 7(d); and

"(B) may not approve an application unless the Board and (in the case of an application under paragraph (1)) the Comptroller of the Currency—

"(i) determine that the foreign bank's financial resources, including the capital level of the bank, are equivalent to those required for a domestic bank to be approved for branching under section 5155 of the Revised Statutes and section 44 of the Federal Deposit Insurance Act; and

"(ii) consult with the Secretary of the Treasury regarding capital equivalency.

"(4) REQUIREMENT FOR A SEPARATE SUBSIDIARY.—If the Board or the Comptroller of the Currency, taking into account differing regulatory or accounting standards, finds that adherence by a foreign bank to capital requirements equivalent to those imposed under section 5155 of the Revised Statutes and section 44 of the Federal Deposit Insurance Act could be verified only if the banking activities of such bank in the United States are carried out in a domestic banking subsidiary within the United States, the Board and the Comptroller of the Currency may approve an application under paragraph (1) subject to a requirement that the foreign bank or company controlling the foreign bank establish a domestic banking subsidiary in the United States.

"(5) ADDITIONAL AUTHORITY FOR INTERSTATE BRANCHES AND AGENCIES OF FOREIGN BANKS.—Notwithstanding paragraphs (1) and (2), a foreign bank may, with the approval of the Comptroller of the Currency, establish and operate a Federal branch or Federal agency or, with the approval of the Board and the appropriate State bank supervisor, a State branch or State agency in any State outside the foreign bank's home State if—

"(A) the establishment and operation of a branch or agency is expressly permitted by the State in which the branch or agency is to be established; and

"(B) in the case of a Federal or State branch, the branch receives only such deposits as would be permissible for a corporation organized under section 25A of the Federal Reserve Act.".

(b) CONTINUED AUTHORITY FOR LIMITED BRANCHES, AGENCIES, OR COMMERCIAL LENDING COMPANIES.—Section 5(b) of the International Banking Act of 1978 (12 U.S.C. 3103(b)) is amended by adding at the end the following new sentence: "Notwithstanding subsection (a), a foreign bank may continue to operate, after the enactment of the Interstate Banking Efficiency Act of 1994, any Federal branch, State branch, Federal agency, State agency, or commercial lending company subsidiary which such bank was operating on the day before the date of the enactment of such Act to the extent the branch, agency, or subsidiary continues, after the enactment of such Act, to engage in operations which were lawful under the laws in effect on the day before such date.".

(c) CLARIFICATION OF BRANCHING RULES IN THE CASE OF A FOREIGN BANK WITH A DOMESTIC BANK SUBSIDIARY.—Section 5 of the International Banking Act of 1978 (12 U.S.C. 3103) is amended by adding at the end the following new subsection:

"(d) CLARIFICATION OF BRANCHING RULES IN THE CASE OF A FOREIGN BANK WITH A DOMESTIC BANK SUBSIDIARY.—In the case of a foreign bank that has a domestic bank subsidiary within the United States—

"(1) the fact that such bank controls a domestic bank shall not affect the authority of the foreign bank to establish Federal and State branches or agencies to the extent permitted under subsection (a); and

"(2) the fact that the domestic bank is controlled by a foreign bank which has Federal or State branches or agencies in States other than the home State of such domestic bank shall not affect the authority of the domestic bank to establish branches outside the home State of the domestic bank to the extent permitted under section 5155(d) of the Revised Statutes or section 44 of the Federal Deposit Insurance Act, as the case may be.".

(d) HOME STATE DETERMINATIONS.—Section 5(c) of the International Banking Act of 1978 (12 U.S.C. 3103(c)) is amended to read as follows:

"(c) DETERMINATION OF HOME STATE OF FOREIGN BANK.—For the purposes of this section—

"(1) in the case of a foreign bank that has any branch, agency, subsidiary commercial lending company, or subsidiary bank in more than 1 State, the home State of the foreign bank is the 1 State of such States which is selected by the foreign bank or, in default of any such selection, by the Board; and

"(2) in the case of a foreign bank that does not have a branch, agency, subsidiary commercial lending company, or subsidiary bank in more than 1 State, the home State of the foreign bank is the State in which the foreign bank has a branch, agency, subsidiary commercial lending company, or subsidiary bank.".

**SEC. 105. INTERSTATE CONSOLIDATIONS.**

Section 18(d) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)) is amended to read as follows:

"(d) INTERSTATE CONSOLIDATIONS.—

"(1) CONSOLIDATIONS AUTHORIZED.—

"(A) IN GENERAL.—Except as provided in section 3(d)(1)(B) of the Bank Holding Company Act of 1956 and notwithstanding any other provision of Federal law or any provision of State law (other than a law referred to in subparagraph (B)), a bank holding company which has bank subsidiaries in more than 1 State may, with the prior written approval by the responsible agency (as determined in accordance with section 18(c)(2) of the Federal Deposit Insurance Act) of an application and subject to the requirements of subsection (c), combine 2 or more of such banks into a single bank by means of merger, consolidation, or other similar transaction in accordance with such subsection after the end of the 18-month period beginning on the date of the enactment of the Interstate Banking Efficiency Act of 1994.

"(B) EXCEPTION FOR STATES WHICH PROHIBIT THE ACQUISITION OF A BRANCH BY ANY OUT-OF-STATE BANK.—No bank which is located in a State in which a law described in section 5155(d)(3)(A) of the Revised Statutes of the United States or section 44(c)(3)(A) is in effect may be a party to a merger, consolidation, or other similar transaction under subparagraph (A) with any other bank affiliate of such bank.

"(C) EXCEPTION FOR CERTAIN BANKS ACQUIRED DURING TRANSITION PERIOD.—No bank subsidiary of a bank holding company, or any branch of any such bank—

"(i) control of which was acquired, directly or indirectly, by such company after the end of the 18-month period beginning on the date of the enactment of the Interstate Banking Efficiency Act of 1994; and

"(ii) which is located in a State in which the company did not control any bank or branch as of the end of such 18-month period,

may be a party to a merger, consolidation, or other similar transaction under subparagraph (A) with any other bank affiliate of such bank before the end of the 3-year period beginning on such date of enactment, unless the State in which the bank or branch is located is a State referred to in section 5155(d)(5) of the Revised Statutes of the United States or section 44(c)(5).

"(2) EFFECT OF STATE PROHIBITION ON BRANCHING.—If a branch which results from a transaction under paragraph (1) is located in a State in which a law—

"(A) takes effect after the consummation of the transaction;

"(B) is enacted during the period beginning on January 1, 1990, and ending 3 years after the date of the enactment of the Interstate Banking Efficiency Act of 1994;

"(C) expressly prohibits all out-of-State banks from acquiring a branch located in such State through the acquisition of an existing bank in the host State; and

"(D) applies equally to national and State banks,

the branch shall be promptly converted back into a bank as the bank existed before such transaction, in accordance with regulations of the Federal banking agency or State bank supervisor which had jurisdiction over the bank which was converted into a branch.

"(3) APPLICABILITY OF STATE AND FEDERAL LAW TO INTERSTATE BRANCHING OPERATIONS.—If a branch which results from a transaction under paragraph (1) is the branch of a national bank, section 5155(f) of the Revised Statutes of the United States shall apply with respect to such branch.

"(4) STATE TAXATION AUTHORITY NOT AFFECTED.—No provision of this subsection shall be construed as affecting the authority of any State or political subdivision of any State to apply and administer any tax or method of taxation to any bank subsidiary or additional branch resulting from a consolidation or other transaction under paragraph (1) or (2), any bank holding company which controls any bank or branch resulting from any such consolidation or other transaction, or any affiliate of any such bank or company to the extent such tax or tax method is otherwise permissible by or under the Constitution of the United States of America or other Federal law.

"(5) PLAN ON MEETING LOCAL CREDIT NEEDS.—The responsible agency (as determined under subsection (c)(2)) may not approve any application for any consolidation or other transaction under this subsection unless the responsible agency has considered a plan submitted by the applicant bank holding company for meeting local credit needs in the communities served by any bank subsidiary of the company which is involved in the proposed consolidation or transaction, including the extent to which the amount of the anticipated savings attributable to the proposed consolidation or other transaction will be available to meet such local credit needs.".

### SEC. 106. BRANCH CLOSURES.

Section 42 of the Federal Deposit Insurance Act (12 U.S.C. 1831r-1) is amended by adding at the end the following new subsection:

"(d) BRANCH CLOSURES IN INTERSTATE BANKING OR BRANCHING OPERATIONS.—

"(1) NOTICE REQUIREMENTS.—In the case of an interstate bank which proposes to close any branch in a low- or moderate-income area, the notice required under subsection (b)(2) shall contain the mailing address of the appropriate Federal banking agency and a statement that comments on the proposed closing of such branch may be mailed to such agency.

"(2) ACTION REQUIRED BY APPROPRIATE FEDERAL BANKING AGENCY.—If, in the case of a branch referred to in paragraph (1)—

"(A) a person from the area in which such branch is located—

"(i) submits a written request relating to the closing of such branch to the appropriate Federal banking agency; and

"(ii) includes a statement of specific reasons for the request, including a discussion of the adverse effect of such closing on the availability of banking services in the area affected by the closing of the branch; and

"(B) the agency concludes that the request is not frivolous,

the agency shall consult with community leaders in the affected area and convene a meeting of representatives of the agency with community leaders in the affected area and such other individuals, organizations, and depository institutions (as defined in section 19(b)(1)(A) of the Federal Reserve Act) as the agency may determine to be appropriate, to explore the feasibility of obtaining adequate alternative facilities and services for the affected area, including the establishment of a new branch by another depository institution, the chartering of a new depository institution, or the establishment of a community development credit union, following the closing of the branch.

"(3) NO AFFECT ON CLOSING.—No action by the appropriate Federal banking agency under paragraph (2) shall affect the authority of an interstate bank to close a branch (including the timing of such closing) if the requirements of subsections (a) and (b) have been met by such bank with respect to the branch being closed.

"(4) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) INTERSTATE BANK DEFINED.—The term 'interstate bank' means a bank which maintains branches in more than 1 State.

"(B) LOW- OR MODERATE-INCOME AREA.—The term 'low- or moderate-income area' means a census tract for which the median family income is—

"(i) less than 80 percent of the median family income for the metropolitan statistical area (as designated by the Director of the Office of Management and Budget) in which the census tract is located; or

"(ii) in the case of a census tract which is not located in a metropolitan statistical area, less than 80 percent of the median family income for the State in which the census tract is located, as determined without taking into account family income in metropolitan statistical areas in such State.".

### SEC. 107. PROHIBITION AGAINST DEPOSIT PRODUCTION OFFICES.

(a) REGULATIONS.—Before the end of the 120-day period beginning on the date of the enactment of the Interstate Banking Efficiency Act of 1994, each appropriate Federal banking agency shall prescribe regulations which prohibit any person from using any authority to engage in interstate branching pursuant to this title, or any amendment made by this title to any other provision of law, primarily for the purpose of deposit production.

(b) GUIDELINES FOR MEETING CREDIT NEEDS.—Regulations issued under subsection (a) shall include guidelines to ensure that each interstate branch meets the credit needs of the community and market area in which the branch operates.

(c) LIMITATION ON OUT-OF-STATE LOANS.—

(1) LIMITATION.—Regulations issued under subsection (a) shall require that if the percentage of outstanding loans made by an interstate branch to borrowers located in the host State of, or market area served by, the branch is less than half the average of such percentage for all Federal depository institutions and State depository institutions having their principal place of operations in the host State or that market area—

(A) the appropriate Federal banking agency for the branch shall review the loan portfolio of the branch and determine whether the branch is reasonably meeting the credit needs of the community and market area in which the branch operates; and

(B) if the agency determines that the branch is not reasonably meeting those needs—

(i) the branch shall be closed, and

(ii) the person which established the branch may not open a new branch in that State unless the person provides reasonable assurances to the satisfaction of the appropriate Federal banking agency that the new branch will reasonably meet the credit needs of the community and market area in which the new branch will operate.

(2) CONSIDERATIONS.—In making a determination under paragraph (1)(A) regarding an interstate branch, the appropriate Federal banking agency shall consider—

(A) whether the branch was acquired as part of the purchase of a failed or failing depository institution;

(B) whether the branch has a higher concentration of commercial and credit card lending; and

(C) the ratings received by the branch in evaluations under the Community Reinvestment Act of 1977.

(d) APPLICATION.—This section shall not apply to any interstate branch acquired before January 1, 1992, as part of any consolidation or merger of depository institutions.

(e) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(2) BRANCH.—The term "branch" means any office, agency, or other place of business located in any State at which deposits are received, checks paid, or money lent.

(3) FEDERAL DEPOSITORY INSTITUTION AND STATE DEPOSITORY INSTITUTION.—The terms "Federal depository institution" and "State depository institution" have the same meanings as in section 3 of the Federal Deposit Insurance Act.

(4) HOST STATE DEFINED.—The term "host State" means the State in which a bank establishes or maintains a branch, other than—

(A) in the case of a insured State bank, the State in which the bank is chartered;

(B) in the case of a national bank, the State in which the main office of the bank is located; and

(C) in the case of a bank holding company, the State in which the total deposits of all bank subsidiaries of such company is the greatest.

(5) INTERSTATE BRANCH.—The term "interstate branch" means a branch established pursuant to the authority referred to in subsection (a).

(6) PRINCIPAL PLACE OF OPERATIONS.—The term "principal place of operations" means the State in which the total deposits of all bank subsidiaries of a person are greatest.

(7) STATE DEFINED.—The term "State" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

### SEC. 108. FEDERAL RESERVE BOARD STUDY ON BANK FEES.

(a) IN GENERAL.—Section 1002 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note) is amended to read as follows:

**"SEC. 1002. SURVEY OF BANK FEES AND SERVICES.**

"(a) ANNUAL SURVEY REQUIRED.—The Board of Governors of the Federal Reserve System shall obtain a sample, which is representative by geographic location and size of the institution, of—

"(1) certain retail banking services provided by insured depository institutions; and

"(2) the fees, if any, which are imposed by such institutions for providing such service, including fees imposed for not sufficient funds, deposit items returned, and automated teller machines.

"(b) ANNUAL REPORT TO CONGRESS REQUIRED.—

"(1) PREPARATION.—The Board of Governors of the Federal Reserve System shall prepare a report of the results of each survey conducted pursuant to subsection (a).

"(2) CONTENTS OF THE REPORT.—Each report prepared pursuant to paragraph (1) shall include—

"(A) a description of any discernible trend, in the Nation as a whole and in each State, in the cost and availability of retail banking services which delineates differences on the basis of size of the institution and engagement in multistate activity; and

"(B) a description of the correlation, if any, among the following factors:

"(i) An increase or decrease in the amount of any deposit insurance premium assessed by the Federal Deposit Insurance Corporation against insured depository institutions.

"(ii) An increase or decrease in the amount of the fees imposed by such institutions for providing retail banking services.

"(iii) A decrease in the availability of such services.

"(3) SUBMISSION TO CONGRESS.—The Board of Governors of the Federal Reserve System shall submit each annual report to the Congress not later than June 1 of each calendar year.".

(b) SUNSET.—The requirements of subsection (a) shall not apply after the end of the 7-year period beginning on the date of enactment of this Act.

**SEC. 109. RESTATEMENT OF EXISTING LAW.**

No provision of this title and no amendment made by this title to any other provision of law shall be construed as affecting in any way the right of any State, or any political subdivision of any State, to impose or maintain a nondiscriminatory franchise tax or other nonproperty tax instead of a franchise tax in accordance with section 3124 of title 31, United States Code.

## TITLE II—CRA EVALUATIONS

**SEC. 201. STATE-BY-STATE CRA EVALUATIONS OF DEPOSITORY INSTITUTIONS WITH INTERSTATE BRANCHES.**

Section 807 of the Community Reinvestment Act of 1977 (12 U.S.C. 2906) is amended by adding at the end the following new subsection:

"(d) INSTITUTIONS WITH INTERSTATE BRANCHES.—

"(1) STATE-BY-STATE EVALUATION.—In the case of a regulated financial institution which maintains 1 or more domestic branches located outside the State in which the institution's principal place of business is located (hereafter in this subsection referred to as the 'home State'), the appropriate Federal financial supervisory agency shall prepare—

"(A) a written evaluation of the entire institution's record of performance under this Act, as required by subsections (a), (b), and (c) of this section; and

"(B) for each State in which the institution maintains 1 or more domestic branches (including the institution's home State), a separate written evaluation of the institution's record of performance within such State under this Act, as required by subparagraphs (A) and (B) of subsection (b)(1) of this section.

"(2) CONTENT OF STATE LEVEL EVALUATION.—A written evaluation prepared pursuant to paragraph (1)(B) of this subsection shall report the information required by such paragraph separately for each metropolitan area (as defined by the appropriate Federal financial supervisory agency) in which the regulated financial institution maintains 1 or more domestic branch offices and separately for the nonmetropolitan portion of the State if the institution maintains 1 or more domestic branch offices in such nonmetropolitan area.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. NEAL] will be recognized for 20 minutes, and the gentlewoman from New Jersey [Mrs. ROUKEMA] will be recognized for 20 minutes.

### PARLIAMENTARY INQUIRY

Mr. MFUME. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MFUME. Madam Speaker, I would inquire of the gentlewoman from New Jersey [Mrs. ROUKEMA] whether she is standing in opposition to the bill before the House.

Mrs. ROUKEMA. Madam Speaker, the minority is in agreement.

Mr. MFUME. Madam Speaker, I rise in opposition to the bill and would like to be recognized also.

The SPEAKER pro tempore. The gentleman from Maryland [Mr. MFUME] is entitled to control the time, and will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. NEAL].

### GENERAL LEAVE

Mr. NEAL of North Carolina. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 3841, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. NEAL of North Carolina. Madam Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. GONZALEZ], the very distinguished chairman of the Committee on Banking, Finance and Urban Affairs.

Mr. GONZALEZ. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, the gentleman from North Carolina, the chairman of the subcommittee, did a magnificent job steering and chairing this subcommittee and this very difficult legislation through successfully. I rise in support of the legislation.

Madam Speaker, the House Banking Committee has considered and passed interstate banking and branching legislation many times in the past only to meet obstacles down the road. Competition among financial service providers, a divided banking industry, and other unrelated issues have previously spelled doom for such legislation. This year, at long last, all obstacles have been surmounted. H.R. 3841 takes an important step toward modernizing banking laws, allowing institutions to better diversify risks and serve customers nationwide. The legislation also contains safety and soundness safeguards and customer protections. I urge the House to pass this valuable piece of legislation and commend Chairman STEVE NEAL for his diligence in moving this legislation forward.

Mr. NEAL of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 3841, the Interstate Banking Efficiency Act of 1994.

There are many people to thank for their hard work in bringing this legislation to the House floor. I begin by commending Chairman GONZALEZ for scheduling an early Banking Committee markup of H.R. 3841, and seeking rapid floor action after the Banking Committee approved the bill by a 50 to 1 vote.

I also commend Mr. MCCOLLUM, the ranking Republican on the Financial Institutions Subcommittee, for all of his leadership on this issue.

I thank Mr. VENTO, whose hard work on this legislation in 1991 laid the foundation for interstate branching legislation this year.

Lastly, I thank all those on both sides of the aisle who have agreed to forego offering floor amendments to H.R. 3841. I am very sympathetic to many of the issues my colleagues have raised, but I am afraid the past history of interstate branching legislation proves this is an engine that can carry very little freight.

I do look forward to working with my colleagues, however, to address many of the issues they have raised that could not be addressed in this bill. As I have stated before, I am particularly interested in making sure that low- and moderate-income Americans have access to financial facilities and services.

Madam Speaker, the present Federal geographic constraints on banking were enacted in the 1930's and 1950's. The world has changed dramatically since then, and so has the way we do our banking in America. Americans are more mobile today than ever before. Technology now permits consumers to withdraw money from their accounts at ATM's across the country and around the world. Capital now flows from community to community and State to State irrespective of political boundaries.

The legislation before us today helps Federal laws keep pace with these changes. Just as important, it fosters creation of a stronger banking system that is more responsive to the needs of American consumers and businesses alike.

Madam Speaker, 60 million Americans presently live in metropolitan areas that straddle State lines. Four million Americans commute to and from work every day across State lines. Americans take more than 440 million trips between different regions of the country every year.

This bill gives these millions of Americans the freedom to walk into any branch of their bank anywhere in the country and access their bank's complete line of products and services. That is exactly the type of convenience consumers have a right to expect as we move toward the 21st century—and exactly the type of convenience current interstate branching restrictions prevent.

Businesses will also be winners. As a result of this bill, many businesses will be able to reduce the fees and monitoring costs they incur operating their treasury management programs.

Taxpayers will be winners, because banks with branch networks are more resistant to failure than are their less geographically diverse counterparts. By branching, a bank can diversify both its sources of deposits and its assets, and better insulate itself from economic downturns beyond its control.

This bill will also help prevent and ameliorate credit crunches. Geographically diverse banks are better able to weather local and regional downturns without calling loans and turning down creditworthy borrowers.

Lastly, banks will benefit. No other American industry is forced to establish a separate subsidiary in each State in which it does business, and no other industry is restricted by law from expanding its core business across State lines. This bill gives banks the freedom to structure themselves, and to pursue business opportunities, according to business judgment rather than Government dictates.

Madam Speaker, I have looked forward to today for many years, because I believe we are handing the American people a victory by passing this bill. This bill will promote convenience for bank customers. It will enhance the safety and soundness of the banking system and heighten resistance to credit crunches. It will give banks greater operational and organizational flexibility.

I believe these benefits are long overdue. For that reason, I urge my colleagues to join with me in suspending the rules and passing H.R. 3841.

Madam Speaker, I reserve the balance of my time.

☐ 1830

Mr. VENTO. Madam Speaker, will the gentleman yield?

Mr. NEAL of North Carolina. I yield to the gentleman from Minnesota.

Mr. VENTO. Madam Speaker, I rise in support of this legislation on interstate banking and branching. I want to commend the subcommittee chairman. I think it is time we rationalize this. The issue is noncontroversial. It passed in the committee 50 to 1.

There are a lot of other issues that need to be addressed by the committee. I trust that the chairman will address those consumer issues. He has been very fair. We have a long list, and we hopefully can work out most of that in the near future and satisfy some of the concerns and objections that Members might have, not to the basic legislation, which they have actually voted for, but to the fact that we need to address other concerns.

I want to commend the chairmen, both the gentleman from Texas [Mr. GONZALEZ] and the gentleman from North Carolina [Mr. NEAL] and the ranking members that have worked on this.

It is a compromise that has been around for awhile that we have worked out. It is time to enact it and rationalize the system of interstate banking and branching.

Madam Speaker, I rise in strong support of H.R. 3841, the Interstate Banking Efficiency Act of 1994. This legislation is needed and worthy of our positive action. I would like to recognize the hard work of Chairmen NEAL and GONZALEZ, as well as Congressmen MCCOLLUM and LEACH in bringing this consensus bill to the full House.

Nationwide banking and branching is an issue whose time has come. There is a general consensus that interstate banking and branching translates into savings and efficiencies for the banks; increased competition and opportunities for consumers and increased diversification for insured financial institutions—a crucial safety and soundness factor.

The issue of interstate banking and branching is not new. This is a matter which has been fully debated and voted upon at the subcommittee and full committee levels and here on the floor of the House. In fact, in 1991, the full House of Representatives considered and approved an amendment very similar to the pending bill. That bipartisan compromise amendment, which I crafted with Congressmen BEREUTER, NEAL, WYLIE and GONZALEZ, was adopted by the full House by a vote of 366–4. Unfortunately, interstate banking and branching was not realized because the underlying bill was later defeated.

The bill now pending before us is a balanced approach, which reflects significant compromises and protections for consumers and local communities. The need and correctness of the decision is if any thing more apparent today with the State-by-State regional compacts, the regulatory decisions which extend branching and interstate banking to savings and loans and the creative First Fidelity decision of 30-mile radius.

An important feature of the bill is that it maintains a positive role for the States. Under this bill, States have 3 years to opt-out of the interstate branching network. As an additional protection for States' rights, the legislation specifically protects State deposit caps and applies State consumer protection, fair lending, intrastate branching and community reinvestment laws to branches of out-of-State banks.

Madam Speaker, many of our colleagues were rightly concerned that interstate banking and branching would be a conduit to draw funds out of a State. In this legislation, we are proactive in addressing such possible problems, by providing for State-by-State CRA evaluations and by prohibiting deposit production offices. In fact, the bill provides that if a branch does not provide loans above a certain threshold, the Federal regulator may close that branch and not permit the responsible bank to open a new branch in the State until there are adequate assurances that local credit needs will be met.

As Members, we must also be concerned about the safety and soundness of the Federal Deposit Bank Insurance Fund. Through regional diversification, banks should be stronger and better able to withstand local economic or natural disasters. In addition, H.R. 3841 includes a key safety factor by limiting interstate branching to adequately capitalized and well managed institutions.

I would urge my colleagues to support H.R. 3841. While some counsel delay, I do not believe that delay is warranted or prudent. Today, the profitability of banks and the marketplace are stable. Action on this legislation will send a message to reinforce and enhance the soundness, certainty, and predictability of our national financial institutions' policy path and law.

Madam Speaker, we need the banks to remain an integral part of our financial community. We need these financial institutions to make loans to small businesses, to provide a full range of financial services to our constituents, and to be a leading force in our community. We cannot expect banks to make those positive contributions if we tie their hands to an out-dated banking system. It is appropriate today and necessary to permit banks to effectively compete in our national financial marketplace. H.R. 3841 is an important step in achieving that goal. I urge its adoption.

Mr. NEAL of North Carolina. Madam Speaker, the gentleman has reminded me, I want to point out that this bill passed our subcommittee by a vote of 29 to 0. It passed the full Senate Committee on Banking, Housing and Urban Affairs by a vote of 19 to 0. It passed the full House Committee on Banking, Finance and Urban Affairs by a vote of 50 to 1.

There are extraneous issues, lots of them, that we could add to this bill. But we should not. We ought to deal with this bill as it is and then deal with other issues, which we can certainly do.

Mr. LAFALCE. Madam Speaker, will the gentleman yield?

Mr. NEAL of North Carolina. I yield to the gentleman from New York.

Mr. LAFALCE. Madam Speaker, I rise in support of the legislation. I commend the chairman of the subcommittee and the chairman of the full committee and the ranking minority members for the fine work they have done.

Madam Speaker, Congress has been dealing with the issue of interstate branching for the past decade. At long last, we finally have the chance to enact legislation on this issue. As Congress has been engaged in endless deliberations, the market has made enormous progress toward forming a nationwide interstate system. Congress now needs to recognize that new reality and pass this legislation.

This legislation is a balanced approach to interstate branching. It reflects the various concerns and perspectives of many of those who have in the past not supported interstate branching legislation. While the banking industry supports this legislation, it should be emphasized this bill would not allow the banking industry total freedom in its branching activities. This bill contains provisions that maintain substantial power with the States, as well as provisions that address the concerns of consumers.

The overwhelming benefits of this interstate branching legislation should be recognized by everyone concerned. First, it will provide a safer and sounder banking system through the benefits of geographic diversification. The benefits of diversification—both geographic and across product lines—have unfortunately not been fully appreciated by the Congress to date. Increased geographic diversification will reduce a bank's exposure to a single regional economy—a problem which has been the source of so many bank failures in recent years. Regional economic downturns need not result in bank failures, which only exacerbate the problems in a local economy.

Second, this interstate legislation will result in increased availability of credit to our communities. When banks are allowed to operate through a more efficient branching structure, they are relieved of the burden of expending valuable capital on establishing separate banks in individual States. The resources once wasted on duplicative corporate structures can now be used to make more loans.

With respect to some of the concerns often expressed by consumers, the bill is very strong. Concerns have often been expressed that States currently exercising authority over banks operating within their borders would lose that authority if these banks were converted into branches. This issue is addressed very specifically in the bill. Under the bill, interstate branches are subject to the laws of the host State with respect to intrastate branching, consumer protection, fair lending and community reinvestment as if the branch were a branch of a bank chartered by that State. States also retain their current taxing authority.

The bill also contains provisions to ensure that CRA evaluations done on large banking organizations with interstate branching networks provide sufficiently detailed information about the adequacy of lending done in specific States and regions within those States. The bill requires that in addition to a CRA evaluation of the entire institution's CRA performance, bank regulators would also be required to do evaluations of a bank's CRA performance in each State, each metropolitan area, and the nonmetropolitan portions of the State.

The bill also addresses another concern of many consumer groups—that interstate branching would enable large banking organizations to use their branching structure to siphon deposits out of local communities to be lent out elsewhere. The bill would severely restrict the ability of banks to engage in this type of activity.

I want to emphasize the larger issue of benefits to consumers. We are all consumers of financial services. A more efficient, more competitive banking system provides the best assurance of providing all consumers with a broad array of financial services at reasonable prices. We also need to realize that corporations and smaller firms are also consumers of financial services and that they would benefit from a more efficient financial system, resulting in higher levels of economic growth and more jobs.

As important as it is to eliminate interstate branching restrictions, we must recognize that doing so will not be sufficient to make our banking industry fully competitive—on either a national or an international level. In addition to the geographic diversification that this bill will allow, we also need diversification across product lines. This was the conclusion of my Task Force Report on the "International Competitiveness of U.S. Financial Institutions" completed in 1990. It remains valid today. Nevertheless, passage of interstate branching legislation is an essential first step.

Our banking industry is experiencing what has been referred to as a "secular decline." In addition to the role played by the inefficiencies of current interstate branching restrictions, this decline can be attributed to the fact that the banking franchise in the United States is too narrow. The banking charter is overly restrictive in comparison to both the array of financing options available in the market from nonbank financial institutions, and the changing shape of consumer needs. The result is that banking has become a much riskier business as banks have concentrated their portfolios in certain types of lending and in certain regions of the country.

Banks are prevented by law from offering the full array of financial products their customers demand. After losing many of their best corporate customers to the commercial paper market in the early 1980's because of these legal restrictions, too many banks were inclined to replace that business with what were often much riskier loans, leading eventually to large loan losses and bank failures.

The recent protracted credit crunch is simply one installment of the price we will pay if we allow the decline of our banking industry to continue. Unless the banking charter is expanded, credit availability problems will continue to plague us in the future.

In order to make credit available to a full range of customers including small businesses, our banks must be sufficiently diversified—geographically and across product lines—to be profitable and avoid losses.

During the 1980's, our banks were prevented by law from attaining such diversification, and the results were disastrous—both for the banks that failed as a result of overexposure to certain regions of the country and certain industries, and for the economies whose economic hardship was further exacerbated by lack of credit. If we fail to learn the lessons of our mistakes, we are bound to repeat them.

Finally, I want to emphasize the fundamental connection between the strength and competitiveness of our banking industry and the strength and competitiveness of our economy. Put very simply, the cost of maintaining restrictive legislation which prevents banks from operating most efficiently is slower economic growth and fewer jobs. While many large companies can access the capital markets to meet their financing needs, small businesses often rely exclusively on bank financing. Consequently, the major impact of our outdated banking laws falls on small firms—those very firms which provide the engine of growth for our economy.

This legislation is long overdue and I urge its passage. It is the first step in the reforms that are necessary if our banking system is to serve the interests of economic growth and job creation.

Mr. NEAL of North Carolina. Madam Speaker, I reserve the balance of my time.

Mr. MFUME. Madam Speaker, I yield myself such time as I may consume.

I would just like to take a moment to say a couple of things that I think are very, very important.

First of all, I need to join with the gentleman from North Carolina [Mr. NEAL] in congratulating the gentlewoman from New Jersey [Mrs. ROUKEMA] for her work on this bill. Of course, the gentleman from North Carolina [Mr. NEAL] for his work and both the gentleman from Texas [Mr. GONZALEZ] and the ranking minority member, the gentleman from Iowa [Mr. LEACH], who have worked very, very hard on this and other issues that have come before our committee.

I do not say that lightly. Their work has been instructive for many of us and certainly beneficial for our entire Nation.

Interstate banking, for the record, is long overdue and much-needed legislation, because it essentially frees in many respects our Nation's financial institutions to be competitive and to have some sense of purpose. It gives banks the kind of organizational and operational flexibility that is so very, very desperately needed.

Madam Speaker, I voted for this bill in subcommittee. I voted for it in the full committee. I thought it was important that we have it here on the floor. And important also, quite frankly, that it passed.

As members of the Committee on Banking, Finance and Urban Affairs know, I offered during markup, in conjunction with the gentleman from Massachusetts [Mr. KENNEDY] and the gentleman from Maryland [Mr. WYNN], an amendment that would have substantially brought consumer rights into this legislation in a way that I think clearly would benefit those persons in our community who needs banks, who banks service and who have put their deposit there and their faith, quite frankly, in banks, in whose communities banks sit and who have a right to believe that the consumer has some importance in this.

That particular amendment was voted down. The last time we visited this legislation beforehand, it passed. And so I guess, depending on what day it is and what the dynamic or dynamism is within the committee, it is pretty had to determine what will happen.

But what did happen was a commitment from me to bring this legislation or this amendment to the floor so that the full House might have an opportunity to be on the record with respect to this very important consumer issue.

Unfortunately, this bill is being brought up under Suspension of the Rules, which does not allow, then, for that amendment to be offered.

I regret that. I think in some respects, while we all want interstate banking and branching to pass, have done a disservice to the full membership of this body, many of whom want the right to be able to vote on such a consumer amendment, all of whom certainly ought to have the right to do that.

So we find ourselves, as we do in this kind of dichotomy, where we believe, as members of the Committee on Banking, Finance and Urban Affairs, in this legislation and the importance of it. And we have been prepared over and over again to stand up for it, while at the same time coming to grips with the very basic reality.

The reality is that we have not done all for consumers in this bill that we could do and that once we pass this particular bill, it is gone. There is no chance to come back and, in my opinion at least, and do what we have the opportunity to do now or certainly what we would have had the opportunity to do had this bill not been brought up under Suspension.

I regret that. Inasmuch as I want it to be enacted, I would not be able to sleep at night knowing that I had walked away from my commitment to consumers, to people all across this Nation who have every right to believe that their rights and their particular interests are reflected in this very important bill.

For that reason, I will oppose this legislation, not because I do not believe in it, but because I believe more in the need for us to reflect in the legislation that we pass at least some sense of the needs of consumers in this country who do not have a voice in this body and certainly, because we are voting tonight under Suspensions, will not have a voice in this process.

Mr. HOYER. Madam Speaker, will the gentleman yield?

Mr. MFUME. I yield to the gentleman from Maryland.

Mr. HOYER. Madam Speaker, I thank the gentleman for yielding to me, and I appreciate his position.

I rise in very strong support of this legislation, congratulate the chairman and the ranking members for their work on this.

Madam Speaker, I rise in support of H.R. 3841, the Interstate Banking Efficiency Act. The bill before us today is the product of considerable work by the banking community and Congress.

For too many years the issue of interstate branching when unresolved as a number of smaller issues sidetracked it. However, today, under the suspension of the rules, we are able to vote on what has always been the central issue for interstate banking: whether interstate branching would be permitted. And whether, by extension, our country would move forward to reduce the often duplicative regulatory requirements placed on interstate banks.

If we pass this bill, we will permit interstate branching and allow some of our country's largest banks to consolidate their operations and improve their efficiency. Why is this important?

Every dollar the bank ties up in regulatory capital requirements, or pays in administrative costs, is a dollar that cannot be loaned to a small business which wants to expand its operations; or to a family which is paying for a child's college education. The interstate banking legislation will make interstate banks more competitive and will allow them to make more money available to communities and families.

I recognize the concerns which many smaller independent banks raised over this legislation. For that reason, I am also pleased the bill before us today includes important provisions allowing States to "opt out" of interstate banking and branching. The bill also restricts larger interstate banks to a percentage of the deposits they can control nationwide and within a particular State.

I urge my colleagues to support this legislation. Vote for H.R. 3841, and free banks to invest more of their money in the businesses and individuals who drive economic growth.

Mr. NEAL of North Carolina. Madam Speaker, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA], who has been a real leader on this issue.

Mrs. ROUKEMA. Madam Speaker, I rise in strong support of H.R. 3841, the Interstate Banking Efficiency Act of 1994.

As a long and energetic supporter of interstate banking and branching, I believe this legislation represents the best compromise on the important issues of interstate banking and branching that we have achieved in several years.

H.R. 3841 was adopted by the Banking Committee several weeks ago by an overwhelming vote of 50 to 1.

Under this legislation: Interstate banking can take place after 1 year; full nationwide branching will go into effect within 3 years, and States rights are protected by giving them an option to opt out if they do not support branching as well as clarifying State authority to tax bank affiliates.

This interstate banking and branching bill, more than any other provisions we have adopted over the past few years, will help enhance competitiveness among our banks.

Interstate banking and branching will help make banks safer through geographic diversification by allowing banks to diversify their loan portfolios and lessen their exposure to swings in regional economies.

Interstate branching will make banks more efficient through substantially reduced operating costs because it will be less costly to operate branches than to maintain separate banks.

This provision will also increase competition which will benefit consumers by providing more competitors in the marketplace and thereby making more bank products available and raising the probability that banking services will become less expensive.

During the full Banking Committee markup, a managers amendment was offered which addressed several concerns relating to CRA performance, State law-enforcement rights, and branch closing procedures.

Madam Speaker, my colleagues should realize that too much work went into this bill and too much is at stake with the future of the Nation's banking industry.

Interstate banking and branching is a must do and I urge passage of H.R. 3841.

□ 1840

Mr. MFUME. Madam Speaker, I reserve the balance of my time.

Mr. NEAL of North Carolina. Madam Speaker, I yield 1 minute to the distinguished gentleman from Nebraska [Mr. HOAGLAND], who has always been a longtime worker in the vineyards.

Mr. HOAGLAND. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I want to join with my thanks to the chairman of the full committee, the gentleman from Texas [Mr. GONZALEZ] and the chairman of the subcommittee, the gentleman from North Carolina [Mr. NEAL] and my colleagues on the Committee on Banking, Finance and Urban Affairs for finally having brought to rest this very difficult issue and controversy.

For decades now our banking system has been laboring under excessively restrictive banking and branching statutes. Through the years many thousands of individuals through the country have worked to reform these restrictions and rationalize our banking structure, but as has been said previously, this issue has often been caught up in extraneous issues that have prevented us from getting to the heart of the interstate branching and banking issue and bringing it to closure. We are able to do this this month and this session.

Often it is said that Congress largely ratifies the changes that have already taken place, but that is only partially the case here. It is true that an awful lot of changes have taken place in the decade since these restrictions were first enacted, that have had the tendency to break down these restrictions, but also all sorts of new services and new activities will be allowed once this legislation passes.

Those new services and new activities are going to make the banking system we have in America more competitive, and ultimately affect our economy very much, to the benefit of all of us, and I am delighted we are finally getting this done this session. Once again, I would like to congratulate those responsible.

Mr. MFUME. Madam Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Madam Speaker, I have always been a supporter of the interstate banking bill, and hope that we can find a way to make this bill work on behalf of all the consumers of our country.

This bill, I believe, however, contains a major weakness. There is nothing in it to ensure that the benefits of interstate banking are felt by all consumers, including those who live in our rural communities and our inner cities.

In the last several years, as banks have increasingly crossed State lines, we have witnessed a disturbing trend. Banks have gone into new communities, taken in hundreds of millions of dollars worth of deposits, but little, if anything, is then provided to the local community in the form of credit.

Madam Speaker, the fact is that if we are serious about providing credit to the American people, then I think we ought to commit ourselves to three basic, modest provisions that would allow this bill to be not only a good bill for those in wealthier communities, but a good bill for those in rural communities and in our inner cities.

Madam Speaker, I want to commend the chairman of our committee, the gentleman from Texas [Mr. GONZALEZ], who has always supported the concept of asking for some consumer protections when we are providing banks with new powers. I think it would be a sad day for the Congress to begin a process of allowing the banks to get new powers without having to provide some basic consumer protection.

Madam Speaker, I know the gentleman from North Carolina [Mr. NEAL] has always been a strong supporter, not only of new powers, but also of the notion of looking out for the American consumer. However, the provisions that the gentleman from Maryland [Mr. MFUME] and myself, and the other gentleman from Maryland [Mr. WYNN] and the gentlewoman from California [Ms. WATERS] supported in the committee were provisions that have passed the full Committee on Banking, Finance and Urban Affairs in the past. In the past, the bills that provided for interstate powers, the bills always contained the three provisions that were in this amendment.

That is, first and foremost, that lenders demonstrate how they will meet the credit needs of lower- and moderate-income consumers in the areas where they wish to open a branch; second, that lenders not be allowed to branch across State lines if they have a demonstrated pattern of closing branches in low- and moderate-income areas; and, third, that the biggest banks report information on loans to small businesses, including minority-owned businesses, so that those small businesses will not be discriminated against.

Madam Speaker, I ask the Congress to consider supporting these provisions in this legislation. The fact is that if we have a bill that provides these new powers, and we provide at the same time these consumer protections, I think we will have passed good, forward-looking legislation that will have the best interests of not just the wealthier communities, but the best interests of all the communities in our country in mind.

Madam Speaker, this is not, as I say, legislation that deals with just minority communities. This is legislation, as the gentleman from Nebraska [Mr. BEREUTER], a member of our committee, indicated the other day, that is critically important to the rural communities of our country.

Madam Speaker, I would hope that we could ask Congress to consider including these three provisions as we look forward to supporting interstate banking. Again, Madam Speaker, I want to congratulate the gentleman from Texas [Mr. GONZALEZ] and the gentleman from North Carolina [Mr. NEAL] on a job well done, and I hope that we can find a way to look out after the interests of all the consumers in our country at the same time.

Mr. NEAL of North Carolina. Madam Speaker, would the gentleman from Maryland [Mr. MFUME] yield time to me to discuss some of these matters? I have a number of Members who want to speak, and if the gentleman has enough time, I would request that he yield me 4 minutes.

Mr. MFUME. Madam Speaker, I am happy to yield 4 minutes to the gentleman from North Carolina.

Mr. NEAL of North Carolina. Madam Speaker, I just want to point out that the bill, H.R. 3841, already contains many important consumer provisions.

It preserves State branching, consumer protection, fair lending, and community reinvestment laws as they apply to interstate branches.

In a February 22 letter to Senate Banking Committee Chairman DONALD RIEGLE, consumer groups praised H.R. 3841's applicable State law provision, noting that the "legislation in the House, now pending before the Banking Committee, contains the safeguards consumers need and have come to expect in the marketplace."

It requires a State-by-State application of the Community Reinvestment Act. H.R. 3841 would require that each State-by-State CRA evaluation of an interstate bank be further subdivided to report on the bank's CRA performance in each metropolitan area in which it maintains branches, and in the nonmetropolitan portions of a State if the bank maintains branches in nonmetropolitan areas.

The bill requires forward commitments for interstate consolidations which would recapture some of the banks' savings from consolidations for local communities. The bill requires a bank that plans to consolidate multistate groups of banks into a single network of branches to submit a plan to meet local credit needs.

The bill prohibits deposit production offices by taking steps to ensure that interstate branching will not lead to the siphoning of deposits out of communities.

The bill would ensure that State law enforcement officers as well as State banking supervisors may enforce applicable State laws on in-State branches of out-of-State State banks.

In addition, the Banking Committee adopted an amendment that requires Federal bank regulators, in acting on bank applications to branch interstate, to review the CRA performance of all bank affiliates of the applicant bank, and not just the CRA rating of the applicant bank.

Another amendment, authored by the gentlewoman from California [Ms. WATERS] and adopted by the Banking Committee, requires Federal regulators to convene meetings of community leaders, depository institutions, and other interested parties to explore ways of replacing a branch that is closing with adequate alternative facilities and services.

In sum, I would say to my friends, the bill already contains many worthwhile consumer provisions. I believe this is a fair and balanced bill.

□ 1850

That is not to say ever that we have done enough. My friends from Massachusetts and Maryland have been leaders in looking out for the interests of the consumers of this country, low- and moderate-income people. I hope to be able to continue to work with them. I have supported many of their ideas. I am happy to hold hearings when we can on ideas that will improve our system.

Mr. MFUME. Madam Speaker, will the gentleman yield on that point?

Mr. NEAL of North Carolina. I am happy to yield to the gentleman from Maryland.

Mr. MFUME. Madam Speaker, I appreciate the gentleman's sincerity.

There are, however, three issues that were never resolved by this bill and that have brought us to this point of opposition. The first was that lenders demonstrate how they will meet the credit needs of low-income and moderate consumers in rural areas as well as in inner-city areas. And I would like to get the gentleman to respond to that. I mean is the gentleman prepared to hold hearings in that regard for the purposes of passing legislation?

Mr. NEAL of North Carolina. Honestly, I will say to the gentleman, and maybe this will answer all of the questions, if there is any evidence that our banking system is flawed and not serving the American public the way it should, I want us to look into it. So I would love to look into this issue, and perhaps the gentleman will bring up some others.

Mr. MFUME. If I might just continue, the second issue was that lenders not be allowed to branch across State lines if they have a demonstrated pattern of closing branches in rural areas and in low- and moderate-income areas.

Mr. NEAL of North Carolina. That is an issue that goes to the bill. Personally, I do not think that it is fair to apply a consumer provision to one small group of banks. If something is a good idea in terms of consumer provisions, it ought to be applied to all banks.

Personally, I see this legislation as in the interest of consumers. This is a branch opening bill.

This will provide more services to the American people. So when we are talking about doing something that will limit interstate branching, I personally do not think that it is in the public interest.

Mr. MFUME. This is where the gentleman and I have a disagreement, because I think if something is bad, and if we agree that it is bad, and closing banks clearly is bad in rural communities and in low-income communities who do not have access, then I cannot bring myself to say OK, for the purposes of just moving forward with this legislation I am going to go ahead with it. It is still bad.

Mr. NEAL of North Carolina. I had forgotten about the Waters amendment. I mentioned it earlier, but let me mention again the Waters amendment which we adopted in the committee, which requires Federal regulators to convene meetings of community leaders, depository institutions and other interested parties to explore ways of replacing a branch that is closing with adequate facilities to replace it. I think that speaks somewhat to what the gentleman had in mind. I am not sure it answers everything.

Mr. MFUME. Would the gentleman be willing to revisit this whole matter after we have had an opportunity to see what has taken place over 6 months or 12 months, to ascertain whether or not in fact there is a pattern of closing branches in rural areas and in low-income areas?

Mr. NEAL of North Carolina. Yes; I would be happy to.

Mr. KENNEDY. Madam Speaker, will the gentleman yield on that point?

Mr. NEAL of North Carolina. I yield to the gentleman from Massachusetts.

Mr. KENNEDY. Madam Speaker, I would just like to make the point that we do note this is not an issue which needs further study. The fact is we can look at a HMDA here and an HMDA there, but all you have to do is drive to the rural areas of the country, or drive to any rural areas of America where they are particularly brown or black communities and determine that there have been an enormous amount of branch closings. And the fact is that the last thing it seems to me that is required is further study. There are provisions in the legislation that talk about regulators ought to consider these issues. Considering these issues by legislators gets us absolutely nothing. These are regulators that in the past telegraphed these studies and told the banks to prepare their PR machines in order to deal with the damaging reports that indicate that you are three times more likely to be turned down for a home mortgage loan because the color of your skin is black or brown versus if it is white, coming from the same neighborhoods with the same income levels.

So I do not think we ought to be talking about further studies on this issue. The fact is that for the first time we are going to be bestowing upon the banks new powers, and we are not going to be asking the banks to meet the credit needs of the local communities. And that is exactly what the trigger mechanism that is built into the Community Reinvestment Act calls for, that when banks seek new powers, they must in fact have demonstrated creditworthiness to all of the people that they serve in their community or they are denied those powers. And that is what we are talking about trying to include in this legislation. And I think it would be a real mistake to get into a posture where we talk about further study if in fact we are going to be bestowing these new powers.

Mr. MFUME. If the gentleman will yield further, I assume then the gentleman from Massachusetts is in opposition to the bill?

Mr. KENNEDY. The gentleman knows how I feel about that. I have struggled with this issue, and the more we talk the more I am going to vote against this bill.

But we will see how we do at the end of the discussion.

Mr. MFUME. Madam Speaker, I reserve the balance of my time.

Mr. NEAL of North Carolina. Madam Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Madam Speaker, first let me just congratulate particularly the chairman of the subcommittee of jurisdiction, the gentleman from North Carolina [Mr. NEAL]. This is a crowning achievement in his glorious career here. Also I want to congratulate my ranking member of the subcommittee, the gentleman from Florida [Mr. MCCOLLUM]. As people may not know, on the Committee on Banking, Finance and Urban Affairs, I am somewhat reluctant about this approach, but I am kind of a 19th century mentality when it comes to some aspects of banking, and this is a 21st century bill. In any case, there are a lot of changes that have occurred in the banking system both in terms of law as well as in picture, and it is probably about the appropriate time for Congress to recognize that these changes are taking place.

Let me just say from a consumer point of view, I am pleased that the leaders on this particular issue have included a provision that I have long been identified with, and that is a prohibition against what I call deposit production offices to ensure that larger interstate banks simply do not go into States and try to sweep deposits without a concomitant loan obligation in the areas in which those offices might be.

This section requires a branch, owned by an out-of-State bank, to make at least 50 percent of the loans that its in-State peers are making, in the host State. If the number of loans falls below this level, the branch has to be closed. In order to reopen the branch, or establish a new branch, the institution must give reasonable assurances that it will comply with the provision.

Despite this, I am troubled that the bill in its present form, without the inclusion of more prudential capital standards, will propel further consolidation of the banking industry without due regard to safety and soundness concerns and at the expense of competitive equity within the banking industry.

During full committee consideration, I unsuccessfully offered an amendment that would have statutorily required all banks to be well capitalized before engaging in interstate banking, branching, and consolidation.

The bill as reported by the committee only requires banks that engage in interstate branching to be adequately capitalized. With respect to full nationwide banking, and consolidation of existing interstate banks, the bill imposes no statutory capital requirements.

A number of recent Government reports and studies support the goal of my amendment. The GAO, in its November, 1993 report to the committee, suggested that "permitting interstate banking and branching for well-capitalized, well-managed banks could potentially benefit regulation and the Bank Insurance Fund."

In addition, last year I asked the Federal Reserve Board to conduct a study of capital levels in State versus national banks. The report demonstrated that, on average, State banks with assets from $300 million to $10 billion have higher leverage ratios than national banks. The Board's report indicates that currently 4,663 State banks are now subject to higher capital standards than the Federal level. This represents approximately 60 percent of all State-chartered banks.

One of the extraordinary things happening in banking today is not only the consolidation of the industry, but the fact that this consolidation is occurring with banks with less capital taking over better capitalized banks, using techniques which reduce rather than increase the amount of capital in the system.

The amendment offered in committee would have required banks that wish to acquire banks across State lines to meet a well-capitalized standard, which today is modestly set at a 5-percent leverage ratio. Of the top 25 banks in the United States by asset size, at most only 2 of these banks would not meet this standard based on statistics from the third quarter of 1993.

The public has an interest in having a well-capitalized banking industry, both to ensure the safety and soundness of the financial system and the adequacy of resources to make entrepreneurial loans. Banks simply will not make entrepreneurial loans unless they have sufficient capital to take risks. The more the capital base of a financial institution is reduced, the less likely it is to support a growth-oriented economy.

In conclusion, the U.S. banking system is on the brink of becoming the strongest in the world, but the Congress should take care not to jeopardize the stability and strength of the financial system by refraining to adopt standards which would prevent capital flowing out of the system.

I think regulators have to be put on guard that they have a very large responsibility to make sure that this change neither jeopardizes the safety and soundness of the system nor leads to a circumstance where industrial and commercial lending is given a back seat. So let me congratulate the progressives and suggest with some reluctance I am being brought along.

Mr. MFUME. Madam Speaker, I yield myself such time as I might consume to just make a couple of other points. Again, I am going to go back to what was spoken last in the remarks of one who has spoken tonight. We all understand how important this legislation is. We all have worked very, very hard in the Committee on Banking, Finance and Urban Affairs to get it to this point. The work of Chairman NEAL, and the gentlewoman from New Jersey [Mrs. ROUKEMA], the gentleman from Iowa [Mr. LEACH], and the gentleman from Texas [Mr. GONZALEZ] has been reflected in my own remarks, and I think the appreciation is broad based.

□ 1900

I am here in opposition this evening because, on a matter of principle, I think it is important to speak for the consumer.

I recognize that the votes are not there to defeat the legislation, but I recognize also that if I did not stand in opposition, this argument would never be made. We would have gone beyond this and passed the bill on suspension, and while many of the Members who are cosigners and supporters of this amendment will probably also vote for it, and I understand that, it is important that these arguments be made, and in the absence of them being made, I again say that we do a disservice to consumers across this Nation.

There are a lot of good things in this bill. I have worked to put a lot of them in. Other Members have done that, and we have done it as a committee, in a bipartisan way, I might add, but the argument today about needing to do more is an argument that must be made, and that is why I am standing to make it.

Madam Speaker, I yield 1 minute to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I appreciate his giving me the time simply to compliment everyone on this bill.

I have been the ranking member on this subcommittee and worked with the gentleman from North Carolina [Mr. NEAL] throughout the process. I got delayed from coming down here because of a Rules hearing a few minutes ago.

But I think that this is one of the most significant pieces of legislation this Congress will pass, and certainly it is one of the most significant pieces of legislation in the years that I have been here for Banking. We are now finally opening the door to interstate banking. We are going to give the opportunity for branching and for the combination of efficiency that is going to occur across State lines for banks that own branches in other States, and I think it is being done in a very orderly, methodical fashion.

We have not attached a lot of other things. It does not have products and services on it, and while I respect some of the debate here today of the concerns that several have over matters of community reinvestment and importance to the minority community, the key thing I wanted to talk about, and I appreciate the gentleman yielding to me to do, is simply to emphasize the overall importance of this bill to the economy of this country, to the banking community, to the citizenry of this country, and I think that it is a critical, critical bill that is being debated for a very short time.

I urge its passage.

Mr. NEAL of North Carolina. Madam Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER] the senior member of the committee.

Mr. MFUME. Madam Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER].

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. BEREUTER] is recognized for 2 minutes.

Mr. BEREUTER. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I do rise in support of the legislation. I compliment the gentleman from North Carolina [Mr. NEAL] and the gentleman from Florida [Mr. MCCOLLUM] and the other members of the committee for their excellent work on this legislation.

I am particularly appreciative of the fact that they have picked up the opt-out provisions for interstate branching.

This is legislation that I proposed in the previous Congress. The gentleman from Minnesota [Mr. VENTO] joined me in that, and we had a particular provision subject to a vote on the House floor. It passed by a very large margin.

It makes it possible for many States to be supportive and legislators from those States to be supportive of this legislation. It gives those legislatures an opportunity to opt out, to take themselves out of this interstate branching arrangement if they choose to.

Now, I do not expect them to do that in large numbers, if any in fact do, but that option is maintained, and that is an important States rights issue.

I must express my concern yet that we may have an opportunity for too many decisions and too much of a community's resources to be drained from some rural areas and from some low-income urban areas.

There were some provisions added that were authorized by the gentlewoman from California [Mrs. WATERS], for example, that were accepted with the blessing of the chairman and the minority members. That is an important step in the right direction.

But it is time to modernize our banking legislation. We are in a disadvantageous position in this country with respect to banking in many other parts of the world. It is time to modernize. It is time to update.

I compliment the chairman and all Members who have participated in this arrangement.

Like the gentleman from Iowa [Mr. LEACH] I would have preferred higher capitalization levels. We fought the good fight, and we did not win on those issues. And this legislation, nevertheless, merits approval.

Mr. MFUME. Madam Speaker, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Madam Speaker, I thank the gentleman for yielding.

The gentleman from Maryland knows that while I am very sympathetic to where he is coming from, I am in support of the legislation.

Let me say two things, Madam Speaker, No. 1, it is about time we did this. It is just long overdue. If America is going to have a banking system that can compete internationally, we should have interstate banking now. We should have had it 10 years ago, and there is no economic argument to stand in the way. It is pro-consumer to have interstate banking, because you have more banks competing. It is pro-America to have interstate banking, because our banks will be stronger and compete internationally, and it will also bring about the kind of strengthening of the banking system, which I believe is rather weak, that we so desperately need.

I would say to my colleague, the gentleman from Maryland, and my colleague, the gentleman from Massachusetts, I appreciate the valiant fight they are making, and I am very sympathetic and have always supported the type of legislation they are offering.

But we have been through this time and time again. Every time we try to add one thing onto the bill, then other and other and other things happen, and nothing gets passed. We have to pass this bill plain.

I urge a "yes" vote.

Mr. NEAL of North Carolina. Madam Speaker, I yield 1 minute to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS of Alabama. Madam Speaker, I rise in strong support of the Interstate Banking Efficiency Act.

Madam Speaker, I would like to commend the distinguished chairman of the subcommittee, Mr. NEAL, and the distinguished ranking member, Mr. MCCOLLUM, for all their hard work on this legislation. I am pleased to join my colleagues on the House Banking Committee in support of H.R. 3841, the Interstate Banking Efficiency Act.

This landmark legislation will lead to greater efficiency within the banking system while enabling customers to benefit from a wide variety of banking services at financial institutions across the country. When this legislation is fully enacted, residents of Alabama will be able to make a deposit at their bank in Florida or cash a check at their bank, hassle-free, in California.

In our mobile society with citizens routinely travelling across our Nation, this type of service has become a necessity.

As reported by the committee on March 9, H.R. 3841 will permit interstate banking after 1 year, consolidation of existing subsidiaries after 18 months, and full interstate branching by national and state-chartered institutions after 3 years.

Additionally, I am pleased my legislative language relating to accommodation services arrangements was incorporated in the bill. Under this arrangement, banks owned by the same holding company could act as agents for one another in offering banking services. This arrangement will provide holding companies such as SouthTrust Bank of Birmingham, AL, the alternative of retaining separately banks in each State or in each community within a State, with directors drawn from the local community, and yet still avail themselves of some of the advantages of interstate banking.

In particular, this provision would permit each local bank to have local directors, require that each local bank be subject to separate examination of safety and soundness, consumer compliance, and CRA compliance, and require that each local bank be subject to separate capitalization.

In my opinion, it makes good sense to permit these affiliated banks the alternative of maintaining a separate corporate existence and handling certain interstate transactions as agents for each other, such as receipt of deposits, renewal of time deposits, closing of loans, disbursement of loan proceeds, and receipt of loan and other payments.

I look forward to working with my colleagues in the Senate in sending an interstate banking bill to the President at the earliest opportunity.

Mr. MFUME. Madam Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Madam Speaker, in closing, I just have heard all the arguments. I understand all of the wonderful benefits that interstate banking is going to provide, and to those of you that say we ought to go ahead and do interstate because it is time for interstate to happen, I say yes, it is time for interstate to happen. But it is time for interstate to happen for all the people of this country.

What we will do today is set a precedent of providing banks with powers. We are not asking the consumers to be protected. The poor people of this country, people of color in America have not been well served by the banks of our Nation, and we ought to be providing those individuals that have been denied credit, been denied their access to the American dream simply because of the color of their skin, because they cannot walk into a bank in this country and get a home mortgage or get a small-business loan to say, "Enough is enough," and we expect banks that have acute records of disregard for people of color to not get new powers.

We expect credit to be provided in the communities that they are going to purchase new banks in, and we expect we can learn these statistics on race for the loans that they make to small businesses.

I urge a "no" vote on this bill.

Mr. MFUME. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, let me just say a couple of things in closing. First of all, I think this debate was necessary and important, because it highlights for many of us the need to be able to speak out on behalf of the American consumer in such a way that we elevate in this debate those concerns.

Second, it is also important that we understand, I think, that being in opposition to the process is not necessarily being in opposition to the bill. We believe, and have worked on this bill, for a long time, but the process, we believe, is flawed.

We believe also that the consumer of this Nation has been left out of this debate, and so whether we are talking about inner-city America or rural America or small businesses or minority businesses, I have offered in committee and have made this debate today to try to drive home the point that as we do what we do, we must also be mindful in the process of the people who are affected most.

I appreciate the gentleman from North Carolina and his arguments and certainly those who have been supportive, but I appreciate more the benefit of making this argument so that the American people will have an opportunity to understand there is a desperate need to keep consumers in legislation.

□ 1910

Mr. NEAL of North Carolina. Madam Speaker, I would point out there are a number of important consumer protections for less-advantaged people in the bill. There is a number of consumer benefits for all Americans in the bill; there is a number of benefits for business in the bill. Taxpayers come out way ahead because it reduces the likelihood that banks will get in trouble. Credit crunches will not occur as often because geographically strong banks will not be dependent on one part of the country. Banks will benefit, everyone benefits from this legislation.

We have known it for about 10 years; this should have passed years ago. It has always failed because of someone's idea of just something else we could add to it, some little thing would make it different or make it better. This is the best we could do. I am happy to look at other issues at any time, but this is very much in the American interest, and I urge my colleagues to pass this very good bill.

The SPEAKER pro tempore (Ms. ESHOO). The time of the gentleman from North Carolina [Mr. NEAL] expired.

Mr. MFUME. Madam Speaker, I ask unanimous consent that the gentleman have an additional 30 seconds.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. NEAL of North Carolina. Madam Speaker, I yield to the gentleman from Maryland.

Mr. MFUME. Madam Speaker, do I still understand, as we close the date, the willingness of the gentleman to revisit in the form of hearings many of the concerns that I and Mr. WYNN and Mr. KENNEDY have tried to articulate in the amendments we offered previously?

Mr. NEAL of North Carolina. I said before, I do not want to say that I am going to go back and try to change the interstate banking legislation because that is not what we are about, but in terms of trying to improve the American banking system insomuch as I can help with that, I will try at any time. If that is not adequate, I can expand upon it. But I want the system to work for all Americans.

Mr. MFUME. We do too, and I thank the gentleman for his comments.

Mr. NEAL of North Carolina. We will try to help you.

Mr. FAZIO. Madam Speaker, I rise in strong support of H.R. 3841, the Interstate Banking Efficiency Act. This legislation is a critical component of our efforts to keep the national economic recovery moving forward.

Our Nation's bank regulatory system is riddled with cumbersome organizational requirements for interstate banking activities which add significant costs to banks that operate in more than one State. Today, 174 multistate bank holding companies are required to set up separate and distinct organizational structures for each State in which they operate. They must have their own executives and boards of directors, undergo separate examinations and audits, receive separate ratings and maintain separate capital reserves. These organizational arrangements are required even if the bank affiliates are operating essentially as branches. Clearly, these requirements are an administrative burden which carries a heavy price in overhead.

H.R. 3841 seeks to rationalize interstate banking and branching regulations to eliminate unnecessary administrative requirements without compromising the safety and soundness of our Nation's financial institutions. H.R. 3841 will streamline these regulatory burdens by enabling banks to own branches and provide banking services across State boundaries without having to establish separately capitalized and organized banks in each State as is required under current law.

The major benefit of this legislation is that it will free up approximately $1 billion annually in capital that the banking industry now spends on administrative overhead costs. This is $1 billion that can be used to make loans. Projections suggest that this new loan making capability could pump $10 billion into the economy on an annual basis in the form of loans to small businesses, real estate ventures, or capital improvements—all of which are key to keeping our economy moving forward.

Interstate banking and branching are long overdue. This bill is important to improving the efficiency and competitiveness of our financial institutions. Further, the bill will provide an economic stimulus to our country's capital markets. The time has come to make interstate banking and branching a reality. I encourage my colleagues to support H.R. 3841.

Mr. CASTLE. Madam Speaker, I rise in support of H.R. 3841. While I have reservations over considering legislation of this importance under suspension of the rules, I believe the time for interstate banking and branching has come and the House should act on the bill.

I am concerned that our States should have adequate time to decide if they want to participate in interstate branching. As Chairman NEAL knows, I believe that States should have a 3-year period before interstate branching through consolidation of subsidiaries is permitted. While the bill has a 3-year waiting period for regular branching, it would allow subsidiaries of bank holding companies to be converted into branches after 18 months. Congressman CRAIG THOMAS and I offered an amendment in committee to equalize the time period for branching and consolidation.

I would have liked to have the full House consider this issue, but to enable the interstate bill to move forward, I am not contesting the consideration of the bill under suspension of the rules. Chairman GONZALEZ and Mr. LEACH agree with my view of the consolidation issue and I hope Chairman NEAL will remain open to discussion on this issue when the bill goes to conference.

I want to thank Chairman GONZALEZ, Chairman NEAL of the subcommittee and Mr. LEACH and Mr. MCCOLLUM for working with me to clarify the bill's language relating to a State's tax authority. The bill and report protect a State's authority to tax the affiliates of banks and bank holding companies. I appreciate my colleagues' cooperation on this important issue. I support approval of H.R. 3841.

The SPEAKER pro tempore (Ms. ESHOO). The question is on the motion offered by the gentleman from North Carolina [Mr. NEAL] that the House suspend the rules and pass the bill, H.R. 3841, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4092, TO CONTROL AND PREVENT CRIME

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–449), on the resolution (H. Res. 395) providing for consideration of the bill (H.R. 4092) to control and prevent crime, which was referred to the House Calendar and ordered to be printed.

## APPOINTMENT AS MEMBERS OF THE COMMISSION ON CHILD AND FAMILY WELFARE

The SPEAKER pro tempore (Ms. ESHOO). Without objection, pursuant to the provisions of section 5(B)(1) of Public Law 102–521, the Chair announces the Speaker's appointment of the following members on the part of the House to the Commission on Child and Family Welfare.

Mr. Donald R. Bardill of Tallahassee, FL;

Mr. George C. Cheek of Spokane, WA;

Mr. John Guidubaldi of Kent, OH; and

Mr. Bill Harrington of Tacoma, WA.

There was no objection.

## EDUCATION BILL FUNDS SHOULD NOT GO TO PROMOTE HOMOSEXUAL LIFESTYLE

(Mr. HANCOCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. HANCOCK. Mr. Speaker, later today the House will consider my amendment to H.R. 6. To refresh the memory of my colleagues, my amendment provides that no school which receives funds under H.R. 6 be allowed to have a program or activity which promotes homosexuality as a positive alternative lifestyle.

Some opponents of this amendment have tried to exaggerate its effect, suggesting we would shut down AIDS education, sex education, and gag school counselors from providing factual information. All of these claims are false.

We are targeting the blatant advocacy of the homosexual lifestyle. Classes and counselors which give unbiased, factual information about AIDS and sex are unaffected by this amendment.

Let me give you one example of what we are talking about.

In New York City, under the auspices of an AIDS conference, students as young as 12 were given access to these graphic—perhaps even pornographic—brochures advocating "fisting," anal sex, and other homosexual acts as safe, healthy, and desirable.

I include for the RECORD these items and the newspaper article describing them, be printed following my remarks, and I encourage Members to see for themselves what it is we are trying to stop.

[From the Washington Times, Mar. 18, 1994]

### N.Y. YOUTH AIDS FORUM LEAVES PARENTS HORRIFIED

(By Joyce Price)

A New York City youth AIDS conference that "impressed" AIDS czar Kristine Gebbie has outraged parents with its distribution of fliers on anal sex and other homosexual practices to children as young as 12.

The Feb. 12 conference at New York University Medical Center was sponsored by the New York Department of Education, featured Miss Gebbie as its "VIP" speaker and displayed pamphlets from the Gay Men's Health Crisis (GMHC).

"The material the Gay Men's Health Crisis gave out to children . . . depicted risky and dangerous activities," said parent Joanne Gough, a member of the AIDS Advisory

Council to the New York Board of Education. "The [city-wide school] board and the chancellor are definitely going to have to address this issue."

Mary Cummins, a local school board member, said she examined some material distributed at the conference and was "horrified."

"I'm a grandmother. . . . I thought I'd seen and heard everything," said Mrs. Cummins, who led the fight against the city's curriculum teaching acceptance of homosexuality. "When the homosexuals are hitting on kids like this, it becomes my business."

In a Feb. 28 letter to Ramon Cortines, chancellor of New York's public schools, Miss Gebbie lauded the conference, saying she "was most impressed by the . . . event and would like to be supportive of appropriate follow-up."

Miss Gebbie, national AIDS policy coordinator, was not aware of the sexually explicit material handed out during the conference, said her spokesman, John Gurrola.

But critics say she was told that the "Conference of Peer Educators: Youth Teaching Youth About HIV/AIDS" would include workshops on subjects such as "sex options," "eroticizing safer sex" and the "wonderful world of latex."

On Feb. 9, Richard W. Caunitz, a Rockland County, N.Y., lawmaker, faxed Miss Gebbie a letter noting many of the conference's scheduled events. Mr. Caunitz pointed out that "attendees as young as 12" would be exposed to those topics at the conference, which he said was being convened by GMHC.

He told Miss Gebbie he found it "extremely disturbing to learn you are being featured as the VIP speaker."

Miss Gebbie responded to Mr. Caunitz's letter on Feb. 28, saying the conference "was sponsored by the teens themselves through Gay Men's Health Crisis, who provided some funding."

GMHC has denied that it organized, sponsored or convened the event. The group says it was one of at least 19 organizations that contributed money to the event.

A program identifies the New York Department of Education's High School HIV/AIDS Resource Center as a conference sponsor and GMHC as a "patron." Other "patrons" included the AIDS and Adolescents Network and the Unitarian Church of All Souls AIDS Task Force.

"The Board of Education's fingerprints are all over it," said John D. Hartigan, a lawyer who monitors New York's education system. "There will be a lot of enraged people at the next public board meeting on March 23 demanding that it cut all ties with the Gay Men's Health Crisis."

New York school officials have distanced themselves from the graphic fliers handed out at the gathering, which the Village voice said was attended by more than "250 . . . predominantly black and Latino youth."

"The materials that created problems were not materials we prepared or authorized," schools spokesman Frank Sobrino said. "They were not Board of Education materials."

Details about the sexually explicit material were first reported by Ray Kerrison, a columnist for the New York Post, and syndicated columnist Mona Charen.

GMHC has rejected suggestions by Mr. Kerrison and Mrs. Charen that the purpose of the conference was to recruit children into the homosexual lifestyle.

"The purpose of the conference was AIDS prevention and education, something that is needed urgently by young people in New York," said Jeff Richardson, GMHC executive director.

Mr. Hartigan, who is representing some parents upset about the conference, said he obtained copies of some of the leaflets from a 14-year-old, whom conference opponents had sent in as a spy.

He said he was most concerned about some material put out by the GMHC and its Lesbian AIDS Project. The "Safer Sex Handbook for Lesbians" showed pictures of naked women whose nipples and navels were penetrated by brass rings. Another picture, he said, showed a naked woman with her legs spread apart as a clenched fist approached.

Another leaflet available was earmarked for black youths who "do men." Mr. Hartigan said the leaflet was "written in rap and very foul street language" and it advised young men that they can engage safely in anal or oral sex if they use condoms.

That's a "life-threatening medical lie . . .. It's suicidal," Mr. Hartigan said.

Mr. Hartigan said the youth was sent to the conference because an early registration form indicated that it was an event for people "between the ages of 12 and 24."

GMHC said it gave out explicit materials because participants were young people "conversant with difficult sexual information" who had voluntarily attended the conference. The group said it distributed the materials only to those who requested them.

"Out of 250 attendees, there were a total of two 12-year-olds and 10 young people 15 or under," the group said.

## SPECIAL ORDERS

The SPEAKER pro tempore (Ms. ESHOO). Under the Speaker's announced policy of February 11, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## TRIBUTE TO FORMER MEMBER, HON. JED JOHNSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. JACOBS] is recognized for 5 minutes.

Mr. JACOBS. Madam Speaker, America has lost one of its most distinguished, imaginative, and indomitable sons, our former colleague Jed Johnson, who has been taken from our midst by a devastating cerebral hemorrhage.

Madam Speaker, while it is true that fools rush in where angels dare to tread, it is also true that some angels have the courage to tread farther than others.

Jed Johnson is such an angel. He reminds one of the words of Franklin Delano Roosevelt in the early days of World War II when he said, "Let no one say it can't be done. It must be done, and we have undertaken to do it."

In the early 1970's I was a member of the Committee on the District of Columbia, and Jed approached me and said that if I would simply hold hearings on the tragedy, not well known, of Junior Village, where orphans in the District of Columbia were badly treated, that the orphanage would be closed down and replaced by group foster homes in the District of Columbia, a program which had been proven viable by the minister, Fred Taylor, at the Church of the Savior, where Jed Johnson and his wife Sydney and their daughters attended.

When I pointed out to Jed there was a minor problem with that, I chaired no committee or subcommittee at the District of Columbia, he said to me without hesitation, "Not to worry. Just pretend you did. Have an ad hoc hearing."

We did; it caused a sensation in Washington DC, at the time. Within 18 months, wind was blowing through the old facility out there and the group foster system—which has not been without its flaws—came to be in the District of Columbia and orphans served had something closer to real families with which to live.

Junior Village could best be compared with what happens at military bases; little children were marched from barrack-like quarters to mess halls and so forth. They had no parent figures.

Jed Johnson cared. I suppose anybody would care, but the difference was that he was, as I said, indomitable; nothing seemed impossible to him if good people put their minds and their efforts to it.

Jed took over the former Members' organization. Many of our current Members will know about that. He had another idea about having an exchange program between legislators in other nations and those of the United States.

"Couldn't be done, couldn't raise the money to finance it"? Well, he did not appreciate the impossibility of it, and therefore I need hardly tell you, not knowing it could not be done, he brought it about. It was done; it is part of that organization, and it will remain a part of that organization for a very long time.

□ 1920

Jed Johnson was a person of the House, and, when he left the House, he did not leave the House. He continued to support this institution, to speak well of this institution and to make contributions to make this institution always better. All of his former colleagues, and I am sure every Member of the House now, extends their heartfelt sympathies to his wife, Sydney, and his daughters, Alice Johnson, who is in the Chamber this evening, and Sydney Dunlap, his other daughter. Jed's wife, Sydney, is the daughter of another former colleague of ours, Syd Herlong of Florida, who served from 1948 through 1970, and Jed's father was yet another former Member of the House, Jed Johnson, Sr., who served from 1926 through 1946.

Madam Speaker, we have here one of America's most distinguished families, and the tragedy happened far, far, far too soon and proves once again the adage that the good die young.

Madam Speaker, I yield to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Madam Speaker, I would like to associate myself with the remarks of the gentleman from Indiana [Mr. JACOBS]. I did not know Jed Johnson as a legislator. Few of us who are in the House now did because he served here sometime ago, but his contributions to the House, as the gentleman pointed out, continued far after he left, until his very last days.

Madam Speaker, I worked with him very closely during this last year as a chairman of the Congressional Study Group on Germany. He was the driving force in so many interparliamentary exchanges who benefited dramatically the understanding of those legislators with respect to our system and vice versa. His contributions because of his work with young people and legislators of all ages will go on for a long, long time. We are going to miss Jed Johnson. He was an extraordinarily fine human being.

Mr. JACOBS. Madam Speaker, I thank the gentleman from Nebraska [Mr. BEREUTER] for his contributions.

## MY ADVICE TO THE PRIVILEGED ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Madam Speaker, I must say that I am not happy with the path the Federal Reserve has chosen for the U.S. economy. The Federal Reserve's policy of raising interest rates to fight an inflation no one can see is, according to Fed statements, based on a number of factors other than recent past experience with inflation. The Fed even admits that the factors it looks at are faulty. In fact, a continuation of Fed doses of higher interest rates and warning about the coming inflation can cause a deflation in bond prices and then a rapid rise in interest rates. That translates into a rapid fall in equities prices and real trouble for the small investor who has entrusted savings to stock mutual funds. Many of these mutual fund investors are first-time investors who may not know the risk involved in an investment reliant on the stock market's health. Should this scenario occur, it will be too late for the Fed to reverse its policies and hypocritical for them to brag about how well they can handle a crash that they have precipitated.

In this week's edition of Barron's magazine, Edward Yardeni, chief economist and managing director at CJ Lawrence Deutsche Bank Securities, is especially critical of the Fed's recent pronouncements. He writes, "A month ago Fed Chairman Alan Greenspan seemed to say that all the recent good news about inflation should be ignored." He also quotes Federal Reserve Governor Lawrence Lindsey who said, "We (the Fed) look at a whole raft of variables—we ignore nothing and focus on nothing."

Thankfully, that kind of nonadvice is incorrect. For example, former Fed Governor Wayne Angell put great importance on the price of gold as an indicator of inflation and Chairman Greenspan has noted that it is a variable which helps guide the Fed in determining when the country should expect inflation.

I wish these gentlemen would familiarize themselves with the Federal Reserve's own research on this subject. In the March/April 1994 issue of Economic Perspectives, a Federal Reserve Bank of Chicago publication, Senior Economist Robert Laurent debunks the use of gold prices as an indicator of inflation. His research shows that "gold is not likely to serve as a useful early indicator of changes in inflation."

My colleagues, you do not have to be an expert to understand that the price of gold is not a good forecaster of inflation nor do you have to buy the Fed claim that it is raising interest rates because there are signs of inflation. It is just plain balderdash. I will submit for the record the price of a troy ounce of gold for the period 1974 to 1993 compared to the Consumer Price Index (CPI), an index used to measure inflation. The price of gold varies all over the graph while the CPI does not. The Fed might as well read tea leaves as a substitute for using the price of gold as an indicator to raise interest rates.

The Federal Reserve is clearly in need of a reality check. Don't they know that the average rate of inflation is the lowest since the 1960s? I will submit for the record a graph of the rate of change of the CPI from 1957 to the present which clearly shows the historical record of inflation. It is imperative that the Fed focus its efforts on keeping the present recovery going, rather than chasing inflation apparitions

As you, my colleagues, well know, the job market is still very bad. The unemployment rate did not even peak until 13 months after the end of the 1990–1991 recession, the longest lag in this half century, and most of the workers currently working find their wages to be declining. Weekly gross wages, adjusted for inflation, for 80 percent of the Nation's workers—workers who do not hold the highest paying jobs—have been falling. These people are already suffering and do not need any preemptive strikes from the Federal Reserve which have a negative impact on their standard of living.

The decision-makers at the Fed should pull back the curtains and take a long, hard look at the economic landscape. It is rocky out there. Rather than take its lead from Fed Governor Lindsey and the gold bugs, the Fed should focus instead on using measures that truly indicate the country's condition. It should not adopt policies which could possibly foster a stock market decline just because of a hubris that the Fed can step in at the last minute and shore up the market, just as it did in 1987. This is not the way to make policy for our nation's citizens.

I commend Federal Reserve Chairman Alan Greenspan and the other members of the Federal Open Market Committee (FOMC) for promptly announcing the Fed's decision today to raise interest rates. For months I have been calling for such prompt disclosure to prevent wild speculation and unnecessary leaks that arise out of unannounced FOMC policy changes.

Today all market participants received the information at the same time. All those who believe that financial markets work best with more information will agree that this is an appropriate way to change policy. Next, I want the FOMC to agree to a timely release of the complete minutes of each of its eight annual meetings so that the American public can have a full accounting of the decisions of the individuals who run this powerful decision-making committee and whose decisions impact inflation, employment, interest rates and the international value of our currency. This can best be accomplished by supporting my bill, H.R. 28, the "Federal Reserve System Accountability Act of 1993." H.R. 28 requires full accountability at the Fed, a requirement of all government bureaucracies operating in a democracy.

## TEN THOUSAND WILL DIE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Madam Speaker, when a teenager from Florida—Kimberly Bergalis—died as a result of the AIDS virus she contracted during a routine visit at her dentist's office, the Nation responded with horror and calls for action. The incident—which sparked massive media interest, new legislative proposals, and full-blown congressional hearings—sounded a warning alarm in the hearts and minds of every parent. Could this happen to my child? Well, Madam Speaker, the parents and loved ones of more than 10,000 hemophiliacs doomed to the same fate have a tragic answer to that question—it can and did happen—and many say it could still happen again in spite of everything we now know about AIDS and its transmission through the Nation's blood supply. Ten thousand people, half of all hemophiliacs in America today, face almost certain death from AIDS they contracted during the 1980's, when HIV-tainted blood contaminated the blood clotting products hemophiliacs use to protect themselves from uncontrollable bleeding. It is a tragic irony that the very product—known as "factor"—which the hemophilia community had viewed as a salvation, offering hope for healthy, active, and normal lives—ended up infecting them with a virus that eventually kills. Members of the hemophilia community describe themselves as the "canaries in the coal mine." They are, as they say, at the front end of the blood supply—and when something goes wrong with the blood supply, the first place you will see the results is within their community. In the early 1980's before proper screening for AIDS was available, 50 percent of hemophiliacs—some of whom can be exposed to blood products gleaned from as many as 100,000 donors of blood in a single year—were infected. In most cases, it was years before these victims discovered their plight, and as a result more than 10 percent of their wives and some yet-unborn babies were also unknowingly infected. Today, Americans are told that such a devastating lapse could not recur because technology and awareness has improved to the point that the blood supply is completely safe. Understandably, hemophiliac victims, their families, and those members of the community who have not been infected have a hard time trusting this fact. That is why I joined with Senators GRAHAM from Florida and KENNEDY from Massachusetts in requesting review by the Department of Health and Human Services—not only of what went wrong in the 1980's, but also of the effectiveness of safeguards now in place for protecting our blood supply. Secretary Shalala commissioned a study by the National Academy of Sciences, and we await its expert conclusions, expected within the next year and a half. But what do we do in the meantime? How can we help those 10,000 people and their families? How can we ease their pain and address the incredible sense of betrayal and resentment they feel? I would like to share with my colleagues excerpts from just a few of the hundreds of letters I have received from anguished people across the country.

> I was the mother of a wonderful 15-year-old son, my only child, who was affected by HIV disease through contaminated blood products. If you could only realize and feel the pain for just 1 day of having a beautiful, loving, intelligent son taken away so needlessly only because of greed and lack of caring it would break your heart.

Another writes,

> I am a 34-year-old hemophiliac who was married in 1986, never realizing the danger I was to put my wife through. My life since 1988 has been a living hell * * * I realize I am waiting to die and all I ask is that it is not in vain.

Another says

> I have learned to accept my dealth and this manner of living, but it still hurts when I think that this could all have been avoided if proper controls had been in place 15 years ago.

While it's clear that our understanding of AIDS and the blood supply was still new and evolving during the early 1980's, victims of contaminated factor and their families believe that more could and should have been done with the information that was available to protect them. What people in charge knew, when they knew it and what they did with that information is the subject of an ongoing class action lawsuit. In the meantime, and as the N.A.S. proceeds, we must continue to look for ways to help these innocent victims and their families to cope with their cruel fate.

## MAKE SAFE DRINKING WATER ACT MORE FLEXIBLE AND LESS COSTLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Madam Speaker, this Member comes to the floor to speak about the urgent need to make the Safe Drinking Water Act's regulations more flexible and less costly.

Madam Speaker, there is general agreement that the current Federal safe drinking water law is badly broken and needs to be fixed. While the distinguished gentleman from Kansas [Mr. SLATTERY] and the distinguished gentleman from Virginia [Mr. BLILEY] have correctly diagnosed the current law's shortcomings and proposed a workable solution, H.R. 3392, there are others who have ignored the current law's detrimental effects on small cities and rural communities, and, in fact, they are attempting to make it even more unnecessarily stringent and costly. Why is this legislation not moving in committee?

It is troubling to hear people argue against the Slattery-Bliley bill by claiming it will weaken the current safety levels for drinking water. That is simply not true. This Member certainly would not support legislation which would place his constituents at risk. Neither would the other 140-plus cosponsors of H.R. 3392; nor would the National Governor's Association or the U.S. Conference of Mayors which both support H.R. 3392. In fact, numerous responsible groups and associations have endorsed the Slattery-Bliley bill because they understand that it would allow water systems to provide safe drinking water at a reasonable cost. This Member will enter into the RECORD an excellent statement on this issue written by Governor Bob Miller of Nevada and Governor Fife Symington of Arizona on behalf of the National Governor's Association. The letter appeared in the Washington Post on February 3, 1994.

Madam Speaker, as the letter indicates, H.R. 3392 helps correct some of the serious problems and reduces the substantial local costs created by the current law. Clearly, many of the current SDWA requirements result in prohibitive costs without any real health benefit or increase in water quality. This is an issue on which this Member has been speaking out and seeking corrective actions by the EPA for some time, but without results. However, in large part, it is Congress which is to blame for the statutory direction we have given to the EPA.

H.R. 3392 injects more reasonableness and common sense on this issue and allows states and communities to identify and focus on those contaminants which present an actual health risk in a particular area. Legislation enacted by Congress simply must take into account the economic and budgetary realities faced by States and communities. Blanket Federal legislation for this still very diverse nation is usually ineffective, overreaching, inflexible, and expensive for States and communities of all sizes. That surely is the case with various parts of the current Safe Drinking Water law.

As the recent defeat of the rule for consideration of the EPA Cabinet-level bill demonstrated, most Members and the informed American public now support an assessment of risks during the regulatory process. Clearly, some applications of environmental regulation how entered a phase of diminishing returns. Although great progress has been made in meeting threats to health and safety, a point has been reached where each new environmental regulation should undergo a cost/benefit estimate based on an analysis of risk.

Madam Speaker, it is indeed troubling to hear of the scare tactics used by the extremists on this issue. They seek to frighten the public into thinking that unless a massive, bureaucratic, inside-the-beltway approach is taken to regulate drinking water, no one will be safe. Amazingly, opponents of H.R. 3392 seek to deny State and local officials the ability to tailor a safe drinking water program based on sound science. However, no one has a more powerful incentive to provide safe drinking water than state and local officials, because they and their constituents will be drinking that water and they know full well where the buck stops. They certainly would not subject themselves and their family and friends to harmful water. Instead, they would focus their time and money on the problems unique to their community.

Madam Speaker, there is a growing financial crisis for small communities that becomes more evident each year as new testing and treatment deadlines are imposed. Many Federal officials are now recognizing the dangers of an inflexible Federal approach to this problem. In fact, during a speech at the annual conference for the National Association of Towns and Townships last September, EPA Administrator Carol Browner stated her support for more flexibility, more local and regional decisionmaking.

This Member's experience in visiting with local officials and listening to constituents at townhall meetings indicates that the regulations promulgated to enforce the Safe Drinking Water Act have become a major Federal irritant to local government officials and terribly expensive—for no additional benefits worth there costs. In fact, these regulations often result in diverting scarce local dollars to address problems or contaminants which do not exist. One of the most flagrant examples of a requirement which results in higher costs involves testing across the whole Nation for a pesticide used on Hawaiian pineapple fields even though it is currently banned in the continental United States.

It costs nearly as much for a very small community to go through the mandated testing procedures as it does for a large community. In most cases, therefore, residents in smaller communities will be forced to pay much more per person, since the costs cannot be spread out over a larger population. Without changes in the current law, though, communities of all sizes will be severely impacted.

This Member would like to cite several examples of the problems facing communities in Nebraska's First District.

Wahoo (population 3,681) recently instituted a 10 percent rate increase due to increased testing costs. The community is expecting an annual increase in excess of $20,000 to pay for water testing requirements.

Homer (population 553) estimates that monthly water rates may nearly triple over the next several years as a result of the testing requirements. Just recently, water rates for customers were about $9 per month. Within a few years, this may jump to $25 per month.

Unadilla (population 294) is projecting that, by 1997 each of its 120 households will have to pay an incredible $100 per year just for water testing costs.

Even a city the size of Lincoln (population 191,972) will face problems. The city is estimating that over the next six years, total costs for capital improvements and operation and maintenance due to proposed regulations for water quality may be as high as $185 million.

Communities throughout Nebraska and the United States are confronting similar predicaments. In addition to the costs of outrageously overreaching testing requirements, it is clear that the cost of water will skyrocket if truly unnecessary treatment is required. While the EPA sets its standards as close to zero risk as technologically possible, incredibly it takes costs into consideration only for water systems serving more than one million people. Again, in fact this required treatment will often result in no actual health benefit.

The Slattery-Bliley bill recognizes that, consistent with sound health considerations, required technology should be based on the size of the community. The legislation reforms the current standard setting procedures by requiring the Environmental Protection Agency EPA to establish "best available technology" for water systems based on their size.

Madam Speaker, the bill also removes many of the rigid and arbitrary requirements of the current safe drinking water law. For instance, it eliminates the notorious and ridiculous current statutory mandate that EPA identify 25 contaminants every 3 years for regulation and replaces it with a system based on contaminants that, first, represent a public health concern and, second, actually occur in drinking water. The legislation also allows States to tailor monitoring requirements to particular circumstances, with responsible flexibility and reasonable waivers made more easily available.

Madam Speaker, while everyone certainly recognizes the importance of providing safe drinking water for everyone, this Member believes it should be done in a realistic manner which does not inappropriately burden the communities affected. As stated previously, this Member does not support taking any action that will cause drinking water to become unsafe. For instance, where there is a problem with biological contamination, typically coliform, yes, treatment is obviously necessary. However, the Federal Government should provide more discretion to States so that they can use common sense and not be subject to arbitrary nationwide standards that have no relevance in a particular State. For instance, the nature of water testing in Nebraska should reflect the State's uniquely strong groundwater dependency. This Member has consistently conveyed these views to current and former EPA Administrations and will continue to support legislation, such as H.R. 3392, which would relieve the burdens on communities throughout Nebraska and the Nation. Sometimes, however, regardless of the administration or political party involved, one wonders if anyone in EPA really listens or cares what the impact of regulation really is on America's communities and their citizens.

Madam Speaker, in conclusion this Member urges his colleagues to support H.R. 3392, the responsible approach to providing safe drinking water in America. Cosponsor the legislation. It will protect the health of individuals as well as communities.

[From the Washington Post, Feb. 3, 1994]

### DRINKING WATER SAFETY: LET'S BE SCIENTIFIC

The recent drinking water emergency in Washington illustrated the need to reform the federal program that governs drinking water safety. On that, Rep. Henry Waxman and the nation's governors agree ["The Next Water Crisis," op-ed, Jan 19]. But the governors believe drinking water standards should be based on sound science and implemented in a streamlined manner.

The emergency in Washington occurred at a water treatment plant operated by the U.S. Army Corps of Engineers, with oversight from the Environmental Protection Agency. The locally operated water systems in the area continued to meet federal standards under the same circumstances.

Both the Washington and Milwaukee water emergencies point to the fundamental problem in the regulatory system: Congress requires federal, state and local governments to spend billions to monitor specific contaminants that may not even occur in drinking water, rather than focusing on actual health risk and seeking the best regulatory "buy."

Amazingly, the Environmental Protection Agency is *not* required to regulate many contaminants that actually occur in our water and threaten our citizens; however, EPA *is* required to regulate 83 other specific chemical contaminants that Congress wrote into the law in 1986, which may or may not actually occur in our water. There is no federal standard for cryptosporidium, the disease organism that killed 40 people in Milwaukee and drove 1 million Washington area residents to drink only boiled or bottled water for four days.

Far too much of the public's time and money is wasted on activities with little or no value. For example, communities across this nation are required to continually test their water for substances that do not occur in it.

A bill introduced in the House by Rep. Jim Slattery (D.Kan.) and Tom Bliley (R-VA.) directs EPA to regulate substances that actually occur in our water and are of public health concern. It also allows states and local governments to focus on those same contaminants, and it authorizes the EPA administrator to consider the public health benefits of regulatory alternatives in setting drinking water standards.

Passage of this bill would enable EPA to weigh the health benefits of several alternatives and set a water standard at a level that represents the best "regulatory buy," provided that public health is protected. At present, EPA cannot choose between alternatives that provide comparable health benefits but differ significantly in cost. Such changes in the law would significantly strengthen the effectiveness of the Safe Drinking Water Act.

"The governors also support President Clinton's recommendation to authorize a low-interest loan program, financed in part by the federal government and administered by states, to help our communities build better and safer drinking water systems.

If Congress responds with business as usual, overwhelming state authority with an inflexible federal structure and limited local flexibility, we will simply continue to pour the public's money down the drain.

## 1965 VOTING RIGHTS ACT UNDER ATTACK

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Louisiana [Mr. FIELDS] is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. FIELDS of Louisiana. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. FIELDS of Louisiana. Madam Speaker, I rise tonight to address an issue that is very important to the integrity of our institution of Government. The 1965 Voting Rights Act signaled the advent of change in our Nation, change that was to reform our representative bodies. But that reform is under a misguided attack today; an attack that threatens the progress made by the election of thousands of African Americans and Hispanics to office, from Congress to local school boards, in fulfillment of the Voting Rights Act. As a Congressman, I am vigilant about such threats; as an American, I desire respectability and equality in our Government; but as an African American, I am frightened that the important progress that we have made may be turned back.

In 1965, Congress passed the Voting Rights Act to provide minorities opportunities to fully participate in the political process; participation that had been denied for so long; 100 years after the Civil War, States across the country were still using poll taxes, literacy tests, and gerrymandering to undermine the political voice of black minority communities. In State legislatures, lines were drawn to split black communities among districts to prevent their political strength, and to prevent the election of candidates of their choice.

African Americans were subject to insulting and unconscionable mechanisms to disenfranchise and deny their voting rights. Questions were asked only to African Americans as a condition of voting, these trivial and irrelevant questions insulted blacks who desired only to vote—recite parts of the State constitution, and how many bubbles are in a bar of soap, for example. Because they could not tell the registrar of voters—educated African Americans—lawyers, Ph.D.'s, doctors, were prevented from voting. Most important thing about these incidents is that they are remembered by many people today; this is our very recent past, remembered and felt by many voters. The blatant racism incorporated in our political institutions was little more than one generation ago. Black voters in many Southern States were met by riots and lynchings only 30 years ago.

For context, let me point out that the youngest member of this 103d Congress was born several years before enactment of the revolutionary Voting Rights Act—me! We must always treat the issue of redistricting and voting rights in the context of our country's history.

There are many communities in my district such as Lake Providence and Monroe, where residents react with both joy and amazement to see a Member of Congress and to know that there are Members of Congress from their community.

A district created in compliance with the Voting Rights Act provides the opportunity for African Americans to get elected.

This is the goal that is so important. Access to political institutions brings communities representation that they have never before known.

The Voting Rights Act is the centerpiece of legislation that changed this Nation for the better, and which has begun to change Congress. Not only does it prohibit the traditional, subtle and invidious tactics of State legislatures to dilute the voting strength of black communities, but it requires the creation of districts in which a minority candidate has the opportunity to get elected. This mandate is crucial to fairness and equality in voting rights.

Many of those who argue against the voting rights districts simply dismiss the past as an unfortunate chapter in our history. But that chapter is still being written; we are not past it, and many of us, our constituents and friends, remember the insulting and demeaning ways disenfranchisement occurred. We cannot relegate the history and context of the issue to the past, but we must realize that the work of the Voting Rights Act is ongoing and must continue.

Slowly but steadily in the 1950's and 1960's our institutions were reformed and integrated. Schools, universities, transportation, the workplace, public facilities—all were the subject of direct efforts to integrate. These institutions have been changed for the better and are important to our Nation.

But our most important institutions—our representative bodies—have been last to integrate and reform. The strongest elements of the 1965 Voting Rights Act were not enforced for many years.

Though it was unenforced for 25 years, progress has been made recently. But today, however, we find that progress and the Voting Rights Act are under a strange attack. The same arguments that opposed the Voting Rights Act in 1965 today are used to attack districts created by it. The shape of the districts, the opponents argue, is more important than the civil rights principal of fair representation. It is an argument used to avoid the real issue of integrating our political institutions. That is the goal of the Voting Rights Act and integration—reform of the institution.

When schools are integrated, we override concerns about what neighborhoods the children come from to achieve the greater goal. The same values are expressed in insuring Voting Rights. Our concerns about the preferred shapes of districts must submit to the overriding national goal of an integrated Congress. This value judgment was expressed by Congress in the Voting Rights Act.

The role of Government in urging the reform of institutions is very important, but we must remain focused on the real goal. With the landmark integration of schools as an example, the Court in Brown versus Board of Education did not detail which neighborhoods children must come from; the Court demanded the integration of schools with all deliberate speed.

With Congress, the process should be similar: the details of the districts should not overwhelm the important goal of integrating the Congress. At the core, those opposing voting rights districts elevate the shape of a district over its function. Providing minorities political opportunities becomes, in their arguments, less important than traditional district shapes. But I know we all see through the argument: traditional districts yield a traditional and segregated Congress. Focusing on the shape of the districts, as opponents of voting rights district have done, is a red herring.

In East Carroll Parish of Louisiana, where unemployed outnumber those with jobs, I visit and my concerns about jobs in that rural area are the same as for unemployed families in downtown Baton Rouge.

To the people of these communities, the shape of the district is not nearly important as the fact that I am listening and working in Congress to create jobs; I am working with them to address the problems of their rural schools; I meet with them and they know I will work to confront the problems that they have been faced with for so long.

Of much greater concern than the unusual shape of a district is the character of Congress. Without voting right districts, Congress would continue as a largely segregated institution, which we can see from the 1980's, before voting rights districts were enforced. In 1982, North Carolina was 22 percent black, but all 11 Congressmen were white; South Carolina was 30 percent black, but all 6 Congressmen were white.

Now that is unconstitutional. This is the picture that should stir Americans to the defense of the Voting Rights Act.

Without voting rights districts, Congress would not be integrated; it would not even closely represent the communities of America. More examples from the 1980's include Florida, where all 19 Congressmen were white, but Florida's population was 14 percent black; all of Louisiana's 8 Representatives were white, but her population was 30 percent black; and, all 10 Virginia Congressmen were white, but Virginia's population was 19 percent black. This picture is from the 1980's without voting rights districts—not long ago—and it is what would happen if opponents of the Voting Rights Act succeed.

It is certain that people react instinctively to the unusual shape of voting rights districts; but the reaction to an all-white congressional delegation is much more fierce and righteous.

Without the creation of voting rights districts, States will continue to deprive minorities of political strength. And the code of the arguments against voting rights districts is transparent: traditional districts means a traditional Congress, as segregated Congress.

It is also very important to remember that Congress is but the tip of the iceberg; representative bodies from the State legislative to the local school board are integrated by the creation of voting rights districts. Thousands of black candidates have been elected, integrating and improving what have long been segregated institutions. Without voting rights districts, the tremendous gains at these levels will be lost.

Congress needs voting rights districts; the institution is improved by them. In 1965 Congress and the Nation saw the need for strong, affirmative civil rights laws.

The Voting Rights Act has been fully enforced for only a few years and its remedial work is far from over.

The distorted attack on voting rights threatens the terrific gains minorities have made in the political process. Gains that are reflected in and important to this Congress and the Nation.

A final, but critical element to this battle is the role of President Clinton and his Justice Department. The President has made clear and reiterated his support of the Voting Rights Act and the creation of Voting Rights districts; but his words have rung clear to those of us in the battles. I for example, am in the position of relying upon the State of Louisiana to defend the Voting Rights Act. This ironic position is the result of the Justice Department's failure to intervene in the legal battle. Acts of Congress should be defended vigorously by the Justice Department, but in this battle they have retreated.

And, the Justice Department, who urges States to create such voting rights districts, is abandoning its authority by failing to defend its own actions. Without their intervention, the most important civil rights battle of many years, perhaps a generation, is passing them by. This injustice at the Justice Department is regrettable.

I urge my colleagues to support the principles of the Voting Rights Act; to speak out strongly against the move to backtrack on voting rights progress; And to strongly affirm the majority-minority districts called for as a remedy in the 1965 Voting Rights Act.

Madam Speaker, I yield 5 minutes to the gentleman from South Carolina [Mr. CLYBURN].

Mr. CLYBURN. Madam Speaker, I thank the gentleman for yielding.

There are several lessons we must continue to teach ourselves whenever the questions of reapportionment arises, questions that are fundamental to the democratic form of Government.

First of all, we must remember that nothing granted under the democratic form is ever really permanent; it can be taken away. A hundred years ago, the halls of this Congress were well-populated by black Congressmen from Southern States, including one of my ancestors, and there was the sense that America had become more truly representative in the Congress than ever before.

A few years later, all that had changed, and we had entered a period of profound racial segregation and discrimination. I say that to remind you that nothing is guaranteed, and that we must measure every action in terms of its long-term political implications. Losing seats occupied by African-Americans to the reapportionment process in the name of whatever legal theory may sound reasonable and harmless just may be the first step in a trend with far more drastic and denigrating implications.

Second, I would suggest to you that gerrymandering is a term which did not come into use with the advent of black Congresspeople. The use of unusually shaped congressional districts is a time-honored political activity which goes back as far as this Nation itself.

And, I would suggest, it has had racial implications at least since 1865, in many, many instances. Creating racial majorities through the drawing of district lines is a very fundamental part of the entire elective process. It's the means by which fair and equitable balance is being created in all legislative bodies in this Nation, and it is one which should be defended and utilized in the interest of a truly representative Congress.

Third, let me suggest to you that the geographic shape of a congressional district does little to define its actual nature and content.

A legislative district, at whatever level of government, is not a territorial boundary.

It is a district created for the purpose of defining a group of people who will participate in an election. As such, it should have a cohesion and a sense of values which may have nothing to do with its geometric shape, or size I would suggest, Madam Speaker, that congressional districts should have some commonality of purpose, whether they are in the urban center of big cities or in the farmlands of the agricultural states.

Districts may be bound together by common economic interests, common educational purposes, traditional social, and political interests, a sense of shared purpose and values which can be transmitted through the voice and the votes of an individual Congressperson. There is too much isolation in our elective process today, too much special interest as expressed through the single office of a single Congressperson.

We should all be generalists, representing the interests of minorities within our districts as well as being sensitive to the will of the majority. That has been done in many instances by non-black Congresspeople representing black minority districts, and I consider it insulting for anyone to imply that the same cannot be done by non-white Congresspeople representing white minority districts.

To redraw lines in the interest of some perceived over-representation of a minority racial group or issue is superficial and unreasonable.

It negates the very real fact that much of what we do has little to do with race, and very much to do with the competence of the individuals in office and the best interests of the entire Nation.

Eliminating seats now occupied by African-American Congresspeople would be a step back in history, and a very dangerous step, at that. This Nation has some very noble ideals which it has expressed in its very remarkable Constitution. It is our job to work in every way possible to achieve those ideals, and the diversity of this Congress is very much a bright and shining example of the U.S. Constitution at its best.

We are often imperfect in the way we achieve our purposes in this Nation. A congressional district may not have a size or shape to delight the aesthetic interests of its observers. But congressional districts are not created for artistic value; they are created for a political purpose in a democratic society to serve the purposes of a Constitution which represents and protects all people.

If we are about achieving the greater goal of advancing human values, then perhaps we should not be so distressed about the geometric correctness or abstract artistic value of a congressional district but instead glory in our ability to fashion peaceful and tolerable remedies to one of our long standing social ills.

Mr. FIELDS of Louisiana. Madam Speaker, I thank the gentleman from South Carolina. At this time I yield to the gentleman from Mississippi [Mr. THOMPSON].

Mr. THOMPSON of Mississippi. Madam Speaker, I join by colleagues tonight in identifying and highlighting the redistricting struggle.

In 1969, I was elected as alderman in my home town of Bolton, MS. Notwithstanding that election, there was a challenge that ensued. That challenge went to court and one of the profound statements that the judge made at the initial hearing, when we moved the trial to Federal court, the judge said, "Well, they have taken it out of my hands."

Well, clearly, this struggle for redistricting is one where unless we have constitutional guarantees, the Voting Rights Act and a number of other things, minorities and women and others will not have the protection necessary.

Mississippi has the largest number of black elected officials than any State. This was simply because of the Voting Rights Act and the many countless lawsuits that have ensued in protecting those elections. Every time we appear to be turning the corner with voting rights, we shoot ourselves in the foot.

As a famous orator once said, Every time we learn the game, they change the rules.

Well, the rules are being changed now in redistricting suits, because now African-Americans who had fought hard to get elected now find their districts under siege.

In the spirit of Fannie Lou Hamer, Medgar Evers who gave their lives so many of us could serve, I join my colleagues in issuing this call to alarm on the injustices being reaped upon the newly created minority districts and pray that justice will prevail.

Mr. FIELDS of Louisiana. Madam Speaker, I yield to the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Madam Speaker, I thank the gentleman for yielding.

I rise tonight to speak on the principles of democracy, of representative government, of justice, and of fairness.

In 1894, the question before the Nation was whether freed slaves, 30 years after emancipation and the 15th amendment, could retain their newfound political power in State legislation, city halls, and the Halls of Congress, whether reconstruction would strip them of all their gains.

□ 1950

The answer is clear and unequivocal. In 1994 the question before this Nation is whether the grandsons and granddaughters of freed slaves, 30 years after the civil rights movement and the Voting Rights Act, will be able to retain their newfound political power in State legislatures, in city halls, and in the Halls of Congress. The answer is not yet clear, but if those traitors of democracy, conspirators against representative government, assassins of justice, and murderers of fairness have their way, the answer will be yes, and once again, 100 years later.

Shaw versus Reno is reconstruction revisited. It has taken 100 years to get to this point, only to be told that we have come far enough, or really, that we have come too far. Let there be no mistake about it, Frederick Douglass said it so eloquently, "Power concedes nothing. It never has and it never will"

In my State of Georgia, African-Americans are 27 percent of our population. Due to the insistence of U.S. Justice Department interpreting the Voting Rights Act and the persistence of thousands upon thousands of African-Americans, we now have 27 percent of our 11-Member congressional delegation. Where for years the 27 percent were neglected in matters of government, in not receiving our fair share of the political power, the people of Georgia now have democracy, now have representative government, justice, and fairness. Wrongs of 100 years are almost made right. Crooked politics of 100 years have almost been made straight.

Yet, today, we stand here, the demagogues of our time, the assassins of true democracy, through Shaw versus Reno and its progeny, would turn back the hands of time. I implore you, in the name of Crispus Atticus, of Nat Turner, Frederick Douglass, Sojourner Truth, of Cheney, of Schwerner, of Goodman, of Medgar Evers, of Fannie Lou Hamer, of Malcolm X, of Charles Hamilton and Thurgood Marshall and John Lewis and Andrew Young and Jesse Jackson, and thousands of others, we must continue the fight.

Men may not get all they pay for in life, and God knows we have paid the price, but we must certainly pay for all that we get. Let us not let them kill justice. Let us not let them destroy democracy. Let us not let them turn back the clock.

Mr. FIELDS of Louisiana. Madam Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Madam Speaker, I want to thank my friend and colleague, the gentleman from Louisiana [Mr. FIELDS] for holding this special order. Tonight, Madam Speaker, I stand with my colleagues in the Congressional Black Caucus to speak for fairness and justice. For more than 35 years I have opposed efforts that would deny African-Americans full participation in the political process. These efforts have included recent challenges to congressional districts in the South.

I feel strongly that the challenged districts were drawn to meet the test of the 1965 Voting Rights Act. They were properly drawn, and they were fairly drawn.

People should not forget that there is some history here: Before the Voting Rights Act 1965, there was a State-sanctioned conspiracy to keep blacks from participating in the political process. Twenty-nine years ago, this month, people marched, people were beaten, bullwhipped and tear gassed. Some people were shot and even killed for the right to participate in the political process.

Some of our citizens paid the supreme price with their own lives for the right to vote. In 1964, three young men gave their lives while working to register people to vote near Philadelphia, Mississippi.

Not too long ago, people had to pay a poll tax or own property to vote, or pass a so-called literacy test.

During the 1960's, there were certain political subdivisions in the South where 50 to 80 percent of the population was black, but there was not a single black registered voter. The tactics used by whites to keep blacks out of the political process ranged from economic retaliation to outright murder. In many instances, brutal acts of violence were directed against those who tried to register to vote. Black people were literally shot down on the Courthouse steps for attempting to register. Those few who were allowed to register were harassed, intimidated and even beaten when they tried to exercise the right to vote.

On Sunday, March 7, 1965, in an effort to dramatize the need for voting rights legislation, about 600 people attempted to march 50 miles from Selma to Montgomery. When we reached the apex of the Edmund Pettus Bridge in Selma, we were attacked by State troopers. Scenes from what became known as "Bloody Sunday" sent shock waves around the Nation and the world. There was a sense of righteous indignation.

Two days later, on March 9, 1965, the marchers gathered in Selma again. But we had to turn back to avoid a second bloody encounter.

President Lyndon B. Johnson went before a joint session of Congress on March 15, 1965 to urge Congress to pass a voting rights law. He said, "I speak tonight for the dignity of man and the destiny of democracy * * * At times history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was last week in Selma, Alabama."

Finally, under the protection of the U.S. military, we were able to complete our journey from Brown Church in Selma to the State Capitol in Montgomery. As a direct result of this effort, the Voting Rights Act was passed by the Congress and signed into law on August 6, 1965.

The Voting Rights Act eliminated discrimination in voting and paved the way for a nonviolent revolution across the South. In 1965 there were only about 50 black elected officials in the 11 Southern States. Today, there are over 6,000.

The South is a different and better place as a result of the Voting Rights Act. Our Nation is a different and better place.

I stand with my colleagues today as we seek to turn back the challenges to the full participation of African-Americans in the political process. We are prepared to do what is necessary and morally right to preserve the fruits of the voting Rights Act of 1965.

I want to thank my colleague, the gentleman from Louisiana [Mr. FIELDS] again for holding this special order.

Mr. FIELDS of Louisiana. The gentleman mentioned the number of African Americans that are elected to office today across the southern part of our country. Is the gentleman familiar with how many African-American Members are in the U.S. Senate today?

□ 2000

Mr. LEWIS of Georgia. Today in the U.S. Senate there is one African American.

Mr. FIELDS of Louisiana. How many Americans are in the U.S. Senate, total?

Mr. LEWIS of Georgia. In the Senate we have 100 Members.

Mr. FIELDS of Louisiana. So there is one African-American Member of a body of 100, is that correct?

Mr. LEWIS of Georgia. The gentleman is correct. There is only one African-American member in a body of 100.

Mr. FIELDS of Louisiana. So before the election of this one African-American, who I assume is CAROL MOSELEY-BRAUN whom the gentleman was referring to, prior to her election were there any African Americans since Reconstruction in the U.S. Senate?

Mr. LEWIS of Georgia. There was one during a brief period of time in the Senate, shortly after Reconstruction, who served from Massachusetts, Senator Edward Brooke.

Mr. FIELDS of Louisiana. Since Reconstruction we have had two Members, Ed Brooke and Senator CAROL MOSELEY-BRAUN?

Mr. LEWIS of Georgia. The gentleman is correct.

Mr. FIELDS of Louisiana. Let me ask one other question. How many Members are there in the U.S. Congress? What is the total membership of the U.S. Congress?

Mr. LEWIS of Georgia. In the House of Representatives, there are 435 Members.

Mr. FIELDS of Louisiana. Of the 435, how many of those Members are African Americans?

Mr. LEWIS of Georgia. We have today 39 African-American Members of the House of Representatives.

Mr. FIELDS of Louisiana. So, of the 535 Members of the U.S. Congress, which would include the House and the Senate, is the gentleman telling me there are only 40 African-American Members in the entire U.S. Congress today?

Mr. LEWIS of Georgia. I am saying to my colleague, the gentleman from the State of Louisiana, today in the Congress the total membership of African Americans is only 40, 39 in the House and one in the Senate.

Mr. FIELDS of Louisiana. I thank the gentleman.

Madam Speaker, I yield 5 minutes to the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Madam Speaker, I appreciate the gentleman yielding to me and his leadership and that of his colleagues in putting this together. I think it is a shameful thing that one of the best things we have been able to do as a government in dealing with the single greatest problem in this country is now under assault, and clearly the gravest problem that America has faced from its beginning has been the systematic mistreatment at the outset of African Americans, and the lingering heritage of that mistreatment.

This is a nation that began with slavery as part of its institution, unfortunately recognized in the Constitution. The Constitution is a great document in many ways, but as Thurgood Marshall pointed out, it was flawed in some respects, and its embrace of slavery is one of those.

We struggled throughout our history to try to overcome that. We have made progress, but clearly we have a long way to go. No single act did more to empower people to fight against the terrible effects of racism than the Voting Rights Act, because no single act did more to give people the ability to defend themselves.

The Voting Rights Act was an extraordinarily important turning point in our democracy. At first people were skeptical about it, but it has gained in strength.

The tragedy, Madam Speaker, is that today as we are just beginning to see the full effects of the Voting Rights Act, opponents of true democracy are trying to cut it off, and that must not be allowed.

One argument we get is that some of the congressional districts represented by our African American colleagues are shaped oddly, as was pointed out by previous speakers. Political manipulation of district lines for various purposes has not only been part of our history forever, it is inherent in the process. My own district, Madam Speaker, is very oddly shaped. No logic, no geometry would have produced it. It clearly shows various political factors. In my case it was a desire to help one Member, a desire to hurt another Member. All of the districts of Massachusetts are rather oddly shaped. But because there was no explicit racial motive, that is to be OK.

In other words, trying to draw districts so that the most under-represented group in America historically, and the most abused group, African-Americans, trying to draw districts so that we can undo the under-representation, that is now to be treated as illegitimate. But manipulating districts, wiggling the lines, playing politics with the numbers, as long as that is not being done to overcome racial injustice, that is OK.

We stand justice and democracy absolutely on its head by that doctrine. We have a Supreme Court majority, a narrow one in many ways, which says that political manipulation in the drawing of districts is OK for just about any purpose except overcoming this Nation's legacy of racism, that the Voting Rights Act, because it has been working as intended, therefore we have to interfere with it.

And let us not ignore the hypocrisy of some, and they were largely on the Republican side, who saw in the Voting Rights Act a chance to undercut Democratic majorities, and they felt that they could draw these lines in a way that might enhance African-American membership by cutting back on other Democratic membership. Only after that did not work out as planned did they then turn around and remove their support. We have the spectacle of people who in some cases, for instance in the State of North Carolina where the Justice Department insisted that the State of North Carolina draw a second district to represent African-Americans, and they were right to do that, but when it did not turn out politically the way they expected, the same political forces that pushed for it are now trying to undercut it.

There is nothing undemocratic, nothing unconstitutional, nothing illogical about saying that we ought to draw district lines to reduce the under-representation of African-Americans in this country. And as the colloquy between my friends from Louisiana and Georgia just pointed out, even today there is less than the numerical representation that we would get simply by doing things randomly.

Let me add that I feel almost as threatened as my colleagues by this. Obviously they, as African-Americans and representatives of African-American districts in many cases, are most directly threatened.

But I, as someone who wants to see my country reach the goals of racial justice, reach the goal of true democracy, deal with this terrible historical unfairness that has been so much a part of our problem, I also feel threatened by it. I have seen this institution over 14 years enriched by the newer Members who have come in. I have seen this institution enhanced by the fact we now more nearly adequately represent America in all of its diversity. I do not want to see it go back.

I think we benefit from the fact that America now is more nearly represented in the best sense of the word in this chamber. I do not want to go back to a period when there was an artificial, almost unanimity in this place.

The Voting Rights Act is working as it ought to work, and attacks on it would seek to throw back some of the greatest progress America has made in dealing with our greatest problem, our insidious attacks on democracy, and must be resisted.

I am very pleased that the gentleman from Louisiana has given those of us who have lived through this the chance to see it. I happened to have been in Mississippi in the summer of 1964 when democracy was a sham for a very substantial percentage of the people. And I have seen America evolve in a better direction. I have been heartened by that progress. I feel threatened by this attack on it, and I promise to work side by side with my colleagues in preserving and protecting the gains that we have made.

I thank the gentleman for yielding.

Mr. FIELDS of Louisiana. Madam Speaker, I thank the gentleman from Massachusetts, and I really appreciate his comments.

Madam Speaker, I yield 5 minutes to my very able colleague, the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Madam Speaker, the founders of this Nation in the Constitution provided that the Districts composing the House of Representatives shall be redrawn at least after every decennial census.

This provision was based upon their observation of the British system at the time. The British system provided for no systematic redrawing of parliamentary districts. Thus districts were controlled by the nobility. The urban areas were effectively disenfranchised. The term "rotten borough" is of British derivation. This was a parliamentary district of few people controlled by the local lord.

The founders rejected the British system, but provided for Congress to pass laws governing the process subject to the dictates of the Constitution. When the States, over time, reverted to the British practice of vastly unequal population, the Supreme Court properly stepped in with the decision of Baker versus Carr and subsequent elaborations. This was appropriate and consistent.

The practice of drawing Districts for the House of Representatives by the States has been left with great discretion within limited parameters.

The Voting Rights Act of 1965 was enacted to correct years of abuses through the disenfranchisement of classes of citizens of the United States. It and its subsequent amendments sought to rectify decades of active efforts to disenfranchise minority groups within the United States, primarily African-Americans, but also those others who have suffered disenfranchisement in the political process. I remember poll taxes, literacy tests, colored drinking water. I remember Booker T., W.E.B. Dubois, I remember Fannie Lou Hamer, Martin Luther King, and Mary McCloud Bethune.

One fact seems to be overlooked in this debate. The latest Voting Rights Act amendments were passed by a bipartisan majority of the Congress after extensive factfinding. It was accomplished with the full scrutiny of the American people. It sought the empowerment of those left out of the political process. Those who challenge the Voting Rights Act, do they want to still our voices in the fight for equal rights for all, native American women, homeless, gay rights, blacks, Hispanics?

The underlying theory of the amendments was rooted in the Constitution. Let all parts of America be represented in one body, the House of Representatives, the people's House. The result of that legislation is a House of Representatives that looks more like America than any of its 102 predecessors. This is what the writers of the Constitution intended.

Now we have the truly bizarre decision by the Supreme Court in the North Carolina case which stands contrary to history and the Constitution. The Voting Rights Act is under siege by those who want to turn back the clock—to the days when African-Americans were not allowed to vote. We say: Never again shall we return to those days. Many decades ago Irish-Americans fought for the design of districts they could dominate and the Supreme Court was silent. Italian-Americans fought for districts they could dominate, and the Supreme Court was silent. Many of the lines drawn to accomplish this purpose were somewhat unusual. Rural interests even after Baker versus Carr successfully sought districts they could dominate. There are suburban districts, conservative districts, liberal districts, Polish districts, Appalachian districts, German districts, Italian districts, Irish districts, military base districts, university districts, urban districts, sugar districts, fishing districts, tobacco districts, wheat districts, logging districts, rich districts, poor districts and too many others to name here. In many of these cases the purpose was to empower a distinct group by a State legislature.

The Congress found, and the President agreed, that there were distinct groups within the United States who were not being empowered by state legislatures. So under the Constitution is sought to empower these groups after extensive fact-finding. This is what Congress is supposed to do.

After the 1990 redistricting and the 1992 election, the results are in. The House of Representatives looks more like America than at any previous time in its history.

Today this success is threatened by a truly bizarre decision by the Supreme Court. It thinks congressional district shapes should conform to some unstated standard of beauty. Its standard of beauty for congressional districts is not definitive.

My standard of beauty is the results as defined by the membership of the House of Representatives. The House of Representatives reflects the diversity of America more today than at any time previously in its history.

A decade ago Congress sought to correct 200 years of discrimination and fulfill the intent of the writers of the Constitution. They succeeded.

All Americans must persuade the Supreme Court of their folly.

Let the people's House look like the people.

□ 2010

Mr. FIELDS of Louisiana. Madam Speaker, I yield to the gentleman from Alabama [Mr. HILLIARD], my very able colleague.

Mr. HILLIARD. Madam Speaker, in the days of legalized Jim Crow laws when segregation reigned supreme, as hope within the African-American community was dim, the only government institution which stood up for the rights of our people was the Supreme Court.

Today it is unfortunate for the sake of democracy that our High Court is straying from our Nation's democratic principles, the principles of fair play and equal representation which are embodied in our Constitution. Madam Speaker, it seems to be lacking in the Shaw versus Reno opinion.

Our Court must realize that democracy must be inclusive and not exclusive in terms of the doctrines of fairness which should be employed. The majority opinion in Shaw versus Reno is clearly wrong.

I do not understand nor appreciate Justice Clarence Thomas' vote and Justice O'Connor's vote in that decision.

It is ridiculous, but Justice O'Connor wrote, "Our political system today is a system in which race no longer matters." She is wrong. Racial problems still confront many of us.

One only needs to pick up the newspapers or turn on the TV to realize this sad fact. Those of us who are attorneys need to remind the High Court that the 1965 Voting Rights Act is still on the books, and it is this Supreme Court's duty to affirmatively support it, preserve it, and enhance it.

The 1965 Voting Rights Act was established because President Lyndon Johnson realized that those who held the power of politics in the South did not and would not share this power with blacks. Their ploy was to dilute the black vote with at-large, rather than district, elections. The same is true today.

Justice Blackmun stated the case best. He wrote,

> The conscious use of race in redistricting does not violate the equal protection clause unless the plan overtly denies a particular group equal access to the political process.

All blacks were disenfranchised in the South before the Voting Rights Act was passed. We must stop this one-up brinkmanship judicial philosophy in which the right-wing element of this Court is attempting to undo all the great democratic judicial strides we have made since the 1954 Brown versus Board of Education decision.

There are those who in 1994 would reaffirm Plessey versus Ferguson decision of 1896 which legalized segregation. Those like Sandra O'Connor and those like Clarence Thomas are looking at America in the year 3001 which will be the melted pot America and not the year of 1994 which is the melting-pot America, and there is a difference. Those who deny that there is a difference, those who deny that there is a racial problem are not fit to judicially preside and deal with the discrimination in this land at this time.

Madam Speaker, if we are to have a democracy which is true, it must be culturally diverse and must be inclusive. We have had representation without districts during the period of slavery and during the period of segregation, and it remained that way because those who represent all discriminated; those who represented blacks and whites in majority districts that were white voted the voice of the majority constituency. They voted the discriminatory views of their majority constituents.

Shaw versus Reno must go. Districts must be enforced and must be had if we are to preserve democracy.

Mr. FIELDS of Louisiana. Madam Speaker, I thank the gentleman from Alabama.

Madam Speaker, I yield to the gentleman from Maryland [Mr. MFUME], the chairman of the Congressional Black Caucus, my good friend.

□ 2020

Mr. MFUME. I thank the gentleman very much for yielding to me. My thanks to the gentleman from Louisiana [Mr. FIELDS], and other members of the Caucus and, quite frankly, other Members of this body who have, on this occasion and on previous occasions taken to this floor and raised a higher question to our Nation and to our Nation's people about the inequalities that have existed in the past but, more importantly, the hypocrisies that too often are with us in the present.

Clearly, one of the greatest hypocrisies is the notion that we can somehow have equal voting rights and equal protection under the law as it pertains to the right to vote while at the same time denying in every legal way we can the right of people to duly elect Representatives in districts that are drawn to reflect the demographics of the State in such a way that we maximize participation.

Madam Speaker, the struggle for African-American voting rights has been a dynamic one, ranging from periods of complete disenfranchisement and obstruction to varying degrees of participation in the political process.

The vote and its correlated benefit—inclusion in the political process—has come to symbolize the principal resource needed to improve the social status of the African-American community.

Noted political scientist William R. Keech stated that "the right to vote warrants extensive attention from observers of the American political process because one, it is perhaps the most widely distributed political resource in the country; two, it is the determining factor in a Democratic form of government, for in the end, most decisions rate on votes; and three, it is conduit through which popular sentiments are translated into governmental decision."

African-American access to the right to vote—and therefore, the political process—has been acquired and protected through the passage of constitutional amendments such as the 15th amendment in 1870, Federal legislation, such as the Voting Rights Act of 1965 and numerous judicial interpretations spanning the 19th and 20th centuries.

Now, comes the Supreme Court decision in Shaw v. Reno which states, among other things, that the shape of a district is more important than the people represented. Furthermore, the Supreme Court espoused districting principles that are not required by the Constitution, such as compactness, and contiguity.

These principles are important now because at issue is African-American participation in the political process. Therefore, I must ask the question posed by the dissenting opinion of Justice Blackmun: why is an otherwise permissible redistricting to benefit an underrepresented minority group impermissible when the minority group is defined by its race. If it is permissible to draw boundaries to provide adequate representation for others as we have done throughout our history, it necessarily follows that it is permissible to do the same thing for members of the very minority group whose history in the United States gave birth to the equal protection clause.

Thus the Congressional Black Caucus rises today to raise this issue before all who would listen, to argue that the court has been misguided in its interpretation and threatens to set back this Nation in a very negative manner, in the matter of equal representation and voting rights.

We rise today to begin this debate in hopes that it will begin over and over again throughout this country, every city, every State, the Nation, every hamlet where people believe as we all do that in order for America to be the Nation we should be, we must be consistent in our principles, profound with our respect for the law, and unceasingly committed in our desire to make sure that all people have equal representation.

I believe also, as many others have stated, that as people become familiar with this issue and begin to look at it, they see something that the Supreme Court could not see, they see the beauty of the American dream and how that beauty can be reflected if we really move to protect the rights, the voting rights of all people.

So we have gathered here in this evening under the leadership of the gentleman from Louisiana [Mr. FIELDS] to say, as we would say at every opportunity we will get, that we need in this battle all Americans of good will who believe that this issue, as it must be, is a priority before our Government.

We call upon the administration and all of the related agencies, we call indeed on the court who have put us in this position, and we call on Members of the House and the Senate to join us in this struggle, recognizing that we must be able to create a just society, a just society where justice is supreme ruler and law becomes but its instrument, where freedom is the dominant creed and order by its practice and equity is the common practice that we offer one another in fraternity, common brotherhood and sisterhood that binds us.

This issue goes to the heart of our Nation being fair in its treatment to the voting rights that are guaranteed under the Constitution to all its citizens.

We ask and we plead to those of good will to join us in this struggle, to recognize, if they will, as we do the simple lessons of history and what happened in the late 1860's; the fact that minority groups have been historically underrepresented in this body and sometimes historically excluded; to remember the words of the late Representative, Mr. White, the last African-American to serve in this country at the end of the last century, who addressed this body in 1901 on his way out, into retirement, leaving behind a House of Representatives that was without Hispanic, without black representation; that we too would rise like phoenixes again, and bring before this Nation a very basic challenge, the challenge to define itself by its commitment to be just and equal.

Yet, 28 or 29 years passed before there was another minority to serve in this body. We have been blessed over the years through the good will of African-Americans, white Americans, and others who have recognized that representation ought not be colored. We have been blessed to see our numbers grow.

Those numbers threaten to be severely diminished if we do not turn back this dastardly decision handed down by the courts.

So, again, my thanks to the gentleman from Louisiana [Mr. FIELDS] and others for engaging in this debate tonight. We encourage Members of this House to join us again and again as we continue to press this issue, and we urge that the leadership of the House, as well, understand the way we are committed to this and the passion that we bring to it, because this is really about leadership and really about the direction of our Nation.

Madam Speaker, I yield back the time to the gentleman from Louisiana, who has been very gracious in yielding.

□ 2030

Mr. FIELDS of Louisiana. Madam Speaker, I thank the gentleman from Maryland [Mr. MFUME].

Madam Speaker, at this time I yield to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Madam Speaker, I rise today to discuss a matter of great importance in this House. In recent months a series of challenges have been launched against some of my colleagues and the shape of their congressional districts. These districts, designed to right historical wrongs and to usher in an era of political inclusion have come under attack.

It is often said that history repeats itself. With regard to the current debate on reapportionment and challenge to majority minority districts, we are beginning to see a repeat of American history's more sour moments.

For more than 100 years, African-American voters in this country could not vote, let alone have representation in local, State, or national government. Following the war to unite this country, action was taken to right some of the past wrongs and inequities suffered by the minority population of this country. However, while these efforts were made with great promise and with good intention, they ultimately failed under a series of repeated attacks by those conservative forces who did not have the dream of inclusion. Things like jim crow, poll tax, literacy test, and other repressive mechanisms were used to kill any hope of equal representation.

Madam Speaker, until the Shaw versus Reno decision the Supreme Court had never recognized any Federal right to challenge a district solely on the grounds of its unusual shape. Until this particular case the courts had accepted oddly shaped or drawn districts for partisan reasons, to protect incumbents, to favor one jurisdiction over another or even to discriminate against minorities. Why then apply a stricter standard at this time to districts with African-American and Hispanic majorities that have been drawn to overcome the past practices of exclusion and racism?

Madam Speaker, throwing out districts based on this unprecedented standard would only reinforce a tyranny that the Voting Rights Act has overcome, and we must resist the efforts to turn the clock back.

Madam Speaker, I thank the gentleman from Louisiana [Mr. FIELDS] for his hard work in this effort.

Mr. FIELDS of Louisiana. Madam Speaker, I thank the gentleman from Virginia [Mr. SCOTT] and at this time I yield to the distinguished gentlewoman from the great State of North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Madam Speaker, I am glad to join with my colleagues to address the important issue of redistricting. Let me first thank the cochairs of the Congressional Black Caucus redistricting task force, the gentlemen from Louisiana [Mr. FIELDS and Mr. JEFFERSON] for their leadership on this important issue.

It is necessary that we all understand that redrawing district lines for representation is not new. District lines are drawn for the purpose of making sure representation is fair and afforded to all citizens. This has always been the intent of district lines. In and of itself district lines are race neutral. Congressional district lines which now are the center of court hearings in 4 Southern States are being woefully described in terms other than for what they truly represent.

We have seen over the past several years increased diversity of the city councils, boards of county commissioners, State legislatures, judicial appointments and the Congress as a direct result of district representation. This increased representation by blacks and other ethnic minorities has strengthened the true meaning of representative government. Because of this, we have witnessed an active increase in government at all levels. People are viewing government as not an abstract unrelated entity but as an institution that is responsive and sensitive to the needs of the people. There is an increased desire to want to serve and be a part of the democratic process. All of this is happening because of the renewed hope in government caused by a more representative government of the people.

Any time the freedom and right of representation is challenged, there is the potential for unrest and political disempowerment. The court suit that challenges the district lines in each of the States is a severe threat to the many political gains that this Nation has experienced since Reconstruction. We have to be more vigilant and watchful to make sure that the hands of political disempowerment are returned to the dark history of America's past. A history that is contradictory to the rights of all people to participate in the representation process should be supportive of the basic fundamental elements of democracy. The kind of democracy which guarantees fairness for all segments of the community to be actively included in the governance process.

The results of these court hearings could be devastating to all that has been accomplished. It would even suggest that the Voting Rights Act is no longer valid in its intent to ensure balance in the electoral process. History bares the record clearly for us all. In my State of North Carolina a black had not been elected to Congress in over 90 years. District lines were quite often drawn to minimize the strength of minority voting.

It is ironic that the argument seems to suggest that these districts are racially gerrymandered or the voting influences of whites in majority minority districts are now diminished. Most astonishing is the notion that the interest of whites cannot be represented by representatives of majority minority districts. This is absurd and utterly racist. It is shamefully disgraceful to even suggest that good representation is based upon one's skin color. We cannot let the naysayers who have no interest in having representative democracy be successful in reversing progressive electoral gains since Reconstruction.

We cannot let history repeat itself with any retrenchment that might wipe out the advancement which is good for all of America. The argument that any citizen is injured because of majority minority districting just will not hold up in any form or fashion.

It is time for all Americans to register their concerns that the progress we have made as a Nation stands at risk by a few who have no interest or concern for a representative democracy.

Mr. FIELDS of Louisiana. Madam Speaker, I thank the gentlewoman from North Carolina [Mrs. CLAYTON].

Madam Speaker, I yield to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Madam Speaker, I thank the gentleman from Louisiana [Mr. FIELDS]. I would like to just underline a few of the statements that have been made by my colleagues.

First, Madam Speaker, it is very important to understand that the drawing of strange-shaped district lines, odd-shaped districts, whether we are talking about congressional districts, or State senatorial districts, assembly districts, city council districts; the drawing of odd-shaped districts has gone on for as long as there has been a Republic, and right now there are very strangely shaped districts and odd-shaped districts all across America that have nothing to do with voting rights. They were no part of the voting rights process. So why do we suddenly have a ruling from the Supreme Court which allows court suits to be brought on the basis of the shape of the district?

Never before in the history of the country have we had this kind of ruling, Madam Speaker. In fact, the Supreme Court has always affirmed the right of State legislatures to draw districts as long as they are compact and contiguous, and the definition of that will certainly stretch to the very limits, as one can see if we would take some of the very odd-shaped districts across the Nation that have nothing to do with voting rights.

Madam Speaker, the Voting Rights Act was an attempt to make an adjustment. It was an attempt to do the least that could be done for 200 years of slavery, 200 years of free labor, 200 years of degradation and another 100 years of second-class citizenship. We have not repaid the debt owed to the enslaved masses of African-Americans. We have not begun to repay that debt. We have made a few adjustments.

Madam Speaker, this Voting Rights Act was one of those adjustments to allow us to participate in the political process. Now we want to take that away, and we argue that we want some kind of pure democracy with pure-shaped districts. Those who believe in pure democracy should go back and examine the Constitution and the process which established our Constitution.

One of the most undemocratic bodies in the world is the U.S. Senate because the U.S. Senate is based on a compromise, an adjustment, that was made. Every State, regardless of the size of the State physically, regardless of the population of the State, every State in the U.S. Senate has two votes. Is that one man, one vote representation?

And in the U.S. Senate they have filibuster rules where they can have 40 people, the representatives of 20 States, that can stop any process from going forward with a filibuster. Is that democracy?

As my colleagues know, we have made adjustments. It is a compromise that nobody seeks to unravel. Compromises and adjustments are necessary to build just societies. The Voting Rights Act is a compromise which is the least that can be done to correct a gross injustice to people of African descent brought here as slaves.

Madam Speaker, I thank the gentleman from Louisiana [Mr. FIELDS] for having yielded to me.

Mr. FIELDS of Louisiana. Madam Speaker, I thank the gentleman from New York [Mr. OWENS] for his eloquent speech about the Voting Rights Act, and at this time, Madam Speaker, I yield the balance of the time to the great and distinguished gentleman from the great State of North Carolina [Mr. WATT].

The SPEAKER pro tempore (Ms. ESHOO). The gentleman from North Carolina [Mr. WATT] is recognized for 30 seconds.

Mr. WATT. I will be powerful in my 30 seconds.

Madam Speaker, I thank the gentleman from Louisiana [Mr. FIELDS] for having yielded the balance of the time to me.

☐ 2040

Mr. DORNAN. Madam Speaker, if the gentleman would yield for a happy suggestion, my special order starts next. If the gentleman would like to pace his remarks to take 2 or 3 minutes from the beginning of mine, so he can give it some full thought, I will be glad to yield to him at the beginning of my special order.

Mr. WATT. I thank the gentleman so much for his courtesy, because I did want to take a little bit more than 30 seconds to address this issue.

I wanted to first thank all of my colleagues who have been here this evening to express their position on this important matter. I suppose I have a special mission here, because it is North Carolina and my congressional district which is the subject of Shaw versus Reno.

I stand here as one of two African-American Members of Congress from the State of North Carolina, the first African-American Members of Congress elected from the State of North Carolina in this century.

Mr. CLAY. Madam Speaker, I am always amazed and puzzled by those Americans who argue persuasively and passionately on behalf of equal treatment for blacks while simultaneously supporting measures to deny the same people the opportunity for achieving equality. The issue at hand, namely, the drawing of race-based congressional districts, is a perfect example.

In a 5 to 4 decision, the Supreme Court ruled that drawing congressional districts for the purpose of giving blacks an opportunity to be elected, dilutes the votes of white citizens. In the case of Shaw versus Reno, the high court discounted the fact that until the drawing of two congressional districts with a majority of black voters, North Carolina had not elected a black Member to Congress since 1901. The high court ignored the fact that for over 90 years a State with 35 percent black population had deliberately created white race-based districts which diluted the voting strength of black citizens.

Madam Speaker, this is the hypocrisy of which I speak when describing those Americans who creatively and passionately argue on behalf of equal treatment while simultaneously denying blacks the vehicle for equal opportunity.

The alternative to drawing race-based congressional districts thus making it possible for blacks to be elected, is to draw race-based districts that make it impossible for blacks to be elected.

North Carolina is not an isolated case where black people have been denied the right of legitimate representation. Until recently, every State in the union drew legislative districts at the local, State and congressional levels that were purposely designed to deny blacks fair representation. New York, Chicago, and Cleveland were no different from Atlanta, Birmingham, and Memphis. From one end of this country to the other, North, South, East, and West wherever large numbers of blacks resided, districts were drawn in these cities to dilute the black vote.

From the turn of this century until the election of Oscar Depriest to Congress in 1928, being black in America meant suffering "taxation without representation." This condition existed until just a few years ago.

Black representation, at all levels of government, was sparse indeed.

The self-described liberal State of New York did not elect its first black to the State assembly until 1916, 53 years after the emancipation proclamation. California did not elect its first black to the State assembly until 1918 and Missouri followed suit in 1920. Thirty-six years later in 1956, the great State of Illinois, the land of Abraham Lincoln, elected its first black to the State legislature.

At the time of Depriest's election, major industrial cities with large concentrations of black residents like Memphis, Atlanta, New York, Pittsburgh, Baltimore, Little Rock, Charleston, Charlotte, Richmond, New Orleans, Cleveland, Cincinnati, Louisville, Philadelphia, Boston, Buffalo, Savannah, Birmingham, and Detroit had no elected black officials.

The cities of New York and St. Louis did not elect their first blacks to their city councils until 1914 and 1943 respectively. Los Angeles did not elect its first black city councilman until 1963. It would be 17 years after Depriest's election before another black was elected to the U.S. House of Representatives, and not until 1966 before the first black in the 20th century was elected to the U.S. Senate.

Three events occurred that now make it possible for 39 blacks to sit in this House of Representatives and one in the United States Senate. First, the passage of the 1965 Voting Rights Act by Congress enabled blacks to register and vote in large numbers throughout the Southern States. Prior to this time, chicanery, trickery, fraud, intimidation, gerrymandering, and the purging of registration rolls were common techniques capriciously employed to deny black people the opportunity to vote and to serve in elective office. For over 100 years, poll taxes, literacy tests, all white primaries, threats of bodily harm and murder kept 95 percent of the black populace from registering and voting.

Second, the 1964 Supreme Court "one man, one vote" ruling required the redrawing of legislative districts at all levels of elective government, ensuring equal weight to each individual vote cast. Some States had congressional districts as large as 900,000 and others had districts as small as 180,000. This ratio meant that one vote in one district was equal to five in the other. This inequitable arrangement was used extensively to keep blacks from having too much voting power in a particular district.

Third, the Federal court decision that rendered as unconstitutional the gerrymandering of districts to diminish the importance of minority voters, played an important role in the dramatic increase in black elected officials in every sector of the country.

Prior to these legislative and judicial decisions, most State laws failed to give adequate protection to the rights of black voters. State officials either overtly sanctioned this injustice or gave tacit approval to those who flagrantly disregarded the rights of their minority citizens. Scandalously, these political entities were permitted by the Federal Government to operate with impunity.

Madam Speaker, beginning in 1876, black voters were systematically reduced to noncitizens by the denial of their right to fully and freely participate in the political process. They were almost totally purged from voter lists in the 11 Southern States: Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

This diminution of black political power eventually resulted in the virtual disfranchisement of 90 percent of the black populace. Within 20 years after 1876, eight States enacted devastating literacy tests as a requirement for blacks to register and vote. By requiring black folk to read, understand and interpret any section of the State constitution, Mississippi was able to reduce the number of qualified black voters from over 235,000 to 5,300. The situation was identical in Alabama where the number of black voters was reduced from 187,000 to 3,000.

In some communities prominent black educators and other professionals never passed the tests. Blacks with Ph.D.'s were denied the right to register because they were unable to give a satisfactory response to such obtuse and irrelevant questions as "how many bubbles are in a bar of soap?"

Now enters the Supreme Court, a majority of whom were appointed by ultra conservative ideologues Presidents Reagan and Bush, issuing an opinion implying that blacks who constitute 10 percent of the Nation's population and less than 2 percent of the total elected officials in the country have made too much progress. Shamefully, Clarence Thomas, the Negro representative on the Supreme Court, voted in Shaw versus Reno, with the majority in this asinine 5 to 4 decision. His vote has seriously jeopardized the future of a viable, black presence among elected officials.

Of course, his action was consistent with his prior positions involving the rights of black citizens when he was Chairman of the Equal Employment Opportunity Commission. Additionally, in his very first case as a Supreme Court Justice, Thomas displayed his contempt for the Voting Rights Act. In a critical decision interpreting the act, the court adopted a restrictive view of the law and rejected arguments presented by the Justice Department on behalf of black elected officials in two Alabama counties. The two, after being elected, were stripped of the budgetary authority traditionally and customarily accompanying the positions by the all white county board. Judge Thomas voted with the 6-to-3 majority in sanctioning the right of districts under the Voting Rights Act to change laws, rules and regulations without prior approval of the Department of Justice.

Madam Speaker, if blacks are to unshackle the chains of bondage that bind us to a status of economic deprivation, decent people must counter the warped mentalities of those misfits in society whose penchants for racial fairness is flawed beyond redemption. The arrogance or the ignorance of the Clarence Thomases and the Sandra Day O'Connors must not go unchallenged. This body should make it clear to Justice O'Connor who wrote the majority opinion that black people have a basic right not only to participate in the affairs of government but also to govern. Justice O'Connor attacked the concept of districts being drawn on the basis of race, saying "racial classifications of any sort pose the risk of lasting harm to our society. They reinforce the belief, held by too many for too much of our history, that individuals should be judged by the color of their skin." Where has she been all these years?

Madam Speaker, Justice O'Connor makes my case when I state that I am amazed and puzzled by some Americans who argue persuasively and passionately on behalf of equal treatment for blacks while simultaneously supporting measures to deny us the opportunity to compete.

Miss COLLINS of Michigan. Madam Speaker, it is with grave concern that I address the House today and it is with deep disappointment that I have to. I join my colleagues in alarm at the June 1993 U.S. Supreme Court decision which challenged the constitutionality of congressional districts drawn after the 1990 census to encourage the election of minorities to the U.S. House of Representatives.

We can never be reminded too often that the 15th amendment to the Constitution guaranteed all citizens the right to vote, regardless of race, color or "previous condition of servitude." We can also never be reminded too often that many States and localities across this country imposed obstacles to registration and voting that diluted the impact of minorities' votes or even prevented some people from voting at all. We cannot forget those egregious examples like the poll tax or tests as prerequisites to voting. We cannot forget the machines that ran the system from the back rooms and board rooms.

Our courts have long recognized that this Nation's long and deplorable history of racial and other discrimination justify remedial actions. While I will not try to debate the legal issues at stake, I do want to note that the Voting Rights Act of 1965 was a landmark law, and still today it provides minorities the legal tools to challenge discriminatory practices. It is a precious law that has brought profound results.

The numbers speak for themselves. Before the Voting Rights Act was enacted in 1965, there were four African Americans in the House of Representatives. After the 1970 redistricting, the number tripled to 13. Following the 1980 redistricting, the number of African Americans grew to 19. In the last Congress, the 102d, there were 27 African Americans. With the 1990 redistricting, there are 39, the highest number in this body's history. I must note, however, that at 39, African Americans, who constitute almost 15 percent of the Nation's population, are only 9 percent of total representatives.

I should note also that we have welcomed to this House 19 Latino Representatives and 7 Asian, the highest number ever.

The goal of the civil rights movement, and indeed of our Constitution, is to have a truly color-blind, interracial democracy. The problem with the Supreme Court decision is that it does not recognize that we are not there yet. Looking at the composition of the House and its power structure, it does not take long to see that remedial steps are still warranted. Our laws must continue to recognize the long history of systemic discrimination against minorities in order to open doors to their full participation in government.

It is a history that many would like to forget, but it is a history that we cannot forget.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I come before you on this day with an issue of profound importance. It is an issue which threatens the most basic principle of democracy, and democratic freedom—the principle of one man, one vote.

The historic struggle of black Americans to gain the right to vote spanned two centuries, and culminated with the passage of the 1965 Voting Rights Act.

Consequently, the number of black elected officials has increased exponentially. And while black electoral representation is extraordinary when compared to any time before the 1970's, our numbers still represent less than 2 percent of all elected officials nationwide.

Since the mid-1960's, black Americans have constituted a significant portion of the democratic constituency now representing between 20 to 25 percent of the entire democratic base. Our current administration received more than 87 percent of the black vote.

Retaining the voting rights act has often been threatened or impeded by so-called American tradition, law, or by such extralegal practices as fraud, intimidation, and violence by members of the community at large.

Madam Speaker, a number of forces have combined to once again challenge not only the letter, but the spirit of one of the most significant pieces of legislation in the history of this great body, the Voting Rights Act of 1965.

Last night the very powerful movie, "Schindler's List," won most every Academy Award for which it was nominated, including best picture for 1993. This incredible movie highlights one of the many stories of heroism surrounding the Jewish Holocaust under Nazi Germany.

The message surrounding the making of this movie, and others like it, is "never again." "Never again will this kind of atrocity be tolerated." Madam Speaker, it is the overwhelming declaration of black Americans throughout this Nation, both Democrat and Republican, from Texas to New York to North Carolina, that never again will any law, tradition, or other impediment, be allowed to interfere with, dilute, or otherwise undermine the full and complete enfranchisement of black Americans.

Never again will black Americans sit by while their communities are carved up by highways and reservoirs in order to dilute their voting strength, or electoral potential.

There are some who ask, why is it essential that there be blacks in Congress? To that, I would like to respond with this simple illustration:

Imagine a university classroom, where the day's discussion turns to race relations. Imagine if in that classroom, there are no blacks, no Jews, no Hispanics; imagine even that there are no women, only males.

Imagine a Congress where only one point of view is represented. Mr. Chairman, that is precisely the kind of presence which threatens to replace this great body today.

I urge your support, and that of all my colleagues, both Democrat and Republican, in defending the voting rights of black Americans, from Texas to Louisiana to California.

Finally, for those Members, and those groups who believe this is only a black problem, I would remind you of the words of the great Christian scholar, Martin Neimoller:

> When they came for the Jews, I didn't raise my hands, because I wasn't a Jew; when they came for the trade unionists, I didn't raise my hands, because I wasn't one of them; and then they came for me—but there was no one left.

The SPEAKER pro tempore. The gentleman's time has expired.

## MORE ON THE CLINTON YEARS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

### 1965 VOTING RIGHTS ACT UNDER ATTACK

Mr. DORNAN. Madam Speaker, I would be glad to yield to the distinguished gentleman from North Carolina, if I can get in a commercial first.

I heard one of the others say they had been in Mississippi registering people to vote at some risk of life and limb in the summer of 1964. I was also there then, having marched with the Rev. Martin Luther King, Sr. I think all of your remarks are very important tonight.

The commercial part is the following. While I was down there registering people, I admit, honestly, that I was telling all the good people of Alabama and Mississippi when they asked what party do you think I should register in, I said it is up to you, but Lincoln was the gentleman who freed the American slaves, and he is a Republican. And I think I registered a few Republicans. I do not know if it stuck. But I will tell you one way to solve this reapportionment problem, and I mean this from the bottom of my heart.

I think that the African-American families across this country will not have the full impact they deserve until they are involved in both parties in big numbers. You should encourage those in your community who are more inclined to be of a conservative bend in life to become Republicans.

Of the 39 African-Americans in this Congress, I wish we had not just one on my side of the aisle, but instead 38 or 40 or 50, to match the same number on your side of the aisle.

Please, take more than the 2 or 3 minutes.

Mr. WATT. Madam Speaker, I thank the gentleman for yielding part of his time to me and acknowledge his commercial, and remind him that Lincoln was of the party of the people at that time, at the risk of having him reclaim his time. I will not get into a debate about that.

Madam Speaker, I would say that I stand here tonight in the shadow of a lot of history, part of which I have already alluded to, as only one of two black Representatives from North Carolina in this century.

Recalling the shadow cast by George H. White, the last African-American Representative from North Carolina, in his farewell speech of January 29, 1901, which still casts a shadow, even today, George H. White rose on the floor of the House on that occasion to speak on an agriculture bill. Unrestricted by the rules by which are governed today, he spent approximately 2 hours talking about the fact that black people had been disenfranchised and about his exit from the Congress. He was speaking in the context of an agricultural bill, but talking about things that were heavy on his heart and mind.

I stand in the historical backdrop of a pattern of racially polarized voting in North Carolina which has made it impossible for African-Americans to be elected to Congress for over 90 years, despite the fact that a number of African-Americans of quality have offered themselves for office: Howard Lee, former mayor of Chapel Hill, Kenneth Spalding, a Durham attorney and former State legislator, H. Mickey Michaux, a State House member and former U.S. attorney, and my current colleague, EVA CLAYTON, who ran for Congress approximately 10 years ago, among others who were discouraged by the racial policies of polarized voting and discouraged from offering themselves for political office.

The case of Shaw versus Reno and the opinion which we have addressed this evening really makes little sense. It talks about a congressional district constituting racial apartheid. It suggests that a congressional district which is 53 percent black, as my congressional district is, and 47 percent white, is racial apartheid; while a congressional district which is 80 percent white and 20 percent black is somehow an integrated congressional district.

That, my friends, is sounded in racism. It talks about black people not being able to represent the interest of white constituents, while assuming that white Representatives can adequately represent the interests of black people. That, my friends, strikes of racism.

I would, at the risk of not taking too much of the gentleman's time who has so graciously yielded, simply conclude by asking one simple question for Americans to ponder: There is a historic event taking place or about to take place in April in the country of South Africa. I would simply ask, would the United States of America stand still for South Africa to put into place a system of representation which said we will not guarantee whites, the white minority in South Africa, the right to have representation in that government?

And yet at the same time that we would stand as a country and say to South Africa, that will not be acceptable, our Supreme Court in this land is saying to us, we will not guarantee you representation. We will allow a racially polarized pattern of voting, which has been documented time after time after time in the State of North Carolina, in every State in the South, to disenfranchise black voters.

I would say we cannot ask for equity and democracy and demand it in South Africa, while at the same time denying it right here in our own country.

□ 2050

## THE CLINTON YEARS: PART 3

Mr. DORNAN. Madam Speaker, I was glad to yield to the gentleman. Anything for a North Carolinian. North Carolina, "First in Flight." I am even wearing my Wright Brothers tie tonight.

There is nothing more frustrating here than having to interrupt your thoughts as the clock is chasing you.

Madam Speaker, I want to continue what I have just loosely called "the Clinton years, part 3," and begin tonight with something from yesterday's Wall Street Journal that I found very disturbing. It is a description of the fine State of Arkansas that matches something I tried to describe in this well in September and in October of the election year, 1992.

There is a newsletter that has just come into my possession by Kevin Phillips, published by the American Political Research Corporation. It is called the "American Political Report."

The headline is, "Whitewater, The Politics of a Second Watergate."

When you say this to anyone in the dominant media culture who is a gentleman and admits they are liberal, a lady of the same honor, and they are rare, most of them claim that they are perched on some Olympian peak of moderate perfection. When you mention in the same breath Whitewater or Watergate or refer to Whitewater as White Watergate, as does the great columnist for the New York Times, Bill Safire, they go ballistic on you.

Here are some of the subtitles in Kevin Phillips' American Political Report:

"Clinton, Whitewater and the Polls," and the polls are moving severely against Mr. Clinton. "The Clinton Scandals, a 20th Century Political Perspective." I will come back to that. "The Hillary Rodham Factor, the Clinton Scandals in the Midterm Elections." That is a fascinating part 4. "June Congressional Hearings on Whitewater." It may be a lot sooner than June, after what happened in this House today. By a vote of 408 to 15, the House of Representatives, the people's great Chamber, has joined that 98 to 0 vote in the U.S. Senate to start hearings as soon as possible.

"Six Clinton Legal Vulnerabilities," this is a nightmare for the White House, "Obstruction of Justice, Shredding of Evidence, Intimidating or Offering Payment to Witnesses or Offering Promotions, Jobs to Arkansas Troopers," which was not mentioned in there. This is under that heading number 6 of "Legal Vulnerabilities."

"Whitewater Illegal Financial Dealings, Troopergate." There it is. Good, Kevin. "Sexual Harassment, Wrongful Death Conspiracy."

Then category 7, "A Clinton Vulnerability Scenario." That is truly a nightmare.

Number 8, "Impeachment Possibilities," the big "I" word finally in print, albeit in a newsletter.

Number 9, "The Clinton Scandals and the Impact on '96." And then under the headline of "The National Politics," it says, "Clinton Job Approval." It gives Time, Yankelovich, NBC, Gallup, USA Today, Singlinger. These are all about a week to 2 weeks old. They are all dropping.

Let us just take a look at the headlines in the news magazines. I misplaced U.S. News & World Report, but Mort Zuckerman's publication is just as tough as this newsletter. Here is Time Magazine: "It is a jungle out there. The administration is in retreat, embarrassed by new disclosures, unable to head off congressional probes." Remember, this went to bed 4 days ago.

Here is the Newsweek headline, "Clinton's Bleak House. Bill Clinton Looking to Combat His Whitewater Blues." The President made a flurry of spirited public appearances last week, including pounding on a podium in the immature, stridently saying, "No" nine times. More about that in a second.

"Hillary Rodham Clinton, the First Lady Found Her Own Medicine in a Trip to Denver To Sell the White House Health Care Plan." Still stalling, or as one columnist observed, a modified hangout, Watergate term.

"Stunned by More Bad News, the President Tries to Change the Subject."

Tonight on all three networks, particularly on CBS, they devoted about 10 minutes on the CBS show to all of the various Whitewater stories breaking today. On ABC, they described the vote of this House today to hold hearings as the Democrats conceded to, and then the reporter took a deliberate, dramatic pause and said, "To do the best we could, because we do not have specific dates yet or anything really substantial on when we are going to have the hearings."

The Los Angeles Times, which, remember, has 4 of the Arkansas 10 troopers that were talking, 4 on tape recording, here is the L.A. Times of yesterday, a story correctly predicting what would happen today in Little Rock. "Ex-municipal judge accused of fraud tries to implicate Clinton. David Hale's trial begins next week in a case related to Whitewater."

Of course, he plea bargained today. Interesting that the U.S. attorney down there in Little Rock, Paula Casey, could have had him plea bargain months ago. This all would be much further advanced. Maybe some of it is resolved to the Clintons' satisfaction, if she had not stonewalled former Judge David Hale's offer to plea bargain and tell all and then, after she had stopped him and demanded that he go to trial, then she recused herself as having a biased background on the whole Whitewater mess.

Here is today's L.A. Times, "Clinton Treasury Aide Given Early Briefing on Failed Arkansas Thrift. Political appointee Roger Altman was told that the Madison Guaranty S&L Case would go to the Justice Department. He is also a regulator, raising a possible conflict."

Beneath that another story, "Republicans had planned to raise the Whitewater issue at hearings on Thursday." Chairman GONZALEZ, who has called for the impeachment of a sitting President 3 times in the 12 Reagan and Bush years, my friend HENRY GONZALEZ, instead calls for a select panel to probe the controversial matter.

We do not know if that 408 to 15 vote today is going to grow into a select panel, but if it does, it will be more of a jungle out there for the White House. As a matter of fact, when I pick up the papers these days, an old Beatles tune always rings in my head: "I Saw The News Today, Oh Boy."

Now, here is the Wall Street Journal, yesterday, "Rose Law Firm Will File Ethics Complaint in Arkansas About Hubbell's Expenses." That is Webster Hubbell, best golf buddy of Bill Clinton.

The Rose law firm has decided to file a complaint with the Arkansas ethics authorities about undocumented expenses incurred by former Associate Attorney General Webster Hubbell. How can they blame that on the Republicans?

Of course, they cannot. It is impossible. As I said in my special orders last week, walk out the hall here a few steps to the Statutory Hall, which was the House Chamber for 50 years from 1807 to 1857, and statue number 7 around to your left, in between Jefferson Davis, the Senator from Mississippi who became the President of the 10 breakaway Confederate States, and on the other side is Robert Fulton of steamboat invention fame, and there is one of the two statues from Arkansas that every State is allowed to put in this incredible building, the world's greatest governmental building ever. There is the distinguished face and form of Uriah Rose, the founder of the Rose law firm, an appointee to the Geneva Convention at the turn of the century, around 1908. By 1908, President Teddy Roosevelt, was the first President of the American Bar Association.

And that Rose firm, was the first firm west of the Mississippi, when Arkansas was just a frontier State. It is really tragic what has happened to the 60 partners down there, now that they are going to find themselves possibly, as some columnists suggest, in a state of bankruptcy within months.

□ 2100

What a tragedy, that the four partners coming to Washington, what is now being called the gang of four: Hillary Rodham, Webster Hubble, Vince Foster, dead since July 20, and now William Kennedy, William Kennedy III, no relation to the Massachusetts Kennedy family. Here is the Wall Street Journal article from today.

"Kennedy, Clinton's ethics gatekeeper, hasn't paid taxes on nanny's wages."

Before White House Associate Counsel William Kennedy III, became a Clinton gatekeeper on ethical issues, he worked for Nussbaum, who has resigned under a cloud, who had on his desk a parody of James Carville, Clinton's campaign manager's theme sign about staying on message, "It is the economy, stupid," and Nussbaum had on his desk, "It is the ethics, stupid." That sign must have fallen on its face when they were all conducting these midnight raids into Vince Foster's office.

It says, "Kennedy became a Clinton gatekeeper on ethics, yet he had a hidden problem of his own, unpaid taxes owed on a nanny's wages, but he disclosed it to only one person in the Clinton camp," surprise, surprise, "Vincent Foster, the Deputy White House Counsel who died July 20th."

Notice, very few of the papers say "committed suicide." They say "alleged suicide," or "who died." I may be naive, but I am still clinging to the theory of suicide, because anything else is so Shakespearian. I will be on this floor if there is ever a murder or even an indication of the body being moved. I will be on this floor calling for the resignation, merciful resignation, of the Clinton team from the White House, that is for sure.

Here is the headline of the distinguished Washington Times: "Gonzalez Gives In, Calls For Hearings. Hale Might Hold Pieces To The Whitewater Puzzle. Grand Jury Likely To Hear of Clinton's Deals."

It is interesting that Hale might be the John Dean of this breaking scandal, the first one who comes forward and tells all to save himself. Dean went to jail. It looks like Hale if going to jail for 10 years, maybe with good behavior he will get 5, but this thing grows exponentially.

Here is a column I meant to put in the RECORD from last week when I spoke on St. Patrick's Day and the following day, "In Defense Of Arkansas." It says,

It is time to come to the defense of Arkansas, recently maligned with an image of a close-knit political circle of mutual back scratching. In this department, Little Rock has nothing on Washington, DC. With Webb Hubble leaving the Justice Department, Jamie Gorelick is about to arrive. Ms. Gorelick's nomination, which went before the Senate last week, was fascinating because of all the people she has defended: Clark Clifford and Robert Altman,

not Roger, no relation, I believe; I had better check that out,

on the First American Bank, where they worked when it was secretly owned by the Bank of Credit and Commerce International, or BCCI, one of the largest banking scandals in this country.

Guess what? I found out who writes these fascinating articles in the Wall Street Journal. It is Robert Bartley. He was unflappable on Meet the Press Sunday, before the guns of David Broder and company.

He has said to folks that since Michael Kingsley and others accused him on Nightline, excuse me, on Crossfire, and in print in the New Republic, that he was one of the proximate causes of a suicide, namely, Vince Foster, that he said, "What do these people expect me to do, dry up and blow away, or to defend my honor?"

Here is an article that I think is going to be probably the most quoted over the next months, from what I have always, goodnaturedly, called a schizophrenic magazine, because most of the reporters are liberal, like Michael Kingsley, and yet Fred Barnes is one of its senior editors, and that is the New Republic.

Wait until I read what the New Republic says about the scandals interlocking in Arkansas, by L.J. Davis.

Here, it is so powerful. It is quoted in a long editorial, the longest I have seen yet in any paper in the Wall Street Journal, obviously written by Robert Bartley. and I will cut to the chase here and read the part that fascinated me, because I had said the same thing on the House floor over 1 year and 7 months ago.

"Arkansas," Mr. Davis, L.J. Davis, writes in the New Republic, a liberal, moderate magazine, "there is a close resemblance to a Third World country, with a ruling oligarchy, a small and relatively powerless middle class, a disenfranchised, leaderless populace."

The Wall Street Journal says, "This kind of civic culture we see in many actual Third World countries." I have witnessed it all through the torments of Central and South America, over many trips down there, when I was on the Committee on Foreign Affairs a decade ago.

"We see this kind as likely to produce a spoils-to-the-victor, above-the-law approach to government; that is to say, the kind of careless arrogance we have seen in the handling of Whitewater, in the White House passes, in Webb Hubble's law firm billings, in Travelgate, in intervention into an ongoing corruption trial, in the handling of Vince Foster's death, and in the handling of various individuals, including Zoe Baird, Kimba Wood, Lannie Gunier, and Chris Emory, a White House usher, dismissed over phone conversations with Barbara Bush over how to set up her computer," home laptop computer, with no warning, and less than a week's notice; Chris Emory, long-time White House usher, turned into the street.

"Whitewater is not merely about a land deal," the Wall Street Journal continues, "it is about all of these things, and about the place they are bidding," The Clintons, "to assume in Washington," which God knows, is guilty of enough sins of its own, "and above all, it is about hypocrisy."

"Say that one after another the explanations are innocent. Hilary was lucky in commodities and unlucky in land speculation," wishing they had lost money. "Jim Blair and Patsy Thomason are just friends." She was on the Hill today. More about that later.

"James and Susan MacDougal and David Hale and Dan Lassiter are just former friends. Lay aside all suspicions and accept every cover story. We are now supposed to believe that Bill Clinton was elected President to reform the sins of the high-flying 1980's? Yes, the key word there is "hypocrisy."

Madam Speaker, here is something that my friend, Senator DON NICKLES, sent over. He is chairman of the Senate Republican Policy Committee, as I have been chairman for 2 years over here a few years ago of the Republican Study Committee. He sent over documentation that I would like to include in the RECORD at this point, about all of the 25 separate allegations of ethical or legal wrongdoing that were turned into hearings and/or investigations during the Reagan and Bush administration.

"Despite the presence of at least five separate instances or allegations of wrong during the Clinton administration," and Senator NICKLES lists them, "Congress has yet to conduct a single hearing or the slightest investigation. On three occasions during the Reagan administration congressional committees conducted investigations or hearings concurrent with investigations by an independent counsel. Four of 19 congressional hearings or investigations conducted during the Reagan administration were led by the then-Republican controlled committees of the United States Senate," which was from 1981 through 1986 under Republican control.

"A recent opinion poll revealed that 60 percent of those surveyed believe Whitewater requires a full-scale Federal investigation. Here are the areas where Republicans in the Senate feel there should be or should have been investigations:

"Scandal one, Travelgate."

I have here an article, a good column by Mark R. Levin that says, "Whatever happened to Travelgate? Why did that disappear?" This is last week. He opens up with a memorandum from William J. Clinton to "All the Heads of Departments and Agencies," just a few months ago, October 4, 1993: "The Freedom of Information Act has been one of the primary means by which members of the public inform themselves about their government. Federal departments and agencies should handle requests for information in a customer-friendly manner. The use of the act by ordinary citizens is not complicated, nor should it be. The existence of unnecessary bureaucratic hurdles has no place in its implementation."

□ 2110

I call upon all Federal departments and agencies to renew their commitment to the Freedom of Information Act, to the underlying principles of government openness and to its sound administration.

Again, rhetoric, and in fact the truth is exactly the opposite. At that very moment the White House was stiffing The Wall Street Journal on the autopsy reports that are still locked up and could technically be locked up for 2 more years, right through this election coming up in November. They are still stiffing The Wall Street Journal, which has to sue Dow-Jones, the owners of the The Wall Street Journal in a case called Dow-Jones versus The Department of Justice, still suing for the police investigative reports on Vince Foster's death which has caused a fascinating duel between two big papers in New York, both with about a million circulation, the Daily News versus the New York Post.

I received today, at my request from one crusading young reporter, Chris Ruddy, all of his stories, 12 of them over the last month that had been in the New York Post, countering him with a selectively leaked criminal investigation by the U.S. Park Police, whom I have defended twice on this House floor lately, a little bit in the blind, but they are the Nation's oldest uniformed police force founded in 1797, George Washington's third year, George Washington, the father of all character issues.

The reporter that wrote the counter story to Chris Ruddy's fascinating series tin his counterpiece that said, "Vince Foster," front-page story, "case closed," said that the investigating officer said people should have been arrested, including the recently resigned Bernard Nussbaum for obstruction of justice. And in his story, the Daily News story, one of the investigators, a senior officer or a captain, I believe, of the Park Police, when asked by Nussbaum, "Can't you run just a normal investigation here," said, the captain of the police said, "Normal investigation? Is if this were a normal investigation, all of Mr. Vince Foster's files would be in the back seat of my car on the way to the police station."

I watched Crossfire tonight and I saw my colleagues on the Republican side from the Banking Committee, TOBY ROTH, use a line that I think he would admit I mentioned to him earlier tonight. TOBY had just witnessed these two tapes playing on a VCR here in the Capitol. And I said, "Toby, this Whitewater is soaking, migrating like water into the popular culture. These two tapes contain the opening of Saturday Night Live two nights ago last Saturday and nine nights ago when Nancy Kerrigan was the host, drawing an audience of millions. The night Nancy was the host they opened up with a mock press conference where Bill Clinton says that his wife had been arrested on the grounds she was the sole person guilty of everything, charged there with a number of heinous crimes up to and including—you just have to see the show to believe the list of crimes. Very little was left out. And two Democrats came into our cloakroom to see that, Chairman GEORGE MILLER, head of the Democratic Policy Committee, and their caucus or conference chairman, STENY HOYER of Maryland, and they were trying to laugh. But I could see the pain in their face, and I recognize that pain. It was the pain in my own face when Richard Nixon was going down in flames in Watergate.

The opening of Saturday Night Live two nights ago was something that must have taken that young cast of players an entire week to rehearse, and the makeup must have taken them all day long Saturday. They made themselves up as about 20 of the current rock stars from Cher to KD Lang to you name it, Elton John, and all of them were singing the story of Whitewater. And it was amazing because some of the rock stars are unintelligible to the generational era say of anybody over 30, maybe over 25, and they had a crawl at the bottom of the TV screen, a videograph giving you all the lyrics. And the lyrics tracked the entire Whitewater story going back several years, and except for some gaps, all of the facts were accurate.

Madam Speaker, this is soaking into the popular culture.

Here is an editorial from today's Washington Times. It is entitled roughly, "Hillary Rodham Boesky," Boesky the great speculator from Wall Street that brought such great disgrace temporarily upon our financial institutions up on the island of my birth in Manhattan where down at the tip there in Wall Street.

Here is Hillary Rodham Clinton, May 1, 1993, barely their third month into office or just into the fourth month. She indicates at the University of Michigan graduation ceremonies the following: "Throughout the 1980's we heard too much individual gain, about the ethos of selfishness and greed. We did not hear enough about what it meant to be a member of a community, to define the common good, to repair the social contract." That is when she was having a lot of meetings with this fellow from Tecun, the radical Marxist, leftist intellectual magazine, and she was working out with this gentleman, I think his name is Levin, the politics of meaning. Actually, it was a very spooky period.

Here is the opening and closing paragraph of this editorial: "It's not every day that a rookie investor makes a quick $100,000 trading in the volatile commodities markets. Indeed, an estimated 75 percent of commodities traders, experienced and inexperienced alike, lose money on such deals." So you can imagine how interesting it was to learn from the New York Times last week that before the decade of greed was even a blip on somebody's word processor, Mrs. Clinton had already cleaned up and gone home.

Actually in those days she did not even take her husband's name, although they were married. She was Ms. Rodham.

By the way, if you want a picture of Ms. Rodham in those days, and you have seen it many times, look at the pictures of his swearing in as Governor in 1978 and you see a Ms. Rodham looking for all the world like a young hippie college girl, looking much younger than her years, huge glasses, none of the chic clothing that we see now. This is the young person, that picture of Hillary Rodham who did not take her husband's name until after he had served 2 years, and he was defeated in Reagan's glory year, 1980, and they were in the process of making a comeback, and that is when she did become Mrs. Clinton. Picture that young collegiate looking young woman making $100,000 in the violatile commodities market.

It says, "According to the Times, back in 1978 Mrs. Clinton invested"—surprise. She won't say how much—"in so-called cattle futures, with which a buyer agrees to purchase so much of a commodity at such-and-such a price in the future. The idea is not necessarily to own the commodity but to sell those futures if its market price goes up and make a profit."

Mrs. Clinton was, in short, a speculator or a quick buck artist, as the media would come to refer to such traders during the 1980's.

To cut to the chase, "To justify it all by saying that, well, Arkansas's ethical standards can't be expected to satisfy those of Washington—home of assorted House post office, bank and other scandals—only suggests how desperate the situation must really be there. Nor can the whole thing be dismissed as friends helping friends. Try substituting, say, Nancy Reagan for Hillary Rodham Clinton and imagine the reception such explanations would get in Congress and the media. That's the standard the Clintons must meet too."

Now in this article, and please do not write to me, write to your local Congressman, or get a subscription to the New Republic, this article by L.J. Davis that was quoted in yesterday's Wall Street Journal is entitled, "The Name of Rose," and the subtitle is, "An Arkansas Thriller." There is mentioned in this story something that my wife, Sally, has been on my case for about 3 months on. As I said last week, I have a tendency to underline in red. It comes from my Loyola University in Los Angeles where I was taught that underlining slows you down, makes you observe something. However, if an article is really powerful I end up redlining everything. So I am going through this story early on Whitewater about 3 months ago, and I underlined a significant line, and it struck me, but it did not sink in the way it did when my wife read it. She stopped me as I was reading and said, "Why do you underline this line and not tell me about it?" And the line said that Dan Lassiter, and that was one of my key candidates to play John Dean in this unfolding schedule to tell all, she said, "Why do you read to me Dan Lassiter paid off Roger Clinton's drug debts?" I said, "What do you mean?" And she said, "Well, whom do you pay off drug debts to? Was this a court case, was this an FBI case?" And I said, no. You have to pay drug debts to mobsters, to thugs.

We all hope that the Costra Nostra from Sicily, where they are murdering Catholic priests this week, does not have its tentacles in Little Rock.

□ 2120

But certainly all drug-running is organized in this country. There is an airport I am trying to find out about on the western border of Arkansas called Mena, which was infamous for gun-running and drug-running all during the last two decades, but here in Davis' article called "The Name of Rose" in the April 4 issue of the New Republic it finally says it more succinctly, "Dan Lassiter was not the largest cocaine user in the State of Arkansas." This is another personal friend of the Clintons who got at the racetrack a box for the late Virginia

Kelley, the mother of Bill Clinton. That is how Clinton got to meet Dan Lassiter was through Virginia Kelley. They became friends at the racetrack. He raised racehorses in Florida.

Roger Clinton went on to work for him. Lassiter was not the largest cocaine user in the State of Arkansas, but he was certainly the most conspicuous one. A prosperous Little Rock bond dealer, he was an acquaintance of the Clinton family, he was a contributor, a big one, as a matter of fact, to the Governor's political fortunes.

Lassiter distinguished himself in other ways also. He served ashtrays full of cocaine at parties in his Arkansas mansion, stocked cocaine on his corporate jet, a plane used by the Clintons on more than one occasion. You have got to assume that the ashtrays of cocaine were gone, of course, because you have to give them some benefits of the doubt here.

Later he told the FBI that he distributed cocaine on more than, not 50 occasions, not 100, not 150, but 180 occasions. "I shared my success in that manner," he explained.

He was also a patron, and I bet I read this in one of the Nation's great papers in my county of Orange, the second or third alternately with San Diego, largest county in California, the paper that dominates my area the Pulitzer Prize-winning Orange County Register; I expect to see this in that paper. He, Lassiter, was also a patron of Governor Clinton's cocaine-using half-brother Roger. The other half-brother out in California has yet to make it to the White House, folks, by the way. He is not considered the right social class for the Clintons.

But the half-brother Roger, was employed at his thoroughbred racing stables in Florida and he claims he gave Roger Clinton $8,000 to pay off Roger's debts to drug suppliers. Finally, there it is in print. So you do not have to assume that it went to court costs.

By 1985, it was also known that Lassiter was the subject of a police investigation that even the most uneducated guess would suggest could end in only one year, but that year Governor Clinton deemed Lassiter worthy of handling a $30.2 million bond issue, and that is what we spent on that cockamamie October Surprise investigation, $30 million, to modernize the State police radio system. They must have the greatest police radios. This is a State with only four Congressmen, folks, and in California we have 52. Thirty million for radios for the police.

Despite the fact that the expenditure would normally be made by an appropriation from the treasury, it went through Lassiter with a huge fee. Lassiter was also about to be busted. Nonetheless, Clinton vigorously lobbied the legislature.

He used to do that sitting with a desk and a chair right outside the door. He used to come on the floor, and the legislators there passed a law banning their own Governor. This is a 12-year Governor over a 14-year span, and he would sit outside the door and grab these guys and then he would hold the door open and watch them through a crack in the door as they would vote. It is all on film. Look at these documentaries that James Carville put together. He thought it was a compliment.

Clinton vigorously lobbied the legislature, ignored the wishes of the Stevens family, and won the day giving Lassiter and company a handsome, brace yourself, folks, $750,000 underwriting fee for those police radios, and all of this is according to the Los Angeles Times.

You see, all of these great outlets, TV, the Times, the Post, New York Times, Wall Street Journal, they are all feeding one another now.

In 1986, Lassiter was sentenced to 2½ years in prison, with Roger Clinton testifying against him at the Lassiter trial, and that is why Roger, although he had already been to jail for cocaine, was named an unindicted coconspirator. There is a little Watergate expression for you.

In 1986, I told you, he goes to prison for 2½ years. In 1990, he received a State pardon from Governor Clinton. The arithmetic there does not work out to him spending 4 years in jail, because there was an appeal period. I think I read, yes, I just read it, 2½ years in prison, so after the appeal he goes into prison sometime in early 1987, and Clinton pardons him after 2½ years in 1990 when Clinton was running for Governor promising to serve out all 4 years and swearing he will not run for President.

Now, listen to this next paragraph, because it is going to mention Patsy Thomason, one of those who stripped Vince Foster's office, who was in the building today downstairs in one of the Appropriations rooms saying she just wished so badly that she could comment on what took place in Vince Foster's office, but she will have to accede to the wishes of the special counsel, Bob Fiske, which could take 2 years before it reaches the public.

For whatever it is worth, one of the few people to have access to the office of Vince Foster during the 3 days it was unsealed following his suicide was White House official Patsy Thomason, who managed Dan Lassiter's business affairs while he spent that 2½ years in jail.

But in the Clinton system, perfected in Little Rock and now being practiced in Washington, none of these things should be considered a mistake or an aberration.

Folks, when Clinton banged on the podium and said, "no" nine times, I thought to myself, "Why did we say no to him, and what were some of the things we said no to?" Several popped in to my mind right away. I called my staff and said, "Let us come up with nine." Everybody had a different list of nine.

I just picked out my favorites to match his "no" to the ninth power. Here is why we said "no" to the ninth power, and I have got a list of about 30.

One. The Clinton $19 billion stimulus plan that was just more phony spending around here and would have been another kick in the face to that slow recovery out of the recession that really started in March of 1991 when Bush was sending Marines into the hills of the Kurdish country in north Iraq and his ratings were going through 70 percent, that is when we were officially out of the recession, but you would never have known that to watch the three networks and CNN; hence, President Bush was fired.

The Clinton $17 billion stimulus plan, no, Mr. Clinton.

The Btu tax, no, Mr. Clinton.

Putting U.S. Troops under United Nations command, and that is worth about nine noes in a row right there.

No pay raise for military servicemen and women. It was my bill that was turned into law to respond with part of restoring that pay raise, 2.1 percent, pretty humble, and it still keeps the military behind their job equivalency in the civilian sector. No to you stopping that pay raise. We also won that one.

Obviously, thinking about the military, homosexuals in the military comes right to mind. If you were going to force homosexuals into the military, and we had hearings both here and in the Senate and said it was a morale buster, then that was a no to you that was supported overwhelmingly by the mothers and fathers across this country, overwhelmingly by the enlisted men, even by a slight percentage more so by the NCO's, and equally with the officer corps across this country in all services, universal, No to the 100th power.

No. 6. Federally funded abortion: a big surprise on this House floor, retaining the Hyde amendment for Health and Human Services. Everybody thought it was a given, given the Year of the Woman and so many women coming to this House with abortion as the No. 1, 2, and 3 items on their agenda. No to you trying to dump the Hyde amendment, Mr. Clinton.

No. 7. No to Mort Halperin, but you brought him back and put him into the National Security Council against the will of the U.S. Senate.

No to Lani Guinier, although my heart goes out to her. This is a hell of a way, a heck of a way, to treat a friend.

8. Allowing Janet Reno to investigate Whitewater. No; no; no, Mr. President.

And ninth, but last, and certainly most important to this series of 9 yesses to why we said no, and it is most important to the entrepreneurial class in this country that creates jobs: No to your largest tax increase ever which did not pass the Senate until President of the Senate, Vice President AL GORE, came in and broke a 50-50 tie, and in this House a lot of news organizations said it was a 2-point margin here. No, it was not.

□ 2130

It was 216 to 214, I believe. Just 1 vote from the other side of the aisle—the lady from Pennsylvania—who the President has been trying to raise funds for to make it up to her, would have made the difference. If she loses, I am sure she will end up an ambassador. She will easily qualify. She is a nice lady. She definitely wanted to vote against this largest tax increase in history. She was really hammered. She came in late from dinner through the doors, they were holding that late vote up in May, people were returning from dinners. This Pennsylvania congresswoman got hammered, and she was brought in to change her vote. If she had not, it would have been 215-215, a tie. It would have been a tie, and the tie fails. So it was 1 vote from Pennsylvania and 1 vote in the Senate; you cannot get any tighter than that. I have never seen it in the 17 years I have been around here. I tried to get the Library of Congress to research it. They said, "Congressman, we will have to go back before the Civil War to see if there was ever a vote so close it was broken by a tie in each house." So that is why out there working the stumps, Mr. Clinton has run into a lot of trouble banging on the lectern, yelling "no."

Now what I would like to do because there is no way I can read the whole Rose affair—the name of the Rose article from the New Republic—I would like to start in what time I have left and read as much as I can of this phenomenal Robert Bartley article. If he did not write it, he is the supervisor of the editorial page. But I think he wrote this personally, as he has done most of them. It is titled "O Tempora. O Mores." Wouldn't the Jesuits be proud of me after 4 years of high school Latin that I figured this out, "Oh, the times, the mores."

Now here is Bill Clinton in his acceptance speech at the Democratic National Convention quoting only one person, Carol Quigley, the guru from Georgetown University, in his speech, stealing words out of the mouth of Jesus Christ at Holy Thursday's last supper when he said, "I want a new covenant with the American people." Whoa, did that offend this former altar boy.

Clinton says, "I was raised to believe the American dream was built on rewarding hard work, but we have seen the folks in Washington turn the American ethic on its head. For too long those who play by the rules and keep the faith have gotten the shaft and those who cut corners and cut deals have been rewarded." I have got to repeat that last line, "Those who cut corners, cut deals, have been rewarded." It sounds like Ms. Hillary on May 1 at a college graduation.

Then the Wall Street Journal quotes Cicero, and it says, "The latest round of Whitewater news reports shows two things that anyone trying to comprehend this story has to understand. First, it wasn't only Whitewater. The Clintons were involved in at least one other fast-buck deal with other corporate interests heavily dependent upon regulation. Secondly, it wasn't only Arkansas; the confusing long-ago arcana from Arkansas's political backwaters are relevant because there are now signs that the same practices, the same interests, the same mores are spreading throughout the Washington bureaucracy."

One point here, going back to my special orders of September: I took the time to do what nobody in the whole Bush campaign did, and that is to study what happened in Arkansas. I know Arkansas is a good state. I have gone through there in Air Force aircraft across counties, I have driven through the State on highway 40 and talked to the people and dined in many of their restaurants that are no different than any other part of the country. It has its beautiful parts up in the northwest; it has its rough places with all the beat-up cars strewn around. But Arkansas people are hard-working, good people. It is a good State.

I cringed a little bit when Saturday Night Live was having fun with it, "Look out, Mississippi, here we come." That was the same Phil Hartman who is just devastatingly funny on this whole Whitewater thing.

I tried to figure out what Clinton's experience was with the opposition party. So I asked, "What was the highwater mark of the Republicans in the Senate of the State of Arkansas and the House of Representatives there?" I was shocked with what I found.

By the way, right now, 1994, it is a highwater mark; four congressmen come to this Chamber from Arkansas, and for the first time, we have an even split, two excellent congressmen on that side and two excellent congressmen on this side. One of them on that side, RAY THORNTON, was a former president of one of the great universities down there after he was a classmate of mine in '76, the class of '76; GORE, Quayle, WALKER, GEPHARDT, DORNAN and THORNTON. That is one of the two Democrats.

On this side, two dynamic freshmen, JAY DICKEY and TIM HUTCHINSON. TIM's brother is head of the Republican Party in Arkansas.

So we have two for two. That has never happened since the Civil War. I mean two—yes, two by two out of four. Now, keep in mind that California has 80 assemblymen and 40 senators. So I called down there to the Republican Clerk of the house and said, "How many State senators do you have in Arkansas?" 35. Four congressmen to our 52, but just 5 shy of 40 senators. I said how many are Republicans?" I think she said three or four. Three was the highest that Clinton ever had down there. Now there are five. That is a historical record since the Civil War.

I said, "How many in you other house, the House of Representatives down there?" She said, "We have 100." That is 20 more than California.

How many of the 100 are Republicans? Seven, 7 Republicans out of 100, and 3 out of a senate of 35. That is all Bill, Governor Clinton, had to deal with in Arkansas. Hence my term in those special orders that he had a toy that he played with. It was an oligarchy down there.

By the way, the House of Representatives down there now has 10 Republicans. I said five in the senate. So those 15 out of 135 is an all-time high since the Civil War.

Now listen to this: 1, 2, 3, 4, 5, items, and then the deadly quote I have already read. Hillary Clinton, it turns out, pocketed $100,000 playing commodity futures between October 1978 and October 1979. That second year, Bill Clinton was the attorney general in the State of Arkansas. Now, let us see: Born in '46, '56, '76, so he is not in his early 30's and he is attorney general—excuse me, he is already the Governor. He got elected in '78 and lost in '80. He was attorney general in '76, when he was only 30 years old. So he is a 32-year-old Governor, youngest in the country, and his young wife, Ms. Rodham, not Mrs. Clinton, knocks off a cool $100,000 playing the commodity futures with James B. Blair, the powerhouse attorney for the food giant Tyson's Foods, Inc., looking over her shoulder, guiding her. In the New York Times team report written by Jeff Gerth, Mr. Blair says Mrs. Clinton decided the size of the trade, and then "we at Tyson's discussed whether she ought to be long or short." Mrs. Clinton's attorney said it was her own money at risk. And some of her Administration defenders—she would be 31 year old—said that in playing commodities she studied up on financial data—she is smart—including reading the Wall Street Journal. Thanks for the endorsement, the Journal says, but "we wouldn't advise it to other commodities amateurs." Financial cynics would like to know more about the trades and the market prices at the time, more about the accounts in 1978 and '79, both hers and Mr. Blair's of Tyson's. Their principal broker went bankrupt. But that bankrupt broker says Mr. Blair left happy. And I guess so did Hillary Clinton.

By the way, when Bill Clinton was asked about this this week, by Knight-Ridder reporters in the White House a few days ago, do you know what he did? He turned red in the face, volcanically red—that is all right, he has a fair skin complexion, as I do, easy to turn red—but then he got up, walked past his guests in the Oval Office, the Knight-Ridder group of reporters, and stood behind the desk, the presidential desk, with his back turned to them until they were escorted from the room because they dared to ask him to release his 1040 IRS forms for '78 and '79.

□ 2140

Those are blank years. The Clintons have never released them. That is how sensitive he is.

By the way, before he passed them and refused to shake hands it is said he railed to the press again. This is becoming quite common for him to talk about the left-leaning press that has done nothing for him. Wow. Except elect him President, at least partially.

The years for which the Clinton tax returns have never been released—here is the whole story.

Correspondents from Knight-Ridder newspapers asked the President about this in his March 12 interview 10 days ago, provoking a tirade against the press. Mr. Clinton's face reddened in anger, and then he abruptly ended the interview, strode past his visitors without shaking hands, and stood behind his Oval Office desk until they were escorted out. I guess we can expect to see that on Saturday Night Live next Saturday unless they are in reruns.

Item No. 2:

Tyson also figures in a new SEC investigation, reported Friday by the Journal's Bruce Ingersoll and Michael K. Frisby. The agency is looking into suspicious 1992 trading in the stock of Arctic Alaska Fisheries Corp. Just before the announcement that it was being acquired by Tyson. Several Arkansas investors are under study, including Phoenix Group Inc.; the president of Phoenix was Patsy Thomasson,

right here in this capital today, "now director of the White House Office of Administration, former associate of drug convict Dan Lasater," and remember she took care of all of his books for 2½ years.

More tomorrow night.

[From the Wall Street Journal, Jan. 26, 1992]

### Review & Outlook—Oh the Times! Oh the Mores! O Tempora! O Mores!

I was raised to believe the American dream was built on rewarding hard work. But we have seen the folks in Washington turn the American ethic on its head. For too long, those who play by the rules and keep the faith have gotten the shaft. And those who cut corners and cut deals have been rewarded.—Bill Clinton, in his acceptance speech at the Democratic National Convention, August 16, 1992.

Oh the times! The mores!—Cicero, First Century B.C.

The latest round of Whitewater news reports shows two things that anyone trying to comprehend this story has to understand. First, it wasn't only Whitewater; the Clintons were involved in at least one other fast-buck deal with other corporate interests heavily dependent on regulation. Second, it wasn't only Arkansas. The confusing, long-ago arcana from Arkansas's political backwaters are relevant because there are now signs that the same practices and same interests—the same mores—are spreading through the Washington bureaucracy.

Hillary Clinton, it turns out, pocketed $100,000 playing commodity futures between October 1978 and October 1979, with James B. Blair, the powerhouse attorney for food giant Tyson Foods Inc., looking over her shoulder. In a New York Times team report written by Jeff Gerth, Mr. Blair said Mrs. Clinton decided the size of the trade and "We discussed whether she ought to be long or short."

Mrs. Clinton's attorney says it was her own money at risk, and some of her administration defenders said that in playing commodities she studied up on financial data, including reading The Wall Street Journal. Thanks for the endorsement, but we wouldn't advise it to other commodities amateurs. Financial cynics would like to know more about the trades, and the market prices at the time, and about the accounts, both hers and Mr. Blair's. Their principal broker went bankrupt, but says that Mr. Blair "left happy."

Mrs. Clinton's commodity streak started just before Bill Clinton's election as Governor of Arkansas, and just as he completed his term as attorney general. The N.Y. Times story recounts a series of regulatory decisions that favored the Tyson operations, as well as the appointment of Tyson executives to state posts, plus some allegations of Tyson benefits under the Clinton Presidency. A Tyson spokesman says it only took advantage of normal state industrial development programs, and "There is absolutely no evidence that the Jim Blair's relationship with Bill or Hillary Clinton had any impact on our treatment."

Mr. Blair and his wife, our Mr. Ingersoll reported last week, slept at the White House the night of the Clinton inaugural. He also reported on a controversy about sanitary requirements. The Department of Agriculture has imposed on meatpackers a "zero total."

We would also be curious about whatever other money Mrs. Clinton made in 1978 and 1979, years for which the Clinton tax returns have never been released. Correspondents for the Knight-Ridder newspapers asked the president about this in a March 12 interview, and provoked a tirade against the press. "Mr. Clinton's face reddened in anger," they reported, and he "abruptly ended the interview, strode past his visitors without shaking hands and stood behind his Oval Office desk until they were escorted out."

Tyson also figures in a new SEC investigation, reported Friday by the Journal's Bruce Ingersoll and Michael K. Frisby. The agency is looking into suspicious 1992 trading in the stock of Arctic Alaska Fisheries Corp. just before the announcement that it was being acquired by Tyson. Several Arkansas investors are under study, including Phoenix Group Inc.; the president of Phoenix was Patsy Thomasson, new director of the White House Office of Administration, former associate of drug convict Dan Laster in a company that preceded Phoenix, visitor to Vincent Foster's office the night of his death and point-person in the controversy over White House passes and security clearances. She issued a statement saying she had nothing to do with trades in Arctic. A similar denial was issued by Associate White House Counsel William Kennedy III, who has a relative under investigation in the Arctic deal.

Since we've been known to express doubts on the merits of environmental and sanitary regulations, let us detail another matter only briefly touched on in N.Y. Times stories. The Pacific Fishery Management Council, a federal commission, issued an order last spring divvying up the $100-million-a-year whiting catch off Oregon, Washington and California. The big argument is always over how much can be taken by large factory-trawler operations and how much by mom-and-pop shore-based fishermen.

The spring ruling gave 63% of the catch to the on-shore operations. The council's decisions must be ratified by the Commerce Department but normally that's just a formality. On those rare occasions when Commerce has disagreed with a local decision, it has sent the issue back for reconsideration by the fishing council. Not this time. When the Federal Register appeared on April 15, 1993, fishermen were shocked to discover that factory trawlers had been allocated 70% of the whiting catch.

The largest operator of factory trawlers is Arctic Alaska Fisheries Corp., owned by Tyson (see above).

There have been the usual denials. Douglas Hall, head of the National Marine Fisheries Service, says the trawler take was in line with historical norms, and says that the decision was made in his office, not by Commerce Secretary Ron Brown. Rep. Elizabeth Furse, an Oregon Democrat, called for hearings on the issue, but was rebuffed by the Congressional leadership. * * *

Tyson's legal work has long been handled, predictably, by the Rose Law Firm, which brings us to the final citation in the new crop, the current New Republic cover, "The Poisoned Rose." L.J. Davis's superlative account is must reading, above all for those who are confused by all the excitement about a two-bit land deal in the Ozarks. What Mr. Davis understands is that the Rose Law Firm, for all of its color, is fundamentally an appendage of the Stephens interests, which use Arkansas as home base for a world-spanning financial empire. It financed Tyson and other successful Arkansas businesses, in addition to handing "the brokerage" when front men for BCCI bought into First American Bank and installed Clark Clifford to run it.

Arkansas, Mr. Davis writes, "bears a close resemblance to a Third World country, with a ruling oligarchy, a small and relatively powerless middle class and a disfranchised, leaderless populace." This kind of civic culture, we see in many actual Third World countries, is likely to produce a spoils-to-the-victor, above-the-law approach to government. That is to say, the kind of careless arrogance we have seen in the handling of Whitewater, in the White House passes, in Webb Hubbell's law firm billings, in travelgate, in intervention into an ongoing corruption trial, in the handling of Mr. Foster's death and in the handling of various individuals including Zoe Baird, Kimba Wood, Lani Guinier, Bobby Inman and Chris Emery, a White House usher dismissed over phone conversations with Barbara Bush with no warning and less than a week's notice.

Whitewater is not merely about a land deal, it is about all of these things, and about the place they are bidding to assume in Washington, which God knows is guilty of enough sins of its own. Above all it is about hypocrisy. Say that one after another the explanations are innocent. Hillary was lucky in commodities and unlucky in land speculation. Jim Blair and Patsy Thomasson are just friends; James and Susan McDougal and David Hale and Dan Lasater are just former friends. Lay aside all suspicions and accept every cover story. We are now supposed to believe Bill Clinton was elected president to reform the sins of the high-flying 1980s?

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Steve Kroft, host:

Are you prepared tonight to say that you've never had an extramarital affair?

Governor Bill Clinton: I'm not prepared tonight to say that any married couple should ever discuss that with anyone but themselves and lawyers like us during divorce court battles.

Kroft: I'm Steve Kroft, and this is a special abbreviated edition of 60 Minutes. Tonight Democratic presidential hopeful Governor Bill Clinton and his wife Hillary talk about their life, their marriage and the allegations that have all but stalled his presidential campaign.

Steve Kroft, host:

It's been quite a week for Arkansas Governor Bill Clinton. On Monday his picture was on the cover of Time magazine, anointed by the press as the front-runner for the Democratic presidential nomination. Six days later, he's trying to salvage his campaign. His problem: Long rumored allegations of marital infidelity finally surfaced in a supermarket tabloid. And last week they were picked up and reprinted, unsubstantiated, by the mainstream press. Since then, for better or for worse, Governor Clinton's private life has become the overriding issue in the Democratic presidential campaign. Earlier today, Governor Clinton and his wife, Hillary, sat down with me to try to put the issue to rest. Keep in mind, as we said earlier, all of the allegations are unsubstantiated, all have been denied by everyone involved, except for the case of Jennifer Flowers. A former television reporter and cabaret singer, Jennifer Flowers, in a tabloid interview for which she was paid, says she carried on a long-term affair with Governor Clinton from the late 1970s to the end of 1989.

Who is Jennifer Flowers? You know her.

Governor Bill Clinton: Oh, yes.

Kroft: How do you know her? How would you describe your relationship?

B. Clinton: Very limited, but until this, you know, friendly, but limited. I have—I met her in the late '70s when I was attorney general. She was one of a number of young people who were working for the television stations around Little Rock. And people in politics and the people in the media knew each other then, just as they do now. She left our state, and for years I didn't really hear from her or know what she was doing. Then she came back—I don't know—some time a few years ago and went to work again in the state. So that's how—that's who she is.

Kroft: Was she a friend, an acquaintance? Did your wife know her?

B. Clinton: Yes.

Hillary Clinton: Oh, sure.

B. Clinton: She was an acquaintance. I would say "a friendly acquaintance."

H. Clinton: "Mm-hmm."

B. Clinton: When this story—this rumor story got started in the middle of 1980 and she was contacted and told about it, she was so upset, and she called back, she said, 'How could I be listed on this. I haven't seen you for more than 10 minutes in 10 years.' She would call from time to time when she was upset or thought she was really in—being hurt by the rumors. And I would call her back—either she would call the office or I would call her back there at the office or I would call her back at the house, and Hillary knew when I was calling her back. I think once I called her when we were together. And so there's nothing out of the ordinary there.

Kroft: She's alleging and has described in some detail in the supermarket tabloid what she calls a 12-year affair with you.

B. Clinton: It—that allegation is false.

H. Clinton: When this woman first got caught up in these charges, I felt as I felt about all of these women, that, you know, they've just been minding their own business, and they got hit by a meteor. I mean, it was no fault of their own. We reached out to them. I met with two of them to reassure them. They were friends of ours. I felt terrible about what was happening to them. You know, Bill talked to this woman every time she called distraught, saying her life was going to be ruined. And, you know, he'd get off the phone and tell me that she said sort of whacky things which we thought were attributable to the fact that she was terrified.

B. Clinton: It was only when money came out, wh—when the tabloid went down there offering people money to say that they had been involved with me that she changed her story. There is a recession on. Times are tough, and—and I think you can expect more and more of these stories as long as they're down there handing out money.

Kroft: I'm assuming from your answer that you're categorically denying that you ever had an affair with Jennifer Flowers.

B. Clinton: I've said that before and so has she.

Kroft: You've said that your marriage has had problems, that you've had difficulties. What do you mean by that? What does that mean? Is that some kind of—help us break the code. I mean, does that mean . . .

B. Clinton: I don't me . . .

Kroft: . . . you were separated? Does that mean that you had communication problems? Does that mean you contemplated divorce? Does it mean adultery?

B. Clinton: I think the American people, at least people that have been married for a long time, know what it means and know the whole range of things that it can mean.

Kroft: You've been saying all week that you've got to put this issue behind you. Are you prepared tonight to say that you've never had an extramarital affair?

B. Clinton: I'm not prepared tonight to say that any married couple should ever discuss that with anyone but themselves. I'm not prepared to say that about anybody. I think that the issue . . .

Kroft: Governor, that's what—excuse me. That's what you've been saying, essentially, for the last . . .

B. Clinton: But that's what I believe.

Kroft: . . .couple of months.

B. Clinton: Look Steve, you go back and listen to what I've said. You know, I have acknowledged wrongdoing, I have acknowledged causing pain in my marriage. I have said things to you tonight and to the American people from the beginning that no American politician ever has. I think most Americans who are watching this tonight, they'll know what we're saying, they'll get it, and they'll feel that we have been more candid. And I think what the press has to decide is: Are we going to engage in a game of gotcha? You know, I can remember a time—and it was sad—when a divorced person couldn't run for president. And that time, thank goodness, has passed. Nobody's prejudiced against anybody because they're divorced. Are we going to take the reverse position now—that if people have problems in their marriage or things in their past which they don't want to discuss, which are painful to them, that they can't run?

Kroft: You're trying to put this issue behind you. And the problem with the answer is it's not a denial. And people are sitting out there—voters—and they're saying, "Look, it's really pretty simple. If he has never had an extramarital affair, why doesn't he say so?"

B. Clinton: That may be what they're saying. Your know what I think they're saying? I think they're saying, "Here's a guy who's leveling with us." You—you may think that—that we should say more, and you can keep asking the questions, but I'm telling you I think that we've to—I'll come back to what I said. I have told the American people more than any other candidate for president. The re—the result of that has been everybody going to my state and spending more time trying to play gotcha.

H. Clinton: There isn't a person watching this who would feel comfortable sitting on this couch detailing everything that ever went on in their life or their marriage. And I think it's real dangerous in this country if we don't have some zone of privacy for everybody. I mean, I think that is absolutely critical.

Kroft: I—I—I couldn't agree with you more, and I think—and I agree with you that everyone wants to put this behind you. And the reason it hasn't gone away is that your answer is not a denial, is it?

B. Clinton: But interesting—let's assume. . .

Kroft: It's not a denial.

B. Clinton: Of course, it's not. And let's take it from your point of view. If—that won't make it go away. You know, you can cut this round or cut this flat. I mean, if you deny, then you have a whole other hoard of people going down there offering more money trying to prove that you lied. And if you say yes, you have just what I've already said by being open and telling you that we've had problems. You have, oh, good, now we can play gotcha and find out who it is. Now no matter what I say to pretend that the press will then let this die, we're kidding ourselves. I mean, you know, this has become a virtual cottage industry. The only way to put it behind us, I think, is for all of us to agree that this guy has told us about all we need to know. Anybody who's listening gets the drift of it. And let's go on and get back to the real problems of this country. "The problems are about what's going to happen to families in New Hampshire and the rest of this country in the future, not what happened to mine in the past."

Kroft: I don't like some of these questions any better than you do, but the question of marital infidelity is an issue with a sizable portion of the electorate. According to the latest CBS News poll, which was just taken over the weekend, 14 percent of the registered voters in America say they wouldn't vote for a candidate who's had an affair.

B. Clinton: I know it's an issue. And—and—but what does that mean? That means 86% percent of the American people either don't think it's relevant to presidential performance or look at whether a person looking at all the facts is the best person to serve.

H. Clinton: We've gone further than anybody we know of, and that's all we're going to say. And people can ask us 100 different ways in—from 100 different directions, and we're just going to leave the ultimate decision up to the American people.

Kroft: I think most Americans would agree that it's admirable that you had—have stayed together, that you've worked your problems out, that you seem to have reached some sort of an understanding and an arrangement.

B. Clinton: Wait a minute, wait a minute.

Kroft: But . . .

B. Clinton: Wait a minute. You're looking at two people who love each other. This is not an arrangement or an understanding. This is a marriage. That's a very different thing.

H. Clinton: You know I'm not sitting here some little woman standing by my man like Tammy Wynette. I'm sitting here because I love him and I respect him and I honor what he's been through and what we've been through together. And, you know, if that's not enough for people, then, heck, don't vote for him.

Kroft: A good friend of yours, one of your campaign advisers, told us the other day, "Bill Clinton has got to level with the American people tonight, otherwise, his candidacy is dead." You feel like you've leveled with the American people?

B. Clinton: I have absolutely leveled with the American people.

H. Clinton: We are going to do the best we can to level with people and then we're going to let them make up their minds, because I think if the American people get a chance and if they're trusted to exercise their vote right because people talk to them about real issues, this country will be OK. That's what we're betting on, and we're just going to roll the dice and see what happens.

Kroft: Your called it a gamble. You came here tonight to try and put it behind you. You're going to get on the plane when you walk out of this room and go back to New Hampshire. Do you think you've succeeded?

B. Clinton: That's up to the American people and, to some extent, up to the press. This will test the character of the press. It is not only my character that has been tested.

Kroft: I'm Steve Kroft. We'll be back next Sunday at our regular time with a complete edition of "60 Minutes", including Ed Bradley with Anita Hill, her first interview since the Clarence Thomas hearings. Now "48 Hours."

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## THE CONGRESSIONAL ACCOUNTABILITY ACT

The SPEAKER pro tempore (Ms. ESHOO). Under a previous order of the House, the gentleman from New Hampshire [Mr. SWETT] is recognized for 60 minutes.

Mr. SWETT. Madam Speaker, I want to shift gears a little bit. I think that we have heard enough about one person's perspective. It is time to talk a little bit about how government might make it work a little bit better.

Several weeks ago I gave a speech here on the House floor in which I sought to begin a dialog about the need for a new way of doing business in Washington. My remarks tonight will be a continuation of that dialog.

All too often, Madam Speaker, debates here in Washington do not focus on real problems and real solutions that have to do with real people, people who are out in the neighborhoods, people who are back in the districts, people who want their lives improved and need that through better government. Debates become battles between extremes with each side employing hyperbole in order to make a point. Neither side bothers to really listen to the opposite point of view, and each side blasts the other with sound bites designed for partisan advantage. This extremism is creating false impressions, false questions, false choices and ultimately, I believe, faulty public policy because real problems and real solutions are not typically part of the debate.

Madam Speaker, the time has come to stand back and say, "Enough. Enough ideological extremism, enough rancorous partisanship, enough hyperbole in the debate. The time has come to devise a new way of doing business in Washington which focuses on the reality and not on the rhetoric."

Madam Speaker, that is what this series of speeches is all about. It is designed to provide a forum for an emerging coalition in the House of Representatives known as the New Democrats, a small group of Democrats dedicated to getting results and to building accountability into government programs.

This new coalition is building in strength. New Democrats played a prominent role in developing the Penny-Kasich amendment which sought to cut government spending an additional $90 billion over and above the budget cuts proposed by President Clinton. New Democrats are also helping to propel a piece of legislation coauthored by the gentleman from Connecticut [Mr. SHAYS], a Republican, and myself, a Democrat from New Hampshire, called the Congressional Accountability Act.

Madam Speaker, the idea behind the Congressional Accountability Act is simple. Congress should live by the same laws that it passes for the rest of the country. Amazing as it may seem, Congress is currently exempt from the laws that it passes for the rest of the land and does not have to comply with laws such as health and safety laws, equal employment laws and labor laws. The Congressional Accountability Act will change all of that and require Congress to abide by the laws that Congress passes. Simple enough idea; I think its time is about upon us.

In my comments tonight, Madam Speaker, I would like to talk about the need for an increased accountability in government funded scientific research, an area I have become familiar with through my work on the Committee on Science, Space, and Technology, a committee that I have served on since I first came to Congress in 1991. It is a committee that I believe is going to have a great deal to do with the future of this country because in this committee we are researching the technologies that are going to bring this country to the brink of the competitiveness that we need to possess in order to excel in the world's markets. This is a committee that is going to be acting as the fertilizer, as it were, for all the fields of science where we hope to harvest great technologies that will not only help this country, but help the world.

The gentleman from California [Mr. BROWN], chairman of the Committee on Science, Space, and Technology, has made great strides in increasing accountability in government funded science through his efforts to eliminate academic earmarking. This is something that he has done for many years, and I have to say I have appreciated his efforts knowing that, as the chairman of the Committee on Science, Space, and Technology, it is sometimes looked upon in the science community as somewhat of an oxymoron. But I believe that more needs to be done now.

Madam Speaker, the Federal Government spends billions of dollars each year on research. I am concerned, however, that a lack of accountability is how some of these funds are being spent, and we do not readlly know if we are getting any bang, let alone a small bang, for our buck.

To help illustrate what I am getting at, Madam Speaker, I would like to read from an article that I have here about scientific integrity that is written by a physics Nobel laureate named Richard Feynman. The title of the article is called, "Cargo Cult Science." These are Richard Feynman's words regarding science in the federally funded science programs.

First, Madam Speaker, I have to tell my colleagues, "You have to understand this man is a Mark Twain with a Nobel science award so he has a sense of humor that I think is something that you have got to first recognize is coming. Otherwise you might question the prose that he uses."

He writes:

"During the Middle Ages there are all kinds of crazy ideas such as that a piece of rhinoceros horn would increase potency. Then a method was discovered for separating ideas which was to try to see if it worked and, if it didn't work, to eliminate it. This method became organized into science, and it developed very well so that we are now in the scientific age. I've concluded, however, that it's not a very scientific world. We need to do a much better job of looking into theories that don't work and science that isn't science.

"Examples of what I'd like to call cargo cult science: In the South Seas after World War II there was a cargo cult of people. During the war they saw airplanes land with lots of good materials, and they wanted the same things to happen again. So they arranged to make things like runways, to put fires out along those runways, to make a wooden hut for a man to sit in and with two wooden pieces on his head like head phones and bars of bamboo sticking out like antennae. They waited for the planes to land. They did everything right. The form was perfect. It looked exactly the way it had looked before, but it didn't work. Planes didn't land.

"This is what I call cargo cult science because they followed all the precepts and forms of scientific investigation, but they were missing something essential because the planes didn't land. It wasn't something simple like the ear phones were the wrong shape. It is our responsibility, as scientists, not to fool the layman when talking as scientists.

□ 2150

For example, I was a little surprised when I was talking to a friend, you have to remember this is a fine man, he is still talking. I was talking to a friend who was going to go on the radio. He does work on cosmology and astronomy, and he wondered how he might explain what the applications of his work were.

Well, I said, there aren't any. He said yes, but then we will not support for research of this kind.

That is dishonest. If you are representing yourself as a scientist, then you should explain to the layman what you are doing. And if they do not support you under those circumstances, then that is their decision.

That is what Richard Feynman believes is cargo science, looking for something to come because you have set up a group of theories or preconceptions that ultimately are based on really the wrong facts.

There is another problem I think that exists in government in the science fields today, and I have not got a fancy name for it. But it really has to do with setting up programs for the sake of running those programs and not for the sake of discovering what might come of theories that are postulated when those programs are first initiated.

There is a tremendous fear that as we go into the laboratory in federally funded programs, if we do not come out with the outcomes we said we were going to come out with when we went into the programs, if you can keep this all straight, that we ultimately will lose the funding that we originated the program with.

You have to realize that in order for science to really be effective and to really be meaningful, there has to be failure. Because the theory is being postulated and it has to be proven or disproven. And so often the theories that are not disproven continue to gain evidence, but sometimes that evidence may be worked around so that it never gets represented back to those who oversee those programs as a faulty theory.

Now, let me give an example where I think the U.S. Government is wasting hundreds of millions of dollars on cargo cult science, science which is missing an essential element.

Before I do that, I think it is only fair and it is really actually most appropriate that I commend the administration and particularly Secretary O'Leary for the job she has done as she has come into the Department of Energy and found many of the things that I am talking about and has moved to make changes so that we can eliminate these kinds of problems.

One very good example that has come about through this change in attitude, not necessarily specifically tied to the Department of Energy, but certainly having to do with big science projects, is the superconducting super collider, which recently, just last year, was voted down by the House of Representatives and the Senate, and whose funding was discontinued because it in fact was draining the budget.

Secretary O'Leary has gone beyond into the Department of Energy and found there are problems with the outcomes or there are problems with the experiments that have been performed on human beings over the past 40 years, and she has brought about a new openness in the department where she is looking into the effects that these experiments have had on the human subjects.

These are the things I think that are going to bring good science back into the laboratories funded by the Department of Energy, and I think that Secretary O'Leary is the person who is going to be greatly responsible for this under the leadership of President Clinton and Vice President AL GORE.

But for decades, scientists at the Department of Energy have been pursuing energy's Holy Grail, fusion energy, the same force that makes the sunshine and makes hydrogen bombs explode.

Theoretically, fusion has the potential to be a safe, secure, and affordable source of energy for thousands of years, but after 40 years and almost $10 billion of government-funded research, experts say commercial fusion energy is still at least a half a century away.

That is almost unbelievable, for me to sit down and to ask those scientists that are dealing with this technology, what is the outcome of their research? When do they expect to realize that outcome? And to find that they have difficulty defining that outcome and cannot give a date by which time they expect to accomplish anything, and that date is certainly outside the life span of many people, most people that are living in this country today.

The DOE's current fusion research effort is focused almost exclusively on one fusion concept known as the tokamak, a technology designed by the Russians back in the 1960's. According to the DOE's current schedule, which presumes continued funding for hundreds of millions of dollars each year, they plan to build a demonstration tokamak reactor sometime around the year 2040, give or take a year or two.

The problem is that U.S. utilities, who are supposed to be the beneficiaries of this research, because, remember, we are trying to harness the power of the sun and put it to good use as a clean, environmentally benign technology that will light all our homes and power all our electric cars and do all the things that we need to have it do, the U.S. utilities have said that even if such a reactor could be built, they would not want to buy one because of its extreme complexity, inordinately high cost, unreliability. And I just said it was supposed to be clean? No. It has extreme problems with radioactive waste.

That is because when the tritium is put into this accelerator, into this magnetic donut, the tokamak, it in fact causes radioactive infiltration of the core. And all of a sudden what once was nonradioactive and benign has become radioactive and has to be disposed of in the proper fashion.

Now, this is not a simple, small rod that we currently deal with in the nuclear reactors of today. This is an entire structure, whose walls weaken with the increased radioactivity, which ultimately I guess would have to be buried under a mountain of cement or dismantled piecemeal and broken into pieces and put away in some safe location where it cannot affect the general public.

Someone is going to have to do that. That person is going to be susceptible to that radioactivity.

Faced with this situation, it seems to me that DOE scientists with integrity, not the integrity of the cosmologist or astronomer, but the integrity of a scientist who is looking for answers and willing to face failure in the pursuit of those answers, should step forward and say something like this: "Despite all the work we have done, the tokamak fusion concept is not going to lead to a commercially feasible system. We should scrap it and go back to the drawing board."

That is a scary thing for anyone in the DOE or in the laboratories in this country to confess to, because right now the way we are set up, if they make that confession, they lose their funding, their program is over, and their job goes with it.

So that has not happened. Scientists receiving funding from the current program have not said anything, at least publicly, because they do not want to threaten their funding.

I say at least publicly, because I am hearing things privately that have motivated me to come to the floor and to use this as one example of where we are not looking for, nor achieving, accountability in our government programs.

As a result, we are continuing to waste hundreds of millions of dollars annually, something which according to the utilities, will not lead to a commercially feasible reactor.

The logical question to ask is how has this been allowed to happen? The answer is very simple: Because there is a lack of accountability in monitoring the scientific programs in the government of the United States of America.

Incredible as it may seem, no one has held the Department of Energy accountable for the results from their fusion program. As it is described in cargo cult science, despite the best efforts of the members of the cargo cult, the planes did not land.

They have not come in. We have been constructing an airfield of bamboo and wood, and we have not been able to really establish the right programs that will meet the immediate and near-term future needs of this country. We are working on something that we have had a hard time defining and a harder time determining when it will, in fact, come into play.

There is very little, there is no public, no private money going into this project, or very little. And my guess is, if you follow the dollars, you are seeing that utilities, that those that are interested in developing new and alternative energies have decided that this is not a project that they should invest in. They are, rather, putting their money in alternative fusion projects.

Similarly, the Department of Energy's current fusion program is missing another essential understanding. Not only are they not understanding that the planes will not land using the tokamak, they do not understand that the program should be leading toward the development of a commercially feasible fusion power system. I do not mean to say that we should not support basic fusion or basic fusion research. I believe that we should. But what we should not do, however, is continue putting all of our research money into an outdated technology. We should not continue funding scientists who claim that the plane will land, that the tokamak will lead to a commercially feasible system, when clearly it will not, not within the foreseeable future.

We need to put accountability back into the fusion program. We need to take the hundreds of millions of dollars that are spent every year and allocate them into a field that is fertilized, where there are alternative fusion programs that are currently being funded by the private sector.

The funding that the private sector is investing in these programs, plus what additional moneys the U.S. Government could put into them, would not even come close to what is being spent on the tokamak project. That allows us to do one or two things: to allow the engineering for the tokamak project to reach a critical point where it can be terminated, because there are additional political problems with this program where, when we are talking about the ITER project, which is the international tokamak that is being developed by the Europeans, the Japanese, the United States and other foreign countries, they have run up against a roadblock where they politically cannot choose a site to locate this project.

But more importantly, we have a deficit that we have got to deal with. This is something I think responsible government has to take a very close look at and a responsible look at. That is why I think this is a program that we are going to have to look at very closely in terms of responsibility, in terms of accountability, in terms of whether big science or diverse, multiple, smaller science projects are the best policy for the Department of Energy and other departments that deal with scientific research.

I hope in the weeks ahead, as we have an opportunity to debate certain projects like tokamak, we can look at these not in terms of wiping out programs but in terms of redirecting moneys so that we can put some against a deficit that clearly needs to be brought down and eliminated, that we can clean up and tighten up programs that are wasteful and eliminate programs that are unnecessary and bring on board programs that might give us more options in the not-too-distant future and, hopefully, develop an opportunity to bring about good science that addresses the needs of Americans today and in the near term in the next several generations.

I am honored to have with me one of my colleagues from Minnesota, Congressman PENNY, who I know is very interested in congressional accountability and Government accountability and bringing about some kind of responsible management of taxpayers' dollars in Government.

I yield to the gentleman from Minnesota [Mr. PENNY] to let him say his piece on Government accountability. I thank him for coming down to share this time with me.

Mr. PENNY. Madam Speaker, at the outset, I want to compliment the gentleman for his excellent presentation on the issue of fusion research. This country has not handled its energy policy nearly as well as it should. Here, almost 20 years after the initial oil shock, we are as addicted to oil as ever. We import, frankly, more oil today than we did 20 years ago, and we have done precious little to seriously explore energy alternatives in the past 20 years.

Fusion may be an option for the future, if it is the right kind of fusion, if it is environmentally safe, but as you have pointed out so eloquently this evening, even in that area we seem to have had a misguided or misdirected notion of the sort of research in this arena that best fits our Nation's future needs.

I simply want to assure him that as he uses his influence within Congress to address that issue that he certainly will have my support, because I believe we can do better, smarter research in this area and maybe save a few dollars in the bargain. That certainly is a goal to be applauded.

If I might, I want to draw attention to the need to help the President this year with his goal of reprioritization. He submitted a budget to the Congress, a budget which we adopted last week, which calls upon this institution to implement several billion dollars' worth of spending cuts in existing discretionary programs in order to facilitate some of the high priority investments that the administration wants to finance.

The President's task will not be easy. We saw many of his recommendations for budget cuts set by the roadside last year as his budget traveled through the congressional process. And as a consequence, some of the change that he promised was not delivered at the end of the day.

This year we have an even tighter budget. I would say, in credit to the gentleman from New Hampshire, that he was a part of a strong and vocal element within the Democratic Party that led the fight for fiscal responsibility and deeper spending cuts as part of last year's budget and an attempt to make even deeper cuts at the end of the session last November.

As a consequence of those efforts, this year we do have a tighter budget. It will force more difficult choices. And the President has presented to Congress 100 program cancellations and 200 program cuts, which he wants us to enact.

We can debate whether all of that money should be transferred to high priority investments or whether some of that money could actually be used to further reduce the deficit. But nonetheless, this President is providing leadership in suggesting to the Congress that there are programs in our budget that have long ago outlived their usefulness and ought to be discarded.

There are other programs of lower priority that ought to be cut to make room for new priority items for the 1990's. As we proceed with appropriation bills in the coming months, I would hope that within the Democratic Caucus we could provide a strong coalition of votes in support of implementing the President's agenda for spending cuts. It seems to me if there is one signal we can send to the public that we are getting serious about setting priorities at the national level and living within a budget, it is at least to have a good number of Democrats in evidence during the appropriation cycle who are willing to cast a vote in support of the cuts that the President has recommended, because as the gentleman from New Hampshire so well knows, too often these cuts are recommended but the senior leaders and the spenders within our party find a way to avoid those cuts, and the spending machine just keeps on running down the track. We need to be an element within the Democratic Party that stands with the President in support of those cuts and tries to make them a reality.

I would enlist your support in that effort, as we move into the appropriation cycle in just a few weeks.

□ 2210

Mr. SWETT. If I may reclaim my time from the gentleman from Minnesota, I think he brings up a very good point. The one thing we as New Democrats are going to have to do is, in a very constructive way, being about accountability in spending, and ensure that those cuts are going against either eliminating bad programs and being reinvested, as Rob Shapiro from the Progressive Policy Institute says, into programs that are going to bring about new growth and new opportunity, or that they will reduce the deficit, and hopefully eliminate the deficit and help us bring down the debt.

The point the gentleman is making I think bears repeating, because my sense is until this body fully embraces this understanding, and allows for a program to be cut and that money not to immediately be spent on other existing programs that are not being looked at from an accountability perspective, we are going to continue to wreak havoc throughout the system. I am hearing from people like the chairman, the gentleman from California [Mr. BROWN], very grave concerns about reducing programs like the tokamak before we have control over where that money goes, so it does not have the opportunity of going into smarter, better, more responsive science and technology.

I would ask the gentleman, how is that going to play out, based on the many years of experience the gentleman has had in the body and the changes that he senses, as he completes his last term.

Mr. PENNY. I would begin by responding that if we cannot be willing soldiers in the President's effort to cut less important programs to make room for emerging priorities, then we are not going to fare very well at any other level, whether it is within your committee in dealing with fusion research, in trying to reallocate that to a more beneficial purpose, or whether it is within the Agriculture Committee as we attempt to, perhaps, modify our price support program, or our foreign credit programs, in deference to a smarter way of investing those dollars in our rural economy, perhaps other policies or programs that have more to do with job creation and growth than the expenditures that are now a part of our farm policy.

I would say that if the President cannot succeed in winning from Congress the cuts that he has requested, there is precious little hope that we can take this a step forward and approach this issue in the committees of Congress on that same basis.

I share with you enthusiasm for the report of the Progressive Policy Institute in which they have recommended a cut-and-invest strategy, where they have a long list, several hundred programs, as well as some tax breaks, some questionable tax breaks, which they would cancel in favor of an investment strategy.

Some of those savings from program cuts and tax benefit eliminations would go to reduce the deficit, but some of that would then be transferred to the investment programs in research and in public infrastructure and in education, which will build for a stronger future.

The President has begun in a very modest way to point us in that direction. Your committee has the challenge of doing that in the arena of scientific research and energy research. My committee has the responsibility to do that for the health of our rural economy. All of us have to take this cut-and-invest attitude about our spending priorities in the years ahead, both for the sake of the deficit and for the sake of the future growth of our Nation's economy.

If you do not mind, could I touch on another topic, as long as we have some time remaining this evening? If the gentleman wants to distance himself from these remarks, I would certainly understand his sentiments in that regard.

Madam Speaker, I want to talk a little bit about the health care bill, which is following an all-too-familiar course through the Halls of Congress. Like so many issues in the past, it is being handled in three separate committees, each committee having total jurisdiction over the health care menu, each committee likely to develop a different proposal. It is redundant, it is time consuming, it is like lobbyist heaven, because the interest groups will make a lot of money from their membership as they gin up the fear factor about what one committee or another might do.

It is going to keep us all terribly busy for the next several months, but at the end of the day, we are really going to be back to square one, because it is likely we will have three separate plans developed by three separate committees, none of which can command 218 votes, a majority of support here on the House floor, so we will have to then trade back and forth, make amendments, and try to meld at that point in time a middle ground approach to health care reform that garners the necessary support within Congress to become the law of the land.

I have been greatly distressed by the approach that has been taken within this Congress on this issue, because to date in the committee hearings that have been held there is precious little pretense of bipartisanship. At the subcommittee level in the Committee on Ways and Means, we have seen any number of close votes on important policy decisions, like employer mandates and cigarette taxes, you name it, assume basically party line votes; close votes, party line votes.

I am convinced that we cannot pass health care reform without significant bipartisan support. For those that do not talk Washington's language, that means Democrats and Republicans voting for this bill in significant numbers.

I am a bit distressed that time and again leaders in my party, including the White House, the President and others in the administration, pretend bipartisanship, talk bipartisanship, and yet they have prepared a very partisan bill, a bill which, upon introduction, garnered support only from Democrats, no Republican cosponsors, and now a strategy on the part of the White House and within the Congress that seems to be pushing this issue forward on a strictly party line basis.

That may be possible at the committee level. It is not possible here on the House floor. I am firmly convinced that we will not pass health care reform without meaningful participation from the Republican Caucus, nor should we pass health care reform in a strictly partisan fashion.

There are some things that we have to accept going into this debate. If we want Republican support, we probably have to negotiate, if not back off entirely, from this notion of employer mandates. But it is not simply Republicans that balk at the idea of a mandate of that sort. Any number of Democrats in this Congress fail to be convinced that a mandate is the best way to move toward universal coverage for all Americans under a reasonable health care policy.

Price controls: When have they ever worked? I think it is immensely difficult for us to get Republican support for a bill that has Government price controls. One of their own, President Nixon, attempted price controls, not a terribly successful undertaking some 20 years ago. It seems we should learn from past experience and not pretend that price controls can work today, when they have never worked throughout our Nation's history.

Deficit reduction: Can we actually save money with health care reform? We all had better hope so, because last year we did about as much as this Congress is capable of doing in terms of cutting the defense budget, we did about as much as the public will stand for in terms of tax increases, even though primarily those increases only fell on the wealthy, and now that we have a budget freeze on the discretionary programs. We are beginning to see that we have to pick and choose within that tighter budget to take care of priorities while cutting lower priority items.

There is precious little we can do to further reduce the deficit if we do not cut entitlement spending significantly, and the biggest chunk of the entitlement agenda is health care spending. It is the fastest growing element in the entitlement budget, growing at a double digit rate per year, projected to increase perhaps 10, 11 percent for Medicare and Medicaid costs in the coming year alone.

□ 2220

So deficit reduction has to be evident in health care reform or it is really a waste of our time to talk about it, because without cost savings in our Federal health care programs, we will never see the end of Government deficit spending.

Yet there is no deficit reduction evident in the President's health care plan. In the first 5 years of their plan, the Congressional Budget Office indicates that they are $70 billion to $80 billion over budget, and at the very best, the rhetoric from the White House would lead us to believe that within the first 5 years they may be able to keep their program deficit neutral, which means it will not increase the deficit, but neither will it reduce the deficit. We have to do better or we will have failed the American people on the critical question of whether we can rein in the costs of health care, not only for the private sector but for the Government as well, because it is the part of our budget that is running away from us at a rapid rate.

A party vote for health care reform at the end of this legislative session would be a disaster for the country. Two hundred eighteen votes from Democrats alone does not represent to the American public a serious and sincere effort to resolve this issue in the best interests of the country. It will represent to them a fiercely partisan effort to do it our way and to reject any and all suggestions from the Republicans as if they have nothing of worth to offer in this debate, and that is ridiculous on its face to suggest that there is nothing to be offered by the Republicans in the context of a health care debate that may be productive and useful and could become part of a meaningful health care reform plan.

I do not think, speaking strictly as a Democrat, that we as a party want to go down the same path that we traveled on the budget resolution and the budget reconciliation bill last year in which in the final analysis we passed it with only one vote to spare. And the public was outraged, because after a decade of deficit spending, after voting for change in the White House, after voting in numbers approaching 20 million for an independent candidate as a way of sending a message of revulsion to both the Democrats and the Republicans, what they saw in Washington last year was a strictly partisan shooting match in which the Democrats pushed through their own version of a budget plan, one that did buy us some near-term relief on the deficit, but one that does not offer any long-term solution to our deficit problem. The public will not be impressed this year with a strictly partisan health care plan, just as they were not impressed last year with a strictly partisan budget.

As Yogi Berra once said, it is deja vu all over again, and that is what the American public is going to say if they see this Congress and this White House walk down a partisan path on health care reform the way we did on the 1993 budget.

As I said earlier, the public will not trust a partisan health care reform initiative. I come from the State of Minnesota where we have a major health care reform program in place today. It is controversial. It has been to some degree disruptive. Not all of the players in the health care system are entirely satisfied with the impact of this reform on them and their livelihood or their comfort level. But it has been generally accepted because it was passed in a bipartisan fashion by the State legislature, a legislature controlled by Democrats, and signed into law by a Republican Governor. In other words, the political process reached a consensus and developed a plan that represented the best contributions of both parties and developed a plan that was somewhere within the mainstream of the electorate, a plan they could understand and accept, not a plan that frightened them and sent them into fits of rage and anger.

If we want health care reform to work, the American public must accept it, and their trust level rises only a couple of inches off the floor for either the Democratic Party or the Republican Party. If we want them to have a higher level of trust for the product of our work, we must demonstrate to them that leaders and Members in both political parties are working together in the best interests of the country for a bipartisan health plan. A bipartisan health plan will be more saleable among the electorate because based on the bipartisanship required to develop the plan, the public will accept it as a plan that is not radical, a plan that is not designed for partisan purposes, a plan that is sensitive to various points of view, because bipartisanship suggests to them that all points of view were heard.

History shows us quite clearly that monumental legislation, landmark legislation throughout the years has always been approved with strong bipartisan support. Let us not break with history just because of some notion in today's Washington because one party now controls both houses, the House and Senate and the White House, and therefore one party has all of the answers. The most important legislation in our Nation's history, including domestic legislation in the 1930's, in the 1950's and in the 1960's always enjoyed broad bipartisan support, and we ought to follow that example on health care reform.

I am amazed, after having said all of that, that so many leaders in my own party at the national level seem to resist the obvious. It is clear that there have been many signals in the past months to confirm that, that Senator DOLE is ready to deal on health care reform. It is undeniable that Senator MOYNIHAN, the chairman of the Finance Committee, has been publicly advocating a bipartisan approach to health care reform for some time now. In the House, the only proposal that has broad bipartisan support is the Cooper-Grandy bill, and yet that is the only proposal that seems to be on the enemies' list as far as many of our Democrat leaders and as far as the White House are concerned. But we ought to respect the work and embrace the work of this bipartisan group rather than rejecting it as we have to date.

And there are many Republicans, like the 92 group. I am not even sure they call themselves that any longer. They would clearly want to be part of a serious health care reform effort. They include Members like NANCY JOHNSON who serves on one of the pertinent committees, and STEVE GUNDERSON of Wisconsin. These legislators and others would prefer to be part of a solution because they are serious legislators, not partisan game players. And I have to believe, because I have worked with him now for 12 years, I have to believe that minority leader BOB MICHEL would like nothing more in his final year in Congress as he approaches retirement than to be able to be a part of something really important for the country's future, and that is a resolution of the inequities and the inadequacies of our current health care system.

So the evidence is obvious that bipartisanship is possible, and it amazes me that our party is so resistant to these indications on the part of our Republican colleagues that they are ready to come to the table. Again, I would say bipartisanship is not only possible on this issue, it is preferable.

Stealing from Yogi Berra one last time, when you come to the fork in the road, take it. We are at that fork in the road, and the right path to follow is the path toward bipartisan health care reform.

□ 2230

Mr. SWETT. I thank the gentleman from Minnesota.

I would add the words of the great New Hampshire-New England poet, Robert Frost, that the path taken, or the path chosen be the one that is less taken. I think that represents the path of bipartisanship. Because that really is the real problem that we are facing here in the Congress today.

If you look at the society around us, if you see how crime rages in the streets, how special interests control the actions here in Congress, the divisiveness between groups, whether they be ethnic or economic or geographic, all of these differences and divisive elements throughout our society, I think, would begin to heal, would begin to come together if they saw in the Nation's power structure here in the House of Representatives and in the Senate a willingness to begin to reason and respect and incorporate the viewpoints of both sides of the aisle.

Mr. PENNY. If I might ask for the gentleman to yield again, our forefathers had it right. They envisioned a Congress in which the divergent views of a diverse Nation would be brought to bear on the debate within this very Chamber, and that by our example in reaching a consensus on critical issues, profoundly important to the Nation's future, we would convey to the American public that same sense of cooperation and consensus and togetherness and teamwork, but we exhibit that behavior far too infrequently here in the halls of Congress, and I do not think it is any surprise that the country today seems as divided and torn and distressed within many of our Nation's communities, because leaders at the top do not set the right example of working together for the common good. And so we essentially convey to everyone that you are on your own; cooperation, conciliation, accommodation is an infringement on your individual rights.

There is no larger goal, there is no larger purpose; get your own; get it while the getting is good.

We have to be better than that. I think our Founding Fathers intended that we be better than that.

Mr. SWETT. I do not think you and I come from two unique and totally different districts that are at odds with the rest of the country.

When I see people around the country, and I talk to them, they are looking for people who can view the large vision and who are willing to work within that vision to bring about these kinds of resolutions that have respect for the difference of opinions, for the variety of the Members, whether they be Members of the Black Caucus, the Hispanic caucus, the Republic caucus, the Democratic caucus, and the problem is that there is so much division it really does bring us back to cargo science.

We are here giving speeches and our rhetoric speaks of the differences between us, and we think that through those differences we are getting at the proper or the improper elements of a piece of legislation, where what we ought to really be doing is seeking out the common ground, finding where we can agree and building upon that, because only if we start building upon that common foundation are we going to get the plane to land.

We are only going to be able to see something come in that really has lasting integrity. If we agree that this common problem and these common elements of the solution ought to be incorporated, certainly one side is going to hold sway over the other. There is going to be extremely rancorous debate at times, but that does not mean that we cannot ultimately craft a solution to problems, whether it be welfare reform, crime, health care reform, you name it, the budget, all of these things are going to have to incorporate some kind of reasoned and realistic accommodation of one side or the other.

That does not make me a worse Democrat. I think it makes me a better U.S. citizen, and I think that is something that we both believe has to take precedence as we debate and as we look at and as we cultivate and as we ultimately impart at least our vision of what this country ought to be and can be.

Mr. PENNY. If the gentleman would yield again, there is no clearer example of heated debate involving intense differences than the example our Founding Fathers set in Philadelphia as they worked in 1778 to craft our Nation's Constitution.

There were philosophical differences. There were regional differences. There were differences based on age and experience. The debate there raged on for weeks and was rancorous and cantankerous at times, but in the final analysis, they set aside their differences and focused on the common ground. The product of their work was this Nation's Constitution which has lived on for these 200 years which is ample evidence of the virtue of the more bipartisan approach to dealing with the legislative issues facing this Nation.

And to get back to the quote from Robert Frost, it goes as this: "Two roads diverged in the woods, and I, I took the one less traveled by, and it has made all the difference."

In modern-day Congress, I have now been here 11 years, and you have been here less than half that time. I have seen far too little bipartisanship. It is the road less traveled by. But if we finally get on that road, I am convinced that for the workings of this institution and for the interests of this Nation, it will make all the difference.

Mr. SWETT. And I would conclude by just putting a cap on the discussion about the U.S. Constitution.

Society at that time had in it the virtues, the values, the structure that allowed for the debate to go forward.

The name of the resolution to the problems that confronted our founding forefathers was none other than the Connecticut Compromise, and how well we would be to incorporate the language or the vocabulary, the word "compromise" back into our debate that would allow us to go forward with discussions that would ultimately allow us to find resolution incorporating a little bit of everybody's ideas.

We have a President, I believe, who understands this value. There are individuals in this Congress, I believe, who want to incorporate these philosophies. We also are coming off of a time, and we still see the results in some Members' philosophies, that want to divide and conquer and destroy in order to build up out of the ashes. We cannot fall prey to that mentality. We have to hopefully see the greater glory and the greater value in incorporating the vision of our founding forefathers in coming up with the kinds of solutions that I think ultimately can be far more exciting, far more productive, and far more impacting on the attitudes of all Americans.

Because they are out there waiting for this to happen, and their trust in Government, their belief in our abilities is not going to come forward based on partisan votes where only Democrats pass legislation or only Republicans are able to thwart legislation. They are only going to trust this Government when we come to a place where they see there is openness, there is a willingness to entertain all viewpoints, there is real debate about real issues establishing real commonality in discussing differences and ultimately enacting, not rhetoric, but real solutions that are going to make differences in people's lives.

If we can do that, then I think more important than what we do, how we do it will make all the difference, and that is the road I think we should take.

I thank the gentleman very much for sharing in my time.

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□ 2240

## SITUATION ON THE KOREAN PENINSULA

The SPEAKER pro tempore (Ms. ESHOO). Under a previous order of the House, the gentleman from Colorado [Mr. MCINNIS] is recognized for 60 minutes.

Mr. MCINNIS. Madam Speaker, tonight I want to spend a little time with my colleagues and with the rest of you and visit the Korean Peninsula. As you know from the news in the last few days, the Korean Peninsula has been on the headlines, we have heard a great deal about it. But I think it is probably worth our time tonight to spend 30, 40, 45 minutes and just do a basic review of what we are talking about in North Korea, what the difficulty is in Korea, and get a look at the entire picture that involves the Korean Peninsula.

I think probably the first thing we should understand is that America, the United States, has a very special interest in South Korea. We begin that by saying that we have approximately 35,000 American troops stationed in South Korea. In addition to those 35,000 American troops we also have stationed in South Korea about 14,000 private civilians and about 11,000 other members of military families.

So we have a very special interest in South Korea. In addition to the families and the American citizens and United States military personnel we have in South Korea, we also have a security commitment with South Korea that followed the Korean war, which ended in 1953.

To begin this evening, I think we need to take a basic look at the geography so that we have a better understanding of what the Korean Peninsula looks like. Let us start right here so that we have a broad layout of what the geographical area is.

First of all, down here in the left-hand corner you will see the country of Japan, and right here are the Korean Straits. Those are going to be important. I will be talking a little later on about the deployment of the carrier attack force down in this vicinity. Over here you have the Sea of Japan. Up here, of course, you have China. I will be talking at some length about China, the relationship between China and North Korea, the impact of sanctions, whether or not China will agree with sanctions, whether or not sanctions are even going to work. If North Korea launched some type of military attack, what would China's response be? Of course, below China here we have North Korea and down here below North Korea we have South Korea.

Now, dividing the two Koreas is what is commonly referred to as the DMZ. So this evening when I talk about the DMZ, I am talking about this line that you can see on the diagram right here or on the other map which I have right here, the black line which I will point out right underneath of the red. That is the line. That is the neutral zone, so to speak, established after the Korean war by the United Nations agreement to divide the two Koreas.

Now, stop for a minute: About North Korea, North Korea is about one-half the size of the State of Nevada and has a population of about 22 to 23 million people. Pyongyang is the capital of North Korea; that is located right up in this vicinity right here. Now, South Korea has a very interesting geography. The reason we want to talk about this this evening is that because in South Korea you will soon understand the kind of risks, military risks that not only the American troops have but our strong ally and good friend South Korea has.

Now, let us first of all look at Seoul, South Korea. Seoul, South Korea, is the capital of South Korea, and the key part of Seoul is that in Seoul one-half of the country's population, about 10 million people, live in Seoul, South Korea. Seoul, South Korea, also provides one-half of the nation's gross national product, or one-half of the economy for the entire South Korean Peninsula.

So, as you can see, Seoul is a very, very critical area.

Now, Seoul—so you have an idea of the proportion on this map—Seoul is located approximately 35 to 40 miles from the DMZ. In other words, North Korea, which is an adversary to South Korea, is within 35 miles, 35 miles of the nation's capital there in South Korea.

Now, the terrain in North Korea is very similar to the State of Colorado. I am from Colorado, so I will be able to explain what it is like in the event of mountain warfare, what it would be like to engage in air battles in that kind of terrain; very difficult terrain in North Korea, very tough winters.

Now, China has a relation with North Korea. I will just give you a couple of statistics: 75 percent of the oil supplies of North Korea, the imports, come from China; 72 percent of the food that North Korea brings in comes from China; 88 percent of the cooking coal, which is a vital natural resource not found in North Korea, comes from China.

So, as you can see, China has a very strong economic relationship with North Korea.

Now, since World War II, actually since World War II—and right after the Korean War—it is the United States of America that has provided the security umbrella for the entire Asian region. As you know, under the constitution which General MacArthur drafted for the country of Japan, Japan is not allowed to build an offensive military force. And it is really through the event of deterrence, deterrence during the cold war, that we have been able to keep this area fairly peaceful.

But that entire concept, the entire peace that we have had since the Korean war, though it has been interrupted periodically by terrorist actions of North Korea, that entire peace is now being threatened.

Now, the threat over in the Korean Peninsula is not something that has just arisen in the last 3 or 4 days, although of course the news media across the country and across the world is highlighting North Korea. This really began to boil over about a year ago when North Korea announced that they intended to withdraw from the nonproliferation agreement.

Let us talk a little about the history of the North and South Koreas. As you can probably remember from your history books, the division of the Koreas took place after World War II. Kim il-Sung, who is the dictator of North Korea, was actually put into his position by Stalin. Kim il-Sung happens to be the longest-living dictator of any country in the world.

He has a very tight and very strong control over his people in North Korea.

North Korea launched the Korean war, which took place in 1950. It was launched by North Korea under the pretext of military exercises. In other words, North Korea was conducting what they called routine military exercises and in 1950, under the command of Kim il-Sung, who is the same dictator that we are dealing with today, issued the command to attack South Korea. And now the United States, after the Korean war, agreed to provide certain protections for the Korean Peninsula to try to keep peace along the DMZ. In a few minutes, I am going to show you, I am going to give a military comparison between North Korea and South Korea so that you have some kind of perspective of what the circumstances are of any kind of conflict on the Korean Peninsula.

Before I go any further, let me make this point very, very clear to you, and that is that should a conflict occur on the Korean Peninsula, it is not going to be similar to the situation in Iraq where we successfully retook Kuwait. That was an incident in which some human lives were lost, tragically; but the number of lives lost in Iraq will be nothing, nothing in comparison to the kind of casualties that we will take on the Korean Peninsula.

In fact, it is my belief that the casualties that we will take will not only be devastating but will be very immediate. We will, I believe, within days of any kind of military conflict beginning take thousands and thousands of American casualties. We need to be prepared for what could be the biggest challenge to us, I think, considering the other countries that are involved, perhaps, since the commencement of World War II.

Now, is a military conflict going to occur? I do not think it is. I think we have to go to great lengths to avoid military conflict. But we must understand at the very beginning that the consequences, even if the percentage or the odds of an attack by North Korea are very, very small, the long-term and tragic consequences as a result of the conflict being launched are substantial, very substantial. So we need to pay very close attention to what is going on over there and we need to properly protect ourselves.

Now about North Korea: What does Kim il-Sung—what kind of dictator is he? I mentioned to you earlier that he has very, very tight control over his people.

Over the last 10 years and even over the last 14 years, Kim il-Sung has launched terrorist attacks on South Korea. This includes an attack in 1982 or 1983 in an attempt to assassinate the

President of South Korea. They set off a bomb in Burma which I believe killed 17 South Korean cabinet members.

□ 2250

It includes a terrorist attack against North Korea, another separate attack against the President of South Korea where the President was missed by an assassin's bullet, but unfortunately the assassin's bullet found its mark with the President's wife. It includes the launching of 20 commandos to take what is called the Blue House, which is the equivalent of our White House in Washington, the launching of 20 commandos into Seoul, South Korea. They did not get to the Blue House, but to give my colleagues an idea of the dedication of these soldiers, every one of those 20 soldiers fought to their death even after they were surrounded. They had no chance whatsoever of making it to the Blue House. Every one of those 20 soldiers fought to the death.

Now we have tried the doctrine of appeasement. What is the doctrine of appeasement? It is a doctrine that says, "You try and get along. You continue to give up what you have to the other side in an effort to get along."

"A good comparison," I would say to my colleagues, "is let's say you have a garden, and you have got a neighbor who wants the fruit or vegetables out of your garden. That neighbor has threatened to take the entire garden from you if you don't on a regular basis continue to supply him with vegetables from your garden, and year after year the demand from the neighbor becomes that he wants more and more vegetables out of the garden."

Madam Speaker, that is exactly what has happened, in my opinion, in Korea. The United States has continued to practice a doctrine of appeasement with North Korea.

Now North Korea, my colleagues need to understand, and we will get a little more into the politics here in a few minutes, but one of the things about North Korea is it is very, very unpredictable. North Korea responds to actions of strength. North Korea behaves itself when it receives an action of strength. Since 1989 the United States has continued to downsize its military presence on the Korean Peninsula. Beginning in 1989, for example, we pulled 6,000 troops out. In 1991, George Bush pulled out the tactical nuclear weapons off the Peninsula. We are continuing to try and negotiate with North Korea through appeasement. I do not think the results are apparent, and I think frankly it has led us to where we are today.

Let us talk a little more about Kim Il Sung up in North Korea. We need to look at this from a perspective of being the most closed society. North Korea is the most closed society in the world. It is the most unpredictable society of any in the world. And it has a control or a grasp of its people more than any other country in the world.

I say to my colleagues, "For example, if you buy a radio in North Korea, the government manufactures the radio so that they tune into only one station. Every person in North Korea is required to carry a picture of Kim Il Sung. The children of the North Koreans are brought up to believe that everything in the world revolves around Kim Il Sung."

Our intelligence capabilities in North Korea are very, very limited. What do I mean by very, very limited? I think it is fair to say that our ground intelligence, the intelligence we have on the ground in North Korea, to get us a kind of military information or economic information, that so, so we can assess where North Korea is gong, is very limited, if almost nonexistent. Our primary source of information from North Korea is satellite reconnaissance. But satellite information is only good if there is good weather. It is not good if there is bad weather, and it does not work very effectively with tunnels, and I am going to talk about the tunnels here in a few minutes.

So Madam Speaker, we are dealing with a society that is unpredictable, we are dealing with a society that has a very tight control of its people, we are dealing with a society in North Korea where the citizens of North Korea really have had no exposure to the outside world and do not understand the ramifications, I think, of a nuclear confrontation or any kind of confrontation on the Korean Peninsula. We are dealing with a population who has had drilled in their heads since they were able to understand their language, drilled over, and over, and over again, that the Korean Peninsula must be reunited with their generation. What does "with their generation" mean? We do not know.

Let us make some military comparisons so that we have an idea exactly what we are talking about in regard to North Korea and South Korea. First of all, as I mentioned earlier, the United States of America has about 35,000 about 35,000, American troops in South Korea. The South Koreans have about 600,000. This is give or take a couple thousand, 600,000 troops. So we have got about 630,000 troops, military troops, in South Korea.

In addition to that, Madam Speaker, we have got reinforcements in Japan, in Okinawa, and of course we are able to move carrier fleets or move carrier deployment forces around in the Yellow Sea, in the Sea of Japan.

So, the North Koreans have exactly double that. They have 1,200,000 troops, and what is interesting about these 1,200,000 troops and what is of concern to all of us is that 70 percent of North Korea, 70 percent of their forces, are on the DMZ, right in this area here.

I say to my colleagues, "As you can see from our map over here, the armored forces, the mechanical corps over there and the various military functions in brigades and battalions that we have got near the DMZ; so 70 percent of the North Korean forces are on the DMZ."

Now, Madam Speaker, the DMZ is about a 3-mile neutral zone. It is about 3 miles wide. Along with the troops that are along there North Korea has a very sophisticated ballistic delivery missile system.

Now my colleagues have often heard in the last week or two about, well, North Korea has nuclear weapons. We do not believe that they have the capability at this point. They have not armed these ballistic missiles that are close to the DMZ or certainly within striking distance of Seoul, South Korea, that they are armed with nuclear missiles. They do not need to be armed with nuclear missiles. They can be armed with conventional missiles because the most likely and the most obvious target to hit in a military conflict is the community which is 35 miles away from their missiles or 40 miles away from their missiles which has one-half of their opponent's population and one-half of the economy of the entire country.

In addition to the ballistic missile systems, in addition to having an advantage of the troops, a two-to-one advantage, North Korea also has substantial means to sustain, to initiate and to sustain, chemical warfare.

Let us go over a few other things that they have in comparison. Now I have mentioned to my colleagues the chemical weapons. They have a large arsenal of tanks. Their tank forces are probably three times the armored car forces, are probably three times what South Korea has. North Korea has a very substantial tank force. The one area that South Korea and the United States on the ground in South Korea clearly outdo the North Koreans on is air superiority, but air superiority from the South, by the South over the North, has to be discounted for a couple of reasons:

No. 1, remember the mountainous conditions and the weather conditions. It is very difficult to carry out air superiority missions with tough weather, with the kind of weather, for example, that we have in the Colorado mountains and the kind of mountain peaks.

The other problem is that the North Koreans have one of the most sophisticated tunnel systems in the world. There are a number of tunnels. We have discovered three tunnels, I believe, that we have been able to dig up, and through hearing devices and so on we have discovered that those tunnels are large enough to move troops at a capacity of 10,000 troops an hour. Those tunnels are deep enough that the conventional weapons, with the estimates that we have and the professional opinions, that the weapons that we would use would not be able to destroy those tunnel systems.

So, air superiority is important. We could bring in additional air enforcement from Japan, and of course, if we have a carrier deployed in the area, we could bring in air enforcement from that. So, on air superiority we clearly have an advantage, but, when it comes to armored service vehicles, surface to surface vehicles, North Korea has twice as many surface to surface missiles as we have in South Korea.

They have got 2,400 multiple rocket launchers. We have got 114 of those multiple rocket launchers. They have got 800 surface to air missiles, 800 surface to air missiles. We have got 250 in South Korea.

I think it is clear, and even the people who disagree as to the policy that we should follow on the Korean Peninsula, even those people, I think, agree that we do not have the proper equipment, that we are not properly prepared in South Korea to handle, for example, a chemical attack, and frankly, if North Korea launched a military conflict and hit their most obvious target, Seoul, they would throw that country into immediate chaos.

□ 2300

There have been military estimates that say, and it is a recent study that came out about 2 years ago from our own defense papers—and I am not telling you a secret, these are public documents—that said we could lose the peninsula in as short a period as 2 weeks.

One of the difficulties, of course, if a military conflict were launched, would be we would need to bring reinforcements down through this area, and you would have large numbers of people that survived the attack on Seoul heading in this direction, blocking up roads, and so on, and preventing the kind of reinforcement that we would need to bring up through South Korea.

Another interesting thing is that North Korea not only has twice the number of military troops that we have in South Korea down here, but they also have 10,000 special forces. That is one of the largest numbers of special forces of any country in the world.

North Korea also has submarines. They have got what they call two-man submarines. Their purpose would be to drop those subs in areas like this where they could go in to Pusan, for example, and mine the harbor.

So we face a real challenge in regard to reinforcements. Now, if an attack were to take place against South Korea, let me compare that type of military conflict with the kind of military conflict we had when Kuwait was overtaken by Iraq.

When Iraq overran Kuwait, we knew for a period of time that Iraq was moving large numbers of military forces towards Kuwait. We had several weeks warning that a conflict was about to occur. And after Iraq took Kuwait, we had several months to move over our military forces, to set up military hospitals, and to prepare for a major conflict. Several months.

Keep this in mind. If a conflict were to begin or be initiated by North Korea, we believe that we would have about a 24-hour notice. About a 24-hour notice. If North Korea launched a military attack against South Korea, they would throw at South Korea everything they have. And the most devastating things, of course, would be those missiles and the chemical warfare.

If in fact that study is correct that they could push us off the peninsula within a 2-week period of time, it would take us months and months, probably 400,000 American soldiers, to come back and mount a counteroffensive.

We are facing a very dangerous situation on the Korean peninsula.

Let us talk for just a minute or two about the nuclear issue. That seems to be what has spurred on the latest brinkmanship in regard to the issue over there.

First of all, there is the Central Intelligence Agency, and I think now it is the majority opinion in the intelligence community, that North Korea does in fact possess at least one nuclear weapon. Now, a lot of people say, well, you know, is North Korea going to use that nuclear weapon? Are we afraid of them using that weapon?

North Korea would be very, very foolish to use one nuclear weapon or two nuclear weapons. My concern, personally, I am not concerned that North Korea is going to use a nuclear weapon. I am concerned that North Korea is going to sell the nuclear weapon.

Every weapons system that North Korea has developed, they have sold to other countries. Obviously they keep some back for themselves. But the relationships, for example, between North Korea and—are substantial. And I think it is very clear that if North Korea is able to develop these nuclear weapons, or if in fact they have the nuclear weapons, the next step in their program would not be to deploy a nuclear weapon against South Korea, not use a nuclear weapon in South Korea or against the United States. They do not have to. Seoul, South Korea is 35 miles away. Hitting that with a conventional ballistic missile is like dropping a penny in a glass of water when you hold it half an inch above the glass. You do not need a nuclear weapon.

Our danger is and the problem with proliferation is, No. 1, an arms race in this Asian hemisphere, and No. 2, that North Korea would begin selling these nuclear weapons to other countries.

About a year ago, well, some time ago, North Korea agreed to join as one of the parties to what is called the Nonproliferation Agreement. About a year ago North Korea indicated that it was going to pull out of the Nonproliferation Agreement. This came as a result of inspections under this agreement. The countries are entitled to inspect the other countries, peer inspection, peer enforcement for example. And North Korea hesitated and then went from hesitation to pure refusal to allow these inspectors to come to see whether or not North Korea was developing nuclear power for a military type of weapon.

So for about the last year and a half, North Korea has gone to the brink, said they are going to pull out of the nonproliferation agreement. Then they back off, then they come back up to the brink again, and then they back off. And most recently, about seven weeks, ago, they said all right, we are going to allow the inspectors in.

Our President, this administration, agrees to withdraw Team Spirit. Team Spirit is the exercise by the way, the drill between South Korea and the United States, a military exercise called Team Spirit. Our President agrees to suspend Team Spirit. This is after he told North Korea that they can never obtain a nuclear weapon, on the premise that North Korea will allow these inspections.

North Korea says we will allow you to come in and inspect our nuclear sites, that is, we will allow you to come in and inspect seven of the sites, but we will not allow you to inspect the two suspicious sites.

It is kind of like drug enforcement people come into your house, to a drug dealer's house, let's say, and saying we have got a search warrant for your house. And the drug dealer says that is fine, you can look in five of the rooms, but do not look in those two rooms. Then when you go out, certify to the court I am in full compliance with the search warrant. That is what North Korea has done.

So the inspectors went over there last week, and, as many of you know who have read the paper, the results are that North Korea has refused to cooperate. The inspectors have left and certified they cannot certify that North Korea is in compliance with the nonproliferation agreement. And that brings us up to today.

The IAEA, remember those initials, IAEA is the group that is in charge from the United Nations to enforce the nonproliferation agreement. The IAEA yesterday referred the matter to the United Nations Security Council for further follow-up by the United Nations Security Council.

Well, what is going to be the diplomatic approach? What diplomatically have we done to try and quiet this situation down?

We do not want a conflict on the Korean peninsula. On the other hand, while we think about not wanting a conflict, we must also remember that the only way that you can negotiate with North Korea is through a position of strength. The North Koreans are very bright and very capable people. They sense a sign of weakness very quickly, and they snap on it and they take advantage of it. If you show weakness, if our administration uses a carrot approach, goes up to North Korea and says let's make a deal, tonight is the night to make a deal, if they sense negotiating space, they are going to push you as far as they can push you.

So we have to determine what kind of an approach is going to be necessary to force North Korea into compliance with the nonproliferation agreement and to minimize the threat against South Korea.

We need to talk about deterrence. When we had the cold war with the Soviet Union, we were able to have peace for a number of years through a policy of deterrence. And what is deterrence and what does it require?

Deterrence means I have got a gun, you have got a gun. If I shoot my gun, you will shoot your gun, and we are going to kill each other. It does not make any sense. So you do not fire your gun, I do not fire my gun, but we both know that if the other person does fire their gun, I can respond in a like manner.

So that is deterrence. You stop a bomb with a bomb. You stop a missile with a missile. And in the cold war, it was fairly effective. It kept us at peace, although it was a very tenuous peace. It kept us at peace during all those years with the Soviet Union.

But what is necessary for deterrence to work? First of all, you have got to have communication with the party on the other side. Second of all, the party on the other side has to be rational. Third of all, you have to be very familiar with the citizens, with the economic structure, with the infrastructure, with the military structure of the country you are dealing with.

With North Korea, we do not meet any of those circumstances. We are not very familiar with what goes on in the society, because it is a very closed society. It is the most unpredictable society, unpredictable government under Kim Il-Sung, in the world. And we are not able to communicate, obviously, very effectively with North Korea.

So is deterrence going to work? I do not think deterrence is going to work. And I think it is demonstrated in a very small way when those 20 commandos tried to take the Blue House and were killed. They fought to the very last man, even though they knew they could not accomplish their goal. They refused to surrender. Death was better than surrender.

□ 2310

This is not a rational thinking country. They are not crazy. They just do not have the kind of philosophy that we do. They are very, very unpredictable. So I do not think deterrence is going to work.

What then are the answers that we should look at while we approach or while we go down a diplomatic type of path? You need to have defense. There is a difference between deterrence and defense. If deterrence does not work, then you need to put in some strong ingredients of defense.

What do we need to do for defense? You have heard about it for several months. This administration, mark my word, look at the papers, look at Time, Newsweek, any of the periodicals, Wall Street Journal that you read, you will see that back in about November the administration said North Korea must never have a nuclear weapon. That now has been softened, and you will see also during that period of time that there was an attempt to deploy Patriot missiles. Then South Korea, who is very concerned, remember, South Korea is the one that has the most to lose. They face a nuclear attack, a possibility of one, although, as I said, I do not think the North Koreans are going to use the nuclear weapon. I think they will sell the nuclear weapon. They face devastation of their economy, devastation of their capital city and just a re-picture of the Korean War. So South Korea does not want to irritate North Korea. On the other hand, they understand the threat is coming to them. Months ago, we were intending to deploy what is called the Patriot missile. The Patriot missile was the missile that got all the publicity in the Iraq war. It is our best known defense against ballistic missiles with conventional warheads.

So the Patriot missile deployment was to take place several months ago. All of a sudden the defense, remember, we have been downsizing. Every time we downsized in South Korea, North Korea took a step up. So we took off our tactical weapons off the Korean Peninsula, and we canceled Team Spirit several years ago.

Now we are trying to bring the Patriot missile back. We have a very basic obligation to our troops, to those 35,000 American soldiers, to those 11,000 military family members, to those 14,000 U.S. citizens. We have a very basic obligation to provide for them a maximum defense force. That includes deployment of the Patriot missiles.

This week, finally, we are going to ship Patriot missiles, 150 to 200 Patriot missiles. They will be leaving Fort Bliss, Texas on a ship. They should be in place in about 30 to 45 days. That will help. It will not stop a ballistic missile attack.

In addition to that, what else should we do to put in proper defense? There are a couple options that I think we need to take. One of the options would be to provide additional radar. We have a good deal of radar along the DMZ and we can observe the actions that are being taken by the North Koreans. The difficulty is if there were a conflict that were to arise, I think it is safe to assume that several of those radar stations would be taken out immediately as a result of the conflict. I think we need to deploy AWAC aircraft, which can provide us with the necessary radar.

In addition to that, I think that we should deploy a carrier attack force, simply as a defensive tool down in the Korean Strait, down in this area here.

Along with these deployments, I think we need to put in a force of Apache attack helicopters. What is the Apache helicopter? It is an offensive weapon, but it is also a defense weapon. It is our most effective weapon against tanks. Remember, earlier in my discussion I told you that South Korea is greatly outnumbered, probably 5 to 1, by tanks. We have to have some type of defense in South Korea to stop the tank invasion should that take place, and the answer to that is the Apache attack helicopter.

So let us review where we are. We realize that a deterrence will not be effective on the Korean Peninsula, so we have to move into the doctrine of defense. In order to move into the doctrine of defense, we need to deploy several things. One, we need to have a carrier task force off the shores of Korea, simply as a defensive measure. Two, we need to deploy the Patriot missile. That actually is being done right now as we speak. They are being prepared to be shipped out of Fort Bliss, Texas. We need to bring in the Apache attack helicopter.

Furthermore, we need to equip our troops with the best equipment we have got as well as the South Korean troops in preparation for chemical warfare. The United States does not use chemical warfare, but we must be prepared to defend against it. Because you can imagine, you can bet that North Korea will fully use chemical warfare.

Using those kind of things, I think then we can defensively protect ourselves. Then we need to look and say, What options are available to us through a diplomatic approach? It is, after all, our goal to have a diplomatic settlement to the crisis that we now have on the Korean Peninsula.

There are a couple things that we can do. First of all, we need to talk tough with the country of China. China has a good trade relationship with the United States. They enjoy Most Favored Nation status.

I think China will be cooperative with us. I do not think that the policy of sanctions will work. First of all, you have the issue, will China cooperate, will they veto any type of sanctions by the United Nations.

They probably will not veto it or, if they do not veto it, will they abstain from it. And if they abstain from it and the United States invokes sanctions, will China help enforce them.

You realize that the largest border of North Korea is the border they share with China. I went through earlier with you the percentage, the high percentage of food, the high percentage of oil, and the high percentage of heating coal that comes from China to North Korea. If you do not have China's full cooperation with sanctions, sanctions will not work.

I think we have some leverage on the Most Favored Nation status, which we are now negotiating back in the United States Congress. I think that we have some negotiating room there to talk to China, to talk to North Korea.

In addition, what is interesting is out of the country of Japan. There are large numbers of people who live in Japan who are dependents from North Korea. They contribute about a billion dollars in hard cash every year, private contributions out of Japan as contributions to North Korea.

We have an obligation to protect Japan. I think we need to send a message to Japan that says, if you expect us to provide defense for your country, which is exactly what you are going to expect, if any kind of conflict occurs on the Korean Peninsula, you need to stop sending a billion dollars a year up to North Korea.

What about the other options that the United Nations can pursue. I think it is important for our President, and I think this is what the Administration intends to do, to have a strong message sent by the world to North Korea that this type of misbehavior will simply not be tolerated. I said to you that I do not believe sanctions are going to work.

There is another option that has come up. I have had several people say to me, SCOTT, why do we not make a preemptive strike. Why do we not go up and strike. We know that over here at Yongbyon is where we think some of the nuclear facilities are. We know where the suspect sites are. Why do we not launch a preemptive attack and take those nuclear facilities out.

Any kind of preemptive attack along that line would be foolish. First of all, in order to penetrate the kind of depth that you have in the tunnel systems and so on, you would have to set those nuclear weapons off in the air. The radiation, the winds that blow blow just this direction. And you could very easily float radiation down into South Korea, the very country you are trying to protect, as well as into Japan.

In addition to that, as you know, I mentioned earlier that it is very difficult, with the type of weapons we have, if not impossible, to penetrate the kind of tunnels that they have in North Korea. So if we launched an attack and if we did not use weapons that set off radiation, would be able to penetrate the storage facilities where these nuclear weapons may be.

The answer to that is no. Our chances of success in a unilateral or a preemptive attack are almost zero.

It would be foolish to undertake that.

□ 2320

Let us step back. Where are we as far as the diplomatic approach? The President has made it clear, but I think he needs to continue to enforce it, and I think he needs to speak to the American people and say, "Any kind of military action initiated by North Korea is the same as an attack initiated against the United States of America."

The President needs to speak strongly to North Korea. Remember, North Korea understands strength. The President needs to say, and the administration needs to send the message, that we intend to fully defend South Korea. That requires that we send over defensive weapons.

The Patriot missile is not an offensive missile, it is used for defensive purposes. The apache helicopter is used for the defensive purpose of stopping those tanks. The chemical warfare defensive equipment we are sending over there is to defend our troops and South Korean troops against chemical warfare by North Korea.

We need to make it very clear and we need to deploy immediately. We have that obligation to deploy immediately those types of defense weapons as we pursue the diplomatic approach. In addition, remember the steps: We need to make a demand on Japan that the private contributions out of Japan stop, and we need to work with China through the MFN negotiations or any other type of procedure we are able to use to get China's cooperation in trying to contain North Korea.

Let me summarize by saying this. North Korea, in my opinion, is the most precarious international situation that our country faces today. I hope all of the Members, and our constituents throughout this fine country, find it upon themselves to discuss North Korea at their dinner table, to understand what the ramifications are of any kind of conflict in North Korea, and even if we did not have a conflict on the Korean Peninsula, what the ramifications are of nuclear proliferation over is Asia. You need to discuss with your families the commitment we have and the reason we have that commitment.

If we have a nuclear arms race in Asia, we will face problems that will dwarf this problem in the future. It is important not to overestimate and not to overreact to North Korea's words. Two days ago, North Korea said that Seoul will burn in fire. Today they said the deployment of the Patriot missiles is as if it is a declaration of war.

North Korea uses that kind of colorful language. We have to be careful not to let them overreact. We have to be careful we do not overreact, but we must act. We must prepare defensively in case a military conflict were to occur, even though at the same time we are pursuing diplomatic solutions to the problem. Obviously, diplomatic solutions are what we want to work, but if they do not work, we have to be prepared.

Madam Speaker, I intend over the next few weeks to continue to try and update all of the Members on what I believe is going on in the Korean peninsula, what I think is important for us to consider. This is not a problem that is going to go away next week, it is not a problem that is going to go away next year. We are into a long-time commitment to resolve a long-term problem. It is incumbent upon all of us to know as much and to learn as much about Korea as we can, and to understand the circumstances of a military conflict, to understand the necessities of a military defense over there, and to try and figure out as a collective body which is the best diplomatic approach, in combination with the administration, to bring peace, or at least continued negotiations, on the Korean Peninsula.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. MEEK of Florida (at the request of Mr. GEPHARDT) for today before 5 p.m., on account of personal business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BACHUS of Alabama) to revise and extend their remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, today.

Mr. MICHEL, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. JACOBS, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. RICHARDSON, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BACHUS of Alabama) and to include extraneous matter:)

Mr. SOLOMON.

Mr. GILMAN in two instances.

Mr. BURTON of Indiana.

Mr. DORNAN.

Mr. BATEMAN.

Mr. SAXTON.
Mr. SMITH of New Jersey.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mrs. THURMAN.
Mr. GONZALEZ in three instances.
Mr. GEJDENSON.
Mr. STARK in two instances.
Mr. SWIFT.
Mrs. KENNELLY in two instances.
Mr. BONIOR.
Mr. FOGLIETTA.
Mr. MANTON.
Mrs. MALONEY.
Mr. HOYER.
Mr. SWETT.
Mr. KLEIN.
Mr. HOCHBRUECKNER.
Mr. GUTIERREZ.
Mr. BEVILL.
Mr. SWETT.
Mr. TOWNS.
Mr. JACOBS.
Mr. HAMILTON in two instances.
Mr. MENENDEZ.

(The following Member (at the request of Mr. MCINNIS) and to include extraneous matter:)

Mrs. FOWLER.

## ADJOURNMENT

Mr. MCINNIS. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 25 minutes p.m.) under its previous order, the House adjourned until Wednesday, March 23, 1994, at 11 a.m.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows.

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs, H.R. 3841. A bill to amend the Bank Holding Company Act of 1956, the Revised Statutes of the United States, and the Federal Deposit Insurance Act to provide for interstate banking and branching; with an amendment (Rept. 103-448). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 395. Resolution providing for consideration of the bill (H.R. 4092) to control and prevent crime (Rept. 103-449). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CASTLE:

H.R. 4103. A bill to codify regulations restricting the sale and donation of excess firearms owned or held by Federal agencies; to the Committee on Government Operations.

By Mr. HOLDEN (for himself and Mr. MCMILLAN):

H.R. 4104. A bill to suspend until January 1, 1996, the duty on certain chemicals; to the Committee on Ways and Means.

By Mr. JACOBS (for himself, Mrs. KENNELLY, Mr. BUNNING, Mr. HOUGHTON, and Mrs. MEEK of Florida):

H.R. 4105. A bill to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act; to the Committee on Ways and Means.

By Mrs. KENNELLY:

H.R. 4106. A bill to amend the Internal Revenue Code of 1986 to exclude national service educational awards from gross income; to the Committee on Ways and Means.

By Mrs. MINK of Hawaii:

H.R. 4107. A bill to amend the Radiation Exposure Compensation Act to remove the requirement that exposure resulting in stomach cancer occur before age 30, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER:

H.R. 4108. A bill to prohibit contingency fees in lobbying; to the Committee on the Judiciary.

H.R. 4109. A bill to prohibit contingency fees in lobbying; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 4110. A bill to provide for the imposition of enhanced criminal penalties for carrying a firearm during and in relation to a crime of violence; to the Committee on the Judiciary.

By Mr. SWIFT (by request):

H.R. 4111. A bill to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GEKAS (for himself, Mr. MONTGOMERY, Mr. DELLUMS, Mr. SOLOMON, Mr. FILNER, Mr. FROST, Mr. WILSON, Mr. FALEOMAVAEGA, Mr. KING, Mr. DORNAN, Mr. PARKER, Mrs. THURMAN, Mr. LIPINSKI, Mr. HUTTO, and Mr. KASICH):

H.J. Res. 343. Joint resolution to designate each of the months of May 1994 and May 1995 as "United States Armed Forces History Month"; to the Committee on Post Office and Civil Service.

By Mr. MORAN (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. FURSE, Mr. OLVER, Mr. MILLER of California, Ms. WOOLSEY, Mr. STUDDS, Mr. ANDREWS of Maine, Mr. FILNER, Ms. NORTON, Mr. MARTINEZ, Mr. WHEAT, Mr. EDWARDS of California, Mr. FAZIO, Mr. FARR, Mr. YATES, Mr. GEJDENSON, Mr. CONYERS, Mr. RUSH, Ms. VELÁZQUEZ, Mr. MEEHAN, and Mr. ANDREWS of Texas):

H. Con. Res. 229. Concurrent resolution expressing the sense of the Congress that any national comprehensive benefit package that results from health care reform legislation should cover the full range of reproductive health services for women; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. GEPHARDT (for himself and Mr. MICHEL):

H. Res. 394. Resolution to express the sense of the House that Congress has a constitutional obligation to conduct oversight of matters related to the operation of the government; considered under suspension of the rules and agreed to.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 291: Mr. WILSON, Mr. LEVY, Mr. EWING, Mr. SCHIFF, Mr. GREENWOOD, and Mr. MCHALE.

H.R. 326: Mr. CARR and Mrs. SCHROEDER.

H.R. 431: Mr. FILNER.

H.R. 485: Ms. LAMBERT.

H.R. 794: Mr. TORKILDSEN and Mr. THOMPSON.

H.R. 830: Mr. HOYER.

H.R. 911: Mr. STEARNS.

H.R. 963: Mr. ROSE.

H.R. 1086: Mr. HILLIARD and Mr. MCDADE.

H.R. 1106: Mr. BERMAN, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. OLVER, Ms. VELÁZQUEZ, and Ms. WOOLSEY.

H.R. 1120: Mr. POMEROY.

H.R. 1517: Mr. ROMERO-BARCELO.

H.R. 1596: Mr. BOEHNER and Mrs. MORELLA.

H.R. 1718: Mr. DURBIN and Ms. WATERS.

H.R. 1900: Mr. PAYNE of New Jersey.

H.R. 2670: Mr. BARLOW, Ms. FURSE, Mr. HUGHES, Mr. NADLER, Mr. FORD of Michigan, Mr. FINGERHUT, Mr. DEUTSCH, Mr. FISH, Mr. STUDDS, Mr. LIPINSKI and Mr. BATEMAN.

H.R. 2681: Mr. FOGLIETTA, Mr. QUINN, Mr. CLYBURN, Mr. BOEHLERT, and Mr. LAFALCE.

H.R. 2710: Mr. ACKERMAN, Mr. DEFAZIO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PASTOR, and Mr. SCHUMER.

H.R. 2959: Mr. BLILEY, Mr. CAMP, and Mr. CALVERT.

H.R. 3017: Ms. FURSE and Mr. BACCHUS of Florida.

H.R. 3039: Mr. LEWIS of California, Ms. SHEPHERD, Mr. CRANE, and Ms. ROS-LEHTINEN.

H.R. 3076: Mr. SHAYS.

H.R. 3203: Mr. STUDDS.

H.R. 3288: Mr. HOEKSTRA.

H.R. 3293: Mr. THOMPSON.

H.R. 3328: Mr. PASTOR and Mr. GILCHREST.

H.R. 3367: Mr. RAVENEL and Mr. BLILEY.

H.R. 3392: Mr. TRAFICANT, Mr. GALLEGLY, and Mr. DICKEY.

H.R. 3407: Mr. SARPALIUS, Mr. KINGSTON, Mr. SMITH of Iowa, and Mr. HOBSON.

H.R. 3434: Mr. LIPINSKI and Mr. REYNOLDS.

H.R. 3472: Mr. KING and Mr. LEVY.

H.R. 3486: Mr. RAVENEL, Mr. COMBEST, Mr. CRAMER, Mr. CLEMENT, Mr. LEVY, Mrs. VUCANOVICH, Mr. HALL of Ohio, Mr. MONTGOMERY, Ms. PRYCE of Ohio, Mr. KNOLLENBERG, Mr. PETE GEREN of Texas, Mr. YOUNG of Alaska, and Mr. HOEKSTRA.

H.R. 3614: Ms. SHEPHERD.

H.R. 3624: Mr. SUNDQUIST and Mr. GOODLATTE.

H.R. 3627: Mr. ORTON, Mr. WYDEN, Mr. EDWARDS of California, Mr. FINGERHUT, Mr. FRANK of Massachusetts, Ms. SHEPHERD, Mrs. UNSOELD, Mr. JOHNSTON of Florida, Mr. KREIDLER, Mr. INSLEE, Mr. MCDERMOTT, Mr. MCCLOSKEY, and Ms. ESHOO.

H.R. 3656: Mr. UPTON, Mr. BILBRAY, Ms. MOLINARI, Mr. FILNER, Mr. WAXMAN, Mrs. BYRNE, and Mr. CALVERT.

H.R. 3685: Mr. KING, Mr. HEFLEY, and Mrs. THURMAN.

H.R. 3706: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. NEAL of North Carolina, and Ms. ROYBAL-ALLARD.

H.R. 3814: Mr. DOOLITTLE and Mr. PAXON.

H.R. 3900: Mr. BARRETT of Nebraska, Mr. HOYER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LANCASTER, Mrs. LLOYD, Mr. MONTGOMERY, Mr. RUSH, and Mr. WHEAT.

H.R. 3923: Mr. KOPETSKI.

H.R. 3949: Mrs. BENTLEY.

H.R. 3951: Mr. SARPALIUS, Mr. CHAPMAN, Mr. SISISKY, Mr. HOEKSTRA, Mr. SPENCE, and Mrs. LLOYD.

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H.R. 3955: Mr. Moran and Mr. Kyl.

H.R. 3967: Mr. Murphy, Mr. Lipinski, Mr. DeFazio, Ms. Danner, Mr. Dickey, Mr. Hansen, Mr. Thomas of Wyoming, Mr. Holden, Mr. Barlow, Mr. Johnson of South Dakota, Mr. Doolittle, Mr. Hefley, Mr. Klein, Mr. Allard, and Mr. Hughes.

H.R. 3990: Mr. Bonior, Ms. Dunn, Mr. Hinchey, and Mr. Slattery.

H.R. 3993: Mr. Fields of Texas, Mr. Johnson of South Dakota, Mr. Cunningham, and Mr. Lewis of Florida.

H.R. 4024: Mr. Moran.

H.R. 4036: Ms. Molinari.

H.R. 4041: Mr. Saxton.

H.R. 4050: Mr. Frank of Massachusetts.

H.R. 4062: Mr. Barrett of Wisconsin, Ms. Furse, and Mr. Andrews of Maine.

H.J. Res. 122: Mr. Rogers.

H.J. Res. 253: Mr. Scott, Mr. Fields of Louisiana, Mr. Lewis of Georgia, Mr. Calvert, Mr. Gallo, Mr. Becerra, and Mr. Smith of Iowa.

H.J. Res. 302: Mr. Reynolds and Mr. Blackwell.

H.J. Res. 303: Mr. Borski, Mrs. Mink of Hawaii, Mr. Serrano, Ms. Byrne, Mr. Swett, and Mr. Mineta.

H.J. Res. 318: Mr. Bartlett of Maryland, Mr. Lewis of California, Mr. Gingrich, Mr. McDade, Mr. Valentine, Mr. Blute, Mr. Payne of Virginia, Mr. Bacchus of Florida, Mr. Hilliard, Mr. Dornan, Mr. Beilenson, Mrs. Meyers of Kansas, Mr. Synar, Mr. Pastor, Mr. Sisisky, and Mr. Ballenger.

H.J. Res. 320: Mr. Neal of Massachusetts, Mr. Kasich, Mr. Boehlert, Mr. Torkildsen, Mr. Hilliard, Mr. Klein, Mr. King, and Mr. Wynn.

H.J. Res. 333: Mr. McCloskey, Mrs. Bentley, Mr. Barrett of Wisconsin, Mrs. Meek of Florida, Mr. Clyburn, and Mr. Gejdenson.

H.J. Res. 335: Mr. Saxton, Mr. McHugh, Mrs. Bentley, Mr. Bishop, Mr. Callahan, Mr. Borski, Mr. Lewis of Georgia, Mr. de Lugo, and Mr. Kasich.

H. Con. Res. 98: Mr. Swift, Mr. Doolittle, Mr. Wynn, Mr. Minge, Mr. Hoagland, Mr. Wolf, Mr. Cunningham, Mr. Deal, and Mrs. Lloyd.

H. Con. Res. 110: Mr. Goodlatte, Ms. Pryce of Ohio, Mr. Thomas of Wyoming, Mr. Hefner, Mr. Klug, Mr. Dornan, and Mr. Richardson.

H. Con. Res. 122: Mr. Carr and Mr. Franks of Connecticut.

H. Con. Res. 138: Mr. Kyl, Mr. Porter, Mr. Rangel, and Mr. Borski.

H. Con. Res. 147: Mr. Holden.

H. Con. Res. 199: Mr. Barton of Texas, Mr. Dreier, Mr. Baker of California, Mr. Doolittle, Mr. Abercrombie, Mr. Volkmer, Mr. Pete Geren of Texas, Mr. Taylor of Mississippi, Mr. Stenholm, Mr. Gunderson, Mr. Lightfoot, Mr. Michel, Mrs. Johnson of Connecticut, Mr. Ewing, Mr. Torkildsen, Mr. Quillen, Mr. Thomas of Wyoming, Mr. Inhofe, Mr. Shaw, Mr. Tejeda, and Mr. Fingerhut.

H. Res. 122: Mr. McCrery and Mr. Torricelli.

H. Res. 202: Mr. Cramer.

H. Res. 368: Ms. Slaughter, Mr. Sanders, Mr. King, Mr. Moakley, Mrs. Morella, Mrs. Lloyd, Mr. Burton of Indiana, Ms. Danner, Mr. Edwards of California, Mr. Frank of Massachusetts, and Mr. Reynolds.

H. Res. 383: Mr. McHugh, Mr. Ewing, Mr. Barton of Texas, Mr. Kolbe, Mr. Ballenger, Mr. Dornan, and Mr. Clinger.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4041: Mr. Paxon.

## AMENDMENTS

Under clause 6 of rule XXII, proposed amendments were submitted as follows:

### H.R. 4092

By Mr. MANZULLO:

—Page 233, after line 8, add the following:

**SECTION. . BENEFITS FOR CHAPLAINS.**

(a) In General.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by redesignating paragraphs (2) through (7) as (3) through (8), respectively;

(2) by inserting after paragraph (1) the following:

"(2) chaplain means any individual serving as an officially recognized or designated member of a legally organized volunteer fire department or legally organized police department, or an officially recognized or designated public employee of a legally organized fire or police department who was responding to a fire, rescue, or police emergency."; and

(3) in paragraph (8), as redesignated by paragraph (1) of this Act, by striking "or rescue squad or ambulance crew" and inserting "rescue squad or ambulance crew, or chaplain".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and shall apply to injuries or deaths that occur in the line of duty on or after such date.

# EXTENSIONS OF REMARKS

## EXAMPLE 5,734 ON WHY WE NEED NATIONAL HEALTH CARE REFORM

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mr. STARK. Mr. Speaker, In the last several years, I bet I have read 5,734 or more letters from Americans giving good, specific examples of why we need health care reform.

I've put a score or so in the RECORD—but the examples really are countless. And unless we act, they will be endless.

The following letter is from Mr. Sam Alex Bezanis of Chicago. His monthly insurance was $489 a month in 1989. In 9 days, it will rise to $973.10 per month. He desperately needs health insurance—but he also needs to eat and keep a roof over his head. At these ever-inflating insurance rates, it is an impossible task.

Mr. Speaker, we are all in this together as a society, and we should enact open enrollment, community rates insurance so that the Sam Bezanis's of the world—which could be any one of us at a moment's notice—have a fighting chance.

MARCH 9, 1994.

Hon. FORTNEY "PETE" STARK,
*Chairman, Health Subcommittee, House of Representatives, Washington, DC.*

DEAR CHAIRMAN STARK: At 56 years of age I've struggled since age 23 to keep myself alive, well, and a productive member of society and tax payer. I suffer from coronary artery disease and familia hypercloserterima, an inherited disorder, requiring LDL apheresis once every second week superimposed on a drug regime.

My very existence is now threatened because my insurance coverage which was $489.00 per month in 1989 is now $869.10 per month and is increasing by 12% in April of 1994. I do not have the financial resources to continue paying the $869.10 let alone $973.10 in April.

This being the case I started looking for alternate types of coverage.

Following are the reasons I cannot buy coverage, pursuant to the insurance and managed care companies:

1. I am an individual—I knew that—not a group and do not belong to a group.
2. I am too old.
3. Two preexisting conditions.
4. Any employer I've talked to about employment will not offer insurance because I'd be a liability to the existing group.

The long and short of it is that I'd have to attain the financial status of poverty disposing of assets etc., in order to be eligible for Federal or state medical insurance and then there would be no prescription drug coverage.

As one of the elected officials serving on this committee I sincerely hope you can put aside party differences and politics and make a significant contribution to the citizens of the United States by drafting a truly equitable and affordable health care plan.

I'd like to hear your thoughts for a solution to my immediate problem and you plans for a comprehensive health care plan.

Sincerely,

SAM ALEX BEZANIS.

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## TRIBUTE TO FREDERICA GRAY

### HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mrs. KENNELLY. Mr. Speaker, today I would like to honor an outstanding individual who has made a great contribution to the assurance of rights and opportunities for women in Connecticut and the Nation, Frederica K. Gray.

As executive director of the State of Connecticut Permanent Commission on the Status of Women, Frederica Gray has worked diligently and successfully toward the elimination of sex discrimination and the improvement of economic and social opportunities for all women. She has been instrumental in developing public policy and programs to improve the status of women through numerous boards, commissions, and councils, and has been an effective liaison between the executive and legislative branches of State government.

Frederica Gray has been a strong voice on behalf of women's rights, opportunities, and accomplishments in many forums, including universities, government panels, international conferences, and the media. She has been the recipient of numerous awards at the city, State, and national levels, including a doctorate in humanities honoris causa through Briarwood College. She is the author of numerous publications concerning the status of women.

Frederica K. Gray is a bastion of strength for all citizens of Connecticut and the Nation. I join many others in honoring her accomplishments and in extending my very best wishes for her future endeavors.

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## TRIBUTE TO WILLIAM H. "BILL" WYNN

### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mr. BONIOR. Mr. Speaker, today, I would like to pay tribute to one of the giants of the labor movement who has recently been forced to step down as president of one of this Nation's great unions due to on-going health problems. William H. "Bill" Wynn, the longtime president of the United Food and Commercial Workers International Union leaves a legacy of unparalleled leadership. Serving as the UFCW's first—and until his retirement earlier this year—only president, he built this now 1.4 million member union into one of the Nation's largest, most innovative, and effective labor organizations.

Wynn, who was elected international president of the Retail Clerks International Union in 1977, was the principal architect of two key mergers—one that gave birth to the UFCW, and one that consolidated the UFCW's strength in the retail food and food processing industries.

Wynn earned a place in labor history for crafting the landmark merger between the Retail Clerks and the Amalgamated Meat Cutters and Butcher Workmen in 1979 that formed the United Food and Commercial Workers. He was unanimously elected as president of the new union, a post he held from the UFCW's founding until February 3, 1994.

The Retail Clerks–Amalgamated Meat Cutters merger took place on the eve of the Reagan era, when a wave of anti-worker economic and political forces were unleashed on this Nation. These swept through UFCW-represented industries like a hurricane, transforming many once stable, profitable companies to debt-strapped enterprises struggling for their economic lives. The newly formed UFCW was able to fight back forcefully, with strength that neither of the former unions could have generated alone.

Wynn not only engineered the merger between the two unions at a critical time, but he also determined to make it work—and it did. Through tenacity, creativity, and a commitment to problem-solving, the UFCW did more than just survive the 1980's; it grew, thanks to Wynn's determination to aggressively meet the challenges posed by increasing non-union competition—and an unswerving commitment to organizing.

Perhaps his second greatest accomplishment was the 1993 merger between the UFCW and the Retail, Wholesale, and Department Store Union. At the time he described it as a perfect fit. Indeed it is. After all, the UFCW and the RWDSU share virtually identical jurisdictions. Also, and most importantly, this newly formed partnership makes the UFCW the largest private sector union in North America.

But Bill Wynn was more than a labor leader. He dedicated himself to promoting civil rights and affirmative action. His commitment is reflected among the UFCW's leadership ranks and professional staff, as well as in the union's special emphasis on organizing those who need a union most: low-wage and minority workers.

Bill Wynn was a consummate consensus-builder who commanded great respect. He touched the lives of millions of working families and through his leadership those lives have been improved.

For those of us who have long worked with the UFCW, and who came to know and re-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

spect Bill Wynn, we offer a heartfelt salute and our eternal respect. Bill Wynn is one man whose leadership will be sorely missed.

## RECOGNITION OF PROJECT LONG ISLAND

### HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today on behalf of the members of the Long Island, New York congressional delegation, Congressman PETER KING, Congressman DAVID LEVY, Congressman RICK LAZIO, Congressman GARY ACKERMAN, and myself, in order to recognize a new program now underway on Long Island which will enhance and improve the lives of my constituents.

"Project Long Island: A Century Council Coalition" combines in an unique partnership the efforts of public officials, law enforcement agents, media, and business and civic leaders in combating drunk driving and underage drinking problems. Through their work, Project Long Island's members design, locate, and implement model programs that are useful not only to the people of Long Island, but to the nation as well.

Project Long Island is part of a national program sponsored by the Century Council. The council is a not-for-profit organization that is committed to reducing alcohol abuse in the United States. Originally funded by 17 members of the licensed beverage industry, the Century Council receives support from over 450 brewers, vintners, distillers, and wholesalers.

Drunk driving plagues every community in our country. The battle against it must be fought on all levels. Through grassroots community action and alliance building, Project Long Island is fostering comprehensive public awareness through education initiatives in its quest to stifle this problem.

In this era of limited local resources, this kind of public-private partnership is crucial to solving the problems that affect each and every one of us. My heartfelt admiration and thanks go out to everyone who is helping to make Project Long Island a success. I believe that the work of Project Long Island will serve as an example for other communities to follow.

## IN CHALLENGE TO CONGRESS, CLINTON TO ADMIT HIV-INFECTED IMMIGRANTS

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mr. SOLOMON. Mr. Speaker, last May the American public spoke their will and the Congress enacted a law to ban the immigration of individuals infected with HIV, a deadly communicable disease of public health significance. This legislation made it absolutely clear to the White House that HIV-infected immigrants pose a threat to the health and well-being of American citizens.

Well, here it is not even 1 year after the enactment of the ban and President Clinton is poised to run roughshod over the will of people. The Clinton administration is preparing to allow HIV-infected immigrants to enter the United States to participate in the New York Gay Games in June. This directly conflicts with both the spirit and letter of the law and it is outrageous.

With all the efforts being made to prevent the spread of the AIDS epidemic, how can the President knowingly admit new sources of contagious diseases into our country? President Clinton should stop playing politics to win the approval of a few liberal organizations and start using a little common sense.

[From the New York Times, Feb. 25, 1994]

WHITE HOUSE SET TO WAIVE HIV BAN FOR GAY GAMES

WASHINGTON.—The Clinton administration is expected to waive the rule that bars foreigners with human immunodeficiency virus from entering the United States to accommodate athletes and spectators planning to attend the Gay Games in New York in June, officials in several federal agencies said Thursday.

The State Department actually took the first steps toward issuing the visas, but suspended the effort after the Justice Department said it had not yet approved the waiver.

The Department of Health and Human Services and senior officials of the Immigration and Naturalization Service are urging the Justice Department to grant the waiver, after numerous gay groups asked the administration to remove obstacles to the games. Sponsors say they expect 15,000 athletes from more than 40 countries.

Attorney General Janet Reno said Thursday that she had not yet made up her mind on the subject, a matter of great political sensitivity. But several officials said she is expected to give her approval as a way of allowing the administration to make a gesture to gay groups that have attacked Mr. Clinton over his policy on homosexuals in the military and his failure to meet a campaign promise to lift the visa restrictions permanently.

The Immigration and Naturalization Service is already developing plans on the most efficient way to grant the waivers. Under U.S. law, visas are denied to anyone with a "communicable disease of public health significance," a requirement that includes infection with HIV.

Making an already delicate situation something of a public embarrassment, the State Department sent cables on Wednesday to embassies and consulates around the world, telling them to grant blanket 30-day waivers to people attending the Gay Games.

After the Justice Department objected, the State Department said Thursday that the cables went out in error and rescinded the instructions.

"The person over at State who sent that message simply misunderstood the status of things," said Carl Stern, the Justice Department spokesman.

David M. Smith, spokesman for the National Gay and Lesbian Task Force, said, "It was a bureaucratic foulup, but there's no reason to believe that Janet Reno won't ultimately approve this request."

The Gay Games will be held from June 18 through June 25 in conjunction with a cultural festival.

## AMTRAK INVESTMENT ACT OF 1994

### HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mr. SWIFT. Mr. Speaker, I am pleased to introduce at the request of the administration through the Department of Transportation, legislation to authorize appropriations for fiscal years 1995 and 1996 for the National Railroad Passenger Corporation [AMTRAK]. The legislation reflects the commitment of this administration to intercity passenger rail service, and recognizes the need for capital investment if AMTRAK is to improve upon the services that it supplies to the traveling public.

As Secretary Pena states in his letter of transmittal, "passengers have a right to expect and receive superior service in exchange for their transportation dollar, and the expectations are all the more important because the Federal Government supports AMTRAK financially."

This legislation authorizes necessary capital funding to allow AMTRAK to acquire new and modern equipment in order to upgrade service, and as well, to modernize its maintenance facilities to ensure that current equipment will be maintained efficiently and will perform effectively.

I believe this legislative proposal to modernize and improve our national rail passenger system is both cost-effective and a necessary investment in our national transportation infrastructure. I look forward to working with Secretary Pena and other Members of Congress in furthering these goals.

## INVESTIGATE HUMAN RIGHTS ABUSE ALLEGATIONS

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mr. STARK. Mr. Speaker, I am concerned about the recent reports by Amnesty International of human rights abuses by the Mexican Army against the indigenous people in Chiapas, Mexico. Since Mexico is now a signatory to NAFTA with the United States, it has become imperative for a nonbiased commission to investigate these allegations.

On January 1, 1994, several thousand peasants and indigenous peoples in the southern Mexican State of Chiapas rebelled against years of exploitation and racism. The rebels denounced years of undemocratic and corrupt politics of the ruling PRI Party that led them to take direct action to address their grievances. Representatives from United States labor unions were eyewitnesses to a recent union election held in Tiajuana, Mexico, exposing the undemocratic and intimidating policies of Mexican labor law which make free trade union elections virtually impossible.

Journalists and respected human rights groups have been denied access to the Chiapas region. There were reports of execution style murders by the army, and indiscriminate bombing and shelling of populated areas.

The United States State Department issued a report on February 1 that charged the Mexican Army with "serious human rights violations."

Since the backers of NAFTA assured the people of the United States that the Mexican Government enforces human and worker's rights, I believe an independent commission should be established to investigate these serious allegations against our newly favored trading partner.

## NATIONAL SERVICE ACT

### HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mrs. KENNELLY. Mr. Speaker, last year, Congress passed the National Service Act, a program conceived by President Clinton to give young people throughout the country an opportunity to provide community service while earning money toward their college tuition. Students who choose to participate in this program have a wonderful opportunity to expand their practical education, and participate in improving the state of our Nation.

In addition to an hourly stipend, participants in this community service program will earn up to $4,725 a year in educational awards for a maximum of 2 years. The IRS recently ruled that these educational awards will be counted as taxable income. This ruling places an unfair burden on students involved in community service, but more important, this additional taxable income could jeopardize opportunities to receive income-based financial aid such as Pell grants.

The National Service Trust Fund was set up with the goal of providing educational opportunities for individuals who make a substantial commitment to community service. Taxing educational awards could severely hinder this goal. For this reason, I am introducing legislation today to exclude national service educational awards from gross income. I would urge my colleagues to join me and cosponsor this legislation.

## THE FUTURE OF DEMOCRACY IN TURKEY

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mr. BURTON of Indiana. Mr. Speaker, there has been much discussion about the future of democracy in Turkey. In a March 14, 1994, Washington Times editorial, Turkey's Ambassador to the United States points out that Turkey's fight against the terrorist PKK should not be viewed as a threat to democracy. The Marxist-Leninist, PKK has murdered thousands of civilians, many of whom are Kurds who were unwilling to support their terrorist agenda, in an effort to carve a Kurdish state out of the sovereign territory of Turkey.

I also believe that it is important not to confuse Kurds who have been oppressed under the rule of Saddam Hussein in Iraq and those who reside in Turkey. As Ambassador Nuzhet Kandemir explains in his editorial, "Turkish citizens of Kurdish origin live throughout Turkey and participate without discrimination in all walks of life." "Kurds have served as presidents and prime ministers of the Republic of Turkey" and currently, "they serve in large numbers in Parliament," he adds. While it is natural to be sympathetic to the plight of Kurds in Iraq, I must emphasize that the terrorist activities of the PKK do not have the support of the great majority of Turkish citizens of Kurdish origin.

For those Members of Congress who want a realistic picture of PKK terrorism in Turkey, and who want to know about some of the positive steps which Turkey has taken to benefit its citizens of Kurdish origin, I highly recommend Ambassador Kandemir's editorial.

[From the Washington Times, Mar. 14, 1994]

TURKEY HAS A RIGHT TO PROTECT ITS DEMOCRACY

(By Nuzhet Kandemir)

Recent press commentary, such as Sen. Dennis DeConcini's (Op-Ed, March 8) has expressed anxiety about the future of democracy in Turkey. Democracy has been a rare, precious and often fragile institution throughout human history, so attentive concern for its preservation is always in order. But it is not correct to view. Turkey's fight against terrorist criminals as a sign of democracy in danger. On the contrary, true danger would be signified if a democratic government were unwilling or unable to protect its country's territorial integrity or its citizen's human rights from the depredations of a terrorist organization.

A much-misconstrued event has prompted some of the current concerns: The vote of the General Assembly of the Turkish Parliament on March 2 and 3 to lift the immunity of eight Turkish parliamentarians. The vote, taken pursuant to the legal process prescribed in the republic's constitution, occurred in connection with judicial investigations of charges that the eight individuals have engaged in activities against the country's constitutional democratic system and its territorial integrity. The issue is not the political views the parliamentarians have been expressing. None of the individuals have been arrested and none has been stripped of membership in the Parliament. The action regarding their immunity is consistent in principle with the immunity provisions of the U.S. Constitution (Article 1, sections 3 and 6).

The Turkish constitution provides that all citizens have the same political rights and civil liberties which they may exercise equally, without impediment, regardless of ethnic or religious background. Allegations that the immunities of the eight parliamentarians were lifted because of their pro-Kurdish politics are completely unfounded. Turkish citizens of Kurdish origin live throughout Turkey and participate without discrimination in all walks of life; this is a crucial fact that is widely and wildly misunderstood. Kurds have served as presidents and prime minister of the Republic of Turkey. They serve in large numbers in Parliament, belonging to a wide range of political parties. They enjoy full political representation, and all Turkish citizens, including the great majority of citizens of Kurdish origin, do not support Kurdish extremism.

Such extremism manifests itself most virulently in the violence perpetrated by the PKK, an antidemocratic, indeed Marxist-Leninist, terrorist organization. The violence aims at carving a Kurdish state out of the sovereign territory of Turkey, thereby undermining the peace and stability of the entire region. Since its inception in 1984, the PKK has based its operations on intimidation and extortion. After the Gulf War, the PKK increased its atrocities and intensified its attacks on the human rights of Turkish citizens of Kurdish and non-Kurdish origin. It has killed thousands of civilians, many of whom are Kurds whom the PKK claims to serve and represent. The PKK took full advantage of the post-war power vacuum in the areas of Iraq bordering Southeast Turkey, which became a breeding ground for terror. The U.N. Human Rights Commission, in its March 2 resolution, recognized that terrorist organizations perpetrate grievous human rights violations. It condemned such violations and asked its members to cooperate to fight terrorism, as required in a large number of international agreements and resolutions, including those of the Conference on Security and Cooperation in Europe (CSCE) and NATO.

The Turkish government has accelerated its reform programs for the southeast region. These programs—economic, social and political—have been severely hampered by PKK terror. But the government, operating within the rule of law, is determined to eradicate terror and to continue its reform programs for the region. Economic and social programs claim nearly 17.5 percent of Turkey's total investment capital for enormous development projects in the Southeast, such as the Southeastern Anatolia Project (GAP). GAP alone consumes the equivalent of $1.7 million daily (at 1992 exchange rates). Turkey invests in the southeast 13 times more than it collects in taxes from the region. In 1993, investment there was 1.6 times greater than investment in the Western regions.

Despite the challenges, democracy in Turkey remains strong. The Turkish democratic system is the foundation for existing open, secular, pluralistic society and an expanding free market economy. Since the republic's establishment, the Turkish people and their successive governments have dedicated themselves to furthering these values.

Supporting a strong democratic Turkey in a generally volatile region has long been recognized as an important interest of the United States. For over half a century, Turkey has been a staunch ally of the United States and NATO. In the evolving new world order after the collapse of Soviet communism, U.S.-Turkish bilateral relations are a major force for good in a vast region stretching from Central Asia through the Middle East to the Balkans. Turkey's heightened strategic importance at the epicenter of important geopolitical changes increases its potential to expand and deepen its "enhanced partnership" with the United States. Military and economic assistance to Turkey should be evaluated with respect to NATO requirements as an investment in bolstering Turkish democracy.

Turkey's local elections on March 27 will be conducted according to law, as appropriate for an open, free and democratic society, notwithstanding any attempts by terrorist organizations to poison the country's political climate. We are vigilant and have the wisdom not to play into the hands of those who would undermine Turkish democracy or damage Turkey's deep-rooted relations with its democratic friends and allies in the United States.

## TRIBUTE TO DAVID SCHECHNER

### HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mr. KLEIN. Mr. Speaker, I rise today to pay special tribute to Mr. David Schechner who is being honored by the village of South Orange for his 25 years of service as the village counsel. I am very proud to join the village president and board of trustees in honoring Mr. Schechner for his accomplishments.

Mr. Schechner has served South Orange in many ways. He is a former president of the Citizens Party League and a founding member of the South Orange Friends of the Library. He is also the past president of the Congregation Oheb Shalom located in South Orange. Moreover, he found the time to be an original trustee of the South Orange-Maplewood YMCA.

Professionally, Mr. Schechner has helped South Orange, too. In addition to his position as village counsel, he has served as acting magistrate and attorney for the planning board. The Legal Education Institutes of the New Jersey Bar Association has also benefited from his talents.

Mr. Schechner has made the village of South Orange a better place, and it is with great pleasure that I ask my colleagues to join me in wishing him continued success.

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## FANNIE MAE AFFORDABLE HOUSING COMMITMENT

### HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mr. GONZALEZ. Mr. Speaker, last week James A. Johnson, chairman and chief executive officer of the Federal National Mortgage Association [Fannie Mae] announced a trillion dollar commitment by Fannie Mae to affordable housing between now and the end of the decade.

This commitment to affordable housing will finance over 10 million homes for households with incomes below the area median income. It will serve minorities and new immigrants, families living in central cities and distressed communities, and people with special housing needs.

As part of this commendable effort, Fannie Mae is seeking to transform the Nation's housing finance system. It will do so by reaching out to every renter in the United States to provide information they need to buy a home; break down arbitrary barriers to getting a home mortgage; and will make every effort to eliminate discrimination the top priority of the mortgage finance system.

Mr. Speaker, I want to commend Mr. Johnson and Fannie Mae for this great effort. Mr. Johnson has aggressively moved forward to implement the affordable housing mission which the Congress created in the Housing and Community Development Act of 1992.

I am including, following my remarks, Mr. Johnson's statement and a summary of the initiatives that Fannie Mae will be taking.

### SHOWING AMERICA A NEW WAY HOME

(By James A. Johnson, Chairman and Chief Executive Officer, Fannie Mae)

Good morning and Welcome.

Thank you for being a part of the most important announcement in Fannie Mae's history.

We are very pleased that so many good friends, including the Secretary of Housing and Urban Development, Henry Cisneros, could join us.

Three years ago yesterday, Fannie Mae committed to deliver $10 billion in housing finance for low- and moderate-income families and others with special housing needs by the end of 1994.

At the time, our commitment was the largest ever made by a shareholder owned company. Some people thought we couldn't do it. Others though we didn't mean it. But we not only delivered on our commitment—16 months ahead of schedule—we exceeded it.

Now we are ready to do more

Today is the first day of a new commitment, massive in scope and revolutionary in design. We call it "Showing America a New Way Home." Through it, we believe we can help show ten million families who have been shut out of the housing finance system a new way to achieve the American dream of homeownership.

Today, too many minorities are victims of racial bias in lending. Fannie Mae will do everything in our power to make eliminating discrimination the number one priority of every participant in the mortgage finance system.

Today, too many people are unaware of how to buy a home and qualify for a mortgage. Fannie Mae will reach out to every renter in America and provide the information they need.

Today, too many low- and moderate-income families, residents of central cities and rural areas, and people with special needs are denied mortgage credit. Fannie Mae will break down the arbitrary barriers that stand in their way.

Our commitment includes 11 very significant initiatives.

#### OPENING DOORS TO EVERY AMERICAN

First, Fannie Mae will reach out to open the doors of homeownership to every American. We will launch an unprecedented national consumer education effort, using television, radio, and print advertising, and direct mail, and other techniques to reach out to every renter in the nation. We want to have an ongoing conversation about how to buy a home with everyone who wants to become a homeowner.

We've learned in recent years that millions of people are confused and intimidated by a mortgage process that is often unwelcoming, but they will respond when they are given an invitation, and a map to the front door. When we conducted our consumer outreach effort in just seven cities last year, more than 100,000 people responded. We believe that at least five million motivated households will respond to the outreach effort we are announcing today and take their first step to owning a home.

#### THE "NEW AMERICANS" CAMPAIGN

Our second initiative is a "New Americans" campaign, targeted to the fastest growing segment of the population—new immigrants. As many immigrants will arrive in the United States in the 1990s as came during the peak immigration years at the turn of the 20th century. They are highly motivated to become citizens, and homeowners. Fannie Mae will use multilingual media to communicate with millions of these new Americans, and we'll provide them with consumer information as often as possible in their native language. We want the path to citizenship to also be a path to homeownership for as many immigrants as possible.

#### FANNIE MAE PARTNERSHIP OFFICES

Third, Fannie Mae will open at least 25 Fannie Mae Partnership Offices, beginning with 10 this year, in communities around the country that will form long-term partnerships with us to address a broad range of affordable housing and homeownership needs. The staff of our new offices will work in a practical way with lenders, public officials, housing advocates, and others, to expand Fannie Mae's outreach and service in those communities.

#### THE HOMEPATH INITIATIVE

The HomePath initiative involves one of the most far-reaching commitments we have ever made. We want to eliminate any final "no" from the mortgage application process. Our goal is for every mortgage application that is denied to get a second look; if it is still denied, the applicant can take it to a third-party review board to be looked at again. For applicants who are still not approved for a mortgage, home buyer counseling will be available. The counseling will give them the information they need to get firmly on a path that can lead to a home of their own.

To reach this goal, Fannie Mae will encourage our lenders to conduct "second look" reviews for minority- and low-income applicants, and we'll help create models for third party review boards made up of community representatives and lenders.

The Fannie Mae Foundation will commit $5 million over the next three years to increase the effectiveness of home buyer counseling organizations nationwide, many of which are hampered by a lack of resources, capacity, training, tools, and a comprehensive referral system. Our $5 million in funding will help address those needs.

We will also provide a new computer software program called Desktop Home Counselor, and within 90 days we will begin operating a nationwide toll free number that consumers can call for referrals to counseling agencies. Fannie Mae's Public Information Office will hire counselors to provide counseling services directly to consumers who live in communities where no such agencies exist.

#### UNDERWRITING FLEXIBILITIES

Our fifth initiative is a commitment we admit is long overdue. We will make sure that our underwriting guidelines are clear and flexible, and are applied equally to everyone. Our lenders have told us they need better guidance on how to use our guidelines. A study conducted by the Federal Reserve Bank of Boston confirms this fact. It shows that some lenders apply the flexibility in Fannie Mae's underwriting guidelines to white mortgage applicants more often than to minority applicants. And a recent report of the Interagency Task Force on Fair Lending, of which Secretary Cisneros is a key member, urged lenders to be aware of "the provisions of the secondary market guidelines that provide various alternative and flexible means by which applicants may demonstrate their ability and willingness to repay their loans."

We assume the full responsibility to make sure our guidelines are understood, and appropriately used, by all our lending partners. To do this:

We will maintain a constant dialogue with our mortgage lending partners to identify the loan characteristics and underwriting procedures they think need clarification.

We will develop the most comprehensive training program for mortgage industry underwriters in the country.

We will develop easy-to-use reference tools for underwriters, including on-line access to Fannie Mae guidelines.

We will establish regional hotlines that lenders can call for instant guidance on our underwriting.

We will establish an internal Fannie Mae loan review board to review loans initially rejected by our underwriters.

We will make a new automated underwriting system available to lenders very soon that will use artificial intelligence to analyze loans, ensure consistency, and free up time for underwriters to work on complex applications.

### UNDERWRITING EXPERIMENTS

A commitment of $5 billion to conduct experiments in new underwriting approaches is our sixth initiative. We will probe and test ways to underwrite loans that could make credit more accessible to minorities, low- and moderate-income families, central city and rural residents, and people with special housing needs. We will also systematically revalidate the components of our own underwriting guidelines.

### INNOVATIONS FOR CHANGE

Our seventh initiative, "Innovations for Change," is the most significant product research and development effort in the history of housing finance. Through it, we will develop at least ten new financing tools to serve the full range of housing needs.

Our efforts will initially focus on rural communities; elderly people who want to stay in their homes; Native Americans living on tribal lands; families who want to make their homes more energy efficient; and those who want to renovate their homes. Because we are also the nation's largest private investor in multifamily housing, Innovations for Change will also find new ways for the private sector to finance rental housing for low-income families; shelter for the homeless; the developmentally disabled; people who suffer from AIDS and other illnesses; as well as the frail elderly and other groups in need of housing and supportive services.

### MULTIFAMILY HOUSING

Our eighth commitment is to provide $50 billion in new financing for multifamily rental housing between now and the end of the decade. This level is double what we provided over the past seven years. Through it, we will help create affordable housing opportunities for people who want to make their homes in rental housing, or who need to live in apartments while they are preparing to buy a home.

### USING TECHNOLOGY TO LOWER COSTS

Our ninth initiative is to develop and use advanced technology to reduce the largest barrier to homeownership faced by many families: the cost, complexity, paperwork and time it takes to get a mortgage. By simplifying and streamlining the way mortgages are created and serviced, Fannie Mae can cut the cost of lending and reduce the fees charged to borrowers by at least $1,000.

We will also provide technology to make it more profitable for lenders to originate loans to buy homes that don't cost very much, because these are the kinds of loans that low- and moderate-income families, and residents of distressed communities, are more likely to seek.

### FANNIE MAE FOUNDATION

Our tenth initiative is a commitment to provide more than $30 million over the next three years to support non-profit housing efforts around the country. This commitment will make Fannie Mae the most significant source of corporate philanthropic funds dedicated to housing and community development in the country, and one of the top five sources of private and corporate funding in this arena.

### COMMITMENT TO FIGHT DISCRIMINATION

Our final, and most important commitment under "Showing America a New Way Home," is to fight racial discrimination in mortgage lending.

We believe all our new initiatives will help ensure that minorities gain equal access to mortgage credit. But sadly, these efforts won't be enough. For reasons that most Americans cannot and will not accept, credit continues to be allocated based on a person's race, rather than on their ability and willingness to pay.

We know Fannie Mae can't singlehandedly eliminate racial discrimination from lending. But today we commit to do everything in our power to make eliminating it the number one priority of every participant in the mortgage finance system. It is our moral obligation, and a core value of our company, to help lead the fight.

We join the Congress, the Administration, and many others in the lending community who want to hold those who discriminate accountable for their actions. We strongly support the renewed vigor with which the federal government is clarifying and enforcing fair lending laws, and we are working with the U.S. Department of Housing and Urban Development, represented here today by Secretary Cisneros, to identify the steps we can take to aid the government's efforts. The "sunshine" of public disclosure must shine on those who would discriminate, leaving them no place to hide.

Our principal role in promoting fair lending is to provide our lenders with the products and services they need to reach minority families and underserved communities. We will do this in a number of ways.

We will provide our lenders with data on how well they are serving minority families and communities.

We will help make the industry more diverse, and more responsive to minority borrowers, by training minorities for positions in mortgage lending.

We will increase the participation of minorities and women in the mortgage industry by providing additional training to current Fannie Mae lenders, qualifying more minority- and women-owned lenders as our seller-servicers, and by helping others establish relationships and financial conduits through which they can deliver their loans to Fannie Mae.

We will pursue business relationships with every community development financial institution that provides residential housing finance in minority and distressed communities.

We will invest $25 million of seed capital in new and existing community lending institutions.

### THE TRILLION DOLLAR COMMITMENT

"Showing America a New Way Home" is our commitment to transforming the housing finance system in America.

We're putting $1 trillion on the table to back it up.

Between now and the end of the decade, we will provide $1 trillion to finance 10 million homes for the families and communities that have not been well served by the housing finance system in the past.

We're already on our way to providing some of this financing; the rest will be a stretch. The $1 trillion in targeted lending we will do in the next seven years is twice the amount of targeted lending we did over the past seven years. It is also twice the amount of financing we provided to all households in the 1970s and 1980s combined. The result of this commitment will be that significantly more than half of all the business we do in the next seven years will be targeted to those who have not been well served in the past.

We will provide $1 trillion in housing finance, and do all the things I've mentioned, through the genius of a system in which Fannie Mae, as a shareholder owned company, seeks out good and profitable business from markets that have never before been tapped.

Three years ago, when I announced our $10 billion "Opening Doors to Affordable Housing" initiative, I said "I know we will meet this challenge, as we have met so many in the past, with intelligence, commitment, a sense of fairness, and hard work."

Fannie Mae's employees may have been worried, or skeptical, or just plain thought I was crazy about the new challenge. But you delivered far beyond anyone's greatest expectations. Your performance was a credit not only to Fannie Mae, but also to yourselves, your families, and your nation.

On March 14, 1991 I told you "there will be more to come," and that $10 billion was "the preface for future programs and initiatives still on the drawing board or only now coming into focus."

Ladies and Gentleman, the future is here.

We learned a lot in the past three years. We are ready to put what we learned in to action.

When we're through, Fannie Mae will be a very different place than it was when we started.

It will be stronger, better, more efficient and effective.

The Housing finance industry we lead will be very different than when we started.

It will be more open, fair, diverse and easy to understand.

The nation we love will be different.

It will have more homeowners—and the kind of strong and vibrant communities that homeownership builds.

That is a result that is well worth the effort.

Thank you for all you have done, and all you will do, to make the American dream come true for those who need it most. [Applause.]

It is now my great pleasure to introduce to your the distinguished Secretary of Housing and Urban Development, Henry Cisneros.

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## IN HONOR OF THE 70TH ANNIVERSARY OF JUDICKE'S BAKERY IN BAYONNE, NJ

## HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mr. MENENDEZ. Mr. Speaker, I rise today to celebrate the 70th year of Judicke's Bakery, a cornerstone of the business community in Bayonne, NJ, and a fixture on the corner of Broadway and 34th Street. Since the purchase of the bakery in 1924, the Judicke family has been catering to the sweet tooth of Bayonne, and the cravings of Bayonne natives as far away as Hawaii and Europe, with their famous donuts, Bavarian creme cakes, and apple turnovers.

Current owners Harold and Ingrid Judicke bought the bakery from Harold's parents, Paul and Frieda, and have kept the business all in the family. Today, daughter Audrey works in the family shop, and manages the store while Harold and Ingrid enjoy a well-deserved vacation, or attend bakers conventions. Judicke's famed sprinkled donuts have been a staple for local customers since Harold first purchased his donut machine, after his service in the Army during World War II.

The bakery has employed as many as 10 bakers and 15 part-time and full-time counter workers, each of whom are like family to the Judickes. Having served Bayonne for 70 years, the family has seen many generations grow up on their favorite treats. The long hours that Harold and Ingrid put in at the bakery are well worthwhile when they see their loyal customers visit again and again, bringing their children, and their children's children, into the store.

Mr. Speaker, when we think of American small businesses, of the Mom and Pop stores that line Main Streets across the country, it is really people like the Judickes that we are thinking of. They are people who have dedicated their lives to their craft, and built more than just a business, more than just a reputation, they have built a community, and a permanent connection between themselves and the people they serve every day. If you are in Bayonne, stop by the bakery and try one of their specialties. You have not been to Bayonne if you have not been to Judicke's.

## JOHN O'TOOLE AND BURTCH DRAKE: ADVERTISING LEADERS

### HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mr. MANTON. Mr. Speaker, helping drive our economy, spur competition, and allowing for international competition, the advertising industry is extremely significant in our society. Madison Avenue is every part as much of the American lexicon as Wall Street or Main Street. While the U.S. advertising industry is responsible for the wide variety of commercials and advertisements that promote thousands of different products, the industry can be justly proud of its many public service advertising campaigns. These campaigns point out the need to buckle up for safety, not to drink and drive, say no to drugs, and many other lessons hat have taken hold in our society.

Over the past several years, John O'Toole has served this important industry as president of the American Association of Advertising Agencies [AAAA]. John O'Toole has recently stepped down as president of the AAAA. Under Mr. O'Toole's leadership, the AAAA has become an important voice in shaping public policy affecting the advertising industry. His great knowledge and experience of the industry, coupled with a keen understanding of the political, economic, and constitutional issues of the day, will be sorely missed.

However, Mr. Speaker, the advertising industry is most fortunate to have chosen an able successor, Burtch Drake, to be the new president the AAAA. Like Mr. O'Toole, Burtch Drake knows the business of advertising as someone who has spent decades in it can. Mr. Drake has been executive vice president and chief operating officer of the AAAA since 1989 and has been responsible for implementing many of the AAAA's new programs, including the value and advertising campaign. I am confident that under his leadership the AAAA will continue to make a great contribution in Washington and throughout the country.

## TRIBUTE TO MOTHER AFRICAN ZOAR UNITED METHODIST CHURCH

### HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mr. FOGLIETTA. Mr. Speaker, I rise on this occasion to pay tribute to the Mother African Zoar United Methodist Church in Philadelphia on the occasion of its 200th anniversary. This church has a rich and interesting history. Actually born as early as 1792, the church was formed when a group of African-Americans withdrew from Old St. George's Church in protest of patterns of discrimination, and was formally recognized in 1794.

While withdrawing from Old St. George's, they refused to formally separate themselves from the Methodist Church, in recognition of the fact that it was the John Wesley Methodists who had come out against slavery, with John Wesley referring to it as "the sum of all villainies." These early founders chose instead to stay with the church and help to improve it from within.

When it first began, African Zoar occupied an abandoned butcher shop at 4th and Brown Streets, in Philadelphia, as its first place of worship. The church remained there for 89 years until 1883, when it moved to 12th and Melon Streets, where it remains to this day. Mother African Zoar United Methodist has enjoyed a long history of activism in the community. It served as a stop on the underground railroad during the time of its operation, and in 1838 held a public meeting at the church to solicit funds and increase membership for the Vigilant—Fugitive Aid—Association and committee. In August of 1852, under the leadership of Levi Scott, African Zoar hosted the first convention of colored preachers and laymen, the first meeting of its kind among Africans called by the Methodist Episcopal Church in America. In 1864, a general conference was held in Philadelphia which led to the formation of two mission conferences of colored preachers. The 1920's brought the establishment of the Zoar Community Building and Loan Association, founded by Dr. W. Harry Barnes in 1924, and the first church community center under the guidance of Rev. John T. Fletcher in 1926. The community center was home to the first Baby Well Clinic, under the direction of Dr. Barnes, and also served as the meeting place for the Armstrong Association—Urban League, and housed homemaking and sewing classes. In 1965, in order to further community development and progress, the Zoar Federal Credit Union was organized to provide loans for members and to encourage regular savings.

To this day, Mother Zoar African United Methodist Church continues it its role of leadership in the community under the guidance of Rev. Ralph Blanks, one of the great clergy leaders in Philadelphia today. I join with the congregation of Mother African Zoar United Methodist Church and the rest of the Philadelphia community in celebrating the church's 200th year of service to God.

## IN HONOR OF ALFRED McKETHAN

### HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mrs. THURMAN. Mr. Speaker, I rise today to honor a very special Floridian, Alfred McKethan, for his many years of service to the banking industry and the people of Florida.

Alfred McKethan is a hero and a legend, not only to those people lucky enough to know him personally, but also to the thousands of strangers whose lives have been enriched by his deeds. His belief that "by building your community to build a bank," guided his 71-year banking career and earned him the title "Mr. Florida Banker."

From the helm of the Hernando State Bank and later Sunbank and Trust Company, Alfred McKethan carried out his great vision for Hernando County and Florida. Once a sleepy county of 4,000 citrus growers and farmers, Hernando County is now a thriving community of 125,000 which, despite its growth, has preserved its values and country heritage. And long before water issues dominated the news, Alfred McKethan forced people to think about the future as the first chairman of the Southwest Florida Water Management District.

As a member of the old Road Board, Alfred McKethan used his determination and vision to improve Hernando County roads and chart the future of transportation in Florida. The Sunshine Skyway, State Road 50 from Hernando to the east coast and U.S. 98, and Eckerd College are all projects conceived and carried out by Alfred McKethan. Today, his name graces the University of Florida baseball stadium, owing to his years of financial support, as do many public parks and buildings in his home county.

Pasco-Hernando Community College's Hernando campus might never have been built without the dogged determination of Alfred McKethan. And just recently, Alfred McKethan contributed $1 million to the school to provide 100 scholarships each academic year.

The best part about honoring Alfred McKethan today is knowing that his legacy is far from complete. As he has said many times, retirement doesn't mean he going to "fold up."

The people of Hernando County and all of Florida can rest assured that Alfred McKethan will keep working for them, making our State a better and more prosperous place to live, for years to come.

## AFGHANISTAN: REMAINS OF THE COLD WAR

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mr. HOYER. Mr. Speaker, 5 years after the last Soviet troops left Afghanistan there is still a war being waged and as we have seen in other parts of the world it is largely innocent civilians who are both the targets and the victims of aggression.

Yesterday, the New York Times published an article by Charles Norchi, executive director of the International League for Human Rights. Mr. Norchi's piece is a telling article that I commend to the attention of my colleagues. He describes a humanitarian catastrophe largely ignored by the international community. Mr. Norchi writes that horrific human rights abuses are being committed by every faction involved in the two decades old war.

The Afghans have been victims of indiscriminate bombing, torture, and mutilation. Restrictions on the rights of women and on freedom of association and expression are on the rise; so is religious intolerance. And nearly 15 million land mines scattered throughout the country continue to main and kill.

As as result of war, Afghans form the largest refugee group in the world, predominantly women and children. It is estimated that there are almost 1½ million Afghan refugees in Pakistan and 2 million in Iran. This is a country in its death throes. There is widespread destruction, a complete absence of any rule of law, the systematic and routine denial of justice, and a total disregard for civil and political rights that at times rise to the level of open contempt.

Mr. Speaker, the United States helped arm the forces of the radical mujahidin leader Hekmatyar in his war against the Soviet union during the 1980's. Today, although Soviet forces have since withdrawn, this conflict persists and now involves forces from Tajikistan and Uzbekistan as well as factions supported by Iran and others backed by Saudi Arabia. and as Mr. Norchi points out, it has become "fertile ground for the breeding and export of militant Islamic fundamentalism. It is the ideology of a desperate people, and the seeds of desperation are taking root. With the virtual breakdown of law and order, radical fundamentalist training camps have been flourishing."

The United States withdrew its embassy people from Kabul because of security reasons in 1989 and obviously those same security reasons have prevented us from returning. But it is those security reasons that lead Mr. Norchi to conclude that if something is not done to stop the slaughter, "Afghanistan will only produce refugees, radical fundamentalists, and terrorists. Then surely, some day, Afghanistan will again be our war." Mr. Speaker, the United States should actively back United Nations efforts to bring an end to the fighting and speak out forcefully against the horrific abuses that are being carried out daily.

Mr. Speaker, I respectfully request that Mr. Norchi's article be place in the RECORD.

[From the New York Times, Mar. 21, 1994]

WHOSE WAR IS IT NOW?

(By Charles Norchi)

Bombs are raining on Afghan civilians. Since January, heavy fighting has been spreading across Afghanistan as a militant fundamentalist Prime Minister and a former Communist general wage war with a fundamentalist President. This week, United Nations Secretary General Boutros Boutros-Ghali will dispatch a newly appointed personal envoy to meet with all the factions in an effort to end to the fighting.

The peace effort is long overdue. In Kabul, the Afghan capital, there are house searches, roundups and rapes, many of them by former mujahedeen—the "holy warriors" who fought the Soviet-backed Communist regime during the 1980's—who are now allied with one faction or another.

Militia fighters launch rockets behind a barricade of human corpses. A woman escapes her burning home, leaving behind the bodies of her husband and 4-year-old son. A man flees his devastated house where 15 family members died, victims of mortar shells. As they try in vain to reach the Pakistani border, his 8-month-old baby freezes to death. A fundamentalist commander throws 14 people from the roof of a mosque; they were praying incorrectly. Tens of thousands have fled Kabul for refugee camps in Pakistan.

But since January, Pakistan has turned away truckloads of desperate, hungry and shell-shocked Afghans at the border, and they are now camped outside the city of Jalalabad on a harsh, dry and windy plateau near the Khyber Pass. Afghans trained by the United Nations are still removing thousands of land mines and unexploded shells from this desolate place.

Five years after the last Russian troops left, there is still a war in Afghanistan.

Horrific human rights abuses are being committed by every faction. And unlike those in Sarajevo, they are not captured by television cameras. The Afghans have been victims of indiscriminate bombing, torture and mutilation. Restrictions of the rights of women and on freedom of association and expression are on the rise; so is religious intolerance. And nearly 15 million land mines scattered throughout the country continue to maim and kill.

Afghanistan's Prime Minister, Gulbaddin Hekmatyar, is an extremist and a dangerous opportunist who despises the West and for years has cracked the whip in the name of Allah. The United States, and other friends of Afghanistan, gave him that whip by arming him during the 1980's.

For the first time, Afghanistan is becoming fertile ground for the breeding and export of militant Islamic fundamentalism. It is the ideology of a desperate people, and the seeds of desperation are taking root. With the virtual breakdown of law and order, radical fundamentalist training camps have been flourishing.

As well as seeking a solution to the conflict, the U.N.'s new envoy, Ambassador Mahmoud Mestiri, must propose a long-term plan, including disarming irregular forces, creating a salaried Afghan army, stepping up operations to disarm the mines, building schools and hospitals and training Afghan human rights monitors. Eventually, the United Nations must also sponsor free elections.

Afghans are victims of the games superpowers once played: their war was once our war, and collectively we bear responsibility. If something is not done to stop the killing, Afghanistan will only produce refugees, radical fundamentalists and terrorists. Then surely, some day, Afghanistan will again be our war.

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## JULIE WILLIS OF GADSDEN IS ALABAMA WINNER OF VOICE OF DEMOCRACY CONTEST

### HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mr. BEVILL. Mr. Speaker, it is my pleasure to rise today to congratulate my constituent, Julie Willis of Gadsden. She was selected as the Alabama winner of the Voice of Democracy broadcast scriptwriting contest, sponsored by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary.

Julie's script, entitled "My Commitment to America," is very patriotic and thought-provoking. She did an outstanding job and I am so pleased that her talents have been recognized.

Julie is the daughter of Rev. and Mrs. C. Richard Willis of Gadsden, and an honor student at Emma Sansom High School.

I respectfully submit her script to be printed here in the RECORD.

MY COMMITMENT TO AMERICA

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with Liberty and Justice, for all. What does that mean? Is it just something we say? Is it just a routine we go through? Is it just a bunch of meaningless words? Not to me! To me it is much more! It is my privilege, my duty, my way of life. It is my commitment to America!

I pledge allegiance to the flag. The flag that is a lasting symbol of freedom to all Americans. It has carried us through a Revolutionary War, a Civil War, two World Wars, and most recently the Gulf War. The flag is our banner of truth. It flies proudly over cities all across America and proclaims the stability and constancy of our nation. It displays the rich legacy that we have been given and represents all that our forefathers fought so desperately to preserve! I pledge my allegiance to that flag, the symbol of my freedom.

I pledge allegiance to the Republic. A Republic that is viewed, by many countries, as the greatest nation in the world. But, America is not a perfect nation. After all, perfection is something for which we strive. It is the ideal for which we seek. America is imperfect because people are imperfect. But its people are also what make America great! Brave people, loyal people, determined people, compassionate people. Americans! I pledge my allegiance to that Republic, the Republic of the people.

I pledge allegiance to one nation under God. The prosperity that America has experienced is not a common occurrence. I truly believe that America's fortune is an example of God's Providence. America was founded on the principles of freedom, specifically religious freedom. Our forefathers tried to follow the pathway that they believed had been set before them. I believe that God paved that pathway. I am confident that God's hand has been on this mighty nation for over 200 years, and that He will continue to bless and lead us if we look to Him for guidance. We must remember that in God we trust.

I pledge allegiance to liberty and justice, for all. Liberty is the right or power to believe and act in the way one thinks. Justice, according to the dictionary, is the upholding of what is lawful.

These two virtues have become a way of life in America. When people think of America, they think of liberty and justice, for all. As Americans we maintain that all men are created equal—equal rights, equal opportunities, and equal justice under the Law. We are convinced that freedom is not a benefit that should be limited to the few. I pledge my allegiance to liberty and justice, for all!

My commitment to America is not just a speech I say every morning at school, it is a sincere feeling within my heart. I did nothing to merit the rich heritage of freedom, liberty and equality that I possess—but I vow to show my deep appreciation for this providential blessing and to preserve it for future generations. As Langston Hughes once said, "Oh let my land be a land where liberty be crowned with no false patriotic wreath but opportunity is real and life is free and equality is in the air we breathe."

## THE SOCIAL SECURITY ACT AMENDMENTS OF 1994

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## HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mr. JACOBS. Mr. Speaker, today Mrs. KENNELLY, Mr. BUNNING, Mr. HOUGHTON, Ms. MEEK, and I are introducing the Social Security Act Amendments of 1994. A section-by-section description of this proposal follows:

### THE SOCIAL SECURITY ACT AMENDMENTS OF 1994

### SECTION 1: SHORT TITLE

The bill is entitled the "Social Security Act Amendments of 1994."

### SECTION 2: SIMPLIFICATION OF EMPLOYMENT TAXES ON DOMESTIC SERVICES

Present Law.—Individuals who hire domestic employees such as baby-sitters, housekeepers, and yard workers are required to withhold and pay employment taxes when the worker's wages exceed certain thresholds. (Individuals who hire independent contractors to provide domestic services are excluded from these requirements.) For Social Security, the wage threshold is $50 per quarter; for Federal unemployment insurance, it is $1,000 per quarter. The $50 threshold was enacted in 1950 and has not changed since that time.

When the $50 threshold is reached, the employer must file a quarterly report (form 942) with the Internal Revenue Service, submitting with it the required Social Security tax for both employer and employee. The employer must also provide the employee and the Social Security Administration with a Wage and Tax Statement (form W-2) at the end of the year. When the $1,000 unemployment insurance wage threshold is reached for any calendar quarter, the employer must file a report (form 940) with the IRS at the end of the year, submitting with it the required tax. (Employers who owe more than $100 in FUTA tax at the end of a calendar quarter must deposit the amount due by the end of the following month.)

Provision.—The provision would:

Raise the threshold for withholding and paying Social Security Taxes on domestic workers from $50 per quarter to $1,250 annually in 1995 and index it thereafter for increases in average wages in the economy;

Adjust the Social Security tax threshold retroactively to $1,150 in 1993 and $1,200 in 1994. No underpayment of taxes (or any penalty or interest with respect to such underpayment) which is covered by this provision shall be assessed (or if assessed, shall be collected), effective on or after the date of enactment. No tax refunds would be provided;

Require individuals who employ only domestic workers to report on a calendar-year basis any Social Security or Federal unemployment tax obligations for wages paid to these workers and authorize the Secretary of the Treasury to revise the Federal form 1040 to enable such employers to report both taxes on their own Federal income tax returns;

Include domestic employers' Social Security and Federal unemployment taxes in estimated tax provisions, thereby enabling these employers to satisfy their tax obligations through regular estimated tax payments or increased tax withholding from their own wages;

Authorize the Secretary of the Treasury to enter into agreements with States to collect State unemployment taxes in the manner described above; and

Require the Secretary of the Treasury to provide to domestic employers a comprehensive package of informational materials, including all requirements of Federal law and a notification that they may also be subject to State unemployment insurance and workers compensation laws.

Effective Date.—The provision would generally apply to remuneration paid in calendar years beginning after December 31, 1994.

### SECTION 3: REALLOCATION OF A PORTION OF THE OLD-AGE AND SURVIVORS' INSURANCE PAYROLL TAX TO THE DISABILITY INSURANCE TRUST FUND

Present Law.—Employees and employers each pay a Social Security payroll tax of 7.65 percent on earnings up to a specified ceiling. Of the 7.65 percent, 1.45 percent is allocated to the Hospital Insurance Trust Fund, 5.6 percent is allocated to the Old-Age and Survivors Insurance Trust Fund, and 0.6 percent is allocated to the Disability Insurance Trust Fund. The 15.3 percent tax on net earnings from self-employment is similarly allocated to the HI Trust Fund (2.90 percent), the OASI Trust Fund (11.2 percent), and the DI Trust Fund (1.2 percent). As a result of the 1983 Social Security Amendments (P.L. 98-21), 0.71 percent will be allocated to the DI Trust Fund beginning in the year 2000.

In its 1993 report to Congress, the Social Security Board of Trustees determined that, under its intermediate economic assumptions, the DI Trust Fund will be depleted during 1995.

Provision.—The provision would allocate an additional 0.34 percent of the total the employer and employee Social Security payroll tax rate, each, and 0.68 percent of the self-employment tax rate from the OASI Trust Fund to the DI Trust Fund, effective for 1994 through 1999. As a result, the DI tax would equal 0.94 percent for employers and employees and 1.88 percent for self-employed individuals. The combined OASDHI tax rate of 7.65 percent would remain unchanged. Beginning in 2000, the DI tax rate would be reduced from 0.94 percent to 0.90 percent, with a commensurate increase in the OASI tax.

In addition, the Secretary of Health and Human Services would be required to conduct a comprehensive study of the reasons for rising costs in the DI program. The study would determine the relative importance of: (a) increased numbers of applications for benefits, (b) higher rates of benefit allowances, and (c) decreased rates of benefit terminations in increasing DI program costs. It would also identify, to the extent possible, underlying social, economic, demographic, programmatic, and other trends responsible for changes in DI applications, allowances, and terminations. No later than December 31, 1995, the Secretary would be required to issue a report to the House Committee on Ways and Means and the Senate Committee on Finance summarizing the results of the study and, if appropriate, making legislative recommendations.

Effective Date.—The provision would apply to wages paid after December 31, 1994, and to self-employment income for taxable years beginning after this date.

### SECTION 4. LIMITATION ON PAYMENTS TO CRIMINALLY INSANE INDIVIDUALS CONFINED TO INSTITUTIONS BY COURT ORDER AT PUBLIC EXPENSE

Present Law.—Individuals who are confined to a prison, jail, or other penal institution or correctional facility as the result of a felony conviction are barred from receiving Social Security benefit payments. (Qualified family members of such individuals may continue to receive benefits). An exception is provided for imprisoned felons who are satisfactorily participating in a court-approved program of rehabilitation which the Secretary of Health and Human Services has determined is likely to result in the individual's return to work upon release from prison.

The Social Security Act provides no limitation on benefit payments to individuals who are confined to an institution by court order at public expense pursuant to a verdict that they are not guilty of an offense by reason of insanity.

Provision.—The current limitation on Social Security benefit payments to incarcerated felons would be modified to apply to all individuals sentenced to imprisonment for more than one year. The exception for inmates participating in court-approved rehabilitation would be repealed.

The limitation would also be extended to individuals who are confined to institutions by court order at public expense in connection with an offense punishable by imprisonment of more than one year. The court order must be issued in connection with a verdict of guilty but insane, a verdict of not guilty by reason of insanity, a finding of incompetence to stand trial, or a similar verdict or finding based on similar factors (such as mental disease, mental defect, or mental incompetence). A similar limitation on benefit payments would be imposed under the Medicare program.

To enforce the limitation, the Secretary of Health and Human Services would be authorized to require from institutions the names and Social Security numbers of individuals confined there under the conditions described above.

Effective Date.—The provision would apply to benefits for months commencing after 90 days after enactment and with respect to items and services provided after this 90-day period.

## THE MACHTLEY AMENDMENT TO H.R. 6

## HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mr. BATEMAN. Mr. Speaker, I would like to take this opportunity to detail my reasons for supporting the Machtley amendment to H.R. 6 which was debated by this House on March 21, 1994. The Machtley amendment would have reinstated payments for civilian b students within the Impact Aid Program. These payments make impact aid more broad based and compensate localities more fairly for the taxes lost due to the presence of Federal facilities.

The Impact Aid Program compensates localities for four categories of tax loss: residential property taxes; employer property and other business taxes; sales taxes on items purchased tax-free at commissaries; and personal property taxes lost when military personnel keep their boats and vehicles registered in a State where there are no property taxes, rather than the State where they actually reside.

Under the current system, section a payments compensate for all these tax losses. Military b payments compensate for all these categories except loss of residential property tax. But civilian b payments are still necessary to compensate for loss of employer property and business tax losses. The Government does not pay these taxes, but private employers do.

An example of the impact of civilian a payments can be found in my district. On Virginia's Lower Peninsula, roughly the same number of residents work for the Government as work for the area's largest private employer. The private employer pays millions in local and State taxes every year. The Federal installations pay nothing. Clearly these localities should be compensated for those lost tax revenues.

While the Machtley amendment was withdrawn from consideration, I do hope that the final version of H.R. 6 that is enacted will contain civilian b payments under the Impact Aid Program.

## TRIBUTE TO GREEN THUMB OF NEW ENGLAND

## HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mr. SWETT. Mr. Speaker, I rise today in recognition of Hire Older Worker Week and Green Thumb Inc., of New England. Green Thumb is a nonprofit organization which provides job training and employment programs for older Americans. It is part of the Senior Community Service Employment Program [SCSEP] and is authorized by title V of the Older Americans Act of 1965.

Founded in 1965, Green Thumb was a program originally designed to enlist the aid of older Americans in the maintenance and beautification of our Nation's parks and highways. Because of the success and subsequent expansion of the program, today Green Thumb has over 18,000 trained older Americans working in a variety of different fields, including local government and nonprofit organizations.

There are many benefits to hiring older workers. They represent all racial, religious, and educational backgrounds. They often bring a rich and varied employment history to their jobs, as well. Green Thumb helps these people—many of whom have recently changed careers and need to receive salaries and benefits—to learn new skills and to adapt to new or different types of jobs.

Green Thumb also provides services that are helpful for retirees who are not yet receiving Social Security benefits and require the financial security that comes with either full- or part-time employment. In addition, many older Americans are involved in the work force to pursue individual interests, develop new skills, or to use their time in a productive way. In short, Green Thumb of New England is an effective and extraordinary program.

The program benefits older Americans by placing them in employment and enhancing their general well-being, but it also provides a valuable resource to communities throughout New England. More specifically, Green Thumb has placed workers in many organizations in my district, including the Boys Club of Nashua, the Crotched Mountain Rehabilitation Center in Greenfield, the Harris Center for Conservation and Education, the Department of Health and Human Services, the Department of Employment Services, and numerous libraries.

Mr. Speaker, I urge my colleagues to join me in congratulating Green Thumb of New England and wishing them continued success in improving the lives of senior citizens across northern New England.

## COMMISSION ON SECURITY AND COOPERATION IN EUROPE'S PRESENCE IN KOSOVO

## HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mr. SMITH of New Jersey. Mr. Speaker, earlier today I met with the distinguished Prime Minister of the Republic of Kosova, Dr. Bujar Bukoski. The Prime Minister succinctly outlined the range of serious concerns faced by the two million Alabanians who make Kosovo their home. I want to highlight one point in particular.

Mr. Speaker, the United States must call for and support the return of the Commission on Security and Cooperation in Europe's long duration missions to Kosovo. Serbia expelled CSCE monitors in July 1993, and there has been a marked deterioration in the human rights situation in Kosovo. Several independent reports of human rights abuse are compelling evidence that an international presence is imperative and critical. I believe international monitors are needed to help counter the abuse perpetrated at the hands of Serbian police and security officers stationed in Kosovo, and they could help prevent the outbreak of further armed conflict in the Balkans.

For the benefit of my colleagues, I would ask that Dr. Bukoski's press statement made yesterday at the United Nations be printed in today's RECORD.

REMARKS PREPARED FOR UNITED NATIONS PRESS CONFERENCE, MARCH 21, 1994

(By Dr. Bujar Bukoshi, Prime Minister of the Republic of Kosova)

I would like to thank the United Nations Correspondents Association for giving me the opportunity to speak here today.

I have come to United States in the wake of some extraordinary diplomatic developments. A few days ago when the Bosnian and Croatian presidents signed their accord in Washington, the world was given hope that peace in the Balkans could possibly be achieved in the near future.

The two million Albanians of Kosova also hope that peace can be achieved. We applaud the efforts of the U.N., the United States, the E.U., and Russia which made these recent breakthroughs possible.

We are concerned however, that no true peace can occur until there is an end to the brutal Serbian repression which continues unabated in our Republic and our 90 percent majority retains basic rights and freedoms which have been stripped from us by the Belgrade regime.

In fact as the world witnesses hints of peace in Bosnia, the situation in Kosova grows worse. For example:

This month there have been renewed movements and deployments of Serbian army units in Kosova. Moreover, armed Serb police and paramilitary units are killing Albanian civilians in cold blood. Two innocent civilians died this month in what appears to be an orchestrated campaign of killings designed to terrorize the Albanian majority.

The raiding of Albanian homes by Serb police under the pretext of weapons searches has resulted in serious abuses including beatings, confiscation and destruction of property and illegal imprisonments.

Political activists are being harassed, beaten and imprisoned. Serbian extremists have called for the imprisonment of Kosova's President Ibrahim Rugova and other Albanian leaders who direct our peaceful resistance.

Belgrade has orchestrated an assault on the Albanian economy. Serbian confiscation of property and hard currency is alarming.

The Prishtina airport is closed, preventing desperately needed supplies from entering the Republic.

We are experiencing a new type wave of cultural genocide, as witnessed by the closing of the Institute of Albanian Studies which was forcibly taken by Serb paramilitary forces who beat Albanian professors and students out of its facilities.

In conclusion, Serbia has virtually completed the eradication of institutional life in Kosova.

Serbia continues to mock the international community by refusing to readmit neutral observers to Kosova. Belgrade wrongfully claims that Kosova is an internal matter. It is not. The United Nations charter guarantees protection against the sort of orchestrated aggression that Serbia directs at our entire population.

Despite the horrible situation which I have only briefly described, there is hope for peace in Kosova and peace in the Balkans if the international community acts immediately.

I am here today to urge the international community to undertake specific actions aimed at ending Serbian oppression in Kosova and preventing a wider war.

First, we call upon the United Nations, the U.S., the E.U., and Russia to fully include Kosova in the peace process. For without a settlement of the Kosova crisis, there will be no peace in the Balkans. The crisis in former Yugoslavia requires not only settlements for Bosnia and Croatia, but a global solution to an international crisis.

Serbs in Knin and Bosnia seem close to achieving their territorial aspirations through armed violence and aggression while Albanians in Kosova and Macedonia only suffer for their commitment to a non-violent solution. We believe that by not including Albanians in all negotiation the international community sends a dangerous message that aggression will be rewarded and non-violence punished.

Second, we ask for an international presence in Kosova to prevent Serb abuses from exploding into a wider conflict that would have ruinous consequences for regional peace. Last month in Prague, the CSCE called for the immediate return of a long-term monitoring mission. Without an international presence, the region completely lacks stability and can explode over the smallest incident.

Finally, we urge that international sanctions imposed against Serbia be conditioned on the successful resolution of the Kosova crisis. The international community cannot forfeit its leverage over the accused war criminals who dominate Kosova society.

The Kosova problem is truly an internationally problem. International precedents, international security and international peace hang in the balance. If these logical steps are not taken immediately, I fear that the progress toward peace that has been made in Bosnia will be in vain and the world will have missed an opportunity to prevent a wider war in the Balkans.

Our government's pacifist approach in Kosova is losing credibility within our population. Meanwhile, this non-violent attitude is viewed by Belgrade as an invitation to increase oppression, and seen by the international community as an excuse to ignore the situation in Kosova. These alarming trends severely threaten all progress toward peace in the Balkans.

Thank you. I will now take your questions.

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## TENTH ANNIVERSARY OF THE NATIONAL ENDOWMENT FOR DEMOCRACY

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mr. HAMILTON. Mr. Speaker, Congressman BEN GILMAN joins me today in paying tribute to the National Endowment for Democracy [NED], which is celebrating its 10th anniversary.

NED's founders and many of its friends will gather in the Committee on Foreign Affairs on March 23 to recognize NED's decade of work on behalf of democratic institutions throughout the world. The March 23 event will also give the friends of NED an opportunity to talk to the chairman of the Endowment's board, John Brademas, a former colleague of ours from Indiana, and Carl Gershman, NED's president.

During NED's brief existence, its programs have reached over 80 countries, drawing upon the commitment and expertise of large numbers of Americans. NED programs have helped democracys around the world to develop free markets, defend worker rights, establish political parties, organize public policy forums, create independent media outlets, protect the rule of law, and promote interethnic understanding. NED, its core grantees representing labor, business, and the two major political parties, as well as scores of other grantees, have worked hard to build democracy from the grassroots.

NED's work in support of free institutions has earned the praise of the world's leading democrats, among them Vaclav Havel, Lech Walesa, Oscar Arias, Elena Bonner, Fang Lizhi, Frederick Chiluba, Vytautus Landsbergis, the Dalai Lama, Sali Berisha, and many others.

One of NED's most important qualities has been its bipartisanship, initially reflected in the politically diverse group of Americans who came together just over a decade ago to found the Endowment. Indeed, many distinguished Americans have been involved in this effort. Certainly no tribute to the National Endowment for Democracy would be complete without a recognition of the signal contribution of our former colleague, Dante Fascell, NED's "founding father" and first chairman. Dante can take pride that his vision of an organization working to promote America's highest ideals abroad has been more than fulfilled. We also want to commend John Brademas and Carl Gershman for the excellent leadership they are providing the Endowment.

Mr. Speaker, there are, unfortunately, some voices declaring that with the cold war over, we no longer need concern ourselves with the outcomes of struggles for freedom abroad. But one clear message of recent events in Russia, Bosnia, and elsewhere is that supporting democracy remains one of the most effective means of promoting America's national interests. As we salute the National Endowment for Democracy for its 10 years of service to our country, we should also resolve to continue to support NED and other organizations as they carry out their important mandate of promoting democracy, building democratic institutions, and improving respect for the rule of law and human rights.

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## TRIBUTE TO EUGENE J. LA COLLA

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mr. TOWNS. Mr. Speaker, I want to bring to the attention of my colleagues the community achievements of Eugene J. La Colla. He graduated from St. John's University, College of Pharmacy. After serving in the military, and upon returning home in 1959, he and his brother, Tom, opened La Colla Bros. Pharmacy in Cypress Hills, Brooklyn, NY.

Mr. La Colla is a former member of the board of directors for the Highland Park/12 Towns YMCA. He is a past member of the board of directors for the Cypress Hills Local Development Corporation and secretary of the board of directors for the Cypress Hills/Fulton Street Senior Center. For 30 years, he has been a member of the Kiwanis Club of Highland Park where he served as both president and treasurer. He is a lifetime member of Kiwanis International and its Legion of Honor.

Eugene and his wife of 35 years, Carol, are the parents of two children: Lynn Barnsback of Vienna, VA and Eugene G. of Staten Island, NY.

I am honored to introduce Mr. La Colla to my colleagues, and to acknowledge his 35 years of community service.

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## CLINTON TEAM FUMBLES IN CHINA

### HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mr. DORNAN. Mr. Speaker, while the Nation's attention focuses on the raging Whitewaters of Arkansas, the world continues to turn and our Nation's foreign policy continues to crumble.

In this still very dangerous world, the Clinton administration's foreign policy missteps, misjudgments, and blunders threaten our credibility and our ability to influence world events. Unlike President George Bush, Bill Clinton and his foreign policy team seem to lack the most basic understanding of our role as a world leader. And the fumbles continue.

I urge my colleagues to read the following editorial from the March 16, 1994, edition of USA Today, which offers some sound advice for the President and his foreign policy advisers.

[From USA Today, Mar. 16, 1994]

CLINTON TEAM FUMBLES AGAIN, THIS TIME IN CHINA

Looks like it's back to George Bush basics for Clinton's foreign policy team.

Secretary of State Warren Christopher's embarrassing stumble this week in China—threatening trade sanctions, then backing down when the Chinese called his bluff—leaves little choice. His team is now 0 for 4 in the big leagues.

Strike 1 was Bosnia, where U.S. bumbling left Serbian aggression unchecked for months. Strike 2 was Haiti, where blustering Clinton policy had to be changed. The Somalia debacle made it a strikeout. So China had little trouble figuring out how to make Clinton whiff on the next pitch.

In each policy snarl, Clinton learned the hard way that Bush may have had it right. And Clinton the candidate had it wrong.

In the campaign, Clinton tried to out-Rambo Bush. Stop Serbian aggression. Don't send Haitian refugees home without a hearing. Don't coddle China.

Clinton retreated on each.

Fear of thousands of Haitians flooding Florida brought a retraction of broad Clinton promises. On Bosnia, European allies rebuked Christopher when he asked them ever so nicely to follow Clinton's lead.

Somalia brought an even more tragic turn on Clinton's learning curve. Eighteen U.S. soldiers died when the mission switched from famine relief to a wild-goose chase for a Somali warlord.

As American soldiers pull out of Somalia, Bush's mission stands accomplished. Clinton's was abandoned.

These snafus earned Clinton's policy team—Christopher, National Security Adviser Anthony Lake and then-Secretary of Defense Les Aspin—a reputation as the gang that couldn't shoot straight. Christopher's China pratfall clinched the moniker.

The secretary went to China when he wasn't invited. He threatened to restrict trade unless human rights improved.

Bluntly and publicly, the Chinese told him to stuff it. And within 24 hours, Christopher wimped.

The result: China's sorry human rights practices may get worse instead of better.

What does all this matter? It matters in credibility.

If the world's big-time thugs like Saddam Hussein and little-league pests like Mohamed Aidid sniff weakness or indecision, they will try to exploit it.

Inexperience explains some of Clinton's problem, but after 14 months in office, it's time he got the message: Don't promise or threaten without accepting the consequences. Develop that so-called vision and get someone on the foreign policy team who can spell it to the rest of the world.

Remember, this ain't Little Rock, Bill.

## DRUGS SHOULD BE FOREIGN POLICY CONCERN

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mr. GILMAN. Mr. Speaker, one of the most serious questions of this administration, more than 1 year into office, is its policy on illegal drugs. The administration's announced intention of focusing on treatment and rehabilitation of hardcore users means that resources will necessarily be diverted from other vital areas, such as interdiction.

I am particularly concerned over administration plans to cut back in the areas of international interdiction and eradication. Proposals such as turning the State Department's Bureau for International Narcotics Matters into an amalgam that includes crime and terrorism—each of which merit attention on their own—will be a clear signal abroad that narcotics is not longer a top foreign policy issue for the United States.

A few days ago, New York Mayor Rudolph Giuliani, spoke to the Washington Times about the importance of placing narcotics at the top of U.S. foreign policy concerns. If anyone, Mr. Guliani knows from direct experience as the U.S. attorney for New York what is needed to effectively prosecute the never-ending war on narcotics. He also knows, as mayor of the Nation's largest city, the impact of illicit drugs on crime, health care costs, and the very viability of our great cities.

In an article in the Times, Mayor Giuliani said that local government may have a bigger role to play in combating narcotics, but only the Federal Government can provide overall guidance, and to do so properly it has to make the drug problem a matter of foreign policy.

Mr. Speaker, I commend the article to my colleagues and ask that it be printed in the RECORD at this point.

[From the Washington Times, Mar. 16, 1994]

GIULIANI URGES DRUG-WAR PRIORITY

(By Ralph Z. Hallow)

The United States created the world's drug problem and could solve it by putting drugs at the top of America's foreign policy agenda, New York Mayor Rudolph Giuliani said yesterday.

"What the federal government can do to help New York and other cities is to get seriously engaged in the drug problem," Mr. Giuliani said at a luncheon with editors and reporters of The Washington Times.

Although a Republican, Mr. Giuliani did not single out President Clinton and his Democratic administration in Washington for what he called 25 years of national failure on the foreign policy-drug policy front.

Mr. Giuliani, who defeated incumbent Mayor David Dinkins last year, argued that only the federal government can see every aspect of the problem and therefore have influence over every aspect of illicit drugs.

"It might very well be local government has a bigger role to play, but only the federal government can guide the effort so that you get the benefit out of the various roles the local governments should play," he said.

To guide that effort, the federal government has to make the drug problem a matter of foreign policy. "New York, Los Angeles or Philadelphia can't," he said. "And if the federal government doesn't make that a major aspect of foreign policy, then it can't get done."

Asked why drugs, in his view, have not been a major thrust of foreign policy, he said: "This is something I've struggled with for 25 years. I don't know why."

The former federal prosecutor said: "The exercise of foreign policy is trying to advance the interest of your country, and we understand this in terms of peace and war and international trade. But domestically, one of our great problems is drugs.

He said President Nixon started moving in the right direction on drugs and foreign policy and President Reagan also "did for a while. . . . But it never really entered into the foreign-policy establishment."

Mr. Giuliani, who became the third-ranking member of the Reagan administration's Justice Department, said the State Department's foreign-policy establishment "doesn't consider drugs one of the very important things they're supposed to deal with."

"The only person who can change that is the president—by talking about it, getting it to enter into the minds of the State Department," said Mr. Giuliani, who began as a Democrat in Brooklyn and became a Republican in the mid-1970s.

He said that persuading other countries to stop harvesting poppies—and exporting opium and heroin—is not a questions of how much the United States can pay to replace the crops.

"It isn't a matter of cost," Mr. Giuliani said. "There's no solution to any problem that we have enough money for. The world's drug problem was created by the United States on the demand side. We spend so much money on drugs that we draw the drugs to us. . . .

"We have to show we're serious about reducing that," he said. "It's just as important that we convince foreign countries to cooperate with us. If we were more sophisticated, we could explain to the government of Colombia—independent of whether we give it a penny—why it's in its self-interest to do away with the poppy crop. The economy of Colombia is built on a false base."

Asked why Colombia could not figure that out on its own, Mr. Giuliani said, "They just need a push from us in that direction."

## GOVERNOR WHITMAN'S BUDGET ADDRESS TO THE STATE OF NEW JERSEY

### HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mr. SAXTON. Mr. Speaker, I commend to my colleagues' attention the following address by Governor Christine Whitman to the State of New Jersey, given on March 15, 1994.

Good evening.

Two months ago, I took office promising a new beginning: A government that is committed to fundamental change. A government that is fiscally responsible. A government that uses common sense. And a governor who keeps her promises.

Budgets are more than just numbers. They are the balance sheet of our principles, the ultimate statement of our priorities. This is where government puts it money where its mouth is. Only it's not the government's money. It's your money. That's why I'm here tonight.

This is the first time in memory that a governor has delivered a budget message to a joint session of the Legislature in the evening—during "prime time" when it can be broadcast across the state to families in their homes.

Traditionally, this speech is given at 2 p.m., when few of you have an opportunity to listen. What you get are a few sound bites on the evening news and an article in your local paper. I asked to give this speech at this time because you deserve to hear directly how your tax dollars are being spent and why. I would like to thank the Legislature for agreeing to this change.

This is the beginning of three-and-a-half months of dialogue, debate and discussion between members of my administration, the Legislature, and the various interest groups that have traditionally driven the policy agenda in Trenton. And this time, you—as citizens—must be involved, too.

Fifty years ago, the first computer was built. It was a mammoth machine: One hundred feet long. Ten feet high. Three feet deep. Today, the computer world has changed.

Computers the size of that PC right there have the same capacity as the Supercomputer installed eight years ago that took up two rooms at Princeton's Forrestal Center. Microchips are in—main-frames are out. But not in government.

Government in New Jersey is an expensive-to-run, slow-to-respond, antiquated mainframe. It fills two rooms when it needs to take up a single desk.

With this budget, we begin the process of remaking government. Of making the machinery of government smaller. Smarter. Faster. More responsive to you. And less costly. We have no other choice.

Taxes in New Jersey—the cost of running the machinery of government—are too high. High taxes drive jobs out of New Jersey and discourage new businesses from coming in. They make it hard for young families to buy homes and for senior citizens to keep them. They force our children to look for jobs and opportunities far away from their home.

If we were to follow the pattern set by governors and legislatures over the past quarter-century, state spending would double over the next eight years. The state budget would be 32 billion dollars. Four thousand, one hundred dollars for every man, woman and child in the state.

Income, sales or business taxes would have to go up $3 billion every 30 months just to keep up. That cannot happen. You cannot afford it. Our children cannot afford it. You elected me—to prevent this. I will not let it happen. This budget is going to go down! Not up.

There is only one way to cut government spending, and that is to cut the amount of tax dollars that we take out of your pocket. The more money you have to spend, the more the economy will grow. You elected me to cut taxes and government spending in order to create jobs and stimulate economic growth. And that's exactly what my tax cuts will do.

Your Legislature under Senate President Don DiFrancesco and Assembly Speaker Chuck Haytalan launched New Jersey on the road to economy recovery by rolling back the sales tax in 1992 and cutting business taxes last summer.

I am grateful to the Legislature for so quickly approving the 5 percent income tax cut and the corporate tax rollback I called for in my Inaugural Address.

The Senate finished the job today by approving the elimination of all income taxes for the 380,000 New Jerseyans earning less than $7,500 a year—mostly senior citizens, students and people working their way off welfare.

Those tax cuts are just the first step. I promised you an income tax cut ranging from 30 percent for low- and middle-income families to 20 percent for high-income families by 1997. With this budget, I am asking the Legislature to take the second step. I am calling for a second income tax cut effective January 1, 1995.

This tax cut would give more to the low- and middle-income taxpayers who need tax relief the most. My plan would triple the current income tax cut to 15 percent for families earning less than $80,000 and individuals making less than $40,000. The cut would be 7½ percent for families earning between $80,000 and $150,000 and individuals between $40,000 and $75,000. Those in the highest tax bracket would get a 6 percent cut.

And make no mistake: I will call for a third tax cut next year. For democracy to work, those who ask for your vote must keep their promises. I will keep mine.

Not everyone will be happy with this budget. You will hear complaints about particular cuts, questions about why I kept my promise to cut taxes. But tax cut or no tax cut, we would have had to cut spending this year.

We must cut spending to close a $2 billion structural deficit caused by a past overreliance on one-shot revenues and by a past failure to limit growth in government spending to the growth in tax revenues. With this budget, we stop spending more money than we take in. With this budget, we reduce our reliance on one-shot revenues by nearly one half.

We are changing the way we fund pensions and health benefits for retirees in a way that will save you more than $600 million this year and more than 3½ billion dollars over the next four years without affecting benefits for a single retired worker. We are not taking a penny out of the pension system. We will continue to pay for health benefits on an annual basis. We also address a fundamental inequity in our retiree benefits system by requiring teachers and state workers to pay the same amount toward their pensions that police and firefighters and non-government workers already pay.

I know that property taxes concern you. When I urged the Legislature to enact a retroactive income tax cut, I promised that we would not play the shell game of cutting one tax by raising another. I kept that promise.

This budget provides a net increase of more than $100 million in the resources available to local governments, which I urge them to use to hold down property taxes.

I am recommending the elimination of desegregation aid and a partial phaseout of density aid to municipalities.

I am also proposing a 33 percent reduction in the "transition aid" to 265 school districts that was supposed to expire completely this year under the 1990 law. This will enable us to shift $28 million more into the 30 poorest school districts. This is a good-faith effort toward complying with the Supreme Court order to close the funding gap between the richest and poorest school districts.

We will write a new school aid law over the next year that defines what a "thorough and efficient education" should mean for every child, no matter where he or she lives.

But you know—and I know—that more money is not the answer for a school system that already spends more per child than any other state. The answer—is accountability.

We must teach children to read in the early grades, so we do not have to spend tens of millions of dollars more on remedial education in high school and college. We need to inject competition into our schools by developing alternatives like magnet schools, charter schools and voucher systems. And we need to understand that salaries and benefits for school personnel are growing so rapidly that they eat up any increase in state aid long before the dollars reach the classroom.

School districts, like municipalities and counties, must find ways to cut costs. If I can find ways to balance my budget while cutting taxes by $589 million, your schools, counties and municipalities can find ways to balance their budgets without raising taxes!

In fact, I challenge those who are putting so much energy into criticizing my spending cuts to use that energy to find the cost savings in their own budgets that we all know are there. It is not impossible.

I said I would cut spending in the governor's office by 20 percent. And I did it.

Union Township, which I visited last month, spends 15 percent less than the statewide average to educate its children. That's because it pays teachers extra to handle administrative duties than other districts pay vice-principals higher salaries to perform. We all know that municipalities and schools can save money by regionalizing services.

My treasurer is willing to provide efficiency audit teams to help your local governments identify cost savings. But the best way to find savings is to do what we are doing: Set up broad-based citizens groups within your own town and school district to come up with creative ideas to save money that challenge the old ways of doing things.

Participatory democracy works. This budget proves it. Before my administration even took office, a citizens' budget committee co-chaired by Candy Straight and Andrew Chapman identified hundreds of millions of dollars in potential budget savings.

Valuable ideas come in from you—through town meetings, call-in shows and the thousands of letters you sent to the "Our Tax Dollars" program. Nicholas Gordon of Fort Lee, who is with us tonight, wrote in to ask why the state is spending money for a Basic Skills Assessment test for college freshmen that duplicates the test we give to 11th graders. Nicholas, you're right. That test is gone. You just saved the State $1.2 million a year.

Nancy Burwell of Belleville, who is also in the gallery, called 101.5 while I was on the air to suggest that we bring in a company to audit the state government's phone bills. Good idea, Nancy. We expect to save $1.5 million, maybe more.

Paul Porreca Jr. of Millville, who is also here, asked why the State of New Jersey was running marinas in competition with private enterprise. Good question. We're going to privatize those marinas in Leonardo and Forked River. Expected sale price? Seven million dollars.

Nobody wrote in to suggest that we can save money by continuing the "Our Tax Dollars" program. But I've managed to figure that one out for myself.

Write me with your ideas. The address is "Our Tax Dollars," CN096, Trenton, New Jersey 08625.

One of the most intriguing letters to come into "Our Tax Dollars" arrived in December from Frank P. Merlo, a graduate professor of education at Montclair State College. Professor Merlo can't be with us tonight because he's teaching a school finance course, but this is what he wrote: "The present autonomy of the state's public higher education institutions makes the Department (of Higher Education) somewhat obsolete and relegates it to a make-work function to justify its existence." Professor Merlo—you're right! As of July 1 the State Department of Higher Education will no longer exist.

I am proposing the creation of a Council of College Presidents to replace the needlessly duplicative oversight now provided by the chancellor's office and the Board of Higher Education. Taxpayers will save millions of dollars by cutting this excessive bureaucracy. But more important, we will put responsibility and accountability for our colleges where it belongs—with the individual college presidents and their boards of trustees.

The 1986 state college autonomy law gave colleges responsibility for greater self-governance and for developing their own unique missions. They have succeeded admirably. Rutgers, NJIT and UMDNY are stronger than ever. Montclair is about to become the first state college to earn university status. Trenton State is no longer one of the best kept secrets in higher education. Our community colleges are thriving. Our commitment to higher education is stronger than ever.

In fact, tuition increases will be limited to 3½ percent this year—the lowest increase in at least 10 years—because we recognize that education is the cornerstone of our future. We must provide quality education from preschool to graduate school if New Jersey is to compete in the 21st Century.

The Department of Higher Education isn't the only Cabinet agency that should be eliminated. The Department of the Public Advocate also has outlived its usefulness. We must continue to meet fully this state's constitutional responsibility to provide legal counsel to the poor and to patients involuntarily committed to mental hospitals. We can do so by transferring the Office of the Public Defender and all mental health screening services to the Department of State.

Federally funded programs for the legal protection of persons with disabilities would be privatized and would continue stronger than ever. But the Division of Rate Counsel would be abolished because it duplicates the role of the Board of Regulatory Commissioners.

And we would no longer use your tax dollars to finance lawsuits by one government agency against another government agency, which then has to use more tax dollars to defend itself in a court system also financed by you. We can find better ways to spend our money.

It is also time to get government out of businesses it should not be running and to give private companies and non-profits the opportunity to compete to provide services at lower cost.

Speaking of better ways to spend our money, public television cannot truly be independent as long as it is funded by government dollars. With this budget, we begin a two-year transition to making New Jersey Network financially and politically independent, like its sister stations in New York and Philadelphia. Government ownership of the media went out with Pravda. I am cutting state aid to New Jersey Network by $2 million to start the transition from tax dollars to private contributions. I will lend my personal support to New Jersey Network's fund-raising drive.

Privatization makes sense in other areas too. In addition to the two marinas, I plan to turn over six state day care centers to non-profit agencies. I plan to close seven of the state's 39 armories. The Russians are not coming—except, hopefully, as tourists.

Perhaps the most exciting privatization initiative is a plan to establish a community-based drug treatment facility adjacent to the Hudson County Jail 400 medium-security state prisoners. Two-thirds of the 25,000 inmates in our state prison system have drug or alcohol problems, yet the Department of Corrections has just 250 substance-abuse treatment. If we keep releasing prisoners with drug or alcohol problems, we know they'll go right back to crime.

This new medium-security facility, coupled with an expansion of available beds in halfway houses, will give us the opportunity to sent prisoners with drug and alcohol problems to treatment program before they came up for parole. The message will be clear: If you don't get clean and sober, they have no chance of parole. It's as simple as that.

This is just one example of how government needs to get smart about spending a few dollars more now to avoid spending a fistful of dollars later.

Corrections spending has quadrupled since 1980, yet we have been doing very little to prevent youngsters from entering the criminal justice system in the first place and even less to prevent inmates for going back to a life of crime after they are paroled.

My Attorney General and Human Services Commissioner are heading an Advisory Council on Juvenile Justice that will develop boot camps and other alternatives to put first-time offenders back on the right track. I also want to require inmates to get their high school equivalency diploma or improve their reading by three grade levels as a condition for their parole. You can't get a very good job with a seventh-grade reading level, which is the average in our prisons. Those who already have high school diplomas can tutor those who need help.

We need to be smart about funding health care, too. We will save money by moving our Medicaid population to managed care. But more importantly, we can give our poorest families the opportunity to take their children to doctors for regular checkups, instead of having to wait for their children to get sick enough to take them to hospital emergency rooms.

Similarly, advocates for the mentally ill and the developmentally disabled have been pushing for years to expand community-based services, rather than continuing to pour hundreds of millions of tax dollars into expensive, outmoded institutions. It is time to consider closing some institutions and putting more money into the community to establish a continuum of care.

Throughout this budget, I have tried to invest money now in programs that will pay dividends in the future—money that will multiply and create opportunities in the private and non-profit sectors.

That's why I increased advertising for tourism by $1 million, knowing that every dollar spent promoting our second-largest industry generates 70 new dollars for New Jersey businesses.

That's why I put an extra half-million dollars into promoting our agricultural industry.

That's why I am devoting $250,000 to empower the business ombudsman to cut through red tape and prove that New Jersey is a business-friendly state.

That's why I doubled the State Planning Commission's budget to $1.4 million. And that's why I refused to cut our billion-dollar capital spending program, including the $565 million we will spend on transportation programs. Oh, yes—and there's $30 million for counties and municipalities.

I am proud of the work we have done in putting together a smart, forward-looking budget in just two months. I want to particularly thank my treasurer, Brian Clymer, my cabinet and their staffs.

In many ways, this is a transition budget—one put together to close the structural deficit we inherited with the least possible pain.

We did limit the pain: School and municipal aid levels remain virtually unchanged. Homestead rebates are preserved. State worker layoffs caused by program cuts are projected at 600, and the final number could be less.

But just as important, we are starting the process of bringing sanity to government spending here in the State House—and hopefully in your county courthouses, your town halls and in your schools.

Yes, we will have to make tough choices about our spending priorities. But that's what a budget is.

You make those choices every month when you pay your mortgage or rent, buy food, and pay your utility bills first—Then you see if you have enough money left over to go on vacation or out to the movies. I'm talking about common sense—a sense all too uncommon in government. You don't spend more money than you are taking in, Government shouldn't either.

I'm going to keep asking you for your ideas on what you want your government to do. My cabinet members will be reaching out to all New Jerseyans to ask fundamental questions about the programs and services they provide.

Together—working with the Legislature—we can turn this expensive-to-run, slow-to-respond, antiquated main-frame of a government into a smaller, smarter, faster, more responsive and less costly modern machine.

That's how I want us to remake government. Together. In public. In open debate with everyone at the table. That's what democracy is. That's how government should work. We're going to prove it here in New Jersey.

Thank you for listening. Thank you for participating.

God bless you. And good night.

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## INTRODUCTION OF H.R. 4095

## HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 22, 1994*

Mrs. FOWLER. Mr. Speaker, yesterday I introduced, H.R. 4095, a bill to repeal a particularly onerous and unnecessary administrative burden on our Nation's employers. This bill would repeal section 13581 of the Omnibus Budget Reconciliation Act of 1993, which established the Medicare and Medicaid Data Bank.

As Congress considers how to increase access to health care, the last thing we need to do is discourage employers from providing health insurance for their employees. Yet that is exactly what is happening as employers realize they must deal with a new and intrusive employer mandate which was a last minute addition to the Omnibus Budget Reconciliation Act of 1993.

Section 13581 of the OBRA established the Medicare and Medicaid Data Bank, and requires all employers who offer health insurance to provide extensive information on current and past employees and their dependents. The rationale for the requirement—that employers can get this information easier than the Government and at little cost—is profoundly flawed. Most employers do not keep the required information on hand. In many cases, the information will have to be compiled manually, costing a great deal of time and money to employers who are already drowning in a sea of Federal regulation. Failure to comply with the requirement will result in up to a $1,000 fine per violation.

No funding was provided for either the employers or the Health Care Financing Administration, which is responsible for implementing the data bank. The lack of funding for HCFA especially makes it extremely unlikely that the law can be successfully implemented.

The creation of the data bank was intended to prevent the mistaken payment to physicians and hospitals by Medicare and Medicaid when a third party is the primary payer. However, much of the information obtained through the employer requirements is already accessible to HCFA and is not currently being used for that purpose. Further, the employer requirements are so broad that employers must provide information on tens of millions of additional persons who are neither Medicare nor Medicaid enrollees. A preliminary GAO report indicates that only about 2 percent of employees and their dependents are Medicare and Medicaid beneficiaries subject to secondary payer rules.

The current law requires an enormous outlay of time, money, and effort for a miniscule return, and it is one more unfunded mandate on the back of American business. I urge my colleagues to join me in repealing this impractical and intrusive law, by signing on as a cosponsor of H.R. 4095.

H.R. 4095

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REPEAL OF MEDICARE AND MEDICAID COVERAGE DATA BANK.**

(a) REPEAL.—

(1) IN GENERAL.—Effective January 1, 1994, section 13581 of the Omnibus Budget Reconciliation Act of 1993 is hereby repealed and any provision of the law amended by such section is restored and shall be applied and administered as if such a section had not been enacted into law.

(b) STUDY AND REPORT.—

(1) STUDY.—The Secretary of Health and Human Services (hereafter in this subsection referred to as the 'Secretary') shall conduct a study on how to achieve the objectives of the data bank described in section 1144 of the Social Security Act (as in effect on the day before the date of the enactment of this Act) in the most cost-effective manner, taking into account—

(A) the administrative burden of such data bank on private sector entities and governments.

(B) the possible duplicative reporting requirements of the Health Care Financing Administration in effect on such date of enactment, and

(C) the legal ability of such entities and governments to acquire the required information.

(2) REPORT.—The Secretary shall report to the Congress on the results of the study described in paragraph (1) by not later than 180 days after the enactment of this Act.

# HOUSE OF REPRESENTATIVES—*Wednesday, March 23, 1994*

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
*Washington, DC, March 23, 1994.*

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, from whom comes every good gift, we ask that Your Spirit be with all those who turn to You for Your blessing. Where there is illness, may Your healing power be present; where there is timidity, may resolve and courage be our power; where there is haughtiness, give us humility; and where there is any apprehension or anxiety, give us a faith that sees us through. O loving and wondrous God, be present with us and support us all the day long. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. TUCKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TUCKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 244, nays 153, not voting 36, as follows:

[Roll No. 83]

### YEAS—244

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
Deal
DeFazio
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Everett
Farr
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Furse
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoke
Holden
Houghton
Hughes
Hutto
Hyde
Inglis
Inslee
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kingston
Kleczka
Klein
Klink
Kopetski
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCrery
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Sabo
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (NJ)
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Williams
Wilson
Woolsey
Wyden
Wynn
Yates

### NAYS—153

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Calvert
Camp
Canady
Castle
Clay
Clinger
Coble
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fields (TX)
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Huffington
Hutchinson
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Machtley
McCandless
McCollum
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

### NOT VOTING—36

Bonior
Brown (CA)
Callahan
Clyburn
Cox
de la Garza
DeLauro
Dooley
Dornan
Fazio
Ford (MI)
Fowler
Gallo
Gejdenson
Gephardt
Gillmor
Gilman
Hoyer
Hunter
Jefferson
Kennelly
Mazzoli
Natcher
Neal (NC)
Pombo
Pomeroy
Roberts
Rush
Sanders
Santorum
Smith (IA)
Towns
Washington
Wheat
Whitten
Wise

□ 1125

Mr. MOAKLEY changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair will ask the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

gentleman from Texas [Mr. BONILLA] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. BONILLA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3355. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety; and

H.R. 3474. An act to reduce administrative requirements for insured depository institutions to the extent consistent with safe and sound banking practices, to facilitate the establishment of community development financial institutions, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 965) "An Act to provide for toy safety and for other purposes" and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLINGS, Mr. FORD, Mr. BRYAN, Mr. DANFORTH, and Mr. GORTON to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3355) "An Act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety" and requests a conference with the House on the disagreeing votes of the two Houses thereon.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3474) "An Act to reduce administrative requirements for insured depository institutions to the extent consistent with safe and sound banking practices, to facilitate the establishment of community development financial institutions, and for other purposes" and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RIEGLE, Mr. SARBANES, Mr. DODD, Mr. D'AMATO, and Mr. GRAMM to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 208. An act to reform the concessions policies of the National Park Service, and for other purposes.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3958

Mr. SCHAEFER. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. SHAYS] be removed as a cosponsor of H.R. 3958. Owing to a clerical error made by my office, Mr. SHAYS was mistakenly added as a cosponsor of H.R. 3958.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

## JUSTICE DEPARTMENT IS ABANDONING ITS RESPONSIBILITY ON VOTING RIGHTS ACT

(Mr. FIELDS of Louisiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS of Louisiana. Mr. Speaker, I rise today to express a shameful condition, that condition is the Court's consistent attack on the 1965 Voting Rights Act. But what is more shameful than that, is the inaction of the U.S. Department of Justice.

It appears that the Justice Department has aborted its responsibility to defend one of the most important Federal statutes enacted by this Congress in this century.

Many of the lawsuits challenging congressional districts as a product of racial gerrymandering are districts that were precleared and approved under subsection 5 of the Voting Rights Act by the Department of Justice.

I am of the belief, that if they were constitutional then they must be constitutional now. Certainly, no one would even opine the thought that the Department of Justice would approve any congressional plan that violates the constitutional rights of citizens of this country.

The Department of Justice is now leaving the defense of the Voting Rights Act—a Federal statute mind you—in the hands of States that have a history of disenfranchising African-Americans and other minorities. That is like leaving the fox to guard the hen house.

Mr. Speaker, I call on the Department of Justice in general and the Attorney General in particular to live up to its responsibility and fiduciary obligation to defend the Voting Rights Act.

## ASSOCIATE COUNSEL AT THE WHITE HOUSE SHOULD RESIGN

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, it is very clear from today's Washington Post story that William Kennedy III, associate counsel at the White House, should resign today.

The story indicates clearly that he failed to pay his taxes. The story indicates clearly that when he did pay part of his taxes, he did so in his wife's former maiden name, the only occasion on which they ever used the name, and while he denies having done that to avoid the FBI background check, it is a very peculiar circumstance.

The story goes on to say that only in the middle of a divorce proceeding has he in the last 3 weeks decided that he actually should pay his back taxes, because it has become public.

The last thing this country needs is to have an associate counsel to the President of the United States who has failed to pay his taxes and who has acted in ways designed to ensure that the FBI does not know what he was doing, and I think that for public good and for the White House's good that Mr. Kennedy should resign today.

☐ 1130

## DEALING WITH SHAW VERSUS RENO

(Mr. TUCKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUCKER. Mr. Speaker, I rise today to express my strong support for the efforts of my Congressional Black Caucus colleagues and others in trying to deal with the deleterious effects of the recent case of Shaw versus Reno.

Mr. Speaker, in 1965 the Voting Rights Act was enacted to remedy one of the many wrongs perpetrated against African-Americans. However, in 1994, we find ourselves having to again fight for the right to vote, the right to participate in the political process and the right to be represented.

Mr. Speaker, rest assured this Member will fight every step of the way to protect the rights of African-Americans and those gained by his fathers and forefathers.

Mr. Speaker, I ask the Justice Department to diligently support the Voting Rights Act.

## CANCELLATION OF RTC OVERSIGHT HEARINGS RAISES CONCERNS

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, as a member of the Banking Committee, I feel compelled to express my concern about the decision to cancel the semiannual

RTC oversight hearing, which was mandated by law to have been held by December 3.

Mr. Speaker, this is the people's house and the arrogance of power must not undermine the confidence that the American people hold in this institution.

We are not members of some regulatory agency. We are Representatives in the U.S. Congress, and this body has a constitutional oversight obligation on this matter. Across the country, in polls and everyday conversations, there is concern about what is going on in Washington and why the special counsel is issuing subpoenas to top White House officials. It is in the President's best interests that we disclose all the facts related to this matter so that Americans can return our focus to issues of importance to our Nation.

There have been numerous congressional hearings into Presidential activities in the past: 25 in the past 12 years—many for more frivolous matters than this affair. Let us hold hearings, find the truth, and get this matter behind us so we can return to the work the American people sent us here to do.

## SUPPORTING HILLARY RODHAM CLINTON

(Ms. ROYBAL-ALLARD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to acknowledge the personal and professional achievements of our First Lady, Hillary Rodham Clinton.

She is an accomplished and passionate advocate for children's rights and public education who has now taken the leadership position on the most significant American social reform since the Roosevelt era—to assure that Americans receive universal, affordable health care coverage for the first time in our history.

When she speaks on issues that strike at the hearts of the American people, like health care, she speaks as a professional woman, a mother, a daughter, a wife, a sister and a friend.

She tirelessly takes the message of health reform to Congress, the professions and most importantly, the hardworking people who want to understand how the administration's plan will affect them. She can speak, but it is her ability to listen that is the key to her leadership in the creation of a realistic and compassionate plan.

The First Lady continues to focus on her family and health reform, despite the naysayers whose personal criticism seeks to distract her from her course.

I applaud her for her extraordinary grace and dedication.

## PUT YOUR SCHEMES AWAY

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, put your schemes away, is the message the American people are sending to the Clinton White House.

Put your socialist health care scheme away. The American people do not want the Government to run their health care system.

They do not want to pay a 7.9 percent payroll tax to get rationed care, diminished quality, and limited choice.

And put your stonewalling scheme away. The American people want full disclosure on Whitewater. They want a date set for the congressional hearings.

They are tired of assurances without facts, promises without merit.

In short, the American people are tired of the sleeze factor surrounding the White House.

So, put your schemes away, for another day.

Or better yet, put them away forever.

## THE FIRST LADY, A REAL DOER

(Miss COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, we have heard a steady drumbeat of attack rhetoric criticizing First Lady Hillary Clinton from the "Pillory Hillary" crowd. The headline grabbers who jump to condemn every step and every sneeze do so because they have so little to offer the American people in the way of concrete proposals to solve our problems.

Where is their health plan? Their jobs plan? Their welfare plan? It is easy to criticize. It is far harder to find solutions.

And yet find solutions is exactly what Hillary Clinton has done. She has accepted the challenge of providing every American, of whatever station in life, health care.

It is abominable that this country has let over 36 million Americans fall through the cracks. It is embarrassing that the leader of the industrial world cannot provide this very basic service to our people.

The First Lady has taken the ball and she has run with it. She has labored long days and nights over the health care bill. She has taken the cause to the American people. She has faced crowds of every persuasion. She has stood up to powerful lobbies. She has delivered a proposal to Congress.

Those who deliver nothing but barbs do so because they have little else to say. Some people are doers and some are talkers. I salute the First Lady, a real doer.

## DON'T BLAME THE REPUBLICANS, MR. PRESIDENT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, it is getting to be a tired, old refrain. Blame the Republicans and, maybe, all of your troubles will go away.

From the crisis in health care to the saga of Whitewatergate, President Clinton has sung the same, old song. The Republicans are behind it.

I need not remind the President that his health care plan has been discredited, not because of the Republicans, but because the American people don't want it. They don't want the taxes. They don't want the bureaucrats. And they don't want to be told by some all powerful, regional health alliance what doctors they can see and what doctors they can't see.

The President has found himself enmeshed in this Whitewatergate affair, not because of the Republicans, but because he has not been forthcoming. His administration has stonewalled every request for information. His Democrat allies have stood by his side until public opinion finally overwhelmed them.

Mr. Speaker, to find the source of all of his problems, the President need only look in his own backyard. This blame the Republicans business just isn't going to fly any more.

## THE FIRST LADY: A FINE EXAMPLE OF GRACE AND INTELLIGENCE UNDER FIRE

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I rise today to express my outrage at the recent attacks against First Lady Hillary Clinton. There is certainly no justification for the attacks, Mr. Speaker. Indeed, the First Lady continues to stand as a fine example of grace and intelligence under extreme fire.

She can certainly teach her critics a thing or two about the issues of fair play and due process. As I understand it, there has been speculation and innuendo, but absolutely no formal charge of wrong-doing against First Lady Hillary Clinton. In America we still believe that a person is innocent until proven guilty.

Indeed, this country owes the First Lady a great debt of gratitude. Because of her extraordinary leadership in the development of a plan for national health care reform, all of America is focused on this very urgent need.

For the first time ever, people in coffee shops, and back yards, and beauty shops all over the Nation are engaged in serious debate about the need to change the way we deliver health care. First Lady Hillary Clinton is directly responsible for initiating this debate.

As she carries out her duties as wife to the leader of the free world, mother to her teenaged daughter, and champion of universal health care, I urge my colleagues to give to First Lady Hillary Clinton the respect and support she clearly deserves.

## WHO PAYS FOR HEALTH CARE COVERAGE?

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, and my colleagues, the foundation of the Clinton health care plan is a requirement that employers shall pay 80 percent of the cost of health care coverage for their employees.

It is estimated by a number of different organizations that this would cost 3 million Americans their jobs. So as congressional committees begin to look at various health care proposals, including the Clinton plan, they are having their doubts about the employer mandate.

So what they are doing is they are beginning to look at smaller mandates. "Let us just require employers to pay part of it, less than 80 percent; let us begin to give subsidies to small employers," they say. It is the classic strategy of getting the camel's nose under the tent before we stick them with a big bill later on.

We need to fix the current system, we need to help the working poor get affordable health care insurance, but not at the cost of losing their job. Let us oppose employer mandates; let us fix the current system and let us do for the American people what they want, health care, affordable for each and every American.

□ 1140

## HILLARY CLINTON, FIRST SMART WOMAN IN THE WHITE HOUSE IN A LONG TIME

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise this morning to express my appreciation and respect for the First Lady, Hillary Clinton. As we speak, she is meeting with people who are interested in what we are going to do about long-term care. Hillary Clinton is a well-educated woman who feels confident in her own abilities, who has felt comfortable in leaving the teas at the White House and going to the people, listening to them and helping to develop a policy to respond to them. We appreciate her because of that.

We realize we are not an ivory tower. We realize that we cannot get policies put together that represent people without talking to people and responding to them. Hillary Clinton has been willing to do that. She has been our First Lady.

Mr. Speaker, we elected Bill Clinton for President, and that is his wife, and we are delighted that in America, for the first time in a long time, we have a smart woman who is willing to leave the teas, leave the receptions, and go to the people, and respond to the people. We thank Hillary. We thank her for the respect she has for the people of this Nation. We thank her for the job that she is doing.

## WE NEED A BIPARTISAN EFFORT ON HEALTH CARE

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Mr. Speaker, the stampede is growing. The gentleman from Michigan [Mr. DINGELL], chairman of the Committee on Energy and Commerce, is the latest of the big time Democrats to run away from the Clinton health care reform plan. He has introduced his own plan which, according to the Congressional Daily, will do away with mandatory alliances and ease the impact on small businesses.

A step away from the Clinton package is a step in the right direction, Mr. Speaker, but it is only a step. We need a bipartisan effort on health care. We should work together to increase access for every American without including a job-killing payroll tax or quality-killing global budget.

The President has tried to market his package by saying he is the only alternative, that "It's mine or nothing," and his supporters have continued that litany. That could not be further from the truth. The Republican approach to health care will achieve reform for all Americans, the reform that Americans want without government intrusion that most Americans despise.

I urge my colleagues to come together to work toward solutions and turn away from embracing the Clinton plan. Mr. Speaker, the stampede is growing.

## THEY DON'T LIKE SMART WOMEN

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, I have been dismayed at the concerted and continued vicious attacks on Hillary Rodham Clinton which began in earnest in August 1992. These attacks have continued unabated ever since.

These attacks have originated in what is the extreme right wing of American politics. I have been shocked at the venom of these attacks. I have been wondering what Mrs. Clinton did to create such hatred.

I have had the opportunity to work with Mrs. Clinton.

She is a devoted mother to her daughter, but the right wing believes in motherhood, so they say.

She works hard to support her husband in his endeavors, but the right wing believes that a wife should support her husband's efforts.

She works very hard to improve the quality of family life for all Americans, but the right wing says it champions the family.

For years she worked in the private sector and engaged in capitalistic activities, but the right wing says it reveres capitalism.

I just could not figure it out for the longest time.

Hillary Rodham Clinton is a brilliant, professional woman who has successfully balanced family and career, Hillary Clinton has developed a substantive health care plan for all Americans—she got us started in a debate that will culminate in a health delivery mechanism second to none.

Mr. Speaker, Hillary Clinton is a smart, efficient woman, and I say to her, "Stand by your man, Hillary. We're behind you."

## THE SUPERFUND NIGHTMARE

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, we have an opportunity this year to enact a comprehensive overhaul of the Superfund Program.

We can put an end to the endless litigation that has crippled this program.

We can make the ability to pay a consideration in determining the liability of responsible parties.

And we can, once and for all, resolve the matter of retroactive liability.

Mr. Speaker, it is convenient and popular to think of Superfund as a problem of big business. But I can assure my colleagues that Superfund does not discriminate. It will come after our neighbors, our school districts, our grandmothers, and the corner grocer. Like the endless string of horror movie sequels that Hollywood never tires of making us, Superfund is always looking for a new venue to play. Watch for "Nightmare on Main Street"—coming soon to a location nearby.

I urge all Members to support a comprehensive Superfund reauthorization this year.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair will remind Members to direct their remarks to the Chair and not to anyone outside the Chamber.

## WOMEN ARE PROUD OF HILLARY CLINTON'S CONTRIBUTIONS

(Mrs. MINK of Hawaii asked and was given permission to address the House for 1 minute.)

Mrs. MINK of Hawaii. Mr. Speaker, not very many women have the opportunity of public service. There are a few of us in the Congress; I hope someday there will be many, many more in the House and in the Senate. When called upon to contribute to this country, Mr. Speaker, no woman should take a back seat to any man. That is the opportunity that Hillary Clinton has been given as the wife of the President of the United States, and I am so proud of her, and her leadership, her ability to communicate with the American people, to bring down to earth some of these very complicated issues. Her law background, her sympathy to children, her leadership in the Children's Defense Fund and numerous other organizations make her more than qualified to serve the American people, and that is what she is doing in the capacity of the First Lady of the White House and of this Nation. I am proud of her, and I am proud of her leadership, and I wish the American people would understand how proud we women are of her contributions to the current debate on health care.

## REVISED ARKANSAS BAR EXAM

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the Arkansas State Bar has decided to revise the ethics portion of its bar exam. It seems a number of practicing attorneys have had trouble in this area, despite having passed the old exam. The new test reads:

Question 1: A State attorney general enters into a business deal. He put up no money, but gets a half interest in a land development company that will need many State government permits to operate. Discuss the possible ethics ramifications, if any.

Question 2: A State Governor arranges for a business partner, who controls a federally insured S&L, to make payments on a personal loan that the Governor has taken out. The Governor then claims these interest payments as interest deductions on his own tax return. Are there any ethics complications here?

Question 3: A State Governor arranges for a friend to get a large Federal grant ostensibly to fund projects for disadvantaged business owners. The Governor then induces this friend to lend hundreds of thousands of dollars to a land development company the Governor jointly owns. The true nature of the loan is not disclosed and the money is not repaid. Are there any ethics problem here?

The new test is not hard, but to make it even easier, perhaps Arkansas could get the administration to do the grading.

## HILLARY CLINTON IS DOING A GOOD JOB

(Ms. BROWN of Florida asked and was given permission to address the House for 1 minute.)

Ms. BROWN of Florida. Mr. Speaker, I rise in support of the First Lady, Hillary Clinton, and say, "Newspapers, get off her back. Republicans, get off her back. We support you, First Lady. We love you. You're doing a good job."

## OMNIBUS CRIME BILL OF 1994

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, by the very nature of its name, the Omnibus Crime Control Act of 1994 implies that this Congress is taking significant steps to reduce the rate of crime in this country and deal swiftly and effectively with criminals. Guess again.

Take the habeas corpus revisions, for instance. The revisions contained in H.R. 4092 liberalize the habeas corpus appeal process, effectively undermining the death penalties in the 36 States that have capital punishment.

It relaxes rules on when a defendant can appeal, reverses several Supreme Court cases that prohibit most appeals based on changes in the law after the defendant's conviction; thus allowing new appeals every time the Supreme Court makes a new procedural ruling; and requires that at least two lawyers be appointed to represent the defendant at every stage of the process. These revisions will prolong, rather than curtail, the lengthy appeals process.

Serious crime reform means getting tough on never-ending habeas corpus appeals, not creating loopholes that handcuff our already overburdened criminal justice system and keep crime weary citizens wondering what the heck we are doing here in Washington.

□ 1150

## HILLARY RODHAM CLINTON

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, I rise today to say thank you to Hillary Rodham Clinton, a woman who has become a hero and role model to millions of women of all ages, and colors.

As a new Member of Congress, I know what it is like to be pigeonholed into stereotypes—fighting a constant struggle against how others would like to define me.

Hillary, too, is one who doesn't fit stereotypes. She has said "no" to those who put upon her their own expectations of who she is. And instead, she has carved out her own niche with her own tools of intelligence and eloquence.

Hillary is a strong, positive woman, admired by women across America. She is a risk taker who is not afraid to speak her mind. Hillary, I think you're cool. Give'em health, Hillary.

## GRAPHIC BROCHURES RULED UNFIT FOR PRINTING IN CONGRESSIONAL RECORD

(Mr. HANCOCK asked and was given permission to address the House for 1 minute.)

Mr. HANCOCK. Mr. Speaker, yesterday, during my 1-minute speech, I asked unanimous consent that materials be placed in the CONGRESSIONAL RECORD. I was informed by the Parliamentarian that they were inappropriate for insertion into the RECORD. Given their near-pornographic nature, I cannot blame the Parliamentarian for his decision.

What are these items? They are graphic brochures designed to instruct and entice young people in homosexual sex acts. These same brochures—masquerading as AIDS education—were made available at a New York City youth AIDS conference to students as young as 12. This conference was sponsored by the New York State Department of Education.

This is exactly the type of prohomosexual propaganda the Hancock amendment to H.R. 6 is targeting.

If this is not fit for the CONGRESSIONAL RECORD, it is certainly not fit for grade-school, junior high, and high school students. I urge Members to support my amendment upon our return from Easter break, and oppose any attempts to weaken it.

## TRIBUTE TO HILLARY RODHAM CLINTON DURING WOMEN'S HISTORY MONTH

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, March is Women's History Month, and I rise today to salute a remarkable woman who is making history today.

First Lady Hillary Rodham Clinton is a talented, intelligent, effective woman who is expanding her role and leading this Nation in the battle to secure comprehensive health care for all Americans.

As a mother, a wife, and a daughter, she understands how critically important health care reform is to American women—and men.

For all her hard work she has taken a great deal of criticism from those who have nothing more constructive to offer. The forces of gridlock find time to criticize her work—but they find no time to tackle the tough issues affecting American families. Thankfully, health care reform is too important to get sidetracked.

Hillary Rodham Clinton sets a new standard for American women and is a model for our daughters. She deserves our praise and respect.

### MORE MEMBERS JOIN HUNGER FAST

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, today a number of Members of Congress are beginning a fast. I am joining my colleague, the gentleman from Ohio, Tony Hall, today in this fast because I think that what he is doing is important and courageous. We are all so caught up in our day-to-day existence of working, paying the bills, trying to be a good husband or wife, being an involved parent, that we forget about some of the real problems in the world.

Twenty-four years ago as a newly trained Peace Corps volunteer, I set out to help end hunger in the world. Unfortunately, we still have not accomplished that task. As many as 35,000 people a day are starving to death and not because there is not enough food; farmers, especially American farmers, are doing a marvelous job. It's happening because of political problems and distribution problems. We have the ability to end hunger and we have the resources.

We all need to focus on what we can do collectively and individually to end that tragedy.

### MEMBERS GUARANTEED VOTE ON ENVIRONMENTAL ISSUES

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, March may have come in like a lamb, but it is going to go out like a lion. This month has been very interesting. This month environmentalists met to discuss the environmental agenda of this body, and they determined in a memo that has just been released that they were going to take off the table most of the environmental reforms before this Congress and not give us a chance to vote on it. They were going to decide the agenda of this body.

They were going to make sure we did not vote on endangered species reform or wetlands reform, the Clean Water Act, the Clean Drinking Water Act, Superfund, and a host of other environmental reforms. Why? Because they were afraid of something they call the unholy trinity.

That is not some new satanic cult. It is just a satanic cult. It is just a few ideas. The unholy trinity to them is private property rights, unfunded mandates, and risk assessment and cost analysis, three important issues to this body and to Americans—in fact, so important that a court on March 10, in the Florida rock decision before the Court of Appeals ruled for the first time in a Federal court that no one should be denied compensation for a taking that occurred because of a denial of wetland permits.

Mr. Speaker, we are going to get a chance to vote on those things regardless of the environmental community's memo and their decision to keep it from the floor. I ask Members to join me in support of the private property owners bill of rights, H.R. 3875. That is our chance to put it on the agenda and have a vote in this body on private property rights in America.

### A CALL FOR ROGER ALTMAN'S RESIGNATION

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, we learn in today's papers that Deputy Treasury Secretary Roger Altman was misleading Congress when he said his meeting with White House officials was nothing more than a "heads up."

Mr. Altman's Monday letter to the chairman of the Senate Banking Committee marks the fourth time the Deputy Treasury Secretary has amended his Senate testimony to disclose additional contacts with White House officials relating to Madison Savings and Loan. The latest revelation points out that the White House wanted to be sure to have a political appointee responsive to the President in a position to decide what civil cases go forward.

Mr. Speaker, this is clearly unacceptable behavior from a high-ranking administration official. Mr. Altman cannot seem to remember the nature of his discussions until he reads them in the papers; then once they have been reported he sends up a letter clarifying his position.

Administration officials withholding information from Congress has in the past been considered a Federal crime. Mr. Altman's actions are clearly unacceptable behavior by a high ranking administration official with far-reaching regulatory authority. Roger Altman has demonstrated time and again that he cannot be trusted to provide Congress vital information, and he should resign today.

### COMPREHENSIVE JUSTICE IS CRIME BILL'S GOAL

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, recent statistics reveal a dramatic increase in violent crime. It is this increase that has everyone frightened. Violent crime creates a climate of fear in our community that has a substantial impact on how we live and go about our daily lives. It is no wonder that people are concerned. They do not want to live in fear. They are ready for tough measures to combat violent crime.

The American people want tougher sentencing. They want more vigilant and effective prosecution. They want it made clear that violent criminals can rely on being pursued, caught, and punished by a society that will not tolerate their actions.

We need a crime bill that implements a comprehensive justice, an uncompromising attack on crime. The crime bill before us today enacts this justice. It is tough and smart. It will remove criminals from our streets, making them safe for our citizens.

□ 1200

### BE TOUGH ON CRIME

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, the House of Representatives is about to take up the proposed new Federal anticrime bill. I want to say that it is none too soon. Violent crime is the greatest problem facing the United States of America. Why? Because for the obvious reason, that unless we can go to work safely, unless we can send our children to school safely, unless we can be in our homes safely, we cannot address all of our other problems, as serious as certainly they may be.

Of all the different provisions in the crime bill, of which there are quite a number, the most important, in my view, is that which deals with repeat offenders, because it is the repeat offender who is the criminal that will not stop committing crimes and probably commits three, four, five, or more crimes a day, 7 days a week, 365 days a year.

There is a provision in the bill before us that would address this situation that is called three strikes and you're out, meaning three violent felonies or two violent, and one drug felony, and mandatory life in prison.

This would be an improvement over the law today, but it does not go far enough. We need to say if they are truly violent crimes, why get to three? Why should not two violent crimes being committed warrant life in prison?

At the very least, Mr. Speaker, I will offer an amendment that says commission of two serial violent crimes should mean life in prison.

### REPUBLICAN SHOW-TIME IN CONGRESS

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, I think the general public is pretty tired of hearing all the rhetorical garbage that is spewed out on Whitewater by the Republicans. They say it is our constitutional duty to inform the public. That is bull. To them it is showtime. It is politics, because they think they now have an issue that is going to cover up their scandalous past.

But let me say this. This is the same party that gave us the Teapot Dome Scandal, the Great Depression, Joseph McCarthy, Watergate, and Iran-Contra. I think we should have learned by the Iran-Contra hearings Congress is not an investigating body. Congress is a legislative body. We do not do too well at that.

Oliver North and John Poindexter are not in jail because the Supreme Court overturned their convictions because of a technicality caused by congressional hearings.

Frankly, I think the public is just tired of all this damn nonsense, and they are saying to us, do what we elected you to do.

## SELLING THE DIRT OF WHITEWATER

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I thought I had heard it all, I thought I had seen it all, and I thought I almost had smelled it all, Watergate and Iran-Contra, but evidently not. James McDougal of Madison Savings and Loan has taken dirt to a higher level. James McDougal is selling the dirt of Whitewater for $19.95 a cubic foot, ladies and gentlemen. And for $19.95 you not only get the dirt, you get a nonpartisan dirt deed.

Now, look here. I do not know what Hillary did. I still like her. I do not know what the President did. He is doing his job. But I want you to think about something: If these good old boys from Arkansas are willing to sell that Whitewater dirt, those good old boys from Arkansas just might be willing to manufacture some of the Whitewater dirt, too.

I want Congress to think about it, especially Judge David L. Hale, ladies and gentlemen. Let us get down to business and run our country. We do not need to be dumping more dirt on the White House.

## VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 395 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 395

*Resolved* That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4092) to control and prevent crime. The first reading of the bill shall be dispensed with. All points of order against the bill and against its consideration are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the Committee of the Whole House shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House. The requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to a resolution reported on or before the legislative day of March 23, 1994, providing for further consideration or disposition of the bill.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida [Mr. GOSS], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purpose of debate only.

Mr. Speaker, House Resolution 395 is the first rule providing for the consideration of H.R. 4092, the Violent Crime Control and Law Enforcement Act. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary. The rule waives all points of order against the bill and against its consideration. The rule provides that after general debate the committee shall rise without motion and that no further consideration of the bill shall be in order except as subsequently ordered by the House.

Finally, the rule waives clause 4(b) of rule XI against a resolution reported from the Committee on Rules on the legislative day of March 23, 1994, providing for further consideration of H.R. 4092.

Mr. Speaker, this rule will allow the House to begin consideration of H.R. 4092, the Violent Crime Control and Law Enforcement Act. In the State of the Union Address, the President urged Congress to set aside partisan differences and to pass a strong, smart, tough crime bill. In response to this call, the House has before it today a far-reaching bill that does exactly that.

H.R. 4092 is a strong bill that authorizes over $15 billion in funding to address the crime problem on a number of different fronts. This targeting of Federal funds on crime is the largest ever considered by the House of Representatives.

H.R. 4092 authorizes a total of $3.45 billion in Federal grants for 50,000 more cops on the beat. The legislation authorizes a total of $3 billion to help States build new prisons for the incarceration of violent repeat offenders.

H.R. 4092 is a smart bill that focuses on the causes of crime. The bill authorizes $7 billion for community programs intended to prevent crime and targets $525 million for programs providing employment opportunities for young adults in areas with high crime and high unemployment rates. The bill authorizes $100 million to reduce gang activities and the use of illegal drugs by juveniles and authorizes $20 million for programs in which law enforcement and child and family services agencies work together to deal with incidents of violence involving juveniles and children. The bill authorizes $7 million to prevent crime against older Americans.

Finally, H.R. 4092 is a tough bill that expands the Federal death penalty by more than 60 offenses, including drive-by shooting, the murder of a police officer, drug trafficking, and kidnaping. The legislation mandates life imprisonment for a conviction of a Federal violent felony if the defendant previously was convicted of two serious Federal or State drug offenses or violent offenses with a potential sentence of 10 years. It provides that juveniles 13 years or older could be tried as adults for certain violent Federal crimes. The bill overhauls the rules for death row inmates who have exhausted the State appeals process by allowing one Federal appeal within 1 year of the final State decision and requiring States to provide defendants with competent lawyers.

The bill also addresses the problem of violence against women and provides grants to State and local governments for programs to reduce violence against women and punishes those who commit crimes against women. The bill establishes new Federal crimes of interstate domestic violence, stalking, and establishes a national task force on violence against women.

The bill also includes the use of "bootcamps" for youthful first-time offenders. The bill provides $200 million for States to develop new programs to ensure the punishment of youthful offenders, who might otherwise be placed on probation. These grants can be used for alternative punishment such as "bootcamps" which would teach troubled youngsters the value of hard work and instill discipline.

Mr. Speaker, far too many of us no longer feel safe in our own neighborhoods. Violent crime is on the rise across our Nation. H.R. 4092 cannot solve all of society's problems which result in increased violence, but it is an important step in taking hold of the situation and turning this country's crime problem around.

Mr. Speaker, House Resolution 395 is a fair rule that will begin consideration of this wide-reaching crime bill. I urge my colleagues to support the rule and the bill.

□ 1210

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, some say that the House Democratic leadership has been stung by criticism that it has not done enough to combat crime in America—but, not to worry. In an extraordinary election-year frenzy to get an anticrime bill passed before we head home for a 2-week recess, the Democrat leadership has placed the Rules Committee in the center ring of a circus. This circus has provided us with this bill, H.R. 4092, the 1994 omnibus crime bill. It is a compilation of almost two dozen freestanding anticrime proposals, all rolled into one bill. The distinguished chairman of the Judiciary Committee, Mr. BROOKS, described this bill as carefully balanced and primarily made up of measures this House has dealt with in the past. But, Mr. Speaker, we have 114 new Members of this House who were not here for debate the last time an omnibus crime package came through. Even Members who have been around for awhile believe this bill needs to be improved.

These amendments, weighing in at a modest 10 pounds, are the 179 amendments that were filed with the Rules Committee for consideration along with the crime bill—99 by Democrats and 80 by Republicans—offered by more than 100 Members, almost one-fourth of this House. All of these ideas come even though there is no composite committee report for H.R. 4092.

We now embark on a contorted and confusing process of debate that will lead us through three separate rules. That is why I have labeled this sort of a three-ring circus, but given the nature of what we are talking about. Perhaps we should call this the "three strikes and you're out" rule. And it is the Members who are out. This rule invokes a special procedure known as the "two-thirds martial law rule," designed to pave the way for a second crime bill rule later today, without the customary overnight layover. The second rule will likely include a batch of amendments of high priority to the majority and the minority, so we can advance this debate throughout the day. Then we can expect a third rule tomorrow, to deal with the remaining amendments and wind this whole performance up in time to go home and tell people we did something about crime.

There is no dispute about the importance of beefing up our Federal crime laws—in fact, the Republicans introduced a comprehensive anticrime initiative last August 4, a bill that now carries 95 cosponsors. Late last fall, when the other body passed a substantive crime control bill, the minority pleaded with the majority leadership to consider our bill in the House. No chance. But now things look a bit different. After all, it is 1994 and Americans go back to the election booths in just a few short months with concerns about the rise in crime foremost on their minds. Perhaps that explains the seemingly sudden sense of urgency on the part of our Democrat counterparts.

We all know that our constituents do not feel safe—in neighborhoods, shopping centers, schools, and even homes and cars. As Federal legislators we walk a narrow tightrope—setting the tone, providing the tools and then getting out of the way so local law enforcement can do its job. Above all, we must not pass a gutless crime bill simply to say we did something. Logic tells us if we put criminals in jail, they cannot commit more crimes. If we ensure that justice is swift and sure by doing away with endless appeals, we save the States money that can be channeled into other crime-fighting initiatives.

When people know they will be caught and punished if they commit a crime, fewer will take the risk. And if we reinforce the importance of our children saying "no" to drugs, "no" to sex and "no" to criminal behavior while saying "yes" to responsibility, then we can put a stop to the tragic cycle of juvenile violence.

Still, as important as tough and meaningful Federal legislation is, it is only one step along a very long road. The violence and despair we face is rooted in our communities, not within the thick white walls of this Capitol building. We simply have to restore education, discipline, and adherence to some basic values, especially respect for others, decency, a sense of community and individual accountability.

Back in my district recently, I saw a very disturbing sign of the times. Instead of the familiar "my child is an honor student" bumper sticker, a car boasted the slogan, "my child beat up your honor student." How far have we come?

Mr. Speaker, in the next day and a half Members will have a brief chance to explore some of the things that this Federal Government can do to assist communities and law enforcement in reversing the trend of violence, drug abuse and broken homes. It is just not enough time and the American people expect more. I wish we had organized full debate and deliberation after the Easter recess to take up this crucial topic—in a more orderly and less-rushed format. For that reason, I must oppose this rule. Crime control is simply too important to be used as a convenient election-year gimmick.

Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this rule and in support of H.R. 4092, the Violent Crime Control and Law Enforcement Act of 1994.

H.R. 4092 is the strongest anticrime bill this House has ever considered. I am glad that we have finally moved it to the floor, so that we can translate our rhetoric about crime into reality.

The answer too many children give when asked, "What do you want to be when you grow up?" is: "I just want to grow up." Far too many of America's young people live in an atmosphere of pervasive violence that destroys their hope for the future.

I would like to read part of a letter I recently received from one young constituent. He wrote:

> I am a freshman at Cornell University. I grew up in Rochester, New York and I have been personally affected by the deterioration of our American cities. Last summer, when we were 17 years old, a friend and I were carjacked and driven around Rochester at gunpoint by two other 17-year-olds. We survived, but two weeks later another friend was murdered by gang members. Upon returning from Cornell for [Christmas], I learned that an 18-year-old girl from my neighborhood was carjacked and then shot in the head and chest. She died, too. Homicide statistics in the morning paper sure become a little more vivid when you become a part of them.

Mr. Speaker, this bill fights crime on two tracks. On one hand, it strengthens our neighborhoods with ounce of prevention programs, community policing, and efforts to reduce gang activities. At the same time, the bill's provisions on law enforcement and three-time losers ensure that serious offenders are prosecuted and put behind bars—for good.

Our first responsibility is to those who sent us here. We owe them a bill that restores their freedom to walk the streets without fear—and even to daydream about the future sometimes. We cannot afford any further delay in fulfilling this promise.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Wisconsin [Mr. SENSENBRENNER], a member of the committee.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to this resolution. I do so not because the time is not here to debate the crime bill, because it is, but because this resolution takes away a significant tool for the Members to know what they are voting on.

By waiving all points of order, which this resolution does, and this waiver will be applicable toward rules II, III, and IV, the requirement that a committee report explaining the arguments and the details of what is about ready to come before the House is waived. That committee report is very important from a number of standpoints.

First, it is important to describe the various features of this comprehensive bill, which is an amalgamation and a conglomeration of several other bills that have been reported from the Committee on the Judiciary.

Second, the committee report would inform the Members as to the total cost of this legislation, because the rules require that committee reports contain a cost estimate by the Congressional Budget Office, as well as an estimate as to the impact on inflation.

We are dealing here with major amounts of money, and we ought to be giving thought to make sure that this money is being effectively spent, rather than going back to the knee-jerk reaction of the Great Society, where Congress simply threw money at problems and was not very concerned about the administration of those funds or what good those funds would bring about.

I have heard estimates that say the cost of this bill ranges from $12 billion to $22 billion over the next 5 years. That is not small change. I think that that requires a very good look by the House as a whole as to how these programs are being set up and how these funds are to be administered.

Second, I am concerned that there is no funding mechanism involved in this legislation. When the other body passed the crime bill, they established a trust fund which would be used to finance programs like cops on the beat and drug treatment in prisons and things like that, for which there is no real substantive argument.

Here we are not establishing a trust fund. There is no amendment to make a trust fund in order, so we are just having an empty promise of an unfunded authorization bill at a time when the Congress and the country are living under discretionary spending caps. Without a funding mechanism, every dime that is authorized in this bill will end up requiring a 10 cent for 10 cent reduction in other programs that are presently funded by the Congress.

To combat crime, we have to be tough on prevention, as well as backing up our promises.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the distinguished gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker I am proud to support the bill and the fine efforts of the committee to bring this bill out. As a former sheriff, I have a couple of amendments that I would like to discuss on this bill. I think they are important and make the bill favorable.

First of all, many times you have individuals that provide the testimony that gets a conviction in a courtroom. Some of these individuals are convicted and some of these felons say, "When I get out of jail, I'm going to hurt you. I'm going to get you, Judge," or "I'm going to get you who turned that evidence against me."

After they come out, as evidenced by an article in the Reader's Digest, too often they come back and live up to that promise, and they literally at times have not only hurt some of those victims or some of those people who have brought the evidence, they have killed them as well.

The first Traficant amendment says 30 days prior to release they notify the principals that this felon is being released into the community, the victims, the people that gave the testimony against them, the judge and the jury, anybody who was involved in that that may be a principal.

Second of all, we are talking about nonviolent offenders and the deterrence of crime. The worst day I had as a sheriff is when a young man was raped in the Mahoney County jail. That's right, raped. There was no reason for that nonviolent offender to be in that jail.

The Traficant amendment says the judge will have options, and could in fact put the wrist bracelet on, with the devices where they could monitor them in their own home, and let them pay big fines. The bottom line is, though the Traficant amendment says that the judge could also order that their picture be published with the offense they have committed, and they are responsible to pay for that photograph, and let the community know. That would probably serve as the greatest deterrent Congress could possibly pass.

The last amendment deals with disabled police officers, those who have been injured or disabled in the line of duty. It calls for the establishment of counseling centers for many of these disabled, wounded, or officers who end up losing their homes, losing their marriages, because of their job and because of the injury they sustain. It creates a fund, $3 million, to establish these regional counseling centers that can work with the policemen that are so affected to try and help to bring them around.

I would appreciate it if the committee would give an opportunity for these amendments as we come down to a more specific rule, and I would hope that they would be included in the list of amendments.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from San Dimas, CA, Mr. DREIER, a distinguished member of the Committee on Rules.

Mr. DREIER. I thank my friend from Sanibel for yielding me the time. I congratulate him for his very fine statement.

I listened to my friend, the sheriff from Ohio, talking about his amendments that he hopes to include in this bill. The fact that he is talking about his amendments and the other 177 amendments that we are now hearing upstairs in the Committee on Rules leads me to join the gentleman from Florida [Mr. GOSS] in opposing this rule.

Why? Well, here we are talking about a very important crime bill, and this rule grants an hour of general debate, but what are we going to debate?

□ 1230

We do not know what amendments are going to be allowed under this rule that is finally going to come down that will make that determination. So it is a very sad commentary on where we are today when we want to proceed with discussions on legislation that we have not even seen.

Yes, we have the bill upstairs. The bill is this thick, as the gentleman from Florida [Mr. GOSS] pointed out. The stack of amendments is about three times as thick, so let us do this in an orderly way. Let us make a determination what amendments are going to be considered when we bring this to the floor and allow general debate to take place around those amendments. I thank my friend for yielding.

Mr. DERRICK. Mr. Speaker, I yield such time as he many consume to the distinguished chairman of the Committee on the Judiciary, Mr. BROOKS.

Mr. BROOKS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the rule.

The debate over the crime bill last Congress is instructive in considering the rule today. At that time, the Rules Committee permitted about 50 amendments to be made in order under the rule adopted by the House. As usual, I think that the Rules Committee both then and now is striving to achieve exactly the right balance and mix: enough amendments and alternatives to allow a good healthy debate of the major issues, but not so many that the House cannot finish its work because of overlapping and duplicating amendments.

I should note that during the recent markup in the Judiciary Committee of 13 of the underlying bills included in H.R. 4092, 63 different amendments were proposed: 24 of them were adopted, another 24 were defeated, and 15 others were either ruled nongermane or withdrawn. And let us also remember that almost half of the provisions of the bill before us have already been formally adopted by the House by votes such as 421 to 0, 422 to 0, 413 to 23, and 394 to 32.

Some of the issues garnering considerable debate in committee included the three strikes you're out proposal, the grants to States for prison construction provisions, death penalty and procedures, the crime prevention proposals, habeas corpus, and racial justice.

It is my belief that the alternative proposals made in order under the rule for the major sections of the bill are both fair and appropriate to the offerors on both sides of the aisle. As I said at the Rules Committee yesterday, I believe that my colleagues on the other side should be given a fair chance to debate their major proposals and this rule addresses that need.

I know there are some who ask why we do not delay consideration of the bill because so many amendments have been filed and because the House has not had sufficient time to consider the committee's work product. But in response to that argument I say to all of my colleagues—do not fall for the delay trick. The bill tracks very closely the work product of the crime conference report adopted by the 102d Congress. I reject those who want to wait till late spring or early summer to vote. We have had an overabundance of process in crafting this bill and remaining open to major amendments. It is time to move forward. I urge a "yes" vote on the rule so we can get on with passing the crime bill.

Mr. GOSS. Mr. Speaker, I will just briefly tell the distinguished chairman that I have here what looks like the "Congressional Directory" in front of me. It is not. In fact it is just a list of the Members that wish to testify at the other ring of this circus up in the Rules Committee right now, and I know he appreciates the hard work the Rules Committee does and we appreciate the hard work his committee does. But we do not want to do your work and you do not want to do our work, and we are simply suggesting perhaps, Mr. Speaker, that the work is not yet complete because there are so many Members who feel that they have something to contribute to this piece of legislation.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from the Commonwealth of Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, one of the important elements that is contained in the bill that we are going to be considering in both general debate and then which will itself be subjected to amendments later, is the death penalty to which the chairman has alluded in his remarks.

In the past, we have had monumental discussion and debate over this important issue. We ought to begin this debate and make it abundantly clear that the American people support by overwhelming majorities the imposition of the death penalty in the brutal murders that they read about day after day or see depicted on television.

We have been struggling for a generation in this Chamber to convince those who oppose the death penalty, those Members of Congress who oppose the death penalty, that first we ought to have a death penalty and second that they should not stand in the way, those who oppose the death penalty, in crafting procedures so that the death penalty, when imposed, will meet the constitutional standards and not just line up people on death row who, with appeal after appeal, will avert the final judgment that has been conferred upon them by their fellow citizens.

This is an important portion of the debate which is forecast now by me in which I want to lay down some forecasts and some warnings.

The bill as it is now contained on the death penalty allows so much discretion in the jury that will be deciding life or death for the brutal murder who has already been convicted theoretically in a previous trial, and now the punishment is being decided, a brutal murderer has been convicted of that murder and now the convict is in front of the death penalty jury.

The way the bill is now crafted there is so much discretion left in the jury as to what guidelines to confer on the process to determine whether or not a person should have the death penalty that it becomes unconstitutional and reverts back to the 1970's where the Supreme Court said with too much discretion in the jury they can, on the basis of favor or prejudice, find either death or life not on the facts but on how they feel about a certain defendant and how that defendant looks to them.

And so my amendments, which I hope will become in order, will tighten up the procedure and allow guidelines for the jury to be able to impose the death penalty in proper brutal cases and be confirmed by the Supreme Court.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the distinguished gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman from South Carolina for yielding me this time.

Mr. Speaker, I would simply say to my colleagues, what is all of the fuss about? The folks on the other side of the aisle have been importuning us that we must do something about crime. I have agreed with them.

☐ 1240

I felt we have to do more about crime. I feel that we have a comprehensive and broad bill, and we have to have a bill that is paid for, and so what is happening is because we have been, since session has gotten back with hearings and subcommittee and full committee markup, we do not want to get caught in a conference that drags on through the summer.

Yes, we are moving as quickly as we can to get a crime bill on the floor.

Now, I understand all of our concerns. I have amendments, the gentleman from New Mexico has amendments, everyone has amendments; they want to see them in order. But I can tell you this, that there will be a second rule, and maybe a third. Nothing wrong with that, in my judgment.

The question is, Will the rule be fair or unfair; will it allow the great debates to occur on the issues that face us; will they allow us to debate the death penalty; will they allow us to debate three strikes and you are out; will they allow us to debate the programs that we have put into the bill? My strong feeling is that they will.

So I would ask my colleagues on the other side of the aisle not to prejudge but wait and just see. Sure, we do not have to do the rule now. We could wait until everything is worked out in the Committee on Rules, and I admit that that is the regular order, and then maybe we will not have a bill for 3 more weeks come to the floor.

We have momentum now. We have some degree of consensus. We do not agree on everything, but the broad outlines of a crime bill that says punish those who commit violent crimes toughly and prevent, particularly, smartly, by focusing on youth who could go one way or the other. That is basically in agreement. The details do remain to be worked out, but I would plead with my colleagues not to slow down what we are doing. Wait and see. See what the rules yield.

My guess is that my colleagues will be quite pleased that every major issue will be debated and voted upon by this body and that we will emerge by Friday afternoon with a bill that almost every one of us can be very proud of, a bill that for the first time deals with both punishment and prevention and for the first time puts its money where its mouth is and says we are not going to just talk about programs, we are actually going to create them and implement them.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I found the remarks of the gentleman from New York very interesting, because this is the part of the debate about the Committee on Rules. The Committee on Rules is trying to determine what we are going to bring to the floor. About half the reports on this bill have not yet been filed. Yes, some have been filed, as the chairman, the gentleman from Texas [Mr. BROOKS] said, but a great many have not.

It is very hard for us to tell what the debate is going to be about and who is or is not going to have a chance to have deliberative democracy at work on their proposals and ideas on this, because we do not know yet.

Why are we here trying to pass a rule when we do not know what the rule is?

Mr. Speaker, I yield 4 minutes to my colleague, the very distinguished gentleman from New Mexico [Mr. SCHIFF], who is a former prosecutor and a former defense attorney who knows a good deal about this subject.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to continue with the subject I brought up before my colleagues earlier this morning about the subject of repeat offenders.

Of all the different aspects of trying to solve the problem of crime, which is a complex problem in my judgment, the single most identifiable problem is the repeat offender. That is the individual who has chosen to commit crimes as a career. That is why they are also called career criminals. These individuals, depending on the crime they have selected, may commit three, four, five offenses a day, but whatever it is, it is 7 days a week, 365 days a year.

The career criminal, the repeat offender, is addressed in this bill under the provision three strikes and you are out. Three strikes and you are out is commonly discussed across the country. The problem is that in general it means three crimes, in this case, three violent crimes and mandatory life in prison.

Nevertheless, that is a general idea. The idea of the specifics of three strikes and you are out can vary considerably from legislature to legislature to the Congress.

For example, the legislature in the State of New Mexico where I am from just passed a three-stikes-and-you-are-out bill, but the definition of the crimes that would apply to become one of those strikes is so narrow that I doubt it will apply ever, ever to very many criminals. It is not effective in the least.

Here in this bill, a strike is not defined as an offense. The list of offenses, although I think it can be increased and improved, is basically a decent list of offenses. Nevertheless, a strike is not a crime by itself.

In other words, if somebody commits three murders, murders three people in a row sitting right here, that is one strike. If a person murders someone on Monday, murders someone on Tuesday, and murders someone on Wednesday, that is one strike, not three strikes. Neither of those examples are three strikes.

Why not? Because the definition of a strike in the bill before us is not the crime but the conviction for the crime. Before you can move from a crime or set of crimes as a first strike to a second strike, there has to be an intervening conviction. There has to be a conviction so the individual can be punished, have a chance to reflect on their ways and decide not to be a repeat offender.

With that in mind, I would suggest that if we are going to be dealing with violent criminals, two strikes, that is, two convictions for violent crimes should warrant mandatory life in prison.

Now, in committee, in the Committee on the Judiciary where I serve, that idea was rejected by the majority on the idea that somebody could make, well, a mistake when they are 19 years old and then, well, another mistake when they are 39 years old, and, hence, be subject to mandatory life in prison.

In all honesty, Mr. Speaker, I do not think it works that way. I do not think somebody commits a murder, a rape, an armed robbery, goes to Harvard, gets an MBA, joins the Peace Corps for a couple years, comes back, and commits another murder or rape or armed robbery. I do not think that happens.

I submit essentially you have a career criminal.

I am going to offer the two strikes and you are out to the Committee on Rules. I have done so, and I hope they make it in order and we can vote on it.

But I have offered an alternative. If two strikes, that is, two convictions for violent crime is rejected for the reasons given, the alternative I would offer to the House of Representatives is as follows: if the first strike, that is, the first conviction is for a series of the same crime, that is, two or more armed robberies, two or more rapes, or two or more murders and so forth or the equivalents under Federal law and then there is a conviction and then there is another series of the same offense, two or more armed robberies and so forth, that person is a career criminal. That person, under my alternative amendment, would have committed at least four individual acts of violent felonies.

Under that situation, I am arguing that those should be two strikes that put a career criminal away for life. It makes no sense to give a serial criminal a third chance to go out and be a serial criminal.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida [Mr. McCOLLUM], a member of the Committee on the Judiciary.

Mr. McCOLLUM. Mr. Speaker, I think that the gentleman earlier has made good points about the process.

I do not have any question at all about the genuine sincerity of the Members working to prepare a rule or to bring this bill forward, but to suggest that those of us who are concerned about how quickly this process is moving and how kind of messed up it seems to be over these 3 days, for them to suggest we want to delay this bill is disingenuous. We do not want to on this side. We very strongly want to see crime legislation out.

In fact, a lot of Republicans were concerned because we did not see this bill out last year before the August recess, certainly before the November recess, and we made our complaints known at the time that the serial bills were brought up, some of the smaller bills that are incorporated in this larger one we are going to debate today and tomorrow and presumably the next day.

Our concern is how, over the last couple of weeks, we have suddenly rushed to judgment with so many times and hours in markup in the subcommittee and then the full committee, and now to get this bill out just before we go on this recess, the haphazard process with which the Committee on Rules is considering the amendments before us, which makes it very difficult for the minority to get its amendments in order, to get itself heard, to make those decisions that are important to go to the floor.

A number of my colleagues have expressed those concerns to me. They are simply procedural in nature, and I think they should be recognized as that with some justification.

Sixty-five Americans are murdered and 288 Americans are raped each and every day in this country. A boy born in 1974 stands a greater chance of being a homicide victim than a soldier in World War II stood of dying in combat. Nine hundred and seventy-nine criminals are released early from prison every day, and approximately 6,000 convicted rapists received no prison sentence at all last year.

I would suggest those figures and that data tell us why the American people are so anxious for us to enact Federal criminal laws that provide leadership across the board to the States and to everybody involved in this war against the violent criminal and why this legislation we are about to consider is so important.

□ 1250

The product that is coming out today is a hobgoblin of all kinds of things, many of them well intentioned. But the primary concern that this Member has and I think most on our side of the aisle have is that when all is said and done, the limited resources we have are devoted to the real problem, the primary problem that we must address, which is applying a tourniquet to those bleeding to death, in the straight, literal sense of the word, from violent repeat offenders, those who are getting out, those 6 percent or so who are committing 70 to 80 percent of the violent crimes and serving about a third of their sentences in this country.

We must stop that revolving door, we must incapacitate those who are committing these heinous, violent crimes again and again. And only when we do that can we turn our attention and the limited resources the Nation has to fight crime to some of the root-cause problems that exist. That is not to say we ignore them in the meantime, it is just to say that the high priority out of this legislation and all others in the States going on today has to be directed to this violent criminal crisis that we have in this country.

To anything less than that, to do anything less than moving toward truth-in-sentencing so that we really send a message that puts deterrence back in our criminal justice systems, with swiftness and certainty to send a message to the criminals is to not do the job the American people expect us to do because we will not be stopping the crisis we have today.

So as we look at the amendments that come down the road, the most important ones deal with this subject, how do we move on, how do we send a message? Put truth-in-sentencing so that we require everybody to serve at least 85 percent of their sentences. There is a big incentive to the States to do that; Federal laws are not sufficient. We have got to be able to encourage the States, though we do not pass the State laws here, we need to find ways to do this, such as the prison grant program, attaching eligibility requirements that encourage in reasonable fashion States to do such things; get to pretrial detention, get to appropriate mandatory sentences for these very bad people and take them off the streets; end the endless appeals of death-row inmates that do not have the burden that this bill would do that would cause the prosecutors never to be able to carry out or have carried out the death penalty again in this country.

We need to get to the point where we are sending the message to deter the violent criminal and take the worst off the streets for a very long period of time, including the "three strikes and you're out" legislation, which all of us certainly support not only here but in the States.

So I do not know what the rest of the rule is going to look like any more than anyone else here does today, but I am deeply concerned, I say to the gentleman from Florida, because it might not contain the things we want to, because we must have the opportunity to amend the bill. The bill, in its present form, is not a good bill. It has some good features in it, but it is not doing the job that is necessary.

So I thank the gentleman for yielding and letting me explain the thought premises involved in this debate.

Mr. DERRICK. Mr. Speaker, I reserve the balance of my time, and I reserve the right to close. I have one speaker remaining.

Mr. GOSS. Mr. Speaker, we have no other speakers besides myself. So I presume we can get on with this rather quickly. I yield myself the balance of my time.

I want to say in summation what we have been talking about here on this rule—and we are talking about the rule—this is very serious business. We are talking about a criminal justice bill, but we are talking about the rule, and that is a little something different.

In terms of criminal justice, we all know we want a program that is smart, we want a program that is tough, and we also want a program that is complete. And that is what our concern is. We have so much to weigh in such a short period of time that it is virtually certain that we cannot complete it in an organized, efficient and accurate management way. It just simply cannot be done, given the volume of paper.

That means somebody is going to get left out, some good ideas are going to be missing, and we will probably have some unintended consequences that will be extremely negative. That seems to be what happens when we rush legislation.

Nobody can say the Republicans have delayed or tried to delay. We have been ready and willing since August 4 with a package—August 4 of last year—and now here we are on March 23, suddenly confronted with a work period or holiday deadline saying, "Oh, my gosh, what we talked about in August and pleaded for in August of last year we suddenly now have to get done so that when Members go home they are comfortable and do not get asked embarrassing questions about 'why haven't you done anything on those initiatives about getting tough on crime that the Republicans brought forward last August?' "

Well, I understand that. I sympathize. Everybody would like the comfort of being able to say what is going on. But nobody wants to report that we did a sloppy, incomplete, or poor job on a bill that is so important.

I think that I am speaking of the rule now, and I am characterizing, I think, the way in my view it is being sold. That is the way the rule is being sold by the leadership on this. They are trying to convince the Members that this is a little bit like buying baloney, you get it a slice at a time, "Trust us, it is going to be good, but you are just going to get it a slice at a time." But we are going to take at least three cuts at this rule.

Let me tell you what that means: If you come in here and say, well, this is not a malevolent rule, 1 hour of general debate, no problem, I can support that. But what you do not know is how much further you are going to be brought along, it is like a fish nibbling ever closer to taking the bait and grabbing that hook, because by the time we get to the third slice of this particular piece of baloney, you are going to find that you do not have a choice and a lot of Members are going to find they got locked out, left out, and we will not have completed deliberation. That is my big concern with this. We start out with what is benign and we end up with something that is not quite as benign when we are through.

I would guess it is not fair to say that 1 hour of general debate is enough on this. How many hours have we debated on the balanced budget amendment? How many hours have we debated other subjects? Crime is probably No. 1 out there in the polls in this country. One hour is not enough, surely.

What are we going to debate anyway? Are we just going to discuss—go back and check that in the process indeed about half of the reports have not been filed? So we really do not know what is in the bill or what is not going to be in the bill, because we still have all these amendments to do as you go along.

We have had testimony upstairs, alternating our time between the floor and our hearing room. The committee upstairs had testimony coming from Members. "Well, I didn't have a chance to finish this," in front of the committee, or, "We are trying to work this out with Chairman BROOKS in some other way," or, "We are going to try to work this out in some other way," or, "We are going to get together and see if we can communicate some amendments."

This is really a strange way to go through the legislative process. Frankly, in my 5 years, I have never seen anything quite like this so far.

I guess what I conclude with is that this is simply just not ready to bring forward to this House. I know there is greater urgency to move this bill. I want to move it too because I want to say Congress has done a great job on crime. But it is more important to me to say we have done a great job on crime and then be able to deliver the product than to say we have done a great job on crime and come up with a gutless bill.

That is my fear, and that is why I am going to urge a "no" vote on this rule.

Mr. Speaker, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield myself the balance of my time.

This is a fair rule, and it is not unprecedented. This is the way we have handled bills that get as involved as this one. There are before the Committee on Rules at this time 176 amendments that we are trying to deal with. It is impossible to deal with all of that in the so-called one ball-of-wax. What we are trying to do is get a crime bill passed as expeditiously as possible. It makes, to me at least, common sense that we go ahead and take care of the general debate.

What will be made in order will be voted on this House, whether it be one more rule, two more rules, or three more rules. I cannot think of a fairer way to do it.

You know, I do not think there is a more important bill that comes before or that is going to come before this Congress.

We are daily giving up our freedom in this country or ours. For over 200 years we have been known as the land of the free. We are no longer the land of the free because we are no longer free to walk the streets and byways of this country without fear of great bodily harm to ourselves and to our families and to our friends.

There is no more important bill than this. I hope that we are going to make some concrete steps forward.

You know, we have more people incarcerated in prisons in this country per capita than any other nation in the world, and we keep building them. We cannot build them fast enough. But it does not seem to help the crime rate. I was looking at a television program last night.

□ 1300

I see where the Chinese shipped over 1 million cheap rifles into this country last year. Now these are not rifles used for hunting. These are rifles that are used to kill people. And what are they doing with the profits? According to the news, Mr. Speaker, they are using it to help build up their military.

As my colleagues know, we have lost whatever judgment we ever had about this society of ours and what we are letting happen to it daily. I say to my colleagues, "I mean, you know, you don't have to be locked in a jail to lose your freedom. All you have to do is to be like me, to have a home within four or five blocks of our Nation's Capitol with the most sophisticated burglar alarm, to pull up in front of your house and to look up and down the street to make sure you have a quick run into the house so that you know there aren't any suspicious characters around. As you ride down the street and you stop at stop lights, you look over next to you and wonder, wonder if there might be a gun on the seat of that car next to you and, just for the heck of it, your head will be blown off."

Mr. Speaker, this is imprisonment. This is imprisonment, and we daily are becoming more and more imprisoned in this country. And why? We fail to realize it, but we fail to take steps to do anything about the gun culture in this country.

And then I ask, "Why don't we take steps to do something about the abuse of drugs in this country that contribute to 80 percent of the people who are locked up in State and Federal incarceration today?"

It is beyond me. I do not know what it is going to take.

But I can assure my colleagues that it is not going to be pleasant, what is going to happen if we do not do something, and we are going to have given away everything that this country ever meant. We are going to have given away everything that our forebears fought and died for just because we do not have the intestinal fortitude to deal with the problem today.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 240, nays 175, not voting 18, as follows:

[Roll No. 84]

YEAS—240

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wyden
Wynn
Yates

NAYS—175

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Collins (IL)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hilliard
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—18

Andrews (NJ)
Bryant
Gallo
Gonzalez
Lambert
LaRocco
Mazzoli
McMillan
Moran
Natcher
Ortiz
Pelosi
Spratt
Taylor (MS)
Towns
Washington
Weldon
Woolsey

□ 1322

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to House Resolution 395 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4092.

□ 1324

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the consideration of the bill (H.R. 4092) to control and prevent crime, with Mr. TORRICELLI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 30 minutes, and the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to appear today on behalf of the Committee on the Judiciary to begin general debate on H.R. 4092, the Violent Crime Control and Law Enforcement Act of 1994. The legislation is the result of perhaps the most extensive review of policy and substance surrounding the complex issue of crime in the past 15 years.

There is a simple, irreducible reason why crime—both its punishment and prevention—is the preeminent issue on the minds of most American citizens: it is because no force is more damaging to the fabric of national life than acts of violence against person and property. We cannot as a people be truly free when we live in fear; and there is none among us who has not at one time felt fear in the workplace, in one's neighborhood, and, yes in one's own home.

Crime also has a corrosive effect on a society. By draining the energy and resources of the Government from more productive pursuits, crime stifles economic progress and impedes the development of a standard of living to allow our citizens to enjoy the fruits of their labor, and their freedom as Americans.

The omnibus legislation before you is carefully balanced: it's hardnosed about punishment yet forward looking in seeking to prevent a whole new generation from going down the wrong road. We can do no less. From the outset, our purpose has been to construct a bill that can reach the President's desk and not be a hodge-podge of ill-conceived initiatives. To this end, the legislation before you is respectful of the States and the important historical role they have played in this arena. Unlike some other legislation, H.R. 4092 avoids placing undue burdens on the States in the area of prison enhancement, and, equally important, does not seek to federalize every crime under the Sun. That is because we have to be realistic and acknowledge up front an undeniable fact: As hard as we try at the Federal level, no omnibus legislation can be a panacea for crime afflicting our neighborhoods. Only 4 percent of all serious criminal convictions are obtained in Federal courts; 96 percent of all crime control efforts occur at the State and local level. We cannot forget that fact in placing our efforts in perspective today.

Will we be able to maintain this balance between punishment and prevention between Federal assistance and primary authority vested in the States? Judging from past experience it will be difficult, indeed. All of us have witnessed the spectacle in the other body where a 962-page bill was created—almost in a spirit of default. Sponsors of amendments accepted widely divergent amendments on the stipulation that their amendments would be accepted in turn. When we go to conference, conferees will have their hands full, trying to see that the equilibrium represented by H.R. 4092 is not torn asunder.

I am proud to say that Members on both sides of the aisle in this body have labored diligently to craft a cohesive, comprehensive piece of legislation. Subcommittee chairmen SCHUMER, HUGHES, and EDWARDS conducted some of the most probing hearings on crime issues seen on the Hill in the past 20 years. They were ably assisted by Republicans such as Congressmen MCCOLLUM, HYDE, SENSENBRENNER, SCHIFF, and RAMSTAD in trying to create a crime policy that makes sense and lays the framework for future work. I commend them all.

It is clear to me that our work here today is really part of a larger debate—a debate among the national family of citizens about what values we wish to address and be identified with as a people. As with any family decision, there has to be firm resolve to make hard decisions and abide by them—but also spend the time needed with the young among us to help them understand what is needed to lead productive and fulfilling lives.

□ 1330

Mr. Chairman, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, all of us are here today for the same purpose. We all want to see the crime crisis that faces this country today, the repeat violent offender crime crisis addressed the best way we know how.

Federal law itself is not the total answer, because most of these crimes, as the distinguished chairman from Texas has said, are State crimes. We need to form a Federal-State partnership. We need to reach out. We need to provide leadership. We need to do those things that are essential to solve this critical problem facing our Nation today.

Statistics do not tell everything, but they tell a lot. Five million Americans are victims of violent crime every year in this country. Sixty-five Americans are murdered and 288 are raped each and every day. A boy born in 1974 stands a greater chance of being a homicide victim than a soldier in World War II stood of dying in combat. Nine hundred and seventy-nine criminals are released early from prison every day, and approximately 6,000 convicted rapists received no prison sentence at all last year.

An estimated 60,000 violent offenders will not go to prison this year, including 1,100 convicted murderers and 6,900 convicted rapists.

If that sounds shocking to Members, it should. The fact of the matter is that 6 percent of the criminals of this country are committing an average of about 70 to 80 percent of all violent crimes of this country. And they are serving only about a third of their sentences, somewhere around 37 or 38 percent.

We have a revolving door that is letting them out of prison again and again and again. So the first thing we have to do, when we look at this crime legislation today, as thick and voluminous as it is, is to say, is it good enough to do the job of getting these violent criminals off the streets who are repeat offenders and locking them up for long periods of time and throwing away the keys? Anything else that we do in this bill is secondary to that.

I would suggest the bill in its present form does not begin to solve that problem. We need to reach out with a partnership to the States. We are not allowed, because of the germaneness rules of this House, to offer the so-called regional prison concept, but some of us will be supporting an effort to approve a grant program to build more prisons that are absolutely essential under this bill to help the States to provide money to States and State compacts to build them for housing serious violent offenders or alternative nonviolent offenders who would free up prisons for those violent offenders.

But in order to get that money, there should be conditions those States go through to apply and to be eligible for it. One of those conditions is that they pass truth-in-sentencing laws that basically abolish parole for those who are serious violent felons in this country, the repeat offenders who are causing this problem. Make them serve at least 85 percent of their sentences, at least. Have pretrial detention laws denying bail that are at least as restrictive as Federal law. Pass certain minimum mandatory sentences that are appropriate in the most heinous of crimes and provide a three strikes and you are out provision for life sentences like the Federal Government is doing in this bill to apply to the States where most of these crimes are committed.

If we do not do at least that, we will not have accomplished the task that the American public expects or at least to begin that path.

The fact of the matter is, we need to send a message of deterrence. We need to apply a tourniquet, the country is bleeding, the wound is there. It is open, and we need to apply a tourniquet to stop that bleeding. We have somebody who has been run over by a car and has a severed arm. He may have some other injuries and things that need to be repaired, but before we can get to those other injuries we must apply a tourniquet to stop the arm's bleeding. If we do not stop the bleeding by getting these violent criminals off the streets, we will not have the resources to devote to get at the root causes of crime that some of my colleagues want to do. So I think the measure of this bill needs to be judged on the basis of how we address that problem first and foremost.

Sending a message, saying to somebody that if they get 20 years, they are going to serve 20 years, if they do these violent crimes. If they get the death penalty, it is going to be carried out instead of having endless appeals.

If there is an essence to this legislation, it has to fall in that category. We need to recognize that there are problems that Federal law has created beyond the question of the death penalty procedures and the issue of needing more incarcerations for these criminals to stop the repeat violent felons.

We have court rules today that prohibit search and seizure evidence from coming in to get convictions that we should be getting. We are holding the hands of the police officers behind their backs, and we are not getting the kind of convictions that we should get. Prosecutors and police have demanded a change in the so-called exclusionary rule for years. We should have the opportunity to do that.

We should double the sentences for those who are under 18 and over 65 in order to send a message that when one commits a crime against a young person or an old person, they are going to serve an extra length of time; a message of deterrence by putting swiftness and certainty of punishment back into the system again, to make the criminal justice system work.

I hope that the amendment process, when it is over, and we do not know what it is going to be. We do not know what the rule is on the amendments to be allowed out here today. I hope that when it is all said and done that we will have done enough, that we will have provided this basic framework, this partnership with the States that is required to stop the revolving door and keep violent criminals locked up and put deterrence back in the criminal justice system.

Mr. Chairman, I reserve the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. KREIDLER].

Mr. KREIDLER. Mr. Chairman, I rise in support of this measure.

Mr. Chairman, the plague of violence sweeping across this country threatens every family, every neighborhood, every community. Crime statistics fail to tell the full story. Even though some crime rates are down, the fear of crime—especially random, senseless violence—is destroying the quality of life for millions of Americans. In Washington State, the percent of homicides in which the victim was killed by a stranger increased from 12 percent to 28 percent from 1984 to 1992.

We used to think of crime as a problem of the inner cities, and it still is among the greatest problems in urban areas. The congressional district I represent is almost entirely suburban. But in one community of 20,000 people, there were 1,500 violent crimes last year—a rate three-and-a-half times New York City's. Suburban schools are installing metal detectors. Driveby shootings can happen anywhere. Children are killing children.

In the 9th district, we have had our share of tragedies in just the last few months:

Thirteen-year-old Larry Rodgers, stabbed to death in Lacey last November by reputed gang members because of the color of his clothes.

Sixteen-year-old Zachariah Spears, shot to death a few days before Christmas at Sea-Tac Mall.

Fifteen-year-old Shaun Proctor, shot to death in the back on New Year's Day in an apparent robbery attempt in Tukwila.

Sixteen-year-old Tyrone Leon Anthony, gunned down in February during an argument with other teenagers at a Milton convenience store.

Youngsters like these, their families, and our communities deserve security and justice. Those who prey on them deserve punishment. Whatever else we think about the role of government, we all agree that government's first duty is to assure public safety. State and local governments have assumed this duty throughout history, and continue to have primary responsibility. But the Federal Government can and must do more to help.

That is why I support this Violent Crime Control and Law Enforcement Act—a comprehensive, balanced strategy to combat crime and violence.

This bill authorizes $3.45 billion in the next 5 years to pay for up to 50,000 more local police officers across this country. This will help cities in the 9th district like Renton, Sea-Tac, Tenino, and Yelm, which have applied for the more limited funding we authorized last year. Communities like these need more police to patrol the streets, work with neighborhoods and business owners, respond rapidly to crime reports, and arrest offenders. Without adequate policing, we cannot hope to get criminals off our streets.

The bill also includes new sentencing laws that send a powerful message to violent criminals: "Three strikes and you're out!" As a cosponsor of the Three-Time Loser Act, I'm glad we are enacting in Federal law the principle Washington State voters approved last year by a 3 to 1 majority: Anyone who commits three violent felonies, anywhere, gets locked up for good. That's how to protect society from the small group of criminals who do the most harm, over and over again. And it sends a message to all those who might consider violence as a way of life.

Tough sentencing laws won't work unless we have the prison capacity to make them stick. Too often, dangerous offenders have to be released before their sentences expire because prisons are full. Prison construction and operation is very expensive for States as well as the Federal Government. This bill includes $3 billion in the next 5 years to help States ensure that prison space is available for violent repeat offenders.

But no one can afford all the prison cells we'll need if we don't do more to keep young offenders from beginning criminal careers. In one year, more than 18,000 children were held in detention facilities in Washington State. Too many first-time juvenile offenders are either put on probation or locked up with more serious criminals. Some get the message that crime goes unpunished; others get advanced training in criminal behavior, their own "lawbreaking" degree. States like Washington are experimenting with programs like "shock incarceration" or boot camps, restitution and community service, to send a different message to youngsters: Crime does not pay. This bill provides $200 million a year to help these States send that message.

The best way to fight crime, of course, is to prevent it in the first place. That's not just a job for law enforcement, it must involve the whole community. This bill includes $7 billion for community programs to prevent crime, involving schools, parents, social service agencies, and community groups, as well as law enforcement agencies. Programs like after-school tutoring and athletics, job training and placement, substance abuse prevention and treatment, gang and drug resistance education, and others can make the essential difference in thousands of lives.

For women, the greatest threat of violence comes not from strangers but from those whom they know. Roughly 80 percent of sexual assaults against women are committed by someone known to the victim. And more than 4 million women suffer from domestic violence, which Secretary of HHS Donna Shalala rightly calls "terrorism in the home." I am especially pleased this crime bill includes the Violence Against Women Act. I am a cosponsor of this legislation, which would increase training for police and court officials, fund rape prevention and domestic violence shelter programs, toughen laws on protective orders, make interstate stalking a Federal crime, and establish a national task force on violence against women.

No one who cares about public safety can ignore the traffic in illegal firearms and the tremendous damage guns in the wrong hands can do. That's why I support the Youth Handgun Safety Act, which is part of this bill, making it a Federal crime to sell or transfer a handgun, or handgun ammunition, to anyone under 18, or for a minor to possess a handgun. The number of weapons in our schools is hard to believe: In Washington State, school districts reported more than 1,700 guns or knives in possession of students last year.

Another important provision in the bill is the Crimes Against Children Registration Act, which would require States to register people who have committed crimes against children, including sexual offenses, for 10 years after their release from prison. I have also cosponsored legislation to allow the Federal Government to garnish Federal pensions for court-ordered child abuse payments.

The crime bill also allows State and local governments to use Federal funds for improving DNA identification systems, and provides for standards for the accuracy of DNA testing. This new technology allows identification of criminals, especially those who commit violent crimes, from evidence that would not have been available just a few years ago. DNA testing offers the chance to convict criminals who would otherwise go free.

I also strongly support the provisions in this bill that would require enhanced sentencing for those who commit crimes motivated by racial or religious hatred. There is no place in our country for those who commit hate crimes.

Laws like these will help make our communities safer for everyone. But every community's first line of defense against crime is its own citizens. No matter how many police officers patrol our streets, how many years we lock people up, how much we spend on social services, we will never be safe unless we reclaim our own neighborhoods. That means we must rebuild the sense of community and the strengths of family life that once sustained us.

We must not allow children to grow up in a world where violence is a way of life, where gangs and drug dealing are the only future they can see, where deadly weapons are easy for a child to obtain, where children have children and fathers walk away, where there is no refuge from violence in the school, the neighborhood, or even the home.

Of course we have to see that the laws are enforced and criminals punished. We have to support our police and send the strongest message to those who would prey on the helpless. But there will never be enough prison cells in this country to hold all the children who are at risk, right now, in every community, if we let them grow up without values, without discipline, without strong families, and without hope.

As a parent and former school board member, I know we can all do more to make our children, our families, and our neighborhoods safer. As Members of Congress, the least we can do is enact this legislation.

Mr. DINGELL. Mr. Chairman, H.R. 4092, the Violent Crime Control and Law Enforcement Act of 1994, contains an important proposal that I, along with my colleague, the chairman of the Judiciary Committee, introduced last year. This bill, H.R. 665, is now title IV of H.R. 4092. It would make it a Federal crime to defraud an insurance company. I believe that this new statute will help prevent many of the serious crimes perpetrated by some unscrupulous individuals in the interstate insurance arena.

Title IV of the crime bill is the result of 3 years of hearings conducted by the Energy and Commerce Subcommittee on Oversight and Investigations. These hearings demonstrated that the enforcement of insurance laws and regulations is one of the weakest links in the present insurance regulatory system. States apparently are not collecting adequate information, investigating wrongdoing, or taking legal action against the perpetrators of insurance fraud even when an insolvency results from that fraud. Statutory penalties and remedies also seem out-of-step with the realities of today's insurance market and the interstate and international nature of the business of insurance today. The hearings showed that there is little fear of meaningful administrative sanctions or criminal prosecution, and that there is no Federal deterrent for most complex insurance fraud schemes.

In February 1990, as a result of its hearings, the Oversight and Investigations Subcommittee focused public attention on the need for Federal criminal legislation with its report, "Failed Promises." In this report, the subcommittee examined four major insurance company failures and concluded that existing State remedies were ineffective against the fraudulent behaviors that drove these companies into insolvency:

> [M]ost people involved with obvious wrongdoing at insolvent insurance companies simply walk away with no real investigation of their activities. Many of them continue to be active in the insurance business.

The subcommittee also found that:

> Federal enforcement efforts are greatly restricted because looting an insurance company is not itself a Federal crime, and the 5-year statute of limitations on mail and wire fraud has often run before a case can be successfully developed.

Based on this record, Chairman BROOKS and I introduced the insurance fraud bill, H.R. 3171 in 1991. H.R. 3171 was the predecessor to H.R. 665. It was included in the crime bill that passed the House (H.R. 3371) and a similar bill was included in the Senate crime bill. The insurance fraud provision was ultimately a part of the conference report on the omnibus crime bill in 1992 (H. Rept. 102–405). This conference report was passed by the House but never acted on by the Senate. Chairman BROOKS and I reintroduced the provisions in the 103d Congress as H.R. 665, and it now constitutes title IV of H.R. 4092.

The Dingell-Brooks insurance fraud provision amends the United States Code by adding two new sections to title 18 and by amending existing statutes to provide adequate enforcement against insurance fraud.

New section 1033 establishes specific Federal crimes and strong penalties for willful and material insurance fraud. This section contains five subsections. Subsection (a) would make it a Federal crime to file fraudulent statements with insurance regulators for the purpose of influencing the regulators' decisions. Subsection (b) would make it a Federal crime to embezzle or misappropriate insurance company money, funds, premiums, or credits. Subsection (c) would make it a Federal crime to falsify company records or to deceive its policyholders and creditors about the financial states of an insurance company. Subsection (d) would make it a Federal crime to obstruct the proceedings of insurance regulatory authorities. Subsection (e) would prohibit those who have committed a felony involving dishonesty from engaging in the business of insurance for 5 years.

New section 1034 would authorize the Attorney General to bring a civil action for a money penalty against any person who has violated the provisions of new section 1033. This provision also authorizes injunctive relief to prevent continuing conduct that violates section 1033. Under section 1034, any civil fines for violations of section 1033 would, if the violation contributed to the insurance company being placed in receivership, be remitted to the appropriate State regulator for the benefit of the policyholders, claimants, and creditors of that insurance company. This provision will ensure that those harmed by fraudulent acts will be made whole to the maximum extent possible.

Finally, the provision makes several miscellaneous amendments to other enforcement provisions of title 18. Among these is the adoption of a 10-year statute of limitations for offenses committed under section 1033. This provision reflects the conclusion of "Failed Promises" that more effective deterrence, detection, and punishment of those who perpetrate insurance fraud is critical to safeguarding the solvency of the insurance companies on which American policyholders rely.

There are a few parts of the insurance fraud provision that may benefit from further explanation as to the intent of Congress in enacting them.

Section 1033(a) would make it a Federal crime to file material statements and reports with insurance regulators or to make overvaluations of land, property or securities that are filed with regulators in an attempt to influence their decisions. This subsection requires that the false statements must be "material" to constitute an offense. This is intended to clarify that this subsection applies only to those statements or reports that are materially false in the sense that the statement could reasonably be expected to make a difference in the actions that the regulator takes in reliance on the statement. It is similar to the securities context, in which a "material" fact is one that could reasonably be expected to cause or to induce a person to invest or not to invest. *TSC Industries* v. *Northway, Inc.*, 426 U.S. 438, 449 (1976). See also *United States* v. *Palolicelli*, 505 F.2d 971, 973 (4th Cir. 1974). Thus, under this subsection, a material fact is one that could reasonably be expected to lead an insurance regulator to take an official action.

This concept of materiality is also embodied in the subsection (a) prohibition of overvaluations of land, property, and securities. The prohibition focuses on act—that is, overvaluations—that, by their very nature, involve elements of individual, subjective judgment. By employing the higher standard that the overvaluation be "willful" in order to constitute an offense under this subsection, it is intended, as is the case under this same subsection as to false statements, to incorporate the concepts of materially described above. In fact, under the provision, both the overvaluation offense and the false statement offense specifically require that the prohibited act be done for the purpose of influencing the actions of regulatory officials in order to constitute an offense.

Section 1033(b) makes the willful embezzlement or misappropriation of money or funds an offense. A statute that requires an act to be "willful" in order to constitute an offense requires that the person have the necessary "intent"; that is, the person intended both to commit the act and to violate the law. Therefore, although this provision does not specifically require an "intent to defraud" as an element of the crime, because of the inherently corrupt nature of the prohibited acts, "intent to defraud" is nevertheless an essential element of an offense under this subsection.

Finally, section 1033(e)(1)(A) would exclude from the business of insurance those who have been convicted of any criminal felony involving dishonesty or breach of trust. The term "convicted" is intended to mean a conviction which is final and for which all direct appeals have been exhausted or waived or for which the time in which to file such appeals has lapsed. See, for example, *Martinez-Montoya* v. *INS*, 904 F.2d 1018 (5th Cir. 1990); *In re Ming*, 469 F.2d 1352 (7th Cir. 1972) and *State* v. *Bridwell*, 592 F.2d 520 (Okla. 1979).

Mr. Speaker, insurance fraud is white collar crime. Prosecution, conviction, and incarceration have proven to be very effective in deterring such crimes, yet most people involved with recent cases of obvious fraud at insolvent insurance companies simply walk away with no real investigation of their activities. In fact, many of them continue to be active in the insurance business. It is clear from my subcommittee's hearings and the testimony of the State insurance regulators themselves that the current State criminal statutes and penalties are inadequate to deal with complex insurance fraud, and that States have neither the resources to devote to criminal enforcement of insurance fraud at the State level nor the adequate legal authority to address complex national and international insurance fraud schemes. Title IV of this bill will remedy these problems.

I would like to note that this provision has broad support. The National Association of Insurance Commissioners, the National Conference of State Legislators, the National Association of Casualty and Surety Agents, the National Association of Professional Insurance Agents, the National Association of Mutual Insurance Companies, and the Coalition Against Insurance Fraud have all called for a Federal criminal statute to help insurance regulators deal with the interstate and international nature of many insurance fraud schemes that drive insurance companies into insolvency and harm U.S. insurance consumers.

Insurance is truly an interstate and international business and abuse of insurance companies has also become interstate and international. This new Federal insurance fraud prevention bill will be a strong enforcement tool to bring a stop to criminal fraud in the business of insurance.

I want to thank my colleague, Chairman BROOKS, and the Judiciary Committee for including this insurance fraud provision in H.R. 4092, and I urge its enactment by the House.

Mr. BUYER. Mr. Chairman, I rise in strong support of legislation that is tough on crime. For this reason I must state my opposition to this measure, H.R. 4092, the Violent Crime Control and Law Enforcement Act, because once again Congress is attempting to posture itself as the leader in providing a safe environment for all Americans by getting criminals off the streets. But, do not let the title fool you—what is inside could prove hazardous to Americans' health and property.

H.R. 4092 has been brought before the House with the same Washington mentality of glitz and glamour—a lot of tough talk—only to be backed up by weak substance and misdirected spending. Reading through this bill and you can see the titles: "Federal Death Penalty," "Habeas Corpus Revisions," "Mandatory Minimum Sentencing," "Three Strikes, You're Out," "Violent Repeat Offender Incarceration," "Racial Justice Act," "Crime Prevention and Community Justice," "Victims of Crime Act," "Juvenile Prosecution Act," "Assaults Against Children," "Child Sexual Abuse Prevention," "Insurance Fraud Prevention." These titles give the impression of focusing in on the heart of this Nation's crime epidemic. While a look at the fine print shows several good measures, it clearly defines how this bill places a greater emphasis on funding "hug-a-thug" programs than it does on true law enforcement.

The symptoms of this Nation's ailing crime problems are clear. The Bureau of Justice Statistics has shown that 7 percent of the criminals commit 80 percent of the crimes, yet these violent criminals serve, on average, 37 percent of their sentences. Congress needs to show criminals their actions will not be tolerated. Criminals will receive this message if Congress enacts and expands a true, Federal death penalty and reforms the death row appeals provisions; requires truth-in-sentencing provisions as it provides the necessary funding to incarcerate criminals for their entire sentences and replace the revolving door we now have on our prisons; provides funds for State and local law enforcement agencies to hire additional police officers and acquire the resources they currently lack; enacts stiffer and new mandatory minimum sentences; and, most importantly, corrects the problem our current system has of protecting the rights of the criminal rather than the victim.

H.R. 4092 claims to add 25 new Federal crimes which would be subject to the death penalty; however, it never requires the imposition of the death sentence. The "Racial Justice" provisions undermine the imposition of the death penalty where it is determined to show that race was a statistically significant factor in decisions to seek or impose the death penalty. This provision confuses the question of guilt or innocence with racial considerations that inappropriately merge the issues of capital punishment and racial quotas. If you do the crime, you should do the time. Criminal laws must place the responsibility upon criminal behavior, not society.

Criminals should not serve on death row for life. Congress should limit successive death row appeal petitions to questions of guilt or innocence. H.R. 4092 claims to revise the appeals process. Our current process is plagued with petitions which totally lack merit, clog the Federal district court dockets each year, and allow prisoners on death row to almost indefinitely delay their punishment. However, H.R. 4092 would prolong the process even more. It would generally allow one habeas corpus appeal within 1 year of the final State appeal, relax the rules on when a defendant can appeal by allowing new appeals every time the Supreme Court makes a new procedural ruling, and require a new and costly requirement that at least two lawyers be appointed to represent the defendant at every stage in the process.

H.R. 4092 attempts to provide facilities to keep career criminals locked up; 7 percent of career criminals commit three-fourths of all the rapes and robberies, and virtually all the murders. Statistics have shown that over 60,000 of these convicted, violent criminals never even serve a prison sentence. It is obvious that in order to effectively stop the proliferation of violent crimes and to remove the recidivist criminals from our towns and streets, we must ensure that State's have the resources necessary to incarcerate these criminals for the duration of their sentences.

Congress must provide sufficient resources to the States to accommodate all criminals without strapping them with burdensome requirements or providing luxuries which many Americans do without, such as cable television, carpeting, and air conditioning. H.R. 4092 authorizes $3 billion in Federal grant money to help States build new prisons or improve existing ones. The bill recommends that each State provide assurances that its correctional policies and programs provide sufficiently severe punishment for violent criminals and that criminals serve these sentences.

The title of this bill is just as deceiving as are the provisions included in its prison program. H.R. 4092 does not require States to adopt policies which assure that criminals serve at least 85 percent of their sentences, establish pretrial detention programs, require life imprisonment after a certain number of offenses, allow a defendant's victim or the victim's family to make a statement at the time of sentencing, and notify the victim or the victim's family whenever the defendant is released.

Congress needs to adopt a plan which would provide a flexible, Federal-State regional prison partnership to allow sufficient funds to be used to expand or operate current facilities, as well as construction of new prisons. It should also allow funds to be used to incarcerate both violent and nonviolent offenders, and allow for the Federal Government to fund up to 75 percent of the costs, as long as these funds do not replace State funds.

Finally, H.R. 4092 misdirects spending. More than half of the $15.2 billion authorized by this bill goes to support 10 alternative programs. I do not dispute the merit of many of these programs, nor do I ignore the fact that the disintegration of the family unit, illegitimacy, and government dependence are some of the causes of crime. Congress should deal with these aspects through welfare reform, enterprise zones, and family tax credits. A crime bill should focus on the specific aspects of the criminal justice system to make our streets safe. The Government should realize that it cannot assume the role of head of the American family.

We must empower local communities with the resources they need to address crime in their areas. Congress cannot continue to fight the war on crime from Washington. We must build on the positive aspects already included in H.R. 4092 and enact tougher crime legislation as I have stated.

Mr. BROOKS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I want to thank the chairman not only for his generous offer of time but for his leadership and steadfastness on this, a very difficult and comprehensive bill.

Mr. Chairman, I rise in support of the bill. In my opinion, it is the best criminal bill we have written since this Congress started. I am proud of it. Members should be proud of it. Because the crime bill is tough, and it is also smart.

It is tough where we need to be tough. It hit violent offenders with severe punishment measures. It helps States build prison space to house their worst criminals.

But it is also smart where we need to be smart. It targets help on protecting children from violence and breaking cycles of crime and drugs and poverty. It answers urgent pleas for communities overwhelmed by violence. It sends them real solid help that will make a difference to millions of Americans.

My colleagues, this bill is historic. It is a carefully-reasoned balance of punishment and prevention. And we need both.

I urge every one of my colleagues to remember that balance as we debate the bill. Do not focus on one little part here or another little part there. Keep your eyes and, most importantly, your minds on the bigger picture. See the grand strategy that holds this bill together.

We have already approved some of the titles in this bill, cops on the beat, drug treatment in prisons, alternative punishments. I will not address them other than to say they are a vital part of the overall package.

Let me, instead, talk for a few minutes about the new parts of the bill we are considering.

On the punishment side, the bill focuses on the most violent offenders. Violent repeat offenders who prey on the rest of us will face life imprisonment under the "three strikes and you are out" measure. But this is not a mindless three-time loser law. It is a smart law that takes reality into account.

We have carefully narrowed the crimes that qualify as strikes to target truly violent repeat offenders, and we have added a review so that prisoners over 70 who are no longer dangerous can be released from prison. This is not simply compassion. It is hard common sense. It will free up prison space for the most actively violent and dangerous criminals. In a sense, what the bill does is rationalize what we have been doing in the criminal justice system. Is it not absurd to have somebody serve five years in jail if they are caught for the first time in a nonviolent crime with a small amount of marijuana and have somebody who commits burglary after burglary after burglary serve virtually no time at all?

□ 1340

That is what we are trying to do here. So we have a carefully drafted safety valve in the bill. It allows but does not require the release of first-time nonviolent drug offenders, or their incarceration for 2 years and then their release, for cooperating with the Government. That is another smart moderation of our tough, mandatory minimum sentencing laws.

We must keep those laws. I believe mandatory minimums are appropriate and proper, but they should be applied intelligently and carefully, to be aimed at the most violent, the most repeating, the worst criminals, the ones who make us afraid, not symbolically to take a 21-year-old who has some marijuana plants in his house and say, "You get 5 years and the violent guy gets 2." That does not make sense.

We put $3 billion in this bill to help States build prisons. These funds will help the States build prison space for violent criminals, but the bill does not impose unnecessary Federal mandates on the States. It recognizes that they are ultimately the best judges of how to structure their systems of punishment and incarceration.

Now let me turn to the other side of the balance, the targeted funding for smart crime prevention programs, the first time that this House and this Congress is taking a look not only at punishing crime, but at preventing it. The bill contains $7 billion in Federal support for programs to help root out the causes of crime.

These get right to the heart of urban and rural America's crime problems, which are basically problems with our kids. Kids these days are pushed in two directions in many parts of America, rural, suburban, and urban. They can take the life of crime, or they can take the life of being a productive citizen. If they take the life of crime, we are going to punish them, but before that path is taken, we ought to use our funds intelligently to see that they become productive, hardworking American citizens, rather than criminals.

Mr. Speaker, the "ounce of prevention" programs put more than $1 billion into communities for after-school, weekend, and night programs, to give kids a constructive place to hang out after the 3 o'clock bell rings. It will help children develop their minds and bodies in healthy ways and safe havens, with programs in sports, education, and the arts. There is a jobs program for the young people who are most at risk of falling into a life of crime. Is it not better if kids will take jobs than become criminals? We can help. We can make a difference in this bill. We do.

Mr. Chairman, let me close by repeating, the bill is a careful balance. I know that some of my colleagues on the right say that the policies of the sixties and seventies prove that prevention does not work, and some on the left say that the crime programs of the eighties prove that punishment does not work.

Mr. Chairman, these simplistic, ritualistic positions miss the point. The fact is that there are punishment programs that work and there are punishment programs that do not. The same goes for prevention. We need a law that combines the best of both, and this bill does just that.

We must not, Mr. Chairman, bog down in partisan debate, or in picking the parts away from the whole. Our constituents are anguished about the lack of safety. They are pleading with us to do something, and do something real.

Do you have an ideology or partisan debate that means nothing to them. Get them the cops on the streets, get them the prisons, get them the tough punishment, get them the after-school programs, the job training programs, the drug treatment programs, so that we can finally do something real.

Mr. Chairman, in conclusion, Americans are fed up with violent crime. They are scared, they want help, they want it now. This bill sends them smart, tough help. America needs it, and we should pass it.

Mr. McCOLLUM. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, this bill is full of a lot of coddling for criminals and a lot of hug-a-thug programs.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I want to start out to praise the gentleman from Texas [Mr. BROOKS] and the gentleman from New York [Mr. SCHUMER]. They are two extremely partisan but extremely fair Members. They are even generous. They know this subject and they have contributed a lot, and I want to acknowledge that.

At the same time, Mr. Chairman, I must say it is an embarrassment to have 1 hour to debate the subject of crime. If we were to ask anybody in America, "What are the two or three biggest problems," invariably we will hear crime as one of those. We have spent over 1 month debating education in H.R. 6. We have not finished with that yet. However, we have 1 hour to debate the subject of crime. As I say, that is a disservice, that is an embarrassment.

This bill, if we were to analogize it to a dance, is hardly a tarantella, it is more a minuet. I have never heard so many strong words about how vicious crime is assailing the home and hearth of Americans, and yet seen so little done about it.

I do not mean that there are not some very good things in this bill, there are, and we are supporting them. But we have habeas corpus revisions which are no reform, they are regression. They are a leap back from present law. They weaken present law.

Mr. Chairman, I will have an amendment to strike the habeas corpus provisions in the bill and in an amendment that will probably be offered by the gentleman from South Carolina [Mr. DERRICK], which does nothing to remedy the bill's relaxation of existing weak controls over the process of habeas corpus.

One of the most interesting and bizarre features of the habeas corpus aspect of this bill states that a defense lawyers' group that will be set up will have the job of appointing two, not one but two, highly qualified criminal lawyers to defend a defendant at the trial level, at the direct appeal level through the State courts, collateral appeal through the State courts, and then collateral appeal through the Federal courts; two lawyers who are highly qualified, have experience in capital cases, have experience with psychiatric testimony and the rest.

Until this defense lawyers' group appoints these two defense lawyers, all proceedings stand still. This is one of the most unusual and unsatisfactory aspects of the habeas corpus provision.

Let me say, when we want to reform something, we ought to make it better. We ought not to weaken it and make it worse. This bill, insofar as habeas corpus is concerned, is a worsening, a weakening, a regression from existing law, and it ought to be defeated.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. MANN], a member of the committee and an outstanding jurist.

Mr. MANN. Mr. Chairman, I want to begin by commending Chairman BROOKS and Chairman SCHUMER for their leadership on the crime bill. It has been a real pleasure as a member of the Subcommittee on Crime and Criminal Justice of the Committee on the Judiciary to work with both of the gentleman on this piece of legislation, which I think is a powerful piece of legislation, for it very neatly balances the two things that a comprehensive crime bill needs: on the one hand, swift, sure, and severe punishment, and on the other hand, programs that speak to prevention.

Mr. Chairman, I want to share with this body a news clip from the morning paper in Cincinnati. Last night a 17-year-old teenager was killed on the streets of Cincinnati.

All too often in Cincinnati and cities around this country juveniles are victims of crime involving handguns and other weapons. All too often juveniles are those who are committing crimes, some against themselves, some against those that are adults. There is a very real need for this legislation.

Mr. Chairman, I applaud the three strikes and you are out legislation. It is appropriately and narrowly crafted. It makes clear if a human being in this society three different times is convicted of a violent crime, then on the third strike, that individual is going to be put away for life.

I think it is appropriate that the death penalty provisions have been restored, and once more those who commit capital crimes under Federal law can be incarcerated, and if need be, sentenced to death by execution.

Mr. Chairman, I come from a community that has experimented quite successfully with the concept of community-oriented policing. In Cincinnati, police officers walk beats instead of riding patrol cars. They devote themselves not to responding always to problems, but to working with citizens and neighborhood groups and youth groups to try to prevent problems. It is a proactive kind of policing. I will tell the Members that in Cincinnati it is working extremely well.

The crime bill will authorize 50,000 additional police officers for this country of ours. That is a 10-percent increase in the officers that will be available to agencies around this country. I know that Cincinnati and other communities in my district are already preparing the applications by which they may seek to support this funding, and in Cincinnati it will be very welcome indeed.

□ 1350

I urge my colleagues to act quickly, not to approve weakening amendments when we get to that stage in this bill. The American people badly want the crime problem in our society addressed, and this Congress can do no less than respond quickly to that cry.

Mr. McCOLLUM. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York [Mr. FISH], the ranking member on the Committee on the Judiciary, who we are going to miss because this is the last of the crime bills, I guess, that we will have the pleasure of debating with him. And indeed it will be a pleasure to have him here today, and we are going to miss you terribly, HAM.

Mr. FISH. Mr. Chairman I thank the gentleman very much for those remarks.

Mr. Chairman, violent crime is a devastating national problem—it is the most serious domestic problem facing America today. Violent crime has increased over 23 percent since 1988. A violent crime is committed once every 22 seconds—a murder is committed every 22 minutes. A rape occurs every 5 minutes and a robbery every 47 seconds. Over 70 percent of the violent crimes committed in our country are committed by repeat offenders.

These are not just statistics. The victims are real people and the ultimate victim is our society. The crime epidemic has brought with it the pestilence of fear. We need to address this complex problem in a comprehensive but realistic way.

I believe that we need to address the root causes of crime—we need programs fostering education, health care, housing, and jobs. But the root causes approach is not the short term answer to what is an immediate problem. We have to deal with the results of violently anti-social behavior, whatever its causes. The role of government is to protect its citizenry and insure that law and order prevails. In short, government at all levels, has the obligation to provide a safe atmosphere so that real freedom can flourish.

Generally speaking, the crime bill reflecting the Judiciary Committee's work is a measured step in the right direction. In particular, the provision requiring life imprisonment for three-time violent offenders—three strikes—is most laudable. I also strongly support the bill's provisions on victims of crime, assaults against children, and mandatory minimum sentences.

But colleagues, more—much more—needs to be addressed.

This includes Congressman McCOLLUM's amendment requiring the States to adopt truth in sentencing policies before they are eligible for prison construction and expansion grant funds. In addition, Congressman McCOLLUM seeks to offer a drug kingpin death penalty procedures amendment and a very important amendment providing a good faith exception to the exclusionary rule. The last amendment mentioned is terribly important and has passed the House on prior occasions. If a police officer has a reasonable, good faith belief that he or she is acting in compliance with the fourth amendment, then the evidence seized should be admitted into evidence.

Congressman LAMAR SMITH of Texas has put forward an extremely important proposal on criminal aliens that should also be made in order. It would assist in the identification, incarceration, and deportation of criminal aliens by establishing a criminal alien tracking center. Most importantly, the Smith amendment recognizes a Federal Government responsibility for the undocumented, criminal alien population. My State—New York—for example, spends of $62 million annually to incarcerate undocumented criminal aliens. This amendment says that the Federal Government will either take the responsibility to incarcerate these persons or compensate the States for their costs of incarcerating them.

Congressman DUNCAN HUNTER has submitted a related amendment calling for an additional 6,000 Border Patrol agents. Effective control of our borders is an important aspect of the war against crime and the Hunter amendment should be made in order and this too is a laudable amendment.

Congressman JIM SENSENBRENNER, our ranking member on the Subcommittee on Crime and Criminal Justice, has proposed an amendment striking the so-called Local Partnership Act from title X of the bill. This would result in a cost savings of $2 billion. Title

X proposes a series of hastily-conceived and ill-planned social programs. Without more thought they will merely waste taxpayers' money. Allow the Sensenbrenner amendment as well.

Congressman McCOLLUM is also proposing to double the penalties for serious violent felonies committed against minors or senior citizens. This is another excellent idea—aimed at protecting those among us who are very often least able to protect themselves. Crimes against children or against the elderly, are abhorrent and should be dealt with accordingly.

In conclusion, I want to compliment my Republican colleagues on the Judiciary Committee who are working so hard to fashion a strong and effective crime bill. The gentleman from Illinois [Mr. HYDE], the gentleman from Wisconsin [Mr. SENSENBRENNER], the gentleman from Florida [Mr. McCOLLUM], the gentleman from Texas [Mr. SMITH], the gentleman from Minnesota [Mr. RAMSTAD], the gentleman from New Mexico [Mr. SCHIFF], the gentleman from Florida [Mr. CANADY], these gentleman have worked hard to bring the bill to the Members today. The amendments we have proposed, all of which have been considered in the House Committee on the Judiciary during our markup, I hope will be made in order under the rules to come to the House. They deserve our support in order to have a comprehensive and effective bill.

Mr. BROOKS. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, some time ago, Jeffrey Dahmer was interviewed on television, no less, and he was asked a few questions he did not like. And he said, "I do not have to answer those questions. I have rights, too."

Jeffrey Dahmer stated the fact that he had constitutional rights, and he did, and he does. He did not have to bear witness against himself. He could have taken his fifth amendment, he could have sat back, and he did, and he utilized all of the rights that he had.

I would like to talk a little bit about the rights of victims today. I think that we have record numbers of tombstones popping up around America, and everybody is beating their chest about crime, and basically victims' rights have been overlooked by the Congress of the United States. We go out of the way to protect the rights of murderers and everybody, but overlook victims.

One of the most specific concerns I have as a former sheriff, and this has happened many times, and Readers Digest has written about it, someone gets convicted of a felony, and they look over at the prosecutor, or they look over at a witness and they say, "When I get out of here, I'm going to get you." And when they are released, many of them come back to the areas, find those people and hurt them, sometimes kill them.

I have an amendment, because I believe this bill is silent on victims' rights, in regards to that. It says 30 days prior to release of these convicted felons, the principals involved, the judges, the witnesses, the policemen that made the arrest, they are notified that this person is coming back so they can at least be aware of that.

The second victim, in my opinion, is the taxpayer. Nobody wants to be tougher on crime than I do. But many times the victim is the taxpayer who has people in jail feeding at the trough, especially when they are nonviolent. An amendment I have offered says look, for these nonviolent offenders, give the judge some discretion. Why have them stay in jail? When I was sheriff, I had a young man who was a nonviolent offender who was literally raped in jail. Now he will present more problems to society with a tougher sentence that we patted ourselves on the back for than if we had just let the judge have discretion, put his wrists in a bracelet, let him pay a huge fine, let the judge put his picture in the paper and force him to pay for that photograph in the paper.

Third, this bill is also silent on one other major aspect. Where does a policeman go who has been injured, or retired, or is suffering from problems domestically, for counseling? Do they go to the mental health center, where they may have arrested everybody sitting in the front row? Do they go down to the community counseling center? They really cannot.

There has been a program developed in Maryland which has become a standard for a program around the country where policemen can go for counseling. My amendment calls for us to expand upon that. There is a small authorization of $3 million so these police counseling centers can deal with some of these problems.

Finally, for years I have been attaching fraudulent label laws onto many of our different respective bills. The fourth amendment does something a little different. It says not only do we have a fraudulent label, but we can put up to $100,000 in penalties for a company that puts those fraudulent labels on. The victim is the American workers, ladies and gentleman. Time after time, people are sending imports into this country or putting fraudulent labels or deceiving the American purchaser and the American consumer. And who is hurting? The victim is the worker in our own country.

That amendment says put a fine, let the judge have an option of putting a $100,000 fine on these people, in addition to the bad publicity, and let us put a little bit of damage into their pocketbook.

□ 1400

So I appreciate the time that the chairman has yielded to me.

Let me say this: This bill is better when this bill deals with the rights of victims. We have gone overboard for the rights of killers and murderers; let us not overlook the rights of victims.

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. I thank the gentleman for yielding this time to me.

Mr. Chairman, previously on the floor I discussed the repeat-offender section of this bill. I would like to address another section. I offered an amendment to the Committee on Rules, which I hope they will make in order so that we can vote on it today, which will strike a provision of the bill that requires States to have alternatives; that is, nonprison-type sentencing programs. Now, what is wrong with nonprison sentencing programs? The answer is: By itself, and in appropriate cases, there is absolutely nothing wrong with it. I do not believe that every single person who commits any kind of crime serves society best by being placed in prison. The problem is, this requirement to have alternative sentencing is in a provision that deals with violent criminals. The message that the combined section gives to the States is, "You should let certain offenders go, let them out of prison," or, "Don't put them in prison," not because they deserved it through individual rehabilitation or remorse, not because they are not a threat anymore to commit the crimes that they were committing, but specifically to create space for more serious offenders.

Now, what that means, for example, is that the States are being encouraged to release car thieves but to jail armed robbers. Now, is armed robbery a more serious offense than auto theft? I think in most cases it most certainly is. But the people of the United States do not want their cars stolen any more than they wish to be robbed at gunpoint.

The point is this is a question of which is the cart and which is the horse? The horse ought to be the determination: who belongs in prison and who deserves alternative sentencing. We should not make that decision solely by the number of spaces in existence or where will it end? We may have to let armed robbers loose to jail someone who is even more dangerous to society. I cannot imagine anything more destructive to our society than releasing people to the streets who we know will commit crimes just because we do not want to provide the space to keep them off the streets.

I urge adoption of my amendment.

Mr. BROOKS. Mr. Chairman, I yield 4 minutes to a distinguished Member, the gentleman from California [Mr. BECERRA].

Mr. BECERRA. I thank the chairman for yielding this time to me.

Let me first thank the chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS] for his efforts so far to try to bring to this floor a bill that all of us could support and to be able to tell the American people that we are trying to do something about crime in this country.

It is alarming when you think about the statistics on crime. I must say it is very difficult to fashion a bill that will get the majority support of all the Members on both sides of the aisle on this particular issue. I must say this is a crime bill that the House has proposed that has a number of different proposals in it, much different in many ways from the version of the other body. I would say it is a great improvement of what the other body has done. Though I have some concerns about some of the programs, let me mention some of the things that I think will help us fight crime.

First of all, let me refer to those programs that are preventative in nature. When you take a look at the close to $7 billion that we will be spending to prevent criminal activity, when you take a look at those programs that are geared to prevent children from becoming at-risk youth or from becoming juvenile offenders and then adult offenders, I think you find that this crime bill tries to go in the right direction. We are trying to prevent crime, not only take care of those who have committed crime.

One of the big problems I see these days when it comes to crime prevention and that type crime measure is that all we do is deal with the crime after the fact. We have victims when you deal with crime only after the fact. We do nothing to take care of the problem about the person who is behind that criminal who will not begin committing these same kind of crimes.

What we have found over the last 10 to 20 years is we increased sentences for prisoners, and yet the crime rate continues to be about the same. We do not get a decrease even with all the prisoners we are putting behind bars.

When you take a look at a State like California, where over 117,000 people right now are behind bars and you realize that in California we spend $4,200 to keep a child in school and $32,000 to keep that same child locked up behind bars, you see that we have gone in the wrong direction.

I would hope when we finish with a crime bill, with all the amendments, what we will do is we will say let us be tough on people who commit crimes, let us try to compensate the victims, but let us also close the door behind the criminal whom we lock up, so we do not see a young person following their footsteps. And unless we realize that we need the prevention programs that will make that possible, we are sunk.

I would hope that the Members of this particular House will see it judicious to come before this particular body and say that we need prevention programs; it is time to start talking not only about incarcerating people but also stopping children from becoming the delinquents that become those major adult offenders.

Three strikes and you're out, we are going to have people in geriatric wards imprisoned and we are not going to do anything about those 14 to 25 year olds who are really committing all the crimes. We have to do something to make sure that if we are going to be tough on a prisoner and tough on a criminal, we are also going to be sympathetic but tough on the youth to make sure that we prevent them from becoming the criminals of the future.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. RAMSTAD] a member of the committee.

Mr. RAMSTAD. I thank the gentleman for yielding this time to me.

Mr. Chairman, Edmund Burke put it best when he said the primary function of Government is to keep people safe in their homes and neighborhoods. If that is the primary function of Government, then Government at all levels has failed the American people.

Mr. Chairman, the bill before us today is far from perfect. Members combing through the 386-page document will surely find provisions they don't like.

Enacting comprehensive legislation to respond to the epidemic of violence in our society is not an easy task.

But we were not elected to do easy tasks.

We cannot afford to fail at passing a crime bill this Congress. Partisanship killed the anticrime bill in the last Congress. Bipartisanship must govern this time around.

It is time for us to take off our Republican hats, take off our Democrat hats and work together to pass a bill most Members can support.

I am pleased that three bills I authored comprise three titles of this bill.

Title III incorporates H.R. 1120, the Assaults Against Children Act. This bill closes an alarming gap in Federal law which does not allow felony prosecutions of child abusers who inflict such substantial injuries as broken bones and burns.

Title XII incorporates H.R. 3993, the Child Sexual Abuse Prevention Act, which I introduced with Mr. KENNEDY and Mr. BLILEY.

This bill addresses the world-wide tragedy of child pornography and prostitution. It makes it a crime to produce and traffic in child pornography intended for importation into the United States.

It also strikes a blow at "pedophile sex tourism," by making it a crime to travel overseas for the purpose of sexually abusing children.

Finally, title XIII incorporates H.R. 324, the Jacob Wetterling bill, which this body passed last fall. Named for an abducted Minnesota youth, it would require individuals convicted of certain crimes against children to register with law enforcement for 10 years after their release from prison.

I want to thank both Mr. BROOKS and Mr. SCHUMER for their support for these bills.

Mr. Chairman, the House has the opportunity to make this bill even better with amendments in the next few days. Let's work together to enact a tough but smart crime bill that balances punishment and prevention.

The American public, and the millions of crime victims in this country, deserve nothing less.

Mr. MCCOLLUM. Mr. Chairman, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. I thank the gentleman for yielding this time to me.

Mr. Chairman, I congratulate the gentleman from Florida [Mr. MCCOLLUM], and the gentleman from Texas [Mr. BROOKS], and all those who worked on this package. I commend you for it.

Mr. Chairman, by addressing the crime problem in this country, we really are addressing the problem that concerns Americans the most at this particular time. We have a lot of amendments to debate. I am not sure what is going to come out. Essentially, we have to start with the legislation, and I hope we can improve it as we consider the amendments which will be following.

I have introduced a bill which passed here and is now part of this crime bill, the Youth Handgun Safety Act, which is cosponsored with my distinguished colleague from Kansas, DAN GLICKMAN, and it will prohibit minors under the age of 18 from possessing a handgun except for use in hunting, target practice, or a gun safety course under the supervision of an adult.

□ 1410

Handguns in the hands of our youth is just not a problem on the streets of the big cities of America. Consider these cases in schools in my small State of Delaware:

A 15-year-old brings a loaded semiautomatic weapon to school. A 14-year-old pulls a gun on another student at a junior high school. A high school student packs a handgun in his book bag for protection.

Interestingly, Mr. Chairman, in a survey I conducted in a Delaware high school a couple of weeks ago 80 percent of the 255 students who responded support the Youth Handgun Safety Act. The students agree with the premise of the legislation, that it would send a strong message that guns are not wanted in our schools and that minors who possess guns, or adults who give them guns, will face tough penalties.

I am pleased this legislation is part of the omnibus crime bill.

Mr. McCOLLUM. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. GEKAS], a member of the committee.

Mr. GEKAS. Mr. Chairman, I thank the gentleman from Florida [Mr. McCOLLUM] for yielding this time to me.

Mr. Chairman, I repeat:

An important feature of the bill that is in front of us is the death penalty.

Mr. Chairman, we must indulge in a little bit of historic review here so that we can inform the American public about what we are considering voting on here today.

Back in the early 1970's, Mr. Chairman, the Supreme Court of the United States struck down the death penalty largely because the Justices felt, and they so recorded in their opinions, that there was such a large discretion granted to the jury that the courts could not be sure that the jury found either for the death penalty or against the death penalty as a result of prejudice, hate, bias, or some other freakish, and that is their word, "freakish," consideration that forced them in their minds to acquit, or release the man from life imprisonment, or to impose the death penalty. So the Supreme Court, as I say, struck it down.

What happened? They left a window opened to determine, to allow the States to determine, how they could construct the death penalty that would meet the constitutional standards. So, Gregg versus Georgia and Proffitt versus Florida, two death cases from those two States, came up to the Supreme Court where the Supreme Court then decided, "ah hah, the procedures that have been set up in Georgia and in Florida, a bifurcated hearing where the jury, after determining guilt or innocence, presumably finding that the individual was guilty of murder, would then have to sit in a separate session to determine the penalty, whether it's death or life."

Now here is what has to be made clear:

We have in front of us this jury in the second procedure, a man or a woman who has been found guilty of a brutal murder. He is convicted; he is a convict. There is no question of guilt or innocence. Now the jury has to decide, under the constitutional standards, death or life imprisonment.

Now the question is, What did the Supreme Court find in the Georgia and Florida cases to their liking where they found it constitutional? Here is what it is:

The jury is supposed to take the circumstances presented to them by the prosecutor, which could be considered to be aggravating factors, and aggravating factors are something like the individual before he killed the women raped her. That is an aggravating factor. And the jury is to take into account a mitigating factor like tender years. He was only 16 years old when he committed this act, a mitigating factor. Another aggravating factor would be that the man ran from the scene and did not try to help the lady after shooting her, after raping her. That is another aggravating circumstance. Another mitigating circumstance might be that he came from a poverty background,

Now the jury has in front of it aggravating factors and mitigating factors. Under the Profit case and the Gregg case, weighing those and coming out in favor of aggravating circumstance, they outweighed the mitigating factors, the jury would be justified in finding the death penalty.

Well, now let us come back to 1994 and the bill that is in front of us. The bill that is in front of us allows the jury so much discretion, and where have my colleagues heard that before? I just talked about it, so much discretion that they could in the final analysis find death or life based on their whims, not guidelines, not aggravating or mitigating circumstances, but on whether they liked the defendant's looks and, therefore, gave him life imprisonment or did not like the defendant's race or his background and so caused the death penalty to be applied.

So, Mr. Chairman, we are back to pre-1972 where the Supreme Court found the jury discretion so wide that they could not fairly allow the death penalty to be imposed. The amendments that I will offer later in these proceedings will try to bring back to a sense of sanity what the jury instructions should be so that we could put in proper place the aggravating and mitigating circumstances and allow a jury with guidelines to produce a death penalty or a life imprisonment for a brutal murder, depending on how these aggravating and mitigating circumstances show up in the minds and hearts of the jury, not on their whims or on their prejudices.

Mr. Chairman, that is the only way that I will be able to support the death penalty that is inherent in these bills.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the distinguished gentleman from Texas [Mr. BROOKS] for yielding this time to me.

Mr. Chairman, it is wonderful that we finally have this bill on the floor, and I thank all of the members of the committee who worked so hard.

Yesterday I had the opportunity to listen to the majority leader's speech at a school about crime, and he pointed out some very important things.

First of all, of the crimes that have victims in America, 91 percent of those crimes there is no arrest made. The other thing that we know is that, if we do not look at the certainty of arrest, we are in real trouble. The certainty of arrest motivates people a whole lot more than the severity. And finally we looked at statistics, and we looked at prior crime bills and said, we have spent megabucks, we have spent gigabucks, we have gotten tougher, we have made it more severe. We have done all these things, and the crime rate looks worse than it did 16 years ago.

So, Mr. Chairman, the good thing about this crime bill is it goes a different direction. It goes a different direction in that, while it deals with crime very firmly, it continues to tighten loopholes. It also tries to lift people up and prevent crime, prevent it before it happens, and it does this with a multitude of things.

The Violence Against Women Act is a very historic bill. It is the first time that we are saying that the Federal Government is going to take this very seriously and try to get localities to take this seriously because one of the things we know is very often criminals had violence that started in the home, and, if they have seen every single dispute solved with violence, it is very difficult to suddenly learn conflict resolution with an hour course. So, as a consequence, this has been a very, very important part.

We have other things in there for youth that have been mentioned by prior speakers. One of the ones I am very excited about is the midnight sports program. We have seen some pilot projects in the private sector on this. They have been incredible. Maybe many of my colleagues have heard about Chicago where right in the middle of the toughest housing project around they put in midnight sports, and they got these young boys interested in it. They have to come to study hall first. They get their grades up, they get their degree, and they go on, and they have had a terrific, terrific success with that. This helps local communities get those going by paying just the tiniest little bit that is required to help run the electricity a little longer, or pay the janitors, or pay a little on the liability insurance for keeping the place open a little longer so they can run these programs.

☐ 1420

But this is why I think this bill is really a groundbreaker, and it is a direction-changer. Heaven only knows, we need it. We can keep doing the things we have done before, but in that way we do not get there. This is the way we need to proceed to get balance in the bill.

Mr. McCOLLUM. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. MOORHEAD], who is the ranking member of one of the subcommittees bringing the legislation to the floor today.

Mr. MOORHEAD. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, in the midst of the debate on health care, welfare reform and Americans' concern about the future of our economy and its rapidly changing nature the polls clearly show that the problem of violent crime in our society is the issue most often on the minds of Americans. The real crisis in America is the crisis in our streets—the crisis in public safety and the crisis in our criminal justice system.

Statistics show that a violent crime is committed every 22 seconds, one aggravated assault every 28 seconds, one rape every 5 minutes and one murder every 22 minutes. Furthermore, 7 percent of the criminals commit almost 80 percent of the violent crimes in America. On average, these violent criminals serve only 37 percent of their sentences.

To deliver a knockout blow to violent crime and stop the revolving door which spins violent criminals out of prison too early so they commit more violent crimes requires setting priorities and passing laws that put punishment and deterrence back in the system.

To his credit, our colleague BILL MCCOLLUM has developed such a proposal entitled the "Violent Offender Incarceration Act" which he will offer as an amendment to H.R. 4092. The McCollum amendment will provide $10 billion in Federal grant money to the States over the next 5 years to be used to incarcerate violent offenders. To be eligible, States would have to establish truth in sentencing laws under which offenders will serve no less than 85 percent of their sentence for conviction of a second violent felony. In addition, States would be required to adopt three strikes and you're out laws that would mandate life in prison for anyone convicted of a third violent felony. The McCollum amendment is a solid proposal that will go a long way towards eliminating the revolving door and taking violent criminals off the street and I urge Members to carefully consider and support it.

Finally, Mr. Chairman, Congressman DUNCAN HUNTER and I hope to be able to offer an amendment to H.R. 4092 that would provide for an increase in the number of Border Patrol agents from 4,000 to 10,000 over a 5-year period. In a recent letter, Pete Wilson, the Governor of California, highlighted the fact that: The message is growing loud and clear: "There is a national crisis in Federal immigration policy, and State and local governments cannot continue to pay the bill for Federal failure. By State fiscal year 1994-95, California's prisons will house more than 18,000 illegal immigrant felons, at a cost projected to exceed $375 million."

The Border Patrol is the first line of defense against illegal immigration and drug smuggling and can be an effective deterrent to crime if substantial manpower and resources are in place.

Last year was a turning point for our Border Patrol, when the House overwhelmingly passed the Hunter-Moorhead-Schenk amendment appropriating $60 million for 600 additional agents for this fiscal year. We must continue this trend by authorizing the personnel and resources needed to enforce our laws and make our national borders secure. We have shown we can stop the revolving door by a strategy of deterrence through prevention as demonstrated recently in El Paso, TX. We need to implement the same operation in San Diego and accordingly I urge my colleagues to support the Hunter-Moorhead amendment.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, first I commend the chairman of the Committee on the Judiciary, the gentleman from Texas, [Mr. BROOKS], and the minority for bringing us a good bill.

Mr. Chairman, all across the Nation, each and every American has been telling their Representative to be strong and to make their schools, neighborhoods, and homes safe again. Mr. Chairman, the time has now come. Today, we are prepared to pass a crime bill that represents the largest commitment to stopping crime that the House has ever considered.

This is the first serious effort this Congress has undertaken to deal with the crime problem in the past 10 years. Every year, we pass crime bills that basically are not funded and have not responded to the crime problem. A good crime bill needs provisions that effectively reform the current system. Mr. Chairman, the bill today contains these provisions, and that is why it is an effective bill. This crime bill, for example, includes provisions which reform the laws regarding parole and mandatory minimum sentences to ensure that our sentencing system is reformed.

President Clinton has called upon Congress to vote for a crime package that is strong, smart and tough. A package that will punish offenders, yet will also promote measures to prevent crime. I am proud to stand here today to speak in favor of a crime bill that does just that—it punishes criminals and offers good prevention measures.

Mr. Chairman, this crime bill sends the message to repeat offenders that enough is enough. It tells them that if you do violence to others, you will be punished. The three strikes you're out provision will send criminals with three serious offenses to prison for life with no possibility of release until they are 70 years old, and have served at least 30 years in prison.

A strong message will also be delivered to those who are making money from the sale of drugs to innocent children, and to those who murder in the course of committing a violent Federal offense. Our message is clear. The death penalty will now apply to you. The death penalty provisions, however, have been well thought out to ensure that racial discrimination is prohibited in death sentencing. Furthermore, the provisions will guarantee that State death row prisoners have access to competent legal counsel at all stages of the trial and appeal process.

I also support the committee's approach to issues affecting native Americans. The best thing we as Congress can do is to allow tribes to exercise sovereignty. The opt-in provisions for both the death penalty and the three strikes you're out provision will allow the tribes themselves to determine the applicability of these provisions. I also agree with the exemption the tribes received with regard to the prosecution of teenagers as this would have a disparate impact on Indian people.

Furthermore, the crime bill includes provisions which helps crime victims. It permits victims of crime and sexual abuse to present information or make a statement at the defendant's sentencing. It is time to pay attention to the rights of victims. It also compensates victims and helps them get counseling.

Mr. Chairman, today is the day that we will send a message to criminals, a simple message. We will no longer stand by and allow you to terrorize families. The time has come to stop crime, and to give all Americans a chance to have a future that is free from fear. Mr. Chairman, we must send a message to criminals that if they proceed to commit a crime, they will be punished and our courts will be supportive of this message.

This crime bill also strengthens laws against individuals who sexually abuse children and who deal in child pornography. It is time that we protect children against the merchants of filth.

Smart crime prevention measures are also included in this crime bill. Literally billions of dollars will be directed to youth crime prevention including measures to keep kids occupied and off the streets. This crime bill also allows grants to develop more effective programs to reduce juvenile gang participation and juvenile drug trafficking. It also supports drug treatment programs within State and local correctional facilities.

Yesterday, with the majority leader, the gentleman from Missouri [Mr. GEPHARDT], several Members visited a school in downtown Washington that will receive assistance to keep kids in school after school hours day and night so they can get involved with activities like basketball. Such assistance will also encourage others to work with kids in youth recreation programs and will give young people an opportunity to exercise athletics in the hopes that this will build teamwork incentives and get them off the streets.

A message will also be sent to the woman who enjoys walking her dog at night. The message is that her chance of having the police patrolling her neighborhood has now been increased. With 50,000 new cops on the beat, criminals will want to think twice before harming anyone. And let us make sure that we not forget the rural areas in community policing. This measure should not just benefit big cities like Los Angeles and New York, but small communities as well. The bill also contains a wide variety of provisions intended to reduce violent crimes that are committed against women.

Mr. Chairman, our local police have been working around the clock to provide residents with safe streets. However, they cannot be alone in their endeavors. Perhaps most importantly, we must recognize that in our efforts to deter crime, we have to involve families, local communities and local police. Everyone, from the mayor to the high school student, must realize that stopping crime is a joint effort, and the battle against crime will not be won unless everyone participates. For this reason, our crime bill helps local governments and local police find new ways to best protect those who live in their communities. The best solutions to crime are local, and this bill emphasizes local solutions.

Mr. Chairman, this is a good bill that contains a good mix of punishment and prevention.

Mr. McCOLLUM Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, what today we are dealing with is a bill that is designed to solve the big crime problem or at least go a long way to solving that with the States. And there are some good things in this bill. There is no question that the cops-on-the-street provision is good; the "Three strikes and you're out" needs improvement, but it is basically a good idea. There is no question there are things in this bill to address the juvenile problem with boot camps, but there are a lot of things wrong with this bill and we need amendments to correct those. One of the most egregious things some of my colleagues have pointed out is that there are provisions in this bill which mean if enacted there will never be another death penalty carried out in this country because of the procedures and hoops that would have to be gone through by prosecutors in giving the opportunities to appeal every year. There are things in this bill that really are wrong in the terms of how they are balanced or not balanced.

There is $8 billion in the title of this bill to go to crime prevention, but there is only $3 billion for more prisons, and what the States are crying out for is something to help them with the overcrowded prisons.

There is nothing in this bill, though amendments are being offered to help address it, that would remedy the problem of our Federal system interfering with the prisons in the overcrowding area that would cause more problems then good. And there is no carrot in here for encouraging States in prison construction and in housing violent criminals, to go to truth-in-sentencing and to abolish parole for the violent criminals and make them serve at least 85 percent of their sentences.

As I said earlier, we need to do something about "Three strikes and you're out," which needs improvement. We also need improvement in the death penalty procedures in here. There is a drug kingpin death penalty technically in the bill but without the kind of procedures necessary to make sure that it would withstand the challenge of constitutionality under the Supreme Court guidelines.

We need to make significant amendments to this bill. In its present form, it is actually not a good bill; it is a bad bill, even though there are good things in it.

So in the next couple of days and with what the rule produces that is going to come out here in a few minutes to allow amendments, that is absolutely crucial to this legislation. Above all else, as I said in opening this general debate, we must have a partnership with the States where most of the crime is committed to solve the revolving door problem where the violent criminals of this country are getting back out on the streets having served only a fraction of their sentences. We talk about 6 or 7 percent of the criminals in this country committing 70 to 80 percent of the violent crimes and serving only an average of 37 percent of their sentences.

Mr. Chairman, if we do not address that problem, this bill will not be a good crime bill.

□ 1430

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing, I just wanted to say we feel this bill is a constructive bill, one that will help to solve crime problems in the United States, and one that will help the States cope with their problems. It is one that realizes four percent of the violent crimes are in the Federal domain, and 96 percent, State and local.

This bill recognizes that fact and tries to give the States alternative proposals to set up ways to help nonviolent prisoners regain their citizenship and their contribution as citizens. It is a worthwhile bill. I hope the Members will support it. We will be back tomorrow at the same time and place.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. McNULTY) having assumed the chair, Mr. TORRICELLI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4092) to control and prevent crime, had come to no resolution thereon.

## PERSONAL EXPLANATION

Ms. WOOLSEY. Mr. Speaker, I was unavoidably detained during rollcall number 84. Had I been present, I would have voted "yea" on House Resolution 395.

## CONFERENCE REPORT ON H.R. 1804, GOALS 2000: EDUCATE AMERICA ACT

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 393 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. RES. 393

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1804) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 393 provides for consideration of the conference report on H.R. 1804, the President's Goals 2000: Educate America Act. Under the rules of the House, conference reports are privileged and are considered in the House under the 1-hour rule with no amendments in order. The rule waives all points of order against the conference report and against its consideration. The rule further provides that the conference report shall be considered as read.

Mr. Speaker, today's world is much different than it was 50 years ago. Advances in technology have changed the entire nature of our work force. No longer is it enough to equip our children with basic skills. We must also provide our children with the skills to compete in today's global economy. The conference report for H.R. 1804 seeks to accomplish this goal through the improvement of education for all children.

Under the conference report over $400 million in grants would be awarded to the States as an incentive to improve their elementary and secondary schools. Each State could apply for these funds through the development of State plans which set standards for education. Participating States would establish voluntary content and student performance standards—or what children should know in English, math or other subjects at certain points in their education. Local school districts would also be eligible for subgrants from the State to develop and implement comprehensive reform at the local school district level as well.

The conference report establishes a national education goals panel charged with building a national consensus for education improvement and reporting on the Nation's progress in meeting the national educational goals. It also establishes a national education standards and improvement council. This council would develop criteria for certifying voluntary national content, student performance, and opportunity-to-learn standards, as well as standards developed and voluntarily submitted by the States. These national standards enable America to set voluntary goals for students and would become available for use by States as guides or models in developing or modifying their academic standards.

The conference report further establishes a national skill standards board intended to serve as a catalyst in stimulating the development of a voluntary system of skill standards. The board will encourage and facilitate the establishment of voluntary business-labor-education partnerships to develop skill standards systems. The conference report further provides that the skill standards meet or exceed the highest standards used in other countries.

Mr. Speaker, this conference report is a departure from the way the Federal Government has previously dealt with education. Not only does the legislation call for voluntary national standards, but it calls for the relaxing of regulations and emphasizes academic achievement instead. The conference report supports creativity to develop new and innovative approaches to educating our Nation's children.

Mr. Speaker, House Resolution 393 is a fair rule that will expedite consideration of the President's education reform bill. I urge my colleagues to support the rule and the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the able gentleman from South Carolina [Mr. DERRICK] has described the provisions of the rule. Mr. DERRICK, we are going to miss you after this session of the Congress. We are sorry you are retiring from this House and this body. You are a Trojan hard worker, and we are going to miss.

Mr. Speaker, as my colleague and good friend, the gentleman from South Carolina [Mr. DERRICK] has described, this rule provides for the consideration of the conference report to accompany H.R. 1804, the Goals 2000: Educate America Act. The rule waives all points of order against the conference report and its consideration.

Although I do not generally favor waiving the 3-day layover requirement—particularly on comprehensive bills such as this—it is necessary for both Houses to complete action on this conference report expeditiously. Funds have been appropriated for fiscal year 1994 for this program, and this bill must be signed into law before April 1 in order to use these funds for the purposes provided by this bill. Therefore, I will not oppose this rule.

This bill sets out to improve the quality of education for all students while maintaining the principle that although education is a major Federal concern, it is primarily the responsibility and function of State and local government. Thus, the opportunity to learn standards contained in Goals 2000 would be voluntary, and States can establish their own standards.

Mr. Speaker, I want to commend the conferees and the committee staff who worked through the weekend to get this conference report to the floor. Hundreds of differences had to be worked out by the conferees, and they did a tremendous job. However, the House instructed conferees to accept specific Senate language regarding school prayer. The school prayer language in the conference report is not the same as the original Senate language, and my colleague from Tennessee [Mr. DUNCAN] intends to offer a motion to recommit the conference report with instruction to include the original Senate language. I urge my colleagues to support this motion, and I urge adoption of this rule so we can move this legislation forward.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

□ 1440

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me. I think that it is useful to put this particular action into context. I do not think any of us are opposed to this rule. It allows us to bring the Goals 2000 bill to the floor. It waives certain points of order that need to be waived in order to have that happen. I am always a little concerned when we are waiving points of order, but in this particular case, I do not see any great harm to be done.

However, this is a part of the ongoing saga of trying to assure that we get school prayer language that is widely and broadly accepted in both the House of Representatives and in the other body, the U.S. Senate. It is clear at this particular point, from a number of votes, that the advocates of school prayer have been successful in trying to move toward a standard that has each school district set a policy to assure that constitutionally protected school prayer can in fact take place.

There have been votes in the Senate on that. There have been votes here. They have been passed overwhelmingly. There is no doubt that that is the direction that Congress wants to go, and it is a direction that the American public has wanted to go for a long, long time.

Now we come back with the Goals 2000 bill, where this language originally arose in the Senate and where language has been included that is almost exactly the same as language that was rejected by the House just a few hours ago. And what the action that is going to be taken here on the conference report will be is to say, let us get all of our language together. It is broadly accepted now. We know what we want to do. Let us get all the language together. We cannot drop it out of this bill. That is not something which is going to happen.

Why in the world do we adopt language that the House has rejected and then will set up a competing standard of what school prayer really means?

Why not stick with the similar kind of approaches?

In our view, what needs to be done is the conference committee needs to meet again and adopt the language that everybody in both bodies has now agreed is the direction to go. I believe that we will have, in the next little while, such a motion to recommit. I cannot see why other than simply to block the inevitable, why anyone is now moving to try to adopt language that has been specifically rejected. It seems to me that all we have in those kinds of instances is a situation where having been thwarted on one bill, that Members are coming back and trying to do what they can to stop this movement in another bill. And then, because they hope that if we passed different languages in different bills, I guess what they think is that the regulatory agencies then will have trouble working it out and it may never take place.

Let us get this thing settled once and for all. We can do it by having the motion to recommit be successful.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to my friend and colleague, the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise not to speak directly to the rule before us but to inform Members that I will offer a motion to recommit this bill with instructions.

Mr. Speaker, the House finds itself in a very awkward position today. My motion to recommit with instructions is intended to do something this House overwhelmingly voted on last month, when I offered a motion to instruct House conferees on this bill to agree with the Senate language concerning school prayer.

Mr. Speaker, that motion to instruct passed this body by a huge margin of 367 to 55. Moreover, the Senate passed the exact same language by an overwhelming vote of 75 to 22.

And just 2 days ago this House again passed the exact same language, the Johnson-Duncan school prayer amendment to H.R. 6, by a vote of 345 to 64. Mr. Speaker, these are very, very lopsided votes.

Now, we are here today considering this conference report on the Goals 2000 bill and we find that the school prayer language that we instructed conferees to agree to is not included.

Instead, a handful of Members decided to ignore the Senate vote, ignore the motion to instruct, and then included the Williams school prayer amendment.

At the time this closed-door decision was made, neither the House nor the Senate had even seen the language. Mr. Speaker, this is incredible. This is wrong.

I need to mention that the school prayer language included in this conference report, the Williams language, was defeated by this House, just 2 days ago, by a vote of 239 to 171.

Mr. Speaker, the House and the Senate have been very, very clear on this issue. I find it very disturbing that a few Members can ignore the mandate that the overwhelming majority of this Congress has spoken on.

I urge my colleagues to support the motion to recommit with instructions so that we can right this wrong and include the school prayer language that we have all agreed to on a number of occasions in this conference report.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. SAM JOHNSON].

Mr. SAM JOHNSON of Texas. Mr. Speaker, just 2 nights ago, 345 Members of this body supported a vitally important amendment to H.R. 6 which protects voluntary prayer in schools.

On February 23, this body overwhelmingly instructed conferees on another education bill, Goals 2000, to agree with this identical language.

The other body passed this same language by a steadfast 75 to 22 vote. Judging from the vote margins on three separate occasions, this Congress supports protecting the constitutional right of children to pray.

Mr. Speaker, I am disappointed that a handful of Members have taken the school prayer amendment and, I'm afraid, the constitutional right to pray, and played the shell game within the confines of a conference committee.

Let's be consistent on this. We should return to the original language which has already been affirmed by both bodies of Congress.

Let's protect the rights of our schoolchildren and recommit this bill back to committee and insist that the will of Congress prevail, not the will of a handful of conferees.

I urge a yes vote on the motion to recommit Goals 2000 with instructions. After the overwhelming support that voluntary school prayer received this week, there is no better time than today for Congress to take action to protect the constitutional right to freely exercise one's religion.

If you supported Mr. DUNCAN's instructions to conferees on Goals 2000, if you supported the Johnson amendment to H.R. 6, if you support voluntary school prayer, you should support the motion to recommit.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Speaker, I rise today in opposition to the conference agreement to H.R. 1804, Goals 2000. I do so with some apprehension, because I strongly support the establishment of national education goals, as originally envisioned in President Bush's Educate America 2000. These goals sought common ground with every parent and teacher in America to create a national benchmark for education performance. It made good sense then, as it does now.

That is why I voted to support this legislation last year, even though I had serious reservations about certain mandates included in the bill. Unfortunately, those provisions are still in Goals 2000, going far afield of the original intent to establish a national education benchmark.

It seems to me that this Congress is becoming more and more intent on micromanaging local education decisions. But is more Federal Government involvement the solution, or is it becoming part of the problem? Real reform should allow local school officials and parents the flexibility and choices to meet the goals and needs unique to their local educational system. As much as some in Congress and the Federal Government may like to think so, we are not smarter or wiser than the parents and teachers who are, and should be, responsible for the education of individual children.

With Goals 2000, federal interference in education only gets worse. I am speaking in particular of the so-called opportunity-to-learn standards included in this bill. H.R. 1804 mandates that each State develop a strategy to implement opportunity-to-learn standards, although they may or may not actually implement those strategies.

This is a massive Federal mandate, any way you look at it. Why does this bill force States to develop a strategy even if they have no intention of implementing the plan? Once we establish federal meddling as the standard, where does it stop? You cannot take just one step down a slippery slope.

Those Members who originally fought for a more comprehensive mandate will be back next year to force implementation as well.

Mr. Speaker, in a recent Wall Street Journal article, Charles Kolb, former Deputy Undersecretary of Education in the Reagan and Bush administrations, argues that:

> Opportunity to learn is the latest euphemism concocted by professional educrats to mask their single-minded determination to boost education spending. To cut through the Orwellian mist, read "opportunity to spend," whenever you see "opportunity to learn." In essence, such standards would mean that we cannot hold our children, schools and teachers accountable for better education performance until we first equalize—and then raise—per-pupil spending across America.

Unlike some members of this body, I do not believe that Federal spending, per se, is the key to improving education.

As a Nation, we are already spending well over $400 billion annually to educate our children. The problems with our education system are not caused because we spend too little, but because we spend with too little thought. Too much of the money we currently spend goes to the education bureaucracy, not students.

But don't take my word for it. Both President Clinton and Education Secretary Riley oppose opportunity-to-learn standards. Here is what the President wrote regarding opportunity-to-learn criteria:

> Our proposal deliberately makes no mention whatever of "opportunity-to-learn" standards. * * * Both the Department of Education and my staff here at the White House will work vigorously at every stage of the legislative process to ensure that when the ESEA reaches my desk, it does not contain opportunity-to-learn standards. The same principles have guided, and will continue to guide, the Goals 2000 bill.

Mr. Speaker, beyond the opportunities-to-learn mandate, there are plenty of other mandates and restrictions included in this legislation, such as a mandated one-year expulsion for any student caught carrying a gun in school.

No flexibility, no questions asked.

Mr. Speaker, support common sense—and President Clinton—by opposing H.R. 1804.

☐ 1450

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am really saddened that the conference committee has taken it upon themselves to try to prohibit constitutionally protected prayer and inserted their cute little language which we already debated at length this week, and which the House has already overwhelmingly spoken on this particular issue.

It seems to me we have a minority of people in this body who are constantly trying to thwart the overwhelming majority of this body. Members need to really look at this issue, and later, we are going to have a motion to recommit, to reinsert the Duncan language as it passed this House 367 to 55. I hope Members will vote for that. And I hope Members will not have their principles bought, because I have heard rumors on the floor that the choice is between losing $105 million, if we do not pass this bill by April 1, and changing the rules, or inserting the Duncan amendment and substituting it for this new language. I hope Members will not approach this important issue in that manner.

I hope the Members, the 300-plus, that have voted in support of the Johnson-Duncan approach to protecting children's rights to constitutionally protected prayer in school, will continue following that principle and vote for the motion to recommit and substitute the language that we all overwhelmingly support.

Overruling the obvious will of both bodies is not the way to do business. This sort of business is what the American people have seen that disgusts them and frustrates them so much. Despite the will of the people and the overwhelming will of the House has spoken, a conference committee has decided to take it on themselves to change it. Vote "yes" on the motion to recommit and protect the right to voluntary prayer in public school.

Mr. QUILLEN. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Illinois [Mr. MANZULLO], who does a tremendously good job.

Mr. MANZULLO. Mr. Speaker, the rules of the House do not permit any debate on a motion to recommit legislation back to conference with instructions, so I will use the time allotted under the rule to speak in favor of the Duncan amendment.

Mr. Speaker, Congress has voted overwhelmingly three times to protect the constitutional right of children to pray in school. In fact, the very language in the Goals 2000 conference report was defeated 2 days ago by a vote of 239 to 171. Why was the will of the majority of the Members of Congress thwarted by such a small group of Members of Congress in conference? That which Congress tried to do and did do on two different occasions was undone in one fell swoop by a small group of Members of Congress.

For those who voted against the Williams amendment on Tuesday, they must be consistent and vote for the Duncan motion today. The Duncan motion has nothing to do with mandates. It has everything to do with constitutional rights. No school can discriminate based on race, religion, gender, creed or disability. Yet if schools deny children the right to pray in a constitutionally protected manner, this conference report would let them off the hook.

During debate on Tuesday, the gentleman from New York [Mr. NADLER] made the following statement. Listen very closely: "There is no reported case in our courts in the history of the Republic involving school officials refusing to allow private voluntary prayers by individual students." That is simply not true. That is why we need to support the Duncan motion, once the vote on the rule is over.

There are very numerous cases on this issue. Just talk to Eileen Unander of Champaign, IL, or J.J. Music of Prestonberg, KY, who were denied the right to pray around the school flag before classes. Just ask Bethany Null, a special education student from Panama City, FL, who was told by school officials that she could not pray over her lunch. Just call the students at Smithfield High in Virginia, or the high school students of Rosslyn, NY, who were prevented by school officials from forming a Bible club to pray and study scripture.

Of course, any student of constitutional history knows the famous Mergeas case, where the Supreme Court in 1990 upheld the constitutionality of the Equal Access Act, which allows students to form religious clubs. Mr. Speaker, this very body passed a law, the equal access law, which allows children the right to form those voluntary clubs.

One organization has over 80 active cases dealing with the right of students to voluntarily pray in school. Those who say that no one has ever been denied the right to voluntarily pray in school are simply wrong.

I find it ironic that the very Members of this body who have no problems passing legislation overturning the Grove City College decision, which cuts off all Federal funding to institutions that do not have equal programs for both genders, raise so many objections to the Duncan motion.

Mr. Speaker, I urge my colleagues to support the motion of my friend, the gentleman from Tennessee [Mr. DUNCAN] to protect the constitutional rights and reject this conference report that circumvents the will of the vast majority of both houses of Congress.

Mr. Speaker, a recent survey was taken, and it showed that only 29 percent of the American people polled have confidence in the U.S. Congress. I can understand why, myself.

I am a Member of this body, and have worked very hard to get here. I share that lack of confidence in this body, when on two separate occasions this body votes for very specific language, only to have that very specific language ripped away in a conference committee, and to bring the matter back before the floor. It is a matter of fairness, it is a matter of equity, it is a matter of justice that we pass and vote upon this Duncan provision to recommit.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. BOEHNER].

□ 1500

Mr. BOEHNER. Mr. Speaker, Goals 2000 is on the floor today. We ought to remember why we are here and where this process started.

The process started when 50 Governors came together with then-President Bush to talk about what can the Governors and the President do to bring focus to the efforts to reform America's schools, and the whole idea here was to bring together a voluntary framework to help each of the Governors reform education. But when the bill came through during George Bush's years, it did not get very far because we could not come to some agreement on what that bill ought to be. And so it was reintroduced under President Clinton, a bill that was not bad, was not exactly what George Bush had brought to the Congress, but not much different.

And then, the majority in the House and Senate got hold of it, and look what happened then. Instead of empowering communities, instead of empowering parents to improve schools in America, all this bill does is empower the bureaucracy once again. The most glaring example is the language in this bill that puts in opportunity to learn standards. It is much better than the House-passed version, but it is still rather confusing. It orders the States that they will in fact put opportunity to learn standards together. It says, "You do not have to implement them," and third, it says, "We will not check to make sure whether you are implementing them or not."

Then why in the world are they even in the bill? Because in the series of compromises, everybody got a little something. So those who wanted opportunity to learn standards have the words in the bill, but in fact, it is a waste of paper, it is a waste of words, and nothing is going to come of it.

We had an opportunity when this bill came to the House to support an alternative that would have empowered parents and local communities to take hold of this reform movement in their schools. The amendment offered by the gentleman from North Carolina [Mr. BALLENGER], the gentleman from Texas [Mr. ARMEY], and myself would have in fact done that, and provided some focus for States to drive reform to its lowest level. But no, once again we are going to take reform out of Washington and try to mandate it on the States.

If Members look at all of the quality programs in America that American industries have gone through, one of the principles they have all learned is we have got to drag decisionmaking down to its lowest possible level. If we want real quality in the workplace, if we want real quality products, drive decisions to their lowest level. It is exactly the opposite of what we are doing in this legislation. It does not deserve to be on this floor, and it does not deserve our support.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, I thank the gentleman for yielding the time. I just want to be sure that Members on both sides of the aisle are fully aware of what has happened with the language we spent so much time on and dwelled so long on on school prayer. The fact is the Duncan-Johnson language that merely expresses intent, that we are offended by taking prayer out of the schools, and that we support voluntary prayer in schools, is now out of this. And we have 345 Members of Congress who voted for this, and I am sure that all 345 will go back and they will campaign on the fact that they wanted to do something about reinstating prayer in schools.

A book by David Barton of Tulsa, OK, ought to be required reading. He has charted the behavioral patterns of America all the way back for the last 200 years. He charted the behavioral patterns of violent crime, of drug addiction, rapes, teenage pregnancies, and for 200 years that line was a parallel line until 1963 when it shoots off of the chart. And what happened in 1963? That is when the Supreme Court took God out of the public schools.

Now we went to all of this trouble getting that back in, and I have no doubt in my mind that those individuals who were embracing taking this language out, and are among the 345 who voted for it, are going to try to go back and campaign on it. But we will not let them get by with it. The language is gone, and they have butchered it, and they have again fortified what the Supreme Court did in 1963.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no further requests for time, but whenever the motion to recommit is heard after the debate on the measure, I urge Members to vote for the motion to recommit to be offered by the gentleman from Tennessee [Mr. DUNCAN].

Ever since the Supreme Court ruled that you could not read your Bible or say prayers in school, I have fought religiously to get that changed. And I think the conference report language does not go far enough. We should revert back to what the gentleman from Tennessee's amendment did in his motion to instruct conferees.

Mr. Speaker, I urge a yes vote on his motion.

Mr. Speaker, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FORD of Michigan. Mr. Speaker, pursuant to the provisions of House Resolution 393, I call up the conference report on the bill (H.R. 1804) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to House Resolution 393, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Monday, Mar. 21, 1994, at p. 5639.)

The SPEAKER pro tempore. The gentleman from Michigan [Mr. FORD] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support the conference report on H.R. 1804, the Goals 2000: Educate America Act. It is imperative that the House act today to pass this conference report or funds that have been appropriated for programs in this legislation will be lost. This comes about because the fiscal year 1994 appropriation law provides $105 million for 1994 expenditures for Goals 2000 and $20 million for the Safe Schools Act, only, however, if these initiatives are enacted by April 1.

Both of these programs are contained in the conference report on H.R. 1804. With the Easter recess pending this Friday, the House must act today to give our colleagues in the Senate the time they need to consider this legislation.

Members should understand that if this report is recommitted to conference, these funds will be irrevocably lost. A motion to recommit the conference report is not like a motion to recommit to the committee. If we had a recommit with instructions to the committee, I could get together with my ranking member and we could solve the problem very quickly and come back to the floor. But what we are recommitted to if Members vote to recommit today is to a new conference with new conferees appointed by the House and Senate that will go into conference with every item in both the Senate and the House bills available for debate and discussion. And I can assure Members that there is no possibility that I could get back from conference by the end of this week. It took literally weeks of work, after many weeks of work by the staffs on both sides in the House and the Senate, to get this conference report together, and if we have to start all over again, it just cannot be done in time for Friday. There is just no time to reconvene a conference and negotiate a new report and get it through both Houses.

This conference report is important because it makes the Federal Government a partner in education reform by assisting States and school districts to undertake school improvement activities.

I should mention, parenthetically, that we passed basically this bill for President Bush in 1990. We passed it again for President Bush in 1992. And we passed it last year for President Clinton through the House, and now the conference is here. In each of the previous situations it has been the Senate that was unable to pass the conference report. But on the previous attempts in the House, the vote for passage of this bill has been overwhelming.

The conference report on H.R. 1804 contains several education initiatives, including safe schools, the authorization for programs and activities in the Office of Educational Research and Improvement at the Department of Education. Those programs will assist schools in their efforts to provide a quality education to our students.

Let us not forget that that is what this legislation is all about. It is education reform. This is the legislation that was put together by President Bush and the National Governors Association when President Clinton was the head of that organization.

□ 1510

Both of them had a very strong commitment to the purposes of this legislation, and I hope now we are going to be able to finally bring this to a conclusion.

Mr. Speaker, I rise today to support the conference report on H.R. 1804, the Goals 2000: Educate America Act. It is imperative that the House act today to pass this conference report, or funds which have been appropriated for programs in this legislation will be lost.

The fiscal year 1994 appropriations law provides $105 million for Goals 2000, and $20 million for the Safe Schools Act if these initiatives are enacted by April 1, 1994. Both of these programs are contained in the H.R. 1804 conference report. With the Easter recess pending this Friday, the House must act today to give our colleagues in the Senate the time they need to consider this legislation.

Members should understand that if this report is recommitted to conference, these funds will be irrevocably lost. There is not time to reconvene the conference, negotiate a new report, and pass it in both Houses before the end of the week.

This conference report is important because it makes the Federal Government a partner in education reform by assisting States and school districts to undertake comprehensive school improvement activities.

While President Bush proposed similar school reform legislation, we were unable to enact the Bush bills because of Mr. Bush's focus on school choice programs. President Clinton has sent us, and we are passing today, legislation which focuses on the key issues of education reform, not on gimmicks like vouchers.

The conference report on H.R. 1804 contains several other education initiatives, including Safe Schools, and the authorization for programs and activities in the Office of Educational Research and Improvement at the Department of Education. These programs will assist schools in their efforts to provide a quality education to our students by making our schools free from violence and crime, and by funding crucial research in education.

The conference report also contains the National Skills Standards Board. This Board will serve as a catalyst in stimulating the development of a voluntary national system of skill standards which will connect the skills needed in the workplace with the skills imparted through education and training.

Mr. Speaker, we must pass this conference report today or these funds for school reform and safe schools will be lost. We must not delay. I urge my colleagues to support the conference report and oppose any attempts to recommit this measure back to the conference committee.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the conference report.

Mr. Speaker, for the last 6 years I have been trying to shepherd legislation of this nature through the Congress of the United States so it could actually become law. As the chairman, the gentleman from Michigan [Mr. FORD] said, it began with the Governors and former President Bush meeting in Charlottesville, setting six national goals and then trying to figure out how we can help States and local school districts move toward those goals. I probably raised my voice louder on this legislation more often than any other legislation, hammered my fists more often on the table on this legislation than any other because I wanted to make very sure that we did not micromanage State and local education efforts.

I am trying the same thing in H.R. 6. It is very difficult to rail against the majority and tell them not to micromanage and then say that when my side of the aisle does it, it is all right.

It is not all right on either side.

So I tried to make sure that we do not micromanage local and State efforts, I tried to make sure that we do not set equalization formulas from the Federal level on how State and local governments spend their money for education; I tried to make sure there is no national curriculum; I tried to make sure we do not have unfunded mandates; I have tried to make sure that our major interest is what has the child learned, rather than the input effort into the education of that child.

Why have I done this, and why have I worked so long? Because I happen to believe that even though this is a very little program, a very small program, it might be one of the most effective things we have done perhaps in the history of this Congress in relation to bringing about quality in education rather than just access. In the past, that is all we have considered: access, access, access. As I have indicated many times, we spent $82 billion on chapter 1 and we are not sure whether we helped the disadvantaged become more disadvantaged or whether we may have just helped some to become less disadvantaged.

We spent $22 billion on Head Start, and we are not sure what the outcome of that is, because our emphasis has never been on quality, it has always been on access.

Well, the time has come when, if we are going to survive as a great nation, we are going to have to get above the business of mediocrity. Access to mediocrity is of no value whatsoever to a Nation such as ours in the competitive world in which we live.

That is what we are doing with Goals 2000.

From a small program like displaced homemakers, which is about the smallest program we have ever done, we have probably gotten more bang for the buck than any other program that we have ever developed in the past in the Congress of the United States. Yet it is just a small program.

Even Start appears like it may be working, that the whole emphasis on family literacy and parenting skills may be helping, and it is a small program.

This is a small program, and yet a great opportunity that we have, not to micromanage local and State efforts as far as reforming their school system, but giving them some help, some support, and some guidance.

Now, it is very important that I repeat, even though it really does not matter whether you say what is in the legislation or not, those who want to believe what is in the legislation even if it is not in it will believe that no matter what I say; but it is important to understand that in the legislation it says, "Notwithstanding any other provisions of Goals 2000, no State, local education agency, or school will be required to implement OTL standards or strategies." It is important to understand that in the legislation it says, "No State is required to have their OTL content or performance standards certified by the goals panel."

It also says that nothing in this act creates a legally enforceable right to sue on a standard or assessment certified by NESIC.

It also says nothing in this act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or schools' curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this act. I do not know how you can get a greater guarantee from the Federal level that we are not micromanaging local and State efforts. Again, I repeat, I think this is a small step but a very important step, and maybe the most important that we will take to bring about quality in education in the United States rather than just access.

Mr. Speaker, I rise today in support of final passage of the conference report on S. 1150/H.R. 1804, the Goals 2000: Educate America Act. While I am not satisfied with many of the final provisions of this legislation, this conference agreement does contain many improvements to the House-passed bill.

As a former educator who is extremely interested in education reform, I was very hopeful that we could work together in conference to ensure that the version of Goals 2000: Educate American Act which emerged from conference would be a vehicle for education reform. Unfortunately, this legislation falls far short of what our Nation truly needs to meet the national education goals developed 5 years ago by President Bush and the Nation's Governors.

Indeed, because the Goals 2000 bill produced by this conference committee contains a truckload of new reporting requirements and provides very few dollars in return, I fear that many States, local education agencies, and schools may choose not to participate in this program. That would truly be a sad commentary on the ability of Congress to play much of a role in reforming education.

Nevertheless, after nearly 6 years of negotiations spanning nearly the entire Bush administration and the first 1½ years of the Clinton administration, I am reluctantly convinced this bill is the best that Congress can do. For that reason, as well as the fact that this agreement removes nearly all of the worst opportunity to learn provisions that were in the bill that passed the House, I will vote for this bill.

Because this issue has generated such controversy, let me take a few moments to explain the opportunity to learn provisions in this bill. First, while a State must develop opportunity to learn standards or strategies, they only have to include those factors it seems appropriate to achieve a State's content and performance standards. In other words, OTL standards or strategies are whatever a State wants them to be as long as they are focused on improved student learning.

Let me also point out the single most important section of the bill dealing with opportunity to learn: No State, local education agency, or school will be required to implement OTL standards or strategies. So, while a State must develop OTL standards or strategies, they do not have to be implemented.

There are a number of other opportunity to learn provisions that I helped to draft in this bill prohibiting unfunded Federal mandates and ensuring local control of education.

There are, however, two OTL provisions in the statement of managers that are of concern to me. These provisions directly contradict some of the actual bill language dealing with opportunity to learn. I spoke to Secretary Riley about my concerns about the statement of manager, and he made it clear the Department intends to implement the actual language in the bill, and does not plan to follow the instructions found in the statement of managers. I am gratified with the Secretary's assurances, and I will work closely with him on the implementation of all of the opportunity to learn provisions.

Mr. Speaker, let me make it clear there should be no mention of opportunity to learn standards or strategies in Goals 2000. However, the opportunity to learn sections of this bill have been watered down to such a degree that they may as well not be in this bill at all. As such, these provisions are acceptable to me.

There are some positive things about this bill. Goals 2000 enshrines into law the national education goals and a National Education Goals Panel to monitor our country's progress toward attaining these goals. It sets high academic standards for America's children, and it makes it clear that we have high expectations for our future generations.

Goals 2000 contains a very important provision that provides regulatory flexibility to States, local educational agencies, and schools. For many years I have urged my colleagues on the Education and Labor Committee to trust local educators to do what is best for their students. The flexibility provisions in Goals 2000 would permit States, local educational agencies, and schools to apply for waivers from statutory or regulatory requirements which impede their ability to carry out a State or local education reform plan. Although waivers may only be obtained for seven existing elementary and secondary education programs, this is an acknowledgment that State and local education officials know best how to develop programs to meet the needs of their students.

Under title V of the Goals 2000 legislation, we have provided for the establishment of a national board for the development of voluntary, national industry-recognized occupational skill standards. While I support the conference agreement on this title, I remain convinced that success is dependent on making this an industry-led effort—otherwise the standards will not be used. While I would have preferred establishment of a national board that provided more of a leadership role to business and industry, I feel that the compromise reached during conference will move this effort along the right path.

Other important parts of this conference agreement include the reauthorization of the Office of Educational Research and Improvement and a Safe Schools Program to provide grants to local educational agencies to fight crime and violence in local schools. It is my hope that the Safe Schools Program will provide us with some effective models for combating the violence problem in our Nation's schools.

Mr. Speaker, there is a strong need for education reform in our country, and due to outreach efforts undertaken by both the Bush and Clinton Education Departments, many States and local communities have already begun reform efforts which may be undertaken as a part of Goals 2000. This legislation may give them the assistance and guidance needed to implement their reform plans.

In light of the fact that we have been able to neuter most of the onerous provisions of the Goals 2000 bill that passed the House, I see no reason that we should not go forward with this legislation. We have spent over 5 years working on education reform and it is time to move on to other equally pressing issues.

Mr. FORD of Michigan. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. KILDEE] chairman of the subcommittee, who has worked so long and hard on this legislation.

Mr. KILDEE. I thank the chairman for yielding this time to me and for his very hard and effective work on this bill.

Mr. Speaker, I am very pleased to support this conference report on H.R. 1804, a bill which I introduced over a year ago. It represents a very thorough and very thoughtful consideration of the President's education reform bill, which he sent to the Congress at the beginning of this 103d Congress.

It is similar in structure, indeed, to the bill sent to us by George Bush during his Presidency. The conference report includes these features: establishment of national education goals and national standards and improvement council as part of a process for building a national consensus for education improvement and for overseeing the development of voluntary national education standards.

These standards would be available as guides that States may use to develop their own high standards for student achievement.

The bill also includes authorization of formula grants to States for locally based reform activities. It also establishes a national skills standards board to serve as a catalyst for development of a national system of skills standards to better prepare our workers for high-skill jobs in this very competitive global economy.

It also reauthorizes the Office of Educational Research and Improvement. It authorizes the Safe Schools program to help schools deal with school violence.

The Goals 2000 Educate America Act is the means for the Federal Government to help States and local school districts to help themselves to improve education for all children. It is based upon the principle that, to be effective, school reform must be developed on the local level.

I want to insert in the RECORD, Mr. Speaker, a letter from the Business Coalition for Education Reform, among whose membership is the Chamber of Commerce of the United States, the National Alliance of Business, the National Association of Manufacturers, very strong conservative bodies.

One thing they say in their letter supporting this bill: "The final conference report creates neither unfunded Federal mandates nor a national school board, nor national building codes."

The letter referred to is as follows:

BUSINESS COALITION FOR
EDUCATION REFORM,
*Washington, DC, March 22, 1994.*

Hon. WILLIAM D. FORD,
Hon. WILLIAM F. GOODLING,
*Committee on Education and Labor, House of Representatives, Washington, DC.*

DEAR CONGRESSMAN FORD AND CONGRESSMAN GOODLING: The Business Coalition for Education Reform urges all members of the House to give the Goals 2000: Educate America Act, H.R. 1804, their full support. We believe the conference report establishes the appropriate federal framework for creating, for the first time in this country, an education and training system which is performance-based and results oriented.

The Coalition firmly believes that enactment of the Goals 2000 bill is essential to building a world class workforce and ensuring our long term economic strength. Now, more than ever, establishing the federal role in a voluntary national system of academic content standards and assessments to help guide states, schools, teachers, parents, and students is critical to the nation's ability to compete with the other industrialized countries of the world.

The Goals 2000 legislation describes a new federal role in education and training: one of leadership, incentives, and assistance, coupled with the state and local flexibility necessary to design the appropriate instructional programs for individual communities. The final conference report creates neither unfunded federal mandates nor a national school board, nor national building codes. Discretion in developing and implementing academic standards, assessments, and opportunity to learn standards or strategies, is left where it belongs—with the states.

We also believe the conference report ensures there will be strong business leadership on the national skill standards board. The business community believes skill standards, if developed properly, in conjunction with academic standards, skill standards will enhance economic security by providing workers with nationally recognized certifications. With strong business leadership on the board, a national system of skill standards and certifications will ensure the relevance of worker skills and training to jobs.

We commend the Senate and the House for their leadership and persistence in the development and passage of the Goals 2000: Educate America Act, and we urge swift action on the conference report.

Sincerely,
WILLIAM H. KOLBERG.

MICHAEL JACKSON.

Mr. Speaker, I want to point out to this body that Mr. GOODLING and I, in crafting this bill, were very careful to make sure that participation in Goals 2000 is totally voluntary and is not a prerequisite for receipt of funds under any other Federal education program.

If a State or school district does apply for funds and receives them, it must develop its own reform proposal with broad public input, including parents. I urge parents to get involved in that reform in the local school districts, at that level, because that is where it will take place.

Goals 2000 envisions many types of reform, many types of reform activities, throughout the Nation, developed to meet individual community needs. This bill recognizes that which I have always believed, that education is a Federal concern but it is essentially a State responsibility and a local function. I think, in crafting this bill, Mr. GOODLING and I have been very careful to make sure that these are voluntary and that the reform will take place at the local level and with local input.

□ 1520

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. GUNDERSON], a member of the committee.

Mr. GUNDERSON. Mr. Speaker, I say to my colleagues, "This is it. Either today you vote for education reform or you go back home and admit you're not really in support of it."

There is not a Member among us who cannot come to the floor today, after the 6 years that the distinguished leaders on both sides have referred to of working on education reform, there is not one of us that could not come here today and say there are some things in this bill that I do not like. I know there are some things the gentleman from Pennsylvania [Mr. GOODLING] does not like. I know there are some things that I do not like. I am sure there are things that the chairman of the committee and the chairmen of the subcommittees do not like either. But this is what governing is all about, and this is the day, and this is the afternoon, when we will have to decide whether we are going to go home and say that we truly are committed to education reform. That is what this is about, my colleagues.

Mr. Speaker, this bill establishes the framework for education reform, nothing more, nothing less.

I showed this to my colleagues in the debate a few weeks ago, the learning revolution. This is what we are talking about here, enabling every State and enabling every local school district in America that so chooses to respond in its own unique way to the challenges of education reform in that community, and I hope my colleagues have listened carefully to what I just said because I said "enables every State and every local education agency that so chooses."

There is, my colleagues, not one mandate in this bill. There is not a State in the country that has to participate in Goals 2000 if they choose not to. There is not a local school in this country that has to participate in education reform under Goals 2000 if they choose not to. But if they choose to, then they have the power through their locally created reform panel to determine what works best for them, and, my, is there a lot of compromise in that area.

The chairman of the committee has allowed public school choice as one of the options, if they so choose. We have allowed in this bill education flexibility, if it is a part of an education reform proposal.

As the gentleman from Pennsylvania [Mr. GOODLING], the ranking Republican, said, there are absolutely no mandates anywhere in this bill on any local community, and yet we return the bulk of those funds to the local schools. Year one, 60 percent of all the money that goes to those States that choose to participate must go to those local education agencies. In year two and beyond, 90 percent of all of the money must go to the local schools.

My colleagues, name me another program adopted by the U.S. Congress where 90 percent of the money actually goes into the delivery of a program at the local level, and yet that is exactly what happens under this particular program.

A few years ago, when George Bush first articulated Goals 2000, in my home area of western Wisconsin they got all excited, and under the leadership of a Dr. Charles Edwards, who was the dean of school education, still is the dean of school education at one of our universities, we created a Western Wisconsin 2000 Education Reform Panel. They got excited about it, and they put together this handbook, and they have done that without any money.

But the interesting and exciting thing about this program, Mr. Speaker, is one of those schools, which is the larger school, said: You know what? We have looked at our program, and we do nothing to prepare our young people for the international global economy. We want to set up a program, probably a charter school, focused on international education where they focus on world history, and bilingual education, and metric mathematics, and so forth.

Then there was this medium-sized school in a rural farm area that says:

> You know, we have got a lot of economic stress in our area, and we have got to recognize that a lot of these young kids are not getting the kind of preparation for learning they ought to have, and they don't start school today ready to learn. So, we want to set up a program in our rural community to guarantee that under education reform every child in our school starts school ready to learn.

Then there is an even smaller community along the Mississippi River, and the superintendent actually came to me, and he said:

> You know what? Not too many of my kids are probably going to go to college. They really need technical education, but very frankly we don't have the resources and the tools to give to them the 1990's or 21st century technical education. We would like to find a way under educational reform to uplink and downlink those kinds of courses and bring them into our school to empower our students.

My colleagues, that is what we are talking about this afternoon, enabling those local communities to chart under their own plans their best methods for improving education for their kids.

One final note before I sit down—I would hope every one of my colleagues, when they come here to vote today, would give this vote to the gentleman from Kentucky [Mr. NATCHER]. Anybody who knows the gentleman from Kentucky at all, knows that he never appropriates money for something that is not authorized. In all the years that I have been here, Mr. Speaker, this is the first time I know of that the gentleman from Kentucky [Mr. NATCHER] has ever put money into an appropriation bill because he had confidence in the secretary, he had confidence in those of us in the Committee on Education and Labor, and he had confidence in this Congress that we were going to do what was right, and by April 1, we were going to have passed and sent to the President an education reform framework.

I say to my colleagues,

> My guess is he is sitting in that hospital bed watching us on TV this afternoon, and I think we could give him a vote of confidence and a vote of well wishes to say, "BILL, your confidence in this Congress for your grandchildren and for all the children of this country was well placed. Thank you very much."

Mr. FORD of Michigan. My Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Wisconsin [Mr. GUNDERSON] for his comments about our chairman, the gentleman from Kentucky [Mr. NATCHER], and for reminding everyone in here of how steadfast he has been over so many years in refusing to put any money on the stump, as the expression goes. This was not money put on the stump. The gentleman from Kentucky [Mr. NATCHER] was convinced that we were going to be able to do it in time for April 1, and that is why he made this $125 million contingent on us passing this legislation before this weekend.

As the gentleman said, it would be a terrible recognition of that break from the past by him if we were unwilling to break from anxieties and angers of the past to do it.

Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island [Mr.

REED], a new, but very valuable and very active, member of the committee.

Mr. REED. Mr. Speaker, I rise in strong support of the conference report, and I first want to commend the gentleman from Michigan [Mr. FORD] and the gentleman from Michigan [Mr. KILDEE] for their efforts, as well as the ranking member, the gentleman from Pennsylvania [Mr. GOODLING].

As the gentleman from Pennsylvania indicated, we did have some rather frank and vigorous discussions about this bill which resulted in the principal resolution of all these issues and resulted in, as he indicated in his remarks, a conscious recognition of the importance of local control of school policy, and I think this bill recognizes that fundamental tenet of American educational law that is truly the local communities and the States will guide educational reform.

But what we have been able to do in this legislation is to provide a Federal catalyst to help those local reformers. This bill does not purport, nor in any way will it require, the Federal Government to manage reform, but it will, I hope, stimulate through these funds and through these programs vigorous efforts at the local level to reform our educational system.

Now there are two basic components of this legislation. First, the establishment of voluntary standards, and I should hasten to add: voluntary national standards.

□ 1530

So that there is a national consensus on what each child should know at relevant positions in their education. In addition to these national standards, there is a framework of reform, a framework which we hope will encourage the States to address the difficult questions they face each day.

Included in these questions are the resources that should be available to education. They have been described in this legislation as the "opportunity-to-learn standards," but they are basically a set of questions about what resources are necessary to young people to truly master the content standards.

This legislation does not dictate standards, but what it does is encourage the States to ask the hard questions, questions like what they will do when a school or a school system fails to meet the content standards. By asking these questions, by starting a process of sincere and thorough analysis, I think we are going to do remarkably great things for education in the United States without taking upon ourselves at the Federal level the mantle of educational policy in the United States.

This is critical legislation at a critical time in our history. The world economy is expanding. Our competitiveness is at stake unless we can learn all the skills necessary to be successful in a very competitive and very challenging world.

That is why a host of business organizations, as the subcommittee chairman, the gentleman from Michigan [Mr. KILDEE], indicated, such as the Chamber of Commerce of the United States, the National Alliance of Business, and the National Association of Manufacturers, have all urged us to act today. In their words, in the words of the Business Coalition for Education Reform, they say, "We commend the Senate and the House for their leadership and persistence in the development and passage of Goals 2000. Educate America Act, and we urge swift action on the conference report."

Mr. Speaker, I, too, urge swift action on the conference report.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I rise today in support of recommitting the legislation to conference to restore the protections for constitutionally permitted prayer that have been approved repeatedly in both the House and Senate.

The House has voted overwhelmingly to include language in this bill prohibiting any local school district from infringing on the right of children to engage in constitutionally protected prayer. We reaffirmed this position earlier this week by approving identical language in the elementary and secondary education reauthorization. And the Senate also approved this language with only token opposition.

Why then does this bill not cover constitutionally protected prayer? Apparently, because some of the conferees on this bill have chosen to strike it in favor of language explicitly rejected by this House earlier this week.

Everyone in this House is in favor of education, and even those of us who don't believe this bill is perfect want the process to move forward fairly. However, we should not accept a blatant rejection of the clearly stated will of both Houses on an issue as important as the freedom of religion.

I urge my colleagues to join me in voting to recommit this conference report so that the will of the House on this issue can be done.

Mr. FORD of Michigan. Mr. Speaker, I yield 5 minutes to the subcommittee chairman who wrote the Office of Education and Research Improvement provisions that are in this conference report.

Mr. OWENS. Mr. Speaker, I would like to note the fact that in this monumental bill, we have discussed primarily Goals 2000, but also it contains the reauthorization of the Office of Educational Research and Improvement.

Mr. Speaker, the Office of Educational Research and Improvement is reauthorized, updated, modernized and provided with a structure that brings it into the 20th century. For the first time, education ceases to be second-class citizen here in Washington; for the first time it is recognized that the education function is an important as the defense function, the commerce function, the health function. For the first time it is recognized that a research and development component is necessary for any modern activity to go forward.

Mr. Chairman, it is also recognized that at the level of the States, the States will never have the funds, the resources necessary to do the kind of research that has to be done.

So we now have an Office of Educational Research and Improvement which has 3 major innovations that will carry it forward into the future.

One is an innovation which establishes a Priorities Review Board. This is a board consisting of people who come from the education community, some people chosen from the educators at the level of teaching, some people chosen at the level of researchers, businesspeople, a cross section of people to make up this board appointed by the President.

Mr. Chairman, it is important to have such a board because OERI throughout its history has been plagued by partisan swings one way or the other depending on who was in the White House, and sometimes those swings have taken it off on orbits that have almost destroyed the agency. If a group of educators are there to anchor the agency and to provide an ongoing objective evaluation of the kind of research that needs to be done, the likelihood that this agency will be bogged down in partisan wrangling is lessened greatly.

Mr. Speaker, another important innovation is the establishment of several institutes similar to the Institutes of Health. Those institutes will focus in on particular problems.

One institute will focus on the problem of at-risk students. There will be an institute for the education of at-risk students, there will be an institute for governance and management, and several other institutes which will serve as backdrops and supportive systems for whatever kind of reform does take place at the local and the State level.

Mr. Chairman, the Institute for Governance and Management is needed all over the country. School boards are made up of amateurs who really do not know a lot about how to manage. They are often swindled. A large part of the money that should be going into instructional cost goes into money for buildings and supplies and bus contracts, and, in my hometown of New York, custodian services that are overpriced; and it appears that laymen who are appointed to the boards are not able to deal with these situations.

Therefore, to have an institute working at the national level to support and back up these school boards across the country would greatly benefit the educational reform effort.

Mr. Speaker, we also have a district education agent plan in there which is the heart of a dissemination process to make certain that whatever new research is done, there will be a system similar to the system established many years ago under the Morrill Act.

Mr. Speaker, the way we became the leading power in the world in respect to agriculture and food production was that very early in the life of this country, we established land-grant colleges, and those land-grant colleges were linked up with county agents and they were linked up with experimental stations at universities so that the dissemination of the information that came out of the universities went right down to the farmer at the local level.

Mr. Chairman, we now have a system which will carry the educational research benefits right down to the classroom so that a teacher at the local level can immediately make use of whatever new techniques and approaches are developed. This is a proven approach. We did it long ago in the Department of Agriculture, and it made us the unchallenged producer of food in the world. We are now bringing the education function in parity with the other functions like the Department of Agriculture, the Department of Health, and the Department of Defense, in terms of a first-class, modernized research and development approach, a first-class modernized effort for disseminating information, and a respect for the scientific approach. If science worked to give us Patriot missiles and make us the leading military power in the world, then science and a scientific approach will certainly work to give us a world-class education system and make us the leading innovator in the world.

The children in our classrooms suffer from an outdated, antiquated approach to education, and here is an opportunity to see that they get the very best in terms of a research and development system to produce a world-class leading education system.

Mr. Speaker, I rise in strong support of the conference report on H.R. 1804, the Goals 2000: Educate America Act.

I want to highlight two important parts of this legislation which will provide critical assistance to the Nation's schools: Title VII, which contains the Safe Schools Act, and title IX, which contains the reauthorization of the Office of Educational Research and Improvement.

When the House finally passes H.R. 6, the Improving America's Schools Act, we will have the opportunity to approve legislation which would provide every school district in the Nation with additional resources to prevent violence in and around their schools by the start of the next fiscal year.

Unfortunately, there are schools in our country who cannot afford to wait that long. They need help today.

By incorporating provisions of my bill, the Safe Schools Act of 1994, Title VII will provide the Department of Education with the means to respond immediately to this crisis, providing emergency assistance to those schools which now face severe violence problems and enabling the Department to develop model antiviolence programs which schools throughout America will be able to implement when H.R. 6 is signed into law.

These provisions, in short, will jump-start Federal efforts to respond to the epidemic of violence which now threatens too many students and teachers throughout our Nation, providing the immediate and meaningful Federal response that is now urgently needed in central Brooklyn and in too many other communities in the Nation.

I also want to highlight the dramatic reform of the Federal educational research and development effort that is set out in title IX of H.R. 1804. This legislation reauthorizes and restructures the Office of Educational Research and Improvement to establish a world-class research and development system to guide and drive the national effort to improve education.

If we are to achieve the national education goals, OERI must be moved from the periphery to the center of educational reform and innovation in America. It must become the locomotive which pulls and guides the national effort to improve education with sound, research-based leadership for change.

Title IX creates a stable system of governance modeled upon the National Institutes of Health and the National Science Foundation to guide OERI's activities. A 15-member national educational research policy and priorities board consisting of both educational researchers and representatives of teachers, parents, and other stakeholders in education is established to oversee and guide OERI. The board's key function is to work with the Assistant Secretary to develop a comprehensive research priorities plan to end the incoherent, flavor of the month approach to research which has limited OERI's effectiveness for so long. This would be a long-term agenda for OERI's research and development efforts, reflecting a national consensus which would set out priorities and objectives for OERI.

Title IX also realigns OERI's activities according to an institute structure to provide an enduring focus for its efforts. Currently, OERI is organized by how it conducts research and not by what is being studied. This has contributed to the overall lack of coherence and stability at OERI. Title IX would restructure OERI's research and development activities according to an institute framework, with institutes focused in the following areas: The education of at-risk students; educational governance, finance, policymaking, and management; early childhood education and development; student achievement, curriculum, and assessment; and postsecondary education, libraries, and lifelong learning. These institutes would conduct research through the same means that OERI now employs, including through centers and field-initiated research.

To assure that the results of educational research are fully translated into real improvements in practice, title IX creates an office of reform assistance and dissemination within OERI which would be responsible for managing and directing multiple efforts to synthesize, disseminate, and promote the use of knowledge gained through research. These efforts include the ERIC clearinghouses and the regional educational laboratories.

Title IX also establishes the Goals 2000 community partnerships to support sustained collaborations among institutions of higher education, community-based organizations, local education agencies, and others to use research and development to improve education in low-income communities. This district education agent program is inspired and derived from the county agricultural extension agent, a program which proved enormously successful in the first part of this century in transforming American agriculture, community by community, to a position of world dominance. Following this model, a district education agent would be based in a learning grant institution and would work with the local community to develop and implement a comprehensive plan to improve education from the preschool to postdoctoral level. The agent will also help schools and community members evaluate the success of Federal educational programs within the community and assist in improving their implementation. Other activities which may be supported by the partnerships include preservice and inservice professional development for educators within the community, facilitating the coordination of social, health and other services to children, and school- and community-based research by teachers and others designed to solve specific problems within the community.

This legislation has been crafted through a uniquely open and participatory process. We have worked hard to achieve a consensus on the fundamental reforms which must be made at OERI. The Subcommittee on Select Education and Civil Rights has held 18 hearings and heard from 112 witnesses over a period of 5 years about the kinds of changes which must be made in the structure and authorities of OERI. We have carefully considered and, in most cases, adopted the recommendations of two complementary studies of OERI completed by the National Academy of Sciences and the National Academy of Education. We have also incorporated many useful insights and suggestions provided by the administration and Assistant Secretary Sharon Robinson. The end product of this lengthy, exhaustive process is a very strong, consensus bill which sets OERI on a bold, new course.

I want to acknowledge the contributions and dedication of some of the many individuals who have worked with us to craft this legislation. Dr. Art Wise, Dena Stoner, New York regent Adelaide Sanford, Gerry Sroufe, Carolyn Breedlove, and Gregg Jackson have worked alongside with us throughout this process, contributing many thoughtful ideas. This legislation also reflects countless hours of work by the staff of both the majority and minority of the Education and Labor Committee: Kris Gilbert, Andy Hartman, Maria Cuprill, Braden Goetz, Laurence Peters, and Theda Zawaiza have all worked long and hard on this legislation over the past 5 years. These and other individuals believed that meaningful, visionary reform was possible and they helped us to make it happen.

With this legislation, we can provide meaningful support to the national movement to reform and improve the quality of our children's education. With this legislation, we can assure that the kind of research-based knowledge they need will be systematically and abundantly produced by OERI. No longer will OERI be a faint and flickering light; it will be a powerful and reliable beacon for reform and change in education.

Mr. Speaker, to significantly improve education in America we need an overwhelming campaign. This legislation provides the Office of Educational Research and Improvement with the capability to lead this overwhelming campaign for the improvement of education.

□ 1540

Mr. GOODLING. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. ARMEY], a member of the committee.

Mr. ARMEY. Mr. Speaker, I continue to oppose this legislation. Goals 2000, which I call bureaucracy 2000, was a bad bill when it went into conference, and it is still a bad bill.

Faced with a clear choice between bureaucratic control and parental freedom, the American people choose parental freedom, hands down. But this bill insists on giving a big thumbs up to bureaucratic control.

Instead of giving parents more accountability over what goes on in their children's classrooms, it gives more power to a new National Education Standards and Improvement Council, a new National Skills Standards Board, a new National Education Goals Panel, and, of course, the old Federal Education Department in Washington. All of which means more power for the National Education Association and less discretion for America's parents.

And true to the NEA agenda, the bill still mandates gender-sensitive and multicultural textbooks; still contains language carefully crafted to lead to the race-norming of educational and employment tests; and still pours money into school-based health clinics.

But most troubling of all is the bill's mandates on the States—mandated content standards, mandated performance standards, mandated opportunity-to-learn standards. The folks that are calling this bottom-up reform must be standing on their heads.

Mr. Speaker, a while back, Al Shanker, head of the American Federation of Teachers labor union, got caught in a moment of unintended candor.

He said, "When school children start paying [union] dues, that's when I'll start representing the interests of school children."

Today, Mr. Shanker must be popping his champagne cork.

Goals 2000 is a great bill for the teachers unions, but it's a bad deal for parents and children.

Mr. FORD of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I rise today in strong support of the conference report on H.R. 1804 and to congratulate my subcommittee and the full committee chairman for the heavy lifting that this conference report represents.

As many of my colleagues may know, this was a very difficult agreement to reach. I believe that it was worth all the effort that produced it. This conference report represents real change. With the passage and implementation of this proposal, for the first time in decades, education reform on the national level will be pulling in the same direction as the efforts underway in States and local communities across this country.

This proposal encourages States to develop improved curricula tied to competitive standards. This is an invaluable organizing principle that will give all schools, all teachers and all students a common set of flexible goals. By endorsing this systemic approach to education reform we are stating our belief that all children can meet high expectations and develop the knowledge, skills, and habits of mind that we once expected only of our top students. This is a message of profound optimism for our Nation.

We can achieve all of this and continue to preserve the rich diversity of educational decisionmaking on the local level. Meaningful education reform has been, and always will be, locally driven. This legislation does nothing to inhibit that; in fact the entire proposal assumes that unless reform is based on the needs of individual communities it will never thrive. That is to say: it aligns these national goals of State and locally developed curriculum professional development efforts, and the tools needed to achieve them on a voluntary basis.

Mr. Speaker, I urge my colleagues to vote for this legislation. By providing incentives to State and local educational agencies to adopt content standards in the core academic disciplines we will be driving reform in the area where it is needed most—upgrading curriculum. To change the way students learn and teachers teach—we can not do less.

Mr. Speaker, I urge the adoption of the conference report.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, I rise simply to say this: A comment was made a few minutes ago that if this body adopted my motion to recommit, it would unduly delay this bill for quite some time. I think the truth is to the contrary. The language that is in my motion to instruct is very clear and straightforward. It has been adopted overwhelmingly by this body twice in recent weeks, and also by the Senate. It could be worked into this conference report very easily and very quickly, probably with a few simple phone calls, and I do not think it would delay it at all.

Also to the contrary, I am told if this language is not placed in the bill this time, that there will be a serious effort made to hold this bill up in the other body. So the way to speed this bill to final passage is by adopting my motion to instruct.

What this is all about, Mr. Speaker, and everyone knows, is that those who want to do something real about putting prayer back in our public schools will vote for my motion to recommit and give students the right to have student-initiated, voluntary, nondenominational, constitutionally protected prayer. Those who want to keep the status quo will vote against my motion to instruct.

The best argument for this was made by our own Attorney General, Janet Reno, last week when she told the Hearst newspapers this:

> School prayer advocacy, especially in inner cities, is a symptom of people trying to figure every way they can to reinforce people's ability to work together, to live together in families, to have a sense of purpose, a sense of self respect, a sense of regard for others, and how we get along with each other.

What a great argument in favor of this motion to recommit.

Mr. Speaker, I might add this. William Raspberry, the great syndicated columnist, said in a resent column:

> It is not just possible that anti-religious bias masquerading as religious neutrality has cost us far more than we have been willing to admit.

Mr. Speaker, I urge passage of my motion to recommit.

Mr. FORD of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS of Florida. Mr. Speaker, I rise in strong, strong support of this legislation and this conference report. In fact, I cannot even begin to say how strongly I support this legislation. To my mind, the enactment of this legislation may well prove to be the most important act of the Congress in this decade.

Everywhere I go and every issue I see and every challenge I confront, I see the compelling need for this Goals 2000 legislation: Crime, drugs, disease, unemployment, racial hatred, intolerance of all kinds, the unwillingness, the reluctance, of so many to accept responsibility for their own lives and their own actions, much less for the faith of our democracy.

These challenges, these concerns, these problems, have may causes. But in each of them, I see a single common cause. That common cause is ignorance. Ignorance. Ignorance is the enemy. Education is the answer.

Mr. Speaker, the pathway toward quality education for every American is to be found in the goals established in this legislation. These are broad bipartisan goals. They are voluntary goals. They will not be imposed upon our people, but our people will embrace them, because they understand these are goals that we do share.

That is why President Bush was for them. That is why President Clinton and all the governors at that time endorsed them. That is why we have endorsed them. We need now to make them a reality, and make them a reality today, for these goals will begin to give each child in America the chance for the broad foundation of a liberal arts education that will enable them to be citizens, achievers, Americans in the truest, finest sense of the word.

Mr. Speaker, I recall the words of Thomas Jefferson, who understood the importance of education for America. Mr. Jefferson said:

> A nation that expects to be both ignorant and free, expects what never was and never will be.

Mr. Speaker, if Mr. Jefferson were with us today, he would vote for Goals 2000.

□ 1550

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. BALLENGER], a member of the committee.

Mr. BALLENGER. Mr. Speaker, I rise in opposition to the conference report and seek unanimous consent to revise and extend my remarks.

This conference report, which will cost taxpayers over $645 million in fiscal year 1994 alone, will do little, if anything, to enact true education reform.

Tragically, we allowed yet another education reauthorization bill to pass us by without seizing the opportunity to enact real education reform. True education reform must be driven locally by teachers, administrators, parents, and community leaders and participants. To seize even more of their responsibility, and place it on an already top heavy Federal bureaucracy, is to further reduce the chance that real education reform will ever take place. Yet that is exactly what Goals 2000 does.

By agreeing to this conference report, this body does our children and grandchildren a serious disservice. Goals 2000 retains the highly controversial Opportunity To Learn [OTL] Standards that focus on the conditions of teaching and learning—not the results. These standards wrongfully emphasize superficial conditions, ignoring the content of instruction and whether or not the children are actually learning.

Not only are the OTL standards going to misdirect the energies of educators on nonessentials, States will be required to develop OTL standards, but implementation will be voluntary. States will be forced to spend time and money developing the standards, only to have them sit on a shelf or in a drawer, never to be used. I can not understand how this possibly will improve education for our children.

In addition to the objectionable Opportunity To Learn Standards, Goals 2000 creates a new bureaucratic, federally-controlled 19-member National Education Standards and Improvement Council [NESIC] to certify and periodically review the national and State content standards, performance, and Opportunity To Learn [OTL] Standards. This panel, composed of members nominated by the President, the Secretary of Education and congressional leaders, would sit, in an oversight role, over the States and localities, further eroding their role in education. Furthermore, the opportunity to enact school choice, an idea whose time has come, was passed by. Too many of my colleagues ignored the chance to provide transferable vouchers for parents to pay for their child's education at the public, private, or parochial school of their choice.

I am also very disappointed that the conference committee included only a watered-down version of the Senate-passed Helms amendment that would have denied funds to any school district with a policy of prohibiting voluntary student-initiated constitutionally protected prayer in schools. The conferees did this in spite of the fact that the House passed a motion to instructed conferees to accept the language as passed by the Senate.

The conference report on Goals 2000 also includes the conference agreement to reauthorize the Office of Educational Research and Improvement. As the ranking member of the Subcommittee on Select Education and Civil Rights, I supported H.R. 856, the Education Research, Development, Dissemination and Improvement Act of 1994, when it was voted on by the House of Representatives. And I fully support the conference agreement reached between the House and Senate.

I believe that the conference agreement makes important clarifications about the collaborative relationship between the Assistant Secretary for Educational Research and Improvement and the National Board on Research Policy and Priorities. The agreement also maintains the authority of regional laboratories to set their own locally-generated research policies, and creates a clear framework for establishing up to two additional regional labs in the future.

I want to make it very clear that while I plan to vote against the entire Goals 2000 conference report, I support the OERI portion of the conference agreement.

Mr. FORD of Michigan. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I wish I could say that the most important part of the Goals 2000 legislation for me was the heart of the legislation, the voluntary national education standards. As a law professor still at Georgetown, I feel deeply about what students need to know and the skills they need to have.

But in my town and in many others today, among the skills students most need are violence survivor skills. There are no books yet, Mr. Speaker, on how to get out of school alive or how to dodge a bullet.

Title 7, the safe schools provision, is an important step toward seeing that such books become unnecessary. If we do not enact this legislation this very day, however, safe schools will expire by April 1, before we get back from the district work period.

When I was a student at Dunbar High School here in Washington, fists were all that were available. Today guns have saturated society. Those guns are used to settle juvenile quarrels. There were gun shots through the window of my high school alma mater last month. Vice President GORE went with me and heard students describe how bullets can keep one from concentrating on books.

The next time the Vice President and I go to Dunbar, I hope we will hear about the scholarships that Dunbar students get from M.I.T. and from Howard. This bill will help us meet that goal, but only if Members vote for the conference report so that we can save safe schools before it expires April 1.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

I would like to try one more time, hopefully there are Members at least on my side of the aisle back in their office listening, and I would hope that there are a lot of people out in the public who may be watching this so that I can allay the fears they may have and the misrepresentations of what is in this bill.

I would like to point out seven or eight of those particular things so that we truly understand what the legislation does or does not do.

First of all, it promotes Bottom-Up reform, not top down, not Federal Government down to local government, local to top. It requires each State improvement plan to include strategies for ensuring that comprehensive, systemic reform is promoted from the bottom up in communities, local education agencies and schools and includes a list of optional strategies for State consideration.

Second, unfunded mandate prohibition. It includes a general prohibition on Federal mandates with respect to the direction or control of the State, local education agency or school's curriculum, program of instruction or allocation of State and local resources under this Act. It does not allow, does not allow the Federal Government to mandate a State or locality to incur costs not paid for under this Act.

It includes a provision reaffirming State and local responsibility for control of education. It requires the local plan to promote the flexibility of local schools in developing plans which address the particular needs of their schools and communities.

This may be one of the most important parts of this legislation. For years I have been trying to promote the idea that if we give local governments an opportunity to use their own creativity and ingenuity, they can combine some of these programs without worrying about whether they commingled some funds, because our auditors have always checked to see every penny where they thought the Congress wanted it to go. Rather than whether there was any quality taking place in the programs we had designed.

Finally, after all these years, there is flexibility in there so that local and State governments can be creative when dealing with the Federal legislation.

Furthermore, it permits LEA's to use no more than 25 percent of their subgrant in the first year for the development of their local improvement plan for LEA activities approved by the State Education Association which are related to carrying out the State or local plan. It permits the use of these funds to establish innovative new public schools.

Beyond what was mentioned, choice, it also allows for new creative schools. As I indicated, waivers, it allows the secretary to waive any statutory or regulatory requirement of chapter 1, chapter 2, the Eisenhower Mathematics and Science Education Act, the Emergency Immigration Education Act, the Drug Free Schools and Communities Act, Even Start, and the Carl D. Perkins Vocational and Applied Technology Act. They can apply for waivers so that they can be creative on the local level.

□ 1600

It permits LEA's not receiving funds, not receiving funds under this act, but which are undertaking reform, to apply for these waivers, which will certainly help them.

It amends the General Education Provisions Act [GEPA] regarding students' right to privacy. This is an amendment to the socalled Hatch Act, and it involves parental rights.

These are eight areas that I have heard over and over again that are just opposite of what is in this legislation. I point that out to make sure that when we discuss the legislation, at least we are discussing what is actually in the legislation, not what someone may think is in the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FORD of Michigan. Mr. Speaker, I would ask how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. FORD] has 6 minutes remaining, and the gentleman from Pennsylvania [Mr. GOODLING] has 4 minutes remaining.

Mr. FORD of Michigan. I yield such time as he may consume to the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, I thank the gentleman for yielding time to me.

I want to first salute the chairman and members of the committee on both sides who have worked hard to put this program together. I want to urge Members to vote against the motion to recommit, and I want to urge Members to vote for this report.

This legislation has had a long and difficult path to this point. It is a piece of legislation that was developed by both parties, and by the Governors and Members of the executive branch and the legislature. I think it is a very important program. It sets goals for our States, and then allocates money to help the State boards of education reach for the goals. I believe it is very important that we finalize or realize this piece of legislation.

There are many still in the country who believe that we should not set standards or goals. I think they are wrong. I think by passing this and putting it into place, we will finally make that point. We will resolve that conflict, which is what we are here to do, to resolve conflicts and to move the country forward.

Mr. Speaker, I understand some would want the motion to recommit so that the language on school prayer could be put into this conference. I urge Members to understand that whatever their views on school prayer that we passed in yesterday's action on the floor in H.R. 6, an approach to the school prayer question, that bill, when it is realized and finished, will apply to the schools of the country and the Federal Government's relationship with those schools with regard to school prayer.

There is not a need to reiterate that policy in this bill, whatever the Members' views on it were. This bill can go forward, that bill will go forward, and that bill will deal with the school prayer question. There is not a need today to put that language into this conference.

All Members will do if they vote for the motion to recommit is to slow down and frustrate the realization of this very important legislation. It will mean that about $100 million of Federal money will not go forward between now and the next fiscal year to realize the goals of this legislation.

I urge Members to vote against the motion to recommit, to vote for this conference report, and to realize a bipartisan effort that has gone on for years to set standards and to set goals for our young people in our schools. This is a major achievement of the Republican party and the Democratic party, of the Governors of this country, of the executive branch, and now of the legislature of the United States.

I salute my friends who have worked on it on both sides. I urge Members to vote against the motion to recommit and to vote for the conference report, so we will finally have standards for the young people of the United States.

Mr. GOODLING. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. FORD] has 2 minutes remaining, and the gentleman from Pennsylvania [Mr. GOODLING] has 4 minutes remaining.

The gentleman from Michigan [Mr. FORD] has the right to close.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

I just want to take this time to thank the majority for the cooperative effort we have had over the years trying to put this legislation together. It is much easier when we have the White House to drive a bargain with the majority than it is when you do not have the White House, but I think we have done very well, and it is because of the cooperation from the majority side.

I also want to thank the staff, the staffs on both sides. With H.R. 6, with this legislation, and with every other piece that we have had, I am talking to these people in their offices Saturday nights, and Sunday nights. I do not even know if they know the people at their homes anymore, because I do not know if they ever go home.

I want to thank them, because it has been months that they have been on H.R. 6, it has been months and years they have been on this piece of legislation. I want to thank them for their efforts.

Mr. Speaker, I yield back the balance of my time.

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume, to simply thank all of the members of the Committee on Education and Labor who worked to accomplish this bill.

This is an interesting experience for me. We started out with this bill as a Republican President's initiative and we passed it for him, not once but twice. Then a Democratic President who was a Governor, and negotiated the bill in the first place with the Republican President, came back with the same bill, and the lineup changed a little bit, but when the gentleman from Pennsylvania [Mr. GOODLING] says it is easier to bargain on this when you have the White House behind you, he has always had the White House behind him on this. I have only had the White House very recently behind me on this.

I compliment the White House in both instances for the hard work they have put in in trying to get this passed. The American people are beginning to wonder if we are ever going to get anything done about this Goals 2000, because they have been reading about it for years.

As the gentleman from Wisconsin pointed out, some people took us and the President seriously when this first came on the scene and got started. Then we said, "You get out there, and we will be along with a can of gasoline for you so you can drive the rest of the way." We never got there.

If we do not get this bill passed today, this conference report, the gasoline we were going to give them for 1994 is not going to get to them. Then we can come back and argue about what we will do starting in 1995. That is too late. This is way overdue now. We cannot try the patience of the local and State school people out there any more than we have.

Mr. EMERSON. Mr. Speaker, I rise today in strong support of the motion to recommit the conference report on Goals 2000 with instructions. We've been through this before folks. I think it is sad that opponents of voluntary school prayer have to use a backdoor maneuver in conference to strip our language that has overwhelmingly passed both the House and Senate in recent weeks and substitute the Williams language. The Williams language preserves the status quo—we would continue to allow schools to violate the Constitution. Nothing would change. This language failed when attempted during debate on H.R. 6 just this week. Our motion to instruct conferees on Goals 2000 legislation passed by voice vote a few weeks ago and the identical language passed the Senate by a convincing vote of 77–22 last month.

Just a few days ago my colleague SAM JOHNSON of Texas offered an amendment on behalf of Mr. DUNCAN and myself to H.R. 6 containing this same language that passed overwhelmingly 355–64. Mr. WILLIAMS had the opportunity to offer his language and call for a vote. His amendment failed. What is the problem here? Is the message not crystal clear? There is strong support for voluntary prayer in our public schools in Congress and in America. I urge you to support our motion to recommit this bill with instructions to reincorporate the Duncan language in place of the watered-down, meaningless Williams language.

Mr. BLILEY. Mr. Speaker, I would like to take this opportunity to discuss the compromise agreement that constitutes title XII of H.R. 1804, the Goals 2000: Educate America Act.

Title XII of H.R. 1804 as approved by the other body contained provisions which would have prohibited smoking in each indoor facility in which "children's services" were provided, except that smoking would be allowed in those portions of the facility in which "children's services" are not normally provided and which are "ventilated separately" from those portions of the facility in which "children's services" are normally provided.

The version of H.R. 1804 approved by this body contained no comparable provisions.

In title XII of the version of H.R. 1804 approved by the other body, "children's services" were defined to include health, education and "other direct services" that are routinely provided to children and which are funded, directly or indirectly, in whole or in part, by Federal funds; including in-kind assistance.

The definition of "children's services" in the conference agreement is narrower. The conference agreement defines "children's services" as the provision on a routine or regular basis of health, day care, education, or library services that are funded, after the date of enactment, directly by the Federal Government, or through State and local governments, by Federal grant, loan, loan guarantee, or contract programs which are administered either by the Secretary of the Department of Health and Human Services or the Secretary of the Department of Education—except for services for which the sole source of Federal funding is title XVIII or title XIX of the Social Security Act—or which are administered by the Secretary of the Department of Agriculture for clinics, as defined by Federal regulations, but no food establishments, established under the Women, Infants and Children Program administered under the Child Nutrition Act of 1966.

The conference agreement also defines "children's services" to include the provision of routine or regular health, day care, education, or library services in indoor facilities which are constructed, operated, or maintained with Federal funds provided after the effective date of title XII under the Department of Health and Human Services, the Department of Education, and the Department of Agriculture programs described in the preceding paragraph.

The conference agreement prohibits smoking within any indoor facility which is owned or leased or contracted for and utilized by the service provider for the routine and regular provision of the following children's services: kindergarten, elementary or secondary education, or library services.

The conference agreement prohibits smoking in any portion of an indoor facility which is owned or leased or contracted for and utilized by the service provider for the routine and regular provision of the following children's services: health care, day care, or early childhood development [Head Start] programs. Included in the portion of the facility subject to the smoking prohibition are those areas of the facility used for the provision of health care, day care or Head Start services that are routinely and regularly used by employees of the service provider. Such areas might include employees' lounges and offices directly related to the administration of the children's service being provided which are adjacent to the portion of the facility in which children's services are provided so that children might be exposed on a routine and regular basis to environmental tobacco smoke. The smoking prohibition would not apply to portions of the facility that are not used for the routine and regular provision of health care, day care or Head Start children's services or that are available to employees of the children's service provider, as described above.

The conference agreement exempts the following two categories from the smoking prohibition that applies to portions of facilities in which health care, day care, and Head Start children's services are provided: One, any portion of such a facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and two, any private residence.

The conference agreement also compels Federal agencies to prohibit smoking within any indoor facility, or portion of the facility, which is operated by the agency, either directly or by contract, to provide children's services. Specifically, Federal agencies located in the United States in which routine and regular kindergarten, elementary or secondary education, or library children's services are provided must prohibit smoking in the entire facility in which the children's service is provided. For Federal agencies located outside the United States, smoking must be prohibited only in the portion of the facility operated by the agency, directly or by contract, to provide routine or regular kindergarten, elementary or secondary education, or library services. The conference agreement distinguishes between indoor facilities operated by Federal agencies inside the United States and those outside the United States to address the concern that in facilities operated by Federal agencies outside the United States it is more likely to find kindergarten, elementary or secondary, or library children's services provided in a building that is used for other purposes.

For health care or day care or Head Start children services that are provided in facilities operated, either directly or by contract, by any Federal agency, the conference agreement requires the Federal agency to prohibit smoking in the portion of the facility in which the children's services are provided. This prohibition would not apply to the following two categories: One, any portion of such a facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and two, any private residence.

The prohibitions on smoking established by the conference report will be enforced by the Secretary of the Department of Health and Human Services. The conference report does not require the Secretary of the Department of Health and Human Services to issue regulations for any part of this provision; indeed, it is the intention of the conferees that the provisions of this agreement be self-implementing. The Secretary of the Department of Health and Human Services is directed by the conference agreement to publish notice of these prohibitions in the Federal Register and to provide as much notice of these requirements as possible.

While I have strong reservations with other portions of this conference agreement, I believe the agreement contained in title XII is a significant compromise agreement. It extends dramatically the prohibition on smoking to a wide range of children's services. However, it does not require smoking prohibitions in portions of buildings which are not used for the provision of health care, day care or Head Start children's services. This preserves for the Occupational Safety and Health Administration the difficult but important determination concerning what standards are necessary and appropriate to ensure good indoor air quality in workplaces.

Thank you, Mr. Speaker.

Mr. DURBIN. Mr. Speaker, I rise in support of the Goals 2000 conference report [H.R. 1804]. I would like to call attention to a small but very important provision of the conference report that would protect children from secondhand smoke while they are participating in federally funded children's programs.

Last year, I introduced legislation [H.R. 710] along with Mr. HANSEN and Mr. MAZZOLI in the House, and Senator LAUTENBERG in the other body, to ensure that children in federally funded children's programs will not be exposed to secondhand smoke. This legislation, which is known as the PRO-KIDS Act [Preventing Our Kids from Inhaling Deadly Smoke], has more than 70 cosponsors. It has been endorsed by more than 20 groups whose names I will provide at the end of my statement.

The conference report on H.R. 1804 includes a provision that builds on our work in H.R. 710. The conference report provides effective protection from secondhand smoke to children who receive federally funded children's services.

Specifically, the Goals 2000 conference report bans smoking in buildings used to provide kindergarten, elementary, or secondary education, or library services to children. In addition, it protects children receiving other federally funded children's services by banning smoking in those portions of buildings that are used to provide federally funded health care, day care, or early childhood development services to children. This prohibition also applies to areas of the building that are used by employees to provide these services. Among the programs in which children will enjoy this protection from secondhand smoke are the WIC Nutrition Program for women, infants and children; Head Start; day care programs; health care programs; and programs providing education or library services.

This legislation is important to the health of our Nation's children. Secondhand smoke is responsible for approximately 3,000 lung cancer deaths annually in U.S. nonsmokers. Of more immediate concern to children, exposure to secondhand smoke causes 150,000 to 300,000 lower respiratory tract infections such as bronchitis and pneumonia in young children each year, causes additional episodes of asthma and increased severity of asthma symptoms in 200,000 to 1 million children who already have asthma, and may be a risk factor for 8,000 to 26,000 new cases of asthma annually in children who would not otherwise become asthmatic.

My office recently heard from a woman who has been unable to secure a smokefree learning environment for her 11-year-old child, who has asthma. He has suffered asthma attacks at school due to exposure to secondhand smoke in school buildings. This legislation will give that child and others like him the protection they need, so they can concentrate on their learning and other activities rather than worrying about whether participation in federally funded programs may be hazardous to their health.

I applaud the conferees on H.R. 1804 for decisively addressing this issue.

A list of the organizations that have endorsed the PRO-KIDS Act follows:

American Cancer Society;
American Heart Association;
Ameican Lung Association (united as the Coalition on Smoking OR Health);
American Academy of Otolaryngology—Head and Neck Surgery, Inc.;
American Academy of Pediatrics;
American Association for Respiratory Care;
American College of Chest Physicians;
American College of Occupational and Environmental Medicine;
American Medical Association;
American Nurses Association;
Americans for Nonsmokers Rights;
ASH (Action on Smoking and Health);
Association on Maternal and Child Health Programs;
Association of State and Territorial Health Officials;
Asthma and Allergy Foundation of America;
Coalition for Consumer Health & Safety;
Consumer Federation of America;
Environmental Defense Fund;
National Association of Medical Directors of Respiratory Care;
National Coalition for Cancer Research;
National Education Association; and
Sierra Club.

Mr. RICHARDSON. Mr. Speaker, I rise in strong support of the conference report on H.R. 1804, the Educate America Act. We can no longer afford to stand around and talk about what is wrong with education in America. It is time to start providing States with the tools to tackle education reform.

The Educate America Act establishes national goals, learning standards, teacher training programs, parent participation programs, and business and industry input which are pathways to success for America's schools.

Most importantly this act gives schools a coordinated resource for reform. The Educate America Act creates a number of organizations like the National Education Standards and Improvement Council, the National Goals Panel, and the National Skills Standards Board which facilitate dialog among education leaders across the country about what works and why.

Under this structure, we will have a forum to communicate about national standards so that a student who graduates from high school in Zuni, NM, learns the same basic skills as a graduate from California, New York, or Mississippi.

This act will serve our Nation's long-term interests by creating better educated generations that are prepared to compete with their peers around the world. I am ready to support the conference agreement on H.R. 1804 and urge my colleagues to do the same.

Mr. WHEAT. Mr. Speaker, I rise to add my support to the Goals 2000 legislation, and to commend all of my colleagues who worked so diligently on this bill—in particular Chairman FORD and Chairman KILDEE and ranking member GOODLING.

I would like to thank them and others for working together with me in support of title IV, a provision to provide Federal funds to expand parental support and involvement in our country.

This title will go a long way to further advance goal No. 1—ensuring that all children enter school ready to learn.

In particular, title IV would authorize funds for an innovative and highly successful program that was developed in my State of Missouri about a decade ago and that I have been working to support on a Federal level for a number of years.

Senator CHRISTOPHER BOND has been a leading advocate for the Parents as Teachers Program in the other body.

Mr. Speaker, the provisions in title IV build on an amendment that I offered when this Chamber took up the Goals 2000 legislation last October.

That amendment, and this conference report, specifies that parental support programs should begin not when a child is enrolled in school, but at the time of a child's birth.

And to further that aim, this legislation for the first time specifically authorizes the use of Federal funds to establish, expand, or operate Parents as Teachers Programs.

Parents as Teachers Programs are voluntary early childhood development and parent education programs that are associated with the Parents as Teachers National Center, Inc., in St. Louis MO. The program is strictly voluntary and serves parents of infants and toddlers between birth and the age of 3 and their child.

The Parents as Teachers Program stated as a pilot project in my district, but has since mushroomed into a program with a truly national scope. Today, Parents as Teachers is in 43 States and three nations.

The PAT Program provides parents with prenatal information before a child is born and then continues until that child reaches the age of 3.

It features individualized home visits by trained and certified child specialists, development and health screenings for children, and group visits, among parents where they share their experiences and offer solutions to any difficulties they may be encountering.

The success of Parents as Teachers lies in its common sense approach which is rooted in the basics and which have been proven to work.

The program teaches and encourages parents to read to their children; it helps with an infant's sleeping problems; it offers advice on games to play with a toddler to promote language development and build curiosity in young minds.

Through free health screenings, the program helps identify a child's hearing and vision problems early—before they become stumbling blocks to learning.

The program does not take a cookie cutter approach. Its strength lies in its simplicity and in the individualized attention it provides to each family.

Study after study validates the success of the program. Children enrolled in Parents as Teachers have consistently been shown to read better, understand more, listen more attentively, and score higher on intellectual aptitude tests.

The Goals 2000 legislation, and the Parents as Teachers Program, recognizes that we can help children enter school ready to learn if we begin at the beginning.

Education Secretary Richard Riley knows this well. In a recent speech outlining the state of American Education, Secretary Riley spoke of a "new ideal in American education grounded in the practical and hard earned lessons of the past 10 years."

"We have leaned," the Secretary said, "that children who come to school healthy—who have gotten their shots, participated in early childhood programs, and have had their parents read with them—are children who are engaged and ready to learn. They are connected to learning."

"Above all," Secretary Riley went on to say, "we recognize again the very old virtue that parents are the first and most important teachers."

Attorney General Janet Reno has also made a plea for us to focus on the critical ages of zero to 3. She echoes the words of child development specialists in pointing out that this is the period when a child first learns the concept of reward and punishment.

"What good are all the school violence programs," the Attorney General has asked, "if the child didn't learn the concept of punishment when he or she was zero to 3?"

Mr. Speaker, title IV of the Goals 2000 bill puts families first and will help give our children one of the best possible starts in life.

It is an important way for us to strengthen families and to help our children, all of our children, enter school not just ready—but eager—to learn.

Ms. WOOLSEY. Mr. Speaker, I rise in support of the rule for the conference report on Goals 2000: Educate America Act, and against the motion to recommit.

If the House does not pass the conference report today, local schools will lose funds that have already been appropriated for Goals 2000 and the Safe Schools Act.

The Goals 2000 conference started with two very different bills, and everyone involved in both bodies and both parties worked very hard to arrive at the conference report before the House today.

Goals 2000 will provide a national framework to support State and local school reform efforts. And, as an important part of that framework, Goals 2000 will ensure that more kids can benefit from education reform by helping schools plan and implement coordinated services.

With funds authorized in Goals 2000, schools that want to bring health and social services on or near the school site will be able to learn from already existing, successful, coordinated service programs, like the one in the Roseland School District in Santa Rosa, and the one in Lynwood Elementary School in Novato and by replicating these successes, meet their own students' needs.

I urge my colleagues to support the Goals 2000 conference report. A "yes" vote on this conference report is a vote that our children enter the classroom ready to learn.

Mr. FRANKS of Connecticut. Mr. Speaker, I plan to vote for the conference report on Goals 2000. Although this bill is not perfect, I recognize that the successful passage of education legislation requires a degree of compromise on both sides of the aisle. I support Goals 2000 because it codifies eight national education goals, a concept first proposed by former-President George Bush in 1989. This bill also provides $400 million in financial support to States and local school systems that choose to improve education for their students using the framework of this legislation. This money will be used exclusively for improving the education of all students, not just special or needy groups.

This bill provides a greater degree of flexibility to State and local governments than has been seen in past Federal education legislation. Under this bill, the Secretary of Education can waive statutory or regulatory requirements for the major elementary and secondary Federal education programs. This bill also allows school systems to use Goals 2000 funds for specialized public school choice programs such as magnet schools and chapter schools.

I am disappointed to see that Congress will not allow Goals 2000 funds to support general school choice plans. The competition that school choice can bring to elementary and secondary education would create another incentive for troubled public schools or troubled public school systems to initiate valid reforms. While I am pleased to see that one of the national education goals encourages greater parental involvement and participation in the education of their children, I should point out that school choice also provides a basic way for parents to be more involved in the education of their children.

Mr. FORD of Michigan. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DUNCAN. I am, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DUNCAN moves to recommit to the conference on the disagreeing votes of the two Houses on the bill H.R. 1804 and instructs the managers on the part of the House to include in their conference report the provision committed to the conference as section numbered 405, of the Senate amendment, concerning school prayer.

Mr. DUNCAN (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DUNCAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of adoption of the conference report.

The vote was taken by electronic device, and there were—yeas 195, nays 232, not voting 6, as follows:

[Roll No. 85]

YEAS—195

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Blute
Boehner
Bonilla
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Geren
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lancaster
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
McNulty
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—232

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn

Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (GA)
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Penny
Peterson (FL)
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—6

Gallo
Mazzoli
Natcher
Pelosi
Pickle
Ridge

☐ 1629

Mr. HILLIARD changed his vote from "yea" to "nay."

Messrs. FAWELL, TORKILDSEN, HORN, BEVILL, and APPLEGATE changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GUNDERSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 306, nays 121, not voting 6, as follows:

[Roll No. 86]

YEAS—306

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Camp
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Frost
Furse
Gallegly
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDade
McDermott
McHale
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (FL)

NAYS—121

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Bartlett
Barton
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Canady
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fields (TX)
Fingerhut
Franks (NJ)
Gekas
Geren
Gingrich
Goodlatte
Goss
Grams
Hancock
Hansen
Hastert
Hefley
Herger
Hoekstra
Hoke
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Knollenberg
Kyl
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
Mica
Michel
Miller (FL)
Moorhead
Myers
Oxley
Packard
Paxon
Penny
Pombo
Porter
Portman
Pryce (OH)
Quillen
Ravenel
Roberts
Rohrabacher
Roth
Roukema
Royce
Schaefer
Sensenbrenner
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (WY)
Vucanovich
Walker
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—6

Gallo
Kennedy
Mazzoli
Natcher
Pickle
Ridge

☐ 1638

Mr. SUNDQUIST changed his vote from "yea" to "nay."

Messrs. SAXTON, SARPALIUS, HALL of Texas, and BEREUTER changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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## GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the conference report on H.R. 1804 which was just considered and agreed to.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

## CORRECTING ERROR IN ENROLLMENT OF H.R. 1804, GOALS 2000: EDUCATE AMERICA ACT

Mr. FORD of Michigan. Mr. Speaker, I send to the desk a concurrent resolution (H. Con. Res. 230) to correct an error in the enrollment of the bill H.R. 1804, and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the consideration of the concurrent resolution?

Mr. GOODLING. Mr. Speaker, reserving the right to object, and I shall not object, I yield to the chairman of the committee, the gentleman from Michigan [Mr. FORD], so that he may indicate what the resolution is all about.

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Michigan.

□ 1640

Mr. FORD of Michigan. Mr. Speaker, this concurrent resolution is cleared with the minority. It is offered at the request of the conferees from the Committee on Energy and Commerce and would correct section 1043(c)(1) of the conference report just agreed to by adding four words which are inadvertently omitted from the printing of the report.

Mr. GOODLING. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 230

*Resolved by the House of Representatives (the Senate concurring)*, That in the enrollment of the bill (H.R. 1804) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to provide the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes, the Clerk of the House of Representatives shall make the following correction: in section 1043(c)(1), after "within any indoor facility" insert "in the United States".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## AUTHORIZING ACTING CHAIRMAN TO EXERCISE POWERS AND DUTIES OF CHAIRMAN OF COMMITTEE ON APPROPRIATIONS

Mr. HOYER. Mr. Speaker, by direction of the Democratic caucus I offer a privileged resolution (H. Res. 396) concerning the exercise of the powers and duties of the chairman of the Committee on Appropriations and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 396

Concerning the exercise of the powers and duties of the chairman of the Committee on Appropriations

*Resolved*, That the powers and duties conferred upon the chairman of the Committee on Appropriations by the rules of the House shall be exercised by Representative Obey of Wisconsin, as acting chairman until otherwise ordered by the House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## REQUEST TO MAKE IN ORDER CONSIDERATION OF S. 349, LOBBYING DISCLOSURE ACT OF 1993

Mr. BRYANT. Mr. Speaker, I ask unanimous consent that it be in order on the legislative day of Thursday, March 24, 1994, for the Speaker to entertain a motion to suspend the rules and pass the Senate bill (S. 349) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, as amended, to insist on the House amendment thereto, and to request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. VOLKMER. Mr. Speaker, reserving the right to object, I would ask the gentleman to briefly describe the bill. I have no objection, but what is this bill in regard to?

Mr. BRYANT. Mr. Speaker, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Texas.

Mr. BRYANT. Mr. Speaker, this is the legislation which recodifies the laws which govern the activities of lobbyists and their abilities to buy meals, pay for entertainment and give gifts to Members of Congress.

Mr. VOLKMER. The gentleman's request is to take it up tomorrow under suspension of the rules; is that correct?

Mr. BRYANT. That is correct.

Mr. VOLKMER. Mr. Speaker, I withdraw my reservation of objection.

Mr. DELAY. Mr. Speaker, reserving the right to object, I do not know what the gentleman is asking.

Mr. BRYANT. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Texas.

Mr. BRYANT. Mr. Speaker, I say to the gentleman, I have asked unanimous consent to take up tomorrow S. 349, which is the legislation which recodifies the statutes that govern the activities of lobbyists and includes certain prohibitions on the abilities of lobbyists to provide meals, entertainment and travel for Members of Congress.

Mr. DELAY. Mr. Speaker, under my reservation of objection I ask the gentleman if this bill has gone to full committee.

Mr. BRYANT. Mr. Speaker, this bill passed unanimously out of the subcommittee in November under a well publicized announcement of support, unanimously supported by both Democrats and Republicans, the ranking member on the subcommittee and the chairman.

Mr. DELAY. But it has not gone to full committee.

Mr. Speaker, for that reason I object.

The SPEAKER pro tempore. Objection is heard.

## CONFERENCE REPORT ON H.R. 3345, FEDERAL WORKFORCE RESTRUCTURING ACT OF 1994

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 388 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 388

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3345) to amend title 5, United States Code, to eliminate certain restrictions on employee training; to provide temporary authority to agencies relating to voluntary separation incentive payments; and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], and pending that, I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 388 provides for the consideration of the conference report on H.R. 3345, the Federal Workforce Restructuring Act of 1993. Under the rules of the House, conference reports are privileged and are considered in the House under the 1-hour rule with no amendments in order. The rule waives all points of order against the conference report and against its consideration. The rule further provides that when the conference report is called up for consideration, it shall be considered as read.

Mr. Speaker, it is absolutely critical that this conference report be approved now and this legislation enacted if we are to implement an orderly and responsible reduction in the Federal work force. Every day that this bill is delayed the availability of funds to pay for the buyouts is diminished. The money to pay for voluntary separations must come from existing fiscal year 1994 agency funds, and with the fiscal year nearly one-half over, many agencies will be financially limited in the number of early separations they can offer. They will be forced instead to resort to massive layoffs—layoffs which ironically are far more costly than the voluntary separation plan outlined in this bill.

The cost in dollars is only part of the problem of forced across-the-board reductions in force. The human toll is equally as devastating. Federal employees continue to bear the brunt of our frustration and anger over the Federal deficit. We all talk about how important jobs are to the people of this Nation and to our economy and how we must protect jobs above all else That is unless they are Federal jobs. Somehow we treat these people differently—as if they serve no useful purpose in our Nation's work force and deserve to lose their jobs. Well I know how hard these people work and how much they value their employment with the Government.

Reductions in force are an ineffective and heartless method for reducing the Federal work force. We need to implement this bill now if we are to be responsible both to our constituents in controlling Federal spending and to our loyal and hardworking Federal employees.

It is time to stop the political maneuvering that has taken place on this bill and address the issue at hand. I urge Members to vote for this rule and for the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Texas [Mr. FROST] has described, this rule waives all points of order against the consideration of the conference report to accompany H.R. 3345, the Federal Work Force Restructuring Act, and against the conference report itself.

I want to comment on a specific waiver in this rule. The conferees added a provision to this bill authorizing separation payments to certain contractor employees who were displaced as a result of the termination of the advanced solid rocket motor program. This provision was not included in either the House-passed bill or the Senate-passed bill, and therefore a scope waiver was necessary for this conference report. Members should have the opportunity to debate and vote on this provision, and this rule precludes that opportunity. The Rules Committee almost routinely grants blanket waivers for conference reports, and usually there is very little objection to these waivers. As I've said many times, we need to stop this trend of granting blanket waivers. It's the wrong way to do business and it impedes the deliberative process here in Congress.

Mr. Speaker, I'd also like to comment on another trend that seems to be developing. About a week ago, the House voted 231 to 150 to instruct its conferees on this bill to agree to a specific Senate amendment. These instructions were disregarded, and the Senate amendment is not in this conference report. The motion to instruct conferees is becoming a nonbinding procedure. The votes are meaningless, and I think we need to work to ensure that the will of the House is upheld by House conferees.

I hope in the future we can work together to live by the rules we have set for ourselves. But for now, let us proceed with the consideration of this rule and the conference report.

Mr. Speaker, I say to my colleagues, "Let's don't use it as a football to be kicked around any longer."

Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to this resolution. The resolution contains a blanket waiver of points of order against the conference report and thus protects language contained in the report relative to bailing out some workers in Mississippi whose jobs were terminated as a result of this Congress terminating the advanced solid rocket motor by an overwhelming vote last year. If this resolution is voted down and there is no blanket waiver of points of order, a point of order would lie against the language that provides for a million dollar bailout of up to $5,000 apiece for full-time employees of three specified corporations who were working on the advanced solid rocket motor in Mississippi prior to this Congress' terminating it.

□ 1650

To be consistent, anyone who voted for termination of the ASRM last year should vote against this rule because this pumps more money into Mississippi at the expense of the rest of NASA. Under the NASA appropriations bill that was enacted into law last year, there is a fixed set of funds for termination costs for the ASRM. Any termination costs left over will go into the budget for the space shuttle.

The space shuttle budget this year which has been submitted by the President has been cut drastically, and we are now right at the edge of the margin of safety for operation of the shuttle during the next fiscal year. I would like to see money be used for shuttle safety rather than be used to bail out employees in Yellow Creek, MS.

Furthermore, there are going to be a lot of programs that this Congress terminates during the next few years. There will be programs in NASA, there will be programs in the Defense Department, and there will be programs that are funded by discretionary domestic spending. If we set the precedent by improving the $5,000-a-head bailout on this program relative to the ASRM, every other group of employees who have been terminated because of an action of Congress in reducing or terminating a program will be right back here asking for their $5,000 in addition to the unemployment compensation that they have accrued.

This provision did not pass the House and did not pass the Senate. It was inserted at the conference at the insistence of the Senate. It is one of the things that we are justifiably criticized for doing in Congress, and it is one of the arguments that those who are in support of a Presidential line item veto use.

Mr. Speaker, if this is so important, it ought to go through the regular legislative process. In order to force it to go through the regular legislative process, I would urge a vote on the rule so the Committee on Rules can come out with a rule that does not protect the buyout language from a point of order.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would only point out to the previous speaker that the particular provision that he is objecting to was inserted at the request of two Senators from his side of the aisle, not from our side.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS], a distinguished member of the Committee on Rules and a very valuable Member of the House.

Mr. GOSS. Mr. Speaker, while I understand the necessity in completing H.R. 3345, legislation to implement the reduction in the Federal workforce of 252,000 positions—I must rise to lament the fact that we once again have a conference report that includes extraneous provisions. Generally, when the House and the other body pass differing versions of the same bill, a conference is established to, in the words of the distinguished chairman of the Post Office and Civil Service Committee, compromise. But shouldn't we feel safe in the assumption that the areas of compromise discussed in this context would be limited to the areas of disagreement within the bill at hand? You might think so—but you'd be wrong. More often than not, conference committees meet behind closed doors, often late at night. These committees sometimes insert all sorts of things into their work product that most members don't find out about until after the votes are counted and the bill is passed. A particularly egregious example of this end-run of the normal legislative process that occurred in my brief tenure had to do with the infamous boat user fee. We killed it in subcommittee, we killed it in full committee, we killed it on the floor, but that thing had more lives to live—and what do you know, it showed up in the fine print of a conference report that Members never had time to read. It was a bad law—and we ultimately repealed it—but the point was, it should never have been permitted to pass in the first place. Mr. Speaker, the Rules Committee is often asked to waive all points of order against conference reports—giving a blank check that allows any and all extraneous provisions in these documents to pass through without incident. This is the case with this conference report, which includes material, agreed to as a compromise, that goes beyond the scope of either version of the original buy-out bill. This process is known by the most optimistic among us as the art of compromise. Others might call it deal making. I call it sleight of hand and most Americans call it ripoff and are saying "stop it, Congress, stop these rip offs." I agree with most Americans and cannot support this rule.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, let me follow up on what my colleagues have said, the gentleman from Florida [Mr. GOSS] and the gentleman from Wisconsin [Mr. SENSENBRENNER], about a provision in this bill the three of us find very objectionable.

Mr. Speaker, last year a number of us worked very hard to terminate the Advanced Solid Rocket Motor Project and eventually we won a vote in this House and, in fact, defeated a conference report when we discovered, much to our dismay, that, during the conference, the Senate and the House appropriators had again miraculously saved that project.

Mr. Speaker, in the bill we have before us, again there is a provision to give each full-time employee that lost their job at the ASRM plant a payment of $5,000, and that is 175 workers who would receive a total of just a little bit less than $900,000.

Now, keep in mind that these employees are not Federal employees. They never were Government workers. They were hired by contractors and should not be receiving direct payments from the Federal Government.

This is really a classic example of almost triple dipping. First of all, the provision prohibits offset of severance payments by contractors. In addition, these employees who are about to receive $5,000 payments from the Federal Government despite the fact they were never Federal employees will soon be eligible for unemployment compensation, and again they are going to receive a $5,000 check from the Federal Government itself.

Some of the supporters of this payoff will claim that the provision will not affect the budget because it uses funds that are presently appropriated, but with a $4.6 trillion debt, it seems very clear to the three of us that any savings that should be returned to the Treasury should be returned to the Treasury and we should not be in the business of subsidizing private defense contractors.

The second claim is that this economic dislocation may be similar to programs under the Trade Adjustment and Assistance Program or even the Defense Conversion Programs, but those payments, I would like to remind my colleagues, are made to an entire industry due to an industrywide financial crisis. This is a specific set aside for a small group of people employed at one place by private employers.

So let me make the point again, Mr. Speaker, to urge my colleagues to defeat this rule. I understand very clearly the implication of the gentleman from Texas [Mr. FROST] that this was not a move originally taken by the House. In fact, it originally was not even put up for a vote in the Senate. It was added by two of our Republican colleagues in the other body. That still does not change the fact that it is wrong.

Mr. Speaker, I urge the defeat of this rule.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 253, nays 170, not voting 10, as follows:

[Roll No. 87]

YEAS—253

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Klein
Klink
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)

NAYS—170

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Coppersmith
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)

Gallegly
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Weldon
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Flake
Gallo
Hayes
Jefferson
Kleczka
LaFalce
Mazzoli
Natcher
Pickle
Ridge

☐ 1722

Mr. HYDE changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. CLAY. Mr. Speaker, pursuant to the provisions of House Resolution 388, I call up the conference report on the bill (H.R. 3345) to provide temporary authority to Government agencies relating to voluntary separation incentive payments, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 388, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Wednesday, March 16, 1994, at page 5039.)

The SPEAKER pro tempore. The gentleman from Missouri [Mr. CLAY] will be recognized for 30 minutes, and the gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report accompanying H.R. 3345, the Federal Workforce Restructing Act of 1994. The conference report reduces overall Federal employment by 252,000 positions and authorizes Federal agencies to offer separation incentives to their employees of up to $25,000 in order to accomplish this reduction. The direct spending concern of the Senate has been fully addressed. Over the 5-year period beginning in 1994, the entire direct spending costs associated with the separation incentive payments are offset. The conference report also guarantees that the costs to an agency of encouraging voluntary separations are comparable to the costs an agency otherwise would incur if it accomplished the same reductions through involuntary separations.

The conference report includes provisions identical to the Penny-Burton-Solomon amendment adopted by the House. In addition, the conference report requires agencies to reduce their personnel on a one-for-one basis for every buyout offer that is accepted.

It also requires those who accept a buyout and return to Government service within a 5-year period to pay back the full incentive payment.

The conferees adopted provisions authorizing NASA to offer separation payments to contractor employees who were displaced as a result of the termination of the advanced solid rocket motor program. It also imposes reporting requirements on the executive branch regarding the operation of the Federal employee voluntary separation incentive program.

At the end of this debate, a motion to recommit will be offered by the minority. This motion will include instructions dedicating the savings achieved by the Federal employee work force reductions mandated under this legislation. Two weeks ago, the House passed the budget resolution, House Concurrent Resolution 218. That resolution assumes the full savings achieved by the personnel reductions mandated by H.R. 3345. The budget resolution being considered by the Senate also assumes those savings.

The effect of the instructions accompanying the motion to recommit, therefore, is to double count the savings achieved by the work force reductions and to preclude funding programs at the levels assumed in the budget resolution passed by the House. These instructions will result in locking up more than $9 billion in outlays that are not needed to fund the crime program.

Mr. Speaker, it is vital that the Congress grant buyout authority to Federal agencies very quickly. If this legislation is not enacted soon, agencies will not be able to use the authority in fiscal year 1994. As a result, thousands of Federal employees will be fired later this year. Adoption of the conference report enables agencies to encourage voluntary separations and diminishes reliance upon involuntary ones. The policy underlying H.R. 3345 is socially responsible and fiscally sound.

I urge the defeat of the motion to recommit and the adoption of the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today with somewhat mixed feelings and emotions. I hope I can express myself, where I stand. This is the third time that this same issue has come before this body. The other two times I have supported it, without any hestitation. However, the procedure that will probably be adopted today makes it very difficult for me to support the legislation.

Let us look at the intent. All of us would agree that we must reduce the cost of government. The Federal Government is very expensive. For years we have wanted to reduce the number of employees, which is one of the most effective ways of reducing the cost of government.

Payroll is one of the big items in the operation of a large establishment such as ours. We all recognize reducing the people will help reduce that cost of government. We have all wanted to do it fairly, equitably, without any undue burden on families, on the loyal workers that have supported the programs of our Federal Government. This was a means to do that, to save the American taxpayers in a compassionate way towards our employees.

Now we have moved it around to where we are not saving anything. We are just merely trading dollars. We are going to release some Federal employees, 252,000, sometime in the next 5½ years. Hopefully it will save $22 billion, and a chance to save $22 billion to reduce the national debt by $22 billion.

What are we going to do, probably today, once again? Instruct the conferees not to save the money, but to spent it on a program that has not even passed, a program that we do not even have at this point.

I do not think any of us would disagree that we have to do something about crime. Mr. Speaker, I think all of us probably would support, hopefully support, a crime bill, but some of the discussion we had today on the rule for the crime bill, I am not sure it is that popular, at least what is advancing presently.

I am not sure we are going to have any savings. We will not have any savings. We are going to apply it to a bill. Setting up a trust account does not save dollars.

Mr. Speaker, I am hesitant today to say I am going to support this legislation. I hope I can. I hope this House will not do what they did before. We went to conference. I felt bound, even though I did not vote for directing that $22 billion be spent on another program, which we all will support, without its standing independent. I will support the crime bill, but what does it stand for? Like any other appropriation bill that we will appropriate it as money when that is passed, we will appropriate it as money to fund the crime programs.

What will happen is this. I expect and hope we will pass the crime bill. Then the Committee on Appropriations will appropriate it as money to take care of that. Then we have this $22 billion trust account over here that might be used for crime, in excess of what we would authorize in the authorization bill for a crime bill.

We will spend that, and we will spend double. If we do not spend it on crime, it is always sitting there.

□ 1730

Look at the highway trust fund account. We have dipped in it for other programs that really do not relate to highways. Other trust accounts can be touched. So this is not the way to carry out the intent of what this bill is all about, to save the taxpayers.

So reluctantly today I want to see what happens on the motion to recommit. And I admit, the procedure being used today is one that has been used not too often around here. I am not disagreeing with the procedure that the leader's designee will offer the motion to recommit. It has not been used too many times around here, but I understand the rules of the House and there is no way I can object to it. But it is a procedure that should not be used very often, only most reluctantly when there is something wrong with the legislation.

There is nothing wrong with this legislation, nothing wrong with saving money. This is why I am having difficulty today to support legislation that is needed badly.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding the time, and I thank him for all of his hard work on this.

Let us get right down to brass tacks. We are about to break for a spring break. Agencies are about to have to start laying people off through some Neanderthal way that will not give them good control and good management control unless we pass this bill.

We are like the board of directors for the entire Federal Government, and unfortunately, we have gotten too much in the habit of playing little games, kicking those people like you kick a soccer ball, and if we do not get this bill out of here we will be doing that one more time.

Everybody has testified that the buyouts are the way to go. This way we can target who we want and we do not have to go through RIF's which are last hired, first fired, or do not have to go through freezes or any of the other things that do not give control. This gives control. It was good enough for DOD, it was good enough for the CIA, and it has been good enough for the private sector. It has been shown to do exactly the same thing, only surgically and well done.

So I think as a board of directors if we do not do this, or if we vote to recommit and play more games with this, let everybody know what they are doing. They are saying to Federal employees that we do not care a whole lot about them, we do not care how they are treated, and we really do not even care how efficiently managers can plan and operate when they are being ordered to cut over 250,000 people.

Nobody would want to cut that high a percentage and not have any control over how they do it and how they target it.

So I think the time has come that we move on this bill. It seems like it is up here every other day. Everybody has patty-caked it, everybody has played with it, everybody has had a wonderful time with it. And if we do not pass it today, then I think everybody is going to be culpable for having really, really one more time enforced bad management habits. And that is exactly what the people do not want. They want good management habits like the private sector has.

If that is what Members have been saying at home, then vote yes, and vote no on the motion to recommit.

Mr. MYERS of Indiana. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA] a very hard-working member of the committee.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, in this Chamber we have heard over and over again that famous Yogi Berra who just got into the Baseball Hall of Fame. He has been quoted as saying it is deja vu all over again. Well, it is indeed deja vu all over again. This bill that we are discussing this evening, H.R. 3345, has been around for 6 months.

How many times has this Chamber taken and reduced the cost of 252,000 employees, over and over again, and yet never given the agencies the mechanism that they need in order to do it in a compassionate, productive, efficient way? Finally we have another chance to do it. We have another chance to approve these buyouts.

Please know that one of the agencies, the Office of Personnel Management, has already sent out RIF notices, reduction in force notices effective on May 1. Other agencies are going to have to follow suit. Time is running out.

We need to, if we care about competitiveness globally, if we care about the moral of our Federal work force on whom we depend to take care of our constituents, then we should at least show some care, we should show that we have a plan to save money, to promote productivity by passing this bill.

According to the Congressional Budget Office figure, we will actually save $34 billion with this bill by 1999. That is even more than we anticipated. But if we miss this opportunity, which is our last opportunity to promote the buyouts, $25,000 for those who are eligible, severance pay would be far more expensive. It will be a lost opportunity if we do miss this last opportunity.

Frankly, it also gives agencies an opportunity to decide where they can reduce their force and still be productive, not the last hired, first fired which we have heard time and time again, accurately, will be women and minorities. And we will continue to have others within the agencies where we could do a kind of shift.

So I urge my colleagues to support this bill. Buyouts now.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I think it has been said so well by nearly everyone: Today is the day this just simply has to be done. The buyouts are overdue. We worked on it too long. Unless we do so as we break for the Easter recess, there is no exaggeration to say that there will be chaos and anarchy in the Federal Government, because as those who have followed this know, if there are RIF's without buyouts, we will have the very highest-paid or nearly highest-paid top managers, many of them taking positions at lower levels, with their salaries going on, and other employees, more equipped for those jobs, are victimized and forced out. That is truly chaos. There is no other word for it, and we cannot allow that to happen.

I would also say if Members are for defense, it is very important, and I am for defense, that they vote for the buyout provisions today and against the motion to recommit, because as we all know, there will be a $5 billion disparity or more as to the discretionary caps, and much of that would come down on defense. So I would say to my defense-oriented colleagues, if they have concerns in that area, the only vote is yes for this provision and against the motion to recommit.

With that, again I thank the gentleman for yielding the time.

□ 1740

Mr. MYERS of Indiana. Mr. Speaker, I yield 3 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I rise to offer a motion to recommit H.R. 3345 to the conference committee with instructions to agree to the provisions committed to conference in the Senate amendment, the Gramm amendment, which stipulated that the savings from "the Federal Workforce Restructuring Act" be placed in the violent crime reduction trust fund, and that the budget caps be reduced by a similar amount.

Mr. Speaker, as you know, the House conferees on the Federal Workforce Restructuring Act have ignored the instructions of the House—that the savings generated from the Federal workforce reductions, anticipated at $22 billion over 5 years, be applied toward a violent crime trust fund. This motion was approved by this House by an overwhelming, 90–2, to pass on the savings from this buyout bill to fund what will eventually be Congress'—and the peoples'—anticrime bill.

And let me tell you—the people support this effort to fund a crime bill. They would much rather have these funds go toward an anticrime trust fund than have an uncommitted $22 billion which could be spent on any program, regardless of its merit.

Let me also say that I have heard arguments against this effort to provide up-front funding for the crime bill because we don't have a crime bill yet. This is political hyperbole, my friends. If we are serious about addressing our Nation's most pressing and most talked about issue—crime—and serious about actually paying for solutions to fight violent crime, then this motion must be approved—as the House did on March 11. We have the backing of majorities in both the House and Senate, as well as the President of the United States. I directly quote from a letter from Vice President GORE to Senator JOHN GLENN: I quote:

> As you know, the President strongly supports prompt congressional action on anticrime legislation and the use of savings from reductions in the Federal bureaucracy to fund violent crime fighting activities.

I am a strong supporter of this buyout legislation, it is the right policy to reduce the size of the Federal Government, save money and treat Federal employees fairly. It is a shame, however, that the conferees have decided to blatantly disregard the will of both Houses by leaving the much-touted anticrime package unfunded and Federal employees in limbo. To my constituents, this is not responsible legislating and not a sound way to conduct this Nation's business.

The business of the House and Senate should be the will of this Nation's citizens. If we do not instruct the conferees to place the savings from this buyout legislation in the anticrime trust fund, we will be going against the will of the American people.

If we do pass this motion to recommit with instructions, we will fund the crime bill and enable the buyouts to commence as soon as possible. Federal workers, the taxpayers and potential victims of violent crime will thank you.

Once again, I urge you to vote for the will of the people and vote yes on the motion to recommit with instructions.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I rise in support of the conference report on H.R. 3345, the Federal Workforce Restructuring Act of 1994. I congratulate Chairman BILL CLAY of the Post Office and Civil Service Committee and Congressman STENY HOYER for their diligent work.

This legislation accomplishes two very important goals in the continuing effort to reinvent government at the Federal level. First, this conference report contains the amendment I offered during House consideration codifying a systematic and managed reduction of over 252,000 positions in the Federal work force. In addition, this legislation authorizes Federal agencies to offer employees buyouts as an incentive to leave the work force. Without buyouts, reductions-in-force—RIF's—will take place across the Government in such large numbers to render many agencies incapable of effectively and efficiently performing their statutory responsibilities. Furthermore, widespread RIF's in the Federal work force will result, in most instances, in the loss of junior employees. Ironically, these junior Federal employees are frequently those Federal workers most actively engaged in the innovative work necessary to reinvent government. Furthermore, RIF's are more costly to the taxpayer than an orderly buyout process, according to the General Accounting Office.

Mr. Speaker, this legislation is needed to provide an orderly reduction in the Federal work force. It will also provide significant budgetary savings and deficit reduction. Without further delay this bill should be passed and sent to the President for his signature. I urge passage of H.R. 3345.

Mr. MYERS of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise just briefly this evening to talk about this issue and particularly the motion to recommit that is about to be made by the gentleman from Delaware.

Mr. Speaker, I respect greatly the gentleman from Indiana and what he said earlier about his concerns over the trust fund and the question of setting aside moneys in this bill from the savings for the purposes of the crime effort. I know how he felt about this before. So my remarks are not directed towards him.

But for those who voted, as many of us did, with the gentleman from Delaware a few days ago on the motion to instruct conferees on this issue, I would remind my colleagues on both sides of the aisle that it was done with forethought, it was done with an intent to make sure that we have the moneys that we need to have, these over $20 billion, and the American public, I think, expects of us to provide to fight this war against violent crime, to provide enough resources to the States to build the prisons necessary to house these very serious violent felons, to lock them up, to throw away the key and keep them there for a long period of time and do the other things that are necessary to put deterrence back into our criminal justice system and get control over what has become a very, very big bleeding problem for our country.

So I would urge you not to change your vote tonight. Those who voted on the motion to instruct conferees the other day on this bill should vote with the gentleman from Delaware [Mr. CASTLE] in a few minutes on his motion to recommit. Be consistent. Stick with the program. It is the right thing to do. We need to set aside the money in this bill. It is a technical problem, and it is very important.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I love this body, but sometimes I wonder about its collective intelligence, especially when we have come on the floor now three times on this bill, and especially since we are talking about money that has already been committed for the purposes that the gentleman from Delaware [Mr. CASTLE] desires.

My friends, we have got layoffs coming any minute now, and I am not sure everybody understands what that means. Let me illustrate. It means GS–14's doing the work of GS–7's while being paid at GS–14 rates.

Federal employees are beginning to wonder whether this is a buyout or a sellout. We have been playing with the lives of dedicated career employees completely unnecessarily. As a result, attrition has slowed to a crawl, and thus we have hurt ourselves on achieving deficit reduction as well.

And for what? The one bill, Mr. Speaker, where the money is safe is the crime bill. We have already sequestered it in the budget resolution last week, and in effect there have been trial votes already that tell us that Members want this money committed and are going to do so. How many different ways do we have to do it, and how many times do we have to commit the same $22 billion to the same crime bill?

If you vote for the motion to recommit, you are voting to cut $1.5 billion from defense, from veterans, from transportation, from the FBI, from everything we agreed that you wanted the money to go to last week when you voted for the budget resolution.

Vote against the motion to recommit. Show some intelligence on the bill for a change.

Mr. CLAY. Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to first express my compliments to the chairman for the hard work that he has put in in crafting this compromise conference report and also my colleague, the gentleman from Maryland [Mr. HOYER]. I want to thank him for his hard work.

Mr. Speaker, I am here today to support the conference committee.

We know several things. We know we want to cut 252,000 positions from the Federal work force. We know we need to do it in the most efficient way, and we need to do it in the most cost-efficient way.

What does that mean? It means we need to use the mechanisms of buyouts. Buyouts are efficient. Why? Because they enable us to precisely determine which employees we want to encourage to leave. Buyouts are cost efficient. Why? Because they are cheaper than layoffs. In the end, we pay more when we lay off people than when we buy out people.

Let me tell you about a constituent of mine, Louise Ryman, of Silver Spring. She worked for the National Institutes of Health for 34 years, first part time, then full time. She is divorced, been divorced 10 years. She has got to keep working, because she does not have a big nest egg.

But let me read from her letter. She says, "Without buyouts, there will be RIF's, and since I am eligible, I would go, if I got the buyout."

□ 1750

"But without the buyout, I will be forced to work a few more years. That will keep someone else out of my slot. I am healthy and active, but I would rather retire and see younger people keep their jobs." I admire Ms. Ryman. She has the right idea. Without buyouts, we will see young people, women, minorities recently hired be forced to leave the Federal workforce while mid-managers who are eligible to retire will do as my colleague from the District of Columbia just mentioned, they will work, they will receive GS–14 pay while working GS–9 jobs. I do not think that is what the taxpayers want us to do with their money. They want us to spend it wisely and efficiently, and that means buyouts.

Now, just with respect to the question of the motion to recommit, we need to look at this very carefully. The motion to recommit represents the death of buyouts. We have had this bill up here a long time. We have reached the point where, if we do not authorize the buyout legislation, we will lose the cost savings. Some people may think that is wise public policy; I certainly do not.

I urge rejection of the motion to recommit, and support for the conference report.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. I thank the chairman for yielding this time to me.

Mr. Chairman, it is time to stop playing politics with people's lives. We should have passed this bill months ago. Federal employees deserve better than the treatment they are getting by the Congress which passes the laws that they carry out day in and day out. They deserve better from us.

It is well past the time to do the right thing, to offer retirement incentives. Let us vote against the recommittal, let us get this bill passed, and let us act in a decent and honorable fashion toward Federal employees who have an opportunity to retire and who in fact have served us decently and honorably and professionally throughout their lives.

I urge my colleagues to vote "no" on the recommittal.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Virginia [Mrs. BYRNE].

Mrs. BYRNE. I thank the chairman for yielding this time to me.

Mr. Speaker, let me put this as plainly as I can: A motion to recommit wastes Federal taxpayers' dollars. It is a waste of good taxpayer dollars, and you may wish to put the money savings elsewhere, but I am sure that no one wants to waste taxpayers' money. It has been pointed out by the gentleman from Maryland and the gentlewoman from the District of Columbia that we will be paying people to do work that they are tremendously overqualified for; Grade 14s will be doing Grade 7 work.

But more than that, we are going to be paying, under a RIF, for appeals processes and a whole bunch of other things that come into Federal employees' rights which wastes money.

Again, a motion to recommit is a waste of the taxpayer dollars. For those people who are truly serious about using the tax dollars that we are given wisely, I urge you to vote against the motion to recommit and vote in favor of this conference report.

Mr. CLAY. Mr. Speaker, I have one additional speaker.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have had some questions about the procedure here when we had the motion the other day to instruct conferees, just what that amounted to, since the conferees did not follow those instructions. We did try to introduce and suggest that the House had taken overwhelmingly, substantially, a motion to recommit, even though I did not support that motion to recommit. But it was obvious from both the other body and the majority on our side that the wishes were not there to go along with applying this savings to another spending program. So, the attempt was made, but not successfully.

The motion here to try to work out some compromise, I did then offer to strike section 6 of the Senate amendment which provided for this procedure, which would amount to reducing or striking the money out for the trust fund in the first place, but it would also reduce the discretionary funding limits set forth in the Budget Act of 1974, thereby reducing our debt in that period of time by $22 billion, somebody said $34 billion, whatever it might be. It would be applied to reducing the debt.

That was shot down, I use the words shot down, it was never introduced in the House and it was not. It was not introduced in the Senate.

But at the same time we did accept an amendment offered by the other body in which we would go to contract employees that would provide for payoff for contract employees. So the conferees were somewhat inconsistent as to what we did allow. But what I attempted to do was simply do what I thought was the intent of the legislation, to apply the savings—as I think every red-blooded American taxpayer who will be paying their taxes on April 15—everyone wants to reduce spending. I thought this was the appropriate way to show the taxpayers that we were concerned about how their tax dollars were spent. But the votes were not there.

I say today that if we are ever going to balance the budget, if we are ever going to reduce spending, how can we honestly say we are concerned about it when we say, yes, there is a chance to save $22 billion, but, no, we are going to spend it on another Federal program?

It just seems to me that we are inconsistent. I understand what some are saying about the crime bill, we are all concerned about reducing crime. I think that the crime bill should be appropriated out of the budget just like everything else. But here is a chance to reduce the budget by at least $22 billion, and for some reason we are not willing to do it.

So I am reluctant, I will not support the motion today to recommit, for many reasons. I may not support the bill even though the thrust of it, the concept, what originally was intended 6 months ago when it was first introduced, I certainly do still support. We do need to reduce Federal employees, we need to reduce our payroll, and we need to do it fairly. This bill at one time did that. But we are straying away from it now, and I think it is a tragedy we are doing this to the taxpayers as well as to the Federal employees who will be riffed.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 6 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the distinguished chairman of the Committee on Post Office and Civil Service for yielding this time to me.

Mr. Speaker, no one has worked more diligently on this bill or more effectively than the gentleman from Missouri, the distinguished chairman, Mr. CLAY.

Mr. Speaker, I appreciate, on behalf of the Federal employees whom I represent, and those all over this country, the efforts that the gentleman from Missouri has made to try to do the reduction which this House voted on and the other body voted on on a number of occasions, in the most humane but also the best managerial method available to us.

I also want to thank my good friend, JOHN MYERS, the gentleman from Indiana. He and I have the opportunity to serve on the Committee on Appropriations together. We do not serve in a partisan sense for most of the time; we serve as people trying to solve the problems of this country in a commonsense, responsible fashion. The gentleman from Indiana [Mr. MYERS] does that.

This legislation, I suggest to you and to the American public, has almost unanimous consent on this floor. You would not know that, however, when you follow the procedural ins and outs of this bill.

One of the reasons that Americans are so frustrated with the Congress of the United States is demonstrated in this bill. We have made a policy judgment as a Congress and as an executive that we should reduce by 252,000 employees the complement of Federal employees which serve the people of this country.

Having made that decision, we have, as managers, looked at how we accomplish that objective and we did so in a nonpartisan way. As a matter of fact, one of the principal amendments in this bill is the Solomon-Burton amendment, which the gentleman from Indiana [Mr. MYERS] supported as well, and that amendment is to insure that we were honest in saying to the American public we are really reducing; not reducing one here and adding one here. In addition, we have had this bill on this floor twice.

□ 1800

This bill in essentially this form passed 391 to 17 the first time. It then passed, in effect, unanimously because it passed on voice vote with nobody asking for a vote. This bill reflects that consensus. However there is a tangential extraneous issue, and that issue is the trust fund created in the Senate on the crime bill. Why? Because it seeks to dedicate the sums to be saved, less now, I suggest to my colleagues, than they otherwise would have been had we acted over a month ago when the House first passed this legislation and had the Senate passed it. Save one Member of that body who held hostage this legislation, Mr. Speaker, we would be in a much better position, and that issue is the issue of the crime trust fund.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, I rise in support of the conference report on H.R. 3345 and to offer my views on proposals to use the savings from Federal personnel reductions to finance a violent crime control trust fund.

As a conferee on H.R. 3345, I opposed the Senate's proposal to adopt a crime trust fund as part of legislation designed to facilitate the orderly reduction of the Federal work force over the next several years. Today, I continue to believe that the issue of such a trust fund should be addressed in the context of comprehensive crime legislation, and not in this buyout bill.

As my colleagues are aware, the Senate has included a trust fund in its omnibus crime bill. With consideration of H.R. 4092 set to resume later today, I am confident the House will pass a comprehensive crime package before we adjourn for the district work period.

Mr. Speaker, I believe that a carefully crafted trust fund represents the most viable means of financing the thoughtful and innovative crime control and prevention initiatives included in H.R. 4092. I therefore intend to support the adoption of a trust fund in conference and fully expect that such a fund will be included in the conference report on the crime bill when we go to conference.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Texas [Mr. BROOKS], chairman of the Committee on the Judiciary, for his statement. I think it was a critically important statement that this issue, the chairman says, will be considered, and he fully expects this issue, a carefully crafted trust fund, to come out of that conference, and will clearly be passed by this House as it will be passed by the Senate.

I would ask, therefore, at this time, Mr. Speaker, let us move forward on this bill as the conference has reported it out, and let us reject the motion of the gentleman from Delaware so that we can accomplish this issue, save the money that this bill will result in, and then have the Senate and the House in conference on the crime bill determine how to craft the expenditures of those sums in a crime trust fund.

My colleagues, it is time, yea it is far past time, to act on this legislation.

Mr. MYERS of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Indiana [Mr. MYERS] for yielding this time to me.

I have listened to the arguments which we have here. Quite frankly sometimes I have an extreme difficulty with the logic of what I hear in terms of what is really going on here. First, we hear this went to conference on a 92 vote from the Senate and on an overwhelming vote from the House of Representatives to have this money set aside for a trust fund, and it comes out of conference, despite all those instructions, without that money in it. Then we hear on the floor today, it is represented to us, that this will save money. And then we have the distinguished chairman of the Committee on the Judiciary get up and say that the crime bill will be funded. So, the money will be spent anyhow.

What is really likely to happen here, Mr. Speaker, is that we are going to have a situation in which the $22 billion will be saved tonight and will be spent on other programs at some time in some way fitting to a budget at some point in the future, and the crime bill will be funded on top of everyone else. Everyone in this building, everyone in this Congress, knows that we are going to pass a crime bill and we are going to fund a crime bill. We have the 22 or so billion dollars here right now. This is the time and the place to go forward with it so we cannot spend it any other way. We should support the motion to recommit to make sure that that money is frozen for the most important program Congress is going to face this year.

Mr. MYERS of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman from Indiana [Mr. MYERS] for yielding this time to me, and I just want to clarify to the House where we are with regard to this vote on the crime trust fund.

I say to my colleagues, this is your vote on the crime trust fund period. We have just received preliminary word down from the Rules Committee, and the Rules Committee is not going to make in order the Gingrich amendment to have the crime trust fund in the crime bill. So anybody who suggests that somehow you can vote "no" here because you are going to get another chance to vote for a crime trust fund as part of the crime bill, that is nonsense. The Rules Committee is not going to make that in order based on the information out of the Rules Committee, and so the only place you have a chance to actually fund the crime bill is here, and understand that this is a key economic issue as well as a crime issue because time and time again what we see in the House is that whenever the majority wants to make certain that they can go ahead and spend over whatever budget numbers there are that they have passed, what they do is find a popular subject, leave that out of their budget presentation, and then come along later and say, "We have passed the bill; we have got to do a supplemental for it." That's where we are headed unless we set aside some money. The way to set aside the money is to have a crime trust fund to be sure money has been set aside to take care of the crime bill. We can fund it right here now. This is the place to do it. We will not get there if you await the crime bill. The crime bill is not going to give you an opportunity to vote on the crime trust fund because at least, as we understand the preliminary situation, the Rules Committee is not going to permit that amendment to come to the floor, and I thank the gentleman for yielding.

Mr. MYERS of Indiana. Mr. Speaker, I yield back the balance of my time.

Mr. ACKERMAN. Mr. Speaker, I rise today in support of the Federal employee buyout provision.

The threat of RIF's is hanging over our heads. Government agencies are on the brink of issuing leave notices by the thousands. Some agencies have already started to RIF.

The need to enact this bill is imminent. Federal employee unions, Government agencies, and the administration have all expressed, in hearings before the Post Office and Civil Service Committee, that we cannot wait 1 day longer to implement the buyout option.

Let us send the final message in this time of great reform by passing this provision and let us show the American people that the reform starts here, with the Federal Government.

By allowing agencies to utilize the buyout option, we are alleviating a tremendous amount of pressure that currently exists in our Government agencies. We need to reduce the work force in a fair, humane manner. We will show our Federal employees who have loyally worked as civil servants that we are working on their behalf as well. They deserve this bill.

Mr. Speaker, I urge my colleagues to pass H.R. 3345, the Conference on the Federal Workforce Restructuring Act.

Mr. STOKES. Mr. Speaker, I rise in support of H.R. 3345, the Federal Workforce Restructuring Act.

The administration's goal is to reduce the size of the Federal work force by 100,000 in 1994—on the way to eliminating 252,000 positions over 5 years.

Currently, an estimated 40 percent of Government employees, including the Department of Defense, have the option to take a $25,000 voluntary separation incentive. As most of us are aware, Defense managed to buy out 30,000 employees last year by offering payments of as much as $25,000. This greatly reduced the number of employees to be fired. Most of the people offered buyouts were either eligible for regular retirement—at age 55 with 30 years of service, age 60 with 20 years or age 62 with 5 years—or early retirement—at age 50 with 20 years of service or any age with 25 years. Many early retirees apparently felt that the buyout offset the pension reduction they took for leaving before age 55.

The administration had hoped that reducing the work force could be accomplished through attrition. However, the Federal Government has been experiencing a very low turnover rate. Thousands of retirement-age workers are waiting for buyouts, while an equal number of younger workers see the buyout as a job-saving plan. Unless this option is extended to the rest of the Federal work force, the administration might not be able to reach its employment reduction goals without massive layoffs. Those most likely to be hurt by such layoffs, or reductions in force, would be those most recently hired, including a large number of minorities and women. The Federal agencies are running out of time to implement this buyout plan in fiscal year 1994. Unless this bill passes soon, it will not be cost-effective—and, thereby thousands dedicated Federal employees will be left out in the cold.

Also, in the conference report, an authorization has been given for payment of $5,000 to each of approximately 175 individuals who were full-time ASRM contractor employees. Since this dislocation pay will be funded from existing NASA appropriations, this section will have no budgetary impact.

I urge Members to vote for the conference report.

Mr. CLAY. Mr. Speaker, I ask the Members of the House to vote "no" on the motion to recommit.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CASTLE. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CASTLE moves to recommit the bill, H.R. 3345, to the committee of conference, with instructions to the managers on the part of the House, to agree to the provisions committeed to conference in the Senate amendment numbered 1, to the House amendment to the Senate amendment.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CASTLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 166, nays 261, not voting 6, as follows:

[Roll No. 88]

YEAS—166

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lancaster
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Young (FL)
Zeliff
Zimmer

NAYS—261

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard

Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velázquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—6

Gallo
Mazzoli
Natcher
Pickle
Ridge
Washington

☐ 1857

Mr. YOUNG of Alaska and Mr. BROWDER changed their vote from "yea" to "nay.

Mr. SAM JOHNSON of Texas changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid in the table.

## PERSONAL EXPLANATION

Mr. MAZZOLI. Mr. Speaker, I was unable to be present for business in the House of Representatives. I was therefore not present for votes occurring. Had I been present, I would have voted:

"Yes" on Roll No. 83
"Yes" on Roll No. 84
"No" on Roll No. 85
"Yes" on Roll No. 86
"Yes" on Roll No. 87
"No" on roll No. 88

## GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask for this time for the purpose of inquiring of the distinguished majority leader the program for the balance of this evening and tomorrow or as he sees it unfold before we recess.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, there will not be further votes this evening.

There will be an attempt to file the rule tomorrow on the crime bill, and that rule will then be an attempt to take it up on Friday. We will take up H.R. 6 tomorrow on the floor and try to bring it to completion.

Mr. MICHEL. Mr. Speaker, might I inquire of the distinguished majority leader, the other issue that comes out of the Committee on the Judiciary on how that will be orchestrated tomorrow relative to the lobbying measure.

Mr. GEPHARDT. Yes. There would be an attempt for a unanimous consent and then a rule which would allow it to be brought up on suspension.

☐ 1900

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Georgia.

Mr. GINGRICH. I thank the gentleman for yielding.

Mr. Speaker, I do not want any Member to be confused about the next 2 days. It is our hope that the draft of the rule we saw tonight on the crime bill will be rewritten before it is filed and the Committee on Rules will meet again. I want all of my colleagues to understand this in advance that the second day a rule so restrictive that, in the words of the President in Boston, it says, "No, no, no, no," to amendment after amendment after amendment, if that rule is filed in its current form, from that moment on we will do everything we could in this House procedurally to insure that the country understands which amendments are not being offered, why they are not being offered, and raise that question.

I hope that tonight the Committee on Rules will decide to meet again—it has not filed that rule—and by tomorrow we will have a rule more accommodating to a wide range of Members who deserve the right to offer serious amendments on the crime bill.

Mr. MICHEL. Mr. Speaker, I yield back the balance of my time.

## PERMISSION TO FILE PRIVILEGED REPORT MAKING IN ORDER A MOTION TO CONSIDER S. 349, LOBBYING DISCLOSURE ACT OF 1993, UNDER SUSPENSION OF THE RULES

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file a privileged report on making in order a motion to suspend the rules and pass the Senate bill S. 349 to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from South Carolina?

Mr. WALKER. Mr. Speaker, reserving the right to object, I did not hear the request of the gentleman from South Carolina.

Mr. DERRICK. Mr. Speaker, let me repeat the request.

Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file a privileged report on making in order a motion to suspend the rules and pass the bill, S. 349.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I would inquire, which bill is that?

Mr. DERRICK. Mr. Speaker, it is the lobbying reform legislation.

Mr. WALKER. I thank the gentleman, and, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

## ANNOUNCEMENT OF MEETING OF COMMITTEE ON RULES

Mr. DERRICK. Mr. Speaker, if I could I wish to make an announcement, I ask that all members of the Committee on Rules report now to the Rules Committee room. We need the presence of the members there right now.

## FOX IN THE HEN HOUSE

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. GOSS. Mr. Speaker, it looks like the fox is back in the hen house one more time. Here we go again, another

Clinton White House official in trouble over ethical problems. I read in the Washington Times this morning an answer to a question I asked here a week or two ago, why are we having stalling on these passes at the White House for security clearances? National security is a matter of some concern to us, especially with all the terrorism we see going around today.

I discover we have a gentleman who has been reprimanded once by the way he handled the Travelgate situation, Mr. Kennedy, a member of the Rose law firm apparently, who has been put in charge of the passes. Maybe that explains why we have got a backlog.

Quoting from the paper, it says "Mr. Kennedy's failure to routinely pass the reports on to Secret Service for review resulted in a long backlog of employees awaiting clearance for a permanent pass, according to congressional and administration officials."

It goes on to say, "Of about 1,000 FBI background checks of White House personnel, more than 500 revealed derogatory information that would have prevented the people from obtaining security clearances at the FBI, Defense Department, or CIA, said an administration source." And these people are making decisions.

Mr. Speaker, I include the following material at the end of my remarks.

[From the Washington Times, March 23, 1994]

### PASSES STALLED BY WHITE HOUSE AIDE

(By Rowan Scarborough)

White House Associate Counsel William H. Kennedy III's decision to hold back hundreds of completed FBI background reports was the chief reason many White House employees did not have permanent access passes months after assuming their jobs.

Mr. Kennedy's failure to routinely pass the reports on to the Secret Service for review resulted in a long backlog of employees awaiting clearance for a permanent pass, according to congressional and administration officials.

The pass backlog started last year after the Secret Service expressed reservations about approving permanent badges for two aides for security reasons based on their FBI reports, according to the officials.

Only Mr. Kennedy—criticized for his role in the Travelgate affair and reportedly close to resigning—and first lady Hillary Rodham Clinton remain of the four partners of Little Rock's Rose Law Firm who came to Washington with President Clinton.

The others were Associate Attorney General Webster L. Hubbell, who announced his resignation last week to deal with charges that he overbilled clients at the Rose firm, and Deputy White House Counsel Vincent W. Foster Jr., who died last July of an apparent self-inflicted gunshot wound.

The Wall Street Journal reported yesterday that Mr. Kennedy may have tried to hide a tax problem from FBI agents investigating his background. The newspaper said Mr. Kennedy paid $1,300 in delinquent Social Security taxes under his wife's maiden name and through a Little Rock accounting firm.

White House Communications Director Mark Gearan said yesterday that Mr. Kennedy told him he was not trying to conceal anything and that his wife "wanted to keep her [maiden] name alive."

Mr. Kennedy, who is in the process of a divorce, was reprimanded by the White House last year for "inappropriate" contacts with the FBI after the abrupt firing of White House travel office employees.

Of about 1,000 FBI background checks of White House personnel, more than 500 revealed derogatory information that would have prevented the people from obtaining security clearances at the FBI, Defense Department or CIA, said an administration source, who asked not to be named.

The FBI found cases of past drug use and drug convictions, years of unpaid taxes, unpaid debts and financial irregularities—discrepancies that can be grounds for Secret Service questions.

In recent days, as press reports disclosed the backlog, the White House has moved to issue large batches of building passes, apparently to people whose background reports were complete but had not yet been submitted to the Secret Service.

White House spokeswoman Ginny Terzano yesterday disputed that hundreds of background reports had been held up because the FBI uncovered discrepancies.

"Your sources are just totally wrong. Your numbers and your characterization are wrong," Ms. Terzano said.

White House Press Secretary Dee Dee Myers said two weeks ago that the backlog was the result of negligent employees failing to fill out initial questionnaires needed to start the FBI clearance procedure. On the job for more than 14 months, Miss Myers herself had not completed any of the background forms and is using a temporary pass.

Ms. Terzano said on Monday that Miss Myers since has filled out the necessary forms. She said all employees are now in compliance with White House guidelines that call for submitting the paperwork within their first 30 days on the job.

"Only a handful" of applicable employees, like Miss Myers, had not filled out the forms in time to meet the deadline, Ms. Terzano said. "What you ought to be writing about is that we're in compliance," she added.

Congressional and administration sources said tardiness is only part of the problem. The sources said much of the backlog is due to FBI reports coming back with derogatory information that caused Mr. Kennedy to delay submitting them to the Secret Service.

Mr. Kennedy did not return a telephone call for comment yesterday.

The large number of White House aides without permanent passes is "radically different" from previous administrations, which in most cases gave employees no more than 60 days to get a permanent pass, one administration source said. While called a "permanent" pass, the access is good for five years.

"Secret Service is royally mad at Kennedy because this is not the way the system is supposed to be run," the administration source said.

Mr. Kennedy, who oversees the issuing of passes, himself did not complete the FBI check to get a permanent pass until early December, after being at the White House nearly a year.

Rep. Frank Wolf, Virginia Republican, who charges the White House has stonewalled Congress in providing information regarding the passes, said yesterday he will ask the General Accounting Office to investigate.

"The reports of hundreds of White House employees . . . not having permanent passes for over a year into the administration is alarming," said Mr. Wolf, a member of the House Appropriations subcommittee on Treasury, postal services and general government. "Why weren't timely procedures followed? Why did those in charge continually misrepresent the situation?"

It normally takes about two months for an employee to undergo the background check and obtain a permanent pass. Permanent passes are issued on the authority of the counsel's office, with input from the Secret Service and the White House Office of Security.

Other senior White House aides, in addition to Miss Myers and Mr. Kennedy, also failed to gain a permanent pass months after assuming duties.

White House Chief of Staff Thomas "Mack" McLarty, who wrote the guidelines for employees to follow, did not get a permanent pass until earlier this month, after newspapers, including The Washington Times, first disclosed the backlog.

Patsy Thomasson, who directs the White House Office of Administration, got a permanent pass this month after she was the subject of a Wall Street Journal editorial.

The administration source said the news stories infuriated Mr. Clinton, who spoke to Mr. Kennedy about the delays last week.

Incoming White House Counsel Lloyd Cutler, who has pledged to clear up the backlog, said last week that aides had been ordered to expedite the process. He detailed Christopher Cerf, general counsel in the office of administration, to complete the task.

Mr. Cutler, in a March 18 letter to Mr. Wolf, said top aides such as Miss Myers can still review top-secret material despite not having a final building pass.

## LYING AND PHONINESS IN THE FIEFDOM OF ARKANSAS

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. DORNAN. Mr. Speaker, may I have the attention, please, of my good friend, the gentleman from Ohio [JIM TRAFICANT]. I am perfectly willing to concede that they will sell a lot of dirt in Arkansas. We learned through Tonya Harding the incredible marketability of all this tabloid stuff. You're a good man, JIM. I love you.

However, are you aware that six news organizations, including the Associated Press, have joined with the American Association of Physicians and Surgeons in an amicus brief because they have new evidence of Whitewater-type shenanigans in the Health Care Task Force?

I love you, JIM.

That's right, Mr. Speaker, today, the American Association of Physicians and Surgeons filed a brief in DC's District Court, further expanding on their lawsuit against Hillary Clinton and the Health Care Task Force. The brief contains new revelations that show rose-colored, Clintonian ethics were not confined to Little Rock or real estate deals in the Ozarks, but also ruled the White House's Health Care Task Force.

It alleges that the President and First Lady violated conflict-of-interest laws; alleges various high administration officials with extensive double-dipping, including new allegations that hundreds-of-thousands of dollars were funneled to Jocelyn Elders; and reveals the previously undisclosed names of task force members allegedly involved in influence-peddling and conflicts-of-interest.

We cannot allow coverups and lies from the administration or coverups from anybody in this House. How can we sit back while the Clinton administration pushes the Office of the Presidency into the flood drainage system of the District of Columbia? The people's House is losing what credibility it has left by continuing to cover up the swarm of criminal charges and by ignoring the ethical dissipation of the White House. It's cultural meltdown.

I call for an immediate congressional investigation beginning after the April break into all of the allegations of task force wrongdoing.

My Democrat colleagues, when will you act? You are riding in whitewaters and the rocks aren't looming, you're already amongst them.

Mr. Speaker, here is the press release of the AAPS.

Date: March 23, 1994.
Time: 10:15 am.
Location: Grassy Triangle, East Front U.S. Capitol.

### NEW EVIDENCE OF WHITEWATER-TYPE TACTICS IN PRESIDENT'S HEALTH CARE TASK FORCE: WHITE HOUSE STONEWALLING AND INFORMATION WITHHOLDING SHIELDS CONFLICT OF INTEREST

New briefs will be filed in the lawsuit against Hillary Clinton and the President's Health Care Task Force with evidence of illegal activities and subsequent White House cover-up and stalling will be subject to a news conference with the Executive Director of the Association of American Physicians and Surgeons (AAPS), as well as new revelations of the Clinton's financial holdings in health care stocks.

Dr. Janet Orient, who testified before the Task Force last year, will also discuss evidence of a pattern of conflict of interest and influence-peddling by previously unidentified task force members representing the very commercial entities who stand to make enormous financial gains with implementation of the proposed managed-care plan.

AAPS will present evidence of misrepresentation of Task Force membership and possible misrepresentation of facts by White House staff.

#### BACKGROUND

One year ago, the AAPS successfully filed suit to force the Task Force to open their meetings to the public to comply with the Government in Sunshine Act, and to disclose its records.

The Associated Press and five other news media and professional journalism organizations have filed an amicus brief in support of the AAPS lawsuit.

On March 19, 1993, the District Court in Washington D.C. handed down an injunction requiring the Task Force to comply with the Federal Advisory Committee Act (FACA). The Act was designed to protect the public from the unregulated use of advisory committees where special interest groups may use their membership on such bodies to promote their private concerns.

But that ruling was overturned when former White House Counsel Bernard Nussbaum argued the Act did not apply to the Task Force, as he and Ira Magaziner claimed that all members were full time government employees.

Instead of complying with the law by producing the records and publishing timely meeting notices in the Federal Register, Nussbaum then launched an aggressive defense of the secret war room, while Vince Foster signed public notices for the Federal Register only after the meetings took place.

After several months, AAPS went back into court when it became apparent the Administration had no intention of producing the documents which would shed light on the closed-door deliberations of the Task Force.

On November 9, 1993, District Court Judge Royce Lambert ordered the White House to produce records of the Task Force documenting its membership, consultants, time and attendance records, travel vouchers, financial disclosure forms and conflict of interest declarations.

In a sharply worded opinion, Judge Lamberth condemned the Administration's stonewalling as "improper" and "evasive," by producing "dribbles and drabs of information at its convenience." Judge Lambeth also cited the White House for providing incomplete and indequate responses for discovery of admissible evidence.

The White House then produced several boxes of documentation, but only after getting a protective order, withholding them from the public. To this day, Ira Magaziner has refused to respond to the request for his deposition.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MCNULTY). Under the Speaker's announced policy of February 11, 1994, and under a previous order of the House, the following Members are recognized for 5 minutes each.

## HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois, [Mr. MICHEL], is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, I request permission to insert at this point in the RECORD the votes on health care reform which took place in the Committee on Ways and Means on March 21 and 22, 1994.

The following recorded votes were taken on March 21, 1994, in the Subcommittee on Health of the Committee on Ways and Means during consideration of Chairman Stark's substitute proposal for H.R. 3600, the Health Security Act of 1994:

An amendment of Mrs. Johnson (CT) striking (1) the requirement that the HHS Secretary develop a national workforce plan under which 53 percent of residents be trained in primary care specialities, develop a method of accrediting residency positions, limit the number of residency positions in accordance to the national workforce plan; and striking (2) the section that limits reimbursement to academic medical centers only for residents in positions accredited by the Secretary in accordance with the national workforce plan. The amendment was defeated 6–5.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay."
Mr. Cardin, "nay" by proxy.
Mr. Andrews (TX), "yea."
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis (GA), "nay."

REPUBLICANS

Mr. Thomas (CA), "yea."
Mrs. Johnson (CT), "yea."
Mr. Grandy, "yea" by proxy.
Mr. McCrery, "yea" by proxy.

An amendment by Mr. Thomas (CA) to guarantee adequate year-by-year financing of benefits to low income individuals. The expansion of subsidies could be accelerated or delayed (but never reduced) depending on whether the savings in federal health expenditures were available. The Director of OMB must certify each year whether proposed savings in federal expenditures are adequate to fund or accelerate the subsidy schedule. If the savings are inadequate, the Director notifies Congress of the short falls and recommends reductions in benefits or other federal programs savings to meet the shortfall. Congress can either take action or allow the phase-in to be limited to the percentage increase that can be afforded. The amendment was defeated 7–4.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay."
Mr. Cardin, "nay."
Mr. Andrew (TX), "nay."
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis (GA), "nay."

REPUBLICANS

Mr. Thomas (CA), "yea."
Mrs. Johnson (CT), "yea."
Mr. Grandy, "yea" by proxy.
Mr. McCrery, "yea" by proxy.

An amendment by Mr. Thomas (CA) that limits malpractice non-economic damage awards to not more than $350,000 per case. The amendment was adopted 6–5.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay."
Mr. Cardin, "yea."
Mr. Andrews (TX), "yea."
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis (GA), "nay" by proxy.

REPUBLICANS

Mr. Thomas (CA), "yea."
Mrs. Johnson (CT), "yea."
Mr. Grandy, "yea" by proxy.
Mr. McCrery, "yea" by proxy.

An amendment by Mr. McCrery striking the establishment of global budgets for private sector health spending and the establishment of maximum payment rates for services if private sector spending exceeds annual targets. The amendment would replace the cost containment mechanism with a limit on the employer deduction and the employer exclusion of health care plan premiums to the average cost of benefit plans offered in the geographic area. The amendment was defeated 6–5.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay."
Mr. Cardin, "nay."
Mr. Andrews (TX), "yea."
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis (GA), "nay."

REPUBLICANS

Mr. Thomas (CA), "yea."
Mrs. Johnson (CT), "yea."
Mr. Grandy, "yea" by proxy.
Mr. McCrery, "yea."

An amendment by Mr. McCrery striking the provision that prohibits administrative or judicial review of any decision by the Secretary of HHS to control costs or regulate rates in the private sector. The amendment was defeated 7-4.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay."
Mr. Cardin, "nay."
Mr. Andrews (TX), "nay."
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis, "nay."

REPUBLICANS

Mr. Thomas (CA), "yea."
Mrs. Johnson (CT), "yea."
Mr. Grandy, "yea" by proxy.
Mr. McCrery, "yea."

An amendment by Mr. Thomas (CA) to delete the requirement that all non-low-cost services must be provided in a single centralized location in each MSA. The amendment failed 5-5.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay."
Mr. Cardin, Not voting.
Mr. Andrews (TX), "yea."
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis (GA), "nay."

REPUBLICANS

Mr. Thomas (CA), "yea."
Mrs. Johnson (CT), "yea."
Mr. Grandy, "yea" by proxy.
Mr. McCrery, "yea."

An amendment by Mr. Thomas (CA) to add outpatient drugs to clinical labs. X-ray and ultra sound services as services that all physician offices are permitted to provide under the exception for in-office ancillary services. The amendment passed 6-4.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, not voting.
Mr. Cardin, "nay."
Mr. Andrews (TX), "yea" by proxy.
Mr. McDermott, "yea."
Mr. Kleczka, "nay" by proxy.
Mr. Lewis (GA), "nay" by proxy.

REPUBLICANS

Mr. Thomas (CA), "yea."
Mrs. Johnson (CT), "yea."
Mr. Grandy, "yea" by proxy.
Mr. McCrery, "yea."

The following recorded votes were taken on March 22, 1994, in the Subcommittee on Health of the Committee on Ways and Means during consideration of Chairman Stark's substitute proposal for H.R. 3600, the Health Security Act of 1994:

A motion by Mr. Thomas (CA) appealing the ruling of the Chair that ruled out of order Mr. Thomas' amendment to strike Title XII, the revenue section. The motion was defeated 7-4.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay."
Mr. Cardin, "nay."
Mr. Andrews (TX), "nay."
Mr. McDermott, "nay."
Mr. Kleczka, "nay" by proxy.
Mr. Lewis (GA), "nay."

REPUBLICANS

Mr. Thomas (CA), "yea."
Mrs. Johnson (CT), "yea."
Mr. Grandy, "yea" by proxy.
Mr. McCrery, "yea."

An amendment by Mr. Thomas (CA) striking the 0.8 percent payroll tax and financing the lost revenue by delaying the 100-200 percent of poverty subsidies until they can be financed through spending cuts. The amendment failed 6-5.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay."
Mr. Cardin, "yea."
Mr. Andrews (TX), "nay."
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis, "nay."

REPUBLICANS

Mr. Thomas (CA), "yea."
Mrs. Johnson (CT), "yea."
Mr. Grandy, "yea" by proxy.
Mr. McCrery, "yea."

An amendment by Mr. Andrews (TX) to raise the tobacco tax $.50 per pack more than Chairman's increase of $.75. The money would fund subsidies through the tax code for small business (to be completed at full committee) and new public health spending for Academic Health Centers, a lead abatement program, essential community provider programs, teen pregnancy and smoking cessation programs and education and retraining programs for farmers. The amendment was adopted 6-5.

DEMOCRATS

Mr. Stark, "yea."
Mr. Levin, "yea."
Mr. Cardin, "yea."
Mr. Andrews (TX), "yea."
Mr. McDermott, "nay."
Mr. Kleczka, "nay" by proxy.
Mr. Lewis (GA), "yea."

REPUBLICANS

Mr. Thomas (CA), "nay."
Mrs. Johnson (CT), "yea."
Mr. Grandy, "nay" by proxy.
Mr. McCrery, "nay."

An amendment in the nature of a substitute was offered by Mrs. Johnson (CT), H.R. 3080, the Affordable Health Care NOW Act of 1993 sponsored by Representative Michel. The amendment was defeated 7-4.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay" by proxy.
Mr. Cardin, "nay" by proxy.
Mr. Andrews (TX), "nay" by proxy.
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis (GA), "nay" by proxy.

REPUBLICANS

Mr. Thomas (CA), "yea."
Mrs. Johnson (CT), "yea."
Mr. Grandy, "yea" by proxy.
Mr. McCrery, "yea."

An amendment in the nature of a substitute offered by Mr. McCrery, Health Savings and Security Act of 1994. The amendment was defeated 7-4.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay."
Mr. Cardin, "nay."
Mr. Andrews (TX), "nay" by proxy.
Mr. McDermott, "nay."
Mr. Kleczka, "nay" by proxy.
Mr. Lewis (GA), "nay" by proxy.

REPUBLICANS

Mr. Thomas (CA), "yea."
Mrs. Johnson (CT), "yea."
Mr. Grandy, "yea" by proxy.
Mr. McCrery, "yea."

## FEDERAL RESERVE SYSTEM ACCOUNTABILITY ACT OF 1993

The SPEAKER. Under a previous order of the House, the gentleman from Texas, [Mr. GONZALEZ], is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, In the old days, doctors used to "bleed" patients in order to bring them back to health. Unfortunately, more than a few patients have failed to respond to this therapy. This is a disturbing analogy with the Federal Reserve's current prescription for economic health—a policy of raising interest rates in order to slow down an already dragging economic recovery. Rather than resuscitating the patient, the doctors at the Fed are knocking the patient unconscious.

I have previously spoken about the Federal Reserve's faulty measures of inflation and its obsession with achieving zero inflation, something that could backfire and cause massive unemployment. Today I want to focus on the weakness of the U.S. recovery. There is a serious inconsistency between the conditions nearly everyone in the labor market encounters and the aggregate statistics compiled by the Government which show overall economic activity picking up from 1991 when growth was negative. In many parts of the country, as many of my colleagues have found in their districts, people are talking about how hard it is to find a good job. Many of the jobs that are available do not pay well.

Well, my colleagues, I will show you that what you hear from your constituents in your home districts supports the evidence that the U.S. economy is far from a complete recovery.

I have a graph depicting the ratio of help wanted advertising to unemployment. What this graph shows is that the number of help wanted ad in the country's newspapers per officially unemployed person, fell dramatically in 1989, 1 year before the official recession. It did not hit bottom until 1992, over 1½ years after the official end of the recession of 1990-91.

The quality of jobs has also deteriorated. *The Economist* reported in its March 19, 1994 edition [p. 27.]:

> College graduates typically enter the labor force around $10,000 in debt, from loans taken out to pay soaring tuition bills. The job market they enter is one in which 22 percent of employed Americans are either part-time or temporary workers, the highest proportion ever; indeed, employment with temp agencies accounted for 15 percent of the new jobs created last year and 26 percent the year before.

As trained and experienced people are laid off all over the country they not only find fewer ads seeking employees, but the quality of the jobs being offered has seriously fallen.

This kind of evidence comes on top of another serious economic problem. Hourly earnings, adjusted for inflation, for 80 percent of the U.S. work force—the nonsupervisory workers—have been falling since 1973. Today workers' earnings after adjustment for inflation are where they were in 1965. This variable is called "real hourly earnings." Along with the decline in real hourly earnings has come a decline in real weekly earnings.

What this means is that most of the Nation's workers buy less and less with the money they earn. Today they can only buy about the same as they could in 1965.

So, as they drink toasts to the great recovery of 1994 over at the money temple and make plans to stifle it before it gets going too strongly, I ask them to visit Main Street, USA and find out what is really going on. On Main Street they will hear from the Nation's workers that this is not a vigorous recovery. This is not time to stifle what little recovery we have.

My colleagues, in this time of national economic stress and a Federal Reserve policy of raising interest rates, it is vital that we have a full record of the positions taken by each individual Federal Reserve official. We need complete and timely release of the records of Federal Reserve meetings where these officials determine much of our economic future. I ask you to support my bill, H.R. 28, the Federal Reserve System Accountability Act of 1993. We cannot let the Federal Reserve operate in a cult of secrecy where its official do not have to disclose to the public their individual decisions at their meetings, which have a profound impact on all of our lives.

☐ 1910

## VELDA MEYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, one of the great stories and, I think, an unwritten story in the United States of America has to do with volunteerism. We often talk about volunteerism, but yet it really is an entity in itself. As we in Congress and in State legislatures all around the country try to grapple with the problems of society today, we try to take care of the neighborhoods, and families, and crime, and health care, and all these things. We often overlook the fact that there is a strong, and many times invisible, army that is out there that is the margin between success and failure in our society. Organizations such as the Boy Scouts, the Girl Scouts, different church groups, neighborhood associations, hospital groups and so forth have done so much work to continue the great legacy of America, and tonight in that regard I want to talk about one of the best volunteers that I know, a lady named Velda Meyer from Isle of Hope, GA, a lady I am proud to call a neighbor and a friend, a citizen and a great American. Velda lives around the corner from me, but her sphere of influence is not isolated to our neighborhood by any means, but I do want to tell a story about a couple of the things that she does.

I say to my colleagues, "If you are up early in Isle of Hope and you are driving down Grimble Point Road, you can see a beautiful median and a little garden that Mrs. Meyer along with a handful of her friends that she recruits every year; they take care of that whole median, no taxpayer expense. They are out there. They are pruning and planting flowers, cleaning up litter from the weekend. They are doing so much, and there is no thank you for it. They don't even get credit most of the time."

Another thing that Velda Meyer did at her own initiative: For years she was the neighborhood Halloween witch, and at her house every Halloween she would put on a little miniature spook house, and there were spiders, and cobwebs, and plastic rats and bales of hay. Velda would put on some tinsel type green hair and dress as a witch, and all the little children of Isle of Hope and many other children from Savannah and the surrounding area would come and see her. It was a neighborhood tradition in many respects.

Mr. Speaker, Velda Meyer has done many, many other things, and a mutual friend, Mrs. Leila Bravo, has given me a whole list of items that she has done, and I want to read these into the RECORD, Mr. Speaker, and will do so at this time:

### VELDA MEYER

Velda Meyer is a very special resident of the Isle of Hope community and the Chatham County area. She has devoted the last 50 years to a number of volunteer organizations as well as her community.

She began her work as a volunteer worker with the Red Cross at the East St. Louis Chapter in surgical dressings in 1941. She was certified as a nurse's aide at the East St. Louis Chapter, Belleville, Illinois in 1942. Velda worked at the East St. Louis Chapter as a nurse's aide in 1942, 1943 and 1945 for a total of 358½ hours and at the St. Louis Bi-State Chapter, Belleville, Illinois in 1958–59.

After moving to Savannah she began her volunteer work in September 1959 with the Red Cross. She has given a total of 10,139 hours from that date thru December 1993.

She was appointed chairperson of youth volunteers in Red Cross in 1961 and also served as chairperson of volunteers at Memorial Medical Center thru Red Cross 1964/65/66.

Velda has served as a volunteer at Memorial Medical Center for 24 years. She was voted Volunteer of the Year in 1988.

In her Isle of Hope community, she has been a devoted friend to all the residents of the island. Velda worked very hard for the Little Historical Park on the Bluff near the Marina.

The Parkersburg Garden Club has benefited since the early 70's from Velda's membership and dedicated service. For many years she has been responsible for the beautification of the plot on the road to Dutch Island. In 1981, the club honored her with life membership. Velda has represented the Parkersburg Garden Club in the Savannah area garden club council on many of their projects.

Velda is a member of the Isle of Hope Community Club and the Historical Society.

For many years, Halloween was very special to several hundred children who visited Velda. She dressed as a witch, stirred her smoking kettle, and made Halloween come alive with eerie music, spidery decorations and candy. Also, for many years Isle of Hope residents celebrating their birthdays found colorful balloons on their mailboxes. Velda delivered them by bicycle very early in the mornings. Visits to the sick, food and get well wishes to the shut-ins, rides when your car is on the blink, Velda is always there to help.

Other areas where this dear lady's life has made a difference is: the Savannah Symphony Women's Guild and the Republican Women's Club. She has been a member of the guild since its inception. She has solicited items for the TV auctions, got up tables for the fashion shows, helped raise money for the annual fund event, and helped promote and sell tickets for the symphony.

She has served as chaplain and sunshine chairperson of the Republican Women's Club. She sells more tickets for the luncheon and fashion show which is the annual fund raising event. This not only benefits Republican candidates but also community projects.

Last but not least she is also active in her church, the Lutheran Church of the Ascension. There she is chairperson of the greeters, a position she has had for many years.

This lady is indeed one of Savannah's goodwill ambassadors.

Mr. Speaker, I will conclude with saying, "When you really look at the true difference between America and other countries, it's not just our form of government, but it's our people, and Alexis de Tocqueville said America is good because Americans are good. Velda Meyer is a true example of that. She is a lady who has given, given, given, and given, and altruistic American and a great America."

## IN CELEBRATION OF GREEK INDEPENDENCE DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 60 minutes as the designee of the minority leader.

### GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask that all Members may have 5 legislative days to file their remarks in connective with this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I rise today, here in the Hall of American democracy, to honor the spirit of freedom that lies at the heart of our political system. It is the idea of democratic government, brought forth by the ancient Greeks and which has swept the modern world.

It is fitting that we celebrate this magnificent concept of democratic government this week because this Friday—March 25—marks the date that the people of Greek heritage and the Greek Orthodox faith, as well as freedom-loving individuals everywhere, celebrate the symbolic rebirth of democracy: Greek Independence Day.

March 25, 1994, is the 173d anniversary of the beginning of Greece's struggle for independence from more than 400 years of foreign domination. It was on this historic day that the Greek people began a series of uprisings against their Turkish oppressors, uprisings that soon turned into a revolution attracting wide international support.

The Greeks' long and arduous struggle against the Ottoman Empire is a perfect example of the ability of mankind to overcome all obstacles if the will to persevere is strong enough and the goal—in this case the dream of freedom—is bright enough.

America, the United States of America, is surely the truest expression of this dream today. It remains an imperfect dream, yes, but still the shining example that oppressed people throughout the world have looked to for generations; have gained strength from in their struggle to overcome their oppressors.

This dream of democracy—born so long ago in Greece—and its greatest tangible expression in our great democratic Republic, Mr. Speaker, forms the common bond between our two nations. Furthermore, it is a bond that has stretched throughout history, from ancient times to the present day.

In ancient mythology, fire was brought down from Mount Olympus and offered to the Greeks as a gift—a gift that transformed their lives. Similarly, the gift of democracy was offered to the world by the ancient Greeks and it, too, was a transforming gift: In fact, it continues to transform the world with stories of heroes and remarkable events.

The history of the Greek war for independence also is filled with heroes and heroism, remarkable events by many peoples in a common cause. It is partly the story of the Klephts, who descended upon the invaders from their mountain strongholds. It is also the story of the Hydriots, seafarers who broke the Ottoman naval blockade; and it is the story of the Philhellenes, who took these tales of courage to Europe where their significance was not overlooked.

These stories woven together formed the fabric of a free and independent Greece, of Democracy returned to the cradle where it was born, and defended by the defiant cries of the Greek patriots: "Eleftheria I Thanatos"—Liberty or Death.

However, democracy—which places the hands of the common man on the wheel of destiny—brings with it dangers, as well. Freedom often brings with it old antagonisms, nationalist disputes that must be reconciled—and the old truism that warfare is only an extension of diplomacy is no better demonstrated than in the Balkans.

Yugoslavia—cobbled together out of many competing ethnic factions and for years held together by the force of communism—has fragmented explosively. Fighting continues throughout the Balkan region—and one old dispute in particular threatens the cradle of democracy, Greece itself.

The Greek Government protested when, in 1945, Yugoslavia's Communist dictator, Tito, usurped the name "Macedonia" for a province carved out of southern Yugoslavia to diminish the power of Serbia. This served only to inflame competing interests in a region stretching well beyond the borders of Yugoslavia and unstable since the days of Alexander the Great.

While this Province now understandably seeks its freedom, the concept of Macedonia must in no way be restricted within the borders of this tiny land. To recognize this Province as an independent nation under the name "Macedonia" would, I fear, unleash antagonisms already bubbling at the boiling point.

Regrettably, however, the Clinton administration has granted full diplomatic recognition to the former Yugoslav Republic of Macedonia [Fyrom]. This action is cause for great concern, because the name "Macedonia" is historically tied to the northern Greek Province of Salonika, home to Alexander the Great. As a result, an extremely volatile atmosphere has been created along the northern border of Greece.

As recounted in the New York Times, constitutional language regarding a future union of the wider lands of ancient Macedonia—which reach into Bulgaria, Albania, and Greece—spark resentments and suspicion. Promises to protect the cultural, economic, and social rights of Macedonians in surrounding countries are equally ominous.

More blatant still are maps circulating in the region and bearing the seal of the Macedonian National Liberation Army; maps that depict the envisioned nation of Macedonia with borders reaching into eastern Albania, southwestern Bulgaria, and a full quarter of mainland Greece.

Frequent radio broadcasts from Yugoslavia's Macedonian Province call for the unification of Macedonia and for the freeing of millions of oppressed Macedonians in Greece.

The establishment of diplomatic relations with Fyrom would be a serious deterrent to the negotiation process and would impede efforts to promote a solid and cooperative relationship between those two countries. This action would also threaten the historic military and cultural relationship between the United States and Greece.

The establishment of diplomatic relations between the United States and Fyrom would send precisely the wrong message at precisely the wrong time. The prospects for peace in the region will not be enhanced by this action; indeed, they might very well be compromised.

This is not a matter of semantics. This is a matter of national identity, international respect for traditional concepts of national sovereignty, and a recognition of the long and turbulent history of the Balkan region. Mere names are often used to support territorial claims and ethnic divisions which transcend the centuries.

Mr. Speaker, we must stand by our longtime ally and never forget that the ancient Greeks forged the very notion of democracy, placing the ultimate power to govern in the hands of the people themselves. The dream of self-rule was made reality as our Founding Fathers drew heavily on the political and philosophical experience of ancient Greece in forming our Government. For that contribution alone, we owe a great debt to the Greeks.

In the American colonial period, during the formative years of what would be our great Republic, no feature was more prominent than the extent to which Greek and Roman sources were cited by the Framers of the Constitution. The very basis of our Constitution derives from Aristotle and was put into practice in ancient Rome, in 18th-century England and in the early State constitutions, before it was given its national embodiment by the Convention of 1787.

The overriding appreciation was for Aristotle's sense of balance, since the delegates viewed the tyrant and the mob as equally dangerous. Indeed, both James Madison and John Adams emphasized what Aristotle had written in The Politics, that "the more perfect the admixture of the political elements, the more lasting will be the state."

Through the recognition of the idea of a separation of powers, a system of checks and balances was instituted in American Government. Thus, as another of the ancient Greeks, Polybius, foresaw and wrote:

> When one part, having grown out of proportion to the others, aims at supremacy and tends to become too dominant * * * none of the three is absolute. * * *

Our Founding Fathers were eager to relate the American experiment to the efforts of the ancient Greeks to establish a balance of powers. Such a relationship, it was hoped by the Framers, would allow America to escape the disintegration of Government that had proven inevitably fatal to other political systems throughout history.

It is the example of the ancient Greeks that we celebrate each March 25th, that and the return of democracy to Greece on this day of glory for the Greek people. The spirit of democracy and of this day lives on in the defense of the principles for which so many of the free world's citizens have given their lives.

Mr. Speaker, today we celebrate together with Greece in order to reaffirm the democratic heritage that our two nations share so closely. These principles are not uniquely Greek or American, but they are our promise to the world—and they form a legacy that we cherish and have a responsibility to protect and defend.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I think the gentleman from Florida [Mr. BILIRAKIS] has outlined in his opening remarks what this special order which he regularly conducts is all about. When in March 1812 the Greeks, who had been subjugated by the Ottoman Empire for almost 500 years, began an uprising which led to full independence 9 years later with the help of luminaries like Lord Byron of England and worldwide sentiment expressed even in the halls of democracy to which the gentleman alluded, the same Chamber where James Monroe, and the President, and Henry Clay and others said spirited words in support of the Greek uprising, that celebration, March 25, is repeated as a celebration of freedom every year, and particularly to the Americans of Greek descent it becomes even triply significant.

First of all, Mr. Speaker, it is a national holiday in Greece. We know because that is the day of independence. But for all Americans of Greek descent who also happen to be of Greek Orthodox faith it is a rousing day on the religious calendar as well, and in another wondrous way the Americans of Greek descent look upon it as a recelebration of their own freedom as Americans. They really celebrate.

I remember in our younger days when we gathered at home after the church services and after poems and songs about the day of freedom, as it were, that we were able to correlate that expression of heartfelt thanks and gratitude that our parents, who were immigrant parents, from Greece felt that the idea that they were able to celebrate in a free land what they had learned in their background was so important to them as Greek citizens at one time was now doubly important because it was celebrated in the land that replicated the freedom begun by Greek democracy, the United States, and so we, as the gentleman and I, for instance, as I say to the gentleman from Florida, as Americans of Greek descent who also serve in the Congress of the United States, we who have served in the armed services of the United States and we who continue to blare out freedom every chance we get, really came by it honestly because we learned from our parents, and our teachers and our church leaders the significance of freedom in all its beauteous definitions.

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to congratulate the people of Greece and the Greek-American community of south Florida on the 173d anniversary of Greek independence.

Greece was the birthplace of Western civilization. It is from Greece, and Greece's inspiration of the Renaissance, that the culture we know as the West is derived. Our ideas of democracy, art, and philosophy were first formulated in the city-states of ancient Greece.

In modern times, Greece has been a frequent ally of the United States. In the Second World War, 9 percent of the population of Greece died fighting the Axis. The Truman doctrine, which declared the intention of the United States to resist Communist aggression, was prompted by a Soviet inspired war against Greek freedom. It was that decision which ultimately led to the collapse of the Soviet empire and the rebirth of liberty in much of Eastern Europe.

Again, allow me to congratulate the Greek-Americans of south Florida, and the rest of the country, on this happy day.

Ms. SNOWE. Mr. Speaker, as an original cosponsor of this year's House resolution commemorating Greek Independence Day, I am very pleased to join my colleagues in honoring this day. I particularly want to thank the distinguished gentleman from Florida [Mr. BILIRAKIS] for his efforts in sponsoring the resolution.

This Friday marks the 173d anniversary of the start of the revolution which freed the Greek people from the Ottoman Empire. Greece remained under control of that Empire for almost 400 years—from the fall of Constantinople in 1453 until the declaration of Greek independence in 1821. For nearly four centuries the Greek people were deprived of all civil rights. Schools and churches were closed down, and Christian and Jewish boys were kidnaped and raised as Moslems to serve the sultan.

Contemporary American leaders, such as James Monroe and Daniel Webster, recognized that the ideals of the American Revolution, those of individual liberty, representative democracy, and personal dignity, were also the foundation for Greece's declaration of independence. Americans quickly identified with the struggle of those Greek patriots because they knew in their hearts that it was their struggle as well.

The United States and Greece are now old friends and trusted allies. Our two Nations and people are bound by interests, values, and a common political heritage. The democracy that both of our Nations cherish began in Greece 1,000 years ago. Today Greece is the only true democracy in the Balkans.

But, Mr. Speaker, for the first time since the 1940's, that Greek democracy, and indeed perhaps the very Greek independence that we are commemorating today, is being threatened by a force that is threatening to undermine nations around the world. That force is ultranationalism, and it's source is Skopje.

Last month, the administration took the misguided step of extending diplomatic recognition to the regime that insists on calling itself the Former Yugoslav Republic of Macedonia. Shortly after that administration decision, I introduced a resolution expressing the sense of Congress that the President should not have granted such diplomatic recognition and should reconsider that decision. Most of my colleagues here today have become strong supporters of my resolution.

The decision to recognize FYROM was an insult to our ally Greece, and it played into the hands of the ultranationalists in the parliament of Skopje. These ultranationalists openly advocate a greater Macedonia with its capital in Skopje. Since 1945 they have mounted a propaganda campaign against Greece claiming all of Macedonia for the so-called Macedonia people. But there is no such separate ethnic group.

Moreover, Skopje continues to reject Greece's justified request to remove from its constitution a reference to a 1944 proclamation calling for the unification of neighboring territories in Greece and Bulgaria with this false Macedonian Republic. The ultranationalists of Skopje have the same objectives as their forefathers—territorial access to the Aegean Sea through the Greek port of Salonika.

Mr. Speaker, the United States has not yet formally established full diplomatic relations with Skopje. We still have the opportunity to utilize the leverage afforded to us by the possible establishment of such relations to dissuade Skopje from pursuing policies and maintaining symbols which our close and vital ally, Greece, rightly perceives as threatening. I call on all of my colleagues to urge the President to withhold the establishment of full diplomatic relations with Skopje until all of Greece's legitimate concerns are satisfactorily addressed.

Mrs. MALONEY. Mr. Speaker, I proudly rise as an original cosponsor of the resolution which designates March 25, 1994 as "Greek Independence Day: a National Day of Celebration of Greek and American Democracy."

I am glad to join my colleagues in this special order and wish to thank my friend, Mr. Bilirakis, for his efforts in support of the resolution.

I am privileged to represent Astoria, NY—one of the largest and most vibrant communities of Greek-Americans in the country. It is one of my greatest pleasures as a public official to be able to participate in the life of that community and to have many wonderful and vital Greek-American friends.

This year marks the 173d anniversary of the day when the Greek people won back their independence, after nearly 400 years of cruel domination by the Ottoman Empire. At that time, the Greek people were able to resume their rightful place as an exemplar of democratic ideals to the rest of the Western world.

Half a century earlier, America had won its own independence, inspired by the ancient Greek paradigm of democracy and individual liberties.

In that sense, as the American philosopher Will Durant observed, "Greece is the bright morning star of that Western civilization which is our nourishment and life."

It was my special privilege last summer to be able to visit this sacred birthplace of democracy. During my visit to Greece and Cyprus I was also able to tour the Greek Province of Macedonia.

Especially because of my visit to Macedonia—where I was able to observe firsthand how very much Macedonia in Greek—I have been disturbed by the recent recognition by the United States Government of the Former Yugoslav Republic of Macedonia [FYROM].

The designation of the Skopje region as Macedonia was a tactic used by Marshall Tito in 1944 in his effort to seize territory from Greece and ultimately gain control of the port of Salonika.

At that time, America condemned Tito's use of the name as unjustified demagoguery and as a possible cloak for aggressive intentions against Greece.

Those same principles should hold true today, and before the United States establishes diplomatic relations with FYROM I would urge the President to ensure that the government in Skopje removes the Star of Vergina—an ancient Greek symbol—from its flag and changes irredentist sections of its constitution.

Mr. Speaker, I am proud to join in celebrating Greek independence and the indomitable, life-giving spirit of its people.

Mr. REED. Mr. Speaker, I rise today to join my good friends in the Greek-American community to celebrate and honor the 173d anniversary of Greek independence. On March 25, 1821, Greek patriots declared their independence from the Ottoman Empire.

The special relationship between our two Nations is based on our peoples' mutual love for liberty and respect for democratic rights. When Americans struggled against the British in the 1770's, they looked to the words of the ancient Greeks. As Thomas Jefferson once said, "* * * to the ancient Greeks * * * we are all indebted for the light which led ourselves out of the Gothic darkness." Years later, Greek revolutionary war heroes were inspired and driven in their quest for liberty by American independence.

I believe though, that our strongest link to Greece is the Greek-American community. There are an estimated 3 million Greek-Americans in this country today, men and women who have contributed immensely to the fabric of our Nation, and have played an especially prominent role in building my State of Rhode Island.

Mr. Speaker, today is a day when Greeks and Greek-Americans celebrate their heritage and their successful struggle for independence. I am pleased to have this opportunity to honor our long and fruitful relationship with Greece, and to reaffirm our commitment to expanding our friendship for generations to come.

In that spirit, let us join our Greek-American friends and our long-time allies in saluting the men and women who have fought to preserve the democratic ideals upon which both our great Nations were founded.

Mr. HOYER. Mr. Speaker, I rise today to recognize March 25 as Greek Independence Day. For the past 8 years both the House and Senate have passed, with overwhelming support, a resolution to celebrate American and Greek democracy.

In our own country's history, the Greek model served as an example for United States democracy. The Greek Constitution was based upon majority rule, equality, and opportunity for all people. As Thomas Jefferson once said, "* * * to the ancient Greeks, we are all indebted for the light which led ourselves—American colonists—out of Gothic darkness."

Meanwhile, the United States has served as a role model for Greek independence. In the 1820's, as the Greeks fought for their independence, the American revolution became one of their ideals. They went on to translate the United States' Declaration of Independence and use it as their own declaration.

In modern times, Greece is one of only three nations in the world that has been allied with the United States in every major international conflict this century. Over 600,000 Greeks died fighting on the side of the Allies in World War II. Numerous Greek-Americans, such as Maryland Senator PAUL SARBANES, tennis player Pete Sampras, and President Clinton's senior adviser George Stephanopoulos, have distinguished themselves as an integral part of American society.

Mr. Speaker, clearly Greek and American culture, laws, literature, art, et cetera have many things in common. A celebration of Greek independence and American democracy are truly one in the same.

Mr. Speaker, I know the distinguished Members of this Chamber will join with me to celebrate Greek Independence Day and all of the Greek-Americans throughout our country.

Mr. MANTON. Mr. Speaker, I rise today in honor of Greek Independence Day, a national day to celebrate Greek and American democracy. I am proud to join my colleague Mr. BILIRAKIS as a cosponsor of House Joint Resolution 310, designating this special day as Greek Independence Day.

Mr. Speaker, March 25, 1994, marks the 173D anniversary of the beginning of the revolution which freed the Greek people from almost 400 years of oppressive rule under the Ottoman Empire. As Americans, we join the people of Greece in celebrating Greek Independence Day because of the important role the Nation of Greece has played in fostering freedom and democracy throughout the world. Thomas Jefferson once said "to the ancient Greeks * * * we are all indebted for the light which led ourselves—American colonists—out of Gothic darkness." I believe that not only the United States, but all the free nations in the world should pay a special tribute to the Greeks for founding the democratic tradition.

The Relationship between Greece and the United States is one based on mutual respect and admiration. The democratic principles used by our Founding Fathers to frame our Constitution were born in ancient Greece. In turn, our Founding Fathers and the American Revolution served as ideals for the Greek people when they began their fight for independence in the 1820's. When the young Nation of Greece needed its own declaration of independence, Greek intellectuals translated the United States declaration of independence into Greek and used it as their own.

Mr. Speaker, the relationship between the United States and Greece has only grown stronger in modern times. Greece is only one of three nations in the world that has allied with the United States in every major international conflict this century. More than 600,000 Greek soldiers died fighting against the Axis powers in World War II. After World War II, the Greek soldiers returned to their homefront to again defend their democratic foundation from the threat of Communist rebels. Fortunately, democracy prevailed and Greece emerged strong and victorious.

Mr. Speaker, in honor of Greek Independence Day, I celebrate the strong and lasting bond between the peoples of the United States and Greece. I urge my colleagues to join me on this special day in paying tribute to the wisdom of the ancient Greeks, the friendship of modern Greece, and the important contributions Greek-Americans have made in the United States.

Mr. BONIOR. Mr. Speaker, I am pleased to join the Greek community to celebrate the 173d anniversary of Greek independence.

In 1821, Greece declared independence after nearly 400 years of Ottoman rule. Like the Phoenix, freedom rose again in the birthplace of democracy. Having gained freedom, Greece became a consistent ally of the United States in the fight against fascism and Communist oppression.

It is no coincidence that the United States and Greece have been such close allies. For it is ancient Greece that provided our Founding Fathers the democratic ideals that guide our Nation. In turn, the United States provided hope and inspiration to Greece during its valiant struggle for freedom.

However, Greece has paid dearly in defense of freedom. Over 600,000 Greeks died fighting with the Allied Forces in World War II—nine percent of Greece's entire population. For this, we are eternally grateful. Today we must remain vigilant to protect these hard-earned freedoms, and make sure that Greece's borders remain as they are.

Greece has also sent many of its sons and daughters to the United States, enriching and strengthening the fabric of our society. From the arts to sports, medicine to religion, and right here in Congress, Greek-Americans have made major contributions.

My home State of Michigan has also been profoundly affected by the Greek community. Greektown in Detroit continues to remain a favorite attraction of visitors to the motor city. In the 10th District of Michigan, Greek churches provide a multitude of community services, and add to rich diversity of the metropolitan area.

Mr. Speaker, I am proud to join the Greek community in celebrating our common bonds of commitment to democracy and love of freedom on Greek Independence Day.

Mr. DEUTSCH. Mr. Speaker, March 25, 1994, marks the anniversary of the beginning of Greek independence. One hundred and seventy three years ago, the revolution which freed the Greeks from the Ottoman empire began. For the past 7 years, Congress has passed and the President has signed into law, resolutions commemorating March 25 as "Greek Independence Day—a National Celebration of Greek and American Democracy."

The celebration of Greek independence is especially significant to Americans because of the rich democratic traditions that both the United States and Greece share. In fact, Thomas Jefferson credits ancient Greece as America's role model for democracy: "to the ancient Greeks * * * we are all indebted for the light which led ourselves [American Colonists] out of Gothic darkness." In addition, James Madison and Alexander Hamilton wrote, "Among the confederacies of antiquity the most considerable was that of the Grecian Republics * * * From the best accounts transmitted of this celebrated institution it bore a very instructive analogy to the present confederation of the American States."

As it was then, so remains the close kinship that exists between Americans and Greeks. Today, Greece continues to be one of the United States' most consistent allies in the world. She is among one of only three nations that was allied with the United States in every major international conflict during this century. Indeed, over 60,000 Greeks, 9 percent of Greece's total population at the time, died fighting on the side of the allies in World War II. For their struggle against the Communist rebels, they received effusive praise from both Presidents Truman and Eisenhower.

It is with great pleasure that I rise to commemorate Greek Independence Day. As Americans, we are proud of the many values that we share with Greek society and the debt we owe to the ancient Greeks for our system of government.

Mr. GEKAS. Mr. Speaker, I thank the gentleman from Florida [Mr. BILIRAKIS] for having yielded to me.

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## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARCA of Wisconsin). Under a previous order of the House the gentleman from Massachusetts [Mr. TORKILDSEN] is recognized for 60 minutes.

## GREEK INDEPENDENCE DAY

Mr. TORKILDSEN. Mr. Speaker, I want to join my colleagues, first, in recognizing the important occasion of Greek Independence Day. After that, I will have another subject to talk on. I just wanted to note that much of what we celebrate in this country we get from the tradition of Greek democracy.

As a Member of Congress and as a representative of the north shore of Massachusetts, I feel I have two reasons this evening to note Greek Independence Day.

First, any Member of Congress ought to hold Greek civilization with great reverence. After all, it was Greece that gave birth to not just the word democracy, which means "rule of the people," but of the concept of democracy.

When we debate and vote in this room, for all Congress' flaws, we are partaking in a system that is a direct decendant of the government established by the Greeks more than 2,000 years ago. Freedom-loving people everywhere should remember that we are direct political decendants of the ancient Greeks.

Second, I feel a particular need to recognize Greek Independence Day because of the nature of my district. From Saint Vasilios Church on Paleologos Street in Peabody to the beautiful Hellenic community center in Ipswich, Greek-Americans have made numerous contributions to life in Massachusetts.

For people who walk through the Capitol, they notice what is called the Old House Chamber or Statuary Hall, and they notice its resemblance to a Greek temple. That was not an accident. The people who founded our country and helped design the Capitol knew that they were borrowing much from Greek tradition, and they were not going to limit themselves to just the form of government, but they even emulated the buildings themselves.

Modern-day America also derives much from Americans of Greek descent. So as we celebrate our own freedoms, as we celebrate our own self-government, we owe a debt of gratitude to the Greek people for the traditions they have given us.

### PROBLEMS IN THE WELFARE SYSTEM IN MASSACHUSETTS

Mr. TORKILDSEN. Mr. Speaker, today I plan to finish reading into the Congressional Record parts of an extensive series by the Eagle-Tribune, a Pulitzer Prize-winning newspaper that circulates in my district. The paper chronicles enormous problems in the welfare system in Massachusetts, including the fact that prisoners have been receiving welfare and SSI benefits; I believe the entire country needs to hear this story.

Because of the enormous problems our welfare system represents, I have taken the time to read key parts of the series during special orders. No one wins under the current system: not the parents who too-often become addicted to it, not the criminals and others who rip off the system with little fear of being caught, and certainly not the tax-payers who pay billions of dollars a year to fund it.

I have introduced legislation to enact one specific area of reform: the elimination of supplemental security income, or SSI benefits for prisoners. Currently, men and women doing time for serious misdemeanor offenses are collecting checks in prison.

This is nothing short of insanity and it should stop immediately.

The articles I would like to read tonight are brief but really underscore the point. The first one is entitled, "Four Lives of Crime Supported by Welfare."

### Bruce Lavigne—Mother Urged Him To Change Name on Checks

A 21-month jail sentence for beating up his girlfriend did not stop Bruce J. Lavigne's monthly Supplemental Security Income disability checks.

On Aug. 27, 1992, Mr. Lavigne, 33 of 324 Walnut St., Lawrence, was found guilty in August 1992 of assault and battery on a household member, malicious destruction of property and operating to endanger.

Mr. Lavigne received a longer than usual sentence because he violated his parole for an earlier conviction for assault and battery with a dangerous weapon.

When he was sent to jail, he was receiving $581 a month in SSI from Social Security.

Jail officials confiscated an SSI check sent to him by his mother with a two-page letter last September.

"You should have somebody else's name on the check so you can have it cashed," the letter said. "You could arrange that with Social Security. Other people have done it."

The check was returned to the Social Security Administration.

Mr. Lavigne has a lengthy criminal record dating back to 1977, when he was first convicted of larceny. He was later convicted of larceny over $250, malicious destruction of property, breaking and entering and operating under the influence.

When contacted at Middleton jail, Mr. Lavigne wrote back: "Please just leave me alone and let me straighten out my life. The past is history and cannot be changed. I made mistakes in which I'm paying dearly for."

The second story in this series:

### Thomas Phoutopolous—Social Security Benefits Mailed Directly to Jail

The federal Social Security Administration knew him as Thomas Phoutopolous, a 34-year-old Somerville man receiving a monthly SSI disability check for $464.

Law enforcement officials also knew him by his alias Thomas Gerraughty. He is a career criminal with a rap sheet five pages long that dates to 1976. He has been an armed robber, burglar and escapee.

Administered by the Social Security Administration but paid in part by the state taxes, SSI is supposed to go to the poor, elderly and disabled.

SSI benefits are also supposed to be stopped if the recipient is sentenced to more than a month in jail, Social Security spokesman Kurt Czarnowski said.

It is not known how long Mr. Phoutopolous had been receiving SSI when he was sent away to jail for a year last May for possession of heroin and hypodermic needles and receiving stolen property.

It is known the sentence did not stop his benefits. In June, a U.S. Treasury check was mailed directly to Middleton, bearing Mr. Phoutopolous's name and the jail's address. Jail officials confiscated the check and returned it to the Social Security Administration.

When Mr. Phoutopolous's met a reporter at the jail, he walked with a slight limp and carried a cane. His well-developed biceps were covered with tatoos.

He denied receiving SSI and quickly slammed the phone down in the visitors room after the subject was raised.

"You must have me confused with someone else," he said before getting up to leave.

"How do I know you're not a cop," he yelled as he left. "Talk to my lawyer."

The third life mentioned is Mr. John Ward.

### John G. Ward, Jr.—Welfare Continued Despite Parole Violation

John G. Ward Jr., 28, of Boxford, was sentenced in October 1990 to 2½ years in Concord state prison for robbing a woman.

When he was paroled, he started collecting $339 a month in General Relief benefits, plus food stamps.

Until Gov. William F. Weld stopped the practice two years ago, ex-convicts were automatically entitled to welfare benefits for 60 days but the checks were supposed to stop if the recipient was jailed again.

In July 1991, Mr. Ward violated his parole by driving drunk on a suspended license. He was sentenced to 60 days in Middleton Jail.

His welfare did not stop. While in jail, Mr. Ward's General Relief checks were sent to an address in Boxford that Mr. Ward identified as the home of his son's godparents.

Someone who he refused to identify sent the checks to Mr. Ward at the jail. A deputy sheriff found one of the checks, confiscated it and the benefits stopped.

"I don't know how it got here," Mr. Ward said. "They probably sent it so I could sign it. That's all legit. If it wasn't I wouldn't say anything."

The fourth life,

### James Freeman—In Jail Three Different Times But Welfare Kept Coming

Even with a New Hampshire jail as his address, James Freeman was able to keep collecting welfare through the Lawrence welfare office.

At 26, Mr. Freeman, of Lawrence, has a record dating back to at least 1984 for a wide variety of petty crimes and more serious offenses.

He has done time for burglary, drug possession and assault and battery on a police officer, among other things. He is now awaiting trial for armed robbery.

He went on the General Relief welfare rolls in January 1991 for a disability and switched to Supplemental Security Income benefits a year later.

"I was in a big accident when I was 11 years old. I split my head open. I can't remember too well," he said when asked about his disability.

His welfare case was still active as of last September.

While on welfare, Mr. Freeman went to jail three different times and his checks kept coming. It is illegal to collect welfare behind bars.

In September 1991, Mr. Freeman was sent to Middleton jail for 30 days for drunken driving.

In April 1992, Mr. Freeman was sent away for four months to Rockingham County jail in Brentwood, N.H., for drug possession and several motor vehicle offenses.

Mr. Freeman said he was able to keep collecting welfare while in Brentwood by having his girlfriend cash his checks. Both Mr. Freeman and his girlfriend said she had permission from his social worker.

He returned to Middleton in July 1992 after he was arrested for robbing a man at knifepoint at a highway rest stop.

Mr. Freeman, still awaiting trial, said the man had propositioned him.

He said he is no longer collecting welfare behind bars.

The next article is entitled "On the Lam, On the Dole":

Three years ago, Elmer Sandoval's face was on posters in U.S. post offices across Massachusetts.

The illegal immigrant from Guatemala was wanted for kidnapping, assault and battery with a knife and a slew of other crimes.

State welfare officials knew how to find Mr. Sandoval.

While wanted by the Immigration and Naturalization Service, Mr. Sandoval, 42, of Lawrence, was collecting a monthly check for $339 a month in General Relief, plus food stamps.

But welfare officials could not tell INS how to find Mr. Sandoval. An executive order signed by Gov. Michael S. Dukakis made it a crime for any state employees to help INS agents find illegal immigrants, even violent fugitives.

Charles Baker, who oversees welfare as Gov. William F. Weld's secretary of health and human services, said he was unaware of the executive order. It still stands.

Mr. Sandoval remains missing, though his welfare benefits were cut off when he failed to report for a routine review of his case in June 1990.

The Eagle-Tribune found several other cases of illegal immigrants enjoying the support and protection of the Department of Public Welfare while wanted for various crimes. Among them:

The final article I would like to read is just a synopsis of The 10 Most Common Types of Fraud:

### 1. UNREPORTED INCOME

A welfare recipient holds a job.—Investigators call this the most common form of welfare fraud. Most of these cases are uncovered through routine computer matches between the welfare department and the departments of revenue and unemployment. But many people avoid detection by taking their pay in cash or under the table.

### 2. STATE EMPLOYEE FRAUD

A welfare employee creates a series of fake recipients who collect benefits. The employee manages the cases and deposits all of the checks into a private checking account.—A former financial assistance worker in the Lowell welfare office was indicted for stealing $46,000 in benefits from the state last year using a similar scam.

### 3. MAN IN THE HOME

A welfare recipient hides the fact that she lives with the father of her children while collecting monthly Aid to Families With Dependent Children, or AFDC, benefits. Often, the father works full-time so the family collects two incomes.—It is not against the law for a boyfriend to live with an AFDC recipient, as long as he is not the father of the children. Some critics believe this regulation causes families to split.

### 4. VENDOR FRAUD

A doctor or a dentist submits bills for office visits when a person never appears. Or a landlord falsifies records in order to receive payments for dead or non-existent tenants.—A doctor who ran a clinic in Lawrence was found guilty of submitting bills to Medicaid for phantom services. He got a one-year sentence in the Middleton jail.

### 5. MULTIPLE BENEFITS

A person walks into a welfare office with a bogus name and fake Social Security number. The next week, that same person applies for welfare in another office under a different Social Security number and new name. Two welfare checks arrive each month.—This scam is also used to collect welfare under different programs such as Supplemental Security Income, or SSI, and AFDC.

### 6. RESIDENCY

A couple lives in another state but use different Massachusetts addresses to collect welfare benefits.—Often, welfare cheats travel from town to town and set up fictitious addresses.

### 7. INELIGIBLE/NON-EXISTENT RECIPIENT

A woman reports extra children in order to boost her monthly welfare grant. But there are no children.

### 8. FOOD STAMPS

A recipient trades his vouchers for cash at a corner store for less than their market value. The store redeems the coupons at the bank for 100 percent of their value. Food stamps are also traded for drugs.

### 9. EMERGENCY ASSISTANCE SCAM

Landlords and recipients falsify documents to qualify the recipient for Emergency Assistance grants. A tenant who has been thrown out on the street or burned out of a home can collect four months in back rent and, until this year, up to six months in utility payments as well.—Welfare commissioner Joseph V. Gallant said a minority of recipients deliberately fall behind in their rent to collect EA payments.

### 10. STOLEN CHECKS

Most welfare recipients get checks twice a month through the mail. Checks are often reported stolen.—People who have had checks stolen in the mail may arrange to pick up their checks at the local welfare office.

Mr. Speaker, what you and anyone else listening have heard is a series of stories about problems in the welfare system.

Instead of giving families a short-term hand, the current system is sucking them into a long-term addiction. Literally generations of Americans have been debilitated by welfare and its morass of rules that discourage work and then stigmatize recipients.

Mr. Speaker, the time has come to revamp the welfare system from the ground up. We should recatch the compassionate vision that guided those who founded welfare.

By this I mean that we should exercise real compassion, aiming to help families through crises, encourage them to work and help them get back on their own feet. If we can do that, everyone will benefit.

Families will retain the dignity that comes from hard work and self-sufficiency. Government will become more efficient. And taxpayers will have the satisfaction of knowing their hard-earned dollars are being spent wisely.

Mr. Speaker, States around the country from neighboring Virginia to Wisconsin are tackling this problem head on. It is about time, and we should do the same.

□ 1940

## THE CLINTON YEARS—PART 4

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN. Mr. Speaker, this would by my special order using a very broad, generic term, "The Clinton Years—Part 4." I will probably try and do one tomorrow night, and then we are out for almost 2 weeks for district work period, so people can take a breather and try and absorb all of the material that is absolutely exploding on the front pages of newspapers across the country.

On the day after St. Patrick's Day, out of deference to the surname Kennedy, I called for the resignation or firing of William H. Kennedy III, on the 18th of March from this microphone. I notice today our Whip, Mr. GINGRICH of Georgia, has joined me in that call.

On the evening news tonight they said that the White House has limited his duties and taken away anything that has to do with security passes, because we know that hundreds of White House compound workers' security passes have been bottled up in Mr. Kennedy's White House office. What it turns out to be is that Mr. Nussbaum, who used to be his boss, Vincent Foster was in between them before he killed himself, he actually had pulled out of the security pass process, some security clearances, and buried them in his desk.

This involves some pretty well-known names. Dee Dee Myers should have had her security clearance, because as the White House spokesperson and the main person who interfaces with the world's news media, she should have a top secret clearance. She says it is just procrastination. She is a nice lady, so I will take that on its face.

However, Patty Thomasson, who was over here testifying to the Committee on Rules the other day, or excuse me, she was testifying to the Appropriations Subcommittee, and could not answer a lot of questions about what is going on over there. She said she dearly wanted to answer questions, but the special prosecutor, Mr. Fiske, was preventing her from doing that. She is the chief of White House administration. She does not have a security clearance.

The rumors are starting to fly that some of these people from the flower child generation cannot cut it, that they cannot get security clearances. Although Mr. Kennedy has had some of his duties taken away from him, William Kennedy III, no relation to the New England Kennedys, as I have said last night, and I have confirmed that and that is so, he is now partially crippled.

It says on the front page of many of the newspapers across the country, here is a headline, a Rowan Scarborough story in the Washington Times: "Passes stalled by White House Aide. While House Associate Counsel"—by the way, he is the last of the gang of four, kind of a rough term, because it conjures up Mrs. Mao Tse-tung, but the gang of four, as the press calls them, is Mrs. Hillary Rodham Clinton, Vince Foster, who took himself out at the barrel of a gun, Webb Hubbel, who was probably forced to resign by his 60 former colleagues at the Rose law firm, who are probably now going to take him before the Supreme Court's Committee on Ethics Violations as an Arkansas lawyer for overbilling, so Bill Kennedy is the last one from the Rose law institute to work in the White House. Now he has had his duties crippled.

It says, "Mr. Kennedy paid $1,352 in delinquent social security taxes under his wife's maiden name, Leslie Gail McCrae. He said, 'She likes to keep her maiden name,'" as Mrs. Rodham Clinton did during the first 2 years of Clinton's governorship in Arkansas, and now they are going through a divorce, which is tragic, but he says she wanted to keep her maiden name alive. I guess she will be going back to her maiden name. he filed all of these back social securities for nannies of the male Nannygate under her name.

The headline was, "House Planning for Whitewater Hearings." Surprise. I mentioned the 408 to 15 vote. I guess I did not understand it, because our fine Speaker warns that it does not necessarily ensure an inquiry. I guess the heat has to be turned up, and I am convinced there is going to be a hearing.

It even goes beyond the front pages. Here is Washington's liberal paper of record, "Clinton Aide Pays Back Taxes." That is Kennedy again. That is above the fold with a photograph, and it was Roger Altman accompanied by two unidentified men that their faces are blocked, "arrive at the U.S. Courthouse to testify before the grand jury." And in the same block there is a subtitle, "Altman-White House Discuss Recusal." I call for, on St. Paddy's Day itself, I called for Altman's resignation, and Gene Hanson, one of his deputies who sat in on at least three, or maybe four meetings, and said either nothing, making mistakes on the RECORD, and making him look like a liar. But I give him the benefit of the doubt that he did not know what he was saying. Anyway, people in the White House say she is going to take it in the eyes, so that was no big call for her resignation. And the other two I called for resignations were, of course, Patty Thommason, and then one that no one is talking about, and that is the former captain of troopers in Little Rock, Clinton's closest confidante on all trooper activities, who on July 21 of last year was given double salary and moved from his trooper status over to FEMA, out of Denton, TX. And I am still waiting for the public records of whose payroll he was on when he flew up to the Oval Office to discuss, inside the Oval Office, what to do with the troopers. This was around the week before Christmas, and calls were made from the Oval Office, admitted at both ends to Troopers Ronny Anderson and Trooper Danny Ferguson. Ferguson was subsequently given a promotion from sergeant to lieutenant. I have called for him to come forward and am calling for Ronny Anderson to come forward. I know it is tough. I know he has five children, and three of them are triplets, but they have to come out and tell the truth because the Los Angeles Times has them on a tape recording, and particularly has Danny Ferguson on a tape recording saying he brought Paula Corbin Jones up to a hotel room in the Excelsior Hotel where she claims in a signed affidavit, backed up by two signed affidavits by two of her friends about the type of things that Anita Hill did not have a shred of, but yet she became the poster woman of feminist groups in the United States, radical groups, moderates, and otherwise on no evidence but her word against a distinguished jurist. Now we have three signed affidavits, and the press is still spiking that story. Do not worry. It will all come out, because it is front page material in the European press and in the major Asian press, particularly the English Asian press like Singapore and Hong Kong.

Coming to the L.A. Times, you have a battle going on I think still between Jack Nelson, the Washington spokesman, born in Atlanta, cutting his journalistic teeth on the Atlanta Constitution in Georgia, called up in the Carter years to be the L.A. Times's man in Washington. He told me he was out of the loop on the whole trooper story, that part of it that was done with great investigative reporting, including phone records by the L.A. Times, and yet 5 days after Jack Nelson told me that, there he sits on Washington Week in Review, given a leading question that he was told about before the show, because one of the staffers told me this, asked about his role in all of this by the retiring Paul Duke—I guess he has retired now—and Jack Nelson of the L.A. Times went on to say that, "Oh, I was given the transcript before it went to print on the front page of the L.A. Times about all of the Troopergate story, and I made some changes."

Jack, Jack, you told me you were out of the loop and you did not touch it. Made changes. Well, we are going to have to decide from whence we should get our L.A. Times news, Jack Nelson, or from Doug France and Bill Rimple, because Bill Rimple has a front page story in today's L.A. Times on Whitewater financial details. So the story grows.

Now it is starting to spill back onto the style section. Here is the style section from today's Washington Post, "The Man Hillary Ushered Out." I mentioned his name last night, reading from the Wall Street Journal, Chris Emery, fired White House staffer. His title was usher, whatever that means, at the White House, "Chris Emery says he still doesn't know what hit him. But it hurts." By Martha Sherrill.

"A few Secret Service agents have called him, upset and sympathetic." This is why Hillary cannot stand the Secret Service. "The National Enquirer has checked in—to see if he is ready to blab—" probably for money, which I hope he does not take.

"And a British paper has offered money." Oh, here we go. His story will not be believed if he takes the money. Do not take the money, Chris, let us go for the truth.

"Four Members of Congress have gotten in touch—one Democrat who said she'd heard 'things were pretty bad over there,'" meaning the White House, and one Republican who was dying to have lunch, probably hoping Chris Emery had some dirt to dish.

"He doesn't. Only a puzzling account of how he was abruptly fired by Hillary Rodham Clinton 3 weeks ago—and how he says he still doesn't have a clue why.

"'I'm very comfortable that I didn't do anything indiscreet,' says Emery, 36, a White House usher for the past 8 years. 'And I never made a pass at anybody.' A lot of people in this town cannot say that. 'Insulted anybody, made a racial joke, took money from the cash box or ever snooped around in their private affairs. But this is the kind of thing that's been waking me up in the middle of the night for 3 weeks.'"

Folks, this is no way to treat a government employee of 8 years of honorable service. And the story goes on. It says his face is tense, his haircut is smooth and fresh, and he is sitting in the living room of his home in Howard County, wearing blue pants, white T-shirt. They were a little dramatic, but they did it with feeling in the style section.

What I said here on the floor was only what I had heard or read, that he had talked to Barbara Bush once or twice on the phone to tell her how to set up her PC, her personal computer unit at home, and when Hillary found out that he had been discussing with Barbara Bush, she has since commented that he should not have done that, out the door he went.

Remember the article I mentioned last night, "The Name of Rose," by L.J. Davis, subtitled "An Arkansas Thriller"? Mr. Speaker, I think we are dealing with such important material now that I would like to put in the RECORD, if the cost is less than $2,000, because my special order itself is going to cost more than that, and I will be reading about that in the papers, but I think this whole article, "The Name of Rose," referring to the Rose law firm should go into the RECORD. So I would submit that into the RECORD.

Mr. Speaker, here is why I think the taxpayers will want to go to the library next week and get the CONGRESSIONAL RECORD for March 23, and why they should beat a path to the newsstand if they are in a big city, and buy today's Wall Street Journal. Listen to this, Mr. Speaker, my colleagues who are watching in their offices, and all Americans who are following this by C-Span, and by satellite ships at sea, "Censored in Arkansas," Wall Street Journal, "Earlier in the week we commended L.J. Davis's New Republic cover story on Whitewater and on the culture of Arkansas. This story that will be in the RECORD when published in the wee hours of this morning, "reflects a curious dichotomy in Whitewater press coverage. A lot of the news has been broken by publications willing to report what they learn, even at the risk that now and then some of its may be overtaken by other facts."

This is the face of a moving story, Mr. Speaker, the Washington Times, the New York tabloids. Please, a footnote here. When they say New York tabloids in this context, they do not mean the kooky world report that has flying saucers capturing the Clinton's and injecting them with wisdom or something, and they did not mean the star that Gennifer Flowers went to, or the National Enquirer that is worlds above the others because they can be sued and have been sued by people like Carol Burnett for huge out-of-court settlements. They do have to watch their research because they claim to be a part of the real world. What this means by New York tabloids, that is an old word in newspapers that mainly describes the size of the newspaper. Now in Hollywood, the Daily Variety is a tabloid size, while the Hollywood Reporter is newsletter size. Tabloids means in Chicago the Sun Times, and it means in New York the Daily News and the New York Post, papers that are easier to read on the subway without banging your knuckles into the next person's face.

So, backing up, the Washington Times, the New York tabloids, the American Spectator, the British press are publishing facts that you can't get in American newspapers. The mainstream American press has come in for much derision overseas.

Their newsmagazine, the Economist, which has the Time-Newsweek-U.S. News & World Report world to themselves likened Whitewater to the 1936 episode in which the American press was reporting, and the British press covering up, the romance of Madam Simpson, an American, leading to the abdication of Edward VIII. This was not quite fair, since the story came back to life in December. Trooper Gates started that.

The American press has mostly done a commendable job of plumbing the finances of Arkansas and the Clintons and kibbitzing every move in Washington's procedural chess game. For better or worse, however, the respectable press has shown little to no appetite for publishing anything about violence and sex. Stories on these subjects, of course, circulate constantly among reporters and in the cloakrooms, I might add, and shape the understanding of events within the press corps if not among its readers. That is the U.S. public.

Somehow we think the readers ought to know the following account from Mr. L.J. Davis, a contributing editor to Harper's magazine, inside liberal publication, since 1978.

He, Mr. Davis, was returning to his room at Little Rock's Legacy Hotel about 6:30 after an interview on the evening of February 13. That is last month, folks, 5 weeks ago, plus. The last thing he remembers is putting his key in the door, and the next thing he remembers is waking up face down on the floor with his arm twisted under his body and a big lump on his head above his left ear. His room door was shut and still locked. Nothing was missing except for four significant pages of his notebook that included a list of sources in Little Rock.

He did not file a police report, saying he wanted to get out of town and was not sure what had happened to him.

Now, cynics are already saying, oh, another phony story like the man who lived next door to Gennifer Flowers and was beaten up terribly in his apartment, had his spleen ruptured, underwent surgery, and the tapes that he said he had through the door of Clinton coming down the hall to meet with Flowers, and he was the next apartment to her, that was all confirmed by the news media, but they did not print it, they said, well, he might have made this all up.

But let me tell you something, when you get hit as hard as he was hit, he thought, I have since found out from friends of his, that he had had a heart attack or had a stroke or fell forward against the door. He was not sure what happened to him. And when he felt the lump on his head, he was frightened and he wanted out of town.

What did he do when he left town? He went to his doctor. Listen to this, "I thought I was walking on a trampoline for 3 days." That means constant motion sickness. "He told us, and then he consulted his physician. Mr. Davis says his doctor found his injury inconsistent with a fall," a fall from passing out, "and that he had been 'struck a massive blow above the left ear with a blunt object.' He suffered both a concussion and an amnesiac episode from the blow." With Mr. Davis'—and that is all in quotas—with Mr. Davis' permission, Dr. Richard Wagman has confirmed the doctor's diagnosis to us, the Wall Street Journal.

Along similar lines throughout the world, except in the United States, Sally Purdue is now a household name. She is a former Miss Arkansas from my time in the 1950's. She is 55 years of age, and is 8 years older than Mr. Clinton, and a TV reporter. She now works with Down's syndrome children in St. Louis. Sounds like a good lady who has turned her life around. She went on one talk show in September of 1992, and I added the month, Sally Jessy Raphael, to say she had had an affair with Bill Clinton in 1983.

The news media spiked, censored, all of this, because they had their game plan. They knew who they wanted to win the election. Mickey Kouse and the same New Republic magazine said it. This was only briefly noted, although the Washington Post did report that Jack Paladino, hotshot San Francisco private investigator hired by the Clinton campaign to squelch "bimbo eruptions," so titled not by my pal Mary Matalin, now of TV fame on CNBC, but so titled by Betsy Wright, former co-McGovern precinct walker and organizer with young Bill Clinton in 1972 in east Texas, and now a freelance public relations person in town, and his chief of staff when he was Governor, said she was in charge of suppressing bimbo eruptions, and right there, legally as it should be in all of the campaign FEC, Federal Election campaign forms from the Clinton campaign are these huge thousands of dollars of fees to Jack Paladino.

Back to the Wall Street Journal: Like all other bimbo eruptions, this one, Sally Purdue, had been spiked, subjected to a universal U.S. news blackout, but the Sally Purdue story took a different turn. Last January, Ms. Purdue told Ambrose Evans-Pritchard of the Sunday Telegraph, million circulation, one of the biggest papers in London, all of England for that matter, given the trains, that she had been threatened with violence if she continued to talk. She named the name. I said that on radio months ago, named Ron Tucker. She said he claimed to represent the Democratic Party. She says Mr. Tucker first offered her a Federal job in exchange for silence, and then added, and this has been in magazines, "If I didn't take the offer, then they knew that I went jogging by myself, and he couldn't guarantee what would happen to my pretty legs." This story was spiked the very same month that Nancy Kerrigan's actual blow to her leg to keep her out of Olympic competition, to which Tonya Harding has pleaded guilty, I mean, bargain-pled for a lesser charge, because everybody knows now she was guilty of being in on this sports atrocity that became an international story every day at the Olympics, and other young athletes of every nation had to watch any of their moments in the Sun overshadowed by this bust in the knee, the very same month the media, all the big papers, were spiking this story about Sally Purdue.

Afterward, the Wall Street Journal continues, Ms. Purdue says she received threatening phone calls and threatening letters, one of which she made available to the Sunday Telegraph in London and they printed it. She says she found an unspent shotgun shell on the seat of her Jeep, and later the back window was shattered. She reported this to the FBI, which told the Sunday Telegraph there was an ongoing investigation. Hey, my former members of the media, here, Mr. Speaker, they ought to be going after that Pulitzer Prize.

The FBI is going to say, "We can neither confirm or deny," but they told the Sunday Telegraph in London there is an ongoing investigation.

Mr. Tucker's employee at the time, now get this, folks, John Newcomb, of Marion Mining added the confirmation that Mr. Tucker told him that he had been asked to get to this woman and get her to shut up. That was Sally Purdue's boss.

In an interview with the Wall Street Journal, us, this week, Mr. Ron Tucker, this is the guy allegedly who made the threats, said, "Sally Purdue is a flake stirring up a hornet's nest. I only met with her for 10 to 15 minutes once. I am not a political animal," and then degenerated into a series of threats and obscenities directed at the Wall Street Journal, and I guess everybody in general.

Editors and reporters have to grapple with a flood of stories, charges, and rumors of violence, even deaths in Arkansas.

Footnote, the head of security for Mr. Clinton's campaign before the Secret Service took over after the convention, he was murdered in Arkansas. I do not even know the date. It is not a story. It was not on the evening news.

He was chased by a car down a road in Little Rock, two bullets were fired at the back of the car, at least, and maybe others missed, and hit the car, and they then pulled up alongside of the car and fired four more and hit him as he careened off to the side of the road, dead or dying, and the car pursuing him obviously pulled over, and somebody got out and gave him the coup de grace. At least seven shots, maybe more, killing the head of security for Mr. Clinton during the campaign.

I mean, what is going on down there in Arkansas?

Continuing and finishing the Wall Street Journal thing, the State seems to be a congenitally violent place and full of colorful characters with stories to tell, axes to grind, and secrets of their own, and now the whole thing is going to be contaminated down there with tabloid money.

Now, let me take a pause here. We, the Wall Street Journal, believe Mr. Davis, and that is the first violent story, smashed in the head in his hotel room and his papers rifled and some stolen. The Wall Street Journal believes this.

The Telegraph story included a lot of corroboration, though, of course, no evidence that anyone ordered Mr. Tucker to say what Ms. Purdue charges he said. Yet, as the story develops, we are increasingly coming to the conclusion that the respectable press is spending too much time adjudicating what the reader has the right to know and too little time with the old spirit of, "Stop the presses, we have a breaking story."

Mr. Speaker, last night, I put in the Congressional Record at the end of my remarks the transcript of a special "60 Minutes" show that was only 13 minutes long. This was the show hosted by the youngest of the incomparable "60 Minutes" team, Steve Croft. It was suggested to them by a competitor, ABC, FOB, Friend of Bill, Rick Kaplan, who within weeks would be giving candidate Governor Clinton Colonel Holmes' letter that Colonel Holmes had kept in his possession for 23 years, the infamous letter that opens up, "Thank you for helping me avoid the draft," and goes on to say, "We," all of these idealists of the 1960's who were pro-Hanoi, "We have come to loathe the U.S. military," that letter.

Kaplan gave it to Clinton, and he had 3 days to prepare for a personal Nightline show. The Nightline show was on February 12, Lincoln's birthday, for us Republicans to grit our teeth. Mr. Speaker, this is not as long as the Rose story, but if it is less than $2,000, I would like to ask permission to at this point, so I can comment on it tomorrow, put in the Record Ted Koppel's Nightline interview with candidate Clinton, February 12, 1992.

Mr. Speaker, here is the transcript, and this will be in your library pretty soon across America around our country. This is March 22, 1994, page H—for House—1885. For those of you not familiar with the Congressional Record, we alternate on days whether we start with the Senate proceedings or House proceedings. This particular record of yesterday's legislative transactions, 1-minute speeches, special orders, begins with the Senate. So it is House page 1885, sequential numbering going back to January, the beginning of the 2d session of the 103d Congress.

It begins with Steve Croft, host: "Are you prepared tonight to say that you have never had an extramarital affair?"

Governor Bill Clinton: "I am not prepared tonight to say that any married couple should ever discuss that with anyone but themselves and lawyers, like us, during divorce battles."

Croft: "I am Steve Croft, and this is a special abbreviated edition of 60 Minutes," 13 minutes long. "Tonight, Democratic presidential hopeful Governor Bill Clinton and his wife Hillary talk about their life, their marriage, and the allegations that have all but stalled his Presidential campaign."

Mr. Speaker, any American interested in this, this was one of the slickest jobs of covering a story up, thanks to national ABC's Rick Kaplan giving exclusive—recommending an exclusive to CBS's "60 Minutes" show, which, by the way, immediately followed the Superbowl show of January 26, 1992. Fifty million in the audience, maybe.

The reason I put this in the Record and want to discuss it tonight is that in rereading this 2 years and 2 months later, it is a joke, it is a joke. Hillary only speaks three times. Here is her first utterance. It is two words: "Oh, sure." It was in response to this: They get into a discussion of Gennefer Flowers. Everything we now know about all of this period, none of this is true. Croft says, referring to Flowers, "Was she a friend, an acquaintance, did your wife know her?" He gestured to Hillary, and Clinton says, "Yes." Hillary says, "Oh, sure." Bill Clinton: "She was an acquaintance, I would say a friendly acquaintance." Those became infamous words, sort of like, "I did not inhale." So Hillary gives a noise, and then Clinton says, "When this rumor story got started in the middle of 1980 and she was contacted and told about it, she was so upset and she called back and said, 'How could I be listed on this'"—that was infamous list of Larry Nichols—"I haven't seen you for more than 10 minutes in 10 years." She would call from time to time when she was upset or thought she was really in—being hurt by the rumors. And I would call her back—either she would call the office or I would call her back there at the office or I would call her back at the house. Hillary knew when I was calling her back. I think once she called her, when we were together, I think," lawyer talk, "so there is nothing out of the ordinary there."

Steve Croft says, "She is alleging and has described in some detail in the supermarket tabloid the Star what she calls a 12-affair with you." Clinton says, "It—that allegation is false."

Croft was not a good enough lawyer to come back and say, "Well, now are you saying the 12-year arrangement is now false?" Keep in mind that Gennefer Flowers has not only come back from a successful cabaret tour in Europe, where the song most in demand, and she belts it out pretty good, is "Stand by Your Man," but she has a book coming out, and she has 1 hour and 9 minutes of tape, I think she said, and she only released 8 at the stupidly conceived press conference at the ritzy Waldorf Astoria in New York after taking $50,000 from this senior sister publication of National Enquirer.

Now, here is Hillary Clinton's only long statement on this show. Clinton says, "It—that allegation is false." Hillary: "When this woman first got caught up in these charges, Gennefer, I felt as I felt about all of these women"—all of what women?—"that, you know, that they have just been minding their own business." That sounds like Frankie Fontaine.

"And that got hit by media. I mean it was no fault of their own. They were caught in Clinton's past. This is no fault of all these women. We reached out to them, I expected her to say, I felt their pain. I met with two of them to assure them. They were friends of ours."

Who? Bobbie Jo Williams, Marilyn Jo Jenkins, Elizabeth Ward, Sally Perdue, Gennefer Flowers? There is a list floating around in the newsroom, about 25 names. She says, "They were friends of ours. I felt terrible about what was happening to them. You know, Bill talked to these women, to this woman every time she called, distraught, Flowers." This is a few days after Flowers' press conference at the Waldorf Astoria. She was saying her life was going to be ruined. She was asking for Federal jobs and got one at more pay than the lieutenant governor, Guy Jim Tucker, who is now the Governor. And you know, he would get off the phone and he would, "tell me that she said sort of whacky things, which we thought were attributable to the fact that she was terrified." Clinton comes in, "It was only when money came out, when the tabloid went down there offering money to say that they had been involved with me that she changed her story. There is a recession on." No, there wasn't. It was over about a year. "Times are tough, and I think you can expect more and more of these stories as long as they are down there handing out money." These stories did not pop out on Senator BOB KERREY, former Senator Tsongas, they did not pop out on Jerry Brown, with his 800 number and wide turtleneck. They could have called in stories easy there. They did not pop out on old tough former House Member Tom Harkin, no, they were only popping out on him. Croft says, "I am assuming from your answer that you are categorically denying that you ever had an affair with Gennefer Flowers." "I have said that before, and so has she." You see, he brings her into the denial, Flowers. Croft: "You said your marriage had problems, you had difficulties. What do you mean by that, what does that mean? Is that some kind of a—help us break the code." Here Croft is trying to do his job. "I mean does that mean—"I don't mean"—that is not a good sentence, but it is the transcript that CBS sent me. He meant to say "me." "I don't mean"—Croft interrupts and says, "You were separated? Does that mean you had communication problems? Does that mean that you contemplated divorce? Does it mean adultery?" Clinton: "I think the American people, at least people that have been married for a long time, know what it means and know the whole range of things that that can mean." Croft says, "You have been saying all week that you have got to put this issue behind you." He was in a free fall in the primary in New Hampshire about this time, running a poor third, "Are you prepared tonight to say that you never had an extramarital affair?" "I am not prepared to say tonight that any married couple should ever discuss that with anybody but themselves. I am not prepared to say that about anybody. I think that's the issue"—"excuse me, but that is what you have been saying essentially for the last"—"that is what I believe—look, Steve, you go back and look at what I said. You know I have acknowledged wrongdoing, and I have acknowledged causing pain in my marriage, I have said things to you tonight, to the American people from the beginning, that no politician ever has." Oh, no, Gary Hart came clean with a lot, and it drove him out of the race.

"I think most Americans watching this tonight, they will know what we are saying, they will get it, and they will feel that we have been more candid. And I think that what the press has to decide is are we going to engage in a game of gotcha," that is kind of what he is saying now. "You know, I can remember a time when it was said when a divorced person could not run for President." Now he is bringing Reagan into the pack here. "That time, thank goodness, is past. Nobody is prejudiced against anybody because he is divorced." Now he has roped in about a third of the Nation who are married. "Are we going to take the reverse position now that if people have problems in their marriage or things in their past which they do not want to discuss which are painful to them, that they can't run?"

Croft: You're trying to put this issue behind you, and the problem with the answer is not a denial, and people are sitting there, voters, and they are saying, "Look, it's really pretty simple. If he's never had an extramarital affair, why doesn't he say so?"

Well, that may be what they are saying, but you know what I think they are saying? I think they are saying, "Here is a guy who is leveling with us." You, you may not think that, that we should say more, that we should keep—that you should keep asking the questions, but I'm telling you. I think that what we—I'll come back to what I said. I've told the American people more than any other candidate for President. They are the result of what has been going on—result of what has been going on in my State and spending more time trying to play gotcha.

Now here comes Hillary: There is not a person watching this who would feel comfortable sitting on this couch detailing everything—they did not detail anything—that ever went on in the life of their marriages, and I think it's real dangerous for this country if we don't have a zone of privacy for everybody. I mean I think that is absolutely critical.

Croft: I, I, I couldn't agree with you more, and I think and I agree with you that everyone wants to put this behind you, and the reason it hasn't gone away is that your answer is not a denial; is it?

Clinton: But interesting. Let's assume it's not a denial, Croft says.

Of course it's not, Clinton says.

And then he goes into a long, complex sentence.

Croft comes back and says I don't like these questions any better than you do, but the question of marital infidelity is an issue with a sizable portion of the electorate according to the latest CBS News poll which was just taken. It will decide 14 percent of the registered voters in America.

Clinton: I know it's an issue, and, and, and, but what does that mean? That means that 86 percent of the American people either don't think it's relevant to Presidential performance—he was banking on that, and that is not what it means—or look at whether a person looking at all the faxes, the best person to serve. He said we have gone further than anybody.

Hillary says—we know of, and that's all we're going to say, and people can ask us a hundred different ways and a hundred different directions, and we're just going to leave the ultimate decision up to the American people.

Croft: I think most Americans would agree that it's admirable that you have—have stayed together, that you have worked your problems out, that you have seemed to reach some sort of an understanding and an arrangement.

Clinton: Wait a minute, wait a minute.

Croft: But—

Wait a minute. You're looking at two people who love each other. This is not an arrangement or an understanding. This is a marriage and a very difficult thing.

And then Hillary comes in with her famous line:

You know I'm not sitting here like some little woman standing by my man like Tammy Wynette. I'm standing here because I love him, respect him. I honor what he's been through and what we have been through together. You know, if that is not enough for people, then the heck with it. Don't vote for him.

Folks, without reading the last few lines, get your CONGRESSIONAL RECORD. Here is what happened:

The impression they left with the American people was that they were separated at one point, maybe thinking about divorce, happens in most marriages today, and that maybe there was during this separation period one indiscretion; at the outside, two. They patched it up, and they got back together.

According to the troopers that is about as far from the truth as anything could possibly be. Mr. Croft was had, "60 Minutes" was had with their 13-minute show, CBS was had, and tomorrow night I will discuss how Ted Koppel was had on that February 12 "Nightline" show.

Mr. Speaker, I know the Speaker pro tempore has to go to a function, a very important function, and I am going to cut short my special order tonight. I can hear groans from across America, Mr. Speaker, but I will tell you there are a lot of people in your cloakroom who know that BOB DORNAN may come off in the well like a Tasmanian devil sometimes, a tiger, but I have talked to several people on your side, one of them, one of the best orders on the floor, told me he is gone, he is going down, referring to the President.

Another one told me, "I had to defend him last night on television. What am I going to do? We all know—don't know enough about this stuff to mount a credible defense."

Here is a story that I would like to ask permission, if it costs less than $2,000 to put in the RECORD, and I think all of these will cost about $500, if that.

"Money Audits the Clintons." That means "Money" magazine. Subtitle: "They may owe $45,000 in back taxes and interest. Here's what you can learn from their mistakes." It is by Teresa Tritch and Mary L. Sprouse. I place this in the RECORD at this point:

[From Money; April 1994]

### MONEY AUDITS THE CLINTONS

(By Teresa Tritch and Mary L. Spouse)

Although virtually every one of Bill and Hillary Clinton's moves has been recorded, analyzed and debated, there is one facet of their lives that hasn't gotten the same level of scrutiny until now. Over a nine-week period that ended in early March, Money focused on that unglamorous and overlooked area—the Clintons' record as taxpayers. After studying each of their federal income tax returns for the years 1980 through 1992 (they hadn't yet filed for '93), we pieced together a portrait that many of Money's affluent readers might recognize: The Clintons tend to get tripped up by the tax complications that come with professional and financial success.

A close examination of the Clintons' tax returns, which they have made public, suggests that the First Couple committed three glaring mistakes: Though both are sophisticated lawyers, they didn't keep adequate records, they tended to overestimate certain deductions, and they relied far too much on their tax preparer to get everything right. In all, their questionable write-offs indicate that the Clintons may have underpaid their income taxes by $16,358 over the 13-year period—which means their total liability today would be $45,411 if you include interest the IRS charges for underpayment. Their questionable write-offs dealt with (1) their charitable contributions, (2) his business expenses as Arkansas governor, (3) her automobile depreciation and, most important, (4) their Whitewater real estate development deal, which went bad. Three working days before our deadline in March, Money sent 16 written questions based on our reporting to Bruce Lindsey, special assistant to the President. Though Lindsey had granted us an earlier interview, he declined to answer any of the 16 for publication despite repeated requests from the magazine's management . . . (see "How Hillary Manages the Clintons' Money," Money, July 1992), he maintained a colorful habit for at least seven years while Arkansas governor: He took time out every few months to hand-write a list of his small deductible charitable contributions ranging from his now storied skivvies to a brass key ring. The write-offs have gained wide press attention because many of them seem too high—$100 for a sport coat, for example.

They may lack the records needed to back up their biggest Whitewater tax moves. Even if the Clintons can document all their Whitewater deductions with their canceled checks, that may not be enough to preserve the write-offs in an IRS audit. They would need Whitewater records too, to show that were entitled to the deductions. And those crucial documents are so far either missing or unavailable. In January, the White House's Lindsey told the Washington Post: "If anyone knew the entire corporate history would be paraded before the American public, they might have kept more documents and better records."

They sailed into Whitewater without proper tax advice. Every one of the five tax experts consulted by Money agrees on one issue: The Clintons either didn't seek, or didn't heed, the right tax advice from the moment they entered the complicated Whitewater deal back in 1978 and '79. "There is no evidence of the hand of a tax professional in any of it," says Jack Porter, national tax director at the accounting firm BDO Seidman in Washington, D.C. The Clintons relied on two certified public accountants in Little Rock to prepare their returns for the years in question—Gaines Norton from 1980 to '83 and Yoly Redden from '84 to '92; both declined to discuss their work with our reporters. (Money has some history with Redden: She took our tax preparers' test in 1989 and concluded that our hypothetical family owed only $16,618. Our expert set the correct tax 41% higher at $23,393).

Our audit, like official IRS inquiries, aims to challenge questionable return entries and estimate what taxes and interest might be owed. Also like the IRS, we are raising tax questions, not affixing legal blame. In an audit, you have the opportunity to defend your tax moves by simply showing, for example, that you made the payments you claimed as deductions and that you are entitled to the write-offs. Moreover, the 4,000-page U.S. tax code is often open to wide interpretation. Therefore, to be fair, we have noted the documents the Clintons would need to produce in an actual audit, and the arguments they might make to justify their tax stance. Our findings:

### CHARITABLE DEDUCTIONS

The Clintons' claim—$177,047.

Potential added tax—$1,651.

From 1980 through '92, the Clintons wrote off charitable gifts totaling $160,886 in cash contributions and $16,161 worth of noncash donations. Often the gifts went to the Salvation Army, churches and educational charities. Given their incomes and prominence, the Clintons' generous level of giving is not in itself a cause for audit scrutiny.

Beginning with their 1983 return, however, the Clintons attached a list—usually handwritten—itemizing and valuing their noncash contributions. They noted things like $30 for three shower curtains, $5 for an electric razor, $40 for running shoes. Many tax pros say such detail invites IRS scrutiny, even if you have filed a perfect return. Attaching a list is particularly dicey with noncash charitable donations, since there is often no way to prove an item's fair market value. In an audit, such disputes boil down to the taxpayer's word vs. the auditor's judgment. Guess what? The auditor usually prevails.

There is a valid question about whether the Clintons padded the value of the underwear and other stuff they donated from 1983 through '89. In our audit, Money relied on Goodwill Industries' and the Salvation Army's flexible guidelines, which are sometimes used by IRS auditors. We also gave the Clintons the benefit of the doubt. For example, for 1984 they claimed $100 for a gray three-piece suit; we gave them the full $100. Still, some items—particularly shoes, underwear and T-shirts—seem overvalued at times. For example, in 1988 the Clintons deducted $15 for long underwear; we reduced it to $2. In another instance, we allowed $30 for a pair of brown shoes they valued at $80.

We concluded that the Clintons may have overvalued their noncash contributions by a total of $2,939 from 1983 through '89. The tax due: $1,187. To rebut that assessment, they would have to offer convincing oral testimony. At best, they might get to split the difference between their estimate and the auditor's.

The Clintons also deducted a $1,405 cash contribution in 1990 to "Vance Hall Sporting Goods," which doesn't sound like a charity. An IRS spokesman told Money that there are cases where a retailer makes an IRS-approved arrangement with a tax-exempt organization; if you write a check directly to such a store sponsoring a charitable event, you can claim a deduction. But unless the Clintons can prove that Vance Hall was qualified to accept tax-deductible donations, they would lose the deduction and owe additional tax of $464, for a grand total of $1,651.

One more thing: Amid all the cataloguing of charitable minutiae, one sign of sloppiness cropped up in 1990. That year's return failed to note $11,662 of the couple's contributions to 19 charities. Redden then filed an amended 1040, which brought the couple's charitable deductions that year to an eye-catching record high of $36,875.

### HIS EXPENSES

The Clintons' claim—$29,190.

Potential added tax—$5,765.

Bill Clinton's $35,000 annual salary during most of his 10 years as Arkansas governor was the lowest in the 50 states. But he also got $70,000 a year to cover expenses—a $19,000 public relations fund for work-related costs and a $51,000 mansion fund for meals, household items and official entertaining at the Governor's residence.

Let's start with the $19,000. For most of his tenure, Clinton was reimbursed in full from this fund for all of his official expenses. And so, quite correctly, he never claimed any deduction on his tax return for expenses. For a 26-month period from January 1989 through February '91, however, the State of Arkansas decreed that the $19,000 public relations fund should be included in Clinton's taxable income. (The same went for the six other Arkansas officials who got such funds.) So Clinton began deducting unreimbursed employee expenses, claiming write-offs totaling $13,212 in 1989, $12,912 in '90, and $3,066 in '91.

In themselves, there's nothing suspicious about the write-offs. But they could nonetheless draw an auditor's attention for this reason: The unique nature of a politician's job—part public servant, part campaigner—makes it imperative to separate deductible business expenditures from nondeductible campaign costs. Bill Clinton's 1989 to '91 write-offs for printing ($7,316, including $4,812 for brochures), travel ($3,696) and advertising ($1,638) are particularly questionable. An auditor would ask whether they were actually nondeductible campaign expenses.

Bill Clinton might also have to explain the $2,848 in "meal-seminar/forums" expenses he deducted on his '90 return. If the meals and gatherings happened at the Governor's mansion, they should have been paid by the mansion account. And under the tax law, you can't deduct expenses your employer would have normally covered. "I don't think meals for visiting groups in the mansion are a deductible expense, since this [mansion] fund should be used to pay for them," says James Pledger, director of the Arkansas Department of Finance and Administration. To keep the deductions, Clinton would have to show that the meals did not take place at the mansion and that the amounts he claimed were "ordinary and necessary" business expenses.

Finally, his $3,066 in 1991 employment-related deductions would raise a question. Clinton would have to demonstrate that this money was spent on deductible business expenses before March 1991. After that, the state law once again allowed him to be reimbursed as he submitted expense receipts. All in all, there's a lot in these expenses for an auditor to chew on.

### CAR DEPRECIATION

The Clinton's claim—$8,168.

Potential added tax—$501.

In 1986, while Hillary Clinton worked as an attorney at the Rose Law Firm and was Arkansas' First Lady, she bought a $12,615 Oldsmobile that she drove for business purposes 52% of the time. (You can claim accelerated depreciation for a car only if you use it for business more than 50% of the time.) The Clinton's accountant, Redden, correctly depreciated the business portion of the car over three years on their 1986, '87 and '88 returns, for a total allowable write-off of $6,565. According to the tax law, further depreciation would be permitted only if Hillary Clinton increased her use of the car for business. And sure enough, in 1990, she drove it 60.52% of the time for business. But in calculating the four-year-old car's extra depreciation, Redden employed a formula that applied to newly acquired property placed in service after 1986. As a result, she overstated the deduction by $1,518, causing the Clintons to underpay their taxes by $501.

Unfortunately, even when a professional tax preparer causes the goof, a taxpayer must pay any tax shortfall the IRS discovers within three years. In addition, Redden herself could be hit with a preparer penalty of up to $1,000.

### WHITEWATER

The Clinton's claim—$24,154.

Potential added tax—$8,441.

Navigating Whitewater takes total concentration as the numbers whiz by. Since the Clintons have refused thus far to disclose their relevant 1978 and '79 tax returns, you must start midstream with the twisting, tortuous flow of the interest deductions they took in '80 and then again from '84 through '88.

The write-offs, totaling $24,154, are for interest payments they claim to have made on three separate Whitewater loans:

The first was a $20,000 down payment loan at 10% in 1978 from Union National Bank in Little Rock. The loan was taken out by Bill Clinton and James McDougal, the politically connected developer who, with his wife Susan, had just invited the Clintons to become their fifty-fifty partners in a then promising venture to develop the 230-acre Whitewater tract in Arkansas' popular Ozark Mountains.

The second loan was a $182,611 mortgage at 10%, also in 1978, from Citizens Bank in Flippin, Ark., cosigned by the Clintons and McDougals. Together, the two loans covered the purchase price of the Whitewater site.

The third was a $20,800 note at 11.5% in 1983 from Security Bank in Paragould, Ark. taken out by Bill Clinton. According to the White House, he used that money to pay off a $30,000 loan at a whopping 20% that Hillary Clinton had gotten from James McDougal's Bank of Kingston in Kingston, Ark. in 1980. She used the original loan to put a model home on a Whitewater lot.

An audit of interest deductions ought to be simple. In general, all taxpayers must prove is that they made payments they claimed as a deduction, that the expense was indeed interest for which they were liable, and that they paid the interest in the year they wrote off the deduction. But the complex Whitewater loans made the Clintons' subsequent tax write-offs anything but routine. Also, the Clintons' argument—that they couldn't have done anything wrong because they didn't make money on the disappointing deal and didn't even claim a capital loss in the end—is as irrelevant as it is self-serving. A taxpayer can lose everything and still file incorrectly, thereby incurring back taxes, interest and penalties. Our audit indicates the Clintons may face precisely those consequences in the following intances:

The first—and largest—of the Whitewater deductions on the returns Money examined is a $9,000 interest payment to "James McDougal" in 1980. The $9,000 entry is audit bait for two reasons: A business partner is rarely listed as a mortgage lender, and mortgage interest is almost never a round number. The White House has said the Clintons paid McDougal the $9,000 to reimburse him for interest payments he made on their behalf in 1978 and '79. That might explain why the figure is rounded: Although the Clintons and McDougals were fifty-fifty partners, the law does not require that every payment be split equally. Because of the irregularities, however, an auditor would demand both a bank statement showing how much of the amount was interest, if any, plus a signed, dated receipt from McDougal acknowledging the interest repayment. Without this hard proof, an auditor could treat the $9,000 as a nondeductible repayment of loan principal, not deductible interest.

If the Clintons' undisclosed 1978 and '79 returns surface, they may well spark more audit questions. For example, the White House claims the Clintons deducted $10,000 in interest on Whitewater loans in 1978. But Time magazine recently reported that records it reviewed show the banks received at most $5,752.

The second largest Whitewater deduction also appears on the Clintons' 1980 return—$4,350 paid to Citizens Bank in Flippin, which provided the $182,611 mortgage in 1978. But even that seemingly innocuous entry has a twist. In 1979 the Clintons and McDougals formed the Whitewater Development Corp. and contributed the 230-acre site to the newly formed company. This turn of events could prompt an auditor to ask for proof that the Clintons were the party entitled to the $4,350 mortgage interest write-off.

The White House has insisted in published reports that the Whitewater corporation did not assume the loans. Rather, the explanation goes, when the land went to the corporation, the Clintons, in effect, got a note from the Whitewater company obligating it to the same terms as on the loans they took out to buy the property. In that case however, an auditor would expect the Clintons to have reported Whitewater's interest payments on their returns as income and then claim an offsetting deduction for the interest they paid. But they did not do that; they never reported any interest income from Whitewater.

What actually may have happened is that all three—the Clintons, the Whitewater company and the McDougals—made loan payments directly to the bank at various times. When Whitewater didn't have enough money to make the payments, "McDougal would call up the Clintons and say . . . 'Can you write the check?'' So Clinton would write a $4,000 check, or whatever, so the bank wouldn't foreclose on the loan," Lindsey told Money in a January interview. Whoever made payments during the year took deductions at tax time.

Despite that unorthodox approach, some tax experts think the Clintons could keep the deduction in an audit. "You have a leg up in defending your interest deductions as long as you actually made the payment," says a former high-ranking IRS official who requested anonymity.

Yet other tax experts, including Lee Sheppard, a tax lawyer and contributing editor of the professional journal Tax Notes, take a tougher stance: She says that when the land used as collateral for the loan was transferred to Whitewater, the corporation assumed the loans de facto and thus was solely entitled to the interest deduction no matter who, if anyone, paid the interest.

If there were a legal challenge to their deduction, the Clintons could rebut it by citing to the IRS federal court cases won by taxpayers in similar circumstances. Even then, however, they would have to present more Whitewater documents than they have so far. The worst-case outcome: The Clintons' $4,350 deduction would be denied.

The third set of Whitewater deductions, from 1984 through '88, relate to $20,800 that Bill Clinton borrowed from the Security Bank in Paragould in '83. In 1984 and '85, the Whitewater company paid Security $5,133 in loan interest and deducted it. A 1992 analysis commissioned by the Bill Clinton for President Committee and coordinated by James Lyons, a Denver tax attorney and family friend, revealed that the Clintons had also deducted the $5,133. The Clintons explained that the bank erroneously sent them a $5,133 interest statement, which they forwarded to their tax preparer, Redden. She then dutifully entered the deduction on their returns. To make good, the Clintons say they voluntarily paid the IRS some $4,000 in back taxes and interest in 1992.

The Clintons' Whitewater headache doesn't end there, though. Any IRS auditor who asks Bill why he borrowed the $20,800 would learn of Hillary's earlier $30,000 loan—and the many tax questions that surround it. When she borrowed the $30,000 from Kingston Bank in 1980 to build a model home on a Whitewater lot, the corporation transferred the three-acre lot to her; she then used the land, at the time worth about $5,500 according to Whitewater real estate agent Chris Wade, as collateral. Records examined by Money show that she paid $10 to record the deed; but it's unclear whether she paid a cent more than that.

The upshot: The Clintons may be on the hook for a taxable capital gain on the transfer of the $5,500 lot in 1980. The Clinton's gain would equal the fair market value of the lot, minus their tax basis (that is, essentially, the amount they invested in Whitewater from their own pockets). In the absence of further documentation, an auditor would assume a very low basis figure, say the $500 that the couple have said they contributed to the corporation when it was formed. Here's the math: The lot's $5,500, minus the $10 Hillary paid for the deed, minus her $500 basis, equals a $4,990 capital gain. The audit tally on this transaction alone: $4,454, made up of tax ($1,098) and interest ($3,356). To beat an IRS challenge, the Clintons would have to prove that they either paid much more for the lot, or that it was worth much less than $5,500 or that their tax basis in Whitewater was far higher than $500.

One more Whitewater matter: As we went to press, AP reported that in 1984 and '88 the Clintons deducted more than $1,400 in Whitewater property taxes they had paid but may have been reimbursed for later on. Whatever the final outcome, the drip-drip-drip of Whitewater revelations will likely continue for years to come.

And then, Mr. Speaker, finally so you can get to that event and I can go home and prepare to discuss tomorrow, and hopefully I will talk to Ted Koppel tomorrow, the show that was structured by an ABC producer named Rick Caplan who produces World News Tonight, gave that letter to Bill Clinton 3 days in advance, and Mandy Grunwald whose dad was 25 years ahead of Time magazine, she in that same Style section could not keep quiet a secret. She claimed authorship of the line:

"They're accusing me of sleeping with a woman I didn't,"—wrong— "and dodging a draft I didn't,"—wrong, dodged it three times.

Here is an article that will probably be a first in my life. Never have I put in an article from a homosexual magazine, and I would not put this one in with titles around the edges like:

"Roseanne's Lesbian Kiss";
"Canada's Politically Correct War";
"The Gay Oscars";
"The Gay Menendez Jurors."

Randy Shilts, 1951 to 1994, died at age 43 of AIDS who wrote the book, "The Band Played On." He tried to blame everything on Reagan and Bush. It would not fly, but I feel very sorry he died.

The cover story is a picture of the Surgeon General of the United States, the leading voice on health matters in the United States. It is titled, and this is the March 22 issue of the Advocate, a homosexual tabloid, tabloid size. It is titled, "Condom Queen."

"Surgeon General Joycelyn Elders," and I cannot read on the Xerox the subtitle, but there is a big picture with a button with a lightning bolt on it. I do not know what that means, but it says: "The Condom Queen Reigns. Surgeon General Joycelyn Elders speaks out where the President fears to tread," by Chris Bull. He is a prominent homosexual writer, and I want this in the RECORD because tonight I am calling for her resignation or firing.

I am joining the front page story of today's Washington Times where Cardinal Hickey—what did I do with that—here it is—Cardinal Hickey, never known as a conservative cardinal, the cardinal for the Archdiocese of Washington, DC; he says, "her advocacy of homosexual behavior, her support for homosexual adoptions is outrageous. The President must publicly disavow her positions," and this is quoting from a letter from the Archbishop of Washington to the President of the United States.

Furthermore Cardinal Hickey says, "I deeply regret her apparent intolerance of people whose religious faith and moral values collide with her own ill-considered views. The Surgeon General irresponsibly accuses religious leaders," and it goes on and on with some of the absurd statements that she has not denied in her exclusive interview with this outrageous homosexual tabloid.

So, Mr. Speaker, with that there is plenty of things to discuss tomorrow night, Mr. Speaker, and I would like to be courteous to you. The news is exploding. I do not know where to go next. So, we will be back tomorrow with some more fascinating stuff and an analysis of the February month in the campaign and the very cleverly structured "Nightline" show with Ted Koppel which put away the draft issue until I brought it back into the public consciousness from this microphone in September 1992.

The articles referred to are as follows:

[From the Advocate, March 22, 1994]

## THE CONDOM QUEEN REIGNS

### SURGEON GENERAL JOYCELYN ELDERS SPEAKS OUT WHERE THE PRESIDENT FEARS TO TREAD

(By Chris Bull)

In a memorable and often-quoted line uttered in 1989 while she served as the director of the Arkansas Department of Health under then-governor Bill Clinton, Joycelyn Elders, who is now Clinton's U.S. surgeon general, compared driver's education for young people to sex education in the schools. "We taught them what to do in the front seat of the car," she said. "Now it's time to teach them what to do in the backseat."

Elders made the remark as part of an aggressive campaign to lower the rate of teenage pregnancy in the state, which at the time had the second highest rate in the nation, after Mississippi. But Elders says that the now-famous quote should apply equally to gay youths who are at high risk for infection with HIV. The federal government, she insists, has a responsibility to teach young gay men "what to do in the backseat" to protect themselves from HIV, especially in the light of several recent studies indicating that a sizable number of young gay men have not been reached by AIDS education campaigns and are continuing to engage in unprotected sex.

"If there are young gay men out there who are not hearing the message, then we have to step in and figure out how to get to them." Elders says. "The federal government has a responsibility to all of our citizens, not just the heterosexual citizens. This country has to get over the judgmental way it makes decisions and make sure we are fair to all our citizens."

Statements like these have earned Elders a reputation as the most fearless and most outspoken member of the Clinton administration; so much so, in fact, that she appears to be on a collision course with her boss. Last December, for instance, Elders precipitated a political firestorm by saying that legalizing drugs would reduce crime and violence. Clinton quickly distanced himself from his surgeon general by insisting that drugs would "not be legalized on my watch."

Elders is able to maintain this stance without jeopardizing her relationship with Clinton—who is known for his political caution—through a combination of personal popularity and political savvy. "Elders is widely perceived as sincere, well-meaning, and tough," says Christopher H. Foreman Jr., a research associate at the Brookings Institution, a Washington, D.C.-based policy-analysis group. "Those qualities will keep her in good stead in a time when so many politicians are seen as weak and insincere."

Although she rarely addressed gay and lesbian issues during her six-year stint as Arkansas's top health official, as U.S. surgeon general Elders now appears ready to risk the president's ire by speaking out on behalf of gay causes. For this interview Elders insisted that she wanted to address gay-related topics gingerly until she had thoroughly familiarized herself with them, but then she proceeded to unhesitatingly express her opinion on a wide range of gay-related causes. Elders endorsed gay and lesbian adoption, advocated suicide-prevention efforts aimed at gay and lesbian youths, termed the Boy Scouts of America's ban on gay scouts and scout leaders "unfair," denounced antigay campaigns by conservative religious groups, and said that Americans "need to be more open about sex."

Indeed, Elders is seemingly willing to address topics that have landed other Administration officials in hot water. Last October, for instance, after receiving flak from conservative groups, the White House's AIDS policy coordinator, Kristine Gebbie, was forced to back off her statement that sex is "an essentially important and pleasurable thing" that continues to be "repressed" by the country's "Victorian morality." Before the outcry over her remarks occurred, Gebbie had said she considered it part of her job to stand on the "White House lawn talking about sex with no lightning bolts falling on my head."

Elders does not appear to fear lightning bolts. What underlies antigay attitudes in this country, she says, is an irrational "fear of sexuality" in general. "Society wants to keep all sexuality in the closet," she says. "We have to be more open about sex, and we need to speak out to tell people that sex is good, sex is wonderful. It's a normal part and healthy part of our being, whether it is homosexual or heterosexual. There are certain times and places where sex is inappropriate, but just because it is inappropriate at certain times does not mean that it's bad. I think the religious right at times thinks that the only reason for sex is procreation. Well, I feel that God meant sex for more than procreation. Sex is about pleasure as well as about responsibility."

During a 1992 campaign stop, Clinton refused to criticize the Boy Scouts ban on the grounds that as a private organization it is entitled to set its own policies. But Elders says she opposes the ban "in principle" because of its negative effect on the mental health of gay youths. and she has promised to oppose it publicly. "If we have important organizations that we are all supporting, I certainly think that all our youth should be allowed to participate," she says. "Once again we are dealing with the ignorance of our society about what gay people are like and the effect of policies like this on them."

Elders says the fight for full equality for gays and lesbians depends at least in part upon the ability of most Americans to "learn that gay people are not just out there wanting to have sex with anybody who walks down the street and that gay people have real loving, lasting relationships and families."

As a result, Elders says gays and lesbians can play an important societal role by adopting children as well as by raising their own. "I feel that good parents are good parents—regardless of their sexual orientation." she says. "It's clear that the sexual orientation of parents has nothing to do with the sexual orientation or outlook of their children. Many children in this society are born unwanted, and I feel that if gay or lesbian couples feel that they want children enough to adopt, well, then they are probably just as capable of being good parents as heterosexual parents who choose to adopt. Gays and lesbians are not going to choose to adopt or have their own children unless they really want children. They are making a conscious choice. We have too many parents who did not choose nor did they want, to be parents."

Despite what seem to be enlightened convictions, this is the first time that Elders has been asked to address gay and lesbian health issues in a comprehensive manner—a task she says has been one of the most difficult challenges she has faced since assuming her post last September. "One of the biggest problems in this job that I am facing is that I don't know enough about gay and lesbian issues," she admits. "I'm trying to get educated as fast as I can. I don't want to do a lot of speaking out until I am comfortable with the issue and I can answer all the questions that are posed to me from both sides."

Even so, Elders is taking some tentative steps toward addressing gay-related health issues. During a Jan. 18 meeting, for example, Elders surprised lesbian-health advocates by suggesting that the Department of Health and Human Services (HHS) fund the creation of brochures aimed at educating health care workers about lesbian health concerns.

"I can see that there are many problems that lesbians face that physicians have yet to address," Elders says. "We have to train our nation's physicians to ask the right questions and to offer lesbians advice that is appropriate to them. Many times doctors may be concerned that women are taking proper contraception, but if some women are having sex only with other women, that's not the right kind of concern to have."

At other times, though, Elders has been on the defensive. During a public appearance last December for World AIDS Day, Elders was targeted by Luke Sissyfag, a 20-year-old AIDS activist who loudly accused her and the president of dragging their feet on issues revolving around AIDS. But Elders took the protest in stride. "I've met Luke on several occasions now, and I respect what he's doing," she says. "I think that it's OK for him to feel like we're not doing enough. I don't feel like we're doing enough. One of the wonderful things about America is that Luke can go around and be critical of me and of the president if he doesn't think we're doing enough. There are many ways of skinning the cat."

Elders is facing a learning curve on gay-related issues in part because she steered clear of them while in Arkansas. Eric Camp, a spokesman for the Arkansas Gay and Lesbian Task Force, a statewide political group based in Little Rock, says that addressing homosexuality publicly in the state would have amounted to political suicide. "She was already seen as an extremist in the state for talking about birth control and abortion," he says. "Her programs never would have gone anywhere had gay and lesbian issues been included. But I think that on the national level she will be far more inclined to consider gays and lesbians part of her constituency."

Elders says she did not consciously dodge the issue, though. "I did talk to gay groups in Arkansas, and when I did it got a lot of press," she says. "I've spoken out before, It was not as well-organized a constituency there as some other groups might have been, but that would not have been a reason to avoid it."

In Arkansas, Elders focused primarily on what has been a lifetime mission: reducing the rate of teenage pregnancies, which she says have made a generation of young women into a "slave class" by forcing them to raise children before they are ready to do so at the expense of their own educational and employment opportunities. Among her initiatives was a controversial plan to place medical clinics in each of the state's 300 school districts that would dispense condoms, sex education, and health care. So far, 24 districts have installed clinics, and 28 more are on a waiting list for state funds to established them.

Elders' emphasis on youth and sexuality as public health concerns may lend itself easily to addressing AIDS and gay-related issues. Kerry Lobel, lead organizer for the Arkansas Women's Project, a Little Rock-based advocacy group, says that when seeking support from Elders, gay and AIDS activists would be well-advised to frame the issue in terms of youth, prevention of sexually transmitted diseases, and reproductive health. "Dr. Elders will stick up for children and young people no matter what," she says. "If the issue can be presented that way, she will listen. That's where her heart is."

Elders, a pediatrician by training, indeed becomes most passionate when the topic turns to gay and lesbian youth. While the school-based clinics in Arkansas were designed to focus primarily on the needs of heterosexual students, Elders says they should eventually address the needs of young people who are struggling to come to terms with their sexuality as well. "We can't just write off 10% of our student population." Elders says. "We should certainly work on gay and lesbian health issues. We need to make sure our teachers are educated about sexuality and that counselors know how to address the issue in a sensitive manner."

Commenting on a hotly contested 1989 HHS report-later suppressed by the Bush administration—that found that gay and lesbian youths represent approximately 30% of teenage suicides, Elders says that "when we are talking about young people taking their own lives, that's the worst health threat we can possibly face. So for me it has to be an issue. Again I have to admit stupidity on exactly how to address the issue, but certainly we should make educators and counselors aware of the issue and make sure they know how to respond to the situation when it arises. I certainly see addressing gay and lesbian youth suicide as part of my mission. My job as surgeon general is to talk about all of the health issues that have an impact on Americans."

Elders has been able to speak out forcefully on a variety of topics in Arkansas and in Washington, D.C., in part because of her personal popularity with the public. The daughter of sharecroppers who lived in rural Arkansas, the 60-year-old Elders overcame poverty to serve in the U.S. Army as a first lieutenant. She later attended the University of Arkansas Medical School on the GI Bill.

That modern Horatio Alger story has helped to disarm some of her critics. During her contentious confirmation hearings last July, for instance, Elders repeatedly invoked her upbringing to explain her position on a number of issues. Still, the Senate finally confirmed Elders in a less-than-overwhelming 65–34 vote. "She's a very sympathetic figure, and even her critics have to be careful not to appear to be attacking a black woman," says Foreman.

Elders also benefits from a close relationship with Clinton, who stood behind her despite fierce attacks from right-wing pressure groups and conservative members of Congress. During the confirmation hearings the Traditional Values Coalition, a conservative lobbying group, dubbed Elders the nation's "condom queen" for her staunch support of condom distribution in the schools and said she was "clearly the worst Clinton nominee yet." After her confirmation Elders responded in an interview with The New York Times by saying, "If I could be the 'condom queen' and get every young person who is engaged in sex to use a condom in the United States, I would wear a crown on my head with a condom on it."

Conservative members of the Senate were most critical of a 1992 remark that Elders made attacking the Roman Catholic Church. Elders said the church hierarchy's opposition to abortion rights is more vehement than was its opposition to the Holocaust and "the 400 years in which black Americans had their freedom aborted." Sen. Don Nickles (R–Okla.), who led the opposition to Elder's nomination, said the statement "exhibited strong anti-Catholic belief."

Clinton's support also helped Elders withstand attacks from right-wing groups in Arkansas. After conservative opponents spread false rumors that the clinics she had proposed for the state's schools would perform abortions for students, Elders, a Methodist, called them "very religious non-Christians" who "love little babies as long as they are in someone else's uterus." Conservatives demanded an apology, and Elders complied in a letter to the state legislature, but she continues to use the phrase to describe her opponents anyway.

By way of contrast, Clinton did not display the same fortitude when another black female nominee, Lani Guinier, came under attack for statements and beliefs that are less incendiary than some of Elders's. In fact, longtime Arkansas political observers say that Clinton and Elders have for years played out a political cat-and-mouse game that benefits both players.

An incident at the 1987 press conference where Clinton introduced Elders to the state illustrates the point. In response to a question as to whether she planned to distribute condoms in public schools, Elders said, "Well, we won't be putting them on their lunch trays, but yes." Press reports at the time described Clinton as blushing from embarrassment but nodding in agreement with Elders.

"Clinton relies on Dr. Elders to say the things he cannot say for political reasons," says Lobel, who has observed the complex political relationship between the two for years. "When he finally said that he was pro-choice, we all said, 'Well, of course he's pro-choice,' but we really only knew that because she had been so outspoken and he would not have let her do that unless he agreed with her."

That same dynamic was at work during the outcry over Elders's December statement about legalizing drugs; the situation escalated further when her 27-year-old son, Kevin, was arrested in Little Rock on drug charges. Sen. Robert Dole (R–Kan.) said Americans "must be wondering if the surgeon general is hazardous to our health," and Nickels called for her resignation.

Elders said she had "no second thoughts" about the remark, and Clinton said he remained "four-square" behind her. "When you have someone who is outspoken and energetic like she is," he said, "there are going to be times when she'll be outspoken and energetic in a way that I don't necessarily agree with."

Marj Plumb, health policy director for the National Gay and Lesbian Task Force, a Washington, D.C.-based political group, says she has seen that dynamic at work on gay-related topics as well. During the meeting at which Elders suggested developing lesbian-health brochures, Plumb recalls that she turned to Patsy Fleming, special assistant to HHS secretary Donna Shalala, who was sitting next to Plumb, and said, "'Are your sure you want to take the heat for something like this?" and when Patsy said, "Marj, this is Dr. Elders you are talking about.' So even internally at HHS there is a general understanding that she is going to articulate a vision that is not necessarily politically safe for others to articulate."

Elders's ability to speak out on national health issues is also aided by the surgeon general's office, which has little official authority but has come to serve as a bully pulpit for the officeholder's political and medical agenda. The office has just ten full-time employees and a $550,000 annual budget. In contrast, the administration's AIDS policy office, headed by Gebbie, has 55 employees and a $5-million annual budget.

Dr. C. Everett Koop, who served as President Reagan's surgeon general from 1984 to 1988, paved the way for Elders on AIDS-related issues. Though considered a staunch conservative when he was nominated for the post, Koop nevertheless bucked the Reagan administration by advocating humane treatment of people with AIDS and supporting sexually explicit educational campaigns to stem the spread of HIV.

Elders says she intends to continue Koop's tradition. "If AIDS had started out as a disease of upper-middle-class white babies, it would have gotten a lot more attention," she says. "Koop recognzied this and did what a surgeon general has to do. You have to stand up for what's right—based on the medical and scientific data—regardless of what your personal beliefs are."

Elder's outspokenness occasionally offends even her allies. In 1991, for instance, Elders said that one of the benefits of legal abortion is the reduction of severe birth defects, citing Down's syndrome as an example. A number of parents of children with Down's syndrome protested, saying that Elders was implying that handicapped babies should not be allowed to be born. Elders responded that she had a nephew with the syndrome whom she loved and that she cared for many Down's patients in her pediatric practice.

But the comment raises disturbing questions for gays and lesbians as well. With increasing evidence of a genetic basis for homosexuality, some scientists and medical ethicists have raised the possibility that antigay parents, upon learning that their fetus carries a gene for homo-sexuality, could opt for an abortion rather than give birth to a child that might grow up to be gay.

Elders refuses to get drawn into that debate, though. "I think that's a decision only parents can make, she says. "If a woman had an abortion because they located the gay gene, it would not upset me any more than choosing an abortion on any other grounds. It's not a position for the government to take. The choice has to be left up to the individual. No one can try to make such a choice for a woman.

That nonjudgmental view is consistent with Elder's approach to gay rights in general. Commenting on antigay campaigns undertaken by conservative religious groups, Elders says that if "you are truly right within your heart and with Christianity, you know in advance that you do not know in advance that you do not know enough about other people's lives to judge them. You do not love enough to make decisions about how other people should live their lives. How can I be judgmental of you when in the sight of God you may think you are better than me? You have to wonder how much love that people who hate gay people have in their hearts."

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[From the New Republic, Apr. 4, 1994]

## THE NAME OF ROSE

(By L.J. Davis)

You see a girl walking down the street. You can say, "There goes a beautiful girl" or "There goes a whore." What the hell's the difference? They've both got legs.

—Jon E.M. Jacoby, executive vice president of Stephens Inc., explaining the Arkansas system of politics and finance as it reached perfection during the Clinton years.

### AN ARKANSAS THRILLER.

### I.

In Arkansas, the latest backstairs of the national political system, you hear a lot of things. Concerning Whitewater, for example, you are constantly—and probably correctly—reminded that the dustup involves nothing but a typical loony tunes S&L deal from the 1980s, despite the august personages involved and their perplexing insistence on behaving like refugees from a Raymond Chandler novel. In Arkansas memories are long, political rascality is king of regional sports and rumor and truth tend to commingle until otherwise reasonable people are driven slightly bonkers trying to sort out one from the other, In Little Rock the whole Whitewater affair is regarded as something of a hoot—the Yankee carpetbagger press, with the reality of Arkansas staring it in the face, has gone and missed the real story again. But if Whitewater was nothing but a minor peccadillo that the press has glommed onto because it thinks it understands it—and compared with the private financial shenanigans of Arizona Governor Fife Symington, Whitewater resembles a misdeed along the lines of crossing the street against the light—why, then, has the Clinton administration so frantically placed its back to the door, as though a peek beyond would reveal grandpa tied to a chair, surrounded by his looted bank books? In Arkansas the answer to this question verily resembles the epitaph on the tombstone of Sir Christopher Wren: if you would see Clinton's monument look around.

When it comes to Bill Clinton's home state, the national press has repeatedly looked, seen everything and observed next to nothing (the honorable, largely ignored exception being the Los Angeles Times). Visiting Little Rock in search of atmosphere during the presidential campaign, reporter after reporter dutifully described the imposing Stephens Building, the elegant Capitol Hotel, the Worthen Bank tower and the headquarters of Arkla Petroleum, future White House Chief of Staff Mack McLarty's gas company, without realizing that all of these things were either owned, controlled or under the influence of a single, immensely powerful family: the Stephenses.

By a happy chance, the family is also the stellar client of Hillary Rodham Clinton's old employer, the Rose Law Firm. Although it usually served as a hired gun with a conveniently blind eye, Rose proves to be a handy prism for observing a Gothic, sometimes darkly humorous tale of bonds, banks, a friendly cocaine distributor, sinister Pakistanis, shadowy Indonesians and the uses to which an agreeable state government can be put. The story is in fact three connected stories, combined in a typically Southern saga: Stephens Inc. and the Worthen Bank Corporation; the Rose Law Firm itself; and the Arkansas bond business, which, like most bond businesses, is extremely difficult for the well-educated layman to understand, thus making it an excellent place to hide things in plain sight. Central to the story is a pair of siblings named Witt and Jackson Stephens.

II.

In one sense, nothing unusual occurred in Arkansas during the 1980s: tales of high jinks in high places have always figured prominently in American discourse, and some of the most colorful stories—a number of them actually true—have come out of the Bubba Belt of the South and Southwest, whose geographical heart happens to be occupied by Arkansas. But Arkansas is rendered sui generis by the presence of the only major investment bank not headquartered on Wall Street, Stephens Inc. of Little Rock, which does much to explain some of the arresting peculiarities of a state that is more than a little strange even when judged by the spacious standards of its region.

For one thing, although Arkansas is the home to some of the nation's wealthiest families, it is one of the poorest states in the country, although there is no reason for it to be poor at all. Abundantly endowed with minerals, petroleum, timber and some of the most fertile agricultural land on the surface of the planet, it bears a close resemblance to a Third World country, with a ruling oligarchy, a small and relatively powerless middle class and a disfranchised, leaderless populace admired for its colorful folkways, deplored for its propensity to violence (on a per capita basis, Little Rock has one of the highest murder rates in the nation) and appreciated for its willingness to do just about any kind of work for just about any kind of wage.

In the words of one local wag, the farther you get from Arkansas, the better the Stephens boys look. Indeed, the family's sanitized, Horatio Alger-like biographies have been featured, accompanied by a remarkable lack of examination, in publications as various as Forbes and Golf Digest. The dynasty's founder, Witt Stephens, together with his younger brother by sixteen years, Jackson, grew up on a hardscrabble farm near the town of Prattsville, the sons of a small-time speculator in oil stocks and sometime state legislator, A.J. Stephens, who remained a power in state Democratic politics until the end of his life.

An eighth-grade dropout. Witt first makes his living by peddling Bibles and belt buckles before he discovered a pair of bonanzas in undervalued, Depression-era municipal bonds and the natural gas with which Arkansas is so richly endowed. Meanwhile, Jackson briefly served as a page with his father in the state legislature and went on to become a classmate of future President Jimmy Carter at the Naval Academy, a circumstance that would later serve the family's fortunes well while causing a disaster of still unmeasured magnitude in the American banking system.

After World War II the brothers joined forces at Stephens Inc. in Little Rock, with Witt—or Mr. Witt, as he came to be known—serving as the company's colorful, cigar-chumping and aphoristic face to the world (or as much of the world as paid attention) while the taciturn Jack toiled away in the back office, revealing a golden touch at investment strategy. These things are relative, of course; by the time Witt (who died in 1992 at the age of 83) handed over the reins to Jack in 1957, while retaining his petroleum interest and serving as the presiding genius of the firm. Stephens Inc. was worth a beggarly $7.5 million. But in the Arkansas of 1957, a financial institution with $7.5 million had the money and the clout to do a number of things—including purchase a governor.

Witt, like his father before him, was a staunch hereditary Democrat, a supporter and friend of such Arkansas luminaries as Senator William Fulbright. He was also a great patron of the infamous, six-term Orval Faubus—not, apparently, because of the governor's segregationist policies (to the family's credit, Jack Stephens, a trustee of the University of Arkansas since 1948, had successfully lent his voice to the cause of integrating the institution), but because Faubus was sound on the subject of natural gas, a subject dear to the Stephens' heart. As the family's fortune continued to wax after the Faubus years, it became an axiom of Arkansas policies that someone could occasionally become governor without permission from Stephens headquarters, but the politician was unlikely to remain governor for very long unless be paid close attention to the care and feeding of the brothers—the great exception to the rule being two-term Republican Winthrop Rockefeller, the beneficiary, representative and broken reed of an even vaster American fortune, who became the failed hope of Arkansas liberalism. Decades later, when the self-effacing Jack became chairman of the Augusta National Golf Club in Georgia, naive visitors were quickly enlightened on the subject of how a man so shy could assume a post so prominent in the sport of the moneyed and the gently bred. "Jackson Stephens?" it was explained. "He's the man who owns Arkansas.

It was Jackson Stephens at the helm that Stephens Inc. propelled itself into the stratosphere of the American financial plutocracy, making a bewildering variety of investments in enterprises as various as real estate, hazardous waste incineration, data processing, nursing homes, trucking and airplane maintenance, while simultaneously diversifying into the business of underwriting issues of common stock. In its new role, the firm called on the services of young C. Joseph Giroir, the only trained securities lawyer in the state, and his paralyzing respectable firm, Rose.

The securities business, in turn, led to a chain of peculiar events beginning in 1977 (the year, it so happened, that Bill Clinton became Arkansas attorney general and the Rose hired his wife). That year, no less a figure than T. Bertram Lance appeared on the corporate doorstep of his old friend's classmate, bringing with him a load of troubles and a glittering opportunity. Lance was compelled to resign as head of Jimmy Carter's Office of Management and Budget because of his long history of questionable financial practices in Georgia. As a result of that history, he was also beset by a negative net worth, substantial loans from banks in Chicago and New York and a large stock holding in the National Bank of Georgia. Sadly for Lance the price of the bank stock was depressed and its sale on the open market could not rescue him from the specter of bankruptcy, which was the dilemma Stephens Inc. was invited to solve.

A solution was soon found in the form of the now notorious Bank of Commerce and Credit International (BCCI), although whether Lance introduced Stephens to the Pakistani-run scam or vice versa is a matter of some debate. Beyond dispute, however, it is the fact that the comptroller of the currency, the nation's principal regulator of commercial banks, had clearly stated that BCCI was never to enter the American banking system under any circumstances. Oddly, this unambiguous order did nothing to prevent Stephens Inc. from solving Lance's problems while settling a small score of its own. The National Bank of Georgia was controlled by a holding company called Financial General one of the few entities in the country allowed to engage in interstate banking under the laws of the time. The Stephens interests controlled slightly less than 5 percent of Financial General and the investment had soured, partly because Financial General refused to hire the family data processing company. It was, Stephens soon persuaded BCCI, just the sort of investment BCCI was looking for, the comptroller's edict notwithstanding.

In short order, Stephens launched Lance on the path to renewed solvency, assembled blocks of stock for purchase by the front men who would conceal BCCI's identity, effected an introduction to the subsequently disgraced Democratic wise man Clark Clifford, turned a small but tidy profit on the sale of its own shares, pocketed fees of at least $95,000—and, in return for a sum that in Stephens terms amounted to chump change, set in motion the process that would give BCCI involvement by the Securities and Exchange Commission, Stephens Inc. neither admitted nor denied the SEC's findings but promised to go and sin no more.

But BCCI was not the only exotic party attracted by Lance's bank holdings. Also appearing on the scene was Mochtar Riady, one of the wealthiest men in Indonesia, with far-ranging interests and a known connection to his country's dictator, General Suharto. When someone went into business with Riady, there was also the possibility that they were in business with the general, a fairly decent chap by dictatorial standards (he had begun his reign with the slaughter of 200,000 supposed Communists, a feat he had not found necessary to duplicate except on the island of Timor) but a tyrant nonetheless.

Stephens Inc., which appeared to be uninterested in the true activities of BCCI, exhibited a similar indifference when it came to Riady. Moreover, the Stephens people did not appear to be the least bit curious about the business endeavors of the distinguished former statesman who effected the introduction between Jakarta and Little Rock. This was Robert B. Anderson. Formerly a secretary of the treasury in the Eisenhower administration, Anderson had carried out diplomatic assignments for President Lyndon Johnson in the Middle East and had served as President Richard Nixon's chief negotiator in the Panama Canal talks before opening an offshore bank—Commercial and Trade Bank and Trust Ltd. on Anguilla—that catered to people who needed to launder money, evade taxes, or both.

Jack Stephens had willingly presided over the handoff of a big hunk of an American bank to a bunch of Pakistani thugs, but he was not willing to let Riady go so easily. "He wanted to buy into an American bank, an idea I was not enthusiastic about," Stephens told an interviewer some years later, perhaps making an unconscious semantic distinction. He'd seen nothing wrong with selling BCCI an American bank—they even named it First American—but he and Riady soon began planning an entirely new kind of Arkansas bank holding company, for which they required the services of Giroir and his expertise in securities law. But they also needed something that increasingly became a hallmark of the Rose firm: a willingness to perpetrate a subtle conflict of interest.

Founded in 1820, well before Arkansas became a state, Rose is one of the oldest surviving law firms west of the Mississippi, one of the most competent and one of the most quietly influential. Often, in looking at the state government of Arkansas, the Rose firm and the Stephens interests, it is hard to escape the impression that one is looking at a single entity, rather along the lines of NATO. The law partnership takes its curious name from U.M. Rose, a talented attorney who dominated the firm from the mid-1860s to the end of the century, was one of the founders of the American Bar Association and is one of two Arkansans whose statues adorn the Capitol in Washington. Over the years Rose has provided Arkansas with numerous legislators and justices of the state supreme court. In 1957, when the modern civil rights era was born in Governor Faubus's refusal to integrate Little Rock's Central High, it was a Rose lawyer who acted as lead counsel to the school board. (Rose still has no black partners.) And from 1975 until 1988 the firm enjoyed a spectacular run—growing from seventeen lawyers to fifty-three—under the leadership of the dapper and charming Giroir, the first and only chairman in the history of Rose, who deeply entwined the partnership and his personal destiny in the affairs of the Stephens family's empire.

During the Clinton administration, the history of the Rose firm could be divided into two periods: the Giroir years, and the shorter period, from 1987 to 1992, when the firm claimed to be a democracy, voting on its future rather than blindly following a single, charismatic leader. This democracy, however, was publicly dominated by three partners: the amiable Webster Hubbell, who was until a few days ago associate attorney general; the quiet Vincent Foster, who was deputy White House counsel until his suicide last summer; and Hillary Rodham Clinton, who as of press time is still First Lady. The firm's sea change, which generated a certain amount of hoopla from the legal press, was more apparent than real. Under the surface, Rose was much the same as always, doing good for its friends and clients while doing well for itself, but much more silently.

In his years as Rose's chief, Giroir conspicuously chaired a group drawn from the State's so-called Good Suit Club. The club successfully lobbied the legislature to change the state usury law, which made owning an Arkansas commercial bank a much more attractive proposition. It also was active in convincing the State's lawmakers to revise the law restricting the formation of bank holding companies, which enabled Giroir, Riady and Stephens to make a substantial and potentially lucrative investment.

On his own, Giror had purchased control of four Arkansas banks. He sold all four—including the second largest bank in the city of Pine Bluff—to Worthen Banking Corporation, the new holding company Riady and Stephens had been able to set up after state law, with Giroir's help, had been made more congenial to such things. For his part in the deal, Giroir was compensated with $53,760,294 in cash, stock and assumed debt. He also became a major stockholder of Worthen (named after the venerable and very large Little Rock bank that was the pride of the Stephens commercial banking empire) and a powerful member of its board. He received further income by renting property to the company, and he pocketed an additional $2.1 million when he sold part of his stockholdings to a company affiliated with Riady's son James (who was also Worthen's co-president). More important, he managed to create a whole new client for his firm; Rose became Worthern's principal outside counsel.

These things are complicated, dull and dry, which is an excellent form of concealment, but consider the sequence of events. With the stroke of a pen and without a visible second thought, then-Governor Bill Clinton, following his traumatic period as a voter-rejected civilian between 1980 and 1982, gave life to two pieces of legislation inspired by his wife's boss—revising the usury laws and permitting the formation of new banking holding companies.

In a State as small as Arkansas, where everybody of importance knows everybody else, it seems impossible that Governor Clinton could not have known that the relevant legislation would be of immense personal benefit to the boss in question, the state's most powerful family and an Indonesian investor whose presence in Arkansas seemed to be regarded as the most natural thing in the world. Last and not incidentally, the governor, by permitting the creation of the Worthen Bank Corporation, had arranged a new payday for the Clinton family through the windfall in legal fees provided to the Rose firm (Hillary Rodham Clinton, partner). When the compensation of the firm's partners was computed. Rodham Clinton has insisted, she specifically exempted herself from receiving a share of Rose's business with the state. But although Worthen could not have been brought to life without the help of her husband's government, it was not a government agency, Rodham Clinton was therefore not excluded from a partner's share of its fees.

More important, Worthen also became a major depository of the state's tax receipts. Nothing unusual here; governments frequently park their deployed funds with large private banking institutions until they decide what to do with the money. But the results soon proved to be imprudent under the most charitable interpretation of the word. In 1985 Worthen Bank managed to lose $52 million of Arkansas state taxpayers' money in a purchase of government securities from a New Jersey brokerage with a questionable past and no future whatever; several of its principals ended up in the jail for fraud. With its capital wiped out in a single stroke and a seizure by federal regulators imminent, Worthen was swiftly rescued with a $30 million cash infusion from its major stockholders, in the form of a loan that paid the Stephens partners a handsome 10 percent—together with additional funds from Stephens Inc., which pocketed a $3.2 million fee for its trouble. (The risk, is true Stephens fashion, was not great. Two-thirds of the funds were swiftly replaced by Worthen's insurance company, which made Stephens Inc.'s noble rescue of the bank—and of a big hunk of the Arkansas treasury—an almost surefire, profitable investment.) Also conspicuous during the complex negotiations were Joe Giroir and his partner Webb Hubble, appearing in their capacity as members of Rose.

Two questions surround this incident. First, how could Worthen have allowed the state to make such an obviously tainted investment via the New Jersey brokerage firm? Second, and more important, why did nobody in Arkansas appear before the bar of justice? The New Jersey firm was a direct lineal descendent of a peculiar regional phenomenon: the world of so-called bond daddies. The bond-daddy racket, long centered in Memphis but with many of its members drawn from Arkansas, specialized in selling questionable government securities to gullible investors, principally small banks with little financial sophistication.

Here is where the oddity begins, at least as it concerns Worthen. The Stephens brothers, if not Giroir and Riady, were intimately familiar with the black arts of finance. They were also experts in the government bond market. Moreover, at least one of the principals in the New Jersey brokerage of Bevill, Bresler & Schulman Inc. (which executed the transaction for Worthen and the state of Arkansas) was well-known in the region. Bevill's operations had all the earmarks of a standard bond-daddy scam, and yet Worthen committed $52 million anyway. (At the bank, the official explanation was that co-president Jim Jett acted naively, on his own and without the supervision of his principal stockholders, which is possible but not entirely plausible, since Giroir, who represented the Stephenses, sat on the board.)

Consider a virtually identical event at the same time in Ohio, in which a savings bank controlled by Marvin Warner, Jimmy Carter's ambassador to Switzerland, invested in the same kind of fraudulent securities, destroyed itself, ignited a statewide financial panic and caused Governor Richard Celeste to declare the first Ohio bank holiday since the Great Depression. A number of the responsible parties, including Warner, found themselves behind bars, some for a very long time. Why? Under long established Anglo-American law, an officer or director of a bank is governed by the "prudent man" rule, which states that he is personally responsible for the financial and legal consequences of his acts. In Arkansas, where the prudent man rule seems to have been suspended, a number of people were fired, but the Clinton government hauled precisely no one into court on criminal charges. Once again in Clinton's Arkansas, the law seemed to be different than it was in the rest of the United States—which makes certain Arkansans smile in knowing amusement over the fact that Bill Clinton now happens to be running the United States.

### III.

The near failure of Worthen in 1985, like the arrival of BCCI, proved to be another pivotal event in recent Arkansas history: Stephens, Worthen, Rose and the Clintons remained at the center of the stage, but the cast of supporting players began to change.

A former Stephens executive named Ray Bradbury, who had been deeply involved in the BCCI negotiations—hardly a job qualification, one would think—took the helm at Worthen, where he discovered that the bank was also stuffed with bad real estate loans. Meanwhile, federal regulators learned that the bank had made an excessive number of insider loans, particularly to the Riadys, although what happened next is, as usual, a matter of mutually exclusive explanations.

Knowledgeable observers in Little Rock and elsewhere say that the Riadys were slowly forced out of the bank by the federal government; at Worthen, the official version says that the Riadys disengaged because it was clear the troubled bank could not be a major force in international finance. In any event, the Riadys soon departed.

The role of Joe Giroir also underwent a change. As a principal owner of Worthen, he was charged with securities fraud in a shareholder suit; he was also sued by Worthen itself for taking illegal "short-swing" profits when he sold stock to the Riady affiliate. Not only did Giroir lose his board position and partial ownership of the bank—with Giroir and Riady out of the picture, the Stephenses gradually increased their stockholding to more than 40 percent, while stoutly denying they controlled the place—but, following Giroir's disgrace in 1988, Rose lost Worthen as a client that had once paid the firm hundreds of thousands of dollars per year.

As for Giroir, his troubles were far from over. In 1986 he was revealed to be a shareholder in and a substantial borrower from a Pine Bluff thrift called FirstSouth, the first billion-dollar S&L failure in the country. Before the dust had cleared, the head of FirstSouth had gone to jail together with a former president of the Arkansas Bar Association, and Giroir had sued the federal regulators while the federal regulators were suing him, putting a considerable crimp in the plans of his partners. Hubbell and Foster, to create a lucrative practice in the cleanup of the S&L crisis. (At failed S&Ls, the fees for firms like Rose could be enormous. According to one frustrated federal investigator, private lawyers in Dallas were making $500,000 per month from the thrift catastrophe, more than the total annual budget for the federal cleanup effort in the entire state of Texas—and in Arkansas, where lawyers were cheaper, the damage per capita was among the worst in the country. Somehow, Governor Clinton escaped criticism for this interesting fact.) It was clear that Joe Giroir, who had built the modern Rose Law Firm, was not the partnership's greatest liability—the firm's reputation aside, federal regulators charged that Giroir had used Rose letterhead to give FirstSouth legal advice beneficial to himself; Rose was forced to settle with the Federal S&L Insurance Corporation regulators for a reported half-million dollars—although once again there is a contradictory official version of his abrupt departure.

Giroir once claimed that he left the firm voluntarily but will no longer comment on the matter. The Rose firm fell abruptly silent on this and all other subjects following recent allegations that it had shredded its Whitewater files, but its spokesman told American Lawyer in 1992 that Giroir departed in a coup arranged by litigators who were miffed that he and the firm's other rainmakers were paid substantially more than the lawyers who actually did the scut work in court—litigators prominently including Hubbell, Foster and Rodham Clinton, who actually seemed to be engaged in very little legal work at all.

With the departure of Giroir, life at Rose became quieter if no less active. The three partners became the firm's public face to the world. The most physically imposing and locally active of these was Hubbell, a six-foot, five-inch giant of a man who had played football for the University of Arkansas, had almost made it into the big time with the Chicago Bears, had served briefly as mayor of Little Rock (when Rose received a significant portion of the city's bond business) and had received an interim appointment as chief justice of the Arkansas Supreme Court from Governor Clinton. (According to a reliable source, Hubbell's father-in-law. Seth Ward, a septuagenarian self-made entrepreneur, once complained that keeping Hubbell in politics cost him $100,000 a year.)

The second was Foster, once described as an immaculately brown-suited man in an immaculate brown office, who was regarded as the "soul" of a firm that, according to grand jury testimony, shredded volumes of his records the moment an independent federal prosecutor appeared in the vicinity. The last was Rose's first female partner, Rodham Clinton, who occasionally did some lawyering in the intervals when she wasn't working for the Children's Defense Fund, attending to her personal business affairs or serving as the governor's first lady. The three were described to American Lawyer as "big, big buddies"; Rodham Clinton's office was next door to Hubbell's, and much of her work was actually done by Foster. The three also were closely entwined in a curious financial arrangement. This was Mid-life Investors, a partnership set up by E.F. Hutton in 1983. Hubbell, Foster and Rodham Clinton each kicked in $15,000 and named each other—rather than their spouses—as beneficiaries. But although the fund was active at least until 1991, Rodham Clinton reported annual dividends of under twenty dollars from Mid-life Investors, a sum that comes as a surprise to Roy Drew, the financial counselor who supervised the partnership and invested its money in such 1980s takcover candidates as Diamond Shamrock and Firestone Tire. According to Drew, with the likes of Sir James Goldsmith and the Japanese offering huge sums for the stock of Shamrock and Firestone, there was no way Mid-life Investors could have failed to reap substantial profits.

Although Rodham Clinton was a litigator—that is, a lawyer whose task is to appear in court, if only to force the other side to settle—and an attorney who was named one of the 100 most influential in the country by the National Law Journal in 1988 and 1991, she was almost never seen in the courtrooms of Little Rock; some court reports remember an occasional appearance, and one could not remember having seen her at all. According to a search conducted by American Lawyer, she tried just five cases during her fifteen years at Rose; other published sources say her work revolved around copyright infringement cases involving songwriters and bread companies. But paradoxically, in view of what happened to Giroir, she (like Giroir) received extra compensation for the business she generated from her extracurricular activities, even if she did not work on the cases at all.

For example, she was only one of two Rose partners to act as a corporate director, serving at various times on the boards of four companies carning $64,700 on 1991 from director's fees alone. (Her 1991 salary from Rose was in the vicinity of $110,000; her husband earned $35,000 and go to live in a free house.) She was on the board of Wal-Mart, a Rose client that Stephens had launched on the road to glory. (Rodham Clinton also owned $80,000 worth of Wal-Mart stock.) She served Southern Development Bancorp, a holding company created to give development loans in rural Arkansas, which, according to the The Washington Post, paid Rose somewhere between $100,000 and $200,000 in fees. In 1989 she joined the board of TCBY yogurt company, which occupies the tallest building in Little Rock. TCBY then proceeded to pay Rose $750,000 for legal work during the next few years. Last, and puzzlingly, she was a director of Lafarge, a giant French cement company that had no discernible, connection to Arkansas except like Stephens Inc., it was engaged in burning hazardous waste. (As president, Bill Clinton did nothing to stop operation of an Ohio Waste incinerator, partly backed at one time by Stephens Inc., despite the fact that it didn't work, had no legal permit and his own vice president had promised that it would never operate until it was thoroughly investigated, which it wasn't.)

With Rodham Clinton aboard at Rose, the firm's long established connections to the governor's office were made firmer still. Rose, the gold standard of Arkansas law firms, had long enjoyed unusual access to the state's corridors of power. It both advised and did the bidding of the powerful family that acted as the state's shadow government, and during the Clinton years, the Rose Law Firm sometimes behaved as though it were an agency of the state rather than a legal partnership with offices in a converted YMCA.

The intimate connection between Rose, Stephens Inc. and the governor's office may help explain how the Stephens family made a vast amount of money when its most visible enterprises were doing no such thing. The investment bank had hit a gusher when it took Wal-Mart public, made a pleasing sum on the stock of Tyson Foods, the nation's largest chicken processor, but otherwise cut no great swath in the stock market. Until recently, Worthen was a disaster area. At least part of the answer for the family's continued prosperity seems to reside in the unusual way Bill Clinton's state dealt with Stephens Inc.'s old specialty, government bonds.

## IV.

The crown jewel of Bill Clinton's avowed attempt to create industries and jobs in the state was an unusual entity called the Arkansas Development Finance Authority (ADFA). According to well-established common law, a government-chartered authority is supposed to be an independent body, insulated from the hurly-burly of everyday political life and its temptations. But ADFA, written into law with the help of Webb Hubbell, was no such thing. All ten members of its board were appointed by the governor. Though it was specifically granted the power to issue industrial development bonds, the governor, personally, was required to approve every bond issue. State agencies with the ability to issue industrial bonds are supposed to distribute the money (and thus create jobs and wealth) to companies and individuals who can't receive lines of credit on favorable terms from the usual financial institutions or venture capitalists. On significant occasions, however, ADFA spread its bounty to less than deserving clients. Nor do the peculiarities of this body end here.

Although it issued bonds, ADFA did no due diligence—the common practice of engaging an outside financial expert to examine the applicants for the proceeds and determine if they actually need the money and are otherwise worthy recipients. (Due diligence, according to an ADFA spokesman who happens to be the brother-in-law of one of Witt Stephens' daughters, was the responsibility of the purchasers of the bonds under the ancient principle of caveat emptor—a practice that had previously helped the region's bond daddies flourish and had wiped out the capital of the Worthen bank.) While its spokesman is a little fuzzy on the subject, it seems that there was no regular ADFA oversight to ensure that money was being spent according to the original purpose of the loan, although an ADFA employee might occasionally be sent into the field to discover if everything was tickety-boo.

It is also somewhat difficult to discover just what ADFA was actually doing. A recent examination of the log kept at ADFA headquarters for the enlightenment of wandering reporters and inquisitive citizens reveals just twenty-five bond issues from 1985 to the present—or twenty-six, if you count the paperwork on a bond issue that was removed in a reporter's presence. Moreover, the log suggests that ADFA was heavily involved in good works with religious orders. But according to the Los Angeles Times' count of ADFA's activities, the authority released seventy industrial bond issues—according to my count, the number is sixty-five—none of them to religious charities or university hospitals, and most of them missing from the official log. Which begs the question: Just what was ADFA doing with the $719 million it dispensed (or whose dispensation it authorized) as of January 1992?

"AFDA," says Larry Nichols, a dismissed authority official, "was set up by Clinton for Dan Lasater." Now, it should be borne in mind that Nichols is something of an Arkansas character and, in some circles, a figure of fun. A well-known supporter of the Nicaraguan contras, Nichols was also the person who originally alleged that Clinton had an affair with Gennifer Flowers and four other women, only to destroy his credibility when he retracted his charges in a document remarkable for its abject contrition. But there are those in Arkansas who insist that Nichols is neither entirely a vindictive nut nor the sort of notorious regional liar who has to hire a man to call his own dog. "You ought to listen to Larry Nichols," says a Little Rock political consultant. "He says a lot of things, but sometimes he tells you something you really need to know." And, certainly, there is something intriguing about Bill Clinton's relations with Lasater, a man no governor in his right mind would let in the front door.

If Dan Lasater was not the largest cocaine user in the state of Arkansas, he was certainly the most conspicuous one. A prosperous Little Rock bond dealer, he was an acquaintance of the Clinton family and a contributor to the governor's political fortunes. Lasater distinguished himself in other ways, too. He served ashtrays full of cocaine at parties in his mansion, stocked cocaine on his corporate jet (a plane used by the Clintons on more than one occasion) and later told the FBI that he had distributed cocaine on more than 180 occasions. "I shared my success . . . in that manner," he explained.

He was also a patron of Governor Clinton's cocaine-using half-brother, Roger, employing the younger man in his thoroughbred racing stables in Florida and claiming that he gave Roger Clinton $8,000 to pay off debts to drug suppliers. By 1985 it was also known that Lasater was the subject of a police investigation that even the most uneducated guess would suggest, could end in only one way. But that year, Governor Clinton deemed Lasater worthy of handling a $30.2 million bond issue to modernize the state police radio system, despite the fact that the expenditure would normally be made by an appropriation from the treasury and the fact that Lasater was about to be busted. Nonetheless, Clinton vigorously lobbied the legislature, ignored the wishes of the Stephens family and won the day, giving Lasater & Co. a handsome $750,000 underwriting fee, according to the Los Angeles Times. In 1986 Lasater was sentenced to two and a half years in prison, with Roger Clinton testifying against him at his trial. In 1990 he received a state pardon from Governor Clinton.

For whatever it's worth, one of the few people to have access to the office of the late Vincent Foster during the three days it was unsealed following his suicide was White House official Patsy Thomasson, who managed Lasater's business affairs while he was in jail. But in the Clinton system, perfected in Little Rock and now being practiced in Washington, none of these things should be considered a mistake or an aberration.

Lasater was not the only strange thing about the Arkansas bond business during the time of Bill Clinton. Whenever a normal state issues bonds, there are many ways for a variety of people to get well on the public nickel. The beneficiary of the proceeds receives a loan at below-market rates. The financial institution that sold the bonds receives underwriting fees. For each bond issue, an outside attorney is engaged to certify that the deal conforms to the law and prepares the documents required by the Internal Revenue Service and the federal treasury. A bank is chosen as trustee for the money, collecting the repayments from the lucky borrowers and making the repayments to the purchasers of the bonds. And the borrower itself almost invariably retains a lawyer. But when one examines the activities of ADFA, a certain pattern emerges concerning at least some of the beneficiaries of Arkansas largess.

For example, one of the very first ADFA bond issues provided $2.75 million to POM, a manufacturer of parking meters in Russellville, whose president happened to be Seth Ward II, the brother-in-law of Webb Hubbell. Despite the fact that Hubbell was chairman of the conflicts committee at Rose, he seemed to see nothing amiss in the fact that Rose then collected a fee as ADFA's certifying attorney or that he himself served as POM's attorney. Nor did Hubbell seem to see anything unusual in the fact that he was representing the Resolution Trust Corporation in its case against the auditors of Madison Guaranty, despite the fact that his father-in-law, the senior Ward, had not repaid millions in loans from the thrift, or that Ward had received an airplane from Madison in the bargain.

Between 1985 and mid-1992 Stephens Inc. was involved in the underwriting and sale of 78 percent of ADFA's housing and industrial bonds, an unsurprising figure considering the firm's familiarity with the market and its clout in the state. Still, considering Stephen's involvement in the authority's affairs, Governor Clinton did not appear to feel that it was ever so slightly wrong to appoint two Stephens associates—a vice president of one of Worrhen's banks and a vice president of a chain of nursing homes partly controlled by the Stephens empire—to ADFA's ten-member board. Nor did the man who signed off on every single ADFA bond issue exhibit suspicion when Stephens seemed to be supplementing its brokerage fees by helping itself to ADFA's money in the form of favorable loans. Meanwhile, at least another member of the board, the vice president of Twin Cities Bank, an institution that served as trustee in one of ADFA's tangled deals, appeared to take a similar double-dip. And the governor's wife's law firm was not only receiving a healthy chunk of ADFA's legal business, but Rose apparently found nothing wrong with affiliates of Stephens receiving ADFA money, or with the fact that on not one but two occasions, ADFA issued bonds that benefited the relatives of Rose partners.

In 1988 and 1989 ADFA lent a total of $1.37 million to the Pine Bluff Warehouse Company. Rose received $22,321 in legal fees from ADFA. The trustee bank was Worthen's National Bank of Commerce in Pine Bluff, whose vice president sat on the ADFA board and whose chief executive officer was not merely a member of Pine Bluff Warehouse's board but the father of a senior Rose partner, William Kennedy III, now associate White House counsel. Stephens, unsurprisingly, underwrote the bonds.

In 1989 ADFA loaned $4.67 million to Arkansas Freightways, whose largest outside stockholder was Stephens Inc. Co-counsel on the bond issue was Rose. The trustee bank's executive vice president was a member of the ADFA board. The underwriter was Stephens.

Also in 1989 ADFA tried to loan $83 million to a Texas entrepreneur for the purpose of bailing out Beverly Enterprises, the country's largest operator of nursing homes, 10 percent owned by Stephens, whose vice president sat on the ADFA board, at a time when Beverly's stock was being hammered by the company's persistent losses. A swift and decisive halt to the deal was called by Arkansas Attorney General Steve Clark, a rising political star who was expected to be a strong gubernatorial candidate in 1990, and who claimed that a Stephens-Beverly lobbyist had offered him a $100,000 bribe (as campaign contributions, of course) if he would just lay off and let the deal go through. The lobbyist was later cleared by an Arkansas court, but Clark was caught charging personal expenses on his state credit card. His political career in shambles, he was later disbarred. Current reports place him somewhere in the state of Georgia.

But these were only the most conspicuously questionable of ADFA's doings, the ones most easily understood by the public and the press. There was also the question of the true extent of Rose's involvement in the authority's bond business. According to the Daily Record, a Little Rock business journal, Rose ranked fourth among the law firms working directly for ADFA, with fees of only $175,000 for the years up to 1991. But not everyone agrees with this assessment. When Frank White, the only man ever to defeat Clinton in a gubernatorial election, tried to repeat the feat in 1986, his campaign claimed that Rose had actually been in on every ADFA deal (for the authority or for the recipient) while Clinton was governor.

Unfortunately, the relevant data was assembled under the supervision of White's political consultant, Darrell Glasscock, a former Louisiana state official and a great supporter of the contras (an occupation that appears to have been an Arkansas cottage industry). Reached recently by phone, former Governor White, now an official of Worthen's principal competitor, the First Commercial bank holding company, clearly wishes he had never heard of Glasscock, cheerily questions Glasscock's veracity and pleasantly turns aside any questions about Rose.

When a visitor to ADFA asks for the complete documentation on any particular bond issue, he is presented with a thick volume that, if placed on a chair, would allow him to dine with the grown-ups. A small sampling of these volumes reveals an interesting thing: every company examined, including POW, Arkansas Freightways, Pine Bluff Warehouse and Concert Vineyards appears to be eminently creditworthy. These are the sorts of enterprises that could walk in the door of any bank and walk off with any reasonable sum they needed.

Why, then—in addition to the mutual back-scratching described above—were they being given loans at below market rates by a desperately poor state with other uses for its money? This question takes added luminosity from the fact that ADFA really didn't work very well. The old Arkansas Industrial Development Commission, started by Orval Faubus, created 90,000 jobs in nine years. And it had no bonding power. After seven years under the Clinton regime and with tens of millions in issued loans, ADFA had created just 2,700 jobs, many at wages significantly below the national standard. This anemic showing obscures the fact that ADFA had yet another purpose: its generosity was returned in the form of campaign contributions for William Jefferson Clinton.

According to the Los Angeles Times, in the 1990 race for the governorship, the recipients of ADFA's largess contributed $400,300, nearly one-fifth of the Clinton war chest. They then kicked in with millions more for the presidential race. Outside Arkansas the white-shoe investment bank of Goldman Sachs, which later contributed its co-chairman, Robert Rubin, to President Clinton's inner circle of economic advisers, raised millions for the presidential race and even paid for a substantial hunk of the Democratic National Convention. According to ADFA's incomplete records, Goldman was either the lead or sole underwriter of at least $400 million in ADFA bonds. In addition, two of ADFA's board members were active Clinton fund-raisers, which raises yet another question among many: Wasn't this against the law? For once, the answer is terse and straightforward. Not in Arkansas.

Under the Arkansas ethics-in-government act, passed in 1988 and, according to state legislators, either drafted or inspired by Hubbell, state legislators were required to report possible conflicts of interest. Surprisingly, the laws specifically exempted the governor and other elected or appointed officials, including officials of state agencies and commissions. Moreover, these officials were not even required to report dealings with entities—such as Rose—that employed their relatives. This was not the only remaining service that Rose had provided to the governance of its state. When the time came to rewrite the state's incorporation laws, it was Rose that drew up the 397-page treatise that formed the basis of the legislation.

Well, somebody has to draft a state's legislation, and under Arkansas' unusual ethics law, it was perfectly all right for Rose to do just that. Less clear (if anything in these murky waters can be described as clear) is just why Clinton seemed so eager to assist the Stephens family, which was hardly enamored of the man and kept bankrolling the candidates who ran against him for governor until it experienced a change of heart in 1990. Witt Stephens habitually referred to Clinton as "that boy." In a moment of candor his brother Jack once remarked that "it would be awfully easy for Stephens, if we wanted to be close to a governor, to be close to Bill Clinton." Nonetheless, the Clinton governorship's assistance to Stephens extended well beyond ADFA. During Clinton's years in Little Rock, the Stephens interests were involved in some 61 percent of the $7 billion of all the state bonds issued in Arkansas.

Contrary to state law, Stephens Inc., according to the Arkansas Democrat-Gazette, was given the underwriting for the state university system without competitive bids from other bond dealers. The Fayetteville campus alone, where the Clintons had once taught law, had $33 million in bonds outstanding. Under Clinton, Stephens devised a plan to rescue the state's troubled student loan authority, in which the authority's bonds would be bought by the state employees' retirement funds. An independent consultant—Roy Drew, the very man who created Mid-life Investors for Hubbell, Foster and Rodham Clinton—was brought in to examine the deal. Drew thought it was a terrible investment and so did the state's auditor, Julia Hughes Jones. But Drew was dismissed, Jones's budget failed to pass the legislature (the first time ever for an Arkansas state auditor) and she began to receive late-night harassing calls from a collection agency—concerning, ironically, her own daughter's student loan, which was current. In the upshot, the retirement funds bought $100 million of the loan authority's bonds, another $100 million in the bonds of two other state agencies, ADFA was given the task of overseeing the retirement fund's investment policies and Stephens Inc., according to The Philadelphia Inquirer, made $1.8 million.

These were very considerable favors to a family that not only bankrolled Clinton's opponents but seemed to despise him as a man. But Bill Clinton's canny instinct that the Stephenses needed to be appeased—rather than ignored—eventually paid off. After Clinton's unexpected loss in the New Hampshire primary, with the campaign coffers bare, the staff paying its bills on their personal credit cards and federal matching funds just beyond reach, the Worthen Bank rescued the candidacy with a prearranged $3.5 million line of credit, selflessly advanced at a lucrative rate of interest. Later, Worthen—whose executives, like many Stephens executives, experienced a spasm of Arkansas patriotism that caused them to reach for their checkbooks—became the Clinton campaign's depository of $55 million in federal campaign funds, which, in effect, was free money. Worthen did not have to pay any interest on this staggering sum, but as long as it was on deposit (and as long as Worthen, with its undistinguished track record in the department of government deposits, managed not to lose it), the bank was free to use it to make itself some money that it got to keep.

And when the votes were counted, everybody who wanted to go to Washington got to go to Washington: Bill Clinton and Hillary Rodham Clinton, president and First Lady; Mack McLarty, White House chief of staff; Vince Foster, deputy White House counsel; Webb Hubbell, associate attorney general; Patsy Thomasson, a White House aide. Jack Stephens, though mentioned as a candidate for secretary of the treasury, had, it now seems safe to say, the good sense to stay home.

Oh, and one last thing: when Whitewater special prosecutor Robert Fiske—who once defended Clark Clifford, the famed friend of Jack Stephens' old client, BCCI—arrived in Little Rock, something strange happened. Worthen Bank had a fire.

Is this a great country, or what?

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FALEOMAVAEGA (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Ms. PRYCE of Ohio) to revise and extend his remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. RICHARDSON, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. PRYCE of Ohio) and to include extraneous matter:)

Mr. CALVERT in two instances.

Mr. BLUTE.

Mrs. ROUKEMA.

Mr. COBLE.

Mr. GILMAN.

Mr. CRAPO.

Mr. HUTCHINSON.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. BORSKI in two instances.

Mr. MANN.

Mr. JOHNSON of South Dakota.

Mr. HOYER.

Ms. KAPTUR.

Mrs. MEEK of Florida in two instances.

Mrs. MALONEY in two instances.

Mr. WILLIAMS.

Mr. UNDERWOOD.

Mr. HAMILTON in two instances.

Mr. REED in two instances.

Mr. DIXON in two instances.

Mr. MENENDEZ in two instances.

Mr. BRYANT.

Mr. TOWNS.

Mr. KOPETSKI in two instances.

Mr. JACOBS.

(The following Members (at the request of Mr. DORNAN) and to include extraneous matter:)

Mr. CUNNINGHAM.

Mr. KLUG

Mr. GILLMOR.

Mr. ROHRABACHER.

Mr. STARK.

Mr. JOHNSTON of Florida.

Mr. ENGEL.

Mr. PALLONE.

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 208. An act to reform the concessions policies of the National Park Service, and for other purposes; to the Committee on Natural Resources.

## SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 171. Joint resolution to designate March 20 through March 26, 1994, as "Small Family Farm Week."

## ADJOURNMENT

Mr. DORNAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Thursday, March 24, 1994, at 11 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2812. A letter from the Comptroller General of the United States, transmitting status of budget authority that was proposed for rescission by the President in his second special impoundment message for fiscal year 1994, pursuant to 2 U.S.C. 685; to the Committee on Appropriations and ordered to be printed.

2813. A letter from the Secretary of Housing and Urban Development, transmitting notification that 63 per centum of GNMA's authority to make commitments to insure mortgages and loans, under the National Housing Act, has been utilized, pursuant to 12 U.S.C. 1721 note; to the Committee on Banking, Finance and Urban Affairs.

2814. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to provide for a U.S. contribution to the interest subsidy account of the successor [ESAF II] to the enhanced structural adjustment facility of the International Monetary Fund; to the Committee on Banking, Finance and Urban Affairs.

2815. A letter from the Chairman, Federal Trade Commission, transmitting the 16th annual report to Congress on the administration of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. 1692m; to the Committee on Banking, Finance and Urban Affairs.

2816. A letter from the Secretary of Education, transmitting the Department's final regulations—Student Assistance General Provisions (Student Eligibility), pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2817. A letter from the Secretary, Department of Transportation, transmitting the annual report on transportation user fees, fiscal year 1992, pursuant to 45 U.S.C. 447(e); to the Committee on Energy and Commerce.

2818. A letter from the Secretary of Energy, transmitting notification that the "Annual/Quarterly Report on Activities Undertaken Regarding the Strategic Petroleum Reserve" will be submitted to the Congress by March 31, 1994, pursuant to section 165 of the Energy Policy and Conservation Act of 1975, as amended; to the Committee on Energy and Commerce.

2819. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes; to the Committee on Energy and Commerce.

2820. A letter from the Chief Staff Counsel, U.S. Court of Appeals for the D.C. Circuit, transmitting two opinions of the U.S. Court of Appeals for the D.C. Circuit; to the Committee on Energy and Commerce.

2821. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the President wishes to exercise his authority under section 614(a)(1) of the Foreign Assistance Act of 1961, as amended (the "Act"), to authorize the furnishing of assistance for sanctions enforcement against Serbia and Montenegro without regard to provisions of law within the scope of that section, including section 660 of the act, pursuant to 22 U.S.C. 2364(a)(1); to the Committee on Foreign Affairs.

2822. Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to the Royal Saudi Air Force (Transmittal No. DTC–5–94), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2823. Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to France (Transmittal No. DTC–3–94), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2824. Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Kuwait (Transmittal No. DTC–10–94, pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2825. Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Switzerland (Transmittal No. DTC–8–94), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

2826. Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to the Federal Republic of Germany (Transmittal No. DRSA–1–94), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

2827. A letter from the Director, U.S. Arms Control and Disarmanent Agency, a report entitled the "Chemical Weapons Convention Verification," also an independent assessment of the verifiability of the Convention, pursuant to 22 U.S.C. 2577(a); to the Committee on Foreign Affairs.

2828. A letter from the Inspector General, Federal Labor Relations Authority, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1993, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2829. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's annual report in compliance with the Government in the Sunshine Act during calendar year 1993, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2830. A letter from the Director, Institute of Museum Services, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1993, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2831. A letter from the Secretary of Transportation, transmitting a report on activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2832. A letter from the Director, Selective Service System, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552; to the Committee on Government Operations.

2833. A letter from the Senior Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2834. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting the Department's proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

2835. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting the Department's proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

2836. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a request to establish a Heritage Partnership Program to assist in the conservation and interpretation of certain outstanding natural, cultural, historic, and scenic resources that are the source of values important to the people of the United States, that contribute to the quality of life for residents and visitors, and that provide outstanding educational and recreational opportunities for this and future generations; to the Committee on Natural Resources.

2837. A letter from the Director, Government Relations, Girl Scouts of the United States of America, transmitting the Girl Scouts of the United States of America 1993 annual report, pursuant to 36 U.S.C. 37; to the Committee on the Judiciary.

2838. A letter from the Secretary of Commerce, transmitting a request to amend the authority of the commissioned corps of the National Oceanic and Atmospheric Administration to clarify the authority of the Secretary of Commerce and for the purposes; to the Committee on Merchant Marine and Fisheries.

2839. A letter from the Administrator, General Services Administration, transmitting the fiscal year 1995 General Services Administration's [GSA's] Public Buildings Service [PBS] Capital Improvement Program, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

2840. A letter from the Secretary, Department of Commerce, transmitting the "National Implementation Plan For Modernization Of The National Weather Service For Fiscal Year 1995," pursuant to Public Law 102–567, section 703(a) (106 Stat. 4304); to the Committee on Science, Space, and Technology.

2141. A letter from the Secretary of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

2842. A letter from the Secretaries of Veterans Affairs and Defense, transmitting a report on the implementation of the health resources sharing portion of the "Department of Veterans Affairs and Department of Defense Health Resources Sharing and Emergency Operations Act" for fiscal year 1993, pursuant to 38 U.S.C. 8111(f); jointly, to the Committees on Armed Services and Veterans' Affairs.

2843. A letter from the Secretary, Department of Energy, transmitting notification that the report "Study of the Implementations of the Unique Vulnerablities of the Insular Areas to An Oil Supply Disruption" will be submitted no later than May 1, 1994, pursuant to Public Law 102–486, section 1406(a) (106 Stat. 2995); jointly, to the Committees on Energy and Commerce and Natural Resources.

2844. A letter from the Chairman, Railroad Retirement Board, transmitting the results of determination of the Railroad Retirement Account's ability to pay benefits in each of the next 5 years, pursuant to 45 U.S.C. 231u(a)(1); jointly, to the Committees on Energy and Commerce and Ways and Means.

2845. A letter from the Administrator, U.S. Agency for International Development, transmitting a report on the origin, contents, destination, and disposition of humanitarian goods and supplies transported by the Department of Defense for fiscal year 1993, pursuant to 10 U.S.C. 402; jointly, to the Committees on Foreign Affairs and Armed Services.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:**

Mr. ROSTENKOWSKI: Committee on Ways and Means, 1993 Comprehensive Oversight Initiative of the Committee on Ways and Means (Rept. 103–450). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROWN of California: Committee on Science, Space, and Technology, Oversight Visit—Baikonur Cosmodrome (Rept. 103–451). Referred to the Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules. House Resolution 397. Resolution providing for consideration of a certain motion to suspend the rules (Rept. 103–452). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

**Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:**

By Mr. DELLUMS (for himself, Mr. Spence, Mr. Skelton, Mr. Underwood, Mr. Kyl, Mr. Bilbray, Mr. Montgomery, Mrs. Schroeder, Mr. Lancaster, Mr. Hochbrueckner, Mrs. Lloyd, Ms. Furse, Mr. McHale, Ms. Harman, Mr. Meehan, Mr. Pete Geren of Texas, Mr. Andrews of Maine, Mr. Abercrombie, Mr. Dornan, Mr. Sisisky, Mr. McCloskey, Mr. Tejeda, Mr. Hansen, Mr. Pickett, Mr. McCurdy, and Mr. Torkildsen):

H.R. 4112. A bill to amend title 10, United States Code, to provide certain procedural and administrative safeguards for members of the Armed Forces making allegations of sexual harassment or unlawful discrimination; to the Committee on Armed Services.

By Mr. BRYANT:

H.R. 4113. A bill to amend title 18, United States Code, to prohibit the practice by mental health care providers of using bounty hunters to attract patients for treatment; to the Committee on the Judiciary.

BY Mr. DELLUMS (for himself, Mr. Payne of New Jersey, Mr. Owens, Mr. Rangel, Mr. Mfume, Mr. Franks of Connecticut, Ms. Brown of Florida, Mr. Conyers, Ms. Eddie Bernice Johnson of Texas, Mrs. Meek of Florida, Mr. Bishop, Mr. Blackwell, Mr. Clay, Mrs. Clayton, Mr. Clyburn, Ms. Collins of Michigan, Mrs. Collins of Illinois, Mr. Dixon, Mr. Fields of Louisiana, Mr. Flake, Mr. Ford of Tennessee, Mr. Hilliard, Mr. Hastings, Mr. Jefferson, Mr. Lewis of Georgia, Ms. McKinney, Ms. Norton, Mr. Reynolds, Mr. Rush, Mr. Scott, Mr. Stokes, Mr. Thompson, Mr. Towns, Mr. Tucker, Mr. Washington, Ms. Waters, Mr. Watt, Mr. Wheat, and Mr. Wynn):

H.R. 4114. A bill to provide for sanctions against Haiti, to halt the interdiction and return of Haitian refugees, and for other purposes; jointly, to the Committees on Ways and Means, Foreign Affairs, Public Works and Transportation, the Judiciary, and Banking, Finance and Urban Affairs.

By Mr. ENGEL (for himself, Ms. Molinari, Mr. Serrano, Mr. King, Ms. Lowey, and Mr. Olver):

H.R. 4115. A bill to condition the lifting of sanctions on Serbia and Montenegro upon improvements in Kosova, and for other purposes; jointly, to the Committees on Foreign Affairs, Banking, Finance and Urban Affairs, and Public Works and Transportation.

By Mr. FOGLIETTA (for himself, Mr. Hilliard, Mr. Conyers, and Mr. Borski):

H.R. 4116. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the Director of the Bureau of Justice Assistance to make grants to programs that create safe corridors for senior citizens; to the Committee on the Judiciary.

By Mr. GILLMOR:

H.R. 4117. A bill to amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (relating to fees for certain customs services) to create an exemption from fees for certain small aircraft traveling short distances; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 4118. A bill to provide for necessary medical care for former civilian prisoners of war; jointly, to the Committees on Veterans' Affairs and Education and Labor.

By Mr. KOPETSKI:

H.R. 4119. A bill to declare that certain public domain lands are held in trust for the Confederated Tribes of Siletz Indians of Oregon, and for other purposes; to the Committee on Natural Resources.

By Mr. POMBO:

H.R. 4120. A bill to require the Federal Government to incarcerate, or to reimburse State and local governments for the cost of incarcerating, criminal aliens, and to expedite the deportation and exclusion of criminal aliens; jointly, to the Committees on the Judiciary and Foreign Affairs.

By Mr. STARK:

H.R. 4121. A bill to confirm limitations on the height of buildings and roof structures in the District of Columbia, to expand the authority of the National Capital Planning Commission to enforce such limitations, and for other purposes; to the Committee on the District of Columbia.

By Mr. YOUNG of Alaska:

H.R. 4122. A bill to temporarily extend certain provisions of the Marine Mammal Protection Act; to the Committee on Merchant Marine and Fisheries.

H.R. 4123. A bill to extend certain provisions of the Marine Mammal Protection Act; to the Committee on Merchant Marine and Fisheries.

By Mr. MANTON (for himself and Ms. Dunn):

H.J. Res. 344. Joint resolution designating May 14, 1994, as "National Police Survivors Day"; to the Committee on Post Office and Civil Service.

By Mr. FORD of Michigan:

H. Con. Res. 230. Concurrent resolution to correct an error in the enrollment of the bill H.R. 1804; considered and agreed to.

By Mr. SMITH of Michigan (for himself, Mr. Roberts, Ms. Danner, Mr. Minge, Mr. Boehner, Mr. Lightfoot, Mr. Bereuter, Mr. Glickman, Mr. Emerson, Ms. Brown of Florida, Mr. Klug, Mr. Baesler, Mr. Shays, Mr. Ewing, Mrs. Thurman, Mr. Dickey, Mr. Penny, and Mr. Goodlatte):

H. Con. Res. 231. Concurrent resolution expressing the sense of Congress that, to the greatest extent practicable, ink made from vegetable oil should be used in lithographic printing for the Federal Government; jointly, to the Committees on Government Operations and House Administration.

By Mr. GLICKMAN (for himself and Mr. Hansen):

H. Res. 398. Resolution providing for consideration of the bill (S. 1458) to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes; to the Committee on Rules.

## MEMORIALS

**Under clause 4 of rule XXII, memorials were presented and referred as follows:**

318. By the SPEAKER: Memorial of the House of Representatives of the State of New Hampshire, relative to cable and telephone service; to the Committee on Energy and Commerce.

319. Also, memorial of the General Assembly of the State of Colorado, relative to the payments-in-lieu-taxes program; to the Committee on Natural Resources.

320. Also, memorial of the Legislature of the State of Washington, relative to harbor seals and sea lion populations; to the Committee on Merchant Marine and Fisheries.

## ADDITIONAL SPONSORS

**Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:**

H.R. 300: Mr. Everett, Mr. Bachus of Alabama, Ms. Dunn, and Mr. Horn.

H.R. 330: Mr. Thomas of Wyoming.

H.R. 417: Mr. Crapo.

H.R. 431: Mr. Reed.

H.R. 702: Ms. English of Arizona, Mr. Quillen, Ms. Ros-Lehtinen, and Mr. Duncan.

H.R. 823: Ms. Margolies-Mezvinsky.

H.R. 1039: Mr. Barrett of Wisconsin.

H.R. 1191: Mr. Sam Johnson.

H.R. 1277: Mr. Emerson.

H.R. 1342: Mr. Barrett of Wisconsin.

H.R. 1490: Mr. CLEMENT, Mr. KNOLLENBERG, and Mr. HILLIARD.

H.R. 1493: Mr. BARLOW.

H.R. 1538: Ms. BROWN of Florida, Mr. WHEAT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, and Mr. BACCHUS of Florida.

H.R. 1671: Mr. COYNE and Mr. MCCURDY.

H.R. 1719: Mr. WELDON.

H.R. 1736: Mr. CALLAHAN and Mr. COLEMAN.

H.R. 1793: Ms. ENGLISH of Arizona.

H.R. 1823: Mr. FOGLIETTA.

H.R. 2043: Mr. GONZALEZ.

H.R. 2135: Ms. ROYBAL-ALLARD.

H.R. 2199: Mr. HINCHEY and Mr. BEILENSON.

H.R. 2227: Mr. WYNN and Mr. SCHIFF.

H.R. 2420: Mr. RANGEL.

H.R. 2467: Mr. BOEHLERT, Mrs. CLAYTON, Mr. JACOBS, Mr. KOLBE, Mr. MENENDEZ, Mr. ORTIZ, Mr. PRICE of North Carolina, Ms. ROS-LEHTINEN, and Mr. SHAW.

H.R. 2767: Mr. WYNN.

H.R. 2890: Mr. MINETA.

H.R. 2898: Mr. DEUTSCH and Mr. WYNN.

H.R. 3005: Mr. HOKE and Mr. STEARNS.

H.R. 3293: Mr. KLINK.

H.R. 3365: Mr. GOSS.

H.R. 3367: Mr. BISHOP, Mr. STEARNS, and Mr. SHAW.

H.R. 3409: Mr. RANGEL, Mr. FISH, and Mr. HINCHEY.

H.R. 3421: Mr. HOKE and Mr. STEARNS.

H.R. 3458: Mr. KLUG, Mr. WALSH, and Mr. ZIMMER.

H.R. 3490: Mr. RAVENEL and Mr. WYNN.

H.R. 3492: Mr. GORDON, Ms. ESHOO, and Mr. DUNCAN.

H.R. 3513: Mr. FILNER and Mr. WYNN.

H.R. 3519: Mrs. MEYERS of Kansas, Mr. KLEIN, Mr. ORTIZ, Mr. DURBIN, Mr. MANZULLO, Mr. RAHALL, and Mrs. MINK of Hawaii.

H.R. 3572: Mr. WYNN.

H.R. 3584: Mr. BISHOP, Mr. CALVERT, Mr. CRAMER, Mr. JOHNSON of South Dakota, Mr. LINDER, Mr. STEARNS, Mr. STUMP, and Mrs. THURMAN.

H.R. 3656: Mr. GREENWOOD, Mrs. MEEK of Florida, and Mr. MINGE.

H.R. 3658: Mr. FARR.

H.R. 3660: Mrs. THURMAN, Mr. ANDREWS of Maine, and Mr. DIAZ-BALART.

H.R. 3704: Mr. CLINGER.

H.R. 3707: Mr. GORDON.

H.R. 3750: Mr. HILLIARD, Mr. OBERSTAR, Mr. TUCKER, and Mr. RANGEL.

H.R. 3785: Mr. JOHNSON of South Dakota and Mrs. LLOYD.

H.R. 3790: Mr. TOWNS.

H.R. 3860: Mrs. ROUKEMA.

H.R. 3866: Mr. KLINK, Mr. STOKES, Mr. DELLUMS, Mr. PAYNE of New Jersey, Mr. SARPALIUS, Mr. STRICKLAND, Mr. ANDREWS of New Jersey, Ms. DANNER, Mr. MANTON, Mr. HOCHBRUECKNER, Mr. FAZIO, and Ms. MCKINNEY.

H.R. 3869: Mr. BECERRA.

H.R. 3873: Mr. COLEMAN, Mr. FOGLIETTA, and Mr. STUDDS.

H.R. 3875: Mr. BALLENGER, Mr. BARTLETT of Maryland, Mr. CRAPO, Mr. DICKEY, and Mr. ROYCE.

H.R. 3906: Mr. BILIRAKIS.

H.R. 3935: Mr. JEFFERSON, Mr. BREWSTER, Mr. REYNOLDS, and Mr. CRANE.

H.R. 3955: Mr. CLEMENT and Mr. EWING.

H.R. 3958: Mr. ZELIFF.

H.R. 3978: Mr. HANSEN, Mr. YOUNG of Alaska, Mr. PACKARD, and Mrs. VUCANOVICH.

H.R. 4003: Mr. DARDEN.

H.R. 4007: Mr. FILNER.

H.R. 4024: Mr. FOGLIETTA and Mrs. THURMAN.

H.R. 4040: Mr. HOCHBRUECKNER.

H.R. 4055: Mr. CALVERT and Mr. STUMP.

H.R. 4057: Mr. JOHNSON of South Dakota, Mr. MEEHAN, Mr. TAUZIN, Mr. SWETT, Mrs. MALONEY, Mr. ACKERMAN, Mr. COPPERSMITH, Mr. POSHARD, Mr. LAROCCO, Mr. CRAMER, Mr. CONDIT, Mr. TAYLOR of Mississippi, Mr. SARPALIUS, Mr. BILBRAY, Mr. LANCASTER, Mr. PETE GEREN of Texas, Mr. DEFAZIO, Mr. BARRETT of Wisconsin, and Mr. BOEHNER.

H.R. 4078: Mr. ARCHER.

H.R. 4098: Mr. BEVILL and Mr. BARLOW.

H.J. Res: 166: Ms. WOOLSEY.

H.J. Res. 253: Mrs. FOWLER.

H.J. Res. 297: Mr. BARCIA of Michigan, and Mr. STENHOLM.

H.J. Res. 302: Mr. HOYER, Mr. GOODLING, Mr. DINGELL, and Mr. WILSON.

H.J. Res. 303: Mr. BAKER of California, Mr. MURTHA, Mr. RAVENEL, Mr. ARCHER, Mrs. THURMAN, Mr. ACKERMAN, Mr. BACCHUS of Florida, Mr. CRAMER, Mr. UNDERWOOD, Mr. MOAKLEY, Mr. HOAGLAND, Mr. ROBERTS, Mr. SLATTERY, Mr. EDWARDS of California, Ms. ESHOO, Mr. BROWN of California, Mr. PALLONE, Mr. ABERCROMBIE, Mr. MANTON, Mr. BARLOW, Mr. MORAN, Mr. FAZIO, Mr. KINGSTON, Mr. SMITH of New Jersey, Ms. NORTON, and Mr. SANDERS.

H.J. Res. 325: Mr. WOLF, Mrs. MINK of Hawaii, Mr. MURPHY, Ms. NORTON, Mr. PAYNE of New Jersey, Mr. CLINGER, Mr. COYNE, Mr. BILBRAY, Ms. COLLINS of Michigan, Ms. ROYBAL-ALLARD, Mr. TORRES, Mr. MFUME, and Mr. HERGER.

H.J. Res. 328: Ms. SLAUGHTER and Mrs. MEYERS of Kansas.

H.J. Res. 332: Mr. DE LUGO, Mr. WILSON, Mr. KASICH, Mr. WHITTEN, Mr. SHAYS, Mr. MARTINEZ, Mr. PASTOR, Mr. MORAN, Mr. JOHNSON of South Dakota, Mr. SLATTERY, Mr. MCDERMOTT, and Mr. LIPINSKI.

H.J. Res. 333: Mr. MCCOLLUM, Mr. MARTINEZ, Mr. SERRANO, Mr. MURPHY, Mr. SABO, Mr. SCHUMER, and Mr. ROHRABACHER.

H.J. Res. 335: Mr. SOLOMON, Mr. HOBSON, Mr. DIAZ-BALART, Mr. HUTTO, Mrs. THURMAN, Mr. MARTINEZ, and Mr. FRANK of Massachusetts.

H. Con. Res. 15: Ms. MARGOLIES-MEZVINSKY.

H. Con. Res. 124: Ms. LOWEY.

H. Con. Res. 147: Mr. STENHOLM.

H. Con. Res. 148: Mr. ORTIZ, Mr. PETE GEREN of Texas, and Mr. BACCHUS of Florida.

H. Con. Res. 202: Mr. HUGHES.

H. Con. Res. 212: Ms. ESHOO, Mr. FRANK of Massachusetts, Mr. PORTER, Mr. SANDERS, and Mr. YATES.

H. Res. 270: Mr. EHLERS.

H. Res. 281: Mr. BROWDER.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

**Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:**

H.R. 3958: Mr. SHAYS.

# SENATE—*Wednesday, March 23, 1994*

*(Legislative day of Tuesday, February 22, 1994)*

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. CAMPBELL].

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

** * * he that is greatest among you shall be your servant.*—Matthew 23:11.

Eternal God, Lord of Heaven and Earth, Ruler of the nations, in gratitude we pray for those who are the servants of the servants of the people.

We pray for the Secretary of the Senate, Joe Stewart, and the Assistant Secretary, Jeri Thomson, all who labor in the Secretary's office and in the various departments which are under the Secretary's supervision. May Thy blessing rest upon them, their loved ones, and their friends.

We pray for the Sergeant at Arms, Martha Pope, and the Deputy Sergeant at Arms, Bob Bean, all who serve in the Sergeant at Arms' office and in the various departments which are under the Sergeant at Arms' supervision. Encourage them in their labors and grant them Your grace for every situation.

Be with any who have special need; assure them of our love and care; and direct them in all their ways—personal, family, and professional.

Thank You, Lord, for faithful men and women who are strong support for the leaders of our Nation.

In His name who lived to serve. Amen.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of Senate Concurrent Resolution 63, which the clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 63) setting forth the congressional budget for the U.S. Government for the fiscal years 1995, 1996, 1997, 1998, and 1999.

The Senate resumed consideration of the concurrent resolution.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from New Mexico, [Mr. DOMENICI], is recognized to offer an amendment.

### AMENDMENT NO. 1560

(Purpose: Proposing a Republican substitute)

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. DOLE, Mr. GRASSLEY, Mr. NICKLES, Mr. GRAMM, Mr. BOND, Mr. LOTT, Mr. BROWN, Mr. GORTON, and Mr. GREGG) proposes an amendment numbered 1560.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The text of the amendment is located in today's RECORD under "Amendments Submitted.")

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. DOMENICI. Mr. President, as I understand it, we have 2½ hours on this amendment, presumably equally divided. Hopefully, we will not use all of our time, but there are a number of Senators who want to speak. Perhaps the vote can occur at 11 instead of 11:30. We will try.

Let me say to the Republicans who were helpful in putting this budget together that the way I see things, we will probably use the next hour explaining our alternative budget, and if any of you want to speak, I urge that you come down during this hour or that you call our cloakroom and tell us precisely when you would like to come, and I will try to accommodate so that three or four Senators who indicated a desire to speak will get in as early as possible, so perhaps we will not have to delay things because of other meetings that are occurring.

Mr. President, essentially, this is a total alternative budget to the President's budget which essentially is before us—that is, the President's budget—with the exception that the Exon amendment was added to it, one of the last votes in the Budget Committee, an amendment that Senator EXON offered and was adopted. It further reduced the appropriated accounts, the so-called discretionary accounts, by $43 billion in budget authority over 5 years and by $26 billion in outlays over 5 years.

It is that budget, so amended, but essentially the President's, that we offer a full substitute for here today.

Mr. President, we have heard a lot of talk during the last few months about the current economic situation. In a word, it is good. Our economy is growing. We are creating jobs for our people. Our businesses are growing and, by and large, they are prospering, although there is a certain kind of jobs problem in America that is not related and associated with growth but has something to do with the changing nature of American business, so that there are pockets of unemployment and people very highly trained—many white collar people—are unemployed during this big transition.

But for the most part, there is good news about American jobs and the American economy. And I believe that this body and the work that we have done over a number of years has in no small measure contributed. I also believe that, without question, the work of the Federal Reserve Board in the last 4 or 5 years has had a lot to do with this economic growth that we are now prospering under.

But I also believe very firmly that the job is far from done. And now is not the time for us to take a long lunch break or an evening off and put our economy on automatic pilot.

First, the low-interest rates which began coming down 4 years ago, as I indicated in some detail yesterday, and have stoked, to some extent, this recent economic growth, are creeping back up. This increase has, according to economists, already begun to have a dampening effect on consumer activity.

Moreover, the current decline in our Federal deficit is temporary, and the deficit trend, after 1996, is not good because, as we all know, after fiscal year 1996, the deficit swings upward again and embarks on a relentless upward spiral, driving past the $300 billion mark shortly after the turn of the century.

Yesterday, I showed the Senate and those interested in this discussion the unequivocal evidence of that as put forth by the Congressional Budget Office. Let me repeat: Now is not the time to rest because the deficit will start going up again, in a relentless spiral upward, past the $300 billion mark after the turn of the century.

As I indicated yesterday, the longer we continue to leave this deficit in place and permit it to grow adding to the public debt, we are taxing, without representation, the next and the next and future generations. Americans sort of have a gut sense that taxation without representation is one of the true evils of Government. We have had revolutions about that. And if this deficit, which is now at about $200 billion for next year, starts back up because we fail to do anything significant while the economy is reasonably strong, then we have taxed the next generation of Americans enormously for our unwillingness to act.

Moreover—and I think we all know this—and we alluded to this during the last year's debate, the President essentially has said, "Don't worry, and let me stress why we should not worry: Because health care reform will bring down the deficit in the future."

Almost everyone agrees that unless we get health care reform under control and reduce the cost to our Government, we will never get the deficit under control. Hence, the statement: "We will get the deficit under control by reducing the costs of health care."

Health care reform will not bring down the deficit for a long, long time, if ever.

The Congressional Budget Office dashed that myth. The secret is out. There is no deficit reduction in the Clinton health care reform plan—none, none for at least 10 years. And anyone who would believe that they can count on health care reform savings 10 years from now, when it might occur, I believe is really risking future generations in terms of taxation without representation because we are increasing their debt load; they will have to pay for it, which essentially is the definition of taxation. And obviously, since they are young or yet unborn, they are not represented; they are not here. Nobody is here voting for them.

So let me say again there is no deficit reduction in President Clinton's health care reform plan. So we cannot fool people anymore. We cannot say we did the work last year. We are taking this year off. We cannot duck our responsibilities because it is an election year. And we all know that we have more to do if we are to keep our economy moving forward.

I believe—and let me make it clear—that Republicans are willing to make that happen. I want the President to succeed, I want this Nation to succeed; and I want the economy to succeed. I wish to bring the deficit down to help create jobs and provide some security to our people.

Now, if there is fear that interest rates are going up because we are reaching full capacity industrially speaking and the Federal Reserve, being concerned about that, wants to tighten money just ever so mildly in an effort to keep the economy from going into a downturn sooner than it should or keep it growing, if not as fast as possible, for a longer sustained period of time, then obviously we would contribute and help bring interest rates under control and cause sustained growth to occur for a longer period of time during this business cycle if we could commit to deficit reductions that are much larger, much more diverse; that is, covering the entitlements and mandatory expenditures just as we attempt to reduce discretionary accounts more than suggested by the President.

So this budget which I am offering on behalf of all of the Republicans on the Budget Committee and Senator DOLE, who has joined us as a cosponsor, is a principled one. It is a budget that I think is designed to do for our people what one might call real security to the American people. This alternative helps President Clinton in a way achieve two of his most important campaign promises: To cut the deficit in half and to provide a middle-class tax cut. And as I said, this alternative provides real security. It will give and enhance their national security by putting an additional $20 billion in defense, which is one of the most patent shortfalls in the budget, so we will enhance the national security; we will enhance their personal security and their future security.

So how do we do that? It begins by providing for our current and future security by achieving real deficit reduction. The Republican alternative would reduce the deficit over 5 years $318 billion. This is $322 billion more in deficit reduction than the President proposes and $303 billion more in deficit reduction than the House-passed resolution over 5 years. It reduces the deficit essentially to $99 billion by 1999. We break the $100 billion deficit barrier.

An interesting number, $100 billion. My recollection is that President Lyndon Johnson—that is not too long ago for some to remember—was the first President to submit a $100 billion budget—not deficit, but a full budget for $100 billion. And he was worried about how the public and the Congress would accept a $100 billion total budget of the United States. The deficit in 1999 under the President's and the Democrats' proposal is just under $200 billion. We will reduce it to $99 billion. But as we do that, we will also seek to enhance personal security to the middle-class families of this country by providing tax relief to American families with dependent children and to small business in ways I will soon describe.

In addition to the deficit reduction and accomplishing the goal of $99 billion in 1999, this provides tax relief to families by providing a $500 tax credit for each child in each household in the United States. This provision grants what we perceive to be needed and, we know, welcome relief to families of 52 million American children.

The tax credit provides a typical family of four $80 every month for family expenses and savings by virtue of this credit. I wish to emphasize here, Mr. President and fellow Senators, because I know some of my colleagues on the other side will characterize, or try to characterize, this family tax cut as some gigantic tax cut for the rich, that is just not so—in fact, it is smoke—because 88 percent of the families who will benefit from this tax cut make less than $75,000 a year. So let us deal with a tax cut for the rich red herring right up front. It is foolishness.

This provision will help middle-class Americans who are struggling to raise their families. We believe that we ought to put some tax reductions where our mouths are. If there is anything we are talking about, it is helping families in this country. I believe especially families raising children are having a very difficult time, and they have seen the Tax Code of the United States, which at its inception tried to provide parents or a parent with enough money annually tax-exempt to raise their children, we have seen and the families of America have seen that concept eroded such that the $500 tax credit will not get us back to the ratios that existed in the 1950's and early 1960's, that is, with reference to per capita earnings versus the credit or deduction for dependent children.

We also help middle-class families and our young people seeking to advance their education by restoring the deductibility of interest on student loans. And we also seek to index once and for all something that almost all economists agree—at least a major portion—makes good economic sense; and, that is, we index for inflation capital gains, and we allow for capital loss on one's principal residence one time.

All of that means that on capital gains, equity, and assets—people own most of them in business—is that when they sell them they will not have that resource depleted by inflation when they sell it. The capital gains that we now have will be indexed just as the various brackets of tax payments have been indexed in the Tax Code since 1986.

Our alternative budget creates new incentives for family savings and investments through an IRA proposal that can be met by various types of IRA's that would allow penalty free withdrawal for first time home buyers, educational, and medical expenses.

Furthermore, we seek to help spur this economic recovery by extending the research and development tax credit that is in our Tax Code for American business for 1 year providing for a 1-year exclusion of employer-provided educational assistance and adjusts depreciation schedules for inflation.

I believe that we are willing to get the deficit moving strongly in the right direction and at the same time to share the fruits of our budget cuts with the American people through the tax provisions that I have just described.

So in addition on the expenditure side and process side, let me explain two or three other things. First, the Republican alternative budget seeks to ensure the personal security of Americans by funding the Senate crime bill trust fund. We provide $22 billion for crime measures over the next 5 years. Obviously, the Clinton budget does not. The House-passed budget does not. And, frankly, the way I see things moving, I am not sure that is going to pass as a mandatory measure in Congress, at least not in the foreseeable future.

Finally, our alternative bolsters our national security by increasing funding for President Clinton's defense program by adding $20 billion, a shortfall acknowledged by the Pentagon in their review of the bottom-up activities of our Federal defense activities. So we add $20 billion, and while the budget is austere, we would emphasis that Federal spending even at that will continue to grow under this budget. Total spending will increase from $1.480 trillion in 1995 to more than $1.7 trillion in 1999.

In addition, since there will be further debate along the line today and tomorrow about how much we should cut the defense in this budget although we reduce discretionary funding substantially, we reinstate firewalls; that is, we say that the $20 billion we add to the President's budget goes to defense, and after the adoption of this budget resolution, you cannot cut into defense to spend on domestic programs.

So this legislation would protect the defense budgets. The best advocate of this legislation on defense seems to me to be the President of the United States. As he said in his State of the Union Address, "Nothing is more important to our security than the Nation's Armed Forces."

Continuing to quote: "This year many people urged me to cut our defense spending further to pay for other programs," said the President. "The budget I send to Congress draws the line against further defense cuts. It protects the readiness and quality of our forces, and ultimately the best strategy is to do that."

Continuing to quote: "We must not cut defense further. I hope Congress without regard to party will support that position."

So this budget puts in the firewalls; that is, it sets up a very large roadblock to using any of the defense resources for domestic programs. To do that, you would have to have a supermajority.

I think I showed the Senate yesterday that the only part of the American Government over the past decade that is really being cut is defense, believe it or not. Everything else has gone up. Even while we talk about cutting, discretionary programs have gone up, albeit they are not nearly the problem that the entitlements and mandatory programs are in terms of contributing to this deficit over the past decade.

In my remarks, I alluded orally in words to this chart that is here. I just want to make sure that it is in my statement as part of an explanation. If you look at the budget deficit, which is in red—these numbers at the bottom are pretty small. But let us make sure. We are down here, 1995. Actually, the deficit of the United States will double slightly through mid-1996, and then you see the enormous surge upward passing $350 billion again.

So anyone that thinks we have the deficit under control is truly, truly not looking at facts.

This budget of ours would come down into the 1999 area, and it would be off this chart or it would be less than 100. This red line will continue on down here which we think makes good sense in good times and we ought to do that.

Again, I ask any of my Republican colleagues who want to speak—Senator COATS I understand would like to speak, Senator GRAMM will be here shortly, and Senator HUTCHISON.

So let me quickly go through how we get to this budget, and indicate to my friend, the chairman, that I will have to leave the floor for 15 minutes at 10 o'clock. Some of my Senators will be here on our side.

Total savings in this budget over 1995–99 slows the growth of Medicare from 10.6 percent average annual growth. Believe it or not, that is still what is in the budget. We expect Medicare to grow at 10.6 average. Clearly, if that continues, there is no way the deficit will ever be under control. Through a series of assumptions that could be adopted, we have reduced that growth to 7.8 percent. That is all. It will be still be growing at 7.8 percent.

Extensions of current law provide $17 billion of these reductions. Overall, the President had $54.5 billion in reform and changes in Medicare. We adopt all of those—selective contract competitive bidding, lab, home health care coinsurance, hospital of outpatient payments—all of those were in the President's budget, and we take advantage of them here.

Other savings that we have included in this proposal amount to $25 billion. I will insert in the RECORD a list of those by way of description of how we might reduce the spiraling costs of Medicare from 10.6 to 7.8 percent. We are not cutting it. We are reducing the rather extraordinary growth which this Senator thought we were going to commit ourselves to as part of health care reform and apply these savings somewhat to the deficit. We apply them all to the deficit.

On Medicaid, total savings over 5 years comes from slowing the growth of Medicaid from 12 to 8.1 percent.

Frankly, I believe that is going to happen, because I do not believe we can pay for Medicaid growing at the rate of 12 percent. We have chosen to reduce it to a growth rate of 8.1 percent and, in so doing, we have applied all of the savings to the deficit. We think we ought to start with a deficit plan. When we build health care on top of it, that has applied savings that will come from these programs so that we start with that as a basis.

We have also gone to capitalization instead of fee for service like the States of Arizona and Texas. We would do that for the Nation—pay per-person amounts to States allowed managed care without Federal waivers. That means this permission will be granted as part of legislation that would follow under our budget resolution. And we index amounts to the President's formula. I will state those in the RECORD by the year.

Disproportionate share is cut by 5 percent and frozen at 1994 levels; emergency services only for noncitizens, and we go on to a couple of other issues that we recommend as part of our percentage reduction. These are ways that this could be achieved if, in fact, the Finance and Ways and Means Committees in Congress find other ways to go from this spiraling cost of 12 percent, which is built into this red line on the chart. If they find better ways, obviously, that is not precluded in any budget resolution.

I note, Mr. President, that Senator COATS is here, and he has asked me for 10 minutes on our alternative budget.

I yield to him for 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Indiana [Mr. COATS] is recognized for 10 minutes.

Mr. COATS. Mr. President, I want to start out by thanking Senator DOMENICI, the ranking member of the Budget Committee. He has worked very, very closely with many of us to fashion a Republican alternative here that I think redirects the priorities of how we deal with taxpayer's funds. It is a budget that takes into account the needs of families, the needs of businesses to provide growth, and therefore, opportunity and jobs for families. We successfully address, in a serious way, the Federal deficit, which undermines our future from both an economic standpoint and from the sociopolitical standpoint.

We are simply denying opportunities that we have enjoyed to future generations. Unless we take serious steps to address the deficit, we are going to be passing on something to future generations none of us will be proud of. The Republican alternative effectively deals with reducing the budget deficit. I thank Senator DOMENICI for his very significant efforts in crafting an alternative that philosophically presents a clear choice to Members of the Senate and to the American public.

The part of the Republican alternative I want to address, in the limited time I have, is the $500 tax credit, which will be made available to 52 million American children. The threats to the American family today are many, but one which we have direct control over is the amount of their own earnings they are allowed to keep. They need the ability to decide how to direct those funds in the best interests of their children.

The Congress has traditionally utilized the personal exemption as a means of compensating families with children, recognizing that they have special needs, that there are special costs that flow to families with children that do not affect many of the rest of us. With three children myself, I understand those costs. If you go buy a pair of tennis shoes, it is not a pair of $4.95 canvas Converse Keds I grew up wearing. It is the $125 Air Jordans that you have to pump up. Even if you get the discount models, you are looking at $60, $70, $80 for a pair of tennis shoes. When you have kids out in the driveway shooting baskets or playing football, it seems like you are in the shoe store every 3 months.

College costs have escalated to the point where it is extraordinarily difficult for American families to set aside funds to pay the tuition at many of our institutions of higher learning. On and on it goes—whether it is transportation or housing or clothing, it is clear that families with children have needs beyond many others.

How do we address those needs? Through the personal exemption. In the 1986 Tax Fairness Act, we finally made an adjustment to the personal exemption that was long overdue. In 1948, when Congress first implemented that personal exemption, it stood at $600 a year, and it only increased to $1,000 per child by 1986. Had it been indexed to inflation, or to the rise in wages the personal exemption would have been double or triple that amount. Today, we know that the value of that $1,000 exemption would need to be $8,000 just to keep pace with inflation. It is only a little over $2,000. Senator DOMENICI has recognized the need for middle-class tax relief in addressing the needs of middle-income taxpayers. So while we are looking at how to reduce the deficit and how we structure the way in which we spend taxpayers' dollars, we must consider families.

This is not necessarily a partisan idea, because it was a concept supported by the President, during his campaign when he called for middle-income tax relief and proposed a $400 tax credit per child. The President said,

> People say $400 is not very much money. I think it is a lot of money. It is enough for a mortgage payment, enough for clothes for the kids, and enough to have a big short-term impact on the economy.

And the Vice President advocated an $800 refundable tax credit for every child under 18. I quote him saying:

> This approach, family tax relief, is going to be the centerpiece of the Democrat agenda for 1992.

Well, it was—for 1992. That is when they were campaigning. But here it is in 1994, and we are looking at the Democrat budget, and it is not only not the centerpiece, it is nonexistent. It does not provide the relief for families I think people on both sides of the aisle have acknowledged is needed.

The $500 tax credit will allow families to retain hard-earned income and make decisions as to how best to meet the needs of their children. It is incorporated in this Republican alternative. It is one of the centerpiece——

Mr. SASSER. Will the Senator yield for a question?

Mr. COATS. I have a very limited amount of time. At the end of my statement, I will be happy to yield. I might be able to address some of the Senator's concerns in my statement.

He may have wanted to raise the question: Well, this is just a tax break for the wealthy. Let me point out, Mr. President, that three-quarters of the children eligible for the credit live in families with a gross income of less than $60,000 a year.

That is where the relief will flow. That is where the needs are the greatest. We need to understand, also, that while it is designated as a tax credit, we have in place programs that will meet the needs of many of those who are earning below $16,000 a year. That is where the earned income tax credit comes in. It is an important program for a family of two earning below $16,000 a year. Their entire Federal tax burden is erased by the earned income tax credit.

We are targeting those who are caught in the middle, those who have not been granted the relief we have provided for low-income families, who are struggling to meet the daily needs and expenses of their children.

This leaves a significant amount of money in the hands of families. It returns money to the States and to individuals and allows them to make decisions on how they will spend it.

Mr. President, I ask unanimous consent to print in the RECORD a listing of the dollars returned to each State through this $500 per child tax credit.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DOLLARS RETURNED TO EACH STATE BY A $500 PER-CHILD TAX CREDIT

| State | Number of families with children in each State | Number of children eligible for a $500 tax credit | Amount each State could receive annually from $500 per-child tax credit |
|---|---|---|---|
| Alabama | 984,846 | 836,486 | $418,243,000 |
| Alaska | 131,801 | 134,962 | 67,481,000 |
| Arizona | 901,059 | 744,524 | 372,262,000 |
| Arkansas | 572,309 | 524,241 | 262,120,500 |
| California | 6,864,996 | 6,625,012 | 3,312,506,000 |
| Colorado | 832,055 | 737,544 | 368,772,000 |
| Connecticut | 835,801 | 723,674 | 361,837,000 |
| Delaware | 181,252 | 172,017 | 86,008,500 |
| District of Columbia | 101,346 | 81,195 | 40,597,500 |
| Florida | 3,410,974 | 2,233,271 | 1,116,635,500 |
| Georgia | 1,555,254 | 1,226,073 | 613,036,500 |
| Hawaii | 293,296 | 295,346 | 147,673,000 |
| Idaho | 251,430 | 263,945 | 131,972,500 |
| Illinois | 2,873,440 | 2,501,462 | 1,250,731,000 |
| Indiana | 1,454,936 | 1,110,887 | 555,443,500 |
| Iowa | 683,268 | 641,094 | 320,547,000 |
| Kansas | 637,247 | 651,174 | 325,587,000 |
| Kentucky | 901,634 | 648,121 | 324,060,500 |
| Louisiana | 996,911 | 868,702 | 434,351,000 |
| Maine | 298,512 | 223,255 | 111,627,500 |
| Maryland | 1,194,734 | 1,038,365 | 519,182,500 |
| Massachusetts | 1,437,080 | 1,110,453 | 555,226,500 |
| Michigan | 2,254,735 | 1,866,891 | 933,445,500 |
| Minnesota | 1,043,603 | 946,639 | 473,319,500 |
| Mississippi | 572,963 | 540,359 | 270,179,500 |
| Missouri | 1,256,963 | 981,008 | 490,504,000 |
| Montana | 205,770 | 197,938 | 98,969,000 |
| Nebraska | 414,899 | 427,724 | 213,862,000 |
| Nevada | 313,332 | 247,958 | 123,979,000 |
| New Hampshire | 307,359 | 246,361 | 123,180,500 |
| New Jersey | 1,893,615 | 1,522,756 | 761,378,000 |
| New Mexico | 365,776 | 321,854 | 160,927,000 |
| New York | 4,138,706 | 3,575,251 | 1,787,625,500 |
| North Carolina | 1,663,710 | 1,359,138 | 679,569,000 |
| North Dakota | 146,146 | 146,786 | 73,393,000 |
| Ohio | 2,650,194 | 2,392,172 | 1,196,086,000 |
| Oklahoma | 782,007 | 644,733 | 322,366,500 |
| Oregon | 745,406 | 607,615 | 303,807,500 |
| Pennsylvania | 3,057,172 | 2,507,260 | 1,253,630,000 |
| Rhode Island | 240,767 | 159,461 | 79,730,500 |
| South Carolina | 891,157 | 777,909 | 388,954,500 |
| South Dakota | 173,385 | 158,309 | 79,154,500 |
| Tennessee | 1,242,636 | 829,778 | 414,889,000 |
| Texas | 3,964,267 | 3,628,180 | 1,814,090,000 |
| Utah | 390,211 | 473,448 | 236,724,000 |
| Vermont | 142,093 | 116,058 | 58,029,000 |
| Virginia | 1,528,524 | 1,286,275 | 643,137,500 |
| Washington | 1,252,277 | 1,141,341 | 570,670,500 |
| West Virginia | 452,953 | 346,642 | 173,321,000 |
| Wisconsin | 1,252,892 | 1,175,695 | 587,847,500 |
| Wyoming | 117,117 | 122,668 | 61,334,000 |

Source: U.S. Census, 1992 Current Population Survey.

Mr. COATS. Mr. President, I urge Members to look at the money that will flow back to their States as a result of this tax credit. These are funds which will be invested back in the local community. These are funds which will be invested for the needs of children within their State.

Let me give a couple examples. In my State of Indiana, $555 million will be left in the State annually rather than being sent to Washington and spent in ways that do not provide relief for the family.

So I commend Senator DOMENICI for his sensitivity to this problem, for including it in this Republican alternative. It is a central feature of this Republican alternative, distinguishing it from the Democratic budget plan. It addresses the very heart of what we need to do to invest and provide relief for families. It significantly strengthens the incentives for savings. It provides incentives for businesses to grow and thereby create jobs that will be available for children coming out of the family, and provides relief that families need in order to make decisions that are in the best interest of their children.

I am proud to support this alternative, and I am again thankful that Senator DOMENICI has been such an effective leader and so instrumental in including the $500 per child tax credit in the Republican budget alternative.

Mr. DOMENICI. I think the Senator still has a little bit of time remaining.

The ACTING PRESIDENT pro tempore. The Senator has 1 minute and about 10 seconds.

Mr. SASSER. Mr. President, will the Senator yield for a question on that time?

Mr. DOMENICI. Might I first inquire whether he has time, and I will yield in a moment.

I thank the Senator from Indiana for the leadership that is really sincere in this issue of families and Government policy that has been adverse to families economically and otherwise. I thank him for his leadership.

We adopted it as part of our assumption that we would do in this resolution many of the things he has advocated in various tax proposals and family-oriented proposals that he has been pushing here in the Senate. I commend him for that and thank him for that help.

Mr. COATS. I thank the Senator for his generous comment.

On the time I have remaining, I am happy to yield to the chairman.

Mr. SASSER. I thank the Senator from Indiana.

I make this point. As I understand the way this tax credit works, or child-care credit works, if a family is making $1 million a year they would get the same tax credit per child as a family making $30,000 a year. Is that correct?

Mr. COATS. The tax credit applies to every family with children. But I point out to the Senator that the bulk of this money, the vast majority of this money will go to middle-class families earning under $60,000 a year. What distinguishes it from the Democratic plan is that we have the——

Mr. SASSER. Mr. President, if the Senator will yield——

Mr. COATS. Excuse me.

If I could respond to the Senator on my time, we have the relief in the package and the Democrats have no relief. So it is bogus to argue that it goes to some people who should not receive it. We send it to everybody; the Democrats send it to no one.

Mr. SASSER. Let me ask this question.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SASSER. On my own time, I will inquire of the Senator from Indiana:

A working family of four making $16,000 a year would get no credit under this plan. Is that not correct?

Mr. COATS. In response to the Senator, under this plan they would receive full credit under the earned income tax credit and pay no taxes.

Mr. SASSER. If they are paying no taxes and this gives them no tax credit, they would get no benefit under this proposal.

Mr. COATS. No.

Mr. SASSER. That is correct.

Mr. COATS. They get a rebate under the earned income credit, as the Senator from Tennessee knows. Those under $16,000 are fully protected. It is the middle class the President, the Vice President, Secretary Bentsen and others have said the Democrats want to reach out to, and have not done it. And the budget plan provides for no relief for middle-class income families, no relief whatsoever, and that is what distinguishes it from our plan.

Mr. SASSER. Is the Senator from Indiana trying to represent that this is a refundable tax credit to people who make under $16,000 a year?

Mr. COATS. Not at all. I said the earned income tax credit is available to those who earn under $16,000 a year, as the Senator fully knows.

Mr. SASSER. But it is true, is it not, that a family of four making $16,000 a year gets no tax credit under this Republican proposal that the Senator from Indiana is lauding today? Is that not correct?

Mr. COATS. The Senator seems to want to divert attention from the fact that it is Republicans who are providing relief to middle-income families and the Democrats provide zero. We provide a $500 tax credit and that is what distinguishes it, and one of the many things that distinguishes our plan from theirs.

I think the Senator from Tennessee knows the relief available to those earning $16,000 and under is the earned income tax credit.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. SASSER. Mr. President, speaking on my own time here, let us just consider this $500 child-care credit.

Mr. DOMENICI. Mr. President, could I put a chart in and then the Senator can give his speech?

Mr. SASSER. I am pleased to yield to my friend from New Mexico.

Mr. DOMENICI. Mr. President, I yield 1 minute of my time.

I just want to print a chart in the RECORD that shows that of this tax credit in terms of percentages below $200,000, taxpayers below $200,000, 98.3 percent of this tax credit. That is where 98.3 percent goes.

So to argue about millionaires, or $500,000, is to talk about 1.7 percent of this cumulative tax credit. So I do believe it is kind of smoke.

I submit the chart please and thank the Senator for yielding.

The ACTING PRESIDENT pro tempore. Does the Senator wish to have the table printed in the RECORD?

Mr. DOMENICI. Yes, and I so ask unanimous consent.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Where do the benefits of the $500 tax credit go?

| AGI | Cumulative share (percent) |
|---|---|
| Below $1 million | 99.9 |
| Below $500,000 | 99.6 |
| Below $200,000 | 98.3 |
| Below $100,000 | 93.7 |
| Below $75,000 | 87.4 |
| Below $60,000 | 77.7 |
| Below $55,000 | 72.4 |
| Below $50,000 | 66.0 |

Source: Individual Income Tax Returns, 1990, Statistics of Income, August 1993.

Mr. SASSER. Mr. President, let us just consider this $500 child credit here.

Our colleagues have characterized this proposal as a middle-class tax cut. The truth is, nothing could be further from the truth. Let us just consider how this credit works.

For families with $16,000 in income or less, there is no benefit. Why? Because the credit is not refundable. Thus, working poor families get nothing under this scheme.

My friend from Indiana seeks to represent that these families under $16,000 would benefit from the earned income tax credit. You would almost think from listening to him that this is in the Republican alternative. The fact is that the earned income tax credit was in the President's budget proposal last year. That was passed in this Senate without a single Republican voting for it.

So, tax relief for families making under $16,000 is not present in this budget, not in this Republican alternative. It was present in the President's budget that was passed last year. As a matter of fact, the President's budget that we passed here last year gave tax relief to families of four earning $28,000 or less. That was the earned income tax credit provision that was passed here without a single Republican vote coming from the other side of the aisle.

It is true that even though a family of four making $16,000 a year or less gets no benefit from this alternative that is being proposed here, a family of four making $1 million a year does get the $500 per child tax credit.

If my friend wanted to be fair about this on the other side of the aisle, why not cap this? If we are really interested in helping middle-class families why do not we cap this tax credit at $100,000 a year, $75,000 a year, even $125,000 a year?

No. They did not want to do that. The family making as much as $1 million a year gets the tax credit, whereas a family making $16,000 a year or less gets no tax credit under this provision at all.

To characterize that as a child middle-income tax cut fair to all, Mr. President, I think stretches credibility.

Let me just say a few words about this Republican alternative. As I said when this alternative was presented in the Budget Committee at markup time, there are so many problems here I really hardly know where to begin. First of all, this alternative being presented here might best be characterized as cut taxes now, increase deficits later, and make the middle class and the poor pay for it. That would be a fair characterization, I think, of this alternative that is being presented here.

Yes, it has the Republican standard of tax cuts for the wealthiest of Americans which would drive up the deficits in the outyears. To pay for these tax cuts for the wealthiest, it slices health care programs for middle class people and for poor people. It cripples the key discretionary investments in infrastructure, in administration of justice programs, and it relies on very questionable savings indeed, like asset setters. For example, this Republican alternative raises a substantial amount of revenue out of leasing the ANWR project which the Congress has voted against time after time after time. And that could not be counted as income or revenues anyway, under budget rules. It also raises money through a very, very doubtful IRS compliance initiative.

So what we have here are some smoke and mirrors that are representing themselves as revenues to cover some of these tax cuts for wealthy people.

Since the beginning of the year, we in the Budget Committee have been subjected to a constant stream of complaints about long-term deficits and dire warnings about what is going to happen if we do not address them.

As I said before, I think we ought to be concerned about the outyear problems. We have made very, very substantial progress. The budget deficit-reduction plan that we passed last year in this body by a one-vote margin, with the Vice President having to come over here and break the tie, has reduced deficits in the outyears very significantly.

As a result of the deficit-reduction plan that we passed, the deficit in fiscal year 1998 will be $200 billion less than it would be otherwise. As a result of the deficit reduction plan that we passed last year, we have 3 years of declining budget deficits; the first year that we put 3 years of declining budget deficits together in a row since Harry Truman was President of these United States. And bear in mind that Harry Truman presided over a country that was coming out of World War II, so you would expect budget deficits to be declining.

But, having said all that, and in spite of the success of the plan that we passed last year which has led this Nation back into economic recovery—economic growth in the third quarter of 1993 stood at a very, very robust 7.5 percent real economic growth. We have not seen economic growth figures like that in years and years and years and years. In 1993, we created 1.9 million new jobs in this economy. In the previous 4 years, from 1988 through 1992, we created only 1 million. So we created almost twice as many new jobs in this economy in 1 year in 1993 than had been created in the previous economy over an entire 4-year period.

But, having said all that, I still have some concerns about the outyear deficit problems myself. What puzzles me, and what I cannot understand, is that several of the tax cut proposals advanced in this alternative that we have before us this morning actually worsen the deficit in the outyears; actually make it worse. That is right. The proposals that they are advancing make the deficits worse in the outyears instead of better.

Well, you may say, "How could that be? How could it be that those who have been complaining and wringing their hands and gnashing their teeth over the past few months about outyear deficits, how could they possibly be proposing a budget alternative that makes them worse?"

Well, let me just describe to my colleagues how this works.

For starters, let us take the individual retirement account expansion, expansion of the so-called IRA. We have here what is called a front-loaded IRA. Congress got its first taste of this gimmick back in 1989. What it does is, it allows people to put large sums of money in the IRA up-front pay. It is a so-called back-loaded IRA, where they put the money in, pay a little tax up front, and then, as the IRA grows later on and they take it out, they pay almost no tax.

As I say, we got our first taste of this gimmick back in 1989. And though this proposal is slightly different, it still suffers from exactly the same defects as its predecessors.

There is serious doubt in academic circles as to whether these new IRA's will increase national savings or not. But we do know that, beyond an initial revenue burst in the first 5 years, they will create a massive deficit hemorrhage in the years beyond.

More than 70 percent of all Americans are currently eligible for an IRA. Only the more affluent taxpayers, with tax-favored company pension plans, are excluded from IRA's. At least 95 percent of the proposed new tax benefits would go to the top 20 percent of all taxpayers, according to estimates for past IRA expansion proposals. And—get this—the richest 3 percent of all the taxpayers would collect nearly one-third of the tax cut under this IRA proposal being advanced in the Republican alternative. And for what?

According to the Joint Committee on Taxation, they estimated a 1991 proposal to restore one-half of the old-style IRA deductions would cost $15 billion over 5 years.

Restoring full IRA's would cost more than $30 billion over 5 years. What this proposal does, it merely postpones these revenue losses to the outyears. When my friends on the other side say they are very concerned about the deficit increasing, this merely postpones the losses to those outyears by back-loading the tax deductions; that is, by telling taxpayers they can pay a little more tax now in exchange for a lot less tax later.

Well, the long-term effect on the Treasury obviously is not good. A Congressional Budget Office analysis reported that for each dollar of short-term Government revenue from the rollover provision, it costs $9.93 in lost future revenues. Now, get this: For every dollar of short-term Government revenue, CBO estimates that it costs $9.93 in lost future revenues under a reasonable set of economic assumptions.

So for every dollar in revenues you get on the front end of it, CBO says you are losing $10 in revenues on the back end of it. Now, if that is not a prescription for increasing the deficits in the outyears, I do not know what is.

But what is so striking about this proposal is that it gravely worsens the problem that my colleagues on the other side have been complaining about so vociferously, day in and day out—the outyear increases in the deficit.

Well, Mr. President, the IRA proposal is not the only item in this alternative which is guilty of this sin of increasing the deficits in the outyears. The so-called neutral cost recovery for business is also another way of shifting huge tax losses into years beyond the initial budget window.

The proposal would restructure the tax treatment of depreciation by businesses and would, in the short run, generate revenues by reducing deductions.

But what happens in the outyears?

Just as in the IRA's, depreciation deductions would grow dramatically, expanding far beyond current baseline projections, and, once again, raiding the Treasury.

The effect of this proposal is to eliminate a good deal of income tax on business profits, all at the expense of U.S. taxpayers, those same middle-class taxpayers we were so concerned about just a moment ago. We heard those expressions of concern, that they would be the ones who would pick up the tab in the long run for this so-called business depreciation deduction. According to projections made by the Congressional Research Service, this little tax break would ultimately lose the Treasury $32 billion a year in the outyears. Once again, if we are so concerned, as some of my colleagues seem to be, about the outyear deficits, why in the world are they proposing these gestures which are simply going to increase the outyear deficits?

We have heard a lot of concern expressed here about small business over the past year, and I am very concerned about small business myself. I am a strong supporter of small business. I think small business in this country is the last refuge of the true entrepreneur. My family has been engaged in small business. But for those who are concerned about small business, they may be surprised to know that the so-called small business tax break does nothing special for them. Small businesses are already allowed to expense capital costs of up to $17,500 per year. It is the larger corporations, those with more than $10 million in assets, who account for 90 percent of all corporate income tax. These are the corporations who would stand to benefit from this tax change that is billed as being a boon to small business.

What else do we have in this alternative that increases the outyear deficits? I have never seen an alternative or any economic initiative emerge from the other side that did not include in it the old standby: capital gains. I do not think there is a real need to rehash the debate over a capital gains tax cut one more time. Suffice it to say, we simply cannot afford it, nor do we need to enact it. It is simply another tax break that is pointed toward benefiting the wealthiest among us. More than half the benefits from this proposal will flow to those with incomes over $200,000 per year. The average benefit for those folks would be $8,000 per year. By contrast, the cut would be worth less than $400 to families with incomes between $30,000 and $50,000.

Let me just repeat that. The average benefit to those with an income of over $200,000 a year under this proposal would amount to $8,000 a year in tax cuts. Contrast that to the fact that this tax cut would be worth less than $400 to families with incomes between $30,000 to $50,000.

Perhaps we could do this if we could afford it, even though it does not seem to be very fair to me on the surface. But what is the price tag for all this largess to the wealthy? Why, a mere $7 billion a year when fully phased in; $7 billion more in revenue losses in the outyears, increasing the outyear deficits they were supposed to be so concerned about.

Finally, we have discussed to some extent the $500 child credit. Our colleagues have characterized this in their alternative as a middle-class tax cut. Nothing could be further from the truth. As I pointed out, for families with $16,000 in income or less, there is no benefit at all. Why? Because the credit is not refundable. Thus working poor families simply get nothing out of it.

If they wanted to be fair, why did they not make it refundable on the bottom end and cap it on the top end? There was some discussion, I think, among our colleagues on the other side about doing that. But those who wanted to take this approach were overruled. So on the other end of the scale for this so-called child credit, a family with $1 million in income gets the full credit and a working family making $16,000 a year gets no credit. That does not make much sense to me.

The alternative that we have before us proposes that we spend $103 billion on a tax credit over 5 years that does not benefit those who are the working poor and brings this benefit to those who are the wealthiest among us. Sure, this proposal helps some in the middle-income level. But if you really want to be fair about it, why do we not make it refundable for those who are the working poor and cap it so those who are the wealthiest among us, who do not need the money, do not get it? Let that money flow back into the Treasury to help reduce the deficit.

It would be great to be able to provide a middle-income tax cut. I have supported such a concept for a number of years. But, unfortunately, we just cannot afford it at this time. The plain fact is, when you blow all the foam off these tax proposals, two things become clear. It is just as plain as the nose on my face that this plan is going to drive the deficits up in the outyears. Second, it once again contains tax breaks that are aimed at the wealthiest taxpayers, and once again it leaves the poor folks to fend for themselves.

Some will say this is class warfare. It is not class warfare. This is just simply telling the truth about things. If some want to characterize it as class warfare they can, but I do not think it can be characterized as such when you are just simply laying out the facts about it.

(Mr. WOFFORD assumed the chair.)

Mr. SASSER. That is a quick overview of the tax changes.

Let us see what is happening on the spending side. I am sorry to say, the picture gets worse. It deteriorates even more. The fact is, this plan pays for its tax breaks by taking away health care from the poorest Americans. The plan would cut Medicaid by $64 billion, and a good deal of it specifically directed at payments for hospitals which serve large numbers of uninsured and the poor. This would mean that a great number of small and rural hospitals all across this country would simply go out of business. This would mean that the State governments would have placed upon their backs a greater burden in providing health care for the poor. And to compound the felony, a large proportion of the Medicare cuts would affect the same hospitals.

What is this paying for? This is paying for those tax reductions we talked about earlier, the capital gains tax cut that is targeted to the upper income groups and the IRA deduction that will be taken advantage of primarily by those in the upper income groups, the wealthiest Americans.

There is something else going on in this budget that our friends on the other side are not eager to advertise. This budget plan would absolutely kill health care reform. It would drive the last nail in the coffin of health care reform, and drive a wooden stake through its heart. I have no doubt that the Medicare and Medicaid cuts in this package would ensure no comprehensive health reform and would ensure no universal coverage.

The budget would cut Medicare and Medicaid by $144 billion over 5 years; that is, the budget advanced by our friends on the other side. That is more than twice what we cut last year. It would all be used for deficit reduction or to finance a tax cut for the wealthy. Either there would be no universal coverage health reform or there would have to be large tax increases to guarantee coverage and bring about health reform.

Let me point out something else about this alternative plan. Cutting large amounts in Medicare and cutting large amounts in Medicaid without any kind of health reform is really a huge tax increase masked as health insurance premium increases. There is already a well-documented health care cost shift from Medicare and Medicaid to private insurance payers.

In the hospital area alone, the Prospective Payment Assessment Commission found in 1992 that Medicaid paid about 80 percent of the hospital costs for its patients. Medicare paid about 90 percent and private insurance paid about 128 percent.

Now, what if we adopt these cuts in Medicare and Medicaid that our friends on the other side are espousing today? What happens? It simply means that the hospitals are going to transfer more of the cost to the private insurance patients. It means that those citizens who have private insurance, their employers and those citizens, are going to see their health insurance premiums go up because there will be more cost shifting for Medicare and Medicaid patients to make up the difference.

These cuts they are talking about in Medicare and Medicaid are nothing more than huge masked tax increases to those who have private health insurance.

Since the study of the Prospective Payment Assessment Commission, we have cut another $63 billion from Medicare and Medicaid. At a minimum, last year's reconciliation bill cut Medicare hospital rates by another 4 percent. This package would cut billions more without the benefit of a systemwide health reform. All of this means even larger shifts in hospital costs, larger shifts in doctors' costs and other health care costs to private payers. It means ever higher and higher premiums for health insurance for everyone else, and that is a direct tax on whoever pays it, whether the workers pay it, whether the employers pay it or whether just private individuals who have privately held insurance policies pay it.

Let us not forget about this hidden tax, this health care cost shift tax. And that is a good part of the reason we are having a health care crisis now. That is why we are considering comprehensive health reform. That is why the distinguished Presiding Officer, the Senator from Pennsylvania [Mr. WOFFORD], has been working day after day, week after week, month after month in this body trying to bring about a comprehensive health care reform.

Mr. President, let me not leave the impression that Federal health care entitlements have been left untouched. Medicare has already been cut by over 20 percent. We have had health care cuts in 10 of the last 13 years. The cumulative impact of these bills has already reduced Medicare spending by as much as 20 percent below what it would have been today without the cut. Last year's bill alone cut Medicare by $56 billion and Medicaid by another $7 billion.

The specifics of the Medicare cuts include increases in beneficiary out-of-pocket costs, but without the additional prescription drug and long-term benefits in the President's plan. The Republican substitute says it includes only the Medicare cuts in the President's budget. But the President's budget included those cuts as part of a much broader health reform package and broader reforms in the Medicare Program.

This substitute would means test the Medicare monthly premiums charged to beneficiaries, and beneficiaries would have to pay a higher out-of-pocket cost for home health care and for laboratory tests.

The substitute offered by the Republican minority adds a new increase in part B deductible paid by all beneficiaries.

So what we have is an increase in the part B Medicare tax paid by all beneficiaries; we would means test the Medicare monthly premiums charged to beneficiaries; we would lower Medicaid and Medicare payments to the hospitals; we would, therefore, increase the premiums of those who hold private insurance. So what this amounts to is simply pushing back on to the population of this country more health care costs to be handled at a private level to pay for these tax cuts, most of which go to our wealthiest citizens.

Mr. President, this substitute that is being offered today does not include the President's proposal to add a prescription drug benefit to Medicare. As I said earlier, it does not provide extended long-term care services as part of health reform.

So much for the savageries to Medicare and Medicaid under this alternative that is presented to us today. Let us take a look at what is happening on the discretionary side of the budget.

The plan that our Republican friends put forth proposes to cut Justice funding by half a billion dollars in 1995 and by more than $2.7 billion over 5 years. Many of the proposed programs cut are cut to support initiatives of the crime bill. I hear a lot of talk on the other side about fighting the war on crime, but when it comes to providing the funding, this budget just takes a pass on that.

The alternative proposes to cut transportation funding by $8.3 billion in 1995 and by more than $37.2 billion over 5 years. This proposed cut would cripple the initiatives to improve our transportation infrastructure. This country's transportation infrastructure is vital to our economic well-being, allowing products to be shipped from producer to consumer with minimal cost in relation to the rest of the world.

This proposal would put our country at a competitive disadvantage as we enter the 21st century. Our highway system would continue to deteriorate. Roads and bridges would continue to deteriorate. Airports would continue to be congested. Amtrak would be in serious trouble in the Northeast corridor under this particular proposal.

I might point out to my colleagues, discretionary spending is already under very strict limits. By 1999, under the President's budget, discretionary spending, as a percent of gross domestic product, will be lower than any time since 1940.

Let me repeat that. I want all of my colleagues to hear that: By 1999, under the budget that we passed last year, discretionary spending, as a percent of gross domestic product, will be lower than any time since 1940. Now, if the budget is adopted, discretionary spending will drop by 6.3 percent by 1999 under this proposal.

Let us get to a provision here. I am really hesitant to bring this up, frankly, but I feel compelled to do so, and that is the question of asset sales. Now, this is a budget gimmick that I thought went out years ago. We have been embarking on a program of budget integrity and budget honesty. My friend, the distinguished ranking member, Senator DOMENICI of New Mexico, I remember, when we were at Congressman Leon Panetta's, now Director of OMB Panetta, confirmation hearing, talked about honesty in budgeting. He was committed to it. He still is. He asked Mr. Panetta: Are you going to submit your budget using bona fide CBO numbers? Will you get off of this business of rosy scenarios? Will you move in the direction of honest budgeting? And the answer to that was "yes," and that has been the case. We now are in an era of honest budgeting—no more smoke and mirrors, no more rosy scenarios, no more fooling ourselves with our own propaganda. And what do we find in this budget that we are looking at here today offered as the Republican alternative? That time-honored, old budget gimmick, asset sales.

Now, I should note that there are some questionable accounting techniques in this budget. Our friends' alternative that they are presenting would defer 7 years' prohibition on counting asset sales. The implication of this change is that the proponents of the amendment want to pay for current spending by selling the assets of the U.S. Government. It is like selling the garage to pay the monthly mortgage bill. You might be able to get away with it for 1 month but you certainly cannot do that for very long. I guess you would sell the garage 1 month and then sell maybe kitchen appliances out of the house the next month and then maybe sell the air-conditioning unit the next month, and keep on until finally you had just the bare walls of a house.

That is the asset sale approach to trying to meet the budget problems. The truth is that asset sales are no more than budget gimmicks. If we are going to be responsible, we should cover current expenditures with current income. We should not allow permanent spending increases to be covered by short-term asset sales. If you use the asset sale gimmick in the short run, all you are going to do is increase the deficits in the outyears.

Finally, we have heard from the day we first got it that the President's budget is incomplete. The distinguished ranking member called it the "MIA budget," missing in action budget, because some of the President's initiatives are not explicitly included in the budget totals.

Well, as I look at this substitute, I cannot help but wonder the same thing. It says nothing about how you are going to pay for GATT or how you are going to pay for health care reform or a number of other initiatives that are missing and were said to be missing from the President's budget.

Well, Mr. President, I think that about sums it up. What we have here is the usual alternative that we get from our friends on the other side year after year. It always includes tax cuts, and they are supposed to be tax cuts that benefit middle-income taxpayers, but when you peel it back you find that they are tax cuts that primarily benefit the wealthiest among us.

How do they pay for these tax cuts? Well, they cut Medicare, they cut Medicaid, they gut investment in our infrastructure, they do away with other important discretionary priorities, they use questionable accounting techniques, and they call it a deficit reduction budget.

Mr. President, I think if we will analyze this budget just in a cursory way, we will see that it does not measure up. It simply does not measure up. In the final analysis, it is going to increase the outyear deficit problem, and in the short term it is going to wreak havoc on the discretionary portion of the budget. It is going to, I think, wreak havoc on Medicare and Medicaid. I do not think, if the American people understood this Republican alternative, they would countenance for one moment wanting to accept it.

Mr. President, I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Could I inquire, do we know how much time remains on each side?

The PRESIDING OFFICER. The Senator from New Mexico has 33 minutes; the Senator from Tennessee has 31 minutes.

Mr. DOMENICI. I am going to yield now in the RECORD 10 minutes to Senator GRAMM, 8 minutes to Senator HUTCHISON, 8 to Senator NICKLES, 5 to Senator GORTON, and I think that reserves about 5 minutes for the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, budgets are about vision, and I know probably many people trying to follow this debate have been almost asleep as they have listened to the droning on of facts and figures and outrage about the fact that there are rich people in America—shocking. There are too few in my opinion. I would like to do something about it.

But I want to get away from all that talk about what is really at issue. We have before us today in the Senate two competing visions for the future of America. That is what this budget debate is about. It is not about numbers. It is not about all of these thick sheets of facts and figures. They are just outward and visible signs of what we are talking about. What we are talking about basically comes down to two competing visions for the future of America.

The distinguished Senator from Tennessee represents and articulates one view of America's future. That is a view of bigger Government. That is a view supported by more taxes. That is a view that is founded on the premise that Government is the answer; that the way to provide opportunity and growth for the American people is to have the Federal Government getting bigger, spending more money, exercising more authority, and making more decisions. It is a perfectly legitimate viewpoint. It has been rejected in most of the world, but it has not been rejected in the Senate. In fact, it is the majority view.

Now, let me outline how that vision is manifested in the Democratic budget that is before us and then talk about our alternative.

The budget before us spends twice as much of the productive resources of the country on social programs as we spent at the peak of President Johnson's Great Society—that is, twice as much of the productive resources of America on social spending as we spent at the peak of the Great Society.

The budget before us spends half as much of the productive resources of America on defense as compared to what we spent when Jimmy Carter was President. The budget before us begins the implementation of the tax increase of the last budget retroactively, starting on April 15. It taxes Social Security benefits. It taxes gasoline. It taxes small business. And it proposes in its health care reform component that the Government take over and run another 15 percent of the economy so that, if adopted and if implemented, the budget before us contemplates legislative action that for the first time in American history would have Government at the Federal, State and local level taking more than 50 cents out of every dollar earned on average by all Americans.

That is the vision of the Democratic budget. It is a budget that spends more than any budget in the history of the United States. It is a budget that taxes more than any budget in the history of the United States. It is a budget which proposes a growth in Government spending, especially in health care, that has never before been contemplated by a free society.

That is the budget alternative for which the distinguished Senator from Tennessee speaks. I wish every American family could sit down around the kitchen table and look at that alternative, look at that vision for their future and compare it to the vision for their future which is being proposed by Republicans in the Senate.

Mr. President, I am proud of this amendment, not because I think it is going to be adopted—I think it is going to be rejected basically on a party line vote—but I think we have presented a vision for America's future with which most Americans would agree.

First of all, we think the deficit is too high, and we propose to reduce the deficit by cutting spending. We reduce the deficit over 5 years $322 billion more than the President did. We reduce the deficit over 5 years $303 billion more than the House-passed version of the budget. In short, our budget reduces the deficit dramatically, and in the fifth year of this budget the deficit is half the level that Bill Clinton's budget proposed.

But we do more than cut the deficit. We try to reorder priorities. We try to let working families keep more of what they earn. And we do that by providing a $500 tax credit for every American family that has children.

In 1950, the average American family with two children sent $1 out of every $50 it earned to Washington, DC. That same family today is sending $1 out of every $4. We have stressed the budget of working families in order that Government could grow. What we propose today is to give back to families $500 of their tax money that they were sending to Washington so that they can spend it themselves.

I know that the distinguished Senator from Tennessee and others will say, "Well, in the spending cuts, the freezes in your budget, you have cut spending growth for housing, nutrition, and education."

We did not cut spending on housing, nutrition, and education. We simply have changed who is doing the spending. The Senator from Tennessee would like the Government to do the spending. We would like the American family to do the spending. We know Government, and we know the American family, and we know the difference. We have absolute confidence that Government is going to squander this money, and we have absolute confidence that working families who love their children, who earn every dime they spend, if they get an opportunity to keep that money, they are going to invest it wisely in their future and in America's future.

Mr. President, there is only one form of bigotry that is still acceptable in America, and that is bigotry against the people who work, strive, sweat, and succeed. It is fundamentally wrong. I reject it. I deeply resent it.

I believe that people who work hard and succeed should be admired and not always attacked. I resent the fact that we are standing on the verge of rejecting a tax cut for middle-class America.

Let me cut through all the rhetoric, and get to the bottom line:

The distinguished Senator from Tennessee says do not give $500 of tax credit for every child in America, and do not do it for two reasons: No. 1, people who make less than $16,000 are not paying any income taxes anyway, and they will not get any of the benefits.

Well, my objective here is to help people who are paying taxes. I am tired of the only people we ever want to help around here are people who do not pay taxes. When do we start helping people who do pay taxes? We do a lot of things around here for very modest income families. I support many of those things. But it is about time we start doing something for middle-income families, the people who do the work pay the taxes, pull the wagon, and who make this the greatest and most successful country in history.

I reject the idea that working middle-class families ought not to get a $500 tax credit per child because people who are not paying any taxes do not get a tax cut. We are trying to cut taxes for people who do pay taxes.

Finally, if you take every family in America who earns $200,000 or more—America's most successful people—they only have 82,000 children. If I thought I could get them to have bigger families, I would give them a tax credit. America needs more families who value ability, who encourage drive, who have vision, who yearn to succeed. The real point is that when less than 2 percent of the money from a tax credit may go to high-income people, to say that you are giving a "tax break to the rich" by having a $500 tax credit per child so that working families can spend more of their money, is just simply outrageous and unfair. To deny this help to 51 million working, middle-class families so we can be absolutely certain that not a single wealthy person is eligible for a tax credit is ridiculous.

So what is the debate about? The debate is about a competing vision. Under the President's budget as modified by the Democrats in the Senate, what is going to happen is taxes will go up, spending will go up, the deficit temporarily goes down, and then goes up like a rocket to over $300 billion in 10 years.

What we do in our budget is dramatically reduce the growth of Government spending. We take that savings, and we do two things with it: one, we reduce the deficit; and, two, we give part of it back to the people who earned it in the first place. We give much of it to working families, with a tax credit of $500 per child.

We restore the deduction for interest on guaranteed student loans. Every day we have young people getting out of graduate school, getting out of medical school, who have huge guaranteed student loans. They go out and they make good money. We tax them very heavily. They do not get to write off the interest on the guaranteed student loan. It is a business expense, and they ought to be able to write it off. This is a benefit to working people who want to be successful.

The PRESIDING OFFICER. The Senator has used the time.

Mr. GRAMM. I urge my colleagues to look at these two competing visions and to support the one that is in the interest of the working men and women of America. I think if they do, it will be our vision.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise today in support of the Republican alternative budget resolution. Although news from the provinces sometimes arrives late in this city, surely we must all realize how hard it is for middle-class American families to provide for their children, to give them their material needs, and to provide for their nurturing and care. For most parents, time with one's family and crushing financial needs are at war with each other.

Like most of the problems that face middle-class Americans, Government is not much help. But we can provide help today by enacting this substitute amendment, and its tax credit of $500 per child. That would amount to about $80 per month for most families. That may not sound like much when we are talking about billions of dollars in a Federal budget, but it means a lot to the moms and dads out there. For a Government that loves best telling Americans what to do, when to do it, how, where, and with whom, it is a bitter pill. But there is no escaping the fact that parents know best what their children need, whether it is new shoes, new books, rules to follow, love and encouragement, or more vegetables. The family tax credit will take dollars out of the hands of big government and put it back in the hands of parents.

I want to talk about the second provision of this amendment, because it is a bill that Senator BARBARA MIKULSKI and I have introduced. Millions of American women willingly take on the challenge of raising children. They stay home to provide the constant contact and attention. But working for no pay hurts them financially. Not only do they have less to live on, but if they are able to put money aside for retirement, the Federal Tax Code penalizes them for that too.

If both spouses in a household work, they can set aside $2,000 each, for a total of $4,000. But if mom or dad stay home, they can only set aside $250 more, for a total of $2,250. That is approximately one-half the amount a two-income family can set aside. As you know, Mr. President, we have a marriage penalty in the Tax Code. This limited deduction is a family retirement penalty.

Our amendment corrects this discrimination against those who work inside the home by giving them equal IRA opportunities with those who work outside the home. Over 30 years at 6 percent interest, this provides up to $150,000 more in security for the one-income earner family. This is private savings that will reduce the need for Government assistance later in life, a worry that can be particularly acute for women who work inside the home, especially when you consider the national divorce rate.

The Republican alternative budget cuts the deficit by $318 billion over 5 years. That is almost one-third of a trillion dollars that we will not have to borrow, and that our children will not have to pay interest on in the next century. We can seize this opportunity now to put the brakes on runaway debt. We can do it now by approving the Republican alternative budget plan.

At the same time, we can reorder our priorities, which are way out of kilter in this country. We can recognize the enormous contribution of the stability of families and the full-time homemaker and working mother, recognizing that work inside the home is every bit as valuable, if not more so, than work outside the home.

The Domenici alternative is not negative; it is positive. It cuts the deficit. It prioritizes our spending and puts the value where it ought to be: On the stability and security of the American family.

I thank the Senator from New Mexico [Mr. DOMENICI].

I yield the floor.

Mr. NICKLES. Mr. President, I wish to compliment my colleagues, Senator HUTCHISON, Senator GRAMM, and Senator DOMENICI, for their statements in support of this alternative. I think this is a positive alternative.

It is important to note for the RECORD, though, that neither one of these budgets cuts spending. Neither one of the budget alternatives we have before us cuts spending. I think we get so tied up in rhetoric and the use of current services baselines and projected CBO numbers that we forget the real facts and figures.

The real facts are, under the Democrats' budget, spending is going to rise from $1.5 trillion to $1.8 trillion over the next 5 years. In the Republican alternative, we slow that growth down significantly; but spending still grows from $1.5 trillion to $1.7 trillion. So spending goes up under our plan too, just not as fast.

I heard my colleague from Tennessee talking about the Republican substitute, that it gutted all of these social programs, and how catastrophic it would be to health programs. I looked at our health numbers, and this includes Medicaid. In 1995, we are going to spend $118 billion on health programs. Under the Republican substitute, which supposedly guts Medicaid, health spending grows to $150 billion—from $118 billion, in 5 years. I heard my colleague from Tennessee say Republicans are gutting Medicare, and we are going to close hospitals. Under our plan, Medicare grows from $154 billion in 1995 to $210 billion in 1999.

So my point is that the Federal spending grows under both of these approaches, but it grows a lot less under the Republican approach—about $322 billion less over the 5 years. That is significant. Then the Republican plan gives a tax credit to individuals, a $500 tax credit per child, per dependent, under the age of 18. Very simple. Very fair. That is a tax credit people really need. We allow families to decide whether they will use that money for education, or for health care, or for braces. Individual families can make those decisions. If you have a family of four that is a $1,000 reduction in the tax bill of people who happen to need that money. They can make the decisions on how to spend it.

My colleague from Texas, Senator GRAMM, was exactly right. Who do you think can better make these decisions? Do you think Government should make these decisions concerning education, health, and housing? Or should individual families make these decisions?

We have two different visions here. We have one that will slow down the rate of growth in Federal spending. And this budget does touch entitlements. The Democrats' budget does not touch entitlements; it barely did last year. If you are going to allow half of the budget to grow without any restrictions whatsoever, I think that is very irresponsible. Any business that you look at, if they are running deficits would scrutinize their entire budget.

We are not doing that. This is a status quo budget. It does not touch entitlements. At least the Republican alternative slows down the rate of growth in some areas. Frankly, it still does not do enough. But under the Republican alternative, we have a significant reduction in the deficit every year. We do not end up at zero in 5 years, but we end up with less than $100 billion. Under the Democrat version, the deficit estimate is $174 billion in 1995. In 1999, it is $192 billion. You see their deficit growing. Under the Republican version, the deficit declines from $154 to $99 billion. At least it is coming down, and it is in the right trend.

I think it is a significant alternative that I hope my colleagues will adopt.

Mr. DOMENICI. Mr. President, as I understood, by previous request, Senator GORTON is next. I think he wanted 3 minutes.

I yield 3 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington [Mr. GORTON], is recognized.

Mr. GORTON. Mr. President, there is a substantial, vitally important difference between the two budgets between which we will choose in the course of the next few hours. That of the majority looks backward. It congratulates itself over the proposition that the budget deficit is lower now than it was a year ago or 2 years ago—due, of course, to vastly increased taxes, and to a natural recovery in the economy.

This budget includes within it no plans to do any better. The alternative budget proposed by the Senator from New Mexico looks forward, looks to the proposition that if we are going to have national growth, if we are going to have good times, if we are going to have the progress, which is assumed in the budget that the majority has put before us, we ought to use that time to reduce the deficits, to stop borrowing against the future, however valuable or valid spending programs may be.

It is, however, only the Republican budget that looks to that proposition. The Democrat budget is based on testimony, which this Senator elicited from Laura Tyson, the chairman of the President's Council of Economic Advisers, when she was opposing the balanced budget constitutional amendment. In response to a question after her criticism of that amendment, she said that this administration never plans to balance the budget, never shows a budget deficit of less than $150 billion a year through 1999, or for that matter, through 2001, the year in which the balanced budget constitutional amendment would have taken full effect.

So what we have is a budget plan here which assumes that times will be good, that the economy will be growing, that there will be no recession between now and the end of the century and, nonetheless, never gives us a budget deficit of less than $150 billion a year.

The Domenici alternative does. Budget deficits are much lower, as much or more than $100 billion a year lower, and it provides for tax incentives for savings and investment and thus for growth in our economy, and for education through the deductibility of interest on student loans and for families.

This budget has been criticized for various spending cuts, but no alternative has been proposed. The only alternative that is a valid alternative is to pass the Domenici budget.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, frankly, I have two more Senators, but we have been doing all the speaking. They are going to arrive shortly. I do not want to use all our time waiting.

I wonder if we could put in a quorum call. Let us try it for now and charge it to both sides.

I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, how much time do we have remaining on each side?

The PRESIDING OFFICER. The Senator from Tennessee has 29 minutes; the Senator from New Mexico has 10 minutes.

Mr. SASSER. Mr. President, we heard a lot of speeches here this morning. Some of them have been very good, some of them have been accurate, some of them have been amusing, and some of them have been the contrary to those three adverbs.

But I was struck by something that my friend, the senior Senator from Texas, had to allow today when he said that a budget is a vision, and then he went ahead to describe his vision of the budget that he is presenting here today, or the vision of the budget that he is supporting.

I will tell you what the reality would be of the vision that he is trying to foist onto the United States Senate today and onto the American people. The vision would create larger deficits in the outyears. The deficits would continue to grow and the red ink would continue to flow and the Treasury would continue to hemorrhage.

It is the same vision that the senior Senator from Texas espoused when he was a Member of the House of Representatives and helped put forth the Gramm-Latta budget proposal that set this country on the path of fiscal disaster. We are still reeling today from that faulty, faulty vision and proposal. We saw the deficits of this country go to unparalleled levels, unparalleled peacetime levels, during the 1980's in pursuit of that vision, and that vision is simply cut taxes for the wealthiest among us, and let everybody else fend for themselves, and let us do not worry about what occurs with the deficit.

We see it here again. Capital gains tax cuts benefit principally the wealthiest among us. I have nothing against wealthy people. I wish I were one of them. I hope someday I will be. But I think they ought to pay their fair share, and I do not think that they ought to pay less so that others can pay for them paying less through cuts in things like Medicare and Medicaid.

So we have it in here the capital gains tax cut that benefits the wealthiest. We have a backloaded IRA that benefits the wealthiest. And how do we pay for this revenue loss? We pay for it by cutting Medicare. We pay for it by cutting Medicaid. They would cut Medicaid by $64 billion over the next 5 years. And you know what that vision would produce? It would produce higher taxes at the State level as State governments try to cope with their responsibility under the Medicaid provisions. It would produce rural hospitals going out of business and depriving people in rural and deprived urban areas of health care that was adjacent to their community.

They would cut Medicare and Medicaid together by $144 billion over 5 years. What their vision is or what the vision of the Senator from Texas would amount to is a health care wasteland in this country, a health care wasteland, Mr. President.

It would mean that those who have private health insurance would see their premiums go up to make up for these cuts that are coming in Medicare and Medicaid. It would mean that those on part B Medicare would see their Medicare taxes go up. It would mean that employers who furnish their employees with health care policies would see their premiums go up and, ergo, you would have fewer employers being able to afford it so you would have more uninsured employees.

What kind of vision is that? I submit, Mr. President, that that is a vision of a Medicare wasteland or a health care wasteland. That is a vision that is an anachronism in the modern society in which we live. That is a vision that might have been satisfactory in the 1920's but a vision that this country began to reject in 1932 and has continued to reject more or less ever since then.

Now, let us talk about the question that was raised about we need to do something about this family that in 1950 was sending $1 out of every $50 they earned to Washington and today is sending $1 out of every $4.

First, those figures in my view are highly suspect. I do not accept them as accurate. But just for purposes of argument, let us sort of strip it back and see what all that means. In 1950, we were at the lowest point militarily than we had been since the 1930's. This was prior to the Korean war buildup. So, we were not asking the American people then to pay for a substantial military budget.

In 1950, if momma or daddy at the age of 65 had to go in the hospital and they did not have any money, their daughters or their sons had to foot the bill. We did not have any Medicare in 1950. In 1950, if you were a poor person, you either got no health care or you were dependent on the kindness of strangers or the kindness of a physician somewhere. There was no guarantee, no assurance that you could get health care in 1950.

In 1950, if you were a person of modest means and you wanted your child to go to college, either you had to foot the bill or you could not go. There were no college loan programs or student loan programs in 1950.

In 1950, there were no clean water bills, so there were no wastewater treatment plants and you just dumped a lot of sewage into the river and into the creeks and continued to pollute. I could go on and on.

Does anybody really want to go back to 1950? Is that the vision that we are talking about here? Sometimes I think that is the vision of the senior Senator from Texas.

But I say to you, Mr. President, that does not even pass the Dicky Flatt test. I will bet that if you called up Dicky Flatt and said, "Dicky, do you want to go back to 1950?" I will bet, when you described it to him, Dicky Flatt would say, "No, I don't believe that would pass my test. I don't believe I want to go back to 1950."

So, when we talk about vision, what we are talking about in the vision of this budget that we have before this United States Senate is a vision of staying the course, a vision of being responsible, a vision of making the hard choices and assigning the proper priorities.

That is what we are doing. That is the reason that these irresponsible deficits of the 1980's are coming down. That is the reason we are having to cut some programs that the American people want and need, because we are bringing these deficits down and we are having to cut those programs to pay for the irresponsibilities of the 1980's and the vision of those who were in control of the budgetary priorities of this country at that time.

Mr. President, this budget that we have before us today is a budget that will continue the prosperity that the American people are now just starting to sense and to understand; will give energy to the economic recovery that we are now seeing with us presently and more of it out there on the horizon. Oh, the figures are very encouraging. Because of this Deficit Reduction Act that we passed last year and this stay-the-course budget that we present to the Senate today, we are creating jobs.

In 1993, we created 1.9 million jobs, more jobs than were created under the previous 4 years under the vision of others; in 1993, more increase in real disposable per-capita income in 1 year than in the previous 4 years, all because of the Deficit Reduction Act of last year and the stay-the-course budget that we are presenting to this body today.

I admire Dr. Alan Greenspan. He is a very intelligent, highly educated man. I disagree with him on a lot of fundamental economic policy and he knows that, but I respect him immensely. Dr. Alan Greenspan, a conservative Republican economist appointed by President Ronald Reagan, said before the Joint Economic Committee of this Congress in February of this year that the economic outlook for our economy was better than it has been in 20 or 30 years—20 or 30 years.

Now, that is the product of the vision that is in this particular budget that is before this body today; not a budget that runs out here and promises a tax cut here and a tax cut there, knowing it is irresponsible, knowing we cannot afford to pay for it. I believe the American people see through that. They understand that there is no free lunch. They understand that we have got to be responsible and we have got to pay our way.

And, Mr. President, that is what this budget before us does today. And it does it without gimmicks. It does it without using things like asset sales. That is selling your seed corn, Mr. President. It would be just like a farmer selling the corn that he is going to plant in the spring of the year, selling it that fall to get through the winter. What happens when the spring comes and there is no corn to plant?

So, Mr. President, I think we do have two conflicting visions here. I think the senior Senator from Texas is right. We have a vision of a budget that is being presented here by the majority that is responsible, that assigns the proper priorities, that makes the tough choices; a budget of discipline so that we can continue the economic recovery that is well underway, so that we can see this recovery continuing out to the year 2000, continued noninflationary economic growth as the economists are predicting. It is going to occur because we are taking responsible, measured decisions to try to deal with this deficit and reverse the excesses that occurred years ago, perpetrated by those who had a different vision of what the budget should look like, what the economy should look like, and what the Government of this country should do.

So, Mr. President, I rejoice in this contrast of visions, because I think if the American people can see both of these visions for what they are, they are going to accept the vision that is in the budget proposed by the majority here, the budget proposed by the President, and I think they are going to reject the vision that is proposed in the alternative offered by our friends from the other side.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Tennessee has 13 minutes remaining.

Mr. SASSER. I thank the Chair.

Mr. DOMENICI. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Mexico has 10 minutes remaining.

Mr. DOMENICI. I yield 3 minutes to Senator LOTT from Mississippi.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LOTT. Mr. President, I thank the distinguished Republican leader on the Budget Committee for yielding me this time.

I know the time is all running out. I do have some points I would like to make, but it is hard to stay on what I had planned to present here in this 3 minutes, after having listened to the presentation from the Senator from Tennessee.

I think we have just heard a perfect prescription and description of what is in the Budget Committee's resolution; that is, the solution is Government: Government can do it all. The private sector cannot handle it. Let the Government move in and take over every program.

Comments were made, "We can't afford to let the people have tax cuts." Now listen to that. We are saying to the people that we cannot afford to let you keep your money. No, because we have to bring it up here and spend it in Washington.

Yes, there is a clear difference in vision. And the only place where you are going to get a vote for the vision you just heard described is on the floor of the U.S. Senate. The American people would not vote for that vision.

Let me talk first about the Clinton package. The most notable thing about it is what is missing. There are no real spending cuts. There is no credible deficit reduction, no economic growth incentives, and certainly true reflections of the Nation's spending priorities are not in this budget.

Now, why do I say that? First of all, with over 5 years in new spending initiatives, the President's budget would be up $127 billion. Oh, there are a few little small cuts suggested this year, but a couple of things happened. The President turns around and recommends that they be spent in other areas. Even where the President took a courageous stand in several instances, the Budget Committee said, "Oh, no, we can't afford to have cuts there," and the Budget Committee took back those spending cuts.

The American people need to know that this courageous budget we just heard described will add almost $2 trillion to this Nation's debt over the next 5 years. Remember that now. If there is such courageous deficit reduction here, why is the debt going to go up another $2 trillion? So there is no credible deficit reduction here. There are no economic growth incentives. What else is missing is no provisions for the health care reform, no provisions for the cost of welfare reform, and many of the important crime initiatives are not provided for in this package. So I describe the Clinton budget and the Budget Committee recommendation as a hide and seek budget, because you really have to look to find what is in there. And many of the important things are not in there.

The alternative that we have proposed for the Senate to consider, I think, is a very good one. It has tough but credible, responsible deficit reduction, 60 percent of it on the entitlement side and 40 percent on the domestic discretionary side.

I urge my colleagues to look very seriously at this alternative. The American people would support this Republican alternative. Why do I believe that? Because, as I said before, with the President's and Democrat's budget I feel a bit like I am playing one of my favorite games—hide and seek. I am seeking several things in this budget for our Nation: Real spending cuts, deficit reduction, and economic growth incentives. I would also like to find the Nation's priorities—crime reduction, welfare reform, and health care reform—reflected in our Federal spending. Unfortunately, each of these components are hiding—very well—or, more likely, not there at all.

I have looked hard for some real spending cuts. They are not in this budget. The administration claims to cut 100 domestic discretionary spending programs and eliminate 115 others. In reality, when Defense is factored out, domestic discretionary spending actually increases. Even if you include the drastic Defense cuts, the spending cuts total $5.5 billion—a spending cut of 0.36 percent of the $1.52 trillion budget. That's hardly a drop in the bucket—only one-third of 1 percent of the total budget.

The economy is not booming, but it is definitely in a recovery. Now is the time to take advantage of this and cut spending while the economy is stronger.

In reality, the budget proposed by the President proposes higher spending in each of the next 5 years. The proposed terminations and reductions in fiscal year 1995 amount to $5.5 billion while the new spending amounts to $8.2 billion. Over the next 5 years, the budget increases spending on various programs by $127 billion. Federal budget outlays will increase 17.1 percent from fiscal year 1994–98.

The Senate passed budget resolution does include additional cuts to discretionary spending. It is doubtful these cuts will survive on the Senate floor. If they do, I doubt they will survive the conference because the House passed resolution does not include any additional cuts. While I fully support additional spending cuts, I do believe we must be careful where we cut.

I am concerned about this amendment because it does not specifically state that the cuts will not come out of Defense.

The President said in his State of the Union Address that we must "hold the line on Defense" and not cut it any further. I agree with the President. We have cut Defense too much and too fast. Now is not the time to reduce it more. I hope we will have the opportunity during the floor debate to modify the committee passed amendment to specify that the spending cuts be made—but not at the risk of our national security. As the situations in North Korea, China, Bosnia, and Somalia prove, the world is not yet a safe place.

This annual deficit spending has an outrageous effect on our national debt. The debt at the end of fiscal year 1993 was $4.351 trillion. By the end of fiscal year 1999, this debt is projected to be $6.305 trillion. The projected growth in national debt over the 6 years for which the President has submitted budgets is $1.954 trillion. This looks pretty much like business as usual to me—more deficits adding to our national debt.

The deficit projections in this budget are lower. But, are they real? What is alarming is that these projections don't include funding for health care, welfare, or many of the necessary crime initiatives. Additionally, there are no funds for GATT, Superfund, the Bottom-Up Review shortfall or disaster relief.

Since 1989, we've had the San Francisco earthquake, $3 billion; Hurricane Hugo, $3 billion; Hurricane Andrew, $9 billion; Midwest flooding, $5 billion; and the L.A. earthquake, $10 billion. Buried in these relief programs are all kinds of congressional pork. At this rate, we have basically set up another Federal entitlement and we may as well budget for it.

When these issues are addressed in one way or another, I fear these deficit projections will go out the roof.

### ECONOMIC GROWTH INCENTIVES/JOBS

We have heard a lot about the lower deficit projections. While I believe this is due to our recent economic growth. I do not think we should focus on who gets the credit for what. We must look forward and enact policies that will best position our Nation for economic growth.

This budget does not contain any growth incentives, which are the only way to create real, lasting jobs. The President attended a jobs summit in Detroit last week. Why? Because we have not seen the necessary job creation.

In his State of the Union Address President Clinton boasted about the creation of 1.6 million new jobs during his first year in office. While this figure is better than no job creation, it represents a much smaller increase than usually experienced. At this stage in an economic recovery, 33 months after the low point of the recession, total employment traditionally has increased by an average of 9.2 percent.

Even including the 1.6 million jobs created last year, total employment has climbed by just 2.5 percent since the bottom of the recession-far below the average.

With higher payroll and income taxes, new mandated benefits, added regulatory burdens, and the uncertainty over health care, employers today have been much more cautious. The job market's lackluster performance indicates Government policy is inhibiting job creation.

### FAMILIES

In addition to providing incentives to businesses to create jobs, I believe we should do something for families who are really carrying the tax load. While I have been looking, I am not sure what the President's proposed budget has in it for families.

### NATIONAL SPENDING PRIORITIES: CRIME

The rise of violent crime in this country is forefront in almost every American's mind. Yet, this budget is sorely lacking in it's crime proposals.

For everything it "giveth, it taketh away"—the rhetoric does not match the reality.

The President proposes cutting $600 million from existing law enforcement and anticrime programs. The budget cuts the DEA—surveillance airplanes, high speed ships—organized crime, the U.S. Parole Commission, the INS, the ATE, the IRS, the Customs Agency, the Coast Guard, the Office of National Drug Control Policy, and the FBI. It also proposes the elimination of the Edward Byrne Formula Grant Program, which is an essential source of funds for multijurisdictional narcotics task forces that are the main defense against drug traffickers at the local level.

What does the budget do in the crime area? The budget only earmarks three provisions of the Senate crime bill for funding and yet, it proposes a 30-percent cut in prison construction and increases the civil rights and environmental law divisions at Justice. It increases funding for the Legal Services Corporation by $100 million and it funds $100 million in grants to States for criminal record upgrades to implement the Brady bill. Additionally, it does fund 50,000 additional police officers on the street, $1.7 billion; $300 million for immigration control, including greater enforcement of sanctions on employers; and it proposes $303 million in unspecified crime control.

I believe we must make some radical changes to the President's proposed budget. We can—and should—do better.

### REPUBLICAN ALTERNATIVE

For that reason, I fully support the Republican alternative. I believe it charts a much better course for our Nations's future. It addresses each of the areas I have discussed where the President's budget is lacking.

In terms of real spending cuts, we propose $318 billion, $287 in policy savings and $31 billion in interest savings. This is $322 billion more in deficit reduction than the President proposed. In 1999, the Republican alternative budget proposes a deficit of $99 billion—$106 billion less than the $205 billion deficit projected by the Clinton budget in 1999.

This would allow President Clinton to fulfill his campaign promise to cut the deficit in half in 4 years.

In addition to reducing the deficit through spending cuts, our alternative provides relief to families and offers incentives for real, sustained economic growth.

Our plan would help President Clinton keep another one of his campaign promises—a $500 per child tax credit for families.

No, this is not a tax break for the rich. This would benefit over 51 million children. This credit would be available to every family with children in the Nation—not just middle to high income families as many of my colleagues have stated. The median income of a family in my home State of Mississippi, is $24,448. Is that rich I ask my colleagues?

It is important to note that 86 percent of the children in the country are in families with incomes less than $75,000. The credit is available to children of two-parent and single-parent families.

This tax credit will benefit families on the lowest end of the income scale because it is designed to offset either income or payroll taxes, much like the EITC. Thus, anyone who is working, regardless of their income tax liability, could benefit from this tax relief.

This bill puts money back in the hands of the American family—they are carrying the tax load. This will directly impact the lives of approximately 51 million children. One may make partisan arguments about how the tax burdens have shifted over the years—but no one will dispute the fact that families were hit hard by the Tax Code.

In 1950, a family of four with an average income paid only 2 percent of its annual income to the Federal Government while today that family pays 24 percent in income and payroll taxes. When State and local taxes are included, the tax burden exceeds one-third of the family's income. In 1950, close to 80 percent of family income was protected from Federal income tax through the personal exemption. Today the personal exemption only shields 20 percent of that income.

Since 1960, a family with 2 children has seen their tax burden increase 43 percent—and a family with 4 children has seen a rise of 223 percent.

### ECONOMIC GROWTH INCENTIVES

The Republican alternative also provides real incentives for economic growth. It would: Index capital gains; allow for capital losses on the sale of a principle home; provide for neutral cost recovery; and create a new IRA and allow penalty free IRA withdrawals for education, medical expenses, and first-time homebuyers. It would allow equality for spouses as well.

Additionally, it would extend the R&E tax credit for 1 year. It would also assist people trying to get an education by restoring the deductibility for interest on student loans and providing for a 1-year exclusion of employer provided educational assistance.

The alternative reflects our national priorities by funding the Senate crime bill, providing $22 billion for anticrime measures. It also funds the $20 billion defense shortfall acknowledged by the Pentagon.

### CONCLUSION

This amendment clearly offers Senators a choice between two very different approaches to Government. I am proud to stand for the alternative which includes additional spending cuts and deficit reduction, tax relief for Americans, and incentives for real economic growth.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I modify my allotment of time and give 1½ minutes to the Senator from Alaska [Mr. STEVENS], and 1½ to Senator GRASSLEY.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 1½ minutes.

Mr. STEVENS. Mr. President I am delighted to share the time left with my good friend from Iowa. I was surprised here, a moment ago, to hear the Senator from Tennessee talk about the number of jobs created in 1993. Those jobs were created because of several years of good monetary and fiscal policy reducing the interest rates. Now I think the people on the other side of the aisle ought to look and see what is happening now under the Clinton administration's policies—interest rates are going up.

I support the Republican alternative budget resolution offered by my good friend from New Mexico for three reasons: It includes greater deficit reduction than President Clinton's proposal; it fully funds the Department of Defense's Bottom-Up Review force structure, and it addresses the growing problem of entitlements.

Over the next 5 years, the Republican alternative would result in more than $322 billion in deficit reduction over the President's plan. It would reduce the deficit to $99 billion in fiscal year 1999 ultimately providing $318 billion in deficit reduction over 5 years. That is $106 billion less than the 1999 deficit projected under the Clinton Plan.

In addition to greater deficit reduction, the Republican alternative includes an additional $20 billion to fully fund the Department of Defense's Bottom-Up Review force structure. The Bottom-Up Review was prepared by the Department of Defense outlining the restructuring and minimum financial resources needed to ensure this country's military preparedness. It is the blueprint of how the steep downward trend in defense spending through 1999 will be accomplished. Recently the Chief of Staff of the Army, said, "The fiscal year 1995 budget is our tenth consecutive budget representing negative raw growth." He is talking about Defense real growth. Although President Clinton funded the review in fiscal year 1995, his budget fails to fully fund it in fiscal year's 1996-99. Unless we sustain the force levels assumed in the Bottom-Up Review we can expect the President not to have the flexibility to deal with contingencies such as Bosnia, another Desert Storm or Korea. Failure to have a 10 division Army, 20 Airforce wings and 350 Navy combatant vessels leaves the country unable to lead in international crisis. In hearings before the Defense Appropriations Subcommittee, all the members of the Joint Chiefs have testified that we are at the edge—deeper cuts will destroy our ability to meet the two Major Regional Conflict scenario envisioned by the Bottom-Up Review.

In addition to reducing the deficit and funding crucial defense spending, this proposal begins to address the spiraling growth of entitlement spending. Approximately 56 percent of the savings in this plan comes from changes in mandatory and entitlement spending. This deficit reduction package includes $162 billion over 5 years in discretionary cuts in Government programs and $213 billion in mandatory spending cuts. Without facing the fact that entitlement spending must be addressed—serious deficit reduction will never take place.

Last month during consideration of the balanced budget amendment I spoke about the need to reform our entitlement spending which accounted for over 61 percent of all Federal spending in fiscal year 1992. I voted against the balanced budget amendment, in part, because it did not include any requirement to reform entitlement spending. It did not set up a procedure to address the problem of "uncontrollable spending." Under current law, most of the cuts required by the balanced budget amendment would have come out of Government programs and services from airport control to weather service to Coast Guard search and rescue to national defense. I believed that was not in the best interest of our country's national security.

The Republican alternative is a blueprint for serious deficit reduction. It contains reductions in entitlement spending as well as cuts in other Federal programs. This proposal contains specific reforms that if adopted will result in deficit reduction exceeding both the President and the House's proposed budgets.

Incidently, I would like to commend the drafters of the Republican alternative for including a provision to lease the Arctic National Wildlife Refuge [ANWR]. One-half of the receipts would be deposited in the Federal Treasury and the other half would be paid to the State of Alaska as required under the Alaska Statehood Act. The opening of ANWR is one example of how the Federal Government can better manage its resources to help reduce the Federal budget deficit.

In the final analysis the cuts found in the resolution before the Senate from the majority will cut national defense. The Republican alternative budget resolution is what this country needs to put it back on the path of fiscal responsibility.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 1½ minutes.

Mr. GRASSLEY. Mr. President, I want to offer my strong support to a middle-class tax cut for the family, which is in the Republican alternative. It is time to start giving back to families what is rightfully theirs.

If the dependent exemption had kept up with inflation, it would be near $7,000 by now, instead of the $2,350 one that exists.

A new $500 tax credit for each dependent in every family will help the President keep his promise to cut middle-income taxes.

This amendment is the latest in a series of attempts to achieve family tax relief. Besides legislation I have introduced in the past, the Budget Committee voted for a resolution of mine 2 years ago in support of family tax relief. Congress later passed a family tax credit that was part of a vetoed bill.

A $500 tax credit will send billions of dollars directly back to families. Families in my State of Iowa will get over $300 million back. In the chairman's State of Tennessee, families will get direct tax relief in the amount of over $470 million.

Instead of throwing more money at Government bureaucracies, we need to let people keep more of their own money and use it in a way that is best for them. Not in the way that the Government says is best for them. People are sick and tired of hearing from some Government bureaucrat who says I am from the Government and I am here to help you.

So, Mr. President, now is the time for all of us here to start giving people back the money that Congress has been taking away from them. We can never give Government back to the people as long as we continue picking their pockets. If you really support family tax relief, now is the time to vote for it.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. DOMENICI. We have 4 minutes remaining, is that correct?

The PRESIDING OFFICER. The Senator from New Mexico has 4 minutes remaining.

Mr. DOMENICI. How much time does the chairman have?

The PRESIDING OFFICER. The Senator from Tennessee has 13 minutes remaining.

Mr. DOMENICI. Is it possible the Senator could use some time while I wait for our leader? It would be helpful to us.

Mr. SASSER. Of course.

The PRESIDING OFFICER. The Senator from Tennessee [Mr. SASSER] is recognized.

Mr. SASSER. Mr. President, it has been suggested here on the floor that there are no provisions for health care or welfare reform in the budget being presented here by the majority. There are no provisions in the alternative before us either. In both versions they are included through reserve clauses. That is how we deal with these matters in a budget resolution. We simply create a reserve clause for health care or welfare reform or whatever. That allows the committee of competent jurisdiction, or of appropriate jurisdiction, to take up that particular subject and to produce a deficit-neutral provision with regard to that particular item.

For example, in the case of health care, because of the reserve clause in this bill, should the Finance Committee choose to produce a health care reform bill, they are free to do it under this budget on either side, as long as it is budget neutral. So the two are similar in that particular way.

The statement was made a moment ago that perhaps we could afford a tax cut at this time. I wish we could give our citizens a tax cut. We gave a lot of our citizens a tax cut when we passed the Budget Act last year. There was a lot of discussion at that time about the fact that we were passing nothing but a tax bill, that everybody was going to get their income taxes raised.

I did a study—I did not do it, the Treasury Department did a study of the taxpayers in my native State of Tennessee. We have something akin to about 2 million individual income tax filers down there. Interestingly enough, the Treasury study indicated that 1 percent of that group was going to see their taxes go up. It also indicated that 16 percent of those who filed in my native State of Tennessee were going to see their taxes go down: 20,000 people would see their taxes go up; 305,000 people would see their taxes go down. And the overwhelming majority, over 80 percent, those in the middle, would see their income tax liability not change at all.

I would like very much to be able to give middle-income citizens another tax cut. I look forward to the day when that will come. But we cannot do it until we can do something about these very severe deficits we have been trying to deal with over the past few years. We have made very, very substantial cuts. We have cut spending in mandatory entitlement programs, in Medicare, in Medicaid, cuts in other entitlements which I lined out in detail to the Senate yesterday. Discretionary spending, the other portion of the budget, will be at its lowest level as a percentage of gross domestic product next year than at any time since 1940. Domestic spending next year is going to be lower than it was last year. I am talking, Mr. President, about not lower on a CBO baseline factor; I am talking about lower in nominal dollars, in actual dollars. We are lowering domestic spending from year to year, and that is the first time that has happened since 1969. Bear in mind, 1969 is the last time that we had a balanced budget in this country.

So we are cutting spending. We have cut the fat and, in some cases, we are now cutting right into the muscle.

We simply cannot get in the posture of, I think, at this time doing what we like to do, and that is come forward with a tax reduction for middle-income people, until we can get our deficits under control somewhat better.

Mr. President, may I ask how much time we have remaining?

The PRESIDING OFFICER. The Senator from Tennessee has 6 minutes 20 seconds remaining. The Senator from New Mexico has 3 minutes 52 seconds remaining.

Mr. SASSER. Mr. President, I yield the floor to my distinguished friend from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. We have 4 minutes?

The PRESIDING OFFICER. Four minutes remaining.

Mr. DOMENICI. Mr. President, I yield myself 2 minutes and, hopefully, Senator DOLE will arrive shortly.

I just want to remind everyone that if we take one more look at this chart, the stay-as-you-go budget with reference to future generations and what kind of legacy we are leaving them is described right here in these two bar graphs. The stay-as-you-are, steady-as-you-go, everything-is-going-great approach shows that the entitlements and mandatory expenditures of this Government from 1995 to 1999 will go up from $843 billion to $1.99 trillion. At the same time, the nondefense discretionary will go from $249 billion to $283 billion, a $45 billion increase.

Mr. President, that is not what we ought to be doing in good economic times if we want to rid our future generations of this taxation without representation that is represented by a growing debt.

Second, I do not know what would be said on the other side if they could not speak of the rich and the poor. It seems like, to be fair with everyone, including those who are wealthy in America, we have to always hear an argument that unless it hurts them, it cannot possibly help the poor. Frankly, I do not think anyone believes that. It makes nice rhetoric.

The PRESIDING OFFICER. The Senator has spoken for 2 minutes.

Who yields time?

Mr. DOMENICI. I yield as much time as I possibly can, without the chairman taking away what little time he has, to the Republican leader.

How much does that mean the leader can speak?

The PRESIDING OFFICER. The Senator has about 1 minute remaining.

Mr. DOLE. Can I use 2 minutes of leader's time?

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Republican leader.

Mr. DOLE. Mr. President, after years of having Democrats declare Republican budgets dead on arrival, or D-O-A, Senator DOMENICI has called President Clinton's first complete budget "missing-in-action." It is missing measures to control the deficit. It is missing the tough decisions about entitlement spending. And, it is missing funding for the President's biggest new spending initiatives. But before the American people get too discouraged, I can assure them that there is a choice: One budget plan does contain the tough calls on spending; that is the republican budget plan. I thank my colleague from New Mexico, Senator DOMENICI, for his efforts and the efforts of Republicans on the committee.

Our plan cuts President Clinton's 1999 deficit in half. And we do it without any tax increases and without any cuts in Social Security. The Republican recipe for deficit reduction is simple—tough, enforceable, balanced cuts in Federal spending.

And, while the President wants us to invest in more Big Government and more bureaucracy, Republicans make a real investment in America's future by providing much-needed tax relief to working families and children.

The Congressional Budget Office, the President's hand-picked budget scorekeeper, estimates that if the President's budget were adopted, the deficit would move down from $223 billion this fiscal year to $174 billion in fiscal year 1996, then move right back up again to more than $200 billion in fiscal year 1999 and even higher in future years. The budget resolution reported out of the Budget Committee is an improvement over the President's budget. Over 5 years, the projected deficits are more than $43 billion lower than the levels set in the President's budget.

After all the tough talk we heard last year about the importance of reducing the deficit, and after all the appeals from the American people to "cut spending first," the White House has consistently opposed any additional spending cuts for deficit reduction. Republicans are not satisfied with $200 billion deficits as far as the eye can see, and we believe we can do better.

As indicated, under the leadership of Senator DOMENICI and the Republicans on the Budget Committee, Senate Republicans have put together an alternative budget that makes progress in cutting the deficit without any new taxes and without any cuts in Social Security.

Over 5 years, the Republican plan cuts the deficit by more than $300 billion below the President's budget plan and more than $275 billion below the Senate Democrats' budget plan.

Mr. President, the Republican alternative demonstrates that Republicans are serious about offering entitlement and discretionary spending cuts to reduce the deficit. Our plan would get the deficit down to $99 billion by 1999. That is more than $100 billion lower than President Clinton's 1999 deficit and more than $90 billion lower than Senate Budget Committee's 1999 deficit.

Mr. President, budgets say a lot about priorities.

Because working families and children are a priority for Republicans, our plan contains a number of provisions aimed at providing tax relief to working families.

We believe that inflation is a tax that erodes the value of your assets—whether it is your home, your small business, your family farm, or your investments. To protect these assets from the corrosive effects of inflation, and to unleash new investments, our plan would index capital gains.

Maintaining a strong national defense is a Republican priority. The administration's own defense experts calculate a shortfall of at least $20 billion in the Clinton defense plan. And while the President used his State of the Union address to announce that he would make no further cuts in Defense, his budget plan forces our military to eat that $20 billion shortfall. This is a hidden cut on top of the $127 billion cut the President has already applied.

The truth is that the Republican alternative is the only budget that provides what the President's own defense experts say they need.

The Republican alternative backs up the tough talk about crime-fighting by fully funding the violent crime trust fund with $22 billion over 5 years. This money will hire more cops, make our schools safer, put away violent criminals, and slam shut the revolving prison door.

The American people want us to make the tough decisions needed to get the deficit under control. This plan demonstrates that Republicans are willing to make the tough calls and set priorities, not just with words but with our votes. We are willing to cut back Government programs in order to make continued progress to reduce the deficit, provide tax relief for working families, provide the funds needed for a strong defense and a tough crime-fighting package.

I urge my colleagues to vote for our approach—less spending, less Government, lower deficits, tax relief for working families, and a stronger, more secure America both at home and abroad.

Mr. ROTH. Mr. President, the budget alternative we are proposing today returns us to the promises President Clinton made during his campaign. Leading up to his election, President Clinton was clear about his desire to offer middle class Americans a tax cut. President Clinton was also determined to cut the deficit in half during his first term in office. Well, Mr. President, this is exactly what we propose today with this alternative.

This bill will reduce the deficit by $318 billion over the next 5 years. It will provide middle class tax relief, and it offers incentives that America needs right now to save and invest for the future. This alternative represents a real cure for the tax-as-usual, spend-as-usual virus that seems to be contagious around these parts. This alternative brings together some of the best ideas of both parties—proposals that have found strong support in this body before.

In fact, this alternative mirrors a proposal I introduced with Senator Lloyd Bentsen—now our Secretary of the Treasury—back in 1991. It offers tax credits for children and expansion of individual retirement accounts. Each of these proposals has found strong support on both sides of the aisle. As currently written, this plan will benefit some 52 million Americans, giving them a $500 tax credit for dependent children. In Delaware alone, more than 180,000 families will benefit from a tax break of more than $85 million. In Delaware and all across America, millions more will benefit from the IRA program, a terrific vehicle for encouraging Americans to save.

Savings equals investment; investment equals economic expansion; economic expansion equals jobs; and jobs equal a secure future for our families and our Nation. It is a simple equation. And under this bill, up to a $2,000 tax deduction would be available for all Americans, including spouses who work at home. This bill also expands the usefulness of the IRA, allowing it to better serve our families. Early withdrawals can be made to pay for education costs, to buy a first home, to cover medical bills or expenses during long-term unemployment. Again, Senator Bentsen and I championed these changes for years before he was picked by President Clinton to run the Treasury.

Mr. President, there are many components of this alternative that will be beneficial to Americans. It is the right medicine at the right time. History has proven that our economy does best when taxes are cut and when spending is controlled. This is no secret held by one party or the other. President Kennedy successfully cut taxes to spark the economy in the 1960's. In much the same way, President Reagan created record-setting job growth in the 1980's. President Clinton appeared to understand this when he was campaigning. Americans believed him. This is the opportunity to make good on those promises.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. SASSER. Mr. President, I will be very brief. I will not use the 3 minutes.

Mr. President, to sum up, in essence what this Republican alternative does to the majority budget, it simply cuts taxes, reduces revenues, and the principal tax cuts are the time-honored capital gains tax cut which we know from past experience inures primarily to the benefit of those in the upper income brackets.

It also includes a back-loaded IRA which also inures primarily to those in the upper income brackets. It includes a $500 child credit which is not capped, so a family making a million gets the same credit as one that makes $30,000 and one that makes $16,000 or less gets no credit at all under this particular proposal. It pays for all of these tax cuts that are primarily aimed at upper income taxpayers, it pays for these tax cuts by cutting Medicare and Medicaid by $144 billion over the next 5 years. This is simply going to mean that many rural and urban hospitals are going to go out of business. It is simply going to mean that private health insurance premiums are going to go up because employers and employees who have private health insurance are going to have to make up the difference from these Medicare and Medicaid cuts.

It also pays for these tax cuts with cuts in discretionary spending, cuts that affect the infrastructure, cuts that affect a whole host of programs.

And interestingly enough, I know that many of my colleagues on the other side of the aisle are worried about cuts in military spending. Well, looking at the discretionary allocation in the Republican alternative, we find that outlays in discretionary spending are cut $118 billion over the next 5 years under that in the majority budget. Now, we all know where those cuts are going to take place—75 to 80 percent of those cuts in discretionary spending, if they were enacted, would take place in the military budget.

Now, that may be all right with a lot on my side of the aisle, but those on the other side of the aisle who have been constantly concerned about cuts in the military budget, if their budget is enacted, should it become the governing force here, then we are going to see very, very substantial cuts in military spending below those proposed by the President.

Mr. DOMENICI. Mr. President, might the chairman yield for a question on that?

Mr. SASSER. I will be pleased to yield.

Mr. DOMENICI. I believe the Senator is mistaken. I believe the Republican alternative has the fire walls in so I do not think the situation just alluded to could happen as a matter of law.

Mr. SASSER. It is my understanding that it is a sense-of-the-Senate fire wall resolution.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. It is because of a 60-vote majority, so it is a sense of the Senate.

Mr. SASSER. But it would not be effective really in safeguarding the discretionary spending from being raided.

Mr. DOMENICI. The Senator is correct.

Mr. SASSER. Mr. President, has all time expired?

The PRESIDING OFFICER. All time has expired.

Mr. DOMENICI. Mr. President, might I have 30 seconds on a different issue?

Yesterday, I think the Senate under the leadership of Senator GORTON with all Senators voting in favor accomplished something. The administration has changed its mind on the Byrne grants and had the Attorney General appear before Appropriations and say the Senate is right. I congratulate Senator GORTON. They are going to find other cuts so that the Byrne grants helping our cities and States to fight illegal drugs can be fully funded.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

The question now is on agreeing to amendment No. 1560 offered by the Senator from New Mexico [Mr. DOMENICI].

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 42, nays 58, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—42

Bennett
Bond
Brown
Burns
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—58

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

So the amendment (No. 1560) was rejected.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut [Mr. DODD] is recognized to offer an amendment.

AMENDMENT NO. 1561

(Purpose: To increase the Federal share of education funding for individuals with disabilities by $6 billion in fiscal year 1995 and $30.5 billion over 5 years)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. JEFFORDS, proposes an amendment numbered 1561.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, line 17, increase the amount by $6 billion.

On page 24, line 18, increase the amount by $0.7 billion.

On page 24, line 25, increase the amount by $5.5 billion.

On page 25, line 1, increase the amount by $4.7 billion.

On page 25, line 8, increase the amount by $5 billion.

On page 25, line 9, increase the amount by $5.4 billion.

On page 25, line 16, increase the amount by $6.5 billion.

On page 25, line 17, increase the amount by $5.3 billion.

On page 25, line 24, increase the amount by $7.5 billion.

On page 25, line 25, increase the amount by $6.3 billion.

On page 10, line 3, decrease the amount by $1 billion.

On page 10, line 4, decrease the amount by $0.5 billion.

On page 10, line 10, decrease the amount by $1.6 billion.

On page 10, line 11, decrease the amount by $1.2 billion.

On page 10, line 17, decrease the amount by $2 billion.

On page 10, line 18, decrease the amount by $1.7 billion.

On page 10, line 24, decrease the amount by $2.4 billion.

On page 10, line 25, decrease the amount by $2.2 billion.

On page 11, line 6, decrease the amount by $2.5 billion.

On page 11, line 7, decrease the amount by $2.4 billion.

On page 5, line 1, increase the amount by $5 billion.

On page 5, line 2, increase the amount by $3.9 billion.

On page 5, line 3, increase the amount by $3 billion.

On page 5, line 4, increase the amount by $4.1 billion.

On page 5, line 5, increase the amount by $5 billion.

On page 5, line 11, increase the amount by $5 billion.

On page 5, line 12, increase the amount by $3.9 billion.

On page 5, line 13, increase the amount by $3 billion.

On page 5, line 14, increase the amount by $4.1 billion.

On page 5, line 15, increase the amount by $5 billion.

On page 5, line 22, increase the amount by $0.2 billion.

On page 5, line 23, increase the amount by $3.5 billion.

On page 5, line 24, increase the amount by $3.7 billion.

On page 5, line 25, increase the amount by $3.1 billion.

On page 6, line 1, increase the amount by $3.9 billion.

On page 6, line 7, increase the amount by $0.2 billion.

On page 6, line 8, increase the amount by $3.5 billion.

On page 6, line 9, increase the amount by $3.7 billion.

On page 6, line 10, increase the amount by $3.1 billion.

On page 6, line 11, increase the amount by $3.9 billion.

On page 6, line 17, increase the amount by $0.2 billion.

On page 6, line 18, increase the amount by $3.5 billion.

On page 6, line 19, increase the amount by $3.7 billion.

On page 6, line 20, increase the amount by $3.1 billion.

On page 6, line 21, increase the amount by $3.9 billion.

On page 7, line 1, increase the amount by $0.2 billion.

On page 7, line 2, increase the amount by $3.5 billion.

On page 7, line 3, increase the amount by $3.7 billion.

On page 7, line 4, increase the amount by $3.1 billion.

On page 7, line 5, increase the amount by $3.9 billion.

On page 7, line 8, increase the amount by $0.2 billion.

On page 7, line 9, increase the amount by $3.7 billion.

On page 7, line 10, increase the amount by $7.4 billion.

On page 7, line 12, increase the amount by $14.4 billion.

On page 8, line 7, increase the amount by $02. billion.

On page 8, line 8, increase the amount by $3.5 billion.

On page 8, line 9, increase the amount by $3.7 billion.

On page 8, line 10, increase the amount by $3.1 billion.

On page 8, line 11, increase the amount by $3.7 billion.

On page 70, line 21, decrease the amount by $3.9 billion.

On page 70, line 22, decrease the amount by $3.5 billion.

On page 70, line 24, decrease the amount by $3.0 billion.

On page 70, line 25, decrease the amount by $3.7 billion.

On page 71, line 2, decrease the amount by $4.1 billion.

On page 71, line 3, decrease the amount by $3.1 billion.

Mr. DODD. Mr. President, I offer this amendment on behalf of myself and the Senator from Vermont [Mr. JEFFORDS].

Let me briefly describe what this amendment does. Senator SIMON of Illinois and I offered a similar amendment in the Budget Committee several days ago, which was defeated on a tie vote. Our colleague from Mississippi, [Mr. LOTT] arrived a few minutes late, and under the rules of the Budget Committee, was unable to vote. He would have voted for the amendment and it would have carried. On a tie vote, the amendment failed.

I have changed the amendment Senator SIMON and I offered in the committee. In the committee, we took money from the Milstar Program, made modest cuts in the intelligence budget, and across-the-board cuts in the Departments of Agriculture, Commerce, and several other agencies. In this amendment, we still maintain the cuts in the Milstar Program and intelligence, but we eliminate the across-the-board cuts that were offered as part of the amendment we proposed in the Budget Committee.

In lieu of that, we have a partial restoration of the spending resulting from the Exon-Grassley amendment that was successfully proposed in the Budget Committee.

Let me just break out the numbers very quickly and then get to the substance of the amendment.

This amendment would provide for $6 billion in fiscal year 1995 and $30.5 billion over 5 years to go to the States and localities to offset the spiraling increase in special education costs. A number of years ago, the Federal Government made a commitment to spend or contribute 40 percent of that cost. Nonetheless, we are only contributing 7 percent of that cost currently. This amendment would raise our participation in the cost of special education in every school district in this country by 23 percent, raising the Federal commitment to 30 percent of the original commitment of 40 percent.

So the numbers spin out this way: We would reduce intelligence funding by $300 million in 1995, reaching a height of $1.7 billion of cuts in 1999, for a grand total in budget authority, of some $5.4 billion over the next 5 years; we would cancel the Milstar Program, which gives us a budget authority savings of $4 billion over that same period of time; and we would restore about 50 percent of the reductions in the Grassley-Exon amendment. This would provide us with an additional $21 billion in budget authority, giving us a rough total of $30 billion that I mentioned a moment ago. That is how we pay for this.

So it is the cancellation of Milstar, a modest reduction in intelligence, and then a partial restoration of Exon-Grassley.

What do we do with this money? This is where I want to ask for the attention of my colleagues because this is something we have talked about here on countless occasions. We have heard over and over again the word "mandates" used. This is not a mandate. We have to be careful about the use of that word.

Special education is a critically important program that the Federal, State, and local units of government have a legal responsibility to fund. But, it is also a very expensive program. We have insisted that our States and localities participate in paying for the cost of educating children with disabilities across this Nation. When the Individuals With Disabilities Education Act was authorized, we said we will help you pay up to 40 percent of the total costs; we will participate. We do not want you to bear all the burden. We will participate.

As I mentioned earlier, we spend about 7 percent or $3.3 billion of the total costs of special education across the Nation. This amendment would raise our participation by 23 percent reaching a total of 30 percent of the 40 percent we originally talked about.

Let me explain what some of the costs mean in real terms, in terms of some of our States.

Let us take the State of Kansas, for instance. The latest statistics that were available from the U.S. Department of Education indicate that the State of Kansas has an $8.7 million commitment from the Federal Government for special education. The State of Kansas spends $53.8 million, and the local governments in Kansas spend $53.5 million for special education. If this amendment were to be adopted, we would provide an additional $15.8 million to the State of Kansas. That would potentially reduce the local commitment to special education in the State of Kansas by $15.8 million in property taxes.

In the State of New Hampshire, the reduction could be $3.4 million. In the State of Oregon, the reduction could be $31.1 million. In the State of Connecticut, it could be $35.5 million, just to cite some examples. I will be glad to provide any Member who is interested in how his/her State will fare with this information. But every single school district in America potentially has a property tax reduction if this amendment is adopted.

It is clear the costs are tremendous, and they are rising. In fact, we are being told by the Governors conferences, and others, that the costs of special education are skyrocketing. By relying heavily on local property taxes, the costs are most painful to communities that have the least amount of economic viability. Our wealthier communities, of course, can afford to do it, but poor rural and urban communities are strapped tremendously.

I think we ought to be more of a participant in special education. And, I also think we ought to be more of a participant generally in the education of our children.

Today, in fiscal year 1994, out of the entire Federal budget the commitment of the U.S. Government to the education of our children in this country is somewhere between 1.8 and 1.9 percent of the entire Federal budget. Of the entire Federal budget, that is our commitment to education in this country. Yet every single one of us knows—and I am confident everyone has given a speech about—how important education is for the 21st century. Yet of the entire Federal budget, that is all we commit to the education of our children. I am including higher education.

With the Clinton budget—and I commend him for it—that number reaches just about 2 percent for 1995, maybe up a tenth of a percentage point. If this amendment is adopted, we would be at 2.5 percent of the Federal budget by picking up more of a share of the special education costs of our children.

Mr. President, it is not easy to come up with offsets. We have to do it. I am sure there will be people here who do not like these particular offsets. We tried to do it in a balanced way. We have suggested canceling a program that many have raised some very severe reservations about.

I am not permitted, nor would I mention the total amount we spend on intelligence. That is a number that I am not allowed to reveal. But I am confident my colleagues here know what that number is. When I talk about a $300 million reduction in the intelligence budget reaching $1.7 billion in 1999, I am not talking about reducing a great deal of that budget.

Given the fact that the cold war has ended and the world has changed dramatically, this is not a significant reduction in that particular budget.

Then, of course, we are picking up 50 percent of Exon-Grassley. Again, I realize deficit reduction is an important issue, and it should be. But we should not continue to reduce our deficits simply by shifting the costs to other units of government. I think we could really assist our financially overburdened communities by taking some of our resources and applying them to meet our promised levels of educational commitment.

There is a great movement going on across this country over property tax relief. Here is a chance for us to finally do something about it in a very real and meaningful way, to actually reduce the property tax burden because of the rising costs of special education needs.

So I would urge my colleagues to look at this amendment carefully and raise questions if they have them. But here is a chance, as I say, for us to provide either real potential tax relief or greater resources to allow communities to purchase computers, additional teachers, better facilities, et cetera. Local communities simply cannot continue to raise these tax rates much longer, or much higher, and this amendment would provide some relief either to cut that tax or relocate resources in other areas.

So I would urge the adoption of the amendment. I would be glad to yield to my colleague from Vermont for any comments he may have as well.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I rise in support of my colleague from Connecticut, and commend him for this amendment.

As Senator DODD has pointed out, this amendment is within the budget cap. But most importantly, for the knowledge of Members, it follows the instructions which were given us in a 93-to-0 vote on the Goals 2000 bill. In that Sense-of-the-Senate vote, we stated that as soon as reasonably possible we should fulfill our commitment dating back to 1975 and fully fund 40 percent of the cost of special education in this country. To remind everyone what that vote of 93 to 0 was about I will read the language delivered a few months ago.

"It is the sense of the Congress that the Federal Government should provide States and communities with adequate resources under the Individuals With Disability Education Act"—that is special education—"as soon as reasonably possible through the reallocation of noneducation funds within the current budget monetary constraints."

What we are doing here today, is what we were committed to do after that vote. We are fulfilling that commitment, to give you the opportunity to be able to go back to your States and say that you have lived up to a 93-to-0 vote that we should move toward fully funding the special education provisions.

We have done our best to try to find the most logical and sensible way to take funds from other parts of the budget and move them over to this critical area.

But before I get into more detail on Special Education, let me turn to a little bit of budget philosophy and to the critical crisis this Nation faces with respect to education. I think to fully understand why this amendment is so important, we must not only recognize the problems that have been created by the underfunding of special education, but we must also fully understand the realities of our educational system as we move toward the future in critical areas.

First of all, it is critically important that we are able to have the work force we need for the next century.

Mr. President, the evidence is overwhelming that unless we devote more resources into education, and direct them toward attaining what the Goals 2000 would require, we will not have an adequately educated work force. We will not be able to meet the competition in the next century to be able, or keep this country at the level of greatness that it is now, and it should be in the future.

Second, we cannot solve the problems of crime by building more prisons. We must go to the causes. And when you understand that 82 percent of those who are incarcerated are school dropouts, it is not difficult to see the linkage between education and crime.

Third, we must also look at the impact that our welfare system has had and understand that in order to solve the causes of the welfare problem, we must also look to education. To dramatize that, reflect on the fact that 60 percent of our teenage pregnancies are school dropouts.

Finally, if we are going to bring the problems of health under control in this Nation, it will be impossible to do so unless we provide the resources to ensure that our people are knowledgeable and understand what must be done to take care of their children to make sure they are healthy and ready for school.

In my mind, I have a budget philosophy, and that is that we have to cut, but when we cut, we should also consider that we have to reallocate resources to meet the priorities of this Nation. I could go on at length about the dire need for reordering resources to go into education.

The philosophy that I have adopted and am pursuing here is that when we make cuts, we should reserve half of those cuts for reordering national priorities and half of those cuts for deficit reduction. That is what the Dodd-Jeffords amendment does.

What we have been doing, I think unfortunately, for the past few years is placing ourselves on a course which is guided only by the amount of deficit reduction. I call this fiscal dead reckoning. It is a lack of ability to discern what course we want in the budget situation. We chart forward where we are going, using the same course and the same speed, and we hope when we are finished we will get to where we want to be.

We only use that when we do not have the ability to look at navigational aids, whether it be land or satellites or whatever. But when we see that a course change is necessary, to continue on a dead reckoning course will lead you into the shoals and destroy your ship. We cannot allow our ship of state to continue on that same course without recognizing we need to modify the course and the speed in many respects.

So when we do the cuts, I believe strongly, as I said, that we should save some of those cuts to reorder national priorities and not mindlessly pursue a locked-in course with the same priorities at slightly lower levels.

Now let me again take a look at the crisis in education in this country. It is not a simple matter of throwing money at an issue. I will be the first to recognize that. But, on the other hand, it is incomprehensible that we can do what must be done without some reallocation of resources.

We have chosen one where reallocation is most significant and most necessary in order to free up our educational agencies, our local educational agencies in States, to be able to unshackle themselves from the failure of the Federal Government to meet its commitments in funding of special education.

My colleague from Connecticut has outlined very dramatically what it could do for each of the States. But, more importantly, it will provide reassurance to those communities so that they can plan for the future under the Goals Planning Act, with some hope that they will have Federal resources to meet some of the demands that are being placed upon them.

Yes, it is true that you can do much without those resources to better define the programs and plans at the local level. But it is also impossible to recognize that, without additional money to fulfill the Federal commitment, it will not be possible to meet the goals and provide the work force for the future.

In the HHS appropriations bill back last September, without objection, an amendment was included by myself, Senator SIMON, and Senator DODD which, in essence, states this:

> To express the sense of the Congress that the total share of Federal spending on education should increase by at least 1 percent each year until such share reaches 10 percent of the total Federal budget.

That was what we passed in the HHS appropriations bill.

For the knowledge of my colleagues, the House the other day passed an amendment, without objection in the House of Representatives, and added an identical amendment to the Elementary and Secondary Education Act. So we now have on record position statements by both bodies that this Congress will reallocate the resources necessary to make our commitment to education.

Mr. President, I have supported Senator DODD and Senator SIMON in these efforts and will continue to work with them to improve our Nation's schools.

This amendment, as I pointed out, will add $6 billion to Function 500 in fiscal year 1995 to be used to fund special education, bringing it up at least halfway to where our commitment was in 1975.

The increase, when combined with the increases in Head Start the President included in the budget request, provides sufficient money to produce some visible results in our schools. This is the first step in a multiyear process of providing resources that will get school improvement really moving, to start showing progress that our students can see and benefit from.

When the special education program was enacted in 1975, the Federal Government agreed to pay 40 percent of the cost. Today, the Federal Government pays less than 8 percent. In my State it amounts to only 3 percent.

The increases in the program over the last 15 years, combined with the failure of the Federal Government to live up to its commitment, have created an enormous financial burden for the State and local governments. This proposal would bring the Federal contribution up to in excess of 25 percent, a significant increase but still well below the level promised when the bill was authorized.

No one wants to solve our deficit problem more than I do. But we cannot put our fiscal house in order by ignoring the needs of our own people. Only by addressing those problems can we ever hope to control the spending programs and bring them in line with the ability to support them with revenues.

Let me give a very simple example of how this works with education. The national average graduation rate for our schools is 72.9 percent, while the rate for urban schools is 66.5 percent. In human terms, this is 86,000 young Americans who try to enter the work force each year without high school diplomas. We know from statistics that these individuals will earn 65 percent less money than their colleagues who have graduated from high school.

Let me repeat that. By earning a high school diploma, a young person can expect to increase his income by 65 percent. If we could just get the graduation rate for urban schools up to the national average, the additional tax revenues would be about $200 billion per year.

That gives an indication of what can be done. One could only imagine the enormous economic effect if we could raise the graduation rate for all schools up to the goals we have set in the Goals 2000 bill.

Mr. President, bringing our poorest performing schools up to the current national average is not an unachievable goal. It is an investment that makes sense and it is for the sake of our children. If we expect to maintain the current standard of living for our children it must be a requirement that we provide all of them with an education that will prepare them to cope and indeed prosper in the years ahead.

### BACKGROUND

It has been nearly 11 years since "A Nation at Risk" was released. The authors of that report described the status of our education system as follows:

> If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war.

In my view, they were portraying a very serious problem, and making a plea to the Nation to take action. This commission was not the first to make these recommendations, nor the last. In fact, I have a list of dozens and dozens of studies that have been done on the problems of U.S. education.

Unfortunately, the policymakers and leadership of our country have not treated education as a crisis, and with isolated exceptions, have made only marginal changes.

### STATUS OF AMERICA'S SCHOOLS

Let's examine just a few of the measures that one normally uses when talking about the health of education.

The first is funding. How much are we spending on our schools? It is well known that school funding is not a very good predictor of student achievement, but it is useful to examine how much is being spent.

According to the Congressional Research Service, a total of $247 billion was spent to operate approximately 87,000 elementary and secondary schools around the Nation in 1992. The Federal Government provided 5.6 percent of this total. This compares to $127 billion spent in 1982, one decade earlier, when the "Risk Panel" was conducting its work. At that time the Federal Government contributed 7.7 percent of the total.

This may look like a big increase, but when expressed on a per-student basis, in constant dollars, it amounts to about 2 percent real growth per year. Mr. President, I'm not an economist, but I can tell you that the price deflator CRS used to compute constant dollars measures only price changes of local government purchases, not the cost of educating a young person. Government mandates, initiatives such as special education, security problems, health care for students, and many other concerns have driven the average cost of educating a young person far beyond that indicated by the deflator used in this report.

My point is simply that the raw data may seem to indicate school funding has increased substantially, but the reality is that the increase is small. When compared to the demands placed on the schools, and the needs of the students, funding has not kept pace.

Finally, I would like to point out that while the Federal Government is beginning to increase its share of elementary and secondary school funding—which I support wholeheartedly—it is at the State and local government level that the vast majority of the increases in funding have occurred over the last decade.

### HIGH SCHOOL GRADUATION RATES

The percentage of students who graduate is another commonly used measure of how our schools are performing. According to "The Condition of Education," put out by the U.S. Department of Education, the percentage of 19- to 20-year-olds who have not completed high school declined slightly, about 2 percentage points, over the last decade. The percentage of this age group still enrolled in school increased slightly, and the percentage who had completed high school remained about the same.

In a word, Mr. President, these trends are in the right direction, but the rate of improvement is wholly inadequate—not nearly enough to produce the results that are needed.

### STUDENT ACHIEVEMENT

Finally, there is the issue of student achievement. What are our students learning?

According to the "Statistical Abstract of the United States, 1992" published by the Department of Commerce, Scholastic Aptitude Test [SAT] scores for college-bound seniors, although not a perfect indicator of scholastic ability, have remained virtually unchanged over the last decade. The same is true of American College Testing [ACT] Program Scores.

Looking at younger students, the results are equally unimpressive. The U.S. Department of Education, in "The Condition of Education, 1993," reports trends in proficiency in science, math, reading, and writing of 9-, 13-, and 17-year-old students. All measures for all groups were unchanged or worse over the last two decades, except for a small improvement in math for 9- and 13-year-olds, and in reading for 17-year-olds.

To me, the data indicates that, when measured in traditional ways, our students are about as good as they were 20 years ago. The alarming aspect of this becomes evident when our students are compared with those of our international competitors. A recent test of students from 11 industrialized nations reported in the "National Assessment of Educational Progress," put our 13-year-old students last in mathematics and next-to-last in science. The test results indicated our 13-year-old students were approximately 2 years behind students in Taiwan.

In summary, we have maintained the status quo in our schools while our competitors have made major strides forward. If we expect to be able to compete successfully against them into the next century, then we must find a way to bring about similar or greater improvements in the educational attainment of American students.

### THE NEED FOR IMPROVING EDUCATIONAL ACHIEVEMENT

The Workforce 2000 Study saw the need for educational improvement. It predicted that more than half the new jobs created by the year 2000 would require education beyond the high school level. Unfortunately, what is evident among many of our leading corporations such as Motorola, Xerox, MCI, and others, is that they are compelled to set up their own remedial education programs to correct the deficiencies they identify in the skills of young people graduating from American high schools.

These are the companies that are on the cutting edge of international competition in the high technology industries of the future. If they cannot succeed in international markets with products manufactured by American labor—the product of American schools—then we have a bleak future, indeed.

### THE INCREASING CHALLENGES TO EDUCATIONAL ACHIEVEMENT

We must remember that our schools are being challenged from every direction. On the one hand, we are asking them to take a significant step forward in preparing students for the workplace of the 21st century. On the other hand, we are sending them children whose educational success is threatened by an increasing number of risk factors.

Poverty is the biggest risk factor to a child's educational success. In the last two decades, the percentage of children living in poverty has increased by 48 percent. The Department of Commerce announced yesterday that this figure has gone up for the third consecutive year. It now stands at 22 percent. Saddest of all is the fact that poverty rates are highest among the youngest children. Of children under the age of six, almost 25 percent live in poverty.

There are other risk factors as well: language, family status, drugs, and many others. Most of them are increasing, as well. I might interject here to say that many people claim these are not education problems. I will not argue the semantics. Whatever they are called, they still affect a child's ability to learn. When a child fails at school, all of us pay the price in the long run—whether it is lost productivity, forgone tax revenue, welfare costs, unemployment costs, or crime.

Our country cannot wait until we solve the problems of the American family, or the problem of poverty before turning our attention to education. Indeed, I would argue the most effective solution to these problems may lie with our schools. I believe the creation of a fully literate society is the foundation on which we can make real progress toward breaking the cycle of poverty that grips too many American families. No training component of any welfare reform effort can succeed without a strong educational foundation. We must improve education, and we must do it as soon as possible.

The bottom line is that our schools must produce graduates that are better educated than in the past. They must do it by starting with students that are less prepared to learn than in the past. Over the last decade, we have asked them to do this with only meager increases in funding. If we expect them to make the kind of progress that is really necessary, we must be willing to provide them the necessary resources.

Now is the time to start putting this proposal into action. We can no longer sit on the sidelines and hope that someone else figures out a way to prepare our children for the 21st century using methods and funding levels from the 1970's. We have to be willing to meet today's promises and tomorrow's challenges. To do that, we have to be willing to provide the resources.

As the chart indicates, we have many excellent programs that are producing good results but simply are not being funded adequately to address the national needs. There are also several new initiatives that are widely recognized as beneficial to our students that should be implemented as soon as possible, such as extending the school year.

As we have in the past, this Nation has responded to pressing national needs with aggressive and innovative programs to provide opportunities to our citizens who needed them. The GI bill after World War II is a good example of America meeting a unique challenge. In 1947, the peak year of spending for this program, the Federal Government spent $3.6 billion sending veterans to college. In today's dollars, this would equate to $31 billion. Once again it is time to take this action to address the educational needs of our population. This time, it is for all American children. We must guarantee the educational opportunities that fulfill the promise for a better future.

Only by taking drastic action to improve our education system can we expect to provide our children with the bright future that all of us have taken for granted during our lifetimes. We have been warned, but we have not taken bold action. The time to act is now.

I want to say a few more words about special education and why it so important we continue to move forward with this amendment.

In 1975 when the Education of the Handicapped Act [EHA], now Individuals with Disabilities Education Act [IDEA], was passed, the authorization level for funding the program was 40 percent of the "average per pupil expenditure" setting a goal and an expectation for future funding. Funds appropriated for the program have not begun to reach this level of commitment. In fact, the Federal contribution is projected to be about 8 percent in 1994. Clearly, the anticipated funding level has not been realized. This amendment would raise the Federal share to about 30 percent.

Much has changed in special education since the act was passed. Disabilities have emerged that were previously rare or nonexistent. These include technology dependence due to the survival of low-birth-weight infants, traumatic brain injuries, problems resulting from addiction and lead poisoning, health impairments due to AIDS and herpes. Currently, the category of "severely emotionally disturbed" is under review and may be amended to include a broader array of problems. The inclusion of "attention deficit disorder" as a new category of disability is being studied.

This expansion of the population of students with disabilities has increased the demand for staff for special education and related services. Additionally, the educational challenges presented by the expanded population have created the need for new and different approaches to the teaching and learning process. Existing staff have required training or retraining. New models for the provision of services have been developed and tested.

New requirements have been added to the act through the reauthorization and regulatory processes. The planning for and the provision of services designed to transition students from school to work have been added. Students with disabilities must now be provided assistive technology as a related service. Some of the assistive technology must be designed and developed on an individual basis in order to meet the unique requirements of individual students. States are required to meet the "highest professional standard" for staff, thus increasing costs for both training and salaries. Public agencies are now required to reimburse parents under certain circumstances for attorney's fees.

In addition to requirements that have been added through the legislative and regulatory processes, requirements have been imposed as the results of court actions. Examples of these requirements include: a prescribed process for the suspension and expulsion of students with disabilities which limits the time a student may be suspended or expelled under specified circumstances; the provision of services by the schools of services that were previously considered medical services; the availability of damages or compensatory services; the expansion of "Free Appropriate Public School" to include year round services for some children; and, the expansion of services offered to students with disabilities placed by their parents in private schools, to name a few.

Services and costs have expanded due to policy interpretations made by the U.S. Department of Education. The Department has further defined States responsibility to provide services year round to students with disabilities determined to need such services. Recently, it was ruled that hearing aids which were heretofore considered personal devices, since they were required in settings other than school, were ruled to be assistive technology and must now be supplied by schools.

The Department has further defined the courts' standards for the provision of services to students who are suspended or expelled by requiring school systems to continue to provide services to students with disabilities under certain circumstances during the time they are suspended or expelled. Policy interpretations by the Department have had the effect of expanding the circumstances under which a school system must pay for an evaluation to be provided by persons who are not employed by the school system. It should be noted that the imposition or requirements on States and local school systems through policy interpretation without the benefit of the legislative or regulatory process has been ruled by the courts as being within the authority of the Department of Education.

While new populations and requirements have evolved, States and schools have also worked to improve the quality of services provided. Among areas that most agree need improvement are: program evaluation; personnel preparation; support to families; services to students with disabilities in correctional facilities; and services to students whose native language is other than English.

Other factors also contribute to the costs of special education. The paperwork burden has increased as a result of the litigious nature of the act. Transportation costs are impacted by the cost of gasoline and have increased tremendously over the past several years. Due process hearing overall have dramatically increased since 1990. This may be due to the increasingly litigious nature of our society or it might be viewed as the result of inadequate services. Whatever the reasons, the increased hearings contribute to the costs associated with special education are increased.

The public demand for educational restructuring and reform has significant implications for the education of students with disabilities. There is a call for high expectations and commensurate achievement for all students, including students with disabilities. The provisions of the Goals 2000: Educate America Act apply to all students. If we are to improve teaching and learning for all students, ways must be discovered to make curriculum content, not just buildings, accessible to students with disabilities. The programmatic and fiscal implication of these challenges are yet to be determined.

Those who were part of the passage of the act in 1975 could not have foreseen the current circumstances. Yet, authorized funding was established at 40 percent of the average per pupil expenditure. Congress has an obligation to evaluate the appropriate level for funding IDEA in light of the current situation and the intent for future funding previously expressed by Congress when the authorization level was established.

Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The proponents have 33 minutes and 44 seconds.

Mr. JEFFORDS. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I yield 10 minutes to Senator GRASSLEY.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, obviously, I am going to rise against the amendment by the Senator from Connecticut and the Senator from Vermont, not because there is anything wrong with the programs they want to spend more money on—they are very good, worthwhile programs—but because their approach would add to the deficit that is in the budget resolution. I think it is wrong to add to that deficit.

I would like to read a paragraph from a letter I got from the National Taxpayers Union in support of the Exon-Grassley amendment. The third paragraph says: "The National Taxpayers Union strongly opposes any effort"—I assume that would include the effort being made by the Senator from Connecticut—"to restore the $26.1 billion in Federal spending that you have successfully cut." This would only be a part of this total amount of money, but they would oppose an effort to restore any. "We urge your colleagues to oppose any such effort and we would score any vote to oppose restoration of funding as a major protaxpayer vote in our annual rating of Congress." That is just one organization. There are a lot of other organizations that would have similar feelings.

There are a lot of other organizations on the other side that would say we ought to spend more money. But what you have to look at is, what is the mood of the country? It is for Congress to get its act together when we are talking about spending money and budget issues. The biggest part of our act here in Washington, DC, and in the Congress, is getting our fiscal house in order. For some reason, some of my colleagues just do not get it. There is a good reason why last Thursday, 13 out of 21 members of the Budget Committee voted to make additional cuts. These were the Exon-Grassley cuts. That good reason is because these 13 Senators have received the message. The American people want us to have guts and to make cuts.

Every budget chart in this town, Republican or Democrat, public sector or private sector, shows deficits rising again after 1999. The purpose of the Exon-Grassley amendment, which the Dodd amendment would detract from by spending some of the savings, was to change the slope of the rising deficit path that shows up on every chart in this town. The committee was very cognizant of this looming predicament. The euphoria of having a couple of good years here of reducing those budget deficits will soon go up in blue smoke as we get down there to 1999, and those deficits go back up.

The Budget Committee's decision was to make a downpayment, a simple, small downpayment on lowering tomorrow's deficits, particularly post-1998 deficits. We did not want to wait until mañana to deal with a problem the people of this country want and expect us to deal with today, not in 1998 or 1999.

There has been some talk about how discretionary spending has been cut to the bone. That is something the Senator from Connecticut is now dealing with. They would say there is no more room to cut, discretionary spending is only one-third of the budget and therefore is not really the problem.

Let me suggest, however good-intentioned those arguments are, that is an argument that does not sell at the grassroots of America.

Spending is spending is spending. All spending, Mr. President, is the problem. Whether it is entitlement spending, discretionary spending, defense spending, interest payments, it is all part of our problem. And we have to start somewhere.

So in undoing what we did in the committee, which the Senator from Connecticut would partially do—and we did it to save just $26 billion over 5 years—any effort to rescind that would be a step backward. It would signal retreat in the face of the superior forces in this body who want to spend more.

Mr. President, not since 1985 have I seen so many in this body react so irrationally over such a modest amount of cuts. 1985 was when we cut a mere $17 billion over 3 years from the defense budget, which amounted, at that point, to a freeze. Back then, we were told that a $1 reduction would cause the decline of the West into the dustbin of history. Yet, we froze the defense budget, and it was the Soviet Union, not the United States of America, that was swept into the dustbin.

With the Exon-Grassley cuts—which, incidentally are not cuts but merely a prudent limit in the increases—we are told the very same thing in 1994 that we were told in 1985. I have been getting letters, calls and faxes saying that the effect of the Exon-Grassley amendment will be to undermine health care reform, it will decimate education, it will destroy the environment, and it will end all assistance that we provide to our youth.

Let me just say that Exon-Grassley cuts only—cuts only—$1.6 billion in outlays in the first year of this budget. Just $1.6 billion next year.

This must be, considering all of the screams of despair that are going up over the Exon-Grassley cuts, the most magical $1.6 billion in the budget that we ever had. If cutting it will destroy all these worthy programs, that must mean that spending this measly $1.6 billion will do enormous things. Think of what this means in terms of the multiplier effect. It reminds me of the story of Jesus and his Sermon on the Mount where he had only two loaves of bread and five fish, and yet he fed the multitudes. Every time a fish was taken from the basket, another one would miraculously appear. Yes, this must truly be a miraculous $1.6 billion.

The deficit savings in the Exon-Grassley amendment are not large. In fact, notwithstanding what I said before, they are not even modest. In fact, they are embarrassingly low and small. Yet, it was the most that we could hope to do in that Budget Committee last week. I commend each of my colleagues on the Budget Committee for the courage and the guts to make these cuts. Especially I wish to commend my good friend from Nebraska, Senator EXON, who had not just courage but provided the leadership to buck his party leaders and to give the taxpayers this small but very significant victory.

As one who has been on the point many times, bucking my own party during the Reagan-Bush years, I know what he is going through. Sometimes it can get awfully lonely when you follow your convictions and when you do what you think is right.

The savings in the Exon-Grassley amendment are so small that they have been characterized as a gnat. In my view, Mr. President, it is even smaller than that. It is a pimple on the back side of a gnat. Yet, we are reacting as if it were the end of time. Imagine if we did something real serious to lower the deficit. Why should we want to give up this small victory for the taxpayers?

I urge my colleagues to reject the Dodd amendment, which is just one of many, many attacks we are going to have in the next few hours and few days as we discuss this budget resolution, to undo what the taxpayers of this country are asking us to do: to make a small downpayment on the debt that is looming on the horizon post 1998.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, let me point out a number of things, if I can, in response to my colleague from Iowa.

First of all, this is an amendment that could result in lower property taxes. In fact, in the State of Iowa, it could mean a reduction of at least $710,000 in property taxes because that State, like all States, is being asked every day to pay an increasing share for the special education cost of children.

I offered an amendment in the Budget Committee that did this by making across-the-board cuts in a number of agencies' discretionary spending budgets; cutting Milstar, and so forth. My colleague from Iowa voted against that amendment, which amounted to real property tax relief in every single school district in this country—every single school district in this country.

But that amendment was rejected on a tie vote, 10 to 10, in the committee. That would have saved us having to come to this conclusion.

But I happen to believe, based on the comments of my constituents, and many others across the country, that the property tax burden is crippling to people. Talk about the deficit. We load up our local communities with increased costs, and special education contributes to them. Today the burden is pretty significant.

What this amendment does is offer some relief to every single State in that area. In my State, it is a savings of $35.5 million potentially. In the State of Oregon, I mentioned it is $31.1 million. In the State of Iowa it is $710,000 because local communities are paying a tremendous amount in property taxes to support the special education needs of children. We said years ago the Federal Government ought to be involved in the cost of special education in this country, and then, typically, we backed away. We said you ought to do it, you have to do it, now you pay for it. You pay for it. Nebraska, Iowa, Connecticut, New Mexico, you pay for it.

So all I am saying here is how about living up to our words? How about participating? How about offering those school districts a bit of a break? That is all, to lower that property tax a bit, which is one of the most regressive taxes in the country. Lower that property tax a bit. Participate and contribute.

I do not like taking money from the proposal of my colleagues from Nebraska and Iowa, but all the money got sucked up in that. Here is a way of asking for some of that money back to offer some relief to the very people you talk about in deficit reduction. Get rid of the Milstar program, make a modest reduction in intelligence over 5 years, and increase from 7 percent to 30 percent the Federal Government's commitment to educate the kids who have disabilities in this country. Is that too much to ask?

I know deficit reduction is important. I do not know anybody here who does not care about it. We all do. But to say somehow we are pure, we will reduce our deficit and then shove the costs on to our local communities across the country and ask them to bear the burden—once again, is pure gimmickry. Those are heavy costs to the local community and they are going up every day. Ask your Governors, ask your mayors where the single largest cost is rising in their education budgets—it is special ed.

We promised to contribute 40 percent of the costs, and now we do not want to pay for it because we are seeking the Holy Grail of deficit reduction. Every school district in this country can benefit if this were adopted. If you want to provide relief for people, buy this amendment.

So the amendment is different than what I asked my colleagues in the Budget Committee to vote on. But in light of the Exon-Grassley amendment being adopted in the committee, we ask to restore 50 percent of those cuts for education. You still have 50 percent of your reductions.

So I urge my colleagues to look at this amendment. Deficit reduction is important. Property taxes are also important. The burden on local people is important. I think we ought to keep them in mind as we talk about these issues. This amendment does.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I am going to yield very shortly to the Senator. He needs 15 minutes?

Mr. EXON. Yes.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Let me take 1 minute.

Mr. President, about an hour ago, maybe an hour and 15 minutes ago, I was speaking to the Byrne grants, formula grants that the President has recommended take a very large cut—$358 million in this year's budget. I commented that the Attorney General appearing before the appropriations subcommittee of jurisdiction had indicated that perhaps they have seen the light and would fund the program.

I was slightly in error in that the Attorney General indicated the cut was too severe and that they would propose another $125 million in cuts elsewhere and put that $125 million back into the Byrne formula grants. So the administration did not take care of this problem today and correct the very serious mistake they have made in their budget, and I was a little anticipatory in saying that they did.

Senator GORTON, who had proposed the amendment to fully reinstate it by cuts elsewhere in Government, I told him that he should be very joyous, that he had succeeded. But it looks as if there is only a partial victory, although it would seem to this Senator that the administration is beginning to understand that you cannot be for crime prevention in this country and cut $358 million out of the most effective Federal Government program in helping our States and localities fight drugs.

So with that, I hope Senator GORTON will understand that I made a mistake of being too optimistic, that the administration is not suggesting a way to pay for it all but only a part of it.

With that, I yield 15 minutes to my friend, Senator EXON from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair, and I thank my friend and colleague from New Mexico.

Mr. President, I will talk about the budget resolution in a few moments. But despite the plea by the Senator from Connecticut on his amendment, which has certain attractive features, I would admit, this is basically the first raid on the Exon-Grassley amendment, and others are likely to follow before we have our final vote. Therefore, I oppose the amendment offered by the Senator from Connecticut and hope that it will not prevail.

Now, having said that, I wish to amplify for just a moment, if I might, that this is a rather unique experience that I have seen. Certainly, I agree with the Senator from Connecticut that property taxes are oppressive. They are certainly oppressive in Nebraska. The only fault I have with his argument is that I do think special education is tremendously important, and under another set of circumstances I might be supportive of the thrust of what this Senator is trying to do, but I would simply say I am opposed to this amendment not on the grounds I do not recognize the need for financing special education, not on the grounds that I am not concerned about local property taxes. Not very often have I heard, in my experience in the Senate, a Senator talking about doing something here that is going to provide some relief from local property taxes.

I would simply advise my friend and colleague from Connecticut that those of us who have served as Governors of our States, those of us who have served in the legislatures of our States, would exercise a caution flag here at least. Even if the amendment by the Senator from Connecticut were adopted, Mr. President, that would not ensure, nor do I think it likely to occur, that the property taxes, therefore, in Connecticut and elsewhere would be reduced. I believe that you can find history replete with the fact that good intentions for providing more money for education do not necessarily, and not very often, reduce property taxes. It gets continued to be swallowed up in the ever-increasing cost of education.

So for a variety of reasons, I hope that we would defeat the amendment offered by the Senator from Connecticut.

Mr. President, I principally rise today to express my support for the fiscal year 1995 budget resolution as reported by the Senate committee. And as reported by the Senate committee, this includes the Exon-Grassley amendment. This is a tough budget which continues the tremendous progress that we have made just this last year with the passage of the $500 billion deficit reduction bill.

As a result of that bill, we have unquestionably made enormous strides toward restoring some fiscal sanity to our Federal budget. Like my colleagues who voted in favor of last year's budget reduction, I am proud that we have clearly and finally begun the difficult task of reducing our Federal deficits.

I emphasize, Mr. President, that we have only begun, and we have not licked the monster.

Although it is perhaps still early to make any final conclusions, the early returns are in regarding President Clinton's economic plan and they are revealing the wisdom of the action we took. Our projected deficits are significantly lower than last year's. The economy is doing quite well.

In that respect, critics of last year's efforts were clearly wrong. At that time, you heard prediction after prediction that our economy would go sour, that jobs would be lost, that small businesses would be devastated, and that our deficit would continue to increase. None of these predictions have come to pass.

In a different respect, however, the critics of that effort were partially correct. We have not yet done enough to control Federal Government spending, and we are not yet on a path toward a balanced budget any time in the future, as far as we can see, as I addressed, Mr. President, in this Chamber on March 1 last. In this regard, I disagree with some of my colleagues who assert that we have now done enough and we should rest on our laurels. I believe we need to do more and we can do that as part of this budget resolution.

The chairman of the Budget Committee has said that we should stay the course, and I agree. But I thought the course that we set last year was toward reducing our deficits. We have started on that course and we need to continue on it.

In this regard, I was pleased to be able to work with my colleague, Senator GRASSLEY, in successfully presenting an amendment in our committee markup to lower discretionary spending by $42 billion in budget authority, and $26 billion in outlays over the next 5 years.

Because we reduced our spending caps as part of that amendment, this is a direct cut against future deficit spending, and we are making more progress. It can and it will save $26 billion, and probably more, over 5 years. Those who want to restore those funds should be warned that they are directly increasing our deficits. Those who want to keep reducing our Federal deficit spending and to continue making spending cuts, should know that the Exon-Grassley amendment is the only action taken by the Senate Budget Committee that calls for further deficit reduction this year beyond that which was in place last year.

I recognize that the spending caps which were set in place by last year's reconciliation bill are tough and that those caps are already having a major impact. The caps are having their desired effect. Our President and the Congress have been confronted with the difficult task of setting priorities as we can no longer simply add to our deficit when we cannot agree over which programs need to be cut.

President Clinton's fiscal year 1995 budget submission surely reveals that difficult decisions are indeed being made. Hundreds of programs have been placed on the chopping block and will be reduced or terminated. This budget resolution, by closely following our President's proposals, continues that process. Few will doubt that the discretionary spending caps are either directly or indirectly the cause of most of those cuts.

The question remains whether last year's caps were tough enough and I conclude that they are not. In my view, discretionary spending should be squeezed a bit more. Although many programs are being reduced in this budget plan, many others are allowed significant increases. In fact, over the coming 5-year period, in spending priorities, according to the President, there will be an increase of well over $100 billion.

The Exon-Grassley amendment thus reduces those increases by approximately 25 percent in outlays over 5 years. It is a very modest reduction in spending and one that recognizes that we cannot and should not devastate overall discretionary spending as many of the critics of the President's budget would do.

The President must have the ability to reorder our Nation's priorities and this amendment does not stand in our President's way in that regard. In the coming fiscal year, for example, the Exon-Grassley amendment calls for a reduction of $1.6 billion from a discretionary total of about $541 billion.

Let me emphasize that, Mr. President. Next year, Exon-Grassley only calls for reduction of $1.6 billion out of a total spending in the discretionary area of $541 billion. That is hardly devastating.

I also remind my colleagues that this $26 billion cut over 5 years translates to about a 1 percent cut in our overall discretionary spending, which over 5 years will total nearly $2.7 trillion. I repeat, only a 1-percent cut out of the total spending will total $2.7 trillion over 5 years. And compared to total Government spending, it is less than one-third of 1 percent.

Mr. President, the Exon-Grassley amendment was surely a modest effort that hardly means that it was not an important effort. There seems to be a common and accepted opinion in Congress that progress toward solving our budget deficits can only be made in giant leaps, such as last year's reconciliation bill or as in the promise of controlling health care costs through health care reform. According to that view, modest efforts to solve our deficit problem, which continues to fester, are not worth the effort.

I do not agree with that view and was pleased when a majority of the Budget Committee indicated that it did not agree with that view. According to the Budget Committee, we can and should continue to make progress in solving our budget deficit problems even if that progress cannot be described as the largest deficit reduction bill ever contemplated by mankind. More modest efforts may not balance our budget in 5 years but they might help to keep our deficits on a downward glide path, which I think is essential.

I am also convinced that the American people want to see more budget cuts and that they want Congress to continue its budget cutting efforts this year. In that respect, it is vitally important that we prove to the American public that we understand that our Federal budget problems have not been fully resolved and that we have both the courage and determination to continue to make the difficult and, sometimes unpopular, decisions that must be made.

As such, I am very hopeful that the full Senate will agree with the recommendation of the Senate Budget Committee regarding our discretionary spending levels as reduced by the Exon-Grassley amendment. Having made a major step toward rejecting the borrow and spend policies of the 1980's and early 1990's, Congress should not have a relapse and must not revert to its old ways.

Yesterday morning, the chairman of the Budget Committee attacked the Exon-Grassley amendment on the basis that it did not call for specific cuts. In response, I would remind my colleagues that our budget resolutions include absolutely no specific spending cuts. They never have and they most likely never will. The Senator from New Mexico pointed this out in his opening remarks. The chairman of the Budget Committee, during the debate on the Harkin amendment yesterday, said essentially the same thing when he indicated that the amendment was merely changing nonbinding functional totals. The chairman unfortunately appears to be employing contradictory arguments to support his position at will.

So, Mr. President, the budget resolution clearly does not make specific budget cuts and, in my view, claiming that it does is misleading and amounts to nothing more than posturing. That is budgeting by headline, not my amendment.

Those of us who truly want to cut spending often find that we are in a catch-22. The only time we can make specific cuts is during the appropriations process. But, then, it is correctly argued that those cuts do no good unless the caps are reduced. The only time we can effectively change the caps is during the budget process, but then it is argued that we have to be specific. The specific cuts fail due to the general cap while reducing the general cap fails because of the specific cuts. Either way, those who want to cut spending lose and those who want to continue spending win.

I recognize that we no longer have separate caps for both domestic and defense spending. We have but one allocation to the Senate Appropriations Committee. In my view, the cuts in the Exon-Grassley amendment should be taken from nondefense spending. In contrast to many of our domestic spending initiatives, defense spending has already been cut significantly over the past few years and more cuts are planned. Defense spending peaked at over $300 billion a few years ago will decline to near $260 billion in 1998. That is a steep decline in actual terms, a decline that is much steeper if you account for inflation.

In sum, defense spending is already being cut. I have no quarrel with those cuts. President Clinton is moving in the right direction in calling for defense cuts and I add that it was only 2 years ago that I led an effort in the Senate that called for further defense cuts. But, I agree with President Clinton that the defense cuts we have made and that we are contemplating are about right, but they are not sacrosanct.

I point out to my colleagues with or without the Exon-Grassley amendment, the division of defense and domestic spending is within the purview of the Appropriations Committee. If defense spending is put on the table, as I expect it will be despite my objections, then I submit that those cuts in defense should be, at a maximum, no greater than the defense percentage of discretionary spending. If defense is so slightly reduced it is something they could live with just as our domestic spending could live with the modest reductions required by the Exon-Grassley amendment.

So, in conclusion, I want to remind my colleagues that the Exon-Grassley cut will indeed reduce our deficits by $26 billion over the coming 5 years. It is the only deficit reduction effort now alive in either the House or the Senate. If we fail to accept the Exon-Grassley effort, we are completely ignoring the need for further spending cuts in the budget process this year. It will not devastate President Clinton's initiatives. It is a modest cut but an important cut for our country as it shows that Congress understands that it cannot let up in our efforts to restore fiscal responsibility to our Federal budget. I urge my colleagues to support this budget resolution and to oppose any effort to reverse the $26 billion in spending cuts that the Exon-Grassley amendment will achieve.

I thank the Chair. I yield the floor.

Mr. SASSER. Mr. President, on behalf of the manager of this amendment, Senator DODD, I yield the Senator from Minnesota 4 minutes from the time under the control of the proponents of the amendment.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I thank the Senator from Tennessee. I have a tremendous amount of respect for both of my colleagues from Nebraska, but I am in profound disagreement with the Senator from Nebraska on this question.

The Senator from Nebraska has talked about the need for deficit reduction. I stepped up to the plate and voted for the reconciliation bill, and I voted for a $500 billion-plus deficit reduction over the next 5 years, and I was proud to do so. I think that has to be one goal of domestic public policy. I disagreed with the Senator from Iowa when I heard him talking about spending. We can talk about this as investment. I said to Senator HARKIN, as we started this discussion, that I really believe that if we have not learned this lesson, I do not know when we will: Either we invest in our children when they are young, or we pay the price later on.

Mr. President, I rise to support this Dodd-Jeffords amendment, which would transfer $6 billion to special ed—in fiscal year 1995, $30 billion—over 5 years. It takes some of the money from the obsolete Milstar program and some of the money for spending on intelligence, as we move into a post-cold war period of time. Mr. President, I come from a State—the State of Minnesota—where we believe that each and every child, every boy and girl, ought to have the opportunity to be all that she or he can be. And this amendment is in that spirit.

The reason that I think there will be bipartisan support for this amendment is because it calls for some investment in special education, handicap grants, preschool grants, grants for infants and families, deaf and blindness, serious emotional disturbance, severe disabilities, early childhood education, and secondary and transitional services.

My colleague from Iowa, Senator HARKIN, perhaps has been the greatest and strongest voice when it comes to fighting for people and alongside people with disabilities. Mr. President, this amendment calls for an investment in special education—an investment that we should make. We have not made near the commitment that we have promised as a Federal Government in this area.

This is but a small amount of money. I say to my colleagues that given the reasonableness of this proposal, part of the transfer and part of restoring some of the cuts and investing it in a decisive and important area—that is to say support for special education—I do not think my colleagues can have it both ways.

I have heard Senators get up here on the floor in this debate and say that they are for special education. I have heard that said by those opposed to the Dodd-Jeffords amendment. You cannot have it both ways and say you are for special education and then vote against it. It is not your words that count, it is your vote. All of us know that well. That is how people in our States hold us accountable.

So, Mr. President, it strikes me that this amendment is eminently reasonable. I have a feeling it is going to generate bipartisan support. I think there is broad-based support for more of a commitment to special education. We know from what we hear from people in our States the strain this has had on the local school districts and the property tax budget. This is but a small step in the right direction. Therefore, I hope we see this amendment pass with strong bipartisan support.

### UNANIMOUS-CONSENT AGREEMENT

Mr. SASSER. Mr. President, I ask unanimous consent that a vote on or in relation to the Dodd amendment occur at 2:15 today.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object. I do not think we are going to use all of the time in opposition, because I am concerned about whether we are going to be able to get this resolution completed on time. If every amendment uses 1 hour on each side, I do not think we are going to get there on time. Many Senators will be let down, because they will not have a chance. We may yield back some time. If we agree with the unanimous consent request and do not use all of the time, can we begin another amendment in the intervening time, so as to accommodate the 2:15 vote?

Mr. SASSER. Mr. President, I have no objection to that. How much time is remaining on the Dodd amendment?

Mr. DODD. Why do we not move along and see if it comes to that. A couple colleagues came by and asked how long this would be, because they had to be off the Hill. You might want to check with some people. Some of our colleagues are working on an assumption.

Mr. DOMENICI. I really want him to get the 2:15 time. I will add a sentence and see if it meets everybody's approval. If, however, we finish debate on the pending amendment prior thereto, that the next amendment in order be called up and debate commence on it, and nonetheless that debate will cease at 2:15 so we can vote on the pending amendment.

Mr. SASSER. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, I also ask unanimous consent that on disposition of the Dodd-Jeffords amendment, Senator BOXER be recognized to offer an amendment regarding children's programs, and that upon disposition of the Boxer amendment, Senator LOTT be recognized to offer an amendment regarding defense, nondefense walls, and mandatory spending.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Were we going to agree on a time on that Boxer amendment?

Mr. SASSER. I am advised that Senator BOXER is willing to do 20 minutes equally divided.

I will amend my unanimous-consent request to provide that the time on the Boxer amendment not exceed 20 minutes, to be equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SASSER. I ask unanimous consent, Mr. President, that no second-degree amendments be in order on the Boxer amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, could we get two things in addition, that there would be no second-degree amendments to the Lott amendment?

Mr. HARKIN. Reserving the right to object, I have not seen it yet.

Mr. DOMENICI. We will withdraw that.

Mr. HARKIN. Yesterday, when this Senator tried to offer an amendment, we had this little thing. I do not want to preclude the fact that I may want to second degree that.

Mr. DOMENICI. Can we add that when the amendments have been disposed of—however they are disposed of—the Senator from New Mexico be recognized to offer an amendment?

Mr. SASSER. Let us discuss that. I am advised by staff that there may be an amendment that we want to bring up on our side before proceeding to the Domenici amendment.

Mr. DOMENICI. I have no objection.

Mr. HARKIN. Can I ask the manager for some time?

Mr. SASSER. The manager of the amendment, Senator DODD, is controlling the floor.

Mr. DODD. Mr. President, I yield my colleague from Iowa 5 minutes.

Mr. HARKIN. Mr. President, I thank the Senator. I rise in support of the amendment by Senators DODD and JEFFORDS.

The amendment transfers $6 billion in fiscal year 1995 to the IDEA, the Individuals With Disabilities Education Act, first established in 1975.

As chairman of the subcommittee that funds education programs, IDEA has always been among my highest priorities, and I am proud of the increases we have achieved. However, our ability to appropriate funds for IDEA programs is limited by the allotment that is provided to my subcommittee.

This amendment will make it more likely that thousands of children with disabilities will receive the education they are entitled to under the equal protection clause of the 14th amendment and the comparable provision included in every State constitution in this Nation.

I want to do two things with my time. I want to explain why the program is a good investment. Second, I also want to make it clear, in the strongest possible terms, that IDEA, the Individuals With Disabilities Education Act, is not an unfunded mandate. The idea that Congress imposed a mandate to educate children with disabilities on States and local districts and then refused to pay for it is just plain wrong.

Instead, the right of children with disabilities to a free appropriate public education is a constitutional right established in the early 1970's by two landmark Court cases: Pennsylvania Association for Retarded Children versus Commonwealth in 1971 and Mills versus Board of Education of the District of Columbia in 1972. In both of those decisions, the Supreme Court made it clear that the responsibility for educating individuals with disabilities rests with States and local school districts.

The House and Senate reports that accompanied the 1975 statute show that its drafters were largely guided by the principles laid down in these Court cases. The enforceable right to a free, appropriate public education is a constitutional right, not a mandate from Congress.

What we have said in those intervening years is that we sympathize with the States and local school districts and we will help them in meeting their constitutional duties.

The Supreme Court recognized this in a 1983 decision in which it quoted from the Senate report, which said:

> It is the intent of the Committee to establish and protect the right to education for all handicapped children and to provide assistance to the States in carrying out their responsibilities under State law and the Constitution of the United States to provide equal protection under the laws.

So let us be clear about this. I know special education is expensive. No one works harder than I do to increase Federal funding to help the States meet their responsibilities. But a free, appropriate public education is not an unfunded mandate. It is a basic right guaranteed by the Federal and State constitutions of this country.

So I wanted to make that clear.

I also want to make it clear that I believe we in the Congress have a responsibility to help the States in meeting their constitutional requirements, which is what this amendment does and why I am supporting this amendment. The purpose of the amendment is to make sure that every child receives that education.

I want to join with my colleague from Minnesota who pointed out a little bit ago to my friend and my colleague from Iowa for whom I have the greatest respect and friendship, and he knows that. When he said that spending is spending, I am sorry spending is not spending in every case. I mean we can either spend smart or we can spend stupid. If we do not put money into early childhood education for individuals with disabilities, then later on we are going to spend a heck of a lot more money taking care of them. Let me just give a couple examples.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. Could I have 3 more minutes?

Mr. DODD. Could I inquire how much time remains?

The PRESIDING OFFICER. The Senator controls 20 minutes.

Mr. DODD. I yield 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes.

Mr. HARKIN. Madam President, I have talked a lot about Danny Piper, a young man with Down's syndrome from Ankeny, IA. Some 20 years ago when Danny was born, doctors told his parents that Danny should be institutionalized because of severe mental retardation. They said his condition was hopeless. Fortunately, Danny's parents rejected this recommendation. Instead, they helped Danny take advantage of early intervention and preschool services, which allowed him to ultimately move to the regular classroom, where he not only did very well but also became involved in community service activities. I should also mention that on July 26, 1990, Danny joined me on the White House lawn for the signing of the Americans With Disabilities Act.

Today, Danny is 23 years old and works 20 hours a week at the Ingram Corp., the largest national distributor of videotapes and compact discs. Danny duplicates tapes and discs and packages them for distribution. He makes $6 an hour, loves his job, and has not missed a day of work in years. Danny also works out regularly at the local YMCA, and has even hired a personal trainer with his own money.

Danny is grown up now, and like most 23-year-olds, doesn't want to live with his parents anymore. So he is now working to find his own apartment. Last week Danny's parents met with an individual who might be willing to be Danny's roommate. To try out this new relationship, Danny is planning to take a trip to Disney World with his potential roommate.

Remember, this is an individual whom doctors pronounced "hopeless" 23 years ago. And they recommended institutionalizing him before he ever got a chance to show what he could do. Danny's achievements go far beyond any financial calculation—just ask his parents. But since we are here today to talk about money, consider this: Danny's special education services have cost about $63,000, and he is now a working, contributing, taxpaying member of society—in other words, he will more than repay this investment in him and his personal development. On the other hand, if Danny's parents had listened to the doctors, the costs of institutionalizing Danny would have been almost $5 million over his lifetime. That's more than 70 times the cost of his special education.

This is how our investment in special education pays off. Special education works, and it's one investment we truly can't afford not to make.

As chair of the Subcommittee on Disability Policy, I recently held an oversight hearing in Iowa regarding the status of special education. I will never forget the testimony of Danette Crawford at the hearing. Danette, who is now in the 10th grade, has severe cerebral palsy. She received early intervention services beginning at the age of 8 months, and now attends her neighborhood school and receives all her education in a regular classroom with the assistance of an associate.

I asked her what she was looking forward to in the future, and she told us of her desire to attend an Ivy League school. She also told us:

> I'd like to educate people, people with disabilities and other people that are minorities that might be considered "different" from regular people. And if I can make a difference, then that's my goal in life.

What Danette's testimony tells us is that people with disabilities really aren't different from everyone else. Most kids who work hard in school dream of attending Harvard or Yale or Princeton. And most kids want a career that will help them make a difference in the world. Special education helps make sure that children with disabilities, who have the same dreams as you and I, have the same opportunities to reach those dreams.

Danny and Danette have done well through their own efforts and with the help of special education services. Though there are thousands of success stories like theirs, we also know that too many students with disabilities don't fare as well.

The National Longitudinal Transition Study of Special Education Students documents that we still have a long way to go in meeting the needs of children with disabilities. This study showed that:

Students with disabilities are more likely than not to experience difficulties in school, such as failing grades, absenteeism, and being held back a grade;

Students with disabilities are much more likely to drop out of school than their nondisabled peers. Of youth aged 15 to 20 years, 43 percent of youth with disabilities were dropouts, compared to 24 percent of youth in the general population; and

Young people with disabilities also are much less likely to pursue postsecondary education or to achieve competitive employment than their nondisabled peers.

These data show that when we fail to provide children with disabilities with the special education and related services to which they are entitled, we not only deprive them of their right to maximize their potential like their nondisabled peers, we also increase the likelihood that we, as a nation, will ultimately pay billions of dollars in increased dependency costs in the form of welfare payments.

So when my colleague from Iowa says spending is spending, I beg to differ. We can invest this money in the Danny Pipers of this country and give them the support and the early education they need so they can be self-sufficient, so they can work, so they can live by themselves, whatever it might be, or we can institutionalize them.

If we take the course offered by my colleague from Iowa and say, no, we are not going to invest in early childhood education for kids with disabilities, then it is going to cost them a lot more money unless we are going to say forget it, and we just throw them out in the street and let them die. We are not going to do that. We are a caring Nation. So let us do it smarter.

What Senator DODD and Senator JEFFORDS are saying is let us invest our money a little bit smarter. Let us put it into these kids early on in their lives so we can have the Danny Pipers of the world who will be out earning their own way. Their lives will be better. Their families' lives will be better and, quite frankly, we are going to save the taxpayers a ton of money.

So I compliment Senator DODD and Senator JEFFORDS for their amendment, and it ought to be passed by those who want to see us actually save money.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I ask unanimous consent to add Senator WELLSTONE of Minnesota, Senator CAROL MOSELEY-BRAUN of Illinois, and Senator HARKIN of Iowa as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. DOMENICI. Madam President, how much time do we have?

The PRESIDING OFFICER. The Senator from New Mexico controls 30 minutes.

Mr. DOMENICI. Senator NUNN is on the floor. I yield 5 minutes to Senator NUNN.

Mr. NUNN. Madam President, I thank the Senator from New Mexico.

Madam President, as we all know the budget resolution does not cut specific programs and it is going to be up to the Department of Defense to take a look at the lower line of the budget if it comes out lower and make recommendations about any exchanges that have to be made in the Armed Services Committee and the Armed Services Committee and the Appropriations Committees will determine which programs are cut.

So make no mistake about it, and whether you are for or against Milstar you are not cutting Milstar on the floor here today. You may be indicating that is what you think will be done, but the decision on that will be made by the two committees and then by the Senate as a whole when we bring up the Authorization Committee and the Appropriations Committee bill.

So what we are doing today is simply another cut in defense and shifting it to domestic programs. This can go on and on, and this is why we should have firewalls. But, of course, we have every right on the budget resolution to make these distinctions, and this is the place it ought to be settled. Once it is settled here, then it ought to be settled for the year. And I would hope that this debate would indicate that and I would hope that later on in this debate we will be able to address a firewalls amendment so that cuts in defense would come off the deficit and not simply be shifted to other programs.

Madam President, I am absolutely sure that the Senator from Connecticut has a worthy program in mind when he shifts these funds. I hope we vote against this amendment. I do think that arguments against Milstar, even though we really are not cutting Milstar here, it is just a notional kind of way of taking money from defense and putting it in domestic programs. But the Milstar arguments I have heard have in many areas been totally erroneous and basically attack Milstar as it was 3 years ago and not as it is now.

The Armed Services Committee had many of the same objections that I have heard on the floor to the Milstar program. We felt it was geared too much to the cold war. We felt that the Milstar program was geared far too much to surviving a nuclear conflict, an all-out nuclear war, on a worldwide basis.

That is the reason our Armed Services Committee zeroed the program out in our bill. We zeroed it out and then we got the Department of Defense in the conference to agree to very substantial changes in the Milstar program.

So the attack we have heard today has been against the Milstar program as it existed about 3 years ago and has almost nothing to do with the Milstar program as it is now.

What was changed? One thing that was changed according to all the records and this is indisputable—this is not a question of fact—our committee insisted that the special survivability capabilities of all-out nuclear war be substantially and virtually completely eliminated because we did not think that was necessary. We felt we could save money. We also insisted that there be significant reduced communications capacity to communicate with strategic nuclear forces.

We greatly insisted there be a great expansion of Milstar's capability to provide rapid and secure communications to our tactical commanders in the theater.

In short, Madam President, we asked that this program be made and geared much more to a conventional tactical program and much less to a nuclear program, and we felt that that was necessary. In total, the restructuring trimmed Milstar's total program cost by $13 billion. So this program is a substantially different program than it was 3 years ago.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. One minute, 20 seconds.

Mr. NUNN. I thank the Chair.

I would just like to read very quickly here General Shalikashvili's answer to a question about what Milstar is all about. This is a very recent dialog in the committee.

General Shalikashvili says, quoting him:

The Milstar system will support theater command and control, tactical combat forces, unscheduled service for submarines and special operation forces, and strategic warning and SIOP execution.

Milstar will satisfy many key requirements critical to successful military operations by a power-projection force:

Antijam—Milstar communications are virtually immune to jamming; the message goes through, always.

Covert—Milstar provides low probability of intercept/detection, use will not compromise submarine, special operations forces, and other user locations to enemy listening stations.

Deployability and Mobility—Milstar terminals—

These are the receiving units that will be in the forward areas.

Milstar terminals will deploy using tactical airlift and move with front-line forces.

Coverage and Connectivity—a complete constellation of four satellites will assure worldwide access anywhere (except the polar regions), anytime warfighters need it.

Interoperability:

This has been one of our big problems in tactical communications:

Army, Navy, Air Force and Marines—Milstar will enable immediate communications between the Services.

Reachback—Milstar will enable communications out of theater without reliance on foreign-based ground relays vulnerable to destruction, sabotage, or host nation politics. * * *

It will also enable the Army's Mobile Subscriber Equipment system to provide global communications to commanders on the move.

Madam President, I ask unanimous consent that the text of this question and answer be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

*Question*. The first Milstar was recently launched. The plan is to launch a second Milstar with low data rate, to be followed by four more satellites with medium data rate capabilities. General Shalikashvili, can you comment on what an important asset this will be to our forces?

*Answer*. Yes, the Milstar system will support theater command and control, tactical combat forces, unscheduled service for submarines and special operations forces, and strategic warning and SIOP execution.

Milstar will satisfy many key requirements critical to successful military operations by a power-projection force:

Antijam—Milstar communications are virtually immune to jamming; the message goes through, always.

Covert—Milstar provides low probability of intercept/detection, use will not compromise submarine, special operations forces, and other user locations to enemy listening stations.

Deployability and Mobility—Milstar terminals will deploy using tactical airlift and move with front-line forces.

Coveage and Connectivity—a complete constellation of four satellites will assure worldwide access anywhere (except the polar regions), anytime warfighters need it.

Interoperability: Army, Navy, Air Force, and Marines—Milstar will enable immediate communications between the Services.

Reachback—Milstar will enable communications out of theater without reliance on foreign-based ground relays vulnerable to destruction, sabotage, or host nation politics.

As the terminal population increases and the medium data rate capability is added, Milstar will provide the above capabilities and more data to combat commanders faster. It will also enable the Army's Mobile Subscriber Equipment (MSE) system to provide global communications to commanders on the move.

In short, Milstar will enable efficient synchronization of combat power and will not be vulnerable to enemy efforts to deny us this capability. No other satellite system in existence can provide the flexibility and assurance of uninterruptable, communications of Milstar.

Mr. NUNN. Madam President, in short, the Milstar Program is the heart of our ability to communicate in the field with tactical units and to be able to have those units linked not only with each other but back to the field commanders. It is the heart of one of our great advantages in terms of America's position in the world now, and that is the ability to communicate with modern technology.

So I would argue against this amendment on two grounds. One is that the Milstar Program itself is an important part of our military capability; and, second, this is just another way of taking money out of defense and putting it in a domestic program. As important as that program is—and I am sure, knowing the Senator from Connecticut, that it is important—I do not believe we should continue to deplete our military forces.

We are bringing them down very rapidly. We have reduced the military forces by one-third in the last 10 years. We have reduced its overall purchasing power. We still have danger spots in the world. All we have to do is read the daily papers to understand that.

I thank the Chair and I thank my colleagues. I urge the defeat of the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I yield whatever time my colleague from Tennessee desires.

Mr. SASSER. I thank the distinguished Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Madam President, this amendment, I think, is a splendid bipartisan effort on the part of the Senator from Connecticut [Mr. DODD] and the Senator from Vermont [Mr. JEFFORDS] to do something about the urgent problem of education in this country today.

The Dodd-Jeffords amendment will add $30.5 billion to function 500 for education and it cuts $9.5 billion from function 050, the defense function of the budget. The amendment also spends some of the money from the Exon-Grassley amendment, but what finer way to do it.

This amendment shifts Federal dollars from the military side to the education side. As we have heard earlier, what it does, it cancels what is essentially, in my view, a cold war relic—Milstar. It takes a bite out of the enormous Intelligence Committee budget.

It is an amazing thing to me that, even with the cold war over, the intelligence budget is still funded at essentially the same level it was before the collapse of the Soviet Union; and this in the face of statements made by the leaders of the intelligence community in this country that at least 60 percent of their budget went to either gather intelligence against the old Soviet Union or to counteract intelligence efforts of the old Soviet Union. And even though the old Soviet Union is no longer there, according to public accounts, we are still spending in the neighborhood of $30 billion for intelligence.

But the Senator from Connecticut and the Senator from Vermont understand where the real problems are and where the real threats are to this country. And the real threat is that we are not allocating enough of our investments, we are not investing enough resources in the most precious resource we have, and that is the children of this country.

If we invest in education of our children, we are going to reap a return on that investment that is very, very significant, indeed. If we continue to spend this money on a relic of the cold war, if we continue to spend it on intelligence or spies or counterspies or whatever they do over there at the CIA and the Defense Intelligence Agency, what are we going to get out of that? They can make some economies over there in that intelligence budget, and we can do without Milstar, but we cannot do without educating our children.

Let me just remind my friend from Vermont and my friend from Connecticut, when this country came out of World War II, we passed something called the GI Bill of Rights. That was the largest investment to date that this country had ever made in allowing our young people and veterans coming out of that war to go to a college or university; the greatest commitment of resources we had ever made. And some criticized it.

But what was the result? In many, many families, the overwhelming number of them, the first person to get a college education in that family, ever, got it through the GI Bill of Rights.

And what about that investment? When those young men and women started coming out of those colleges in the late forties and the early fifties, they precipitated the greatest economic expansion this country had ever seen, with their expertise in engineering, in physics, in all of the sciences and in the social sciences. Our country was infinitely better off culturally, socially, economically, and stronger in every way because of that investment in education.

Well, this very splendid bipartisan amendment that we have before us today, offered by our friend from Connecticut and our friend from Vermont, does essentially the same thing and tracks down the same course. And what these Senators are saying is: We need to invest more in education. We can afford to invest less in exotic military hardware and less in the gumshoe business in this time in which we live now.

I commend them and congratulate them for working together in a bipartisan way to bring this very fine amendment to the floor. I suspect if the parents and the teachers of this country could come to this Senate today and vote, by an overwhelming margin the parents and teachers of this country would vote for the Dodd-Jeffords amendment. I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Madam President, how much time remains on each side of this issue?

The PRESIDING OFFICER. The Senator from Connecticut controls 8 minutes and 18 seconds; the Senator from New Mexico controls 24 minutes.

Mr. DODD. Madam President, I inquire of the Senator from New Mexico, if he is within earshot, as to whether or not they intend to yield back the remainder of their time? We can wrap-up here very quickly and then move to the next amendment. I do not want to yield back all the time and then have 24 minutes be used in opposition to the amendment.

Madam President, I yield 2 minutes to my colleague from Vermont.

Mr. JEFFORDS. Madam President, first of all I commend the chairman of the Budget Committee for a very excellent statement which puts things in perspective.

I would like to make my colleagues aware that investment in 1947 to meet the education crisis of that time, was about $30 billion in constant dollars today. Back in those days, that was a lot of money and a big percentage of the budget. It raised the percentage of Federal spending in education from about the percentage we are at now to 10 percent.

I think it is important to recognize that, because that was the kind of commitment which paid off so much for this Nation in its ability to reconstruct, not only this country, but also to assist with the educational capacity of the rest of the world. It was a big factor in bringing down the Berlin Wall and ending the cold war.

Second, we are in a crisis, and I will speak more about that later if we have time. But let me quote from the 1983 At-Risk Report by the Reagan administration.

> If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war.

I cannot overemphasize in my opinion, and the opinion of businessmen and educators across the country, that is an accurate description of where our educational system is today.

When I first came to the Senate and was on the Education Committee, a group of CEO's, the Business Roundtable, came to me and asked me to meet with them. I expected they would talk to me about the problems of taxation and the problems of resources and all those sort of things in the industrial world. What they asked me, was to do what I could to fully fund the Head Start Program. They recognized, as we must recognize, that unless we start at that early age—whether it is for those with disadvantages or not—we will not end the problems of education that threaten this Nation economically and socially.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. DODD. Madam President, if my colleague would like an additional 2 minutes I will be glad to yield it to him.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Yes, I would like to emphasize another aspect.

My colleague from Connecticut outlined the impact we have had on special education and the impact we have had on property taxes that relate to it. My town meetings just finished in March of this year. In my own school district, only 2 of 10 towns were able to pass the school budget. The whole crisis revolved around the increased costs of special education.

Whether it will mean a reduction in property taxes or not, I assure my colleagues what we do today will reduce the burden on property taxes and at least not make them any more burdensome than they are.

We used to have balanced programs in our school. Senator Javits, who many Members here remember well, established years ago a program for the gifted and talented. That was a good program and it balanced things out. It said we have gifted and talented young people in this country who need to be brought to their fullest performance levels. We dedicated resources to that.

But since the burden has been placed on special education in these older communities, and in the States, that money being spent for our gifted and talented has shrunk so far that out of the $247 billion we spend on the K through 12 programs now, only $9 million of Federal funds are provided to the gifted and talented. That has created a crisis for us as we look to the future, recognizing that only if we bring our talented students forward can we maintain the kind of educational capacity that we need to provide the brains to the Nation's corporations that will make the country what we want it to be in the next century.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. The Senator from New Mexico is here on the floor. I would say to my colleague from New Mexico, if he cares to wrap-up and then we can move onto the next amendment?

Mr. DOMENICI. Senator, could we have a minute quorum call? I wanted to engage in a conversation.

Mr. DODD. I do not mind, counting it against the Senator's time, because we are almost out of time.

Mr. DOMENICI. Oh, yes. Counting it as my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, so Senators will know, we are going to be through in about 6 minutes. Then Senator BOXER is going to lay down her amendment pursuant to the previous request.

There are not very many Senators in this body that I have more respect for and work more closely with on a number of issues than Senator DODD. But, frankly, I think the arguments have been made as to why we should not adopt this amendment— let me just repeat them in my own language, as I understand things. I say to my good friend from Connecticut, if in fact his amendment was adopted, I regret to tell him that there is very little probability that education program that he so much is working for, he and Senator JEFFORDS from Vermont—that part of education that has that mandate on it that requires the States and localities to put so much resource in it—there is little probability that discretionary money, having been put back, will go to those accounts.

I know that is my view. The Senator is very welcome when he stands up to say what his view is. But, frankly, I think it is time to play square with everybody about moving this discretionary money around as if it was meaningful. It may come as a shock for Senators to know, but in my quest for information I found since the Budget Act was adopted, two times in the history of 20 years have the appropriators adopted the functional totals that appear in budget resolutions.

That is big language. What does it mean? It means the priorities set in the budget resolution or amended on the floor and put in the budget resolution, are an expression of desire, nothing more. Because only twice have the appropriators, when they took the dollars and doled them out to the subcommittees, which is their prerogative under current law, have they looked at the function "education," which my good friend is amending—and if he were to win, there would be a dollar number in that function which, if the Senator from Connecticut and the Senator from Vermont have their way in appropriations—they would say put all this new money in this program. The truth of the matter is only twice in 20 years has that function been transferred right over and funded exactly at the levels suggested by the budget resolution.

So I do not think—as much as the two Senators on the floor espousing this speak of the desperate and dire need—I do not think everybody need construe it as an amendment that indeed dramatically increases the Federal share of aid for special education.

It will add to the discretionary accounts and be made available for the appropriators to spend in discretionary or defense accounts so long as they meet the cap.

The Senators can say nonetheless it is a very important vote; it does put back half of the deficit savings of the Exon amendment. That is undisputed. So we will save that much less in terms of the next 5 years as we apply this budget resolution. Now that will happen because that is part of the caps which must be enforced in their totality. So it will happen.

Second, I just want to say, it is fairly easy to take an amendment and say I want something that is very important, that everybody is going to think is very important, and I want to take some money out of defense to do it. I fault nobody for that, other than to say, again, it does not always happen that way, even if you vote for it in this manner. But I am going to assume that the sponsors are serious about that and, therefore, I just say the President of the United States happens to be right; he does not think we ought to cut defense anymore. He made an eloquent plea for it in his State of the Union Address. In fact, I think he said it three different ways, that we had cut defense enough, do not cut it anymore.

My suggestion is that the Senators who want more funding in this special education ought to start fighting very quickly for more funds in the appropriations process. And they might be surprised. They might get more funds even if this amendment is not adopted, because it is strictly up to the appropriators as to whether they do it or not.

I yield the floor and yield back any time I might have.

Mr. DODD. Madam President, how much time remains?

The PRESIDING OFFICER. Two minutes 22 seconds.

Mr. DODD. Madam President, let me wrap up here. I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DODD. Madam President, let me respond to my colleague from New Mexico. With the adoption of the Exon-Grassley amendment, defense is going to be adversely affected regardless of whether or not this amendment is approved.

Let me say to my colleague from New Mexico, the Senator from Iowa, who chairs the Labor-HHS Appropriations subcommittee and who doles out the money for special education, is a cosponsor of this amendment. I agree that unless Members decide to back what we are doing in the appropriations process, he is right, we are in trouble. I know of no other way to further that cause than to establish our priorities collectively in the budget process. By doing so we, as a body, may speak and say this is important. The fact that the chairman of the committee who will make the decision on the final funding issues is a cosponsor of the amendment, I think enhances our chances.

But more important is the substance of what we are talking about: Property taxes, the American dream of owning a home. Here we have a tax at the local level which is growing in leaps and bounds. The pressure on the local communities is staggering. This amendment says that additional Federal resources should go to try to reduce the local and State commitment that is presently taxing them so much, and have the Federal Government live up to its commitments. We are not even close to meeting our commitment.

If we speak with one voice here, if the Senator from New Mexico, my good friend, would support me on this amendment—he sits on the Appropriations Committee—with his backing and the backing of the Senator from Iowa, we might do something for local property taxpayers.

He is right; we cannot guarantee it. But if my colleagues say this is important today, I am willing to bet we will get it done in the appropriations process. But if we walk away from it, he is right, we will go off and spend the money someplace else and the local property taxpayer, once again, will be hit between the teeth. Here is an opportunity to provide relief.

I urge the adoption of this amendment.

### INCREASED FUNDING FOR SPECIAL EDUCATION IN BUDGET RESOLUTION

Mr. DOLE. Madam President, we had a vote today to increase special education funding, and I voted against it. I was not happy about that. Since coming to the Senate 25 years ago, I have been a vigorous advocate on behalf of people with disabilities.

Indeed, in 1975 I voted for the original Education For All Handicapped Children Act, which sought for the first time to ensure that students with a disability had equal opportunity for an education. In that legislation, Congress made a promise to help our Nation's schools with the high cost of educating children with disabilities. We said we would pick up 40 percent of the extra costs. But our followthrough has been dismal. This year we came through with a whopping 8 percent. That's right, 8 percent. The net result is that today we are shortchanging our Nation's schools by almost $8 billion a year.

Madam President, I would have voted for this measure if the offsets were acceptable. I regret that no one approached me or my staff as this amendment was being developed, because together we might have arrived at some agreement. Next time I hope we can work together.

Madam President, I also want to make another point. We could have fully funded our special education promise a long time ago if we would focus on our proper responsibilities. But instead of paying for what is due before starting something new, the Senate has gone on an education spending spree. Over just the last 9 months, we passed National Service, Goals 2000, Safe Schools Act, and School to Work. In total, the Senate has voted to authorize over $4 billion in new spending.

In fact, if we paid for special education as promised, schools would have far more money themselves to pay for reforms and new programs they need.

Madam President, it is past time we got our education house in order. Next time when we are tempted to vote in favor of some new and maybe even worthwhile program, let us remember what our priorities should be. And in my view, special education funding should be one of our top education priorities.

Mrs. FEINSTEIN. Madam President, I rise today to oppose the Dodd amendment and in support of the Milstar Program.

I do not oppose increasing Federal funding for special education programs. In fact, in the past I have voted in favor of resolutions calling on Congress to increase the Federal contribution to educating children with disabilities. However, I do not think that this increase in funding should come at the expense of the Milstar Program and U.S. national security.

And, Defense Secretary Perry and the Joint Chiefs of Staff also agree that Milstar is important to U.S. national security and strongly support the program.

Let me read a quote from Secretary Perry.

> Some people consider Milstar a cold war relic. We have totally, beginning already with the Bush Administration and continuing under this Administration, completely reconfigured that system so that many of the factors which made it so expensive—which is the ability to withstand nuclear blasts and so on—those features no longer exist in Milstar. What does exist in Milstar is the ability to connect our tactical units worldwide with high quality, high resolution, digital data, so they can pass demands back and forth, they can pass targeting data, they can pass intelligence information, and it does it in such a way which is highly resistant to interference, such as jamming.

So, Milstar is no longer a cold war relic that was designed to meet strategic threats, such as a nuclear war. In fact, Milstar will be used in many tactical environments. The whole point of producing the 1,200 remote Milstar terminals is so our troops in the field can communicate directly with other forces and commanders anywhere in the world.

Under a conventional war scenario that the Department of Defense ran in the Middle East—a scenario similar to the Persian Gulf war—more than 70 percent of all military communications would use Milstar satellites. So, this is not a relic of the cold war.

As the Joint Chiefs of Staff have said, there is a definite military requirement for the Milstar Program. In fact, the bottom-up review states that "the military requirement for a jam-resistant advanced EHF communications system providing capability equivalent to Milstar II was reaffirmed early in the process."

But, costs were also considered in the bottom-up review. The report goes on to state that "another important objective was to identify options that offered substantial cost savings relative to the current Milstar Program."

In fact, since the original Milstar Program was established, $20 billion has been trimmed off the cost of the program—that is almost half the costs. This includes reductions as a result of the bottom-up review that analyzed four different options for savings.

Would canceling the Milstar Program save some money? Yes, but at what cost to national security. According to Secretary Perry and the Joint Chiefs of Staff—who have already reviewed the program and made substantial cost reductions—the threat to national security by terminating the Milstar Program would be extremely high.

In addition, cancellation of this program would result in the loss of 8,000 direct jobs nationwide. More than half of these job losses would come from California—a State that has already been adversely affected by defense downsizing with the loss of 250,000 defense-related jobs in just the last few years.

I support cutting Government spending and favor efforts to reduce the deficit. In fact, the budget resolution, as reported out of committee, already cuts an additional $43.2 billion in discretionary spending over 5 years.

I also plan to continue supporting funding for special education programs. But, I can not support this particular amendment.

Mr. KOHL. Mr. President, I rise in reluctant opposition to this amendment. The Dodd amendment seeks to do something very good. I simply cannot support the way it does that good.

The Dodd amendment would transfer $6 billion to special education in fiscal year 1995 and $30.5 billion over the next 5 years. I support that transfer. It is imperative that children with special needs get an appropriate and full education. However, meeting the unique needs of all special education students is a costly goal. State and local governments—who provide the lion's share of education expenses—are stretched thin just providing basic education services. They desperately need Federal help to also meet our obligations to special needs children.

I also support transferring money from defense spending to special education funding—which the Dodd amendment proposes. We can spend all the money in the world on defense, but our Nation will not be strong unless our children are strong. And our children will not be strong unless they receive education that is appropriate to their special needs.

What I do not support in the Dodd amendment—and what will cause me to vote against it—is that it cuts in half the so-called Exon-Grassley discretionary spending decrease. As you all know, in the Budget Committee, an amendment was agreed to that cut an extra $26 billion over 5 years. These new spending cuts are substantially more than recommended by the President and substantially more than a freeze would require. Last year, we appropriated $550 billion in nonentitlement funds. If this resolution passes, we will appropriate $540 billion—and stick at that level for the next 5 years.

I support these new cuts. They are enforceable. They are reasonable. And they respond to the desire of the American people to see congressional spending go down. I cannot support an amendment that goes back on these cuts.

And I must say, I do not believe that going back on these cuts is necessary. We could, as Senator DODD suggests, cut Milstar. We could cut intelligence funding. We could cut other military programs and put the money into special education. We do not need to go back on our commitment to scale back total appropriated spending in order to fund the very important priorities supported by this amendment.

The PRESIDING OFFICER. Under the previous order, the pending amendment, No. 1561, is set aside until 2:15 p.m. and the Senator from California [Mrs. BOXER] is recognized to offer an amendment. There will be 20 minutes equally divided for debate on the Boxer amendment. The Senator from California.

### AMENDMENT NO. 1562

(Purpose: To increase funding for children's programs)

Mrs. BOXER. Madam President, I am indeed honored to offer this amendment. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from California [Mrs. BOXER], for herself, Mr. LEAHY, Mrs. FEINSTEIN, Mr. DORGAN, and Ms. MOSELEY-BRAUN, proposes an amendment numbered 1562.

Mrs. BOXER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, line 22, increase the amount by $180,000,000.

On page 17, line 23, increase the amount by $180,000,000.

On page 24, line 17, increase the amount by $320,000,000.

On page 24, line 18, increase the amount by $48,000,000.

On page 25, line 1, increase the amount by $171,000,000.

On page 25, line 9, increase the amount by $99,000,000.

On page 25, line 17, increase the amount by $2,000,000.

On page 26, line 8, increase the amount by $400,000,000.

On page 26, line 9, increase the amount by $180,000,000.

On page 26, line 16, increase the amount by $178,000,000.

On page 26, line 23, increase the amount by $42,000,000.

On page 30, line 20, increase the amount by $100,000,000.

On page 30, line 21, increase the amount by $91,000,000.

On page 31, line 3, increase the amount by $9,000,000.

On page 41, line 11, decrease the amount by $1,000,000,000.

On page 41, line 12, decrease the amount by $499,000,000.

On page 41, line 19, decrease the amount by $358,000,000.

On page 42, line 1, decrease the amount by $141,000,000.

On page 42, line 8, decrease the amount by $2,000,000.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. I understand under the unanimous-consent agreement that I have 10 minutes; is that correct?

The PRESIDING OFFICER. That is correct.

Mrs. BOXER. May I proceed?

The PRESIDING OFFICER. The Senator from California may proceed.

Mrs. BOXER. At this time, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. BOXER. Madam President, the amendment that I have sent to the desk is a pay-as-you-go amendment. Under my amendment, we cut $1 billion from nonessential travel across the Federal Government. We then take those savings and use them for five crucial programs for children.

These children's programs work. I know that you know that from your experience in Illinois, Madam President, and I certainly know that from my experience in California.

I ask unanimous consent to add the following cosponsors to my amendment: Senator LEAHY, Senator FEINSTEIN, Senator DORGAN, and Senator MOSELEY-BRAUN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, it is an honor for me to serve on the Budget Committee. In the House of Representatives I served on the Budget Committee for 6 years. I like the assignment because on the Budget Committee, you have a chance to step back and really look at the spending priorities for our country. It is the larger picture, and it is a time when we can decide what our priorities should be in the long run. In other words, it is not the line items we consider, but who we are as a Nation, and where we are making our investments, and what is important to us.

People often ask me when I am home in California, and I am sure they ask you, Madam President: "Senator, what is your long-range plan to get this country on the right track?" For example, they will say, "What is your long-range plan for fighting crime? We know that you are tough on crime, we have seen that, we appreciate that, but that doesn't really speak to the future."

And then they will say: "What is your long-range plan for fighting the drug problem?"

I will answer it in this way: I will say in the short term, we have a serious problem, we have to get tough, crack down and send no mixed messages. But if we are really talking about the future, and we are talking about finding solutions for the problems that we have, and building a new society, one that is less violent, one that really has as its hallmark the inclusion of everyone, we need to honor our children. We need to invest in our children. We need to understand how important they are to society. We need our children to be healthy mentally and physically if they are to have a stake in this country and not be alienated from it.

The amendment that I offer, which is a pay-as-you-go amendment, is a step in that direction. We are talking about investing in the following five programs: $120 million for Head Start, which will provide Head Start slots for approximately 24,000 children, Madam President. You and I know Head Start works. We know it works. We know that the children who go through Head Start have a much better chance of success than those who do not.

This amendment will add $200 million for childhood immunization. I have to say this: It makes no sense to let our infants and children go without immunizations because for a small cost up front they will not get the measles, they will not get sick, they will not have brain damage, and we save a lot more in the long run. This amendment, Madam President, that you have so graciously offered to cosponsor is clearly an important investment. We will immunize approximately 2,150,000 more children than before with the Boxer amendment. We will also add $200 million to the maternal and child health block grant which provides funding to States for health care for children and pregnant women.

It is crucial in our fight against infant mortality and low birthweight babies. We add $200 million to the child care development block grant; 44,000 children will get the child care they need so they will not be latchkey children; and we add $100 million for the WIC program, which provides nutrition to low-income, pregnant women, infants, and children. We know it works. We have to have healthy babies. If we do not have healthy babies, we are making a terrible mistake for the future. My amendment will increase the level of participation and provide services to 200,000 pregnant women, infants and children.

Finally, Madam President, we give a $180 million increase to TEFAP, The Emergency Food Assistance Program which feeds the hungry and the homeless in our communities. Unfortunately, many of the hungry and homeless are increasingly children and families.

Madam President, around here you throw around a billion dollars like it does not mean much, but when it comes to programs for children, it means a lot.

We must do this. Yes, it is true that we are cutting back on the travel accounts across the Federal Government. But I do not think it is so bad if some of our Federal agencies stay put for a while so our children can move forward. I think that this amendment will have broad bipartisan support. I am certainly hopeful of that. I am proud to offer it.

I ask unanimous consent that Senator WOFFORD be added as a cosponsor of the Boxer amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, do I have any time remaining in the 10 minutes?

The PRESIDING OFFICER. There are 3½ minutes remaining.

Mrs. BOXER. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Or I would offer it to my chairman if he would like to enter into the debate.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. I thank the Senator from California. I simply wish to commend her for offering this splendid amendment. I think her suggestion that perhaps some of our Federal officials could stay put so our children could move ahead is a suggestion well made, indeed.

These programs which the Boxer amendment would boost have been heralded many times on the Senate floor—the Head Start program, the Women, Infants and Children Feeding Program, and childhood immunizations. The common denominator of these programs is the high rate of return they offer for a relatively small investment.

I congratulate the Senator from California for offering this amendment. It just makes sense to vaccinate a child rather than having to care for a polio victim. It just makes economic sense. And of course, there is much, much more to it than that.

I share my colleague's enthusiasm for the WIC Program. It is a program that is exceedingly cost efficient. It has been proven over the years that we can save literally millions of dollars by treating babies that might be the result of undernourished mothers or children that are undernourished through the WIC Program. I think it is a fine amendment that the Senator from California offers, and I commend her for it.

One in five children in this country now lives in poverty. We have made enormous progress over the past 30 or 40 years in dealing with the problems of our older citizens; 50 years ago it was our older citizens who were living in poverty. Now we have reversed that to some extent with Social Security, Medicare, and a whole host of programs for our older citizens. But it is our children now who live in poverty. It is shocking that 25 percent of the children in this country live in a family below the poverty level.

What the Senator from California seeks to do in her usual compassionate and perceptive way is to throw out a longer lifeline to these children who are in very dire need. I thank her for offering this amendment.

The PRESIDING OFFICER. The Senator from California has 30 seconds remaining.

Mrs. BOXER. I ask unanimous consent to add the Senator from New Jersey [Mr. LAUTENBERG] as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank my chairman. He leads the Budget Committee in a way which all America can be proud, and I believe his priorities certainly reflect the priorities of the Nation. Invest in our children. It is the right thing to do. In the long run it will help to solve our problems and save money.

I understand my time has expired, and I look forward to a bipartisan vote on my amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Tennessee.

Mr. SASSER. Madam President, is there no time remaining on the Boxer amendment?

The PRESIDING OFFICER. There are 10 minutes for the opposition.

Mr. SASSER. But no time for the proponents?

The PRESIDING OFFICER. No time remaining for the proponents.

Mr. SASSER. Madam President, I see no opponents of the amendment present.

Mr. President, the distinguished Senator from Pennsylvania has arrived. He wishes to speak in support of the Boxer amendment. I ask unanimous consent that I be allowed to yield 5 minutes to the distinguished Senator from Pennsylvania to speak in support of the Boxer amendment and the Dodd-Jeffords amendment, as I understand it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Senator for the allocation of time and the unanimous consent request.

I do support the Dodd-Jeffords amendment which would add $6 billion for education grants. This is an amendment which I had discussed with both the Senator from Connecticut and the Senator from Vermont in terms of increasing education funding.

In my capacity as ranking Republican on the Subcommittee on Labor, Health, Human Services, and Education, where I work with Senator HARKIN, the funding for education is grossly insufficient and the allocation for that subcommittee, where we have to make the division among items like industrial safety, mine safety, the National Institutes of Health, and education programs, is extraordinarily difficult. When the budget allocations are finally made and they come into the appropriations process, this money will give us some substantial additional discretion. I have long believed that the allocation for that subcommittee ought to be substantially larger.

On the amendment offered by the Senator from California, which would increase funding in Head Start, child immunization, maternal and child health care block grants, WIC, and child care, those again are items which are funded out of the subcommittee where I serve as ranking Republican, and there is a great shortage of funding in that subcommittee.

One of the items which has been cut very materially by the administration is the program for so-called LIHEAP, financial assistance for energy for low-income families. And while some of those funds have been reinstated by the Budget Committee, I intend to offer an amendment later today which would add additional funding for LIHEAP.

Pennsylvania is a very cold State, and every year there are many of my constituents who write, travel, or call about that allocation. There are some States which are even colder than Pennsylvania where LIHEAP funds are necessary.

So that an amendment in the budget allocation, or item such as that proposed by Senator DODD, Senator JEFFORDS, and Senator BOXER, will be enormously helpful in meeting urgent needs in the Subcommittee on Labor, Health, and Human Services, and Education. And on their face, these are excellent amendments. When the Senator from California takes a deduction of 20 percent in travel expenses, that kind of an item is an attractive line for a budget cut. But I think there can be savings on items like travel cuts.

The matter of allocation is always difficult. But in the face of the important programs which are identified here, I think these are worthwhile amendments.

I thank the Chair.

I yield the floor.

### ORDER OF PROCEDURE

Mr. SASSER. Madam President, I ask unanimous consent that the vote on the Boxer amendment occur immediately upon the disposition of the Dodd amendment. I am advised this has been cleared with the Republican leadership. There is no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

### CORRECTION IN COMMITTEE REPORT

Mr. SASSER. Madam President, I wish to announce that there was an error in the committee report regarding the votes on the Lautenberg amendment to terminate the space station in order to fund law enforcement. In the committee report on page 227, the distinguished Senator from Mississippi [Mr. LOTT] is incorrectly recorded in the affirmative. In reality, the Senator from Mississippi voted against the Lautenberg amendment. I ask unanimous consent that the RECORD show that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. For the information of Senators, let me note that under the previous order, the Senator from Mississippi [Mr. LOTT] is next or was next to be recognized to offer an amendment. Under the previous order, we will have two back-to-back votes beginning at 2:15. The first will be on the amendment of the Senators from Connecticut and Vermont. The second will be on the amendment of the distinguished Senator from California.

Madam President, I suggest the absence of a quorum. I ask unanimous consent that the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Madam President, I ask unanimous consent that the Senator from South Dakota be allowed to speak for 3 minutes as in morning business and that the time be charged against the resolution equally on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## AID TO PAKISTAN

Mr. PRESSLER. Madam President, the Clinton administration has announced that it wishes to lift the restriction on aid to Pakistan on a one-time basis and deliver F-16 aircraft to that country. As my colleagues may know, such aid is now prohibited under the so-called Pressler amendment, a law which says that Pakistan cannot receive military or certain other forms of aid so long as the President fails to certify that the country does not have a nuclear explosive device.

I am very much opposed to the Clinton administration's proposal because I think it will both increase nuclear proliferation and escalate the arms race in that part of the world. India will respond by seeking additional fighter aircraft.

I find it very strange that an administration committed to nuclear nonproliferation would seek to achieve that goal by delivering aircraft that can deliver a nuclear bomb to another country.

I am strongly opposed to the Clinton administration's plan. I hope the administration reverses itself. I think we need to reflect very carefully on the history of this amendment. It was passed in the mid-1980's with the support of Pakistan. At that time Pakistan said they did not have a nuclear bomb nor were they developing such a weapon. In the early 1990's, President Bush was unable to certify that Pakistan did not have a nuclear weapon, and aid—including the sale of military weapons—was cut off. Any renewal of assistance, including a one-time exemption, would require congressional approval.

I could perhaps see some logic if the administration were going to substitute renewal of some other kind of aid in exchange for Pakistan putting a cap on its nuclear weapons. However, make no mistake. I would seriously question even that type of approach. Unfortunately, all the administration seems to be seeking from Pakistan is an agreement not to build any more nuclear weapons. In exchange, Pakistan gets the F-16's with which they can deliver a nuclear bomb against India.

This would be disastrous for a region that has already endured numerous wars and conflicts. It would mean increased proliferation of both weapons of mass destruction and conventional weapons in that region of the world. In addition it would set an extremely bad precedent.

Our CIA has said—and this has been published in the newspapers—that the existence of the Pressler amendment has played a role in causing Egypt, South Africa, and Brazil to abandon their nuclear weapons programs due to the consequences in Washington. This is the only law that exists on nuclear nonproliferation that has any teeth. If Congress were to repeal the Pressler amendment—even by granting a so-called one-time waiver—it would send a very encouraging signal to every other nation contemplating a nuclear weapons program.

It appears President Clinton and Vice President GORE have not focused on this issue. I say this because the administration's new proposal runs contrary to everything they said in their campaign. It astounds me that this administration, at least the Departments of State, Defense, and the Arms Control and Disarmament Agency, is proposing to make this change.

I believe this process is to a great extent being driven by a desire on the part of the manufacturer to keep the production line hot and build more F-16's. I understand there are strong arguments for creating employment opportunities for people in various parts of the country. However, there are other much cheaper ways to achieve this goal without destabilizing entire regions of the world and encouraging the proliferation of nuclear weapons and other weapons of mass destruction.

Madam President, I ask unanimous consent to place additional material in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, DC, March 8, 1994.*

The PRESIDENT,
*The White House,*
*Washington, DC.*

DEAR MR. PRESIDENT: I would like to request five minutes at your earliest convenience to discuss nuclear non-proliferation policy.

Despite repeated assurances from members of your Administration, including Deputy Secretary of State Strobe Talbott and Secretary of State Warren Christopher, I have heard from several sources within the Administration about an attempt to grant an exception to the Pressler amendment. As you may recall, the Pressler amendment prohibits aid to Pakistan unless the President certifies annually that Pakistan does not possess a nuclear explosive device.

Mr. President, I seek a meeting with you to underscore the importance of retaining the only nuclear non-proliferation law in force currently. I would appreciate having a meeting of no more than five minutes, which can occur in your office, or during a morning run. Should such a meeting prove impossible to schedule, I will raise this issue the next time I am at the White House, or if you should visit the Senate. While I would rather not raise this issue in such a public setting, I think it is critical for the Administration to send a consistent signal about the importance of nuclear non-proliferation.

Sincerely,

LARRY PRESSLER,
*U.S. Senator.*

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[From The New York Times, Mar. 23, 1994]

### SOUTH ASIAN LANDS PRESSED ON ARMS

(By Michael R. Gordon)

WASHINGTON, March 22.—Worried about an arms race between Pakistan and India, the Clinton Administration is proposing a series of agreements to stop the production of nuclear weapons in South Asia and the deployment of ballistic missiles, Administration officials said today.

Deputy Secretary of State Strobe Talbott plans to press the arms control efforts when he visits India and Pakistan next month, the officials said.

While American officials have long been concerned about the nuclear programs of Pakistan and India, Washington's arms control efforts have acquired a new urgency because of advances in the two sides' nuclear and missile programs.

According to American intelligence reports, India will soon field new surface-to-surface missiles and Pakistan is also developing a new missile with help from China.

#### OPPOSITION ON CAPITOL HILL

But a key element of the Administration's plan could face stiff opposition on Capitol Hill. As an opening move, the Administration is offering to deliver to Pakistan F-16 jet fighters that have been blocked by Congressional legislation, if Pakistan agrees in return to accept a verifiable ban on production of nuclear material for nuclear weapons. When the White House raised that idea on Capitol Hill recently it met with a mixed reception.

And all experts agree that negotiating the accord would require overcoming difficult political issues in both Pakistan and India, particularly in light of Washington's currently strained relations with New Delhi.

The Administration's effort also comes as Pakistan and India have continued to differ over Kashmir and are proceeding with weapons programs, including the development of missiles.

"India and Pakistan have the ability to move rather quickly to deploy nuclear weapons and are moving fast to deploy longer-range missiles," said Lynn E. Davis, Under Secretary of State for International Security Affairs.

#### PROPOSALS BY THE UNITED STATES

Washington is proposing several steps to restrain the arms race. One is an agreement by India and Pakistan banning the deployment of surface-to-surface missiles, which would give each side the ability to launch nuclear strikes rapidly.

Another is a set of separate proposals to Pakistan and India that they agree to stop producing nuclear material for nuclear weapons and agree to international inspections to determine that they are keeping their pledge.

That would still leave the two countries with small nuclear arsenals, but officials say that "capping" each side's nuclear potential is a far more realistic step than trying to immediately negotiate the elimination of each side's nuclear weapons stocks, which would, however, remain the ultimate goal.

The Administration also wants to establish a multinational forum to consider ways to build confidence between the two sides and reduce tensions.

#### INCENTIVES FOR ARMS CURBS

To persuade India and Pakistan to agree to ban the production of bombgrade materials for nuclear weapons, the Clinton Administration is offering various incentives.

In the case of Pakistan the administration is offering to deliver weapons Islamabad purchased but never received because of the Congressional restrictions on aid to Pakistan, including F-16 fighters and P-3 antisubmarine warfare planes.

Legislation sponsored by Senator Larry Pressler, the South Dakota Republican, and adopted in 1985, bans military aid to Pakistan unless the President can certify that Pakistan does not possess nuclear weapons. Because of advances in the Pakistani nuclear program, the White House has been unable to make that certification for the last four years.

Administration officials say the Pakistani military wants the F-16's because its Air Force's planes are getting older. But experts say that letting international inspectors visit will be a difficult political hurdle for the Pakistani Government.

The Clinton Administration is calculating that Congress will support a "one-time" exception to the Pressler amendment if an agreement can be reached with Islamabad that would ban the production of nuclear material.

Whether lawmakers would agree is unclear. Senator Pressler has expressed alarm at the proposal. But Representative Lee H. Hamilton, the Indiana Democrat who heads the House Foreign Affairs Committee, has argued that the Pressler amendment has failed to slow the Pakistani program and should be replaced with a broader strategy.

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[From the Washington Post, Mar. 23, 1994]

## THE UNITED STATES PROPOSES SALE OF F-16'S TO PAKISTAN

(By R. Jeffrey Smith)

The Clinton administration wants to give Pakistan new F-16 fighter planes in exchange for proof that the country has capped its nuclear weapons program, Undersecretary of State Lynn E. Davis said yesterday.

The proposal would require U.S. lawmakers to take the politically difficult step of exempting the F-16 warplanes from a congressional ban on U.S. weapons sales to Pakistan that took effect in 1990 after the country built its own nuclear bomb.

Some arms control experts and congressional aides have raised questions about the plan, saying it could effectively reward Pakistan for flouting U.S. warnings not to develop nuclear weaponry and also may wind up provoking India to purchase more advanced weapons of its own to offset the Pakistani warplane purchase.

But the Clinton administration is portraying the proposed $658 million sale of 38 F-16s to Pakistan as a first step in a new diplomatic strategy aimed to getting around the long-standing nuclear stalemate between India and Pakistan. U.S. officials worry that the two arch-enemies might soon deploy new ballistic missiles capable of hurling nuclear warheads at each other.

Deputy Secretary of State Strobe Talbott plans to present the new U.S. plan to Islamabad and New Delhi during a two-day visit to each city next month, Davis told reporters at a breakfast meeting.

"The basic premise is that you have to have something worthwhile for the Pakistanis to pursue this," a State Department official said on condition he not be named. "You have to start out with something" that eases Pakistan's military anxieties and improves its ability to compete with superior Indian forces.

Davis and other U.S. officials said that under the new strategy, Pakistan would get the new warplanes only if it accepts international inspections of key nuclear facilities, proving to India and other nations it is no longer making highly enriched uranium for nuclear arms.

India would then be asked to accept similar inspections at nuclear reactors capable of making plutonium for nuclear arms.

These moves, officials said, are meant to defuse tensions growing out of mutual suspicion about nuclear weapons development programs. Proving that both nations have halted production would be "a first step toward the reduction and elimination" of these weapons at a later date, Davis said.

Additionally, both India and Pakistan will be asked to take part in new regional security discussions involving all five declared nuclear powers as well as Japan and Germany.

They also will be asked to sign a ban on nuclear tests and an agreement barring any ballistic missile deployments. But the proposed warplane sale to Pakistan—which has been aggressively promoted in Washington by the F-16's manufacturer, General Dynamics Corp.—would not be conditioned on these promises, just the nuclear inspections.

Officials said the strategy reflects an administration decision that its policy of low-visibility, patient diplomacy in the Asian subcontinent has not made enough headway. They said Washington has chosen to pursue a higher-profile effort to try to fend off potential deployments of the new Indian and Pakistani missiles later this year.

Washington is not considering offering India any reward such as F-16s to gain its participation, and some officials predicted that Talbott will encounter significant resistance there. "Maybe they think they can get it for free, because we are not aware of any programs [such as the F-16] for India," said an Indian diplomat.

Said Sen. Larry Pressler (R-S.D.), the sponsor of the legislation that blocked military sales to Pakistan: "I feel very strongly it would be a mistake to * * * have a one-time lifting of the amendment."

Several arms control experts who criticized the proposal noted that last March when lawmakers asked Gordon Oehler, the CIA's top expert on proliferation matters, which weapons systems Pakistan might use to deliver its nuclear weapons, Oehler replied, "Our best judgment right now would be the F-16s."

But a senior U.S. official said that in response to congressional criticism, "we will find ways to verify" that the F-16s are not modified for that purpose. The official added that as of now, "we're not sure how" this might be accomplished.

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[From the Washington Times, Mar. 23, 1994]

## PAKISTAN NUKE CAP MIGHT WIN ARMS

The Clinton administration wants Pakistan to cap its nuclear weapons program in exchange for a one-time exemption from the congressional ban on U.S. military aid, Undersecretary of State Lynn Davis said yesterday.

If Pakistan accepts the deal, the administration will ask Congress to lift the Pressler Amendment and allow the delivery of F-16 fighters that Pakistan purchased from the United States, she said.

Delivery was held up by the 1985 congressional dictum that blocks all but humanitarian aid unless the U.S. government can certify Pakistan is not producing a nuclear bomb, something U.S. officials have been unable to do since 1990.

Miss Davis told a breakfast meeting of reporters that getting Pakistan to cap its nuclear program is part of an effort to stem nuclear proliferation in South Asia.

The proposal is for a one-time exception to the military aid ban with the goal of getting Pakistan to cap production of atomic materiel in a manner that could be verified, said Miss Davis, who heads the administration's nonproliferation efforts as undersecretary for international security affairs.

Pakistan and India are longtime rivals that have advanced nuclear programs. U.S. officials are concerned about long-standing friction between the two neighbors, and they hope to get Pakistan to take a first step to calm the situation.

Deputy Secretary of State Strobe Talbott is traveling to Pakistan and India next month and will discuss the issue with both countries, officials said.

Administration officials say the ban on military aid has failed to keep Pakistan from attaining nuclear capability and that a new approach is needed to halt the growth of regional nuclear programs and roll them back.

The plan would not require Pakistan to abandon its nuclear program, but simply not to move beyond current production.

U.S. officials see the F-16s, for which Pakistan has paid, as a carrot that could advance the policy.

Miss Davis said State Department officials are sounding out Congress to see whether there would be support if Pakistan agreed to the plan. They received some positive response.

But Sen. Larry Pressler, South Dakota Republican and author of the 1985 legislation, opposes the administration's proposal.

President Clinton has told the United Nations that stemming the proliferation of nuclear weapons is a top priority.

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## THE REUTER TRANSCRIPT REPORT—SENATE FOREIGN RELATIONS COMMITTEE HEARING, MARCH 23, 1994

Senator LARRY PRESSLER (R-SD). Thank you very much, Mr. Chairman, and this question is related to nuclear non-proliferation. It ties into Russia in the end, but it—I have been concerned, and I saw in this morning's paper that you, Mr. Talbott, will be leading the delegation to India and Pakistan regarding a one-time lifting of the prohibition on aid there to deliver the F-16s to Pakistan. And I can appreciate very much your desire to try to open more talks up there, but I think that is a—that is a very bad first step. The secretary of state and you both pledged here that you would not attempt to repeal that amendment, but—the secretary of state did in particular—but I view a one-time exemption to it to deliver the F-16s would be—would gut the amendment and would leave us in a situation that we'd be much worse off. And I might ask for your response to that.

But let me say that it seems contrary to the positions President Clinton and Al Gore have taken on non-proliferation because the—according to what's been published in this morning's paper, that our intelligence people have said that the F-16 would be the delivery vehicle for a bomb if Pakistan were to use its bomb. And it seems passing strange to me that if the administration is going to offer something, some exemption, it wouldn't be some area of aid or something of this sort rather than the F-16s.

Somebody has been very determined to get the F-16s delivered, whether it's the state of Texas or General Dynamics or Lockheed or whoever. I certainly don't see any conspiracy here, but for some time now there have been—maneuvering around to get the rest of them built and delivered and paid for. But I think that this would increase the arms race in that region, it would not really do anything—

This amendment is the only piece of non-proliferation legislation that has ever made it into law, and it seems passing strange that the Clinton-Gore administration would seek to essentially gut this with this effort.

If there were going to be something to be negotiated, perhaps it could be aid. I'm not suggesting that that would be acceptable. But the whole thing seems out of context with the things that you stand for in non-proliferation with Russia and so forth. What is going on here?

Mr. TALBOTT. Well, Senator Pressler, let me try to put it as much into context as I can. And I do this acutely aware that this is a subject that you and I have talked about for the past month or so in connection with my own courtesy call on you and, I believe, in open session as well.

I assure you that gutting either the Pressler amendment or our non-proliferation agenda is exactly the opposite of what the administration has in mind here—in fact, quite the contrary. We see the Pressler amendment, which I stress will remain in force, which will remain very much a part of

American law, as an important and positive instrument to use in accomplishing our nonproliferation goals for the Indian subcontinent.

When I came—I hope it's all right for me to try to summarize one exchange between the two of us when I came and spoke to you in your office. And I've—I appreciated your being able to see me that day. You made clear that you do not see the Pressler amendment as an anti-Pakistan measure or directed against Pakistan per se, you see it as a means of advancing the goal of non-proliferation, and that's the way we see it, too. Our intention here would be to use the leverage that we have because of your amendment in order to try to achieve a verifiable cap on Pakistan's nuclear weapons material production, in return for which we would seek approval by Congress for some relief for Pakistan from some legislative sanctions. And that would include the F-16s that Pakistan has already paid for.

I am just beginning now, Senator Pressler, to prepare for my trip to the subcontinent, and if you would permit and if your schedule allows it, I would like very much to come by at some point in the next week or so and talk to you about this in detail. Obviously, there are several features of this which will be feasible only if we have the necessary support from the United States Congress. This is a classic example of where we need to work in partnership with each other.

Senator PRESSLER. Well, let me say that I think that—it—it's—well, it's been the opinion of our intelligence people, it's been printed in the papers that Egypt, Brazil, and South Africa all backed off their nuclear programs in part because of fears of trouble from Washington as—as a result of this amendment, that it's had a broader impact than just there. Also, it was not an anti-Pakistan thing at the beginning; indeed, Pakistan supported it strongly in this room when Alan Cranston had another amendment that would have cut aid off immediately, and they said "We're not building a bomb anyways," And this was the mid-1980s, and in the early 1990s the Bush administration certified that they did have a bomb in violation of it. So it didn't start off to be an anti-Pakistan thing, but I think it has slowed the arms race down in that region.

But it seems the logic of saying that since Pakistan still has its bomb and the amendment has not been effective, the logic of delivering F-16s, a delivery vehicle for the bomb, in some sort of a settlement, it seems very ironic. If the administration were proposing a one-time lifting of aid or something of that sort, it would be more consistent with this administration's stated non-proliferation of both conventional weapons and—and nuclear weapons. The whole thing seems to be delivered by a great desire to build the remaining F-16s, get them paid for and delivered than it does anything else. And that concerns me a great deal, because I can't follow the logic of how delivering a nuclear weapons delivery vehicle to a country that has a bomb is going to somehow slow the arms race down there. That is my logic.

Mr. TALBOTT. I'm reluctant to get too deeply into this both because of the sensitivity of the issue and also because I am beginning now preparations for this trip. But I'm sure that the last point that you make is very much on—I know that the last point that you make is very much on the minds of my colleagues: that is, looking for some way to ensure that we don't inadvertently create new problems in terms of delivery systems in the way that we address the problem of nuclear weapons per se.

But I do assure you that the motive is one of high policy, and the policy is one that you clearly support, and that is trying to bring about a verifiable and comprehensive nonproliferation regime on the subcontinent. But if you would permit me to come and talk to you about this, I would be grateful.

Senator PRESSLER. Okay, fine. Let me ask about the—about Russia's sale of conventional arms or arms of any sort. How much hard currency are they making from it, and are they increasing or decreasing their sales?

Mr. TALBOTT. The short answer is that they are—they have decreased their sales significantly from the Soviet period. Nonetheless, Russian arms sales remain a subject of intense and sometimes difficult discussion with them and will for a long time to come. The dilemma is the following:

During the Soviet period in the Cold War, Russia—the Soviet Union—used conventional arms sales as an instrument of its foreign policy, which is to say, an instrument of its political and ideological struggle with the United States. It was—they were pieces that they played on the board of the zero-sum game in the rivalry with the United States. That is, they went out of their way to arm our enemies, as it were.

That is no longer the driving motivation. The motivation now is that Russia is trying desperately to make hard currency in any way it can. It doesn't have a great deal that it can sell in international markets, but it does—has inherited from the Soviet Union a considerable arms industry.

Our effort—and it's going to take time to accomplish it—is to do two things: first of all, defense conversion so that plants which are now making weapons will make items for the civilian sector—and I know that that was a subject that Secretary Perry raised when he was in Moscow—and the other is to get Russia in as many ways as possible to adopt responsible export control policies.

## CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

The Senate continued with the consideration of the concurrent resolution.

Mr. SASSER. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Madam President, I ask unanimous consent that the Senator from Ohio be allowed to speak as in morning business in the time remaining until the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio [Mr. GLENN] is recognized.

## CHANGING POLICY ON NONPROLIFERATION

Mr. GLENN. I thank the Senator for his courtesy. I appreciate the opportunity to add a couple of remarks to those made by Senator PRESSLER a few moments ago. I had not been aware that he was going to make remarks about the changing administration policy in this area. I want to back up his views on this. We worked together a long, long time on nonproliferation matters, and we have over 148 nations now signed up around the world on the nonproliferation regime. It has not been perfect, but it has been very good through the years. It has had a positive impact.

The Pressler amendment is applied to one nation, Pakistan—who through the years was developing nuclear weapons, and we knew that. But every year because of the situation in Afghanistan, the President needed a special, country-specific waiver of the Glenn-Symington amendment so we could ship material through Pakistan over to Afghanistan. Despite waiver after waiver in the 1980s, Pakistan continued and even accelerated its pursuit of the bomb. Facing these facts, the Pressler amendment became law in 1985 without any loopholes or waivers.

It is just hard to see how we can change this now. In effect, what the administration apparently wants to do is say: OK, they lied to us all this time and went ahead and developed nuclear weapons anyway. They did not deal fairly with us, but we will forget that. That is behind us now, and we will now say they have the bomb now, so we now want to ship airplanes and some other combat equipment to them. So we will just say we forget all of that, and as long as they do not add to the bombs they already have, we will forget all that.

What kind of a message, I ask you, does that send to the other nations that we are trying to tell "do not develop weapons and we will cooperate with you," when if they do develop weapons, they have the precedent of Pakistan, to say it will not make any difference anyway. I think that is absolutely the wrong signal to send.

So I thank my distinguished colleague, Senator PRESSLER—I personally would prefer to see his amendment expanded to some other nations that have egregiously violated what we think is the norm in nonproliferation. All these years, what we have said is if nations sign up under NPT, we will cooperate, and at the same time we will be able to get control of our nuclear weapons stockpiles vis-a-vis the Soviet Union, we will negotiate them down, and maybe we will have a less dangerous world so we will have at the same time prevented the spread of nuclear weapons to other nations.

Here is a nation that has literally lied to us. What they have done flies in the face of their own commitments. I was there years ago and had the head of the State tell me they did not have any interest in nuclear weapons. The foreign minister and defense minister told me the same thing, when we knew exactly what they were doing.

I admire Senator PRESSLER for what he is doing in this area. If there is a change contemplated, we should do everything we can to prevent it and support the nonproliferation regime around the world. I think it has done a lot of good. That does not mean taking all of the restrictions off of Pakistan, as far as I am concerned. I appreciate the distinguished floor manager letting me add words in support of Senator PRESSLER on this. He has done yeoman's work in this area. I hope we stick to his policy.

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## CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

The Senate continued with the consideration of the concurrent resolution.

Mr. DOMENICI. Madam President, I yield the remainder of our time on the Boxer amendment.

The PRESIDING OFFICER. The Senator from New Mexico has yielded back the remainder of his time on the Boxer amendment.

Mr. SASSER. Madam President. Is there any time remaining?

The PRESIDING OFFICER. There is 1 minute remaining prior to the vote.

Mr. SASSER. Madam President, I suggest the absence of a quorum to run off that 1 minute.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### VOTE ON AMENDMENT NO. 1561

The PRESIDING OFFICER. Under the previous order, the question is on amendment No. 1561.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio [Mr. METZENBAUM] and the Senator from Michigan [Mr. RIEGLE] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 65, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—33

Akaka
Boxer
Bumpers
Byrd
Chafee
Daschle
Dodd
Ford
Gorton
Gregg
Harkin
Hatfield
Hollings
Jeffords
Kennedy
Leahy
Levin
Lott
Mathews
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Rockefeller
Sarbanes
Sasser
Specter
Wellstone
Wofford

NAYS—65

Baucus
Bennett
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Burns
Campbell
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
DeConcini
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Glenn
Graham
Gramm
Grassley
Hatch
Heflin
Helms
Hutchison
Inouye
Johnston
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Lautenberg
Lieberman
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Shelby
Simon
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Metzenbaum
Riegle

So the amendment (No. 1561) was rejected.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### VOTE ON AMENDMENT NO. 1562

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 1562. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio [Mr. METZENBAUM] and the Senator from Michigan [Mr. RIEGLE] are absent on official business.

The result was announced—yeas 93, nays 5, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—93

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—5

Bumpers
Faircloth
Helms
Kassebaum
Wallop

NOT VOTING—2

Metzenbaum
Riegle

So the amendment (No. 1562) was agreed to.

Mrs. BOXER. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Mississippi, Senator LOTT, is recognized.

### AMENDMENT NO. 1563

(Purpose: To improve the resolution)

Mr. LOTT. Madam President, I have an amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1563.

Mr. LOTT. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is located in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Madam President, a summary of this amendment is this: It maintains the $26 billion in discretionary outlay cuts contained in the Exon-Grassley amendment that was added to the budget resolution in the Senate Budget Committee last week. But it specifies that all of these discretionary spending cuts would come from nondefense accounts.

In addition, it adds $20 billion in mandatory spending cuts for deficit reduction. The amendment assumes that a number of the mandatory spending cuts contained in the 1993 Omnibus Budget Reconciliation Act, OBRA, which are currently scheduled to expire in the next 5 years, will be extended.

Let me emphasize, it accepts the Exon-Grassley amendment but with the language specifying that it would come out of nondefense accounts, and then it takes the language that has been developed by the Senator from New Mexico, Senator DOMENICI, that would call for an additional $20 billion in entitlement cuts. The assumption is it would be the extension of the 1993 OBRA agreed-to spending cuts.

Here is my purpose. First of all, I have no doubt that the Senator from Nebraska, Senator EXON, and the Senator from Iowa, Senator GRASSLEY, were certainly well-intentioned and were trying to be helpful in trying to find a way to reduce the deficit further in this year's bill. I think there were some surprises and, obviously, some consternation in the Budget Committee that the amendment was adopted. It was adopted on a bipartisan vote. I think it received nine Republican votes and four Democratic votes. It was adopted and there was no effort to reconsider it.

Why was it adopted? I think because the members of the Budget Committee just felt as if there was insufficient deficit reduction effort in the President's budget request. Yes, he made some cuts in some programs. But he came around and added back some of those cuts in other areas of higher priority to him.

In addition to that, the majority members of the Budget Committee added back money for some of the cuts which he had proposed. The money that the President had recommended be cut in urban mass transit operating assistance was put back in by the majority members of the Budget Committee. In LIHEAP, the Low-Income Home Energy Assistance Program, the President recommended just controlling the rate of growth. The committee, members of his own party, said, "No, we don't want that. We are going to put that back in."

So the net result is there is very little spending reduction and deficit reduction in this year's budget resolution. As a matter of fact, over a 5-year period, there is about $127 billion in new spending initiatives in this budget resolution.

So Senator EXON and Senator GRASSLEY just felt as though we could do more. They came up with this amendment.

Obviously, they are willing to take whatever cuts might come out of this. They understand the budget resolution is not binding on the appropriators who are going to make the decision of where the cuts would come from. But I do think that there have been a lot of questions raised concerning how much this will impact on defense.

They would prefer that most of the cuts not come out of the defense area. They would prefer half of these cuts not come out of the defense area, but they recognize some of the cuts would come out of the defense area.

There are a lot of Senators on both sides of the aisle who feel we have already cut too much in the defense area and it is having an impact. Talk to members of the Armed Services Committee on both sides of the aisle, and they will tell you from what we are hearing now from our uniformed personnel as well as our new service chiefs, that we are getting into real problems in a number of areas.

For instance, General Sullivan, Chief of the Army, testified just a couple of weeks ago that the 1995 budget is our 10th consecutive budget representing negative real growth. We cannot continue in that direction forever or we will not be ready for tomorrow at any level.

It is affecting defense across the board. It is affecting the National Guard and Reserve units. Most of us just experienced reductions of numbers in National Guard and Reserve forces in our States, and some of the armories are going to be lost or some of the new armories that are needed are not going to be funded. We find that we probably do not have the airlift and sealift capabilities to do again today what we did in Desert Storm just 3 years ago. The C–141's that we used in the first place to take off, headed for the Persian Gulf with equipment that had problems—with cracks in their wings; all of them were grounded. Then we got that fixed and now a number of them are being grounded by engine flameouts. We have not made a decision about what to do with the C–5's.

We do not know what the future is going to be with airlift. We have not made the decision of what to do and what is going to be our major airlift aircraft.

We face the same thing with long-range bombers. For years we have been arguing over B–1 and B–2. It seems as long as I have been in Washington that argument has occurred. But now we have a problem because this year the budget will cut one-half of the B–52 force that we have and retire it. We have not made the decision to upgrade the B–1 in the way it would take to make it an effective B–1 bomber, and we have limited the B–2. So, again, we do not know what we will need there. But we have not made the decision on what we are going to have in the future regardless of how many would be required. And the list goes on.

Now, ships: We are only going to be building four surface ships this year, I believe, and one more submarine. We talked about maintaining a Navy of 346 ships. When we got the budget, we found out it was 330. And at the rate we are funding ships, we are going to be down to 150.

Now, if the world is utopia, great. We do not need bombers or airlift capability or sealift capability or ships or National Guard. But the world is not utopia. As I have talked to my constituents in Mississippi just the last few days, the first question out of their mouths has not been health care reform. It has not even been crime. It has not been welfare reform. The question has been, the last couple days: What is going on in North Korea? How dangerous is that situation? What is going to happen? Are we on the brink of war again? All of a sudden, people are beginning to say: Now, what was it you were saying about the defense budget just a few years ago or over the last 3 years? People are worried that maybe we have gone too far already with the defense cuts.

Let me just give you this quote. The President stated in his State of the Union Address:

> As long as I am President, our military forces will remain the best equipped, the best trained, and the best prepared fighting force on the face of the Earth. We must not cut defense further.

And yet the President's budget that was submitted calls for a 5.2 percent additional cut in outlays for defense, down to $271 billion in outlays in this budget.

Then if that is taken even further, if the Exon-Grassley amendment remains in the budget resolution and that is used as an excuse to cut defense even more, instead of being a 5.2 percent defense cut, it may actually get up to as much as 10 percent.

The President said do not do that. And I believe the majority of Congress, and I know the majority of the American people, say do not do that. We are about to lose control of this. We are losing our readiness, our strength for the future of the military. In fact, just in the last couple of months, for the first time in many years at least, one branch of the services did not meet its recruitment goals. This is having an impact on morale, on the lifestyle of our families that have to tolerate a tough life in the military.

So to use the Exon-Grassley amendment as a smokescreen or as an excuse or in fact an obligation to cut defense further, I believe, is very dangerous. I feel very strongly that should not happen. And that is why I included in this amendment the language which specifies that all of the discretionary spending cuts would come from nondefense accounts.

Now, is that going to absolutely guarantee the appropriators do not do that? I guess they could say, well, we are not going to take any more than the $26 billion out of defense, but we are going to take more out of other areas of the mix. The net result would be that there would be an effort to cut defense even more. Such is not the intent of the Senate, in my opinion, and I know it is not the intent of Senator EXON or Senator GRASSLEY.

If the Senate votes for this amendment it will express itself very strongly that it supports further efforts for deficit reduction, but that it does not want defense to be get reduced further after a 37-percent cut over the past 3 years.

Now, I will address the next part of this amendment. Senator DOMENICI, a long-time member of the Budget Committee, is a very capable man when it comes to understanding the intricacies of the budget. This is not an easy thing to do and very few of us really do understand it. Senator DOMENICI realized there was this feeling that perhaps the Exon-Grassley amendment would go further than Members wanted it to in a number of areas but particularly defense. He started working on an idea to have additional savings in the entitlement area.

In fact, he has always said one of the mistakes we made in the past, and we are making this year as a matter of fact with this budget resolution, is we are trying to do all the cuts on the domestic discretionary side and keep ignoring the problem of the exploding increases on the entitlements. And there have been efforts by Senator DOMENICI and Senator NUNN and others to try to deal with that in a fairer way.

In the Republican budget alternative that was voted on earlier today and received 42 votes, 60 percent of the cuts I believe came out of discretionary and 40 percent out of entitlements—or the reverse, 60 percent out of entitlements, 40 percent out of discretionary, but it was an effort to get some of the savings out of both sides and not just let the entitlements continue to explode and increase year after year—to try to get some balance there.

So what Senator DOMENICI did in this case is he said we can get this additional $20 billion in spending cuts to be used for deficit reduction out of the entitlement category by simply continuing the existing restraints in the mandatory area of the 1993 Omnibus Reconciliation Act. And we have a list of the programs that that would actually involve. They are very small amounts of money in several categories. Again, it is not mandated nor can we require that this is the way the Finance Committee in this case would get the savings. But that is the intent. And it is a logical and an easy way to get additional spending savings.

So what I thought we should do, instead of arguing over whether we should have just the discretionary spending savings or have some of it come out of the entitlement category, is to take them both because neither one of them are deep additional cuts.

When I go home to my State, I have a lot of people who come up to me and say: When are you going to get serious about dealing with the deficits? Do you ever discuss the problems of a $4.7 trillion national debt and the tremendous amount of money that is going into the interest on the national debt each year? When are you going to do something about that?

Well, as a matter of fact, over a 5-year period, this budget resolution would allow the national debt to go up another $2 trillion. So obviously we did not do enough. So instead of saying one or the other, what I am suggesting in this amendment is let us take them both. Take the $26 billion in the Exon-Grassley amendment and add to that the $20 billion in mandatory spending cuts out of the entitlement area, and then you would have a total savings of $46 billion, and it has the intended protection against the defense cuts.

So I want to say again I think that really good work has been done by Senator EXON and Senator GRASSLEY, and I am sure they are going to defend their language as it goes forward. I presume there will be an effort to knock their amendment out later on. But I think we should not question their motives, and I think we should listen to what their intent was.

The same is true with Senator DOMENICI in his effort to find an alternative. He has done good work. He has come up with a good idea.

So my suggestion here is that we take both ideas. It will not be devastating in either category, and it will provide ways to get additional savings.

I urge my colleagues to look seriously at what I am proposing and pass this, and I think we would have a much more credible budget resolution when we complete our work.

At this point I will reserve the remainder of my time and yield the floor so that others may speak.

The PRESIDING OFFICER (Mr. LIEBERMAN). Who yields time?

If neither side yields time, time will be charged equally against both sides under the pending amendment.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. SASSER. Mr. President, I ask unanimous consent that on disposition of the Lott amendment, Senator DORGAN be recognized to offer an amendment stating the sense of the Congress regarding foreign producer taxes; that there be no second-degree amendment in order to the Dorgan amendment; and that upon disposition of the Dorgan amendment, Senator DOMENICI be recognized to offer an amendment regarding discretionary and mandatory spending.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SASSER. Mr. President, I request the yeas and nays on the Lott amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SASSER. Mr. President, I suggest the absence of a quorum and ask unanimous consent that it be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. SASSER. Mr. President, I ask unanimous consent that there be no second-degree amendments on the Lott amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SASSER. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, we are awaiting Senators coming to the floor. While we are waiting, I ask unanimous consent that the Senator from Minnesota be allowed to speak for 20 minutes as if in morning business and that this time be charged against the resolution, equally divided.

The PRESIDING OFFICER. Is there objection? Hearing none, that will be the order.

The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank you, Mr. President, and I thank the Senator from Tennessee.

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## THE FAILING HEALTH OF OUR DEMOCRACY AND THE HEALTH CARE DEBATE

Mr. WELLSTONE. Mr. President, in anticipation of the appointment of House-Senate conferees on campaign finance reform legislation, I wanted to speak for a few minutes about the need for real campaign reform, and I want to use health care-related political contributions as a case study.

Senators toss around the word "historic" all the time when we discuss different issues and different votes. But the truth of the matter, Mr. President, is that it is very rare that we are dealing with legislation that is truly historic. It could be Social Security—that was truly historic—it could have been the National Labor Relations Act, or civil rights legislation, or the Medicare Act.

Mr. President, I think we can talk about health care in exactly the same framework.

This year, the Congress is debating a piece of legislation which will profoundly affect the lives of Americans, for good or ill, by the way we finance and deliver health care within our country. This is an opportunity of a generation for all of us who are here to pass significant health care reform that will make a positive difference in the lives of people.

I did not rise on the floor today to debate the substance of different proposals. That is not my purpose. I am and will continue to be a very strong advocate of the single-payer system.

Instead, I want to talk about a different issue: the failing health of our democracy and its relationship to the health care debate.

What I am talking about are the huge amounts of money in campaign contributions, or being used to support media advertising campaigns, polling, political and marketing consultants, and all of the rest, which are financed by what we would call the medical-industrial complex: the insurance industry, drugmakers, HMO's, medical trade associations and other organizations as well.

These forces, over the last five decades—over half a century—have been able to thwart reform. Tens of millions of dollars are being spent on these campaigns right now, and it is estimated that almost $100 million will be spent on them by the time this bill becomes a law. When combined with the unprecedented campaign contributions going to Members of the Congress, the policy and the political impact is staggering.

Soon the House and the Senate will appoint conferees on the campaign reform bill in order to work out the major differences between the two Houses on that bill. I hope that as we move forward on that process—and this is why I rise to speak about this question today—we will use health care and the unholy mix of money and politics as it affects health care policy in the Congress, as an illustration of why it is so compelling and important that we move forward with campaign finance reform.

I hope that reform will include a prohibition on soft money. I hope it will include tough new limits on what individuals can contribute to their own campaigns. I hope it will include the elimination of political action committees. I hope it will include much more stringent limitations on individual campaign contribution limits. I hope we will have tight new rules to close down the practice of lobbyists making political contributions to those whom they lobby. Finally, I hope we will open up this system so challengers will really have a level playing field by having some public financing, which was stricken from the Senate bill under the threat of a filibuster.

But until we pass this campaign finance reform bill, we will continue to see the corrosive effect of this mix of money and politics, where large amounts of money are being poured into the Congress. Powerful economic interests are, I fear, dominating this debate. This is a once-in-a-generation opportunity. Health care is an idea whose time has come, and come, and come again in this country, and always has been thwarted. This time we have to make sure it really is an idea whose time has come to stay.

It is unclear who will benefit and who will bear the burdens of health care changes to be adopted in our country. But, while this is unclear, one thing is very clear. Members of Congress are already benefiting enormously from huge political contributions from health care sources that are truly unprecedented, I think, in the history of our country. If you want a historical perspective, I recommend my colleagues read Paul Starr's fine work, "The Social Transformation of American Medicine." It was a Pulitzer Prize-winning work. He gives a detailed historical account of uniform efforts and of the special-interest shoals on which they have often foundered.

We could go back before World War I, where the American Association for Labor Legislation was pressing for universal health care coverage. That was defeated, though it was the beginning of that effort in Western Europe.

Then, during the 1930's, Franklin Delano Roosevelt wanted to attach it to the Social Security Act, but that was defeated.

Then Senator Wagner and Chairman JOHN DINGELL'S father, Representative John Dingell, Sr., were once again interested in universal health care coverage, national health insurance reform. They worked on it. Harry Truman campaigned on it in 1948—it was an important part of his platform—but again it was fiercely contested by powerful interest groups. It was really quite amazing the effort, especially the $1.5 million American Medical Association effort to defeat the bill.

We had red baiting and people were talking about socialized medicine and people were talking about a plot that was hatched in Moscow to bring down the Republic over health care reform. Once again this effort was defeated.

Meanwhile, post-World War II, the rest of the industrialized world moved toward some form of social insurance health care policy. We did not. We went with market-based private insurance schemes. And now health care costs have driven through the roof, and what we have seen since is escalating costs and more and more insecurity.

In 1964, Lyndon Baines Johnson won by a landslide and his reform effort could not be stopped. He, with the support of the House of Representatives and the Senate, pushed through Medicaid and Medicare. Policymakers said they would fix all this in the next few years, content they had done their best in the short run. But the short run has now lasted over 30 years. That was an inadequate down payment on universal health care coverage. It is now time to redeem that promise of universal coverage.

Now it is 30 years-plus later, and during the 1970's we saw a dramatic increase in prices, the escalation of costs, and once again we have seen millions and millions of people falling between the cracks: Not old enough for Medicare, not poor enough for Medicaid, and not financially secure enough to afford a decent health insurance plan.

During the 1980's the idea of universal health care coverage was an anathema to the Reagan administration and the Bush administration. Thus we did not see much progress.

Now it is 1994. Now we have a historic opportunity to pass historically significant reform. But once again, powerful interests are essentially trying to stop this reform, to thwart it. So now I speak about this with a sense of history. And although there are somewhat different players, basically we are again seeing efforts to use money to buy access. As a result, I think we have a huge problem, by any standard, for our representative democracy.

Let me be a little more specific. In the 1992 Presidential and congressional elections, political contributions from the medical industry stood at $41 million. This reportedly included $16.4 million from doctors, $7.3 million from the insurance industry, $4 million from drug manufacturers, and almost $3 million from other providers. The rest came from HMO's, lobbyists, mental health professionals, medical suppliers and others.

In 1993, for Congress alone, contributions increased by an estimated 27 percent from these sources. And, as you might expect, many of these industries increased their contributions dramatically during the first 10 months of last year—the latest period for which data have been analyzed. According to a recent Federal Election Commission analysis by Citizen Action, health-related large individual donor contributions increased by a remarkable 41 percent; 46 percent faster than the rate of increase from other interests. Doctors and other provider PAC's went up by 30 percent; hospital, nursing homes and HMO's increased their giving by 23 percent.

I expect when the full 1993 contributions from the industry are analyzed, they will far exceed the amounts given in 1992.

This is big bucks. It is big bucks with a purpose. And the purpose is to have a disproportionate amount of influence on this process and the final product. Most lobbyists and most analysts of these issues will all agree, if you talk to them, that the glut of spending on health care is unprecedented on a single issue in the Congress in such a brief timeframe.

And if you think these figures for 1992 and 1993 spending levels are larger and really astounding, just wait and see what happens in 1994. The 1994 spending will eclipse all of what I have talked about. You will see huge amounts of money going into direct mail, going into television and radio, print media, and political contributions in the 1994 elections.

What are all these big contributions about? What are these contributors getting for their money? So far, what they are getting is the thing that they have been able to get from Congresses past: gridlock. For half a century, powerful interests have blocked reform, and I fear that could happen again.

Let me just take a look at political action committee spending, as an example. Medical industry political action committee contributions increased by almost 2½ times during the 1980's, as people began to see the reform train move. The tentacles of the industry are long and powerful. In the Senate, 84 percent of health care PAC contributions went to incumbents during the 1992 elections. And the PAC money is just the tip of the iceberg.

This chart is an overall summary of the 1992 health care industry contributions. Here we see the sources. What we see from 1990 to 1992 is a 31-percent increase overall, $41.4 million; doctors, 1990 to 1992, $16.4 million, a 45-percent increase; insurance, 1990 to 1992, $7.3 million, a 10-percent increase; pharmaceutical manufacturers, 1990 to 1992, $4.0 million, a 20-percent increase; and other providers, 1990 to 1992, $2.9 million, a 40-percent increase.

Mr. President, this is just part of what is going on in terms of the dramatic increase in contributions. There are other ways that big-ticket interests can influence this process. At the same time that I have been talking a little bit about political contributions, we ought to remember the amount of money that is going into the TV and radio ad campaigns right now. When the President and the First Lady did their spoof on the Harry and Louise ads the other night at the Gridiron dinner, they said their ad was brought to you by the "Coalition to Scare the Pants Off You."

They were right on the mark. This year alone, the Health Insurance Association of America is reportedly going to be spending at least $10 million just to discredit reform plans, be it the single-payer reform plan or the President's plan.

It is not just the question of grassroots politics. This is not grassroots lobbying. This is astroturf lobbying. This is using big money to have leverage. It is interesting, in their lobbying package, according to a recent public relations industry newsletter, the HIAA advised their members that the first step in their lobbying campaign should be to identify big contributors to Senators and Representatives and then meet with those big contributors to make clear their interests in the debate.

What we see here is the most telling and graphic example of this unholy alliance of money and politics and the way in which it affects the health care debate.

Mr. President, I could go on for hours about this political advertising, but I will not. I will just simply say one thing: As a former political scientist, I have to tell you that I cannot see much that has been contributed to public dialog, to an honest debate of perspectives, issues, and choices facing our Nation on health care, by all this political advertising. I think the basic purpose of the political advertising is to make it all so complex for people, to plant doubts in people's minds and to scare people. And so we see very capital-intensive TV ads going on and on and on. It is an effort aimed at molding mass opinion, and preventing people from distinguishing clearly between their own interest and the special interests of doctors, HMO's, insurers, and drugmakers.

Mr. President, this is a very serious issue for our democracy. I think this mix of money and politics in the health care debate puts the whole political system on trial. All the questions about who has power and who does not; who gets to the bargaining table and who does not; whose voice is heard and whose voice is ignored come into sharp focus.

What is happening in the United States today is that a lot of people feel shut out. They do not feel their voice counts the same as the "heavy hitters." They feel there are certain people who have too much wealth, too many resources, and too much influence, and they have too little. They are convinced that the common good is giving way to special interests.

I think it would be a huge mistake, if that is the way people in this country feel about this health care debate—that they somehow have been locked out, they somehow are out of the loop, that their voice really does not count; because in a representative democracy, their voice should count. One person, one vote: that should be our watchword here.

And I point out that this level of health care spending is truly unique. In 1980, expenditures on Senate campaigns were $73 million. In 1990, $173 million. The last election, $195 million. Or consider the average cost of a Senate campaign, another good barometer: $1.2 million in 1980; $3.3 million in 1990; and almost $3.7 million in 1992, and sure to rise substantially again this year if people continue to raise money at the pace they have during the past year.

Let me point to another graph which illustrates the dramatic increase in spending over the last decade. This is just a line that you can look at from where we started to where we are right now; from about $200 million in 1978 total to almost $700 million in 1992. That just illustrates the dramatic increase in spending for congressional races: $200 million to almost $700 million over this short period of time for congressional races.

So I think—and I conclude my remarks today in the Senate this way—that the time has come for us to try something new to break this special-interest gridlock that has captured the levers of powers, that I really worry about. For me, it is simple. I do not think that Members of the House of Representatives or Senators should be taking health care contributions from the health care industry broadly defined, from political action committees or in large contributions from individuals, for the duration of this health care reform debate.

My concern is that if people do not believe in the process and they do not trust the process, they will never believe in the product of that process. And if they do not believe in the product, then they are not going to make the sacrifices that are required and we will not have the support we truly need.

I know some of my colleagues and all House Members are involved in campaigns this year, and I say to my colleagues that surely I am not talking about people unilaterally disarming. But if any Representative or any Senator said to their competitors, "Look, until this debate is over and until we pass the bill, I am going to voluntarily not accept any more contributions, and I would also challenge you not to do so," I think what you would see, given the mood in our country, is that challengers would agree to that. If they do not, then I would say that Senators and Representatives, of course, could go on and raise that money.

But I honestly and truthfully believe that it would be so helpful and it would be so important to building good will, to having people trust in this process and really believe in what we do, if Members would voluntarily agree to forgo these contributions while this legislation is pending before the Congress and until we have a final vote.

Once again, I really think that challengers would be willing to abide by the same agreement.

Mr. President, we are all lucky to be in the Senate at a time when we really could do something historically significant. I really think that this is not just about health care, but about the political process, about accountability, about building trust in people and in the legislative process.

I really believe if Senators and Representatives are willing to voluntarily forgo contributions, large individual contributions and PAC contributions from the health care industry broadly defined, and those who are running, their challengers, are willing to do the same, it would incur enormous good will on the part of people in this country and, quite frankly, I think it would lead to a better process and I think it would lead to a process we can be proud of. And, most important of all, I think it would lead to real, significant health care reform.

Mr. President, I yield back the remainder of my time, and I thank the Senator from Tennessee.

## CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. Who yields time? The Senator from Tennessee.

Mr. SASSER. Mr. President, I suggest the absence of a quorum and ask that it be charged against both sides equally.

The PRESIDING OFFICER (Mr. FEINGOLD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I wonder if I could ask the distinguished chairman of the committee if I might speak for 5 to 10 minutes on this matter.

Mr. SASSER. I will be pleased to yield 10 minutes to the distinguished chairman of the Finance Committee.

Mr. MOYNIHAN. Mr. President, I rise to state that the Senate is about to take the first vote of this Congress on the issue of health care reform, because if the amendment of my friend from Mississippi should be adopted, we will be instructed to take some $20 billion in entitlement cuts and put them into effect in this coming budget round.

Those are precisely the sums and the areas in the budget—primarily Medicare—which, under the President's proposal and under any number of similar proposals, we mean to use to finance health care reform, bringing about universal coverage for the population and a measure of cost containment which is totally indispensable. The costs of Medicare and Medicaid are growing in the same manner, somewhat faster but in the same manner, as that of health care generally.

The Congressional Budget Office projects that private health care spending will grow on average at 7.8 percent a year. That doubles in about 7 years. That is the rate at which it compounds, I think. In the budget outlook sent us earlier this year by the Congressional Budget Office, we see Medicare doubling by the year 2004—more than doubling, somewhat more than doubling. We see Medicaid going up by 150 percent—going up 1½ times.

The general projection is that the cost of health in our country, which now takes up 14 percent of the gross domestic product, of our wealth, what we generate as wealth, will go to 20 percent in 10 years' time at the rate we are heading. The President hopes to see us hold that down to 19 percent—a heroic effort involved, vast legislation still to keep us at 19 percent. But part of this is to be done by holding down the cost of Medicare and Medicaid, and transferring the savings from those programs to the new forms of subsidy and that will enable us to provide insurance, health care for the 37 million persons who at any given time are uninsured.

We do make a mistake about this, Mr. President, in that we compound the subject of Medicare and Medicaid as being equally something called entitlements. It would be useful to keep in mind that Medicare hospital insurance is purchased through a payroll tax, paid equally by employer and employee and is today in surplus. That surplus is dwindling in the face of these cost growths, to be sure. But the combined Social Security trust funds—including old age, survivors, disability, and hospital insurance—are in healthy surplus. The hospital insurance of Medicare will be in surplus into the year 1997, and the combined trust funds will be in surplus well into the next century. I believe there will be a $71 billion surplus in the year 1997, and indeed there is a sense at which the deficits we talk about today are lower than the reality would be if we were, in fact, treating trust funds separate from the operating budget. But that debate is for another time.

I have to state, Mr. President, as I look about me, I only see two other Senators in the Chamber, the Senator from Mississippi, and his most distinguished colleague, the sometime chairman of the Budget Committee, the Senator from New Mexico. Why is this floor not crowded with Senators as we are about to vote, have our first vote on the most important legislative initiative in a generation? And if we adopt this, if we take away from the Committee on Finance, which this amendment would do, the ability to use Medicare reforms and Medicaid to help us achieve health care reform, we will preclude our ability to carry out such a measure.

If that is what the Senate wants, well, here is the moment to say so. But I do not think the Senate wants that. I know the Committee on Finance does not want that. We spent 2 days this last weekend discussing the specifics of health care reform. We want to address this issue. We want to see universal health care coverage. If you do not want universal health care coverage, then this is an amendment we will wish to vote for.

But when you vote for it, you are voting against just that goal which, as President Clinton said in Florida on Monday, President Truman proposed. President Johnson came close to it. President Nixon proposed it. President Carter proposed it. We have been at this the better part of a half a century. We think it is time we got it done.

I have to say to you that Medicare spending, which has been growing at a rate higher than general inflation—but, remember, is a rate of spending of persons over 65 and have higher health care costs—we can cut that back. We hope to cut it back to 10.5 percent a year, probably a sustainable rate given the population involved. But if that reduction is to take place, we must have the flexibility to include savings from reforms of Medicare and Medicaid or, Mr. President, there will be no health care reform for the remainder of this century. And we shall have spent half a century looking for something of an industrialized democracy which the world has in place, and we will enter the next millennium without it. I do not think we want to do this, sir. And I do not think we should. I think the vote will so establish that fact.

I see the distinguished Senator from Georgia is here. I believe he wants to speak to other aspects of the measure. I look forward to hearing him.

I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia [Mr. NUNN] is recognized. Who yields time?

Mr. NUNN. Mr. President, I would like to get some time to ask some questions of the chairman of the Budget Committee, and the ranking member.

Mr. DOMENICI. Mr. President, how much time do we have? I do not have any time. Senator SASSER has time.

The PRESIDING OFFICER. The Senator from Mississippi has 27 minutes.

Mr. LOTT. Can I inquire about the remaining time total?

The PRESIDING OFFICER. There are 27 minutes controlled by the Senator from Mississippi.

Mr. DOMENICI. Senator SASSER has how much?

The PRESIDING OFFICER. The Senator from Tennessee has 29½ minutes.

Mr. NUNN. Mr. President, I probably do not need more than about 5 minutes. I am really not sure how I am going to vote on this amendment. I do not know whose time I am going to be asking for.

Mr. SASSER. Mr. President, I am always happy to accommodate the distinguished chairman of the Armed Services Committee. I will be pleased to yield to him.

Mr. NUNN. Willing to take a chance?

Mr. SASSER. I am always happy to accommodate him, and willing to yield him 10 minutes.

Mr. NUNN. I thank my friend. I would be delighted to hear from the Senator from Mississippi on these questions also.

I would like to pose a few questions relating to the Lott amendment, and also, of course, I am concerned about the effect on defense of the Exon-Grassley amendment which would be in the Budget Committee, and I believe that this amendment has some relationship to that.

I suppose my first question to the chairman of the Budget Committee and to the Senator from New Mexico, the ranking member, would be whether this amendment, the Lott amendment, continues the cuts that were made in the Budget Committee in the discretionary account which I believe were $43 billion in budget authority and $26 billion in outlays. Do those remain in the budget resolution if the Lott amendment passes?

Mr. SASSER. It is my understanding that that is the case.

Mr. NUNN. Then I would ask my friend from New Mexico, if also incorporated in the Lott amendment—if the Lott amendment has in it the cuts in the entitlement programs that were really continuations of existing reductions or restraints in entitlement programs that were going to be used by the Domenici amendment, which I was coauthor of, are these cuts also part of the Lott amendment?

Mr. DOMENICI. Mr. President, in answer to Senator NUNN's first question, the answer is "yes." In answer to the second, that is that the Exon cuts, reductions, in discretionary are still in in their entirety, with reference to your question, yes.

The distinguished Senator from Mississippi has already stated that he acknowledged that the entitlement cuts that are found in his amendment are on top of the discretionary, and they are exactly the same ones that would have been, and the same procedure that would have been, and will be there when the Domenici amendment is offered, if it is later today.

Mr. NUNN. Would I be correct then, I say to my friend from New Mexico, that if the Lott amendment passes, those entitlement cuts, or those entitlement restraints, continuation of the existing program that would expire otherwise, if the Lott amendment passes, if those would have been utilized in the Lott amendment, and would they be available as an offset to the Exon-Grassley cut in a later Domenici amendment if the Lott amendment passes?

Mr. DOMENICI. No. They would not. They are used as part of this amendment in addition to the Exon cuts.

Mr. NUNN. So those of us who are concerned about the effect on defense of the Exon-Grassley amendment—which would have something like a 60-percent effect on defense, in that neighborhood depending on the allocations of the Appropriations Committee—if those of us who are concerned about defense would be in a position, if the Lott amendment passes, to have no offset on defense cuts in the Exon-Grassley amendment, because those would have been used up, or at least the one that we had in mind would have been used up. Is that correct?

Mr. DOMENICI. The Senator is correct. However, it is only fair that the Senator from Mississippi explain how he views it. I believe I know they are used up, and they will not be available. That is clear from what is here.

Mr. NUNN. I have another question, in fairness to the Senator from Mississippi. It is my understanding there is an effort here by the Senator from Mississippi, though, to protect the defense budget. There is language in here that basically creates, as I understand it, the indication at least of a firewall relating to the Grassley-Exon amendment.

But my question is relating to that now, because as I view it, based on the questions and answers I have gotten so far, if this amendment passes, and if there is no protection for defense in this amendment itself, then the hope of some of us at least is that we would be able to use the entitlement restraints for a substitution for the Exon-Grassley amendment, thereby reducing the effect on defense, that opportunity would be gone?

So the crux of my decision will depend on the answer to the questions about whether the Lott amendment actually protects defense. That is the next question I would pose.

If I could take it in two or three parts: No. 1, does the Lott amendment prevent the Grassley-Exon amendment that is incorporated in this from cutting defense in fiscal year 1995?

Mr. SASSER. First off, I say to my friend from Georgia, this amendment is silent on the question of 1995. It does not protect 1995 at all. It does not even attempt to protect 1995 at all. So defense would be subject, in 1995, to taking those chances with everything else.

Mr. NUNN. So whatever effect on defense the Exon-Grassley amendment was going to have in fiscal year 1995, would not be in any way reduced by the Lott amendment. Is that correct?

Mr. SASSER. That is correct. At least my reading of it, the Lott amendment is silent with regard to 1995.

Mr. NUNN. Would the Senator from New Mexico agree with that? How does the Senator see that?

Mr. DOMENICI. In direct answer to the question, I agree with that. As far as the amendment itself and what it says, there is no effect of change, no changing of the Exon-Grassley amendment.

Mr. LOTT. Mr. President, if the distinguished Senator will yield, I do not want to take up his time in responding.

Mr. NUNN. I would like to give the Senator time.

Mr. LOTT. I think all the answers that the distinguished Senator from Georgia received from the members of the Budget Committee, the Senator from Tennessee and the Senator from New Mexico, are accurate.

First of all, though, I do want to speak on the defense part of the question. Obviously, what we are trying to do here is to accomplish the purpose of trying to avoid defense being cut more without it being subject to a point of order, which would then require 60 votes to overcome. That is why it is silent on 1995.

But the intent of the amendment is clear. The intent is to say, look, we need to cut the deficit more. There are a lot of Members that would like to support Exon-Grassley, and I suspect probably the Senator from Georgia would, but he is concerned about the impact on defense. That is why it passed the Budget Committee with some 13 Senators voting for the Exon-Grassley amendment. They would like to reduce the deficit more. They would like more to come out of discretionary spending. But they would prefer it not to further cut defense, which, as the chairman of the Armed Services Committee knows, has already been cut 35 percent over the past years.

We are always hearing testimony that is scaring us to death in the Armed Services Committee, and we worry about what is happening around the world. So we want to do that. So what I have tried to do is to find a way to get the additional discretionary savings that Senators EXON and GRASSLEY intended without the additional hit on defense. It specifies in the amendment that all of these additional discretionary spending cuts would come from nondefense accounts.

It is binding? Does that mean that is the way it would happen?

The Senator from Georgia knows better than I do that it is pretty hard to direct the Appropriations Committee how they might do something like this. But the intent is clear. If we could get a good, solid vote on this, I think that intent would be clear, and the message would be clear that we do not want additional hammering of defense.

Then the final point I would make—you may have additional questions—is that there are some Senators that just felt we had not done enough with deficit reduction, and there are some that would like to be for Exon-Grassley. There are some that would like to be for Senator DOMENICI's well-thought-out amendment, which is one that extends—basically continues—the existing laws, things agreed to in 1993.

So the thought developed, well, maybe we can try to find a way to build in protection on defense, get the discretionary spending cuts, and accept the $20 billion in savings in entitlements.

I will not give a full, long speech because I know the Senator has other questions, but this is the reason; this is what is driving what Senators are thinking, and what I am trying to do.

The gross national debt is going to continue to just go right on up with almost another $2 trillion increase over the next 5 years, over the time this budget resolution addresses. That is the intent behind it. I understand your concerns, and I share them. This is my effort, feeble though it may be, to try to accomplish additional deficit reduction and try to find a way to protect defense. I think there is a lot of concern here, perhaps even some smokescreen. If the idea is to say: you are talking about cutting discretionary spending and talking about half of it or more coming out of the defense, I do not think that is what the majority of Budget Committee members thought when they voted for it. I do not think the majority of the Senate thinks that. That is what I am trying to accomplish.

Mr. NUNN. I thank the Senator from Mississippi. My other question relates to the wording of the Lott amendment. I understand where the Senator from Mississippi is coming from. As I stated at the outset, I am concerned about the Domenici-Nunn amendment, which was going to keep the deficit down at the level that the Exon-Grassley amendment portrayed. The deficit would be at the level it came out of the Budget Committee, while protecting defense and discretionary cuts by shifting on to entitlements. Many people would want to agree with that.

What I am perplexed about is, if the Lott amendment passes, the offset for the Exon-Grassley amendment is going to be gone; it is gone. That is the end of that. Maybe somewhere else we can find the money, but if the Senator from Mississippi has not succeeded with his amendment, notwithstanding his keen desire to protect defense, then defense is worse off because the Lott amendment passes. It is worse off, because as I see it right now, the only hope that those of us who believe the defense budget is going down too much have is to find an offset. In the Domenici amendment, which has not yet been presented, was that offset. The Senator from Mississippi is using that offset and, therefore, if the Senator from Mississippi has not succeeded in protecting defense in 1995 and the outyears, then we have bigger problems in defense because of the Lott amendment. I know that is not the Senator's intent, but that is the result, as I see it.

My final question is: As I understand the Lott amendment—and I ask my friends from Tennessee and New Mexico this—in the outyears—I understand why you cannot deal with 1995, because I have been caught on that before; it is a tough one. You have a 60-vote problem. But what I am also concerned about is the next 4 years.

My question really is: As I understand it, the Lott amendment basically directs the so-called firewalls only to the protection of the Exon-Grassley money, but not to the overall defense budget. So the Lott amendment, even if it is effective for those 4 years, would basically take the narrow amount of money that was cut in the Exon-Grassley amendment and say that that money could not be shifted in the next 4 years to discretionary. Yet, it would leave the whole defense budget for the appropriators, and they could shift everything else. The money is fungible.

We could end up with a situation in which the appropriators say: OK, the Lott amendment passes, it cuts discretionary. We cannot offset that, and we cannot shift the defense on the Grassley-Exon portion, but we can shift everything else, the whole rest of the defense budget. That differs from the firewall that I think we ought to put up, which is on the whole defense budget—not that it cannot be cut or shifted. It can be cut, but cuts would go to the deficit. My question to the Senators is: Am I correct that the Appropriations Committee could basically take everything but the Exon-Grassley amendment money and shift it from defense to nondefense and discretionary accounts?

Mr. SASSER. The Senator is entirely correct. He has analyzed this thing precisely the way it is going to operate. The alleged protection that the Senator from Mississippi seeks to impose for defense spending here applies only to the incremental cut, the Grassley-Exon cut, and that is all.

I know this is somewhat confusing, but as I read this thing—and clearly, as the Senator from Georgia perceives it—there is no protection for the remaining portion of discretionary spending. In short, given the fungibility of money, this amendment does not protect military spending at all, as far as this Senator is concerned, and I think my views are well known on that. I would like to see military spending take its chances just with all of the other discretionary spending. But if it is the intent of the Senator from Mississippi to fence off and wall off military spending and protect it, this amendment simply does not do it. All it does is simply wall off that portion of the Grassley-Exon cut as you take this out of Defense. All the rest of this big pool of money is there, and the appropriators can do as they wish with it.

Mr. NUNN. Can I give a hypothetical so that we can be clear? Maybe the Senator from New Mexico can answer this, also.

Assuming—and I do not know the exact numbers—this 5-year so-called discretionary account, which includes defense and also domestic discretionary—assuming the cap is $550 billion on that, and assuming the Grassley-Exon amendment cuts $43 billion out of that; would it be fair to say that under the Lott amendment, all the $43 billion cut would have to come out of nondefense, except for the 1995 problem? Nondefense discretionary. But the remaining $507 billion over 5 years, under the Lott amendment, could still be shifted from defense, and all of it could go into the nondefense account?

Mr. DOMENICI. The Senator is correct.

Let me suggest—and I think Senator LOTT, the Senator from Mississippi, understands this—that I have tried every way possible to put a firewall in, without being subject to a point of order. I tried in committee, and I lost 11 to 10 or 10 to 9, or whatever it was. Whenever that comes up on a floor, a point of order is raised. Once, the Senator from Georgia and I got 54 votes or something. So it cannot be done. Senator LOTT did not find a way to do it either. So there is no wall—even if the language he uses, which is very well-crafted, says that you can only take these cuts against nondefense discretionary. The amount of money described there is not the discretionary budget of America but rather the piece attributable to the Exon cut.

So all the rest of it is clearly mobile, as I see it. The Senator used the word "fungible."

Mr. NUNN. And one-twelfth of it, if you look at the figures, 550, say one-twelfth of it, would be protected; the rest of it would be absolutely able to be shifted from one to the other.

I guess the Senator from Tennessee has the answer to that question. Does he agree with the answer I received?

Mr. SASSER. Yes, I agree.

The PRESIDING OFFICER. The Senator has spoken the additional 5 minutes.

Mr. SASSER. I yield an additional 5 minutes to the Senator from Georgia.

I agree completely with what the distinguished Senator from New Mexico has said. In fact, there is not even opportunity to put in a firewall for 1999 even for the amount of a Exon-Grassley cut in this amendment before us.

Mr. NUNN. The Senator from Tennessee understands when there is a Domenici-Nunn effort to put in an effective firewall it will require 60 votes, and I hope the Senator from Tennessee will look favorably on that effort. I know he would want to see the legislation drafted in an effective and clear way.

Mr. SASSER. I say to my friend from Georgia that hope springs eternal in the human breast. I understand that. But I may not be counted on the side of the Senator from Georgia when the roll is called.

Mr. DOMENICI. Mr. President, will the Senator yield 2 minutes?

Mr. NUNN. I will put the Senator from Tennessee in the doubtful column. We are going to continue that effort.

Mr. LOTT. Will the Senator from Georgia yield a second?

Mr. NUNN. I yield.

Mr. LOTT. Mr. President, there are several points the Senator made. I will try to respond on my own time.

I do want to just put out a word of caution that I know that what the Senator is trying to do is, in effect, to save the $20 billion proposed offset in the Domenici amendment, which has been spoken against now by the distinguished chairman of the Finance Committee, so it could be used later on.

But I do think you need to think carefully about what is being said here and the impact this vote may have on the subsequent vote, because there are some Senators who share the concerns of the Senator from Georgia in the defense area, but they also feel the deficit has not been adequately addressed. They wanted an effort to find a way to get some more deficit reduction through using the entitlements. And the idea was, look, let us have it; let us try it. Let us see if we can find a way to protect defense. Let us see if we can find a way to get entitlements savings on top of the discretionary spending cuts. If that fails, then we have to look around for another alternative.

That is what I want the Senator to be aware of. There is a lot of thought going on as to how we achieve the goal he is after.

Mr. NUNN. I understand, Mr. President. The Senator from Mississippi and I, I think, share the same general goal.

My problem, though, is if this amendment passes, as I view it, given the vote count around here, there is really going to be no way to protect defense.

I think, as the President said in his State of the Union Address—and I hope the Clinton administration will be on the same side as Senator DOMENICI and I will be on the subsequent amendment we are going to be considering—the President said very clearly he did not think the defense budget should be cut any more.

The problem I have with the Lott amendment is it is basically taking the savings that could be made as an offset, and protect defense, while keeping the deficit at the level that it is now in the Budget Committee. It does not protect defense from that discretionary allocation matter.

I see where the Senator is coming from. It seems to me if the Lott amendment passes, it puts defense in a much more precarious position.

I also say that I hope there will be a chance to vote on a broad entitlement approach later in this debate that is unrelated to any offset on defense. I hope that we will have that opportunity. Senator DOMENICI and I again sponsored that amendment last year.

I also hope we can find some way to deal with the firewall. I get very frustrated in being up against the 60-vote rule because of the firewall. That was one of the reasons I had a little less sympathy than I might otherwise have had when people are adding a constitutional amendment, how bad it was, to have 60 votes; otherwise, it would be gridlock.

That is exactly where we are in this whole budget situation. We have to have 60 votes on everything that disagrees with the Budget Committee. We already have, in effect, a quasi 60-vote requirement.

Mr. President, I close my remarks by saying I thank the Senator from Tennessee, the Senator from New Mexico, and the Senator from Mississippi for answering my questions. I believe, because of the information that has come from this dialog, I will be voting against the Lott amendment, but in the hope that we can put together something else that will achieve some of the same purposes the Lott amendment is aimed toward. But I do believe that, based on the information we have now received from this dialog, the Lott amendment basically puts defense in more jeopardy, notwithstanding the Senator's intention.

So I urge our colleagues to vote against the Lott amendment.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DOMENICI. Mr. President, I wonder if I might speak on this issue? Will the Senator yield me 2 minutes?

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. I yield.

Mr. DOMENICI. Mr. President, I will take 2 minutes off the resolution.

I say to Senator LOTT, let me interpret what I have just heard here on the floor. I do not think any of the answers were different than the Senator expected with reference to the existence of firewalls and the enforceability of the defense language.

Am I correct in assuming that when the Senator offered this, he knew that? I mean, I am not trying to state something here inconsistent with what the Senator understood, because I thought we all understood when he put together his amendment, which took its entitlement cuts from an amendment I had proposed, which the Senator graciously has acknowledged, I think it was understood then that we were leaving the discretionary spending of the cuts of the Exon-Grassley amendment in place and that he would make the best effort he could to articulate that those cuts should not be applied to defense.

Am I stating it about right?

Mr. LOTT. I think that is accurate, Mr. President.

I would like to make some additional comments in this area when the Senator finishes with his comments.

Yes, this is basically what I knew. I think the Senator from Georgia indicated he knew what I was trying to accomplish.

The question of whether we can accomplish it in this way, we are going to try later on an actual vote on firewalls. We have to have 60 votes, and we were trying to avoid that problem.

Mr. DOMENICI. Mr. President, do I have a minute left, or how much, on that?

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. DOMENICI. Mr. President, I yield myself an additional minute, so it will be a minute and a half.

Let me say to the Senator from New York, Senator MOYNIHAN, I know he has come to the floor and discussed the portion of the Lott amendment that exclusively deals with an amendment that has been on the floor referred to as the Domenici amendment or the Domenici-Nunn amendment. That is the case. That is the case.

That second portion of the Lott amendment with reference to additional restraint on mandatory entitlements is an amendment I proposed. I do not choose on this amendment to respond in detail to the Senator, but let me just say to the Senate that when the time comes to debate it separately, I will make my case for it in terms very different from the Senator from New York. In fact, I will give him the facts and let him conclude whether it affects health care reform or not. I will not conclude, but I do not believe it in any way will affect health care reform.

The President himself wants savings in health care reform. We ought to have some. If the Senator is worried about how much this is going to impact on health care spending, that is the second part of the Lott amendment. We will be spending $1.585 trillion in 1999 on health care, the U.S. Government portion, Medicare and Medicaid.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. I yield 1 additional minute.

I say to the Senator, cumulative over the 5 years, that is cut by 1.2 percent. That is the numbers as I have them. If that kills health care, then I cannot imagine how we will ever get the deficit under control.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Tennessee.

Mr. SASSER. How much time is remaining on this amendment?

The PRESIDING OFFICER. The Senator from Tennessee has 9 minutes 45 seconds; the Senator from Mississippi has 27 minutes.

Mr. SASSER. I yield 5 minutes to my friend from New York.

Mr. MOYNIHAN. Mr. President, may I say to my friend from New Mexico, when we do get to that part of the debate, I think the Nunn statement was just at the end of this particular amendment we have before us now.

I know what he says will be factual and will be straightforward, and not too arcane. But I would like to say to my friend that in 1999, we are scheduled to spend just over $400 billion on Medicare and Medicaid.

Mr. DOMENICI. The number I gave was the cumulative expenditure over 5 years.

Mr. MOYNIHAN. Over 5 years.

Mr. DOMENICI. And I took the little percentage each year and summed that up, and was reducing that over 5 years by 1.2 percent.

Mr. MOYNIHAN. That is about right. And as everyone knows, it takes a good deal of temerity to challenge the Senator from New Mexico on numbers.

Mr. DOMENICI. I thank the Senator very much.

Mr. MOYNIHAN. I do want to say we are talking about the significant $19.6 billion, which is absolutely necessary for the President's health care reform measure to be enacted. I think we can stand this vote on health care reform and Domenici-Nunn will be a vote on health care reform.

If you are against universal health care coverage, vote for these amendments. If not, give our committee, the Committee on Finance, and the other committees involved, an opportunity to bring health care to this floor after half a century of waiting.

I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 23 minutes remaining.

Mr. LOTT. We asked for and received the yeas and nays on this amendment, have we not?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. LOTT. Mr. President, gee, this sounds awfully familiar. I have heard it year after year after year. "Oh, we can't cut that. Oh, we can't cut that. We'll get it later. You can't take it from here. We are going to use it somewhere else."

We go through this exercise with these budget resolutions.

I will tell you I voted for the Budget Impoundment Act and, over the years, I have voted for some budgets and against others. But I am beginning to wonder what does the Budget Committee really do? What is it worth? Maybe we ought to abolish the Budget Committee, and say the Budget Impoundment Act was a good idea, but, gee whiz, it did not work.

What are we doing this exercise for? We are told, "It does not make any difference. The appropriators are going to do what they want to anyway. We cannot direct them." If that is what we are going to do, we ought to have real reform and deal with the macro number, the 17 accounts, I believe, a one-page deal and be done with it.

And the difference is, if we send the Exon-Grassley amendment or leave it like it is and it goes to the Appropriations Committee, my God, it is going to be Armageddon; they are just going to take it all out of defense. I do not believe the Senator from West Virginia would do that. I know the Senator from Hawaii would not do it. I know the Senator from Alaska [Mr. STEVENS] is not going to agree with that.

They are not going to go in there with a meat ax and chip away at defense. Yes, they may be forced by, I guess, the budget resolution numbers to some degree to do more in discretionary spending reduction and it would affect defense. I just do not believe, though, as was inferred by the Senator from Georgia and others here on the floor, that if we send it to Appropriations with these numbers they are just going to come in here and take every nickel out of defense, or 50 percent. I have some faith in those guys and ladies on the Appropriations Committee.

But, oh, gosh, yes, if there is some cut, some cut that might actually bite, you hear all kinds of screaming now about what we cannot do, why we cannot do that. We cannot have any kinds of further cuts in defense.

Where has everybody been for the past 3 years? We had a 35 percent cut in defense. So to try to avoid any real cuts in domestic discretionary spending, the fire alarm goes out: "Oh, well, it is all going to be done in defense." And then the next line comes in, "Oh, well, we can't do what Senator DOMENICI has drafted here because this is going to be the first vote on health care and we planned to save that money so we could spend it on health care reform."

There are some people in America that think we should not begin the health care reform debate by assuming we are going to spend billions of dollars, new dollars. We have to save this money and a lot more because we are going to have this reinventing Government on health care. The Government is going to take it over and it is going to cost billions of dollars. That is the same old arrangement.

So we are saying, "Oh, we can't have any entitlement cuts because we are saving that to spend it later on health care reform."

"Oh, we can't have any cuts in domestic discretionary spending accounts because it is going to only affect defense."

I have voted consistently, year in and year out, for defense programs, not to cut defense. I have raised objections and concerns and exasperations about the cuts we have made over the past 3 years in defense. I am the last guy that wants to do that. I will assure you that when 13 Senators of both parties voted for the Exon-Grassley amendment in the Budget Committee, their intent was not to have it all taken out of defense.

But it is the same story you hear year in and year out: "We can't do it here. We can't do it there."

And somehow or other we develop this buddy system that leads to the net result that we do not do much of anything.

We have talked about, oh, how we have done a great job. We were tough back in 1982. Yes, and the deficits went up.

We talk about how we were going to be tough in 1990 when President Bush was in the administration. Yes, we were tough. Very tough amendment. And the deficits went up. And, this is a stay-the-course but tough amendment. We are going to have some savings and the deficits go up. The debt goes up. So it is the same old song that we hear year in and year out—"Not here, not there, not anywhere," the truth be known.

We talk about how we worry about deficits and debt and spending and we are going to control it, but we never do.

When somebody comes up with an idea that we actually do it, then we bring on the chairman of the Finance Committee, we bring on the chairman of the Armed Services Committee, who say, "You can't do this part; you can't do that part." And then the partners will change on the next amendment or the next debate. We will have different people dancing, waltzing together, saying, "Well, OK, we weren't together on that last one, but now we are together on this one."

But the net result is we never get around to doing what we say we intend to do.

That is all I have intended with this amendment. I am trying to find a way to bring Members together. I am trying to find a way to get some deficit reduction without emasculating anybody, trying to find a way that it would not all have been taken out of the defense, since that is all that has been happening in the discretionary area. Everyone in Washington is using defense as a cookie jar: "On, we need a little more money for this program or that program."

Wonderful programs. We had a couple of those programs here. I voted for them. Great, wonderful programs. How could you be against them?

Most of the time, all the other spending has continued to inch up, except defense. That is the only one that has really been going down. That is one of the reasons I am very much for abolishing the whole system, and finally having truth in budgeting. We should get rid of this baseline doubletalk where we allow inflation to go up and then we talk about it. We think we are fooling somebody, but the American people have it figured out.

We talk about how good the economy is. But I see some troubling signs in the economy.

Again I am not putting the blame on anybody—the Congress or the President. All I know is it has been sort of a jobless recovery. I also know that the Fed raised interest rates another quarter. I am worried what that means for the future.

So I just wanted to take a little more time now and point out why I proposed this amendment and try to correct the RECORD a little and give some statistics.

In the budget resolution we have here before us from the committee, the proposed terminations and reductions in the fiscal year 1995 by the President amounted to $5.5 billion, while the new spending amounted to $8.2 billion. So you had a net increase; a few cuts, but more increases and new spending.

Over the next 5 years, as I have already pointed out, new spending increases total $127 billion. The Federal budget outlays would increase 17.1 percent in fiscal years 1994 to 1998. The cuts we have proposed in the Exon-Grassley amendment, coupled with the Domenici language, would barely scratch the surface there. It might reduce it a percentage point or two. We would still have a 15 percent increase over the 5-year period, in all probability. I have not actually calculated the percentage, but I think we need to acknowledge that.

But another thing that bothers me about all of this, at a time when we say this is supposed to be a stay-the-course and honest and realistic budget, is that so many parts of what we are going to be doing this year are not included, including a lot of cuts in the area of allocations for crime.

Now, the point will be made which was made in the Budget Committee, "Well, yeah, the President had some increases for fighting crime." But, as a matter of fact, the President proposes cutting $600 million from existing law enforcement and anticrime programs in this budget, including funding for DEA and for fighting organized crime, the parole commission, INS, ATF, IRS, the Customs Agency, the Coast Guard. We are cutting back on our interdiction funds, cutting back on the national drug control policy office and cutting back on the FBI.

So, again, I am saying here not only is this a budget that allows for increases, it does not even acknowledge we are going to have some costs for health care or welfare reform. And it actually reduces the expenditures in all of these programs for fighting crime.

So I have real problems with this budget resolution. My whole intent here was to try to get some realistic deficit reductions and try to find a way to keep defense from being cut.

I hope my colleagues will look at it very closely.

I yield the floor at this time.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, my friend from Mississippi said that he thought the Budget Committee had not intended to cut defense with the Exon-Grassley amendment.

The debate in the Budget Committee on the Exon-Grassley amendment made abundantly clear that these cuts could well come out of defense.

I ask unanimous consent that the transcript of the Budget Committee debate on the Exon-Grassley amendment be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEBATE FROM BUDGET COMMITTEE MARKUP ON THE EXON-GRASSLEY REDUCTION AMENDMENT, MARCH 17, 1994

Chairman SASSER. Senator Exon is recognized.

Senator EXON. Mr. Chairman, thank you. I am going to be very brief, because I know Senator Conrad and Senator Grassley, who has worked with me on this—the Exon-Grassley amendment that I am offering at this time is a cut of $26 billion in the budget over 5 years. If there is any criticism of this that it is legitimate, it is minuscule, but it is probably the only chance we are going to have to make some reductions.

This amendment was figured and calculated to freeze the budget authority in our discretionary spending over the next 5 years. We then allowed a 50 percent increase above that freeze or a total of $26 billion. The Chairman's mark is actually $52 billion above the budget authority freeze.

When you add up all these discretionary funds, you see that we are talking about $111 billion over the coming 5 years. That $111 billion is not the complete figure, as the markup materials do not include all of the discretionary add-ons. Total discretionary spending over the next 5 years would total $2.7 trillion in the Chairman's mark. This is less than 1 percent of that total, but I think it is at least a small step in the right direction to get on the glide path to a balanced budget.

I yield to my colleague from Iowa.

Senator GRASSLEY. To my Republican colleagues, if you voted for the Gramm amendment this morning, this would be the Gramm amendment divided by two. It offers an opportunity to reduce the deficit by $26 billion.

Senator Exon, I have been meeting off and on since we adjourned just before the Thanksgiving holidays with the idea that we need to do more than what we figured would be planned by the White House in the course of developing this year's budget. We felt that the only way that we could make any progress would be to have a bipartisan approach to reducing. We hope that you will see this as a bipartisan approach to do more, considering the fact that in the outyears, beyond the year 1998, we have a tremendous increase in the budget deficit, and that we need to do more now and not wait until then to take care of a problem that we know is down the road.

Senator SIMON. A question: As I understand it, you simply reduce the number, you do not say where they are allocated or anything like that?

Senator EXON. We do not, and we reduce the caps accordingly.

Senator GRASSLEY. Yes.

Chairman SASSER. Does anyone else wish to speak in favor of the Exon amendment?

Senator GREGG. I have a question.

Chairman SASSER. Senator Gregg.

Senator GREGG. I do not understand how you arrived at these numbers.

Senator EXON. I said the way we worked this out, after looking at a lot of different formulas, was simply to go to the basis of freezing the whole discretionary budget over the next 5 years, and then we allowed a 50 percent increase above that freeze, cutting in half essentially the increase that is in the Chairman's mark.

Senator GREGG. I see.

Senator GRASSLEY. I hope I said it very clearly, you voted for the Gramm amendment. Divide it by two, and that is the figure that you end up with here in our amendment.

Chairman SASSER. Let me make just a few remarks about this so-called freeze. First, we are already below a hard outlay freeze relative to the actually enacted levels of the 1994 appropriations bills.

In 1994, the appropriations bills totalled $544 billion in outlays. In 1995, they are going to total $541.1 billion in outlays. So we are actually reducing discretionary spending by $3.9 billion.

Now, this amendment continues to punish the discretionary accounts which both sides of the aisle agree are not the deficit problem. Our problem is not in discretionary spending. We all know it is in mandatory entitlement spending. Senator Domenici has told us on this committee ad infinitum and on the floor, that is what is driving these deficits, and he is entirely right about that.

Now, let me make this fundamental point: This amendment does not tell us what is going to happen in discretionary accounts. It does not say what is going to be cut. All it says is that we are going to reduce the discretionary accounts budget authority by $43 billion and outlays by $23 billion.

Earlier today, the effort to reimpose the walls, which the Senator from Nebraska supported, was defeated. Now I have discussed this amendment with the distinguished Chairman of the Appropriations Committee, and I want to tell my friends on this committee who support a large defense number that defense is going to take the lion's share of the cuts, if this Exon-Grassley proposal passes.

Now, as far as I am concerned, that would not be a matter of great concern to me. But it is also going to turn around and make some cuts in some of the other discretionary accounts, such as education, as Senator Simon and Senator Dodd tried to increase today.

Earlier, Senators voted to save the space station from being cut. My guess is the space station will have to be thrown overboard, if this particular amendment passed. We have talked a lot about criminal justice and what we are going to do about that. There will probably be some cuts in that.

Now, I say to my colleagues we are spending in fiscal year 1995 at below the discretionary levels of fiscal year 1994. And when you add into that the effects of inflation, these discretionary accounts are being hit very, very hard indeed. And if I were to allocate across the discretionary accounts where I thought percentage basis these cuts would be made by the Appropriations Committee—and I serve on the Appropriations Committee, I am Chairman of the Military Constructions Appropriations Subcommittee, I serve on the Defense Appropriations Subcommittee—my view would be that defense would take 75 percent of these cuts, and the rest of them would be spread across the discretionary accounts.

Now, I just say to my colleagues we are straining at a gnat here to swallow a camel. The problem is not in discretionary accounts. All who study this budget know that. The problem is in the mandatories. We are simply going to punish some of these discretionary accounts that has taken about as much punishment as they can take.

So I would urge my colleagues, although I have the highest regard for my friend from Nebraska, and certainly my good friend from Iowa, and we have worked together on many things, I just do not think this amendment is well advised.

Senator EXON. Mr. Chairman?

Chairman SASSER. Senator Exon.

Senator EXON. I do not know if we have any time left or not. I would simply say that the statement that you have just made and the previous votes that we have had, almost everybody on this side of the table will therefore vote in favor of it, because it will cut defense.

I would simply say I have heard this before. The Chairman of the Appropriations Committee called me this morning. The Chairman of a subcommittee called me this morning. Others have talked to me. You forgot to mention what others have told me, that this is going to come out of agriculture.

I think it is time to take a stand on some of these things. I do not know how you can say that 75 percent of this money is going to come out of defense. That is up to the appropriations. I think it is not fair to try and influence votes by making statements like that.

If all of this comes out of defense, which it will not, it is minuscule. I hope we support the amendment.

Senator GRASSLEY. Could I have 30 seconds, please?

Chairman SASSER. Without objection, the Senator from Iowa will have 30 seconds.

Senator GRASSLEY. You can tell when there is a chance for an amendment to be adopted, they roll out the big guns in this city, and the big guns have been rolled out on this amendment. Because we have been working on this amendment for a long period of time, and the scare tactics are being used and they are being used to affect this side of the aisle.

I hope that people who voted for the Gramm amendment will not fall for that argument, because that argument is no more applicable to this amendment than it was to the Gramm amendment. It was not made on the Gramm amendment. It is made on this amendment, because this amendment is a true bipartisan effort to do what really needs to be done, and everybody admits it needs to be done, because every chart in this town shows that there is a major problem post-1997–98, and we need to take care of that problem now, not then.

We always wait mañana in this town to do something when it should have been done before.

Chairman SASSER. A point of inquiry. Am I included as one of the big guns, Senator Grassley? [Laughter.]

The time is expired on this amendment. Without objection, we will recognize Senator Conrad.

Senator CONRAD. Mr. Chairman, is it possible to make inquiry of the counsel with respect to this amendment?

Chairman SASSER. Certainly.

Senator CONRAD. I would just like to ask the counsel, with respect to this amendment, as it is constructed, is there anything that limits this amendment to non-defense discretionary?

Mr. DAUSTER. No, there is no limit on where in appropriated accounts the cuts are made.

Senator CONRAD. Is there anything that would preclude this from being taken disproportionately from any function?

Mr. DAUSTER. No, there is not.

Senator CONRAD. Those are the questions I had, Mr. Chairman. I have an amendment, as well.

* * * * *

Chairman SASSER. No.

The clerk will tabulate the vote and announce the result.

The CLERK. The result is 7 yeas and 13 nays.

Chairman SASSER. The amendment fails for lack of a majority.

The next amendment is an Exon-Grassley amendment, and this amendment would reduce the 602–A allocation reported in the Senate Appropriations Committee for fiscal year 1995 by $5.3 billion in budget authority and $1.6 billion in outlays. In essence, it would lower discretionary spending by $5.3 billion in budget authority, $1.6 million in outlays for fiscal year 1995. You know what it does overall?

It would lower budget authority by some $40 billion and outlays by some $21 billion, lowering the discretionary spending by $21 billion over the term of the amendment. It is all discretion, across the board amendment that would reduce all discretionary spending by, what, $26 billion? $26 billion in outlays, $43 billion in budget authority. There is no distinction between domestic discretionary or defense. That allocation would be made by the Appropriations Committee, by the chairman of the Appropriations Committee, really.

Senator GRASSLEY. For Republicans, that would be one-half of the Gramm amendment.

Senator DOMENICI. One-half of the freeze.

Chairman SASSER. The clerk will call the roll.

The CLERK. Mr. Hollings?

Senator HOLLINGS. No.

The CLERK. Mr. Johnston?

Senator JOHNSTON. No.

The CLERK. Mr. Riegle?

Senator RIEGLE. No.

The CLERK. Mr. Exon?

Senator EXON. Aye.

The CLERK. Mr. Lautenberg?

Senator LAUTENBERG. Aye.

The CLERK. Mr. Simon?

Senator SIMON. Aye.

The CLERK. Mr. Conrad?

Senator CONRAD. Aye.

The CLERK. Mr. Dodd?

Senator DODD. No.

The CLERK. Mr. Sarbanes?

Senator SARBANES. No.

The CLERK. Mrs. Boxer?

Senator BOXER. No.

The CLERK. Mr. Murray?

Senator MURRAY. No.

The CLERK. Mr. Domenici?

Senator DOMENICI. Aye.

The CLERK. Mr. Grassley?

Senator GRASSLEY. Aye.

The CLERK. Mr. Nickles?

Senator NICKLES. Aye.

The CLERK. Mr. Gramm?

Senator GRAMM. Aye.

The CLERK. Mr. Bond?

Senator BOND. Aye.

The CLERK. Mr. Lott?

Senator LOTT. Aye.

The CLERK. Mr. Brown?

Senator BROWN. Aye.

The CLERK. Mr. Gorton?

Senator GORTON. Aye.

The CLERK. Mr. Gregg?

Senator GREGG. Aye.

The CLERK. Mr. Chairman?

Senator SASSER. No.

The clerk will tabulate the vote and announce the result.

The CLERK. The result is 13 yeas and 7 nays.

Chairman SASSER. The Senate Budget Committee has voted to reduce discretionary spending by $43 billion in budget authority and $23 billion in outlays, unspecified.

Senator BOXER. And that is defense and non-defense; is that correct?

Mr. SASSER. But in the debate there, I said: "Now, I say to my colleagues, we are spending in fiscal year 1995 at below discretionary levels, fiscal year 1994." And what I was pointing out there in that debate in the Budget Committee is that we are spending less in discretionary spending in 1995 than we are in 1994 and spending less in nominal terms. I am not talking about spending less using a CBO baseline, I am saying in nominal dollars, uncorrected for inflation, there is less discretionary spending in this budget for fiscal year 1995 than there was for fiscal year 1994.

I went ahead to say:

> When you add into that the effects of inflation, these discretionary accounts are being hit very, very hard—very hard indeed. If I were to allocate across the discretionary accounts where I thought percentage basis these cuts would be made by the Appropriations Committee—and I serve on the Appropriations Committee, I am chairman of the military construction appropriations subcommittee, I serve on the defense appropriations subcommittee—my view would be that defense would take 75 percent of these cuts, and the rest of them would be spread across the discretionary accounts.

That is what I said, as chairman of the committee in the debate. So, clearly, no Senator who voted for the Grassley-Exon reduction could have any doubt that military spending would be placed in jeopardy here.

Frankly, that is not a matter that concerns me, because as has been pointed out earlier, the United States of America is already spending more on military spending than everybody else in the world put together. My friend from Mississippi cries crocodile tears about the reductions in defense spending. What reductions? In 1980 we experienced the largest military buildup in peacetime in the history of this country. Now we started some reductions since 1985. And guess what. We have reduced right back down to the level that was in place prior to the time we started building up, during 1980. There is only one difference, and that difference is our nemesis, the old Soviet Union, does not exist anymore.

I think it is time to face facts. We can come out here and talk about all these real or perceived threats. We can talk about what General This is saying, or Admiral That is saying. We all know none of our military people will ever admit that they are getting enough resources. I do not criticize them for that. It is their job to have an excess of capacity to deal with their problem.

But what we are into now—and my colleagues know it just as well as I know it—we are into military pork barrel projects. That is what it is all about. It is military pork. It is looking after my shipyard, it is looking after my base, it is looking after my factory that produces a certain type of military equipment. That is what it is about. Why do we just not confess it? We are now into an era of military pork barreling in this country. We are not responding to external threats. We are responding to internal threats of job losses as a result of cutting the military budget. That is what it is about.

We have to make some choices here. We cannot talk about our concern with the deficit and pretend that military spending makes no difference, because those dollars that go into the military budget are just as real as the dollars that we spend on domestic programs. There is no difference between the dollar that goes to fuel a destroyer and the dollar that goes to buy a school lunch for a kid in a school somewhere with a school lunch program. It costs the same amount of money.

I believe, frankly, we need to spend what is necessary to maintain the security of the country from external threats. And I can envision a time when we ought to be spending more than we are spending now. But the truth is, at the present time there are virtually no external threats to the United States. How in the world can we be so concerned about this military spending at a time when we are spending more for our military than all of our enemies or potential enemies put together?

So let me say to my good friend from Mississippi, for whom I have the highest respect and a good deal of affection, I must say that we did discuss this matter in the Budget Committee. And we knew, I think, what we were doing at the time we did it. Now there is a lot of sort of squirming here. We are trying to work our way out of this. Some of my colleagues are concerned about reductions in military spending. And they may succeed; they may succeed.

Mr. DOMENICI. We will.

Mr. SASSER. But the truth is, they constructed this problem for themselves, and they constructed it by moving ahead in the face of assertions that if you do this, military spending is going to take 75 percent of the cuts. But they went ahead and did it anyway.

We will see how it works out. Maybe they will be able to save themselves to some extent. But I predict that when all the dust settles, the Exon-Grassley amendment is going to cause a reduction in military spending below the levels that the President proposed.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator has 13 minutes 38 seconds. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I wish to congratulate and compliment my friend and colleague from Mississippi for this amendment. I just watched and listened to some of the debate. A lot of people have attacked this amendment and criticized this amendment. Of course, they have that right to do so. But I think it is important to see what this amendment does.

This amendment expands on the amendment, the so-called Exon-Grassley amendment, which cut discretionary spending $26 billion. Some people said we cannot afford to do that. This amendment adds $20 billion in mandatory spending cuts in the entitlement section. A lot of that will be done in 1999. I think we can afford to do both.

I am amazed. I look at the combination, that is $46 billion in outlay reductions over the next 5 years. Not $46 billion, I might mention to my colleague from Mississippi, not $46 billion next year. Next year we are going to spend over $1.5 trillion. That is $1,500 billion. If you are going to cut $46 billion in 1995 out of $1,500 billion, that might be something. That would be about 3 percent. But we are not doing that in 1995. We are not doing it in 1996. As a matter of fact you have to add all 5 years, and if you add up all 5 years, we are going to spend over $8 trillion—$8 trillion. There are 12 zeros behind a trillion.

If we agree to the amendment of the Senator from Mississippi, we are talking about $46 billion. It is not even a percent, not even a half percent. It will not really even show up in the total amount of money we spend. Again, if you are talking about $46 billion next year, then you are talking about 3 percent. Frankly, I would probably support that. I know some people would say we could not afford it, but I think we need to get the deficit down and I would support that. But the Senator from Mississippi says, let us cut $46 billion over 5 years over the budget we have reported out of the Budget Committee—or an additional $20 billion over the budget that was reported out of the Budget Committee.

I am amazed. Everybody is saying, "The sky is falling. If we do this, we will not have a defense. If we do this, we will not have discretionary spending." I just disagree.

I compliment my friend from Mississippi. This is an amendment saying, do you want to cut spending a little more? Not a lot more, a little more? I happen to think that we should. I compliment him for his amendment. I urge my colleagues to support its adoption.

The PRESIDING OFFICER (Mr. WELLSTONE). Who yields time?

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator has no time left on the amendment.

Mr. SASSER. Mr. President, I yield myself such time as I may consume off the bill.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SASSER. Mr. President, so as to accommodate a number of Senators who are temporarily away from the Chamber on official business, I ask unanimous consent that the pending Lott amendment be temporarily set aside to allow consideration of the next amendment in order.

Mr. LOTT. Reserving the right to object, and I do not intend to object, I just wonder, does the Senator have any idea when that may be?

Mr. SASSER. Yes, I do. They will return about a quarter of six, is our information.

Mr. LOTT. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, has all time been yielded back on the Lott amendment?

The PRESIDING OFFICER. The Senator from Mississippi has 10 minutes 47 seconds remaining.

Mr. LOTT. I do have some time left remaining, and I understand we may have one final speaker. We can do that when we come back to the amendment at a quarter to six, or whatever amount of time the distinguished leader speaks on behalf of the amendment.

Mr. SASSER. So he will use the remainder of the Senator's time?

Mr. LOTT. I will be glad to yield him the remainder of it.

Mr. DOLE. When we come back to it, I will use a couple minutes.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized.

### AMENDMENT NO. 1564

(Purpose: Expressing the sense of the Senate that domestic producers should not be asked to continue to bear an unfair share of the Federal income tax burden compared to foreign-controlled competitors and that Congress should move to close tax loopholes that subsidize companies that move their plants outside the United States and that allow foreign corporations to do business in the United States and avoid paying their fair share of taxes)

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. DASCHLE, and Mr. FEINGOLD, proposes an amendment numbered 1564.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the resolution, insert the following new section:

**SEC. . CLOSING OF LOOPHOLES IN FOREIGN TAX PROVISIONS.**

(a) FINDINGS.—The Senate finds that—

(1) foreign-controlled corporations doing business in the United States do not pay their fair share of taxes;

(2) up to 72 percent of foreign-controlled corporations doing business in the United States pay no Federal income tax;

(3) the Internal Revenue Service has limited its own ability to enforce Federal tax

laws against foreign-controlled corporations, to the detriment of domestic taxpayers;

(4) the Internal Revenue Service has been using antiquated accounting concepts to deal with sophisticated multinational corporations;

(5) billions of dollars of Federal revenues are lost annually due to the inability of the Internal Revenue Service to enforce the "arm's length" transaction rule—not even counting the costs of bureaucracy and litigation; and

(6) the Federal income tax laws encourage domestic taxpayers to relocate abroad by granting them deferral of United States taxes on income earned abroad.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that deficit reduction should be achieved, in part, by ending loopholes and enforcement breakdowns that now enable foreign-controlled corporations operating in the United States to pay no taxes and that subsidize the flight of domestic businesses and jobs out of the United States, including—

(1) a more streamlined and efficient method of enforcing Federal tax laws involving multinational corporations, especially those based abroad, in particular, the use of a formula approach by the Treasury Department where the "arm's length" transaction rule does not work; and

(2) a repeal of tax subsidies for domestic businesses that move jobs to tax havens abroad and then ship their products back into the United States.

Mr. DORGAN. Mr. President, this is a fairly simple amendment that deals with a subject I have worked on for a good number of years. As is often the case in Congress, one works for a number of years before one achieves success.

This amendment happens to deal with how much money we raise and from where we raise the money. We are talking today about how much we spend, how much money we raise, and what kind of a deficit we have left. The question is whether we spread the sacrifice around fairly and whether we ask the right things of the right groups.

My amendment deals with a couple of tax provisions that establishes a sense of the Senate that we ought to move in two areas.

One deals with an area where corporations close their doors in America and move overseas. These corporations produce in a tax-haven country and then ship back their tax-haven products into America. For all of that they then get a tax incentive or a tax benefit from the Federal Government.

President Clinton talked a lot about this issue during his campaign. He said—and he was right—should we not at least shut down the Federal tax incentives that encourage American companies to shut their doors in this country, move their jobs abroad, and then ship back to the United States? The answer, of course, is yes, we should shut down those tax incentives, and I will explain that in slightly more detail in a minute.

The second provision talks about how we tax large foreign corporations doing business in our country, and are the large foreign corporations doing business in America paying their fair share of taxes? Let me refer Members of the Senate to a very simple chart. This chart has numbers that are fairly well agreed to by everyone. It is the result of a number of studies. "Foreign Controlled Corporations Paying and Not Paying Tax in This Country." Seventy-two percent of the foreign-controlled corporations doing business in America pay no taxes. I am not saying they pay too little or they pay a little. Seventy-two percent of the foreign corporations doing business in this country pay no taxes to the U.S. Government.

How could that happen? How on Earth could that be the case? It is something called transfer pricing. Foreign corporations shipping goods to this country have the opportunity to determine where they want to take the profits. They can price sales between subsidiaries at virtually any price, and they can move profits out of this country.

For example, one corporation in this country that was producing automobiles over a 2-year period earned over $3 billion but paid nothing in Federal taxes because it claimed it did not make any money in this country. How does the Treasury Department and the U.S. Government deal with these kind of claims by foreign corporations doing business in this country? They say, well, we use the so-called arm's length test. In other words, they measure affiliated corporations and the business they do with each other with something called an "arm's length" test. They look to determine how an arm's-length price between the affiliated companies compares.

It is an enormously complicated system. But more importantly, it is a buggy whip system that does not work at all to catch tax cheaters in the 1990's. The result is the Treasury Department is chasing a kind of approach that is antiquated and does not work. Foreign corporations are doing business in this country, selling an enormous amount of goods in America and, in most cases, paying no taxes in this country.

When we talk about reducing the Federal deficit, getting in the revenues we deserve, should we not also do something about this outrage? Should we not also do something about changing the approach by which we tax foreign corporations doing business in this country? My answer is yes, of course.

We have already done this in the States in this country. Minnesota has done it. North Dakota has done it. The States decided they wanted to find out how you divide up the income of a company doing business in all of the States because the companies would say to Minnesota, "Well, that was North Dakota income, so you cannot tax it." They would say to North Dakota, "That was Minnesota income, so you cannot tax it." Neither State would receive tax on the business profits, and the business would pay no tax to either State. In fact, it would be nowhere income.

The States learned early on that the way to deal with that is to establish a simple and fair formula that apportions the incomes between a State for a corporation doing business with all of the States. The States have solved this problem and increased their revenue base by getting the appropriate taxes they ought to get from big corporations.

The Federal Government has not solved the problem with respect to foreign corporations. They are still using a system that does not work, that is clogging our tax courts, and allowing foreign corporations to do an enormous amount of business in this country and escape paying, in many cases, any taxes at all. They will do billions of dollars of business and pay zero in taxes.

Of course, the domestic corporation that has to compete with them in the United States must pay taxes, and the result is unfair competition.

My resolution simply says we want the Treasury Department to use existing authority to move toward a formulary approach to try to get our fair share of taxes from these corporations where the arm's-length method does not work. It ought not be controversial. No one ought to object to this at all. We ought to simply change the way we do business. This is unfair to American businesses, it is unfair to American taxpayers who have to pay their taxes and somebody else comes in from the outside and earns billions and pays nothing, and we ought to change it.

The second part, the part I mentioned first when I stood up, is fairly simple. President Clinton in the campaign talked about a tax provision that exists in our Tax Code today that desperately needs changing. He talked about our tax laws that tells a business, "Go ahead and close your doors in America, move the jobs overseas, and we will give you a tax break for doing so."

Here is how it works: If you have two companies side by side doing business on the same block, one of them decides: "I'm leaving, I'm going to shut my company, get rid of the 100 jobs in America and I'm going to move my company lock, stock and barrel to a foreign tax haven and hire 100 people there."

What have they done? They have moved their company and their jobs and they are producing garage door openers in a foreign country—whatever they are producing—and they are shipping them back to the United States.

What is the difference between that company and the other one that was beside it that was doing exactly the same manufacturing job? The difference is the company that moved overseas can now make the same profit but not have to pay any Federal income taxes on that profit as long as it does not repatriate it. In other words, the company manufacturing abroad from a foreign tax haven gets an interest-free loan from Uncle Sam in order to compete against the other business that kept its jobs in America.

That is the tax incentive President Clinton talked about, and that is the tax incentive we ought to change. We ought to decide that for those companies which close their doors in America and move overseas to a tax haven to produce and ship back into this country, we will not any longer provide a tax incentive to do it.

You take a look at all the grotesque distortions in the Tax Code. And there are plenty. This ranks right up there as one of the dumbest. We ought to take action to change it.

My resolution does not instruct any committee on exactly how to change it, although I have a piece of legislation introduced that will do just that. But my resolution simply asks this Senate to decide to make these changes. Get rid of the incentives that encourage people to move their jobs out of this country and relocate them overseas and get rid of the tax enforcement provisions that do not work and replace them instead with a formulary approach that allows us to ask foreign companies working, selling and doing business in this country to pay the same taxes that American businesses have been paying for a long, long time.

My bill would impose no new taxes on anyone. It will simply eliminate a subsidy that ought never have been present in the first instance. In the second instance, we ought to develop an enforcement approach that will finally allow us to determine how much foreign corporations selling cars and VCR's and television sets in this country ought to be paying us in income taxes. The fact is I have my own notion about how much we are losing. I think we are losing around $10 billion a year because of the IRS' antiquated "arms-length" pricing approach, and $10 billion a year is a significant amount of money. There is no excuse at the time we are gripping this question of how do we find additional revenue for us to continue to ignore these two areas.

I look forward to working with the chairman of the Senate Finance Committee and other Members of the Senate on this issue. I served 10 years on the House Ways and Means Committee, and have worked on tax issues for a long time. I have worked on these issues for a long time, too. One of these days this is going to get solved. Until it gets solved, at every conceivable opportunity I will raise this question with my colleagues: Do you not agree; do you not think it is time for us, in all fairness to the American people and American businesses, to address these two questions?

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. SASSER. Mr. President, I am not sure who is controlling the time in opposition, but I would yield such time as the Senator from New York would consume in opposition. I know of no one else who wishes to speak on it.

The Senator from New York is welcome to 2 minutes or 5 minutes.

Mr. President, I suggest the absence of a quorum and ask it be charged equally against both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, acting for those in opposition, I yield 10 minutes to the distinguished Senator from New York.

Mr. MOYNIHAN. Five minutes will do, I say to the Senator.

Mr. SASSER. Five minutes.

Mr. MOYNIHAN. I want, first of all, to thank my friend and colleague from North Dakota for raising this subject once again. It is a serious subject. He is an expert in it. He served a decade on the Committee on Ways and Means in the other body, where he pursued the matter. It is an issue not only of large salience at this time, but as we become a more international economy, with growing firms, increased competition, and great complexities in these matters, it will become more of an issue. I would dare to think that 40 years ago the question of compliance by foreign corporations operating in the United States under the U.S. Tax Code would have been very small—some insurance activities, some manufacturing. A century ago it would have been large, but then there would not have been much Federal tax presence. But this is now coming into a new world.

The issue is that we want to be careful of generalizations. The fact that a great many corporations pay little or no tax reflects the increasing activity of foreign corporations here, just as our corporations are active abroad. The complexity of world trade will astound you.

About 2 weeks ago in the Finance Committee in a hearing on the GATT agreement, we had a manufacturer from Ohio, who makes automotive parts, describe what goes into a 14-cent air valve in a tire. The copper is from Zambia, the lead from Saskatchewan, the steel from Birmingham, a whole series of metals of which I have not heard and from some countries I would have difficulty locating on the map; about 15 foreign sources for a 14-cent device. It is normal.

That means that staying with compliance is important. I could not more agree with the Senator from North Dakota that we may have to attend to this.

I would like to say that the Committee on Finance has tried to do just that. We have in 1989 and 1990, and in last year's deficit reduction measure, addressed this issue—not to any final conclusion because there will not be any final conclusion. Compliance under Tax Codes is a permanent task of Government. It is never done once and for all.

We are seeing, ourselves, in our domestic arrangements, that only about one-quarter of domestic workers are covered by the Social Security taxes which are required by law to be paid. Only about a quarter of employers pay them. We addressed that issue just Tuesday in the Finance Committee.

At the same time, I want to say to the Senator from North Dakota that a unilateral action by the U.S. Government at this point would, in my view—I think in the view of the Committee on Finance—produce a reaction from trading partners which we would not desire. The Treasury is negotiating.

If you were to read the tax notes in the Wall Street Journal today, you would find that countries—there is a general comment—that countries are increasingly sensitive to tax shelters, and that, for example, Denmark broke off from a tax treaty with Portugal because of the tax havens in the Madeiras.

As I say, this is a continuous problem. But it is one in which our view as regards foreign corporations needs negotiation. The Treasury Department feels, with considerable energy, that this should be left to negotiations at this point with respect to the matter of arms-length assessment that the Senator very properly raises as perhaps one of the central issues at this time.

If the negotiations do not succeed, we must return to the issue. I cannot doubt that the Senator from North Dakota will see that we do. But for the moment, I would have to register the view that Secretary Bentsen and his associates should be allowed to continue the negotiations now underway, particularly in the aftermath of the Uruguay round agreement, which put a lot of new rules in place which we need to get settled on before we can address this complex, fundamentally important issue which the Senator from North Dakota has raised.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have no interest in prolonging the discussion. I appreciate very much the comments of my colleague from New York. I have great respect for his leadership in the finance area. His stewardship of the Senate Finance Committee, his knowledge of taxation is substantial. I appreciate it a great deal.

I would observe that there is kind of a law of physics about bureaucracy in politics, but especially bureaucracy: A body at rest stays at rest. I have discovered trying to get the institutional mindset in the Treasury and elsewhere to think differently about some of these issues is difficult. You can win on the logic and on the common sense. But when you confront the difficulty of the bureaucracy and the inclination of the bureaucracy to resist change, you have a devil of a time trying to get these things done.

I would just observe that the very essence of what I am trying to do would represent simplicity for the corporations doing business all around the world. The Senator from New York is quite correct that it is increasingly a global economy. Many businesses do business virtually everywhere. I understand that. But the experience of the States is quite clear about businesses that do business everywhere.

To the extent that businesses can save money on the bottom of their balance sheet or their P&L statement, $1 saved there represents $10 or $20 sales on top. You can save it easily in the tax area by simply telling the various jurisdictions in which you are doing business, "This is not your income. I have attributed it elsewhere." And they are telling the elsewhere, "This is not your income. I have sent it back to the first locale."

The fact is, the income is sent nowhere. And billions and billions of dollars represent nowhere income, taxed by no jurisdiction. And those same companies that avoid taxes are now doing business in competition with domestic companies who are good neighbors and do all of the business and pay all of the taxes at a competitive disadvantage.

The fact is it happens. It happens all the time. It happens increasingly as we go to a global economy. And the businesses that are moving more globally would be much better served by a system with great simplicity, a formula of several factors which the States use at great success. That would tell everyone, including businesses, no one is going to tax you more than your income base. But neither are you going to be able to hide your income from countries in which you do business.

My intent is not to overtax anybody. My intent is to see if we can say to the American taxpayers, you pay your taxes and we are sure going to make certain that everybody else—especially the big shots—doing business all around the world, that they are not going to avoid theirs. When a company comes in here and does $3.5 billion in business in a 2-year period, and then says, "You know, what? We did not make 1 cent, not a penny, so we do not pay any taxes. How did they do that? Through financial accounting manipulation, by price transfers out of the country. There is no army of accountants in this town or in this country capable of penetrating that kind of price transfer. We have a few people who are—and I hesitate, but I will call them this—thick-headed policy analysts, who would not change what they do forever. They say it has always been done that way, so let us always do it that way. As I said before, we would still be making buggy whips if the private sector behaved that way.

I say we desperately need to take a fresh look at this and change. The Senator from New York is correct that some adjustments have been made in a couple of previous pieces of legislation. At least from my observation, they are baby steps, not major strides. I hope that we can get up to speed here and develop a kind of a cruising speed on changing some of these areas that will satisfy not only me but my constituents and others who pay taxes and do not want to see others avoid theirs.

I appreciate the comments of the Senator from New York and the courtesy of the budget chairman and ranking member. I shall not request a recorded vote on this, provided we can voice vote it and approve it.

I yield back my time.

Mr. SASSER. Mr. President, I yield back all time in opposition.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the Dorgan amendment.

The amendment (No. 1564) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### AMENDMENT NO. 1563

Mr. SASSER. Mr. President, is the regular order a return to the Lott amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. SASSER. Will the Chair advise me how much time is left for the proponents of the Lott amendment?

The PRESIDING OFFICER. The Senator from Mississippi has 10 minutes 47 seconds.

Mr. SASSER. The opponents?

The PRESIDING OFFICER. The opponents' time has expired.

Mr. SASSER. I thank the Chair.

Mr. DOMENICI. Mr. President, I understand Senator LOTT wants to yield 5 minutes to the Senator from New Hampshire, so I do that in his behalf.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I rise in support of the Lott amendment and to address briefly at this time the budget as presented by the President.

If you look at the budget presented by the President, it is, regrettably, a budget that is really a stand-pat budget on the issue of addressing the budget deficit. It does not move forward the issue of reducing the deficit. It says that last year we passed a lot of taxes and, therefore, under the context of what the President believes, we should be able to reduce the deficit this year. It is not a visionary proposal but vision-impaired proposal. If you look at the numbers in the outyear, we cannot afford to do nothing on the issue of the budget deficit.

This chart reflects what is happening to the budget and the deficit over the coming years. As you can see from the lines here, the green line, which is the bottom line, is the deficit. Although it flattens out over the next few years and goes down, it rises as we head into the next decade. The reason it starts to rise is because entitlement expenditures, which have been explained a number of times on this floor, increase dramatically.

So the practical effect is that if we do not start addressing this entitlement line today, we are not going to get in place any significant budget reduction in the deficit in the outyears. The President's budget, of course, has been put forward, and the rhetoric is on the premise that they are going to address entitlements in the outyears with their health care program. But if you look at the actual budget, the health care program, they create a trust fund, which is to be basically revenue neutral within their budget. So they are assuming absolutely no savings in the budget from health care reform.

Thus, we come to the proposal that is presented here today by Senator LOTT. That proposal should be looked at in the context of the entire budget and what we are spending in other areas. If you look at the budget over the next 5 years we are going to spend $8.3 trillion. That is a colossal amount of money. The accumulated deficit over that same 5-year period is $934 billion. That is what we are going to take and run up bills on and pass those bills on to our kids and say: Here, children, take care of these bills. We did not have the guts to do it in the U.S. Senate this year.

This $26 billion is basically the cut which has been proposed by the Grassley amendment. It is increased by $20 billion by the Lott amendment, up to about $46 billion. It does not even appear on this chart. There is a bottom line, and it does not even appear on the chart. It is so minuscule compared to the $8.3 trillion we are spending, and the $934 billion of deficit that we are running up, that it cannot even appear here. That is how small this cut is. Yet, we are saying we cannot do it.

My goodness, if you have children, how can you go home and look them in the face and say you cannot even cut this little amount? I am almost embarrassed for Senator LOTT, because it is such a small amount. But at least he brought forward something that is substantive on this floor. He is shooting with real bullets. It is one of the first amendments on this floor that is shooting with real bullets. It is a good starting point.

The fact is, if there is not the political courage in this body to cut this small amount out of what is both discretionary spending and mandatory spending over the next 5 years, then I do not know how we can, with a straight face, say that we are concerned about the fiscal responsibility and solvency of this Nation.

This should be one of the simplest and easiest votes anybody in this body casts over the next few days, because it is such a small vote in the area of numbers compared to the entire spending that is planned over this period—$8.3 trillion, $934 billion in deficit, and way down here, this number plus $20 billion is what we are asking for in the cut in the Lott proposal. It is a very reasonable proposal. It is extremely fair and is not asking us to do anything overly courageous. It is asking us to do something as a starting point, so that tonight, and hopefully for the next few days, when we go home and look at our children, we will not have to say to them: Here is the bill we are passing on to you. We can say to them: We are still going to give you a big bill, but at least we had the guts to cut it a little bit. I support what Senator LOTT is proposing, and I hope this body will also support it.

I yield back whatever time I have remaining.

Mr. LOTT. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 6 minutes 19 seconds.

Mr. LOTT. We were waiting for the Republican leader. I believe he will be here momentarily, and my intent is to yield to him the remainder of the time. I ask the Senator from New Mexico, is any other time remaining, or will we be prepared to vote at that time?

Mr. DOMENICI. I think we will. They are finished with their time. Quarter of was the time we were trying to hold to. So I think we will vote.

I know the Senator needs that time for Senator DOLE. But I want to speak 2 minutes on the bill, not in opposition to the Senator's amendment but merely to make an observation.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 2 minutes.

Mr. DOMENICI. We find ourselves in a very strained and awkward position, and I want to make a couple of observations for the Senate from my vantage point regarding what Senator LOTT is trying to do.

Frankly, the Republicans offered an alternative today and had the full support of almost every single Republican. As I remember it, two Senators voted against it. It made the Republican case for real substantial entitlement cuts and for a moving toward a balanced budget in a realistic way. Senator LOTT was there in the forefront supporting that. I believe what he is doing in his amendment should in no way detract from the fact that there is no stronger supporter for defense than Senator TRENT LOTT in this body.

Whatever the interpretation of his amendment, it is because of the nuances and peculiarities of budget processes. The truth of the matter is that he clearly intends to reduce the deficit more than was done in the Budget Committee, and he intends to do it in a way which he feels very comfortable with in spite of his very strong feelings with reference to defense.

It just happens that there are interpretations indicating that some of the things he hopes to do will not be mandated on this body, but will be there as clear intentions and clear guideposts.

So I commend him for his effort. I am very hopeful that we can do something very specific before we are finished with reference to defense if, in fact, we have to.

Once again, I commend the Senator from Mississippi for his efforts here on the floor. The amendment, which takes an amendment which I intend to offer and incorporates it in his, is a good amendment, a solid amendment. The other Republicans speaking to it have so indicated, and I laud him for it.

The PRESIDING OFFICER. The Senator from Mississippi has 5 minutes and 29 seconds.

Mr. LOTT. Mr. President, I yield the remainder of my time to the distinguished Republican leader, Senator DOLE.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, there is nothing very complicated about this amendment. It takes the $26 billion discretionary outlay cuts contained in the Exon-Grassley amendment. It ensures that these will come from nondefense accounts, and it cuts entitlement spending—and also I think the excellent amendment by the Senator from New Mexico—by $20 billion over 5 years, and locks in those savings for deficit reduction.

I have listened to the debate on the floor, and I must say I do not consider this to be some kind of a pork barrel or grab bag for all the different services in the Defense Department.

I think we can just look at one threat we are facing right now in North Korea, and it will have a sobering effect on a lot of people. This is dangerous business in North Korea.

I am not certain where we are from the standpoint of what we might be able to do there.

I was told today by the Government Accounting Office that if we go to send 25,000 troops to help keep the peace in Bosnia, they are going to have to call up the Reserves.

So I think we ought to be very careful when we say: Take it out of defense; take it out of defense.

That is the point that is made by the Senator from Mississippi in his statement just a few moments ago.

We hear time and time again how entitlements are consuming a large and growing share of the Federal budget. It is no secret that entitlement spending is the main force driving up the deficit.

We are told we have to save that money for health care. That will be the next amendment. I do not think that is the case. We ought to be talking about how to save money before we start talking about how to spend more money on health care.

I think this amendment offers a balanced approach. It cuts nondefense discretionary. It cuts entitlement spending and, above all, it reduces the deficit.

I believe that most supporters of the Exon-Grassley amendment never intended the cut to apply to defense. But we are being told that defense will bear the lion's share of the burden of these cuts.

In my view, as I said earlier, this is the wrong time to make further cuts in defense. When Candidate Clinton talked about cutting defense, as I recall, he was talking about $60 billion on top of the $60 billion President Bush already advocated. We cut defense by about $127 billion, and it is starting to have an impact on defense.

Defense was never meant to be a jobs bill. It was not meant to guarantee all bases remain open. But it was meant to protect us from potential problems around the world, because whether we like it or not, America is the leader in the world now, whether it is militarily or economically, or whatever.

I remind my colleagues that we had a similar debate in 1990, before Saddam Hussein reminded us that the world was still a dangerous place. A lot of people thought: Just do not cut other programs; just take it out of defense. Our troops prevailed in Desert Storm only because President Reagan and President Bush maintained the commitment to be strong.

The continued slashing at the defense budget has already taken a heavy toll. We have cut the defense budget every year for the past 10 years.

So it just seems to me the defense budget has already taken a heavy hit. The Senator from Mississippi pointed out 35 percent, as I recall.

So I think we have to take a look at the real world outside the Appropriations Committee, the Budget Committee, the Finance Committee, or whatever committee. Wishful thinking will not protect American interests. I think it is time we stop the raid on the defense budget.

I hope we will have the support of the President of the United States, who said himself, in the State of the Union Message: "We cut defense enough."

So I urge my colleagues to support what I consider to be a very good amendment for the reasons outlined by the Senator from Mississippi and underscored by the Senator from New Mexico.

The PRESIDING OFFICER. All time has expired.

The question occurs on amendment No. 1563, offered by the Senator from Mississippi [Mr. LOTT]. On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio [Mr. METZENBAUM] and the Senator from Michigan [Mr. RIEGLE] are necessarily absent.

The PRESIDING OFFICER (Mr. MATHEWS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 64, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—34

Bennett
Bond
Brown
Burns
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Hutchison
Kassebaum
Kempthorne
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Simpson
Smith
Thurmond
Wallop
Warner

NAYS—64

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Coats
Conrad
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Wellstone
Wofford

NOT VOTING—2

Metzenbaum
Riegle

So the amendment (No. 1563) was rejected.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BURNS. Mr. President, I rise today to make some comments about the fiscal year 1995-99 budget resolution.

As several of my colleagues have already said, this budget resolution contains few surprises. However, I have a few concerns about the direction that the debate on this bill may take.

DEFENSE

First, I am deeply worried about the continuing decline in defense budgets. Given the recent events in North Korea, I think we need to be especially cautious.

I would like to remind my colleagues that there are still potential, serious shortfalls in the defense budget.

My colleagues on the Armed Services Committee have already raised the red flag regarding unrealistic future inflation estimates for this particular budget.

I also remain concerned about potential shortfalls regarding bottom-up review requirements. I have seen widely varying estimates, but they are all in the billions of dollars.

I think we are harming military readiness with continued budget cuts. Let us put this in perspective: If we continue on our current course, entitlement spending will have increased by almost 40 percent between 1990 and 1999, domestic discretionary spending will have increased by 12 percent over that same time period, but defense spending will have decreased by 35 percent.

Therefore, I cannot support amendments to this bill that will make further cuts in our defense budget. As much as I support increasing funding for IDEA, as set forth in the Jeffords-Dodd amendment, I just cannot support cutting defense further to accomplish this.

I am pleased that the President promised Americans that he will not try to accelerate cuts in the defense budget. In my opinion, defense has already taken more than its fair share of cuts.

THE REPUBLICAN ALTERNATIVE

I think the Republican alternative budget is a positive step forward. I am a cosponsor of S. 1576, which is the basis for a good part of the alternative.

We hear a lot about empowerment these days. I think that the group that needs empowerment today is the American family.

But there are other folks out there who think empowering a family means creating more Government-run programs and entitlements.

I disagree. I think the best way to help families is to reduce the intrusion of Government in their lives. This includes the intrusion of Uncle Sam in a family's pocketbook.

The centerpiece of the bill is a $500-per-child tax credit. I am 100 percent behind this initiative, because I think giving tax relief to hard-working families is long overdue.

As I am sure my colleagues know, the dependent tax deduction has not kept pace with inflation. A nonrefundable tax credit like this would keep more money in the pockets of families.

I know there are a lot of Montanans who would tell you that they could spend their money a lot better than any Government bureaucrat can.

This tax credit would provide the middle class tax cut that families were promised not too long ago.

This alternative budget plan includes other provisions that I have been fighting for since I arrived in the Senate, including indexing the capital gains tax, and expanded access to individual retirement accounts. It would also provide deficit reduction.

I must say, however, that I would prefer that the money to pay for this plan not come from the additional funding added into the budget resolution by the committee for the Impact Aid Program LIHEAP, Rural Electrification Administration, or Head Start Program. Portions of these programs were cut in the President's budget and the committee added back extra funding.

However, the opportunity to provide Montana families with $98 million in direct tax relief is too important to pass up. I voted in favor of this plan when it appeared before the Senate today.

FUNDING FOR THE BYRNE MEMORIAL PROGRAM

AMENDMENT NO. 1558

Mr. HOLLINGS. Mr. President, I yield to no Senator in my support of the Edward Byrne Memorial Program. In the community-level war against crime, this has been a hugely successful program—both nationally and in my own State of South Carolina.

In South Carolina, more than 170 criminal justice professionals are currently funded as a direct result of the fiscal year 1993 Byrne Memorial Formula Grant Program. These individuals are involved in Drug Abuse Resistance Education [DARE] projects, public defender projects, addiction treatment units, and Community-Oriented Policing [COP] projects. South Carolina will receive $5.1 million in Byrne Memorial grants in fiscal year 1994. The Byrne Memorial Program is making a very real difference in city and county police departments across my State.

Because of my strong support for this program, I want there to be no misunderstanding of my vote Tuesday on the Gorton amendment to the budget resolution. As we all know, the administration's proposed fiscal year 1995 budget would eliminate Byrne formula grants, while increasing Byrne discretionary grant funding. The Gorton amendment proposed to restore $375 million in Byrne formula grant funding by cutting an offsetting amount from spending on new furniture and furnishings in the executive branch.

I was the only Senator to vote against the Gorton amendment, which was adopted 97-1. My vote on that amendment was in no way a vote against the Byrne Memorial Program. It was a vote specifically against the transparent shenanigan of allegedly funding the Byrne Memorial Formula Grant Program by taking money from an alleged furniture fund. The truth is, there is no such furniture fund to raid. This was strictly a feel-good amendment with no practical consequences whatsoever.

Despite passage of this amendment, any attempt to restore fiscal year 1995 funding on the Byrne Memorial Formula Grant Program will have to take place within the allocation provided to the Commerce, Justice, State, and Judiciary Appropriations Subcommittee. As chairman of that subcommittee, I will continue my fight to preserve this program, as I have in the past. But I am under no illusion—and nor should anyone else—that as a result of the Gorton amendment, my committee's overall allotment will be increased by $375 million. That simply is not the way the process works.

I make no apologies for my lone vote against the Gorton amendment. Time will abundantly prove that the Gorton amendment was an empty—and perhaps cynical—gesture. The Byrne Memorial Formula Grant Program may be restored in the end, but its funding won't come from any phantom furniture fund. It would have to come from hard, painful tradeoffs among equally important programs under the jurisdiction of my Commerce, Justice, State and Judiciary Appropriations Subcommittee.

### AMENDMENT NO. 1560

Mr. HATFIELD. Mr. President, I intend to vote for the Republican substitute budget resolution presented to us today because its guiding principle is that we must strive harder to reduce the deficit, cut the growth rate of entitlement programs, and enable private enterprise to prosper. However, I disagree with several of the proposals assumed under this substitute, and will describe my objections shortly.

One of the greatest challenges facing Congress today is to get control over our budget deficit. This Republican substitute amendment would cut the deficit to $99 billion by 1999, whereas the resolution passed by the Budget Committee only cuts the deficit to $192 billion by 1999. Most of this extra deficit reduction would be attained by lowering the rate of annual growth in Medicare and Medicaid—the largest and fastest growing mandatory programs—by imposing real cost cutting measures. However, this is done without jeopardizing service to the elderly, the sick, and the poor. This proposal allows Medicare to continue to grow by 7.8 percent annually, and Medicaid to grow at 8.1 percent per year, and makes no changes at all in Social Security.

Another important point in favor of this substitute is the set of tax provisions that will benefit middle-class families. This includes a $500 credit for each child, individual retirement accounts [IRA's] for homemakers, IRA withdrawals for first-time home purchases, and deductibility of interest on student loans. Beneficial tax incentives for businesses include the indexing of capital gains and depreciation schedules to inflation, and extending the research tax credit and employer educational assistance programs for an additional year. These are all proposals that I have supported and will continue to support.

One section of this amendment that I object to and have opposed in the past is the proposal to single out nondefense spending for additional reductions over the next 5 years, while allowing for an increase in the defense budget by $20 billion over the committee recommendation. Discretionary spending should not be divided into separate categories or caps that favor defense over important nondefense programs. Shifting funds to defense at a time when we are struggling to find funds for low-income energy assistance programs and child immunizations does not make sense. Similarly, the assumption that reductions are needed in overhead expenditures for university research is unwarranted in my opinion.

Another proposal in this substitute amendment with which I disagree involves fully funding the trust fund established in the Senate crime bill last year. I was one of the few Senators to vote against this method of funding our crime fighting priorities because, while proper funding of worthy justice programs is crucial, I believe that crime programs can and should compete in the usual appropriations process. Making more and more pieces of our Government into entitlement programs with separate trust funds will not lead to budget efficiency or to an effective approach for fighting the root causes of the horrible crime threatening this Nation.

Finally, because the Davis-Bacon Act is not mentioned by this amendment or its authors, it is my understanding that a previous proposal to repeal Davis-Bacon that was associated with a Republican alternative amendment has been deleted or modified. While I would strongly oppose a repeal of Davis-Bacon, I would not object to some modest reform proposals.

It is important to note that the budget resolution we are considering today does not enact any laws. Rather, it is a statement of intentions and principles with unwritten assumptions as to how we might meet those broad objectives. Only twice in the last 20 years has the Appropriations Committee adopted the same spending totals for the general function areas—areas such as "Justice" or "Health"—that the budget resolution contained. So, while I am concerned about some of the guidelines in this amendment, I am hopeful that the Congress will not approve some of these proposals when the Appropriations Committee takes up the actual laws implementing the Nation's spending priorities later this year.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The majority leader.

## ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, if I may have the attention of Senators?

Last week, in a regular scheduling meeting with Senator DOLE, which as all Senators know I hold constantly, I advised Senator DOLE in response to his inquiry that it was my intention that the Senate complete action on certain measures prior to the upcoming Easter recess. I identified several bills which I hoped we would be able to complete action on, and we have now completed action on all of those I identified except for three. The three measures which remain are the pending budget resolution; the conference report to accompany H.R. 1804, that is the Goals 2000, Educate America bill; and the so-called buyout bill, Federal employees buyout bill.

Earlier this week, in a subsequent scheduling discussion with Senator DOLE, he advised me that Republican Senators would not agree to take up the education bill, and that there would be a filibuster if the bill were to be brought up. I indicated to Senator DOLE that, were that to be the case, then I would seek to proceed to the bill and file cloture motions on the bill so we could have cloture votes to see if we could end the filibuster and proceed to vote on the bills. The House has completed action on the measure, and the papers are now present in the Senate.

Just a few moments ago, I was advised through staff of the Republican leader that not only would Republican Senators filibuster the education bill but that they would require the clerk to read the entire conference report which, as we know, is permitted under the rules. That is one of the rules that I have urged be changed, for obvious reasons, and reasons which are relevant now. But nonetheless, it is the rule now.

I am further advised by the clerk that it is estimated that it would take between 6 and 7 hours to read the conference report. And if we are required to do that, then the clerk will do so and we will remain in session until the conference report is read, at which time we will proceed to the conference report and I will file the cloture motions.

That is likely not to occur until early tomorrow morning, Thursday, which means that the cloture motions would ripen for a vote on Saturday. It is not my intention to inconvenience Senators, and I have tried very hard in this process to minimize the inconvenience to Senators, but if the filibuster is to occur and if the reading of the report is to be required, then there will be no alternative but to having at least one cloture vote, probably two, and additional votes on Saturday. That is an outcome that I very much hope can be avoided and will do all I can to avoid. But since I have just been presented with this demand, of which I had not been previously aware, I felt it important to notify Senators that it is possible that the travel schedules will be interrupted.

The same holds true with respect to the so-called Federal buyout bill. We do not have that yet from the House, and I have not been notified of what our colleagues intend to do with respect to that bill.

But I just want to say to my colleagues that it is my intention that the Senate will remain in session until we complete action on the budget resolution, the conference report on the education bill, and the conference report on the Federal buyout bill, however long that takes, and I hope it does not take as long as would be possible under the rules.

I will momentarily, after, of course, permitting the distinguished Republican leader to make such comments as he wishes to make, seek consent to proceed to the education conference report. Failing that, we will move to proceed to it, and I simply wanted to put Senators on notice to that effect.

Mr. President, I will be pleased now to yield to the distinguished Republican leader without losing my right to the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I am advised the House is now voting on the second conference report, the buyout bill, on the motion to recommit to put in the crime bill provision spending so we can lock it in so it is not spent somewhere else. But that motion to recommit is losing, even though 250 Members voted to instruct the conferees earlier this week. So it shows nothing changes. You can vote both ways most of the time.

I would just suggest that the majority leader is accurate in what he said. This can be remedied very quickly if we arrange to put the Helms amendment back into the Goals 2000 bill. We would not be in this predicament now if they kept the amendment in conference, which passed the Senate by a vote of 3 to 1—70 some to 20 some. Therein lies the problem.

The Senator from North Carolina feels very strongly about it. The Senator from Massachusetts [Mr. KENNEDY], the manager of the bill, voted for the amendment. It had broad bipartisan support, and it was the hope of the Senator from North Carolina and others who supported the amendment that that would be part of the conference report. Had it been part of the conference report, then we would not have the dilemma which faces all of us now, as we near a recess.

So I understand the Senator from North Carolina will request that the report be read, and I will check with my colleagues with reference to the so-called buyout bill so I can convey that information to the majority leader at the earliest possible time because, as always happens at recess time, some people make plans to leave and sometimes they are interrupted. This may be one of those times.

Mr. KENNEDY. Will the Senator yield?

Mr. MITCHELL. I yield to the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, my friend, the Republican leader, did not really state the situation accurately in terms of the conference report language dealing with prayer in school. I will take a later time to explain again and review the three different school prayer amendments. There were three different amendments. There was the amendment of Senator HELMS, of Senator DANFORTH, and of Senator LEVIN.

Coming back from the conference, in the conference report are the following words:

> No funds authorized to be appropriated under this act may be used by any State or local educational agency to adopt policies that prevent voluntary prayer and meditation in public schools.

I believe that we have carried basically the sense expressed in the Senate. We did that in a conference with the House of Representatives, and this has been the language which has been included in appropriations bills since 1982 and has been effective in dealing with this issue.

They have been in since 1982, and it has not been challenged. Here we have an extremely important education bill that has passed overwhelmingly in the House and here with bipartisan support, and we have appropriations that are dependent upon action to be taken prior to next week.

That is the situation that we have found ourselves in. So I just wanted to mention to the body that in terms of what comes back in the conference report, we will be glad to debate that issue. I also give assurances that we will have the elementary and secondary education bill, chapter 1, later in this session. We can always come back and, if the body wants to, revisit this particular issue and have a full debate on it. There is obviously no time limitation. So we have the opportunity to take this language in a timely way and to reconsider that issue, if that is the will of this body in a timely way before the end of the session. It seems to me that that is a reasonable way to proceed.

I thank the leader.

Mr. MITCHELL. I yield to the Republican leader.

Mr. DOLE. Mr. President, I say to the Senator from Massachusetts, I did not mean to give any inaccurate information. I guess the point I wanted to make is the Helms language is not in the conference report.

Mr. MITCHELL. Mr. President, the Senator from North Carolina would like to make a comment. I yield to him without losing my right to the floor.

Mr. HELMS. May I have the floor in my own right?

Mr. MITCHELL. I have the floor.

Mr. HELMS. Mr. President, let us review the bidding. This is supposed to be a body of 100 Senators and I, for one, am getting a little sick and tired of one Senator presuming to speak for all the rest of us when he does not represent the opinion of the rest of us.

Let us review the bidding, where we stand.

On February 3, the Senate voted 75 to 22 in favor of the Helms-Lott school prayer language as an amendment to H.R. 1804, the so-called Goals 2000 bill.

On February 23, the House voted 367 to 55 to instruct the House conferees on the Goals 2000 bill to accept the Helms-Lott school prayer amendment from the Senate.

On March 17, the House and Senate Goals 2000 conferees dropped the Helms-Lott amendment and substituted do-nothing language authored by Representative PAT WILLIAMS, and this was done in the last 60 seconds of the conference without a vote on the issue.

Now, I checked with staff members who were there. It was an orchestrated thing. Mr. KENNEDY said, after everybody just about had left, "Is there anything else?" And Mr. WILLIAMS said, "Oh, yes. We have a school prayer amendment." And my understanding is that Mr. KENNEDY said, "Well, we will take it."

And that was it. And, of course, they tried to back me in the corner about having the conference report read. Mr. KENNEDY backed the Senate in that corner.

Now, on May 21, the House voted 345 to 64 to add language identical to the Helms-Lott school prayer language as an amendment to H.R. 6, the Elementary and Secondary Education Reauthorization Act. That vote came after the House had voted 171 to 239 to reject Representative WILLIAMS' attempt to add his do-nothing language as an amendment to H.R. 6.

So do you see the pattern? In the last 60 seconds of the conference, in this prearranged, one-act play by Mr. KENNEDY of Massachusetts and Mr. WIL-

LIAMS, or whoever it was representing the House side, they did away with the Helms-Lott amendment and they put in this do-nothing amendment.

Now, what am I supposed to do; say, "It is OK, boys?" It is not OK, boys. I am not going to tolerate it. I hate to inconvenience anybody. I will stay here and you can go ahead for your Easter holidays if you want to. The majority leader is not going to get cloture, and he knows that he is not going to get cloture. But fair is fair and right is right, and 100 Senators make up this Senate, not the Senator from Massachusetts by himself.

I yield the floor.

Mr. KENNEDY addressed the Chair.

Mr. MITCHELL. Mr. President, I have the floor. I will give the Senator from Massachusetts an opportunity to respond briefly. Then I am going to make a brief statement, and proceed with this matter.

Mr. KENNEDY. Mr. President, the conference chronology is the following:

The conference committee met first on Tuesday, March 15. On the afternoon of that day, Senate staff were provided with language to be offered by the House in lieu of the Senate amendments on school prayer.

On Tuesday afternoon, the House language was given to the staff of the Republican Senators on the conference committee. They advised the staff of Senator Helms, who came to the conference committee late Tuesday afternoon. Staff of Senator Helms was given the House language and discussed their views of the language with the staff for the Republican and Democratic Senate conferees.

At the conference committee meeting on Tuesday afternoon, it was announced that the school prayer issue remained open and would be discussed at a later time.

The conference committee next met on Wednesday afternoon, March 16. It was announced at that meeting the school prayer issue still remained open and that the House members preferred to leave that issue for resolution until the issue of the opportunity-to-learn standards was resolved at the next day's conference.

Quite frankly, if that was not resolved, the bill was going down.

Senator Helms' staff was present at the conference that day.

The conference committee next met on Thursday afternoon, March 17. The conference committee reached a compromise on the opportunity-to-learn standards question. The House then offered its proposal on school prayer which was discussed by the conference committee and then accepted.

To summarize, staff for all the Republicans on the Labor and Human Resources Committee as well as the staff of Senator Helms was presented on Tuesday with the language that the House offered on school prayer 2 days before the offer was made. We repeatedly stated in the conference on each day the school prayer issue remained to be resolved and every effort was made to advise interested Senators of the proposed outcome.

Finally, I would remind the Senate that Senator DANFORTH's amendment was accepted 97 to zero and the Levin amendment was accepted unanimously. Those Senators were entitled to have their interests represented, as well. So I reject categorically any suggestion that this issue was not resolved in the openness of a committee conference. And I, too, am prepared to remain here. And the American people are prepared to watch and see whether this body is going to go forward and make progress on the important issues of education, or whether we are going to face the obstructionist tactics of Senators who have objected on other occasions to education issues as well.

I thank the majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President——

Mr. HELMS. Mr. President, I know the majority leader will allow me to respond to that because it is just as "unfactual" as it can be. I implore the majority leader to let me set the record straight.

Mr. MITCHELL. Mr. President, can the Senator set the record straight in 2 minutes?

Mr. HELMS. I may have to talk like Donald Duck to do it in 2 minutes.

Mr. MITCHELL. The Senator will have plenty of time because if what he wants occurs, we will be in session all night, and I expect he will have the floor to himself all night. But go ahead and respond.

Mr. HELMS. I am the one Senator KENNEDY is trying to roll on this thing, not to mention the Senators who voted for the Helms-Lott amendment in good faith. Now, I will not take any more than 2 or 3 minutes.

Mr. MITCHELL. That is fine. Why not go ahead.

Mr. HELMS. Here is the chronology of what occurred with the Helms-Lott school prayer amendment in the conference on the Goals 2000 bill.

On Tuesday, March 15, at approximately 6 p.m., my staff was notified by Senator THURMOND and Senator COATS' staff that the Goals 2000 conferees meeting in the Senate Foreign Relations Committee room in the Dirksen Building would be considering the school prayer issue shortly.

My staff went to the meeting and was given a copy of Representative PAT WILLIAMS' proposed substitute language and immediately informed WILLIAMS' and KENNEDY's staff that that language would be unacceptable to me because as a practical matter it did nothing.

And I reiterate, it is a do-nothing amendment, and it was intended to be one of these "CMF" amendments, meaning "cover my fanny."

Now, my staff person informed me that he stayed at the meeting, but conferees themselves never discussed school prayer that night and the meeting was continued to Wednesday, March 16, at 10 a.m. in the Rayburn Building on the House side.

On Wednesday, March 16, at approximately 1 p.m., my staff was again notified that the Goals 2000 conferees would be considering school prayer shortly. My staff went to the House and stayed until the conference was continued over to Thursday on the Senate side at a time to be announced in room S-207 of the Capitol. Again, school prayer was not discussed on Wednesday.

On Thursday, March 17, at approximately 2 p.m., the conferees met again though my staff was never notified.

You see the pattern, Mr. President?

The meeting actually took place in Senate Foreign Relations room in the Capitol, not S-207, and lasted about 20 minutes.

Senator THURMOND's and Senator GREGG's staff later informed me that after the conferees finished discussing an agreement on the opportunity-to-learn standards issue in the bill, Senators KENNEDY, KASSEBAUM, PELL, and JEFFORDS were getting ready to leave for the last time when KENNEDY asked Representative WILLIAM FORD, chairman of the House Education and Labor Committee, if there were any other issues to be considered. Mr. FORD said the school prayer issue was left, and Mr. KENNEDY asked if there was any proposal on the issue.

See how it was a set-up job, Mr. President?

Mr. FORD said "yes." He and Representative KILDEE had substitute language authored by Representative PAT WILLIAMS. Mr. KENNEDY said that was fine with him and then everybody left. There was no vote on the school prayer issue or on final passage of the conference report.

Those are the facts. I have checked them not only with my staff, but with staffs of other Senators, and they say this report is right.

Now, I am not going to pound the table and say, "No, no, no, no," nine times, but this kind of business has to stop. This is a 100-person Senate. The Senator from Massachusetts does not own this Senate, and he is not going to run the show as long as I have breath left in me.

Mr. KENNEDY. Mr. President, 10 seconds.

Mr. MITCHELL. Ten seconds.

Mr. KENNEDY. I was glad to hear the chronology of the Senator from North Carolina basically reinforce what I represented. Republican Senators including Senator HELMS had notice of the proposed House offer 2 days before it was made. There was no objection to the acceptance of that offer by any Senator attending the conference. No objection. It was agreed to by the conferees.

Mr. MITCHELL. Mr. President, we now have competing chronologies from which any Senator can make his or her choice. I just want to make one general comment so there can be no misunderstanding about this.

There should be no suggestion that an amendment adopted in the Senate and not being accepted in conference is an unusual event in the Senate. It is a daily event. I have had many amendments that I have offered that have been accepted in the Senate, sometimes by a 100-to-nothing vote, and then have not made it through conference.

Every Senator has a right to object to that and to oppose that, and use the rules in such a manner as he or she chooses. But there should be no implication—and I know none was intended—that an amendment adopted in the Senate and then not accepted in conference is an unusual event. It is not. It is a very common event. It happens every day.

Mr. President, I want to say this: In a moment I am going to seek consent to proceed to the conference report. If objection is made, I will then move to proceed to it. And if a request is made to read the conference report—that is permitted under the rules—it will occur.

I just say to Senators, when that is over, whatever time it is, there will be a rollcall vote on the motion to proceed, followed by other rollcall votes.

Finally, of course, it should go without saying—and I want to make it clear—that if we are required to read it, then of course those who insist on the reading will have to be present, because if not present we will move to terminate the reading so that we can proceed to it.

Mr. DOLE. Mr. President, I do not disagree with what the majority leader said. You have a provision in our bill, and as I understand it, the same provision is in each bill.

Mr. KENNEDY. There is no provision in the House bill.

Mr. DOLE. No provision at all in the House bill?

Mr. KENNEDY. No.

Mr. DOLE. They had a vote referred to. They voted by 321 to—voted on the same provision in the House bill. I wonder if the Senator from Massachusetts would entertain a unanimous-consent request to proceed to consideration of the concurrent resolution to correct the enrollment of the conference report by including the identical text of the Helms language. That way we could complete this in about 5 minutes.

Mr. KENNEDY. If the Senator will yield, we have the language of Senator Danforth, and the language of the Senator from Michigan. We have all three languages.

What we have attempted to include in the conference report is what is existing law with the clear opportunity that it could be altered or changed in the House or in the Senate, on education or any other topic. We also made that permanent.

Senator Danforth is here, and he made, I think, one of the very eloquent and most compelling presentations on this issue during the course of the debate, and received a 97 to 0 vote. And Senator Levin's amendment was accepted on a voice vote without a single objection, related to this same subject. The House of Representatives, without any kind of language.

And we come back with that language which I have just referred to that says:

> No funds to be appropriated under this act may be used by any State or local educational agencies to adopt policies that prevent voluntary prayer and meditation in public schools.

I think we have fulfilled the responsibility of the Senate. If this body wants to address this issue at another time, then that is certainly a matter for us to consider. Clearly, we can.

Mr. MITCHELL. Mr. President, I think we are not going to resolve it in that manner. I think we ought to know we are going to have to have a reading, then we are going to have a vote somewhere between now and 2 a.m. or 3 a.m. We might as well get going on it, if that is going to have to happen.

Mr. DOLE. Mr. President, it will not be possible to take all of this time out of the budget?

Mr. DOMENICI. We have taken out too much already.

Mr. DOLE. Just an idea.

Mr. DOMENICI. If it is fine with the majority leader, it is not fine with me.

Mr. MITCHELL. Mr. President, did the Senator from South Carolina want to speak?

Mr. THURMOND. Mr. President, I was just going to make a suggestion similar to Senator Dole's, but he has already made that point. I thank the Senator.

I am just hoping, Mr. President, that the Senator from Massachusetts, who is a friend of mine, and a friend of all of us, would be gracious enough to wind this thing up. The Senate has voted overwhelmingly for this amendment. The House has voted overwhelmingly for this amendment. So why can we not go ahead and adopt this Helms amendment?

Mr. MITCHELL. I think that has been already been determined, I say to the chairman. I thank him for his comments.

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## GOALS 2000: EDUCATE AMERICA ACT

Mr. MITCHELL. I now, Mr. President, ask unanimous consent that the Senate proceed to the consideration of the conference report accompanying H.R. 1804, the Goals 2000: Educate America Act.

Mr. DOLE. I object.

Mr. HELMS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. I want to make clear. I am now going to move to proceed. If the clerk is required to read this report, whenever that report is completed, there will be a rollcall vote on the motion to proceed. There may well be other votes.

If we have to have a cloture vote on Saturday, I guarantee everybody there will be several votes, including procedural votes on motions to instruct the Sergeant at Arms.

So there can be no misunderstanding, I hope it does not occur. If we have to stay over until Monday to complete this, we will stay until Monday. And there will be several votes on that day. I cannot guarantee a vote on the substance because our colleagues can prevent us from doing that. But I can, and I do, guarantee procedural votes. So Senators who are not here will miss those votes as well.

### MOTION TO PROCEED

Mr. MITCHELL. Mr. President, I now move to proceed to the conference report accompanying H.R. 1804, the Goals 2000: Educate America Act.

Mr. HELMS. Mr. President, I demand that the conference report be read.

Mr. DOMENICI. Mr. President, do I understand that we are now off the budget resolution?

The PRESIDING OFFICER. The clerk will report.

The legislative clerk proceeded to read the conference report.

(The conference report is printed in the House proceedings of the Record of March 21, 1994.)

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the reading of the conference report be dispensed with.

Mr. MACK. Mr. President, I object.

The PRESIDING OFFICER (Mr. Conrad). Is there objection?

Mr. MACK. Mr. President, I object.

Mr. WELLSTONE. Mr. President, I just wanted to make sure my colleague was alert.

The PRESIDING OFFICER. The clerk will continue to read the conference report.

The legislative clerk continued to read the conference report.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the conference report be dispensed with.

Mr. COATS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to read the conference report.

The assistant legislative clerk continued with the reading of the conference report.

Mr. KENNEDY. Mr. President, I ask that further reading of the conference report be dispensed with.

Mr. COATS. I object.

The PRESIDING OFFICER (Mr. Harkin). Objection is heard.

The clerk will continue reading the conference report.

The bill clerk continued with the reading of the conference report.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that the reading of the conference report be temporarily dispensed with for the purpose of propounding a unanimous-consent request.

The PRESIDING OFFICER. Is there objection to this request that the reading of the conference report to be temporarily laid aside?

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. What was the request, Mr. President?

The PRESIDING OFFICER. Would the Senator state the request again?

Mr. HELMS. I certainly will.

I ask unanimous consent that the reading of the conference report be temporarily dispensed with for the purpose of propounding a unanimous consent request.

The PRESIDING OFFICER. Is there objection to the request?

Hearing none, the reading is temporarily laid aside.

Mr. HELMS. I thank the Chair.

First of all, I want to thank the distinguished clerks who have been so diligently reading the conference report this evening.

### UNANIMOUS-CONSENT REQUEST

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 230, to correct the enrollment of the conference report to accompany H.R. 1804; and that it be in order for the Senator from North Carolina [Mr. HELMS] to modify the resolution with the text of amendment No. 1382; and that there be then 30 minutes to be equally divided in the usual form; and that upon the use or yielding back of time, the Senate, without any intervening action or debate, vote on the concurrent resolution.

I further ask unanimous consent that once the Senate has adopted the concurrent resolution, as modified, and immediately upon the receipt of the House message that the House has agreed to House Concurrent Resolution 230, without further modification, the conference report to accompany H.R. 1804 be deemed agreed to and the motion to reconsider be laid upon the table.

I further ask unanimous consent that if the Senate does not receive the House message re: action on the concurrent resolution, prior to the business on Friday, March 25, or receives the message that the House has further modified the concurrent resolution, that the conference report then become the pending business on Monday, April 11, and that following 1 hour of debate, a cloture vote occur on the conference report, under the provisions of rule 22.

Further, I ask unanimous consent that immediately following the disposition of the concurrent resolution, the Senate resume consideration of the budget resolution.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. KENNEDY. Mr. President, I object and I ask that further reading of the conference report be dispensed with.

The PRESIDING OFFICER. The clerk will continue reading the conference report.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The reading of the conference report was temporarily laid aside only for the purpose of propounding a unanimous-consent request, which was objected to. Therefore, the clerk will continue reading the report.

The bill clerk continued to read the conference report.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from North Carolina is recognized.

The HELMS. Mr. President, I suggest the absence of a quorum.

Mr. KENNEDY addressed the Chair.

Mr. HELMS. Regular order, Mr. President.

Mr. KENNEDY. Mr. President, I ask unanimous consent to dispense with the reading.

Mr. HELMS. I object.

The PRESIDING OFFICER. The clerk will read.

The bill clerk continued to read the conference report.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. I ask unanimous consent that the reading of the conference report be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

### UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report on H.R. 1804, the Goals 2000 education bill; that there be 30 minutes for debate, equally divided in the usual form on the conference report; that upon the use, or yielding back of that time the Senate, without any intervening action or debate, vote on passage of the conference report; that upon the disposition of the budget resolution, the appointment of conferees thereto and the disposition of the conference report on H.R. 3345, the Federal Workforce Restructuring Act, the Senate proceed to the consideration of a bill to be introduced by Senator HELMS that is identical to the text of amendment No. 1382; that the only amendment in order to that bill be a relevant one to be offered by Senator LEVIN; that upon the disposition of the conference report on H.R. 1804, the Senate proceed to the consideration of the conference report on H.R. 3345 for the purpose of filing of cloture motions; and that when the Senate resumes consideration of Senate Concurrent Resolution 63 at 9 a.m. tomorrow there be 10 hours remaining for debate equally divided.

Mr. DOLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 12:30 a.m. today the Senate vote on my motion to proceed to the consideration of the conference report on H.R. 1804; that if the Senate votes to proceed to that conference report that I be recognized to offer two cloture motions on the conference report; that the Senate then proceed to a vote on my motion to proceed to the conference report on H.R. 3345, the Federal Workforce Restructuring Act, following which I be recognized to offer two cloture motions; that if the Senate votes to proceed to that conference report, that I then be recognized to offer two cloture motions to that conference report.

Mr. DOLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Then, Mr. President, I ask unanimous consent that at 12:30 a.m. today the Senate vote on my motion to proceed to the conference report on H.R. 1804, the Goals 2000 education bill.

Mr. DOLE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorom call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### UNANIMOUS CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, prior to the quorum call, I propounded three unanimous consent requests, each of which were objected to.

I now renew the second of those requests, the substance of which was that we would have a rollcall vote at 12:30 on my motion to proceed to consideration of the conference report on the Goals 2000 education bill, following which I would offer two cloture motions to that conference report, following which we would vote in a recorded rollcall vote on my motion to proceed to the conference report on the Federal Workforce Restructuring Act, following which I would offer two cloture motions on that.

This is the substance of the request which I made earlier to which objection was heard, and I now renew that request.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. I will not object, I just want a clarification. These would ripen on Saturday?

Mr. MITCHELL. That is correct. As of now, under the rules, unless agreement is reached to the contrary, there would be the possibility of four cloture votes on Saturday.

Mr. DOLE. But in the event cloture was obtained on Goals 2000, we would complete action on that before the other vote?

Mr. MITCHELL. Yes.

I have a parliamentary inquiry, Mr. President.

It is my understanding, if cloture is obtained on the Goals 2000 bill, we would have to complete the clotured item before the vote occurred on the other item.

I ask the Chair whether my understanding in that regard is correct?

The PRESIDING OFFICER. The Senator's understanding is correct.

Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, so all Senators can be aware of the situation, there will be a vote at 12:30 a.m., which is in about 6 minutes, on my motion to proceed to the conference report on the education bill, following which I will offer two cloture motions on that; and, immediately following that, there will be a rollcall vote on my motion to proceed to the conference report on the so-called Federal buyout bill, following which I will offer two cloture motions on that.

I have not requested the yeas and nays. I included it in my unanimous-consent request.

So there can be no misunderstanding, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, I now suggest the absence of a quorum.

I thank my colleagues for their cooperation.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### VOTE ON THE MOTION TO PROCEED

The PRESIDING OFFICER. The question is on the motion to proceed to the conference report.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Oklahoma [Mr. BOREN], the Senator from Arizona [Mr. DECONCINI], the Senator from Louisana [Mr. JOHNSTON], the Senator from Ohio [Mr. METZENBAUM], the Senator from Georgia [Mr. NUNN], and the Senator from Alabama [Mr. SHELBY], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New York [Mr. D'AMATO], and the Senator from Wyoming [Mr. WALLOP], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 60, nays 31, as follows:

[Rollcall Vote No. 70 leg.]

YEAS—60

Akaka
Baucus
Bingaman
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Conrad
Danforth
Daschle
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Specter
Wellstone
Wofford

NAYS—31

Bennett
Brown
Burns
Coats
Cochran
Coverdell
Craig
Dole
Faircloth
Gramm
Grassley
Gregg
Hatch
Helms
Hutchison
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Stevens
Thurmond
Warner

NOT VOTING—9

Biden
Boren
D'Amato
DeConcini
Johnston
Metzenbaum
Nunn
Shelby
Wallop

So the motion was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## CLOTURE MOTION

Mr. MITCHELL. Mr. President, pursuant to the prior order, I send a cloture motion to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the cloture motion.

The legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Conference Report accompanying H.R. 1804, Goals 2000: Educate America.

George Mitchell, Barbara Mikulski, David Pryor, Carl Levin, Edward M. Kennedy, Dennis DeConcini, Jeff Bingaman, Patrick Leahy, Paul Wellstone, Daniel K. Akaka, Wendell Ford, Harris Wofford, Paul Simon, Christopher Dodd, J. Lieberman, John F. Kerry, Dianne Feinstein, John Glenn.

## CLOTURE MOTION

Mr. MITCHELL. Pursuant to the order, I send a second cloture motion to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will report the cloture motion.

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Conference Report accompanying H.R. 1804, Goals 2000: Educate America.

George Mitchell, Barbara Mikulski, David Pryor, Carl Levin, Edward M. Kennedy, Dennis DeConcini, Jeff Bingaman, Patrick Leahy, Paul Wellstone, Daniel K. Akaka, Wendell Ford, Harris Wofford, Paul Simon, Christopher Dodd, J. Lieberman, John F. Kerry, Dianne Feinstein, John Glenn.

## FEDERAL WORKFORCE RESTRUCTURING ACT OF 1994 MOTION TO PROCEED

Mr. MITCHELL. Mr. President, I move to proceed to the conference report accompanying H.R. 3345, the Federal Workforce Restructuring Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Oklahoma [Mr. BOREN], the Senator from Arizona [Mr. DECONCINI], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Ohio [Mr. METZENBAUM], the Senator from Georgia [Mr. NUNN], and the Senator from Alabama [Mr. SHELBY], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New York [Mr. D'AMATO], and the Senator Wyoming [Mr. WALLOP], are necessarily absent.

The PRESIDING OFFICER (Mr. KERRY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 29, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—62

Akaka
Baucus
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Conrad
Daschle
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon

Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—29

Bennett
Bond
Brown
Burns
Coats
Cochran
Coverdell
Craig
Danforth
Faircloth
Gramm
Grassley
Gregg
Hatch
Helms
Hutchison
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith

NOT VOTING—9

Biden
Boren
D'Amato
DeConcini
Johnston
Metzenbaum
Nunn
Shelby
Wallop

So the motion was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

## CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk and ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION NO. 1

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Conference Report accompanying H.R. 3345, the Federal Workforce Restructuring Act of 1994.

George Mitchell, Barbara Mikulski, David Pryor, Carl Levin, Edward M. Kennedy, Dennis DeConcini, Jeff Bingaman, Patrick Leahy, Paul Wellstone, Daniel K. Akaka, Wendell Ford, Harris Wofford, Paul Simon, Christopher Dodd, J. Lieberman, John F. Kerry, Dianne Feinstein, John Glenn.

## CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a second cloture motion to the desk and ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION NO. 2

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Conference Report accompanying H.R. 3345, the Federal Workforce Restructuring Act of 1994.

George Mitchell, Barbara Mikulski, David Pryor, Carl Levin, Edward M. Kennedy, Dennis DeConcini, Jeff Bingaman, Patrick Leahy, Paul Wellstone, Daniel K. Akaka, Wendell Ford, Harris Wofford, Paul Simon, J. Lieberman, John F. Kerry, Dianne Feinstein, John Glenn.

## CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now resume consideration of Senate concurrent resolution 63, the 1995 budget resolution.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 63) setting forth the congressional budget for the United States Government for the fiscal years, 1995, 1996, 1997, 1998, and 1999.

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. Who yields time on the resolution?

Mr. MITCHELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MITCHELL. Am I correct in my understanding that under a prior agreement Senator DOMENICI is now to be recognized to offer his amendment to the budget resolution?

The PRESIDING OFFICER. That is the next order of business.

Mr. DOMENICI. I lost my amendment. I was walking over here from my house, and it fell down somewhere.

Mr. MITCHELL. We will wait until the Senator finds it.

Mr. DOMENICI. Could I inquire what is the majority leader's intention? We have a number of amendments and I understand, after checking the time, that there are about 11 hours, a little over 11 hours total on the resolution at this point.

Could we not lay down the Domenici-Nunn amendment tonight and vote on it in the morning?

Mr. MITCHELL. Mr. President, I thank the colleague for the inquiry.

Under the totality of the circumstances, the Senate having been kept in session for more than 6 hours on the reading of the prior conference report at a time in which we could have been debating the Senator's amendment, I think it appropriate now, in the best interest of all concerned, that we proceed to the further consideration of the budget resolution.

Mr. STEVENS. Mr. President, will the leader yield?

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I do not have any time, but that is probably one of the most important amendments we are going to face on this concurrent resolution. We know of at least four Members who are absent who asked us not to bring that amendment up now. Can we proceed with another amendment? There are other amendments.

Mr. MITCHELL. That is the decision for the managers of the bill to make. Under the prior ruling the Senator was to be recognized to offer his amendment. That was the agreement entered into by all concerned.

I emphasized we were prepared to do that at 6 p.m. last evening and were prevented from doing so by a requirement that we read the conference report. Therefore, that is where we find ourselves in the current situation.

Mr. STEVENS. I thank the leader.

Mr. DOMENICI. Could we discuss it with the chairman and a couple of Senators who have amendments?

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. MOYNIHAN. I ask the Senator from Tennessee if he might yield me 2 minutes.

Mr. SASSER. I yield 2 minutes to my distinguished friend from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. MOYNIHAN. I wish simply to say, Mr. President, as I had occasion to say earlier today, that the Nunn-Domenici amendment involves a fateful decision by this body as to the future of health care reform. It would transfer so much in the way of entitlement money, Medicare and Medicaid, requiring them to be cut by the Committee on Finance. These are amounts that were programmed, if you accept that word, for the President's health care bill, and if this measure is to be adopted, it has the most ominous implications for the future of that legislation.

So I would hope there will be a full and careful debate now for whatever time.

This afternoon, when this matter was raised, there were only two or three Senators on the floor. I would like to use this occasion when most Senators are present to make that point.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Who yields time?

If neither side yields time, time will be charged equally against both sides.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate resume consideration of the budget resolution at 9 a.m. this morning; that there then be 8 hours remaining on the budget resolution; and that Senator DOMENICI be recognized at that time to offer his amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, would that be equally divided?

Mr. MITCHELL. Eight hours, equally divided.

Mr. DOMENICI. could I just consult with one Senator?

Reserving the right to object, and I probably will not object.

The PRESIDING OFFICER. Time will continue to be charged equally to both sides.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The unanimous-consent request is pending. The Senator from New Mexico reserves the right to object. He said he would not do so, but will let us know very shortly.

Mr. DOMENICI. I object.

The PRESIDING OFFICER. Objection is heard to the unanimous-consent request.

Who yields time?

Mr. DOMENICI. I yield whatever time Senator SPECTER desires at this time.

The PRESIDING OFFICER. The order was to recognize the Senator from New Mexico for the purpose of offering an amendment. Does he intend to do so? The Senator need not offer the amendment.

Mr. DOMENICI. Not at this time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania seeks recognition. Who yields time?

Mr. DOMENICI. I yield such time as the Senator desires.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, we have been in session for about an hour without a quorum call and awaiting some decision on action. I have had an amendment, which I have been prepared to offer. I just said to my colleague from New Mexico that I was either going to offer my amendment or absent myself from the Chamber. I am not going to sit around all night while we engage in fussing and fuming.

My point is that if there is no objection, I am going to offer this amendment for its immediate consideration so that we can do something instead of sitting around here.

The PRESIDING OFFICER. The Senator has the right to offer his amendment.

AMENDMENT NO. 1565

(Purpose: An amendment by Senator SPECTER to restore full funding of LIHEAP; provide supplemental funding for prisoner literacy training and prisoner job training; and provide supplemental funding for unwanted pregnancy prevention and prenatal care programs by transferring funding from government consulting accounts)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 1565.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 41, decrease the amount on line 11 by $435,000,000.

On page 41, decrease the amount on line 12 by $326,000,000.

On page 41, decrease the amount on line 18 by $452,000,000.

On page 41, decrease the amount on line 19 by $339,000,000.

On page 41, decrease the amount on line 25 by $465,000,000.

On page 42, decrease the amount on line 1 by $349,000,000.

On page 42, decrease the amount on line 7 by $475,000,000.

On page 42, decrease the amount on line 8 by $357,000,000.

On page 42, decrease the amount on line 14 by $488,000,000.

On page 42, decrease the amount on line 15 by $366,000,000.

On page 26, increase the amount on line 8 by $100,000,000.

On page 26, increase the amount on line 9 by $50,000,000.

On page 26, increase the amount on line 15 by $103,000,000.

On page 26, decrease the amount on line 16 by $52,000,000.

On page 26, increase the amount on line 22 by $106,000,000.

On page 26, increase the amount on line 23 by $53,000,000.

On page 27, increase the amount on line 5 by $109,000,000.

On page 27, increase the amount on line 6 by $53,000,000.

On page 27, increase the amount on line 12 by $112,000,000.

On page 27, increase the amount on line 13 by $56,000,000.

On page 30, increase the amount on line 20 by $225,000,000.

On page 30, increase the amount on line 21 by $214,000,000.

On page 31, increase the amount on line 2 by $232,000,000.

On page 31, increase the amount on line 3 by $221,000,000.

On page 31, increase the amount on line 9 by $239,000,000.

On page 31, increase the amount on line 10 by $228,000,000.

On page 31, increase the amount on line 16 by $246,000,000.

On page 31, increase the amount on line 17 by $234,000,000.

On page 31, increase the amount on line 23 by $253,000,000.

On page 31, increase the amount on line 24 by $240,000,000.

On page 35, increase the amount on line 8 by $100,000,000.

On page 35, increase the amount on line 9 by $62,000,000.

On page 35, increase the amount on line 15 by $103,000,000.

On page 35, increase the amount on line 16 by $65,000,000.

On page 35, increase the amount on line 22 by $106,000,000.

On page 35, increase the amount on line 23 by $66,000,000.

On page 36, increase the amount on line 5 by $109,000,000.

On page 36, increase the amount on line 6 by $68,000,000.

On page 36, increase the amount on line 12 by $112,000,000.

On page 36, increase the amount on line 13 by $70,000,000.

Mr. SPECTER. Mr. President, I will explain this amendment.

The amendment transfers $435 million governmental consulting accounts, where there is now some $2.1 billion, an account which is largely recognized to have many items that we can do without. It constitutes a 19.5 percent cut in those consulting accounts. It transfers $225 million to LIHEAP, the Low Income Heat Energy Assistance Program. It transfers $100 million for prisoner literacy education and prisoner job training.

It transfers $100 million for prenatal pregnancy prevention.

Taking up the issue of low-income energy assistance first, that is a fund which has been cut consistently over the past several years regardless of which party controls the administration, and it has resulted in tremendous pain and suffering across this country. The cut in LIHEAP funding has given many families of America the stark choice of heating or eating, and it has resulted in many deaths over makeshift heating and lighting systems.

It is hard to get a total fix on the number of deaths, but in a short period of time in Philadelphia, between August 1992 and January 1993, 11 people, mostly children, died as a result of makeshift heating arrangements.

We have in the United States an enormous problem on adequate funding for heating. With last year's allocations of $1.475 billion, only 24 percent of federally eligible households were covered by LIHEAP assistance. Now the administration has proposed to have a cut of some $745 million, more than half of the LIHEAP accounts, with an assertion that there would be some discretionary funds applied to try to make up the difference.

This Senator views that as totally inadequate. The Budget Committee had reinstated some $520 million for the LIHEAP account, which still leaves a shortage of some $225 million even to have the funds which were available last year.

The families in the low-income bracket spend a significantly larger proportion of their income on heating than do families in higher brackets. For example, the amount spent on the average for heating is 3 to 4 percent of income, the people in the income brackets eligible for LIHEAP funding spend between 11 and 13 percent of their funding.

This issue is one which is especially problemsome for my State of Pennsylvania, but it is one that has enormous problems across the country.

Senator HARKIN chairs the Appropriations Subcommittee on Labor, Health, Human Services and Education where this account is located, and I am the ranking Republican on that subcommittee. It has caused enormous difficulties as we have tried to allocate funds. The amount which is currently in the budget is just extraordinarily low.

Mr. President, I shall be relatively brief in all of these items in view of the lateness of the hours.

The second transfer is $100 million for prisoner literacy, education and job training, and it is designed to take to come to grips with some realistic rehabilitation. That figure is by no means sufficient to deal with the problem in this country, but it would establish a fund for a demonstration project to see if something meaningful can be done in that line.

This is a legislation which I have proposed virtually every year since 1981, and it is designed to try to stem the growth of the career criminal in this country. It is also designed to try to set a realistic scene for the imposition of life sentences on the so-called three-strikes-and-you-are-out legislation.

We have heard a great deal of rhetoric on three-strikes-and-you-are-out, and it is my view, based on experience as a prosecuting attorney, that judges will not impose mandatory life sentences. Under our current system where they see the cycle of crime with recidivists coming back again and again, where it is no surprise that a functional illiterate without a trade or a skill will go back to a life of crime, in the sentencing situation, as I think the Presiding Officer knows from his experience as an assistant district attorney, the judge simply is not going to impose a life sentence.

But, if there were realistic rehabilitation after juvenile offenses, and after a first offense, and the individuals did not do better with rehabilitation, with literacy training, and job training, and after a second offense came back and committed a crime of violence—armed robbery, for example—then I think it is realistic to have judges impose life sentences.

The Federal armed career criminal bill, which was passed as one of my earlier initiatives in 1984, amended to include drug offenses in 1986, has been acknowledged as a very important tool for law enforcement. If we really came to grips with career criminals in America, we could reduce violent crime very substantially.

The National Commission on Criminal Justice Standards and Goals back in 1972 estimated that violent crime could be reduced by some 50 percent. And if we make a real effort with rehabilitation, literacy training, and job training, and the individuals fail at that, then I do believe we can realistically move to life sentences for career criminals.

The third item, Mr. President, on this amendment which would receive $100 billion in funding, would be for prenatal care and pregnancy prevention.

Mr. COHEN. Did the Senator say $100 billion?

Mr. SPECTER. I said $100 million. If I said $100 billion it was a slip of the lip. At this hour I might have said $100 trillion. I think I said $100 million, but I do know. Whatever I said, I meant $100 million.

But I thank the Senator for the interruption, if not the suggestion. It sounds like a hollow tunnel. I thank the Senator.

The program which this $100 million is designed to address, again, is a demonstration project to see if something can be done on this problem of enormous magnitude.

The leader in the Senate is the distinguished Senator from New York, Senator MOYNIHAN. If I might have Senator MOYNIHAN's attention, I have been very much impressed with the clarion call which our colleague from the State of New York has made on the problem of rising pregnancies and unwanted children. It is a source of enormous problem in America which should have been addressed a long time ago. It is a very complex matter as to how to address it. It results in enormous costs.

In 1991, the most recent statistics available, the Federal Government spent some $29 billion for AFDC, aid to families with dependent children, Medicaid and WIC payments. As to the families begun by teenaged parents, more than 1 million American teenage girls between the ages of 15 and 19 become pregnant each year, and there are some 50,000 low birth-weight babies born to teenaged girls.

I first saw a 1-pound baby in 1984 when I visited a hospital in Pittsburgh. It was an ominous sign, a child as big as a hand. It is a human tragedy, because those children carry those scars throughout their lives. It is a financial tragedy because the average cost is $158,000 a child.

I introduced legislation on this subject back in 1985, and with the cooperation of both the Bush administration and the Clinton administrations, we have had a healthy start program which has done some good on prenatal care. It is a very important factor in planning health care reform because there are billions of potential savings there.

But this program of teenaged pregnancy is one which is long overdue in being addressed.

My colleague from Iowa, Senator HARKIN, who chaired the Subcommittee on Labor, Health, Human Services and Education, and I have sat down with the Secretary of Health and Human Services, Secretary Shalala, and the Secretary of Education, Secretary Reilly, to try to find some answers here.

Secretary Shalala made the observation that her study showed that most teenaged pregnancies occur between 3 p.m. and 7 p.m. And as Senator HARKIN and I tackled the problems in this subcommittee, with the great shortage of funds—this $100 million transfer is from consultants, and we have yet to really find out what consultants do. This $100 million would be a tremendous aid in enabling us to structure some programs to tackle this very, very important problem.

So, in summary, Mr. President, this amendment takes a look at an account on consulting fees, $2.1 billion, which is bloated and overspent, and it seeks a 19.5 percent reduction, and then seeks to tackle three very, very important problems.

The issue of assistance of low-income heat and energy is one of the most important ones that has been cut by the administration in a draconian way, and this would at least restore funding to last year's level.

The demonstration projects were $100 million. That on prisoner literacy training and prisoner education would enable us to try to deal with a major problem, and at least set the stage so that inmates who do not take advantage of realistic rehabilitation or do not succeed at it, then we would be able to impose life sentences on career criminals and make America's streets safer.

The $100 million for prenatal care and pregnancy prevention would give us at least some start on this problem of enormous magnitude.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). Who yields time?

The Senator from Tennessee.

Mr. DOMENICI. I yield 5 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from New Mexico yields 5 minutes to the Senator in Maine.

Mr. COHEN. I thank the Senator for yielding.

Mr. President, I will be very brief.

First, I want to commend my colleague from Pennsylvania for offering this amendment. It focuses particularly on the amendment dealing with LIHEAP, the low-income heating energy assistance program. This is a program which is vital to States like Maine.

Over the years, as the Senator from Pennsylvania has pointed out this program has been cut and cut again, and we find our citizens faced with heating bills they cannot pay. Just a couple years ago there was one incident when it was so cold in Maine, there was no fuel available, and they could not pay for the heating fuel. They were, in some cases, breaking up their furniture and using that for firewood in order to heat their homes to keep from freezing.

This is a very important program for the State of Maine.

I might point out it seems to me we are perhaps not allocating the funds in the correct fashion. We need to be allocating more resources for weatherization programs as opposed to just providing the assistance to purchase the heat and fuel in order to keep warm during winter months or keep cool during the summer months in the more southern climates.

But I think the Senator has done an outstanding job of making his presentation. I intend to support him, and I am going to ask, if the Senator is not going to do it, for the yeas and nays on his amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

The Senator from Tennessee.

Mr. SASSER. Mr. President, will the proponent of the amendment yield me time to speak in favor of his amendment?

Mr. SPECTER. I do not control the time.

The PRESIDING OFFICER. The Senator from Pennsylvania, as a proponent of the amendment, does control 44 minutes 52 seconds.

Mr. SPECTER. How much time does the Senator from Tennessee wish?

Mr. SASSER. Five minutes or less.

Mr. SPECTER. I am glad to yield to the Senator.

The PRESIDING OFFICER. The Senator from Pennsylvania yields 5 minutes to the Senator from Tennessee.

Mr. SASSER. Mr. President, we restored in the Budget Committee 70 percent of the President's cut of the so-called low-income home energy assistance, and we also tried to increase funding for prenatal care.

The thrust of this amendment offered by the Senator from Pennsylvania is in agreement with the priorities that we are pursuing in the Budget Committee.

So I would just say, Mr. President, in the absence of any request for a rollcall vote on this particular amendment, that we would be pleased to accept the Senator's amendment.

Mr. SPECTER. Mr. President, the yeas and nays have been requested and ordered. I think we ought to stick with that and have the yeas and nays.

The PRESIDING OFFICER. Who yields time?

Mr. WOFFORD addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Pennsylvania?

Mr. SPECTER. Mr. President, my colleague from Pennsylvania has made a request of me for 2 minutes, and I do yield that time to him.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SPECTER] yields 2 minutes to the Senator from Pennsylvania [Mr. WOFFORD].

Mr. WOFFORD. Mr. President, I commend the senior Senator from Pennsylvania for putting this amendment forward. I look forward to our accepting that amendment. The yeas and nays have been asked for and ordered. I look forward to an affirmative vote for it.

We have had hearings. Senator DODD has brought forth witnesses that have made very clear that, on the LIHEAP matter, this is a matter of great urgency. People have died in our State. Full funds should be restored. This amendment will make that possible.

The other elements of the amendment, I think, are good steps for us to take at this time in sending forth a signal that we are getting our priorities right.

I think we can cut down on consulting and we can bring up to full funding our support for LIHEAP and the other parts of this amendment, so I urge an affirmative vote.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Will the Senator yield me 2 minutes?

Mr. SPECTER. I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Pennsylvania yields 5 minutes to the Senator from Iowa.

Mr. HARKIN. I thank the Senator for yielding me that time. I will not take that much time.

I just want to compliment my good friend from Pennsylvania for offering this amendment. I do compliment the distinguished chairman of the Budget Committee for all that they did to replace the money on LIHEAP. They did a great job in doing that. I am most appreciative of their doing that and the funding they put in for paternal and child health care and all those programs.

But, nonetheless, they were operating under some constraints and could not quite get all of the money in that I think was required.

So I just want to say that everything that Senator SPECTER said is absolutely right. He is absolutely right in everything he said about the problems we had in the subcommittee in meeting those targets. He crafted a good amendment. It is needed, and I support it wholeheartedly. I hope it passes overwhelmingly.

I thank the Senator for his help on our subcommittee in meeting the human needs of our citizens in the country. He is a valued member of that subcommittee, and I enjoy working with him.

Again, I compliment him on offering this amendment.

The PRESIDING OFFICER. Who yields time? Who yields time?

SEVERAL SENATORS. Vote.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, if there are no speakers in opposition, I am prepared to yield back my time so we can proceed to a vote.

The PRESIDING OFFICER. If all time is yielded back, we would be in a position to vote.

Does the Senator from Pennsylvania yield back his time?

Mr. SPECTER. I do.

The PRESIDING OFFICER. The Senator from Pennsylvania yields back his time.

The Senator from New Mexico controls 59 minutes 35 seconds.

Mr. SPECTER. Mr. President, I am prepared to yield back my time if we are at a procedural vote stage. If there are going to be counter-arguments, then I would want to reserve some time to reply.

The PRESIDING OFFICER. The Senator from New Mexico controls 59 minutes 35 seconds. The Senator from Pennsylvania controls 45 minutes 41 seconds.

Mr. DOMENICI. If I yield back my time and we vote, will we have an inordinate delay because Senators are not here, or how would that work?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, it has been my practice to accommodate Senators on both sides of the aisle who are not in the Capitol to give some notice of the vote so that they would be able to return.

In view of the hour, I am prepared to do that or not, as Senators wish. A large number of Senators, of course, have remained.

I inquire of my colleagues on the Republican side whether they wish to, in accordance with the usual practice, give notice of 10 minutes or so before the vote begins, to give people the opportunity to get back who wish to get back to do so?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I would be prepared to give time of about 7 hours to come back in. It is now 2:22. My suggestion would be that we stack this vote for later this morning. It is my amendment, and I will be prepared to do that.

If we are going to give time, what time would the majority leader suggest; 2:45, 3 o'clock?

Mr. MITCHELL. Mr. President, I was going to suggest a 10-minute notice for people, to give those who wish to come back the opportunity to do so.

Mr. SPECTER. I would not object to that, if that is the wish of the majority leader. My preference would be to stack the vote for later in the morning.

Mr. MITCHELL. I inquire of my colleagues, then, if there is any objection to setting the vote for 10 minutes from now to give Senators not present an opportunity to be present?

The PRESIDING OFFICER. The Chair would advise that the Senator from Pennsylvania controls 39 minutes and 50 seconds and the Senator from New Mexico controls 59 minutes and 5 seconds.

Mr. SPECTER. I am prepared to yield back my time if the Senator from New Mexico does so, and we can follow the schedule propounded by the majority leader.

Mr. DOLE. Mr. President, after time is yielded back, the amendment would be subject to a second-degree amendment, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I yield back my time.

The PRESIDING OFFICER. The Senator from New Mexico yields back his time.

Mr. SPECTER. I yield back my time.

The PRESIDING OFFICER. The Senator from Pennsylvania yields time.

The PRESIDING OFFICER. The question is on amendment No. 1565. The yeas and nays have been ordered.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

### AMENDMENT NO. 1566

Mr. DOLE. Mr. President, I send a second-degree amendment to the desk and ask it be read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1566.

The legislative clerk proceeded to read the amendment.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. SASSER). Is there objection?

Without objection, it is so ordered.

Who yields time on the amendment?

No time has been yielded. The time will run equally on both sides on the second-degree amendment that is offered by the minority leader.

Mr. DOLE. Mr. President, I withdraw the amendment, and I ask unanimous consent that the second-degree amendment not be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOLE. I ask unanimous consent that we vitiate the yeas and nays on the Specter amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the Specter amendment, all time having been yielded back.

The amendment (No. 1565) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### DODD-JEFFORDS AMENDMENT NO. 1561

Mr. DURENBERGER. Mr. President, I rise in reluctant opposition to the Jeffords-Dodd amendment to transfer $30.5 billion to special education programs over 5 years—$6 billion in fiscal 1995 alone. I have a long history of support for many education programs. As the ranking member of the Labor Committee's Disability Subcommittee, I am committed to improving educational opportunities for all Americans, particularly those individuals requiring special education. I am sensitive to the criticism by State and local governments that the Federal Government has not lived up to its commitment to contribute 40 percent of the national average per pupil cost for special education services to children with disabilities. The current 8 percent contribution is woefully inadequate. The 20 percent level achieved by this amendment still hardly addresses the need.

However, Mr. President, this country is in the midst of a budget crisis. We simply do not have the luxury to fund all of our worthy programs at their authorized levels. I wish we did. But right now we have a $4.7 trillion debt, and we are loading $173 billion more onto that debt in fiscal 1995. Our priorities must be to reduce the deficit before we can think about expanding current programs.

The amendment pays for this spending increase by a corresponding decrease in funding for the Milstar program as well as certain intelligence funding. These cuts have been opposed by the chairman of the Armed Services Committee. Even though the Appropriations Committee would have the option of cutting another defense program, or any other program, $30 billion is a sizable hit on our discretionary spending areas, particularly to fund an increase that was not recommended by the President or the Budget Committee. I am not sure we are ready to make this kind of sensitive choice today. If we do choose to cut spending, as we have under the Exon-Grassley amendment, the critical need is to dedicate these cuts to deficit reduction.

The sponsors of the amendment also indicate that the amendment would be partially paid for by restoring half of the Exon-Grassley cuts made in the Budget Committee. Mr. President, I don't see how restoring some of these cuts creates a new pool of money that can be spent for worthy programs. It would avoid certain spending cuts that will be made by the Appropriations Committee, but it should not be considered a new pool of money that can be used for programs that were not addressed in the President's budget. I strongly support the Exon-Grassley cuts as an important effort to reduce the deficit and will oppose any efforts to eliminate these cuts.

The intent of this amendment is commendable, but the result could be that we will cut other programs that should not be cut, possibly other education programs. The Appropriations Committee and its Labor, HHS and Education Subcommittee will have the responsibility to decide whether this or other programs will be increased or cut. Even if we pass this amendment, we cannot guarantee that this specific increase would be made by Appropriations. If this is a critical spending need, we should appeal to the Appropriations Committee rather than to pass this amendment.

### UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate return to consideration of the budget resolution at 9:30 a.m. today and that there then be 8½ hours remaining on the resolution for debate, divided as follows: 4¾ hours under Senator DOMENICI's control; 3¾ hours under Senator SASSER's control, with the last 15 minutes for debate under Senator SASSER's control.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Reserving the right to object, Mr. President, I simply say that, so I understand it properly, at 9:30 are we going to take up the Domenici amendment that is the pending business and has been since before all of the reading started?

Mr. MITCHELL. Mr. President, that is my understanding and intention that Senator DOMENICI will be present at 9:30 to offer his amendment.

Mr. EXON. How much time has been allotted to each side, and who will control the time on each side? Obviously, Senator DOMENICI would control the time in support of his amendment. How much time is set aside for that, and how much time is set aside for those of us who will be opposing the Domenici amendment.

The PRESIDING OFFICER. Under the Budget Act, it is 2 hours, equally divided.

Mr. EXON. On the Domenici amendment?

The PRESIDING OFFICER. On each first-degree amendment.

Mr. EXON. Two hours equally divided on any amendment, including the Domenici amendment?

The PRESIDING OFFICER. On any first-degree amendment.

Mr. EXON. I do not object.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Reserving the right to object. I hope we do not use the 2 hours. We hope we can do a lot of these in about 10 minutes on a side.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request as expressed by the majority leader?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, it is my hope and intention that we will be able to complete action on this bill tomorrow. There are 8½ hours remaining for debate. If all of that time is used—and I expect that it will be—debate would be concluded by approximately 5 p.m. There will be several votes, I am advised, because a number of amendments remain to be offered, and that time does not count against the resolution. So assuming there are as many as 3 or 4 hours of votes, we should be able to complete action by sometime during the evening tomorrow. That is not included in the unanimous-consent agreement that has just been obtained. But there is going to be, I understand, a good-faith effort on both sides to complete action on the bill before the close of business today, Thursday.

## ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, that will complete our action for this morning. There will be no further rollcall votes until this morning after 9:30 a.m., most likely around 11:30.

## MORNING BUSINESS

## DEATH OF HAM WILSON

Mr. HEFLIN. Mr. President, on January 26, 1993, I paid tribute to E. Hamilton "Ham" Wilson, who at that time had just retired from his long-time position as government affairs director at Alabama's Auburn University. Prior to that, he had been chief executive officer of the Alabama Cattlemen's Association.

Ham's many friends at Auburn and throughout the agricultural community in Alabama were deeply saddened on March 11, when Ham passed away. He served as Auburn's chief lobbyist beginning in 1985, when former president James E. Martin established the position to ensure a permanent presence for Auburn at the Alabama State House. The job was tailor-made for Ham, who had already earned a distinguished reputation statewide through his work with the cattlemen's association.

I extend my deepest condolences to Louise L. Wilson, Ham's wife of 46 years, and to their entire family in the wake of their painful loss. I ask unanimous consent that an article appearing in the March 12 edition of the Montgomery Advertiser summarizing Ham's life and work be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Montgomery Advertiser, Mar. 12, 1994]

### RODEO KING WILSON DIES

(By Mary Orndorff)

Auburn University and the entire agricultural industry in Alabama lost one of their own Friday. Edward Hamilton "Ham" Wilson died at the age of 72.

"He was the spirit of Auburn, the spirit of beef farming in Alabama, the spirit of the Cattlemen's Association and the spirit of the rodeo," said longtime friend and legislative dean, state Rep. Pete Turaham, D-Auburn.

Mr. Wilson didn't just sport a white cowboy hat to shade his perpetually grinning eyes—he earned the "good guy" image that goes with it. Since 1958, the Greenville native wore a white hat to his historic creation, the Southeastern Livestock Exposition Rodeo. And for 36 years, thousands showed appreciation for his work by flocking to Garrett Coliseum for the annual event, which returns later this month.

Mr. Wilson was king of the rodeo from the day of its birth to the day of his death. He was at the rodeo's ticket office Wednesday, the day of the heart attack that eventually took his life.

As executive vice president of the Alabama Cattlemen's Association, the livestock ring leader nurtured the industry, the rodeo and the association for more than 40 years.

"His work, his work was his greatest passion. He gave his life to his work to the Alabama Cattleman's Association, to Auburn University and to the rodeo," said his wife of 46 years, Louise L. Wilson.

Their children, Edward Hamilton Wilson Jr. and Nancy Wilson Blount, live in Montgomery with five grandchildren, Bradley, Hallie and Nancy Beth Wilson, and Jess and Wilson Blount. A sister, Elizabeth W. Kitching lives in Greenville.

Bill Blount, chairman of the Alabama Democratic Party, described his father-in-law Friday as vibrant.

"I remember lively discussions around the Sunday dinner table," Mr. Blount said. "He cared passionately about current events, about his state, his city and his country."

Even in the sticky arena of politics, friends and rivals recalled Ham Wilson's honesty and integrity. Protecting the cattle industry in legislative battles was a job requirement, and he was Auburn University's first full-time lobbyist from 1985 to 1992.

"Ham was successful because he was the kind of fellow who is a friend to everyone," said House Speaker Jimmy Clark, D-Eufaula.

It's been said the cattlemen's group rarely sought legislation, but what it had on the books was nearly sacred.

"I was kind of lucky," Mr. Wilson said in a December 1992 interview before his retirement from the Auburn post. "I not only knew the lawmakers, I knew their mammas and daddies."

Mr. Wilson and Rep. Turnham were college buddies at the Loveliest Village on the Plains, where Mr. Wilson graduated in 1943 with a degree in agricultural science. "I've never seen a more caring and unselfish person in my whole life," Rep. Turnham said.

The list of civic and community groups that count the World War II veteran in the memberships is lengthy: Montgomery Area Chamber of Commerce, Montgomery Rotary Club, Men of Montgomery, Montgomery Country Club, Capital City Club, First United Methodist Church, Alabama 4-H Club Foundation, Alabama Sheriff's Boys and Girls Ranches, and he was a charter member of the Alabama Livestock Hall of Fame.

Honors and awards poured in, but even more poured out. Mr. Wilson created things. He opened the Cattlemen's Association headquarters in downtown Montgomery, now undergoing a $1.5 million renovation and expansion; started the Alabama Cattleman magazine in 1958, one of the nation's largest and most widely recognized livestock publications; and the country's first comprehensive beef promotion program started under his leadership. In 1979, the Ham Wilson Livestock Arena was dedicated at Auburn.

In 1985, Mr. Wilson told a reporter the accomplishment of which he is most proud as Cattlemen's Association chief was the expansion of cattle production from a sectional Black Belt occupation to a statewide industry. It is now a $1.5 billion staple in Alabama's economy

By his retirement, the state association had blossomed into the country's largest, with more than 16,700 members.

"Ham was truly a unique individual and did much for the state's youth and the livestock industry that he cared so much about," said Billy Powell, now executive director of the cattlemen's group.

Bubba Trotman, a former president of the association's state and national organizations, said Friday that he owed his cattleman career to Mr. Wilson. "This is a great loss to all the people of the state."

James E. Martin, Auburn's former president who hired Mr. Wilson in 1985, said in 1992, "Ham Wilson just doesn't meet a stranger."

In lieu of flowers, the Wilson family asks donations be made to the Alabama Cattlemen's Association Foundation, the Auburn University School of Agriculture and the American Heart Association. Services are Sunday at 3 p.m. at First United Methodist Church in Montgomery.

## TRIBUTE TO LEVI WATKINS, SR.

Mr. HEFLIN. Mr. President, higher education in the State of Alabama lost one of its greatest supporters on March 3 when former Alabama State University president Levi Watkins, Sr., died at the age of 83. He served at the helm of Alabama State from 1962 until 1981, a time of both unparalleled turbulence in education as well as dramatic progress. As difficult as these times were for our State and region, he did not see his mission as a burdensome one. In a statement made some 11 years before his death, Watkins said that he had been privileged to be right in the middle of, as he called it, the greatest turmoil in this century.

The school was known as Alabama State College when Levi Watkins, a Kentucky native, became its president in 1962, the same year that George Wallace was first elected governor. By the time he left 19 years later, Alabama State had become a fully accredited university with 12 new buildings and a dramatically increased student enrollment. During his tenure, he placed a great emphasis on financial accountability, saying at the time of his appointment that he respected the taxpayer's right to get at least a dollar's value on each dollar invested in Alabama State College.

Watkins' commitment to total accountability went beyond finances, however. He fought hard for Alabama State and never failed to accept responsibility when things went wrong. He never passed the buck, and his shoulders supported the weight of both credit and blame. He was a consummate advocate for his school.

Levi Watkins was the kind of administrator who any school would be proud to call its own. He made the tough decisions, even when they were unpopular, and did what he had to do to ensure that students, faculty, and university officials were treated fairly. Although he fully supported the civil rights movement, Levi never lost sight of his or Alabama State's primary mission of educating young blacks.

During the turbulent days of the movement, Alabama State emerged as a refuge for the demonstrators. Later, as was the case on campuses all across the Nation, more militant students turned against the administration, forcing Levi to close the school for 2 weeks in 1969. But the National Guard never intervened. His was a delicate balancing act, for he was committed to the progress being sought by the civil rights movement, but at the same time, he understood the importance of obtaining the State funding crucial to his university's mission.

Levi had the charisma and finesses to secure vital resources for a black college in a State like Alabama. He was even able to work with then-Governor Wallace in getting the required funding for Alabama State to be accredited by the Southern Association of Colleges and Schools in 1966.

I extend my condolences to Levi's wife, Lillian Varnado Watkins and their six children, who include a teacher, principal, two surgeons, a lawyer, and a research specialist with an earned doctorate. Their father's dedication to higher education obviously was not lost on his children. They are all living testaments to his rich legacy.

## TRIBUTE TO ALABAMA LABOR LEADER BOBBY L. BOWDEN

Mr. HEFLIN. Mr. President, I want to pay tribute today to one of Alabama's most distinguished labor leaders, Bobby L. Bowden. He has been a close personal friend of mine for many years, as well as one of the best friends working men and women in Alabama have ever had. He retired earlier this year after serving as an active member of the Machinists Union for 39 years.

A native of Enterprise, AL, Bobby attended Troy State University for a short time before enlisting in the Marine Corps. After his tour of duty in the Marines, he was hired in 1955 by an aircraft maintenance contractor at Fort Rucker. Except for the time he was on leave of absence and serving as a business representative with the International Association of Machinists and Aerospace Workers district lodge 75, he remained in aircraft maintenance at Fort Rucker until his retirement.

For 6 years beginning in 1967, Bobby was elected to serve on the negotiating/grievance committee of local lodge 2003. In 1973, he was elected business representative of lodge 75 and served in that position until 1978. He then returned to his previous job as an aircaft mechanic troubleshooter from 1979 through 1983. That year, he was reelected business representative and served in that capacity until his retirement.

Bobby was raised in a political family, and has always been active in politics himself. His father, Ed Mack "Buster" Bowden, was a Coffee County Commissioner. Bobby has been actively involved in the machinists union nonpartisan political league, serving on its planning committee for a number of years. He was the first machinists union business representative to donate $1,000 to the non-partisan political league. Bobby worked diligently to try and accomplish what he truly believed in, politically.

The 39 years Bobby Bowden gave the machinists union yielded many, many benefits for his labor union as well as for all working people in southeast Alabama. Every union member owes him a debt of gratitude for the progressive and positive efforts he made on their behalf. He performed many good deeds over the years, giving of his time, talents, and resources freely and unselfishly. His ability, dedication, and energy will be sorely missed.

I extend my very best to Bobby for a happy, healthy retirement and bright, active future.

## IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,557,219,560,535.33 as of the close of business on Wednesday, March 16. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is $17,479.97.

## A MORE RESPONSIBLE APPROACH TO NATIONAL PARK CONCESSIONS

Mr. DORGAN. Mr. President, many in Congress have known for years that the National Park Service must take a more business-like approach to the way the service contracts for private concessions to serve visitors to our national parks. Many in Congress have tried to forge improvements in that area, and, finally, we have before us a bill painstakingly molded in our Energy and Natural Resources Committee to make those improvements.

I serve on that committee, and I am a cosponsor. I wish to recognize Senators BUMPERS and BENNETT, as well as the chairman and ranking minority member of the committee, for their intense and sincere efforts to craft policies in this bill that are fair, on the one hand, to the landlord—that is, American taxpayers—and, on the other hand, to the concessionaires. I believe a balance has been accomplished in that respect, and I will support this bill.

I wanted also to note, while serving in the House of Representatives in 1991 and 1992 I headed a Task Force on Government Waste. Our task force found that the National Park Service's lease agreements and related fees were terribly inadequate in many cases, and we called for reasonable franchise fees to be collected.

This bill will require a more competitive arena for those seeking to operate businesses within the National Parks, creating a system much closer to what occurs in the private sector. The increased fees will result from that competition instead of arbitrary levels set in Washington. Out of more than $650 million gross income of national parks concessionaires, the bill would increase rent to about $65 million, compared to the $17 million collected last year. This rental income will be used where it should be—to maintain and improve the parks.

I am pleased to see a recommendation of the Task Force on Government Waste up before this body for approval.

At the same time that this bill would require more competitive rents from large concessionaires than are now collected, it is sensitive to the financial limitations of small family businesses and outfitters. The bill retains a preference for such businesses to renew their contracts with NPS if they are operating in an adequate fashion and serving the public well.

In brief, I believe this bill directs the Park Service toward fair and proper treatment of the parks concessionaires and outfitters.

## THE CLOSING OF PLATTSBURGH AIR FORCE BASE

Mr. MOYNIHAN. Mr. President, it is now 8 months since the Base Closure and Realignment Commission overruled the recommendations of the Air Force, the Secretary of Defense, and its own staff and elected to close Plattsburgh Air Force Base and expand McGuire Air Force Base, rather than the opposite. The Air Force had proposed to establish its East Coast Air Mobility Base at Plattsburgh, taking advantage of its outstanding runway and parking ramp, its extensive new refueling system, the excellent base infrastructure, and the lack of airspace congestion.

The members of the Commission concluded that Secretary Aspin had deviated substantially from two closure criteria when he placed a higher military value on Plattsburgh than McGuire. The Commission's staff conducted their own exhaustive analysis and reached the same conclusion as Secretary Aspin, that Plattsburgh had greater military value. Tragically, the Commissioners reached a different conclusion; move the new air mobility base to McGuire and close Plattsburgh. They did not close any other large aircraft base that the Air Force wanted to keep open.

The result is that the Air Force is spending $43 million this year, $78 million next year, and more in 1996 to bring a base it did not want up to the standards of an air mobility base. Plattsburgh is facing a massive disruption in the fabric of its community as its largest employer prepares to leave town. The only conclusion I can draw from this decision is that the Commission, which we established to remove politics from the base closure process, brought politics back in. The BRAC process may be an improvement over previous efforts to close bases, but it is imperfect and subject to the same biases as before. My colleagues should take note, as we are just a year from the next round. Take nothing for granted.

There is one recourse for Plattsburgh, and that is the Federal courts. Governor Cuomo, Mayor Rabideau of Plattsburgh, Town Supervisor Art Lefavre, and others have filed a complaint against the Commission for exceeding its authority in finding substantial deviation by the Secretary of Defense. I will file an amicus brief with the court in this matter, and I trust that Plattsburgh will finally get a fair hearing. If going to court undermines the base closure process, so be it.

## INSPECTION OF NORTH KOREA'S NUCLEAR SITES

Mr. PRESSLER. Mr. President, the Clinton administration decided, last Saturday, to ask the United Nations to lay groundwork for economic sanctions against North Korea. This move came in the wake of the collapse of diplomatic efforts to persuade Pyongyang to end its nuclear program. I support this move on the part of the administration. However, the question remains: why has the world's greatest superpower allowed itself to be manipulated and misled by the North Korean government?

Although the carrot and stick approach has long been an effective tool of diplomacy, the carrot and carrot approach recently employed by the Clinton administration clearly is detrimental to world security arrangements. The United States should never have canceled the joint United States-South Korean military exercises known as "Team Spirit" before North Korea exhibited a good faith effort to allow International Atomic Energy Agency [IAEA] inspectors access to their nuclear sites.

Time and time again, I have enumerated the many dangers inherent in allowing the proliferation of nuclear weapons to rogue nations such as North Korea. For 40 years, it has been the policy of the United States to ensure the democratic countries of North Asia do not develop nuclear weapons. Allowing the development of a nuclear bomb in North Korea, seriously jeopardizes the credibility of that policy.

I met with the IAEA Director, Hans Blix, in December 1993. He expressed the unequivocal need to inspect North Korean nuclear sites "anytime, and anywhere." If we allow North Korea the right to abide by different standards than other signatories of the Nuclear Non-Proliferation Treaty [NPT], we tacitly encourage other outlaw nations such as Iran to follow suit. If North Korea gets away with anything less than meeting its full obligations under the NPT, other problem nations surely will follow suit.

By agreeing to a one-time inspection of seven declared nuclear sites and canceling scheduled joint military exercises, the administration set the United States and the IAEA up for failure. The United States must take a stand against the government of Pyongyang. The IAEA must be allowed to inspect "anytime anywhere." The United States must do everything it can to ensure the success of this time honored policy. To do any less will demonstrate to the World that the United States is less than serious about stopping the proliferation of weapons of mass destruction.

## LT. MARK DION, PORTLAND POLICE DEPARTMENT

Mr. MITCHELL. Mr. President, I rise today to bring to the attention of my colleagues and to give recognition to an outstanding police officer in my home State of Maine.

The national debate on crime and punishment too often focuses on the failures of law enforcement—those who successfully commit crimes and what the society should do about them.

We do not spend enough time focused on the people who actually do the most for law enforcement: The people whose work helps prevent crimes, who take a proactive approach to the work of law enforcement and look for ways to resolve problems before they cause a breach of the law.

The City of Portland in Maine is fortunate to have the services of one such man in its Police Department. Lt. Mark Dion of the Portland Police Department has received numerous awards for his work with the people of Portland, including being named an Officer of the Year by Parade magazine.

Although Portland is a small city by national standards, Portland residents are facing an increased flow of immigrants into the community, a factor that can sometimes result in tensions and even violence.

At present, Portland is home to at least 18 different ethnic and racial communities, as well as a vibrant gay community. It is not only our large cities which face the difficulties in education, community services and community peace that result from growing diversity.

Lt. Mark Dion takes a community-oriented approach to eliminating the tensions that can too often lead to hate crimes. Lt. Dion's work has been focused on helping pave the way for each of the groups that make up the Portland community to find their place in our city and to take part in the life of the community.

He views the police department as a service agency with a variety of goals, one of which is to work with the community to prevent crime.

Police Departments traditionally react to violations of the law after the fact, but that means neighborhood peace has been disrupted, people have concrete reasons for being fearful and victims of crime have suffered actual harm. Preventing the disintegration of communities is at least as important as reacting to disintegration after the fact.

Lt. Dion has created cultural awareness programs for refugees arriving in Portland and for the police officers who will deal with these communities.

He has overseen the creation of a Citizen Task Force on Bias Crime to firmly establish a partnership between the community and the police.

Lt. Dion's outstanding leadership has helped create a more tolerant and peaceful climate in Portland at a time when all sectors of the community are being asked to recognize and adjust to increased diversity. Most important, by working to preserve the sense of community Lt. Dion has also helped preserve one of the essential elements of the quality of life in Maine's smaller cities.

Lt. Dion's philosophies and program have become models for other cities in Maine and New England.

As Congress considers anti-crime legislation which will put 100,000 new police officers on the streets, it is important to recognize that community-policing efforts have been tried and have proven tremendously successful. Lt. Mark Dion and the Portland Police Department are an example. I commend Lt. Dion for his efforts and his leadership.

## MOUNT ST. CHARLES ACADEMY WINS AGAIN

Mr. PELL. Mr. President, I rise today to bring to the attention of my colleagues the achievements of the Mount St. Charles Academy ice hockey team, in Woonsocket, RI, who on March 19, won their 17th consecutive State championship.

I understand that no other team in the Nation has ever won 17 consecutive championships in interscholastic ice hockey.

As of just a few days ago the Mount St. Charles Mounties shared the record of 16 consecutive State championships with Notre Dame High School in Berlin, NH. That school, which no longer exists, had a winning streak that lasted from 1947 until 1962.

Although winning is something that Rhode Islanders have come to expect from the Mount St. Charles hockey program, it should not be taken for granted. It takes long hours of practice, a drive to succeed, talented athletes, and most of all skilled and dedicated coaching.

The head coach of the Mounties, Bill Belisle, and his son, Dave, the assistant coach, embody that kind of dedication and skill.

I congratulate the Mounties' players and coaches for their victories. I salute their achievements, and wish them continued success.

I ask unanimous consent that an article from the Sunday, March 20, 1994, edition of the Woonsocket Call, entitled "Mount Skaters Win Record 17th Straight Title", be inserted in the RECORD as if read.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### MOUNT SKATERS WIN RECORD 17TH STRAIGHT TITLE

(By Scott Cole)

PROVIDENCE.—Mount St. Charles Academy stands alone atop the summit of high school hockey achievement.

The Mounties established a national record last night at Meehan Auditorium by winning their 17th consecutive state hockey title with an 8–4 victory over Bishop Hendricken High of Warwick. No other team in the history of American high school hockey has ever won that many state titles in a row.

Mount had shared the national record for the past year with now-defunct Notre Dame High of Berlin, N.H. Notre Dame High won 16 consecutive titles from 1947 to 1962.

"It's special," said Mount's 19-year head coach Bill Belisle, architect of the Logee Street dynasty. "When we won four or five or six in a row, you'd never think about something like this. But when we won 13 or 14 in a row, I started thinking about it. I'd be a hypocrite if I said I didn't."

MSC already owned the national record for total state hockey titles. In now has 29—and counting.

Mount St. Charles began its streak of consecutive titles in 1978 and has been celebrating championships every March ever since.

"This is something for everybody to share, all the kids on all the teams going back to 1978," said Belisle. "What a team that was (in '78). We scored 304 goals and only gave up 51."

Mount sophomore forward Brian Glaude was one-year-old when the title streak began. Sixteen years later, he etched his name into Mount's rich hockey tradition with a pair of goals in last night's rout. "I just can't explain what this means," said a beaming Glaude. "It's following a tradition."

The Mounties have poured it on in recent years. They have won their last three state titles with two-game sweeps in the championship series and are unbeaten in their last 64 games against Rhode Island competition.

The last Rhode Island school to beat Mount was La Salle Academy, which edged the Mounties in game one of the 1991 state title series. Mount went on to win that series in three thrilling games, the last time it has been challenged in a state championship series.

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## FIBERGLASS AND THE NATIONAL TOXICOLOGY PROGRAM

Mr. DOLE. Mr. President, I wanted to make my colleagues aware of a situation that has developed at the Department of Health and Human Services that may have an enormous impact on over 1,300 employees in my State of Kansas at three fiberglass insulation production facilities in McPherson and Kansas City, KS.

Under the National Toxicology Program, the Department will soon issue the seventh annual report on carcinogens. The recommendation of the interagency working group of the NTP was to include glass wool, respirable size, on the list of substances reasonably anticipated to be a carcinogen.

However, Mr. President, the working group also voted to recommend that a review was needed of the criteria by which ARC decisions are made generally, and in particular, to review whether the existing criteria are appropriate for assessing fiber carcinogenicity.

Basically, Mr. President, the question is this: Why should this substance be officially listed as a possible cancer hazard under the old criteria when a recommended criteria review has yet to be completed? It is my understanding there is a considerable body of evidence recently completed in Canada that supports the industry contention that inclusion on the list is not warranted.

Mr. President, I would ask unanimous consent that a letter I have sent to Secretary Shalala and supporting materials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, DC, March 23, 1994.*

Hon. DONNA E. SHALALA,
*Secretary of Health and Human Services, Washington, DC.*

DEAR SECRETARY SHALALA: I am writing to you regarding a recent request by my constituents Owens-Corning Fiberglass, Schuller International and Certain Teed Corporation.

The information which I have received relates to the National Toxicology Program (NTP) administered by the Department of Health and Human Services. These constituents are asking that the review of their product under the NTP be delayed in light of the recent decision by the Interagency Working Group that the criteria used for evaluation of substances should be reviewed.

I am pleased to forward this information to you for your review prior to your final decision.

Sincerely,

BOB DOLE,
*U.S. Senate.*

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NAIMA,
*September 30, 1993.*

DONALD AINSLIE HENDERSON, M.D., M.P.H.,
*Deputy Assistant Secretary for Health-Science, Department of Health and Human Services, Washington, DC.*

Re: Proposed Listing of Glass Wool (Respirable Size) On 7th Annual Report on Carcinogens.

DEAR DR. HENDERSON: Thank you for your letter of August 17. I am disappointed that we will not have the opportunity to meet with you at this time. However, I do appreciate that the Department and the National Toxicology Program (NTP) are considering the issues raised in our petition, and I respect your decision that this is not the right time for a meeting.

NAIMA remains very concerned that the issues raised in the petition regarding the Annual Report on Carcinogens (ARC) listing criteria, as well as the underlying science on glass wool, receive a detailed, expert and objective review by scientists familiar with fiber toxicology and occupational epidemiology issues. We believe that the criteria used by the NTP, at least as NTP now interprets them, are outside the scientific mainstream and scientifically indefensible. Because of this, the NTP should not proceed with the listing of glass wool until this review is completed and the criteria revised. Proceeding to evaluate glass wool under the existing criteria (or NTP's interpretation of those criteria) risks an erroneous, arbitrary and capricious result.

Along those lines, NAIMA is concerned that your memorandum of July 15, 1993 to Dr. Olden may be misunderstood. This memorandum was telecopied to us for comment by a reporter for the Bureau of National Affairs (BNA); the reporter indicated he had received the memorandum from members of Dr. Olden's staff. Your August 17 letter states that the Department is in the midst of considering the issues raised by the petition including, presumably, the ARC listing criteria and NTP's interpretation of those criteria. However, your July 15 memorandum describes a review process in which both the NTP Scientific Review Committee and the NTP Working Group will review "the strength of the evidence for glass wool's carcinogenicity according to ARC criteria."

Meaningful consideration of the NAIMA petition's arguments that the NTP listing criteria require reevaluation would entail a review of the existing "strength of the evidence" approach to carcinogen classification. Under that "strength of the evidence approach," a substance must be classified as a carcinogen if it produces tumors in laboratory animals—regardless of any other evidence. Under a "weight of the evidence" approach, by contrast, the totality of scientific evidence may be considered in making human carcinogen hazard identification judgments [including negative animal studies, the relevance of the routes of animal and human exposure, other mechanistic information and epidemiological (mortality and morbidity) data]. NAIMA is concerned that NTP may consider your memorandum to Dr. Olden warrant for the evaluation of the glass wool science under the existing criteria.

The Department's decisions to review the NTP carcinogen hazard classification criteria and the application of those criteria to glass wool are of obvious importance to the industry, the industry's employees, the public and the NTP. These reviews provide a unique opportunity to assess important scientific issues both generically and with regard to a particular, important substance—

glass wool. NAIMA believes these reviews should be as well informed, as fair and impartial and as comprehensive as practicable. To that end, NAIMA formally requests that a number of procedures be followed.

First, we believe, it is imperative that these decisions be made on the basis of an open, publicly available record that contains all relevant documents to be considered. Over the past several weeks, NAIMA has repeatedly been questioned by reporters in possession of external letters written to the Department as well as internal Departmental and NTP memoranda, and has been asked to comment or respond. We believe that the public record should reflect what representations have been made to the Department so that NAIMA and others can bring relevant information supporting or refuting those representations to the Department's attention.

Second, NAIMA requests that the Working Group meeting(s) be open to the public. There has been considerable confusion regarding the proceedings to date including precisely what occurred at the closed October 1992 Working Group meeting and precisely what information was transmitted to Dr. Olden thereafter regarding the views of the various NTP Working Group constituent agencies. NAIMA also believes that secrecy regarding these important questions of science and science policy serves no purpose. Openness is more consistent with and promotes fairness and full discussion. It should be the policy of the Department to provide the public the fullest information practicable regarding these important decision-making processes.

Third, NAIMA requests the opportunity to make full, expert scientific presentations to the Working Group regarding glass wool toxicology, the epidemiology studies of glass wool workers and the NTP carcinogen hazard identification criteria. NAIMA anticipates that a number of eminent, independent toxicologists with fibers, occupational epidemiologists and carcinogen classification experts would be available to make such presentations. This would doubtless be useful input to the Working Group members.

Fourth, we request that the Department and/or the Working Group convene an independent, peer review panel of preeminent fiber toxicologists and occupational epidemiologists, as well as carcinogen classification experts, to assist the Department and/or the Working Group in evaluating all the scientific evidence including the evidence presented pursuant to NAIMA's previous (third) request.

We would point out that Department action granting this request would be consistent with the consensus of the NTP Working Group, as reflected in the publicly available minutes of the October 8, 1992 Working Group meeting:

"The general consensus was that the review by the Working Group for the ARC could be considered as a partial peer review but that it should be willing to take some scientific issues which need further definition to some body of scientists deemed expert on the issue."

NTP Working Group Minutes, October 8, 1992 Meeting, p.6. Specifically, regarding the new glass wool toxicology data, again according to the October 8 meeting minutes, "Dr. Allaben then stated that he did not feel it was in the charter of the Working Group for the ARC to serve as a peer review group for this type of submission and felt that an ad hoc group of experts would better serve to review this data for the NTP." Id. at 8-9. If NIH grant proposals and NTP bioassays deserve external peer review, then critical carcinogen hazard identification information intended for general public dissemination surely deserves no less review.

Fifth, NAIMA requests that the NTP/NIEHS, taken together, be allowed only one vote at the next Working Group meeting. The minutes of the October 8 meeting reflect a series of ballots in which nine votes were cast although only eight agencies were represented. Although the NTP and NIEHS representatives are identified separately as if they represent distinct entities, both representatives work for and report to the NIEHS/NTP Director and are NIEHS employees. Indeed, the cover page of the October 8, 1992 Working Group minutes specifically identifies two voting members as NIEHS representatives (copy attached as Attachment 1). Given the significance of the issues to be discussed and the closeness of the October 8 votes, it would be more representative if NTP/NIEHS were treated as are other agencies and allowed only one vote. This would also eliminate any questions about the appropriateness of such double counting.

There is no doubt that the Department is legally required, having decided to review its criteria and the glass wool decision, to follow procedures fair to all interested parties and adequate to develop a full and fair record. We believe the procedures requested above are essential to achieving that end.

We are, in similar vein, concerned that these important scientific issues be debated within this decisional process—and not in the press. In recent weeks, we have been called by a number of reporters and informed by them that they had received information from NTP employees about the decisional process—information about which we were totally unaware. As you know, that information has led to several press stories in recent weeks.

We believe it essential that the scientific issues be considered fully and fairly by each of the participants in the NTP process. The process will inevitably be infected if such publicity continues. Creating an open, publicly available record, opening up the Working Group meeting, allowing expert input, requiring independent expert peer review and addressing the voting process—as we request above—is an appropriate means of assuring a full and fair process.

Finally, even if the NTP criteria were to remain unchanged, we do not believe that a rigorous, impartial and even-handed review of the science supporting the proposed listing of glass wool has yet taken place. Specifically, even under the extant criteria, NTP must consider questions of study design, conduct and the meaning of the results in its evaluation of the scientific evidence which allegedly supports the listing. See Introduction, Sixth (1991) Annual Report on Carcinogens, Summary, p. 6 ("As an alternative. . . . epidemiologic studies . . ., scientists can use well-designed animal studies") (emphasis added). Any positive studies must be found to meet a certain threshold of quality in order for them to be considered to be "sufficient" to warrant a finding of carcinogenic hazard.

NTP staff has been at great pains to identify any weakness in the RCC glass wool inhalation studies and to question their value in the carcinogen hazard identification process. NAIMA welcomes this detailed scrutiny and analysis of the design and conduct of this study, conducted according to Good Laboratory Practices and now published in two peer-reviewed journals. Similar scrutiny is welcomed of the seven other consistent, negative animal inhalation studies involving glass wool exposure to a variety of species.

By contrast, with respect to the glass wool injection/implantation studies, NTP staff has set forth no criteria against which such studies are to be evaluated and judged to be valid, well designed and well conducted. This apparently uncritical acceptance of the positive injection/implantation studies is especially troubling in light of the growing national and international consensus that the sole value of these non-physiological route of exposure studies is as screening tests to determine what fibers should be subject to inhalation testing, the exposure route relevant to humans. The NAIMA petition of June 29, 1993 discusses in detail the nearly identical conclusions of the Chemical Industry Institute of Toxicology (CIIT) (1992) and World Health Organization (WHO) (1992) expert panels on this point. So as not to prolong this letter, NAIMA here merely enumerates certain of the importing failings of the glass wool injection/implantation studies. These studies:

1. Employ excessive or overload doses;

2. Use non-physiologic routes of administration by normal, respiratory system defense mechanisms;

3. Have produced results that have not been demonstrated to correspond to results in either animal inhalation or human epidemiology studies;

4. Have not been conducted in accordance with established, accepted repeatable scientific protocols following Good Laboratory Practices;

5. Allow little or no opportunity for natural clearance of fiber from the injection/implantation site;

6. Entail abnormal anatomical localization of fibers;

7. Permit little or no interaction with cell types common in the terminal bronchioles and alveoli; and

8. Result in a high incidence (approximately 10%) of neoplasms in saline control animals.

Such criticisms are abundant in the peer-review literature, and yet they apparently have received little or no consideration by NIP as part of its evaluation. Instead, NPT has relied totally upon these studies as the basis for recommending that glass fibers be listed as a reasonably anticipated human carcinogen. Rather than elaborate these criticisms here, NAIMA respectfully refers you to Attachment 2, where some of these criticisms and failings are discussed in more detail. NAIMA shares the concerns reflected in the October 8, 1992 Working Group meeting minutes that the Working Group may not have the highly specialized expertise to conduct a full evaluation of these studies. As such, NAIMA requests that if the review of glass wool is to proceed under the existing criteria, that this evaluation be referred to an independent panel of fiber toxicology experts.

A final note is in order. Some individuals have attempted to minimize the significance of the proposed listing of glass wool as reasonably anticipated to be a human carcinogen. These individuals have argued that NAIMA should not be concerned because this is merely the "First step in hazard identification" and further that "reasonably anticipated" in fact means only "may possibly." Others have questioned industry's good faith in filing the petition and pursuing the options provided to it by law under the Administrative Procedure Act.

Two points need to be made. Let us momentarily put to one side any economic harm to the industry or the jobs of its employees. Let us also momentarily put to one side the concrete and empirically verifiable losses in the area of energy conservation, recycling and air pollution prevention if the market place substitutes other, untested products for glass wool or uses less insulation as a result of an unwarranted classification of glass wool as reasonably anticipated to be a human carcinogen. Putting all that aside, NAIMA, its member companies and their many thousands of employees and customers have a right to a full, fair and open hearing before being needlessly stigmatized by the United States Government as working with or selling a product that has been classified as a reasonably anticipated human carcinogen. NAIMA does not choose to waive that right.

Second, the public has a right to a full and fair evaluation from its Government of these important questions of science and public policy. It has been observed that "once the government condemns a substance as inherently dangerous, that denouncement may well be tantamount to an economic death knell." The ability of the public to make fine distinctions between "reasonably anticipated" and "may possibly," and between "first step in hazard identification" and "actual risk that I will get cancer" is difficult to estimate. However, one point is clear: the public will be harmed if substances are classified provisionally as carcinogens on the basis of flawed criteria. The public is also keenly interested in not being falsely alarmed by government agencies about the carcinogenicity of particular substances.

NAIMA respectfully requests that this letter and its two attachments be made part of the administrative record that the Department preserves for this proceeding.

Thank you for your consideration of this important matter.

Sincerely yours,
WILLIAM BLACK,
*President.*

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DEPARTMENT OF HEALTH AND HUMAN SERVICES—U.S. PUBLIC HEALTH SERVICE, NATIONAL TOXICOLOGY PROGRAM

MEMBERS/ALTERNATES

Dr. Jameson, NIEHS, Chairman; Dr. Allaben, NCTR/FDA; Dr. Cameron, NCI; Dr. Fouts, NIEHS; Dr. Parker, EPA; Dr. Schuman, OSHA; Dr. Siegel, NLM; Ms. Stevens, ATSDR; Dr. Wind, CPSC (absent); Dr. Zumwaide, NIOSH.

OBSERVERS

Dr. Greenman, NCTR/FDA Dr. Sheridan, NEIHS.

### THE LIMITATIONS OF ANIMAL INJECTION/IMPLANTATION STUDIES IN ASSESSING HUMAN CANCER HAZARDS

Numerous governmental agencies and scientific groups have questioned the relevance of animal injection and implantation studies in assessing the hazard to humans of fibers. The World Health Organization and the International Programme on Chemical Safety and, in the United States, the National Institute on Occupational Safety and Health, the Environmental Protection Agency (EPA), the Consumer Product Safety Commission, and a symposium co-sponsored by EPA and the National Institute of Environmental Health Sciences have all in recent years issued reports that, while finding value in such studies to screen fibers for further testing by physiological (inhalation) routes of exposure, also find they should not be used to assess whether the same fibers, when inhaled by humans, pose cancer hazards.

These reviews question the relevance of injection/implantation studies based on fundamental failings of such studies. Injection/implantation studies:

(1) Employ non-physiologic routes of administration that bypass normal respiratory system defense mechanisms;

(2) Have produced results that have not been demonstrated to correspond to results in either animal inhalation or human epidemiology studies; and

(3) Have not been conducted in accordance with established, accepted protocols following Good Laboratory Practice (GLP) methodology.

We describe each failing below.

(1) *Non-Physiologic Routes of Administration:* When humans inhale fibers, five levels of defense protect against adverse effects: (a) aerodynamic filtration of the respiratory tract; (b) ciliated mucous transport of fibers deposited on the bronchial tree; (c) phagocytosis by macrophages of fibers that reach the terminal bronchioles; (d) solubilization of fibers that may remain in this region; and (e) additional filtration of fibers in moving to the lung pleura. Injection/implantation studies bypass all of these defense mechanisms and thus do not reflect the reality that:

"If the lung is able to prevent the fiber from reaching or removes the fiber from the critical site for producing a pathological response, the fiber will not be pathogenic."

D.M. Bernstein, "An Evaluation of the Use of an Inhalation Model versus Intraperitoneal Injection Model for the Assessment in Rats of the Carcinogenicity of Natural and Man-Made Vitreous Fibers," 43 Zbl Arbeitzsmed [Main Journal of Occupational Medicine] 120, 126 (1993).

Moreover, these defense mechanisms, even if they do not totally prevent fibers from reaching target tissues, may substantially change the size, shape, surface area, surface charge and chemical composition of the fibers—each of which factors may affect fiber toxicity. Indeed, the intra-peritoneal test has shown coarse fibers to be more carcinogenic than finer fibers—in contrast to the accepted toxicological wisdom that precisely the opposite is true. C.E. Rossiter, "Fiber Carcinogenesis: Intro-Cavitary Studies Cannot Assess Risk to Man," 567, 575 Mechanisms in Fiber Carcinogenesis (1991).

In addition, the typical bolus dose employed injection/implantation studies (up to 100 million times the typical human dose) will often produce a massive inflammatory response totally untypical of human reactions. Indeed, certain often-employed intraperitoneal test systems produce about 10% neoplasms from injection of saline in controls. Such results should be viewed as artifactual of the test system, rather than as evidence of animal or human hazard or risk. Rossiter, supra, at 573–75. See also R.O. McClellan, "Approaches to Evaluating the Toxicity and Carinogenicity of Man-Made Fibers: Summary of a Workshop Held November 11–13, 1991, Durham, North Carolina," 16 Reg. Toxicol. & Pharmacol. 321, 335 (1992).

(2) Lack of Correspondence to Inhalation Results: Injection/implantation studies of fibers have never been validated as relevant to human, or even animal, inhalation. Marked discrepancies exist between human and animal inhalation results and results achieved in injection/implantation studies of the same fibers.

Chrysotile asbestos, for example, very rarely causes mesotheliomas in humans, and fiber glass has never been associated with mesotheliomas in humans or in animals inhalation studies. Yet, intra-cavitary studies have produced significant mesothelioma rates with both fibers. On the other hand, animal inhalation studies, when properly performed using fibers of the relevant dimensions, have been found to correlate well with human results.

Studies that have not been validated as demonstrating results that are similar to real-life results should not be relied upon in human health hazard assessment.

(3) Absence of Accepted Protocols: No accepted protocols have been adopted by governmental scientific bodies for injection/implantation studies. Nor have such studies been conducted according to Good Laboratory Practice methodologies as are required for inhalation studies relied on by Governmental bodies.

Animal inhalation study protocols have been developed with great care over the years by NTP, EPA, the European Economic Community and many other groups. Regulators have insisted on compliance with these protocols in order to rely on study results. No such established protocols exist for injection/implantaton studies.

Nor have injection/implantation studies been performed according to Good Laboratory Practices regulations. Such rules assure that all aspects of the study were performed as specified in the protocols and that all data were properly recorded and reported. Such guarantees of proper study design and implementation have not been employed in injection/implantation research.

Because of the absence of established protocols and GLP methodology, injection/implantation studies typically fail to include important research techniques and/or report very important information. For example, such studies:

Typically do not report the full range of fiber dimensions administered;

Do not include microscopic recovery tests to determine which of the administered fibers actually reached the target tissues;

Fail to report on the viral status of the animals;

Do not include microscopic histopathological examinations of control animals;

Do not include evaluations of the origins of the tumors produced;

Do not include any peer review reading of the slides.

These failings all indicate an absence of information critical to assessment of injection/implantation studies. Without such information, for example, it is impossible to know whether lesions have been missed in examination of controls, or to determine which tumors in which organs are or are not related to the administered fiber, or whether important issues in pathology diagnosis exist as interpreted by different pathologists.

Given all the failings in the typical conduct of injection/implantation studies, reports of such studies fall short of providing the information necessary for appropriate review.

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## PRESIDENT NIXON'S SPEECH IN RUSSIA

**Mr. DOLE.** Mr. President, I would like to recognize the efforts of one of our country's leading observers of international affairs, former President Richard Nixon. Having recently concluded a trip to the former Soviet Union that was highlighted by a speech before the State Duma's Committee on Foreign Relations, President Nixon has once again shown that he is a voice that should be heard on United States relations with the world. Not only did President Nixon speak without notes, he fielded tough questions for more than 1 hour. President Nixon's energy and ability continue to make an impact on the world.

As President, Richard Nixon constructed the policy of detente with the Soviet Union. This trip marked his 10th visit to Russia in 35 years. At a time when relations with the former Soviet Union are at a crossroads, President Nixon provides sound advice. In his speech, President Nixon emphasizes the importance of Russia to United States interests and the need to ensure the success of freedom in Russia. On this approach, I think we can all agree. Although President Nixon's trip may have made headlines due to an unfortunate miscommunication with President Yeltsin, it should be remembered for more. President Nixon's astute observations on foreign policy deserve wide attention and therefore I ask that the text of his comments before the State Duma's Committee on Foreign Relations be printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY PRESIDENT RICHARD NIXON—COMMITTEE ON FOREIGN RELATIONS, STATE DUMA, RUSSIAN FEDERATION

MONDAY, MARCH 14, 1994, MOSCOW

Mr. Chairman, I want to express my appreciation for your very gracious introduction. I am particularly pleased that for the first time in my many visits to Russia—this is the tenth—I am appearing before a committee of the Duma and other Russian friends. I noted that Chairman Lukin pointed out that I was a former President of the United States. I also have been one of you, because it was 47 years ago that John F. Kennedy and I came to Washington for the first time as freshman Congressmen. In 1960, he was elected President of the United States. In 1968, I was elected President of the United States. And I am sure that some of the younger members of the Duma hope that happens to them here in Russia. So I wish you well as far as your political careers are concerned.

I want to address Russian-American relations in a very realistic way today. Let me put the matter in historical perspective. Thirty-five years ago on my first visit to Russia, Premier Khrushchev and I had a lively exchange of views during a period of confrontation between the Soviet Union and the United States. In 1972 and 1974 in the Kremlin, I met with President Brezhnev at a time of detente. We were able to negotiate a very significant arms control agreement and other positive agreements between our two countries. Now I stand here before the first freely elected Parliament in Russian history at a time when Russia also has its first freely elected President in one thousand years. So I have seen our relationship move from confrontations in 1959 to detente in 1972 and 1974, and now to cooperation.

In order to understand what the new relationship should be, it is necessary to disabuse ourselves of some misconceptions. We sometimes hear it said that the Cold War is over and the Russians have lost it. That is not true. The Russians did not lose the Cold War. Democratic Russia was responsible for delivering the knock-out blow to Soviet communism in December 1991. It was the Soviet communists rather than Democratic Russians who lost the Cold War. The United States, therefore, should not treat Russia as a defeated enemy but as an ally and friend in the defeat of aggressive Soviet communism.

The second misconception, one that was repeated in a major American newspaper last week, is that because Russia no longer rules an empire, it is no longer a great power and should not be treated as a great power by the United States. That is also incorrect. Russia was and is a great power and the Russian-American relationship is the most important relationship that the United States has with any nation in the world. There are several reasons why that is the case.

First, Russia is the only nation in the world that has the capability to destroy the United States of America. Second, Russia's cooperation is indispensable in dealing with a number of problems like the current situation in the Mideast. Third, and to me most important, is that the success or failure of political and economic freedom in Russia will have a profound effect in the world among those who are dictators or hope to be dictators. If freedom succeeds in Russia, it means that freedom will be the wave of the future. Therefore we should work together to make it succeed.

Having stated that we are no longer potential enemies, we must recognize that as friends, we will have differences. But I emphasize that they will be differences between friends, rather than differences between enemies—just as the United States has differences with a number of other of its friends and allies in Europe and Japan. As far as those differences are concerned, it is important to put them on the table, to know where we agree and disagree, rather than to drown them in toasts of vodka and champagne. There is no question but that the good personal relationship between President Yeltsin and President Clinton is one of the most positive developments of this period. But we must recognize that this personal relationship does not indicate that we do not have some profound differences. I say this because there is a tendency, particularly between friends, to paper over differences with emotionalism. This does not serve the cause of peace. It does not serve the cause of friendship.

Mr. Chairman, I want to be very frank with our friends here in the Duma, as you have often urged me to be, and which you have been in the United States when you have addressed members of our Congress. After the euphoria of 1991 and 1992, and after several summit meetings, there has been too much of a tendency to assume that everything is going smoothly between our two countries. That is not true. If you look at the situation in Russia and in America, there are some profoundly disturbing developments. For example, in America, if you follow our media you will find that as a result of the exaggerated reaction to the Ames spy scandal, there has been a resurrection of some anti-Russian attitudes carrying over from the Cold War. And speaking candidly, a number of our most distinguished commentators and observers have reacted very strongly to the recent election in Russia. They are concerned that Russia will revert to an aggressive foreign policy. Many Americans are concerned by what they see as a new assertiveness on the part of some of Russia's foreign policy officials.

Now let us look at the situation in Russia. Mr. Chairman, I have found some profound change in the attitude among my Russian friends since even last year. It is not anti-American. It is more pro-Russian. I understand this. Russia is a great power and Russia as a great power must chart its own course in foreign policy. Sometimes that course will be the same as that of the United States—in fact, most of the time. Sometimes it will be different. And when it is different, we must not allow that difference to poison the most important strategic relationship between two powers in the world today.

I have found, for example, that some of my Russian friends say they are disappointed in the failure of the United States to provide in performance what it promised insofar as aid to reforms in Russia is concerned. Others have expressed concern with regard to the failure of the United States to recognize the plight of 25 million Russians living in the near abroad. And as you know, we have had some differences in Bosnia which currently we hope are being resolved.

I give these only as examples. It is important for leaders in this country and in the United States to work together when we can. But when we have differences, we should not assume that they will be overcome by a good personal relationship even at the highest level or by friendly meetings between members of legislatures. They can only be overcome if we recognize them and then negotiate in a progmatic way. As great nations, we must always stand for our ideals but we must base our policies on our interests. I used to say to your Chairman that if I were a Russian politician I would realize that it would not be helpful to go in lockstep with America on all issues. I speak to you candidly as a politician and as an American, just as you are patriotic Russians.

It is in that spirit that I look forward to hearing your questions on foreign or domestic policy, and if you desire your speeches on either. Let me add finally a personal word. I noted that President Yeltsin has returned to his native Sverdlovsk for the funeral services of his mother-in-law. We express our sympathy to him on this occasion.

I vividly remember thirty-five years ago my visit to Sverdlovsk and then to a small school in the Ural mountains nearby. The school children were there waving American and Russian flags. I asked my translator, "What can I say in Russian that they would want to hear? What do I say to school children?" He said I should say, "Mir i Drushba." For the balance of that trip, in every speech I made, I said, "Mir i Drushba—peace and friendship."

My friends, when I said that 35 years ago, it was only a hope. Today, you can help to make it a reality.

President Nixon spoke without notes.

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## TRIBUTE TO JOE STEWART

Mr. PELL. Mr. President, I want to express my high regard and best wishes to our distinguished Secretary of the Senate, Walter J. Stewart, who will be leaving office on April 14. I know I value greatly his friendship and shall miss him.

Joe Stewart can truly be described as a man of the Senate. He has spent most of his adult life in the service of this institution and he knows its customs and its requirements instinctively, by dint of long experience and familiarity.

As Secretary of the Senate, he has managed with quiet efficiency the far-flung responsibilities of his office, which include not only the central legislative and record keeping functions of the Senate, but a wide array of support functions, ranging from the office of the Senate security in the Capitol attic to the disbursing office in the Hart Building.

Joe has always recognized that the Senate is an assembly of unique individuals, each of whom has an independent agenda, and he has always been skillful in accommodating the operation of the institution to the needs of the individual members whenever he could.

He will be sorely missed and I know I speak for many others when I say that I am sorry to see Joe depart to follow other pursuits. He will be a hard act to follow, but we are fortunate indeed to have a person of Martha Pope's experience and stature to assume the office of Secretary of the Senate when Joe leaves, and I wish her well in her new role.

## MESSAGES FROM THE HOUSE

At 12:20 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, each with amendment, in which it requests the concurrence of the Senate:

S. 476. An Act to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1574. An Act to authorize appropriations for the Coastal Heritage Trail Route in the State of New Jersey, and for other purposes.

S. 1636. An Act to authorize appropriations for the Marine Mammal Protection Act of 1972 and to improve the program to reduce the incidental taking of marine mammals during the course of commercial fishing operations, and for other purposes.

The message also announced the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1394. An Act to improve coordination of National Oceanic and Atmospheric Administration Great Lakes activities.

H.R. 2063. An Act to amend existing law relating to the National Coastal Resources Research and Development Institute.

H.R. 2760. An Act to authorize the Marine Mammal Protection Act of 1972 for 6 fiscal years, to establish a new regime to govern the incidental taking of marine mammals in the course of commercial fishing operations, and for other purposes.

H.R. 3235. An Act to amend subchapter II of chapter 53 of title 31, United States Code, to improve enforcement of antimoney laundering laws, and for other purposes.

H.R. 3360. An Act to demonstrate ballast water management technologies and practices on vessels, including vessel modification and design, that will prevent aquatic nonindigenous species from being introduced and spread in the United States waters.

H.R. 3516. An Act to increase the amount authorized to be appropriated for assistance for highway relocation regarding the Chickamauga and Chattanooga National Military Park in Georgia.

H.R. 3664. An Act to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility.

H.R. 3786. An Act to amend title 46, United States Code, to establish requirements to ensure safe operation of recreational vessels, to require allocation of State recreational boating safety program assistance based on State adoption of laws regarding boating while intoxicated, and for other purposes.

H.R. 3886. An Act to amend the boundaries of the Flower Garden Banks National Marine Sanctuary.

H.R. 4034. An Act to amend the Urban Park and Recreation Recovery Act of 1978 to authorize grants for the expansion of recreation opportunities for at risk youth in urban areas with a high prevalence of crime, and for other purposes.

H.J. Res. 329. Joint Resolution designating March 23, 1994, as "Education and Sharing Day, U.S.A."

The message further announced that pursuant to the provisions of section 5(b)(1) of Public Law 102-521, the Speaker appoints the following as members of the Commission on Child and Family Welfare, from private life, on the part of the House: Mr. Donald R. Bardill of Tallahassee, FL, Mr. George C. Cheek of Spokane, WA, Mr. John Guidubaldi of Kent, OH, and Mr. Bill Harrington of Tacoma, WA.

At 2:31 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 171. Joint Resolution to designate March 20 through March 26, 1994, as "Small Family Farm Week."

At 5:46 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 1804) entitled "An Act to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes."

The message further announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 230, concurrent resolution to correct an error in the enrollment of the bill H.R. 1804.

At 7:50 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 3345) to provide temporary authority to Government agencies relating to voluntary separation incentive payments, and for other purposes.

### ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 171. Joint Resolution to designate March 20 through March 26, 1994, as "Small Family Farm Week."

The enrolled joint resolution was subsequently signed by the President Pro tempore (Mr. BYRD).

## MEASURES REFERRED

The following measures were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1394. An act to improve coordination of National Oceanic and Atmospheric Administration Great Lakes activities; to the Committee on Commerce, Science, and Transportation.

H.R. 2063. An act to amend existing law relating to the National Coastal Resources Research and Development Institute; to the Committee on Commerce, Science, and Transportation.

H.R. 3235. An act to amend subchapter II of chapter 53 of title 31, United States Code, to improve enforcement of antimoney laundering laws, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3360. An act to demonstrate ballast water management technologies and practices on vessels, including vessel modification and design, that will prevent aquatic nonindigenous species from being introduced and spread in the United States waters; to the Committee on Commerce, Science, and Transportation.

H.R. 3516. An act to increase the amount authorized to be appropriated for assistance for highway relocation regarding the Chickamauga and Chattanooga National Military Park in Georgia; to the Committee on Energy and Natural Resources.

H.R. 3664. An act to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility; to the Committee on Environment and Public Works.

H.R. 3786. An act to amend title 46, United State Code, to establish requirements to ensure safe operation of recreational vessels, to require allocation of State recreational boating safety program assistance based on State adoption of laws regarding boating while intoxicated, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3841. An act to amend the Bank Holding Company Act of 1956, the Revised Statutes of the United States, and the Federal Deposit Insurance Act to provide for interstate banking and branching; to the Committee on Banking, Housing and Urban Affairs.

H.R. 3886. An act to amend the boundaries of the Flower Garden Banks National Marine Sanctuary; to the Committee on Commerce, Science, and Transportation.

H.R. 4034. An act to amend the Urban Park and Recreation Recovery Act of 1978 to authorize grants for the expansion of recreation opportunities for at risk youth in urban areas with a high prevalence of crime, and for other purposes; to the Committee on Energy and Natural Resources.

## MEASURES PLACED ON THE CALENDAR

**The following measure was read the first and second times by unanimous consent, and placed on the calendar:**

H.R. 2760. An act to authorize the Marine Mammal Protection Act of 1972 for 6 fiscal years, to establish a new regime to govern the incidental taking of marine mammals in the course of commercial fishing operations, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

**The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:**

EC-2399. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the report relative to the appointment of conservators; to the Committee on Banking, Housing, and Urban Affairs.

EC-2400. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on transportation user fees for fiscal year 1992; to the Committee on Commerce, Science, and Transportation.

EC-2401. A communication from the Secretary of Energy, transmitting, pursuant to law, notice relative to the report on insular areas and oil supply disruptions; to the Committee on Energy and Natural Resources.

EC-2402. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report on the expenditure and need for Worker Adjustment Assistance Training Funds for fiscal year 1994; to the Committee on Finance.

EC-2403. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC-2404. A communication from the Chairman of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2405. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, notice of the filing of proposed postal rate and fee changes; to the Committee on Governmental Affairs.

EC-2406. A communication from the Vice President of the Corporation for National and Community Service, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2407. A communication from the Deputy Director of the Office of Government Ethics, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2408. A communication from the Assistant Secretary of Education (Office of Special Education and Rehabilitative Services), transmitting, pursuant to law, the report of final regulations—Student Assistance General Provisions (Student Eligibility); to the Committee on Labor and Human Resources.

EC-2409. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the annual report for fiscal year 1993; to the Committee on Veterans' Affairs.

## PETITIONS AND MEMORIALS

**The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:**

POM-410. A joint resolution adopted by the Legislature of the State of California; to the Committee on Banking, Housing, and Urban Affairs.

"SENATE JOINT RESOLUTION NO. 34

"Whereas, The United States of America mint located at Fifth and Mission in San Francisco has been known as the Old Mint and called over the years the Granite Lady; and

"Whereas, The Federal Greek Revival fortress was built by famed architect A.B. Mullet with four-foot walls of Rocklin granite, a facade of British Columbia blue-stone, iron shutters, a pyramidal flight of steps, a portico of Doric columns and was declared a National Landmark in 1961; and

"Whereas, The 119-year old building opened for business in December 1874, withstood the earthquake and fire of 1906 and the 1989 Loma Prieta earthquake, and houses one of the best museums of California history, and was itself a major part of that history; and

"Whereas, The mint once housed significant amounts of the nation's gold reserve; and

"Whereas, The Granite Lady once stamped California's gold and Nevada's silver into the coins that most people then preferred to greenbacks; and

"Whereas, In 1906, as flames ignited by the earthquake destroyed everything around it, mint employees and soldiers with a hose one-inch in diameter fought seven hours to save the building—and the two hundred million dollars ($200,000,000) in its vaults; and

"Whereas, When the smoke cleared, the Old Mint was nearly alone among the survivors in its neighborhood after the 1906 San Francisco earthquake and fire; and

"Whereas, The Old Mint is the only example of Greek Revival used in the architecture of federal buildings west of the Rockies; and

"Whereas, The Old Mint drew 83,552 visitors and generated a $400,000 income from the sales of commemorative coins and souvenirs last year; and

"Whereas, This beloved and popular landmark was closed as a result of a decision by bureaucrats within the Treasury Department affording no public comment by elected officials or other citizens; and

"Whereas, The United States Treasury Department reopened the Old Mint temporarily after its sudden closure, for a 90-day period, in order to study options other than the permanent closure of the Old Mint; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to direct the Treasury Department to make the reopening of the museum and former U.S. Mint in San Francisco, known as the Granite Lady or Old Mint, permanent at the end of the 90-day review period; and be it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

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POM-411. A resolution adopted by the Council of the Town of Wethersfield, Connecticut relative to commercial whale killing; to the Committee on Commerce, Science, and Transportation.

POM-412. A resolution adopted by the Council of the City of New Bedford, Massachusetts relative to the fishing industry; to the Committee on Commerce, Science, and Transportation.

POM-413. A resolution adopted by the Legislature of the State of South Dakota; to the Committee on Commerce, Science, and Transportation.

"SENATE CONCURRENT RESOLUTION NO. 2

"Whereas, Congress passed a federal law in 1975, amended in 1988, requiring all federal agencies to use the metric system in their procurements, grants, and other business-related activities, except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms; and

"Whereas, the federal mandate stated that all federal agencies are to proceed with metric conversion, and

"Whereas, up to this point it appears that the Federal Highway Administration (FHWA) is one of only a few federal agencies, if not the only federal agency, aggressively moving forward with metric conversion; and

"Whereas, the Interstate Commerce Commission, in a decision issued on June 2, 1992, dropped all plans to encourage the industries it regulates to switch from the decimal to the metric system of measurement; and

"Whereas, the FHWA solicited comments on metric conversion through the Federal Register and published a review of those comments on June 11, 1992; and

"Whereas, the notice stated that forty-seven percent of the respondents strongly opposed metric conversion and another thirty-five percent expressed some reservation to the conversion while only eighteen percent were strongly supportive of converting to the metric system; and

"Whereas, the conversion to the metric standard will require state and local transportation agencies to absorb the costs of conversion within their own budgets at a time when federal funding has been cut and infrastructure needs and costs continue to increase; and

"Whereas, the costs will range from changing highway speed and distance signs to rewriting highway and transportation design procedures and rewriting vehicle license procedures and manuals to retraining workers and contractors throughout the public and private transportation sector; and

"Whereas, the conversion costs will divert millions of construction and maintenance dollars from the nation's infrastructure and inhibit rather than enhance productivity; and

"Whereas, the conversion cost in South Dakota alone is estimated to be over 6.3 million dollars for state and local government transportation agencies; and

"Whereas, there exists the lack of a strong public education program to prepare the public for this change as well as a lack of federal leadership and direction of a conversion program; and

"Whereas, the United States Department of Commerce was mandated at the federal level to direct and coordinate implementation of the metric system and has not acted in that role which has resulted in each federal agency developing their own plan and time schedule for conversion without coordination between agencies: Now, therefore, be it

"*Resolved*, by the Senate of the Sixty-ninth Legislature of the state of South Dakota, the House of Representatives concurring therein, that in the best interests of the state of South Dakota, the United States Department of Transportation should cancel or delay the Federal Highway Administration's plans to convert their activities and business operations to the metric system of weights and measures by September 30, 1996; and be it further

"*Resolved*, that copies of this resolution be sent by the secretary of the senate to each member of the South Dakota congressional delegation; and be it further

"*Resolved*, that copies of this concurrent resolution be sent by the secretary of the senate to the secretary of the United States Department of Transportation, the administrator of the Federal Highway Administration, the presiding officers of each house of the Legislature of each of the other states in the union, the clerk of the United States House of Representatives, and the secretary of the United States Senate."

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1963. An original bill to permit certain financial institutions to engage in interstate banking and branching (Rept. No. 103–240).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GLENN, from the Committee on Governmental Affairs:

Rafael Diaz, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of 15 years, vice Robert A. Shuker.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BIDEN, from the Committee on the Judiciary:

Raymond Gerard Gagnon, of New Hampshire, to be U.S. Marshal for the District of New Hampshire for the term of 4 years.

Frank James Anderson, of Indiana, to be U.S. Marshal for the Southern District of Indiana for the term of 4 years.

Nannette Holly Hegerty, of Wisconsin, to be U.S. Marshal for the Eastern District of Wisconsin for the term of 4 years.

David D. Freudenthal, of Wyoming, to be U.S. Attorney for the District of Wyoming for the term of 4 years.

Ancer L. Haggerty, of Oregon, to be U.S. District Judge for the District of Oregon.

Herbert Lee Brown, of Nevada, to be U.S. Marshal for the District of Nevada for the term of 4 years.

Lawson Cary Bittick, of Georgia, to be U.S. Marshal for the Middle District of Georgia for the term of 4 years.

Kent Barron Alexander, of Georgia, to be U.S. Attorney for the Northern District of Georgia for the term of 4 years.

Michael J. Davis, of Minnesota, to be U.S. District Judge for the District of Minnesota.

Franklin D. Burgess, of Washington, to be U.S. District Judge for the Western District of Washington.

(The above nominations were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. RIEGLE:

S. 1963. An original bill to permit certain financial institutions to engage in interstate banking and branching; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. METZENBAUM (for himself, Mr. KENNEDY, Mr. SIMON, Mr. PELL, Mr. DODD, Mr. WOFFORD, Mr. MITCHELL, Mr. FORD, Mr. DASCHLE, Mrs. BOXER, Ms. MOSELEY-BRAUN, and Ms. MIKULSKI):

S. 1964. A bill entitled the Reemployment and Retraining Act; read the first time.

By Mr. McCAIN:

S.J. Res. 175. A joint resolution to designate the week beginning June 13, 1994, as "National Parkinson Disease Awareness Week"; to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. METZENBAUM (for himself, Mr. KENNEDY, Mr. SIMON, Mr. PELL, Mr. DODD, Mr. WOFFORD, Mr. MITCHELL, Mr. FORD, Mr. DASCHLE, Mrs. BOXER, Ms. MOSELEY-BRAUN, and Ms. MIKULSKI):

S. 1964. A bill entitled the Reemployment and Retraining Act.

### THE REEMPLOYMENT AND RETRAINING ACT

Mr. METZENBAUM. Mr. President, today I am introducing the Reemployment and Retraining Act of 1994, an initiative proposed by the Clinton administration to revitalize assistance to dislocated workers.

Our economy is finally emerging from a long recession. In the first year of the Clinton administration, almost 2 million jobs were created in the private sector. This is encouraging news, but for the 8.5 million Americans still looking for work, this is little consolation. No matter how much the economy improves, their old jobs are gone for good. In 1993 we saw the highest percentage of permanent job loss ever recorded by the Department of Labor—75 percent of all laid-off workers will never return to their former jobs.

For years unemployment has been concentrated in the manufacturing sector due to increased global competition and overseas plant relocation. But job loss is no longer the exclusive problem of these blue collar workers. Tens of thousands of white-collar jobs have been eliminated in downsizing efforts by large companies, a trend that is likely to continue even in an expanding economy.

Workers in both sectors have been affected by the increasing use of part-time and temporary workers. Often these contingent jobs are the only jobs out there, even for experienced, skilled professionals—jobs with lower pay, fewer benefits, and no security.

The business community claims that this is unavoidable in an era of global competition. But as companies trim their payrolls and plants close their doors in the name of competitiveness, more and more workers are left to face the difficult task of finding new jobs and new careers.

We must do more to help workers meet the challenges of our changing economy. Business and labor must work together to create high wage jobs. We must also ensure that workers have the information and skills necessary to find new and better jobs.

In the past, we have tried to assist dislocated workers with programs targeted at specific groups affected by trade agreements, defense reductions, and other government actions. In fact, I was the author of the dislocated worker provisions in the Omnibus Trade and Competitiveness Act of 1988. Unfortunately, this multi-program approach has left too many dislocated workers out in the cold. Dislocated worker programs serve approximately 600,000 workers each year, but that is only about one-third of the dislocated worker population. We can, and we must, do better.

When workers come to the government for help, they are confronted with a confusing maze of forms, eligibility requirements, and lengthy processing periods. The assistance available to these workers is often inadequate. Too frequently, local program offices lack the necessary information to help workers make informed decisions about career and training choices and do not have the funds to enable workers to retrain for better jobs. Budget cuts in dislocated worker programs during the 1980's have left the dislocated worker program a well-intentioned, but mostly unfulfilled promise.

In addition, the success of these programs is dependent upon early intervention, which is possible only when workers and local communities receive advance notice of layoffs. But our Federal notice law has substantial problems in terms of coverage, compliance and enforcement. We must address these problems if our dislocated worker programs are to succeed.

In sum, American workers deserve a better chance at a fresh start.

That is why today I am introducing the Reemployment and Retraining Act of 1994, an initiative proposed by President Clinton and Secretary of Labor Robert Reich. The reemployment and retraining act aims to restructure existing dislocated worker programs into one comprehensive system that will serve all permanently laid-off workers. By consolidating these programs, access to assistance will be easier for workers and the department can sponsor a broader array of services.

The bill will require State and local governments to establish a network of career centers that will provide a single point of access to job search assistance, career counseling, skills assessment and referral to job training. A new labor market information system will provide dislocated workers with up-to-date information on job openings and labor market trends. These services will be available to all permanently laid-off workers, without any consideration as to why they lost their jobs.

Workers who need retraining will receive $4,750 per year for training expenses and will be able to select a training program based on consumer performance information, such as placement rates and graduate earnings. For workers who have 1 to 3 years tenure with their previous employer, income support for up to 1 year will be available while they are enrolled in a training program.

In addition, the Reemployment and Retraining Act encourages States to go one step further by establishing one-stop centers that would expand these services to assist not only dislocated workers, but all job seekers.

The Reemployment and Retraining Act will increase funding for dislocated workers' assistance by $1 billion a year. This is a bottom line investment that will help revitalize programs that have long been underfunded. Our workforce is this country's greatest resource and we should spend whatever amount is necessary to provide workers with needed jobs and job skills.

The Reemployment and Retraining Act is a good and important first step toward putting Americans back to work, preferably in high skill, high wage jobs. I intend to hold a series of hearings, with the full participation of the job training community, to evaluate what has worked and what has not worked in the past 6 years of program experience. I look forward to working with my colleagues and with the administration to develop this legislation into a strong and successful reform of our job training programs.

Mr. KENNEDY. Mr. President, it is an honor to join Senator METZENBAUM in introducing the Reemployment and Retraining Act of 1994. This legislation, which was developed by the Clinton administration after extensive consultation with key leaders around the country, addresses an issue of critical importance to our economic future: The need for an effective system to ensure that workers who are bearing the brunt of the rapid structural changes in the economy get the services they need to enable them to secure new jobs at decent wages.

We have all heard the encouraging news about the increasing pace of economic recovery. Unemployment is down, production and productivity are up, and nearly 2 million new jobs have been created in just the last 13 months. The administration's economic program and deficit reduction strategy are clearly producing results.

But these positive signs of recovery exist side by side with other compelling data that tell us that for working Americans, the landscape is still bleak. Wages are stagnant—and in some sectors still falling. Large companies continue to downsize, shedding workers at a record pace. Long-term unemployment—the percent of unemployed workers who have been out of work for more than 6 months—remains at a postwar high. And more than three out of every four workers who lost their jobs last year were permanently—not temporarily—laid off.

Even those who were fortunate enough to keep their jobs and standard of living through the last recession remain deeply concerned about their economic future. According to recent polls, large percentages of employed Americans have very real fears that they too will lose their jobs or be forced to take pay cuts in the foreseeable future.

As Labor Secretary Reich testified last week at a hearing by the Senate Labor and Human Resources Committee, we cannot, and must not, accept a status quo in which large numbers of working Americans are left behind as the economy moves ahead. That is why it is so important to use our best efforts to ensure that working Americans have the skills, the services, and the information they need to participate in the benefits of economic recovery.

The evidence is strong that skill is one of the most significant factors in determining who is benefiting and who is being hurt by the changes in the economy. The earnings gap between those with a college education or other technical training and those without it is steadily increasing. Jobs for relatively unskilled or semiskilled workers that pay good wages and provide decent benefits are disappearing. Workers who once held those jobs and have lost them often find themselves with no other choice than to accept low-paying, unskilled work at a fraction of their former wages.

The legislation which we are introducing today is designed to address that challenge by replacing our current fragmented system of Federal assistance programs for dislocated workers with a single, comprehensive system that moves quickly to identify unemployed workers who are not going to get their old jobs back, and provide them with a range of services to prepare for new jobs that pay decent wages.

In place of the six separate existing programs for dislocated workers—two for workers affected by trade agreements, two for workers affected by defense cutbacks, one for workers affected by the Clear Air Act, and a separate program for every one else—this legislation creates a single program that will serve all workers who are dislocated, regardless of the reason for their dislocation. That step alone should save millions of dollars that are currently wasted each year in duplicative administrative expenses and costly efforts to determine whether a particular worker meets a particular program's eligibility requirements.

Instead of requiring dislocated workers to travel from one office to another to get information and receive the various services available to them, the bill creates single-site career centers at which workers can obtain a full range of services, including assistance in filing for unemployment benefits, information about job openings and training programs, and individualized counseling to assist them in developing plans to get back to work.

Instead of a system in which workers are too often steered into training programs that fail to fit their needs, the bill is designed to allow workers to make their own choices from among programs offered by a wide range of providers. These choices will be based on accurate and up-to-date information on how well those programs are performing in providing participants with marketable skills relevant to actual job opportunities.

For most dislocated workers using the new system, services will focus on providing accurate labor market information and job search assistance. Such services have proved effective for workers who have marketable skills but have difficulty in identifying and contacting potential employers with job openings for which the workers would be qualified.

For the 30 percent of dislocated workers who lack skills to find work or whose skills are obsolete or no longer relevant to existing job opportunities, the program will provide more intensive services, including individual counseling to develop a re-employment plan and assistance in identifying and enrolling in job training programs. Participants enrolled in qualified education and training programs will be eligible to receive up to $4,760 per year in tuition assistance.

Participants will receive training and education services from a wide variety of public and private providers, including community colleges. However, those providers will be required to furnish objective information on their graduation and placement rates and other performance factors, so that participants can make informed choices about whether to enroll in particular programs, and to ensure that Federal dollars are not used to subsidize fly-by-night or other ineffective programs.

The administration's proposal which we are introducing today is the product of extensive consultations that have been ongoing since early last year. Hundreds of interested groups have participated in the consultation process, and the administration's proposal takes account of many of the comments received. This consultation process has produced broad support for the administration's approach from business and labor groups, state and local government officials, and the provider community.

Because the proposal is complex, we anticipate a full airing of the proposal in the Labor and Human Resources Committee. Last week's hearing, at which Secretary Reich testified, was the first of a series of hearings we will be holding on the bill. We look forward to the active participation of all interested parties as the bill moves forward through the committee. Other aspects of the administration's proposal will be considered by the Senate Finance Committee, including the important reforms of income support for the unemployed. I look forward to working with the members of that committee and with other Senators to achieve the comprehensive reform that is needed.

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By Mr. McCAIN:

S.J. Res. 175. A joint resolution to designate the week beginning June 13, 1994, as "National Parkinson Disease Awareness Week"; to the Committee on the Judiciary.

### NATIONAL PARKINSON DISEASE AWARENESS WEEK

• Mr. McCAIN. Mr. President, today it is my pleasure to introduce legislation which designates the week beginning June 13, 1994, as "National Parkinson Disease Awareness Week." I am proud to be sponsoring this important resolution which is dedicated to developing a better understanding of Parkinson's disease by promoting and sponsoring discussions, mutual sharing and support groups for patients as well as their families throughout our Nation.

Also included in this important week will be educational forums and medical symposiums which will help stimulate further medical research into this disease. Since there is no cure for this disease, we must improve biomedical research to determine the causes of this disease, effective treatment methodologies, and one day a cure.

Parkinson's disease is a disorder of the nervous system which affects more than 1,500,000 people throughout our Nation. I am personally aware of the effects of Parkinson's disease, as I have watched my very good friend and one of this country's most respected elected officials, Congressman Mo Udall, valiantly battle the effects of this disease.

Mr. President, I think we can all agree that this measure is in the best interest of this Nation and will play a vital role in the fight against Parkinson's disease. I hope that my colleagues will join me in working together to pass this joint resolution and ensure that National Parkinson Disease Awareness Week is a success in promoting public awareness and the fight against this disease.

Mr. President, I ask unanimous consent that the joint resolution and a letter from the American Parkinson Disease Awareness Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### S.J. RES. 175

Whereas Parkinson's Disease is a chronic neurologic, crippling disorder of the nervous system; and

Whereas Parkinson's Disease affects more than 1,500,000 people of all ages in the United States and millions more around the world; and

Whereas no cure is available at this time, but extensive research in laboratories throughout the world has led to improved treatment in alleviating symptoms while searching for a cure; and

Whereas Parkinson support groups, chapters, and information and referral centers across America are dedicated to developing understanding of this disease and community awareness of Parkinson's Disease by promoting discussions, mutual sharing, and support among patients and family members and by sponsoring educational and medical symposiums that help stimulate research: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the week beginning June 13, is hereby designated as "National Parkinson's Disease Awareness Week." The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

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THE AMERICAN PARKINSON DISEASE
ASSOCIATION, INC.,
*Washington, DC, March 23, 1994.*

Hon. JOHN McCAIN,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR McCAIN: The American Parkinson Disease Association and the more than 1 million people who suffer from Parkinson's Disease thank you for sponsoring legislation that would establish the week of June 13, 1994 as National Parkinson Disease Awareness Week.

As you know, Parkinson's Disease is a long term debilitating neurological disorder which unfortunately, has no cure. Several national organizations are dedicated to developing a greater understanding of Parkinson's Disease by funding research, sponsoring educational programs and medical symposiums, and raising public awareness. Until there is a cure for Parkinson's Disease, our work will continue.

Establishing National Parkinson Disease Awareness Week will help focus national attention on the important need for Parkinson's Disease research and greater public awareness while we all work toward the ultimate goal—a cure for Parkinson's Disease.

Thank You.

Sincerely,

PAUL C. SMEDBERG.•

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## ADDITIONAL COSPONSORS

### S. 21

At the request of Mrs. FEINSTEIN, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from Arkansas [Mr. BUMPERS], the Senator from Connecticut [Mr. DODD], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 21, a bill to designate certain lands in the California Desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

### S. 70

At the request of Mr. COCHRAN, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

### S. 439

At the request of Mr. COATS, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 439, a bill to amend the Solid Waste Disposal Act to permit Governors to limit the disposal of out-of-State solid waste in their States, and for other purposes.

### S. 455

At the request of Mr. HATFIELD, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

### S. 542

At the request of Mr. PRYOR, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

### S. 1329

At the request of Mr. D'AMATO, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 1329, a bill to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

### S. 1354

At the request of Mrs. KASSEBAUM, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 1354, a bill to amend the

Fair Labor Standards Act of 1938 relating to the minimum wage and overtime exemption for employees subject to certain leave policies, and for other purposes.

### S. 1541

At the request of Mr. COVERDELL, the names of the Senator from Montana [Mr. BURNS], the Senator from Idaho [Mr. CRAIG], and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 1541, a bill to provide that a nongovernmental person may use a private express carriage of certain letters and packets without being penalized by the Postal Service, and for other purposes.

### S. 1576

At the request of Mr. COATS, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 1576, a bill to provide a tax credit for families, to provide certain tax incentives to encourage investment and increase savings, and to place limitations on the growth of spending.

### S. 1669

At the request of Mrs. HUTCHISON, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1669, a bill to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction.

### S. 1787

At the request of Mr. MCCONNELL, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1787, a bill to amend the Internal Revenue Code of 1986 to provide for the tax-free treatment of education savings accounts established through certain State programs, and for other purposes.

### S. 1805

At the request of Mr. WARNER, the names of the Senator from Rhode Island [Mr. PELL], the Senator from New Hampshire [Mr. GREGG], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

### S. 1815

At the request of Mr. DOLE, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1815, a bill to authorize matching funds for State and local firearm buy-back programs.

### S. 1836

At the request of Mr. DOLE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 1836, a bill for the relief of John Mitchell.

### S. 1842

At the request of Mr. CAMPBELL, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 1842, a bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety and passenger vehicle safety laws, and for other purposes.

### S. 1948

At the request of Mr. DECONCINI, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1948, a bill to amend the National Security Act of 1947 to improve the counterintelligence and security posture of the U.S. intelligence community and to enhance the investigative authority of the Federal Bureau of Investigation in counterintelligence matters, and for other purposes.

### SENATE JOINT RESOLUTION 159

At the request of Mr. DODD, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Mississippi [Mr. COCHRAN], the Senator from Arizona [Mr. DECONCINI], the Senator from Tennessee [Mr. MATHEWS], the Senator from Idaho [Mr. CRAIG], the Senator from Ohio [Mr. METZENBAUM], the Senator from Hawaii [Mr. INOUYE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Michigan [Mr. LEVIN], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 159, a joint resolution to designate the period commencing on February 14, 1994, and ending on February 20, 1994, as "Children of Alcoholics Week".

### SENATE JOINT RESOLUTION 172

At the request of Mr. DOLE, the names of the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Virginia [Mr. WARNER], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of Senate Joint Resolution 172, A joint resolution designating May 30, 1994, through June 6, 1994, as a "Time for the National Observance of the Fiftieth Anniversary of World War II".

### SENATE RESOLUTION 185

At the request of Mr. D'AMATO, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Colorado [Mr. BROWN], the Senator from Nevada [Mr. REID], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Resolution 185, a resolution to congratulate Phil Rizzutto on his induction into the Baseball Hall of Fame.

## AMENDMENTS SUBMITTED

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## CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

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### DOMENICI (AND OTHERS) AMENDMENT NO. 1560

Mr. DOMENICI (for himself, Mr. DOLE, Mr. GRASSLEY, Mr. NICKLES, Mr. GRAMM, Mr. BOND, Mr. LOTT, Mr. BROWN, Mr. GORTON, and Mr. GREGG) proposed an amendment to the concurrent resolution (S. Con. Res. 63) setting forth the congressional budget for the U.S. Government for the fiscal years 1995, 1996, 1997, 1998, and 1999; as follows:

Strike all after the resolving clause and insert the following:

**SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1995.**

(a) DECLARATION.—The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1995, including the appropriate budgetary levels for fiscal years 1996, 1997, 1998, and 1999, as required by section 301 of the Congressional Budget Act of 1974.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 1995.

TITLE I—LEVELS AND AMOUNTS

Sec. 2. Recommended levels and amounts.
Sec. 3. Debt increase as a measure of deficit.
Sec. 4. Display of Federal Retirement Trust Fund balances.
Sec. 5. Social Security.
Sec. 6. Major functional categories.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

Sec. 21. Pay-as-you-go point of order.
Sec. 22. Deficit-neutral reserve fund in the Senate.
Sec. 23. Social Security fire wall point of order in the Senate.
Sec. 24. Exercise of rulemaking powers.

TITLE III—SENSE OF THE CONGRESS AND THE SENATE

Sec. 31. Sense of the Senate regarding discretionary spending limits.
Sec. 32. Sense of the Congress regarding the budgetary accounting of health care reform.
Sec. 33. Sense of the Congress regarding unfunded mandates.
Sec. 34. Sense of the Congress regarding baselines.
Sec. 35. Sense of the Congress regarding the sale of Government assets.
Sec. 36. Sense of the Senate regarding scoring of emergency legislation.

### TITLE I—LEVELS AND AMOUNTS

**SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.**

The following budgetary levels are appropriate for the fiscal years 1995, 1996, 1997, 1998, and 1999:

(1) FEDERAL REVENUES.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution—

(i) The recommended levels of Federal revenues are as follows:

Fiscal year 1995: $972,400,000,000.
Fiscal year 1996: $1,007,600,000,000.
Fiscal year 1997: $1,062,900,000,000.
Fiscal year 1998: $1,117,900,000,000.
Fiscal year 1999: $1,165,600,000,000.

(ii) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1995: −$5,300,000,000.
Fiscal year 1996: −$23,600,000,000.
Fiscal year 1997: −$16,800,000,000.
Fiscal year 1998: −$18,500,000,000.
Fiscal year 1999: −$24,500,000,000.

(iii) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1995: $100,300,000,000.
Fiscal year 1996: $106,300,000,000.
Fiscal year 1997: $111,900,000,000.
Fiscal year 1998: $117,800,000,000.
Fiscal year 1999: $123,700,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund)—

(i) The recommended levels of Federal revenues are as follows:

Fiscal year 1995: $872,100,000,000.
Fiscal year 1996: $901,300,000,000.
Fiscal year 1997: $951,000,000,000.
Fiscal year 1998: $1,000,100,000,000.
Fiscal year 1999: $1,041,900,000,000.

(ii) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1995: −$5,300,000,000.
Fiscal year 1996: −$23,600,000,000.
Fiscal year 1997: −$16,800,000,000.
Fiscal year 1998: −$18,500,000,000.
Fiscal year 1999: −$24,500,000,000.

(2) NEW BUDGET AUTHORITY.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1995: $1,206,800,000,000.
Fiscal year 1996: $1,250,400,000,000.
Fiscal year 1997: $1,301,300,000,000.
Fiscal year 1998: $1,365,100,000,000.
Fiscal year 1999: $1,419,500,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total new budget authority are as follows:

Fiscal year 1995: $1,093,900,000,000.
Fiscal year 1996: $1,128,300,000,000.
Fiscal year 1997: $1,168,600,000,000.
Fiscal year 1998: $1,220,500,000,000.
Fiscal year 1999: $1,260,700,000,000.

(3) BUDGET OUTLAYS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1995: $1,196,000,000,000.
Fiscal year 1996: $1,222,300,000,000.
Fiscal year 1997: $1,273,600,000,000.
Fiscal year 1998: $1,316,200,000,000.
Fiscal year 1999: $1,365,000,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total budget outlays are as follows:

Fiscal year 1995: $1,084,200,000,000.
Fiscal year 1996: $1,101,500,000,000.
Fiscal year 1997: $1,142,200,000,000.
Fiscal year 1998: $1,173,100,000,000.
Fiscal year 1999: $1,208,100,000,000.

(4) DEFICITS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1995: $223,600,000,000.
Fiscal year 1996: $214,700,000,000.
Fiscal year 1997: $210,700,000,000.
Fiscal year 1998: $198,300,000,000.
Fiscal year 1999: $199,400,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the amounts of the deficits are as follows:

Fiscal year 1995: $212,100,000,000.
Fiscal year 1996: $200,200,000,000.
Fiscal year 1997: $191,200,000,000.
Fiscal year 1998: $173,000,000,000.
Fiscal year 1999: $166,200,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1995: $4,957,800,000,000.
Fiscal year 1996: $5,259,000,000,000.
Fiscal year 1997: $5,555,600,000,000.
Fiscal year 1998: $5,841,600,000,000.
Fiscal year 1999: $6,125,000,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1995: $16,500,000,000.
Fiscal year 1996: $22,500,000,000.
Fiscal year 1997: $24,200,000,000.
Fiscal year 1998: $26,200,000,000.
Fiscal year 1999: $28,000,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1995: $168,700,000,000.
Fiscal year 1996: $158,500,000,000.
Fiscal year 1997: $155,800,000,000.
Fiscal year 1998: $155,000,000,000.
Fiscal year 1999: $153,100,000,000.

### SEC. 3. DEBT INCREASE AS A MEASURE OF DEFICIT.

The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1995: $300,448,000,000.
Fiscal year 1996: $301,115,000,000.
Fiscal year 1997: $296,686,000,000.
Fiscal year 1998: $285,993,000,000.
Fiscal year 1999: $283,392,000,000.

### SEC. 4. DISPLAY OF FEDERAL RETIREMENT TRUST FUND BALANCES.

The balances of the Federal retirement trust funds are as follows:

Fiscal year 1995: $1,161,100,000,000.
Fiscal year 1996: $1,275,200,000,000.
Fiscal year 1997: $1,396,900,000,000.
Fiscal year 1998: $1,524,200,000,000.
Fiscal year 1999: $1,651,300,000,000.

### SEC. 5. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1995: $360,500,000,000.
Fiscal year 1996: $379,600,000,000.
Fiscal year 1997: $399,000,000,000.
Fiscal year 1998: $419,500,000,000.
Fiscal year 1999: $439,800,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1995: $287,600,000,000.
Fiscal year 1996: $301,300,000,000.
Fiscal year 1997: $312,300,000,000.
Fiscal year 1998: $324,400,000,000.
Fiscal year 1999: $337,000,000,000.

### SEC. 6. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1995 through 1999 for each major functional category are:

(1) National Defense (050):

Fiscal year 1995:
(A) New budget authority, $263,700,000,000.
(B) Outlays, $270,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1996:
(A) New budget authority, $258,600,000,000.
(B) Outlays, $263,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1997:
(A) New budget authority, $256,400,000,000.
(B) Outlays, $260,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1998:
(A) New budget authority, $264,300,000,000.
(B) Outlays, $262,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1999:
(A) New budget authority, $271,800,000,000.
(B) Outlays, $263,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $500,000,000.

(2) International Affairs (150):

Fiscal year 1995:
(A) New budget authority, $15,400,000,000.
(B) Outlays, $16,900,000,000.
(C) New direct loan obligations, $2,800,000,000.
(D) New primary loan guarantee commitments, $16,600,000,000.

Fiscal year 1996:
(A) New budget authority, $13,500,000,000.
(B) Outlays, $14,900,000,000.
(C) New direct loan obligations, $2,800,000,000.
(D) New primary loan guarantee commitments, $16,600,000,000.

Fiscal year 1997:
(A) New budget authority, $13,500,000,000.
(B) Outlays, $14,500,000,000.
(C) New direct loan obligations, $2,800,000,000.
(D) New primary loan guarantee commitments, $16,600,000,000.

Fiscal year 1998:
(A) New budget authority, $13,300,000,000.
(B) Outlays, $14,200,000,000.
(C) New direct loan obligations, $2,800,000,000.
(D) New primary loan guarantee commitments, $16,600,000,000.

Fiscal year 1999:
(A) New budget authority, $13,600,000,000.
(B) Outlays, $14,200,000,000.
(C) New direct loan obligations, $2,800,000,000.
(D) New primary loan guarantee commitments, $16,600,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1995:
(A) New budget authority, $16,900,000,000.
(B) Outlays, $17,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $16,800,000,000.

(B) Outlays, $16,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $16,700,000,000.

(B) Outlays, $16,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $16,700,000,000.

(B) Outlays, $16,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $16,700,000,000.

(B) Outlays, $16,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1995:

(A) New budget authority, $4,900,000,000.

(B) Outlays, $4,200,000,000.

(C) New direct loan obligations, $1,200,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $4,800,000,000.

(B) Outlays, $4,200,000,000.

(C) New direct loan obligations, $1,200,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $4,400,000,000.

(B) Outlays, $3,600,000,000.

(C) New direct loan obligations, $1,200,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $4,200,000,000.

(B) Outlays, $2,900,000,000.

(C) New direct loan obligations, $1,200,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $1,800,000,000.

(B) Outlays, $700,000,000.

(C) New direct loan obligations, $1,200,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1995:

(A) New budget authority, $19,500,000,000.

(B) Outlays, $20,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $19,900,000,000.

(B) Outlays, $20,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $19,800,000,000.

(B) Outlays, $19,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $17,900,000,000.

(B) Outlays, $17,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $18,000,000,000.

(B) Outlays, $18,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1995:

(A) New budget authority, $12,700,000,000.

(B) Outlays, $11,900,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $6,200,000,000.

Fiscal year 1996:

(A) New budget authority, $11,500,000,000.

(B) Outlays, $10,200,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $6,200,000,000.

Fiscal year 1997:

(A) New budget authority, $11,800,000,000.

(B) Outlays, $10,400,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $6,200,000,000.

Fiscal year 1998:

(A) New budget authority, $11,900,000,000.

(B) Outlays, $10,700,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $6,200,000,000.

Fiscal year 1999:

(A) New budget authority, $12,200,000,000.

(B) Outlays, $11,000,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $6,200,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1995:

(A) New budget authority, $5,600,000,000.

(B) Outlays, −$9,800,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $90,500,000,000.

Fiscal year 1996:

(A) New budget authority, $3,100,000,000.

(B) Outlays, −$12,600,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $90,500,000,000.

Fiscal year 1997:

(A) New budget authority, $2,400,000,000.

(B) Outlays, −$5,700,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $90,500,000,000.

Fiscal year 1998:

(A) New budget authority, $2,100,000,000.

(B) Outlays, −$5,800,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $90,500,000,000.

Fiscal year 1999:

(A) New budget authority, $2,000,000,000.

(B) Outlays, −$4,900,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $90,500,000,000.

(8) Transportation (400):

Fiscal year 1995:

(A) New budget authority, $31,300,000,000.

(B) Outlays, $33,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $32,000,000,000.

(B) Outlays, $33,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $33,300,000,000.

(B) Outlays, $33,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $34,900,000,000.

(B) Outlays, $33,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $35,500,000,000.

(B) Outlays, $32,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1995:

(A) New budget authority, $7,700,000,000.

(B) Outlays, $9,200,000,000.

(C) New direct loan obligations, $2,000,000,000.

(D) New primary loan guarantee commitments, $2,400,000,000.

Fiscal year 1996:

(A) New budget authority, $7,800,000,000.

(B) Outlays, $7,300,000,000.

(C) New direct loan obligations, $2,000,000,000.

(D) New primary loan guarantee commitments, $2,400,000,000.

Fiscal year 1997:

(A) New budget authority, $7,900,000,000.

(B) Outlays, $8,100,000,000.

(C) New direct loan obligations, $2,000,000,000.

(D) New primary loan guarantee commitments, $2,400,000,000.

Fiscal year 1998:

(A) New budget authority, $8,000,000,000.

(B) Outlays, $8,200,000,000.

(C) New direct loan obligations, $2,000,000,000.

(D) New primary loan guarantee commitments, $2,400,000,000.

Fiscal year 1999:

(A) New budget authority, $8,100,000,000.

(B) Outlays, $8,100,000,000.

(C) New direct loan obligations, $2,000,000,000.

(D) New primary loan guarantee commitments, $2,400,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1995:

(A) New budget authority, $50,500,000,000.

(B) Outlays, $51,200,000,000.

(C) New direct loan obligations, $5,500,000,000.

(D) New primary loan guarantee commitments, $19,200,000,000.

Fiscal year 1996:

(A) New budget authority, $49,400,000,000.

(B) Outlays, $48,200,000,000.

(C) New direct loan obligations, $11,500,000,000.

(D) New primary loan guarantee commitments, $14,400,000,000.

Fiscal year 1997:

(A) New budget authority, $49,700,000,000.

(B) Outlays, $48,600,000,000.

(C) New direct loan obligations, $13,200,000,000.

(D) New primary loan guarantee commitments, $13,600,000,000.

Fiscal year 1998:

(A) New budget authority, $50,500,000,000.

(B) Outlays, $49,700,000,000.

(C) New direct loan obligations, $15,100,000,000.

(D) New primary loan guarantee commitments, $12,700,000,000.

Fiscal year 1999:

(A) New budget authority, $50,900,000,000.

(B) Outlays, $50,100,000,000.

(C) New direct loan obligations, $16,800,000,000.

(D) New primary loan guarantee commitments, $11,600,000,000.

(11) Health (550):

Fiscal year 1995:

(A) New budget authority, $119,400,000,000.

(B) Outlays, $118,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1996:

(A) New budget authority, $124,800,000,000.

(B) Outlays, $123,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1997:

(A) New budget authority, $132,800,000,000.

(B) Outlays, $131,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1998:

(A) New budget authority, $141,800,000,000.

(B) Outlays, $140,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1999:

(A) New budget authority, $151,300,000,000.

(B) Outlays, $150,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

(12) Medicare (570):

Fiscal year 1995:

(A) New budget authority, $162,400,000,000.

(B) Outlays, $154,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $180,400,000,000.

(B) Outlays, $167,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $198,400,000,000.

(B) Outlays, $181,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $217,600,000,000.

(B) Outlays, $194,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $242,100,000,000.

(B) Outlays, $210,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) For purposes of section 710 of the Social Security Act, Federal Supplementary Medical Insurance Trust Fund:

Fiscal year 1995:

(A) New budget authority, $49,500,000,000.

(B) Outlays, $42,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $58,300,000,000.

(B) Outlays, $47,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $65,700,000,000.

(B) Outlays, $49,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $73,000,000,000.

(B) Outlays, $51,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $83,300,000,000.

(B) Outlays, $53,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(14) Income Security (600):

Fiscal year 1995:

(A) New budget authority, $216,600,000,000.

(B) Outlays, $217,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $224,400,000,000.

(B) Outlays, $222,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $235,500,000,000.

(B) Outlays, $233,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $251,600,000,000.

(B) Outlays, $242,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $252,000,000,000.

(B) Outlays, $210,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Social Security (650):

Fiscal year 1995:

(A) New budget authority, $6,800,000,000.

(B) Outlays, $6,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $6,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $8,300,000,000.

(B) Outlays, $8,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $9,800,000,000.

(B) Outlays, $9,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(16) Veterans Benefits and Services (700):

Fiscal year 1995:

(A) New budget authority, $36,400,000,000.

(B) Outlays, $36,200,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $32,900,000,000.

Fiscal year 1996:

(A) New budget authority, $36,200,000,000.

(B) Outlays, $34,800,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $27,400,000,000.

Fiscal year 1997:

(A) New budget authority, $36,300,000,000.

(B) Outlays, $36,200,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $25,500,000,000.

Fiscal year 1998:

(A) New budget authority, $36,300,000,000.

(B) Outlays, $36,200,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $25,600,000,000.

Fiscal year 1999:

(A) New budget authority, $37,000,000,000.

(B) Outlays, $37,100,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $25,300,000,000.

(17) Administration of Justice (750):

Fiscal year 1995:

(A) New budget authority, $17,700,000,000.

(B) Outlays, $16,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $19,800,000,000.

(B) Outlays, $17,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $20,800,000,000.

(B) Outlays, $19,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $21,800,000,000.

(B) Outlays, $21,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $23,100,000,000.

(B) Outlays, $22,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) General Government (800):

Fiscal year 1995:

(A) New budget authority, $12,800,000,000.

(B) Outlays, $13,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $12,500,000,000.

(B) Outlays, $12,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $12,000,000,000.

(B) Outlays, $11,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $11,300,000,000.

(B) Outlays, $10,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $10,600,000,000.

(B) Outlays, $9,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Net Interest (900):

Fiscal year 1995:

(A) New budget authority, $246,500,000,000.

(B) Outlays, $246,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $265,000,000,000.

(B) Outlays, $265,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $277,800,000,000.

(B) Outlays, $277,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $289,600,000,000.

(B) Outlays, $289,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $301,700,000,000.

(B) Outlays, $301,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) For purposes of section 710 of the Social Security Act, Net Interest (900):

Fiscal year 1995:

(A) New budget authority, $257,000,000,000.

(B) Outlays, $257,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $275,700,000,000.

(B) Outlays, $275,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $288,600,000,000.

(B) Outlays, $288,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $300,200,000,000.

(B) Outlays, $300,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $311,500,000,000.

(B) Outlays, $311,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(21) The corresponding levels of gross interest on the public debt are as follows:

Fiscal year 1995: $311,200,000,000.

Fiscal year 1996: $328,800,000,000.

Fiscal year 1997: $342,200,000,000.

Fiscal year 1998: $355,300,000,000.

Fiscal year 1999: $369,000,000,000.

(22) Allowances (920):

Fiscal year 1995:

(A) New budget authority, −$3,700,000,000.

(B) Outlays, −$2,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$5,800,000,000.

(B) Outlays, −$4,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$5,800,000,000.

(B) Outlays, −$5,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$6,000,000,000.

(B) Outlays, −$5,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$6,400,000,000.

(B) Outlays, −$6,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(23) Undistributed Offsetting Receipts (950):

Fiscal year 1995:

(A) New budget authority, −$36,300,000,000.

(B) Outlays, −$36,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$30,600,000,000.

(B) Outlays, −$30,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$30,700,000,000.

(B) Outlays, −$30,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$31,700,000,000.

(B) Outlays, −$31,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$32,300,000,000.

(B) Outlays, −$32,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(24) For purposes of section 710 of the Social Security Act, Undistributed Offsetting Receipts (950):

Fiscal year 1995:

(A) New budget authority, −$33,700,000,000.

(B) Outlays, −$33,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$27,400,000,000.

(B) Outlays, −$27,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$28,000,000,000.

(B) Outlays, −$28,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$28,800,000,000.

(B) Outlays, −$28,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$29,200,000,000.

(B) Outlays, −$29,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

## TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

### SEC. 21. PAY-AS-YOU-GO POINT OF ORDER.

(a) ENFORCING PAY-AS-YOU-GO.—

(1) THIS RESOLUTION.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would increase the deficit in this resolution for any fiscal year through fiscal year 1999 or would increase the deficit for any other fiscal year through fiscal year 2004, as measured by the sum of—

(1) all applicable estimates of direct spending and receipts legislation applicable to that fiscal year, other than any amounts resulting from—

(A) full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990; and

(B) emergency provisions as designated under section 252(e) of that Act; and

(2) the estimated amount of savings in direct spending programs applicable to that fiscal year resulting from the prior year's sequestration under that Act, if any (except for any amounts sequestered as a result of a net deficit increase in the fiscal year immediately preceding the prior fiscal year).

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and receipts for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

### SEC. 22. DEFICIT-NEUTRAL RESERVE FUND IN THE SENATE.

(a) WELFARE REFORM RESERVE FUND.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to make improvements in welfare systems within such a committee's jurisdiction if the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate shall file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels to carry out this subsection. These revised allocations and functional levels shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and functional levels contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee shall report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(b) HEALTH CARE REFORM.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation to provide for health care reform within such a committee's jurisdiction if the enactment of such legislation (including proposed amendments to such legislation) will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), the offering of amendments to such legislation, and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate shall file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee shall report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(c) OFFSETTING REVENUE LOSSES ASSOCIATED WITH GATT.—

(1) IN GENERAL.—Revenue aggregates may be reduced for legislation that reduces revenues by implementing the general agreement on tariffs and trade GATT agreement and other trade-related legislation within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate shall file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee shall report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(d) BUDGET COMMITTEE APPROVAL OF MAJOR RESERVE FUND ADJUSTMENTS.—

(1) THRESHOLD.—Except as provided in paragraph (2), no adjustments shall be made pursuant to this section if legislation would cause—

(A) a change in outlays or a change in revenues of more than $1,000,000,000 for fiscal year 1995; or

(B) a change in outlays or a change in revenues of more than $10,000,000,000 for the period of fiscal years 1995 through 1999.

(2) COMMITTEE APPROVAL.—Any change exceeding the levels provided for in paragraph (1) shall only be made with the approval of the Committee on the Budget of the Senate.

### SEC. 23. SOCIAL SECURITY FIRE WALL POINT OF ORDER IN THE SENATE.

APPLICATION OF SECTION 301(i).—Notwithstanding any other rule of the Senate, in the Senate, the point of order established under section 301(i) of the Congressional Budget Act of 1974 shall apply to any concurrent resolution on the budget for any fiscal year (as reported and as amended), amendments thereto, or any conference report thereon.

### SEC. 24. EXERCISE OF RULEMAKING POWERS.

The Senate adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change those rules (so far as they relate to the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

## TITLE III—SENSE OF THE CONGRESS AND THE SENATE

### SEC. 31. SENSE OF THE SENATE REGARDING DISCRETIONARY SPENDING LIMITS.

It is the sense of the Senate that legislation should be enacted modifying the discretionary spending limits as follows:

(a) DEFINITION.—As used in this section, for the discretionary category, the term "discretionary spending limit" means—

(1) with respect to fiscal year 1995—

(A) for the defense category $264,165,000,000 in new budget authority and $271,087,000,000 in outlays; and

(B) for the nondefense category $217,407,000,000 in new budget authority and $257,612,000,000 in outlays;

(2) with respect to fiscal year 1996—

(A) for the defense category $259,173,000,000 in new budget authority and $264,264,000,000 in outlays; and

(B) for the nondefense category $222,462,000,000 in new budget authority and $253,664,000,000 in outlays;

(3) with respect to fiscal year 1997—

(A) for the defense category $256,969,000,000 in new budget authority and $260,872,000,000 in outlays; and

(B) for the nondefense category $222,369,000,000 in new budget authority and $253,338,000,000 in outlays;

(4) with respect to fiscal year 1998, $495,278,000,000 in new budget authority and $514,846,000,000 in outlays; and

(5) with respect to fiscal year 1999, $493,666,000,000 in new budget authority and $516,116,000,000 in outlays;

as adjusted for changes in concepts and definitions, changes in inflation, and emergency appropriations.

(b) POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider any concurrent resolution on the budget for fiscal year 1996, 1997, 1998, or 1999 (or amendment, motion, or conference report on such a resolution) or any appropriations bill or resolution (or amendment, motion, or conference report on such appropriations bill or resolution) for fiscal year 1995, 1996, 1997, 1998, or 1999 that would exceed any of the discretionary spending limits in this section.

(2) EXCEPTION.—This section shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate or the Committee on the Budget of the House of Representatives, as the case may be.

### SEC. 32. SENSE OF THE CONGRESS REGARDING THE BUDGETARY ACCOUNTING OF HEALTH CARE REFORM.

It is the sense of the Congress that—

(1) the Congress should measure the costs and benefits of all health care reform legislation against a uniform set of economic and technical assumptions;

(2) before enacting major changes in the health care system, the Congress should have available to it reliable estimates of the costs of competing plans prepared in a comparable manner;

(3) Congress should use Congressional Budget Office estimates in accounting for the costs and benefits of health care reform legislation; and

(4) all financial transactions associated with Federal health care reform legislation mandating employer payments for health care coverage should be treated as part of the Federal budget, including employer mandated payments to entities (which should be treated as Government receipts) and pay-

ments made by the entities pursuant to Federal law (which should be treated as outlays), for all purposes under the Congressional Budget Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985.

**SEC. 33. SENSE OF THE CONGRESS REGARDING UNFUNDED MANDATES.**

It is the sense of Congress that—

(1) the Federal Government should not shift the costs of administering Federal programs to State and local governments;

(2) the Federal Government's share of entitlement programs should not be capped or otherwise decreased without providing States authority to amend their financial or programmatic responsibilities to continue meeting the mandated service;

(3) the Federal Government should not impose excessive mandates and regulations that increase costs for the private sector, hindering economic growth and employment opportunities; and

(4) Congress should develop a mechanism to ensure that the costs of mandates are considered during agencies development of regulations and Congressional deliberations on legislation.

**SEC. 34. SENSE OF THE CONGRESS REGARDING BASELINES.**

(a) FINDINGS.—The Congress finds that—

(1) the baselines budget shows the likely course of Federal revenues and spending if policies remain unchanged;

(2) baselines budgeting has given rise to the practice of calculating policy changes from an inflated spending level; and

(3) the baseline concept has been misused to portray policies that would simply slow down the increase in spending as spending reductions.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the President should submit a budget that compares proposed spending levels for the budget year with the current year; and

(2) the starting point for deliberations on a budget resolution should be the current year.

**SEC. 35. SENSE OF THE CONGRESS REGARDING THE SALE OF GOVERNMENT ASSETS.**

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) from time to time the United States Government should sell assets; and

(2) the amounts realized from such asset sales should be scored with respect to the level of budget authority, outlays, or revenues.

(b) DEFINITIONS.—For purposes of this section, the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by the Budget Enforcement Act of 1990).

**SEC. 36. SENSE OF THE SENATE REGARDING SCORING OF EMERGENCY LEGISLATION.**

It is the sense of the Senate that notwithstanding any other rule of the Senate, in the Senate, determinations under sections 302, 303, and 311 of the Congressional Budget Act of 1974 should take into account any new budget authority, new entitlement authority, outlays, receipts, or deficit effects in any fiscal year for legislation that is designated as an emergency under sections 251(b)(1)(D) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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## DODD (AND OTHERS) AMENDMENT NO. 1561

Mr. DODD (for himself, Mr. JEFFORDS, Mr. WELLSTONE, Ms. MOSELEY-BRAUN, and Mr. HARKIN) proposed an amendment to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:

On page 24, line 17, increase the amount by $6 billion.

On page 24, line 18, increase the amount by $0.7 billion.

On page 24, line 25, increase the amount by $5.5 billion.

On page 25, line 1, increase the amount by $4.7 billion.

On page 25, line 8, increase the amount by $5 billion.

On page 25, line 9, increase the amount by $5.4 billion.

On page 25, line 16, increase the amount by $6.5 billion.

On page 25, line 17, increase the amount by $5.3 billion.

On page 25, line 24, increase the amount by $7.5 billion.

On page 25, line 25, increase the amount by $6.3 billion.

On page 10, line 3, decrease the amount by $1 billion.

On page 10, line 4, decrease the amount by $0.5 billion.

On page 10, line 10, decrease the amount by $1.6 billion.

On page 10, line 11, decrease the amount by $1.2 billion.

On page 10, line 17, decrease the amount by $2 billion.

On page 10, line 18, decrease the amount by $1.7 billion.

On page 10, line 24, decrease the amount by $2.4 billion.

On page 10, line 25, decrease the amount by $2.2 billion.

On page 11, line 6, decrease the amount by $2.5 billion.

On page 11, line 7, decrease the amount by $2.4 billion.

On page 5, line 1, increase the amount by $5 billion.

On page 5, line 2, increase the amount by $3.9 billion.

On page 5, line 3, increase the amount by $3 billion.

On page 5, line 4, increase the amount by $4.1 billion.

On page 5, line 5, increase the amount by $5 billion.

On page 5, line 11, increase the amount by $5 billion.

On page 5, line 12, increase the amount by $3.9 billion.

On page 5, line 13, increase the amount by $3 billion.

On page 5, line 14, increase the amount by $4.1 billion.

On page 5, line 15, increase the amount by $5 billion.

On page 5, line 22, increase the amount by $0.2 billion.

On page 5, line 23, increase the amount by $3.5 billion.

On page 5, line 24, increase the amount by $3.7 billion.

On page 5, line 25, increase the amount by $3.1 billion.

On page 6, line 1, increase the amount by $3.9 billion.

On page 6, line 7, increase the amount by $0.2 billion.

On page 6, line 8, increase the amount by $3.5 billion.

On page 6, line 9, increase the amount by $3.7 billion.

On page 6, line 10, increase the amount by $3.1 billion.

On page 6, line 11, increase the amount by $3.9 billion.

On page 6, line 17, increase the amount by $0.2 billion.

On page 6, line 18, increase the amount by $3.5 billion.

On page 6, line 19, increase the amount by $3.7 billion.

On page 6, line 20, increase the amount by $3.1 billion.

On page 6, line 21, increase the amount by $3.9 billion.

On page 7, line 1, increase the amount by $0.2 billion.

On page 7, line 2, increase the amount by $3.5 billion.

On page 7, line 3, increase the amount by $3.7 billion.

On page 7, line 4, increase the amount by $3.1 billion.

On page 7, line 5, increase the amount by $3.9 billion.

On page 7, line 8, increase the amount by $0.2 billion.

On page 7, line 9, increase the amount by $3.7 billion.

On page 7, line 10, increase the amount by $7.4 billion.

On page 7, line 11, increase the amount by $10.5 billion.

On page 7, line 12, increase the amount by $14.4 billion.

On page 8, line 7, increase the amount by $0.2 billion.

On page 8, line 8, increase the amount by $3.5 billion.

On page 8, line 9, increase the amount by $3.7 billion.

On page 8, line 10, increase the amount by $3.1 billion.

On page 8, line 11, increase the amount by $3.7 billion.

On page 70, line 21, decrease the amount by $3.9 billion.

On page 70, line 22, decrease the amount by $3.5 billion.

On page 70, line 24, decrease the amount by $3.0 billion.

On page 70, line 25, decrease the amount by $3.7 billion.

On page 71, line 2, decrease the amount by $4.1 billion.

On page 71, line 3, decrease the amount by $3.1 billion.

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## BOXER (AND OTHERS) AMENDMENT NO. 1562

Mrs. BOXER (for herself, Mr. LEAHY, Mrs. FEINSTEIN, Mr. DORGAN, Ms. MOSELEY-BRAUN, Mr. WOFFORD, and Mr. LAUTENBERG) proposed an amendment to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:

On page 17, line 22, increase the amount by $180,000,000.

On page 17, line 23, increase the amount by $180,000,000.

On page 24, line 17, increase the amount by $320,000,000.

On page 24, line 18, increase the amount by $48,000,000.

On page 25, line 1, increase the amount by $171,000,000.

On page 25, line 9, increase the amount by $99,000,000.

On page 25, line 17, increase the amount by $2,000,000.

On page 26, line 8, increase the amount by $400,000,000.

On page 26, line 9, increase the amount by $180,000,000.

On page 26, line 16, increase the amount by $178,000,000.

On page 26, line 23, increase the amount by $42,000,000.

On page 30, line 20, increase the amount by $100,000,000.

On page 30, line 21, increase the amount by $91,000,000.

On page 31, line 3, increase the amount by $9,000,000.

On page 41, line 11, decrease the amount by $1,000,000,000.

On page 41, line 12, decrease the amount by $499,000,000.

On page 41, line 19, decrease the amount by $358,000,000.

On page 42, line 1, decrease the amount by $141,000,000.

On page 42, line 8, decrease the amount by $2,000,000.

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## LOTT AMENDMENT NO. 1563

Mr. LOTT proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 63, supra; as follows:

Notwithstanding any other provision of this resolution, the language beginning on page 5, line 1, through page 72, line 23, is null, void, and of no effect and the following shall apply:

Fiscal year 1995: $1,247,700,000,000.
Fiscal year 1996: $1,307,900,000,000.
Fiscal year 1997: $1,373,900,000,000.
Fiscal year 1998: $1,447,300,000,000.
Fiscal year 1999: $1,508,700,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total new budget authority are as follows:

Fiscal year 1995: $1,149,200,000,000.
Fiscal year 1996: $1,202,300,000,000.
Fiscal year 1997: $1,257,000,000,000.
Fiscal year 1998: $1,315,000,000,000.
Fiscal year 1999: $1,372,300,000,000.

(3) BUDGET OUTLAYS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1995: $1,217,900,000,000.
Fiscal year 1996: $1,288,500,000,000.
Fiscal year 1997: $1,356,700,000,000.
Fiscal year 1998: $1,413,700,000,000.
Fiscal year 1999: $1,472,300,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total budget outlays are as follows:

Fiscal year 1995: $1,124,000,000,000.
Fiscal year 1996: $1,188,600,000,000.
Fiscal year 1997: $1,247,300,000,000.
Fiscal year 1998: $1,295,400,000,000.
Fiscal year 1999: $1,344,800,000,000.

(4) DEFICITS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1995: $240,200,000,000.
Fiscal year 1996: $257,300,000,000.
Fiscal year 1997: $277,000,000,000.
Fiscal year 1998: $277,300,000,000.
Fiscal year 1999: $282,100,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the amounts of the deficits are as follows:

Fiscal year 1995: $248,200,000,000.
Fiscal year 1996: $263,700,000,000.
Fiscal year 1997: $279,500,000,000.
Fiscal year 1998: $276,800,000,000.
Fiscal year 1999: $278,300,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1995: $4,965,200,000,000.
Fiscal year 1996: $5,285,700,000,000.
Fiscal year 1997: $5,622,300,000,000.
Fiscal year 1998: $5,958,200,000,000.
Fiscal year 1999: $6,289,700,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1995: $26,700,000,000.
Fiscal year 1996: $32,100,000,000.
Fiscal year 1997: $33,800,000,000.
Fiscal year 1998: $35,700,000,000.
Fiscal year 1999: $37,800,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1995: $199,700,000,000.
Fiscal year 1996: $174,400,000,000.
Fiscal year 1997: $164,600,000,000.
Fiscal year 1998: $164,100,000,000.
Fiscal year 1999: $163,500,000,000.

### SEC. 3. DEBT INCREASE AS A MEASURE OF DEFICIT.

The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1995: $308,300,000,000.
Fiscal year 1996: $320,500,000,000.
Fiscal year 1997: $336,600,000,000.
Fiscal year 1998: $335,900,000,000.
Fiscal year 1999: $331,400,000,000.

### SEC. 4. DISPLAY OF FEDERAL RETIREMENT TRUST FUND BALANCES.

The balances of the Federal retirement trust funds are as follows:

Fiscal year 1995: $1,161,100,000,000.
Fiscal year 1996: $1,275,200,000,000.
Fiscal year 1997: $1,396,900,000,000.
Fiscal year 1998: $1,524,200,000,000.
Fiscal year 1999: $1,651,300,000,000.

### SEC. 5. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1995: $360,500,000,000.
Fiscal year 1996: $379,600,000,000.
Fiscal year 1997: $399,000,000,000.
Fiscal year 1998: $419,500,000,000.
Fiscal year 1999: $439,800,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1995: $287,600,000,000.
Fiscal year 1996: $301,300,000,000.
Fiscal year 1997: $312,300,000,000.
Fiscal year 1998: $324,400,000,000.
Fiscal year 1999: $337,000,000,000.

### SEC. 6. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1995 through 1999 for each major functional category are:

(1) National Defense (050):

Fiscal year 1995:
(A) New budget authority, $263,800,000,000.
(B) Outlays, $270,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $255,300,000,000.
(B) Outlays, $261,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $252,000,000,000.
(B) Outlays, $256,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:
(A) New budget authority, $258,700,000,000.
(B) Outlays, $256,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:
(A) New budget authority, $265,100,000,000.
(B) Outlays, $257,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1995:
(A) New budget authority, $19,300,000,000.
(B) Outlays, $18,100,000,000.
(C) New direct loan obligations, $3,200,000,000.
(D) New primary loan guarantee commitments, $18,000,000,000.

Fiscal year 1996:
(A) New budget authority, $17,200,000,000.
(B) Outlays, $17,300,000,000.
(C) New direct loan obligations, $2,800,000,000.
(D) New primary loan guarantee commitments, $18,500,000,000.

Fiscal year 1997:
(A) New budget authority, $17,000,000,000.
(B) Outlays, $17,300,000,000.
(C) New direct loan obligations, $2,600,000,000.
(D) New primary loan guarantee commitments, $18,500,000,000.

Fiscal year 1998:
(A) New budget authority, $16,800,000,000.
(B) Outlays, $17,600,000,000.
(C) New direct loan obligations, $2,400,000,000.
(D) New primary loan guarantee commitments, $18,500,000,000.

Fiscal year 1999:
(A) New budget authority, $17,000,000,000.
(B) Outlays, $17,500,000,000.
(C) New direct loan obligations, $2,400,000,000.
(D) New primary loan guarantee commitments, $16,500,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1995:
(A) New budget authority, $17,300,000,000.
(B) Outlays, $17,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $17,200,000,000.
(B) Outlays, $17,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $17,300,000,000.
(B) Outlays, $17,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:
(A) New budget authority, $17,400,000,000.
(B) Outlays, $17,300,000,000.
(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $17,600,000,000.

(B) Outlays, $17,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1995:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $5,000,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $5,200,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $5,000,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $6,100,000,000.

(B) Outlays, $4,700,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $5,200,000,000.

(B) Outlays, $3,900,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1995:

(A) New budget authority, $21,700,000,000.

(B) Outlays, $21,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $22,200,000,000.

(B) Outlays, $21,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $22,100,000,000.

(B) Outlays, $21,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $22,000,000,000.

(B) Outlays, $21,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $21,600,000,000.

(B) Outlays, $21,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1995:

(A) New budget authority, $12,300,000,000.

(B) Outlays, $11,600,000,000.

(C) New direct loan obligations, $10,100,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1996:

(A) New budget authority, $12,500,000,000.

(B) Outlays, $11,400,000,000.

(C) New direct loan obligations, $9,700,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1997:

(A) New budget authority, $13,000,000,000.

(B) Outlays, $11,700,000,000.

(C) New direct loan obligations, $9,700,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1998:

(A) New budget authority, $13,200,000,000.

(B) Outlays, $12,000,000,000.

(C) New direct loan obligations, $9,800,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1999:

(A) New budget authority, $13,700,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $9,900,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1995:

(A) New budget authority, $7,700,000,000.

(B) Outlays, −$8,300,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $117,900,000,000.

Fiscal year 1996:

(A) New budget authority, $5,300,000,000.

(B) Outlays, −$10,800,000,000.

(C) New direct loan obligations, $3,000,000,000.

(D) New primary loan guarantee commitments, $103,200,000,000.

Fiscal year 1997:

(A) New budget authority, $5,100,000,000.

(B) Outlays, −$3,400,000,000.

(C) New direct loan obligations, $3,100,000,000.

(D) New primary loan guarantee commitments, $95,900,000,000.

Fiscal year 1998:

(A) New budget authority, $5,200,000,000.

(B) Outlays, −$2,900,000,000.

(C) New direct loan obligations, $3,200,000,000.

(D) New primary loan guarantee commitments, $96,600,000,000.

Fiscal year 1999:

(A) New budget authority, $6,200,000,000.

(B) Outlays, −$900,000,000.

(C) New direct loan obligations, $3,400,000,000.

(D) New primary loan guarantee commitments, $99,500,000,000.

(8) Transportation (400):

Fiscal year 1995:

(A) New budget authority, $42,900,000,000.

(B) Outlays, $38,800,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1996:

(A) New budget authority, $41,800,000,000.

(B) Outlays, $39,600,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $43,200,000,000.

(B) Outlays, $40,100,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $44,000,000,000.

(B) Outlays, $40,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $44,500,000,000.

(B) Outlays, $40,400,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1995:

(A) New budget authority, $9,500,000,000.

(B) Outlays, $9,300,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1996:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $8,900,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1997:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,000,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1998:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,100,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1999:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,000,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1995:

(A) New budget authority, $57,600,000,000.

(B) Outlays, $53,600,000,000.

(C) New direct loan obligations, $5,500,000,000.

(D) New primary loan guarantee commitments, $19,000,000,000.

Fiscal year 1996:

(A) New budget authority, $58,200,000,000.

(B) Outlays, $55,500,000,000.

(C) New direct loan obligations, $11,500,000,000.

(D) New primary loan guarantee commitments, $14,000,000,000.

Fiscal year 1997:

(A) New budget authority, $59,900,000,000.

(B) Outlays, $58,100,000,000.

(C) New direct loan obligations, $13,200,000,000.

(D) New primary loan guarantee commitments, $13,200,000,000.

Fiscal year 1998:

(A) New budget authority, $61,700,000,000.

(B) Outlays, $60,600,000,000.

(C) New direct loan obligations, $15,100,000,000.

(D) New primary loan guarantee commitments, $12,300,000,000.

Fiscal year 1999:

(A) New budget authority, $63,200,000,000.

(B) Outlays, $62,200,000,000.

(C) New direct loan obligations, $16,800,000,000.

(D) New primary loan guarantee commitments, $11,200,000,000.

(11) Health (550):

Fiscal year 1995:

(A) New budget authority, $123,800,000,000.

(B) Outlays, $122,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1996:

(A) New budget authority, $136,600,000,000.

(B) Outlays, $135,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

Fiscal year 1997:

(A) New budget authority, $150,900,000,000.

(B) Outlays, $149,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $200,000,000.

Fiscal year 1998:

(A) New budget authority, $166,600,000,000.

(B) Outlays, $165,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $100,000,000.

Fiscal year 1999:

(A) New budget authority, $184,100,000,000.

(B) Outlays, $182,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1995:

(A) New budget authority, $162,400,000,000.

(B) Outlays, $160,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $180,500,000,000.

(B) Outlays, $177,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $198,500,000,000.

(B) Outlays, $194,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $217,700,000,000.

(B) Outlays, $210,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $242,300,000,000.

(B) Outlays, $227,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) For purposes of section 710 of the Social Security Act, Federal Supplementary Medical Insurance Trust Fund:

Fiscal year 1995:

(A) New budget authority, $56,000,000,000.

(B) Outlays, $55,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $65,200,000,000.

(B) Outlays, $64,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $73,300,000,000.

(B) Outlays, $71,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $81,300,000,000.

(B) Outlays, $78,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $92,200,000,000.

(B) Outlays, $87,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(14) Income Security (600):

Fiscal year 1995:

(A) New budget authority, $219,900,000,000.

(B) Outlays, $220,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $234,500,000,000.

(B) Outlays, $229,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $249,100,000,000.

(B) Outlays, $242,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $261,000,000,000.

(B) Outlays, $253,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $272,600,000,000.

(B) Outlays, $264,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Social Security (650):

Fiscal year 1995:

(A) New budget authority, $6,800,000,000.

(B) Outlays, $9,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $9,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $8,300,000,000.

(B) Outlays, $11,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $12,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $9,800,000,000.

(B) Outlays, $13,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(16) Veterans Benefits and Services (700):

Fiscal year 1995:

(A) New budget authority, $37,200,000,000.

(B) Outlays, $36,600,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $32,900,000,000.

Fiscal year 1996:

(A) New budget authority, $37,600,000,000.

(B) Outlays, $36,600,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $27,400,000,000.

Fiscal year 1997:

(A) New budget authority, $38,500,000,000.

(B) Outlays, $38,300,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $25,800,000,000.

Fiscal year 1998:

(A) New budget authority, $38,600,000,000.

(B) Outlays, $38,500,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $25,600,000,000.

Fiscal year 1999:

(A) New budget authority, $39,200,000,000.

(B) Outlays, $39,100,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $25,300,000,000.

(17) Administration of Justice (750):

Fiscal year 1995:

(A) New budget authority, $18,300,000,000.

(B) Outlays, $17,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $20,800,000,000.

(B) Outlays, $19,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $21,600,000,000.

(B) Outlays, $20,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $22,700,000,000.

(B) Outlays, $22,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $23,900,000,000.

(B) Outlays, $22,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) General Government (800):

Fiscal year 1995:

(A) New budget authority, $14,000,000,000.

(B) Outlays, $13,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $14,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $13,400,000,000.

(B) Outlays, $13,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $13,100,000,000.

(B) Outlays, $13,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $13,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Net Interest (900):

Fiscal year 1995:

(A) New budget authority, $247,100,000,000.

(B) Outlays, $247,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $267,300,000,000.

(B) Outlays, $267,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $283,000,000,000.

(B) Outlays, $283,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $298,600,000,000.

(B) Outlays, $298,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $315,000,000,000.

(B) Outlays, $315,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) For purposes of section 710 of the Social Security Act, Net Interest (900):

Fiscal year 1995:

(A) New budget authority, $257,600,000,000.

(B) Outlays, $257,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $278,000,000,000.

(B) Outlays, $278,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $293,800,000,000.

(B) Outlays, $293,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $309,200,000,000.

(B) Outlays, $309,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $324,800,000,000.

(B) Outlays, $324,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(21) The corresponding levels of gross interest on the public debt are as follows:

Fiscal year 1995: $311,800,000,000.

Fiscal year 1996: $331,300,000,000.

Fiscal year 1997: $347,900,000,000.

Fiscal year 1998: $365,300,000,000.

Fiscal year 1999: $383,600,000,000.

(22) Allowances (920):

Fiscal year 1995:

(A) New budget authority, −$4,100,000,000.

(B) Outlays, −$10,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$3,500,000,000.

(B) Outlays, −$2,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$3,600,000,000.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$2,900,000,000.

(B) Outlays, −$5,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$23,200,000,000.

(B) Outlays, −$14,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(23) Undistributed Offsetting Receipts (950):

Fiscal year 1995:

(A) New budget authority, −$36,100,000,000.

(B) Outlays, −$36,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$30,300,000,000.

(B) Outlays, −$30,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$30,300,000,000.

(B) Outlays, −$30,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$31,200,000,000.

(B) Outlays, −$31,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$31,600,000,000.

(B) Outlays, −$31,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(24) For purposes of section 710 of the Social Security Act, Undistributed Offsetting Receipts (950):

Fiscal year 1995:

(A) New budget authority, −$33,500,000,000.

(B) Outlays, −$33,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$27,100,000,000.

(B) Outlays, −$27,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$27,600,000,000.

(B) Outlays, −$27,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$28,300,000,000.

(B) Outlays, −$28,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$28,500,000,000.

(B) Outlays, −$28,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

## TITLE II—BUDGETARY PROCEDURES

### SEC. 21. SALE OF GOVERNMENT ASSETS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) from time to time the United States Government should sell assets; and

(2) the amounts realized from such asset sales will not recur on an annual basis and do not reduce the demand for credit.

(b) FINDING.—The Congress finds that every budget resolution since that for fiscal year 1988 has included language prohibiting counting in the budget process the amounts realized from asset sales (other than loan assets).

(c) BUDGETARY TREATMENT.—For purposes of points of order under this concurrent resolution and the Congressional Budget and Impoundment Control Act of 1974, the amounts realized from sales of assets (other than loan assets) shall not be scored with respect to the level of budget authority, outlays, or revenues.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by the Budget Enforcement Act of 1990); and

(2) the term shall not include asset sales mandated by law before September 18, 1987, and routine, ongoing asset sales at levels consistent with agency operations in fiscal year 1986.

(e) SUNSET.—Subsections (a) through (d) of this section shall expire September 30, 1998.

(f) CONFORMING AMENDMENT.—Section 8 of House Concurrent Resolution 64 (103d Congress), section 8 of House Concurrent Resolution 287 (102d Congress), section 7 of House Concurrent Resolution 121 (102d Congress), section 5 of House Concurrent Resolution 310 (101st Congress), section 6 of House Concurrent Resolution 106 (101st Congress), section 4 of House Concurrent Resolution 268 (100th Congress), and sections 7 and 8 of House Concurrent Resolution 93 (100th Congress) are repealed.

### SEC. 22. SOCIAL SECURITY FIRE WALL POINT OF ORDER IN THE SENATE.

(a) FINDING.—The Senate finds that the concurrent resolutions on the budget for fiscal years 1993 and 1994 have prohibited subsequent concurrent resolutions on the budget from decreasing the balances of the social security trust fund.

(b) APPLICATION OF SECTION 301(i).—Notwithstanding any other rule of the Senate, in the Senate, the point of order established under section 301(i) of the Congressional Budget Act of 1974 shall apply to any concurrent resolution on the budget for any fiscal year (as reported and as amended), amendments thereto, or any conference report thereon.

(c) CONFORMING AMENDMENT.—Section 10(b) of House Concurrent Resolution 64 (103d Congress) and section 12(b) of House Concurrent Resolution 287 (102d Congress) are repealed.

### SEC. 23. ENFORCING PAY-AS-YOU-GO.

(a) PURPOSE.—The Senate declares that it is essential to—

(1) ensure continued compliance with the deficit reduction embodied in the Omnibus Budget Reconciliation Act of 1993; and

(2) continue the pay-as-you-go enforcement system.

(b) FINDING.—The Senate finds that section 12(c) of the concurrent resolution on the budget for fiscal year 1994 created a point of order prohibiting legislation that would increase the deficit through fiscal year 2003.

(c) ENFORCEMENT.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or receipts legislation (including any such bill, joint resolution, amendment, motion, or conference report) that would—

(A) increase the deficit for the first fiscal year covered by the most recently adopted concurrent resolution on the budget;

(B) increase the deficit for the period of the 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

(C) increase the deficit to a significant degree for the period of the 5 fiscal years following the first 5 years covered by the most recently adopted concurrent resolution on the budget;

when taken individually (as a bill, joint resolution, amendment, motion, or conference report, as the case may be), and when taken together with all direct spending and receipts legislation enacted after the date of enactment of the Omnibus Budget Reconciliation Act of 1993.

(2) DIRECT SPENDING AND RECEIPTS LEGISLATION.—For purposes of this subsection, direct spending and receipts legislation shall—

(A) exclude full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990;

(B) exclude emergency provisions so designated under section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985;

(C) include the estimated amount of savings in direct spending programs applicable to that fiscal year resulting from the prior year's sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985, if any (except for any amounts sequestered as a result of a net deficit increase in the fiscal year immediately preceding the prior fiscal year); and

(D) except as otherwise provided in this subsection, include all direct spending legislation as that term is defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(e) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(f) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and receipts for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(g) CONFORMING AMENDMENT.—Section 12(c) of House Concurrent Resolution 64 (103d Congress) is repealed.

(h) TECHNICAL CORRECTION.—Notwithstanding section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by sections 13112(b) and 13208(b)(3) of the Budget Enforcement Act of 1990), the second sentence of section 904(c) of the Congressional Budget Act of 1974 (except insofar as it relates to section 313 of that Act) and the final sentence of section 904(d) of that Act (except insofar as it relates to section 313 of that Act) shall continue to have effect as a rule of the Senate through (but no later than) September 30, 1998.

(i) SUNSET.—Subsections (a) through (f) of this section shall expire September 30, 1998.

### SEC. 24. DEFICIT-NEUTRAL RESERVE FUND IN THE SENATE.

(a) INITIATIVES TO IMPROVE THE WELL-BEING OF FAMILIES THROUGH WELFARE OR OTHER REFORMS, TO PROVIDE FOR SERVICES TO SUPPORT OR PROTECT CHILDREN, OR TO IMPROVE THE HEALTH, NUTRITION, OR CARE OF CHILDREN.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees and the revenue aggregates may be reduced for legislation to improve the well-being of families through welfare or other reforms (including promoting self-sufficiency through improvements in job training or employment programs), to provide for services to support or protect children (including assuring increased parental support for children through improvements in the child support enforcement program), or to improve the health, nutrition, or care of children, within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(b) INITIATIVES TO PROVIDE COMPREHENSIVE TRAINING OR JOB SEARCH ASSISTANCE OR TO REFORM UNEMPLOYMENT COMPENSATION.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to provide comprehensive training or job search assistance (including reemployment or job training programs or dislocated worker programs), or to reform unemployment compensation, or to provide for other related programs, within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(c) CONTINUING IMPROVEMENTS IN ONGOING HEALTH CARE PROGRAMS OR COMPREHENSIVE HEALTH CARE REFORM.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to make continuing improvements in ongoing health care programs, to provide for comprehensive health care reform, to control health care costs, or to accomplish other health care reforms within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(4) ADJUSTMENTS FOR AMENDMENTS.—(A) If the Chairman of the Committee on the Budget makes an adjustment for legislation pursuant to this subsection, upon the offering of an amendment to such legislation, the Chairman shall file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates

if the enactment of such legislation (as proposed to be amended) will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(i) fiscal year 1995; or

(ii) the period of fiscal years 1995 through 1999.

(B) These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution on the budget.

(C) The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(5) LIMITING THE GROWTH IN MANDATORY SPENDING—Notwithstanding any other provision of this subsection, the Chairman of the Committee on the Budget shall not file revised allocations, functional levels, and aggregates unless the legislation as reported or the conference report as submitted will reduce (by virtue of either contemporaneous or previously passed legislation) outlays by $19,600,000,000 for the period of fiscal years 1995 through 1999.

(d) INITIATIVES TO PRESERVE AND REBUILD THE UNITED STATES MARITIME INDUSTRY.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to preserve and rebuild the United States maritime industry within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; and

(B) the period of fiscal years 1995 through 1999.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(e) INITIATIVES TO REFORM THE FINANCING OF FEDERAL ELECTIONS.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to reform the financing of Federal elections within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(f) TRADE-RELATED LEGISLATION.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees and the revenue aggregates may be reduced for trade-related legislation (including legislation to implement the Uruguay Round of the General Agreement on Tariffs and Trade or to extend the Generalized System of Preferences) within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(g) REFORMS RELATING TO THE PENSION BENEFIT GUARANTY CORPORATION.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees and the revenue aggregates may be reduced for reforms relating to the Pension Benefit Guaranty Corporation (including legislation to improve the funding of government-insured pension plans, to protect plan participants, or to limit growth in exposure of the Pension Benefit Guaranty Corporation) or other employee benefit-related legislation within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(h) REFORMS RELATING TO EMPLOYMENT TAXES ON DOMESTIC SERVICES.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees and the revenue aggregates may be reduced for reforms relating to providing for simplified collection of employment taxes on domestic services within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(i) INITIATIVES TO REFORM THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to reform the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(j) REFORMS TO CONSOLIDATE THE SUPERVISION OF DEPOSITORY INSTITUTIONS INSURED UNDER THE FEDERAL DEPOSIT INSURANCE ACT.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees and the revenue aggregates may be reduced for reforms to consolidate the supervision of depository institutions insured under the Federal Deposit Insurance Act within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(k) INITIATIVES TO PRESERVE ENERGY SECURITY.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees and the revenue aggregates may be reduced for initiatives to preserve United States energy security within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

### SEC. 25. ENFORCEMENT PROCEDURES.

(a) DISCRETIONARY SPENDING LIMITS.—

(1) DEFINITION.—As used in this section, for the discretionary category, for the purposes of congressional enforcement of this resolution, reduce the discretionary spending limit in section 601 of the Congressional Budget Act of 1974 by the following amounts—

(A) with respect to fiscal year 1996, $4,200,000,000 in non-defense budget authority and $5,400,000,000 in non-defense outlays;

(B) with respect to fiscal year 1997, $4,800,000,000 in non-defense budget authority and $5,600,000,000 in non-defense outlays; and

(C) with respect to fiscal year 1998, $8,700,000,000 in non-defense budget authority and $5,300,000,000 in non-defense outlays.

(2) POINT OF ORDER IN THE SENATE.—(A) Except as provided in subparagraph (B), it shall not be in order in the Senate to consider any concurrent resolution on the budget for fiscal years 1996, 1997, or 1998 (or amendment, motion, or conference report on such a resolution) that would exceed any of the discretionary spending limits in this section.

(B) This subsection shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate or the Committee on the Budget of the House of Representatives, as the case may be.

### SEC. 26. EXERCISE OF RULE-MAKING POWERS.

The Congress adopts the provisions of this title—

(1) as an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

*Provided further*, That all increases or decreases in discretionary accounts assumed on pages 3 through 69 of this amendment shall be considered nugatory and all overall totals be adjusted accordingly.

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## DORGAN (AND OTHERS) AMENDMENT NO. 1564

Mr. DORGAN (for himself, Mr. FEINGOLD, Mr. DASCHLE, and Mr. LEVIN) proposed an amendment to the concurrent resolution S. Con. Res. 63, supra; as follows:

At the end of the resolution, insert the following new section:

### SEC. . CLOSING OF LOOPHOLES IN FOREIGN TAX PROVISIONS.

(a) FINDINGS.—The Senate finds that—

(1) foreign-controlled corporations doing business in the United States do not pay their fair share of taxes;

(2) up to 72 percent of foreign-controlled corporations doing business in the United States pay no Federal income tax;

(3) the Internal Revenue Service has limited its own ability to enforce Federal tax laws against foreign-controlled corporations, to the detriment of domestic taxpayers;

(4) the Internal Revenue Service has been using antiquated accounting concepts to deal with sophisticated multinational corporations;

(5) billions of dollars of Federal revenues are lost annually due to the inability of the Internal Revenue Service to enforce the "arm's length" transaction rule—not even counting the costs of bureaucracy and litigation; and

(6) the Federal income tax laws encourage domestic taxpayers to relocate abroad by granting them deferral of United States taxes on income earned abroad.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that deficit reduction should be achieved, in part, by ending loopholes and enforcement breakdowns that now enable foreign-controlled corporations operating in the United States to pay no taxes and that subsidize the flight of domestic businesses and jobs out of the United States, including—

(1) a more streamlined and efficient method of enforcing Federal tax laws involving multinational corporations, especially those based abroad, in particular, the use of a formula approach by the Treasury Department where the "arm's length" transaction rule does not work; and

(2) a repeal of tax subsidies for domestic businesses that move jobs to tax havens abroad and then ship their products back into the United States.

## SPECTER AMENDMENT NO. 1565

Mr. SPECTER proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 63, supra; as follows:

On page 41, decrease the amount on line 11 by $435,000,000.

On page 41, decrease the amount on line 12 by $326,000,000.

On page 41, decrease the amount on line 18 by $452,000,000.

On page 41, decrease the amount on line 19 by $339,000,000.

On page 41, decrease the amount on line 25 by $465,000,000.

On page 42, decrease the amount on line 1 by $349,000,000.

On page 42, decrease the amount on line 7 by $475,000,000.

On page 42, decrease the amount on line 8 by $357,000,000.

On page 42, decrease the amount on line 14 by $488,000,000.

On page 42, decrease the amount on line 15 by $366,000,000.

On page 26, increase the amount on line 8 by $100,000,000.

On page 26, increase the amount on line 9 by $50,000,000.

On page 26, increase the amount on line 15 by $103,000,000.

On page 26, increase the amount on line 16 by $52,000,000.

On page 26, increase the amount on line 22 by $106,000,000.

On page 26, increase the amount on line 23 by $53,000,000.

On page 27, increase the amount on line 5 by $109,000,000.

On page 27, increase the amount on line 6 by $53,000,000.

On page 27, increase the amount on line 12 by $112,000,000.

On page 27, increase the amount on line 13 by $56,000,000.

On page 30, increase the amount on line 20 by $225,000,000.

On page 30, increase the amount on line 21 by $214,000,000.

On page 31, increase the amount on line 2 by $232,000,000.

On page 31, increase the amount on line 3 by $221,000,000.

On page 31, increase the amount on line 9 by $239,000,000.

On page 31, increase the amount on line 10 by $228,000,000.

On page 31, increase the amount on line 16 by $246,000,000.

On page 31, increase the amount on line 17 by $234,000,000.

On page 31, increase the amount on line 23 by $253,000,000.

On page 31, increase the amount on line 24 by $240,000,000.

On page 35, increase the amount on line 8 by $100,000,000.

On page 35, increase the amount on line 9 by $62,000,000.

On page 35, increase the amount on line 15 by $103,000,000.

On page 35 increase the amount on line 16 by $65,000,000.

On page 35, increase the amount on line 22 by $106,000,000.

On page 35, increase the amount on line 23 by $66,000,000.

On page 36, increase the amount on line 5 by $109,000,000.

On page 36, increase the amount on line 6 by $68,000,000.

On page 36, increase the amount on line 12 by $112,000,000.

On page 36, increase the amount on line 13 by $70,000,000.

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## DOLE AMENDMENT NO. 1566

Mr. DOLE proposed an amendment to amendment No. 1565 proposed by Mr. SPECTER to the concurrent resolution, Senate Concurrent Resolution 63, supra; as follows:

As the appropriate place, add the following: "The Budget of the U.S. Government for Fiscal Year 1995".

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## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to conduct a hearing on the competitiveness of the U.S. Biotechnology Industry, on March 23, 1994, beginning at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., March 23, 1994, to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate, on Wednesday, March 23, at 9:30 a.m., to conduct a business meeting to consider S. 1547, the Safe Drinking Water Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, March 23, 1994, at 10 a.m., to hear testimony on the subject of the Uruguay round of the GATT.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, March 23, 1994, at 10 a.m. to hold a hearing on United States policy toward Russia.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Wednesday, March 23, at 10 a.m. for a markup on H.R. 3400, the Government Reform and Savings Act, and the nomination of Rafael Diaz, to be associate judge, Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 23, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 1021, the Native American Free Exercise of Religion Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on National Science Foundation reauthorization, during the session of the Senate on March 23, 1994, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON CONSTITUTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, March 23, 1994, at 9:30 a.m., to hold a hearing on the Gun Violence Prevention Act: Public Health and Child Safety.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON HOUSING

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Housing of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 23, 1994, beginning at 10 a.m. to conduct a hearing on Federal Transit Authority budgets.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., March 23, 1994, to receive testimony on the following bills: S. 1270, to establish the Cache La Poudre River National Water Heritage Area in the State of Colorado; S. 1324, to authorize the Secretary of the Interior to exchange certain lands of the Columbia Basin Federal Reclamation Project, Washington, and for other purposes; S. 1402, to convey a certain parcel of public land to the County of Twin Falls, ID, for use as a landfill, and for other purposes; S. 1703, to expand the boundaries of the Piscataway National Park, and for other purposes; and H.R. 194, to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

### TRIBUTE TO MS. JEF CONNER LOUISVILLIAN HELPS OTHERS THROUGH TRAGIC TIMES

• Mr. McCONNELL. Mr. President, too often in our lives we see tragic events and chose to ignore them. I understand that there isn't any one of us who can change the world singlehandedly. However, if we all followed the example of my dear friend Jef Conner, the world would be a much more pleasant place to live.

Jef Conner is a doer Mr. President. Thirteen years ago she was forced to deal with a personal tragedy. Her daughter, Christine, was diagnosed with a form of cancer affecting her nervous system. During her treatment at Louisville's Kosair Children's Hospital. Jef saw firsthand the horrors that a family with a sick child must endure.

Mr. President, Kentucky is a largely rural State and therefore many families are forced to travel great distances to get the specialized medical care they may require. This imposes even greater burdens upon those already dealing with the fear of losing their precious children.

Jef Conner, as is emblematic of her "can do" personality, has done something about this problem. In 1984, with the help of her daughter's doctor, Dr. Sal Bertolone, and over one-thousand volunteers, a Ronald McDonald House was founded in Louisville. Here families of ill children being treated at Kosair can stay while their loved ones are being cared for. The facility provides housing at only $7 a day very near the Children's Hospital.

Since its opening the Ronald McDonald House has served 20,338 people from 8,190 families and 105 of Kentucky's 120 counties. Jef Conner deserves much of the credit for these figures. Early on she and her two sons served as weekend managers of the facility. She still serves meals there on holidays as well as serving on the board of many Kentucky charitable organizations. I am also proud to announce that Jef's daughter Christine is now healthy and helps her mother volunteer at the house.

Mr. President, Jef Conner serves as a wonderful example to us all as someone who does the necessary things to help her community become a better place to live. When she sees a problem she does what she can to alleviate it and we are all grateful to her for her continued efforts.

Mr. President, I ask my colleagues to join me in honoring my friend Jef and a true point of light in the Louisville community. In addition, I request that an article from the March 21, 1994 Courier Journal be placed in the RECORD following my remarks.

The article follows:

[From the Louisville Courier Journal, March 21, 1994]

### HOME AWAY FROM HOME—JEF CONNER HAS WORKED TO BUILD A CARING ATMOSPHERE FOR FAMILIES OF ILL CHILDREN

(By Bill Wolfe)

The difference between a stack of dry wood and a blazing fire is one tiny spark.

The difference between a pile of good intentions and the glowing success of the 9-year-old Louisville Ronald McDonald House was Jef Conner.

For years, Dr. Sal Bertolone had wanted a house for families of ill children being treated in Louisville. But the idea never seemed to catch fire.

"We didn't have the spark to ignite it," the pediatric hematologist and oncologist said.

The spark came after a crisis touched the lives of Conner and then-husband Hunt Rounsavall. Their daughter, Christine, was diagnosed with a rare form of cancer that affects the nervous system soon after she was born May 17, 1981.

Christine spent weeks in Kosair Children's Hospital, undergoing surgery and beginning radiation therapy. Despite their fears and grief, Conner and Rounsavall were touched by the plight of out-of-town parents who brought their children to Louisville for medical care.

After reading a Reader's Digest article about Ronald McDonald Houses springing up around the world, Conner contacted the McDonald's Corp. "Even though I didn't know if Christine would ever even make it, I knew I had to do something" for the other parents, said Conner, 46, who lives in eastern Jefferson County.

"They wrote me back a letter and said, "You know, there's a doctor in your community that really wants this. His name is Dr. Bertolone,' " Conner recalled.

She was surprised. Bertolone was Christine's doctor, but he had never spoken to Conner about a Ronald McDonald House. Soon, however, the two were meeting on her back porch making plans for the house.

"It just snowballed," Conner said. "I called few people. People wrote me out of the blue. People I didn't even know started calling me."

Before long "we had close to 1,000 volunteers," said Conner, president of the group—called Kentuckiana Children's House—from 1981 from 1986.

In its first two years, the group raised $1.8 million to lease and renovate the first two floors of the University of Louisville's old medical school annex at 550 S. First St.

"I knew we could do it. And all the volunteers, the people that I met, they all felt the same way," Conner said.

The Louisville Ronald McDonald House opened Sept. 10, 1984. It had served 20,338 people from 8,190 families as of last Oct. 31, when the numbers were last calculated. They have come from 105 of Kentucky's 120 counties and from 24 other states.

The 17,000-square-foot house contains 20 bedrooms, two living rooms, two dining rooms, 11 bathrooms, five common kitchen areas, a game room, a library and play areas inside and out.

Residents pay $7 a night per room (though the fee can be waived) and can stay in the house up to nine months.

Conner and her two sons, Hunt and Gibbs, occasionally managed the house on weekends for the first year it was open. While the House now has paid managers, Conner continues to help out on holidays, cooking and decorating with help from her second husband, Stewart Conner, and Christine, now a healthy and active 12-year-old.

And Jef Conner has expanded her efforts locally and nationally.

In 1987, the international advisory board for Ronald McDonald Houses asked her to join the board. There she helped other communities begin houses, including one in Utrecht in the Netherlands.

She also served on the Ronald McDonald Children's Charities Board, the grant-making foundation for McDonald's Corp., and is now a board member of the National Committee to Prevent Child Abuse.

Locally, she is on the boards of a half-dozen charities and agencies, and she volunteers in a program that searches for bone-marrow donors for cancer patients.

The common bond between the activities is a concern for children, she said.

"When you see sick kids and abused children, you cannot step away or look away. You have to—you just have to do whatever you can to make a difference," Conner said.

Those who know her say Conner's strength as a leader stems from her passion, vision and ability to unite diverse people.

"She's able to bring people together, and she's able to see the long-term goals," said Mitchell Charney, immediate past president of Kentuckiana Children's House.

"She got me involved in the Ronald McDonald House, and I wound up being president," said Charney, a law partner with Goldberg and Simpson. "She's a 110-percenter," Bertolone said.

"She sees a problem and she's going to solve it. She's not going to turn around and say, 'I've got too much on my plate.' "

Conner simply says that "volunteering is a wonderful thing. It's an opportunity to give back. And in my case, I have a great debt to the community. Everything was in the right place at the right time for my child. And I want it to be that way for the child that's going to be born tomorrow."

JEF CONNER, LOUISVILLE RONALD MCDONALD HOUSE

Founder, board member, past president.

Job: Community volunteer.

Years performing the service: 12.

Mission: To provide a home away from home for families while children receive medical treatment.

Source of funds: $150,000 through private contributions.•

### NATIONAL MENTAL HEALTH COUNSELING WEEK

• Mr. HEFLIN. Mr. President, I rise today to acknowledge the importance of mental health to individuals' and society's well-being and to recognize counseling as a vital aid in achieving and maintaining good mental health.

Mental health counseling is provided along a full continuum of care, from developmental and preventive services, to diagnosis and treatment of mental illness, to long-term services. It assists individuals and groups with problem-solving, personal and social development, decisionmaking, and self-understanding.

Mental health counseling is provided in community mental health agencies, private practice, psychiatric hospitals, college campuses, and rehabilitation centers. It is provided in collaboration with other mental health professionals, including psychiatrists, psychologists, social workers, psychiatric nurses, and marriage and family therapists, to assure the most appropriate counseling for each client. It is provided by professionals with master's or doctoral degrees in counseling or similar disciplines, practicing within the scope of their training and experience, licensed in 40 States and the District of Columbia.

I congratulate the American Mental Health Counselors Association on their designation of May 1 to 7, 1994, as "National Mental Health Counseling Week," and urge every American to seek the assistance of a qualified mental health counselor, when needed.•

### HANFORD B-REACTOR—50-YEAR ANNIVERSARY

• Mr. GORTON. Mr. President, this year we commemorate the 50th anniversary of the construction of the Hanford B-reactor; the world's first full-sized nuclear reactor. Given the profound impact that the B-reactor and its successors have had on our Nation's history, I would like to take a moment to recognize the tremendous contributions and sacrifices made by the Hanford community during the early days of the Manhattan project.

As many of my colleagues know, the first controlled nuclear reaction took place in a squash court beneath the University of Chicago football stadium on December 2, 1942. From then on the Army moved with remarkable speed to select a full-scale plutonium production site. E.I. du Pont de Nemours drafted site selection criteria for the Army just 2 weeks later, and Army scouts set out to look for a site that was isolated from population centers, had a plentiful water supply, and had access to ample electricity. Hanford fit this description to the letter, and the site was selected just 1 month after the Chicago experiment on January 2, 1943.

The Army used its authority under the War Powers Act to purchase 625 square miles of land for $5.1 million. The purchased lands included the townsite of Hanford and White Bluffs and some 50,000 acres of productive farmland. More than 1,300 people were uprooted, many of whom were forced to move within 30 days. Despite the fact that property valuations were less than generous, most residents viewed the disruption as another noble sacrifice for the war effort.

Once the Hanford area was secured by the Army, the influx of workers began. Recruiting pamphlets were circulated nationally proclaiming,

> There's a job for you at Hanford. It's not a short job and it's not a small job. We can't tell you much about it because it's an important war job, but we can tell you it's new heavy industrial plant construction.

Thousands heeded the call looking for a good job, a better life, and a chance to be part of a new, growing community. The Hanford camp was built to provide housing and services for the newcomers, eventually growing to over 1,100 buildings including a bank, a hospital, an auditorium, taverns, and other amenities. The camp quickly grew large enough to feed, house, and entertain some 51,000 workers and 8 mess halls each served 2,700 meals 3 times per day. The taverns sold 12,000 gallons of beer a week and the camp soon became the largest general delivery post office in the world.

In just over a year, the residents of Hanford camp managed to construct the world's first full-sized nuclear reactor—despite the fact that almost none of the workers knew what it was they were building. This remarkable achievement has been recognized by the American Society of Mechanical Engineers and the American Nuclear Society, and will receive additional attention this Saturday when the B-reactor is designated as a civil engineering landmark by the Society of Civil Engineers. The B-reactor has also been entered into the National Park Service's Register of Historic Places.

B-reactor went crucial just after midnight on the evening of September 26, 1944, and eventually produced the plutonium used in one of the bombs that ended World War II. It is difficult legacy for many of those who worked on the B-reactor, but it is clear that those people have reason to be tremendously proud of what they accomplished.

Although the Hanford camp was dismantled 3 years after its construction, a more permanent community emerged as Hanford settled into its role as a cold war production site. Richland, Pasco, and Kennewick, known collectively as the Tri-Cities, have since endured a long series of boom and bust cycles as defense production needs have changed. Through it all the community has maintained its steadfast dedication to the Hanford mission.

The Tri-Cities now claim well over 150,000 residents, and have become one of the State's fastest growing regions. The agriculture, food processing, and high-technology industries have all thrived in recent years, and the region's pleasant climate, well-educated population, and access to transportation will make it attractive to industry for many years to come.

Despite this recent growth in non-Hanford related industry, the economy of the Tri-Cities is still largely dependent on Hanford. More than 15,000 people are currently employed at Hanford, and thousands more jobs depend directly upon site activities. The vast majority of Hanford activity is now related to site cleanup.

As it is widely recognized that the site's environmental restoration mission cannot sustain current employment levels indefinitely, Tri-Cities leaders have been pursuing economic diversification with a vigor and sense of purpose reminiscent of the early days of the Manhattan project. In many ways, the challenge is equally daunting.

Mr. President, the Tri-Cities area has come a long way since the construction of the B-reactor. As we celebrate the 50th anniversary of the birth of Hanford, I hope my colleagues will take a moment to consider the enormous contributions to national security made by Hanford workers over this period. I also hope they will be sympathetic to the needs of the community as it pursues its cleanup mission and strives to diversify its economy. We owe it to these people to be as supportive as we possibly can.•

### REEMPLOYMENT AND RETRAINING ACT

Mr. MITCHELL. Mr. President, I understand that S. 1964, the Reemployment and Retraining Act introduced earlier today by Senator METZENBAUM is at the desk.

The PRESIDING OFFICER. The majority leader is correct.

Mr. MITCHELL. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

> A bill (S. 1964) entitled the Reemployment and Retraining Act.

Mr. MITCHELL. Mr. President, I now ask for its second reading, and I understand that the Republican leader will object.

Mr. DOLE. I object.

The PRESIDING OFFICER. The objection is heard.

The bill will lay over and have its second reading on the next legislative day.

### RECESS UNTIL THURSDAY, MARCH 24, 1994, AT 9:30 A.M.

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate stand in recess until 9:30 a.m. today.

There being no objection, the Senate, at 3 a.m., recessed until Thursday, March 24, 1994, at 9:30 a.m.

# EXTENSIONS OF REMARKS

## DISTRICT OF COLUMBIA BUILDING HEIGHTS ACT OF 1994

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. STARK. Mr. Speaker, among the most attractive features of our Nation's Capital is its skyline. Unlike most other major cities of the world, the scenic vistas of Washington, DC, are not interrupted by high-rise commercial buildings and residential complexes. That unique aesthetic is no accident, but the consequence of centuries of conscious public policy. President George Washington promulgated the first building regulations on this subject in 1791.

Congress enacted building height limit legislation in 1899. In 1910, the limits were refined and enforcement features added to the Height Limits Act.

The 1910 act ties the height of buildings to the streets on which they front. The District of Columbia is also authorized to approved "spires, towers, domes, minarets, pinnacles, penthouses over elevator shafts," and similar structures, provided that such "penthouses * * * shall be set back from the exterior walls distances equal to their respective heights above the adjacent roof."

Since its enactment in 1910, the Height Limits Act has been assaulted frequently. A proposed George Washington University–WETA telecommunications facility at 21st and H Streets NW., is the most recent assault. The proposed building would be topped by a penthouse that, contrary to the clear wording of the Height Limits Act, would not be set back from two of the building's exterior walls.

Congress has often acted to protect the historical integrity of the National Capital. For example, when Washington, DC, was granted home rule in 1973, Congress expressly prohibited the city from raising the height limit. In 1991, Congress acted to prevent a waiver of the height limit for a proposed Pennsylvania Avenue Development Corporation building.

Creeping administrative actions—whether in the form of zoning decisions, regulatory interpretations, or minor violations ignored by enforcing authorities—threaten to chip away, inch by inch, at the height restrictions. Accordingly, I am today introducing the District of Columbia Building Heights Act of 1994.

My bill would confirm the clear meaning of the 1910 act and the intent of Congress that it be strictly construed. The bill would do the following:

Clarify that an exterior wall is any outside wall of a building.

Significantly increase the penalty for violating the Height Limits Act to $10,000 per day—up from $100 per day. In the case of violation of a court injunction, the penalty could be $100,000—up from $500.

Give the National Capital Planning Commission and its Commissioners a more authoritative role in applying and enforcing the Height Limits Act.

Mr. Speaker, I do not regard lightly Federal intervention in local matters. Such action should only occur when local action violates the U.S. Constitution, violates the Home Rule Act, or violates the Federal interest. Clearly it is in the Federal interest to defend the height limits and preserve the character of our Capital City.

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## TRIBUTE TO TERRY GRAYBOYES

### HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. BORSKI. Mr. Speaker, I rise today to honor my good friend, Ms. Terry Grayboyes, who was recently honored at the Philadelphia Chamber Association of Small Enterprises [CHASE] Annual Awards Extravaganza.

Ms. Grayboyes has received the CHASE Person of the Year Award as a tribute to her small business success story. She is the president of the Grayboyes Commercial Window Co., a prominent, small business in the Philadelphia area. Ms. Grayboyes was able to aggressively manage her company during the recession of the early 1990's and yield substantial growth at a time when many businesses could not compete.

The Chamber Association of Small Enterprises pays tribute to the small businesses of the Philadelphia area. Nominations for these awards come from the regional business community. Winners are chosen by a panel of small business owners and advisors based on the nominees' demonstrated commitment to the business community.

I had the honor of working with Ms. Grayboyes many years ago when I was a representative in the Pennsylvania State House. At that time, as well as today, Ms. Grayboyes proved to be a talented and successful businesswoman capable of almost anything. I would like to thank her for her undying dedication to success during times of economic troubles. I feel that she is a positive example for other business owners in the Third Congressional District of Pennsylvania, as well as the entire country to exemplify.

Mr. Speaker, I thank you for this opportunity to bring to the attention of the House the accomplishments of Ms. Grayboyes, a woman who has shown that with dedication and hard work, one can be successful in even the most difficult of times. I would like to commend Ms. Grayboyes for these achievements.

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## TRIBUTE TO JED JOSEPH JOHNSON

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Ms. KAPTUR. Mr. Speaker, I would like to take this opportunity to pay tribute to one of our former colleagues who recently passed away, Jed Joseph Johnson of Oklahoma. Since 1974, he served as executive director of the U.S. Association of Former Members of Congress and devoted most of his energy and intellect to building better international understanding of the Congress. Although he only served one term as a Member of Congress, much of Jed Johnson's life revolved around this U.S. House of Representatives. His father served as a Congressman from Oklahoma and Jed graduated from Capitol Page School in 1957.

Jed Johnson truly loved this institution. As executive director of the U.S. Association of Former Members of Congress, he worked tirelessly on behalf of those who have served in the U.S. House of Representatives. Jed Johnson was always our goodwill ambassador—working to bring foreign leaders to the Congress and teaching, always teaching, about representative government and democracy. I for one am deeply grateful for his efforts and will miss his quick smile and endless energy.

Please let me extend deepest sympathies to his wife Sydney; their two daughters Alice and Sydney; and his many friends from all corners of the globe. He was a remarkable man who brought the world closer to us and always believed in the best instincts of people.

CURRICULUM VITAE

Johnson, Jed Joseph, Jr., son of the late Congressman and Mrs. Jed Johnson, Sr., was born in Washington, D.C., December 27, 1939. He attended the public schools in Chickasha, Oklahoma, and Friends Seminary in New York City, served as a Congressional page and graduated from the Capitol Page School in Washington, D.C. in 1957; graduated from the University of Oklahoma in 1961, where he was student government president and a member of Phi Eta Sigma, Pi Sigma Alpha, Omicron Delta Kappa, Pe-et (top ten senior men) and recipient of the Letzsier Medal (top three senior men); graduate studies in international relations at the Johns Hopkins School of Advanced International Studies. Recipient of the Lasker Foundation Fellowship to serve as national field director of the Collegiate Council for the United Nations in 1961; delegate to the International Student Movement for the United Nations Conference at Lund, Sweden in 1961; president of the United States Youth Council 1962–64; United States representative to the Indian Youth Congress at Tirupathi, India in 1962; U.S. delegate to the World Assembly of Youth in Aarhus, Denmark, 1962; led a United States Youth Council delegation to West Africa in 1963; member of the United States National

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Commission for UNESCO; served three years as nongovernmental observer at the United Nations.

Elected at age twenty-four (the youngest Congressman since 1797) as a Democrat from Oklahoma to the Eighty-ninth Congress (January 3, 1965–January 3, 1967); special assistant to the Director, Office of Economic Opportunity, 1967–68; Equal Employment Opportunity Commission, 1968–72; Consultant, Select Committee on Presidential Campaign Activities, 1973.

Executive Director, U.S. Association of Former Members of Congress, 1974 to present; guest of the Japanese Foreign Ministry on a study tour of Japan, October 1976; participant in the 6th annual meeting of the Standing Conference of Atlantic Organizations, June 1978, Wilton Park, United Kingdom; member of a Congressional alumni study tour of China, fall 1979; participant in Pacific Parliamentary Seminars at the East-West Center, Honolulu, Hawaii, 1978, 1979, 1980, 1981, 1983; participant at Aspen Institute Seminar in Berlin, Germany, spring 1980 and fall 1982. Participated in the German-American conference at the Konrad Adenauer Stiftung at Cadenabbia, Italy in November 1981; participant in Parliamentary meetings in Israel and Egypt in the spring of 1981 and 1982; in New Zealand and Australia with parliamentarians in summer of 1982; participant in German Bundestag meetings and conference in Freudenberg, Germany, hosted by the Friedrich Ebert Foundation, September 1982; meetings with the Bermuda Parliament, November 1982; Salzburg seminars with German Bundestag spring 1983 and 1984; German Bundestag-U.S. Congress Comparative Study at "Wingspread" Conference Center fall 1985; meetings with German Bundestag at Konigswinter, Germany, as guest of the Friedrich Naumann Foundation in fall 1986 and spring 1990; on the U.S. delegation to an International Human Rights Conference at DeBurght, the Netherlands, January 1988; seminar with German Bundestag at Villa Borsig, Berlin, Germany in spring 1989; observer of Hungarian elections in March 1990; and observer of Czechoslovakian elections in June 1990. Recipient of the Officer's Cross of the Order of Merit of the Federal Republic of Germany presented by the German Ambassador on October 24, 1988. Participant in the 40th Anniversary of the Atlantik Bruecke in Hamburg, Germany in May, 1992.

Mr. Johnson is married to the former Sydney Herlong and is the father of two daughters, Alice, age 25, and Sydney, age 23. He is a member of the Federal City Club, the Mid-Atlantic Club, the Washington Institute of Foreign Affairs and affiliated with the ecumenical Church of the Saviour.

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## TRIBUTES TO HONDA POWER EQUIPMENT AND JIM ANDERSON

### HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. COBLE. Mr. Speaker, on Friday, March 4, 1994, I had the honor of attending a ceremony celebrating the production of the one millionth walk-behind lawnmower made in the Sixth District of North Carolina. The 1 million lawnmowers have been manufactured by Honda Power Equipment [HPE] in Swepsonville, NC.

Not only did I attend the ceremony, but I participated in it. I pulled the starter on the 1 millionth mower and said "ship it" just like Clara Johnson did in the well-known Honda lawnmower commercials. Not only did I meet the real Clara Johnson—Ruby Cagle—but I met many other dedicated associates at HPE. We are proud to be the home of HPE in the United States, and we are delighted that Honda has become such an outstanding corporate citizen in our district.

Just prior to the ceremony, it was announced that one Honda associate had received national recognition for his racing prowess. Jim Anderson, who is an industrial engineer at the HPE plant, is also an avid Sports Car Club of America [SCCA] racer. Jim was mentioned in the February 28, 1994, edition of AutoWeek magazine for winning an SCCA Pro Rally production class race in a Honda Prelude. The Sand Hills/Sand Blast Pro Rally was held on roads through the Sand Hills State Forest near Patrick, SC. We offer our congratulations to Jim for this outstanding achievement.

To everyone at HPE in Swepsonville, NC, we offer our congratulations for manufacturing the first 1 million walk-behind lawnmowers. Best wishes for millions of additional mowers in the years ahead. We hope there will be millions of occasions to say "ship it."

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## CONGRATULATIONS TO THE DEPARTMENT OF CONSUMER SCIENCE AT THE UNIVERSITY OF WISCONSIN-MADISON FOR COMPLETING THEIR STUDY ON WOMEN AND TELECOMMUNICATIONS

### HON. SCOTT L. KLUG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. KLUG. Mr. Speaker, I rise today to congratulate the Department of Consumer Science at the University of Wisconsin-Madison on the successful completion of their study on women and telecommunications.

The time is rapidly approaching when we will have to make important decisions about the development of the information superhighway. We have been hearing for some time how advances in telecommunications technology will affect American jobs, health care, education and other aspects of society. The UW study, which appears below, affords us a glimpse into how widespread an impact America's Information Age is likely to have on women. I am delighted to be able to share this information with my colleagues.

SURVEY FINDINGS

The University of Wisconsin set out to survey women leaders nationwide on the importance of telecommunications services to their organizations, businesses and families, and to determine their views on national telecommunications policy issues being decided in Washington. The following is a summary of our findings and a sense of the comments offered.

Seventy-one percent of women surveyed said telecommunications service are extremely important to them today.

Many women view basic telecommunications services, such as telephone, FAX, and voice mail services, as critical to their success and the success of their organizations. These technologies provide flexibility and aid women in all aspects of their personal and professional lives.

Eighty-nine percent of women said telecommunications services will be extremely important to them by the year 2000.

Citing their increased reliance on the most basic telephone enhancements such as modems and electronic mail, they look forward to new equipment and information services they can access that will make their organizations more productive in the future.

An overwhelming majority (ninety-four percent) said working women will benefit from advanced telecommunications technology.

The vast majority agreed that women will gain substantially from advanced telecommunications services such as telecommuting and remote educational and health services, and that these services will aid women struggling to balance career and family responsibilities. "Telecommuting will make a world of difference for working mothers" was the sentiment echoed by most respondents.

Sixty-two percent said increased competition among telecommunications service providers will produce lower prices and more choices for customers of long distance service.

Most respondents expressed frustration over the long distance service market and their lack of confidence that they had selected the least expensive service for their needs. They felt that allowing local Bell Companies to immediately compete with other long distance service providers would produce lower costs and more choices for consumers.

Sixty-seven percent support increased competition for cable service.

An even greater number of respondents expressed support for increased competition in the cable service market. Citing high costs and lack of options, they favored allowing local Bell Companies to compete with cable companies now.

A large majority of respondents (sixty-nine percent) believe that all telecommunications markets should be opened to competition on a fair and reciprocal basis.

Respondents agreed that if long distance and cable companies are allowed to compete in providing local phone service, local Bell Companies should be allowed to compete in providing long distance and cable services.

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## IN TRIBUTE TO ADELE GUTTENBERG

### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mrs. ROUKEMA . Mr. Speaker, our communities and our country have always relied on the contributions of individuals who rise above and beyond the call of duty to make a difference in the lives of others. I pause today to join the Bergen County Business and Professional Women as they pay tribute to one of the true heroes in their community, Mrs. Adele Guttenberg.

It has been said that the future of our society lies in the hands of individuals. And radiating out from him or her is the family, the community, the county, the State, and the Nation.

But in the end, it all depends on the individual to make a difference. Adele Guttenberg has made that difference in New Jersey.

As a young mother, Adele Guttenberg was faced with the challenge of raising two severely handicapped children at a time when support from local, county, and State agencies did not exist. Being one to gain strength in the face of adversity, Adele Guttenberg rose to the occasion and pioneered the establishment of public support for the disabled and their families.

Adele Guttenberg successfully lobbied the Bergen County Board of Chosen Freeholders to provide education and training for disabled persons older than 18 years of age. She then turned her sights on the New Jersey State government to provide housing and educational opportunities for the developmentally disabled. She is also a cotrustee of the Guttenberg Foundation, where she directs annual grants to provide services to the disabled.

Mr. Speaker, I have seen firsthand the results of Adele Guttenberg's efforts. The Spectrum for Living, an organization which Adele cofounded, provides housing, day care, workshops, and quality of life opportunities for 250 clients. It is clearly an effective source of dignity and hope for the people it serves.

Adele Guttenberg and her husband, Bill, are also longtime benefactors of the New Jersey Institute of Technology. The Guttenbergs have made repeated donations to the school that have allowed the removal of architectural barriers that had prevented physically handicapped persons from utilizing the school's facilities. Finally, the Guttenbergs sponsor a 4-year scholarship at the school for a disabled resident from the northern New Jersey region.

Mr. Speaker, Adele Guttenberg's years of tireless effort have made an immeasurable difference in the lives of countless disabled persons throughout northern New Jersey. Her dedication and commitment has set an example for all to follow. I ask my colleagues in the House to join with me in saying a heartfelt thank you and congratulations to Adele Guttenberg as she receives this fitting recognition as "Woman of the Year."

## EXECUTIVE 2000 COUNCIL—THE VOLUNTEER SPIRIT AT WORK

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. CALVERT. Mr. Speaker, one of the things that has made America the great country that it is, is the spirit of voluntarism that is so much a part of our Nation's fabric. This spirit is exhibited daily in both large and small ways throughout the cities, small towns, and rural areas of our land. And, I am proud to say, it is a spirit which is found in abundance in my community of Riverside, CA.

One of the many organizations in my community that typifies this American spirit of voluntarism is the Executive 2000 Council. This unique business support group, which is now over 300 companies strong, was created in September 1990 in order to raise funds to help purchase equipment for Riverside Community Hospital.

Organized as a purely voluntary annual membership program, Executive 2000, a major component of the Riverside County Hospital Foundation, has already raised more than $300,000 for the hospital, and is making a significant impact on cost-effective quality health care in the greater Riverside area.

At a time when Congress, the President and, indeed, the entire Nation are engaged in a crucial debate about the future of American's health care delivery system, it is encouraging to know that there are organizations such as Executive 2000 which have not waited for government to solve the problem, but have done what Americans have always done—pitched in to get the job done themselves. While others discuss, they work. While others study, they contribute their own time and resources.

Already, their contributions have enabled Riverside Hospital to purchase a COR radio system for the emergency department and an emergency preparedness site, across from the hospital, which will be used by the community during emergencies such as earthquakes. And this year, the council's contributions will enable the hospital to purchase a birthing bed, oximetry modules, a ventilator and a printer to complete the COR radio system.

In just over 3 years, the Executive 2000 Council has shown that voluntarism does work. They have demonstrated that individuals working together make a difference. On behalf of the people of the 43rd Congressional District in western Riverside County, I wish to extend my heartfelt thanks and congratulations to the Executive 2000 Council on a job will done, and encourage this wonderful organization to keep up the good work.

## A TRIBUTE TO GARY TICKLES

### HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. JOHNSON of South Dakota. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Gary Tickles of Nemo, SD. Gary, who has demonstrated a remarkable dedication to the needs of many of our Nations troubled youth for over 26 years, will be honored on Saturday, March 26, 1994, as he leaves his position as Center Director of the Boxelder Job Corps Center.

Gary is highly respected by both the staff and the corpsmembers at the Center and the Black Hills National Forest. He also has an excellent relationship with the Community Relations Council at Boxelder Job Corps Center and with the people living close to the Center. Because of his active leadership, Boxelder Job Corps Center is now considered one of the best Job Corps Centers in the Nation. His contributions have not only resulted in raising Boxelder Job Corps rating but improving and touching the lives of hundreds of disadvantaged youths.

Throughout Gary's career, he has served on several regional and national committees striving to improve the Job Corps program throughout the United States.

Gary graduated from Clinch Valley College, WV, with a B.A. degree in education in 1986.

Gary has worked at the following Job Corps Centers throughout his career.

1967, Flatwoods Job Corps Center, Coeburn, VA, as a group leader.

1970, Jacobs Creek Job Corps Center, Bristol, TN, as recreation assistant.

1973, Cass Job Corps Center in Cass, AR, as recreation specialist.

1973, moved to the Branchville Job Corps Center in Branchville, IN, as assistant corpsmember supervisor.

1974, Blackwell Job Corps Center, Laona, WI, as recreation specialist.

1976, Timberlake Job Corps Center, Wauconoa, WA, as supervisory social services assistant.

1990, Harpers Ferry Job Corps, Harpers Ferry, WV, as Assistant Center Director.

In 1992, Gary was awarded the Rocky Mountain Region's Outstanding Ranger of the Year by Regional Forester Elizabeth Estill.

Gary will continue his service to America's youth when he begins his new assignment as Center Director of Joliet Corps Center at Joliet, IN later this month.

Mr. Speaker, I ask that you join me, our colleagues, and his many friends in honoring this outstanding individual for his extensive and dedicated service. Over the years, Gary has touched the lives of many people in South Dakota and other States where he has served our young men and women, and it is most fitting that the House recognize him today.

## TRIBUTE TO JOHN H. WEBSTER ELEMENTARY SCHOOL

### HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. BORSKI. Mr. Speaker, I rise today in recognition of the 100th anniversary of the John H. Webster Elementary School. I wish to extend my congratulations and commendations to the John H. Webster School, its principal, Dr. Barbara Porges, and its staff for their perpetuation of devotion to excellence in education.

Named after John Hambleton Webster, an earnest abolitionist and devoted champion of human freedom, this school has provided its students and community with a quality education since opening in 1894. Throughout the last 100 years, it has provided a warm and nurturing environment as well as an educationally rich atmosphere as it facilitated the assimilation of the best cultural traditions of the diverse student body.

Currently, the John Webster School serves children from many parts of our city who represent every racial and ethnic group. It has been a microcosm of the ideal qualities and aspirations that our society seeks to foster.

Mr. Speaker, I join the alumni of the John H. Webster School, whose ages span the decades of this century in this celebration. I congratulate and commend the school, its principal, Dr. Barbara Porges, staff, students, parents, and community on the occasion of the school's 100th anniversary.

## LITHUANIA'S INDEPENDENCE

### HON. PETER BLUTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. BLUTE. Mr. Speaker, when the cold war came to an end with the dissolution of the Soviet Union, the Baltic State of Lithuania embarked on its journey toward sovereignty. Russia has made progress in the removal of its troops, but the situation remains tense as new nationalistic rumblings have appeared in Russia. Obviously, Vladimir Zhirinovsky's imperialistic proclamations do not bode well for the security of States such as Lithuania.

The United States should recognize this risk to Lithuania's independence by strongly supporting nation building efforts and strengthening economic ties. We should not fail to seize this opportunity to assist Lithuania.

Furthermore, I would like to enclose for the RECORD the attached resolution of the Worcester Area Council of Lithuanian Organizations. This important group has been in the forefront of advocacy for Lithuanian issues.

RESOLUTION

Whereas the people of Lithuania survived a 51-year foreign occupation which resulted from the infamous Nazi-Soviet Pact of 1939;

Whereas the people of Lithuania courageously resisted the imposed communist dictatorship and cultural genocide of this foreign occupation;

Whereas the people of Lithuania were able to mobilize and sustain a non-violent movement for social and political change which came to be known as "Sajudis";

Whereas on March 11, 1990, the democratically-elected Lithuanian parliament, fulfilling its election mandate from the people of Lithuania, declared the restoration of Lithuania's independence and the establishment of a democratic state;

Whereas the people of Lithuania, the elected leaders and the civil servants of the government of Lithuania persevered in the building of democratic and independent institutions under conditions of economic blockade and armed assaults over 17 months including a bloody assault on January 12-13, 1991 by foreign troops;

Whereas Lithuania's successful restoration of democracy and independence is remarkable for its use of non-violent resistance to an oppressive regime;

Whereas the continued illegal presence of Russian army units in Latvia and Estonia poses a significant threat to the independence of Lithuania;

Whereas the government of the Russian Federal has adopted an aggressive military doctrine asserting the right to intervene in the affairs of neighboring states including Lithuania;

Whereas the massive concentration of Russian military forces in the Kaliningrad region, currently under the control of the Russian Federation, threatens the peace and security of Lithuania;

Whereas the Congress of the United States has continued to restrict United States foreign aid to Russia until the military forces of the Russian Federation are removed from the territory of Latvia and Estonia;

Therefore, be it *Resolved* That:

1. We commend the people of Lithuania for their commitment to democratic institutions and principles during this difficult period of transition to a free market economy and join with them as they celebrate their independence:

2. We urge President Yeltsin to complete the withdrawal of Russia's armed forces from Latvia and Estonia without further delays, to demilitarize the Kaliningrad region and to renounce his government's neo-imperialist policy of asserting a right to militarily intervene in the affairs of neighboring states;

3. We urge our representatives in the U.S. Congress to support Lithuania's transition to a free market economy through humanitarian, technical and financial assistance and urge President Clinton to end the long delay in appointing the Board of Directors of the Baltic American Enterprise Fund:

4. We urge President Clinton and the U.S. Congress to continue to assist Russia in withdrawing its troops from Latvia and Estonia;

5. We urge President Clinton to oppose the Russian government's new military doctrine which asserts a right to intervene in the affairs of neighboring states, including Lithuania;

Having adopted this resolution by unanimous vote of all assembled, the Chair of this assembly is instructed to send copies of this resolution to our elected representatives in Congress and to the President of the U.S. and to the government of Lithuania.

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## DARKER SIDE OF WHITEWATER?

### HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. ROHRABACHER. Mr. Speaker, as the saga of the Whitewater Affair continues to captivate the attention of the media, it is important to remember that a journalist's job often requires him to persevere in exotic and dangerous locations where bullets fly and planes fall inexplicably from the sky. It seems that in 1994, the top hazardous duty post for journalists is none other than Little Rock, AR.

As a former member of the fourth estate, I commend these journalists and their sources who daily face the high risks of exposing the truth about the financial and social activities of Bill and Hillary Clinton.

The time has come for this Congress to investigate the allegations and protect the lives of those who know the truth about Whitewater, Madison Savings, the death of Vince Foster.

What follows is a compilation of facts concerning the darker side of Whitewater reported in the March 23, 1994, American Political Hotline. I commend it to the attention of all who doubt that something's rotten in Arkansas.

DARKER SIDE OF WHITEWATER?

Under header, "Are attacks linked to Whitewater?," Deroy Murdock reports Harper's contributing editor L.J. Davis, who was in Little Rock doing research for his just published New Republic piece on AR's "rich tapestry of interwoven financial and political deals" was assaulted. "His encounter seems to be part of an alarming—and largely unexplored—pattern of violence and intimidation that has ensnared some individuals associated" with the Clintons, the McDougals and reporters covering these matters. After spending a week reviewing financial documents and interviewing people in Little Rock, Davis went to his hotel room at around 6:30 p.m. on 2/14. Davis: "The last thing I remember is unlocking the door of Room 502 to go in. The next thing I remember, four hours later, at 10:30 at night, was waking up on the floor of the foyer of my hotel room, partially paralyzed with a lump the size of a darning egg over my left ear." Davis said his doctor "found his injury inconsistent with a fall" and that he "was struck a powerful blow above the left ear." Davis is taking medication to dissolve a blood clot in his brain. Davis "doubts he was the victim of a robbery gone awry": "My watch was still on my wrist and my wallet still contained a couple of hundred bucks." He said he did discover that "about four pages of my notebook in a very significant portion were half torn out." Davis says he regrets not heeding warnings "from the office of high government official" in DC: "The exact phrase they used was, 'You've gotten into a red zone.'" He says his contact urged him: "Work your ass off and get out of there as fast as possible." On ⅜, about three hours after sending the New Republic a "partial draft" of his story my modem, Davis said his phone rang. Davis, quoting the male voice on the other end: "What you're doing makes Lawrence Walsh look like a rank amateur." Davis replied: "Who is this?" The male voice: "Seems to me you've gotten your bell rung too many times. But did you hear what I just said?" Davis: "Yes, I did. Is this—" The voice hung up. The conservation "puzzles" Davis: "Somebody seems to be reading by computer transmissions. Whoever called me knew what I'd just sent to the New Republic. There are only three of us who know what was in that transmission" (N.Y. Post, 3/23). A.W.S. Journal editorial describes the Davis incident as well as another allegation by Sally Perdue, the former Miss Arkansas and TV reporter who said she had an affair with Clinton. Perdue said staring 1/93, she has been threatened in exchange for his silence: "The state seems to be a congenitally violent place, and full of colorful characters with stories to tell, axes to grind and secrets of their own to protect" (3/23). Murdock describes five other mysterious incidents. One involves a break-in of the offices of the American Spectator, one involving a fire at the HQs of the Worthen Bank, which loaned money to the Clinton pres. compaign. The other three involve deaths. Jerry Parks, whose company had provided security guards to Clinton's pres. campaign, was shot at close range 10 times from a 9mm semi-automatic pistol. Parks' son, Gary Parks, told the London Telegraph his father had been "working on Clinton's infidelities for about six years." Parks' son and wife note the elder Parks kept a file on Clinton hidden in their home. It was discovered missing after a break-in before Parks death. The other two deaths involve plane crashes: A leading AR lawyer and a AR dentist who was to meet a British reporter with supposed information on Whitewater (3/23).

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## TRIBUTE TO AMBASSADOR CHARLES PROVIDENCE GOMIS

### HON. HARRY JOHNSTON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. JOHNSTON of Florida. Mr. Speaker, as Chairman of the Subcommittee on Africa, it is my privilege to rise today to pay tribute to one of the leading members of the diplomatic corps in Washington, Ambassador Charles Providence Gomis from the Côte D'Ivoire. Ambassador Gomis, the dean of the African diplomatic corps, has served both his country and the continent of Africa admirably for the better part of the last 8 years.

Having first served in Washington in the mid-1960's, under Henri Bedié, Ambassador Gomis returns to Abidjan to serve as special advisory to the same Henri Bedié, now the successor as President to the late President Houphouet-Boigny. I applaud the Côte D'Ivoire for its peaceful transition of power, and offer it my support, and that of my colleagues, in facing the many challenges that lie ahead not only for the Côte D'Ivoire, but for the entire continent of Africa. I also applaud President Bedié's wise choice of Ambassador Charles Gomis as one of his close advisors, and I am confident that Ambassador Gomis will continue to serve his country with distinction from his new position, as he has done from Washington.

Finally, I would like to express my gratitude to Ambassador Gomis for his efforts to organize the African diplomatic corps in Washington into a more effective and cohesive group in order to secure greater interest in and commitment to Africa's unique challenges and opportunities among policymakers in Washington. Ambassador Gomis' role in founding the African Diplomatic Outreach Program, and his role in the historic African-African-American Summits have put him at the forefront of efforts to increase cooperation between Africa and the United States. As I seek to increase the profile of Africa and an understanding of its challenges among my colleagues in the Congress, I am thankful that Ambassador Charles Gomis has been, and remains, a partner in these efforts.

## CONGRATULATIONS TO EAGLE SCOUT JAMIE OETERS

### HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. MANN. Mr. Speaker, I want to take this opportunity to recognize Jamie Oeters on his accomplishment of earning the rank of Eagle Scout. This is a substantial achievement demonstrating Jamie's perseverance, as only 2 percent of all Scouts ever attain the Eagle rank.

Jamie Oeters began his Scouting odyssey in 1983 as a Cub Scout in Pack 275. Jamie earned the ranks of Bobcat, Wolf and Bear, 12 activity badges, and the Arrow of Light.

In 1986, Jamie joined Boy Scout Troop 880, sponsored by Heritage United Methodist Church. In 1993, he completed his Eagle Scout requirements. His community service project involved the installation of a new sign for Mt. Healthy South Junior High School, including suitable landscaping.

While blazing the trail to Eagle Scout, Jamie held several leadership positions, starting with patrol leader and culminating with Junior Assistant Scoutmaster. Furthermore, Jamie was a member of the honor corps and attended a high adventure trip to Ely, MN.

Jamie Oeters also has been quite active outside of Scouting. He is a senior at Mt. Healthy High School where he has demonstrated that he is mentally awake as a member of the National Honor Society. Jamie has proven himself physically fit, as a member of the varsity soccer and baseball teams and a lifter for the cheerleaders. In addition, he is a member of the marching and concert bands.

I extend my heartiest congratulations to Jamie who should be justifiably proud of his accomplishments. I also extend my congratulations to his parents, Gary and Donna Oeters, and his adult Scout leaders whose support and encouragement helped make his goal a reality.

## VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM IDAHO WINNER

### HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. CRAPO. Mr. Speaker, I bring to my colleagues' attention the following VFW Voice of Democracy Scholarship Program Idaho winner:

"MY COMMITMENT TO AMERICA"

By Amy Bice, Idaho Winner

Dear Journal: July 18, 1993: I am standing on granite steps in Arlington Cemetery, one face in a crowd of many, witnessing the changing of the guard at the Tomb of the Unknown Soldier. Due to fortunate circumstances, it will soon be my turn to participate in the ceremony as a member of an Honor Guard assigned to lay a wreath on the tomb. The flag waves overhead while a bugler plays taps. As the wreath is placed, a voice deep within tells me how blessed I am to live in the United States of America.

July 19, 1993: Today I stand before a long black wall, helping a friend find the inscription of her father's name. Suddenly a war that took place long ago in the far-off country of Vietnam becomes a reality and surfaces as tears. I say a silent prayer of gratitude for all who have died and lived to defend my country.

July 20, 1993: This can't really be happening!! Here I am, a girl from small town USA, sitting in the Rose Garden of the White House! Hold on, here he comes! Now he's shaking my hand. A light flashes as the President of the United States and I are captured on film for posterity. I nervously babble, "It's a pleasure for you to meet me, Mr. President."

So reads my journal describing the most incredible week of my life, all of it made possible through the voluntary service of a national women's group. These women freely gave their time, money and effort, to provide young people like me the opportunity to experience government first hand and gain appreciation for this country. Their selfless service changed the course of my life. Now I am determined to contribute all that I can to assist and uplift others—because I know that by serving one another, America will be strenthened.

Evidence of service is all around us. Every day citizens assist others by providing food for the homeless, visiting nursing homes or reading to the blind. In addition, service is our heritage. Betsy Ross was, after all, an ordinary woman who could sew; Paul Revere a talented silversmith. Both simply gave service to causes in which they believed.

Although I am only one young woman, there is much I can do to carry on the tradition of assisting those around me. Service is not only a goal for the future, but an action I must take now—in the present, because the future is built on the actions of today. But where does one young person begin? The obvious place to start is within the circle of my own influence—within my school and community.

Dear Journal: August 14, 1993: I volunteer as a youth worker for a Gubernatorial candidate. By distributing flyers and hanging banners. I feel I am serving other youth and motivating them to play an active role in government.

October 12, 1993: I continue tutoring Special Education students. Last week I arranged for dates, flowers, and dinners so that two Down Syndrome teenagers could experience a formal high school dance. After a night of laughter and dancing, the excitement in the eyes of the kids said it all.

Such are the journal entries that reveal my continuing commitment to strengthen America. I may never hold public office or determine public policy, but I know I can contribute significantly to the country I love.

I can only envision an entry in the journal of my future.

May 2, 2011: I continue acting on the wise counsel once given by Edward Hale. I first heard it way back in 1993: "* * * because I cannot do everything, I will not refuse to do the something that I can do." That something for me is service * * * my commitment to America.

## CSCE ECONOMIC FORUM

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. HOYER. Mr. Speaker, I rise today to commend the contribution of the U.S. delegation to the work of the second Economic Forum of the Conference on Security and Cooperation in Europe [CSCE] which was held last week in Prague. Under the able leadership of Ambassador Stuart Eizenstat, U.S. Representative to the European Union, the delegation played a prominent role in this important meeting designed to give further impetus to economic reform in those countries in transition among the 53 CSCE participating states. David R. Cohan, CEO of Intercontinental Trading Corp. and Prof. Tom Volgy of the University of Arizona were active participants as public members on the delegation. They added a unique and refreshing perspective to the discussions in Prague, drawing from their considerable experience in business and academia. I am also very pleased to note the active and knowledgeable participation by the commission's staff as well.

Forty-one CSCE countries were represented at the Forum. The United States provided grants which enabled Albania, Belarus, Georgia, and Moldova to send delegates to the meeting. Algeria, Egypt, Israel, Morocco, and Tunisia attended as nonparticipating Mediterranean states. Japan was also present. Representatives of nearly a dozen international organizations, including the U.N. Economic Commission for Europe [ECE], the International Monetary Fund [IMF], the Council of Europe, and the Commonwealth of Independent States [CIS] contributed to the work of the Forum. The CSCE Parliamentary Assembly was also represented. Italy, in its capacity as chair-in-office, presided over the proceedings.

The discussions were organized around broad topics related to the transition to free markets—elements of a favorable business climate, favorable conditions for trade and investment, infrastructures, and cooperation in the area of science and technology. Many of the delegations present at the Forum used the occasion to report on the status of economic reform in their countries. Only a handful or so included representatives of the business community and private sector. On the positive side, those who did make it to Prague were able to exchange views and experiences through informal contacts on the margins of the Forum.

The U.S. delegation was among the most active, contributing to the general debate as well as circulating various proposals for additional work within the framework of the Economic Forum. A proposal on tourism, drafted by Helsinki Commission staff, was well received as a valuable means of bridging the human and economic dimensions of the CSCE. Romania offered to host the seminar on tourism in late 1994. Slovenia expressed its willingness to serve as the venue for a seminar on public support for the reform process, another idea floated by the United States.

Ambassador Eizenstat offered a number of concrete suggestions to stimulate a freer exchange of views and encouraged other delegations to include representatives from the private sector at future meetings. He specifically called for more informal sessions, a more focused agenda, and a concerted effort to encourage participation by all participating states in future sessions. He also suggested that the Economic Forum take fuller advantage of the expertise of relevant international organizations. Eizenstat offered a number of topics which might be taken up by the Forum, including taxation, marketing, infrastructure, privatization/restitution, banking, energy, and education.

The United States delegation successfully headed off efforts in Prague to diminish the importance of the Forum which was established in 1992 to serve as a catalyst during the transition to free-market economies, particularly in the emerging democracies of Central and Eastern Europe and the New Independent States of the former Soviet Union. The inaugural meeting of the Economic Forum was held in the Czech capital in 1993. A number of West European countries have expressed reservations about the Forum fearing that it might in some way subvert the work of the 12-nation European Union. The United States, the main architect of the Forum, has urged that the CSCE remain involved in the economic sphere as part of an integrated approach covering human rights and military security as well as economic matters. It was agreed that the third Economic Forum will be held in Prague, June 7–9, 1995.

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## THE DEDICATION OF HARVEY FIELD IN TRIBUTE TO HARVEY SCHLENKER

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. CALVERT. Mr. Speaker, we hear a lot these days—in fact, too much—about people who excel in their professions, but fail miserably as human beings. We are disgusted by the greed and pettiness which seem to permeate professional sports and the entertainment industry. And, we are appalled by the poor example which so many athletes and other celebrities set for our youth.

We live in an era when people seek gain without pain; an era when the worth of a person is too often based on the car he drives or the clothes he wears; an era in which our young people are sorely lacking in positive role models.

Fortunately for all of us, there are still a few genuine heroes.

They are not wealthy. They are not powerful. They are not part of the Jet Set.

But, they all have something special. They have a keen sense of honor. They have guts. And, they have a quality which I can't describe in any other way except to say that they have heart.

One such hero from my community of Riverside, CA, was Mr. Harold Schlenker.

Until his death earlier this year at age 29, Mr. Schlenker suffered from a rare form of diabetes that led to problems with high cholesterol and poor blood circulation. In spite of his ailment, which eventually led to the amputation of both legs, Harold—also known as Harvey—was a true winner.

Never complaining, Harvey spent much of his high school years in hospitals. Later, in spite of his disabilities, he vowed to coach, even if he had to lean on crutches or sit in a wheelchair. And coach, he did.

For 6 years, Coach Schlenker was a mainstay of the Glen Avon Little League. He was an excellent coach, and led his girls' softball team to the 1990 championship. He inspired his team, not only by his love of baseball, but by the size of his heart.

On March 28, 1994, the Jurupa Area Recreation and Park District will rename one of its baseball fields in Mr. Schlenker's honor. Henceforth, it will be called Harvey Field.

Mr. Speaker, this generation desperately needs more heroes like Harvey Schlenker. I am proud that he coached in my district, and I hope that the thousands of young people who play on Harvey Field in the years ahead will strive to emulate the characteristics that made Harvey so unique. To his players, he was a magnet of friendship and a tower of strength. To all who knew him, he was a genuine American hero.

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## TRIBUTE TO DR. DAVID J. MATA

### HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. KOPETSKI. Mr. Speaker, I am pleased to rise today to honor a great humanitarian and outstanding community leader, Dr. David Joseph Mata. Dr. Mata's exceptional career reflects the remarkable accomplishments of his life's dream and deep dedication to people.

Upon arrival at Salud Medical Center in Woodburn, OR, Dr. Mata began his current work as a strong innovative medical director and physician of the clinic that ministers to a predominately poor clientele, 80 percent of whom are migrant farmworkers from Mexico and may have never sought medical attention. As the new medical director at Salud, he began addressing innovative programs to help migrant farmworkers in the surrounding four-county area. He was instrumental in starting a unique midwifery obstetrical service at Silverton Hospital for migrant and low-income pregnant women by using family physicians in collaboration, this is a historic first in the State of Oregon. Dr. Mata developed a revolutionary hospital and clinic practice that is culturally sensitive and maintains continuity of care. He is known nationally as a noted speaker and educator in the area of cross cultural medicine.

Dr. Mata is not a typical physician who will follow a regular practice with a six figure wage. He is a man who will provide medical service to 33,000 patients per year in an underserved area, make hours or camp calls, accept phone calls at 2 a.m., or travel in extreme weather just to make sure one more person will live a day longer. He is that rare individual who keeps his faith regardless of the challenge or obstacles thrown his way.

However, Mr. Speaker, I would most like to commend Dr. David Joseph Mata on his most recent award as The Outstanding Young Person of the World. The TOYP program of Junior Chamber International serves to recognize 10 individuals between the ages of 18 and 40 who exemplify in 10 specific categories the best attributes of the world's young people. Dr. Mata was the only one chosen from the United States. Last year he was named 1 of the top 10 young Americans by the U.S. Junior Chamber of Commerce. I ask my colleagues to join me in saluting Dr. Mata's services to his community.

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## TRIBUTE TO REV. A. DOUGLAS THOMAS

### HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. DIXON. Mr. Speaker, I rise today to pay special tribute to the distinguished Reverend A. Douglas Thomas who recently retired as pastor of the Lincoln Avenue Baptist Church after 28 years of dedicated service and spiritual leadership.

Born in Shreveport, LA, Reverend Thomas was educated by the Shreveport public school system and later attended the University of California and the American Baptist Seminary. He also worked toward a masters of arts degree at the Fuller Theological Seminary.

Upon arriving in Pasadena, CA, Reverend Thomas ministered at the Metropolitan Baptist Church. In 1962, he became the pastor of St. Matthew Baptist Church in Merced, CA, and continued in that position for 4 years. In 1966, Reverend Thomas answered the call of the board of deacons of the Lincoln Avenue Baptist Church, to become the church's seventh pastor.

Under his leadership and spiritual guidance, the Lincoln Avenue Baptist Church flourished and grew from a small church to a congregation of over 1,100 members. In little more than 10 years, a new church building was constructed and the Lincoln Avenue Education Center was established. Through this center, Reverend Thomas created the first tutorial program in Pasadena. In testimony to his inspiring achievements, Reverend Thomas became affectionately known as the builder pastor. While continuing his diligent work at Lincoln Avenue Baptist Church, Reverend Thomas also served as president of the Interdenominational Ministers' Alliance from 1969 through 1971.

With remarkable dedication, Reverend Thomas has been a powerful force for spiritual development throughout the years. Mr. Speaker, I ask my colleagues in the House of Representatives to join me in commending Rev. A. Douglas Thomas on his commitment to the parishioners of the Lincoln Avenue Baptist Church and to the Pasadena community.

## TRIBUTE TO DOYLE DELOVIO

## HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Doyle Delovio of Troop 17 in Crompton, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Doyle washed the cinder block walls in St. Mary's Church.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Doyle Delovio. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Doyle Delovio will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

## WOMEN IN GOVERNMENT

## HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 23, 1994, into the CONGRESSIONAL RECORD:

The year of 1993 has been called the "Year of the Woman" in American government. They now serve in record numbers in the U.S. Senate (7) and the U.S. House of Representatives (48), fill 20% of state legislatures, and occupy numerous statewide elected offices, including key governorships in Texas and New Jersey. President Clinton has appointed women to six cabinet posts, and women account for 45% of his government appointments. First Lady Hillary Clinton has spearheaded the administration's efforts on health care reform. Women are having a growing impact on government. Women bring a different set of life experiences to the public policy process. Many of them, for example, have personal experience in fighting breast cancer, discrimination and sexual harassment, and are eager to see these and other issues addressed in the legislative process. My sense is that women's influence in government and politics will continue to grow, and that the country stands to gain from their involvement.

### WOMEN IN GOVERNMENT

The number of women in government has increased dramatically in the last decade, although they are still not represented in government at a level proportionate to their numbers in the general population. Women now hold 22% of statewide offices, up from 10% in 1975. Four of the nation's governors are women. Three women hold prominent positions in Indiana's state government: Attorney General Pamela Carter, State Treasurer Marjorie O'Laughlin and Auditor Ann Devore. In 1993 there were 1,517 women serving as state legislators, more than twice the number of women who served in state legislatures ten years ago. The Washington State legislature has the highest percentage of women, at 38%. More women are also serving in local government. They now comprise 18% of the nation's mayors, up from just 1% in 1971.

### WOMEN'S IMPACT

Clearly, women are having an impact on the legislative process. A recent survey of state legislatures found that women legislators introduce and vote for bills aimed at improving the welfare of women and children at a far greater rate than their male counterparts. They are also more attentive to the impact that existing government programs have on women—whether that means extending Medicare coverage to mammograms or seeking gender equity in education.

The 103rd Congress, with its 55 female members, approved more legislation concerned with the particular interests of women in its first session than any preceding Congress. Thirty bills on women's issues were enacted last year, six times as many as were passed in the last five sessions, and dozens more have been introduced. Congress passed the Family and Medical Leave Act and increased funding for Head Start, child care grants and child support enforcement. Women in Congress have led efforts to improve the health care system for women and families, including an increase in women's health research at the National Institutes of Health and the creation of a Women's Health Research Center. Congress is also working on a variety of other legislation of special interest to women, including the Violence Against Women Act and the Equal Remedies Act, which would remove the cap on damages allowed victims of intentional gender discrimination.

Differences between men and women in politics can be overemphasized. Female politicians, like their male counterparts, come from both the Republican and Democratic parties and represent diverse constituencies with varying concerns and priorities. Many men care deeply about social issues too, and it can be argued that White House leadership was critical to passage of the Family and Medical Leave Act and other programs. Women in government do not agree on every issue, nor do they spend all their time working on "women's issues." Even so, women are becoming a powerful force for change, particularly on social issues. They are helping to set legislative and spending priorities, and their proposals are receiving increased attention.

### CHALLENGES FOR WOMEN

Women in government continue to face many challenges. First, women still do not occupy many positions of power. Part of the problem is seniority. In general, women have entered office more recently than their male counterparts, and have yet to work their way into leadership positions. For example, no women chair committees in the House of Representatives although a few women serve in leadership positions in both parties. Second, partisan and ideological differences as well as home district concerns frequently create obstacles to unity and the formation of an effective voting bloc. Some suggest that women need to be more unified and organized if they want to become more effective. Third, women in government still encounter sexism and discrimination in the workplace. While many voters have shown at the ballot box that they support women as politicians, there are people, including those in government, who resist the idea of women in government, particularly when women are in leadership positions. This attitude can serve to limit the effectiveness of women politicians, although my experience has been that the situation is improving. I am impressed by the savvy and tenacity of many of my female colleagues in Congress.

### CONCLUSION

Women have made tremendous gains in politics and government over the last twenty years, but they still have a ways to go before their presence in politics reflects their presence in society. If current voting trends continue, women will eventually achieve what many call a "critical mass" of 25–30% of the representation in Congress and in state and local governments around the country—when their number will constitute a powerful political force in the legislatures.

Women continue to face resistance as they scale bastions of power. The power structure in this country still remains overwhelmingly male. No woman in the United States has yet become a spokesman for her party in the same way that Margaret Thatcher did in Great Britain and no woman has yet achieved a national constituency. The intriguing question is what difference does it make that more American women are coming into politics. In a sense women have been preoccupied with participation and we have not yet seen enough women in office to make a judgment about their overall impact.

As more women serve in government, their influence in all areas of public policy, including finance, foreign affairs, and economic development, will grow, and the country will benefit. In the meantime, women representatives continue moving up the ranks in local, state and federal government.

## MENTAL HEALTH CARE PROVIDERS BOUNTY PREVENTION ACT

### HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. BRYANT. Mr. Speaker, I have become increasingly concerned about the abuse and mistreatment visited upon psychiatric patients by so-called bounty hunters.

Therefore, today I am introducing legislation to prohibit the intentional solicitation or offers for payment for patient referrals to mental health facilities. The legislation does not prohibit the legitimate referrals—only those unscrupulous ones which simultaneously violate patient needs and taxpayer pocketbooks.

Since I started looking into this matter in the fall of 1991, I have been amazed at both the lengths to which some of those in the health care industry are willing to go and the perversity of the schemes, driven by a commitment to greed, rather than the Hippocratic oath.

My limited investigation leads me to believe that a private, for-profit psychiatric hospital can be a very dangerous thing. Reportedly, hundreds, possibly thousands, of patients may have been subjected to expensive and unnecessary treatment at private for-profit psychiatric hospitals. In their zeal to compete for diminishing insurance dollars, some of those institutions apparently have been involved in a win-at-any cost war for patients.

Law enforcement officials in several States have investigated and continue to investigate private for-profit psychiatric hospital chains based on allegations that they systematically kidnap patients to increase profits from insurance claims. Across the country, State attorneys general have uncovered elaborate, aggressive, creative, deceptive, immoral and illegal schemes being used to fill empty for-profit psychiatric hospital beds. What was once thought to be an isolated problem occurring at just a few institutions in a few States is, in actuality, a national scandal.

More than 200 complaints charge that among other abuses, private for-profit psychiatric hospitals hire bounty hunters who kidnap patients with medical insurance whether or not hospitalization is needed.

Some of these hospitals have set up employee-incentive programs to stir up new business. The hospitals are even offering kickbacks and bounties to employee assistance programs [EAP]. Some institutions have set up their own EAP's and are referring patients to themselves.

At least one former private for-profit psychiatric hospital administrator testified that bounties are often paid through a third party to launder or disguise the money. The payment often cities a fake or contrived treatment, such as patient aftercare, which often is not performed following treatment.

International brokers have brought thousands of Canadian patients to the United States for treatment. Plagued by empty beds, private for-profit psychiatric have paid bounties ranging from $1,500 to $4,000 per Canadian patient. Claims from U.S. hospitals for Ontario patients alone increased from $5.4 million in 1988 to $51.3 million just 2 years later.

One man is referred to as the "half million dollar man." He reportedly received over 20 months of treatment in five different Houston hospitals and returned to Canada a cocaine addict. According to the Ontario Ministry of Health, recruiters targeted Toronto's down-and-out and promised them stays in Florida or California.

One hospital chain was getting such high numbers of Canadian patients that the chain negotiated discounts with American and Northwest airlines. Many of those sent to U.S. institutions for substance abuse therapy did not need to be in those U.S. facilities or did not get appropriate care.

Recent disclosures indicate that some private for-profit hospitals go to great lengths to find and admit children. The most infamous of these cases, and the one that really started the latest overall investigation, involves an adolescent boy who was apprehended at his grandparents' home by two employees of a private security firm. The two were not even certified peace officers, even though they flashed large police-like badges.

Their firm was being paid between $150 to $450 for each patient delivered to certain private for-profit psychiatric hospitals in the area. The family was told that if the 14-year-old did not cooperate, a warrant would be obtained and the child would be detained for 28 days. Officials discovered that the boy had been ordered detained by a hospital staff doctor based on a report by his 12-year-old brother.

School officials have testified that private for-profit psychiatric hospitals really pursue referrals from public schools. Indeed, investigation has even found that financial relationships have existed between hospitals and school personnel. State authorities are looking into complaints that some chains offer school counselors free office furniture or other rewards in exchange for referrals.

Hospital have lent their own employees to schools to help guidance departments evaluate psychiatric and substance abuse problems. While these actions are not illegal, they could create an atmosphere that pushes students into institutional care they did not need. Estimates put the level of fraud perpetrated by certain actors in the health care industry at $70 billion dollars. The GAO estimates the fraud could reach $100 billion by 1995.

This figure dwarfs the estimated $5 billion lost through criminal fraud in the entire savings and loan debacle. Most authorities estimate that health care fraud and abuse encompasses 5 to 15 percent of this nation's overall medical costs—this at a time when health insurance premiums have skyrocketed out of reach for a significant portion of our citizens.

These private psychiatric corporations are listed on our country's major stock exchanges and motivated by profit because shareholders demand high investment returns—apparently with little management regard for the fact that mistreatment of human beings can be the cornerstone for generating even greater profits. This bottom line crunch is forcing many for-profit psychiatric hospitals to engage in aggressive, and what should be illegal, recruitment and referral practices that totally ignore the needs of the young people and others they pretend to serve.

For-profit psychiatric facility patients have been bought and sold through a plethora of cleverly designed schemes—each scheme more diabolical than the last. I am particularly outraged about the situation in which one psychiatric hospital marketing director was on the local school board which dealt with troubled children.

In many cases, children have been transported out of State for treatment, a practice which increases reimbursement payments and evades the regulation of any government entity. As one advocate put it: "The Department of Agriculture keeps tabs on every single chicken sent out of State, but nobody can tell you how many kids have been sent to psychiatric facilities out of State."

Current Federal laws have not curbed the abuses wrought by those who do not fall within the purview of the Medicaid and Medicare illegal remuneration statutes. That is why in the past I have introduced legislation to prohibit for-profit patient referrals. Patients referrals should be dictated by patient need and nothing else.

To enslave troubled young people out of greed, fueled by our tax dollars, as has so often happened in recent years in my home State of Texas and elsewhere, is an abomination. Those who do so are nothing less than sick criminals.

The bill I offer is a cost containment measure to protect our children from unconscionable abuse. This measure is meant to cover all forms of payment for referral—not merely traditional methods of referral payment.

It further provides for criminal penalties; and violations are punishable by fines in excess of $250,000 and imprisonment of up to 5 years.

Section 1 provides that the short title of the bill shall be the "Mental Health Care Providers Bounty Prevention Act."

Section 2 creates a new offense at section 1822 of title 18, United States Code, imposing a fine and up to 5 years imprisonment upon any mental health care provider who knowingly and willfully offers or pays remuneration for mental health patients or any person who solicits or receives remuneration for referring mental health patients.

The bill maintains the safe harbors for conduct precluded from being a violation under the Social Security Act. Such conduct would not be a violation under this bill.

The term "mental health care provider" means any provider of goods or services for the diagnosis and treatment of mental illness, if the provider operates in or affects interstate or foreign commerce.

I urge my colleagues to join me as a cosponsor of this important and humane legislation.

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Mental Health Care Providers Bounty Prevention Act of 1994".

**SEC. 2. TITLE 18 AMENDMENT.**

(a) IN GENERAL.—Chapter 89 of title 18, United States Code, is amended by adding at the end the following:

**"§ 1822. Mental health care provider bounties prohibited**

"(a) Whoever knowingly and willfully solicits or receives any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind—

"(1) in return for referring an individual to a mental health care provider for the furnishing or arranging for the furnishing of any item or service; or

"(2) in return for purchasing leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any good, facility, or service, or item from a mental health care provider;

shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) Whoever knowingly and willfully offers or pays any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind—

"(1) to refer an individual to a mental health care provider for the furnishing or arranging for the furnishing of any item or service; or

"(2) to purchase, lease, order, or arrange for or recommend purchasing, leasing, or ordering any good, facility, or service, or item from a mental health care provider;

shall be fined under this title or imprisoned not more than 5 years, or both.

"(c) Any conduct which under section 1128B(b)(3) of the Social Security Act is precluded from being a violation of that section is not a violation of this section.

"(d) As used in this section, the term 'mental health care provider' means any provider of goods or services for the diagnosis and treatment of mental illness, if the provider operates in or affects interstate or foreign commerce.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 89 of title 18, United States Code, is amending by adding at the end the following:

"1822. Mental health care provider bounties prohibited.".

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## THE 25TH ANNIVERSARY OF THE MINORITY STUDENT PROGRAM AT RUTGERS LAW SCHOOL

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. MENENDEZ. Mr. Speaker, I rise today to celebrate the 25th anniversary of the Minority Student Program at Rutgers law school in Newark, NJ. The program has grown into one of the most successful in the Nation. I'd like to share with my colleagues a passage or two from an article entitled, "Unlocking the Doors to Legal Education: Rutgers-Newark Law School's Minority Student Program." The article, written by law school dean Janice Robinson, is one of the best descriptions of the remarkable history and success of the program.

Since 1968, the law school has committed itself to increasing the number of minorities and disadvantaged whites in the legal profession through its Minority Student Program, widely known as the MSP. The MSP, an admissions process and support services program, has made Rutgers-Newark a nationally recognized leader in providing legal education for minorities and disadvantaged persons.

The MSP arose from the flames of the Newark rebellion in 1967. The unrest and frustration felt by minorities forced the law school to reexamine its commitment and its mission. In 1968, there were fewer than 100 African-American lawyers among the 8,000 attorneys in New Jersey. There were even fewer Latino and Asian-American lawyers. Between 1960 and 1967, only 12 nonwhite students had graduated from the law school.

What sets the Rutgers MSP apart from other affirmative action programs which were created during that era is the manner in which it was implemented. While most schools were increasing their recruitment efforts among prospective minority students who met traditional admissions standards, Rutgers-Newark had the vision to broaden the standards themselves. As Dean Robinson explained, "It was obvious to those creating the MSP that traditional standards excluded minorities and disadvantaged persons, as evidenced by the low number of minorities admitted to and graduated from law schools at that time."

Approximately 30 percent of each first-year class at Rutgers-Newark is admitted through the MSP. But the MSP is about more than just increasing the number of minority students. The success of the program is due in large part to the support services which are an integral part of the MSP. Admitted students participate in a summer orientation program, and are eligible for first-year tutorial, summer internship, and Federal judicial internship programs, which not only lend academic support, but open doors of career opportunity for the students once they graduate.

Since 1971, the MSP has graduated over 900 students, who in turn share their knowledge and expertise with the community at-large, serving as judges, partners in private law firms, public interest attorneys, presidential appointees, members of the New Jersey State Senate and Assembly, mayors, agency commissioners, police and fire directors, as well as professors and administrations at law schools around the country.

Mr. Speaker, the Rutgers-Newark Law School MSP is a model of how the vision of equal educational opportunity for all can be made a reality. I know that there is not one here among us in the House who does not recognize the value of a program such as this, which methodically destroys the barriers that have traditionally prevented the disadvantaged from availing themselves of the benefits of higher education. I, therefore, ask my colleagues to join me in celebrating the 25 years of success that the Rutgers-Newark Law School Minority Student Program has enjoyed, and in working to ensure that that success continues in the future.

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## REPRESENTATIVE CARRIE MEEK HONORS DADE COUNTY'S OUTSTANDING WOMEN

### HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mrs. MEEK of Florida. Mr. Speaker, as Women's History Month comes to a close, it is my great pleasure to join with the Dade County Board of Commissioners in recognizing the achievements of 13 talented women who are among Dade's most outstanding leaders.

On Friday, March 25, 1994, the county will host the sixth annual in the Company of Women Awards Program at Vizcaya Museum and Gardens in Miami.

A special award will be dedicated to U.S. Attorney General Janet Reno, Dade County's first woman State's attorney and our Nation's first woman Attorney General.

Three remarkable women will be recognized as pioneers who have led the way and opened new paths for women. This year's pioneers are:

Ann-Marie Adker, the unofficial "Mayor of Overtown," a tireless worker for civil rights issues, a spokesperson for the poorest people in our community, and a passionate supporter of community development in her beloved Overtown.

Judge Mattie Bell Davis, senior judge of the Dade County Court and the first woman elected a Dade County court judge. Judge Davis is universally respected as a person of integrity who is committed to equality and professionalism.

Mercy Diaz-Miranda, an executive for the Miami Herald and a committed volunteer whose activities on behalf of Jackson Memorial Hospital, Cuban Women's Club, United Way, and many other organizations have made a huge impact on our community.

This year's honorees are:

Bonnie Askowitz, artist, businesswoman, teacher, and activitist;

Dade County Commissioner Betty Ferguson, public servant, educator, and community leader;

Bea Hines, journalist, ground-breaking reporter for the Miami Herald and very active in community service organizations;

Barbara Lbarra, Citibank executive, trustee of Miami-Dade Community College and former president of YWCA of Greater Miami;

Bonnie Rippingille, attorney, chairperson of the Women's Park Founders' Committee and the Coral Gables Senior Citizens Advisory Board who has also picked up a hammer in her work for Habitat for Humanity;

Marie Rodriguez, who directs a work force of almost 6,000 women as a regional director for Avon who has used her talents to improve opportunities for women in her corporate structure and in our community;

Kathleen Ruggiero, North Miami Police Department's Officer of the Year who was among the first women troopers in the Florida Highway Patrol and whose work helping people in need—particularly children—is universally admired;

Miriam Singer, executive director of the Metro-Dade Department of Justice Assistance who is active in YWCA of Greater Miami, Coalition of Hispanic American Women, and the League of Women Voters, among many organizations; and

Frederica Wilson, Dade County school board member, educator, principal, and Head Start coordinator who is personally involved in helping at-risk youth through violence prevention and role models programs.

Mr. Speaker, this event is a celebration of unity in diversity and provides an opportunity for women in Dade County from all generations, racial and ethnic groups, socioeconomic levels and occupations to get together, exchange ideas, and share their vision and experience.

I am happy to join with our entire community in recognizing this year's honorees.

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## GETTING WHITEWATER BEHIND US

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mrs. MALONEY. Mr. Speaker, I am in full agreement with the action taken yesterday by the House in calling for appropriate hearings in the Whitewater matter. I was keeping important commitments in my district at the time the vote was taken yesterday, but I had earlier expressed my support publicly for the hearings proposal, and I take this opportunity to reiterate it.

Let me be perfectly clear: I don't believe there has been wrongdoing by the President or Mrs. Clinton. Nevertheless, there are too many lingering questions—some caused by rumor and innuendo—that must be answered. Therefore, I support a thorough congressional inquiry into the Whitewater matter.

These hearings should be scheduled and constructed in such a way as not to interfere with the ongoing inquiry by Special Counsel Robert Fiske, and without granting immunity to any witnesses. Within those parameters, Congress has a vital role to play in resolving the public's questions about Whitewater. I fully expect that these hearings will reveal that there is no wrongdoing at the core of this entire matter.

I hope that the House and Senate will work together to develop a consistent approach in deciding the appropriate forum for these hearings.

I am also hopeful that such hearings will help us to put Whitewater behind us so we focus without distraction on the urgent issues facing our country, such as health care reform, crime control, and promoting economic growth.

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## HONORING JAMES R. TILLING FOR EXEMPLARY SERVICE TO THE OHIO SENATE

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to a special friend and outstanding citizen of Ohio. This April, James Tilling will leave his post as chief executive officer of the Ohio Senate to become vice president for corporate affairs for Banc One Corp.

Mr. Speaker, I had the privilege of working with Jim for many years while I was a member of the Ohio State Senate. In 1979, Jim was appointed chief of staff for the Republican caucus. Jim's aggressive recruiting, fund-raising, and targeting efforts were crucial in Republicans gaining control of the Senate in 1980.

While Jim may be leaving his official duties at the Ohio Senate, I know he will continue to contribute to the Ohio political system. A former political science professor at Ohio University, Jim Tilling is respected as a brilliant political strategist and continues to serve as an adjunct professor at the university. In addition, he is a member of the American Political Science Association, the Midwest Political Science Association, the American Academy of Political and Social Sciences, and the American Society of Legislative Clerks and Secretaries, and he serves as staff Chair of the reapportionment task force of the National Conference of State Legislatures, as cochair of the Ohio General Assembly's Legislative Task Force on Reapportionment, Redistricting and Demographic Research, and as a member of the executive committee of the leadership staff section on NCSL.

Throughout his distinguished tenure with the Ohio Senate, Jim has demonstrated his deep faith in, and dedication to, upholding the principles of American democracy. The status of the Republican Party in the Ohio Senate today has secured Jim's reputation as a political wizard. Yet, he consistently deflects personal praise, focusing instead on the team effort involved in election campaigns.

Mr. Speaker, we have often heard that America works because of the unselfish contributions of her citizens. I know Ohio is a much better place to live because of the dedication and countless hours of service given over the years by Jim.

I ask my colleagues to join me in paying a special tribute to Jim Tilling's record of personal accomplishments and wishing him all the best in his new position.

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## A FREE SPEECH QUESTION

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. TOWNS. Mr. Speaker, I want to clarify any misunderstandings about my position and beliefs because of the recent vote in Congress on a resolution to condemn Khalid Abdul Muhammad's deplorable speech at Kean College in New Jersey. I found Mr. Muhammad's speech completely offensive. His remarks were obviously racist, antisemitic, bigoted, and represented an obscene and ugly attack on decency.

I have dedicated my entire life to fighting bigotry, racism, discrimination, and anti-semitism. During my public service career, I have fought against all forms of prejudice and injustice. As a human being and as an individual Member of Congress, I condemn bigotry and hatred on all levels. My public record on Muhammad's speech is clear. I have stated both in my comments to the press as well as my public statements that I found Mr. Muhammad's remarks to be contrary to the principles upon which our country was founded.

Despite my strong opposition to Mr. Muhammad's reprehensible remarks, I felt a resolution condemning the Kean College speech would make the Congress into an official ratings board. Mr. Muhammad is not an elected official, associated with Government, or even a prominent individual—he is a private citizen. At the time of the vote I felt we would be crossing a constitutional line if we were to vote official, congressional disapproval of that specific speech. Since we officially condemned that speech, how can we not condemn others? Never before has Congress condemned the words of one person. I believe that no right is more basic, and no freedom more greatly protected than free speech, no matter how abhorrent. I have sworn to uphold this right, even when the exercise of one's constitutional rights offends me deeply.

If the job of Congress is to condemn irresponsible speeches in America, then we have taken on a monumental task. Let us spend our time attacking the causes of all bigotry in America and not attacking words of hatred in the House of Representatives.

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## ECONOMIC OPPORTUNITIES FOR THE SILETZ TRIBE

### HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. KOPETSKI. Mr. Speaker, the Siletz tribe in the State of Oregon was terminated by the United States in 1954. When the tribe was reinstated in 1977, it was given 3,600 acres of land on which to sustain itself. Today, the tribe has 3,800 acres of land. Unfortunately, the land given to the tribe is almost all timberland which has been held unproductive by the court system and inaction by the Federal Government.

I am introducing legislation today that gives the remaining Bureau of Land Management timberland in Lincoln County, OR to the Siletz tribe. This will bring the tribe's land base up to 14,000 acres. The remaining BLM timberland in Lincoln County is fragmented and scattered, which presents management difficulties for the Bureau. The tribe has requested this land as a way to gain revenues and a land base that are essential to the tribe's effort of obtaining self-sufficiency. The future productivity of the land is not known at this time. However, the Siletz have agreed to abide by any management decisions made by the courts and the Federal Government. This legislation relieves the BLM of their management difficulties while providing important revenue opportunities to the Siletz.

Mr. Speaker, the U.S. Government has granted the Siletz tribe their independence without giving them the economic opportunities essential to self-governance. This legislation takes a step in the right direction by providing the Siletz with those economic opportunities.

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## TRIBUTE TO LOKAHI DELOVIO

## HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Lokahi Delovio of Troop 17 in Crompton, RI and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and First Aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Lokahi washed and painted the walls in his parish church hall.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Lokahi Delovio. In turn, we must duly recognize the Boy Scout of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Lokahi Delovio will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

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## CLINTON ADMINISTRATION COUNTERTERRORISM POLICY

## HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues correspondence I have had with the Department of State regarding administration counterterrorism policy. Attached in my letter to the Department of State of January 21, 1994, expressing concern about a Wall Street Journal article of January 14, 1994, by a former coordinator for counterterrorism which questions the Clinton administration's counterterrorism policy. The Department of State's reply of March 16, 1994, is attached, as well as a letter to Senator JOHN KERRY signed by four former coordinators for counterterrorism. Their letter describes how the Department of State should be organized to deal with counterterrorism.

The correspondence and editorial follow:

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
*Washington, DC, January 21, 1994.*

Hon. WARREN CHRISTOPHER,
*Secretary of State, Department of State, Washington, DC.*

DEAR MR. SECRETARY: I write to ask for your comments on an article which appeared in the Wall Street Journal on January 14, 1994. This article, written by L. Paul Bremer, a former Ambassador-at-Large for Counterterrorism, raises questions about this Administration's commitment to effective counterterrorism policies and programs.

Specifically, Ambassador Bremer focuses on the Department's proposed reorganization which merges the Office of Counterterrorism into a new Bureau for Narcotics, Terrorism, and Crime, and on U.S. policy towards Syria, Libya, and Iran. Ambassador Bremer's article questions the President's commitment to a strong U.S. counterterrorism policy and specifically alleges that the State Department's office responsible for counterterrorism policy has been downgraded and reduced in size by 40 percent.

I appreciate your consideration of this matter and look forward to hearing from you on this issue.

With best regards,
Sincerely,

LEE H. HAMILTON,
*Chairman.*

Enclosure.

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[From the Wall Street Journal, Jan. 14, 1994]

### WITH ASSAD, TALK ABOUT TERRORISM

(By L. Paul Bremer III)

When he meets with Syrian President Hafez Assad on Sunday in Geneva, President Clinton will have a lot to talk about. The temptation will be for him to concentrate on the Middle East peace process. That will be Mr. Assad's preference. But global terrorism should be high on Mr. Clinton's list. For a while there has been a relative decline in anti-American terrorism, the world-wide terrorist infrastructure, supported by States such as Syria, Libya and Iran, is alive and well.

The Clinton administration has neglected the terrorist threat, with our public officials paying only lip service to the problem. The State Department office charged with conducting counterterrorist policy has been downgraded and gutted. It has lost 40% of its staff—a curious phenomenon when last year's bombing of the World Trade Center underscored the threat of Mideast terrorism. For many of us who have been involved in the struggle against terrorism, this is ominous. In the past, progress in the fight against terrorism depended on vigorous, visible and courageous U.S. leadership. Without such leadership now, we will soon lose more American lives.

The meeting with Mr. Assad provides Mr. Clinton an opportunity to talk straight and tough to one of the most visible terrorist leaders—the only one with whom we have diplomatic relations. That would signal to Mr. Assad and the world that the U.S. is once again serious about the fight.

Syria continues to play congenial host to numerous radical terrorist groups. More than a dozen terrorist training camps, complete with shooting ranges, obstacle courses and dummy houses for bombing practice, still operate freely in Lebanon under the protective eye of the Syrian Army. Our government knows they are there: the Syrian government knows they are there. Yet despite repeated requests by previous American administrations, Mr. Assad does nothing.

Nor has Libya mended its ways. In December, Col. Moammar Gadhafi hosted an international terrorist gathering attended by radical Palestinian and other outlaw groups. Not since Joseph Stalin's last cabinet meeting has there been such a gathering of unsavory characters. Dozens of terrorist groups still have large modern training camps throughout Libya. Years of diplomatic efforts and flaccid economic sanctions have failed to get the Libyan leader to turn over the Pan Am Flight 103 bombing suspects.

Meanwhile, under its so-called moderate president, Ali Akbar Hashemi Rafsanjani, Iran murders its opponents wherever it can hunt them down. The government recently reconfirmed its death sentence against author Salman Rushdie. Iran continues to support the extremist terrorist movement Hezboliah, responsible for kidnapping Americans in Lebanon, and also backs radical groups in Sudan and Algeria.

Our allies prop up and appease Iran's extremist theocracy. Over the past five years, Germany's exports to Iran have quintupled and Japan's have more than tripled. Two weeks ago, the French government returned to Iran two Iranian terrorists arrested for murdering a regime opponent in Switzerland, callously breaking Paris's promise to extradite the suspects to Switzerland.

In all three cases—Syria, Libya and Iran—strong American leadership against terrorist networks is urgently needed.

Mr. Assad probably calculates that America is eager to involve Syria in the peace process that it will ignore his support of terrorism. But Mr. Clinton is in a stronger negotiating position than previous U.S. presidents who have tried to wrestle with Mr. Assad. The weakened Assad government, no longer under Soviet sponsorship, needs Western credits and economic assistance.

Mr. Clinton should insist that Syria will never enjoy normal relations with Washington until Damascus clearly and publicly renounces terrorism. Moreover, Mr. Clinton should demand that Syria begin expelling the terrorists living in Syria and closing down terrorist training camps.

The Syrian leader may assert that Damascus hasn't directly engaged in terrorism for several years and that it has helped restrain the activities of the groups under its control.

Mr. Clinton should remind him that at least two of these Damascus-based groups have publicly acknowledged responsibility for terrorist attacks killing Israeli civilians in the past three months—the Popular Front for the Liberation of Palestine and the Popular Front for the Liberation of Palestine-General Command.

With respect to Libya, the U.S. should move to expand international sanctions against Tripoli. Here, too, our objectives should be bold—a formal reunification of terrorism by Col. Qadhafi, the extradition of the Pan Am suspects, and the expulsion of all terrorist groups from Libya. We must get action, not promises, from him.

Ninety-eight percent of Libya's foreign exchange comes from oil, with Germany, Italy and Spain purchasing two-thirds of it. Now would be a good time to impose a complete oil embargo on Libya, since the market is in a glut. Sales lost by Libya could be made up by friendly nations such as Saudi Arabia, Kuwait and Venezuela.

If a complete embargo against Libya is politically unfeasible, our government should insist that the U.N. Security Council impose on Libya a system similar to that imposed on Iraq. All proceeds from Libyan oil sales could be put into a U.N. administered escrow account, to be used to pay families of terrorism victims and to repay Libyan debts.

Concerning Iran, we must tell our Western allies that we abhor their financial dealings with the murderous regime in Tehran. The timing is good because Iran's economy is a shambles. It cannot pay its debts and, without the support of West European credit agencies, it faces default. The West holds the key to the financial relief of Iran. That support should not be forthcoming.

These are hard messages and hard measures, but such language is the only language terrorists understand. Our experience over the past decade makes clear that without a resolute push from top U.S. officials, counterterrorist policies will not be effective.

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U.S. DEPARTMENT OF STATE,
*Washington, DC, March 16, 1994.*

Hon. LEE H. HAMILTON,
*Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter to the Secretary regarding an article that appeared in the Wall Street Journal which concerned the Administration's counter-terrorism policy. We appreciate knowing of your interest in this issue.

Contrary to Ambassador Bremer's claims in his article, this Administration has not neglected the threat posed by international terrorism. In fact, it remains one of the Department's highest priority global issues. We have taken a number of actions against state-sponsored terrorism in the past year:

The Administration added Sudan to the list of terrorist-supporting states last August after Sudan persisted in allowing Iranian and other terrorists to use its territory as a safe-haven and training ground.

We fought for and obtained tighter mandatory UN sanction resolutions against Libya because of the country's involvement in the tragic bombing of Pan Am Flight 103 and Libya's continued refusal to abide by relevant UN security council resolutions. We are vigorously enforcing these sanctions. We were successful in disrupting Libya's international banking network when, at our urging, the government of Bahrian blocked nearly $100 million in Libyan government assets.

When it became clear that Iraq was behind the plot to assassinate former President Bush, the United States used military force to a send an unequivocal signal to Saddam Hussein that we will not tolerate such outrageous acts of terrorism.

We were instrumental in obtaining the rendition of the terrorist Mohammed Ali Rezaq and his return to the United States for trial for his role in the highjacking of an Egyptian airliner in which an American citizen was murdered.

This Administration is determined that the perpetrators of acts of terrorism are brought to justice. The families of the victims in the Pan Am 103 bombing and other Americans victimized by acts of terrorism deserve nothing less. To this end, we continue to work closely with our friends and allies. In addition, we continue to urge Congress to pass during this session pending legislation to implement important international terrorism conventions which deal with attacks on civilian aviation and passenger ships.

We also believe that the State Department's reorganization plan does not downgrade our commitment to combat international terrorism. On the contrary, our reorganization plan is designed to strengthen the role and resources of the Coordinator for Counter-terrorism. We want to provide this office with the combined financial and personnel resources of our counter-narcotics and international criminal functions. Toward this end, we endorse a provision in the Senate's version of the State Department Authorization bill which would formally designate an Assistant Secretary as the Coordinator for Counter-terrorism and agree that the Deputy Assistant Secretary who will manage counter-terrorism on a daily basis will hold the rank of Ambassador, subject to Senate confirmation. (For your information, we have enclosed a letter to Senator John Kerry from four previous Coordinators for Counter-terrorism regarding this issue.)

Contrary to Ambassador Bremer's assertion, there will not be a forty percent reduction in the counter-terrorism office's staff. There will be some consolidation of functional and support staff in the proposed new Bureau of Narcotics, Terrorism and Crime, but the number of officers working on counter-terrorism will remain approximately the same.

In order to facilitate closer coordination, the Anti-Terrorism Assistance program, which has been in the Bureau of Diplomatic Security, is being consolidated into the reorganized counter-terrorism office. As you know, the U.S. offers specialized anti-terrorism training through the ATA program to certain foreign countries that face terrorism threats. We also conduct an active terrorism information rewards program, and manage an impressive research and development program to utilize modern technology against terrorist threats.

We hope that his response addresses your concerns. If we can be of any further assistance, please do not hesitate to contact us.

Sincerely,

WENDY R. SHERMAN,
*Assistant Secretary,*
*Legislative Affairs.*

Enclosure.

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THE COUNSELOR,
DEPARTMENT OF STATE,
*Washington, DC, January 28, 1994.*

Hon. JOHN F. KERRY,
*Chairman, Subcommittee on Terrorism, Narcotics and International Operations, U.S. Senate, Washington, DC.*

DEAR SENATOR KERRY: As former Coordinators for Counter-terrorism at the Department of State, we are writing to express our support for your initiative which would designate the Assistant Secretary for Narcotics, Terrorism and Crime as the Department's Coordinator for Counter-terrorism.

We believe that this approach would strengthen the Department's abilities to combat international terrorism. It would place the Coordinator in the direct chain of command, not in an adjunct office with fewer resources. The Coordinator would have at least the same access to the Secretary of State, senior policy makers, senior leaders in our law enforcement and defense communities, and foreign government officials that previous Coordinators have enjoyed. Given the close ties between drug trafficking, international terrorism and other international criminal issues, it will be more effective to bring the Department's resources on these important issues into one bureau under a single senior manager. In addition, the Coordinator will have a strong advocate in the Undersecretary for Global Affairs (as proposed in the reorganization plan), Tim Wirth, who meets with the Secretary of State every day. We believe that counter-terrorism will receive more, not less, attention under your proposal.

Moreover, we have high confidence in our colleague, Ambassador Robert Gelbard, who is currently Assistant Secretary for International Narcotics Matters, and who would become the Coordinator for Counter-terrorism under your proposal. Ambassador Gelbard is a distinguished career diplomat with 27 years in the Foreign Service. He is an expert in counter-terrorism and narcotics issues, and we believe he will bring enormous experience and energy to combatting terrorism around the world.

The Clinton Administration has placed a high priority on combatting international terrorism and the threat it poses to the American people. We are convinced that designating the Assistant Secretary for Narcotics, Terrorism and Crime as the Coordinator for Counter-terrorism is sound policy and will strengthen the Administration's commitment to maintaining an effective international counter-terrorism policy.

Sincerely yours,

ANTHONY C.E. QUAINTON.
THOMAS E. MCNAMARA.
ROBERT B. OAKLEY.
A. PETER BURLEIGH.

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## CELEBRATING THE DEDICATION OF OLD ALVARADO—CESAR CHAVEZ PARK IN UNION CITY, CA

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. STARK. Mr. Speaker, today, I would like to join my constituents in the dedication of Old Alvarado—Cesar Chavez Park in Union City, CA.

Shortly after the death of Cesar Chavez, leaders within this community quickly mobilized to pay tribute to this great human rights leader. Last year, the Labor Council for Latin American Advancement of Alameda County proposed to the Union City Council to rename Alvarado Park to Old Alvarado—Cesar Chavez Park, so that we could continuously remember the spirit of Chavez. The renaming of the park was not solely supported by the labor and city councils; the culturally rich community of Union City shared a universal appreciation for the life of Cesar. They recognized Chavez' efforts on behalf of all the lives he changed—not just the farmworkers he represented through the United Farm Workers of America, but all who fought the daily struggle or suffered from any social hardship or injustice.

With their tribute, Union City shares its recognition with friends like the late Senator Robert Kennedy who praised Chavez back in 1968 as "one of the heroic figures of our times." It is also appropriate that Union City is one of the first to honor his life, because it is a community that reflects the message that Chavez espoused. Cesar once described his work with farm laborers as an effort to raise their consciousness and create brotherhood through nonviolent means: There is a decree whole-heartedly embraced by this culturally rich community. It has always been a home to the working people from all walks of life.

Therefore, Mr. Speaker, I come before you today celebrating with my constituents the memory of Cesar Chavez. I hope you and my colleagues will also join me in congratulating the community of Union City for their tribute to this great American.

## STATEMENT UPON INTRODUCTION OF KOSOVA PEACE AND DEMOCRACY ACT

## HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. ENGEL. Mr. Speaker, today, I rise to introduce, along with Ms. MOLINARI, Mr. SERRANO, Mr. KING, Mrs. LOWEY, and Mr. OLVER the Kosova Peace and Democracy Act of 1994. For too long, ethnic Albanian citizens of Kosova, who comprise 90 percent of its population, have been dominated and repressed by Serbia. With this bill, Congress can finally take action to protect and assist the people of Kosova.

Kosovars voted overwhelmingly for the independence of their state in September 1990. They have subsequently chosen Ibrahim Rugova to be the first President of the newly declared Republic of Kosova and Bujar Bukoshi, who is visiting Congress today, to be its first Prime Minister. Serbia, however, has not seen fit to recognize these valid and legitimate acts of self-determination. Belgrade has prevented the new government from meeting in the Kosova capital of Pristina and strictly controls all media and public expressions of political views.

Today, the human rights situation in Kosova is grave. With the expulsion of CSCE monitors in July 1993, the humanitarian conditions have grown even worse. Ethnic Albanians are denied access to education and health care solely on the basis of their ethnicity. More are dismissed from their jobs simply due to their Albanian heritage. Indeed, some have faced prison terms—and even torture—by Serbian authorities simply for the expression of political opinions. During the last 2 months, the Serbs unilaterally closed the respected Academy of Sciences and Arts of Kosova and the Institute for Albanology. I strongly believe that the United States must demand the return of international observers and speak out more vociferously against the silent extension of "ethnic cleansing" to Kosova.

The security situation in Kosova is also very troubling. As the conflict between Bosnian Moslems and Croats is brought to a close, and the situation throughout Bosnia appears ready to improve, I fear that Belgrade will turn its attention toward Kosova. If Serbia escalates its aggressive behavior in Kosova, the Balkan conflict may expand into Macedonia, drawing in Albania, Bulgaria, Greece, and possibly Turkey. I support statements by the United States Government threatening the use of American military force "in the event of conflict in Kosova caused by Serbian action" and believe that the administration should reiterate these warnings.

But, the situation requires more than statements. The aggressors must be keenly aware that their actions in Kosova have consequences. The legislation I introduce today will send just that message. It will condition the lifting of sanctions on Serbia and Montenegro upon improvements in Kosova. In particular, this bill will prevent the lifting of sanctions until:

There is substantial progress toward restoration of Kosova's independent identity and autonomy;

There is substantial improvement in the human rights situation in Kosova;

International observers return; and

The elected Government in Kosova is permitted to meet.

The bill also provides for Radio Free Europe programming in the Albanian language in Kosova and other areas of the former Yugoslavia with significant numbers of Albanian-speaking people.

As the ranking member of the Subcommittee on Europe and the Middle East and cochair of the congressional Albanian Issues Caucus, I believe that greater emphasis must be placed on the situation in Kosova. The tragic human rights abuses experienced by ethnic Albanians and the significant international security implications of Serbian military moves in Kosova demand action and a high degree of attention by our Government. The bill I am introducing today will provide for a real response to the brutality which the citizens of Kosova face every day. I urge my colleagues to join me in cosponsoring this legislation.

## COMMEMORATING A GREAT RESIDENT OF FAYETTEVILLE, AR, W.E. "TED" DAVIDSON, ON HIS 75TH BIRTHDAY

## HON. Y. TIM HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. HUTCHINSON. Mr. Speaker, on the occasion of his 75th birthday, I want to recognize a native Arkansan, Weir E. "Ted" Davidson, for his dedication and service to the community of Fayetteville, AR.

Born in Black Rock, AR, on March 10, 1919, to Eddie Davidson and Rosa Davidson-Thompson, Ted joined the U.S. Navy during WWII, and served aboard a small landing craft [LST], as a chief motor machinist.

After the war, he returned to Winslow, AR, where he was an active member of the Winslow United Methodist Church. He served as secretary of the board for 5 years.

He also worked a noteworthy 39 years as service manager for the Oldsmobile Co. in Fayetteville, from where he retired in 1984. Since his retirement, he has been active in the volunteer work at the VA Medical Center in Fayetteville and has accumulated approximately 8,100 hours of volunteer service in the pharmacy and in the ambulatory care unit. He has also served two terms on the Veteran's Administration Volunteer Service Executive Board of the Veterans Hospital and was chairman of the board for one term.

While living in Winslow, he joined the masonic lodge and currently serves as the representative for Free and Accepted Masons of the Grand Lodge of Arkansas. In fact, during the past 48 years, he has continued to work diligently for the Masons through instruction to numerous young men in the work of Free and Accepted Masons.

He has held a host of posts in civic organizations, including worshipful master of Summit Lodge No. 530, district deputy, 37th district, 1972–74, executive board, United Commercial Travelers of America, 4th precinct captain and many, many more.

In addition to all of this, in 1986, he was selected Man of the Year of the Fayetteville Rotary Club. Prior to that, in December 1993, he was awarded the Rose Medallion Award by the Grand Chapter of the Order of the Eastern Star.

I urge all of my colleagues to join me in commending this dedicated community servant.

## GUAM HONORS RETIRING JUDGE RAMON DIAZ

## HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. UNDERWOOD. Mr. Speaker, next month, Guam will lose one of its most distinguished local judges. After 15 years of government service, Judge Ramon V. Diaz will retire on April 11.

Judge Diaz is the first judge of Filipino descent to be appointed in 1980 to serve as a judge for the Superior Court of Guam. He is currently the family court judge, presiding primarily over juvenile cases, but also heard matters in the courts of general jurisdiction.

On the occasion of Judge Diaz' announced retirement, the presiding judge of the Superior Court—Judge Alberto C. Lamorena—had these remarks:

> Judge Diaz leaves behind a distinguished career and his wisdom will be definitely missed. He was a conscientious and outspoken advocate of justice who had a positive impact on this community. We at the courts wish him well in what will be a new beginning in his life. On behalf of the people of Guam and the Judiciary, we extend our deepest gratitude for his service to our island.

Judge Diaz is married to Josefina de la Concepcion with whom he has 10 children. He studied at the University of Santo Tomas in Manila, and did his graduate studies at the University of Michigan at Ann Arbor. He is licensed to practice law in the Philippines, Guam and Micronesia.

The judge's distinguished legal career follows an enviably military career. He is a World War II veteran, serving in the Philippines as an infantry line officer. He later served as an officer in the Judge Advocate General's Service. In 1950, he resigned as a captain. This military officer turned judge is a survivor of the Bataan Death March and the Capas POW Camp. He is the recipient of various campaign ribbons and awards, including the United States and Philippine Presidential Unit Citation and the Philippine Presidential Military Merit Medal.

I join the people of Guam in honoring Judge Ramon Diaz. We will sorely miss him—he is a man of courage, a man of conviction, and a man of compassion.

Si Yu'os Ma'ase for your service to our island. May God bless you and your family.

## TRIBUTE TO THE LATE ARNOLD BOLLE

### HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. WILLIAMS. Mr. Speaker, a few days ago Montana lost a wonderful and valued friend with the passing of Arnold Bolle, the former dean of the School of Forestry at the University of Montana and one of the constant, bright, and guiding lights of Montana's and America's conservation ethic.

Arnold Bolle's remarkable career spanned more than 40 years, first with the Soil and Conservation Service, then as a faculty member of the UM forestry school and later as its distinguished dean. His advice and expertise on public lands management was widely sought from the Department of the Interior to the Congress.

Most of all, he loved Montana and especially Montana's forests. Their magic and mystery never dimmed for him. He understood and taught us all the wisdom and practicality of careful stewardship of our lands, not just for our generation but for those that will follow us. He imparted that knowledge to students and citizens alike, and we all benefited from his tireless efforts. Mr. Speaker, Montana and the Nation will miss Arnold Bolle.

## TRIBUTE TO THE PITT-LOS CLUB

### HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. DIXON. Mr. Speaker, I am pleased to pay tribute to the Pitt-Los Club of Los Angeles. On Sunday, March 27, 1994, members of this benevolent and social organization will gather to celebrate their 51st anniversary at the Pitt-Los Annual Palm Sunday Brunch. Conceived initially as a vehicle to bring together former residents of Pittsburgh, PA, who had relocated to Los Angeles, the Pitt-Los Club has expanded its outreach to include active participation in the community through educational scholarships for college-bound students and financial support to numerous organizations.

When founded in September 1942 by Mrs. Laura Clay Roulk, the Pitt-Los Club's membership included both men and women. Today, however, the organization is exclusively a women's club. The clubs roster includes two of the organization's original members.

Inspired by the leadership of club member Mrs. Lucia Rickmond who believed that the club should invest in the surrounding community through its financial support of charitable organizations, on March 10, 1951, the Pitt-Los Club was granted a charter as a nonprofit, social, and charitable club by the State of California.

In the ensuing years, the Pitt-Los Club has provided financial support to a number of organizations, including the Spastic Children's Foundation; East 28th Street YMCA—for its refurbishing program; United Negro College Fund; Outdoor Life and Health Association; and the Stovall Foundation. In memory of Ms. Wilma F. Bailey, one of the organization's honorary members who passed away on August 30, 1985, the Pitt-Los Club provided financial support to the Los Angeles Cancer Society. A similar bequeath was made to the Los Angeles High School Memorial Fund, established in honor of Robert Ballou, the grandson of Pitt-Los member Dorothy Walker Lee. In addition, the Pitt-Los Club holds a life membership in the Los Angeles Chapter of the NAACP.

In 1986, Pitt-Los members initiated a scholarship program at my alma mater, Dorsey Senior High School, providing over $3,000 in scholarships to deserving college bound graduates. Club members keep track of, and serve as mentors to, the scholarship recipients throughout his or her undergraduate education, continuously offering encouragement and support to the meritorious students.

Two years ago, Pitt-Los members expanded their educational outreach to include California State University, Black Support Group, Los Angeles. Their efforts have resulted in the establishment of the Pitt-Los Scholarship at the University, which thus far has awarded three scholarships to deserving students. The Pitt-Los Club is also a member of the University's Golden Circle.

As further evidence of its commitment to the United Negro College Fund [UNCF], which supports our Nation's historically black colleges and universities [HBCU's], this year, members of the Pitt-Los Club have donated $1,500 to the UNCF telethon.

In the future, the Pitt-Los Club will concentrate its efforts on increasing club membership, and expanding the organization's scholarship base to assist a wider berth of deserving Los Angeles high school seniors seeking a college education.

Mr. Speaker, I am proud to recognize the outstanding service of the Pitt-Los Club to the Los Angeles community, particularly the contribution its members have made to the educational enrichment of our youth. I ask my colleagues to join me in extending to the many distinguished and dedicated women of the Pitt-Los Club, continued success as they embark on their next 50 years dedicated to assisting deserving students and charitable organizations in Los Angeles.

## COULD WE MAKE ALL THE VOTES COUNT?

### HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. JACOBS. Mr. Speaker, Mark Sirkin slammed one home with this column which appeared in the Indianapolis Topics newspapers.

Mr. Sirkin is the news editor of the Washington Township Topics newspapers.

[From the Indianapolis Topics]

COULD WE MAKE ALL THE VOTES COUNT?

(By Marc Sirkin)

Can you imagine what would happen in Indiana if the electoral college was trashed? Half the votes would count again.

I have never been satisfied voting for president. My vote never counts. Instead of voting for the president the first Tuesday in November, what we actually vote for are the electors of the electoral college.

The electoral college is way too complex to fully explain in such a short space. But basically, each state has an allotment of electoral votes determined by the size of its congressional delegation. On election day voters choose the electors who will vote for the president and vice president. The winning electors then go and vote for the president the first Monday after the second Wednesday during election years.

For example, Indiana has 12 electoral college votes. If a candidate wins the state by one popular vote, that candidate wins all 12 electoral college votes. The other candidate gets nothing.

What upsets me the most about this system is that it gives me absolutely no vote in the race for the presidency.

"Of course you have a vote." I can hear people screaming. "Everybody has a vote!"

In the literal sense, I guess. I do have a vote for president. I go to the polls. I sign my name, close the curtain and mark my choice. Being the obvious liberal that I am, my choices in the last two presidential elections (the only two presidential elections in which I have been eligible to vote) I voted for the Democratic Party candidates.

Now here's the part where I get screwed.

The last election saw almost a third of the votes cast for U.S. House candidate Michael Bailey—a candidate who built his platform on videos of aborted fetuses. Needless to say, my vote for Bill Clinton registered with the minority.

I have no problem with being in the minority. It's the price I pay for being an individual. But I do have a problem with the electoral college deep sixing my vote because I dared to vote against the majority. My vote gets turned into a vote for truth, justice and the American way of a thousand points of family-value light.

So even though Clinton won the election, it was without any help from me or my Indiana. As a matter of fact, Indiana's electoral college votes have not gone toward a Democrat since 1964 when Lyndon Johnson beat Barry Goldwater.

I wasn't even alive then to enjoy the satisfaction of knowing I voted for a winner.

This stinks. Just because I happen to live where I am in the minority shouldn't mean that my vote has no bearing on an election's outcome.

If the presidency was decided by a popular vote, on the other hand, my vote would have counted the same as someone's vote in California, Georgia, New York, Ohio, Vermont, Nebraska, Colorado or even Indiana.

As the system stands now, my vote isn't worth diddly, and in a system in which supposedly everyone has a voice, that is wrong.

If presidents were elected by having to win a true popular vote, neither Rutherford B. Hayes nor Benjamin Harrison would have been elected. Hayes won the election in 1876 without winning the popular vote as did Harrison in 1888.

The electoral college has to go the way of the dinosaurs. Get rid of it.

As a matter of fact, under the present system, it is even possible that the choice of president and vice president get thrown to the House of Representatives and Senate respectively. If a third-party candidate enters the race and prevents the electoral college from awarding any candidate a clear majority (over 50 percent), the election for president moves to Congress.

However unlikely that scenario seems, it is possible. If Ross Perot hadn't done anything stupid to take him out of the most recent presidential race, it probably would have happened in 1992.

In 1824 it actually did happen. Andrew Jackson was elected by the House of Representatives because he didn't win a majority of the electoral college vote.

That's a scary thought, isn't it? If Congress can't decide in a timely manner to put a waiting period on the purchase of handguns, how can we expect it to be able to competently elect the leaders of the free world? Hmm.

Under that same system, it is also possible to have a president and vice president from two different parties. Can you imagine President Clinton and Vice President Stockdale? It sounds stupid, but it could've—and still could—happen unless the system of how we elect our president is changed.

So what can be done?

There are a number of things, but the most obvious is to remove the electoral college completely and elect the president by the popular vote.

That sounds simple and logical, but some people say it would prevent any candidate from receiving a clear majority and would threaten the two-party system by allowing too many fringe candidates into the political fray.

But would losing the two-party system be such a terrible thing? Many people, including myself, are sick and tired of having to choose between two out-of-touch politicians. Fringe candidates would force mainstream candidates to focus on real issues instead of party bashing.

## TRIBUTE TO BELARUSAN INDEPENDENCE

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1994*

Mr. PALLONE. Mr. Speaker, on Sunday, March 27, 1994, the Belarusan American Association, Inc., and the Belarusan American Youth Organization will commemorate the 76th anniversary of the proclamation of Belarusan independence with a banquet and concert at the Hyatt Regency in New Brunswick, NJ. Preceding the banquet will be a Divine Liturgy at St. Mary of Zyrovicy in Highland Park, NJ. It will be a great honor and a privilege for me to participate in this important event.

Mr. Speaker, it is actually on March 25 that Belarusans throughout the world salute the sacrifices and bravery of the members of the Council of the Belarusan Democratic Republic, who in 1918 liberated their country from the harsh and oppressive Czarist and Soviet rule. Representatives of the United Councils of the First Belarusan Convention, meeting in the capital city of Miensk, issued a proclamation of independence of the Belarusan National Republic, adopted a national flag with three horizontal stripes—white, red, and white—and received widespread international recognition. For the first time since 1795, the Belarusan Nation reemerged as an independent State. Despite the hardships from the First World War and the revolutionary turmoil in neighboring Russia, the Belarusan language, culture, and national identity flourished.

Unfortunately, the freedom and independence of the Belarusan Nation did not last long. In 1921, Russia's Bolshevik regime invaded and conquered the New Independent State and renamed it the Byelorussian Soviet Socialist Republic. For the next 70 years, the Belarusan people endured a totalitarian Communist regime, denied the most basic civil and political rights. Millions of Belarusan nationals were exterminated. Although the Byelorussian SSR was officially considered a member of the United Nations since 1945, the country was in fact politically and militarily dominated by Moscow, with the Belarusans' aspirations for self-government and independence completed subverted.

This long national nightmare finally came to an end in 1991. The Belarusan Parliament had already declared its independence back in July 1990. Following the attempted coup against Soviet President Gorbachev in August 1991, the Speaker of the Belarusan Supreme Council, Stanislav Shuskevich invited Russian President Boris Yeltsin and Ukrainian President Leonid Kravchuk to Belarus in December 1991, to finally bury the moribund Soviet Union. In its place was established the Commonwealth of Independent States [CIS] with Miensk as its administrative seat. Although the Belarusan Parliament, as with many other emerging East European democracies, was dominated by former Communists, protections for Belarusan culture, as well as basic human rights, were enacted.

Recent events, such as this January's ouster of Mr. Shushkevich, have raised concerns that the reform process may be slowing down. Still, I am confident that the Belarusans have made the important transition to independence and democracy. President Clinton recognized this during his recent visit to Miensk. I believe that we should do all in our power to encourage the reform movement to continue, to promote democracy and free markets, and make it clear to the Russians—particularly some of the destabilizing opposition forces in Moscow—that the United States will not tolerate any reassertion of Russian authority over the sovereign Nation of Belarus.

Mr. Speaker, the Belarusan Nation has particular significance for me on a personal level. My wife Sarah is part Belarusan, and through her I have learned a great deal about this proud people, their enduring culture, and their brave stand against foreign dominance and oppression. The Belarusan-American community has made great contributions to the State of New Jersey and in many other regions of the United States. Now that the Soviet Union is a thing of the past, the American people are finally learning about the many distinct nations who spend much of this century under the Soviet yoke. I hope that the coming years will see a continued emergency of both the Nation of Belarus and of the Belarusan-American community, as well as the recognition and respect they deserve from the people of the United States.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 24, 1994, may be found in the Daily Digest of today's Record.

### MEETINGS SCHEDULED

MARCH 25

10:00 a.m.

Judiciary

To hold hearings on the nominations of Fortunato P. Benavides, of Texas, to be

United States Circuit Judge for the Fifth Circuit, Ruben Castillo, to be United States District Judge for the Northern District of Illinois, and Audrey B. Collins, to be United States District Judge for the Central District of California.

SD–226

Labor and Human Resources

To hold joint hearings with the Committee on Indian Affairs to examine headstart programs serving Native Americans.

SR–485

Indian Affairs

To hold joint hearings with the Committee on Labor and Human Resources to examine headstart programs serving Native Americans.

SR–485

10:15 a.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Office of Management and Budget, and the Executive Office of the President.

SD–116

### APRIL 11

2:00 p.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for Marketing and Inspection Services, Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service, all of the Department of Agriculture.

SD–138

### APRIL 12

10:00 a.m.

Appropriations

Defense Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on classified programs.

S–407, Capitol

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the National Oceanic and Atmospheric Administration, Department of Commerce.

S–146, Capitol

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for foreign assistance programs, focusing on national security interests.

SD–138

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine Federal agency roles in addressing the contemporary needs and management of the Newlands Project in Nevada.

SD–366

### APRIL 13

9:30 a.m.

Indian Affairs

Business meeting, to mark up S. 1216, to resolve the 107th Meridian boundary dispute between the Crow Indian Tribe, the Northern Cheyenne Indian Tribe, and the United States and various other issues pertaining to the Crow Indian Reservation, S. 1526, to improve the management of Indian fish and wildlife and gathering resources, and S. 720, to clean up open dumps on Indian lands; to be followed by a hearing on proposed budget estimates for fiscal year 1995 for the Bureau of Indian Affairs.

SR–485

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Energy, focusing on fossil energy and clean coal programs.

SD–116

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Coast Guard, Department of Transportation.

SD–138

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Postal Service.

SD–192

Veterans' Affairs

To hold oversight hearings on dangerous exposures in the Persian Gulf War.

SH–216

### APRIL 14

9:30 a.m.

Energy and Natural Resources

To hold hearings on the operating and economic environment of the domestic natural gas and oil industry.

SD–366

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on health services and infrastructure.

SD–192

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Bureau of Investigation, and the Drug Enforcement Administration, both of the Department of Justice.

S–146, Capitol

2:00 p.m.

Armed Services

Nuclear Deterrence, Arms Control, and Defense Intelligence Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense, and the future years defense program, focusing on chemical demilitarization.

SR–222

3:00 p.m.

Agriculture, Nutrition, and Forestry

Agricultural Research, Conservation, Forestry and General Legislation Subcommittee

To hold hearings on issues relating to ecosystem management.

SR–332

### APRIL 18

2:00 p.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for Science and Education, Agricultural Research Service, Cooperative State Research Service, Extension Service, and Alternative Agricultural Research and Commercialization, all of the Department of Agriculture.

SD–138

### APRIL 19

9:30 a.m.

Rules and Administration

To resume hearings on S. 1824, to improve the operations of the legislative branch of the Federal Branch, focusing on Subtitle A, Parts I and II of Title III, relating to Congressional biennial budgeting and additional budget process changes.

SR–301

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on strategic programs.

SD–192

2:30 p.m.

Armed Services

Nuclear Deterrence, Arms Control, and Defense Intelligence Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense, and the future years defense program, focusing on the Department of Energy's environmental restoration and waste management programs.

SR–222

Veterans' Affairs

To hold hearings to examine proposals to finance veterans health care reform.

SR–418

### APRIL 20

9:30 a.m.

Indian Affairs

To hold oversight hearings on the regulation of Indian gaming.

SR–485

10:00 a.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of the Treasury.

SD–116

### APRIL 21

10:00 a.m.

Appropriations

Defense Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on intelligence programs.

S–407, Capitol

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Housing and Urban Development.

SD–106

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Fish and Wildlife Service, Department of the Interior.
S–128, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Securities and Exchange Commission, and the Federal Communications Commission.
S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Aviation Administration, Department of Transportation.
SD–138

### APRIL 25

2:00 p.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for International Affairs and Commodity Programs, Natural Resources and Environment, Agricultural Stabilization and Conservation Service, Foreign Agriculture Service, Soil Conservation Service, and Federal Crop Insurance Corporation, all of the Department of Agriculture.
SD–138

### APRIL 26

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on National Foreign Intelligence Programs (NFIP) and Tactical Intelligence and Related Activities (TIARA).
S–407, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Office of Justice Programs, and the Immigration and Naturalization Service, both of the Department of Justice.
S–146, Capitol

### APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Transit Administration, Department of Transportation, and the Washington Metro Transit Authority.
SD–138

### APRIL 28

9:30 a.m.
Rules and Administration
To resume hearings on S. 1824, to improve the operations of the legislative branch of the Federal Branch, focusing on Subtitle A, Parts I and II of Title III, relating to Congressional biennial budgeting and additional budget process changes.
SR–301

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Environmental Protection Agency, and the Council on Environmental Quality.
SD–106

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Information Agency.
S–146, Capitol

2:30 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Bureau of Indian Affairs, Department of the Interior.
SD–116

### MAY 3

9:30 a.m.
Energy and Natural Resources
To hold hearings on Boron-Neutron Cancer Therapy.
SD–366

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for Food and Consumer Services, Food and Nutrition Service, and Human Nutrition Information Service, all of the Department of Agriculture.
SD–138

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on defense conversion programs.
SD–192

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to review the implementation of the Central Valley Project Improvement Act (Title 34 of P.L. 102-575) and the coordination of the program with other Federal protection and restoration efforts in the San Francisco Bay/Sacramento-San Joaquin Delta.
SD–366

### MAY 5

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Legal Services Corporation.
S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings for fiscal year 1995 for the National Transportation Safety Board, and the National Highway Traffic Safety Administration, Department of Transportation.
SD–138

### MAY 10

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Commodity Futures Trading Commission, the Farm Credit Administration, and the Food and Drug Administration, Department of Health and Human Services.
SD–138

### MAY 11

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the National Park Service, Department of the Interior.
S–128, Capitol

### MAY 12

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Corporation for National and Community Service.
SD–106

### MAY 17

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on the Pacific Rim, NATO, and peacekeeping programs.
SD–192

### MAY 19

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense.
SD–192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Veteran's Affairs, and the Selective Service System.
SD–106

### MAY 20

9:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Veteran's Affairs and Housing and Urban Development, and independent agencies.
SD–138

### MAY 25

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of the Interior.
S–128, Capitol

MAY 26

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the National Aeronautics and Space Administration.
SD-106

JUNE 8

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings proposed budget estimates for fiscal year 1995 for the Department of Energy.
S-128, Capitol

JULY 19

10:00 a.m.
Appropriations
Defense Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense.
SD-192

## POSTPONEMENTS

MARCH 24

11:30 a.m.
Labor and Human Resources
To hold joint hearings with the Committee on Labor and Human Resources' Subcommittee on Children, Family, Drugs and Alcoholism to examine proposals for preventing youth violence.
SH-216

# SENATE—*Thursday, March 24, 1994*

*(Legislative day of Tuesday, February 22, 1994)*

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable DIANNE FEINSTEIN, a Senator from the State of California.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * *by love serve one another. For all the law is fulfilled in one word, even in this; Thou shalt love thy neighbour as thyself.*—Galatians 5:13, 14.

Eternal God, perfect in love, aware of the profound loyalty and hard work of the secretaries for the majority and the minority, we commend them to Your providential care and guidance. Thank You for the long and faithful service of Abby Saffold, secretary for the majority, and Howard Greene, secretary for the minority, their associates, and those who labor in the Cloakrooms. Help them realize they are deeply appreciated. Grant them grace for their responsibilities and help them experience Your love for them as they love their work.

Loving Lord, words are inadequate to express our appreciation for the dedicated labors of security, men and women in food service, our wonderful pages, and all of the unsung heroes and heroines in Senate service. Bless them and their loved ones, encourage them, and help all of us to show our appreciation for their tireless labors.

We pray in the name of Him who served in love and humility all the way to the cross. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, March 24, 1994.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DIANNE FEINSTEIN, a Senator from the State of California, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mrs. FEINSTEIN thereupon assumed the chair as Acting President pro tempore.

## CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of Senate Concurrent Resolution 63, the concurrent resolution on the budget, which the clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 63) setting forth the congressional budget for the U.S. Government for the fiscal years 1995, 1996, 1997, 1998, and 1999.

The Senate resumed consideration of the concurrent resolution.

The ACTING PRESIDENT pro tempore. Under the previous order, there remains a total of 8 hours and 45 minutes for debate on the resolution, divided as follows: The Senator from Tennessee [Mr. SASSER] controls 3 hours and 45 minutes, and the Senator from New Mexico [Mr. DOMENICI] controls 4 hours and 45 minutes; the Senator from Tennessee [Mr. SASSER] is to control the last 15 minutes of debate on the resolution.

Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. Madam President, I just want to ask for a clarification. I believe if you add up time that the two Senators have, it is not 8 hours and 45 minutes, it is 8 hours and 30 minutes. The 15 minutes that Senator SASSER has at the end is part of his time.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DOMENICI. Madam President, I yield myself 30 minutes and will shortly offer the Domenici-Nunn-Thurmond amendment with reference to defense and the Exon amendment which was adopted in committee.

Madam President, especially let me call attention to Republican Senators who have amendments that are pending. Senators should know that I plan to use only a half-hour on this amendment unless forced to use more, thus leaving the remainder of the time that the Senator from New Mexico has for the amendments that various Senators on our side have indicated they want to offer. I urge Senators on our side and their staffs to cooperate with the minority budget director, Bill Hoagland, in an effort to get all the amendments listed and try to allocate the remaining time among those amendments in a fair way.

We are surely not going to have an hour for each amendment, even though that is what one might be entitled to, literally, under the statute. I cannot grant everybody an hour because, if I do that, there will not be time for anyone else. We have to get a number of these amendments completed today.

Having said that, I hope everyone on our side will, first, determine whether they really need to offer the amendment. If they do not, it will allow more time for other Senators and, second, it will minimize the requirement or request for time because I am going to have to allocate it in some way that is as fair as possible, but clearly no one can get all the time they want.

AMENDMENT NO. 1567

(Purpose: To hold discretionary spending at the statutory cap levels and to reduce the Federal budget deficit through restraint in the growth of mandatory spending)

Mr. DOMENICI. Madam President, having said that, I send an amendment to the desk for myself, Senator NUNN and Senator THURMOND.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. NUNN, and Mr. THURMOND, proposes an amendment numbered 1567.

Mr. DOMENICI. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The text of the amendment is located in today's RECORD under "Amendments Submitted.")

Mr. DOMENICI. Madam President, this Domenici-Nunn amendment strikes the Exon amendment which cuts discretionary spending by $26 billion in outlays from 1995 to 1999. It strikes that amendment, thus placing the discretionary accounts at the level that they would have been at had that amendment not been adopted, which was essentially the discretionary accounts in Chairman SASSER's mark.

Second, this amendment reduces mandatory spending by $20 billion from 1995 to 1999 by extending several Medicare fee and veterans' provisions contained in the 1993 reconciliation bill which would otherwise expire.

Third, this amendment accepts the Exon-Grassley discretionary spending cuts of $6 billion for 1999. There are no caps in 1999, so the Exon-Grassley cuts in 1999 were unenforceable as the $6 billion that we use of their total cuts for 1999.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

And fourth, this amendment, in a very unique way but nonetheless very enforceable, makes the mandatory spending reductions in this amendment absolutely mandatory by prohibiting a committee from moving forward with deficit-neutral legislation which they are given authority to do in this budget resolution until the mandatory savings required by this amendment are achieved.

Thus, the Senator from New Mexico, joined by Senator NUNN and Senator THURMOND, contend and lay before the Senate a proposition; namely, that the Exon amendment is destined to reduce defense substantially. I am not here on the floor claiming that all of the discretionary savings provided in the Exon amendment are going to come out of defense. But, Madam President, it is unequivocal that a substantial portion has to come out of defense, unless we are to assume that the Appropriations Committee will take all of the Exon cuts out of discretionary and none out of defense.

The truth of the matter is, we do not have a wall between those two functions any longer, and even though the walls have fallen down, literally, in Eastern Europe, but also the walls have fallen legislatively in this budget and defense is vulnerable.

I think we have to keep up our guard. So since there are no walls protecting defense and since the principal culprit of these astronomical deficits and burdens on our children's future—taxation without representation on the children of the future, this growing deficit—the principal culprit is not discretionary spending but rather entitlements and mandatory spending.

So the Senator from New Mexico has found a way and offers it to the Senate today to take the same amount of outlay reductions out of this ever-growing entitlement composite in the Federal budget and returning an equal amount of outlays to the discretionary accounts of this Government.

That clearly should put the appropriators in both Houses as they move through allocating these resources to be almost required to fund the President's level in defense, at least. And that is because the President of the United States has said eloquently in his State of the Union Address, we have cut defense enough; we should not cut it any more. In fact, he said, there are those who urge that I cut it more, and I have overridden them—all of this paraphrasing—we have cut defense enough.

What this amendment does is say to the appropriators of this U.S. Senate and House, when this is adopted in the conference and if we pass it, clearly the conference better be careful if they decide on the House side to take it out because it will be a giant mistake and perhaps the entire budget resolution will fall in the Senate, because I am asking today, the Senator from New Mexico is asking Senators to substitute these cuts in this amendment for those discretionary cuts which had reduced the caps and put defense in a vulnerable position, because even with the President's support, the appropriators would say you have cut $26 billion in outlays out of discretionary accounts, $43 billion in program authority over 5 years, and there is no alternative but to take part of that cut in defense.

I, for one, do not want to take that chance. As I said, just because the walls protecting defense legislatively have fallen—they were there for 3 years, 1990, 1991, 1992, and then in 1994 and 1995 we took the walls down—just because they have fallen does not mean we should lose our guard, let our guard down and become vulnerable. We all know what is happening in North Korea. If America has a real serious problem from the standpoint of what might happen in this world that is of extreme, extreme danger to America and the world, it is the North Korean situation. We ought not be inviting dramatic reductions to defense with that kind of crisis and the vulnerability of the Soviet Union, former Soviet Union States and other trouble spots in the world.

So the Senator from New Mexico did not want to take a chance. I compliment Senator EXON for wanting to reduce the deficit more. In committee, I voted for that. And so I will save anybody on the floor from reminding me that I did. And I will say right now that I made a mistake, not a mistake in cutting additional money from the deficit but we should not have done it from the discretionary accounts, in particular defense.

I am confident, Madam President, if the Senator from New Mexico had arrived at this amendment in committee—and I confess I did not know how to do this in committee—I believe we would have adopted this amendment rather readily over further reducing defense in the discretionary reduction that is found in the Exon amendment.

So I merely offer to the Senate a position that I believe is fair and much less dangerous for the defense of our country, that is, reduce entitlement accounts in the next 4 years and in the fifth year take the Exon cuts and you get exactly the same amount of deficit reduction that you received in the Exon amendment as adopted by the committee.

So for those who say the taxpayers want deficit reduction and for those who will come to the floor and say that Taxpayers Union likes the Exon-Grassley amendment, let me say to them this amendment does exactly the same thing. It reduces the deficit by exactly the same amount. It is probably more enforceable and it probably over time will respond with more consistent and persistent deficit cuts, but in essence let me summarize.

You get the exact same amount of deficit reduction in this amendment, and what you are cutting is essentially programs that have already been cut, but those cuts are going to expire and that money will be spent if we do not do it this way, so we are reducing the deficit by the exact same amount.

Now, there are others who will want to come and describe America's defense needs. I believe it is readily summarized. You have a President who promised when he ran to cut a given amount out of defense, and then after he was in office he decided to cut it much more. I will not repeat the numbers, but they are rather large. That President told the American people enough is enough. The Exon-Grassley amendment will cut more out of defense. Enough is not enough. There will be more cuts.

Now, I do not say that in any way, Madam President and fellow Senators, to disparage the budget cutting of those two Senators. They always want to reduce the deficit. They did that. I am only saying to the Senate I offer you another way to do it, and I will not haul out the charts, especially since the chairman has just arrived; he has seen them too many times.

Good morning, I say to the chairman.

Mr. SASSER. Good morning.

Mr. DOMENICI. But those charts I put up here show that without any question that part of this Government that is growing out of control are the mandatory and entitlement expenditures. We can afford to take this amount of money out of Medicare and entitlements and direct the committee before they start down the path of new programs; that is, the Finance Committee, they must first place in law permanently these cuts.

Now, I wish to make one last comment because I do not know that I am going to take a lot of time today because fellow Senators on this side have a lot of amendments, but there will be one additional argument made, perhaps Senator MOYNIHAN, chairman of the Finance Committee, or someone else will say that this will have a detrimental, perhaps some will say, a totally negative, impact on health care reform.

Let me just suggest that is not so. This is such a small amount of the savings that have to be obtained and taxes that have to be imposed for the President's plan to make its way through on health care reform that this has no chance of adversely affecting that.

In fact, I might say on that score, the President claimed $20 billion in deficit reduction between 1995 and 1999 as part of health care reform. So in a very real way we are just providing him with those savings here by cutting those programs and providing that amount of savings.

Now, my good friend, Senator THURMOND, is here. He is a cosponsor along with Senator NUNN.

Could I yield the Senator 5 minutes, would that be adequate?

Mr. THURMOND. I would like 10 minutes as near as I can get.

Mr. DOMENICI. Let us go with 5 and if the Senator needs more, I will give the Senator some additional time.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized for 5 minutes.

Mr. THURMOND. I rise in support of the Domenici amendment to the Senate budget resolution. This amendment would reverse the Budget Committee decision proposed by Senators EXON and GRASSLEY to cut $26 billion from discretionary outlays over the 5-year budgeting period.

A discretionary spending cut of that magnitude means that many of the reductions, of necessity, would come from the defense budget. This cut would be in addition to the already existing $20 billion long-term shortfall in defense funding acknowledged by the executive branch and Congress. In other words, the Exon-Grassley proposal will make the severe underfunding of defense even worse.

I also intend to vote for another Domenici amendment when it comes before us later. The next Domenici amendment would establish caps or so-called firewalls to protect defense spending from further raids to fund domestic programs. However, it must be acknowledged that a vote for firewalls will simply be a vote for the President's budget request, inadequate as that request may be. Perhaps in today's political climate, this is the best we can expect. But we must not allow enactment of the President's defense number to make us complacent. The President's budget request contains at minimum the long-term funding shorfall of $20 billion just cited. Some defense budget experts claim this shortfall may be as great as $100 billion. When a realistic figure for inflation is factored in, spending on national defense will be dangerously short-changed in the future years defense plan.

While I support both Domenici amendments to reverse the draconian cuts to the discretionary accounts and to protect defense dollars from being used for nondefense purposes, I must point out that they do not solve the problem of serious underfunding of defense. I fear for the country when our only recourse to protect the Nation's security is to erect firewalls—after the building is already aflame.

Madam President, the practice of diverting defense dollars to domestic programs and entitlements must end if American is to remain free and secure. The Department of Defense has contributed far more than its share in budget reduction efforts. Force levels are coming down to the lowest levels in recent history. Procurement, research, and development funds are being slashed. Despite the administration's claims that operations and maintenance accounts are well funded, readiness is steadily declining. We are coming perilously close to war in Korea at a time when every indicator of combat readiness is lower than before Operation Desert Storm.

On the other side of the equation, Madam President, demands on the military are not declining in proportion to cuts in personnel and resources. Instead, requirements for people and equipment are increasing. The administration has said it is funding operating tempo to preserve readiness. However, most aircraft flying hours have not been for training, but to support humanitarian and peacekeeping operations. The services are being required to operate at rates as high as during the Persian Gulf war. Troops are spending record numbers of days deployed, but not in training. They are being used for almost everything but preparing for combat.

Moreover, plans are in the works to increase our role in U.N. peace operations. This could result in tens of thousands of United States personnel being scattered around the world, in addition to safeguarding our existing commitments in Europe, Central America, the Persian Gulf, South Korea, and the Pacific.

Madam President, if the world were growing safer every day; if America did not have vital interests around the world which must be defended with force of arms, perhaps we could afford to milk the defense budget to nourish already swollen domestic and entitlement spending. But I think every Senator on the floor today knows the world is not growing safer. It is an expensive delusion to think that we can continue to rob the military—crippling the capacity of our soldiers, marines, sailors, and airmen to fight and prevail—in order to pay for all kinds of nondefense programs.

If this trend continues, someday, perhaps sooner than we realize, the bill is going to come due. I fear it will be paid in the blood of our servicemen, or in significant harm to the Nation's well-being. I for one cannot stand by and watch that happen. I am strongly in favor of deficit reduction, cutting Federal spending, and economizing—but not at the expense of our security and the needless loss of American lives.

I thank the manager of the bill.

Mr. FEINGOLD addressed the Chair.

Mr. SASSER. Madam President, the distinguished Senator from Wisconsin is seeking recognition. I yield 10 minutes to the distinguished Senator off the amendment.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Thank you, Madam President.

I thank the chairman for yielding time.

Madam President, I rise in opposition to this amendment for the very reason that it does attempt to immunize the Defense Department from the further cuts that are represented by the Exon-Grassley amendment that was added at the committee level. I do not think any area of our Government should be immunized from the need for deficit reduction. And we cannot make any mistake about what the purpose of this is. The goal is to take a major area of public spending—an area where I think there is still too much spending—and to keep it off the table at a time when we are just beginning to make progress on deficit reduction.

We know the recent history. The President last year showed real leadership in helping us, encouraging us, to establish a level of deficit reduction in the budget of $500 billion. That figure became known not only here in Washington but throughout the country as a figure that we were going to try to achieve. It stuck in people's minds. They asked us questions such as, "How are you going to get that amount of money? How quick will the cuts come into effect?" But that figure of $500 billion was very important last year in the budget process in keeping our feet to the fire.

The committee has done a good job of adding to the good work that the President has done in his budget this year. The budget kept the commitment to deficit reduction. It did it in a variety of areas. I am extremely pleased we are able to report after just a few months, really just over a year, a significant reduction in the deficit. There was some resolve in early January, as reported in the Washington Post, that there were those in the White House saying, "We did deficit reduction last year." The President's budget as proposed here and reflected in the budget resolution shows that they did not win, that there is still some significant resolve in the White House to go further in the area of deficit reduction.

I am particularly happy that when this went to the Budget Committee they did not just accept the levels approved or proposed by the President and even approved by the House. They went further. This is the great merit of the Exon-Grassley amendment. The amendment before us today attempts to get away from that. It attempts to immunize the discretionary area, especially the Defense Department from the additional $26 billion in cuts. I think this really is an answer to the question that the junior Senator from Mississippi mentioned yesterday. He said, "Why do we have a Budget Committee? Why do we do this?"

The answer is very simple: To get that $26 billion figure out there. The public is aware that we have to cut that amount between now and the end of this year, and they can hold our feet to the fire. It is all about putting pressure on us. It is all about getting away from the ability of this institution to prevent people from really knowing what is going on.

If the public knows that we have committed to an additional $26 billion in cuts they will continue to ask us, "Where are the cuts? What are they specifically?" That is why I think we have to preserve that Exon-Grassley amendment as it is.

By the way, as I think has been pointed out, that was a true bipartisan vote in committee. In fact, I believe a majority of those who voted for it were from the Republican Party and not Democrat. It was truly a bipartisan effort. Contrast that with what some of the amendments that have been offered by the Republican side. They were really completely contrary to the goal of real deficit reduction. The amendment we rejected would have added $20 billion to the defense budget. It would have provided a $500 tax credit. It would have indexed capital gains. These are all things that would be nice to have, but they move in the wrong direction. They move in the completely opposite direction of the Exon-Grassley amendment.

Madam President, I am particularly concerned that the proponents of this amendment believe that somehow the Defense Department should not be subject to any further cuts. There is at least one good example in the President's budget that has to be addressed, and that has to be accomplished this year. I regret that some of the committee language suggested that we should not accomplish this cut because I think we should.

I take exception to some language included in the committee's report that said that supporting the continued funding of the Uniformed Services University of the Health Sciences is inconsistent with the overall intent of this resolution. I have proposed in bill form that we eliminate the USUHS because it is no longer needed. It is a defense program that can and should be cut.

I am concerned that the effect of this amendment would be to protect even these kinds of items in the defense budget that are no longer needed. The Defense Department gets all of their physicians from three sources, about 70 percent from the medical scholarship programs, about 20 percent from physicians who volunteer directly, and only about 10 percent from the Defense Department medical school.

Of all these, Madam President, the USUHS school is the least cost-effective.

This is not only the conclusion of the nonpartisan Congressional Budget Office and the Office of Management and Budget, it is also the finding of the Defense Department itself, the agency that runs the school.

So my point is—and I have more extensive remarks about this particular program—that this amendment which is before us now that will hinder our ability to get at this kind of waste in our Federal Government. It will prevent us from specifically identifying the programs that can and should be eliminated, including in the defense area, as we proceed with the budget later in the year.

So I see this amendment as getting away from probably the best moment this year in deficit reduction, and that best moment is the courage of the Budget Committee to add the Exon-Grassley amendment, which I strongly support; and I think that that should be regarded as part of a pattern, a pattern of improvement that started with the Clinton proposals last year, that has been reflected in the efforts of this body on a bipartisan basis by the effort by Senator KERREY of Nebraska, and also by the effort of Senator KERRY of Massachusetts.

If we eliminate this item, we take away what may have been the finest hour in the Senate so far in the last 2 years and actually insisting we do better, that we add an additional $26 billion in cuts before we put this matter to rest later this year.

Madam President, I yield the floor.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Who yields time?

Mr. SASSER. Madam President, may I inquire of the distinguished Senator from West Virginia, is he seeking recognition?

Mr. ROCKEFELLER. Yes.

Mr. SASSER. Also, may I inquire of my friend from West Virginia how much time he might require?

Mr. ROCKEFELLER. If I might inquire of the distinguished Senator, through the Presiding Officer, how much time remains on this? I am not sure of the time situation. One hour per side?

The PRESIDING OFFICER. The Senator is correct.

Mr. SASSER. How much time is remaining to the opponents of the amendment?

The PRESIDING OFFICER. There are 52 minutes 40 seconds for the opponents of the amendment and 42 minutes for the proponents.

Mr. SASSER. I yield to my friend from West Virginia such time as he may consume, up to 20 minutes.

Mr. ROCKEFELLER. Madam President, the Senator is more than generous. I appreciate his courtesy very much.

I rise in strong opposition to Senator DOMENICI's ill-timed, ill-conceived amendment to cut Medicare by some $19 billion.

To restore a $26 billion cut in discretionary spending and replace it with a $20 billion cut purely in mandatory spending—with all but $1 billion coming from the Medicare program is not only unfair it is unwise.

I would not have voted for the initial $26 billion cut in spending that unfortunately passed the Budget Committee, but now that it's done, I reject the proposition that we sacrifice the Medicare Program once again, to protect programs that some believe to be more valuable than the one over 35 million senior citizens and disabled Americans rely on for their health care needs.

Not only have we already chopped $56 billion out of the Medicare Program for the purpose of deficit reduction less than a year ago, but Medicare savings are needed for us to finance the long awaited and desperately needed prescription drug benefit and home and community based long-term care program that are key elements of the President's health care reform bill.

I do not intend to allow my colleagues with other agendas to use the dollars that the President, and many of us here in Congress have reserved for health care reform.

This is a classic example of not seeing the forest for the trees. CBO tells us that despite our tremendous efforts to reduce the deficit by hundreds of billions of dollars, the deficit will begin to rise again in fiscal year 1999. All of that rise is due to increasing Medicare and Medicaid costs. We need to understand that the only thing that will really help us in wresting control of our Federal health care spending and reduce the deficit in the long term is comprehensive health care reform—to achieve that we will need to use health care savings.

The Domenici amendment proposes to take a significant chunk of the dollars that we need for health care reform.

In fact, most of the proposed Medicare reductions in the Domenici amendment are part of the President's health care reform proposal, many are in Senator BREAUX's health care reform bill and some are in Senator CHAFEE's legislation.

It is time to make it absolutely clear those of us in Congress who are adamant about achieving health care reform do not intend to let you cannibalize our financing mechnaisms for your own purposes.

Health care dollars should be recycled and used for extending health care security to more Americans, not available to finance other special interests, no matter how important some may believe them to be.

I stand with the majority of my colleagues on the Senate Finance Committee and my chairman and draw the line. It is wholly inappropriate for members of the Budget Committee to tell the Finance Committee when and where it will spend the savings or revenues from programs in its jurisdiction.

This may be an even more cynical amendment than it appears on its face. It may be that some of the proponents of this amendment are actually seeking to sabotage our historic chane to pass comprehensive health care reform that will give Americans the health security they have waited for and deserve I sincerely hope that is not the case. But I am afraid it is a very legitimate conclusion to draw from such a selfish effort. This is an exercise which we went through last year, and it was an exercise we went through last year successfully. We defeated the Domenici amendment, of a slightly different nature, but of a very similar purpose.

I want my colleagues to understand that this is a very, very cynical amendment. This is also the kind of amendment which, I think, detracts from the level of our debate and does great hurt. We have 2 hours to debate it. The consequences are enormous, and I regret this approach.

The Senator from New Mexico indicated a few moments ago in his remarks that for people who are worried about health care, they should not really worry about this at all because, as he said, it is a very, very small impact on health care. He is talking, of course, about a great deal of money, almost $19 billion.

Everything in health care counts. All of a sudden, I came in here this morning, and it brings back some memories rushing to the defense of the military, and scenarios are created in Korea, North Korea, and other places, where all of a sudden it becomes a patriotic duty to put more money in the military.

The President of the United States is very effective on this subject. He has made a very good budget. It is very, very interesting to me that the Senator from New Mexico wants to take so much money out of programs that help very, very much and then give it to the military. The Senator from South Carolina obviously sounded that. It is sort of like the old times are coming back.

You do not cut $18.4 billion from Medicare without hurting people a lot. We have already done some very substantial cuts from Medicare, and I presume the Senator from New Mexico voted for these. In the budget resolution of last year, budget reconciliation, we cut $56 billion out of Medicare. That was a lot of money. But it was not nearly as much money as we cut out this year in the President's health care proposal, which is $118.5 billion out of Medicare—cut it out. That is about a $175 billion cut out of Medicare.

If anybody in this body is serious about getting control of runaway costs of entitlements, Medicare being one of those, the way to do it is through health care reform. If Senator DOMENICI wants to reduce the budget deficit more than the half trillion dollars that we have already done, then what he needs to do is to put his full passion into passing health care reform.

I have not heard speeches from the Senator from New Mexico on health care reform, and perhaps I will. But if he wants to be a responsible budget deficit hawk, that is the way to do it, to get health care reform passed. We have to do that in the Finance Committee. He is not on the Finance Committee and he does not have to worry about that kind of thing, so he can take this kind of approach.

What happens, of course, is this money comes right out of the senior citizens. It also happens to come out of veterans. In fact, it comes out of veterans benefits. I urge all those listening to consider 27 million veterans and 33 million senior citizens in this country—actually, many more than that—and what they will be doing if they come and vote for the amendment of the Senator from New Mexico is to cut veterans benefits. I do not know how to say it more clearly than that: Cutting veterans benefits, that is what they will be voting for. There will be a lot of people to make sure that is well understood, and I will be certainly amongst those. But I am really angry about this assault on health care, to say this is a minor impact.

The Senator from New Mexico knows very, very well that every dime, every dollar, much less $19 billion, is enormous in health care reform. I had a very, very warm evening with the Senator from New Mexico at the Vice President's house a number of weeks ago in which the Senator from New Mexico, in fact, did give a very impassioned and a very, very deeply moving speech—much better than the one I gave—about the need to do more in mental health, in health care.

There were a number of people who stood up that night and talked about the need for that and talked about personal experiences. It was a very, very moving affair. I was one of those who got up and gave that kind of a talk. But at the end of the night, I got up and said: This is all terrific, but unless we pass health care reform, none of this is going to take place.

The fact of the matter is, if you had to find one single piece of the health care proposal which is vulnerable, one single piece of it, it would be mental health. There are a lot of people around this country who are opposed to mental health benefits, because they think of it as stress in the workplace—and not as serious problems. We do cover some schizophrenic and some bipolar problems in the President's reform plan; not all of them, but some of them. I believe mental health benefits will be the very first thing that is jeopardized in reform. That is not made up by me today; this is common knowledge in the health care community that the first thing to go when we get down to starting to cut—and I will fight that cut—will be mental health benefits.

I am sort of standing here in wonderment at this amendment, the need suddenly to rush billions of dollars into the defense industry and then sort of cavalierly dump off a whole lot of responsibility for cutting more money on the Finance Committee, creating a vacuum. And obviously that vacuum is going to have to be filled by cuts—cuts in mental health, cuts in prescription drugs. Prescription drugs, incidentally, have a great deal to do with mental health.

So this is a very, very disturbing amendment, as far as I am concerned.

In terms of veterans affairs, I want the membership to understand that this is a very serious effect. It is a $500 million cut in veterans benefits. There are no specifics in the amendment, of course, but it would likely eliminate some very good work that I think the Veterans Committee, which I chair, did on savings.

It would eliminate savings in the fifth year, a great deal of money. And it would limit the amount of pension to $90 a month that can be paid to pensioners without dependents in Medicaid-covered nursing homes. Good grief. These are poor, old veterans who are in nursing homes. Nobody knows it, I hope, except if they are listening to what I am saying. But their benefits are going to get cut—poor, old veterans in nursing homes. I cannot say it any more clearly than that. I think that is despicable. I think that is despicable, and I want the membership to understand that.

Madam President, this is serious stuff, budget deficit reduction. I understand that. I fought hard to make sure that we got the $1/2 trillion reduction. The Senator from New Mexico voted against all that. I do not know what the Senator from Nebraska did. He might have voted for it, probably voted against it.

But some of us care very, very much about budget deficit reduction, and we understand the delicate balance in this country between trying to make ourselves more fiscally responsible, which affects the markets and which is allowing our economy to grow, but, then, on the other hand, to say there are certain areas where we have to get ahold of our country's future, and some of that is technology and some of that is National Science Foundation, some of that is something called health care reform, but it does cost money. And I do not think that we can simply just come out here and sort of cavalierly cut another $20 billion out of the budget without a very well-reasoned explanation other than just to be able to stand up and beat our chests and say I did more, to go home and say I did more.

Now, of course, those who have a lot of defense installations in their own States, which I think is true of both of the Senators who propose this amendment, that is a very good thing for them to be able to go home and say, but the idea of just saying we are going to beef up defense and we are strong and we are tough and we are much more pro American than all these other people who are not going to vote for budget deficit changes so we can put more money in defense, let the Members as they are listening, if they are, and as they come to vote understand that this is taking away the greatest budget deficit reduction mechanism we have in the future, in the next decade, and that is called health care reform. Let us do our health care reform. We are not going to do health care reform if this amendment passes.

Now, we defeated an amendment similar to this last year. As I indicated, we only defeated it by four votes. So I put my colleagues on notice this is going to be a very close vote. So when you are considering the attitude you bring to the floor with you, think about the poor, old veterans, and, yes, that is pulling at the heartstrings, but it does pull at the heartstrings because that is what it does. It takes the poor, old Medicaid veterans who are in long-term care facilities, nursing homes, and cuts their benefits. It takes health care reform, and Senator MOYNIHAN and about 20 of us up here who are trying to do this thing in the Finance Committee, which is a very, very hard thing to do, and makes it virtually impossible.

So I am very angry at this amendment. I think it is very cynical, and I think it should be defeated. If I do not violate the rules of the Senate, I will get up and talk some more about it.

I thank the Chair and yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I yield myself 2 minutes.

To my good friend from West Virginia, I am sorry that he uses the word "cynical," because let me tell you what is cynical. It is cynical for a Senator to come to the floor and say we are cutting old veterans—it is cynical to say we are cutting old veterans' benefits when the cuts he is alluding to came out of his committee, were voted on last year. The Senator voted for them.

All the Senator from New Mexico is doing is saying when those expire in 1998, continue them. Now, if that is hurting veterans—and you know what we plan to do in 1999? We plan to leave those cuts in place and spend the money some place. When the Senator speaks of Medicare and the cuts, the Senator voted for every single cut that the Senator from New Mexico is proposing, every one, because the cynicism in this place is that we pass a cut in Finance Committee for 1 year at a time. So that the next year when it expires, you can claim it again and claim savings.

I have just decided to take a number of those and say let us face it; they are all going to be extended. These atrocious cuts are all in place, and we are going to extend them so that they remain in place just like they are going to be but we decide to save the money by extending them rather than letting it flop around to be spent elsewhere.

Now, frankly, that is the case, and I really hope that my good friend, who says he is angered about the amendment, if he wants to say that $20 billion in entitlement programs, most of them in Medicare that is already cut—there is nothing new about the Domenici amendment, just extends it—if that $19 to $20 billion is going to destroy health care reform, and then by implication maybe even deny the mentally ill of this Nation coverage under that bill—I yield another minute—I truly wish he would look at it.

I am as sincere as he is about health care, but I am also sincere about the President's commitment to save money in health care. I am sincere about the budget resolution of last year that says we are going to save money in health care. I am for saving $20 billion right now, up front out of those programs that we have already reduced. I am just saying continue the reduction, continue the reform.

Let me just give you one example. Now, something has been said about cynicism. Let me ask, does everybody understand that when we write a bill on entitlement reform, we set the level of part B premiums for senior citizens at 25 percent, and we do it for 1 year at a time because the next year we extend it again and claim the same savings?

Now, what if the American people thought that was the kind of thing we are doing? So I am just saying make that permanent and take the cut, take the entitlement cut residue right now and put it on the deficit.

So, frankly, I do not think I am hurting a veteran. I am not hurting a senior citizen. I am not changing any program. It is already in existence in every respect.

Now, I yield 5 minutes to my friend, Senator COATS.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. DOMENICI. Will the Senator manage the time for me in my absence for a few minutes? Can the Senator stay for about 10 minutes?

Mr. COATS. Yes.

Mr. DOMENICI. I thank the Senator very much.

Mr. COATS. I thank the Senator for yielding. In answer to his question, I would be happy to manage the time in his absence.

Madam President, in the last couple of days we have been faced with a difficult choice. Many of us have long supported a strong national defense believing it is the best investment we can make in this country, to ensure, to the extent we can, a peaceful world and a protection of our vital strategic interests.

Expenditures made up front often save extraordinary expenditures that might otherwise have to be made should we engage in conflict, and we believe that they save the lives of American men and women who are not called to combat because an enemy has perceived, correctly, that the United States has a firm commitment to remain strong and to defend its interests and has the capability of doing so.

At the same time, we are concerned about an ever-growing budget deficit, one that seems beyond the ability of this body to control. Numerous attempts have been made over the past dozen or so years—different schemes, different budget proposals, different promises. None of those has realized its promise, and the budget deficit continues to grow.

So when we are presented, as we were yesterday, with an opportunity to make further cuts in the budget deficit under the proposals incorporated in the committee print by Senator EXON and Senator GRASSLEY, we are very tempted to support that. By the same token, we realize that we are once again operating out of an account with no protection for further cuts from defense, and I think we all realize the fact that when from a political standpoint we stand on this floor and enact those further cuts without firewalls or walls of protection to save against further defense cuts, the inevitable is going to happen. Most, if not all, of those cuts are going to come from defense.

Now, people say, well, why should we not cut defense? The world has changed. The cold war is over.

My answer to that is that we have been doing that. We have precisely been doing that for the last 10 years. What people fail to acknowledge and fail to realize is that defense is the one area of the budget that has taken real cuts. Everything else has been trimming at the margin, everything else has been reducing the rate of growth, but only in defense and only over a sustained period of time have we enacted real cuts.

By the end of the President's proposal for defense, we will have released from service and dropped the level of personnel serving in our Armed Forces from 2.1 to 1.4 million. That is 700,000 less people trained and prepared in the defense of this country. We have shut down literally hundreds of provision lines across the country; hundreds of thousands, approaching 1 million people who used to work in the defense industry are now either working somewhere else or do not have a job. It has devastated some States, California in particular.

All of this has been done in the name of reducing defense. The cuts have been substantial. We have cut active personnel 32 percent. We have cut Army divisions 45 percent, battle force ships 37 percent, fighter attack aircraft 40 percent, and on and on it goes.

So when Members stand on this floor and say defense is not doing its share, they are just flat wrong. When they say that other programs have been cut in an equal amount, they are just flat wrong. Defense has done more than its share.

So when the President of the United States, not someone with a long history of strong support for defense, comes before us in the joint session and draws the line and says,

> The budget I will send to this Congress draws the line against defense cuts and fully supports the readiness and quality of our forces. I will tolerate no more cuts.

Members from both sides of the aisle stand and applaud in one of the most sustained levels of support on a bipartisan basis that this Chamber has seen. Now we are faced with proposals to add further cuts from a category that we know will direct most of those cuts to defense cuts.

Our Armed Services Committee just went through an extensive period of hearings with the Joint Chiefs, the service chiefs, the personnel chiefs and others, and to a person they said you cannot keep drawing us down at the rate we are going without seriously undermining our effectiveness, our cohesion, our morale, our ability to sustain and engage in meeting the strategic objectives that you, the Congress, and that this administration has laid out before us. You cannot continue to do that. We are on the razor's thin edge.

General Shalikashvili said,

> There is little, if any, room for miscalculation. We have not provided a hedge of an extra division here or an extra fighter wing there. It is as lean as we dared make it and retain our ability to meet our strategic objectives.

One of two things has to happen. We either have to hold the line now on defense spending, or we have to go back and redefine what our strategic objectives are going to be. We cannot engage in Somalia, in Bosnia, in Korea, in meeting our obligations around the world. We cannot prepare to meet a contingency that we hope will not happen but may very well happen, and that is a Russia being different than what we think it would be or would like it to be. We cannot prepare for the future and meet unspecified, even unknown, threats to our national security, nuclear missile proliferation. We cannot ask our Armed Forces to carry on and be prepared to meet two nearly simultaneous major regional conflicts. We can barely do one. We have to make a decision.

So the amendment of the Senator from New Mexico simply says if we are going to take these cuts, they ought to come out of a different category. We should not continue to put defense at risk.

That is why I am supporting that amendment. We all know, every one of us knows, that until we deal with the mandatory spending we are not going to get control of this budget. We have been trying to squeeze the discretionary account now for nearly 15 years. While we may be able to make more cuts out of that account, that only accounts for a small percentage of the total budget. We have to face up to the reality that it is the mandatory programs that are driving the budget deficit. And until we do something about those mandatory problems, all this other is just smoke and mirrors. It is just subterfuge. It is not going to happen except the cuts will continue to come out of defense.

If defense had not been doing its part for the last 10 years, I would say sure. We need to make changes and reduce this. But it has done more than its share, and it is as General Shalikashvili and others who are directed to provide us with advice as to how fast and how far we need to go, has said, we are at a thin razor's edge. We dare not go any further. There is little, if any room, for miscalculation.

I think every one of us knows that if the extra savings are directed to come out of discretionary accounts, the majority of that is going to come out of defense. If we adopt the Domenici amendment, we know that we will have to begin to take those savings out of the account where they ought to come out of, and if we are going to deal with the deficit, that is where we have to go.

It is a modest, mild proposal that simply extends decisions already made as to how we will affect savings out of the mandatory accounts.

So for that reason and others I support the Domenici amendment.

I thank the Senator for his time. I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I yield myself 5 minutes out of the time reserved by the chairman of the Budget Committee.

The PRESIDING OFFICER. The Senator is recognized.

Mr. EXON. Madam President, I will talk later on some of the other specifics of this proposal.

I am astonished when I listen to some of the remarks that are being made on the Senate floor today on the Domenici amendment. The Domenici amendment is a killer amendment with regard to the modest deficit reduction proposals adopted in the Budget Committee. Let there be no mistake about that. I just listened with interest to the Senator from Indiana who voted for this measure in the Budget Committee. I stand corrected. I thought that the Senator was in support of the amendment. Others closely associated with him on the Budget Committee did vote for this amendment.

Mr. COATS. Madam President, if the Senator will just yield for a matter of clarification, I am for the Domenici amendment. But I do not serve on the Budget Committee. In fact, I wish I had.

Mr. EXON. I corrected myself on that, if the Senator had been listening. I am sorry.

Mr. COATS. I misunderstood the Senator.

Mr. EXON. I would simply say, Madam President, that if the Senator from Indiana had been in the Budget Committee, had he heard the debate there, I think it would have been quite clear that there was no member of the Budget Committee on either side of the aisle that stood for defense. It was this Senator from Nebraska who took on cuts that were suggested there in the Milstar program and others that I thought were unwise.

What has happened, unfortunately, by the chief sponsor of this amendment, is that the Senator from New Mexico, and others, have fallen into the trap that this money is all going to come out of defense.

Madam President, I simply say, I take a back seat to no one in support of national defense, in the Budget Committee last week and elsewhere. I simply say that a big bugaboo has been created primarily coming out of the Appropriations Committee. We are so anxious to defeat the Exon-Grassley amendment that they have made ridiculous claims that this is going to devastate defense.

Madam President, under the processes that we work under here, the Budget Committee sets the total limits, as most of the Senate understands. It is wrong for the Senator from Indiana, it is wrong in my opinion for the Senator from New Mexico, the latter being a member of the Appropriations Committee as well as the ranking minority member on the Budget Committee, who supported this amendment, the Exon-Grassley amendment in the committee last week. Why the change of heart? The change of heart has been simply that I think the Senator from New Mexico and others have been convinced by the threats made out of the Appropriations Committee that they are going to take this out of defense.

Madam President, to try to insulate the criticism that is going to be launched at the Exon-Grassley amendment, I simply say once again that this Senator has been the leader in the protection of the defense budget. The record will clearly show that.

I simply say, Madam President, that it is a phony issue, regardless of who says it, that defense is going to be devastated by the Exon-Grassley amendment. That would be up to the Appropriations Committee.

If the Senator from New Mexico and others who are and have been great supporters of defense cannot stand up and do not have the votes and influence in the Appropriations Committee to have a disproportionate share of these cuts coming from national security interests, do not blame JIM EXON and Senator GRASSLEY.

This is a killer amendment. This has been fostered by wild claims. The fact of the matter is if there is criticism of the Exon-Grassley amendment, the legitimate criticism would be that it is too small a cut in the deficit.

We are losing perspective completely here, Madam President, I suggest, with regard to what is fair and what is reasonable.

I hope none of these cuts come out of defense, but that, again, is up to the Appropriations Committee.

I simply say, that I hope tactics that are being used here as a killer of the Exon-Grassley amendment can be best described the way the President and Mrs. Clinton did in their humorous presentation to the Gridiron show last week. They are bringing up these scare tactics to "scare your pants off." It is not realistic.

I simply say, as I will say later in my remarks, that this is not aimed at national defense. But if you want to use national defense as an excuse not to cut the budget further, then so be it.

I reserve the remainder of our time.

Mr. COATS. I wonder if the Senator will yield to me for just 30 seconds?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EXON. On his time.

Mr. DOMENICI. I yield the Senator 30 seconds.

Mr. COATS. Madam President, I want to make it clear that I fully understand the Senator's intent is not aimed at defense. In fact, the Senator from Nebraska has been one of the stalwart defenders of our defense forces in our defense budget.

The point I was trying to make is that the inevitable result of this, despite the Senator's best intentions, in this Senator's opinion, is that we will end up taking from defense rather than other discretionary programs, because we will be faced with what we are always faced with: An amendment saying either support the Head Start Program or support the F-22 modernization; either support the WIC Program or support the V-22.

The inevitable result will be that since there is no firewall, the cuts will come from the defense programs in favor of other discretionary programs. I know that is not the Senator's intent. But I think that is the result.

Mr. EXON. I yield myself 30 seconds from our time. I will simply say that the Senator from Indiana is, therefore, saying that the Appropriations Committee is antidefense, the Appropriations Committee will not take a stand for what is right to properly apportion it—make appropriations in a fair manner. I hope that I have more respect for the Appropriations Committee than that, and I do not concede that this is all going to come out of defense, as is the essential claim for the supporters of the Domenici amendment.

Mr. COATS. Madam President, if the Senator from New Mexico will yield me 10 seconds to respond for the last time.

Mr. DOMENICI. I yield him 10 seconds.

Mr. COATS. As the Senator from Nebraska knows, sometimes no matter what the Appropriations Committee does—I agree with him, I do not think they will try to direct the cuts out of defense—we all know any Senator can offer amendments on the floor, and we know from past experience those amendments override what the Senator's intentions are, my intentions are or even the intentions of the Appropriations Committee. That is the reality we are dealing with with this amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Tennessee.

Mr. SASSER. Madam President, I see the distinguished Senator from Massachusetts on his feet. May I inquire of my friend from Massachusetts how much time he might require?

Mr. KENNEDY. Seven minutes.

Mr. SASSER. I will be pleased to yield 7 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I urge the Senate to reject this amendment.

This proposal aims to reduce the deficit, but it cannot pass the truth in advertising test—because it is also a proposal to block comprehensive health care reform. Virtually every Medicare cut proposed in this amendment has already been earmarked to help pay for the cost of health care reform under President Clinton's plan. A number of these cuts are included in the Chafee and Breaux-Durenberger bills as well.

The effect of this amendment is simple: It raises the price of health reform for the American people by an additional $20 billion over the next 5 years.

Deep cuts in Medicare in addition to those already contained under the health reform plan are simply not justified.

Today, Medicare already pays hospitals 10 percent less than their actual cost of caring for elderly patients. Hospitals offset these gaps by charging other patients more.

Further cuts in Medicare, as proposed by this amendment, will only make this problem worse.

By contrast, comprehensive health reform restrains Medicare spending in the right way, holding the growth in Medicare payments to levels that are consistent with the private sector, taking into account the growing health needs of senior citizens and the disparity that already exists.

That is what the President's plan does. But this amendment would say that parity is not important—the gap between Medicare payments and private sector payments must grow ever wider.

Without health reform, every dollar cut from Medicare means a dollar in additional costs for average citizens and for business. Health care providers will seek to recover Medicare underpayments by shifting costs to others.

Cuts in Medicare are a false economy. They are also hazardous to the health of senior citizens. As the gap widens between what private patients pay and what the Government pays, hospitals, and doctors increasingly view the elderly as second-class citizens.

It is shameful that the poor and uninsured are so often denied the services they need because they cannot pay. The shame will be compounded if the same fate befalls senior citizens because the Government has failed to keep the promise of Medicare.

There is a realistic solution to the increasing cost of Medicare. It is also a solution that is long overdue. We need comprehensive health reform that meets two fundamental tests. It must guarantee every American basic health insurance coverage. And it must control costs in the health care system as a whole.

A vote for this amendment is not a vote for spending restraint. It is not a vote for deficit reduction. It is a vote against health care reform. It is a vote against Medicare. It is a vote against senior citizens, and I urge the Senate to reject it.

I yield back my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, we are trying to keep our total arguments to ½ hour. Can the Senator from Georgia get by with 7 minutes?

Mr. NUNN. I will try.

Mr. DOMENICI. I yield 7 minutes to Senator NUNN.

Mr. NUNN. If I can get the Chair to notify me after 6 minutes.

Madam President, I thank my friend from New Mexico and I thank my friend from New Mexico for offering this amendment. These are the tough choices that we have to make in this body.

Frankly, as painful as it is to make these kind of choices, I think the choices are long overdue in terms of our fiscal picture.

I am pleased that the Senator from New Mexico has offered this amendment for really two principal reasons:

First, under the budget resolution, President Clinton's fiscal year 1995 to 1999 defense budget would almost certainly face very significant and, in my view, very harmful reductions if we leave this budget resolution as it is.

Second, this budget resolution does not seriously address the real culprit in our deficit picture, which is the runaway growth on mandatory or entitlement programs. The budget resolution before the Senate today reduces the cap on total discretionary spending by $43 billion in budget authority and $26 billion in outlays over the next 5 years.

This includes a reduction of $5.3 billion in budget authorities and $1.8 billion in outlays this year. Defense spending is about 5 percent of discretionary spending, and if past history is any guide, a very substantial portion of this overall cut would come out of the Defense budget.

But no one is saying, in answer to my friend from Nebraska, that all of it is going to come out of defense. I do not say that. I do not know that, and I could not contend that. I do not think the Senator from New Mexico is saying that. What we are saying is it stands to reason a majority is going to come out of defense. Fifty-five percent of the discretionary account is defense, so my guess is it will be somewhere between 50 and 60 percent.

I agree with the intent of what the Senator from Nebraska and the Budget Committee tried to do, which is to enact additional deficit reduction. I happen to believe they went about it in the wrong way. By trying to make modest cuts in discretionary spending and leaving the door wide open for entitlement growth, this reduction leaves the back door wide open for continued mandatory uncontrolled spending, which is where our problem is.

If I can get my capable staff to find the chart I want to refer to, I will do that in just a moment. But I am going to make the point verbally, even if I do not have the chart. I want to show people exactly what is happening to our overall budget. In accordance with the new caps on discretionary spending, the discretionary spending requested in the President's 1995 budget over the next 5 years represents an increase of just 2 percent over the amount we spent in this area compared to the previous 5 years.

Madam President, we spend all of our time looking at a baseline. The thing that is hard about a baseline is, if the baseline is heading up, that is, if expenditures are heading up, and you tilt it down just slightly, you basically say you cut spending. What you did was you reduced the increase in spending. That is what we do in entitlement programs. People talk about cuts. The Domenici amendment is not a cut in entitlement programs. They are still going to grow like mad. They are just going to grow a little bit slower than would otherwise occur.

I want Senators to focus on the difference. Getting away from the baseline, this is not a baseline comparison. This is the comparison of the 5 years we have just gone through, 1990 to 1994, compared to the next 5 years, 1995 to 1999.

Some people may say, why compare it this way? Because this is the way people in this country think. How much did you spend in the past? How much are you going to spend in the future? They do not go buy groceries or anything else on a baseline, like we do. They do not say we are going to go out and we planned to spend $700 this month on groceries; now we are going to spend $650, so we have cut our spending on groceries, even though it might have been $500 the month before.

Madam President, looking at it this way, the Defense and foreign policy budget is going down. This is the number going down. All the other parts are going up.

I think people should focus on the difference between what is happening in the various categories. If you look at the last 5 years, and if you look at what we call the discretionary accounts —and that is what we are dealing with on this amendment; we are dealing with discretionary accounts, including but not limited to defense, versus the entitlement programs—we are going to spend, in defense that is part of the discretionary account, $190 billion less over the next 5 years than we did the previous 5 years. The other parts of the discretionary, that is the domestic discretionary, are going to go up $250 billion over the next 5 years compared to the last 5 years.

If you net that out, defense and nondefense discretionary, you have a net increase for the next 5 years compared to the previous 5 years in the discretionary account that is a $60 billion increase, about a 2 percent increase. It is a lot of money, but in overall budget terms, not as much as meets the eye here.

What happens on the other side of it? What happens on the entitlements side? On the entitlements side, we are going to spend, over the next 5 years—and this is assuming the President's health care plan passes, and it assumes all the savings are going to be realized over the next 5 years—we are going to spend $1.3 trillion more on entitlements than we did the previous 5 years. That is not the total. That is the delta; that is the increase. That is the additional—$1.3 trillion increase in entitlements compared to a $60 billion increase in discretionary.

So what does the Budget Committee do? They cut the discretionary. And included in that is defense, which is going down already $190 billion. No matter who voted for it, I think it was a mistake, I say to my friend from Tennessee.

I am not going to take much more time. I think this chart shows it all. It shows, over the next 5 years in health care alone, the budget is going to increase about $800 billion; about $800 billion. Defense is going down.

So, Madam President, I urge my colleagues to vote for the Domenici amendment which will keep the deficit the same as the Budget Committee, but it will shift—I think appropriately—the burden of the increased deficit reduction the Budget Committee called for to the area of our budget that is indeed growing very, very rapidly.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from North Dakota.

Mr. SASSER. Madam President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Tennessee controls 22 minutes 28 seconds; the Senator from New Mexico controls 21 minutes 51 seconds.

Mr. SASSER. May I inquire of my friend from North Dakota, what is the minimum time he could consume and still adequately express himself this morning?

Mr. CONRAD. I would like 10 minutes, Mr. Chairman, but whatever the chairman's decision is I would be happy to abide by it.

Mr. SASSER. The Senator from Iowa wishes to speak. May I inquire of the distinguished Senator?

Mr. GRASSLEY. Five or six minutes.

Mr. SASSER. Five or six minutes.

Mr. EXON. Madam President, the Senator from Nebraska would like at least 3 or 4 minutes. There are some points I have to cover.

Mr. SASSER. I yield 8 minutes to the distinguished Senator from North Dakota.

Mr. CONRAD. I thank the chairman.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, we have made dramatic progress in the last year with respect to the deficit. I think it is terribly important the people of our country recognize what a substantial improvement has been made.

The Chair will recall that a year ago, we anticipated a budget deficit of $300 billion for this year. Instead, we are now looking at a budget deficit of less than $180 billion. That is a substantial improvement. Yet some of us believe more must be done. That is why the Budget Committee took steps to further reduce spending over the next 5 years.

Now we have the question of a substitution by the Senator from New Mexico that would say do not cut on the domestic discretionary side; put it over onto the Finance Committee. Pass the hot potato; let them handle it; let them figure it out. And let us do it in a way that threatens medical care reform.

Madam President, that makes no sense. That is not what we should do here. We should stick with what the Senate Budget Committee did and reject the Domenici substitute.

I brought some charts to help explain how significant the improvement has been on the deficit front. This chart shows, from 1980 through the year 2004, the deficit as a percentage of our gross domestic product. I direct my colleagues' attention to the most recent period, 1991–92, when we saw the deficit as a percentage of the gross domestic product up over 5 percent. Mostly as a result of the action we took last year, the deficit measured against the size of our economy took a very steep reduction, a dramatic reduction, to just over 2 percent.

What we did last year worked. We had heard from the other side repeatedly that if we passed that budget deal, it would crater the economy. My friends on the other side of the aisle were wrong. The evidence has proved them wrong. They said if we passed the budget deal, we would devastate the economy, we would crater the economy. Now the evidence is in. They said it would increase the deficit. The deficit is down, and down dramatically.

This chart looks at it another way. It shows the Congressional Budget Office 10-year budget outlook, what we looked at a year ago, before the budget deal, in terms of what the deficit was going to do, again measured against the gross domestic product. You can see it was going to be taking off. It was at a much higher level than where we are today, which is represented by the blue line, January 1994, Congressional Budget Office. This is where we were, the level of deficits we could expect before we took action. And because of the courageous action we took last year, we reduced that deficit line substantially and dramatically.

Madam President, partly as a result of that deficit reduction action, long-term interest rates have been going down and going down dramatically. You can see since we took the action in 1992 long-term interest rates went into a very steep reduction from just under 8 percent, and at one point they were down to 6. Now they have ticked back up.

Madam President, this tells us that the action to reduce the deficit we took last year was the right action. It was important action. It was effective action. But it also tells us we ought to do more because now we see those interest rates starting to rise again. As a matter of fact, they have gone up nearly 100 basis points. That tells this Senator that the Senate Budget Committee action to make further cuts was the right action.

Madam President, as a result of those lower interest rates, we saw a strong revival in the economy—in the fourth quarter, 7.5 percent growth, the best record of economic expansion that we have seen in 9 years.

Madam President, this shows the index of leading economic indicators, and you can see since 1992, when we were at 97, the index of leading economic indicators has taken off like a scalded cat, and again that is a result of the courageous action taken by our colleagues last year to pass a budget deal that effectively lowered the deficit, helped contribute to lower interest rates and got this economy moving again.

Madam President, this chart shows what has happened to real business investment, from 1984 to 1993. Again, if we look at 1992, it is right here. We were at about $500 billion in real business investment. And look what happened since we passed that budget deal. Real business investment again has increased dramatically, to over $620 billion a year.

Madam President, what we did last year worked. We ought to stay the course of deficit reduction. We ought to do more to keep interest rates down and to keep this economy moving forward. That makes sense.

Now, let us deal with the specific proposal of the Senator from New Mexico. He is exactly right. The area that is out of control with respect to our Federal spending is in entitlements, specifically Medicare and Medicaid. This chart again shows as a percentage of our gross domestic product what has happened to Medicare spending from 1980 and the year 2004, and you can see it is just in a skyrocketing situation. Medicare spending has absolutely taken off. It has to be addressed.

Medicaid spending, exactly the same pattern. By far the fastest growing part of Federal spending is Medicare and Medicaid. In fact, they are growing twice as fast as any other part of the Federal budget. So why not then adopt the Domenici amendment?

Madam President, it is very simple. A health care explosion in costs has to be addressed in health care reform. That is the appropriate place. That is where it should be done. We should not be out here, while considering a budget resolution, trying to deal with health care reform when that is the major focus of the legislative action of this body for the rest of the year. That is the appropriate place to deal with this part of the budget problem.

Very frankly, Madam President, we need to do it all. We need to make the cuts the Senate Budget Committee made in domestic discretionary spending and we need to address the entitlements, specifically health care entitlements, but that ought to be done in health care reform.

Madam President, one other point needs to be made. The Budget Committee made cuts that are evenly spread during the 5 years. The proposal of Senator DOMENICI is back loaded. He has virtually all of the cuts in the last year. In fact, if you look at his cuts for this year, do you know what you find? A big zero. There are no cuts for this year in Senator DOMENICI's proposal. And what about next year? There are virtually no cuts in his proposal for next year. Madam President, it is back loaded. It threatens health care reform. It ought to be defeated.

Mr. DOMENICI. Will the Senator yield? Is he out of time?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. I just yield myself 10 seconds. Speaking of back loaded, the Exon-Grassley amendment has $20 billion of the $43 billion in budget authority in the last year, 1999.

Mr. CONRAD. Will the Senator yield? Madam President, might I just make an observation with respect to back loading, a comparison between the two? Might I have 20 seconds?

Mr. SASSER. Twenty seconds to the Senator from North Dakota.

Mr. CONRAD. Let us compare fairly. The Exon-Grassley proposal, $1.6 billion in actual spending reductions in this year; the Domenici proposal, zero. In 1996, Grassley-Exon $6.4 billion, Domenici $300 million. In 1997, Exon $5.6 billion, Domenici $1.9 billion. The back loading is all in the proposal by the Senator from New Mexico—$19.1 billion of his $26 billion of cuts in the last year.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Madam President, I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I thank the distinguished chairman for yielding. We are talking about a lot of issues here. I would like to try to separate them and then get to the real heart of this matter.

First of all, yesterday, we had an opportunity to vote on the Domenici amendment, not as a substitute for savings already in the budget but as an addition to those savings. And as an addition to those savings, I voted for the Domenici amendment.

The Domenici amendment does something that we ought to do every time we pass the budget and every time we claim a savings, and that is it makes the change permanent. As the distinguished Senator from New Mexico has pointed out this morning, one of the fraudulent games we play is that we make the same "reductions" over and over and over, and we claim every year we are cutting something when the reality is that we change the law, we make the change for a specific period of time, and when it expires we get to claim the savings again.

What the distinguished Senator has done basically is extend for another year savings in law that currently exist, and in the process he has claimed more savings. We should make those changes permanent. We should have done it to begin with. And I am for the substance of the Domenici amendment. As I said yesterday, when it was offered as a freestanding amendment to add to deficit reduction, I voted for it.

Also, let me address the defense issue. The distinguished Senator from

Iowa offered an amendment in the Budget Committee to cut spending, discretionary spending by $26 billion. As far as I am aware, as a member of the Budget Committee, in the last 4 or 5 years, this is the first significant amendment that we have adopted in the Budget Committee which has cut spending.

I voted for it in the Budget Committee. I do believe that our fundamental problem is in entitlements. I wish we had an opportunity to cut entitlements more and reform them and control them. We had an opportunity on the Republican substitute, for which I voted. But the real question we are down to today is this: Should we, in a budget that claims to be dealing with the deficit, be taking out the only real spending cut that has been adopted by the Budget Committee in 4 or 5 years?

I guess my philosophy is sort of a coaching philosophy. You have all seen at football games that every once in a while a team will kick a field goal, and the other team will have a penalty on the field goal attempt. And it will give the team that was on the offense the first down. The question is, do you take the three points off the board and take the penalty or decline the penalty and keep the three points?

My basic philosophy has always been do not take points off the board. What we have in the Grassley amendment is a cut in spending of $26 billion. I think the Domenici amendment ought to be adopted, but not as a substitute for that $26 billion.

As far as our national defense is concerned, I take a back seat to no Member of the Senate in my support for defense. I have always believed in a strong defense. I offered the amendment in the House, the Gramm-Latta budget, that rebuilt national defense, that adopted the Reagan Defense budget. And I am proud of the impact of that budget in helping to win the cold war.

I believe defense is being cut too much. I believe even in a world where the lion and the lamb are about to lie down together, America needs to be the lion. But I cannot take the position that every time we are trying to cut any spending program that we can be blackmailed legislatively by those who say if you cut spending, we are going to cut defense.

First of all, if we reject this amendment, defense may be cut again anyway. It was last year. If we accept this amendment, defense may or may not be cut, depending on what we do. I am going to vote in the appropriations process for a full funding of the President's Defense budget. But I cannot take the position that because someone threatens to cut defense that we cannot do anything about reducing the deficit. I think a strong defense is important. I am alarmed about what we are doing, but I am equally alarmed about the deficit. Despite the charts we just saw, I do not believe that we have fundamentally changed the deficit figure.

So the Grassley amendment is a simple, straightforward amendment: Cut discretionary spending by $26 billion over the next 5 years. Do I believe we can do that without decimating defense? The answer is yes.

I intend to support the Grassley amendment and vote against the Domenici amendment.

The PRESIDING OFFICER (Mr. AKAKA). Who yields time?

Mr. SASSER. Mr. President, I yield 5 minutes to the distinguished Senator from Iowa [Mr. GRASSLEY].

The PRESIDING OFFICER. The Senator from Iowa [Mr. GRASSLEY] is recognized.

Mr. GRASSLEY. Mr. President, it is not easy for me to rise against an amendment by Senator NUNN and Senator DOMENICI because Senator NUNN has been so helpful to me on so many different initiatives I have had on defense procurement reform. Also, Senator DOMENICI has been a very good leader in this area of exposing waste in the budget. And, of course, as Senator GRAMM said, I also supported the substance of this amendment yesterday.

But when you get right down to it, the basic question is whether or not we are going to do more today or wait until tomorrow. I think there is some legitimacy to what the Senator from North Dakota said, that this is a backloading of the Nunn-Domenici amendment, but ours is front-loaded. The exact figures are that outlays under Exon-Grassley would in 4 years be cut $17.9 billion, and Mr. DOMENICI's amendment would cut $6.5 billion.

What the people want is for us to make the cuts now, not put it off until future Congresses and future years when the cuts will not be made.

Last year, we Republicans made a very strong point on the floor of this Senate—and I made it myself as well—that we found fault with President Clinton's first budget because he actually increased taxes before he was sworn into office, while about 80 percent of the spending cuts came in the outyears after his first term in office. So that is not the responsible way to budget. We ought to bite the bullet today.

So if we Republicans last year criticized the President and the majority party for being irresponsible for backloading their expenditures and frontloading their tax increases, it seems to me that we must be consistent this year. If we find fault with the President's budget and we want to make cuts now, cut today, not tomorrow. That is the essence of this debate on the Exon-Grassley amendment versus the Nunn-Domenici amendment, although it is clouded with this issue of defense.

Nobody should accuse the Senator from Nebraska of being soft on defense. He is a senior member of the Armed Services Committee, and he would not do one thing that would hurt defense. Yet, those threats are out there that we are going to take it all from defense. I do not think that is going to happen. In my view, this is a Chicken Little argument. The amendment reflects that. The debate on defense reflects that. The sky is falling, the sky is going to fall on the defense budget.

I mentioned yesterday that the same lame arguments were used in 1985 when we froze the Defense budget: That a reduction in the Defense budget would mean the Earth would stop spinning. But we froze the Defense budget that year. And we still stared down the Soviets into oblivion.

Now I make this point because just today that echo is beginning to reverberate. The Defense Department is putting out the word that the effects of the Exon-Grassley amendment is to cost us two whole divisions. Mr. President, please, please. Why must we suffer these insults on the intelligence of the American people? Those who support this amendment have succumbed to what I think are scare tactics. That is nonsense. That is extortion.

This is a budget resolution. It is not an appropriations bill. If we get scared off this early in the process, when are we ever going to get deficit reduction? Is what we are doing on this budget resolution, just an exercise rather than a serious effort? The President's defense numbers are already at rock bottom. I do not think we can take another $20 billion out of defense because they are already overprogrammed by $20 billion. They are overprogrammed, not underfunded.

There is another point to be made about this amendment. The way I read the Domenici amendment, his savings, as I think the Senator from North Dakota made very clear, come mostly in the outyears. But we need to make those deficit reductions right now.

The sky is not going to fall on the defense budget if the Exon-Grassley amendment is adopted. That was not our intention. It will not be the final result. Those who claim otherwise are crying fire when there is none.

So my advice is to sit down, to relax, to have a cream soda, do what the public wants for a change. What do you hear from the grassroots? "Have guts, make cuts, and just say 'no' to more spending." But, most importantly, Mr. President, do it in such a way that when we go back to tell the people we voted to make cuts that we in fact did make cuts. We made them today, not in the term of the next President of the United States.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, how much time is remaining to the opponents?

The PRESIDING OFFICER. The Senator from Tennessee has 6 minutes and 20 seconds.

Mr. SASSER. The proponents?

The PRESIDING OFFICER. The proponents have 21 minutes and 20 seconds.

Mr. SASSER. The distinguished chairman of the Finance Committee is on his way to the floor. I have a message. He was requesting 4 minutes to speak on the Domenici amendment. Will 3 minutes suffice for my friend from West Virginia? I yield 3 minutes to my friend from West Virginia.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia [Mr. ROCKEFELLER] for 3 minutes.

Mr. ROCKEFELLER. Mr. President, I thank the Presiding Officer.

I will try to be very clear about this. At the beginning of this debate, I indicated that I felt it was a cynical amendment. I maintain that thought. The reason I do is because the Senator from New Mexico voted for the Grassley-Exon amendment in committee. In a sense, I thought it was a hangover amendment in fact because what happened was that now all of a sudden the Senator and some of his colleagues are looking up and saying, "Gee. We did not do the right thing. Fifty percent of this money is going to be cut from defense. We don't want to do that. We want to cut it from Medicare, from veterans' benefits, and other things. So we come back and offer another amendment, even though he voted for the amendment in the Budget Committee." That is what I call cynical, because it is.

Let us make two things clear. Veterans are a very important part of this country. And the only way health care reform is going to succeed, and succeed for veterans, is if veterans are included in health care reform. We have set aside $3.3 billion to upgrade the veterans' health care system, to allow it to be competitive to the nonveterans' health care system, so that the 24-plus million veterans who cannot now use veterans hospitals will be allowed to do so. That is the kind of thing which will be undermined and stopped dead in its tracks by the amendment of the Senator from New Mexico.

Second, people can talk until the skies fall, but this is undermining health care reform. The Senator from Georgia talked about the exploding costs of Medicare and everything else. If you want to have control in the long term of entitlements and you want to get a grasp on those, for heaven's sake, do not do anything to undercut health care reform, which is the largest thing this body has undertaken in this century.

The Senator from New Mexico is doing that. It needs to be clear to the membership that he is doing that. This amendment does that, and it is a cynical and unworthy attempt to destroy a classic effort by the President of the United States, and a lot of the rest us, to try to reduce the budget through health care reform and help something called the American people through health care reform.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, the managers on both sides intend to try to stack votes on amendments to a time that would be convenient with the leadership this afternoon. In furtherance of this end, I ask unanimous consent that 4 minutes on the pending amendment be reserved, to be consumed by the distinguished chairman of the Finance Committee when he arrives on the floor. I understand he is en route and wishes to speak on this.

I ask unanimous consent that at 3 o'clock this afternoon the Senate return to the Domenici amendment, which will be temporarily laid aside, and immediately vote on or in relation to that amendment, with no second-degree amendments in order to the Domenici amendment.

Mr. EXON. Reserving the right to object, Mr. President, I was not aware of this. We put off the vote on the Domenici amendment last night for what, in the opinion of this Senator, was a serious nonsensical move for the U.S. Senate. We alerted those who were here until after 3 o'clock in the morning that we would take up the Domenici amendment the first thing this morning. I have some reservations about further delaying the vote on the Domenici amendment.

The Domenici amendment, as I said earlier, is a killer amendment to the Exon-Grassley deficit reduction proposal. I am not certain it is wise, from what I know, to put it off, once again, because we scheduled this originally for between 5 o'clock and 8 o'clock last evening. Then we tinkered around until 3 o'clock in the morning. Now we are talking about putting off a vote until 3 o'clock this afternoon.

May I ask the managers of the bill, why is it that we cannot complete our debate on the amendment before us and then have a vote in the usual procedure?

Mr. SASSER. Mr. President, let me say to my friend from Nebraska that we have been advised by the leadership that there are Senators presently at the White House who could not return in time for a vote if it went off at the regular time here.

Second, the President and Vice President will be in the Capitol today at noon or 12:30 consulting with the Democratic Policy Committee, and the majority leader is reluctant to interrupt their visit here with votes. Beyond that, that is the only explanation that I have.

It is my surmise that this will not disadvantage the opponents of the Domenici amendment. I think, if I may say to my friend from Nebraska, some of his supporters are probably at the White House.

Mr. EXON. That might well be. Given the explanation, Mr. President, and despite my reservations, I yield to the superior judgment of the manager of the bill and do not object.

I simply say that the Senator from Nebraska wishes to make a few closing remarks in opposition to the Domenici amendment at the appropriate time.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

Mr. DOMENICI. Under the regular routine, one of your Senators would be in order now.

Mr. SASSER. As I understand it, Senator BRADLEY is on his way to the floor.

Mr. EXON. The Senator from Nebraska is prepared to go ahead with his remarks at this time, if you are waiting for Senator BRADLEY. Would that expedite things?

Mr. SASSER. As a matter of fact, we had time reserved for the chairman of the Finance Committee, who I see is now coming through the door.

Mr. President, I will yield the distinguished Senator from Nebraska 2 minutes, and then the distinguished Senator from New York 2 minutes.

Mr. EXON. Mr. President, as usual, we have run out of time. I emphasize once again that the Domenici amendment is a killer amendment with regard to the modest deficit reduction proposal that was supported in the Budget Committee.

I simply say, once again, that I think the points have been made by others of my colleagues, and I need not repeat those. I simply say that if the Domenici amendment were accepted, it would be a monumental setback for real deficit reduction.

There are lots of things wrong that have been advanced on the floor of the Senate today in opposition to the Domenici amendment. The one that I am most concerned about is that it would effectively gut or cut the effectiveness that I think Senator GRASSLEY and I have worked on very hard to craft.

I oppose the Domenici amendment, and I hope it will be resoundingly defeated, for a number of good reasons, when it comes to a vote.

I yield back any remaining time.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. MOYNIHAN. Mr. President, at 1:30 or 2 o'clock this morning, when the Chamber was filled, I took the opportunity to state a view on this matter, as I had stated earlier yesterday in anticipation of this vote. I simply wish to read my statement of this morning, earlier today.

I said:

> I wish simply to say, Mr. President, as I had occasion to say earlier today—

That being yesterday.

> that the Domenici-Nunn amendment involves a fateful decision by this body as to the future of health care reform. It would transfer so much in the way of entitlement money, Medicare and Medicaid, requiring them to be cut by the Committee on Finance. These are amounts that were programmed, if you accept that word, for the President's health care bill, and if this measure is to be adopted, it has the most ominous implications for the future of that legislation.

I restate, Mr. President, the most ominous implications for the future of health care reform.

I thank my distinguished friend and chairman of the Budget Committee for the time he has given me in this very tight schedule, and I yield back the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. I thank the distinguished chairman of the Finance Committee.

Mr. President, I would like to yield 2 minutes off the resolution to the distinguished Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. DOMENICI. Mr. President, will the Senator from Nebraska yield a moment on my time?

Mr. KERREY. I yield.

Mr. DOMENICI. Mr. President, I just inquired of the Parliamentarian timekeeper how the time remained. I think there is a slight misunderstanding. I would like to see if the Senator from Tennessee could correct it and clarify it.

I thought our understanding last night was literal that I had 4 hours and 45 minutes and the Senator from Tennessee had 3 hours and 45 minutes with he was getting the last 15 of his at the end of the debate.

I think he is following the previous conventions and not literally doing that but rather equalizing so that I would have no different amount of time than he, and I thought we had agreed to the contrary. Does the Senator agree?

Mr. SASSER. I agree. The agreement last night, as I understand it, is as stated by the distinguished Senator from New Mexico.

Mr. President, could we withhold for just a moment?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I yield myself 1 minute.

Sitting here listening to both sides makes me wonder just what is this amendment doing. One group of Senators gets up and says it is not doing anything, it is tail-end loaded, or something, even though it is entitlements and we are changing the law permanently so it is not doing enough. But on the other side it is going to destroy health care; it is such a big, big change in things; it is a dramatic using up of resources that are going to be needed for health care.

Mr. President, I do not think we can have it both ways. The truth of the matter is a tiny, tiny morsel of the savings that come from health care reform, as the President desired, will go to deficit reduction under this amendment, the amount being $20 billion. We will be spending $1.6 trillion, and the Senator's amendment is $20 billion over 4 years.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I yield 3 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. KERREY. I thank the Chair, and I thank the distinguished Senator from Tennessee.

Mr. President, let me say several things in opposition to the amendment offered by the distinguished Senator from New Mexico and the distinguished Senator from Georgia.

First of all, Exon-Grassley cuts need to be preserved at all costs. I have heard some say that it is a too large a cut. I have heard some say it is too small a cut.

The fact of the matter is what this does is it sends a signal to the market that we continue to be serious about deficit reduction. Though it may not result in immediate reduction of interest rates, I believe it sends a signal to the Federal Reserve that will allow for the Federal Reserve to keep the pressure off of additional raises in interest rates.

I believe it is a market-oriented approach. It says to the market that we understand that our vote last August, our action last August, was treated favorably by the market with lower interest rates. The bonds were bid up as the consequence of that action. The stock market went up as well.

Today the market does not expect us to do deficit reduction, and indeed the Exon-Grassley amendment by lowering the caps is raising the markets, and I think it needs to be retained.

I regret that the amendment being offered by the distinguished Senator from New Mexico and the distinguished Senator from Georgia does not merely add to that because if it did I would support it. If it merely added to what Exon-Grassley were attempting to do, I would support it because with all due respect to the argument of the distinguished Senator from New York, I am not convinced that it kills health care reform. I am not convinced at all. I supported the distinguished Senator's argument last year when he had a cap on entitlements. I wish in fact we had an opportunity to do that again this year.

One of my concerns in the health care debate is that we are not leveling with the American people sufficiently. We are pretending at times to act. We act as if we believed that somehow the American people can get health care for nothing, that there is not some cost to it. There seems to be a promise that I can give you this benefit, this benefit, this benefit, and there will not be any costs attached.

I think increasingly we have to come to the American people and say: If you want a program here is what it is going to cost you.

I believe very strongly that we need a health care program that is very similar to the Social Security in that we have a pay-as-you-go program, we have a program that will require us to stay in balance.

We are not doing that today with our health care system. Thus, I do not object to a cap on entitlements at all because I believe it forces us to tell the American people the truth.

However, I do with regret oppose this particular amendment because I believe it undercuts what Senator EXON and Senator GRASSLEY are trying to do, which is send a signal to the market that we continue to be serious about deficit reduction, we want low interest rates, low inflationary recovery. We see jobs being created out there in the private sector. We want to continue that kind of job growth.

I believe that the amendment offered in good faith by the Senator from New Mexico and Senator from Georgia will undercut the efforts of Senators EXON and GRASSLEY and thus I believe strongly, Mr. President, that it should be defeated.

The PRESIDING OFFICER. Who yields time?

The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, under the previous unanimous consent agreement, the Domenici amendment will be temporarily laid aside to be taken up again at 3 p.m.

Mr. President, the next amendment in order would be the amendment of the distinguished Senator from New Jersey who is just off the floor.

I see the distinguished Senator from New Jersey has arrived on the floor.

May I inquire of my friend how much time he would require?

Mr. BRADLEY. Mr. President, I would say no more than 20 or 30 minutes maximum.

Mr. SASSER. I ask my friend if he could compress that. We have a time shortage here this morning.

Mr. BRADLEY. I would be pleased to compress it as short as possible. It depends.

Mr. SASSER. Could we agree on 15 minutes and then if the Senator gets some vibes we can extend it?

Mr. BRADLEY. I do not mind that 15 minutes for my side at all.

Mr. SASSER. I am pleased to yield to the Senator 15 minutes. I do not know of anyone who will speak in opposition.

Mr. BRADLEY. Good. Then I am prepared to move.

### AMENDMENT NO. 1568

(Purpose: To express the sense of the Senate that the annual budget process should restrain the growth in tax expenditures)

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey (Mr. BRADLEY) for himself, Mr. FEINGOLD, Mr. DASCHLE, Mr. KERRY, and Mr. BRYAN, proposes an amendment numbered 1568.

Mr. SASSER. Mr. President, the Senator is entitled to time on his amendment on his own time. So he can speak on his own time.

Mr. BRADLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of title III, insert the following:

**SEC. . SENSE OF THE SENATE REGARDING TAX EXPENDITURES.**

(a) FINDINGS.—The Senate finds that—

(1) continuing budget deficits and the accumulation of Federal debt have a detrimental impact on the Nation's long-term economic growth prospects;

(2) in the absence of further fiscal restraint, the Congressional Budget Office estimates that the Federal deficit will increase to $365,000,000,000 by 2004 and the national debt held by the public will grow to approximately $6,000,000,000;

(3) tax expenditures are growing significantly; and

(4) in some instances, tax expenditures may have the same effect as direct Federal spending and should be subject to the same level of budgetary review.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Congress should consider targets for the growth in tax expenditures similar to the targets for the growth of mandatory spending;

(2) such targets should be specified in any reconciliation instructions included in a budget resolution; and

(3) such targets should be enforceable separately from any revenue targets included in the reconciliation instructions.

Mr. BRADLEY. Mr. President, the amendment that I have sent to the desk makes a very simple point. We can spend money just as easily through the Tax Code as we can through the appropriations process or through the creation of mandatory spending programs.

I think we should be honest about the hundreds of billions of dollars that we spend each year through tax expenditures. Spending is spending, whether it comes in the form of a Government check or in the form of a special exception from the tax rates that apply to everyone else.

Tax expenditures or tax loopholes allow some taxpayers to lower their taxes and leave the rest of us paying higher taxes than we otherwise would pay. The resolution, therefore, simply says that it is the sense of the Senate that we should include specific reduction targets for tax expenditures as a part of the budget reconciliation process. We should put tax expenditures under the same budgetary scrutiny as we do other spending programs.

Mr. President, tax spending does not, as some would say, simply allow people to keep more of what they earned. Rather, it gives them a special exception from the rules that oblige everyone to share in the responsibility of the national defense and protecting the young, the aged, and the infirmed.

Mr. President, we all have been heartened by the recent drops in projected budget deficits. The most recent CBO figures show the deficit dropping to $166 billion in 1996, largely due to the success we had in passing the largest deficit reduction package in history last summer.

We cannot rest on that success. It was a good downpayment on deficit reduction, but it is not enough. And we all know that getting control of runaway health care entitlements is another downpayment on taming the national debt. It will take time for those savings to be realized, however.

We cannot afford to be timid, Mr. President. Our children's way of life is dependent upon our acting on the Federal deficit today and tomorrow and every year thereafter until we restore fiscal sanity to our budget. We cannot wait for the savings to materialize from health care reform. We cannot wait until we grow our way out of the debt. And we should not and cannot wait until deficits start drifting up in the latter half of this decade before we do something.

The Congressional Budget Office tells us that the national debt held by the public will go from $3.5 trillion in 1994 to roughly $6 trillion in 2004. By 2004, the national debt will equal almost 55 percent of our gross domestic product. Just the net interest on that debt will go from $201 billion to $334 billion, or over 3 percent of our gross domestic product. That is not good enough. It simply continues our practice of mortgaging our Nation's future.

Mr. President, let us not kid ourselves. Addressing our burgeoning debt will not be easy. If it was, we would have done it years ago. Balancing the budget is going to require sacrifice from every American. It also means that we are going to have to take a hard look at what we spend the taxpayers' money on. And that means all of our spending programs—tax expenditures included.

Last week, I introduced legislation which would fundamentally reform how we deal with discretionary spending and the appropriations process. It would create real opportunities to redirect spending, guarantee Members the ability to cut spending with a majority vote as opposed to 60 votes and constrain conferences to retain spending cuts agreed to in both Houses. It is not uncommon for a conference report to come back with a higher spending number than either the House or the Senate had in it.

But discretionary programs are only a small part of the deficit problem. We should be honest about spending programs throughout the budget process. That is what this resolution is all about. The sense-of-the-Senate resolution that I offer today simply suggests that we should set specific targets for tax expenditure reductions in our budget resolution process. Those targets would be enforced through a separate line in our budget reconciliation instructions for reductions in tax expenditures. We already do this for other entitlement programs. There is no reason to not do so for tax expenditures. The Senate would pass a budget resolution asking the Finance Committee to reduce tax expenditures, for example, by $10 billion a year or $20 billion or whatever the Senate decided was prudent. It would be up to the Finance Committee to meet those targets through the reconciliation process.

This separate tax expenditure target would not replace our current revenue targets. Instead, it would simply ensure that the committee would take at least that specified amount from tax expenditures. Or, in other words, we would ensure that the committee would not raise the targeted amount from rate increases or excise tax increases.

I plan to follow up this resolution with a bill that will implement these proposed changes to the Budget Act. It is my hope that this bill will help to shed sunlight on the issue of tax expenditures.

I expect to hear from those who will say that I am trying to increase taxes. I strongly disagree. I am simply trying to draw the Senate's attention to the very targeted spending we do through the tax code—spending that is not subject to the annual appropriations process; spending that is not subject to the Executive order capping the growth of mandatory spending; spending that is rarely ever debated on the floor of the Senate after it is put in the Tax Code. The preferential deductions or credits or depreciation schedules or timing rules that we provide through the tax code are simply entitlement programs under another guise. Many of them make sense, Mr. President. And I would be the first to admit that. Many, however, probably could not stand the light of day if we had to vote on them as direct spending programs.

Given our critical need for deficit reduction, tax spending should not be treated any better or worse than other programs. It should not be protected any more than Social Security payments or crop price support payments or Medicare payments or welfare payments.

What am I really talking about? I am talking about letting wealthy taxpayers rent their homes for 2 weeks a year without having to report any income. That is already in the Tax Code, I am talking about providing production subsidies in excess of the dollars invested for the production of lead, uranium and asbestos—three poisons that we spend millions of dollars on each year just trying to clean up. That is already in the code. I am talking about tax credits for clean-fuel vehicles, cancellation of indebtedness income for farmers or real estate developers, special amortization periods for timber companies' reforestation efforts, industrial development bonds for airports or docks, special treatment of capital construction funds for shipping companies, et cetera, et cetera.

Mr. President, I ask unanimous consent that a list of all the major tax expenditures be printed in the RECORD at this time.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

TABLE 6–6.—MAJOR TAX EXPENDITURES IN THE INCOME TAX, RANKED BY TOTAL 1995 REVENUE LOSS

[In millions of dollars]

| Total revenue loss | 1995 |
|---|---|
| Exclusion of employer contributions for medical insurance premiums and medical care | 56,265 |
| Net exclusion of employer pension contributions and earnings | 55,540 |
| Deductibility of mortgage interest on owner-occupied homes | 54,800 |
| Step-up basis of capital gains at death | 28,305 |
| Accelerated depreciation (normal tax method) | 27,495 |
| Deductibility of nonbusiness State and local taxes other than on owner-occupied homes | 25,640 |
| Deductibility of charitable contributions (all types) | 19,330 |
| Exclusion of OASI benefits for retired workers | 16,525 |
| Deductibility of State and local property tax on owner-occupied homes | 14,655 |
| Deferral of capital gains on home sales | 14,620 |
| Exclusion of interest on public purpose State and local debt | 12,350 |
| Exclusion of interest on life insurance savings | 8,730 |
| Exclusion of interest on State and local debt for various nonpublic purposes | 7,515 |
| Preferential treatment of capital gains (normal tax method) | 6,920 |
| Exception from passive loss rules for $25,000 of rental loss | 5,775 |
| Net exclusion of Individual Retirement Account contributions and earnings | 5,290 |
| Earned income credit [1] | 5,100 |
| Exclusion of capital gains on home sales for persons age 55 and over | 4,960 |
| Exclusion of workmen's compensation benefits | 4,455 |
| Graduated corporation income tax rate (normal tax method) | 3,890 |
| Net exclusion of Keogh plan contributions and earnings | 3,875 |
| Exclusion of social security benefits for dependents and survivors | 3,730 |
| Deductibility of medical expenses | 3,560 |
| Exclusion of employer premiums on group term life insurance | 2,880 |
| Credit for child and dependent care expenses | 2,820 |
| Tax credit for corporations receiving income from doing business in U.S. possessions | 2,630 |
| Expensing of research and development expenditures (normal tax method) | 2,390 |
| Credit for low-income housing investments | 2,265 |
| Exclusion of benefits and allowances to armed forces personnel | 2,030 |
| Exclusion of reimbursed employee parking expenses | 1,930 |
| Exclusion of veterans disability compensation | 1,920 |
| Exclusion of social security disability insurance benefits | 1,905 |
| Special ESOP rules (other than investment credit) | 1,760 |
| Deferral of income from controlled foreign corporations (normal tax method) | 1,700 |
| Expensing of certain small investments (normal tax method) | 1,560 |
| Additional deduction for the elderly | 1,555 |
| Exclusion of income of foreign sales corporations | 1,400 |
| Excess of percentage over cost depletion, fuel and nonfuel minerals | 1,330 |
| Inventory property sales source rules exception | 1,300 |
| Credit for increasing research activities | 1,270 |
| Deferral of interest on savings bonds | 1,250 |
| Alternative fuel production credit | 970 |
| Deferral of income from post 1987 installment sales | 935 |
| Exclusion of income earned abroad by United States citizens | 895 |
| Exclusion of scholarship and fellowship income (normal tax method) | 875 |
| Exclusion of employer provided child care | 725 |
| Exemption of RIC expenses from the 2% floor for miscellaneous itemized deductions | 690 |
| Exclusion of public assistance benefits (normal tax method) | 585 |
| Expensing of multiperiod timber growing costs | 575 |
| Exclusion of employee meals and lodging (other than military) | 550 |
| Parental personal exemption for students age 19 or over | 535 |
| Exclusion of railroad retirement system benefits | 400 |
| Targeted jobs credit | 395 |
| Exemption of credit union income | 380 |
| Empowerment zones | 330 |
| Deferral of gains from sale of broadcasting facilities to minority owned business | 290 |
| Exclusion of parsonage allowances | 290 |
| Suspension of the allocation of research and experimentation expenditures | 270 |
| Deductibility of casualty losses | 230 |
| Expensing of exploration and development costs, fuel and nonfuel minerals | 210 |
| Amortization of start-up costs (normal tax method) | 200 |
| Credit for disabled access expenditures | 160 |
| Permanent exceptions from imputed interest rules | 150 |
| Exclusion from income of conservation subsidies provided by public utilities | 145 |
| Capital gains treatment of certain agricultural income | 140 |
| Exclusion of employer premiums on accident and disability insurance | 140 |
| Small life insurance company deduction | 135 |
| Carryover basis of capital gains on gifts | 130 |
| Exclusion of military disability pensions | 130 |
| Special Blue Cross/Blue Shield deduction | 125 |
| Tax incentives for preservation of historic structures | 125 |
| Cancellation of indebtedness | 110 |
| Tax exemption of certain insurance companies | 110 |
| Exclusion of special benefits for disabled coal miners | 100 |
| Interest allocation rules exception of certain financial operations | 95 |
| Expensing of certain multiperiod production costs | 85 |
| Exclusion of employer provided educational assistance | 85 |
| Investment credit for rehabilitation of structures (other than historic) | 80 |
| Exclusion of veterans pensions | 75 |
| Expensing of certain agricultural capital outlays | 70 |
| Exclusion of GI bill benefits | 65 |
| New technology credit | 65 |
| Tax credit for the elderly and disabled | 65 |
| Tax credit and deduction for clean-fuel burning vehicles and properties. | 65 |
| Exception from passive loss limitation for working interests in oil and gas properties | 50 |
| Special rules for mining reclamation reserves | 50 |

[1] The figure in the table indicates the effect of the earned income tax credit on receipts. The effect on outlays in 1995 is $15,795 million.

Note: Provisions with estimates denoted "normal tax method" have no revenue loss under the reference tax law method.

Mr. BRADLEY. Mr. President, before there is a long list of people coming down to defend these programs that I just mentioned, let me remind them that this resolution does not pinpoint any specific expenditures. It simply asks that these programs be treated in a similar manner to other entitlement programs.

The Joint Tax Committee estimates the revenue lost from these tax expenditures each year. While interaction effects make it difficult to pinpoint exact costs—how one tax expenditure interacts with another—the Joint Tax Committee list will add up to over $409 billion this year. Unchecked, this list will grow to over $523 billion by 1998. The administration's recent estimates of revenue loss are somewhat higher due to last year's budget bill. Perhaps more interesting, however, are the administration's estimates of what the "outlay equivalents" for these tax expenditures are each year—in other words, what they would cost us if they were transformed into direct spending programs, as opposed to hidden spending programs in the Tax Code. The administration's estimate for outlay equivalents this year added up to $550 billion for 1994. This is scheduled to grow to over $660 billion by 1998. I simply do not believe that we can afford to be that generous in our Tax Code. At a time when we are talking about cutting entitlement spending and cutting discretionary spending—and properly talking about cutting those—tax expenditures should not be out of bounds.

I am not suggesting that we eliminate all these programs. In fact, many of them I support. All I am suggesting is we put them under the same scrutiny that we put other entitlement programs.

If we are serious about deficit reduction—and for our Nation's future I sincerely hope that we are—then every segment of spending will have to take a hit. We will not do it through discretionary spending cuts alone. Indeed, that is an area of the budget that is shrinking in terms of gross national product. We will not be able to do it only through entitlement cuts. We will need also to address tax expenditures.

Finally, we should streamline the budget process. We should make it more transparent and more effective. We have to show the public, who have grown cynical and frustrated with Congress, that we will not hide behind a procedural smokescreen. We have to demonstrate we can do what we have been elected to do, and that is to make the tough decisions in support of our national interests.

I urge all my colleagues to support this resolution.

I list as cosponsors Mr. FEINGOLD, Mr. DASCHLE, Mr. KERRY of Massachusetts, Mr. BINGAMAN, and Mr. DORGAN.

I reserve the remainder of my time.

Mr. DASCHLE. Will the Senator from New Jersey yield for a couple of minutes?

Mr. BRADLEY. I am pleased to yield to the distinguished Senator from South Dakota.

Mr. DASCHLE. Mr. President, let me commend the Senator for offering this amendment and for his comments. I associate myself with his remarks.

It is, really, an amazing fact, given the extraordinary difficulties we in the Senate and Congress continue to face with regard to ratcheting down the deficit we have experienced over many years, that so few of us have a complete appreciation of the cost of tax expenditures year in and year out.

In fact, it is difficult for us to acquire the numbers. According to numbers I have been given, we had over $375 billion in tax expenditures for 1992 alone. We do not know what the figures are for 1994, and that is the point.

If indeed we are serious about bringing this deficit under control, if we are truly serious about looking at all the means by which we can accomplish that in the balanced and fair manner we all seek, certainly taking the approach in this resolution is essential.

I think there are at least four things this approach would achieve. First, it would provide accountability. Incorporating tax expenditures into our budget process in this manner would force accountability on this kind of spending like it does on other forms of spending.

Second, prioritization. There are many very good tax expenditures, ones I strongly support. Others are certainly worthy of additional scrutiny and debate about whether it is in the national interest to maintain them as a permanent part of the Tax Code.

Third, balance. Obviously, as we look to the array of different ways to address better fiscal responsibility, ensuring we have everything on the table, ensuring we have balance will allow us properly to make the best decision.

Finally, public awareness. As I said, we do not know how much we spent this year on tax expenditures. As we consider the budget debate in coming years, it is critical that public awareness be as evident on this issue as it is on entitlements and discretionary spending and other areas of the budget.

So let me again emphasize how appreciative this Senator is of the resolution offered by the distinguished Senator from New Jersey. It merits our support.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, if the Senator will yield me 1 minute?

I commend the distinguished Senator from New Jersey for offering this very worthwhile amendment. We held hearings in the Senate Budget Committee last year on the whole question of tax expenditures and how very costly many of these tax expenditures are.

The Senator from New Jersey, I think, has put his finger on the problem. Many of these so-called tax expenditures, or tax breaks, or tax incentives—however you wish to describe them—become embedded in the Tax Code. They are subject to little or no review. And they continue there year after year.

Many times we find there was a good and rational public policy reason for putting these tax incentives or tax expenditures into the Tax Code, but that good, sound, public policy reason will expire over a period of time. Yet it still remains in the Tax Code, subject to no review and, frankly, costing the Treasury billions and billions and billions of dollars every year.

So I commend the Senator from New Jersey who has waged this battle all alone for a number of years. He called it to our attention. We held hearings in the Senate Budget Committee. I am pleased to accept his amendment here this morning.

I understand my distinguished colleague, the ranking member, has no objection to this amendment being accepted.

Mr. DOMENICI. We have no objection.

Mr. MOYNIHAN. Mr. President, I want to commend the distinguished Senator from New Jersey [Mr. BRADLEY] for bringing to the Senate's attention the critical importance of tax expenditures in deliberations over the Federal budget. The Senator is quite correct that tax expenditures in many ways have the same effects as direct Federal spending.

The importance of tax expenditures is currently reflected in the President's annual budget, which devotes an entire chapter to tax expenditures. This year it appears as chapter 6 in the Analytical Perspectives volume in the fiscal year 1995 budget.

Similarly, it may also be useful to display levels of tax expenditures in the concurrent resolution on the budget—for informational purposes. This would be useful for Senators in our annual budget deliberations and I commend Senator BRADLEY for bringing this concept to the Senate's attention.

However, as chairman of the Committee on Finance, I would oppose any attempt to include specific ceilings for tax expenditures or specific reconciliation instruction for tax expenditures in the budget resolution.

On those occasions when a budget resolution instructs the Finance Committee to raise a specified amount of revenues, it is important to the committee to retain the discretion to determine how much of this revenue should come from increasing taxes, and how much by reducing tax expenditures. Setting forth specific instructions for tax expenditures would, in fact, have the effect of limiting the Finance Committee's discretion on how best to raise needed revenues.

Reduction of tax expenditures has always been a very important component of the Finance Committee's final determination on how to raise needed revenues—and it will continue to be in the future.

Mr. BRADLEY. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1568) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. BRADLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Jersey.

## TRAGEDY IN EDISON, NJ

Mr. BRADLEY. Mr. President, if I could—and I will not be long—I would like to call attention of the Senate and of the country to the great tragedy that has occurred in New Jersey in the last 24 hours. That is a massive natural gas explosion that burned out of control for over 4 hours last night in Edison, NJ. Many people have had to be evacuated. There are over 30 people hospitalized, up to 100 people missing. There was a giant fireball that many people saw on their television sets last night. Nine apartments have been completely or substantially destroyed. It was a tragedy of enormous proportions.

I know the Congress and the administration is going to do everything it can to try to cushion the impact of this terrible tragedy on the lives of thousands and thousands of New Jerseyans. I intend to do everything I can to see they are given some help and some relief.

## CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

The Senate continued with the consideration of the resolution.

The PRESIDING OFFICER. Senator SASSER is recognized.

### EN BLOC AMENDMENTS NO. 1569 AND NO. 1570

(Purpose: To express the sense of the Congress regarding health service delivery and water infrastructure in the Indian Health Service, and for other purposes)

(Purpose: To express the sense of the Senate regarding budget authority and outlay figures for the National Aeronautics and Space Administration)

Mr. SASSER. On behalf of Senators BINGAMAN, DOMENICI, and COHEN respectively, I send two amendments to the desk and ask unanimous consent they be immediately considered en bloc; that reading of the amendments be dispensed with; that the Senate agree to both amendments; that motions to reconsider be laid on the table with respect to both amendments; that a statement by Senator BINGAMAN appear at the appropriate place in the RECORD as if given in full.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. SASSER] proposes en bloc an amendment for Mr. BINGAMAN, for himself and Mr. DOMENICI, numbered 1569; and, for Mr. COHEN, an amendment numbered 1570, as follows:

### AMENDMENT NO. 1569

At the appropriate place in the resolution, insert the following new section:

**SEC. . SENSE OF THE CONGRESS REGARDING HEALTH SERVICE DELIVERY AND WATER INFRASTRUCTURE IN THE INDIAN HEALTH SERVICE.**

It is the sense of the Congress that—

(1) sufficient funding should be provided to the Indian Health Service to ensure that Indian Health Service hospitals and outpatient facilities in existence on the date of enactment of this resolution, and Indian Health Service hospitals and outpatient facilities scheduled to open during fiscal years 1994, 1995, and 1996, are fully staffed with the appropriate number of health care professionals needed to meet the health and medical needs of the American Indians and Alaska Natives who depend on the Indian Health Service for health care; and

(2) sufficient funding should be provided to the Indian Health Service to ensure that the Indian Health Service is capable of meeting basic public health and safety and sanitation requirements on Indian lands through timely and proper water infrastructure construction and upgrades.

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### AMENDMENT NO. 1570

Mr. BINGAMAN. Mr. President, I rise today to offer an amendment addressing the administration's proposed budget for the Indian Health Service. I thank the distinguished chairman of the Senate Budget Committee, Senator SASSER, and the distinguished ranking member of the committee, Senator DOMENICI, for their assistance and support for this amendment.

I am offering this amendment because I am apprehensive about the ability of the Indian Health Service to fully meet the health care needs of American Indians in my home State of New Mexico and throughout the country. Rather than cutting the IHS budget as the administration has proposed, I believe the Congress and the administration should work together to ensure that all IHS facilities are fully staffed and capable of meeting the health care needs of the American Indians and Alaska Natives who depend on the IHS. In addition, this amendment states that the IHS should have funding sufficient to ensure that basic public health and safety and sanitation requirements on Indian lands can be met through timely and proper water infrastructure construction and upgrades.

Over the past few months, many Indian tribal leaders have contacted me to express their grave concerns about the administration's decision to cut 460 positions [FTE's] from the Indian Health Service's staff over the next 2 fiscal years. Pueblo governors and tribal leaders from New Mexico have told me that a cut of this magnitude—nearly 8 percent of all IHS employees—could irrevocably harm an already inadequate system of health care for American Indians unless adequate safeguards are in place. As a Senator from New Mexico, I am particularly apprehensive about the newly constructed IHS hospital in Shiprock, NM, which is scheduled to open this summer. We need to ensure that this facility does not open underequipped and understaffed.

Mr. President, I fully understand the need to bring Federal spending under control. But I also share President Clinton's commitment to health security for all Americans. It is for this reason that I am offering this amendment. My amendment does not guarantee funding, but it puts the administration on notice that people are concerned about this issue and it represents a commitment by the Congress to properly and effectively address IHS funding and staffing matters.

Too often in the past, the Federal Government has overlooked the healthcare needs of American Indians. As a result, the Indian Health Service currently meets only 45 percent of the total estimated health care need of our Nation's 1.3 million American Indians and Alaska Natives. Of those Indian people who do have access to care through the Indian Health Service, many still lack adequate access to the type of comprehensive health care embodied in the President's Health Security Act, particularly with respect to preventive care.

Now is not the time to propose cuts in the budget of the Indian Health Service. We simply must not let our zeal to lower the Federal budget deficit and cut waste from the system do harm to Indian children and families. Instead, we should be working to ensure that American Indians have access to the basic health services they need. We need to be working with Indian people to develop better strategies for implementing preventive health programs, including vitally needed alcohol abuse prevention programs and programs aimed at reducing diabetes and other chronic diseases among American Indians.

Mr. President, we know that when access to preventive health care services is limited, the consequences in terms of health status and economics are significant. Already, American Indians suffer higher rates of fetal alcohol syndrome [FAS] and diabetes than any other population in the United States. Each year in New Mexico, more than 36 babies are born with FAS, compared to the national average of 2 FAS births per 1,000 births. Even more significant, New Mexico health officials estimate that the combined FAS rate for our State's 22 Indian tribes is 2 to 5 times that of the national average. Statistics on diabetes are also grim. In New Mexico, the rate of diabetes is nearly twice the national rate; and nationally, Native Americans are 10 times more likely to have diabetes than the non-Hispanic white population.

In closing, I will reiterate my belief that this is not the time to be threatening direct health services and eliminating preventive care programs for American Indians. A wiser course of action would be to streamline administrative services, eliminate bureaucratic waste, and maximize existing resources through the thoughtful, mandatory redistribution of personnel and equipment from areas of lesser need and low productivity to areas of greater need and potential.

I believe this amendment will help us achieve these goals. I urge my colleagues to support it and to make a commitment to working together with Indian people toward a revitalized and efficient Indian Health Service truly capable of meeting the health care needs of those it was created to service.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the en bloc amendments.

The en bloc amendments (Nos. 1569 and 1570) were agreed to.

The PRESIDING OFFICER. Who yields time? The Senator from Tennessee.

### AMENDMENT NO. 1567—UNANIMOUS CONSENT

Mr. SASSER. Mr. President, I would like to clear up one outstanding item.

I ask unanimous consent that no amendments be in order to the language proposed to be stricken by the Domenici amendment, No. 1567.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, we have an amendment on our side. The Senator from Florida is ready to offer it. I yield him 30 minutes.

The PRESIDING OFFICER. The Senator from Florida. The Senator has the time on his own right on his amendment.

The Senator from Florida is recognized.

### AMENDMENT NO. 1571

(Purpose: To express the sense of the Senate supporting a balanced budget and the creation of a Spending Reduction Commission to achieve this goal)

Mr. MACK. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. MACK], for himself, Mr. GRAMM, Mr. COVERDELL, and Mrs. HUTCHISON, proposes an amendment numbered 1571.

Mr. MACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, add the following:

**SEC. . SENSE OF THE SENATE REGARDING A BALANCED BUDGET AND THE SPENDING REDUCTION COMMISSION.**

(a) FINDINGS.—The Congress finds that—

(1) the Congressional Budget Office has affirmed that reductions in outlays of $34 billion per year below their current baseline will result in a balanced budget by the year 2000;

(2) the Spending Reduction Commission described in S. 1191 is a proven mechanism

which will provide the necessary reductions in Federal spending required to achieve a balanced budget.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Federal outlays should be reduced to reflect the aforementioned reductions from the Congressional Budget Office Baseline and that a Spending Reduction Commission should be created to propose annual spending cuts sufficient to reach the yearly spending reduction targets.

Mr. MACK. Mr. President, I want to refer to a couple charts before I make further comments because I want to set the stage for the reason for offering this amendment.

This first chart shows total spending as calculated by CBO in the budget resolution passed last year. It shows the total amount of spending for 5 years of $8.364 trillion. If you look at the other bar, you will find very little distinction between it and the first bar. This is the total spending proposed in the Senate budget resolution that we are debating today. It calls for $8.319 trillion in spending over 5 years. This is roughly a $45 billion change. This amounts to roughly a one-half of 1 percent reduction in spending over a 5-year period.

I heard someone earlier today say in reference to the budget, "let's stay the course." The next chart illustrates what happens to the deficit under a stay-the-course approach. The deficit for the next couple of years will be, in fact, low in relative terms, but it turns up in 1998, 1999, and the year 2000, and on and on and on it goes.

My point is that despite all of the good effort made on both sides of the aisle to come together with a proposal to control Federal spending, frankly, nothing has happened. It is for this reason that I have offered this amendment this morning.

Mr. President, I ask unanimous consent that Senators GRAMM and HUTCHISON, of Texas, and Senator COVERDELL be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. Mr. President, despite all the rhetoric about making the tough choices to cut spending, we find overall spending has not been substantially affected.

Last year, CBO projected a fiscal year 1995 deficit of $284 billion. One year later, CBO reestimated the fiscal year 1995 deficit at $171 billion, a decrease of $113 billion. But a quick look at how this was achieved will show that the serious job of making tough choices and cutting spending hardly is happening at all.

According to CBO, the drop in the deficit comes from new taxes and user fees of $46 billion; technical reestimates, $45 billion; economic improvement, $15 billion; spending cuts, $5 billion; debt service, $2 billion.

The point is, out of a $113 billion drop in the deficit, only $5 billion of that is a result of the actions taken to cut Federal spending.

In essence, we have left in place a huge Federal spending machine which is the reason that these numbers are going to go back up in 1998, 1999, 2000 and beyond.

What really drives the deficit is spending, and we certainly have not done nearly enough to cut spending. While it is nice that this year's deficit is below estimates, I am concerned that Congress is not taking advantage of the good fortune a rebounding economy has given us. From all appearances, Congress and the administration are willing to let this opportunity pass by and quietly sweep aside further efforts to cut spending. Should everyone be satisfied just because good fortune has provided us a low in the deficit of $173 billion in fiscal year 1996 before the deficit again begins its upward path?

What has happened to the psyche of the American people and the Congress? Has Congress operated in the red for so long that it is numb about deficits and content with a deficit of $173 billion? What does this say about the Congress' sense of fiscal responsibility? I think there is clearly cause for alarm.

We are all greatly concerned about the future that we leave to our children and to our grandchildren. The recent House and Senate debates on the proposed constitutional amendment for a balanced budget serve as a testament to this. Nearly two-thirds of all the Members of the House and Senate voted for the balanced budget amendment. The measure was defeated because it needed a supermajority vote. But many opponents still support a balanced budget. They simply oppose that particular mechanism for achieving it.

Again, I think it is important to repeat that nearly two-thirds of the Congress supported a balanced budget amendment. Some of the opposition said that a constitutional amendment would wrongly tie the hands of Congress. They argued that there is a constitutional responsibility of the Congress to control spending. I would suggest the Congress had the last 30 years to demonstrate its ability to control spending and has miserably failed.

It is time for the Congress to find a way to balance its books. It is time to "Just Do It." I have received literally hundreds of letters from constituents who are angry and concerned about the debt we are leaving to our future generations. Let me read you a few lines from one of those typical letters:

> Dear Senator MACK: I am writing to express my concern about the economic well-being of our country. I'm afraid that we have mortgaged our grandchildren's future in order to finance our Nation's spending habits. I do not think that we can continue to live off the national credit cards in the form of unnecessary Government programs. I believe it is extremely unfair to pass along our debts to our children and our grandchildren's generations. It is imperative that the Congress enact spending cuts to ensure that this country has a balanced budget. Old fashion frugality, which would not affect the health and welfare of our society, would more than balance the budget.

Mr. President, I am not alone in wanting a balanced budget, nor am I alone in advocating the need for serious spending cuts that will help us get there. We have had omnibus spending cut packages, such as the Kerrey-Brown proposal and the Dole proposal, which many of us contributed to and supported. In addition, there have been numerous attempts to cut individual spending items, but nothing has succeeded.

In spite of Congress' track record, almost all of us continue to talk about the need for more spending cuts. It would seem to be a truly bipartisan theme. The President has also signaled on more than one occasion his desire for additional cuts. In last year's State of the Union Address, he said:

> To revolutionize our Government, we have to ensure that we live within our means.

I agree with the President. It is time to revolutionize our Government and live within our means. We must restore the faith of the American people, who understand we have more than a debt problem and we have more than a deficit problem. We have a spending problem.

If this issue were not so grave, some of the frivolous spending examples would indeed seem laughable. Syndicated columnist Dave Barry recently wrote about an example that is almost beyond belief. In an article which appeared in the March 20, 1994, Washington Post, he stated that Congress is funding a research project to create mutant constipated worms. Yes, you heard me right. Tax dollars are being used for making mutant constipated worms.

He referred to a Jim Thomas in his article entitled "The Diet of Worms," a professor in the genetics department of the University of Washington in Seattle. Two astounding comments out of the article read. One:

> Jim's research is funded by the U.S. Government. He is spending tens of thousands of dollars of taxpayers' money to make constipated worms.

He goes on further to say:

> I asked Jim Thomas if there was any possibility that the research would ever in a zillion years have any practical benefits for humans. He couldn't think of any offhand, but he allowed that it might conceivably be possible.

Time and time again, the Congress has attempted to right its fiscal course but continually fails to do so. We all remember the budget summits of the 1980's which promised so much and delivered so little. In every case, the actual deficit has been wildly greater than the promised deficit, and the result has been huge increases in the Federal debt.

Congress just does not have the capability to make the tough budget choices on its own. When push comes to shove, nobody can agree on anything to cut. From all the evidence I have seen, a balanced budget is a goal which will elude the Congress so long as we continue the same failed procedures to attack the deficit.

But what happens if we allow the status quo to rule the day? The Tax Foundation calculates that if every man, woman, and child were billed for a share of the Federal public debt, the bill would come to $13,345 per person or $53,380 for a family of four, and by 1990, the Foundation says those figures will rise to $16,281 a person or $65,124 for a family of four.

To say this in a different way, we will see an explosion of Federal debt of 25 to 30 percent by 1999. Let me say that again. In just 5 short years, our debt will increase between 25 and 30 percent.

I say this country has a grave problem. It is staring Congress straight in the face but many do not seem to realize the problem very simply is spending. While much time, energy, and rhetoric has been directed toward the problem of our debt, nothing in the way we do business has changed. And the Congress continues to demonstrate its inability to address the country's spending problem.

The amendment I offer today is intended to get the Congress back on the right track. It establishes the sense of the Senate to achieve a balanced budget by the year 2000 by reducing overall spending $34 billion per year from CBO's current services baseline. This would result in a compounded total of $522 billion less in spending over 5 years. More importantly, this amendment confirms the sense of the Senate that these cuts be identified by a special mechanism called a Spending Reduction Commission.

You may ask how, given the track record of the Congress, can we possibly ever agree on cuts of this magnitude? Mr. President, I would respond that I have very much doubt Congress can do this by itself. But I would suggest there is a mechanism which can be used to aid the Congress without diminishing its authority. And this mechanism can be found in S. 1191, the Spending Reduction Commission, a commission modeled after the successful Base Closure Commission. The mechanics of its operation are simple and straightforward. No budgetary gimmicks are involved—no smoke, no mirrors, just a simple proven mechanism to help the Congress do what it is supposed to do, and that is control spending.

Gramm-Rudman was criticized primarily because the sequester was a meat ax approach that made across-the-board cuts without establishing priorities. Critics said Gramm-Rudman involved no rational thought, no choices. This commission is a seven-member body that will make choices and establish priorities. The Grace Commission failed because there was no mechanism to enforce the recommendations. The Spending Reduction Commission has a specific enforcement mechanism that has been tested and proven effective through the example of the Base Closure Commission.

The balanced budget amendment failed because people felt it tied Congress' hands. The Spending Reduction Commission keeps the ultimate decision with Congress. Congress is presented with a single vote, up or down, without the ability of individual Members to protect pet programs with separate amendments.

The Spending Reduction Commission, modeled after the Base Closure Commission, fuses the best features of Gramm-Rudman and the Grace Commission. We simply extend the model to governmentwide spending and add a mandated minimum target of spending reductions which the package must achieve. The amendment I offer today would require the Congress to impose fiscal discipline upon itself.

I ask that my colleagues support this amendment. Moreover, after its adoption, I ask that you join me in enacting this legislation to create it.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDENT pro tempore. Is the demand sustained? Obviously, there is a sufficient number. The yeas and nays are ordered.

The yeas and nays were ordered.

Mr. LOTT. Mr. President, will the distinguished Senator yield for some questions?

Mr. MACK. I will be delighted to yield.

Mr. LOTT. Mr. President, I have enjoyed listening to the remarks of the Senator from Florida. I thought about this proposal a great deal, as he knows. I have talked to him about it. When the suggestion was originally made, I cosponsored his legislation now in the form of this amendment. I hesitated to do it because I just really thought that the answer to the problem with the deficit and the growing debt is for Congress to face up to the problem and make tough decisions. I am one who has never been a big fan, quite frankly, of the Base Closure Commission because I did feel as if, once again, we were sort of abdicating our role to a commission, with recommendations, admittedly, from the Pentagon, and with the President's involvement because he had to approve it and because we had to approve the final product.

I was concerned it was going to lead to some decisions that would be very questionable and court actions and a lot of other things. But I have to admit that it accomplished what the original sponsor, Congressman ARMEY of Texas, intended, and most Senators have supported its continuation. I guess we are going to have another round of base closure next year.

I guess that was part of my concern. And I was concerned about how you would have this Commission made up and ensure it was fair and how they would do the job. But my first question is obvious. The way to deal with this problem is for us to do it. But I take it that the Senator is absolutely convinced we are not going to face the problems of making the tough choices and that the Senator feels this is the only way to go now. Is that correct?

Mr. MACK. The Senator is absolutely correct. I have come to that conclusion—and the question the Senator asks is a very fair one. The question which is asked over and over again is—were you not elected to make those tough choices? And my answer is, "yes," but we have failed. It would be wrong for us to go back to our constituencies and say, "yes," we failed for the last 12 to 30 years because we cannot make tough spending cut decisions under the procedures currently in place. It seems to me we ought to come to the conclusion that we need to adjust the procedures to try to make them work.

We went 15 years without closing a military base in this country and people said it never could be done because of the politics and the way the place worked. So we came up with a procedure. Yes, it is tough and, yes, it requires some tough action. But if we are really serious about getting control of Federal spending, it seems to me that the only way we are going to do that is to establish a commission like the Base Closure Commission.

Mr. LOTT. I say this somewhat facetiously but also somewhat seriously. We have a Base Closure Commission to deal with the fact that some bases needed to be closed and we could not deal with the politics of it. We had a commission not exactly like this, but we had one that helped us try to address the problem of Social Security back in the 1980's. Of course, we had the Gramm-Rudman-Hollings-Mack legislation to try to deal with getting control of the deficit. Are we just going to create one commission after another and basically turn our responsibility over to a series of commissions and only rubber stamp what they do?

Mr. MACK. Again, I thank the Senator, for raising a valid charge, but I would go back again to my prior response. We were successful with the Base Closure Commission. We were successful with the Social Security Commission. I think we can be successful with a Spending Reduction Commission.

I would say to the Senator to say, this is going to establish another commission and because I do not want to see another commission established we are going to be in opposition to it, is ignoring reality. If we continue the status quo, we are going to see spending increased year after year after year, and it will drive up the deficit as I have shown earlier. I have no confidence in the ability of the Congress to control Federal spending unless we put into place a commission to help it. I know of no other way.

Mr. LOTT. Let me ask——

Mr. MACK. Could I ask the Senator to be brief on this because I have to finish.

Mr. LOTT. I was enjoying this considerably, but I will try to ask only a couple more questions.

About the Commission itself, how long does the Senator envision this Commission being in place?

Mr. MACK. Initially, I thought the Commission would be in place long enough to get us to a balanced budget. That would be around the year 2000, according to the Congressional Budget Office, if we make the kind of reductions that are called for, and that is roughly $34 billion a year from the Congressional Budget Office baseline. But I think it would be important to keep it in place whenever there was a time when there was a projected deficit so that we would have a means on which to fall back.

That is point one.

Point two. I would like to make this comment. We are not taking away Congress' authority. Congress can go ahead and carry out their responsibility for making $34 billion a year in spending cuts. If they do that, there is nothing for the Commission to do. But if the Congress fails to meet that target, then the Commission goes into effect.

Mr. LOTT. Mr. President, let me emphasize that I understand this is not a deficit reduction commission. This is a spending reduction commission.

Mr. MACK. That is correct.

Mr. LOTT. I think that is a very important distinction because far too often around here anytime we pass an effort supposedly to deal with the deficit is just to be able to find another tax or raise taxes.

I still maintain—and I know the Senator from Florida does—that the problem is not insufficient revenue coming into the Federal Government. It is too much spending and an inability to prioritize that will not allow us to move toward a balanced budget. That is a significant point.

I appreciate the effort of the distinguished Senator in this regard. I think he is provoking a lot of talk by a lot of Senators. I have joined in cosponsoring this legislation. I certainly am supportive of his amendment today. I thank him for yielding for these questions.

Mr. MACK. I thank the Senator.

Mr. President, how much time do I have remaining?

The PRESIDENT pro tempore. The Senator has 39 minutes and 38 seconds.

Mr. MACK. Mr. President, I yield 5 minutes to the Senator from Texas.

The PRESIDENT pro tempore. The Senator from Texas [Mrs. HUTCHISON] is recognized for 5 minutes.

Mrs. HUTCHISON. Thank you Mr. President. I really appreciate what our colleague from Florida, Senator MACK, is doing, and I certain liked the colloquy between the two Senators because it really does show what our problem is.

Federal deficits and accumulated Federal debt long ago passed the point of threatening our children and grandchildren. Congressional rhetoric on this issue long ago numbed the ears of even the most interested taxpayer. We need a completely different approach. This amendment, Mr. President, is such an approach.

Ordinary common sense restraint has not prevented Congress from running up the national debt to more than $4 trillion. And when Congress has tried to enforce fiscal discipline through stop gap devices or the long range Gramm-Rudman-Hollings plan, the discipline breaks down as soon as the spending cuts become politically inconvenient.

Last year, President Clinton mustered bare majorities of both Houses of Congress to win approval of the largest tax increase in the history of our country. Spending cuts were promised. But the spending cuts have not come.

Fortunately, we do not have to look far. Several years ago, Congressman DICK ARMEY led the fight in Congress to enact a most innovative solution to a nearly intractable problem—military base closings. And it worked.

Last year the independent Base Closure and Realignment Commission created by Congress went step-by-painstaking-step through an open, public process of deciding how best to downsize our military facilities. That this downsizing was necessary, no one disputed. But the political will to make the tough, necessary choices just was not there.

So Congress agreed to establish a group of outside experts: to look at the whole structure of U.S. bases, to evaluate future needs, and to make a package of independent recommendations.

The result was painful for people and communities. Nearly every State lost jobs and defense installations in the Commission's first round of actions. But without the Base Closing Commission we could never agree on the necessary action. It worked.

Now Senator MACK has been very creative in applying the same principle. The Spending Reduction Commission would order a formation of a parallel commission and charge it with finding $34 billion in real spending cuts every year until a balanced budget is reached. The Mack amendment specifically protects Social Security from these cuts.

The Congressional Budget Office has estimated that $34 billion in cuts per year, beginning in 1995, would balance the budget—by the year 2000. Just a little more than 5 percent reduction per year isn't too much to ask of a Federal Government that has grown fat and bloated.

There is no magic about this. Many justifiable cuts have already been identified—under Gramm-Rudman, the Grace Commission report, the Vice President's reinventing Government plan, the Penny-Kasich budget proposal and the Dole-Hutchison $50 billion spending reduction bill.

There are a multitude of ideas. I think an independent commission could find enough cuts to make that job work.

By using the base closure model, a national Spending Reduction Commission can present Congress with a sensible list of substantive cuts, which would be set before Congress to be approved or disapproved—no amendments, no smoke and mirrors. The Commission is a vehicle to stop partisan gridlock by making cuts that are fair, that reflect long range national priorities and needs.

My colleague from Florida has proposed a constructive solution to cut the Gordian knot of deficit reduction. This is one of those rare, fresh ideas that could really work. It is an idea that could really work. In fact Mr. President, not calling for a spending reduction commission is like the captain of the *Titanic* not calling for help! Help is here—lets grab it.

I commend my colleague from Florida. I am proud to be a cosponsor of this amendment. It is an idea whose time has come.

Thank you Mr. President. I yield the floor.

Mr. SIMPSON. Mr. President, I rise in support of the Spending Commission amendment proposed by my friend and colleague, Senator MACK of Florida.

Mr. President, we are in the process of debating a budget resolution which will leave the budget deficit on an ever upward course, if not in the immediate future, then certainly in the long run. Even the official annual deficit 5 years from now projects to be higher than it is today.

There is no great mystery about why this is the case. We know where the budget is growing, and where it isn't. We do not lack for any information about why the budget deficit has not been brought under control.

What we lack, it has been said on both sides, is sufficient political will. I could not possibly count the number of times that Senators on this floor have argued against such measures as the line-item veto and the balanced budget amendment by saying that "we don't need gimmicks. We need political courage."

If political courage is what this body lacks, then it is entirely appropriate to use the necessary means to help that political courage to develop.

Senator MACK has chosen to build upon past successful efforts rather than to simply decry current political failures. We have recently had a few instances in which politically hazardous tasks were faced and handled about as well as they could be. The most obvious of these was the task of closing defense bases. That was truly a thankless job; a pure political loser. No one, in any district, was going to warm to the idea of the local base being closed.

Leaving this process up to politics of usual would have combined the necessary sacrifices and difficulties, with unneeded charges of politicization. That is why we developed a base closure commission; we recognized that bases had to be closed, that someone's ox had to be gored, and that the fairest way to do it was to convene a commission to do it on a nonpartisan basis, and then to leave us with the opportunity to accept or reject the recommendations as a whole.

The parallels between base closures and discretionary spending cuts are obvious. We know that both must occur. We also know that there will be public cynicism about the choices we make—that we are deterred from getting the job done by the prospect of having the process being labeled "political" or "cruel" or "unfair." And we know that every such decision made will adversely affect someone's constituents.

Senator MACK's amendment would enable us to achieve both the reality and appearance of nonpartisan fairness in the course of identifying appropriate discretionary spending cuts. It sets a clear target for what spending restraint is to be achieved, and creates a mechanism to get us there. And it attacks the fundamental problem in Congress with respect to producing spending restraint—that being the difficulty of mustering the requisite political will to do the job.

I hope that the Senate will support Senator MACK's amendment, and I yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDENT pro tempore. The Senator from Tennessee [Mr. SASSER].

Mr. SASSER. Mr. President, I do not think this amendment is really something we can expect very much from.

We have heard proposal after proposal in this body over the years that Congress give up its responsibility, give up our duty, give up ways to giving up finding ways to reduce the deficit. But that is what we are elected to do here by the people of this country; to deal with the budget; to deal with budgetary matters.

As the distinguished President pro tempore has pointed out time after time on the floor of this body, the power of the purse is fundamental to any legislative body. It was the power of the purse that allowed the British Parliaments to wrest authority and jurisdiction from the British Kings. That was really the cradle of the democracy that we now enjoy in this country. It emerged from the British Parliaments who gained their power and their jurisdiction and their authority to represent the people of the United Kingdom, the British Isles, as a result of having the power of the purse to deal with an arbitrary monarch.

Are we going to casually just throw that away and say, "Well, we cannot do the job? Let us get a commission to recommend what we ought to do. Why don't we just give the Commission our votes and let the Commission have the final vote on what we ought to do?"

I do not think any Senator or anyone would seriously recommend that be done.

Let us look at the history of these commissions. I well remember the National Economic Commission, the 1988 National Economic Commission. That was formed by President Reagan as I recall or President Bush. In any case, there was a National Economic Commission. It may very well have been a creature of the Congress. I think it was. We had a National Economic Commission to study our budget, to review the fiscal mess that we had gotten ourselves into in the 1980's, and to make recommendations to the Congress. The cochairmen of that Commission were former Secretary of Transportation, Drew Lewis, and former Ambassador, Robert Strauss. That Commission labored mightily for many, many weeks. In the final analysis, it became heavily politicized and represented the same paralysis that at that time was represented here in this body. We simply could not move in the direction of reducing deficits.

We are moving in the direction of lowering deficits now. We have not solved the problem totally. I will be the first to admit that. But deficits were projected in March 1993 by OMB to total $350 billion for fiscal year 1994, and because of the action taken on this floor by the elected representatives of the American people, who by a majority rose to their responsibility and passed the deficit reduction act of 1993.

That deficit that was going to be $305 billion was reduced to somewhere in the neighborhood of $171 billion. As a result of the action taken last year, we are now looking at declining deficits for 3 years. That is the first time that has happened, as I said earlier, since Harry Truman was President of the United States. We see that discretionary spending for fiscal year 1995 is going to be actually lower than it was in fiscal year 1994, in nominal terms. That is, in dollars that are not inflation adjusted. So when you take the discretionary spending in 1995 below down where it was in 1994, you are also taking it down even further, because that discretionary spending has to absorb a small amount of inflation. This is the first time discretionary spending has come down in this country since 1969.

I say to my friends that I think we are now, at long last, starting to do our jobs. But I add that we have a long way to go. But we have taken the first step here. I see no reason to move forward with a national commission to make recommendations, because I think those recommendations, frankly, would be brushed aside just as the recommendations of the National Economic Commission were brushed aside in 1988. I also think that we have to give up this idea that we can hand off our responsibility to others and that we can narrow and diminish our jurisdiction simply because we do not want to accept our responsibility and face the political consequences of our actions.

So, Mr. President, I have the highest regard for my friend from Florida, and I think he knows that. I think his heart is in the right place here. But I must say that I am not an enthusiastic supporter of this proposal, and when the time comes, I expect I will be voting against my friend from Florida.

Mr. MACK addressed the Chair.

The PRESIDENT pro tempore. The Senator from Florida [Mr. MACK] is recognized.

Mr. MACK. Mr. President, I yield 3 minutes to Senator GRAMM from Texas.

The PRESIDENT pro tempore. The Senator from Texas [Mr. GRAMM] is recognized for 3 minutes.

Mr. GRAMM. Mr. President, I thank our dear colleague from Florida.

Mr. President, one of the most successful initiatives we have undertaken in the last decade, in terms of getting Congress to do something that is important and difficult, is the Base Closing Commission. As all of my colleagues will recall from their own individual experiences and that of watching others, closing a military base is a very, very difficult thing. In the old days, what happened was, even though it was obvious to a blind man that, with the defense build down we had after the Vietnam war, we needed to close military bases, we did one of two things: First, we kept bases open because we had powerful Senators who wanted the base kept open; or, second, we went through a charade where a decision would be made to close the base, and the Senator would go out to the base, throw his body in front of the bulldozer, instruct the trusty staff to, as the bulldozer was bearing down on him, to pull him out—all of that captured on video tape—and was then able to say to the people in his State—or in the case of Congressmen, in their districts—that he had done everything he could to protect the base.

We established a Base Closing Commission which produced an objective evaluation, and we voted not on an individual base, but on the recommendations of the commission. Through that process, we have closed a lot of bases. Some of them I did not want to close. Yet, I felt a responsibility to the process, and I voted for the commission's report.

Senator MACK proposes to bring that same process to spending reduction. It is a great idea. I find only one thing wrong with it: The Senator from Florida had the idea and not me. It makes eminently good sense to have an objective evaluation of spending, get input from everybody in America who wants to have a say, have a recommendation to reduce spending, and force Congress to vote yes or no on the recommendation. I can assure you there would be many individual programs or projects recommended to be cut that I would oppose, but I can guarantee that I would vote for the overall recommendation, never having seen it, because it is a process that I believe is the right way to do it.

So I am strongly for this amendment. I cannot see a reason in the world that anybody should oppose this amendment—other than one reason: That they do not want to control the growth of Government spending. The only reason to oppose this spending reduction commission is because people want to continue business as usual in the American Government. I think the public wants change. This amendment would give us change.

I thank the Chair and yield the floor.

Mr. MACK. Mr. President, I yield myself 2 additional minutes.

The PRESIDENT pro tempore. The Senator from Florida [Mr. MACK] is recognized for 2 additional minutes.

Mr. MACK. Mr. President, in closing, I think this is an amendment that needs to be supported by my colleagues on both sides of the aisle. As the Senator from Texas indicated a moment ago, you can oppose this amendment if you do not believe that, fundamentally, the problem is spending. I happen to believe our deficit is driven by our failure to control spending all of these years.

The second point, that is one of the strengths in this proposal is that we are not giving up our responsibility. In fact, the Budget Committee would still do its work and should they meet the targets outlined in the resolution, there would be no reason for the Spending Reduction Commission to take any action. Moreover, if the Commission has to act, Congress still has to deal with the Commission's recommendations with an up-or-down vote. The important distinction to note is that such a vote would be an up-or-down vote, with no amendments. Again, neither I nor any other Member of the Senate would be able to come to the floor to offer an amendment to protect something of interest to our States.

There may be people who would claim that is a terrible thing to do. But I happen to believe that the accumulation of the debt and the increase in spending year after year has to stop. So the conclusion I have come to is that the most significant way to go about cutting spending is to put into place a Spending Reduction Commission. A commission patterned after the Base Closure Commission, which we all know has made some very tough decisions and has moved us forward in the right direction.

So, Mr. President, I yield the remainder of my time and urge my colleagues to support the amendment.

Mr. SASSER addressed the Chair.

The PRESIDENT pro tempore. The Senator from Tennessee [Mr. SASSER] is recognized.

Mr. SASSER. Mr. President, I have just a couple of comments. Again, with regard to the whole question here of forming a commission to recommend savings to Congress, one of the problems we have in Government now is that we have too many commissions. The cost of these commissions averages, I am told, about $2 million a year. So what the Congress is being asked to do here, in essence, is to fund a $2 million commission to tell the Congress what to do.

I thought that is what we were elected to do, and I thought that is what the American people were paying us to do. At the end, I think this commission has a 1-year life, after which it must be reenergized and reauthorized by the Congress.

I would predict this Commission would be like all of the rest of the commissions; once you have it in place, it would endure almost into perpetuity. The bureaucracy of this Commission, which would be paid by taxpayers' dollars, would be up here lobbying the Congress, saying, "Keep us in place another year or 2 or 3, and we are going to get this problem solved."

Before you know it some people would have their friends over there on the staff of this Commission and the administration going out of power, or an officeholder who happens to lose an election would suddenly end up over there on this Commission.

So it becomes another sinecure for various and sundry individuals, all at the expense of the taxpayer.

What is it all about? It is simply to recommend to this Congress that it do what it is charged to do anyway. We are simply creating here another layer of bureaucracy that would cost us, I would guess, at least $2 million a year, which is the average, I am told by a very reliable source, of the commissions across the spread of the Government.

If we want to start saving money, the first thing we can do is not form another Commission.

So I would urge my colleagues to reject this concept, even though I know the Senator from Florida is acting from the purest of motives and does have a profound interest here in reducing the deficit, as we all do. But we are working on that and we are making some progress.

I think we can look with some pride on the progress that we have made over the last year. Certainly we have a ways to go, but the deficit package that was passed last year that we said would reduce the deficit by $500 billion, many people laughed at that and said that is not going to happen; it cannot happen. The facts are that that deficit package that we passed last year by one vote, Mr. President—by one vote—and I might say that many of our friends who are now expressing grave concern about the deficit—and they are genuine in that concern—those friends voted against that deficit reduction effort. But that deficit reduction effort that was calculated last year to reduce the deficit by $500 billion a year has now been recalculated, and is calculated now to reduce the deficit over 5 years in excess of $600 billion a year.

So I say to my friends; we are making progress here, we have a ways to go, and I do not think we need to spend money on forming another Commission here. Let us just carry on and do our duty, make the appropriate cuts, live up to our responsibility of dealing with the budgetary matters, and stay the course. I think we are making progress.

The PRESIDENT pro tempore. Who yields time?

Mr. DOMENICI. I yield myself 2 minutes.

The PRESIDENT pro tempore. The Senator from New Mexico is recognized for 2 minutes.

Mr. DOMENICI. Mr. President, I want to first thank my friend from Florida.

We are trying very hard on our side to reduce the time on amendments. Even though statutorily each amendment is allowed 1 hour on each side, we are trying to get our proponents to reduce them.

The Senator did fairly well. We came in at about 31 minutes, and I think he agreed to 30. I thank the Senator very much for that.

I gather the Senator from Tennessee is going to yield back his time in opposition?

Mr. SASSER. I am.

Mr. DOMENICI. Has he already?

Mr. SASSER. I am prepared to do so.

Mr. DOMENICI. Then we will stack this vote also, I might ask my friend.

Mr. SASSER. Has all time been yielded back?

I yield back the remainder of my time.

The PRESIDENT pro tempore. All time has been yielded back.

Mr. DOMENICI. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. DOMENICI. Is there a consent that this would be set aside?

The PRESIDENT pro tempore. Not as yet.

Mr. DOMENICI. I thank the Chair.

UNANIMOUS-CONSENT AGREEMENT

Mr. SASSER. Mr. President, I ask unanimous consent that all time on the Mack amendment having been yielded back, that the pending Mack amendment be temporarily laid aside to be disposed of following the Domenici amendment No. 1567, and that no further amendments be in order to the Mack amendment.

The PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, reserving the right to object.

The PRESIDENT pro tempore. The Senator from Nevada reserves the right to object.

Mr. REID. I withdraw the reservation.

The PRESIDENT pro tempore. Is there objection?

The Chair hears no objection. It is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself an additional minute.

The PRESIDENT pro tempore. The Senator is recognized for 1 minute.

Mr. DOMENICI. Mr. President, let me say that on our side we are prepared to proceed with one amendment after the other in a very timely manner.

I understand that Senator HUTCHISON will go next, and while she has agreed to try not to use more than 20 minutes, that will be left up to the junior Senator from Texas.

But after that, I might state, we are ready with an amendment from the senior Senator from Texas, Senator GRAMM. He has agreed to 20 minutes in behalf of his amendment. We will proceed in that manner with something between 15 and 20 minutes on our side for each amendment. We are ready after Senator GRAMM with another, if that suits the chairman. If not, we will rotate as he desires.

Mr. SASSER. Mr. President, let us proceed with the amendment of the Senator from Texas, and then we will try to work out a rotation here.

It may very well be that some of our amendments may be falling by the wayside here. But let us proceed with the amendment of the Senator from Texas.

Mr. DOMENICI. Mr. President, I yield myself 1 additional minute.

The PRESIDENT pro tempore. The Senator from New Mexico is recognized for 1 minute.

Mr. DOMENICI. I say to fellow Republican Senators, we still have a list of somewhere around 10, maybe 12 amendments.

I hope those who have amendments that we have on our list will agree to take no more than 20 minutes on each amendment, and that there will be no other amendments other than the ones we have, although we are not restricting them to that. We will get everybody up and they will all have a little bit of time, if we could do it that way.

So I urge consideration of fellow Senators who have amendments in trying to restrain the amount of time Senators would require.

I thank the Chair. And I yield to the Senator from Texas.

The PRESIDENT pro tempore. The Senator from Texas [Mrs. HUTCHISON] is recognized.

Mrs. HUTCHISON. I thank you.

AMENDMENT NO. 1572

(Purpose: To reduce Function 800 to reflect a 7.5 percent reduction in legislative branch appropriations)

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Senators KEMPTHORNE, BROWN, MCCAIN, BENNETT, ROTH, COVERDELL, and FAIRCLOTH, proposes an amendment numbered 1572.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 5, decrease the amount on line 1 by $200,000,000.

On page 5, decrease the amount on line 2 by $400,000,000.

On page 5, decrease the amount on line 3 by $500,000,000.

On page 5, decrease the amount on line 4 by $600,000,000.

On page 5, decrease the amount on line 5 by $700,000,000.

On page 5, decrease the amount on line 11 by $200,000,000.

On page 5, decrease the amount on line 12 by $400,000,000.

On page 5, decrease the amount on line 13 by $500,000,000.

On page 5, decrease the amount on line 14 by $600,000,000.

On page 5, decrease the amount on line 15 by $700,000,000.

On page 5, decrease the amount on line 22 by $200,000,000.

On page 5, decrease the amount on line 23 by $400,000,000.

On page 5, decrease the amount on line 24 by $500,000,000.

On page 5, decrease the amount on line 25 by $600,000,000.

On page 6, decrease the amount on line 1 by $700,000,000.

On page 6, decrease the amount on line 7 by $200,000,000.

On page 6, decrease the amount on line 8 by $400,000,000.

On page 6, decrease the amount on line 9 by $500,000,000.

On page 6, decrease the amount on line 10 by $600,000,000.

On page 6, decrease the amount on line 11 by $700,000,000.

On page 6, decrease the amount on line 17 by $200,000,000.

On page 6, decrease the amount on line 18 by $400,000,000.

On page 6, decrease the amount on line 19 by $500,000,000.

On page 6, decrease the amount on line 20 by $600,000,000.

On page 6, decrease the amount on line 21 by $700,000,000.

On page 7, decrease the amount on line 1 by $200,000,000.

On page 7, decrease the amount on line 2 by $400,000,000.

On page 7, decrease the amount on line 3 by $500,000,000.

On page 7, decrease the amount on line 4 by $600,000,000.

On page 7, decrease the amount on line 5 by $700,000,000.

On page 36, decrease the amount on line 20 by $200,000,000.

On page 36, decrease the amount on line 21 by $200,000,000.

On page 37, decrease the amount on line 2 by $400,000,000.

On page 37, decrease the amount on line 3 by $400,000,000.

On page 37, decrease the amount on line 9 by $500,000,000.

On page 37, decrease the amount on line 10 by $500,000,000.

On page 37, decrease the amount on line 16 by $600,000,000.

On page 37, decrease the amount on line 17 by $600,000,000.

On page 37, decrease the amount on line 23 by $700,000,000.

On page 37, decrease the amount on line 24 by $700,000,000.

On page 70, decrease the amount on line 21 by $400,000,000.

On page 70, decrease the amount on line 22 by $400,000,000.

On page 70, decrease the amount on line 24 by $500,000,000.

On page 70, decrease the amount on line 25 by $500,000,000.

On page 71, decrease the amount on line 2 by $600,000,000.

On page 71, decrease the amount on line 3 by $600,000,000.

Mrs. HUTCHISON. Mr. President, we all say that Government must live within its means. If we cannot reach that goal today with the whole Federal budget, we can at least make a meaningful down payment, one the American people will understand and I believe they will approve. We can tighten our belts here in Congress.

My amendment will cut the overall legislative branch appropriations by just 7.5 percent. It reduces fiscal year 1995 spending by $200 million in budget authority and in outlays from the baseline. Over the next 5 years, that will cut a total of $2.4 billion from legislative branch spending.

Mr. President, this is a reasonable amendment. It shows that we will take the first step to do what we say all Government should do, and that is, make a modest cut in our own budgets as we are asking many Federal agencies to do.

I would like to take this chance to ask some of my colleagues if they would like to speak on this amendment.

I yield 3 minutes to the Senator from Georgia.

The PRESIDENT pro tempore. The Senator from Georgia [Mr. COVERDELL] is recognized for 3 minutes.

Mr. COVERDELL. Mr. President, I rise in support of the amendment by the distinguished Senator from Texas and am proud to do so.

Most of us who are Members of this body who have recently come from the election process, have been indelibly marked by the electorate's broad dissatisfaction with the manner in which we have been conducting our business in Washington. They read of the size of the Federal Government, they read of the size of the staff, and the apparatus that surrounds the legislative as well as the executive branch, and they raise a loud voice of objection.

The Senator from Texas, in pointing to the size of the amendment, used a physical gesture that this would not be all that much. I understand why she does that. But probably, if you put this in the hands of the electorate of Texas or Georgia, they would say that is right; that is not near enough, but they would also commend her for taking the initiative.

Congress has increased spending for its own budget at double the inflation rate. We talk about health care. We have the same runaway increase in expenditures in our own legislative branch. In 10 years, the Consumer Price Index has risen 44 percent, the legislative branch 95 percent.

The legislative branch staff has approximately 38,000 workers, which is larger than the combined legislative staff of Canada, Great Britain, Germany, and France. Canada has the second largest legislative staff with only 4,000 employees.

When the American people say as loudly as they did to the Congress of the United States in 1992, that they wanted things to be done differently in Washington, they meant it. And the amendment that the Senator from Texas has sent to the desk is exactly what they are talking about. They want us to lead the way to sound and practical financial practices in the Government of the United States of America.

Again, I say to the Senator from Texas, I appreciate the time she has allowed for me to speak to her amendment, and I wish her much success in her presentation of this important amendment.

I yield back to the Senator from Texas.

Mrs. HUTCHISON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I thank my distinguished colleague from Georgia for those very important remarks. Those facts are very important for the American people to realize the magnitude of what we are talking about here.

I want to say that, in addition to Senator COVERDELL, Senators KEMPTHORNE, BROWN, MCCAIN, BENNETT, ROTH, and FAIRCLOTH are also cosponsors of this amendment.

I am pleased to yield 3 minutes to my colleague from Utah, Senator BENNETT.

Mr. BENNETT addressed the Chair.

The PRESIDENT pro tempore. The Senator from Utah [Mr. BENNETT] is recognized for 3 minutes.

Mr. BENNETT. Mr. President, I recently appeared before the Rules Committee to testify on the proposed changes in the structure of the Senate with respect to committee assignments and other activities. I have not put a sharp pencil on the savings which the Senate would achieve if some of those changes were made, but I am confident that the elimination of some of the standing committees, as contemplated by the Rules Committee, and the elimination of some of the select committees, and some of the joint committees, as contemplated by the Joint Committee on Congressional Reform, would make it possible for us to achieve the kinds of savings that the amendment written by the Senator from Texas contemplates.

I have learned in this world that one can talk about reforms, one can talk about changes and get a lot of enthusiasm for it, but one does not achieve those changes where there is money involved unless there are money caps that accompany the conversation.

So I submit to this body that the approval of the amendment offered by the Senator from Texas will provide the impetus that the Rules Committee needs to achieve the kinds of reforms that were discussed in the hearing where I testified.

It is for that reason, along with the others that have been talked about here, that I am happy to rise in support of this amendment.

For those who say, "Well, Senator, that will cut your allowance; that will cut your staff," I recognize that that is a very real possibility and, indeed, have been living with that kind of cut ever since I came to the Senate. This first year in the Senate, we returned over 10 percent of the amount of the staff money available in my office in anticipation of just such an amendment. So we have gotten used to being at that level and we discovered that we can function just fine.

Therefore, I am proud to support the amendment offered by the Senator from Texas and tell her that she will not only achieve the goals she is searching for in terms of a budgetary impact, but will provide some teeth to the Rules Committee as they attempt to achieve some reform in structural restructuring. Without the prod of the money on one end, the good intentions on the other are less likely to come to pass.

Mrs. HUTCHISON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Utah for being a leader in putting his money where his mouth is. He ran as an outsider, as a small business person. He knew that you could consistently bring down a budget, and he has cut 10 percent from his own budget.

I said I would do the same thing when I ran for this office, and so far—I have not been here a year—I am running on a 20 percent lower budget than is my allocation. We do not send franked newsletters. We have cut back on office space in Texas to save rent expenses, and we curtail travel wherever possible.

Senators DOMENICI and BOREN have worked very hard this session pushing the Joint Committee on the Organization of Congress to make many of the reforms necessary to cut the legislative branch by 7.5 percent. Just cutting down on the number of committees and reducing subcommittees to 4 per committee, except for the Appropriations Committee, would downsize Congress. It would help us in making these cuts. I hope we can do this today to show the American people that we are willing to take these steps.

Our Founding Fathers established the legislative branch to pass legislation and to check the powers of the executive branch. Visionary members of the Constitutional Convention may have foreseen 50 States and 535 legislators, but I do not think they foresaw a congressional staff of 38,000 people.

Over the past 10 years, Congress has increased its own budget at double the rate of inflation. During that time, the Consumer Price Index rose 44 percent, while outlays for the Federal legislative branch rose 95 percent. In 1983, we spent $1.3 billion. Last year, we spent $2.3 billion.

Mr. President, I grew up in La Marque, TX. It is near Galveston. I just love it. We have about 15,000 people there. Its annual budget is $7.4 million. La Marque is a city of honest people, hardworking people that go to church, raise their children, and pay their taxes. And they have common sense. None of them could be convinced that it takes more than twice the population of our city to operate our Capitol, with a budget that is 460 times what it takes to run their whole city.

If we make this small cut today, we may get to spend more time at home with our constituents and our families next year. The reduction could cut the number of bills that are introduced, the number of statements that are inserted into the CONGRESSIONAL RECORD, the number of committee and subcommittee hearings that are held each day, and the hours of speeches when we are in session. And we certainly learned that this morning when we left the Capitol at 3:30 after a very long night.

Many people in America would say "hallelujah" if we cut back. But, Mr. President, most would not notice any difference at all.

I think the time has come to make this first gesture to show that we are serious about what we are asking the American people to do and the Federal agencies of this Government to do.

Mr. President, I ask for the yeas and nays. But first I want to yield 3 minutes to my colleague from Arizona [Senator MCCAIN].

The PRESIDENT pro tempore. The Senator from Arizona, Mr. MCCAIN is recognized for 3 minutes.

Mr. MCCAIN. I thank the Chair and I thank my distinguished friend and colleague from the State of Texas, who I think is bringing forth a very important and valuable amendment.

First, I would like to discuss some facts, and then I would like to discuss some problems that this Congress has in perception in the minds of the American people.

The amendment, as we know, will represent a $200 million reduction for fiscal year 1995 and $2.4 billion over 5 years. I think it is well to note that the Congress has increased spending for its own budget at double the rate of inflation in the last 10 years. In fact, in the last 10 years, the Consumer Price Index has risen 44 percent, while outlays for the legislative branch have grown 95 percent. Appropriations from the legislative branch have increased from $1.3 billion in 1982 to $2.3 billion in 1993.

Mr. President, that is an astounding number. It is so astounding, I will repeat it. The appropriations for the legislative branch have increased from $1.3 billion in 1982 to $2.3 billion in 1993. This legislative branch employs more people—38,000 people—than any other legislative entity in the world. Canada employs the second largest number, which is 4,000 employees.

We are in the process of passing legislation, the buyout bill, which will downsize the Federal Government by almost 300,000 employees. Clearly, there is no reason Congress should not downsize itself at the same time.

Passing this amendment would not affect the business we must complete. For example, we could achieve much of this proposed cut by eliminating slush funds and forcing the Congress to turn back any unused appropriation, reduce the use of the frank, implement the plans proposed by the Joint Committee on the Reorganization of Congress, which would reduce the number of Senate committees and subcommittees.

Finally, if anybody in this body thinks the approval rating of the American people of this legislative branch of government is good, they have not seen the figures that I have seen. Around 28 percent of the American people approve of Congress.

One of the reasons they disapprove is they think we spend too much money and waste their money.

As usual, the American people are correct. I think the amendment of the Senator from Texas is a reasonable one and one we could adopt and send a signal to the American people we are willing to make the same sacrifices we are asking them to make on a daily basis.

I thank the Senator from Texas again and yield back to her the remainder of my time.

The PRESIDENT pro tempore. Who yields time? Time is being charged against both sides.

Mrs. HUTCHISON. Mr. President, how much time do I have left?

The PRESIDENT pro tempore. The Senator has 45 minutes and 15 seconds remaining.

Mrs. HUTCHISON. Mr. President, I would like to reserve 10 minutes for closing on my amendment.

The PRESIDENT pro tempore. Very well.

Mr. REID. Mr. President, is that in the form of a unanimous-consent request?

The PRESIDENT pro tempore. The Chair did not understand the Senator.

Mr. REID. I did not either. Is she yielding the remaining 35 minutes?

The PRESIDENT pro tempore. The Senator from Texas is reserving 10 minutes of her remaining time to close her debate.

The rest of the time is running on both sides equally.

Mr. BENNETT. Mr. President, parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. BENNETT. If a quorum call were called at this moment, against whom would it be charged?

The PRESIDENT pro tempore. It would be charged against the side which controls the time.

Mr. BENNETT. I thank the Chair.

The PRESIDENT pro tempore. In other words, only those who control time or their designees may put in a quorum.

The Senator from Nevada [Mr. REID].

Mr. REID. Mr. President, I yield myself such time as I may consume.

The PRESIDENT pro tempore. The Senator is speaking as the designee?

Mr. REID. Yes, of the manager of the bill.

The PRESIDENT pro tempore. Of Mr. SASSER; and is speaking in opposition. He yields himself such time as he may require.

Mr. REID. Mr. President, the proponent of this amendment has stated it is reasonable. She wants to take the first step for the legislative branch to save money.

In all due respect to my friend from Texas, the proponent of this amendment, I say the amendment is not reasonable and certainly it is not the first step. I believe those people who are pushing this amendment either do not understand what has gone on during the past 6 years in the legislative branch appropriations bill, or they choose not to understand what has gone on. Because far from this amendment being the first step to saving this branch of government money, it is way, way removed. There have been many steps taken.

For example, there has been some talk that perhaps we should do something about franking. Franking, as I will indicate in a few minutes, has been cut dramatically.

There has been a statement made on the floor this would force the Appropriations Committee to do something. The Appropriations Committee has not been forced to do anything in the past. We have done it because it is the right thing to do. We have cut the legislative branch Appropriations Committee dramatically. We have fewer people working in the legislative branch of Government today than we had 14 years ago. That does not sound to me like runaway inflation. It does not sound to me like we have not taken care of the legislative branch.

There has been talk that this branch of government has 38,000 employees. The fact of the matter is, if you add in the Library of Congress, the General Accounting Office, the Government Printing Office, Office of Technology Assessment, you do get up, counting interns, and part-time people, to that number.

Of course the executive branch of the Government has well over a million people. In fact, my statement of a million people is about 250 percent short, there are over 2½ million people who work in the executive branch of government.

I was a member, as were a number of other people—six Democrats and six Republicans from this body—of the Committee to Reorganize Congress. We issued our report at the end of last year to reorganize Congress. I think we did some responsible things. Our committees, chaired by Senators DOMENICI and BOREN, I think were responsible. That matter is before the Rules Committee, and the Rules Committee is going to take some action. But you cannot do it out of a vacuum. There have to be some responsible measures taken.

I chaired the task force to find out about Senate coverage; that is, the bills we pass and impose on the rest of the American public, how should those acts of legislation we passed apply to us? We made a report, Senator STEVENS and I. We gave our report to the majority leader and the minority leader. Of course it is no secret. One of the things that it calls for is we are going to have to hire some people in the legislative branch of government to make sure we can comply with those things. If in fact there is some organization or individual out of compliance, we need some mechanism to allow compliance.

We have the Americans for Disabilities Act apply to this body. We have the last civil rights legislation we passed apply to this body. We are now going to come before the Senate and ask for money to pay for the lawyers it has taken us to comply with that act.

Mr. President, this amendment is not reasonable, nor is it the first step. As I indicated earlier, I am sure the press release on this amendment has already been written.

(Mr. CAMPBELL assumed the chair.)

Mr. REID. Mr. President, they no doubt proclaim that the sponsors have offered a proposal to slash the fat from a bloated legislative branch bill. But before anyone takes these claims at face value, they should be aware of an uncomfortably inconsistent fact. The real news is we have already put the knives to whatever bloat existed in the institutions and agencies making up the legislative branch of Government. In fact, I would argue that we have already cut into the bone and the muscle, in many cases. Let me give you a few examples, Mr. President.

The legislative branch today is funded at a level that is below total funding for fiscal year 1992 and nominal dollars, that is dollars not adjusted for inflation or other uncontrollable cost increases. We are one of the few appropriations bills that appropriated last year less in actual dollars than we appropriated the year before.

Mr. President, we not only did it last year, we did it the year before when that kind of action was unheard of around here.

This amendment is not the first step. As a result of some of the work that has been done by this legislative branch—and I might indicate, Mr. President, that I have had some cost-cutting people as ranking members of this subcommittee—Senator NICKLES, Senator GORTON, and now I have Senator MACK. These people are not spendthrifts. Anything I have gotten through the committee I have had to clear with these Senators, which I think indicates, just by mentioning their names, are some of the most cost-conscious people in the entire Congress.

As a result of the action we have taken, the legislative branch is now 12 percent in budget authority and 11 percent in outlays below what it was 2 years ago. I think that is pretty good work. I think this is not the first step. The first step was taken many years ago when I had to deal with DON NICKLES as a ranking member of this committee. We worked very hard to cut franking and other things.

The result in personnel intensive agencies, like those of the legislative branch, is predictable. Staffing levels are falling and they are falling rapidly. The Library of Congress, for example, now has 568 fewer full-time equivalent positions than it had in 1990. Let me repeat that. Almost 600 people are working someplace else or unemployed who were working at the Library of Congress.

The General Accounting Office, which this amendment would cut 10 percent below the current level, has almost 600 fewer full-time equivalent positions than it had in 1990. In both cases, this amounts to about a 10-percent reduction to the on-board staff. That seems like we have done something.

I, frankly, Mr. President, resent people coming on this floor and saying we have not cut the legislative branch. I repeat, they either do not understand the facts or have chosen to ignore them. Talk to the people at the Library of Congress if you think they have not been cut. There has been a little gesture made in this, title 180 or 18, whatever it is, will not apply, which is an effort to say these cuts will not apply to the Library of Congress.

Let everyone understand that this amendment will cut the heart out of the Library of Congress because what choice would we in the Appropriations Committee have? It is one of the largest budgets. We would have to do something with the Library of Congress which already—already—let everyone understand this, we are already, if we do not cut another penny from the Library of Congress, if we even-fund them this year, we are talking about closing the Library of Congress on weekends, closing them every evening. I resent it being said that this is the first step. Talk to Dr. Billington at the Library of Congress if you think this is the first step. He has had to lay off people, experienced people, at the Library of Congress.

The across-the-board legislative branch staffing is 1,400 people in full-time equivalent positions below the level of 1990, not counting the staff reductions in the House. It sounds pretty good to me, and for someone to say that there have been no steps taken? Those statements are made for the press releases. They are not made based upon facts, and everyone within the sound of my voice has to understand that.

These people I am talking about, these 1,400 people, are real human beings who no longer have a job in the legislative branch.

For the record, it should be noted that since fiscal year 1990, we have reduced and denied requests for staffing in continuing and new positions by a total of $1.1 billion and almost 2,000 positions. This does not include the House. Given the constraints in the budget resolution as it now stands, we fully expect that it will be necessary to continue this level of fiscal constraint.

There will not be enough funding in the fiscal 1995 legislative branch appropriations bill to cover uncontrollable costs and increases, let alone any growing workload or new program requirements. The result will inevitably further reductions in resources and the elimination of additional staff.

Mr. President, the State of Colorado is still a rapidly growing State. It is a bigger State than the State of Nevada. I do not know how many people live in Colorado, but there are a lot more people who live in Colorado than Nevada.

I, from the small State of Nevada, get as many as 4,000 pieces of mail a week—a week, not a month. Do those people who write me those letters want answers to the letters, or do they want me to just put them in the trash can? I think they want me to answer those letters, and I do answer those letters the best I can with my hardworking staff.

We also have developed the people's branch of Government. That is what we are. We are the people's branch of Government, as indicated by Thomas Jefferson and many others. My office, and I think most of the offices here, work to get through the bureaucracy. We are the bulwark against the bureaucrats that sometimes have no heart.

My Nevada staff works on casework. They do not do much on legislation, just like the President presiding over this body, just like the other Members of this legislative body. We work to help our constituents through the red tape.

In coming over here today, I asked my staff to pick up a couple letters because my staff in Las Vegas, Carson City, and Reno are very proud of the work they do, and rightfully so, to help us get through the bureaucratic morass to help people.

Here is a letter that just came in. I am familiar with it because I just read it yesterday:

> DEAR SENATOR REID: Sometime ago, I wrote your office in regards to my husband, Earl Gladstrap, who was in the Navy for 10 years serving in World War II. He has dementia and I'm his sole caretaker. This has been happening over a period of 5 years, and I was in desperate need of some help. I am most happy to report to you that thanks to your personal efforts and the efforts of your staff—

More my staff than my personal efforts—

> the VA has approved adult day care for him 3 days a week for an initial period of 6 months. This has been a tremendous help to me. I believe it is also beneficial to my husband. Thanks for showing your concern for older and now often powerless veterans who once gave their skills and risked their very lives to help preserve our freedom. Thank you also for the gift of hope, rare, indeed, in these circumstances.

This is a person who would not have had help but for my congressional staff. And we can multiply that thousands and thousands of times in the State of Nevada, the State of Colorado, the State of West Virginia. I do not know about everyplace, but I think so. That is what the staff is all about. That is why we need staff, diminished as it is: to respond to our constituents. We do not have these staffs for our personal aggrandizement. They are staff to help my constituents, your constituents.

Another letter: "Just today"—and this letter is written to one of my staff, one of my loyal staff who works on Social Security cases mostly, Janice Miller. She has been with me a number of years; a very, very loyal employee, and the Federal Government gets their money's worth from Janice.

> DEAR MS. MILLER: JUST TODAY WE RECEIVED FINAL ACTION FROM MEDICARE PHOENIX ON CLAIMS THAT HAVE BEEN PENDING SINCE LAST JULY.

This letter was written in December.

> There is absolutely no doubt in our mind that had it not been for the effort expended on our behalf by Senator REID's office—

By Janice

> these claims would still be in the bureaucratic mill. For your help, we're grateful and forward our heartfelt thanks.

It is not a letter written to me. This is a letter written to one of my staff. This letter could be used as representative of every Senator in here, I hope, because that is why we have staff.

Mr. President, that is a situation under the resolution as reported. The legislative branch is going to continue to shrink, and we are putting at risk some of our essential functions as a coequal branch of government. We have three separate branches of government, but that does not say it all. We have three separate but equal branches of government according to the Founding Fathers, and they set this up so there would be a constant battle between the three branches to maintain the equal power.

We fight with the executive branch every day. We fight with the judiciary every day, as does the executive. We do that because we know we are a separate branch of government, but we want to be an equal branch of government. We cannot do that if we cannot answer our constituents' mail, if we cannot respond to casework within our State.

If you add this amendment to what the resolution already provides, the impact will be disastrous on the institutional capacity of the Congress and its supporting agencies.

I want to say again, remember the figure thrown out by the Senator from Georgia, 38,000 people in the legislative branch. They are not our employees, Mr. President. They work, 5,000, for the General Accounting Office, the watchdog of Congress; the Library of Congress, 5,000 people there approximately, the finest library in the history of the world—not of this country, not of Europe and the United States, the finest library in the history of the entire world ever—not today but ever. We maintain that library. That is one of our responsibilities. The idea came from Thomas Jefferson. The first books in the Library were his books. We still have some of his books in the Library.

Over the last several years, we have instituted a number of money saving reforms in regard to franking.

We replaced former joint appropriations for both Houses, both the House and the Senate, so we would have a separate account for each.

There were some who told Senator NICKLES and this Senator that, well, if you join them together, we do not know what the House is doing or what the Senate is doing. It was, I think, a good criticism. So we were able, after some consternation, to work this out with the House so we have separate accounts now. We know how much each body spends.

We persuaded the House to adopt explicit mail allowances to individual Members comparable to the Senate allocation system. The House adopted our system. It was hard but they did it. We have worked well with the House. This limits amounts Members can mail. Formerly, Mr. President, there were no limits.

This amendment is not the first step. We require public disclosure of mail costs of individual Members of the House and the Senate. In prior years, you could not determine how much anybody had spent. You can now. As to individual Members, you can determine—it is published every 6 months—how much they spent on mail. That is a reform that we came by.

In the Senate, the allocation is tied to the amount appropriated, which has been coming down. In fiscal year 1992, the Senate appropriation for official mail was $32 million. For the current year, it is $20 million. That is a significant drop. On a percentage basis, Mr. President, that is about a third—a 33-percent drop.

Overall, the total cost of the frank for both Houses declined from a high of $114 million to now $35 million. Everyone, listen to that, from a high of $114 million to $35 million, a difference of 70 percent.

Now, does anyone question why I am resentful of someone coming on this floor and saying we have done nothing, that this is the first step? We have cut mail costs 70 percent.

This amendment would reduce the funding for the elements of the legislative branch within Function 800 by 7.5 percent or about $200 million below the 1995 baseline and freeze it at that level through 1999. This would include both Houses of Congress and most of the related agencies funded in the legislative branch appropriations bill.

Mr. President, I had hoped the Senate might be spared the spectacle—and I call it that—of yet another assault on the first branch of government by one of its own Members. But I was wrong. I want everyone within the sound of my voice to hear, I repeat, that this amendment that is offered is not a first step, and it is not a small step. The person offering the amendment either is unaware of the facts or chooses to ignore them. I have gone over some of the things that we have cut. I am going to continue.

The demagogic value of bashing the people's body, the Congress, I know is very—it is a lot of fun. I know Congress is not well thought of out there, Mr. President. You know that. So it is easy to get up and posture at the expense of the institutions of representative democracy. It does not, however, include the Library of Congress, they say. Wrong again. Members should not allow themselves to be deceived into believing that the Library will not be affected. I can assure you that if the amendment is incorporated in the final budget resolution, the Library will not be spared the pain when it comes time to mark up and pass the legislative branch appropriations bill for 1995. We would have no choice. A reduction in the allocation of the legislative branch subcommittee will inevitably take its toll on all the agencies and institutions in this bill.

Let us take a look at the fine print of this amendment, the assumptions—and they are exactly that—on which this proposal is apparently based.

First, we are told to assume that the recommendations of the Joint Committee on the Organization of Congress will be adopted and will result in a 25-percent cut in committee staff. Well, this is an interesting assumption, but that is all it is, an assumption.

The joint committee's recommendations are pending, as I already indicated, before the Rules Committee. It is a little premature to decide what the outcome of those recommendations might be and base our budget on crystal-ball gazing, guesswork.

Just one example of the contingencies involved. This amendment involves the elimination of subcommittees, but the joint committee recommendations did not kill a single subcommittee. I was on the joint committee. There was a decision made by Senators BOREN, DOMENICI, and the other members of that committee not to directly affect subcommittees. Instead, the hoped-for reduction in subcommittees will be achieved by limiting the number of subcommittees each full committee could have—for example, three for A's, two for B's. Will these limitations be adopted and enforced? If they are, would they eliminate subcommittees with large staffs, subcommittees with small staffs, average staffs? Would they eliminate any of the subcommittees? If subcommittees are abolished, their functions and workload would have to be reassigned, either to other subcommittees or to the full committee. Is it not likely the staff might follow the function and continue doing some of that work?

The honest answer to all these questions is, who knows?

Mr. President, one of the recommendations—and it may come to be—is that we would eliminate the Small Business Committee. Senator BUMPERS is the chair of that. Does that mean we do not have problems in this country with small business and some other committee would not have to take a look at some of the problems that Senator BUMPERS has been working on in that subcommittee? Of course, we would have to look at small business. Small business is affected by everything we do. It is affected by crime. It is affected by welfare reform, health care reform. There is not a thing we do that does not directly impact on small business. But one of the things we are talking about doing is eliminating the Small Business Committee. Sure there still would be work that would have to be done.

We stand on the floor of this Senate and are being asked to give serious consideration to a proposal that is based on analysis that is at the very best conjectural.

Another point about the Joint Committee on the Organization of Congress recommendations, which this amendment assumes will be adopted. The joint committee also recommends that we carry out a study of the legislative branch structure and staffing modeled on the National Performance Review to guide our efforts to achieve staffing reductions.

This is not something that was pushed by the legislative branch. This is something that was adopted by Senator BOREN, Senator DOMENICI, and the rest of committee. There were as many Democrats as Republicans. No one would assume we should take a meat ax to what is going to go on. We need, as indicated by the joint committee, to staff on the model that we will get from the National Performance Review. That seems reasonable.

Even more to the point, and I want everyone also to make sure they understand this: the Office of Technology Assessment—I have conducted those hearings for the last many years. Every year we have Senator KENNEDY, Senator STEVENS and, most of the time, Senator HATCH. This was their baby. The Office of Technology Assessment was their model to allow America, to allow the United States, to compete scientifically with Japan and other countries.

Do you know what this amendment does to the Office of Technology Assessment? It wipes it out. It eliminates it. The President's chief scientific adviser, where did he get his background? He led the Office of Technology Assessment.

I will let others also speak to this. I hope my friend, Senator KENNEDY, will come to the floor, and maybe Senator STEVENS, to talk about the Office of Technology Assessment. I do not know if he will be able to be here.

I find it puzzling that the Republican Party, not our party, would want to cripple the Congress' watchdog on Government waste, fraud, and mismanagement. That does not make sense. That is the effort here, to go to the General Accounting Office, the watchdog of Congress. What they are recommending, what this amendment would do is slash the General Accounting Office by 25 percent.

Congress gets some bad marks. We acknowledge that. But I do not know of any bad marks of the General Accounting Office. They are the watchdog of the Congress of the United States. They are able, without demanding appointment, to serve for terms of 16 years or 12 years. The Comptroller General of this country is not a political job. He does outstanding work through the employees that he has. If we cut them 25 percent—remember, we have already cut them about 600. So we would cut them another 25 percent. As I indicated, the funding would be cut by 10 percent, which would mean a staff cut at 25 percent.

The GAO is operating now with about 11 percent fewer full-time public staff than in 1992. Why were they cut? Because we did it. The legislative branch did it: Senators REID, NICKLES, GORTON. And this year I am sure Senator MACK will join us in some of the things that we have done.

This amendment assumes we can eliminate 25 percent of the remaining GAO personnel. If we did that, we would precipitate a wholesale reduction in force with all the disruption it would entail. Try to imagine that. It is one of the few entities within the legislative branch that is accepted almost universally as being a unique, powerful, equitable entity that does tremendous good for this country—overcharging for military parts in the military, toilets seats, hammers, too many spare parts, all from the General Accounting Office.

We, in effect, I think, Mr. President, would be closing the GAO. We are going to close OTA. Let us close the GAO. It would be so disruptive. I do not know what kind of work they would do with this meat-ax approach.

Mr. President, I ask if the Chair would advise the Senator from Nevada how much time he has remaining?

The PRESIDING OFFICER. The Senator from Nevada has 25 minutes.

Mr. REID. Thank you, Mr. President. Every Senator has a stake in the outcome of this amendment; not a stake to have plush carpeting, not a stake to have people drive you around, not for limousines, not for food. No. Legislative branch costs do not cover that. But, Mr. President, what it would do is dramatically affect how we can do business, how we can respond to the people in the States that we represent.

The cuts, we assume, would not just apply to the support agency or to the legislative branch in general. They also are aimed directly at the Senate offices, including the personal offices of each Senator. This amendment would cut the appropriations for the Senator's Official Personnel and Office Expense Account, as well as other Senate offices by more than 5 percent. This reduction would be on top of the 2.5-percent reduction that we took last year.

My mail has gone up dramatically since I became a Member of the Senate 8 years ago. There has been a tremendous increase in the amount of mail from the State of Nevada. I have trouble keeping up with my mail. We work hard, but it is really difficult to do.

This amendment would mean a reduction in allowances for people to do that kind of work, or to help work through the bureaucracy, as I have given illustrations earlier in my remarks. Our allowances are exceeded by a substantial amount in the appropriations. We simply, Mr. President, have to realize that this amendment would do Senate offices irreparable harm in our ability to respond to our constituents. And that is what our job is.

Senators are authorized to incur obligations against their allowances notwithstanding the amount actually appropriated. We have frozen the appropriation for the past 3 years. As a result, we are encountering growing shortfalls which we have been able to cover with savings in other Senate accounts. In effect, some Senators have not adjusted their money, as the Senator from Utah said. He did not lose 10 percent of his. That has been used by us to cover the shortfalls in the appropriated amounts. But that will be no longer possible in 1995, separate and apart from this amendment. It has nothing to do with this amendment. The funding constraints of the last few years have removed that option. So from now on we will have to be sure that the cost of the Senate allowances are fully funded. They have not been in the past.

The current appropriations for Senators' offices is $185 million. A 5-percent cut would leave $176,479,000. Projected obligations under existing allowances total almost $200 million.

So if this amendment is adopted, the difference between the amount appropriated and the obligations would be a shortfall of over $21 million. To eliminate that shortfall and avoid exposing Senate officers to the violation of the Anti-Deficiency Act, allowances would have to be cut by this amount. Thus, a 5-percent cut in the appropriation that funds the cost of Senators' office allowances would result in an almost 11-percent cut in the actual budget of these offices.

So, Mr. President, before the Senators cast their votes on this amendment, they should confer with their office staffs on the impact of the 11 percent reduction in their budget.

In this regard, I want to commend the sponsor of this amendment for her honesty. I think, Mr. President, it is time that we recognize that we cannot continue voting for cuts in the legislative branch and in the process exempt our own offices from the consequences. My colleagues will recall last year we reduced the total allowances for Senators' offices by 2.5 percent. Even that modest reduction has caused significant problems for some offices which is not surprising given the growing workload we all face. The State of Texas has a lot more staff than the State of Colorado and the State of Nevada. Some offices have had significant problems with the cuts that we have made.

Let me give you one fact that is indicative of the larger reality. In 1990, Senate offices received a total of about 28 million pieces of mail. In 1993, the total was about 43 million. Much of that mail requires more than just a letter of response. Some people write to us that have significant legislative questions that we have to respond to. They are difficult to respond to.

So the increase of 15 million pieces of mail says a lot.

Much of that mail, as I indicated, needs more than a letter in response. Often our constituents write and ask for help with a problem they may be having with a Government agency. Other times, they may want information on any number of topics, all of which require research and capable staff work. So letters offer much more than so much correspondence.

So it is up to the Senate to decide whether we are prepared to defend the institution, Mr. President. I am willing to do my share of cost cutting. I think I have done it. We have done it in this committee. We have had votes in the last few days that call for cutting. But let us not do something that will hurt our ability to do our work. Is there anybody here who wants to close the Library of Congress on weekends or at night? Do we want to cut another thousand people out of the Library?

As we speak, we have in the Library not thousands or tens of thousands, but millions of items that are backlogged, that we need to catalog and get out of mildewed rooms so they are not destroyed forever. We need to be able, somehow, to save those pieces that are in the Library of Congress. We are having trouble keeping up.

Senator HATFIELD and I have worked extremely hard to have certain people—in fact, this is all their job is—try to do away with the backlog at the Library of Congress. We are damaging items in the Library of Congress because we do not have money to repair the roof. We had to close part of the Botanical Gardens because we did not have money to repair the roof. These are not repairs that take $1,000. To repair the Library of Congress' roof, which was completed in the 1880's, is going to cost about $12 million. The Botanical Gardens will cost $28 million. We have closed part of the Botanical Gardens, one of the treasures of this country, because we do not have the money to do it. We are being asked by this reasonable first step to close other parts of the Library and, I assume, other parts of the Botanical Gardens.

I have worked very hard with Senator MACK, and I think we have a way that we can do some of the things that need to be done. But give us the chance to do it. Senator MACK and I, I think, will have a bill we will be proud of. Do not do this to me; this is not fair.

So it is really, Mr. President, up to the Senate to decide whether we are prepared to defend our institution and maintain the resources necessary to support the proper discharge of our constitutional responsibilities.

I, Mr. President, know it is easy to beat up on Congress, to talk about pay raises, to talk about limousines, to talk about health care we do not have, and free haircuts which we do not have. It is easy to talk about all these things. But let us talk facts—real, honest-to-goodness facts. If you do that, we cannot do these things that would be caused by this amendment—the General Accounting Office, Office of Technology Assessment, or our personal staffs.

So it is really up to the Senate to decide whether we are prepared to defend our institution and maintain the resources necessary to support the proper discharge of our constitutional responsibilities.

I certainly hope, Mr. President, that we will be able to do the right thing on this amendment. If the budget resolution is amended in this regard, it is going to be real, real difficult. The way that Washington conducts business will be changed to the detriment of the people of this country.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

If no one yields time, it will be deducted equally from both sides.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas [Mrs. HUTCHISON] is recognized.

Mrs. HUTCHISON. Mr. President, if the Senator from Nevada is willing to yield the remainder of his time, I would like to do the same and reserve 10 minutes to close on my amendment. I think we can finish this amendment quickly.

Mr. REID. I appreciate the willingness of the Senator to yield her time. I am unable to do that because people have indicated they want to speak on this amendment, and I have to protect them.

I do not know for sure if they will be here.

Mrs. HUTCHISON. Mr. President, I ask that the Chair notify me when I have 10 minutes left to close on my amendment. I will be happy to wait for people who might be speaking in opposition.

The PRESIDING OFFICER. The Senator currently has 41 minutes remaining.

Mrs. HUTCHISON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There are 41 minutes 4 seconds remaining.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah needs to have time yielded from the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I yield 5 minutes to the Senator from Utah.

Mr. BENNETT. Mr. President, I ask unanimous consent that I proceed for these 5 minutes on an unrelated matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## PROPOSED CHANGE IN SENATE RULES

Mr. BENNETT. Last night—or more accurately, earlier this morning—we had an interesting time in the Senate, staying until 3 o'clock. When I went home and my wife asked me what we were doing, I had a hard time explaining it to her. We were not declaring war. We were not dealing with major national emergencies.

We were dealing with a circumstance that was inside baseball, if I might use that term, which I had a hard time explaining to her.

If I have a hard time explaining it to the wife of a Senator and the daughter-in-law of another Senator, I would have an even harder time explaining it to my constituents.

Therefore, I have today asked my staff to start drawing legislative language, which I will introduce after the recess is over, which will make this change in the Senate rules.

Whenever a conference report contains language that does not arise from the language passed in either House or deletes language that was passed by both Houses, that report will be subject to a point of order and require 60 votes to pass.

We are seeing, Mr. President, a circumstance where legislation by conferees is replacing legislation by the two elected bodies.

As a freshman, I do not have enough seniority to get appointed to a conference committee, and that means that I am disfranchised from voting on the actual language if the votes that are taken in this Chamber are disregarded by the conferees.

I think if we had had such a rule in the Senate prior to last night, we would not have had the circumstance that we had last night where one Senator was sufficiently offended by the fact that his amendment which had passed both Houses was removed by the conferees, that he exercised the rights that he exercised last night and caused us the circumstance that we went through.

The language, as I say, is being drafted now. I intend to speak more at length about it. But I wanted to make this statement on the floor at this time while the memory of last night's experience was still fresh in our minds.

I thank the Chair.

## CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. Who yields time?

Mrs. HUTCHISON. Mr. President, I would like to just close by discussing a few of the items that the distinguished Senator from Nevada brought up.

First of all, when a mayor is facing a cut in a city budget, the mayor does not come in and cut the police department. The mayor looks for the nonessential spending items. In fact, many mayors in this country would be happy to have only a 7.5-percent cut in their budgets.

So the answer is not to talk about shutting down the Library of Congress or the Capitol Police or casework.

I have cut 20 percent from my own office budget voluntarily because I thought that was the right thing to do. We answer the mail. We do casework. We are very attentive to our State.

I think the people of Texas are well served because they know that I am doing what every one of them has had to do at some point in their business or in their households, and that is cut their budget 5, 10, 15, or 20 percent. But we are only asking today for a 7.5-percent cut in the offices of Congressmen and Senators, and the money it takes to run the Capitol and pass the laws for our land.

A number of businesses are living with a lot of the mandates and laws that Congress has passed. So, when the Senator from Nevada talks about Congress having more expenses because we have to live within our legislative mandates, the businesses of this country know what he is talking about. But they do not have the ability to just increase their budgets, they have to pay for those mandates by cutting in other areas. And that is what we in Congress must do. We must prioritize our spending.

Our amendment does not eliminate anything. It does not eliminate the General Accounting Office or the Office of Technology Assessment. It is an overall cap on spending. It cuts $200 million for fiscal year 1995, and more thereafter. The total cut from the baseline is $2.4 billion over 5 years.

I think if the American people have a choice of whether to keep their tax dollars or whether we mortgage the future of our children and grandchildren—we have some of these committees that we could cut back or franked newsletters that maybe they do not need—they are going to choose to keep the money that they work so hard to earn. They may want to take the kids on a vacation or buy them shoes, or whatever the family decides to do with their money.

Last night I was very impressed with Senator FORD. Senator FORD is the head of the Administration Committee, and he was looking at the costs that our being in session at 3:30 this morning was costing the taxpayers of America. He was trying to cut the printing costs from our CONGRESSIONAL RECORD, and he was looking at the light costs and the staff costs. I admire him, and I think he is right to do that, and I am glad that the people of America know that Senator FORD is looking out for their taxpayer dollars.

Most businesses in America have had to cut 7.5 percent from their budgets at some point. Most homes in America have had to do the same thing. I think it is time for Congress to show leadership, to show we are serious about budget cuts and say that we can do the same.

Thank you, Mr. President.

I ask for the yeas and nays, and I yield the remainder of my time.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. REID. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. REID. What is the matter before the body?

The PRESIDING OFFICER. The matter is the Hutchison amendment No. 1532, and the Senator has asked for the yeas and nays.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I would just briefly respond.

The assumptions that we received from the Senator's office that was passed out with this amendment on March 22, 1994, at 11:35 a.m. indicate that there would be these significant cuts. I did not make these up. This is information we got from her office. These are assumptions she made.

Mrs. HUTCHISON. Mr. President, will the Senator yield?

Mr. REID. Mr. President, let us take the General Accounting Office. If we do follow the assumptions of the Senator from Texas that we do a 25-percent cut in addition to the 600 people we already cut from GAO, how much Government waste, fraud, and abuse will occur as a result of the General Accounting Office, our watchdog being unable to discover fraud, waste, and abuse within the Federal Government on all levels of Government?

I am working with one of my colleagues to take a look at the Federal Reserve Board. The General Accounting Office is the only body equipped to do that. It is very difficult, very time consuming, and my colleague and I have a tremendous interest in this.

If there is a 25-percent cut of the staff of GAO, that will never happen.

What about the problems we have in the military of excessive contracting? We know the money that has been saved and people have gone to jail as a result of the work of the General Accounting Office.

Mr. President, I would also talk about franked newsletters. In the U.S. Senate there are no franked newsletters. We do not have the money. In the U.S. Senate each Senator does not have enough money to mail one letter to each of his or her constituents.

So I say how in the world could we send newsletters? We cannot. There is not enough money.

Mrs. HUTCHISON. Mr. President, will the Senator yield?

Mr. REID. I am happy to yield on the time of the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I just want the Senator from Nevada to understand that the Senate minority Budget Committee prepared a draft of possible ways that the cuts could be made. These are not my priorities, and I did not distribute this. I would not make some of these cuts. I would have a different list of priorities. This amendment is an overall budget cut of the general Government function, and that is all.

So it is a mistake, and I am sure it is just a misunderstanding to say that it is part of this amendment to make the cuts that the Senator is suggesting.

Mr. REID. Mr. President, I would respond to my friend from Texas that all I am doing is reading a document that says Senator HUTCHISON is reducing funding from the legislative branch that was passed out Tuesday. That is where the document was obtained.

It is easy to say, "I make other cuts." The fact of the matter is this is the guide.

I yield to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I appreciate the Senator yielding to me.

I was not here for all of the presentation by the Senator from Texas [Mrs. HUTCHISON]. However, I heard enough to know that she just showed up in Congress a little late with respect to cutting franking. The Senator from Nevada [Mr. REID], has been cutting and cutting and cutting our franking, or mailing, budgets in recent years.

The franking budgets in both the House and the Senate used to be far more substantial than they are now. We have cut our franking spending radically.

Second, let me respond to the possibility of cuts to the General Accounting Office. I think it would not be a thoughtful exercise to suggest that we cut 25 percent more from the General Accounting Office, in addition to what we have already cut. The GAO is crucial to the ability of Congress to ferret out Government waste.

Let me give you one example. Do you know that the Defense Department decided to buy some ant bait? That is right, ant bait to kill ants—they wanted to buy 27,000 dollars' worth of ant bait. Do you know how long it took them to buy ant bait? It took 29 pages of procurement regulations and 270 days to buy 27,000 dollars' worth of ant bait.

Who helps us discover that sort of absurdity, that kind of grotesque waste, that bizarre purchasing behavior? The GAO. The General Accounting Office is worth billions and billions of dollars in savings to American taxpayers.

So I would only say that if we believe that we are serving the taxpayers' interest by cutting 25 percent from the General Accounting Office, in addition to the personnel cuts the GAO has already suffered, we are not saving anybody anything. We are costing the American taxpayers billions and billions of dollars more by not being able to discover that trying to buy ant bait ties us up in knots. We are buying cream-filled cookies with 16 pages of regulations. We need the General Accounting Office to help us discover what is going on in the executive branch when it spends $1.5 trillion.

I want to emphasize this point. There have been sustained budget cuts in congressional spending under the leadership of the Senator from Nevada.

With respect to franking, Senator REID has successfully led the fight to substantially reduce the franking budget.

It is easy to talk about cutting these things, but the proof is what has been done here in the Senate. And I just rise to compliment the Senator from Nevada on his real budget cuts, which have made a difference in the legislative branch appropriations.

Mr. REID. Mr. President, I appreciate very much the Senator from North Dakota, who is also one of the leaders in the Congress for fiscal constraint and saving money. No one that I know of has done a better job of articulating the need for this country to cut its spending than the Senator from North Dakota.

Mrs. HUTCHISON. If the Senator will yield, I would just like to set the record straight, Mr. President.

My office did not distribute the allocations that both Senators have mentioned. There are suggestions that were made by the Senate Minority Budget Committee as to some of the ways that the cuts could be made. I do not know if these are the committee's priorities. And I am sure that the Senator from Nevada, who has a record, I am told, of fiscal responsibility, would set the priorities and that the priorities would be correct. But again, these are not my priorities at all. This is a cut in the General Government function.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. REID. The Senator and I would yield back our time; is that right?

Mrs. HUTCHISON. I yield back the remainder of my time.

Mr. HATFIELD. Mr. President, I would like a few minutes before the time is yielded back, if I could.

Mrs. HUTCHISON. I am happy to yield from our side to the Senator from Oregon.

The PRESIDING OFFICER. Does the Senator from Texas yield time to the Senator from Oregon [Mr. HATFIELD]?

Mr. REID. Mr. President, I apologize. I did not see the senior member of the minority of the Appropriations Committee here or I certainly would not have called for yielding back the time.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized, Mr. HATFIELD.

Mr. HATFIELD. Could I have about 6 or 7 minutes?

Mr. REID. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Nevada has 13 minutes.

Mr. REID. The Senator from Oregon can consume whatever time up to 13 minutes that he desires.

Mrs. HUTCHISON. I would like to reserve the right to close after the Senator from Oregon [Mr. HATFIELD] has finished his remarks.

The PRESIDING OFFICER. At this time, the Senator from Texas has 30 minutes under her control and the Senator from Oregon is yielded the remainder of the time under the control of Senator REID.

Mr. DORGAN. I ask unanimous consent, if the Senator from Oregon does not consume the entire amount, that I might be allowed to use part of the remaining time of the Senator from Nevada.

Mr. REID. I have no objection.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, we get into these exercises of contesting who can cut most—who can cut here, who can cut there—and we think we are going to get a lot of political brownie points from the public or the constituents out of this great budget-slashing activity.

Well, I think there is always a threshold between responsible budgeting and irresponsible budgeting. I think this amendment is irresponsible. And I say that because the chairman of our subcommittee, the Senator from Nevada, has already demonstrated the overall picture of what has been happening in the past 3 or 4 years of reducing the legislative branch expenditures. Let me say, Mr. President, there is no other subcommittee that can take the kind of pride in true responsible budget cutting than the legislative subcommittee.

Now we reach a threshold of whether we are responsible or irresponsible. I want to say that there is not a Senator here on this floor that cannot move ahead unilaterally and do all the budget cutting they want in this legislative branch by cutting their own offices. No one is precluded from cutting their office. If they think they can operate on this kind of reduction at their offices, go ahead and cut it.

There are a number of Senators who have turned back unexpended, unobligated funds from their personal office budget. Nobody is being forced to spend this money under this legislative branch appropriation bill that relates to their own office.

If one is on a committee and they can move and get the support of the committee to cut the budget, cut the committee budget. There is no one preventing them from doing that.

This big display about a big amendment on the floor that is going to balance the budget or lead us to that wonderful rosy tomorrow when the budget is balanced by taking these unnecessary, irresponsible slashes at the legislative branch is not really, in my view, seeking to do the best for the Congress or for the budget process.

Let me take one example: The Library of Congress.

Mr. President, in the old days, when invading armies hit a city or a country, instead of going to the television stations to capture the television stations, which they did not have in those ancient days, they went to the library. That is where they went. The invading armies went to the libraries, the source of information and knowledge, and they took control of the libraries.

Well, those libraries are as vital and important to civilization today as they were in those ancient times.

Let me just read from the record. We have already reduced the Library of Congress by $142.537 million and 854 personnel.

I would like to know how much advantage the Members of this Senate that are promoting this particular budget cut, how much advantage they have taken of the CRS, the Congressional Research Service of the Library of Congress? If they are really sincere about wanting to move this budget down on the Library of Congress, let us see us take the initiative by reducing our demands on the Library of Congress.

Now, we might say, well, that may not be a category included in the amendment. But, Mr. President, let us be honest about this. If you have this kind of reduction from the legislative branch, the Library of Congress is going to have to take a further reduction.

You can tell the public's reaction when we had to restrict the hours of the Library of Congress. It is the old story: "Don't cut the things that I am interested in." Cutting the hours of the Library was very highly resented, but they had to be cut because of the budgetary reductions our committee has imposed upon the Library.

Mr. President, we are in arrearages of that Library of catching up the titles, the thousands of titles that are put into that Library every year. We have been moving very carefully on bringing up that backlog over a period of time. This will further, then, push us back in time of those arrearages.

Now those arrearages are not just a matter of making it more convenient to have access to the Library for people here in Washington. Every library in the country depends on the currency and access to the information of the Library of Congress. Starting with Dan Boorstin and others following him, they have moved this Library of Congress out of Washington, DC, in terms of the access of local communities and States across this country, accessing that great treasure of information and knowledge, the greatest in the world.

If you look at the program we have had on preservation, we are losing books year after year all across this country because of the acid ink used on the paper. They have been disintegrating at an ever-increasing rate. We have been trying a very carefully designed program of preservation. It is not just in the books; it is in the film, it is in the photographs, it is in the records. It is in all the multiple means of preserving history we have in our Library. We cannot afford to let that get ahead of us as we have in the past. We are trying to catch up as it is.

Mr. President, I hope this amendment is rejected at this time, knowing the committee has done its work and is continuing to do its work in reducing the legislative branch expenditures. They are doing it on a careful basis, not on some amendment that has been put together by a couple of staff people maybe within the last half-hour or day or two, and thrown up here on the floor where there has been no analysis.

I would like to take the Senator into a colloquy, to go into the dollar-by-dollar analysis of this proposed cut—I will restrain my desire to do so—because I have the records here, where we have moved on those cuts. I know of their careful consideration, through hearings and testimony, that has not been accessed here on the floor—at least not to my knowledge. I have not seen any such Senators around our committee process. Yet all of a sudden we come up here with a great amendment that is going to save money for the legislative branch.

My simple description of this amendment comes back to the word "irresponsible."

The PRESIDING OFFICER (Mrs. BOXER). The Senator from North Dakota has 4 minutes 56 seconds remaining. The Senator from Texas has 30 minutes remaining.

Mr. REID. I yield 4 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Let me follow the remarks of the Senator from Oregon by saying that I have spent a lot of time on the issue of Government waste. In this body and also over in the House of Representatives I have voted continually to cut and cut and cut. I will continue to do that. The recent rating that came out rating Members' proclivity to favor cuts shows I rank number five on this side of the aisle in the U.S. Senate, in voting to cut spending.

I have spent about 2 years working on a waste project, identifying $83 billion in waste that we can target to reduce Federal spending. So I do not take a back seat to anybody on the question of whether we should cut spending. Of course we should. We ought to continue spending on things that work and cut spending on things that waste.

My concern is, it is all too easy not only to join but also in some cases lead, those who want to create an impression that the Congress is a real cesspool of excess.

There are plenty of blemishes, plenty of problems, plenty of things wrong with Congress. But we actually have fewer people working in the legislative branch today than we did in 1980. That is just a fact—fewer people working in the legislative branch of Government today than we did in 1980. We have cut.

I mentioned the franking. The Senator from Nevada has led the effort on franking. I was surprised when I came to the Senate to see what had happened to the franking budget. It is substantially below what it was. It was cut substantially time after time.

I mentioned previously, when I spoke about the value of the General Accounting Office, that we spend $1.5 trillion in the Federal Government. The GAO is our watchdog. How many in this room know that in the inventory down in the Department of Defense are 1.2 million bottles of nasal spray? There are 1.2 million bottles of nasal spray in inventory at DOD. Do you know how many years of runny noses it would take to consume 1.2 million bottles of nasal spray?

How do we know they wasted money in inventory mismanagement that way? The GAO. The GAO helps us find out how do you spend the taxpayers' money. We appropriate the $1.5 trillion money and then someone else spends it. I do not disrespect anybody's motives. I think everybody has a right to offer amendments on anything. But I urge that we not try to beat up on the institution of the Congress. We need the resources necessary to do our job. We have brought to this floor, from a subcommittee under the leadership of the Senator from Nevada, proposals that cut spending in real terms. These are proposals that are thoughtful, that move in the right direction, and cause us to tighten our belts when we ask others to tighten their belts. That is a fact.

But what we ought to do is make sure we also fund our obligations, make sure the $1.5 trillion we spend of the taxpayers' money is spent wisely. That is embodied also in a significant part of the legislative branch funding.

I am going to vote against this amendment. This amendment has nothing to do with Government waste. I vote against Government waste and will vote to cut the legislative branch. But I will not vote for an amendment that seems to imply the major problem in Federal spending is in the legislative branch. The fact is—let me repeat it—there are fewer people working for the legislative branch today than there were 14 years ago. Why? Because we have had substantial cuts in the legislative branch. The Senator from Nevada has led us in this effort. And I am proud of that. I will continue to participate in that. But this is an amendment that, in my judgment, is not worthy of our support.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Texas.

Mrs. HUTCHISON. Madam President, I would like to close on this amendment. All of the problems of the Federal Government are not embodied right here in the legislative branch, but if we are going to ask the people of America to accept higher taxes or fewer services, and if we are going to ask the people who work in our Federal agencies and Departments to cut back and to watch expenditures, I think Congress should lead the way. We are talking about a $200 million cut from a $2.3 billion budget. We have not cut the budget of the legislative branch from the $2.3 billion level for the last 3 years. It has been relatively the same. In fact, I do not know how many people were working here in 1980, but in 1983 the budget was $1.3 billion. In 1993, it was $2.3 billion. That is not a decrease; it is a 95 percent increase in the budget.

The arguments we hear are like the Washington Monument syndrome. It goes like this: "If you cut the Federal budget, we are going to have to shut down the Washington Monument." Opponents always pick the most visible expenditure to fight losing their debate.

I think maybe we should cut nasal spray from the Department of Defense, Senator DORGAN. It looks like maybe we found a budget cut. I appreciate that being brought forward. We should make every cut in unnecessary spending we can to balance the budget.

It is very important that we take the lead and show that we can do what most businesses in this country and most households in this country have been able to do. That is, cut 7.5 percent of discretionary spending by prioritizing and making sure we fund what we need to fund, but returning to the taxpayers of America $2.4 billion over the next 5 years. I really think it is a small step for us, and a very important one, to show we are going to balance this budget and we are not going to give the bill to our children and our grandchildren.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator yields her time. The Senator from Nevada has 25 seconds left.

Mr. REID. Madam President, that is the whole point. The Senator from Texas has missed that. We have already done what we are asking the American public to do. That is the whole point. That is why we made all these cuts, and I have outlined those today, in franking and the general expenditures of this legislative body.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada has 6 seconds remaining.

Mr. REID. I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

### UNANIMOUS-CONSENT AGREEMENT

Mr. DORGAN. Madam President, I ask unanimous consent that all time on the pending Hutchison amendment be yielded back; that the pending Hutchison amendment be temporarily laid aside to be disposed of following the Mack amendment, No. 1571; that no amendments be in order to the Hutchison amendment or to the language proposed to be stricken by the amendment.

The PRESIDING OFFICER. All time has already been yielded back. Is there objection to the remainder of the request? Without objection, it is so ordered.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Madam President, I want to commend the Senator from Texas, who has been with us a rather short time in chronology but is a wonderfully active participating Member of the U.S. Senate. She feels strongly about this issue. Many of us may not concur, but it is certainly important that she has presented it and done it in a very commendable way.

And I thank the Senator from Nevada for his generosity and courtesy.

### AMENDMENT NO. 1573

Mr. SIMPSON. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 1573.

Mr. SIMPSON. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 22, decrease the amount by $2,000,000,000.

On page 5, line 23, decrease the amount by $13,200,000,000.

On page 5, line 24, decrease the amount by $22,400,000,000.

On page 5, line 25, decrease the amount by $33,600,000,000.

On page 6, line 1, decrease the amount by $46,200,000,000.

On page 6, line 17, decrease the amount by $2,000,000,000.

On page 6, line 18, decrease the amount by $13,200,000,000.

On page 6, line 19, decrease the amount by $22,400,000,000.

On page 6, line 20, decrease the amount by $33,600,000,000.

On page 6, line 21, decrease the amount by $46,200,000,000.

On page 7, line 8, decrease the amount by $2,000,000,000.

On page 7, line 9, decrease the amount by $15,200,000,000.

On page 7, line 10, decrease the amount by $37,600,000,000.

On page 7, line 11, decrease the amount by $71,200,000,000.

On page 7, line 12, decrease the amount by $117,400,000,000.

On page 8, line 7, decrease the amount by $2,000,000,000.

On page 8, line 8, decrease the amount by $13,200,000,000.

On page 8, line 9, decrease the amount by $22,400,000,000.

On page 8, line 10, decrease the amount by $33,600,000,000.

On page 8, line 11, decrease the amount by $46,200,000,000.

On page 9, line 14, decrease the amount by $1,300,000,000.

On page 9, line 15, decrease the amount by $8,100,000,000.

On page 9, line 16, decrease the amount by $13,200,000,000.

On page 9, line 17, decrease the amount by $19,500,000,000.

On page 9, line 18, decrease the amount by $26,500,000,000.

On page 26, line 16, decrease the amount by $200,000,000.

On page 26, line 23, decrease the amount by $600,000,000.

On page 27, line 6, decrease the amount by $1,000,000,000.

On page 27, line 13, decrease the amount by $1,300,000,000.

On page 27, line 21, decrease the amount by $600,000,000.

On page 28, line 3, decrease the amount by $3,700,000,000.

On page 28, line 10, decrease the amount by $6,200,000,000.

On page 28, line 17, decrease the amount by $9,700,000,000.

On page 28, line 24, decrease the amount by $13,900,000.

On page 30, line 21, decrease the amount by $100,000,000.

On page 31, line 3, decrease the amount by $800,000,000.

On page 31, line 10, decrease the amount by $1,500,000,000.

On page 31, line 17, decrease the amount by $2,200,000,000.

On page 31, line 24, decrease the amount by $3,000,000,000.

On page 33, line 18, decrease the amount by $100,000,000.

On page 34, line 1, decrease the amount by $500,000,000.

On page 34, line 9, decrease the amount by $800,000,000.

On page 34, line 17, decrease the amount by $1,100,000,000.

On page 34, line 25, decrease the amount by $1,500,000,000.

Mr. SIMPSON. Madam President, I have never really been much into charts, but the principal manager of the bill, the Senator from Tennessee, has presented me with a remarkable instrument which as you keep pulling on, suddenly you have this remarkable pointer. I appreciate Senator SASSER furnishing me this remarkable thing because I want to share with you some interesting charts.

The basis of these charts is a powerful literary work of my friend PETE PETERSON and the support of the Concord Coalition. Remember, the Concord Coalition was started by two people who have been deeply respected in this body. I served with both of them: Senator Paul Tsongas, of Massachusetts, a magnificent man. I enjoyed him so. Still do. Indeed he is very vital. And Senator Warren Rudman, just a dear, dear friend. They are doing things as united Republicans and Democrats because the rest of us do not do them, and I do not either. We all talk a great game. That is all we do—is talk a great game.

So let me just acquaint my colleagues with a few things on these charts. Most of this will not be news to anybody because people like Senator SASSER and Senator DOMENICI have in one way or another been alerting us to this for years.

So it will not be news. But at some level in the human psyche, in some dim, dark recess of our minds, we know all of the truths about Federal spending—where it has been, where it is going. But we do not like to talk about it. It is too, too painful. We do not like to confront it even though it is our responsibility to do so. Instead, we take refuge in old canards about, "Why do we not do something?" That is marvelous.

Or our constituents say, "Why don't you do what you get paid to do; you should vote the tough votes." You vote the tough votes and your constituents retire you.

That is an interesting conflict. There were several in this body who cast tough votes in 1985 when we froze the entire Federal budget, cut everything on Earth except Social Security but let it go up only 2 percent, and in the next election period, six of our Members disappeared like squash vines in the wintertime. The ads in the paper were: "Here is the squirrel who took your Social Security. Here is the guy who cut your veterans benefit. Here is the guy who took your railroad retirement."

So who is to do the heavy lifting? It is a representative Government. People must like it that way. So we take refuge in those things.

Then they ask us about congressional perks and what we are making. And then we say, "Well, I pay my own Social Security, and I pay my own health insurance, and I pay 8 percent of my salary into a pension, instead of 7 like other Federal employees, so I do get more back. And I pay my mortgage, groceries, gas and oil. So what is it you think I get that you don't get?" They say, "I don't know, I just read it in the Reader's Digest, that's all I know," or "I heard it over one of those talk shows."

That is not good enough.

Then we have a field day talking about, "Well, if we would just get rid of foreign aid, or Lawrence Welk's house in North Dakota, or the study of tsetse flies, or why sheep do what sheep do on the range"—whatever it is. That is what you hear when you get home.

I then say, "Will somebody step up to the plate and tell me who will help me do 'means testing' or 'affluence testing' on—guess what—the Social Security cost-of-living allowance which was 7 billion bucks last year and goes out to people regardless of their net worth or their income? You can save a lot of tsetse fly studies, and all the rest of it, if you step up to the plate and do that."

When we even mention that, here comes the AARP, the Committee for the Preservation of Social Security and Medicare, the Gray Panthers, the Pink Panthers, and every other known organization, to fill our mail rooms to the brim with what we are doing cruelly to the aged and to the infirm, and so on.

Foreign aid, that is a great one. It is 1 percent of the budget. It is less than 15 billion bucks out of a budget of 1 trillion 500 billion bucks, and half of it goes to Israel and Egypt, where it ought to go. The results are heartening there, even through the pain of recent times. The rest of it goes around the world, and some of it, yes, finds its way to despotic tinhorn dictators. But 40, 50 percent of it finds its way into the swollen belly of a starving child, and I will continue to vote for it as long as I am here.

There is a vibrant and active and very tough constituency served by the entitlement programs of the United States, and that makes up the majority of our Federal budget. In deference to them, we remain relatively silent, at least when it comes to "specifics." Oh, we are very good when it comes to generalities, but remain silent about specific ways to slow the truly huge spending increases. So I will hold my tongue for a bit about these energetic, spirited, often selfish, interest groups. I wish instead to use my time to lay out, very dispassionately, of course, the facts. It will not take but a few minutes.

Here is one you do not want to miss—

30 years ago, entitlement spending and interest payments together made up approximately one-third of the Federal budget. Today, they compose two-thirds of the Federal budget. Hear us when we say that 67 percent of the budget of the United States goes out to the citizens without us ever casting a vote. Sixty-seven percent of the budget of the United States. is out the door without us ever stepping up to the plate and casting a vote. Try that one.

So when we talk about cutting discretionary spending, we will never get there. We will not get to balanced budgets by cutting Amtrak or foreign aid. All this mandatory spending is going out the window. It is gone, leaving nothing there to cut in discretionary. You cannot get there.

That is one I wanted to share with you.

And then, not all entitlement programs have contributed equally to this tremendous spending explosion. The largest increases have come from three areas: Health care benefits, Federal pensions, and Social Security cash; together, those three areas. Federal spending in those areas has increased by 6.7 percent of GDP, gross domestic product, since 1965. Those are striking figures. These other things have not gone up like that. We think of food and housing benefits, unemployment and welfare cash, other nonretirement cash. That is not where the rise is. It is in health care, Federal pensions, and Social Security, period. Forget anything else. And we all know it. That is the part that is so curious.

But here is the greatest myth of all time, that somehow this myth is that entitlement spending embodies Government assistance to "the needy." Almost three-quarters of all entitlement spending is given out regardless of need. It goes out to people regardless of need or net worth or income.

Please hear that. We do not like to hear it; our constituents do not like to hear it, but that is where it goes. Regardless of need, three-quarters. And only $1 out of every $6 serves to lift people above the poverty line. That is the way it is. Every one of those figures are completely attributed, completely correct and from several sources: CBO, OMB, BEA, NTUF. There it is. I almost hate to bring out a chart like that, to be called mean-spirited, ugly, and all the rest. But somebody ought to do this now and then.

And then there are some programs that preferentially serve the poor. For example, food stamps, Medicaid. No one is questioning the need for those, but others like Social Security and Medicare deliver larger benefits to those who are well off. These two tendencies virtually—really, actually—cancel out each other to the point where households earning over $100,000 in income receive just as much entitlement assistance as do households that bring in less than $10,000 per year.

Look at this. Federal benefit dollars are just as likely to go to the affluent as to the needy. Here is the column, a total of $5,560 for that family, $5,600 here, and this is for household income over $100,000. And only a little bit of it means tested down here with welfare and food stamps.

There it is. It is absolutely absurd that we have to listen to the assertion that we are taking care of the poor. We are not taking care of the poor. We are taking care of a lot of people that are very well off.

The common denominator of our Federal entitlement system is therefore that it is not a system that transfers benefits from the well off to the needy. It is, rather, a system that now transfers from the young to the elderly, regardless of need, and that is absurd.

There is another interesting statistic; that if we do not start doing something about it, in the year 2010, 60 percent of the domestic budget of the United States will be going to people over 60, and the young people will simply be ignored, apparently, at least if we allow the greed level to continue as it does with certain senior citizens groups. And, of course, it is entirely appropriate for society to set resources aside to take care of Americans in their years of retirement.

At 95 my father died. He probably put $10,000 in Social Security. But when you live to be 95, in a gracious way he wanted that money to go to the Little League and he gave it to other groups or to his grandchildren. I said, "Well, Pop, maybe you should let the Government give it to the Little League." And he said, "Mind your own business son." A wonderful man, a wonderful father and a magnificent human. But that was his. He said, "I want to give it. I put into it from the beginning."

What I tell others who say that: "Well, remember what you put in from the beginning then because if you were in Social Security from the beginning, you put in $30 a year for the first 13 years, and then you really got struck with a hammer blow. You put in $174 by 1960. Ladies and gentlemen, you toadied up 174 bucks a year in 1960, and then you got nailed $300 a year, $500 a year, $800 a year, $1,200 a year, $1,500 a year, and blood pouring out of your eyes finally $2,000 a year. Now it is up to about $3,300 a year, and guess what? People are paying more in Social Security now than they pay in income tax, and they are getting very tired of it.

Then the people that come to the town meetings are getting $500 to $700 a month out of a system where the most they ever paid in was $3,000 a year, and that is in this year. Now, let us all step up and put your foot on the bar rail and try to withdraw ourselves from the elixir they present to us all.

Here we are now where we say we want to take care of Americans in retirement, and yet they are the better off in society now, the seniors.

It is equally appropriate to set aside, in my mind, "something" on behalf of our children and our grandchildren. And yet we give, and please get these figures, 11 times more to the elderly than we give to our children.

There are the figures. Benefits for the elderly, 65 and over, have shot through the roof. Since 1965, the benefit increase for those over 65, $9,632; for those under 18, the benefit increase is $655. No society can exist when you ignore your young.

We have all been through this. My good pal DANNY ROSTENKOWSKI several years ago found some deceptively frail people pouncing all over his car saying that they were not going to let him do catastrophic health care, by George, which would cost them $884 a year. And guess what? If we had done the catastrophic health care bill, which I did not vote to repeal, we would not be in the mess we are with regard to health care. Because if we had done catastrophic health care, 60 percent of the people who are covered, the elderly, would have paid no supplemental premium beyond 7 bucks a month, and then the wealthiest of all of them, the 5 percent at the top, the people that we all heard from—that was when the mailman from Sun City had a hernia hauling the mail in here as to what was happening to these people—those people would have had to pay $884 a year more, and they brought it down. They destroyed it. And thanks to this, we are now largely enraveled in a health care problem. If we had done the catastrophic health care in a sensible way, and it was. And oh, boy, what benefits it had. I did not hear many seniors remembering what we had in it: 365 days of unlimited hospital care, hospice care for a terminal illness, no copayments for hospital care, not over 600 bucks a year for your pharmaceuticals—unbelievable—for 7 bucks a month except for the fat cats at the top who would have had to put up $884 a year. And they crushed it, and now we are going to spend billions of their money—billions of their money—to correct what they could have fixed or allowed us to fix a few years ago.

Well, another recurring fiction, if I may share it with you, is that beneficiaries of these entitlement programs are "only getting back what they paid in." I have touched on that. And there we see another chart. That argument that they are only getting back what they paid in is certifiable, unmitigated hogwash. They know and we know about the Social Security and Medicare contributions collected in this country over the years. They were inadequate to keep the system from going virtually belly up approximately a decade ago, and people like Senator PAT MOYNIHAN and people of good will in both parties finally got together and reconstructed what was headed for disaster, leaving, of course, a group called "notch babies," which we have all heard from.

Notch babies are people who received more than they ever should have received under any scenario known to man or woman, and yet they come to the town meetings. They do not come to mine anymore, which is very good, actually. I said I would put a notch in one of them one day myself.

Now, these are the people who put in the least, the least, and got out the most. In fact, the replacement rate on Social Security for the average recipient is about 41 or 43 percent, and a lot more of the percentage of it goes to the wage earner, the ditch digger. He or she gets more than the affluent. And so that is what we did, but the notch baby was receiving up to 55 percent and it was headed for 100 percent of what they had put in, and thanks to the blue ribbon commission on Social Security, we corrected it. And they still come to the town meetings, and they have received more than any other people who put in that amount, without question. And then a year later there is a difference in benefits received by those folks, and now they "want their money." It would only take something between $200 billion and $400 billion over 10 years to give them what they want. And I am not about to vote for that.

Finally, I think that issue has died down around here. Nobody has the gumption to step up and really say that these people are aggrieved, when they have received far above the typical replacement rate for Social Security.

I just wanted to show you that. The payback on Social Security and Medicare far exceeds what they have paid in plus interest. They always say, "If I had had that money, plus interest, and put it in an investment, I would not be here. I want it out and I want it separate." I respectfully say that is not so.

See here lifetime benefits, for a worker with a nonworking spouse, $308,000. For new retirees, the benefit payback can be almost four times the tax paid. Lifetime benefits for a single worker, $184,000. Medicare, part B, is paid 25 percent by the beneficiary and 75 percent by "Joe Six-Pack." Wait until we try to correct that. The mail room will break down. I have been through this one.

You tell me why somebody should be paying $41.10 a month, which is 25 percent of the part B premiums, while the general taxpayers are paying 75 percent regardless of their net worth or their income? You think we will correct that in the health care debate? The mail room will break down.

Those are some things that I want to share. I think it is very important. I think the American people are smarter than their elected politicians. That is the way it has always been.

You have to admire people like Senator SASSER, Senator DOMENICI, former Senator Lawton Chiles, people who have worked on this through the years. They deserve awards because they try to tell us these things, and they do. We will not do anything, but one thing will happen. The staff will bring to us the mail for that week and say,"Oh, God. Don't touch that; 5,000 cards from outraged senior citizens." And they are highly organized. I can tell you that. I think they are feeling guilty, at least if they have children and grandchildren, because right now we have a situation where three people are paying into the Social Security System and one taking out.

When I was a freshman at the University of Wyoming, there were 16 loyal workers contributing to Social Security and one taking out. Today there are 3.2, and in 30 years there will be two people paying in and one taking out. Can you imagine the generational struggle that will take place in this country when two fine working people are putting in $12,500 each so some guy can get $25,000 out, regardless of his net worth or his income?

And pay close attention to a little item in this budget this year, in the words of Leon Panetta, who is gutsy beyond belief. It is in there. It says that unless we do something, all generations born from this day forward will be paying 82 percent of their wages to sustain these systems in the United States: Social Security, Medicare, Medicaid—82 percent. That is where we are.

These benefits are so out of control that there are some projections which indicate, as I say, that they could by themselves create payroll taxes above 50 percent by the year 2040. Well, I do not claim that will happen. The latter is a "worse-case" scenario.

Social Security is not rising nearly as quickly as is Medicare. But it is clear that the more pessimistic projection is nothing short of disastrous for our country. Yet the most optimistic projections are that come the year 2040, as I say, there will be only two workers putting anything in. They will be required to fund more than $17 trillion in outlays in Medicare, Social Security, Federal pensions, and interest payments promised to just those future beneficiaries who are already alive.

So then let me conclude, because the managers want to get on with their work. I will obviously have to go back and begin answering the phone, which will be ringing off the hook far into the night.

The "aging of America" means that a growing number of Social Security and Medicare recipients must be supported by worker paychecks, two workers to put in the bucks and one to take them out, regardless of their net worth or their income. And unless the current policy is reformed, it could cost future workers a huge chunk of their payroll in taxes. There it is. And there is no question about where that goes, in any scenario.

Finally, today's adults are promised $14 trillion more in benefits than they will ever earn through payroll contributions. In 1991, unfunded benefit liabilities amounted to $14 trillion in this system. So there you are, America.

That is an expectation that can only be met by means of a colossal and economically ruinous injustice against future generations. That is the figure in the President's budget. If that was President Bush or President Reagan, they would have had a fainting spell around the city.

It comes from a gutsy guy named Leon Panetta, who stuck it in there because he and his able Deputy Alice Rivlin know what is happening in America. That is what is happening in America.

So I am sure the AARP will gear up, and we will hear from all of them. It will be a riotous time when we deal with these really gut-hard issues, and we have to do it.

There are only two options for changing this outlook. One is to shift some of that tax burden from future generations onto current ones. That is the policy that was pursued by this President and this Congress last August. We passed a massive tax increase, one which the administration claims cut that future tax rate from 93 percent to 82 percent, by asking today's generations to pay $250 billion more in taxes.

But we cannot get very far with that choice. Shifting some of tomorrow's tax burden onto today's generations may make things more fair but it does not change the fundamental problem. The essence of that problem is that we are promising levels of benefits that require exorbitant, confiscatory tax rates—whether collected today or tomorrow.

This brings me to describe what I am offering today. This is an amendment that would slow the rate of growth in a number of mandatory spending categories. I want to stress that point—my amendment would slow growth rates, not make cuts, in entitlement programs.

Last September, the bipartisan Concord Coalition—a group headed up by our great friends and former Senators Paul Tsongas and Warren Rudman to dramatize the perils of our Federal deficit—unveiled a program to balance the budget by the end of the decade.

The essential point that comes through loud and clear in reviewing their program is that we cannot balance the budget without effecting changes in the mandatory entitlement system. If we cannot balance the budget, we cannot make any progress in reducing the total debt that we are leaving to future generations. You can't get there by cuts in foreign aid, in defense, or even solely through appropriations cuts at all. You have to go where the money is.

But even that is not the real point. We ought not to go after entitlement spending simply because it is the largest and fastest rising part of the Federal budget. We ought to review our entitlement system because it so little resembles what an entitlement system ought to be.

It is my view—and, I believe, the view of many Senators—that the entitlement system should represent a safety net for those Americans who, whether from poverty, illness, or age, are unable to fully provide for themselves. It is not intended to be a system of dependency for those Americans who do not need it. It is not intended to provide incentives for healthy, fully productive Americans to spend one-third of their lives in retirement, at the taxpayer's expense.

Because of this we ought, for a number of reasons, to take a close look at proposals that seek to slow the flow of dollars from working Americans to entitlement beneficiaries who are better off than those who are supporting them. There is no reason for Federal spending to soar so that we can maintain a flow of benefits upstream.

The Concord Coalition unveiled a proposal to means-test entitlement benefits for those households who already have annual incomes above $40,000 per year. This was a critical component of what the Concord Coalition concluded was necessary to balance the budget. I am going to call it affluence testing—sounds better.

I am not out here to seek to implement the Concord Coalition's proposal. Let me make that clear from the beginning. In the first place, there are valid, legitimate questions to be asked about the efficacy of such an affluence-test. One of them is whether or not income is even an accurate measurement of the wealth of elderly beneficiaries. Perhaps total assets held, or accumulated wealth, is a better definition of means for the purposes of determining what kind of affluence benefits these households should receive. And further, there are enforcement questions; it is not at all clear whether seeking to withhold benefits as a function of income is an enforceable proposition, or whether it invites evasion and abuse of a type that we have seen with Medicaid and other need-based programs. It could well be that means-testing is best enforced through the Tax Code, or by some other means different from that suggested by the Concord Coalition.

These are the types of issues that I will be studying as a member of the President's Bipartisan Commission on Entitlement Reform. My discussion of this amendment is not intented to preempt those findings in any way.

The Congressional Budget Office [CBO] has scored the effects over 5 years, of implementing the Concord Coalition's proposal immediately. Instead, my amendment would cut spending growth by an amount equal to the savings that would be achieved if we were to slowly phase in the Concord Coalition's program—20 percent each year, for 5 years, until finally reaching full implementation in 1999.

There are other points that I would like to make in discussing my amendment.

The first is that an amendment to the budget resolution does not implement a policy. That is left to the appropriate committees. What it does do is to set revenue and spending targets for Congress to meet.

Thus, my amendment does not introduce means-testing or any other policy change. Let no one come forth to the field of combat and say that we are voting on means-testing entitlement benefits. That is not done in a budget resolution. My amendment leaves the door open to achieving savings by any means that the appropriate committees choose.

I have discussed the Concord Coalition's means-testing proposal because I do not believe that such an amendment should be offered as a vague cap or black box, with no honesty about the difficult choices that are necessary to adhere to such spending restrictions. It is my aim for the Senate to confront the types of policy changes that will be necessary if we are to get mandatory spending under control.

Sooner or later, this body will have to do that—I can assure my colleagues that the longer we wait, the more painful it will be.

The second point I seek to make is that I am not talking about making any cuts. I know that I will hear a chorus of howls and shrieks from certain interest groups, alleging that such an amendment would cut Medicare or Social Security.

In fact, that is one reason why I have phased in the Concord Coalition savings over 5 years—to ensure that we do not have a cut in current dollars from one year to the next.

An amendment to the budget resolution makes for confusing reading, so let me describe my amendment to my fellow Senators.

My amendment would make changes in projected Medicaid spending. I will be curious as to whether the changes I suggest can be defined as a cut. Here are the outlays that will result in the Medicaid portion of the budget if my amendment is adopted; $122.5 billion in 1995, $135.3 billion in 1996, $149.2 billion in 1997, $164.4 billion in 1998, and $181.2 billion in 1999. If there are any cuts in there, I am quite lost and befuddled. There is not an annual change in that series that is less than a 10-percent increase. Those are increases in real dollars, in current dollars, relative to GNP—pick your measure. These remain increases in every sense of the word.

I know, however, that people will call this type of change a cut. But let me read from page 75 of the budget resolution—the very document that we are deliberating today. "The baseline concept has been misused to portray policies that would simply slow down the increase in spending as spending reductions." That is so very true. And yet I fully expect that my amendment would be opposed on the basis of the cuts it would require.

Let me now discuss Medicare. What would my amendment do to Medicare? We would have outlays of $159.9 billion in 1995, $174.5 billion in 1996, $189.9 billion in 1997, $205.4 billion in 1998, and $225.1 billion in 1999. Again, my amendment would effect increases of at least 8 percent every year. Those are increases in real dollars, in current dollars, or however you want to measure.

And now, the big one: Social Security. My amendment would provide for a growth in Social Security—from $286.3 billion in 1995 to $310.5 billion in 1999. I know how people are going to respond to that one. Although most Americans would consider that an increase, people will point out that this growth will be less than inflation, meaning that, if we did not effect some kind of means-testing, then COLA's, at least, would be in jeopardy.

I expect to hear some savage criticisms of my amendment on that basis alone. But I would say to my colleagues: These difficult choices, between means-testing, COLA eliminations, and retirement age increases, are not created by AL SIMPSON.

These are choices imposed on this Congress by the inexorable progress of budgetary events currently beyond our control. I am not the author of this predicament; nor does my amendment create it. This predicament exists in any event, and it will impose itself on this and all future Congresses.

Let me reiterate my principal points for those who may have missed them. First, my amendment would reduce projected spending baselines by an amount equal to what you would get if you phased in the Concord Coalition's "means-testing" proposal over 5 years. Second, my amendment does not dictate that we achieve the savings in that way. All options are still open to this Senate. Third, my amendment does not require Congress to cut any of these programs. It would require us to develop a means to slow only a little bit of the projected rate of increase in these programs.

It is my hope that this amendment will force the Senate to confront just a small fraction of the types of measures which will be necessary to get our fiscal house in order. My amendment does not come close to balancing the budget over 5 years. We have to go far, far beyond this if we are to get to that point. But if we are talking about getting Government spending under control, this is the sort of thing we will have to do.

It is the sort of thing that we must do—but I know quite well that we will not do it today. I have been around this Chamber long enough to be able to count votes pretty well and there aren't enough enthusiasts in this body who are willing to cast votes in favor of this amendment.

I will withdraw the amendment, for it would garner at least 10 votes. Because of the clogging that would take place in the elevator area during the rollcall on that one, we would not be able to get to work for 2 days. They would be camped out in the streets saying, "Don't cut any of this or that or we will all die. Everybody will be broke. We will be destroyed." And remember the greatest, the most egregious one of all. That is when they say, "you are cutting Medicare and Medicaid." Do not buy it, America. Wake up and smell the coffee, for God's sakes, because Medicaid is going up 29 percent. And we are saying let us let it go up only 10 percent, and that is called a cut by these groups. Medicare is going up 13 percent, and they say, "Oh, you let it go up only 8 percent. That is a cut." It is not a cut. It is an 8-percent increase.

So wake up and have one on me. If you do we will do the treats out in Wyoming.

The PRESIDING OFFICER. Without objection, the Senator has the right to withdraw the amendment. The Senator asked to do that.

The amendment (No. 1573) was withdrawn.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

### AMENDMENT NO. 1574

(Purpose: To reduce the deficit, reduce the tax burden on children, and promote the private pursuit of happiness)

Mr. GRAMM. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 1574.

Mr. GRAMM. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, decrease the amount on line 5 by $10,380,000,000.

On page 3, decrease the amount on line 6 by $26,000,000,000.

On page 3, decrease the amount on line 7 by $27,600,000,000.

On page 3, decrease the amount on line 8 by $30,000,000,000.

On page 3, decrease the amount on line 9 by $32,300,000,000.

On page 3, decrease the amount on line 13 by $10,380,000,000.

On page 3, decrease the amount on line 14 by $20,000,000,000.

On page 3, decrease the amount on line 15 by $27,600,000,000.

On page 3, decrease the amount on line 16 by $30,000,000,000.

On page 3, decrease the amount on line 17 by $32,300,000,000.

On page 4, decrease the amount on line 7 by $10,380,000,000.

On page 4, decrease the amount on line 8 by $26,000,000,000.

On page 4, decrease the amount on line 9 by $27,600,000,000.

On page 4, decrease the amount on line 10 by $30,000,000,000.

On page 4, decrease the amount on line 11 by $32,300,000,000.

On page 4, decrease the amount on line 15 by $10,380,000,000.

On page 4, decrease the amount on line 16 by $26,000,000,000.

On page 4, decrease the amount on line 17 by $27,600,000,000.

On page 4, decrease the amount on line 18 by $30,000,000,000.

On page 4, decrease the amount on line 19 by $32,300,000,000.

On page 5, decrease the amount on line 1 by $34,437,000,000.

On page 5, decrease the amount on line 2 by $41,896,000,000.

On page 5, decrease the amount on line 3 by $46,641,000,000.

On page 5, decrease the amount on line 4 by $40,493,000,000.

On page 5, decrease the amount on line 5 by $45,034,000,000.

On page 5, decrease the amount on line 11 by $34,437,000,000.

On page 5, decrease the amount on line 12 by $41,896,000,000.

On page 5, decrease the amount on line 13 by $46,641,000,000.

On page 5, decrease the amount on line 14 by $40,493,000,000.

On page 5, decrease the amount on line 15 by $45,034,000,000.

On page 5, decrease the amount on line 22 by $10,584,000,000.

On page 5, decrease the amount on line 23 by $29,223,000,000.

On page 5, decrease the amount on line 24 by $35,986,000,000.

On page 5, decrease the amount on line 25 by $41,131,000,000.

On page 6, decrease the amount on line 1 by $40,215,000,000.

On page 6, decrease the amount on line 7 by $10,584,000,000.

On page 6, decrease the amount on line 8 by $29,223,000,000.

On page 6, decrease the amount on line 9 by $35,986,000,000.

On page 6, decrease the amount on line 10 by $41,131,000,000.

On page 6, decrease the amount on line 11 by $40,215,000,000.

On page 6, decrease the amount on line 17 by $204,000,000.

On page 6, decrease the amount on line 18 by $3,223,000,000.

On page 6, decrease the amount on line 19 by $8,386,000,000.

On page 6, decrease the amount on line 20 by $11,131,000,000.

On page 6, decrease the amount on line 21 by $7,915,000,000.

On page 7, decrease the amount on line 1 by $204,000,000.

On page 7, decrease the amount on line 2 by $3,223,000,000.

On page 7, decrease the amount on line 3 by $8,386,000,000.

On page 7, decrease the amount on line 4 by $11,131,000,000.

On page 7, decrease the amount on line 5 by $7,915,000,000.

On page 7, decrease the amount on line 8 by $204,000,000.

On page 7, decrease the amount on line 9 by $3,427,000,000.

On page 7, decrease the amount on line 10 by $11,813,000,000.

On page 7, decrease the amount on line 11 by $22,944,000,000.

On page 7, decrease the amount on line 12 by $30,859,000,000.

On page 8, decrease the amount on line 7 by $204,000,000.

On page 8, decrease the amount on line 8 by $3,223,000,000.

On page 8, decrease the amount on line 9 by $8,386,000,000.

On page 8, decrease the amount on line 10 by $11,131,000,000.

On page 8, decrease the amount on line 11 by $7,915,000,000.

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On page 11, increase the amount on line 6 by $100,000,000.

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On page 11, decrease the amount on line 23 by $2,500,000,000.

On page 12, decrease the amount on line 5 by $4,100,000,000.

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On page 13, decrease the amount on line 22 by $500,000,000.

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On page 14, decrease the amount on line 4 by $600,000,000.

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On page 31, decrease the amount on line 24 by $6,500,000,000.

On page 33, decrease the amount on line 17 by $700,000,000.

On page 33, decrease the amount on line 18 by $300,000,000.

On page 33, decrease the amount on line 25 by $1,200,000,000.

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On page 34, decrease the amount on line 25 by $1,400,000,000.

On page 35, decrease the amount on line 8 by $337,000,000.

On page 35, decrease the amount on line 9 by $584,000,000.

On page 35, decrease the amount on line 15 by $204,000,000.

On page 35, increase the amount on line 16 by $669,000,000.

On page 35, increase the amount on line 22 by $721,000,000.

On page 35, increase the amount on line 23 by $1,476,000,000.

On page 36, increase the amount on line 5 by $2,172,000,000.

On page 36, increase the amount on line 6 by $2,534,000,000.

On page 36, increase the amount on line 12 by $3,273,000,000.

On page 36, increase the amount on line 13 by $4,092,000,000.

On page 36, decrease the amount on line 20 by $800,000,000.

On page 37, decrease the amount on line 21 by $100,000,000.

On page 37, decrease the amount on line 2 by $600,000,000.

On page 37, decrease the amount on line 3 by $1,700,000,000.

On page 37, decrease the amount on line 9 by $1,100,000,000.

On page 37, decrease the amount on line 10 by $1,800,000,000.

On page 37, decrease the amount on line 16 by $1,500,000,000.

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On page 37, decrease the amount on line 23 by $2,500,000,000.

On page 37, decrease the amount on line 24 by $3,400,000,000.

On page 38, decrease the amount on line 13 by $92,000,000.

On page 38, decrease the amount on line 14 by $92,000,000.

On page 38, decrease the amount on line 20 by $462,000,000.

On page 38, decrease the amount on line 21 by $462,000,000.

On page 39, decrease the amount on line 2 by $965,000,000.

On page 39, decrease the amount on line 3 by $965,000,000.

On page 39, decrease the amount on line 9 by $1,107,000,000.

On page 39, decrease the amount on line 10 by $1,107,000,000.

On page 39, decrease the amount on line 25 by $92,000,000.

On page 40, decrease the amount on line 1 by $92,000,000.

On page 40, decrease the amount on line 7 by $462,000,000.

On page 40, decrease the amount on line 8 by $462,000,000.

On page 40, decrease the amount on line 13 by $965,000,000.

On page 40, decrease the amount on line 14 by $965,000,000.

On page 40, decrease the amount on line 21 by $1,107,000,000.

On page 40, decrease the amount on line 22 by $1,107,000,000.

On page 41, decrease the amount on line 4 by $92,000,000.

On page 41, decrease the amount on line 5 by $462,000,000.

On page 41, decrease the amount on line 6 by $965,000,000.

On page 41, decrease the amount on line 7 by $1,107,000,000.

On page 41, increase the amount on line 11 by $7,800,000,000.

On page 41, increase the amount on line 12 by $3,800,000,000.

On page 41, increase the amount on line 18 by $4,900,000,000.

On page 41, increase the amount on line 19 by $800,000,000.

On page 41, increase the amount on line 25 by $5,600,000,000.

On page 42, increase the amount on line 1 by $3,100,000,000.

On page 42, increase the amount on line 7 by $8,700,000,000.

On page 42, increase the amount on line 8 by $8,300,000,000.

On page 42, increase the amount on line 14 by $20,100,000,000.

On page 42, increase the amount on line 15 by $11,800,000,000.

On page 70, increase the amount on line 21 by $41,896,000,000.

On page 70, increase the amount on line 22 by $29,223,000,000.

On page 70, increase the amount on line 24 by $46,641,000,000.

On page 70, increase the amount on line 25 by $35,986,000,000.

On page 71, increase the amount on line 7 by $40,493,000,000.

On page 71, increase the amount on line 3 by $41,131,000,000.

Mr. GRAMM. Madam President, I have sent to the desk what some will view as a radical amendment. We have voted on several amendments today. We voted on several yesterday. Most of those amendments made only marginal changes: Take a little money from here; put a little money there; sustain a marginal cut here in discretionary spending versus a marginal cut there in entitlement spending.

The amendment that I am sending to the desk represents a dramatic departure from budgeting as we have practiced it since 1982.

To save everybody's time, let me describe the amendment in a little bit of detail. Then let me talk about the issue in terms of what it is really about. And I will try to do all of that in such a way as to deviate from my background as a school teacher and get my presentation finished by the time that we start voting on amendments at 3 o'clock.

My amendment makes two kinds of cuts. First of all, it accepts every cut in the Clinton budget, but accepts none of the add-ons. But, in addition, it fully funds the FBI, the U.S. Attorney's office, justice assistance, DEA, INS, U.S. Marshals, and organized crime drug task forces.

In other words, it takes every cut in the Clinton budget except, unlike the Clinton budget, it fully funds our law enforcement effort. It takes none of the President's add-ons. In the process, it saves $72 billion over a 5-year period.

Second, once you have made those cuts it freezes for 5 years the authority to spend or what we call budget authority which is just the right to spend money, and that saves $85 billion.

Then it does two things with the money. First, it applies some of it to deficit reduction. Taken with the Grassley-Exon amendment that was adopted in committee, it reduces the deficit by $57 billion as compared to the original budget.

Then, second, it takes the remaining $126 billion and it uses that to fund a doubling of the child exemption, the deduction that people get on their income taxes, and will allow them to keep more of their money to raise, to feed, to clothe, to educate, to house their children. That current dependent deduction is $2,350, which is about a third the level, in real dollars after inflation, that existed in 1950.

It raises that dependent exemption, so that families can keep more of what they earn, from $2,350 to $4,700.

So what the amendment before us does is, it takes all the President's savings, and it fully funds law enforcement; it freezes discretionary spending for 5 years; then it dramatically reduces the deficit, and it doubles the dependent exemption for every working family in America.

This dependent exemption will mean that American families with children will get to keep more of their own money, and they will get to spend it. I am sure someone will say, well, there probably is a rich person in America somewhere with a child, and since you have at least one rich person that might benefit, then we do not want to give this to anybody. I remind my colleagues, that, as we are all aware, 90 percent of the savings of doubling the dependent exemption for children would go to families making less than $75,000 a year. Under existing law, in fact, the ability to use deductions starts phasing out at $122,500.

What is the purpose of this amendment? Well, the purpose of this amendment is to control Government spending and to give money back to working families that they earned in the first place, and to let them spend the money themselves.

I know some of my colleagues want to say that by freezing spending, you are going to produce a situation where less money is being spent on housing; less money is being spent on nutrition; less money is being spent on education. But I respond by saying that is not true.

It is true that less money will be spent by Government on these things, but what my amendment does, which some in this body will call radical, is it lets families spend their own money on these things. It takes the view that we know Government, and we know how it works, and we know how it does not work, and we know American families, and we know the difference. By doubling the personal exemption for children, what we are going to do is not cut spending on housing, nutrition, or education, we are simply going to have different people spending the money.

The existing budget offered and supported by Democratic colleagues says: Let Government spend the money.

My amendment says: Let the families spend the money.

I know Government, I know the family, and I know the difference. I believe that by letting families keep more of what they earn to invest in housing, feeding, and educating their own children, they will do a better job, and that American children will be better housed, better fed, better educated, and our society will be richer, freer, and happier.

What am I trying to respond to here, Madam President? Well, let me try to summarize it as follows: In the last 2 months, we have had three or four different polls that have shown something I think is pretty startling about our country.

In the last 2 or 3 months, we have had three different pollsters find that when you ask Americans, "Do you believe you are better off than your parents were?" by a slight majority, people say, "No."

Then when they ask people, "Do you feel your children are going to do better than you have done?" by almost a 2-to-1 margin, today, in 1994, Americans say, "No."

What we are seeing, Madam President, is an assault on the American dream. Like many Members of this body, I grew up in a family where neither of my parents graduated from high school; yet, my mother never had any doubt in the world that I was going to graduate from college. I fought it, resisted it, and they kept trying to vaccinate me with learning. I failed the third, seventh, and ninth grades, but my mother prodded me every step of the way through college and through a Ph.D. in economics. In the world I grew up in, in the 1950's and 1960's, mothers' dreams did not die easily in America. The real tragedy of the 1990's is that all over our country, mothers' dreams today are dying. I believe that something needs to be done about it.

Why is it that Americans are so worried about the future? Why is it that by almost a 2-to-1 margin, Americans believe that their children are not going to do better than they are doing? What has happened to this pillar of American society called the "American dream"?

Well, I think there are a lot of reasons that the dream is fading. Part of it is the ineffectiveness of Government services in education and in law enforcement. Part of it is the explosion of Government bureaucracy, where small business people feel that Government exists to put them out of business. And whether Government is out to do it, or whether it is just happening, people see it happening every day, and they do not believe their children will have the same opportunity to start out with a dream of owning their own business and making it prosper and grow.

The part of the American dream that is fading that I am trying to deal with here has to do with the family. In 1950, the average American family making the median income with two children sent $1 out of every $50 it earned to Washington, DC. Let me repeat that statistic: In 1950, the average American family with two children that made the median income sent $1 out of every $50 it earned to Washington, which meant that $49 out of every $50 it kept and either spent at the State level in taxes or, more importantly, the vast majority of that money retained by the average working family in 1950 was invested in its future and in the future of its children.

Today, the average American family sends $1 out of every $4 it earns to Washington, DC. When you take State and local taxes, which have exploded since the 1950's, what you are finding is that the average working family is giving more and more and more of its money to Government, and it is getting to keep less and less. In fact, new statistics indicate that in a two-wage-earner family, the second wage earner is sending to the Government, as compared to the situation that existed in 1950, two-thirds of his or her income. If you have a couple, where both the husband and wife work, as compared to 1950, the second wage earner is sending two-thirds of the income to Washington, DC, to fund more Government, instead of investing it in their family and their future.

What I have proposed to do, Madam President, is to reverse that, to take the President's cuts, to freeze discretionary spending, to take part of that money and apply it to deficit reduction but to give the rest of the money back to working families by doubling the dependent child exemption so that families can invest their money in their future, so that families can make decisions about their expenditures on housing, education, and nutrition.

I believe that this is the kind of change in public policy we need.

I think that it is very dangerous in America when, by a margin of more than 2 to 1, parents believe that their children are not likely to do better than they have done. That is a fundamental assault on the American dream and on American society.

I submit, Madam President, that one of the reasons that is so is that in the last 40 years we have seen an explosion in Government. Whereas, the average family with children was then sending $1 of every $50 to Washington, today it is sending $1 out of every $4. I am trying to reverse that.

This does not raise the child-dependent exemption to the level that existed in 1950, but it takes us in that direction. It is an important first step. I hope my colleagues will adopt it.

I know that some are going to get up and say the way we are doing budgets now, since the 1990 budget summit agreement is if, you want to let people keep more money you have to cut it out of certain kinds of expenditures. Madam President, we are capable of changing that law right here on the floor of the Senate. We are capable of waiving that requirement.

Some are going to say that is the way we did it. The point is the way we are doing it is not working. I want to make a dramatic change. That is what this amendment is about. It is about privatizing worker income. It is about letting families invest in their future.

I see I have several colleagues here and I would like, Madam President, to yield 5 minutes to the distinguished Senator from Indiana [Mr. COATS].

The PRESIDING OFFICER. The Senator from Indiana is recognized for 5 minutes.

I remind Senators that at 3 o'clock, according to the previous order, there will be several back-to-back votes.

Mr. COATS. Madam President, I may not use all the 5 minutes I have.

Madam President, when you look at the Tax Code, its seems that everyone gets a special tax break. But no one deserves or needs it more than the most special, special interest of all—the family.

Earlier today, the Senate rejected a budget alternative that would have provided much-needed tax relief to hard-working middle class families in the form of a $500 family tax credit.

The Gramm-Coats amendment offers another chance for Senators to allow families to keep more of their hard-earned tax dollars.

### WHAT OUR AMENDMENT DOES

Our amendment doubles the dependent exemption from the current $2,350 to $4,500 a year.

The amendment not only pays for a doubling of the exemption, but it also fully funds the Senate crime bill and it reduces the deficit by an additional $31 billion.

The amendment would accept the nondefense discretionary reductions proposed in the President's budget, except for cuts proposed for crime-fighting agencies—FBI, U.S. Attorney's Office, Justice Assistance, DEA, INS, U.S. Marshals and organized crime drug enforcement—which would be restored.

In addition, it would freeze budget authority for remaining nondefense discretionary spending to achieve a total budget authority freeze over 5 years.

The question our amendment asks is fundamental: Would a family rather have more money in their pockets to spend as they choose or would they rather have bigger Government in Washington that offers little to the average family?

### WHY WE NEED TO PROVIDE TAX RELIEF TO FAMILIES

Why is this measure needed? It's needed because over the last several decades, tax burdens have been radically redistributed—not from poor to rich or rich to poor, but directly on families with children.

Single people and married couples with no children face just about the same tax rates as they did in 1960. But for a couple with two children, average taxes have risen about 43 percent. A family with four children has found their tax bill more than tripled.

The reason is simple. The personal exemption—the way the Tax Code adjusts for family size—has been eroded by inflation and neglect.

Congress has allowed the exemption that once protected families with children to fall in six decades to less than a third of its original value.

The bipartisan National Commission on America's Urban Families accurately stated the problem in its January 1993 report entitled "Families First":

> As the dependent exemption has shrunk as a percentage of income, families with children have incurred much larger tax increases than other groups of Americans. . . . The previously favorable Federal Tax Code treatment of families with children has steadily deteriorated in recent decades.

The Progressive Policy Institute, in its 1990 manifesto: "Putting Children First: A Progressive Family Policy for the 1990's," points out:

> In 1948, there was a pro-family Government policy based on a simple notion: The Government should not tax away that portion of a family's income that is needed to raise children. . . . The 1948 personal exemption was $600 and median family income was $3187. This meant that a family of four at median income paid a minuscule 0.3 percent of their income in Federal income taxes.

Today, that family shells out one-quarter of its income to Uncle Sam. If you add in State and local taxes, the tax burden on that family grows to more than 38 percent of its income.

According to the Urban Institute, if the value of the personal exemption for taxpayers with children had been adjusted for inflation and real growth in income since 1948, it would have been $8,652 in 1993. Today, it stands at $2,350.

### CHILDREN ARE EXPENSIVE TO RAISE

For many families, this tax burden is a source of economic distress. Children are more, not less, expensive to raise.

According to Family Economics Review, it currently costs between $4,000 and $5,000 per year, per child, depending on the age of each child.

Anybody who has ever bought a pair of Air Jordans at $125 a pair for their teenager knows how expensive it is to raise kids. That is a pricetag of about $80,000 by the time each child reaches 18—before that child even leaves for college.

An increase in the personal exemption will help restore the protection families once enjoyed in the Tax Code.

By putting money directly back into the hands of the American family as the Gramm-Coats amendment would do, we can provide them the power to make their own choices without Government interference. We can provide parents with the ability to better care for themselves and their children.

### THE TIME HAS COME FOR FAMILY TAX RELIEF

Contrary to what some may believe, American families do not view their earnings as a source of tax revenue, but as the just reward of their own work.

Ronald Reagan once commented, "For too long, Government has stood in the way of people taking home more of what they earn, no matter how hard they try. It is economics without a soul."

As a candidate, President Clinton echoed a similar thought in advocating family tax relief: "We need to stop taxing away the money parents need to raise a family, and restore the value of the children's tax exemption."—From "A Plan for America's Future."

Families should clearly be allowed to keep more of their hard-earned tax dollars.

It is a matter of simple equity for millions of American families that have been ordered by the Government to give until it hurts and then give some more. A vote for the Gramm-Coats amendment is a vote to restore equity to the Tax Code.

I am pleased to join my colleague, the Senator from Texas, in offering this amendment. It is an issue that I have been working on, and a number of us have been working on, for a long, long time. That is to bring equity to working families who are trying to raise children and meet the expenses of doing so.

This battle began way back in the early eighties as we began to talk about how we could restore equity to families who had been shortchanged under changes in the Tax Code that had been in place since 1948 when the Congress first implemented the personal exemption. It has not kept pace with inflation; it has not kept pace with the cost of raising children and raising a family. We were fortunate enough to finally double it in 1986, but we did not begin to restore it to full equity.

This amendment does not do that either, but it sure takes it a long way towards restoration of equity.

It seems like over the past 20 years virtually every special interest group in America has received a special tax break through the Tax Code, except for the most special of special interests, and that is the American family.

This particular amendment comes on the heels of a defeat in this body of an attempt just yesterday to propose an alternative which would have provided a $500 tax credit for every child in America. I regret that that alternative was defeated. This is a second attempt to restore equity to the American family.

I commend Senator GRAMM for his efforts in this regard, and I am pleased to work with him and join him in doing so.

What is important here is that this amendment is paid for. It is paid for with real dollars, which offset the loss of revenue which would ordinarily come to the Treasury if this exemption were not increased. It is paid for in a way that helps fund the crime bill, which is important to Americans. That reduces the deficit, which is important to Americans and American families, and pays for the personal exemption.

It addresses the question that was raised yesterday as a special tax break going to the rich, because under current law this exemption will be phased out the higher your income level. It is not discriminatory toward the poor because their opportunities under the earned income tax credit and, depending on what their income level is, the combination of EITC and the personal exemption will provide them relief.

What it goes to is at the heart of the question, and that is how do we provide relief for the middle-income family. That is the family that has seen an increasing percentage of their income go to fund the Government, to fund Government programs.

That is the entity, and those are the people that Members from both sides of the aisle during their campaigns have said we want to help.

President Clinton in his campaign was explicit in terms of trying to reach out and help middle-income families, trying to give them some relief, and he is on record as saying that.

It has not been provided by the administration. It has not been provided in the Democrat budget. So this is an opportunity for Members to state where they stand in providing real relief for American families and particularly middle-income families.

Contrary to what many believe, American families do not view their earnings as a source of tax revenue but as a just reward for their own work. President Reagan once commented "For too long Government has stood in the way of people taking home more of what they earn, no matter how hard they try. It is economics without a soul."

As a candidate, President Clinton echoed a similar thought in advocating family tax relief by saying: "We need to stop taxing away the money parents need to raise a family and restore the value of the children's tax exemption.

Families should clearly be allowed to keep more of their hard earned tax dollars.

It is a matter of simple equity for millions of American families that have been ordered by the Government to give until it hurts and then give some more. A vote for the Gramm-Coats amendment is a vote to restore equity to the Tax Code.

It is fair, it is paid for, and it is time we delivered on our promise to bring relief to American families.

Madam President, I yield back the remainder of whatever time I have.

The PRESIDING OFFICER. The Senator from Tennessee.

### UNANIMOUS-CONSENT AGREEMENT

Mr. SASSER. Madam President, I ask unanimous consent that at 3 p.m. the Senate proceed to consideration of the conference report to accompany H.R. 3345, the Federal workforce restructuring bill; that there be 10 minutes for debate, equally divided between Senators GLENN and GRAMM at that time; that at the conclusion or yielding back of time, the Senate resume consideration of Senate Concurrent Resolution 63, and vote in accordance with the previous order on or in relation to the three amendments that were stacked to begin at 3 p.m.; that upon disposition of the Hutchison amendment, the Senate vote to invoke cloture on the conference report of H.R. 3345; that if that vote is not successful, the Senate then, without any intervening action or debate, vote a second time to invoke cloture on the conference report to accompany H.R. 3345, with the mandatory live quorums being waived.

I further ask unanimous consent that the second and succeeding votes in this sequence be 10 minutes in duration; that the second vote would be 10 minutes in duration; and that if cloture fails the Senate resume consideration of Senate Concurrent Resolution 63.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, reserving the right to object, and I will not object, I arrived from another engagement, as the chairman knows.

Senator CRAIG has been waiting for a long time to speak 3 or 4 minutes on the Domenici amendment. How will that work into this? Will he be unable to do that?

Mr. SASSER. I would not think so because we would be moving into this at 3 o'clock. If this UC fails, of course we would move into the votes previously ordered.

Mr. DOMENICI. Could we not give him 2 minutes right now or 5 minutes?

Mr. CRAIG. Maybe I can do it in 4.

Mr. DOMENICI. Could we do it later? Perhaps the Senator could insert it right before we vote on my amendment. Perhaps he could have 5 minutes.

Mr. SASSER. Before moving on that, we should dispose of this unanimous-consent request.

Mr. DOMENICI. Mr. President, reserving the right to object, and I will not.

I have no objection.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request by the Senator from Tennessee?

Hearing none, it is so ordered.

### AMENDMENT NO. 1567

Mr. SASSER. Madam President, I ask unanimous consent that the Senator from Idaho be allowed to speak for 5 minutes on the Domenici amendment at this time.

The PRESIDING OFFICER. Without objection, the Senator from Idaho is recognized for 5 minutes to speak on the Domenici amendment.

Mr. CRAIG. Madam President, let me thank the chairman and the ranking member for this consideration. I know that time has been a struggle here the last 24 hours and the accommodation is truly appreciated.

I stand today in support of the Domenici amendment because clearly this Congress and this Senate has to address deficit reduction across the Federal budget. I say that because for so long we have relied on what we argue is deficit reduction coming primarily out of discretionary money while we have allowed entitlements to grow at an astronomical rate in a way that clearly has set this budget out of control. I do not care whether President Clinton comes to the Hill and says, or any Member of this Senate says, that we have a Federal budget that is in control. They simply cannot argue that. The facts are not there.

We are dealing with very fragile projections in these kinds of issues.

Let me give you an example of the very type of thing we are talking about. CBO has re-estimated the President's budget to show deficits in every year higher than OMB has projected.

Well, over the next 5 years, we have $113 billion more in deficits projected out there than we had projected in the President's budget. In less than 2 months—January through March—CBO's projections of its own baseline deficits already have gone up by $46.8 billion for the next 5 years. And yesterday morning, what did we hear? Orders for U.S. factory durable goods dropped 2.5 percent in February, a leading indicator of the health of the U.S. manufacturing economy. The Federal Open Market Committee of the Federal Reserve said this week it would raise Federal fund rates by a quarter of a percentage point, following an identical increase on February 4.

Why cannot this Congress understand that long-term projections for the budget it is dealing with and the deficit it is dealing with can be so much gamesmanship?

I stood on this floor a month ago arguing for a balanced budget amendment to the Constitution and every time, folks in opposition to it would come to the floor of the Senate and say, "Give us your plan. We can't balance the budget without a plan."

Well, let me tell you what this body is not doing. With all the effort here today on this budget resolution, we are not talking of balancing the budget. We are not talking of getting anywhere near that.

But with the Domenici amendment—even with the Grassley amendment, although I would disagree more with it because of where it sends the money—we are seeing some movement toward reducing deficits.

Let me give you some interesting figures. This is something that I think few of us want to talk about today. This chart I had my staff work with me on—and we have consulted CBO on it—shows two alternative deficit projections, the yellow line being the projected Clinton deficits. I have already told you that even as we were putting this chart together, CBO said, "Whoops, these figures are wrong. They are off by maybe $100 billion."

In the outyear of 1999, we are looking at a deficit somewhere between $200 billion and $300 billion under the President's budget and at today's interest rates.

What did I just say? Interest rates already are moving up. They started up in February, they were up again yesterday, and it appears that they can move further.

So in talking with CBO, I asked if they would help us extrapolate and if they would work with us, starting with the same guaranteed deficit—because, let me tell you, what is in the Clinton budget, although it is a projection, you can bet it will not be any lower unless we can bring about cuts as proposed in the Domenici-Nunn amendment.

But, in reality, if you take that guaranteed, fixed, minimum deficit, by the time you get out to 1999, we are going to have a $6.5 trillion debt, guaranteed, locked in. It is already planned. That is $2 trillion added to our $4.5 trillion or $4.6 trillion existing debt.

Here is something. And this is a no-no, Mr. President. I took Jimmy Carter's interest rates—because it is something that we still remember; most of us were around during those days—and I applied them to the Clinton debt. And guess what we got? We got, by the year 1999, we follow this red line straight up to nearly a $500 billion annualized deficit; that is, with the very budget that is here on the floor today that we are debating, and just adjusting it for 1980 interest rates. No gamesmanship. That is reality.

Now what does this spread mean in terms of the difference in deficits and in the interest charged on the debt structure? By 1999, the spread, the annual increase in spending, all of it deficit spending, on additional interest payments alone would be 46 percent of all discretionary moneys, 62 percent of the planned expenditure for Social Security, 98 percent of defense spending, and 167 percent of Medicaid. That is reality. That is how vulnerable we are to possible, even overnight, changes in economic conditions.

That is why we have to support the deficit reduction in the package presented across the board in the Federal budget with the Domenici amendment. That is reality. Why fool ourselves any longer? These planned, and potentially much larger, deficits are Bill Clinton's burden. He ought to face it. He ought to work with us. So should the majority. Guard against reasonable changes in interest rates and other economic indicators. More and more debt is the reality of this budget. We cannot escape it, so let us deal with it.

Mr. President, I rise in opposition to Senate Concurrent Resolution 63, the budget resolution for fiscal years 1995–99, as reported.

### ONE MORE ARGUMENT FOR THE BALANCED BUDGET AMENDMENT

Just a few weeks ago, when we debated Senate Joint Resolution 41, the balanced budget amendment to the Constitution, opponents said that the budget could be balanced without a constitutional amendment.

But the plan before us will not lead to a balanced budget—ever.

Opponents to the balanced budget amendment challenged supporters with the mantra, "Where's your plan?" asking about the hard choices needed to work toward a balanced budget.

Today, we see again that the opponents have no plan. This week's budget resolution is one more argument—the 57th argument in 65 years—for why we need to add the balanced budget amendment to the Constitution.

### DEFICITS, DEBT IN THE STAND-PAT, STATUS QUO BUDGET

Some of us are ready to make significant reductions in the deficit, and supported the Domenici substitute this week. That alternative included pro-family, progrowth policies, real deficit reduction, and the middle-class tax cut the President promised when he was a candidate. I am disappointed that a majority passed up the chance to adopt that serious, thoughtful plan. Instead, we are left with Senate Concurrent Resolution 63, the stand-pat, big-debt budget resolution.

The President and Senators on the other side of the aisle are defending the status quo and touting "the first 3 consecutive years of deficit reduction since Harry Truman was President."

However, even under the best case scenario, the deficit reduction projected in this budget resolution is short term and temporary. Modest deficit reductions will be followed in 7 out of 8 years by growing deficits. Harry Truman would not have approved.

DEFICITS

[In billions of dollars]

| | Fiscal year— | | | | | 5-year totals |
|---|---|---|---|---|---|---|
| | 1995 | 1996 | 1997 | 1998 | 1999 | |
| Senate Concurrent Resolution 63 | 174 | 173 | 186 | 181 | 192 | 906 |
| CBO March baseline[1] | 174 | 176 | 192 | 187 | 213 | 944 |
| Clinton budget (CBO) | 168 | 175 | 209 | 224 | 230 | 1,006 |

[1] Excludes emergency earthquake supplemental.

The deficits planned in this budget resolution would have been even worse, had it not been for the Budget Committee's adoption of the bipartisan Exon-Grassley amendment, which trimmed an additional $43 billion in budget authority and $26 billion in outlays over 5 years. I commend my colleagues for making at least some headway in committee.

Even with the Exon-Grassley amendment, however, the fiscal year 1999 deficit is only marginally lower than the $213 billion deficit in the Congressional Budget Office's March baseline—less than 10 percent lower. In fact, if tax revenues related to the administration's health care plan weren't included, this budget resolution's deficits would be larger than the baseline deficits.

More ominously, this budget does nothing to address the major policy changes necessary to bring down deficits over the long term. CBO currently projected a deficit of $386 billion for fiscal year 2004—a projection that is already $21 billion above CBO's January baseline projection.

We've heard much about the lean, mean Clinton budget. But let's look at the levels of debt that the President, according to his own numbers, promise to achieve:

PROJECTED GROSS FEDERAL DEBT, END OF EACH FISCAL YEAR

[Dollars in trillions]

| | Fiscal year— | | | | | |
|---|---|---|---|---|---|---|
| | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 |
| Debt | 4.676 | 4.960 | 5.267 | 5.601 | 5.954 | 6.305 |
| Change year/year | .325 | .284 | .307 | .334 | .352 | .352 |

### THE CLINTON BUDGET VERSUS THE REAGAN RECORD

We've heard from the other side that much of this debt is not President Clinton's fault, that he inherited it. They've said that the Nation is still reeling from the debts run up during the 1980's. But how does borrowing on President Reagan's watch compare with President Clinton's?

President Clinton has submitted two budgets covering 6 fiscal years, 1994–99. President Reagan submitted eight budgets, for fiscal years 1982–89. Here's how their records compare:

Gross Federal debt added during the first 4 years for which each submitted budgets:

Reagan fiscal year 1982–85: $823 billion, actual; Clinton, fiscal year 1994–97: $1.250 trillion, budgeted.

Gross Federal debt added during the first and last 6 years for which each submitted budgets:

Reagan first 6 fiscal year 1982–87: $1.351 trillion, actual; Reagan last 6 fiscal year 1984–89: $1.496 trillion, actual; Clinton fiscal year 1994–99: $1.954 trillion, budgeted.

Gross Federal debt added during all 8 years for which President Reagan submitted a budget: fiscal year 1982–89: $1.873 trillion actual.

In other words, President Clinton has proposed to add more to the national debt in 6 years than actually was added during President Reagan's 8 years.

One other thing is important to keep in mind. For 6 of his 8 years, President Reagan was hampered by gridlock. For just 2 years, in 1981–82, there was enough bipartisan cooperation to enact and protect most of his budget cuts and tax relief. An 8-year run of record-breaking prosperity was the result.

But in 1982, the other party regained full control of the House and 6 long years of divided government followed. Partisan gridlock prevented any deficit reduction consensus from forming. Six times, President Reagan sent up budgets with significant spending cuts and deficit reduction, only to see congressional Democrats declare them DOA: Dead on arrival.

I've always believed, and always said, that both parties and both branches bore responsibility for gridlock and deficits during the 1980's. But let's remember our history accurately: The $1.496 trillion added to the debt in fiscal year 1984–89 were added because of gridlock.

The 1992 Presidential election ended gridlock. The same party is firmly in control of both ends of Pennsylvania Avenue now. This President's budgets may have items or policies that are MIA—missing in accounting—but they are not DOA.

So, if this President and this congressional Democratic leadership wanted to slash the deficit and move toward balancing the budget, they could do so. But when we look at this budget resolution, we see that they have decided not to.

In fact, 6 years of gridlock between President Reagan and the Democratic leadership produced 23 percent less debt than the 6-year increase in debt budgeted as a result of cooperation between President Clinton and the Democratic leadership.

### PROJECTIONS ARE FRAGILE

But even this storm cloud of debt has a darker, more ominous lining. The nearly $2 trillion in new debt in the first 6 years of Clinton budgeting is only a projection. These and other current budget projections are based on, among other things, no economic downturn in the foreseeable future and a continuation of some of the lowest interest rates in 30 years.

In other words, these projections are based on assumptions about future economic behavior that is dynamic and unpredictable. The economy, and as a result, budget and deficit projections, can change a little or a lot at any time.

For example:

CBO's re-estimate of the President's budget already shows deficits in every year that are higher than Office of Management and Budget projections, as follows:

[Dollars in billions]

| | Fiscal year— | | | | | 5-year |
|---|---|---|---|---|---|---|
| | 1995 | 1996 | 1997 | 1998 | 1999 | |
| Differences ....... | 2.6 | 5.1 | 22.7 | 34.0 | 49.1 | 113.5 |

Another example:

In less than 2 months, January-March, CBO's projections of its own baseline deficits already have gone up by $46.8 billion over 5 years;

Two additional examples appeared in this week's news:

Orders to U.S. factories for durable goods—a leading indicator of the health of U.S. manufacturing—dropped 2.5 percent in February;

The Federal Open Market Committee of the Federal Reserve System said Tuesday it would raise the Federal funds rate for short-term borrowing by 0.25 percent, following an identical increase on February 4, for a new rate of 3.5 percent.

### CLINTON DEFICITS PLUS CARTER INTEREST RATES

Keeping in mind how subject to change economic and budget projections are, we should heed a warning from recent history.

Currently, for the 1994-99 period, CBO and OMB have projected interest rates ranging from 3.6 percent to 4.7 percent on 3-month Treasury bills, and ranging from 5.8 percent to 6.2 percent on 10-year Treasury notes.

But as recently as 1980, interest rates were above 11.5 percent on 3-month T-bills and were 11.46 percent on 10-year T-notes.

I remember all too well the ruinous effects that 1980 interest rates had on home buyers and business owners—and on Federal budget deficits. Like a number of my colleagues and many persons outside this body, I am struck by how optimistic our current interest rate projections really are.

At it does every year, in its January Economic and Budget Outlook volume, CBO estimated how a 1 percent increase in interest rates would increase the deficit. We called a CBO, discussed their methodology, applied some of their rules of thumb, and produced this graph, which I ask unanimous consent to include in the RECORD.

This graph shows approximately what would happen to Bill Clinton's deficits if interest rates returned to 1980 levels—Jimmy Carter interest rates.

I will note that we produced our computations before the Budget Committee marked up its resolution; therefore, the President's budget was used as a point of reference. However, Senate Concurrent Resolution 63 essentially is the President's budget and any differences are slight. Therefore, these alternative estimates, showing Clinton deficits adjusted for 1980 interest rates, are reasonable approximations and valuable for illustrative purposes.

The year-by-year result are as follows:

| | Fiscal year— | | | | | 5-year totals |
|---|---|---|---|---|---|---|
| | 1995 | 1996 | 1997 | 1998 | 1999 | |
| Clinton deficits (CBO re-estimate) ................ | 168 | 175 | 209 | 224 | 230 | 1,006 |
| Clinton deficits adjusted for Carter interest rates ....... | 268 | 315 | 383 | 434 | 482 | 1,882 |
| Differnce (Increased interest costs) ................ | 100 | 140 | 174 | 210 | 252 | 876 |
| Clinton net interest (CBO re-estimate) ................ | 213 | 229 | 240 | 251 | 262 | 1,195 |
| Total Clinton net interest .... | 313 | 369 | 414 | 461 | 514 | 2071 |

Let's try to put these alternative estimates into perspective. If 1980 interest rates returned this year and replaced currently projected interest rates on Treasury securities, that one change alone would:

More than double the fiscal year 1999 deficit; almost double total deficit spending over the next 5 years; and almost double net interest spending in fiscal year 1999.

None of this new deficit spending would be for programs or services or benefits; virtually all the increase would be in interest payments on the national debt. We know what those interest payments buy: Absolutely nothing. They are regressive transfers of wealth from middle- and working-class taxpayers to large institutions and wealthy foreigners.

How large would these increases in interest costs really be? By FY 1999, just the increase above baseline interest payments would be equal to: 46 percent of all discretionary spending in the budget resolution; 62 percent of Social Security; 91 percent of all means-tested entitlements; 95 percent of Medicare; 98 percent of defense spending in the budget resolution; 167 percent of Medicaid; 280 percent of total federal civilian and military retirement; and 525 percent of the Education and Training function in the budget resolution.

My friends on the other side of the aisle would say, this is a worst-case scenario of what might happen if President Clinton is as unlucky as President Carter.

I would say, it is a cautionary note. This is what could happen if Bill Clinton's policies prove to be as negative for the country's economy as Jimmy Carter's, and if the rest of the world starts to clamp down on Uncle Sam's unlimited line of credit.

These alternative estimates are just an illustration, but they show what's possible—based on interest rates that we have experienced in the past.

The analysis I have just outlined shows why: We should be passing a budget resolution with more deficit reduction than Senate Concurrent Resolution 63; current deficit projections may be more fragile and more optimistic than we realize; and passing the President's stand-pat, status quo budget is whistling in the dark.

### REAL DEFICIT REDUCTION: WHO'S ON FIRST

The foregoing analysis also shows why the Senate should have passed the Domenici substitute, the 99-in-'99 plan. That plan would have produced a deficit of $99 billion in fiscal year 1999, less than half the baseline, Clinton, or committee levels; it would have reduced deficits by $318 billion over 5 years, more than 8 times as much as Senate Concurrent Resolution 63. The budget resolution assumes only $38 billion in deficit reduction, and $26 billion of that is because of the Exon-Grassley amendment.

The Domenici budget was pro-family and pro-growth. Several of its core provisions were based on S. 1576, introduced last year by Senators COATS, HUTCHISON, LOTT, and myself, and also known as the FIRST bill, because it puts first things first. The name stands for the Family, Investment, Retirement, Savings, and Tax Fairness Act.

I congratulate Senator COATS for bringing together the group of us who wrote the FIRST bill, and commend Senator DOMENICI, our leader, Senator DOLE, and Budget Committee members on our side for including much of the FIRST bill in the Domenici substitute.

A few weeks ago a minority of 37 Senators blocked the balanced budget amendment to the Constitution from going to the House and then to the States for ratification. Opponents kept asking supporters where our plan was to balance the budget by fiscal year 2001. Several of us did, and still do, have a plan: The FIRST bill. Just as our constitutional amendment will not go away until we pass it, neither will our FIRST bill.

As the Senate began considering the balanced budget amendment, the Washington Times carried an op-ed by Senator COATS and this Senator. I ask unanimous consent to include the text of that article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Feb. 22, 1994]

### BALANCED BUDGET AMENDMENT, YES; TAX INCREASE, NO

(By Dan Coats and Larry Craig)

This week, the Senate will have before it a simple but profound question: "Should the Congress be required by the Constitution to balance its budget?" The issue is straightforward and the American people have a vital interest in the outcome.

While there are arguments on both sides, there can be no arguments about the urgency of our circumstances. Every child born in America now inherits $17,000 in public debt. This is the destructive legacy of a Congress without courage. It is a failure of political will. It is a betrayal of moral commitments.

For decades the Congress has enjoyed the luxury of making unlimited promises and financing them with unlimited debt. Some have discovered the popularity of criticizing this debt, secure in the knowledge that the budget process was rigged politically to prevent real accountability. But now—with one vote—Congress holds its credibility in its hands. In one moment, we can prove our seriousness before a nation suspicious of its government.

Amending the Constitution is admittedly serious business—the most serious legislative act of which the Congress is capable. The Constitution is the most basic social contract between government and citizens. But the continued accumulation of debt threatens the endurance of that contract—an agreement not only with each other, but with our children. A balanced budget amendment is a Constitution-class solution for a Constitution-class crisis.

The spending habits of Congress are simply too entrenched. Deficit spending has always made political sense. It allows Congress to please people in the present by placing burdens on the future. The next generation, significantly, has no vote in the next election.

Critics of a balanced budget amendment have begun to issue ominous warnings. As President Clinton's point man on economic issues, Robert Rubin, recently said, "We need to save the country from this disaster." The possibility of passage in the Senate has so alarmed Mr. Clinton that he dispatched five Cabinet-level appointees to testify against the amendment last week.

The White House claims that the only way to get a balanced budget by the turn of the century is by dramatic tax increases or Draconian spending cuts. Their analysts say the amendment will lead to new taxes or to the slashing of many programs, including defense, and that drastic tax hikes would throw America into recession. They claim that balancing the budget would cost every American $700 in the year 2000, while ignoring the fact that the average American today pays more than $1,000 in taxes just to make interest payments on the nation's debt.

When it comes to raising taxes or gutting the Pentagon's budget, we do not question that this president speaks with authority. And we are glad the president acknowledges—belatedly—that raising taxes is akin to recession roulette. However, the truth is we don't have to raise taxes or eliminate every discretionary spending program to balance the books.

We have a plan that would balance the budget in eight years. In addition, our plan provides and pays for a $500 tax credit per child, a cut in the capital gains tax and several other incentives for families to save and businesses to invest.

As Ronald Reagan once commented, "for too long, government has stood in the way of people taking home more of what they earn, no matter how hard they try. It is economics without a soul."

Our bill, which is called the Family, Investment, Retirement, Savings and Tax Fairness Act (or "FIRST") offers a blueprint for budget reform. It caps the growth of federal spending at 2 percent (spending is currently growing at an average of 4.5 percent a year). It creates a commission, modeled after the base-closure commission, to identify cuts needed to meet the cap.

If Congress fails to approve the commission's plan by a certain date, then across-the-board cuts would take place to meet the cap (Social Security would not be affected, however).

Further, since American families are overtaxed, and because high taxes rob families of the resources they need to care for their children, the bill provides a $500 per child tax credit. A $500 child tax credit will give a family of four over $80 a month extra for groceries, school clothes for the kids, or savings for education. It will empower families to make more of their own choices and rely less on the government. Fifty-one million children are eligible for this credit. A $500 tax credit per child is real relief in tight times.

Our bill also recognizes that the private sector, not government, creates jobs. We must reduce the cost of capital and encourage productive investment by reducing the tax on growth. We will find new jobs in a growing economy, not in a growing government. FIRST provides incentives for businesses to create jobs, including a reduced capital gains tax rate, a neutral cost recovery plan for investments and expanded IRAs.

So, yes, Mr. President, there is a plan—a plan that reorders priorities to balance the budget and, at the same time, allows families to keep more of their hard-earned dollars and unleashes the productive power of the American people. It is a plan that offers economics with a soul.

Mr. WARNER. Mr. President, I join with those who have spoken during consideration of this budget resolution and the impact that cuts in discretionary spending, as indicated in the Exon-Grassley provision, would have on the defense budget and our national security. I support the amendment of the Senator from New Mexico [Mr. DOMENICI], the ranking Republican on the Budget Committee and a highly respected and learned colleague on budgetary matters.

In the Armed Services Committee over the past several weeks, we have heard from a number of our combatant commanders—the CINC's, who are responsible for going to war in their assigned parts of the world if war should come. We have also heard from the Secretaries of our military services and the Chiefs of each service.

As I have listened to their testimony, it is clear that virtually without exception, the leaders of our military establishment are uneasy with the current level of funding for the Defense budget. While this administration has put a high priority on readiness and moved additional funds into some categories of readiness accounts, we are beginning to see, I believe, some of the first, early indicators that readiness problems are beginning to develop.

General Joulwan, commander of the U.S. European Command expressed his concern about his command:

> They are meeting the challenge, but we are stretching our people and our resources to the limit. I am particularly concerned about the impact of unplanned and unbudgeted contingency operations on operating accounts, training and the quality of life for our troops and their families.

Mr. President, virtually all of our combatant commanders and service Chiefs expressed their concern about taking funds from the defense budget to pay for the unplanned contingencies that continue to occur in this world of regional instability and continuing crises. Invariably, the military services end up taking funds for these contingencies out of their hide.

In recent testimony before the Armed Services Committee, the Commandant of the Marine Corps stated:

> Our ability to maintain, in the longer term, readiness is on the margin and, as I reported to you last year, is trending downward.

General Mundy continued:

> We are not able to maintain fully the programs that support our people or that maintain our equipment and our facilities commensurate with the hard use to which we are putting them. We cannot continue these trends, or the corps that your forebears in these halls once referred to as the force in readiness will be anything but that.

Mr. President, the funding provided for modernization of our military services has been reduced drastically. The Army's research, development, and acquisition accounts have been reduced by 45 percent since fiscal year 1989—from $20.5 billion in fiscal year 1989 to $11.3 billion in fiscal year 1995. The Chief of Naval Operations, Admiral Kelso pointed out in his testimony before the Armed Services Committee:

> We are asking to buy only 4 ships and 24 tactical aircraft this year. Those numbers will not sustain the Navy at the level our Nation will require in the future.

General McPeak noted that the Air Force will buy only 4 combat aircraft this year.

Mr. President, we all read the same newspapers and watch the same newscasts. Everyone here is aware of the peril that exists throughout the world. As we speak, we are facing real danger from an unpredictable and increasingly threatening North Korea. Are they developing nuclear weapons and a means to deliver them? North Korea is refusing access to the facts for the world to reach its own conclusions. The North Koreans have a large, well-equipped army that is poised for action on the demilitarized zone between North and South Korea. We have U.S. troops serving along the DMZ now. If the North Koreans launch an attack, American soldiers there will be immediately involved and we are committed to reinforcing the South Korean peninsula with a force similar in size to that we employed in Operation Desert Storm.

Our military services are involved now throughout the world in a number of operations with great demands on our people, equipment, and operating funds. We are continuing extensive air and sea operations in Bosnia-Herzegovina to prevent air operations by belligerents in the area and to enforce the arms embargo. We are now in the process of completing our withdrawal from Somalia. We continue to provide support to the Kurds in northern Iraq and are flying extensive air missions in Operation Southern Watch to enforce the "no-fly zone" in southern Iraq. The Chief of Staff of the Air Force, General McPeak, appearing this month before our committee, stated, "In Iraq, we have flown more than twice as many sorties since Desert Storm as we flew in Desert Storm."

The United States may be called upon any day to provide large numbers of our military to serve as peacekeepers in Bosnia. Congress must have a debate on this issue before the commitment is agreed to. Such a commitment would strain our personnel levels.

Mr. President, virtually every senior military officer who has appeared before our committee this year has expressed concern about our ability to execute two near-simultaneous major regional contingencies as called for in the Bottom-Up Review. The state of our military airlift and sealift has been identified as inadequate and a major concern of our military leadership.

The last point I would make is that the President of the United States, in his State of the Union Address this year, appealed to the Congress to make no further cuts in the Defense budget. He understands, as our Commander-in-Chief, how essential it is to have combat-ready military forces with the finest equipment and support we can provide them, prepared to respond to threats to our security and vital national interests. I urge all my colleagues to support the Domenici amendment to support our Commander-in-Chief, the men and women in our Armed Forces and our national security.

Mr. KOHL. Mr. President, I rise in opposition to the Domenici amendment. I do so for one simple reason. Senator DOMENICI's amendment would eliminate a $26-billion spending cut.

Because of the Exon-Grassley amendment offered in Budget Committee, the budget before us today cuts substantially more than recommended by the President and cuts substantially more than a freeze would require. Last year, we appropriated $550 billion in nonentitlement funds. If this resolution passes, we will appropriate $540 billion—and stick at that level for the next 5 years.

Senator DOMENICI's amendment would return appropriated spending in the budget to approximately the level suggested by the President. The Domenici amendment would add $26 billion to the amount the budget allows the Appropriations Committee to spend.

I am surprised to find my friends on the other side of the aisle working so hard to defend the spending proposed by a Democratic President. I am surprised to see them working so hard to eliminate billions of dollars of spending cuts.

The Domenici amendment is a clear demonstration that it is easier to talk about cutting spending than it is to actually do it. It is said that talk is cheap, but today talk is costing taxpayers billions of dollars. If the Domenici amendment passes, we will have talked ourselves out of one of the bravest spending cuts this body has ever seen.

My colleagues know the statistics that argue for cutting spending: deficits of almost $200 billion "as far as the eye can see;" Government debt of $4.6 trillion; interest payments on the Federal debt that have become the Government's second largest expenditure.

And the economy will respond to spending cuts. In today's Washington Post, Barry Bosworth, a renowned economist from the Brookings Institution, is quoted as saying that the economy could absorb an additional deficit reduction of $60 billion a year.

We are not going to regain control of our budget with words. We ought to cut the deficit, and we ought to cut out empty speeches on the deficit. If you are in favor of retaining $26 billion in real spending cuts, speak with your vote, and join me in defeating the Domenici amendment.

The PRESIDING OFFICER (Mr. KOHL). The managers' time has expired.

The Chair recognizes the Senator from Tennessee.

Mr. SASSER. Mr. President, I ask unanimous consent that the time consumed by the Senator from Idaho be charged against the time under the control of the minority on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I agree with that.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

Mr. SASSER. Mr. President, I ask unanimous consent that it be in order at this point to ask for the yeas and nays on the Domenici amendment No. 1567.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SASSER. I ask for the yeas and nays on the Domenici amendment No. 1567.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

### ORDER OF PROCEDURE

Mr. SASSER. Mr. President, for the information of Senators, the Senate is about to conduct at least four back-to-back rollcall votes beginning at 3:15. The first vote is going to be on or in relation to the Domenici amendment on appropriations and Medicare and direct spending cuts. The second vote will be on or in relation to the Mack amendment proposing a sense of the Senate regarding a spending commission. The third amendment will be on or in relation to the Hutchison amendment cutting the appropriations caps and making the assumption that savings will come out of the legislative branch. Fourth, the Senate will vote on the motion to invoke cloture on the buyout bill.

Now if that fourth vote fails to invoke cloture, then there will be another cloture vote.

I disseminate this information, Mr. President, for the information of colleagues who might be watching us on the television sets in their offices.

## FEDERAL WORKFORCE RESTRUCTURING ACT OF 1994—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the clerk will report the conference report on H.R. 3345.

The assistant legislative clerk read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 3345) to amend title 5, United States Code, to eliminate certain restrictions on employee training; to provide temporary authority to agencies relating to voluntary separation incentive payments, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of March 16, 1994.)

The PRESIDING OFFICER. Who yields time on the conference report?

The Chair recognizes the Senator from Ohio [Mr. GLENN].

Mr. GLENN. Mr. President, what is the time limit we have on each side on this, on the buyout bill?

The PRESIDING OFFICER. There are 5 minutes on each side.

Mr. GLENN. Mr. President, could we doublecheck that, please? It was my understanding it was to be 10 minutes on each side.

The PRESIDING OFFICER. It is 10 minutes equally divided; 5 minutes a side.

Mr. GLENN. Fine, Mr. President. We will do this as rapidly as we possibly can.

What we have is the buyout bill that has been back and forth between the House and Senate a number of times. I could go back and recount the dates and when we passed it and by what margins, and so on, but we are back on the floor filibustering the conference report and losing precious time. Because the longer we wait, the more difficult it is going to be for agencies to really slim down Government, and that is what we are talking about.

We are talking about the 252,000 people who are going to be cut out by the administration over the next 5 years, slimming down the civil service rolls. We are talking about doing this not just in taking those people out by the usual attrition of the 12 percent or so of Federal employees who leave the Government every year; we are talking about doing it in a way that will let us address the structure of the civil service force. That is the importance of this, because in the Federal Government we have about one supervisor for every seven employees they manage. In private business and industry, the ratio usually is around 12 or 15 to 1 on that employee-to-manager ratio. And in labor-intensive businesses, it runs up as high as 20 to 1. We are 7 to 1, the Federal Government. It is wasteful.

What we need is to have a program that can give some incentives to get the GS–13's, 14's, and 15's to take some early outs. That is what the buyout title comes from, is that effort to enable us to give some incentives. It has already been tried once in the Defense Department and worked very well there in helping slim down the civil service rolls. That is what we are after with this amendment—with this buyout legislation.

The Senate did pass the Gramm amendment twice. That is what is at issue here. I voted for that amendment on both occasions when it was offered. However, that vote was nonbinding. It went to conference. The House conferees to the buyout bill adamantly opposed the amendment. They do not even have a crime bill passed over there, so there was not really anything to apply it to was their logic, and I agreed with that. I remind my colleagues the administration backed the House conferees on this issue.

On March 11, I received a letter from the Vice President regarding H.R. 3345, in which he stated they supported placing the savings achieved through downsizing to the financing of the crime bill, but not the way it was being done through the Gramm amendment. It would be more appropriate to consider the violent crime reduction trust fund in the context of the crime legislation.

The House expects to come up with a crime bill shortly. They do not have it yet, so we receded to the House, since it seemed to me it was logical we address that when the time arrived.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, let me clarify the issue here. No one I am aware of is against the buyout bill. The buyout bill is good public policy. It tries to get people to retire early, so we do not have to RIF people who work for the Federal Government.

The action we are taking to reduce the number of people working for the Federal Government by 252,000 personnel slots, was first offered as an amendment by me earlier in this session. It will save $22 billion. The buyout provision is part of generating that savings.

There is one and only one issue here. We have a small number of people in the House who want to spend this $22 billion basically on social programs. What I have done is offer an amendment that dedicates that $22 billion to funding the violent crime reduction trust fund that will allow us to put 100,000 more police officers on the streets, and that will enable us to build prisons so we can imprison people who commit violent crimes and keep them there. And, under my amendment, if Congress does not spend this money on violent crime reduction, every penny of it goes to deficit reduction.

I offered this amendment. It has been voted on successfully and adopted in the Senate not once or twice, but three times.

The House has voted on this provision not once or twice, but four times. They have instructed conferees to accept my amendment, and the conferees have gone to conference and thrown it out. They have passed resolutions with instructions urging that my amendment be adopted. They have recommitted the bill with instructions. And yet a small number of people in the House who want to squander this money instead of using it for deficit reduction or to fight violent crime are trying to hold up the Senate and say if we do not pass this bill their way, if we do not let them spend this $22 billion, then they are going to let this good bill die.

I do not want this good bill to die. But I am tired of the will of both Houses of Congress being delayed and denied by a small group of people. So, Mr. President, I resist that effort.

I urge my colleagues to vote down this cloture motion and send a clear message to the House: A majority of the Members of the House on four occasions have voted for my amendment which says apply these savings to deficit reduction or use them to fight violent crime. Do not squander this money. This is an important issue. It is not very often around here we get to save $22 billion, and it is not very often around here we do something about the violent crime crisis that our bleeding Nation faces.

If we deny cloture on this bill, I believe the House will awaken and do what the majority of its Members have voted to do on four different occasions.

I reserve the remainder of my time.

Mr. GLENN. Mr. President, I yield 1 minute to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 1 minute.

Mr. SARBANES. Mr. President, I urge my colleagues to vote for cloture on this legislation. We have enough of a crime problem without adding to it, holding the Federal employees hostage. Those who could leave in a voluntary way are going to be RIF'd out. That in itself is a form of criminal punishment. I very much hope my colleagues will not do that.

Let me quote from Chairman BROOKS in the debate on the House floor yesterday with respect to this matter. He said:

> As a conferee on H.R. 3345—

This very legislation—

> I oppose the Senate's proposal to adopt a crime trust fund as part of legislation designed to facilitate the orderly reduction of the Federal work force over the next several years. Today I continue to believe that the issue of such a trust fund should be addressed in the context of comprehensive crime legislation, and not in this buyout bill.

Which is where we did it, in the crime bill. And Chairman BROOKS committed himself in that debate, saying that he believed a carefully crafted trust fund represents the most viable means of financing the crime bill, and that he would support the adoption of such a trust fund on the crime bill, which is where we put it and where the House Members ought to put it. And we ought not to hold this buyout hostage to the crime bill.

I support the trust fund on the crime bill, but we ought not to kill this buyout bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAMM. Mr. President, how much time do the two sides have?

The PRESIDING OFFICER. The time controlled by the Senator from Ohio has expired. The time controlled by the Senator from Texas is down to 1 minute.

Mr. GRAMM. Mr. President, if you do not lock money away when you save it, it ends up being spent. The issue here is that a small number of people in the House want to spend this $22 billion. It is obvious to a blind man. We have voted on this seven times. They have fought it because they desperately want to spend this money. I want it to go to either deficit reduction or to fight violent crime.

Second, listen to what Chairman BROOKS did not say. He did not say he was going to vote for a trust fund in the House. He did not say the trust fund was going to contain the $22 billion. He did not say this money was not going to be spent somewhere else.

We have an opportunity today. We are on the goal line. We have come very close to winning on this issue. Let us not squander this opportunity; $22 billion is a lot of money. Do not let it be wasted.

Ms. MIKULSKI. Mr. President, allowing Federal agencies to offer buyouts as incentives for Federal employees to retire is a matter of extreme urgency. It is imperative that we enact buyouts in order to avoid reductions in force [RIF's] or furloughs in the Federal Government.

We have made a commitment to downsize the Federal Government by 252,000 full-time positions over the next 5 years. In order to do this without putting younger, household heads and family providers out of work, we must pass legislation to encourage older workers to retire. Time is running out. If we wait any longer, buyouts will not be cost effective this fiscal year and layoffs will be inevitable. We must act now.

The buyout legislation gives us a chance to reduce the size of Government without laying people off. It would allow agencies to offer targeted buyouts, so that we can reduce staff where we can afford reduction—managers, supervisors, and more senior workers. Younger workers and those working key jobs in service to the public would be spared the disruption of RIF's.

The buyout legislation will not add to the deficit—it is deficit neutral over the next 6 years. Agencies will contribute 9 percent of a year's salary to the Civil Service Retirement Fund for every employee who takes the buyout in fiscal year 1994 and 1995. In fiscal years 1995 through 1998, agencies will also contribute $80 per employee on the payroll as of March 31 of each year to the Civil Service Retirement Fund. The Congressional Budget Office has scored this legislation as deficit neutral over the next 5 years.

Reductions in force would be a terrible blow to men and women in service to our Government and to our economy. Recently hired employees, which include a large percentage of women and minorities, would be the first to go. Many are household heads, providing for families. Many are single parents. Some make just enough to get by. They are hard-working, caring people committed to serving others. We have an opportunity to downsize the Federal Government without putting them on the street. We owe it to them to act on this opportunity.

I strongly support the buyout incentive legislation, and I urge my colleagues to join me in getting this important legislation passed.

The PRESIDING OFFICER. All time has expired.

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## CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. The Senate will resume consideration of Senate Concurrent Resolution 63, the concurrent resolution on the budget.

### VOTE ON AMENDMENT NO. 1567

The PRESIDING OFFICER. The question is on agreeing to the Domenici amendment No. 1567. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of a death in the family.

The result was announced—yeas 35, nays 63, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—35

Bennett
Bingaman
Bond
Boren
Burns
Byrd
Coats
Cochran
Cohen
Craig
Danforth
Dole
Domenici
Glenn
Hatch
Hatfield
Helms
Hollings
Johnston
Kassebaum
Kempthorne
Lieberman
Lugar
McCain
McConnell
Murkowski
Nunn
Packwood
Pressler
Robb
Simpson
Specter
Stevens
Thurmond
Warner

NAYS—63

Akaka
Baucus
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Campbell
Chafee
Conrad
Coverdell
D'Amato
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Heflin
Hutchison
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lott
Mack
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Pell
Pryor
Reid
Riegle
Rockefeller
Roth
Sarbanes
Sasser
Simon
Smith
Wallop
Wellstone
Wofford

NOT VOTING—2

Biden
Shelby

So the amendment (No. 1567) was rejected.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### VOTE ON AMENDMENT NO. 1571

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Florida. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] is absent because of a death in the family.

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—57

Bennett
Bond
Breaux
Brown
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
DeConcini
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hutchison
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Lautenberg
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Nickles
Nunn
Packwood
Pell
Pressler
Robb
Roth
Shelby
Simon
Simpson
Smith
Specter
Thurmond
Wallop
Warner
Wofford

NAYS—42

Akaka
Baucus
Bingaman
Boren
Boxer
Bradley
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kennedy
Leahy
Levin
Mathews
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Murray
Pryor
Reid
Riegle
Rockefeller
Sarbanes
Sasser
Stevens
Wellstone

NOT VOTING—1

Biden

So the amendment (No. 1571) was agreed to.

Mr. MACK. Mr. President, I move to reconsider the vote.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### VOTE ON AMENDMENT NO. 1572

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1572) of the Senator from Texas [Mrs. HUTCHISON]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] is absent because of a death in the family.

Mr. SIMPSON. I announce that the Senator from Montana [Mr. BURNS] is necessarily absent.

The PRESIDING OFFICER (Mr. MATHEWS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—48

Bennett
Bingaman
Bond
Breaux
Brown
Chafee
Coats
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth

Feingold
Graham
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hutchison
Jeffords
Kassebaum

Kempthorne
Kerrey
Kohl
Lautenberg
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles

Nunn
Pressler
Robb
Roth
Shelby
Simpson
Smith
Specter
Thurmond
Wallop
Warner

NAYS—50

Akaka
Baucus
Boren
Boxer
Bradley
Bryan
Bumpers
Byrd
Campbell
Cochran
Cohen
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon

Feinstein
Ford
Glenn
Gorton
Harkin
Hatfield
Hollings
Inouye
Johnston
Kennedy
Kerry
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski

Mitchell
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Pryor
Reid
Riegle
Rockefeller
Sarbanes
Sasser
Simon
Stevens
Wellstone
Wofford

NOT VOTING—2

Biden
Burns

So the amendment (No. 1572) was rejected.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### POSITION ON VOTE

Mr. BURNS. Mr. President, I was called off the floor during the vote on Senator HUTCHISON's amendment and, unfortunately, missed casting my vote by only a few seconds.

With unanimous consent, I would like the RECORD to reflect that, had I been present, I would have voted "aye."

### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the cloture motion, which the clerk will report.

The legislative clerk read as follows:

### CLOTURE MOTION NO. 1

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Conference Report accompanying H.R. 3345, the Federal Workforce Restructuring Act of 1994.

George Mitchell, Barbara Mikulski, David Pryor, Carl Levin, Edward M. Kennedy, Dennis DeConcini, Jeff Bingaman, Patrick Leahy, Paul Wellstone, Daniel K. Akaka, Wendell Ford, Harris Wofford, Paul Simon, Christopher Dodd, J. Lieberman, John F. Kerry, Dianne Feinstein, John Glenn.

### CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

### VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 3345, an act to provide temporary authority to Government agencies relating to voluntary separation incentive payments, shall be brought to a close?

The yeas and nays are required.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 58, nays 41, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—58

Akaka
Baucus
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford

Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell

Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Stevens
Warner
Wellstone
Wofford

NAYS—41

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici

Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Hutchison
Jeffords
Kassebaum
Kempthorne
Lott
Lugar

Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Thurmond
Wallop

NOT VOTING—1

Biden

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 41. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion is rejected.

### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the motion to invoke cloture on the conference report accompanying H.R. 3345 is again in order.

The clerk will report the motion.

The legislative clerk read as follows:

### CLOTURE MOTION NO. 2

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Conference Report accompanying H.R. 3345, the Federal Workforce Restructuring Act of 1994.

George Mitchell, Barbara Mikulski, David Pryor, Carl Levin, Edward M. Kennedy, Dennis DeConcini, Jeff Bingaman, Patrick Leahy, Paul Wellstone, Daniel K. Akaka, Wendell Ford, Harris Wofford, Paul Simon, J. Lieberman, John F. Kerry, Dianne Feinstein, John Glenn.

### CALL OF THE ROLL

The PRESIDING OFFICER. Under the previous order, the call of the roll is waived.

### VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 3345, an act to provide temporary authority to Government agencies relating to voluntary separation incentive payments, shall be brought to a close?

The yeas and nays are required.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 63, nays 36, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—63

Akaka
Baucus
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Cochran
Cohen
Conrad
Daschle
DeConcini
Dodd
Domenici
Dorgan
Exon
Feingold

Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum

Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—36

Bennett
Bond
Brown
Burns
Chafee
Coats
Coverdell
Craig
D'Amato
Danforth
Dole
Durenberger

Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Hutchison
Jeffords
Kempthorne
Lott
Lugar

Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Wallop

NOT VOTING—1

Biden

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 36. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## FEDERAL WORKFORCE RESTRUCTURING ACT OF 1994—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will state the conference report by title.

The legislative clerk read as follows:

A conference report to accompany H.R. 3345 a bill to amend title 5, United States Code, to eliminate certain restrictions on employee training; to provide temporary authority to agencies relating to voluntary separation incentive payments, and for other purposes.

The Senate continued with the consideration of the conference report.

Mr. GRAMM. Parliamentary inquiry, Mr. President. What is the pending business?

The PRESIDING OFFICER. The pending business is now the conference report.

Mr. GRAMM. Mr. President, could we check the unanimous consent request? It was my understanding that we went back to the budget.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the conference report?

Mr. GRAMM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator DODD be recognized to address the Senate as if in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut [Mr. DODD] is recognized.

Mr. DODD. Mr. President, I thank the majority leader and the minority leader.

### LUIS DONALDO COLOSIO

Mr. President, today the people of Mexico are mourning the tragic and untimely death of Luis Donaldo Colosio, the presidential candidate who was shot and killed last evening while at a campaign stop in northern Mexico. Mr. Colosio had been widely expected to succeed President Carlos Salinas de Gortari in the election scheduled for this August.

I am sure I speak for all of my colleagues when I say our thoughts and prayers are with the Colosio family and with the people of Mexico who have endured a devastating and terrible loss over this past 24 hours. As a nation that has experienced its own share of political tragedies, I think we have some understanding in this country of what it is like when a young and promising leader is suddenly and unexpectedly taken away. Surely, this is what has happened to the people of Mexico over the course of the past day.

Mr. President, Mr. Colosio was a truly bright star, one of that nation's most gifted and intelligent leaders. As the secretary of social development in the Salinas cabinet, he had demonstrated a compassion for the underprivileged and an understanding of the need for change, meeting on an almost daily basis with peasant farmers and impoverished Mexicans in need of help. In fact, when he was shot last evening, Mr. Colosio had just finished giving a speech to several thousand people in Lomas Taurinas, an impoverished neighborhood on the outskirts of Tijuana.

This morning President Clinton issued a statement offering his condolences to the Mexican people and to the family of Mr. Colosio, and I commend him for doing so. The death of Mr. Colosio comes at a crucial moment in Mexico's history, one which has seen a wide range of reforms, both political and economic, as a result of the initiatives of the Salinas government. I am confident, Mr. President, that the pace of reform and change in Mexico, as well as the rapidly strengthening ties between our two nations, will outlive this terrible tragedy.

Mr. President, we do not yet know all of the circumstances surrounding this tragedy in Mexico. What we do know is that last evening Mexico lost one of its most promising leaders, a man who understood the past but also embraced with enthusiasm the future. In Mexico and in the United States and indeed throughout the entire hemisphere, he will be sorely missed, and our prayers and thoughts go to his family and to the people of Mexico.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KERREY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FEDERAL WORKFORCE RESTRUCTURING ACT OF 1994—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. Is there further debate?

The question occurs on the conference report on H.R. 3345.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—99

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—1

Brown

So the conference report was agreed to.

Mr. DURENBERGER. Mr. President, I rise to briefly explain my reasons for voting against cloture on the Workforce Restructuring Act of 1994 conference report.

Let me say at the outset that there is strong sentiment in favor of Federal employee work force restructuring on both sides of the aisle. The disagreement is over where the savings realized from the restructuring will be dedicated.

Many of my Republican colleagues favor dedicating the savings to the violent crime reduction trust fund that was first proposed in the Senate crime bill. Because this conference report does not dedicate its savings to the trust fund and there had been attempts to use this savings for other purposes, I did not vote to close off debate.

At the time we were considering the crime bill, I expressed reservations about the method we used to create the violent crime reduction trust fund—late at night, in an emotionally charged atmosphere, with little thought or debate.

Since that time, President Clinton and a growing number of bipartisan members in both Chambers of Congress have announced their support for the trust fund. Because it is now a near certainty that Congress will eventually adopt this trust fund, I feel that it is important that we find a way to pay for it. That is why I believed voting against closure was fiscally responsible.

Once cloture was invoked, I did vote in favor of the buyout conference report, since I have strongly supported this important program to facilitate the very difficult task of restructuring the Government.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agree to.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

## MARINE MAMMAL PROTECTION ACT AMENDMENTS OF 1994

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on (S. 1636), the Marine Mammal Protection Act Amendments of 1994.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved,* That the bill from the Senate (S. 1636) entitled "An Act to authorize appropriations for the Marine Mammal Protection Act of 1972 and to improve the program to reduce the incidental taking of marine mammals during the course of commercial fishing operations, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

### *SECTION 1. SHORT TITLE.*

*This Act may be cited as the "Marine Mammal Protection Act Amendments of 1994".*

### *SEC. 2. AMENDMENT OF MARINE MAMMAL PROTECTION ACT OF 1972.*

*Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).*

### *SEC. 3. FINDINGS AND DECLARATION OF POLICY.*

*Section 2 (16 U.S.C. 1361) is amended—*

*(1) in paragraph (2) by inserting "essential habitats, including" after "made to protect"; and*

*(2) in paragraph (5) in the matter following subparagraph (B) by inserting "and their habitats" before "is therefore necessary".*

### *SEC. 4. MORATORIUM AND EXCEPTIONS.*

*(a) Section 101(a) (16 U.S.C. 1371(a)) is amended—*

*(1) by amending paragraph (1) to read as follows:*

*"(1) Consistent with the provisions of section 104, permits may be issued by the Secretary for taking, and importation for purposes of scientific research, public display, photography for educational or commercial purposes, or enhancing the survival or recovery of a species or stock, or for importation of polar bear parts (other than internal organs) taken in sport hunts in Canada. Such permits, except permits issued under section 104(c)(5), may be issued if the taking or importation proposed to be made is first reviewed by the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals established under title II. The Commission and Committee shall recommend any proposed taking or importation, other than importation under section 104(c)(5), which is consistent with the purposes and policies of section 2 of this Act. If the Secretary issues such a permit for importation, the Secretary shall issue to the importer concerned a certificate to that effect in such form as the Secretary of the Treasury prescribes, and such importation may be made upon presentation of the certificate to the customs officer concerned.";*

*(2) in paragraph (2) in the first sentence by inserting immediately before the period at the end the following: ", or in lieu of such permits, authorizations may be granted therefor under section 118, subject to regulations prescribed under that section by the Secretary without regard to section 103";*

*(3) in paragraph (3)(B)—*

*(A) by inserting ", photography for educational or commercial purposes," after "purposes"; and*

*(B) by inserting "or as provided for under paragraph (5) of this subsection," after "subsection,";*

*(4) by amending paragraph (4) to read as follows:*

*"(4)(A) Except as provided in subparagraphs (B) and (C), the provisions of this Act shall not apply to the use of measures—*

*"(i) by the owner of fishing gear or catch, or an employee or agent of such owner, to deter a marine mammal from damaging the gear or catch;*

*"(ii) by the owner of other private property, or an agent, bailee, or employee of such owner, to deter a marine mammal from damaging private property;*

*"(iii) by any person, to deter a marine mammal from endangering personal safety; or*

*"(iv) by a government employee, to deter a marine mammal from damaging public property,*

*so long as such measures do not result in the death or serious injury of a marine mammal.*

*"(B) The Secretary shall, through consultation with appropriate experts, and after notice and opportunity for public comment, publish in the Federal Register a list of guidelines for use in safely deterring marine mammals. In the case of marine mammals listed as endangered species or threatened species under the Endangered Species Act of 1973, the Secretary shall recommend specific measures which may be used to nonlethally deter marine mammals. Actions to deter marine mammals consistent with such guidelines or specific measures shall not be a violation of this Act.*

*"(C) If the Secretary determines, using the best scientific information available, that certain forms of deterrence have a significant adverse effect on marine mammals, the Secretary may prohibit such deterrent methods, after notice and opportunity for public comment, through regulation under this Act.*

*"(D) The authority to deter marine mammals pursuant to subparagraph (A) applies to all marine mammals, including all stocks designated as depleted under this Act.";*

*(5) in paragraph (5) by adding at the end the following new subparagraphs:*

*"(D)(i) Upon request therefor by citizens of the United States who engage in a specified activity (other than commercial fishing) within a specific geographic region, the Secretary shall authorize, for periods of not more than 1 year, subject to such conditions as the Secretary may specify, the incidental, but not intentional, taking by harassment of small numbers of marine mammals of a species or population stock by such citizens while engaging in that activity within that region if the Secretary finds that such harassment during each period concerned—*

*"(I) will have a negligible impact on such species or stock, and*

*"(II) will not have an unmitigable adverse impact on the availability of such species or stock for taking for subsistence uses pursuant to subsection (b), or section 109(f) or pursuant to a cooperative agreement under section 119.*

*"(ii) The authorization for such activity shall prescribe, where applicable—*

*"(I) permissible methods of taking by harassment pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for subsistence uses pursuant to subsection (b) or section 109(f) or pursuant to a cooperative agreement under section 119,*

*"(II) the measures that the Secretary determines are necessary to ensure no unmitigable adverse impact on the availability of the species or stock for taking for subsistence uses pursuant to subsection (b) or section 109(f) or pursuant to a cooperative agreement under section 119, and*

*"(III) requirements pertaining to the monitoring and reporting of such taking by harassment, including requirements for the independent peer review of proposed monitoring plans or other research proposals where the proposed activity may affect the availability of a species or stock for taking for subsistence uses pursuant to subsection (b) or section 109(f) or pursuant to a cooperative agreement under section 119.*

*"(iii) The Secretary shall publish a proposed authorization not later than 45 days after receiving an application under this subparagraph and request public comment through notice in the Federal Register, newspapers of general circulation, and appropriate electronic media and to all locally affected communities for a period of 30 days after publication. Not later than 45 days after the close of the public comment period, if the Secretary makes the findings set forth in clause (i), the Secretary shall issue an authorization with appropriate conditions to meet the requirements of clause (ii).*

*"(iv) The Secretary shall modify, suspend, or revoke an authorization if the Secretary finds that the provisions of clauses (i) or (ii) are not being met.*

*"(v) A person conducting an activity for which an authorization has been granted under this subparagraph shall not be subject to the penalties of this Act for taking by harassment that occurs in compliance with such authorization.*

*"(E)(i) During any period of up to three consecutive years, the Secretary shall allow the incidental, but not the intentional, taking by persons using vessels of the United States or vessels which have valid fishing permits issued by the Secretary in accordance with section 204(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(b)), while engaging in commercial fishing operations, of marine mammals from a species or stock designated as depleted because of its listing as an endangered species or threatened species under the Endan-*

*gered Species Act of 1973 (16 U.S.C. 1531 et seq.) if the Secretary, after notice and opportunity for public comment, determines that—*

*"(I) the incidental mortality and serious injury from commercial fisheries will have a negligible impact on such species or stock;*

*"(II) a recovery plan has been developed or is being developed for such species or stock pursuant to the Endangered Species Act of 1973; and*

*"(III) where required under section 118, a monitoring program is established under subsection (d) of such section, vessels engaged in such fisheries are registered in accordance with such section, and an incidental take reduction plan has been developed or its being developed for such species or stock.*

*"(ii) Upon a determination by the Secretary that the requirements of clause (i) have been met, the Secretary shall publish in the Federal Register a list of those fisheries for which such determination was made, and, for vessels required to register under section 118, shall issue an appropriate permit for each authorization granted under such section to vessels to which this paragraph applies. Vessels engaged in a fishery included in the notice published by the Secretary under this clause which are not required to register under section 118 shall not be subject to the penalties of this Act for the incidental taking of marine mammals to which this paragraph applies, so long as the owner or master of such vessel reports any incidental mortality or injury of such marine mammals to the Secretary in accordance with section 118.*

*"(iii) If, during the course of the commercial fishing season, the Secretary determines that the level of incidental mortality or serious injury from commercial fisheries for which a determination was made under clause (i) has resulted or is likely to result in an impact that is more than negligible on the endangered or threatened species or stock, the Secretary shall use the emergency authority granted under section 118 to protect such species or stock, and may modify any permit granted under this paragraph as necessary.*

*"(iv) The Secretary may suspend for a time certain or revoke a permit granted under this subparagraph only if the Secretary determines that the conditions or limitations set forth in such permit are not being complied with. The Secretary may amend or modify, after notice and opportunity for public comment, the list of fisheries published under clause (ii) whenever the Secretary determines there has been a significant change in the information or conditions used to determine such list.*

*"(v) Sections 103 and 104 shall not apply to the taking of marine mammals under the authority of this subparagraph.*

*"(vi) This paragraph shall not govern the incidental taking of California sea otters and shall not be deemed to amend or repeal the Act of November 7, 1986 (Public Law 99–625; 100 Stat. 3500)."; and*

*"(6) by adding at the end the following new paragraph:*

*"(6)(A) A marine mammal product may be imported into the United States if the product—*

*"(i) was legally possessed and exported by any citizen of the United States in conjunction with travel outside the United States, provided that the product is imported into the United States by the same person upon the termination of travel.*

*"(ii) was acquired outside of the United States as part of a cultural exchange by an Indian, Aleut, or Eskimo residing in Alaska; or*

*"(iii) is owned by a Native inhabitant of Russia, Canada, or Greenland and is imported for noncommercial purposes in conjunction with travel within the United States or as part of a cultural exchange with an Indian, Aleut, or Eskimo residing in Alaska.*

*"(B) For the purposes of this paragraph, the term—*

*"(i) 'Native inhabitant of Russia, Canada, or Greenland' means a person residing in Russia, Canada, or Greenland who is related by blood, is a member of the same clan or ethnological grouping, or shares a common heritage with an Indian, Aleut, or Eskimo residing in Alaska; and*

*"(ii) 'cultural exchange' means the sharing or exchange of ideas, information, gifts, clothing, or handicrafts between an Indian, Aleut, or Eskimo residing in Alaska and a Native inhabitant of Russia, Canada, or Greenland, including rendering of raw marine mammal parts as part of such exchange into clothing or handicrafts through carving, painting, sewing, or decorating.".*

*(b) ACTIONS AFFECTING SECTION 101(b).—Section 101(b) is amended by adding at the end the following new sentence: "In promulgating any regulation or making any assessment pursuant to a hearing or proceeding under this subsection or section 117(b)(2), or in making any determination of depletion under this subsection or finding regarding unmitigable adverse impacts under subsection (a)(5) of this Act that affects stocks or persons to which this subsection applies, the Secretary shall be responsible for demonstrating that such regulation, assessment, determination, or finding is supported by substantial evidence on the basis of the record as a whole. The preceding sentence shall only be applicable in an action brought by one or more Alaska Native organizations representing persons to which this subsection applies.".*

*(c) Section 101(c) (16 U.S.C. 1371(c)) is amended to read as follows:*

*"(c) It shall not be a violation of this act to take a marine mammal if such taking is imminently necessary in self-defense or to save the life of a person in immediate danger, and such taking is reported to the Secretary within 48 hours. The Secretary may seize and dispose of the carcass.".*

***SEC. 5. PERMITS.***

*(a) PROHIBITIONS.—Section 102(a) (16 U.S.C. 1372(a)) is amended—*

*(1) in paragraph (2)(B) by striking "for any purpose in any way connected with the taking or importation of" and inserting "to take or import"; and*

*(2) in paragraph (4) by—*

*(A) striking "or offer to purchase or sell" and inserting "export, or offer to purchase, sell, or export";*

*(B) striking "product; and" and inserting "product—"; and*

*(C) inserting after and below the text of the paragraph the following:*

*"(A) that is taken in violation of this Act; or*

*"(B) for any purpose other than public display, scientific research, or enhancing the survival of a species or stock as provided for under subsection 104(c); and".*

*(b) PERMITS.—Section 104 (16 U.S.C. 1374) is amended—*

*(1) in subsection (a) by inserting "except for the incidental taking of marine mammals in the course of commercial fishing operations" before the period at the end;*

*(2) in subsection (c)—*

*(A) in paragraph (1) in the first sentence by striking "and after";*

*(B) by amending paragraph (2) to read as follows:*

*"(2)(A) A permit may be issued to take or import a marine mammal for the purpose of public display only to a person which the Secretary determines—*

*"(i) offers a program for education or conservation purposes that is based on professionally recognized standards of the public display community;*

*"(ii) is registered or holds a license issued under 7 U.S.C. 2131 et seq.; and*

*"(iii) maintains facilities for the public display of marine mammals that are open to the public on a regularly scheduled basis and that access to such facilities is not limited or restricted other than by charging an admission fee.*

*"(B) A permit under this paragraph shall grant to the person to which it is issued the right, without obtaining any additional permit or authorization under this Act, to—*

*"(i) take, import, purchase, offer to purchase, possess, or transport the marine mammal that is the subject of the permit; and*

*"(ii) sell, export, or otherwise transfer possession of the marine mammal, or offer to sell, export, or otherwise transfer possession of the marine mammal—*

*"(I) for the purpose of public display, to a person that meets the requirements of clauses (i), (ii), and (iii) of subparagraph (A);*

*"(II) for the purpose of scientific research, to a person that meets the requirements of paragraph (3); or*

*"(III) for the purpose of enhancing the survival or recovery of a species or stock, to a person that meets the requirements of paragraph (4).*

*"(C) A person to which a marine mammal is sold or exported or to which possession of a marine mammal is otherwise transferred under the authority of subparagraph (B) shall have the right and responsibilities described in subparagraph (B) with respect to the marine mammal without obtaining any additional permit or authorization under this Act. Such responsibilities shall be limited to—*

*"(i) for the purpose of public display, the responsibility to meet the requirements of clauses (i), (ii), and (iii) of subparagraph (A),*

*"(ii) for the purpose of scientific research, the responsibility to meet the requirements of paragraph (3), and*

*"(iii) for the purpose of enhancing the survival or recovery of a species or stock, the responsibility to meet the requirements of paragraph (4).*

*"(D) If the Secretary—*

*"(i) finds in concurrence with the Secretary of Agriculture, that a person that holds a permit under this paragraph for a marine mammal, or a person exercising rights under subparagraph (C), no longer meets the requirements of subparagraph (A)(ii) and is not reasonably likely to meet those requirements in the near future; or*

*"(ii) finds that a person that holds a permit under this paragraph for a marine mammal, or a person exercising rights under subparagraph (C), no longer meets the requirements of subparagraph (A)(i) or (iii) is not reasonably likely to meet those requirements in the near future,*

*the Secretary may revoke the permit in accordance with section 104(e), seize the marine mammal, or cooperate with other persons authorized to hold marine mammals under this Act for disposition of the marine mammal. The Secretary may recover from the person expenses incurred by the Secretary for the seizure.*

*"(E) No marine mammal held pursuant to a permit issued under subparagraph (A), or by a person exercising rights under subparagraph (C), may be sold, purchased, exported, or transported unless the Secretary is notified of such action no later than 15 days before such action, and such action is for purposes of public display, scientific research, or enhancing the survival or recovery of a species or stock. The Secretary may only require the notification to include the information required by the inventory established under paragraph (10).";*

*(C) by amending paragraph (3) to read as follows:*

*"(3)(A) The Secretary may issue a permit under this paragraph for scientific research pur-*

*poses to an applicant which submits with its permit application information indicating that the taking is required to further a bona fide scientific purpose. The Secretary may issue a permit under this paragraph before the end of the public review and comment period required under subsection (d)(2) if delaying issuance of the permit could result in harm to a species, population, or individual, or in loss of unique research opportunities.*

*"(B) No permit issued for purposes of scientific research shall authorize the lethal taking of a marine mammal unless the applicant demonstrates that a nonlethal method of conducting the research is not feasible. The Secretary shall not issue a permit for research which involves the lethal taking of a marine mammal from a species or stock that is depleted, unless the Secretary determines that the results of such research will directly benefit that species or stock, or that such research fulfills a critically important research need.*

*"(C) Not later than 120 days after the date of enactment of the Marine Mammal Protection Act Amendments of 1994, the Secretary shall issue general authorization and implementing regulations allowing bona fide scientific research that may result only in taking by Level B harassment of a marine mammal. Such authorization shall apply to persons which submit, by 60 days before commencement of such research, a letter of intent via certified mail to the Secretary containing the following:*

*"(i) The species or stocks of marine mammals which may be harassed.*

*"(ii) Geographic location of the research.*

*"(iii) The period of time over which the research will be conducted.*

*"(iv) The purpose of the research, including a description of how the definition of bona fide research as established under this Act would apply.*

*"(v) Methods to be used to conduct the research.*

*Not later than 30 days after receipt of a letter of intent to conduct scientific research under the general authorization, the Secretary shall notify the applicant if the proposed research is likely to result in the taking, including Level A harassment, of a marine mammal, and that subparagraph (A) applies, or shall issue a letter confirming that the general authorization applies. If no such notification is received, the proposed research shall be covered under the general authorization."; and*

*(D) by adding at the end the following new paragraphs:*

*"(5)(A) The Secretary may issue a permit for the importation of polar bear parts (other than internal organs) taken in sport hunts in Canada, including polar bears taken prior to the date of enactment of the Marine Mammal Protection Act Amendments of 1994, to an applicant which submits with its permit application proof that the polar bear was legally harvested in Canada. Such a permit shall be issued if the Secretary, in consultation with the Marine Mammal Commission and after notice and opportunity for public comment, finds that—*

*"(i) Canada has a monitored and enforced sport hunting program consistent with the purposes of the Agreement on the Conservation of Polar Bears;*

*"(ii) Canada has a sport hunting program based on scientifically sound quotas ensuring the maintenance of a sustainable population;*

*"(iii) the export and subsequent import are consistent with the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and other international agreements and conventions; and*

*"(iv) the export and subsequent import are not likely to contribute to illegal trade in bear parts.*

*"(B) The Secretary shall establish and charge a reasonable fee for permits issued under this paragraph. All fees collected under this paragraph shall be available to the Secretary for use in developing and implementing cooperative research and management programs for the conservation of polar bears in Alaska and Russia pursuant to section 113(d).*

*"(6) A permit may be issued for photography for educational or commercial purposes involving marine mammals in the wild only to an applicant which submits with its permit application information indicating that the taking will be limited to Level B harassment, and the manner in which the products of such activities will be made available to the public.*

*"(7) Upon request by a person for a permit under paragraph (2), (3), or (4) for a marine mammal which is in the possession of any person authorized to possess it under this Act and which is determined under guidance under section 402(a) not to be releasable to the wild, the Secretary shall issue the permit to the person requesting the permit if that person—*

*"(A) meets the requirements of clauses (i), (ii), and (iii) of paragraph (2)(A), in the case of a request for a permit under paragraph (2);*

*"(B) meets the requirements of paragraph (3), in the case of a request for a permit under that paragraph; or*

*"(C) meets the requirements of paragraph (4), in the case of a request for a permit under that paragraph.*

*"(8)(A) No additional permit or authorization shall be required to possess, sell, purchase, transport, export, or offer to sell or purchase the progeny of marine mammals taken or imported under this subsection, if such possession, sale, purchase, transport, export, or offer to sell or purchase is—*

*"(i) for the purpose of public display, and by or to, respectively, a person which meets the requirements of clauses (i), (ii), and (iii) of paragraph (2)(A):*

*"(ii) for the purpose of scientific research, and by or to, respectively, a person which meets the requirements of paragraph (3), or*

*"(iii) for the purpose of enhancing the survival or recovery of a species or stock, and by or to, respectively, a person which meets the requirements of paragraph (4).*

*"(B)(i) A person which has a permit under paragraph (2), or a person exercising rights under paragraph (2)(C), which has possession of a marine mammal that gives birth to progeny shall—*

*"(I) notify the Secretary of the birth of such progeny within 30 days after the date of birth; and*

*"(II) notify the Secretary of the sale, purchase, or transport of such progeny no later than 15 days before such action.*

*"(ii) The Secretary may only require notification under clause (i) to include the information required for the inventory established under paragraph (10).*

*"(C) Any progeny of a marine mammal born in captivity before the date of the enactment of the Marine Mammal Protection Act Amendments of 1994 and held in captivity for the purpose of public display shall be treated as though born after that date of enactment.*

*"(9) No marine mammal may be exported for the purpose of public display, scientific research, or enhancing the survival or recovery of a species or stock unless the receiving facility meets standards that are comparable to the requirements that a person must meet to receive a permit under this subsection for that purpose.*

*"(10) The Secretary shall establish and maintain an inventory of all marine mammals possessed pursuant to permits issued under paragraph (2)(A), by persons exercising rights under paragraph (2)(C), and all progeny of such marine mammals. The inventory shall contain for each marine mammal, only the following information which shall be provided by a person holding a marine mammal under this Act:*

*"(A) The name of the marine mammal or other identification.*

*"(B) The sex of the marine mammal.*

*"(C) The estimated or actual birth date of the marine mammal.*

*"(D) The date of acquisition or disposition of the marine mammal by the permit holder.*

*"(E) The source from whom the marine mammal was acquired including the location of the take from the wild, if applicable.*

*"(F) If the marine mammal is transferred, the name of the recipient.*

*"(G) A notation of the animal was acquired as the result of a stranding.*

*"(H) The date of death of the marine mammal and the cause of death when determined."; and*

*(3) in subsection (e)(1) by—*

*(A) striking "or" at the end of subparagraph (A);*

*(B) striking the period at the end of subparagraph (B) and inserting ", or"; and*

*(C) adding at the end the following new subparagraph:*

*"(C) if, in the case of a permit under subsection (c)(5) authorizing importation of polar bear parts, the Secretary, in consultation with the appropriate authority in Canada, determines that the sustainability of Canada's polar bear populations are being adversely affected or that sport hunting may be having a detrimental effect on maintaining polar bear populations throughout their range.".*

*(c) EXISTING PERMITS.—Any permit issued under section 104(c)(2) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(2)) before the date of the enactment of this Act is hereby modified to be consistent with that section as amended by this Act.*

### ***SEC. 6. PURPOSE AND USE OF THE FUND.***

*Section 405 (16 U.S.C. 1421d) as amended by this Act is further amended—*

*(1)(A) in subsection (b)(1)(A) by striking "and" at the end of clause (ii); and*

*(B) by inserting a new clause (iii) as follows: "(iii) for care and maintenance of marine mammal seized under section 104(c)(2)(C); and"; and*

*(2) in subsection (d) by striking "For purposes of carrying out this title, the" and inserting "The".*

### ***SEC. 7. APPLICATION TO OTHER TREATIES AND CONVENTIONS.***

*Section 113 (16 U.S.C. 1383) is amended by—*

*(1) designating the existing paragraph as subsection (a); and*

*(2) adding at the end the following new subsections*

*"(b) Not later than 1 year after the date of enactment of the Marine Mammal Protection Act Amendments of 1994, the Secretary of the Interior shall, in consultation with the contracting parties, initiate a review of the effectiveness of the Agreement on the Conservation of Polar Bears, as provided for in Article IX of the Agreement, and establish a process by which future reviews shall be conducted.*

*"(c) The Secretary of the Interior, in consultation with the Secretary of State and the Marine Mammal Commission, shall review the effectiveness of the United States implementation of the Agreement on the Conservation of Polar Bears, particularly with respect to the habitat protection mandates contained in Article II. The Secretary shall report the results of this review to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than April 1, 1995.*

*"(d) Not later than 6 months after the date of enactment of the Marine Mammal Protection Act Amendments of 1994, the Secretary of the*

*Interior, acting through the Secretary of State and in consultation with the Marine Mammal Commission and the State of Alaska, shall consult with the appropriate officials of the Russian Federation on the development and implementation of enhanced cooperative research and management programs for the conservation of polar bears in Alaska and Russia. The Secretary shall report the results of this consultation and provide periodic progress reports on the research and management programs to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate.".*

### SEC. 8. CONSERVATION PLANS.

*Section 115(b) (16 U.S.C. 1383b(b)) is amended by adding at the end the following new paragraph:*

*"(4) If the Secretary determines that a take reduction plan is necessary to reduce the incidental taking of marine mammals in the course of commercial fishing operations from a strategic stock, or for species or stocks which interact with a commercial fishery for which the Secretary has made a determination under section 118(b)(1), any conservation plan prepared under this subsection for such species or stock shall incorporate the take reduction plan required under section 118 for such species or stock.".*

### SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

*(a) DEPARTMENT OF COMMERCE.—Title I is amended by inserting after section 115 the following:*

### "SEC. 116. AUTHORIZATION OF APPROPRIATIONS.

*"(a) DEPARTMENT OF COMMERCE.—(1) There are authorized to be appropriated to the Department of Commerce, for purposes of carrying out such functions and responsibilities as it may have been given under title I and title IV, of the Marine Mammal Protection Act of 1972 (other than sections 117 and 118 of that Act), $12,138,000 for fiscal year 1994, $12,623,000 for fiscal year 1995, $13,128,000 for fiscal year 1996, $13,653,000 for fiscal year 1997, $14,200,000 for fiscal year 1998, and $14,768,000 for fiscal year 1999.*

*"(2) There are authorized to be appropriated to the Department of Commerce, for purposes of carrying out sections 117 and 118 of the Marine Mammal Protection Act of 1972, $20,000,000 for each of the fiscal years 1994 through 1999.*

*"(b) DEPARTMENT OF THE INTERIOR.—There are authorized to be appropriated to the Department of the Interior, for purposes of carrying out such functions and responsibilities as it may have been given under title I of the Marine Mammal Protection Act of 1972, $8,000,000 for fiscal year 1994, $8,600,000 for fiscal year 1995, $9,000,000 for fiscal year 1996, $9,400,000 for fiscal year 1997, $9,900,000 for fiscal year 1998, and $10,296,000 for fiscal year 1999.".*

*(b) CLERICAL AMENDMENT.—The table of contents in the first section is amended by inserting after the item relating to section 115 the following:*

*"Sec. 116. Authorization of appropriations.".*

*(c) AUTHORIZATION.—Title II (16 U.S.C. 1401 et seq.) is amended by adding at the end the following:*

### "SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

*"There are authorized to be appropriated to the Marine Mammal Commission for carrying out this title $1,500,000 for fiscal year 1994, $1,550,000 for fiscal year 1995, $1,600,000 for fiscal year 1996, $1,650,000 for fiscal year 1997, $1,700,000 for fiscal year 1998, and $1,750,000 for fiscal year 1999.".*

*(d) CLERICAL AMENDMENT.—The table of contents in the first section is amended by inserting after the item relating to section 206 the following:*

*"Sec. 207. Authorization of appropriations.".*

### SEC. 10. STOCK ASSESSMENTS.

*Title I is amended by adding at the end the following new section:*

### "SEC. 117. STOCK ASSESSMENTS.

*"(a) IN GENERAL.—Not later than August 1, 1994, the Secretary shall, in consultation with the appropriate regional scientific review group established under subsection (d), prepare a draft stock assessment for each marine mammal stock which occurs in waters under the jurisdiction of the United States. Each draft stock assessment, based on the best scientific information available, shall—*

*"(1) describe the geographic range of the affected stock, including any seasonal or temporal variation in such range;*

*"(2) provide for such stock the minimum population estimate, current and maximum net productivity rates, and current population trend, including a description of the information upon which these are based;*

*"(3) estimate the annual human-caused mortality and serious injury of the stock by source and, for a strategic stock, other factors that may be causing a decline or impeding recovery of the stock, including effects on marine mammal habitat and prey;*

*"(4) describe commercial fisheries that interact with the stock, including—*

*"(A) the approximate number of vessels actively participating in each such fishery;*

*"(B) the estimated level of incidental mortality and serious injury of the stock by each such fishery on an annual basis;*

*"(C) seasonal or area differences in such incidental mortality or serious injury; and*

*"(D) the rate, based on the appropriate standard unit of fishing effort, of such incidental mortality and serious injury, and an analysis stating whether such level is insignificant and is approaching a zero mortality and serious injury rate;*

*"(5) categorize the status of the stock as one that either—*

*"(A) has a level of human-caused mortality and serious injury that is not likely to cause the stock to be reduced below its optimum sustainable population; or*

*"(B) is a strategic stock, with a description of the reasons therefor; and*

*"(6) estimate the potential biological removal level for the stock, describing the information used to calculate it, including the recovery factor.*

*"(b) PUBLIC COMMENT.—(1) The Secretary shall publish in the Federal Register a notice of the availability of a draft stock assessment or any revision thereof and provide an opportunity for public review and comment during a period of 90 days. Such notice shall include a summary of the assessment and a list of the sources of information or published reports upon which the assessment is based.*

*"(2) Subsequent to the notice of availability required under paragraph (1), if requested by a person to which section 101(b) applies, the Secretary shall conduct a proceeding on the record prior to publishing a final stock assessment or any revision thereof for any stock subject to taking under section 101(b).*

*"(3) After consideration of the best scientific information available, the advice of the appropriate regional scientific review group established under subsection (d), and the comments of the general public, the Secretary shall publish in the Federal Register a notice of availability and a summary of the final stock assessment or any revision thereof, not later than 90 days after—*

*"(A) the close of the public comment period on a draft stock assessment or revision thereof; or*

*"(B) final action on an agency proceeding pursuant to paragraph (2).*

*"(c) REVIEW AND REVISION.—*

*"(1) The Secretary shall review stock assessments in accordance with this subsection—*

*"(A) at least annually for stocks which are specified as strategic stocks;*

*"(B) at least annually for stocks for which significant new information is available; and*

*"(C) at least once every 3 years for all other stocks.*

*"(2) If the review under paragraph (1) indicates that the status of the stock has changed or can be more accurately determined, the Secretary shall revise the stock assessment in accordance with subsection (b).*

*"(d) REGIONAL SCIENTIFIC REVIEW GROUPS.—(1) Not later than 60 days after the date of enactment of this section, the Secretary of Commerce shall, in consultation with the Secretary of the Interior (with respect to marine mammals under that Secretary's jurisdiction), the Marine Mammal Commission, the Governors of affected adjacent coastal States, regional fishery and wildlife management authorities, Alaska Native organizations and Indian tribes, and environmental and fishery groups, establish at least 3 independent regional scientific review groups representing Alaska, the Pacific Coast (including Hawaii), and the Atlantic Coast (including the Gulf of Mexico) consisting of individuals with expertise in marine mammal biology and ecology, population dynamics and modeling, commercial fishing technology and practices, and stocks taken under section 101(b). The Secretary of Commerce shall, to the maximum extent practicable, attempt to achieve a balanced representation of viewpoints among the individuals on each regional scientific review group. The regional scientific review groups shall advise the Secretary on—*

*"(A) population estimates and the population status and trends of such stocks;*

*"(B) uncertainties and research needed regarding stock separation, abundance, or trends, and factors affecting the distribution, size, or productivity of the stock;*

*"(C) uncertainties and research needed regarding the species, number, ages, gender, and reproductive status of marine mammals;*

*"(D) research needed to identify modifications in fishing gear and practices likely to reduce the incidental mortality and serious injury of marine mammals in commercial fishing operations;*

*"(E) the potential impacts of habitat destruction, including marine pollution and natural environmental change, on specific marine mammal species or stocks; and*

*"(F) any other issue which the Secretary or the groups consider appropriate.*

*"(2) The scientific review groups established under this subsection shall not be subject to the Federal Advisory Committee Act (5 App. U.S.C.).*

*"(3) Members of the scientific review groups shall serve without compensation, but may be reimbursed by the Secretary, upon request, for reasonable travel costs and expenses incurred in performing their obligations.*

*"(4) The Secretary may appoint or reappoint individuals to the regional scientific review groups under paragraph (1) as needed.*

*"(e) EFFECT ON SECTION 101(b).—This section shall not affect or otherwise modify the provisions of section 101(b).".*

### SEC. 11. TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS.

*Title I, as amended by this Act, is further amended by adding at the end the following new section:*

### "SEC. 118. TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS.

*"(a) IN GENERAL.—(1) Effective on the date of enactment of this section, and except as provided in section 114 and in paragraphs (2), (3),*

*and (4) of this subsection, the provisions of this section shall govern the incidental taking of marine mammals in the course of commercial fishing operations by persons using vessels of the United States or vessels which have valid fishing permits issued by the Secretary in accordance with section 204(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(b)). In any event it shall be the immediate goal that the incidental mortality or serious injury of marine mammals occurring in the course of commercial fishing operations be reduced to insignificant levels approaching a zero mortality and serious injury rate within seven years of the date of enactment of this section.*

*"(2) In the case of the incidental taking of marine mammals from species or stocks designated under this Act as depleted on the basis of their listing as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), both this section and section 101(a)(5)(E) of this Act shall apply.*

*"(3) Sections 104(h) and title III, and not this section, shall govern the taking of marine mammals in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean.*

*"(4) This section shall not govern the incidental taking of California sea otters and shall not be deemed to amend or repeal the Act of November 7, 1986 (Public Law 99–625; 100 Stat. 3500).*

*"(5) Except as provided in section 101(c), the intentional lethal take of any marine mammal in the course of commercial fishing operations is prohibited.*

*"(6) Sections 103 and 104 shall not apply to the incidental taking of marine mammals under the authority of this section.*

*"(b) ZERO MORTALITY RATE GOAL.—(1) Commercial fisheries shall reduce incidental mortality and serious injury of marine mammals to insignificant levels approaching a zero mortality and serious injury rate within seven years after the date of enactment of this section.*

*"(2) Fisheries which maintain insignificant serious injury and mortality levels approaching a zero rate shall not be required to further reduce their mortality and serious injury rates.*

*"(3) Three years after such date of enactment, the Secretary shall review the progress of all commercial fisheries, by fishery, toward reducing incidental mortality and serious injury to insignificant levels approaching a zero rate. The Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives a report setting forth the results of such review within 1 year after commencement of the review. The Secretary shall note any commercial fishery for which additional information is required to accurately assess the level of incidental mortality and serious injury of marine mammals in the fishery.*

*"(4) If the Secretary determines after review under paragraph (3) that the rate of incidental mortality and serious injury of marine mammals in a commercial fishery is not consistent with paragraph (1), then the Secretary shall take appropriate action under subsection (f).*

*"(c) REGISTRATION AND AUTHORIZATION.—(1) The Secretary shall, within 90 days after the date of enactment of this section—*

*"(A) publish in the Federal Register for public comment, for a period of not less than 90 days, any necessary changes to the Secretary's list of commercial fisheries published under section 114(b)(1) and which is in existence on March 31, 1994 (along with an explanation of such changes and a statement describing the marine mammal stocks interacting with, and the approximate number of vessels or persons actively involved in, each such fishery) that have—*

*"(i) frequent incidental mortality and serious injury of marine mammals;*

*"(ii) occasional incidental mortality and serious injury of marine mammals; or*

*"(iii) a remote likelihood of or no known incidental mortality or serious injury of marine mammals;*

*"(B) after the close of the period for such public comment, publish in the Federal Register a revised list of commercial fisheries and an update of information required by subparagraph (A), together with a summary of the provisions of this section and information sufficient to advise vessel owners on how to obtain an authorization and otherwise comply with the requirements of this section; and*

*"(C) at least once each year thereafter, and at such other times as the Secretary considers appropriate, reexamine, based on information gathered under this Act and other relevant sources and after notice and opportunity for public comment, the classification of commercial fisheries and other determinations required under subparagraph (A) and publish in the Federal Register any necessary changes.*

*"(2)(A) An authorization shall be granted by the Secretary in accordance with this section for a vessel engaged in a commercial fishery listed under paragraph (1)(A)(i) or (ii), upon receipt by the Secretary of a completed registration form providing the name of the vessel owner and operator, the name and description of the vessel, the fisheries in which it will be engaged, the approximate time, duration, and location of such fishery operations, and the general type and nature of use of the fishing gear and techniques used. Such information shall be in a readily usable format that can be efficiently entered into and utilized by an automated or computerized data processing system. A decal or other physical evidence that the authorization is current and valid shall be issued by the Secretary at the time an authorization is granted, and so long as the authorization remains current and valid, shall be reissued annually thereafter.*

*"(B) No authorization may be granted under this section to the owner of vessel unless such vessel—*

*"(i) is a vessel of the United States; or*

*"(ii) has a valid fishing permit issued by the Secretary in accordance with section 204(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(b)).*

*"(C) Except as provided in subsection (a), an authorization granted under this section shall allow the incidental taking of all species and stocks of marine mammals to which this Act applies.*

*"(3)(A) An owner of a vessel engaged in any fishery listed under paragraph (1)(A)(i) or (ii) shall, in order to engage in the lawful incidental taking of marine mammals in a commercial fishery—*

*"(i) have registered as required under paragraph (2) with the Secretary in order to obtain for each such vessel owned and used in the fishery an authorization for the purpose of incidentally taking marine mammals in accordance with this section, except that owners of vessels holding valid certificates of exemption under section 114 are deemed to have registered for purposes of this subsection for the period during which such registration is valid;*

*"(ii) ensure that a decal or such other physical evidence of a current and valid authorization as the Secretary may require is displayed on or is in the possession of the master of each such vessel;*

*"(iii) report as required by subsection (e); and*

*"(iv) comply with a take reduction plan and emergency regulations issued under this section.*

*"(B) Any owner of a vessel receiving an authorization under this section for any fishery listed under paragraph (1)(A)(i) or (ii) shall, as a condition of that authorization, take on board an observer if requested to do so by the Secretary.*

*"(C) An owner of a vessel engaged in a fishery listed under paragraph (1)(A)(i) or (ii) who—*

*"(i) fails to obtain from the Secretary an authorization for such vessel under this section;*

*"(ii) fails to maintain a current and valid authorization for such vessel; or*

*"(iii) fails to ensure that a decal or other physical evidence of such authorization issued by the Secretary is displayed on or is in possession of the master of the vessel,*

*and the master of any such vessel engaged in such fishery, shall be deemed to have violated this title, and for violations of clauses (i) and (ii) shall be subject to penalties of this title, and for violations of clause (iii) shall be subject to a fine of not more than $100 for each offense.*

*"(D) If the owner of a vessel has obtained and maintains a current and valid authorization from the Secretary under this section and meets the requirements set forth in this section, including compliance with any regulations to implement a take reduction plan under this section, the owner of such vessel, and the master and crew members of the vessel, shall not be subject to the penalties set forth in this title for the incidental taking of marine mammals while such vessel is engaged in a fishery to which the authorization applies.*

*"(E) Each owner of a vessel engaged in any fishery not listed under paragraph (1)(A) (i) or (ii), and the master and crew member of such a vessel, shall not be subject to the penalties set forth in this title for the incidental taking of marine mammals if such owner reports to the Secretary, in the form and manner required under subsection (e), instances of incidental mortality or injury of marine mammals in the course of that fishery.*

*"(4)(A) The Secretary shall suspend or revoke an authorization granted under this section and shall not issue a decal or other physical evidence of the authorization for any vessel until the owner of such vessel complies with the reporting requirements under subsection (e) and such requirements to take on board an observer under paragraph (3)(B) as are applicable to such vessel. Previous failure to comply with the requirements of section 114 shall not bar authorization under this section for an owner who complies with the requirements of this section.*

*"(B) The Secretary may suspend or revoke an authorization granted under this subsection, and may not issue a decal or other physical evidence of the authorization for any vessel which fails to comply with a take reduction plan or emergency regulations issued under this section.*

*"(C) The owner and master of a vessel which fails to comply with a take reduction plan shall be subject to the penalties of section 105 and 107, and may be subject to section 106.*

*"(5)(A) The Secretary shall develop, in consultation with the appropriate States, affected Regional Fishery Management Councils, and other interested persons, the means by which the granting and administration of authorizations under this section shall be integrated and coordinated, to the maximum extent practicable, with existing fishery licenses, registrations, and related programs.*

*"(B) The Secretary shall utilize newspapers of general circulation, fishery trade associations, electronic media, and other means of advising commercial fishermen of the provisions of this section and the means by which they can comply with its requirements.*

*"(C) The Secretary is authorized to charge a fee for the granting of an authorization under this section. The level of fees charged under this subparagraph shall not exceed the administrative costs incurred in granting an authorization. Fees collected under this subparagraph shall be available to the Under Secretary of Commerce for Oceans and Atmosphere for expenses in-*

*curred in the granting and administration of authorizations under this section.*

*"(d) Monitoring of Incidental Takes.—*

*"(1) The Secretary shall establish a program to monitor incidental mortality and serious injury of marine mammals during the course of commercial fishing operations. The purposes of the monitoring program shall be to—*

*"(A) obtain statistically reliable estimates of incidental mortality and serious injury;*

*"(B) determine the reliability of reports of incidental mortality and serious injury under subsection (e); and*

*"(C) identify changes in fishing methods or technology that may increase or decrease incidental mortality and serious injury.*

*"(2) Pursuant to paragraph (1), the Secretary may place observers on board vessels as necessary, subject to the provisions of this section. Observers may, among other tasks—*

*"(A) record incidental mortality and injury, or bycatch of other nontarget species;*

*"(B) record numbers of marine mammals sighted; and*

*"(C) perform other scientific investigations.*

*"(3) In determining the distribution of observers among commercial fisheries and vessels within a fishery, the Secretary shall be guided by the following standards:*

*"(A) The requirement to obtain statistically reliable information.*

*"(B) The requirement that assignment of observers is fair and equitable among fisheries and among vessels in a fishery.*

*"(C) The requirement that no individual person or vessel, or group of persons or vessels, be subject to excessive or overly burdensome observer coverage.*

*"(D) To the extent practicable, the need to minimize costs and avoid duplication.*

*"(4) To the extent practicable, the Secretary shall allocate observers among commercial fisheries in accordance with the following priority:*

*"(A) The highest priority for allocation shall be for commercial fisheries that have incidental mortality or serious injury of marine mammals from stocks listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).*

*"(B) The second highest priority for allocation shall be for commercial fisheries that have incidental mortality and serious injury of marine mammals from strategic stocks.*

*"(C) The third highest priority for allocation shall be for commercial fisheries that have incidental mortality or serious injury of marine mammals from stocks for which the level of incidental mortality and serious injury is uncertain.*

*"(5) The Secretary may establish an alternative observer program to provide statistically reliable information on the species and number of marine mammals incidentally taken in the course of commercial fishing operations. The alternative observer program may include direct observation of fishing activities from vessels, airplanes, or points on shore.*

*"(6) The Secretary is not required to place an observer on a vessel in a fishery if the Secretary finds that—*

*"(A) in a situation in which harvesting vessels are delivering fish to a processing vessel and the catch is not taken on board the harvesting vessel, statistically reliable information can be obtained from an observer on board the processing vessel to which the fish are delivered;*

*"(B) the facilities on a vessel for quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized; or*

*"(C) for reasons beyond the control of the Secretary, an observer is not available.*

*"(7) The Secretary may, with the consent of the vessel owner, station an observer on board a vessel engaged in a fishery not listed under subsection (c)(1)(A) (i) or (ii).*

*"(8) Any proprietary information collected under this subsection shall be confidential and shall not be disclosed except—*

*"(A) to Federal employees whose duties require access to such information;*

*"(B) to State or tribal employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person;*

*"(C) when required by court order; or*

*"(D) in the case of scientific information involving fisheries, to employees of Regional Fishery Management Councils who are responsible for fishery management plan development and monitoring.*

*"(9) The Secretary shall prescribe such procedures as may be necessary to preserve such confidentiality, except that the Secretary shall release or make public upon request any such information in aggregate, summary, or other form which does not directly or indirectly disclose the identity or business of any person.*

*"(e) Reporting Requirement.—The owner or operator of a commercial fishing vessel subject to this Act shall report all incidental mortality and injury of marine mammals in the course of commercial fishing operations to the Secretary by mail or other means acceptable to the Secretary within 48 hours after the end of each fishing trip on a standard postage-paid form to be developed by the Secretary under this section. Such form shall be capable of being readily entered into and usable by an automated or computerized data processing system and shall require the vessel owner or operator to provide the following:*

*"(1) The vessel name, and Federal, State, or tribal registration numbers of the registered vessel.*

*"(2) The name and address of the vessel owner or operator.*

*"(3) The name and description of the fishery.*

*"(4) The species of each marine mammal incidentally killed or injured, and the date, time, and approximate geographic location of such occurrence.*

*"(f) Take Reduction Plans.—(1) The Secretary shall develop and implement a take reduction plan designed to assist in the recovery or prevent the depletion of each strategic stock which interacts with a commercial fishery listed under subsection (c)(1)(A) (i) or (ii), and may develop and implement such a plan for any other marine mammal stocks which interact with a commercial fishery listed under subsection (c)(1)(A)(i) which the Secretary determines, after notice and opportunity for public comment, has high level of mortality and serious injury across a number of such marine mammal stocks.*

*"(2) The immediate goal of a take reduction plan shall be to reduce, within 6 months of its implementation, the incidental mortality or serious injury of marine mammals incidentally taken in the course of commercial fishing operations to levels less than the potential biological removal level established in this section. The long-term goal of the plan shall be to reduce, within 5 years of its implementation, the incidental mortality or serious injury of marine mammals incidentally taken in the course of commercial fishing operations to insignificant levels approaching a zero mortality and serious injury rate, taking into account the economics of the fishery, the availability of existing technology, and existing State or regional fishery management plans.*

*"(3) If there is insufficient funding available to develop and implement take reduction plan for all such stocks that interact with commercial fisheries listed under subsection (c)(1)(A) (i) or (ii), the Secretary shall give highest priority to the development and implementation of take reduction plans for species or stocks whose level of incidental mortality and serious injury exceeds the potential biological removal level, those that have a small population size, and those which are declining most rapidly.*

*"(4) Each take reduction plan shall include—*

*"(A) a review of the information in the final stock assessment published under subsection (c) and any substantial new information;*

*"(B) an estimate of the total number and, if possible, age and gender, of animals from the stock that are being incidentally lethally taken or seriously injured each year during the course of commercial fishing operations, by fishery;*

*"(C) recommended regulatory or voluntary measures for the reduction of incidental mortality and serious injury;*

*"(D) recommended dates for achieving the specific objection of the plan:*

*"(5)(a) For any stock in which incidental mortality and serious injury from commercial fisheries exceeds the potential biological removal level established under section 117, the plan shall include measures the Secretary expects will reduce, within 6 months after of the plan's implementation such mortality and serious injury to a level below the potential biological removal level.*

*"(b) For any stock in which human-caused mortality and serious injury exceeds the potential biological removal level, other than a stock to which subparagraph (A) applies, the plan shall include measures the Secretary expects will reduce, to the maximum extent practicable within 6 months of the plan's implementation, the incidental mortality and serious injury by such commercial fisheries from that stock. For purposes of this subparagraph, the term 'maximum extent practicable' means to the lowest level that is feasible for such fisheries within the 6-month period.*

*"(6)(a) At the earliest possible time (not later than 30 days) after the Secretary issues a final stock assessment for a strategic stock, the Secretary shall, and for stocks that interact with a fishery listed under subsection (c)(1)(A)(i) for which the Secretary has made a determination under paragraph (1), the Secretary may—*

*"(i) establish a take reduction team for such stock and appoint the members of such team in accordance with subparagraph (C); and*

*"(ii) publish in the Federal Register a notice of the team's establishment, the names of the team's appointed members, the full geographic range of such stock, and a list of all commercial fisheries that cause incidental mortality and serious injury of marine mammals from such stock.*

*"(b) The Secretary may request a take reduction team to address a stock that extends over one or more regions or fisheries, or multiple stocks within a region or fishery, if the Secretary determines that doing so would facilitate the development and implementation of plans required under this subsection.*

*"(c) Members of take reduction teams shall have expertise regarding the conservation or biology of the marine mammal species which the incidental take plan will address, or the fishing practices which result in the incidental mortality and serious injury of such species. Members shall include representatives of Federal agencies, each coastal State which has fisheries which interact with the species or stock, appropriate Regional Fishery Management Councils, interstate fisheries commissions, academic and scientific organizations, environmental groups, all commercial and recreational fisheries groups and gear types which incidentally take the species or stock, Alaska Native organizations or Indian tribal organizations, and others as the Secretary deems appropriate. Take reduction teams shall, to the maximum extent practicable, con-*

*sist of an equitable balance among representatives of resource user interests and nonuser interests.*

*"(d) Take reduction teams shall not be subject to the Federal Advisory Committee Act (5 App. U.S.C.). Meetings of take reduction teams shall be open to the public, and prior notice of meetings shall be made public in a timely fashion.*

*"(e) Members of take reduction teams shall serve without compensation, but may be reimbursed by the Secretary, upon request, for reasonable travel costs and expenses incurred in performing their duties as members of the team.*

*"(7) Where the human-caused mortality and serious injury from a strategic stock is estimated to be equal to or greater than the potential biological removal level established under section 117 for such stock and such stock interacts with a fishery listed under subsection (c)(1)(A) (i) or (ii), the following procedures shall apply in the development of the take reduction plan for the stock:*

*"(A)(i) Not later than 6 months after the date of establishment of a take reduction team for the stock, the team shall submit a draft take reduction plan for such stock to the Secretary, consistent with the other provisions of this section.*

*"(ii) Such draft take reduction plan shall be developed by consensus. In the event consensus cannot be reached, the team shall advise the Secretary in writing on the range of possibilities considered by the team, and the views of both the majority and minority.*

*"(B)(i) The Secretary shall take the draft take reduction plan into consideration and, not later than 60 days after the submission of the draft plan by the team, the Secretary shall publish in the Federal Register the plan proposed by the team, any changes proposed by the Secretary with an explanation of the reasons therefor, and proposed regulations to implement such plan, for public review and comment during a period of not to exceed 90 days.*

*"(ii) In the event that the take reduction team does not submit a draft plan to the Secretary within 6 months, the Secretary shall, not later than 8 months after the establishment of the team, publish in the Federal Register a proposed take reduction plan and implementing regulations, for public review and comment during a period of not to exceed 90 days.*

*"(C) Not later than 60 days after the close of the comment period required under subparagraph (B), the Secretary shall issue a final take reduction plan and implementing regulations, consistent with the other provisions of this section.*

*"(D) The Secretary shall, during a period of 30 days after publication of a final take reduction plan, utilize newspapers of general circulation, fishery trade associations, electronic media, and other means of advising commercial fishermen of the requirements of the plan and how to comply with them.*

*"(E) The Secretary and the take reduction team shall meet every 6 months, or at such other intervals as the Secretary determines are necessary, to monitor the implementation of the final take reduction plan until such time that the Secretary determines that the objectives of such plan have been met.*

*"(F) The Secretary shall amend the take reduction plan and implementing regulations as necessary to meet the requirements of this section, in accordance with the procedures in this section for the issuance of such plans and regulations.*

*"(8) Where the human-caused mortality and serious injury from a strategic stock is estimated to be less than the potential biological removal level established under section 117 for such stock and such stock interacts with a fishery listed under subsection (c)(1)(A) (i) or (ii), or for any marine mammal stocks which interact with a commercial fishery listed under subsection (c)(1)(A)(i) for which the Secretary has made a determination under paragraph (1), the following procedures shall apply in the development of the take reduction plan for such stock:*

*"(A)(i) Not later than 11 months after the date of establishment of a take reduction team for the stock, the team shall submit a draft take reduction plan for the stock to the Secretary, consistent with the other provisions of this section.*

*"(ii) Such draft take reduction plan shall be developed by consensus. In the event consensus cannot be reached, the team shall advise the Secretary in writing on the range of possibilities considered by the team, and the views of both the majority and minority.*

*"(B)(i) The Secretary shall take the draft take reduction plan into consideration and, not later than 60 days after the submission of the draft plan by the team, the Secretary shall publish in the Federal Register the plan proposed by the team, any changes proposed by the Secretary with an explanation of the reasons therefor, and proposed regulations to implement such plan, for public review and comment during a period of not to exceed 90 days.*

*"(ii) In the event that the take reduction team does not submit a draft plan to the Secretary within 11 months, the Secretary shall, not later than 13 months after the establishment of the team, publish in the Federal Register a proposed take reduction plan and implementing regulations, for public review and comment during a period of not to exceed 90 days.*

*"(C) Not later than 60 days after the close of the comment period required under subparagraph (B), the Secretary shall issue a final take reduction plan and implementing regulations, consistent with the other provisions of this section.*

*"(D) The Secretary shall, during a period of 30 days after publication of a final take reduction plan, utilize newspapers of general circulation, fishery trade associations, electronic media, and other means of advising commercial fishermen of the requirements of the plan and how to comply with them.*

*"(E) The Secretary and the take reduction team shall meet on an annual basis, or at such other intervals as the Secretary determines are necessary, to monitor the implementation of the final take reduction plan until such time that the Secretary determines that the objectives of such plan have been met.*

*"(F) The Secretary shall amend the take reduction plan and implementing regulations as necessary to meet the requirements of this section, in accordance with the procedures in this section for the issuance of such plans and regulations.*

*"(9) In implementing a take reduction plan developed pursuant to this subsection, the Secretary may, where necessary to implement take reduction plan to protect or restore a marine mammal stock or species covered by such plan, promulgate regulations which include, but are not limited to, measures to—*

*"(A) establish fishery-specific limits on incidental mortality and serious injury of marine mammals in commercial fisheries or restrict commercial fisheries by time or area;*

*"(B) require the use of alternative commercial fishing gear or techniques and new technologies, encourage the development of such gear or technology, or convene expert skippers' panels;*

*"(C) educate commercial fishermen, through workshops and other means, on the importance of reducing the incidental mortality and serious injury of marine mammals in affected commercial fisheries; and*

*"(D) monitor, in accordance with subsection (d), the effectiveness of measures taken to reduce the level of incidental mortality and serious injury of marine mammals in the course of commercial fishing operations.*

*"(10)(A) Notwithstanding paragraph (5), in the case of any stock to which paragraph (5) applies for which a final stock assessment has not been published under section 117(b)(3) by April 1, 1995, due to a proceeding under section 117(b)(2), or any Federal court review of such proceeding, the Secretary shall establish a take reduction team under paragraph (6) for such stock as if a final stock assessment had been published.*

*"(B) The draft stock assessment published for such stock under section 117(b)(1) shall be deemed the final stock assessment for purposes of preparing and implementing a take reduction plan for such stock under this section.*

*"(C) Upon publication of a final stock assessment for such stock under section 117(b)(3) the Secretary shall immediately reconvene the take reduction team for such stock for the purpose of amending the take reduction plan, and any regulations issued to implement such plan, if necessary, to reflect the final stock assessment or court action. Such amendments shall be made in accordance with paragraph (7)(F) or (8)(F), as appropriate.*

*"(D) A draft stock assessment may only be used as the basis for a take reduction plan under this paragraph for a period of not to exceed two years, or until a final stock assessment is published, whichever is earlier. If, at the end of the two-year period, a final stock assessment has not been published, the Secretary shall categorize such stock under section 117(a(5)(A) and shall revoke any regulations to implement a take reduction plan for such stock.*

*"(E) Subparagraph (D) shall not apply for any period beyond two years during which a final stock assessment for such stock has not been published due to review of a proceeding on such stock assessment by a Federal court. Immediately upon final action by such court, the Secretary shall proceed under subparagraph (C).*

*"(11) Take reduction plans developed under this section for a species or stock listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall be consistent with any recovery plan developed for such species or stock under section 4 of such Act.*

*"(g) EMERGENCY REGULATIONS.—(1) If the Secretary finds that the incidental mortality and serious injury of marine mammals from commercial fisheries is having, or is likely to have, an immediate and significant adverse impact on a stock or species, the Secretary shall take actions as follows:*

*"(A) In the case of a stock or species for which a take reduction plan is in effect, the Secretary shall—*

*"(i) prescribe emergency regulations that, consistent with such plan to the maximum extent practicable, reduce incidental mortality and serious injury in that fishery; and*

*"(ii) approve and implement, on an expedited basis, any amendments to such plan that are recommended by the take reduction team to address such adverse impact.*

*"(B) In the case of a stock or species for which a take reduction plan is being developed, the Secretary shall—*

*"(i) prescribe emergency regulations to reduce such incidental mortality and serious injury in that fishery; and*

*"(ii) approve and implement, on an expedited basis, such plan, which shall provide methods to address such adverse impact if still necessary.*

*"(C) In the case of a stock or species for which a take reduction plan does not exist and is not being developed, or in the case of a commercial fishery listed under subsection (c)(1)(A)(iii) which the Secretary believes may be contributing to such adverse impact, the Secretary shall—*

*"(i) prescribe emergency regulations to reduce such incidental mortality and serious injury in that fishery, to the extent necessary to mitigate such adverse impact;*

*"(ii) immediately review the stock assessment for such stock or species and the classification of such commercial fishery under this section to determine if a take reduction team should be established; and*

*"(iii) may, where necessary to address such adverse impact on a species listed as a threatened species or endangered species under the Endangered Species Act of 1973, (16 U.S.C. 1531 et seq.), place observers on vessels in a commercial fishery listed under subsection (c)(1)(A)(iii), if the Secretary has reason to believe such vessels may be causing the incidental mortality and serious injury to marine mammals from such stock.*

*"(2) Prior to taking action under paragraph (1)(A), (B), or (C), the Secretary shall consult with the Marine Mammal Commission, all appropriate Regional Fishery Management Councils, State fishery managers, and the appropriate take reduction team (if established).*

*"(3) Emergency regulations prescribed under this subsection—*

*"(A) shall be published in the Federal Register, together with an explanation thereof;*

*"(B) shall remain in effect for not more than 180 days or until the end of the applicable commercial fishing season, whichever is earlier; and*

*"(C) may be terminated by the Secretary at an earlier date by publication in the Federal Register of a notice of termination, if the Secretary determines that the reasons for emergency regulations no longer exist.*

*"(4) If the Secretary finds that incidental mortality and serious injury of marine mammals in a commercial fishery is continuing to have an immediate and significant adverse impact on a stock or species, the Secretary may extend the emergency regulations for an additional period of not more than 90 days or until reasons for the emergency no longer exist, whichever is earlier.*

*"(h) PENALTIES.—Except as provided in subsection (c), any person who violates this section shall be subject to the provisions of section 105 and 107, and may be subject to section 106 as the Secretary establishes by regulations.*

*"(i) ASSISTANCE.—The Secretary shall provide assistance to Regional Fishery Management Councils, States, interstate fishery commissions, and Indian tribal organizations in meeting the goal of reducing incidental mortality and serious injury to insignificant levels approaching a zero mortality and serious injury rate.*

*"(j) CONTRIBUTIONS.—For purposes of carrying out this section, the Secretary may accept, solicit, receive, hold, administer, and use gifts, devises, and bequests."*

*"(k) CONSULTATION WITH SECRETARY OF THE INTERIOR.—The Secretary shall consult with the Secretary of the Interior prior to taking actions or making determinations under this section that affect or relate to species or population stocks of marine mammals for which the Secretary of the Interior is responsible under this title.*

*"(l) DEFINITIONS.—As used in this section, each of the terms 'fishery' and 'vessel of the United States' has the same meaning as it does in section 3 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802).".*

### SEC. 12. DEFINITIONS.

*Section 3 (16 U.S.C. 1362) is amended—*

*(1) in paragraph (13) by inserting "harm," before "harass" each place it appears; and*

*(2) by adding at the end the following:*

*"(18)(A) The term 'harassment' means any act of pursuit, torment, or annoyance which—*

*"(i) has the potential to injure a marine mammal or marine mammal stock in the wild; or*

*"(ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.*

*"(B) The term 'Level A harassment' means harassment described in subparagraph (A)(i).*

*"(C) The term 'Level B harassment' means harassment described in subparagraph (A)(ii).*

*"(19) The term 'harm' means an act or series of acts, which is likely to result in significant habitat modification or degradation that is likely to threaten the survival or recovery of a stock.*

*"(20) The term 'strategic stock' means a marine mammal population or stock—*

*"(A) for which the level of direct human-caused mortality exceeds the potential biological removal level;*

*"(B) which, based on the best available scientific information, is declining and is likely to be listed as a threatened species under the Endangered Species Act of 1973 within the foreseeable future; or*

*"(C) is listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), or is designated as depleted under the Act.*

*"(21) The term 'potential biological removal level' means the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population. The potential biological removal level is the product of the following factors:*

*"(A) The minimum population estimate of the stock.*

*"(B) One-half the maximum theoretical or estimated net productivity rate of the stock at a small population size.*

*"(C) A recovery factor of between 0.1 and 1.0.*

*"(22) The term 'Regional Fishery Management Council' means a Regional Fishery Management Council established under section 302 of the Magnuson Fishery Conservation and Management Act.*

*"(23) The term 'bona fide research' means scientific research on marine mammals, the results of which—*

*"(A) likely would be accepted for publication in a referred scientific journal;*

*"(B) are likely to contribute to the basic knowledge of marine mammal biology or ecology; or*

*"(C) are likely to identify, evaluate, or resolve conservation problems.*

*"(24) The term 'Alaska Native organization' means a group designated by law or formally chartered which represents or consists of Indians, Aleuts or Eskimos residing in Alaska.*

*"(25) The term 'take reduction plan' means a plan established under section 118.*

*"(26) The term 'take reduction team' means a team established under section 118.*

*"(27) The term 'net productivity rate' means the annual per capita rate of increase in a stock resulting from additions due to reproduction, less losses due to mortality.*

*"(28) The term 'minimum population estimate' means an estimate of the number of animals in a stock that—*

*"(A) is based on the best available scientific information on abundance, incorporating the precision and variability associated with such information; and*

*"(B) provides reasonable assurance that the stock size is equal to or greater than the estimate.".*

### SEC. 13. PENALTIES; PROHIBITIONS.

*(a) CIVIL PENALTIES.—Section 105(a)(1) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1375(a)(1)) is amended by inserting ", except as provided in section 118," immediately after "thereunder" and by inserting ", harassment," immediately after "taking".*

*(b) CRIMINAL PENALTIES.—Section 105(b) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1375(b)) is amended by inserting "(except as provided in section 118)" immediately after "thereunder".*

*(c) PROHIBITIONS.—Section 102(a) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1372(a)) is amended by striking "and 114 of this title or title III" and inserting in lieu thereof "114, and 118 of this title and title IV".*

### SEC. 14. INDIAN TREATY RIGHTS; ALASKA NATIVE SUBSISTENCE.

*Nothing in this Act, including any amendments to the Marine Mammal Protection Act of 1972 made by this Act—*

*(1) alters or is intended to alter any treaty between the United States and one or more Indian tribes; or*

*(2) affects or otherwise modifies the provisions of section 101(b) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(b)), except as specifically provided in the amendment made by section 4(h) of this Act.*

### SEC. 15. TRANSITION RULE; IMPLEMENTING REGULATIONS.

*(a) TRANSITION RULE.—Section 114(a)(1) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1383a(a)(1)) is amended by striking "ending April 1, 1994," and inserting in lieu thereof "until superseded by regulations prescribed under section 118, or until September 1, 1995, whichever is earlier,".*

*(b) IMPLEMENTING REGULATIONS.—Except as provided otherwise in this Act, or the amendments to the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) made by this Act, the Secretary of Commerce or the Secretary of the Interior, as appropriate, shall, after notice and opportunity for public comment, promulgate regulations to implement this Act and the amendments made by this Act by January 1, 1995.*

### SEC. 16. TECHNICAL AND CONFORMING AMENDMENTS.

*(a) DEFINITIONS.—Section 3 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362) is amended—*

*(1) by striking paragraph (17); and*

*(2) by redesignating the second paragraph (15) and paragraph (16) as paragraphs (16) and (17), respectively.*

*(b)MARINE MAMMAL HEALTH AND STRANDING RESPONSE.—The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended—*

*(1) by redesignating title III, as added by Public Law 102–587 (106 Stat. 5060), as title IV; and*

*(2) by redesignating the sections of that title (16 U.S.C. 1421 through 1421h) as sections 401 through 409, respectively.*

*(c) UNUSUAL MORTALITY EVENT FUND.—Section 405(a) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421d(a)), as so redesignated by subsection (b)(2) of this section, is amended by striking "a fund" and inserting in lieu thereof "an interest bearing fund".*

### SEC. 17. HUMAN ACTIVITIES WITHIN PROXIMITY OF WHALES.

*(a) LAWFUL APPROACHES.—In waters of the United States surrounding the State of Hawaii, it is lawful for a person subject to the jurisdiction of the United States to approach, by any means other than an aircraft, no closer than 100 yards to a humpback whale or any other whale, regardless of whether the approach is made in waters designated under section 222.31 of title 50, Code of Federal Regulations, as cow/calf waters.*

*(b) TERMINATION OF LEGAL EFFECT OF CERTAIN REGULATIONS.—Subsection (b) of section 222.31 of title 50, Code of Federal Regulations, shall cease to be in force and effect.*

### SEC. 18. SCRIMSHAW EXEMPTIONS.

*Notwithstanding any other provision of law, any valid certificate of exemption renewed by* *the Secretary (or deemed to be renewed) under section 10(f)(8) of the Endangered Species Act of 1973 (16 U.S.C. 1539(f)(8)) for any person holding such a certificate with respect to the possession of pre-Act finished scrimshaw products or raw material for such products shall remain valid for a period not to exceed 5 years beginning on the date of enactment of this Act.*

### SEC. 19. MARINE MAMMAL COOPERATIVE AGREEMENTS IN ALASKA.

*Title I of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371 et seq.), as amended by this Act, is further amended by adding at the end following new section:*

### "SEC. 119. MARINE MAMMAL COOPERATIVE AGREEMENTS IN ALASKA.

*"(a) In General.—The Secretary may enter into cooperative agreements with Alaska Native organizations to conserve marine mammals and provide co-management of subsistence use by Alaska Natives.*

*"(b) Grants.—Agreements entered into under this section may include grants to Alaska Native organizations for, among other purposes—*

*"(1) collecting and analyzing data on marine mammal populations;*

*"(2) monitoring the harvest of marine mammals of subsistence use;*

*"(3) participating in marine mammal research conducted by the Federal Government, States, academic institutions, and private organizations; and*

*"(4) developing marine mammal co-management structures with Federal and State agencies.*

*"(c) Effect of Jurisdiction.—Nothing in this section is intended or shall be construed—*

*"(1) as authorizing any expansion or change in the respective jurisdiction of Federal, State, or tribal governments over fish and wildlife resources; or*

*"(2) as altering in any respect the existing political or legal status of Alaska Natives or the governmental or jurisdictional status of Alaska Native communities or Alaska Native entities.*

*"(d) Authorization of Appropriations.—There are authorized to be appropriated for the purposes of carrying out this section—*

*"(1) $1,500,000 to the Secretary of Commerce for each of the fiscal years 1994, 1995, 1996, 1997, 1998, and 1999; and*

*"(2) $1,000,000 to the Secretary of Interior for each of the fiscal years 1994, 1995, 1996, 1997, 1998, and 1999.*

*The amounts authorized to be appropriated under this subsection are in addition to the amounts authorized to be appropriated under section 7 of the Act entitled 'An Act to improve the operation of the Marine Mammal Protection Act of 1972, and for other purposes', approved October 9, 1981 (16 U.S.C. 1384).".*

### SEC. 20. MARINE ECOSYSTEM PROTECTION.

*Section 110 (16 U.S.C. 1380) is amended by striking subsection (c) and inserting the following:*

*"(c)(1) No later than 1 year after the date of enactment of the Marine Mammal Protection Act Amendments of 1994, the Secretary of Commerce shall convene a regional workshop for the Gulf of Maine to assess human-caused factors affecting the health and stability of that marine ecosystem, of which marine mammals are a part. The workshop shall be conducted in consultation with the Marine Mammal Commission, the adjacent coastal States, individuals with expertise in marine mammal biology and ecology, representatives from environmental organizations, the fishing industry, and other appropriate persons. The goal of the workshop shall be to identify such factors, and to recommend a program of research and management to restore or maintain that marine ecosystem and its key components that—*

*"(A) protects and encourages marine mammals to develop to the greatest extent feasible commensurate with sound policies of resource management;*

*"(B) has as the primary management objective the maintenance of the health and stability of the marine ecosystems;*

*"(C) ensures the fullest possible range of management options for future generations; and*

*"(D) permits nonwasteful, environmentally sound development of renewable and nonrenewable resources.*

*"(2) On or before December 31, 1995, the Secretary of Commerce shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a report containing the results of the work-shop under this subsection, proposed regulatory or research actions, and recommended legislative action.*

*"(d)(1) The Secretary of Commerce, in consultation with the Secretary of the Interior, the Maine Mammal Commission, the State of Alaska, and Alaska Native organizations, shall, not later than 180 days after the date of enactment of the Marine Mammal Protection Act Amendments of 1994, undertake a scientific research program to monitor the health and stability of the Bering Sea marine ecosystem and to resolve uncertainties concerning the causes of population declines of marine mammals, sea birds, and other living resources of that marine ecosystem. The program shall address the research recommendations developed by previous workshops on Bering Sea living marine resources, and shall include research on subsistence uses of such resources and ways to provide for the continued opportunity for such uses.*

*"(2) To the maximum extent practicable, the research program undertaken pursuant to subsection (d)(1) shall be conducted in Alaska. The Secretary shall utilize, where appropriate, traditional local knowledge and may contract with a qualified Alaska Native organization to conduct such research.*

*"(3) The Secretary of Commerce, the Secretary of the Interior, and the Commission shall address the status and findings of the research program in their annual reports to Congress required by sections 103(f) and 204 of this Act.".*

### SEC. 21. INTERJURISDICTIONAL FISHERIES ACT OF 1986.

*Section 308(b) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(b)) is amended by striking "$2,500,000 for each of the fiscal years 1989, 1990, 1991, 1992, 1993, 1994, and 1995" and inserting in lieu thereof "$65,000,000 for each of the fiscal years 1994 and 1995".*

### SEC. 22. COASTAL ECOSYSTEM HEALTH.

*(a) Requirement to Convey.—Not later than September 30, 1994, the Secretary of the Navy shall convey, without payment or other consideration, to the Secretary of Commerce, all right, title, and interest to the property comprising that portion of the Naval Base, Charleston, South Carolina, bounded by Hobson Avenue, the Cooper River, the landward extension of the northwest side of Pier R, and the fenceline between the buildings known as RTC–1 and 200. Such property shall include Pier R, the buildings known as RTC–1 and RTC–4 and all walkways and parking areas associated with such buildings and Pier R.*

*(b) Survey; Effect on Liability of Secretary of Navy.—The acreage and legal description of the property to be conveyed pursuant to this section shall be determined by a survey approved by the Secretary of the Navy. Such conveyance shall not release the Secretary of the Navy from any liability arising prior to, during, or after such conveyance as a result of the ownership or occupation of the property by the United States Navy.*

*(c) Use by National Oceanic and Atmospheric Administration.—The property conveyed pursuant to this section shall be used by the Secretary of Commerce in support of the operations of the National Oceanic and Atmospheric Administration.*

*(d) Reversion Rights.—Conveyance of the property pursuant to this section shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately be conveyed to the public entity vested with ownership of the remainder of the Charleston Naval Base, if and when—*

*(1) continued ownership and occupation of the property by the National Oceanic and Atmospheric Administration no longer is compatible with the comprehensive plan for reuse of the Charleston Naval Base developed by the community reuse committee and approved by the Secretary of the Navy; and*

*(2) such public entity provides for relocation of the programs and personnel of the National Oceanic and Atmospheric Administration occupying such property, at no further cost to the United States Government, to a comparable facility, including adjacent waterfront and pier, within the Charleston area.*

### SEC. 23. PACIFIC COAST TASK FORCE; GULF OF MAINE.

*Title I of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371 et seq.), as amended by this Act, is further amended by adding at the end the following new section:*

### "SEC. 120. PACIFIC COAST TASK FORCE.

*"(a) Pinniped Removal Authority.—Notwithstanding any other provision of this title, the Secretary may permit the lethal removal of pinnipeds in accordance with this section.*

*"(b) Application.—(1) Any State may apply to the Secretary to authorize the lethal removal of individually identifiable pinnipeds which are having a significant negative impact on the decline or recovery of salmonid fishery stocks which—*

*"(A) have been listed as threatened species or endangered species under the Endangered Species Act of 1973;*

*"(B) the Secretary finds are approaching endangered species or threatened species status (as those terms are defined in the Act); or*

*"(C) migrate through Ballard Locks at Seattle, Washington.*

*"(2) Any such application shall include a means of identifying the individual pinniped or pinnipeds, and shall include a detailed description of the problem interaction and expected benefits of the removal.*

*"(c) Actions in Response to Application.—(1) Within 15 days of receiving an application, the Secretary shall determine whether the application has produced sufficient evidence to warrant establishing a Pinniped-Fishery Interaction Task Force to address the situation described in the application. If the Secretary determines that such sufficient evidence has been provided, the Secretary shall establish a Pinniped-Fishery Interaction Task Force and publish a notice in the Federal Register requesting public comment on the application*

*"(2) A Pinniped-Fishery Interaction Task Force established under paragraph (1) shall consist of designated employees of the Department of Commerce, scientists who are knowledgeable about the pinniped interaction that the application addresses, representatives of affected conservation and fishing community organizations, Indian Treaty tribes, the States, and such other organizations as the Secretary deems appropriate.*

*"(3) Within 60 days after establishment, and after reviewing public comments in response to the Federal Register notice, the Pinniped-Fishery Interaction Task Force shall—*

*"(A) recommend to the Secretary whether to approve or deny the proposed lethal removal of the pinniped or pinnipeds, including along with*

*the recommendation a description of the specific pinniped individual or individuals, the proposed location, time, and method of removal, criteria for evaluating the success of the action, and the duration of the authority; and*

*"(B) suggest nonlethal alternatives, if available and practicable, including a recommended course of action.*

*"(4) Within 30 days after receipt of recommendations from the Pinniped-Fishery Interaction Task Force, the Secretary shall either approve or deny the application. If such application is approved, the Secretary shall immediately take steps to implement the lethal removal, which shall be performed by Federal or State agencies, or qualified individuals under contract to such agencies.*

*"(5) After implementation of an approved application, the Pinniped-Fishery Interaction Task Force shall evaluate the effectiveness of the permitted lethal removal or alternative actions implemented. If implementation was ineffective in eliminating the problem interaction, the Task Force shall recommend additional actions. If the implementation was effective, the Task Force shall so advise the Secretary, and the Secretary shall disband the Task Force.*

*"(d) CONSIDERATIONS.—In considering whether an application should be approved or denied, the Task Force and the Secretary shall consider—*

*"(1) population trends, feeding habits, the location of the pinniped interaction, how and when the interaction occurs, and how many individual pinnipeds are involved;*

*"(2) past efforts to nonlethally deter such pinnipeds, and whether the applicant has demonstrated that no feasible and prudent alternatives exist and that the applicant has taken all reasonable nonlethal steps without success;*

*"(3) the extent to which such pinnipeds are causing undue harm, impact, or imbalance with other species in the ecosystem, including fish populations; and*

*"(4) the extent to which such pinnipeds are exhibiting behavior that presents an ongoing threat to public safety.*

*"(e) LIMITATION.—The Secretary shall not approve lethal removal for any pinniped from a species or stock that is—*

*"(1) listed as threatened or endangered under the Endangered Species Act of 1973;*

*"(2) designated as depleted under this Act; or*

*"(3) specified under section 117(a)(7) of this Act.*

*"(f) CALIFORNIA SEA LIONS AND PACIFIC HARBOR SEALS; INVESTIGATION AND REPORT.—*

*"(1) The Secretary of Commerce shall engage in a scientific investigation to determine whether California sea lions and Pacific harbor seals—*

*"(A) are having a significant negative impact on the recovery of salmonid fishery stocks which have been listed as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or which the Secretary finds are approaching endangered or threatened species status; or*

*"(B) are having broader impacts on the coastal ecosystems of Washington, Oregon, and California.*

*The Secretary shall conclude this investigation and prepare a report on its results no later than October 1, 1995.*

*"(2) Upon completion of the scientific investigation required under paragraph (1), the Secretary shall enter into discussions with the Pacific States Marine Fisheries Commission on behalf of the States of Washington, Oregon, and California for the purpose of addressing any issues or problems identified as a result of the scientific investigation, and to develop recommendations to address such issues or problems. Any recommendations resulting from such discussions shall be submitted, along with the report, to the Committee on Merchant Marine and Fisheries of the United States House of Representatives and the Committee on Commerce, Science, and Transportation of the United States Senate.*

*"(3) The Secretary shall make the report and the recommendations submitted under paragraph (2) available to the public for review and comment for a period of 90 days.*

*"(4) There are authorized to be appropriated to the Secretary such sums as are necessary to carry out the provisions of this subsection.*

*"(5) The Pacific States Marine Fisheries Commission is authorized to use funds appropriated under section 308(c) of the Interjurisdictional Fisheries Act (16 U.S.C. 4107(c)) to participate in discussions with the Secretary under paragraph (2).*

*"(g) REGIONWIDE PINNIPED-FISHERY INTERACTION STUDY.—*

*"(1)(A) The Secretary may conduct a study, of not less than three high predation areas in anadromous fish migration corridors within the Northwest Region of the National Marine Fisheries Service, on the interaction between fish and pinnipeds. In conducting the study, the Secretary shall consult with other State and Federal agencies with expertise in pinniped-fishery interaction. The study shall evaluate—*

*"(i) fish behavior in the presence of predators generally;*

*"(ii) holding times and passage rates of anadromous fish stocks in areas where such fish are vulnerable to predation;*

*"(iii) whether additional facilities exist, or could be reasonably developed, that could improve escapement for anadromous fish; and*

*"(iv) other issues the Secretary considers relevant.*

*"(B) Subject to the availability of appropriations, the Secretary may, not later than 18 months after the commencement of the study under this subsection, transmit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives.*

*"(2) The study conducted under this subsection may not be used by the Secretary as a reason for delaying or deferring a determination under subsection (c)."*

*"(h) GULF OF MAINE TASK FORCE.—The Secretary shall establish a Pinniped-Fishery Interaction Task Force to advise the Secretary on issues or problems regarding seals interacting in a dangerous or damaging manner with aquaculture resources in the Gulf of Maine. No later than 2 years from the date of enactment, the Secretary shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing recommended available alternatives to mitigate such interactions.*

*"(i) GULF OF MAINE HARBOR PORPOISE.—(1) Nothing in section 117 shall prevent the Secretary from publishing a stock assessment for Gulf of Maine harbor porpoise in an expedited fashion.*

*"(2) In developing and implementing a take and reduction plan under section 118 for Gulf of Maine harbor porpoise, the Secretary shall consider all actions already taken to reduce incidental mortality and serious injury of such stock, and may, based on the recommendations of the take reduction team for such stock, modify the time period for compliance with section 118(f)(5)(A), to be no later than April 1, 1997.".*

***SEC 24. FURTHER TECHNICAL AND CONFORMING AMENDMENTS.***

*(a) AMENDMENTS RELATING TO DEFINITION OF SECRETARY.—*

*(1) EXECUTION OF PRIOR AMENDMENTS.—The amendments set forth in section 3004(b) of the Marine Mammal Health and Stranding Response Act (106 Stat. 5067)—*

*(A) are deemed to have been made by that section to section 3(12) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(12)); and*

*(B) shall not be considered to have been made by that section to section 3(11) of that Act (16 U.S.C. 1362(11)).*

*(2) FURTHER TECHNICAL AND CONFORMING AMENDMENTS.—Section 3(12)(B) of the Marine Mammal Protection Act of 1972, as deemed by paragraph (1)(A) of this subsection to have been amended by section 3004(b) of the Marine Mammal Health and Stranding Response Act (106 Stat. 5067), is further amended in subparagraph (B) by striking "in the title III" and inserting "In section 118 and title IV".*

*(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if enacted as part of section 3004 of the Marine Mammal Health and Stranding Response Act (106 Stat. 5067).*

*(c) FURTHER AMENDMENTS TO TITLE IV. The Act is amended—*

*(1) in section 401(b)(3) (as redesignated by this section) by striking "304" and inserting "404";*

*(2) in section 405(b)(1)(A)(i) (as redesignated by this section) by striking "304(b)" and inserting "404(b)";*

*(3) in section 406(a)(2)(A) (as redesignated by this section) by striking "304(b)" and inserting "404(b)";*

*(4) in section 406(a)(2)(B) (as redesignated by this section) by striking "304(c)" and inserting "404(c)";*

*(5) in section 408(1) (as redesignated by this section)—*

*(A) by striking "305" and inserting "405", and*

*(B) by striking "307" and inserting "407";*

*(6) in section 408(2) (as redesignated by this section) by striking "307" and inserting "407";*

*(7) in section 409(1) (as redesignated by this section) by striking "305(a)" and inserting "405(a)";*

*(8) in section 409(5) (as redesignated by this section) by striking "307(a)" and inserting "407(a)";*

*(9) in section 102(a) (16 U.S.C. 1372(a)) by striking "title III" and inserting "title IV";*

*(10) in section 109(h)(1) (16 U.S.C. 1379(h)(1)) by striking "title III" and inserting "title IV";*

*(11) in section 112(c) (16 U.S.C. 1382(c)) by striking "or title III" and inserting "or title IV"; and*

*(12) in the table of contents in the first section, by striking the items relating to the title that is redesignated by paragraph (2) of this section and the sections that are redesignated by paragraph (3) of this section and inserting the following:*

*"TITLE IV—MARINE MAMMAL HEALTH AND STRANDING RESPONSE*

*"Sec. 401. Establishment of program.*
*"Sec. 402. Determination, data collection and dissemination.*
*"Sec. 403. Stranding response agreements.*
*"Sec. 404. Unusual mortality event response.*
*"Sec. 405. Unusual mortality event activity funding.*
*"Sec. 406. Liability.*
*"Sec. 407. National Marine Mammal Tissue Bank and tissue analysis.*
*"Sec. 408. Authorization of appropriations.*
*"Sec. 409. Definitions."*

***SEC. 25. TRANSFER.***

*Of amounts appropriated by Public Law 103–139 to the Department of the Navy for Shipbuilding and Conversion, Navy, the Secretary of the Navy shall transfer $8,000,000 not later than April 15, 1994, to the Administrator of the Maritime Administration for the conversion of the USNS CHAUVENET to a training ship for the Texas Maritime Academy's Training Program.*

### AMENDMENT NO. 1576

Mr. FORD. Mr. President, I move that the Senate concur in the amendment of the House with a further amendment, which I now send to the desk on behalf of Senator KERRY.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Kentucky [Mr. FORD], for Mr. KERRY, proposes an amendment numbered 1576.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

(The text of the amendment is located in today's RECORD under "Amendments Submitted.")

Mr. KERRY. Mr. President, again I am joined by my good friend from Alaska, Senator TED STEVENS, in offering legislation to reauthorize the Marine Mammal Protection Act, S. 1636. I am pleased with the progress we have made in our discussion with the House and believe that, all things considered, the bill before us today is a strong environmental package that treats fairly all those who interact with marine mammals. I would like to especially thank Congressman GERRY STUDDS, chairman of the Merchant Marine and Fisheries Committee, who has championed marine mammal protection for over two decades.

Today the Senate is considering the Marine Mammal Protection Act Amendments of 1994. Before us is a bill which concurs with the House amendment to S. 1636 with an amendment. Our bill is nearly identical to the House-passed version sent to the Senate on Tuesday night. With the exception of the provision on the importation of polar bear trophies into the United States, the House-passed reauthorization of the Marine Mammal Protection Act is a very strong environmental bill that I believe balances the concern for marine mammal in both the wild and captivity with the needs of the commercial fishing industry and others who interact with marine mammals.

The House product incorporates many key provisions of the Senate bill which were drawn from lengthy discussions between House and Senate staff. Unfortunately, the House included a provision not found in the Senate bill, and which I oppose, to allow the importation of polar bear trophies from Canada. While I would have preferred this language to be stricken from the bill, that was not an option and I will explain why later in my statement. However, I was successful in added language which I worked out with my colleagues to this package to monitor the effects on the Canada polar bear stock and to guarantee the immediate cessation of imports should there be an adverse impact on the sustainability of the Canadian polar bear stock.

The driving force in moving the Marine Mammal Protection Act Amendments of 1994 was the need to establish a new regime to govern the interactions between marine mammals and commercial fisheries. The regime developed in S. 1636 is designed to ensure the safety of marine mammals and guarantee that marine mammal populations will recover because of the following elements:

First, stock assessments: For the first time, the agency is required to determine the status of every single marine mammal stock including whether the stock is healthy or is in any danger of declining, whether it is in need of some assistance because it is depleted, threatened, or endangered, or whether the level of human—caused mortality is greater than the annual population growth rate. The stock assessment is to be based upon data the National Marine Fisheries Service [NMFS] has gathered during the past 5 years.

Second, vessel registration: This bill would continue the current vessel registration system requiring all vessels with frequent or occasional interaction with marine mammals to register in order to be authorized to take marine mammals. With this registration, for the first time ever, the Secretary of Commerce has the authority to revoke an individual fisherman's authorization to take marine mammals if that fisherman does not comply with a take reduction plan. For the first time every individual fisherman may be fined for not complying with regulations designed to protect the marine mammal stock.

Third observer coverage: This bill would require observers on board all vessels fishing in category 1 and category 2 fisheries, those fisheries that have frequent or occasional interaction with marine mammals. For the first time, the Secretary of Commerce could require observers to be placed on category 3 vessels—vessels which have a remote likelihood of interaction with marine mammals—if the stock is a threatened or endangered species.

Fourth, emergency regulatory authority: The bill provides the Secretary of Commerce, for the first time, with mandatory emergency authority to address any situation in which there is an immediate adverse impact on a strategic stock or a stock that is considered healthy but for some reason is declining.

Fifth, zero mortality rate goal: The bill has a zero mortality rate goal to be reached within 7 years of enactment. For the first time, the Secretary of Commerce is given regulatory authority to work toward achieving that goal, whereas the act currently only states the goal but specifies no deadline for compliance.

Sixth, take reduction teams and take reduction plans: The bill provides for creation of take-reduction teams to develop plans to reduce the incidental taking of marine mammals. These plans are designed to actively reduce takes of stocks that are not healthy to a point where the stock will recover over a period of time.

Seventh, intentional taking of marine mammals: For the first time, this bill explicitly prohibits the intentional killing of marine mammals.

Overall this is a strong environmental package. I have only one significant problem with it. I am personally opposed to the House provision that was incorporated at the insistence of Congressman JACK FIELDS which allows the Secretary of Interior to grant permits to individuals to import polar bear trophies from Canada into the United States.

With the likelihood of the Senate adjourning for recess within the next 24 hours, the time constraints are very tight for Congress to act on this matter before the current law expires on April 1. To me it is unthinkable that we would extend the existing MMPA regime for another 5 years—a proposal from the House that less conservation-minded Members would happily support. This is the worst case scenario, for it would mean the killing of tens of thousands of additional marine mammals without the new, tighter regime contained in this package.

Therefore, I am in the frustrating position of making a choice between several unpleasant alternatives to save what otherwise is a very strong environmental bill. The first choice is to accept the polar bear provision as is. Another is to fight to eliminate the provision in the Senate. This is an option that I believe would allow us to win the battle but not the war for Congressman JACK FIELDS has indicated that he will oppose any bill that does not contain the polar bear provision, and given the time constraint under which we are working, the House must pass the MMPA by unanimous consent and thus one Member could prohibit its passage. Finally, I could work to strengthen the protection to polar bear populations contained in the House language. It is this last course which I believe is the only feasible, responsible course under the circumstances.

While the MMPA currently prohibits the importation of any marine mammal product, the House incorporated language that would authorize the Interior Department to issue permits for the import into the United States of polar bear trophies, but not the internal organs of bears, killed in sport hunts in Canada. In addition, the House provision authorizes the import permit to be granted only if the bear were killed under a legal hunting permit issued by the Canadian Government; the House provision also provides that the Canadian bear hunting program be based on scientifically sound quotas to ensure a sustainable population that is consistent with the 1973 international agreement on the conservation of polar bears. Also, the import must be consistent with the convention on international trade in endangered species. Finally, the House provision requires the Interior Department to charge a fee for issuing such import permits with the proceeds to be used for polar bear conservation programs being conducted in Alaska and Russia.

I insisted that we tighten the House provision by requiring that Secretary of Interior Bruce Babbitt conduct a 2-year scientific review assessing the effect of United States import permits on the health of the Canadian polar bear herd. If the scientific review, which includes public comment, determines that the stock has been adversely impacted in any way, the Secretary can put an immediate stop to the permit process.

With this additional polar bear protection language, I believe that the benefits of the overall MMPA package vastly outweigh the potential problems associated with the polar bear provision. If we fail to take action now, we sentence thousands of marine mammals to death and injury that could be avoided by our new regime.

The Federal Government has spent 5 years operating under an interim exemption for commercial fisheries. The National Marine Fisheries Service has spent that time collecting data on marine mammal stocks and developing a new management regime to protect those stocks. The Congress has spent this session developing legislation to reauthorize the MMPA.

This latest amendment to S. 1636 is a bipartisan and bicameral effort that is the product of many months of hard work. The package is the result of extensive discussions with and comments from the National Marine Fisheries Service, the Marine Mammal Commission, conservation and animal protection groups and the fishing industry. All have worked tirelessly to meet the April 1, 1994, statutory deadline. While we are fast approaching that date, I believe we will achieve that goal.

The original MMPA has far exceeded expectations in its protection of dolphins, whales, seals, and sea lions among other marine mammal stocks. Prior to 1972 when the original MMPA was enacted, hundreds of thousands of marine mammals were killed each year, intentionally from hunting and accidentally due to their interactions with commercial fishermen.

I believe this reauthorization will strengthen our efforts and further reduce the mortality and serious injury to our marine mammal stocks. I hope my colleagues in both Houses will pass this important initiative.

Mr. STEVENS. On Monday, March 21, 1994, we passed the Senate version of the Marine Mammal Protection Act reauthorization bill. The House passed a similar version of the legislation, H.R. 2760, that same day.

Senator KERRY's staff and my staff worked with the House staff Monday night to bring the bills even closer together, and Tuesday the House took up our bill, S. 1636, inserted the product of the meeting between our staffs, and passed S. 1636 under suspension.

Over the past 2 days, Senator KERRY and I have reviewed the revised S. 1636. With two exceptions, the bill we are sending back to the House today contains only technical changes.

We learned yesterday that there were serious concerns about the new definition of "harm" included by the House in the revised version of S. 1636.

We have removed the definition of "harm" from the bill because the term "harm" has been the subject of a recent U.S. Court of Appeals decision involving the Endangered Species Act, because the Committee has not adequately addressed the implications of defining "harm," and because the definition is not an integral part of the new marine mammal/commercial fisheries regime.

We have also removed the provision which would have inserted "harm" in the definition of "take" under the existing Marine Mammal Protection Act.

We have also made a change to require the Secretary to conduct a scientific review within 2 years of the enactment of a provision in the bill that would allow United States sport hunters to import polar bear parts taken in hunts in Canada.

If the Secretary determines, based on the scientific review, that the issuance of permits to import polar bear hides or other parts is adversely impacting polar bears in Canada, the Secretary shall not issue permits after September 30, 1996, but may review this determination on an annual basis.

As I said in my statement on Monday, I am pleased with the centerpiece of this legislation, which is the new regime to govern commercial fisheries/marine mammal interactions.

I believe the fishing industry can work within the program, and that the new system will also provide additional protection for marine mammals, with the goal of getting our fisheries to levels approaching a zero mortality and serious injury rate within 7 years.

The fishing industry has incentives under this program to meet the goals, including the incentive that once a fishery reaches an insignificant serious injury and mortality level approaching a zero rate, it will have met its responsibility under the Act and not be required to further reduce its mortality and serious injury rate.

Commercial fishing, by its nature, involves interactions with marine mammals, and under this new program, once fisheries have gotten down to insignificant levels approaching a zero rate, they will no longer face the burdens of the fisheries with higher rates of mortality and serious injury of marine mammals.

The new program also reduces administrative burdens, including the elimination of the logbooks required under the current interim program, and by requiring the Secretary to provide simple, computer-readable, postage paid forms to be used by fisherman to report the incidental mortality or injury of marine mammals.

As I stated on Monday, this legislation does not reduce or expand the Secretary's authority to regulate the taking of marine mammals by Alaska Natives for subsistence purposes.

Mr. President, I would like to thank my colleagues for their support of this legislation.

Mr. MURKOWSKI. Mr. President, I want to extend my congratulations and thanks to the members and staff of the Senate Commerce Committee who have worked very hard and for a very long time to bring us to this point, and especially to those members of the fishing industry and the environmental community who participated in negotiations making today's success possible.

This is a landmark reauthorization bill, in my opinion, and should be viewed as a model for subsequent efforts on this and other issues. Its driving forces are conservation and science, instead of superstition and emotion.

The Marine Mammal Act is extremely important to all those who care about the welfare of marine mammals, but especially so for those of us from coastal states with strong fishing communities and Native subsistence harvesters.

This measure will both keep our fishermen fishing, and will give more protection to marine mammal species that interact with fishing than they have ever had before. In focusing attention on marine mammal stocks before they are dangerously affected, it should help prevent any additional listings of marine mammal species as endangered, threatened, or depleted.

I am also very pleased that the bill addresses certain other issues, which I raised both in a December, 1993, letter to the Commerce Committee, and in legislation I offered during the previous Congress. Among these are the importation by Alaska Natives of marine mammal items given as gifts and in cultural exchanges with Native residents of other northern countries, as well as non-commercial importation by Natives of Russia, Canada or Greenland. Another such change is language that accepts importation of wearing apparel and jewelry that is taken out of the country by any legal owner, but becomes contraband under existing law when the owner returns. That element of the present law was absurd from the beginning, and is long overdue for change.

The bill before us also contains an important compromise allowing the importation of polar bear parts taken by U.S. citizens in legal sport hunts in Canada, so long as Canada's polar bear management program continues to provide adequately for the health of that country's bear population. Canada's polar bear management system is considered a model the rest of the world would do well to follow. Under the program, and consistent with international agreements to which the United States is also signatory, Canadian Eskimo and Indian people are allowed to harvest polar bears under a quota system designed to ensure sustainable bear populations will continue to exist forever.

Because the number of animals taken is controlled, they are also allowed to choose to sell opportunities to hunt to non-Natives who wish to buy them. There is no guarantee that a non-Native hunter will be successful, and he or she is required to have a Canadian Native guide and is restricted to nonmechanical transportation while on the hunt. However, there is strong interest in these hunts, and they have become a significant source of income for many villages where other avenues are few and far between.

Present U.S. law prohibits U.S. hunters who have taken a Canadian bear to bring the hide and other parts back home with them. This makes no sense, except as an anti-hunting, anti-Native-decision-making attempt to force the views of a minority of animal rights activists on people who have never deserved such patronizing treatment.

The bill before us also requires the Secretary of the Interior to undertake a scientific review of the effect of this change within 2 years of enactment. He is also asked to allow an opportunity for public comment on the change, and to respond to public comments in a final report. To ensure the change does not create problems, he would be required to stop issuing import permits if—based on the scientific information he collects during the review—he finds that issuing permits has a significant adverse impact on the polar bears of Canada. If that occurs, he thereafter may conduct an annual review of the best scientific information available on the subject.

Here again, Mr. President, is an example of that spirit of reason and adherence to science that has exemplified this reauthorization process. It is crucial that important decisions involving natural resources are made on the basis of science, not emotion, and I sincerely commend all those who have put aside their differences and cooperated to bring this bill to the floor.

Mr. CHAFEE. Mr. President, I would like to direct a question on S. 1636, as amended by the House, to my distinguished colleague, Senator STEVENS. Section 4(a) of S. 1636 provides for the granting of permits under the Marine Mammal Protection Act for the incidental take of marine mammals that are designated as depleted because they are listed as endangered or threatened under the Endangered Species Act. My understanding is that this provision does not affect any requirements of the Endangered Species Act, including the requirements of section 7 of the Endangered Species Act. Is that correct?

Mr. STEVENS. The requirements of the Endangered Species Act, including section 7 requirements, are not affected by this bill.

Mr. BAUCUS. Mr. President, I share the concerns of Senator CHAFEE regarding the Endangered Species Act, which is within the jurisdiction of the Environment and Public Works Committee. I would like to ask the distinguished chairman of the Commerce Committee whether he agrees that nothing in S. 1636 alters or amends the Endangered Species Act.

Mr. HOLLINGS. That is correct.

Mr. BAUCUS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, what is the pending business?

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## CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

The PRESIDING OFFICER. The Senate will now resume consideration of Senate Concurrent Resolution 63, which the clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 63) setting forth the congressional budget for the U.S. Government for the fiscal years 1995, 1996, 1997, 1998, and 1999.

The Senate continued consideration of the concurrent resolution.

### AMENDMENT NO. 1574

The PRESIDING OFFICER. The pending question now is the Gramm amendment numbered 1574.

Mr. SASSER. How much time is remaining to the proponents?

The PRESIDING OFFICER. The proponents have 41 minutes and 3 seconds, and the opponents have 55 minutes 5 seconds.

Mr. ROBB. Mr. President, I ask unanimous consent that the pending Gramm amendment be temporarily laid aside for the purpose of making a motion.

Mr. SASSER. Mr. President, reserving the right to object.

Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SASSER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. SASSER. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

### AMENDMENT NO. 1574

Mr. SASSER. The pending business is the Gramm amendment, is that correct?

The PRESIDING OFFICER. The pending business is the Gramm amendment numbered 1574.

Mr. SASSER. Mr. President, does the Senator wish to be recognized?

Mr. CHAFEE. Mr. President, I was just going to make a brief statement during this gap. If you want to proceed with your matters, go ahead.

Mr. SASSER. If the Senator would be kind enough to let us dispose of this amendment.

Mr. CHAFEE. Yes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, the Senator from Texas, in the amendment that he offered here this afternoon, beginning at about 2:30 in the afternoon, seeks to eliminate every one of the President's initiatives, every single one of them, and he adds an $87 billion cut in discretionary accounts on top of that; $187 billion in total discretionary cuts which are essentially unspecified.

Now, in particular, he thus advocates eliminating the President's proposal to fund the Intermodal Surface Transportation Act, education funding, Head Start, the National Institutes of Health, the National Science Foundation, and, Mr. President, the list goes on and on.

He claims that his cuts are totally out of nondefense accounts, but there is no enforcement mechanism here at all.

And I say to my friend from Virginia [Mr. WARNER], who I know has a profound interest in protecting the defense discretionary accounts, should this amendment pass, defense would have to take its chances along with domestic spending on this 187 billion dollars' worth of cuts in discretionary spending that the Senator from Texas is urging upon us.

The Senator from Texas is making these very substantial cuts in discretionary spending to pay for tax cuts. He is paying for tax cuts that go up and down the income scale. He is giving each family a $500 tax credit.

Now, that sounds grand, and everyone is for that in the abstract. But, Mr. President, he is giving a $500 tax credit to the family that makes $1 million a year and if you make less than $16,000 a year under his proposal the family gets nothing.

So this is essentially a tax credit that works an inequity. If the Senator from Texas wanted to make this an equitable tax credit, he would have kept the credit at a certain income level, saying people who are making over so much—perhaps a $500 child tax credit to them is meaningless—and he would have made it at the refundable at the bottom, because that is where the $500 tax credit would do the most good down there where people are just at the poverty line or slightly above it.

But that is not the case. But what our friend from Texas is asking us to do is cut $187 billion off of discretionary spending to run the risk of not being able to fully fund the Intermodal Surface Transportation Act, cutting education funding, Head Start, the National Institutes of Health, and, yes, making very substantial cuts, I would gather, in defense spending. I would say to the Senator from Virginia, if this passes, I think we can forget about a new aircraft carrier. I think that is just something that will be by the boards.

The amendment also fails on a technical provision. In 1990, when we had the summit agreement that culminated from weeks and weeks of negotiations between the leadership here and the Bush administration, the Republican participants in those summit negotiations adamantly fought for placing a line of demarcation between discretionary spending and tax law. Their view prevailed. Their view prevailed. And the law now does not allow using taxes to pay for discretionary spending, or using discretionary spending cuts to pay for taxes.

The Senator says we can change the law. But he knows very well how unlikely that is under current law. If tax cuts are not offset with entitlement cuts or tax increases, they cause a sequester in the entitlement programs. If the Congress were to enact the tax cuts proposed in the Senator's amendment, the 1990 budget law could call for draconian sequesters in Medicare, veterans' burial benefits, the commodity credit agriculture programs, the crime victims fund, the unemployment trust fund, and the list goes on and on. Also hit would be social services, block grants, family support payments to States, veteran education readjustment benefits, the Agricultural Marketing Service, rehabilitation services, handicapped research, and on and on and on.

I know the Senator from Texas would say that is not his intent, but these sequesters would be the foreseeable consequence, in fact, would be almost the inevitable consequence of enactment of his proposals under existing law.

This is not, I think, a responsible amendment. It is not seriously crafted to comply with the current Budget Act. It is a meat-ax approach to cutting discretionary spending. It does not protect the defense accounts from these cuts. And being misconstructed, it results in additional cuts of massive proportions in sensitive mandatory programs like Medicare.

Mr. President, how much time is remaining to the opponents?

The PRESIDING OFFICER. The opponents have 44 minutes 51 seconds. The proponents have 41 minutes 3 seconds.

Mr. SASSER. Mr. President, I ask unanimous consent we set aside the Gramm amendment, reserving 5 minutes from the time allocated to the proponents for Senator GRAMM and reserving 5 minutes to the opponents for myself or my designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, we have been following a regimen here of trying to recognize one side and then the other side. The Senator from Iowa [Mr. HARKIN] has been on the floor seeking recognition.

I ask my friend from Iowa, would it be possible to agree on a 20-minute time agreement here, equally divided?

Mr. HARKIN. That will be acceptable to me.

Mr. SASSER. May I inquire of my friend from Iowa, this is a sense-of-the-Senate amendment which cuts funding for the strategic defense initiative or ballistic missile defense? Is that an accurate assessment?

Mr. HARKIN. The Senator is correct. It is a sense-of-the-Senate resolution.

Mr. SASSER. The Senator from Iowa describes his amendment as one that reduces funding for the strategic defense initiative, and that is it.

Mr. DOMENICI. It is a sense-of-the-Senate resolution, is it?

Mr. SASSER. That is what he said.

Mr. DOMENICI. All right.

Mr. SASSER. Does it lower the caps or transfer the funding to some other function?

Mr. HARKIN. The amendment is simply a sense-of-the-Senate resolution that the spending for the star wars ballistic missile defense program, as it is called, should be no more than last year's level.

Mr. SASSER. I thank the Senator.

Mr. President, I ask unanimous consent there be a 20-minute time agreement on the Harkin amendment evenly divided between the proponents and opponents.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 1578

Mr. HARKIN. Mr. President, I rise again to restore some greater sensibility to the budget resolution before us. As I said on the floor earlier this week, the resolution before us is generally good. I have complimented the Senator from Tennessee and the Senator from New Mexico for bringing us a tough budget that keeps within the deficit reduction package we passed last year. It is very tight and imposes some caps that will be difficult to operate under, but such is life. That is what we have to do here.

Again, as I pointed out yesterday, within this budget there is a $513 million increase for star wars. Last year—and I want to make this very clear—last year we had a vote on the Senate floor to cut star wars funding by about $400 million, and it passed 50 to 48. What I am trying to do is keep the star wars funding at last year's level and not increase it another $500 million.

So I say to those Senators, if you voted last year to cut the star wars funding by $400 million, let us keep it at that level for next year. My amendment still leaves within the ballistic missile defense structure $2 billion—actually more than $2 billion—for theater missile defense programs. We do not need to put $513 million, $½ billion, into x-ray lasers and other exotic space-based weapons because we have other programs which I think have a higher priority.

We have spent $33 billion on star wars, and what do we have to show for it? Not a thing. The Soviet Union is gone but the star wars budget lives on.

This year, the administration has requested a shocking—and I can think that word is appropriate—a shocking 18.9 percent increase in star wars. For what reason? I do not know because there is no significant threat out there for this type of long-range defense system at this time.

Again, we have well over $2 billion, as I said, for theater missile defense if my amendment is accepted. But remember what we were going to get out of star wars? Remember the kinetic-kill vehicles? They thought that word was too bad, so they changed it to space based interceptors or SBI's. We spent billions on that and little to show for it.

How about particle beam weapons? Or Edward Teller's favorite: The desk sized x-ray laser that would single-handedly shoot down the entire Soviet ICBM fleet? It is gone. But hundreds of millions of dollars wasted on the x-ray laser and $33 billion total. Just think what we could have in this country if we spent $33 billion on high-speed rail or renewable energy systems or on better education. How about fixing up some of our vocational schools to give them better equipment on which to learn and new computers? That would have done something for our country.

We cannot roll back the clock, we cannot turn it back and recapture that money, but at least now we can say let us at least not increase the funding level. Let us not increase it by $513 million this year. And that is really what my sense-of-the-Senate resolution says. It says that it is the sense of the Senate that funding for star wars should not go over last year's level.

It is as simple and straightforward as that. That is why I did not need any more time than the 10 minutes allotted to me to describe the amendment.

Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 1578.

The amendment follows:

At the appropriate place, insert the following:

"It is the Sense of the Congress that given the federal budget deficit, the real reductions in discretionary spending in this resolution, and the existence of many more worthy programs competing for this funding, spending for the Star Wars (Ballistic Missile Defense) must not exceed the fiscal year 1994 appropriated level."

Mr. HARKIN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. HARKIN. Mr. President, when our troops and our allies came under attack from Saddam's Scud missiles, where was star wars? Star wars was so focused on the impossible dream of stopping a massive nuclear attack by long-range Soviet missiles, it neglected the very real threat of short-range missiles launched by a tyrant like Saddam Hussein.

In fact, the only defense we had against Scuds in 1990 was the Patriot missile. But the Patriot missile was not even developed by SDI. No, it was too mundane, too down to Earth. In fact, it was too useful. Prior to 1990, the star wars program spent virtually nothing on developing theater missile defenses except for some architecture studies. The Patriot was originally designed and built by the Army to stop aircraft and Cruise missiles and they modified it before the gulf war to have limited capability against ballistic missiles.

But the Army had only a small fraction of the funding lavished on star wars throughout the 1980's. In fact, star wars funds effectively diverted resources from theater missile defense based in the Army.

Things changed dramatically after the gulf war. The star wars program suddenly adopted this long-neglected theater defense orphan. The program grew from $130 million in 1990 to $1.64 billion this year, a 12-to-1 increase in just 4 years.

Again, as I said yesterday, the amendment that I offer in this sense-of-the-Senate resolution would still leave enough money, all of what the Pentagon requested for their Theater Missile Defense Program for next year. But not a penny more for Edward Teller's desk sized x-ray laser beams and particle beams and kinetic kill vehicles in an attempt to stop a massive attack by long-range ballistic missiles.

Let us get our priorities in order. What this sense-of-the-Senate resolution would say to the Appropriations Committee is that this body wants to keep the funding for star wars at last year's level and not increase it by $513 million.

Mr. President, I reserve whatever time I have left.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I yield myself 1 minute on this amendment in opposition to it.

Mr. President, this is what happens when Senators decide to come to the floor and act like appropriators. Every Senator could now line up, come to the floor and say it is the sense of the Senate that something they do not want funded in appropriations ought to be somehow or another eliminated from a budget resolution where it does not appear.

Frankly, a sense of the Senate that says a program will be terminated, in this Senator's humble opinion, should not be offered on a budget resolution. But I am not saying the Senator is out of order because we do this every now and then. But I hope the Senate understands it for what it is. If they choose to adopt it, when the time comes, it is not going to make any difference. If they choose not to adopt it, it is not going to make any difference. The Appropriations Committee and Armed Services Committee are going to decide, not this committee, not this Senate at this time, whether we fund star wars at the President's level or not.

I yield back any time I might have on the amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. How much time do I have?

The PRESIDING OFFICER. Three minutes thirty seconds.

Mr. HARKIN. Mr. President, I understand what the Senator from New Mexico said. He is right. But this amendment is intended to give some guidance and direction. Again, this is not taking money out of this bill. I did not do that. I would like to reduce funding, but because of the time constraints, it is obviously impossible to do that.

But I do think it is important for appropriators—and I sit on the Appropriations Committee along with the Senator from Tennessee and the Senator from New Mexico—to give guidance. I think this would give some guidance and direction to let the Appropriations Committee know what the Senate feels. Do we believe there ought to be a $513 million increase in star wars or do we not? Again, I think we have to make some tough choices around here. Do we want some money to go into education and job training, LIHEAP, things that were cut, or do we want to say, no, we are going to put $513 million more into star wars?

Those are the kind of choices we face. I think we, as Senators, owe our constituents the right to know how we feel and where our priorities are. That is why I offer this amendment. I believe it will send a distinct signal to the Appropriations Committee on what they ought to do.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question now occurs on the amendment.

Mr. SASSER. Mr. President, may I inquire of my friend from Iowa, does he wish a rollcall vote on this amendment?

Mr. HARKIN. Yes, I suppose we probably should have a rollcall.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SASSER. Has the Senator yielded back all his time?

The PRESIDING OFFICER. Yes.

Mr. SASSER. And all time in opposition has been yielded back?

Mr. DOMENICI. Yes.

Mr. SASSER. Mr. President, I ask that the amendment of the Senator from Iowa be temporarily laid aside, and we are anticipating, I am told, an amendment to be offered shortly by Senator MCCAIN.

Mr. DOMENICI. Mr. President, while we are waiting, I will take a minute off my time. I want to say to the Senator from Iowa [Mr. HARKIN], the Senator from New Mexico understands how strongly he feels about this issue. He has expressed himself on the floor extremely well today. Obviously, the Senate will vote on it. I just feel compelled to state it as I understand sense of the Senates. That is the reason for my explanation of his amendment. Nothing is intended to diminish his enthusiasm for his position and his willingness to fight for it.

AMENDMENT NO. 1579

Offered by Mr. SASSER for Mr. GRAHAM, for himself, Mr. WARNER, Mrs. BOXER, Mr. LEVIN, Mr. MACK, Mr. FAIRCLOTH, Mr. GLENN, Mr. THURMOND, Mr. COATS, Mr. KOHL, Mr. FEINGOLD, Mrs. HUTCHISON, Mr. NICKLES, Mr. BOND, Mr. LOTT, Mr. HELMS, Mr. FORD, Mr. COCHRAN, Mr. GRAMM, and Mr. LUGAR.

(Purpose: To express the sense of the Congress concerning the minimum allocation program under section 157 of Title 23, United States Code)

AMENDMENT NO. 1580

(Purpose: To express the sense of the Congress regarding Federal law enforcement personnel)

Mr. SASSER. Mr. President, on behalf of Senators GRAHAM of Florida and HATCH of Utah, respectively, I send two amendments to the desk and ask unanimous consent that they be immediately considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments.

The assistant legislative clerk read as follows.

The Senator from Tennessee [Mr. SASSER], proposes amendments en bloc numbered 1579 and 1580.

Mr. SASSER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1579

Mr. GRAHAM. Mr. President, today I am offering an amendment for myself and 19 other Senators. I am pleased that this measure has been cleared by the distinguished chairman and ranking member and will be accepted as part of the underlying measure.

The amendment expresses the sense of the Congress on two points:

First, that the minimum allocation program would remain exempt from the obligation limitation on the Federal-Aid Highway Program.

Second, that the flexibility of the Minimum Allocation Program is an enduring and critical component of the Federal responsibility to the States receiving those funds.

In other words, Mr. President, leave current law as it stands.

Do not adopt the proposals in the administration's budget which would pay for a part of the highway program by cutting available spending authority from the 23 States who get the least from the Federal Highway Program.

The administration proposes two things, Mr. President, which are onerous to so-called minimum allocation States—those that receive minimum allocation apportionments.

First, minimum allocation would be placed under the obligation ceiling which governs budget authority for the core highway program.

Second, States would only be able to spend 67 percent of their available minimum allocation apportionments in fiscal year 1995.

Why are these proposals bad?

The answers fall into three categories:

First, the faulty logic used to develop the proposals,

Second, the principle which is violated by their adoption, and

Third, the precedent their adoption would set.

The first reason the logic is faulty is that by fully funding the highway program in this manner, we will leave many minimum allocation States with less money to spend next year than they have in this one. I will explain why that is true later in my statement.

Furthermore, the decision to cap minimum allocation obligations at 67 percent was based on the national average rate of obligation. Some Sates obligate all or nearly all of their apportionments each year; others obligate much less, and the average is 67 percent.

The fact is that the national average has absolutely nothing to do with how minimum allocation is administered. Once States receive their minimum allocation apportionments in October, it is up to them to decide how and when to spend those funds.

Under the law, minimum allocation can be spent all in 1 year or retained for up to 4 years before its obligation. In Florida, for instance, the Department of Transportation had accumulated a balance of over $200 million in unspent minimum allocation funds by late 1992. Then the State obligated almost all of that money last year and will spend its entire apportionment this fiscal year.

The administration proposal would not allow Florida or other minimum States to continue to spend their whole minimum allocation, even if they had projects lined up and ready to go, with sufficient apportionments to put people to work completing those projects.

It is very difficult for me to see how this proposal could enhance the efficiency of the Highway Program when it will halt release of upwards of $200 million for such ready-to-go projects.

And the only reason the average is 67 percent is that some States, well within their rights under the law, have planned to save their minimum allocation apportionments for the projects on which that flexible pot of money will be most helpful.

Which brings me to the second reason we should oppose the administration proposals—the principle of fairness they violate.

We have to remember why minimum allocation was created in the first place—to recognize the fact that the highway formula shortchanges many States, and thus to offer them some recompense for the disproportionate contributions to the highway trust fund.

Since these States receive the least benefit from the overall Highway Program, the minimum allocation apportionment was designed to have broad flexibility: unlike most other highway funds, minimum allocation apportionments are exempt from the annual obligation ceiling and do not lapse until 4 years after they become available to the States. Thus those dollars can be used to fill program gaps that are less likely to exist in States which the formula fully funds.

The bottom line is, in the name of fully funding the Highway Program, the administration proposal would leave minimum allocation States with less money to spend in fiscal year 1995 than they have this year. Florida, a State which ranks at the bottom on return on its highway trust fund contributions, will lose over $40 million.

That result would be patently unfair and contrary to the goal of the MA Program. We cannot allow it to happen.

The exemption, the flexibility. These items were core components of the deal Members of Congress struck in 1982 when they created minimum allocation, and they have been reaffirmed in two subsequent reauthorizations of the Highway Program, in 1987 and 1991.

Which is why I am also gravely concerned about the precedent we would set if the administration proposals were adopted.

Mr. President, in this age of tighter budget caps and constant spending reductions, the instances are few when program restrictions that are enacted in one year are lifted in the following year.

For instance, the last time we discussed the minimum allocation issue on the Senate floor was during the appropriations process last fall. The transportation bill included a provision which limited first-quarter obligations of MA to 25 percent per State and 15 percent program-wide. We were told that the provision was intended merely to cover a one-time shortfall in available outlays.

The senior Senator from Virginia [Mr. WARNER], who joins me today in sponsoring this resolution, offered an amendment to strike that language from the appropriations bill. Why? Because if you let something like that be done once, it will be done forever.

Witness the results: The Warner amendment failed, the provision was enacted into law, and the President's fiscal year 1995 budget again proposes to limit minimum allocation obligations in the same fashion as they were constrained in fiscal year 1994. And then some.

What is especially worrisome to me is that the 67-percent average obligation rate is made up of States which are free to obligate anywhere from zero to 100 percent of their apportionments. If the cap is placed at 67 percent next year, then we know that the average obligation rate will be lower next year, and I expect we'll see the administration propose to lower the cap in fiscal year 1996. And so will continue this ratcheting-down process until all States spend up to their maximum allowable amount.

Meanwhile, the Highway Program will become ever more dependent on the growing contributions of donor States.

The same is true for including MA under the obligation ceiling at all. The administration says this will not make any difference for MA States, because the Highway Program will be fully funded.

Even if the highway portion of ISTEA is fully funded, which it never has been and probably will not be, the die will have been cast. MA will remain under the obligation ceiling regardless of the funding level for the core program. And the lower the ceiling, the greater harm if MA is included under that ceiling.

With that explanation, Mr. President, I want to offer my sincere appreciation to the Senator from Tennessee [Mr. SASSER] and the Senator from New Mexico [Mr. BINGAMAN]. Both of their States are or have been minimum allocation States, and I know they understand the need for these equity programs to be preserved.

I also want to thank Senator WARNER for his assistance in getting this resolution cleared, and to express my gratitude to those Senators who cosponsored the measure.

Collectively, we come before the Senate today to urge the Congress to keep the Minimum Allocation Program exempt from the obligation ceiling and to preserve the flexibility which is at the core of the program's design.

I ask unanimous consent that my statement and others accompanying it appear in the RECORD immediately prior to the vote on the amendment.

AMENDMENT NO. 1579

Mr. WARNER. Mr. President, I rise to bring to the Senate's attention yet another attempt to tamper with the minimum allocation program.

I alert all my colleagues from donor States to pay careful attention to this debate and the importance of the amendment by Senator GRAHAM and myself.

The administration's fiscal year 1995 budget request includes two provisions which are onerous to minimum allocation [MA] States, by putting MA under the obligation ceiling for all highway funds, and limiting obligation authority for MA to 67 percent of a State's allocation. In addition to setting a dangerous precedent, these actions will cause many MA States to lose a portion of their highway funds. Even if the highway program is fully funded, many States stand to lose funds. The Commonwealth of Virginia may lose close to $25 million if the 67-percent cap were applied in fiscal year 1994.

If donor States do not defeat this attack on the minimum allocation program, the future of this program to guarantee that each State receives a 90-percent return of their highway dollars is in serious jeopardy.

Once again, this debate is concerned with providing fairness and equity to donor States.

After extensive debate during the consideration of the Intermodal Surface Transportation Efficiency Act in 1991 and again on the fiscal year 1993 Transportation appropriations bill, I regret that the Clinton administration proposes to make legislative changes to the minimum allocation program.

As a member of the Environment and Public Works Committee and as one who worked with a bipartisan group of my colleagues representing so-called donor States during ISTEA, I must object to any restrictions on the minimum allocation program or a donor State's ability to utilize these funds.

The amendment we offer today simply would express the sense of the Congress that the minimum allocation program should remain exempt from the obligation ceiling.

The amendment simply states that the flexibility of the minimum allocation program should be an enduring and critical component of the provision of Federal assistance to States for Federal-aid highways.

Senators representing donor States are concerned about any change that may be proposed concerning the minimum allocation program and we must ensure that the minimum allocation program remains an unrestricted program for our States.

To understand the reason for this amendment today, it is important to recall why the minimum allocation issue is so critical to donor States.

It is simply an issue of fairness and equity.

During the extensive Senate debate and a contentious conference on ISTEA in 1991, the Congress recognized that the percentage of highway funds returned to all States should be 90 percent.

The Congress also continued in ISTEA the statutory exemption for minimum allocation which provides that it will be outside of the obligation ceiling.

This exemption is necessary because of the specific purpose of the program to reduce the inequity in the apportionment formulas between donor and donee States.

To ensure that all States receive a minimum of 90 percent, the Federal Highway Administration must be allowed to provide whatever funding is needed to bring States up to the minimum level.

Minimum allocation has been the only guarantee since 1982 to give States a reasonable expectation to the percentage of return they will receive annually from the Highway Trust Fund.

This program is essential to enable States to plan effectively to meet their highway needs.

I am committed to the principle of giving all States a minimum of a 90-percent return on the taxes their highway users pay into the Highway Trust Fund.

Any effort—intentional or otherwise—to amend this program breaks a hard-fought promise this Congress gave to over 20 donor States.

It is a promise that I will work to keep and I ask my colleagues to consider the issue of fairness and support the Graham-Warner amendment.

AMENDMENT NO. 1579

Mrs. HUTCHISON. Mr. President, I rise in support of the amendment offered by Senator GRAHAM of Florida. This amendment is very important to Texas, and I am pleased to join the Senator from Florida—and all of the Senators from other similarly situated States—in support of this amendment.

Under President Clinton's proposed budget, Texas stands to lose $14 million in its minimum allocation program funds. These funds will be taken away from Texas, a State which in 1992 contributed $1.29 billion per year to the highway trust fund but which only received $1.07 billion in highway funding in return—this is a return of only 89 cents on the dollar. Since 1956, Texas has received only 85 cents on its investments in the highway trust fund, one of the three lowest rates of return in the Nation.

We understand the principle of supporting the national transportation infrastructure in other States. For this reason, Texas has accepted—for now—an inequitable funding formula system for highways. Despite the importance of these national concerns, however, donor States such as Texas should not be forced to sacrifice precious resources beyond their ability to meet their own vital transportation needs.

Donor States have historically worked to bring some semblance of equity to funding national highway needs. My predecessor, Lloyd Bentsen, worked especially hard to achieve this equity in the highway programs. He was instrumental in obtaining the provision which provides a minimum guaranteed 85 percent of contributions for all States, and in raising this floor to 90 percent of contributions in 1986. This provision was hard won and well deserved.

However, true equity for donor States will only come with changes in the funding formulas. The donor States made a valiant effort to achieve this during consideration of ISTEA, but unfortunately did not succeed. Instead, Congress approved the continuation of the minimum allocation program at 90 percent and its all important exemption from the obligation ceiling. This hard-fought compromise should not be forgotten or undone.

Minimum allocation States such as Texas carry some of the most significant highway infrastructure burdens in the Nation. In Texas, we are working to build and preserve a highway network that will support the flow of international trade through Texas to the United States-Mexico border and beyond. Eighty percent of the truck traffic from all over the United States bound for Mexico's growing market flow through Texas. We are counting on all of our available Federal highway funds, including all of our minimum allocation program funds, to assist us in this tremendous effort. As it is, we do not have enough funds to meet all of the transportation demands of our State and the Nation.

Texas is proud to serve as the gateway for our Nation's trade with Mexico. We should not be penalized, however, by limiting our use of our minimum allocation program funds when they are so desperately needed. These are dollars that Congress—through ISTEA—intended to put to work improving transportation in America. That's what we in Texas are doing.

In addition to placing the minimum allocation program under the obligation ceiling, the President's budget proposes to limit to 67 percent that amount of budget authority for the State's minimum allocation program authorizations in fiscal year 1995. By taking this action, the spending authority of States receiving minimum allocation program funds—as a portion of their total authorizations—will be significantly lower than that for States which do not receive minimum allocation funds. This proposal results in a $165 million reduction in obligation authority for donor States—that's a $14 million reduction for Texas alone. This proposal will have severe impact on the Nation's highway infrastructure since 22 States, including some of the Nation's largest and most populous, currently receiving minimum allocation funds.

We should not accept the President's proposal because it breaks with the ongoing commitment our Government made with us, the donor States. If Congress pursues such a radical departure from the agreement underpinning the minimum allocation program, then we must simultaneously revisit the equity of the highway formulas. Clearly, the budget process is not the appropriate place for this. Therefore, we must leave the minimum allocation program as it is until a more appropriate opportunity to review all of the highway funding issues presents itself.

Mr. President, I urge my colleagues to support Senator GRAHAM's sense-of-the-Senate resolution and maintain our commitment to fair transportation funding.

### AMENDMENT NO. 1579

Mr. LEVIN. Mr. President, I am pleased to be a cosponsor of the Graham sense-of-the-Congress resolution regarding the need to continue the exemption of the minimum allocation program from the obligation limitation on Federal-Aid Highway Program funding. This is merely a restatement of the deal made during passage of the most recent highway authorization bill, better known as ISTEA. The agreement on highway funds distribution that we reached during debate on ISTEA ensured a minimum allocation of 90 percent to States, like Michigan, that have been donating more to the Federal Treasury in gas taxes than they have been getting in highway funds in return.

This resolution is also a rebuttal to the administration's proposal, included in the fiscal year 1995 budget request, to alter the terms of that deal in a way that would hurt Michigan, and the other donor States. We are already disadvantaged by the existing highway funds distribution formula, and now, under the administration proposal, we would stand to lose a significant portion of the funds that were intended to address that inequity. If the administration's proposal had been applied to the fiscal year 1994 allocations, Michigan could have lost as much as $22 million.

Mr. President, my position is well-known. Michigan, and the donor States, still deserve a fairer return on contributions to the Federal Highway Trust Fund. But, with this resolution we send a strong message to the Appropriations Committees that those of us from the minimum allocation States are prepared to continue fighting to get a more equitable distribution of highway funds. And, the Senate's acceptance of this resolution is a clear direction to the Appropriations Committee not to change the ISTEA deal.

Mr. HATCH. Mr. President, at a recent speech before law enforcement officers in Ohio, President Clinton talked tough about crime saying, "I care a lot about this problem."

Alluding to his years as a State attorney general and Governor, the President went on to say:

> I know what it means to double the prison capacity of a State, and to sign laws toughening crimes, and to * * * add to the stock of police officers and to deal with all the problems that are facing them. I know this is a tough problem.
>
> I also know it is a complicated one.

President Clinton had earlier announced that "We will continue with strengthened efforts by Federal law enforcement agencies—in concert with their State and local counterparts—to disrupt, dismantle, and destroy" criminal organizations.

Within several days of these remarks, President Clinton delivered to Congress a budget that cuts Federal prison construction by nearly 30 percent—a $78 million reduction, cuts Federal law enforcement personnel, and cuts existing grants to State law enforcement.

The President's budget does not reflect the rhetoric of enthusiastic support for crime control and law enforcement he espouses.

The fiscal year 1995 budget cuts 1,523 Department of Justice law enforcement agency positions. According to the Justice Department budget summary, the Federal Bureau of Investigation loses 847 positions, the Drug Enforcement Agency loses 355, the Department's Criminal Division loses 28, the Organized Crime Drug Enforcement Task Forces lose 150, and Federal prosecutors lose 143 positions. Absent the fiscal year 1995 budget cuts, there are still 431 fewer FBI agents and 301 fewer DEA agents today than there were in 1992.

At a time when violent crime and drug control are said to be national priorities, these cuts will reduce the effectiveness of Federal law enforcement, and the President's budget acknowledges this. The administration's own budget figures reveal that Federal prosecutors will be filing 527 fewer criminal cases in fiscal year 1995. The Organized Crime Drug Enforcement Task Force Program, cut by over $12 million, will investigate, indict, and convict fewer criminals. Indeed, former Deputy Attorney General Philip Heymann confirmed this in a recent article he wrote:

> With fewer Federal investigators and fewer Federal prosecutors in the years ahead there will not be more Federal law enforcement but less. * * * [Washington Post, February 27, 1994].

These reductions will only add to an already lagging Federal anticrime effort under the Clinton administration. The Administrative Office of the U.S. Courts recently reported that in 1993, the number of criminal cases filed by Federal prosecutors decreased by over 3 percent. This was the first decrease in 10 years. The Administrative Office attributes this overall decrease in criminal filings to the Clinton Justice Department's significant reduction in drug prosecutions. Drug prosecutions in 1993 decreased by 7 percent—or 902 cases.

Existing State and local law enforcement block grants, which police have been counting on, are also cut by over $400 million in order to fund the crime bill's proposed police hiring program. The money to pay for the police hiring program was supposed to come from savings earned through personnel cuts not from existing law enforcement grants. Crime emergency assistance grants have been cut by $222 million, the missing children's program is cut by nearly $3 million, and regional intelligence sharing grants have been cut by $14.5 million.

Earlier in the week, the Senate overwhelmingly approved an amendment to restore budget authority for the Byrne grant program. I commend my colleague from Washington, Senator GORTON, for his work on this issue. I was pleased to work with him in this effort.

The Hatch amendment builds on the Gorton amendment by taking steps to ensure that Federal law enforcement resources will be restored as well. It expresses the sense of the Congress that the present level of Federal law enforcement personnel is inadequate. The Hatch amendment affirms that, at the very least, steps should be taken to insure that agent and prosecutor strength are restored to fiscal year 1992 levels, when President Bush was still in office.

Ironically, when it suits the administration's purpose, they will defend the preservation of Federal prosecutors and law enforcement strength. In testi-

**fying against the balanced budget amendment, Attorney General Reno recently stated that preserving adequate funding for the FBI, DEA, and U.S. attorneys' office are what "our Nation so desperately needs to fight crime aggressively." She went on to state that the effect of cuts on Federal law enforcement could be catastrophic.**

**At this same hearing, Attorney General Reno discussed the importance of adequate staffing for the Justice Department. She said:**

> I try, when I travel to different districts, to visit with the U.S. attorney's offices. I ask one question when I go to these offices to begin a discussion. If you were Attorney General of the United States, what would you do to improve the operation of this office? And consistently they said we need more staff in the civil and criminal division.

**The President's budget provides a substantial increase in overall funding for the Department of Justice. Yet, instead of spending this money on Federal criminal law enforcement agencies, a bulk of this money goes to fund the Department's assorted civil branches. For example, the Department plans to bring more civil suits—450 more cases—and more antitrust suits—33 new positions are created. The Department plans to bring more environmental and natural resource cases—nearly 900 more cases given an increase of 78 positions.**

**There is clearly a need for fiscal restraint. Recognizing the need to address the budget deficit, Attorney General Reno has expressed a willingness on behalf of Federal law enforcement agencies and prosecutors to do their part to regain control over our Nation's financial well-being. But, in a budget of $1.5 trillion, priorities can and must be met. We must ensure that the sacrifices we ask law enforcement to make do not impair the Government's ability to meet its obligations to our Nation's law-abiding citizens.**

**Cutting Federal criminal law enforcement positions is an unwise choice, especially in light of our Nation's crime problem. It is also certainly inconsistent with the President's stated drug strategy and the bravado we are hearing from the administration.**

**For these reasons, I urge my colleagues to support the Hatch amendment.**

Mr. SASSER. Mr. President, we have previously asked unanimous consent that these amendments be considered en bloc. I now ask unanimous consent that reading of the amendments be dispensed with; that the Senate agree to both amendments, and that motions to reconsider be laid on the table with respect to both amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

So the amendments (Nos. 1579 and 1580) were agreed to, as follows:

AMENDMENT NO. 1579

At the end of title III, add the following new section:

**SEC. 3. MINIMUM ALLOCATION PROGRAM.**

(a) FINDINGS.—The Congress finds that—

* * * * *

* * * established in 1982 to address inequities in the funding formula for Federal-aid highways;

(2) the minimum allocation program was designed to provide the greatest degree of flexibility practicable to States that receive funding under the formula referred to in paragraph (1) and includes an exemption of the apportionments from the obligation ceiling;

(3) the minimum allocation program provides additional flexibility by allowing a State a 4-year period during which amounts apportioned to the State may be obligated;

(4) the budget of the United States Government for fiscal year 1995 submitted by the President to Congress proposes to include minimum allocation apportionments under the obligation ceiling and also proposes to limit the authority of States to obligate apportionments under the minimum allocation program to 67 percent of the amount of the apportionments; and

(5) States have planned transportation programs on the basis of the provisions of the Intermodal Surface Transportation Efficiency Act of 1991, and the amendments made by the Act, relating to minimum allocation that confirmed core commitments to exemption and flexibility.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the minimum allocation program should remain exempt from the obligation ceiling; and

(2) the flexibility of the minimum allocation program should be an enduring and critical component of the provision of Federal assistance to States for Federal-aid highways.

(c) DEFINITIONS.—As used in this section:

(1) FEDERAL-AID HIGHWAYS.—The term "Federal-aid highways" has the meaning provided the term in section 101 of title 23, United States Code.

(2) MINIMUM ALLOCATION PROGRAM.—The term "minimum allocation program" means the program of allocation of funding to States under section 157 of title 23, United States Code.

(3) OBLIGATION CEILING.—The term "obligation ceiling" means the obligation ceiling under section 1002 of the Intermodal Surface Transportation Efficiency Act of 1991.

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AMENDMENT NO. 1580

At the end of title III, add the following:

**SEC. . SENSE OF THE CONGRESS REGARDING FEDERAL LAW ENFORCEMENT PERSONNEL.**

(a) FINDINGS.—The Congress finds that—

(1) violent crimes reported to law enforcement continue to increase with over 1,900,000 offenses being reported to law enforcement each year;

(2) drug dealing and the violent crime that accompanies it are at the heart of the Nation's current crime crisis;

(3) the problem of international drug trafficking is increasing and foreign narcotics syndicates continue to make the United States their primary target;

(4) drug abuse among our Nation's young people, after years of decline, has recently increased;

(5) interstate criminal street gangs, which deal in illicit narcotics and which are responsible for much violent crime, are spreading into cities throughout the Nation;

(6) the Senate has passed a comprehensive anti-crime bill which increases authorizations for Federal and State law enforcement, increases penalties for violent crime, and enhances Federal law enforcement's role in combating violent street crime;

(7) the President's proposed budget for fiscal year 1995 cuts the number of Drug Enforcement Administration, Federal Bureau of Investigation, Organized Crime Drug Enforcement Task Force, and United States Attorney personnel;

(8) absent the President's proposed budget cuts to Federal law enforcement for fiscal year 1995, there are still 431 fewer FBI agents and 301 fewer DEA agents today than there were in 1992 and, according to the President's budget, there will not be a new FBI or DEA class until fiscal year 1996;

(9) an adequate Federal law enforcement and Federal prosecutor presence is critical to our Nation's effort to respond to the crime and drug problem; and

(10) President Clinton and Attorney General Reno have publicly stated their support for enhanced efforts to fight violent crime and drug trafficking.

(b) SENSE OF THE CONGRESS.—It is the sense of Congress that—

(1) current levels of agent strength within the DEA and FBI and the current number of assistant United States Attorneys are inadequate to meet the Federal Government's obligations to our Nation's law abiding citizens; and

(2) at a minimum, the agent strength for the FBI and DEA should be restored to end-of-fiscal year 1992 levels, and the number of Assistant United States Attorneys should not be reduced.

AMENDMENT NO. 1578

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I wonder if the Senator from Tennessee would yield me 1 minute for a point of clarification.

Mr. SASSER. I am pleased to yield to the Senator.

Mr. HARKIN. Mr. President, I just wanted to clarify a point on the sense-of-the-Senate resolution on which I just obtained the yeas and nays.

I wish to make it clear that it does not in any way imply that we should reduce function 050. It does not say that in the sense-of-the-Senate resolution. It just says that it is the sense of the Senate that we should not fund Star Wars at more than last year's level. It does not say it should be transferred outside 050. It may stay inside the Defense Department and be used for some other, what I would consider, legitimate purpose other than Star Wars.

I wish to make that point clear; that the sense-of-the-Senate resolution does not imply or does not say that this money should then be transferred from 050 for something else. It can all stay in defense. The increase should not be used for Star Wars. I wanted to make that clear.

I appreciate the Senator from Tennessee giving me a minute to make that point.

Mr. SASSER. Mr. President, I inquire of the Senator from Iowa, I am willing to accept the amendment of the Senator from Iowa, and the distinguished ranking member has indicated to me that he is willing to accept it, also. If that is the case, it would not necessitate a rollcall, if the Senator would acquiesce in that acceptance.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 1577

(Purpose: To ensure equitable distribution of reductions in discretionary spending among all budget functions)

Mr. McCAIN. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 1577.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, add the following:

**SEC. . SENSE OF THE SENATE REGARDING EQUITABLE DISTRIBUTION OF REDUCTIONS IN DISCRETIONARY SPENDING.**

The Senate finds that since the President's Fiscal Year 1995 defense budget request represents the tenth straight year of real cuts in defense; and if the President's defense budget request is approved, since 1985 real defense spending will have been reduced by 45 percent by 1999; and President Clinton, during his State of the Union address on January 25, 1994, promised no further cuts in defense spending. Then it is the sense of the Senate that the annual levels of the 050 function should be reduced from the President's Fiscal Year 1995–1999 budget request only after other annual levels of non-defense discretionary spending in the budget resolution have been reduced, fairly and appropriately.

Mr. McCAIN. Mr. President, what the amendment is saying is that we should not cut defense spending any more than we intend to cut nondefense discretionary spending, in light of the fact that since 1985 we have cut defense spending in real terms by some 35 percent; by 1999 we will cut it by an additional 10 percent; that from now on, if we are going to cut the budget, we should cut it fairly and equitably and not have the burden of budget reductions, spending reductions be borne solely by defense, which has basically been the case.

Mr. President, I refer to the President of the United States' statement before the Congress of the United States just this year where he stated, to significant applause on both sides of the aisle, "The budget I send to Congress draws the line against further defense cuts. We must not cut defense further."

I echo the words of the President of the United States. I do not believe that just because we are going to cut spending, it has to come out of defense. I believe that that burden should be borne throughout the Federal budget, and I would suggest that that has not been the case.

Mr. President, as the President knows, we have gone from a very, very dangerous but predictable world to a much less dangerous but unpredictable world.

A glance at the globe today indicates that there are potential trouble spots which, unfortunately, may require the use of United States military power, from Korea where we are facing a major crisis, to China where there is clearly a situation of great tension, Bosnia that we all know about, to the situation in the former Soviet Republics, and the list goes on and on.

Mr. President, I am not asking that we not cut defense further, although that is a frightening prospect to me given the lack of readiness and the lack of capability that already exists in the military. What I am saying is, if we are going to cut spending, and indeed I believe we will because I believe that is the mandate that the American people are giving us, at least those cuts have to be fair, equitable, and divided up equally amongst discretionary nondefense spending as well as defense spending.

I would like to see this Senate on record as making sure that as we debate the appropriations bills that come to the floor, the sense of the Senate has been expressed that those cuts be equitably distributed.

I would like to thank my friend from New Mexico for his indulgence in helping me with this amendment. I also understand that it is the desire at this time not to have a rollcall vote on this particular amendment, although I do not doubt the judgment of the Senator from New Mexico. I know there are many other amendments that are pending. So I ask my friend from New Mexico what his desire is on this amendment, and then I will finish my remarks and yield the floor.

Mr. DOMENICI. I yield myself 2 minutes, Mr. President, out of the time of the Senator from Arizona.

Did Senator McCAIN say that the Senator from New Mexico did not think he ought to have a rollcall vote? I did not say that.

Mr. McCAIN. I must have been misinformed. I will request the yeas and nays.

Mr. DOMENICI. We are trying to work something out where two amendments like this would be accepted. We have not had the other one accepted. I think the Senator ought to withhold on that.

Mr. McCAIN. If it is agreeable with the Senator from New Mexico, I ask for the yeas and nays. We can always ask that they be vitiated if necessary.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Might I ask a question? As the Senator from Arizona proposes this, if the Exon amendment is applied, is the Senator saying it would apply so that an equal amount would be taken off discretionary as off defense or would not be disproportionately defense?

Mr. McCAIN. That is the intent of the amendment. Yes.

Mr. President, I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. Mr. President, I ask unanimous consent that the pending amendment be set aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 1582

(Purpose: To provide for the expedited consideration of certain rescissions)

Mr. COHEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. COHEN], for himself and Mr. KERREY, proposes an amendment numbered 1582.

Mr. COHEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title II insert the following:

**SEC. . EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.**

(a) PROPOSED RESCISSION OF BUDGET AUTHORITY.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriations Act.

(b) TRANSMITTAL OF SPECIAL MESSAGE.—

(1) Not later than 3 days after the date of enactment of an appropriation Act, the President may transmit to Congress a special message proposing to rescind amounts of budget authority provided in that Act and include with that special message a draft bill or joint resolution that, if enacted, would only rescind that budget authority.

(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill or joint resolution for accounts within the jurisdiction of each such subcommittee.

(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the matters referred to in para-

graphs (1) through (5) of section 1012(a) of the Impoundment Control Act of 1974.

(c) Procedures for Expedited Consideration.—

(1)(A) Before the close of the second day of continuous session of the applicable House after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Congress in which the appropriation Act involved originated shall introduce (by request) the draft bill or joint resolution accompanying that special message. If the bill or joint resolution is not introduced as provided in the preceding sentence, then, on the third day of continuous session of that House after the date of receipt of that special message, any Member of that House may introduce the bill or joint resolution.

(B) The bill or joint resolution shall be referred to the Committee on Appropriations of that House. The committee shall report the bill or joint resolution without substantive revision and with or without recommendation. The bill or joint resolution shall be reported not later than the seventh day of continuous session of that House after the date of receipt of that special message. If the Committee on Appropriations fails to report the bill or joint resolution within that period, that committee shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed on the appropriate calendar.

(C) A vote on final passage of the bill or joint resolution shall be taken in that House on or before the close of the 10th calendar day of continuous session of that House after the date of the introduction of the bill or joint resolution in that House. If the bill or joint resolution is agreed to, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the bill or joint resolution to be engrossed, certified, and transmitted to the other House of Congress on the same calendar day on which the bill or joint resolution is agreed to.

(2)(A) A bill or joint resolution transmitted to the House of Representatives or the Senate pursuant to paragraph (1)(C) shall be referred to the Committee on Appropriations of that House. The committee shall report the bill or joint resolution without substantive revision and with or without recommendation. The bill or joint resolution shall be reported not later than the seventh day of continuous session of that House after it receives the bill or joint resolution. A committee failing to report the bill or joint resolution within such period shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed upon the appropriate calendar.

(B) A vote on final passage of a bill or joint resolution transmitted to that House shall be taken on or before the close of the 10th calendar day of continuous session of that House after the date on which the bill or joint resolution is transmitted. If the bill or joint resolution is agreed to in that House, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the engrossed bill or joint resolution to be returned to the House in which the bill or joint resolution originated.

(3)(A) A motion in the House of Representatives to proceed to the consideration of a bill or joint resolution under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the House of Representatives on a bill or joint resolution under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill or joint resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill or joint resolution under this section or to move to reconsider the vote by which the bill or joint resolution is agreed to or disagreed to.

(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill or joint resolution under this section shall be decided without debate.

(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill or joint resolution under this section shall be governed by the Rules of the House of Representatives.

(4)(A) A motion in the Senate to proceed to the consideration of a bill or joint resolution under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the Senate on a bill or joint resolution under this section, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a bill or joint resolution under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or joint resolution, except that in the event the manager of the bill or joint resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill or joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a bill or joint resolution under this section is not debatable. A motion to recommit a bill or joint resolution under this section is not in order.

(d) Definitions.—For purposes of this section—

(1) the term "appropriation Act" means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations; and

(2) continuity of a session of either House of Congress shall be considered as broken only by an adjournment of that House sine die, and the days on which that House is not in session because of an adjournment of more than 3 days to a date certain shall be excluded in the computation of any period.

### SEC. . EXPEDITED CONSIDERATION OF CERTAIN PROPOSED REPEALS OF TAX EXPENDITURES.

(a) Proposed Repeal of Tax Expenditure.—The President may propose, at the time and in the manner provided in subsection (b), the repeal of any provision in an Act that would result in a tax expenditure.

(b) Transmittal of Special Message.—

(1) Not later than 3 days after the date of enactment into law of an Act containing a provision described in subsection (a), the President may transmit to Congress a special message proposing to repeal any such provision contained in that Act and include with that special message a draft bill or joint resolution that, if enacted, would repeal such provision.

(2) Each special message shall include, with respect to the provision proposed to be repealed, a budget analysis of such provision.

(c) Procedures for Expedited Consideration.—Each special message transmitted pursuant to subsection (b) shall be considered in accordance with the procedures provided for special messages in the preceding section of this resolution.

(d) Definition.—For purposes of this section, the term "tax expenditure" shall have the meaning given such term in section 3(3) of the Congressional Budget Act of 1974.

Mr. COHEN. Mr. President, I am sending this amendment to the desk on behalf of myself and Senator KERREY of Nebraska.

Two weeks ago the Senate debated the proposal to amend the Constitution to require a balanced budget. I regret that the proposal was rejected narrowly. I understand that my colleagues were somewhat reluctant to incorporate budget policy and procedure into the Constitution. But today we are proposing a change in the budget procedure that does not amend the Constitution, and does not amend any Federal statute. It merely amends House and Senate Rules of Procedure.

For this reason I hope that some of my colleagues who could not support the balanced budget amendment, will be able to support this proposal that we are offering this afternoon.

The amendment would establish an expedited procedure for House and Senate consideration of rescission requests made by the President. Under current law, Congress is not required to act on any requests by the President to rescind or cancel funds already appropriated by the Congress. If Congress chooses to ignore the rescission request, they simply wither on the vine.

In light of the looming and repeated deficits, however, I think the Presidential requests to rescind spending deserve to be acted upon, and Congress should not be able to simply ignore the requests.

So under the expedited rescission proposal, Congress would be required to vote on the President's rescission requests within 20 days of their proposal to Congress. This would also, I might add, not only apply to appropriation rescissions but to tax expenditures.

Wasteful Federal spending is not restricted to appropriations measures. Federal resources can be wasted in the Tax Code as well, and the President ought to have the authority to reach this type of waste as well.

Every dollar that is expended through a wasteful tax provision is a dollar that could be better spent through a productive tax provision.

Mr. President, last year the House of Representatives passed, by an overwhelming margin, a bill to create an expedited rescission authority. The proposal I am offering today is quite similar to the House version, except that we add tax expenditures. Unfortunately, during the consideration of this bill in the House, the House rejected an amendment by House minority leader BOB MICHEL to permit the President to propose rescinding tax expenditures, as well as appropriated matters.

Also last year, during consideration of 1994 budget resolution, I offered an amendment with Senator CAMPBELL to express the sense of the Senate that expedited rescission procedures should be adopted. I was pleased that a motion to table that amendment was rejected by nearly a 2-to-1 margin.

Today, we have an opportunity to fire with real bullets. The amendment we are offering today would amend the current House and Senate provisions to make this expedited rescission a reality. I am pleased to have Senator KERREY join me in offering this amendment. It was through Senator KERREY'S leadership earlier this year that we had an opportunity to vote on a substantive list of specific spending cuts that went well beyond the rescissions proposed by the President.

I urge my colleagues to support the amendment. I hope that those supporting last year's sense-of-the-Senate amendment will support this amendment today when it really counts.

I reserve the remainder of my time and yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, I am pleased to rise in support of this expedited rescission amendment. As the distinguished Senator from Maine just said earlier this year, the Presiding Officer and I, and several other Members, attempted to amend a rescission bill that was sent to the Congress by the President last fall that had been referenced to the Appropriations Committee. And we found that amending that rescission bill was extremely difficult. In this particular case, it got merged with a supplemental appropriations bill. Thus, as we came to the floor to offer our amendment to the rescission bill, many were concerned that we were slowing down a dire emergency supplemental appropriations.

It was difficult for us to get that rescission bill to the floor and for us to get our amendment considered in a very clean and straightforward fashion. Not only do I believe the expedited rescission, as this amendment offers, will give us a chance to consider the rescission bill in an expedited fashion, but I believe it will give Congress the opportunity to debate in a much more open and meaningful fashion those things that we think we would like to cut—things we would like to cut in addition to what the President is offering, both on the direct spending side and on the indirect spending side through our taxes.

All of us that have supported spending reduction have been extremely frustrated. It seems that the majority shifts when it comes time to vote for spending reductions, and we always fall a few votes short—sometimes 4 or 5, sometimes 10 or 15. What this amendment would do would be to change the budget process and make it clear that there is going to be an opportunity every year, because it is likely that every year the President is going to introduce a rescission bill, and that he will say: Here are some things I want to rescind.

This would force the Congress to consider the President's rescission legislation in an expedited fashion and, as I said, Mr. President, give the Congress an opportunity to debate in an extended fashion those things we would like to offer on the expenditure side and the tax side to further reduce this Nation's deficit.

So I applaud the work of the Senator from Maine on this amendment. I am pleased to join as a cosponsor. I believe this amendment, if agreed to, if held in conference, and if it becomes part of this Nation's budget law, will give us the mechanism that many of us have been looking for, which will permit us to come to the floor and have an open and very meaningful and constructive debate about in what areas we believe spending reduction needs to occur.

The PRESIDING OFFICER. Who yields time?

If no one yields time, time will be deducted equally from both sides.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. How much time remains on this bill?

The PRESIDING OFFICER. The Senator from Maine controls 52 minutes 20 seconds. The opposition controls 60 minutes.

Mr. KERREY. Mr. President, I ask unanimous consent that the present business be laid aside so that I might offer another amendment.

Mr. SASSER. Parliamentary inquiry, Mr. President. The distinguished President pro tempore, I think, may wish to speak in opposition to the enhanced rescission amendment that is being temporarily laid aside. We will reserve our full 60 minutes when it is laid aside.

Mr. SPECTER. Reserving the right to object, I inquire from the Senator from Nebraska how long his next amendment will take, because in the sequence, I had expected that I might be the next person to offer an amendment.

Mr. KERREY. I will take no more than 5 or 10 minutes to offer it. I do not have extended comments.

Mr. SPECTER. Might I inquire of the managers if my amendment would then fall next in line?

Mr. DOMENICI. I said to the Senator that he was next if they did not have an amendment. They do have one now. There is a Cohen amendment, and then Senator KERREY'S, and then yours.

Mr. SPECTER. I thought that was a Cohen-Kerrey amendment.

Mr. COHEN. It was, and now it is going to be a Kerrey-Cohen amendment.

The PRESIDING OFFICER. Is there objection?

Mr. SASSER. Reserving the right to object, to further my inquiry, we will be reserving 60 minutes on the opponents of the enhanced rescission amendment.

The PRESIDING OFFICER. Correct. There has been 3 minutes 51 seconds charged against the opponents, and an equal amount having been charged to the proponents.

Mr. SPECTER. Reserving the right to object, I just want to be sure that after the 5 or 10 minutes have elapsed, this Senator will have a chance to offer my amendment before any time is used in the balance, and I will be relatively brief, in the 10- to 12-minute range on my amendment.

Mr. President, I ask unanimous consent that that will be the order of proceeding.

The PRESIDING OFFICER. Is there objection?

Mr. SASSER. Mr. President, reserving the right to object, I did not hear the Senator.

Would the Senator kindly repeat the unanimous-consent request?

Mr. SPECTER. Yes.

My unanimous consent is on the sequences which we have discussed following the Kerrey-Cohen amendment, that this Senator be permitted to offer my amendment that will be relatively brief, in the 10-, 12- or 15-minute range.

Mr. SASSER. I thank the Senator.

Senator ROBB is on the floor, and he is eager to get his amendment before the Senate. I assume after the amendment of the Senator from Pennsylvania is disposed of then Mr. ROBB'S amendment can be called up.

Mr. ROBB. Mr. President, I ask that it be added to the unanimous-consent request.

The PRESIDING OFFICER. The Chair will state the unanimous-consent requests that have been made.

The Senator from Nebraska asked the pending business be set aside for the purposes of his offering an amendment. The Senator from Pennsylvania asked unanimous consent that upon the completion of the amendment that will be offered by the Senator from Nebraska he be recognized for purposes of offering an amendment. The Senator from Virginia has asked that upon completion of the amendment offered by the Senator from Pennsylvania he be recognized for purposes of offering an amendment.

Is there objection to that unanimous consent series of requests?

If not, it is so ordered.

The Senator from Nebraska.

AMENDMENT NO. 1583

(Purpose: To express the sense of the Senate regarding Federal courthouse construction)

Mr. KERREY. Mr. President, I send an amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY] for himself and Mr. COHEN, proposes an amendment numbered 1583.

At the end of title III, add the following:

**SEC. . SENSE OF THE SENATE REGARDING FEDERAL COURTHOUSE CONSTRUCTION.**

It is the sense of the Senate that—

(1) the President's fiscal year 1995 budget includes a request for 11 courthouses with a total estimated cost of over $1,000,000,000;

(2) while there may be significant need for new Federal courthouses, the need for programs that prevent youth violence before children get to courthouses is greater;

(3) There should be a moratorium for fiscal year 1995 on the construction of any new Federal courthouses which have not already been specifically approved by Congress; and

(4) priority should be given to programs for children and families like Head Start and grants for maternal and infant health care.

Mr. KERREY. Mr. President, I had the amendment read. It is self-explanatory.

I simply am arguing this is not a priority expenditure. I understand that these courthouses are important. I began this quest to knock these courthouses out and have a moratorium on it when I opened up the newspaper last year on a day that I happened to be trying to find $50,000 to keep a boys club in Omaha, NE, open. All we needed was $50,000 to get the job done.

I pick up the newspaper and I find out that an $85 million new courthouse is being built in Omaha, NE. I said at the time it does not make any sense to me that we are allocating $85 million to build a place where we are going to sentence young people and not provide $50,000 as a place where young people can go, hopefully so they will be able to avoid that courthouse.

It is just one more example of how I think our priorities are wrong. We hear constantly we cut the domestic discretionary expenditures to the bone. The private sector is willing to build many of these things for us. I think it is an unnecessary expenditure.

I hope that the majority of the Senate will support this rather simple and straightforward amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KERREY. I yield whatever time it takes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Nebraska yields what time is required to the Senator from Maine.

The Senator from Maine is recognized.

Mr. COHEN. I thank my friend for yielding. I also will be very brief.

Mr. President, I think the Senator from Nebraska has proposed a very sound and sensible sense-of-the-Senate resolution and points out the fact that we have had a chaotic situation in our Federal building program.

Last year, I requested that the Governmental Affairs Committee's Subcommittee on Oversight of Government Management, on which I serve as ranking minority member, hold a hearing on this subject. The findings were troubling. We found that the Federal Government was leasing a number of buildings that we would have been better off buying. Furthermore, the Government was constructing new buildings when in fact existing buildings could have been purchased to meet the Government's needs at a significant savings over new construction. For this reason, I asked the then-designee General Services Administrator Roger Johnson to temporarily suspend the construction and leasing program for new Federal office space and courthouses. This was to provide the new Administrator, with an opportunity to review all of the projects for cost effectiveness and to ensure that these projects were in the best economic interest of the taxpayer. By agreeing to my request the new Administrator, who I think has done an outstanding job, stated this morning, that the Government will save about $1.2 billion. The moratorium also forced the GSA to consider its construction program in terms of the government's priorities.

I think this amendment extends our oversight of Federal property management a step further. It is important that we get our house in order on this matter as the need for Federal property will undoubtedly continue to grow. Under the Senate crime bill, we will certainly be building more prisons. We also know we need funds for more police on the streets. It only stands to follow that we will need more prosecutors, and ultimately we will probably need more courthouses.

The evidence is clear that we are not satisfying our property needs in the most cost effective and appropriate manner. For example, often the Federal Government will construct new office space and courthouses in areas where there are already millions of square feet of vacant office space that is both appropriate and available for Federal use. This new construction often exacerbates an already high commercial office vacancy rate by displacing Federal workers from existing space. In many cases, the Government continues to build when it would be more appropriate, and certainly more cost effective, to buy existing buildings and renovate, or even lease where the cost of buying or leasing is significantly less than the cost of new construction. Yet for reasons that defy the law of supply and demand, the Government, unless we begin to pass legislation like the amendment offered by Senator KERREY and myself, will continue to construct unnecessary high-cost buildings and continue depressing existing real estate values and not engaging in a wise expenditure of taxpayer dollars.

Mr. President, the vast majority of the Federal construction projects managed by the GSA are Federal courthouses. These dollars directed toward courthouse construction is growing rapidly. In 1991, Congress appropriated over $564 million for 12 new court construction projects, which represented 42 percent of the total appropriated to the General Services Administration for new construction. The FY 1994 appropriation for GSA building projects included funding for 16 new Federal courthouses amounting to $781 million or about 84 percent of the $943 million appropriated last year for new building construction. This year, the President is asking for an additional $1 billion to construct 11 new Federal courthouses.

This growth in courthouse construction concerns me not only for the reasons I expressed earlier, but because some of these projects may not be needed. Last fall, GAO issued a report which said that projections for court space needs by the Federal judiciary are seriously flawed. As a result of the faulty projections, the administrative office of the United States Courts may have overestimated the Federal judiciary's 10-year space needs and the Government may be building three million square feet of courthouse space that we do not need. According to GAO's cost projections, this also means that GSA could be overbilling the taxpayers $1.1 billion for the judiciary's over-estimated space needs. Given that, according to GAO, the Administrative Office of the U.S. Courts did not project long-range space needs that were sufficiently reliable to form the basis for congressional authorization and funding approval of new construction, for court space, I think this amendment makes an enormous amount of good common sense, and I hope our colleagues will join in supporting it.

I yield back the time.

The PRESIDING OFFICER. Who yields time?

The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KERREY. Mr. President, I do not know. Is there opposition to this amendment?

Mr. President, I will just yield the floor.

The PRESIDING OFFICER. If no one yields time, time will be charged equally on the amendment of the Senator from Nebraska.

Mr. COHEN. Mr. President, could I have the floor momentarily to ask unanimous consent that a study be printed in the RECORD, a GAO report about the long-range planning needs for the Federal judiciary for space?

There being no objection, the study was ordered to be printed in the RECORD, as follows:

### EXECUTIVE SUMMARY

#### PURPOSE

Between 1979 and 1988, the federal judiciary's caseload increased by 99 percent, thereby creating a need for additional court space. Initial estimates from the long-range planning process, established by the judiciary in 1988 to project its future space needs, indicated that need for court space will continue to grow for the next 30 years. In 1991 Congress appropriated over $546 million for 13 new court construction projects, or about 42 percent of the total amount appropriated to the General Services Administration (GSA) for new construction projects. Concerned about the judiciary's continuing requests for more space, the Ranking Minority Member of the Subcommittee on Investigations and Oversight, House Committee on Public Works and Transportation, asked GAO to evaluate the reasonableness of the methodology used by the judiciary to project long-range space needs and to assess the reliability of the projections.

#### BACKGROUND

In 1988, to anticipate future space requirements, the Judicial Conference of the United States, the policymaking body of the judiciary, directed each of the 94 district courts to develop a long-range plan for its space needs. It also directed the Administrative Office of the U.S. Courts (AOC), the administrative body of the judiciary, to provide the districts with the necessary planning guidance. By establishing a long-range planning process, the judiciary became one of the first government organizations to develop a mechanism for anticipating space needs. GSA uses the 10-year space projections provided by the judiciary as the basis for requests to Congress for new construction and expansion of court space in existing facilities.

The Judicial Conference also requested independent authority from Congress to acquire its own judicial facilities. The judiciary believed that such authority would provide greater control and flexibility because it would no longer be dependent upon the executive branch for space. Congress has not acted upon this request.

AOC developed an on-going, long-range planning process based on the basic assumptions that (1) caseloads should determine staffing needs, which, in turn, should dictate space needs; (2) local district representatives should determine actual space needs rather than depending primarily upon statistical estimation methods; and (3) each district is of equal importance and, therefore, space needs should not be prioritized among districts.

Under its long-range planning process, AOC annually categorizes the 94 districts into 1 of 4 groups on the basis of the district's total caseload. For each group, the average ratios of key personnel to specific caseloads are computed. AOC then develops 5-, 10-, 20-, and 30-year projections for each district for four different caseloads—bankruptcy filings, criminal and civil cases commenced, and the number of people under court supervision. AOC uses the ratios of caseload to key personnel to convert the projected caseload to staffing needs for each time period. Staffing needs are then converted to space needs using the U.S. Courts Design Guide, a planning document that was developed for use in the design of court space.

Because the judiciary believes that final space projections should reflect the knowledge and experience of local representatives, AOC's team conducted 3-day planning sessions in each of the 94 districts. The planning sessions were attended by local representatives from each of the court components, court-related agencies—the U.S. Attorneys' office, the U.S. Marshals Service, and the U.S. Trustees—and GSA. The local representatives reviewed and modified the initial staff and space projections and compared their current space assignments to the Design Guide to identify immediate, unmet space needs (deficits). The initial projections served as a starting point for discussion, and the representatives' modifications became the final projections of staff and space needs for the district. Agency officials reported that they do not plan to continue to routinely schedule on-site sessions after completion of all 94 districts.

As of September 1, 1992, AOC had completed space projections for 60 of the 94 districts. In order to determine the estimated total impact of AOC'S planning process, GAO projected AOC's findings for the completed districts to the total 94 districts. GAO estimated that for all 94 districts, the total space requirements for courts and related agencies would increase to about 36.9 million square feet over a 10-year period, a 97-percent increase.

Because of the continuing requests for additional court space, GSA officials raised concerns about the methodology used by AOC to project future needs. When they communicated these concerns to Congress, GAO was asked to evaluate the methodology that AOC was using for long-range planning and to assess the reliability of the results produced.

#### RESULTS IN BRIEF

GAO found that AOC's process for projecting long-range space needs did not produce results that were sufficiently reliable to form the basis for congressional authorization and funding approval of new construction and renovation projects for court space. GAO's analysis indicated that AOC's projections of caseloads were higher than those generated using a standard statistical method in 76 districts and were lower in the remaining 18 districts. When GAO used an estimate of $31 per square foot, which represented the judiciary's average cost for all court space, the difference translated to a net cost in constant dollars of approximately $112 million annually, or $1.1 billion over the 10-year period.

GAO identified three key problems that have impaired the accuracy and reliability of the judiciary's projections. First, AOC had not treated all districts consistently. One reason for this was that it did not routinely revise district plans that were completed earlier to reflect changes made to critical factors, such as the space allocation per individual staff. Also, the procedure used to convert caseload estimates to staffing requirements did not reflect differences among districts that affect space needs. Second, based on AOC's assumptions regarding the relationship between caseloads and staff needs, many districts' baselines to which future space needs are added did not accurately reflect their current space needs. AOC used as the baseline for a district the amount of space it occupied plus any deficit identified by the local representatives. As a consequence, when a district occupied more space than the caseload warranted, future estimates of needs were overstated. Third, AOC's process did not provide reliable estimates of future space needs because the methodology used to project caseloads was not statistically acceptable. In addition, because of the amount of subjectivity involved in the process, it is likely that if the process were repeated for any district, even without any change to the caseloads, the estimate of space needs would be different.

GAO recognizes that it is difficult to project future space needs with precision. The projection of such needs is not an exact science, and in the final analysis, it is reasonable to expect some variation between the estimate and what is actually needed. Space estimates are particularly challenging for the judiciary because there are numerous factors that cause changes in the workload, and therefore space needs, which are beyond its control. However, by modifying the process, more reliable assessments of future space needs could be obtained that would provide a better basis for decisionmaking by GSA and by Congress.

#### GAO ANALYSIS

*Districts Have Been Treated Inconsistently*

AOC's method for projecting space needs has treated districts inconsistently. The process began in 1989, but all 94 districts are not scheduled for completion until 1994. Since 1989, AOC has made a number of changes in the way space is allocated but has not routinely revised the completed plans to reflect the changes. As a consequence, those districts whose plans were completed early received lower space allocations than did those completed later.

Another problem was the use of data from different time periods when future space needs were projected. AOC used 40 years of historic data to project future caseloads. Because the process has required 5 years for the completion of plans for all districts, the time period used to make caseload projections has not been the same for all districts. For example, some districts' estimates were based upon historic data for 1949 through 1989, while others included 1952 through 1992. The increase in the number of bankruptcy filings that occurred during 1990 and 1991 was not reflected in the early projections, thereby resulting in underestimates of space needs for bankruptcy courts.

Another problem related to AOC's method of grouping districts into one of four "growth models." It used the districts' total caseloads, including civil and criminal cases commenced, bankruptcy filings, and number of persons under supervision, as the basis for determining the growth model. The average caseload, number of key personnel, and ratio of other staff to key personnel were then determined within each growth model. These data defined the relationships between caseloads and staff needs that were applied within each growth model when future space needs were calculated. This method gave equal weight to all cases and ignored differences among districts' caseloads that directly affected space needs, such as case complexity and length of trials.

*Baselines Have Not Reflected Current Needs*

One of AOC's basic assumptions is that caseloads should determine staff needs, which should define space needs. However, GAO found that when determining the baselines, to which future space needs were added, AOC assumed that all authorized staff were needed. Therefore, space allocations were included for all staff regardless of whether the staff was justified by current caseloads. In addition, AOC included deficits in the baselines without verifying that they represented actual space needs.

To determine the impact of these practices on projections, GAO tested two alternative methods for determining baselines. GAO did not include deficits as part of the baseline under either alternative. The first GAO alternative established district baselines directly from current caseload, while the second GAO alternative established baselines according to the number of authorized staff positions.

Under the first of these alternatives, GAO used AOC's caseload-to-staff ratios to convert current caseloads to staff needs. The Design Guide space allocations were then applied to determine the amount of space required to house this level of staff. On the basis of this alternative, GAO estimated that AOC's baselines overstated space needs in 65 districts by about 3 million square feet and understated needs in 29 districts by about 840,000 square feet.

Under the second alternative, GAO began with the current staffing levels to establish the amount of space currently required. This alternative recognized that current staff levels may not correspond to the level needed to process the caseload. However, this alternative also recognized that existing staff levels could not be readily modified. On the basis of this alternative, GAO estimated that AOC's baselines overstated space needs in 63 districts by about 2.1 million square feet and understated baselines in 31 districts by about 1 million square feet.

Under either of these alternatives, the GAO position was that additional space is not warranted until the caseload increases to the level that more staff are needed.

### *Projection Methods Have Not Produced Reliable Results*

The long-range planning process used by AOC has not produced reliable estimates of future space needs. First, the methodology used to make initial caseload projections was statistically flawed. AOC averaged the results of different regression analyses to develop its final estimates. As a consequence, the accuracy of the initial caseload projections cannot be measured statistically.

In addition, the high level of subjectivity in the process made it likely that if the process were repeated for the same district even without a change in the caseloads, the final estimate of space needs would be different.

Subjectivity occurred at two points in the process. First, when initial caseload projections were made, if the estimate seemed to be too low, it was arbitrarily increased. Second, because the local representatives did not have available the caseload projections made by AOC prior to the on-site sessions, the final estimates of needs were based primarily upon their subjective experiences.

To assess the overall reliability of AOC's process, GAO developed 5- and 10-year projections of space needs for the judiciary using a standard acceptable statistical method. This analysis indicated that the judiciary's 10-year projections of court space needs were higher than GAO's estimates in 76 districts by about 5 million square feet and were lower in 18 districts by about 1.4 million square feet. Overall, AOC's estimates were about 16 percent higher than GAO's estimates. Using a GAO estimate of $31 per square foot, which reflected the judiciary's average cost for all court space for the period 1988 to 1992, this would represent an overestimate of about $112 million per year, or $1.1 billion for the 10-year planning period.

### RECOMMENDATIONS

GAO recommends that the director of the Administrative Office of the U.S. Courts revise the future operations of the long-range planning process to:

Treat all districts consistently in terms of the application of the assumptions regarding the relationships between caseloads, staff, and space;

Establish a baseline for each district that reflects its current caseload; and

Increase the reliability of the results by using an acceptable statistical methodology to project future caseloads and by reducing the level of subjectivity in the process.

### AGENCY COMMENTS

AOC provided written comments on a draft of this report; the text of these comments is presented in appendix III. AOC's comments and GAO's responses are discussed at the end of chapters 2, 3, 4, and appendix III. On June 21, 1993, GAO met with the Assistant commissioner, Office of Planning, GSA. He provided official oral comments on a draft of this report. GAO also met with agency officials from AOC to discuss their comments.

AOC agreed with GAO that all districts should be treated consistently, even though this was not occurred in the past; however, AOC pointed out that these inconsistencies were not intentional. GAO does not imply in the draft report that the inconsistencies were intentional. However, because of the 5-year period required to complete all districts, changes did occur that affected some districts, particularly those that had plans completed early in the period. Following the completion of plans for all 94 districts in early 1994, on-site planning sessions will no longer be routinely scheduled for all districts, thereby reducing the time required to complete all districts from 5 years to 2 years. As a direct consequence, the likelihood of changes that affect space allocations will be reduced, although not eliminated. GAO's position is that any time there is a change that affects space allocations, the plans for all districts should be updated to prevent the occurrence of inequities.

AOC stated that GAO misused its basic planning assumption that caseloads should determine staff needs, which should determine space needs, when it applied this assumption to determine the amount of current space needed (baselines). AOC's intent was that this assumption apply only to future needs, not to current needs, and that the baselines should reflect current space plus deficits. GAO's position is that the baselines used by AOC often do not accurately reflect existing needs; therefore, the estimates of future requirements will continue to reflect any existing overages or shortages in terms of the amount of space needed to process the districts' caseloads.

AOC commented that the projection of future space needs should be dependent primarily upon the qualitative information provided by the local representatives rather than upon statistical procedures. GAO recognizes that qualitative methods, which involve group participation, can be used successfully in some instances to generate accurate projections. However, there are two basic restrictions to the use of these qualitative methods. The participants should be experts in the relevant area, and the projection period should be limited to 1 or 2 years. However, the local representatives who participate in AOC's on-site sessions often would not qualify as experts, and AOC does not limit this method to short-term projections. Therefore, even if experts were involved the estimates produced would lack reliability. AOC stated that beginning in 1994 on-site sessions will no longer be routinely scheduled and that local input will be obtained through other channels. This may result in a reduction of the subjectivity and an improvement in the reliability of the estimates. However, GAO's position is that AOC should examine various alternative statistical methods for estimating caseloads. AOC could then directly translate these statistical projections into space requirements by applying its assumptions regarding the relationships between caseloads and staff/space.

A general issue that AOC and GSA raised was that the total process for the acquisition of facilities is more complex than just the long-range plans. GAO recognizes that the court's projection of long-range space needs is only one phase of a complex process. However, GAO was only asked to evaluate the methodology the courts used for making long-range plans not to evaluate the total space acquisition process.

GSA officials indicated that they concurred with the GAO draft report. They stated that the GAO methodology for calculating baselines represented a way to improve the reliability of future estimates of space needs for the judiciary. They also agreed with GAO that AOC should examines alternative caseload projection methods.

The PRESIDING OFFICER. Who yields time?

The Senator from Tennessee.

Mr. SASSER. Mr. President, I would inquire of the Senator from Nebraska. I have discussed his amendment dealing with Federal courthouses with the distinguished ranking member, and if the Senator from Nebraska would be agreeable to vitiating his request for the yeas and nays, we would be agreeable to accepting the amendment. We find it to be meritorious.

Mr. KERREY. Mr. President, I ask unanimous consent that the yeas and nays be vitiated on the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The yeas and nays are vitiated.

Is there any further debate?

Is there desire to yield the remaining time back?

Mr. DOMENICI. If I had time in opposition, I yield it back.

The PRESIDING OFFICER. The Senator has 59 minutes 25 seconds.

Mr. KERREY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. SASSER. Mr. President, we have just been advised that one of our colleagues on our side opposes the Kerrey amendment and has raised an objection to its being accepted and, as a matter of fact, is on his way to the floor to speak in opposition to it.

Mr. KERREY. Mr. President, I ask for the yeas and nays again on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that the Kerrey amendment be temporarily laid aside so we may proceed with my amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Kerrey amendment is temporarily laid aside, and the Senator from Pennsylvania is recognized for purposes of offering an amendment.

Mr. SPECTER. I thank the Chair.

### AMENDMENT NO. 1584

(Purpose: To state the sense of the Senate regarding payment of arrearages of the United States in commitments for contributions to the United Nations for peacekeeping activities)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself and Mr. HATFIELD, proposes an amendment numbered 1584.

Mr. SPECTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III add the following new section:

**SEC. . SENSE OF SENATE ON PAYMENT TO UNITED NATIONS OF UNITED STATES ARREARAGES IN CONTRIBUTIONS FOR PEACEKEEPING ACTIVITIES.**

(a) SENSE OF SENATE ON AUTHORITY AND OUTLAYS.—It is the sense of the Senate that budget authority of $250,000,000 in fiscal year 1995 and outlays of $170,000,000 in that fiscal year based upon funds accruing under subsection (b) should be allocated to the committee or committees of the Senate having jurisdiction over contributions to the United Nations for peacekeeping activities for the purposes of permitting the payment of arrearages of the United States in commitments in fiscal year 1994 for such contributions.

(b) SENSE OF SENATE ON FUNDS.—It is the sense of the Senate that funds should be available for the budget authority of $250,000,000 and outlays of $170,000,000 referred to in subsection (a) as the result of—

(1) the reimposition by the United States of charges on foreign governments (other than Israel and Egypt) for the non-recurring costs of research, development, and production of major defense equipment licensed for commercial export to such governments; and

(2) the recoupment by the United States from such governments of administrative costs relating to foreign military sales; and

(3) the elimination of all financing assistance for such sales (other than sales to Israel and Egypt) by the United States.

Mr. SPECTER. Mr. President, the purpose of this amendment is to express the sense of the Senate that $170 million in outlays be allocated by pay arrearages owed by the United States for U.N. peacekeeping operations. These arrearages are estimated to be as much as $1 billion by the end of this fiscal year. The sum of $170 million is obtained by reinstating certain cost now borne by the U.S. Government as subsidies for foreign arms sales.

The thrust of this amendment is readily apparent, that the purpose of U.N. peacekeeping forces is a very high value for the maintenance of international peace, contrasted with the subsidies offered by the U.S. Government for the sale of arms worldwide, which is quite a detriment to the interest of peace.

The sense-of-the-Senate resolution cites an exception for Israel and Egypt because of the spirit, if not the technical requirements, of the Camp David Accord exempting those two countries from any additional costs which might be incurred as a result of eliminating this subsidy.

Mr. President, the administration had requested that the sum of $670 million be included in the recent dire emergency supplemental, and that request was denied when the supplemental, which was directed principally for the California earthquakes, was substantially overburdened. That request was rejected.

The $670 million requested by the administration was to pay for peacekeeping forces to the United Nations. As I say, that arrearage by the United States is now projected to grow to $1 billion by the end of the fiscal year. The U.N. peacekeeping forces, Mr. President, I submit, are a very, very good investment to promote the cause of peace around the world.

We have recently seen the United Nations efforts in Somalia which, had they been undertaken earlier, had there been more resources available to the United Nations for peacekeeping in Somalia, and had the United States not been thrust into the center of that operation would not have resulted in the very regrettable circumstances which led to many deaths of United States fighting forces.

At the present time, there are some 17 U.N. peacekeeping operations around the world. In the field, there are some 70,000 soldiers, costing about $3.5 billion a year, with many additional requests pending before the United Nations if the funding were adequate to cover this important function. This is a phenomenal growth, given that in 1987 the United Nations had just 5 peacekeeping operations of some 10,000 soldiers in total and an annual budget of some $233 million.

That striking growth is worth repeating, Mr. President, so that my colleagues will see the spectacular growth of peacekeeping operations and so that those who may be watching on C-SPAN II will see the potential for very effective action by the United Nations on peacekeeping as opposed to war making.

In 1987, there were five peacekeeping operations, with some 10,000 soldiers, with an annual budget of $233 million. At the present time, there are some 17 operations, with 70,000 soldiers costing around $3.5 billion a year.

There is an additional peacekeeping request made for Georgia, one of the new independent states of the former Soviet Union, where there is a request for some 2,500 to 3,000 peacekeepers. However Russia is the only country willing to send troops there.

There are now some 28,000 peacekeeping forces in the Balkans, which is some 6,000 below strength.

The peace talks which are now underway with respect to Angola may well lead to a request for peacekeeping forces there.

The United States is in a position which is really very sad, with very substantial arrearages which we owe for the U.N. peacekeeping operations. Our Nation, as the world leader speaking for the interest of peace and democracy, ought to be at the forefront of peacekeeping efforts instead of owing arrearages.

At the same time, Mr. President, I have noted a report by the Congressional Budget Office which identifies very substantial subsidies by the U.S. Government for the export of arms around the world. In fiscal year 1985, the Congressional Budget Office issued a report entitled "Reducing the Deficit: Spending and Revenue Options," and noted that the cost of not recouping research and development costs for commercial arms sales and requiring only reimbursement for 3.5 percent of administrative costs on foreign military sales programs had a dollar outlay of $170 million in fiscal year 1995, with a projected 5-year savings of some $1.7 billion.

The United States now exports more military equipment around the world than any other country, a position—and an unenviable position, I might add—which was held by the Soviet Union during the 1980's. There are arguments made that this will maintain the defense industrial basis of the United States, which I think is hardly persuasive when the sale of these weapons just promote war, deaths and human suffering.

So it seems to me, Mr. President, that this is a rather modest approach identifying these $170 million in outlays this year for a subsidy which the U.S. Government ought not to be undertaking, and making those funds available in this sense-of-the-Senate resolution for the payment of part of arrearages due by the United States for U.N. peacekeeping forces.

I yield the floor, Mr. President, and ask if the managers have any response to this proposed amendment.

The PRESIDING OFFICER. Who yields time? If no time is yielded, time will be charged equally to both sides.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 1586

Mr. DOMENICI. Mr. President, I ask unanimous consent that the amendment of the Senator from Pennsylvania be set aside while I send an amendment to the desk that will be accepted.

The PRESIDING OFFICER. Is there objection to temporarily setting aside the amendment of the Senator from Pennsylvania?

Mr. ROBB. Reserving the right to object.

Mr. President, we had a unanimous-consent agreement that was entered into recently. I would like to stick to that. I do not know what the Senator from New Mexico planned to do. If he planned to take it up and have it accepted, I have no objection.

Mr. DOMENICI. Just as I sent it to the desk, they accepted it. It will take 30 seconds.

Mr. ROBB. I have no objection.

The PRESIDING OFFICER. Without objection the amendment of the Senator from Pennsylvania is set aside for the purpose of the Senator from New Mexico offering an amendment.

Mr. DOMENICI. I send this amendment to the desk on behalf of Senator MCCONNELL.

The PRESIDING OFFICER. Without objection the clerk will report the amendment by number.

The legislative clerk read as follows:

> The Senator from New Mexico [Mr. DOMENICI], for Mr. MCCONNELL, for himself, Ms. MIKULSKI, and Mr. MACK, proposes an amendment numbered 1586.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

> At the end of the resolution, add the following new section:
>
> SEC. . Purpose—To express the Sense of the Senate regarding U.S. policy in Eastern and Central Europe.
>
> It is the sense of the Senate that, the assumptions underlying the levels of spending set forth in this resolution regarding the national defense (050) and international affairs (150) budget categories include an assumption that the United States will oppose through appropriate means attempts by the Russian Federation to intimidate, use military force or engage in economic coercion to establish a sphere of influence over the former republics of the Soviet Union, the Baltics, or Central and Eastern European nations, consistent with provisions contained in the Freedom Support Act and the Foreign Assistance Appropriations Act of 1994.

Mr. MCCONNELL. Mr. President, on Tuesday, the New York Times carried a story that represents the latest example of Russian intentions in the Baltics, the New Independent States and Central and Eastern Europe. Let me read key portions of the article so my colleagues get a clear picture of just what is happening.

> More than a thousand tons of wheat seed purchased by the United States for—Armenia, where there are lines for rationed bread, are being held up by Russia which is demanding payment of a 30% export duty. Under an agreement signed by the United States and Russia two years ago, no duties are to be imposed on the import or export of relief assistance. The wheat seeds, purchased from Russia, have been in the warehouse ready to be loaded on planes since early February. Last fall, as a part of an $18 million relief package for Armenia, Congress designated $3 million for wheat seed. It was to have been used for winter wheat, but the U.S. Agency for International Development was unable to arrange the purchase before the beginning of winter planting.

Well, Mr. President, the story notes that American Embassy officials confirmed these general details but declined comment after noting that it was extremely sensitive. I also confirmed the story's accuracy and was told that a cable went out on Tuesday urging Ambassador Pickering to raise the matter at the highest levels of the Ministry of Foreign Affairs. The last word I heard on the issue was the solution was imminent.

I wonder if the solution would be imminent but for the New York Times interest. I thought the fact that we were buying wheat seed from Russia rather than the United States obviously needs to be investigated, but there is another issue which I want to pursue today, and which I address in my amendment. Unfortunately, this case of starving Armenia is not an isolated example of bureaucratic bungling. I believe this is consistent with an emerging policy in which the Russian Federation is attempting to dominate the Baltics, and former Republics of the Soviet Union and Warsaw Pact through economic coercion, political intimidation, and in some cases military intervention. Virtually every leader in Central and Eastern Europe and in Central Asia has privately and publicly expressed serious concerns about Russian neo-imperial ambitions.

In fact, the only government that does not seem alarmed by the trends is our own. Given an opportunity to explain our policy, the State Department generally explains Russian concerns. Just a few weeks ago in the Foreign Operations Subcommittee, I questioned Secretary Christopher about President Yeltsin's State of the Union address in which he asserted Russia's right to intervene throughout the region to protect Russian minorities and guarantee stability. The State of the Union speech was understandably unsettling to Russia's neighbors. Instead of responding to Russia's neoimperialist rhetoric, Secretary Christopher pointed out that Russia has legitimate interests in suppressing violence on her borders and protecting Russian minorities.

He made no mention of the rights of minorities from other republics living in Russia. He did not address their rights of sovereignty or national integrity. Secretary Christopher chose instead to argue Russia's case that their minorities were disenfranchised and should be treated—in his words—"with generosity."

Within hours, I heard from the leadership of a number of organizations with strong cultural, ethnic and political ties to the region. Everyone shared a sense of frustration and outrage with this persistent and absolute policy bias toward Russia.

This week the Russians are starving the Armenians. They suspended Ukrainian energy shipments 2 weeks ago. As Secretary of Defense Perry learned yesterday, the energy crisis has been compounded by the Russian's failure to fulfill their trilateral agreement obligations to supply Ukraine with nuclear fuel rods in return for nuclear warheads. In Georgia, Russian troops provided training and equipment to rebels engaged in war against the democratically elected government of Mr. Shevardnadze. In the Baltics, on again-off again talks for troop withdrawal have been conditioned upon Russian requirements for continued access to military installations.

I could go on and on, republic by republic, nation by nation, elaborating on Russia's pattern of intervention. But, it is not just actions that worry me. We should listen carefully to policy statements from Moscow. Let me cite just a few examples.

In an op-ed in the Financial Times on Monday, a senior policy advisor to President Yeltsin said:

> Now it seems there is a growing consensus. Most feasible regimes in Moscow would probably attempt a modality under which the CIS countries would remain independent politically but be dominated economically (by Russia) * * * In this model, Russia would be first among equals * * * Russia will also have to continue to be a local peace keeper or peace enforcer.

Mr. Karaganov goes on to note that the only reason the nations will be offered a measure of political independence is so local leadership can be blamed for any problems.

I have already drawn attention to the veiled threats in President Yeltsin's State of the Union—views which are consistent with dozens of other comments he and his advisors have made on Russia's emerging role. In December, Yeltsin told a news agency "Russia considers itself a great power and a successor to the Soviet Union in all its might." Foreign Minister Kozyrev has clarified Russia's right to assert this might in what he calls the near abroad. In an interview, he noted:

> Russia would strive to create effective peacekeeping forces as a means of dealing with regional conflicts in the former Soviet Union * * * such forces in the near abroad would prevent the danger of losing geo-

political positions that took centuries to conquer.

What is surprising is these are the views of the so-called moderates in the Russian Government. Hardliners associated with the Defense Ministry take the policy one step further. Not only has there been an emerging pattern of economic and political domination in the new republics, but Russia's extended reach has effectively subverted United States policy and security interests in the Baltics and former Warsaw Pact nations.

In obvious response to Russian concerns, the United States recently rejected requests from European nations to expand NATO. Declaring a reluctance to draw new lines in Europe, the administration offered an ambiguous alternative framework paper called the Partnership for Peace. The reluctance to draw lines, in truth, was a reluctance to make hard choices. The proposal in essence yielded Russia veto authority over United States-European policy. Russian opposition to NATO's expansion had been repeatedly spelled out, including by President Yeltsin in his State of the Union address. He said:

> Russia is against widening of NATO by admitting more countries of the European continent without Russia. This is the path toward new threats for Europe and the world.

Sadly, the partnership seems more press opportunity than tough policy or practices. I was not surprised to learn this morning that the Polish Defense Minister is having a difficult time nailing down precise American expectations and the exact benefits of participating in the partnership. Although he was appropriately diplomatic, it seemed to me he was being waylaid by procedural matters such as how to present information to NATO rather than being advised of the concrete steps Poland should take to expand cooperation.

Mr. President, the ambiguities of the partnership reflect our overbearing regard for Russian sensitivities. While I do not accept Russia's policies and plans for the new Republics, the Baltics and the former Warsaw Pact nations, at least I can understand their ambition to reestablish their sphere of economic, military and political influence. What I cannot understand is why the administration has not clarified American opposition to this creeping imperialism. There is a profound imbalance in our approach at the expense of the independence and territorial integrity of dozens of nations.

This bias presents an obvious question—why should we care? What difference does it make if Russia's attempts to dominate the region? The answer is simple. After decades of communism and occupation, after centuries of subjugation, not one of these nations will willingly give up their hard won independence without a fight. Prospects of aggression and the resurgence of imperialism will only bear a painful price, as we have seen in Bosnia. We now have early warnings of crisis in Crimea and may still see Georgia reignite. It is in our political and economic interests to help these struggling democracies navigate a course of free markets and political liberty, not fall victim to explosive ethnic conflicts or regional civil wars.

Mr. President, I would like to turn just for a moment to a remarkable statement made by my friend from Maryland, Senator MIKULSKI. In what can only be described as a fiery statement of support for the first bill authorizing foreign assistance to former Warsaw Pact nations, her emotional reaction to Hungarians taking to the streets, in her words "to sing their beloved national anthem and pluck the red star from their flag," 30 years after Soviet tanks rolled through the streets of Budapest.

As she spoke of her Polish heritage, my colleague from Maryland cautioned us all. Let me quote further from her speech:

> We must remember history. These countries (of Eastern Europe) have been buffeted on the east and west by Russia and Germany. At the end of World War II along came two agreements called Potsdam and Yalta, which led to the demise of countries which are now called captive nations. Hungary, Poland, Latvia, Estonia, Lithuania, Ukraine, to name just a few. Through Potsdam and Yalta, night fell on Eastern Europe and the Iron Curtain was drawn shut. It meant the end of democracy. It meant the end of the free market system. The communist leaders tried to squelch the religious fervor of the people, but the people refused to yield, and now 40 years later they have been able to seize the opportunity to move toward democracy. We need to be there to help them during this transitional period, to essentially provide phase two of the Marshall Plan.

Mr. President, I think Senator MIKULSKI was right in 1989 and she is right now. We now have an opportunity to take one more step along the road to democracy and stability in Europe. We can choose more balance in our foreign policy now—or we can pay a very high price later. This amendment simply states the United States will use all appropriate means to oppose Russian efforts to dominate the Baltic States, the former members of the Warsaw Pact or the new Republics through economic coercion, intimidation or use of force. It obviously does not rule out any cooperative arrangements a nation may voluntarily enter into with Russia—and, it certainly does not rule out United States cooperation with Russia. But it makes clear that our terms of cooperation depend upon Russian respect for their neighbors' independence and territorial integrity. This amendment sends a clear signal that the Senate supports balance, not bias, as we secure and advance the vital interests of the United States.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the amendment be agreed to and I ask unanimous consent that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, the unanimous-consent request of the Senator from New Mexico is agreed to.

So the amendment (No. 1586) was agreed to.

Mr. DOMENICI. I appreciate the indulgence of the Senator from Virginia in permitting me to do that.

The PRESIDING OFFICER. The Senator from Virginia.

### AMENDMENT NO. 1584

Mr. SPECTER. Mr. President, my amendment is pending.

The PRESIDING OFFICER. The amendment of the Senator from Pennsylvania was set aside for the purpose of offering the amendment by the Senator from New Mexico. We are now on the amendment of the Senator from Pennsylvania.

Who yields time?

Mr. SASSER. Mr. President, may I inquire, did the Senator from Pennsylvania ask for the yeas and nays on his amendment?

Mr. SPECTER. I have not.

Mr. SASSER. I hope the Senator will not. We have examined the Senator's amendment and find it meritorious. I would be willing to accept it for our side.

Mr. President, the Senator's amendment is acceptable to both sides of the aisle. Has all time been yielded back?

Mr. SPECTER. I am prepared to yield back the time. I thank my colleagues from Tennessee and New Mexico.

I just had a brief discussion with my colleague, the manager for the majority. I asked him if he would fight hard at conference, and he said he certainly would. So I will assume for purposes of the record it would be unanimous if we took it to a rollcall vote.

There are going to be a great many votes stacked. In the interests of concluding at some decent interval, perhaps before 3 a.m. tomorrow morning, as last night, I am pleased to handle this on a voice vote.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1584) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBB. Mr. President, I ask unanimous consent any pending amendments be laid aside.

Mr. SASSER. Will the Senator yield for just a moment?

Mr. ROBB. The Senator will yield.

Mr. SASSER. The Senator has been extremely patient here this evening and we appreciate his patience.

The Senator from Nebraska had a courthouse amendment that he was offering a moment ago, which the Senator from Arizona is in opposition to. I am advised the Senator from Arizona can speak for 5 minutes on this particular amendment, and that then we can dispose of it without a rollcall vote.

I thank our friend from Virginia.

Mr. DECONCINI. I would ask how long does the Senator from Virginia intends to take? He has been very patient here—

Mr. ROBB. Mr. President, I would tell the Senator from Arizona I am going to be making a motion. A couple of Senators are going to speak on it, but I am quite willing to yield an additional 5 minutes. I just do not want to lose my place in line too many times.

Mr. SASSER. I can assure the Senator he will not. The reason I suggest the Senator from Arizona go ahead is because I know the Senator from Virginia will require some extensive debate on his amendment.

Mr. DECONCINI. I thank the distinguished chairman and the Senator from Virginia. I understand how it is, time and time again to be put off. It is only because of these circumstances.

The PRESIDING OFFICER. The Senator from Arizona is recognized to speak on the amendment offered by the Senator from Nebraska.

Mr. DECONCINI. I thank the Chair.

AMENDMENT NO. 1583

The PRESIDING OFFICER. Without objection, the pending business will be amendment 1583.

Mr. DECONCINI. Mr. President, I want to take a few minutes to discuss the amendment offered by the junior Senator from Nebraska [Mr. KERRY], which would place a moratorium on courthouse construction during fiscal year 1995.

The Senator's resolution states that the President's fiscal year 1995 budget includes funding for 11 courthouses which eventually will cost $1 billion. The resolution further states that priority funding should be given to programs for children and families like Head Start and grants for maternal and infant care. We all support those laudatory goals. As a matter of fact, amendments have been offered here on this budget resolution which would provide additional funds in fiscal year 1995 to Head Start, the Byrne Grant Program, and the Women, Infant, and Children's Nutrition programs.

When you pit children and maternal health against the construction of Federal courthouses, it makes for a difficult argument. Placing a moratorium on Federal courthouse construction sounds politically correct.

But, there are some very real consequences. We went through a moratorium for Federal building construction last year during GSA's time out and review. Projects were put in suspension while the General Services Administration carefully scrutinized the costs and need of every project, funded or planned. From this review, GSA recommended savings of $127.7 million, the amount rescinded by the Congress for specific projects in the Emergency Supplemental Appropriations Act, Public Law 103-211, under the rescission title of the Act. GSA proposed the elimination of only two projects as a result of its review, but savings from many due to reduced scope and value engineering. The projects where funding has been requested in 1995 were recommended to proceed by GSA.

I am not sure that most Members of this body realize that there is a significant U.S. courthouse construction program underway in this country. This includes projects in pre-design planning, under design, and under construction. These projects have gone through an extensive planning process which has addressed the program need of each project and an indepth review of costs.

There is a significant demand for new and expanded courthouses in this country. The demand for courthouse projects are driven by primarily four factors:

First, the caseload of the courts continue to expand rapidly. More case load drives the need for additional space;

Second, the creation of new Federal judgeships and the satisfaction of initial space needs for judgeships previously created is also a major contributor to the need for new space;

Third, the U.S. courts and GSA have worked together to identify projected court needs for 10, 20, and 30 years into the future. If we are to plan and budget for the 10-year needs of the courts, rather than reacting on a crisis-by-crisis basis, space must be provided for short-term expansion needs; and

Fourth, many older courthouses are simply not adequate to meet the current program needs to the U.S. courts. These older courthouses were designed and constructed for a court system which has changed significantly over the years; not the least of which is major changes in technology by which the massive amounts of paper associated with the legal process is created and managed.

I think the Senator from Nebraska would agree that where the courts are concerned, the Congress is partially responsible for affecting the workload requirements. We are constantly adding more judges and Federalizing more crimes. Studies have been conducted which demonstrate that prisoners have too far to travel and this creates a security risk; jurors have to commute long distances as well. This dramatically impacts the requirements of the courts.

We can look back at the Vice-President's National Performance Review on this subject. It included a recommendation that there be a moratorium placed on GSA acquisition of Federal office space with an estimated savings of $2 billion. It makes sense that if we are going to downsize the Federal workforce as proposed by the President, the need for increased Federal office space may not be justified. However, the downsizing does not apply to the Federal judiciary.

GSA has reduced the costs of the courthouses which will be constructed in fiscal year 1995, from design and scope changes. They have recommended savings totaling $130 million, so far. I am sure there will be additional savings when all is said and done. I think the longer we hold out, the more it will cost in the long run and this will continue to exacerbate the space problems of the Federal judiciary.

I oppose this sense of the Senate resolution. I think it is well intended, and I have great admiration for the Senator from Nebraska and support his objectives. But, I have to say that this sense of the Senate resolution will not end up putting more money in the programs he is interested in. Instead, it will have the effect of harming the Federal judiciary's ability to conduct its work.

So, Mr. President, I have to oppose this amendment. In the spirit of trying to get through tonight I am prepared to let the managers accept the amendment under some real strong reservations. Having talked to the ranking member on the other side of the aisle here, given his knowledge, and having served on the appropriations subcommittee for a long period of time, I will not insist on a vote.

I understand the Senator from Nebraska is prepared to vitiate the yeas and nays.

The PRESIDING OFFICER. Who yields time?

Mr. DECONCINI. Does my colleague want to vitiate the yeas and nays and accept this amendment?

Mr. DOMENICI. Yes.

The PRESIDING OFFICER. If no one yields time, time will be charged equally against both sides.

Mr. SASSER. I see the distinguished Senator from Maine, a cosponsor of the courthouse amendment, is on the floor. It is my understanding he wishes to vitiate the yeas and nays.

The PRESIDING OFFICER. Who yields time? The Senator from Maine.

Mr. COHEN. Mr. President, my understanding is the amendment is going to be accepted by the managers of the bill.

Mr. DOMENICI. That is correct.

Mr. COHEN. In that case, on behalf of Senator KERREY and myself, I ask the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The yeas and nays were vitiated.

The PRESIDING OFFICER. Who yields time? Is all time yielded back?

Mr. SASSER. All time has been. I yield back any time I might have in opposition to this amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1583) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, all good things come to those who wait. The Senator from Virginia has been waiting patiently. According to the unanimous consent, he is next in line.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Senator from Virginia is recognized for purposes of offering an amendment.

### MOTION TO RECOMMIT

Mr. ROBB. Mr. President, as a former member of the Budget Committee, I have a pretty good idea of how difficult their task is. That committee defines the entire mass of the Federal budget and tries to make it fit not only the constraints of the Omnibus Budget Reconciliation Act, but current national priorities as well.

They have accomplished that feat again this year and have, in the main, in my judgment succeeded.

But I am about to make a motion to give the committee a chance to fix a fixable flaw in that resolution. It is a broadly based cut in the discretionary budget which is well-intentioned but, in my judgment, creates more problems than it solves.

This motion to recommit follows the President's explicit admonition in his State of the Union Address this year that the Nation simply cannot accept further cuts in defense. He drew a line, a line that many of us from both parties believe was absolutely necessary.

My motion would instruct the committee to do two things: First, it would instruct the committee to detail how the spending reductions would be accomplished, spelled out function by function.

Second, it would ensure that adjustments, such as the $26 billion cut adopted in committee, would not come from the already beleaguered national defense.

I concur that further reduction of the Federal deficit is necessary. I do not think anyone here disagrees with that. But we have to remember that the way to responsible deficit reduction is to make Government more efficient at those tasks which it must perform and stop doing those tasks which we cannot afford.

A laudable pursuit of deficit reduction should not be allowed to hinder the execution of constitutionally mandated responsibilities of Government. Because the extra cut adopted by the Budget Committee was put into Function 920, essentially a slush fund, I am very much concerned that unintentionally the effect will be to seriously crimp our national defense.

Mr. President, the administration's budget last year, and again this year, makes tremendous strides toward achieving deficit reduction. I commend the President for his focus. And the Budget Committee, in a praiseworthy move toward additional deficit reduction, voted to cut $26.1 billion more in outlays from the administration's submission. Unfortunately, the effect of those cuts was not distributed equally over all functions of Government.

The explosive growth in the budget is not in discretionary accounts but mandatory spending programs. As I have mentioned any number of times on the floor of the Senate, mandatory spending programs are the engine pulling the Federal Government inexorably toward the abyss.

The President and the Congress have been unable to adequately control mandatory spending growth over the last decade. The result is a balance sheet that is still getting redder by the minute. The Budget Committee addressed that imbalance. The additional cut adopted in committee reduced discretionary spending to decrease Federal deficits. I certainly applaud that goal and it need not be abandoned, but I understand that a number of members of the committee have reconsidered their support for that cut and would like a chance to revisit that decision. I hope, with this motion, to give them that opportunity.

Mr. President, providing for national security for the common defense is the principal duty of the Federal Government. It is required by the Constitution and is a uniquely Federal task. Current and future years' defense plan and the President's budget submission are based on a new and comprehensive analysis of the missions facing America's military and represent the minimum forces needed to carry out those missions.

As tens of thousands of separated military personnel can tell you, the Department of Defense has already instituted massive reductions in the number of uniformed and civilian defense personnel which the economy simply has yet to absorb. These cuts have been deep and they have been rapid.

Further, the Department of Defense has instituted substantial cuts in procurement of defense items with a strong impact on the private sector. That effect is felt particularly keenly in those areas of the country which are most affected by the public sector DOD drawdown.

I note that further reductions in both forces and procurements are already planned. On top of those cuts, many local economies still have not coped with the 1991 and 1993 base closure rounds. Of course, a further base closure list will be out by this time next year.

All of these cuts combine with a very active tempo of operations around the world, and continuing threats to American interests mean that national defense has been stretched as far as it can. When budget cuts come along, defense has been the first to feel those cuts. I and many of our colleagues believe that we have already cut defense as much as we can responsibly.

So it is particularly upsetting to me that the cut in the budget resolution ignored the real problem of uncontrolled growth in entitlements. The motion I send to the desk would recommit this resolution to the Budget Committee with the instruction that its members look again at how the budget can work without taking further from our endangered national defense.

Government has taken on many roles, Mr. President. Some are essential, others are not. None is sacrosanct. But I submit that to rule most of the budget out of bounds and then take again from the one function that is exclusively and constitutionally Federal would be an error. I am confident that when the committee members reexamine the budget with this focus, they will reach a speedy and appropriate conclusion.

Therewith, Mr. President, I send a motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. ROBB] moves to recommit Senate Concurrent Resolution 63 to the Committee on the Budget with instructions to report to the Senate, within 3 days (not counting any day the Senate is not in session), a revised concurrent resolution on the budget for the fiscal years 1995, 1996, 1997, 1998, and 1999 which specifies by function any reductions in budget authority and outlays necessitated by a lowering of the discretionary spending limits contained in section 601 of the Congressional Budget Act of 1974, provided that no such reduction come from the National Defense Function (050) or the Allowances Function (920).

The PRESIDING OFFICER (Mr. FEINGOLD). Who yields time?

Mr. ROBB. Mr. President, I yield myself such time as I may use—not more than a minute or two. There are two or three other Senators who do wish to speak to this motion. I would alert Senators that it is my intention to yield back any time as soon as the Senators who have already notified me of a desire to speak on the motion have had an opportunity to do so.

I hope that with this indication, the Senators who are not on the floor who wish to speak to the motion would proceed to the floor at this time.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Tennessee controls 30 minutes in opposition. The Senator from Virginia controls 23 minutes 9 seconds in support of the motion. If no one yields time, time will be charged equally against both sides. Time will be charged.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine, the majority leader.

Mr. MITCHELL. Mr. President, I ask that the manager yield me such time as I may use in opposition to the motion.

Mr. SASSER. I will be pleased to yield such time as the distinguished majority leader might use.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, there is no Member of the Senate for whom I have greater respect and affection than my friend and colleague from Virginia. It is with some considerable regret that I rise in opposition to the motion, but, as I previously indicated to him, I am constrained to do so. The distinguished managers of the bill will address some of the aspects of this motion which I believe should cause Senators to oppose it. I will limit myself to just one.

The Budget Committee spent several days in preparing for their markup and then in markup. As they debated this resolution, my understanding is that 11 amendments were offered to cut spending; 10 of them were specific, one was general and did not identify specific cuts. The 10 which were specific failed, and the only one which passed was the one which did not identify any specific cuts.

The motion of the Senator from Virginia would have us send this whole resolution back to the Budget Committee and tell them that they have to specify the $26 billion in cuts, except that it cannot come out of defense. There is not the slightest bit of evidence that the committee could do this in 1 day or 2 or 3 or 4 and all of the evidence is directed toward the contrary.

As much as we might wish something would happen, wishing will not make it so, and, in this case, I think all that is going to happen is that we are going to be here all of next week. I have already made clear that the Senate will not go on recess until we pass a budget resolution. I have stated that over and over again, and I want there to be no misunderstanding in that regard: There will not be a Senate recess unless we pass a budget resolution. And to just take this resolution now, having come almost to the end, and send it back to the committee with an instruction that all of the evidence indicates cannot be and will not be complied with simply is to say we are going to be at a stalemate.

I do not happen to agree with the substance of the motion which says be specific but do not cut anything out of defense. There is some reason to believe that would not be effective in preventing cuts in defense. That will be discussed by the managers. But I simply want to say, just so there can be absolutely no misunderstanding on anyone's part, that if this resolution is sent back to the committee, then the Senate is simply going to stay in session until such time as we pass this, and that means certainly next week.

If that is the choice that Senators make, I am perfectly prepared to accommodate that choice. But no one should be under any illusion in that regard. That is what is going to happen; we will be in session Monday. And if we are in session next week waiting for the Budget Committee to act, we are going to have votes.

So that Senators ought not to be under the impression, well, they just will not have to be here. They are going to have to be here. They are going to have to be voting in what I think is a fruitless pursuit for a perfect resolution. There is no perfect resolution, never has been and never will be.

I can understand the wishes of my colleague with respect to protecting defense spending from any cuts. Many Senators disagree with that on the merits. I do not know why it is necessary to say that we have to cut the budget but the one thing we cannot cut is defense spending; we have to cut everything else. That is one thing on which reasonable people can disagree, and the managers will talk about that. But I just want there to be no misunderstanding of the practical effect of this motion to recommit. I urge my colleagues to defeat the motion.

I thank my colleague.

Mr. SASSER. I thank the majority leader.

Mr. President, as I read the language here that is being offered in this motion to recommit by the Senator from Virginia, it is almost identical in its effect to the alleged walls protection that was contained in the amendment offered by the Senator from Mississippi [Mr. LOTT], yesterday. Now, the Robb motion says the following, that defense shall be excluded "from any reductions in budget authority and outlays necessitated by the lowering of the discretionary spending limits."

Now, that clearly says that protection is provided only within the increment of any cap lowering. The entire remainder of the discretionary pot, including all the defense spending, would still be subject to cuts. In other words, the protection proposed here would not really have the effect that I think our friend from Virginia wishes and would be entirely an illusion. It would not protect defense at all.

Now, there is certainly no point in the committee reconvening to establish a protection that does not, in effect, do anything to protect the defense discretionary spending.

If I could have the attention of my distinguished friend from New Mexico, he and I yesterday were discussing the amendment offered by the Senator from Mississippi [Mr. LOTT], and I wish to ask my friend from New Mexico—without commenting on his position on the Robb motion, because I know my friend from New Mexico is an ardent protector of defense spending and worked hard in the Budget Committee to reimpose the walls between defense spending and domestic discretionary spending, and as a matter of fact took some steps in the Chamber here this afternoon in an effort to restore discretionary spending so that defense spending might be safeguarded—does the Senator agree with the analysis that I have just offered of the technical effect of the Robb amendment or Robb motion to recommit?

Mr. DOMENICI. Mr. President, I think the Senator ought to tell me what the interpretation is again, if the Senator would, please.

Mr. SASSER. I would be pleased to do so. What we have here, I say to my friend from New Mexico, is an amendment almost identical—in fact, I would say identical—in its effect to the one offered by the Senator from Mississippi [Mr. LOTT]. What it does is simply safeguard that amount of the cut that was proposed in the Grassley-Exon amendment, and the remainder of all of the discretionary funds are then fungible and in one single pool.

So even if you safeguard the Grassley-Exon cut from being subjected to that being used to cut defense spending, still you can come back and take the remainder of the funds for defense out of the discretionary pool. It is my interpretation it is identical to the Lott amendment that we dealt with, I think, yesterday.

Mr. DOMENICI. I have a little more difficulty with this one. I am not prepared at this time, Mr. President, to say that the result is the same as I interpreted the efforts on the part of Senator LOTT yesterday afternoon, where he inserted the language nondefense discretionary. I am not sure this is the same. Before I answer that, I would like to study it a little more, and I will be glad to do that in just a moment.

Mr. SASSER. I thank my friend from New Mexico. But as I read this amendment, as we have analyzed it here on our side in some great detail, analyzed by counsel of the majority staff of the Budget Committee, and has been analyzed by other budget experts here, it is our interpretation that this does not, indeed, safeguard the defense discretionary spending as our friend from Virginia seeks to do.

Since it does not do that, it is our sense of the amendment that the only effect will be to extend the entire budget process and move it on into next week. Frankly, I say to my friend from Virginia, I think there is absolutely no chance that this Budget Committee could sit down and come up with specific cuts in domestic discretionary spending totaling $26 billion in outlays and $43 billion in budget authority.

As the distinguished majority leader pointed out, there were 10 amendments offered in the Budget Committee dealing with specific reductions. All 10 of these failed. The only amendment that really carried was the one that was classically nonspecific in nature, and that was a nonspecific cut across the board.

So I think we are really spinning our wheels here. I know my friend from Virginia is well motivated. I applaud his motivation.

Mr. DOMENICI. Mr. President, will the Senator from Tennessee yield to me?

Mr. SASSER. Certainly.

Mr. DOMENICI. I have now reread it and reread it. My interpretation would be that absent actual walls, the effect of the amendment would be the same from my standpoint. The Senator asked for my opinion. The Senator from New Mexico would think the effect is the same. As the amendment by Senator LOTT yesterday, which attempted to protect defense spending from any of the cuts that the Exon amendment would have imposed, I think the effect is the same here. Without permanent walls, I do not think you can protect it from the appropriations process doing what it thinks in allocating the remainder of the money.

Mr. SASSER. I thank the Senator from New Mexico for his opinion, which is highly respected by both the chairman of the Budget Committee and all members of our committee. It is well known that the distinguished ranking member is one of the most learned, if not the most learned, Member of this body with regard to the budget process and how it works. He has probably more experience at it than any Member, with the possible exception of Senator HOLLINGS and perhaps Senator JOHNSTON.

So his opinions in these matters carry great weight with me, particularly when you weigh in the balance that the Senator from New Mexico, as I said earlier, is known as a very strong proponent of defense spending and has been a very effective and skilled protector of the defense side of the budget and has been very effective in reducing the amount of cuts that would have come to it.

Mr. President, I see that the distinguished Senator from Nebraska is on his feet.

Mr. EXON. Could I have 5 minutes?

Mr. SASSER. Yes. I yield 5 minutes to my friend from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank the Chair. I thank my friend and colleague, the chairman of the Budget Committee.

I simply ask my likewise good friend and colleague from the Commonwealth of Virginia to think further on the motion that he has offered to recommit the bill to the Budget Committee. If the bill is recommitted to the Budget Committee, I would simply say that I would think that the bill that we would come back with probably would raise the budget deficit, which I believe the Senator from Virginia would not like to see.

I would like to try to establish once again the myth, as I see it, of the scare tactics that have been rampant in this body from the very highly placed people in this body that have spread these scare tactics with regard to the defense cuts beyond all reasonable proportions.

In a meeting that I attended with a group of Members of the Senate, I referred to these scare tactics as best I could explain them. And with regard to the very humorous 1-minute skit that was provided by the President and the First Lady to the Gridiron show last week with regard to the scare tactics that they claim the insurance industry were using, they ended up their commentary with the statement, "There has got to be a better way." Then on the screen it showed a picture that said, "Paid for by the Committee to Scare Your Pants Off."

I am afraid that there are some Members of this body who, like myself, believe we should not cut the defense budget further. But it has been blown all out of proportion.

Let me explain it in this fashion, if I might. The Exon-Grassley proposal that has been attacked and flaunted by highly placed Members of the U.S. Senate do not seem to quite understand the minuscule, at best, effect if the Appropriations Committee decides that all or a portion of this should come out of the defense budget. How much would that be? In the first place, if the Appropriations Committee acts in an irresponsible fashion and takes all or an extra-important part of this out of the defense budget, then we would have a right to reverse that on the floor. It is not easy to reverse the Appropriations Committee. It has not been done very often. But we might.

I simply say that I do not think it should come out of defense. But if the Appropriations Committee in its ultimate wisdom should decide an across-the-board cut of our discretionary spending—defense is about half—if they would take half of the Exon-Grassley proposal out of defense, that would be a total, over a 5-year period, of about $13 billion or $14 billion.

I would like to see that. But if that should come to pass, we would only be asking defense to cut $13 billion or $14 billion in the next 5 years out of what figure—would you believe $1 trillion or $1.3 trillion or $1.4 trillion? I do not believe it is going to be ruinous if it is necessary to cut it out of defense to think that defense could not reasonably, by the cancellation of one or two programs that do not receive a high priority, to force them to cut out $13 billion or $14 billion out $1.5 trillion budget.

I simply say that I think the time has ended to quit scaring the pants off the people with regard to national defense. No one more than I in this body has stood longer and harder and worked in that well time after time after time on defense. I, frankly, am a little bit offended that some of my colleagues on the Armed Services Committee cannot understand and appreciate the fact that Jim EXON has stood with them on many occasions not to cut defense.

The important thing is to remember that it is time that we make further cuts in expenditures. I hope that the military will not have to take any more. But if they do, I suggest that in all sincerity they could fully take the cuts that I have just outlined.

I, therefore, say I think it is very bad policy to recommit this bill. I think it will not be recommitted. I think it would be a study in discretion if the Senator from Virginia on second thought withdrew his motion.

I thank the Chair. I yield the floor. My time has expired.

Mr. DOMENICI. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to say to Senator ROBB that I am as worried as he is about defense. I will give you my assessment. If this resolution as it is currently on the Senate floor comes out of conference the same way—I am not sure that is going to happen; but make sure everybody understands what I am saying with reference to the assumption—at least $25 billion in budget authority will be taken out of defense. That is very simple arithmetic. The Exon amendment cuts $43 billion in budget authority. Everybody is talking about $20 billion, $26 billion. That is outlays. But the programs are ultimately cut when you take away authority. It is $43 billion. I am roughly saying 60 percent is going to come out of defense. I just did the arithmetic. That is $25 billion.

If somebody wants to say it does not matter, that $25 billion more is not going to harm defense, that is fine. If somebody says I am scaring the pants off somebody, I am merely saying if we are lucky it will be $25 billion. The reason I am saying if defense is lucky is because we have to remember that the very same amendment cuts close to a similar amount out of all the nondefense programs. What is going to happen in the battle? Are we going to take all of this out of WIC and food stamps and education and all those programs? Is that what the Congress is going to do? I would not think so. So if you are successful, and if it forces some change in this, my hat is off to you. I think we have tried, and I think we have failed thus far.

Perhaps in conference, some light will be shed on it, some real numbers will be looked at. I compliment the Senator for his efforts. I think he is honestly, and in a very forthright way, trying to say we ought to do something different about defense, and he is searching for a way, and I commend him on that.

I yield the floor.

Mr. EXON. May I have 15 seconds?

Mr. SASSER. Mr. President, I yield 15 more seconds to the Senator from Nebraska.

Mr. EXON. I remind my friend from New Mexico that if the circumstances are as dire as he just predicted, why did he vote for this in the Budget Committee?

Mr. DOMENICI. I have explained that to the Senate about three times. I will not do it again tonight. I said I made a mistake, and I tried to find a way to fix it. I offered it to the Senate, and the Senate turned it down.

The PRESIDING OFFICER. Who yields time?

Mr. ROBB. Let me respond briefly, and then I will yield to my colleague from Mississippi.

First of all, let me say I am certainly not accusing anybody of bad faith. Certainly, my friend and colleague from Nebraska has indeed been a strong defender of defense and defense programs and a credible deterrence in our national defense.

I think the debate that just ensued, or the dialog, in effect, that occurred between the Senator from Nebraska and the Senator from New Mexico illustrates the concern that I have about the prospect for defense if the Exon-Grassley amendment, without any allocation of function, is acted upon in its current form. I want to give the committee an opportunity to think through that question again. And, indeed, the distinguished ranking member of the committee said that he, as I noted, and others, would like to take a second look at that particular question.

Let me say, however, that there was one comment with respect to the defense question and who is taking the hits and who is not. If you look at these charts which have been used by others and are familiar to Members, look at the summit baseline that we started with in 1990. These are not adjusted amounts. This one is in constant 1990 dollars. You have something in excess of $300 billion. The 1990 summit agreement took that down to the point where we are about $240 billion, and in constant dollars the Bottom-Up Review takes that down to about $200 billion. About one-third of the Defense budget in constant dollars has been eroded.

To present it in a way that may be easier to understand, if you look at actual spending in the periods—and admittedly you are combining a little bit of apples and oranges—but the foreign portion of the budget has no real effect on the Defense foreign budget depicted here. It is the one group that has been cut almost $200 billion, while every other segment of spending has increased.

Let me make a couple of points with respect to the motion itself. First of all, there are no restrictions in the motion to recommit with respect to instructions that would prevent the Budget Committee from establishing walls, if it choose to do so. Indeed, as a proponent of walls, I would be very pleased to have the Budget Committee establish such walls so both the Senator from Nebraska and I would be reassured that this very significant amount of money would not be taken out of defense spending.

Let me also say to my friend and colleague from Tennessee, in addition to no restriction on adding walls, it is not limited to discretionary spending. There may have been an assumption that it is limited to discretionary spending, but the clear language of the motion to recommit places no such restriction on the members of the Budget Committee. And given the amount of debate that has taken place, it may well be that the committee would want to turn to the mandatory spending, which I made reference to in my earlier remarks.

Third, there is no requirement that the budget deficit be raised. If the committee, in its wisdom, in reconsidering this particular matter, decides that it makes sense, it would be within their power to make whatever appropriate reductions in the amendment that was actually placed on the bill, or on the budget resolution when it was passed. I think the vote was 13 to 8. I understand there is some reconsideration that has been taking place and a desire to do that.

Finally, although I am certainly aware of the fact that many, for different reasons, may not support this particular motion to recommit with instructions, I think it does send a very clear message, not only to the conferees on the budget resolution, but hopefully for those who would be involved in the appropriations process, that we are very much concerned about the degree of cutting that has taken place in the defense side of the budget and believe that additional spending cuts ought to be taken out. In my own case, I favor additional cuts in the mandatory programs. I know the reasons that that particular approach is not favored by many Members of this body. But there are a number of options, none of which are precluded by this particular resolution.

With that, I know the distinguished Senator from Mississippi would like to speak to this particular matter. It would be his intent and mine to offer additional amendments at an appropriate time to take care of one or the other matters addressed by the majority leader.

I yield such time as he may require to Senator LOTT.

Mr. LOTT. Mr. President, I thank the Senator from Virginia for yielding me this time. I commend him for the effort he is making here this afternoon, certainly, with his background in the military and participation as a Governor in dealing with budgets. He is a former member of the Budget Committee, and he is a member of the Armed Services Committee. He is very much interested in and concerned about what we do with the defense of our country. I know he is concerned about the cuts that have been made and how some of those cuts have been made.

I also know that he said he knows we can make some changes in the military, and we are trying to do that. We are trying to have better, lighter, more mobile forces, and we are making changes and making do with less. But there is a limit as to how far that can go. If the budget resolution we have before us is not changed, Defense will suffer an additional 9.6-percent reduction. That is in addition to the reductions it has already taken.

I have heard it said here on the floor in the last couple of days in other debates that the Soviet Union no longer exists. It imploded. It is over, hallelujah. Utopia is on us. It is not. We still have a situation in Russia that is not as stable as we would like for it to be. They still have their missiles. They are still there. Very few, if any, have been dismantled. They are still aimed at us, and a dangerous situation still exists in the world.

One of the points I want to make is that defense has already paid over the past 3 years. We should not have an additional deep cut. I think most Members would be willing for defense to take some of the cuts and part of its share, but not another 9.6-percent cut, in addition to what we have already had.

We have not had many cuts in the discretionary spending. The argument has been made that we have cut it so much; what it is really is that we have cut it below what it would have been under inflated baselines. Domestic discretionary spending has still gone up every year. It was part of the budget agreement in 1990. I think it was 7 to 9 percent, or something like that; it continues to go up every year. We can do more in domestic discretionary spending.

I agree with the Senator about needing to do something in the entitlements area. That is what I was trying to accomplish yesterday—maybe not in a budgetary-perfect sense, but that was my goal. My amendment would have said, look, we would take the very fine handiwork of the Senator from New Mexico, the entitlement reductions of $20 billion, and put that on top of the domestic discretionary spending cuts that were included in the budget resolution by the Budget Committee.

I tried to make an effort to say that it would apply only to nondefense discretionary. It was argued here we know what you want to do. We understand. We can appreciate that. But you do not accomplish it.

I was attracted to Senator ROBB's approach here because I thought maybe it would come nearer to or would, in fact, accomplish the goal that I had in mind.

I want to emphasize now there was a fundamental difference in what I was trying to do yesterday and what Senator ROBB is trying to do today.

This amendment does not affect the entitlement programs at all. The only thing this would do is say that defense is not going to be a part of the $26 billion discretionary spending cuts. It attempts to exempt defense spending.

So the motion of Senator ROBB will direct the Budget Committee to correct this resolution and stipulate the Grassley-Exon cuts must not reduce defense.

I have been in the House and the Senate a long time. I have seen many times motions to recommit with instructions. There are different degrees. There is the motion to recommit with instructions to report back forthwith.

Senator ROBB's amendment, I believe, would say report back within 3 days. Perhaps, he may specify 2 days at some later point. The argument is made but it will not really happen. The Budget Committee would not do it or they might make all the other changes.

Who is kidding whom around here? For the Budget Committee this would be pro forma. It could be done in the next 15 minutes. It could certainly be done in the morning.

This amendment if passed, as it should be, is not going to force this Senate into a session that would include Saturday or Sunday or Monday. If it passed, the action required would be taken by the staff like that, and it would be done.

In fact, most of the time if it is done forthwith, it is just words. I mean it is done automatically. It just happens.

Who are we trying to fool around here like there is going to be a great big Budget Committee meeting, have the great big powwow and have a fight with the things.

The Robb approach is understandable and logical. It could be done quickly, simply, and is not going to delay this Senate.

This has been the suggestion by the distinguished majority leader, who has a thankless job. I know it is tough, and he is trying to move this thing along and trying to get us to do what we need to do. But it happens every recess, every recess. We are told in January that we are going to be out on a specific day, and we all say, well, there it is. It is on our little calendars. We all have them. We are going to be out on a certain day. In good faith we make commitments to our constituents that we like to live up to because we do not like to be baldfaced liars. We accept the commitment. We say we are coming based on a good-faith statement that we would be out on a particular day, and most of us even build in a little leverage there. We know actually we are not going to get out when we are told we are going to get out. So we put a day in there to make sure we are covered.

Every time when we get ready to go out, we are told if you do not do this, do not do that, do not pass this or do not get this amendment, or you do not pass that amendment, we will commit it to the Budget Committee for weeks and days involving the problem, and we will be here Monday and Tuesday.

Gee whiz, my attitude on that is if that is the way it has to be, so be it. But I really would like to be able to know that when I am told something is going to happen I can count on it and I can tell my constituents and they can count on it.

I think when you talk about something this important, the defense of our country, I am ready to stay here Friday night, Saturday, Sunday, or Monday if that is what it takes.

We were not told in January that if we did not have the budget resolution passed, the buyout bill passed, and the Goals 2000 passed, all this long list of stuff, we would not have this chance to go home. That was not the way it was given to us.

So I realize what the leader is trying to do. He wants to get through tonight and finish up tomorrow. He is trying to keep his word.

I do not think that ought to affect the vote on this amendment. I know the Budget Committee is basically telling us you cannot do anything; you are stuck. I do not believe that either.

If we pass this motion to recommit, at least the Senate will express itself on this important subject. It is a very important subject.

So I commend the Senator from Virginia in what he is trying to do. I agree with him. Maybe you have to be here 2, 3, 4, or 5 terms to figure out how you can accomplish a goal that you want to accomplish when you say this is what I am doing and this is what my amendment will do. Then you are told that what you say your amendment will do, what you would like your amendment to do, but that is not what it does.

I know. Look, I have been on the Budget Committees. It is budgetese. We are hearing it in its very best here tonight.

At the appropriate moment I will offer an amendment to the amendment of the Senator from Virginia that would say the same thing, except I would add the paragraph to it that says that "The Committee on the Budget is further instructed to report to the Senate a revised concurrent resolution on the budget for fiscal years 1995, 1996, 1997, 1998, and 1999," which includes all provisions adopted by the Senate during consideration of Senate Concurrent Resolution 63.

So we have Senator ROBB's change. We would also preserve all of the other amendments or changes that have been made during the process of this debate over the past 2 days and today.

So, I congratulate the Senator for his effort, and I hope he succeeds, and I hope it accomplishes what he desires to accomplish.

Mr. SASSER. Mr. President, let me ask my friend to yield for a question.

Mr. LOTT. If the Senator wants me to yield time for a question, I believe the Senator yielded me such time as I may need.

Mr. SASSER. On the amendment the Senator intended to offer, does this also call for $23 billion in specific cuts?

Mr. LOTT. It is identical to the Robb amendment except that it says that the amendments that have already been passed during the budget deliberations including, for instance, the Mack amendment with regard to the Spending Reduction Commission, would be included in the package that is reported back.

So the answer to the question is it does exactly what the Robb amendment does except that one addition.

Mr. SASSER. Does my friend from Mississippi understand that will mean redoing the whole function totals if we went through and were trying to segregate out additional $23 billion in discretionary cuts? You would have to redo the whole resolution.

Mr. LOTT. How long would that take?

Mr. SASSER. How long would it take to agree on a majority vote on $23 billion worth of discretionary cuts? I do not know that that is even possible no matter how much time we have, I say to my friend from Mississippi. I remember when we were with the distinguished ranking member—

Mr. LOTT. Excuse my interrupting. Is $23 billion a big number? It would be almost impossible. Or $26 billion?

Mr. SASSER. I well remember when the distinguished ranking member and I were locked up at Andrews Air Force Base for weeks—I do not like to remember that—trying to come up with specific cuts and we worked and worked and worked and we never succeeded.

Mr. LOTT. If the distinguished Senator from Tennessee will yield, I know what he is talking about. I was in the so-called Gang of 17. I went through the budget negotiation in 1982. I was there in 1987. It is very tough.

You have some folks say, if you do that, I am out of here. Another guy says, if you do that, I am out of here. It is very hard. I do not deny that for a moment.

Let me ask the Senator this—and I know he is very knowledgeable on the budget rules, budget process, and the numbers —but we are talking about $26 billion in domestic discretionary spending cuts out of how much? What is the total that is allowed in this budget for domestic discretionary spending for the next fiscal year?

Mr. SASSER. Somewhere in the range of $230 or $240 billion.

Mr. LOTT. It is $240 billion, and this would require about a 10 percent reduction in that amount. I do not want to belittle that. That is a high percentage, and it would not be easy.

But, I want to emphasize it probably is $23 billion out of $240 billion which looks to me like that would be achievable. I know it would be hard.

But, as a matter of fact, the Budget Committee did vote for a cut, and the full Senate has basically not knocked it out. So it is still in there. I realize it would be a hard if you did not have defense included.

Let me say this to the Senator from Virginia. This is his effort, and I commend him for making it, and I am certainly delighted to try to help him anyway I can.

Mr. SASSER. If the Senator will yield me another 30 seconds, we are rapidly running out of time on this resolution, Mr. President. If the Senator will yield back time on the motion, we will do the same on our side.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, let me say on our side, we are quite prepared to yield back the time. We do have two amendments, one that will be offered by the Senator from Mississippi as the first-degree amendment to the motion to recommit, and a second-degree amendment that I am planning to offer. But we can collapse all of the time on those. They are very minor changes that have already been indicated.

On that basis, I am prepared to yield back all of the time for the proponents to the motion as it exists at the desk at this time.

Mr. LOTT. Has all time been yielded back, Mr. President?

Mr. ROBB. All the time has been yielded back from this side. The opponents have time.

Mr. SASSER. I yield back all our time in opposition.

The PRESIDING OFFICER. All time has been yielded back.

### AMENDMENT NO. 1587

Mr. LOTT. Mr. President, I have an amendment to the motion to recommit which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1587 to the motion to recommit.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

The Senator from Mississippi [Mr. LOTT] moves to recommit Senate Concurrent Resolution 63 to the Committee on the Budget with instructions to report to the Senate, within 3 days (not counting any day the Senate is not in session), a revised concurrent resolution on the budget for the fiscal years 1995, 1996, 1997, 1998, and 1999 which specifies by function any reductions in budget authority and outlays necessitated by a lowering of the discretionary spending limits contained in section 601 of the Congressional Budget Act of 1974, provided that no such reduction come from the National Defense Function (050) or the Allowances Function (920).

The Committee on the Budget is further instructed to report to the Senate a revised concurrent resolution on the budget for fiscal years 1995, 1996, 1997, 1998, and 1999 which includes all provisions adopted by the Senate during consideration of Senate Concurrent Resolution 63.

Mr. LOTT. Mr. President, I say, very briefly, that this amendment to the Robb motion requires the committee to report back to the Senate a resolution which contains all amendments added on the floor during the debate on the budget resolution. That is all it does, very simply, and I have no further comment I feel necessary at this time.

I am glad to yield whatever time I control under the rule.

Mr. ROBB. Is the distinguished chairman of the committee prepared to yield back any time?

Mr. SASSER. We are prepared to yield back all time in opposition.

### AMENDMENT NO. 1588 TO AMENDMENT NO. 1587

Mr. ROBB. Mr. President, in that case, I send a second degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. ROBB] proposes an amendment numbered 1588 to amendment No. 1587.

Mr. ROBB. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

MOTION TO RECOMMIT

The Senator from Virginia [Mr. ROBB] moves to recommit Senate Concurrent Resolution 63 to the Committee on the Budget with instructions to report to the Senate, forthwith, a revised concurrent resolution on the budget for the fiscal years 1995, 1996, 1997, 1998, and 1999 which specifies by function any reductions in budget authority and outlays necessitated by a lowering of the discretionary spending limits contained in section 601 of the Congressional Budget Act of 1974, provided that no such reduction come from the National Defense Function (050) or the Allowances Function (920).

The Committee on the Budget is further instructed to report to the Senate a revised concurrent resolution on the budget for fiscal years 1995, 1996, 1997, 1998, and 1999 which includes all provisions adopted by the Senate during consideration of Senate Concurrent Resolution 63.

Mr. ROBB. Mr. President, this amendment changes only the timing. It changes from 3 days to forthwith, so that if it is the determination of the chairman and the ranking member that they want to meet for a relatively brief period of time and make decisions that are within the purview of the instructions—and I have had tried to point out that they are not limited except for placing a floor under the amount that is allocated to defense which coincides with the figure that the President of the United States said was the figure below which he would not permit spending to fall—and report back immediately, which could include any of the remedies that have already been considered.

In any event, the only change is to allow the Budget Committee to meet forthwith. And if the majority leader chose to do so, the committee could report back tomorrow morning and we could complete action on this in accordance with essentially the same timetable we are working on right now.

But I would reserve my time until I know that the distinguished chairman of the committee, the Senator from Tennessee, is prepared to yield back any time. If he is prepared to yield back, I am prepared to yield back any additional time.

I have been advised that the Senator from Georgia has requested that I not yield back all of the time. He is enroute and would like to speak to the amendment briefly.

I reserve the remainder of my time, and yield to the Senator from Tennessee or the Senator from New Mexico if they would like to speak in opposition.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I have two amendments that have been agreed to. I ask unanimous consent that they be in order at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NOS. 1589 AND 1590, EN BLOC

Mr. DOMENICI. Mr. President, I submit two amendments on behalf of Senator HATCH and Senators CHAFEE, WALLOP, MURKOWSKI, and COHEN. I ask unanimous consent that they be considered en bloc; that the amendment be agreed to; and the motions to reconsider be laid on the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

### AMENDMENT NO. 1589

Mr. DOMENICI offered amendment No. 1589 for Mr. CHAFEE, for himself, Mr. WALLOP, Mr. MURKOWSKI, and Mr. COHEN.

At the appropriate place, insert:

**SEC. . SENSE OF SENATE REGARDING DIESEL FUEL DYEING REGULATIONS.**

(a) FINDINGS.—The Senate finds that changes made to the collection point of the diesel fuel excise tax made as part of the Omnibus Reconciliation Act of 1993 and the Internal Revenue Service regulations implementing such changes have caused economic hardship, created market distortions, and added burdens to users and suppliers of diesel fuel by—

(1) requiring businesses, primarily small entrepreneurs, to invest thousands of dollars in equipment, or choose between taxable and nontaxable users of diesel fuel, in order to comply with the new rules;

(2) imposing cumbersome notification requirements for marketers and distributors of diesel fuel and home heating oil; and

(3) creating shortages of fuel due to storage tank limitations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Internal Revenue Service should make every effort to ensure its regulations implementing the changes to the collection point for the diesel fuel excise tax will minimize the economic hardship, market distortions, unnecessary burdens, and supply shortages;

(2) such regulations should, to the extent possible, be consistent with Environmental Protection Agency regulations implementing the diesel desulfurization program; and,

(3) if the Internal Revenue Service lacks the authority to issue revised regulations consistent with this resolution, then Congress should consider legislation that will eliminate these hardships, distortions, burdens, and shortages.

Mr. CHAFEE. Mr. President, I am offering this sense-of-the-Senate resolution to highlight my concerns, as well as those of many of my colleagues, over changes made to the collection of the diesel fuel excise tax. These changes were included in last year's reconciliation bill.

Last year's legislation changed the collection point of the excise tax on diesel fuel from the producer or importer to the terminal rack. This change made the collection point for diesel fuel similar to the method used to collect gasoline taxes. It was generally thought that making this change would improve taxpayer compliance and assist the Internal Revenue Service with administering the tax.

In addition to moving the collection point of the tax, a dyeing scheme was enacted to differentiate taxable diesel fuel from nontaxable fuel. Finding a way to differentiate the fuels is important to enforcing the tax, because diesel fuel is used for a variety of purposes, not all of which are subject to the excise tax. For example, diesel used to fuel over the road vehicles is subject to tax, whereas diesel used as home heating fuel is not.

A distributor of diesel fuel destined for a nontaxable use, must receive dyed fuel to indicate that it is intended for a nontaxable use. This fuel may only be used for the nontaxable purpose for which it was originally sold, and under no circumstances can it be sold for a use which would not be exempt from tax.

Mr. President, I fully support efforts to increase compliance with out tax laws. But in making changes such as this, we must be cognizant of the problems we create. Let me give you a few examples of some of these problems.

Diesel fuel is used to power many boats. Most of them are commercial boats, such as fishing vessels, but it also is used for larger recreational boats. Diesel fuel sold for commercial purposes is not subject to the excise tax, but the same fuel, sold to a recreational boater, is taxable. Under this new scheme, the fuel sold to the recreational boater is clear fuel, not subject to the dyeing requirements, because tax has been paid on the fuel. Fuel sold to the commercial boater must be dyed fuel to indicate that it is exempt from the tax.

The obvious problem created by the new rules is that a marina or dock that services both commercial and recreational boaters must now have two separate storage tanks in order to service these customers. It may not be economically feasible to install a new tank, and in many instances it is physically impossible to do so. The alternative available to the marina are first to buy dyed fuel and give up its pleasure boat business, second to buy undyed, taxed fuel, pass the tax on to all of its customers and insist that the commercial users apply for refunds. In most instances, cash-flow problems associated with this second option cause undue economic hardship for the ultimate user.

My concern is that marinas will be forced to forgo its recreational business, particularly where their commercial business dominates. That could very well result in fuel shortages for recreational boaters.

The problems created by these new rules are not limited to the sale of fuel for boats. As I mentioned, the fuel used to run trucks and buses is essentially the same as the fuel used to heat your home. Therefore, the new dyeing rules apply to home heating oil distributors.

Home heating oil is exempt from the diesel fuel excise tax, therefore, the fuel sold for this purpose must be dyed under the new rules. In order to increase compliance, the Internal Revenue Service requires that the delivery ticket contain the following statement:"dyed diesel fuel, nontaxable use only, penalty for taxable use."

This statement was not required as part of the statute, but was included in the Service's regulations. These regulations were not filed until the end of November of last year, but were effective January 1, 1994. Home heating oil marketers could not have anticipated this notification requirement, as it was not included in the statute. Thus, the delivery tickets that they purchased earlier in the year did not contain this statement, and they were forced to hand stamp the notification onto the tickets in order to comply with the regulation. While this may not seem to be a monumental problem, in the middle of a very cold winter, where demand for fuel oil was quite high, it certainly created an additional burden.

Mr. President, the problems created by these new rules are not concentrated just in my State or the Northeast. I am aware of similar problems across the country. My sense of the Senate resolution simply calls on the Internal Revenue Service to ensure that the regulations minimize economic hardship, market distortions and supply shortages. I hope my colleagues will support this amendment.

### AMENDMENT NO. 1590

(Purpose: To express the sense of the Senate that no taxpayer should be required to pay more Federal taxes because of being married)

Mr. DOMENICI offered amendment No. 1590 for Mr. HATCH, for himself and Mrs. HUTCHISON.

At the end of the resolution, insert the following new section:

**SEC. . SENSE OF SENATE THAT TAXES NOT BE INCREASED BECAUSE TAXPAYERS ARE MARRIED.**

(a) FINDINGS.—The Senate finds that—

(1) successful stable marriages are an essential part of a successful stable society;

(2) the breakdown of marriages has been one of the causes of our unacceptable crime, illiteracy, school dropout, drug abuse, and illegitimacy rates;

(3) the Federal Government has a moral and ethical obligation to help promote stable marriages or at least to not undermine them financially;

(4) the Internal Revenue Code currently contains a number of provisions that financially penalize couples for becoming or remaining married (so called "marriage penalties");

(5) marriage penalties are in effect an annual Federal tax on marriage licenses;

(6) the Omnibus Budget Reconciliation Act of 1993 added new marriage penalties to the Internal Revenue Code and expanded some existing marriage penalties;

(7) marriage penalties financially discriminate against the most fundamental and important unit in our society—the family—and are especially harmful to our Nation's children; and

(8) there is no policy justification for the Federal Government to financially penalize couples simply because they choose to become or remain legally married.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that no taxpayer, regardless of age, sex, income, or number of dependents, should be required to pay more in Federal taxes under any provision of the Internal

Revenue Code because that taxpayer is legally married.

Mr. HATCH. Mr. President, on behalf of myself and the Senator from Texas [Mrs. HUTCHISON], I rise to offer an amendment to the budget resolution.

The debate in the Senate this week on the budget resolution has touched and will touch on many matters of great importance to the people of this Nation. The decisions about how this Government collects and spends tax dollars are central to the economic well-being of our country and even to the rest of the world.

In our discussions about this $1.5 trillion budget and the billions spent here or the billions spent there, we must not forget one thing, Mr. President. And that is that our Nation is comprised of individual families, which are the most basic and most important institutions of all. The strength and the future of this Nation is directly dependent on the success and stability of the American family.

I would like to bring to the Senate's attention today a provision of Federal law that is undermining our families—the tax treatment of married couples.

Mr. President, I believe that a great deal of this Nation's problems with crime, illiteracy, school dropout, drug abuse, illegitimacy, and other social ills are caused by the breakdown of so many of the families in our society. And, among the chief reasons for family breakdown are the divorce of parents or the failure of parents to get married. Perhaps most disturbing is the fact that our tax laws encourage divorce and discourage marriage.

Part of the blame for America's disintegrating families can be traced right to the Internal Revenue Code. I would like to briefly outline for the Senate how our Federal tax laws are contributing to the decline of the family by discouraging single parents from marrying and by encouraging couples of all ages and income brackets to divorce.

Moreover, Mr. President, the problem is getting far worse. Our Tax Code has long had a bias against marriage, but last year's tax bill greatly expanded the so-called marriage penalty for many couples, and in some surprising ways. Under President Clinton's deficit reduction plan, we were told that only the very richest of Americans would have to pay higher taxes. What few of us realize, however, is that the Omnibus Budget Reconciliation Act of 1993 greatly increased the penalty for being married, and not just for wealthy couples.

Here are the effects of the marriage penalty on several hypothetical Utah families, both before and after the 1993 tax changes. And, I have to say, Mr. President, that the results are shocking.

Let's look at the example of a couple I will call John and Marie. John, a divorced single father of one, earns $11,000 a year working at a fast food restaurant in Salt Lake City. He has been dating Marie for over 2 years and wants to marry her. Marie is a widow with two small children who earns $13,000 a year working in the lunchroom of an elementary school. Under the current tax law, John and Marie receive a combined refund of $4,128 filing as two single individuals. As you can see from the chart, most of the refund is because they each qualify for the earned income tax credit. If John and Marie were to marry, they would have to pay $581 on their joint tax return. This is a marriage penalty of $4,709, or almost 20 percent of their total income for the year. Financially, they would be foolish to marry!

Before the 1993 tax changes, the marriage penalty in this case would have been $4,305. In other words, the cost of marriage for John and Marie has gone up $404 since last year.

As I mentioned earlier, the Tax Code has long discriminated against married couples who both earn a substantial portion of total family income. The marriage penalty paid by low-income families is mostly due to the fact that many singles can qualify for the earned income tax credit [EITC] on their separate incomes. When married, however, the Tax Code combines the spouses' incomes to determine EITC eligibility. This often places the couple above the income threshold for EITC and creates a tremendous disincentive for marriage.

With last year's expansion of the EITC, this particular marriage penalty is no longer falling only on those with lower incomes. Many middle-income families are also affected.

For example, let's look at Jeff and Becky Smith. This is an average Utah family where Jeff is produce manager for a grocery store and earns $31,000 a year. Becky, his wife, works part time as a nurse and makes $13,000 a year. The Smiths have three children. The Smiths may not know it, but they would be better off financially if they were to divorce and Becky take two of the kids. Under current law, the Smiths pay $3,810 as a married couple filing jointly. If Jeff and Becky were to divorce, however, their combined single taxes would only be $910. This represents a marriage penalty of $2,900 a year. If the 1993 tax changes had not been enacted last year, the marriage penalty would have been $2,522, so the tax on Jeff and Becky's marriage license has gone up by $378 a year.

Let me state right now, Mr. President, that I am a supporter of the earned income tax credit. And, I am certainly glad that we expanded it last year. But I feel we overlooked a serious side effect of that expansion with these terrible marriage penalties that it creates.

The causes of marriage penalties go far beyond the earned income tax credit, however. The basic reason for much of the penalty for most couples is the fact that the tax rates are biased against marriage.

At higher incomes, Mr. President, the marriage penalty gets even worse, in terms of total dollars. This is because the thresholds for moving into the new 36 percent and 39.6 percent brackets are designed to hit married couples at lower levels than they hit singles. In fact, the threshold for the 39.6 percent bracket is the same for married as it is for singles. This creates a tremendous marriage penalty for those with higher incomes.

Consider the example of the Williams family, who lives in Provo, UT. David is a successful computer software company owner who earns $150,000 per year. Patricia, his wife, is an attorney and earns $135,000. They have two sons. Under current law, the Williams pay Federal tax of $79,109 as a married couple. If they were to divorce, however, their combined tax would drop by a whopping $14,814 per year. If last year's tax bill had not been enacted, the marriage penalty would have been only $8,700, which is still an awfully high price to pay just to be married.

Certain senior citizens are among the hardest hit by last year's marriage penalty increases. Most Social Security recipients don't know it yet, but there is a new marriage penalty hidden in the tax law for many of them in 1994.

Let's look at Bob and Edith, who live in St. George, UT. Bob, a retired furniture store manager, earns $35,000 a year from a pension and from interest and dividends. He also receives $12,000 a year from Social Security. Edith still works part time as an accountant. She earns $20,000 plus draws $12,000 a year from Social Security. Under current law, Bob and Edith pay $12,602 as a married couple. If Bob and Edith were to divorce, however, they would save $2,924 on their taxes. The marriage penalty would have been only $1,748 if last year's bill had not passed.

Mr. President, many of society's problems can be blamed on the weakening of the American family. Yet, our Tax Code provides an economic incentive for couples to break up or not marry at all. This is just plain wrong.

My amendment expresses the sense of the Senate that no taxpayer, regardless of age, sex, income, or number of dependents, should be required to pay more Federal taxes under any provision of the Internal Revenue Code because that taxpayer is legally married.

Mrs. HUTCHISON. Mr. President, I rise today to support Senator HATCH's call for the abolition of the Tax Code's marriage penalties. It's not surprising that something as cold and complicated as the Tax Code can be completely backwards when it comes to protecting the American family. The fact is that when two people get married in this country there generally is a windfall for the Treasury, and an unqualified financial disaster for the happy couple.

The Tax Code penalizes marriage by combining spouses' incomes and pushing them into a higher tax bracket. The usual explanation for this is that two can live more cheaply than one. Maybe so, in some cases, but where does it say Government is entitled to any money left over after a married couple's living expenses.

We have progressive income taxes in the name of "fairness." But there is nothing fair about it when a two income takes the plunge into marriage, and finds their combined incomes taxed at higher rates than either of them paid as singles. Perhaps marriages should be sealed with vows to love, honor, and pay higher taxes together for as long as both shall live.

So, what do we charge our constituents for the privilege of enjoying the institution of marriage? As you can see on this chart, two single-income taxpayers each making $15,000 would each receive a refund of $724, for a total refund of almost $1,500. But if they get married, they must pay over $2,000 in taxes. That's a marriage penalty of $3,500. For taxpayers making $30,000 a year, that is a catastrophic financial penalty.

The irony in this is that income tax progressivity, the very tool by which social planners have sought to redistribute wealth more fairly, contributes to destabilizing the traditional family, illegitimate births, child neglect, illiteracy, health problems, drug use, and crime. An over dramatization? Let's look at the facts.

In every modern survey, the number one underlying cause of marital problems and divorce is financial pressures. Putting aside the extra burden the Federal Tax Code places on wedded bliss, it isn't easy to pay for a marriage and family these days.

It takes a big chunk of family income to pay for food, clothing and decent shelter. Add transportation, the expense of child care and health costs—and with what's left over married couples struggle to save to buy a home, to pay for college, and to put aside something for retirement. Is it any wonder financial pressures break up marriages? With the way our Tax Code unfairly adds to these stresses, it wouldn't be too far fetched to have the Federal Government named a correspondent in divorce proceedings.

Unfortunately, it isn't adults who suffer the worst consequences of the marriage penalty. Every dry statistic that depicts incremental weakening in the cohesion of family units has a real human face—the innocents, the children who are born into and grow up without the stability and nurturing and family resources most of us take for granted.

We're going to debate welfare reform here a little later this year, and much will be made about the rate of illegitimate births in this country. More than 1.2 million babies were born out of wedlock in 1991—five times as many as 30 years before, even though the total number of babies born in 1961 and 1991 was about the same.

These are children far more likely to die in their first year, because most of them are born into poverty. Poverty rates are five times as high as single-parent families as for two-parent families. Nearly half of children who grow up without a father present receive Government assistance; less than one in ten children with two parents do.

These are children, many of whom grow up in substandard housing and dangerous neighborhoods, who don't get a good education or adequate health care, and who have the greatest temptation—the temptation of hopelessness—to turn to crime and drugs. So, the next time someone blithely says two can live more cheaply than one, remind them who really pays.

Government ought to encourage stable, nurturing families—two people sharing the joys and sacrifices of building a life together, raising a family, and relying on each other in old age.

Championing conventional marriage is no longer quite politically correct. It has been assigned a connotation of intolerance for alternative lifestyles and limits on personal freedom. But I hope even those who recognize no social conventions can agree that marriage is not an affront to common decency, a thing that ought to be discouraged or even penalized by Government.

Mr. President, it would be a very complicated thing to adjust the Tax Code to remove the existing marriage penalty. Yet it is such a small thing, in comparison to the benefits our entire society would realize by strengthening families and helping to care for our youngsters.

Mr. President, I yield the floor.

### AMENDMENTS NOS. 1591, 1592, AND 1593, EN BLOC

Mr. DOMENICI. Mr. President, I send to the desk three amendments on behalf of Senators PACKWOOD, DANFORTH, and MURKOWSKI, and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the amendments be agreed to; that the motions to reconsider be laid on the table, and statements by Senators involved in the amendments be printed as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

### AMENDMENT NO. 1591

(Purpose: To clarify the budget points of order applicable to years 6 through 10)

Mr. DOMENICI offered amendment No. 1591 for Mr. PACKWOOD, for himself, and Mr. MOYNIHAN.

In section 23 of the pending Resolution, on page 49, beginning on line 7 strike the following: "to a significant degree".

### AMENDMENT NO. 1592

(Purpose: To express the sense of the Senate regarding any reduction-in-force at the Kansas City Plant of the Department of Energy)

Mr. DOMENICI offered amendment No. 1592 for Mr. DANFORTH, for himself, Mr. DOLE, Mr. BOND, and Mrs. KASSEBAUM.

At the appropriate place insert the following:

**SEC. . SENSE OF THE SENATE REGARDING CERTAIN DEPARTMENT OF ENERGY REDUCTIONS-IN-FORCE.**

It is the sense of the Senate that—

(1) a reduction-in-force at the Department of Energy's Kansas City Plant should not be carried out until—

(A) the National Defense Authorization Act for fiscal year 1995 and the Energy and Water Development Appropriations Act for fiscal year 1995 become law; or

(B) Congress has otherwise approved such an action.

### DEPARTMENT OF ENERGY KANSAS CITY PLANT

Mr. DANFORTH. Mr. President, the purpose of this sense-of-the-Senate amendment is to retain Congress' role in evaluating the budget request of the Department of Energy, as it relates to the Department's Kansas City plant, before the budget request is implemented.

The Department of Energy budget proposal for fiscal year 1995 for the Department's Kansas City plant is very troubling. Initially, the Department requested $280 million for the Kansas City plant for fiscal year 1995. However, responding to an Office of Management and Budget review of its budget, DOE scaled the funding proposal back, first to $270 million, and finally to $214 million.

Our need to develop and produce nuclear weapons has, fortunately, diminished greatly. Reductions in funding for maintenance of the Nation's nuclear deterrent are now possible. For the past several years, the Department has studied how it should consolidate facilities which produce nonnuclear components for nuclear weapons. Last year, the Secretary of Energy determined that all nonnuclear component manufacturing and stockpile maintenance at the Rocky Flats, Mound, and Pinellas plants should be terminated and that consolidation should take place at DOE's Kansas City plant. Even though Kansas City will be the one consolidated nonnuclear site, the Plant has experienced significant cutbacks over the past several years.

The fiscal year 1995 budget request of the Department of Energy for the Kansas City plant would not allow the plant to maintain a competent weapons stockpile support production capability. The plant still has many tasks that it is charged with performing. It must: implement the Department's plans for consolidation; perform laboratory testing and flight testing of systems that remain in the enduring stockpile to ensure safety and reliability; carry out the DOE's retrofit and quality improvement program—including the B83 Quality Improvement Program and the B61 modification program; perform the limited life component exchange maintenance function; provide special design test gear and special sensitive production; refurbish and maintain safe secure trailers for the transport of completed nuclear weapons and fissionable components; dismantle older weapons systems for which the Kansas City plant produced most of the components; and perform the ongoing mission of repairing and replacing components in the stockpile based on reliability tests or evidence that security or safety improvements are needed. The budget request of the Department of Energy would permit the Kansas City plant to perform only between 60 and 70 percent of the work it is supposed to do.

Mr. President, I fear that this budget recommendation is based not on the important requirements of maintaining our nuclear stockpile, not on the need to address safety concerns associated with maintaining nuclear weapons. I fear that this cutback is driven solely by the OMB budget ax. As much as anyone in this body, I support budget cuts. However, a major cut at the only facility in the country that will, over the long term, produce crucial components for nuclear weapons must be done carefully, based on actual reduced workload requirements and not on arbitrary budgetary requirements.

This amendment is necessary because, based on the fiscal year 1995 budget request, the Kansas City plant will begin layoffs immediately. By the end of June, 1994, it will have laid off between 1,200 and 1,500 highly and uniquely skilled people. By the end of June, Congress will not have determined spending levels for fiscal year 1995. Congress, thus, is left out of the process. Congress has the power of the purse. It is the job of Congress, not the executive branch, to determine funding levels for different missions at the Department of Energy. It is unacceptable for the Kansas City plant to lay people off without knowledge of whether Congress will accept the Department's budget recommendation. As a result, this amendment expresses the sense of the Senate that the restructuring of the Kansas City plant should not be carried out until Congress takes action, either through the defense authorization bill for fiscal year 1995, the energy and water development appropriations will for fiscal year 1995, or any other legislative vehicle.

I urge the Secretary of Energy to reconsider the budget needs of the Kansas City plant and to delay layoffs until Congress has a chance to act.

AMENDMENT NO. 1593

(Purpose: To express the sense of the Congress regarding minerals management)

Mr. DOMENICI offered amendment No. 1593 for Mr. MURKOWSKI, for himself and Mr. STEVENS.

At the end of title III, insert the following:

**SEC. . SENSE OF THE CONGRESS REGARDING MINERALS MANAGEMENT.**

It is the sense of the Congress that the budget authority and outlay totals set forth in this resolution assume sufficient funding under budget function 300 (Natural Resources and Environment) to ensure—

(1) the ability of the Minerals Management Service to run an effective Outer Continental Shelf resource evaluation program that responds to increased interest on OCS areas, including Alaska;

(2) the ability of the United States Geological Survey to continue to perform mineral resource surveys at the same levels as in previous years; and

(3) the continued effective functioning of all current Bureau of Mines offices.

Mr. MURKOWSKI. Mr. President, I am pleased to have included in the manager's amendment a Sense of the Congress resolution concerning the natural resources portion of the fiscal year 1995 budget.

My sense-of-the-Senate resolution states that three programs under the jurisdiction of the Department of the Interior should be funded at levels consistent with past years in order to provide the same level of services provided in past years. My amendment states that the Minerals Management Service should have the resources needed to run an effective Outer Continental Shelf resource evaluation program that responds to increased interest on OCS areas, including Alaska. Second, the amendment states that the U.S. Geological Survey should be funded at a level to allow it to continue to perform mineral resource surveys at the same level as in previous years. Last, the amendment states that funding be provided to keep all current Bureau of Mines offices functioning effectively.

This amendment is consistent with the views of the Energy and Natural Resources Committee as presented in its analysis of the President's budget which was forwarded to the Budget Committee by unanimous vote. My concern, and, I think, the committee's concern, stems from the fact that, though the overall budget for the Department of the Interior is not slated for severe reductions, the President has signaled his intention to shift funds away from development programs which many Western States, like Alaska, rely upon to create economic opportunities for their citizens.

These resource development programs benefit the entire country by increasing America's economic strength and making it easier for individuals and businesses to create jobs. New jobs create revenue for the U.S. Treasury in the form of income and business taxes.

Let me discuss the situation in my home State of Alaska. The Minerals Management Service, U.S. Geological Survey and Bureau of Mines programs are slated to be cut by $12 million and over 100 employees. It is a severe cut for my State, and would be a severe blow to miners, firefighters, drillers and others who depend on these crucial Federal services.

Reductions of the U.S. Geological Survey could eliminate future geologic mapping of Alaska. My amendment states the Senate's intent that the USGS continue to perform its duties at the same level as in previous years. This is important because less than 40 percent of Alaska has been fully mapped. Alaskans depend upon their maps for mining, remote firefighting, aviation, and navigation. Extensive road maps used in other States simply do not exist in Alaska, due to the vast areas without roads. USGS maps are the only information source of this kind. Under the Statehood Act, the Federal Government agreed to explore Alaska's potential. The $2.1 million cut to the USGS in Alaska proposed by the President would severely curtail these services.

Closure of the Bureau of Mines offices in Juneau and Anchorage, which the President's budget envisions, will remove entirely a Federal mining presence in the State with the best prospects for future mining development. My amendment states that all Bureau of Mines offices should continue to function effectively. Alaska has a history of world class mineral development. Potential for new world class mines is great. These are undisputed facts. Yet the President contemplates that the nearest location of a Bureau of Mines office would be in Spokane. What new mines will be found in Spokane? Shifting funds away from the programs that directly benefit mining represents a dangerous shift within the Bureau. Many of my Western colleagues share my concern on this issue. The Bureau of Mines closure in Alaska will put 34 employees from Anchorage and Juneau out of work and cut roughly $7 million from this important program.

Cutbacks at Mineral Management Service in Alaska will slow down the offering of offshore oil lease sales. My amendment states that funds should be made available to ensure the ability of the MMS to run an effective Outer Continental resource evaluation program that responds to increased interest in areas like Alaska. Alaska OCS has potential for major discoveries that will benefit the U.S. and reduce our dependence on imported oil. With every major oil field in the United States declining we need new oil and gas development. Alaska has developed its Prudhoe Bay field safely and can do it elsewhere in the State if it knows where to look. The proposed budget will put 50 employees in Anchorage out of work, about a third of the workforce, and cut $2.5 million in funding.

Mr. President, though the amounts involved may seem small, the impact on Alaska and the West is monumental. My sense-of-the-Senate resolution expresses the desire of this body to maintain these programs at current funding levels and manpower strength. I am pleased that it has been accepted and thank my colleagues for joining in making this very important statement.

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate vote on or in relation to Senator GRAMM's amendment number 1574 at 8:05 p.m.; that upon disposition of Senator GRAMM's amendment, the Senate vote, without any intervening action or debate, on or in relation to Senator ROBB's motion to recommit; that no further amendments be in order to either the motion or the Gramm amendment or to any language that may be stricken.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Reserving the right to object.

Senator COHEN asked me to object and he is on the floor now.

Mr. COHEN. Might I inquire in terms of when the Cohen-Kerrey amendment would be coming before the body this evening?

Mr. SASSER. Well, there will be further debate on the Cohen-Kerrey amendment following the disposition of these amendments on which we are stacking votes.

Mr. COHEN. So you would intend then, following the stack of these votes, to proceed to the Cohen amendment?

Mr. SASSER. That would be my intention. As the Senator from Maine knows, we are awaiting—have been awaiting the arrival of the President pro tempore, who indicated he wished to speak on this matter.

Mr. COHEN. Am I correct my amendment would be the next in order, after laying it aside by unanimous consent?

Mr. SASSER. That is correct.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, reserving the right to object, might I inquire? I understood the Senator from New Mexico has about 42 or 43 minutes remaining and that is all the time there is for general debate?

The PRESIDING OFFICER. That is correct, except there is 15 minutes reserved to the Senator from Tennessee to conclude debate.

Mr. DOMENICI. Mr. President, apparently there are three Senators who are seeking to speak. We are reserving our time for about three amendments that have still not been called up. I urge Senators to use as little time as possible. There is no time left on the Robb amendment, as I understand it. We have yielded back. Is that not correct?

Mr. ROBB. I say to the Senator from New Mexico, we are on the second-degree amendment. As far as the constraints of the total time allocation, we have not used up but about a minute of that time. But it is the intent of this Senator, as soon as the Senator from Georgia has completed his remarks, to yield back all time and then, if it is in accordance with the wishes of the managers of the bill, to voice vote the first- and second-degree amendments and ask for a rollcall vote only on the amended motion to recommit.

Mr. DOMENICI. I thank the Senator. I have no objection to the unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. ROBB. Mr. President, I yield such time as he may require to the distinguished Senator from Georgia, the chairman of the Armed Services Committee.

Mr. NUNN. Mr. President, I do not think I will require a whole lot of time, but I rise in support of the Robb amendment.

Mr. President, I had hoped we would not reach the stage where we really were attempting—and it certainly may not pass, but at least there is an attempt being made here—to send the whole budget resolution back.

The reason I am reluctant to get to this stage is because I know how hard the Budget Committee has worked. I understand the hours they put in. I certainly understand the leadership required by the Senator from Tennessee and the Senator from New Mexico to put together a budget which, by anybody's definition, is very difficult to do.

It is very easy to see why we have such huge deficits when you look at what has happened here on the floor in the defense area and in the other areas.

If you look at the chart that the Senator from Virginia has displayed here, you could easily see what is happening to the Federal budget.

Now a lot of people do not want to look at it. They do not want to basically confront the facts, but at some point arithmetic has to take over. I do not know how many years it is going to take before we start being able to just add and subtract in this body.

At some point we have to understand that you are not going to get the deficit under control, nor are you going to be able to continue to finance the domestic side of this budget as well as the entitlement programs by cutting defense. It cannot be done, not because I say it cannot be done, but because it is arithmetic. If you just look at what has happened, we go by this baseline concept around here.

Mr. President, I think everyone ought to focus on what is happening to the budget.

We have a baseline concept around here. If you make the baseline go up enough, meaning anticipated spending, then you can bend it just a little bit and say you cut spending no matter how much it is going up.

So, really we bewilder the public trying to follow these debates because everything is geared to the baseline. I understand it from a technical point of view, but from a practical point of view it is not the way ordinary, normal people think. I do not think most people understand it. Frankly, I understand why they do not.

But, if you want to look at what is happening to spending, you want to take a look at this chart 1 minute. This chart shows the amount of money we spend in various categories: defense, foreign aid, domestic discretionary, Social Security, health care, other entitlements, and interest on debt.

It shows what we spent for the 5 previous years. Then it shows what we are going to spend the next 5 years. This is how you tell what you are doing in budgeting—getting away from the baseline that is arcane and technical and difficult and, in my view, increasingly irrelevant to basic arithmetic.

In defense, in the next 5 years, without the Grassley-Exon cuts that are in this budget resolution, we are going to reduce, compared to the previous 5 years, by $190 billion; domestic discretionary is going to go up about $250 billion. These two areas together are what we call discretionary spending. If you net them out because of the $190 billion reduction in defense, you have a plus over the 5 years in discretionary of about $60 billion. That is 2 percent—$60 billion is a lot of money but it is only 2 percent growth in that area.

Look at what is happening in other categories. Social Security is going up over $400 billion, compared to the previous years. That is all paid for, because there is enough money coming into Social Security. In fact, there is a surplus. That is the good news.

The bad news is we are borrowing all that money from the Social Security trust fund to the tune of about $80 to $100 billion a year and we are sending from the operating fund an IOU in the form of a Treasury bill saying we owe the Social Security trust fund for this surplus.

What we are going to do is we are going to leave future generations to pay off that when we reach the point where there is no more surplus in the Social Security trust fund because we do not have as much coming in as we have going out. That year will be about 2015, about 23 years from now.

Does anybody want to venture a guess what we are going to owe the Social Security trust fund then, based on this borrowing which we are counting as if it were reducing the deficit, which it is not? The number is about $5 trillion. Not billion, trillion. Trillion. That is when our grandchildren are going to say what did this generation do to us? What did this generation do to us? It is going to be our children and our grandchildren. They are not going to forgive us for what we are doing fiscally.

Look at what we are doing in health care. How much money are we going to spend in health care over the next 5 years compared to the previous 5 years? Additional money—this is not total money—this is additional money, this is incremental, this is beyond the previous 5 years—about $800 billion. Guess what. That is assuming the President's plan passes and it is assuming that we are going to achieve all the savings the President asked us to achieve and projects we are going to achieve.

Other entitlements go up somewhere in the neighborhood of $70 billion. And then take a look at why we are in such a hole and we are getting in a deeper hole. Interest on the debt, compared to 5 years ago, the next 5 years we are going to spend $190 billion more on interest on debt than we did in the previous 5 years.

Guess what. People asked, what happened to the defense dividend at the end of the cold war? $190 billion here less in defense. Guess where it goes. Just to pay the interest on the debt increase, because we are continuing to grow these entitlement programs.

The Robb amendment does not cure all these problems. He does not pretend to. What it basically says is let us at least protect our national security. Let us not continue to pretend we can cut this category that is already going down, that is paying much more than its share of the decreases, while continuing to let these grow. This is not in dispute. These are facts. These are facts.

Just look at the history of what we have done over the last 3 years. The budget summit agreement in 1990 was supposed to save $500 billion by 1995. What happened? This was because of the recession; it was not all the budget agreement. But we not only failed to reduce the deficit by the $500 billion, we had another, a second major reconciliation bill enacted last year, under President Clinton, which provides additional deficit reduction in 1994 and 1995. The deficit still, after both of these bills, both of which were supposed to save about $500 billion each—the deficit is still going to increase by 1995 by $250 billion.

So we have enacted two budget agreements, two different major reductions in the deficit, which was supposed to reduce the deficit, but it is going up by $250 billion instead of going down by $500 billion. Guess why. Because entitlements are out of control. And everybody knows that.

I hope we support the Robb amendment. It is not going to solve this problem, but it is going to prevent us, at least, from wrecking our national security while we are continuing to be irresponsible in our fiscal management.

The President of the United States stood before the Congress and asked us in his State of the Union not to cut defense any more. He has said over and over again in private, and I believe some in public, that he believes we have cut defense too much or are cutting too much. He is right. We are.

Who is going to be accountable? Who is going to be accountable when our military people come up and say we cannot meet the two-regional-war scenario? The most we can do is perhaps fight one regional war. What kind of signal does that send to people in Korea? To people in the Middle East? What kind of signal does it send all around the world about America? That is where we are going. Mark my words. Within 6 months to 1 year you are going to hear over and over and over again from the military people, "You have cut defense so much we cannot come before you and tell you we can do the job we have been assigned. If you want to give us another job, if you want to have a different set of assumptions, fine. But we cannot perform the functions assigned to us by the Clinton administration under the Aspin Bottom-up Review—and the Congress of the United States that has gone along with that."

Mr. President, we are getting in serious trouble. I support the Robb amendment as a last resort on this resolution, and I congratulate him on giving us the chance to vote for it. I do not know whether it will pass or whether it will fail. But at least we will be able to register our opinion.

To those people who voted against the Domenici resolution earlier today, the Domenici-Nunn resolution, this is your chance to redeem yourself. Because what you did when you voted against it, whether you realized it or not, you made it clear that you were in favor of cutting the defense budget of the United States below President Clinton's budget by at least $21 billion over the next 5 years, minimum.

That was a vote to cut defense. Some people are going to try to rationalize it and explain it another way, but anybody in this body that has witnessed the budget process in the last few years who believes with a cut of $42 billion in discretionary accounts believes that less than half of that is coming out of defense, they have been in a dream world. It is going to be at least 50 percent, probably closer to 60 percent.

I will do my best to keep it from being any higher than it has to be. I had planned to offer a firewalls amendment. The Senator from New Mexico and I were going to offer a firewalls amendment. But right now we are in a hopeless position with the firewalls amendment for this reason: Because we do not know how much is coming out of defense, and if we put up a firewall now, after the Domenici amendment has been killed by this body—many on this side of the aisle and many of that side of the aisle voted against it—we do not have any way to have a firewall. Not at this point because we do not know how much the appropriators are going to assign to defense out of that $42 billion cut. And if we put a complete firewall up, what we will be saying is not one penny of the $42 billion comes out of defense. I do not believe this body will vote for that.

Last year we had 54 Senators vote for a firewall, less than the 60 required. I do not believe we can fairly ask our colleagues to have a firewall when we do not know what is going to happen with the money that has been cut under the Exon-Grassley amendment.

Mr. President, I will ask the Senate tonight, and everybody is going to have a chance before the night is over—we may not have a chance to debate it, but the Senator from New Mexico and I will be offering an amendment on entitlement caps. People are going to get to vote for this, and we are going to have everybody run out and say you cannot do that because it is going to cut health care, and that will be wrong because we drafted the amendment so that the baseline—and I hate to even use that word—but the baseline is going to be after we pass the health care bill this year.

So the beginning measuring point is going to be in 1996. It will not interfere with health care. Whatever we pass in health care will be the baseline. And then you will limit the growth. We will test whether the health care plans can save money. If the health care plans cannot save money, then we are going to keep going into this hole more and more every year.

So what we are going to be proposing later, and I hope we will have a few minutes to debate it, will be an entitlement cap. It will not include Social Security. It will exclude Social Security and interest on the debt, but it will allow the entitlement programs to begin growing with a rate of inflation plus the population, plus we have even a 4 percent kicker the first year above the rate of inflation, 3 percent the second, and 2 percent the third.

Mr. President, if we cannot live with that, then this deficit is hopeless and we might as well forget it.

So we are going to have a chance to vote on an entitlement cap even if we do not have a debate before this night is over.

It is my hope that the Robb amendment will be adopted and that even though we may miss the recess—whatever it takes—we will go back and try to begin doing this job right. We are digging a deep hole, not one that will be recognized immediately, but one that will be recognized over a period of time. We are digging a very deep hole for our children and our grandchildren.

Mr. President, I hope the Robb amendment is adopted. I will support it, and I thank the Senator for his leadership.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER (Mr. BRYAN). Who yields time?

Mr. ROBB. Mr. President, let me thank the distinguished Senator from Georgia for his eloquent articulation of precisely why I think it is important that we do adopt this particular amendment. I hope it will be the will of the majority of our Senators to honor the position that has been staked out by the chairman of the Armed Services Committee and honor the request of the President of the United States to ensure that defense spending is not cut beyond the point that it has already been cut with respect to all of the other options in solving this problem, including the reimposition of walls, if it be the will of the committee to do so. They are not precluded by this amendment.

I am prepared to yield back any remaining time, and I am also prepared to have the second-degree and first-degree amendments voice voted, if that is in accordance with the will of the managers.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment No. 1588, offered by the Senator from Virginia.

So the amendment (No. 1588) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 1587 offered by the Senator from Mississippi, as amended.

So the amendment (No. 1587), as amended, was agreed to.

### VOTE ON AMENDMENT NO. 1574

The PRESIDING OFFICER. The hour of 8:05 p.m. having arrived, the question is on agreeing to amendment No. 1574, offered by the Senator from Texas.

Mr. ROBB. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia [Mr. ROCKEFELLER] would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 67, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—32

Bennett
Bond
Brown
Burns
Coats
Coverdell
Craig
D'Amato
Dole
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hutchison
Kempthorne
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Wallop

NAYS—67

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cochran
Cohen
Conrad
Danforth
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Sarbanes
Sasser
Simon
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NOT VOTING—1

Rockefeller

So the amendment (No. 1574) was rejected.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to recommit by the Senator from Virginia.

Mr. MITCHELL. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

### VOTE ON MOTION TO RECOMMIT

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Virginia [Mr. ROBB] to recommit. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND] and the Senator from Texas [Mr. GRAMM] are necessarily absent.

The result was announced—yeas 28, nays 70, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—28

Bennett
Brown
Coats
Cohen
Coverdell
Danforth
Dole
Glenn
Gorton
Hatch
Helms
Hutchison
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nunn
Robb
Roth
Shelby
Simpson
Smith
Stevens
Thurmond
Warner

NAYS—70

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cochran
Conrad
Craig
D'Amato
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Graham
Grassley
Gregg
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Rockefeller
Sarbanes
Sasser
Simon
Specter
Wallop
Wellstone
Wofford

NOT VOTING—2

Bond
Gramm

So, the motion to recommit was rejected.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## HOUSE CONCURRENT RESOLUTION 232—ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

Mr. MITCHELL. Mr. President, this request has been cleared on both sides of the aisle and it relates to the adjournment resolution.

I now ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 232, that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (H. Con. Res. 232) was agreed to as follows:

H. CON. RES. 232

*Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on the legislative day of Thursday, March 24, 1994, it stand adjourned until noon on Tuesday, April 12, 1994, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Friday, March 25, 1994, Saturday, March 26, 1994, Monday, March 28, 1994, Tuesday, March 29, 1994, Wednesday, March 30, 1994, or Thursday, March 31, 1994, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand recessed or adjourned until noon on Monday, April 11, 1994, or at such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

## CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. The Senator from Tennessee [Mr. SASSER] is recognized.

### UNANIMOUS-CONSENT REQUEST

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate return to the Harkin amendment No. 1578 that had been temporarily laid aside.

The PRESIDING OFFICER. Is there objection?

Mr. COHEN. Mr. President, reserving the right to object, may I inquire as I understand the Cohen-Kerrey amendment was the one pending. I think we can resolve that rather quickly.

Mr. SASSER. I withdraw the unanimous-consent request.

### AMENDMENT NO. 1582

The PRESIDING OFFICER. The question does occur on amendment No. 1582, which is the Cohen-Kerrey amendment. There is 27 minutes overall that remains for debate.

The Senator from Maine, Mr. COHEN.

Mr. COHEN. Mr. President, for a number of reasons, I have decided to withdraw the amendment that was offered earlier with Mr. KERREY, which calls for expedited rescission.

We are advised by the parliamentarian that the amendment will be considered to be nongermane and, therefore subject to a budgetary point of order. I would, of course, propose to waive this point of order, however, doing so will require 60 votes.

At this time, it seems unlikely that we would prevail on a 60-vote point of order. Senator KERREY and I, however, have reached an agreement with the chairman and ranking member of the Budget Committee to withdraw the amendment in exchange for commitment that the committee would hold a hearing on expedited rescission legislation that Senator KERREY and I will soon introduce, and that we would be permitted to testify.

Under those circumstances we would be willing to withdraw the amendment and go forward at a later time with hearings on a freestanding bill.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. KERREY] is recognized.

Mr. KERREY. Mr. President, the Senator from Maine laid the case out very well. If it would have been judged nongermane, it would be prudent and important that it be heard.

I appreciate the offer of the distinguished Senator from Tennessee, as I understand, to hold hearings on this as a freestanding piece of legislation.

Mr. SASSER. I thank Senators.

I think this would be an excellent resolution of this problem, particularly this late in the evening.

We will be pleased to hold hearings. I would advise my friend from Maine and my friend from Nebraska that the distinguished President pro tempore has indicated he wishes to be a witness at these hearings. We will be accommodating him, also.

Mr. COHEN. Will we be required to appear en bloc before the committee?

Mr. SASSER. I would just leave that decision to the Senators themselves.

Mr. COHEN. I thank the Senator.

Mr. DOMENICI. Let me say I concur and commend him and, to the extent I have anything to say about the hearings, we will join in trying to get them held. I will be there.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. I withdraw the amendment.

The PRESIDING OFFICER. That will require unanimous consent. The Chair construes that as a unanimous-consent request?

Mr. COHEN. Yes.

The PRESIDING OFFICER. Is there objection?

The Chair hearing none, without objection the amendment is withdrawn.

So the amendment (No. 1582) was withdrawn.

The PRESIDING OFFICER. The Senator from Tennessee [Mr. SASSER] is recognized.

### AMENDMENT NO. 1578

Mr. SASSER. Mr. President, I ask unanimous-consent that the Senate return to the Harkin amendment No. 1578.

Mr. DOMENICI. Mr. President, reserving the right to object, I regret but I must tell you I have a Senator who asked that we defer that to another time. He is trying to determine whether he wants to ask for the yeas and nays.

I urge that the Senator do that, just set it aside for a while. I think it will work out if we give him a little time on it.

Mr. SASSER. We will withdraw the unanimous-consent request relative to the Harkin amendment.

Mr. DOMENICI. I thank the Senator.

### AMENDMENT NO. 1577

Mr. SASSER. We have also an amendment pending by the distinguished Senator from Arizona [Mr. MCCAIN].

Mr. President, I ask unanimous consent that the Senate return to the McCain amendment No. 1577 that has been temporarily laid aside.

The PRESIDING OFFICER. The Chair will inform the floor managers that that is the pending question.

Mr. SASSER. Has all time been yielded back on that amendment?

The PRESIDING OFFICER. All time has expired.

The yeas and nays have been ordered.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have been authorized to ask unanimous consent that the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, the yeas and nays on amendment No. 1577 are vitiated.

The question occurs on the amendment.

The question is on agreeing to the amendment.

The amendment (No. 1577) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair will inform the floor manager the question now occurs on the Harkin amendment No. 1578.

Mr. SASSER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SASSER. I was under the impression that the Harkin amendment had been laid aside. Did we not propound the request to do that?

The PRESIDING OFFICER. The Senator from Tennessee is partially correct. It had been requested to be laid aside, but by virtue of the disposition of the previous amendments it now is the pending question.

Mr. SASSER. Mr. President, I would ask that the Harkin amendment be temporarily laid aside, and we will follow our usual rotation here, which would mean it would be the minority side's turn to bring up an amendment.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, the request by the Senator from Tennessee is agreed to.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to Chairman SASSER we have three amendments: Senator GRAMM of Texas on immigration, Senator SPECTER on drugs, and Senators JEFFORDS, FORD, and BROWN on special education.

We thought they were each going to have 10 minutes. I am not sure there are 10 minutes remaining for each of those amendments.

I wonder if we might inquire how much time, and the Senator might agree to some lesser time so they each have an opportunity to offer the amendments.

The PRESIDING OFFICER. The Chair will inform the Senator there are 20 minutes remaining.

Mr. SASSER. I would be pleased to agree to less time in order to accommodate those Senators.

Now, on our side I think Senator NUNN has an amendment that is dealing with the entitlements, Senator GRAHAM also has an amendment dealing with entitlements, also, a sense-of-the-Senate resolution dealing with entitlements.

Senator PRYOR and Senator SIMON have an amendment dealing with the Internal Revenue Service.

I believe those are the only amendments on our side.

How much time is remaining, I might inquire of the Chair?

The PRESIDING OFFICER. The Chair would inform the Senator from Tennessee that there are 19 minutes and 45 seconds remaining.

Mr. DOMENICI. Mr. President, might I ask, the Senator said somebody had an IRS amendment. Is that treating the funding for IRS outside the budget? Is that the amendment?

Mr. PRYOR. Mr. President, if I may respond on behalf of Senator SIMON, who I do not see on the floor, I think Senator SIMON's amendment is the amendment the Senator from New Mexico was referring to. I have worked with Senator SIMON on some amendments that I believe will be of a safeguarding nature.

Mr. DOMENICI. I understand.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

### UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate resume consideration of Senate Concurrent Resolution 63 at 10 a.m. on Friday, that the following be the only amendments remaining in order to the concurrent resolution, and that each of the amendments be limited to 10 minutes for debate, with all time equally divided in the usual form, with relevant second-degree amendments limited to the same time limitation as the first-degree amendment to which it is offered: an amendment by Senator HARKIN, a sense of the Senate regarding Department of Defense; an amendment by Senator GRAMM of Texas regarding immigration; an amendment by Senators JEFFORDS and BROWN regarding education; an amendment by Senator SPECTER regarding drugs; an amendment by Senator NUNN regarding entitlement caps; an amendment by Senator NUNN regarding walls; an amendment by Senator GRAHAM of Florida, a sense of the Senate regarding control of entitlements; an amendment by Senators SIMON and PRYOR regarding the Internal Revenue Service; an amendment by Senator DORGAN, a sense of the Senate regarding Canadian wheat; that upon the disposition of these amendments, Senate Concurrent Resolution 63 be temporarily laid aside and the Senate then proceed to Calendar Order No. 387, House Concurrent Resolution 218; that all after the resolving clause be stricken; that the language of Senate Concurrent Resolution 63, as amended, be inserted in lieu thereof, and that all time on the resolution be yielded back; that upon the adoption of House Concurrent Resolution 218, the Senate insist upon its amendment and request a conference with the House on the disagreeing votes of the two Houses; and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Is there objection?

Mr. DOMENICI. Reserving the right to object, I think Senator NUNN is willing to strike one of his two amendments, an amendment identified as the walls amendment.

Mr. NUNN. That is correct. I will take that off.

Mr. MITCHELL. Mr. President, I modify my request to delete the Nunn amendment regarding walls.

Mr. DOMENICI. Further reserving the right to object, I did not understand what the Senator said about a wheat agreement?

Mr. MITCHELL. There is an amendment by Senator DORGAN, a sense of the Congress regarding Canadian wheat.

Mr. DOMENICI. I understand I have to inquire about that. If the Senator will take that off and do the rest, I will inquire right now.

Mr. MITCHELL. The problem is, if I take it off and the agreement is approved, I could not put it back on.

Mr. DOMENICI. You could inquire about it.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I renew my request.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PROGRAM

Mr. MITCHELL. Mr. President, there will be no further rollcall votes this evening. The Senate, under this agreement, will complete action on the budget resolution tomorrow. There is remaining a maximum of, I believe it is nine amendments—eight or nine amendments. I understand from the managers that it is not likely all of them will require rollcall votes, that the number of votes will be much smaller than that, and then we will proceed to final passage.

I thank and commend the managers for the diligent job in managing a very difficult matter.

Now, that will not complete the Senate's action prior to the recess, as all Senators know. There will remain pending the cloture votes with respect to the conference report on the education bill. After we complete action on this tomorrow, I expect we will proceed to consideration of that matter. I will discuss with the distinguished Republican leader, as is my regular practice, on how best to handle the scheduling of that matter. But for now, I understand the managers are going to be here for a while considering other amendments that they may take. Then we will return at 10 a.m. tomorrow with these amendments to be offered.

May I inquire if the managers intend—and I encourage them to do so—to line up one of these amendments so we could begin at 10 tomorrow with an amendment? Senators then should be aware it is possible votes will occur conceivably as early as 10:10 if an amendment is offered promptly at 10 and the 10 minutes is used up.

I thank my colleagues for their cooperation.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wanted to say to the majority leader, when he propounded unanimous consent and I expressed concern about the Dorgan amendment, I was mistaken. I did not understand what it was. I should not have objected even then. I thought it was a freestanding amendment we were agreeing to. I should not have objected at that time.

Mr. MITCHELL. Mr. President, there is absolutely no problem with that, and I thank my colleague for his kind words.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent I may be permitted to speak up to 7 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the submission of S. Res. 195 are printed in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. SPECTER. I thank the Chair and yield the floor.

### ORGAN AND BONE MARROW TRANSPLANTATION AMENDMENTS

Mr. HATCH. Mr. President, I rise in support of the managers' amendment to the Organ and Bone Marrow Transplantation Amendments, H.R. 2659.

This amendment substitutes the language of the organ transplant reauthorization—S. 1597—approved by the Labor and Human Resources Committee and the text of the Comprehensive Child Immunization Act—S. 732—of which I am a cosponsor. Both of these are very important pieces of public health legislation which deserve speedy approval by the Congress.

Ever since the passage of the National Organ Transplant Act [NOTA] a decade ago, we have attempted to fine-tune this program so that it improves the acquisition and distribution of transplant organs. The issues that surround organ transplants are both difficult and emotional, and crafting amendments to NOTA is never an easy process.

Certainly, one of the more compelling problems facing organ transplantation is the increasing gap between the demand for an the supply of organs. From 1988 to 1992, the annual number of people waiting for transplants rose by 66 percent to nearly 50,000 in 1992. In the same time period, the number of organ donors grew by only 31 percent, with 4,497 donors providing 15,715 organs in 1992.

But, even more compelling is the fact that, during this 5-year time period, over 10,000 people died waiting for an organ transplant.

At present, over 30,000 Americans are waiting for an organ transplant; tragically, between five and seven people die each day because an organ is not available for transplant.

The Senate organ transplant reauthorization, S. 1597, is a carefully crafted measure which, on balance, appropriately addresses the need to develop an equitable system to allocate organs. It strengthens the system by achieving a more systematic and equitable process for organ transplants and allocation.

As my colleagues are aware, the State of Utah has been a pioneer in transplant development, and I have worked closely with State transplant officials during the development of this legislation.

In particular, I wish to recognize several outstanding experts in the field of transplantation, all of whom provided valuable advice and counsel in crafting this legislation. They are: Dr. David Nelson at the Utah Cardiac Transplant Program at LDS Hospital; Dr. Robert Shaddy at the Pediatric Heart Transplant Program at Primary Children's Medical Center; Dr. Don Olsen at the Artificial Heart Research Laboratory at the University of Utah; Dr. John Hylen of the State Division of Health Care Financing; and Dr. John Holman, Jr. of the Intermountain Organ Recovery Systems and the University of Utah Kidney Transplant Program.

We have also worked closely with the State in development of the childhood immunization bill, which we are also considering today.

It is no secret that I have had concerns about the scope of the administration's proposals on childhood immunization. But I am in absolute agreement that we must intensify our effort to immunize our children against diseases that can be prevented through vaccines. That is the intent of this legislation.

The State of Utah has undertaken an intensive effort to raise its childhood immunization rates. We have established a task force under the leadership of the First Lady of Utah, Mrs. Jackie Leavitt, and that task force has been working diligently with a broad spectrum of influential groups to improve immunization rates in Utah.

For example, this public-private partnership funded a care-a-van, which in just a 2-month period vaccinated 4,000 children. They have worked with vaccine manufacturers, such as Merck, who agreed to donate free vaccines to all Medicaid providers.

The success of this partnership underscores concerns some of us have shown about establishing a Federal effort that is too large and that could supplant, rather than supplement, existing efforts.

I would like to thank Governor and Mrs. Leavitt for their leadership on this issue. In addition, I would like to thank Rick Crankshaw from the Utah Community Health Services Division, who provided me with invaluable assistance.

And, finally, I would like to thank Chairman KENNEDY, who agreed to insert language in the bill which will allow the Centers for Disease Control to give priority in funding grant applications from States such as Utah, which may have low immunization rates despite their best efforts to improve them. This is an important provision that will help many States.

### AMENDMENT NO. 1568

Mr. GRASSLEY. Mr. President, I want to register my opposition to the Bradley amendment, No. 1568 that passed by voice vote earlier.

I'm not sure many Members realize that the amendment passed, let alone what the amendment said. This body just voted, albeit by a sense of the Senate, that all tax expenditures, including the home mortgage deduction, personal exemptions, first-time farmer bonds, educational exemptions and hundreds of others, should be put on the chopping block.

If this were to become law, it would, despite the proponent's objections, amount to a backdoor tax increase. If the Finance Committee was required to cut a certain amount of tax benefits, many positive benefits would be cut, because there just aren't many, if any, illegitimate tax expenditures left. The proponent's attitude is that all income belongs to the Government and the Government should decide how much it's going to give back to the taxpayer.

If so-called loopholes do exist, I'd like the proponents to tell us what they have in mind, because as a Member of both the Budget and Finance Committees, I'm always looking for wasted money out there that can be put to good use. The Finance Committee already has the authority to review all tax expenditures, and if unfair benefits exist, then we should, and I believe will, address them.

So, Mr. President, I want to register my opposition to this ill-considered amendment.

### AMENDMENT NO. 1565

Mr. SPECTER. Mr. President, I ask unanimous consent that Senator COHEN, and Senator JEFFORDS be added as cosponsors to the amendment I offered last evening to the Budget Resolution which provided increased funding for Low Income Heat Energy Assistance Program, Prisoner Literacy and Job Training, and Prenatal Care programs.

Further, Mr. President, I ask unanimous consent that a statement by Senator COHEN and a statement by Senator JEFFORDS be included in the RECORD in support of the amendment adopted by the Senate last evening.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

Mr. COHEN. Mr. President, I am pleased to join my colleague from Pennsylvania, Senator SPECTER, in offering this amendment to restore full funding to the Low-Income Home Energy Assistance Program [LIHEAP], which provides assistance to poor households for paying their energy bills.

The budget resolution approved by the Senate budget committee takes us a giant step toward restoring adequate funding for this valuable program in the face of a drastic budget cut proposed by the Clinton administration. Senator SPECTER's amendment will raise the funding level further to ensure that the needy will receive the help they need when facing their energy bills.

In January more than half the Nation was submerged in arctic temperatures brought on by a blast of cold air from Canada. We witnessed record cold temperatures in numerous towns and cities across the country, thick ice on major waterways, broken water mains in cities from Atlanta to New York, and a declaration of a state of emergency in the District of Columbia.

The weather has now improved in most of the country. Temperatures are back to normal. The state of emergency has been lifted.

But for those struggling to pay their energy costs during this relentless winter, the emergency is anything but over. The administration's proposal to cut funding for LIHEAP in half only exacerbated their fears about being able to survive through the winter.

I am very pleased that the budget resolution before us today restores 70 percent of this cut, but I remain concerned that the continuing erosion of funding for fuel assistance benefits will have a drastic effect on the ability of the poor and elderly to survive through any winter, whether it sets records or not.

The amendment I am joining Senator SPECTER in offering ensures continued support for fuel assistance and will provide some assurances to those in need that they will receive some assistance in paying their energy bills. For these families and individuals, the LIHEAP Program is absolutely crucial, and particularly so in my State of Maine.

While the rest of the country reacted in panic to the ordeal of winter weather, Mainers watched with bemusement as other regions tried to adjust to conditions that they face not just for one week once in a lifetime, but for several months during the fall and winter every year.

Let me just read some weather statistics that were provided to me by the national weather service:

In the northern part of the State, which also happens to be one of the poorest parts, the average normal temperature—not this year's record lows—is below freezing for five months of the year—November through March—and is in fact close to zero in December, January and February. April is just above freezing, at 38 degrees.

As it was in many places around the county, this past winter has been an extremely harsh one for Mainers. They, too, faced record cold temperatures and snowfall levels. But long, cold winters are not a rare thing in Maine; they are the norm. They occur not just once in a decade, but year in and year out.

I am bringing this information to the attention of the Senate today to explain why I, and my constituents in Maine, are deeply concerned about the Clinton administration's proposals to reduce funding for the Low-Income Home Energy Assistance Program.

The importance of LIHEAP benefits to the 62,000 low income Mainers who receive assistance cannot be underestimated. Winter fuel bills run at an average of $1,200 for many families in Maine, but benefits average only $170 for the whole winter. For some households who heat their homes with kerosene, wood or oil, benefits range from only $48 to $120 for the entire winter in Maine's poorest counties. These amounts are pitifully low, yet now we face a proposal to cut funding even more.

When word first leaked out that the program might be cut, I wrote to President Clinton and to Health and Human Services Secretary Donna Shalala to express my deep concern about the rumored cuts.

Those letters were sent before the Arctic blast reached a vast portion of the country, including Washington, DC. I had hoped that as a result of their experience with the bitter cold, decisionmakers in Washington would come to understand what it means to live with constant subfreezing temperatures and just how important a warm home can be. I am greatly disappointed that these concerns were ignored by the administration.

Again, I want to express my appreciation to the Senate Budget Committee for restoring a vast portion of the proposed cut. The efforts of the chairman and others to assist in improving the funding outlook for this program is greatly appreciated in Maine and many other states dependent on this funding. I know that difficult budget choices had to be made, and I think the committee did a commendable job under the circumstances.

However, more can be done, and I believe the amendment before us now accomplishes that. I will continue to work with Senator SPECTER and others to secure additional funds for this worthwhile program and explore ways to ensure that states with the greatest demands for assistance receive adequate funds.

In closing, I implore my colleagues to listen to the cry of need from the poor and elderly struggling to make ends meet. When we sit here in thawed-out Washington, DC, making budget decisions that affect other parts of the country, please keep in mind how fuel assistance can make a huge difference in the lives of those who live in colder climates.

LIHEAP benefits today reach only 25 percent of those households eligible to receive assistance. Those who are lucky enough to receive help are among the poorest of the poor, with more than half surviving on incomes at or below the poverty level, and they already spend a disproportionately high amount of their limited incomes on energy costs. While you and I spend about 3 percent of our income on energy costs, LIHEAP recipients spend about 12 percent of their income on heating bills and electricity.

This is not the time to impose additional reductions in this important program. Too many families and elderly individuals depend on it to make ends meet, and we cannot hurt them further. Fuel assistance is absolutely crucial to the poor and elderly and helps influence the decisions they are forced to make about whether to buy food, medicine or heat.

Last month, I received a letter from a disabled World War II veteran living on social security who is concerned about fuel assistance cuts. He wrote, "It's a toss up between medicine, food or heat. We have been out of oil for 3 days in this cold."

I urge my colleagues to think of this individual and thousands like him when making decisions about spending on LIHEAP, and I urge them to support this amendment.

Mr. JEFFORDS. Mr. President, I rise to cosponsor the amendment offered by the senior Senator from Pennsylvania and commend him for his tireless efforts on behalf of the Low-Income Home Energy Assistance Program (LIHEAP). The amendment we are considering shifts $425 million from government consulting accounts into LIHEAP and other vital programs, such as the Maternal and Child Health Block Grants.

I am particularly pleased that this amendment will restore full funding—$1.48 billion—of LIHEAP in fiscal year 1995. My colleagues may recall that Congress already appropriated this amount last fall. But earlier this year, when President Clinton released his budget proposal for fiscal year 1995, he proposed cutting LIHEAP funding in half. The Budget Committee restored about 70 percent of the cut when it reported Senate concurrent Resolution 63. This amendment restores the rest.

The administration claims that falling fuel prices justify steep reductions in a program already cut by 30 percent since funding for it peaked at $2.10 billion a decade ago. The Labor Committee did its best to disabuse the administration of this view during a reauthorization hearing last week.

I will state this as plainly as possible: home energy prices have not fallen. They may not have risen as rapidly as inflation generally, but then again, neither have the incomes of our low-income families—whose ranks have swollen enormously because of the recent recession.

I contacted the Department of Labor's Bureau of Labor Statistics (BLS). BLS maintains and updates a household fuel price index. The index includes fuel oil, natural gas, electricity, coal, and other sources of home energy. Average prices, weighted by use, for the years 1982 through 1984 serve as the index base. The average annual LIHEAP appropriation for those three years was $1.96 billion. I applied index values for subsequent years to the average annual appropriation to determine the annual appropriations necessary for the program to maintain purchasing power at the 1982–1984 level. In every year since 1987, actual appropriations have fallen short. The cumulative loss of purchasing power between 1985 and 1993 totaled $3.63 billion. For the current fiscal year—just to keep pace with changes in home energy prices—we should have appropriated $2.18 billion, but we fell $747 million short. The fact that the President had to release $300 million in emergency funds this winter merely underscores how important LIHEAP is.

Obviously, the budget caps on domestic discretionary spending are forcing Congress and the Administration to face and make exceptionally difficult choices regarding program funding. I don't think any LIHEAP advocate expects funding for the program to increase in this budget climate. But we can't let it decrease any farther than it already has. So, as I mentioned earlier, I commend Senator SPECTER for offering this amendment. I am pleased to cosponsor it. And I urge my colleagues to support it.

### THE REPUBLICAN ALTERNATIVE

Mr. DURENBERGER. Mr. President, I rise today in opposition to the fiscal 1995 budget resolution.

I commend the Budget Committe for reporting a budget resolution which reduces the deficit by $38 billion over 5 years. In particular, I commend the Committee for adopting the Exon-Grassley amendment, which increases the President's proposed deficit reduction of $12 billion by $26.1 billion.

That is a good start, but we must do better—despite the efforts of Senators EXON and GRASSLEY, the budget resolution will only cut the deficit by $1.6 billion in outlays for fiscal 1995.

For some reason, both the President and Budget Committee Chairman SASSER believe that we should take a rest from significant deficit reduction this year. I acknowledge the fact that a $173.5 billion deficit projection for fiscal 1995 is a significant improvement from the $235 billion deficit in fiscal 1994. However, we must bear in mind that this reduction is largely a consequence of the economic recovery that began under President Bush.

As former Federal Reserve Chairman Paul Volcker advised members of this body last week, during periods of recovery we should strive for a surplus. In other words, we should act now. I do not suggest that a surplus like that advocated by Chairman Volcker is realistic in the immediate future. But we must begin to work towards that goal. We should not defer hard budget choices until later in the business cycle, when general economic conditions may impair our ability to act.

Earlier this month, this body debated the proposed balanced budget amendment to the Constitution. At the risk of rehashing that debate, I believe this body needs to focus—again—on the consequences of our staggering deficit.

The projected fiscal year 1995 deficit of $174 billion will be added to the $4.7 trillion bill we are dumping on our children and grandchildren. Each American family of four is burdened with $74,500 of debt due to the past fiscal irresponsibility of the Federal Government. As a consequence, in 1994 we are spending $294 billion in gross interest payments on that debt—$50 billion more than all domestic discretionary spending.

Mr. President, we all know that it is tough to make friends by pursuing meaningful budget reforms. Courageous leadership on this issue may have cost our last President his job. But it is something we must do.

Reducing government spending has been a priority throughout my Senate career. In 1984, I launched an organization called Americans for Generational Equity which sought to make clear how our reckless spending habits devastates future generations. That organization worked hard to identify and achieve the reforms necessary to cut the budget without harming important programs.

I have also been a part of numerous efforts within this body to attack the deficit. In the early 1980s, I sponsored along with Senator GORTON the Durenberger-Gorton bill to balance the budget. Since then, I also have supported strongly such measures as the 1985 Gramm-Rudman-Hollings Act, the Kassebaum-Grassley-Baucus proposal, the Boschwitz spending freeze, the 1990 budget summit reforms, the 1992 entitlement freeze, the 1993-94 Kerrey-Brown and Dole deficit reduction proposals, and, most recently, the balanced budget amendment. I have also opposed the concept of emergency supplementals and have offered amendments to offset such off-budget spending.

For the same reasons I supported those proposals, I also strongly oppose any attempt to strike the $26.1 billion of savings in outlays included in the Exon-Grassley amendment. These savings can be achieved by the Appropriations Committee without harming our national security or compromising important Presidential initiatives such as health care reform.

Mr. President, we all recognize that deficit reduction must be carried out responsibly. That means cutting politically sensitive programs such as entitlements. That also means resisting the temptation to submit unrealistic deficit reduction proposals to the Congress. Unfortunately, Mr. President, I believe the administration's 1995 budget fails on both counts.

I am disappointed to note that the President's 1995 budget did not recommend any cuts in entitlement programs. Furthermore, the President's 1995 budget proposed cuts in programs such as LIHEAP, REA, AIDS Research, and Head Start which the administration should have known this body could not responsibly accept. I congratulate the Budget Committee members on both sides of the aisle who worked to restore some of these harmful cuts. To the committee's credit, more appropriate cuts were identified to pay for this additional spending.

Mr. President, I believe that the Republican substitute budget sponsored by Senator DOMENICI represents a more responsible approach to putting our fiscal house in order. The Republican substitute achieves the kind of deficit reduction that we need—$322 billion more over the next 5 years than the President proposed. Under the Republican plan, the deficit would be reduced to $99 billion in 1999. In contrast, under the Presidents budget the 1999 deficit would be $205 billion, an unacceptable figure.

Mr. President, I also commend Senator DOMENICI for crafting a sound plan for attacking the deficit while preserving the core of the Davis-Bacon Act.

I support the Republican alternative, and will work within its limits to ensure that its cuts are implemented responsibly. That means preserving programs, such as Legal Services, which have practical merit rather than political appeal. That means cutting areas, such as certain entitlements, whose principal merit is their political appeal. And that means not passing the buck by imposing unfunded mandates on State and local governments.

Mr. President, I believe we must achieve greater deficit reduction—this year. Therefore, I am compelled to vote against the fiscal year 1995 budget resolution. Instead, I support the Republican alternative sponsored by Senator DOMENICI—it achieves meaningful deficit reduction and does so responsibly.

### DEFENSE LEVELS OF THE FY 1995 BUDGET RESOLUTION

Mr. McCAIN. Mr. President, I fully support the laudable goal of my colleagues on the Senate Budget Committee to cut spending and reduce the deficit by $43 billion, but I am concerned about the potential impact on defense of the amendment adopted in the Committee's markup. If, as some have said, these cuts will all be taken from defense, this resolution could result in an additional $43 billion cut in the defense budget over the next 5 years. I cannot support such a reduction in the defense budget. Therefore, I offer an amendment to ensure that these discretionary spending reductions would be allocated fairly and appropriately among defense and domestic discretionary programs.

The amendment, in the form of a sense of the Senate resolution, rejects the stated intention of some of my colleagues to foist on the defense budget the entire burden of this deficit reduction.

In my view, this is a fair and equitable approach to cutting discretionary spending. As my colleagues should know, defense spending has been cut every year since 1985. If approved, the President's budget proposal submitted to Congress will result in a 35 percent real cut in the defense budget since 1985, and another 10 percent real reduction by 1999. Defense has already been cut severely; it is time to look to domestic spending for its fair share of cuts to reduce the deficit. Our national security need not be sacrificed to deficit reduction.

Mr. President, I should also note that I have serious concerns that the President's budget cuts defense too fast and too deep. Although full details are not yet available, I am concerned that the capability and readiness of our military will continue to decline under the administration's proposals.

Last July, I published a compilation of responses from the Chiefs of Staff to my questions about the readiness status of the military Services. This publication, entitled "Going Hollow: The Warnings of Our Chiefs of Staff", contains page after page of statements from the Chiefs that readiness is already declining in each of the Services, and that underfunding will only exacerbate the problem. Last Friday, I wrote to each of the Chiefs to ask again for their assistance in identifying shortfalls in funding or indicators of declining readiness. With another year of declining defense budgets, I am not hopeful that their responses will be more encouraging this year than last.

It does not appear that the President's budget request adequately addresses these serious problems. When the budget was submitted in February, the Pentagon disingenuously claimed to increase spending on readiness by $5 billion. Yet only about 20 percent of that amount was allocated to readiness-related programs. Secretary Perry has since admitted that this increase was overstated.

Under the administration's defense budget request, operational training rates, which the Pentagon claims are maintained at current levels, actually decline in several areas compared to training rates at the end of the Bush administration. Without adequate training, our smaller force will be less ready to fight and win any future conflicts.

The men and women who serve in the Armed Forces are denied a full pay raise in the Clinton defense budget. Cost-of-living allowances for military retirees are delayed until October, while civilians retired from Federal service will receive their COLAs in April. Once again, the Clinton administration is singling out military personnel and retirees to bear an unfair share of deficit reduction. This disregard for the financial security of military personnel who are serving or have served their country has a severe negative impact on the morale of our troops.

Only 3 years ago, we went to war in the Persian Gulf as the most combat-ready force in the world. The value of that readiness was clear in the decisive victory we achieved in just a few weeks with minimal loss of life. Today, that readiness is beginning to erode. Our forces are going hollow.

These are serious matters upon which the lives of American soldiers, sailors, airmen, and Marines depend. Future opponents are not likely to allow us time to get ready for war. If we are not ready, the men and women we send into combat will pay for our negligence with their lives.

Mr. President, I trust my colleagues have also been the many reputable studies which suggest that the President's defense budget is insufficient to fully fund the force levels of the Bottom Up Review [BUR]. Estimates of funding shortfalls range from $20 billion, which is the Pentagon's own figure, to more than $100 billion over 5 years. The inadequacy of this budget to fund the BUR Force exacerbates the readiness problems I have outlined above and heightens the danger our troops will confront in future conflicts.

As many of you know, Secretary of Defense Perry has testified to Congress that inflation estimates in the defense budget are understated by this amount over the 5-year plan. I have asked the Congressional Budget Office to analyze the inflation factors in the President's defense budget request, and CBO has responded that, using their estimates, the 5-year defense plan is underfunded by $19.5 billion for inflation increases. Secretary Perry has testified that these inflation costs will be fully funded in future defense budgets, even if he has to request additional funds for defense. I hope his efforts will be supported by the administration.

Other studies take this budgetary analysis a step further and suggest, with a great deal of validity, that the bottom up review force is inadequate to support the underlying strategy, which requires that our military be prepared to fight in two nearly simultaneous major regional conflicts. For example, the BUR calls for a force of 100 long-range bombers, which would be expected to swing from the first major regional contingency to the second, and possibly back again. Another critical asset slated to do double-duty in theaters on opposite sides of the globe is the Joint STARS aircraft, which provided essential and timely support to our forces in the Gulf war. The BUR Force is also woefully inadequate in strategic life assets, requiring military planners to make questionable assumptions about warning time and time between the onset of these contingencies.

Lack of funding for these critical military assets, which are unquestionably some of the most expensive programs in the DOD budget, calls into question the validity of the entire bottom up review concept. It also places in serious jeopardy the lives of our military men and women who may be called upon to support our national military strategy with inadequate equipment, training, and support.

Mr. President, even as the defense budget is steadily decreasing, the percentage of the budget devoted to nontraditional civil activities is rapidly increasing. I could talk at great length about the burden on defense created by the Congress' practice of directing DOD to use defense dollars to support domestic activities. These non-defense activities include peacekeeping, environmental compliance, drug interdiction, disaster relief, and the like. In a study released last November, the General Accounting Office concluded that:

> For fiscal years 1990 through 1993, DOD allocated at least $10.4 billion to [domestic] activities. This figure, however, *understates* the full amount spent because data on such activities are incomplete. [emphasis added]

On March 21, the Congressional Research Service completed a study of items in the DOD budget that may not be directly related to traditional military capabilities. This study analyzed defense expenditures for fiscal year 1990–1993, the same period covered in the GAO report cited above, and the report concludes that $28.3 billion was expended during that period for items which could be defined as non-defense activities. CRS looked further at fiscal year 1994 defense appropriations and the fiscal year 1995 defense budget request, and identified another $24.3 billion in nondefense activities in these 2 years alone. All together, CRS lists $52.6 billion in defense expenditures for items not directly related to military capability.

Mr. President, while views differ as to the relevance of some of these expenditures to military capabilities, the GAO and CRS studies illustrate the increasing drain on scarce defense resources for non-traditional, non-defense activities. These are costs which the Department of Defense must pay, and they are growing costs which must be considered when we assess the levels of funding for defense. Every dime spent by DOD on these types of activities is money which jeopardizes the ability of our military to fulfill their primary mission, to defend the security of the United States.

Mr. President, I do not look back with nostalgia on the Cold War. I welcome the relaxation of tensions between the United States and the former Soviet Union. But the end of the superpower conflict which drove our national security policy for 45 years cannot be interpreted to mean that the world is now a stable and safe place. Our troops may soon be sent into harm's way in Korea, Bosnia, or other places in the world where instability could easily lead to regional conflict. We have an abiding obligation to provide the best possible equipment, training, and support to the men and women who are ready to risk their lives to protect our security.

Finally, Mr. President, despite our best efforts, we have not yet halted the proliferation of weapons of mass destruction and destabilizing advanced conventional weapons to countries which may pose a threat to our security in the future. In addition, the administration has proposed a wholesale easing of restrictions on the export of enabling technologies to these potential enemies. We must plan now to ensure our ability to deal with the potential consequences of continued weapons proliferation.

On March 8, Senators NUNN and THURMOND, the chairman and ranking minority Member, wrote to the Budget Committee to urge full support for the President's budget request. They wrote:

> We do not believe that reductions below the aggregate funding level proposed by the President should be made in defense in fiscal year 1995.

They went on to say that:

> We believe the Congress and the administration should adjust the defense budget upward in the outyears to properly fund the administration's proposed force structure.

On January 25 of this year, President Clinton spoke unequivocally in his State of the Union address of his unwavering support for the defense budget he had submitted to Congress. He said, and I quote: "The budget I [will] send to Congress draws the line against further defense cuts * * * We must not cut defense further." I am told that the White House is very much opposed to the cut in discretionary spending recommended by the Budget Committee.

Mr. President, it must be apparent to my colleagues that these are good arguments, not for cutting defense further, but for increasing the funds allocated to defense by President Clinton. And I am concerned that the overall levels of the administration's defense budget is dangerously low. At a minimum, however, I urge my colleagues on both sides of the aisle to vote for my amendment to guarantee fair and equitable allocation of discretionary spending reductions.

### SAVE-AS-YOU-GO PROPOSAL

Mr. KOHL. Mr. President, I support this budget resolution. It contains real and significant cuts in appropriated spending. It does not raise taxes. It is responsible and thoughtful.

However, the resolution has one major flaw, in my view. It does nothing to address entitlement spending. Entitlements comprise over 50 percent of all Government spending and are growing at a rate faster than inflation—while non-entitlement spending is actually shrinking. Controlling entitlements is key to controlling the deficit. Because we have not addressed entitlements, the deficits projected by this budget increase from $174 billion in fiscal year 1995 to $192 billion in fiscal year 1999. Deficits won't go down until all spending goes down.

To achieve this deficit reduction, we must reform the way in which Congress addresses entitlements. I understand that we cannot change budget rules on this resolution, but I want to make the point that what we need is a change in the way this body does business.

Currently, our budget rules require us to pay as you go for entitlement spending. That is, any change in law that increases entitlement spending must be offset 100 percent.

Clearly, that system is not good enough. It offers no incentive to cut back entitlement programs. It allows them to continue to grow with inflation, population increases, and spiraling health care costs.

I propose that we trade pay as you go for save as you go. Our rules should require any new entitlement spending to be more than offset. For every new entitlement dollar we spend, we ought to offer up $1.10 in spending cuts—$1.00 to pay for our new initiative and 10 cents to go into the deficit reduction trust fund for future generations.

I ask unanimous consent to place in the RECORD a letter I am sending today to Robert Reischauer, Director of the Congressional Budget Office.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. KOHL. I am asking CBO to analyze how much we would have reduced the deficit over the last few years had this simple reform been in place. I ask my colleagues to consider this save as you go approach as a real opportunity to bring entitlement spending down the way we are bringing nonentitlement spending down—and to help protect our children's future.

This is a good budget for current generations—it cuts spending, keeps taxes down, and holds the deficit steady. It is not a good budget for future generations. Until the budget is balanced, we are passing on our debts to our children. We need to change the way we think about budgeting in Washington. It is not good enough to get through today; we have to save for tomorrow as well. I urge my colleagues to consider changing our rules on entitlements to force us to save as we go, and perhaps we can start using the budget to take care of our children as well as we take care of ourselves.

EXHIBIT 1

U.S. SENATE,
*Washington, DC, March 24, 1994.*

Mr. ROBERT D. REISCHAUER,
*Director, Congressional Budget Office, Washington, DC.*

DEAR MR. REISCHAUER: I have developed the attached proposal to amend the Pay-Go provisions created by the Budget Enforcement Act of 1990. I seek your assistance in answering the following questions:

If such a provision had been enacted as part of BEA, how much would less deficit reduction would now be required?

If such a provision were enacted now, how much less would the deficit be in six years, assuming a similar level of direct spending legislation as has been experienced over the last six years, compared to the status quo?

What is your brief assessment of this proposal in terms of its promise at reducing the deficit? Are there any design suggestions (e.g., how should user fees be treated, etc.) that you can offer?

To ensure that we could get this proposal enacted early enough in this session to affect the major entitlement bills that are likely to be enacted this year, I request that you complete this analysis as soon as possible, or no later than May 2, 1994.

Thank you for your assistance. If you have any questions, please contact Richard Turman at 224-5653.

Sincerely,

HERB KOHL.

### ENCOURAGING DEFICIT REDUCTION UNDER "SAVE-AS-YOU-GO"

The Proposal: Reduce the burden on future generations by amending the current "Pay-As-You-Go" requirement that legislative changes in Federal entitlements be offset 100 percent by other spending cuts or revenue increases. Under the modification, the required offset would be increased to 110 percent of the new spending, with the additional 10 percent dedicated to deficit reduction.

*Why Do We Need To Change the Budget Rules*

1. Our Future Demands That We "Save-As-You-Go"—We are now threatening our childrens' future, but have a chance to do something about it. Whenever we make a change in entitlement law—and pay for it by reducing lower-priority programs—we owe it to our children to invest an additional amount in their future. This means investing $10 for every $100 in new spending in deficit reduction.

2. Without Such Changes, the Deficit Will Remain Uncontrolled—Although the discretionary caps restrain the 36 percent of the $1.5 trillion Federal budget to which they apply continued growth in mandatory spending drives the deficit ever-higher in both OMB and CBO forecasts. Without reforming the legislative process for mandatory budgeting, we will never stop stealing from future generations!

3. The Current Pay-Go Rules Are Not Designed To Solve the Deficit Problem—We need to move beyond controlling changes to entitlements through Pay-Go to controlling entitlement spending itself. Pay-Go merely keeps the Federal government from knowingly increasing the deficit through new mandatory spending. By enforcing a one-for-one trade-off between new spending and savings, the Pay-Go rules assume that the deficit doesn't matter. Instead of encouraging budget savings, the Pay-Go rules actually encourage any spending cuts to be saved up and used to offset new spending. We need to change the rules to build deficit reduction into the regular course of business instead of leaving it to be accomplished once in a while through big omnibus bills—otherwise we will never get the deficit down.

*How Would "Save-As-You-Go" Work*

If a bill increases spending by $100 million in a fiscal year, it would have to be accompanied by $100 million in offsets for that same year. Pay-Go's existing enforcement tool, the sequester, would be modified so that any new spending violating these rules would generate a sequester large enough to offset 110 percent of the new spending. The baseline would be adjusted downward to ensure that the savings are locked in.

*Do We Really Need This Change*

After several years, "Save-As-You-Go" would cut a sizable dent from the deficit, ensuring a better future for the next generation and doing so in a manageable way. Unless we make this investment in the future every time we legislate changes in entitlement spending, we may never be able to balance the budget without huge, crippling, spending cuts or tax hikes. We could have enacted such a change when we created Pay-Go, and the problems we now face would be more manageable. It is not too late to get started—our children will start benefiting whenever we do!

### WIC

Mr. LEAHY. Mr. President, I would like to highlight what I believe is a crucial element of this budget resolution. I am referring to the budget assumptions regarding the Special Supplemental Food Program for Women, Infants and Children.

Page 21 of the committee report on the resolution reads:

> The Committee's recommendation assumes the full $354 million increase in budget au-

thority over a freeze requested by the president. An additional 710,000 low income women and children would be served and the program would remain on track for full funding in 1996.

In addition, the Boxer-Leahy amendment, adopted yesterday, assumes an additional $100 million in WIC in 1995.

Mr. President, am I correct in understanding that the committee's resolution adopts and assumes the President's full fiscal year 1995 funding request for WIC, as well as an additional $100 million, toward the goal of serving all eligible WIC who apply by 1996?

Mr. SASSER. That is correct.

Mr. LEAHY. I would like to applaud the chairman of the Budget Committee, Senator SASSER, for continuing to make funding for the WIC a high priority in the Senate budget resolution.

Mr. President, WIC serves children at one of the most critical times of their lives. It provides nutritious food, access to health care and nutrition education to pregnant women and young children up to age 5 who are low income and at nutritional risk.

WIC is universally acclaimed as one of our Nation's most successful and cost-effective early intervention programs.

I would like to highlight the role that a program like WIC can play in health care reform. WIC is a perfect example of how prevention can work to save both money and lives. When pregnant women participate in WIC, they give birth to healthier babies.

A study released last May by Mathematica Policy Research found that infant mortality rates for babies born to WIC participants are one-fourth to two-thirds that of nonparticipants. Reductions in neonatal mortality rates are even greater—one-sixth to two-thirds the rate of nonparticipants.

Mr. President, the infant mortality rate in the U.S. ranks 22d among industrialized nations. We have a moral responsibility to invest in WIC.

Dr. Buford Nichols, of the department of pediatrics at Baylor College of Medicine, testified before the Senate Budget Committee in 1990 that "20,000 infant deaths can be prevented each year by improving prenatal nutrition and care."

In addition to saving lives, WIC improves the quality of life for children by getting them off to a healthy start. Babies with low birthweight are at greater risk of having developmental handicaps, birth defects, infectious diseases, behavior problems, and complications.

WIC not only saves lives, it saves taxpayer dollars as well. For every dollar that we spend through WIC to improve the health and nutrition of a pregnant woman, we save as much as $3.13 in Medicaid costs during the first 60 days after birth.

We save money because babies born healthier require less care. That's smart public policy.

The average medical cost of a low birthweight baby can exceed $39,000. The average cost of the WIC food package in 1991 was $31.67 per participant per month.

Unfortunately, Mr. President, WIC does not live up to its potential when it does not serve all the people who need it. Under current funding levels, 3 million women and children—about 40 percent of those eligible—cannot get WIC.

By not fully funding WIC, we spend much more on health care for babies who are born premature and weighing too little. We are contributing to the health care crisis that is crippling our economy.

In this budget resolution the Senate once again affirms its commitment to reaching full funding for WIC, and the House budget resolution makes a similar assumption regarding funding for WIC. I applaud my Democratic and Republican colleagues in both the Senate and the House of Representatives for their continued bipartisan support for this important program.

Discretionary programs have come under a great deal of pressure in the past few years and they continue to do so this year as we struggle to reduce the budget deficit.

I strongly support efforts to bring down the deficit. But I also know that an ounce of prevention is indeed worth a pound of cure, and that full funding for WIC is an important part of controlling health care costs and the deficit.

The House and Senate Budget Committees recognize the wisdom of that saying and have made a point of increasing funding for WIC even in this time of discretionary cutbacks.

I applaud their vision and their courage in including the President's full WIC request in this year's budget resolution, and I hope to work closely with my fellow appropriators to provide this level of WIC funding.

Mr. SASSER. Mr. President, I share the distinguished chairman of the Agriculture Committee's enthusiasm for the WIC Program. I would point out that the budget resolution as reported by the Budget Committee included $3.6 billion for this program, an 11 percent increase over last year's levels. This level of funding would keep this program on track for full funding in fiscal year 1996. Senator BOXER's amendment that we adopted yesterday added $100 million, bringing the total level of funding to $3.7 billion or 14 percent over last year's level.

WIC, which has now been in existence for 20 years, is certainly one of the most successful of all Federal programs. Providing nutritious food and vital services to at-risk low-income women and children invests not only in their future, but also reduces the potential for costly health problems.

I commend my colleague from Vermont for his strong leadership on the WIC Program and child nutrition in general.

### PROVISION TO TERMINATE THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Mr. FEINGOLD. Mr. President, the Budget Committee is to be congratulated for their excellent work, and in particular for continuing the critical work to reduce our deficit by requiring an additional $26 billion in cuts over the next 5 years. It is vital that we continue to make headway in this area, and build on the deficit reduction work begun by President Clinton in his landmark deficit reduction program.

Though their overall effort is to be applauded, Mr. President, I take exception to some language included in the committee's report accompanying the concurrent resolution on the budget. In particular, the report language supporting the continued funding of the Uniformed Services University of the Health Sciences [USUHS] is inconsistent with the overall intent of this resolution.

Of course the language has no binding effect, but I feel the issue merits a response.

Put most clearly, Mr. President, USUHS is not as cost effective as alternative sources of military physicians.

The Department of Defense obtains almost all of their physicians from three sources—about 70 percent through the medical scholarship programs, about 20 percent from physicians who volunteer directly, and about 10 percent from USUHS. Of all of those sources, though, USUHS is the least cost effective.

Mr. President, this is not only the conclusion of the nonpartisan Congressional Budget Office and the Office of Management and Budget, it is the finding of the Department of Defense, the agency that runs USUHS.

Responding to an Inspector General's review of USUHS, the Secretary of Defense—in May of 1990, directed the Assistant Secretary of Defense—program analysis and evaluation—to conduct a study of USUHS. That study found that the acquisition costs of USUHS-trained physicians are much higher than the costs of acquiring physicians from any other source, more than four times as high.

The Congressional Budget Office findings were even worse, noting, as of 1991, that at $562,000 per person USUHS was the most expensive source of physicians for the military, providing physicians at more than 5 times the $111,000 per person from the military's medical scholarship program, and more than 10 times the cost of obtaining physician volunteers.

Of course, acquisition expenses are not the only cost of a physician to the military. Salaries and retirement benefits make up a substantial portion of the total cost. Here again, USUHS-trained physicians tend to be more expensive.

In fact, because of their higher retention rates, average salaries and pensions are so much higher for USUHS-trained physicians that the Department of Defense found that even if they could acquire a USUHS-trained physician for free, instead of the $562,000 estimated by the Congressional Budget Office, USUHS would still be the most expensive source for military physicians.

The bottom line is, as the Department of Defense noted in its own study, "the Uniformed Services University of the Health Sciences is a significantly more expensive provider of physicians to the Department of Defense" than any other source.

It will take time to phase down USUHS operations, and we will not realize full savings until it is closed. But even as we start that process, the Congressional Budget Office estimates that we can save $190 million over the next 5 years.

Mr. President, with the overall downsizing of our force structure, and the continued pressure put on the entire Federal budget by our deficit, it does not make good economic sense to keep funding USUHS, and I will work to ensure that the President's provision phasing down the Pentagon's medical school is included in the 1995 budget.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to proceed for up to 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DOMENICI pertaining to the introduction of Senate Joint Resolution 178 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CONRAD. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. CONRAD. Mr. President, I ask unanimous consent that we now have a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FEDERAL COMMUNICATIONS COMMISSION AUCTIONS FOR SPECTRUM LICENSES

Mr. HOLLINGS. Mr. President, last summer under the Budget Reconciliation Act of 1993, Congress revised the assignment process by which the Federal Communications Commission awards licenses. In particular, section 6002(E)(2) of title VI creates a special rule which provides that the Commission may not issue a license by lottery after the date of enactment unless one or more applications for such licenses were accepted for filing by the FCC before July 26, 1993. Thus, under the legislation, the FCC may use a lottery to award any licenses license for which an application was filed prior to July 26, 1993.

While not every authorization for which applications were filed before July 26, 1993 must be awarded by lottery, the conferees specifically provided the Commission with the opportunity to award licenses applied for before that date by lottery for a number of reasons. Among them was the concern that a retroactive application of auction rules would be inequitable to applicants who filed before the date the Budget Act was enacted. Thus, under the legislation, the FCC may use a lottery to award any license for which an application was filed prior to July 26, 1993.

### JESSICA MATHEWS' WASHINGTON POST EDITORIAL

Mr. President, an editorial by Jessica Mathews, entitled "Today's Catch—and Tomorrow's: An Orgy of Over-Fishing is Depleting the Oceans and Endangering Future Food Supplies," appeared in the Washington Post on Sunday, March 13, 1994. This editorial discusses the crisis in global fisheries management, emphasizes the need for strengthening international fisheries management, and also makes several points that apply to the regulation of fisheries within the United States Exclusive Economic Zone [EEZ].

This article is particularly timely because the Senate Committee on Commerce, Science and Transportation is considering the reauthorization of the Magnuson Fisher Conservation and Management Act (Magnuson Act) this session. The Magnuson Act is, of course, the primary Federal statute governing the regulation of marine fisheries, and its reauthorization is a priority for the committee. While international fisheries agreements are a critical component of global fisheries management, 95 per cent of the total U.S. commercial landings are fish caught in U.S. waters. Hence, we must focus our effort in the coming months to promote the sustainability of U.S. fisheries as a vital component of U.S. economic strength in the global market, and consideration of the reauthorization of the Magnuson Act is important in these efforts.

We are reviewing the reauthorization of the Magnuson Act at a time when, as Ms. Mathews points out, many of the stocks in our Nation's waters have become severely depleted. The difficulty in addressing regional differences within a broader legislative framework is a challenge for the Magnuson Act reauthorization and also for international agreements. The transboundary nature of many species of fish—across national and state borders—demands a management strategy that balances international and national standards with strong domestic and regional fishery regimes. The Senate Commerce Committee will continue its efforts in this regard.

I ask unanimous consent that the editorial by Jessica Mathews appear in the RECORD immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### TODAY'S CATCH—AND TOMORROW'S

(By Jessica Mathews)

Next week another round of U.N. talks begins that will try to resolve a genuine global environmental crisis. There is no danger of crying wolf on this one. The negotiations are not hobbled by scientific uncertainty nor polarized by a North-South divide. The risk is not abstract or diffuse or distant from human need. None of these handicaps, which can make environmental agreements so difficult, obtains. The only bars to action are short-sightedness and greed.

The crisis is the drastic overuse of ocean fisheries. Thirteen of the 17 major global fisheries are depleted or in serious decline. The other four are overexploited or fully exploited. Every one, in other words, has reached or far exceeded its sustainable yield. The global catch has been declining since 1989. Long before that, rising tonnages masked a shift from valuable species, such as flounder, haddock and swordfish, to much less edible ones, such as spiny dogfish, skate and shark—all that was left.

This is not just a tragedy of the global commons. Individual countries have managed no better. Since the United States took control of its 200-mile offshore zone, it has presided over a government-subsidized orgy of overfishing that has decimated species after species. Despite ever-greater effort—bigger boats, sonar, more days at sea—the catch of nine of the 12 Atlantic groundfish stocks has collapsed. The take of such species as cod, haddock and flounder is down by 70 percent to 85 percent. Clam and oyster catches are down by half. Pacific salmon are nearing commercial or biological extinction. In the Gulf of Mexico it is the same story.

Here is one measure of how fast this devastation has occurred. In 1979, in the frenzy of the second oil crisis, the government wanted to drill for oil on Georges Bank, a biologically rich shoal in the Atlantic. Georges Bank then had more fish per square meter than any place in the world, and was bringing in more than $1 billion per year. It served also as the spawning ground for dozens of species fished there and elsewhere. All of this was to be put at risk for an estimated amount of oil equal to less than five hours per year of U.S. energy needs for 20 years.

The irony is that though there proved to be no oil, Georges Bank was nearly destroyed anyway—by blind mismanagement. After 350 years of continuous fishing, the area was stripped bare in a decade. Today, much of it is closed to fishing.

There is still time to save global fish stocks, but little to waste. Though the resource is stretched to or beyond its limits, world population marches steadily upwarded by 1.75 percent per year. By 2035 it will have doubled. Already, 800 million people are malnourished. Preserving the source of one-sixth of the world's animal-protein supply is a dire necessity.

The only hope lies in creating a strong international regime to manage the fisheries. This, not another toothless declaration, must be the goal of the U.N. talks. The agreement should set minimum global standards to be met or exceeded by regional pacts.

Countries must be required to participate—their participation to include the collection of vital data on their ships—or forfeit fishing rights. Catch standards should consider the whole marine ecosystem, because present fishing methods devastate birds, marine mammals and non-target fish as well as edible stocks. Recovery plans that create temporary or permanent unemployment in the fishing industry will sometimes be the only alternative to permanent loss of the resource.

If this seems ambitious, it is no more than what interdependence means in practice.

Fish move. The 200-mile boundary that separates national zones from the open seas is meaningless underwater. All countries need the fish; those operate a few miles from shore and "distant water" nations that send their fleets around the world. Finger-pointing between the two groups over who has done most damage to a particular stock—the principal pastime at the U.N. talks so far—serves only to deepen the crisis and make the choices in an eventual recovery harsher.

To date, the United States has offered no leadership. Ambivalence about whether to give priority to fishing interests or conservation has shown up in the low level of representation at the talks, the absence of a clear strategy and the opposition to a binding global agreement. The view is that U.S. interests would be best served by preserving the freedom to use America's muscle in regional agreements.

This is like saying that U.S. interests would be served by a world of regional trade agreements in place of a global regime: NAFTA with no GATT. In those terms the error is obvious. With a global agreement, regional pacts provide added benefits. Without one they can be a menace, encouraging a beggar thy neighbor's region approach.

Most environmental concerns pose a sterner test than a global fisheries agreement. They require a grasp of the sometimes subtle bearing on human welfare and a concern for the future. In this case, the former is obvious and the latter unnecessary. This is no long-term challenge. It is here and now.

## THE APPARENT ASSASSINATION OF LUIS DONALDO COLOSIO

Mr. CHAFEE. Mr. President, the world was shaken and shocked in the past 24 hours to hear first of the shooting, and then of the death, of Luis Donaldo Colosio, the Mexican Presidential candidate for the Institutional Revolutionary Party. Although little is known of the incident at this point, it appears that Mr. Colosio was assassinated.

I met Mr. Colosio, then Secretary of Social Development, in February of 1993, during a brief trip I made to Mexico, prior to Senate consideration of the North American Free-Trade Agreement [NAFTA].

I found Mr. Colosio to be a most impressive individual: personable, dynamic, and clearly committed to making those changes and advances he believed would improve the situation of Mexico and its citizens.

Mexico is a country struggling to improve both the short- and long-term well-being of its populace, and create the foundation for a prosperous and stable future. In the past few years, the people of Mexico have taken some remarkable steps: The unprecedented opening of the Mexican economy and the Nation's successful bid to join the GATT; the very public, lengthy fight to win United States approval of the NAFTA and thereby create a partnership designed to lead to developed nation status. Mexico has also faced some extraordinary challenges: the recent armed peasant uprising in Chiapas and the reverberations both political and economic—that followed; and now this—the assassination of the nation's leading political candidate.

The Mexican people have been through a great deal, and shown great national courage and fortitude. But the assassination of Mr. Colosio comes as a terrible blow to Mexican citizens, regardless of party affiliation. Indeed, in the wake of Mr. Colosio's death, the country understandably appears to be in shock. President Salinas has urged calm; and so far, that calm seems to be holding.

I wish to convey to the Mexican people, and the Colosio family, my condolences for the loss they have suffered. We in this country understand this pain all too well. At a time like this, the future may seem uncertain, but I have faith that the Mexicans will emerge from this terrible tragedy, and emerge even stronger than they are now.

## TRIBUTE TO THE LEGENDARY DANNY BARKER

Mr. JOHNSTON. Mr. President, on Sunday, March 13 New Orleans lost one of our most beloved, respected and well known jazz greats, Mr. Danny Barker. A member of one of New Orleans' famous musical families, the Barbarin Family, Danny Barker began his career playing music in a street band called the Boozan Kings, but soon rose to play with other New Orleans legends in New York including Jelly Roll Morton, Louis Armstrong, and Sidney Bechet, to mention just a few.

A musician, an historian, and an entertainer Danny Barker also was a songwriter. Who could ever forget the tune and words of "Save the Bones for Henry Jones" which was recorded by Nat King Cole and Johnny Mercer? It was as back up to his beloved wife, Blue Lu Barker, a great jazz singer, that some of his most classic work was recorded.

Like many of New Orleans renowned musicians, Danny Barker returned to the home he loved in the 1960's. In the 1970's he founded the Fairview Baptist Church Brass Band, which was the training ground for some of the most outstanding classical jazz musicians we have today in the Crescent City: Lucian Barbarin, Greg Stafford, Leroy Jones and Michael White all participated in this tremendous gift Danny Barker gave back to the City from which he came.

I met Danny Barker when I chaired a hearing in New Orleans on a very hot Friday July afternoon on a bill I had introduced directing the Secretary of the Interior to conduct a feasibility study on establishing a new unit of the national park system to preserve, commemorate and interpret the origin, development and progression of jazz in New Orleans. Part of our concept was to look at educational programs for kids in New Orleans, and we invited Mr. Barker to testify. He agreed without a moment's hesitation to make time to come down to the Theater for the Performing Arts and be the lead witness on one of our panels.

Danny Barker's words were heartfelt and straight-forward. He told us that he prayed that our project would go forward, because he was so concerned about so many kids sitting around doing nothing. I well remember what he said: "You give a kid a horn, he becomes identified in the neighborhood as something special. And that is what youngsters look for. To be identified with something. All of them cannot be 7-foot basketball players * * * You should not leave youngsters laying around doing nothing, because they are inventive, one way or another, and it is a bad influence. It is about time something is done about it."

Danny Barker did "something about it." Over 125 kids went through his program; 20 or 30 of them are still playing music in New Orleans today. I think he may have been proudest of this effort, and he had much to be proud of in his life.

All of us will miss Danny Barker, but part of him will remain with us through the many contributions he made to our City and to the world of music.

Mr. President, I ask unanimous consent that an article from the Wall Street Journal and two articles from the New Orleans Times Picayune about this great, generous and very modest man be printed in full at the end of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 23, 1994]

### JAZZ PURIST GETS HIS SOLEMN SEND-OFF

(By Roxane Orgill)

Danny Barker made it clear before he died: No jazz funeral, please. The man who played guitar with everybody from Bunk Jounson to Cab Calloway and then came home to mount a one-man crusade to preserve traditional New Orleans jazz didn't like the way funeral parades had deteriorated. The bands played rhythm and blues now instead of slow hymns and dirges on the way to the cemetery. Second liners danced in a cloud of reefer smoke, and youngsters jumped on the roofs of cars, even the hearse. The jazz funeral had become just another rowdy party in a party town. No way was Barker, who died on March 13 at age 85, going out like that.

But his wishes put his musician friends in a pickle. How could they not give Danny Barker a jazz funeral? Even nonmusicians are entitled to a funeral parade complete with a seven- or eight-piece band and grand marshal. How could they let the man who wrote the song "Save the Bones for Henry Jones," made many recordings with his wife, singer Blue Lu, and got elected to the Jazz Hall of Fame go to his grave without a peep?

So of course Barker got a jazz funeral, a great big, beautiful, noisy funeral with a band of 40 musicians or more, six grand marshals and a second line numbering in the many hundreds. Not as grand as the great clarinetist Alphonse Picou's funeral, which drew 10,000 people in 1961, but close. More to the point, it was a traditional jazz funeral, or as near to one as organizer Gregg Stafford, a 40-year-old trumpet player in Barker's band, the Jazz Hounds, could make it, given such modern-day hindrances as freeways and Reeboks.

Jazz funerals date back at least as far as 1819, when architect Benjamin Henry Latrobe noted that funeral parades were "peculiar to New Orleans alone among all American cities." Also peculiar to the "city of pleasure" was a mania for brass instruments. Every social club and benevolent society had its brass band. For a funeral, the practice was to assemble at the club in the morning and parade to the church, delivering a steady stream of dirges and slow marches along the way. After the ceremony the band escorted the body to the cemetery, again playing slow, mournful music. There is some dispute as to whether the musicians entered the cemetery or stayed respectfully outside. In any case, after the burial, they burst into spirited marches and popular songs, to represent the joy of everlasting life, and paraded back to the club. The whole affair might last nine hours, most of which were spent in motion, making music.

Times change. Freeways dissect the city now, and not even the determined Stafford could persuade band members to trek out to St. Raymond Catholic Church, three miles from the town center. So they assembled three blocks from the church, paraded to the gates, and after the service, drove to a point seven blocks from St. Louis Cemetery No. 2 for the final cortege.

The musicians gathered with vigorous handshakes all around, even though most had seen each other only minutes before at the service. The grand marshals adjusted the sashes across their chests bearing the names of their bands (Olympia, Tuxedo) or clubs (Money Wasters), and the paper doves perched on their shoulders, representing the flight to the hereafter. At the first drumroll, adults and children appeared from who knows where to dance alongside, forming the so-called "second line" that was no line at all but a throbbing mass. The marshals led with a halting sideways two-step. One of them waved a picture of Barker.

The colorful scene was not lost on the throng of photographers, shooting excitedly away, but the music!—the music was the thing. Trumpets, trombones and saxophones locked in harmonic and melodic step formed a thick block of sound, from which countermelodies on a clarinet or soprano sax spiraled up like cigarette smoke. "In the Sweet By and By." "Lord, Lord, Lord," "What a Friend We Have in Jesus"; second liners sang along. One could see their open mouths and ecstatic eyes but their voices were all but lost in the mournful march of bass drum and blasts of tuba.

The music is difficult. It calls for musicians to improvise not as soloists, as they would in later jazz (Louis Armstrong was the first to play solos, in the 1920s), but as a unit. The individual is encouraged to express himself freely but must not lose step with his fellow musicians and with the tune. No wonder that most brass bands today prefer the easier route of rhythm and blues, in which improvisation is minimal and melody comes mostly in riffs—rhythmic snips of music, played over and over.

They normally play in jeans, T-shirts and sandals, too, which would never do for the funeral of Danny Barker, grandson of Isidore Barbarin, a member of the mighty Onward Brass Band in its prime. Stafford insisted on the standard uniform: black jacket, tie, trousers and shined shoes; clean, pressed white shirt; special black cap with a band's name emblazoned across the front. The shined shoes were especially important. Clarinetist Michael White, who is 39, remembers gazing in awe at the senior musicians' "shoes that shone like glass."

White came up through the Fairview Baptist Church bands, which Barker founded in a hugely successful attempt to jump-start the brass band in the '70s. He is dedicated to carrying the torch for traditional jazz, and he is worried. "The tradition is in a lot of trouble, because of commercialization and people dying like this," he says.

Catching his breath at parade's end, Stafford, also a Fairview band alumnus, said he was "95% pleased with his attempt to deliver an authentic jazz funeral. Included in the 5%, one can assume, were the single pair of black Reeboks and the brief episode of rhythm and blues. That came near the end, after many, many hymns, minutes before the band marched single file into Trombone Shorty's for liquid refreshment. A short while later, a few of the musicians could be seen marching up the street to a rocking R&B beat, surrounded by second liners like a swarm of bees.

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[From the Times-Picayune Publishing Co., Mar. 14, 1994]

## LEGENDARY JAZZ MAN DANNY BARKER DIES

(By Scott Aiges)

Danny Barker, a musician, historian and humorist who played with many of the seminal figures of jazz and left a lasting legacy on New Orleans music died Sunday of cancer at his home. He was 85.

Barker rose from playing music on New Orleans streets in a makeshift "spasm" band called the Boozan Kings to a distinguished career playing with a who's who of jazz: Jelly Roll Morton, Louis Armstrong, Cab Calloway, Sidney Bechet, James P. Johnson, Charlie Parker, Dizzy Gillespie and Dexter Gordon.

He was fond of saying that since he had begun playing music for tips as a teen-ager, "I was never an amateur."

At 20, he followed his uncle, bandleader Paul Barbarin, to New York. He remained there as a journeyman musician for 35 years.

It was in New York that Barker began a decade-long association with Morton, a fellow New Orleans expatriate who is considered the first great Jazz composer.

Morton "never called me nothing but Hometown as long as I known him," Barker once said. He knew my name, but he called me Hometown. He felt a feeling for me, "cause I was a little catfish in a sea of sharks."

Barker considered himself an entertainer more than a stellar musician. His strength was making an audience smile with innuendo-laced songs while strumming a guitar or a six-string banjo. But it was backing up his wife of 64 years, singer Blue Lu Barker, that Barker achieved some of his greatest renown in the late 1930s. Their recordings were too risque to become hits, but they remain classics.

Barker's songwriting talents were such that some stars of the day, including Nat "King" Cole and Johnny Mercer, recorded his "Save the Bones For Henry Jones."

Barker was self-deprecating about his own abilities compared with the flashy young guitarists who came after him. But he also was proud of his wide knowledge of popular song and solidity as a rhythm section accompanist.

He could play "extremely subtly on the guitar," jazz historian Richard B. Allen said. "In an apartment or a home he could show you some of the soft things. Danny could play those sweet love songs from the '20s and '30s—play these beautiful harmonics that you just don't get in a nightclub atomoshere. It's a shame that was never captured on a recording."

In the 1940s, Barker was a featured artist on the nationally broadcast "This Is Jazz" radio program. His performances helped to rekindle interest in traditional jazz after the music had gone out of style.

After returning to New Orleans, Barker made perhaps his greatest contribution to jazz: He helped revive the dying brass band tradition by starting the Fairview Baptist Church Brass Band in the 1970s.

Through its ranks passed many of the players who today are the most outspoken advocates for the traditional New Orleans sound, including Lucian Barbarin, Greg Stafford, Leroy Jones and Michael White.

Yet he accepted changes in the music easily.

"Nobody wants to do what their grandparents did," Barker said in 1993. "You can't expect youngsters to play 'Didn't He Ramble' and so on."

To Barker, as long as there are brass bands in which young people can learn to play, jazz will take care of itself.

"I wouldn't fret the least bit about this music dying out," he said. "People love a parade. There's always going to be 'When the Saints Go Marching In.'"

A quintessential jazz man, Barker had a strut in his step, and hepcat expressions such as "You dig?" and "monkeyshine" peppered his speech long after they fell from common use.

He often stood up for common people, pointing out that jazz developed as a pressure valve for African-Americans who "caught hell the rest of their lives."

In recent years, Barker was a familiar sight around New Orleans. He played at private events and he could be heard weekly at the Palm Court Jazz Cafe in the French Quarter until illness curtailed his activities in January. His last performance was at Preservation Hall on New Year's Eve.

Barker made guest appearances on several albums, including a Jelly Roll Morton tribute by the Dirty Dozen Brass Band. In 1993, Barker capped his recording career with "Save the Bones," a collection of solo performances released on Orleans Records.

In 1991, he was named a Master of Jazz by the National Endowment for the Arts. Two years later, he was inducted into the American Jazz Hall of Fame.

He wrote an autobiography, "A Life In Jazz," and a study of New Orleans music, "Bourbon Street Black."

As a historian, Barker "had a real knack for capturing the flavor of music and musicians and the people around it," said Allen, the dean of New Orleans jazz scholars. "When he's in top form, he's my favorite writer for writing about jazz."

Barker is survived by his wife; their daughter, Sylvia Barker; and a grandson.

Funeral arrangements are incomplete.

Musician, historian and humorist Danny Baker, who died Sunday, played with the who's who of jazz from its beginnings to today.

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Danny Barker: A Jazz Great's Legacy (By John McCusker, Staff photographer)

"Danny's dead," my friend said sadly over the phone Sunday. Though awakened from a late afternoon nap, I knew exactly what she was talking about. The man with the pencil-thin moustache and river-wide sense of humor was gone.

Danny Barker, the beloved musician who to many WAS New Orleans jazz, will not soon be forgotten. His was a life that touched so many others that it is truly impossible to make an accounting of his legacy.

I know this because I knew Danny. I am calling him Danny now, but I never called him that to his face. It was always Mr. Barker.

Part of that was my Algiers upbringing; you always called someone older "mister." But in his case, it was strictly a sign of respect. "Mr. Barker" deserved that.

I have no special claim to Danny's memory. I knew him only 17 months. Still, I find it impossible to imagine a world without him.

We met in 1992. I called him up out of the blue to see if he would help me "learn about jazz" for a story I was working on. "Can you come over this afternoon?" he asked without skipping a beat.

That was Danny. If the subject was jazz, he was always willing to tell you what's what.

Danny's career started when he was a child playing the streets of the city with his kid's band, the "Boozan Kings." He left New Orleans in 1929 and found fame in New York.

Over the next three decades, he played with about every major name in jazz including Jelly Roll Morton, Billie Holiday and Louis Armstrong. He achieved success any musician would envy. But, to me, this was not his greatness.

The most remarkable phase of Danny's life took place after his years of fame in New York when he moved back to New Orleans in the '60s. Seeing the musical traditions of the city fading, he started a one-man crusade to preserve them.

He founded the Fairview Baptist Church Brass Band in his neighborhood and taught young musicians the musical heritage of the city. He wrote books, gave lectures and entertained practically any request for an interview, all in the name of keeping the jazz tradition alive.

The fruit of Danny's preservation efforts will, ironically, be evident in his funeral procession on Thursday. His casket will be escorted by a black-hatted brass band playing a funeral dirge; a band, no doubt, featuring some of Danny's prodigies. There too, will be the multitude of others who, like myself, feel indebted to this very special man.

So when I grieve for Danny, it will not be for the man who played guitar for Cab Calloway or wrote "Save the Bones for Henry Jones." I will grieve for the elderly, yet energetic stranger who invited me into his modest Sere Street home and taught me about jazz.

Thanks for the lesson, Mr. Barker. I will miss you.

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## SENATE COMMERCE COMMITTEE BUDGET VIEWS AND ESTIMATES

**Mr. HOLLINGS. Mr. President, during the consideration of the fiscal year 1995 budget resolution, I submitted to the Senate Budget Committee a letter containing the Senate Commerce Committee Views and Estimates for fiscal year 1995 and beyond. I ask unanimous consent that these views and estimates be printed in full in the RECORD following my remarks.**

**There being no objection, the material was ordered to be printed in the RECORD, as follows:**

U.S. SENATE,
*Washington, DC, March 22, 1994.*

Hon. JAMES SASSER,
*Chairman,*
Hon. PETE V. DOMENICI,
*Ranking Republican,*
*Washington, DC.*

DEAR JIM AND PETE: This letter comprises the views and estimates report of the Committee on Commerce, Science and Transportation on the President's Fiscal Year (FY) 1995 budget proposal and economic package.

The Committee will address several areas of concern during the 103d Congress. The budget for FY 1995 and beyond for agencies handling these issues will be scrutinized carefully to ensure adequate resources for implementing Committee initiatives and policies. The following is a discussion of major issues of interest, which are reviewed in the context of what the Committee understands to be the President's budget for FY 1995 and beyond.

### AVIATION

The Committee believes that operations and programs of the Federal Aviation Administration (FAA) must be funded at levels to ensure the continued safe operation of the national airspace. All of the FAA programs, except for a portion of the Operating account, are funded by fees collected from the travelling public, and deposited in the Airport and Airway Trust Fund.

The FY 1995 President's budget is intended to promote the following objectives: safety; competitiveness through increased investment in aviation infrastructure; and the reinventing of government through streamlining and reducing overhead. In this regard, the Committee intends to exercise oversight to assure that FAA safety functions are not affected adversely by attempted efficiencies.

A stated aviation policy goal in the President's budget is the corporatization of the air traffic control system. The Committee notes that there is significant concern that a separation of air traffic control responsibilities from the rest of the FAA will not improve efficiency or address existing problems with the management of the FAA, and may even adversely affect safety.

With respect to the Facilities and Equipment, or capital, account, the President's request of $2.269 billion is less than the authorized level of $2.9 billion. Under this account, the Committee is concerned about the reportedly large cost overruns in the Advanced Automation System (AAS) Program, and awaits with interest the outcome of the FAA Administrator's review of this situation. The Committee will scrutinize future plans and estimates for the AAS to ensure that the program can be carried out within agreed upon funding levels. Other areas of system modernization and improvement, such as work on the Global Positioning System, must be continued, and funding must be adequate for these areas.

The Airport Improvement Program level under the President's budget is $1.69 billion. This amount is considerably lower than the $2.2 billion that the Committee believes is necessary to continue funding for necessary capacity and safety projects, as well as to assure continuation of funding for existing Letters of Intent, which are long-term planning documents for airports.

The President's request for the Operations account is $4.58 billion, which is virtually the same level as last year's appropriated amount. Salaries of controllers, safety inspectors, security personnel, and all support functions are paid from this amount, and thus the Committee believes that this level is the minimum needed to assure that the vital safety functions and activities of the FAA are covered.

The President's request with respect to Research and Development is almost $30 million below the existing authorization of $297 million. Research is a critical aspect of the mission of the FAA. The United States must continue its efforts to lead the world in development and testing of new technology in air transportation, human factors, airport capacity and aviation medicine.

With respect to aviation expenditures, the Committee is concerned that the surplus in the Airport and Airway Trust Fund is projected at $4.6 billion at the end of FY 1994, and $4.5 billion at the end of FY 1995. The Committee continues to believe that Trust Fund monies should be spent for their intended purposes, and surpluses should not be allowed to build up while capital needs go unmet.

### COMMUNICATIONS

The Committee will continue its oversight of the various sectors of the communications industry, the Federal Communications Commission (FCC), the National Telecommunications and Information Administration (NTIA), and the Corporation for Public Broadcasting (CPB) and will be considering reauthorizations of these programs. The President has submitted budget proposals for these programs for FY 1995.

The President has proposed funding for the Federal Communications Commission (FCC) in FY 1995 in the amount of $72.4 million. This is a decrease of $27.5 million over the amount appropriated in FY 1994. The decrease is due in large part to the increase in FCC fees authorized last year in the Budget Reconciliation Act of 1993. The Office of Management and Budget projects that the FCC will raise approximately $95 million in new fees for FY 1995, bringing the FCC's total budget authority to $167.4 million in FY 1995. The Committee will be considering the reauthorization of the FCC for FY 1995 later this year.

The President's FY 1995 budget proposes to increase the overall funding for NTIA from $71 million to $134 million. This amount would include an increase in funding for the National Information Infrastructure (NII) grant program from $26 million to $100 million. The committee understands that this program will fund demonstration projects to enhance the communications capabilities of schools, hospitals, public safety, libraries, and other similar groups. The Committee will consider authorizing the NII grant program at the levels requested by the President in FY 1995 at $100 million and in FY 1996 at $150 million—levels which are included in S. 1883, the NTIA authorization bill recently introduced.

The President has proposed $11 million for the Public Telecommunications Facilities Program (PTFP) in FY 1995. Despite recommendations by the Bush and Reagan Administrations to terminate the funding for PTFP, Congress has continued to fund the program. PTFP was appropriated $24 million in FY 1994. The Committee is considering reauthorization of the PTFP program as part of the NTIA authorization bill, S. 1883, in both FY 1995 and 1996 in the amount of $42 million (the same amount authorized in FY 1992, 1993, and 1994).

The President's FY 1995 budget includes $1 million in funding for the National Endowment of Children's Educational Television (NECET). It does not include funding for the Pan-Pacific Educational and Cultural Experiments by Satellite (PEACESAT) program. Both the NECET and PEACESAT are administered by NTIA, and S. 1883 includes authorizations for NECET at $6 million for each of FY 1995 and 1996 and PEACESAT at $1.5 million for FY 1995.

In addition, the Committee anticipates considering reauthorization of the CPB for FY 1997, and 1998 and 1999. The President has proposed $293 million for CPB in FY 1995, which is the same amount already authorized.

### OCEANS AND MERCHANT MARINE

### *Coast Guard*

During the past several years, the Coast Guard has demonstrated the capability to undertake a number of diverse and important missions across the United States. Adequate funding will be necessary if it is to continue to fulfill these national responsibilities. The Committee will be considering reauthorization of the Coast Guard for FY 1995 this year and estimates that the Coast Guard will require $3,875 million in spending authority for FY 1995 to maintain current services and implement Administration proposals.

With respect to the Coast Guard's Operating Expenses (OE) account, $2,592 million in spending authority was appropriated in FY 1994. This OE budget emphasized funding for the Coast Guard's marine safety and drug and migrant interdiction efforts, while maintaining the Coast Guard's strong commitment to marine environmental protection, national security, fishery law enforcement, and search and rescue. Such activities must be continued in FY 1995, requiring increased spending authority of $59 million after adjustment for inflation and Government-wide administrative and personnel reductions. Of the total funding level for operating expenses, $33 million can be transferred from the Boat Safety account, and $25 million can be transferred from the Oil Spill Liability Trust Fund to the OE account. Thus, the Committee recommends new budget authority of $2,651 million for the Coast Guard's OE account in FY 1995.

The Coast Guard's Acquisition, Construction,and Improvements (AC&I) account will require a significant increase in funding from the FY 1994 level. The CBO baseline based on current spending levels is $316 million for FY 1995. The baseline does not include $33 million to be transferred from the Oil Spill Liability Trust Fund. In addition, an increase of $60 million will be needed to fund three essential new replacement projects for motor lifeboats, buoy boats, and coastal patrol boats to maintain the Coast Guard's operational capabilities. In addition, $32 million will be required to continue implementation of a new vessel traffic system for busy ports and harbors to reduce maritime accidents and the threat of hazardous materials and oil spills. Increases also will be necessary to continue replacement of seagoing and coastal buoy tenders, many of which are over fifty years old. The Committee supports these acquisitions and recommends new budget authority of $439 million for Coast Guard's AC&I account for capital improvement of the Coast Guard's vessel, aircraft, shore facilities, information management resources, and aids-to-navigation.

In other Coast Guard accounts, the Committee supports adequate funding to continue existing programs at current levels, including: $65 million for reserve training; $25 million for environmental compliance and restoration; $40 million for boat safety; $13 million for bridges; and $563 million for retired pay. Such funding levels are consistent with the President's budget request, with the exception of the boat safety and bridge accounts, and, in large part, with the CBO baselines.

### *Oceans and Atmosphere*

The Committee remains committed to the advancement of the atmospheric, oceanic, and fisheries programs of the National Oceanic and Atmospheric Administration's (NOAA). For FY 1995, the Administration budget request has focused on three priorities for strengthening agency program and infrastructure: (1) advancing short-term warnings and forecasts; (2) providing stewardship of natural and living marine resources; and (3) advancing interagency programs such as the U.S. Global Change Research Program and high performance computing and communications.

The Committee will be considering the reauthorization of various NOAA programs and in general supports continuation of NOAA's current activities, which CBO estimates will require spending authority of $1,929 million to cover base operations, construction, and ongoing procurements at FY 1994 service levels. In addition, an increase of $80 million may be required to address activities which the Committee views as priorities, including modernization of NOAA's oceanographic fleet, environmental facility compliance, and environmental data management. In total, the Committee recommends new budget authority of $2,009 million for NOAA in FY 1994.

### *Maritime Administration*

This year the Committee will continue its examination of the state of the maritime industry and in this regard will continue its oversight of the activities of the Maritime Administration (MarAd) within the Department of Transportation (DOT). MarAd's activities are essential to the maintenance of a strong U.S. Merchant Marine and the national defense of the United States.

The President's FY 1995 budget proposal for MarAd requests appropriations of $381 million for FY 1995, a 10-percent decrease from FY 1994. The total appropriation for MarAd for FY 1994 was $424 million.

The Administration's FY 1995 budget for MarAd includes: $77 million for operations and training, an increase of $0.6 million over the FY 1994 appropriation for this account (including funding for the merchant marine academies); $250 million for the Ready Reserve Force, $48 million below its FY 1994 appropriation; $50 million for title XI loan guarantees; and $214.4 million for operating differential subsidy (ODS) obligations. (These amounts do not included the cost of the ocean freight differential, for which there is a permanent, indefinite appropriation to cover additional shipping costs for government-impelled preference cargoes. The expected amount of this differential in FY 1995 is $60.6 million.)

The Committee takes note of the President's FY 1995 budget proposal of $50 million in funding for title XI loan guarantees. The Credit Reform Act of 1990 requires that the cost of any new loan guarantees under this program is to be appropriated. Appropriations of $50 million would support $500 million in loan guarantees.

In addition, the President's FY 1995 budget proposal requests $1 billion in budget authority for direct spending for maritime reform legislation, with offsets for that spending to be obtained through increasing existing tonnage duties. This proposed program, known as the Maritime Security Fleet Program, would provide for annual outlays of approximately $100 million over 10 years. Last session, the House of Representatives approved H.R. 2151, the Maritime Security and Competitiveness Act of 1993. H.R. 2151 authorizes $1.2 billion for a new maritime program, which is $200 million more than the President's request and would provide for annual outlays of $120 million over 10 years. The Administration's legislative proposal to implement the Maritime Security Fleet Program has been introduced by request as S. 1945. The Committee will continue to examine carefully the adoption of maritime reform legislation this year.

### SCIENCE, TECHNOLOGY, AND SPACE

### *Technology Programs and High-Performance Computing*

*Overview: S. 4/H.R. 820.* On March 16, 1994, the Senate approved H.R. 820, as amended by the Senate-passed text of S. 4, the National Competitiveness Act. This bill: (1) reauthorizes and strengthens the technology and manufacturing assistance programs of the Technology Administration of the Department of Commerce (DOC), especially the programs of its National Institute of Standards and Technology (NIST); and (2) authorizes agencies participating in the existing High-Performance Computing and Communications Initiative to work with computer users and vendors to develop new applications of advanced computing. As passed by the Senate, the legislation authorizes a total of $1.9 billion for FY 1995 and 1996 for these programs.

*DOC's Technology Administration.* DOC's Technology Administration contains four key technology agencies—the Office of the Under Secretary for Technology, the Office of Technology Policy, the National Technical Information Service (NTIS), and NIST.

NIST is the largest of these four agencies. The Technology Competitiveness Act (sections 5101–5164 of the Omnibus Trade and Competitiveness Act of 1988, P.L. 100–418) upgraded DOC's National Bureau of Standards into NIST and gave the agency new authorities to help U.S. industry to speed the commercialization of new products and improve manufacturing. Under the 1988 Act, NIST assists industry in three ways: (1) continued in-house research and technical services, which provide industry with precise measurements, quality assurance techniques, and new process technologies; (2) the services of the Manufacturing Extension Partnership, including Manufacturing Technology Centers and the State Technology Extension

Program; and (3) the Advanced Technology Program (ATP), which provides seed money, on a matching basis, to industrial consortia and individual companies to help to develop new precompetitive, generic technologies.

NIST is the government's principal agency for helping American industry to develop and use the new basic technologies necessary to spur economic growth, create new industries, and help firms to create and retain jobs. In an era when U.S. leadership in commercial technology is eroding, when many jobs are at risk, and when major trading partners spend a far higher percentage of their gross national products on commercially-related research, these programs are important to the future prosperity and security of the Nation.

The President's budget proposal includes an expansion of NIST programs in FY 1995 and beyond. A 1993 presidential document entitled "A Vision of Change for America" states: "the Federal Government has an important role to play in promoting economic growth, in part by supporting research and development. This proposal provides aggressive growth for the National Institute of Standards and Technology (NIST). NIST is the only Federal laboratory with the principal mission of supporting U.S. industry and has provided a steady stream of technology support to U.S. firms for over 90 years." The President proposes during FY 1995 to increase the Technology Administration (including NIST) by $439 million above the FY 1994 level of $526 million. H.R. 820 as amended by the Senate reflects this approach.

*Applications of High-Performance Computing.* In November 1991, Congress passed the High-Performance Computing Act (P.L. 102–194), which created a multi-agency computing initiative. The purpose of the program is to help to develop advanced computers and computer networks and make them available to the U.S. research and educational community. The program is coordinated through the White House Office of Science and Technology Policy (OSTP), which the Commerce Committee oversees. The Administration strongly supports the program and proposes funding increases for high-performance computing for FY 1995 and outyears.

Title VI of H.R. 820 as amended by the Senate would add a new element to the existing Federal computer initiative. While the current program focuses on computing for the U.S. scientific community, H.R. 840 as amended authorizes an information technology applications research program under which these Federal agencies also will work with computer users and vendors to develop applications of high-performance computing in important areas in addition to science—particularly education, health care, manufacturing, and information dissemination.

### *National Science Foundation*

This year, Congress will consider a new authorization bill for the National Science Foundation (NSF) as well as the President's budget proposals to expand funding for NSF programs. The President has requested an FY 1995 budget of $3.2 billion, an increase of $182 million over the FY 1994 level. A presidential statement on NSF lays out of the rationale for an increase: "Studies show that investments in research and development (R&D) tend to be the strongest and most consistent positive influence on productivity growth. Most of NSF's investments are in university-based R&D programs which * * * contribute to the Nation's productivity by generating new scientific and engineering knowledge and contribute to the training of the next generation of scientists and engineers." In the past, the Committee has approved legislation supporting NSF's programs.

The Committee shares jurisdiction with the Committee on Labor and Human Resources over six of NSF's seven budget accounts—reaserch and related activities, academic research infrastructure, major research equipment, salaries and expenses, NSF headquarters relocation, and the Office of the Inspector General. The agency's seventh account, education and human resources, remains under the sole jurisdiction of the Labor Committee. Therefore, the views and estimates regarding NSF that are submitted by the Commerce Committee address all of the agency's accounts except education and human resources.

### *National Aeronautics and Space Administration*

The President has requested $14.3 billion in FY 1995 for the National Aeronautics and Space Administration (NASA), a $250 million decrease from the FY 1994 appropriation. The Committee notes that, while the President's budget request for FY 1995 reduces the level of funding for NASA, it does not cancel any major programs. The Committee will be considering a NASA authorization bill for FY 1995.

Funding for NASA is needed to support a variety of aeronautical and space research and development programs, the construction and maintenance of aerospace facilities, and a civil service work force. The space station was redesigned last year by NASA with a view toward lowering its costs. With a reduced budget request, however, the space station will continue to command a large percentage of the NASA budget in FY 1995. In the FY 1995 budget request, the space shuttle operations funding continues to decrease, to reflect efficiencies in the program. The FY 1995 budget proposes a substantial increase to the Mission to Planet Earth program. A substantial decrease in funding is proposed in the President's FY 1995 budget for aeronautics research and technology for FY 1995.

The Committee will be reviewing carefully the funding allocations for individual programs in NASA's authorization bill. In establishing funding priorities for NASA for FY 1995, it is important to highlight funding initiatives proposed by the President to enhance the competitiveness of U.S. industry such as the High Speed Civil Transport, Advanced Subsonics, and the High Performance Computing and Communications program. Also, continued support of NASA's Mission to Planet Earth program is important to increasing information in the earth sciences and maintaining the U.S. commitment to the Global Change Research Program.

## SURFACE TRANSPORTATION AND CONSUMER ISSUES

### *Surface Transportation*

The Committee will continue its oversight of the motor carrier, railroad, and pipeline industries with respect to economic and safety issues. In this regard, the Committee this year will be considering legislation to reauthorize the National Railroad Passenger Corporations (Amtrak), the Local Rail Freight Assistance Program (LRFA), the rail safety program, and the Hazardous Materials Transportation Act (HMTA). The Committee also has reported legislation authorizing funding for high-speed rail.

The Committee will consider the reauthorization of the Amtrak for FY 1995 and subsequent years. For FY 1995, the President's budget proposal includes Amtrak's request for $788 million, including capital grants of $252 million and Federal operating grants in the amounts of $536 million. Amtrak recommends that Congress establish a capital fund account to fund Amtrak capital improvements in the future. The President's budget additionally requests $199.6 million for the Northeast Corridor Improvement Program (NECIP) for FY 1995, which is a $25.4 million decrease from the FY 1994 appropriated level.

With regard to LRFA, the President's FY 1995 budget request does not include any funding for this program. The Committee will be reviewing the feasibility of this program, and a bill, S. 1942, has been introduced reauthorizing it.

With respect to rail safety, the President's budget requests $47.7 million for FY 1995, of which approximately $43.5 million is to be collected through an expanded user fee base. This request would include funds for enforcement, automatic track inspection, and safety regulation and program administration.

With respect to other transportation safety programs, the Hazardous Materials Transportation Act of 1993 was reported by the Committee last session. This bill, if enacted, would authorize $13.1 million for FY 1995 to facilitate HMTA's safety agenda and is consistent with the President's budget proposal of $12.99 million.

Regarding high-speed ground transportation, S. 839, the High-Speed Ground Transportation Development Act of 1993, was reported last session by the Committee. The President's budget has requested $32.5 million for FY 1995, to assist in developing high-speed technologies and devising a cohesive national plan for high-speed rail ground transportation, of which $5 million would be funded out of the Highway Trust Fund. The President's budget does not include any funding for magnetic levitation research and development.

### *National Highway Traffic Safety Administration*

The Administration has requested a total budget of $321 million, which is slightly higher than its FY 1994 budget. Of this amount, $77.743 million has been allocated for operations and research, and $196 million for highway traffic safety grants. The remaining $48.092 million will be derived from the Highway Trust fund for additional operations and research programs.

The $77.743 million budgeted for operations and research is close to $2 million less than the amount ($79 million) projected by the Congressional Budget Office (CBO) based on current spending. Programs funded under operations and research include rulemakings, enforcement, and research and analysis. Under the 1991 Intermodal Surface Transportation Act (ISTEA), NHTSA is required to consider or initiate several safety rulemakings. NHTSA's enforcement programs include the implementation of vehicular safety standards, fuel economy requirements, recalls, and the investigation of vehicular defects.

The $196 million for highway safety grants is consistent with CBO's projections based on current spending. NHTSA is required under ISTEA to issue, under its traffic safety grants program, grants to states to encourage the enactment of more stringent alcohol and impaired driving laws, and increases in safety belt and motor vehicle helmet use.

### *Federal Trade Commission*

The Administration has requested a total FY 1995 budget of $96.1 million for the Federal Trade Commission (FTC), which is lower than the amount authorized in S. 1179, passed by the Senate last session as an amendment to H.R. 2243 and now in conference with the House. Of the amount proposed by the Administration, approximately $33 million (34%) is projected to be obtained from Hart-Scott-Rodino merger filing fees, which represents a significant increase in the percentage of the agency's total budget that is to be obtained from filing fees. (The FTC's FY 1994 operating budget is $88 million, of which $20.820 million (23%) is projected to be obtained from filing fees.) The Administration predicts that there will be an increase in the amount of Hart-Scott-Rodino fees due to an increase from $25,000 to $40,000 per merger filing. The FTC's FY 1995 budget consequently represents a reduction in the amount of the FTC's government funding.

Under its FY 1995 proposed budget, the FTC will be required to make major staff reductions. The Administration has requested the FTC to reduce its full-time employees by 14 during the current fiscal year and by 15 in FY 1995. The employee reductions would affect both the FTC's competition and consumer protection bureaus. Concerns have been raised about these required reductions.

*Consumer Product Safety Commission*

The Administration has proposed funding for the Consumer Product Safety Commission (CPSC) for FY 1995 at $40.2 million, representing a 5 percent reduction from its FY 1994 appropriation. The agency has indicated that this funding level could affect adversely its ability to carry out fully its product safety programs, and could require it to reduce its work force by approximately 5 percent. The Committee will be considering the reauthorization of the CPSC for FY 1995 this year.

In conclusion, this Committee remains committed to responsible deficit reduction while maintaining adequate funding for those priority programs under its jurisdiction.

With warmest regards, I am

Sincerely,

ERNEST F. HOLLINGS,
*Chairman.*

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## SATELLITE COMPULSORY LICENSE EXTENSION ACT OF 1994

Mr. LEAHY. Mr. President, on Thursday, March 3, 1994, I came to the Senate floor to reassure the thousands of families in Vermont and millions of households nationwide that Congress was not about to pull the plug on home satellite dish reception. I return today to mark our progress toward extending the Satellite Home Viewer Act of 1988.

On March 24, the Senate Subcommittee on Patents, Copyrights and Trademarks amended and voted unanimously to report S. 1485 to the Senate Judiciary Committee. This bill now moves on for consideration by the full Judiciary Committee and should be on the Senate calendar before much longer. Four members of the Judiciary Committee are cosponsors and nine members have now voted for the bill.

I commend the leadership of the Chairman of the Subcommittee and the ranking Member, the distinguished senior Senators from Arizona and Utah, respectively. They know full well how important satellite dish reception is to those within their States.

For the rest of our colleagues, I respectfully suggest that areas served by satellite technology are not limited to the mountains of Vermont and our expansive western States. We all have rural areas in our home States. We all have constituents whose television reception is dependent on satellite technology, who cannot receive network broadcast signals due to distance or terrain, and for whom cable is not a viable alternative. Indeed, for purposes of this bill, I submit that we should all be Senators concerned about our rural areas and interested in ensuring that our constituents therein have the opportunities to participate in the widest possible array of news, sports, entertainment, educational and informational programming that can be made available through satellite technology. Direct broadcast satellite service, with its dramatically smaller and more affordable dish, holds great promise to connect all our citizens, even those in the most remote areas, in our modern information age.

I am sure my colleagues have received calls from their constituents who are concerned that the expiration of the current license this year will mean that their satellite dishes will go dark. I am continuing to work to avert that possibility by supporting passage of this necessary legislation to extend the Satellite Home Viewer Act copyright license without further delay. I note that just since my statement on March 3, my friend from Vermont, the distinguished Senator from my neighboring New Hampshire and the senior Senator from Alabama have all joined as cosponsors on the bill. I urge our other colleagues to do the same. Join us to ensure prompt passage of this needed legislation.

The Subcommittee bill contains amendments that improve the legislation initially introduced. While the bill extends the satellite license, as amended, it now contains a sunset provision. It includes the Public Broadcasting System and Fox as network signals, at their behest, and clarifies that Fox affiliates are to be treated as local stations for cable compulsory license purposes. Of importance to many of my constituents is the provision including microwave as "wireless cable" in the cable compulsory license.

One of the principal disputes that had slowed the bill's progress has been removed by compromise language that establishes a more effective mechanism for enforcing the license limitations to so-called "white areas" that do not receive a strong local network affiliate broadcast signal. I commend the representatives of the network affiliates and the satellite industry who worked out this compromise with our encouragement.

While hurdles remain before final passage, I take this opportunity to mark the progress we have made.

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## RETIREMENT OF JUDGE JOSEPH PHELPS

Mr. HEFLIN. Mr. President, Alabama will lose one of its most distinguished jurists next January when Montgomery Circuit Judge Joseph Phelps steps aside. He has served as a circuit judge in Montgomery County since 1976, and has earned a reputation over the years as being thorough, fair-minded, and tough, all hallmarks of an outstanding jurist.

Judge Phelps was an outstanding leader in Alabama's judicial reform movement in the 1970's. His leadership in securing support for the passage of the Judicial Article and its implementing legislation was significant. He played a pivotal role in the educational effort of getting judges and lawyers, court clerks, registrars, and all court-related personnel to understand the new system. His planning, explanation, and leadership brought about a smooth transition from the old antiquated system to the new one. Alabama will always be indebted to him for his many contributions to a vastly improved judicial system.

I ask unanimous consent that an article summarizing Judge Phelps' life and career appearing in the March 9, 1994 edition of the Montgomery Advertiser be printed in the RECORD following my remarks. I extend my best wishes to Judge Phelps on a happy and healthy retirement, and, as he promises, one that finds him active in the community and in legal circles.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Montgomery Advertiser, Mar. 9, 1994]

### PHELPS RETIRING AFTER 17 YEARS ON BENCH

(By Matt Smith)

After more than 17 years on the bench here, Montgomery Circuit Judge Joseph Phelps said Tuesday that he will step down at the end of his term in January.

"I think I've concluded that it's time for sort of a change," said the 50-year-old jurist, who has served as a circuit judge in Montgomery County since 1976. "I'm not tired, I'm not going to retire as such. I'm just going to be available, looking for ways to continue to serve our community."

Judge Phelps and his wife, Peggy, have a farm in south Montgomery County, but "I'm not looking to do a lot of playing," he said. "I'm going to continue to work. I don't believe I'd be happy not working."

Judge Phelps announced his retirement in a brief statement "after much thought and prayer."

"He will be missed," Montgomery County Court Administrator Bob Merrill said. Since retired judges are often pressed into service for special dockets, "He may not be gone for long," Mr. Merrill said.

Judge Phelps was appointed as a special circuit judge in 1976, then elected in his own right later that year. During his tenure, he earned a reputation as a tough but fair judge; said Montgomery City Attorney Thomas Tankersley, who spent a year as Judge Phelps' law clerk.

"They all respected him because—good or bad—he would make a fair decision and make it right down the line," Mr. Tankersley said. "That's what you have to ask from a judge.

"I know he ought to look forward to this," Mr. Tankersley said. "I know he did a great job on the bench and has served the citizens of this county well."

Judge Phelps is known around the courthouse for handing down stiff sentences in cases involving violent crimes, but said he would like to work with plans to develop community corrections programs in the state.

With the increasing caseload state judges face, "We have to be sensitive to alternatives to incarceration for nonviolent offenders," he said.

Violent offenders "need to be dealt with swiftly and surely. But with your nonviolent property offenders, we need to look for ways to deal with them more effectively than we do now."

Other projects he would like to take on include alternative dispute resolution programs and law-related education. He helped found law awareness programs in Montgomery schools and served as dean of the Jones School of Law from 1968 to 1972.

He said the increasing number of cases, both civil and criminal, is the single biggest change he has seen during his three terms in office. "It's changed a lot since we came to the unified court system (in 1976). It's gotten more efficient, more businesslike . . . with a volume that seems to be ever-increasing."

Judge Phelps said he made the announcement Tuesday in order to give candidates considering a run for his seat a chance to qualify. The announcement surprised many in the courthouse, where one regular noted Tuesday that Judge Phelps' planned department could be the first of several openings on the Montgomery County bench;

Circuit Judge Gene Reese is a candidate for a seat on the Alabama Supreme Court, and Circuit Judge Richard Dorrough has announced his candidacy for a seat on the Alabama Court of Civil Appeals.

Circuit Judge Charles Price repeatedly has been mentioned as a possible nominee for a planned federal judgeship.

Two other circuit judges, Randall Thomas and John Davis, and two district judges, Sally Greenshaw and Craig Miller, face reelection this year.

Judicial turnover here would be significant because Montgomery County, as the seat of state government, is where government agencies bring their grievances to court.

A 1958 graduate of the University of Alabama law school, Judge Phelps served as an assistant attorney general from 1958 to 1961, as an assistant city attorney from 1969 to 1973, and as acting dean of the state's judicial college from 1978 to 1979.

## GREEK INDEPENDENCE DAY—A CELEBRATION OF AMERICAN AND GREEK DEMOCRACY

Mr. HEFLIN. Mr. President, I am pleased to rise today in recognition of Greek Independence Day, which will be celebrated March 25, 1994. This is a special day set aside to reflect upon not only the liberation of Greece from the Ottoman Empire, but also the unique contributions Greek Americans have made to our culture and democratic political system.

I had the opportunity to visit Athens for the first time the weekend of March 18–20 for the Standing Committee meeting of the North Atlantic Assembly. Being in Greece—even briefly—provides one with a sense of appreciation for the important role this country has played in developing the societies of the United States and all the western world. As Percy Bysshe Sheeley once said, "We are all Greeks! Our laws, our literature, our religion, our art, have their roots in Greece."

March 25 marks the 173d anniversary of the beginning of the revolution which freed the Greeks from the Ottoman Empire. For the past 7 years, the Congress has passed and the President has signed into law a resolution establishing a national day of celebration and remembrance of Greek independence.

The unique experiment in democracy known as the United States of America served as the role model for Greek independence. The American Revolution became one of the models for the Greeks as they fought for their own independence in the 1820's. Greek intellectuals translated the American Declaration of Independence and used it as their own declaration. In this century, Greece is one of only three nations, beyond the former British Empire, to have been allied with the United States in every major international conflict. Over 600,000 Greeks died fighting with the allies during World War II—9 percent of the entire population of Greece at that time.

I am proud to join my colleagues in recognizing Greek Independence Day and all the valuable contributions of Greek Americans like Senator SARBANES, former Senator and Presidential candidate Paul Tsongas, Presidential Adviser George Stephanopoulos, and former Massachusetts Governor and Presidential candidate Michael Dukakis. These are only a few of the distinguished Greek American leaders who have come to symbolize the rich heritage of their ancestors.

## TRIBUTE TO ROBERT CHAPMAN

Mr. THURMOND. Mr. President, I rise today to pay tribute to one of South Carolina's leading citizens, Mr. Robert Chapman, Jr., who recently passed away.

Mr. Chapman was a widely respected leader in our State's textile industry, historically a very important part of South Carolina's economy. During his career as a business executive, Mr. Chapman served as vice chairman of Inman Mills and director of First Savings Bank. He also took a very active role in promoting the textile industry through his involvement with a number of trade associations, many of which he headed, including the South Carolina Textile Manufacturers Association and the National Cotton Council.

Not only was Mr. Chapman a successful businessman, he was also a pillar of his community. Among the many activities in which he participated, he served as a deacon at the First Presbyterian Church of Spartanburg and as a trustee of the Spartanburg Day School.

While we will all miss Mr. Chapman, South Carolina is a better place thanks to his many efforts. He was a man who never shirked his duties as a citizen, whether it was serving in the Navy during World War II or working to bring business to our State when he was director of the Spartanburg and South Carolina Chambers of Commerce.

My heart goes out to his family, which includes his wife, his sons Robert and John; and his daughter, Sarah.

## TRIBUTE TO C. HEYWARD BELSER

Mr. THURMOND. Mr. President, I rise today to pay tribute to one of South Carolina's leading citizens, Mr. C. Heyward Belser, who recently passed away after a long and brave fight against leukemia.

Mr. Belser was a man of incredible talent and energy who contributed to our State in many different ways. He was known for his outstanding skills as an attorney, his concern for the community, and for his passion for tennis. His accomplishments include having served in the South Carolina House of Representatives, on the board of the Columbia Art Association, and having earned a position in the South Carolina Tennis Hall of Fame. Additionally, he served his Nation during World War II as an aviator in the India-China-Burma Theater where he was decorated with the Distinguished Flying Cross.

One of the most significant contributions Mr. Belser made to South Carolina is the role he took in revising the State's Constitution while he served in the Legislature. His actions are credited with having led to the recently completed restructuring of State government, a process that has been commended by observers in government, business, and academia.

Mr. President, Heyward Belser was a unique man who did his best to leave the world a better place. I know that he will be missed by all who knew him and my thoughts and prayers are with those he left behind—his wife, Mrs. Shelvie Belser; his sons, Clinch and Christopher; his stepson, Robert Burnside; his stepdaughter Debra Rentz and Ashley Burnside; and the remainder of his family.

## TRIBUTE TO A.Z. YOUNG

Mr. BREAUX. Mr. President, I rise to pay tribute to a great Louisianian, A.Z. Young. I am also proud to announce the establishment of the A.Z. Young's Spirit of Service Alive in a New Scholarship Fund.

Andrew Jackson once observed that "one man with courage makes a majority." That sentiment certainly applies to the late A.Z. Young, a great American and a great Louisianian whose life embodied the notion that certain principles are indeed worth risking your life or your livelihood.

A.Z., who died last year, was that kind of man. In 1968, as the leader of an historic civil rights march from Bogalusa to Baton Rouge, he put shoe leather to his belief that Thomas Jefferson was thinking of someone just like him when he wrote that "all men are created equal."

And because of A.Z. and brave people like him, we are now raising a generating of young Americans—black and white—who can barely comprehend the stories their parents and grandparents tell them about the days of Jim Crow and segregation.

The advance in civil rights that began more than 25 years ago did not simply occur spontaneously. We know that great social changes—like civil rights—don't just happen. Brave, visionary men and woman make them happen.

A.Z. Young made things happen.

He was honest, brave and an inspiration to an entire generation of Louisianians. He was, quite simply, an indispenable man—someone who made a real difference in lives of hundreds of his fellow human beings, black and white.

I was honored last month to join with A.Z.'s wife, Dorothy, at Southern University in Baton Rouge to announce the creation of a scholarship fund in his memory. The A.Z. Young Memorial Scholarship has been established to identify and assist young people who wish to follow the example of his leadership and service to his community, state and nation.

Under its terms, students eligible for the $1,000 scholarship must be full-time students attending Southern University who are majoring in political science, history, journalism, communication, public administration or public policy.

Last month's announcement marks the beginning of our efforts to endow this scholarship in the name of one of Louisiana's greatest citizens.

As someone who knew A.Z. and worked with him over the years, I am proud to be a part of the creation of this scholarship and will work hard to sustain it. A.Z. would be quick to tell us, there's much work left to do in this life. We've passed the laws that guarantee all of us equal rights. But I know A.Z. would remind us that it's now time to ensure that every young person gets the chance to take advantage of the many opportunities guaranteed by law, but often denied in reality.

After all, the young people of today are the ones who'll do tomorrow's work. And so, A.Z. would be proud to know that his work did not end when he left this life.

His spirit will live and thrive for generations to come in the hearts and minds of the young people who will have a better chance in life because of this scholarship in his name.

## MRS. REBECCA "POLLY" GUGGENHEIM LOGAN

Mr. THURMOND. Mr. President, I rise today to pay tribute to a very special woman, Mrs. Rebecca "Polly" Guggenheim Logan, who passed away earlier this month at the age of 90.

Mrs. Logan was a prominent Washingtonian and internationally recognized philanthropist whose efforts greatly benefited humanity.

Mr. President, I am not exaggerating when I say that Polly Logan was a woman who was admired and respected by many and that all those who knew her are deeply saddened by her death. It was my pleasure to not only count Mrs. Logan as a friend, but to serve her as her U.S. Senator as she and her husband owned a large plantation just outside Charleston, SC, where they spent their winters. I join her family and friends in mourning the loss of this truly unique and remarkable woman whose work touched the lives of countless individuals. I ask unanimous consent that a copy of Mrs. Logan's obituary from the Washington Post be inserted into the RECORD following my remarks.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 15, 1994]

### POLLY GUGGENHEIM LOGAN DIES; ART PATRON, WASHINGTON HOSTESS

(By Bart Barnes)

Rebecca Pollard "Polly" Guggenheim Logan, 90, a philanthropist and prominent Washington hostess who also was an artist and patron of the arts, died of heart ailments March 11 at her home in Washington.

From the 1940s to the mid-1970s, Mrs. Logan was a leading entertainer of high government officials, diplomats and influential figures in the political, business and art communities, holding parties and receptions at Firenze House, her Tudor-style mansion on 22 acres of wooded and landscaped grounds at 4400 Broad Branch Rd. NW.

Among Washington's grandest estates, Firenze House was the setting for charity balls, art shows, scholarship benefits and barbecue fund-raisers for such organizations as the Children's Hearing and Speech Center. In the mid-1970s, it was sold to the government of Italy for the Italian Embassy.

An artist and portrait painter, Mrs. Logan was a serious student of art and a founder and major supporter of the Art Barn in Rock Creek Park, a restored carriage house where the works of painters, sculptors, photographers and artisans are exhibited.

She was the widow of Army Col. M. Robert Guggenheim, the heir to a family fortune in copper, who died in 1959. In 1953 and 1954, he was ambassador to Portugal. She accompanied him to Lisbon, serving as hostess at the U.S. Embassy. In 1962, she married John A. Logan, a Washington management consultant. He died in 1986.

Mrs. Logan was born near Norfolk. She attended Stuart Hall School in Staunton, Va., and Comstock School, a French finishing school in New York. Later, she studied at Grand Central Art School in New York and the School of the Museum of Fine Arts in Boston.

For two years, she operated her own art studio in Boston, then married Dr. William B. Van Lennep. They were divorced in 1937, and the next year, she married Guggenheim aboard his 175-foot yacht, which was docked in Miami.

Shortly before World War II, they settled in Washington, living on the yacht, which was moored in Washington Channel off Maine Avenue SW. They purchased the estate that came to be known as Firenze House during the war, after Guggenheim lent the yacht to the government.

Complete with a swimming pool, a bowling alley, tennis courts and a pipe organ big enough for a cathedral, the 59-room house at one time required an 11-person service and maintenance staff. The Guggenheims converted one of the barns on the estate into an art studio. She painted in oils and water colors, specializing in portraits and still lifes. She did much of her work in the studio at Firenze House and in a studio at Poca Sabo, a 10,000-acre plantation 38-miles south of Charleston, S.C., where they spent part of each winter. Her paintings have been exhibited at the Smithsonian Institution, in Boston and in private collections.

As a young woman, Mrs. Logan was an enthusiastic tennis player, equestrian and wild-fowl hunter. She also enjoyed yachting and deep-sea fishing.

As a Washington hostess, she was known for an easygoing charm and unruffled disposition, but also a sharp and attentive eye for detail. For years, she was hostess of an annual Firenze House Christmas party, featuring special lighting and decorating, caroling and dancing. As her entertaining increased, she found less time for painting, but she continued to raise money for various art scholarships and organizations.

During the presidency of Lyndon Johnson, the two Johnson daughters gave a party for their father at Firenze House featuring the famed Texas barbecue chef Walter Jetton. So successful was the barbecue, that Mrs. Logan made it an annual charity fund-raiser. The Corcoran Gallery of the Art borrowed the estate for its annual tour of private art collections.

Mrs. Logan was a founder and charter member of the Washington chapter of the National Society of Arts and Letters, a member of the women's committee of the Corcoran Gallery of Art, the women's board of the National Symphony and the women's board of the Opera Society of Washington.

Survivors include a son from her first marriage, Richard Van Lennep of Washington.

## MIDDLE EAST PEACE PROCESS

Mr. DECONCINI. Mr. President, my 17 years in the Senate have taught me that even on the most difficult issues compromise is often possible and impasses are rarely permanent. Even so, I never dreamed that I would live to see world leaders gathered on the White House lawn to witness and celebrate the signing of the Declaration of Principles by the leaders of the Palestinian Liberation Organization and Israel.

Since that day in September when PLO Chairman Arafat and Israeli

Prime Minister Rabin first shook hands, I have watched the progress of the peace talks with both hope and trepidation. The missed target date for the transfer of Palestinian autonomy in Gaza and Jericho and continued differences on such issues as the size of Jericho and border crossings have caused me concern that this small window of opportunity for peace could be lost. But nothing has stuck me as such a potential turning point in the peace progress as the massacre by a Jewish settler of innocent Arabs praying at the Tomb of the Patriarchs in Hebron.

The vile act which occurred at Hebron and which shamed and horrified all civilized people left leaders of both sides with two options. They could either allow extremists to exploit this terrorist act and kill the peace process or they could reaffirm their rejection of terrorism and recommit themselves to the Declaration of Principles. While I was deeply saddened by the tragedy at Hebron, I was encouraged by the Israelis' denunciation of this unspeakable act of violence. Such a response is required of those who embrace the rule of law over the rule of terror. The Israelis additionally acknowledged the need to provide protection for Palestinians in the West Bank and Gaza and to curb the activities of extremist settler groups and began an investigation into the massacre.

Since last week's passage of the U.N. resolution on the Hebron tragedy, it appears that Arafat may return to the negotiating table. The Palestinians, however, have not reaffirmed their commitment to continued pursuit of peace. By adding further issues and demands at this time to the Declaration of Principles on Jerusalem, the settlements and other matters, they will hinder the prospect for the success of the peace process.

I believe the impasses that have occurred in the negotiations stem from the view of many Palestinians that Palestinian self-rule in Gaza and Jericho represents the last rather than the first step in the peace process. But the Declaration of Principles makes it clear that this is not the case—negotiations on the permanent status issues are to begin during the interim period. It is only by the transfer of authority that Palestinians can begin to take control of local issues and mutual confidence can grow between both sides.

The fact that Arafat faces great political difficulties is certainly a factor in why he is increasing negotiations demands on the Israelis at this point. What is at stake, however, is much larger than any individual's particular political problem. While the achievement of Arafat and Rabin in Oslo was a breakthrough, it will only be a footnote in history if the peace process is allowed to fail. Arafat must return to the negotiating table so that differences which cause the December target date for withdrawal of troops from Gaza and Jericho to be missed can be resolved and the transfer of authority to the Palestinians in Gaza and Jericho can begin. Arafat's choice of whether to return to the negotiating table represents a choice of whether young Palestinians will learn that grievances and differences should be resolved at the bargaining table and with ballots or in the streets with guns and rocks. Rabin has already demonstrated that he wants to continue the pursuit of peace with the Palestinians. Arafat has yet to fully demonstrate that he, too, is committed to peace with Israel.

The pursuit of peace with former enemies is a high risk gamble.The payoff, however, can be historic. Israelis and Palestinians have been given the gift of the opportunity to live at long last in peace and security. To those people who continue to question the viability of the peace talks I would repeat what Prime Minister Rabin told me recently when UI was in the Middle East: "I signed the Egyptian Disengagement in May 1974. Some Likud people said it wouldn't last 6 months. Next May it will be 20 years. There are risks for peace and a responsible government of Isreal should bear the risks." I would add that the Palestinians must also shoulder their responsibility.

I believe Rabin and Arafat face a situation today which is similar to what Israeli and Egyptian leaders faced in 1974. They must join together to pursue the path to a lasting peace. It poses great risks for both sides, but it is a risk worth taking. No peace agreement will erase the memories of tragedies which stand out in their tortured history of their people. But it is only peace which can bring a brighter future to both Palestinian and Israeli children. Palestinian and Israeli leaders both have the responsibility to leave their children and grandchildren with a future of peace and security, not one of conflict and violence.

## COMMENDING PAT SMITH AND OKLAHOMA STATE UNIVERSITY

Mr. NICKLES. Mr. President, lasting traditions are built around great people who are dedicated and committed to succeed. Such a tradition exists at Oklahoma State University in collegiate wrestling. It began with the vision of coach Ed Gallagher in 1916, followed by his wrestlers claiming the title at the first NCAA tournament in 1928, and continues today with Pat Smith, the four-time national champion of the 1994 national champion Oklahoma State Cowboys.

Pat's unequalled fourth NCAA championship fueled Oklahoma State, my alma mater, to its 30th national wrestling title, which is far more than any other school.

Pat's distinguished national milestone follows a long list of local, regional, and national achievements. Since losing a match his freshman year, Pat has won each of the 98 times he has taken the mat. In 1990, he became one of only three true freshmen to win NCAA titles. The following year, he claimed first place trophies at the St. Louis Open, the Oklahoma Open, and the Las Vegas Invitational. That same year, Pat also took the gold at the U.S. Olympic Festival in Los Angeles.

In 1992, his streak of NCAA and Big Eight victories continued while taking the titles at the Midlands Tournament and the Fort Hays Open, where he was awarded Outstanding Wrestler honors. This past season, Pat was named Outstanding Wrestler at the St. Louis Open and repeated as a gold medalist at the U.S. Olympic Festival in San Antonio. This year, in route to a 30–1 record, his only loss being a medical forfeit due to a sprained ankle, Pat became the fifth Big Eight wrestler to win four conference titles.

Pat's legacy, brothers Lee Roy and John, have helped fill the trophy case at Oklahoma State University. Each have won NCAA championships at OSU. John, who just won his first title as the head coach of OSU, won two individual championships, in 1987 and 1988, before going on to win four world titles and two Olympic golds. Lee Roy, who now coaches at Arizona State University, won in 1980. Pat's first NCAA championship gave the Smith brothers a record as the only three brothers to win NCAA titles. Pat's younger brother, Mark, a senior at Del City High, is regarded as the Nation's top high school wrestler.

The parents of these outstanding athletes are Lee Roy, a retired processor at the Oklahoma Highway Department, and Madalene Smith. In addition to raising their four sons, the Smiths also have six daughters. The State of Oklahoma shares in the pride the Smiths have in their children.

I know my colleagues join me in congratulating Pat and Oklahoma State University on their outstanding achievements. Together they continue to advance the winning tradition which is so deeply imbedded in the spirit of Oklahoma.

## THE 70TH BIRTHDAY OF SARA LEVI

Ms. MIKULSKI. Mr. President, I rise today to recognize the life and accomplishments of Ms. Sara Levi who will be celebrating her 70th birthday Sunday, April 3. Through her energy, compassion and tireless work on behalf of the greater Baltimore community, Ms. Levi has made a difference in the lives of countless area residents. Growing up in Baltimore the daughter of Russian-Jewish immigrant parents, she did not lead a privileged life. Her father, a grocer, and her mother struggled to keep her and her three siblings clothed and fed. It is from these humble beginnings, however, that she has made very meaningful contributions to Baltimore and the State of Maryland.

Before civil rights was a fashionable cause, Ms. Levi volunteered her time to work for fair housing and equal educational opportunities for minorities and the poor. She also made a difference through active involvement in Maryland politics.

In the late 1960's, after years of raising children, volunteerism and part-time employment in medical research, Ms. Levi began a new career. Despite having never earned a college degree, she became a highly valued employee of the Community Relations Commission, the agency that investigated and mediated complaints of race and sex discrimination in the city of Baltimore. Her performance brought her the praise of others within the agency, and was carried out with such skill that she was often mistaken for one of the commission's attorneys.

In recent years, Ms. Levi has devoted the same energy to the arts, enriching many of Baltimore's institutions with her talent and enthusiasm. Those that have benefited from her support include Baltimore's Art Seminar Group, Print and Drawing Society, and Chamber Music Society.

Mr. President, I salute Sara Levi's contributions to my home city of Baltimore and the State of Maryland. Through her dedicated community service, she has positively affected the lives of many residents across the state. Her spirited activism represents what is best in Maryland and our country. I would like to take this opportunity to send Ms. Levi warm regards on this special occasion, and send her best wishes for many productive years to come.

## IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Wednesday, March 23, the Federal debt stood at $4,559,372,110,731.72, meaning that on a per capita basis, every man, woman, and child in America owes $17,488.22 as his or her share of that debt.

## GREEK INDEPENDENCE DAY

Mr. DOLE. Mr. President, I rise today to note that Friday will mark the 173d anniversary of the beginning of the 1821 revolution which freed the Greek people from nearly 400 years of domination by the Ottoman Empire. And I am proud that Congress has designated today as "Greek Independence Day."

It is appropriate that Americans remember this day, because of the important role that the culture and citizens of Greece have played—and continue to play—in our country.

Not only is the beauty of Greece timeless, so, too, are the many ideas and virtues which found their birthplace in Hellenic culture—ideas like democracy, public service, and the importance of family.

Perhaps it is our dedication to democracy which has made our countries allies for so long. It is worth noting that Greece is one of only three nations in the world, beyond the former British Empire, allied with the United States in every major international conflict this century.

As a veteran of World War II, I well know that over 600,000 Greeks died fighting on the side of the allies in World War II—a remarkable 9 percent of the entire population of Greece at that time.

Mr. President, on this Greek Independence Day, I am proud to join with countless others in pledging ourselves to a future relationship with Greece and her people that is truly worthy of our historic past.

## THE DUNLOP COMMISSION

Mr. DANFORTH. Mr. President, on April 6, 1994, the Commission for the Future of Worker/Management Relations, or, as it is more commonly known, the Dunlop Commission, will hold hearings to gather information so that it can make recommendations on improvements in labor law reform. The Commission is headed by former Department of Labor Secretary and Harvard professor John Dunlop.

The Commission, which was formed by Secretaries Reich and Brown, has been asked to provide answers to three questions. On April 6 it will hear testimony regarding the following question: What (if anything) should be done to increase the extent to which workplace problems are directly resolved by the parties themselves, rather than through recourse to State and Federal courts and Government regulatory bodies?

A measure which I introduced in the last Congress and intend to reintroduce upon our return from the upcoming recess directly addresses this question. This measure, the Employment Dispute Resolution Act, is designed to provide an alternative to litigating employment discrimination claims. When I first introduced this measure in 1992, it was needed to ease the burden on the already overloaded court system and EEOC. Since that time, the plight of the courts and the EEOC has become steadily worse, and the need for this measure has become even more desperate.

As EEOC Chairman Evan Kemp said in 1992:

> Those who turn to the EEOC for relief will be forced to wait nearly three years before the agency can resolve their charges. A woman who files a charge of pregnancy discrimination, for example, will not see the case resolved until her child is in pre-school.
>
> The practical implications of such a delay are horrendous. They are horrendous not only for the charging party who feels his or her rights have been violated, but for the business charged with the alleged violation. An employer would be faced with the administrative nightmare of producing information to justify actions of three or four years earlier.

Chairman Kemp's analysis was corroborated just last month by a GAO report which reviews the EEOC's methods for investigating and litigating discrimination charges. As reported by the GAO, by fiscal year 1996, the processing time for a discrimination claim could more than double. The GAO concluded that this delay can seriously injure complaining parties.

The situation in the courts is also disaster. The Civil Rights Act of 1991 added jury trials for compensatory and punitive damages to both title VII and the Americans with Disabilities Act. These valuable anti-discrimination measures are naturally strong incentives to litigate. Even before the enactment of these amendments, the number of private employment discrimination suits skyrocketed over 2,000 percent between 1970 and 1990.

Increasingly, therefore, the courts are not viable as a responsible enforcement mechanism. Finally, even if there were no problems of overcrowded court dockets and delays, the adversarial nature of a prolonged legal battle is so hostile that it overcomes most prospects of resuming a productive work relationship after resolution of the charge.

I think there is a better way. It is called mediation. In the Winter 1991–92 issue of The Journal of Intergroup Relations, a publication of The National Association of Human Rights Workers, there is an article called "Mediation of Civil Rights Complaints: Win/Win." The author, Clark Field, is a human relations specialist in Evansville, IN. He explains, simply, accurately and compellingly, why mediation is a superior method for resolving employment discrimination claims. I agree. I ask that excerpts of Mr. Field's article be printed in the RECORD following my remarks.

I hold no illusions that mediation will be successful in every case. But under my bill, there really is no downside. This legislation does not compel parties to mediate in all circumstances. However, where either of the parties feels that a settlement can be achieved in mediation, then the parties cannot proceed to litigate in the courts without first trying to work out their differences in mediation.

We are all about to head home for a recess, after spending many long hours in this chamber debating many diverse policy issues. I know that we all look forward to spending time back in our own States and with our families. While I recognize that this is not the time to engage in a full-blown debate on this legislation, I did want to express my very strong sense that the Dunlop Commission should consider a mediation model, perhaps similar to the one I introduced on October 5, 1992. The original text of my initiative, S. 3356, is in the record of that day.

I also invite my colleagues to join me next month when I reintroduce a slightly modified and improved version of the Employment Dispute Resolution Act with, I expect, support from both sides of the aisle.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

## MEDIATION OF CIVIL RIGHTS COMPLAINTS: WIN/WIN

(By Clark G. Field)

### INTRODUCTION

If you are not familiar with Mediation, let me first define it and describe it as a process. Mediation is the coming together of disputants with an unbiased facilitator ("third party neutral"), who will assist both parties—although there can be more than two disputants—in reaching an agreement. The mediator absolutely makes no decisions, but only facilitates consensus decision-making.

Mediation is not: compromise, negotiation, arbitration, conciliation, nor striking a deal.

Mediation is: voluntary, immediate, future oriented, confidential, hard on facts but soft on persons; conducted by an unbiased, trained mediator; and respectful of disputants.

In a few months, I will have been writing "VS" on my letters, questionnaires, fact-finding conference notes, and investigative summaries for eight years. I am a Human Relations Specialist/Investigator for the City of Evansville and Vanderburgh County, Indiana, and I have written that abbreviation "VS" thousands of times. Versus means "against"; it means "doing battle," "overcoming"—"VS" means "win/lose." Our society instinctively thinks of suing, forcing, litigating, winning when it comes to disputes.

When a person comes into our Human Relations office to file a discrimination charge (ninety-five times out of one hundred, it will be in the area of employment), the common procedure is adversarial—only lately am I explaining the mediation option. If both parties should be amendable, we work out an informal resolution and, if the Complainant is found to have made a good case for him/herself (received a "Probable Cause" ruling), there is a time set (maybe twenty days) for reconciliation—these efforts I term "hit and miss" affairs.

There is an inherent flaw in our system, in our adversarial approach, and it is this. Typically, when the Complainant "wins" his/her case—proves discrimination because of race, sex, color, religion, national origin, age, or handicap—she/he will choose not to return to work for the same employer (Respondent). The feeling is that things will not be the same, that he/she will be picked on, or treated worse. Both Respondent and Complainant are reminded that retaliation is illegal, but Complainant still will be afraid to return to the old position. Therefore, we can say that Complainant "wins the battle, but loses the war."

It is my experience that more anger and ill will are generated by race discrimination charges than by any other kind. When the Respondent receives the official charge, e.g., "John Jones VS. John Doe Corp," a combination of feelings erupt in many employers, such as: anger, hostility, fear, hurt, bellicosity, indignation, frustration, embarrassment, defensiveness, vindictiveness, and maybe self-righteousness. More than anything else, whites do not like for blacks to point fingers at them and label them as discriminators and racists. Maybe, back in the recesses of our genetic history, guilt and fear linger as a remnant of slavery.

Is there a better way? Another route, other than "VS"? A win/win method of dealing with discrimination charges, where the relationship of employer and employee may be maintained? Maybe so. With Mediation, everyone wins.

* * * * *

### PROBLEMATIC AREAS

*1. The Motivation to Mediate*

My experience has been that Complainant will usually consent to Mediation, while Respondent is much more hesitant. The reasons are pretty obvious, namely: Complainant has a lot to gain, such as an immediate resolution of the complaint and the repairing of the employer/employee relationship, while the Respondent must deal with a number of obstacles, including: fear of the unknown; fear of giving up power; fear of compromising their position; and the traditional dependence on legal counsel in such matters.

One of the challenges facing the mediator is that of balancing the power. In a Title VII (employment) charge, the power imbalance can be more pronounced than in any other setting—a large corporation facing an unemployed, and sometimes uneducated, ex-employee. But the more employers realize that not only valuable time, energy, and expense can be saved, but also valuable, trained employees can be "kept on board," the more they may choose the Mediation option.

In some Mediations, both parties, after they are familiar with the "Rules and Regulations of Mediation," are required to sign an agreement "to begin Mediation." This can be an important tool for successful Mediation.

*2. That Impartiality Be Ensured*

The most important attribute of any mediator is impartiality. If the investigator also serves as the mediator, there may be a conflict of interest should no agreement be mediated. For instance, if one of the participants proves to be very difficult, later this may bias the mediator/investigator.

In one of my mediations, I realized that Complainant, a white woman, was prejudiced against her black co-workers. She also appeared to have an emotional problem. As the Mediation progressed she backed off, and no agreement was reached. Because of this experience, I felt that she had no legitimate discrimination charge—she was claiming handicap discrimination. As it happened, we went to Mediation before she filed a discrimination charge. Had she later returned to file such a charge, I would have had to refer her to another investigator.

Generally, the mediator and the investigator should be different persons. In small offices, where there is only one investigator, something would have to be worked out. Where there is only an executive director and a secretary and where the Human Relations Commission does not have the force of law, as is the case in some rural Kentucky offices, Mediation could be extremely expedient, if properly promoted.

*3. Timeliness*

There is always a time limit, usually well defined, for filing discrimination charges. In Indiana, it is ninety days from the last date of harm for local and state commissions, and usually one hundred and eighty days for the Equal Employment Opportunity Commission (EEOC). Since Mediation is voluntary and unofficial, it is better for Complainant's charge to be filed initially, in order to preserve the timeliness. Then, when Mediation results in an agreement, Complainant can withdraw his/her charge. Otherwise, Complainant's timely filing could be compromised.

### CONCLUSION

At a time in the United States when cities and states are experiencing a financial crunch and as we move into 1992, when the Americans with Disabilities Act (ADA) will "kick in" for handicapped persons—thus presenting enforcement agencies with perhaps 30 percent more complaints—Mediation can be a very "timely" process. With Mediation, the possibilities are almost limitless. It empowers both employer and employee to sit down together and solve their problems—this way, both win.

While we have been focusing on discrimination in employment in this paper, Mediation will serve a similar purpose in other discrimination charges—housing, education, finance, and public accommodations. In housing especially, Complainants need immediate action, and the survey showed that some offices use Mediation exclusively for housing discrimination charges.

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## FAREWELL, KATHY DECOSTER

Mr. COHEN. Mr. President, I want to take a moment to recognize the departure of a valuable member of my staff, Kathy DeCoster, who is leaving the Hill after many years of outstanding service.

Kathy first joined my staff in 1983 and has, over the years, handled a multitude of legislative issues, ranging from housing and energy policy to welfare reform and aging issues. A special area of her expertise has been environmental issues, where she was actively involved in the Senate consideration of the Clean Air Act, Clean Water Act, Superfund legislation, the Caribou Speckled Wilderness bill, and many other environmental initiatives. She has also helped bring the environmental issues to a more personal level to the people of Maine, through coordinating activities as an Earth Day Contest, where school-aged children from all over Maine submitted art work, poems—and even a hand-made quilt, on what helping the environment means to them. To each of these tasks, she has brought knowledge, good judgment, humor, and a very strong dash of common sense.

In addition to a keen grasp of the legislative process, Kathy has provided the valuable service of recognizing and understanding the needs of Maine and its people. For example, she has been persistent in her efforts to seek adequate funding for the Low Income Home Energy Assistance Program [LIHEAP], which is so vital to individuals, especially the elderly, who often have to choose between heating their homes or buying their medicines during the bitterly cold winters in Maine. In recent years, she has been deeply involved in the Maine delegation's efforts to assist the Loring Air Force Base community as it deals with the devastating prospect of base closure.

Kathy will truly be missed by both my staff and many others in the Senate. She has been very active in the Senate community, by lending her talent to our softball team, being an active parent and board member of the Senate Employees Child Care Center, and always being willing to pitch in to help a colleague in need.

Happiness, according to Aristotle, resides in activity, both physical and mental, and in doing things that one can take pride in doing well. By this measure, Kathy DeCoster has brought happiness to both herself, her family, and to those who have worked closely with her for years. On behalf of the people of Maine, I thank her for her outstanding service, and we wish her the very best of luck in all her future endeavors.

## UNIVERSITY OF SOUTH DAKOTA COYOTES

Mr. PRESSLER. Mr. President, with all the hype and attention being focused on the National Collegiate Athletic Association [NCAA] Division I men's and women's basketball tournaments, let me take a moment to remind my colleagues there is yet another game in town. The NCAA Division II men's basketball tournament has brought the best small-college basketball teams around the country to Springfield, Massachusetts. One of the teams in that field is my alma mater, the University of South Dakota Coyotes.

This year, the USD men's basketball squad earned a trip to the elite eight for the second year in a row. Last night, the Coyotes met the University of Southern Indiana Screaming Eagles. Unfortunately, the Coyotes' bid fell short. However, they still have plenty of reasons to be proud of their season.

On the road to Springfield, the Coyotes mounted an impressive record of 24 wins and only 5 losses—an effort that earned them their second straight North Central Conference Championship and North Central Region Championship. The Coyotes' basketball success has not come overnight. From 1977 to 1988, USD only managed a .383 winning percentage. However, since 1989, the Coyotes have achieved a winning percentage of almost .700, primarily under the direction of coach Dave Boots.

Recently, I visited with students, faculty, staff, and administrators on the USD campus in Vermillion, SD. While this visit brought back many fond memories of my days as an undergraduate student there, I also saw how the university has continued to prosper in other ways under the leadership of President Betty Turner Asher. The University of South Dakota excels academically, as well as athletically.

Again, I salute the University of South Dakota Coyotes men's basketball squad for their success in the NCAA Division II men's basketball tournament. I ask unanimous consent that materials concerning the Coyotes' season be included in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### SOUTH DAKOTA IN NCAA ELITE 8 TOURNAMENT

| South Dakota | PPG | RPG | Percent | |
|---|---|---|---|---|
| | | | FG | FT |
| G–10 John Hemenway, 6–1, 160, So., Rockton, IL | 6.0 | 1.7 | .409 | .828 |
| G–32 Randy Rosenquist, 6–4, 220, Sr., Sioux City, IA | 16.1 | 4.5 | .432 | .531 |
| C–54 Mike Kloth, 6–9, 240, Sr., Wisner, NE | 3.5 | 6.4 | .539 | .552 |
| F–22 Troy Terronez, 6–5, 200, Sr., Cedar Rapids, IA | 12.7 | 4.3 | .493 | .768 |
| F–52 Shane Murphy, 6–8, 205, Sr., Harlan, IA | 14.6 | 5.1 | .540 | .810 |
| Reserves | | | | |
| F–44 Loren Dekruyf, 6–5, 200, Jr., Boyden, IA | 12.8 | 4.7 | .543 | .852 |
| G–34 Mike Koehler, 6–2, 200, Fr., Elkhart Lake, WI | 4.0 | 1.6 | .554 | .667 |
| G–30 Mark Andres, 6–2, 185, Sr., Rhinelander, WI | 3.1 | 1.4 | .429 | .778 |
| G–12 Brian Marso, 6–0, 175, So., Gillette, WY | 2.8 | 0.6 | .500 | .842 |
| F–20 Monte Hess, 6–6, 215, So., LeMars, IA | 2.1 | 1.6 | .560 | .538 |
| F–50 Mike Hanzel, 6–7, 215, So., Jordan, MN | 1.5 | 1.4 | .444 | .750 |
| G–14 Tyson Theeler, 6–4, Fr., Mitchell, SD | 1.6 | 0.7 | .381 | 1.000 |
| South Dakota total | 85.2 | 39.1 | .505 | .704 |
| Opponents | 69.6 | 33.7 | .418 | .675 |

### NCAA DIVISION II ELITE 8 NATIONAL TOURNAMENT

*Quarterfinals, March 23*

1 p.m.—Norfolk State (27–5) vs. Washburn (28–3).

3 p.m.—Cal State Bakersfield (24–6) vs. Indiana, PA (25–2).

6:30 p.m.—South Dakota (24–5) vs. Southern Indiana (26–3).

8:30 p.m.—Alabama A&M (27–4) vs. New Hampshire (27–4).

*Semifinals, March 24*

6:30 p.m.—Norfolk State/Washburn vs. Cal St.-Bakersfield/Indiana, PA.

8:30 p.m.—South Dakota/Southern Indiana vs. Alabama A&M/New Hampshire.

*Championship, March 26*

1 p.m.—CBS.

### 1993–94 SOUTH DAKOTA INDIVIDUAL STATISTICS

[Season record: 24–5 (Home: 13–1/Away: 11–4)—North Central Conference: 15–3 (Home: 8–1; Away: 7–2)]

| Name | G–GS | FG | FGA | PCT | 3pt FG | 3pt FGA | PCT | FT | FTA | PCT | REB | PTS | PF | AVE. PTS | AVE. REB | ST | BS | A | TO | MIN |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Rosenquist | 29–29 | 169 | 391 | .432 | 60 | 201 | .299 | 69 | 130 | .531 | 131 | 467 | 68 | 16.1 | 4.5 | 61 | 7 | 130 | 69 | 873 |
| Murphy | 29–10 | 150 | 278 | .540 | 30 | 66 | .455 | 94 | 116 | .810 | 148 | 424 | 93 | 14.6 | 5.1 | 15 | 12 | 46 | 37 | 651 |
| DeKruyf | 29–4 | 121 | 223 | .543 | 36 | 71 | .507 | 92 | 108 | .852 | 135 | 370 | 37 | 12.8 | 4.7 | 17 | 2 | 28 | 25 | 687 |
| Terrouez | 29–29 | 112 | 227 | .493 | 47 | 111 | .473 | 96 | 125 | .768 | 126 | 367 | 53 | 12.7 | 4.3 | 20 | 5 | 63 | 35 | 864 |
| Jones | 19–19 | 95 | 133 | .714 | 0 | 1 | .000 | 45 | 89 | .506 | 126 | 235 | 48 | 12.4 | 6.6 | 23 | 8 | 28 | 46 | 478 |
| Hemenway | 29–29 | 56 | 137 | .409 | 15 | 47 | .319 | 48 | 58 | .828 | 49 | 175 | 33 | 6.0 | 1.7 | 23 | 3 | 90 | 37 | 595 |
| Koehler | 24–0 | 36 | 65 | .554 | 5 | 12 | .444 | 20 | 30 | .667 | 39 | 97 | 16 | 4.0 | 1.6 | 5 | 0 | 8 | 12 | 183 |
| Kloth | 29–25 | 41 | 76 | .539 | 0 | 0 | .000 | 16 | 29 | .552 | 187 | 102 | 82 | 3.5 | 6.4 | 10 | 36 | 16 | 18 | 566 |
| Andres | 29–0 | 27 | 63 | .429 | 9 | 26 | .346 | 28 | 36 | .778 | 41 | 91 | 51 | 3.1 | 1.4 | 9 | 0 | 42 | 28 | 447 |
| Marso | 21–0 | 15 | 30 | .500 | 13 | 23 | .565 | 16 | 19 | .842 | 12 | 59 | 12 | 2.8 | 0.6 | 8 | 0 | 23 | 13 | 141 |
| Hess | 17–0 | 14 | 25 | .560 | 0 | 2 | .000 | 7 | 13 | .538 | 27 | 35 | 7 | 2.1 | 1.6 | 1 | 0 | 7 | 5 | 76 |
| Hanzel | 17–0 | 8 | 18 | .444 | 0 | 0 | .000 | 9 | 12 | .750 | 24 | 25 | 13 | 1.5 | 1.4 | 0 | 2 | 4 | 1 | 80 |
| Theeler | 18–0 | 8 | 21 | .381 | 5 | 11 | 455 | 8 | 8 | 1.000 | 13 | 29 | 6 | 1.6 | 0.7 | 3 | 0 | 6 | 4 | 65 |
| Team | ........ | ........ | ........ | ........ | ........ | ........ | ........ | ........ | ........ | ........ | 72 | ........ | ........ | ........ | ........ | ........ | ........ | ........ | ........ | ........ |
| USD total | 29 | 852 | 1,687 | .505 | 220 | 570 | .386 | 541 | 769 | .704 | 1,135 | 2,472 | 525 | 85.2 | 39.1 | 195 | 74 | 490 | 331 | ........ |
| Opponents | 29 | 737 | 1,764 | .418 | 151 | 440 | .343 | 394 | 584 | .675 | 977 | 2,019 | 635 | 69.6 | 33.7 | 167 | 56 | 373 | 366 | ........ |

### COYOTE TEAM SEASON HIGHS

Points: 114 vs. Grand View & Nebraska-Omaha (2).

Rebounds: 54 vs. Teikyo-Westmar.

Assists: 35 vs. Nebraska-Omaha (2).

Steals: 15 vs. Mount Mary.

Blocked shots: 6 vs. South Dakota State.

Field goals: 42 vs. Nebraska-Omaha (2).

Field goal attempts: 72 vs. Teikyo-Westmar.

FG percentage: .654 (34–52) vs. Augustana (2).

Three-point field goals: 13 vs. Morningside.

Three-point FG attempts: 31 vs. North Dakota State.

3 pt. FG percentage: 625 (10–16) vs. Nebraska-Omaha (2).

Free throws: 31 vs. Northern Colorado (2).

Free throw attempts: 41 vs. Northern Colorado (2).

FT percentage: 917 (22–24) vs. Mount Mary.

### COYOTE INDIVIDUAL SEASON HIGHS

Points: 28, Loren DeKruyl vs. North Dakota (3).

Rebounds: 14, Mike Kloth vs. Morningside.

Assists: 11, Randy Rosenquist vs. Nebraska-Omaha.

Steals: 5, Randy Rosenquist vs. Mount Mary & South Dakota State.

Blocked shots: 5, Mike Kloth vs. St. Cloud State.

Field goals: 11, Shane Murphy vs. Nebraska-Omaha (1); 11, Shane Murphy vs. Nebraska-Omaha (2).

Field goal attempts: 18, Randy Rosenquist vs. Grand Canyon & South Dakota State (2) & North Dakota (3) & North Dakota State (3).

FG percentage: 1,000, Chris Jones (7–7) vs. St. Cloud State.

Three-point field goals: 5, Troy Terronez vs. North Dakota State; 5, Loren DeKruyl vs. North Dakota State (3).

Free throws: 11, Shane Murphy vs. North Dakota State (3).

FT percentage: 1,000, Loren DeKruyl (8–8) vs. Northern Colorado (2); 1,000, Troy Terronez (8–8) vs. Northern Colorado (3); 1,000, Troy Terronez (8–8) vs North Dakota (3).

1994 NCC STANDINGS

| Team | NCC | All |
|---|---|---|
| South Dakota | 15–3 | 24–5 |
| North Dakota State | 14–4 | 21–9 |
| North Dakota | 11–7 | 23–9 |
| South Dakota State | 11–7 | 19–8 |
| Mankato State | 10–8 | 14–13 |
| St. Cloud State | 7–11 | 13–16 |
| Morningside | 7–11 | 13–16 |
| Northern Colorado | 7–11 | 11–18 |
| Augustana | 6–12 | 14–12 |
| Nebraska-Omaha | 2–16 | 4–22 |

#### COYOTE TRACKS

From the 11-year period from 1977 to 1988, South Dakota won 113 games and lost 182 for a .383 winning percentage. Over the last six years starting with the 1989 season, the Coyotes have won 127 and lost 54 for a .702 winning percentage.

The Coyotes have put together six consecutive winning seasons from 1988–89 to 1993–94. South Dakota has not had six straight since the turn of the century when the Coyotes had seven in a row from 1909 to 1915.

Of the top-eight seasons in South Dakota history, Dave Boots has five of them. He ranks third on the all-time coaching win list with 127. The school's all-time leader in Carl "Rube" Hoy, who won 167 (lost 189) in 24 years from 1927–49 and 1952–54. Dwane Clodfelter is second with 149 wins (153 loses) in 13 years from 1954–67.

South Dakota has lost only 12 games at home during the Dave Boots' era and has finished in the upper division of the North Central Conference in each of the last six years, including the last two NCC championships.

The Coyotes have won 57 of their last 71 games for an .803 winning percentage.

South Dakota has had four 20-win seasons in the last six years (22 in 1990, 20 in 1991, 25 in 1993 and 24 this season).

In USD's championship season last year, the Coyotes outshot their opponents for the field in 21 games and held a rebounding advantage in 20 games. This season, USD has outshot the opposition 25 times and outrebounded opposing teams 20 times.

USD returns 85.1 percent of its scoring this season and 81.4 percent of its rebounding

#### COYOTE TIDBITS

Shane Murphy has been North Central Conference Player of the Week two times this season. Randy Rosenquist has been named Player of the Week once. Rosenquist won the NCC steals title (2.33), and Murphy won the three-point shooting title (.564).

The Coyotes captured three NCC team statistical departments this season; scoring offense (84.1), field goal percentage (.513) and rebounding margin (+3.22). USD was second in scoring defend (69.2), third in assists (16.6) and seventh in free throw shooting (.696).

Randy Rosenquist has scored 20 or more point nine times. Shane Murphy has done it eight times and Loren DeKruyf four times.

#### PLAYER PLAUDITS

Senior Randy Rosequist, a two-time all-North Central Conference selection, ranks fourth on the school's all-time scoring list with 1,586 points. Rosenquist is the sixth player in school history to reach 1,500 career points. Rosenquist also ranks sixth in career assists (351), second in career three-point field goals (206) and third in career steal (205).

Senior Troy Terronez ranks 8th on the career scoring list with 1,322 points.

Senior Mike Kloth ranks second in career blocked shots with 116 and he ranks 11th in career rebounds with 602. Kloth has 36 blocked shots this season which is the 6th-best single-seasons total in school history.

The Coyotes are an experienced squad. The four players who have been with the team the longest (Randy Rosenquist, Troy Terronez, Mike Kloth, Loren DeKruyf) have combined for 428 games played since 1990–91.

*Rosenquist, Terronez scoring watch*

[USD's all-time leaders]

| | |
|---|---|
| Tim Hatchett (1986–90) | 2280 |
| Jeff Nannen (1976–80) | 1782 |
| Mike Graves (1986–90) | 1746 |
| Randy Rosenquist (1990–present) | 1586 |
| Jack Theeler (1965–68) | 1573 |
| Chuck Iverson (1969–73) | 1536 |
| Rick Nissen (1972–76) | 1452 |
| Troy Terronez (1990–present) | 1322 |
| Kyle Collins (1985–89) | 1306 |

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 11:56 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1299. An Act to reform requirements for the disposition of multifamily property owned by the Secretary of Housing and Urban Development, enhance program flexibility, authorize a program to combat crime, and for other purposes.

At 7:22 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4122. An Act to temporarily extend certain provisions of the Marine Mammal Protection Act.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 232. Concurrent Resolution providing for an adjournment of the two Houses.

## MEASURES REFERRED

The following measure was read the first and second times by unanimous consent, and referred as indicated:

H.R. 4122. An Act to temporarily extend certain provisions of the Marine Mammal Protection Act; to the Committee on Commerce, Science, and Transportation.

The Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of the following measure which was referred to the Committee on Labor and Human Resources:

S. 1937. A bill to amend the Community Services Block Grant Act to establish a new Community Initiative Program to carry out economic development activities in economically distressed communities, to make other amendments to the Act, and for other purposes.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–414. A resolution adopted by the Commission of the City of Key West, Florida relative to the Save Our Everglades Initiative; to the Committee on Energy and Natural Resources.

POM–415. A resolution adopted by the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources.

"Legislative Resolve No. 19

"Whereas the Alaska tourism industry recognizes Denali National Park as Alaska's premier visitor attraction because of the majestic view of Mt. McKinley, the opportunity to enjoy a wilderness experience, the chance to encounter wildlife in its natural habitat, and the relative solitude of the area; and

"Whereas enhancing the Mt. McKinley experience for visitors would enhance the tourist industry statewide through tourist satisfaction and expanded seasons; and

"Whereas insufficient access to premier viewing areas and lack of facilities at these areas are major obstacles to enhancing the wilderness experience; and

"Whereas the state is uniquely able to obtain rights-of-way into Kantishna through leases, land exchanges, assertion of rights under RS 2477, application for transportation utility corridors under Title XI of the Alaska National Interest Lands Conservation Act (ANILCA), and other legal claims to rights-of-way, and can monitor negotiations that would allow private sector development to occur; and

"Whereas the Kantishna area, with its dry interior climate and long daylight hours, offers splendid viewing opportunities and a high potential to promote both summer and winter activities; and

"Whereas access to Kantishna would provide the Alaska private sector with the opportunity to meet the increased demand for tourism facilities while taking advantage of a historical transportation route and restricting potentially deleterious environmental effects to areas historically used by the mining industry; and

"Whereas it is necessary to design and construct these facilities and transportation systems so that they have the least possible negative effect on the environment, the area's wildlife, and the state's fiscal resources;

"*Be it resolved*, That the Alaska State Legislature respectfully urges the Governor and the executive branch to be aggressive in their resolve to enhance the Mt. McKinley experience for our visitors by developing new environmentally sound access routes into Kantishna and a Kantishna visitor activity area; and be it

"*Further resolved*, That appropriate state agencies should work with the National Park Service and interested members of the public and private sectors to thoroughly investigate the potential of establishing a rail utility corridor into Kantishna in which the private sector could construct and operate a transportation system and other facilities that would serve the public needs; and be it

"*Further resolved*, That the Alaska State Legislature strongly supports the efforts of the Governor of Alaska, the Alaska delegation to the U.S. Congress, and the President of the United States in pursuit of the necessary studies, land acquisitions processes, and other necessary permits that would allow new environmentally sound routes into Kantishna and a Kantishna visitor activity area.

"Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Robert C. Byrd, president Pro Tempore of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; Roger Kennedy, Director of the National Park Service; Jack Morhead, Regional Director for Alaska, National Park Service; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

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POM–416. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Energy and Natural Resources.

"HOUSE JOINT RESOLUTION 94–1013

"Whereas, in 1976, the United States Congress enacted the Payments-In-Lieu-Taxes (PILT) program administered by the United States Bureau of Land Management to compensate county governments for the tax-exempt nature of and costs associated with maintaining federal lands; and

"Whereas, the PILT program provides payments to over 1700 counties in 49 states to compensate for taxes lost through federal ownership of open space lands; and

"Whereas, PILT payments are spent by local governments for programs and services such as emergency search and rescue, law enforcement, fire and emergency medical services, solid waste disposal, road maintenance, and health and human services, all of which are necessary to support the vast system of national parks, national forests, fish and wildlife refuges, and reclamation areas; and

"Whereas, the Consumer Price Index has skyrocketed over 120% since 1976, while the amount of PILT payments has not been increased, causing the purchasing power of the payments to be worth less than half of the original value; and

"Whereas, restrictions on the economic uses of federal lands, such as mining, logging, and grazing, have a direct impact on county governments and threaten the stability of communities serving federal lands; and

"Whereas, shared natural resource payments to counties from certain economic uses of federal lands are absolutely vital to the financial stability of many county governments, and the importance of PILT payments has increased dramatically as natural resource payments to county governments decline; and

"Whereas, counties continue to relay on property taxes to fund the operation of local government, and statewide tax limitation measures have constrained the growth of local property taxes; and

"Whereas, under the current formula there is an inequity whereby low-population counties in western states do not receive the annual minimum per acre payment; and

"Whereas, the United States Congress is presently considering legislation that will increase the amount of PILT payments by adjusting for changes in the Consumer Price Index each year; now, therefore,

"*Be it resolved by the House of Representatives of the Fifty-ninth General Assembly of the State of Colorado, the Senate concurring herein:*

"That we, the members of the General Assembly, urge that consideration be given to correcting any formula inequities for low-population counties and support the adoption of S. 455, sponsored by Senator Mark Hatfield of Oregon, and H.R. 1181, sponsored by Representative Pat Williams of Montana, in order to aid county governments with their burden of maintaining federal lands.

"*Be it further resolved*, That copies of this Resolution be sent to the President of the United States, the Secretary of the Interior, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Colorado Congressional Delegation."

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POM–417. A resolution adopted by the Municipal Council of the Township of Woodbridge, New Jersey; to the Committee on Environment and Public Works.

POM–418 A concurrent resolution adopted by the Legislature of the State of Kansas; to the Committee on Environment and Public Works.

"HOUSE CONCURRENT RESOLUTION NO. 5030

"Whereas, the protection of the public health and welfare is the primary concern of public water supply systems; and

"Whereas, the ability of public water supply systems to protect the health and welfare of its citizenry has been greatly reduced by unfunded federal mandates contained in the Safe Drinking Water Act; and

"Whereas, public water supply systems cannot afford to commit limited resources on federal mandates which provide little or no benefit to public health, but must rather be permitted to focus their resources on protections which ensure the highest safety for public health; and

"Whereas, H.R. 3392, the Safe Drinking Water Act Amendments of 1993, introduced by Representatives Jim Slattery of Kansas and Representative Thomas Bliley of Virginia, would amend the Safe Drinking Water Act to allow public water supply systems greater ability to effectively protect the public health and welfare by ensuring that limited public resources can be sensibly focused on the most serious risks presented by contaminants in drinking water: Now, therefore

"*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:*

"That the legislature urges Congress to amend the Safe Drinking Water Act in such a manner as will permit public water supply systems to focus their resources on issues which threaten public health and which will provide flexibility in meeting the real health needs of its citizenry; and

"*Be it further resolved*, That the Secretary of State be directed to send enrolled copies of this resolution to the speaker of the United States House of Representatives, the President of the United States Senate, all members of the congressional delegation from the State of Kansas, the Administrator of the United States Environmental Protection Agency and the Regional Administrator, Region VII of the United States Environmental Protection Agency."

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POM–419. A resolution adopted by the House of the Legislature of the State of Iowa; to the Committee on Environment and Public Works.

"HOUSE RESOLUTION NO. 102

"Whereas, members of the Iowa House of Representatives, including members serving on the Committee On Agriculture, the Committee on Energy and Environmental Protection, and the Committee on Small Business, Economic Development and Trade, have supported the ethanol production industry as a vital component in promoting clean air and water and revitalizing the state's economy by reducing imported nonrenewable energy sources; and

"Whereas, persons involved in the production and processing of corn in Iowa significantly contribute to the wealth of this nation supported by the production of agricultural commodities and value-added products; and

"Whereas, the ethanol market in Iowa has been developed by the valiant efforts of the Iowa Corn Promotion Board, through its producer-members who are committed to this renewable resource; and

"Whereas, more than 416,000 bushels of corn, representing the average harvest of corn on more than 3,400 acres of Iowa land, are processed each day into ethanol; and

"Whereas, economic activity generated in Iowa from ethanol production equals $1.5 billion; and

"Whereas, ethanol production has added an estimated $190 million to the value of the 1992 Iowa corn crop, creating approximately $14.50 per acre additional income to Iowa corn producers; and

"Whereas, the production of ethanol creates a high protein livestock feed which has proven to be an excellent nutritional source for cattle and poultry; and

"Whereas, more than 12,000 Iowa jobs are affected by Iowa ethanol production, including 2,500 jobs in the corn processing industry associated with ethanol production, with the average annual wage for persons employed in the wet corn milling industry in Iowa equaling $37,000; and

"Whereas, over 500 million gallons of ethanol-blended fuel were sold in Iowa in 1992, representing a 52 million gallon increase over 1991; and

"Whereas, the United States produced more than 1.5 billion gallons of ethanol which reduced foreign oil imports by more than 58 million barrels; and

"Whereas, motor vehicle fuel which includes a blend of 10 percent ethanol enhances octane levels and provides more oxygen for fuel combustion resulting in reduced levels of carbon monoxide; and

"Whereas, if only one-half of this nation's mass transit diesel buses used ethanol fuels, new markets for 100 million bushels of corn each year would be produced; and

"Whereas, blending 10 percent ethanol with all gasoline sold in the United States would require four billion bushels of corn; and

"Whereas, the United States Environmental Protection Agency in implementing amendments to the federal Clean Air Act, 42 U.S.C. §7401 et seq., is establishing standards for reformulating motor vehicle fuel used in nonattainment areas designated in the United States; and

"Whereas, the United States Environmental Protection Agency has proposed a renewable oxygenate standard which requires the use of renewable oxygenates in reformulated gasoline; and

"Whereas, ethanol is a renewable oxygenate and the proposed standard could increase demand for corn used in ethanol production; and

"Whereas, ethanol's full market potential can be realized under the renewable oxygenate standard if the rules are finalized as scheduled in June 1994: Now therefore,

"*Be it resolved by the House of Representatives*, That the Iowa House of Representatives, including members serving on the Committee on Agriculture, the Committee on Energy and Environmental Protection, and the Committee on Small Business, Economic Development and Trade, urge that the United States Environmental Protection Agency adopt the proposed renewable oxygenate standard in a manner and form which allows ethanol to fully compete in the marketplace; and

"*Be it further resolved*, That copies of this Resolution be delivered to the Governor; and

"*Be it further resolved*, That a copy of this Resolution be delivered to the United States Environmental Protection Agency for inclusion within the record, Docket A–93–49; and

"*Be it further resolved*, That copies of this Resolution be delivered to the President of the United States, the Administrator of the United States Environmental Protection Agency, the President of the United States Senate, the Speaker of the United States House of Representatives, the Chairperson of the Committee on Agriculture, Nutrition, and Forestry of the United States Senate, the Chairperson of the Committee on Agriculture of the United States House of Representatives, and members of Iowa's congressional delegation.

"We, Harold Van Maanen, Speaker of the House and Elizabeth Isaacson, Chief Clerk of the House, hereby certify that the above and foregoing Resolution was adopted by the House of Representatives of the Seventy-fifth General Assembly."

POM–420. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Environment and Public Works.

POM–421. A resolution adopted by the Senate of the Legislature of the State of Louisiana; to the Committee on Environment and Public Works.

"SENATE RESOLUTION NO. 4

"Whereas, industrial and agricultural growth and development are necessary for the continued economic viability and security of the state and its citizens; and

"Whereas, the health, welfare, and socioeconomic condition of these citizens can be irreparably and significantly affected by unnecessary infringement on industrial growth and development, and on liberty and property rights; and

"Whereas, the interests of industrial and agricultural progress can be effectuated in concert with the protection and maintenance of natural resources; and

"Whereas, the protection of wildlife species should be accomplished in conformance with an appropriately designed plan which recognizes, addresses, and accommodates all social and economic benefits and adverse effects; and

"Whereas, the implementation of governmental programs should be undertaken in a manner to prevent or minimize infringement on constitutional rights of property and liberty; and

"Whereas, on January 7, 1992 the United States Department of Interior, Fish and Wildlife Service determined the Louisiana black bear (Ursus americanus luteolus) to be a threatened species within its historic range, including southern Mississippi, Louisiana, and east Texas; and

"Whereas, the designation of the Louisiana black bear as a threatened species is based upon questionably reliable taxonomic and morphological distinctiveness; and

"Whereas, population estimates for the Louisiana black bear are acknowledged by federal agencies to range in accuracy from crude to little more than intuition; and

"Whereas, the United States has proposed to designate as habitat for the Louisiana black bear an area comprised of some three million acres, including one million two hundred and fifty thousand acres of critical habitat in Avoyelles, Concordia, East Carroll, Franklin, Iberia, Iberville, Pointe Coupee, Richland, St. Landry, St. Martin, St. Mary, Tensas, and West Carroll parishes; and

"Whereas, the designation of said lands as a habitat for a threatened species will effectively remove said lands from commerce, and prevent, preclude, or prohibit the use of such lands for economic growth and development, including silvicultural and agricultural activities; and

"Whereas, the designation of habitat in the Atchafalaya Basin may significantly and detrimentally affect ongoing conservation programs of the state of Louisiana related to this and other species; and

"Whereas, the United States has pursued this designation of critical habitat prematurely on an inadequate scientific basis without thorough and complete investigation and evaluation of the short and long term cumulative and synergistic effect of the proposed habitat designation; and

"Whereas, the proposed designation of critical habitat poses an immediate and direct threat to the rights and liberties of the citizens of the state.

"*Therefore, be it resolved*, That the Senate of the Legislature of Louisiana hereby memorializes the United States Congress, the secretary of the Department of Interior, and the director of the United States Fish and Wildlife Service to oppose the designation of critical habitat for the Louisiana black bear in certain portions of south Louisiana, as proposed by the United States Fish and Wildlife Service on December 2, 1993.

"*Be it further resolved*, That the Senate of the Legislature of Louisiana opposes the designation of any habitat for the Louisiana black bear which designation is not based on sound fundamental scientific principles and findings regarding the criticality of any areas so designated to the survival of a unique species.

"*Be it further resolved*, That the Senate of the Legislature of Louisiana hereby urges and requests that an environmental impact statement be prepared by the Department of Interior, Fish and Wildlife Service on all phases of the proposed designation of habitat for the Louisiana black bear, including consideration of the designation of the Louisiana black bear as a threatened species and all socio-economic consequences of the proposed habitat designation.

"*Be it further resolved*, That a copy of this Resolution be transmitted to the Congress of the United States of America, the secretary of the Department of Interior, and the director of the United States Fish and Wildlife Service."

POM–422. A concurrent resolution adopted by the Legislature of the State of West Virginia; to the Committee on Environment and Public Works.

"SENATE CONCURRENT RESOLUTION NO. 5

"Whereas, much consideration is being given to the enhancement of the nation's federal highway system; and

"Whereas, the mission of this effort is to enhance commerce and highway safety; and

"Whereas, Interstate 73 would enhance southwestern West Virginia's economic development by serving the communities of Bluefield, Welch, Williamson, Logan and Huntington; and

"Whereas, the continued growth of the state in the southwestern zone is being threatened by lack of sufficient highways serving the region; therefore, be it

"*Resolved by the Legislature of West Virginia:*

"That the state of West Virginia gives full support to the construction of the I–73 linkage from Detroit, Michigan, to Charleston, South Carolina; and, be it

"*Further resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to Senator Robert C. Byrd and the United States Senate."

POM–423. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Environment and Public Works.

"HOUSE CONCURRENT MEMORIAL 2002

"Whereas, Arizona's public/private partnerships support the concept of multistate collaboration in the planning of the national highway system and intermodal transportation systems as prescribed by the Intermodal Surface Transportation Efficiency Act of 1991; and

"Whereas, negotiations on the proposed North American Free Trade Agreement (NAFTA) were completed in August of 1992, President George Bush signed the agreement in December of 1992 and ratification of the NAFTA by the United States Congress is expected in the near future; and

"Whereas, the NAFTA will pull together a market of approximately three hundred sixty million consumers in the United States, Canada and Mexico; and

"Whereas, the competitive position of the individual states and the nation in international trade is directly related to the quality of the transportation system; and

"Whereas, several existing and emerging trade corridors will be needed to serve the increased trade resulting from the NAFTA; and

"Whereas, significant corridor opportunities exist to provide continuous trade routes traversing over two thousand miles from the port at Guaymas, Mexico through the state of Arizona to the major cities of the Pacific northwest and western Canada; and

"Whereas, among these corridors there is a three hundred mile segment between Interstate 17 in Flagstaff, Arizona and Interstate 15 in southern Utah that needs to be upgraded to interstate standards; and

"Whereas, upgrading of this three hundred mile corridor segment and other possible corridors through the state of Arizona will positively impact the economies of at least six western states.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

"1. That the United States Congress approve the concept of extending Interstate 17 north from Flagstaff, Arizona to a connection with Interstate 15 in southern Utah.

"2. That the United States Congress provide funding for Arizona and Utah to study the economic and environmental feasibility of this proposed extension and connection.

"3. That the United States Congress authorize funds for the development of national trade corridors and trade routes west of the Mississippi River, including the extension of Interstate 17 and improvements to other possible trade routes through Arizona, to serve the economic opportunities created by the NAFTA.

"4. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Arizona Congressional Delegation."

POM-424. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Environment and Public Works.

"SENATE CONCURRENT MEMORIAL 1003

"Whereas, Arizona's public and private partnerships support the concept of multistate collaboration in the planning of the national highway system and intermodal transportation systems as prescribed by the Intermodal Surface Transportation Efficiency Act of 1991; and

"Whereas, negotiations on the proposed North American Free Trade Agreement (NAFTA) were completed in August of 1992, President George Bush signed the agreement in December of 1992 and ratification of the NAFTA by the United States Congress is expected in the near future; and

"Whereas, the North American Free Trade Agreement will pull together a market of approximately three hundred sixty million consumers in the United States, Canada and Mexico; and

"Whereas, the competitive position of the individual states and the nation in international trade is directly related to the quality of the transportation system; and

"Whereas, several existing and emerging trade corridors will be needed to serve the increased trade resulting from the NAFTA; and

"Whereas, a significant corridor opportunity exists to provide a continuous trade route traversing over two thousand miles from the port at Guaymas, Mexico to the major cities of the Pacific Northwest and Western Canada; and

"Whereas, within this corridor there is a three hundred mile segment between Interstate 17 in Flagstaff, Arizona and Interstate 15 in southern Utah that needs to be upgraded to interstate standards; and

"Whereas, within this corridor there is a one hundred fifty mile segment of US 93 from Sun City, Arizona to Interstate 40 in northwest Arizona that needs to be upgraded to interstate standards; and

"Whereas, upgrading of this three hundred mile corridor segment, as well as state routes and primary arterials that connect with the interstate systems along the continuous trade route from the port at Guaymas, Mexico to western Canada, will positively impact the economies of at least six western states.

"Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

"1. That the United States Congress approve the concept of establishing a north-south trade corridor through the states of Arizona and Utah to facilitate international trade with the countries of Mexico and Canada.

"2. That the United States Congress provide funding for Arizona and Utah to study the economic and environmental feasibility of this proposed corridor.

"3. That the United States Congress authorize monies for the development of national trade corridors and trade routes west of the Mississippi River, including the extension of Interstate 17 and the upgrading of US 93 to interstate standards, to serve the economic opportunities created by the NAFTA.

"4. That the United States Congress authorize monies for improvements to state routes and primary arterials that connect with the interstate systems that will have to handle the influx of commercial traffic along the proposed trade route from the port at Guaymas, Mexico to western Canada.

"5. That the United States Congress establish procedures to ensure that federal and state transportation planning efforts properly consider existing and emerging transportation systems in Canada and Mexico.

"6. That the United States Congress establish procedures to ensure that federal and state transportation departments consult and cooperate with the Bureau of Indian Affairs and the appropriate tribal leadership regarding the NAFTA—related transportation projects that pass through an Indian Reservation.

"7. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Arizona Congressional Delegation."

## REPORTS OF COMMITTEES

**The following reports of committees were submitted:**

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 1970. An original bill to authorize the Secretary of Agriculture to reorganize the Department of Agriculture, and for other purposes (Rept. No. 103-241).

## EXECUTIVE REPORTS OF COMMITTEE

**The following executive reports of committee were submitted:**

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Raymond E. Vickery, Jr., of Virginia, to be an Assistant Secretary of Commerce, vice James D. Jameson, resigned.

William Alan Reinsch, of Maryland, to be Under Secretary of Commerce for Export Administration, vice Dennis Edward Kloske, resigned.

Maria Luisa Mabilangan Haley, of Arkansas, to be a Member of the Board of Directors of the Export-Import Bank of the United States for the remainder of the term expiring January 20, 1995, vice Constance Bastine Harriman.

Elaine A. McReynolds, of Tennessee, to be Federal Insurance Administrator, Federal Emergency Management Agency, vice C. M. Schauerte, resigned.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

**The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:**

By Mr. GRAHAM:

S. 1965. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to establish a national clearinghouse to assist in background checks of law enforcement applicants; to the Committee on the Judiciary.

By Mr. WOFFORD:

S. 1966. A bill to amend the Internal Revenue Code of 1986 to allow the joint ownership of individual retirement accounts; to the Committee on Finance.

By Mr. METZENBAUM:

S. 1967. A bill to require providers of home infusion therapy services to be licensed; to the Committee on Labor and Human Resources.

By Mr. BREAUX (for himself and Mr. JOHNSTON):

S. 1968. A bill to amend the Internal Revenue Code of 1986 to permit the tax-free rollover of certain payments made by employers to separated employees; to the Committee on Finance.

By Mr. METZENBAUM (for himself, Mr. KENNEDY, Mr. SIMON, Ms. MIKULSKI, Mr. PELL, Mr. WELLSTONE, Mr. RIEGLE, and Mr. FEINGOLD):

S. 1969. A bill to amend the Worker Adjustment and Retraining Notification Act to minimize the adverse effects of employment dislocation, and for other purposes; read the first time.

By Mr. LEAHY:

S. 1970. An original bill to authorize the Secretary of Agriculture to reorganize the Department of Agriculture, and for other purposes; from the Committee on Agriculture, Nutrition, and Forestry; placed on the calendar.

By Mr. MCCAIN:

S. 1971. A bill to require the reauthorization of executive reporting requirements at least every 5 years; to the Committee on Governmental Affairs.

By Mr. BINGAMAN:

S. 1972. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize inclusion in a community policing grant of funds to pay 25 percent of the cost of providing bulletproof vests for 100,000 police officers; to the Committee on the Judiciary.

S. 1973. A bill to authorize funds to pay a portion of the startup costs of local handgun exchange programs; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself, Mr. MURKOWSKI, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, Mr. THURMOND, Mr. JEFFORDS, Mr. LEAHY, and Mrs. MURRAY):

S. 1974. A bill to authorize the Secretary of Veterans Affairs to conduct pilot programs in order to evaluate the feasibility of the participation of the Department of Veterans Affairs health care system in the health care systems of States that have enacted health care reform; to the Committee on Veterans' Affairs.

By Ms. MOSELEY-BRAUN (for herself, Mr. KENNEDY, Mr. SASSER, Mr.

MATHEWS, Mr. SARBANES, Mr. MOYNIHAN, and Mr. COCHRAN):

S. 1975. A bill to establish a grant program to restore and preserve historic buildings at historically black colleges and universities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself, Mr. DORGAN, Mr. DOMENICI, Ms. MIKULSKI, Mr. JOHNSTON, and Mr. FAIRCLOTH):

S. 1976. A bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD (for himself, Mr. KENNEDY, and Ms. MIKULSKI):

S. 1977. A bill to amend title IV of the Social Security Act to reform child support enforcement procedures, and for other purposes; to the Committee on Finance.

By Mr. ROTH:

S. 1978. A bill to amend part III of title 5, United States Code, to provide for participation by non-Federal employees in health benefits plans under the Federal Employees Health Benefits Program, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. MURRAY (for herself, Mrs. FEINSTEIN, Ms. MOSELEY-BRAUN, Mrs. BOXER, Mr. KENNEDY, and Mr. DURENBERGER):

S. 1979. A bill to require employers to post, and to provide to employees individually, information relating to sexual harassment that violates title VII of the Civil Rights Act of 1964, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. JOHNSTON:

S. 1980. A bill to establish the Cane River Creole National Historical Park and the Cane River National Heritage Area in the State of Louisiana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. KASSEBAUM (for herself, Mr. METZENBAUM, and Mr. KENNEDY):

S. 1981. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, and the Orphan Drug Act to revise the provisions of such Acts relating to orphan drugs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ROTH (for himself and Mr. COHEN):

S. 1982. A bill to modernize and streamline Federal acquisition management and procedures, and for other purposes; to the Committee on Governmental Affairs.

By Mr. PRYOR:

S.J. Res. 176. A joint resolution to designate the month of May 1994 as "Older Americans Month"; to the Committee on the Judiciary.

By Mr. SIMON (for himself, Mr. AKAKA, Mrs. BOXER, Mr. COCHRAN, Mr. DOMENICI, Mr. FORD, Mr. GRASSLEY, Mr. HELMS, Mr. HOLLINGS, Mr. JEFFORDS, Mr. KENNEDY, Mr. MATHEWS, Mr. METZENBAUM, Mr. MITCHELL, Mr. REID, Mr. SARBANES, Mr. SHELBY, Mr. SIMPSON, Mr. WELLSTONE, Mr. WOFFORD, Mr. CONRAD, and Mr. DASCHLE):

S.J. Res. 177. A joint resolution to designate the period of October 2, 1994, through October 8, 1994, as "Mental Illness Awareness Week"; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself, Mr. NUNN, Mr. DODD, Mr. DANFORTH, Ms. MIKULSKI, Mr. COCHRAN, Mr. LIEBERMAN, Mr. BENNETT, Mr. DORGAN, and Mr. CONRAD):

S.J. Res. 178. A joint resolution to proclaim the week of October 16 through October 22, 1994, as "National Character Counts Week"; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM (for himself, Mr. BIDEN, Mr. LIEBERMAN, Mr. JEFFORDS, and Mr. BRYAN):

S. Res. 193. A resolution to encourage the development of an international convention to establish international standards for nuclear power plant safety; to the Committee on Foreign Relations.

By Mr. PELL (for himself, Mr. HELMS, Mr. MOYNIHAN, Mr. BROWN, Mr. MITCHELL, and Mr. DOLE):

S. Res. 194. A resolution commending Israel and Egypt on the fifteenth anniversary of the signing of the historic Treaty of Peace between the Arab Republic of Egypt and the State of Israel; considered and agreed to.

By Mr. SPECTER:

S. Res. 195. A resolution expressing the sense of the Senate that the President currently has authority under the Constitution to veto individual items of authority without awaiting the enactment of additional authorization; to the Committee on the Judiciary.

By Mrs. MURRAY (for herself, Mr. JEFFORDS, and Ms. MOSELEY-BRAUN):

S. Con. Res. 64. A concurrent resolution expressing the sense of the Congress regarding the Gautemalan peace process and the need for greater protection of human rights in Guatemala; to the Committee on Foreign Relations.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. Con. Res. 65. A concurrent resolution to express the sense of Congress that any health care reform legislation passed by Congress include guaranteed full funding for the special supplemental food program for women, infants, and children (WIC) so that all eligible women, infants, and children who apply could be served by the end of fiscal year 1996 and full funding could be maintained through fiscal year 2000, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM:

S. 1965. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to establish a national clearinghouse to assist in background checks of law enforcement applicants; to the Committee on the Judiciary.

### LAW ENFORCEMENT AND CORRECTIONAL OFFICERS EMPLOYMENT REGISTRATION ACT OF 1994

• Mr. GRAHAM. Mr. President, today I am introducing the Law Enforcement and Correctional Officers Employment Registration Act of 1994, which will establish a national clearinghouse to assist in background checks on law enforcement applicants. The bill is a companion to H.R. 3272, introduced by Florida Congressman HARRY A. JOHNSTON.

This legislation would establish a national data bank that would provide quick, accurate, and prior officer employment history on all applicants for law enforcement agencies to access. This clearinghouse has been called a Pointer File and simply maintains basic information of all certified officers, including names, dates of birth, Social Security numbers, and dates of employment.

The intent of my legislation is to help prevent what "Dateline NBC" has referred to as Gypsy Cops. These are police officers who have been dismissed or have been forced to resign from previous positions but conceal prior employment history in future job applications.

In the case of the beating death of Bobby Jewett on November 24, 1990, in West Palm Beach, FL, "Dateline NBC" was able to subsequently trace the prior employment histories of the two officers involved in the case through four States and eight different law enforcement agencies. Much of this had been concealed in their job applications.

As noted in a Tampa Tribune editorial on June 29, 1993, in support of the establishment of a clearinghouse, "Few agencies, particularly those in rural areas and smaller towns, have the personnel and resources to conduct thorough background checks on police applicants. Not even the largest agencies always succeed in finding an officer's past if he or she is determined to hide it."

Florida Department of Law Enforcement Commissioner James T. Moore adds, "Experience has shown that, after being found guilty of misconduct, many problem officers resign or are fired, only to seek police jobs elsewhere. The clearinghouse system would allow a law enforcement agency to review each officer applicant's prior history as an officer."

Of importance, the clearinghouse would not contain information relating to causes of dismissal in order to protect the rights of officers. The law enforcement agency would remain responsible to conduct a thorough background check, but it would ensure that police officers could no longer conceal their prior history simply by moving from one State to another.

Thomas J. O'Loughlin, Chief of Police of Wellesley, notes, "The safety of the citizens of this Commonwealth and this Nation is either weakened or solidified by the character of the individuals that we entrust with the responsibility to protect. This legislation provides society with the necessary tools to ensure that individuals who have violated this trust do not simply relocate and once again commit grievous offenses against the public good, and it ensures that a complete and thorough background investigation will be completed prior to an individual assuming the public's trust to be a protector of society."

I would like to thank Commissioner Moore, Joe White at the Florida Department of Law Enforcement, Florida's Criminal Justice Standards and Training Commission and the International Association of Chiefs of Police for their initiative in this area to protect the effectiveness and professionalism in law enforcement and the public's safety.

I urge my colleagues to join me in support of this legislation. Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1965

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Law Enforcement and Correctional Officers Employment Registration Act of 1994."

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) law enforcement officials, including members of the International Association of Chiefs of Police recognize that violent crime represents the greatest threat to the safety and security of citizens and that dedicated, ethical law enforcement professionals and lawful community initiatives with participation by members of the community represent the best hope of responding to the challenges of violent crime;

(2) the International Association of Chiefs of Police acknowledges that a few officers choose to violate the public trust by abusing their authority or by breaking the law. Such officers should not be able to seek police employment in another state or jurisdiction with the expectation that they will be able to conceal their history of misconduct;

(3) there have been numerous documented cases of officers who have obtained officer employment and certification in a state after revocation of officer certification or dishonorable discharge in another state;

(4) a national clearinghouse of officer employment histories would enable each criminal justice agency to conduct thorough background checks on officer applicants and to assure that only honest ethical officers are permitted to serve; and

(5) Federal legislation is needed that would require Federal registration of employment termination data of law enforcement officers and correctional officers.

**SEC. 3. REGISTRATION.**

Subpart 1 of part E of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3781 et seq.) is amended by adding at the end thereof the following;

"REGISTRATION OF EMPLOYMENT DATA OF LAW ENFORCEMENT AND CORRECTIONAL OFFICERS.

"SEC. 509a. a(1) The Governor of each state, or chief executive of each Territory of the United States, the District of Columbia or a Native American Indian tribe or band that receives funds under section 506 in a fiscal year shall designate the state peace officer standards board or its equivalent which shall submit a list, maintained electronically, of all law enforcement and correctional officers who held such office in such State or territory, the District of Columbia or a Native American Indian tribe or band on or since January 1, 1994, in accordance with paragraph (2). The list shall be submitted to an officer or agency designated by the Attorney General of the United States. The head of each department, agency, or other entity in the executive branch of the United States Government that employs law enforcement or correctional officers shall submit a list of all such personnel employed on or after January 1, 1994. Such list shall be updated and supplemented by agencies or officials responsible for submission of employment data in accordance with subsection (b).

"(2) Such list shall include the names (and any former names), dates of birth, social security numbers, Federal Bureau of Investigation fingerprint identification numbers if known, the dates of appointment as officers if known, the names and addresses or National Crime Information Center numbers of the appointing or employing agencies, and if applicable, the dates such service ended for such officers.

"(b) The agency or official responsible for submission of such employment data shall, not later than 90 days after an officer's employment, appointment, or separation from employment or appointment, notify the agency or officer designated by the Attorney General of the United States to receive such employment data, that a law enforcement officer or correctional officer has been appointed or employed as an officer, or that a registered officer is no longer empowered or employed as such. If the former officer has had officer certification revoked for cause, that fact shall be reported.

"(c) For purposes of this section—

"(1) The term 'law enforcement officer' means a federal law enforcement officer, or an individual who is elected or appointed by a State or territory, or a political subdivision thereof, by the District of Columbia or by a Native American Indian tribe or band, to conserve the peace, or to make arrests or serve warrants, or to otherwise possess or exercise the authority of a peace officer. In the case of law enforcement officers elected or appointed by a State or a political subdivision thereof, 'law enforcement officer' only includes those required by the applicable law of the State to be licensed or certified. "(2) The term 'correctional officer' means a federal correctional officer, or an individual who is elected or appointed by a State or territory, or a political subdivision thereof, by the District of Columbia or by a Native American Indian tribe or band to guard or supervise prisoners or inmates of jails or other detention, penal or correctional facilities. In the case of correctional officers elected or appointed by a State or a political subdivision thereof, 'correctional officer' only includes those required by the applicable law of the state to be licensed or certified.

(3) "The term 'certification revoked for cause' means cancellation or revocation of an individual's law enforcement officer or correctional officer state professional license by a state peace officer standards board or its equivalent after administrative due process has been afforded the officer."

A 'law enforcement officer' or 'correctional officer' includes an individual whether compensated for services or not, whether full-or part-time, and whether appointment, election or term of office is temporary or permanent. Such terms do not include citizens who are called to assist an officer in the performance of the officer's duties, unless such citizen received a deputation or commission of appointment lasting longer than 30 days.

"(d)(1) As a condition of employment, each State, territory, or political subdivision thereof, the District of Columbia, each Native American Indian tribe or band and each Federal agency that employs law enforcement officers or correctional officers shall require all applicants for appointment to or employment in such positions before beginning employment—

"(A) to disclose all prior service or employment as a law enforcement or correctional officer, and

"(B) to submit a "written authorization and request for release of information", on a form prescribed by the Attorney General or designee,

"(2) When a prospective law enforcement or correctional employer obtains an officer's required "written authorization and request for release of information," the Attorney General (or designee) is directed ro release all data collected under subsections (a) and (b) of this section to such prospective employer.

"(3) Upon receipt of completed "written authorization and request for release of information and not later than 30 days after such officer is first appointed or employed or at any time prior to the appointment or employment of an applicant, each State, territory, and political subdivision thereof, the District of Columbia, each Native American Indian tribe or band and each Federal agency that employs law enforcement or correctional officers shall notify the Attorney General (or designee).

"(e) The Attorney General shall issue regulations for the implementation of this section and the operation of the employment data clearinghouse.

"(f) Agencies or agency administrators who submit employment or officer certification data pursuant to this section are presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence, are immune from civil liability for such disclosure or its consequences. The presumption of good faith is rebutted upon a showing that the data was submitted with knowledge of its falsity or was submitted with the malicious intent to deliberately mislead."

**SEC. 4. EFFECTIVE DATE.**

(a) IN GENERAL.—This Act shall take effect October 1, 1994.

(b) INFORMATION COMPLIANCE.—Lists required under section 509a (a) of the Omnibus Crime Control and Safe Streets Act of 1968 shall be submitted not later than 180 days after the enactment of this Act. Not later than 180 days after the enactment of this Act, each State, territory, or political subdivision thereof, the District of Columbia, each Native American Indian tribe or band and each federal agency employing law enforcement and correctional officers shall comply with the requirements described in subsection (d) of section 509a of the Omnibus Crime Control and Safe Streets Act of 1968. The Director of the Bureau of Justice assistance may authorize grants to agencies to assist in their compliance with Subsection (1) of this Act.

**SEC. 5. REPORTS.**

Not later than 2 years after the date of the enactment of this Act, the Attorney General, upon consultation with the Director of the Bureau of Justice Sssistance, shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate evaluating the compliance with the requirements of section 509a of the Omnibus Crime Control and Safe Streets Act of 1968, and listing each State, territory, or political subdivision thereof, the District of Columbia, each Native American Indian tribe or band and each Federal agency employing law enforcement or correctional officers that has failed materially to comply with the requirements of this section. Such subsequent reports shall be presented as are deemed appropriate by the Attorney General.•

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By Mr. METZENBAUM:

S. 1967. A bill to require providers of home infusion therapy services to be licensed; to the Committee on Labor and Human Resources.

### SARAH WEBER HOME INFUSION CONSUMER PROTECTION ACT OF 1994

• Mr. METZENBAUM: Mr. President, I introduce the Sarah Weber Home Infusion Protection Act. This legislation will provide badly needed regulation of the home infusion therapy industry.

Home infusion therapy is one of the cutting edge health care delivery services in the United States. Theoretically, home infusion therapies are offered to patients as a means of reducing exorbitant hospital fees by transferring the patient from the hospital to the comfort of their own home where infusion therapy can be administered by a family member.

However, in practice, the home infusion industry has used home treatment as an opportunity for price gouging. The fees charged by the companies that deliver home infusion services have exceeded the cost of providing home infusion therapies in the hospital. According to Scripps Howard newspaper reporters Lisa Hoffman and Andrew Schneider, some home infusion companies have charged patients fees that were 2,000 percent higher then the fees charged at the hospital.

And yet, the exorbitant fees charged by the home infusion companies is simply the tip of the iceberg. The Office of the Inspector General at the Department of Health and Human Services has uncovered "kick back" schemes between home infusion therapy companies and doctors. In several instances, the Inspector General discovered direct payment for referrals, stock bonuses based on the amount of referrals, and payment for falsifying papers declaring a patient demonstrating need for home infusion therapies.

While the Scripps Howard reporters have documented abuses in home infusion therapy industry all across the country, the Inspector General has uncovered unscrupulous practices, and the television news program 20/20 has exposed the blatant practices of the home infusion industry, I have found the story of one mother and daughter in Cleveland particularly compelling.

When Marie Kostos-Weber from Cleveland, Ohio was faced with the decision to remove her 7-year old daughter stricken with cerebral palsy from the hospital after a grueling six-month stay, she assumed that treatment would be less expensive and more humane within her own home. Ms. Kostos-Weber, a divorced, single working mother opted for home infusion therapy to reduce her medical costs, and spend more time at home with her 6 other children. Little did she know what she was about to encounter.

After a year of therapy, Ms. Kostos-Weber's insurance company notified her that she had reached the $1 million limit on two insurance policies. Up until that time, she did not know of the exorbitant prices charged for her daughter's home medical treatment because the home infusion therapy company that provided Sarah's care sent bills only to the insurance company, and not to Marie.

Marie discovered that Sarah's home infusion therapy cost was $100,000 a month, $1,000 more per day than at the hospital with 24 hour nurses. She also determined that she was being over charged for certain drugs. In one case, the home infusion company's own cost for her daughter's medication was $3.50 per unit, yet when sold to the patient the price escalated to $122.81 per unit of medication, a mark-up of over 3000 percent.

Not only was Sarah's family severely over charged for medical equipment and services, but unnecessary medication was added to her medical regime. Ms. Kostos-Weber recalls spotting "fentanyl", a foreign drug delivered to her home as part of the medication to be administered to her daughter. Luckily, she phoned her pharmacist who informed her that fentanyl is a deadly drug used to immobilize a patient before surgery. Sarah could have died from this "slight oversight".

In the end, Ms. Kostos-Weber was forced to quit her job to qualify for Ohio medicaid to assist with the astronomical costs of home infusion therapies—a method originally intended to save people from inflated hospital costs. Sadly, Sarah Weber's young life ended last August. However, her mother has not given up the fight and today Congressman BROWN and I are introducing legislation in memory of Sarah.

The bill I am introducing today will require licensing of providers of home infusion therapy services. The Secretary of Health and Human Services, shall establish standards for licensing to ensure that home infusion services are provided in a safe, high quality manner at a reasonable cost. In addition, this legislation will prohibit a physician from making a referral to a home infusion therapy service with which the physician has a financial relationship.

The President's health care plan contains language on the delivery of home infusion therapies similar to the legislation I am introducing today. I am hopeful that we will be able to adopt this language in the President's health care package so that families will not endure the same frustration that Sarah Weber's family did.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1967

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Sarah Weber Home Infusion Consumer Protection Act of 1994".

**SEC. 2. LICENSING OF PROVIDERS OF HOME INFUSION THERAPY SERVICES.**

(a) REQUIREMENT.—No person shall provide (or arrange for the provision of) home infusion therapy services in a State unless the person is licensed by the State in accordance with this section to provide (or arrange for the provision of) such services. No State shall license such a person unless the State finds that the person meets the standards for licensing established under this section.

(b) STANDARDS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall establish standards for the licensing of persons providing (or arranging for the provision of) home infusion therapy services consistent with this subsection.

(2) SUPERVISION.—A person licensed under this section shall only provide (or arrange for the provision of) home infusion therapy services to an individual who is under the care of a physician and under a plan established and periodically reviewed by a physician.

(3) PROVIDER QUALIFICATIONS.—A person shall not be licensed consistent with this section unless the person—

(A) has been determined to be capable of providing, or arranging for the provision of, home infusion therapy services;

(B) maintains clinical records on all individuals for whom the person provides (or arranges for the provision of) such services;

(C) adheres to written protocols and policies with respect to the provision (or arrangement for the provision) of services;

(D) makes services available (as needed) 7 days a week on a 24-hour basis;

(E) coordinates all home infusion therapy services with the patient's physician;

(F) conducts a quality assessment and assurance program, including drug regimen review and coordination of patient care;

(G) assures that only trained (or licensed if necessary) personnel provide infusion products (and any other service for which training is required to safely provide the service);

(H) assumes responsibility for the quality of services provided by others under arrangements with such person;

(I) establishes appropriate protocols and explains such protocols clearly to patients before the initiation of a treatment plan; and

(J) meets such other requirements as the Secretary may determine are necessary (A) to assure the safe and effective provision of home infusion therapy services, and (B) respecting the quality of the provision of such services and the charges for such services.

A protocol referred to in subparagraph (I) shall include a provision for appropriate notification of individuals receiving home infusion therapy services in the event of the cancellation of the provision of those services.

(4) FEE.—A person shall not be licensed consistent with this section unless the person assures that charges for the provision of home infusion therapy services by the person (or under arrangements made by the person) shall not exceed such a fee as the Secretary by regulation may establish to assure that the charge for such services is reasonably related to the services actually provided.

(c) ENFORCEMENT.—Compliance with the requirements of subsection (a) shall be enforced under the Federal Trade Commission Act by the Secretary of Health and Human Services. A violation of any such requirement shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act and shall be subject to enforcement under section 5(b) of such Act irrespective of whether the person who committed such violation is engaged in commerce or meets any other jurisdictional test in such Act. The Secretary shall have such procedural, investigative, and enforcement powers in enforcing compliance with such requirements and may require the filing of reports, the production of documents, and the appearance of witnesses as though the applicable terms of such Act were part of this section.

**SEC. 3. LIMITATION ON PHYSICIAN REFERRALS.**

(a) GENERAL RULE.—Except as provided in this section, if a physician (or an immediate family member of such physician) has a financial relationship with an entity described in section 1877(a)(2) of the Social Security Act, then the physician may not make a referral to the entity for the furnishing of home infusion therapy services.

(b) INCORPORATION OF MEDICARE PHYSICIAN OWNERSHIP AND REFERRAL PROVISIONS.—The provisions of subsections (b) through (h) of section 1877 of the Social Security Act (other than subsections (f) and (g)(1)) shall apply with respect to subsection (a) of this section in the same manner as they apply to section 1877(a) of such Act. In applying the previous sentence, any reference to a "designated health service" is deemed to be a reference to home infusion therapy services.

(c) ADDITIONAL EXCEPTION FOR COMPENSATION ARRANGEMENT FOR MANAGEMENT OF PATIENT AND COORDINATION OF CARE.—In applying subsection (b), in addition to the exceptions described in section 1877(e) of the Social Security Act, payment of reasonable compensation to a physician for the management of patient and coordination of care shall not be considered to be a compensation arrangement described in section 1877(a)(2)(B) of such Act.

(d) TREATMENT OF PRESCRIPTION AS A REFERRAL.—In applying subsection (b) and in addition to section 1877(h)(5) of the Social Security Act, the prescription of a drug to be administered through home infusion constitutes a "referral" by a "referring physician".

**SEC. 4. HOME INFUSION THERAPY SERVICES DEFINED.**

For purposes of this Act, the term "home infusion therapy services" means the nursing, pharmacy, and related services, including medical supplies, intravenous fluids, delivery, and equipment, required for the provision of therapeutic agents to patients by parenteral administration, including intravenous, intra-arterial, subcutaneous, epidural, intrathecal, intramuscular, and peritoneal infusion, by an enteral feeding tube for the purpose of improving or maintaining an individual's health condition in the individual's residence.

**SEC. 5. EFFECTIVE DATES.**

(a) LICENSING REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), section 3(a) shall apply to home infusion therapy services provided on or after the first day of the first month that begins more than 90 days after the date of the enactment of this Act, without regard to whether or not the Secretary of Health and Human Services issues final regulations to carry out such section have been promulgated by such date.

(2) STATE LEGISLATION.—In the case of a State which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the State to provide for the licensing required under section 3(a), section 3(a) shall not apply in the State for home infusion therapy services provided before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(b) LIMITATION ON REFERRALS.—Section 4 shall apply to referrals made after December 31, 1994.●

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By Mr. BREAUX (for himself and Mr. JOHNSTON):

S. 1968. A bill to amend the Internal Revenue Code of 1986 to permit the tax-free rollover of certain payments made by employers to separated employees; to the Committee on Finance.

INTERNAL REVENUE CODE OF 1986 AMENDMENT ACT

● Mr. BREAUX. Mr. President, in most of our States, we have seen employers reduce their work forces to remain competitive in this increasingly worldwide economy. Many of these employers have chosen to offer early retirement packages as a measure to help the employees that choose or are forced into early retirement. Many of the packages include lump sum payments that are not from qualified retirement plans. Because they are not from qualified retirement plans, these payments cannot be rolled over immediately into an Individual Retirement Account or other qualified retirement plan without being subject to taxation first.

Instead, the employee is required to pay tax on the lump sum at tax rates that are much higher than the marginal tax rate their income would normally be subject to. In many cases, these employees will turn over 40 to 50 percent of their early retirement benefit as tax payments to the Government.

These employees are losing their jobs. It adds insult to injury that the Government takes such a large bite of these early retirement payments. Moreover, these funds are intended to be early retirement payments. Our tax policy should not prevent taxpayers from saving the entire amount for when they ultimately retire.

Mr. President, I believe that this current tax treatment needs changing. Therefore, the bill I am introducing today will allow employees, that lose their job as a result of significant downsizing and that receive a separation payment, to roll those funds over into an Individual Retirement Account—without paying taxes first. When the funds are ultimately withdrawn income taxes will be paid.

Mr. President, times are changing and our policies must change with the times. There was a time when employees could rely on keeping their jobs for life so long as they did a good job. With the economy becoming more international, job stability is uncertain. Employers must be more competitive. Therefore, I expect we will see more downsizing and more severance payments offered. In light of all of this uncertainty let's make sure the employees can have at least some security for their futures, let's let these employees, not the Federal treasury, keep their early retirement funds.

I urge my colleagues to cosponsor this legislation.●

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By Mr. MCCAIN:

S. 1971. A bill to require the reauthorization of executive reporting requirements at least every 5 years; to the Committee on Governmental Affairs.

THE REPORTING REQUIREMENT SUNSET ACT OF 1994

● Mr. MCCAIN. Mr. President, I introduce a bill which will help bring about the demise of thousands of unnecessary reports that are required by the Congress each year, and force the Congress to reexamine the merits of the remainder.

I am dedicated to reducing the thousands of burdensome and costly reports that are mandated by the Congress. This legislation, the Reporting Requirement Sunset Act of 1994 will achieve some very important results in this regard. This legislation will sunset in 5 years all reports required by law, except for those related to financial accountability. This proposal will permit the President to submit any reports one additional time after that 5 year period if he determines it to be necessary. I would point out that any Federal agency or the White House, of course, can continue to provide whatever information it deems necessary and appropriate to the Congress at any time, regardless of any legislative mandates from the Congress.

Furthermore, this legislation will require the President to include a list of reporting requirements he feels are wasteful or unnecessary in his next budget submission to the Congress.

This is a very basic piece of legislation, but one I feel will be extremely valuable if we are truly to embark upon a process of reinventing government. A good start would be to deinvent some of the unnecessary reporting requirements that the Congress has continued to foist upon Federal agencies.

In his "National Performance Review," which commented at length on many of the unproductive tendencies of the Congress, Vice President GORE said: "Over the past decades, we have thrown layer upon layer of reporting requirements on Federal agencies, creating an almost endless series of required audits, (and) reports * * * ", and he noted that the executive branch's "calendar is jammed with report deadlines."

Vice President GORE's report found that, "In Fiscal year 1993, Congress required executive branch agencies to prepare 5,348 reports," and expressed dismay that these duplicative burdens "trapped agencies in a blizzard of paperwork."

The Congress's habit of burdening Federal agencies with unnecessary reporting requirements is quite serious, and it is getting worse. The General Accounting Office [GAO] found that one House committee alone received over 800 reports from Federal agencies in response to mandatory reporting requirements in just the 101st Congress. Another 600 reports were sent to the same committee in the following Congress.

To demonstrate just how heavy this burden can be, the Office of Management and Budget [OMB] had to submit 38 reports to one single House committee to comply with a single piece of legislation—the 1990 Budget Reconciliation Act.

Furthermore, the GAO also has stated that the "Congress imposes about 300 new requirements on Federal agencies each year. As of March 1992, there were 3,719 requirements and 3,331 communications in the 102d Congress database."

Ironically, "reducing congressional reports" is an issue that the GAO itself has reported on to Congress at least 15 times. I think we would be wise to finally begin to address this mandate malady in a substantive manner, and the passage of this bill would be a decisive first step.

This legislation is broad in its reach, but in no way will stop the Congress from being properly and routinely informed about important issues. Under this bill, the Congress will have 5 years in which to reauthorize any reports it deems are truly necessary.

Sunsetting all congressionally mandated reports, except for those dealing with financial accountability, will force the Congress to address just what are legitimate reporting requirements. I think it is clear that many of the thousands of reports that are currently required by Federal law will not meet any reasonable standard of merit, and should therefore be done away with.

The Senate should act vigorously to begin the long-term process that is necessary to unburden the executive branch and the American people from the morass of congressional micromanagement. That means cutting out wasteful pork-barrel spending and unjustified earmarks in appropriations bills, reducing red tape and costly regulations, and terminating thousands of mandated reports. By "sunsetting" all mandated reports which have not been reauthorized by the Congress, as called for in this legislation, we will be empowering Federal agencies to work better and cost less, and we'll be on our way to reinventing government.

By excluding reporting requirements that relate to financial accountability, my objective is to safeguard the continuation of important financial data to be conveyed to the Congress under such legislation as the Financial Integrity Act and the Inspector General Act. In reducing unnecessary reporting requirements, we must also ensure that the Congress fully meets its responsibility to monitor how taxpayer funds are being spent by Federal agencies.

The administration's proposals to alleviate the burden of reporting requirements on the executive branch, as reported out of the Senate's Governmental Affairs Committee, are well-intentioned but inadequate. This legislation, H.R. 3400, merely says that the Director of OMB "may adjust the frequency and due dates" of mandatory reports, and only for a certain period of time. In addition, that bill states that the President "may publish a list" of unnecessary reporting requirements in his annual budget submission to Congress. The President should be required to make this recommendation, and this legislation will require that.

Let me emphasize, Mr. President, that this legislation will not cause any important report to be terminated. The Congress can and will authorize every report that is necessary at the appropriate time. I have authored legislation that required reports, as have most of my colleagues. Due to the massive accumulation of paperwork requirements we have forced upon the executive branch, however, every Member of Congress should bear the responsibility of deciding which reports are essential, as opposed to being of momentary interest.

Forcing the Congress to make judgments about the practical value of mandatory reports is one of the objectives of this proposal. It should be our job to do so, and it's time we focus on what's really important, and stop suffocating the executive branch with layers upon layers of wasteful paperwork requirements.

I highly commend Senator LEVIN and Senator COHEN, the chairman and ranking member of the Government Affairs Committee's Oversight Subcommittee for their considerable efforts to eliminate specific mandatory reports. I strongly believe that my legislation will build upon their ongoing work in this area. I intend to offer this legislation as an amendment to a relevant government reform initiative that may be brought before the Senate, and I hope my colleagues will support it to sweep away many of the reporting mandates the Congress has placed upon Federal agencies over the years.•

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By Mr. BINGAMAN:

S. 1972. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize inclusion in a community policing grant of funds to pay 25 percent of the cost of providing bulletproof vests for 100,000 police officers; to the Committee on the Judiciary.

### THE BULLETPROOF VEST POLICE SAFETY ACT OF 1994

• Mr. BINGAMAN. Mr. President, I offer legislation that will help provide bulletproof vests for the 100,000 officer positions created in the Senate crime bill.

In the mid-1970's, law enforcement officers began to wear bulletproof vests. Since this time period, it is estimated that more than 1,650 officers have been saved by wearing the vests. Today, our officers are exposed to greater danger than ever before. Today's weapons cause more destruction and the criminals who utilize these weapons have become very sophisticated in their techniques. In an effort to make our communities safer, Congress is currently considering a companion crime bill. Specifically, there is a provision in the Senate passed version that will place 100,000 officers on the streets of American communities over the next 5 years. Once the crime bill becomes law, we will ask those 100,000 officers to protect society.

Today, I am offering a bill that asks society to help protect 100,000 officers.

Under this bill, the Federal Government, under the authority of the Attorney General, will pay 25 percent of the cost of a bulletproof vest for each of the 100,000 officer positions created in the crime bill. Also, the language in this bill takes into account that the new position being created may not necessarily expose the officer to the danger of gunfire. In this circumstance, the police agency being awarded the position may receive the 25-percent subsidy for another officer who is exposed to potential gunfire.

There is strong public policy for this bill. According to Craig W. Floyd, chairman of the National Law Enforcement Officers Memorial Fund, he states "the increased use of bullet-resistant vests by police officers appears to be the single biggest reason for the decline in death." The Federal Government owes a duty to help protect these officers that it is putting on the streets. By creating the 100,000 new positions, Congress created and assumed a new responsibility to help provide the safety for these individuals. This bill will demonstrate and establish that the officer's safety is a priority.

If this bill did not exist, I believe that most local law enforcement agencies will still equip these new officers with the vests. What this bill will do is free-up money for the local law enforcement agency to spend on other needed equipment. For instance, the cost of patrol vehicles, uniforms and weapons stretch the already extended budgets.

In my calculations, I estimated that the average cost of a vest is $550 dollars, 25 percent of this figure, the Federal Governments' contribution, is $138 per vest. the total cost would be about $14,000,000—$13,800,000. For this reason I am asking that $14,000,000 be authorized for this program. This figure will be spread across 5 years as the new officer positions are awarded.

This bill has the support of the Fraternal Order of Police, the National Sheriffs' Association, International Union of Police Association and the Federal Law Enforcement Officers Association. Dewey R. Stokes, National President of the Fraternal Order of Police, states "With the congressional passage of this legislation, the Congress is, in fact, stating they are concerned about the protection of law enforcement officers, as well as recognizing the dangers we face on the violent streets of today's America." He further states "The 25-percent contribution by the Federal Government toward the purchase of these vests will surely encourage some of the more financially distressed police departments to make these purchases and thus save some additional officers' lives and prevent many possible serious injuries."

Although Federal officers would not benefit by this bill, this bill has the support of the Federal Law Enforcement Officers Association. Victor O'Boyski, president of the Federal Law Enforcement Officers Association, states "we are endorsing this legislation as Federal Law Enforcement officers because we want safety ensured for the local officers who we work side-by-side with." Mr. President, this bill will make safety a priority.

In summary, this bill allows us to fulfill an obligation. An obligation that was assumed when we created the 100,000 new officer positions in the crime bill. We must help our local law enforcement agencies provide protection for our officers. For these reasons, I ask colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1972

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. BULLETPROOF VESTS FOR 100,000 POLICE OFFICERS.**

(a) SHORT TITLE.—This Act may be cited as the "Bulletproof Vest Police Safety Act of 1994".

(b) GRANT AUTHORIZATION.—Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 103(a) of the Violent Crime Control and Law Enforcement Act of 1993, is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) pay 25 percent of the cost of providing a number of bulletproof vests equal to the number of law enforcement officers hired or rehired with grant monies (for use by those officers or other officers whose duties may expose them to gunfire).".

(c) ALLOCATION OF APPROPRIATIONS.—Section 1001(a)(11)(B) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 103(c) of the Violent Crime Control and Safe Streets Act of 1993, is amended in the third sentence by inserting "(of which funds $14,000,000 shall be available to provide assistance in purchasing bulletproof vests under section 1701(b)(3))" after "specified in section 1701(b)".

NATIONAL SHERIFFS' ASSOCIATION,
*Alexandria, VA, March 24, 1994.*

Hon. JEFF BINGAMAN,
*U.S. Senate, 110 Hart Senate Office Building, Washington, DC.*

DEAR SENATOR BINGAMAN: On behalf of the 22,000 members of the National Sheriffs' Association (NSA), I am writing in support of proposed legislation that would authorize grant funds to pay for the cost of bulletproof vests for 100,000 police officers. The sheriffs of this nation applaud your stand and commend you for your efforts. As always, NSA is prepared to support legislation in the best interest of law enforcement and the public.

I would be grateful if you would keep me informed of any progress regarding this proposal. Thank you for your endeavors.

Sincerely,

CHARLES "BUD" MEEKS,
*Executive Director.*

FRATERNAL ORDER OF POLICE,
*Columbus, OH, March 22, 1994.*

Hon. JEFF BINGAMAN,
*U.S. Senate, Washington, DC.*

DEAR SENATOR BINGAMAN: Your proposed legislation to assist with the purchase of 100,000 vests for law enforcement officers is a proposal that the National Fraternal Order of Police would gladly support. With the Congressional passage of this legislation, the Congress is, in fact, stating they are concerned about the protection of law enforcement officers, as well as recognizing the dangers we face on the violent streets of today's America. The twenty-five percent contribution by the Federal government toward the purchase of these vests will surely encourage some of the more financially distressed police departments to make these purchases and thus save some additional officers' lives and prevent many possible serious injuries.

On behalf of our 248,000-plus members made up of full-time law enforcement officers, we encourage you to pursue this legislation and we thank you for your thoughtfulness and consideration of our plight.

Sincerely,

DEWEY R. STOKES,
*National President.*•

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By Mr. BINGAMAN:

S. 1973. A bill to authorize funds to pay a portion of the startup costs of local handgun exchange programs; to the Committee on the Judiciary.

HANDGUN EXCHANGE PROGRAM ACT OF 1994

• Mr. BINGAMAN. Mr. President, today, I introduce legislation that will provide money for communities to start handgun exchange programs.

The continuing question is how do we stop our youth from committing senseless acts of violence with handguns? There are no simple answers. Currently, in the fight against crime, Congress is faced with the difficult task of choosing between programs that show results in future decades or choosing programs that have more immediate impact. It has become clear that Government does not have all the answers and that is why there is currently greater emphasis placed on partnerships between the community, business, and Government.

Today, I am offering legislation that strengthens the partnership between Government, business, and the community in taking handguns off the streets.

This legislation will authorize the Attorney General to provide 50 percent of the startup costs of a handgun exchange program in a community. Each State will be entitled to 2 percent of the total funds allocated for this program. This legislation will not pay for administration costs once the exchange program is under way and does not authorize funds to buy back handguns.

The language in this bill defines a startup cost as pertaining to: First, informing the community of the program; second, getting businesses involved in the program and/or; third, securing a safe handgun exchange location. The Attorney General is authorized to determine whether the specific requests from the local communities abide by the intent of this definition.

The purpose of this program is to get handguns off the street. Although there are current handgun exchange programs that do not have Government involvement, this legislation is intended to aid those communities that need help with coordination or information in developing their own programs.

Let me illustrate to you what I mean by a Handgun Exchange Program. In my home State of New Mexico, Barry Finkenberg, a local business person who is president of Ticketmaster, started his own handgun exchange program. This program will exchange two tickets to an upcoming concert for one handgun. By January, in less than 3 months, the program had collected 130 guns. Mr. Finkenberg's example has inspired other programs to start in other States such as California and New York.

This example demonstrates a successful partnership between the business sector and community in taking handguns off the streets. It also demonstrates that the Government does not have to buy back the handguns. Instead, a business person donates an item that can then be traded for the handguns. Concert tickets are only one of the incentives which have been donated. In other parts of the county, the business sector has donated toys, meals, certificates for clothing, tickets for sporting events, and even ski lift tickets.

It is my belief, that there are communities that would create their own successful exchange programs such as that of Mr. Finkenberg if given the chance. It is for those areas of this country that this program is intended. This program will provide those communities with 50 percent of the necessary funds needed to start their own programs. And as stated earlier, once the program is under way, the Department of Justice will stop any type of financial assistance. It is at this point that the success of the program depends upon the support and goodwill of the community to succeed.

I am asking that $1 million be appropriated for both fiscal year 1994 and 1995. No later than December 31, 1995, the Attorney General will submit a report to Congress that will assess the success of the program.

In summary, this legislation will affect those communities that need help or aid in establishing their own handgun exchange programs. A partnership is forged that places more responsibility on the different partners at different times. In the beginning, Government has a significant role in creating the handgun exchange program. Once the program has started, business and the community assume the responsibility of the program's future success. For these reasons, I ask my colleagues to support this legislation.

Mr. President I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1973

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. STARTUP OR "SEED MONEY" FOR LOCAL HANDGUN EXCHANGE PROGRAMS.**

(a) FEDERAL CONTRIBUTION.—The Attorney General shall establish a program under which the Attorney General will enter into agreements to contribute, and will contribute, up to 50 percent of the funds needed to pay startup costs of handgun exchange programs operated by local governments or private entities in which merchandise or services (including entertainment), tickets or certificates that may be used to acquire merchandise or services, or other non-cash incentives are given in exchange for handguns.

(b) QUALIFICATIONS, TERMS, AND CONDITIONS.—In an agreement under subsection (a), the Attorney General—

(1) may agree to contribute to the startup costs of a handgun exchange an amount that is not greater than the amount of State and local public funds and private funds committed to the program at the time of the agreement;

(2) shall require that the place at which exchanges are to be made allows anonymity for a person who exchanges a handgun;

(3) shall require that all firearms that are turned in to the program will be destroyed;

(4) shall require that the program agree to provide only merchandise or services (including entertainment), tickets or certificates that may be used to acquire merchandise, or other incentives other than cash to persons who turn in firearms and that such incentives be provided by donations from private entities;

(5) shall require that startup costs must pertain to—

(A) informing the community of the program;

(B) getting businesses involved in the program; or

(C) securing a safe handgun exchange location; and

(6)(A) may set such other qualifications, terms, and conditions as may be appropriate to ensure that the program is operated in an efficient and bona fide manner consistent with the interests of law enforcement; but

(B) may not prescribe the terms under which the program will accept firearms in exchange for any offered incentive.

(c) TERMINATION.—The program under subsection (a) shall terminate on September 30, 1995.

(d) ALLOCATION.—

(1) MAXIMUM AMOUNT.—Not more than 2 percent of the total amount appropriated to carry out this Act for a fiscal year may be allocated to the making of contributions in any 1 State.

(2) PRIORITY.—Within each State—

(A) the Attorney General shall give to priority to creating handgun exchange programs in areas that are experiencing high rates of crime in which handguns are used; but

(B) urban and rural areas shall each receive an appropriate amount of assistance.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, out of the Violent Crime Reduction Trust Fund to be established under section 1115 of title 31, United States Code, as proposed to be added by section 1353 of the Violent Crime Control and Law Enforcement Act of 1993, $1,000,000 for each of fiscal years 1994 and 1995.

(f) REPORT.—Not later than December 31, 1995, the Attorney General shall submit to Congress a report assessing the effect that operation of the handgun exchange programs funded under this Act has had in reducing the incidence of crime in the jurisdictions in which the programs were operated.•

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By Mr. ROCKEFELLER (for himself, Mr. MURKOWSKI, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, Mr. THURMOND, Mr. JEFFORDS, Mr. LEAHY, and Mrs. MURRAY):

S. 1974. A bill to authorize the Secretary of Veterans Affairs to conduct pilot programs in order to evaluate the feasibility of the participation of the Department of Veterans Affairs health care system in the health care systems of States that have enacted health care reform; to the Committee on Veterans' Affairs.

### VA STATE HEALTH CARE REFORM

• Mr. ROCKEFELLER. Mr. President, even as the Congress carries on the debate on national health care reform, many States have already enacted reform legislation. These States have taken the first, important steps on the road to universal coverage. I applaud the efforts of these courageous legislators. They are giving their citizens health care security. These State plans provide Congress with the perfect opportunity to learn from their successes and to study the effects of reform on existing Federal medical programs, including the VA medical system.

The VA medical system—the Nation's largest health care system—cannot participate fully in health care reform efforts in specific States, because current Federal law makes it impossible for VA facilities to do so. This deprives VA of the kinds of experiences and information it needs to thrive under national health care reform. If this situation continues, we will miss a valuable opportunity to study the effects of reform.

At a February 9, 1994, Senate Committee on Veterans' Affairs' hearing on VA participation in state health care reform programs, Acting Deputy Under Secretary of Health, Elwood Headley, M.D., stated that as a public health care system, VA lacks experience in participating in a competitive environment.

Mr. President, I believe VA will do well in a national plan under which costs are controlled and coverage is expanded for all Americans, because VA already operates within a fixed budget. VA must, however, have the opportunity to learn what kinds of changes are needed in the VA medical system as a whole.

It is in the spirit of improving VA medical services for veterans that I am today introducing a bill that would require VA to conduct a pilot health care reform program. This VA State Health Care Reform Pilot Program would enable VA to participate in the health care reform programs of several States. I am delighted to be joined in sponsoring this bill by Committee members FRANK MURKOWSKI, BOB GRAHAM, DANIEL AKAKA, TOM DASCHLE, STROM THURMOND, and JAMES JEFFORDS, and by Senators PATRICK LEAHY and PATTY MURRAY.

At the February 9 hearing, John Bollinger, Deputy Executive Director, Paralyzed Veterans of America, testified that "the pilot programs will give VA in those States the opportunity to become a full participant in the health care system. It will also provide valuable experience to draw upon when the full VA system faces the same challenges in the context of national health care reform." I agree wholeheartedly.

### SUMMARY OF PROVISIONS

Mr. President, this legislation would enable VA to evaluate the most appropriate means of participating in reformed State health care system, providing invaluable information to help them prepare for national health care reform.

The bill would give VA the authority to select up to five States with comprehensive health benefit plans in place, or where such plans are imminent, to participate in the pilot program for a period of 2 years. The bill would authorize that VA facilities in the selected States offer free comprehensive care to all compensable service-connected veterans and to all veterans with incomes below the current levels that apply to inpatient care.

The legislation would grant the Secretary authority to waive certain laws and regulations that could interfere with the ability of VA facilities to participate in State health care reform activities.

This legislation would give VA medical center directors flexibility in allocating their resources, except with respect to regional programs, such as spinal cord injury services, post traumatic stress disorder, blind rehabilitation, and substance abuse programs, which are funded from Central Office.

The bill would give the head of the VA in selected States—the VA health system director—the authority to contract out for medical services without prior review from VA Central Office. For other services, VA facilities within the State would have the authority to enter into contracts below $250,000 without prior review by Central Office. Contracts above $250,000 would be reviewed by Central Office, but would be automatically approved if Central Office did not make a decision within 30 days. This would give local VA facilities the autonomy they need to increase their number of providers in a timely manner.

This bill would also give local VA facilities more flexibility in the hiring process, by extending authority that is currently available for hiring certain title 38 personnel to the hiring of all staff. This is intended to help VA facilities hire the best possible employees in a timely manner.

The bill would exempt VA facilities in the pilot program from FTE cuts. Arbitrary FTE cuts could make it impossible for VA facilities to compete under health care reform.

The legislation would give the participating VA facilities the authority to carry leftover funding over from 1 year to the next. Again, this would help VA facilities make better use of limited funds.

Finally, this legislation would give VA the authority to collect employer contributions and other third-party payments for noncore veterans who choose VA health care. These payments would enable VA facilities to provide care for all veterans who choose VA health care, not just core veterans.

### CONCLUSION

Mr. President, VA needs legislative relief from restrictions in current law which, although enacted for good and appropriate reasons, could prevent VA facilities from competing as providers in certain States. The major obstacle which must be overcome is that VA facilities cannot qualify as providers under some State plans because of current eligibility requirements. Under various State proposals, all citizens would be eligible to choose a provider, and all providers must provide the same basic package of services. In most States, VA could not be considered a provider for several reasons, including the restrictions which limit preventive and primary care.

Mr. President, the VA State Health Care Reform Pilot Program would provide VA with invaluable experience regarding how it needs to change in order to survive and thrive under health care reform. The VA State Health Care Reform Pilot Program will help us meet our obligation to the brave men and women who served in every branch of the armed forces, by improving the VA medical system that serves them.

I am looking forward to working with Senator MURKOWSKI and all the members on the Senate Committee on Veterans' Affairs, as well as my counterpart on the House Committee on Veterans' Affairs, Chairman SONNY MONTGOMERY, and chairman of the House Subcommittee on Hospitals and Health Care ROY ROWLAND.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1974

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "VA State Health Care Reform Pilot Program Act".

**SEC. 2. PURPOSE OF PILOT PROGRAMS.**

The purpose of this Act is to authorize the participation of the Department of Veterans Affairs health care system in the health care systems of States that have enacted health care reform in order to evaluate the most appropriate means of enabling the Department health care system to participate in such systems and in the National health care system contemplated under any plans for National health care reform.

**SEC. 3. HEALTH CARE PILOT PROGRAMS.**

(a) IN GENERAL.—The Secretary may carry out pilot programs on the participation of the Department of Veterans Affairs health care system in the health care systems of States that have adopted comprehensive health benefit plans. The Secretary shall carry out any pilot program under this Act in accordance with the provisions of this Act.

(b) STATES ELIGIBLE FOR DESIGNATION.—(1) The Secretary shall designate each of not more than five States as a location for a pilot program under this Act. The Secretary shall complete the designation of States as locations for pilot programs not later than 30 days after the date of the enactment of this Act.

(2) The Secretary may designate a State as a location for a pilot program under this Act if the Secretary determines that—

(A) the State has enacted, or will soon enact, a statute establishing or providing for a comprehensive health benefit plan; and

(B) the participation of the health care system of the Department under the plan is feasible and appropriate in light of the purpose of this Act.

(c) DEPARTMENT PARTICIPATION IN STATE HEALTH BENEFIT PLANS.—(1) To the maximum extent practicable, the Secretary shall provide eligible persons under each pilot program under this Act with the comprehensive package of basic health care benefits that would otherwise be available to such persons under the comprehensive health benefit plan of the State in which the pilot program is carried out. The Secretary shall provide such benefits through the health care system of the Department in such State as if such system were a provider of such benefits under such plan.

(2) Notwithstanding any other provision of law, a State may not prohibit the participation of the Department under the comprehensive health benefit plan of the State under a pilot program unless the chief executive officer of the State certifies to the Secretary that—

(A) the benefits to be provided by the Department under the pilot program do not meet requirements for quality of benefits established by or provided under the plan; or

(B) the location of Department facilities (including facilities providing services by contract or agreement with the Secretary) in the State is such that the proximity of eligible persons to such facilities does not meet requirements so established for such proximity.

(3) To the maximum extent practicable, the Secretary shall provide health care benefits under a pilot program under this Act in accordance with the statutory requirements and regulatory requirements imposed with respect to the provision and availability of such benefits under the comprehensive health benefit plan of the State in which the pilot program is carried out.

(4) Not later than 30 days after the designation of a State as a location for a pilot program under this Act, the Secretary and the health system director for that State shall jointly determine the Federal regulations the waiver or modification of which is necessary in order to facilitate the carrying out of the pilot program. Upon such determination, the Secretary shall waive or modify the application of such regulations to the pilot program.

(5) The Secretary shall furnish any eligible person living in a State in which a pilot program is carried out (including any eligible person electing to receive benefits under the pilot program and any eligible person not electing to receive benefits under the pilot program) with the health care benefits for which such person is eligible under chapter 17 of title 38, United States Code, notwithstanding that the comprehensive package of basic health care benefits provided under the comprehensive health benefit plan of the State does not otherwise include such health care benefits. The Secretary shall furnish any health care benefits under this paragraph in accordance with the provisions of that chapter.

(d) HEALTH SYSTEM DIRECTOR.—The Secretary shall designate a health system director for each State in which a pilot program is carried out under this Act. The health system director of a State shall be the director or chief of staff of a Department medical center located in the State in which the pilot program is carried out. To the maximum extent practicable, the Secretary shall delegate to the health system directors the responsibilities of the Secretary under this Act.

(e) ADMINISTRATIVE REORGANIZATION.—The Secretary may carry out any administrative reorganization of an office, facility, activity, or function of the health care system of the Department in a State in which a pilot program is carried out that the Secretary and the health system director jointly determine to be necessary in order to facilitate the carrying out of the pilot program. Section 510(b) of title 38, United States Code, shall not apply to any such administrative reorganization.

(f) PROVISION OF BENEFITS.—(1)(A) Except as provided in subparagraph (B), the Secretary shall provide health care benefits under a pilot program—

(i) through the direct provision of such services by the health care system of the Department in the State in which the pilot program is carried out; or

(ii) in the event that such services cannot be provided directly by such system, by contract or other agreement in accordance with paragraph (2).

(B) The Secretary may exclude facilities of the Department from participation in a pilot program. Any facilities so excluded shall continue to provide health care benefits to veterans and other persons eligible for such benefits in accordance with the provisions of title 38, United States Code.

(2) The health system director of a pilot program may enter into contracts and agreements for the provision of health care services and contracts and agreements for other services with respect to the pilot program under paragraph (1)(A)(ii). Any such contract or agreement (including any lease) shall not be subject to the following provisions of law:

(A) Section 8110(c) of title 38, United States Code, relating to contracting of services at Department health-care facilities.

(B) Section 8122(a)(1) of such title, relating to the lease of Department property.

(C) Section 8125 of such title, relating to local contracts for the procurement of health-care items.

(D) Section 702 of title 5, United States Code, relating to the right of review of agency wrongs by courts of the United States.

(E) Sections 1346(a)(2) and 1491 of title 28, United States Code, relating to the jurisdiction of the district courts of the United States and the United States Court of Federal Claims, respectively, for the actions enumerated in such sections.

(F) Subchapter V of chapter 35 of title 31, United States Code, relating to adjudication of protests of violations of procurement statutes and regulations.

(G) Sections 3526 and 3702 of such title, relating to the settlement of accounts and claims, respectively, of the United States.

(H) Subsections (b)(7), (e), (f), (g), and (h) of section 8 of the Small Business Act (15 U.S.C. 637(b)(7), (e), (f), (g), and (h)), relating to requirements with respect to small businesses for contracts for property and services.

(I) The provisions of law assembled for purposes of codification of the United States Code as section 471 through 544 of title 40 that relate to the authority of the Administrator of General Services over the lease and disposal of Federal Government property.

(J) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), relating to the procurement of property and services by the Federal Government.

(K) Chapter 3 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), relating to the procurement of property and services by the Federal Government.

(L) Office of Management and Budget Circular A-76.

(3)(A) Notwithstanding any other provision of law, contracts and agreements for the provision of health care services under this subsection shall include contracts and other agreements with insurers, health care providers, or other individuals or entities that provide health care services in order to obtain health-care resources for eligible persons under a pilot program or to furnish health care benefits to such persons.

(B) A health system director of a pilot program may enter into a contract or agreement under this paragraph only if the director determines that the contract or agreement is necessary in order to ensure the provision of health care services of an acceptable level and quality under the pilot program.

(C) Contracts and agreements under this paragraph may be entered into without prior review by the Central Office of the Department.

(4)(A) Contracts and agreements under this subsection for services other than the services referred to in paragraph (3) (including contracts and agreements for procurement of equipment, maintenance and repair services, and other services related to the provision of health care services) shall not be subject to review by the Central Office if the amount of such contracts or agreements is less than $250,000.

(B) Contracts and agreements for services under this paragraph shall be subject to review by the Central Office if the amount of such contracts or agreements is $250,000 or greater. If the Central Office fails to approve or reject a contract or agreement under this clause within 30 days of its submittal to the Central Office, such contract or agreement shall be deemed approved by the Central Office.

(g) DEPARTMENT PERSONNEL.—(1) Notwithstanding any other provision of law and to the extent necessary to carry out the purpose of a pilot program, the Secretary may—

(A) appoint health care personnel to positions in the health care system of the Department in the State in which the pilot program is carried out in accordance with such qualifications for such positions as the Secretary may establish; and

(B) promote and advance personnel serving in such positions in accordance with such qualifications as the Secretary may establish.

(2) Not later than 60 days after the designation of a State as a location for a pilot program under this Act, or at such other time as the Secretary may determine, the Secretary shall request authority from the Director of the Office of Management and Budget to permit the Secretary to employ a number of full time equivalent employees in the health care system of the Department in that State which exceeds the number of such employees that would otherwise be authorized for such employment by the Director.

(3) Notwithstanding any other provision of law, employees of the Department at facilities of the Department under a pilot program shall not, during the carrying out of the pilot program, be subject to any reduction in the number of full time employees of the Department or as a result of a reduction in the number of full time employees of the Federal Government.

(h) ELIGIBLE PERSONS.—(1) A person eligible for health care benefits under a pilot program is any person residing in a State in which a pilot program is carried out as follows:

(A) Any veteran.

(B) Any spouse or child of a veteran.

(C) Any individual eligible for care under paragraph (2) or (3) of section 1713(a) of title 38, United States Code.

(2) Notwithstanding any other provision of law, a State may not require that any person other than a person referred to in paragraph (1) be eligible for health care benefits through the Department under a pilot program.

(i) COPAYMENTS AND OTHER CHARGES.—(1) Except as provided in paragraph (2), the Secretary may collect from or on behalf of any individual receiving health care benefits from the Secretary under a pilot program under this Act a premium, deductible, copayment, or other charge with respect to the provision of a benefit under the pilot program. The amount of the premium, deductible, copayment, or other charge collected with respect to a benefit provided under a pilot program may not exceed the maximum amount otherwise permitted for a premium, deductible, copayment, or other charge with respect to that benefit under the comprehensive health benefits plan of the State in which the pilot program is carried out.

(2)(A) Except as provided in subparagraph (B), the Secretary shall waive the collection under the pilot programs of premiums, deductibles, copayments, and other charges with respect to the benefits provided by the Department to the following:

(i) Veterans with compensable service-connected disabilities.

(ii) Veterans whose discharge or release from active military, naval, or air service was for a compensable disability that was incurred or aggravated in the line of duty.

(iii) Veterans who are in receipt of, or who, but for a suspension pursuant to section 1151 of title 38, United States Code (or both a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such veterans' continuing eligibility for such care is provided for in the judgment or settlement provided for in such section.

(iv) Veterans who are a former prisoners of war.

(v) Veterans of the Mexican border period or of World War I.

(vi) Veterans who are unable to defray the expenses of necessary care, as determined in accordance with section 1722(a) of such title.

(B) The Secretary may collect premiums, deductibles, copayments, and other charges with respect to benefits provided under a pilot program to veterans referred to in subparagraph (A) from any third party obligated to provide, or to pay the expenses of, such benefits to or for such veterans under the comprehensive health benefits plan of the State in which the pilot program is carried out.

(j) FUNDING.—(1) There is established in the Treasury a fund to be known as the Department of Veterans Affairs Health Care Reform Fund (hereafter referred to in this subsection as the "Fund").

(2)(A) Notwithstanding any other provision of law, amounts shall be deposited in the Fund as follows:

(i) Amounts made available to a pilot program based upon a determination under paragraph (3).

(ii) Amounts collected under a pilot program in accordance with subsection (i).

(iii) Amounts determined with respect to a pilot program under paragraph (4).

(iv) Such other amounts as the Secretary and the health system directors of the pilot programs jointly determine to be necessary in order to carry out the pilot programs.

(v) Such other amounts as may be appropriated to the pilot programs.

(B) The Secretary shall make available amounts under clauses (i) and (iv) of subparagraph (A) from amounts appropriated to the Department of Veterans Affairs for the provision of health care services.

(C) The Secretary shall establish and maintain a separate account under the Fund for each pilot program carried out under this Act. Any deposits and expenditures with respect to a pilot program shall be made to or from the account established and maintained with respect to that pilot program.

(3)(A) For each year of the operation of a pilot program under this Act, the Secretary shall deposit in account of the Fund for the pilot program an amount (as determined by the Secretary) equal to the amount that would otherwise be made available to the health care system of the Department in the State in which the pilot program is carried out for the payment of the cost of health care services by such system in that State in that year. The Secretary shall deposit such amount at the beginning of such year.

(B) The costs referred to in subparagraph (A) shall not include costs relating to the provision by the Secretary of the following services:

(i) Services relating to post-traumatic stress disorder.

(ii) Services relating to spinal-cord injuries.

(iii) Services relating to substance abuse.

(iv) Services relating to the rehabilitation of blind veterans.

(4)(A) In each year of the operation of a pilot program under this Act, the Secretary shall deposit into the account of the Fund for the pilot program an amount with respect to the pilot program that is equal to the portion of the amount referred to in subparagraph (B) that is allocable to the medical-care cost recovery activities of the Department under section 1729(g)(4) of title 38, United States Code, in the State in which the pilot program is carried out.

(B) The amount referred to in subparagraph (A) is the amount by which the unobligated balance in the Department of Veterans Affairs Medical-Care Cost Recovery Fund for the year preceding the date of the deposit under this paragraph exceeds the estimated amount of such unobligated balance at the commencement of such preceding year.

(C) The Secretary shall make deposits under this paragraph at the same time as the deposit under such section.

(5)(A) Notwithstanding any other provision of law, the health system director for a State in which a pilot program is carried out shall determine the costs for which amounts in the Fund may be expended in carrying out the pilot program.

(B)(i) Except as provided in clause (ii), the costs of carrying out a pilot program under this paragraph shall include any costs of marketing and advertising under the program and costs relating to acquisition (including acquisition of land), construction, repair, or renovation of facilities.

(ii) Costs under this subparagraph shall not include any costs relating to a major medical facility project or a major medical facility lease as such terms are defined in subparagraphs (A) and (B) of section 8104(a)(3) of title 38, United States Code, respectively.

(C) Amounts in the Fund for the payment of costs of a pilot program under this subsection shall be available for such purpose without fiscal year limitation.

(k) TERMINATION.—A pilot program carried out under this Act shall terminate not later than 2 years after the date of the commencement of provision of benefits under the pilot program.

**SEC. 4. REPORTS ON PILOT PROGRAMS.**

(a) COLLECTION OF INFORMATION.—(1) The Secretary shall collect such information with respect to the provision of health care benefits under each pilot program as is necessary to permit the Secretary to evaluate the pilot program in light of the purpose of the pilot program under this Act.

(2) The information collected by the Secretary under paragraph (1) shall include aggregated data on the following:

(A) The number of persons participating in each pilot program, including the age, sex, health status, disability ratings (if any), employment status, and incomes of such persons.

(B) The nature of benefits sought by such persons under each pilot program.

(C) The nature and quantity of benefits provided to such persons under each pilot program.

(D) The cost to the Department of providing such benefits under each pilot program.

(b) REPORTS.—(1) Not later than 14 months after the date of the completion of the designation of States as locations for pilot programs under this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the progress of the Secretary in carrying out the pilot programs. Such report shall include the information referred to in subsection (a)(2) on the date of the report.

(2) Not later than November 30 of the year of the termination of the final pilot program under this Act, the Secretary shall submit to the committees referred to in paragraph (1) a report on the pilot programs carried out under this Act. The report shall include the following:

(A) The information referred to in subsection (a)(2), together with the comments and conclusions of the Secretary with respect to such information.

(B) An assessment by the Secretary of the utility of each pilot program for carrying out the purpose of this Act.

(C) An assessment by the Secretary of appropriate means of integrating the health care system of the Department into the health care systems of States that have enacted health care reform and into the National health care system contemplated under any plans for National health care reform.

(D) Such other information, assessments, and conclusions as the Secretary considers appropriate.

**SEC. 5. DEFINITIONS.**

For the purposes of this Act—

(1) The terms "Secretary", "Department", "veteran", "child" and "spouse" have the meanings given such terms in paragraphs (1), (2), (4), and (31) of section 101 of title 38, United States Code, respectively.

(2) The term "comprehensive health benefit plan", in the case of a State, means a plan or system established under the law of the State that—

(A) ensures the access of all residents of the State to a comprehensive package of basic health care benefits; and

(B) ensures such access by providing that such benefits shall be provided directly or by contract by public and private entities.

(3) The term "comprehensive package of basic health care benefits" means the health care benefits provided for by a State under the comprehensive health benefit plan of the State.

(4) The term "health care system of the Department", in the case of a State designated as a location for a pilot program, means the facilities and personnel of the Department located in that State that provide health care services under chapter 17 of title 38, United States Code.•

• Mr. LEAHY. Mr. President, I would like to thank Senator ROCKEFELLER and the other members of the Senate Veterans' Committee for their foresight in understanding that the VA will need to change to survive under health care reform.

Last fall, President Clinton announced his plan to guarantee private insurance coverage to every American. This marked the beginning of a continuing debate on how all Americans receive health care in the future.

The President's plan offers the VA a great opportunity to improve its services to America's veterans and compete in the next century. However, as our country continues the debate on health care reform, it is important that we not forget that some States have already passed health care reform legislation and others are on the verge of doing so. This bill addresses a very big concern that VA hospitals not be left behind as States move ahead.

For example, my home State of Vermont has been a national leader in health care reform. Just yesterday, the Vermont House passed and sent to the Senate its health care reform legislation. I believe that the VA hospital in White River Junction, VT, needs to be able to work with the State before the final legislation is set. It should be in on the ground floor of this State legislation so that it can participate fully and compete with other health care providers in the State, rather than as an afterthought, when national health care reform is passed.

This bill will give VA facilities in States that are ahead of the health care curve the flexibility to participate in State health care reform. This flexibility not only is important to the VA hospitals in these States, but it also is important to the VA hospital systems as a whole. By doing this we will be able to learn how the VA needs to change to survive under health care reform.•

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By Ms. MOSELEY-BRAUN (for herself, Mr. KENNEDY, Mr. SASSER, Mr. MATHEWS, Mr. SARBANES, Mr. MOYNIHAN, and Mr. COCHRAN):

S. 1975. A bill to establish a grant program to restore and preserve historic buildings at historically black colleges and universities, and for other purposes; to the Committee on Energy and Natural Resources.

### HISTORICALLY BLACK COLLEGES BUILDING PRESERVATION ACT

Ms. MOSELEY-BRAUN. Mr. President, I rise today to introduce the Historically Black Colleges and Universities Historic Building Restoration and Preservation Act, legislation designed to protect some of our Nation's most important historic landmarks which are at risk of being lost forever.

Mr. President, this legislation is cosponsored by Senators KENNEDY, SASSER, MATHEWS, SARBANES, MOYNIHAN, and COCHRAN, and endorsed by the United Negro College Fund.

Our Nation's historically black colleges and universities have promoted academic excellence for over 130 years. As stated so eloquently in Fisk University's original charter, historically black colleges and universities have measured themselves by the highest standards, not of Negro education, but of American education at its best.

Throughout their history, historically black colleges and universities have produced some of our Nation's most distinguished leaders including: Dr. Martin Luther King Jr., 17 current Members of Congress, and my colleague from Pennsylvania, Senator HARRIS WOFFORD.

Yet, these institutions have distinguished themselves in the field of higher education over the years by maintaining the highest academic standards while increasing educational opportunities for economically and socially disadvantaged Americans—including tens of thousands of African-Americans.

Although they only represent 3 percent of all U.S. institutions of higher learning, historically black colleges and universities graduate 33 percent of all African-Americans with bachelor's degrees and 43 percent of all African-Americans who go on to earn their Ph.D.'s.

Nonetheless, in order to meet the educational needs of these promising individuals, these schools have had to keep their tuition and fees well below those at comparable institutions.

In 1990–91, for example, the average tuition and fees charged by private historically black colleges and universities was $4,657—less than half the $9,351 average charged by private colleges nationwide.

Moreover, historically black colleges and universities have also had to keep their costs low in order to increase financial aid for their students, who are disproportionately more dependent on financial aid than students at other U.S. colleges.

A study conducted by the United Negro College Fund [UNCF] found that 90 percent of students at private historically black colleges and universities require financial aid compared with 65 percent of private college students nationally.

The study also found that nearly one-half of these students come from families earning under $25,000.

Mr. President, given that historically black colleges and universities have found it increasingly difficult to support student aid, it should not be surprising that they are unable to restore and preserve the historic landmarks which sit on their campuses.

The Historically Black Colleges and Universities Historic Preservation and Restoration Act I am introducing today addresses this problem by authorizing the Secretary of the Interior to allocate $20 million in fiscal year 1995 and $15 million in fiscal years 1996 through 1998 for the restoration and preservation of historic buildings on the campuses of historically black colleges and universities.

More specifically, this legislation would support the Department of the Interior's Historically Black Colleges and Universities Historic Preservation initiative.

In 1992, the Department of the Interior along with the National Park Service and the American Gas Association began a campaign to identify the most significant and physically threatened historic landmarks at historically black colleges and universities.

After a comprehensive review, the Interior Department selected 11 architecturally and culturally significant historic landmarks for its historic preservation initiative. These historic landmarks include:

Walter B. Hill at Savannah State College, Which served as a library for blacks when they were denied access to the public library; Virginia Hall, the first permanent structure at Hampton University, which was established to educate newly freed slaves; and Loockerman Hall at Delaware State College, which is widely believed to have been a stop on the underground railroad.

Mr. President, this legislation would also support the restoration of the Administration Building at Fisk University in Nashville, TN, which was designed by Moses and Calvin McKissack, two of America's earliest black architects, and which houses a series of murals painted by Harlem renaissance painter Arron Douglas.

Mr. President, the United Negro College Fund has agreed to supplement these Federal funds in order to protect these historic landmarks that symbolize the hope of the civil rights struggle and the contributions that historically black colleges and universities have in the education of our Nation's citizens.

Mr. President, I would like to conclude my remarks by urging my colleagues to support the Historically Black Colleges and Universities Historic Building Restoration and Preservation Act and by reminding them that when Thurgood Marshall was refused admittance to the University of Maryland Law School because of the color of his skin, it was an historically black university that prepared him for the Supreme Court.

Mr. President. I ask unanimous consent that a copy of the Historically Black Colleges and Universities Historic Building Restoration and Preservation Act be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1975

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Historically Black Colleges and Universities Historic Building Restoration and Preservation Act".

**SEC. 2. DEFINITIONS.**

For the purposes of this Act—

(1) the term "historically black colleges and universities" has the same meaning given the term "part B institution" in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)); and

(2) the term "historic building and structures" means a building or structure that is listed on the National Register of Historic Places or is designated as a National Historic Landmark.

**SEC. 3. FINDINGS.**

Congress finds that—

(1) the Nation's historically black colleges and universities have contributed significantly to the effort to attain equal opportunity through postsecondary education for African-American, low-income, and educationally disadvantaged Americans;

(2) over the course of our Nation's history, the Federal Government and the States have discriminated in the allocation of land and financial resources to support the institutions, forcing them to rely on the generous support of private individuals and other charitable organizations;

(3) the development of private and charitable financial support for historically black colleges and universities has resulted in structures and buildings of historic importance and architecturally unique design on the campuses of these institutions; and

(4) many of the structures and buildings at historically black colleges and universities are national treasures worthy of preservation and restoration for future generations of all Americans and for the students and faculty of the institutions.

**SEC. 4. PRESERVATION AND RESTORATION GRANTS FOR HISTORIC BUILDINGS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.**

(a) AUTHORITY TO MAKE GRANTS.—In fiscal years 1995 through 1998, the Secretary of the Interior (referred to in this Act as the "Secretary") shall make grants in accordance with this section to historically black colleges and universities for the preservation and restoration of historic buildings and structures on the campus of the institutions.

(b) GRANT CONDITIONS.—Grants made pursuant to this section shall be subject to the condition that the grantee covenants, for a period of time specified by the Secretary that—

(1) no alteration shall be made to the property with respect to which the grant is made without the concurrence of the Secretary; and

(2) reasonable public access to the property with respect to which the grant is made shall be permitted by the grantee for interpretive and educational purposes.

(c) MATCHING REQUIREMENT FOR BUILDINGS AND STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of a grant under this section for a building or structure listed on the National Register of Historic Places shall be not more than 50 percent of the cost of the grant project.

(2) EXCEPTION.—The Secretary may waive the cost-sharing requirement for a grant under this subsection if the Secretary determines that an extreme emergency exists or that a waiver is in the public interest to ensure the preservation of historically significant resources.

(d) FUNDING.—

(1) SOURCE.—The Secretary shall make grants pursuant to this section from amounts made available to carry out the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.)

(2) LIMITATIONS.—

(A) FISCAL YEAR 1995.—For fiscal year 1995—

(i) not more than $20,000,000 may be made available for a grant under this section; and

(ii) of such amounts—

(I) $5,000,000 shall be made available for grants to Fisk University; and

(II) $10,000,000 shall be made available for grants to historically black colleges and universities identified for inclusion in the Department of the Interior Historically Black College and University Historic Preservation Initiative.

(B) SUBSEQUENT YEARS.—For each of fiscal years 1996, 1997, and 1998, not more than $15,000,000 may be made available for grants under this section.

(e) REGULATIONS.—The Secretary shall develop and implement regulations to carry out this Act.

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By Mr. DODD (for himself, Mr. DORGAN, Mr. DOMENICI, Ms. MIKULSKI, Mr. JOHNSTON and Mr. FAIRCLOTH):

S. 1976. A bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the act; to the Committee on Banking, Housing, and Urban Affairs.

PRIVATE SECURITIES LITIGATION REFORM ACT

Mr. DODD. Mr. President, I rise today to introduce the Private Securities Litigation Reform Act of 1994. I am joined by my colleague Senator DOMENICI who has worked closely with me in crafting this important initiative.

Securities lawsuits brought by private individuals are critical to ensuring the integrity of our capital markets. As an important back-up to Government enforcement actions, these private actions help deter wrongdoing. When the system is working well, it helps to ensure that corporate officers, auditors, directors, lawyers and others properly perform their jobs. Private litigation is an indispensable tool with which defrauded investors can recover their losses without having to rely on Government action.

By performing these functions, private lawsuits should promote investor confidence and capital formation. The success of the American securities markets is due to the fact that investors here and abroad trust out markets to be fundamentally clean and fair. That trust stems in part from the SEC's role and in part from defrauded investors' ability to take direct action.

Private securities litigation has evolved over the years mainly as a result of court decisions rather than legislative action. For example, the most important private right of action for defrauded investors has long been section 10(B) of the Securities Exchange Act. Private actions under that provision were never expressly set out by Congress, but have been construed and refined by courts, with the tacit consent of Congress.

This lack of congressional involvement in shaping the contours of private litigation has created uncertainty about legal standards and unwarranted opportunities for abuse of investors and companies. Last summer, my securities subcommittee had several days of hearing. These hearings documented a number of glaring problems with the current system.

First, securities class action cases are vulnerable to abuses by entrepreneurial lawyers who put their own interests ahead of their clients. Many critics charge that plaintiffs' attorneys appear to control the settlement of the case with little or no influence from either the named plaintiffs or the larger class of investors.

For example, in one case which was cited to the subcommittee by a lawyer as a showcase of how the system works, the case was settled before trial for $33 million. The lawyers asked the court for more than $20 million of that amount in fees and costs. The court awarded the plaintiffs' lawyers over $11 million and lawyers for the company $3 million. Investors recovered only 6.5 percent of their recoverable damages. In a case which is now pending, the plaintiffs' lawyers are seeking $11 million from a $33 million settlement for their Federal securities law claims, and another $8 million out of a $12 million settlement of related State law claims.

A second area of abuse is frivolous litigation. We have heard complaints from companies, especially in the high technology sectors, that they face groundless securities litigation days or even hours after adverse earnings announcements. Courts have echoed this concern. As the Supreme Court pointed out in Blue Chip Stamps versus Manor Drug Store:

> [I]n the field of federal securities laws governing disclosure of information, even a complaint which by objective standards may have very little success at trial has a settlement value to the plaintiff out of any proportion to its prospect of success at trial so long as he may prevent the suit from being resolved against him by dismissal or summary judgment. The very pendency of the lawsuit may frustrate or delay normal business activity of the defendant which is totally unrelated to the lawsuit.

Some have also suggested that the net effect of private litigation under the Federal securities laws has been to weaken the financial disclosure system on which our capital markets depend. The accounting profession, which is at the heart of the financial disclosure system, has warned that because of the doctrine of joint and several liability, accountants face potential liability which could destroy the ability of independent auditors to review financial disclosure by companies.

The position in which the accounting profession now finds itself might be likened to the crisis which civil engineers might face if an epidemic of bridge and building collapses occurred because of a combination of design flaws, inadequate quality control checks and other professional failings, coupled with fraudulent practices by some construction contractors, and if virtually all engineers faced potential personal liability for the role of their firms in these disasters.

It seems clear that the best public policy toward the civil engineering profession in such a situation would be to take steps to develop a better system for identifying and dealing with poor engineering practices and poor engineers, while at the same time taking steps to encourage capable engineers to continue designing bridges and buildings. In my view, it would be poor public policy to strangle the civil engineering profession by threatening many or most civil engineers with personal bankruptcy even if they were personally blameless. The only rational approach would be to insist on major changes in the profession as well as sufficient relief from liability to ensure the profession's future viability.

LEGISLATIVE SOLUTIONS

The bill contains three major initiatives to deal with these problems:

First, it empowers investors so that they—not their lawyers—have greater control over class action cases; it limits opportunities for frivolous litigation; and it rationalizes the professional liability of accountants in exchange for stronger regulation.

In addition, the bill incorporates measures previously proposed in Congress to strengthen the obligation of auditors to search for fraud and to lengthen the statute of limitations for fraud actions.

First, empowering investors: The bill addresses abuses of investors by their lawyers by ensuring that investors, not lawyers, decide whether to bring a case, whether to settle, and how much the lawyers should receive.

The bill requires courts to appoint a plaintiff steering committee or a guardian to directly control lawyers for the class.

The bill requires that notices of settlement agreements sent to investors spell out clearly important facts such as how much investors are giving up by settling, and how much their lawyers will receive in the settlement.

The bill requires that courts tie awards of lawyers' fees directly to how much is recovered by investors, rather than simply how many hours the lawyers billed or how many pages of briefs they filed.

The bill establishes an alternative dispute resolution procedure to make it easier to prosecute a case without the necessity of slow and expensive federal court proceedings. This idea is very similar to a provision in the products liability bill passed by the Commerce Committee last fall, and like that bill it is intended to speed up the recovery process for plaintiffs who have strong cases.

These reform provisions should ensure that defrauded investors are not cheated a second time. It also should help victims of fraud to recover damages more quickly, with less of their recovery drained off in lawyers' fees.

Second, frivolous litigation: The bill requires that in order to bring a securities case as a class action, the plaintiffs in whose name the case is brought must have held either 1 percent of the securities which are the subject of the litigation or $10,000 worth of securities. This should help stop a problem pointed to by several courts, in which professional plaintiffs who own small amounts of stock in many companies try to bring class action lawsuits whenever one of their investments goes down.

The bill clarifies how a lawyer should plead a securities fraud claim. Plaintiffs' lawyers should have no trouble meeting these standards if they have legitimate cases and have looked at the facts.

These and other reforms should end the race to the courthouse by lawyers eager to file a case without investigating the facts or finding a real client.

Third, securities litigation and financial reporting: The accounting profession has argued that accounting firms are unfairly singled out under the current litigation system simply because they are a deep pocket. They claim that their liability exposure under the current system could drive them away from providing auditing services to many companies, especially new companies and high-technology companies.

The bill establishes a liability system for less culpable defendants that is linked to degree of fault. At the same time, the bill establishes a self-disciplinary organization for accountants under the direct supervision of the SEC. This entity would be somewhat like self-regulatory organizations such as the New York Stock Exchange or the National Association of Securities Dealers. The net effect should be a more direct and rational way of dealing with bad apples in the accounting profession without punishing the entire profession.

Fourth, enhancing deterrence of fraud: The bill would extend the statute of limitations for implied actions to 5 years from the date of the violation, or 2 years after the violation was discovered or should have been discovered through the exercise of reasonable diligence. The bill also incorporates pending legislation concerning the responsibility of auditors to search for and report fraud. A similar bill in the house is supported by the SEC and the AICPA.

The U.S. securities markets have achieved an unparalleled success under a blend of Government oversight buttressed by private litigation. However, as we look toward the 21st century, we must not be complacent about that long-running American economic strength. The investing public deserves a system of private remedies which offers better protection to investors rather than promoting a wasteful and ineffective litigation sub-culture. If we can accomplish this, we will strengthen investor confidence and ensure our securities market's continued success.

Mr. President, I ask unanimous consent that this bill and an explanation of selected bill provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1976

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION. 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Private Securities Litigation Reform Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PRIVATE SECURITIES LITIGATION

Sec. 101. Elimination of certain abusive practices.
Sec. 102. Alternative dispute resolution procedure; time limitation on private rights of action.
Sec. 103. Plaintiff steering committees.
Sec. 104. Requirements for securities fraud actions.
Sec. 105. Amendment to Racketeer Influenced and Corrupt Organizations Act.

TITLE II—FINANCIAL DISCLOSURE

Sec. 201. Safe harbor for forward-looking statements.
Sec. 202. Fraud detection and disclosure.
Sec. 203. Proportionate liability and joint and several liability.
Sec. 204. Public Auditing Self-Disciplinary Board.

## TITLE I—PRIVATE SECURITIES LITIGATION

### SEC. 101. ELIMINATION OF CERTAIN ABUSIVE PRACTICES.

(a) RECEIPT FOR REFERRAL FEES.—Section 15(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78*o*(c)) is amended by adding at the end the following new paragraph:

"(7) RECEIPT OF REFERRAL FEES.—No broker or dealer, or person associated with a broker or dealer, may solicit or accept remuneration for assisting an attorney in obtaining the representation of any customer in any implied private action arising under this title.".

(b) PROHIBITION ON ATTORNEYS' FEES PAID FROM COMMISSION DISGORGEMENT FUNDS.—Section 21(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)) is amended by adding at the end the following new paragraph:

"(4) PROHIBITION ON ATTORNEYS' FEES PAID FROM COMMISSION DISGORGEMENT FUNDS.—Except as otherwise ordered by the court, funds disgorged as the result of an action brought by the Commission in Federal court, or of any Commission administrative action, shall not be distributed as payment for attorneys' fees or expenses incurred by private parties seeking distribution of the disgorged funds.".

(c) ADDITIONAL PROVISIONS APPLICABLE TO CLASS ACTIONS.—Section 21 of the Securities Exchange Act of 1934 (15 U.S.C. 78u) is amended by adding at the end the following new subsections:

"(i) RECOVERY BY NAMED PLAINTIFFS IN CLASS ACTIONS.—In an implied private action arising under this title that is certified as a class action pursuant to the Federal Rules of Civil Procedure, the share of any final judgment or of any settlement that is awarded to class plaintiffs serving as the representative parties shall be calculated in the same manner as the shares of the final judgment or settlement awarded to all other members of the class. Nothing in this subsection shall be construed to limit the award to any representative parties of reasonable compensation, costs, and expenses (including lost wages) relating to the representation of the class.

"(j) CONFLICTS OF INTEREST.—In an implied private action arising under this title that is certified as a class action pursuant to the Federal Rules of Civil Procedure, if a party is represented by an attorney who directly owns or otherwise has a beneficial interest in the securities that are the subject of the litigation, the court shall make a determination of whether such interest constitutes a conflict of interest sufficient to disqualify the attorney from representing the party.

"(k) RESTRICTIONS ON SETTLEMENTS UNDER SEAL.—In an implied private action arising under this title that is certified as a class action pursuant to the Federal Rules of Civil Procedure, the terms and provisions of any settlement agreement between any of the parties shall not be filed under seal, except that on motion of any of the parties to the settlement, the court may order filing under seal for those portions of a settlement agreement as to which good cause is shown for such filing under seal. Good cause shall only exist if publication of a term or provision of a settlement agreement would cause direct and substantial harm to any person.

"(*l*) RESTRICTIONS ON PAYMENT OF ATTORNEYS' FEES FROM SETTLEMENT FUNDS.—In an implied private action arising under this title that is certified as a class action pursuant to the Federal Rules of Civil Procedure, attorneys' fees awarded by the court to counsel for the class shall be determined as a percentage of the amount of damages and prejudgment interest actually paid to the class as a result of the attorneys' efforts. In no event shall the amount awarded to counsel for the class exceed a reasonable percentage of the amount recovered by the class plus reasonable expenses.

"(m) DISCLOSURE OF SETTLEMENT TERMS TO CLASS MEMBERS.—In an implied private action arising under this title that is certified as a class action pursuant to the Federal Rules of Civil Procedure, a proposed settlement agreement that is published or otherwise disseminated to the class shall include the following statements, which shall not be admissible for purposes of any Federal or State judicial or administrative proceeding:

"(1) STATEMENT OF POTENTIAL OUTCOME OF CASE.—

"(A) AGREEMENT ON AMOUNT OF DAMAGES AND LIKELIHOOD OF PREVAILING.—If the settling parties agree on the amount of damages per share that would be recoverable if the plaintiff prevailed on each claim alleged under this title and the likelihood that the plaintiff would prevail—

"(i) a statement concerning the amount of such potential damages; and

"(ii) a statement concerning the probability that the plaintiff would prevail on the claims alleged under this title and a brief explanation of the reasons for that conclusion.

"(B) DISAGREEMENT ON AMOUNT OF DAMAGES OR LIKELIHOOD OF PREVAILING.—If the parties do not agree on the amount of damages per share that would be recoverable if the plaintiff prevailed on each claim alleged under this title or on the likelihood that the plaintiff would prevail on those claims, or both, a statement from each settling party concerning the issue or issues on which the parties disagree.

"(C) INADMISSIBILITY FOR CERTAIN PURPOSES.—Statements made in accordance with subparagraphs (A) and (B) shall not be admissible for purposes of any Federal or State judicial or administrative proceeding.

"(2) STATEMENT OF ATTORNEYS' FEES OR COSTS SOUGHT.—If any of the settling parties or their counsel intend to apply to the court for an award of attorneys' fees or costs from any fund established as part of the settlement, a statement indicating which parties or counsel intend to make such an application, the amount of fees and costs that will be sought, and a brief explanation of the basis for the application.

"(3) IDENTIFICATION OF REPRESENTATIVES.—The name, telephone number, and address of one or more representatives of counsel for the plaintiff class who will be reasonably available to answer questions from class members concerning any matter contained in any notice of settlement published or otherwise disseminated to class members.

"(4) OTHER INFORMATION.—Such other information as may be required by the court, or by any guardian ad litem or plaintiff steering committee appointed by the court pursuant to section 38.

"(n) SPECIAL VERDICTS.—In an implied private action arising under this title in which the plaintiff may recover money damages only on proof that a defendant acted with a particular state of mind, the court shall, when requested by a defendant, submit to the jury a written interrogatory on the issue of each such defendant's state of mind at the time the alleged violation occurred.

"(o) NAMED PLAINTIFF THRESHOLD.—In an implied private action arising under this title, in order for a plaintiff or plaintiffs to obtain certification as representatives of a class of investors pursuant to the Federal Rules of Civil Procedure, the plaintiff or plaintiffs must show that they owned, in the aggregate, during the time period in which violations of this title are alleged to have occurred, not less than the lesser of—

"(1) 1 percent of the securities which are the subject of the litigation; or

"(2) $10,000 (in market value) of such securities.".

**SEC. 102. ALTERNATIVE DISPUTE RESOLUTION PROCEDURE; TIME LIMITATION ON PRIVATE RIGHTS OF ACTION.**

(a) RECOVERY OF COSTS AND ATTORNEYS' FEES.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following new section:

**"SEC. 36. ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

"(a) IN GENERAL.—

"(1) OFFER TO PROCEED.—Except as provided in paragraph (2), in an implied private action arising under this title, any party may, before the expiration of the period permitted for answering the complaint, deliver to all other parties an offer to proceed pursuant to any voluntary, nonbinding alternative dispute resolution procedure established or recognized under the rules of the court in which the action is maintained.

"(2) PLAINTIFF CLASS ACTIONS.—In an implied private action under this title which is brought as a plaintiff class action, an offer under paragraph (1) shall be made not later than 30 days after a guardian ad litem or plaintiff steering committee is appointed by the court in accordance with section 38.

"(3) RESPONSE.—The recipient of an offer under paragraph (1) or (2) shall file a written notice of acceptance or rejection of the offer with the court not later than 10 days after receipt of the offer. The court may, upon motion by any party made prior to the expiration of such period, extend the period for not more than 90 additional days, during which time discovery may be permitted by the court.

"(4) SELECTION OF TYPE OF ALTERNATIVE DISPUTE RESOLUTION.—For purposes of paragraphs (1) and (2), if the rules of the court establish or recognize more than 1 type of alternative dispute resolution, the parties may stipulate as to the type of alternative dispute resolution to be applied. If the parties are unable to so stipulate, the court shall issue an order not later than 20 days after the date on which the parties agree to the use of alternative dispute resolution, specifying the type of alternative dispute resolution to be applied.

"(5) SANCTIONS FOR DILATORY OR OBSTRUCTIVE CONDUCT.—If the court finds that a party has engaged in dilatory or obstructive conduct in taking or opposing any discovery allowed during the response period described in paragraph (3), the court may—

"(A) extend the period to permit further discovery from that party for a suitable period; and

"(B) deny that party the opportunity to conduct further discovery prior to the expiration of the period.

"(b) PENALTY FOR UNREASONABLE LITIGATION POSITION.—

"(1) AWARD OF COSTS.—In an implied private action arising under this title, upon motion of the prevailing party made prior to final judgment, the court shall award costs, including reasonable attorneys' fees, against a party or parties or their attorneys, if—

"(A) the party unreasonably refuses to proceed pursuant to an alternative dispute resolution procedure, or refuses to accept the result of an alternative dispute resolution procedure;

"(B) final judgment is entered against the party; and

"(C) the party asserted a claim or defense in the action which was not substantially justified.

"(2) DETERMINATION OF JUSTIFICATION.—For purposes of paragraph (1)(C), whether a position is 'substantially justified' shall be determined in the same manner as under section 2412(d)(1)(B) of title 28, United States Code.

"(3) LIMITED USE.—Fees and costs awarded under this paragraph shall not be applied to any named plaintiff in any action certified as a class action under the Federal Rules of Civil Procedure if such plaintiff has never owned more than $1,000,000 of the securities which are the subject of the litigation.".

(b) LIMITATIONS PERIOD FOR IMPLIED PRIVATE RIGHTS OF ACTION.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following new section:

**"SEC. 37. LIMITATIONS PERIOD FOR IMPLIED PRIVATE RIGHTS OF ACTION.**

"(a) IN GENERAL.—Except as otherwise provided in this title, an implied private right of action arising under this title shall be brought not later than the earlier of—

"(1) 5 years after the date on which the alleged violation occurred; or

"(2) 2 years after the date on which the alleged violation was discovered or should have been discovered through the exercise of reasonable diligence.

"(b) EFFECTIVE DATE.—The limitations period provided by this section shall apply to all proceedings pending on or commenced after the date of enactment of this section.".

**SEC. 103. PLAINTIFF STEERING COMMITTEES.**

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following new section:

**"SEC. 38. GUARDIAN AD LITEM AND CLASS ACTION STEERING COMMITTEES.**

"(a) GUARDIAN AD LITEM.—Except as provided in subsection (b), not later than 10 days after certifying a plaintiff class in an implied private action brought under this title, the court shall appoint a guardian ad litem for the plaintiff class from a list or lists provided by the parties or their counsel. The guardian ad litem shall direct counsel for the class and perform such other functions as the court may specify. The court shall apportion the reasonable fees and expenses of the guardian ad litem among the parties. Court appointment of a guardian ad litem shall not be subject to interlocutory review.

"(b) CLASS ACTION STEERING COMMITTEE.—Subsection (a) shall not apply if, not later than 10 days after certifying a plaintiff class, on its own motion or on motion of a member of the class, the court appoints a committee of class members to direct counsel for the class (hereafter in this section referred to as the 'plaintiff steering committee') and to perform such other functions as the court may specify. Court appointment of a plaintiff steering committee shall not be subject to interlocutory review.

"(c) MEMBERSHIP OF PLAINTIFF STEERING COMMITTEE.—

"(1) QUALIFICATIONS.—

"(A) NUMBER.—A plaintiff steering committee shall consist of not less than 5 class members, willing to serve, who the court believes will fairly represent the class.

"(B) OWNERSHIP INTERESTS.—Members of the plaintiff steering committee shall have cumulatively held during the class period not less than—

"(i) the lesser of 5 percent of the securities which are the subject matter of the litigation or securities which are the subject matter of the litigation with a market value of $10,000,000; or

"(ii) such smaller percentage or dollar amount as the court finds appropriate under the circumstances.

"(2) NAMED PLAINTIFFS.—Class members who are named plaintiffs in the litigation may serve on the plaintiff steering committee, but shall not comprise a majority of the committee.

"(3) NONCOMPENSATION OF MEMBERS.—Members of the plaintiff steering committee shall serve without compensation, except that any member may apply to the court for reimbursement of reasonable out-of-pocket expenses from any common fund established for the class.

"(4) MEETINGS.—The plaintiff steering committee shall conduct its business at one or more previously scheduled meetings of the committee at which a majority of its members are present in person or by electronic communication. The plaintiff steering committee shall decide all matters within its authority by a majority vote of all members, except that the committee may determine that decisions other than to accept or reject a settlement offer or to employ or dismiss counsel for the class may be delegated to one or more members of the committee, or may be voted upon by committee members seriatim, without a meeting.

"(5) RIGHT OF NONMEMBERS TO BE HEARD.—A class member who is not a member of the plaintiff steering committee may appear and be heard by the court on any issue in the action, to the same extent as any other party.

"(d) FUNCTIONS OF GUARDIAN AD LITEM AND PLAINTIFF STEERING COMMITTEE.—

"(1) DIRECT COUNSEL.—The authority of the guardian ad litem or the plaintiff steering committee to direct counsel for the class shall include all powers normally permitted to an attorney's client in litigation, including the authority to retain or dismiss counsel and to reject offers of settlement, and the preliminary authority to accept an offer of settlement, subject to the restrictions specified in paragraph (2). Dismissal of counsel other than for cause shall not limit the ability of counsel to enforce any contractual fee agreement or to apply to the court for a fee award from any common fund established for the class.

"(2) SETTLEMENT OFFERS.—If a guardian ad litem or a plaintiff steering committee gives preliminary approval to an offer of settlement, the guardian ad litem or the plaintiff steering committee may seek approval of the offer by a majority of class members if the committee determines that the benefit of seeking such approval outweighs the cost of soliciting the approval of class members.

"(e) IMMUNITY FROM LIABILITY; REMOVAL.—Any person serving as a guardian ad litem or as a member of a plaintiff steering committee shall be immune from any liability arising from such service. The court may remove a guardian ad litem or a member of a plaintiff steering committee for good cause shown.

"(f) EFFECT ON OTHER LAW.—This section does not affect any other provision of law concerning class actions or the authority of the court to give final approval to any offer of settlement.".

### SEC. 104. REQUIREMENTS FOR SECURITIES FRAUD ACTIONS.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following new section:

### "SEC. 39. REQUIREMENTS FOR SECURITIES FRAUD ACTIONS.

"(a) INTENT.—In an implied private action arising under this title in which the plaintiff may recover money damages from a defendant only on proof that the defendant acted with some level of intent, the plaintiff's complaint shall allege specific facts demonstrating the state of mind of each defendant at the time the alleged violation occurred.

"(b) MISLEADING STATEMENTS AND OMISSIONS.—In an implied action arising under this title in which the plaintiff alleges that the defendant—

"(1) made an untrue statement of a material fact; or

"(2) omitted to state a material fact necessary in order to make the statements made, in the light of the circumstances in which they were made, not misleading;

the plaintiff shall specify each statement alleged to have been misleading, the reason or reasons why the statement is misleading, and, if an allegation regarding the statement or omission is made on information and belief, the plaintiff shall set forth all information on which that belief is formed.

"(c) BURDEN OF PROOF.—In an implied private action arising under this title based on a material misstatement or omission concerning a security, and in which the plaintiff claims to have bought or sold the security based on a reasonable belief that the market value of the security reflected all publicly available information, the plaintiff shall have the burden of proving that the misstatement or omission caused any loss incurred by the plaintiff.

"(d) DAMAGES.—In an implied private action arising under this title based on a material misstatement or omission concerning a security, and in which the plaintiff claims to have bought or sold the security based on a reasonable belief that the market value of the security reflected all publicly available information, the plaintiff's damages shall not exceed the lesser of—

"(1) the difference between the price paid by the plaintiff for the security and the market value of the security immediately after dissemination to the market of information which corrects the misstatement or omission; and

"(2) the difference between the price paid by the plaintiff for the security and the price at which the plaintiff sold the security after dissemination of information correcting the misstatement or omission.".

### SEC. 105. AMENDMENT TO RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT.

Section 1964(c) of title 18, United States Code, is amended by inserting ", except that no person may bring an action under this provision if the racketeering activity, as defined in section 1961(1)(D), involves fraud in the sale of securities" before the period.

## TITLE II—FINANCIAL DISCLOSURE

### SEC. 201. SAFE HARBOR FOR FORWARD-LOOKING STATEMENTS.

(a) CONSIDERATION OF REGULATORY OR LEGISLATIVE CHANGES.—In consultation with investors and issuers of securities, the Securities and Exchange Commission shall consider adopting or amending its rules and regulations, or making legislative recommendations, concerning—

(1) criteria that the Commission finds appropriate for the protection of investors by which forward-looking statements concerning the future economic performance of an issuer of securities registered under section 12 of the Securities Exchange Act of 1934 will be deemed not to be in violation of section 10(b) of that Act; and

(2) procedures by which courts shall timely dismiss claims against such issuers of securities based on such forward-looking statements if such statements are in accordance with any criteria under paragraph (1).

(b) COMMISSION CONSIDERATIONS.—In developing rules or legislative recommendations in accordance with subsection (a), the Commission shall consider—

(1) appropriate limits to liability for forward-looking statements;

(2) procedures for making a summary determination of the applicability of any Commission rule for forward-looking statements early in a judicial proceeding to limit protracted litigation and expansive discovery;

(3) incorporating and reflecting the scienter requirements applicable to implied private actions under section 10(b); and

(4) providing clear guidance to issuers of securities and the judiciary.

(c) SECURITIES ACT AMENDMENT.—The Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.), is amended by adding at the end the following new section:

### "SEC. 40. APPLICATION OF SAFE HARBOR FOR FORWARD-LOOKING STATEMENTS.

"(a) IN GENERAL.—In any implied private action arising under this title that alleges that a forward-looking statement concerning the future economic performance of an issuer registered under section 12 was materially false or misleading, if a party making a motion in accordance with subsection (b) requests a stay of discovery concerning the claims or defenses of that party, the court shall grant such a stay until it has ruled on any such motion.

"(b) SUMMARY JUDGMENT MOTIONS.—Subsection (a) shall apply to any motion for summary judgment made by a defendant asserting that the forward-looking statement was within the coverage of any rule which the Commission may have adopted concerning such predictive statements, if such motion is made not less than 60 days after the plaintiff commences discovery in the action.

"(c) DILATORY CONDUCT; DUPLICATIVE DISCOVERY.—Notwithstanding subsection (a) or (b), the time permitted for a plaintiff to conduct discovery under subsection (b) may be extended, or a stay of the proceedings may be denied, if the court finds that—

"(1) the defendant making a motion described in subsection (b) engaged in dilatory or obstructive conduct in taking or opposing any discovery; or

"(2) a stay of discovery pending a ruling on a motion under subsection (b) would be substantially unfair to the plaintiff or other parties to the action.".

### SEC. 202. FRAUD DETECTION AND DISCLOSURE.

(a) IN GENERAL.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting immediately after section 10 the following new section:

### "SEC. 10A. AUDIT REQUIREMENTS.

"(a) IN GENERAL.—Each audit required pursuant to this title of an issuer's financial statements by an independent public accountant shall include, in accordance with generally accepted auditing standards, as may be modified or supplemented from time to time by the Commission—

"(1) procedures designed to provide reasonable assurance of detecting illegal acts that would have a direct and material effect on the determination of financial statement amounts;

"(2) procedures designed to identify related party transactions which are material to the financial statements or otherwise require disclosure therein; and

"(3) an evaluation of whether there is substantial doubt about the issuer's ability to continue as a going concern during the ensuing fiscal year.

"(b) REQUIRED RESPONSE TO AUDIT DISCOVERIES.—

"(1) INVESTIGATION AND REPORT TO MANAGEMENT.—If, in the course of conducting an audit pursuant to this title to which subsection (a) applies, the independent public accountant detects or otherwise becomes aware of information indicating that an illegal act (whether or not perceived to have a material effect on the issuer's financial statements) has or may have occurred, the accountant shall, in accordance with generally accepted auditing standards, as may be modified or supplemented from time to time by the Commission—

"(A)(i) determine whether it is likely that an illegal act has occurred; and

"(ii) if so, determine and consider the possible effect of the illegal act on the financial statements of the issuer, including any contingent monetary effects, such as fines, penalties, and damages; and

"(B) as soon as practicable, inform the appropriate level of the issuer's management and assure that the issuer's audit committee, or the issuer's board of directors in the absence of such a committee, is adequately informed with respect to illegal acts that have been detected or have otherwise come to the attention of such accountant in the course of the audit, unless the illegal act is clearly inconsequential.

"(2) RESPONSE TO FAILURE TO TAKE REMEDIAL ACTION.—If, having first assured itself that the audit committee of the board of directors of the issuer or the board (in the absence of an audit committee) is adequately informed with respect to illegal acts that have been detected or have otherwise come to the accountant's attention in the course of such accountant's audit, the independent public accountant concludes that—

"(A) the illegal act has a material effect on the financial statements of the issuer;

"(B) the senior management has not taken, and the board of directors has not caused senior management to take, timely and appropriate remedial actions with respect to the illegal act; and

"(C) the failure to take remedial action is reasonably expected to warrant departure from a standard auditor's report, when made, or warrant resignation from the audit engagement;

the independent public accountant shall, as soon as practicable, directly report its conclusions to the board of directors.

"(3) NOTICE TO COMMISSION; RESPONSE TO FAILURE TO NOTIFY.—An issuer whose board of directors receives a report under paragraph (2) shall inform the Commission by notice not later than 1 business day after the receipt of such report and shall furnish the independent public accountant making such report with a copy of the notice furnished to the Commission. If the independent public accountant fails to receive a copy of the notice before the expiration of the required 1-business-day period, the independent public accountant shall—

"(A) resign from the engagement; or

"(B) furnish to the Commission a copy of its report (or the documentation of any oral report given) not later than 1 business day following such failure to receive notice.

"(4) REPORT AFTER RESIGNATION.—If an independent public accountant resigns from an engagement under paragraph (3)(A), the accountant shall, not later than 1 business day following the failure by the issuer to notify the Commission under paragraph (3), furnish to the Commission a copy of the accountant's report (or the documentation of any oral report given).

"(c) AUDITOR LIABILITY LIMITATION.—No independent public accountant shall be liable in a private action for any finding, conclusion, or statement expressed in a report made pursuant to paragraph (3) or (4) of subsection (b), including any rules promulgated pursuant thereto.

"(d) CIVIL PENALTIES IN CEASE-AND-DESIST PROCEEDINGS.—If the Commission finds, after notice and opportunity for hearing in a proceeding instituted pursuant to section 21C, that an independent public accountant has willfully violated paragraph (3) or (4) of subsection (b), the Commission may, in addition to entering an order under section 21C, impose a civil penalty against the independent public accountant and any other person that the Commission finds was a cause of such violation. The determination to impose a civil penalty and the amount of the penalty shall be governed by the standards set forth in section 21B.

"(e) PRESERVATION OF EXISTING AUTHORITY.—Except as provided in subsection (d), nothing in this section shall be held to limit or otherwise affect the authority of the Commission under this title.

"(f) DEFINITION.—As used in this section, the term 'illegal act' means an act or omission that violates any law, or any rule or regulation having the force of law.".

(b) EFFECTIVE DATES.—With respect to any registrant that is required to file selected quarterly financial data pursuant to item 302(a) of Regulation S-K of the Securities and Exchange Commission (17 CFR 229.302(a)), the amendments made by subsection (a) shall apply to any annual report for any period beginning on or after January 1, 1994. With respect to any other registrant, the amendment shall apply for any period beginning on or after January 1, 1995.

**SEC. 203. PROPORTIONATE LIABILITY AND JOINT AND SEVERAL LIABILITY.**

(a) SECURITIES ACT AMENDMENT.—The Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following new section:

**"SEC. 41. PROPORTIONATE LIABILITY AND JOINT AND SEVERAL LIABILITY IN IMPLIED ACTIONS.**

"(a) APPLICABILITY.—This section shall apply only to the allocation of damages among persons who are, or who may become, liable for damages in an implied private action arising under this title. Nothing in this section shall affect the standards for liability associated with an implied private action arising under this title.

"(b) APPLICATION OF JOINT AND SEVERAL LIABILITY.—

"(1) IN GENERAL.—A person against whom a judgment is entered in an implied private action arising under this title shall be liable jointly and severally for any recoverable damages on such judgment if the person is found to have—

"(A) been a primary wrongdoer;

"(B) committed knowing securities fraud; or

"(C) controlled any primary wrongdoer or person who committed knowing securities fraud.

"(2) PRIMARY WRONGDOER.—As used in this subsection—

"(A) the term 'primary wrongdoer' means—

"(i) any—

"(I) issuer, registrant, purchaser, seller, or underwriter of securities;

"(II) marketmaker or specialist in securities; or

"(III) clearing agency, securities information processor, or government securities dealer;

if such person breached a direct statutory or regulatory obligation or if such person otherwise had a principal role in the conduct that is the basis for the implied right of action; or

"(ii) any person who intentionally rendered substantial assistance to the fraudulent conduct of any person described in clause (i), with actual knowledge of such person's fraudulent conduct or fraudulent purpose, and with knowledge that such conduct was wrongful; and

"(B) a defendant engages in 'knowing securities fraud' if such defendant—

"(i) makes a material representation with actual knowledge that the representation is false, or omits to make a statement with actual knowledge that, as a result of the omission, one of the defendant's material representations is false and knows that other persons are likely to rely on that misrepresentation or omission, except that reckless conduct by the defendant shall not be construed to constitute 'knowing securities fraud'; or

"(ii) intentionally rendered substantial assistance to the fraudulent conduct of any person described in clause (i), with actual knowledge of such person's fraudulent conduct or fraudulent purpose, and with knowledge that such conduct was wrongful.

"(c) DETERMINATION OF RESPONSIBILITY.—In an implied private action in which more than 1 person contributed to a violation of this title, the court shall instruct the jury to answer special interrogatories, or if there is no jury, shall make findings, concerning the degree of responsibility of each person alleged to have caused or contributed to the violation of this title, including persons who have entered into settlements with the plaintiff. The interrogatories or findings shall specify the amount of damages the plaintiff is entitled to recover and the degree of responsibility, measured as a percentage of the total fault of all persons involved in the violation, of each person found to have caused or contributed to the damages incurred by the plaintiff or plaintiffs. In determining the degree of responsibility, the trier of fact shall consider—

"(1) the nature of the conduct of each person; and

"(2) the nature and extent of the causal relationship between that conduct and the damage claimed by the plaintiff.

"(d) APPLICATION OF PROPORTIONATE LIABILITY.—Except as provided in subsection (b), the amount of liability of a person who is, or may through right of contribution become, liable for damages based on an implied private action arising under this title shall be determined as follows:

"(1) DEGREE OF RESPONSIBILITY.—Except as provided in paragraph (2), each liable party shall only be liable for the portion of the judgment that corresponds to that party's degree of responsibility, as determined under subsection (c).

"(2) UNCOLLECTIBLE SHARES.—If, upon motion made not later than 6 months after a final judgment is entered, the court determines that all or part of a defendant's share of the obligation is uncollectible—

"(A) the remaining defendants shall be jointly and severally liable for the uncollectible share if the plaintiff establishes that—

"(i) the plaintiff is an individual whose recoverable damages under a final judgment are equal to more than 10 percent of the plaintiff's net financial worth; and

"(ii) the plaintiff's net financial worth is less than $200,000; and

"(B) the amount paid by each of the remaining defendants to all other plaintiffs shall be, in total, not more than the greater of—

"(i) that remaining defendant's percentage of fault for the uncollectible share; or

"(ii) 5 times—

"(I) the amount which the defendant gained from the conduct that gave rise to its liability; or

"(II) if a defendant did not obtain a direct financial gain from the conduct that gave rise to the liability and the conduct consisted of the provision of deficient services to an entity involved in the violation, the defendant's gross revenues received for the provision of all services to the other entity involved in the violation during the calendar years in which deficient services were provided.

"(3) OVERALL LIMIT.—In no event shall the total payments required pursuant to paragraph (2) exceed the amount of the uncollectible share.

"(4) DEFENDANTS SUBJECT TO CONTRIBUTION.—A defendant whose liability is reallocated pursuant to paragraph (2) shall be subject to contribution and to any continuing liability to the plaintiff on the judgment.

"(5) RIGHT OF CONTRIBUTION.—To the extent that a defendant is required to make an additional payment pursuant to paragraph (2), that defendant may recover contribution—

"(A) from the defendant originally liable to make the payment;

"(B) from any defendant liable jointly and severally pursuant to subsection (b)(1);

"(C) from any defendant held proportionately liable pursuant to this subsection who is liable to make the same payment and has paid less than his or her proportionate share of that payment; or

"(D) from any other person responsible for the conduct giving rise to the payment who would have been liable to make the same payment.

"(e) NONDISCLOSURE TO JURY.—The standard for allocation of damages under subsections (b)(1) and (c) and the procedure for reallocation of uncollectible shares under subsection (d)(2) shall not be disclosed to members of the jury.

"(f) SETTLEMENT DISCHARGE.—

"(1) IN GENERAL.—A defendant who settles an implied private action brought under this title at any time before verdict or judgment shall be discharged from all claims for contribution brought by other persons. Upon entry of the settlement by the court, the court shall enter a bar order constituting the final discharge of all obligations to the plaintiff of the settling defendant arising out of the action. The order shall bar all future claims for contribution or indemnity arising out of the action—

"(A) by nonsettling persons against the settling defendant; and

"(B) by the settling defendant against any nonsettling defendants.

"(2) REDUCTION.—If a person enters into a settlement with the plaintiff prior to verdict or judgment, the verdict or judgment shall be reduced by the greater of—

"(A) an amount that corresponds to the degree of responsibility of that person; or

"(B) the amount paid to the plaintiff by that person.

"(g) CONTRIBUTION.—A person who becomes liable for damages in an implied private action arising under this title may recover contribution from any other person who, if joined in the original suit, would have been liable for the same damages. A claim for contribution shall be determined based on the degree of responsibility of the claimant and of each person against whom a claim for contribution is made.

"(h) STATUTE OF LIMITATIONS FOR CONTRIBUTION.—Once judgment has been entered in an implied private action arising under this title determining liability, an action for contribution must be brought not later than 6 months after the entry of a final, nonappealable judgment in the action, except that an action for contribution brought by a defendant who was required to make an additional payment pursuant to subsection (d)(2) may be brought not later than 6 months after the date on which such payment was made.".

(b) EFFECTIVE DATE.—Section 41 of the Securities Exchange Act of 1934, as added by subsection (a), shall only apply to implied private actions commenced after the date of enactment of this Act.

### SEC. 204. PUBLIC AUDITING SELF-DISCIPLINARY BOARD.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting immediately after section 13 the following new section:

### "SEC. 13A. PUBLIC AUDITING SELF-DISCIPLINARY BOARD.

"(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) PUBLIC ACCOUNTING FIRM.—The term 'public accounting firm' means a sole proprietorship, unincorporated association, partnership, corporation, or other legal entity that is engaged in the practice of public accounting.

"(2) BOARD.—The term 'Board' means the Public Auditing Self-Disciplinary Board designated by the Commission pursuant to subsection (b).

"(3) ACCOUNTANT'S REPORT.—The term 'accountant's report' means a document in which a public accounting firm identifies a financial statement, report, or other document and sets forth the firm's opinion regarding such financial statement, report, or other document, or an assertion that an opinion cannot be expressed.

"(4) PERSON ASSOCIATED WITH A PUBLIC ACCOUNTING FIRM.—The term 'person associated with a public accounting firm' means a natural person who—

"(A) is a partner, shareholder, employee, or individual proprietor of a public accounting firm, or who shares in the profits of a public accounting firm; and

"(B) engages in any conduct or practice in connection with the preparation of an accountant's report on any financial statement, report, or other document required to be filed with the Commission under any securities law.

"(5) PROFESSIONAL STANDARDS.—The term 'professional standards' means generally accepted auditing standards, generally accepted accounting principles, generally accepted standards for attestation engagements, and any other standards related to the preparation of financial statements or accountant's reports promulgated by the Commission or a standard-setting body recognized by the Board.

"(b) ESTABLISHMENT OF BOARD.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Commission shall establish a Public Auditing Self-Disciplinary Board to perform the duties set forth in this section. The Commission shall designate an entity to serve as the Board if the Commission finds that—

"(A) such entity is sponsored by an existing national organization of certified public accountants that—

"(i) is most representative of certified public accountants covered by this title; and

"(ii) has demonstrated its commitment to improving the quality of practice before the Commission; and

"(B) control over such entity is vested in the members of the Board selected pursuant to subsection (c).

"(2) ALTERNATIVE ELECTION OF MEMBERS.—If the Commission designates an entity to serve as the Board pursuant to paragraph (1), the entity shall conduct the election of initial Board members in accordance with subsection (c)(1)(B)(i).

"(c) MEMBERSHIP OF BOARD.—

"(1) IN GENERAL.—The Board shall be composed of 3 appointed members and 4 elected members, as follows:

"(A) APPOINTED MEMBERS.—Three members of the Board shall be appointed in accordance with the following:

"(i) INITIAL APPOINTMENTS.—The Chairman of the Commission shall make the initial appointments, in consultation with the other members of the Commission, not later than 90 days after the date of enactment of this section.

"(ii) SUBSEQUENT APPOINTMENTS.—After the initial appointments under clause (i), members of the Board appointed to fill vacancies of appointed members of the Board shall be appointed in accordance with the rules adopted pursuant to paragraph (5). Such rules shall provide that such members shall be appointed by the Board, subject to the approval of the Commission.

"(B) ELECTED MEMBERS.—Four members, including the member who shall serve as the chairperson of the Board, shall be elected in accordance with the following:

"(i) INITIAL ELECTION.—Not later than 120 days after the date on which the Chairman of the Commission makes appointments under subparagraph (A)(i), an entity designated by the Commission pursuant to subsection (b) shall conduct an election of 4 initial elected members pursuant to interim election rules proposed by the entity and approved by the 3 interim members of the Board and the Commission. If the Commission is unable to designate an entity meeting the criteria set forth in subsection (b)(1), the members of the Board appointed under subparagraph (A)(i) shall adopt interim rules, subject to approval by the Commission, providing for the election of the 4 initial elected members. Such rules shall provide that such members of the Board shall be elected—

"(I) not later than 120 days after the date on which members are initially appointed under subparagraph (A)(i);

"(II) by persons who are associated with public accounting firms and who are certified public accountants under the laws of any State; and

"(III) subject to the approval of the Commission.

"(ii) SUBSEQUENT ELECTIONS.—After the initial elections under clause (i), members of the Board elected to fill vacancies of elected members of the Board shall be elected in accordance with the rules adopted pursuant to paragraph (5). Such rules shall provide that such members of the Board shall be elected—

"(I) by persons who are associated with public accounting firms and who are certified public accountants under the laws of any State; and

"(II) subject to the approval of the Commission.

"(2) QUALIFICATION.—Four members of the Board, including the chairperson of the Board, shall be persons who have not been associated with a public accounting firm during the 10-year period preceding appointment or election to the Board under paragraph (1). Three members of the Board who are elected shall be persons associated with a public accounting firm registered with the Board.

"(3) FULL-TIME BASIS.—The chairperson of the Board shall serve on a full-time basis, severing all business ties with his or her former firms or employers prior to beginning service on the Board.

"(4) TERMS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each member of the Board shall hold office for a term of 4 years or until a successor is appointed, whichever is later, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term.

"(B) INITIAL BOARD MEMBERS.—Beginning on the date on which all members of the Board have been selected in accordance with this subsection, the terms of office of the initial Board members shall expire, as determined by the Board, by lottery—

"(i) for 1 member, 1 year after such date;

"(ii) for 2 members, 2 years after such date;

"(iii) for 2 members, 3 years after such date; and

"(iv) for 2 members, 4 years after such date.

"(5) RULES.—Following selection of the 7 initial members of the Board in accordance with subparagraphs (A)(i) and (B)(i) of paragraph (1), the Board shall propose and adopt rules, which shall provide for—

"(A) the operation and administration of the Board, including—

"(i) the appointment of members in accordance with paragraph (1)(A)(ii);

"(ii) the election of members in accordance with paragraph (1)(B)(ii); and

"(iii) the compensation of the members of the Board;

"(B) the appointment and compensation of such employees, attorneys, and consultants as may be necessary or appropriate to carry out the Board's functions under this title;

"(C) the registration of public accounting firms with the Board pursuant to subsections (d) and (e); and

"(D) the matters described in subsections (f) and (g).

"(d) REGISTRATION AND ANNUAL FEES.—After the date on which all initial members of the Board have been selected in accordance with subsection (c), the Board shall assess and collect a registration fee and annual dues from each public accounting firm registered with the Board. Such fees and dues shall be assessed at a level sufficient to recover the costs and expenses of the Board and to permit the Board to operate on a self-financing basis. The amount of fees and dues for each public accounting firm shall be based upon—

"(1) the annual revenues of such firm from accounting and auditing services;

"(2) the number of persons associated with the public accounting firm;

"(3) the number of clients for which such firm furnishes accountant's reports on financial statements, reports, or other documents filed with the Commission; and

"(4) such other criteria as the Board may establish.

"(e) REGISTRATION WITH BOARD.—

"(1) REGISTRATION REQUIRED.—Beginning 1 year after the date on which all initial members of the Board have been selected in accordance with subsection (c), it shall be unlawful for a public accounting firm to furnish an accountant's report on any financial statement, report, or other document required to be filed with the Commission under any Federal securities law, unless such firm is registered with the Board.

"(2) APPLICATION FOR REGISTRATION.—A public accounting firm may be registered under this subsection by filing with the Board an application for registration in such form and containing such information as the Board, by rule, may prescribe. Each application shall include—

"(A) the names of all clients of the public accounting firm for which the firm furnishes accountant's reports on financial statements, reports, or other documents filed with the Commission;

"(B) financial information of the public accounting firm for its most recent fiscal year, including its annual revenues from accounting and auditing services, its assets and its liabilities;

"(C) a statement of the public accounting firm's policies and procedures with respect to quality control of its accounting and auditing practice;

"(D) information relating to criminal, civil, or administrative actions or formal disciplinary proceedings pending against such firm, or any person associated with such firm, in connection with an accountant's report furnished by such firm;

"(E) a list of persons associated with the public accounting firm who are certified public accountants, including any State professional license or certification number for each such person; and

"(F) such other information that is reasonably related to the Board's responsibilities as the Board considers necessary or appropriate.

"(3) PERIODIC REPORTS.—Once in each year, or more frequently as the Board, by rule, may prescribe, each public accounting firm registered with the Board shall submit reports to the Board updating the information contained in its application for registration and containing such additional information that is reasonably related to the Board's responsibilities as the Board, by rule, may prescribe.

"(4) EXEMPTIONS.—The Commission, by rule or order, upon its own motion or upon application, may conditionally or unconditionally exempt any public accounting firm or any accountant's report, or any class of public accounting firms or any class of accountant's reports, from any provisions of this section or the rules or regulations issued hereunder, if the Commission finds that such exemption is consistent with the public interest, the protection of investors, and the purposes of this section.

"(5) CONFIDENTIALITY.—The Board may, by rule, designate portions of the filings required pursuant to paragraphs (2) and (3) as privileged and confidential.

"(f) DUTIES OF BOARD.—After the date on which all initial members of the Board have been selected in accordance with subsection (c), the Board shall have the following duties and powers:

"(1) INVESTIGATIONS AND DISCIPLINARY PROCEEDINGS.—The Board shall establish fair procedures for investigating and disciplining public accounting firms registered with the Board, and persons associated with such firms, for violations of the Federal securities laws, the rules or regulations issued thereunder, the rules adopted by the Board, or professional standards in connection with the preparation of an accountant's report on a financial statement, report, or other document filed with the Commission.

"(2) INVESTIGATION PROCEDURES.—

"(A) IN GENERAL.—The Board may conduct an investigation of any act, practice, or omission by a public accounting firm registered with the Board, or by any person associated with such firm, in connection with the preparation of an accountant's report on a financial statement, report, or other document filed with the Commission that may violate any applicable provision of the Federal securities laws, the rules and regulations issued thereunder, the rules adopted by the Board, or professional standards, whether such act, practice, or omission is the subject of a criminal, civil, or administrative action, or a disciplinary proceeding, or otherwise is brought to the attention of the Board.

"(B) POWERS OF BOARD.—For purposes of an investigation under this paragraph, the Board may, in addition to such other actions as the Board determines to be necessary or appropriate—

"(i) require the testimony of any person associated with a public accounting firm registered with the Board, with respect to any matter which the Board considers relevant or material to the investigation;

"(ii) require the production of audit workpapers and any other document or information in the possession of a public accounting firm registered with the Board, or any person associated with such firm, wherever domiciled, that the Board considers relevant or material to the investigation, and may examine the books and records of such firm to verify the accuracy of any documents or information so supplied; and

"(iii) request the testimony of any person and the production of any document in the possession of any person, including a client of a public accounting firm registered with the Board, that the Board considers relevant or material to the investigation.

"(C) SUSPENSION OR REVOCATION OF REGISTRATION FOR NONCOMPLIANCE.—The refusal of any person associated with a public accounting firm registered with the Board to testify, or the refusal of any such person to produce documents or otherwise cooperate with the Board, in connection with an investigation under this section, shall be cause for suspending or barring such person from associating with a public accounting firm registered with the Board, or such other appropriate sanction as the Board shall determine. The refusal of any public accounting firm registered with the Board to produce documents or otherwise cooperate with the Board, in connection with an investigation under this section, shall be cause for the suspension or revocation of the registration of such firm, or such other appropriate sanction as the Board shall determine.

"(D) REFERRAL TO COMMISSION.—

"(i) IN GENERAL.—If the Board is unable to conduct or complete an investigation under this section because of the refusal of any client of a public accounting firm registered with the Board, or any other person, to testify, produce documents, or otherwise cooperate with the Board in connection with such investigation, the Board shall report such refusal to the Commission.

"(ii) INVESTIGATION.—The Commission may designate the Board or one or more officers of the Board who shall be empowered, in accordance with such procedures as the Commission may adopt, to subpoena witnesses, compel their attendance, and require the production of any books, papers, correspondence, memoranda, or other records relevant to any investigation by the Board. Attendance of witnesses and the production of any records may be required from any place in the United States or any State at any designated place of hearing. Enforcement of a subpoena issued by the Board, or an officer of the Board, pursuant to this subparagraph shall occur in the manner provided for in section 21(c). Examination of witnesses subpoenaed pursuant to this subparagraph shall be conducted before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held.

"(iii) REFERRALS TO COMMISSION.—The Board may refer any investigation to the Commission, as the Board deems appropriate.

"(E) IMMUNITY FROM CIVIL LIABILITY.—An employee of the Board engaged in carrying out an investigation or disciplinary proceeding under this section shall be immune from any civil liability arising out of such investigation or disciplinary proceeding in the same manner and to the same extent as an employee of the Federal Government in similar circumstances.

"(3) DISCIPLINARY PROCEDURES.—

"(A) DECISION TO DISCIPLINE.—In a proceeding by the Board to determine whether a public accounting firm, or a person associated with such firm, should be disciplined, the Board shall bring specific charges, notify such firm or person of the charges, give such firm or person an opportunity to defend against such charges, and keep a record of such actions.

"(B) SANCTIONS.—If the Board finds that a public accounting firm, or a person associated with such firm, has engaged in any act, practice, or omission in violation of the Federal securities laws, the rules or regulations issued thereunder, the rules adopted by the Board, or professional standards, the Board may impose such disciplinary sanctions as it deems appropriate, including—

"(i) revocation or suspension of registration under this section;

"(ii) limitation of activities, functions, and operations;

"(iii) fine;

"(iv) censure;

"(v) in the case of a person associated with a public accounting firm, suspension or bar from being associated with a public accounting firm registered with the Board; and

"(vi) any other disciplinary sanction that the Board determines to be appropriate.

"(C) STATEMENT REQUIRED.—A determination by the Board to impose a disciplinary sanction shall be supported by a written statement by the Board setting forth—

"(i) any act or practice in which the public accounting firm or person associated with such firm has been found to have engaged, or which such firm or person has been found to have omitted;

"(ii) the specific provision of the Federal securities laws, the rules or regulations issued thereunder, the rules adopted by the Board, or professional standards which any such act, practice, or omission is deemed to violate; and

"(iii) the sanction imposed and the reasons therefor.

"(D) PROHIBITION ON ASSOCIATION.—It shall be unlawful—

"(i) for any person as to whom a suspension or bar is in effect willfully to be or to become associated with a public accounting firm registered with the Board, in connection with the preparation of an accountant's report on any financial statement, report, or other document filed with the Commission, without the consent of the Board or the Commission; and

"(ii) for any public accounting firm registered with the Board to permit such a person to become, or remain, associated with such firm without the consent of the Board or the Commission, if such firm knew or, in the exercise of reasonable care should have known, of such suspension or bar.

"(4) REPORTING OF SANCTIONS.—If the Board imposes a disciplinary sanction against a public accounting firm, or a person associated with such firm, the Board shall report such sanction to the Commission, to the appropriate State or foreign licensing board or boards with which such firm or such person is licensed or certified to practice public accounting, and to the public. The information reported shall include—

"(A) the name of the public accounting firm, or person associated with such firm, against whom the sanction is imposed;

"(B) a description of the acts, practices, or omissions upon which the sanction is based;

"(C) the nature of the sanction; and

"(D) such other information respecting the circumstances of the disciplinary action (including the name of any client of such firm affected by such acts, practices, or omissions) as the Board deems appropriate.

"(5) DISCOVERY AND ADMISSIBILITY OF BOARD MATERIAL.—

"(A) DISCOVERABILITY.—

"(i) IN GENERAL.—Except as provided in subparagraph (C), all reports, memoranda, and other information prepared, collected, or received by the Board, and the deliberations and other proceedings of the Board and its employees and agents in connection with an investigation or disciplinary proceeding under this section shall not be subject to any form of civil discovery, including demands for production of documents and for testimony of individuals, in connection with any proceeding in any State or Federal court, or before any State or Federal administrative agency. This subparagraph shall not apply to any information provided to the Board that would have been subject to discovery from the person or entity that provided it to the Board, but is no longer available from that person or entity.

"(ii) EXEMPTION.—Submissions to the Board by or on behalf of a public accounting firm or person associated with such a firm or on behalf of any other participant in a Board proceeding, including documents generated by the Board itself, shall be exempt from discovery to the same extent as the material described in clause (i), whether in the possession of the Board or any other person, if such submission—

"(I) is prepared specifically for the purpose of the Board proceeding; and

"(II) addresses the merits of the issues under investigation by the Board.

"(iii) CONSTRUCTION.—Nothing in this subparagraph shall limit the authority of the Board to provide appropriate public access to disciplinary hearings of the Board, or to reports or memoranda received by the Board in connection with such proceedings.

"(B) ADMISSIBILITY.—

"(i) IN GENERAL.—Except as provided in subparagraph (C), all reports, memoranda, and other information prepared, collected, or received by the Board, the deliberations and other proceedings of the Board and its employees and agents in connection with an investigation or disciplinary proceeding under this section, the fact that an investigation or disciplinary proceeding has been commenced, and the Board's determination with respect to any investigation or disciplinary proceeding shall be inadmissible in any proceeding in any State or Federal court or before any State or Federal administrative agency.

"(ii) TREATMENT OF CERTAIN DOCUMENTS.—Submissions to the Board by or on behalf of a public accounting firm or person associated with such a firm or on behalf of any other participant in a Board proceeding, including documents generated by the Board itself, shall be inadmissible to the same extent as the material described in clause (i), if such submission—

"(I) is prepared specifically for the purpose of the Board proceedings; and

"(II) addresses the merits of the issues under investigation by the Board.

"(C) AVAILABILITY AND ADMISSIBILITY OF INFORMATION.—

"(i) IN GENERAL.—All information referred to in subparagraphs (A) and (B) shall be—

"(I) available to the Commission and to any other Federal department or agency in connection with the exercise of its regulatory authority to the extent that such information would be available to such agency from the Commission as a result of a Commission enforcement investigation;

"(II) available to Federal and State authorities in connection with any criminal investigation or proceeding;

"(III) admissible in any action brought by the Commission or any other Federal department or agency pursuant to its regulatory authority, to the extent that such information would be available to such agency from the Commission as a result of a Commission enforcement investigation and in any criminal action; and

"(IV) available to State licensing boards to the extent authorized in paragraph (6).

"(ii) OTHER LIMITATIONS.—Any documents or other information provided to the Commission or other authorities pursuant to clause (i) shall be subject to the limitations on discovery and admissibility set forth in subparagraphs (A) and (B).

"(D) TITLE 5 TREATMENT.—This subsection shall be considered to be a statute described in section 552(b)(3)(B) of title 5, United States Code, for purposes of that section 552.

"(6) PARTICIPATION BY STATE LICENSING BOARDS.—

"(A) NOTICE.—When the Board institutes an investigation pursuant to paragraph (2)(A), it shall notify the State licensing boards in the States in which the public accounting firm or person associated with such firm engaged in the act or failure to act alleged to have violated professional standards, of the pendancy of the investigation, and shall invite the State licensing boards to participate in the investigation.

"(B) ACCEPTANCE BY STATE BOARD.—

"(i) PARTICIPATION.—If a State licensing board elects to join in the investigation, its representatives shall participate, pursuant to rules established by the Board, in investigating the matter and in presenting the evidence justifying the charges in any hearing pursuant to paragraph (3)(A).

"(ii) REVIEW.—In the event that the State licensing board disagrees with the Board's determination with respect to the matter under investigation, it may seek review of that determination by the Commission pursuant to procedures that the Commission shall specify by regulation.

"(C) PROHIBITION ON CONCURRENT INVESTIGATIONS.—A State licensing board shall not institute its own proceeding with respect to a matter referred to in subparagraph (A) until after the Board's determination has become final, including completion of all review by the Commission and the courts.

"(D) STATE SANCTIONS PERMITTED.—If the Board or the Commission imposes a sanction upon a public accounting firm or person associated with such a firm, and that determination either is not subjected to judicial review or is upheld on judicial review, a State licensing board may impose a sanction on the basis of the Board's report pursuant to paragraph (4). Any sanction imposed by the State licensing board under this clause shall be inadmissible in any proceeding in any State or Federal court or before any State or Federal administrative agency, except to the extent provided in paragraph (5)(D).

"(E) SANCTIONS NOT PERMITTED.—If a sanction is not imposed on a public accounting firm or person associated with such a firm, and—

"(i) a State licensing board elected to participate in an investigation referred to in subparagraph (A), the State licensing board may not impose a sanction with respect to the matter; and

"(ii) a State licensing board elected not to participate in an investigation referred to in subparagraph (A), subparagraphs (A) and (B) of paragraph (5) shall apply with respect to any investigation or proceeding subsequently instituted by the State licensing board and, in particular, the State licensing board shall not have access to the record of the proceeding before the Board and that record shall be inadmissible in any proceeding before the State licensing board.

"(g) ADDITIONAL DUTIES REGARDING QUALITY CONTROL.—After the date on which all initial members of the Board have been selected in accordance with subsection (c), the Board shall have the following duties and powers in addition to those set forth in subsection (f):

"(1) IN GENERAL.—The Board shall seek to promote a high level of professional conduct among public accounting firms registered with the Board, to improve the quality of audit services provided by such firms, and, in general, to protect investors and promote the public interest.

"(2) PROFESSIONAL PEER REVIEW ORGANIZATIONS.—

"(A) MEMBERSHIP REQUIREMENT.—The Board shall require each public accounting firm subject to the disciplinary authority of the Board to be a member of a professional peer review organization certified by the Board pursuant to subparagraph (B).

"(B) CRITERIA FOR CERTIFICATION.—The Board shall, by rule, establish general criteria for the certification of peer review organizations and shall certify organizations that satisfy those criteria, or such amended criteria as the Board may adopt. To be certified, a peer review organization shall, at a minimum—

"(i) require a member public accounting firm to undergo peer review not less than once every 3 years and publish the results of the peer review; and

"(ii) adopt standards that are acceptable to the Board relating to audit service quality control.

"(C) PENALTIES.—Violation by a public accounting firm or a person associated with such a firm of a rule of the peer review organization to which the firm belongs shall constitute grounds for—

"(i) the imposition of disciplinary sanctions by the Board pursuant to subsection (f); and

"(ii) denial to the public accounting firm or person associated with such firm of the privilege of appearing or practicing before the Commission.

"(3) CONFIDENTIALITY.—Except as otherwise provided by this section, all reports, memoranda, and other information provided to the Board solely for purposes of paragraph (2), or to a peer review organization certified by the Board, shall be confidential and privileged, unless such confidentiality and privilege are expressly waived by the person or entity that created or provided the information.

"(h) COMMISSION OVERSIGHT OF THE BOARD.—

"(1) PROPOSED RULE CHANGES.—

"(A) IN GENERAL.—The Board shall file with the Commission, in accordance with such rules as the Commission may prescribe, copies of any proposed rule or any proposed change in, addition to, or deletion from the rules of the Board (hereafter in this subsection collectively referred to as a 'proposed rule change') accompanied by a concise general statement of the basis and purpose of such proposed rule change. The Commission shall, upon the filing of any proposed rule change, publish notice thereof together with the terms of substance of the proposed rule change or a description of the subjects and issues involved. The Commission shall give interested persons an opportunity to submit written data, views, and arguments concerning the proposed rule change. No proposed rule change shall take effect unless approved by the Commission or otherwise permitted in accordance with this subsection.

"(B) APPROVAL OR DISAPPROVAL.—

"(i) IN GENERAL.—Not later than 35 days after the date on which notice of the filing of a proposed rule change is published in accordance with subparagraph (A), or such longer period as the Commission may designate (not to exceed 90 days after such date, if it finds such longer period to be appropriate and publishes its reasons for such finding or as to which the Board consents) the Commission shall—

"(I) by order approve such proposed rule change; or

"(II) institute proceedings to determine whether the proposed rule change should be disapproved.

"(ii) DISAPPROVAL PROCEEDINGS.—Proceedings for disapproval shall include notice of the grounds for disapproval under consideration and opportunity for hearing and shall be concluded not later than 180 days after the date of publication of notice of the filing of the proposed rule change. At the conclusion of the proceedings for disapproval, the Commission, by order, shall approve or disapprove such proposed rule change. The Commission may extend the time for conclusion of such proceedings for—

"(I) not more than 60 days, if the Commission finds good cause for such extension and publishes its reasons for such finding; or

"(II) such longer period to which the Board consents.

"(iii) APPROVAL.—The Commission shall approve a proposed rule change if it finds that such proposed rule change is consistent with the requirements of the Federal securities laws, and the rules and regulations issued thereunder, applicable to the Board. The Commission shall disapprove a proposed rule change if it does not make such finding. The Commission shall not approve any proposed rule change prior to the expiration of the 30-day period beginning on the date on which notice of the filing of a proposed rule change is published in accordance with this subparagraph, unless the Commission finds good cause to do so and publishes its reasons for such finding.

"(C) EFFECT OF PROPOSED RULE CHANGE.—

"(i) EFFECTIVE DATE.—Notwithstanding subparagraph (B), a proposed rule change may take effect upon filing with the Commission if designated by the Board as—

"(I) constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the Board;

"(II) establishing or changing a due, fee, or other charge imposed by the Board; or

"(III) concerned solely with the administration of the Board or other matters which the Commission, by rule, consistent with the public interest and the purposes of this subsection, may specify.

"(ii) SUMMARY EFFECT.—Notwithstanding any other provision of this subsection, a proposed rule change may be put into effect summarily if it appears to the Commission that such action is necessary for the protection of investors. Any proposed rule change put into effect summarily shall be filed promptly thereafter in accordance with this paragraph.

"(iii) ENFORCEMENT.—Any proposed rule change which has taken effect pursuant to clause (i) or (ii) may be enforced by the Board to the extent that it is not inconsistent with the Federal securities laws, the rules and regulations issued thereunder, and applicable Federal and State law. During the 60-day period beginning on the date on which notice of the filing of a proposed rule change if filed in accordance with this paragraph, the Commission may summarily abrogate the change in the rules of the Board made thereby and require that the proposed rule change be refiled in accordance with subparagraph (A) and reviewed in accordance with subparagraph (B), if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Federal securities laws. Commission action pursuant to the preceding sentence shall not affect the validity or force of the rule change during the period it was in effect and shall not be reviewable under section 25 of this Act nor deemed to be 'final agency action' for purposes of section 704 of title 5, United States Code.

"(2) AMENDMENT BY COMMISSION OF RULES OF THE BOARD.—The Commission, by rule, may abrogate, add to, and delete from (hereafter in this subsection collectively referred to as 'amend') the rules of the Board as the Commission deems necessary or appropriate to ensure the fair administration of the Board, to conform its rules to requirements of the Federal securities laws, and the rules and regulations issued thereunder applicable to the Board, or otherwise in furtherance of the purposes of the Federal securities laws, in the following manner:

"(A) PUBLICATION OF NOTICE.—The Commission shall notify the Board and publish notice of the proposed rulemaking in the Federal Register. The notice shall include the text of the proposed amendment to the rules of the Board and a statement of the Commission's reasons, including any pertinent facts, for commencing such proposed rulemaking.

"(B) COMMENTS.—The Commission shall give interested persons an opportunity for the oral presentation of data, views, and arguments, in addition to an opportunity to make written submissions. A transcript shall be kept of any oral presentation.

"(C) INCORPORATION.—A rule adopted pursuant to this subsection shall incorporate the text of the amendment to the rules of the Board and a statement of the Commission's basis for and purpose in so amending such rules. Such statement shall include an identification of any facts on which the Commission considers its determination to so amend the rules of the Board to be based, including the reasons for the Commission's conclusions as to any of the facts that were disputed in the rulemaking.

"(D) REGULATIONS.—

"(i) TITLE 5 APPLICABILITY.—Except as otherwise provided in this paragraph, rulemaking under this paragraph shall be in accordance with the procedures specified in section 553 of title 5, United States Code, for rulemaking not on the record.

"(ii) CONSTRUCTION.—Nothing in this subsection shall be construed to impair or limit the Commission's power to make, modify, or alter the procedures the Commission may follow in making rules and regulations pursuant to any other authority under the Federal securities laws.

"(iii) INCORPORATION OF AMENDMENTS.—Any amendment to the rules of the Board made by the Commission pursuant to this subsection shall be considered for purposes of the Federal securities laws to be part of the rules of the Board and shall not be considered to be a rule of the Commission.

"(3) NOTICE OF DISCIPLINARY ACTION TAKEN BY THE BOARD; REVIEW OF ACTION BY THE COMMISSION.—

"(A) NOTICE REQUIRED.—If the Board imposes a final disciplinary sanction on a public accounting firm registered with the Board or on any person associated with such a firm, the Board shall promptly file notice thereof with the Commission. The notice shall be in such form and contain such information as the Commission, by rule, may prescribe as necessary or appropriate in furtherance of the purposes of the Federal securities laws.

"(B) REVIEW.—An action with respect to which the Board is required by subparagraph (A) to file notice shall be subject to review by the Commission, on its own motion, or upon application by any person aggrieved thereby, filed not later than 30 days after the date on which such notice is filed with the Commission and received by such aggrieved person, or within such longer period as the Commission may determine. Application to the Commission for review, or the institution of review by the Commission on its own motion, shall not operate as a stay of such action unless the Commission otherwise orders, summarily or after notice and opportunity for hearing on the question of a stay (which hearing may consist solely of the submission of affidavits or presentation of oral arguments). The Commission shall establish for appropriate cases an expedited procedure for consideration and determination of the question of a stay.

"(4) DISPOSITION OF REVIEW; CANCELLATION, REDUCTION, OR REMISSION OF SANCTION.—

"(A) IN GENERAL.—In any proceeding to review a final disciplinary sanction imposed by the Board on a public accounting firm registered with the Board or a person associated with such a firm, after notice and opportunity for hearing (which hearing may consist solely of consideration of the record before the Board and opportunity for the presentation of supporting reasons to affirm, modify, or set aside the sanction)—

"(i) if the Commission finds that—

"(I) such firm or person associated with such a firm has engaged in such acts or practices, or has omitted such acts, as the Board has found them to have engaged in or omitted;

"(II) such acts, practices, or omissions, are in violation of such provisions of the Federal securities laws, the rules or regulations issued thereunder, the rules adopted by the Board,, or professional standards as have been specified in the determination of the Board; and

"(III) such provisions were applied in a manner consistent with the purposes of the Federal securities laws;

the Commission, by order, shall so declare and, as appropriate, affirm the sanction imposed by the Board, modify the sanction in accordance with paragraph (2), or remand to the Board for further proceedings; or

"(ii) if the Commission does not make the findings under clause (i), it shall, by order, set aside the sanction imposed by the Board and, if appropriate, remand to the Board for further proceedings.

"(B) CANCELLATION, REDUCTION, OR REMISSION OF SANCTION.—If the Commission, having due regard for the public interest and the protection of investors, finds after a proceeding in accordance with subparagraph (A) that a sanction imposed by the Board upon a firm or person associated with a firm imposes any burden on competition not necessary or appropriate in furtherance of the purposes of the Federal securities laws or is excessive or oppressive, the Commission may cancel, reduce, or require the remission of such sanction.

"(5) COMPLIANCE WITH RULES AND REGULATIONS.—

"(A) DUTIES OF BOARD.—The Board shall—

"(i) comply with the Federal securities laws, the rules and regulations issued thereunder, and its own rules; and

"(ii) subject to subparagraph (B) and the rules thereunder, absent reasonable justification or excuse, enforce compliance with such provisions and with professional standards by public accounting firms registered with the Board and persons associated with such firms.

"(B) RELIEF BY COMMISSION.—The Commission, by rule, consistent with the public interest, the protection of investors, and the other purposes of the Federal securities laws, may relieve the Board of any responsibility under this section to enforce compliance with any specified provision of the Federal securities laws, the rules or regulations issued thereunder, or professional standards by any public accounting firm registered with the Board or person associated with such a firm, or any class of such firms or persons associated with such a firm.

"(6) CENSURE; OTHER SANCTIONS.—

"(A) IN GENERAL.—The Commission is authorized, by order, if in its opinion such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Federal securities laws, to censure or impose limitations upon the activities, functions, and operations of the Board, if the Commission finds, on the record after notice and opportunity for hearing, that the Board has—

"(i) violated or is unable to comply with any provision of the Federal securities laws, the rules or regulations issued thereunder, or its own rules; or

"(ii) without reasonable justification or excuse, has failed to enforce compliance with any such provision or any professional standard by a public accounting firm registered with the Board or a person associated with such a firm.

"(B) REMOVAL FROM OFFICE.—The Commission is authorized, by order, if in its opinion such action is necessary or appropriate, in the public interest for the protection of investors, or otherwise in furtherance of the purposes of the Federal securities laws, to remove from office or censure any member of the Board, if the Commission finds, on the record after notice and opportunity for hearing, that such member has—

"(i) willfully violated any provision of the Federal securities laws, the rules or regulations issued thereunder, or the rules of the Board;

"(ii) willfully abused such member's authority; or

"(iii) without reasonable justification or excuse, failed to enforce compliance with any such provision or any professional standard by any public accounting firm registered with the Board or any person associated with such a firm.

"(i) FOREIGN ACCOUNTING FIRMS.—A foreign public accounting firm that furnishes accountant's reports on any financial statement, report, or other document required to be filed with the Commission under any Federal securities law shall, with respect to those reports, be subject to the provisions of this section in the same manner and to the same extent as a domestic public accounting firm. The Commission may, by rule, regulation, or order and as it deems consistent with the public interest and the protection of investors, either unconditionally or upon specified terms and conditions, exempt from one or more provisions of this section any foreign public accounting firm. Registration pursuant to this subsection shall not, by itself, provide a basis for subjecting foreign accounting firms to the jurisdiction of the Federal or State courts.

"(j) RELATIONSHIP WITH ANTITRUST LAWS.—

"(1) TREATMENT UNDER ANTITRUST LAWS.—In no case shall the Board, any member thereof, any public accounting firm registered with the Board, or any person associated with such a firm be subject to liability under any antitrust law for any act of the Board or any failure to act by the Board.

"(2) DEFINITION.—For purposes of this subsection, the term 'antitrust law' means the Federal Trade Commission Act and each statute defined by section 4 thereof as 'Antitrust Acts' and all amendments to such Act and such statutes and any other Federal Acts or State laws in pari materia.

"(k) APPLICABILITY OF AUDITING PRINCIPLES.—Each audit required pursuant to this title of an issuer's financial statements by an independent public accountant shall be conducted in accordance with generally accepted auditing standards, as may be modified or supplemented from time-to-time by the Commission. The Commission may defer to professional standards promulgated by private organizations that are generally accepted by the accounting or auditing profession.

"(l) COMMISSION AUTHORITY NOT IMPAIRED.—Nothing in this section shall be construed to impair or limit the Commission's authority—

"(1) over the accounting profession, accounting firms, or any persons associated with such firms;

"(2) to set standards for accounting practices, derived from other provisions of the Federal securities laws or the rules or regulations issued thereunder; or

"(3) to take, on its own initiative, legal, administrative, or disciplinary action against any public accounting firm registered with the Board or any person associated with such a firm.".

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### SELECTED BILL PROVISIONS

#### PLAINTIFF STEERING COMMITTEES

The objective: To provide a mechanism for "plaintiff empowerment." Allow plaintiffs to exercise their rightful discretion in the litigation of their cases and to allow them traditional control over their entrepreneurial counsel.

Securities litigation is designed to protect the public and compensate the injured. Increasingly, however, class action securities litigation is dominated by the attorneys and the plaintiffs are treated as merely a means to an end. This bill reasserts plaintiffs' role by:

Establishing a plaintiff steering committee, appointed by the court, with all the powers traditionally held by clients to retain or dismiss counsel, reject settlements, and to seek approval of the class for settlement offers. At the court's discretion, it can appoint a guardian ad litem in lieu of the steering committee.

### PROVIDING ALTERNATIVE DISPUTE RESOLUTION MECHANISMS

The objective: To provide an efficient forum with a specialized master to hear securities cases. To reduce time and expense of resolving securities litigation cases. To provide incentives for plaintiffs to use this effective method of dispute resolution.

The bill provides non-binding alternative dispute resolution. Parties who refuse to cooperate with an ADR process could be subject to fee-shifting if their position is found not to have been substantially justified. In no case would an investor who owned less than $1 million be subject to fee shifting.

### REQUIRING THAT SCIENTER BE PLED WITH PARTICULARLY

The objective: To provide filter at the pleading stage to screen out allegations that have no factual basis; To provide clearer statement of plaintiffs' claims and scope of the case; To encourage attorneys to use greater care in drafting their complaints; Make it easier to win motion to dismiss frivolous cases by requiring that scienter be pled with particularity. Eliminate the split among Circuits dealing with pleading requirements for scienter. To codify the requirements in the 2nd and 7th Circuits.

A complaint is supposed to outline the facts supporting the law suit. Too often, the complaints are made up of boiler plate legalese and conclusions. A 10b-5 allegation is a very serious charge and the complaint should set forth the facts supporting each of the elements, particularly scienter or intent. "The defendant acted with intent to defraud" is a conclusion that should be insufficient to start a multimillion dollar lawsuit.

Too often, securities class action suits are characterized by the "sue them all and let the judge sort it out" mentality. But before the judge can sort it out, uninvolved defendants are required to spend great deals of time and money to defend against specious claims. This bill corrects that problem by requiring plaintiffs to specify the statements alleged to have been misleading. Again, this is not a novel idea; it is merely bringing securities actions in line with Rule 9(b) of the Federal Rules of Civil Procedure and codifying the requirements enunciated in the 2nd and 7th Circuits.

### ATTORNEY FEE REFORM: BAN THE LODESTAR METHOD OF CALCULATING ATTORNEY'S FEES REPLACE WITH A MORE EASILY UNDERSTOOD DISCLOSURE OF ATTORNEYS FEES

The objective: Closer align the interests of the plaintiffs with their entrepreneurial lawyers. Make it easier for the class to understand how the lawyers are being compensated and to challenge attorneys fees. To make ensure that attorney fees do not unnecessarily conflict with the interests of the plaintiffs.

Plaintiff's attorneys fees are often calculated by the "lodestar method." Under this calculation a lodestar amount is determined by multiplying the attorney's hours worked by reasonable hourly fee adjusted by a multiplier to reflect the risk of litigation and other factors. It encourages abuses such as unjustified work and protracted the litigation. From the judicial point of view lodestar adds inefficiency to the process. From the investors' point of view it is difficult to figure out what the lawyers did and how much they are getting paid for doing it.

The lodestar method of calculating an appropriate attorneys' fee in class actions totally eclipses the facts surrounding the legal work done. This bill brings transparency to the topic of legal fees. The bill eliminates the very complicated method of determining attorney's fees. This bill limits attorney's fees in a class action to an easy to understand percentage of the amount actually recovered as a result of the attorney's efforts, rather than allowing them to recover their fees without regard to how well the class does. This is extremely important in ensuring that the attorneys' incentives coincide with those of the class. This bill also provides the class members the information they need to make an informed judgment on attorney fees and settlement offers. This provides better disclosure to the injured parties so they can determine whether they want to challenge their attorneys' claim to their settlement fund.

### DISCLOSURE OF SETTLEMENT TERMS

The objective: Replace meaningless legalese and boiler plate conclusions with meaningful information about the per share amount a proposed settlement would provide. To provide information about the fairness of the settlement and an evaluation that more could be obtained if the case went to trial.

The bill would provide class members with information about the potential damages and how they are calculated and a comparison to the settlement.

### PROPORTIONATE LIABILITY

The objective: To reduce the pressure to settle frivolous claims. To provide a two-tier liability system which retains joint and several liability for the primary participants in a fraudulent scheme and proportionate liability for those participants who are only incidentally involved.

The Securities Private Enforcement and Integrity in Financial Disclosure Act of 1994 ensures that those primarily responsible for the plaintiff's loss bear the primary burden in making the plaintiff whole. Specifically, this bill:

Requires the courts to determine who is primarily at fault, and holds that person jointly and severally liable for the plaintiff's damages.

Provides a special provision in those situations where there is an insolvent defendant. The bill provides that the co-defendants bear the risk of a co-defendant's insolvency as between the plaintiff or a co-defendant.

The NASCAT submission suggested that of the 66 cases they provided us with information on, 25 percent had an insolvent co-defendant.

### CONTRIBUTION REFORM

The objective: To provide uniformity among the Circuits and to ensure that defendants are not unfairly required to pay more than their fair share of damages.

If a plaintiff is unable to recover damages from a defendant, this bill requires the remaining defendants to make up that difference by paying the greater of:

A portion of the outstanding balance proportionate to their fault; or

Five times the defendant's financial gain from the transaction which gave rise to their liability.

Moreover, this bill provides an extra level of protection for the most seriously injured; if a plaintiff has lost a significant portion of his net worth, this bill provides that he is entitled to a full recovery from the defendants, who are in that case jointly and severally liable.

Further, this bill encourages settlement by discharging from liability any defendant who enters into a good faith settlement with the plaintiff before a verdict or judgment.

### SAFEHARBOR FOR PREDICTIVE STATEMENTS

The Objective: Encourage disclosure of information by companies, provide a procedural mechanism for companies who make predictive statements in good faith to be protected if their prediction does not materialize. Provide judges with additional procedural tools to deal with frivolous predictions cases.

Forward looking information is of significant value to investors in making informed investment decisions. It is this forward looking information that allows efficient allocation of resources, ensuring that the market prices of publicly traded securities best reflect their intrinsic value. Currently, the SEC's rules discourage issuers from voluntarily disclosing this information. This bill makes it clear that a reasonable basis for such information doesn't have to be a unanimous basis. This bill directs the SEC to consider establishing a system to:

Provide a "safe harbor" so that statements regarding the future economic performance of their companies will not be a basis for a securities lawsuit against them. The SEC has a safeharbor for predictive statements. It requires that there be a "reasonable basis" for the statements.

The Objective: Exposing Fraud before investors lose money.

This bill establishes a clear and immediate duty on the part of auditors to inform company management of any material illegal acts they uncover in their audit. If the auditors fail to take appropriate action promptly they are subject to civil penalty.

This is the Kerry-Wyden bill and we believe it belongs in the package of reforms we are proposing. It is very important for the accounting industry to be vigilant in their public watch dog role.

The Objective: To create an organization that will insure financial statement quality control to provide greater investor confidence. To create a self-disciplining organization to insure that incompetent auditors are weeded out of the profession.

The Securities Private Enforcement and Integrity in Financial Disclosure Act of 1994 institutes a system to establish standards for the accounting profession and to punish individuals and firms who violate those standards. This board would be subject to the oversight of the S.E.C.

The objective: To ensure that named plaintiffs have a bona fide interest in the litigation.

This bill requires that the named plaintiffs as a group own at least 1% or $10,000 worth of the securities before they can bring the lawsuit as a class action. This will help eliminate the "pet plaintiff" problem where attorney's keep lists of plaintiffs with minimal stock holdings, and bring suit in their names in the "race to the courthouse."

The objective: To extend the time available to victims of fraud to bring suit.

This bill extends the statute of limitations for 100b-5 suits to five years from the date of violation, two years from the date of discovery.

### KEY PROVISIONS OF DODD-DOMENICI SECURITIES REFORM BILL

*Provisions that are pro-investor*

Steering Committees is a "plaintiff empowerment" provision to put the investors in charge of the litigation. Make sure the lawyers are acting in the best interest of the investors. Small investors as well as larger investors can participate as members.

Better disclosure of settlement terms so that investors understand what a settlement might mean to them. Disclosure is required on a per share basis.

Make sure all shareholders are treated equally by greatly restricting lawyers' ability to negotiate bonus payments for their "pet plaintiffs" who let the lawyers use their names to file lawsuits.

Reform legal fee computations to make it easier for investors to understand how their lawyers are being compensated out of their settlement fund. Tie plaintiffs' lawyers' compensation directly to the recovery for their clients, thereby, better aligning the lawyers' interests with their clients'.

Retains current law on joint and several liability to any investor with a net worth of less than $200,000 who loses more than 10 percent. Also retains joint and several liability for the primary wrongdoer.

Provide longer statute of limitations so that meritorious cases can be thoroughly researched and filed in a timely fashion.

Provide Alternative Dispute Resolution mechanism to provide an efficient forum to hear securities cases. To provide incentives for plaintiffs' lawyers to use this method of dispute resolution to get justice for their clients sooner and cheaper.

Extends the statute of limitations to five years from the date of violation, two years from discovery.

### *Provisions to slow down frivolous securities litigation*

Pleading reform to require that complaints spell out in more detail other than legalese and conclusions why plaintiffs' lawyers believe the class was defrauded.

Provide a safeharbor for forward looking statements. Predictions are predictions. Stock volatility isn't fraud. Provide procedures so that innocent high tech companies can get frivolous cases dismissed quickly thereby making more time for judges to punish real perpetrators of fraud.

Establish a plaintiff threshold to ensure that plaintiffs instituting class actions have a bona fide interest in the litigation. The named plaintiffs as a group must either own 1% of the securities or $10,000 of the securities before they can bring the lawsuit as a class action.

### *Provisions to provide better financial disclosure and higher quality auditor's financial statements*

Exposing Fraud before investors lose money. Establishes a clear and immediate duty on the part of auditors to inform management of any material illegal acts they uncover in audits.

Create a self-disciplining organization for auditors. To insure financial statement quality control to provide greater investor confidence.

Mr. DOMENICI. Mr. President, every 4 working days a securities class action law suit is filed by one law firm. If you add the securities class action law suits filed by the other specialized law firms practicing in this field, a case is filed every day. Many times the real victim is a company whose only crime is stock volatility. Many times the losers are the investors because these law suits take money out of the companies' R&D budgets and give it to class action lawyers. A suspiciously high percentage of these cases settle. Often, the settlements are less than the companies' legal bills incurred to defend the law suit. This is a strong indication that the cases lack merit.

The list of companies that have been sued reads like the who's who of high growth, high technology, and biotechnology companies. They are the backbone of our economy and the foundation of our ability to compete internationally in a changing world.

It is a cookie cutter face pattern in an environment of first-to-file races to the courthouse. It is a "shoot, aim, ready" approach to class action litigation where law suits are filed within hours of news that a company missed an earnings prediction.

Information provided by the National Association of Securities and Commercial Law Attorneys [NASCAT] suggests that 56 percent of the cases that they handpicked to provide data on to the Securities Subcommittee were filed within 30 days of the triggering event. A triggering event is usually a missed earnings projection or so-called "earnings surprise." Twenty-one percent of their sample cases were filed within 48 hours of the triggering. The stock price drops and class action law suits are filed.

I asked one of the plaintiffs' class action lawyers who appeared before the Senate Securities Subcommittee to provide some information on the class action securities suits his firm had filed during the last 3 years. The data he provided showed that his firm never went to trial in 3 years. Thirty-eight percent of the cases were dismissed, 63 percent were settled within the 3-year sample period, and out of the 111 cases filed in 1990 and 1991, one of three "pet plaintiffs" were named plaintiffs in case after case 25 percent of the time.

During the 2 days of hearings Chairman DODD conducted on private litigation under the Federal securities laws, we heard from CEOs who had experienced the frivolous securities class action law suits first-hand: Companies get sued when their stock drops. Another company was sued when it failed to read the mind of a judge who reversed an appeal on an unrelated matter.

The general counsel for Intel testified that had Intel been sued when it was a startup, such a suit probably would have bankrupted the company long before it invented the microchip.

These frivolous law suits are such a menace to publicly traded companies on the NASDAQ that the NASDAQ Self-Regulatory Organization decided to recommend reforms to Senator DODD and me.

Investors are recovering, on average, a few cents on the dollar. Attorneys are boasting that these securities class action cases are a perfect practice because according to quotes in Forbes magazine, "there are no clients." Yet clientless lawyers claim to be acting for the best interests of investors. Institutional investors believe these lawsuits are merely transferring money from one set of shareholders to another, with the plaintiffs' class action lawyers taking a lion's share that looks a lot like greenmail. Frivolous litigation is time consuming and distracts chief executives and other corporate officials from productive economic activity. It has been estimated that defending one of these lawsuits is as costly as starting up a totally new product line. Let me give you some examples. You can decide if this seems to be in the interest of investors.

Pacific Enterprises—lawyers settle $1 billion case for $12 million and take $8 million of the settlement fund in legal fees.

Prudential Bache Securities—investors represented by the firm who testified before the committee received four cents on the dollar under the class action lawsuit settlement. The firm took $6 million plus expenses. Other investors who hired their own lawyers went to arbitration and came away fully compensated.

Apple Computer—case settled for $16 million. Attorneys received $8.9 million, more than half of the settlement fund. Plaintiffs received 6 cents on the dollar of the damages they sought.

VMS Realty—another firm settled for $25 million and left investors with less than two cents on the dollar. But the firm walked away with $6 million. They did less work than lawyers who went to arbitration and fought for full compensation for their clients according to accounts in the New York Times.

Once a settlement agreement is agreed to, the entrepreneurial lawyer with no clients becomes an adversary of the plaintiffs' class. Often the plaintiffs' attorneys and the defendants can settle on a basis that is adverse to the interests of the plaintiffs. The class action lawyers' interest shifts to protecting the settlement. "At its worst, the settlement process may amount to a covert exchange of a cheap settlement for a high award of attorneys' fees," according to John Coffee of Columbia University. These cases do not help investors and they do not punish perpetrators of fraud because most settlement funds are paid by insurance companies.

Individual investors get little monetary benefit from class action suits. But the system does not treat all investors the same. If you are lucky enough to be a class representative, sometimes call a pet plaintiff, or professional plaintiff, the plaintiffs' lawyers will negotiate a $1,000 to $15,000 bonus for letting them use your name. If you only purchased a couple of shares of stock, the return on the investment is much better than what the class receives as a whole. This practice undermines the fairness of the system. Hopefully our bill will put a stop to this practice.

When I talk to some of the opponents to securities civil litigation reform, I feel like I am in the world of George Orwell's book, "1984," where the Ministry of Propaganda declared: War is peace; freedom is slavery; and ignorance is strength.

In the 1994 securities litigation context the Orwellian plaintiffs' lawyers' arguments go like this: Stock volatility is fraud; justice is pennies for plaintiffs, equity is millions for lawyers; truth is too expensive; merits don't matter; settle don't litigate.

Except in George Orwell's world, the conclusion of any one who has examined the issue carefully is: The current securities implied private litigation system is broken. The system is broken because too many cases are pursued for the purpose of extracting settlements from corporations and other parties, without regard to the merits of the case, and that the settlements yield large fees for plaintiffs' lawyers but compensate investors only for a fraction of their actual losses. Janet Cooper Alexander of Stanford University has proven that most securities class actions are settled by the parties without regard to whether the case has merit. SEC Chairman Arthur Levitt acknowledged recently that "virtually all securities class actions are settled for some fraction of the claimed damages, and some alleged that settlements often fail to reflect the underlying merits of the cases. If true, this means that weak claims are overcompensated and strong claims are undercompensated." Professor John Coffee has concluded the plaintiffs' attorneys in many securities class actions appear to "sell out their clients in return for an overly generous fee award," and that the defendants may also join in this collusion by passing on the cost of the settlement to absent parties, such as insurers."

The plaintiffs lawyers like to sue the officers and directors, and the accountants, underwriters and issuers. These cases are brought under joint and several liability which means that any one defendant could be made to pay the entire judgment even if he or she were only marginally responsible.

Our bill builds upon the State law trend of imposing proportionate liability. Our bill would retain joint and several liability for the really bad actors, but would provide proportionate liability for those parties only incidentally involved. In response to the Securities and Exchange Commission's staff concern we also included a special provision to address the problem of the insolvent defendant. We believe this provision strikes the correct balance. This liability reform is important to outside officers and directors, auditors, and others who often get named in the law suit but who have little if any true liability. It helps change the economies that drive these frivolous cases.

The system seeks huge monetary recoveries from outside directors, outside lawyers, and independent accountants who may be only marginally involved in activities for which corporate officers should be primarily liable. Experienced people are declining to serve on boards because of the liability exposure. This denies growing companies the expertise they need to succeed. Private lawsuits for securities violations are having a chilling effect on corporate disclosure.

Naming an accountant who, by State law usually must practice as a partnership, faces unlimited personal liability in these cases. Suing the accountant ensures that the settlement will be 50 percent larger because of their deep pocket.

The current system also operates to discriminate against defendants. People who have deep pockets are often named in the law suits to coerce settlements. Accountants bear the brunt of our current system of joint and several liability.

The fundamental purposes of the Federal securities laws are to promote investor confidence and deter fraud. Class action securities cases inhibit voluntary disclosure by corporations, discouraging them from making any public statements except when absolutely required, for fear that anything they say which might move the company's stock price might trigger a law suit.

We want to get back to basics. The central principle underlying the securities laws is that investors should receive accurate and timely disclosure of the financial condition of publicly traded companies.

The objective of this bill is to recognize that litigation isn't George Orwell's 1994 version of Big Brother looking out for investors' best interest. We reject "stock volitility is fraud;" We reject "justice is pennies for lawyers;" We reject "equity is millions for lawyers."

Our bill will encourage disclosure, strengthen confidence, realign the role of the entrepreneurial plaintiffs' lawyers with the best interests of their clients and change the risk/benefit equation of taking cases to the jury.

The basis of our bill is to make the plaintiffs' bar, "Stop, think, investigate, and research."

The spirit motivating this bill is the obligation that Chairman Levitt recently identified, "to make sure the current system operates in the best interest of all investors. This means focusing not just on the interests of those who happen to be aggrieved in a particular case, but also on the interests of issuers and the markets as a whole."

I want to commend Chairman DODD for taking on this issue. We developed a substantial hearing record and collected as many facts and opinions as we could. This bill is the product of a great deal of work and I want to express my admiration for the way he went about developing this legislation. It still needs refinement.

Ms. MIKULSKI. Mr. President, I rise today to speak as an original cosponsor of the Private Securities Litigation Reform Act of 1994.

I have been hearing about an increase in lawsuits being filed alleging securities fraud—and they are based on nothing more than a dramatic change in the price of a company's stock.

I was shocked to hear that some attorneys are paying stock brokers and others a bounty in return for identifying who they should sue—without a care about whether anything wrong has been done. These lawsuits are filed at the courthouse just hours after a change in stock price—suing everyone imaginable—this is the kitchen sink approach to the courthouse, rather than a system of justice that protects people.

This bill seeks to make sure that the people who are injured—the investors—are calling the shots, not some attorneys or bounty hunter. This bill makes it easier for investors to recover damages in strong cases. It extends the statute of limitations for fraud from 3 years to 5 years, so that people who are injured don't have to race to the courthouse. It also provides for alternative dispute resolution rather than requiring injured investors to go through a long, complicated, and expensive court proceeding. This puts the investor in the driver's seat, not some bounty hunter who is beholden only to attorneys.

The bill also says that defendants who are hardly involved in a case are liable only up to their degree of fault. But when someone has caused serious injury, those defendants that are mainly at fault would be fully liable for all damages. This should bring to an end the kitchen sink approach to these lawsuits.

I am absolutely opposed to the race to the courthouse mentality that ends up in needless suits that have huge litigation costs for society. I want to see the courthouse door kept open for the little guy, but let's get this bounty hunter law under control.

I look forward to seeing this bill become law, because I was appalled to learn how the current bounty hunter law affects people in their day-to-day lives.

It hits accountants and other professionals through the high liability insurance premiums they have to pay.

For those people, like accountants, pulled into the suits as part of the kitchen sink the disruption to their lives and their firm's work is huge.

And it even affects the companies that accountants are willing to have as clients—like the new and expanding high-technology companies. These high-technology firms are the hope of jobs today and jobs tomorrow for the United States. These are the very companies who have big changes in their stock prices as they develop new technologies and bring them to market. And these new growing companies are the ones most in need of the breadth of services offered by many accounting firms.

I am concerned about these costs, especially the costs to the high-technology community. These high-technology companies are our biggest source of jobs today and jobs tomorrow. And I am hearing that the current bounty hunter law mentality is putting those jobs at risk.

Rather than creating jobs, these high-technology companies are having to put their efforts and dollars into expensive litigation and insurance.

I know how the system works with these lawsuits. It doesn't matter who's right or who's wrong. Both the guilty and the innocent end up settling at some big cost, even if just to avoid the risk and to get on with their lives.

So the good guys cut their losses and the bad guys get off the hook.

I am glad to cosponsor this bill that takes steps to take care of the good guys.

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By Mr. DODD (for himself, Mr. KENNEDY, and Ms. MIKULSKI):

S. 1977. A bill to amend title IV of the Social Security Act to reform child support enforcement procedures, and for other purposes; to the Committee on Finance.

### CHILD SUPPORT REFORM ACT OF 1994

• Mr. DODD. Mr. President, I rise today to introduce the Child Support Reform Act of 1994, which would get tough with parents who are cheating their own children out of their futures. It demands that noncustodial parents do the right thing by their children and taps the Internal Revenue Service to help make sure that happens. I am joined in this effort by Senator KENNEDY AND Senator MIKULSKI, both members of the Senate Democratic Task Force on Child Support I chaired in the last Congress.

This legislation complements the Child Support Assurance Act of 1994, which Senator ROCKEFELLER and I introduced Tuesday. That bill would test the proposition that we should guarantee a minimum level of child support for the children of America. The legislation I am introducing today addresses the other half of the equation by making sure that delinquent parents pay what they owe.

### WELFARE REFORM

We will soon embark on a major discussion of welfare reform, and there are many ideas out there about steps we can take to move people off welfare and into self-sufficiency. I would suggest that of all these proposals, none would do more to fight poverty than putting teeth into our child support enforcement system.

The poverty rate for single-parent families headed by women is nearly 33 percent. This compares to a poverty rate of under 8 percent for two-parent families.

The lack of child support is a major cause of poverty among single-parent families in this country, and too often those families going without support end up on welfare. The link between lack of child support and poverty is clear, as the Census Bureau illustrated when it estimated that between 1984 and 1986 approximately half a million children fell into poverty after their fathers left home.

In my view, the American people are willing to chip in to help struggling families get back on their feet after hard times. The people are much less willing to provide that kind of help if it is simply being used as a substitute for the support an absent parent should be providing.

### LACK OF SUPPORT

Regrettably, that happens too often today. Forty-two percent of single mothers do not even have child support orders for their children, For poor women, this figure is 57 percent. And a child support order is no guarantee of support. In 1989, half of all mother-led families with child support orders received no support at all or less than the amount due.

Cases where the parents reside in different States have the worst collection rate. Although the same proportion of custodial parents have support orders in place, these families are twice as likely as families not separated by State lines to receive no support. Although interstate cases account for 3 of every 10 cases, they account for only $1 of every $10 in support collected.

Enforcing these cases is a nightmare for the States. They must rely on other States to take action—States that are already burdened with their own cases. Too often, interstate cases seem to be slipped to the bottom of the enforcement pile.

### EFFECT ON CHILDREN

What kind of difference would it make if child support were paid up? If every single-parent family had an award and the awards were paid in full, that would mean $30 billion a year for the children of America. It doesn't take a rocket scientist to figure out what that $30 billion would mean for their economic well-being.

As a recent report titled "Childhood's End" by the National Child Support Assurance Consortium poignantly illustrated, the statistics are much more than simply numbers on a page for the children involved. For far too many young Americans, the lack of child support means poverty. It means not being able to go to the doctor when they're sick. It means going to bed hungry. It means teetering on the brink of homelessness.

It is time for us to stop this slide toward public assistance by insisting that parents meet the responsibilities they have for the children they bring into the world. The children of America will be the true winners of such a policy, but the taxpayers would also come out ahead because of reduced welfare expenditures.

### NEED FOR SWEEPING REFORM

We have known for some time now that our child support system needs a major overhaul. And we have made a number of attempts to do something about it. A series of incremental reforms, including the child support amendments of 1984 and the Family Support Act of 1988, improved the situation somewhat, but we still have a long, long way to go, as a few telling statistics illustrate.

For every 100 child support cases in 1983, there were 15 in which there was a collection. Eight years later, after a series of reforms, there were 18. Fifteen to 18 out of 100 is a step in the right direction, but it is a tiny step. The time for incremental reform has passed. It is now time for bold action.

That's why I am today proposing the "Child Support Reform Act of 1994." This legislation would attack the cases states find most burdensome and challenging to enforce and the cases in which the children are least likely to see the money owed to them.

The bill would federalize enforcement of interstate child support orders by placing responsibility for these awards in the Internal Revenue Service. Our State-by-State patchwork system of child support allows far too many irresponsible parents to skip out on their obligations simply because they have moved out of State. Interstate cases would be referred to the IRS if they are subject to wage withholding requirements or if they are at least 1 month delinquent in their payments.

The bill would take other steps to create a more efficient, centralized system of enforcement. It would create State and national registries of support orders to centralize and speed up collection and enforcement of child support orders. It also would create a system of W-4 reporting for new hires to speed up the identification of parents with support obligations and get the payments flowing to children who depend on them faster.

The bill also sets up a process for adopting national child support guidelines. The State-by-State guideline approach still leaves too many children behind, left with awards too low to meet their needs. Too often, children whose parents are in similar economic circumstances end up with vastly different awards—and therefore, vastly different living standards—simply because of what State they live in. National guidelines would create equity so that economic security does not depend on where a child lives.

This legislation would pursue other avenues as well to force absent parents to live up to their responsibilities. It would report support arrearages to credit bureaus. It would also require the withholding of business and professional licenses, driver's licenses and vehicle registrations for nonpayment of support.

Finally, the legislation would require States to use an administrative process to establish paternity, to secure child support orders and to enforce those orders. For a child waiting for the Government to establish a support order, every day counts. So, it is important to have a process for obtaining that order and getting the payments flowing that is as streamlined as possible. This approach allows States to expeditiously process the majority of cases that are very straightforward, getting support to kids and relieving court backlogs in the process.

As this summary indicates, this is a tough bill. But it is intended to tackle a tough problem. I hope my colleagues will join me in supporting this approach to strike a blow against child poverty and a blow for the taxpayers of America.

I ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

### S. 1977

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Child Support Reform Act of 1994".

(b) REFERENCE TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; reference; table of contents.
Sec. 2. Findings and purposes.

TITLE I—ESTABLISHING SUPPORT ORDERS

Subtitle A—National Child Support Guideline

Sec. 101. Process for developing recommendations for a national child support guideline for congressional approval.

Subtitle B—Improved Procedures for Establishing Support Orders

Sec. 111. Administrative process.
Sec. 112. Evidence.
Sec. 113. Credit Reporting.

Subtitle C—Child Support Registries

Sec. 121. State central registries.

TITLE II—COLLECTIONS AND ENFORCEMENT

Sec. 201. Reporting of child support information.
Sec. 202. Occupational, professional, and business licenses.
Sec. 203. Driver's licenses and vehicle registrations.
Sec. 204. Technical correction to ERISA definition of medical child support order.
Sec. 205. UIFSA endorsement.
Sec. 206. Reports to credit bureaus on persons delinquent in child support payments.

TITLE III—INTERSTATE CHILD SUPPORT ENFORCEMENT

Sec. 301. Establishment of the Office of the Assistant Commissioner for Interstate Child Support Enforcement.
Sec. 302. Division of the National Registry of Child Support Orders.
Sec. 303. Division of Enforcement.
Sec. 304. State plan requirements.
Sec. 305. Definitions.

TITLE IV—FINANCING STATE CHILD SUPPORT ENFORCEMENT ACTIVITIES

Sec. 401. Federal financial participation.
Sec. 402. Audit standards.

TITLE V—EFFECTIVE DATES

Sec. 501. Effective dates.

### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) an increasing number of children live in single-parent families, and these families are 4 times as likely to be poor as 2-parent families;

(2) the failure of noncustodial parents to pay their fair share of child support is a major contributor to poverty among single-parent families;

(3) in 1989, only 26 percent of all single mothers received a full amount of child support, and half of the mothers with child support orders received either no child support or less than such mothers were due;

(4) child support cases in which the parties live in different States have the worst collection rates, accounting for 3 of every 10 child support cases, but only $1 of every $10 of child support collected;

(5) custodial parents in interstate cases are almost twice as likely as parents in in-State cases to never receive child support payments;

(6) a more centralized system of child support enforcement would help improve collections in all cases;

(7) particularly strong measures are needed to overcome the difficulties in reaching across State lines to collect child support due in interstate cases;

(8) increased Federal involvement in interstate cases would relieve the States of the considerable burden of enforcing child support orders when one of the parties lives in another jurisdiction; and

(9) State-by-State child support guidelines have resulted in orders that vary significantly from State to State, resulting in low awards and inequities for children.

(b) PURPOSE.—It is the purpose of this Act to—

(1) increase the economic security of children by creating national child support guidelines;

(2) improve the enforcement of child support awards through a more centralized, efficient system and enhanced tools for States to use in enforcement; and

(3) improve the enforcement of child support orders when the parties live in different States by placing responsibility for enforcement in the Internal Revenue Service.

## TITLE I—ESTABLISHING SUPPORT ORDERS

### Subtitle A—National Child Support Guideline

### SEC. 101. PROCESS FOR DEVELOPING RECOMMENDATIONS FOR A NATIONAL CHILD SUPPORT GUIDELINE FOR CONGRESSIONAL APPROVAL.

(a) DEVELOPMENT OF IMPLEMENTING BILL.—

(1) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the separate organizational unit established under section 452(a) of the Social Security Act (42 U.S.C. 652(a)) shall submit to the Congress an implementing bill with respect to the national child support guideline developed under subsection (b) which contains such provisions necessary or appropriate to implement such guideline, either repealing or amending existing laws or providing new statutory authority.

(2) USE OF ADVISORY BOARD.—

(A) IN GENERAL.—To assist the separate organizational unit in developing an implementing bill with respect to a national child support guideline, the Secretary of Health and Human Services shall appoint a 9-member National Child Support Guideline Advisory Board (hereafter in this paragraph referred to as the "Board"). The Board shall include—

(i) individuals with judicial or administrative experience in matters involving child support enforcement;

(ii) individuals with knowledge of the cost of raising children; and

(iii) representatives of organizations which represent custodial and noncustodial parents.

(B) COMPENSATION.—

(i) IN GENERAL.—Members of the Board shall serve as such without pay.

(ii) TRAVEL EXPENSES, ETC.—Members of the Board shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons serving intermittently in the Government service are allowed travel expenses under section 5703 of title 5 of the United States Code.

(b) NATIONAL CHILD SUPPORT GUIDELINE.—The national child support guideline developed under this subsection for recommendation to the Congress shall—

(1) be used by each State as a rebuttable presumption of the correct amount of support to be awarded in all judicial or administrative proceedings for the establishment or modification of child support;

(2) maximize the support for children;

(3) take into account—

(A) the definitions of "income" and "resources" to be used in applying the guideline,

(B) the health care needs of the children, through health insurance coverage or other means, and

(C) the child care and educational needs of the children; and

(4) include the criteria a State may use in evaluating a request from either parent to rebut the use of the national guideline, except that issues related to visitation may not be used in lowering the amount of child support to be paid.

(c) CONGRESSIONAL CONSIDERATION OF IMPLEMENTING BILL.—

(1) IN GENERAL.—The implementing bill described in subsection (a) shall be considered by the Congress under the procedure for consideration described in paragraph (2).

(2) PROCEDURE.—

(A) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This paragraph is enacted by Congress—

(i) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of an implementing bill described in subsection (a)(1), and supersedes other rules only to the extent that such rules are inconsistent therewith; and

(ii) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(B) INTRODUCTION AND REFERRAL.—On the day on which the implementing bill described in subsection (a)(1) is transmitted to the House of Representatives and the Senate, such bill shall be introduced (by request) in the House of Representatives by the Majority Leader of the House, for himself and the Minority Leader of the House, or by Members of the House designated by the Majority Leader and Minority Leader of the House and shall be introduced (by request) in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate. If either House is not in session on the day on which the implementing bill is transmitted, the bill shall be introduced in the House, as provided in the preceding sentence, on the first day thereafter on which the House is in session. The implementing bill introduced in the House of Representatives and the Senate shall be referred to the appropriate committees of each House.

(C) AMENDMENTS PROHIBITED.—No amendment to an implementing bill shall be in order in either the House of Representatives or the Senate and no motion to suspend the application of this paragraph shall be in order in either House, nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this paragraph by unanimous consent.

(D) PERIOD FOR COMMITTEE AND FLOOR CONSIDERATION.—

(i) IN GENERAL.—Except as provided in clause (ii), if the committee or committees of either House to which an implementing bill has been referred have not reported it at the close of the 90th day after its introduction, such committee or committees shall be automatically discharged from further consideration of the implementing bill and it shall be placed on the appropriate calendar. A vote on final passage of the implementing bill shall be taken in each House on or before the close of the 90th day after the implementing bill is reported by the committees or committee of that House to which it was referred, or after such committee or committees have been discharged from further consideration of the implementing bill. If prior to the passage by 1 House of an implementing bill of that House, that House receives the same implementing bill from the other House then—

(I) the procedure in that House shall be the same as if no implementing bill had been received from the other House; but

(II) the vote on final passage shall be on the implementing bill of the other House.

(ii) COMPUTATION OF DAYS.—For purposes of clause (i), in computing a number of days in either House, there shall be excluded—

(I) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain, or an adjournment of the Congress sine die; and

(II) any Saturday and Sunday not excluded under subclause (I) when either House is not in session.

(E) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(i) MOTION TO PROCEED.—A motion in the House of Representatives to proceed to the consideration of an implementing bill shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(ii) DEBATE.—Debate in the House of Representatives on an implementing bill shall be limited to not more than 20 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit an implementing bill or to move to reconsider the vote by which an implementing bill is agreed to or disagreed to.

(iii) MOTION TO POSTPONE.—Motions to postpone, made in the House of Representatives with respect to the consideration of an implementing bill, and motions to proceed to the consideration of other business, shall be decided without debate.

(iv) APPEALS.—All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to an implementing bill shall be decided without debate.

(v) GENERAL RULES APPLY.—Except to the extent specifically provided in the preceding provisions of this subparagraph, consideration of an implementing bill shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions in similar circumstances.

(F) FLOOR CONSIDERATION IN THE SENATE.—

(i) MOTION TO PROCEED.—A motion in the Senate to proceed to the consideration of an implementing bill shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(ii) GENERAL DEBATE.—Debate in the Senate on an implementing bill, and all debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours. The time shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader or their designees.

(iii) DEBATE OF MOTIONS AND APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with an implementing bill shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the implementing bill, except that in the event the manager of the implementing bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the Minority Leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of an implementing bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(iv) OTHER MOTIONS.—A motion in the Senate to further limit debate is not debatable. A motion to recommit an implementing bill is not in order.

(d) RESUBMISSIONS.—If an implementing bill submitted under subsection (a)(1) is not approved by the Congress or is vetoed by the President (and such veto is not overridden by the Congress), the separate organizational unit shall resubmit a new implementing bill not later than 90 days after the Congress failed to approve such bill or failed to override the President's veto, and such new implementing bill shall be subject to congressional consideration as provided in subsection (c).

### Subtitle B—Improved Procedures for Establishing Support Orders

#### SEC. 111. ADMINISTRATIVE PROCESS.

Section 466(a)(2) (42 U.S.C. 666(a)(2)) is amended to read as follows:

"(2) Procedures under which expedited administrative processes are used to establish paternity in contested cases and to obtain and enforce support orders in all cases. The Secretary may waive the provisions of this paragraph with respect to one or more political subdivisions within the State on the basis of the effectiveness and timeliness of support order issuance and enforcement or paternity establishment within the political subdivision (in accordance with the general rule for exemptions under subsection (d)).".

#### SEC. 112. EVIDENCE.

(a) NATIONAL SUBPOENA DUCES TECUM.—Section 452(a) (42 U.S.C. 652(a)) is amended by striking "and" at the end of paragraph (9), by redesignating paragraph (10) as paragraph (11), and by inserting after paragraph (9) the following new paragraph:

"(10) draft and distribute a national subpoena duces tecum for use by child support litigants to obtain income information pertaining to all private, Federal, State, and local government employees, as well as any receivers of income; and".

(b) STATE STANDARDS.—Section 466(a) (42 U.S.C. 666(a)) is amended by inserting after paragraph (11) the following new paragraph:

"(12)(A) Procedures which require any unit of government, person, or corporation doing business in the State to accept and honor a subpoena duces tecum developed pursuant to section 452(a)(10).

"(B) Procedures which enforce through a hearing such a subpoena served in the State, at which hearing the burden of specifying the reasons for not timely honoring the subpoena rests with the non-complying person or entity.

"(C) Procedures for the introduction in any judicial or administrative child support proceeding of information contained in the response to such a subpoena without the need for further verification.".

#### SEC. 113. CREDIT REPORTING.

Section 604 of the Consumer Credit Protection Act (15 U.S.C. 1681b) is amended by adding at the end the following new paragraph:

"(4) To an agency administering a State plan under section 454 of the Social Security Act (42 U.S.C. 654) to use the information relevant to the setting of an initial or modified child support award, without the necessity of a court order.".

### Subtitle C—Child Support Registries

#### SEC. 121. STATE CENTRAL REGISTRIES.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 112, is amended by inserting after paragraph (12) the following new paragraph:

"(13)(A) Procedures under which the State shall maintain by not later than July 1, 1996, a central child support order registry which shall include each child support order issued or modified in the State. Except in the case of a child support order being enforced under section 303 of the Child Support Reform Act of 1994, the State shall, through the registry, receive, record, and disburse payment under each such child support order.

"(B) Procedures under which the State prepares and transmits within 5 days of entry into the central State child support registry, an abstract of each order maintained in such registry, to the National Registry of Child Support Orders established under section 301 of the Child Support Reform Act of 1994. The abstract shall contain such information as required by the Secretary of the Treasury pursuant to regulations issued under section 301(b) of such Act.".

## TITLE II—COLLECTIONS AND ENFORCEMENT

### SEC. 201. REPORTING OF CHILD SUPPORT INFORMATION.

(a) W-4 REPORTING REQUIREMENT.—

(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Labor, shall require—

(A) all employees to file a new W-4 form with their employers within 5 calendar days after the latest of—

(i) October 1, 1996,

(ii) the date the employee is hired, or

(iii) the date any information specified under paragraph (2) is no longer accurate; and

(B) all employers to provide a copy of every employee's W-4 form to the National Registry of Child Support Orders established under section 301 of this Act.

(2) EXPANDED USE OF FORM.—The Secretary of the Treasury shall modify the W-4 form to be completed by an employee to enable the employee to indicate on the form—

(A) whether the employee has a legal obligation to provide child support (as defined in section 462(b) of the Social Security Act (42 U.S.C. 662(b)) which is to be collected, in whole or in part, through wage withholding pursuant to an order issued by a State court or an order of an administrative process established under State law; and

(B) if so—

(i) the aggregate amount of all such obligations,

(ii) the name and address of any person to whom the employee has such an obligation, and

(iii) whether the payment of such obligation has been previously remitted to the National Registry of Child Support Orders established under section 301 of this Act.

(b) EMPLOYER OBLIGATIONS.—

(1) IN GENERAL.—Subtitle C of the Internal Revenue Code of 1986 (relating to employment taxes) is amended by inserting after chapter 24 the following new chapter:

### "CHAPTER 24A—COLLECTION OF CHILD SUPPORT OBLIGATIONS AT SOURCE ON WAGES

"Sec. 3411. Child support obligations collected at source.

### "SEC. 3411. CHILD SUPPORT OBLIGATIONS COLLECTED AT SOURCE.

"(a) REQUIREMENT OF WITHHOLDING.—

"(1) WAGE WITHHOLDING AS INDICATED BY THE EMPLOYEE.—Except as provided in paragraph (2), each employer who receives a completed W-4 form from an employee pursuant to section 201(a)(2) of the Child Support Reform Act of 1994 which indicates that the employee has a legal obligation to provide child support (as defined in section 462(b) of the Social Security Act) which is payable through wage withholding shall—

"(A) deduct and withhold from the wages of the employee the amount indicated on the W-4 form as a child support obligation; and

"(B) send such amount to—

"(i) the appropriate central State child support order registry established under section 466(a)(13)(A) of the Social Security Act, or

"(ii) the National Registry of Child Support Orders established under section 301 of the Child Support Reform Act of 1994, if notified pursuant to the employee's W-4 or section 302(4) of such Act.

"(2) CORRECTION OF WITHHOLDING INSTRUCTIONS.—If the central State child support order registry or the National Registry of Child Support Orders notifies the employer that an employee has an obligation unreported or misreported on the employee's W-4, the employer shall—

"(A) deduct and withhold from the wages of the employee the amount that such registry indicates is to be deducted and withheld from the wages of the employee to satisfy such obligation; and

"(B) send the amount so withheld to such registry.

"(b) LIABILITY FOR PAYMENT.—The employer shall be liable for the payment of amounts deducted and withheld under subsection (a) to the appropriate registry.

"(c) SPECIAL RULES.—For purposes of this chapter (and so much of subtitle F as relates to this chapter), any amount required to be deducted and withheld under this section shall be treated as if it were a tax withheld under chapter 24 and rules similar to the rules of chapter 24 shall apply.".

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle C of such Code is amended by inserting after the item relating to chapter 24 the following new item:

"Chapter 24A. Child support obligations collected at source.".

### SEC. 202. OCCUPATIONAL, PROFESSIONAL, AND BUSINESS LICENSES.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 121, is amended by inserting after paragraph (13) the following new paragraph:

"(14) Procedures under which the State occupational licensing and regulating departments and agencies may not issue or renew an occupational, professional, or business license of—

"(A) a noncustodial parent who is the subject of an outstanding failure to appear warrant, capias, or bench warrant related to a child support proceeding that appears on the State's crime information system or the National Registry of Child Support Orders established under section 301 of the Child Support Reform Act of 1994, until removed from the system or Registry; and

"(B) a noncustodial parent who is delinquent in such parent's child support obligation in an amount at least equal to the support payable for one month, as recorded in the central State child support order registry established under paragraph (13)(A) or the National Registry of Child Support Orders established under section 301 of the Child Support Reform Act of 1994, until—

"(i) the pro se obligee, the obligee's attorney, a State prosecutor responsible for child support enforcement, or the Division of Enforcement established under such section 301 consents to the release of the hold on the license,

"(ii) a court or administrative agency that is responsible for the order's enforcement orders the release of the hold on the license, or

"(iii) an expedited inquiry and review is completed while such parent is granted a 30-day temporary license.".

### SEC. 203. DRIVER'S LICENSES AND VEHICLE REGISTRATIONS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 202, is amended by inserting after paragraph (14) the following new paragraph:

"(15) Procedures under which the State motor vehicle department—

"(A) may not issue or renew a driver's license (other than a temporary license of not more than 60-days duration) of any noncustodial parent who is the subject of an outstanding failure to appear warrant, capias, or bench warrant related to a child support proceeding that appears on the State's crime information system or the National Registry of Child Support Orders established under section 301 of the Child Support Reform Act of 1994, until removed from the system or Registry;

"(B) may not issue or renew a driver's license or vehicle registration (other than temporary) of any noncustodial parent who is delinquent in such parent's child support obligation in an amount at least equal to the support payable for one month, as recorded in the central State child support order registry established under paragraph (13)(A) or the National Registry of Child Support Orders established under section 301 of the Child Support Reform Act of 1994, until—

"(i) the pro se obligee, the obligee's attorney, a State prosecutor responsible for child support enforcement, or the Division of Enforcement established under such section 301 consents to the release of the hold on the license or registration,

"(ii) a court or administrative agency that is responsible for the order's enforcement orders the release of the hold on the license or registration, or

"(iii) an expedited inquiry and review is completed while such parent is granted a 30-day temporary license or registration; and

"(C) upon receiving notice that an individual holds a State driver's license or vehicle registration who is the subject of a warrant related to a child support proceeding—

"(i) issues a show cause order to such individual asking such individual to demonstrate why such individual's driver's license or vehicle registration ought not be suspended until the warrant is removed by the court responsible for issuing the warrant, and

"(ii) in cases in which a show cause order pursuant to clause (i) has been issued, may grant a temporary license or vehicle registration to such individual pending the show cause hearing or the removal of the warrant, whichever occurs first.".

### SEC. 204. TECHNICAL CORRECTION TO ERISA DEFINITION OF MEDICAL CHILD SUPPORT ORDER.

(a) IN GENERAL.—Section 609(a)(2)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169(a)(2)(B)) is amended—

(1) by striking "issued by a court of competent jurisdiction";

(2) by striking the period at the end of clause (ii) and inserting a comma; and

(3) by adding, after and below clause (ii), the following:

"if such judgment, decree, or order (I) is issued by a court of competent jurisdiction or (II) is issued by an administrative adjudicator and has the force and effect of law under applicable State law.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) PLAN AMENDMENTS NOT REQUIRED UNTIL JANUARY 1, 1995.—Any amendment to a plan required to be made by an amendment made by this section shall not be required to be made before the first plan year beginning on or after January 1, 1995, if—

(A) during the period after the date before the date of the enactment of this Act and before such first plan year, the plan is operated in accordance with the requirements of the amendments made by this section, and

(B) such plan amendment applies retroactively to the period after the date before the date of the enactment of this Act and before such first plan year.

A plan shall not be treated as failing to be operated in accordance with the provisions of the plan merely because it operates in accordance with this paragraph.

### SEC. 205. UIFSA ENDORSEMENT.

Section 466 (42 U.S.C. 666) is amended by adding at the end the following new subsection:

"(f) In order to satisfy section 454(20)(A), each State must have in effect by January 1, 1996, laws which adopt without material change the officially approved version of the Uniform Interstate Family Support Act adopted by the National Conference of Commissioners on Uniform State Laws and approved by the American Bar Association House of Delegates on February 9, 1993.".

### SEC. 206. REPORTS TO CREDIT BUREAUS ON PERSONS DELINQUENT IN CHILD SUPPORT PAYMENTS.

(a) IN GENERAL.—Section 466(a)(7) (42 U.S.C. 666(a)(7)) is amended to read as follows:

"(7) Procedures requiring the State to provide to each consumer reporting agency (as defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))) information regarding the amount of overdue support owed by any absent parent who resides in the State.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994.

## TITLE III—INTERSTATE CHILD SUPPORT ENFORCEMENT

### SEC. 301. ESTABLISHMENT OF THE OFFICE OF THE ASSISTANT COMMISSIONER FOR INTERSTATE CHILD SUPPORT ENFORCEMENT.

(a) IN GENERAL.—For purposes of locating absent parents and facilitating the enforcement of child support obligations, the Secretary of the Treasury shall establish within the Internal Revenue Service an Office of the Assistant Commissioner for Interstate Child Support Enforcement which shall establish not later than July 1, 1996—

(1) a Division of the National Registry of Child Support Orders for the purpose of carrying out the duties described in section 302; and

(2) a Division of Enforcement for the purpose of carrying out the duties described in section 303.

(b) COORDINATION.—The Secretary of the Treasury, in consultation with the Secretary of Health and Human Services shall issue regulations for the coordination of activities among the Office of the Assistant Commissioner for Interstate Child Support Enforcement, the Assistant Secretary for Children and Families, and the States, to facilitate the purposes of this title.

### SEC. 302. DIVISION OF THE NATIONAL REGISTRY OF CHILD SUPPORT ORDERS.

With respect to the Division of the National Registry of Child Support Orders (hereafter in this title referred to as the "Registry"), the duties described in this section are as follows:

(1) Retain an abstract of all child support orders issued or modified by the States, including the names, social security numbers, and addresses of the parties, the amount of the order, whether the order is being enforced under the State plan approved under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.), and such other information as the Secretary of Treasury, in consultation with the Secretary of Health and Human Services, shall, by regulation, require.

(2) Promptly notify the Division of Enforcement whenever the Registry receives notice from a State that an order being enforced by the Division of Enforcement has been modified, specifying which terms of such order are modified.

(3)(A) Receive from employers the reports required under section 201(a)(1) of this Act, match such reports against the abstracts contained in the Registry, confirm that support is owed, to whom such support is owed, and in what amount, and report any corrections to the employers.

(B) Upon receipt of such a report—

(i) if the employee is subject to a child support order, retain the information contained in such report with respect to such employee; and

(ii) if the employee is not subject to a child support order, promptly destroy such information.

(C) Upon receipt of such a report—

(i) if both parents reside in the same State and the child support order has not been previously referred to the Division of Enforcement, report to the appropriate central State child support order registry established under section 466(a)(13)(A) of the Social Security Act (42 U.S.C. 666(a)(13)(A)), the name, address, social security number, and date of birth of the employee, the employer's name and address, the employee's date of hire, and any other information obtained which would be useful in enforcing the child support order according to its terms;

(ii) if the parents reside in different States and the order has not been previously referred to the Division of Enforcement, refer the order for interstate enforcement to the Division of Enforcement; and

(iii) if the order has been previously referred to the Division of Enforcement, refer the information specified in clause (i) to the Division of Enforcement.

(4) If an order is referred to the Division of Enforcement by the Registry under paragraph (3)(C)(ii) or by a State child support enforcement agency under section 454(26) of the Social Security Act (42 U.S.C. 654(26))—

(A) notify the custodial and noncustodial parents of such referral; and

(B) notify the employer to remit all child support payments to the Registry, receive all child support payments made pursuant to the order, record such payments, and promptly disburse the funds—

(i) in cases where there is an assignment of rights under section 402(a)(26) of the Social Security Act (42 U.S.C. 602(a)(26)), in accordance with section 457(b) of such Act (42 U.S.C. 657(b)), and

(ii) in all other cases, to the custodial parent.

### SEC. 303. DIVISION OF ENFORCEMENT.

(a) IN GENERAL.—With respect to the Division of Enforcement, the duties described in this section are as follows:

(1) Enforce all child support orders referred to the Division of Enforcement—

(A) under section 302(3)(C)(ii);

(B) by a State child support enforcement agency under section 454(26) of the Social Security Act (42 U.S.C. 654(26)); and

(C) under section 452(b) of the Social Security Act (42 U.S.C. 652(b)).

(2) Enforce a child support order in accordance with the terms of the abstract contained in the Registry pursuant to section 302(1) or the modified terms of such an order upon notification of such modifications by the Registry under section 302(2).

(3) Enforce medical support provisions of any child support order using any means available under State or Federal law.

(4) Receive and process requests for Federal income intercept made in accordance with section 464 of the Social Security Act (42 U.S.C. 664).

With respect to orders referred to the Division of Enforcement under subparagraph (A) or (B) of paragraph (1), once the referral is made, the Division of Enforcement shall retain responsibility for enforcement even if the parties resume residence in the same State.

(b) FAILURE TO PAY AMOUNT OWING.—With respect to any child support order being enforced by the Division of Enforcement, if an individual fails to pay the full amount required to be paid on or before the due date for such payment, the Office of the Assistant Commissioner for Interstate Child Enforcement, through the Division of Enforcement, may assess and collect the unpaid amount in the same manner, with the same powers, and subject to the same limitations applicable to a tax imposed by subtitle C of the Internal Revenue Code of 1986 the collection of which would be jeopardized by delay.

(c) USE OF FEDERAL COURTS.—The Office of the Assistant Commissioner for Interstate Child Enforcement, through the Division of Enforcement, may utilize the courts of the United States to enforce child support orders against absent parents upon a finding that—

(1) the order is being enforced by the Division of Enforcement; and

(2) utilization of such courts is a reasonable method of enforcing the child support order.

(d) CONFORMING AMENDMENTS.—

(1) Section 452(a)(8) (42 U.S.C. 652(a)(8)) is repealed.

(2) Section 452(c) (42 U.S.C. 652(c)) is repealed.

### SEC. 304. STATE PLAN REQUIREMENTS.

Section 454 (42 U.S.C. 654) is amended by striking "and" at the end of paragraph (23), by striking the period at the end of paragraph (24) and inserting a semicolon, and by inserting after paragraph (24) the following new paragraphs:

"(25) provide that the State will cooperate with the Office of the Assistant Commissioner for Interstate Child Support Enforcement to facilitate the exchange of information regarding child support cases and the enforcement of orders by the Commissioner; and

"(26) provide that the State child support enforcement agency shall refer for enforcement to the Division of Enforcement established under section 301 of the Child Support Reform Act of 1994 any child support order if an amount equal to at least 1 month's support is in arrears and the State believes the parties reside in different States.".

### SEC. 305. DEFINITIONS.

Any term used in this title which is also used in part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) shall have the meaning given such term by such part.

## TITLE IV—FINANCING STATE CHILD SUPPORT ENFORCEMENT ACTIVITIES

### SEC. 401. FEDERAL FINANCIAL PARTICIPATION.

(a) IN GENERAL.—Section 455(a) (42 U.S.C. 655(a)) is amended—

(1) at the end of paragraph (1), by adding the following new sentence: "For fiscal year 1995 and thereafter, no amount shall be paid to any State under this section unless the amounts expended by such State during such year for the operation of the plan approved under this part are not less than such amounts expended by such State in fiscal year 1994."; and

(2) in paragraph (2), by striking "and" at the end of subparagraph (B) and by striking subparagraph (C) and inserting the following new subparagraphs:

"(C) 66 percent for fiscal years 1990, 1991, 1992, 1993, and 1994, and

"(D) 85 percent for fiscal year 1995 and each fiscal year thereafter.".

(b) REPEAL OF INCENTIVE PAYMENTS TO STATES.—Section 458 (42 U.S.C. 658) is repealed.

### SEC. 402. AUDIT STANDARDS.

(a) ESTABLISHMENT OF COMMITTEE.—

(1) IN GENERAL.—The Secretary (hereafter in this section referred to as the "Secretary") shall establish a Child Support Audit Advisory Committee (hereafter in this section referred to as the "Committee").

(2) MEMBERSHIP.—

(A) NUMBER OF MEMBERS.—The Secretary shall determine the number of members on the Committee.

(B) APPOINTMENT.—The members of the Committee shall be appointed by the Secretary and shall include representatives of directors of State child support enforcement programs operating under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.), recipients of child support enforcement services, and independent management consultants.

(3) DUTIES OF THE COMMITTEE.—The Committee shall assist the Secretary in preparing revised audit criteria to be used pursuant to section 452(a)(4) of the Social Security Act (42 U.S.C. 652(a)(4)) based on—

(A) common data elements which are defined, collected, and reported in a uniform manner from each State;

(B) numeric measures of program outcomes in locating absent parents establishing paternity, obtaining child support orders, periodically modifying such orders, and enforcing such orders, and enforcing such orders (including orders for health insurance coverage);

(C) numeric measures for assessing compliance with the regulations issued by the Secretary pursuant to subsections (h) and (i) of section 452 of such Act (42 U.S.C. 652); and

(D) a definition of substantial compliance with such criteria.

(4) COMPENSATION.—

(A) IN GENERAL.—Members of the Committee shall serve without compensation.

(B) EXPENSES, ETC., REIMBURSED.—The members of the Committee may be allowed travel expenses while on the business of the Committee, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

(5) APPLICATION OF ACT.—The provisions of the Federal Advisory Committee Act shall not apply with respect to the Committee.

(6) SUPPORT.—The Secretary shall supply such necessary office facilities, office supplies, support services, and related expenses as necessary to carry out the functions of the Committee.

(7) TIMING.—The Secretary shall—

(A) not later than 60 days after the date of the enactment of this Act establish the Committee; and

(B) not later than 180 days after such date issue a notice of proposed rulemaking with respect to the audit standards required by this subsection, and, after allowing not less than 45 days for public comment, issue final regulations not later than 270 days after the date of the enactment of this Act, to be effective beginning 1 year after the date of the issuance of such regulations.

(b) COMPLIANCE ENFORCEMENT.—

(1) IN GENERAL.—Section 403(h)(1) (42 U.S.C. 603(h)(1)) is amended—

(A) by striking "part D" and inserting "this part"; and

(B) by striking "by—" and all that follows and inserting "by not less than 5 percent nor more than 10 percent.".

(2) REDESIGNATION.—Title IV is amended—

(A) by redesignating subsection (h) of section 403 (42 U.S.C. 603), as amended by paragraph (1), as subsection (f); and

(B) by relocating subsection (f) (as so redesignated) immediately following subsection (e) of section 455 (42 U.S.C. 655).

## TITLE V—EFFECTIVE DATES

### SEC. 501. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this Act or subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) SPECIAL RULE.—In the case of a State that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order to meet the additional requirements imposed by the amendments made by this Act, the State shall not be regarded as failing to comply with the requirements of such amendments before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of this subsection, in the case of a State that has a 2-year legislative session, each year of the session shall be treated as a separate regular session of the State legislature.•

By Mr. ROTH:

S. 1978. A bill to amend part III of title 5, United States Code, to provide for participation by non-Federal employees in health benefits plans under the Federal Employees Health Benefits Program, and for other purposes; to the Committee on Government Affairs.

### FEDERAL HEALTH CARE EXPANSION ACT

• Mr. ROTH. Mr. President, I rise today to introduce legislation entitled the Federal Health Care Expansion Act—or "FedCare" to increase access and availability to health care coverage across the Nation. I hope my proposal will be considered as part of comprehensive national health care reform. With the introduction of this legislation I am looking forward to receiving comments and suggestions on this draft.

My proposal will not create new government bureaucracies, increase taxes, or impose mandates on businesses, and, it will not increase the deficit. Rather, FedCare will provide small businesses and self-employed individuals an affordable alternative for insuring the health of their workers and their families. My proposal could immediately help us address the largest problem in our current health care system—the lack of access to affordable coverage for the 20 million uninsured individuals who are working or in a family where someone is working for a business which has 1 to 100 employees. FedCare is based on a system with a proven track record, a system that is working now: and it will serve as a bridge in our transition to national health care reform.

There is consensus that the Federal Employees Health Benefits Program [FEHBP] is a model health care system. The President, First Lady, many health care experts, economists, and federal employees point to FEHBP as a program that works well. Since legislation in 1959 established the world's largest private voluntary health insurance network, millions of federal workers, retirees and their dependents have benefited from health insurance coverage provided through the FEHBP. In my view, it makes little sense to eliminate a program that has proven successful.

My proposal is a four point concept which would feasibly provide affordable quality health care coverage to millions of working uninsured Americans and their families. This proposal will make available to millions of Americans the same health care plan that is available to Members of Congress, Supreme Court Justices, members of the President's Cabinet, and millions of federal employees, retirees, and their dependents. While the President and others point to the Federal Employee Health Benefits Program [FEHBP] as a model for health care reform, I view the FEHBP as even more, a practical place to actually begin building our Nation's future health care system.

I was, in fact, troubled to see that the Administration and other comprehensive health care plans either terminate the FEHBP or simply overlook it. I would start reforming our health care system by extending this coverage. I believe that this approach would benefit both the currently enrolled Federal workers, retirees and their dependents as well as those who would be eligible to join by buying-in to the program.

Under my proposal, FEHBP participating fee-for-service and health maintenance organization plans would be available for buy-in by small businesses of 1 to 100 employees—including the self-employed—at the same premium price available to Federal enrollees (plus, if demonstrated that there is a need, a small administrative add-on to the premium). In order to minimize adverse risk selection, this buy-in would occur in a reformed marketplace with enactment of small group insurance market reform. The cost of the buy-in would be made affordable to self-employed individuals by increasing to 100 percent the deductibility of contributions towards health premiums, and for low-wage workers, a subsidy voucher program would place insurance coverage within affordable reach. These combined measures would make quality and affordable health insurance coverage accessible across the nation, and, as the insurance plans will allow workers to retain their coverage when they change jobs, the problem for many of "job-lock" caused by fear of losing insurance coverage is addressed.

FedCare addresses two fundamental flaws in our health care system affecting small business. These flaws are the inability of small groups to negotiate in the health care market, and the lack of choice these groups have either because they can not obtain adequate health care coverage or because they can not afford the coverage. Giving small businesses FedCare access to the FEHBP addresses the negotiating problems. It extends to small business the purchasing power of the largest privately insured pool of individuals—the 9 million enrolled individuals in the over 300 private insurance plans in virtually every locality in the nation. Establishing the FedCare national subsidy voucher program enables small businesses to make more and better choices in health care coverage.

The US health care marketplace is halfway competitive. Our current health care system is a product of government intervention and skewed market incentives—which ultimately do not give us as good a value for our health care dollar as the system could yield. The private health care marketplace is fractured as big business self-insures their employees, and small businesses are left with little strength in the marketplace to negotiate the value of health care coverage for their employees. Since our hospitals can't turn people away from their emergency rooms, each time an uninsured person is treated, the costs are shifted to those who are insured. In fact, this shift in the payment of the bill is called "cost-shifting." In a report issued earlier this year by the Delaware Cost Containment Commission the following illustrated the extent of the problem in my state:

> Recent figures from Blue Cross and Blue Shield of Delaware estimate that for every dollar of net revenue generated by hospitals, $1.60 must be charged. The extra $.60 constitutes a "hidden tax" to compensate hospitals for care provided to the uninsured and to Medicare and Medicaid patients for whom reimbursement is inadequate.

Ultimately, the greatest effect of this cost-shifting is felt on that segment of the marketplace which is least able to negotiate—the small businesses in the nation. In an entirely voluntary system, Americans have reached a rate of over 85 percent insured population, yet the overwhelming majority are working and would be insured if they had access to care and if it was within their financial reach. Today, almost 20 million of the 38 million uninsured individuals are working or in a family where someone is working for a business which has 1 to 100 employees.

Clearly, it's not a fair game for small businesses seeking insurance coverage for their workers. I have heard from hundreds of small business owners who are faced with high health insurance premiums, but who struggle to meet the needs of providing insurance coverage to all of their employees. These businesses have told me that they will continue to provide health care coverage in the future because they feel it is important to them and to their workers. However, these very same business owners are very concerned with what the government may mandate. It is essential that we remember, big businesses are small businesses that have succeeded. In an economic recovery where there is slow job growth, employer mandates could end up hurting those intended to be helped and put more people out of work.

I propose four basic steps that would move us forward in making basic health care available to the 20 million working Americans and their families who do not have coverage, and contain the escalating costs of health care for those already covered. These four steps are:

First, provide access to real quality health care coverage by opening-up the Federal Employee Health Benefits Program to small businesses. This would give small businesses the purchasing power of the largest pool of privately insured individuals in the nation, and the choice of selecting among over 300 insurance plans now offered under FEHBP where there is a great deal of choice in health coverage and range in price;

Second, level the playing field in the insurance market by enacting insurance market reform to eliminate preexisting exclusions, guarantee portability, guarantee issue and guarantee renewability of health care coverage;

Third, establish equity for self-employed individuals by permanently establishing 100 percent deductibility of the cost of insurance premiums; and

Fourth, make the buy-in to FEHBP affordable to low-wage workers and their families by shifting current Medicare and Medicaid Disproportionate Share payments to a voucher subsidy program.

I believe we should begin reform of our health care system with a system we know works by building on the strengths of FEHBP. Currently, there are over 300 health care plans offered to the 9 million Federal workers, retirees and their dependents. The type of health care coverage ranges from a national fee-for-service plan to local health maintenance organizations [HMOs].

So far, the FEHBP has done a respectable job at keeping costs down. In fact, in 1994, the average premium increase for all the plans was only 3 percent, and over 40 percent of enrolled premium holders saw a decrease in their premiums from last year to this year. Approximately 9 million individuals are insured under FEHBP's voluntary health insurance program. Of the 9 million, 2.4 million are Federal employees, of whom about 680,000 work for the U.S. Postal Service; 1.6 million retirees and surviving dependents; and about 4.7 million dependents of employees and retirees. Currently, about 72 percent of the health premiums are subsidized for Federal enrollees. The Office of Personnel Management which oversees the administration of the FEHBP, has a staff of only about 164 individuals who negotiate and contract and administer the program. Clearly, this is not a bloated bureaucracy. Some have pointed out that OPM works as a purchasing cooperative for the 9 million Federal enrollees.

Choice among the many FEHBP plans gives enrollees the opportunity to select the plan that most closely matches expected need of medical services and desired level of contribution. Current law already includes a list of benefits that all FEHBP plans must offer in order to participate. In essence, this list serves to ensure that there is a uniform core level of benefits offered across the boards in all the plans, yet still leaves some flexibility in benefits. The following is a detailed description of how my concept would provide access to affordable health care to millions of working uninsured families across the nation.

### I. OPEN-UP OVER 300 FEHBP PLANS FOR SMALL BUSINESS BUY-IN

Under FedCare, the Office of Personnel Management [OPM] will retain its role as the administering entity of FEHBP. Both the benefits and government contributions will remain the same in order to minimize disruption in the transition from the current FEHBP to the buy-in feature. There would only be one significant change for Federal workers, and that is the addition of an extended health coverage portability option.

Currently, Federal workers leaving the Federal Government prior to retirement can find themselves in much the same predicament of losing their health care coverage when they change jobs as those in the private sector. There are some current law protections allowing for continuation of coverage after employment, but the time is limited in many cases to 18 months. FedCare incorporates a portability option for federal workers leaving the Federal Government prior to retirement to continue their coverage for 3 years. Federal workers under this portability option may stay enrolled with the carrier of their choice at the full cost of the premium at the group rate—plus a small administrative add-on to the premium—without the government contribution subsidy. Enrollees will continue to be considered as part of the active group for rating purposes.

Contracts for insurance carriers would be awarded to all carriers meeting three criteria: First, the quality and benefits standards already in statute, second, that the carrier (with the exception of current exclusive membership plan) agrees to offer the same benefits and premium to small business employees enrolling, and third, a minimum number of private small business employees would have to join the plan. The current law requirement that at least 300 federal employees, retirees, and/or their dependents participate in an insurance plan for it to remain in FEHBP is retained.

To open-up FEHBP so that all participating plans are open for enrollment by firms of 1 to 100 employees, including self-employed individuals, at the same premium rate as for Federal enrollees, the phase-in of the private sector buy-in would happen at the onset. By the third year of implementation, all employers with 1 to 100 employees are eligible to enroll in a plan unless there are capacity issues.

A small business will have the option to enroll its employees where there is an FEHBP plan in the designated area. Although small business is defined as 1 to 100 employees, the legislation does establish a study to see how to address the nonworking uninsured as well as workers enrolled in larger sized businesses. The employer will not be mandated to match or contribute towards the employee cost of premiums, although the legislation will not preclude an employer from contributing towards a portion of the premiums. To reduce administrative costs, all participating employers will be responsible for collecting the premiums from employees to pay the carrier directly.

The structure of the phase-in begins in the first year that all plans contracted to provide FEHBP coverage would be required to open up their enrollment by a minimum of 2 percent of the size of the enrolled Federal enrollee group. The plans would then be required to meet certain minimum private sector enrollee growth targets. These are minimum growth targets with which each insurance carrier must comply. In year 1 the growth rate is based on 5 percent of Federal enrollees—.059,000,000=450,000—and 450,000 small business workers would be enrolled. This increases to 20 percent in year 2 (1.8 million), 40 percent in year 3 (3.6 million), 60 percent in year 4 (5.4 million).

In order to establish stability in FEHBP plans at the beginning of the buy-in, larger employers are phased-in first. The phase-in begins with the larger small businesses—i.e. with employees of 75 to 100. The business would apply to the regional health care plan of choice with the commitment that at least 80 percent of their workers would enroll in the plan. The business would also assume the administrative responsibility for premium collection and payments directly to the carrier. In the second year, smaller firms would be able to buy-in—in the second year, 50 to 75, and in year three 50 to 1. Thus, any size small business would be eligible to enroll in the reformed FEHBP by the third year of implementation.

To assure the integration of working uninsured in the plans and not just those currently insured, in the years when the FEHBP participating health carriers open-up for small business, any business—as long as it meets the size requirement as mentioned in the previous section—may apply to join the plan. If more businesses apply than capacity permits enrollment during the phase-in years, businesses will be randomly selected to participate by each carrier. To assure that previously uninsured groups have equitable access to enrolling in the plan, at least 50 percent of the randomly accepted group would have to have been previously uninsured. This blend would be maintained throughout the phase-in. All carriers will be subject to audits by OPM to ensure compliance with the buy-in.

In addition to having access to the same benefit package and the same premium rates as Federal enrollees, the small business enrollees who have participated in the program for at least 3 years are eligible for the portability benefit.

To assure the continued fiscal integrity of the plan, all carriers will be required to have a reinsurance plan for protection from unforeseen outlier expenditures.

### II. OPEN-UP FEHBP IN A REFORMED MARKET—ENACT INSURANCE MARKET REFORMS

Enact legislation similar to what passed the Senate during the 102d Congress to reform insurance market practices for groups of 1 to 100 that would level the playing field between FEHBP plans and other insurance carriers not participating in FEHBP. This component of the proposal would address the inequities in the health care market outside the reformed FEHBP, and avoid adverse risk selection. These small group insurance market reforms would also establish grants to States to establish purchasing cooperatives which would foster additional access to health coverage. This proposal would require that any insurer offering coverage to businesses of 1 to 100 employees would have to offer a "standard" or "basic" plan; the insurer could not exclude specific groups from coverage based on health status—pre-existing conditions—or exclude those illnesses; and the insurer could not drop a group from coverage—guarantee renewability. In addition, there is a portability provision to guarantee seamless health care coverage. As I mentioned earlier, these are the same types of reform that passed the Senate during the 102d Congress.

### III. INCREASE EQUITY FOR SELF-EMPLOYED INDIVIDUALS—PERMANENTLY ESTABLISH 100 PERCENT DEDUCTIBILITY OF HEALTH INSURANCE PREMIUMS

To eliminate the current bias against self-employed individuals, starting on January 1, 1995, self-employed individuals would be allowed to fully deduct their health insurance premiums. Self-employed workers—unincorporated sole proprietorships of partnerships, may currently deduct the full cost of contributions to health plans for their employees but only 25 percent of the cost of coverage for themselves and their families—would get the 100 percent deduction.

### IV. SUBSIDY FOR LOW-WAGE WORKERS—ASSURE FAMILIES CAN AFFORD HEALTH CARE COVERAGE

The Secretary of Health and Human Services is instructed to gradually eliminate Medicare and Medicaid disproportionate share payments [DISH] to meet the appropriate subsidy for low wage workers enrolling in the extended FEHBP. This must also cover the cost of the 1000 percent deductibility for self-employed individuals, and must be achieved in a budget neutral manner.

I am well aware that my proposal does not address every aspect of our health care system. That, again, is not my intent. But, it is evident that these four measures would achieve a great deal in moving us forward in reforming the Nation's health care system. Let me point out that I think that my proposal, in particular the section of the bill that extends the FEHBP for buy-in, would work very well with legislation established purchasing cooperatives. FedCare would essentially transform FEHBP into a purchasing cooperative without creating a new bureaucracy.

Clearly, FedCare would move the nation forward in resolving some of the most critical problems of our health care system: access and affordability. FedCare doesn't issue a mandate. It provides an opportunity. If doesn't build vast new bureaucracies. It uses existing programs. It's not based on untested theories. It's based on a proven system. FedCare builds on FEHBP—a system that works. FedCare addresses the issues that Americans consider most important in health care reform: access and affordability, portability, and the elimination of not insuring those with pre-existing conditions.

I have informally discussed and consulted with a number of academics and policy experts in the health care field regarding my idea. I hope that concerned groups and individuals will view this draft of my legislation as a step in the right direction. I look forward to receiving comments, suggestions, and recommendations.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1978

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Federal Health Care Expansion Act of 1994".

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) the United States spends more on health care than any other nation in the world, and costs continue to increase at double digit rates;

(2) more than 35,000,000 people in the United States do not have basic health care insurance;

(3) small businesses and the self-employed find it particularly difficult to obtain affordable health insurance because of the small-risk pools in which they are grouped; and

(4) the Federal Employees Health Benefits Program provides quality health care coverage nationwide while providing enrollees with a large degree of choice.

**SEC. 3. PURPOSES.**

The purposes of this Act are to—

(1) reduce the rising cost of health care through the use of market forces;

(2) increase access to affordable health care to millions of individuals who do not have health insurance;

(3) make available to millions of Americans the health care coverage that is available to the President, Members of Congress, Supreme Court Justices, members of the President's Cabinet, and millions of Federal employees and retirees;

(4) accomplish these purposes without the use of global spending caps, employer mandates, or the establishment of a huge Government bureaucracy; and

(5) strengthen the Federal Employees Health Benefits Program by introducing greater competition into the Federal employee plan so that the Government can use its power as a major purchaser of health care to drive down the costs of care for Federal enrollees while maintaining high quality care and service.

## TITLE I—SMALL BUSINESS PARTICIPATION IN FEDERAL EMPLOYEES HEALTH BENEFITS PLANS

**SEC. 101. SMALL BUSINESS PARTICIPATION IN FEDERAL EMPLOYEES HEALTH BENEFITS PLANS.**

Part III of title 5, United States Code, is amended by inserting after chapter 89 the following new chapter:

## "CHAPTER 90—SMALL BUSINESS PARTICIPATION IN FEDERAL EMPLOYEE HEALTH BENEFITS PLANS

"Sec.
"9001. Definition.
"9002. Application to small business participants.
"9003. Small business participation.
"9004. Contributions.
"9005. Continued coverage.
"9006. Schedule of small business participation.

**"§9001. Definition**

"For purposes of this chapter, the term 'small business' means any business entity which employs 100 or less employees (including businesses with one self-employed individual).

**"§9002. Application to small business participants**

"(a) The Office of Personnel Management shall promulgate regulations to apply the provisions of chapter 89, relating to health benefits plans, to the greatest extent practicable to small businesses and individuals covered under the provisions of this chapter.

"(b) Notwithstanding the provisions of subsection (a), carriers shall offer the same health benefits plans for the same premiums as are offered under chapter 89.

"(c) Notwithstanding subsection (a), the provisions of section 8907 shall not apply to individuals covered under this chapter, except the Office of Personnel Management shall establish a method to disseminate information relating to health benefits plans (including information concerning periods of open enrollment and a summary of the information described in section 8908) to such individuals through small business participants and carriers.

**"§9003. Small business participation**

"Any small business which desires to participate in a health benefits plan under this chapter may enter into a contract with a carrier in accordance with this chapter. Such contract shall be for a term of no less than 1 year.

**"§9004. Contributions**

"(a) Subject to the provisions of subsection (b), an individual enrolled in a health benefits plan under this chapter shall make contributions equal to the amount of contributions made by—

"(1) a Federal enrollee in such plan under individual, or self and family coverage, as the case may be, as determined under section 8906; and

"(2) the Federal agency making Government contributions determined under section 8906 for such Federal enrollee.

"(b)(1) A small business may by contract agree to make any amount of the contribution required under subsection (a) on behalf of an enrollee under such subsection.

"(2) An agency of a State government may provide any amount of the contribution required under subsection (a) on behalf of an enrollee under such subsection.

"(3) The Secretary of Health and Human Services (HHS) may subsidize any amount of the contribution required by subsection (a) or section 9005(a) for any qualified enrollee of any small business participating in a health benefits plan under this chapter. For purposes of the preceding sentence, the term 'qualified enrollee' will be determined by the Secretary of HHS according to the number of individuals applying and the budget neutrality requirement in section 105 of this Act.

"(c) A small business participating under this chapter shall—

"(1) collect contributions from employees by withholdings from pay or by another method or schedule;

"(2) make payments of such contributions to the contracted carrier;

"(3) maintain and make available such records as the Office, applicable State insurance authority, or carrier may require; and

"(4) provide any other related administrative service in carrying out the provisions of this chapter.

**"§9005. Continued coverage**

"(a) Subject to subsection (b), the provisions of section 8905a shall be made applicable to enrollees and individuals covered by such enrollments under this chapter through section 9002 and the carrier contract entered into under section 9003, except the enrollee shall pay all contributions for continued coverage and the applicable amount for administrative expenses unless the applicable small business by contract agrees to pay any part of such contributions or expenses.

"(b) An individual may be covered under continued coverage as provided under subsection (a), only if such individual remains in the same plan during the period of continued coverage as such individual was enrolled in immediately before such period of continued coverage.

**"§9006. Schedule of small business participation**

"(a) Subject to the provisions of subsections (b), (c), (d), (e), and (f), each carrier enrolling individuals of small business participants under this chapter shall ensure that—

"(1) in the first contract year after the date of the enactment of the Federal Health Care Expansion Act of 1994, the number of enrollees from small businesses as provided under this chapter shall be no less than 5 percent of the number of Federal enrollees enrolled under chapter 89;

"(2) in the second such year, the number of small business enrollees shall be no less than 20 percent of the number of such Federal enrollees;

"(3) in the third such year, the number of small business enrollees shall be no less than 40 percent of the number of such Federal enrollees;

"(4) in the fourth such year, the number of small business enrollees shall be no less than 60 percent of the number of such Federal enrollees; and

"(5) in the fifth such year and in each year thereafter, the number of small business enrollees shall be no less than 80 percent of the number of such Federal enrollees.

"(b) Beginning in the contract year described under subsection (a)(1) and in each contract year thereafter, in no event shall a carrier enroll enrollees from less than 1 small business.

"(c)(1) In the contract year described under subsection (a)(1), a small business may participate if such business—

"(A) has between 75 and 100 employees; and

"(B) shall ensure that at least 80 percent of such employees shall enroll.

"(2) In the contract year described under subsection (a)(2) small businesses with between 50 and 74 employees may additionally participate.

"(3) In the contract year described under subsection (a)(3), small businesses with between 1 and 49 employees may additionally participate.

"(4) In the contract year described under subsection (a)(4) and each year thereafter, all small businesses may participate.

"(d) If during any contract year described under subsection (a) (1) through (5), more small businesses apply for participation than are required to participate under such subsection, the carrier shall—

"(1) subject to paragraph (2), randomly select small businesses for participation from all applications; and

"(2) ensure that from such randomly selected small businesses, at least 50 percent of such businesses are not offering any type of health insurance benefits to its employees.

"(e) In the administration of subsection (a) (2) through (5) each carrier enrolling individuals of small business participants shall ensure that no less than 50 percent of small business enrollees in each contract year shall be individuals who had no health insurance coverage in the previous year.

"(f) A small business may participate in a health benefits plan as provided under this section if such business meets all such requirements otherwise provided under this chapter.

"(g) The Office may waive the requirements under subsection (a) but only after making a determination that there is insufficient interest in small businesses within the region in participating under this chapter.".

**SEC. 102. EXTENSION OF CONTINUED COVERAGE.**

Section 8905a of title 5, United States Code, is amended—

(1) in subsection (e)—

(A) in paragraph (1)(A) by striking out "18 months" and inserting in lieu thereof "36 months"; and

(B) in paragraph (2)(C) by striking out "18-month period" and inserting in lieu thereof "36-month period"; and

(2) in subsection (f)(3)(B) by striking out "18-month period" and inserting in lieu thereof "36-month period.

### SEC. 103. COST EXPERIENCE COMPARISON REPORT.

No later than January 30 following the first contract year implementing the amendments made by section 101 of this Act, and on January 30 of each 4 years thereafter, each carrier contracting under chapter 89 or 90 of title 5, United States Code, shall submit a report to the Office of Personnel Management that compares the aggregate cost experiences with respect to coverage between—

(1) Federal employees and other individuals covered under chapter 89 of title 5, United States Code; and

(2) individuals covered under chapter 90 of such title.

### SEC. 104. RISK ADJUSTMENT STUDY.

No later than 2 years after the date of the enactment of this Act, the Office of Personnel Management shall conduct a study and submit a health benefits plan risk adjustment report to the Congress. Such report shall examine in the administration of chapters 89 and 90 of title 5, United States Code (as amended and added by this Act)—

(1) the feasibility of risk adjusting premiums, by the use of subsidies and surcharges to hold carriers harmless for enrollment risks, based on demographic variables;

(2) the risk adjustment factors that are correlated with increased or diminished risk for consumption of the type of health services included in the standardized level of benefits established under such chapters;

(3) a formula for assigning numerical risk factors for lower than average risk for consumption of services, the average risk for consumption of services, and higher than average risk factors, and a methodology for the adjustment of such factors; and

(4) any recommendations for the enactment of legislation.

### SEC. 105. ELIMINATION OF MEDICARE AND MEDICAID DISPROPORTIONATE SHARE HOSPITAL PAYMENTS TO FINANCE SELF-EMPLOYED DEDUCTION AND BUY-IN SUBSIDY.

(a) PHASE-OUT OF DISPROPORTIONATE SHARE HOSPITAL PAYMENTS.—The Secretary of Health and Human Services shall phase-out over a 5-fiscal-year period beginning with the first fiscal year following the second January 1 described in section 107, the disproportionate share hospital payments under sections 1886(d)(5)(F) and 1902(a)(13)(A) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F) and 1396a(a)(13)(A)).

(b) BUDGET NEUTRAL MANNER.—The phase-out described in subsection (a) shall be accomplished in a Federal budget neutral manner such that the savings for each fiscal year resulting from such phase-out are fully used to offset the additional costs resulting from the amendments made by section 301 and section 201 of this Act and such costs resulting from the premium subsidy program for low-income workers of participating small businesses described in section 9003(b)(3) of title 5, United States Code (as added by section 101 of this Act).

(c) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)) is amended by striking "For discharges" and inserting "Except as provided in section 105 of the Federal Health Care Expansion Act of 1994, for discharges".

(2) Subparagraph (A) of section 1902(a)(13) of the Social Security Act (42 U.S.C. 1396a(a)(13)) is amended by striking "take into account the situation of hospitals" and inserting "take into account, except as provided in section 105 of the Federal Health Care Expansion Act of 1994, the situation of hospitals".

### SEC. 106. STUDY REGARDING NONWORKER AND NONCOVERED EMPLOYEE BUY-INS.

The Secretary of Health and Human Services shall study by what method nonworkers and employees of employers not covered under chapter 90 of title 5, United States Code (as added by section 101 of this Act), may be incorporated into the buy-in for coverage under the Federal Employees Health Benefits Plan. The Secretary shall report the results of such study and any appropriate legislative recommendations to the Congress not later than 2 years after the date of the enactment of this Act.

### SEC. 107. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided under subsection (b), the provisions of this Act and the amendments made by this Act shall be effective on and after the first January 1, occurring after the date of the enactment of this Act.

(b) EXCEPTION.—The provisions of chapters 89 and 90 of title 5, United States Code, as amended and added by this title, relating to the establishment of or exercise of authority (including the promulgation of regulations) by the Office of Personnel Management, the Secretary of Health and Human Services, the President, or any other applicable Federal officer shall take effect on the date of the enactment of this Act in order to establish health benefits plans and fully implement the provisions and amendments made by this Act no later than the first January 1 occurring after the date of the enactment of this Act.

## TITLE II—BETTER ACCESS TO AFFORDABLE HEALTH CARE

### Subtitle A—Improvements in Health Insurance Affordability for Small Employers

### SEC. 201. GRANTS TO STATES FOR SMALL EMPLOYER HEALTH INSURANCE PURCHASING PROGRAMS.

(a) IN GENERAL.—The Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall make grants to States that submit applications meeting the requirements of this section for the establishment and operation of small employer health insurance purchasing programs.

(b) USE OF FUNDS.—Grant funds awarded under this section to a State may be used to finance administrative costs associated with developing and operating a group purchasing program for small employers, such as the costs associated with—

(1) engaging in marketing and outreach efforts to inform small employers about the group purchasing program, which may include the payment of sales commissions;

(2) negotiating with insurers to provide health insurance through the group purchasing program; or

(3) providing administrative functions, such as eligibility screening, claims administration, and customer service.

(c) APPLICATION REQUIREMENTS.—An application submitted by a State to the Secretary must describe—

(1) whether the program will be operated directly by the State or through one or more State-sponsored private organizations and the details of such operation;

(2) any participation requirements for small employers;

(3) the extent of insurance coverage among the eligible population, projections for change in the extent of such coverage, and the price of insurance currently available to these small employers;

(4) program goals for reducing the price of health insurance for small employers and increasing insurance coverage among employees of small employers and their dependents;

(5) the approaches proposed for enlisting participation by insurers and small employers, including any plans to use State funds to subsidize the cost of insurance for participating employers; and

(6) the methods proposed for evaluating the effectiveness of the program in reducing the number of uninsured in the State and on lowering the price of health insurance to small employers in the State.

(d) GRANT CRITERIA.—In awarding grants, the Secretary shall consider the potential impact of the State's proposal on the cost of health insurance for small employers and on the number of uninsured, and the need for regional variation in the awarding of grants. To the extent the Secretary deems appropriate, grants shall be awarded to fund programs employing a variety of approaches for establishing small employer health insurance group purchasing programs.

(e) PROHIBITION ON GRANTS.—No grant funds shall be paid to States that do not meet the requirements of title XXI of the Social Security Act with respect to small employer health insurance plans, or to States with group purchasing programs involving small employer health insurance plans that do not meet the requirements of such title.

(f) ANNUAL REPORT BY STATES.—States receiving grants under this section must report to the Secretary annually on the numbers and rates of participation by eligible insurers and small employers, on the estimated impact of the program on reducing the number of uninsured, and on the price of insurance available to small employers in the State.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1995, 1996, and 1997, such sums as may be necessary for the purposes of awarding grants under this section.

(h) SECRETARIAL REPORT.—The Secretary shall report to Congress by no later than January 1, 1997, on the number and amount of grants awarded under this section, and include with such report an evaluation of the impact of the grant program on the number of uninsured and price of health insurance to small employers in participating States.

### Subtitle B—Improvements in Health Insurance for Small Employers

## PART I—STANDARDS AND REQUIREMENTS OF SMALL EMPLOYER HEALTH INSURANCE REFORM

### SEC. 211. STANDARDS AND REQUIREMENTS OF SMALL EMPLOYER HEALTH INSURANCE.

The Social Security Act is amended by adding at the end the following new title:

"TITLE XXI—STANDARDS FOR SMALL EMPLOYER HEALTH INSURANCE AND CERTIFICATION OF MANAGED CARE PLANS

"PART A—GENERAL STANDARDS; DEFINITIONS

"APPLICATION OF REQUIREMENTS TO SMALL EMPLOYER HEALTH INSURANCE PLANS

"SEC. 2101. (a) PLAN UNDER STATE REGULATORY PROGRAM OR CERTIFIED BY THE SECRETARY.—An insurer offering a health insurance plan to a small employer in a State on or after the effective date applicable to the State under subsection (b) shall be treated as meeting the requirements of this title if—

"(1) the Secretary determines that the State has established a regulatory program that provides for the application and enforcement of standards meeting the requirements under section 2102 to meet the requirements of part B of this title; and

"(2) if the State has not established such a program or if the program has been decertified by the Secretary under section 2102(b), the health insurance plan has been certified by the Secretary (in accordance with such procedures as the Secretary establishes) as meeting the requirements of part B of this title.

"(b) EFFECTIVE DATES.—

"(1) IN GENERAL.—Except as specified in paragraph (2) and provided in paragraph (3), the standards established under section 2102 to meet the requirements of part B of this title shall apply to health insurance plans offered, issued, or renewed to a small employer in a State on or after January 1, 1995.

"(2) EXCEPTION FOR LEGISLATION.—In the case of a State which the Secretary identifies, in consultation with the NAIC, as—

"(A) requiring State legislation (other than legislation appropriating funds) in order for insurers and health insurance plans offered to small employers to meet the standards under the program established under subsection (a), or

"(B) having a legislature which does not meet in 1995 in a legislative session in which such legislation may be considered,

the date specified in this paragraph is the first day of the first calendar quarter beginning after the close of the first regular legislative session of the State legislature that begins on or after January 1, 1996. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular legislative session of the State legislature.

"(3) REQUIREMENTS APPLIED TO EXISTING POLICIES.—In the case of a health insurance plan in effect before the applicable effective date specified in paragraph (1) or (2), the requirements referred to in subsections (a) and (b) of section 2112 shall not apply to any such plan, or any renewal of such plan, before the date which is 2 years after such effective date.

"(c) REPORTING REQUIREMENTS OF STATES.—Each State shall submit to the Secretary, at intervals established by the Secretary, a report on the implementation and enforcement of the standards under the program established under subsection (a)(1) with respect to health insurance plans offered to small employers.

"(d) MORE STRINGENT STATE STANDARDS PERMITTED.—Except as provided in subsections (b)(8) and (c)(4) of section 2113, a State may implement standards that are more stringent than the standards established to meet the requirements of part B of this title.

"(e) LIMITED WAIVER OF RATING REQUIREMENTS.—The Secretary may waive requirements with respect to subsections (b) and (e) of section 2112 in the case of a State with equally stringent but not identical standards in effect prior to January 1, 1994.

### "ESTABLISHMENT OF STANDARDS

"SEC. 2102. (a) ESTABLISHMENT OF STANDARDS.—

"(1) ROLE OF THE NAIC.—The Secretary shall request that the NAIC—

"(A) develop specific standards, in the form of a model Act and model regulations, to implement the requirements of part B of this title; and

"(B) report to the Secretary on such standards, by not later than September 30, 1994. If the NAIC develops such standards within such period and the Secretary finds that such standards implement the requirements of part B of this title, such standards shall be the standards applied under section 2101.

"(2) ROLE OF THE SECRETARY.—If the NAIC fails to develop and report on the standards described in paragraph (1) by the date specified in such paragraph or the Secretary finds that such standards do not implement the requirements under part B of this title, the Secretary shall develop and publish such standards, by not later than December 31, 1994. Such standards shall then be the standards applied under section 2101.

"(3) STANDARDS ON GUARANTEED AVAILABILITY.—The standards developed under paragraphs (1) and (2) shall provide alternative standards for guaranteeing availability of health insurance plans for all small employers in a State as provided in section 2111(c).

"(4) GUIDELINES FOR DEMOGRAPHIC RATING FACTORS.—The standards developed under paragraphs (1) and (2) shall include guidelines with respect to rating factors used by insurers to adjust premiums to reflect demographic characteristics of a small employer group.

"(b) PERIODIC SECRETARIAL REVIEW OF STATE REGULATORY PROGRAM.—The Secretary periodically shall review State regulatory programs to determine if they continue to meet and enforce the standards referred to in subsection (a). If the Secretary initially determines that a State regulatory program no longer meets and enforces such standards, the Secretary shall provide the State an opportunity to adopt a plan of correction that would bring such program into compliance with such standards. If the Secretary makes a final determination that the State regulatory program fails to meet and enforce such standards and requirements after such an opportunity, the Secretary shall decertify such program and assume responsibility under section 2101(a)(2) with respect to plans in the State.

"(c) GAO AUDITS.—The Comptroller General of the United States shall conduct periodic reviews on a sample of State regulatory programs to determine their compliance with the standards and requirements of this title. The Comptroller General of the United States shall report to the Secretary and Congress on the findings of such reviews.

### "DEFINITIONS

"SEC. 2103. (a) HEALTH INSURANCE PLAN.—As used in this title, the term 'health insurance plan' means any hospital or medical service policy or certificate, hospital or medical service plan contract, health maintenance organization group contract, or a multiple employer welfare arrangement, but does not include—

"(1) a self-insured group health plan;

"(2) a self-insured multiemployer group health plan; or

"(3) any of the following offered by an insurer—

"(A) accident only, dental only, vision only, disability only insurance, or long-term care only insurance,

"(B) coverage issued as a supplement to liability insurance,

"(C) medicare supplemental insurance as defined in section 1882(g)(1),

"(D) workmen's compensation or similar insurance, or

"(E) automobile medical-payment insurance.

In the case of a multiple employer welfare arrangement that is fully insured, the requirements of this Act shall only apply to the insurer of the arrangement.

"(b) INSURER.—As used in this title the term 'insurer' means any person that offers a health insurance plan to a small employer.

"(c) GENERAL DEFINITIONS.—As used in this title:

"(1) APPLICABLE REGULATORY AUTHORITY.—The term 'applicable regulatory authority' means—

"(A) in the case of a health insurance plan offered in a State with a program meeting the requirements of part B of this title, the State commissioner or superintendent of insurance or other State authority responsible for regulation of health insurance; or

"(B) in the case of a health insurance plan certified by the Secretary under section 2101(a)(2), the Secretary.

"(2) SMALL EMPLOYER.—The term 'small employer' means, with respect to a calendar year, an employer that normally employs more than 1 but less than 101 eligible employees on a typical business day. For the purposes of this paragraph, the term 'employee' includes a self-employed individual.

"(3) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means, with respect to an employer, an employee who normally performs on a monthly basis at least 30 hours of service per week for that employer.

"(4) NAIC.—The term 'NAIC' means the National Association of Insurance Commissioners.

"(5) STATE.—The term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

### "PART B—SMALL EMPLOYER HEALTH INSURANCE REFORM

### "GENERAL REQUIREMENTS FOR HEALTH INSURANCE PLANS ISSUED TO SMALL EMPLOYERS

"SEC. 2111. (a) REGISTRATION WITH APPLICABLE REGULATORY AUTHORITY.—Each insurer shall register with the applicable regulatory authority for each State in which it issues or offers a health insurance plan to small employers.

"(b) GUARANTEED ELIGIBILITY.—

"(1) IN GENERAL.—No insurer may exclude from coverage any eligible employee, or the spouse or any dependent child of the eligible employee, to whom coverage is made available by a small employer.

"(2) WAITING PERIODS.—Paragraph (1) shall not apply to any period an eligible employee is excluded from coverage under the health insurance plan solely by reason of a requirement imposed by an employer applicable to all employees that a minimum period of service with the small employer is required before the employee is eligible for such coverage.

"(c) GUARANTEED AVAILABILITY.—

"(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, an insurer that offers a health insurance plan to small employers located in a State must meet the standards adopted by the State described in paragraph (2).

"(2) STANDARDS ON GUARANTEED AVAILABILITY.—

"(A) IN GENERAL.—In order to implement the requirements of this title, the standards developed under paragraphs (1) and (2) of section 2102(a) shall—

"(i) require that a State adopt a mechanism for guaranteeing the availability of health insurance plans for all small employers in the State,

"(ii) specify alternative mechanisms, including at least the alternative mechanisms described in subparagraph (B), that a State may adopt, and

"(iii) prohibit marketing or other practices by an insurer intended to discourage or limit the issuance of a health insurance plan to a small employer on the basis of size, industry, geographic area, expected need for health services, or other risk factors.

"(B) ALTERNATIVE MECHANISMS.—The alternative mechanisms described in this subparagraph are:

"(i) A mechanism under which the State—

"(I) requires that any insurer offering a health insurance plan to a small employer in the State shall offer the same plan to all other small employers in the State or in the portion of the State established as the insurer's geographic service area (as approved by the State), and

"(II) requires the participation of all such insurers in a small employer reinsurance program established by the State.

"(ii) A mechanism under which the State—

"(I) requires that any insurer offering a health insurance plan to a small employer in the State shall offer the same plan to all other small employers in the State or in the portion of the State established as the insurer's geographic service area (as approved by the State), and

"(II) permits any such insurer to participate in a small employer reinsurance program established by the State.

"(iii) A mechanism under which the State requires that any insurer offering a health insurance plan to a small employer in the State shall participate in a program for assigning high-risk groups among all such insurers.

"(iv) A mechanism under which the State requires that any insurer that—

"(I) offers a health insurance plan to a small employer in the State, and

"(II) does not agree to offer the same plan to all other small employers in the State or in the portion of the State established as the insurer's geographic service area (as approved by the State),

shall participate in a program for assigning high-risk groups among all such insurers.

"(C) STATE ADOPTION OF CERTAIN STANDARDS.—A regulatory program adopted by the State under section 2101 must provide—

"(i) for the adoption of one of the mechanisms described in clauses (i) through (iv) of subparagraph (B), or

"(ii) for such other program that guarantees availability of health insurance to all small employers in the State and is approved by the Secretary.

"(D) STANDARDS FOR NONCOMPLYING STATES.—The Secretary, in consultation with the Secretary of the Treasury, shall develop requirements with respect to guaranteed availability to apply with respect to insurers located in a State that has not adopted the standards under section 2102 and who wish to apply for certification under section 2101(a)(2).

"(3) GROUNDS FOR REFUSAL TO RENEW.—

"(A) IN GENERAL.—An insurer may refuse to renew, or (except with respect to clause (iii)) may terminate, a health insurance plan under this part only for—

"(i) nonpayment of premiums,

"(ii) fraud or misrepresentation,

"(iii) failure to maintain minimum participation rates (consistent with subparagraph (B)), or

"(iv) repeated misuse of a provider network provision.

"(B) MINIMUM PARTICIPATION RATES.—An insurer may require, with respect to a health insurance plan issued to a small employer, that a minimum percentage of eligible employees who do not otherwise have health insurance are enrolled in such plan if such percentage is applied uniformly to all plans offered to employers of comparable size.

"(d) GUARANTEED RENEWABILITY.—

"(1) IN GENERAL.—An insurer shall ensure that a health insurance plan issued to a small employer be renewed, at the option of the small employer, unless the plan is terminated for a reason specified in paragraph (2) or in subsection (c)(3)(A).

"(2) TERMINATION OF SMALL EMPLOYER BUSINESS.—An insurer is not required to renew a health insurance plan with respect to a small employer if the insurer—

"(A) elects not to renew all of its health insurance plans issued to small employers in a State; and

"(B) provides notice to the applicable regulatory authority in the State and to each small employer covered under a plan of such termination at least 180 days before the date of expiration of the plan.

In the case of such a termination, the insurer may not provide for issuance of any health insurance plan to a small employer in the State during the 5-year period beginning on the date of termination of the last plan not so renewed.

"(e) NO DISCRIMINATION BASED ON HEALTH STATUS FOR CERTAIN SERVICES.—

"(1) IN GENERAL.—Except as provided under paragraph (2), a health insurance plan offered to a small employer by an insurer may not deny, limit, or condition the coverage under (or benefits of) the plan based on the health status, claims experience, receipt of health care, medical history, or lack of evidence of insurability, of an individual.

"(2) TREATMENT OF PREEXISTING CONDITION EXCLUSIONS FOR ALL SERVICES.—

"(A) IN GENERAL.—Subject to the succeeding provisions of this paragraph, a health insurance plan offered to a small employer by an insurer may exclude coverage with respect to services related to treatment of a preexisting condition, but the period of such exclusion may not exceed 6 months. The exclusion of coverage shall not apply to services furnished to newborns.

"(B) CREDITING OF PREVIOUS COVERAGE.—

"(i) IN GENERAL.—A health insurance plan issued to a small employer by an insurer shall provide that if an individual under such plan is in a period of continuous coverage (as defined in clause (ii)(I)) with respect to particular services as of the date of initial coverage under such plan, any period of exclusion of coverage with respect to a preexisting condition for such services or type of services shall be reduced by 1 month for each month in the period of continuous coverage.

"(ii) DEFINITIONS.—As used in this subparagraph:

"(I) PERIOD OF CONTINUOUS COVERAGE.—The term 'period of continuous coverage' means, with respect to particular services, the period beginning on the date an individual is enrolled under a health insurance plan, title XVIII, title XIX, or other health benefit arrangement including a self-insured plan which provides benefits with respect to such services and ends on the date the individual is not so enrolled for a continuous period of more than 3 months.

"(II) PREEXISTING CONDITION.—The term 'preexisting condition' means, with respect to coverage under a health insurance plan issued to a small employer by an insurer, a condition which has been diagnosed or treated during the 3-month period ending on the day before the first date of such coverage (without regard to any waiting period).

### "REQUIREMENTS RELATED TO RESTRICTIONS ON RATING PRACTICES

"SEC. 2112. (a) LIMIT ON VARIATION OF PREMIUMS BETWEEN BLOCKS OF BUSINESS.—

"(1) IN GENERAL.—The base premium rate for any block of business of an insurer (as defined in section 2103(b)(1)) may not exceed the base premium rate for any other block of business by more than 20 percent.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to a block of business if the applicable regulatory authority determines that—

"(A) the block is one for which the insurer does not reject, and never has rejected, small employers included within the definition of employers eligible for the block of business or otherwise eligible employees and dependents who enroll on a timely basis, based upon their claims experience, health status, industry, or occupation,

"(B) the insurer does not transfer, and never has transferred, a health insurance plan involuntarily into or out of the block of business, and

"(C) health insurance plans offered under the block of business are currently available for purchase by small employers at the time an exception to paragraph (1) is sought by the insurer.

"(b) LIMIT ON VARIATION IN PREMIUM RATES WITHIN A BLOCK OF BUSINESS.—For a block of business of an insurer, the highest premium rates charged during a rating period to small employers with similar demographic characteristics (limited to age, sex, family size, and geography and not relating to claims experience, health status, industry, occupation, or duration of coverage since issue) for the same or similar coverage, or the highest rates which could be charged to such employers under the rating system for that block of business, shall not exceed an amount that is 1.5 times the base premium rate for the block of business for a rating period (or portion thereof) that occurs in the first 3 years in which this section is in effect, and 1.35 times the base premium rate thereafter.

"(c) CONSISTENT APPLICATION OF RATING FACTORS.—In establishing premium rates for health insurance plans offered to small employers—

"(1) an insurer making adjustments with respect to age, sex, family size, or geography must apply such adjustments consistently across small employers (as provided in guidelines developed under section 2102(a)(4)), and

"(2) no insurer may use a geographic area that is smaller than a county or smaller than an area that includes all areas in which the first three digits of the zip code are identical, whichever is smaller.

"(d) LIMIT ON TRANSFER OF EMPLOYERS AMONG BLOCKS OF BUSINESS.—

"(1) IN GENERAL.—An insurer may not transfer a small employer from one block of business to another without the consent of the employer.

"(2) OFFERS TO TRANSFER.—An insurer may not offer to transfer a small employer from one block of business to another unless—

"(A) the offer is made without regard to age, sex, geography, claims experience, health status, industry, occupation or the date on which the policy was issued, and

"(B) the same offer is made to all other small employers in the same block of business.

"(e) LIMITS ON VARIATION IN PREMIUM INCREASES.—The percentage increase in the premium rate charged to a small employer for a new rating period (determined on an annual basis) may not exceed the sum of the percentage change in the base premium rate plus 5 percentage points.

"(f) DEFINITIONS.—In this section:

"(1) BASE PREMIUM RATE.—The term 'base premium rate' means, for each block of business for each rating period, the lowest premium rate which could have been charged under a rating system for that block of business by the insurer to small employers with similar demographic or other relevant characteristics (limited to age, sex, family size, and geography and not relating to claims experience, health status, industry, occupation or duration of coverage since issue) for health insurance plans with the same or similar coverage.

"(2) BLOCK OF BUSINESS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'block of business' means, with respect to an insurer, all of the small employers with a health insurance plan issued by the insurer (as shown on the records of the insurer).

"(B) DISTINCT GROUPS.—

"(i) IN GENERAL.—Subject to clause (ii), a distinct group of small employers with health insurance plans issued by an insurer may be treated as a block of business by such insurer if all of the plans in such group—

"(I) are marketed and sold through individuals and organizations that do not participate in the marketing or sale of other distinct groups by the insurer,

"(II) have been acquired from another insurer as a distinct group, or

"(III) are provided through an association with membership of not less than 25 small employers that has been formed for purposes other than obtaining health insurance.

"(ii) LIMITATION.—An insurer may not establish more than six distinct groups of small employers.

"(f) FULL DISCLOSURE OF RATING PRACTICES.—

"(1) IN GENERAL.—At the time an insurer offers a health insurance plan to a small employer, the insurer shall fully disclose to the employer all of the following:

"(A) Rating practices for small employer health insurance plans, including rating practices for different populations and benefit designs.

"(B) The extent to which premium rates for the small employer are established or adjusted based upon the actual or expected variation in claims costs or health condition of the employees of such small employer and their dependents.

"(C) The provisions concerning the insurer's right to change premium rates, the extent to which premiums can be modified, and the factors which affect changes in premium rates.

"(2) NOTICE ON EXPIRATION.—An insurer providing health insurance plans to small employers shall provide for notice, at least 60 days before the date of expiration of the health insurance plan, of the terms for renewal of the plan. Such notice shall include an explanation of the extent to which any increase in premiums is due to actual or expected claims experience of the individuals covered under the small employer's health insurance plan contract.

"(g) ACTUARIAL CERTIFICATION.—Each insurer shall file annually with the applicable regulatory authority a written statement by a member of the American Academy of Actuaries (or other individual acceptable to such authority) certifying that, based upon an examination by the individual which includes a review of the appropriate records and of the actuarial assumptions of the insurer and methods used by the insurer in establishing premium rates for small employer health insurance plans—

"(1) the insurer is in compliance with the applicable provisions of this section, and

"(2) the rating methods are actuarially sound.

Each insurer shall retain a copy of such statement for examination at its principal place of business.

"REQUIREMENTS FOR SMALL EMPLOYER HEALTH INSURANCE BENEFIT PACKAGE OFFERINGS

"SEC. 2113. (a) BASIC AND STANDARD BENEFIT PACKAGES.—

"(1) IN GENERAL.—If an insurer offers any health insurance plan to small employers in a State, the insurer shall also offer a health insurance plan providing for the standard benefit package defined in subsection (b) and a health insurance plan providing for the basic benefit package defined in subsection (c).

"(2) MANAGED CARE OPTION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if an insurer offers any health insurance plan to small employers in a State and also offers a managed care plan in the State or a geographic area within the State to employers that are not small employers, the insurer must offer a similar managed care plan to small employers in the State or geographic area.

"(B) SIZE LIMITS.—An insurer may cease enrolling new small employer groups in all or a portion of the insurer's service area for a managed care plan if it ceases to enroll any new employer groups within the service area or within a portion of a service area of such plan.

"(b) STANDARD BENEFIT PACKAGE.—

"(1) IN GENERAL.—

"(A) PACKAGE DEFINED.—Except as otherwise provided in this section, a health insurance plan providing for a standard benefit package shall be limited to payment for—

"(i) inpatient and outpatient hospital care, except that treatment for a mental disorder, as defined in subparagraph (B)(i), is subject to the special limitations described in clause (v)(I);

"(ii) inpatient and outpatient physician services, as defined in subparagraph (B)(ii), except that psychotherapy or counseling for a mental disorder is subject to the special limitations described in clause (v)(II);

"(iii) diagnostic tests;

"(iv) preventive services limited to—

"(I) prenatal care and well-baby care provided to children who are 1 year of age or younger;

"(II) well-child care;

"(III) Pap smears;

"(IV) mammograms; and

"(V) colorectal screening services; and

"(v)(I) inpatient hospital care for a mental disorder for not less than 45 days per year, except that days of partial hospitalization or residential care may be substituted for days of inpatient care; and

"(II) outpatient psychotherapy and counseling for a mental disorder for not less than 20 visits per year provided by a provider who is acting within the scope of State law and who—

"(aa) is a physician; or

"(bb) is a duly licensed or certified clinical psychologist or a duly licensed or certified clinical social worker, a duly licensed or certified equivalent mental health professional, or a clinic or center providing duly licensed or certified mental health services.

"(B) DEFINITIONS.—For purposes of this paragraph:

"(i) MENTAL DISORDER.—The term 'mental disorder' has the same meaning given such term in the International Classification of Diseases, 9th Revision, Clinical Modification.

"(ii) PHYSICIAN SERVICES.—The term 'physician services' means professional medical services lawfully provided by a physician under State medical practice acts, and includes professional services provided by a dentist, licensed advanced-practice nurse, physician assistant, optometrist, podiatrist, or chiropractor acting within the scope of their practices (as determined under State law) if such services would be treated as physician services if furnished by a physician.

"(2) AMOUNT, SCOPE, AND DURATION OF CERTAIN BENEFITS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and in paragraph (3), a health insurance plan providing for a standard benefit package shall place no limits on the amount, scope, or duration of benefits described in subparagraphs (A) through (C) of paragraph (1).

"(B) PREVENTIVE SERVICES.—A health insurance plan providing for a standard benefit package may limit the amount, scope, and duration of preventive services described in subparagraph (D) of paragraph (1) provided that the amount, scope, and duration of such services are reasonably consistent with recommendations and periodicity schedules developed by appropriate medical experts.

"(3) EXCEPTIONS.—Paragraph (1) shall not be construed as requiring a plan to include payment for—

"(A) items and services that are not medically necessary;

"(B) routine physical examinations or preventive care (other than care and services described in subparagraph (D) of paragraph (1)); or

"(C) experimental services and procedures.

"(4) LIMITATION ON PREMIUMS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an insurer issuing a health insurance plan providing for a standard benefit package shall not require an employee to pay a monthly premium which exceeds 20 percent of the total monthly premium.

"(B) PART-TIME EMPLOYEE EXCEPTED.—In the case of a part-time employee, an insurer issuing a health insurance plan providing for a standard benefit package may require that such an employee pay a monthly premium that does not exceed 50 percent of the total monthly premium.

"(5) LIMITATION ON DEDUCTIBLES.—

"(A) IN GENERAL.—Except as permitted under subparagraph (B), a health insurance plan providing for a standard benefit package shall not provide a deductible amount for benefits provided in any plan year that exceeds—

"(i) with respect to benefits payable for items and services furnished to any employee with no family member enrolled under the plan, for a plan year beginning in—

"(I) a calendar year prior to 1995, $400; or

"(II) for a subsequent calendar year, the limitation specified in this clause for the previous calendar year increased by the percentage increase in the consumer price index for all urban consumers (United States city average, as published by the Bureau of Labor Statistics) for the 12-month period ending on September 30 of the preceding calendar year; and

"(ii) with respect to benefits payable for items and services furnished to any employee with a family member enrolled under the standard benefit package plan, for a plan year beginning in—

"(I) a calendar year prior to 1995, $400 per family member and $700 per family; or

"(II) for a subsequent calendar year, the limitation specified in this clause for the previous calendar year increased by the percentage increase in the consumer price index for all urban consumers (United States city average, as published by the Bureau of Labor Statistics) for the 12-month period ending on September 30 of the preceding calendar year.

If the limitation computed under clause (i)(II) or (ii)(II) is not a multiple of $10, it shall be rounded to the next highest multiple of $10.

"(B) WAGE-RELATED DEDUCTIBLE.—A health insurance plan may provide for any other deductible amount instead of the limitations under—

"(i) subparagraph (A)(i), if such amount does not exceed (on an annualized basis) 1 percent of the total wages paid to the employee in the plan year; or

"(ii) subparagraph (A)(ii), if such amount does not exceed (on an annualized basis) 1 percent per family member or 2 percent per family of the total wages paid to the employee in the plan year.

"(6) LIMITATION ON COPAYMENTS AND COINSURANCE.—

"(A) IN GENERAL.—Subject to subparagraphs (B) through (D), a health insurance plan providing for a standard health benefit package may not require the payment of any copayment or coinsurance for an item or service for which coverage is required under this section—

"(i) in an amount that exceeds 20 percent of the amount payable for the item or service under the plan; or

"(ii) after an employee and family covered under the plan have incurred out-of-pocket expenses under the plan that are equal to the out-of-pocket limit (as defined in subparagraph (E)(ii)) for a plan year.

"(B) EXCEPTION FOR MANAGED CARE PLANS.—A health insurance plan that is a managed care plan may require payments in excess of the amount permitted under subparagraph (A) in the case of items and services furnished by nonparticipating providers.

"(C) EXCEPTION FOR IMPROPER UTILIZATION.—A health insurance plan may provide for copayment or coinsurance in excess of the amount permitted under subparagraph (A) for any item or service that an individual obtains without complying with procedures established by a managed care plan or under a utilization program to ensure the efficient and appropriate utilization of covered services.

"(D) EXCEPTIONS FOR MENTAL HEALTH CARE.—In the case of care described in paragraph (1)(E)(ii), a health insurance plan shall not require payment of any copayment or coinsurance for an item or service for which coverage is required by this part in an amount that exceeds 50 percent of the amount payable for the item or service.

"(7) LIMIT ON OUT-OF-POCKET EXPENSES.—

"(A) OUT-OF-POCKET EXPENSES DEFINED.—As used in this section, the term 'out-of-pocket expenses' means, with respect to an employee in a plan year, amounts payable under the plan as deductibles and coinsurance with respect to items and services provided under the plan and furnished in the plan year on behalf of the employee and family covered under the plan.

"(B) OUT-OF-POCKET LIMIT DEFINED.—As used in this section and except as provided in subparagraph (C), the term 'out-of-pocket limit' means for a plan year beginning in—

"(i) a calendar year prior to 1995, $3,000; or

"(ii) for a subsequent calendar year, the limit specified in this subparagraph for the previous calendar year increased by the percentage increase in the consumer price index for all urban consumers (United States city average, as published by the Bureau of Labor Statistics) for the 12-month period ending on September 30 of the preceding calendar year.

If the limit computed under clause (ii) is not a multiple of $10, it shall be rounded to the next highest multiple of $10.

"(C) ALTERNATIVE OUT-OF-POCKET LIMIT.—A health insurance plan may provide for an out-of-pocket limit other than that defined in subparagraph (B) if, for a plan year with respect to an employee and the family of the employee, the limit does not exceed (on an annualized basis) 10 percent of the total wages paid to the employee in the plan year.

"(8) LIMITED PREEMPTION OF STATE MANDATED BENEFITS.—No State law or regulation in effect in a State that requires health insurance plans offered to small employers in the State to include specified items and services other than those specified by this subsection shall apply with respect to a health insurance plan providing for a standard benefit package offered by an insurer to a small employer. A State law or regulation requiring the coverage of newborns, adopted children or other specified categories of dependents shall continue to apply.

"(c) BASIC BENEFITS PACKAGE.—

"(1) IN GENERAL.—A health insurance plan providing for a basic benefit package shall be limited to payment for—

"(A) inpatient and outpatient hospital care, including emergency services;

"(B) inpatient and outpatient physicians' services;

"(C) diagnostic tests; and

"(D) preventive services (which may include one or more of the following services)—

"(i) prenatal care and well-baby care provided to children who are 1 year of age or younger;

"(ii) well-child care;

"(iii) Pap smears;

"(iv) mammograms; and

"(v) colorectal screening services.

Nothing in this paragraph shall prohibit a basic health benefit package from including coverage for treatment of a mental disorder.

"(2) COST-SHARING.—Each health insurance plan providing for the basic benefit package issued to a small employer by an insurer may impose premiums, deductibles, copayments, or other cost-sharing on enrollees of such plan.

"(3) OUT-OF-POCKET LIMIT.—Each health insurance plan providing for a basic benefit package shall provide for a limit on out-of-pocket expenses.

"(4) LIMITED PREEMPTION OF STATE MANDATED BENEFITS.—No State law or regulation in effect in a State that requires health insurance plans offered to small employers in the State to include specified items and services other than those described in this subsection shall apply with respect to a health insurance plan providing for a basic benefit package offered by an insurer to a small employer. A State law or regulation requiring the coverage of newborns, adopted children or other specified categories of dependents shall continue to apply.".

## PART II—TAX PENALTY ON NONCOMPLYING INSURERS

### SEC. 221. EXCISE TAX ON PREMIUMS RECEIVED ON HEALTH INSURANCE POLICIES WHICH DO NOT MEET CERTAIN REQUIREMENTS.

(a) IN GENERAL.—Chapter 47 of the Internal Revenue Code of 1986 (relating to taxes on group health plans) is amended by adding at the end thereof the following new section:

### "SEC. 5000A. FAILURE TO SATISFY CERTAIN STANDARDS FOR HEALTH INSURANCE.

"(a) GENERAL RULE.—In the case of any person issuing a health insurance plan to a small employer, there is hereby imposed a tax on the failure of such person to meet at any time during any taxable year the applicable requirements of title XXI of the Social Security Act. The Secretary of Health and Human Services shall determine whether any person meets the requirements of such title.

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—The amount of tax imposed by subsection (a) by reason of 1 or more failures during a taxable year shall be equal to 25 percent of the gross premiums received during such taxable year with respect to all health insurance plans issued to a small employer by the person on whom such tax is imposed.

"(2) GROSS PREMIUMS.—For purposes of paragraph (1), gross premiums shall include any consideration received with respect to any accident and health insurance contract.

"(3) CONTROLLED GROUPS.—For purposes of paragraph (1)—

"(A) CONTROLLED GROUP OF CORPORATIONS.—All corporations which are members of the same controlled group of corporations shall be treated as 1 person. For purposes of the preceding sentence, the term 'controlled group of corporations' has the meaning given to such term by section 1563(a), except that—

"(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

"(ii) the determination shall be made without regard to subsections (a)(4) and (e)(3)(C) of section 1563.

"(B) PARTNERSHIPS, PROPRIETORSHIPS, ETC., WHICH ARE UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, all trades or business (whether or not incorporated) which are under common control shall be treated as 1 person. The regulations prescribed under this subparagraph shall be based on principles similar to the principles which apply in the case of subparagraph (A).

"(c) LIMITATION ON TAX.—

"(1) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No tax shall be imposed by subsection (a) with respect to any failure for which it is established to the satisfaction of the Secretary that the person on whom the tax is imposed did not know, and exercising reasonable diligence would not have known, that such failure existed.

"(2) TAX NOT TO APPLY WHERE FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) with respect to any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected during the 30-day period beginning on the 1st date any of the persons on whom the tax is imposed knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

"(d) DEFINITIONS.—For purposes of this section:

"(1) HEALTH INSURANCE PLAN.—The term 'health insurance plan' means any hospital or medical service policy or certificate, hospital or medical service plan contract, health maintenance organization group contract, or a multiple employer welfare arrangement, but does not include—

"(A) a self-insured group health plan;

"(B) a self-insured multiemployer group health plan; or

"(C) any of the following:

"(i) accident only, dental only, vision only, disability only, or long-term care only insurance,

"(ii) coverage issued as a supplement to liability insurance,

"(iii) medicare supplemental insurance as defined in section 1882(g)(1),

"(iv) workmen's compensation or similar insurance, or

"(v) automobile medical-payment insurance.

In the case of a multiple employer welfare arrangement that is fully insured, this Act shall only apply to the insurer of the arrangement.

"(2) SMALL EMPLOYER.—The term 'small employer' means, with respect to a calendar year, an employer that normally employs more than 1 but less than 101 eligible employees on a typical business day. For the purposes of this paragraph, the term 'employee' includes a self-employed individual.

"(3) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means, with respect to an employer, an employee who normally performs on a monthly basis at least 30 hours of service per week for that employer.

"(4) PERSON.—The term 'person' means any person that offers a health insurance plan to a small employer, including a licensed insurance company, a prepaid hospital or medical service plan, a health maintenance organization, or in States which have distinct insurance licensure requirements, a multiple employer welfare arrangement.".

(b) NONDEDUCTIBILITY OF TAX.—Paragraph (6) of section 275(a) of the Internal Revenue Code of 1986 (relating to nondeductibility of certain taxes) is amended by inserting "47," after "46,".

(c) CLERICAL AMENDMENTS.—The table of sections for such chapter 47 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"Sec. 5000A. Failure to satisfy certain standards for health insurance.".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a) and (c) shall take effect on the date of the enactment of this Act.

(2) NONDEDUCTIBILITY OF TAX.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 1993.

## PART III—STUDIES AND REPORTS

### SEC. 231. GAO STUDY AND REPORT ON RATING REQUIREMENTS AND BENEFIT PACKAGES FOR SMALL GROUP HEALTH INSURANCE.

(a) IN GENERAL.—The Comptroller General of the United States shall study and report to the Congress by no later than January 1, 1996, on—

(1) the impact of the standards for rating practices for small group health insurance established under section 2112 of the Social Security Act and the requirements for benefit packages established under section 2113 of such Act on the availability and price of insurance offered to small employers, differences in available benefit packages, the number of small employers choosing standard or basic packages, and the impact of the standards on the number of small employers offering health insurance to employees through a self-funded employer welfare benefit plan; and

(2) differences in State laws and regulations affecting the availability and price of health insurance plans sold to individuals and the impact of such laws and regulations, including the extension of requirements for health insurance plans sold to small employers in the State to individual health insurance and the establishment of State risk pools for individual health insurance.

(b) RECOMMENDATIONS.—The Comptroller General shall include in the report to Congress under this section recommendations with respect to adjusting rating standards under section 2112 of the Social Security Act—

(1) to eliminate variation in premiums charged to small employers resulting from adjustments for such factors as claims experience and health status, and

(2) to eliminate variation in premiums associated with age, sex, and other demographic factors.

## Subtitle C—Improvements in Portability of Private Health Insurance

### SEC. 241. EXCISE TAX IMPOSED ON FAILURE TO PROVIDE FOR PREEXISTING CONDITION.

(a) IN GENERAL.—Chapter 47 of the Internal Revenue Code of 1986 (relating to taxes on group health plans), as amended by section 221, is amended by adding at the end thereof the following new section:

### "SEC. 5000B. FAILURE TO SATISFY PREEXISTING CONDITION REQUIREMENTS OF GROUP HEALTH PLANS.

"(a) GENERAL RULE.—There is hereby imposed a tax on the failure of—

"(1) a group health plan to meet the requirements of subsection (e), or

"(2) any person to meet the requirements of subsection (f),

with respect to any covered individual.

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure with respect to a covered individual shall be $100 for each day in the noncompliance period with respect to such failure.

"(2) NONCOMPLIANCE PERIOD.—For purposes of this section, the term 'noncompliance period' means, with respect to any failure, the period—

"(A) beginning on the date such failure first occurs, and

"(B) ending on the date such failure is corrected.

"(3) CORRECTION.—A failure of a group health plan to meet the requirements of subsection (e) with respect to any covered individual shall be treated as corrected if—

"(A) such failure is retroactively undone to the extent possible, and

"(B) the covered individual is placed in a financial position which is as good as such individual would have been in had such failure not occurred.

For purposes of applying subparagraph (B), the covered individual shall be treated as if the individual had elected the most favorable coverage in light of the expenses incurred since the failure first occurred.

"(c) LIMITATIONS ON AMOUNT OF TAX.—

"(1) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No tax shall be imposed by subsection (a) on any failure during any period for which it is established to the satisfaction of the Secretary that none of the persons referred to in subsection (d) knew, or exercising reasonable diligence would have known, that such failure existed.

"(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected during the 30-day period beginning on the first date any of the persons referred to in subsection (d) knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

"(d) LIABILITY FOR TAX.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the following shall be liable for the tax imposed by subsection (a) on a failure:

"(A) In the case of a group health plan other than a self-insured group health plan, the issuer.

"(B)(i) In the case of a self-insured group health plan other than a multiemployer group health plan, the employer.

"(ii) In the case of a self-insured multiemployer group health plan, the plan.

"(C) Each person who is responsible (other than in a capacity as an employee) for administering or providing benefits under the group health plan, health insurance plan, or other health benefit arrangement (including a self-insured plan) and whose act or failure to act caused (in whole or in part) the failure.

"(2) SPECIAL RULES FOR PERSONS DESCRIBED IN PARAGRAPH (1)(C).—A person described in subparagraph (C) (and not in subparagraphs (A) and (B)) of paragraph (1) shall be liable for the tax imposed by subsection (a) on any failure only if such person assumed (under a legally enforceable written agreement) responsibility for the performance of the act to which the failure relates.

"(e) NO DISCRIMINATION BASED ON HEALTH STATUS FOR CERTAIN SERVICES.—

"(1) IN GENERAL.—Except as provided under paragraph (2), group health plans may not deny, limit, or condition the coverage under (or benefits of) the plan based on the health status, claims experience, receipt of health care, medical history, or lack of evidence of insurability, of an individual.

"(2) TREATMENT OF PREEXISTING CONDITION EXCLUSIONS FOR ALL SERVICES.—

"(A) IN GENERAL.—Subject to the succeeding provisions of this paragraph, group health plans may exclude coverage with respect to services related to treatment of a preexisting condition, but the period of such exclusion may not exceed 6 months. The exclusion of coverage shall not apply to services furnished to newborns.

"(B) CREDITING OF PREVIOUS COVERAGE.—

"(i) IN GENERAL.—A group health plan shall provide that if an individual under such plan is in a period of continuous coverage (as defined in clause (ii)(I)) with respect to particular services as of the date of initial coverage under such plan (determined without regard to any waiting period under such plan), any period of exclusion of coverage with respect to a preexisting condition for such services or type of services shall be reduced by 1 month for each month in the period of continuous coverage without regard to any waiting period.

"(ii) DEFINITIONS.—As used in this subparagraph:

"(I) PERIOD OF CONTINUOUS COVERAGE.—The term 'period of continuous coverage' means, with respect to particular services, the period beginning on the date an individual is enrolled under a health insurance plan, title

XVIII or XIX of the Social Security Act, or other health benefit arrangement (including a self-insured plan) which provides benefits with respect to such services and ends on the date the individual is not so enrolled for a continuous period of more than 3 months.

"(II) PREEXISTING CONDITION.—The term 'preexisting condition' means, with respect to coverage under a group health plan, a condition which has been diagnosed or treated during the 3-month period ending on the day before the first date of such coverage without regard to any waiting period.

"(f) DISCLOSURE OF COVERAGE, ETC.—Any person who has provided coverage (other than under title XVIII or XIX of the Social Security Act) during a period of continuous coverage (as defined in subsection (e)(2)(B)(ii)(I)) with respect to a covered individual shall disclose, upon the request of a group health plan subject to the requirements of subsection (e), the coverage provided the covered individual, the period of such coverage, and the benefits provided under such coverage.

"(g) DEFINITIONS.—For purposes of this section—

"(1) COVERED INDIVIDUAL.—The term 'covered individual' means—

"(A) an individual who is (or will be) provided coverage under a group health plan by virtue of the performance of services by the individual for 1 or more persons maintaining the plan (including as an employee defined in section 401(c)(1)), and

"(B) the spouse or any dependent child of such individual.

"(2) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning given such term by section 5000(b)(1).".

(b) CLERICAL AMENDMENT.—The table of sections for such chapter 47 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"Sec. 5000B. Failure to satisfy preexisting condition requirements of group health plans.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 1994.

### Subtitle D—Health Care Cost Containment

### SEC. 251. FEDERAL CERTIFICATION OF MANAGED CARE PLANS AND UTILIZATION REVIEW PROGRAMS.

Title XXI of the Social Security Act, as added by section 211, is amended by adding at the end the following part:

### "PART C—FEDERAL CERTIFICATION OF MANAGED CARE PLANS

### "FEDERAL CERTIFICATION OF MANAGED CARE PLANS AND UTILIZATION REVIEW PROGRAMS

"SEC. 2114. (a) VOLUNTARY CERTIFICATION PROCESS.—

"(1) CERTIFICATION.—The Secretary shall establish a process for certification of managed care plans meeting the requirements of subsection (b)(1) and of utilization review programs meeting the requirements of subsection (b)(2).

"(2) QUALIFIED MANAGED CARE PLAN.—For purposes of this title, the term 'qualified managed care plan' means a managed care plan that the Secretary certifies, upon application by the program, as meeting the requirements of this section.

"(3) QUALIFIED UTILIZATION REVIEW PROGRAM.—For purposes of this title, the term 'qualified utilization review program' means a utilization review program that the Secretary certifies, upon application by the program, as meeting the requirements of this section.

"(4) UTILIZATION REVIEW PROGRAM.—For purposes of this title, the term 'utilization review program' means a system of reviewing the medical necessity, appropriateness, or quality of health care services and supplies covered under a health insurance plan or a managed care plan using specified guidelines. Such a system may include preadmission certification, the application of practice guidelines, continued stay review, discharge planning, preauthorization of ambulatory procedures, and retrospective review.

"(5) MANAGED CARE PLAN.—

"(A) IN GENERAL.—For purposes of this title the term 'managed care plan' means a plan operated by a managed care entity as described in subparagraph (B), that arranges for the financing and delivery of health care services to persons covered under such plan through—

"(i) arrangements with participating providers to furnish health care services;

"(ii) explicit standards for the selection of participating providers;

"(iii) organizational arrangements for ongoing quality assurance and utilization review programs; and

"(iv) financial incentives for persons covered under the plan to use the participating providers and procedures provided for by the plan.

"(B) MANAGED CARE ENTITY DEFINED.—For purposes of this title, a managed care entity includes a licensed insurance company, hospital or medical service plan, health maintenance organization, an employer, or employee organization, or a managed care contractor as described in subparagraph (C), that operates a managed care plan.

"(C) MANAGED CARE CONTRACTOR DEFINED.—For purposes of this title, a managed care contractor means a person that—

"(i) establishes, operates or maintains a network of participating providers;

"(ii) conducts or arranges for utilization review activities; and

"(iii) contracts with an insurance company, a hospital or medical service plan, an employer, an employee organization, or any other entity providing coverage for health care services to operate a managed care plan.

"(6) PARTICIPATING PROVIDER.—The term 'participating provider' means a physician, hospital, pharmacy, laboratory, or other appropriately licensed provider of health care services or supplies, that has entered into an agreement with a managed care entity to provide such services or supplies to a patient covered under a managed care plan.

"(7) REVIEW AND RECERTIFICATION.—The Secretary shall establish procedures for the periodic review and recertification of qualified managed care plans and qualified utilization review programs.

"(8) TERMINATION OF CERTIFICATION.—The Secretary shall terminate the certification of a qualified managed care plan or a qualified utilization review program if the Secretary determines that such plan or program no longer meets the applicable requirements for certification. Before effecting a termination, the Secretary shall provide the plan notice and opportunity for a hearing on the proposed termination.

"(9) CERTIFICATION THROUGH ALTERNATIVE REQUIREMENTS.—

"(A) CERTAIN ORGANIZATIONS RECOGNIZED.—An eligible organization as defined in section 1876(b), shall be deemed to meet the requirements of subsection (b) for certification as a qualified managed care plan.

"(B) RECOGNITION OF ACCREDITATION.—If the Secretary finds that a State licensure program or a national accreditation body establishes a requirement or requirements for accreditation of a managed care plan or utilization review program that are at least equivalent to a requirement or requirements established under subsection (b), the Secretary may, to the extent he finds it appropriate, treat a managed care plan or a utilization review program thus accredited as meeting the requirement or requirements of subsection (b) with respect to which he made such finding.

"(b) REQUIREMENTS FOR CERTIFICATION.—

"(1) MANAGED CARE PLANS.—The Secretary, in consultation with the Health Care Cost Commission, shall establish Federal standards for the certification of qualified managed care plans, including standards related to—

"(A) the qualification and selection of participating providers;

"(B) the number, type, and distribution of participating providers necessary to assure that all covered items and services are available and accessible to persons covered under a managed care plan in each service area;

"(C) the establishment and operation of an ongoing quality assurance program, which includes procedures for—

"(i) evaluating the quality and appropriateness of care;

"(ii) using the results of quality evaluations to promote and improve quality of care; and

"(iii) resolving complaints from enrollees regarding quality and appropriateness of care;

"(D) the provision of benefits for covered items and services not furnished by participating providers if the items and services are medically necessary and immediately required because of an unforeseen illness, injury, or condition;

"(E) the qualifications of individuals performing utilization review activities;

"(F) procedures and criteria for evaluating the necessity and appropriateness of health care services;

"(G) the timeliness with which utilization review determinations are to be made;

"(H) procedures for the operation of an appeals process which provides a fair opportunity for individuals adversely affected by a managed care review determination to have such determination reviewed;

"(I) procedures for ensuring that all applicable Federal and State laws designed to protect the confidentiality of individual medical records are followed; and

"(J) payment of providers for the expenses associated with responding to requests for information needed to conduct a utilization review.

"(2) QUALIFIED UTILIZATION REVIEW PROGRAMS.—The Secretary, in consultation with the Health Care Cost Commission, shall establish Federal standards for the certification of qualified utilization review programs, including standards related to—

"(A) the qualifications of individuals performing utilization review activities;

"(B) procedures and criteria for evaluating the necessity and appropriateness of health care services;

"(C) the timeliness with which utilization review determinations are to be made;

"(D) procedures for the operation of an appeals process which provides a fair opportunity for individuals adversely affected by a utilization review determination to have such determination reviewed;

"(E) procedures for ensuring that all applicable Federal and State laws designed to protect the confidentiality of individual medical records are followed; and

"(F) payment of providers for the expenses associated with responding to requests for information needed to conduct a utilization review.

"(3) APPLICATION OF STANDARDS.—

"(A) IN GENERAL.—Standards shall first be established under this subsection by not later than 24 months after the date of the enactment of this section. In developing standards under this subsection, the Secretary shall—

"(i) review standards in use by national private accreditation organizations and State licensure programs;

"(ii) recognize, to the extent appropriate, differences in the organizational structure and operation of managed care plans; and

"(iii) establish procedures for the timely consideration of applications for certification by managed care plans and utilization review programs.

"(B) REVISION OF STANDARDS.—The Secretary shall periodically review the standards established under this subsection, taking into account recommendations by the Health Care Cost Commission, and may revise the standards from time to time to assure that such standards continue to reflect appropriate policies and practices for the cost-effective and medically appropriate use of services within managed care plans and utilization review programs.

"(c) LIMITATION ON STATE RESTRICTIONS ON QUALIFIED MANAGED CARE PLANS AND UTILIZATION REVIEW PROGRAMS.—

"(1) IN GENERAL.—No requirement of any State law or regulation shall—

"(A) prohibit or limit a qualified managed care plan from including financial incentives for covered persons to use the services of participating providers;

"(B) prohibit or limit a qualified managed care plan from restricting coverage of services to those—

"(i) provided by a participating provider; or

"(ii) authorized by a designated participating provider;

"(C) subject to paragraph (2)—

"(i) restrict the amount of payment made by a qualified managed care plan to participating providers for items and services provided to covered persons; or

"(ii) restrict the ability of a qualified managed care plan to pay participating providers for items and services provided to covered persons on a per capita basis;

"(D) prohibit or limit a qualified managed care plan from restricting the location, number, type, or professional qualifications of participating providers;

"(E) prohibit or limit a qualified managed care plan from requiring that items and services be authorized by a primary care physician selected by the covered person from a list of available participating providers;

"(F) prohibit or limit the use of utilization review procedures or criteria by a qualified utilization review program or a qualified managed care plan;

"(G) require a qualified utilization review program or a qualified managed care plan to make public utilization review procedures or criteria;

"(H) prohibit or limit a qualified utilization review program or a qualified managed care plan from determining the location or hours of operation of a utilization review, provided that emergency services furnished during the hours in which the utilization review program is not open are not subject to utilization review;

"(I) require a qualified utilization review program or a qualified managed care plan to pay providers for the expenses associated with responding to requests for information needed to conduct utilization review, other than as provided in standards for qualified managed care plans and qualified utilization review programs;

"(J) restrict the amount of payment made to a qualified utilization review program or a qualified managed care plan for the conduct of utilization review;

"(K) restrict access by a qualified utilization review program or a qualified managed care plan to medical information or personnel required to conduct utilization review;

"(L) define utilization review as the practice of medicine or another health care profession; or

"(M) require that utilization review be conducted (i) by a resident of the State in which the treatment is to be offered or by an individual licensed in such State, or (ii) by a physician in any particular specialty or with any board certified specialty of the same medical specialty as the provider whose services are being rendered.

"(2) EXCEPTIONS TO CERTAIN REQUIREMENTS.—

"(A) SUBPARAGRAPH (C).—Subparagraph (C) shall not apply where the amount of payments with respect to a block of services or providers is established under a statewide system applicable to all non-Federal payors with respect to such services or providers.

"(B) SUBPARAGRAPHS (L) AND (M).—Nothing in subparagraphs (L) or (M) shall be construed as prohibiting a State from (i) requiring that utilization review be conducted by a licensed health care professional or (ii) requiring that any appeal from such a review be made by a licensed physician or by a licensed physician in any particular specialty or with any board certified specialty of the same medical specialty as the provider whose services are being rendered.

"(3) RELATIONSHIP TO MEDICAID PROGRAM.—Nothing in paragraph (1) shall be construed as prohibiting a State from imposing requirements on managed care plans or utilization review programs that are necessary to conform with the requirements of title XIX of the Social Security Act with respect to services provided to, or with respect to, individuals receiving medical assistance under such title.".

## TITLE III—HEALTH INSURANCE COSTS FOR SELF-EMPLOYED

### SEC. 301. HEALTH INSURANCE COSTS FOR SELF-EMPLOYED.

(a) PERMANENT EXTENSION.—Section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (6).

(b) INCREASE IN DEDUCTION.—Section 162(l)(1) of the Internal Revenue Code of 1986 is amended by striking "25 percent of".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.●

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By Mrs. MURRAY (for herself, Mrs. FEINSTEIN, Ms. MOSELEY-BRAUN, Mrs. BOXER, Mr. KENNEDY, and Mr. DURENBERGER):

S. 1979. A bill to require employers to post, and to provide to employees individually, information relating to sexual harassment that violates title VII of the Civil Rights Act of 1964, and for other purposes; to the Committee on Labor and Human Resources.

### THE SEXUAL HARASSMENT PREVENTION ACT

● Mrs. MURRAY. Mr. President, today I am introducing the Sexual Harassment Prevention Act of 1994 on behalf of myself and Senators FEINSTEIN, MOSELEY-BRAUN, BOXER, KENNEDY, and DURENBERGER.

Sexual harassment in the workplace persists today despite our heightened awareness of the problem. Studies published about a broad variety of workplaces between 1986 and 1993 found that 40 to 70 percent of women workers in the United States experience some form of sexual harassment.

In addition, Mr. President, the vast majority of sexual harassment episodes go unreported. Experts estimate only 7 percent or fewer of incidents ever reach the formal complaint process.

Sexual harassment in the workplace also costs employers a great deal. A 1988 study by Working Woman showed that a typical Fortune 500 company spends $6 million per year—a cost of $292.53 per employee—addressing sexual harassment complaints. The study estimates it is 34 times more expensive for employers to ignore the problem than to establish effective programs and policies to correct it.

In fact, many large companies have established education and prevention programs in addition to internal grievance procedures. However, Mr. President, much of the future job growth in this Nation will be in smaller companies. Establishing sexual harassment programs in small businesses should be a routine and low-cost effort. This legislation should assist this effort.

The Federal Government can help end the pervasiveness of sexual harassment in the workplace by instituting a proactive policy to correct the problem.

The Sexual Harassment Prevention Act of 1994 will help increase awareness, decrease violations, and lighten the burden of costly and time-consuming litigation brought about by sexual harassment lawsuits.

This legislation will require businesses, including the Federal Government and Congress, to post notice of: the definition of sexual harassment; how to file a grievance with the U.S. Equal Employment Opportunity Commission or other appropriate entity; and the statute of limitations for such a filing.

Employers will be required to supply each employee with an individual notice of this information, as well as the internal grievance procedures established by the employer.

Employers also will be required to provide supervisory employees with information explaining the internal grievance procedures, and the responsibility of the supervisor to take corrective action when a violation is reported.

Finally, the EEOC will provide model notices of this information, voluntary guidelines for internal grievance procedures, and a toll-free number for information on compliance with this act.

Mr. President, the EEOC has indicated the cost of implementing this legislation would be minimal. I urge my colleagues to join me to enact a low-cost remedial measure to help end sexual harassment in workplaces across our Nation.

Mr. President, I ask that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1979

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Sexual Harassment Prevention Act of 1994".

### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Sexual harassment in employment persists widely in the workplace, although it violates title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) and adversely affects employees.

(2) According to guidelines issued by the Equal Employment Opportunity Commission in 1980, the most effective tool for eliminating sexual harassment is prevention.

(3) The Merit Systems Protection Board found in 1981 and 1988 surveys of Federal Government employees that 42 percent of female employees and 14 percent of male employees questioned had experienced some kind of harassment in employment. The American Psychological Association estimates that at least 50 percent of all working women have been sexually harassed at the workplace during their careers.

(4) The vast majority of sexual harassment episodes go unreported to a supervisory employee or other individual designated by the employer. Only 5 percent of the Government employees who indicated in the 1988 Merit Systems Protection Board survey that they had been harassed filed a formal complaint or requested an investigation of the harassment.

(5) Sexual harassment has a significant cost for employees and employers. A 1988 study by Working Woman Magazine shows that sexual harassment costs a typical "Fortune 500" employer $6,000,000, or $292.53 per employee, each year. The same study estimates that it is 34 times more expensive for such an employer to ignore the problem than to establish effective programs and policies to address the problem.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish workplace requirements that will reduce the incidence of sexual harassment in employment;

(2) to provide a low-cost system to assist employers to establish programs and policies to prevent sexual harassment in employment;

(3) to raise the awareness of employees of the definition of sexual harassment and of available avenues of redress; and

(4) to increase the authority and capacity of the Equal Employment Opportunity Commission, and other enforcement agencies, to assist in preventing sexual harassment in employment.

### SEC. 3. EMPLOYER REQUIREMENTS.

(a) POSTING OF NOTICE IN THE WORKPLACE.—Each employer shall post and keep posted in conspicuous places upon its premises where notices to employees and applicants for employment are customarily posted, a notice that shall be prepared or approved by the appropriate primary enforcement agency and shall set forth—

(1) the definition of sexual harassment found in section 1604.11(a) of title 29, Code of Federal Regulations (or any corresponding similar regulation);

(2) the fact that sexual harassment in employment is a violation of Federal law;

(3) information describing how to file with the primary enforcement agency a complaint alleging such harassment, including information on the time periods within which an alleged victim of discrimination (including sexual harassment) must file a charge with the primary enforcement agency, or a State or local fair employment agency, in order to satisfy the applicable statute of limitations;

(4) an address, and the toll-free telephone number, to be used to contact the appropriate enforcement agency regarding such harassment or compliance with the requirements of this Act; and

(5) such other information as the primary enforcement agency may require.

(b) SEPARATE NOTICE TO INDIVIDUAL EMPLOYEES.—

(1) CONTENTS.—Each employer shall provide annually to each employee individually a written notice that includes—

(A) the information specified in paragraphs (1) through (4) of subsection (a);

(B) a description of the procedures established by such employer to resolve allegations of sexual harassment in employment; and

(C) such other information as the appropriate primary enforcement agency may require.

(2) MANNER OF NOTICE.—Such notice shall be provided in a manner that ensures that such employee actually receives such notice.

(c) MANAGEMENT INFORMATION FOR SUPERVISORY EMPLOYEES.—Not later than 60 days after an employer places an individual in a supervisory employment position or 1 year after the date of the enactment of this Act, whichever occurs later, such employer shall provide to the supervisory employee information specifying the responsibilities of, and the methods to be used by, such employee to ensure that immediate and corrective action is taken to address allegations of sexual harassment in employment.

(d) CIVIL PENALTY.—A willful violation of this section shall be punishable by a civil penalty of not more than $1,000 for each separate violation.

### SEC. 4. DUTIES OF THE ENFORCEMENT AGENCIES.

(a) TECHNICAL ASSISTANCE MATERIALS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, each primary enforcement agency shall prepare and make available to employers at no cost to the employers (by publication in the Federal Register or other means)—

(A) a model notice of the kind required by section 3(a) to be posted;

(B) a model notice of the kind required by section 3(b) to be provided to employees; and

(C) voluntary guidelines for the establishment of policies and procedures by employers to address allegations of discrimination (including sexual harassment) in employment.

(2) REVISIONS.—The primary enforcement agency shall periodically review and, as appropriate, revise the notices and guidelines described in subparagraphs (A) through (C) of paragraph (1).

(b) TOLL-FREE TELEPHONE NUMBER.—Not later than 180 days after the date of the enactment of this Act, the primary enforcement agency shall provide a toll-free telephone number for use by employees and employers in the United States to obtain—

(1) information regarding compliance with this Act; and

(2) the model notices and guidelines prepared under subsection (a).

### SEC. 5. ENFORCEMENT.

(a) PRIVATE EMPLOYEES; EXECUTIVE EMPLOYEES; EMPLOYEES OF INSTRUMENTALITIES; STATE EMPLOYEES.—If an employee described in subparagraph (A), (B), (E), or (F) of section 6(2) alleges a violation of section 3, the Commission shall enforce the section in the same manner as the Commission enforces section 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–10).

(b) HOUSE OF REPRESENTATIVES EMPLOYEES.—

(1) HEARING.—If an employee described in section 6(2)(C) alleges a violation of section 3, the Office of Fair Employment Practices of the House of Representatives (or such entity as the House of Representatives may designate) shall consider the allegation in accordance with the hearing procedures provided in clause 6 of Rule LI of the Rules of the House of Representatives of the 103d Congress (or any other provision that continues in effect the provisions of such rule). In carrying out such procedures, such Office or entity shall permit an employee, or a representative of the Office or entity, to file a complaint not later than 180 days after the alleged violation, and shall not require compliance with any counseling and mediation procedures provided in such rule or provision.

(2) REVIEW.—Any party to a proceeding conducted under paragraph (1) may seek review of a final decision resulting from such proceeding. Such review shall be conducted by such Office or entity in accordance with the review procedures provided in clause 7 of such rule (or such other provision).

(3) PROCEDURES.—In conducting a proceeding under paragraph (1) or (2), such Office or entity shall conduct the proceeding in accordance with any requirement of such rule (or such other provision) that relates to such a proceeding, including a requirement relating to agreements, costs, closed hearings and confidentiality, and requests for witnesses and information.

(4) REMEDIES.—Following a proceeding under paragraph (1) or (2), if the Office or entity finds that an employer is not in compliance with section 3, such Office or entity may order the civil penalty described in section 3(d).

(c) SENATE EMPLOYEES.—

(1) HEARING.—If an employee described in section 6(2)(D) alleges a violation of section 3, the Office of Senate Fair Employment Practices (or such entity as the Senate may designate) shall consider the allegation in accordance with the hearing procedures provided in section 307 of the Government Employee Rights Act of 1991 (2 U.S.C. 1207) (or any other provision that continues in effect the provisions of such Act). In carrying out such procedures, such Office or entity shall permit an employee, or a representative of such Office or entity, to file a complaint not later than 180 days after the alleged violation, and shall not require compliance with any counseling and mediation procedures provided in such Act or provision.

(2) REVIEW.—Any party to a proceeding conducted under paragraph (1) may seek review of a final decision resulting from such proceeding. Such review shall be conducted by the Select Committee on Ethics (or by such entity as the Senate may designate) in accordance with the review procedures provided in section 308 of such Act (or such other provision).

(3) JUDICIAL REVIEW.—Any party to a proceeding conducted under paragraph (2) may seek review of a final decision resulting from such proceeding. Such review shall be conducted by the United States Court of Appeals for the Federal Circuit in accordance with the procedures provided in section 309 of such Act.

(4) PROCEDURES.—In conducting a proceeding under paragraph (1) or (2), the appropriate Office, Committee, or entity shall conduct the proceeding in accordance with any requirement of such Act (or such other provision) that relates to such a proceeding, including a requirement relating to agreements, costs, closed hearings and confidentiality, and requests for witnesses and information.

(5) REMEDIES.—Following a proceeding under paragraph (1), (2), or (3), if the appropriate Office, Committee, entity, or court finds that an employer is not in compliance with section 3, the Office, Committee, entity, or court may order the civil penalty described in section 3(d).

**SEC. 6. DEFINITIONS.**

As used in this Act:

(1) COMMISSION.—The term "Commission" means the Equal Employment Opportunity Commission.

(2) EMPLOYEE.—The term "employee" means—

(A) an employee as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f));

(B) an employee referred to in section 717(a) of such Act (42 U.S.C. 2000e–16(a));

(C) an employee in an employment position of the House of Representatives;

(D) a Senate employee as defined in section 301(c)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 1201(c)(1));

(E) an employee (other than an employee described in subparagraph (B) or (D)) in an employment position of an instrumentality of the Congress; and

(F) an individual referred to in section 321(a) of the Civil Rights Act of 1991 (2 U.S.C. 1220(a)).

(3) EMPLOYER.—The term "employer" means—

(A) an employer as defined in section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b));

(B) a Federal entity, or entity of the Government of the District of Columbia, to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies;

(C) an employing authority of the House of Representatives, of the Senate, or of an instrumentality of the Congress; and

(D) an elected official described in section 321(a) of the Civil Rights Act of 1991.

(4) INSTRUMENTALITY OF THE CONGRESS.—The term "instrumentality of the Congress" means the Architect of the Capitol, the Congressional Budget Office, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the United States Botanic Garden, and any other office of the legislative branch of the Federal Government.

(5) PRIMARY ENFORCEMENT AGENCY.—The term "primary enforcement agency" means—

(A) with respect to any matter relating to an allegation of sexual harassment of an employee described in subparagraph (A), (B), (E), or (F) of paragraph (2), the Commission;

(B) with respect to any matter relating to an allegation of sexual harassment of an employee described in paragraph (2)(C), the Office of Fair Employment Practices of the House of Representatives (or such entity as the House of Representatives may designate); and

(C) with respect to any matter relating to an allegation of sexual harassment of an employee described in paragraph (2)(D), the Office of Senate Fair Employment Practices (or such entity as the Senate may designate).

(6) SEXUAL HARASSMENT.—The term "sexual harassment" has the same meaning as such term has for purposes of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).

**SEC. 7. EFFECTIVE DATES.**

(a) GENERAL EFFECTIVE DATE.—Except as provided in subsection (b), this Act shall take effect on the date of the enactment of this Act.

(b) EMPLOYER REQUIREMENTS.—Section 3 shall take effect 1 year after the date of the enactment of this Act.•

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By Mr. JOHNSTON:

S. 1980. A bill to establish the Cane River Creole National Historical Park and the Cane River National Heritage Area in the State of Louisiana, and for other purposes; to the Committee on Energy and Natural Resources.

### CANE RIVER CREOLE NATIONAL HISTORICAL PARK AND NATIONAL HERITAGE ACT

• Mr. JOHNSTON. Mr. President, I am very pleased to introduce legislation to establish the Cane River Creole National Historical Park and National Heritage Area in northwestern Louisiana.

This proposal is the result of a special resource study begun in 1990 pursuant to Public Law 101–512, at the request of my former colleague from the then Fifth District of Louisiana, Jerry Huckaby. The study was completed last year.

The study area boundary included the historic district of the city of Natchitoches, Cane River Lake, and 4 miles along the Cane River to Cloutierville. A number of important sites, structures, and landscapes were examined in this area, including the Natchitoches Historic District—a national landmark; Kate Chopin's home, known locally as Bayou Folk—a national landmark; Melrose Plantation—a national landmark; the Badin Roque House—a Creole bousillage poteaux-en-terre structure listed on the National Register; Oakland and Magnolia Plantations—both bicentennial farms and both listed on the National Register; Cherokee and Beau Fort Plantations—both listed on the National Register; and two State commemorative areas, both of which are listed as national landmarks—Fort Jesup and Los Adaes.

Of these sites and structures, the study concluded that two meet National Park Service new area criteria for national significance, suitability, and feasibility: Oakland Plantation—according to the study, "an outstanding example of a nearly intact southern plantation agricultural complex" with 22 surviving dependencies, half from the antebellum period—and the dependencies of Magnolia Plantation, known as the Magnolia Complex, which are owned by Museum Contents, Inc., a section 501(c)(3) organization. These structures include an unusual wooden cotton press and gin, bousillage overseer's house, and a number of intact brick slave quarters. Consistent with National Park Service practice, several strategies and management alternatives were developed to preserve and interpret the rich and unusual resources of this area, as well as an analysis of taking no action.

This report was considered by the National Park System Advisory Board during its 110th meeting on August 11, 1993. The Board adopted a resolution agreeing that Oakland Plantation and certain outbuildings of Magnolia Plantation are "suitable and feasible additions to the National Park System." Moreover, the Board also recommended that other sites in the Cane River region "would best be protected through partnerships" with the National Park Service, and recommended that the Secretary transmit these findings to the Congress with the study.

In the transmission of this report on January 12, 1994, the Department recommended as the preferred alternative the creation of a new unit of the National Park System which would combine Park Service ownership and management of two sites—Oakland Plantation and the dependencies known as the Magnolia Complex—with a Cane River heritage partnership based on the development of a series of cooperative agreements between private, local, State, and Federal entities to provide for comprehensive interpretation and preservation of the entire area.

The legislation provides for acquisition of property owned by Museum Contents, Inc., a section 501(c)(3) nonprofit organization. I and my family have previously made donations of property to this foundation, and the legislation specifies that property from Museum Contents can only be acquired by donation. Neither my wife nor I hold any position in this organization.

This area of Louisiana has a fascinating history. Established in 1714 by Louis Juchereau de St. Denis, Natchitoches is the oldest permanent settlement in the Louisiana Purchase territory. Located in Natchitoches was the westernmost fort of the French Empire, Fort St. Jean Baptiste, which served for many years as a strategic outpost and center for trade on the Red River. In 1717, the Spanish authorities in Texas responded to French expansion by establishing a mission post and later presidio at Los Adaes, 14 miles southwest of Natchitoches. Los Adaes later became the capital of Texas.

Until the end of the Seven Years War, or French and Indian War, in 1763 this frontier area was the site of considerable contraband trade between the French and the Spanish and with the local Caddo Indians. With the Treaties of Fontainebleau and Paris, signed in 1762 and 1763 respectively, the Seven years War came to an end, and the French were expelled from North America. In 1767, this part of the French Empire was ceded to Spain.

Unlike French settlers in Canada, many of whom eventually resettled in south Louisiana during the Acadian diaspora, little impact was felt in the daily lives of French settlers in northwest Louisiana by virtue of change in European rule. The conversion of the frontier economy based on trapping and hunting to an agricultural economy—first tobacco and indigo and, after 1810, cotton—had a more profound impact for which this change came the introduction of a plantation economy based on slave labor.

In 1803, this area was ceded to France by Spain, and shortly thereafter the American Ambassador to France, Robert Livingston, negotiated the far-sighted and wise Louisiana Purchase, giving jurisdiction of this area and the entire Mississippi Valley to the United States. Later this area was the site of several major Civil War battles during the Red River campaign in the spring of 1864.

The early years of French and Spanish domination, and the relative isolation of this area, left a lasting legacy in the Natchitoches Parish area. In part, this legacy resulted in the development and nurturing of a unique culture on Isle Brevelle, the Cane River Creoles of color, an exceptional community which exists today. Cloutierville retains its French small village flavor; French continued to be spoken there until after World War I. Life in and the folkways of Cloutierville were also the basis for many of the fictional writings of Kate Chopin, who lived in Cloutierville between 1879 and 1884 and whose works are now receiving renewed interest. Melrose Plantation has a similarly interesting history, from its legendary roots with the Metoyer family through the early 20th century writers' projects sponsored by Miss Cammie Henry.

The real value of the proposed historical park, in addition to preserving important sites, structures, and landscapes, will be in bringing the objective, professional approach of the National Park Service to the interpretation of these and other resources in the area. To assist the Park Service in this effort, and to assure that all segments of the community are involved in the interpretive plan, section 8 establishes the Cane River National Heritage Area Commission. Among the Commission's duties will be consultation with the Secretary on the preparation of the general management plan for the historical park. More important, the Commission will be empowered to make grants to assist in studies that "identify, preserve, and plan" for the management of the area and to prepare an interpretive plan "to address the cultural and natural history of the area."

I have discussed the study and the legislative concept extensively with as many groups as possible in the Natchitoches Parish area. All groups have been in full support and are very enthusiastic about Park Service involvement. I hope we can move forward very quickly with this proposal and that it will be enacted this year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1980

*Be it enacted in the Senate and the House of Representatives in the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Cane River Creole National Historical Park and National Heritage Area Act."

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds that—

(1) the Natchitoches area along Cane River, established in 1714, is the oldest permanent settlement in the Louisiana Purchase territory;

(2) the Cane River area is the locale of the development of Creole culture, from French-Spanish interactions of the early 18th century to today's living communities;

(3) the Cane River, historically a segment of the Red River, provided the focal point for early settlement, serving as a transportation route upon which commerce and communication reached all parts of the colony;

(4) although a number of Creole structures, sites, and landscapes exist in Louisiana and elsewhere, unlike the Cane River area, most are isolated examples, and lack original outbuilding complexes or integrity;

(5) the Cane River area includes a great variety of historical features with original elements in both rural and urban settings and a cultural landscape that represents various aspects of Creole culture, providing the base for a holistic approach to understanding the broad continuum of history within the region;

(6) the Cane River region includes the Natchitoches National Historic Landmark District, composed of approximately 300 publicly and privately owned properties, four other national historic landmarks, and other structures and sites that may meet criteria for landmark significance following further study;

(7) historic preservation within the Cane River area has greatly benefited from individuals and organizations that have strived to protect their heritage and educate others about their rich history; and

(8) because of the complexity and magnitude of preservation needs in the Cane River area, and the vital need for a culturally sensitive approach, a partnership approach is desirable for addressing the many preservation and educational needs.

(b) PURPOSE.—The purposes of this Act are to:

(1) recognize the importance of the Cane River Creole culture as a nationally significant element of the cultural heritage of the United States;

(2) establish a Cane River Creole National Historical Park to serve as the focus of interpretive and educational programs on the history of the Cane River area and to assist in the preservation of certain historic sites along the river; and

(3) establish a Cane River National Heritage Area and Commission to be undertaken in partnership with the State of Louisiana, the City of Natchitoches, local communities and settlements of the Cane River area, preservation organizations, and private landowners, with full recognition that programs must fully involve the local communities and landowners.

## TITLE I—CANE RIVER NATIONAL HISTORICAL PARK

**SEC. 101. ESTABLISHMENT**

(a) IN GENERAL.—In order to assist in the preservation and interpretation of, and education concerning, the Creole culture and diverse history of the Natchitoches region, and to provide technical assistance to a broad range of public and private landowners and preservation organizations, there is hereby established the Cane River Creole National Historical Park (hereinafter in this Act referred to as the "historical park").

(b) AREA INCLUDED.—The historical park shall consist of lands and interests therein as follows:

(1) lands and structures associated with the Oakland Plantation as depicted on map CARI, 80,002, dated January 1994;

(2) lands and structures owned or acquired by Museum Contents, Inc. as depicted on map CARI, 80,001, dated January 1994;

(3) sites that may be the subject of cooperative agreements with National Park Service for the purposes of historic preservation and interpretation including, but not limited to, the Melrose Plantation, the Badin-Roque site, the Cherokee Plantation, the Beau Fort Plantation, and sites within the Natchitoches National Historical Landmark District: *Provided*, That such sites may not be added to the historical park unless the Secretary of the Interior (hereinafter referred to as the "Secretary") determines, based on further research and planning, that such sites meet the applicable criteria for national historical significance, suitability, and feasibility, and notification of the proposed addition has been transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate Committees of the House of Representatives; and

(4) not to exceed 10 acres of land that the Secretary may designate for an interpretive visitor center complex to serve the needs of the historical park and heritage area established in title II of this Act.

**SEC. 102. ADMINISTRATION.**

(a) IN GENERAL.—The Secretary shall administer the historical park in according with this Act, and with provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4); and the Act of August 21, 1935 (49 Stat. 666, 16 U.S.C. 461–467). The Secretary shall manage the historical park in such a manner as will preserve resources and cultural landscapes relating to the Creole culture of the Cane River and enhance public understanding of the important cultural heritage of the Cane River region.

(b) DONATIONS.—The Secretary may accept and retain donations of funds, property, or services from individuals, foundations, or other public or private entities for the purposes of providing programs, services, facilities, or technical assistance that further the purposes of this Act.

(c) INTERPRETIVE CENTER.—The Secretary is authorized to construct, operate, and maintain an interpretive center on lands identified by the Secretary pursuant to section 101(b)(4) of this title. Such center shall provide for the general information and orientation needs of the historical park and the heritage area. The Secretary shall consult with the State of Louisiana, the City of Natchitoches, the Association for the Preservation of Historic Natchitoches, and the Cane River National Heritage Area Commission pursuant to section 202 of this Act in the planning and development of the interpretive center.

(d) COOPERATIVE AGREEMENTS AND TECHNICAL ASSISTANCE.—(1) The Secretary, after consultation with the Cane River National Heritage Area Commission established pursuant to section 202 of this Act, is authorized to enter into cooperative agreements with owners of properties within the heritage area and owners of properties within the historical park that provide important educational and interpretive opportunities relating to the heritage of the Cane River region. The Secretary may also enter into cooperative agreements for the purpose of facilitating the preservation of important historic sites and structures identified in the historical park's general management plan or other heritage elements related to the heritage of the Cane River region. Such cooperative agreements shall specify that the National Park Service shall have reasonable rights of access for operational and visitor use needs and that preservation treatments will meet the Secretary's standards for rehabilitation of historic buildings.

(2) The Secretary is authorized to enter into cooperative agreements with the City of Natchitoches, the State of Louisiana, and other public or private organizations for the development of the interpretive center, educational programs, and other materials that will facilitate public use of the historical park and heritage area.

(e) RESEARCH.—The Secretary, acting through the National Park Service, shall coordinate a comprehensive research program on the complex history of the Cane River region, including ethnography studies of the living communities along the Cane River, and how past and present generations have adapted to their environment, including genealogical studies of families within the Cane River area. Research shall include, but not be limited to, the extensive primary historic documents within the Natchitoches and Cane River areas, and curation methods for their care and exhibition. The research program shall be coordinated with Northwestern State University of Louisiana, and the National Center for Preservation Technology and Training in Natchitoches.

### SEC. 103. ACQUISITION OF PROPERTY.

(a) GENERAL AUTHORITY.—Except as otherwise provided in this section, the Secretary is authorized to acquire lands and interests therein within the boundaries of the historical park by donation, purchase with donated or appropriated funds, or exchange.

(b) STATE AND LOCAL PROPERTIES.—Lands and interests therein that are owned by the State of Louisiana, or any political subdivision thereof, may be acquired only by donation or exchange.

(c) MUSEUM CONTENTS, INC.—Lands and structures identified in section 101(b)(2) may be acquired only by donation.

(d) COOPERATIVE AGREEMENT SITES.—Lands and interests therein that are the subject of cooperative agreements pursuant to section 101(b)(3) shall not be acquired except with the consent of the owner thereof.

### SEC. 104. GENERAL MANAGEMENT PLAN.

Within 3 years after the date funds are made available therefor and in consultation with the Cane River Heritage Area Commission, the National Park Service shall prepare a general management plan for the historical park. The plan shall include, but need not be limited to—

(1) a visitor use plan indicating programs and facilities that will be provided for public use, including the location and cost of an interpretive center;

(2) programs and management actions that the National Park Service will undertake cooperatively with the heritage area commission, including preservation treatments for important sites, structures, objects, and research materials. Planning shall address educational media, roadway signing, and brochures that could be prepared jointly with the Commission pursuant to section 203 of this Act; and

(3) preservation and use plans for any sites and structures that are identified for National Park Service involvement through cooperative agreements.

## TITLE II—CANE RIVER NATIONAL HERITAGE AREA.

### SEC. 201. ESTABLISHMENT OF THE CANE RIVER NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Cane River National Heritage Area (hereinafter referred to as the "heritage area").

(b) PURPOSE.—In furtherance of the need to recognize the value and importance of the Cane River region and in recognition of the findings of section 2(a) of this Act, it is the purpose of this title to establish a heritage area to complement the historical park and to provide for a culturally sensitive approach to the preservation of the heritage of the Cane River region, and for other needs including—

(1) recognizing areas important to the Nation's heritage and identity;

(2) assisting in the preservation and enhancement of the cultural landscape and traditions of the Cane River region;

(3) providing a framework for those who live within this important dynamic cultural landscape to assist in preservation and educational actions; and

(4) minimizing the need for Federal land acquisition and management.

(c) AREA INCLUDED.—The heritage area shall include—

(1) an area approximately 1 mile on both sides of the Cane River as depicted on map CARI, 80,000, dated January 1994;

(2) the Natchitoches National Historical Landmark District;

(3) the Los Adaes State Commemorative Area;

(4) the Fort Jesup State Commemorative Area;

(5) the Fort St. Jean Baptiste State Commemorative Area; and

(6) the Kate Chopin House.

A final identification of all areas and sites to be included in the heritage area shall be included in the heritage area management plan as required in section 203 of this title.

### SEC. 202. CANE RIVER NATIONAL HERITAGE AREA COMMISSION.

(a) ESTABLISHMENT.—To assist in implementing the purposes of this Act and to provide guidance for the management of the heritage area, there is established the Cane River National Heritage Area Commission (hereinafter referred to as the "Commission").

(b) MEMBERSHIP.—The Commission shall consist of 16 members to be appointed no later than 6 months after the date of enactment of this Act. The Commission shall be appointed by the Secretary as follows—

(1) one member from recommendations submitted by the Mayor of Natchitoches;

(2) one member from recommendations submitted by the Association for the Preservation of Historic Natchitoches;

(3) one member from recommendations submitted by the Natchitoches Historic Foundation, Inc.;

(4) one member with experience in and knowledge of tourism in the greater Cane River region, from recommendations submitted by local businesses;

(5) one member from recommendations submitted by the Governor of the State of Louisiana;

(6) one member from recommendations submitted by the Police Jury of Natchitoches Parish;

(7) one member from recommendations submitted by the Concerned Citizens of Cloutierville;

(8) one member from recommendations submitted by the St. Augustine Historical Society;

(9) one member from recommendations submitted by the Black Heritage Committee;

(10) one member from recommendations submitted by the Los Adaes/Robeline Community;

(11) one member from recommendations submitted by the Natchitoches Historic District Commission;

(12) one member from recommendations submitted by the Cane River Waterway Commission;

(13) one member who is a landowner along the Cane River;

(14) one member with experience and knowledge of historic preservation from recommendations submitted by Museum Contents, Inc.;

(15) one member with experience and knowledge of historic preservation from recommendations submitted by the President of Northwestern State University of Louisiana; and

(16) the director of the National Park Service, or the Director's designee, ex officio.

(c) DUTIES OF THE COMMISSION.—The Commission shall—

(1) prepare a management plan for the heritage area in consultation with the National Park Service, the State of Louisiana, the City of Natchitoches, Natchitoches Parish, interested groups, property owners, and the public;

(2) consult with the Secretary on the preparation of the general management plan for the historical park;

(3) develop partnerships with property owners, preservation groups, educational groups, the State of Louisiana, the City of Natchitoches, universities, and tourism groups, and other groups to furtherance of the purposes of this Act; and

(4) identify appropriate entities, such as a nonprofit corporation, that could be established to assume the responsibilities of the Commission following its termination.

(d) POWERS OF THE COMMISSION.—In furtherance of the purposes of this Act, the Commission is authorized to—

(1) procure temporary and intermittent services to the same extent that is author-

ized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable;

(2) accept the services of personnel detailed from the State of Louisiana or any political subdivision thereof, and may reimburse the State or political subdivision for such services;

(3) upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties;

(4) appoint and fix the compensation of such staff as may be necessary to carry out its duties. Staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of Chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(5) enter into cooperative agreements and leases with public or private individuals or entities for research, historic preservation, and education purposes;

(6) make grants to assist in the preparation of studies that identify, preserve, and plan for the management of the heritage area;

(7) notwithstanding any other provision of law, seek and accept donations of funds or services from individuals, foundations, or other public or private entities and expend the same for the purposes of providing services and programs in furtherance of the purposes of this Act.

(8) assist others in developing educational, informational, and interpretive programs and facilities;

(9) hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may consider appropriate; and

(10) use the United States mails in the same manner and under the same conditions as other departments or agencies of the United States.

(e) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission. While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(e) CHAIRMAN.—The Commission shall elect a chairman from among its members. The term of the chairman shall be for 3 years.

(f) TERMS.—The terms of Commission members shall be for 3 years. Any member of the Commission appointed by the Secretary for a 3-year-term may serve after expiration of his or her term until a successor is appointed. Any vacancy shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor was appointed.

(g) ANNUAL REPORTS.—The Commission shall submit an annual report to the Secretary identifying its expenses and any income, the entities to which any grants or technical assistance were made during the year for which the report is made, and actions that are planned for the following year.

### SEC. 203. DUTIES OF THE HERITAGE AREA COMMISSION.

(a) PREPARATION OF PLAN.—Within 3 years after the Commission conducts its first meeting, it shall prepare and submit a heritage area management plan to the Governor of the State of Louisiana. The Governor shall, if the Governor approves the plan, submit it to the Secretary for review and approval. The Secretary shall provide technical assistance to the Commission in the preparation and implementation of the plan, in concern with actions by the National Park Service to prepare a general management plan for the historical park. The plan shall consider local government plans and shall present a unified heritage preservation and education plan for the heritage area. The plan shall include, but not be limited to—

(1) an inventory of important properties and cultural landscapes that should be preserved, managed, developed, and maintained because of their cultural, natural, and public use significance;

(2) an analysis of current land uses within the area and how they affect the goals of preservation and public use of the heritage area;

(3) an interpretive plan to address the cultural and natural history of the area, and actions to enhance visitor use. This element of the plan shall be undertaken in consultation with the National Park Service and visitor use plans for the national historical park;

(4) recommendations for coordinating actions by local, state, and Federal governments within the heritage area, to further the purposes of this Act; and

(5) an implementation program for the plan including desired actions by state and local governments and other involved groups and entities.

(b) APPROVAL OF THE PLAN.—The Secretary shall approve or disapprove the plan within 90 days after receipt of the plan from the Commission. The Commission shall notify the Secretary of the status of approval by the Governor of Louisiana when the plan is submitted for review and approval. In determining whether or not to approve the plan the Secretary shall consider—

(1) whether the Commission has afforded adequate opportunity, including public meetings and hearings, for public and governmental involvement in the preparation of the plan; and

(2) whether reasonable assurances have been received from the State and local governments that the plan is supported and that the implementation program is feasible; and

(c) DISAPPROVAL OF THE PLAN.—If the Secretary disapproves the plan, he shall advise the Commission in writing of the reasons for disapproval, and shall provide recommendations and assistance in the revision of the plan. Following completion of any revisions to the plan, the Commission shall resubmit the plan to the Governor of Louisiana for approval, and to the Secretary, who shall approve or disapprove the plan within 90 days after the date that the plan is revised.

### SEC. 204. TERMINATION OF HERITAGE AREA COMMISSION.

(a) TERMINATION.—The Commission shall terminate on the day occurring 10 years after the first official meeting of the Commission.

(b) EXTENSION.—The Commission may petition to be extended for a period of not more than 5 years beginning on the day referred to in subsection (a), provided the Commission determines a critical need to fulfill the purposes of this Act; and the Commission obtains approval from the Secretary, in consultation with the Governor of Louisiana.

(c) HERITAGE AREA MANAGEMENT FOLLOWING TERMINATION OF THE COMMISSION.—The national heritage area status for the Cane River region shall continue following the termination of the Commission. The management plan, and partnerships and agreements subject to the plan shall guide the future management of the heritage area. The Commission, prior to its termination, shall recommend to the Governor of the State of Louisiana and the Secretary, appropriate entities, including the potential for a corporation, to assume the responsibilities of the Commission.

### SEC. 205. DUTIES OF OTHER FEDERAL AGENCIES.

In general, any Federal entity conducting or supporting activities directly affecting the heritage area, and any entity of the State of Louisiana, or a political subdivision thereof, acting pursuant to a grant of Federal funds or a Federal permit or agreement directly affecting the heritage area shall—

(1) consult with the Secretary and the Commission with respect to implementation of their proposed actions; and

(2) to the maximum extent practicable, coordinate such activities with the Commission to minimize potential impacts on the resources of the heritage area.

### SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

Except as provided in subsection (b) there are authorized to be appropriated such sums as may be necessary to carry out this Act.●

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By Mrs. KASSEBAUM (for herself, Mr. METZENBAUM, and Mr. KENNEDY):

S. 1981. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, and the Orphan Drug Act to revise the provisions of such acts relating to orphan drugs, and for other purposes; to the Committee on Labor and Human Resources.

### ORPHAN DRUG ACT AMENDMENTS OF 1994

Mrs. KASSEBAUM. Mr. President, I am introducing today, along with Senators METZENBAUM and KENNEDY, the Orphan Drug Act Amendments of 1994. This legislation would extend the authorization of the Orphan Drug Act for 3 years and would also make several refinements to it.

For the past several years, efforts to reauthorize the act have been unsuccessful due to controversy over attempts which I and others have made to introduce greater competition in the orphan drug market. The legislation we are introducing today attempts to bridge the differences that have arisen in past debates. I am pleased to note that this proposal enjoys the support of the Biotechnology Industry Organization [BIO], as well as the National Organization for Rare Disorders [NORD].

Briefly, the legislation addresses the question of competition in two ways. First, it changes from 7 to 4 years the period of market exclusively guaranteed to any approved orphan drug. Orphan drugs of "limited commercial potential," as defined by regulations to be issued by the Department of Health and Human Services, would qualify for an additional 3 years of exclusive marketing rights.

Second, provisions are made to permit more than one company to put a particular orphan drug on the market in instances where both companies were working on the drug in roughly the same time-frame. These so-called simultaneous development provisions are identical to those included in previous orphan drug legislation.

These new provisions would not apply to orphan drugs which are currently on the market or "in the pipeline."

Additional provisions of the bill would: (1) provide for the withdrawal of exclusive marketing rights if the patient population for the approved treatment exceeds 200,000; (2) extend the authorization of the research grant program; and (3) replace the existing Orphan Products Board with an Office for Orphan Diseases and Conditions.

This legislation is the product of extensive discussions and negotiation and represents a genuine compromise among competing interests. As with any compromise, no party can claim total victory. Certainly, there are points of my original proposal which I would have liked to have retained. Nevertheless, I believe that the time, effort, and good faith brought to these discussions have produced a bill which both preserves the incentives of the act and better meets its original intent.

I am proud to have been associated with the Orphan Drug Act since its inception over a decade ago. In nearly every respect, the act has been a success. To date, over 500 drugs have received orphan designation and approximately 100 of those have been approved for marketing. Approved drugs have included treatments for diseases or conditions such as blepharospasm, a condition which causes almost complete eye closure, and Paget's Disease, a bone disorder where normal bone formation is disrupted. In addition, the research grant program authorized by the act has supported over 200 grants to assist with clinical testing of drubs with potential for treating rare diseases or conditions.

This reauthorization legislation will allow continued progress in bringing the hope of treatment to the millions of Americans who suffer from rare diseases and disorders. I hope it will be possible for the Senate to move promptly in advancing this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a summary of its provisions appear in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1981

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE AND REFERENCE.**

(a) Short Title.—This Act may be cited as the "Orphan Drug Act Amendments of 1994 ".

(b) Reference.—Whenever in this Act (other than sections 5 and 6) an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq.).

**SEC. 2. PERIOD OF EXCLUSIVITY.**

(a) Initial Period.—Subsection (a) of section 527 (21 U.S.C. 360cc) is amended—

(1) by inserting "(1)" after "(a)";

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(3) by striking "seven years" and inserting "4 years"; and

(4) by striking "505(c)(2)" and inserting "505(c)(1)(B)".

(b) Additional Period.—Subsection (a) of section 527 (21 U.S.C. 360cc) (as amended by subsection (a)) is amended by adding at the end the following new paragraphs:

"(2) The holder of the approved application, certification, or license of a drug to which the 4-year period of exclusivity applies under paragraph (1) may, after the expiration of 3½ years of such period but not later than 90 days before the expiration of such period, apply to the Secretary for a 3-year extension of such period. Such an application shall contain such information as the Secretary determines is necessary to evaluate such application.

"(3) The Secretary shall approve an application submitted under paragraph (2) if the applicant—

"(A) demonstrates that the drug has a limited commercial potential as determined under regulations of the Secretary, taking into account sales information respecting such drug and any other factor identified by the Secretary in such regulations that is relevant to the commercial potential of such drug, and

"(B) makes such demonstration on the basis of the regulations of the Secretary referred to in subparagraph (A) that were in effect—

"(i) on the date—

"(I) such drug received its designation under section 526(a), or

"(II) such applicant applied for an exemption for such drug under section 505(i) or 507(d),

whichever first occurs, or

"(ii) if the date under clause (i) occurred before the date such regulations were in effect, on the date such regulations were in effect.".

(c) Conforming Amendment.—Section 527(b) (21 U.S.C. 360cc(b)) is amended—

(1) by striking "during the seven-year period beginning on the date of the application approval" and inserting "during the applicable period of exclusivity under subsection (a)"; and

(2) by striking "such seven year period" and inserting "the applicable period of exclusivity under subsection (a)".

(d) Effective Date.—The amendments made by subsections (a) and (b) shall not apply to a drug—

(1) for which an application under section 505 or 507 of the Federal Food, Drug, and Cosmetic Act or section 351 of the Public Health Service Act was submitted before March 1, 1994; or

(2) for which an exemption under section 505(i) or 507(d) of the Federal Food, Drug, and Cosmetic Act was in effect before March 1, 1994, for which human clinical trials were actively being conducted before such date, and for which an application for designation under section 526 of such Act was submitted before the date of enactment of the Orphan Drug Act Amendments of 1994.

The 7 year period of exclusivity provided by section 527(a) of the Federal Food, Drug, and Cosmetic Act before the date of the enactment of this Act shall, after such date, apply to a drug described in paragraph (1) or (2).

(d) Regulations.—The Secretary shall issue final regulations to implement paragraphs (2) and (3) of section 527(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360cc) (as amended by subsection (b)) not later than 6 months after the date of the enactment of this Act.

**SEC. 3. DESIGNATIONS.**

(a) In General.—Section 526(a)(2) (21 U.S.C. 360bb(a)(2)) is amended to read as follows:

"(2) For purposes of paragraph (1), the term 'rare disease or condition' means any disease or condition that—

"(A) affects fewer than 200,000 persons in the United States determined on the basis of—

"(i) the facts and circumstances as of the date the request for designation of the drug under this subsection is made, and

"(ii) projections as to the number of persons who will be affected by the disease or condition on a date which is 3 years from date such request was made, or

"(B) affects more than 200,000 persons in the United States and for which there is no reasonable expectation that the cost of developing and making available in the United States a drug for such disease or condition will be recovered from sales in the United States of such drug.".

(b) Exclusivity.—Section 527(b) (21 U.S.C. 360cc(b)) is amended—

(1) in paragraph (1), by striking "or" at the end of such paragraph;

(2) by striking the period at the end of paragraph (2) and inserting "; or", and

(3) by adding at the end the following new paragraph:

"(3) a drug has been designated under section 526 for a rare disease or condition described in section 526(a)(2)(A) and if after such designation it is determined that—

"(A) such disease or condition affects more than 200,000 persons in the United States; and

"(B) such drug does not meet the requirement of section 526(a)(2)(B).".

**SEC. 4. SIMULTANEOUS DEVELOPMENT.**

(a) In General.—Section 527(b) (21 U.S.C. 360cc(b)), as amended by section 3(b), is amended by—

(1) inserting "(1)" after "(b)";

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(3) by striking "for a person who is not" and inserting "for an applicant who is not"; and

(4) by adding at the end the following new subparagraphs:

"(D) the Secretary finds, after providing the holder, such applicant, and any other interested person an opportunity to present their views, that the drugs of the holder and such applicant were developed simultaneously.

The Secretary shall make a decision on a request for a finding under subparagraph (D) not later than 60 days after the filing of the request.

"(2) For purposes of paragraph (1)(D), drugs of a holder and an applicant shall be considered to be developed simultaneously only if—

"(A) the applicant requested that its drug be designated under section 526 not later than 6 months after publication of the designation under section 526(c) of the holder's drug;

"(B) the applicant initiated the human clinical trials that the applicant relied on in its application for such approval, certification, or license not more than 12 months after the date the holder initiated the human clinical trials that the holder relied on in its application for such approval, certification, or license; and

"(C) the applicant submitted such application, including the reports of the clinical and animal studies necessary for approval, certification, or licensing, not more than 12 months after the holder submitted its application, including such reports, for such action.

"(3) Paragraph (1)(D) does not apply to a drug—

"(A) for which an application under section 505 or 507 or section 351 of the Public Health Service Act was submitted before March 1, 1994; or

"(B) for which an exemption under section 505(i) or 507(d) was in effect before March 1, 1994, for which human clinical trials were actively being conducted before such date, and for which an application for designation under section 526 was submitted before the date of enactment of the Orphan Drug Act Amendments of 1994.".

(b) PUBLICATION.—Section 526(c) (21 U.S.C. 360bb(c)) is amended—

(1) by inserting "for a rare disease or condition" after "(a)"; and

(2) by striking "shall be made available to the public" and inserting "shall be promptly published in the Federal Register and otherwise made available to the public in a manner designed to notify persons who have such disease or condition".

### SEC. 5. OFFICE FOR ORPHAN DISEASES AND CONDITIONS.

Section 227 of the Public Health Service Act (42 U.S.C. 236) is amended—

(1) in subsection (a), to read as follows:

"(a) There is established in the Department of Health and Human Services an Office for Orphan Diseases and Conditions. Such Office shall be established at a level within the Department with sufficient authority to assure full implementation of the functions and responsibilities established by this section.";

(2) by striking "Board" each place the term appears and inserting "Office";

(3) in subsection (b), by striking "drugs and devices" and inserting "drugs, devices, and medical foods";

(4) in subsection (c)(1)(A), by inserting "of chapter V" after "subchapter B";

(5) by adding at the end the following new subsection:

"(f)(1) There is established in the Office an advisory committee to advise the Office in carrying out the functions of the Office under this section.

"(2) The advisory committee shall be comprised of 11 members appointed by the Secretary, in consultation with the Office and the Commissioner of the Food and Drug Administration, from persons knowledgeable about rare diseases and conditions, including—

"(A) 5 representatives of organizations of persons with rare diseases or conditions;

"(B) 3 research scientists; and

"(C) 3 representatives of health-related companies.

"(3) The Secretary shall also appoint, as liaisons to the advisory committee, individuals from the Food and Drug Administration, the National Institutes of Health, and other appropriate Federal agencies.

"(4) Vacancies occurring in the membership of the advisory committee shall be filled in the same manner as the original appointment for the position being vacated. Vacancies shall not affect the power of the remaining members to execute the duties of the advisory committee.

"(5) Members of the advisory committee, and liaisons to the advisory committee, shall not be compensated, but shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter 1 of chapter 57 of title 5, United States Code, for each day the member or liaison is engaged in the performance of duties away from the home or regular place of business of the member or liaison.

"(6) Notwithstanding section 1342 of title 31, United States Code, the advisory committee may accept the voluntary services provided by a member of the advisory committee or a liaison to the advisory committee.", and

(6) by amending the section heading to read as follows:

"OFFICE FOR ORPHAN DISEASES AND CONDITIONS".

### SEC. 6. AUTHORIZATION FOR ORPHAN DRUG ACT.

Section 5(c) of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended by striking "$10,000,000" and all that follows and inserting "$20,000,000 for fiscal year 1995, $25,000,000 for fiscal year 1996, and $30,000,000 for fiscal year 1997.".

Mr. METZENBAUM. Mr. President, today, Senator NANCY KASSEBAUM and I introduce S. 1981, the Orphan Drug Amendments of 1994. The bill is cosponsored by our colleague, the chairman of the Labor and Human Resources Committee, Senator EDWARD KENNEDY. A companion bill is being introduced in the House of Representatives today by Health and Environment Subcommittee Chairman HENRY WAXMAN.

This legislation represents a rare legislative achievement in that it enjoys support from the national organization that represents the victims of rare diseases [NORD] and the national organization that represents the biotechnology industry, which produces many life-giving orphan drugs [BIO]. Consequently, the bill stands as a testament to the fact that Government, industry and consumer groups can work together to improve the lives of the American people.

Today, thanks to the Orphan Drug Program, more than 100 orphan drugs are being sold for debilitating diseases, such as hemophilia B, Pagets disease and carnitine deficiency, and over 500 drugs are currently under development. The bill builds on this achievement and strengthens the program for both the victims of rare diseases and the biotechnology industry. It does so by correcting the most basic weaknesses in the Orphan Drug Program that prolong market exclusivity for drugs of significant commercial value. However, the bill does not diminish the incentives for developing a new orphan drug that have made the program a success.

The two oversight hearings that I chaired on the Orphan Drug Program in 1992, convinced me that we risked undermining congressional and public support for the Orphan Drug Program unless we restored it to its original purpose. The program was intended to spur the development of drugs of little commercial potential that would not otherwise have been available for the victims of rare diseases. It did so through a Government grant of 7 years of market exclusivity.

The bill we are introducing today will leave the Orphan Drug Program virtually unchanged for the vast majority of orphan drugs that are of limited commercial potential. However, for the handful of drugs that do not meet that definition, it will preserve essential incentives for bringing them to market while opening them up to price competition after 4 years. It will also allow two or more orphan drugs to share the market if they are approved by the Food and Drug Administration within a year of one another. This provision, called simultaneous development, was adopted by the Congress in 1990, but later vetoed by the President.

Unlike the previous bill, these amendments do not rely on a statutory sales trigger to extend market exclusivity for drugs of limited commercial potential. Instead, the Food and Drug Administration is charged with developing regulations to assure that true orphan drugs receive 7 full years of market protection. In addition, under the amendments, orphan designation will be granted only to those drugs that have a projected patient population below 200,000. The amendments will apply to orphan drugs that were not yet undergoing human clinical trials as of March 1, 1994.

Both the biotechnology industry and the victims of rare diseases agree that these are prudent changes to the Orphan Drug Program and support the bill's enactment.

By now it is apparent to everyone concerned that the Orphan Drug Program is too important for the millions of Americans who suffer from rare disorders to allow a handful of weaknesses to undermine its success. Our bill will bring the program closer to its original mission, and will thereby make more live-saving and hope-giving orphan drugs available and affordable for Americans with rare diseases.

I urge all of my colleagues to support the bill. I am confident that an orphan drug bill that is being supported by both the rare disease consumer groups and the biotechnology industry will receive swift approval by the Senate.

Mr. KENNEDY. Mr. President, I join in sponsoring the Orphan Drug Act amendments of 1994. This legislation provides important and timely improvements to a law which has led to the development of vital new medicines for the treatment of rare diseases.

It is widely agreed that the Orphan Drug Act, originally enacted in 1983, has been a tremendous success. The purpose of the act was to create incentives for the development of drugs for diseases so rare that the drugs have little commercial value. Innovative companies, particularly biotechnology companies, need the market exclusivity offered by the Orphan Drug Act to develop drugs for such diseases, since patent protection may be unavailable for their products. There are 102 orphan drugs currently on the market, and over 500 under investigation.

However, a handful of orphan drugs now on the market may reach $1 billion in multiyear sales—a record reached by few drugs in history, much less drugs of supposedly limited commercial value.

For several years, the perception that the Orphan Drug Act can be a shelter for high-priced drugs has fueled debate which threatened to undermine the strong support for the act by the public, industry, and Congress. Changes are needed to maintain the integrity of the act while assuring that its protections are not misused to produce unreasonable prices and profits.

The legislation offered today resolves any uncertainties over the future of orphan drug development. It is a fair and reasonable compromise which continues generous economic incentives to develop treatments for rare diseases. It is the result of lengthy negotiations, and has the endorsement of patient organizations, such as the National Organization for Rare Disorders, and also of the Biotechnology Industry Organization, the trade association representing the biotechnology industry.

Under the compromise put forward today, the changes in the length of market exclusivity for orphan drugs will apply prospectively. Any designated orphan drug already approved by the FDA or undergoing human clinical trials as of March 1, 1994, will be entitled to 7 years of exclusivity, as under current law.

After March 1, 1994, all newly designated orphan drugs will continue to have a minimum of 4 years of market exclusivity. If a product is of limited commercial potential, as determined by criteria issued by the Secretary of Health and Human Services, the manufacturer will receive an additional 3 years of market exclusivity. This compromise assures investors in the especially high-risk biotechnology industry that reasonable returns will still be possible during guaranteed periods of exclusivity. At the same time, it allows competition to develop in cases where drugs prove to have high commercial value.

The legislation also provides that if two or more companies develop an orphan drug during the same time period, both may be given market exclusivity. Under this so-called simultaneous development provision, the drugs must be designated as orphan drugs within 6 months of each other, and human clinical trials must be initiated within 12 months of each other. This provision will assure flexibility when companies expend extensive resources and learn that their drug is being developed simultaneously with a competitor.

Our hope is that this auspicious compromise will put the past controversy behind us, and launch a new era of orphan drug development by the biotechnology industry for the treatment of rare diseases.

I especially commend my colleagues, Senator METZENBAUM and Senator KASSEBAUM, who have worked tirelessly on this issue for many years. I also commend the industry and patient organizations for working to achieve this hopeful compromise. I am pleased that Congressman HENRY WAXMAN and Congressman GERRY STUDDS are introducing a companion bill in the House of Representatives.

I urge all Senators to join in supporting this legislation. I am hopeful that we can expedite our consideration in Congress, so that it can be signed into law by President Clinton this year.

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By Mr. ROTH (for himself and Mr. COHEN):

S. 1982. A bill to modernize and streamline Federal acquisition management and procedures, and for other purposes; to the Committee on Governmental Affairs.

### FEDERAL ACQUISITION MANAGEMENT IMPROVEMENT ACT

• Mr. ROTH. Mr. President, this year Congress has a real opportunity to reform the federal buying system. There is broad, bi-partisan consensus on the need to fix the federal buying system. The administration is supportive and has been working with the Senate to develop legislation.

Mr. President, the Federal buying system needs an overhaul. Multi-billion dollar cost overruns; programs that are years or even a decade behind schedule; incentives that encourage spending rather than savings; and top-heavy bureaucratic agencies that rely on detailed regulations rather than good judgment; these are the features that come to mind when one thinks of the Federal Government's buying system. The GAO stated in its 1993 High Risk Reports that the Federal buying system itself perpetuates fraud, waste, and abuse. They also reported that cost increases on the order of 20 to 40 percent are common on major programs, with numerous programs experiencing much greater cost overruns.

The problems arise because the buying system provides the wrong incentives and is administered by top-heavy bureaucratic agencies that rely on a complicated web of regulations. I asked the General Accounting Office to give me a report on its recent investigations of procurement horror stories. The GAO found it had produced more than 150 such reports and testimonies over the last 5 years. These include such findings as the $1 billion cost increase that resulted from budget instability and technical management problems in the Army's Javelin anti-tank missile. In another audit, the GAO identified NASA contract management actions that caused a weather satellite to fall 3 years behind schedule while cost doubled to $1.7 billion. The GAO report identified problems in the way agencies determine their needs; poorly administered contracts; cost, schedule, and performance problems; funding and budgeting problems; and weaknesses in the acquisition workforce. The GAO report underscores the need for comprehensive reform.

According to the Congressional Budget Office, in fiscal year 1994, the Federal Government will buy about $450 billion of goods and services. With this much money at stake, Congress has a responsibility to ensure that the taxpayer's money is spent well. Some claim that waiving contracting laws for commercial items and small purchases would be the best that Congress can provide. But, the GAO testified last week that this would address only a small percent of the dollars spent on Federal purchases of goods and services. Such marginal changes are inadequate. A July 1993 Defense Science Board found that: "without fundamental reform, DOD will be unable to afford the weapons, equipment, and services it needs to provide for our national security." It behooves Congress to be bolder and to enact such reforms.

I have worked for more than a decade to reform the government's buying system, and over the years my conclusion has not changed: without major cultural and structural reform, Americans won't get the results they deserve. First, agencies rely on a maze of regulations and bureaucratic organizations to prevent horror stories. That approach is expensive, prolonged, and, as the GAO report illustrates, often ineffective. Second, the incentives are wrong. Program managers and contractors are rewarded for increasing the size of their program and their budget. There are no incentives for a job well done, but there are penalties for taking risks that may save money.

If we can fix the buying system, billions of dollars will be saved. The National Performance Review identified potential savings of $22.5 billion. Last summer's Defense Science Board Study on Acquisition Reform identified $20 billion in potential annual savings for just the Defense Department.

Last fall, Senator COHEN and I introduced a bill to fix the Defense Department's buying system. And, quite frankly, I think such comprehensive reforms need to be applied across the Federal buying system if we are to fix its chronic problems. I was pleased that the witnesses at all of the recent hearings on procurement have supported including our proposals in the Senate bill.

Today, we are introducing a governmentwide procurement reform bill to overhaul the Federal buying system. Our proposal contains six parts and incorporates the principles of unity of command, lean management structure, fast processes, and pay for performance for both Government workers and contractors, First, the bill establishes performance goals. On average, programs should be within 90 percent of their schedule goals and budgets. In addition, the bill requires DOD to reduce by 50 percent the time it takes to field emerging technologies.

Second, the bill directs Federal agencies to streamline their acquisition management processes for products developed for the Government. It requires that the revised processes focus on results and that programs be fully funded for each phase of development.

Third, it streamlines bureaucracies by directing agencies to get rid of non-value-added layers of headquarters management and consolidate where practicable. In non-Defense agencies, Inspectors General will make streamlining recommendations. In DOD, the bill contains recommendations for consolidating headquarters management and reorienting the organization to be responsive to the needs of combatants. Across government, the proposal increases the authority of users to ensure that purchases will fulfill needs, It also returns day-to-day program management authority to program managers.

Fourth, the bill re-emphasizes the commitment of Congress to a professional acquisition work force and establishes the incentive structure toward program performance. It directs Departments and agencies to develop incentive structures, including pay for performance, tied to program performance rather than to the size of a manager's budget.

Fifth, the legislation reverses the preference for buying government-unique items. It requires use of commercial items, unless it is shown that they do not meet actual government needs.

Sixth, the bill implements pay for performance for contractors, including use of contractor's performance in decisions for future work, tieing profits to results instead of costs, and tieing progress payments to achievement of measurable results. The Government will be able to manage its contractors on the basis of how well they perform. The Defense Inspector General testified last week in support of tieing progress payments to results. The Director of the Office of Federal Procurement Policy, as well as several other witnesses from government and industry, testified in support of tieing contract award to past performance and the bill sets forth a structure effectively implementing this concept.

Mr. President, large savings can be realized from the comprehensive reforms we are proposing. I anticipate that my approach will reduce acquisition management personnel by as much as 25 to 30 percent through reductions in duplicative headquarters staffs. The Defense Science Board Task Force on Defense Acquisition Reform in July of 1993 reported that a comprehensive reform along the lines we are proposing would save $20 billion per year.

In summary, there is both a need and an opportunity for reforming Defense acquisition. But, Mr. President, I must point out that bureaucracies are inherently unable to reform themselves. The time has come for Congress to make some very difficult decisions which have far-reaching impact on the future of our country.

I remain convinced that in order to achieve meaningful acquisition reform we must go well beyond simply streamlining the process of awarding contracts. Instead, we must provide for the major cultural and structural reform across the Federal buying system. The Federal Acquisition Streamlining Act provides a positive first step towards reform, but it needs additional provisions that address the underlying systemic problems. It is our intent to offer the bill we are introducing today as an amendment to Senator GLENN's Federal Acquisition Streamlining Act during the Committee markup.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1982

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Federal Acquisition Management Improvement Act of 1994".

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—ACQUISITION IMPROVEMENT GOALS

Sec. 101. Reduction in Federal Government procurement costs.
Sec. 102. Armed services acquisitions.
Sec. 103. Civilian agency acquisitions.

TITLE II—ACQUISITION MANAGEMENT POLICIES

Subtitle A—Armed Services Acquisitions

Sec. 201. Implementation of defense acquisition work force amendments.
Sec. 202. Enhanced encouragement of excellence in the defense acquisition work force.
Sec. 203. Program management stability.

Subtitle B—Civilian Agency Acquisitions

Sec. 211. Policy regarding training of Federal acquisition work force.
Sec. 212. Acquisition work force management system.
Sec. 213. Enhanced encouragement of excellence in the Federal acquisition workforce.
Sec. 214. Inapplicability to Department of Defense.

TITLE III—ORGANIZATION OF THE ACQUISITION PROCESS

Subtitle A—Armed Services Procurements

Sec. 301. Reorganization of acquisition authority.
Sec. 302. Phase funding and review of defense acquisition programs.

Subtitle B—Civilian Agency Acquisitions

Sec. 311. Customer-driven acquisitions.
Sec. 312. Review of agency organization for acquisitions.
Sec. 313. Acquisition of noncommercial items.
Sec. 314. Inapplicability to Department of Defense.

TITLE IV—CONTRACT FORMATION

Subtitle A—Specifications and Standards

Sec. 401. Preference for commercial items.

Subtitle B—Performance-Based Contracting

Sec. 411. Use of incentive contracts.
Sec. 412. Guidance regarding consideration of past contract performance of offerors.

TITLE V—PERFORMANCE-BASED CONTRACT ADMINISTRATION

Sec. 501. Contract financing in armed services acquisitions.
Sec. 502. Contract financing in civilian agency acquisitions.

TITLE VI—DAVIS-BACON ACT EXEMPTION

Sec. 601. Contracts not in excess of $500,000.

TITLE VII—MISCELLANEOUS CONFORMING AMENDMENTS

Sec. 701. Modification of the responsibility of the Comptroller of the Department of Defense for defense acquisition budgets.
Sec. 702. The defense acquisition work force.
Sec. 703. Procurement procedures generally.
Sec. 704. Research and development.
Sec. 705. Miscellaneous procurement provisions.
Sec. 706. Major defense acquisition programs.
Sec. 707. Service specific acquisition authority.
Sec. 708. Other laws.

TITLE VIII—EFFECTIVE DATE

Sec. 801. Effective date.

## TITLE I—ACQUISITION IMPROVEMENT GOALS

**SEC. 101. REDUCTION IN FEDERAL GOVERNMENT PROCUREMENT COSTS.**

(a) POLICY.—It is the policy of Congress that, by the end of fiscal year 1999, there should be achieved Federal budget savings in procurement costs of the Federal Government (including the personnel and other overhead costs associated with procurements for the Federal Government) in a total amount of at least the $22,500,000,000 that is projected for savings from Federal procurement streamlining in the report on the National Performance Review carried out during 1993 under the direction of the Vice President.

(b) ANNUAL PROGRESS REPORT.—The Director of the Office of Management and Budget shall transmit to Congress each year, at the same time that the President submits the budget to Congress pursuant to section 1105 of title 31, United States Code, an assessment of the progress made in implementing the policy set out in subsection (a).

### SEC. 102. ARMED SERVICES ACQUISITIONS.

(a) ACQUISITION PERFORMANCE GOALS.—Section 2301 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) It is the policy of Congress that, on and after January 1, 2000—

"(A) the Department of Defense should achieve, on average, 90 percent of the cost and schedule goals established for the research and development programs and acquisition programs of the Department of Defense; and

"(B) the average period necessary for converting an emerging technology into initial operational capability for the Department of Defense should not exceed 8 years.

"(2) Whenever it is necessary in order to implement the policy set out in paragraph (1), the Secretary of Defense should—

"(A) identify and consider for termination research and development programs and acquisition programs of the Department of Defense that are not achieving the cost, performance, and schedule goals of the programs taking into consideration—

"(i) the needs of the Department known as of the time of the consideration of such programs for termination;

"(ii) the state of the technology or technologies relevant to the programs and to the needs of the Department;

"(iii) the estimated costs and projected schedules necessary for the completion of such programs; and

"(iv) other pertinent information; and

"(B) identify existing and potential research and development programs and acquisition programs that are suitable alternatives for programs considered for termination pursuant to subparagraph (A).".

(b) RESPONSIBILITY FOR DEPARTMENTAL OVERSIGHT OF ACQUISITION PROGRAM GOALS.—

(1) IN GENERAL.—Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 2219. Responsibility for departmental oversight of cost, performance, and schedule goals of acquisition programs**

"(a) COST GOALS.—The Comptroller of the Department of Defense shall evaluate the cost goals proposed for each phase of an acquisition program of the Department of Defense.

"(b) PERFORMANCE AND SCHEDULE GOALS.—The Joint Chiefs of Staff shall approve or define the performance and schedule goals for acquisition programs of the Department of Defense. The Joint Chiefs of Staff shall approve the performance goals for acquisition programs on the basis of cost, schedule, performance, and risk.

"(c) ANNUAL REPORTING REQUIREMENT.—The Secretary of Defense shall include in the annual report submitted to Congress pursuant to section 113(c) of this title—

"(1) an assessment of the progress made in implementing the policies set out in section 2301(e)(1) of this title; and

"(2) any actions taken or considered in accordance with section 2301(e)(2) of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of title 10, United States Code, is amended by adding at the end the following new item:

"2219. Responsibility for departmental oversight of cost, performance, and schedule goals of acquisition programs.".

### SEC. 103. CIVILIAN AGENCY ACQUISITIONS.

(a) ACQUISITION PERFORMANCE GOALS.—

(1) IN GENERAL.—It is the policy of Congress that, on and after January 1, 2000, each department and agency of the Federal Government should achieve, on average, 90 percent of the cost and schedule goals established for the research and development programs and acquisition programs of that department or agency.

(2) NONDUPLICATION OF GOAL STATEMENT.—Paragraph (1) does not apply to the Department of Defense. For the statement of the corresponding goal for the Department of Defense see subsection (e)(1)(A) of section 2301 of title 10, United States Code, as added by section 102(a).

(b) RESPONSIBILITY FOR AGENCY OVERSIGHT OF ACQUISITION PROGRAM COST GOALS.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

"AGENCY OVERSIGHT OF COST GOALS OF ACQUISITION PROGRAMS

"SEC. 29. The chief financial officer of an executive agency shall evaluate the cost goals proposed for each phase of an acquisition program of the agency.".

(c) RESPONSIBILITY FOR AGENCY OVERSIGHT OF ACQUISITION PROGRAM PERFORMANCE AND SCHEDULE GOALS.—Section 303A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a) is amended by adding at the end the following new subsection:

"(c) The head of an executive agency shall approve or define the performance and schedule goals for acquisition programs of that agency. The agency head shall approve the performance goals for acquisition programs on the basis of cost, schedule, performance, and risk.".

## TITLE II—ACQUISITION MANAGEMENT POLICIES

### Subtitle A—Armed Services Acquisitions

### SEC. 201. IMPLEMENTATION OF DEFENSE ACQUISITION WORKFORCE AMENDMENTS.

The Congress—

(1) urges the Secretary of Defense to expedite the implementation of the provisions of chapter 87 of title 10, United States Code, relating to the acquisition workforce of the Department of Defense; and

(2) reemphasizes the importance of ensuring that the acquisition workforce is educated and trained in accordance with the standards set out in the provisions of such chapter.

### SEC. 202. ENHANCED ENCOURAGEMENT OF EXCELLENCE IN THE DEFENSE ACQUISITION WORKFORCE.

(a) ENHANCED SYSTEM OF INCENTIVES AND ADVERSE ACTIONS.—

(1) REVIEW AND ACTION REQUIRED.—The Secretary of Defense shall review the incentives and personnel actions available to the Secretary for encouraging excellence in the acquisition workforce of the Department of Defense and, to the maximum extent practicable, provide an enhanced system of incentives for the encouragement of excellence in such workforce.

(2) REQUIRED CONSIDERATION.—The Secretary shall specifically consider whether action should be taken under section 1736 of title 10, United States Code (as added by subsection (b)), in the case of acquisition program executive officers and acquisition program managers.

(3) REGULATIONS.—The Secretary shall prescribe in regulations a system of incentives for encouraging professional excellence among the functional analysts in the defense acquisition workforce.

(b) ENHANCED GRADES OF CERTAIN ACQUISITION MANAGERS.—

(1) IN GENERAL.—Subchapter III of chapter 87 of title 10, United States Code, is amended—

(A) by redesignating sections 1736 and 1737 as sections 1737 and 1738, respectively; and

(B) by inserting after section 1735 the following new section 1736:

**"§ 1736. Grade of certain acquisition managers**

"(a) PROGRAM EXECUTIVE OFFICER.—(1)(A) Subject to subparagraph (B), the position of acquisition program executive officer carries the grade of brigadier general, rear admiral (lower half), major general, or rear admiral, as the Secretary of Defense determines appropriate.

"(B) The President may designate a position of acquisition program executive officer as a position of importance and responsibility to carry the grade of lieutenant general or vice admiral under section 601(a) of this title.

"(C) The President or the Secretary of Defense may designate a position of acquisition program executive officer to carry a grade above brigadier general or rear admiral (lower half) only when the President or Secretary, as the case may be, determines that the member serving in that position has performed the duties of the position of an acquisition program executive officer with distinction.

"(2) Notwithstanding any other provision of law (other than a provision of law limiting the number of positions or personnel in a certain grade), the Secretary of Defense may fix the civilian grade of a position of acquisition program executive officer at a civilian equivalent of a grade referred to in paragraph (1). The Secretary shall fix the civilian grade for the position of a particular employee at a grade above the civilian equivalent of brigadier general or rear admiral (lower half) only if the Secretary determines that the employee serving in that position has performed the duties of the position of an acquisition program executive officer with distinction.

"(b) ACQUISITION PROGRAM MANAGER.—(1)(A) The position of acquisition program manager carries the grade of colonel, brigadier general, or major general, or, in the case of the Navy, captain, rear admiral (lower half), or rear admiral, as the Secretary of Defense determines appropriate.

"(B) The Secretary of Defense may designate a position of acquisition program manager to carry a grade above colonel or (in the case of the Navy) captain only when the Secretary determines that the member serving in that position has performed the duties of the position of an acquisition program manager with distinction.

"(2) Notwithstanding any other provision of law (other than a provision of law limiting the number of positions or personnel in a certain grade), the Secretary of Defense may fix the civilian grade of the position of civilian acquisition program manager at a civilian equivalent of a grade referred to in paragraph (1). The Secretary shall fix the civilian grade for the position of a particular employee at a grade above the civilian equivalent of colonel or (in the case of the Navy) captain only if the Secretary determines that the employee serving in that position has performed the duties of the position of an acquisition program executive officer with distinction.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by striking out the items relating to sections 1736 and 1737 and inserting in lieu thereof the following:

"1736. Grade of certain acquisition managers.
"1737. Applicability.
"1738. Definitions and general provisions.".

(c) PAY FOR PERFORMANCE IN ACQUISITION POSITIONS.—

(1) IN GENERAL.—Subchapter II of chapter 87 of title 10, United States Code, is amended—

(A) by redesignating sections 1725 as 1726; and

(B) by inserting after section 1724 the following new section 1725:

**"§ 1725. Pay for performance**

"(a) PAY RATES.—(1) The Secretary of Defense may provide for the pay rate of an employee in an acquisition position within the Department of Defense to be based, to an appropriate extent, on specific criteria that relates the pay rate of such employee to the employee's contribution to the achievement of the policy goals set forth in section 2301(e)(1) of this title and performance goals approved or defined in accordance with section 2219(b) of this title.

"(2) A pay rate established pursuant to paragraph (1) for an employee in a position referred to in that subsection may not exceed the lesser of—

"(A) the amount equal to 130 percent of the maximum pay rate prescribed under law (other than paragraph (1)) for the grade or other pay level of that position; or

"(B) the rate of basic pay payable for level V of the Executive Schedule.

"(b) RELATIONSHIP OF PERSONNEL BUDGET TO ACHIEVEMENT OF GOALS.—The Secretary of Defense, in approving or formulating the personnel budget of a military department or Defense Agency for a fiscal year, shall consider whether increased funding is appropriate on the basis of the achievement by the military department or Defense Agency of the schedule, performance, and cost goals for acquisition programs of the Department of Defense referred to in section 2301(e)(1) of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by striking out the item relating to section 1725 and inserting in lieu thereof the following:

"1725. Pay for performance.
"1726. Office of Personnel Management approval.".

### SEC. 203. PROGRAM MANAGEMENT STABILITY.

(a) ASSIGNMENT PERIOD FOR PROGRAM MANAGERS.—Section 1734 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking out "the major milestone" in subparagraph (A) and all that follows through the semicolon in such subparagraph and inserting in lieu thereof "a phase in the acquisition program cycle;"; and

(ii) by striking out the second sentence and inserting in lieu thereof the following: "Except as provided in subsection (c), a person in the position of program manager or deputy program manager may not be reassigned from such position before completion of a phase in the acquisition program cycle."; and

(B) in paragraph (2)—

(i) in the first sentence, by striking out "the first major milestone" and all that follows in the first sentence and inserting in lieu thereof "a phase of the acquisition program cycle."; and

(ii) in the second sentence, by striking out "Secretary concerned under subsection (d)" and inserting in lieu thereof "Secretary of Defense under subsection (c)"; and

(2) by striking out subsection (c).

(b) WAIVER AUTHORITY.—Such section is further amended by striking out subsection (d) and inserting in lieu thereof the following:

"(c) WAIVER OF ASSIGNMENT PERIOD.—(1) With respect to a person assigned to a critical acquisition position, the Secretary of Defense may waive the prohibition on reassignment of that person (in subsection (a)(1) or (b)(1)) and the service obligation in an agreement executed by that person (under subsection (a)(2) or (b)(2)), but only in exceptional circumstances (specified in regulations prescribed by the Secretary) in which a waiver is necessary.

"(2) The Director of Acquisition Education, Training, and Career Development shall maintain a written record of the rationale for each waiver granted under this subsection.".

(c) CONFORMING AMENDMENTS AND DEFINITION.—Such section is further amended—

(1) by redesignating subsection (e) as subsection (d); and—

(A) in paragraph (1) of such subsection, by striking out "a program manager, after completion of a major program milestone, whichever is longer" in the first sentence and inserting in lieu thereof "a program manager or deputy program manager, after completion of a phase of the acquisition program cycle"; and

(B) in paragraph (2) of such subsection, by striking out "of the department concerned" in the first sentence;

(2) by redesignating subsection (f) as subsection (e); and

(3) by striking out subsections (g) and (h) and inserting in lieu thereof the following:

"(f) In this section, the term 'phase of an acquisition program cycle' shall have the meaning given such term in the regulations prescribed pursuant to section 2220 of this title.".

## Subtitle B—Civilian Agency Acquisitions

### SEC. 211. POLICY REGARDING TRAINING OF FEDERAL ACQUISITION WORKFORCE.

The head of each department or agency of the Federal Government should ensure that the acquisition workforce of the department or agency is trained to perform effectively and efficiently the acquisition functions of the Federal Government.

### SEC. 212. ACQUISITION WORKFORCE MANAGEMENT SYSTEM.

(a) REQUIREMENT FOR SYSTEM.—The head of each department or agency in the executive branch shall, on an expedited basis, establish policies and procedures for the effective management (including accession, education, training, and career development) of persons serving in acquisition positions in the department or agency.

(b) SIMILARITY TO DEFENSE ACQUISITION WORKFORCE SYSTEM.—To the maximum extent practicable, the department or agency head shall replicate within the department or agency the acquisition workforce policies and procedures that are set forth in and implemented under the provisions of chapter 87 of title 10, United States Code, relating to the acquisition workforce of the Department of Defense.

(c) AUTHORITY.—The head of a department or agency referred to in subsection (a) may exercise the same authority with respect to the acquisition workforce of that department or agency as the Secretary of Defense or any other official within the Department of Defense may exercise with respect to the defense acquisition workforce under the provisions of chapter 87 of title 10, United States Code.

(d) NONDUPLICATION OF REQUIREMENTS AND AUTHORITY.—This section does not apply to the Department of Defense.

### SEC. 213. ENHANCED ENCOURAGEMENT OF EXCELLENCE IN THE FEDERAL ACQUISITION WORKFORCE.

(a) ENHANCED SYSTEM OF INCENTIVES AND ADVERSE ACTIONS.—The head of each department or agency in the executive branch shall review the incentives and personnel actions available to such official for encouraging excellence in the acquisition workforce of that department or agency and, to the maximum extent practicable, provide an enhanced system of incentives for the encouragement of excellence in such workforce. The enhanced system shall—

(1) in accordance with applicable law, relate pay to performance; and

(2) provide for consideration of the extent to which the performance of personnel in such workforce contributes to the achievement of cost goals, schedule goals, and performance goals established for acquisition programs of the department or agency.

(b) INCREASED GRADES FOR CERTAIN ACQUISITION MANAGERS.—

(1) CONSIDERATION REQUIRED.—The head of each department or agency in the executive branch shall specifically consider whether the grade of the position of any acquisition program manager should be increased.

(2) APPLICABLE CRITERIA AND LIMITS.—In carrying out paragraph (1), the department or agency head shall apply the same criteria and limits as apply to civilian personnel of the defense acquisition workforce under section 1736 of title 10, United States Code (as added by section 202(b)).

(c) INCENTIVES FOR TECHNICAL SPECIALISTS.—The head of each department or agency in the executive branch shall prescribe in regulations a system of incentives for encouraging professional excellence among the technical specialists in that department or agency who support acquisitions of the department or agency.

### SEC. 214. INAPPLICABILITY TO DEPARTMENT OF DEFENSE.

This subtitle does not apply to the Department of Defense.

# TITLE III—ORGANIZATION OF THE ACQUISITION PROCESS

## Subtitle A—Armed Services Procurements

### SEC. 301. REORGANIZATION OF ACQUISITION AUTHORITY.

(a) UNDER SECRETARY OF DEFENSE FOR ACQUISITION.—Section 133(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) prescribing policies for research, development, and acquisition activities of the Department of Defense;

"(2) planning, programming, and overseeing the research, development, and acquisition activities of the Department of Defense;

"(3) assisting in the preparation and integration of budgets for the research, development, and acquisition activities of the Department of Defense, including assisting in the planning, programming, and budgeting system with respect to such activities;".

(b) DEFENSE RESEARCH, DEVELOPMENT, AND ACQUISITION AGENCY.—

(1) ESTABLISHMENT.—Part I of subtitle A of title 10, United States Code, is amended by inserting after chapter 9 the following new chapter:

### "CHAPTER 10—DEFENSE RESEARCH, DEVELOPMENT, AND ACQUISITION AGENCY

"Sec.

"231. Establishment.
"232. Use of agency for all research, development, and acquisition activities.
"233. Duties.
"234. Program executive officers.
"235. Program managers.
"236. Functional analytical capability.

**"§ 231. Establishment**

"(a) AGENCY.—There is established a Defense Research, Development, and Acquisition Agency in the Department of Defense.

"(b) DIRECTOR.—(1) The head of the agency is the Director of Defense Research, Development, and Acquisition who shall be appointed by the Under Secretary of Defense for Acquisition from among persons who are career professional employees in the acquisition workforce of any Federal agency.

"(2) A member of the armed forces, while serving as the Director, holds the grade of general or, in the case of an officer of the Navy, admiral. A civilian, while serving as the Director, holds an equivalent civilian grade.

"(c) CHIEF OF ENGINEERING AND ANALYSIS.—(1) In the Defense Research, Development, and Acquisition Agency there is a Chief of Engineering and Analysis who shall be appointed by the Director from among the career professional employees in the acquisition workforce of the Department of Defense.

"(2) The Director shall evaluate the performance of the Chief of Engineering and Analysis. The Director may not delegate the performance of the evaluation responsibility.

"(3) The Chief of Engineering and Analysis shall be the senior technical adviser for the Defense Research, Development, and Acquisition Agency.

**"§ 232. Use of agency for all research, development, and acquisition activities**

"Subject to sections 3013(h), 5013(h), 8013(h) of this title, the Director shall conduct the research, development, and acquisition activities of the Department of Defense, including the activities of the research, development, and engineering centers of the Department of Defense.

**"§ 233. Duties**

"The responsibilities of the Under Secretary of Defense for Acquisition that are to be performed by the Defense Research, Development, and Acquisition Agency include the following:

"(1) Planning, programming, and carrying out the research, development, and acquisition activities of the Department of Defense.

"(2) Advising the Secretary of Defense and the Secretaries of the military departments regarding the preparation and integration of the budgets for the research, development, and acquisition activities of the Department of Defense.

"(3) Identifying and informing operational commanders regarding alternative technology solutions to fulfill emerging requirements.

"(4) Ensuring that the acquisition plan for each acquisition program realistically reflects the budget and related decisions made for that program.

"(5) Conducting research on management techniques as well as on individual systems.

**"§ 234. Program executive officers**

"(a) SELECTION AND EVALUATION.—The program executive officers of the Defense Research, Development, and Acquisition Agency shall be selected and evaluated by the Director.

"(b) DUTIES.—The duties of a program executive officer are as follows:

"(1) To manage acquisition programs assigned to the program executive officer.

"(2) To manage related technical support resources.

"(3) To establish and conduct integrated decision team meetings.

"(4) To provide technological advice (including advice regarding costs, schedule, and performance data relating to alternative technological approaches for fulfilling emerging requirements) to users of program products and to the officials within the Department of Defense who plan, program, and budget for the acquisition programs assigned to the program executive officer.

"(c) ORGANIZATION OF PERSONNEL.—The program executive officers shall be organized on the basis of unique mission areas or, in the case of programs for systems specifically relating to certain classes of targets, on the basis of target classes. No program executive officer may be organized with other program executive officers on both bases. The Secretary of Defense shall identify the mission areas or target classes on the basis of which program executive officers may be organized.

"(d) ACQUISITION LIFE-CYCLE MANAGEMENT.—The responsibilities of a program executive officer for a weapon acquisition program shall cover the entire life cycle of the program.

"(e) USER AND OPERATOR INTERACTION.—(1) The Chairman of the Joint Chiefs of Staff, in consultation with the Under Secretary of Defense for Acquisition, shall prescribe policies and procedures for the interaction of the commanders of the unified and specified combatant commands with program executive officers regarding the initiation and conduct of weapon acquisition programs. The policies and procedures shall include provisions for enabling such commands to perform operational and acceptance testing of weapons acquired pursuant to such programs.

"(2) The Comptroller of the Department of Defense, in consultation with the Under Secretary of Defense for Acquisition and the Secretaries of the military departments, shall prescribe policies and procedures for the interaction between the commanders of the unified and specified combatant commands and the program executive officers regarding funding for weapon acquisition programs.

**"§ 235. Program managers**

"(a) SELECTION AND EVALUATION.—Each program manager of the Defense Research, Development, and Acquisition Agency shall be selected and evaluated by the Director and a program executive officer and shall report directly to the program executive officer having primary responsibility for the system being acquired under the program.

"(b) DUTIES.—A program manager is responsible for the routine management of a research, development, and acquisition program, including the obtaining of necessary logistical support and support services for that program.

"(c) RELATIONSHIP TO PROGRAM EXECUTIVE OFFICERS.—The management functions of a program manager should not duplicate the management functions of a program executive officer.

**"§ 236. Functional analytical capability**

"(a) RESPONSIBILITY OF CHIEF OF ENGINEERING AND ANALYSIS.—The Chief of Engineering and Analysis shall be responsible for ensuring that each of the functional analytical capabilities provided to the Director, acquisition program executive officers, and acquisition program managers in connection with acquisition programs of the Department of Defense is the most advanced capability of its type.

"(b) FUNCTIONAL ANALYTICAL CAPABILITIES.—The functional analytical capabilities referred to in subsection (a) are as follows:

"(1) Cost and affordability analysis.

"(2) Logistics and support analysis.

"(3) Reliability and maintainability analysis.

"(4) Producibility analysis.

"(5) Environmental analysis.

"(6) Configuration management.

"(7) Warfighting and battlefield performance and utility analysis.

"(8) System engineering.

"(9) Any other analytical capability that may be necessary for ensuring the timeliness, performance, and affordability of acquisition programs.".

(2) CLERICAL AMENDMENT.—The tables of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part I of such subtitle, are amended by inserting after the item relating to chapter 9 the following new item:

"10. Defense Research, Development, and Acquisition Agency .............. 231".

(c) LIMITATION OF PROCUREMENT AUTHORITY OF MILITARY DEPARTMENTS.—

(1) ARMY.—Section 3013 of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) by striking out "and subject to the provisions of chapter 6" and inserting in lieu thereof ", subject to the provisions of chapter 6, and subject to subsection (h),"; and

(ii) in paragraph (4), by striking out "(including research and development)"; and

(B) by adding at the end the following new subsection:

"(h)(1) The Secretary of the Army shall be responsible for procurements of property and services, and may exercise authority to conduct such procurements, only to the extent that the Secretary of Defense determines necessary for the sustainment of operations of the Army. The Secretary of Defense shall prescribe in regulations the extent of the responsibility and authority of the Secretary of the Army for procurements of property and services.

"(2) In conducting a procurement in accordance with paragraph (1), the Secretary of the Army shall be subject to the same laws as are applicable to acquisitions conducted by the Secretary of Defense.".

(2) NAVY.—Section 5013 of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) by striking out "and subject to the provisions of chapter 6" and inserting in lieu thereof ", subject to the provisions of chapter 6, and subject to subsection (h),"; and

(ii) in paragraph (4), by striking out "(including research and development)"; and

(B) by adding at the end the following new subsection:

"(h)(1) The Secretary of the Navy shall be responsible for procurements of property and services, and may exercise authority to conduct such procurements, only to the extent that the Secretary of Defense determines necessary for the sustainment of operations of the Navy. The Secretary of Defense shall prescribe in regulations the extent of the responsibility and authority of the Secretary of the Navy for procurements of property and services.

"(2) In conducting a procurement in accordance with paragraph (1), the Secretary of the Navy shall be subject to the same laws as are applicable to acquisitions conducted by the Secretary of Defense.".

(3) Air Force.—Section 8013 of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) by striking out "and subject to the provisions of chapter 6" and inserting in lieu thereof ", subject to the provisions of chapter 6, and subject to subsection (h),"; and

(ii) in paragraph (4), by striking out "(including research and development)"; and

(B) by adding at the end the following new subsection:

"(h)(1) The Secretary of the Air Force shall be responsible for procurements of property and services, and may exercise authority to conduct such procurements, only to the extent that the Secretary of Defense determines necessary for the sustainment of operations of the Air Force. The Secretary of Defense shall prescribe in regulations the extent of the responsibility and authority of the Secretary of the Air Force for procurements of property and services.

"(2) In conducting a procurement in accordance with paragraph (1), the Secretary of the Air Force shall be subject to the same laws as are applicable to acquisitions conducted by the Secretary of Defense.".

(4) Section 2302(1) of title 10, United States Code, is amended by striking out "the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force,".

(d) Transfer of Functions.—

(1) Military departments.—Except as provided in paragraph (3), all research, development, and acquisition functions of the Secretaries of the military departments are transferred to the Secretary of Defense.

(2) Procurement agencies, commands, and offices.—Except as provided in paragraph (3), there is transferred to the Defense Research, Development, and Acquisition Agency referred to in section 231(a) of title 10, United States Code (as added by subsection (b)), all functions of the following organizations:

(A) The Defense Logistics Agency.

(B) The Advanced Research Projects Agency.

(C) The following procurement commands of the Army:

(i) The Army Materiel Command.

(ii) The Army Information Systems Command.

(iii) The Army Strategic Defense Command.

(D) The following procurement commands of the Navy and Marine Corps:

(i) The Navy weapons systems commands.

(ii) The Navy Strategic Systems Program Office.

(iii) The Marine Corps Research, Development and Acquisition Command.

(E) The Air Force Materiel Command.

(F) Any successor organization to any agency, command, or office named in subparagraphs (A) through (E).

(G) Each agency or command within the Department of Defense not referred to in subparagraphs (A) through (F) that, on the day before the effective date of this section, has as a primary mission or function the performance of a research, development, or acquisition function of the Department of Defense.

(3) Exceptions to transfer requirement.—

(A) In general.—The following functions of the Secretaries of the military departments are not transferred to the Secretary of Defense:

(i) Functions that relate to planning, programming, and budgeting.

(ii) Functions to be performed by the Secretary of a military department pursuant to section 3013(h), 5013(h), or 8013(h) of title 10, United States Code, as added by subsection (c).

(B) Discretionary exception.—To the extent prescribed by the Secretary of Defense, functions referred to in subparagraph (A)(ii) that are performed by an organization referred to in paragraph (2) need not be transferred in accordance with that paragraph.

(4) Termination of organization.—The Secretary of Defense shall terminate each organization from which all of its functions are transferred in accordance with this subsection.

(e) Savings Provisions.—

(1) Regulations, instruments, rights, and privileges.—All rules, regulations, contracts, orders, determinations, permits, certificates, licenses, grants, and privileges—

(A) which have been issued, made, granted, or allowed to become effective by the Secretary or other officer or employee of a military department, the head of a Defense Agency of the Department of Defense, or by a court of competent jurisdiction, in connection with any research, development, or acquisition activity of a military department or Defense Agency, and

(B) which are in effect on the effective date of this section,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Secretary of Defense, the Under Secretary of Defense for Acquisition, or another authorized official, by a court of competent jurisdiction, or by operation of law.

(2) Proceedings.—

(A) Proceedings not affected.—The provisions of this section shall not affect any proceeding, including any proceeding involving a claim or application, in connection with any acquisition activity of a military department or a Defense Agency of the Department of Defense that is pending before that military department or Defense Agency on the effective date of this section.

(B) Orders.—Orders may be issued in any such proceeding, appeals may be taken therefrom, and payments may be made pursuant to such orders, as if this section had not been enacted. An order issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by the Secretary of Defense or the Under Secretary of Defense for Acquisition, by a court of competent jurisdiction, or by operation of law.

(C) Rule of construction.—Nothing in this paragraph prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(3) Regulations.—The Secretary of Defense may prescribe regulations providing for the orderly transfer of proceedings continued under paragraph (2) to the Secretary of Defense or to the Under Secretary of Defense for Acquisition.

**SEC. 302. PHASE FUNDING AND REVIEW OF DEFENSE ACQUISITION PROGRAMS.**

(a) In General.—Chapter 131 of title 10, United States Code, as amended by section 102(b), is further amended by adding at the end the following new sections:

**"§ 2220. Results oriented acquisition program cycle**

"The Secretary of Defense shall define in regulations a simplified acquisition program cycle that is results-oriented and consists of the following phases:

"(1) The integrated decision team meeting which—

"(A) may be requested by a potential user of the system or component to be acquired, the head of a laboratory, or a program office on such bases as the emergence of a new military requirement, cost savings opportunity, or new technology opportunity;

"(B) shall be conducted by a program executive officer; and

"(C) shall usually be completed within 1 to 3 months.

"(2) The prototype development and testing phase which—

"(A) shall include operational tests and concerns relating to manufacturing operations and life cycle support;

"(B) shall usually be completed within 6 to 36 months; and

"(C) shall produce sufficient numbers of prototypes to assess operational utility.

"(3) Product integration, development, and testing which—

"(A) includes full-scale development, operational testing, and integration of components; and

"(B) shall usually be completed within 1 to 5 years.

"(4) Production, integration into existing systems, or production and integration into existing systems.

**"§ 2221. Funding for results oriented acquisition program cycle**

"(a) Program Phase Details To Be Submitted to Congress.—Before initial funding is made available for a phase of the acquisition program cycle of an acquisition program which requires congressional authorization of appropriations, the Secretary of Defense shall submit to Congress information about the objectives and plans for the conduct of that phase and the funding requirements for the entire phase. The Secretary shall include in such information objective, quantifiable criteria for assessing the extent to which the stated objectives and goals are achieved.

"(b) Full Phase Funding.—(1) In authorizing appropriations for an acquisition program that requires congressional authorization, Congress shall provide in an Act authorizing appropriations for the Department of Defense an authorization of appropriations for a phase of the acquisition program in a single amount that is sufficient for carrying out that phase. Such an authorization of appropriations shall be stated in the Act as a specific item.

"(2) In each Act making appropriations for the Department of Defense Congress shall specify the phase of each such acquisition program of the department for which an appropriation is made and the amount of the appropriation for the phase of that program.

**"§ 2222. Major program decision**

"(a) Single Major Decision Point.—The acquisition program approval process within the Department of Defense shall have one major decision point which shall occur for an acquisition program before that program proceeds into product integration and development.

"(b) Determinations at Decision Point.—At the major decision point for an acquisition program, the Under Secretary of Defense for Acquisition in consultation with the Vice Chairman Joint Chief of Staff shall—

"(1) review the program;

"(2) determine whether the program should continue to be carried out beyond product integration and development; and

"(3) decide whether—

"(A) to commit to further development;

"(B) to require further prototyping; or

"(C) to terminate the program.

"(c) CONSIDERATIONS.—In the review of an acquisition program, the Under Secretary shall consider the potential benefits, affordability, needs, and risks of the program.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of title 10, United States Code, as amended by section 102(b), is further amended by adding at the end the following new items:

"2220. Results oriented acquisition program cycle.
"2221. Funding for results oriented acquisition program cycle.
"2222. Major program decision.".

### Subtitle B—Civilian Agency Acquisitions

### SEC. 311. CUSTOMER-DRIVEN ACQUISITIONS.

It is the policy of Congress that—

(1) the purpose for initiating, planning, and executing acquisitions of property or services by the Federal Government be to satisfy the needs of the potential users of such property or services; and

(2) potential users of the property or services be involved to a significant extent in the initiation, planning, and execution of the acquisitions of such property or services by the Federal Government.

### SEC. 312. REVIEW OF AGENCY ORGANIZATION FOR ACQUISITIONS.

(a) INSPECTOR GENERAL REVIEW OF MANAGEMENT STRUCTURE.—Not later than 18 months after the date of the enactment of this Act, the Inspector General of each department or agency of the executive branch shall—

(1) review the acquisition process in the department or agency in order to identify each, if any, management organization or position involved in the process that does not contribute to—

(A) the efficiency of the acquisition process; or

(B) the quality and cost-effectiveness of items acquired; and

(2) submit to Congress a report containing—

(A) the findings of the Inspector General that result from the review; and

(B) any recommendations for reorganizing the acquisition management structure of the department or agency to ensure that each organization and position involved in the management of acquisitions is valuable to the acquisition process because of contributions to the process as described in paragraph (1).

(b) AGENCIES WITHOUT INSPECTORS GENERAL.—In the case of a department or agency that does not have an Inspector General, the head of the department or agency shall carry out the review, and submit the report, required by subsection (a)(2).

### SEC. 313. ACQUISITION OF NONCOMMERCIAL ITEMS.

(a) RESULTS-ORIENTED PROCESS REQUIRED.—The head of each department or agency of the executive branch shall develop and implement a results-oriented acquisition process for acquisitions of property and services by the department or agency. The process shall include the identification of quantitative measures and standards for determining the extent to which an acquisition of noncommercial items by the department or agency satisfies the needs for which the items are being acquired.

(b) DEFINITIONS.—In this section:

(1) NONCOMMERCIAL ITEM.—The term "noncommercial item" means an item that is not a commercial item.

(2) COMMERCIAL ITEM.—The term "commercial item" means—

(A) property, other than real property, that is of a type regularly used by the general public or by nongovernmental entities in the course of normal business operations for purposes other than governmental purposes and—

(i) has been sold or licensed to the general public;

(ii) has not been sold or licensed to the general public but has been offered for sale or license to the general public; or

(iii) is not yet available in the commercial marketplace but will be made available for commercial delivery within a reasonable period;

(B) any item that, but for minor modifications made to meet Federal Government requirements or modifications of a type customarily available in the commercial marketplace, would satisfy the criteria in subparagraph (A);

(C) any combination of items meeting the requirements of subparagraph (A) or (B) that are of a type customarily combined and sold in combination to the general public; and

(D) installation services, maintenance services, repair services, training services, and other services if such services are procured for support of an item referred to in subparagraph (A), (B), or (C) and if the source of such services—

(i) offers such services to the general public and the Federal Government contemporaneously and under similar terms and conditions; and

(ii) offers to use the same work force for providing the Federal Government with such services as the source uses for providing such services to the general public.

### SEC. 314. INAPPLICABILITY TO DEPARTMENT OF DEFENSE.

This subtitle does not apply to the Department of Defense.

## TITLE IV—CONTRACT FORMATION

### Subtitle A—Specifications and Standards

### SEC. 401. PREFERENCE FOR COMMERCIAL ITEMS.

(a) ARMED SERVICES ACQUISITIONS.—Section 2305(a)(1)(C) of title 10, United States Code, is amended in the second sentence by striking out "Subject to such needs, specifications may" and inserting in lieu thereof the following: "Normally, the specifications shall be the specifications of commercial items. When such items cannot meet bona fide needs of the Department of Defense, specifications shall".

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303A(a)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a(a)(3)) is amended in the second sentence by striking out "Subject to such needs, specifications may" and inserting in lieu thereof the following: "Normally, the specifications shall be the specifications of commercial items. When such items cannot meet bona fide needs of the executive agency, specifications shall".

### Subtitle B—Performance-Based Contracting

### SEC. 411. USE OF INCENTIVE CONTRACTS.

(a) ARMED SERVICES ACQUISITIONS.—Subsection (c) of section 2306 of title 10, United States Code, is amended to read as follows:

"(c) The program executive officer of an acquisition program may determine the type of contract to be used when entering into a contract under the program. The program executive officer shall use an incentive type contract unless the program executive officer determines that such a contract would inhibit achievement of acquisition performance goals.".

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 304(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(b)) is amended by striking out the second sentence and inserting in lieu thereof the following: "The program manager of an acquisition program may determine the type of contract to be used when entering into a contract under the program. The program manager shall use an incentive type contract unless the program manager determines that such a contract would inhibit achievement of acquisition performance goals.".

### SEC. 412. GUIDANCE REGARDING CONSIDERATION OF PAST CONTRACT PERFORMANCE OF OFFERORS.

Section 6 of the Office of Federal Procurement Policy (41 U.S.C. 405) is amended by adding at the end the following:

"(j)(1) Congress makes the following findings:

"(A) Past contract performance of an offeror is one of the relevant factors that contracting officials of executive agencies should consider in entering into contracts.

"(B) It is appropriate for a contracting official to consider past contract performance of an offeror as an indicator of the likelihood that the offeror will successfully perform a contract to be entered into by that official.

"(2) The Administrator shall prescribe for executive agencies guidance regarding consideration of the past contract performance of offerors in awarding contracts. The guidance shall include—

"(A) standards for evaluating past performance that facilitate consistent and fair evaluation by all executive agencies;

"(B) policies for the collection and maintenance of information on past contract performance that, to the maximum extent practicable, facilitate automated collection, maintenance, and dissemination of information and provide for ease of collection, maintenance, and dissemination of information by other methods, as necessary; and

"(C) policies for ensuring that offerors are afforded an opportunity to submit information on past contract performance and that information submitted by offerors is considered.

"(3) The Administrator shall prescribe for all executive agencies the policy regarding the period for which information on past performance of offerors may be maintained and considered.

"(4) In the case of an offeror regarding whom there is no information on past contract performance or regarding whom information on past contract performance is not available, the offeror may not be evaluated favorably or unfavorably on the factor of past contract performance.

"(5) In evaluating past contract performance of an offeror under the guidance prescribed pursuant to paragraph (1), the head of an executive agency shall consider the performance of the offeror with respect to cost, schedule, and compliance with technical or functional specifications.".

## TITLE V—PERFORMANCE-BASED CONTRACT ADMINISTRATION

### SEC. 501. CONTRACT FINANCING IN ARMED SERVICES ACQUISITIONS.

(a) REORGANIZATION OF PRINCIPAL AUTHORITY PROVISION.—Section 2307 of title 10, United States Code, is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

**"§ 2307. Contract financing";**

(2) by striking out "(a) The head of an agency" and inserting in lieu thereof "(b) PAYMENT AUTHORITY.—The head of an agency";

(3) by striking out "(b) Payments" and inserting in lieu thereof "(d) Payment Amount.—Payments";

(4) by striking out "(c) Advance payments" and inserting in lieu thereof "(e) Security for Advance Payments.—Advance payments";

(5) by striking out "(d)(1) The Secretary of Defense" and inserting in lieu thereof "(f) Conditions for Progress Payments.—(1) The Secretary of Defense"; and

(6) by striking out "(e)(1) In any case" and inserting in lieu thereof "(g) Action in Case of Fraud.—(1) In any case".

(b) Financing Policy.—Such section, as amended by subsection (a), is further amended by inserting after the section heading the following new subsection (a):

"(a) Policy.—Payments authorized under this section and made for financing purposes should be made periodically and in a timely manner to facilitate contract performance while protecting the security interests of the Government. Government financing shall be provided only to the extent necessary to ensure prompt and efficient performance and only after the availability of private financing is considered. A contractor's use of funds received as contract financing and the contractor's financial condition shall be monitored. If the contractor is a small business concern, special attention shall be given to meeting the contractor's financial need.".

(c) Pay for Performance.—Such section, as amended by subsection (a), is further amended by inserting after subsection (b) the following new subsection (c):

"(c) Payments under subsection (b) may be made on any of the following bases:

"(1) Performance measured by objective, quantifiable methods such as receipt of items by the Federal Government, work measurement, or statistical process controls.

"(2) Accomplishment of events defined in the program management plan.

"(3) Other quantifiable measures of results.".

(d) Terminology Correction.—Such section, as amended by subsection (a)(2), is further amended in subsection (b)(2) by striking out "bid".

(e) Effective Date of Lien Related to Advance Payments.—Such section, as amended by subsection (a)(4), is further amended in subsection (e) by inserting before the period at the end of the third sentence the following: "and is effective immediately upon the first advancement of funds without filing, notice, or any other action by the United States".

(f) Conditions for Progress Payments.—Such section, as amended by subsection (a)(5), is further amended in subsection (f)—

(1) in the first sentence of paragraph (1), by striking out "work, which" and all that follows through the period at the end of such sentence and inserting in lieu thereof "work accomplished that meets standards established under the contract. The determination of the extent of the work accomplished may be measured on a basis set forth in subsection (c)."; and

(2) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) This subsection applies to a contract for an amount equal to or greater than the simplified acquisition threshold.".

(g) Conforming and Clerical Amendments.—

(1) Cross reference.—Such section, as amended by subsection (a), is further amended in subsections (d) and (e) by striking out "subsection (a)" and inserting in lieu thereof "subsection (b)".

(2) Table of contents.—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by striking out the item relating to section 2307 and inserting in lieu thereof the following:

"2307. Contract financing.".

### SEC. 502. CONTRACT FINANCING IN CIVILIAN AGENCY ACQUISITIONS.

(a) Reorganization of Principal Authority Provision.—Section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255) is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

"CONTRACT FINANCING";

(2) by striking out "(a) Any executive agency" and inserting in lieu thereof "(b) Payment Authority.—Any executive agency";

(3) by striking out "(b) Payments" and inserting in lieu thereof "(d) Payment Amount.—Payments"; and

(4) by striking out "(c) Advance payments" and inserting in lieu thereof "(e) Security for Advance Payments.—Advance payments".

(b) Financing Policy.—Such section, as amended by subsection (a), is further amended by inserting after the section heading the following new subsection (a):

"(a) Policy.—Payments authorized under this section and made for financing purposes should be made periodically and in a timely manner to facilitate contract performance while protecting the security interests of the Government. Government financing shall be provided only to the extent necessary to ensure prompt and efficient performance and only after the availability of private financing is considered. A contractor's use of funds received as contract financing and the contractor's financial condition shall be monitored. If the contractor is a small business concern, special attention shall be given to meeting the contractor's financial need.".

(c) Pay for Performance.—Such section, as amended by subsection (a), is further amended by inserting after subsection (b) the following new subsection (c):

"(c) Payments under subsection (b) may be made on any of the following bases:

"(1) Performance measured by objective, quantifiable methods such as receipt of items by the Federal Government, work measurement, or statistical process controls.

"(2) Accomplishment of events defined in the program management plan.

"(3) Other quantifiable measures of results.".

(d) Terminology Correction.—Such section, as amended by subsection (a)(2), is further amended in subsection (b)(2) by striking out "bid".

(e) Effective Date of Lien Related to Advance Payments.—Such section, as amended by subsection (a)(4), is further amended in subsection (e) by inserting before the period at the end of the third sentence the following: "and is effective immediately upon the first advancement of funds without filing, notice, or any other action by the United States".

(f) Revision of Civilian Agency Provision To Ensure Uniform Requirements for Progress Payments.—

(1) In general.—Such section, as amended by subsection (a), is further amended by adding at the end the following:

"(f) Conditions for Progress Payments.—(1) The agency head shall ensure that any payment for work in progress (including materials, labor, and other items) under a contract of an executive agency that provides for such payments is commensurate with the work accomplished that meets standards established under the contract. The contractor shall provide such information and evidence as the agency head determines necessary to permit the agency head to carry out the preceding sentence.

"(2) The agency head shall ensure that progress payments referred to in paragraph (1) are not made for more than 80 percent of the work accomplished under the contract so long as the agency head has not made the contractual terms, specifications, and price definite.

"(3) This subsection applies to a contract for an amount equal to or greater than the simplified acquisition threshold.

"(g) Action in Case of Fraud.—(1) In any case in which the remedy coordination official of an executive agency finds that there is substantial evidence that the request of a contractor for advance, partial, or progress payment under a contract awarded by that executive agency is based on fraud, the remedy coordination official shall recommend that the agency head reduce or suspend further payments to such contractor.

"(2) An agency head receiving a recommendation under paragraph (1) in the case of a contractor's request for payment under a contract shall determine whether there is substantial evidence that the request is based on fraud. Upon making such a determination, the agency head may reduce or suspend further payments to the contractor under such contract.

"(3) The extent of any reduction or suspension of payments by an agency head under paragraph (2) on the basis of fraud shall be reasonably commensurate with the anticipated loss to the United States resulting from the fraud.

"(4) A written justification for each decision of the agency head whether to reduce or suspend payments under paragraph (2), and for each recommendation received by the agency head in connection with such decision, shall be prepared and be retained in the files of the executive agency.

"(5) Each agency head shall prescribe procedures to ensure that, before the agency head decides to reduce or suspend payments in the case of a contractor under paragraph (2), the contractor is afforded notice of the proposed reduction or suspension and an opportunity to submit matters to the head of the agency in response to such proposed reduction or suspension.

"(6) Not later than 180 days after the date on which an agency head reduces or suspends payments to a contractor under paragraph (2), the remedy coordination official of the executive agency shall—

"(A) review the determination of fraud on which the reduction or suspension is based; and

"(B) transmit a recommendation to the agency head whether the suspension or reduction should continue.

"(7) Each agency head who receives recommendations made by a remedy coordination official of the executive agency to reduce or suspend payments under paragraph (2) during a fiscal year shall prepare for such year a report that contains the recommendations, the actions taken on the recommendations and the reasons for such actions, and an assessment of the effects of such actions on the Federal Government. Any such report shall be available to any Member of Congress upon request.

"(8) An agency head may not delegate responsibilities under this subsection to any person in a position below level IV of the Executive Schedule.

"(9) In this subsection, the term 'remedy coordination official', with respect to an executive agency, means the person or entity in that executive agency who coordinates within that executive agency the administration of criminal, civil, administrative, and contractual remedies resulting from investigations of fraud or corruption related to procurement activities.".

(2) RELATIONSHIP TO PROMPT PAYMENT REQUIREMENTS.—The amendments made by paragraph (1) are not intended to impair or modify procedures required by the provisions of chapter 39 of title 31, United States Code, and the regulations issued pursuant to such provisions of law, that relate to progress payment requests, as such procedures are in effect on the effective date of this Act.

(g) CONFORMING AND CLERICAL AMENDMENTS.—

(1) REFERENCE.—Section 305 of the Federal Property and Administrative Services Act of 1949, as amended by subsection (a), is further amended in subsections (c) and (d) by striking out "subsection (a)" and inserting in lieu thereof "subsection (b)".

(2) TABLE OF CONTENTS.—The table of contents in the first section of such Act is amended by striking out the item relating to section 305 and inserting in lieu thereof the following:

"Sec. 305. Contract financing.".

## TITLE VI—DAVIS-BACON ACT EXEMPTION

### SEC. 601. CONTRACTS NOT IN EXCESS OF $500,000.

(a) IN GENERAL.—The first section of the Act of March 3, 1931 (40 U.S.C. 276a), commonly referred to as the "Davis-Bacon Act", is amended in subsection (a) by striking out "$2,000" and inserting in lieu thereof "$500,000".

(b) RELATED REGULATIONS.—Section 2 of the Act of June 13, 1934 (40 U.S.C. 276c) is amended by inserting after "engaged" the following: "under contracts in excess of $500,000".

## TITLE VII—MISCELLANEOUS CONFORMING AMENDMENTS

### SEC. 701. MODIFICATION OF THE RESPONSIBILITY OF THE COMPTROLLER OF THE DEPARTMENT OF DEFENSE FOR DEFENSE ACQUISITION BUDGETS.

Section 137(c) of title 10, United States Code, is amended in each of paragraphs (2), (3), and (4), by inserting after the paragraph designation the following: "subject to section 133(b) of this title,".

### SEC. 702. THE DEFENSE ACQUISITION WORK FORCE.

(a) GENERAL AUTHORITIES AND RESPONSIBILITIES.—(1)(A) Sections 1704, 1705, and 1707 of title 10, United States Code, are repealed.

(B) The table of sections at the beginning of subchapter I of chapter 87 of such title is amended by striking out the items relating to sections 1704 through 1707 and inserting in lieu thereof the following:

"1704. Acquisition career program boards.".

(2) Section 1706 of title 10, United States Code, is amended—

(A) in the section heading by striking out "§ 1706" and inserting in lieu thereof "§ 1704";

(B) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) ESTABLISHMENT.—The Under Secretary of Defense for Acquisition shall establish an acquisition career program board to advise the Under Secretary in managing the accession, training, education, and career development of military and civilian personnel in the acquisition workforce and in selecting individuals for the Acquisition Corps under section 1731 of this title.";

(C) in subsection (b)—

(i) in the first sentence, by striking out "Each" and inserting in lieu thereof "The"; and

(ii) in the second sentence, by striking out "service acquisition executive" and inserting in lieu thereof "Under Secretary"; and

(D) in subsection (c)—

(i) by striking out "Secretary of a military department" and inserting in lieu thereof "Under Secretary"; and

(ii) by striking out "in the department".

(b) DEFENSE ACQUISITION POSITIONS.—(1) Section 1722 of title 10, United States Code, is amended—

(A) in subsection (g), by striking out "Secretary of each military department, acting through the service acquisition executive for that department," and inserting in lieu thereof "Secretary of Defense"; and

(B) in subsection (h), by striking out "or the Secretary of a military department (as applicable)".

(2) Section 1724(d) of such title is amended in the first sentence—

(A) by striking out "a military department" and inserting in lieu thereof "the Department of Defense"; and

(B) by striking out "of that military department".

(c) ACQUISITION CORPS.—(1) Section 1731 of title 10, United States Code, is amended—

(A) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) ACQUISITION CORPS.—The Secretary of Defense shall establish a Department of Defense Acquisition Corps."; and

(B) in subsection (b), by striking out "an Acquisition Corps" and inserting in lieu thereof "the Acquisition Corps".

(2) Section 1732 of such title is amended—

(A) in subsection (b)—

(i) in paragraph (2)(A)(ii), by striking out "of the employing military department"; and

(ii) in paragraph (4), by striking out "or the Secretary of the military department concerned"; and

(B) in subsection (d)—

(i) by striking out "of a military department" in the first sentence of paragraph (1) and in paragraph (2); and

(ii) by striking out "of that military department" in the first sentence of paragraph (1).

(3) Section 1733(a) of such title is amended by striking out "an Acquisition Corps" and inserting in lieu thereof "the Acquisition Corps".

(4) Section 1734(a) of such title is amended—

(A) in paragraph (1)—

(i) in the first sentence, by striking out "Secretary of each military department, acting through the service acquisition executive for that department," and inserting in lieu thereof "Secretary of Defense, acting through the Under Secretary of Defense for Acquisition,"; and

(ii) in the second sentence, by striking out "concerned"; and

(B) in paragraph (2), by striking out "concerned" in the second sentence.

(5) Section 1738 of title 10, United States Code (as redesignated by section 203(b)(1)(A)), is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking out "an Acquisition Corps" and inserting in lieu thereof "the Acquisition Corps"; and

(ii) in paragraph (5), by striking out ", serving" and all that follows through "Department of Defense"; and

(B) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) WAIVER.—(1) The Secretary of Defense may waive, on a case-by-case basis, the requirements established under this subchapter with respect to the assignment of an individual to a particular critical acquisition position. Such a waiver may be granted only if unusual circumstances justify the waiver or if the Secretary determines that the individual's qualifications obviate the need for meeting the education, training, and experience requirements established under this subchapter.

"(2) The Secretary shall act through the Under Secretary of Defense for Acquisition in exercising the authority provided in paragraph (1). The authority to grant waivers under this subsection may be delegated by the Under Secretary only to the Director of Acquisition Education, Training, and Career Development.".

(d) EDUCATION AND TRAINING.—(1) Section 1741(c) of title 10, United States Code, is amended to read as follows:

"(c) PROGRAMS.—The Under Secretary shall establish and implement the education and training programs authorized by this subchapter.".

(2) Section 1742 of such title is amended by striking out "require that each military department".

(3) Section 1743 of such title is amended in the first sentence by striking out "require that the Secretary of each military department".

(e) GENERAL MANAGEMENT.—(1) Section 1761(a) of title 10, United States Code, is amended by striking out "prescribe regulations to ensure that the military departments and Defense Agencies".

(2) Section 1762(c) of such title is amended—

(A) by striking out the parenthetical material in the matter above paragraph (1); and

(B) in paragraph (4)(A), by striking out "an acquisition corps" and inserting in lieu thereof "the Acquisition Corps".

(3) Section 1763 of such title is amended by striking out the second sentence.

### SEC. 703. PROCUREMENT PROCEDURES GENERALLY.

Chapter 137 of title 10, United States Code, is amended as follows:

(1) Section 2305(d) is amended—

(A) in the first sentence of paragraph (1)(A), by striking out "shall ensure that," and all that follows through "the head of an agency" and inserting in lieu thereof ", in preparing a solicitation for the award of a development contract for a major system, shall";

(B) in the first sentence of paragraph (2)(A), by striking out "shall ensure that," and all that follows through "the head of an agency" and inserting in lieu thereof ", in preparing a solicitation for the award of a production contract for a major system, shall";

(C) by striking out "the head of the agency" each place it appears and inserting in lieu thereof "the Secretary"; and

(D) by striking out "the head of an agency" each place it appears and inserting in lieu thereof "the Secretary of Defense".

(2) Section 2306(h) is amended—

(A) in paragraph (1), by striking out "the head of an agency" in the matter above subparagraph (A) and inserting in lieu thereof "the Secretary of Defense";

(B) in paragraph (2)(D), by striking out "agencies in" in the matter above clause (i);

(C) in paragraph (3), by striking out "the head of the agency concerned" and inserting in lieu thereof "the Secretary of Defense";

(D) by striking out paragraph (7);

(E) in paragraph (10), by striking out "instruct the Secretary of the military department concerned to"; and

(F) by redesignating paragraphs (8), (9), (10), and (11) as paragraphs (7), (8), (9), and (10), respectively.

(3) Section 2307, as amended by section 501(a)(6), is further amended in subsection (g)(7), by striking out the second sentence.

(4) Section 2311 is amended—

(A) by striking out "Except as provided in" and inserting in lieu thereof "(a) Except as provided in subsection (b) and"; and

(B) by adding at the end the following new subsection:

"(b) The Secretary of Defense may delegate any authority of the Secretary under this chapter only to—

"(1) the Deputy Secretary of Defense, who may successively delegate such authority only to the Under Secretary of Defense for Acquisition;

"(2) the Under Secretary of Defense for Acquisition; or

"(3) any acquisition program executive officer or acquisition program manager of the Defense Research, Development, and Acquisition Agency.".

(5) Section 2318 is amended—

(A) in subsection (a), by striking out "Defense Logistics Agency" each place it appears and inserting in lieu thereof "Defense Research, Development, and Acquisition Agency"; and

(B) in subsection (c), by striking out "Each advocate for competition of an agency" and inserting in lieu thereof "The advocate for competition".

(6) Section 2320(b) is amended—

(A) in the matter above paragraph (1), by striking out "an agency named in section 2303 of this title" and inserting in lieu thereof "the Department of Defense"; and

(B) in paragraph (9), by striking out "the head of the agency to withhold" and inserting in lieu thereof "the withholding of".

(7) Section 2324 is amended—

(A) in subsection (e)—

(i) in paragraph (2)(C), by striking out "head of the agency awarding the contract" and inserting in lieu thereof "Secretary"; and

(ii) in paragraph (3)—

(I) in subparagraph (A), by striking out the matter above clause (i) and inserting in lieu thereof the following:

"(A) Pursuant to regulations prescribed by the Secretary and subject to the availability of appropriations, the Secretary may waive the application of the provisions of subparagraphs (M) and (N) of paragraph (1) to a covered contract (other than a contract to which paragraph (2) applies) if the Secretary determines that—";

(II) by striking out "head of an agency" each place it appears in subparagraphs (B) and (C); and

(III) in subparagraph (B)(ii), by striking out "head of the agency will consider granting such waiver, and, if the agency head" and inserting in lieu thereof "Secretary will consider granting such waiver, and, if the Secretary";

(B) in subsection (h)(2), by striking out "or the Secretary of the military department concerned"; and

(C) in subsection (k)(4)—

(i) by striking out "the head of the agency that awarded the covered contract" and inserting in lieu thereof "the Secretary of Defense";

(ii) by striking out "the agency head" and inserting in lieu thereof "the Secretary";

(iii) by striking out "such agency head" and inserting in lieu thereof "the Secretary"; and

(iv) in subparagraph (B), by striking out "agency" and inserting in lieu thereof "Department of Defense".

(8) Section 2326 is amended—

(A) by striking out "head of an agency" each place it appears and inserting in lieu thereof "Secretary of Defense";

(B) by striking out "head of the agency" each place it appears and inserting in lieu thereof "Secretary of Defense"; and

(C) in subsection (a), by striking out "military department concerned" and inserting in lieu thereof "Department of Defense".

(9) Section 2327 is amended—

(A) in subsection (a), by striking out "The head of an agency" and inserting in lieu thereof "The Secretary of Defense";

(B) in subsection (b), by striking out "the head of an agency" and inserting in lieu thereof "the Secretary of Defense";

(C) in subsection (c)(1)—

(i) by striking out "the head of an agency" each place it appears and inserting in lieu thereof "the Secretary"; and

(ii) by striking out "such head of an agency" each place it appears and inserting in lieu thereof "the Secretary";

(D) in subsection (c)(2), by striking out "Upon the request of the head of an agency, the" and inserting in lieu thereof "The"; and

(E) in subsection (d)—

(i) by striking out "(1)"; and

(ii) by striking out paragraph (2).

(10) Section 2329 is amended—

(A) in subsection (a), by striking out the second sentence;

(B) in subsection (b), by striking out "the Secretary of a military department" and inserting in lieu thereof "the Secretary of Defense"; and

(C) in subsection (c)—

(i) by striking out "the Secretary concerned" each place it appears and inserting in lieu thereof "the Secretary of Defense"; and

(ii) by striking out the second sentence of paragraph (3).

**SEC. 704. RESEARCH AND DEVELOPMENT.**

Chapter 139 of title 10, United States Code, is amended as follows:

(1) Section 2352(a) is amended in the matter above paragraph (1)—

(A) by striking out "The Secretary of a military department" and inserting in lieu thereof "The Secretary of Defense"; and

(B) by striking out "of that military department".

(2) Section 2353 is amended—

(A) in the first sentence of subsection (a)—

(i) by striking out "contract of a military department" and inserting in lieu thereof "Department of Defense contract"; and

(ii) by striking out "the Secretary of the military department concerned" and inserting in lieu thereof "the Secretary of Defense"; and

(B) in subsection (b)(3), by striking out "the Secretary concerned" and inserting in lieu thereof "the Secretary of Defense".

(3) Section 2354 is amended—

(A) in subsection (a), by striking out "the Secretary of the military department concerned, any contract of a military department" and inserting in lieu thereof "the Secretary of Defense, any contract of the Department of Defense";

(B) in subsection (c)—

(i) by striking out "the Secretary of the department concerned" and inserting in lieu thereof "the Secretary of Defense"; and

(ii) by striking out "of his department"; and

(C) in subsection (d), by striking out "the Secretary concerned" and inserting in lieu thereof "the Secretary of Defense".

(4) Section 2355 is amended—

(A) by striking out "Secretary of each military department" and all that follows through "Comptroller General," and inserting in lieu thereof "Secretary of Defense, with the approval of the Comptroller General, may"; and

(B) by striking out "his department".

(5) Section 2356(a) is amended to read as follows:

"(a)(1) Except as provided in paragraph (2), the Secretary of Defense may delegate any authority under section 1584, 2353, 2354, 2355, or 2358 of this title to—

"(A) the Deputy Secretary of Defense, who may successively delegate such authority only to the Under Secretary of Defense for Acquisition;

"(B) the Under Secretary of Defense for Acquisition; or

"(C) any employee of the Defense Research, Development, and Acquisition Agency.

"(2) The authority of the Secretary under section 2353(b)(3) of this title may not be delegated to a person described in paragraph (1)(C).".

(6) Section 2367(c) is amended to read as follows:

"(c) Funds appropriated to the Department of Defense may not be obligated or expended for purposes of operating a federally funded research center that was not in existence before June 2, 1986, until—

"(1) the Secretary of Defense submits to Congress a report with respect to such center that describes the purpose, mission, and general scope of effort of the center; and

"(2) 60 days elapse after the date on which such report is received by Congress.".

(7) Section 2369 is amended—

(A) in subsection (a), by striking out "a program for the supervision and coordination of" and inserting in lieu thereof "and conduct appropriate"; and

(B) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) PURPOSE OF PRODUCT EVALUATION.—The purpose of each product evaluation activity established under subsection (a) is to evaluate products developed by private industry independent of any contract or other arrangement with the United States in order to determine the utility of such products in the Department of Defense.".

(8) Subsections (a) and (g) of section 2371 are amended by striking out "in carrying out advanced research projects through the Defense Advanced Research Projects Agency, and the Secretary of each military department,".

**SEC. 705. MISCELLANEOUS PROCUREMENT PROVISIONS.**

Chapter 141 of title 10, United States Code, is amended as follows:

(1) Section 2381 is amended—

(A) in subsection (a)—

(i) by striking out "The Secretary of a military department" and inserting in lieu thereof "The Secretary of Defense"; and

(ii) by striking out "that department" in paragraph (1) and inserting in lieu thereof "the Department of Defense"; and

(B) in subsection (b)—

(i) in the matter above paragraph (1), by striking out "the Secretary concerned" and inserting in lieu thereof "the Secretary of Defense"; and

(ii) in paragraph (2), by striking out "military department concerned" and inserting in lieu thereof "Department of Defense".

(2) Section 2385 is amended by striking out "a military department" and inserting in lieu thereof "the Department of Defense".

(3) Section 2386 is amended by striking out "a military department" and inserting in lieu thereof "the Department of Defense".

(4) Section 2388(a) is amended by striking out "The Secretary of a military department" and inserting in lieu thereof "The Secretary of Defense".

(5) Section 2393 is amended—

(A) in subsection (a)—

(i) by striking out "the Secretary of a military department" in paragraph (1) and inserting in lieu thereof "the Secretary of Defense"; and

(ii) by striking out "the Secretary concerned" in paragraph (2) and inserting in lieu thereof "the Secretary of Defense"; and

(B) in subsection (b), by striking out "the Secretary concerned" and inserting in lieu thereof "the Secretary of Defense".

(6) Section 2394 is amended—

(A) in subsection (a), by striking out "the Secretary of a military department" and inserting in lieu thereof "the Secretary of Defense";

(B) by striking out subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(7) Section 2394a is amended—

(A) in subsection (a)—

(i) by striking out "Secretary of a military department" and inserting in lieu thereof "Secretary of Defense"; and

(ii) by striking out "military department under his jurisdiction" and inserting in lieu thereof "Department of Defense"; and

(B) in subsection (b), by striking out the second sentence.

(8) Section 2401(a) is amended by striking out "The Secretary of a military department" both places it appears and inserting in lieu thereof "The Secretary of Defense".

(9) Section 2403 is amended—

(A) in subsection (a), by striking out paragraph (8);

(B) in subsection (b), by striking out "the head of an agency" in the matter above paragraph (1) and inserting in lieu thereof "the Secretary of Defense";

(C) in subsections (c), (f), and (g), by striking out "head of the agency concerned" each place it appears and inserting in lieu thereof "Secretary of Defense";

(D) in subsection (d)—

(i) by inserting "(1)" after the subsection designation;

(ii) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(iii) by striking out the second sentence; and

(iv) by adding at the end the following new paragraph:

"(2) The Secretary may delegate authority under this subsection only to the Under Secretary of Defense for Acquisition."; and

(E) in subsection (h)—

(i) by striking out "(1)"; and

(ii) by striking out paragraph (2).

(10) Section 2405(a) is amended by striking out "The Secretary of a military department" and inserting in lieu thereof "The Secretary of Defense".

(11) Section 2406 is amended—

(A) in subsection (a)—

(i) by striking out "head of an agency" and inserting in lieu thereof "Secretary of Defense";

(ii) by striking out "with that agency"; and

(iii) by striking out "head of the agency" each place it appears and inserting in lieu thereof "Secretary"; and

(B) in subsection (f)—

(i) by striking out paragraph (1);

(ii) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(iii) by striking out "2432(a)" and inserting in lieu thereof "2430" in paragraph (1) (as redesignated by clause (ii)); and

(iv) by striking out "the head of an agency" and inserting in lieu thereof "the Secretary of Defense" in paragraph (3) (as redesignated by clause (ii)).

(12) Section 2411(3) is amended by striking out "Director of the Defense Logistics Agency" and inserting in lieu thereof "Under Secretary of Defense for Acquisition".

### SEC. 706. MAJOR DEFENSE ACQUISITION PROGRAMS.

Chapter 144 of title 10, United States Code, is amended as follows:

(1) Section 2433 is amended—

(A) by striking out "service acquisition executive designated by the Secretary concerned" each place it appears and inserting in lieu thereof "Under Secretary of Defense for Acquisition";

(B) in subsection (c)(2), by striking out "such service acquisition executive" each place it appears and inserting in lieu thereof "the Under Secretary of Defense for Acquisition";

(C) in subsection (d)—

(i) by striking out "the service acquisition executive" in paragraphs (1) and (2) and inserting in lieu thereof "the Under Secretary"; and

(ii) in paragraph (3), by striking out "If, based upon the service acquisition executive's determination, the Secretary concerned" and inserting in lieu thereof "If the Under Secretary of Defense for Acquisition"; and

(D) in subsection (e)—

(i) in paragraph (1)(A), by striking out "Secretary concerned" and inserting in lieu thereof "Under Secretary of Defense for Acquisition";

(ii) in paragraph (1)(B), by striking out "Secretary" and inserting in lieu thereof "Under Secretary";

(iii) in paragraph (2), by striking out "(as determined by the Secretary" in the matter above subparagraph (A) and inserting in lieu thereof "(as determined by the Under Secretary"; and

(iv) in paragraph (3), by striking out "by the Secretary" both places it appears in the first sentence and inserting in lieu thereof "by the Under Secretary".

(2) Section 2434(b)(1) is amended by striking out "the military department," and all that follows and inserting in lieu thereof "Department of Defense.".

(3) Section 2435 is amended—

(A) in subsection (a)(1), by striking out the matter above subparagraph (A) and inserting in lieu thereof the following:

"(a) BASELINE DESCRIPTION REQUIREMENT.—(1) The Under Secretary of Defense for Acquisition shall establish a baseline description for each major defense acquisition program—"; and

(B) in subsection (b)—

(i) in paragraph (1), by striking out "Secretary of the military department concerned and to the service acquisition executive designated by such Secretary" and inserting in lieu thereof "Under Secretary of Defense for Acquisition"; and

(ii) in paragraph (2), in the matter above subparagraph (A)—

(I) by striking out "The Secretary of the military department concerned" and inserting in lieu thereof "The Under Secretary of Defense for Acquisition"; and

(II) by striking out "180 days—" and all that follows and inserting in lieu thereof the following: "180 days, establish a review panel to review such program and to submit to the Under Secretary a report on the results of such review within 45 days after the date on which the program deviation report is submitted under paragraph (1).".

(4) Section 2436 is amended—

(A) in subsection (a)—

(i) by striking out ", through the Secretaries of the military departments,"; and

(ii) by striking out "senior procurement executive of the military department concerned" and inserting in lieu thereof "Under Secretary of Defense for Acquisition";

(B) in subsection (b)—

(i) by striking out "Secretary of a military department" and inserting in lieu thereof "Secretary"; and

(ii) by striking out "under the jurisdiction of the Secretary";

(C) in subsection (c)—

(i) in paragraph (1), by striking out "Secretary concerned" and inserting in lieu thereof "Under Secretary of Defense for Acquisition"; and

(ii) in paragraph (3), by striking out "senior procurement executive" and all that follows and inserting in lieu thereof "Under Secretary."; and

(D) in subsection (d), by striking out "the senior procurement executive of the military department concerned, with the approval of".

(5)(A) Section 2437 is repealed.

(B) The table of sections at the beginning of chapter 144 is amended by striking out the item relating to section 2437.

### SEC. 707. SERVICE SPECIFIC ACQUISITION AUTHORITY.

(a) ARMY.—Part IV of subtitle B of title 10, United States Code, is amended by striking out "Secretary of the Army" in sections 4501(c), 4502(a), 4503, 4504, 4505, 4506, 4507, 4508(a), 4531, 4532(a), 4533, 4535, 4537, 4538, 4540(a), and 4542 (each place it appears) and inserting in lieu thereof "Secretary of Defense".

(b) NAVY.—Part IV of subtitle C of such title is amended as follows:

(1) Strike out "Secretary of the Navy" in sections 7201, 7203(a), 7210(a), 7212(a), 7213, 7229, 7299a (each place it appears), 7301(a), 7309(e), 7311(a), 7311(b), 7312 (each place it appears), 7314, 7341(a), 7342(b), 7345(a), 7361 (each place it appears), 7362, 7364, 7365, and 7521 and insert in lieu thereof "Secretary of Defense".

(2) Section 7203 is amended—

(A) in subsection (a), by striking out "(a)"; and

(B) by striking out subsection (b).

(3) Section 7210 is amended—

(A) in subsection (a), by striking out "(a)"; and

(B) by striking out subsection (b).

(4) Section 7310(a) is amended by striking out "Navy" the first place it appears in the second sentence and inserting in lieu thereof "Secretary of Defense".

(5) Section 7311(a)(1) is amended by striking out "Navy" the first place it appears and inserting in lieu thereof "Secretary of Defense".

(6) Section 7314(2) is amended by striking out "Navy" and inserting in lieu thereof "Department of Defense".

(7) Section 7363 is amended in the first sentence—

(A) by striking out "Department of the Navy" and inserting in lieu thereof "Secretary of Defense"; and

(B) by striking out "Secretary" and inserting in lieu thereof "Secretary of Defense".

(8) Section 7521 is amended by striking out "contract made by the Department of the Navy" in the first sentence and inserting in lieu thereof "contract entered into for the Department of the Navy".

(9) Section 7522 is amended by striking out "Secretary of the Navy" and all that follows through "chiefs of bureaus" and inserting in lieu thereof "Secretary of Defense".

(c) AIR FORCE.—Part IV of subtitle D of such title is amended in sections 9501(c), 9502(a), 9503, 9504, 9505, 9506, 9507, 9511(11), 9531, 9532, 9535, 9537, 9538(a), and 9540(a) by striking out "Secretary of the Air Force" and inserting in lieu thereof "Secretary of Defense".

### SEC. 708. OTHER LAWS.

In any other provision of law providing authority for the Secretary of a military department or the head of a Defense Agency of the Department of Defense to perform a research, development, or acquisition function of the Department of Defense, the reference to that official shall be deemed to refer to the Secretary of Defense. That function shall be performed as provided in section 133(b) of title 10, United States Code (as amended by section 301(a)), and section 232 of such title (as added by section 301(b)).

## TITLE VIII—EFFECTIVE DATE

### SEC. 801. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the first day of the fiscal year that begins on or after the date of the enactment of this Act and, in the case of provisions and amendments that set forth contracting procedures, shall apply with respect to contract solicitations that are issued on or after such effective date.●

● Mr. COHEN. Mr. President, today Senator ROTH and I are introducing legislation to significantly improve the accountability of Federal managers who spend money on behalf of taxpayers. The legislation will also make huge strides to hold contractors accountable for the promises they make to the taxpayers when they sign contracts with the Federal Government. The reforms outlined in this legislation have the potential to save taxpayers an estimated $20 billion annually.

For years, the press has accurately reported how the Government has wasted money when purchasing goods and services. In recent years we have seen reports outlining how Department of Defense officials agreed to pay millions of dollars for unneeded goods like the 1.2 million bottles of nasal spray that sat expiring on a shelf in a Government warehouse; or how Department of Energy officials agreed to pay the fines of contractors who violated Federal environmental laws, and to reimburse contractors for property stolen by the contractor's own employees; or how Resolution Trust Corporation officials approved a contract that allowed a contractor to charge the taxpayer 67 cents a page to photocopy thousands of bank records when comparable copies at Kinko's cost 3 cents; or the Federal Deposit Insurance Corporation officials who paid a contractor $300 every time it mowed a lawn which was roughly the size of a basketball court. In each of these cases we heard excuses and finger pointing rather than acceptance of responsibility. We will not successfully curb these types of problems until we begin to hold Government decisionmakers responsible for their actions.

The legislation we are introducing today establishes that Federal employees who purchase goods and services on behalf of the Federal Government will be held accountable for those purchases in much the same way a private sector employee is held accountable when he or she buys goods and services for a business. In the private sector, an employee is expected to make decisions that are in the best economic interest of the employer. If the decisions result in success, the employee is rewarded. If not, the employee receives no reward. This incentive system, known as "pay for performance," has produced successful results in the private sector and should be tested in the Government's acquisition work force.

In the case of the private sector, the most successful enterprises understand and invest in the training of its work force to ensure that the employees are qualified to perform these duties effectively and efficiently. This legislation will ensure that the Federal procurement work force is qualified and formally trained to act in the best interest of the taxpayers. A trained, reliable, and competent Federal procurement work force, that is rewarded when it performs well and is not rewarded when it fails, will provide a front line defense against contract waste and mismanagement in the Federal Government.

A trained and capable work force is only half of the answer to how we can improve the administration of Federal contracts. The other half of our legislative solution calls for a contractor to achieve the cost, schedule, and performance goals outlined in its contract with Government. The concept is similar to the business judgment my constituents in Maine make when they decide to buy services or appliances. The concept is simple—if the contractor does not keep its promises to the taxpayer, the government may withhold its payments.

The bill provides an additional incentive by requiring those contractors with a record of performance on Government contracts to compete for future Government contracts not only on price, but on the contractor's performance record on is past Government contracts. This will prevent poorly performing contractors from competing on an equal basis for future Government contracts with those contractors who have performed well.

These measures of increased accountability should also halt the Government's payment of bonuses to contractors whose projects are poorly managed, late and/or grossly over budget. As an example, NASA has paid bonuses to contractors who managed a number of failed programs. Examples include: $20 million in contractor bonuses for the Hubble space telescope which required costly repairs before it could work as envisioned; a $17 million contractor bonus for the Mars Observer which spun out of control and is now lost in space thanks to critical contractor failures; and a $5 million contractor bonus for the Gamma Ray Observatory, a program which exceeded its budget by more than $40 million. The legislation we are proposing today, would only permit the payment of bonuses to contractors if their programs were under cost, ahead of schedule and/or performed better than expected. This provision will put a halt to the payment of bonuses to poorly performing Government contractors.

Mr. President, this legislation also increases the threshold to $500,000 under the Davis-Bacon Act, which requires Government contractors to pay prevailing wages to their employees. Not only will this legislation update the 60-year-old Davis-Bacon law, but it will save the taxpayer an estimated $448 million in outlays over 5 years by reducing the cost of construction. In addition, by raising the threshold, the U.S. Department of Labor, which is charged with administering and enforcing the Davis-Bacon Act, will be better able to enforce prevailing wages on large dollar volume contracts. With the huge Federal deficit and the demand by our constituents that we reduce Government spending, I firmly believe the time has come to take a fresh look at the ramifications of the Davis-Bacon Act as it now exists.

Mr. President, we believe that adding incentives and accountability to the Federal procurement system will provide the Government with needed tools to fight Government waste and mismanagement. I would urge my colleagues to support this legislation.●

By Mr. DOMENICI (for himself, Mr. NUNN, Mr. DODD, Mr. DANFORTH, Ms. MIKULSKI, Mr. COCHRAN, Mr. LIEBERMAN, Mr. BENNETT, Mr. DORGAN, and Mr. CONRAD):

S.J. Res. 178. A joint resolution to proclaim the week of October 16 through October 22, 1994, as "National Character Counts Week"; to the Committee on the Judiciary.

### NATIONAL CHARACTER COUNTS WEEK

Mr. DOMENICI. Mr. President, over the past few years most of us in this Chamber have heard or delivered statements about the importance of revitalizing or reinvigorating this country's moral compass or its value system. We have heard statistics from educators, national organizations, judges, journalists, law enforcement personnel, and parents that the young people of this country simply do not recognize the fundamental precepts of right and wrong.

I might add to my prepared remarks that the distinguished occupant of the chair, while he was chairing a commission, had a chapter on young people in our country, and I read it carefully and in fact talked with the distinguished Senator from West Virginia [Mr. ROCKEFELLER] about it. The conclusions that were drawn obviously did not fall on deaf ears, because many of us now have learned that values or morality are very controversial. In fact, many do not think they ought to be discussed by public officials, and certainly it is very difficult to say what they are, at least from the standpoint of expecting unanimity of reception and people agreeing with your conclusions.

Our desire not to offend our fellow citizens seems to have left us collectively speechless about the fundamental character of our society. In our legitimate desire not to impose our beliefs on others, we have fumbled and stumbled around that issue. As a consequence, we may have left the impression that the Nation no longer has any respect for basic values that one generation transmits to another.

Now, I believe the time for that kind of thinking and acting has to come to a stumbling stop. The time has come to join in a crusade and stand up with countless thousands of Americans who believe that we have to face this issue head on with honesty, fairness, and understanding. We can say that there is really a crisis in character and we can offer some fundamental precepts that are positive guideposts for addressing these concerns.

Senator NUNN, myself, and six other Senators, equally divided among Republicans and Democrats, have gotten together and established an informal group called the Senate "Character Counts Group." Our objective is to find ways in which we can support, individually or collectively, publicly—and, when appropriate, even legislatively—the promotion of character education and character training throughout America.

Our primary goal is to be supportive of families and communities, schools, and youth organizations, religious institutions, civic groups and all those who care deeply about our country's children.

A few weeks ago, Alex Dominguex of the Associated Press wrote an article entitled "Schools by Scruples." I was struck by the words of Boston University's Kevin Ryan commenting on why there has been insufficient evaluation and studies on character education:

The reason for that is that the Federal Government is gutless, afraid to fund anything so controversial. This is really a core issue and they just flee from it.

This group of Senators has decided that it does not need to flee from this issue.

The first initiative that we are pursuing is the introduction of a resolution here tonight that I will send to the desk for proper referral declaring the week of October 16 through 22 of 1994 as "National Character Counts Week."

The resolution articulates six core elements of character. These six elements coincide with the six core ethical values that were developed in July of 1992 by an eminent group of ethics scholars, educators, and representatives of youth organizations who came together to determine if a common ground and a common language could be found concerning the need and the content of character education. As a result of their efforts, a consensus was reached that there were fundamental character elements that all could support. The result is known as the Aspen Declaration.

The six core elements of character are trustworthiness, respect, responsibility, justice and fairness, caring, and civic virtue and citizenship. It calls on communities, especially schools of our land, young organizations to integrate these six core elements of character into programs serving students and children.

This Senate Character Counts Group believes that these six core elements constitute the fundamental list of character elements. We can support them unequivocally, and as my remarks are either heard or read I ask whether anyone really objects to any of these six core character values.

These, as I just indicated, are easy to support but obviously difficult to achieve and equally difficult to educate our young people about. We are merely saying that these six are noncontroversial and in and of themselves constitute the core character elements of any character-building program.

Mr. President, long ago, the Greeks in this country, the Greeks in Greece, their homeland, through their leaders said something very fundamental: A country must have character, and it will only have character if the individuals that make up its population have character.

Something is going wrong in the United States. I believe it is the demise and disintegration of core character qualities among our people, and it is time that those of us in elected office see fit to join in a renaissance or crusade to see what we can do to change that.

There are those who question whether Government should ever be involved in the issue of character building programs. In answer to that, my views are that Government can help, can institute or change policies, and can supplement what others are doing. Government alone cannot, and should not, supplant our individual and collective responsibilities. Therefore, Government's role in character building efforts should be to support families, communities, and organizations with their programs. I believe that character education and training is a public policy issue, and one that Government can and should endorse.

There are many instances when Government can play a positive and constructive role in character building programs. For example, FBI Director Louis J. Freeh recently announced that the FBI would institute guidelines regarding the conduct of its employees. The FBI Director stated that "core values such as integrity, reliability, and trustworthiness" must be upheld and revered. To me, this represents what's totally right about Government intervention in character building programs.

We, in Congress, and all our public policymakers and leaders may want to think about David Broder's comments in his article, "Beware the Unattached Male":

> . . . it is no longer possible to pretend that the values by which people live their lives don't matter. The public no longer buys that, if it ever did, so "experts" who cling to that belief are increasingly marginalized in the policy debates.
>
> When the experts shake off their fright about values, however, they really can help inform the political dialogue. . . . In retrospect, it's amazing that American politics was hung up for so long in partisan debate about "family values." Now that it's largely over, perhaps we can work at reversing some of those trend lines (the Index of Leading Cultural Indicators) Bennett charts.

Most of us recognize the central role of the family in shaping the values of young people. At the same time, we must also acknowledge that too many children are raised without the benefit of positive family influences. Furthermore, even the most caring and involved parents need support. All of our social institutions—the family, our schools, churches, and civic organizations—must work in concert to emphasize responsibility, self-discipline, self-restraint, and character. As the old proverb says: "It takes a whole village to raise a child."

Today, the people of this Nation enjoy more freedom, more privilege than we have ever known. But increased individual liberty brings with it additional personal responsibility. The choices we face are difficult, but we have an obligation, a civic responsibility to confront them. As journalist E.J. Dionne observed:

> Talk of citizenship and civic virtue sounds utopian. In fact, it is the essence of practical politics. Only by restoring our sense of common citizenship can we hope to deal with the most profound and practical issues before us.

It is no longer enough to look toward others to solve our collective problems.

We, as citizens, must roll up our sleeves and pitch in. The health of a democratic society may be measured by the quality of the functions performed by private citizens.

Last year, I learned about a special partnership of some of our Nation's most influential and diverse organizations involved with our young people. This partnership, called the Character Counts Coalition, combines the resources and experience of more than 40 groups, and unites them in striving toward the common mission of reinvigorating—and in some cases reawakening—a strong sense of character in America's youth. This coalition is built upon the six core ethical values, which they refer to as the Six Pillars of Character.

Why do I say this partnership is special? Let me read a list of some of the groups that support and endorse the coalition and its Six Pillars. The American Federation of Teachers, the American Red Cross, the Association of College and University Religious Affairs, the Child Welfare League of America, 4-H, Little League baseball, the National Association of Catholic School Teachers, the National Association of State Boards of Education, the National Council of La Raza, the National Urban League, and the YMCA. This diversity of this group further supports the position that the Six Pillars have universal appeal and rise above any single religious, political, or social agenda.

As important, its council of advisers is as diverse as are its supporting organizations. The council members are William Bennett of Empower America; Marian Wright Edelman, president of the Children's Defense Fund; former U.S. Congresswoman Barbara Jordan; actor Tom Selleck; Nina Link, publisher of the Children's Television Workshop; and Sylvia Peters, a founding partner of the Edison Project and a top-notch educator. Again, this illustrates the coalition's bipartisan, broad-based support for its programs and objectives.

The Character Counts Coalition, its participating members, and its advisory council believe that strong character makes stronger individuals and thus a stonger nation. Each organization I mentioned earlier, as part of their membership in the coalition, has pledged to integrate more consistently and effectively character into new and existing programs.

I would like to mention that I am very proud that there is already considerable support for the Character Counts Coalition and the Six Pillars of Character in my home State of New Mexico. Six months ago, the Bel-Air public school in Albuquerque adopted the Character Counts program, and according to the assistant principal Dennis Romero, lessons on values are integrated into all class subjects and school activities. Thus far, school surveys report that the program is working, and school officials want to continue to develop the program as they analyze and evaluate its effectiveness over the next couple of years. I would like to have the Albuquerque Journal article about this innovative approach added at the end of my remarks.

In addition to the Bel-Air school program, on March 2, of this year, the Albuquerque public schools announced its resolution to endorse and implement Character Counts Program in the Albuquerque public schools. Among its decisions to promote the Six Pillars of Character and the Character Counts Program, the resolution states this important objective:

> That all schools examine school curriculum and practices to identify and extend opportunities for developing character, especially through the utilization of violence-prevention programs, mediation training, community service programs, fair rules which are fairly enforced, democratic practices in classrooms and organizations, and extracurricular activities which help students learn and model caring and ethical behavior.•

To say I am extremely proud of this creative approach to our public school education by the Albuquerque public schools is an understatement. This is what America's parents, families, State and local governments, and community organizations have been telling us for years—that character building is the responsibility of all of us, including our schools. I request that a copy of this resolution be made a part of the RECORD following my remarks.

We all are in this together. By these efforts today, Senator NUNN and I, and our colleagues—Senators DODD, MIKULSKI, COCHRAN, LIEBERMAN, and BENNETT—are stating for the RECORD that we can fully support the Six Pillars of Character. We support the Aspen declaration that states:

> The character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model the core ethical values and every social institution has the responsibility to promote the development of good character.

We will continue our efforts in the days and months ahead to speak out about these Six Core Elements of Character and to find ways that will draw attention to these precepts in our work here in the Senate.

As a beginning, we invite all of our colleagues in the Senate to support this resolution. We want to see this resolution passed in both the Senate and in the House of Representatives, and have it signed by the President of the United States. We believe it sends a message of support to all those individuals and organizations who are working with such deep compassion for and commitment to America's youth. By passing this resolution, we are confirming our participation in this important national effort.

Mr. President, I ask unanimous consent that the joint resolution and additional materials be included in the RECORD.

S.J. RES. 178

Whereas young people will be the stewards of our communities, nation, and world in critical times, and the present and future well-being of our society requires an involved, caring citizenry with good character;

Whereas concerns about the character training of children have taken on a new sense of urgency as violence by and against youth threatens the physical and psychological well-being of the nation;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character, and that character counts in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and, therefore, conscientious efforts must be made by youth-influencing institutions and individuals to help young people develop the essential traits and characteristics that comprise good character;

Whereas character development is, first and foremost, an obligation of families, efforts by faith communities, schools, and youth, civic and human service organizations also play a very important role in supporting family efforts by fostering and promoting good character;

Whereas the Congress encourages students, teachers, parents, youth and community leaders to recognize the valuable role our youth play in the present and future of our nation, and to recognize that character is an important part of that future;

Whereas in July 1992 the Aspen Declaration was written by an eminent group of educators, youth leaders and ethics scholars for the purpose of articulating a coherent framework for character education appropriate to a diverse and pluralistic society;

Whereas the Aspen Declaration states that "Effective character education is based on core ethical values which form the foundation of democratic society";

Whereas the core ethical values identified by the Aspen Declaration constitute the Six Core Elements of Character;

Whereas these Six Core Elements of Character are—

(1) Trustworthiness.
(2) Respect.
(3) Responsibility.
(4) Justice and Fairness.
(5) Caring.
(6) Civic Virtue and Citizenship.

Whereas these Six Core Elements of Character transcend cultural, religious, and socioeconomic differences;

Whereas the Aspen Declaration states that "The character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model the core ethical values and every social institution has the responsibility to promote the development of good character.";

Whereas the Congress encourages individuals and organizations, especially those who have an interest in the education and training of our youth, to adopt these Six Core Elements of Character as intrinsic to the well-being of individuals, communities, and society as a whole; and

Whereas the Congress encourages communities, especially schools and youth organizations, to integrate these Six Core Elements of Character into programs serving students and children: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the week of October 16 through October 22, 1994, is designated as "National Character Counts Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to embrace these Six Core Elements of Character and to observe the week with appropriate ceremonies and activities.

[From the Albuquerque Journal, Mar. 15, 1994]

### CHARACTER COUNTS FOR BEL-AIR PUPILS—RESPECT, FAIRNESS PART OF LEARNING

(By Tracy Dingmann)

"Remember R.A.K."—random acts of kindness—say the little pink and yellow signs posted all over Bel-Air Elementary.

Dotting the walls are bright blue certificates honoring "local heroes" for their good deeds.

And hand-lettered poems featuring "caring," the word of the month, decorate nearly every inch of the halls.

What's happening here?

It's called character education, and Bel-Air, at 4725 Candelaria NE, is the first Albuquerque Public Schools campus to give it a try.

Six months ago, Bel-Air adopted a national program called Character Counts, which advocates infusing students with six core values trustworthiness, respect, responsibility, fairness, caring and citizenship.

The program was developed two years ago during a conference in Aspen, Colo., by the Josephson Institute of Ethics, a consortium of religious groups, community leaders, educators, parents and students.

Last week, the Albuquerque Public Schools board unanimously endorsed putting Character Counts in all APS schools.

Bel-Air staffers use various methods to teach students about the values, from choosing films and books that reflect them to setting up play-acting situations, discussions and word games.

Lessons on values span all subjects and aren't confined to any class, says assistant principal Dennis Romero.

"There is no set curricula," he said. "The values are an umbrella under which we do other things."

The program has brought good things to Bel-Air, says school counselor Mary Jane Aguilar.

For example, the number of slips issued to students for discipline problems dropped from 64 in September to 17 in December, she said.

And a recent survey shows staffers heartily support the initiative and see an improvement in student behavior both in and outside the classroom.

Perhaps more importantly, kids report feeling the changed atmosphere.

"I feel safer," said fifth-grader Claire Long, who added she had often been picked on by her classmates. "Last year, I would just put my head down on my desk and cry two or three times a week."

Bel-Air principal Charles Lefkofsky said the school decided to pioneer Character Counts for APS after a parent told school workers they "weren't living in the real world."

Schools preach against fighting; but the parent said in "real life," kids have to stick up for themselves and fight back.

"We didn't realize it, but we had one set of rules, and the community had another," said Aguilar.

The problem isn't confined to the Bel-Air neighborhood, Aguilar said. "Violence as a first response really permeates our youth. It's like that all over the city. It doesn't matter where you are."

So the Bel-Air staff tackled the problem by inviting students and their families to learn a different way to react.

The staff began by crafting a definition for each of the six core values that all students could understand.

For example, responsibility was defined as: "You know what is expected. You do what is expected. Others can depend on you to know and do what is expected."

Making the words actually mean something to the children was harder than it sounds, Romero said.

Next, staffers identified certain actions associated with each word, such as "doing things without your mother reminding you" as examples of being trustworthy.

Lastly, they encourage students to "model" the value expressed in the word of the month.

To reward those who do good things, Bel-Air holds assemblies and hands out certificates.

The school gets the whole community involved by discussing the program at PTA meetings, bringing parents in to perform skits during assemblies, and posting inspirational messages on the school's marquee.

Though teaching values has improved the school's atmosphere, staffers at Bel-Air think the program will eventually benefit the students academically, too.

"If kids feel safe, then they're able to focus on academics, and not about who's going to beat them up after school," Romero said. "We're hoping test scores are going to reflect that, but we don't know. It might take a couple of years."

Launching the program districtwide recently won support from the board and the Albuquerque Teachers Federation, but staffers at Bel-Air say they have concerns.

The program won't work unless everyone at the school believes in it and wants to do it, said Aguilar. Also, she said putting the program together takes lots of work and time and there's no instruction manual for doing it.

"If they don't make a real commitment, it will all go by the wayside," she said.

### RESOLUTION TO ENDORSE AND IMPLEMENT CHARACTER COUNTS PROGRAM IN THE ALBUQUERQUE PUBLIC SCHOOLS

Whereas, Albuquerque Public Schools reaffirms the need to join with other community groups to actively engage in the development and demonstration of ethical behavior among youth and adults, and

Whereas, the mission of Albuquerque Public Schools is to provide learners of all ages the skills and knowledge needed to become successful and productive members of a dynamic society, and

Whereas, the Albuquerque Public Schools recognizes that students in our schools are more likely now than in the past to experience family disintegration, homicide, drug use, teen age pregnancy, dishonesty, suicide, and strong messages from media and society that undermine home teaching of ethical values, and

Whereas, the Albuquerque Public Schools recognizes that no single community institution can instill ethical behavior in youth and adults if it is acting without the support of other institutions and groups, and

Whereas, the Albuquerque Public Schools recognizes the important role played by teachers and other adults in school settings in modeling good character for young people

Now, therefore, be it resolved:

1. That the Albuquerque Public Schools endorses the Aspen Declaration on Character Education as well as the Character Counts Program as ways to develop character based on six core ethical values: trustworthiness, respect, responsibility, fairness, caring, and citizenship;

2. That the Albuquerque Public Schools will enter into community-wide discussions with other institutions and groups to reach agreements about the role of each in promoting ethical behavior among young people and adults in various aspects of life;

3. That the Albuquerque Public School District is committed to creating models of ethical behavior among all adults who serve students and school;

4. That the core curriculum should continue to give explicit attention to character development as an ongoing part of school instruction;

5. That the materials, teaching methods, partnerships, and services to support school programs shall be selected, in part, for their capacity to support the development of character among youth and adults;

6. That all schools examine school curriculum and practices to identify and extend opportunities for developing character, especially through the utilization of violence-prevention programs, mediation training, community service programs, fair rules which are fairly enforced, democratic practices in classrooms and organizations, and extracurricular activities which help students learn and model caring and ethical behavior.•

• Mr. COCHRAN. Mr. President, we are at a critical point in our country today. We can either choose the path toward anarchy—more violence, more crime, more high school dropouts, more broken families, and other problems which have become all too familiar. Or, we can take the path toward more personal involvement with our families, churches, communities, and political institutions and try to be a more positive and stronger influence on the lives of others.

Our democratic society provides Americans with the greatest individual freedom of any country in the world but it also demands that each of us take responsibility for its preservation. Dramatic increases in crime and a general disregard for the well-being of others threaten the very foundation of our democratic society. The growing incidence of crime among young people is particularly disturbing. It is a threat to our country's future.

Families, churches, teachers, and communities all help shape the attitudes of children.

We all share in the responsibility of teaching and setting examples for our children. Parents and other family members, of course, are the first and most influential teachers, but everyone contributes to a child's development.

The coalition of eight Senators who have come together to introduce this joint resolution will continue to work to support education initiatives and other activities to help instill ethical values into our nation's young people.

I am convinced that by building a strong personal sense of character—as described in the six core elements of character outlined in this joint resolution of trustworthiness, respect, responsibility, justice and fairness, caring, and civic virtue and citizenship—we will help young people stand up to challenges and contribute positively to the communities in which they live.

We must choose the right path today. I am pleased to join in sponsoring this resolution to designate October 17 through 21, 1994 as "National Character Counts Week." Once adopted, this resolution will increase public awareness of the six pillars of character and focus attention on taking the right path—a path toward national strength and guaranteeing that America stays on the right track. I urge other Senators to support the joint resolution.●

## ADDITIONAL COSPONSORS

### S. 266

At the request of Mr. SIMON, the name of the Senator from New York [Mr. MOYNIHAN] was withdrawn as a cosponsor of S. 266, a bill to provide for elementary and secondary school library media resources, technology enhancement, training and improvement.

### S. 984

At the request of Mr. SIMON, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 984, a bill to prevent abuses of electronic monitoring in the workplace, and for other purposes.

### S. 1021

At the request of Mr. INOUYE, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1021, a bill to assure religious freedom to Native Americans.

### S. 1028

At the request of Ms. MIKULSKI, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1028, a bill to provide for the income tax treatment of certain distributions under a governmental plan.

### S. 1329

At the request of Mr. D'AMATO, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1329, a bill to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

### S. 1805

At the request of Mr. WARNER, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

### S. 1884

At the request of Mr. SIMPSON, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 1884, a bill to amend the Immigration and Nationality Act to reform asylum procedures, to strengthen criminal penalties for the smuggling of aliens, and to reform other procedures to control illegal immigration to the United States.

### S. 1894

At the request of Mr. MCCAIN, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 1894, a bill to amend chapters 83 and 84 of title 5, United States Code, to provide that the cost-of-living adjustment of the annuities of Members of Congress may not exceed the cost-of-living adjustment of certain social security benefits, and for other purposes.

### S. 1949

At the request of Mr. LAUTENBERG, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 1949, a bill entitled the "Mercury-Containing and Rechargeable Battery Management Act".

### SENATE JOINT RESOLUTION 160

At the request of Mr. RIEGLE, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of Senate Joint Resolution 160, a joint resolution to designate the month of April 1994, as "National Sudden Infant Death Syndrome Awareness Month," and for other purposes.

### SENATE JOINT RESOLUTION 166

At the request of Mr. SPECTER, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Tennessee [Mr. MATHEWS], the Senator from New York [Mr. D'AMATO], the Senator from Hawaii [Mr. INOUYE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from North Dakota [Mr. CONRAD], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Joint Resolution 166, a joint resolution to designate the week of May 29, 1994, through June 4, 1994, as "Pediatric and Adolescent AIDS Awareness Week."

### SENATE CONCURRENT RESOLUTION 35

At the request of Mr. WOFFORD, the names of the Senator from Ohio [Mr. GLENN], the Senator from Wyoming [Mr. SIMPSON], the Senator from Vermont [Mr. LEAHY], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of Senate Concurrent Resolution 35, a concurrent resolution to express the sense of the Congress with respect to certain regulations of the Occupational Safety and Health Administration.

### SENATE CONCURRENT RESOLUTION 62

At the request of Mr. D'AMATO, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Concurrent Resolution 62, a concurrent resolution expressing the sense of the Congress that the President should not have granted diplomatic recognition to the former Yugoslav Republic of Macedonia.

### SENATE RESOLUTION 170

At the request of Mr. CHAFEE, the names of the Senator from Utah [Mr. BENNETT], the Senator from North Dakota [Mr. CONRAD], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Resolution 170, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included as primary care providers for women in Federal laws relating to the provision of health care.

## SENATE CONCURRENT RESOLUTION 64—RELATIVE TO GUATEMALA

Mrs. MURRAY (for herself, Mr. JEFFORDS, and Ms. MOSELEY-BRAUN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

### S. CON. RES. 64

Whereas, following more than a year's hiatus, formal negotiations to bring an end to the 33-year armed conflict in Guatemala and establish conditions for democracy in Guatemala have resumed under United Nations mediation between the Government of Guatemala and the armed opposition, the Guatemalan National Revolutionary Union;

Whereas systematic human rights violations are committed with impunity against Guatemalan civilians, especially members of the indigenous population, by government security forces and by the Civil Self-Defense Patrols acting under their authority;

Whereas the Organization of American States has found that the Civil Self-Defense Patrols are a "source of human rights violations" and should be "disbanded or reorganized";

Whereas the Organization of American States has found that in Guatemala there have been serious "cases of arbitrary arrest, illegitimate deprivation of liberty, isolation, and torture and execution without trial" of individuals, including the husband of United States citizen Jennifer Harbury and other members of the Guatemalan National Revolutionary Union who are held by various government security forces;

Whereas the Organization of American States has determined that the Communities of Populations in Resistance, which have been harassed by government armed forces and the Civil Self-Defense Patrols, are civilian communities;

Whereas the Organization of American States has called on the Government of Guatemala to "take a clear stand on the grave problems that obstruct the full observance of human rights, set well defined goals, and schedule policies for attaining them";

Whereas the security of repatriated refugees in Guatemala, of internally displaced civilians, and of the Communities of Populations in Resistance remains at risk due to continued military attacks; and

Whereas there has been little substantive progress in bringing to justice all of those responsible for the murder of United States citizen Michael Devine, the abduction and torture of United States citizen Dianna Ortiz, and the murder of anthropologist Myrna Mack Chang: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That the Congress—

(1) commends the President of Guatemala, Ramiro de Leon Carpio, and the leaders of the Guatemalan National Revolutionary Union for establishing a framework for formal negotiations, under the mediation of the United Nations, designed to bring an end to more than 30 years of internal armed conflict and set Guatemala on the road to democracy;

(2) commends the leaders of the various segments of civilian society, under the leadership of Bishop Rodolfo Quezada Toruno, for their role in articulating the concerns of all sectors of Guatemalan society and for bringing critical issues onto the agenda of the peace negotiations;

(3) calls on President de Leon Carpio and all parties in the negotiation process to proceed in the spirit of the Oslo Accords to achieve peace by political means, to the end that a final, binding, and verifiable agreement will be attained before the end of 1994;

(4) calls on the Group of Friends of the peace negotiations (Colombia, Mexico, Spain, Venezuela, Norway, and the United States) to continue and intensify their support of the peace negotiations through diplomatic initiatives and dialogue with all parties;

(5) calls on President de Leon Carpio to immediately develop a measurable and substantive plan to end grave human rights abuses, in compliance with internationally recognized human rights standards, Guatemala's national constitution, and the recommendations of the Inter-American Commission on Human Rights, a part of the Organization of American States;

(6) calls on President de Leon Carpio, as a sign of good faith and a contribution to peace, to immediately disband the Civil Self-Defense Patrols, which are one of the major sources of human rights violations in Guatemala;

(7) calls on President de Leon Carpio to ensure the safety of the returnees, recognizing their rights to reintegrate into Guatemalan society, in full compliance with the Accord of the Permanent Commissions of the Guatemalan Refugees in Mexico and the Government of the Republic of Guatemala, signed in Guatemala on October 8, 1993, that determines the conditions and understandings under which certain Guatemalan refugees may be repatriated;

(8) calls on President de Leon Carpio to recognize the civilian character of the Communities of Populations in Resistance, ensuring their security and their right to peaceful integration into Guatemalan society with the full exercise of rights and liberties guaranteed under Guatemala's national constitution; and

(9) calls on the Executive Branch of the United States Government to condition all assistance to Guatemala, with the exception of humanitarian and development assistance, on achieving concrete and significant progress with respect to—

(A) full compliance with the recommended precautionary measures of the Inter-American Commission on Human Rights, a part of the Organization of American States, including resolution of concerns involving clandestine prisons;

(B) the continuation of the peace process;

(C) substantive improvement in the protection of human rights;

(D) the dissolution of the Civil Self-Defense Patrols;

(E) the guaranteed safety of refugees, returnees, and the internally displaced;

(F) verifiable resolution of the Devine, Ortiz, Harbury, and Mack cases; and

(G) the strengthening of the various segments of civilian society, which are essential to the establishment of genuine democracy in Guatemala.

Mrs. MURRAY. Madam President, today I rise, along with my colleagues, Senators JEFFORDS and MOSELEY-BRAUN, to submit a concurrent resolution in support of the Guatemalan peace process and the urgent need for greater protection of human rights in Guatemala.

After more than thirty years of civil war and a staggering human toll, Guatemala is finally and firmly on the path to peace. However, although great strides have been made in pursuit of a permanent and verifiable peace in Central America's last remaining civil war, the human rights climate in Guatemala continues to be distressing.

The Department of State's assessment of Guatemala in its human rights report for 1993 states that, "Although there were improvements in the human rights situation in 1993, serious abuses occurred frequently. Statistics prepared by the Archbishop's Human Rights Office showed an increase in extrajudicial killings as of mid-December and a substantial increase in forced disappearances, with no improvement in other categories." The State Department goes on to report that, "The civil patrols, military and police continued to commit a majority of the major violations, including extrajudicial killings, political kidnapings, and death threats."

The resolution we are introducing today calls on President Clinton to ensure that all but humanitarian and development assistance to Guatemala be conditioned on improved human rights, progress in the peace process, the strengthening of civil institutions, and the resolution of a number of longstanding and troubling human rights cases.

Specifically, the bill calls for the verifiable resolution of several important human rights cases, including the murders of U.S. citizen Michael Devine and anthropologist Myrna Mack Chang, the abduction and torture of Sister Dianna Ortiz, and the arrest and torture of the husband of Jennifer Harbury. Both Sister Ortiz and Jennifer Harbury are U.S. citizens.

These cases have languished too long, and no real and permanent peace can be achieved until they, and other cases like them, are resolved.

The President of Guatemala, Ramiro de Leon Carpio, the leaders of the Guatemalan National Revolutionary Union, and civilian leaders are to be commended for their efforts to force a lasting peace, but basic human rights standards must be achieved for any peace agreement to succeed. The Civil Self-Defense Patrols must be disbanded and the safety of refugees and returnees must be guaranteed so that the people of Guatemala will be able to embrace peace without fear of reprisals or acts of terror.

The government of Guatemala must recommit itself to the establishment of a strong and independent judicial system, and broadened democratic rights for its people.

The resolution we are introducing today acknowledges the advances that have been made in a number of areas, but firmly states the resolve of the United States Congress that any further U.S. assistance depends directly on Guatemala's progress on human rights and its efforts towards a just and lasting peace.

I urge my colleagues to join me, Senator JEFFORDS and Senator MOSELEY-BRAUN in cosponsoring this important resolution, which seeks an end to oppressive human rights conditions and a new beginning of hope and prosperity for the people of Guatemala.

## SENATE CONCURRENT RESOLUTION 65—RELATING TO CHILDREN IN POVERTY

Mr. LEAHY submitted the following concurrent resolution; which was referred to the Committee on the Agriculture, Nutrition, and Forestry:

S. CON. RES. 65

Whereas the special supplemental food program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) saves medical costs by preventing low birth weight, reducing anemia, and increasing immunizations;

Whereas a study conducted by the General Accounting Office concluded that WIC reduces the incidence of very low birth weight by 44 percent;

Whereas a 1993 study conducted by the Secretary of Agriculture found that savings attributable to WIC, due to the reduction of very low birth weight, ranged from $2,300,000 in Florida to $4,500,000 in North Carolina in reduced medical assistance costs under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

Whereas a study released by the Secretary of Agriculture in 1991 demonstrated that for each dollar spent on a pregnant woman under the WIC program, the associated savings in medical assistance costs for illnesses beginning in the first 60 days after birth ranged from $1.92 to $4.21 for newborns and mothers and from $2.98 to $4.75 for newborns only;

Whereas a study conducted by the General Accounting Office found that WIC benefits provided to all eligible pregnant women would more than pay for themselves in 1 year and would avert more than $1,000,000,000 in health-related costs over an 18-year period;

Whereas the WIC program reduces iron deficient anemia, which affects 25 nearly percent of poor children in the United States and is associated with impaired cognitive development and increases in the risk of lead poisoning;

Whereas the WIC program reduces fetal death and infant mortality;

Whereas the United States ranks below 20 other countries in infant mortality rates and behind 73 other countries in percentage of infants born at low birth weigh;

Whereas the Tufts University Center on Hunger, Poverty, and Nutrition Policy found that even short-term undernutrition jeopardizes the physical health, brain development, and cognitive functioning of young children;

Whereas 4- and 5-year olds whose mothers participated in the WIC program during pregnancy demonstrate higher vocabulary test scores, and children who participated in the WIC program after the 1st birthday of the children score higher on memory tests;

Whereas in 1991 corporate executive officers of 5 major corporations testified at a congressional hearing about the need to fully fund the WIC program by 1996 and concluded that "each pregnant woman, infant, and child who could benefit from WIC but is left out of the program represents a potential drain on budgetary outlays in subsequent years and on our Nation's future economic growth, not to mention a tragic loss in human potential";

Whereas more than 3,000,000 women, infants, and children are eligible but are not currently served by the WIC program; and

Whereas 1994 is the 20th anniversary of the WIC program: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. SHORT TITLE.**

This resolution may be cited as the "A Child is Waiting Resolution".

**SEC. 2. SENSE OF CONGRESS ON FULL FUNDING FOR WIC PROGRAM.**

It is the sense of Congress that—

(1) any health care reform legislation passed by Congress include guaranteed full funding for the special supplemental food program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) so that all eligible women, infants, and children who apply could be served by the end of fiscal year 1996 and full funding could be maintained through fiscal year 2000; and

(2) at least $3,564,000,000, should be made available for fiscal year 1995 to move toward the full funding goal described in paragraph (1).

Mr. LEAHY. Mr. President, every fifth child in America lives in poverty. Fifteen percent of our homeless population are children. Their numbers are increasing faster than any other segment of the homeless population. Better than four in 10 recipients of emergency food assistance are children.

I am joined today by my friend and colleague, Senator JIM JEFFORDS, in introducing a resolution that expresses a bipartisan effort to reverse these trends. Vermont puts partisan differences aside when it comes to feeding children. In a show of support for the Women, Infants and Children [WIC] feeding program, Vermont will be the first State in the union to mark the twentieth anniversary of this program. On Monday, April 4, Agriculture Secretary Mike Espy will join us in Burlington to celebrate the occasion.

WIC deserves special recognition. It feeds hungry infants and children, prevents low birthweight, reduces anemia and increases childhood immunizations. WIC ranks among the most successful nutrition and health programs anywhere. It dispenses food, educates the public on proper nutrition, health assessments and medically prescribed supplements. It also saves the American taxpayer lots of money.

The resolution that Mr. JEFFORDS and I offer today guarantees that full funding of the WIC program will be included in any health care reform approved by Congress.

The initiative has the support of Bread for the World, which has worked tirelessly, for two decades, on behalf of America's children. Let me pause here to thank this great, humanitarian organization and the participating churches and committed membership, who has worked so hard, for so long, in support of the WIC program. They have kept the issue of childhood poverty squarely in the forefront of our national conscience.

President Clinton strongly supports full funding of WIC in his Health Security Act, which Senator JEFFORDS courageously supports with members on this side of the aisle.

Greater investment in WIC produces immediate savings in federal health care spending. For every dollar spent on proper nutrition and a healthy diet can save 3 dollars in medical costs related to undernutrition and poor health later on. It adds a practical dimension to our moral responsibility to support this program.

The United States ranks below 20 western countries in infant mortality. The richest, most powerful nation on earth ranks 74th in percentage of low birthweight infants. A WIC program capable of helping every eligible American family will dramatically reversed this shameful statistic.

A General Accounting Office report showed that WIC reduced the incidence of very low birth weight by 44 percent. A study released by the Secretary of Agriculture last year showed dollar savings in reduced Medicaid costs ranged from $2.3 million in Florida to $4.5 million in North Carolina.

GAO calculated that the government investment paid for itself within a year—and averted $1 billion more in medical expenses through the age of 18.

Savings are generated when fewer newborns need emergency, intensive medical care. It stand to reason that healthier babies mean fewer medical problems.

Low birthweight infants are at greater risk to developmental handicaps, birth defects, infectious diseases, behavior problems and other complications.

Failure to take preventative steps by providing proper nutrition drives up the cost of health care and contributed to the crisis that is crippling our economy.

Vermont has long recognized WIC as a prudent investment in America's future. We are one of the few States that provides services to every eligible applicant.

But despite WIC's 20-year record of outstanding public service, there are millions of eligible women, infants and children who receive no benefits.

They are cut off—not because they weren't entitled—but because there wasn't money enough in the program to meet their need.

Mr. President, a child needs our help. Health care reform provides this Congress a historic opportunity to ensure guaranteed full funding of the WIC program through the year 2000.

I applaud the vision of the President and his courage in including WIC full funding in his health care package. This resolution asks that WIC full funding be a part of whatever health care reform is passed by the Congress. It is my hope that each of my colleagues will share this vision and join with Senator Jeffords and me as cosponsors of this resolution.

• Mr. JEFFORDS. Mr. President, I am pleased today to join Senator LEAHY in introducing a resolution calling on Congress to include full funding for the Special Supplement Food Program for Women, Infants and Children in whatever health package is enacted.

I am confident that health care reform will pass, and I commend Senator LEAHY for his leadership on this issue. No one has done more for nutrition programs than he, and this is but one more example of his dedication.

In this, he is following in the footsteps of another Vermonter and chairman of the Agriculture Committee, George Aiken, who reportedly espoused a rather simple approach to designing Federal nutrition programs for children. It was: "Feed them all." While in these days of tight budgets we may not be able to fulfill that vision, we should at least feed all of the women, infants and children who qualify for the WIC program based on financial and nutritional need.

Senator LEAHY has thoroughly outlined the purpose and dramatic results of the WIC program. The only point I would add is one that came out in testimony before the Labor Committee 2 weeks ago. Dr. Deborah Frank came before the committee to testify on energy assistance, but the point she made is just as important here.

Dr. Frank is a pediatrician in Boston. For 3 years, she and her colleagues have studied children passing through the emergency room of Boston City Hospital. They found that although the conventional scientific wisdom is that seasonal malnutrition is a phenomenon limited to preindustrialized societies, the conventional wisdom is wrong. In

Boston, and no doubt throughout America, when it gets cold, more money is consumed by fuel bills, and less money is available to feed children. As temperatures fall, children lose weight.

The children followed in this study were almost all poor and all were between 6 and 24 months old. These infants and toddlers were at a critical stage in their development, when brain growth should be rapid. We don't know what will happen to each of them. But we do know that malnourished children are at greater immediate health risk, and at greater risk for long term effects such as failure in school and deficits in attention and social behavior.

The impact that WIC could have on these children is enormous. And the impact on women and newborns in the WIC program, as Senator LEAHY has noted, is even more dramatic.

If there is one theme that runs through the debate on health care, I think it is that we devote far too little attention to preventive care in our country. From the most conservative Republican to the most liberal Democrat, I think you would find near universal agreement that we need to change the design of our current system to focus more on promoting and rewarding wellness rather than reacting to sickness.

That is why I hope we can get overwhelming support from our colleagues on this resolution. Every one of us, regardless of our feelings toward the larger issues of health care reform, should be able to agree that the WIC program should be part of the health care package that is ultimately adopted by the Congress and sent to the President.

The WIC program has been in place for 20 years now, and we know that it works. It is the very low-cost, low-tech type of preventive intervention that we all want to emphasize in our health care system. And it saves money, both for the Federal Government and society as a whole.

But most importantly, it saves lives. And if that isn't what health care reform is all about, then we had better reexamine our purpose. WIC may not have received the notice of the other components of heath care reform, but it is every bit as important.

President Clinton was right to include full funding of WIC in the health care bill he introduced. Now it is up to all of us—in Congress and across the country—to make sure it is in the bill he signs. I know we will have great support in our efforts, and I particularly want to commend Bread for the World for its support of the WIC program, and for the compassion, commitment and common sense of its many members.

A child is waiting, Mr. President. A child is waiting for the food shelf to open tommorrow morning, for the food stamps next week to replace those exhausted, for the delivery of surplus commodities who knows when. A child is waiting for the sustenance and medical attention of the WIC program. And a child is waiting for we adults, who are entrusted by the Constitution and our own oath for her care, to finally fulfill the promise of equality that for too many is now belied by an empty belly.

Again, I deeply appreciate the leadership demonstrated by the President on this issue. And I commend Senator LEAHY for once again advancing the cause of nutrition in our country. I look forward to, and will work to secure, the overwhelming support of our colleagues.•

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## SENATE RESOLUTION 193—RELATIVE TO INTERNATIONAL NUCLEAR SAFETY STANDARDS

Mr. GRAHAM (for himself, Mr. BIDEN, Mr. LIEBERMAN, Mr. JEFFORDS, and Mr. BRYAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 193

Whereas there are more than four hundred nuclear power plants located in a total of thirty-three nations of the world;

Whereas there is a great disparity in the level of safety of the nuclear power plants currently in operation;

Whereas the accident in 1986 at the Chernobyl nuclear power plant demonstrated that the risks of a serious accident at nuclear power plants are not a remote or theoretical concern;

Whereas the accident at the Chernobyl nuclear power plant demonstrated that an accident at a nuclear power plant in one nation may cause damage to human health and the environment in many other nations;

Whereas the accident at the Chernobyl nuclear power plant demonstrated that the damages from a nuclear power plant accident may include a loss of human and animal life and serious long-term radiological contamination of the natural environment;

Whereas the construction of new nuclear power plants in nations that do not possess the regulatory and technological infrastructure to safely construct and operate nuclear power plants may pose unreasonable risks to human health and the environment in many nations;

Whereas there is evidence that nations which have not developed the technical capability to safely construct and operate nuclear power plants may attempt to construct and operate nuclear power plants;

Whereas it is important to the citizens of all nations of the world that all practicable measures should be taken to avoid accidents and eliminate any unreasonable risks to the human health and the environment that may be posed by currently operating nuclear power plants;

Whereas it is important to the citizens of all nations of the world that new nuclear power plants should not be constructed or allowed to operate if such plants will pose any unreasonable risks to human health and the environment:

Now, therefore, be it *Resolved* That,

SEC. 1. The United States support the development of an international convention on nuclear power plant safety;

SEC. 2. The United States support the inclusion of effective safety standards for the design, construction, and operation of existing nuclear power plants and for the design, construction, and operation of new nuclear power plants in an international convention on nuclear power plant safety;

SEC. 3. The United States support an international prohibition on the export of nuclear power plant technology and equipment to any nation that has not agreed to abide by the international convention on nuclear power plant safety; and

SEC. 4. The United States support the role of the International Atomic Energy Agency in implementing the international convention on nuclear power plant safety.

SEC. 5. The United States support meetings of the potential parties to the international convention on nuclear power plant safety to discuss the terms of the convention so that the convention would be open for signature and ratification by April, 1996.

• Mr. GRAHAM. Mr. President, today I am submitting along with Senators BIDEN, LIEBERMAN, BRYAN, and JEFFORDS, a resolution to encourage the United States to support the development of an international convention on nuclear power plant safety. The purpose of this convention would be to establish effective international safety standards for the design, construction, and operation of both existing and new nuclear power plants. Additionally, nations that agreed to abide by the standards of this convention would also agree not to provide commercial nuclear technology or assistance to nations that did not agree to abide by these standards.

Mr. President, nuclear safety is an international issue. The accident at the Chernobyl nuclear power plant in the Ukraine demonstrated that releases of radiation into the natural environment do not respect political boundaries. The West first learned of the Chernobyl accident when radiation alarms went off at a nuclear power plant in Sweden. The fallout from the accident affected milk, cheese, and other farm products in Poland and Germany; it contaminated reindeer in Scandinavia; and it caused the slaughter of sheep in England.

This is not just a European problem. It is a problem for the United States as well. The United States could be affected by fallout from a European accident, or more severely affected by radiation released from an accident closer to our borders.

The dangers that could be posed by an unsafe nuclear power plant near the United States were brought home by Cuba's recent attempts to construct two nuclear power plants. Fortunately, Cuba was forced to abandon the construction of these two units last year when the Russians stopped providing financial and technical assistance.

During the construction of these plants, there were a number of allegations from Cuban defectors, and from Americans who studied the designs of these plants, that there were serious defects in the design and construction of these plants. Additionally, a number of American and international nuclear safety experts were concerned that Cuba did not possess the technical resources and infrastructure necessary to safely operate a nuclear power plant. The problems with the Cuban plants were well documented in a 1992 U.S. General Accounting Office [GAO] report on the safety of these plants. A country such as Cuba—which does not have even enough technical equipment to harvest all of its sugarcane mechanically—cannot be able to construct, operate, and maintain the safe operation of a nuclear power plant.

As part of the GAO's report on the safety of the Cuban plants, the National Oceanic and Atmospheric Administration [NOAA] analyzed the potential pathways for radioactivity that might be released if there were an accident at a nuclear power plant located in Cuba. The NOAA analysis showed that all of Florida and portions of Gulf States as far west as Texas could be affected if the accident occurred in the summertime. Areas as far north as Virginia and Washington, DC, could be affected if the accident occurred in the wintertime. Hence, no nation—including the United States—is immune from the dangers of an accident at a nuclear power plant in another nation.

Even if the releases from an accident are small, the fear of radiation could cause devastating losses for agricultural and livestock industries downwind from the accident. Who would feed strontium-laced milk to a child? Who will eat meat that is inspected and found only to pose "no undue risk" to public health and safety? The Chernobyl accident caused serious economic losses in several European nations just as a result of fear of adverse health effects arising from low levels of radiation. This experience serves both as and example and a warning of the possible consequences of an accident at an unsafe nuclear powerplant.

The concerns over the possible effects of an accident at a nuclear power plant are not hypothetical. They are real. We already have had one major accident. It is very possible that the world may have the misfortune to experience one or more additional accidents.

There are many Chernobyl-style reactors still in operation. Other types of nuclear power plants with unsafe designs also are in operation. Furthermore, more unsafe reactors may come into operation in the future.

There is a significant body of international expert opinion that many of the reactors that were designed in the former Soviet Union are unsafe and should be shut down as soon as possible. The United States Department of Energy and the United States Nuclear Regulatory Commission have studied the safety of Soviet-designed reactors. In June of last year the NRC and the DOE issued a joint report to the Congress on what the United States was doing to improve the safety of these reactors. In this report the NRC and the DOE concluded as follows:

> International concern over the operation of Soviet-designed reactors remains substantial. These plants have significant weaknesses in the areas of operational safety and design. The designs of RBMKs (Chernobyl-type reactors) and VVER-440/230s are particularly inconsistent with current Western safety standards. They cannot practically be upgraded to meet contemporary standards for safety and should not be operated any longer than necessary * * * The likelihood of a serious accident from their plants is considered too high.

According to the DOE and NRC, the major deficiencies in the Chernobyl-style reactors included "fundamentally unstable reactor design and poorly designed systems for shutdown of the reactor; a lack of separation and redundancy in critical safety systems, little or no fire protection, and no containment system." There are 13 of these reactors in operation.

In addition to the Chernobyl-style RBMK's, Soviet-designed VVER440/230's do not meet western safety standards. Ten of these reactors are in operation. The safety deficiencies with these reactors include a lack of separation and redundancy in critical safety systems, inadequate fire protection, insufficient safety systems to cope with leaks, and lack of an effective containment or confinement system.

A recent "60 Minutes" program highlighted the safety problems with nuclear power plants in India. These plants have not been built according to accepted international principles of nuclear safety. They have a notoriously poor operating record. A severe fire at one of India's nuclear plants last year caused the shutdown of a number of these plants. The exact degree of danger to the people of India and the international community is unknown, since India does not permit international inspections of its plants.

The problem of unsafe nuclear reactors is not confined to those reactors currently in existence. A number of lesser-developed countries currently are interested in developing or expanding their use of nuclear energy to generate electricity. The expansion of the use of nuclear energy in these nations may likely pose further serious risks to the public health and safety.

For example, to alleviate its dire energy crisis, Armenia may try to reactivate the two units at Medzamar nuclear power plant that were shut down for safety reasons after the earthquake in Armenia in 1989. These units were not built to western seismic standards. They also lack other basic features that are considered essential to safety by western experts.

There are reports that China may assist Iran in the construction of a nuclear power plant. Egypt is considering whether to use nuclear energy to generate electricity to deal with the increasing demand for and cost of electricity. India may expand its use of nuclear energy, even though its current reactors have significant safety problems. Indonesia also is interested in using nuclear energy to meet a rapidly growing demand for electricity.

Many of the lesser developed countries that are interested in using nuclear energy do not yet have the technological infrastructure to design, construct, operate, and maintain safe nuclear power plants. To have an adequate technological infrastructure to support the safe use of nuclear energy, it is necessary to have the industrial capacity to manufacture the components for nuclear power plants; the capacity for sophisticated construction according to rigorous quality assurance requirements; institutions to educate and train people to design, construct, and operate nuclear power plants and to understand the properties of nuclear materials; public institutions and private organizations to understand and address the environmental and public health issues arising from the use of nuclear energy; and separate and independent governmental organizations to oversee and regulate the use of nuclear materials.

Developing this type of infrastructure is no small task; on the contrary, it requires a long-term commitment of significant national resources. In order to have a safe nuclear energy program, many of the lesser developed countries that would like to use nuclear energy would have to rely upon other nations for assistance in one or more of these areas.

Mr. President, at present there are no binding international nuclear safety standards. There is no internationally agreed-upon baseline to judge the safety of any of the existing nuclear power plants or any nuclear power plant that may be built in the future. To date, the International Atomic Energy Agency [IAEA] has established safety fundamentals, standards, guides, and practices, but these are not binding. They are general and advisory. IAEA members are not required to adhere to them.

In November 1991, the Subcommittee on Nuclear Regulation—which I chaired at the time—held a hearing on whether there should be binding international nuclear safety standards. Just prior to this hearing, the members of the IAEA had agreed to develop a framework convention for the establishment of international nuclear safety standards.

At this hearing I expressed my strong support for the development of binding standards. At the hearing, all the witnesses from the U.S. Government—the Nuclear Regulatory Commission, the Department of Energy, and the Department of State—supported the goal of developing the framework convention for international standards. Also at the hearing, Morris Rosen, representing the IAEA, testified in favor of the development of binding international safety standards.

At about the same time the General Accounting Office [GAO] also issued a report on international nuclear safety. The GAO recommended that the United States support the development of international safety standards.

As I will describe in more detail later, some progress has been made towards implementing these recommendations, but much more still needs to be done.

Mr. President, given the current situation—in which both safe and unsafe reactors are in operation—and the potential for proliferation of unsafe reactors, the United States should support the development of an international agreement to establish minimum safety standards for these plants. The development of these standards would provide a common baseline for judging the safety of nuclear power plants throughout the world. These standards also would provide a common indicator by which to judge the appropriateness of commercial nuclear assistance provided to other nations. These standards should make it easier to determine which of the existing plants should be shut down, which modifications are needed for others and which plants are acceptable.

Following the IAEA's initial recommendation for an international nuclear safety convention, the United States and other members of the IAEA have been negotiating an international convention to improve nuclear safety. The convention may be ready for signature later this year. The convention that has been negotiated is only a first step toward improving international nuclear safety. Even if this agreement is signed and implemented, more will need to be done.

The international convention that is under negotiation would not create binding international nuclear safety standards. It is oriented more toward ensuring that each country have a process for ensuring safety rather than towards establishing a baseline level of safety. It is designed to help establish a worldwide safety culture rather than world wide safety standards.

The proposed convention would call for adherence to general safety principles, as opposed to specific technical standards. These general safety principles are very broad and provide only the most basic concepts for the safe regulation and operation of nuclear powerplants. For example, these general safety principles would call on each country to take such general measures as to establish an agency to regulate and license nuclear poserplants; to consider technical issues regarding plant safety over the lifetime of the plant; and to require that there be a safety management system for nuclear powerplants. A peer review process would be used to review each nation's adherence to these goals and principles.

Under the peer review mechanism contemplated by this convention, the parties to the convention would meet periodically to receive reports on reactor safety prepared by the countries that had agreed to the convention. At these periodic meetings there would be a peer review of these reports by technical experts from the various other countries that had signed the convention.

Mr. President, to improve international nuclear safety it is necessary to establish some minimum safety standards. Without the establishment of a minimum standard, there may not be sufficient improvement in international nuclear safety. Under the convention that is now being negotiated, each nation would be able to state that it has established a process for ensuring safety, and that therefore its rectors are safe.

Clearly, this is not enough. How will the international community be able to judge the safety of reactors if there is not some minimum standard to apply? What will the peer review process seek to attain if not some minimum level of safety? The international community should seek stronger assurances that reactors are being safely operated. Certainly, adherence to international safety standards would provide more credible assurances of safe operation than peer review.

A minimum standard of safety is especially important for reactors that may be built in the future. A set of minimum standards would serve notice as to what the international community considers acceptable and what the international community considers unacceptable in terms of creating risks to other countries.

A system of international inspections would be necessary to determine compliance with these standards. Without any such inspections, we can only speculate on the safety of the plants in other countries. There is no substitute for a first-hand, independent on-site examination of a nuclear powerplant. Self-made reports have a tendency to be self-serving. Independent examination is more reliable. An international safety agreement therefore should also provide for an agreement to allow international inspection to determine compliance with the standards.

I want to make it clear that I do not advocate the creation of a worldwide, international equivalent of the Nuclear Regulatory Commission. Nuclear safety must remain the responsibility of the powerplant operators and the national regulatory bodies. The international community should not have the authority to impose civil penalties or take other enforcement actions that are traditionally the responsibility of a national regulatory body. Rather, international standards should be enforced by sanctions that are uniquely international in nature.

A strong incentive to comply with international safety standards would be to deny nuclear assistance for reactors under construction in countries that have not agreed to abide by these standards. For example, nations that agreed to the standards would also agree not to provide financial loans, guarantees, or grants to projects that did not comply with the international nuclear safety standards. Similarly, international lending institutions would be discouraged from providing such financial assistance. Additionally, signatory nations would agree to prohibit the export of commercial nuclear technology if the importing country did not agree to abide by at least the minimum international nuclear safety standards.

At least with respect to new reactors, nations that do not intend to comply with international nuclear safety standards or that do not permit international inspections of their facilities should not be able to obtain commercial nuclear assistance from nations that are in compliance.

This type of international enforcement mechanism would be similar to the system that has been established to prevent the proliferation of nuclear weapons technology. IAEA members have agreed that civilian nuclear technology or materials will not be provided to nations that do not agree to accept IAEA safeguards to prevent that technology or materials from being used for noncivilian purposes.

There are a host of restrictions under United States and international law for the transfer of technology to nations that do not adhere to the international system of safeguards and inspections to prevent the nonproliferation of nuclear weapons technology and materials. Oddly enough, there are almost no restrictions on the transfer of technology that may be used for unsafe nuclear reactors. If the international community can restrict the export of nuclear technology that will pose an unacceptable risk of contributing to nuclear weapons proliferation, then the international community also should be able to restrict the export of nuclear technology that will pose an unacceptable risk of a nuclear accident. Restrictions on technological assistance would therefore be the primary method by which the international nuclear safety standards would be enforced.

I have outlined a variety of tools that the United States should use or develop to improve international nuclear safety. We should encourage the creation of binding international nuclear safety standards. We should insist upon a system of international inspection for nuclear reactors. We should develop a regime to prevent the proliferation of unsafe nuclear technology. The resolution I am introducing today encourage the United States to support an international nuclear safety convention to accomplish these goals.

International nuclear safety is not an obscure or remote issue only for people in far away places. It is an issue that could affect the health and welfare of many Americans. It is an important issue for us here at home. I hope that we will see more progress on this issue in the near future, and I urge my colleagues to support this resolution.●

## SENATE RESOLUTION 194—COMMENDING ISRAEL AND EGYPT

Mr. PELL (for himself, Mr. HELMS, Mr. MOYNIHAN, Mr. BROWN, Mr. MITCHELL, and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 194

Whereas, March 26, 1994 is the fifteenth anniversary of the signing by Prime Minister Begin of Israel and President Sadat of Egypt of the Treaty of Peace between the Arab Republic of Egypt and the State of Israel;

Whereas, the Treaty of Peace has resulted in the longest period without hostilities between Israel an Arab neighbor since the founding of Israel in 1948;

Whereas, the Treaty of Peace has served as the foundation of subsequent initiatives to secure a lasting peace between Israel and its Arab neighbors;

Whereas, the Treaty of Peace has served to enhance regional stability in the Middle East; Now, therefore be it

*Resolved*, That the United States Senate—

(1) congratulates Israel and Egypt on the fifteenth anniversary of the signing of the historic Treaty of Peace between the Arab Republic of Egypt and the State of Israel;

(2) commends Israel and Egypt for their fortitude and commitment to international peace and regional stability; and

(3) reaffirms its support for Israel and Egypt as they continue to pursue a lasting peace in the Middle East.

## SENATE RESOLUTION 195—RELATING TO LINE-ITEM VETO

Mr. SPECTER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 195

Whereas article I, section 7, clause 2 of the Constitution authorizes the President to veto bills passed by both Houses of Congress;

Whereas article I, section 7, clause 3 of the Constitution authorizes the President to veto every "Order, Resolution, or Vote" passed by both Houses of Congress;

Whereas during the Constitutional Convention, Roger Sherman of Connecticut opined that article I, section 7, clause 3 was "unnecessary, except as to votes taking money out of the Treasury;"

Whereas the language of article I, section 7, clause 3 was taken directly from the Constitution of the Commonwealth of Massachusetts of 1780;

Whereas the provision of the Massachusetts Constitution of 1780 that was included as article I, section 7, clause 3 of the United States Constitution vested in the Governor of Massachusetts the authority to veto individual items of appropriation contained in omnibus appropriations bills passed by the Massachusetts Legislature;

Whereas the Governor of Massachusetts had enjoyed the authority to veto individual items of appropriation passed by the Legislature since 1733;

Whereas in explaining the purpose of the constitutional veto power, Alexander Hamilton wrote in The Federalist No. 69 that it "tallies exactly with the revisionary authority of the council of revision" in the State of New York, which had the authority to revise or strike out individual items of appropriation contained in spending bills;

Whereas shortly after the new Federal Constitution was adopted, the States of Georgia, Pennsylvania, Vermont, and Kentucky adopted new Constitutions which included the language of article I, section 7 of the Federal Constitution, and allowed their governors to veto individual items of appropriation on the basis of these provisions;

Whereas the contemporary practice in the States is probative as to the understanding of the Framers of the Constitution as to the meaning of article I, section 7, clause 3;

Whereas President Washington, on a matter of presidential authority, exercised the prerogative to shift appropriated funds from one account to another, effectuating a line-item veto;

Whereas President Jefferson considered appropriations bills to be permissive and refused on at least two occasions to spend funds appropriated by the Congress: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) The Constitution grants to the President the authority to veto individual items of appropriation; and

(2) the President should exercise that constitutional authority to veto individual items of appropriation without awaiting the enactment of additional authorization.

Mr. SPECTER. Mr. President, I have long supported a line-item veto for the President, I have proposed constitutional amendments to grant the President such authority, and I have supported statutory enhanced rescission authority.

As these measures have failed, after extensive legal research and analysis, I now urge the President to exercise the line-item veto without further legislative action. I do so because I believe, after a careful review of the historical record, that the President already has the authority under the Constitution to veto individual items of appropriation in an appropriations bill and that neither an amendment to the Constitution nor legislation granting enhanced rescission authority is necessary.

The line-item veto would be effective in helping to reduce the hugh deficit that now burdens our country. While alone it is no panacea, its use would enable the President to veto specific items of appropriation in large spending bills, thereby restraining some of the pork-barrel or purely local projects that creep into every appropriations bill. With the broad national interest rather than purely local concerns at work, the President's use of the line-item veto would cut significant amounts of this type of spending.

The line-item veto would also have a salutary effect on Members of Congress. Knowing that their attempts to insert items into appropriations bills will be subjected to presidential scrutiny, Members are likely to become more reluctant to seek special favors for the home district at the expense of the Nation at large. While such discretionary programs and earmarks do not account for a large part of Federal spending, getting control over them will improve the authorization and appropriations process. The President could use the veto to eliminate funding for unauthorized programs. Such a message would motivate Congress to reauthorize programs with regularity, improving our oversight and the effectiveness of the government.

The line-item veto is not a partisan issue. It is a good government issue. Many Democrats support the line-item veto; some Republicans oppose it. As a candidate in 1992, Bill Clinton firmly embraced the line-item veto. As President, he has the opportunity to make effective use of it to help control in some small measure the deficits we accumulate. By exercising this option, the President can provide a check on unfettered spending and carve away many of the pork-barrel projects contained in both versions of the budget that serve primarily private, not national interests.

Beyond the specific savings, the presence and use of the line-item veto by the President could give the public assurances that tax dollars were not being wasted. Each year the media reports many instances of congressional expenditures which border, if in fact they do not pass, the frivolous. Those expenditures are made because of the impracticality of having the President veto an entire appropriations bill or sometimes a continuing resolution. That creates a general impression that public funds are routinely wasted by the Congress.

The line-item veto could eliminate such waste and help to dispel that notion. The resentment to taxes is obviously much less than when the public does not feel the monies are being wasted. Notwithstanding the so called taxpayers' revolts in some States, there is still a willingness by the citizenry to approve taxes for specific items where the taxpayers believe the funds are being spent for a useful purpose. The line-item veto could be a significant factor in improving such public confidence in governmental spending even beyond the specific savings.

I now turn to the basis for my position that the President already has authority under the Constitution to exercise the line-item veto, without a need for additional constitutional or statutory legislation.

The constitutional basis for the President's exercise of a line-item veto is found in article I, section 7, clause 3 of the Constitution. Clause 2 of article I, section 7 provides the executive the authority to veto bills in their entirety. The question of conferring on the President the power to veto specific items within a bill appears not to have been discussed at the Constitutional Convention. During the drafting of the Constitution, however, James Madison expressed his concern that Congress might try to get around the President's veto power by labeling bills by some other term. In response to Madison's concern, Edmund Randolph proposed and the Convention adopted the third clause of article I, section 7, whose language was taken directly from a provision of the Massachusetts Constitution of 1780.

Clause 3 of article I, section 7 provides that in addition to bills—the veto of which is set forth in clause 2:

> Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the case of a Bill.

While the clause does not explicitly set out the executive authority to veto individual items of appropriation, the context and practice are evidence that that was its purpose. According to noted historian Professor Forrest McDonald of the University of Alabama, the clause was taken directly from a provision of the Massachusetts Constitution of 1780. In his article entitled "The Framers' Conception of the Veto Power," published in the monograph Pork Barrels and Principles: The Politics of the Presidential Veto 1-7—1988, Professor McDonald explains that this provision dates back to the state's fundamental charter of 1733 and was implemented specifically to give the royal Governor a check on the unbridled spending of the colonial legislature, which had put the colony in serious debt by avoiding the Governor's veto power by appropriating money through votes rather than through legislation.

Professor McDonald also points out that at the time of the Constitution's ratification process, anti-Federalist pamphleteers opposed the proposed Constitution and in particular clause 3 of article I, section 7, precisely because it "made too strong a line-item veto in the hands of the President."

Federalists, on other hand, saw clause 3 and the power to veto individual items of appropriation as an important executive privilege—one that was essential in assuring fiscal responsibility while also comporting with the delicate balance of power they were seeking to achieve. For example, during his State's ratifying convention, James Bowdoin, the Federalist Governor of Massachusetts, argued that the veto power conferred to the President in the Federal Constitution was to be read in light of the Massachusetts experience under which, I have already noted, the Governor had enjoyed the right to veto or reduce by line-item since 1733.

In The Federalist No. 69, Alexander Hamilton, a member of the Constitutional Convention who was soon to become the first Secretary of the Treasury, wrote that the constitutional veto power "tallies exactly with the revisionary authority of the council of revision" in New York, which, according to Professor McDonald, had the power to revise appropriations bills, not merely accept or reject legislative enactments in their entirety. This power was not unique to New York, as the Governors of Massachusetts, Georgia, and Vermont (soon to be the first new State admitted to the new union) also enjoyed revisionary authority over legislative appropriations.

As many of my colleagues know, our distinguished colleague from West Virginia, the chairman of the Appropriations Committee, had made a series of speeches on the Senate floor drawing on his vast knowledge about the historical underpinnings of our republican form of government and on the framers' rationale for the checks and balances they created. His review of Roman history is apt, because, as he knows, the framers were acutely aware of Roman history. This awareness helped them develop their government of limited powers and of checks and balances. The framers knew that the vice of faction, the desire to pursue one's private interest at the expense of the public interest, had helped bring on the downfall of the Roman Republic. Madison and others were convinced that the diffusing power and balancing it off in different branches of government, we might avoid to the fullest extent possible, the defects of faction.

In another sense, however, the distinguished Chairman of the Appropriations Committee, overlooks the fundamental differences between Rome's ancient government and ours. In ours, the people have a direct say. In Rome's the male citizens had a limited, indirect say, by mostly the ruling class was hereditary or was based on wealth. We have a democracy; Rome did not.

This fundamental difference between our Nation and ancient Rome means that there are more factions with which our Government must contend. With so many different factions, or "interest groups, as we call them today, it is much easier for one of them to "capture" a single Member of Congress to advance its cause and to fund it. Each Representative has a much narrower focus than a Senator, each of whom has a much narrower focus than the President. Thus, Congress is more susceptible to pressure from factions, as one Member who wants a favor for a particular faction trades his or her support for another Member's preferred faction. We all know that this appropriations log-rolling occurs. Ultimately, the President is presented with one large spending bill, much of which reflects the political horse-trading that occurs.

The line-item veto sheds light on the power of private interests that seek to use the appropriations process for their one private benefit. By excising line items and making Congress vote on them individually in an effort to override the veto, the President can shed light directly on these private interests and force Members to be more accountable to their constituents by voting on the projects identified by the President as unnecessary and wasteful.

Some, like the distinguished chairman of the Appropriations Committee, contend that the line-item veto would result in an intolerable shift of power from Congress to the Executive. To this argument, I have two responses. The first is that, as I believe I show, the Framers of the Constitution intended that the President have the authority to veto individual items of appropriations, Thus, in their concept, the line-item veto does not offend the balance of powers.

The second response is related to the entire structure of the Government. The Constitution places the power of the purse in the hands of Congress. It is peculiarly legislative function to decide how much money to spend and how to allocate these expenditures. In this regard, however, spending is no different than any other legislative function. Thus, there is no reason to consider the line-item veto any more of an infringement of the separation of powers than the President's ability to veto bills at all. Hamilton recognized the structure importance of the veto in the Federalist 73, when he wrote that the veto provides "an additional security against the inaction of improper laws—to guard the community against the effects of faction, precipitancy, or of any impulse unfriendly to the public good, which may happen to influence a majority of the—legislative—body" from time to time. The Framers were acutely aware that it is the legislative branch that is most susceptible to fractional influence. Thus, they understood that the veto served a critical role.

But, opponents of the line-item veto argue, Hamilton's point went to bills as a whole, and not simply pieces of them. The legislative process necessarily relies on horse-trading to get things done, and nowhere is such trading more important than in the appropriations process. This response, while acknowledging the reality, is an answer that directly contradicts the

Framers' intent and leads to bad government, for it accepts the premise that factions and the prominent Members of Congress who support their causes must be bought off with goodies in appropriations bills. But that is precisely the evil that the Framers sought to insulate against with the veto.

Given the role of factions in the appropriation process, the use of the line-item veto is completely consistent with the Framers' conception of the veto power. Indeed, that is not surprising, as the Framers believed they had granted the President a line-item veto. Despite the arguments of the distinguished Chairman of the Appropriations Committee to the contrary, the line-item veto was not only intended by the Framers but is an appropriate limitation on congressional authority to combat the force of faction.

This process would not surprise the Framers of the Constitution. Madison and the others who met in Philadelphia in 1787 were not just knowledgeable about history. They were practical men of affairs and politics who understood human nature. They knew the dangers of faction and the likelihood that faction would influence Congress more so than the President, who is responsible to the entire Nation, not a single district or State.

Thus, it is only to be expected that the Framers provided Congress with the power to appropriate funds, tempered with executive authority to line-item veto as a means of expunging special interest spending was their resolution, and history bears this out. The line-item veto is entirely consistent with the Framers' conception of government and the dangers of faction.

Shortly after the new Federal Constitution was ratified, several States, including Georgia, Vermont, Kentucky, and my home State of Pennsylvania, rewrote their constitutions to conform with the Federal one and specifically incorporated language to give to their executives the authority to exercise a line-item veto. These States were in addition to the States like Massachusetts and New York, where the Governor's power to revise items of appropriation was well-established. For example, article II, section 10 of the Georgia Constitution of 1789 gave the governor the power of "revision of all bills" subject to a two-thirds vote of the general assembly. Section 16 of chapter II of the Vermont Constitution of 1793 vested in the governor and council the right to revise legislation or to propose amendments to the legislature, which would have to adopt the proposed amendments if the bill were to be enacted. Article I of the Kentucky Constitution of 1792 and section 23 of article I of the Pennsylvania Constitution of 1790 tracked the language of article I, section 7, clause 3 of the new United States Constitution.

The chief executives of both the State and new Federal Governments immediately employed the line-item veto. On the national level, the early practice was one in which the President viewed appropriations as permissive rather than mandatory. President Washington and his Treasury Secretary Hamilton assumed the authority to shift appropriated funds from one account to another. Although his party had at one time opposed such transfers, once he became President, Republican Thomas Jefferson also embraced the practice, and at least on two occasions, he refused to spend money that the Congress had appropriated.

The practice continued. As late as 1830, President Andrew Jackson declined to enforce provisions of a congressional enactment. Likewise in 1842, President John Tyler signed a bill that he refused to execute in full. It was not until after the Civil War that a President assumed he did not already have the authority to veto individual items of appropriation, when President Grant urged the Congress to grant him such authority.

But President Grant's view was anomalous. The Framers' understanding and their original intent was that the Constitution did provide the authority to veto or impound specific items of appropriation. The States understood that to be the case, and many in fact embraced the Federal model as a means of providing their own executives this same authority.

I believe that the evidence strongly supports the position that under the Constitution the President has the authority to employ the line-item veto. At the very least, the President's use of the line-item veto will almost certainly engender a court challenge if the veto is not overridden. The courts will then decide whether the Constitution authorizes the line-item veto. If they find it does, then the matter will be settled. If they find it does not, then Congress may revisit the issue and decide whether to amend the Constitution or grant statutory enhanced rescission authority to the President.

In conclusion, I urge the President to employ the line-item veto if he is seriously committed to deficit reduction. As I have argued here today, the authority to exercise this power is not dependent on the adoption of a constitutional amendment or any additional legislation; it already exists. The Framers' intent and the historical practice of the first Presidents serve as ample evidence that the Constitution confers to the executive the authority to line-item veto. Given President Clinton's use of the line-item veto as Governor and his support of it as a candidate, I urge him to act on that authority consistent with his rightful power to do so.

I ask unanimous consent that a copy of a memorandum I have prepared summarizing my research into the Framers' intent to establish a line-item veto and the early national practice by included in the RECORD.

MEMORANDUM

Re: Presidential authority to exercise a line-item veto.

The President currently enjoys the authority under the Constitution to exercise a line-item veto without any additional constitutional or statutory authority. The constitutional basis for the President's exercise of a line-item veto is to be found in article I, section 7, clause 3 of the Constitution.

The first article of the Constitution vests legislative authority in the two Houses of Congress established thereunder. Clause 2 of section 7 of the first article provides the presidential authority and procedure to veto "bills." This is the basis of the President's clearly established authority to veto legislation. The provision also established the procedure under which Congress may override the President's veto.

The question of conferring authority on the President to veto specific items within a bill was not discussed at the Constitutional Convention. During the drafting of the Constitution in 1787, however, James Madison noted in his subsequently published diary that he had expressed his concern that Congress might try to get around the President's veto power by labeling "bills" by some other term. In response to Madison's concern and in order to guard the President's veto authority from encroachment or being undermined and preserve the careful balance of power it sought to establish, Edmund Randolph of Virginia proposed and the Convention adopted language from the Massachusetts Constitution which became article I, section 7, clause 3.

This clause requires that in addition to bills: "Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill [these being set forth in article I, section 7, clause 2]."

In combination with the preceding clause 2 of section 7, this third clause gives the President the authority to veto any legislative adoption of Congress, subject to congressional override.

The historical context of its adoption supports the position that clause 3 vests the President with authority to veto individual items of appropriation.

According to the noted historian Professor Forrest McDonald in his paper "The Framers' Conception of the Veto Power," published in "Pork Barrels and Principles: The Politics of the Presidential Veto" 1–7 (1988), clause 3 was taken directly from a provision of the Massachusetts Constitution of 1780. This provision set in the State's fundamental charter Massachusetts law dating to 1733 first implemented to give the Royal Governor a check on unbridled spending by the colonial legislature, which had put the colony in serious debt by avoiding the governor's veto power by appropriating money through "votes" rather than legislation. Professor McDonald has also noted in an oped article published in the "Wall Street Journal," that the agents of the King of England could disapprove or alter colonial legislative enactments "in any part thereof."

Discussion and debate at the Constitutional Convention over the meaning of clause 3 was scant. In his notes of the proceedings of the Convention, our main source for the intent of the Framers of our fundamental Charter, Madison noted only that Roger Sherman of Connecticut "thought [article I, section 7, clause 3] unnecessary, except as to votes taking money out of the Treasury." No other member of the Convention appears to have discussed the clause. Sherman's comment was important, as it demonstrates the context in which the Framers saw the newly added provision: it was needed only insofar as it pertained to votes appropriating money from the Treasury. Perhaps discussion was so scant because the meaning of the clause was clear to the Framers.

In his 1988 article, Professor McDonald notes that two Anti-Federalist pamphleteers opposed the proposed Constitution in part because article I, section 7, clause 3 "made too strong a line-item veto in the hands of the President." The Federalist Governor of Massachusetts, James Bowdoin, argued during the Massachusetts ratifying convention that the veto power was to be read in light of the Massachusetts experience in which, as noted, the line-item veto was exercised by the governor. In "The Federalist" No. 69, Alexander Hamilton wrote that the constitutional veto power "tallies exactly with the revisionary authority of the council of revision" in New York, which, according to Professor McDonald, had the power to revise appropriations bills, not merely turn down the entire legislative enactment. Massachusetts, Georgia, and Vermont also gave their executives revisionary authority over legislative appropriations.

Roger Sherman's comment was prescient, as he focused on the issue confronting us over 200 hundred years later. The language of clause 3 has proven to be redundant, as Congress has not attempted to avoid the strictures of the second clause. But clause 3 is not superfluous as regards, in Sherman's language, "votes taking money out of the Treasury." In order to give effect to this provision, the President must have the authority to separate out different items from a single appropriation bill and veto one or more of those individual items.

This reading is consistent with the early national practice, under which Presidents viewed appropriations as permissive rather than mandatory. President Washington and his Treasury Secretary, Alexander Hamilton, assumed that the President had the authority to shift appropriated funds from one account to another. The former Anti-Federalists, having become the Republican party, objected to these transfers. Once a Republican, Thomas Jefferson, became President, however, he too considered appropriations bills to be permissive and refused on a least two occasions to spend money that had been appropriated by Congress.

Professor McDonald points out in his 1988 article that shortly after the new Federal Constitution was ratified, several of the States rewrote their constitutions to conform their basic charters to the new Federal one. The contemporaneous experience of these States is highly relevant to the Framers' understanding of the text they had devised. Several States adopted new constitutions in 1789 or the early 1790's. Of these, Georgia and Pennsylvania, and the new States of Vermont and Kentucky all adopted constitutions that included the phrasing of article I, section 7 to enable their governors to exercise the line-item veto.

According to a 1984 report of the Committee on the Budget of the House of Representatives, "The Line-Item Veto: An Appraisal," the practice at the national level of the President's exercise of a line-item veto continued. President Andrew Jackson declined, over congressional objection, to enforce provisions of a congressional enactment in 1830. In 1842, President John Tyler signed a bill that he refused to execute in full. Instead, he advised Congress that he had deposited with the Secretary of State "an exposition of my reasons for giving [the bill] my sanction." Congress issued a report challenging the legality of the President's action.

Professor McDonald noted that between 1844 and 1859, three northern States, responding to fiscal problems, adopted constitutions explicitly providing their governors with power to veto individual items of appropriation. Building on this history, the provisional Constitution of the Confederate States of America also made explicit that the President of the Confederacy had line-item veto authority.

It was only after the Civil War that President Grant suggested that he did not already enjoy the authority to veto individual items of appropriation and other specific riders to legislation and urged that he be granted such authority. President Grant's position that he did not enjoy a line-item veto under the Constitution was directly contradictory to the original understanding of the Constitution, a position endorsed by Presidents Washington, Jefferson, Jackson, and Tyler through usage. It ignored the original understanding of the Framers of the Constitution and the historical context in which that document was drafted. Proposals for a Federal line-item veto have been made intermittently since the Grant Administration.

An alternative argument based on the language of article I, section 7, clause 2, but consistent with the original understanding of the veto power, has also been made to support the President's exercise of a line-item veto. In discussing why the issue of a line-item veto was not raised during the Constitutional Convention, Professor Russell Ross of the University of Iowa and former United States Representative Fred Schwengel wrote in an article "An Item Veto for the President?," 12 "Presidential Studies Quarterly" 66 (1982), "[i]t is at least possible that this subject was not raised because those attending the Convention gave the term 'bill' a much narrower construction than has since been applied to the term. It may have been envisioned that a bill would be concerned with only one specific subject and that subject would be clearly stated in the title."

Professor Ross and Mr. Schwengel quote at length the former Chairman of the House Judiciary Committee, Hatton W. Sumners, who defended this view in a 1937 letter to the Speaker of the House that was reprinted in the Congressional Record on February 27, 1942. Chairman Sumners was of the view that the term "bill" as used in clause 2 of section 7 of the first article was intended to be applied narrowly to refer to "items which might have been the subject matter of separate bills." This reading he thought most consistent with the purpose and plan of the Constitution. Thus, Chairman Sumners believed that clause 2, as originally intended, could also be relied upon to vest line-item veto authority in the President.

Chairman Sumner's reading is also consistent with the practice in some of the colonies. Professor McDonald cites to the Maryland constitution of 1776, which expressly provided that any enacted bill could have only one subject. Several other States followed Maryland during the succeeding decades and limited legislative enactments to a single subject.

A review of the contemporary understanding of the veto provisions of the Constitution when drafted supports the view that the President currently enjoys line-item veto authority, which several Presidents have exercised.

## AMENDMENTS SUBMITTED

## CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

### DOMENICI (AND OTHERS) AMENDMENT NO. 1567

**Mr. DOMENICI (for himself, Mr. NUNN, and Mr. THURMOND) proposed an amendment to the concurrent resolution (S. Con. Res. 63) setting forth the congressional budget for the United States Government for fiscal years 1995, 1996, 1997, 1998, and 1999; as follows:**

Beginning on page 5, line 1, strike all through page 72, line 9, and insert the following:

Fiscal year 1995: $1,247,700,000,000.
Fiscal year 1996: $1,307,900,000,000.
Fiscal year 1997: $1,373,900,000,000.
Fiscal year 1998: $1,447,300,000,000.
Fiscal year 1999: $1,508,700,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total new budget authority are as follows:

Fiscal year 1995: $1,149,200,000,000.
Fiscal year 1996: $1,202,300,000,000.
Fiscal year 1997: $1,257,000,000,000.
Fiscal year 1998: $1,315,000,000,000.
Fiscal year 1999: $1,372,300,000,000.

(3) BUDGET OUTLAYS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1995: $1,217,900,000,000.
Fiscal year 1996: $1,288,500,000,000.
Fiscal year 1997: $1,356,700,000,000.
Fiscal year 1998: $1,413,700,000,000.
Fiscal year 1999: $1,472,300,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total budget outlays are as follows:

Fiscal year 1995: $1,124,000,000,000.
Fiscal year 1996: $1,188,600,000,000.
Fiscal year 1997: $1,247,300,000,000.
Fiscal year 1998: $1,295,400,000,000.
Fiscal year 1999: $1,344,800,000,000.

(4) DEFICITS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1995: $240,200,000,000.
Fiscal year 1996: $257,300,000,000.
Fiscal year 1997: $277,000,000,000.
Fiscal year 1998: $277,300,000,000.
Fiscal year 1999: $282,100,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the amounts of the deficits are as follows:

Fiscal year 1995: $248,200,000,000.

Fiscal year 1996: $263,700,000,000.

Fiscal year 1997: $279,500,000,000.

Fiscal year 1998: $276,800,000,000.

Fiscal year 1999: $278,300,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1995: $4,965,200,000,000.

Fiscal year 1996: $5,285,700,000,000.

Fiscal year 1997: $5,622,300,000,000.

Fiscal year 1998: $5,958,200,000,000.

Fiscal year 1999: $6,289,700,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1995: $26,700,000,000.

Fiscal year 1996: $32,100,000,000.

Fiscal year 1997: $33,800,000,000.

Fiscal year 1998: $35,700,000,000.

Fiscal year 1999: $37,800,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1995: $199,700,000,000.

Fiscal year 1996: $174,400,000,000.

Fiscal year 1997: $164,600,000,000.

Fiscal year 1998: $164,100,000,000.

Fiscal year 1999: $163,500,000,000.

### SEC. 3. DEBT INCREASE AS A MEASURE OF DEFICIT.

The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1995: $308,300,000,000.

Fiscal year 1996: $320,500,000,000.

Fiscal year 1997: $336,600,000,000.

Fiscal year 1998: $335,900,000,000.

Fiscal year 1999: $331,400,000,000.

### SEC. 4. DISPLAY OF FEDERAL RETIREMENT TRUST FUND BALANCES.

The balances of the Federal retirement trust funds are as follows:

Fiscal year 1995: $1,161,100,000,000.

Fiscal year 1996: $1,275,200,000,000.

Fiscal year 1997: $1,396,900,000,000.

Fiscal year 1998: $1,524,200,000,000.

Fiscal year 1999: $1,651,300,000,000.

### SEC. 5. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1995: $360,500,000,000.

Fiscal year 1996: $379,600,000,000.

Fiscal year 1997: $399,000,000,000.

Fiscal year 1998: $419,500,000,000.

Fiscal year 1999: $439,800,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1995: $287,600,000,000.

Fiscal year 1996: $301,300,000,000.

Fiscal year 1997: $312,300,000,000.

Fiscal year 1998: $324,400,000,000.

Fiscal year 1999: $337,000,000,000.

### SEC. 6. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1995 through 1999 for each major functional category are:

(1) National Defense (050):

Fiscal year 1995:

(A) New budget authority, $263,800,000,000.

(B) Outlays, $270,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $255,300,000,000.

(B) Outlays, $261,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $252,000,000,000.

(B) Outlays, $256,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $258,700,000,000.

(B) Outlays, $256,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $265,100,000,000.

(B) Outlays, $257,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1995:

(A) New budget authority, $19,300,000,000.

(B) Outlays, $18,100,000,000.

(C) New direct loan obligations, $3,200,000,000.

(D) New primary loan guarantee commitments, $18,000,000,000.

Fiscal year 1996:

(A) New budget authority, $17,200,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $18,500,000,000.

Fiscal year 1997:

(A) New budget authority, $17,000,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $2,600,000,000.

(D) New primary loan guarantee commitments, $18,500,000,000.

Fiscal year 1998:

(A) New budget authority, $16,800,000,000.

(B) Outlays, $17,600,000,000.

(C) New direct loan obligations, $2,400,000,000.

(D) New primary loan guarantee commitments, $18,500,000,000.

Fiscal year 1999:

(A) New budget authority, $17,000,000,000.

(B) Outlays, $17,500,000,000.

(C) New direct loan obligations, $2,400,000,000.

(D) New primary loan guarantee commitments, $16,500,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1995:

(A) New budget authority, $17,300,000,000.

(B) Outlays, $17,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $17,200,000,000.

(B) Outlays, $17,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $17,300,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $17,400,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $17,600,000,000.

(B) Outlays, $17,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1995:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $5,000,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $5,200,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $5,000,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $6,100,000,000.

(B) Outlays, $4,700,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $5,200,000,000.

(B) Outlays, $3,900,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1995:

(A) New budget authority, $21,700,000,000.

(B) Outlays, $21,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $22,200,000,000.

(B) Outlays, $21,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $22,100,000,000.

(B) Outlays, $21,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $22,000,000,000.

(B) Outlays, $21,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $21,600,000,000.

(B) Outlays, $21,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1995:

(A) New budget authority, $12,300,000,000.

(B) Outlays, $11,600,000,000.

(C) New direct loan obligations, $10,100,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1996:

(A) New budget authority, $12,500,000,000.

(B) Outlays, $11,400,000,000.

(C) New direct loan obligations, $9,700,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1997:

(A) New budget authority, $13,000,000,000.

(B) Outlays, $11,700,000,000.

(C) New direct loan obligations, $9,700,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1998:

(A) New budget authority, $13,200,000,000.

(B) Outlays, $12,000,000,000.

(C) New direct loan obligations, $9,800,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1999:

(A) New budget authority, $13,700,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $9,900,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1995:

(A) New budget authority, $7,700,000,000.

(B) Outlays, −$8,300,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $117,900,000,000.

Fiscal year 1996:

(A) New budget authority, $5,300,000,000.

(B) Outlays, −$10,800,000,000.

(C) New direct loan obligations, $3,000,000,000.

(D) New primary loan guarantee commitments, $103,200,000,000.

Fiscal year 1997:

(A) New budget authority, $5,100,000,000.

(B) Outlays, −$3,400,000,000.

(C) New direct loan obligations, $3,100,000,000.

(D) New primary loan guarantee commitments, $95,900,000,000.

Fiscal year 1998:

(A) New budget authority, $5,200,000,000.

(B) Outlays, −$2,900,000,000.

(C) New direct loan obligations, $3,200,000,000.

(D) New primary loan guarantee commitments, $96,600,000,000.

Fiscal year 1999:

(A) New budget authority, $6,200,000,000.

(B) Outlays, −$900,000,000.

(C) New direct loan obligations, $3,400,000,000.

(D) New primary loan guarantee commitments, $99,500,000,000.

(8) Transportation (400):

Fiscal year 1995:

(A) New budget authority, $42,900,000,000.

(B) Outlays, $38,800,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1996:

(A) New budget authority, $41,800,000,000.

(B) Outlays, $39,600,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $43,200,000,000.

(B) Outlays, $40,100,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $44,000,000,000.

(B) Outlays, $40,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $44,500,000,000.

(B) Outlays, $40,400,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1995:

(A) New budget authority, $9,500,000,000.

(B) Outlays, $9,300,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1996:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $8,900,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1997:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,000,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1998:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,100,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1999:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,000,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1995:

(A) New budget authority, $57,600,000,000.

(B) Outlays, $53,600,000,000.

(C) New direct loan obligations, $5,500,000,000.

(D) New primary loan guarantee commitments, $19,000,000,000.

Fiscal year 1996:

(A) New budget authority, $58,200,000,000.

(B) Outlays, $55,500,000,000.

(C) New direct loan obligations, $11,500,000,000.

(D) New primary loan guarantee commitments, $14,000,000,000.

Fiscal year 1997:

(A) New budget authority, $59,900,000,000.

(B) Outlays, $58,100,000,000.

(C) New direct loan obligations, $13,200,000,000.

(D) New primary loan guarantee commitments, $13,200,000,000.

Fiscal year 1998:

(A) New budget authority, $61,700,000,000.

(B) Outlays, $60,600,000,000.

(C) New direct loan obligations, $15,100,000,000.

(D) New primary loan guarantee commitments, $12,300,000,000.

Fiscal year 1999:

(A) New budget authority, $63,200,000,000.

(B) Outlays, $62,200,000,000.

(C) New direct loan obligations, $16,800,000,000.

(D) New primary loan guarantee commitments, $11,200,000,000.

(11) Health (550):

Fiscal year 1995:

(A) New budget authority, $123,800,000,000.

(B) Outlays, $122,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1996:

(A) New budget authority, $136,600,000,000.

(B) Outlays, $135,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

Fiscal year 1997:

(A) New budget authority, $150,900,000,000.

(B) Outlays, $149,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $200,000,000.

Fiscal year 1998:

(A) New budget authority, $166,600,000,000.

(B) Outlays, $165,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $100,000,000.

Fiscal year 1999:

(A) New budget authority, $184,100,000,000.

(B) Outlays, $182,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1995:

(A) New budget authority, $162,400,000,000.

(B) Outlays, $160,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $180,500,000,000.

(B) Outlays, $177,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $198,500,000,000.

(B) Outlays, $194,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $217,700,000,000.

(B) Outlays, $210,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $242,300,000,000.

(B) Outlays, $227,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) For purposes of section 710 of the Social Security Act, Federal Supplementary Medical Insurance Trust Fund:

Fiscal year 1995:

(A) New budget authority, $56,000,000,000.

(B) Outlays, $55,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $65,200,000,000.

(B) Outlays, $64,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $73,300,000,000.

(B) Outlays, $71,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $81,300,000,000.

(B) Outlays, $78,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $92,200,000,000.

(B) Outlays, $87,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(14) Income Security (600):

Fiscal year 1995:

(A) New budget authority, $219,900,000,000.

(B) Outlays, $220,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $234,500,000,000.

(B) Outlays, $229,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $249,100,000,000.

(B) Outlays, $242,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $261,000,000,000.

(B) Outlays, $253,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $272,600,000,000.

(B) Outlays, $264,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Social Security (650):

Fiscal year 1995:

(A) New budget authority, $6,800,000,000.

(B) Outlays, $9,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $9,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $8,300,000,000.

(B) Outlays, $11,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $12,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $9,800,000,000.

(B) Outlays, $13,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(16) Veterans Benefits and Services (700):

Fiscal year 1995:

(A) New budget authority, $37,200,000,000.

(B) Outlays, $36,600,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $32,900,000,000.

Fiscal year 1996:

(A) New budget authority, $37,600,000,000.

(B) Outlays, $36,600,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $27,400,000,000.

Fiscal year 1997:

(A) New budget authority, $38,500,000,000.

(B) Outlays, $38,300,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $25,800,000,000.

Fiscal year 1998:

(A) New budget authority, $38,600,000,000.

(B) Outlays, $38,500,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $25,600,000,000.

Fiscal year 1999:

(A) New budget authority, $39,200,000,000.

(B) Outlays, $39,100,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $25,300,000,000.

(17) Administration of Justice (750):

Fiscal year 1995:

(A) New budget authority, $18,300,000,000.

(B) Outlays, $17,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $20,800,000,000.

(B) Outlays, $19,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $21,600,000,000.

(B) Outlays, $20,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $22,700,000,000.

(B) Outlays, $22,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $23,900,000,000.

(B) Outlays, $22,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) General Government (800):

Fiscal year 1995:

(A) New budget authority, $14,000,000,000.

(B) Outlays, $13,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $14,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $13,400,000,000.

(B) Outlays, $13,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $13,100,000,000.

(B) Outlays, $13,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $13,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Net Interest (900):

Fiscal year 1995:

(A) New budget authority, $247,100,000,000.

(B) Outlays, $247,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $267,300,000,000.

(B) Outlays, $267,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $283,000,000,000.

(B) Outlays, $283,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $298,600,000,000.

(B) Outlays, $298,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $315,000,000,000.

(B) Outlays, $315,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) For purposes of section 710 of the Social Security Act, Net Interest (900):

Fiscal year 1995:

(A) New budget authority, $257,600,000,000.

(B) Outlays, $257,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $278,000,000,000.

(B) Outlays, $278,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $293,800,000,000.

(B) Outlays, $293,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $309,200,000,000.

(B) Outlays, $309,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $324,800,000,000.

(B) Outlays, $324,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(21) The corresponding levels of gross interest on the public debt are as follows:

Fiscal year 1995: $311,800,000,000.

Fiscal year 1996: $331,300,000,000.

Fiscal year 1997: $347,900,000,000.

Fiscal year 1998: $365,300,000,000.

Fiscal year 1999: $383,600,000,000.

(22) Allowances (920):

Fiscal year 1995:

(A) New budget authority, −$4,100,000,000.

(B) Outlays, −$10,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$3,500,000,000.

(B) Outlays, −$2,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$3,600,000,000.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$2,900,000,000.

(B) Outlays, −$5,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$23,200,000,000.

(B) Outlays, −$14,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(23) Undistributed Offsetting Receipts (950):

Fiscal year 1995:

(A) New budget authority, −$36,100,000,000.

(B) Outlays, −$36,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$30,300,000,000.

(B) Outlays, −$30,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$30,300,000,000.

(B) Outlays, −$30,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$31,200,000,000.

(B) Outlays, −$31,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$31,600,000,000.

(B) Outlays, −$31,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(24) For purposes of section 710 of the Social Security Act, Undistributed Offsetting Receipts (950):

Fiscal year 1995:

(A) New budget authority, −$33,500,000,000.

(B) Outlays, −$33,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$27,100,000,000.

(B) Outlays, −$27,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$27,600,000,000.

(B) Outlays, −$27,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$28,300,000,000.

(B) Outlays, −$28,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$28,500,000,000.

(B) Outlays, −$28,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

## TITLE II—BUDGETARY PROCEDURES

### SEC. 21. SALE OF GOVERNMENT ASSETS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) from time to time the United States Government should sell assets; and

(2) the amounts realized from such asset sales will not recur on an annual basis and do not reduce the demand for credit.

(b) FINDING.—The Congress finds that every budget resolution since that for fiscal year 1988 has included language prohibiting counting in the budget process the amounts realized from asset sales (other than loan assets).

(c) BUDGETARY TREATMENT.—For purposes of points of order under this concurrent resolution and the Congressional Budget and Impoundment Control Act of 1974, the amounts realized from sales of assets (other than loan assets) shall not be scored with respect to the level of budget authority, outlays, or revenues.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by the Budget Enforcement Act of 1990); and

(2) the term shall not include asset sales mandated by law before September 18, 1987, and routine, ongoing asset sales at levels consistent with agency operations in fiscal year 1986.

(e) SUNSET.—Subsections (a) through (d) of this section shall expire September 30, 1998.

(f) CONFORMING AMENDMENT.—Section 8 of House Concurrent Resolution 64 (103d Congress), section 8 of House Concurrent Resolution 287 (102d Congress), section 7 of House Concurrent Resolution 121 (102d Congress), section 5 of House Concurrent Resolution 310 (101st Congress), section 6 of House Concurrent Resolution 106 (101st Congress), section 4 of House Concurrent Resolution 268 (100th Congress), and sections 7 and 8 of House Concurrent Resolution 93 (100th Congress) are repealed.

### SEC. 22. SOCIAL SECURITY FIRE WALL POINT OF ORDER IN THE SENATE.

(a) FINDING.—The Senate finds that the concurrent resolutions on the budget for fiscal years 1993 and 1994 have prohibited subsequent concurrent resolutions on the budget from decreasing the balances of the social security trust fund.

(b) APPLICATION OF SECTION 301(i).—Notwithstanding any other rule of the Senate, in the Senate, the point of order established under section 301(i) of the Congressional Budget Act of 1974 shall apply to any concurrent resolution on the budget for any fiscal year (as reported and as amended), amendments thereto, or any conference report thereon.

(c) CONFORMING AMENDMENT.—Section 10(b) of House Concurrent Resolution 64 (103d Congress) and section 12(b) of House Concurrent Resolution 287 (102d Congress) are repealed.

### SEC. 23. ENFORCING PAY-AS-YOU-GO.

(a) PURPOSE.—The Senate declares that it is essential to—

(1) ensure continued compliance with the deficit reduction embodied in the Omnibus Budget Reconciliation Act of 1993; and

(2) continue the pay-as-you-go enforcement system.

(b) FINDING.—The Senate finds that section 12(c) of the concurrent resolution on the budget for fiscal year 1994 created a point of order prohibiting legislation that would increase the deficit through fiscal year 2003.

(c) ENFORCEMENT.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or receipts legislation (including any such bill, joint resolution, amendment, motion, or conference report) that would—

(A) increase the deficit for the first fiscal year covered by the most recently adopted concurrent resolution on the budget;

(B) increase the deficit for the period of the 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

(C) increase the deficit to a significant degree for the period of the 5 fiscal years following the first 5 years covered by the most recently adopted concurrent resolution on the budget;

when taken individually (as a bill, joint resolution, amendment, motion, or conference report, as the case may be), and when taken together with all direct spending and receipts legislation enacted after the date of enactment of the Omnibus Budget Reconciliation Act of 1993.

(2) DIRECT SPENDING AND RECEIPTS LEGISLATION.—For purposes of this subsection, direct spending and receipts legislation shall—

(A) exclude full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990;

(B) exclude emergency provisions so designated under section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985;

(C) include the estimated amount of savings in direct spending programs applicable to that fiscal year resulting from the prior year's sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985, if any (except for any amounts sequestered as a result of a net deficit increase in the fiscal year immediately preceding the prior fiscal year); and

(D) except as otherwise provided in this subsection, include all direct spending legislation as that term is defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(e) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(f) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and receipts for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(g) CONFORMING AMENDMENT.—Section 12(c) of House Concurrent Resolution 64 (103d Congress) is repealed.

(h) TECHNICAL CORRECTION.—Notwithstanding section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by sections 13112(b) and 13208(b)(3) of the Budget Enforcement Act of 1990), the second sentence of section 904(c) of the Congressional Budget Act of 1974 (except insofar as it relates to section 313 of that Act) and the final sentence of section 904(d) of that Act (except insofar as it relates to section 313 of that Act) shall continue to have effect as a rule of the Senate through (but no later than) September 30, 1998.

(i) Sunset.—Subsections (a) through (f) of this section shall expire September 30, 1998.

### SEC. 24. DEFICIT-NEUTRAL RESERVE FUND IN THE SENATE.

(a) Initiatives To Improve the Well-Being of Families Through Welfare or Other Reforms, To Provide for Services To Support or Protect Children, or To Improve the Health, Nutrition, or Care of Children.—

(1) In general.—Budget authority and outlays may be allocated to a committee or committees and the revenue aggregates may be reduced for legislation to improve the well-being of families through welfare or other reforms (including promoting self-sufficiency through improvements in job training or employment programs), to provide for services to support or protect children (including assuring increased parental support for children through improvements in the child support enforcement program), or to improve the health, nutrition, or care of children, within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) Revised allocations.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) Reporting revised allocations.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(b) Initiatives To Provide Comprehensive Training or Job Search Assistance or To Reform Unemployment Compensation.—

(1) In general.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to provide comprehensive training or job search assistance (including reemployment or job training programs or dislocated worker programs), or to reform unemployment compensation, or to provide for other related programs, within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) Revised allocations.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) Reporting revised allocations.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(c) Continuing Improvements in Ongoing Health Care Programs or Comprehensive Health Care Reform.—

(1) In general.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to make continuing improvements in ongoing health care programs, to provide for comprehensive health care reform, to control health care costs, or to accomplish other health care reforms within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) Revised allocations.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) Reporting revised allocations.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(4) Adjustments for amendments.—(A) If the Chairman of the Committee on the Budget makes an adjustment for legislation pursuant to this subsection, upon the offering of an amendment to such legislation, the Chairman shall file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates if the enactment of such legislation (as proposed to be amended) will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(i) fiscal year 1995; or

(ii) the period of fiscal years 1995 through 1999.

(B) These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution on the budget.

(C) The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(5) Limiting the growth in mandatory spending.—Notwithstanding any other provision of this subsection, the Chairman of the Committee on the Budget shall not file revised allocations, functional levels, and aggregates unless the legislation as reported or the conference report as submitted will reduce (by virtue of either contemporaneous or previously passed legislation) outlays by $19,600,000,000 for the period of fiscal years 1995 through 1999.

(d) Initiatives To Preserve and Rebuild the United States Maritime Industry.—

(1) In general.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to preserve and rebuild the United States maritime industry within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; and

(B) the period of fiscal years 1995 through 1999.

(2) Revised allocations.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) Reporting revised allocations.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(e) Initiatives To Reform the Financing of Federal Elections.—

(1) In general.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to reform the financing of Federal elections within such a com-

mittee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(f) TRADE-RELATED LEGISLATION.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees and the revenue aggregates may be reduced for trade-related legislation (including legislation to implement the Uruguay Round of the General Agreement on Tariffs and Trade or to extend the Generalized System of Preferences) within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(g) REFORMS RELATING TO THE PENSION BENEFIT GUARANTY CORPORATION.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees and the revenue aggregates may be reduced for reforms relating to the Pension Benefit Guaranty Corporation (including legislation to improve the funding of government-insured pension plans, to protect plan participants, or to limit growth in exposure of the Pension Benefit Guaranty Corporation) or other employee benefit-related legislation within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(h) REFORMS RELATING TO EMPLOYMENT TAXES ON DOMESTIC SERVICES.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees and the revenue aggregates may be reduced for reforms relating to providing for simplified collection of employment taxes on domestic services within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(i) INITIATIVES TO REFORM THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to reform the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(j) REFORMS TO CONSOLIDATE THE SUPERVISION OF DEPOSITORY INSTITUTIONS INSURED UNDER THE FEDERAL DEPOSIT INSURANCE ACT.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees and the revenue aggregates may be reduced for reforms to consolidate the supervision of depository institutions insured under the Federal Deposit Insurance Act within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates

shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(k) INITIATIVES TO PRESERVE ENERGY SECURITY.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees and the revenue aggregates may be reduced for initiatives to preserve United States energy security within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(A) fiscal year 1995; or

(B) the period of fiscal years 1995 through 1999.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

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## BRADLEY (AND OTHERS) AMENDMENT NO. 1568

**Mr. BRADLEY (for himself, Mr. FEINGOLD, Mr. DASCHLE, Mr. KERRY, Mr. BINGAMAN, Mr. DORGAN, and Mr. BRYAN) proposed an amendment to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:**

At the end of title III, insert the following:

**SEC. . SENSE OF THE SENATE REGARDING TAX EXPENDITURES.**

(a) FINDINGS.—The Senate finds that—

(1) continuing budget deficits and the accumulation of Federal debt have a detrimental impact on the Nation's long-term economic growth prospects;

(2) in the absence of further fiscal restraint, the Congressional Budget Office estimates that the Federal deficit will increase to $365,000,000,000 by 2004 and the national debt held by the public will grow to approximately $6,000,000,000,000;

(3) tax expenditures are growing significantly; and

(4) in some instances, tax expenditures may have the same effect as direct Federal spending and should be subject to the same level of budgetary review.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Congress should consider targets for the growth in tax expenditures similar to the targets for the growth of mandatory spending;

(2) such targets should be specified in any reconciliation instructions included in a budget resolution; and

(3) such targets should be enforceable separately from any revenue targets included in the reconciliation instructions.

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## BINGAMAN (AND DOMENICI) AMENDMENT NO. 1569

**Mr. SASSER (for Mr. BINGAMAN, for himself and Mr. DOMENICI) proposed an amendment to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:**

At the appropriate place in the resolution, insert the following new section:

**SEC. . SENSE OF THE CONGRESS REGARDING HEALTH SERVICE DELIVERY AND WATER INFRASTRUCTURE IN THE INDIAN HEALTH SERVICE.**

It is the sense of the Congress that—

(1) sufficient funding should be provided to the Indian Health Service to ensure that Indian Health Service hospitals and outpatient facilities in existence on the date of enactment of this resolution, and Indian Health Service hospitals and outpatient facilities scheduled to open during fiscal years 1994, 1995, and 1996, are fully staffed with the appropriate number of health care professionals needed to meet the health and medical needs of the American Indians and Alaska Natives who depend on the Indian Health Service for health care; and

(2) sufficient funding should be provided to the Indian Health Service to ensure that the Indian Health Service is capable of meeting basic public health and safety and sanitation requirements on Indian lands through timely and proper water infrastructure construction and upgrades.

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## COHEN AMENDMENT NO. 1570

**Mr. SASSER (for Mr. COHEN) proposed an amendment to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:**

At an appropriate place in the resolution, insert the following new section:

**SEC. . SENSE OF THE SENATE REGARDING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.**

It is the sense of the Senate that the budget authority and outlay figures for function 250 in this resolution do not assume any amounts for the National Aeronautics and Space Administration for any fiscal year from 1995 through 1999 in excess of the amounts proposed by the President for such fiscal year.

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## MACK (AND OTHERS) AMENDMENT NO. 1571

**Mr. MACK (for himself, Mr. GRAMM, Mr. COVERDELL, and Mrs. HUTCHISON) proposed an amendment to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:**

At the end of title III, add the following:

**SEC. . SENSE OF THE SENATE REGARDING A BALANCED BUDGET AND THE SPENDING REDUCTION COMMISSION.**

(a) FINDINGS.—The Congress finds that—

(1) the Congressional Budget Office has affirmed that reductions in outlays of $34 billion per year below their current baseline will result in a balanced budget by the year 2000.

(2) the Spending Reduction Commission described in S. 1191 is a proven mechanism which will provide the necessary reductions in federal spending required to achieve a balanced budget.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that federal outlays should be reduced to reflect the aforementioned reductions from the Congressional Budget Office Baseline and that a Spending Reduction Commission should be created to propose annual spending cuts sufficient to reach the yearly spending reduction targets.

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## HUTCHISON (AND OTHERS) AMENDMENT NO. 1572

**Mrs. HUTCHISON (for herself, Mr. KEMPTHORNE, Mr. BROWN, Mr. MCCAIN, Mr. BENNETT, Mr. ROTH, Mr. COVERDELL, and Mr. FAIRCLOTH) proposed an amendment to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:**

On page 5, decrease the amount on line 1 by $200,000,000.

On page 5, decrease the amount on line 2 by $400,000,000.

On page 5, decrease the amount on line 3 by $500,000,000.

On page 5, decrease the amount on line 4 by $600,000,000.

On page 5, decrease the amount on line 5 by $700,000,000.

On page 5, decrease the amount on line 11 by $200,000,000.

On page 5, decrease the amount on line 12 by $400,000,000.

On page 5, decrease the amount on line 13 by $500,000,000.

On page 5, decrease the amount on line 14 by $600,000,000.

On page 5, decrease the amount on line 15 by $700,000,000.

On page 5, decrease the amount on line 22 by $200,000,000.

On page 5, decrease the amount on line 23 by $400,000,000.

On page 5, decrease the amount on line 24 by $500,000,000.

On page 5, decrease the amount on line 25 by $600,000,000.

On page 6, decrease the amount on line 1 by $700,000,000.

On page 6, decrease the amount on line 7 by $200,000,000.

On page 6, decrease the amount on line 8 by $400,000,000.

On page 6, decrease the amount on line 9 by $500,000,000.

On page 6, decrease the amount on line 10 by $600,000,000.

On page 6, decrease the amount on line 11 by $700,000,000.

On page 6, decrease the amount on line 17 by $200,000,000.

On page 6, decrease the amount on line 18 by $400,000,000.

On page 6, decrease the amount on line 19 by $500,000,000.

On page 6, decrease the amount on line 20 by $600,000,000.

On page 6, decrease the amount on line 21 by $700,000,000.

On page 7, decrease the amount on line 1 by $200,000,000.

On page 7, decrease the amount on line 2 by $400,000,000.

On page 7, decrease the amount on line 3 by $500,000,000.

On page 7, decrease the amount on line 4 by $600,000,000.

On page 7, decrease the amount on line 5 by $700,000,000.

On page 36, decrease the amount on line 20 by $200,000,000.

On page 36, decrease the amount on line 21 by $200,000,000.

On page 37, decrease the amount on line 2 by $400,000,000.

On page 37, decrease the amount on line 3 by $400,000,000.

On page 37, decrease the amount on line 9 by $500,000,000.

On page 37, decrease the amount on line 10 by $500,000,000.

On page 37, decrease the amount on line 16 by $600,000,000.

On page 37, decrease the amount on line 17 by $600,000,000.

On page 37, decrease the amount on line 23 by $700,000,000.

On page 37, decrease the amount on line 24 by $700,000,000.

On page 70, decrease the amount on line 21 by $400,000,000.

On page 70, decrease the amount on line 22 by $400,000,000.

On page 70, decrease the amount on line 24 by $500,000,000.

On page 70, decrease the amount on line 25 by $500,000,000.

On page 71, decrease the amount on line 2 by $600,000,000.

On page 71, decrease the amount on line 3 by $600,000,000.

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## SIMPSON AMENDMENT NO. 1573

**Mr. SIMPSON proposed an amendment to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:**

On page 5, line 22, decrease the amount by $2,000,000,000.

On page 5, line 23, decrease the amount by $13,200,000,000.

On page 5, line 24, decrease the amount by $22,400,000,000.

On page 5, line 25, decrease the amount by $33,600,000,000.

On page 6, line 1, decrease the amount by $46,200,000,000.

On page 6, line 17, decrease the amount by $2,000,000,000.

On page 6, line 18, decrease the amount by $13,200,000,000.

On page 6, line 19, decrease the amount by $22,400,000,000.

On page 6, line 20, decrease the amount by $33,600,000,000.

On page 6, line 21, decrease the amount by $46, 200,000,000.

On page 7, line 8, decrease the amount by $2,000,000,000.

On page 7, line 9, decrease the amount by $15,200,000,000.

On page 7, line 10, decrease the amount by $37,600,000,000.

On page 7, line 11, decrease the amount by $71,200,000,000.

On page 7, line 12, decrease the amount by $117,400,000,000.

On page 8, line 7, decrease the amount by $2,000,000,000.

On page 8, line 8, decrease the amount by $13,200,000,000.

On page 8, line 9, decrease the amount by $22,400,000,000.

On page 8, line 10, decrease the amount by $33,600,000,000.

On page 8, line 11, decrease the amount by $46,200,000,000.

On page 9, line 14, decrease the amount by $1,300,000,000.

On page 9, line 15, decrease the amount by $8,100,000,000.

On page 9, line 16, decrease the amount by $13,200,000,000.

On page 9, line 17, decrease the amount by $19,500,000,000.

On page 9, line 18, decrease the amount by $26,500,000,000.

On page 26, line 16, decrease the amount by $200,000,000.

On page 26, line 23, decrease the amount by $600,000,000.

On page 27, line 6, decrease the amount by $1,000,000,000.

On page 27, line 13, decrease the amount by $1,300,000,000.

On page 27, line 21, decrease the amount by $600,000,000.

On page 28, line 3, decrease the amount by $3,700,000,000.

On page 28, line 10, decrease the amount by $6,200,000,000.

On page 28, line 17, decrease the amount by $9,700,000,000.

On page 28, line 24, decrease the amount by $13,900,000,000.

On page 30, line 21, decrease the amount by $100,000,000.

On page 31, line 3, decrease the amount by $800,000,000.

On page 31, line 10, decrease the amount by $1,500,000,000.

On page 31, line 17, decrease the amount by $2,200,000,000.

On page 31, line 24, decrease the amount by $3,000,000,000.

On page 33, line 18, decrease the amount by $100,000,000.

On page 34, line 1, decrease the amount by $500,000,000.

On page 34, line 9, decrease the amount by $800,000,000.

On page 34, line 17, decrease the amount by $1,100,000,000.

On page 34, line 25, decrease the amount by $1,500,000,000.

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## GRAMM (AND OTHERS) AMENDMENT NO. 1574

**Mr. GRAMM (for himself, Mr. CRAIG, and Mr. COATS) proposed an amendment to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:**

On page 3, decrease the amount on line 5 by $10,380,000,000.

On page 3, decrease the amount on line 6 by $26,000,000,000.

On page 3, decrease the amount on line 7 by $27,600,000,000.

On page 3, decrease the amount on line 8 by $30,000,000,000.

On page 3, decrease the amount on line 9 by $32,300,000,000.

On page 3, decrease the amount on line 13 by $10,380,000,000.

On page 3, decrease the amount on line 14 by $20,000,000,000.

On page 3, decrease the amount on line 15 by $27,600,000,000.

On page 3, decrease the amount on line 16 by $30,000,000,000.

On page 3, decrease the amount on line 17 by $32,300,000,000.

On page 4, decrease the amount on line 7 by $10,380,000,000.

On page 4, decrease the amount on line 8 by $26,000,000,000.

On page 4, decrease the amount on line 9 by $27,600,000,000.

On page 4, decrease the amount on line 10 by $30,000,000,000.

On page 4, decrease the amount on line 11 by $32,300,000,000.

On page 4, decrease the amount on line 15 by $10,380,000,000.

On page 4, decrease the amount on line 16 by $26,000,000,000.

On page 4, decrease the amount on line 17 by $27,600,000,000.

On page 4, decrease the amount on line 18 by $30,000,000,000.

On page 4, decrease the amount on line 19 by $32,300,000,000.

On page 5, decrease the amount on line 1 by $34,437,000,000.

On page 5, decrease the amount on line 2 by $41,896,000,000.

On page 5, decrease the amount on line 3 by $46,641,000,000.

On page 5, decrease the amount on line 4 by $40,493,000,000.

On page 5, decrease the amount on line 5 by $45,034,000,000.

On page 5, decrease the amount on line 11 by $34,437,000,000.

On page 5, decrease the amount on line 12 by $41,896,000,000.

On page 5, decrease the amount on line 13 by $46,641,000,000.

On page 5, decrease the amount on line 14 by $40,493,000,000.

On page 5, decrease the amount on line 15 by $45,034,000,000.

On page 5, decrease the amount on line 22 by $10,584,000,000.

On page 5, decrease the amount on line 23 by $29,223,000,000.

On page 5, decrease the amount on line 24 by $35,986,000,000.

On page 5, decrease the amount on line 25 by $41,131,000,000.

On page 6, decrease the amount on line 1 by $40,215,000,000.

On page 6, decrease the amount on line 7 by $10,584,000,000.

On page 6, decrease the amount on line 8 by $29,223,000,000.

On page 6, decrease the amount on line 9 by $35,986,000,000.

On page 6, decrease the amount on line 10 by $41,131,000,000.

On page 6, decrease the amount on line 11 by $40,215,000,000.

On page 6, decrease the amount on line 17 by $204,000,000.

On page 6, decrease the amount on line 18 by $3,223,000,000.

On page 6, decrease the amount on line 19 by $8,386,000,000.

On page 6, decrease the amount on line 20 by $11,131,000,000.

On page 6, decrease the amount on line 21 by $7,915,000,000.

On page 7, decrease the amount on line 1 by $204,000,000.

On page 7, decrease the amount on line 2 by $3,223,000,000.

On page 7, decrease the amount on line 3 by $8,386,000,000.

On page 7, decrease the amount on line 4 by $11,131,000,000.

On page 7, decrease the amount on line 5 by $7,915,000,000.

On page 7, decrease the amount on line 8 by $204,000,000.

On page 7, decrease the amount on line 9 by $3,427,000,000.

On page 7, decrease the amount on line 10 by $11,813,000,000.

On page 7, decrease the amount on line 11 by $22,944,000,000.

On page 7, decrease the amount on line 12 by $30,859,000,000.

On page 8, decrease the amount on line 7 by $204,000,000.

On page 8, decrease the amount on line 8 by $3,223,000,000.

On page 8, decrease the amount on line 9 by $8,386,000,000.

On page 8, decrease the amount on line 10 by $11,131,000,000.

On page 8, decrease the amount on line 11 by $7,915,000,000.

On page 10, decrease the amount on line 3 by $100,000,000.

On page 11, increase the amount on line 6 by $100,000,000.

On page 11, decrease the amount on line 14 by $4,000,000,000.

On page 11, decrease the amount on line 15 by $1,300,000,000.

On page 11, decrease the amount on line 22 by $3,900,000,000.

On page 11, decrease the amount on line 23 by $2,500,000,000.

On page 12, decrease the amount on line 5 by $4,100,000,000.

On page 12, decrease the amount on line 6 by $3,200,000,000.

On page 12, decrease the amount on line 13 by $4,000,000,000.

On page 12, decrease the amount on line 14 by $4,000,000,000.

On page 12, decrease the amount on line 21 by $3,800,000,000.

On page 12, decrease the amount on line 22 by $3,900,000,000.

On page 13, decrease the amount on line 7 by $400,000,000.

On page 13, decrease the amount on line 8 by $200,000,000.

On page 13, decrease the amount on line 14 by $500,000,000.

On page 13, decrease the amount on line 15 by $400,000,000.

On page 13, decrease the amount on line 21 by $600,000,000.

On page 13, decrease the amount on line 22 by $500,000,000.

On page 14, decrease the amount on line 3 by $700,000,000.

On page 14, decrease the amount on line 4 by $600,000,000.

On page 14, decrease the amount on line 10 by $800,000,000.

On page 14, decrease the amount on line 11 by $800,000,000.

On page 14, decrease the amount on line 18 by $900,000,000.

On page 14, decrease the amount on line 19 by $300,000,000.

On page 15, decrease the amount on line 2 by $1,100,000,000.

On page 15, decrease the amount on line 3 by $900,000,000.

On page 15, decrease the amount on line 10 by $1,400,000,000.

On page 15, decrease the amount on line 11 by $1,300,000,000.

On page 15, decrease the amount on line 18 by $1,800,000,000.

On page 15, decrease the amount on line 19 by $1,800,000,000.

On page 16, decrease the amount on line 2 by $2,300,000,000.

On page 16, decrease the amount on line 3 by $2,200,000,000.

On page 16, decrease the amount on line 11 by $4,300,000,000.

On page 16, decrease the amount on line 12 by $900,000,000.

On page 16, decrease the amount on line 18 by $4,500,000,000.

On page 16, decrease the amount on line 19 by $2,100,000,000.

On page 16, decrease the amount on line 25 by $4,300,000,000.

On page 17, decrease the amount on line 1 by $3,200,000,000.

On page 17, decrease the amount on line 7 by $4,700,000,000.

On page 17, decrease the amount on line 8 by $4,000,000,000.

On page 17, decrease the amount on line 14 by $4,900,000,000.

On page 17, decrease the amount on line 15 by $4,500,000,000.

On page 17, decrease the amount on line 22 by $500,000,000.

On page 17, decrease the amount on line 23 by $300,000,000.

On page 18, decrease the amount on line 5 by $500,000,000.

On page 18, decrease the amount on line 6 by $600,000,000.

On page 18, decrease the amount on line 13 by $600,000,000.

On page 18, decrease the amount on line 14 by $700,000,000.

On page 18, decrease the amount on line 22 by $600,000,000.

On page 19, decrease the amount on line 5 by $900,000,000.

On page 19, decrease the amount on line 6 by $800,000,000.

On page 19, decrease the amount on line 14 by $1,700,000,000.

On page 19, decrease the amount on line 15 by $1,100,000,000.

On page 20, decrease the amount on line 5 by $2,600,000,000.

On page 20, decrease the amount on line 6 by $2,200,000,000.

On page 20, decrease the amount on line 13 by $3,100,000,000.

On page 20, decrease the amount on line 14 by $2,800,000,000.

On page 20, decrease the amount on line 21 by $4,200,000,000.

On page 20, decrease the amount on line 22 by $3,900,000,000.

On page 19, decrease the amount on line 22 by $2,200,000,000.

On page 19, decrease the amount on line 23 by $1,700,000,000.

On page 21, decrease the amount on line 6 by $8,300,000,000.

On page 21, decrease the amount on line 7 by $5,400,000,000.

On page 21, decrease the amount on line 14 by $7,500,000,000.

On page 21, decrease the amount on line 15 by $6,600,000,000.

On page 21, decrease the amount on line 22 by $7,600,000,000.

On page 21, decrease the amount on line 23 by $7,500,000,000.

On page 22, decrease the amount on line 5 by $6,800,000,000.

On page 22, decrease the amount on line 6 by $7,900,000,000.

On page 22, decrease the amount on line 13 by $9,000,000,000.

On page 22, decrease the amount on line 14 by $8,400,000,000.

On page 22, decrease the amount on line 23 by $4,800,000,000.

On page 22, decrease the amount on line 24 by $300,000,000.

On page 23, decrease the amount on line 7 by $4,400,000,000.

On page 23, decrease the amount on line 8 by $3,000,000,000.

On page 23, decrease the amount on line 15 by $4,300,000,000.

On page 23, decrease the amount on line 16 by $3,400,000,000.

On page 23, decrease the amount on line 23 by $4,700,000,000.

On page 23, decrease the amount on line 24 by $3,900,000,000.

On page 24, decrease the amount on line 7 by $4,100,000,000.

On page 24, decrease the amount on line 8 by $4,100,000,000.

On page 24, decrease the amount on line 17 by $6,900,000,000.

On page 24, decrease the amount on line 18 by $2,200,000,000.

On page 24, decrease the amount on line 25 by $8,500,000,000.

On page 25, decrease the amount on line 1 by $6,500,000,000.

On page 25, decrease the amount on line 8 by $9,900,000,000.

On page 25, decrease the amount on line 9 by $8,900,000,000.

On page 25, decrease the amount on line 16 by $11,000,000,000.

On page 25, decrease the amount on line 17 by $10,400,000,000.

On page 25, decrease the amount on line 24 by $12,100,000,000.

On page 25, decrease the amount on line 25 by $11,500,000,000.

On page 26, decrease the amount on line 8 by $1,200,000,000.

On page 26, decrease the amount on line 9 by $500,000,000.

On page 26, decrease the amount on line 15 by $1,900,000,000.

On page 26, decrease the amount on line 16 by $1,600,000,000.

On page 26, decrease the amount on line 22 by $2,700,000,000.

On page 26, decrease the amount on line 23 by $2,500,000,000.

On page 27, decrease the amount on line 5 by $2,900,000,000.

On page 27, decrease the amount on line 6 by $2,900,000,000.

On page 27, decrease the amount on line 12 by $3,700,000,000.

On page 27, decrease the amount on line 13 by $3,400,000,000.

On page 27, decrease the amount on line 20 by $100,000,000.

On page 27, decrease the amount on line 21 by $100,000,000.

On page 28, decrease the amount on line 2 by $100,000,000.

On page 28, decrease the amount on line 3 by $100,000,000.

On page 28, decrease the amount on line 9 by $100,000,000.

On page 28, decrease the amount on line 10 by $100,000,000.

On page 28, decrease the amount on line 16 by $100,000,000.

On page 28, decrease the amount on line 17 by $100,000,000.

On page 28, decrease the amount on line 23 by $200,000,000.

On page 28, decrease the amount on line 24 by $200,000,000.

On page 30, decrease the amount on line 20 by $7,200,000,000.

On page 30, decrease the amount on line 21 by $800,000,000.

On page 31, decrease the amount on line 2 by $9,600,000,000.

On page 31, decrease the amount on line 3 by $1,300,000,000.

On page 31, decrease the amount on line 9 by $11,300,000,000.

On page 31, decrease the amount on line 10 by $3,000,000,000.

On page 31, decrease the amount on line 16 by $7,100,000,000.

On page 31, decrease the amount on line 17 by $7,800,000,000.

On page 31, decrease the amount on line 23 by $17,200,000,000.

On page 31, decrease the amount on line 24 by $6,500,000,000.

On page 33, decrease the amount on line 17 by $700,000,000.

On page 33, decrease the amount on line 18 by $300,000,000.

On page 33, decrease the amount on line 25 by $1,200,000,000.

On page 34, decrease the amount on line 1 by $1,600,000,000.

On page 34, decrease the amount on line 8 by $1,900,000,000.

On page 34, decrease the amount on line 9 by $1,800,000,000.

On page 34, decrease the amount on line 16 by $2,000,000,000.

On page 34, decrease the amount on line 17 by $1,900,000,000.

On page 34, decrease the amount on line 24 by $1,700,000,000.

On page 34, decrease the amount on line 25 by $1,400,000,000.

On page 35, decrease the amount on line 8 by $337,000,000.

On page 35, decrease the amount on line 9 by $584,000,000.

On page 35, decrease the amount on line 15 by $204,000,000.

On page 35, increase the amount on line 16 by $669,000,000.

On page 35, increase the amount on line 22 by $721,000,000.

On page 35, increase the amount on line 23 by $1,476,000,000.

On page 36, increase the amount on line 5 by $2,172,000,000.

On page 36, increase the amount on line 6 by $2,534,000,000.

On page 36, increase the amount on line 12 by $3,273,000,000.

On page 36, increase the amount on line 13 by $4,092,000,000.

On page 36, decrease the amount on line 20 by $800,000,000.

On page 37, decrease the amount on line 21 by $100,000,000.

On page 37, decrease the amount on line 2 by $600,000,000.

On page 37, decrease the amount on line 3 by $1,700,000,000.

On page 37, decrease the amount on line 9 by $1,100,000,000.

On page 37, decrease the amount on line 10 by $1,800,000,000.

On page 37, decrease the amount on line 16 by $1,500,000,000.

On page 37, decrease the amount on line 17 by $2,300,000,000.

On page 37, decrease the amount on line 23 by $2,500,000,000.

On page 37, decrease the amount on line 24 by $3,400,000,000.

On page 38, decrease the amount on line 13 by $92,000,000.

On page 38, decrease the amount on line 14 by $92,000,000.

On page 38, decrease the amount on line 20 by $462,000,000.

On page 38, decrease the amount on line 21 by $462,000,000.

On page 39, decrease the amount on line 2 by $965,000,000.

On page 39, decrease the amount on line 3 by $965,000,000.

On page 39, decrease the amount on line 9 by $1,107,000,000.

On page 39, decrease the amount on line 10 by $1,107,000,000.

On page 39, decrease the amount on line 25 by $92,000,000.

On page 40, decrease the amount on line 1 by $92,000,000.

On page 40, decrease the amount on line 7 by $462,000,000.

On page 40, decrease the amount on line 8 by $462,000,000.

On page 40, decrease the amount on line 13 by $965,000,000.

On page 40, decrease the amount on line 14 by $965,000,000.

On page 40, decrease the amount on line 21 by $1,107,000,000.

On page 40, decrease the amount on line 22 by $1,107,000,000.

On page 41, decrease the amount on line 4 by $92,000,000.

On page 41, decrease the amount on line 5 by $462,000,000.

On page 41, decrease the amount on line 6 by $965,000,000.

On page 41, decrease the amount on line 7 by $1,107,000,000.

On page 41, increase the amount on line 11 by $7,800,000,000.

On page 41, increase the amount on line 12 by $3,800,000,000.

On page 41, increase the amount on line 18 by $4,900,000,000.

On page 41, increase the amount on line 19 by $800,000,000.

On page 41, increase the amount on line 25 by $5,600,000,000.

On page 42, increase the amount on line 1 by $3,100,000,000.

On page 42, increase the amount on line 7 by $8,700,000,000.

On page 42, increase the amount on line 8 by $8,300,000,000.

On page 42, increase the amount on line 14 by $20,100,000,000.

On page 42, increase the amount on line 15 by $11,800,000,000.

On page 70, increase the amount on line 21 by $41,896,000,000.

On page 70, increase the amount on line 22 by $29,223,000,000.

On page 70, increase the amount on line 24 by $46,641,000,000.

On page 70, increase the amount on line 25 by $35,986,000,000.

On page 71, increase the amount on line 2 by $40,493,000,000.

On page 71, increase the amount on line 3 by $41,131,000,000.

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## FEDERAL DISASTER PREPAREDNESS AND RESPONSE ACT OF 1993

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## AKAKA (AND GLENN) AMENDMENT NO. 1575

**(Ordered referred to the Committee on Governmental Affairs.)**

**Mr. AKAKA (for himself and Mr. GLENN) submitted an amendment intended to be proposed by them to the bill (S. 1697) to improve the ability of the Federal Government to prepare for and respond to major disasters, and for other purposes; as follows:**

At the appropriate place, insert the following new section:

**SEC. ___. PREVENTION OF FRAUD FOLLOWING MAJOR DISASTERS.**

(a) SHORT TITLE.—This section may be cited as the "Disaster Victims Crime Prevention Act of 1994".

(b) DEFINITIONS.—As used in this section:

(1) AGREEMENT.—The term "agreement", with respect to the provision of a consumer good or service, includes an offer or undertaking to provide or arrange for the provision of the consumer good or service without regard to whether an enforceable contract is entered into.

(2) CONSUMER GOOD OR SERVICE.—The term "consumer good or service" means a good, piece of equipment, or service provided primarily for personal, family, or household purposes, including food, water, ice, a chemical, a building supply, a tool, a petroleum product, a residential lease property, a residential construction, reconstruction, or repair service, or a service for the removal of debris (including a damaged tree) and garbage.

(3) PROVIDE.—The term "provide", with respect to a consumer good or service, means to sell, lease, or otherwise provide in exchange for consideration, the good or service.

(4) SUPPLIER.—The term "supplier" includes a seller, reseller, wholesaler, distributor, retailer, lessor, provider, or licensed or unlicensed contractor, subcontractor, or laborer, involved in the provision or distribution of a consumer good or service.

(c) ESTABLISHMENT OF ANTI-FRAUD STRIKE FORCES.—Following the declaration of the existence of a major disaster by the President, the Attorney General shall—

(1) consult with the United States Attorney for the district in which the disaster occurred and with State and local law enforcement officials to determine the extent to which victims of the disaster are being further victimized by fraudulent or otherwise unscrupulous activities of suppliers offering consumer goods and services for cleanup, repair, and other recovery from the effects of the disaster; and

(2) if it appears that the extent of the activities referred to in paragraph (1) is such that the resources of the officials are not sufficient to quickly and adequately investigate and prosecute the activities, establish an anti-fraud task force of investigators and prosecutors to combat the activities in the area affected by the disaster.

(d) FRAUD INVOLVING DISASTER VICTIMS.—

(1) SUPPLIERS OF CONSUMER GOODS AND SERVICES.—

(A) OFFENSE.—During the period beginning on the date the existence of a major disaster is declared by the President and ending 180 days after that date, and within the area to which the declaration applies, a supplier who by false pretenses, by the making of a representation that the supplier knows, or has reason to know, is false or misleading, or through fraudulent conduct, obtains money or any other thing of value in connection with an agreement to provide a consumer good or service for the cleanup, repair, or other recovery from the effects of a major disaster shall be punished as provided in subparagraph (B).

(B) PENALTY.—A supplier who commits an offense described in subparagraph (A) shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(C) PRESUMPTIONS.—For the purposes of subparagraph (A), a supplier shall be considered to obtain money or another thing of value by false pretenses if—

(i)(I) the supplier uses the money or other thing of value for any purpose other than to—

(aa) purchase materials to be used in carrying out the agreement;

(bb) pay for work performed or other expenses incurred in connection with the agreement; or

(cc) pay for a proportionate share of the overhead and profit of the supplier; and

(II) the person with whom the agreement was made has not authorized, in writing, the use of the money or other thing of value for a purpose other than a purpose described in item (aa), (bb), or (cc) of subclause (I); or

(ii) in the case of an agreement to provide or arrange for the provision of a residential construction, reconstruction, or repair service, or a service for the removal of debris (including a damaged tree) and garbage—

(I) the supplier receives more than 10 percent of the money or other thing of value under the agreement for the service and fails to—

(aa) apply for each permit necessary to carry out the agreement by the date that is 30 days after the date of the receipt of the money or thing of value; or

(bb) start carrying out the construction, reconstruction, repair, or removal by the date that is 90 days after the last necessary permit is obtained; and

(II) the person with whom the agreement was made has not authorized, in writing, a longer time period than the applicable period described in subclause (I).

(2) BENEFICIARIES OF FEDERAL ASSISTANCE.—

(A) OFFENSE.—A person who by false pretenses, by the making of a representation that the supplier knows, or has reason to know, is false or misleading, or through fraudulent conduct, obtains a grant or loan of money, a consumer good or service, or any other form of assistance, directly or indirectly, from the Federal Government for use in connection with the cleanup, repair, or other recovery from the effects of a major disaster shall be punished as provided in subparagraph (B).

(B) PENALTY.—A person who commits an offense described in subparagraph (A) shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(e) PRICE-GOUGING OF DISASTER VICTIMS.—

(1) OFFENSE.—

(A) IN GENERAL.—During the period beginning on the date the existence of a major disaster is declared by the President and ending 180 days after that date, and within the area to which the declaration applies, it shall be unlawful for a supplier to provide, or to offer to provide, any consumer good or service at an unconscionably excessive price (as determined under subparagraph (B)).

(B) DETERMINATION OF UNCONSCIONABLY EXCESSIVE PRICE.—

(i) IN GENERAL.—For the purpose of subparagraph (A), whether a price is unconscionably excessive shall be a question of law for a court to determine. There shall be considered to be prima facie evidence that a price is unconscionably excessive if—

(I)(aa) the amount charged represents a gross disparity between the price of the consumer good or service that is the subject of the transaction and the average price at which the consumer good or service was provided, or offered to be provided, by the supplier in the ordinary course of business during the 30-day period immediately prior to the declaration of the existence of the disaster; or

(bb) the amount charged grossly exceeds the average price at which the same or similar consumer goods or services was readily obtainable by consumers in the trade area during the 30-day period immediately prior to the declaration of the existence of the disaster; and

(II) subject to clause (ii), the amount by which the amount charged exceeds the average price referred to in subclause (I) is not attributable to increased costs incurred by the supplier in connection with the provision of the consumer good or service.

(ii) DETERMINATION OF INCREASED COSTS OF SUPPLIER.—In determining the increased costs incurred by a supplier under clause (i)(II), an increase in the replacement cost to the supplier of a good may not be taken into account unless the supplier has no reasonable assurance of recouping the increased replacement cost in a subsequent sale involving the good.

(2) ENFORCEMENT.—

(A) PENALTY.—A supplier who knowingly violates paragraph (1) shall be imprisoned not more than 1 year or fined not more than $10,000, or both. In addition, a court may require disgorgement of any gain unlawfully acquired and restitution to any injured party.

(B) ACTIONS BY VICTIMS.—A person, Federal agency, State, or local government that suffers loss or damage as a result of a violation of paragraph (1) may bring an action against a supplier in a district court of the United States for treble damages, disgorgement, special or punitive damages, reasonable attorney's fees, costs and expenses of suit, and any other appropriate legal or equitable relief, including injunctive relief.

(C) ACTIONS BY STATE ATTORNEYS GENERAL.—An attorney general of a State, or other authorized State official, may bring a civil action in the name of the State, on behalf of persons residing in the State, in a district court of the United States that has jurisdiction over the defendant for treble damages, disgorgement, special or punitive damages, reasonable attorney's fees, costs and expenses of suit, and any other appropriate legal or equitable relief, including injunctive relief.

(3) NO PREEMPTION.—Nothing in this subsection is intended to preempt State law.

(f) PROVISION OF FRAUD PREVENTION INFORMATION.—The Director of the Federal Emergency Management Agency shall—

(1) in consultation with the Attorney General, the Administrator of the Small Business Administration, State attorneys general, and other State officials with responsibility for fraud prevention, develop public information materials to assist victims of major disasters in detecting and avoiding suppliers who attempt to obtain money or other things of value from the victims in exchange for fraudulent or otherwise unscrupulous offers of consumer goods or services for cleanup, repair, and other recovery from the effects of the disasters; and

(2) provide for the distribution of the materials developed under paragraph (1) to the victims of each major disaster as soon as practicable after the declaration of the existence of the disaster by the President.

(g) COMMISSION OF OFFENSE FOLLOWING A MAJOR DISASTER TO BE CONSIDERED AN AGGRAVATING FACTOR.—The United States Sentencing Commission, in the exercise of the authority of the Commission under section 994 of title 28, United States Code, shall review and, if necessary, amend the sentencing guidelines promulgated under such section to provide that the commission of an offense under section 1341, 1343, or 2314 of title 18, United States Code, in connection with the provision of a consumer good or service for the cleanup, repair, or other recovery from the effects of a major disaster shall be an aggravating factor that may result in the imposition of a sentence that is twice as great as a sentence that would otherwise be imposed.

• Mr. AKAKA. Mr. President, today I am submitting an amendment to S. 1697, the Federal Disaster Preparedness and Response Act of 1993, on behalf of myself, Senator GLENN and Senator GRAHAM of Florida, to combat fraud against victims of Federal disasters. Our measure would make it a Federal crime to defraud persons through the sale of materials or services for cleanup, repair, and recovery following a federally declared disaster.

Over the past several years, the United States and its territories have experienced a number of devastating natural disasters. Many of these hurricanes, floods, earthquakes, tornadoes, wildfires, and blizzards were declared natural disasters by the President. Through instant, on screen media coverage, we have had a ringside seat to the destruction caused by these catastrophic events.

We have also witnessed how these disasters bring out the best in the American people and government at all levels. There are countless examples, from Red Cross volunteers passing out blankets and food, to citizens traveling hundreds of miles to help rebuild a stranger's home. Despite the outpouring of public support that follows these catastrophes, there are unscrupulous individuals who prey on trusting and unsuspecting victims. This measure would criminalize some of the activities undertaken by these unprincipled people whose sole intent is to defraud hardworking men and women.

Every disaster has examples of individuals who are victimized twice—first by the disaster and later by unconscionable price hikes and fraudulent contractors. A July 29, 1993, Wall Street Journal article recounted that in the wake of last summer's Midwest flooding, Iowa officials discovered vendors raised the price of portable toilets from $60 a month to $60 a day. In other flood-hit areas, carpet cleaners hiked their prices to $350 per hour, while telemarketers set up telephone banks to solicit funds for phony flood-related charities.

Nor will television viewers forget the scenes of beleaguered south Floridians buying generators, plastic sheeting, and bottled water at outrageous prices in the aftermath of Hurricane Andrew.

Eighteen months ago, Hurricane Iniki devastated the Island of Kauai. One of our worst examples of abuse involves a contractor accused of signing contracts with numerous homeowners, taking their money, and then failing to complete reconstruction on their homes.

While the Stafford Act currently provides for civil and criminal penalties for the misuse of disaster funds, it fails to address contractor fraud. To fill this gap, the Akaka-Glenn-Graham amendment would make it a Federal crime to fraudulently take money from a disaster victim and fail to provide the agreed-upon material or service for the cleanup, repair, and recovery.

The Stafford Act also fails to address price gouging. Although it is the responsibility of the States to impose restrictions on price increases prior to a

Federal disaster declaration, Federal penalties for price gouging should be imposed once a disaster has been declared. I am pleased to incorporate in this measure an initiative Senator GLENN began following Hurricane Andrew to combat price gouging and excessive pricing of goods and services.

Fortunately, citizens in Hawaii were spared spiralling cost increases after Hurricane Iniki hit last September because the State government acted swiftly to counteract attempts at price gouging by instituting price and rent freezes. When Hawaii was threatened by another hurricane last August, the States once more instituted a price freeze in order to protect Hawaii's consumers from escalating prices.

There already is tremendous cooperation among the various State and local offices that deal with fraud and consumer protection issues. During the Midwest flooding, officials from Florida lent their expertise to their counterparts in the Nation's heartland. This exchange of experience and practical solutions has created a strong support network.

However, a Federal remedy is needed to assist States when a disaster occurs. There should be a broader enforcement system to help overburdened State and local governments during a time of disaster. The Federal Government is in a position to ensure that residents within a federally declared disaster area do not fall victim to fraud. Federal agencies should assist localities to provide such a support system.

In addition to making disaster-related fraud a Federal crime, our bill would also require the Director of the Federal Emergency Management Agency to develop public information materials to advise disaster victims about ways to detect and avoid fraud. I have seen a number of antifraud material prepared by State consumer protection offices and believe this section would assist States to disseminate antifraud-related material following the declaration of a disaster by the President.

Our measure would also establish antifraud strike teams to prevent fraud against disaster victims. Following the declaration of a major disaster by the President, the U.S. Attorney General would consult with the U.S. attorney for the district in which the disaster occurred, and with State and local enforcement officials, to determine if disaster victims are being further victimized by faudulent activities.

I look forward to working with my colleagues in enacting this legislation.

Mr. President, I ask unanimous consent to include for the RECORD the Wall Street Journal article recounting price gouging during last summer's Midwest floods.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 29, 1993]

Flotsam, jetsam and scam 'em? Rip-offs may rise as waters recede.

Iowa officials issue subpoenas to vendors of portable toilets suspected of jacking up rates to $60 a day from $60 a month. Carpet cleaners charging $350 an hour also are scrutinized. Missouri investigates mobile-home haulers who allegedly raised rates tenfold, while Minnesota is on the lookout for telemarketers fronting for phony charities. Meanwhile, many public-service ads caution against sending cash.

Midwestern state attorneys general are marshaling forces to battle price gouging and scams that may pop up. State consumer-protection officials met earlier this month with the attorney general of Florida—which was besieged by con men after Hurricane Andrew. Florida officials and an insurance-company investigator traveled to Des Moines to brief Iowa officials on scams.●

● Mr. GLENN. Mr. President, I am pleased to join with Senator AKAKA today in introducing legislation to combat fraud and price gouging in the wake of Presidentially declared natural disasters.

This amendment incorporates several provisions of a measure I introduced following Hurricane Andrew to make price gouging a Federal crime. Following that tragic event, I was dismayed by reports of unscrupulous profiteers preying upon the misfortunes of hurricane victims.

There was a report of one supplier charging $100 for a case of diapers, people paying $15 for a gallon of water, or $10 for a small bag of ice. Some folks even came in from out of State right after the hurricane to get unconscionable prices for generators, plywood, plastic sheathing, and the like.

Similarly, I know from Senator AKAKA that, unfortunately, some victims of Hurricane Iniki paid money to fly-by-the-night contractors for home or business repairs that never materialized. Instead, they literally took the money and ran.

Now, Mr. President, I think anyone would be hard pressed to defend those who make a quick buck off of other peoples' misery.

This legislation will put the force of Federal law and resources behind the efforts of State attorneys general to combat these despicable activities. In addition to making fraud and price gouging Federal crimes after Presidentially declared disasters, it will also authorize the creation of antifraud task forces using the tools that the Department of Justice, the State attorney general, and local law enforcement officials can offer. Finally, the measure would require the Federal Emergency Management Authority [FEMA] to develop public information materials for distribution on how to best detect and prevent fraud.

Through these efforts we will send a clear message that this sort of exploitive behavior will not be tolerated. We want people to know that their Government is committed to protecting their interests in the wake of a disaster, and get the message out to those who persist in this reprehensible conduct that they can expect significant penalties.

So I want to congratulate my friend from Hawaii and look forward to working with him on this legislation.●

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## MARINE MAMMAL PROTECTION ACT AMENDMENTS OF 1994

### KERRY AMENDMENT NO. 1576

Mr. FORD (for Mr. KERRY) proposed an amendment to the bill (S. 1636) to authorize appropriations for the Marine Mammal Protection Act of 1972 and to improve the program to reduce the incidental taking of marine mammals during the course of commercial fishing operations, and for other purposes; as follows:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Marine Mammal Protection Act Amendments of 1994".

**SEC. 2. AMENDMENT OF MARINE MAMMAL PROTECTION ACT OF 1972.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

**SEC. 3. FINDINGS AND DECLARATION OF POLICY.**

Section 2 (16 U.S.C. 1361) is amended—

(1) in paragraph (2) by inserting "essential habitats, including" after "made to protect"; and

(2) in paragraph (5) in the matter following subparagraph (B) by inserting "and their habitats" before "is therefore necessary".

**SEC. 4. MORATORIUM AND EXCEPTIONS.**

(a) IN GENERAL.—Section 101(a) (16 U.S.C. 1371(a)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Consistent with the provisions of section 104, permits may be issued by the Secretary for taking, and importation for purposes of scientific research, public display, photography for educational or commercial purposes, or enhancing the survival or recovery of a species or stock, or for importation of polar bear parts (other than internal organs) taken in sport hunts in Canada. Such permits, except permits issued under section 104(c)(5), may be issued if the taking or importation proposed to be made is first reviewed by the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals established under title II. The Commission and Committee shall recommend any proposed taking or importation, other than importation under section 104(c)(5), which is consistent with the purposes and policies of section 2 of this Act. If the Secretary issues such a permit for importation, the Secretary shall issue to the importer concerned a certificate to that effect in such form as the Secretary of the Treasury prescribes, and such importation may be made upon presentation of the certificate to the customs officer concerned.";

(2) in paragraph (2) in the first sentence, by inserting before the period at the end the fol-

lowing: ", or in lieu of such permits, authorizations may be granted therefor under section 118, subject to regulations prescribed under that section by the Secretary without regard to section 103";

(3) in paragraph (3)(B)—

(A) by inserting ", photography for educational or commercial purposes," after "purposes"; and

(B) by inserting "or as provided for under paragraph (5) of this subsection," after "subsection,";

(4) by amending paragraph (4) to read as follows:

"(4)(A) Except as provided in subparagraphs (B) and (C), the provisions of this Act shall not apply to the use of measures—

"(i) by the owner of fishing gear or catch, or an employee or agent of such owner, to deter a marine mammal from damaging the gear or catch;

"(ii) by the owner of other private property, or an agent, bailee, or employee of such owner, to deter a marine mammal from damaging private property;

"(iii) by any person, to deter a marine mammal from endangering personal safety; or

"(iv) by a government employee, to deter a marine mammal from damaging public property,

so long as such measures do not result in the death or serious injury of a marine mammal.

"(B) The Secretary shall, through consultation with appropriate experts, and after notice and opportunity for public comment, publish in the Federal Register a list of guidelines for use in safely deterring marine mammals. In the case of marine mammals listed as endangered species or threatened species under the Endangered Species Act of 1973, the Secretary shall recommend specific measures which may be used to nonlethally deter marine mammals. Actions to deter marine mammals consistent with such guidelines or specific measures shall not be a violation of this Act.

"(C) If the Secretary determines, using the best scientific information available, that certain forms of deterrence have a significant adverse effect on marine mammals, the Secretary may prohibit such deterrent methods, after notice and opportunity for public comment, through regulation under this Act.

"(D) The authority to deter marine mammals pursuant to subparagraph (A) applies to all marine mammals, including all stocks designated as depleted under this Act.";

(5) in paragraph (5) by adding at the end the following new subparagraphs:

"(D)(i) Upon request therefor by citizens of the United States who engage in a specified activity (other than commercial fishing) within a specific geographic region, the Secretary shall authorize, for periods of not more than 1 year, subject to such conditions as the Secretary may specify, the incidental, but not intentional, taking by harassment of small numbers of marine mammals of a species or population stock by such citizens while engaging in that activity within that region if the Secretary finds that such harassment during each period concerned—

"(I) will have a negligible impact on such species or stock, and

"(II) will not have an unmitigable adverse impact on the availability of such species or stock for taking for subsistence uses pursuant to subsection (b), or section 109(f) or pursuant to cooperative agreement under section 119.

"(ii) The authorization for such activity shall prescribe, where applicable—

"(I) permissible methods of taking by harassment pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for subsistence uses pursuant to subsection (b) or section 109(f) or pursuant to cooperative agreement under section 119,

"(II) the measures that the Secretary determines are necessary to ensure no unmitigable adverse impact on the availability of the species or stock for taking for subsistence uses pursuant to subsection (b) or section 109(f) or pursuant to cooperative agreement under section 119, and

"(III) requirements pertaining to the monitoring and reporting of such taking by harassment, including requirements for the independent peer review of proposed monitoring plans or other research proposals where the proposed activity may affect the availability of a species or stock for taking for subsistence uses pursuant to subsection (b) or section 109(f) or pursuant to cooperative agreement under section 119.

"(iii) The Secretary shall publish a proposed authorization not later than 45 days after receiving an application under this subparagraph and request public comment through notice in the Federal Register, newspapers of general circulation, and appropriate electronic media and to all locally affected communities for a period of 30 days after publication. Not later than 45 days after the close of the public comment period, if the Secretary makes the findings set forth in clause (i), the Secretary shall issue an authorization with appropriate conditions to meet the requirements of clause (ii).

"(iv) The Secretary shall modify, suspend, or revoke an authorization if the Secretary finds that the provisions of clauses (i) or (ii) are not being met.

"(v) A person conducting an activity for which an authorization has been granted under this subparagraph shall not be subject to the penalties of this Act for taking by harassment that occurs in compliance with such authorization.

"(E)(i) During any period of up to three consecutive years, the Secretary shall allow the incidental, but not the intentional, taking by persons using vessels of the United States or vessels which have valid fishing permits issued by the Secretary in accordance with section 204(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(b)), while engaging in commercial fishing operations, of marine mammals from a species or stock designated as depleted because of its listing as an endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) if the Secretary, after notice and opportunity for public comment, determines that—

"(I) the incidental mortality and serious injury from commercial fisheries will have a negligible impact on such species or stock;

"(II) a recovery plan has been developed or is being developed for such species or stock pursuant to the Endangered Species Act of 1973; and

"(III) where required under section 118, a monitoring program is established under subsection (d) of such section, vessels engaged in such fisheries are registered in accordance with such section, and take reduction plan has been developed or is being developed for such species or stock.

"(ii) Upon a determination by the Secretary that the requirements of clause (i) have been met, the Secretary shall publish in the Federal Register a list of those fisheries for which such determination was made, and, for vessels required to register under section 118, shall issue an appropriate permit for each authorization granted under such section to vessels to which this paragraph applies. Vessels engaged in a fishery included in the notice published by the Secretary under this clause which are not required to register under section 118 shall not be subject to the penalties of this Act for the incidental taking of marine mammals to which this paragraph applies, so long as the owner or master of such vessel reports any incidental mortality or injury of such marine mammals to the Secretary in accordance with section 118.

"(iii) If, during the course of the commercial fishing season, the Secretary determines that the level of incidental mortality or serious injury from commercial fisheries for which a determination was made under clause (i) has resulted or is likely to result in an impact that is more than negligible on the endangered or threatened species or stock, the Secretary shall use the emergency authority granted under section 118 to protect such species or stock, and may modify any permit granted under this paragraph as necessary.

"(iv) The Secretary may suspend for a time certain or revoke a permit granted under this subparagraph only if the Secretary determines that the conditions or limitations set forth in such permit are not being complied with. The Secretary may amend or modify, after notice and opportunity for public comment, the list of fisheries published under clause (ii) whenever the Secretary determines there has been a significant chance in the information or conditions used to determine such list.

"(v) Sections 103 and 104 shall not apply to the taking of marine mammals under the authority of this subparagraph.

"(vi) This paragraph shall not govern the incidental taking of California sea otters and shall not be deemed to amend or repeal the Act of November 7, 1986 (Public Law 99-625; 100 Stat. 3500)."; and

(6) by adding at the end the following new paragraph:

"(6)(A) A marine mammal product may be imported into the United States if the product—

"(i) was legally possessed and exported by any citizen of the United States in conjunction with travel outside the United States, provided that the product is imported into the United States by the same person upon the termination of travel;

"(ii) was acquired outside of the United States as part of a cultural exchange by an Indian, Aleut, or Eskimo residing in Alaska; or

"(iii) is owned by a Native inhabitant of Russia, Canada, or Greenland and is imported in conjunction with travel within the United States or as part of a cultural exchange with an Indian, Aleut, or Eskimo residing in Alaska.

"(B) For the purposes of this paragraph, the term—

"(i) 'Native inhabitant of Russia, Canada, or Greenland' means a person residing in Russia, Canada, or Greenland who is related by blood to, is a member of the same clan or ethnological grouping as, or shares a common heritage with, an Indian, Aleut, or Eskimo residing in Alaska; and

"(ii) 'cultural exchange' means the sharing or exchange of ideas, information, gifts, clothing, or handicrafts between an Indian, Aleut, or Eskimo residing in Alaska and a

Native inhabitant of Russia, Canada, or Greenland, including for the purpose of rendering of raw marine mammal parts into clothing or handicrafts through carving, painting, sewing, or decorating.".

(b) ACTIONS AFFECTING SECTION 101(b).—Section 101(b) (16 U.S.C. 1371(b)) is amended by adding at the end the following new sentences: "In promulgating any regulation or making any assessment pursuant to a hearing or proceeding under this subsection or section 117(b)(2), or in making any determination of depletion under this subsection or finding regarding unmitigable adverse impacts under subsection (a)(5) that affects stocks or persons to which this subsection applies, the Secretary shall be responsible for demonstrating that such regulation, assessment, determination, or finding is supported by substantial evidence on the basis of the record as a whole. The preceding sentence shall only be applicable in an action brought by one or more Alaska Native organizations representing persons to which this subsection applies.".

(c) TAKING IN DEFENSE OF SELF OR OTHERS.—Section 101(c) (16 U.S.C. 1371(c)) is amended to read as follows:

"(c) It shall not be a violation of this Act to take a marine mammal if such taking is imminently necessary in self-defense or to save the life of a person in immediate danger, and such taking is reported to the Secretary within 48 hours. The Secretary may seize and dispose of any carcass.".

**SEC. 5. PERMITS.**

(a) PROHIBITIONS.—Section 102(a) (16 U.S.C. 1372(a)) is amended—

(1) in paragraph (2)(B) by striking "for any purpose in any way connected with the taking or importation of" and inserting "to take or import"; and

(2) in paragraph (4) by—

(A) striking "or offer to purchase or sell" and inserting "export, or offer to purchase, sell, or export";

(B) striking "product; and" and inserting "product—"; and

(C) inserting after and below the text of the paragraph the following:

"(A) that is taken in violation of this Act; or

"(B) for any purpose other than public display, scientific research, or enhancing the survival of a species or stock as provided for under subsection 104(c); and".

(b) PERMITS.—Section 104 (16 U.S.C. 1374) is amended—

(1) in subsection (a) by inserting "except for the incidental taking of marine mammals in the course of commercial fishing operations" before the period at the end;

(2) in subsection (c)—

(A) in paragraph (1) in the first sentence by striking "and after";

(B) by amending paragraph (2) to read as follows:

"(2)(A) A permit may be issued to take or import a marine mammal for the purpose of public display only to a person which the Secretary determines—

"(i) offers a program for education or conservation purposes that is based on professionally recognized standards of the public display community;

"(ii) is registered or holds a license issued under the Animal Welfare Act (7 U.S.C. 2131 et seq.); and

"(iii) maintains facilities for the public display of marine mammals that are open to the public on a regularly scheduled basis and that access to such facilities is not limited or restricted other than by charging of an admission fee.

"(B) A permit under this paragraph shall grant to the person to which it is issued the right, without obtaining any additional permit or authorization under this Act, to—

"(i) take, import, purchase, offer to purchase, possess, or transport the marine mammal that is the subject of the permit; and

"(ii) sell, export, or otherwise transfer possession of the marine mammal, or offer to sell, export, or otherwise transfer possession of the marine mammal—

"(I) for the purpose of public display, to a person that meets the requirements of clauses (i), (ii), and (iii) of subparagraph (A);

"(II) for the purpose of scientific research, to a person that meets the requirements of paragraph (3); or

"(III) for the purpose of enhancing the survival or recovery of a species or stock, to a person that meets the requirements of paragraph (4).

"(C) A person to which a marine mammal is sold or exported or to which possession of a marine mammal is otherwise transferred under the authority of subparagraph (B) shall have the rights and responsibilities described in subparagraph (B) with respect to the marine mammal without obtaining any additional permit or authorization under this Act. Such responsibilities shall be limited to—

"(i) for the purpose of public display, the responsibility to meet the requirements of clauses (i), (ii), and (iii) of subparagraph (A),

"(ii) for the purpose of scientific research, the responsibility to meet the requirements of paragraph (3), and

"(iii) for the purpose of enhancing the survival or recovery of a species or stock, the responsibility to meet the requirements of paragraph (4).

"(D) If the Secretary—

"(i) finds in concurrence with the Secretary of Agriculture, that a person that holds a permit under this paragraph for a marine mammal, or a person exercising rights under subparagraph (C), no longer meets the requirements of subparagraph (A)(ii) and is not reasonably likely to meet those requirements in the near future, or

"(ii) finds that a person that holds a permit under this paragraph for a marine mammal, or a person exercising rights under subparagraph (C), no longer meets the requirements of subparagraph (A)(i) or (iii) and is not reasonably likely to meet those requirements in the near future,

the Secretary may revoke the permit in accordance with section 104(e), seize the marine mammal, or cooperate with other persons authorized to hold marine mammals under this Act for disposition of the marine mammal. The Secretary may recover from the person expenses incurred by the Secretary for that seizure.

"(E) No marine mammal held pursuant to a permit issued under subparagraph (A), or by a person exercising rights under subparagraph (C), may be sold, purchased, exported, or transported unless the Secretary is notified of such action no later than 15 days before such action, and such action is for purposes of public display, scientific research, or enhancing the survival or recovery of a species or stock. The Secretary may only require the notification to include the information required for the inventory established under paragraph (10).";

(C) by amending paragraph (3) to read as follows:

"(3)(A) The Secretary may issue a permit under this paragraph for scientific research purposes to an applicant which submits with its permit application information indicating that the taking is required to further a bona fide scientific purpose. The Secretary may issue a permit under this paragraph before the end of the public review and comment period required under subsection (d)(2) if delaying issuance of the permit could result in injury to a species, population, or individual, or in loss of unique research opportunities.

"(B) No permit issued for purposes of scientific research shall authorize the lethal taking of a marine mammal unless the applicant demonstrates that a nonlethal method of conducting the research is not feasible. The Secretary shall not issue a permit for research which involves the lethal taking of a marine mammal from a species or stock that is depleted, unless the Secretary determines that the results of such research will directly benefit that species or stock, or that such research fulfills a critically important research need.

"(C) Not later than 120 days after the date of enactment of the Marine Mammal Protection Act Amendments of 1994, the Secretary shall issue a general authorization and implementing regulations allowing bona fide scientific research that may result only in taking by Level B harassment of a marine mammal. Such authorization shall apply to persons which submit, by 60 days before commencement of such research, a letter of intent via certified mail to the Secretary containing the following:

"(i) The species or stocks of marine mammals which may be harassed.

"(ii) The geographic location of the research.

"(iii) The period of time over which the research will be conducted.

"(iv) The purpose of the research, including a description of how the definition of bona fide research as established under this Act would apply.

"(v) Methods to be used to conduct the research.

Not later than 30 days after receipt of a letter of intent to conduct scientific research under the general authorization, the Secretary shall issue a letter to the applicant confirming that the general authorization applies, or, if the proposed research is likely to result in the taking (including Level A harassment) of a marine mammal, shall notify the applicant that subparagraph (A) applies."; and

(D) by adding at the end the following new paragraphs:

"(5)(A) The Secretary may issue a permit for the importation of polar bear parts (other than internal organs) taken in sport hunts in Canada, including polar bears taken prior to the date of enactment of the Marine Mammal Protection Act Amendments of 1994, to an applicant which submits with its permit application proof that the polar bear was legally harvested in Canada. Such a permit shall be issued if the Secretary, in consultation with the Marine Mammal Commission and after notice and opportunity for public comment, finds that—

"(i) Canada has a monitored and enforced sport hunting program consistent with the purposes of the Agreement on the Conservation of Polar Bears;

"(ii) Canada has a sport hunting program based on scientifically sound quotas ensuring the maintenance of a sustainable population stock;

"(iii) the export and subsequent import are consistent with the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and other international agreements and conventions; and "(iv) the export and subsequent import are not likely to contribute to illegal trade in bear parts.

"(B) The Secretary shall establish and charge a reasonable fee for permits issued under this paragraph. All fees collected under this paragraph shall be available to the Secretary for use in developing and implementing cooperative research and management programs for the conservation of polar bears in Alaska and Russia pursuant to section 113(d).

"(C)(i) The Secretary shall undertake a scientific review of the impact of permits issued under this paragraph on the polar bear stock in Canada within 2 years after the date of enactment of this paragraph. The Secretary shall provide an opportunity for public comment during the course of such review, and shall include a response to such public comment in the final report on such review.

"(ii) The Secretary shall not issue permits under this paragraph after September 30, 1996, if the Secretary determines, based on the scientific review, that the issuance of permits under this paragraph is having a significant adverse impact on the polar bear stock in Canada. The Secretary may review such determination annually thereafter, in light of the best scientific information available, and shall complete the review not later than January 31 in any year a review is undertaken. The Secretary may issue permits under this paragraph whenever the Secretary determines, on the basis of such annual review, that the issuance of permits under this paragraph is not having a significant adverse impact on the polar bear stock in Canada.

"(6) A permit may be issued for photography for educational or commercial purposes involving marine mammals in the wild only to an applicant which submits with its permit application information indicating that the taking will be limited to Level B harassment, and the manner in which the products of such activities will be made available to the public.

"(7) Upon request by a person for a permit under paragraph (2), (3), or (4) for a marine mammal which is in the possession of any person authorized to possess it under this Act and which is determined under guidance under section 402(a) not to be releasable to the wild, the Secretary shall issue the permit to the person requesting the permit if that person—

"(A) meets the requirements of clauses (i), (ii), and (iii) of paragraph (2)(A), in the case of a request for a permit under paragraph (2);

"(B) meets the requirements of paragraph (3), in the case of a request for a permit under that paragraph; or

"(C) meets the requirements of paragraph (4), in the case of a request for a permit under that paragraph.

"(8)(A) No additional permit or authorization shall be required to possess, sell, purchase, transport, export, or offer to sell or purchase the progeny of marine mammals taken or imported under this subsection, if such possession, sale, purchase, transport, export, or offer to sell or purchase is—

"(i) for the purpose of public display, and by or to, respectively, a person which meets the requirements of clauses (i), (ii), and (iii) of paragraph (2)(A);

"(ii) for the purpose of scientific research, and by or to, respectively, a person which meets the requirements of paragraph (3), or

"(iii) for the purpose of enhancing the survival or recovery of a species or stock, and by or to, respectively, a person which meets the requirements of paragraph (4).

"(B)(i) A person which has a permit under paragraph (2), or a person exercising rights under paragraph (2)(C), which has possession of a marine mammal that gives birth to progeny shall—

"(I) notify the Secretary of the birth of such progeny within 30 days after the date of birth; and

"(II) notify the Secretary of the sale, purchase, or transport of such progeny no later than 15 days before such action.

"(ii) The Secretary may only require notification under clause (i) to include the information required for the inventory established under paragraph (10).

"(C) Any progeny of a marine mammal born in captivity before the date of the enactment of the Marine Mammal Protection Act Amendments of 1994 and held in captivity for the purpose of public display shall be treated as though born after that date of enactment.

"(9) No marine mammal may be exported for the purpose of public display, scientific research, or enhancing the survival or recovery of a species or stock unless the receiving facility meets standards that are comparable to the requirements that a person must meet to receive a permit under this subsection for that purpose.

"(10) The Secretary shall establish and maintain an inventory of all marine mammals possessed pursuant to permits issued under paragraph (2)(A), by persons exercising rights under paragraph (2)(C), and all progeny of such marine mammals. The inventory shall contain, for each marine mammal, only the following information which shall be provided by a person holding a marine mammal under this Act:

"(A) The name of the marine mammal or other identification.

"(B) The sex of the marine mammal.

"(C) The estimated or actual birth date of the marine mammal.

"(D) The date of acquisition or disposition of the marine mammal by the permit holder.

"(E) The source from whom the marine mammal was acquired including the location of the take from the wild, if applicable.

"(F) If the marine mammal is transferred, the name of the recipient.

"(G) A notation if the animal was acquired as the result of a stranding.

"(H) The date of death of the marine mammal and the cause of death when determined."; and

(3) in subsection (e)(1) by—

(A) striking "or" at the end of subparagraph (A);

(B) striking the period at the end of subparagraph (B) and inserting ", or"; and

(C) adding at the end the following new subparagraph:

"(C) if, in the case of a permit under subsection (c)(5) authorizing importation of polar bear parts, the Secretary, in consultation with the appropriate authority in Canada, determines that the sustainability of Canada's polar bear population stocks are being adversely affected or that sport hunting may be having a detrimental effect on maintaining polar bear population stocks throughout their range.".

(c) EXISTING PERMITS.—Any permit issued under section 104(c)(2) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(2)) before the date of the enactment of this Act is hereby modified to be consistent with that section as amended by this Act.

### SEC. 6. PURPOSE AND USE OF THE FUND.

Section 405 (16 U.S.C. 1421d) as so redesignated by this Act, is amended—

(1) in subsection (b)(1)(A)—

(A) by striking "and" at the end of clause (i); and

(B) by inserting at the end the following new clause:

"(iii) for care and maintenance of a marine mammal seized under section 104(c)(2)(D); and"; and

(2) in subsection (d) by striking "For purposes of carrying out this title, the" and inserting "The".

### SEC. 7. APPLICATION TO OTHER TREATIES AND CONVENTIONS.

Section 113 (16 U.S.C. 1383) is amended by—

(1) designating the existing paragraph as subsection (a); and

(2) adding at the end the following new subsections:

"(b) Not later than 1 year after the date of enactment of the Marine Mammal Protection Act Amendments of 1994, the Secretary of the Interior shall, in consultation with the contracting parties, initiate a review of the effectiveness of the Agreement on the Conservation of Polar Bears, as provided for in Article IX of the Agreement, and establish a process by which future reviews shall be conducted.

"(c) The Secretary of the Interior, in consultation with the Secretary of State and the Marine Mammal Commission, shall review the effectiveness of United States implementation of the Agreement on the Conservation of Polar Bears, particularly with respect to the habitat protection mandates contained in Article II. The Secretary shall report the results of this review to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than April 1, 1995.

"(d) Not later than 6 months after the date of enactment of the Marine Mammal Protection Act Amendments of 1994, the Secretary of the Interior, acting through the Secretary of State and in consultation with the Marine Mammal Commission and the State of Alaska, shall consult with the appropriate officials of the Russian Federation on the development and implementation of enhanced cooperative research and management programs for the conservation of polar bears in Alaska and Russia. The Secretary shall report the results of this consultation and provide periodic progress reports on the research and management programs to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.".

### SEC. 8. CONSERVATION PLANS.

Section 115(b) (16 U.S.C. 1383b(b)) is amended by adding at the end the following new paragraph:

"(4) If the Secretary determines that a take reduction plan is necessary to reduce the incidental taking of marine mammals in the course of commercial fishing operations from a strategic stock, or for species or stocks which interact with a commercial fishery for which the Secretary has made a determination under section 118(b)(1), any conservation plan prepared under this subsection for such species or stock shall incorporate the take reduction plan required under section 118 for such species or stock.".

### SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) DEPARTMENTS OF COMMERCE AND THE INTERIOR.—Section 116 is amended to read as follows:

### "SEC. 116. AUTHORIZATION OF APPROPRIATIONS.

"(a) DEPARTMENT OF COMMERCE.—(1) There are authorized to be appropriated to the Department of Commerce, for purposes of carrying out its functions and responsibilities under this title (other than sections 117 and 118) and title IV, $12,138,000 for fiscal year 1994, $12,623,000 for fiscal year 1995, $13,128,000 for fiscal year 1996, $13,653,000 for fiscal year 1997, $14,200,000 for fiscal year 1998, and $14,768,000 for fiscal year 1999.

"(2) There are authorized to be appropriated to the Department of Commerce, for purposes of carrying out sections 117 and 118, $200,000,000 for each of the fiscal years 1994 through 1999.

"(b) DEPARTMENT OF THE INTERIOR.—There are authorized to be appropriated to the Department of the Interior, for purposes of carrying out its functions and responsibilities under this title, $8,000,000 for fiscal year 1994, $8,600,000 for fiscal year 1995, $9,000,000 for fiscal year 1996, $9,400,000 for fiscal year 1997, $9,900,000 for fiscal year 1998, and $10,296,000 for fiscal year 1999.".

(b) MARINE MAMMAL COMMISSION.—Section 207 is amended to read as follows:

### "SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Marine Mammal Commission, for purposes for carrying out his title, $1,500,000 for fiscal year 1994, $1,550,000 for fiscal year 1995, $1,600,000 for fiscal year 1996, $1,650,000 for fiscal year 1997, $1,700,000 for fiscal year 1998, and $1,750,000 for fiscal year 1993.".

(c) REPEAL.—Section 7 of the Act entitled "An Act to improve the Operations of the Marine Mammal Protection Act of 1972, and for other purposes", approved October 9, 1981 (16 U.S.C. 1384 and 1409), is repealed.

### SEC. 10. STOCK ASSESSMENTS.

Title I (16 U.S.C. 1371 et seq.) is amended by adding at the end the following new section:

### "SEC. 117. STOCK ASSESSMENTS.

"(a) IN GENERAL.—Not later than August 1, 1994, the Secretary shall, in consultation with the appropriate regional scientific review group established under subsection (d), a prepare a draft stock assessment for which occurs in waters under the jurisdiction of the United States. Each draft stock assessment, based on the best scientific information available, shall—

"(1) describe the geographic range of the affected stock, including any seasonal or temporal variation in such range;

"(2) provide for such stock the maximum population estimate, current and maximum net productivity rates, and current population trend, including description of the information upon which these are based;

"(3) estimate the annual human-caused mortality and serious injury of the stock by source and, for a strategic stock, other factors that may be causing a decline or impeding recovery of the stock, including effects on marine mammal habitat and prey;

"(4) describe commercial fisheries that interact with the stock, including—

"(A) the approximate number of vessels actively participating in each such fishery;

"(B) the estimated level of incidental mortality and serious injury of the stock by each such fishery on an annual basis;

"(C) seasonal or area differences in such incidental mortality or serious injury; and

"(D) the rate, based on the appropriate standard unit of fishing effort, of such incidental mortality and serious injury, and an analysis stating whether such level is insignificant and is approaching a zero mortality and serious injury rate;

"(5) categorize the status of the stock as one that either—

"(A) has a level of human-caused mortality and serious injury that is not likely to cause the stock to be reduced below its optimum sustainable population; or

"(B) is a strategic stock, with a description of the reasons therefor; and

"(6) estimate the potential biological removal level for the stock, describing the information used to calculate it, including the recovery factor.

"(b) PUBLIC COMMENT.—(1) The Secretary shall publish in the Federal Register a notice of the availability of a draft stock assessment or any revision thereof and provide an opportunity for public review and comment during a period of 90 days. Such notice shall include a summary of the assessment and a list of the sources of information or published reports upon which the assessment is based.

"(2) Subsequent to the notice of availability required under paragraph (1), if requested by a person to which section 101(b) applies, the Secretary shall conduct a proceeding on the record prior to publishing a final stock assessment or any revision thereof for any stock subject to taking under section 101(b).

"(3) After consideration of the best scientific information available, the advice of the appropriate regional scientific review group established under subsection (d), and the comments of the general public, the Secretary shall publish in the Federal Register a notice of availability and a summary of the final stock assessment or any revision thereof, not later than 90 days after—

"(A) the close of the public comment period on a draft stock assessment or revision thereof; or

"(B) final action on an agency proceeding pursuant to paragraph (2).

"(c) REVIEW AND REVISION.—(1) The Secretary shall review stock assessments in accordance with this subsection—

"(A) at least annually for stock which are specified as strategic stocks;

"(B) at least annually for stocks for which significant new information is available; and

"(C) at least once every 3 years for all other stocks.

"(2) If the review under paragraph (1) indicates that the status of the stock has changed or can be more accurately determined, the Secretary shall revise the stock assessment in accordance with subsection (b).

"(d) REGIONAL SCIENTIFIC REVIEW GROUPS.—(1) Not later than 60 days after the date of enactment of this section, the Secretary of Commerce shall, in consultation with the Secretary of the Interior (with respect to marine mammals under the Secretary's jurisdiction), the Marine Mammal Commission, the Governors of affected adjacent coastal States, regional fishery and wildlife management authorities, Alaska Native organizations and Indian tribes, and environmental and fishery groups, establish three independent regional scientific review groups representing Alaska, the Pacific Coast (including Hawaii), and the Atlantic Coast (including the Gulf of Mexico), consisting of individuals with expertise in marine mammal biology and ecology, population dynamics and modeling, commercial fishing technology and practices, and stocks taken under section 101(b). The Secretary of Commerce shall, to the maximum extent practicable, attempt to achieve a balanced representation of viewpoints among the individuals on each regional scientific review group. The regional scientific review groups shall advise the Secretary on—

"(A) population estimates and the population status and trends of such stocks;

"(B) uncertainties and research needed regarding stock separation, abundance, or trends, and factors affecting the distribution, size, or productivity of the stock;

"(C) uncertainties and research needed regarding the species, number, ages, gender, and reproductive status of marine mammals;

"(D) research needed to identify modifications in fishing gear and practices likely to reduce the incidental mortality and serious injury of marine mammals in commercial fishing operations;

"(E) the potential impacts of habitat destruction, including marine pollution and natural environmental change, on specific marine mammal species or stocks; and

"(F) any other issue which the Secretary or the groups consider appropriate.

"(2) The scientific review groups established under this subsection shall not be subject to the Federal Advisory Committee Act (5 App. U.S.C.).

"(3) Members of the scientific review groups shall serve without compensation, but may be reimbursed by the Secretary, upon request, for reasonable travel costs and expenses incurred in performing their obligations.

"(4) The Secretary may appoint or reappoint individuals to the regional scientific review groups under paragraph (1) as needed.

"(e) EFFECT ON SECTION 101(b).—This section shall not affect or otherwise modify the provisions of section 101(b).".

### SEC. 11. TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS.

Title I (16 U.S.C. 1371 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

### "SEC. 118. TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS.

"(a) IN GENERAL.—(1) Effective on the date of enactment of this section, and except as provided in section 114 and in paragraphs (2), (3), and (4) of this subsection, the provisions of this section shall govern the incidental taking of marine mammals in the course of commercial fishing operations by persons using vessels of the United States or vessels which have valid fishing permits issued by the Secretary in accordance with section 204(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(b)). In any event it shall be the immediate goal that the incidental mortality or serious injury of marine mammals occurring in the course of commercial fishing operations be reduced to insignificant levels approaching a zero mortality and serious injury rate within 7 years after the date of enactment of this section.

"(2) In the case of the incidental taking of marine mammals from species or stocks designated under this Act as depleted on the basis of their listing as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), both this section and section 101(a)(5)(E) of this Act shall apply.

"(3) Sections 104(h) and title III, and not this section, shall govern the taking of marine mammals in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean.

"(4) This section shall not govern the incidental taking of California sea otters and shall not be deemed to amend or repeal the Act of November 7, 1986 (Public Law 99-625; 100 Stat. 3500).

"(5) Except as provided in section 101(c), the intentional lethal take of any marine mammal in the course of commercial fishing operations is prohibited.

"(6) Sections 103 and 104 shall not apply to the incidental taking of marine mammals under the authority of this section.

"(b) ZERO MORTALITY RATE GOAL.—(1) Commercial fisheries shall reduce incidental mortality and serious injury of marine mammals to insignificant levels approaching a zero mortality and serious injury rate within 7 years after the date of enactment of this section.

"(2) Fisheries which maintain insignificant serious injury and mortality levels approaching a zero rate shall not be required to further reduce their mortality and serious injury rates.

"(3) Three years after such date of enactment, the Secretary shall review the progress of all commercial fisheries, by fishery, toward reducing incidental mortality and serious injury to insignificant levels approaching a zero rate. The Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives a report setting forth the results of such review within 1 year after commencement of the review. The Secretary shall note any commercial fishery for which additional information is required to accurately assess the level of incidental mortality and serious injury of marine mammals in the fishery.

"(4) If the Secretary determines after review under paragraph (3) that the rate of incidental mortality and serious injury of marine mammals in a commercial fishery is not consistent with paragraph (1), then the Secretary shall take appropriate action under subsection (f).

"(c) REGISTRATION AND AUTHORIZATION.—(1) The Secretary shall, within 90 days after the date of enactment of this section—

"(A) publish in the Federal Register for public comment, for a period of not less than 90 days, any necessary changes to the Secretary's list of commercial fisheries published under section 114(b)(1) and which is in existence on March 31, 1994 (along with an explanation of such changes and a statement describing the marine mammal stocks interacting with, and the approximate number of vessels or persons actively involved in, each such fishery) that have—

"(i) frequent incidental mortality and serious injury of marine mammals;

"(ii) occasional incidental mortality and serious injury of marine mammals; or

"(iii) a remote likelihood of or no known incidental mortality or serious injury of marine mammals;

"(B) after the close of the period for such public comment, publish in the Federal Register a revised list of commercial fisheries and an update of information required by subparagraph (A), together with a summary of the provisions of this section and information sufficient to advise vessel owners on how to obtain an authorization and otherwise comply with the requirements of this section; and

"(C) at least once each year thereafter, and at such other times as the Secretary considers appropriate, reexamine, based on information gathered under this Act and other relevant sources and after notice and opportunity for public comment, the classification of commercial fisheries and other determinations required under subparagraph (A) and publish in the Federal Register any necessary changes.

"(2)(A) An authorization shall be granted by the Secretary in accordance with this section for a vessel engaged in a commercial fishery listed under paragraph (1)(A) (i) or (ii), upon receipt by the Secretary of a completed registration form providing the name of the vessel owner and operator, the name and description of the vessel, the fisheries in which it will be engaged, the approximate time, duration, and location of such fishery operations, and the general type and nature of use of the fishing gear and techniques used. Such information shall be in a readily usable format that can be efficiently entered into and utilized by an automated or computerized data processing system. A decal or other physical evidence that the authorization is current and valid shall be issued by the Secretary at the time an authorization is granted, and so long as the authorization remains current and valid, shall be reissued annually thereafter.

"(B) No authorization may be granted under this section to the owner of a vessel unless such vessel—

"(i) is a vessel of the United States; or

"(ii) has a valid fishing permit issued by the Secretary in accordance with section 204(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(b)).

"(C) Except as provided in subsection (a), an authorization granted under this section shall allow the incidental taking of all species and stocks of marine mammals to which this Act applies.

"(3)(A) An owner of a vessel engaged in any fishery listed under paragraph (1)(A) (i) or (ii) shall, in order to engage in the lawful incidental taking of marine mammals in a commercial fishery—

"(i) have registered as required under paragraph (2) with the Secretary in order to obtain for each such vessel owned and used in the fishery an authorization for the purpose of incidentally taking marine mammals in accordance with this section, except that owners of vessels holding valid certificates of exemption under section 114 are deemed to have registered for purposes of this subsection for the period during which such registration is valid;

"(ii) ensure that a decal or such other physical evidence of a current and valid authorization as the Secretary may require is displayed on or is in the possession of the master of each such vessel;

"(iii) report as required by subsection (e); and

"(iv) comply with a take reduction plan and emergency regulations issued under this section.

"(B) Any owner of a vessel receiving an authorization under this section for any fishery listed under paragraph (1)(A)(i) or (ii) shall, as a condition of that authorization, take on board an observer if requested to do so by the Secretary.

"(C) An owner of a vessel engaged in a fishery listed under paragraph (1)(A)(i) or (ii) who—

"(i) fails to obtain from the Secretary an authorization for such vessel under this section;

"(ii) fails to maintain a current and valid authorization for such vessel; or

"(iii) fails to ensure that a decal or other physical evidence of such authorization issued by the Secretary is displayed on or is in possession of the master of the vessel,

and the master of any such vessel engaged in such fishery, shall be deemed to have violated this title, and for violations of clauses (i) and (ii) shall be subject to the penalties of this title, and for violations of clause (iii) shall be subject to a fine of not more than $100 for each offense.

"(D) If the owner of a vessel has obtained and maintains a current and valid authorization from the Secretary under this section and meets the requirements set forth in this section, including compliance with any regulations to implement a take reduction plan under this section, the owner of such vessel, and the master and crew members of the vessel, shall not be subject to the penalties set forth in this title for the incidental taking of marine mammals while such vessel is engaged in a fishery to which the authorization applies.

"(E) Each owner of a vessel engaged in any fishery not listed under paragraph (1)(A)(i) or (ii), and the master and crew members of such a vessel, shall not be subject to the penalties set forth in this title for the incidental taking of marine mammals if such owner reports to the Secretary, in the form and manner required under subsection (e), instances of incidental mortality or injury of marine mammals in the course of that fishery.

"(4)(A) The Secretary shall suspend or revoke an authorization granted under this section and shall not issue a decal or other physical evidence of the authorization for any vessel until the owner of such vessel complies with the reporting requirements under subsection (e) and such requirements to take on board an observer under paragraph (3)(B) as are applicable to such vessel. Previous failure to comply with the requirements of section 114 shall not bar authorization under this section for an owner who complies with the requirements of this section.

"(B) The Secretary may suspend or revoke an authorization granted under this subsection, and may not issue a decal or other physical evidence of the authorization for any vessel which fails to comply with a take reduction plan or emergency regulations issued under this section.,

"(C) The owner and master of a vessel which fails to comply with a take reduction plan shall be subject to the penalties of sections 105 and 107, and may be subject to section 106.

"(5)(A) The Secretary shall develop, in consultation with the appropriate States, affected Regional Fishery Management Councils, and other interested persons, the means by which the granting and administration of authorizations under this section shall be integrated and coordinated, to the maximum extent practicable, with existing fishery licenses, registrations, and related programs.

"(B) The Secretary shall utilize newspapers of general circulation, fishery trade associations, electronic media, and other means of advising commercial fishermen of the provisions of this section and the means by which they can comply with its requirements.

"(C) The Secretary is authorized to charge a fee for the granting of an authorization under this section. The level of fees charged under this subparagraph shall not exceed the administrative costs incurred in granting an authorization. Fees collected under this subparagraph shall be available to the Under Secretary of Commerce for Oceans and Atmosphere for expenses incurred in the granting and administration of authorizations under this section.

"(d) MONITORING OF INCIDENTAL TAKES.—(1) The Secretary shall establish a program to monitor incidental mortality and serious injury of marine mammals during the course of commercial fishing operations. The purposes of the monitoring program shall be to—

"(A) obtain statistically reliable estimates of incidental mortality and serious injury;

"(B) determine the reliability of reports of incidental mortality and serious injury under subsection (e); and

"(C) identify changes in fishing methods or technology that may increase or decrease incidental mortality and serious injury.

"(2) Pursuant to paragraph (1), the Secretary may place observers on board vessels as necessary, subject to the provisions of this section. Observers may, among other tasks—

"(A) record incidental mortality and injury, or bycatch of other nontarget species;

"(B) record numbers of marine mammals sighted; and

"(C) perform other scientific investigations.

"(3) In determining the distribution of observers among commercial fisheries and vessels within a fishery, the Secretary shall be guided by the following standards:

"(A) The requirement to obtain statistically reliable information.

"(B) The requirement that assignment of observers is fair and equitable among fisheries and among vessels in a fishery.

"(C) The requirement that no individual person or vessel, or group of persons or vessels, be subject to excessive or overly burdensome observer coverage.

"(D) To the extent practicable, the need to minimize costs and avoid duplication.

"(4) To the extent practicable, the Secretary shall allocate observers among commercial fisheries in accordance with the following priority:

"(A) The highest priority for allocation shall be for commercial fisheries that have incidental mortality or serious injury of marine mammals from stocks listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

"(B) The second highest priority for allocation shall be for commercial fisheries that have incidental mortality and serious injury of marine mammals from strategic stocks.

"(C) The third highest priority for allocation shall be for commercial fisheries that have incidental mortality or serious injury of marine mammals from stocks for which the level of incidental mortality and serious injury is uncertain.

"(5) The Secretary may establish an alternative observer program to provide statistically reliable information on the species and number of marine mammals incidentally taken in the course of commercial fishing operations. The alternative observer program may include direct observation of fishing activities from vessels, airplanes, or points on shore.

"(6) The Secretary is not required to place an observer on a vessel in a fishery if the Secretary finds that—

"(A) in a situation in which harvesting vessels are delivering fish to a processing vessel and the catch is not taken on board the harvesting vessel, statistically reliable information can be obtained from an observer on board the processing vessel to which the fish are delivered;

"(B) the facilities on a vessel for quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized; or

"(C) for reasons beyond the control of the Secretary, an observer is not available.

"(7) The Secretary may, with the consent of the vessel owner, station an observer on board a vessel engaged in a fishery not listed under subsection (c)(1)(A)(i) or (ii).

"(8) Any proprietary information collected under this subsection shall be confidential and shall not be disclosed except—

"(A) to Federal employees whose duties require access to such information;

"(B) to State or tribal employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person;

"(C) when required by court order; or

"(D) in the case of scientific information involving fisheries, to employees of Regional Fishery Management Councils who are responsible for fishery management plan development and monitoring.

"(9) The Secretary shall prescribe such procedures as may be necessary to preserve such confidentiality, except that the Secretary shall release or make public upon request any such information in aggregate, summary, or other form which does not directly or indirectly disclose the identity or business of any person.

"(e) REPORTING REQUIREMENT.—The owner of operator of a commercial fishing vessel subject to this Act shall report all incidental mortality and injury of marine mammals in the course of commercial fishing operations to the Secretary by mail or other means acceptable to the Secretary within 48 hours after the end of each fishing trip on a standard postage-paid form to be developed by the Secretary under this section. Such form shall be capable of being readily entered into and usable by an automated or computerized data processing system and shall require the vessel owner or operator to provide the following:

"(1) The vessel name, and Federal, State, or tribal registration numbers of the registered vessel.

"(2) The name and address of the vessel owner of operator.

"(3) The name and description of the fishery.

"(4) The species of each marine mammal incidentally killed or injured, and the date, time, and approximate geographic location of such occurrence.

"(f) TAKE REDUCTION PLANS.—(1) The Secretary shall develop and implement and take reduction plan designed to assist in the recover or prevent the depletion of each strategic stock which interacts with a commercial fishery listed under subsection (c)(1)(A)(i) or (ii), and may develop and implement such a plan for any other marine mammal stocks with interact with a commercial fishery listed under subsection (c)(1)(A)(i) which the Secretary determines, after notice and opportunity for public comment, has a high level of mortality and serious injury across a number of such marine mammal stocks.

"(2) The immediate goal of a take reduction plan shall be to reduce, within 6 months of its implementation, the incidental mortality or serious injury of marine mammals incidentally taken in the course of commercial fishing operations to levels less than the potential biological removal level established in this section. The long-term goal of the plan shall be to reduce, within 5 years of its implementation, the incidental mortality or serious injury of marine mammals incidentally taken in the course of commercial fishing operations to insignificant levels approaching a zero mortality and serious injury rate, taking into account the economics of the fishery, the availability of existing technology, and existing State or regional fishery management plans.

"(2) If there is insufficient funding available to develop and implement a take reduction plan for all such stocks that interact with commercial fisheries listed under subsection (c)(1)(A)(i) or (ii), the Secretary shall give highest priority to the development and implementation of take reduction plans for species or stocks whose level of incidental mortality and serious injury exceeds the potential biological removal level, those that have a small population size, and those which are declining most rapidly.

"(4) Each take reduction plan shall include—

"(A) a review of the information in the final stock assessment published under subsection (c) and any substantial new information:

"(B) an estimate of the total number and, if possible, age and gender, of animals from the stock that are being incidentally lethally taken or seriously injured each year during the course of commercial fishing operations, by fishery;

"(C) recommended regulatory or voluntary measures for the reduction of incidental mortality and serious injury

"(D) recommend dates for achieving the specific objectives of the plan:

"(5)(A) For any stock in which incidental morality and serious injury from commercial fisheries exceeds the potential biological removal level established under section 117, the plan shall include measures the Secretary expects will reduce, within 6 months of the plans implementation, such mortality and serious injury to a level below the potential biological removal level.

"(B) For any stock in which human-caused mortality and serious injury exceeds the potential biological removal level, other than a stock to which subparagraph (A) applies, the plan shall include measures the Secretary expects will reduce, to the maximum extent practicable within 6 months of the plan's implementation the incidental mortality and serious injury by such commercial fisheries from that stock. For purposes of this subparagraph, the term 'maximum extent practicable' means to the lowest level that is feasible for such fisheries within the 6-month period.

"(6)(A) At the earliest possible time (not later than 30 days) after the Secretary issues a final stock assessment for a strategic stock, the Secretary shall, and for stocks that interact with a fishery listed under subsection (C)(1)(A)(i) for which the Secretary has made a determination under paragraph (1), the Secretary may—

"(i) establish a take reduction team for such stock and appoint the members of such team in accordance with subparagraph (C); and

"(ii) publish in the Federal Register a notice of the team's establishment, the names of the team's appointed members, the full geographic range of such stock, and a list of all commercial fisheries that cause incidental mortality and serious injury of marine mammals from such stock.

"(B) The Secretary may request a take reduction team to address a stock that extends over one or more regions or fishery, or multiple stocks within a region or fishery, if the Secretary determines that doing so would facilitate the development and implementation of plans required under this subsection.

"(C) Members of take reduction teams shall have expertise regarding the conservation or biology of the marine mammal species which the take reduction plan will address, or the fishing practices which result in the incidental mortality and serious injury of such species. Members shall include representatives of Federal agencies, each coastal State which has fisheries which interact with the species or stock, appropriate Regional Fishery Management Councils, interstate fisheries commissions, academic and scientific organizations, environmental groups, all commercial and recreational fisheries groups and gear types which incidentally take the species of stock, Alaska Native organizations or Indian tribal organizations, and others as the Secretary deems appropriate. Take reduction teams shall, to the maximum extent practicable, consist of an equitable balance among representatives of resource user interests and nonuser interests.

"(D) Take reduction teams shall not be subject to the Federal Advisory Committee Act (5 App. U.S.C.). Meetings of take reduction teams shall be open to the public, and prior notice of meetings shall be made public in a timely fashion.

"(E) Members of take reduction teams shall serve without compensation, but may be reimbursed by the Secretary, upon request, for reasonable travel costs and expenses incurred in performing their duties as members of the team.

"(7) Where the human-caused mortality and serious injury from a strategic stock is estimated to be equal to or greater than the potential biological removal level established under section 117 for such stock and such stock interacts with a fishery listed under subsection (c)(1)(A)(i) or (ii), the following procedures shall apply in the development of the take reduction plan for the stock:

"(A)(i) Not later than 6 months after the date of establishment of a take reduction team for the stock, the team shall submit a draft take reduction plan for such stock to the Secretary, consistent with the other provisions of this section.

"(ii) Such draft take reduction plan shall be developed by consensus. In the event consensus cannot be reached, the team shall advise the Secretary in writing on the range of possibilities considered by the team, and the views of both the majority and minority.

"(B)(i) The Secretary shall take the draft take reduction plan into consideration and, not later than 60 days after the submission of the draft plan by the team, the Secretary shall publish in the Federal Register the plan proposed by the team, any changes proposed by the Secretary with an explanation of the reasons therefor, and proposed regulations to implement such plan, for public review and comment during a period of not to exceed 90 days.

"(ii) In the event that the take reduction team does not submit a draft plan to the Secretary within 6 months, the Secretary shall, not later than 8 months after the establishment of the team, publish in the Federal Register a proposed take reduction plan and implementing regulations, for public review and comment during a period of not to exceed 90 days.

"(C) Not later than 60 days after the close of the comment period required under subparagraph (B), the Secretary shall issue a final take reduction plan and implementing regulations, consistent with the other provisions of this section.

"(D) The Secretary shall, during a period of 30 days after publication of a final take reduction plan, utilize newspapers of general circulation, fishery trade associations, electronic media, and other means of advising commercial fishermen of the requirements of the plan and how to comply with them.

"(E) The Secretary and the take reduction team shall meet every 6 months, or at such other intervals as the Secretary determines are necessary, to monitor the implementation of the final take reduction plan until such time that the Secretary determines that the objectives of such plan have been met.

"(F) The Secretary shall amend the take reduction plan and implementing regulations as necessary to meet the requirements of this section, in accordance with the procedures in this section for the issuance of such plans and regulations.

"(8) Where the human-caused mortality and serious injury from a strategic stock is estimated to be less than the potential biological removal level established under section 117 for such stock and such stock interacts with a fishery listed under subsection (c)(1)(A)(i) or (ii), or for any marine mammal stocks which interact with a commercial fishery listed under subsection (c)(1)(A)(i) for which the Secretary has made a determination under paragraph (1), the following procedures shall apply in the development of the take reduction plan for such stock:

"(A)(i) Not later than 11 months after the date of establishment of take reduction team for the stock, the team shall submit a draft take reduction plan for the stock to the Secretary, consistent with the other provisions of this section.

"(ii) Such draft take reduction plan shall be developed by consensus. In the event consensus cannot be reached, the team shall advise the Secretary in writing on the range of possibilities considered by the team, and the views of both the majority and minority.

"(B)(i) The Secretary shall take the draft take reduction plan into consideration and, not later than 60 days after the submission of the draft plan by the team, the Secretary shall publish in the Federal Register the plan proposed by the team, any changes proposed by the Secretary with an explanation of the reasons therefor, and proposed regulations to implement such plan, for public review and comment during a period of not to exceed 90 days.

"(ii) In the event that the take reduction team does not submit a draft plan to the Secretary within 11 months, the Secretary shall, not later than 13 months after the establishment of the team, publish in the Federal Register a proposed take reduction plan and implementing regulations, for public review and comment during a period of not to exceed 90 days.

"(C) Not later than 60 days after the close of the comment period required under subparagraph (B), the Secretary shall issue a final take reduction plan and implementing regulations, consistent with the other provisions of this section.

"(D) The Secretary shall, during a period of 30 days after publication of a final take reduction plan, utilize newspapers of general circulation fishery trade associations, electronic media, and other means of advising commercial fishermen of the requirements of the plan and how to comply with them.

"(E) The Secretary and take reduction team shall meet on an annual basis, or at such other intervals as the Secretary determines are necessary, to monitor the implementation of the final take reduction plan until such time that the Secretary determines that the objectives of such plan have been met.

"(F) The Secretary shall amend the take reduction plan and implementing regulations as necessary to meet the requirements of this section, in accordance with the procedures in this section for the issuance of such plans and regulations.

"(9) In implementing take reduction plan developed pursuant to this subsection, the Secretary may, where necessary to implement take reduction plan to protect or restore a marine mammal stock or species covered by such plan, promulgate regulations which include, but are not limited to, measures to—

"(A) establish fishery-specific limits on incidental mortality and serious injury of marine mammals in commercial fisheries or restrict commercial fisheries by time or area;

"(B) require the use of alternative commercial fishing gear or techniques and new technologies, encourage the development of such gear or technology, or convene expert skippers' panels;

"(C) educate commercial fisherman, through workshops and other means, on the importance of reducing the incidental morality and serious injury of marine mammals in affected commercial fisheries; and

"(D) monitor, in accordance with subsection (d), the effectiveness of measures taken to reduce the level of incidental morality and serious injury of marine mammals in the course of commercial fishing operations.

"(10)(A) Notwithstanding paragraph (6), in the case of any stock to which paragraph (1) applies for which a final stock assessment has not been published under section 117(b)(3) by April 1, 1995, due to a proceeding under section 117(b)(2), or any Federal court review of such proceeding, the Secretary shall establish a take reduction team under paragraph (6) for such stock as if a final stock assessment had been published.

"(B) The draft stock assessment published for such stock under section 117(b)(1) shall be deemed the final stock assessment for purposes of preparing and implementing take reduction plan for such stock under this section.

"(C) Upon publication of a final stock assessment for such stock under section 117(b)(3) the Secretary shall immediately reconvene the take reduction team for such stock for the purpose of amending the take reduction plan, and any regulations issued to implement such plan, if necessary, to reflect the final stock assessment of court action. Such amendments shall be made in accordance with paragraph (7)(f) or (8)(f), as appropriate.

"(D) A draft stock assessment may only be used as the basis for a take reduction plan under this paragraph for a period of not to exceed two years, or until a final stock assessment is published whichever is earlier. If, at the end of the two-year period, a final stock assessment has not been published, the Secretary shall categorize such stock under section 117(a)(5)(A) and shall revoke any regulations to implement a take reduction plan for such stock.

"(E) Subparagraph (D) shall not apply for any period beyond two years during which a final stock assessment for such stock has not been published due to review of a proceeding on such stock assessment by a Federal court. Immediately upon final action by such court, the Secretary shall proceed under subparagraph (C).

"(11) Take reduction plans developed under this section for a species or stock listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall be consistent with any recovery plan developed for such species or stock under section 4 of such Act.

"(g) EMERGENCY REGULATIONS.—(1) If the Secretary finds that the incidental mortality and serious injury of marine Mammals from commercial fisheries is having, or is likely to have, an immediate and significant adverse impact on a stock or species, the Secretary shall take actions as follows:

"(A) In the case of a stock or species for which a take reduction plan is in effect, the Secretary shall—

"(i) prescribe emergency regulations that, consistent with such plan to the maximum extent practicable, reduce incidental mortality and serious injury in that fishery; and

"(ii) approve and implement, on an expedited basis, any amendments to such plan that are recommended by the take reduction team to address such adverse impact.

"(B) In the case of a stock or species for which a take reduction plan is being developed, the Secretary shall—

"(i) prescribe emergency regulations to reduce such incidental mortality and serious injury in that fishery; and

"(ii) approve and implement, on an expedited basis, such plan, which shall provide methods to address such adverse impact if still necessary.

"(C) In the case of a stock or species for which a take reduction plan does not exist and is not being developed, or in the case of a commercial fishery listed under subsection (c)(1)(A)(iii) which the Secretary believes may be contributing to such adverse impact, the Secretary shall—

"(i) prescribe emergency regulations to reduce such incidental mortality and serious injury in that fishery, to the extent necessary to mitigate such adverse impact;

"(ii) immediately review the stock assessment for such stock or species and the classification of such commercial fishery under this section to determine if a take reduction team should be established; and

"(iii) may, where necessary to address such adverse impact on a species or stock listed as a threatened species or endangered species under the Endangered Species Act of 1994 (16 U.S.C. 1531 et seq.), place observers on vessels in a commercial fishery listed under subsection (c)(1)(A)(iii), if the Secretary has reason to believe such vessels may be causing the incidental mortality and serious injury to marine mammals from such stock.

"(2) Prior to taking action under paragraph (1) (A), (B), or (C), the Secretary shall consult with the Marine Mammal Commission, all appropriate Regional Fishery Management Councils, State fishery managers, and the appropriate take reduction team (if established).

"(3) Emergency regulations prescribed under this subsection—

"(A) shall be published in the Federal Register, together with an explanation thereof;

"(B) shall remain in effect for not more than 180 days or until the end of the applicable commercial fishing season, whichever is earlier; and

"(C) may be terminated by the Secretary at an earlier date by publication in the Federal Register of a notice of termination, if the Secretary determines that the reasons for emergency regulations no longer exist.

"(4) If the Secretary finds that incidental mortality and serious injury of marine mammals in a commercial fishery is continuing to have an immediate and significant adverse impact on a stock or species, the Secretary may extend the emergency regulations for an additional period of not more than 90 days or until reasons for the emergency no longer exist, whichever is earlier.

"(h) PENALTIES.—Except as provided in subsection (c), any person who violates this section shall be subject to the provisions of section 105 and 107, and may be subject to section 106 as the Secretary establishes by regulations.

"(i) ASSISTANCE.—The Secretary shall provide assistance to Regional Fishery Management Councils, States, interstate fishery commissions, and Indian tribal organizations in meeting the goal of reducing incidental mortality and serious injury to insignificant levels approaching a zero mortality and serious injury rate.

"(j) CONTRIBUTIONS.—For purposes of carrying out this section, the Secretary may accept, solicit, receive, hold, administer, and use gifts, devises, and bequests.

"(k) CONSULTATION WITH SECRETARY OF THE INTERIOR.—The Secretary shall consult with the Secretary of the Interior prior to taking actions or making determinations under this section that affect or relate to species or population stocks of marine mammals for which the Secretary of the Interior is responsible under this title.

"(l) DEFINITIONS.—As used in this section and section 101(a)(5)(E), each of the terms 'fishery' and 'vessel of the United States' has the same meaning it does in section 3 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802).".

### SEC. 12. DEFINITIONS

Section 3 (16 U.S.C. 1362) is amended by adding at the end the following:

"(18)(A) The term 'harassment' means any act of pursuit, torment, or annoyance which—

"(i) has the potential to injure a marine mammal or marine mammal stock in the wild; or

"(ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

"(B) The term 'Level A harassment' means harassment described in subparagraph (A)(i).

"(C) the term 'Level B harassment' means harassment described in subparagraph (A)(ii).

"(19) The term 'strategic stock' means a marine mammal population or stock—

"(A) for which the level of direct human-caused mortality exceeds the potential biological removal level;

"(B) which, based on the best available scientific information, is declining and is likely to be listed as a threatened species under the Endangered Species Act of 1973 within the foreseeable future; or

"(C) which is listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), or is designated as depleted under this Act.

"(20) The term 'potential biological removal level' means the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population. The potential biological removal level is the product of the following factors:

"(A) The minimum population estimate of the stock.

"(B) One-half the maximum theoretical or estimated net productivity rate of the stock at a small population size.

"(C) A recovery factor of between 0.1 and 1.0.

"(21) The term 'Regional Fishery Management Council' means a Regional Fishery Management Council established under section 302 of the Magnuson Fishery Conservation and Management Act.

"(22) The term 'bona fide research' means scientific research on marine mammals, the results of which—

"(A) likely would be accepted for publication in a referred scientific journal;

"(B) are likely to contribute to the basic knowledge of marine mammal biology or ecology; or

"(C) are likely to identify, evaluate, or resolve conservation problems.

"(23) The term 'Alaska Native organization' means a group designated by law or formally chartered which represents or consists of Indians, Aleuts, or Eskimos residing in Alaska.

"(24) The term 'take reduction plan' means a plan developed under section 118.

"(25) The term 'take reduction team' means a team established under section 118.

"(26) The term 'net productivity rate' means the annual per capita rate of increase in a stock resulting from additions due to reproduction, less losses due to mortality.

"(27) The term 'minimum population estimate' means an estimate of the number of animals in a stock that—

"(A) is based on the best available scientific information on abundance, incorporating the precision and variability associated with such information; and

"(B) provides reasonable assurance that the stock size is equal to or greater than the estimate.".

### SEC. 13. PENALTIES; PROHIBITIONS.

(a) CIVIL PENALTIES.—Section 105(a)(1) (16 U.S.C. 1375(a)(1)) is amended by inserting ", except as provided in section 118," after "thereunder".

(b) CRIMINAL PENALTIES.—Section 105(b) (16 U.S.C. 1375(b)) is amended by inserting "(except as provided in section 118)" after "thereunder".

(c) PROHIBITIONS.—Section 102(a) (16 U.S.C. 1372(a)) is amended by striking "and 114 of this title or title III" and inserting "114, and 118 of this title and title IV".

### SEC. 14. INDIAN TREATY RIGHTS; ALASKA NATIVE SUBSISTENCE.

Nothing in this Act, including any amendments to the Marine Mammal Protection Act of 1972 made by this Act—

(1) alters or is intended to alter any treaty between the United States and one or more Indian tribes; or

(2) affects or otherwise modifies the provisions of section 101(b) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(b)), except as specifically provided in the amendment made by section 4(b) of this Act.

### SEC. 15. TRANSITION, RULE; IMPLEMENTING REGULATIONS.

(a) TRANSITION RULE.—Section 114(a)(1) (16 U.S.C. 1383a(a)(1)) is amended by striking "ending April 1, 1994," and inserting in lieu thereof "until superseded by regulations prescribed under section 118, or until September 1, 1995, whichever is earlier,".

(b) IMPLEMENTING REGULATIONS.—Except as provided otherwise in this Act, or the amendments to the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) made by this Act, the Secretary of Commerce or the Secretary of the Interior, as appropriate, shall, after notice and opportunity for public comment, promulgate regulations to implement this Act and the amendments made by this Act by January 1, 1995.

### SEC. 16. TECHNICAL AND CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 3 (16 U.S.C. 1362) is amended—

(1) by striking paragraph (17); and

(2) by redesignating the second paragraph (15) and paragraph (16) as paragraphs (16) and (17), respectively.

(b) UNUSUAL MORTALITY EVENT FUND.—Section 405(a) (16 U.S.C. 1421d(a)), as so redesignated by this Act, is amended by striking "a fund" and inserting in lieu thereof "an interest bearing fund".

### SEC. 17. HUMAN ACTIVITIES WITHIN PROXIMITY OF WHALES.

(a) LAWFUL APPROACHES.—In waters of the United States surrounding the State of Hawaii, it is lawful for a person subject to the jurisdiction of the United States to approach, by any means other than an aircraft, no closer than 100 yards to a humpback whale or any other whale, regardless of whether the approach is made in waters designated under section 222.31 of title 50, Code of Federal Regulations, as cow/calf waters.

(b) TERMINATION OF LEGAL EFFECT OF CERTAIN REGULATIONS.—Subsection (b) of section 222.31 of title 50, Code of Federal Regulations, shall cease to be in force and effect.

### SEC. 18. SCRIMSHAW EXEMPTIONS.

Notwithstanding any other provision of law, any valid certificate of exemption renewed by the Secretary (or deemed to be renewed) under section 10(f)(8) of the Endangered Species Act of 1973 (16 U.S.C. 1539(f)(8)) for any person holding such a certificate with respect to the possession of pre-Act finished scrimshaw products or raw material for such products shall remain valid for a period not to exceed 5 years beginning on the date of enactment of this Act.

### SEC. 19. MARINE MAMMAL COOPERATIVE AGREEMENTS IN ALASKA.

Title I (16 U.S.C. 1371 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

### "SEC. 119. MARINE MAMMAL COOPERATIVE AGREEMENTS IN ALASKA.

"(a) IN GENERAL.—The Secretary may enter into cooperative agreements with Alaska Native organizations to conserve marine mammals and provide co-management of subsistence use by Alaska Natives.

"(b) GRANTS.—Agreements entered into under this section may include grants to Alaska Native organizations for, among other purposes—

"(1) collecting and analyzing data on marine mammal populations;

"(2) monitoring the harvest of marine mammals for subsistence use;

"(3) participating in marine mammal research conducted by the Federal Government, States, academic institutions, and private organizations; and

"(4) developing marine mammal co-management structures with Federal and State agencies.

"(c) EFFECT OF JURISDICTION.—Nothing in this section is intended or shall be construed—

"(1) as authorizing any expansion or change in the respective jurisdiction of Federal, State, or tribal governments over fish and wildlife resources; or

"(2) as altering in any respect the existing political or legal status of Alaska Natives, or the governmental or jurisdictional status of Alaska Native communities or Alaska Native entities.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes of carrying out this section—

"(1) $1,500,000 to the Secretary of Commerce for each of the fiscal years 1994, 1995, 1996, 1997, 1998, and 1999; and

"(2) $1,000,000 to the Secretary of the Interior for each of the fiscal years 1994, 1995, 1996, 1997, 1998, and 1999. The amounts authorized to be appropriated under this subsection are in addition to the amounts authorized to be appropriated under section 116.".

### SEC. 20. MARINE ECOSYSTEM PROTECTION.

Section 110 (16 U.S.C. 1380) is amended by striking subsection (c) and inserting the following.

"(c)(1) No later than 1 year after the date of enactment of the Marine Mammal Protection Act Amendments of 1994, the Secretary of Commerce shall convene a regional workshop for the Gulf of Maine to assess human-caused factors affecting the health and stability of that marine ecosystem, of which marine mammals are a part. The workshop shall be conducted in consultation with the Marine Mammal Commission, the adjacent coastal States, individuals with expertise in marine mammal biology and ecology, representatives from environmental organizations, the fishing industry, and other appropriate persons. The goal of the workshop shall be to identify such factors, and to recommend a program of research and management to restore or maintain that marine ecosystem and its key components that—

"(A) protects and encourages marine mammals to develop to the greatest extent feasible commensurate with sound policies of resource management;

"(B) has as the primary management objective the maintenance of the health and stability of the marine ecosystems;

"(C) ensures the fullest possible range of management options for future generations; and

"(D) permits nonwasteful, environmentally sound development of renewable and nonrenewable resources.

"(2) On or before December 31, 1995, the Secretary of Commerce shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of the workshop under this subsection, proposed regulatory or research actions, and recommended legislative action.

"(d)(1) The Secretary of Commerce, in consultation with the Secretary of the Interior, the Marine Mammal Commission, the State of Alaska, and Alaska Native organizations, shall, not later than 180 days after the date of enactment of the Marine Mammal Protection Act Amendments of 1994, undertake a scientific research program to monitor the health and stability of the Bering Sea marine ecosystem and to resolve uncertainties concerning the causes of population declines of marine mammals, sea birds, and other living resources of that marine ecosystem. The program shall address the research recommendations developed by previous workshops on Bering Sea living marine resources, and shall include research on subsistence uses of such resources and ways to provide for the continued opportunity for such uses.

"(2) To the maximum extent practicable, the research program undertaken pursuant to paragraph (1) shall be conducted in Alaska. The Secretary of Commerce shall utilize, where appropriate, traditional local knowledge and may contract with a qualified Alaska Native organization to conduct such research.

"(3) The Secretary of Commerce, the Secretary of the Interior, and the Commission shall address the status and findings of the research program in their annual reports to Congress required by sections 103(f) and 204 of this Act.".

### SEC. 21. INTERJURISDICTIONAL FISHERIES ACT OF 1986.

Section 308(b) of the Interjurisdictional Fisheries Act of 1986 (16 S.C. 4107(b)) is amended by striking "$2,500,000 for each of the fiscal years 1989, 1990, 1991, 1992, 1993, 1994, and 1995" and inserting in lieu thereof "$65,000,000 for each of the fiscal years 1994 and 1995".

### SEC. 22. COASTAL ECOSYSTEM HEALTH.

(a) REQUIREMENT TO CONVEY.—Not later than September 30, 1994, the Secretary of the Navy shall convey, without payment or other consideration, to the Secretary of Commerce, all right, title, and interest to the property comprising that portion of the Naval Base, Charleston, South Carolina, bounded by Hobson Avenue, the Cooper River, the landward extension of the northwest side of Pier R, and the fenceline between the buildings known as RTC-1 and 200. Such property shall include Pier R, the buildings known as RTC-1 and RTC-4, and all walkways and parking areas associated with such buildings and Pier R.

(b) SURVEY: EFFECT ON LIABILITY OF SECRETARY OF NAVY.—The acreage and legal description of the property to be conveyed pursuant to this section shall be determined by a survey approved by the Secretary of the Navy. Such conveyance shall not release the Secretary of the Navy from any liability arising prior to, during or after such conveyance as a result of the ownership or occupation of the property by the United States Navy.

(c) USE BY NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The property conveyed pursuant to this section shall be used by the Secretary of Commerce in support of the operations of the National Oceanic and Atmospheric Administration.

(d) REVERSION RIGHTS.—Conveyance of the property pursuant to this section shall be subject to the condition that all right, title, and interest to the property so conveyed shall immediately be conveyed to the public entity vested with the ownership of the remainder of the Charleston Naval Base, if and when—

(1) continued ownership and occupation of the property by the National Oceanic and Atmospheric Administration no longer is compatible with the comprehensive plan for reuse of the Charleston Naval Base developed by the community reuse committee and approved by the Secretary of the Navy; and

(2) such public entity provides for relocation of the programs and personnel of the National Oceanic and Atmospheric Administration occupying such property, at no further cost to the United States Government, to a comparable facility, including adjacent waterfront and pier, within the Charleston area.

### SEC. 23. PACIFIC COAST TASK FORCE; GULF OF MAINE.

Title I (16 U.S.C. 1371 et seq.), as amended by this Act, is further amended by adding at the end of the following new section:

### "SEC. 120. PACIFIC COAST TASK FORCE; GULF OF MAINE.

"(a) PINNIPED REMOVAL AUTHORITY.—Notwithstanding any other provision of this title, the Secretary may permit the intentional lethal taking of pinnipeds in accordance with this section.

"(b) APPLICATION.—(1) State may apply to the Secretary to authorize the intentional lethal taking of individually identifiable pinnipeds which are having a significant negative impact on the decline or recovery of salmonid fishery stocks which—

"(A) have been listed as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

"(B) the Secretary finds are approaching threatened species or endangered species status (as those terms are defined in that Act); or

"(C) migrate through the Ballard Locks at Seattle, Washington.

"(2) Any such application shall include a means of identifying the individual pinniped or pinnipeds, and shall include a detailed description of the problem interaction and expected benefits of the taking.

"(c) ACTIONS IN RESPONSE TO APPLICATION.—(1) Within 15 days of receiving an application, the Secretary shall determine whether the application has produced sufficient evidence to warrant establishing a Pinniped-Fishery Interaction Task Force to address the situation described in the application. If the Secretary determines sufficient evidence has been provided, the Secretary shall establish a Pinniped-Fishery Interaction Task Force and publish a notice in the Federal register requesting public comment on the application.

"(2) a Pinniped-Fishery Interaction Task Force established under paragraph (1) shall consist of designated employees of the Department of Commerce, scientists who are knowledgeable about the Pinniped interaction that the application addresses, representatives of affected conservation and fishing community organizations, Indian Treaty tribes, the States, and such other organizations as the Secretary deems appropriate.

"(3) Within 60 days after establishment, and after reviewing public comments in response to the Federal Register notice under paragraph (1), the Pinniped-Fishery Interaction Task Force shall—

"(A) recommend to the Secretary whether to approve or deny the proposed intentional lethal taking of the pinniped or pinnipeds, including along with the recommendation a description of the specific pinniped individual or individuals, the proposed location, time, and method of such taking, criteria for evaluating the success of the action, and the duration of the intentional lethal taking authority; and

"(B) suggest nonlethal alternatives, if available and practicable, including a recommended course of action.

"(4) Within 30 days after receipt of recommendations from the Pinniped-Fishery Interaction Task Force, the Secretary shall either approve or deny the application. If such application is approved, the Secretary shall immediately take steps to implement the intentional lethal taking, which shall be performed by Federal or State agencies, or qualified individuals under contract to such agencies.

"(5) After implementation of an approved application, the Pinniped-Fishery Interaction Task Force shall evaluate the effectiveness of the permitted intentional lethal taking or alternative actions implemented. If implementation was ineffective in eliminating the problem interaction, the Task Force shall recommend additional actions. If the implementation was effective, the Task Force shall so advise the Secretary, and the Secretary shall disband the Task Force.

"(d) CONSIDERATIONS.—In considering whether an application should be approved or denied, the Pinniped-Fishery Interaction Task Force and the Secretary shall consider—

"(1) population trends, feeding habits, the location of the pinniped interaction, how and when the interaction occurs, and how many individual pinnipeds are involved;

"(2) past efforts to nonlethally deter such pinnipeds, and whether the applicant has demonstrated that no feasible and prudent alternatives exist and that the applicant has taken all reasonable nonlethal steps without success;

"(3) the extent to which such pinnipeds are causing undue injury or impact to, or imbalance with, other species in the ecosystem, including fish populations; and

"(4) the extent to which such pinnipeds are exhibiting behavior that presents an ongoing threat to public safety.

"(e) LIMITATION.—The Secretary shall not approve the intentional lethal taking of any pinniped from a species or stock that is—

"(1) listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

"(2) depleted under this Act; or

"(3) a strategic stock.

"(f) CALIFORNIA SEA LIONS AND PACIFIC HARBOR SEALS; INVESTIGATION AND REPORT.—(1) The Secretary shall engage in a scientific investigation to determine whether California sea lions and Pacific harbor seals—

"(A) are having a significant negative impact on the recovery of salmonid fishery stocks which have been listed an endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or which the Secretary finds are approaching such endangered species of threatened species status; or

"(B) are having broader impacts on the coastal ecosystem of Washington, Oregon, and California. The Secretary shall conclude this investigation and prepare a report on its results no later than October 1, 1995.

"(2) Upon completion of the scientific investigation required under paragraph (1), the Secretary shall enter into discussions with the Pacific States Marine Fisheries Commission, on behalf of the States of Washington, Oregon, and California, for the purpose of addressing any issues or problems identified as a result of the scientific investigation, and to develop recommendations to address such issues or problems. Any recommendations resulting from such discussions shall be submitted, along with the report, to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(3) The Secretary shall make the report and the recommendations submitted under paragraph (2) available to the public for review and comment for a period of 90 days.

"(4) There are authorized to be appropriated to the Secretary such sums as are necessary to carry out the provisions of this subsection.

"(5) The amounts appropriated under section 308(c) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(c)) and allocated to the Pacific States Marine Fisheries Commission may be used by the Commission to participate in discussions with the Secretary under paragraph (2).

"(g) REGIONWIDE PINNIPED-FISHERY INTERACTION STUDY.—(1) The Secretary may conduct a study, of not less than three high predation areas in anadromous fish migration corridors within the Northwest Region of the National Marine Fisheries Service, on the interaction between fish pinnipeds. In conducting the study, the Secretary shall consult with other State and Federal agencies with expertise in pinniped-fishery interaction. The study shall evaluate—

"(A) fish behavior in the presence of predators generally;

"(B) holding times and passage rates of anadromous fish stocks in areas where such fish are vulnerable to predation;

"(C) whether additional facilities exist, or could be reasonably developed, that could improve escapement for anadromous fish; and

"(D) other issues the Secretary considers relevant.

"(2) Subject to the availability of appropriations, the Secretary may, not later than 18 months after the commencement of the study under this subsection, transmit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives.

"(3) The study conducted under this subsection may not be used by the Secretary as a reason for delaying or deferring a determination or consideration under subsection (c) or (d).

(h) GULF OF MAINE TASK FORCE.—The Secretary shall establish a Pinniped-Fishery Interaction Task Force to advise the Secretary on issues or problems regarding pinnipeds interacting in a dangerous or damaging manner with aquaculture resources in the Gulf of Maine. No later than 2 years from the date of enactment of this section, the Secretary shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing recommended available alternatives to mitigate such interactions.

"(i) GULF OF MAINE HARBOR PORPOISE.—(1) Nothing in section 117 shall prevent the Secretary from publishing a stock assessment for Gulf of Maine harbor porpoise in an expedited fashion.

"(2) In developing and implementing a take reduction plan under section 118 for Gulf of Maine harbor porpoise, the Secretary shall consider all actions already taken to reduce incidental mortality and serious injury of such stock, and may, based on the recommendations of the take reduction team for such stock, modify the time period required for compliance with section 118(f)(5)(A), but in no case may such modification extend the date of compliance beyond April 1, 1997.".

### SEC. 24. FURTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENTS RELATING TO DEFINITION OF SECRETARY.—

(1) EXECUTION OF PRIOR AMENDMENTS.—The amendments set forth in section 3004(b) of the Marine Mammal Health and Stranding Response Act (106 Stat. 5067)—

(A) are deemed to have been made by that section to section 3(12) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(12)); and

(B) shall not be considered to have been made by that section 3(11) of that Act (16 U.S.C. 1362(11)).

(2) FURTHER TECHNICAL AND CONFORMING AMENDMENTS.—Section 3(12)(B) of the Marine Mammal Protection Act of 1972, as deemed by paragraph (1)(A) of this subsection to have been amended by section 3004(b) of the Marine Mammal Health and Stranding Response Act (106 Stat. 5067), is further amended in subparagraph (B) by striking "in title III" and inserting "In section 118 and title IV".

(b) MARINE MAMMAL HEALTH AND STRANDING RESPONSE.—The Act (16 U.S.C. 1361 et seq.) is amended—

(1) by redesignating title III, as added by Public Law 102-587 (106 Stat. 5060), as title IV; and

(2) by redesignating the sections of that title (16 U.S.C. 1421 through 1421h) as sections 401 through 409, respectively.

(c) FURTHER AMENDMENTS TO TITLE IV.—The Act is amended—

(1) in section 401(b)(3) (as redesignated by this section) by striking "304" and inserting "404";

(2) in section 405(b)(1)(A)(i) (as redesignated by this section) by striking "304(b)" and inserting "404(b)";

(3) in section 406(a)(2)(A) (as redesignated by this section) by striking "304(b)" and inserting "404(b)";

(4) in section 406(a)(2)(B) (as redesignated by this section) by striking "304(c)" and inserting "404(c)";

(5) in section 408(1) (as redesignated by this section)—

(A) by striking "305" and inserting "405", and

(B) by striking "307" and inserting "407";

(6) in section 408(2) (as redesignated by this section) by striking "307" and inserting "407";

(7) in section 409(1) (as redesignated by this section) by striking "305(a)" and inserting "405(a)";

(8) in section 409(5) (as redesignated by this section) by striking "307(a)" and inserting "407(a)";

(9) in section 102(a) (16 U.S.C. 1372(a)) by striking "title III" and inserting "title IV";

(10) in section 109(h)(1) (16 U.S.C. 1379(h)(1)) by striking "title III" and inserting "title IV";

(11) in section 112(c) (16 U.S.C. 1382(c)) by striking "or title III" and inserting "or title IV"; and

(12) in the table of contents in the first section, by striking the items relating to the title that is redesignated by subsection (b) of this section and the sections that are redesignated by subsection (b) of this section and inserting the following:

"Title IV—Marine Mammal Health and Stranding Response

"Sec. 401. Establishment of program.
"Sec. 402. Determination: data collection and dissemination.
"Sec. 403. Stranding response agreements.
"Sec. 404. Unusual mortality event response.
"Sec. 405. Unusual mortality event activity funding.
"Sec. 406. Liability.
"Sec. 407. National Marine Mammal Tissue Bank and tissue analysis.
"Sec. 408. Authorization of appropriations.
"Sec. 409. Definitions."

(d) Clerical Amendments.—The portion of the table of contents in the first section of the Act relating to title I is amended by adding at the end the following new items:

"Sec. 117. Stock assessments.
"Sec. 118. Taking of marine mammals incidental to commercial fishing operations.
"Sec. 119. Marine mammal cooperative agreements in Alaska.
"Sec. 120. Pacific Coast Task Force; Gulf of Maine.".

(e) Effective Date.—The amendments made by subsection (a) shall be effective as if enacted as part of section 3004 of the Marine Mammal Health and Stranding Response Act (106 Stat. 5067).

**SEC. 25. TRANSFER.**

Of amounts appropriated by Public Law 103–139 to the Department of the Navy for Shipbuilding and Conversion, Navy, the Secretary of the Navy shall transfer $8,000,000 not later than April 15, 1994, to the Administrator of the Maritime Administration for the conversion of the USNS CHAUVENET to a training ship for the Texas Maritime Academy's Training Program.

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## CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

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## McCAIN (AND GRAMM) AMENDMENT NO. 1577

Mr. McCain (for himself and Mr. Gramm) proposed an amendment to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:

At the end of title III, add the following:

**SEC. . SENSE OF THE SENATE REGARDING EQUITABLE DISTRIBUTION OF REDUCTIONS IN DISCRETIONARY SPENDING.**

The Senate finds that since the President's Fiscal Year 1995 defense budget request represents the tenth straight year of real cuts in defense; and, if the President's defense budget request is approved, since 1985 real defense spending will have been reduced by 45 percent by 1999; and, President Clinton, during his State of the Union address on January 25, 1994, promised no further cuts in defense spending. Then, it is the sense of the Senate that the annual levels of the 050 function should be reduced from the President's Fiscal Year 1995–1999 budget request only after other annual levels of non-defense discretionary spending in the budget resolution have been reduced, fairly and appropriately.

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## HARKIN AMENDMENT NO. 1578

Mr. HARKIN proposed an amendment to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:

At the appropriate place, insert the following, "It is the Sense of the Congress that given the federal budget deficit, the real reductions in discretionary spending in this resolution, and the existence of many more worthy programs competing for this funding, spending for the Star Wars (Ballistic Missile Defense) must not exceed the fiscal year 1994 appropriated level."

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## GRAHAM (AND OTHERS) AMENDMENT NO. 1579

Mr. SASSER (for Mr. Graham for himself, Mr. Warner, Mrs. Boxer, Mr. Levin, Mr. Mack, Mr. Faircloth, Mr. Glenn, Mr. Thurmond, Mr. Coats, Mr. Kohl, Mr. Feingold, Mrs. Hutchison, Mr. Nickles, Mr. Bond, Mr. Lott, Mr. Helms, Mr. Ford, Mr. Cochran, Mr. Gramm, and Mr. Lugar) proposed an amendment to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:

At the end of title III, add the following new section:

**SEC. 3. MINIMUM ALLOCATION PROGRAM.**

(a) Findings.—The Congress finds that—

* * *

established in 1982 to address inequities in the funding formula for Federal-aid highways;

(2) the minimum allocation program was designed to provide the greatest degree of flexibility practicable to States that receive funding under the formula referred to in paragraph (1) and includes an exemption of the apportionments from the obligation ceiling;

(3) the minimum allocation program provides additional flexibility by allowing a State a 4-year period during which amounts apportioned to the State may be obligated;

(4) the budget of the United States Government for fiscal year 1995 submitted by the President to Congress proposes to include minimum allocation apportionments under the obligation ceiling and also proposes to limit the authority of States to obligate apportionments under the minimum allocation program to 67 percent of the amount of the apportionments; and

(5) States have planned transportation programs on the basis of the provisions of the Intermodal Surface Transportation Efficiency Act of 1991, and the amendments made by the Act, relating to minimum allocation that confirmed core commitments to exemption and flexibility.

(b) Sense of the Congress.—It is the sense of the Congress that—

(1) the minimum allocation program should remain exempt from the obligation ceiling; and

(2) the flexibility of the minimum allocation program should be an enduring and critical component of the provision of Federal assistance to States for Federal-aid highways.

(c) Definitions.—As used in this section:

(1) Federal-aid highways.—The term "Federal-aid highways" has the meaning provided the term in section 101 of title 23, United States Code.

(2) Minimum allocation program.—The term "minimum allocation program" means the program of allocation of funding to States under section 157 of title 23, United States Code.

(3) Obligation ceiling.—The term "obligation ceiling" means the obligation ceiling under section 1002 of the Intermodal Surface Transportation Efficiency Act of 1991.

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## HATCH AMENDMENT NO. 1580

Mr. SASSER (for Mr. Hatch) proposed an amendment to the concurrent resolution S. Con. Res. 63, supra; as follows:

At the end of title II, add the following:

**SEC. . SENSE OF THE CONGRESS REGARDING FEDERAL LAW ENFORCEMENT PERSONNEL.**

(a) Findings.—The Congress finds that—

(1) violent crimes reported to law enforcement continue to increase with over 1,900,000 offenses being reported to law enforcement each year;

(2) drug dealing and the violent crime that accompanies it are at the heart of the Nation's current crime crisis;

(3) the problem of international drug trafficking is increasing and foreign narcotics syndicates continue to make the United States their primary target;

(4) drug abuse among our Nation's young people, after years of decline, has recently increased;

(5) interstate criminal street gangs, which deal in illicit narcotics and which are responsible for so much violent crime, are spreading into cities throughout the Nation;

(6) the Senate has passed a comprehensive anti-crime bill which increases authorizations for Federal and State law enforcement, increases penalties for violent crime, and enhances Federal law enforcement's role in combating violent street crime;

(7) the President's proposed budget for fiscal year 1995 cuts the number of Drug Enforcement Administration, Federal Bureau of Investigation, Organized Crime Drug Enforcement Task Force, and United States Attorney personnel;

(8) absent the President's proposed budget cuts to Federal law enforcement for fiscal year 1995, there are still 431 fewer FBI agents and 301 fewer DEA agents today than there were in 1992 and, according to the President's budget, there will not be a new FBI or DEA class until fiscal year 1996;

(9) an adequate Federal law enforcement and Federal prosecutor presence is critical to our Nation's effort to respond to the crime and drug problem; and

(10) President Clinton and Attorney General Reno have publicly stated their support for enhanced efforts to fight violent crime and drug trafficking.

(b) SENSE OF THE CONGRESS.—It is the sense of Congress that—

(1) current levels of agent strength within the DEA and FBI and the current number of assistant United States Attorneys are inadequate to meet the Federal Government's obligations to our Nation's law abiding citizens; and

(2) at a minimum, the agent strength for the FBI and DEA should be restored to end-of-fiscal year 1992 levels, and the number of Assistant United States Attorneys should not be reduced.

## BANKRUPTCY AMENDMENTS ACT OF 1993 NATIONAL BANKRUPTCY REVIEW COMMISSION ACT

### HELMS AMENDMENT NO. 1581

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill (S. 540) to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, and for other purposes; as follows:

On page 211, strike lines 1 through 12.

## CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

### COHEN (AND KERREY) AMENDMENT NO. 1582

Mr. COHEN (for himself and Mr. KERREY) proposed an amendment to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:

At the end of title II insert the following:

**SEC. ___. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.**

(a) PROPOSED RESCISSION OF BUDGET AUTHORITY.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriations Act.

(b) TRANSMITTAL OF SPECIAL MESSAGE.—

(1) Not later than 3 days after the date of enactment of an appropriation Act, the President may transmit to Congress a special message proposing to rescind amounts of budget authority provided in that Act and include with that special message a draft bill or joint resolution that, if enacted, would only rescind that budget authority.

(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill or joint resolution for accounts within the jurisdiction of each such subcommittee.

(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the matters referred to in paragraphs (1) through (5) of section 1012(a) of the Impoundment Control Act of 1974.

(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

(1)(A) Before the close of the second day of continuous session of the applicable House after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Congress in which the appropriation Act involved originated shall introduce (by request) the draft bill or joint resolution accompanying that special message. If the bill or joint resolution is not introduced as provided in the preceding sentence, then, on the third day of continuous session of that House after the date of receipt of that special message, any Member of that House may introduce the bill or joint resolution.

(B) The bill or joint resolution shall be referred to the Committee on Appropriations of that House. The committee shall report the bill or joint resolution without substantive revision and with or without recommendation. The bill or joint resolution shall be reported not later than the seventh day of continuous session of that House after the date of receipt of that special message. If the Committee on Appropriations fails to report the bill or joint resolution within that period, that committee shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed on the appropriate calendar.

(C) A vote on final passage of the bill or joint resolution shall be taken in that House on or before the close of the 10th calendar day of continuous session of that House after the date of the introduction of the bill or joint resolution in that House. If the bill or joint resolution is agreed to, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the bill or joint resolution to be engrossed, certified, and transmitted to the other House of Congress on the same calendar day on which the bill or joint resolution is agreed to.

(2)(A) A bill or joint resolution transmitted to the House of Representatives or the Senate pursuant to paragraph (1)(C) shall be referred to the Committee on Appropriations of that House. The committee shall report the bill or joint resolution without substantive revision and with or without recommendation. The bill or joint resolution shall be reported not later than the seventh day of continuous session of that House after it receives the bill or joint resolution. A committee failing to report the bill or joint resolution within such period shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed upon the appropriate calendar.

(B) A vote on final passage of a bill or joint resolution transmitted to that House shall be taken on or before the close of the 10th calendar day of continuous session of that House after the date on which the bill or joint resolution is transmitted. If the bill or joint resolution is agreed to in that House, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the engrossed bill or joint resolution to be returned to the House in which the bill or joint resolution originated.

(3)(A) A motion in the House of Representatives to proceed to the consideration of a bill or joint resolution under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the House of Representatives on a bill or joint resolution under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill or joint resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill or joint resolution under this section or to move to reconsider the vote by which the bill or joint resolution is agreed to or disagreed to.

(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill or joint resolution under this section shall be decided without debate.

(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill or joint resolution under this section shall be governed by the Rules of the House of Representatives.

(4)(A) A motion in the Senate to proceed to the consideration of a bill or joint resolution under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the Senate on a bill or joint resolution under this section, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a bill or joint resolution under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or joint resolution, except that in the event the manager of the bill or joint resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill or joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a bill or joint resolution under this section is not debatable. A motion to recommit a bill or joint resolution under this section is not in order.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "appropriation Act" means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations; and

(2) continuity of a session of either House of Congress shall be considered as broken only by an adjournment of that House sine die, and the days on which that House is not in session because of an adjournment of more than 3 days to a date certain shall be excluded in the computation of any period.

**SEC. ___. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED REPEALS OF TAX EXPENDITURES.**

(a) PROPOSED REPEAL OF TAX EXPENDITURE.—The President may propose, at the time and in the manner provided in subsection (b), the repeal of any provision in an Act that would result in a tax expenditure.

(b) TRANSMITTAL OF SPECIAL MESSAGE.—

(1) Not later than 3 days after the date of enactment into law of an Act containing a

provision described in subsection (a), the President may transmit to Congress a special message proposing to repeal any such provision contained in that Act and include with that special message a draft bill or joint resolution that, if enacted, would repeal such provision.

(2) Each special message shall include, with respect to the provision proposed to be repealed, a budget analysis of such provision.

(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—Each special message transmitted pursuant to subsection (b) shall be considered in accordance with the procedures provided for special messages in the preceding section of this resolution.

(d) DEFINITION.—For purposes of this section, the term "tax expenditure" shall have the meaning given such term in section 3(3) of the Congressional Budget Act of 1974.

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## KERREY (AND COHEN) AMENDMENT NO. 1583

Mr. KERREY (for himself and Mr. COHEN) proposed an amendment to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:

At the end of title III, add the following:

**SEC. ___. SENSE OF THE SENATE REGARDING FEDERAL COURTHOUSE CONSTRUCTION.**

It is the sense of the Senate that—

(1) the President's fiscal year 1995 budget includes a request for 11 courthouses with a total estimated cost of over $1,000,000,000;

(2) while there may be significant need for new Federal courthouses, the need for programs that prevent youth violence before children get to courthouses is greater;

(3) there should be a moratorium for fiscal year 1995 on the construction of any new Federal courthouses which have not already been specifically approved by Congress; and

(4) priority should be given to programs for children and families like Head Start and grants for maternal and infant health care.

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## SPECTER (AND HATFIELD) AMENDMENT NO. 1584

Mr. SPECTER (for himself and Mr. HATFIELD) proposed an amendment to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:

At the end of title III add the following new section:

**SEC. ___. SENSE OF SENATE ON PAYMENT TO UNITED NATIONS OF UNITED STATES ARREARAGES IN CONTRIBUTIONS FOR PEACEKEEPING ACTIVITIES.**

(a) SENSE OF SENATE ON AUTHORITY AND OUTLAYS.—It is the sense of the Senate that budget authority of $250,000,000 in fiscal year 1995 and outlays of $170,000,000 in that fiscal year based upon funds accruing under subsection (b) should be allocated to the committee or committees of the Senate having jurisdiction over contributions to the United Nations for peacekeeping activities for the purposes of permitting the payment of arrearages of the United States in commitments in fiscal year 1994 for such contributions.

(b) SENSE OF SENATE ON FUNDS.—It is the sense of the Senate that funds should be available for the budget authority of $250,000,000 and outlays of $170,000,000 referred to in subsection (a) as the result of—

(1) the reimposition by the United States of charges on foreign governments (other than Israel and Egypt) for the non-recurring costs of research, development, and production of major defense equipment licensed for commercial export to such governments; and

(2) the recoupment by the United States from such governments of administrative costs relating to foreign military sales; and

(3) the elimination of all financing assistance for such sales (other than sales to Israel and Egypt) by the United States.

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## JEFFORDS (AND OTHERS) AMENDMENT NO. 1585

(Ordered to lie on the table.)

Mr. JEFFORDS (for himself, Mr. BROWN, and Mr. SIMON) submitted an amendment proposed by them to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:

On page 5, line 2, decrease the amount by $1,150,000,000.

On page 5, line 3, decrease the amount by $1,250,000,000.

On page 5, line 4, decrease the amount by $1,325,000,000.

On page 5, line 5, decrease the amount by $1,425,000,000.

On page 5, line 12, decrease the amount by $1,150,000,000.

On page 5, line 13, decrease the amount by $1,250,000,000.

On page 5, line 14, decrease the amount by $1,325,000,000.

On page 5, line 15, decrease the amount by $1,425,000,000.

On page 5, line 23, decrease the amount by $975,000,000.

On page 5, line 24, decrease the amount by $1,225,000,000.

On page 5, line 25, decrease the amount by $1,325,000,000.

On page 6, line 1, decrease the amount by $1,425,000,000.

On page 6, line 8, decrease the amount by $975,000,000.

On page 6, line 9, decrease the amount by $1,225,000,000.

On page 6, line 10, decrease the amount by $1,325,000,000.

On page 6, line 11, decrease the amount by $1,425,000,000.

On page 6, line 18, decrease the amount by $975,000,000.

On page 6, line 19, decrease the amount by $1,225,000,000.

On page 6, line 20, decrease the amount by $1,325,000,000.

On page 6, line 21, decrease the amount by $1,425,000,000.

On page 7, line 2, decrease the amount by $975,000,000.

On page 7, line 3, decrease the amount by $1,225,000,000.

On page 7, line 4, decrease the amount by $1,325,000,000.

On page 7, line 5, decrease the amount by $1,425,000,000.

On page 7, line 9, decrease the amount by $975,000,000.

On page 7, line 10, decrease the amount by $2,200,000,000.

On page 7, line 11, decrease the amount by $5,725,000,000.

On page 7, line 12, decrease the amount by $7,150,000,000.

On page 8, line 8, decrease the amount by $975,000,000.

On page 8, line 9, decrease the amount by $1,225,000,000.

On page 8, line 10, decrease the amount by $1,325,000,000.

On page 8, line 11, decrease the amount by $1,425,000,000.

On page 24, line 17, increase the amount by $1,000,000,000.

On page 24, line 18, increase the amount by $1,000,000,000.

On page 24, line 25, increase the amount by $4,375,000,000.

On page 25, line 1, increase the amount by $3,850,000,000.

On page 25, line 8, increase the amount by $4,450,000,000.

On page 25, line 9, increase the amount by $4,375,000,000.

On page 25, line 16, increase the amount by $4,525,000,000.

On page 25, line 17, increase the amount by $4,525,000,000.

On page 25, line 24, increase the amount by $4,600,000,000.

On page 25, line 25, increase the amount by $4,600,000,000.

On page 38, line 13, decrease the amount by $25,000,000.

On page 38, line 14, decrease the amount by $25,000,000.

On page 38, line 20, decrease the amount by $100,000,000.

On page 38, line 21, decrease the amount by $100,000,000.

On page 39, line 2, decrease the amount by $150,000,000.

On page 39, line 3, decrease the amount by $150,000,000.

On page 39, line 9, decrease the amount by $225,000,000.

On page 39, line 10, decrease the amount by $225,000,000.

On page 39, line 25, decrease the amount by $25,000,000.

On page 40, line 1, decrease the amount by $25,000,000.

On page 40, line 7, decrease the amount by $100,000,000.

On page 40, line 8, decrease the amount by $100,000,000.

On page 40, line 14, decrease the amount by $150,000,000.

On page 40, line 15, decrease the amount by $150,000,000.

On page 40, line 21, decrease the amount by $225,000,000.

On page 40, line 22, decrease the amount by $225,000,000.

On page 41, line 11, decrease the amount by $1,000,000,000.

On page 41, line 12, decrease the amount by $1,000,000,000.

On page 41, line 18, decrease the amount by $5,500,000,000.

On page 41, line 19, decrease the amount by $4,800,000,000.

On page 41, line 25, decrease the amount by $5,600,000,000.

On page 42, line 1, decrease the amount by $5,500,000,000.

On page 42, line 7, decrease the amount by $5,700,000,000.

On page 42, line 8, decrease the amount by $5,700,000,000.

On page 42, line 14, decrease the amount by $5,800,000,000.

On page 42, line 15, decrease the amount by $5,800,000,000.

On page 70, line 21, increase the amount by $1,125,000,000.

On page 70, line 22, increase the amount by $950,000,000.

On page 70, line 24, increase the amount by $1,150,000,000.

On page 70, line 25, increase the amount by $1,125,000,000.

On page 71, line 2, increase the amount by $1,175,000,000.

On page 71, line 3, increase the amount by $1,175,000,000.

### McCONNELL (AND OTHERS) AMENDMENT NO. 1586

Mr. DOMENICI (for Mr. MCCONNELL, for himself, Ms. MIKULSKI, and Mr. MACK) proposed an amendment to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:

At the end of the resolution, add the following new section:

SEC. .—PURPOSE: To express the Sense of the Senate regarding U.S. policy in Eastern and Central Europe

It is the sense of the Senate that, the assumptions underlying the levels of spending set forth in this resolution regarding the national defense (050) and international affairs (150) budget categories include an assumption that the United States will oppose through appropriate means attempts by the Russian Federation to intimidate, use military force or engage in economic coercion to establish a sphere of influence over the former republics of the Soviet Union, the Baltics, or Central and Eastern European nations, consistent with provisions continued in the Freedom Support Act and the Foreign Assistance Appropriations Act of 1994.

### LOTT AMENDMENT NO. 1587

Mr. LOTT proposed an amendment to the motion to recommit Senate Concurrent Resolution 63, supra; as follows:

Mr. President, I move to recommit Senate Concurrent Resolution 63 to the Committee on the Budget with instructions to report to the Senate, within 3 days (not counting any day the Senate is not in session), a revised concurrent resolution on the budget for the fiscal years 1995, 1996, 1997, 1998, and 1999 which specifies by function any reductions in budget authority and outlays necessitated by a lowering of the discretionary spending limits contained in section 601 of the Congressional Budget Act of 1974, provided that no such reduction come from the National Defense Function (050) or the Allowances Function (920).

The Committee on the Budget is further instructed to report to the Senate a revised concurrent resolution on the budget for fiscal years 1995, 1996, 1997, 1998, and 1999 which includes all provisions adopted by the Senate during consideration of Senate Concurrent Resolution 63.

### ROBB AMENDMENT NO. 1588

Mr. ROBB proposed an amendment to amendment No. 1587 proposed by Mr. LOTT to the motion to recommit Senate Concurrent Resolution 63, supra; as follows:

Mr. President, I move to recommit Senate Concurrent Resolution 63 to the Committee on the Budget with instructions to report to the Senate, forthwith a revised concurrent resolution on the budget for the fiscal years 1995, 1996, 1997, 1998, and 1999 which specifies by function any reductions in budget authority and outlays necessitated by a lowering of the discretionary spending limits contained in section 601 of the Congressional Budget Act of 1974, provided that no such reduction come from the National Defense Function (050) or the Allowances Function (920).

The Committee on the Budget is further instructed to report to the Senate a revised concurrent resolution on the budget for fiscal years 1995, 1996, 1997, 1998, and 1999 which includes all provisions adopted by the Senate during consideration of Senate Concurrent Resolution 63.

### CHAFEE (AND OTHERS) AMENDMENT NO. 1589

Mr. DOMENICI (for Mr. CHAFEE for himself, Mr. WALLOP, Mr. MURKOWSKI, and Mr. COHEN) proposed an amendment to concurrent resolution, Senate Concurrent Resolution 63, supra; as follows:

**SEC. . SENSE OF SENATE REGARDING DIESEL FUEL DYEING REGULATIONS.**

(a) FINDINGS.—The Senate finds that changes made to the collection point of the diesel fuel excise tax made as part of the Omnibus Reconciliation Act of 1993 and the Internal Revenue Service regulations implementing such changes have caused economic hardship, created market distortions, and added burdens to users and suppliers of diesel fuel by—

(1) requiring businesses, primarily small entrepreneurs, to invest thousands of dollars in equipment, or choose between taxable and nontaxable users of diesel fuel, in order to comply with the new rules;

(2) imposing cumbersome notification requirements for marketers and distributors of diesel fuel and home heating oil; and

(3) creating shortages of fuel due to storage tank limitations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Internal Revenue Service should make every effort to ensure its regulations implementing the changes to the collection point for the diesel fuel excise tax will minimize the economic hardship, market distortions, unnecessary burdens, and supply shortages;

(2) such regulations should, to the extent possible, be consistent with Environmental Protection Agency regulations implementing the diesel desulfurization program; and,

(3) if the Internal Revenue Service lacks the authority to issue revised regulations consistent with this resolution, then Congress should consider legislation that will eliminate these hardships, distortions, burdens, and shortages.

### HATCH (AND HUTCHISON) AMENDMENT NO. 1590

Mr. DOMENICI (for Mr. HATCH, for himself and Mrs. Hutchison) proposed an amendment to the concurrrent resolution, Senate Concurrent Resolution 63, supra; as follows:

At the end of the resolution, insert the following new section:

**SEC. ___. SENSE OF SENATE THAT TAXES NOT BE INCREASED BECAUSE TAXPAYERS ARE MARRIED.**

(a) FINDINGS.—The Senate finds that—

(1) successful stable marriages are an essential part of a successful stable society;

(2) the breakdown of marriages has been one of the causes of our unacceptable crime, illiteracy, school dropout, drug abuse, and illegitimacy rates;

(3) the Federal Government has a moral and ethical obligation to help promote stable marriages or at least to not undermine them financially;

(4) the Internal Revenue Code currently contains a number of provisions that financially penalize couples for becoming or remaining married (so called "marriage penalties");

(5) marriage penalties are in effect an annual Federal tax on marriage licenses;

(6) the Omnibus Budget Reconciliation Act of 1993 added new marriage penalties to the Internal Revenue Code and expanded some existing marriage penalties;

(7) marriage penalties financially discriminate against the most fundamental and important unit in our society—the family—and are especially harmful to our Nation's children; and

(8) there is no policy justification for the Federal Government to financially penalize couples simply because they choose to become or remain legally married.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that no taxpayer, regardless of age, sex, income, or number of dependents, should be required to pay more in Federal taxes under any provision of the Internal Revenue Code because that taxpayer is legally married.

### PACKWOOD (AND MOYNIHAN) AMENDMENT NO. 1591

Mr. DOMENICI (for Mr. PACKWOOD for himself and Mr. MOYNIHAN) proposed an amendment to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:

In section 23 of the pending Resolution, on page 49, beginning on line 7 strike the following: "to a significant degree".

### DANFORTH (AND OTHERS) AMENDMENT NO. 1592

Mr. Domenici (for Mr. DANFORTH for himself, Mr. DOLE, Mr. BOND, and Mrs. KASSEBAUM) proposed an amendment to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:

At the appropriate place insert the following:

**SEC. . SENSE OF THE SENATE REGARDING CERTAIN DEPARTMENT OF ENERGY REDUCTIONS-IN-FORCE.**

It is the sense of the Senate that—

(1) a reduction-in-force at the Department of Energy's Kansas City Plant should not be carried out until—

(A) the National Defense Authorization Act for fiscal year 1995 and the Energy and Water Development Appropriations Act for fiscal year 1995 become law; or

(B) Congress has otherwise approved such an action; and

### MURKOWSKI (AND STEVENS) AMENDMENT NO. 1593

Mr. DOMENICI (for Mr. MURKOWSKI, for himself and Mr. STEVENS) proposed an amendment to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:

At the end of title III, insert the following:

**SEC. ___. SENSE OF THE CONGRESS REGARDING MINERALS MANAGEMENT.**

It is the sense of the Congress that the budget authority and outlay totals set forth in this resolution assume sufficient funding under budget function 300 (Natural Resources and Environment) to ensure—

(1) the ability of the Minerals Management Service to run an effective Outer Continental Shelf resource evaluation program that responds to increased interest on OCS areas, including Alaska;

(2) the ability of the United States Geological Survey to continue to perform mineral resource surveys at the same levels as in previous years; and

(3) the continued effective functioning of all current Bureau of Mines offices.

## ORGAN AND BONE MARROW TRANSPLANTATION AMENDMENTS

### KENNEDY AMENDMENT NO. 1594

Mr. CONRAD (for Mr. KENNEDY) proposed an amendment to the bill H.R. 2659 to amend the Public Health Service Act to revise and extend programs relating to the transplantation of organs and bone marrow; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Organ Transplant Program Reauthorization Act of 1994".

**SEC. 2. ORGAN PROCUREMENT ORGANIZATIONS.**

(a) IN GENERAL.—Subsection (a) of section 371 of the Public Health Service Act (42 U.S.C. 273(a)) is amended to read as follows:

"(a)(1) The Secretary may make grants for the consolidation and expansion of qualified organ procurement organizations described in subsection (b).

"(2) The Secretary may make grants to, and enter into cooperative agreements and contracts with, qualified organ procurement organizations described in subsection (b) and other public or nonprofit private entities for the purpose of increasing organ donation through—

"(A) the planning and conducting of programs to provide information and education to the public on the need for organ donations;

"(B) the training of individuals in requesting such donations; or

"(C) the provision of technical assistance to organ procurement organizations and other entities in the health care system.

"(3)(A) In making awards of grants, cooperative agreements and contracts under subparagraphs (A) and (B) of paragraph (2), the Secretary shall give priority to carrying out the purpose described in such paragraph with respect to minority or other populations for which there is a greater degree of organ shortages relative to the general population.

"(B) In making awards of grants, cooperative agreements and contracts under paragraph (2)(C), the Secretary shall give priority to carrying out the purpose described in such paragraph with respect to organ procurement organizations and hospitals with lower rates of procurement relative to other such organizations or hospitals.".

(b) QUALIFIED ORGAN PROCUREMENT ORGANIZATIONS.—Section 371(b) of such Act (42 U.S.C. 273(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "for which grants may be made under subsection (a)" and inserting "described in this section";

(B) by realigning the margin of subparagraph (E) so as to align with the margin of subparagraph (D); and

(C) in subparagraph (G)—

(i) in the matter preceding clause (i), by striking "directors or an advisory board" and inserting "directors (or an advisory board, in the case of a hospital-based organ procurement organization established prior to September 1, 1993)"; and

(ii) in clause (i)—

(I) by striking "composed of" in the matter preceding subclause (I) and inserting "composed of a reasonable balance of"; and

(II) by inserting before the comma in subclause (II) the following: ", including individuals who have received a transplant of an organ (or transplant candidates), and individuals who are part of the family of an individual who has donated an organ";

(2) by striking paragraph (2);

(3) by redesignating paragraph (3) as paragraph (2);

(4) in paragraph (2) (as so redesignated)—

(A) by redesignating subparagraphs (B) through (K) as subparagraphs (C) through (L), respectively,

(B) by inserting after subparagraph (A) the following new subparagraph:

"(B) conduct and participate in systematic efforts, including public education, to increase the number of potential donors,";

(C) by inserting before the comma in subparagraph (F) (as so redesignated) the following: ", which system shall, at a minimum, allocate each type of organ on the basis of—

"(i) a single list encompassing the entire service area;

"(ii) a list that encompasses at least an entire State; or

"(iii) a list that encompasses an approved alternative local unit (as defined in paragraph (4)),

of individuals who have been medically referred to a transplant center in the service area of the organization in order to receive a transplant of the type of organ with respect to which the list is maintained;";

(D) by striking subparagraph (I) (as so redesignated) and inserting the following new subparagraph:

"(I) be a member of and abide by the rules and requirements of the Organ Procurement and Transplantation Network established under section 372,"; and

(E) by striking subparagraph (K) (as so redesignated) and inserting the following new subparagraph:

"(K) evaluate annually, and report to the Organ Procurement and Transplantation Network established under section 372, on the effectiveness of the organization in acquiring potentially available organs, particularly among minority populations, and the variation of procurement across hospitals within the organ procurement organization region, and identify a plan to increase procurement, particularly among minority populations and other populations for which there is a greater degree of organ shortages relative to the general population, and at hospitals with low rates of procurement, and"; and

(5) by adding at the end thereof the following new paragraphs:

"(3)(A) The Office of Technology Assessment shall conduct a study for the purpose of defining—

"(i) the appropriate standards by which to judge the quality of performance of organ procurement organizations; and

"(ii) the proper criteria for a determination of inadequate service from an organ procurement organization.

"(B) Not later than 2 years after the date of enactment of this paragraph, the Office of Technology Assessment shall complete the study required under subparagraph (A) and prepare and submit to the Committee on Labor and Human Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Secretary, a report describing the findings made as a result of the study.

"(C) For purposes of this paragraph the term 'organ' means a human kidney, liver, heart, lung, pancreas, and any other human organ or tissue specified by the Secretary for purposes of this paragraph.

"(4)(A) As used in paragraph (2)(F), the term 'alternative local unit' means—

"(i) a unit composed of two or more contiguous organ procurement organizations; or

"(ii) a subdivision of an organ procurement organization that operates as a distinct procurement and distribution unit as a result of special geographic, rural, or minority population concerns but that is not composed of any subunit of a metropolitan statistical area.

"(B) The Organ Procurement and Transplantation Network shall make recommendations to the Secretary concerning the approval or denial of alternative local units. The Network shall assess whether the alternative local units will better promote organ donation and the equitable allocation of organs.

"(C) The Secretary shall approve or deny any alternative local unit principle or designation recommended by the Network. If the Secretary does not provide otherwise prior to the expiration of the 90-day period beginning on the date on which the application is submitted, the recommendations of the Network under subparagraph (B) with respect to the application of the alternative local unit shall go into effect.".

(c) EFFECTIVE DATE.—The amendments made by subsection (b)(5) shall apply to organ procurement organizations beginning January 1, 1995.

**SEC. 3. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.**

Section 372(b) of the Public Health Service Act (42 U.S.C. 274(b)) is amended—

(1) in paragraph (1)(B)—

(A) in clause (i)—

(i) by striking "(including organizations that have received grants under section 371)"; and

(ii) by striking "; and" at the end thereof and inserting "(including both individuals who have received a transplant of an organ (or transplant candidates), and individuals who are part of the family of individuals who have donated an organ, the number of whom shall make up not less than 40 percent of the total number of board members); and"; and

(B) in clause (ii), by inserting "including a patient affairs committee" after "committees,"; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking clause (i) and inserting the following new clause:

"(i) with respect to each type of transplant, a national list of individuals who have been medically referred to receive a transplant of the type of organs with respect to which the list is maintained (which list shall include the names of all individuals included on lists in effect under section 371(b)(2)(F), and";

(B) in subparagraph (B), by inserting ", including requirements under section 371(b)," after "membership criteria";

(C) by redesignating subparagraphs (E) through (L), as subparagraphs (F) through (M), respectively;

(D) by inserting after subparagraph (D), the following new subparagraph:

"(E) assist organ procurement organizations in the equitable distribution of organs among transplant patients,";

(E) in subparagraph (K) (as so redesignated), by striking "and" at the end thereof;

(F) in subparagraph (L) (as so redesignated), by striking the period and inserting

", including making recommendations to organ procurements organizations and the Secretary based on the annual reports required under section 371(b)(2)(K),";

(G) in subparagraph (M) (as so redesignated), by striking the period and inserting a comma; and

(H) by adding at the end thereof the following new subparagraphs:

"(N) submit to the Secretary for review and approval any change in the amount of fees imposed by the Network for the registration of individuals on the lists maintained under subparagraph (A)(i), such change to be considered as approved if the Secretary does not provide otherwise prior to the expiration of the 90-day period beginning on the date on which the change is submitted to the Secretary,

"(O) make available to the Secretary such information, books, and records regarding the Network as the Secretary may require,

"(P) submit to the Secretary, on an annual basis, a report on the clinical and scientific status of the organ transplantations, and

"(Q) meet such other criteria regarding compliance with this part as the Secretary may establish.".

### SEC. 4. STUDY BY GENERAL ACCOUNTING OFFICE.

Section 377 of the Public Health Service Act (42 U.S.C. 274f) is amended to read as follows:

### "SEC. 377. STUDY BY GENERAL ACCOUNTING OFFICE.

"(a) STUDY.—

"(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study for the purpose of determining and making recommendations concerning—

"(A) the composition of the boards of directors of organ procurement organizations and of the Organ Procurement and Transplantation Network on the date of enactment of this section, and the effect of the Organ Transplant Program Reauthorization Act of 1994 on the composition and functioning of such boards;

"(B)(i) the number and percentage of cadaveric organ transplants for foreign nationals and nonresident aliens categorized by organ procurement organization and by transplant center and information on any reciprocal agreements between organ procurement organizations and foreign countries or territories;

"(ii) the number and percent of the organizations referred to in clause (i) above the organ procurement transplant network guideline of 10 percent; and

"(III) any information on the current rate of organ donation by individuals other than United States citizens or legal residents;

"(C) organ donation rates and the impact of various organ allocation systems on organ procurement rates; and

"(D) the equitable allocation of organs nationwide, including an analysis of the relative probability of receiving an organ for patients with similar characteristics for each category of transplanted organ by organ procurement organization and recommendations for developing a regional allocation system in order to ensure that—

"(i) patients in one region have an equivalent probability of receiving an organ as do patients with similar characteristics in another region; and

"(ii) patients within a region have an equivalent probability of receiving an organ as do other patients with similar characteristics in that region.

"(2) EQUITABLE ALLOCATION.—In carrying out paragraph (1) with respect to subparagraph (D), the Comptroller General shall—

"(A) recommend regions for allocating organs to encompass as large a geographic area as is practical, taking into account medical appropriateness, and the geographic proximity of patients with comparable priority for receiving an organ;

"(B) take into account the impact on organ donation and procurement rates; and

"(C) consult with experts in the area of organ allocation and organ donations and consider their recommendations regarding the establishment of regions in the country for the purpose of allocating organs.

"(b) REPORT.—Not later than 2 years after the date of enactment of the Organ Transplant Program Reauthorization Act of 1994, the Comptroller General of the United States shall complete the study required under subsection (a) and prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.".

### SEC. 5. GENERAL PROVISIONS.

(a) LIMITATION.—Section 374(b) of the Public Health Service Act (42 U.S.C. 274b(b)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2) (as so redesignated), by striking "371(a)(3)" and inserting "371(a)(2)".

(b) REPEAL.—Section 376 of the Public Health Service Act (42 U.S.C. 274d) is repealed.

(c) TRANSFER.—Section 378 of the Public Health Service Act (42 U.S.C. 274g) is amended—

(1) by transferring such section to part H of title III; and

(2) by inserting such section after section 377.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 378 of the Public Health Service Act (42 U.S.C. 274g) is amended by striking "1991" and all that follows through the period and inserting "1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

### SEC. 6. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall become effective on the date of enactment of this Act.

(b) EXCEPTION.—The amendments made by section 2(b)(4)(C) shall become effective 9 months after the date of enactment of this Act. Prior to such date, section 371(b)(3)(E) of the Public Health Service Act, as in effect on the day before the date of the enactment of this Act, shall remain in effect.

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## KENNEDY (AND KASSEBAUM) AMENDMENT NO. 1595

Mr. CONRAD. (for Mr. KENNEDY, for himself and Mrs. KASSEBAUM) proposed an amendment to amendment No. 1594 proposed by Mr. KENNEDY to the bill H.R. 2659 to amend the Public Health Service Act to revise and extend programs relating to the transplantation of organs and bone marrow; as follows:

At the appropriate place, add the following new section:

### SEC. ___. COMPREHENSIVE CHILD IMMUNIZATION.

(a) SHORT TITLE; REFERENCES AND PURPOSE.—

(1) SHORT TITLE.—This section may be cited as the "Comprehensive Child Immunization Act of 1993".

(2) REFERENCES.—Except as otherwise expressly provided, whenever in this section an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

(3) PURPOSE.—It is the purpose of this section to ensure that children in the United States are appropriately immunized against vaccine preventable infectious diseases at the earliest appropriate age.

(b) MONITORING OF CHILDHOOD IMMUNIZATIONS.—Title XXI of the Public Health Service Act (42 U.S.C. 300aa-1 et seq.) is amended by adding at the end thereof the following new subtitle:

### "Subtitle 3—Improved Immunization Delivery and Monitoring Systems

### "Part A—List of Vaccines and Administration

### "SEC. 2141. LIST OF PEDIATRIC VACCINES; SCHEDULE FOR ADMINISTRATION.

"(a) RECOMMENDED PEDIATRIC VACCINES.—

"(1) IN GENERAL.—The Secretary shall establish a list of the vaccines that the Secretary recommends for administration to all children for the purpose of immunizing the children, subject to such contraindications for particular medical categories of children as the Secretary may establish under subsection (b)(1)(D). The Secretary shall periodically review the list, and shall revise the list as appropriate.

"(2) RULE OF CONSTRUCTION.—

"(A) The list of vaccines specified in subparagraph (B) is deemed to be the list of vaccines maintained under paragraph (1).

"(B) The list of vaccines specified in this subparagraph is the list of vaccines that, for purposes of paragraph (1), is established (and periodically reviewed and as appropriate revised) by the Advisory Committee on Immunization Practices, an advisory committee established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention.

"(b) RECOMMENDED SCHEDULE FOR ADMINISTRATION.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of a pediatric vaccine, the Secretary shall establish (and periodically review and as appropriate revise) a schedule of nonbinding recommendations for the following:

"(A) The number of immunizations with the vaccine that children should receive.

"(B) The ages at which children should receive the immunizations.

"(C) The dose of vaccine that should be administered in the immunizations.

"(D) Any contraindications regarding administration of the vaccine.

"(E) Such other guidelines as the Secretary determines to be appropriate with respect to administering the vaccine to children.

"(2) VARIATIONS IN MEDICAL PRACTICE.—In establishing and revising a schedule under paragraph (1), the Secretary shall ensure that, in the case of the pediatric vaccine involved, the schedule provides for the full range of variations in medical judgment regarding the administration of the vaccine, subject to remaining within medical norms.

"(3) RULE OF CONSTRUCTION.—

"(A) The schedule specified in subparagraph (B) is deemed to be the schedule maintained under paragraph (1).

"(B) The schedule specified in this subparagraph is the schedule that, for purposes of paragraph (1), is established (and periodically reviewed and as appropriate revised) by the advisory committee specified in subsection (a)(2)(B).

"(c) GENERALLY APPLICABLE RULES OF CONSTRUCTION.—This section does not supersede any State law or requirements with respect to receiving immunizations (including any such law relating to religious exemptions or other exemptions under such State laws).

"(d) ISSUANCE OF LIST AND SCHEDULES.—Not later than 180 days after the date of the enactment of this section, the Secretary shall establish the initial list required in subsection (a) and the schedule required in subsection (b).

### "Part B—State Registry System for Immunization Information

### "SEC. 2145. PURPOSE.

"It is the purpose of this part to authorize the Secretary, in consultation with State public health officials, to establish State registry systems to monitor the immunization status of all children.

### "SEC. 2146. GRANTS FOR IMMUNIZATION REGISTRIES.

"(a) IN GENERAL.—For the purpose described in section 2145, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall make an allotment each fiscal year for each State in an amount determined in accordance with section 2151. The Secretary shall make a grant to the State of the allotment made for the State for the fiscal year if the State submits to the Secretary an application in accordance with section 2150 on behalf of the chief executive officer of such State.

"(b) DESIGN OF STATE REGISTRIES.—To carry out the purpose described in section 2145, a State registry established under this part shall be designed to—

"(1) provide accurate and up to date surveillance data regarding immunization rates at the State and local levels;

"(2) assist in identifying localities with inadequate immunization rates to target for necessary remedial assistance;

"(3) assist in the effective administration and management of immunization programs at State and local levels by providing data to guide immunization program efforts;

"(4) assist the State in providing and receiving information on the immunization status of children who move across geographic boundaries that are covered by different State or local registries; and

"(5) facilitate the linkage of vaccine dosage information to adverse events reported to the Centers for Disease Control and Prevention under section 2125(b) and disease outbreak patterns, for the purpose of monitoring vaccine safety and effectiveness.

"(c) ELIGIBLE USE OF FUNDS.—The Secretary may make a grant under subsection (a) only if the State agrees to expend the grant for the purpose of—

"(1) collecting the data described in section 2147;

"(2) operating registries to maintain the data (and establishing such registries, in the case of a State that is not operating such a registry);

"(3) utilizing the data to monitor the extent to which children have received immunizations in accordance with the schedule established under section 2141;

"(4) notifying parents, as appropriate, if children have not received immunizations in accordance with such schedule;

"(5) coordinating and exchanging information with other State registries to allow the monitoring of the immunization status of children changing State of residence; and

"(6) such other activities as the Secretary may authorize with respect to achieving the objectives established by the Secretary for the year 2000 for the immunization status of children in the United States.

"(d) REQUIREMENT REGARDING STATE LAW.—

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the State involved—

"(A) provides assurances satisfactory to the Secretary that, not later than October 1, 1996, the State will be operating a registry in accordance with this part, including having in effect such laws and regulations as may be necessary to so operate such a registry;

"(B) agrees that, prior to such date, the State will make such efforts to operate a registry in accordance with this part as may be authorized in the law and regulations of the State; and

"(C) has in effect such laws and regulations as may be necessary to ensure the following safeguards for the rights of parents:

"(i) An exemption for the parent, upon the request of the parent, from the requirements established by the State, pursuant to this part, for the collection of data described in subsections (b) and (c) of section 2147, or the collection of any other data regarding any child of the parent that the State may require for incorporation in the State immunization registry.

"(ii) Restrictions ensuring that no information relating to a child or to the parent or guardian of a child that is collected or maintained by the State immunization registry pursuant to this part, or the national immunization surveillance program established under section 2153, will be used as a basis for the criminal prosecution or the commencement of a criminal investigation of a parent or guardian.

"(2) RULES OF CONSTRUCTION.—

"(A) With respect to the agreements made by a State under this part, other than paragraph (1)(B), the Secretary may require compliance with the agreements only to the extent consistent with such paragraph.

"(B) The provisions of this part do not authorize the Secretary, as a condition of the receipt of a grant under subsection (a) by a State, to prohibit the State from providing any parent, upon the request of the parent, with an exemption from the requirements established by the State pursuant to this part for the collection of data regarding any child of the parent.

### "SEC. 2147. REGISTRY DATA.

"(a) IN GENERAL.—For purposes of section 2146(c)(1), the data described in this section are the data described in subsection (b) and the data described in subsection (c).

"(b) DATA REGARDING BIRTH OF CHILD.—With respect to the birth of a child, the data described in this subsection is as follows:

"(1) The name of each child born in the State involved after the date of the implementation of the registry (in no event shall such date be later than October 1, 1996).

"(2) Demographic data on the child.

"(3) The name of one or both of the parents of the child. If the child has been given up for adoption, any information regarding the identity of the birth parent or parents of the child may not be entered into the registry, or if entered, shall be deleted.

"(4) The address, as of the date of the birth of the child, of each parent whose name is received in the registry pursuant to paragraph (3).

"(c) DATA REGARDING INDIVIDUAL IMMUNIZATIONS.—With respect to a child to whom a pediatric vaccine is administered in the State involved, the data described in this subsection is as follows:

"(1) The name, age, and address of the child.

"(2) The date on which the vaccine was administered to the child.

"(3) The name and business address of the health care provider that administered the vaccine.

"(4) The address of the facility at which the vaccine was administered.

"(5) The name and address of one or both parents of the child as of the date on which the vaccine was administered, if such information is available to the health care provider.

"(6) The type of vaccine.

"(7) The lot number or other information identifying the particular manufacturing batch of the vaccine.

"(8) The dose of vaccine that was administered.

"(9) A notation of the presence of any adverse medical reactions that the child experienced in relation to the vaccine and of which the health care provider is aware, in accordance with section 2125.

"(10) The presence of contraindications noted by the health care provider with respect to administration of the vaccine to the child.

"(11) Such other data regarding immunizations for the child, including identifying data, as the Secretary, in consultation with State public health officials, may require consistent with applicable law (including social security account numbers furnished pursuant to section 205(c)(2)(E) of the Social Security Act).

"(d) LIMITATION.—The Secretary may not establish information reporting requirements in addition to those described in subsection (c) if such requirements are unduly burdensome.

"(e) DATE CERTAIN FOR SUBMISSION TO REGISTRY.—The Secretary may make a grant under section 2146 only if the State involved agrees to ensure that, with respect to a child—

"(1) the data described in subsection (b) are submitted to the registry under such section as soon as possible but in no event later than 8 weeks after the date on which the child is born; and

"(2) the data described in subsection (c) with respect to a vaccine are submitted to such registry as soon as possible but in no event later than 4 weeks after the date on which the vaccine is administered to the child.

"(f) UNIFORMITY IN METHODOLOGIES.—The Secretary shall, in consultation with State public health officials, establish standards regarding the methodologies used in establishing and operating registries under section 2146, and may make a grant under such section only if the State agrees to comply with the standards. The Secretary shall provide maximum flexibility to the States while also retaining a reasonable degree of uniformity among the States in such methodologies for the purpose of ensuring the utility, comparability, and exchange of the data maintained in such registries.

"(g) COORDINATION AMONG STATES.—The Secretary may make a grant under section 2146 to a State only if, with respect to the operation of the registry of the State under such section, the State agrees to transfer that information contained in the State registry pursuant to section 2146 to other States upon the request of such States for such information.

### "SEC. 2148. FEDERAL STANDARDS ON CONFIDENTIALITY.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary, in consultation with the States, shall by regulation establish standards providing for maintaining the confidentiality of the identity of individuals with respect to whom data are maintained in registries under section 2146. Such standards shall, with respect to a State, provide that the State is to have in effect laws or regulations regarding such confidentiality, including appropriate penalties for violation of the laws. The Secretary may make a grant under such section only if the State involved agrees to comply with the standards.

"(2) USE OF DISCLOSURE.—

"(A) No personally identifiable information relating to a child or to the parent or guardian of such child that is collected or maintained by the State registry may be used or disclosed by any holder of such information except as permitted for—

"(i) the monitoring of a child's immunization status;

"(ii) oversight, audit, and evaluation of the immunization delivery and registry systems;

"(iii) activities relating to establishing and maintaining a safe and effective supply of recommended childhood vaccine;

"(iv) processing of insurance claims for payment for vaccine administration (but only to the extent necessary for processing claims); and

"(v) administration of the National Vaccine Injury Compensation Program under subtitle 2.

"(B) Information regarding immunizations provided as described in subparagraph (A)(i) may be used or disclosed only with the written authorization of the individual to whom it refers or to the parent with custody of such individual.

"(b) USE OF SOCIAL SECURITY ACCOUNT NUMBERS.—Any usage or disclosure of data in registries under section 2146 that consists of social security account numbers and related information which is otherwise permitted under this part may be exercised only to the extent permitted under section 205(c)(2)(E) of the Social Security Act. For purposes of the preceding sentence, the term 'related information' has the meaning given such term in clause (iv)(II) of such section.

### "SEC. 2149. PROVIDER PARTICIPATION.

"(a) IN GENERAL.—The State shall monitor and enforce compliance by health care providers with the requirements of sections 2147 and 2148 and section 2155(b) for all doses of pediatric vaccine administered in the State. The State shall establish procedures satisfactory to the Secretary for discontinuing the distribution of federally purchased or State purchased vaccine for any health care provider who fails to comply with the requirements of section 2147 and for reinstating such vaccine supply to such provider upon receiving from such provider—

"(1) the reports necessary to make current and complete the information that would have been furnished to the State registry between the dates of the provider's termination and reinstatement; and

"(2) satisfactory assurances regarding the provider's future compliance.

"(b) REPORTS TO SECRETARY.—The Secretary may make a grant under section 2146 only if the State involved agrees to submit to the Secretary such reports as the Secretary determines to be appropriate with respect to the activities of the State under this part.

### "SEC. 2150. APPLICATION FOR GRANT.

"An application by a State for a grant under section 2146 is in accordance with this section if the application—

"(1) is submitted not later than the date specified by the Secretary;

"(2) contains each agreement required in this part;

"(3) contains any information required in this part to be submitted to the Secretary; and

"(4) is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

### "SEC. 2151. DETERMINATION OF AMOUNT OF ALLOTMENT.

"The Secretary shall determine the amount of the allotments required in section 2146 for States for a fiscal year in accordance with a formula established by the Secretary that allots the amounts appropriated under section 2152 for the fiscal year on the basis of the costs of the States in establishing and operating registries under section 2146.

### "SEC. 2152. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, other than section 2153, there are authorized to be appropriated $152,000,000 for fiscal year 1994, $125,000,000 for fiscal year 1995, and $35,000,000 for each of the fiscal years 1996 through 1999.

### "SEC. 2153. NATIONAL IMMUNIZATION SURVEILLANCE PROGRAM.

"(a) IN GENERAL.—The Secretary shall establish a national immunization surveillance program for the purpose of assessing the effects of the programs and activities provided for in this subtitle towards appropriately immunizing children and facilitating State immunization registries. The national immunization surveillance program shall—

"(1) provide technical assistance to States for the development of vaccination registries and monitoring systems; and

"(2) receive aggregate epidemiologic data (that is in a format that is not person specific) collected by States as provided for in section 2147 at intervals determined appropriate by the Secretary for the purpose of—

"(A) compiling accurate and up-to-date surveillance data regarding immunization rates at the State level in order to assess the progress made towards achieving nationally established immunization goals;

"(B) assisting in the effective administration and management of immunization programs at the State level by providing technical assistance to guide immunization program efforts at the request of the State;

"(C) providing technical assistance to States and localities to facilitate monitoring the immunization status of children who move across geographic boundaries that are covered by different State or local registries at the request of such States or localities; and

"(D) monitoring the safety and effectiveness of vaccines by linking vaccine dosage information with adverse events reporting under section 2125(b) and disease outbreak patterns.

"(b) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to authorize the release of person specific information to the Secretary for the purpose of immunization surveillance.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section in each of the fiscal years 1994 through 1999.

### "SEC. 2154. REPORT.

"Not later than January 1, 1995, and biennially thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the planning, development, operation and effectiveness of the national immunization surveillance program and the State immunization registries.

## "Part C—Distribution of Vaccines, Public Outreach and Education

### "SEC. 2155. DISTRIBUTION OF VACCINES.

"(a) IN GENERAL.—

"(1) HEALTH CARE PROVIDERS.—The Secretary shall provide for the distribution, without charge, of recommended pediatric vaccines (in accordance with section 2141) purchased by the Secretary to health care providers who serve children and who—

"(A) are members of a uniformed service, or are officers or employees of the United States;

"(B) are health centers (as defined in section 2163); or

"(C) provide services under section 503 of the Indian Health Care Improvement Act or pursuant to a contract under section 102 of the Indian Self Determination Act.

"(2) STATES.—The Secretary shall provide for the distribution, without charge, of those recommended pediatric vaccines that are purchased by the Secretary and provided to States for the purposes of immunizing medicaid-eligible children, and additional vaccines that may be purchased by the Secretary for children within those States.

"(b) DUTIES OF HEALTH CARE PROVIDERS.—

"(1) FREE PROVISION TO CHILDREN.—A health care provider or entity receiving vaccine under this section may use such vaccine only for administration to children and may not impose a charge for such vaccine. A provider or health care entity may impose a fee that reflects actual regional costs as determined by the Secretary for the administration of such vaccine, except that a provider may not deny a child a vaccination due to the inability of the child's parent to pay an administration fee.

"(2) REPORTING REQUIREMENTS.—A health care provider receiving vaccine under this section shall report the information required under section 2147 to the applicable State registry operated pursuant to a grant under section 2146 if such State registry exists. The provider shall additionally report to such State registry any occurrence reported to the Secretary pursuant to section 2125(b). The provider shall also provide regular and periodic estimates to the State of the provider's future dosage needs for recommended childhood vaccines distributed under this section. All reports shall be made with such frequency and in such detail as the Secretary, in consultation with State public health officials, may prescribe.

### "SEC. 2156. IMPROVED IMMUNIZATION DELIVERY, OUTREACH AND EDUCATION.

"(a) FEDERAL EFFORTS.—The Secretary, acting through the Centers for Disease Control and Prevention and in conjunction with State health officials and other appropriate public and private organizations, shall conduct the following activities to improve Federal, State and local vaccine delivery systems and immunization outreach and education efforts:

"(1) NATIONAL PUBLIC AWARENESS CAMPAIGN.—

"(A) IN GENERAL.—The Secretary, in conjunction with State health officials and other appropriate public and private organizations, shall develop and implement a National Immunization Public Awareness Campaign to assist families (through bilingual means if necessary) of children under the age of 2 years, and expectant parents, in obtaining knowledge concerning the importance of having their children immunized and in identifying the vaccines, schedules for immunization, and vaccine provider locations, appropriate with respect to their children.

"(B) Implementation.—In implementing the Campaign under subparagraph (A), the Secretary shall ensure that—

"(i) new and innovative methods are developed and utilized to publicly advertise the need to have children immunized in a timely manner;

"(ii) print, radio and television media are utilized to convey immunization information to the public; and

"(iii) with respect to immunization information, efforts are made to target pregnant women and the parents of children under the age of 2.

"(2) Interagency committee on immunization.—The Secretary, in conjunction with the Secretary of Agriculture, the Secretary of Housing and Urban Development, and the Secretary of Education, shall carry out activities through the Interagency Committee on Immunization to incorporate immunization status assessments and referral services as an integral part of the process by which individuals apply for assistance under—

"(A) the food stamp program under the Food Stamp Act of 1977;

"(B) section 17 of the Child Nutrition Act of 1966;

"(C) the Head Start Act;

"(D) part A of title IV of the Social Security Act;

"(E) title XIX of the Social Security Act;

"(F) any of the housing assistance laws of the United States; and

"(G) other programs determined appropriate by any of the Secretaries described in this paragraph.

"(3) Expanded opportunity for national service.—The Secretary, in conjunction with the Commission on National and Community Service and other independent agencies, is encouraged to develop opportunities for participants in national and community service programs to contribute to local initiatives for the improvement of immunization services, including public outreach and education efforts.

"(b) Grants to States.—

"(1) In general.—

"(A) The Secretary may award grants to States to enable such State to develop, revise and implement immunization improvement plans as described in paragraph (2).

"(B) To be eligible to receive a grant under subparagraph (A), a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(2) Design.—A State immunization improvement plan shall be designed to improve immunization delivery, outreach, education and coordination within the State. Such plan shall provide for the creation of—

"(A) a vaccine provider education campaign and the distribution of any other materials determined to be appropriate by State health officials—

"(i) to enable such providers to make the best use of vaccination opportunities; and

"(ii) to educate such providers concerning their obligation to report immunization information with respect to their patients to State registries;

"(B) expanded capacity for the delivery of immunizations through—

"(i) increasing the number or type of facilities through which vaccines may be made available and the capacity of such facilities to immunize more children;

"(ii) developing alternative methods of delivering vaccines, such as mobile health clinics;

"(iii) increasing the number of hours during which vaccines are made available by providers within the State; or

"(iv) coordinating with federally qualified health centers to reach and immunize underserved children through education, outreach, tracking, and the provision of services;

except that, the Secretary may waive any specific requirement of this subparagraph if the Secretary determines that State immunization delivery efforts are sufficient without the imposition of such requirement;

"(C) population-based assessment criteria through which the State is able to assess the effectiveness of immunization activities in the State, which may be fulfilled through the implementation of a State immunization registry under section 2146;

"(D) a public awareness campaign, in conjunction with the National Campaign established under subsection (a)(1), to provide parents with information about the importance of immunization, the types and schedules for the administration of vaccines, and the locations of vaccines providers;

"(E) coordinated community outreach activities among public or private health programs, including local health departments and health centers, and other public or private entities, to encourage and facilitate the ability of parents to obtain immunization services for their children; and

"(F) other activities that are not inconsistent with the purposes of this subtitle, subject to the approval of the Secretary.

"(3) Immunization improvement plan approval.—

"(A) Goals.—As part of the immunization improvement plan of a State, the State shall establish immunization rate goals for children residing within the State.

"(B) Approval.—The immunization improvement plan developed by a State under this subsection shall be submitted to the Secretary for approval prior to the distribution of grant funds to the States under this subsection. The Secretary shall periodically review the progress that the State has made under such plan in achieving the goals established under subparagraph (A).

"(C) Distribution of grants.—In awarding grants under this section, the Secretary shall ensure that grant awards will be equitably distributed between rural and urban areas. In determining such distribution, the Secretary shall take into account the added costs of supporting the health care delivery infrastructure in sparsely populated areas. The Secretary shall give special consideration to those States that have low childhood immunization rates and that submit plans that demonstrate the State's substantial effort and commitment to improving such rates.

"(D) Reporting.—A State shall annually prepare and submit to the Director of the Centers for Disease Control and Prevention a report concerning the implementation of the State immunization improvement plan.

"(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $250,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1999.

**"SEC. 2157. PERFORMANCE BASED GRANT PROGRAM.**

"(a) Annual Report.—Not later than July 1 of each year, a State shall prepare and submit to the Director of the Centers for Disease Control and Prevention a report that contains an estimate (based on a base population sample) of the percentage of 2 year old residents of the State who have been fully immunized as described in subsection (c).

"(b) Payments to States.—

"(1) In general.—Subject to the availability of appropriations, the Secretary shall provide to a State that has submitted an annual report under subsection (a) that demonstrates that the State has fully immunized at least 50 percent of the 2 year old residents of that State, with respect to the year for which the report was prepared, a payment in an amount equal to—

"(A) with respect to a State that has demonstrated the full immunization of at least 50 and less than 64 percent of all 2 year old residents of the State, $50 multiplied by the number of fully immunized 2 year old resident children in excess of the number of children equaling such 50 percent amount;

"(B) with respect to a State that has demonstrated the full immunization of at least 65 and less than 70 percent of all 2 year old residents of the State, $75 multiplied by the number of fully immunized 2 year old resident children in excess of the number of children equaling such 65 percent amount; and

"(C) with respect to a State that has demonstrated the full immunization of at least 70 and less than 91 percent of all 2 year old residents of the State, $100 multiplied by the number of fully immunized 2 year old resident children in excess of the number of children equaling such 70 percent amount.

"(2) Use of funds.—

"(A) Condition.—As a condition of receiving amounts under this section a State that uses a combination of Federal and State funds in achieving the immunization goals described in paragraph (1) shall agree to reinvest, in activities related to improving immunization services, that percentage of the payments to the State under paragraph (1) that is equal to the amount of Federal contributions to immunization services in the State as compared to the amount of the State contributions to such services.

"(B) Discretionary use.—A State that has demonstrated that the use of State-only funds was responsible for the increase in the immunization rate which qualified such State for payments under paragraph (1), may use amounts awarded under this section for other purposes, at the discretion of the State.

"(3) Verification.—Prior to making a payment to a State under this subsection, the Secretary shall, in collaboration with the Centers for Disease Control and Prevention, verify the accuracy of the State report involved.

"(c) Definition.—For purposes of this section, the term 'fully immunized' means a 2 year old child that has received four doses of DTP vaccine (diphtheria, tetanus, pertussis), three doses of polio vaccine, and one dose of MMR (measles, mumps, rubella) vaccine.

### "Part D—General Provisions

**"SEC. 2161. REPORT.**

"Not later than October 1, 1995, and biennially thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the costs, efficiency, and effectiveness of procedures established to deliver vaccine to health care providers.

**"SEC. 2162. NATIONAL VACCINE PROGRAM.**

"The Secretary shall authorize a report to be prepared by the National Academy of Sciences concerning the role of the National Vaccine Program established under this title in achieving progress towards the nationally established immunization goals for the year 2000, and recommendations with respect to the changes in such Program that would facilitate greater progress towards achieving such goals.

**"SEC. 2163. DEFINITIONS.**

"For purposes of this subtitle—

"(1) HEALTH CARE PROVIDER.—The term 'health care provider', with respect to the administration of vaccines to children, means an entity that is licensed or otherwise authorized for such administration under the law of the State in which the entity administers the vaccine, subject to section 333(e).

"(2) HEALTH CENTER.—The term 'health center' means—

"(A) a federally-qualified health center, as defined in section 1905(l)(2) of the Social Security Act; or

"(B) a public or nonprofit private entity receiving Federal funds under—

"(i) section 329, 330 or 340;

"(ii) section 340A (relating to grants for health services for residents of public housing); or

"(iii) section 501(a)(2) of the Social Security Act (relating to special projects of regional and national significance).

"(3) IMMUNIZATION.—The term 'immunization' means an immunization against a vaccine-preventable disease.

"(4) PARENT.—The term 'parent', with respect to a child, means a legal guardian of the child.

"(5) PEDIATRIC VACCINE.—The term 'pediatric vaccine' means a vaccine included on the list established under section 2141.

"(6) STATE.—The term 'State' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands, the Republic of the Marshall Islands, Micronesia, the Northern Mariana Islands, and Palau.".

(c) NATIONAL VACCINE INJURY COMPENSATION PROGRAM AMENDMENTS.—

(1) AMENDMENT OF VACCINE INJURY TABLE.—

(A) ADDITION OF VACCINES.—Section 2114 (42 U.S.C. 300aa–14) is amended by adding at the end thereof the following new subsection:

"(f) ADDITION OF VACCINES TO TABLE.—

"(1) IN GENERAL.—The Vaccine Injury table contained in subsection (a) shall also include any recommended childhood vaccine included in the list promulgated by the Secretary under section 2141.

"(2) REVIEW OF INFORMATION AND REVISION.—Not later than 2 years after the addition of a new vaccine to the table contained in subsection (a), and on a regular basis thereafter, the Secretary shall review information obtained under sections 2125 and part B of subtitle 3, and based on such review (and other relevant information) shall, as appropriate, develop with respect to such new vaccine—

"(A) revisions with respect to illnesses, disabilities, injuries or conditions covered by such table;

"(B) appropriate specifications of the time period for the first symptom or manifestation of onset or of significant aggravation of such illnesses, disabilities, injuries or condition after vaccine administration, for purposes of receiving compensation under the Program; and

"(C) recommendations as to the amount of tax that should be imposed under section 4131 of the Internal Revenue Code of 1986 for each dose of vaccine.

"(3) LIMITATION.—The Secretary may modify the table contained in subsection (a) pursuant to paragraphs (1) and (2) only in accordance with subsection (c).

"(4) REVISION.—For purposes of section 2116(b), the addition of vaccine to the table contained in subsection (a) by operation of this subsection shall constitute a revision of the table.".

(B) ATTORNEYS FEES.—Section 2115(e) (42 U.S.C. 300aa–15(e)) is amended by adding at the end thereof the following new paragraph:

"(4) The special master may award reasonable attorneys fees whether or not an election has been made under section 2121(a) to file a civil action concerning such petition.".

(C) CONSENT FOR ANNUITY.—Subparagraphs (A) and (B) of section 2115(f)(4) are amended by striking ", with the consent of the petitioner," each place that such appears.

(C) TIME PERIODS FOR FEES AND COSTS.—

(i) IN GENERAL.—Section 2115(e) (42 U.S.C. 300aa–15(e)) (as amended by paragraph (3)) is further amended by adding at the end thereof the following new paragraph:

"(5) With respect to a petitioners' application for attorneys' fees and costs—

"(A) if the respondent enters no objection to such application within 21 days of the date on which the application was filed (unless such time period is extended by the special master with the consent of the petitioner) the special master shall enter a decision on such application within 30 days of such filing;

"(B) if the respondent files an objection to such application and the special master does not enter a decision with respect to the application within 60 days after the date on which the objection is filed, the special master involved shall, upon the written request of the petitioner, enter a decision within 15 days after the filing of such request; and

"(C) if the respondent files an objection to such application and the petitioner moves to reduce costs and fees as provided for in the objection, the special master shall enter a decision within 5 days after the receipt of the petitioner's motion.

The chief special master, upon the request of a special master, may waive the time limitations applicable to the special master under this paragraph if the special master demonstrates that complicating factors exist with respect to the issues involved to which the time limitation applies.".

(B) APPLICATION.—The amendment made by subparagraph (A) shall apply to all petitioners' applications for attorneys' fees and costs filed under section 2115(e) of the Public Health Service Act which are pending on the date of enactment of this Act.

(E) AUTHORIZATION OF APPROPRIATIONS.—Section 2115(j) (42 U.S.C. 300aa-15(j)) is amended by striking "$80,000,000 for each succeeding fiscal year" and inserting in lieu thereof "$110,000,000 for each succeeding fiscal year".

(F) LIMITATION OF ACTIONS.—Section 2116(b) (42 U.S.C. 300aa–16(b)) is amended by striking "such person may file" and inserting "or to significantly increase the likelihood of obtaining compensation, such person may, notwithstanding section 2111(b)(2), file".

(2) EXTENSION OF TIME FOR DECISION.—

(A) JURISDICTION.—Section 2112(d)(3)(D) (42 U.S.C. 300aa–12(d)(3)(D)) is amended by striking "540 days" and inserting "30 months (but for not more than 6 months at a time)".

(B) REPORT ON COLLECTIONS.—Section 2117 (42 U.S.C. 300aa–17) is amended by adding at the end thereof the following new subsection:

"(c) REPORT.—The Attorney General shall, on January 1 of each year, prepare and submit to the appropriate committees of Congress a report concerning amounts collected under this section.".

(C) INCREASED RESPONSIBILITIES OF COMMISSION.—Section 2119(f) (42 U.S.C. 300aa–19(f)) is amended—

(i) by striking "and" at the end of paragraph (4);

(ii) by striking the period at the end of paragraph (5) and inserting ", and"; and

(iii) by adding at the end thereof the following new paragraph:

"(6) monitor the balance of the Vaccine Injury Trust Fund established by section 9510 of the Internal Revenue Code and, as appropriate, recommend changes in the tax per dose of vaccine imposed under section 4131 of such Code.".

(3) SIMPLIFICATION OF VACCINE INFORMATION MATERIALS.—

(A) INFORMATION.—Section 2126(b) (42 U.S.C. 300aa–26(b)) is amended—

(i) by striking "by rule" in the matter preceding paragraph (1);

(ii) in paragraph (1), by striking "90" and inserting "30"; and

(iii) in paragraph (2), by striking ", appropriate health care providers and parent organizations".

(B) REQUIREMENTS.—Section 2126(c) (42 U.S.C. 300aa–26(c)) is amended—

(i) in the matter preceding paragraph (1), by inserting "shall be based on available data and information," after "such materials"; and

(ii) by striking out paragraphs (1) through (10) and inserting in lieu thereof the following new paragraphs:

"(1) a concise description of the benefits of the vaccine;

"(2) a concise description of the risks associated with the vaccine;

"(3) a statement of the availability of the National Vaccine Injury Compensation Program;

"(4) a statement of the availability from the Secretary of more detailed written information concerning the information required under paragraphs (1), (2), and (3), that shall be made available to the parent, legal guardian, or other responsible person upon request; and

"(5) such other relevant information as determined appropriate by the Secretary.".

(C) OTHER INDIVIDUALS.—Subsections (a) and (d) of section 2126 (42 U.S.C. 300aa–26(a) and (d)) are amended by inserting "or to any other individual" immediately after "to the legal representative of any child" each place that such occurs.

(D) PROVIDER DUTIES.—Subsection (d) of section 2126 (42 U.S.C. 300aa–26(d)) is amended—

(i) by striking all after "subsection (a)," the second place it appears in the first sentence and inserting "supplemented with visual presentations or oral explanations, in appropriate cases."; and

(ii) by striking "or other information" in the last sentence.

(4) AUTHORIZATION OF APPROPRIATIONS.—Part A of subtitle 2 of title XXI (42 U.S.C. 300aa-10 et seq.) is amended by adding at the end thereof the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 2120. (a) SECRETARY.—For purposes of administering this part, there are authorized to be appropriated from the Vaccine Injury Compensation Trust Fund established under section 9510(c) of the Internal Revenue Code of 1986, to the Secretary, $3,000,000 for each of the fiscal years 1994, 1995 and 1996.

"(b) ATTORNEY GENERAL.—For purposes of administering this part, there are authorized to be appropriated from the Vaccine Injury Compensation Trust Fund described in subsection (a), to the Attorney General, $3,000,000 for each of the fiscal years 1994, 1995 and 1996.

"(c) COURT OF FEDERAL CLAIMS.—For purposes of administering this part, there are authorized to be appropriated from the Vaccine Injury Compensation Trust Fund described in subsection (a), to the Court of Federal Claims, $3,000,000 for each of the fiscal years 1994, 1995 and 1996.".

(d) MISCELLANEOUS PROVISIONS.—Section 317(k) (42 U.S.C. 247b(k)) is amended—

(1) by striking out paragraph (1); and

(2) by redesignating paragraphs (2) through (5) as paragraphs (1) and (4), respectively.

(e) AMENDMENTS TO THE FEDERALLY SUPPORTED HEALTH CENTERS ASSISTANCE ACT OF 1992.

(1) CLARIFICATION OF COVERAGE OF OFFICERS AND EMPLOYEES OF CLINICS.—The first sentence of section 224(g)(1) of the Public Health Service Act (42 U.S.C. 233(g)(1)) is amended by striking "officer, employee, or contractor" and inserting the following: "officer or employee of such an entity, and any contractor".

(2) COVERAGE FOR SERVICES FURNISHED TO INDIVIDUALS OTHER THAN PATIENTS OF CLINIC.—Section 224(g) of such Act (42 U.S.C. 233(g)(1)), as amended by paragraph (1), is further amended—

(A) in the first sentence of paragraph (1), by inserting after "Service" the following: "with respect to services provided to patients of the entity and (subject to paragraph (7)) to certain other individuals"; and

(B) by adding at the end the following new paragraph:

"(7) For purposes of paragraph (1), an officer, employee, or contractor described in such paragraph may be deemed to be an employee of the Public Health Service with respect to services provided to individuals who are not patients of an entity described in paragraph (4) only if the Secretary determines—

"(A) that the provision of the services to such individuals benefits health center patients and general populations that could be served by the health center through community-wide intervention efforts within the communities served by such health center, and facilitates the provision of services to health center patients; or

"(B) that such services are otherwise required to be provided to such individuals under an employment contract (or other similar arrangement) between the individual and the entity.".

(3) DETERMINING COMPLIANCE OF ENTITY WITH REQUIREMENTS FOR COVERAGE.—

(A) IN GENERAL.—Section 224(h) of such Act (42 U.S.C. 233(h)), as added by section 2(b) of the Federally Supported Health Centers Assistance Act of 1992, is amended by striking "the entity—" and inserting the following: "the Secretary, after receiving such assurances and conducting such investigation as the Secretary considers necessary, finds that the entity—".

(B) FINDING.—Section 224 of such Act (42 U.S.C. 233) is amended by adding at the end thereof the following new subsection:

"(l) With respect to subsection (h), the finding of the Secretary that an entity meets all of the requirements under such subsection shall apply for the period specified by the Secretary, and shall be binding for all parties unless the Secretary reverses such finding for good cause shown at a later date.".

(4) PAYMENT OF JUDGMENTS.—Section 224(k)(2) of such Act (42 U.S.C. 233(k)(2)), as added by section 4 of the Federally Supported Health Centers Assistance Act of 1992, is amended by adding at the end thereof the following new sentence: "Appropriations for purposes of this paragraph shall be made separate from appropriations made for purposes of sections 329, 330, 340 and 340A.".

(5) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Federally Supported Health Centers Assistance Act of 1992.

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## READJUSTMENT COUNSELING SERVICE AMENDMENTS OF 1993

### LEAHY AMENDMENT NO. 1596

Mr. CONRAD (for Mr. LEAHY) proposed an amendment to the bill (S. 1226) to amend title 38, United States Code, to provide for the organization and administration of the Readjustment Counseling Service, to improve eligibility for readjustment counseling and related counseling, and for other purposes; as follows:

On page 20, strike out line 20 and insert in lieu thereof the following:

by such service.

"(3) The Secretary may provide to the parents, spouse, and children of any member of the Armed Forces who (as determined by the Secretary) is a prisoner of war, or is missing in action, such counseling as the Secretary determines appropriate to assist such persons with the mental or psychological problems associated with the status of such member as a prisoner of war or as missing in action, as the case may be.".

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## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, March 24, 1994, at 9:30 a.m., in open session, to consider pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 24, beginning at 9:45 a.m., to conduct a markup on the nominations of William Reinsch, to be Undersecretary of Commerce for Export Administration; Raymond Vickery to be an Assistant Secretary of Commerce; Maria Haley to be a member of the Board of Directors of the Export-Import Bank; Elaine McReynolds to be Federal Insurance Administrator at FEMA.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to conduct a hearing on charitable solicitation fraud, on March 24, 1994, beginning at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, at 9:30 a.m., March 24, 1994, to receive testimony on the effect of the administration's Superfund Reauthorization Proposals on the Department of Energy's Environmental Restoration and Waste Management Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CONRAD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, March 24, at 9 a.m., to conduct a business meeting to consider S. 1547, the Safe Drinking Water Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, March 23, 1994, at 10 a.m., to consider S. 1814, regarding the tax treatment of crop insurance proceeds and disaster payments, and to hear testimony on the subject of medicaid issues in health care reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON VETERANS' AFFAIRS

Mr. CONRAD. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on pending legislation concerning compensation COLA, the VA home loan guaranty program, adjudication issues, and other matters. The hearing will be held on March 24, 1994, at 2:30 p.m. in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON VETERANS' AFFAIRS

Mr. CONRAD. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive legislative presentations from AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Veterans of World War I, Association of the U.S. Army, The Retired Officers Association, and Military Order of the Purple Heart. The hearing will be held on March 24, 1994, at 9:30 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 24, 1994, at 2:30 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 24, 1994, at 2 p.m., to hold a hearing on the Peace, Prosperity, and Democracy Act—S. 1856: Implications for Sub-Saharan Africa.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 24, 1994, at 9:30 a.m., to hold a hearing to review U.S. policy toward East Asia.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON EDUCATION, ARTS AND THE HUMANITIES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources, Subcommittee on Education, Arts and the Humanities be authorized to meet for a hearing on Professional Development: ESEA Reauthorization during the session of the Senate on March 24, 1994, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Federal Services, Post Office, and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, March 24, 1994, to receive the annual report of the Postmaster General of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON MILITARY READINESS AND DEFENSE INFRASTRUCTURE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Military Readiness and Defense Infrastructure of the Committee on Armed Services be authorized to meet at 2 p.m., on Thursday, March 24, 1994, in open session, to receive testimony on the operation and maintenance accounts and on the defense business operations fund in review of the defense authorization request for fiscal year 1995 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON PATENTS, COPYRIGHTS AND TRADEMARKS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Copyrights and Trademarks of the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, March 24, 1994, at 4:30 p.m., to hold a markup on S. 1485.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## TRIBUTE TO EMMETT R. JOHNSON

• Mr. SHELBY. Mr. President, I rise today to pay tribute to Mr. Emmett R. Johnson, president emeritus of the Baptist Health System [BHS].

As a student at North Texas State University, Emmett Johnson was determined to become a Baptist hospital administrator. Now, more than four decades later, Mr. Johnson has retired as president of the Baptist Health System, the State of Alabama's largest health care system. Emmett Johnson has developed a system of health care facilities that include Montclair Baptist Medical Center [BMC] and Princeton BMC, both in Birmingham, Dekalb BMC in Fort Payne, Cherokee BMC in Centre, and Citizens BMC in Talladega, AL.

His determination to deliver quality health care to rural areas is evidenced by the BHS contracts to manage or affiliate with county and community hospitals in rural areas, saving the hospitals money through BHS' volume purchasing and sharing BHS expertise in physician recruitment, employee development, marketing, and communications.

Since Mr. Johnson's arrival at Baptist Health System in 1975, major additions to both Birmingham hospitals have been completed, new hospitals have been constructed in Centre and Fort Payne, four professional office buildings have been built in Birmingham and one office building has been constructed in Fort Payne. Adding to the list of accomplishments, two retirement highrise buildings have been completed adjacent to Princeton BMC and Galleria Woods, a full-service, planned retirement community, has also been constructed in the Birmingham area.

The first accredited hospice programs in Alabama for terminally ill patients and their families were developed at BHS by Emmett Johnson. The two hospice programs have now served more than 4,000 patients and their families and are models for new programs across the country.

Also, under Mr. Johnson's direction, both Birmingham hospitals established cancer programs, designated by the American College of Surgeons as Comprehensive Community Cancer Centers, offering a full range of screening, diagnosis, treatment, and rehabilitation. The Alabama Heart Institute at Montclair BMC has gained regional prominence and shares the expertise of its physicians with many rural areas through the Alabama Coordinated Cardiac Emergency Support System [ACCESS], a team approach between Montclair and rural hospitals. With the latest treatments and techniques, ACCESS allows Montclair physicians to offer a quick response to heart attack victims in rural areas. Across the city of Birmingham, at Princeton BMC, the Princeton Heart Institute is equipped to perform heart transplants and is a leader in laser angioplasty.

Adding to his accomplishments, Emmett Johnson was instrumental in making Monclair BMC the State's first hospital to use the Percutaneous Transluminal Coronary Angioplasty procedure, a special procedure to open clogged arteries using a heart catheter and a small balloon catheter. Under his guidance, the State's first accredited sleep disorders center and the first Mitral Valve Prolapse Center in the Nation were established at Montclair BMC. Moreover, Montclair BMC now has the Ford Headache Clinic, one of the few programs in the country dedicated to treating severe headaches.

Under Emmett Johnson's watch in 1986, Alabama's first hospital unit was dedicated specifically to the treatment and care of bone marrow transplant patients at Princeton BMC. The unit provides nursing care by a specially trained staff for patients undergoing bone marrow transplantation and is one of only about 50 in the country.

In his years at the helm of the Baptist Health System, Emmett Johnson demonstrated an uncanny ability to foresee problems and move to solve them. A major problem facing the hospital industry is the critical shortage of nurses. Under Mr. Johnson's guidance, BHS has been a major source of nurses for the Birmingham area, jointly operating the Ida V. Moffett School of Nursing with Samford University.

Emmett Johnson has worked diligently to make the Baptist Health System an integral part of the Alabama community and has taken leadership roles in a number of organizations that contribute to that effort. He has served as cochairman of the United Way of Central Alabama; has been a member of the Rotary Club of Birmingham; and, has served two terms on the board of directors of the Birmingham Area Chamber of Commerce. He also was a member of the Better Business Bureau and has served on the board of the Salvation Army.

Emmett Johnson's expertise in the health care field has not gone unnoticed by his colleagues. In 1984, Northwestern University awarded him the Laura Jackson Award in recognition of his outstanding leadership in hospital administration. Also, in 1986, he received the Award of Merit from the American Protestant Hospital Association.

There have been few leaders in the health care industry who combine a deep commitment to the health care industry and a ministry to the sick with a track record of financial and market performance as Mr. Johnson has demonstrated over the past 45 years. Under his guidance, the Baptist Health System of Birmingham, AL, has become one of the premier regional health care systems in the Nation and the largest provider of health care services in Alabama. I want to congratulate Mr. Johnson and wish him well as he retires from Baptist Health System.•

## WOMEN IN CORPORATE AMERICA

• Mrs. FEINSTEIN. Mr. President, for too long women working in corporate America have been bumping their heads on the glass ceiling, that invisible but very real barrier to corporate advancement that has prevented talented and hardworking women from ascending to the top levels of management. It has been an unfortunate blemish on this country's otherwise unrivaled record of corporate achievement.

The good news is, there are some companies who are willing to be real leaders when it comes to equal opportunity. These visionary corporations are not only breaking away from the pack, but they are also breaking the glass ceiling, offering new hope that the rest of corporate America may finally wake up and realize that holding back talent is a losing business strategy.

I would like to recognize three visionary companies today because they have all earned special recognition this year from Catalyst, an organization dedicated to effect change in the workplace for women. The companies are the Bank of Montreal, the McDonald's Corp. and Pitney Bowes. They have all won the 1994 Catalyst Award, a prestigious award that honors businesses for innovative efforts to advance women.

McDonald's has long been a leader on the employment front, with a strong record of hiring, training, and promoting women and minorities. The Golden Arches are being recognized by Catalyst for its innovative Partnership with Women program, a company wide commitment that has produced the Women Operators' Network [WON], a strong and growing network of women that makes them real players when it comes to opportunity, ownership, and respect. The Women Operators' Network is an outstanding model for any company interested in involving more women in its future and truly giving them the power they need to break through the glass ceiling.

In particular, the Women Operators' Network is helping spouses of existing McDonald's restaurant owners the training necessary to gain their own owner/operator status. Through that partnership, McDonald's has produced an impressive 300 percent increase in female ownership during the past 5 years. Many of these women are right at the top of the system when it comes to operational excellence, bottom line success, and community involvement.

Most of us recognize the Golden Arches represent something unique in American business. Now we know the Arches also represent opportunity. It's a nice addition to the menu. I salute McDonald's for making a real difference for women in the workplace.•

## FOLLOWING THE 5-YEAR BUDGET PLAN: AN ECONOMIC STRATEGY THAT WORKS

• Mr. DASCHLE. Mr. President, at this time last year, Congress took a bold step. It broke with the status quo, 1-year-at-a-time budget mentality. It mustered great political courage and drew the line on the special interests. By passing the President's budget plan, Congress rejected the politically expedient in favor of the fiscally responsible.

This was no ordinary budget plan. In fact, it was unprecedented in scope; a 5-year plan that will affect spending and revenue decisions through fiscal year 1998.

Tough spending caps were set for each of the 5 years covered by the plan. And by the time the 5 years are up, our budget deficit will have been reduced by almost $500 billion.

Now, 1 year later, Congress has another important budget decision to make. In essence, it is this: Do we stay the course set out by the 5-year plan, or do we return to the status quo of annual budgeting?

Based on the evidence, the answer is clear. We should stay the course agreed to by the Congress and the President.

Since the enactment of the 5-year budget plan, we have seen significant improvement in our economy. Consider the economic facts.

The economy is now expanding at a much faster rate than before passage of the budget plan. During the Bush Presidency, the average annual rate of growth was a mere 1.5 percent. The rate remained below 2 percent for the first two quarters of 1993.

With passage of the budget plan last August, however, the economy received a jumpstart. Growth for the final quarter of 1993 was an impressive 7.5 percent. For 1994, it is estimated that the rate will level off at approximately 3 percent—twice the rate of annual growth for the years 1989-92.

According to the Joint Economic Committee, we are experiencing the strongest industrial growth in the past 5 years. Housing starts are at their highest level for the same period. There has also been a sharp increase in business investment, which, over time, will result in further economic gains.

For Americans concerned about their prospects for employment, the declining unemployment rate is encouraging news. In fact, since January 1993, 1.9 million new private sector jobs have been created. Compare this to 1.2 million new private sector jobs over the entire Bush Presidency, and the progress on the jobs front is easily seen.

Most importantly, we have begun to make real progress on controlling Federal spending and reducing our massive budget deficit.

In fiscal year 1994, we cut spending below the previous year's level in 500 programs. For fiscal year 1995, the President has proposed termination of more than 100 programs and spending reductions for at least 200 more.

These spending cuts are bringing the Federal budget deficit down. At the end of fiscal year 1993, just after the 5-year budget plan was enacted, the deficit stood at $255 billion. According to an estimate done by the Congressional Budget Office, this will fall to $171 billion for fiscal year 1995.

This would be a 33-percent reduction in the deficit in just 2 years—a clear signal that our current budgetary course is producing the results we want.

Now is no time to rest on our laurels, however. The budget deficit is still much too high. Too many Americans are out of work or are unable to make in on the wages they bring home. There are obligations that our Nation must live up to, such as the promises made to seniors with respect to Social Security and Medicare.

For the foreseeable future, our budgetary challenge is to find a way to provide adequate funding for those programs of greatest importance to our Nation while reducing the deficit and living within our means.

This is an extremely tall order. Yet the President's budget proposal for fiscal year 1995 points the way toward meeting this challenge.

The budget resolution we consider today meets the spending caps set forth in last year's budget agreement. And within these constraints, the President has begun to reorder national spending priorities.

For example, increases are proposed for Head Start, education reform and the hiring of additional police officers. Education and anticrime measures are very important to Americans from all walks of life, and I'm pleased that the President's proposal recognizes that.

I do want to emphasize that my spending priorities differ somewhat from those of the administration. For instance, I do not agree with the proposed cuts in funding and staffing for the Indian Health Service and the Veterans Health Administration.

Our country is poised for national health reform, but the particulars of this effort are not yet known. At this point, there is no way to determine what resources the IHS and VHA will need in order to adjust to a reformed health care system. Meanwhile, many veterans and native Americans remain unable to secure the health care they need and deserve at the facilities designated by their Government to serve them.

Health reform offers the IHS and VHA the chance to expand access to health care and to improve the quality of that care. Reducing resources at this time would effectively take that chance away.

I also oppose the proposed cuts in funding for two programs that provide assistance for low-income Americans. One is an almost 50-percent reduction in the Low-Income Home Energy Assistance Program [LIHEAP]. This cut would hit hard in my home State of South Dakota, as well as in many other regions of the country that have struggled through a bitterly cold winter.

Likewise, I disagree with the proposed 60-percent reduction in funding for the section 515 rural rental housing program. This program has played a valuable role in South Dakota by providing insured loans to finance rental and cooperatively owned housing for low- and middle-income families, the elderly, and the handicapped.

While we need to reduce Federal spending, we should not do so on the backs of the most vulnerable in our society.

Mr. President, today marks the real beginning of the tough budget debate for fiscal year 1995. This budget resolution lays out the parameters of that debate.

I support this resolution, and I hope it can be passed without delay. We must reorder our spending priorities to meet the basic needs of all citizens, while still remaining true to the fiscal constraints embodied in this resolution. I look forward to working with my colleagues, Democrats and Republicans alike, to do just that.•

## THE 25TH ANNIVERSARY OF THE UNIVERSITY OF CONNECTICUT'S URBAN SEMESTER PROGRAM

• Mr. DODD. Mr. President, this year marks the 25th anniversary of the University of Connecticut's Urban Semester Program, and I would like to take a few moments to salute this innovative initative.

Students taking part in this program spend a semester in the city of Hartford, where they take part in public service internships and weekly seminars on urban topics. Students don't just learn about the reality of urban America from a textbook: They live it.

Student activities range from social work to civil rights, from local government to environmental activism, from community organizing to human services.

Now is fitting time to honor the urban semester program because we are witnessing the creation of a new national service program that embraces the same principles on which the University of Connecticut's program was founded.

National service, like urban semester, is a win-win-win program. The communities where the volunteers serve win from the infusion of talent and energy that the volunteers provide. The volunteers themselves also win by gaining valuable experience and the satisfaction that comes from service. Finally, and most importantly, we all win from the renewal of the ideal of service that both urban semester and the President's national service initiative symbolize.

It should therefore come as no surprise that urban semester has received rave reviews from both community leaders in Hartford and students who have participated. Indeed, many University of Connecticut students look back on their urban semester as the highlight of their college careers.

Urban semester has been so successful because it recognizes a simple truth: Education is about much more than touching books, it is about touching lives. I therefore believe it is appropriate to commend this program on its 25th anniversary.•

## FROM THE WHOLESALER TO THE HUNGRY

• Mr. SIMON. Mr. President, I recently learned of a new and innovative end hunger program achieving success in Chicago. The name of the project is: The Produce People Share; a produce reclamation effort.

This project, a collaborative effort of the Greater Chicago Food Depository and wholesalers at the South Water Market, reclaims more than 50,000 pounds of fresh fruits and vegetables each week. The produce is then distributed, free of charge, to hundreds of agencies serving people in need.

This is a remarkable effort on the part of all involved. In fact, the program began in Los Angeles as the brainchild of retired wholesaler Mickey Weiss. What he noticed was a large percentage of produce, edible-but-not-sellable, was being wasted on a daily basis.

Hunger and poor nutrition are shockingly widespread. These conditions sap the vitality of children in school, weaken people's abilities to perform in the workplace, and undermine the lives of the elderly. Tens of millions of Americans suffer inadequate diets and the serious consequences to public health that result.

I applaud the efforts of those in Chicago and across the Nation involved in this worthy project. Hopefully, this will entice more people in the food industry to become involved in the circumstances of those in need.•

## THE MULTIFAMILY HOUSING PROPERTY DISPOSITION REFORM ACT OF 1994

• Mr. D'AMATO. Mr. President, I rise today to offer my support for the Multifamily Housing Property Disposition Reform Act of 1994. This legislation addresses growing problems that greatly concern me with the Federal Housing Administration [FHA] multifamily property disposition program. In addition, this legislation will save American taxpayers some $470 million by reducing holding costs incurred by HUD.

The FHA property disposition process at the Department of Housing and Urban Development [HUD] is virtually at a standstill because HUD lacks the funding needed to dispose of the hundreds of properties in its inventory. As more and more FHA-insured developments fall into foreclosure the cost burden to the Federal Government increases, the management problem is exacerbated, and the potential for further distress in our neighborhoods is worsened. This bill creates the flexibility necessary to rectify this problem in order to maintain the actuarial soundness of the fund while at the same time balancing the need for providing affordable housing opportunities.

This legislation will give the Department new tools and invigorate existing authorities to facilitate disposition. It also provides new methods designed to prevent defaults from occurring and will minimize the potential for future losses while protecting the rights of low-income tenants currently residing in these developments.

This bill also improves two other key HUD programs. The legislation improves the workability of the HOME Investment Partnership Program with changes that include making the HOME matching requirements uniform for all HOME-funded activities, clarifying that targeting is based on families served rather than dollars expended, and broadening the availability of HOME funds to assist homeownership activities. It also improves the Section 108 Community Development Loan Guarantee Program by expanding its eligible activities and by providing additional incentives for communities to take advantage of this program.

Mr. President, I would like to express my sincere thanks to Senator BOND, ranking member of the Senate Subcommittee on Housing and Urban Affairs, Senator SARBANES, chairman of the Senate Subcommittee on Housing and Urban Affairs, and Senator RIEGLE, chairman of the Banking Committee for their commitment to the issues addressed in this legislation. I would also like to thank Fallie Calder on my staff, Jon Kamark on Senator BOND's staff, Jeannine Jacokes on Senator RIEGLE's staff, and Paul Weech, Kris Warren, Robin Campbell, Cheryl Fox, and Lori Bamberger on Senator SARBANES' staff for their hard work and dedication.•

### GREEK INDEPENDENCE DAY

• Ms. MIKULSKI. Mr. President, I rise today to join my colleagues in celebrating Greek Independence Day. On this day, we reflect on how much we owe to the Greek people and their ancestors, and we remember the sacrifices they have made to remain free. We also honor the friendship between Greece and America and our historic democratic link.

Mr. President, I come from an ethnically diverse city, Baltimore, where neighborhoods still carry the flavor of our ancestors. We know the value of democracy and we cherish our freedom. We also pay homage to our forefathers who came to America in search of freedom and opportunity, and to those who spent lifetimes fighting to preserve freedom.

It is fitting then, that we honor the great and noble people of Greece, whose ancestors gave the world the precious gift of democracy. In the 2,400 years since Pericles and the Golden Age of Athenian democracy, the democratic ideal has triumphed over kings, over emperors, and over dictators of the right and left. Today, there are more democratically elected governments than at any time in history. Democracy is so much a part of our lives today that we take it for granted only a government chosen by its people can survive. But it took 2,400 years of conflict to come to this point.

Today we also salute the valiant Greek people, who have fought alongside Americans in every major international conflict of this century. We remember their great sacrifice in World War II, when over 600,000 Greeks fell to the Fascists, an incredible 9 percent of Greece's population at the time.

Mr. President, independence did not come easily for Greece. Her history is full of struggles against dictators from the west, conquerors from the east, and subversion from within. Her people had to fight over and over for their freedom. That is why Greeks understand—as only those who have been through a baptism of fire can really understand—what it means to be a free people.

We also celebrate the strong and vital link between Greeks and Americans, two proud peoples united by their common democratic heritage. The Greeks who flocked to America in the early part of this century with their enormous energy and talent helped build the great engine that now powers the American economy. Their very successful Greek-American descendants now occupy leadership positions in business, in the legal and medical professions, and in American politics. One of the Greek-American community's most illustrious sons, I am proud to point out, serves in the U.S. Senate in the person of my friend and esteemed colleague, the senior Senator from Maryland, PAUL SARBANES.

Mr. President, I am very proud to join in today's celebration of Greek Independence Day.•

### GREEK INDEPENDENCE DAY

• Mr. SIMON. Mr. President, today I would like to reaffirm my support for Senate Joint Resolution 162, which designates March 25, 1994, as "Greek Independence Day." It is an honor for me to be among the cosponsors of this resolution commemorating the struggle of the Greek people against foreign domination.

As many generations of Americans have looked back to the model of ancient Greek democracy for inspiration, today's Americans can take pride in celebrating modern Greek democracy. When Greece was fighting for its liberation exactly 173 years ago, volunteers from all over Europe flocked to its defense. It is difficult to find another cause in modern history more fervently advocated by people supporting democracy and the rule of law.

In the same enterprising spirit as our Greek allies, the United States has also grown into a stable and prosperous democracy. Today is an occasion to acknowledge the strong ties of mutual trust and understanding which have been woven between Athens and Washington, and between countless Greek villages and towns with towns throughout the United States. Let us not forget that the democratic national undertakings in both Greece and the United States were once regarded with skepticism in other parts of the world and their peaceful development was frequently questioned.

The ideals of the Athenian Republic provided the intellectual foundation for the Framers of our Constitution. Socrates, Plato, and countless other figures from Greek history furnished us with invaluable models as well as an enlightened patriotism. Americans will always be in debt to Greece for the inspiration she has given to us through the arts, science, and politics.

It is less well known that the Greek patriots we are honoring today honored the United States by translating our Declaration of Independence as a model for the Greek Declaration of Independence. Greece also played an important role in standing up against communism after World War II. Furthermore, even though Greece lost 600,000 citizens from the fighting in World War II, Greece is an ally that has supported the United States in every major conflict in this century.

Sizable immigration from Greece to the United States has brought an abundant wealth of talent to our country. Greek-Americans have been a positive impact in every sector of American society. Greek-Americans have not only maintained many of their important traditions in the United States but also made many of these customs part of Americana. In addition, Greece has given the world the Olympic Games. The principles of hospitality and fair and friendly competition have provided an avenue for countries of the world to realize that we all share the same goals.

Since gaining its independence, Greece has become a prosperous and reliable partner of the United States. As a country firmly anchored in the European Union and the NATO alliance, Greece bears a significant responsibility for the stable development of the eastern Mediterranean. It is important that the United States and Greece work together to end the violence in the former Yugoslavia and promote tolerance and political dialog with all the interested parties.

As the Greek merchants of antiquity helped spread their goods and civilization across the Mediterranean, modern-day Greece is a country that the newly democratic nations of the world can look toward for inspiration. In a world of great turmoil, people everywhere can also look to the history of Greece for strength and guidance.

Finally, let me once more commend the Greek patriots who bravely fought for democracy and have laid the cornerstone for understanding between countries of the world.•

### RECOGNITION OF THE MUSIC TEACHER NATIONAL ASSOCIATION 1994 NATIONAL CONVENTION

• Mr. JEFFORDS. Mr. President, today I rise as vice chairman of the Congressional Arts Caucus and strong supporter of arts education to offer public recognition to a group of teachers and students that has converged on the Nation's Capital for the Music Teachers National Association—[MTNA]—1994 national convention.

The hundreds of music teachers and student competitors gathered here is testament to the importance of, and support for, arts education in America. Clearly, these teachers and the dedicated students deserve recognition of their accomplishments.

Music teachers and students from every State in the Nation will be present. The convention will recognize the accomplishments of music students through its national competitions in composition and performance. These outstanding young musicians, from elementary-school age through college level, hail from 35 States and probably represent some of the finest musical talent in the United States. I believe they deserve recognition by the Senate and would ask that the names and hometowns of the finalists in the competition be printed in the RECORD immediately following my statement.

Mr. President, in my mind, the arts enrich America and add something to our quality of life which cannot be measured. The arts make us think, question, reflect, and ponder. They help identify society and define who we are as a people. Indeed, they build confidence and self-esteem. Including the arts in the education of the American people, is essential to maintaining our nation's cultural vitality. Arts education is not just for the young, it is cradle to grave. The accomplishments of these young musicians and their teachers is just a piece of the artistic contributions they will give to society throughout their lives.

In closing, Mr. President, on behalf of all my colleagues in the Senate, I would like to congratulate all of the students for their long hours of hard work and accomplishments, as well as the teachers, for their dedication and commitment to teaching the art of music in America.

The list of finalists follows:

STUDENT COMPETITION FINALISTS

Clifford Dale Moore II, Anniston, AL, David Talley, Annitson, AL Sarah Fourt, Phoenix, AR, Benjamin Ragsdale, Fayetteville, AR, Chalon (Aaron) Ragsdale, Fayetteville, AR, Jacqueline Vaughn, Conway, AR, Myiia Okeema Watson-Davis, Scottsdale, AZ, Seung-Yeon Hong, Carmichael, CA, Rebecca Merblum, Unionville, CT, Linnea Baronofski, Newark, DE, and Carolyn Betty, Hockessin, DE, and Jason T. Blank, Wilmington, DE.

Yves Dharamraj, Belleair Bluffs, FL, Sonia Gonzalez, Tallahassee, FL, Maria-Karnina Iskandar, Tampa, FL, Virginia Armitage, Norcross GA, Macarena Ferrer, Columbus, GA, Macarena Pesutic, Columbus, GA, Saskia Pineda, Columbus, GA, Miles Richardson, Columbus, GA, Louis Hanzlik, Norwalk, IA, Megan Hanzlik, Norwalk, IA, Erica Hecht, Sioux City, IA, and Julie Maykowski, Des Moines, IA.

Molly Ulrickson, Manning, IA, Rita VanDen Broek, Sioux Center, IA, Jennifer Welp, Norwalk, IA, Peter Henderson, Moscow, ID, Michelle Gamble, Edwardsville IL, Brian Lee, Wheaton, IL, Edward Moore, Urbana, IL, Andrew Park, Northbrook, IL, Leah Kristine Adams, Fort Wayne, IN, Sara Caswell, Bloomington, IN, Todd Craven, Batesville, IN, and Wayne Eric Gargrave, Bloomington, IN.

Amy Fear, Wichita, KS, Malin Huffman, Wichita, KS, Robert Kania, Lawrence, KS, Stefanie Leivian, Wichita, KS, Steven Waddell, Wichita, KS, Douglas Burian, Danville, KY, Susan Doreen Buller, Jeanerette, LA, Jon Crochet, Lafayette, LA, Timothy Dunn, Lexington, MA, Dawn Perlner, Acton, MA, and Yukiko Sekino, Lexington, MA.

Holly Brown, Kalamazoo, MI, David Chang, Grand Blanc, MI, Aaron Engleman, Kalamazoo, MI, Matthew Ownby, Kalamazoo, MI, Richard Postma, Kalamazoo, MI, Nikki Razey, Kalamazoo, MI, Amy Wright, Kalamazoo, MI, Angela Fuller, Minneapolis, MN, Ashley Garritson, Ballwin, MO, Melanie Hadley, Ozark, MO, Paul Hadley, Ozark, MO, and Catherine Owen, Kansas City, MO.

Doug Smith, Warrensburg, MO, Kimberly Finke, Billings, MT, Joel Paul Coffey, Charlotte, NC, Christian Ellenwood, Greensboro, NC, James Gregory, Winston-Salem, NC, Kenneth Meyer, III, Greenville, NC, Rick Hoffenberg, Princeton, NJ, Jeremy Mayne, Albuquerque, NM, Neal Harmon, Rochester, NY, Christine Kar-Yee Wong, New York, NY, Kelly Harrier, Columbus, OH, and Benjamin Adam Hausmann, Bowling Green, OH.

Elizabeth Hedman, Cleveland, OH, Anna Polonsky, Columbus, OH, Clint Kraus, Stillwater, OK, Marc Nelson, Indiana, PA, Alexandra Pecchold, Chadds Ford, PA, Sean Whitaker, Curwensville, PA, Jason Worzbyt, Home, PA, Sharon Mulfinger, Greenville, SC, Jasmin Tiodang, Rock Hill, SC, Elizabeth Kurowski, Mount Juliet, TN, Richard Adams, Dallas, TX, and Eric Branscome, Nacogdoches, TX.

Jamie Henry, Nacogdoches, TX, Steve Kostelnik, Austin, TX, Sharon L. Lacey, Longview, TX, Olivia Liang, Houston, TX, Kelley Riddle, Spring, TX, Stephanie Schweigart, Houston, TX, Diana Tiffany, Kingsville, TX, Mayumi Tsujikami, Carrollton, TX, Kristin Ward, Nacogdoches, TX, Steven Ward, Nacogdoches, TX, and Roger Wright, Houston, TX.

Jeff Baer, Salt Lake City, UT, Emily Barrett, Provo, UT, Janae Codner, Provo, UT, Dusting R. Gledhill, Provo, UT, Will Kimball, Provo, UT, Marcos Krieger, Pleasant Grove, UT, Lara Jean Lambert, Provo, UT, Kyshana Lowe, Provo, UT, Sariah Mourik, Provo, UT, Andrew Stamp, Salt Lake City, UT, Camille VanDyke, Salt Lake City, UT, Jee-Hyun Choe, Fairfax, VA, and Kristen Grattan, Vienna, VA. Kar-mun C. Woo, Burke, VA, Megan Williams, Essex Junction, VT. David Beck, Jr., Ellensburg, WA, Archie Chen, Spokane, WA, Aaron Cummings, Tacoma, WA, Phillip J. Griffin, Seattle, WA, Matthew Kelzenberg, Tacoma, WA, Ji-Hye Kim, Bellevue, WA, Clara Lee, Mercer-Island, WA, Shannon O'Dell, Redmond, WA, Christine Padaca, Tacoma, WA, Brett Paschal, Greenacres, WA, Rachael Winard, Redmond, WA, and Eric Nowlin, Madison, WI.●

## COMMUNITY DEVELOPMENT, CREDIT ENHANCEMENT, AND REGULATORY IMPROVEMENT ACT

● Mr. BINGAMAN. Mr. President, last week the Senate passed S. 1275, the Community Development, Credit Enhancement, and Regulatory Improvement Act of 1993. I supported this legislation because it will foster community development, encourage lending to small business, reduce paperwork for lending institutions, and protect the consumer.

I support S. 1275 because it will have a positive impact on local economic growth. Our communities will benefit in several ways. Economically distressed communities will be given improved access to capital and development services. Also, additional capital will become available for consumers in the community and the private sector secondary market for small business loans. In effect, there will be more jobs created from the new businesses and consumer spending.

This bill will ensure the safety and soundness of the banking system and reduce unnecessary regulatory burden and redtape that is often an impediment to lending. This means the cost of credit, which is normally passed onto the consumer, will be reduced. In my home State of New Mexico, banks that have been burdened by unnecessary redtape will now have more time and resources to dedicate toward helping local businesses and consumers to invest in themselves and their communities. It is for these reasons that I support this bill.●

## POSSESSORY INTEREST IN CONCESSIONS REFORM

● Mr. SIMON. Mr. President, earlier this week—with my support—the Senate passed S. 208, the National Parks Concessions Reform Act. As a cosponsor of this bill, I am hopeful that these changes will improve the concessions system in our national parks, and create a more level playing field for all involved. In addition, S. 208 will mean tens of millions in additional funds being available for maintaining our national parks each year.

I want to add a word of caution, however, with regard to the possessory interest issue. I commend those on both sides of this issue for their success in arriving at a compromise, but we need to be sensitive to how the possessory interest provisions will affect the current concessionaires. The changes made by S. 208 are considerable, and could have a significant impact on businesses with a long and reliable history of providing concessions services in our national parks. We should proceed with caution as we work out the details of these changes.

Mr. President, I thank my colleagues who supported this measure, and I want to specifically acknowledge my friend from Arkansas, Senator BUMPERS, for his commitment and his leadership with S. 208.●

## WOMEN TO RACE FOR AMERICA'S CUP

● Mrs. FEINSTEIN. Mr. President, I would like to bring to the attention of the Senate and to the entire Nation the historic achievement of the 16-member all-female team that will race next year for the America's Cup in San Diego.

It is a truly remarkable achievement. It is an accomplishment which transcends the sport of sailing, one that breaks down barriers for women everywhere. As chronicled in a March 10 article in the Washington Post, until now, no female team has ever competed for the America's Cup. In fact, no woman has ever served as a crew member in an actual America's Cup race.

And let no one underestimate their chances. Six of them are Olympic medalists in sailing and rowing and four are former national yachtswomen of the year. They will race with state of the art boats, one of which has already won an America's Cup. I believe their chances are very good indeed, Mr. President, and that one day we may be congratulating these women for a much larger achievement.

I have often said that when I ran for the U.S. Senate in 1992, it was the first time in my life when I felt that being a woman was not a disadvantage. It is through the singular achievements of women like these that the road is paved for all women to make equally important strides in other fields. These 16 women have played a crucial role in enabling women to compete on an equal setting with men, and in shattering the glass ceiling once and for all.

This Senator will watch their progress with great interest. They have a big fan back in Washington who is rooting for them the whole way.•

## SAFE SCHOOLS ACT

• Mr. WOFFORD. Mr. President, by the time the final school bell rings each day, about 100,000 American children have brought guns to school. And those guns will have killed or injured 40 children. Fear and intimidation are robbing our children of their education, their hopes for the future, and, in some cases, their lives.

The Safe Schools Act, which the Senate is now considering as part of the Goals 2000 legislation, would help schools across the country to craft their own solutions to the spreading epidemic of youth violence. This legislation is a good first step—but we need to do more. When Congress reauthorizes the Elementary and Secondary Education Act, we must build on the Safe Schools Act—to provide parents, teachers and students with resources to support their own approaches to violence in and around our schools.

Mr. President, Steve Bumbaugh recently wrote about his experiences in a Washington, DC school, and I ask that it be included in the RECORD immediately following my remarks.

The article follows:

[From the Washington Post]

### THE YEAR OF LEARNING DANGEROUSLY

(By Steve Bumbaugh)

One of my kids was comparing the Articles of Confederation to the Constitution. Another was unlocking the mysteries of pi. Another was visiting a book report with my coworker, Phyllis. It was shaping up to be one of those days you look forward as teacher. And when you're teaching in D.C. public schools, these good moments can't be taken for granted. For the good can turn bad at any moment.

Just after 11 a.m. we heard "pop-pop-pop-pop" coming from outside of our basement classroom at Eastern High School followed by screams and the sound of frantic running. I looked at my kids. They looked at me. Firecrackers, I was hoping. Maybe a gun fired into the air. I had the sick feeling, though, that this was not the case.

A few minutes later, we learned the worst: Yards away from my classroom, a 17-year-old had just been shot four times by another 17-year-old student.

It's strange to think now that we had chosen to bring our program to Eastern because of its safety. Safety, of course, is a relative term. My 67 students were adopted by the "I Have a Dream" Foundation six years ago when they were seventh-graders at Kramer Junior High School in Anacostia—an even more dangerous place. Today, as seniors, they're spread out in schools throughout the area; most attend Eastern. But I guess violence is no longer something we can skirt geographically or strategize against. Just a week ago one of my students suffered a broken jaw when he was attacked by a group of boys in the same stairwell where this shooting occurred. Two weeks before that one of my students at another school was stabbed in a hallway. Today, as I write this, an Eastern assistant principal has just been punched by teenagers trespassing in the school. In four of the five D.C. high schools where I regularly work with students, there has been gunfire in the school or on campus during school hours this year.

It is difficult for me to explain to outsiders how, and how much, this perpetual stream of violence matters. How, to teachers like me, the constant stress is an assault on our ability to educate. Who can teach algebra when constantly mistaking the playful screams of teenagers frolicking for screams of serious trouble? Yet we grownups bear the least of violence's burden. It's the kids who must cope with the intrinsic provocations and temptations of adolescence and at the same time attempt to survive in a teenage world too rough for most adults to comprehend.

When I look at my kids I wonder: Who among them will know to type their research papers and turn them in on time, when many in their class will do neither? Which of them will understand how essential it is to be at school early, when so many of their classmates arrive late or don't come at all? And, more fundamental, who can worry about such trivialities when a handful of teenagers are shooting in the hallways and frightening numbers of their peers are being killed and maimed out on the street?

To me these are not abstract questions. I was born to a single mother on the Southside of Chicago. I was afforded a few miracles as a child, and I ended up graduating from Yale. Who is providing miracles to teenagers these days? In the brutal teenage world of 1994, how many of my kids will be able to realize their potential?

Sometimes it's easier to shut out the violence. Three years ago, when our program was housed at Kramer, we all became numb to what we saw. There was the boy stabbed in the back, crawling towards an assistant principal and collapsing in a puddle of his own blood. There was the night I came out of Kramer after a tutoring session and had to duck for cover as bullets hit the door above my head. Afterward, I watched incredulously as a group of boys scooped up their victim's body, threw it into the back seat of their car and sped off. Later that year I watched a female P.E. teacher hold the hand of a boy who'd been shot on the school's playground. She smiled at the boy and reassured him: Everything would be all right.

Yet even Kramer seemed a safe haven compared to what I've seen in the neighborhoods where my students live. One evening I was driving a boy home and we saw the body of a man lying across the sidewalk. He had been shot in the head while he was getting a haircut and managed to stumble outside before he died. One summer afternoon when I was in a barber shop, I convinced the friend of one of my students to walk away from an argument he was having with another boy. When I returned to the shop a half an hour later, the boy I had counseled was in the alley behind the shop. He was dead. The boy with whom he had argued had apparently shot him in the head. One Saturday morning when I was leaving the Anacostia library after tutoring some students, a young man pulled a gun on me and threatened to kill me if I didn't stop "grittin" on him. His friends laughed at his bravado.

The day of the Eastern High School shooting, it was clear that the accumulation of such experiences takes its toll on even the strongest of us. Even on Ralph Neal, the imposing principal of Eastern. That Eastern is generally regarded as the best high school in the eastern half of the city is in part a tribute to his swift discipline and stern demeanor. When Neal walks through the corridors, the toughest students straighten their backs and fidget nervously.

An hour after the shooting, Neal called an assembly in the auditorium. Students filled most of the seats, and the walls were lined with teachers, staff people, police officers and parents who had rushed to the school when they heard that there had been a shooting. Only a fraction of the parents gathered this day attend the PTA meetings in which report cards are distributed. It took fear and desperation to bring so many of us to the same place.

Despite the crowd, silence fell when Neal stepped up to the podium to speak.

After explaining that a boy had been shot outside the cafeteria, he implored the students not to take matters into their own hands. He asked students to tell an adult if they knew their peers were bringing weapons into the school. Then Neal, a rugged veteran of the city's toughest schools, began to cry.

A gasp swept through the auditorium. Soon some of the teachers, students and parents were also crying. Usually, we cope with the mayhem around us by wearing a mask of indifference, by pretending not to be bothered. But when your last line of defense between what should be and what is starts to cry, who can keep the mask up?

Still, as a teacher, you learn that progress is measured in small steps. Those tears were steps. They were hope.

In the four years I've been with my students I've grown to love them as if they were my own little sisters and brothers. I am indescribably moved when our program can help improve a student's life. Three years ago when our foundation sent four students to a strict, predominantly white boarding school in rural Ohio, I was nervous about how my kids would cope with so many adjustments. Now we have seven students at Mt. Vernon Academy, all of whom will graduate in May, and most of whom will go on to college. Last year, when one of my shy students from Ballou High School worked up the nerve to sing a solo in front of 300 people, she wowed the crowd. As they gave her a standing ovation, I bragged like a proud father. These are the things I live for.

But after four years of passing from one crisis to another, never knowing what lunacy lurks beneath the veneer of a calm day, I've grown tired. I overestimated my ability to affect the lives of my students, and I feel handcuffed by an overburdened system that is not equipped to educate some of the brightest minds in our city. I'm tired of going to the funerals of teenage boys with whom I've joked around and played ball. I'm tired of my heart breaking when I find out that another one of my girls is pregnant. I'm tired of pleading with kids to return to school, and knowing that they probably won't. I'm tired of watching energetic kids grow into perpetually tired, depressed young adults. I'm tired of having nightmares after I've seen someone who was shot or stabbed. I'm tired of coming to school on Mondays and having to hear my students discuss their neighborhood's weekend body count. I'm tired.

I can console myself that my journey into Washington's inner city ends in June, when most of my students will graduate from high school. I will leave this town and go to the safe environments of graduate school. If I choose, I'll never have to return to another rough neighborhood in my life. Many of my students, of course, don't have these options. On a day when a classmate gets shot in school, most return home to neighborhoods where they may hear gunfire at night. Most will pass drug dealers and drunks on the walk from the bus stop to their homes. Some will go to homes where siblings, cousins, aunts and uncles crowd into too small a space. Some will go home to take care of nieces and nephews, younger siblings or their own children, and never get around to the homework that's due tomorrow. Some will return to homes where parents expend so much energy just trying to make it to the next day that they don't take the time to read the newspaper or pick up a book. For too many of my students, there is simply no respite from the perpetual crisis that strangles their community.

After Wednesday's shooting, I left school at 3 and walked up the street to get a slice of pizza. On the way there I ran into a group of 3- and 4-year-olds walking down the sidewalk with daycare workers. One little boy ran from the group and grabbed my leg. He looked up at me through huge black eyes. A mischievous grin brightened his dark brown face. Only three years old, he already knew that he was so cute he could get away with wrapping himself around the legs of perfect strangers. One of the daycare workers extricated him from my thigh as I laughed.

I paused on the sidewalk and watched the children disappear around the corner. I wondered what kind of life awaited that beautiful little boy. Is his mother a teenager? Does he know his father? Will his brother be shot dead one day or will his sister have a baby when she is 15? Does his mother read stories to him and tuck him into bed, or does she struggle with a drug problem and slap him when he asks her questions? Who will teach this little boy to read? Who will make him go to school on time and do his homework? Who will reward him for being gentle?

We should be ashamed that such questions have to be asked, and more ashamed that the answer is often no one. We should hang our heads in disgrace when beautiful brown children grow up to be hard-hearted adults who ravage their own communities because of the crimes committed against them.●

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## MENTAL HEALTH AWARENESS WEEK

● Mr. SIMON. Mr. President, today, along with 21 of my colleagues, I am introducing a joint resolution designating the week of October 2, 1994 through October 8, 1994, as Mental Illness Awareness Week.

For the past 10 years, Congress has designated a week in October as Mental Illness Awareness Week. The goal of this resolution is to educate the American public about mental illness and to dispel the myths associated with this type of disease. The American Psychiatric Association continues to play a leading role in the effort to educate the American public.

Mental illness affects all social, ethnic, and national groups. Approximately 40 million Americans, one out of five adults, suffer from diagnosable mental disorders. Available statistics reveal that out of this 40 million, between 7 and 12 million children suffer from serious mental disorders. One-third of our elderly population suffers from significant symptoms of mental illness.

Approximately one-third of homeless individuals have psychiatric disorders. Often, these individuals have been discharged from hospitals and receive inadequate follow-up services.

Individuals who are HIV positive are vulnerable to mental illness as well. Approximately 20 to 25 percent of those with the HIV virus will develop psychiatric problems along with the first signs of this disease; more than 60 percent of AIDS patients will ultimately suffer neuropsychiatric consequences.

Statistics also reveal that the vast majority of the 30,000 who commit suicide annually have a metal or addictive disorder.

Women are twice as likely to experience a major depression as men. An estimated 12 percent of women experience some form of major depression over their lifetime.

Mental illness affects not only individuals, but society as well. Direct treatment costs and indirect costs from lost productivity associated with mental illness amount to billions of dollars each year. For fiscal year 1993, however, total Federal expenditures on research into the causes and treatment of mental illness was only $583 million. We must do much better. Only one out of four Americans with mental illness seeks appropriate treatment even though treatment can help 80 percent of those affected.

Each day the media reveals the human tragedies associated with mental illness. Yet we often do not really understand the severity of the problem until it affects someone close to us. At that point, the stigma attached to mental illness becomes very real. Asked to rank 21 categories of disability, from the least offensive to the most, respondents placed mental illness at the bottom of the list. In American society, ex-convicts stand higher on the ladder of social acceptability.

This resolution attempts to educate our society about mental illness and to combat the stigma surrounding this type of disease. People struggling with mental disorders are not evil. They are not incapable of surviving in society. In fact, with proper treatment, the vast majority of those who confront a period of mental illness during their lives can move on to be fully productive, self-sufficient members of society.

Public apathy and misunderstanding must be overcome if we are to help the mentally ill to lead productive lives. I ask my colleagues to join in this effort by cosponsoring this joint resolution.●

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## MONTANA'S LADY GRIZ

● Mr. BAUCUS. Mr. President, it is with great pride that I point the Senate's attention to the accomplishments of a remarkable group of women athletes from Montana.

The University of Montana, located in Missoula, MT, is, by most standards, a relatively small school. Small in numbers yes, but strong with an attitude of excellence both in academics and athletics. It is the home of some of the finest women athletes in this Nation—the Lady Griz basketball team.

This past weekend, the Lady Griz, lead by their long-time coach, Robin Selvig, played in the second round of NCAA playoffs against the Cardinals of Stanford University, on the Cardinals' home court. Although I am a Stanford alumnus, this was one instance where I was rooting against my alma mater.

The Cardinals are a team who usually win their games by 10–15 points. Unfortunately, the Lady Griz lost. However, the final score was 66–62. The Lady Griz made a definite impression, not only on their opponents, but everyone who had the opportunity to watch. This was sportswomanship at its finest. It is a great opportunity to extend my hearty congratulations to the Lady Griz and the University of Montana!

I ask that the names of each of these outstanding players and their coaching staff be printed in the RECORD immediately following these remarks:

The information follows:

No., Player, Hometown/School.

10, Kristin Omid, Stevensville, Mont./Stevensville HS.

11, Carla Beattie, Philipsburg, Mont./Granite HS.

12, Skyla Sisco, Malta, Mont./Malta HS.

15, Greta Koss, Malta, Mont./Malta HS.

22, Sherri Brooks, Livingston, Mont./Park County HS.

23, Kristy Langton, Stevensville, Mont./Stevensville HS.

25, Lora Morast, Kaltspell, Mont./Flathead HS.

31, Trish Olson, Missoula, Mont./Big Sky HS.

33, Dawn Sievers, Miles City, Mont./Idaho, Custer Co. HS.

35, Kelly Pilcher, Missoula, Mont./Big Sky HS.

41, April Sather, Havre, Mont./Havre HS.

43, Ann Lake, Missoula, Mont./Big Sky HS.

45, Jodi Hinrichs, Fairfield, Mont./Fairfield HS.

51, Dawn Sackman, Helmville, Mont./Drummond HS.

53, Malia Kipp, Browning, Mont./Browning HS.

55, Jill Frohlich, Missoula, Mont./Hellgate HS.

Head Coach: Robin Selvig (Montana, 1974) (358–88, 15 Seasons).

Assistant Coaches: Annette Whitaker-Rocheleau (Montana, 1982); Shannon Cate (Montana, 1993).

Student Assistant Coach: Joy Anderson.

Manager: Tasha Woods.

Head Athletic Trainer: Dennis Murphy.

Student Athletic Trainer: Jodi DeMaers.•

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## THE EXXON VALDEZ OIL SPILL

• Mr. MURKOWSKI. Mr. President, on March 24, 1989, the T/V *Exxon Valdez* ran aground on Bligh Reef in Prince William Sound spilling almost 11 million gallons of north slope crude oil. This was the largest oilspill in U.S. history and is the most scrutinized disaster of its kind.

Exxon was assessed $900 million under the civil settlement, fined $150 million under the criminal settlement—of which $125 million was forgiven for Exxon's cooperation during the cleanup, and was required to pay $50 million each to the Federal Government and the State of Alaska as remedial and compensatory payments.

The crude oil that spilled from the *Exxon Valdez* spread to more than 1,200 miles of Alaska coastline, including portions of national forests, parks, and wildlife refuges managed by the Federal Government.

This coastline is richly populated with fish and wildlife, such as herring, salmon, sea otters, whales, bald eagles, and seabirds. Tragically, the spill killed hundreds of thousands of indigenous marine birds and marine mammals in and around the waters of Prince William Sound, fish hatcheries were rendered lifeless, and the wildlife populations are still recovering today.

The spill introduced oil into the food chain which jeopardized not only the living species, but their future offspring and natural reproductive capabilities.

Despite the continuing recovery process, overall we have made great progress in the 5 years following the *Exxon Valdez* oilspill and have accumulated a wealth of invaluable knowledge for the prevention and cleanup of oilspills.

### WHAT HAVE WE LEARNED?

#### (1) SCIENCE STUDIES

Many have studied both the impact of the spill on habitat and wildlife and the rate and extent of environmental recovery, but there is still no consensus as to the spill's effects. Optimistic findings regarding the damage caused by the spill have been pitted against more guarded forecasts produced by government agencies.

Numerous reports have detailed the damage to harbor seals, sea otters, pink salmon, Pacific herring, common murres, and harlequin ducks.

Other species have proved nature's resilience. Thirteen killer whales disappeared from Prince William Sound pod between 1988 and 1990; state scientists say that group is going again. As many as 300 bald eagles died in the spill. Five years later, a draft plan for Prince William Sound restoration notes that eagles already may have recovered, along with some populations of black oyster catchers and sockeye salmon near Kodiak.

Mother nature has undoubtedly done her job—storms have removed about half of the oil embedded on some coastline. Many beaches are clean. Population forecasts for bald eagles are good. The tourists are back.

#### (2) REGIONAL CITIZENS ADVISORY COUNCIL

In 1990, Congress passed comprehensive legislation to reduce the likelihood of future oil spills, and establish better spill response plans.

A key element of the 1990 Oil Pollution Act was the creation of the Regional Citizens Advisory Council [RCAC]. We made it possible for those people with the most to lose from an oil spill to have a voice in the events that would impact their homes and livelihoods.

Eighteen member organizations, including villages, towns, small cities and boroughs, Native and conservation groups, tourism and recreational interests are represented on the Regional Citizens Advisory Council. The RCAC provides important services such as environmental monitoring, research, input on contingency planning, and provides information to the public as requested. This new level of citizen involvement is a lasting, positive legacy of the 1990 legislation.

### BACKGROUND OF SETTLEMENT

Another legacy has been litigation. Many suits are just now going to trial in State and Federal court, but the State of Alaska and Exxon have settled their dispute.

On October 8, 1991, the U.S. district court approved an agreement that settled the claims of the United States and the State of Alaska against Exxon for various criminal violations and for recovery of civil damages resulting from the oil spill.

In the civil settlement, Exxon agreed to pay the State of Alaska $900 million over a period of 10 years to restore resources and human uses injured by the spill.

A trustee council consisting of six Federal and State trustees is responsible for spending the money. The State of Alaska trustees include: the Commissioner of the Department of Environmental Conservation, the Commission of the Department of Fish and Game, and the Alaska Attorney General.

The Federal trustees include the lead representatives in Alaska of: the U.S. Department of the Interior, the U.S. Forest Service, U.S. Department of Agriculture, Oceanic and Atmospheric Administration, and the U.S. Department of Commerce.

The $900 million civil settlement requires Exxon to deposit funds each year beginning December 1991 and ending September 2001. The State has received three payments totaling $340 million as of March 1994. The State of Alaska will receive $70 million a year through the year 2001.

### ENDOWMENT

The crucial decision facing the trustees today is how best to use the funds. In November, I introduced legislation to create an endowment to provide for part of the long-term stewardship costs associated with recovery of damaged resources and services of the Exxon Valdez Oil Spill [EVOS] area by encouraging the conservation of funds to finance long-term studies.

Specifically, the legislation does the following: It establishes in the Treasury of the United States an endowment fund into which the trustees may choose to transfer any portion of the civil settlement funds; it amends Title XXX of the Energy Policy Act of 1992, allowing the Secretary of Energy, with the unanimous consent of the trustees, to invest a portion of the corpus and income of the endowment fund in such a way to generate sufficient income to carry out the purposes of restoration; and it allows, upon the request of the trustees, the secretary to transfer income earned to the trustees to spend on restoration.

A summary of public comment on alternatives of the Draft Exxon Valdez Oil Spill Restoration Plan shows that approximately two-thirds of 699 responses favored establishing an endowment or savings account of some kind and approximately two-thirds of all people who favored an endowment through the earnings should be used for monitoring and research.

The purpose of creating an endowment is to encourage the conservation of settlement funds for needed long-term research and ecosystem studies, catastrophic failures of the multi-million dollar Prince William Sound herring and pink salmon fisheries this year raise serious questions about the effectiveness of restoration and enhancement activities resulting from the Exxon settlement funds, government scientists have been unable to explain the disastrous disappearance of herring and pink salmon from the Sound in 1993; they lack an understanding of the Sound's natural cycles, of water temperatures and food chains. Moreover, the Yukon drainage fishery has steadily declined from a healthy subsistence and commercial opportunity to total closure today. No one knows why—what caused the run failure in the Yukon drainage? Funds are needed for studies since, to date, only ineffective and inadequate data and research programs exist. Fishing is Alaska's leading employer and second leading private sector industry in terms of gross benefits to the State, behind only the petroleum industry.

Creation of an endowment would ensure that we continue to expand our base in scientific knowledge—rather than just buy up more trees.

The Work Plan Allocations for 1992, 1993, 1994 as of March 1994, including 42 percent land acquisition, are as follows: $7.5 million—which was combined with $14.5 million from other sources for the purchases of 24,000 acres of private in holdings in Kachemak Bay; $38,700,000 for purchase of 42,000 acres of private land near Seal Bay on Afognak Island. Trustees are reported to be looking at 17 other land purchases on Kodiak, the Kenai Peninsula and Prince William sound totaling 240,000 acres.

With more than 99 percent of Alaska already in Federal, State, or Native corporation ownership, using any of the settlement funds to increase the amount of government-owned lands is unwise.

Already about 60 percent of Alaska is managed by Federal agencies. Nearly 80 percent of the Federal land is under restrictions that are staggering: 54 million acres in national parks, preserves and national monuments; 75 million acres in national wildlife refuges; 22 million acres in national forests; and 24 million acres are in the National Petroleum Reserve, the Steese National Conservation Area, the White Mountains National Recreation Area, and in Federal wild and scenic rivers.

Buying lands benefits perhaps a handful of private land owners and allows certain government agencies to expend their fiefdoms, but the public benefits little. Adding a few hundred thousand more acres to the millions and millions of acres in Federal and State parks, preserves, forests, wildlife refuges and other protected land areas of the Prince William Sound makes little difference to the wildlife and fisheries of the region.

Rather than frittering away more money to convert more private land to public land, the Exxon settlement funds should be used to enhance scientific knowledge and restoration well into the future.

We need to know why salmon and herring runs have failed—and how to fix or compensate for the damage. We need to learn how Prince William Sound resources and systems operate, whether they have characteristics that are unique to the Sound, and how our management programs should be adjusted to account for the scientific facts we uncover.

Settlement monies should not be wasted on politically correct land purchases that have little or nothing to do with the resources that were affected by the oil spill, and on which the economic and social fabric of Prince William Sound rely.

### CONCLUSIONS

While there has been a great deal of success in achieving the clean-up and natural recovery in Prince William Sound since March 24, 1989, the environment, wildlife and local communities are a reminder that Alaska is still working to overcome the long-term effects of the spill.

Native Alaskans in the villages of Chenega Bay and Tatitlek still face oiled mussel beds and fewer numbers of seal and deer to hunt, while the residents of Cordova suffer drastic reductions in the number of returning pink salmon.

Concerns remain about how the State should spend its compensatory payments designated for the restoration of the natural resources damaged by the oil spill.

Long-term ecological studies are lucrative to Alaska, as well as the oil industry and U.S. Government, and should be secured financially for future use. The endowment fund is intended to do just that.

Private citizens have civil lawsuits filed against Exxon for damages that are still pending. They are set to begin in May, while many of these families and individuals struggle to hold onto what they still have. In the past 2 years, banks have repossessed 70 fishing vessels for area residents unable to make their payments.

The past 5 years have taught us a lot about the interdependency of humanity and nature. Most important of all should be the lesson that history has shown us today how to prepare for tomorrow.•

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## LEGISLATION TO AUTHORIZE VA PILOT PROGRAMS TO PARTICIPATE IN STATE HEALTH CARE REFORM PROGRAMS

• Mr. MURKOWSKI. Mr. President, I rise today to join with my colleague from West Virginia in introducing legislation which would authorize VA to participate in health care reform plans enacted by individual States and provide VA with the tools and flexibility necessary for that participation.

One of the strengths of our Federal system of government is found in the constellation of our 50 States, each one a proving ground where the ideas of government and public policy can be germinated, developed, tried and tested. Each of our States has the responsibility to craft solutions to the problems facing its citizens. With each of the States constituting itself as a laboratory of ideas, the Founders created an environment where the process of natural selection of ideas can lead to the evolution of policies. The Congress can select the best of these ideas when we write national policy.

Mr. President, as the Congress begins the debate on national health care reform, we do so in a Union where many of our States have already grasped that nettle. Hawaii, Washington, Oregon, Minnesota, Vermont, Tennessee, Florida and others either have already, or are now in the process of, enacting or implementing programs of health care reform.

Congress would do well to observe their efforts and to learn from the lessons of their experience. One of the most important lessons which we must learn is the lesson taught by, and taught to, the Department of Veterans Affairs [VA] as VA adapts its health care system to the changing health care environment of the reforming States.

The VA health care system is too important of a national asset to be placed at risk by a reform which does not take its unique capabilities and its imperative obligations into account. Each year, VA treats over 2½ million veterans. Mr. President, today as we speak, over 84,000 veterans are receiving inpatient care from VA. Today, as the Congress proceeds with its business, over 63,000 veterans will seek and receive outpatient treatment from VA.

These veterans, and the health care system created by the Congress to care for them, depend upon us to get it right when we enact legislation which will govern one-seventh of the national economy and which will set the stage within which the VA health care system must either thrive or whither.

That is why I am pleased to join with my friend, and chairman of the Committee on Veterans' Affairs, the Senator from West Virginia in introducing legislation which will authorize VA to implement pilot programs of eligibility reform in up to five States which are reforming their health care system. By authorizing waiver of regulations and procedures which constrict local decisionmaking, the legislation would give local VA leaders the tools they will need to adapt to a rapidly changing local environment. By authorizing VA to participate in local health care plans, and the funding streams that support them, VA will have access to both the patients and resources needed to provide the complete continuum of care that defines quality medical practice today.

Mr. President, in embracing the call for health care reform, the Congress has launched veterans and the Department of Veterans Affairs on a jounrey whose outcome cannot be confidently predicted without more information. This legislation is the first step in preparing for that journey and will help provide veterans and the Congress with the information we will need to set the stage for VA's role in the century to come.•

## GREEK INDEPENDENCE DAY

• Mr. BROWN. Mr. President, every year since 1986 Congress has passed a resolution celebrating March 25th as Greek Independence Day. The importance of this day should not go unnoticed. I would like to take this opportunity to commemorate this occasion.

The links between Greece and the United States grow stronger every year. During the early 1900's, one in every four Greek males emigrated to the United States. These Greek-Americans, with their emphasis on family and education, became an extremely successful and vital part of America's culture. Greece is one of only three nations in the world allied with the United States in every major international conflict in this century. Over 600,000 Greeks, nearly 9 percent of the Greek population, died fighting on the side of the Allies in World War II. Immediately following World War II, Greece was forced into yet another war, struggling against the communist rebels. Upon the defeat of the communists, President Eisenhower said of Greece,

> Greece asked no favor except the opportunity to stand for those rights which it believed, and it gave to the world an example of battle—a battle that thrilled the hearts of all free men and free women everywhere.

March 25, 1994 marks the 173d anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire. During the reign of the Ottoman Empire, which lasted for almost 400 years, Greeks were deprived of many civil and human rights that for centuries had been a part of daily life in Greece. Schools and churches were closed, young boys were kidnapped and raised to serve the Sultan. The revolution that ultimately ended this occupation began in 1821 with a Greek declaration of independence. Many volunteers from various U.S. cities sailed to Greece to participate in the war for independence.

Greek success in defeating the Ottoman Empire and re-establishing democracy is an important accomplishment not only for Greece, but for the rest of the free world. March 25th represents the defeat of an oppressive state and the revival of a democracy that began 2000 years ago. In addition to inspiring us, the ancient Greeks offered us a warning about the fragile nature of democracy and freedom. Polybius, writing about the cycles and evolution of governments, warned that democracies tended to break down, overwhelmed by self-interest and greed.

Edward Gibbon, writing of the ancient Athenians, put the same warning this way:

> In the end, more than they wanted freedom, they wanted security. When Athenians finally wanted not to give to society, but for the society to give to them; when the freedom they wished for most was the freedom from responsibility, then Athens ceased to be free.

I commend the wisdom and insight of these comments. We extend our congratulations again to this nation that was truly the birthplace of western democracy.•

## BELARUSIAN INDEPENDENCE DAY

• Mr. SIMON. Mr. President, Sunday, March 27 marks the 76th anniversary of the Proclamation of Independence of the Republic of Belarus. I am honored to share in the celebration of Belarusians throughout the world.

The Republic of Belarus declared its independence from the Soviet Union in 1991, and since then has fought to establish itself and its identity as a solid democracy in the heart of Eastern Europe.

The citizens of Belarus cannot forget their forebearers' efforts to establish political and economic independence in 1918, amidst the chaos surrounding the Bolshevik takeover in Russia. Tragically, the country was overrun by the Red Army and forced to join the Union of Soviet Socialist Republics. However, with the dissolution of the Soviet Union in 1991, Belarus was one of the first former Soviet republics to receive official diplomatic recognition by the United States—on December 25, 1991—and the first foreign mission to open in the capital city of Minsk was that of the United States.

I do not need to remind my colleagues of the incredible suffering the people of Belarus have sustained as a result of fallout from the Chernobyl nuclear disaster in neighboring Ukraine. Although the Soviet Union is gone, problems remain with how to safely dispose of former Soviet nuclear weapons and how to provide energy needs without using unsafe nuclear reactors. Recognizing these dangers, the United States and the new government of Belarus negotiated an agreement to facilitate the dismantling of Belarus' portion of the former Soviet nuclear stockpile. The United States is also working to ensure that Chernobyl is not repeated. I applaud the Belarusian government's leadership and cooperation on these issues.

Many of the freedoms that we as Americans take for granted are rights that the people of Belarus still struggle to realize. There exists in Belarus today a dedicated core of reformers who continue to struggle against the forces of an entrenched Communist bureaucracy. Recently, the Parliament of Belarus replaced the old, Soviet-era constitution with a new document, one that seeks to end fully all Belarusian ties with its former Communist past. I support the reformers' efforts and congratulate them on their successes. I hope that the United States can continue to strengthen its political, economic, and cultural ties with Belarus. Increased interaction will help to consolidate the U.S. relationship with Belarus—founded on shared values and common interests, and aided by the concerns and activism of many Americans of Belarusian descent.

I congratulate the people of Belarus on their Independence Day and want to express my support for their efforts to realize the potential of their newly found political and economic freedoms.•

## NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

• Mr. BRYAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select committee received notification under rule 35 for Karen Robb, a member of the staff of Senator DECONCINI, to participate in a program in Japan sponsored by the Japanese Ministry of Foreign Affairs, from March 28 through April 6, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Robb in this program.

The select committee received notification under rule 35 for Margaret Cummisky, a member of the staff of Senator INOUYE, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs, from March 28 through April 8, 1994.

The Committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Cummisky in this program.

The select committee received notification under rule 35 for Jim Jones, a member of the staff of Senator MURRAY, to participate in a program in Hong Kong and China sponsored by the Hong Kong Chamber of Commerce, from March 27 through April 3, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Jones in this program.

The select committee received notification under rule 35 for Wayne Boyles, a member of the staff of Senator HELMS, to participate in a program in South Korea sponsored by the A-San Foundation March 26–April 2, 1994.

The Committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Boyles in this program.

The select committee received notification under rule 35 for Chuck Blahous, a member of the staff of Senator SIMP-

SON, to participate in a program in China sponsored by the Chinese People's Institute for Foreign Affairs, from March 28, through April 8, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Blahous in this program.

The select committee received notification under rule 35 for Kristi Stewart, a member of the staff of Senator PRESSLER, to participate in a program in Korea sponsored by the A-san Foundation, from March 26 through April 2, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Stewart in this program.

The select committee received notification under rule 35 for Timothy Goeglein, a member of the staff of Senator COATS, to participate in a program in China sponsored by the Chinese People's Institute for Foreign Affairs, from March 28 through April 8, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Goeglein in this program.

The select committee received notification under rule 35 for Erin Day, a member of the staff of Senator MATHEWS, to participate in a program in China sponsored by Chinese People's Institute of Foreign Affairs, from March 28 through April 8, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Day in this program.

The select committee received notification under rule 35 for Edward Maixner, a member of the staff of Senator DORGAN, to participate in a program in China and Hong Kong sponsored by the Hong Kong Chamber of Commerce, from March 27 through April 4, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Maixner in this program.

The select committee received notification under rule 35 for Lisa Stocklan, a member of the staff of Senator SMITH, to participate in a program in Germany sponsored by the Konrad-Adenaur Foundation, from April 25 through May 1, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Stocklan in this program.

The select committee received notification under rule 35 for Beth Garrett, a member of the staff of Senator BOREN, to participate in a program in Korea sponsored by the A-san Foundation, from March 26 through April 2, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Garrett in this program.●

## WORKER ADJUSTMENT AND RETRAINING NOTIFICATION AMENDMENTS ACT

Mr. CONRAD. Mr. President, I understand that S. 1969, the Worker Adjustment and Retraining Notification Amendments Act introduced earlier today by Senator METZENBAUM is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1969) to amend the Worker Adjustment and Retraining Notification Act to minimize the adverse effects of employment dislocation, and for other purposes.

Mr. CONRAD. Mr. President, I now ask for its second reading.

Mr. DOMENICI. I object.

The PRESIDING OFFICER. Objection is heard. The bill will lay over and will receive its second reading on the next legislative day.

### THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION AMENDMENTS ACT

Mr. METZENBAUM. Mr. President, today I rise to introduce the Worker Adjustment and Retraining Notification Amendments Act. This legislation amends our Federal plant closing notice law—also known as the WARN Act—to address serious problems in coverage, compliance, and enforcement.

This legislation is a companion to the Reemployment Act I introduced on behalf of the Clinton administration earlier this week. Just as WARN was originally enacted to ensure the success of our current Federal dislocated worker program, we need to strengthen the WARN Act today to ensure that the Reemployment Act can successfully serve our workforce in the years to come.

I authored the original plant closing law and our current dislocated worker program 6 years ago in an effort to minimize the devastating impact of job losses on workers, their families, and their communities. Of course, the best solution to this problem is to keep layoffs and plant closings from occurring in the first place. We need a strong jobs policy to keep our manufacturing base healthy, and to create and preserve American jobs.

But invariably, there will be businesses that are forced to downsize or shut down altogether, regardless of the state of the economy. We cannot prevent businesses from making those decisions. But we can require employers to give workers and communities fair warning of layoffs, so they can plan for the transition, keep their dignity, and start new lives. That's just what WARN was intended to do.

The link between an effective advance notice law, and a successful dislocated worker program, is indisputable. Government agencies, academics, businesses and workers all agree that when workers and local communities receive advance notice, dislocated worker programs work better, participation rates are substantially higher, more workers get jobs sooner, and unemployment compensation claims are lower. In short, everybody wins.

For example, the General Accounting Office has reported that:

> far more workers seek assistance when help is available before or at the time of job loss than when it is available only after the workers have lost their jobs or benefits.

Moreover, as the Clinton administration has recognized,

> [e]xperience over the years has consistently shown that early assistance, particularly assistance prior to actual termination/layoff, reduces the period of unemployment experienced by the workers.

By getting dislocated workers back to work faster, the Office of Technology Assessment says, advance notice can save hundreds of millions of dollars in unemployment compensation benefits each year.

Six years have passed since WARN's enactment, and it is time to see how well the legislation has worked. First, let's remember what the Act's opponents predicated during Senate debates in 1987 and 1988. Senator HATCH repeatedly claimed that WARN would "stifle job growth and foster high rates of unemployment." He also asserted that it would damage U.S. competitiveness abroad. In his view, "mandatory notice requirements hurt employees far more than they help employees."

Similarly, Senator THURMOND stated that the Act would "create industrial paralysis." Senator GRAMM asserted that WARN would "produce fewer jobs, less growth, and lower wages." President Reagan called it a "ticking time bomb."

Well, here we are 6 years later. Hundreds of thousands of American workers have benefited from the WARN Act by receiving 60 days' advance notice of layoffs. According to the U.S. General Accounting Office, employers are now about twice as likely to give workers advance notice of a layoff as they were before WARN was enacted. And guess what—the Act has had no negative impact at all on employment or our competitiveness.

The business community claimed that WARN Act compliance would cost each employer $15,000 per year. In reality, this estimate was wildly inflated. Last year, the GAO found that:

> [d]espite predictions that providing advance notice to workers would be costly, 61 percent of the employers who filed notices reported that they experienced little or no costs ($500 or less [per employer]).

The WARN Act's opponents also claimed that businesses would be denied credit if they announced an imminent layoff or plant closing. It didn't happen. They claimed there would be an onslaught of employee sabotage. It didn't happen. They claimed businesses would lose customers. It didn't happen. They claimed businesses would be forced into bankruptcy. It didn't happen.

In short, western civilization has not collapsed, as some in the business community predicated. The sun still comes up in the morning. America's employers are still perfectly capable of running their businesses as they see fit. And most importantly, hundreds of thousands of workers, as well as their families and communities, have had the benefit of 60 days' notice of layoffs and plant closings.

In fact, the GAO reports that roughly half of the employers that provided advance notice believed workers were able to find new employment faster as a result. As a Texas State government official has explained, "most employers view the WARN Act as a benefit, because they are as interested as anyone in seeing their employees put back to work as soon as possible." The Clinton administration has also recognized that providing advance notice is good for business: "By getting laid off workers reemployed sooner, WARN may reduce the unemployment insurance costs for employers and create community good will."

Most importantly, workers have used the 60 days to seek new employment, enroll in training programs, pay off their bills, and, if necessary, plan for harder times. For many of these workers, WARN meant the difference between making a successful transition to new career and losing everything they had. Take Tamala Thackston, for example.

Thackston worked for the U.S. Shoe Corporation in Ripley, OH for 17 years, until the company told her it would shut down the plant in 60 days. The company also notified the State, which sent a rapid response team in to help Thackston and the other workers evaluate their individual job counseling and retraining needs. Thackston helped set up a labor-management committee and a job fair. After considering her options, she promptly enrolled in a medical assistant training course, which began shortly after her termination. Without 60 days' notice, she could not have signed up for the course in advance, and her unemployment benefits would have run out before completing the course. Thackston graduated 6 months later, and began a new job as a medical assistant in New Richmond, OH the very next day.

Thousands of employers have also provided notice to State and local governments, allowing rapid response efforts that help workers find new jobs. Last year, a Texas State official described WARN's "tremendous benefit" to state dislocated worker units:

> With adherence to the WARN Act, our State dislocated worker unit is able to establish a relationship with company officials and employee representatives, is able to work with the local service providers to plan budgets, survey those to be dislocated, gather support from other community service agencies. . . . Responsiveness is a critical factor; all [employers giving WARN Act notices] are contacted within 48 hours, with most formal on-site meetings held within 5 to 7 working days. . . . This translates into quicker reentry into the job market, lessened unemployment insurance claims, savings in social service programs such as AFDC, and Food Stamps, and creates an environment where the negative impact to employees and employers is lessened when possible. Without [WARN Act] compliance, we open the morning newspaper and learn of another 1,100 people who have been laid off without notice, without hope, and without the knowledge to access the title III (dislocated worker) program.

Clearly, the WARN Act has lived up to its promise in helping workers and communities cope with the staggering consequences of plant closings and layoffs, without causing hardship to American businesses. But unfortunately, all of the news is not so rosy. In its 1993 report on the WARN Act, the GAO found major problems with the plant closing law in terms of coverage, compliance, and enforcement.

First, although hundreds of thousands of workers have been well served by the WARN Act, an even larger number of workers who lost their jobs in mass layoffs were not protected by WARN because of its threshold requirements. The GAO found that 64 percent of the mass layoffs recorded in a 2-year period were not covered by the Act. Even among layoffs affecting 250 or more workers, 41 percent were exempt from WARN. In many cases, employers appear to have intentionally manipulated workforce reductions to evade the WARN Act's requirements. As one management attorney in Detroit put it to a conference of employers, the WARN Act's thresholds are so big you could put aircraft carriers through them.

According to the GAO, WARN's current threshold requirements—which trigger the Act's advance notice provisions—present a number of problems. First, they leave millions of vulnerable workers unprotected from sudden termination. Second, they present too many opportunities for employers to avoid WARN Act liability by manipulating their downsizing efforts. Third, the complexity of these requirements makes it hard for workers to know whether they are covered, particularly at worksites where the workers are unorganized.

In a 1992 survey by Northeastern University Professor John Portz, state dislocated worker unit officials recognized these coverage loopholes as one of the most significant reasons for the limited effectiveness of the WARN Act. Similarly, in a 1992 report on the EDWAA dislocated worker program, the Department of Labor noted state officials' concern that "important layoffs were not covered by WARN, including large layoffs of less than one-third of the workforce." The legislation I am introducing today lowers and simplifies the WARN Act's thresholds to ensure adequate coverage of plant closings and mass layoffs.

Second, employer compliance with the WARN Act has been extremely low. According to the GAO, two-thirds of the employers covered by the Act either failed to provide advance notice (54 percent) or provided less than 60 days' advance notice (13 percent). Only one-third of the covered employers were found to have provided 60 days' notice to workers and communities as required by the Act. Similarly high rates of noncompliance were reported in the 1992 Portz Survey of State dislocated worker officials, as well as individually by State officials in New York, Texas, and Massachusetts.

These compliance problems are closely linked to a third deficiency in the WARN Act—a weak enforcement mechanism. When Congress enacted WARN in 1988, it did not assign any Federal or State agency the responsibility for administering or enforcing the Act. Congress did give workers the right to sue to enforce their rights, but remedies were limited to 60 days' back pay. As the Clinton administration has recognized, "the enforcement provisions of the law have not been adequate".

In the 1992 Portz Survey, State officials agreed that private actions were inadequate as the sole mechanism for enforcement, and that the existing remedy—60 days' back pay—was too weak. Similarly, the 1991 Massachusetts Conference Report on WARN explained that

> Enforcement through the courts by workers being required to bring suit is not adequate. Workers do not have the means to sue in many cases; damages are inadequate; judgment takes too long and compensation comes long after the time it is needed—when the person is laid off.

The GAO's data suggest that there have been over 10,000 violations of the WARN Act since its enactment, but the vast majority of these violations have gone unenforced. Since 1988, only about 100 lawsuits have been filed under the Act, representing a staggeringly low enforcement rate of about 1 percent.

Those evaluating the effectiveness of the WARN Act—the GAO, the 1992 Portz Survey of state officials, the 1991 Massachusetts Conference on WARN—have all concluded that Congress should give the Department of Labor authority to enforce the WARN Act. Thus, the legislation I am introducing today authorizes DOL to investigate complaints of WARN Act violations, and to file lawsuits on behalf of workers. This enforcement mechanism will serve as a strong complement to the existing private right of action: it will increase awareness of the Act's requirements among employers and workers, assist workers in determining whether their rights have been violated, and serve workers who are unable to find or afford an attorney to enforce their rights.

The GAO, State officials and commentators have also pointed to the Act's limited remedies as a significant cause of the WARN Act's compliance and enforcement problems. The problems are two-fold. First, for many employers, the remedy of 60 days' back pay is an insufficient deterrent to violating the Act; all the employer risks is having to pay the same wages it would have paid anyway if it had given adequate notice. Second, experience has shown that this remedy is an insufficient incentive for workers to bring suit to enforce the Act. State officials—in the 1992 Portz Survey, the 1991 Massachusetts Conference Report, and congressional testimony—have uniformly recommended that Congress strengthen the remedies available for WARN Act violations, to provide a stronger deterrent to employer violations, and to encourage workers to enforce the Act through private lawsuits.

The bill thus allows prevailing plaintiffs to recover, in addition to the existing remedies, interest and liquidated damages in an amount equal to the back pay award. These additional remedies have been available for decades under a host of comparable Federal labor laws, such as the Fair Labor Standards Act, the Family and Medical Leave Act, and the Age Discrimination in Employment Act. Under the Fair Labor Standards Act, for example, employers found guilty of minimum wage or overtime violations are liable for liquidated damages equal to the amount of back pay owed, unless good faith and reasonableness are shown.

The legislation I am introducing today includes a number of additional modifications to strengthen the Act. These changes include a longer notice period of 90 days for larger layoffs of 100 or more workers, clarification of the Act's "good faith" defense, a notice posting requirement to inform workers of their WARN rights, and a 2-year statute of limitations.

These various modifications address the current deficiencies in the WARN Act, and fulfill the Act's original promise of ensuring that workers and communities receive advance notice of plant closings and layoffs. Of course, employers cannot provide advance notice in every instance. Even with these modifications, however, an employer may still be exempt from the WARN Act if (1) the layoff lasts less than 6 months, (2) the layoff results from the termination of a time-specific contract or project, (3) the employer was seeking capital or new business to avert the layoff, (4) the layoff results from unforeseen business circumstances, or (5) the layoff is caused by a natural disaster. These provisions guarantee employers the flexibility to respond to changing circumstances, while meeting the needs of workers and communities for advance notice where feasible.

In sum, the WARN Act's fundamental premise—that workers and local communities benefit substantially from reasonable advance notice of plant closings and layoffs—is just as sound today as it was 6 years ago. In fact, American workers need the WARN Act's protections even more today than they did then.

According to the Bureau of Labor Statistics, over 15 million workers lost their jobs between 1987 and 1992 due to plant closings, business failures, layoffs and production slow-downs. In a 1992 survey of businesses by the American Management Association, 25 percent of the respondents planned to cut their work forces further. And relocation of U.S. factories overseas—spurred on by the passage of NAFTA—could mean the elimination of hundreds of thousands of additional U.S. jobs in the near future.

We must move swiftly to enact these modest reforms, to provide American workers fair notice of layoffs and plant closings, and to ensure the success of the administration's Reemployment Act. I urge my colleagues to cosponsor the Worker Adjustment and Retraining Notification Amendments Act. I ask unanimous consent that a summary and explanation of the bill's provisions appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION AMENDMENTS ACT SUMMARY AND EXPLANATION OF PROVISIONS

The WARN Amendments Act strengthens the original WARN Act based on, and consistent with, the findings and recommendations of the General Accounting Office (1993 Report); the Bureau of Labor Statistics; Northeastern University's State Dislocated Worker Unit Survey (1992); the Massachusetts Conference Report on WARN (1991); the Sugar Law Center for Economic and Social Justice; and congressional testimony from state officials and worker representatives.

### I. SUMMARY OF PROVISIONS

#### *A. Coverage*

1. Drop "employer" threshold from 100 workers to 50.

2. Drop "plant closing" threshold from 50 to 25; drop "layoff" threshold from 50/one-third of workforce, or 500, to flat 25.

3. Limit "single site" requirement to layoffs of under 100.

4. Clarify "ninety-day rule" to allow aggregation of layoffs and plant closings which are part of single reduction in force.

5. Cover part-time workers.

#### *B. Notice*

1. Modify 60-day notice requirement as follows: 25–49 workers affected, 30 days. 50–99 workers affected, 60 days. 100 or more workers affected, 90 days.

2. Provide for notice to each affected employee regardless of whether worksite is organized.

#### *C. Enforcement*

1. Authorize DOL to investigate complaints and bring enforcement suits.

2. Expand remedies from 60 days' back pay to include liquidated damages (comparable to FLSA/Family Leave/ADEA remedies).

3. Clarify Congress' intent that "good faith" exception arises only at remedy state after a finding of liability.

#### *D. Housekeeping*

1. Provide for posting of notice of WARN rights in workplace.

2. Add 2-year statute of limitations.

### II. EXPLANATION OF PROVISIONS

#### *A. Coverage*

When Congress enacted WARN in 1988, it established a federal labor policy that workers affected by mass layoffs and plant closings should receive advance notice that they are going to lose their jobs. Balancing this federal policy with employers' need for flexibility, Congress limited the scope of the Act to layoffs and plant closings affecting 50 or more workers. A number of additional threshold requirements were also included in the legislation.

Although hundreds of thousands of workers have been well served by the WARN Act, an even larger number of workers who lost their jobs in mass layoffs were not protected by WARN because of these threshold requirements. In a study released last year, the U.S. General Accounting Office found that 64 percent of the mass layoffs recorded in a two-year period were not covered by the Act. Even among layoffs affecting 250 or more workers, 41% were exempt from WARN. In many cases, employers appear to have intentionally manipulated workforce reductions to evade the WARN Act's advance notice provisions.

According to the GAO, the Act's current threshold requirements present a number of problems. First, they leave millions of vulnerable workers unprotected from sudden termination. Second, they present too many opportunities for employers to avoid their WARN Act obligations by manipulating their downsizing efforts. Third, the complexity of these requirements makes it hard for workers to know whether they are covered, particularly at worksites where the workers are unorganized.

In a 1992 Survey by Northeastern University Professor John Portz, state dislocated worker unit officials recognized these coverage loopholes as one of the most significant reasons for the limited effectiveness of the WARN Act. Similarly, in a 1992 report on the EDWAA dislocated worker program, the Department of Labor noted state officials' concern that "important layoffs were not covered by WARN, including large layoffs of less than one-third of the workforce." The bill lowers and simplifies the WARN Act's thresholds to ensure adequate coverage of plant closings and mass layoffs.

1. Employer Threshold. Currently, WARN exempts employers with fewer than 100 employees—a threshold which exempts about 98% of American businesses. Whole industries are exempted under this 100-employee threshold—the apparel industry, for example, averages just 52 workers at each factory.

In the 1992 Portz Survey, state dislocated worker unit officials were asked how the Act's effectiveness might be improved. Among the four most frequent responses was expanding the employer threshold to cover businesses with 50 or more employees.

In congressional testimony last year, dislocated worker program officials in Texas also expressed support for expanding coverage to companies with 50 or more employees. Similarly, in a 1991 Massachusetts Conference Report on WARN, ninety-seven percent of the conferees reported that the 100-employees threshold should be reduced.

The bill lowers the employer threshold to 50 employees.

2. Plant Closing and Layoff Thresholds. The WARN Act currently covers plant closings that effect 50 or more workers. Mass layoffs are covered if either (1) 50 or more workers are affected, comprising at least one-third of the workforce at that site, or (2) 500 or more workers are affected.

These thresholds have, in practice, proved both unfair and overly complicated. Thousands of workers have lost their jobs with little or no notice despite being part of a corporate reduction in force planned months in advance. In many cases, employers have manipulated layoffs to make sure they fell below these thresholds. According to GAO, employers have found it relatively easy to evade their WARN Act obligations.

The "one-third rule" is responsible for much of the problem. In GAO's study, thousands of mass layoffs were not covered by WARN, and three quarters of these were exempt under the one-third rule. Many employers have structured layoffs so that they comprise less than one-third of the workforce. In addition, because of the one-third rule workers are often uncertain about the Act's applicability, and unable to determine (short of filing a lawsuit) whether they were in fact protected by the Act.

Moreover, while the WARN Act's other threshold requirements provide relief to smaller businesses, the "one-third rule" has in practice served a contrary function: the bigger an employer is, the more likely it is that a layoff of between 50 and 499 workers will not constitute one-third of the workforce.

For example, Smith Corona terminated one thousand workers at its Cortland, New York typewriter assembly plant, in groups ranging between 100 and 350 workers. Supervisors knew of the layoffs ahead of time, but were told to keep quiet, so they repeatedly told the workers their jobs were safe. By spreading these layoffs over several months, and ensuring that each layoff did not represent one-third or more of the plant's workforce, Smith Corona was able to avoid its WARN Act obligations.

Gary and Evelyn Allen were among those hard hit by the sudden announcements. Both had worked for Smith Corona for almost five years. With no notice, the Allens' sudden job loss was, in their words, "like getting hit with a ton of bricks." The Allens had no savings, and were forced to take low-paying custodial jobs with no health benefits to make ends meet. Many of their co-workers were less fortunate; some families were devastated by the sudden layoffs, losing their homes, cars, and health insurance. Some marriages fell apart because of financial stress.

The bill eliminates the "one-third rule" and establishes a flat threshold of twenty-five workers for both plant closings and layoffs. this provision simplifies WARN, makes manipulation of layoffs to avoid the Act more difficult, and ensures that advance notice is provided to workers affected by corporate reductions in force.

3. Single Site Requirement. Under the existing WARN Act, plant closing and layoff thresholds are determined on a worksite-by-worksite basis. This "single site" requirement allows employers to lay off thousands of workers without notice, if they are dispersed among numerous sites and fewer than 50 workers are laid off at each site.

Bill Tomko's experience is illustrative. Tomko had worked for Emery Worldwide Delivery for ten years when he and his co-workers at the company's Pittsburgh terminal were fired on the spot and given 20 minutes to leave the premises. They collected their belongings and were escorted out by security guards. As it turned out, Emery had gradually reduced staffing at its many terminals to 49 workers or less, to take advantage of the Act's "single site" requirement and evade its WARN Act obligations. For their years of loyalty to the company, these workers got no notice and no severance. Even worse, independent contractors were brought in the next day to work for lower wages and no benefits.

With no advance notice of his layoff, Tomko lost his health benefits, and his apartment, and had only 3 months' continuous employment in the ensuing two years. Other affected workers suffered similar difficulties. As Tomko explained in congressional testimony last year, the toughest thing about losing their jobs was the lack of notice—"it was like someone had taken a gun to our heads."

Other companies have taken similar advantage of the "single site" requirement. For example, Jim Walter Resources laid off 640 people in its western Alabama mines in April, 1992, but escaped its WARN Act obligations because each of the mines was deemed to be a separate worksite. The bill amends the Act to eliminate the "single site" requirement for major plant closings and layoffs affecting 100 or more workers.

4. 90-Day Aggregation Rule. Although the "mass layoff" threshold (50 workers/one-third of workforce, or 500 workers) is normally calculated based on a 30-day period, the Act also contains a provision allowing the aggregation of multiple layoffs within a 90-day period to reach the mass layoff threshold. Under Section 3(d), a "mass layoff" has occurred if two layoffs under the threshold occur within a 90-day period, and the total laid off during that period meets the threshold, unless the layoffs were unrelated. But because of a drafting oversight in the law, if one of the groups meets the threshold by itself, only that group is protected and the smaller group is not.

Many employers have taken advantage of this drafting oversight to evade their WARN Act obligations. For example, Maxim, Inc. laid off 24 workers on November 1, 1989 and 64 more workers on December 15. A federal court held that the 64 workers were protected by the Act, but in the absence of two layoffs below the 50-worker threshold, it refused to apply the 90-day aggregation rule to protect the other 24 workers.

Similarly, Kayser-Roth Hosiery summarily laid off 159 workers (less than one-third of its workforce) in May, 1989, and 340 workers (more than one-third) 39 days later. The Sixth Circuit Court of Appeals held that the group of 340 was entitled to 60 days' notice. But the court refused to apply the 90-day aggregation rule to the earlier layoff of 159 workers, because only one of the two layoffs fell under the threshold.

The 1991 Massachusetts Conference Report on WARN recommended that Congress clarify the 90-day aggregation rule to serve its intended purpose. The bill makes clear that all layoffs within a 90-day period (whether above or below threshold levels) may be aggregated to establish a total number of layoffs above the appropriate threshold.

5. Part-Time Workers. The Act currently excludes part-time employees from its protections. However, these workers are no less deserving of advance notice of a layoff than full-time employees. In fact, part-time workers typically need advance notice even more than full-time workers.

According to the Bureau of Labor Statistics, the part-time workforce is 22 million strong today and growing. On average, part-time workers earn 62 cents for every dollar earned by full-time workers, leaving many of their families below the poverty line. Sixty-five percent of full-time workers have employer-provided health care benefits, as compared to only fifteen percent of part-time workers. Nearly half of all full-time workers get pension benefits from their employer, as compared to only ten percent of part-time workers.

In addition, part-time workers typically have little savings and few assets to get them through a period of unemployment. Nor can they look to their government for financial assistance: the majority of states do not provide unemployment benefits to part-time workers.

By excluding part-time workers, the WARN Act fails to protect some of our most vulnerable workers from the indignities and economic hardships that accompany the sudden loss of a job. As more and more employers eliminate full-time jobs and hire part-timers at low wages with no benefits, fewer and fewer workers will be protected by the WARN Act. The bill amends the Act to cover part-time workers.

6. Remaining Exceptions. These various modifications close the coverage gaps in the existing WARN Act. and fulfill the Act's original promise of ensuring that workers and communities receive advance notice of plant closings and mass layoffs. Of course, employers cannot provide advance notice in every instance. Even with these modifications, however, an employer may still be exempt from the WARN Act if (1) the layoff lasts less than six months, (2) the layoff results from the termination of a time-specific contract or project, (3) the employer was seeking capital or new business to avert the layoff, (4) the layoff results from unforeseen business circumstances, or (5) the layoff is caused by a natural disaster. These provisions guarantee employers the flexibility to respond to changing circumstances, while meeting the needs of workers and communities for advance notice where feasible.

### *B. Notice*

Notice Period. In 1992, the Department of Labor released a report on dislocated worker programs established under the Economic Dislocation and Worker Adjustment Assistance Act of 1988 (EDWAA). In its report, DOL discussed the importance of advance notice to the success of EDWAA programs. According to the Department of Labor, "virtually all states indicated that 60 days' notice of a closing or layoff was not sufficient" to allow workers to find new jobs. The Department also noted that states cited "the relatively short 60-day advance warning required by WARN" as a major problem in establishing labor-management committees provided for under the EDWAA program.

The Department of Labor's findings were consistent with the 1991 Massachusetts Conference Report on WARN; over eighty percent of the conferees reported that 60 days' notice was insufficient, and that WARN should require 90 days or more. Similarly, a study conducted by the U.S. Office of Technology Assessment concluded that two to four months' advance notice is necessary to provide full adjustment assistance to dislocated workers.

The bill lengthens the required notice period from 60 to 90 days for plant closings and layoffs affecting 100 or more workers. Recognizing employers' need for flexibility, the bill retains the current 60-day notice period for plant closings and layoffs which affect between 50 and 99 workers, and provides for 30 days' notice where between 25 and 49 workers are affected. Of course, the existing exceptions for unforeseeable business circumstances, faltering businesses, terminations of contracts or projects, layoffs of less than six months, and natural disasters will continue to relieve employers from providing such notice where it is not feasible.

2. Notice to Individual Workers. Under current law, employers subject to WARN's notice requirements must provide notice to each individual employee affected by the planned plant closing or layoff. If the affected workers are organized, however, notice must only be provided to the organization representing employees.

When an employer intends to close a plant or lay off workers, the affected employees should receive advance notice from the employer itself. Organized workers should not be deprived of this basic right under the Act simply by virtue of their exercise of rights protected by the National Labor Relations Act.

In addition, where notice is given only to a labor organization, part of the required notice period is lost in the process of notifying individual workers. As a consequence, the affected workers receive less advance notice than the statutory period of 60 days. The bill provides for employer notice to all affected workers regardless of their status as organized or unorganized.

### *C. Enforcement*

Employer compliance with the WARN Act has been low. According to GAO, two-thirds of the employers covered by the Act either failed to provide advance notice (54%) or provided less than 60 days' advance notice (13%). Only one-third of the covered employers were found to have provided 60 days' notice to workers and communities as required by the Act.

Similarly, Northeastern University Professor John Portz estimates that only 50–60% of covered employers are complying with the Act. In his 1992 Survey, state officials also reported that one-third of the WARN notices they received gave less than 60 days' notice. In conferences and congressional testimony, officials in New York, Texas, and Massachusetts have also reported substantial rates of employer noncompliance.

1. Enforcement Mechanism. The compliance rate is low in part because of the Act's weak enforcement mechanism. When Congress enacted the WARN Act in 1988, it did not assign any federal or state agency the responsibility for administering or enforcing the Act. Congress did give workers the right to sue to enforce their rights, but remedies were limited to 60 days' back pay and benefits.

According to the data provided by the GAO and the Bureau of Labor Statistics, there have been over 10,000 violations of the WARN Act since its enactment. But with only about 100 WARN Act lawsuits on record, the vast majority of these violations have gone unenforced. In short, the enforcement rate for WARN Act violations is a staggering low 1%—meaning that the remaining 99% of employers have violated the Act with no consequences. As the Clinton Administration has recognized, "the enforcement provisions of the law have not been adequate".

State officials agree, based on Professor Portz' 1992 survey of 36 state dislocated worker units. When asked about the limited effectiveness of the WARN Act, the three most frequent explanations offered by state officials were: (1)—private actions are a weak mechanism for enforcement; (2) loopholes in the law allow too many employers engaging in mass layoffs to avoid the Act's requirements; and (3) the remedy available under the Act (60 days' back pay) is too weak. As one respondent observed, "the enforcement mechanism in effect makes no one responsible for this law."

Why has the Act's enforcement mechanism failed? In 1993, Congress heard this explanation in testimony by the Sugar Law Center for Economic and Social Justice, which has served as a clearinghouse for information on WARN Act litigation: "many working people are deterred by: (a) the scarcity of lawyers who are willing to take these cases on . . .; (b) by the costs involved with litigation; (c) by the limited relief afforded under the Act; and (d) by the fact that it takes upwards of two years, or longer, to litigate a case in court."

The state officials surveyed by Portz reported similar reasons for the limited enforcement activity. As a 1991 Massachusetts Conference Report on WARN explained,

> Enforcement through the courts by workers being required to bring suit is not adequate. Workers do not have the means to sue in many cases; damages are inadequate; judgment takes too long and compensation comes long after the time it is needed—when the person is laid off.

With no government agency responsible for WARN, both workers and employees have been slow to learn of their rights and responsibilities under the Act. First, as the Sugar Law Center explained in congressional testimony, the Department of Labor's lack of enforcement authority "has substantially impeded the ability of former employees in many situations to even find out the necessary information to know whether or not they have a WARN Act claim."

Second, many employers are uncertain about their obligations under the law. Although the Department of Labor has issued WARN Act regulations, in the absence of any enforcement role the Department does little to educate the employer community about the law. Thus, for example, the GAO study found that "many employers were unclear about or unaware of some of the provisions in the law." Even among those employers who provided advance notice, one-third reported that they were unclear about or unaware of at least one relevant provision of the law.

Ultimately, these problems seriously undermine the WARN Act's promise of giving workers and local communities fair notice of plant closings and mass layoffs. Not surprisingly, those evaluating WARN's effectiveness have universally agreed that governmental enforcement of WARN is an essential reform. The principal recommendation of the GAO's 1993 report, for example, was that Congress consider giving the Department of Labor authority to enforce the WARN Act.

In the 1992 Portz Survey, state dislocated worker unit officials were asked how the Act's effectiveness might be improved. Among the two most frequent responses was amending WARN to provide Department of Labor enforcement authority. Similarly, dislocated worker program officials in Texas testified before Congress in 1993, expressing support for DOL enforcement: "we strongly recommend, based upon State and national trends of non-compliance, that enforcement of the WARN Act be handled by an appropriate Federal enforcement entity." The 1991 Massachusetts Conference Report on WARN also concluded that the Department of Labor "should be given enforcement powers."

The bill authorizes the Department of Labor to investigate complaints of WARN Act violations, and to file lawsuits on behalf of workers. This enforcement mechanism will serve as a strong complement to the existing private right of action: it will increase awareness of the Act's requirements among employers and workers, assist workers in determining whether their rights have been violated, and enforce the rights of those workers who are unable to find or afford an attorney to bring a private action.

2. Remedies. The GAO, state officials and commentators have also pointed to WARN's limited remedies as a significant cause of the Act's compliance and enforcement problems. The problems are two-fold. First, for many employers, the remedy of 60 days' back pay and benefits is an insufficient deterrent to violating the Act; all the employer risks is having to pay the same wages and benefits it would have paid anyway if it had given adequate notice. Second, experience has shown that this remedy is often an insufficient incentive for workers to bring suit to enforce the Act.

In the 1992 Portz survey, when asked how WARN's effectiveness might be improved, state officials' most frequent response was that Congress should expand available remedies. The 1991 Massachusetts Conference Report likewise recommended that Congress increase the remedies available under the Act because the current back pay remedy "does not deter the employer from breaking the law." Officials from the Texas dislocated worker program made similar recommendations in congressional testimony.

The bill allows prevailing plaintiffs to recover, in addition to the existing remedies, liquidated damages in an amount equal to the back pay award. This additional remedy is provided under a host of comparable federal labor laws, such as the Fair Labor Standards Act, the Family and Medical Leave Act, and the Age Discrimination in Employment Act. Under the Fair Labor Standards Act, for example, employers guilty of minimum wage or overtime violations are liable for liquidated damages equal to the amount of back pay owed, unless good faith is shown.

The bill also makes clear that prevailing plaintiffs should receive an award of interest to make them whole for their losses. The WARN Act specifically provides that its remedies are "in addition to, and not in lieu of" other statutory rights. Thus, WARN Act plaintiffs may recover interest under section 1961 of the judicial code, 29 U.S.C. 1961, which provides for such an award "on any money judgment in a civil case recovered in a district court." Nevertheless, numerous courts have failed to award interest to prevailing plaintiffs in WARN Act suits. The bill expressly provides that prevailing plaintiffs in WARN Act suits should receive interest on the amount of back pay awarded.

Strengthening the available remedies will improve the Act in two respects. First, there will be a stronger deterrent to violations of the Act. Second, workers will be much more likely to enforce the Act through private lawsuits.

3. Good Faith Defense. Section 5(a)(4) of the WARN Act provides that where an employer has violated the Act, a court may "reduce the amount of the [employer's] liability" if the employer establishes (1) that the violation was in good faith and (2) that the

employer had reasonable grounds for believing that its conduct was not a violation of the Act. As drafted, this defense clearly arises at the remedy stage of a WARN Act case, only *after* a violation has been established. As such, it serves as a basis for reducing damages, but not as a defense to liability.

Legislative history confirms congressional intent underlying the Act's good faith provision. According to the Senate Committee Report on the plant closing legislation, the provision was "modelled after" a similar provision in the Portal-to-Portal Act, 29 U.S.C. 260, and was to be interpreted "in accordance with the prevailing law under that section." *See* S. Rep. No. 62, 100th Cong., 1st Sess. (June 2, 1987) at 24–25, *Legislative History*, 742–43. Under the Portal-to-Portal Act, the good faith defense arises only as a basis for reducing liquidated damages, after a finding of liability has already been made.

Nevertheless, the good faith exception has been misinterpreted by some courts as a complete defense to liability. That was the result, for example, in *UAW Local 1077 v. Shadyside Stamping Corp.* (Ohio 1991), and *Oil Workers v. American Home Products Corp.* (Indiana 1992). As a consequence of these decisions, plaintiffs who had established employer violations of the Act were nevertheless deprived of a finding of liability, an award of costs and fees, or any back pay or other monetary relief.

This misinterpretation of the good faith defense in effect rewards employers for violating the law, where they show that they had "reasonable grounds" for believing they were in compliance. It sends a chilling message to workers: even if you are terminated without notice, seek to enforce your federal rights, find an attorney willing to take your case, and actually succeed in proving a violation of the Act months or years later, you may still be deprived of even the costs of bringing suit. It also discourages lawyers like Martin Farrell from taking WARN cases—he took a WARN case on behalf of over 100 unemployed forest mill workers, incurred thousands of dollars in court costs and other expenses, established a WARN violation, but was deprived of any recovery of fees and costs because the court found that the employer had acted in good faith. If workers are to be encouraged to enforce their rights, and attorneys are to be encouraged to represent them, they must at a minimum be assured of recovering lost back pay and the costs of the suit if they establish a violation of the Act.

The bill makes clear that the good faith defense arises only after a liability determination, and only as a basis for reducing an award of liquidated damages. This clarification is fully consistent with the parallel good faith provision of the Portal-to-Portal Act. It is also consistent with the remedial scheme of the Fair Labor Standards Act. Notably, minor or inadvertent employer errors will continue to be exempt under WARN Act regulations. *See* 20 C.F.R. 639.7(a)(4).

*D. Housekeeping*

1. Notice Posting. One of the reasons for the limited number of WARN Act lawsuits in workers' lack of familiarity with the Act's protections. In testimony before Congress, the Sugar Law Center reported that "[t]he overwhelming majority of the thousands of dislocated workers with whom the Center has had contact had never even heard of the WARN Act before they lost their jobs." In the 1992 Portz survey, state dislocated worker units included "lack of public knowledge about WARN" as one of the five frequent explanations for the Act's limited effectiveness. Similarly, a 1991 Massachusetts Conference on WARN concluded that "[w]orkers are being denied their rights due to lack of information," recommending that a notice-posting requirement be added to WARN.

Many federal laws include posting requirements to ensure that workers are adequately informed of their rights. The bill includes a posting requirement similar to that currently provided under federal employment laws such as Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-10, the Family and Medical Leave Act, P.L. 103-3, and the Employee Polygraph Protection Act of 1988, 29 U.S.C. 2003. This requirement imposes little cost on employers and will ensure that employees are aware of their rights.

2. Statute of Limitations. As enacted, WARN did not include a statute of limitations to provide a time limit on the filing of worker lawsuits. As a consequence, confusion has prevailed among workers, employers and federal courts as to an appropriate limitations period for WARN Act claims.

In the absence of a clear statutory mandate, federal courts have faced unnecessary and time-consuming litigation over the issue of the appropriate limitations period for WARN Act suits. Several courts have adopted limitations periods based on analogous federal or state laws. Under these rulings, WARN Act limitations periods have ranged from six months to six years. Clearly, a uniform limitations period is needed to address these conflicting decisions.

The bill would establish a two-year limitations period for the filing of WARN Act claims. This period would be sufficient to enable workers to investigate possible violations, seek government assistance if necessary to determine whether a violation has occurred, seek and retain an attorney, and prepare and file a lawsuit. This two-year provision is comparable to the limitations period provided under numerous other federal labor laws, such as the Fair Labor Standards Act and the Family and Medical Leave Act.

## EDUCATION AND SHARING DAY, USA

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 329, designating Education and Sharing Day, USA just received from the House, that the joint resolution be deemed read three times and passed, and the motion to reconsider laid upon the table, and the preamble agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 329) was deemed read a third time and passed.

The preamble was agreed to.

## RICHARD BOLLING FEDERAL BUILDING

Mr. CONRAD. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 357, H.R. 2559, to designate the Richard Bolling Federal Building; that the committee substitute amendment be agreed to, and the bill, as amended, be deemed read three times, passed and the motion to reconsider laid upon the table; that the title amendment be agreed to, and any statements appear in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill, as amended, was deemed read a third time, and passed.

The title amendment was agreed to.

## DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT AMENDMENTS OF 1993—CONFERENCE REPORT

Mr. CONRAD. Mr. President, I submit a report of the committee of conference on S. 1284 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1284) to amend the Developmental Disabilities Assistance Bill of Rights Act to expand or modify certain provisions relating to programs for certain individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of March 21, 1994.)

Mr. HARKIN. I rise today in strong support of the conference report accompanying S. 1284, the Developmental Disabilities Assistance an Bill of Rights Act Amendments of 1994, which I am proud to have sponsored along with Senators DURENBERGER, KENNEDY, JEFFORDS, METZENBAUM, SIMON, WELLSTONE, WOFFORD, DOLE, PELL, and HATCH.

I especially want to thank my distinguished colleague from Minnesota, Senator DURENBERGER for his wisdom and counsel during the reauthorization process. He has worked long and hard on this bill and he deserves credit for his commitment to enhancing opportunities for individuals with developmental disabilities.

I also want to thank the chairman of the Committee on Labor and Human Resources, Senator KENNEDY, and the ranking minority member, Senator KASSEBAUM, for their leadership and guidance in developing this legislation.

In addition, I want to thank our colleagues from the other body, for their dedication and hard work in crafting the bill and in reaching the final agreement contained in the conference report.

Finally, I want to pay tribute to the staff members who contributed to this legislation, including Bob Silverstein and Ansley Bacon of my staff, Susan Heegaard of Senator DURENBERGER's staff, and Wendy Cramer of Senator KASSEBAUM's staff.

I want to pay particular tribute to Andy Bacon, who served as a Kennedy Foundation Policy Fellow for the past year with the Subcommittee on Disability Policy. Andy's wealth of knowledge, experience, and leadership enabled her to help me craft a bill that will truly promote independence, productivity, and integration and inclusion into the community for individuals with developmental disabilities. Mr. President, I want to publically thank Andy for her dedication and hard work and wish her well as she returns to New York.

As we worked on the reauthorization of this legislation, we had the assistance of many organizations and individuals. In particular, I want to express my gratitude to the Developmental Disabilities Task Force of the Consortium for Citizens with Disabilities [CCD]. The CCD is comprised of over 117 organizations with members across the country. Their thoughtful comments and ideas have been so helpful in this process.

As is always the case when the two Houses of Congress pass companion bills, the Senate version was not enacted in its entirety. However, I am pleased that the conference report contains all of the Senate provisions necessary to achieve the goals set out by the Subcommittee on Disability Policy for reauthorization the Developmental Disabilities Assistance and Bill of Rights Act.

Briefly, I would like to summarize some of the important provisions in the conference report.

### FINDINGS, PURPOSE AND POLICY

The conference report includes minor modifications to the findings, purpose and policy section of the Senate bill. The most significant change is the addition of the following phrase in the policy section; "any assistance should be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the individual." This phrase was used in the 1992 Rehabilitation Act Amendments, and is intended to recognize that each individual is unique and that services, supports and other assistance must be individualized.

After the other body passed H.R. 3505, the companion bill to S. 1284, questions were raised regarding the meaning of language included in the House Report—page 8—relating to the sections in the bill pertaining to the findings, purpose, and policy. I am pleased to report to my colleagues that the conferees expressly refused to accept the House language.

The language included in the conference report makes two points clear. First, the Developmental Disabilities Assistance and Bill of Rights Act does not, in and of itself, establish independent substantive rights that may form the basis of a complaint regarding the operations of a program in a community or institutional setting, including the closure of a program. Second, Protection and Advocacy systems established under part C of the Act are authorized to pursue all appropriate remedies that address particular violations of other Federal and State laws, including where the facts and law warrant it, enjoining abuse and neglect and seeking the closure of programs in community and institutional settings.

### CULTURAL DIVERSITY

The conference report includes several provisions to ensure that racial and ethnic minorities are fully included at all levels and in all activities authorized under this Act. These provisions include the addition of language regarding unserved and underserved populations (which includes individuals from racial and ethnic minority backgrounds) and culturally competent services, supports and other assistance. Both terms are defined in the conference report. A new finding and two new principles are included in the conference report to specifically address the need to ensure that individuals from racial and ethnic minority backgrounds are fully included in all aspects of the Act.

### STATE DEVELOPMENTAL DISABILITIES COUNCILS

Responsibilities of the Council. The responsibilities of the Council as specified in the Senate bill include the responsibility to conduct systemic change, capacity building and advocacy activities to promote the development of a system and array of services supports and other assistance. The conference report clarifies that the Council role in a State is advisory. It includes a construction clause that states that "Nothing in this Act shall be construed to authorize a Council to direct, control, or exercise any policy making authority or administrative authority over any program assisted under the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act."

The Senate bill specifies Council responsibilities with respect to the budget, and staff hiring and supervision. It includes provisions that exempt State Councils—and protection and advocacy systems—from certain personnel policies such as hiring freezes, reductions in force, and travel restrictions. The conference report clarifies that this exemption applies to the extent that such policies would impact staff or functions funded with federal funds and would prevent the Council—or protection and advocacy system—from carrying out its functions under this Act. With regard to staff hiring and supervision, the conference report clarifies that Council policies must be consistent with State law and personnel policies.

Responsibilities of the Designated State Agency. The Senate bill defines the responsibilities of the designated State agency under this Act, to provide support services, assume fiscal responsibilities, ensure that the activities of the Council are consistent with State law, and assist the Council in obtaining appropriate State plan assurances. It includes a "noninterference" provision that requires an assurance that the designated State agency will not interfere with the Council's selection of priorities and the programmatic activities of the Council. The conference report clarifies the noninterference provision by specifying that the designated State agency must have the authority necessary to carry out its responsibilities.

Authority of the Governor. The Senate bill maintains the authority of the Governor to appoint members of the State Council and to designate the State agency that will serve as the designated State agency. It requires the Council to coordinate recommendations to the Governor for Council membership. The conference report clarifies that the Council may, at the request of the Governor, coordinate recommendations for appointment to the Council.

The Senate bill requires the Council to notify the Secretary, and the Secretary to contact the Governor regarding Council vacancies that remain unfilled. The conference report clarifies that the Council shall notify the Governor when vacancies on the Council remain unfilled. The conference report also clarifies the Council responsibility to periodically review the designated State agency in terms of its responsibilities under this Act and make any recommendations for change to the Governor.

### SCHOOL TO WORK TRANSITION

The conference report adds provisions to include the topic of school to work transition for youth with disabilities as an optional training project area for university affiliated programs and as an area that may be funded under Projects of National Significance.

### AUTHORIZATION LEVELS

The Senate bill authorizes the following appropriations levels: State Developmental Disabilities Councils—$77,400,000; protection and advocacy systems—$29,000,000; university affiliated programs—$21,000,000; and Projects of National Significance—$4,000,000. The conference report includes the following authorization levels: State Councils—$70,000,000; protection and advocacy systems—$24,000,000; university affiliated programs—$19,000,000; and for Projects of National Significance—$4,000,000.

Finally, serious questions were raised regarding the meaning of the language in the House report. As Chairman of the Subcommittee on Disability Policy and as chief sponsor of the bill, I support the intention of the conferees that the language in the conference report supersede the language in the House report. The conferees believe that the State Developmental Disabilities Councils, protection and advocacy systems and the university affiliated programs must be free to carry out all authorized activities that are consistent with the policies and purpose of the Act.

I urge my colleagues to join me in support of the conference report accompanying S. 1284. I believe that this conference report moves us closer to ensuring that the dream of the Americans with Disabilities Act becomes a reality—an America where citizens with developmental disabilities experience independence, productivity, integration and inclusion into all aspects of society.

Mr. DURENBERGER. Mr. President, I rise today in support of passage of the conference report accompanying S. 1284, the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994. This important piece of legislation moves us closer to assuring that individuals with disabilities and their families have access to the opportunities, services and supports that promote independence, productivity and inclusion into the community.

I want to take the opportunity to thank Senator TOM HARKIN, chairman of the Senate Subcommittee on Disability Policy and his staff Bob Silverstein and Andy Bacon for their hard work and commitment to passing this legislation. I also want to thank Senator KASSEBAUM, Senator JEFFORDS, the other members of this committee and their staffs for their assistance in developing this bill.

My House colleagues are to be commended for their efforts to find common ground with the Senate between the two versions of this bill. Their constructive and positive contributions have helped make this a conference agreement we can truly be proud of.

Finally I want to thank and express my appreciation to all of the individuals and groups who provided us with recommendations and ideas so that this act accurately reflects the needs of individuals with disabilities.

The Developmental Disabilities Act policy includes recognition of the decisionmaking roles played by individuals and their families; recognition that individuals with disabilities and their families have competencies, capabilities, and personal goals that should be recognized, supported and encouraged; respect for individual dignity, personal preferences, and cultural differences and community acceptance and support.

The act strengthens the ability of the State Developmental Disabilities Councils to carry out systemic change, capacity building, advocacy activities and coordination of activities with other organizations and programs. The role of protection and advocacy systems in each State is clarified in the act. A greater role for consumer input has been included. The description of the core activities conducted by University Affiliated programs has been updated. Finally, the Secretary of Education is authorized to make grants to or enter into contracts with private nonprofit and public entities for projects of national significance relating to individuals with developmental disabilities and their families.

In closing I want to recognize the contribution of a very special person from Minnesota who came to Washington DC, last summer to testify before the subcommittee. Sue Swenson of Minneapolis is the mother of three boys, one of whom, Charlie, has disabilities. Sue is a graduate of the Partners in Policy-Making Training Program sponsored by the Minnesota Developmental Disabilities Council. Through her own personal empowerment she has educated parents of children with disabilities and changed the attitudes of ordinary people toward individuals with disabilities.

I am proud to have been an original cosponsor of this very important piece of legislation.

Mr. KENNEDY. Mr. President, reauthorization of the Developmental Disability Assistance and Bill of Rights Act preserves and enhances one of the most important national efforts for persons with developmental disabilities. Persons with developmental disabilities continue to encounter discrimination in employment, education, housing, medical care, personal assistance services, and many other areas. The purpose of this Act is to assure that individuals with developmental disabilities and their families participate in the design of, and have access to, appropriate services, support, and opportunities that promote independence, productivity, and inclusion in community life.

Since the enactment of this legislation in the early 1970's, States have been charged with implementing broad reforms—creating new avenues for employment, housing, education, and other opportunities for persons with developmental disabilities.

The Act has provided federal assistance for State Councils on the Developmentally Disabled, advocacy agencies, University Affiliated Programs, and demonstration projects of national significance. These programs have given individuals with developmental disabilities an opportunity to be a full part of society, based on their individual strengths and capabilities.

In Massachusetts, there are approximately 180,000 adults and children with developmental disabilities, and 50 percent are under 21 years of age. The Developmental Disabilities Assistance and Bill of Rights Act has been instrumental in assuring that they obtain the resources and opportunities they need and deserve, based on their individual abilities.

Massachusetts is currently in an important period of transition. Large numbers of developmentally disabled adults are moving from major institutions to community-based living environments. Advocacy for these persons during this transition is fundamental to successful integration.

Two State organizations, in particular, have done an excellent job. The Massachusetts Developmental Disability Council has been responsible for family support, respite care, educational and employment training, transitional living, and many other programs. The Massachusetts Disability Law Center was created in 1978 to defend individual rights through direct legal assistance. Since the passage of the Americans with Disability Act, the Center has worked tirelessly to enforce rights in areas of medical care, personal assistance services, housing, education, and employment.

The Act has also supported key institutions working in the area of clinical services and professional training. Institutions such as The Eunice Kennedy Shriver Center and the Boston Children's Hospital Institute for Community Inclusion have been on the cutting edge of clinical research and the training of professionals in the area of developmental disabilities. As a result of these programs, persons with developmental disabilities in Massachusetts have access to state-of-the-art clinical care, highly trained medical professionals, and well established programs to assist in full participation through educational and employment-related activities.

The Developmental Disabilities Assistance and Bill of Rights Act has worked well in Massachusetts—as it has across the country. Amendments to the Act clarify and strengthen several key provisions. Requirements have been added to ensure that racial and ethnic minorities are fully included at all levels and in all activities authorized by the Act. The role of the State Councils has been clarified with regard to responsibilities, personnel, and Council membership—all intended to improve the effectiveness of the Councils.

The bill also adds essential provisions to include school-to-work transition programs for youth with disabilities. This provision is important in assuring that young persons with disabilities have the opportunity to contribute to society and fulfill their goals.

The Developmental Disabilities Assistance and Bill of Rights Act has made vital resources available to

States and advocacy agencies working to ensure that this country lives up to its ideals for individuals with developmental disabilities. The results have been dramatic, and reforms at the grass-roots level have assured that developmentally disabled persons and their families are given real choices and real opportunities for full participation in our society.

I particularly commend the work of Senator HARKIN and the Subcommittee on Disability Policy for their excellent work on this legislation, and I look forward to the passage of this important conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate recede from its disagreement to the amendment of the House to the title.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PESTICIDE COMPLIANCE DATES EXTENSION ACT

Mr. CONRAD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on (S. 1913), a bill to extend certain compliance dates for pesticide safety training and labeling requirements.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 1913) entitled "An Act to extend certain compliance dates for pesticide safety training and labeling requirements", do pass with the following amendment:

Strike all after the enacting clause and insert:

***SECTION 1. COMPLIANCE.***

*Until January 1, 1995, it shall not be a misuse under section 12(a)(2)(G) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136j(a)(2)(G)) to use any pesticide product in a manner inconsistent with the provisions of 40 CFR part 170 that are (1) subject to the compliance date specified in 40 CFR section 170.5(c) and (2) incorporated by reference on the label or labeling of any pesticide product. This delay in compliance shall not apply to specific worker protection requirements that appear directly on the label or labeling of the pesticide product.*

***SEC. 2. REENTRY INTERVAL.***

*(a) IN GENERAL.—Notwithstanding the provisions of 40 CFR part 170, until January 1, 1995, a worker may enter an area treated with a pesticide product during the restricted entry interval specified on the label of the pesticide product to perform tasks related to the production of agricultural plants if the agricultural employer ensures that—*

*(1) no hand labor activity is performed;*

*(2) no such entry is allowed for the first 4 hours following the end of the application of the pesticide product;*

*(3) no such entry is allowed until any inhalation exposure level listed on the product labeling has been reached; and*

*(4) the personal protective equipment specified on the product labeling for early entry is provided in clean and operating condition to the worker.*

*(b) PROTECTIVE EQUIPMENT FOR IRRIGATION WORK.—For irrigation work for which the only contact with treated surfaces is to the feet, lower legs, hands, and arms, the agricultural employer may provide coveralls, chemical resistant gloves, and chemical resistant footwear instead of the personal protective equipment specified on the label.*

***SEC. 3. CROP ADVISORS.***

*Notwithstanding the provisions of 40 CFR part 170, until January 1, 1995, persons performing duties as crop advisors shall not be considered workers or handlers under 40 CFR part 170 (or for the purposes of the pesticide label) and shall not be subject to the requirements of 40 CFR part 170.*

***SEC. 4. SAFETY TRAINING.***

*(a) TRAINING MATERIALS.—Not later than September 23, 1994, the Administrator shall develop and distribute pesticide safety training materials that convey, at a minimum, the information referred in 40 CFR section 170.230(c)(4).*

*(b) IMPLEMENTATION.—The Administrator shall assist the appropriate Federal, State, and tribal agencies in implementing the pesticide safety training programs required under 40 CFR part 170.*

***SEC. 5. DEFINITIONS.***

*As used in this Act:*

*(1) The term "hand labor" means any agricultural activity performed by hand or with hand tools that causes a worker to have substantial contact with surfaces (such as plants, plant parts, or soil) that may contain pesticide residues. These activities include, but are not limited to, harvesting, detasseling, thinning, weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field. The term "hand labor" shall not include operating, moving, or repairing irrigation or watering equipment or performing the tasks of crop advisors.*

*(2) The term "agricultural employer" means any person who hires or contracts for the services of workers, for any type of compensation, to perform activities related to the production of agricultural plants, or any person who is an owner of or is responsible for management or condition of an agricultural establishment that uses such workers.*

*(3) The term "worker" means any person, including a self-employed person, who is employed for any type of compensation and who is performing activities relating to the production of agricultural plants on an agricultural establishment. The term "worker" shall not include any person employed by a commercial pesticide handling establishment to perform tasks as a crop advisor.*

*(4) The term "Administrator" means the Administrator of the Environmental Protection Agency.*

***SEC. 6. EFFECTIVE PERIOD.***

*The provisions in this Act shall be effective until January 1, 1995.*

Mr. CONRAD. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, we have known for 10 years that current regulations are doing virtually nothing to protect the men, women, and children who help put food on America's table. There are at least 20,000 and perhaps as many as 300,000 pesticide poisonings each year. The standards we are delaying today provide the most elementary protections against such poisonings. Unfortunately, another growing season will go by with more illnesses and poisonings that we could have prevented.

My own State of Vermont has worked hard to be ready to implement the new standards this spring. I understand there are other States that say they are not ready. Therefore, I will accept the compromise that the House is offering on S. 1913, with the clarifications from my colleague from Mississippi.

This compromise is a significant improvement over the bill that the Senate passed last week, which was unclear and ambiguous in some respects.

I ask unanimous consent to print in the RECORD a letter from the EPA and an explanation of this bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
*Washington, DC, March 22, 1994.*

Hon. PATRICK LEAHY,
*Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: We understand that some questions have been raised concerning the definition of "crop advisors" under S. 1913, as amended by the House of Representatives on March 18, 1994. The definition of crop advisors is clear. The Worker Protection Standard, 40 CFR Part 170, defines crop advisors at Section 170.3 as follows:

Crop advisor means any person who is assessing pest numbers or damage, pesticide distribution, or the status or requirements of agricultural plants. The term does not include any person who is performing hand labor tasks.

Title 40 CFR Part 170 became effective on October 20, 1992. S. 1913, as amended, delays the compliance date of certain provisions of the Worker Protection Standard, but does not affect the effective date of the Worker Protection Standard. Thus, the definitions are effective. To the extent that terms are used in S. 1913, as amended, which are not defined in the bill, the definitions set out in the Worker Protection Standard at section 170.3 would be applicable.

This issue has apparently been raised out of concern about agricultural employers sending workers into the treated area during a restricted entry interval without personal protective equipment on the basis of a claim that the worker is performing work as a crop advisor. The distinctions between crop advisors and workers are set out in the definitions in the Worker Protection Standard.

We believe it is clear which tasks are associated with workers and which the crop advisers, so that, from an enforcement perspective, it will be straightforward to ascertain whether an agricultural employer is trying to circumvent the protections required by the label for workers.

I hope this information assists in resolving any questions concerning the definition of crop advisors. If I can be of further assistance, please let me know.

Sincerely yours,

LYNN R. GOLDMAN, M.D.,
*Assistant Administrator.*

EXPLANATION OF S. 1913

Section 1 of this Act will delay until January 1, 1995 the April 15, 1994 compliance date for the Part 170 worker protection provisions referenced in 40 CFR section 170.5(c) which are incorporated by reference on the label. These worker protection requirements include the requirements for pesticide safety training, notification, monitoring of handlers, providing specific information about pesticide applications, posting pesticide safety information, providing a decontamination site, and emergency assistance. This delay in the enforcement of Part 170 requirements is to provide additional time for the education of pesticide users and training of agricultural workers.

The Part 170 worker protection provisions for which compliance was required by April 21, 1993 are not affected by this Act. More specifically, the accelerated provisions set forth in section 170.5(b)—the entry restrictions related to restricted entry intervals, the exceptions to the prohibitions against early entry set forth in section 170.112, and the provisions in section 170.120 providing relief from notification requirements—are not affected by this Act.

This Act does not delay compliance for specific worker protection requirements which are on the label; that is, the restricted entry intervals (REIs), personal protective equipment, drift statement, and requirements on some pesticide labels for the posting of treated areas. (Note, however, Section 2(b), discussed below, does provide an optional exception for PPE requirements for irrigation workers which may differ from PPE specified on the label.) Thus, the pesticide user, during the delayed compliance period, must comply with the worker protection requirements that appear directly on the label.

This Act also does not affect the requirements in 40 CFR Part 156 that registrants, after April 21, 1994, cannot sell or distribute pesticide product without labeling that has been amended to include the statements required by Part 156.

Section 2 provides an exception from the prohibition against early entry until January 1, 1995. This exception applies to early entry workers that need to enter the treated area during the REI to perform tasks related to the production of agricultural plants. However, no early entry is allowed under this paragraph for hand labor. For example, a farmer would be permitted to drive a tractor in the treated area to plant during an REI. If such farmer must come into contact with treated surfaces in performing this task, then the farmer must wear early entry worker personal protective equipment specified on the label. (Farmers that apply pesticide and plant at the same time are considered pesticide handlers.)

Under the exception in Section 2, no entry is allowed for the first four hours after application of the pesticide. This restriction parallels the requirements in the other exceptions to early entry promulgated in the Worker Protection Standard (WPS) at 40 CFR section 170.112.

Section 2(b) provides, until January 1, 1995, optional PPE for early entry workers operating, moving, or repairing irrigation or watering equipment where contact with the treated surfaces is limited to hands, arms, lower legs, and feet. Instead of providing the PPE on the label specified for early entry, in this situation, the agricultural employer can provide to the irrigation workers the following PPE: chemical resistant boots, chemical resistant gloves, and coveralls. This exception is only for workers performing irrigation work. The Environmental Protection Agency is considering whether there should be a special category of PPE for irrigation workers and may address this through appropriate administrative action. This Act in no way affects or prejudges EPA's determination on what should be appropriate PPE for irrigation workers after January 1, 1995.

Section 2 only applies to early entry workers, not to handlers. The new labels will specify the PPE for applicators and other handlers. Note that the requirement for PPE for applicators will not be new in many cases, although the specific items and terminology of PPE may be. Many pesticide labels specified PPE for applicators well before promulgation of the WPS. The applicator is responsible for complying with label requirements and therefore is responsible for their employees wearing PPE.

Section 3 provides that, until January 1, 1995, persons performing duties as crop advisors shall not be considered workers or handlers under 40 CFR Part 170 (or for purposes of requirements on the pesticide label) and thus, when acting as crop advisors, they will not be subject to the requirements of 40 CFR Part 170. If a farmer is a pesticide applicator as well as a crop advisor, then when performing as an applicator, the farmer is subject to applicable worker protection requirements.

The definitions set forth in this Act at Section 5 are the same as the definitions in the WPS at 40 CFR section 170.3. Title 40 CFR Part 170 became effective on October 20, 1992. This Act addresses enforcement of certain provisions of Part 170, it does not change the effective date of the WPS. Thus, the definitions are effective. To the extent that this Act uses terms which are not defined in the Act, such as "crop advisor" and "agricultural plant," the definitions set out in the WPS at section 170.3 are applicable.

Mr. COCHRAN. Mr. President, S. 1913 represents a major compromise between the Environmental Protection Agency, farm worker interests, production agriculture, and State regulators in the implementation of EPA's farm worker protection standard. The bill will delay the implementation of those requirements not specifically incorporated on the product label until January 1, 1995. This bill will not change or weaken any existing worker protection or other regulations currently in effect. However, the delay will allow the EPA to provide the necessary training, education, and compliance assistance that farmers and regulators need.

I urge other Senators to support this bipartisan effort to provide much needed relief to the agricultural producers of our country.

Mr. LEAHY. Mr. President, some terms in this bill are not defined. Is it the Senator's understanding that definitions in 40 CFR 170 will apply in those instances?

Mr. COCHRAN. Yes.

Mr. LEAHY. Second, would the Senator say that it is accurate that further delay of these regulations would not be necessary, as long as the Environmental Protection Agency meets its obligations under the bill?

Mr. COCHRAN. I would agree. However, the delay in the implementation of these regulations is to allow the numerous concerns that have been raised with these regulations to be resolved, and to provide additional time for the EPA to distribute the educational materials required under the regulations.

Mr. LEAHY. I thank the Senator for these clarifications.

## THE ORGAN TRANSPLANT REAUTHORIZATION ACT

Mr. CONRAD. Mr. President, I ask unanimous consent that the Labor and Human Resources Committee be discharged from further consideration of H.R. 2659, the Organ Transplant Reauthorization Act, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2659) to amend the Public Health Service Act to revise and extend programs relating to the transplantation of organs and of bone marrow.

AMENDMENT NO. 1594

(Purpose: To provide for a substitute amendment)

Mr. CONRAD. Mr. President, I send an amendment to the desk on behalf of Senator KENNEDY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for Mr. KENNEDY, proposes an amendment numbered 1594.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Organ Transplant Program Reauthorization Act of 1994".

**SEC. 2. ORGAN PROCUREMENT ORGANIZATIONS.**

(a) IN GENERAL.—Subsection (a) of section 371 of the Public Health Service Act (42 U.S.C. 273(a)) is amended to read as follows:

"(a)(1) The Secretary may make grants for the consolidation and expansion of qualified organ procurement organizations described in subsection (b).

"(2) The Secretary may make grants to, and enter into cooperative agreements and contracts with, qualified organ procurement organizations described in subsection (b) and other public or nonprofit private entities for the purpose of increasing organ donation through—

"(A) the planning and conducting of programs to provide information and education to the public on the need for organ donations;

"(B) the training of individuals in requesting such donations; or

"(C) the provision of technical assistance to organ procurement organizations and other entities in the health care system.

"(3)(A) In making awards of grants, cooperative agreements and contracts under subparagraphs (A) and (B) of paragraph (2), the Secretary shall give priority to carrying out the purpose described in such paragraph with respect to minority or other populations for which there is a greater degree of organ shortages relative to the general population.

"(B) In making awards of grants, cooperative agreements and contracts under paragraph (2)(C), the Secretary shall give priority to carrying out the purpose described in such paragraph with respect to organ procurement organizations and hospitals with lower rates of procurement relative to other such organizations or hospitals.".

(b) QUALIFIED ORGAN PROCUREMENT ORGANIZATIONS.—Section 371(b) of such Act (42 U.S.C. 273(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "for which grants may be made under subsection (a)" and inserting "described in this section";

(B) by realigning the margin of subparagraph (E) so as to align with the margin of subparagraph (D); and

(C) in subparagraph (G)—

(i) in the matter preceding clause (i), by striking "directors or an advisory board" and inserting "directors (or an advisory board, in the case of a hospital-based organ procurement organization established prior to September 1, 1993)"; and

(ii) in clause (i)—

(I) by striking "composed of" in the matter preceding subclause (I) and inserting "composed of a reasonable balance of"; and

(II) by inserting before the comma in subclause (II) the following: ", including individuals who have received a transplant of an organ (or transplant candidates), and individuals who are part of the family of an individual who has donated an organ";

(2) by striking paragraph (2);

(3) by redesignating paragraph (3) as paragraph (2);

(4) in paragraph (2) (as so redesignated)—

(A) by redesignating subparagraphs (B) through (K) as subparagraphs (C) through (L), respectively,

(B) by inserting after subparagraph (A) the following new subparagraph:

"(B) conduct and participate in systematic efforts, including public education, to increase the number of potential donors,";

(C) by inserting before the comma in subparagraph (F) (as so redesignated) the following: ", which system shall, at a minimum, allocate each type of organ on the basis of—

"(i) a single list encompassing the entire service area;

"(ii) a list that encompasses at least an entire State; or

"(iii) a list that encompasses an approved alternative local unit (as defined in paragraph (4)),

of individuals who have been medically referred to a transplant center in the service area of the organization in order to receive a transplant of the type of organ with respect to which the list is maintained;";

(D) by striking subparagraph (I) (as so redesignated) and inserting the following new subparagraph:

"(I) be a member of and abide by the rules and requirements of the Organ Procurement and Transplantation Network established under section 372,"; and

(E) by striking subparagraph (K) (as so redesignated) and inserting the following new subparagraph:

"(K) evaluate annually, and report to the Organ Procurement and Transplantation Network established under section 372, on the effectiveness of the organization in acquiring potentially available organs, particularly among minority populations, and the variation of procurement across hospitals within the organ procurement organization region, and identify a plan to increase procurement, particularly among minority populations and other populations for which there is a greater degree of organ shortages relative to the general population, and at hospitals with low rates of procurement, and"; and

(5) by adding at the end thereof the following new paragraphs:

"(3)(A) The Office of Technology Assessment shall conduct a study for the purpose of defining—

"(i) the appropriate standards by which to judge the quality of performance of organ procurement organizations; and

"(ii) the proper criteria for a determination of inadequate service from an organ procurement organization.

"(B) Not later than 2 years after the date of enactment of this paragraph, the Office of Technology Assessment shall complete the study required under subparagraph (A) and prepare and submit to the Committee on Labor and Human Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Secretary, a report describing the findings made as a result of the study.

"(C) For purposes of this paragraph the term 'organ' means a human kidney, liver, heart, lung, pancreas, and any other human organ or tissue specified by the Secretary for purposes of this paragraph.

"(4)(A) As used in paragraph (2)(F), the term 'alternative local unit' means—

"(i) a unit composed of two or more contiguous organ procurement organizations; or

"(ii) a subdivision of an organ procurement organization that operates as a distinct procurement and distribution unit as a result of special geographic, rural, or minority population concerns but that is not composed of any subunit of a metropolitan statistical area.

"(B) The Organ Procurement and Transplantation Network shall make recommendations to the Secretary concerning the approval or denial of alternative local units. The Network shall assess whether the alternative local units will better promote organ donation and the equitable allocation of organs.

"(C) The Secretary shall approve or deny any alternative local unit principle or designation recommended by the Network. If the Secretary does not provide otherwise prior to the expiration of the 90-day period beginning on the date on which the application is submitted, the recommendations of the Network under subparagraph (B) with respect to the application of the alternative local unit shall go into effect.".

(c) EFFECTIVE DATE.—The amendments made by subsection (b)(5) shall apply to organ procurement organizations beginning January 1, 1995.

### SEC. 3. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK.

Section 372(b) of the Public Health Service Act (42 U.S.C. 274(b)) is amended—

(1) in paragraph (1)(B)—

(A) in clause (i)—

(i) by striking "(including organizations that have received grants under section 371)"; and

(ii) by striking "; and" at the end thereof and inserting "(including both individuals who have received a transplant of an organ (or transplant candidates), and individuals who are part of the family of individuals who have donated an organ, the number of whom shall make up not less than 40 percent of the total number of board members); and"; and

(B) in clause (ii), by inserting "including a patient affairs committee" after "committees,"; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking clause (i) and inserting the following new clause:

"(i) with respect to each type of transplant, a national list of individuals who have been medically referred to receive a transplant of the type of organs with respect to which the list is maintained (which list shall include the names of all individuals included on lists in effect under section 371(b)(2)(F), and";

(B) in subparagraph (B), by inserting ", including requirements under section 371(b)," after "membership criteria";

(C) by redesignating subparagraphs (E) through (L), as subparagraphs (F) through (M), respectively;

(D) by inserting after subparagraph (D), the following new subparagraph:

"(E) assist organ procurement organizations in the equitable distribution of organs among transplant patients,";

(E) in subparagraph (K) (as so redesignated), by striking "and" at the end thereof;

(F) in subparagraph (L) (as so redesignated), by striking the period and inserting ", including making recommendations to organ procurements organizations and the Secretary based on the annual reports required under section 371(b)(2)(K),";

(G) in subparagraph (M) (as so redesignated), by striking the period and inserting a comma; and

(H) by adding at the end thereof the following new subparagraphs:

"(N) submit to the Secretary for review and approval any change in the amount of fees imposed by the Network for the registration of individuals on the lists maintained under subparagraph (A)(i), such change to be considered as approved if the Secretary does not provide otherwise prior to the expiration of the 90-day period beginning on the date on which the change is submitted to the Secretary,

"(O) make available to the Secretary such information, books, and records regarding the Network as the Secretary may require,

"(P) submit to the Secretary, on an annual basis, a report on the clinical and scientific status of the organ transplantations, and

"(Q) meet such other criteria regarding compliance with this part as the Secretary may establish.".

### SEC. 4. STUDY BY GENERAL ACCOUNTING OFFICE.

Section 377 of the Public Health Service Act (42 U.S.C. 274f) is amended to read as follows:

### "SEC. 377. STUDY BY GENERAL ACCOUNTING OFFICE.

"(a) STUDY.—

"(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study for the purpose of determining and making recommendations concerning—

"(A) the composition of the boards of directors of organ procurement organizations and of the Organ Procurement and Transplantation Network on the date of enactment of this section, and the effect of the Organ Transplant Program Reauthorization Act of 1994 on the composition and functioning of such boards;

"(B)(i) the number and percentage of cadaveric organ transplants for foreign nationals and nonresident aliens categorized by organ procurement organization and by transplant center and information on any reciprocal agreements between organ procurement organizations and foreign countries or territories;

"(ii) the number and percent of the organizations referred to in clause (i) above the organ procurement transplant network guideline of 10 percent; and

"(III) any information on the current rate of organ donation by individuals other than United States citizens or legal residents;

"(C) organ donation rates and the impact of various organ allocation systems on organ procurement rates; and

"(D) the equitable allocation of organs nationwide, including an analysis of the relative probability of receiving an organ for patients with similar characteristics for each category of transplanted organ by organ procurement organization and recommendations for developing a regional allocation system in order to ensure that—

"(i) patients in one region have an equivalent probability of receiving an organ as do patients with similar characteristics in another region; and

"(ii) patients within a region have an equivalent probability of receiving an organ as do other patients with similar characteristics in that region.

"(2) EQUITABLE ALLOCATION.—In carrying out paragraph (1) with respect to subparagraph (D), the Comptroller General shall—

"(A) recommend regions for allocating organs to encompass as large a geographic area as is practical, taking into account medical appropriateness, and the geographic proximity of patients with comparable priority for receiving an organ;

"(B) take into account the impact on organ donation and procurement rates; and

"(C) consult with experts in the area of organ allocation and organ donations and consider their recommendations regarding the establishment of regions in the country for the purpose of allocating organs.

"(b) REPORT.—Not later than 2 years after the date of enactment of the Organ Transplant Program Reauthorization Act of 1994, the Comptroller General of the United States shall complete the study required under subsection (a) and prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.".

**SEC. 5. GENERAL PROVISIONS.**

(a) LIMITATION.—Section 374(b) of the Public Health Service Act (42 U.S.C. 274b(b)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2) (as so redesignated), by striking "371(a)(3)" and inserting "371(a)(2)".

(b) REPEAL.—Section 376 of the Public Health Service Act (42 U.S.C. 274d) is repealed.

(c) TRANSFER.—Section 378 of the Public Health Service Act (42 U.S.C. 274g) is amended—

(1) by transferring such section to part H of title III; and

(2) by inserting such section after section 377.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 378 of the Public Health Service Act (42 U.S.C. 274g) is amended by striking "1991" and all that follows through the period and inserting "1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

**SEC. 6. EFFECTIVE DATES.**

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall become effective on the date of enactment of this Act.

(b) EXCEPTION.—The amendments made by section 2(b)(4)(C) shall become effective 9 months after the date of enactment of this Act. Prior to such date, section 371(b)(3)(E) of the Public Health Service Act, as in effect on the day before the date of the enactment of this Act, shall remain in effect.

Mr. KENNEDY. Mr. President, I urge the Senate to support H.R. 2659, the Organ Transplant Reauthorization Act. This legislation addresses the need for reform in the organ procurement and allocation system. I particularly commend Senator KASSEBAUM and Senator WOFFORD for their efforts, and the work of the other members of the Labor Committee on this important legislation.

Twelve years ago the attention of the Nation focused on Jamie Fiske of Massachusetts as her father appealed to people in all parts of the country for help in finding a liver to save his daughter's life. Jamie is doing well today, but unfortunately over 30,000 people like her are waiting for life saving organ transplants. Currently, the median waiting times vary from a few months to a few years in different parts of the country.

Organ demand has increased by 50 percent since 1988 but organ donation rates have barely changed. We need to close the widening gap between the number of available organs and the number of patients in need of transplants. In addition, a patient waiting for an organ in one area should not have a substantially longer or shorter waiting time than a patient in similar condition in a nearby area.

The reauthorization of the organ transplant program seeks to increase donation and to promote more equitable organ allocation. The bill reauthorizes funding at $8 million in fiscal year 1994, and such sums as may be necessary in 1995, and 1996.

The bill enables the Secretary to make grants or enter into cooperative agreements with OPO's and other public or non-profit organizations to increase organ donations. These entities may engage in public education, train individuals to request donations, or provide technical assistance to OPO's and hospitals. Since individuals who are members of minority groups have more difficulty than others in finding an organ match, priority will be given to grant requests designed to alleviate organ shortages for those populations where shortages are more severe.

OPO's will also be required to participate in systematic efforts, including public education, to increase donation rates, and to annually evaluate their effectiveness in acquiring organs. The Office of Technology Assessment will evaluate performance standards for OPO's.

This bill helps to move toward a more equitable system for allocating organs by requiring that a single list of transplant candidates be maintained in an OPO service area, in an area encompassing at least an entire State, or in an approved alternative local unit. The committee has also asked the General Accounting Office to study a number of issues, including evaluating other ways to change the organ allocation process to assure transplant candidates similar access to the organs they need, regardless of where they live.

The bills calls for greater participation by transplant recipients and donor families on the boards of organ procurement organizations, which are know as OPO's. The legislation also makes permanent the Patient Affairs Committee of the Organ Procurement and Transplant Network to address the needs of recipients and donors. To protect patients from substantial price increases in organ transplant program registration fees, the Network will be required to submit any fee changes to the Secretary of Health and Human Services for review and approval.

The original intent of the National Organ Transplant Act was to assure patients that no matter who they were or where they lived, they would have a fair chance of receiving a necessary organ transplant. The Committee believes that the organ transplant system can be improved by focusing on public education, addressing problems in the current system, and increasing the role transplant recipients, donor families, and community leaders play in the process.

Ultimately however, we need more public recognition about the need for the life-saving gift of organ donation and the importance of family consent in the process. A signed organ donor card does not ensure donation. The Organ Transplant Program is worthy of our support and invaluable to those Americans in need of an organ transplant. We can and should do better. In a very real sense, this bill saves lives, and I urge my colleagues to join in expediting its consideration.

Mrs. KASSEBAUM. Mr. President, I speak today in support of the Organ Transplant Program Reauthorization Act of 1993, S. 1597. This legislation authorizes initiatives both to increase organ donations and provide equitable allocation of organs to individuals in need. I will vote in support of this legislation, and I urge my colleagues to do the same.

The Organ Transplant Program Reauthorization Act of 1993 includes many important measures which would help improve organ donation. Clearly, improved donation would decrease the need for a complex allocation system. Specific measures in this legislation would result in increased technical support for hospitals with low organ donation rates. In addition, States and not-for-profit organizations would be able to experiment with innovative ways to increase donations through improvements in public organ donor awareness.

However, because the national pool of donated organs remains small, this legislation would also change the existing organ allocation system to ensure a more equitable distribution system. In particular, S. 1597 would require that each organ procurement organization [OPO] maintain a single waiting list for each organ. Alternatively, each State or approved alternative local unit would also be able to maintain a waiting list for each organ. This measure would ensure that the sickest person in an OPO, rather than a healthier patient in the hospital where the organ is collected, receives an available organ. Additionally, I also support measures in the legislation authorizing the General Accounting Office to study a new regionalized distribution system for each organ.

I complement the senator from Massachusetts and the other committee members for their efforts in reaching a difficult consensus on this act. However, there is one issue I hope to address further when we go to conference with the House. Specifically, I believe that every hospital should be required to work with its designated organ procurement organization, subject only to limited exceptions. The House version of this bill contains provisions addressing this important issue, while this bill does not.

The Health Care Financing Administration [HCFA] determines which geographic service area an OPO should serve. Unfortunately, under its interpretation of the law, HCFA allows OPO's to enter into agreements with hospitals outside of the OPO designated service area. HCFA maintains this current policy because it believes such an arrangement results in competition between OPOs to improve their service quality. On the other hand, serious problems can be created. For example, Midwest Organ Bank, the OPO which serves Kansas, estimates that it is losing up to 20 percent of its geographic service area organs.

The original legislative intent was that an OPO would distribute organs only to the hospitals in its designated service area. In addition, such hospitals would procure organs only for their respective service area OPO. This system was designed to assure that each geographic service area in the country would procure enough organs to meet the needs of its citizens. In addition, the service areas were carefully designed to assure that each OPO could procure and allocate a sufficient quantity of organs to maintain its quality standards.

Mr. President, despite my concern about the OPO service area issue, I commend Senator KENNEDY and my Labor Committee colleagues for their work on this legislation. Reauthorization of the organ transplant program will benefit many.

Mr. GREGG. Mr. President, I am pleased at the favorable consideration that the Senate has given to provisions of the Comprehensive Child Immunization Act as reported by the Senate Committee on Labor and Human Resources and approved again today by the Senate as part of S. 1597, the provisions of which have been substituted for the provisions of H.R. 2659. However, I want to raise an issue of serious concern to the State of New Hampshire regarding the availability of Federal funds to support the distribution of childhood vaccines by States through their public health departments.

In the President's fiscal year 1995 budget request, funds for state public health vaccine programs were greatly reduced. This is in direct conflict with the intent of the Congress last year at the time the Vaccine for children Program was passed as part of the Omnibus Budget Reconciliation of 1993. Congress recognized at that time the importance of maintaining a strong commitment to the public health delivery system, particularly in those States which have few federally qualified health centers. Given the restrictions on the children who are eligible to recieve federally purchased vaccines under the Vaccine for Children Program, particularly the underinsured who are eligible only at FQHCs or RHCs, a heavy burden will continue to fall on the public health system in many States such as New Hampshire.

I know that a number of my colleagues share my concern about the underfunding of the State cooperative agreements with the Centers for Disease Control for the distribution of federally purchased vaccines through public health departments, and I have raised this issue with Secretary Shalala directly. I hope that as the budget and appropriations process moves forward, we can work together to address this very serious problem.

Mr. KENNEDY. Mr. President, I thank my colleague from New Hampshire for raising this important issue today. It is a concern that I share. I am committed to improving immunization rates for the Nation's children, and the legislation we have passed today is a major step in this direction.

A key feature of this legislation is building and expanding on current public health efforts to immunize all children who are at risk of not receiving life-saving vaccinations at the proper time.

I am concerned that the administration's proposed reduction of support for State vaccine programs will undermine the recent gains we have made in serving vulnerable children. Senator BUMPERS and I have sent a letter to Secretary Shalala to emphasize the importance of maintaining adequate financial support for State puolic health vaccine programs.

In this time of limited resources, immunizations are a wise and cost-effective investment. I look forward to working with my colleagues and with the Administration to maintain adequate funding for State vaccine programs, in order to ensure continuing progress toward our common goal of immunizing all children.

Mrs. KASSEBAUM. Mr. President, I, too, wish to thank my colleague from New Hampshire for raising the serious problems posed for many states by the reduction in Federal support for State public health vaccine distribution programs proposed in the administration's fiscal year 1995 budget. In my State of Kansas, for example, the public health department has taken a leadership role in the effort to ensure that all children are fully immunized against potentially devastating childhood diseases, not only by conducting ambitious outreach programs but also by providing affordable immunization services through local public health clinics.

As we move forward with the budget and appropriations process, I am strongly committed to working with the administration and with my colleagues in Congress to maintain a firm Federal commitment to State public health vaccine distribution programs. In Kansas, as in many other States, these programs are and will likely remain an essential avenue to achieving the early childhood immunization goals that we share and that inform the Childhood Immunization Act provisions we have approved again today as part of S. 1597.

Mr. HARKIN. Mr. President, I have heard from many Iowans concerning the impact of the fiscal year 1995 budget request for vaccine purchases, and I share the concern of my colleagues. While overall, there has been no reduction in funding for vaccine purchases, the problem has arisen because the discretionary vaccine purchase program has been cut by $110 million; thus limiting the amount of vaccines available to State and local health departments. This situation is exacerbated by the fact that under the Vaccines for Children entitlement program, only federally qualified health centers are eligible to receive assistance for vaccines for those children whose health insurance does not include coverage for immunizations. In Iowa, as in other States, the primary responsibility for delivery of vaccines comes not from federally qualified health centers, but from state and local health departments. Consequently, the provisions relating to the Vaccines for Children entitlement have the effect of limiting Iowa's participation. This will result in fewer kids being immunized.

Because of the fact that the Appropriations Committee will be below a freeze for the next 5 years, I cannot be overly optimistic that we will be able to restore the discretionary dollars for vaccine purchases under the 317 program. One solution would be to have State and Local health departments designated as federally qualified health centers for the purposes of vaccine delivery only. I have discussed this with Secretary Shalala of the Department of Health and Human Services, and I intend to continue to pursue in this matter. I can assure my colleagues that as chairman of the Appropriations Subcommittee that has jurisdiction over the vaccine program, I will do everything that I can, within budgetary constraints, to resolve this problem. I look forward to working with you.

Mr. BUMPERS. Mr. President, as you know, I share my colleagues' strong commitment to substantially improving the immunization rates for the Nation's children and have sought to provide leadership in this effort. Today's approval of the provisions of S. 732, the Comprehensive Childhood Immunization Act, as part of the Senate substitute to H.R. 2659, is a vital part of this effort. In addition to providing States with support to enhance their education and outreach programs and public health vaccine delivery infrastructure, this legislation includes a bonus program to reward those States that meet or exceed their immunization goals, as I originally proposed and as was adopted by the Senate during the consideration of the reconciliation bill last fall.

I also share the deep concern expressed by my colleagues here today, however, over the effect on these public sector efforts that the reduction the administration is proposing in its fiscal year 1995 budget in funds to the States for State vaccine distribution programs will have. The state vaccine purchase program has long been the cornerstone of state immunization programs, delivering childhood vaccine at no cost to children at local public health departments and clinics. I am committed to maintaining a strong public sector vaccine delivery system, and I will work with my colleagues as the budget and appropriations process proceeds to keep this commitment and restore the needed funding to the 317(j) program for fiscal year 1995.

Mr. GRASSLEY. Mr. President, I join my colleagues today in voicing concern over the reduction of Federal funds for State public health vaccine distribution programs as proposed in the President's fiscal year 1995 budget request. I thank my colleague from New Hampshire for his leadership in this area.

The Vaccine for Children Program produces significant changes in the Federal vaccine purchase and delivery system. These changes were intended to enhance immunization activities by establishing a new Federal program for the distribution of vaccines to vulnerable children. However, certain restrictions in the program will make it difficult for many Iowa children to participate in the program. These families will have to turn to the State public health system for their immunizations. Therefore, it is crucial that Federal funding for the State public health system remains intact and adequate. Without continued Federal support, the public health clinics will not be able to serve these children. I am committed to improving the immunization rates of our children and I look forward to working with my colleagues to reach this important goal.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1594) was agreed to.

The PRESIDING OFFICER. Are there further amendments?

AMENDMENT NO. 1595

(Purpose: To provide for the immunization of all children in the United States against vaccine-preventable diseases)

Mr. CONRAD. Mr. President, I send an amendment to the desk on behalf of Senator Kennedy and Senator Kassebaum and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. Conrad], for Mr. Kennedy, for himself, and Mrs. Kassebaum, proposes an amendment numbered 1595.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's Record under "Amendments Submitted.")

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1595) was agreed to.

The PRESIDING OFFICER. Without objection, the bill is deemed read a third time, and passed.

So the bill (H.R. 2659) was deemed read the third time, and passed.

Mr. CONRAD. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## MEASURE REFERRED TO LABOR AND HUMAN RESOURCES COMMITTEE—S. 1937

Mr. CONRAD. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 1937, a bill to amend the Community Services Block Grant Program, and that the bill be referred to the Labor and Human Resources Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DEPARTMENT OF VETERANS AFFAIRS MENTAL ILLNESS RESEARCH

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 388, S. 1512, requiring the VA to establish centers of excellence for mental illness research, education and clinical activities; that the committee substitute amendment be agreed to, the motion to reconsider laid upon the table; that the bill be deemed read a third time, passed, the motion to reconsider laid upon the table, and that any statements appear at the appropriate place in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the committee substitute amendment was agreed to.

So the bill (S. 1512) was deemed read a third time and passed, as follows:

S. 1512

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. MENTAL ILLNESS RESEARCH, EDUCATION, AND CLINICAL CENTERS.**

(a) In General.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following:

**"§ 7319. Mental illness research, education, and clinical centers**

"(a) The purpose of this section is to improve the provision of health-care services and related counseling services to eligible veterans suffering from mental illness, especially mental illness related to service-related conditions, through research (including research on improving mental health service facilities of the Department and on improving the delivery of mental health services by the Department), education and training of personnel, and the development of improved models and systems for the furnishing of mental health services by the Department.

"(b)(1) In order to carry out the purpose of this section, the Secretary, upon the recommendation of the Under Secretary for Health and pursuant to the provisions of this subsection, shall—

"(A) designate not more than five health-care facilities of the Department as the locations for a center of research on mental health services, on the use by the Department of specific models for furnishing such services, on education and training, and on the development and implementation of innovative clinical activities and systems of care with respect to the delivery of such services by the Department; and

"(B) subject to the appropriation of funds for such purpose, establish and operate such centers at such locations in accordance with this section.

"(2) The Secretary shall designate at least one facility under paragraph (1) not later than January 1, 1994.

"(3) The Secretary shall, upon the recommendation of the Under Secretary for

Health, ensure that the facilities designated for centers under paragraph (1) are located in various geographic regions.

"(4) The Secretary may not designate any health-care facility as a location for a center under paragraph (1) unless—

"(A) the peer review panel established under paragraph (5) has determined under that paragraph that the proposal submitted by such facility as a location for a new center under this subsection is among those proposals which have met the highest competitive standards of scientific and clinical merit; and

"(B) the Secretary, upon the recommendation of the Under Secretary for Health, determines that the facility has developed (or may reasonably be anticipated to develop)—

"(i) an arrangement with an accredited medical school which provides education and training in psychiatry and with which the facility is affiliated under which arrangement residents receive education and training in psychiatry through regular rotation through the facility so as to provide such residents with training in the diagnosis and treatment of mental illness;

"(ii) an arrangement with an accredited graduate school of psychology under which arrangement students receive education and training in clinical, counseling, or professional psychology through regular rotation through the facility so as to provide such students with training in the diagnosis and treatment of mental illness;

"(iii) an arrangement under which nursing, social work, or allied health personnel receive training and education in mental health care through regular rotation through the facility;

"(iv) the ability to attract scientists who have demonstrated creativity and achievement in research—

"(I) into the evaluation of innovative approaches to the design of mental health services; or

"(II) into the causes, prevention, and treatment of mental illness;

"(v) a policymaking advisory committee composed of appropriate mental health-care and research personnel of the facility and of the affiliated school or schools to advise the directors of the facility and the center on policy matters pertaining to the activities of the center during the period of the operation of the center; and

"(vi) the capability to evaluate effectively the activities of the center, including activities relating to the evaluation of specific efforts to improve the quality and effectiveness of mental health services provided by the Department at or through individual facilities.

"(5)(A) In order to provide advice to assist the Under Secretary for Health and the Secretary to carry out their responsibilities under this section, the official within the Central Office of the Veterans Health Administration responsible for mental health and behavioral sciences matters shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of new centers under this subsection.

"(B) The membership of the panel shall consist of experts in the fields of mental health research, education and training, and clinical care. Members of the panel shall serve as consultants to the Department for a period of no longer than six months.

"(C) The panel shall review each proposal submitted to the panel by the official referred to in subparagraph (A) and shall submit its views on the relative scientific and clinical merit of each such proposal to that official.

"(D) The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

"(c) Clinical and scientific investigation activities at each center may compete for the award of funding from amounts appropriated for the Department of Veterans Affairs medical and prosthetics research account and shall receive priority in the award of funding from such account insofar as funds are awarded to projects and activities relating to mental illness.

"(d) The Under Secretary for Health shall ensure that at least three centers designated under subsection (b)(1)(A) emphasize research into means of improving the quality of care for veterans suffering from mental illness through the development of community-based alternatives to institutional treatment for such illness.

"(e) The Under Secretary for Health shall ensure that useful information produced by the research, education and training, and clinical activities of the centers established under subsection (b)(1) is disseminated throughout the Veterans Health Administration through publications and through programs of continuing medical and related education provided through regional medical education centers under subchapter VI of chapter 74 of this title and through other means.

"(f) The official within the Central Office of the Veterans Health Administration responsible for mental health and behavioral sciences matters shall be responsible for supervising the operation of the centers established pursuant to subsection (b)(1).

"(g)(1) There are authorized to be appropriated for the Department of Veterans Affairs for the basic support of the research and education and training activities of the centers established pursuant to subsection (b)(1) the following:

"(A) $3,125,000 for fiscal year 1994.

"(B) $6,250,000 for each of fiscal years 1995 through 1997.

"(2) In addition to the funds available under the authorization of appropriations in paragraph (1), the Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department of Veterans Affairs medical care account and the Department of Veterans Affairs medical and prosthetics research account such amounts as the Under Secretary for Health determines appropriate in order to carry out the purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by adding at the end of the matter relating to subchapter II the following:

"7319. Mental illness research, education, and clinical centers.".

(c) REPORTS.—Not later than February 1 of each of 1995, 1996, and 1997, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the status and activities during the previous fiscal year of the mental illness, research, education, and clinical centers established pursuant to section 7319 of title 38, United States Code (as added by subsection (a)). Each such report shall contain the following:

(1) A description of—

(A) the activities carried out at each center and the funding provided for such activities;

(B) the advances made at each center in research, education and training, and clinical activities relating to mental illness in veterans; and

(C) the actions taken by the Under Secretary for Health pursuant to subsection (d) of such section (as so added) to disseminate useful information derived from such activities throughout the Veterans Health Administration.

(2) The Secretary's evaluations of the effectiveness of the centers in fulfilling the purposes of the centers.

(d) TECHNICAL AMENDMENT.—Section 7314(d)(1) of such title is amended by striking out "the Chief Medical Director" and inserting in lieu thereof "the Under Secretary for Health".

(By request of Mr. CONRAD, the following statement was ordered to be printed in the RECORD.)

• Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I am proud to support S. 1512, a bill to improve mental illness education, research, and clinical activity at VA. I introduced this bill on September 30, 1993, and, after unanimous approval by the Committee, reported the bill with minor revisions on March 17, 1994.

This legislation would require VA to establish up to five centers of excellence in the area of mental illness at existing VA health care facilities. These centers, to be known as Mental Illness Research, Education, and Clinical Centers—MIRECCs—would be a vitally important and integral link in VA's efforts in the areas of research, education, and furnishing clinical care to veterans suffering from mental illness.

Mr. President, the need to improve services to mentally ill veterans has been recognized for a number of years. For example, the 1985 Report of the Special Purposes Committee to Evaluate the Mental Health and Behavioral Sciences Research Program of the VA, chaired by Dr. Seymour Kety—referred to as the "Kety Committee"—concluded that research on mental illness and training for psychiatrists and other mental health specialists at VA facilities were totally inadequate. The Kety report noted that about 40 percent of VA beds are occupied by veterans who suffer from mental disorders, yet less than 10 percent of VA's research resources are directed toward mental illness.

Little has changed since that report. Information provided to the Committee at our August 3, 1993, hearing showed that the percentage of VA patients suffering from mental illnesses continues to be 40 percent. Likewise, the resources directed to VA's research on mental illness have not increased an appreciable amount, hovering near 12 percent of the overall research budget.

Mr. President, VA provides mental health services to nearly three-quarters of a million veterans each year, yet in the decade between the time the Kity Committee began its work and now, there has not been a significant effort to focus VA's resources on the needs of mentally ill veterans. One of the recommendations of the Kety Committee was to establish VA centers of excellence to develop first-rate psychiatric research programs within VA. Such centers, in the view of the Kety Committee, would provide state-of-the-art treatment, increase innovative basic and clinical research opportunities, and improve and encourage training and treatment of mental illness.

Based on the recommendations of the Kety Committee, the Committee on Veterans' Affairs began efforts more than 6 years ago to encourage research of mental illnesses and to establish centers of excellence. For example, in 1988, Public Law 100-322 urged VA to establish three centers of excellence, or MIRECCs, as proposed by the Kety Committee. In March 1992, Senator Cranston, then Chairman of the Committee on Veterans' Affairs, noted that the VA had not taken any action to implement those recommendations. Unfortunately, I must tell you today that the VA still has done little to implement the recommendations of the Kety Committee and has made no progress on the establishment of centers of excellence.

Mr. President, I also note that the January 1991 final report of the blue ribbon VA Advisory Committee for Health Research Policy recommended the establishment of MIRECCs as a means of increasing opportunities in psychiatric research and encouraging the formulation of new research initiatives in mental health care, as well as maintaining the intellectual environment so important to quality health care. The report stated that these "centers could provide a way to deal with the emerging priorities in the VA and the Nation at large."

In light of VA's failure to act administratively to establish these centers of excellence, our Committee has developed legislation to accomplish this objective. The proposed MIRECCs legislation is patterned after the very successful Geriatric Research, Education, and Clinical Center [GRECCs] program. The MIRECCs would be designed first, to attract clinicians and research investigators with a clear and precise clinical research mission, such as PTSD, schizophrenia, or substance abuse; second, to provide training and educational opportunities for students and residents in psychiatry, psychology, nursing, social work, and other professions that treat individuals with mental illness; and third, to develop new models of effective care and treatment for veterans with mental illnesses, especially those with service-connected conditions.

The establishment of MIRECCs should encourage research into various treatment outcomes for mental illnesses, an aspect of mental illness research which, to date, has not been fully pursued, either by VA or other researchers. The bill would require the Chief Medical Director to share the activities of the MIRECCs throughout the Veterans Health Administration, through continuing education programs at regional medical education centers.

Finally, beginning February 1, 1995, the Secretary would be required to submit to the House and Senate Committees on Veterans' Affairs annual reports on the MIRECCs and on the efforts to disseminate the information throughout the VA health care system.

At our Committee hearing on August 3, 1993, we received broad support for this legislation from representatives of the American Psychiatric Association, the National Alliance for the Mentally Ill, and the veterans service organizations.

Mr. President, the VA for too long has made inadequate efforts to improve research and treatment of mentally ill veterans and to foster educational activities for VA mental health professionals. The establishment of MIRECCs would be a large step forward in improving care for some of our neediest veterans.

The Senate has passed comparable legislation in each of the last two Congresses. I urge my colleagues to support once again these centers of mental illness treatment and research and to be a voice for the needs of veterans who suffer, in many cases, in silence.●

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## READJUSTMENT COUNSELING SERVICE AMENDMENTS OF 1994

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 386, S. 1226, relating to readjustment counseling services for veterans.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1226), to amend title 38, United States Code, to provide for the organization and administration of the Readjustment Counseling Service, to improve eligibility for readjustment counseling and related counseling, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Readjustment Counseling Service Amendments of 1994".*

***SEC. 2. ORGANIZATION OF THE READJUSTMENT COUNSELING SERVICE IN THE DEPARTMENT OF VETERANS AFFAIRS.***

*(a) IN GENERAL.—Section 7305 of title 38, United States Code, is amended—*

*(1) by redesignating paragraph (7) as paragraph (8); and*

*(2) by inserting after paragraph (6) the following new paragraph (7):*

*"(7) A Readjustment Counseling Service.".*

*(b) ORGANIZATION.—The Readjustment Counseling Service shall have the organizational structure and administrative structure of that service as such structures were in existence on January 1, 1993.*

*(c) REVISION OF ORGANIZATIONAL STRUCTURE.—(1) The Secretary of Veterans Affairs may not alter or revise the organizational structure or the administrative structure of the Readjustment Counseling Service until—*

*(A) the Secretary has submitted to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing a full and complete statement of the proposed alteration or revision; and*

*(B) a period of 60 days has elapsed after the date on which the report is received by the committees.*

*(2) In the computation of the 60-day period under paragraph (1)(B), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.*

*(d) BUDGET INFORMATION RELATING TO THE SERVICE.—Each budget submitted to Congress by the President under section 1105 of title 31, United States Code, shall set forth the amount requested in the budget for the operation of the Readjustment Counseling Service in the fiscal year covered by the budget and shall set forth separately the amount requested for administrative oversight of the activities of the service (including the amount requested for funding of the Advisory Committee on Readjustment of Veterans).*

***SEC. 3. DIRECTOR OF THE READJUSTMENT COUNSELING SERVICE.***

*(a) DIRECTOR.—Section 7306(b) of title 38, United States Code, is amended—*

*(1) by striking out "and" at the end of paragraph (2);*

*(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and*

*(3) by adding at the end the following:*

*"(4) one shall be a person who (A)(i) is a qualified psychiatrist, (ii) is a qualified psychologist holding a diploma as a doctorate in clinical or counseling psychology from an authority approved by the American Psychological Association and has successfully undergone an internship approved by that association, (iii) is a qualified holder of a master in social work degree, or (iv) is a registered nurse holding a master of science in nursing degree in psychiatric nursing or any other mental-health related degree approved by the Secretary, and (B) has at least 3 years of clinical experience and 2 years of administrative experience in the Readjustment Counseling Service or other comparable mental health care counseling service (as determined by the Secretary), who shall be the director of the Readjustment Counseling Service.".*

*(b) STATUS OF DIRECTOR.—Section 7306(a)(3) of such title is amended by striking out "eight" and inserting in lieu thereof "nine".*

*(c) ORGANIZATIONAL REQUIREMENT.—The Director of the Readjustment Counseling Service shall report to the Under Secretary for Health of the Department of Veterans Affairs through the Associate Deputy Under Secretary for Health for Clinical Programs.*

***SEC. 4. EXPANSION OF ELIGIBILITY FOR READJUSTMENT COUNSELING AND CERTAIN RELATED COUNSELING SERVICES.***

*(a) READJUSTMENT COUNSELING.—(1) Subsection (a) of section 1712A of title 38, United States Code, is amended to read as follows:*

*"(a)(1)(A) Upon the request of any veteran referred to in subparagraph (B) of this paragraph,*

*the Secretary shall furnish counseling to the veteran to assist the veteran in readjusting to civilian life.*

*"(B) A veteran referred to in subparagraph (A) of this paragraph is any veteran who—*

*"(i) served on active duty during the Vietnam era; or*

*"(ii) served on active military, naval, or air service in a theater of combat operations (as determined by the Secretary, in consultation with the Secretary of Defense) during a period of war or in any other area during a period in which hostilities (as defined in subparagraph (D) of this paragraph) occurred in such area.*

*"(C) Upon the request of any veteran other than a veteran referred to in subparagraph (A) of this paragraph, the Secretary may furnish counseling to the veteran to assist the veteran in readjusting to civilian life.*

*"(D) For the purposes of subparagraph (A) of this paragraph, the term 'hostilities' means an armed conflict in which the members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, as determined by the Secretary in consultation with the Secretary of Defense.*

*"(2) The counseling referred to in paragraph (1) shall include a general mental and psychological assessment of a covered veteran to ascertain whether such veteran has mental or psychological problems associated with readjustment to civilian life.".*

*(2) Subsection (c) of such section is repealed.*

*(b) OTHER COUNSELING.—Such section is further amended by inserting after subsection (b) the following new subsection (c):*

*"(c)(1) The Secretary shall provide the counseling services described in section 1701(6)(B)(ii) of this title to the surviving parents, spouse, and children of any member of the Armed Forces who is killed during service on active military, naval, or air service in a theater of combat operations (as determined by the Secretary, in consultation with the Secretary of Defense) during a period of war or in any other area during a period in which hostilities (as defined in subsection (a)(1)(D) of this section) occurred in such area.*

*"(2) The Secretary may provide the counseling services referred to in paragraph (1) to the surviving parents, spouse, and children of any member of the Armed Forces who dies while serving on active duty or from a condition (as determined by the Secretary) incurred in or aggravated by such service.".*

*(c) AUTHORITY TO CONTRACT FOR COUNSELING SERVICES.—Subsection (e) of such section is amended by striking out "subsections (a) and (b)" each place it appears and inserting in lieu thereof "subsections (a), (b), and (c)".*

### *SEC. 5. ADVISORY COMMITTEE ON THE READJUSTMENT OF VETERANS.*

*(a) IN GENERAL.—(1) Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1712B the following:*

### *"§1712C. Advisory Committee on the Readjustment of Veterans*

*"(a)(1) There is in the Department the Advisory Committee on the Readjustment of Veterans (hereafter in this section referred to as the 'Committee').*

*"(2) The Committee shall consist of not more than 18 members appointed by the Secretary from among veterans who—*

*"(A) have demonstrated significant civic or professional achievement; and*

*"(B) have experience with the provision of veterans benefits and services by the Department.*

*"(3) The Secretary shall seek to ensure that members appointed to the Committee include persons from a wide variety of geographic areas and ethnic backgrounds, persons from veterans service organizations, and women.*

*"(4) The Secretary shall determine the terms of service and pay and allowances of the members of the Committee, except that a term of service may not exceed 2 years. The Secretary may reappoint any member for additional terms of service.*

*"(b)(1) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the provision by the Department of benefits and services to veterans in order to assist veterans in the readjustment to civilian life.*

*"(2)(A) In providing advice to the Secretary under this subsection, the Committee shall—*

*"(i) assemble and review information relating to the needs of veterans in readjusting to civilian life;*

*"(ii) provide information relating to the nature and character of psychological problems arising from service in the Armed Forces;*

*"(iii) provide an on-going assessment of the effectiveness of the policies, organizational structures, and services of the Department in assisting veterans in readjusting to civilian life; and*

*"(iv) provide on-going advice on the most appropriate means of responding to the readjustment needs of veterans in the future.*

*"(B) In carrying out its duties under subparagraph (A), the Committee shall take into special account veterans of the Vietnam era, and the readjustment needs of such veterans.*

*"(c)(1) Not later than March 31 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to the readjustment of veterans to civilian life. Each such report shall include—*

*"(A) an assessment of the needs of veterans with respect to readjustment to civilian life;*

*"(B) a review of the programs and activities of the Department designed to meet such needs; and*

*"(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.*

*"(2) Not later than 90 days after the receipt of each report under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Secretary considers appropriate.*

*"(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.*

*"(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to that section.*

*"(d)(1) Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Committee under this section.*

*"(2) Section 14 of such Act shall not apply to the Committee.".*

*(2) The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1712B the following:*

*"1712C. Advisory Committee on the Readjustment of Veterans.".*

*(b) ORIGINAL MEMBERS.—(1) Notwithstanding subsection (a)(2) of section 1712C of such title (as added by subsection (a)), the members of the Advisory Committee on the Readjustment of Vietnam and Other War Veterans on the date of the enactment of this Act shall be the original members of the advisory committee recognized under such section.*

*(2) The original members shall so serve until the Secretary of Veterans Affairs carries out appointments under such subsection (a)(2). The Secretary shall carry out such appointments as soon after such date as is practicable. The Secretary may make such appointments from among such original members.*

### *SEC. 6. PLAN FOR EXPANSION OF VIETNAM VETERAN RESOURCE CENTER PILOT PROGRAM.*

*(a) REQUIREMENT.—(1) The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a plan for the expansion of the Vietnam Veteran Resource Center program established pursuant to the amendment made by section 105 of the Veterans' Administration Health-Care Amendments of 1985 (Public Law 99–166; 99 Stat. 944). The plan shall include a schedule for, and an assessment of the cost of, the implementation of the program at or through all Department of Veterans Affairs readjustment counseling centers.*

*(2) The Secretary shall submit the plan not later than 4 months after the date of the enactment of this Act.*

*(b) DEFINITION.—In this section, the term "Department of Veterans Affairs readjustment counseling centers" has the same meaning given the term "center" in section 1712A(i)(1) of title 38, United States Code.*

### *SEC. 7. REPORT ON COLLOCATION OF VET CENTERS AND DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINICS.*

*(a) REQUIREMENT.—(1) The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of the collocation of Vet Centers and outpatient clinics (including rural mobile clinics) of the Department of Veterans Affairs as current leases for such centers and clinics expire.*

*(2) The Secretary shall submit the report not later than 6 months after the date of the enactment of this Act.*

*(b) COVERED MATTERS.—The report under this section shall include an assessment of the following:*

*(1) The results of any collocation of Vet Centers and outpatient clinics carried out by the Secretary before the date of the enactment of this Act, including the effects of such collocation on the quality of care provided at such centers and clinics.*

*(2) The effect of such collocation on the capacity of such centers to carry out their primary mission.*

*(3) The extent to which such collocation will impair the operational independence or administrative integrity of such centers.*

*(4) The feasibility of combining the services provided by such centers and clinics in the course of the collocation of such centers and clinics.*

*(5) The advisability of the collocation of centers and clinics of significantly different size.*

*(6) The effect of the locations (including urban and rural locations) of the centers and clinics on the feasibility and desirability of such collocation.*

*(7) The amount of any costs savings to be achieved by Department as a result of such collocation.*

*(8) The desirability of such collocation in light of plans for the provision of health care services by the Department under national health care reform.*

*(9) Any other matters that the Secretary determines appropriate.*

### *SEC. 8. VET CENTER HEALTH CARE PILOT PROGRAM.*

*(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program for the*

*provision of health-related services to eligible veterans at readjustment counseling centers. The Secretary shall carry out the pilot program in accordance with this section.*

*(b) SERVICES.—(1) In carrying out the pilot program, the Secretary shall provide the services referred to in paragraph (2) at not less than 10 readjustment counseling centers in existence on the date of the enactment of this Act.*

*(2) The Secretary shall provide basic ambulatory services and health care screening services by such personnel as the Secretary considers appropriate at each readjustment counseling center under the pilot program. The Secretary shall assign not less than one-half of a full-time employee equivalent at each such center in order to provide such services under the pilot program.*

*(3) In determining the location of the readjustment counseling centers at which to provide services under the pilot program, the Secretary shall select centers that are located in a variety of geographic areas and that serve veterans of a variety of economic, social, and ethnic backgrounds.*

*(c) PERIOD OF OPERATION.—(1) The Secretary shall commence the provision of health-related services at readjustment counseling centers under the pilot program not later than 4 months after the date of the enactment of this Act.*

*(2) The pilot program shall terminate 2 years after the date on which the Secretary commences the provision of services under paragraph (1).*

*(d) REPORT.—(1) The Secretary shall submit to Congress a report on the pilot program established under this section. The report shall include the following:*

*(A) A description of the program, including information on—*

*(i) the number of veterans provided basic ambulatory services and health care screening services under the pilot program;*

*(ii) the number of such veterans referred to Department of Veterans Affairs general health-care facilities in order to provide such services to such veterans; and*

*(iii) the cost to the Department of Veterans Affairs of the pilot program.*

*(B) An analysis of the effectiveness of the services provided to veterans under the pilot program.*

*(C) The recommendations of the Secretary for means of improving the pilot program, and an estimate of the cost to the Department of implementing such recommendations.*

*(D) An assessment of the desirability of expanding the type or nature of services provided under the pilot program in light of plans for the provision of health care services by the Department under national health care reform.*

*(E) An assessment of the extent to which the provision of services under the pilot program impairs the operational or administrative independence of the readjustment counseling centers at which such services are provided.*

*(F) An assessment of the effect of the location of the centers on the effectiveness for the Department and for veterans of the services provided under the pilot program.*

*(G) Such other information as the Secretary considers appropriate.*

*(2) The Secretary shall submit the report not later than 18 months after the date of the enactment of this Act.*

*(e) DEFINITIONS.—For the purposes of this section:*

*(1) The term "Department of Veterans Affairs general health-care facility" has the meaning given such term in section 1712A(i)(2) of title 38, United States Code.*

*(2) The term "eligible veteran" means any veteran eligible for outpatient services under paragraph (1), (2), or (3) of section 1712(a) of such title.*

*(3) The term "readjustment counseling center" has the same meaning given the term "center" in section 1712A(i)(1) of such title.*

AMENDMENT NO. 1596

(Purpose: To authorize the Secretary of Veterans Affairs to provide counseling to family members of individuals who are prisoners of war or who are missing in action)

Mr. CONRAD. Mr. President, on behalf of Senator LEAHY, I send an amendment to the desk, ask for its immediate consideration, and I ask unanimous consent that the amendment be agreed to; that the motion to reconsider be laid upon the table; that the committee substitute, as amended, be agreed to; that the bill be deemed read a third time, passed; that the motion to reconsider be laid upon the table; and that any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 1596) was agreed to, as follows:

On page 20, strike out line 20 and insert in lieu thereof the following:

by such service.

"(3) The Secretary may provide to the parents, spouse, and children of any member of the Armed Forces who (as determined by the Secretary) is a prisoner of war, or is missing in action, such counseling as the Secretary determines appropriate to assist such persons with the mental or psychological problems associated with the status of such member as a prisoner of war or as missing in action, as the case may be.".

Mr. LEAHY. Mr. President, I am proud to offer an amendment to S. 1226 that extends bereavement counseling services to the families of prisoners-of-war and those missing-in-action. Our Government has an obligation to help these families cope with the emotions surrounding the uncertain fate of their loved ones.

While our Government officially acknowledges that only one service person is still missing from the conflict in southeast Asia, thousands of family members do not know with certainty what happened to their loved ones. When these doubts remain about the final fate of loved ones, family members can find it difficult to heal.

It has been 18 years since the end of the Vietnam war. During this time family members of POW and MIAs have suffered great emotional and psychological distress. I have been contacted by many POW/MIA family members in Vermont who have been trying to find out what happened. What had happened to their father or their son or their brother?

You can read stories in any paper over the past 18 years about sightings of Americans in southeast Asia or stories about the Korean war POWs—stories that have reopened emotional wounds for the families whose loved ones were left behind. Many family members understandably need assistance to cope with these feelings.

In recent years the U.S. Government has made significant progress in repatriating the remains of servicemen from both Vietnam and Korea and releasing information to family members of those whose fate is still unknown. On Veterans Day, last year, President Clinton could proudly state that virtually all Vietnam War POW/MIA documents had been declassified. Despite this progress, there is still so much more that needs to be done. I will continue to support efforts to locate the remains of all of the POW/MIA from past wars.

Finally, Mr. President, I applaud Senator AKAKA for his efforts to improve counseling services for our veterans. The legislation before the Senate today takes our vet center program into a new era by expanding eligibility and services.

Mr. AKAKA. Mr. President, I support the amendment offered by my good friend and colleague from Vermont [Mr. LEAHY] to the pending legislation, S. 1226, the "Readjustment Counseling Service Amendments of 1994."

As you know, one of the provisions of S. 1226 calls for Vet Centers to offer bereavement counseling services to the families of those service members who die in combat or as a result of service-connected conditions. Unfortunately, in drafting the original legislation, I inadvertently excluded eligibility for these counseling services for the families of prisoners-of-war and those missing-in-action. The Leahy amendment would correct this oversight by making the survivors of POW's and MIA's fully eligible for the bereavement services that would be provided by Vet Center counselors under S. 1226.

Mr. President, I strongly support the Leahy amendment. It materially improves the underlying legislation, is consistent with our obligation to assist those who have worn the uniform, and is fully supported by the Veterans' Affairs Committee. I commend the Senator from Vermont for his vigilance in protecting the interests of those who have yet to return from war. I urge adoption of this measure.

So the bill (S. 1226), as amended, was deemed read a third time and passed, as follows:

S. 1226

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Readjustment Counseling Service Amendments of 1994".

**SEC. 2. ORGANIZATION OF THE READJUSTMENT COUNSELING SERVICE IN THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Section 7305 of title 38, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

"(7) A Readjustment Counseling Service.".

(b) ORGANIZATION.—The Readjustment Counseling Service shall have the organizational structure and administrative structure of that service as such structures were in existence on January 1, 1993.

(c) REVISION OF ORGANIZATIONAL STRUCTURE.—(1) The Secretary of Veterans Affairs may not alter or revise the organizational structure or the administrative structure of the Readjustment Counseling Service until—

(A) the Secretary has submitted to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing a full and complete statement of the proposed alteration or revision; and

(B) a period of 60 days has elapsed after the date on which the report is received by the committees.

(2) In the computation of the 60-day period under paragraph (1)(B), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(d) BUDGET INFORMATION RELATING TO THE SERVICE.—Each budget submitted to Congress by the President under section 1105 of title 31, United States Code, shall set forth the amount requested in the budget for the operation of the Readjustment Counseling Service in the fiscal year covered by the budget and shall set forth separately the amount requested for administrative oversight of the activities of the service (including the amount requested for funding of the Advisory Committee on Readjustment of Veterans).

**SEC. 3. DIRECTOR OF THE READJUSTMENT COUNSELING SERVICE.**

(a) DIRECTOR.—Section 7306(b) of title 38, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(4) one shall be a person who (A)(i) is a qualified psychiatrist, (ii) is a qualified psychologist holding a diploma as a doctorate in clinical or counseling psychology from an authority approved by the American Psychological Association and has successfully undergone an internship approved by that association, (iii) is a qualified holder of a master in social work degree, or (iv) is a registered nurse holding a master of science in nursing degree in psychiatric nursing or any other mental-health related degree approved by the Secretary, and (B) has at least 3 years of clinical experience and 2 years of administrative experience in the Readjustment Counseling Service or other comparable mental health care counseling service (as determined by the Secretary), who shall be the director of the Readjustment Counseling Service.".

(b) STATUS OF DIRECTOR.—Section 7306(a)(3) of such title is amended by striking out "eight" and inserting in lieu thereof "nine".

(c) ORGANIZATIONAL REQUIREMENT.—The Director of the Readjustment Counseling Service shall report to the Under Secretary for Health of the Department of Veterans Affairs through the Associate Deputy Under Secretary for Health for Clinical Programs.

**SEC. 4. EXPANSION OF ELIGIBILITY FOR READJUSTMENT COUNSELING AND CERTAIN RELATED COUNSELING SERVICES.**

(a) READJUSTMENT COUNSELING.—(1) Subsection (a) of section 1712A of title 38, United States Code, is amended to read as follows:

"(a)(1)(A) Upon the request of any veteran referred to in subparagraph (B) of this paragraph, the Secretary shall furnish counseling to the veteran to assist the veteran in readjusting to civilian life.

"(B) A veteran referred to in subparagraph (A) of this paragraph is any veteran who—

"(i) served on active duty during the Vietnam era; or

"(ii) served on active military, naval, or air service in a theater of combat operations (as determined by the Secretary, in consultation with the Secretary of Defense) during a period of war or in any other area during a period in which hostilities (as defined in subparagraph (D) of this paragraph) occurred in such area.

"(C) Upon the request of any veteran other than a veteran referred to in subparagraph (A) of this paragraph, the Secretary may furnish counseling to the veteran to assist the veteran in readjusting to civilian life.

"(D) For the purposes of subparagraph (A) of this paragraph, the term 'hostilities' means an armed conflict in which the members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, as determined by the Secretary in consultation with the Secretary of Defense.

"(2) The counseling referred to in paragraph (1) shall include a general mental and psychological assessment of a covered veteran to ascertain whether such veteran has mental or psychological problems associated with readjustment to civilian life.".

(2) Subsection (c) of such section is repealed.

(b) OTHER COUNSELING.—Such section is further amended by inserting after subsection (b) the following new subsection (c):

"(c)(1) The Secretary shall provide the counseling services described in section 1701(6)(B)(ii) of this title to the surviving parents, spouse, and children of any member of the Armed Forces who is killed during service on active military, naval, or air service in a theater of combat operations (as determined by the Secretary, in consultation with the Secretary of Defense) during a period of war or in any other area during a period in which hostilities (as defined in subsection (a)(1)(D) of this section) occurred in such area.

"(2) The Secretary may provide the counseling services referred to in paragraph (1) to the surviving parents, spouse, and children of any member of the Armed Forces who dies while serving on active duty or from a condition (as determined by the Secretary) incurred in or aggravated by such service.

"(3) The Secretary may provide to the parents, spouse, and children of any member of the Armed Forces who (as determined by the Secretary) is a prisoner of war, or is missing in action, such counseling as the Secretary determines appropriate to assist such persons with the mental or psychological problems associated with the status of such member as a prisoner of war or as missing in action, as the case may be.".

(c) AUTHORITY TO CONTRACT FOR COUNSELING SERVICES.—Subsection (e) of such section is amended by striking out "subsections (a) and (b)" each place it appears and inserting in lieu thereof "subsections (a), (b), and (c)".

**SEC. 5. ADVISORY COMMITTEE ON THE READJUSTMENT OF VETERANS.**

(a) IN GENERAL.—(1) Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1712B the following:

**"§ 1712C. Advisory Committee on the Readjustment of Veterans**

"(a)(1) There is in the Department the Advisory Committee on the Readjustment of Veterans (hereafter in this section referred to as the 'Committee').

"(2) The Committee shall consist of not more than 18 members appointed by the Secretary from among veterans who—

"(A) have demonstrated significant civic or professional achievement; and

"(B) have experience with the provision of veterans benefits and services by the Department.

"(3) The Secretary shall seek to ensure that members appointed to the Committee include persons from a wide variety of geographic areas and ethnic backgrounds, persons from veterans service organizations, and women.

"(4) The Secretary shall determine the terms of service and pay and allowances of the members of the Committee, except that a term of service may not exceed 2 years. The Secretary may reappoint any member for additional terms of service.

"(b)(1) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the provision by the Department of benefits and services to veterans in order to assist veterans in the readjustment to civilian life.

"(2)(A) In providing advice to the Secretary under this subsection, the Committee shall—

"(i) assemble and review information relating to the needs of veterans in readjusting to civilian life;

"(ii) provide information relating to the nature and character of psychological problems arising from service in the Armed Forces;

"(iii) provide an on-going assessment of the effectiveness of the policies, organizational structures, and services of the Department in assisting veterans in readjusting to civilian life; and

"(iv) provide on-going advice on the most appropriate means of responding to the readjustment needs of veterans in the future.

"(B) In carrying out its duties under subparagraph (A), the Committee shall take into special account veterans of the Vietnam era, and the readjustment needs of such veterans.

"(c)(1) Not later than March 31 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to the readjustment of veterans to civilian life. Each such report shall include—

"(A) an assessment of the needs of veterans with respect to readjustment to civilian life;

"(B) a review of the programs and activities of the Department designed to meet such needs; and

"(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

"(2) Not later than 90 days after the receipt of each report under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Secretary considers appropriate.

"(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

"(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to that section.

"(d)(1) Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Committee under this section.

"(2) Section 14 of such Act shall not apply to the Committee.".

(2) The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1712B the following:

"1712C. Advisory Committee on the Readjustment of Veterans.".

(b) ORIGINAL MEMBERS.—(1) Notwithstanding subsection (a)(2) of section 1712C of such title (as added by subsection (a)), the members of the Advisory Committee on the Readjustment of Vietnam and Other War Veterans on the date of the enactment of this Act shall be the original members of the advisory committee recognized under such section.

(2) The original members shall so serve until the Secretary of Veterans Affairs carries out appointments under such subsection (a)(2). The Secretary shall carry out such appointments as soon after such date as is practicable. The Secretary may make such appointments from among such original members.

### SEC. 6. PLAN FOR EXPANSION OF VIETNAM VETERAN RESOURCE CENTER PILOT PROGRAM.

(a) REQUIREMENT.—(1) The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a plan for the expansion of the Vietnam Veteran Resource Center program established pursuant to the amendment made by section 105 of the Veterans' Administration Health-Care Amendments of 1985 (Public Law 99-166; 99 Stat. 944). The plan shall include a schedule for, and an assessment of the cost of, the implementation of the program at or through all Department of Veterans Affairs readjustment counseling centers.

(2) The Secretary shall submit the plan not later than 4 months after the date of the enactment of this Act.

(b) DEFINITION.—In this section, the term "Department of Veterans Affairs readjustment counseling centers" has the same meaning given the term "center" in section 1712A(i)(1) of title 38, United States Code.

### SEC. 7. REPORT ON COLLOCATION OF VET CENTERS AND DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINICS.

(a) REQUIREMENT.—(1) The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of the collocation of Vet Centers and outpatient clinics (including rural mobile clinics) of the Department of Veterans Affairs as current leases for such centers and clinics expire.

(2) The Secretary shall submit the report not later than 6 months after the date of the enactment of this Act.

(b) COVERED MATTERS.—The report under this section shall include an assessment of the following:

(1) The results of any collocation of Vet Centers and outpatient clinics carried out by the Secretary before the date of the enactment of this Act, including the effects of such collocation on the quality of care provided at such centers and clinics.

(2) The effect of such collocation on the capacity of such centers to carry out their primary mission.

(3) The extent to which such collocation will impair the operational independence or administrative integrity of such centers.

(4) The feasibility of combining the services provided by such centers and clinics in the course of the collocation of such centers and clinics.

(5) The advisability of the collocation of centers and clinics of significantly different size.

(6) The effect of the locations (including urban and rural locations) of the centers and clinics on the feasibility and desirability of such collocation.

(7) The amount of any costs savings to be achieved by Department as a result of such collocation.

(8) The desirability of such collocation in light of plans for the provision of health care services by the Department under national health care reform.

(9) Any other matters that the Secretary determines appropriate.

### SEC. 8. VET CENTER HEALTH CARE PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program for the provision of health-related services to eligible veterans at readjustment counseling centers. The Secretary shall carry out the pilot program in accordance with this section.

(b) SERVICES.—(1) In carrying out the pilot program, the Secretary shall provide the services referred to in paragraph (2) at not less than 10 readjustment counseling centers in existence on the date of the enactment of this Act.

(2) The Secretary shall provide basic ambulatory services and health care screening services by such personnel as the Secretary considers appropriate at each readjustment counseling center under the pilot program. The Secretary shall assign not less than one-half of a full-time employee equivalent at each such center in order to provide such services under the pilot program.

(3) In determining the location of the readjustment counseling centers at which to provide services under the pilot program, the Secretary shall select centers that are located in a variety of geographic areas and that serve veterans of a variety of economic, social, and ethnic backgrounds.

(c) PERIOD OF OPERATION.—(1) The Secretary shall commence the provision of health-related services at readjustment counseling centers under the pilot program not later than 4 months after the date of the enactment of this Act.

(2) The pilot program shall terminate 2 years after the date on which the Secretary commences the provision of services under paragraph (1).

(d) REPORT.—(1) The Secretary shall submit to Congress a report on the pilot program established under this section. The report shall include the following:

(A) A description of the program, including information on—

(i) the number of veterans provided basic ambulatory services and health care screening services under the pilot program;

(ii) the number of such veterans referred to Department of Veterans Affairs general health-care facilities in order to provide such services to such veterans; and

(iii) the cost to the Department of Veterans Affairs of the pilot program.

(B) An analysis of the effectiveness of the services provided to veterans under the pilot program.

(C) The recommendations of the Secretary for means of improving the pilot program, and an estimate of the cost to the Department of implementing such recommendations.

(D) An assessment of the desirability of expanding the type or nature of services provided under the pilot program in light of plans for the provision of health care services by the Department under national health care reform.

(E) An assessment of the extent to which the provision of services under the pilot program impairs the operational or administrative independence of the readjustment counseling centers at which such services are provided.

(F) An assessment of the effect of the location of the centers on the effectiveness for the Department and for veterans of the services provided under the pilot program.

(G) Such other information as the Secretary considers appropriate.

(2) The Secretary shall submit the report not later than 18 months after the date of the enactment of this Act.

(e) DEFINITIONS.—For the purposes of this section:

(1) The term "Department of Veterans Affairs general health-care facility" has the meaning given such term in section 1712A(i)(2) of title 38, United States Code.

(2) The term "eligible veteran" means any veteran eligible for outpatient services under paragraph (1), (2), or (3) of section 1712(a) of such title.

(3) The term "readjustment counseling center" has the same meaning given the term "center" in section 1712A(i)(1) of such title.

(By request of Mr. CONRAD, the following statement was ordered to be printed in the RECORD.)

• Mr. ROCKEFELLER. Mr. President, as chairman of the Senate Committee on Veterans' Affairs, I offer my support for S. 1226, the proposed Readjustment Counseling Services Amendments of 1994, as reported by the committee and as it will be amended with an amendment by Senator LEAHY.

This bill, introduced by my good friend and colleague on the committee, Senator DANNY AKAKA, seeks to strengthen and expand the VA Vet Center Program. I defer to Senator AKAKA to describe the specific contents of the bill.

Mr. President, I do want to note one particular provision in the bill. I am delighted that this measure would expand eligibility for vet center counseling to veterans from World War II and the Korean war. While many of these veterans have long ago readjusted to civilian life, vet center counselors—including many in my home State of West Virginia—report that a significant number of World War II and Korean veterans continue to seek counseling for post-traumatic stress disorder and other long-term problems associated with their service. The Senate has, on a number of earlier occasions, passed provisions expanding eligibility to these wartime veterans. I urge the Senate to pass S. 1226 and, once again, support the counseling needs of all our wartime veterans.•

Mr. AKAKA. Mr. President, I rise to urge passage of S. 1226, the Readjustment Counseling Service Amendments of 1994, as reported unanimously by the Veterans' Affairs Committee on November 3, 1993. S. 1226 as reported is based on original legislation introduced by Senators DASCHLE, INOUYE, WELLSTONE, and myself on July 14, 1993, which proposed numerous changes in the organization, policies, and programs of the Readjustment Counseling Service [RCS], more popularly known as the Vet Center Program.

As my colleagues know, vet centers are storefront, community-base centers operated by the Department of Veterans Affairs [VA] that offer readjustment counseling services to Vietnam-era veterans and post-Vietnam combat veterans in an informal, user-friendly environment. Since the program was first authorized in 1979, it has grown from 87 facilities to 201 today, operating in all 50 States. Together, these centers have helped more than 1.4 million veterans successfully readjust to civilian life. In the process, the Vet Center Program has established unmatched leadership in such areas as post-traumatic stress disorder, homelessness, disaster assistance, sexual trauma, alcohol and substance abuse, suicide prevention, the physically disabled, and minority veterans.

S. 1226 as reported attempts to ensure that the program remains viable, relevant, and responsive to the needs of today's veterans. It hopes to accomplish these goals by achieving two general aims. On the one hand, it preserves what is best in the Vet Center Program by codifying and improving its organizational structure and those administrative practices which have hitherto made the program uniquely effective. On the other, it enhances the ability of vet centers to undertake new challenges by expanding eligibility and freeing them to explore the vast potential of vet center-based primary health care and benefits services.

Specifically, S. 1226 as reported would: Codify the current organizational structure of RCS and require that funding for the program be specifically identified in the budget; raise the Director of RCS to the Assistant Chief Medical Director level; expand eligibility for vet center services to all combat veterans, regardless of period of service, and authorize services for all other veterans on a resource-available basis; authorize bereavement counseling provided through vet centers for the families of veterans who died in combat, and authorize such counseling to survivors of veterans who died of other service related causes on a resource-available basis; establish a statutory advisory Committee on the Readjustment of Veterans; require VA to develop a plan to assign additional employment, training, and benefit counselors at vet centers; require a report on the feasibility and desirability of collocating vet centers and VA outpatient clinics; and, undertake a pilot program authorizing the provision of limited, primary health care services at vet centers.

I believe that the provisions outlined in S. 1226 as reported must be enacted if the Vet Center Program is to remain a vital, progressive force in addressing the needs of today's veterans population. This measure has the full, bipartisan support of the Veterans' Affairs Committee, which held extensive hearings on this bill on August 3, 1993. The major veterans organizations which testified at the hearing, including the Veterans of Foreign Wars, the Disabled American Veterans, The American Legion, and the Paralyzed Veterans of America, expressed strong support for S. 1226; in addition, AMVETS and the Vietnam Veterans of America submitted written testimony supportive of the measure. All of the RCS field staff who were invited to comment on the bill made positive statements in behalf of the legislation. With certain exceptions, the Department commented favorably on many of the bill's provisions. After making improvements to the bill suggested by the hearing witnesses and members of the committee, the committee unanimously voted to report S. 1226 to the Senate floor last November 3.

Thank you, Mr. President. I urge my colleagues to support this important measure. I wish to thank Senator ROCKEFELLER, the chairman of the committee, and Senator MURKOWSKI, the ranking minority member, for their help in facilitating consideration of this legislation. Bill Brew and Thomas Tighe of the majority staff provided me with exceptional insights and suggestions that materially improved the bill; Chris Yoder and Bill Tuerk of the minority staff also made significant contributions. Finally, I would be remiss if I did not single out for special recognition Gerry Kifer, formerly of my staff, without whose hard work and dedication this legislation would not have been possible.

Mr. CONRAD. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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## FARMERS HOME ADMINISTRATION IMPROVEMENT ACT OF 1994

Mr. CONRAD. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 1930, the Farmers Home Administration Improvement Act of 1994, and that the Senate then proceed to its immediate consideration; that the bill be deemed read a third time, passed, and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 1930) was deemed read a third time and passed, as follows:

S. 1930

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Farmers Home Administration Improvement Act of 1994".

**SEC. 2. DELINQUENT FARMERS HOME ADMINISTRATION OBLIGATIONS.**

Section 331 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981) is amended by adding at the end the following new subsection:

"(c) The Secretary may use for the prosecution or defense of any claim or obligation described in subsection (b)(5) the Attorney General, the General Counsel of the Department of Agriculture, or a private attorney who has entered into a contract with the Secretary.".

Mr. CONRAD. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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## COMMENDING ISRAEL AND EGYPT ON THE 15TH ANNIVERSARY OF THE SIGNING OF THE HISTORIC TREATY OF PEACE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 194, a resolution introduced earlier today by Senators PELL, HELMS, et al., commending Israel and Egypt on the fifteenth anniversary of the signing of the historic treaty of peace; that the resolution be adopted; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 194) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 194), with its preamble, reads as follows:

S. RES. 194

Whereas, March 26, 1994 is the fifteenth anniversary of the signing by Prime Minister Begin of Israel and President Sadat of Egypt of the Treaty of Peace between the Arab Republic of Egypt and the State of Israel;

Whereas, the Treaty of Peace has resulted in the longest period without hostilities between Israel an Arab neighbor since the founding of Israel in 1948;

Whereas, the Treaty of Peace has served as the foundation of subsequent initiatives to secure a lasting peace between Israel and its Arab neighbors;

Whereas, the Treaty of Peace has served to enhance regional stability in the Middle East: *Now, therefore be it*

*Resolved*, That the United States Senate—

(1) congratulates Israel and Egypt on the fifteenth anniversary of the signing of the historic Treaty of Peace between the Arab Republic of Egypt and the State of Israel;

(2) commends Israel and Egypt for their fortitude and commitment to international peace and regional stability; and

(3) reaffirms its support for Israel and Egypt as they continue to pursue a lasting peace in the Middle East.

Mr. PELL. Mr. President, this coming Saturday, March 26, 1994, marks the fifteenth anniversary of the signing of the peace treaty between Egypt and Israel. Today I am Submitting a resolution, along with Senators HELMS, MOYNIHAN, BROWN, MITCHELL, and DOLE, to commemorate this historic occasion.

The only peace treaty that has ever been implemented between Israel and an Arab country, the Egypt-Israel treaty has stood the test of time and is widely recognized as a milestone in the history of the Middle East. It has become the foundation upon which subsequent peace initiatives have been built, including the landmark Declaration of Principles between Israel and the Palestine Liberation Organization.

The Egypt-Israel peace treaty, which developed out of the Camp David agreements, also represents one of the highlights of American diplomacy in the Middle East. It is a shining example of how American involvement can promote stability in a strategic, but volatile region, and it stands as one of the greatest legacies of President Carter's administration.

Finally, Mr. President, the Egypt-Israel peace treaty is a tribute to individual courage and vision. History, it is said, can bestow no greater title upon a man than "peacemaker." If that is true, then President Carter, Egyptian President Anwar Sadat and Israeli Prime Minister Menachem Begin should rank among the most distinguished leaders of our time. My high regard and my admiration for them is as strong today as it was 15 years ago. Their spirit, their bold tradition has helped to guide a new generation of leaders seeking to build upon the achievements of Camp David.

I am pleased to introduce this resolution, which pays due respect to the people of Egypt and Israel for standing by their commitments. As many of us know, it has not been easy going for either side since 1979, and it has taken a great deal of strength and perseverance for Israelis and Egyptians to fulfill their dream of peace.

I am grateful to Senators HELMS, MOYNIHAN, BROWN, MITCHELL, and DOLE for their support, and I hope very much that the Senate will agree to this resolution.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR TOMORROW

Mr. CONRAD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stands in recess until 10 a.m., Friday, March 25; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day; and that the Senate then resume consideration of S. Con. Res. 63, as provided for under the provisions and limitations of a previous unanimous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS UNTIL 10 A.M. TOMORROW

Mr. CONRAD. Mr. President, if there is no further business to come before the Senate today, and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 9:44 p.m., recessed until Friday, March 25, 1994, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate March 24, 1994:

### THE JUDICIARY

PAUL D. BORMAN, OF MICHIGAN, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE STEWART A. NEWBLATT, RETIRED.

DENNY CHIN, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE A NEW POSITION CREATED BY PUBLIC LAW 101–650, APPROVED DECEMBER 1, 1990.

R. SAMUEL PAZ, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE A NEW POSITION CREATED BY PUBLIC LAW 101–650, APPROVED DECEMBER 1, 1990.

# HOUSE OF REPRESENTATIVES—*Thursday, March 24, 1994*

The House met at 11 a.m.

The Reverend W. Douglas Tanner, Jr., executive director, Faith & Politics Institute, Washington, DC, offered the following prayer:

Almighty God, we come together today conscious of many dimensions of political leadership.

We pray that You would keep us truly in touch with our constituents: their hurts and frustrations, their hopes and dreams, their limitations and their potential.

We pray that You would lead us to truly know ourselves: our wounds and our vulnerabilities, our talents and our true callings.

We ask You to deepen our sensitivity to the needs and legitimate aspirations of people beyond our borders. We remember especially this morning our neighbors in Mexico.

As we consider the issues before us this day, grant us the serenity to accept things we cannot change, the courage to change things we can, and the wisdom to know the difference. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York [Mr. MCNULTY] come forward and lead the membership in the Pledge of Allegiance?

Mr. MCNULTY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize 15 Members for 1-minutes on each side.

## EXPRESSING GREAT SYMPATHY AND GRIEF FOR THE LOSS OF THE PARATROOPERS AT POPE AIR FORCE BASE, NC

(Mr. ROSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSE. Mr. Speaker and my colleagues, I know that you all will join with me in expressing our great sympathy and grief for the tremendous loss of 15 to 16 paratroopers who died and 82 who were injured yesterday after a collision of military planes at Pope Air Force Base, NC.

Pope Air Force Base is in my congressional district, and I express my complete grief and sorrow to the families of those who were either killed or injured.

Mr. Speaker, this should remind all of us in America that freedom has a great price. This tragedy is another example of the cost of freedom; men and women risk their lives in times of war and in times of training.

Mr. Speaker, it is not possible to have the peace without training.

Fifty years ago this June, this same airborne unit, the 82d Airborne Division, jumped into Normandy with Gen. Jim Gavin to help guarantee and achieve the peace in the Second World War's victory.

I thank you for remembering, if you will, these men and their families in your prayers.

## THE PRESIDENT'S PRESS CONFERENCE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, the President will face the Nation in a press conference tonight. Here are some questions I hope the media asks:

Why won't the vast majority of Democrats in Congress support your health care bill?

Why won't the Democrats allow hearings on Whitewater?

Why didn't the Democrat leadership allow amendments that would have significantly strengthened the crime bill?

Is there any one in your administration who does not have ethics problems?

Was your wife's former employer, the Rose law firm, the inspiration for the book, "The Firm?"

Have you read the New Republic piece on your business relationships in Arkansas? If no, why not?

Mr. Speaker, the President has a lot of explaining to do tonight. I hope we get some straight answers.

## EXPRESSING SYMPATHY OF THE HOUSE TO THE FAMILIES OF THE PARATROOPERS AT POPE AIR FORCE BASE

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, this morning I would like to express our sorrow and deepest sympathy of the House, as stated so eloquently by the gentleman from North Carolina [Mr. ROSE], for the death of 15 Airborne soldier-paratroopers who died yesterday at Pope Air Force Base, and the 90 more who were injured. This House sends its sympathy to all of their families.

### EXPRESSING SYMPATHY AND SORROW TO THE MEXICAN PEOPLE ON THE ASSASSINATION OF LUIS DONALDO COLOSIO

Mr. Speaker, yesterday also saw a great tragedy in our sister Republic of Mexico, and I want to begin this morning by expressing on behalf of this House our sympathy and sorrow to the President and Congress of Mexico and to the Mexican people at the assassination yesterday of Luis Donaldo Colosio, the Presidential candidate of the Institutional Revolutionary Party of Mexico. This country is bound by increasingly close ties with our neighbor state, ties that will only grow stronger in the future. I am sure all the Members join me in deploring this senseless act and reaffirming our support and the support of this country for our neighbors in Mexico and for Mexican democracy.

## PUBLIC LANDS IN THE WESTERN STATES

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, let me first of all thank the Speaker for his remarks. I am certain that all of us join in our sympathy for those two tragedies.

Mr. Speaker, today I plan to introduce legislation that would transfer the lands currently administered by the Bureau of Land Management to the State in which the lands are located; namely, all Western State Members are joining in sponsorship of the bill.

Currently, the BLM controls nearly 270 million acres of land in the United States; 18 million acres of this land is located in my home State of Wyoming. This places a heavy burden on the people of my State and significantly af-

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

fects Wyoming's economy. This is not parklands, not wilderness lands, these are not recreational lands in the sense of wildlife refuges; these are lands left over, frankly, after homesteading that nobody else wanted at that time.

BLM also places a heavy budgetary burden on the taxpayers. Their budget is about $1.2 billion.

My bill would return the BLM lands back to the States and would solve these problems. It would save money and the long debate over grazing, timber, and oil and gas leases on these lands and give the States the ability to control their own futures. It is a great solution, fair to both the Feds and the States. This bill makes common sense and it would certainly reinvent the way our public lands are managed. It supports the goal of good Government, and I urge all of my colleagues in this effort to reform the way the public lands are managed.

## THE DEATH OF LUIS DONALDO COLOSIO OF MEXICO

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, Mexican Presidential candidate Luis Donaldo Colosio was my friend for over 20 years. We worked together on many projects of mutual interest to our two nations. I followed with great interest his trajectory in Mexican politics and in the service of his country over the years. I was able to take measure of the man.

His death is a terrible loss to his family, to his friends and supporters, to the Government of Mexico, and it is a loss for the people of Mexico.

His death is, in fact, a loss for all of us. For I feel this young man of 44 years of age was destined to be a world leader of major import. It is indeed sad that in this day and age tragedies like this happen.

I hope that somehow we—the American people and the Mexican people—might learn and grow closer from this tragic incident. There are some who will say this assassination shows how chaotic the political situation is in Mexico. Do we forget Lincoln, the Kennedy brothers, and Dr. King?

What we must learn is that the political agenda of a small minority in both of our countries is not good government and public service, but rather personal ambitions and hatred. Passion and extremism of this nature must somehow be tempered or altogether withdrawn from the political arena.

I do hope we learn. I join our distinguished Speaker and extend my most sincere and heartfelt condolences to the family and friends of Luis Donaldo and to the people of Mexico. We share in their loss.

□ 1110

## SOUNDS OF SILENCE

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, in politics there are times when nothing is louder than the sound of silence, and that sound was heard yesterday in the Subcommittee on Health of the Committee on Ways and Means when not one Democrat voted for President Clinton's health care plan.

Not one.

That sound of silence has been matched by another more ominous lack of response on health care reform, this time from President Clinton himself. When Republicans present our workable health care proposals the response of the White House is silence followed by more silence.

So much for the treasured bipartisanship the President so forcefully demanded the other day in his by now legendary no, no, no, no, speech.

I urge the President to use his news conference tonight to stop saying this silent no, no, no, no, no, no to Republicans and to millions of Americans who support our approaches.

If the White House truly wants to pass a workable health care reform bill, it is going to have to break its vow of silence and learn to say "yes."

## THE PRESIDENT'S HEALTH CARE PLAN IS MOVING FORWARD

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, for weeks now, the pundits and the backseat policymakers have been pronouncing health care reform dead on arrival.

Every day we read about the multimillion dollar negative ad campaigns, the high stakes lobbying blitz, the arm-twisting by the special interests. Those of us who have been fighting to guarantee decent, affordable health care for every single American have certainly had an uphill fight.

But today, it is clear we are winning that fight. Today, it is clear that for all the public pronouncements and cynical assessments, Congress is actually moving forward on health care reform—quietly, deliberately, and responsibly.

Yesterday, the gentleman from California [Mr. STARK] led the Committee on Ways and Means, Subcommittee on Health, to an important victory. They supported a bill that contains all the crucial elements of the President's health care plan.

It guarantees affordable coverage that can never be taken away. It lets you choose your doctor and your health plan. It protects and strengthens Medicare. It makes all the unfair insurance practices illegal.

And most importantly, the subcommittee's bill means that all the expert predictions about the death of national health care are just plain wrong.

Mr. Speaker, actions speak louder than words. And here on Capitol Hill, a single vote is worth 1,000 soundbites.

So, I join with all of my colleagues in praising the gentleman from California [Mr. STARK] and the members of his subcommittee. And I look forward to joining with you in building on their fine work—and making national health care the law of the land.

## ZERO VOTES FOR THE PRESIDENT'S PLAN

(Mr. THOMAS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of California. Mr. Speaker, that ringing you hear in your ears is the Democratic spin doctors; we just heard another one trying to tell you that, when the President's plan was offered in the Subcommittee on Health yesterday, it was done just to embarrass the Democrats.

Mr. Speaker, I thought our job around here was to vote. I guess Democrats are embarrassed by voting for the President's plan. But not one single Democrat voted for the President's plan.

Now we are told that the measure voted out of the subcommittee contains the goals of the President's plan. They rejected the structure, but they have retained the goals of the Clinton health plan.

Let me tell my colleagues that without refutation, the measure that was voted out of the subcommittee yesterday would put a majority of Americans under a Government-owned Government-run, taxpayer-insured health program. Is that the President's goal? I thought in the State of the Union the President said he wanted private insurance for all Americans. Maybe I am confused on the goals. The Democrats voted for a majority of Americans to be under a Government program. The President said he wanted private insurance. Who's embarrassing whom around here.

Mr. Speaker, the majority leader just said "a single vote is worth 1,000 sound bites." If that is true, yesterday in committee the Democrats swallowed 7,000 sound bites. Zero votes out of a possible seven for the President's goals and structure; if the Clinton plan's goal is private insurance, zero votes as well.

## WE MOURN COLOSIO'S DEATH

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, last night a great Mexican leader, Presidential candidate Luis Donaldo Colosio, was assassinated by a coward. Even though violence has not been a part of Mexican politics in the past, this incident shows that all of us in public life are vulnerable.

Luis Donaldo Colosio worked with many of us on NAFTA, and we knew him to be a good decent man with a great vision for Mexico's future and a grassroots appreciation for those left behind in Mexican society. He would have been a great Mexican President—in fact, I predict that he would have fully democratized Mexico's political process, continued Mexico's economic and social reforms, and been a champion of Mexico's impoverished classes.

All Americans, Democrats and Republicans, the Congress, and the President should support our neighbors in Mexico as they adjust to this tragedy and deal with this political crisis.

## DO WE WANT CRIME CONTROL OR PRESIDENTIAL PUBLIC RELATIONS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, last August, August 4 to be specific, Republicans offered a tough and comprehensive anticrime bill. Republicans have been very eager to debate this issue for 7 months. The Democrats seem interested in crime, too, but it is now clear from their morning's headlines that their interest lies in scoring quick political points and providing a change of subject for the scandal-embattled White House.

First, the Democrats tried to ram through a weak and incomplete crime bill—so they could go home for recess and say they accomplished something, but those were tough policy ideas we effectively protested yesterday. The truth is the liberal Democrats do not want tough crime control and prevention, and Democratic leadership now that today's photo op at the White House for the crime bill has been missed has given up on getting a crime bill passed before the recess.

For the record, Mr. Speaker, the Republicans are ready, willing, and able to get on with the crime bill that America is asking us to do, and we are saying yes, yes, yes, yes to getting tough on crime.

## ROME IS BURNING AND POLITICIANS CONTINUE TO FIDDLE

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute.)

Ms. SLAUGHTER. Mr. Speaker, despite the best efforts that many of us have put forth here in Congress, last night parliamentary games kept us from passing the crime bill. We will go back to our districts without it. We get back from the district work period on April 12, and, even if we pass the crime bill that day, and we will not if these parliamentary games continue, but based on the crime rate, Mr. Speaker, in that time more than 800 people will be shot and killed, more than 200 children will be killed by guns, more than 4,000 women will be raped.

Thomas Scott, President of the Detectives Endowment Association, said in a letter he wrote to us:

> To put it bluntly, we in law enforcement are tired, frustrated and totally dismayed with most politicians regarding the passage of this much needed bill. Rome is burning, and politicians continue to fiddle. We saw some fine fiddling last night; didn't we? Let's pass the bill now. We will be watching closely, and we hope we can count on your support.

That was written on January 27, Mr. Speaker, and the fiddling continues. Parliamentary maneuvers have made it impossible for us to go home with the crime bill we promised.

## PRESIDENT, BLAME THYSELF

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. President, blame thyself.

Tonight, President Clinton will seek to blame Republicans for every ill that has stricken his administration.

He will blame Republicans for the sad fact that the Democrats could not complete a crime bill before the Easter recess.

He will blame Republicans for his Whitewater fiasco.

He will blame Republicans for the fact his health care plan was supported by no Democrats in a vote yesterday.

And he will blame Republicans because another member of his staff is under fire for ethics problems.

But, Mr. Speaker, the President has no one to blame but himself.

For this, Republicans are blameless. Mr. President, blame thyself.

## REPUBLICANS ACCUSED OF STALLING ON CONSIDERATION OF CRIME BILL

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, thanks to the work of President Clinton and a Democratic Congress the northwest Indiana district I represent now has 1 million extra Federal dollars to put more police officers on the streets to fight crime.

To build on the Federal funding for more police officers, the Democrats have formulated a really tough bill that will get criminals off the streets and prevent crime before it happens.

Unfortunately for the American people, the Republicans would rather play politics than fight crime.

Instead of considering the tough crime bill today, the Republicans have decided that they would rather stall consideration instead of making our streets safer. This is a flashback to the Republican gridlock of the 1980's.

Mr. Speaker, how many more innocent Americans will be victimized while the Republicans filibuster the crime bill?

How many more people will be murdered, mugged, assaulted, and ripped-off before the Republicans end their filibuster and allow passage of a really tough crime bill.

It is clear that people in Gary, IN, and across this Nation do not have the time to wait for these questions to be answered. We need to pass the crime bill now.

□ 1120

## A CALL FOR A TOUGH CRIME BILL

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Madam Speaker, the American people want a tough crime bill as my friend, the gentleman from Sanibel, FL [Mr. GOSS], said.

On August 4, we Republicans introduced a crime bill and we have been working tenaciously to try and bring it forward.

Madam Speaker, it has been indicated that if we delay this process, there are going to be tremendous crimes inflicted on human beings throughout this country. The fact of the matter is the gentleman from New York [Mr. SOLOMON], the gentleman from Tennessee [Mr. QUILLEN], the gentleman from Florida [Mr. GOSS], and I were ready to stay last night up in the Committee on Rules to report out a rule that could bring this crime bill to the floor today. Tragically, what we have seen is nothing but parties and politics. We have seen the politics which has been trying to water down this bill, and last night we saw the party at the White House do everything possible to ensure that we would delay the process.

Let us bring the crime bill foward immediately so we can get this action that we need.

## SUPPORT URGED FOR MILITARY IN WAKE OF PLANE CRASH

(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. Madam Speaker, I am deeply saddened about the loss of 15 Americans in a tragic military plane crash at Pope Air Force Base, NC, yesterday.

My heart goes out to the families and fellow soldiers and airmen of those who were lost and injured in that tragedy. Many seem to forget that the military is a dangerous profession and Americans all across the land should understand and appreciate those who wear our Nation's uniform.

Madam Speaker, with the uncertainties facing us from the Korean Peninsula to Bosnia, we are reminded that American soldiers, sailors, airmen, and Marines are frequently in harm's way both here at home and around the world.

As chairman of the Subcommittee on Military Forces and Personnel of the Committee on Armed Services, this fact has long been apparent to me. Those of us in Congress and all Americans must do our best to support and appreciate those who wear the American uniform.

## THE PRESIDENT'S SMALL BUSINESS RECORD

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. COLLINS of Georgia. Mr. Speaker, last Tuesday President Clinton met with a select group of small business owners to comfort their doubts about his health care reform proposal.

The President stated, "I will never, never sign a health care reform bill that would harm small business."

Let us review President Clinton's record:

Education: Rhodes scholar, educated from Arkansas to Oxford.

Politics: stretches from Arkansas to Washington.

Ah. Small business experience? Yes, the President has small business experience. It is called Whitewater Development.

Yes, Whitewater Development was a small business. Whitewater failed, probably due to undercapitalization, undercapitalized.

That reminds me of the First Lady's comments when she was asked about the effects of the President's health care plan on small business, and I quote: "I cannot be responsible for every undercapitalized small business."

Mr. Speaker, it appears that there needs to be a little pillow talk at the White House about health care reform and its effects on small business.

## EXTENDING SYMPATHIES TO MEXICO

(Mr. TORRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRES. Mr. Speaker, today the House of Representatives mourns the untimely death of Secretary Luis Donaldo Colisio. We want to convey our sympathies to his family and to the people of Mexico in their hour of loss.

Mr. Speaker, in similar times of loss when our Nation has gone through this turmoil and tragic instance, the Mexican people have stood by us in solidarity. Today we do the same.

Our President, our Speaker and my colleagues here assembled convey our sorrow to the people of Mexico in this tragic hour.

Mr. Speaker, I know that they are strong, they are resilient, and in this time they will prevail.

## A CALL FOR ACTION ON HEALTH REFORM

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, contrary to popular belief, there is agreement on health reform legislation.

My colleague, the gentleman from Georgia [Mr. ROWLAND] and I recently introduced the Health Reform Consensus Act, legislation that includes consensus health items, areas of agreement that so many believe must be addressed now.

Mr. Speaker, who does not support insurance portability? Who does not believe that people with preexisting conditions have a right to purchase health insurance at a reasonable price just like everybody else? And who can argue against controlling fraud in our health care system—that unnecessary paperwork should be eliminated, that malpractice law must be reformed? The health consensus bill would address these issues so that this could be enacted into law this year.

Mr. Speaker, we see our legislation as a starting point for reform, a reasonable beginning in resolving our Nation's health care problems.

Mr. Speaker, if we enact into law these important consensus items, many Americans would benefit and costs would be reduced.

Mr. Speaker, I urge my colleagues to show the American people we want change by supporting action now on health reform.

## RAPIST RELEASED IN CALIFORNIA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Modoc, CA, a quiet town, is now up in arms. Melvin Carter, who admitted to raping 100 women, was released and is now in their midst.

Prison officials said Carter was released for his good behavior, for being a model prisoner, and that Carter deserved a chance.

Carter deserved a chance? What about the hundred victims, Mr. Speaker? Did any of them get a chance from Carter?

There is something wrong in America when admitted rapists are turned loose for "good behavior" but the victims of the assaults and crimes are forgotten.

I say to the Members of Congress, we can talk about crime all we want, but the truth is, communities like Modoc, CA, have had it. And I do not blame them. This guy Carter should be in jail, period. A little common sense would help out as much as maybe a crime bill.

## EXPRESSION OF SORROW AT MEXICO'S LOSS BY ASSASSINATION

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, I stand here today to express my sorrow and anguish at the tragic assassination last evening of the leading presidential candidate in Mexico, Luis Donaldo Colosio. Gunned down by assassins in the border city of Tijuana, Donaldo Colosio was doing what those of us in politics do every day—meeting with voters and citizens of his country, listening to them, telling them of his own hopes and dreams.

I knew Donaldo Colosio. In fact, you could say he was something of a hometown boy, growing up in Magdalena, Sonora, just a few mines south of Arizona's border. He studied at the University of Arizona; he and his family frequently traveled to Tucson on business and pleasure. I spent a long evening a couple of years ago with Mr. Colosio, then chairman of his political party, at the residence of Mexico's ambassador, talking about the changes in Mexico's political system. He was brimming them with enthusiasm and optimism for Mexico's future, as he was yesterday when he died.

Today we mourn the tragic and untimely fall of this rising star in Mexico. But, we also know the growing political maturity of Mexico will sustain them in this hour of trial. Of that, we have no doubt. For that, we can be grateful.

□ 1130

## THE FAMILY UNITY PROMOTION ACT OF 1994

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, today I am introducing the Family Unity Promotion Act of 1994. This bill is a long-overdue measure that seeks to make the Internal Revenue Code more equitable for married couples and their children.

The Family Unity Promotion Act makes three simple, yet highly meaningful changes to the Tax Code. First, the bill would eliminate the "marriage penalty." As most of us who are married are aware, the Tax Code imposes a severe financial penalty on working couples who choose to marry. Many individuals from the Seventh District of Georgia, including many religious leaders, have contacted me in dismay over this disincentive to marry. I share their concern about governmental policies that might discourage individuals from entering into the enduring relationships that form the basis of our society. Therefore, this bill will allow married couples to use the same rates applicable to unmarried individuals.

Second, this bill will increase the exemption for dependent children to $3,500 per dependent child. Such measures are critical if today's parents are to be able to provide for the needs of their children.

Finally, this measure will remove tax code penalties against homemakers by permitting full, $2,000 IRA contributions by nonworking spouses. As everyone knows, women or men who stay at home to care for their families contribute as much to family well-being as those who work outside the home. Homemakers should be able to save for their later years to the same extent as working spouses.

I believe that these changes will underscore the Congress' interest in ensuring that married couples and their children are provided with the support and encouragement that they deserve, and urge my colleagues to join me in backing this measure.

## REFORMING HABEAS CORPUS

(Mr. ALLARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLARD. Mr. Speaker, I would like to share the concerns of Stuart VanMerveren and Chris Hefty who are district attorneys in the Fourth Congressional District of Colorado. As Congress reviews the well intentioned proposals in the House crime package, it's important to remember there is a wealth of experience on these issues in our own districts. We should arrive at solutions to crime control by listening to individuals like Stuart and Chris who have direct experience with our justice system. One of the great failings of our criminal justice system is in the area of habeas corpus petitions. Our current system offers expensive roadblocks to capitol punishment. Courts are spending too much time on questions of process rather than the merits of a case. Due process is important but once those protections are exhausted it is our responsibility to protect society from repeatedly violent offenders. I appreciate the efforts of my colleagues who worked to simplify habeas corpus but am concerned that the package before the House will worsen rather than solve our problems. My concerns, shared by these district attorneys, is that the habeas corpus reforms in the House package will prolong the process rather than shorten it.

Mr. Speaker, let us listen to the people who know what the criminal justice system needs. They strongly agree that we do not need more redtape for death row felons.

## VOTERS' RIGHTS ACT STILL CHALLENGED

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, a number of forces have combined to once again challenge not only the letter, but the spirit, of one of the most significant pieces of legislation in the history of this great body, the Voters' Rights Act of 1965.

Just this week we saw Schindler's List nominated as the best picture for 1993. The real message there was never again the Holocaust of the Jews in Nazi Germany.

Well, the message here from black Americans is never again. Whatever party we participate in, never again will we sit by and allow gerrymandering that recognizes rivers and freeways and everything else and ignores the fact we are voters. Never again will this happen in this country without getting the attention of everyone.

Imagine a Congress that has nothing but white men. No women, no Jews, nothing but white men. That is what the forces would like to see. But we say, Mr. Speaker, to all of America, never again.

## AMERICAN FAMILIES SAY NO TO CLINTON HEALTH CARE PLAN

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, President Clinton is finding out that nothing is more important to the average American than his or her family. And that is why his health care plan is doomed to failure.

You see, after all the platitudes and all the propaganda, taxpayers are seeing the Clinton plan for what it really is, a massive Government-run bureaucracy which will control every aspect of health care.

They ask the question, what would this do to me and my family? And they do not like the answer. They do not like the idea that the Clinton plan is going to cost $1 trillion in new taxes in the first 4 years.

They do not like the idea that 2 or 3 million jobs, maybe theirs, will be lost in the process, and they certainly do not like the idea they are going to lose the right to choose their own doctors.

Mr. Speaker, the Republican health care plan comes without the taxes and without the Government bureaucrats, and, most importantly, it preserves individual doctor choice for the American family.

Let us give the Republican plan a fair hearing. Let us pass it.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The chair would announce to all Members that we will now limit 1 minute to 20, but we will not exceed 20 on each side.

## SUPPORT MINORITY REPRESENTATION IN CONGRESS

(Mr. WATT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT. Mr. Speaker, yesterday in the hustle and bustle of my office, I had a very cogent moment. I was visited by a young black student from Cardoza High School right here in Washington, DC. He knocked on the door unannounced, without appointment, and he came in and he said,

> I have been on the Hill all day, and I have yet to see a black Member of Congress. And I just wanted to see and talk to one.

It reminded me of the importance of minority representation again in this body, against the backdrop that Monday of this coming week the trial of the case in Shaw versus Reno will commence.

So I wanted to come today to remind my colleagues and to appeal to them to support minority representation. We have two cogent things that are upon us in the next month or so. This case, Shaw versus Reno, and what we are about in South Africa. We should demand in our country the same standard of representation among black residents that we demand of South Africa for whites in that country after the free elections.

## CRIME BILL HANG-UP

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, this morning I have heard a number of my Democrat colleagues object to the fact that last night Republicans expressed their concern over an unfair rule on the crime bill and somehow, quote-unquote, "delayed" the bringing of this bill up until after the April recess. This is very disingenuous, but, even more important, it needs to be a reminder to every one of us that we Republicans are not the majority. We have not been in control of this House for the last 40 consecutive years.

We had a bill in on our side we thought was a good crime bill last August. The other body enacted its crime bill in the fall. There was no activity on their side of the aisle to bring up a crime bill through the Committee on the Judiciary of any consequence until about 2 weeks ago.

Who is delaying this? This is ridiculous. We wanted tough amendments. We still do want them, to correct deficiencies in this bill. The bill on the floor today, if passed and became law, would allow for no death penalty to ever be carried out in this country again. It has no provisions in it that will provide and assure that there will be an end to the revolving door that is letting violent criminals out on the street to commit repeat offenses again and again and again, and it has nothing in it which addresses the criminal alien problem—25 percent of all the criminals in our prisons today are aliens. We are not addressing that problem. We should be addressing that problem. Many of them are illegal, many of them are felons.

This is a very bad bill that has been brought out. All Republicans want to do is get a few simple amendments to make this bill do what the American public wants, and that is to end the violent crime crisis in this country and end the endless appeals of death row inmates and put deterrence back into our criminal justice system, and send a message that when you get 20 years, you are going to serve 20 years.

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## SARAH WEBER HOME INFUSION CONSUMER PROTECTION ACT

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, the Republicans argue that we have no health care crisis in this country. I beg to differ.

Let me share with you the story of a 10-year-old girl from Cleveland Heights, OH, who struggled daily with a rare disease that would not allow her to digest food. In order to receive nutrition and to fend off infections, she received nutrition and medicines intravenously in her home. While the advanced technologies available today allowed her to stay at home with her family, those who provided these services abused her trust in them.

It is in her honor that today, I introduce the Sarah Weber Home Infusion Consumer Protection Act. This legislation will ensure that home infusion companies cannot abuse the trust put in them by patients like Sarah Weber. It will require home infusion providers to be licensed according to quality standards established in the law. It will put an end to the abuse in this industry and ensure that no patient, young or old, rich or poor will be a victim of fraud or abuse.

Sadly, Sarah Weber is not among us today to know that her family's struggles will not be commonplace for other families. But her mother, Marie, and her six brothers and sisters will continue to tell her story to see that what happened to Sarah will not happen again.

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□ 1140

## TRUTH IN SENTENCING

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, in 1970, I had one of my first jobs. I was in the 9th grade. I sold programs at the University of Georgia football games. They were a dollar each. I made big money. We got a 10-percent commission. And I was coming back from one game, having successfully sold programs for 2 days, and I had my pockets full of one dollar bills, 121 of them.

At that moment I was pulled by two men, dragged behind a car, beat up and robbed of all the money. That was when I was 14 years old.

Mr. Speaker, that made the headlines of the local paper. It was big news at the time. Today that is just another day in the life of America.

The average burglar right now serves a 13-month sentence. The average murder, who is sentenced for 15 years, serves only 8. The average rapist, who is sentenced for 8 years, serves only 3.

We have our police officers arresting people for the 8th, 9th, 10th, 11th time. We need to have a truth in sentencing bill.

The bill that we will not be voting on today did not contain any real truth in sentencing.

Mr. Speaker, we need to have that as an important element of the crime package. We also need to have a death penalty provision that puts an end to the endless appeals. Right now death row inmates and their lawyers can make a career out of appealing their cases. The American people, the victims of crime, have had enough of it.

I have been a victim. I know what it feels like. I am sick and tired of it. The rest of America is.

Mr. Speaker, it is not time to run off to cocktail parties. It is time to stay in session and pass a meaningful crime bill that will change the tide.

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## THE 5-YEAR ANNIVERSARY OF "EXXON VALDEZ" OIL SPILL

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, 5 years ago today, the oil tanker named *Exxon Valdez* ran aground on Bligh Reef in Prince William Sound, AK. The reef tore open the ship's hull and more than 11 million gallons of crude oil flooded in the previously pristine area.

This was, and remains, the largest oilspill in U.S. history. And the results were devastating. Hundreds of thousands of birds and marine mammals, as well as millions of salmon and herring, were killed. More than 1,200 miles of coastline were polluted with oil, affecting shorelines as far as 600 miles from Bligh Reef.

Although some would have us believe that the area has recovered from this disaster, the truth is, it will take years for some of the species to recover from the spill.

The good news is this catastrophe finally opened our eyes to the issue of oilspill prevention and control.

Five years ago, we knew little about the extent of this type of disaster and its affect on the ecosystem. Since then, the State of Alaska and the Federal Government have conducted more than 100 studies and Congress has finally passed oil pollution legislation containing necessary prevention and response mandates.

However, we still have a lot to accomplish. My State of California is just now learning that continuous leaks and spills from a Unocal refinery have amounted to the largest spill in California history.

Dead wildlife, filthy beaches, undrinkable ground water, and millions of dollars of cleanup are the costs of oilspills whether they come from a tanker or a refinery.

That is why we must never forget *Exxon Valdez*—on its fifth anniversar6y it continues to serve as a valuable lesson and reminder to all of us.

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## SUPPORTING A SUCCESSFUL ICPD

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, worldwide efforts to stabilize population growth, alleviate poverty, and protect the environment have been significantly undermined by the lack of attention to women's reproductive health and the role of women in the economic development of their families, their communities, and their countries.

The world's population now exceeds 5.5 billion, and more than 90 percent of the annual population increase of 100 million people is in the developing world. Whether the Earth's population doubles or triples in the next century will be determined by actions we take during this decade to improve access to family planning programs for all women who desire it.

Later this year, the decennial International Conference on Population and Development will meet in Cairo to discuss strategies for slowing rapid population growth and assuring access to family planning services for all women and couples who desire them.

I am pleased to be joined today by my colleagues TONY BEILENSON, with whom I cochair the Congressional Coalition on Population and Development, and JOHN PORTER, president of GLOBE-USA, in introducing a resolution which calls on the administration to place the highest priority on the success of the Cairo conference. I urge my colleagues to join us in support of this legislation.

## VERMONT REQUIRES LABELING OF DAIRY PRODUCTS FROM BST-INJECTED COWS

(Mr. SANDERS asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, I am delighted to inform you that yesterday the Vermont State Legislature became the first in the Nation to require labeling of all milk products which come from BST-injected cows—and the Governor has indicated that he will sign this bill. Given the fact that the multibillion dollar Monsanto chemical company has enormous political clout, as shown by their ability to push this product past the FDA, this is an act of great courage on the part of the Vermont State Legislature and should be greeted with enthusiasm by family farmers, consumers, and all citizens who want to know how the milk they are drinking is produced.

Mr. Speaker, the Government itself has acknowledged that Monsanto's BST will result in the lowering of family farm income and will increase the Federal deficit. Furthermore, in forcing cows to produce 20 percent more milk than they naturally do, BST significantly increases the rate of mastitis in cows and makes them sicker.

My hope is that the U.S. Congress will follow the lead of Vermont, and pass national legislation which will require the labeling of all milk products from cows injected with BST. Please support H.R. 1906—which amends the Food, Drug and Cosmetic Act to require that labeling. The people of America have the right to know how the milk they are drinking is produced.

## HEARINGS ON WHITEWATER

(Mr. LAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAZIO. Mr. Speaker, I take this opportunity to salute my colleagues on the other side of the aisle in this House for reconsidering their initial position and finally agreeing to hold congressional hearings on Whitewater. The House has now joined the Senate in seeing the wisdom, if not the inevitability, of congressional hearings on this matter.

It is vitally important to the country that the President get this behind him, and the sooner the better. The surest and quickest way to do that is to let the sun shine, and the best way to make that happen is through the constitutionally appropriate role of congressional hearings.

From Nannygate to Travelgate to Whitewater, the continuing ethical struggles within the Clinton administration, made worse by their murky explanations, provide ample evidence that this White House still has a lot to learn. The upcoming hearings will facilitate that process.

Without the full disclosure that hearings can provide, Congress and the administration are more likely to become preoccupied with Whitewater and bog down on other, far more important issues—issues like health reform, crime, and welfare reform.

With or without hearings, Whitewater may become a convenient scapegoat for inaction on other, more important issues. But if we do get bogged down, at least it will be in spite of the Whitewater hearings, not because of them.

## IN SUPPORT OF VOTING RIGHTS

(Mr. FIELDS of Louisiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS of Louisiana. Mr. Speaker, I rise this morning feeling like Fannie Lou Hammer. I am sick and tired of being sick and tired. I am sick and tired because, the courts are consistently inconsistent in their interpretation of the 1965 Voting Rights Act.

I am sick and tired because there are six States in this country that have lawsuits pending challenging the creation of minority districts: North Carolina, Louisiana, Georgia, Florida, South Carolina, and Texas, all of which are southern States that have a history of discriminating against minorities at every level conceivable, education, housing, employment, public facilities and, more importantly, the political process. Of these six States, our great Justice Department has found a need to intervene in only one, which is a miscarriage of justice, to say the least, Mr. Speaker, in my opinion.

I ask the question, Mr. Speaker, if we as Members of Congress who pass Federal laws virtually every day cannot depend on the Department of Justice to defend those laws, which they are constitutionally bound to do, then who will. Moreover, Mr. Speaker, if a minority voter in this country cannot depend on the Department of Justice to intervene on his behalf, when his voting rights are being violated, maybe we do not need a Justice Department after all.

Again, I call upon the Justice Department and the Attorney General in particular to live up to its responsibility and exercise its fiduciary responsibility and obligation and defend the 1965 Voting Rights Act.

□ 1150

## CONGRATULATIONS TO LEBANON VALLEY COLLEGE

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, March madness is upon us in more ways than one. I am here today to congratulate the NCAA winner of college basketball, and that may come as a big surprise to rooters for Purdue and Missouri and Indiana and Tulsa and others, because I am referring to Division 3, where Lebanon Valley College of Pennsylvania, in Buffalo last Saturday, won the tournament, having defeated NYU in an overtime thriller that is to the credit of Lebanon Valley College.

Lebanon Valley College is in Annville, PA, in my district, a small community. The college itself houses 900 students, no more, and has had a wonderful sorts record over the years, to be culminated this year by a Division 3 championship.

Ironically, on that same day, in the afternoon before the championship game, their greatest rooter for the last 65 years, "Hot Dog" Frank, as he was known in that community, who sponsored all kinds of events and was beloved of the student body for all those years, died and did not see the culmination of his rooting for Lebanon Valley College, but the whole valley, the whole district, all of Pennsylvania, is proud of the Division 3 NCAA champion, Lebanon Valley College.

## NATIONAL POISON PREVENTION WEEK

(Mr. TOWNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TOWNS. Mr. Speaker, the President has designated this week as National Poison Prevention Week. I would like to applaud him for that, and his strong leadership.

Over 1 million children under age 6 were accidentally poisoned last year. Fortunately, all but 30 of those children survived. Most of them were treated safely at home with the help of a poison control center. Poison control centers save lives and save money, for every $1 spent on poison centers saves $7.75 in unnecessary visits to emergency rooms over this Nation.

In a misguided attempt to save money, hospitals and State and local governments are closing poison control centers around the country. Closing poison control centers merely drives up the costs of health care, and needless to say, it places lives of millions of children at risk.

Shortly I will introduce legislation that will guarantee access to quality poison control service for all Americans. Closing poison control centers is health care retreat, not health care reform. We need to move forward, not backwards, so we need to keep the poison control centers open, because they are cost-saving and they also save lives.

## THIS ADMINISTRATION NEEDS TO PLAY BY THE RULES

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, beginning as early as February 1, 1993, I have tried to no avail to get the President's health care task force to comply with Federal sunshine laws and conflict of interest statutes. It has now been alleged in Federal court that the task force may have blatantly disregarded these statutes and, as a result, misled Congress and given false statements in court. These actions, if true, reaffirm my suspicions that this is a cavalier administration which does not think it has to play by the rules.

Court documents stating that dozens of unidentified people working on the task force in secret where at the same time on the payroll of private organizations with a stake in the outcome of the health care reform debate is more troubling news for the President's health care reform proposal. The suggestion that a multitude of previously undisclosed special interests were deeply involved in shaping a public policy proposal which may ultimately affect each and every one of our constituents calls into question the integrity of the administration's proposal. In some cases, the court documents allege that not only were privately paid individuals on the task force but also that in addition, task force members identified as congressional staff were in fact private individuals on the payroll of the Robert Wood Johnson Foundation.

It is my view that there are enough serious questions raised by this court filing, and the supporting documentation, to consider convening congressional hearings sooner rather than later. The proliferation of unaccountable outsiders and special interests setting policy within this administration must be reviewed by Congress.

## LEGISLATION TO PROMOTE A LEVEL PLAYING FIELD IN THE SHIPBUILDING INDUSTRY

(Mr. ANDREWS of Maine asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of Maine. Mr. Speaker, I am afraid I am the bearer of bad news today. Trade negotiations with our foreign shipbuilding competitors in Paris have broken up without any resolution whatsoever. In a conversation that I had yesterday with the chief negotiator for the United States, I learned that these talks may never resume.

Why should our foreign shipbuilding competitors negotiate in good faith at the bargaining table? For the last several years they have dumped billions and billions and billions of dollars in unfair subsidies to prop up their shipbuilding industry and to wipe out ours. We have lost 120,000 good paying jobs in this country as a direct result, and now, Mr. Speaker, just when independent analysts are telling us we are on the threshold of a giant boom in commercial shipbuilding, we are also being told that the United States is about to lose an additional 180,000 good paying shipbuilding jobs because of this unlevel playing field.

I am announcing today to my colleagues in the House that I am about to introduce legislation, fair but tough legislation, to force our partners back in the negotiating table so we can have a level playing field for our shipbuilders. It is about time we give those shipbuilders in our country a fair chance to compete, so they can have the future that they deserve.

I ask Members to join me in this effort.

## CALLING FOR FREE ELECTIONS IN AUGUST IN MEXICO

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, the citizens of Mexico throughout this century have been denied this most fundamental right of democracy, fair and open elections. Recent reports outlining vote-buying and election irregularities in the race for Governor of the Mexican State of Morelos surfaced 2 days ago. Votes were bought for $150 to $250 apiece. Some polling places were not opened until 4 p.m., in the afternoon, and voter credentials had been duplicated and used fraudulently.

Yesterday we had another brutal reminder that the hand-picked successor of President Carlos Salinas and his PRI Party, Luis Donaldo Colosio, had been assassinated. We mourn his death, as well as the deaths of the dozens of poor peasants in Chiapas who were killed earlier this year by the Government.

When NAFTA passed, our Nation forfeited our best chance to export to Mexico the best hopes of democracy. We, instead, rewarded the worst characteristics of tyranny. We watch now as bystanders. American cannot remove itself from the fight for freedom so close to our border. Mexico's hopes for democratic freedom and our own workers' hopes for economic promise depend on free elections in Mexico.

On behalf of all those ordinary people in Mexico who were shot, as well as Mr. Colosio, America must stand up today and say, "We want free elections in Mexico this coming August."

□ 1200

## CANCELLATION OF VA-HUD APPROPRIATIONS HEARING

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, White House politics is now interfering with the legitimate business of the people's House.

This morning the Veterans' and Housing Appropriations Committee, a committee on which I am the senior Republican member, has canceled its hearings. Is that cancellation because today's witnesses were from the FDIC and the RTC, the same agencies now under scrutiny by Whitewater investigators? It it because today's witnesses might have presented information that the White House did not want to hear? Is it out of fear of what might have been revealed in today's hearings?

Incidentally, the actual purpose of this legitimate hearing was to examine the budgets of these two agencies for the 1995 fiscal year.

Just last month, both agencies released public reports absolving each other of failing to detect obvious conflicts of interest at the Rose law firm in Little Rock, AR. Those reports raised serious questions that I think should be addressed.

I am not one to use the term "coverup" lightly, but the defensive nature of the White House and the House Democratic leadership leads me to ask the question, "What are they hiding?"

The White House war room must be working overtime today in preparation for the President's press conference this evening. At a time when our country should be focusing on the future of Mexico, and the situation in North Korea, the President remains over his head in Whitewater.

## LOBBYING DISCLOSURE ACT OF 1994

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 397 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 397

*Resolved,* That it shall be in order at any time on the legislative day of Thursday, March 24, 1994, for the Speaker to entertain a motion that the House suspend the rules and pass the bill (S. 349) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, as amended, insist on the House amendment thereto, and request a conference and the Senate thereon.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, as Members are well aware, rule XXVII provides that suspensions may only be considered on Mondays and Tuesdays of each week. The Rules Committee has reported this rule providing for the consideration of a suspension today, a Thursday, in order that the House may consider lobby and gift reform prior to our adjournment for the Easter district work period.

Mr. Speaker, because the resolution provides that this important legislation shall be considered under the suspension process, debate on the bill will be limited to 40 minutes. No amendments are in order save the House amendment made in order in the rule, and two-thirds vote is required for passage.

Mr. Speaker, for many months the contents of this bill have been the subject of intense scrutiny and negotiation. No one—absolutely no one—is totally satisfied with this product. However, it is time that we proceed to address these issues, and therefore, the House has been presented with this bill at this time. I urge my colleagues to adopt this resolution so that we may proceed to the consideration of this reform legislation.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is very ironic we are being asked to consider this so-called reform legislation under business-as-usual procedure. The leadership cannot be serious about reform when it resorts to what is nothing more than a procedural gimmick designed to squash debate.

Is this the kind of treatment that we are going to be able to expect when we bring forward the work of our Joint Committee on the Reorganization of Congress?

Mr. Speaker, while S. 349 takes some positive steps toward reforming the lobbying disclosure laws, there are questions about how nonprofit groups will be treated. And last night up in the Rules Committee we saw this great debate rage as we proceeded with consideration of this special rule to determine whether or not nonprofit groups will be affected.

There are questions about the gift restrictions and how they will apply, and it only breeds confusion, and clearly will lead to a greater sense of cynicism and distrust of this institution.

If it is wrong to accept meals, entertainment, and other gifts from lobbyists, then this practice should be banned. Instead, H.R. 823 leaves loopholes so wide that you can drive a truck through them.

This legislation would have been adopted months ago, had the Democrat leadership followed its own rules for reporting our legislation. Whatever happened to the outcry that emanated from the discharge petition debate against bypassing the committee system? The committee system, we are told, is the linchpin of the deliberative process where informed decisions are made in a collective fashion. Yet the lobby disclosure bill was never considered by the full Judiciary Committee.

Mr. Speaker, I am sure that there are some Members who would simply like to take the whole issue of lobby reform and sweep it under the rug. Frankly, that is exactly what is going to happen if this rule is adopted.

I believe that a majority of us would like to see the gift issue debated fully, openly, and honestly. This bill should be sent to the Committee on the Judiciary where it can be debated, amended, and reported to the full House. It should be considered in our Committee on Rules and brought down here under an open rule. Only through that process can this legislation represent the consensus of the House and the people we represent.

I am going to urge a "no" vote on this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, for the purposes of debate only, I yield 4 minutes to the gentleman from California, Mr. FAZIO.

Mr. FAZIO. Mr. Speaker, the act of lobbying serves an important function in our democratic form of Government. It enables people with similar interests to pool their resources, to petition Congress and to otherwise become involved in our participatory democracy.

Lobbying is a right guaranteed by the Constitution. Whether it comes in the form of letters, personal meetings, phone calls or even attendance at town hall meetings—lobbying is an important process that makes all of us better informed and educated on the pressing issues facing our country.

And who lobbies Congress—the American Association of Retired Persons, Veterans of Foreign Wars, farm bureaus, chambers of commerce, and cities and counties. Lobbyists are not just high priced representatives of the elite. They represent every American—sometimes each of us many times over.

I rise in support of the Lobbying Disclosure Act, not to limit or stop the act of lobbying, but to shed light on the process and to instill confidence that lobbying is an appropriate avenue for people to express their concerns and interests to their elected representatives.

The bill also reinforces the lines drawn in the rules and regulations of the supervising offices and committees of the executive, judicial, and legislative branches, by putting them in section 201(c) of title 18.

This principle was enunciated by myself and Mr. MCCOLLUM in the bipartisan House floor discussion of the 1989 Act, and its codification in this bill appropriately insures its application to all pending and future cases. Because a court would review this as a matter of law, on an item-by-item basis, this would lead to the requisite explicit itemization in charges, and, in some cases, to current input during such cases from the pertinent ethics office.

Mr. Speaker, the American people have a great distrust of lobbyists and the access they have to lawmakers. The Lobbying Disclosure Act will address their concerns by requiring those who lobby to disclose their activities—to document the issues they lobby on and the amount of money they spend doing so.

When this bill is enacted, the American people will be better informed and educated. Whether it is a group of activists who organize a letter writing campaign, or a one-on-one meeting with a company's representative—the American people will know it happened, know what issue was discussed and how much money was spent in the process.

### THE BILL BANS GIFTS TO MEMBERS OF CONGRESS

The bill takes another important step—it bans all gifts from lobbyists and lobbying firms to Members of Congress. Lobbyists will not be allowed to pay for a meal, provide entertainment or travel to Members of Congress.

I say this is an important step not because I believe there is a wide-spread problem in this institution—but because there is a perception that highly paid lobbyists wine and dine Members of Congress into supporting whatever cause they promote.

This is wrong and this is a perception we must correct.

The Members of this institution, on both sides of the aisle, came here for many reasons. For some it was to lend their efforts to fix a problem this country is facing—like health care and crime. For some it was to fight for a cause—to end discrimination, to ensure civil rights, or the right to choose. For some it was merely the honor of public service.

Every Member here has a story.

Each Member made huge personal sacrifices to be allowed the honor to serve in Congress. Many spend every week without their families, only to return home on the weekend with jam-packed schedules that allow little time for children or spouses.

Every Member of this institution came here for a reason—no one came here for a free lunch.

### CRITICS CLAIMS ARE UNFOUNDED

There are those who say the bill fails to go far enough—that in order to really address the problem we must apply the ban to any organization who hires lobbyists.

I would say this to the critics. If the VFW or the PTA or any employer in my district who happens to hire a lobbyist invites me to a reception, or a lunch in the company cafeteria, I plan to go.

This bill will ban lobbyists from buying lunches, providing gifts and paying for entertainment for Members of Congress—but it will allow Members to continue to have legitimate interaction with their constituents.

I urge my colleagues to support this rule and this bill, not because I believe we need to address a wide-spread problem, but because until we correct the perception the public has—they will never know why we came here and what motivates us to stay.

□ 1210

Mr. DREIER. Mr. Speaker, reciprocating his kindness of yesterday, I yield such time as he may consume to my good friend and colleague on the Committee on Rules, the gentleman from Sanibel, FL [Mr. GOSS].

Mr. GOSS. I thank my distinguished friend from San Dimas, CA [Mr. DREIER] for his interest in allowing me to speak one more time on this subject.

Mr. Speaker, we are really under an emergency rule. The Committee on Rules convened in emergency session last night, unscheduled, to see what we would do today after developments transpired with the rule that was being crafted on crime. And I think many were probably surprised that the draft rule that we came up with, over the objections of the minority, strong protestations, was so restrictive that the crime bill has disappeared, and we are not going to be doing that today despite the fact that we need to be spending a lot of time on that. It is the No. 1 issue in this country, at least our polls show that.

I am sorry we are not, because America deserves our attention on that.

But instead we had to find something to do today and one of the things that was also on the agenda out there was lobby reform. So in this emergency meeting we decided we would cooperate with the majority and bring forward this subject for debate, but we do not like the way we are doing it.

I think America needs to know that the GOP is very much involved in supporting lobby reform. What we do not know is what this particular reform we have got today says. In fact, last night, the rule that made this in order, when we spoke to this in committee, we asked what would the House amendment actually say, and nobody was able to say what the House amendment will say.

So we are really not sure what it is we are saying we are going to be voting on, but we know we cannot amend it, whatever it is, because under the rules of suspension, you cannot amend it.

So we are going into this without knowing what we are going to vote on, but knowing that we cannot amend it.

That is not a great way to provide deliberative democracy to the United States of America on a subject as important as lobbying reform.

Now, I have got to say I start this process off with just a wee little bit of suspicion back in my mind. I remember back in September of 1993 the New York Times—now, remember, this is not the Republicans or some spin doctors on the Republican side—the New York Times came out with an extremely unflattering editorial entitled "Mr. Foley's Decoy," on the subject matter of this matter that we have before us, lobby reform.

Just to quote one line of it:

> The bill they are readying for the floor is a sham designed to protect incumbents and wealthy special interests at the expense of democracy and cleaner government.

That is a very harsh statement; a Republican did not make that statement; the New York Times editorial board did, not known for its assimilation of Republican ideas.

They went on further to say:

> President Clinton has a lot on his legislative plate right now, and we agree to be sure, but if he lets Mr. Foley and his claque of preservationist Democrats get away with this, he can't cite overwork; he will have to claim amnesia.

Now, that is an extremely condemning remark by the New York Times. Have we proceeded? Well, actually, we have proceeded. We have now another New York Times editorial, now again not Republicans talking, this is the New York Times, their editorial board on the 8th of this month of this year, saying, and I quote from the editorial page:

> The measure exposes the major weaknesses in the House's pending gift ban bill sponsored by Representative John Bryant of Texas. The problem with the bill, as the accompanying chart suggests, is that it is too permissive to do much good.

In other words, we have got a very, very permissive bill that now those interested in this subject, those special groups out there that follow, like Common Cause and others that try to watchdog the citizens' interests, simply are saying this is cover and it is too weak to do much good.

I would suggest that what we have got in this House is a credibility problem. We are trying to bring this reform forward to enhance the faith and the trust of the people in this country in the House of Representatives and the institution of the U.S. Congress. And I suspect that this process today is not going to do it.

To say that we are going to have 20 minutes of debate on an issue we do not know exactly yet and we cannot amend it is not going to build credibility in the U.S. Congress.

We should defeat this rule, go back, come up with full debate, full deliberation on this subject and let the people of America see that we indeed are capable of treating this properly and coming up with a good result that they will applaud.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Speaker and Members of the House, the bill coming before us today is the strongest bill with regard to lobbying, lobbying activities, and lobbying involvement with Members of the House in the history of this country. If you will just look at the chart to my right, it makes very plain what it does. It bans the practice of registered lobbyists buying meals for Members of Congress; it bans the practice of registered lobbyists paying for entertainment, tickets to the ballgame and the theater and free golf games for Members of Congress; and it bans the purchase of gifts for Members of Congress on the part of lobbyists. The same is true of the firms that they work for.

There are no loopholes. I think that this bill and the process that we are participating in today raises questions about whether it is possible, under any circumstance, to work in a bipartisan fashion on legislation, after the comments which I just heard a moment ago with regard to loopholes.

We have waited for months for the Republicans to bring forth their proposed changes in this bill, and we accepted most of the ones that they brought forward. No one said there were loopholes that needed to be plugged. If there were, where were your amendments? But today you stand up and talk about loopholes. You say that you do not know what the bill says. Well, that does not say very much for the Republican members of the subcommittee who voted this bill out unanimously last November with the announcement that it was supported by the Republican and the Democratic leadership. There has been no mystery about what is in this bill. It is not complicated. It is very straightforward. It is a question of whether you are for it or not. And if you are not for it, stand up here and say, "I am not for it, that I believe lobbyists ought to be able to buy golf games for people, I believe lobbyists ought to be able to pay for meals." Say you believe lobbyists ought to be able to buy your theater tickets. If that is what you believe, say it, but do not get up here and say you are concerned about the process.

The fact of the matter is we have been extremely careful and have taken an inordinate amount of time to try to find a way to make this a bipartisan bill that has been drafted with the input of all parties.

I would like to say that my ranking Republican member of the subcommittee, the gentleman from Pennsylvania [Mr. GEKAS] has been a prince in this regard. We worked together very well. We have had a task force that worked hard on this thing for 6 or 8 months. For some of you to come forward today and say you have concerns about the process, come on. I mean I just got to say if you had concerns about the process, where have you been? Why weren't you out here talking about it before?

□ 1220

This matter is on the floor today under a suspension because we intended to bring it up on suspension on Tuesday, and the gentleman's leadership asked us to postpone it because they were still considering the possibility of supporting it. We did that, and then it was decided they would not support it. So, it is Thursday, and I say to the gentleman, "You objected to unanimous consent, and made us bring it up under a rule to allow a vote on suspension today. That's why we're here today, not because of any ruse, or any unplanned thing, or anything you didn't know about. That's the facts, Jack, and I hope you guys will step out here and help us pass this bill."

It is a simple question:

Are we going to require disclosure of what lobbyists spend on the process of lobbying Congress, or are we going to recodify, and reorganize and reestablish new statutes so lobbyists know what they have to do, and the American people know what is going on with regard to the influence of legislation? Are we going to stop the purchase of gifts, and meals and entertainment for Members of Congress by registered lobbyists, or are we going to vote no today on this rule and go home and pretend that we really were for something stronger?

I ask the gentleman, "Well, if you were for something stronger, where have you been the last 5 or 6 months?"

Mr. Speaker, I urge the Members to vote for this rule and vote for this bill. Let us do right by the American people, do right by this institution and get on with our business.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to engage in a colloquy with the gentleman from Texas [Mr. BRYANT], my friend, by simply responding to the question: "Where have I been?"

Mr. Speaker, I have been in the Committee on Rules waiting in the Committee on Rules for the normal procedure to be followed on this issue. Did the full Committee on the Judiciary hear this? Did this go through the full Committee on the Judiciary?

Mr. BRYANT. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Texas.

Mr. BRYANT. This bill was handled just like the 1989 revision of the gift laws in a task force. It went through the subcommittee, was voted out unanimously. It was the subject of intense scrutiny——

Mr. DREIER. So, in other words, it did not——

Mr. BRYANT. By a task force appointed by our leadership and the gentleman's leadership.

Mr. DREIER. Reclaiming my time, Mr. Speaker, my response is——

Mr. BRYANT. That is the answer.

Mr. DREIER. Listen: If you listened to my opening statement, I said——

Mr. BRYANT. I listened to——

Mr. DREIER. I said that I have grave concerns about the same issues that the gentleman does, but what I am saying is, as a member of the Committee on Rules, it seems to me that the very end, before we go on the Easter recess, to bring this thing up under suspension of the rules, without allowing for Members—the gentleman said, "What should we do?"

We are working on a lot of different issues. It is when legislation comes to the floor that every Member has a right to participate in the debate and offer amendments, and unfortunately our Committee on Rules has not granted that——

Mr. BRYANT. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Texas.

Mr. BRYANT. I have asked the gentleman to yield to me one more time for a response.

I would just say, "If this bill doesn't pass today, that's exactly what's going to happen. We're going to be back out here voting——

Mr. DREIER. And that is what I look forward to.

Mr. BRYANT. But we have crafted a bill here which met the objections of all parties in this House, which was participated in by the Republican leadership and the Democratic leadership, and we are on the floor with it today because those guys decided not to object to our unanimous consent. So do not object to it now.

Mr. DREIER. And I say that I enthusiastically look forward to welcoming my friend up at the Committee on Rules when we run this through the normal operating procedure.

Mr. Speaker, I yield 6 minutes to my friend, the gentleman from Sugarland, TX [Mr. DELAY].

Mr. DELAY. Mr. Speaker, taking a deep breath, I rise in opposition to the rule, and I rise in opposition to the rule because I think there are several reasons to vote against the rule. Most of them have already been outlined.

As my colleagues know, when we started with this bill it was to be a reregistration of the lobbyists and do some reform on how lobbyists operate, register, disclose their operations, a bill that, with a few amendments, I could have supported. Then we got involved in this gift rule situation. There are different types of approaches to it, and we have offered amendments that have not been accepted by the task force. I know there were only three people on our side on the task force. I do not know how many were on the Democrat side on the task force. But this Member of the leadership did not have an opportunity to fashion this bill other than to discuss it a week ago in a policy forum of our conference.

Mr. Speaker, there are a lot of concerns about the bill that I have, the procedures not being the least of such that have already been talked about. Members need to understand that this was plucked out of the subcommittee, brought to Rules and then to the floor of the House. The full Committee on the Judiciary has not met to consider the kinds of amendments that we want to offer, amendments such as one that would address how private citizens, either United States or foreign nationals, are hired to represent foreign interests would be handled. How about LSO's? Under the Bryant bill a Member, a group of Members, may set up a legislative support organization with an affiliate which can accept money directly from lobbyists and foreign interests. Members are then free to spend this money as they wish. We had an amendment to authorize that, and we sent a letter to the committee listing these amendments. How about executive branch lobbying. Not addressed. How about lobbyists contacting the executive branch officials that would only disclose which agency was contacted, but not which specific official was contacted? For instance, there are media reports that certain special interest groups have been given veto authority over timber sales and a corporate interest having veto authority over administration nominees to important industry oversight offices, yet they would not accept an amendment reforming this issue. How about consultants? Certain people are purporting to be spokesmen for the administration, to the media are not Government employees. Yet the Bryant bill would not require the disclosure of whose interests they are paid to represent. How about nonprofit and for-profit lobbyists? Under the Bryant bill these lobbyists are still treated differently. All citizens seeking their constitutional right to petition their Government should be treated equally under the law.

So, Mr. Speaker, we had plenty of amendments that we could discuss in order to bring to the full committee consideration in applying this, but let us talk about the substance. The gentleman from California [Mr. FAZIO] was talking about how hard Members worked in this House. Members in this House start usually at 7:30 or 8 o'clock in the morning. This morning alone I had three breakfasts that I had to attend at 8 o'clock, three breakfasts, and I probably will not get home until about 10 o'clock tonight, and most Members work 12, 14, and 16 hours a day, 6 and 7 days a week. It is very difficult to squeeze in all the people that want to talk to us and have contact with us on issues that are important to them.

Now I kind of went back and figured it out. If we do what the gentleman from California [Mr. FAZIO] and the gentleman from Texas [Mr. BRYANT] want to do and lock out hearing the views of a lot of our fine constituents that hire people to represent them, and we are relegated to operating in this House in a vacuum so that we cannot talk to anybody, then I have to go back, and I have to talk, try and talk to my constituents individually, and working 6 days a week at 12 hours a day, and 60 minutes an hour, I would have to see 1.3 constituents each and every minute for just a minute in order to talk to all my constituents. There would not be any time for votes on the floor. There would not be any time for committee hearings. There would not be any time for markup of legislation. There would not be any time to meet with people outside my district. There would not be any time for traveling even from my district to Washington. That would be all that I could do. I could not even come vote on the floor of the House.

So, Mr. Speaker, it is important to our process to have people that represent the interests of a group of people. What we are doing here is a self-flagellation process. We are setting ourselves up for problems. We are inhibiting our ability to represent our districts by isolating us from meeting and knowing, having relations with as many people as we can. This is a people business, and I say to my colleagues, "You are most effective by networking with as many people across the country as you can in the amount of time that is allotted to you to do so."

□ 1230

Also, I call the Bryant bill the Kay Bailey Hutchison bill. It sets up certain criteria that leave us vulnerable to charges for totally innocent situations. We could go to a lunch with constituents that happen to be lobbyists. They pick up the tab and pay for the lunch with their credit card. We could be vulnerable to charges under this bill although the lunch is totally innocent. Yet we would have to go through the whole process of defending ourselves under that particular process.

Mr. Speaker, we should defeat this rule and go back to the drawing board and see how we can improve this.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the Speaker of the House, the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, I rise in support of the rule and of the bill and I would like to complement the Subcommittee of the Committee on the Judiciary chaired by the gentleman from Texas [Mr. BRYANT] who has worked so effectively and—I must say—so tirelessly and patiently on this legislation for so many months.

Mr. Speaker, I think the bill that comes before us today is one in which the House can take great pride. There is in fact very little controversy about the underlying lobby disclosure provisions of this bill. Most of the controversy and excitement has occurred because of changes in the gift rules.

Again, the gentleman from Texas [Mr. BRYANT] has worked with others on both sides of the aisle in an attempt to bring forward rules which will make it clear to the American people—and they should have no doubt about it—that this is an institution where we are voting on legislation without any appearance of influence from any quarter.

Mr. Speaker, I believe that the institution of lobbying is an honorable institution in that every organization in the country has a right—to approach Members of Congress to seek their support or opposition to any public issue before the Congress, and we should not be isolated from the advice and counsel of experts and people who have the most legitimate and honorable intention of petitioning the Government and placing before it requests for action.

But there is, in some quarters of public opinion, a belief—I think a wrong belief—that we are unduly influenced by the provision of meals, or entertainment, or some other opportunity for a gift of some kind from someone who is lobbying legislation.

Mr. Speaker, this bill clearly bans that activity. It is controversial in the House because I think many Members feel that there is an implication of impropriety where none exists. But I do think that it is important for us to make it very clear under these rules that those who are active in carrying forth lobbying activities, registered lobbyists, should not be involved in such activities, and I believe that the House will not only accept this legislation but will be proud that they have been in a Congress that enacted it.

Mr. Speaker, again I salute the gentleman from Texas [Mr. BRYANT] and all of his colleagues who have brought this legislation forward and I urge the adoption of the rule and passage of the suspension.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to my very good friend from Millbrook, NY, the ranking member of the Committee on the Judiciary, the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, had I known the Speaker of the House were preceding me, I might have had second thoughts because it is with great trepidation that I follow him in this discussion.

Mr. Speaker, I am reminded, though, of a story Abraham Lincoln was fond of telling.

That was, he got a telegraph from his Collector of Customs in New Orleans—in those days that was a very profitable job for the collector—and the wire read: "Mr. President, I have been offered a bribe of $20,000. I request a transfer. They are nearing my price."

Mr. Speaker, the Speaker of the House spoke of perception here rather than reality. I agree with his comments with respect to the importance of lobbyists in our consideration of legislation. But I do not think that we should legislate on the basis of public perception, particularly when it is legislation as ill-conceived and as flawed as this is.

Mr. Speaker, I speak as the ranking member of the full Committee on the Judiciary. This bill never came to us. I have yet to be told why; why it was a matter of subcommittee jurisdiction only and never considered by the full committee when it could have had the judgment and advice of many senior members of the committee who are not on the subcommittee.

Mr. Speaker, because of this, there are many unresolved issues, and consideration under suspension of the rules not allowing any amendments leaves these issues unresolved.

Mr. Speaker, I think all my colleagues know that I am not against gift disclosure. In fact, I do not know a single Member of this body who is against gift disclosure. This is the time-honored manner with which we deal with potential conflicts of interest as we did in 1978 in the Ethics in Government Act, imposing financial disclosure.

Mr. Speaker, I understand the Senate version of this bill that started this whole process calls for disclosure. But before us is not disclosure; it is a ban. We cannot consider an amendment to go back to our usual process today.

Mr. Speaker, I point out one major flaw here and I do not know really how this was allowed to happen. It is the totally different, uneven treatment accorded staff—our personal staff—and by that I mean case workers and legislative assistants—and GS–12's, 13's, 14's, 15's, and 16's, members of the executive branch with substantial responsibilities and the ability to make multimillion-dollar decisions who are not covered. Why are our personal staffs covered by this legislation and not the officials of the executive branch who certainly are in a position to make far more important decisions in terms of impact on the taxpayer?

Mr. Speaker, for these reasons I think that it is important today to vote down this rule.

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield 2 minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I rise in support of this rule and this bill. I am a bit amused listening to my good friend, the gentleman from Texas, the secretary of the Republican conference. On the one hand, he and others argue that the bill is not tough enough, citing uncommon allies like the New York Times and Common Cause, and then the gentleman from Texas [Mr. DELAY], if I am paraphrasing him correctly, says that the provisions of the bill are oppressive, that we work too hard to be burdened by the requirements of this bill, and he cites this morning that he was very busy and that he has been busy the last few days, and we are all very busy. But it strikes me what he is basically saying is the bill's provisions are too tough. And I think that is the argument against this bill we are getting from people who do not like it, is they think the provisions, the burdens, the lobbying requirements, the restrictions on getting gifts are too tough and that we should perhaps abide by a lesser standard, a lower standard of rules, and I think that is the issue in this bill.

If we believe in good, strong, tough restrictions on behalf of lobbyists of Members of Congress and others as well, then we ought to vote for this rule and this bill, and I think it is worthwhile repeating what the gentleman from Texas [Mr. BRYANT] said are the main parts of this particular bill:

No. 1, it prohibits registered lobbyists or lobbying firms from providing meals, entertainment, or gifts to Members of Congress directly or indirectly. That is new. That is a powerful new requirement.

No. 2, it bans lobbyists and lobbying firms in most circumstances from paying for travel and travel-related meals, lodging, and entertainment for these same people.

No. 3, it generally prohibits lobbyists and lobbying firms from providing meals and entertainment to Members and staff.

And, No. 4, it significantly tightens and restricts the ability for organizations, companies, or unions with lobbyists who pay for travel-related expenditures, the vacations that we have seen on TV, the things that have gotten us into a great amount of trouble. It says that if it is done, it is done under very restrictive circumstances, and quite frankly, I think many of us who take advantage of this are probably a little bit nuts, because I think it is going to significantly restrict those kinds of things, all for the good.

All I am saying is this: This is a good, tough set of rules. The gentleman from Texas [Mr. BRYANT] did a superb job, and there was significant input from the other side.

The SPEAKER pro tempore (Mr. VISCLOSKY). The time of the gentleman from Kansas [Mr. GLICKMAN] has expired.

Mr. MOAKLEY. Mr. Speaker, I yield 30 additional seconds to the gentleman from Kansas [Mr. GLICKMAN].

Mr. WASHINGTON. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. Mr. Speaker, I think that the leadership on the subcommittee, the gentleman from Texas [Mr. BRYANT] particularly, but also the gentleman from Pennsylvania [Mr. GEKAS] and other Republicans, were very constructive in trying to work this out as well as they possibly could. It is not a perfect bill, but it is a good, productive, first step.

It starts us down the road toward opening up the governing process to the sunshine and closing down the public perception that gifts and meals to legislators are traded for time and favors. While I do not think that is true, the perception out there in the country is that it is true, and I think this is a good, tough set of rules to begin the process to make us more accountable.

Mr. WASHINGTON. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I am glad to yield to the gentleman from Texas.

The SPEAKER pro tempore. The time of the gentleman from Kansas [Mr. GLICKMAN] has expired.

□ 1240

Mr. WASHINGTON. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN, Mr. Speaker, I yield to the gentleman from Texas.

Mr. WASHINGTON. Mr. Speaker, my concern is this. The very last thing the gentleman said, he said he does not believe that Members of Congress are for sale for a meal or a trip or any of those things. I believe that, too. I honestly do. It troubles me.

I have been in legislative service for 22 years now. There are naysayers out there that think the worst about us, DAN, and you and I both know better. Some of the most wonderful people I have ever met have been people that serve in the legislature, Democrats and Republicans.

Why do we not have the guts to stand up and tell them so, instead of caving in to every little willy-nilly idea they have?

I am not going to be a part of it, but one of these days they are going to nail your hands to the floor so much, you are going to have the courage to stand up and say there is not a Member of Congress for sale for a $50 meal. If you run from them now, one of these days you are going to have to stand up to them.

Mr. GLICKMAN. Mr. Speaker, reclaiming my time, I would say to the gentleman from Texas, I understand that. The fact of the matter is 99 percent of us are extraordinarily honest and would never sell our souls.

Mr. WASHINGTON. Mr. Speaker, the ones that are going to sell their soul are not going to be stopped by this bill.

Mr. GLICKMAN. Mr. Speaker, Virtually every State legislature in the world has significant restrictions on gifts. The public believes on occasion we do in fact take favors, and I think this is a good first step to establish some principles that were honest and true and we do not do that kind of thing.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I would like to comment on the statement from my friend from Wichita and simply say I, for one, do not think that this bill is too tough. I happen to believe very strongly, as was said earlier by the ranking members of the Committee on the Judiciary and as I said in response to the statement from the gentleman from Texas [Mr. BRYANT], it is very important for us to go through the process to allow the full Committee on the Judiciary to have this. I am told by the full Committee on the Judiciary staff on this side that the package we had last night in the Committee on Rules is not what we are going to be considering if we pass this rule. We got this morning what is actually going to be considered by this rule.

Mr. BRYANT. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I do not have time to yield. Perhaps the gentleman from Massachusetts [Mr. MOAKLEY] could yield time to the gentleman.

Mr. Speaker, I am happy to yield 4 minutes to my friend, the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker and my colleagues in the House, I am probably one of the few Members who in their previous experience had the opportunity to register to lobby. I did not have to register to lobby under the current rules. I am not sure how many of you are familiar with what you have to do today to register to lobby. I have a copy of the lobby registration forms here. The problem that you have today is that there is no requirement for compliance. We already have registration and disclosure, but there is no requirement to comply.

Now, I thought as someone who is experienced in dealing with this matter, having seen it from a practical standpoint and having had a firsthand opportunity to participate in the process, I could possibly help improve the process.

Let me tell you what you have before you. You have an oppressive rule, and you have a bill which has holes in it like Swiss cheese.

Let me tell you, you have more loopholes in this particular piece of legislation than you have in your current law. You have loopholes here that you could drive a lobbyist's limousine through.

There are 20,000 attorneys in this town, and only 6,000 currently registered lobbyists. I guarantee you under this proposal there are loopholes that these people can slide through.

I have only had a brief chance to read through this measure but let me point out the loopholes. You have a $2,500 threshold. Actually current law is stricter now, if you just complied with what we have on the books and disclosed who gave it and who got it. That is what we should be disclosing under this proposal and let the public have the right to know.

But we will not even have the opportunity to offer an amendment to correct this legislation. Actually there is less reporting under this proposal. Current law requires quarterly reporting. This proposal is every 6 months.

Look at the groupings provisions. You can group the cash, $5,000, in here, and no one knows exactly how that works. You have opposition to this confusing proposal from nonprofit organizations, threatening organizations, like the American Jewish Committee, American Library Association, American Lung Association, dozens and dozens of groups who say this bill is defective in its present form.

Mr. Speaker, we have heard people come to the well and say this will cure the problem of lobbyist-sponsored trips. I live in sunny Florida. I go there every weekend, and Members come down there with these groups and get criticized for it. Do not think for a minute this proposal is going to stop one of these trips.

Common Cause looked at this bill and said these trips and others like them would not be banned under H.R. 823. In fact, just the opposite would occur. Let me quote from Common Cause's letter:

> The bill would statutorily authorize corporate and other special interests paying for Member participation in golf, tennis, skiing and recreation trips.

Then what is created by this proposal? We solve problems by creating a big bureaucracy. Right now you can go and get the information right here. What are you going to do under this proposal? Create a big bureaucracy with the Department of Justice. We shift from criminal penalties to civil penalties that were put in this bill of which we do not even understand the weakening implications. And you are not allowing the opportunity for amendments.

Once again we see an oppressive Committee on Rules trying to rush legislation through on a suspension. Now, do you know what a suspension is, ladies and gentlemen and the American public? They are going to do this in a quick special order here and jam it through the House of Representatives.

I thought I would have an opportunity to improve this legislation. I thought we would have an opportunity to make sure that the American public knew what is going on with lobbying and lobby disclosure here, who gave it, who got it, and stop the nonsense that goes on.

But instead, what are we going to do? We are going to further dismay the American public. We dismay this process and we do not do the job we were sent here to accomplish.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Utah [Ms. SHEPHERD].

Ms. SHEPHERD. Mr. Speaker, I am simply not among those people who say that this is a bad institution filled with bad people. Quite the contrary, it is an honorable institution, and everybody that I have met here is an honorable person, working extraordinarily hard to do their jobs, and their jobs are doing the people's business.

But the fact of the matter is, there is a public perception that we are not serving people as well as we serve lobbyists. The guy who just lost his job cannot take me to dinner. He cannot afford it. And that is the reason why a lobbyist should not be able to take me to dinner.

With all due respect to Mr. MICA, he does not understand the bill, and I do not frankly think he has read it. It has very, very broad, tight restrictions on who is a lobbyist. It casts a broad net. Virtually everybody in Washington is going to be defined as a lobbyist, period.

They will not be able to do the things that they are able to do now. They will not give us Orioles tickets, they will not give us Kennedy Center tickets. They will not buy us meals, and everything that they are allowed to do will be fully disclosed, and the public will know about it, period.

That is how it should be, because we are people, just like every other person who lives in this United States of America, and we are not entitled to special privileges. We are entitled to do our job, to do it well, and to do it honestly, and to do it in the open, and to make sure that everybody knows that.

Now, we do work hard. We work extraordinarily hard, harder than I ever believed I would work in my whole life, and I owned a business for 10 years. Believe me, that is hard to say, because I worked hard in that business. But that hard work does not entitle me to extraordinary privileges. Period. It does not.

Therefore, I say that if you do not want to pass this bill, you do not want to live by the rules it proposes, and you are sandbagging.

Mr. Speaker, I urge everyone here to vote for the rule, to vote for this bill, and to give this body back the respectability it deserves with this Congress and with this public.

Mr. Speaker, I am not among those who believe that this is a bad institution filled with bad people. Quite the contrary. This is the most important Democratic Institution in the world and it is filled with some of the most honorable people I have ever met.

But Mr. Speaker, the public's perception of the people who make up the Congress is extraordinarily cynical. They believe that special interests have more say in how we do our business than the average citizen. We need to take serious steps if we are to regain the public's trust and get to the point where the American people can once again look to the Congress with pride and confidence.

The Lobbying Disclosure Act will go a long way toward restoring that trust.

Let's look at what this bill does:

Today a lobbyist buys a Member a dinner at La Colline. Under the provisions of this legislation that everyday activity will be banned.

Today a lobbyist buys a staffer lunch at Bullfeathers. Under the provisions of this bill that everyday activity will be banned.

Today a phone company lobbyist gives a telecommunications aide Orioles tickets. Under this bill that activity will be banned.

Today a lobbyist takes a Member to the Congressional Club for a round of golf. Under this bill, if a Member wants to play that golf game, he or she will have to pay their own way.

Today companies fund the Republican retreat at Princeton, NJ, and nothing is disclosed. Under this bill such funding would for the first time be disclosed.

Chairman JOHN BRYANT and the House leadership deserve praise for bringing this important legislation to the floor today. It makes everyone who lobbies register as a lobbyist. It consolidates and closes loopholes in existing laws related to foreign and domestic lobbying. It provides the first serious effort to ban gifts from lobbyists and requires complete disclosure of how they spend their money in their efforts to influence legislation.

This bill is not perfect. I have argued—and will continue to argue—for strengthening provisions when this legislation goes to conference. Specifically, the provisions concerning attendance at so-called charitable events need to be tightened as do the disclosure requirements for meals provided by clients.

There are a number of people who do not want to see this legislation move forward. In spite of their protestations to the contrary, their real motives will be clear—they like the rules just the way they are. I urge my colleagues to not be fooled by those who have spent the better part of a year trying to derail this legislation when they stand on the House floor today and say they will oppose this bill because it is not strong enough.

I am not one to make the perfect the enemy of the good. This is an important step in the right direction. We should pass this bill and I urge all of you to vote for its passage.

□ 1250

The SPEAKER pro tempore (Mr. VISCLOSKY). The Chair would advise Members that the gentleman from California [Mr. DREIER) has 6 minutes remaining, and the gentleman from Massachusetts [Mr. MOAKLEY] has 11½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I rise in strong support of both the rule and of this legislation. I want to commend our colleague, the gentleman from Texas [Mr. BRYANT] for shepherding this legislation through the committee and to our colleagues, the gentlewoman from Utah (Ms. SHEPHERD] and the gentleman from Ohio [Mr. FINGERHUT] for being a driving force among the new Members of Congress to get us to bring this and to put this on the agenda of the House of Representatives.

We all arrive here under different circumstances and for different reasons and different purposes, as has been pointed out. But we all arrive here because of the popular vote of our constituents. And when we are successful in that election and we are sworn into the House of Representatives, we are, in fact, privileged people, because we are given an opportunity by the voters of this country to do something that very few people in the history of the country have been allowed to do. On any given day, there are only 535 of us that can debate on the floor of the Senate and the House of Representatives, that can air our differences and eventually can use this card to vote on behalf of what we believe in and what we believe is good for our constituents and what they tell us they would like us to do.

That is a privilege that no other American can have, unless they run for office and receive the majority vote of their constituents.

It is sacred and it should never, ever, ever be violated.

There is clearly a sense in this country that when we win election that somehow we win something else. That is, the right to free Redskins tickets or 49'er tickets, to the Kennedy Center, free meals, free trips, free golf. I do not believe that that is corrupting individuals in this institution, but I also believe it does have an impact. And it does not come with the voting card, and it does not come with the winning of an election. And it is not essential for us to be doing our business in a first-class manner.

We do not have to eat to talk to a lobbyist. They will talk to us without eating. And we may have more time on our schedule, if we do not eat quite as often with them as we have in the past.

And many people who want to lobby us, we trot out the PTA and the Children's Defense Fund and the social workers, a lot of them do not have the money to take us to four-star restaurants or to fancy private golf clubs, but they want that access just as much as the person we are willing to spend 5 hours with on a Saturday afternoon.

Most Members of Congress, when they retire, say, "I want to leave to spend more time with my family." Think of all those Saturday afternoons we are now saving Members by the passage of this legislation.

This is a very important piece of legislation, because we cannot live in this democratic institution with that perception of the public. And we must end it, and this bill does.

It will make life different for all of us, but it will make this a better institution. It will make this a better place to do work, and it will provide additional time for additional voices and individuals to speak to us about what they think this country should stand for an what we should be doing.

We should pass this legislation and honor our duty and forget all the accoutrements and the benefits that no longer can be justified.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I support many of the goals that my friend from Martinez outlined. The problem was his opening statement in which he thanked our colleagues for shepherding this through the committee, which was wrong. This did not go through the committee.

Then he went on to talk about the need to end golf games and this sort of thing. Well, Common Cause has concluded that this will not end that process of Members going out on golf outings. Many of the things that he said are very admirable. I agree with those goals that were outlined. But tragically, while we Democrats and Republicans alike have wanted very much to strengthen this effort, the goals to which my friend and I aspire are not attained with this.

Unfortunately, as I said earlier, the bill that did not go through the Committee on the Judiciary ended up down here, stamped in after our Committee on Rules adjourned last night to bring this forward, is not the same package that we are going to be voting on.

I think that we need to defeat this rule and not kill, not kill lobbying reform. Bring it down in a way in which we can do the things that we as Republicans try to incorporate in here.

Reform the legislative service organization. Reform the executive branch lobbying process. Reform the role of consultants.

Let us really do the kinds of things that my friend really wants to accomplish.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I think having said all that, this bill is not a mystery to us. This bill has been around. We originally were going to take it up, and those who were deeply interested in golf and free meals got it killed.

Some would suspect it is on suspension so we can try and kill it, because we know on suspension it takes a two-thirds vote rather than a simple majority.

So there is a lot of shenanigans going on around this bill by a lot of Members who do not like this bill because they do not believe in fact it is real.

Mr. DREIER. Mr. Speaker, my friend is absolutely right. If we do not bring this up under suspension, we can pass lobbying reform with a simple majority. This way it is going to take two-thirds, and most Members suspect that it probably will be killed.

Mr. Speaker, I yield 1 minute to the gentleman from Sanibel, FL [Mr. GOSS], a member of the Committee on Standards of Official Conduct.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from California [Mr. DREIER], my friend, for handling this rule so well.

The point that I need to make here is that we did get this after we had adjourned last night. And the worst surprise is, we have been going through this bill trying to see really what is in it. I agree with the gentleman from California who has characterized this process as full of shenanigans. I agree. That is why I am opposed to this rule. Why we should go back and do the rule and the legislative process the right way.

My point here is, I have just discovered that on page 42, line 10, that we have amended the rules of the Committee on Standards of Official Conduct. That is going to be of great interest to every Member, employee, and staffer in this House, because we have suddenly taken on a new risk, a new liability that we did not even know was here.

I did not even know it was here. I am a member of the Committee on Standards of Official Conduct. I know the Committee on Standards of Official Conduct has not taken this up. I hope the chairman of the Committee on Standards of Official Conduct will come forward and speak on this.

I am sorry the ranking member is apparently not available to do that. I do not know what the implications are, but it seems to me that if we are going to suddenly put the Members at additional jeopardy under the rules of the Committee on Standards of Official Conduct, when we have got a bill that is supposed to be talking about lobbyists, we have done something that needs further explanation.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from Indiana [Ms. LONG].

Ms. LONG. Mr. Speaker, I rise in support of this rule and in strong support of the Lobby Disclosure Act, and commend the gentleman from Texas [Mr.

BRYANT], the chairman of the subcommittee for his tireless—and by and large thankless—work on this issue.

The bill would make a number of major changes to current law. They are significant improvements, in my opinion.

It would—as has been stated—prohibit registered lobbyists—and lobbying firms—from providing meals, entertainment, travel, or gifts to Members or their staff.

As with any other law, there will be those that try and find clever ways to get around or circumvent our intent. But make no mistake about it—this is a good bill.

The Members of this and the other body are—by and large—true professionals who are all too often unappreciated for the long hours and tireless work that they do. I have never worked with a group of individuals who are more committed to trying to do good, as I have had the honor of doing since becoming a Member of the House.

But, unfortunately, and the membership surely must acknowledge this—unfortunately, there is a negative perception among the population that many elected officials are crooked. That we take lots of gifts and trips. That we have lavish lifestyles.

They are wrong. It is unfortunate. But nevertheless—it is—and I think undeniably—the perception.

I do not want that perception to continue. This bill simply takes a weapon away from the critics of Congress. And it take away things that I do not believe are important to the majority of Members anyway.

Passing this bill will not discourage people from running for the House or Senate. It will not impact our lives in any significant fashion.

It will—however—greatly hinder the negative impression that the public has of the Congress—not only now—but in the future.

I know my colleagues want to improve our reputation—and those of us who work hard for our constituents. I ask them to join me in supporting this rule and the lobbying reform and gifts ban bill so that we can get on with more important issues confronting our Nation.

□ 1300

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, I love this institution. I have only been here a little over a year, but I can tell the Members that this is the finest democratic institution in the world, and the people who work here are wonderful people. However, we have a problem. The problem is that the American people perceive that we have privileges that they are not entitled to. That is a cloud that hangs over this institution. It is a cloud that I think we can made disappear today. We can take that cloud away by passing this rule and passing this legislation. This is not perfect legislation, but it moves in the right direction.

I think we have both the opportunity and the duty to the American people to say to them, "Yes, we are your Representatives, but we do not think we are any better than you are. We think we are as good as you are. We do not think we are any better."

If all it is going to take is getting rid of the practice of having a meal purchased by a lobbyist, or ultimately trips and tennis matches of golf outings purchased by a lobbyist, for me that is an easy decision. Let us get rid of the goofy meals, let us get rid of the goofy trips, and let us do the people's business.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I rise in support of the rule and the legislation. My first job in government was with Senator Paul Douglas of Illinois in the early 1960's. Senator Douglas, who enjoyed a reputation as one of the more ethical Members to ever serve on Capitol Hill, had a rule in his office where he would not accept a gift of value in excess of $2.50. As a member of his staff, we had to assess everything that came through the door to determine whether or not it exceeded that amount in value.

This was a royal pain. It resulted in some embarrassment and ridicule, but the final analysis is this: Paul Douglas enjoyed the highest reputation. People came to know him as an honest man.

I hope this legislation will help this institution and all the Members enjoy the reputation nationwide which they deserve as honest men and women.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. WASHINGTON].

Mr. WASHINGTON. Mr. Speaker, I was on my way to make a speech when I was listening to some of the debate on television. I decided to come over here, not for or against the rule or the bill, but in defense of Congress. I rise in defense of Congress, because there are not enough people here who are willing to defend this institution. They will say, "Everybody here is honest, but we need this public perception."

The Bible says, "So thinkest the man, such is he."

If you think that somebody else is for sale for a golf outing, that probably means that you are for sale for a golf outing. That does not mean that that person is for sale for a golf outing. It takes courage to stand up to constituents and say, "Your perception is wrong."

I would say to the gentleman from Ohio [Mr. FINGERHUT], tell them their perception is wrong, if that is what the gentleman believes in his heart today, but do not pretend to help Congress by holding us up to ridicule.

The gentleman, Mr. MILLER, said, "We believe Members of Congress are good, but we have to decide between doing what is right and doing what the people tell us to do." That is what we got elected to do, to do what is right, to have the courage to stand up and to tell people that the people here are honest, because if we do not, then that reminds me of the guy who was in the fight with a bear and his friends were trying to help him so much.

If the Members cannot defend this institution any better than this, if they ever see me in a fight with a bear, throw some honey on me, please.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I just want to commend the gentleman from Texas for his sponsorship of this bill, and I also want to commend the Speaker of this House for taking the unusual step of coming down here to speak on this very important piece of legislation.

Mr. Speaker, we are all familiar with the expression that "a journey of a thousand miles begins with a single step." Clearly, restoring the public's faith and confidence in this institution is a journey of a thousand miles. We take more than a single step here today. In fact, we take two major steps. First of all, we close the loopholes that have allowed most of the lobbyists in this town to not register. We bring them within the ambit of the lobbyist registration laws.

Second, we say that anybody who is a registered lobbyist, whose business it is to influence Congress, cannot provide a financial benefit to the Member of Congress that they are trying to lobby. These are two very important steps forward.

A word, very quickly, to our critics. If there is anything that I have heard in this body too much, it is, "We did not go far enough. We did not go far enough in reducing the deficit. We did not go far enough in fixing this problem or that problem."

However, we have to start somewhere. This bill does that, clearly.

We have tried to bring people into this debate. The gentlewoman from Utah [Ms. SHEPHERD] and I have all year tried to bring other people in to help us improve the measure, to help us decide how we can go further. This is an important rule. It is an important bill. Let us pass it now.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, we have had a lot of discussion on the floor today about this bill, and we have tried to center it, I think, on the Congress, from everything I have heard. What we did not hear is what this bill fails to do, and that is deal with the special interest power as it lobbies the administration. There is an awful lot of concern about that.

Very recently, the Capital Research Center has done a rather elaborate look at what kind of special interest power is influencing the administration, and the direct ties of members of the administration with special interest groups.

If we just look at one department, it gives us concern. These are the kinds of things not addressed in this bill at all. In one department, the Department of Housing and Urban Development, the Secretary has direct ties to the Citizens Transition Project, the national Council on Aging, and the National Unity Task Force. The Secretary has direct ties to the Community Information Exchange, the National Community Development Association, and the National Council of State Housing Agencies.

The Assistant Secretary for Fair Housing and Equal Opportunity has direct ties to California Women Lawyers, the Lesbian Rights Project of Equal Rights Advocates, Inc., the National Center for Lesbian Rights, and the United Way of the Bay Area.

The Assistant Secretary for Policy Development and Research has direct ties to urban America, and the Urban Land Institute.

The Assistant Secretary for Public Affairs has direct ties to the Enterprise Foundation.

The Assistant Secretary for Housing and Federal Housing Commissioner has direct ties to the Community Development Training Institute, the National Community Development Association, and the Rhode Island Coalition for the Homeless.

When we go down through one department, we find all of these direct ties to special interest groups, and yet this bill does not speak at all to this lobbying effort that goes on all the time in the administration. We speak only to the Congress.

It may be worthwhile to speak to Congress, although Common Cause and a number of other major groups think it is a pretty weak effort there, but we do not get to the problem that is really infesting this town at the present time, that we have an administration that is highly suspect in its dealings anyhow, and now we do not even speak to it in this lobbying reform law.

Mr. MOAKLEY. Mr. Speaker, I would require of the gentleman from California [Mr. DREIER] if he has consumed all his remaining time.

Mr. DREIER. Mr. Speaker, I yield my remaining minute to the gentleman from Texas [Mr. BRYANT], with the understanding that if there are any great questions sparked by his eloquence, I may be allowed to ask them.

Mr. MOAKLEY. Mr. Speaker, I yield the remaining time to the gentleman from Texas [Mr. BRYANT].

The SPEAKER pro tempore (Mr. VISCLOSKY). The gentleman from Texas [Mr. BRYANT] is recognized for 3½ minutes.

Mr. BRYANT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the gentleman from Pennsylvania [Mr. WALKER] has the moral and professional obligation to read this bill before he comes to the floor. This bill applies all the same rules of lobbying the executive branch that it applies to lobbying the legislative branch. It has been that way for many, many, many months. I do not think it is correct of the gentleman to stand here and say otherwise.

We have heard a number of statements made on the other side there that ought to be responded to. I am certain I will not have time to respond to all of them.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BRYANT. I yield to the gentleman from Pennsylvania, if it will count toward the 1 minute yielded to me by the gentleman from California [Mr. DREIER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I would ask the gentleman, does the administration have to come before the ethics committee?

Mr. BRYANT. Mr. Speaker, this bill does not have anything to do with the ethics committee.

Mr. WALKER. Mr. Speaker, on page 42 there is a whole line there on the ethics committee. The gentleman has not read his own bill. I would say that the administration does not have to come before the ethics committee.

Mr. BRYANT. In the first place, I do not know what difference that would make either way.

Mr. WALKER. If the gentleman will continue to yield, that is one of the enforcement mechanisms.

Mr. BRYANT. Mr. Speaker, there was a statement made by the gentleman from Florida [Mr. GOSS] that he interpreted that there was a reference to the House rules in here. At the request of the gentleman from Georgia [Mr. GINGRICH], who is the leader-elect on your side, we inserted a provision that said that anything that a lobbyist is prohibited from doing is a violation of the House rules if a Member does it.

He asked for that provision. Otherwise there is no reference at all there.

Mr. WALKER. If the gentleman will yield further, I am just asking whether that applies to the administration. The gentleman said everything here applies to the administration. I would ask, does that apply?

Mr. BRYANT. Of course. Everything that applies to a lobbyist with regard to lobbying the House applies to lobbying the executive branch.

Mr. WALKER. That provision does not apply to the administration?

Mr. BRYANT. It is clear it does apply. The gentleman should not come forward and try to obfuscate this issue.

Mr. Speaker, I reclaim my time.

☐ 1310

I also heard the gentleman from Florida [Mr. MICA] get up a moment ago and make reference to criminal penalties. There are no criminal penalties in this bill at all. Where have you been for the last several months, I ask the gentleman from Florida [Mr. MICA]? Why would you stand up and say there are criminal penalties in this bill? The gentleman made reference to the Department of Justice. This bill does not relate to the Department of Justice, it relates to an agency called the Office of Lobbying Registration.

Another Republican Member complained about some amendments he had not seen until last night. These are the Republicans' amendments you asked for. We added them because you asked for them. That is why they are here. Where is your help, where is whoever it is over there who is supposed to be reading these amendments? I could go on and on.

What is at stake here today is very simply this: Do you folks want to join us in making it against the law for lobbyists to buy a free meal for a Member of Congress or not? Do you want to join with us in making it against the law for a lobbyist to pay for golf and entertainment for Members of Congress or not?

Do you want to join with us in making it against the law for lobbyists to pay for travel with us or not?

That is what is at stake here. We have a rule on the floor today to let us bring this up on suspension as we intended to before you all asked for a delay. Now we gave you the delay. It has been 2 days. We are asking now that we are able to bring it up on suspension today just as we would have on Tuesday, so we can vote for this bill, make clear to the American people that these people who work around us here in Washington, DC, do not have any more opportunity and any more influence than the folks back home do. That is what is at stake.

I appeal to Members for their vote on this rule. Let us get a clear vote on this issue and then I appeal to Members to vote for us to pass this bill, and to help restore some confidence in an institution that has been much maligned, unfairly maligned, but nevertheless a perception we have to deal with.

Mr. MICA. Mr. Speaker, will the gentleman yield?

Mr. BRYANT. If I have time, I yield to the gentleman from Florida.

Mr. MICA. Mr. Speaker, I would ask the gentleman, can he explain to me, I have carefully read the bill and the definition of lobbyists on page 14, the provision that exempts those who spend less than 10 percent of their time lobbying and not reporting?

Mr. BRYANT. Mr. Speaker, if there is time, I am happy to explain.

The SPEAKER pro tempore (Mr. VISCLOSKY). All time for debate has expired.

Mr. MOAKLEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 221, nays 202, answered "present," not voting 10, as follows:

[Roll No. 89]

YEAS—221

Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dixon
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Harman
Hastings
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutchinson
Inglis
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rahall
Reed
Regula
Reynolds
Richardson
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—202

Abercrombie
Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Boucher
Brewster
Brooks
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chapman
Clay
Clement
Clinger
Coble
Collins (GA)
Combest
Cooper
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Ford (MI)
Fowler
Franks (CT)
Franks (NJ)
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Hefner
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutto
Hyde
Inhofe
Istook
Jacobs
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
Laughlin
Lazio
Levy
Lewis (CA)
Lightfoot
Linder
Livingston
Lloyd
Machtley
Manton
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Myers
Nussle
Orton
Oxley
Packard
Pastor
Paxon
Payne (VA)
Petri
Pickett
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Rangel
Ravenel
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Sangmeister
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Towns
Upton
Volkmer
Vucanovich
Walker
Walsh
Washington
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Ford (TN)
Gallegly
Gallo
Grandy
Lewis (FL)
Natcher
Pickle
Tauzin
Tucker
Wilson

□ 1336

The Clerk announced the following pair:

On this vote:

Mr. Tucker for, with Mr. Grandy against.

Messrs. LAZIO, HAYES, MANTON, ROTH, and TOWNS, and Mrs. LLOYD changed their vote from "yea" to "nay."

Messrs. BISHOP, HILLIARD, BARCIA of Michigan, CONDIT, GONZALEZ, ROYCE, ACKERMAN, MFUME, and STOKES, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "nay" to "yea."

Mr. MINETA changed his vote from "present" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. BRYANT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 349) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, as amended, insist on the House amendment thereto, and request a conference with the Senate thereon.

The Clerk read as follows:

S. 349

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Lobbying Disclosure Act of 1994".

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decision making process in both the legislative and executive branches of the Federal Government;

(2) existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak administrative and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and

(3) the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.

**SEC. 3. DEFINITIONS.**

As used in this Act:

(1) AGENCY.—The term "agency" has the meaning given that term in section 551(1) of title 5, United States Code.

(2) CLIENT.—The term "client" means any person or entity (including a State or local government) who employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity or another person or entity. An organization whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the

case of any person or entity that employs or retains a lobbyist to conduct lobbying activities on behalf of another person or entity, the client is both the person or entity that employs or retains the lobbyist and the person or entity on whose behalf the lobbyist conducts lobbying activities. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is—

(A) the coalition or association and not its individual members when the lobbying activities are conducted on behalf of its membership and financed by the coalition's or association's dues and assessments, or

(B) the individual member or members, when the lobbying activities are, directly or indirectly, financed separately by one or more individual members and not by the coalition's or association's dues and assessments.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.—The term "covered executive branch official" means—

(A) the President or the President-elect;

(B) the Vice President or the Vice President-elect;

(C) any officer or employee (other than a clerical or secretarial employee) of the Executive Office of the President or any individual functioning in the capacity of such an officer or employee on an unpaid basis;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or executive order;

(E) any officer or employee serving in a Senior Executive Service position, as defined in section 3132 (a)(2) of title 5, United States Code;

(F) any member of the uniformed services whose pay grade is at or above O-7 under section 201 of title 37, United States Code; and

(G) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code, including an employee listed in schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—

(A) IN GENERAL.—The term "covered legislative branch official" means—

(i) a Member of Congress or a Member-elect of Congress;

(ii) an elected officer of either House of Congress;

(iii) any employee of a Member of Congress or of a committee of either House of Congress;

(iv) any employee on the leadership staff of the House of Representatives and any employee on the leadership staff of the Senate;

(v) any employee of a joint committee of the Congress; and

(vi) any employee of a working group or caucus organized to provide legislative services or other assistance to Members of Congress.

(B) DEFINITIONS.—For purposes of subparagraph (A)—

(i) the terms "employee on the leadership staff of the House of Representatives" and "employee on the leadership staff of the Senate" have the meanings given these terms in section 207(e)(4) of title 18, United States Code;

(ii) the term "employee" includes any individual functioning in the capacity of an employee described in subparagraph (A) on an unpaid basis but the term does not include a clerical or secretarial employee, and

(iii) the term "Member of Congress" means a Senator or a Representative in, or Delegate or Resident Commissioner, to the Congress.

(5) DIRECTOR.—The term "Director" means the Director of the Office of Lobbying Registration and Public Disclosure.

(6) EMPLOYEE.—Except as provided in paragraph (4)(B)(ii), the term "employee" means any individual who is an officer, employee, partner, director, or proprietor of an organization, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the organization for their services.

(7) FOREIGN ENTITY.—The term "foreign entity" means a foreign principal as such term is defined in subsection (b) of section 1 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 (b)).

(8) GRASS ROOTS LOBBYING COMMUNICATIONS.—The term "grass roots lobbying communications" means—

(A) any communication that attempts to influence any legislation through an attempt to affect the opinions of the general public or any segment thereof;

(B) any communication between an organization and any bona fide member of such organization to directly encourage such member to make a communication to a covered executive branch official or a covered legislative branch official with regard to a matter described in clause (i), (ii), (iii), or (iv) of paragraph (10)(A) of section 3; and

(C) any communication between an organization and any bona fide member of such organization to directly encourage such member to urge persons other than members to communicate as provided in either subparagraph (A) or subparagraph (B).

(9) LOBBYING ACTIVITIES.—

(A) DEFINITION.—The term "lobbying activities" means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended at the time it is performed, for use in contacts, and coordination with the lobbying activities of others. Except as provided in subparagraph (B), lobbying activities also include—

(i) grass roots lobbying communications, and

(ii) any communication described in clause (iii), (v), (vii), (viii), or (xvi) of paragraph (10)(B),

to the extent that such communications are made in support of a lobbying contact.

(B) RELIGIOUS ORGANIZATIONS.—Lobbying activities do not include grass roots lobbying communications by churches, their integrated auxiliaries, conventions or associations of churches, and religious orders that are exempt from filing Federal income tax returns under paragraph (2)(A)(i) or (2)(A)(iii) of section 6033(a) of the Internal Revenue Code of 1986, unless such communications are made by any person or organization required to be identified under section 4(b)(5) of this Act.

(10) LOBBYING CONTACT.—

(A) DEFINITION.—The term "lobbying contact" means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license), except that this clause does not include communications that are made to any covered executive branch official—

(I) who is serving in a Senior Executive Service position described in paragraph (3)(E), or

(II) who is a member of the uniformed services whose pay grade is lower than O-9 under section 201 of title 37, United States Code,

in the agency responsible for taking such administrative or executive action; or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term "lobbying contact" does not include communications that are—

(i) made by public officials acting in their official capacity;

(ii) made by representatives of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication, or other material which is widely distributed to the public through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) requests for meetings, requests for the status of matters described in clauses (i), (ii), (iii), and (iv) of subparagraph (A), or other similar requests, if the requests do not include attempts to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to a written request for specific information from a covered executive branch official or a covered legislative branch official;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to officials in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding, or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) written comments filed in the course of a public proceeding or other communications that are made on the record in a public proceeding;

(xv) a petition for agency action made in writing pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this subclause does not apply to any communication with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) disclosures by an individual to the appropriate authority on account of which that individual is protected against adverse personnel actions, or other reprisals, under the amendments made by the Whistleblower Protection Act of 1989, the Inspector General Act of 1978, or other provision of law;

(xviii) made by a church, its integrated auxiliary, a convention or association of churches, or a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(i) or (2)(A)(iii) of section 6033(a) of the Internal Revenue Code of 1986 if the communication constitutes the free exercise of religion or is for the purpose of protecting the right to the free exercise of religion; and

(xix) between—

(I) officials of a self-regulatory organization recognized by Federal law, and

(II) the Federal regulatory agency with jurisdiction over such organization,

relating to the regulatory responsibilities of such organization under such law.

The term "media organization", as used in clause (ii), means an organization engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

(11) LOBBYIST.—The term "lobbyist" means any individual who is employed or retained by a client for financial or other compensation for services that include one or more lobbying contacts, other than an individual whose lobbying activities constitute less than 10 percent of the time engaged in the services provided by such individual to that client.

(12) ORGANIZATION.—The term "organization" means any corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, or group of organizations.

(13) PUBLIC OFFICIAL.—The term "public official" means any elected official, appointed official, or an employee of—

(A) a Federal, State, or local unit of government in the United States other than—

(i) a college or university which is an agency or instrumentality of the government of any State or of a local unit of government thereof, or which is owned or operated by such a government or by any agency or instrumentality of one or more such governments;

(ii) a government-sponsored enterprise as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974; or

(iii) a public utility, including any entity that provides gas, electricity, water, or communications, which is an agency or instrumentality of the government of any State or States or of a local unit of government of a State or which is owned, controlled, or operated by such a government or by any agency or instrumentality of one or more such governments;

(B) a Government corporation (as defined in section 9101 of title 31, United States Code);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), or (iii) of subparagraph (A);

(D) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)),

(E) a national or State political party or any organizational unit thereof, or

(F) a national, regional, or local unit of any foreign government.

(14) The term "State" means each of the several States, the District of Columbia, and any commonwealth territory, or possession of the United States.

**SEC. 4. REGISTRATION OF LOBBYISTS.**

(a) REGISTRATION.—

(1) GENERAL RULE.—Not later than 30 days after a lobbyist first makes a lobbying contact or is employed or retained to make a lobbying contact, whichever is earlier, such lobbyist (or, as provided under paragraph (2), the organization employing such lobbyist), shall register with the Office of Lobbying Registration and Public Disclosure.

(2) ORGANIZATION RULE.—Any organization that has one or more employees who are lobbyists shall make the registration required by paragraph (1) on behalf of such employees.

(3) EXEMPTION.—

(A) GENERAL RULE.—Notwithstanding paragraph (1) or (2), an individual or organization whose—

(i) total income for matters related to lobbying activities on behalf of a particular client (in the case of a lobbyist making lobbying contacts on behalf of a client other than the organization employing such lobbyist), or

(ii) total expenses in connection with lobbying activities (in the case of a lobbyist making lobbying contacts on behalf of the organization employing such lobbyist),

do not exceed, or are not expected to exceed $2,500 (as estimated under section 5) in the semiannual period described in section 5(a) during which the registration would be made is not required to register under subsection (a) with respect to such client.

(B) ADJUSTMENT.—The $2,500 figure in subparagraph (A) shall be adjusted—

(i) on January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) since the date of the enactment of this Act, and

(ii) on January 1 of each fourth year occurring after January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) during the preceding 4-year period,

rounded to the nearest $100.

(b) CONTENTS OF REGISTRATION.—Each registration under this section shall be in such form as the Director shall prescribe by regulation and shall contain—

(1) the name, address, business telephone number, and principal place of business of the registrant, and a general description of its business or activities;

(2) the name, address, and principal place of business of the registrant's client, and a general description of its business or activities (if different from paragraph (1));

(3) the name, address, and principal place of business of any organization, other than the client, that—

(A) contributes or has agreed to contribute more than $5,000 toward the lobbying activities of the registrant in the semiannual period described in section 5(a) in which the registration is made; and

(B) significantly participates or has agreed to participate significantly in the planning, supervision, or control of such lobbying activities;

(4) the name, address, principal place of business, amount of any contribution of more than $5,000 to the lobbying activities of the registrant, and approximate percentage of equitable ownership in the client (if any) of any foreign entity that—

(A) holds at least 20 percent equitable ownership in the client or any organization identified under paragraph (3);

(B) directly or indirectly, in whole or in major part, plans, supervises, controls, directs, finances, or subsidizes the lobbying activities of the registrant; or

(C) is an affiliate of the client or any organization identified under paragraph (3) and has a direct interest in the outcome of the lobbying activity;

(5) the name, address, and principal place of business of any person or organization retained by the registrant (other than an employee of the registrant) to conduct grass roots lobbying communications on behalf of the registrant or the client of the registrant (other than a person or organization that is separately registered under this Act in connection with such representation);

(6) a statement of—

(A) the general issue areas in which the registrant expects to engage in lobbying activities on behalf of the client, and

(B) to the extent practicable, specific issues that have (as of the date of the registration) already been addressed or are likely to be addressed in lobbying activities; and

(7) the name of each employee of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client and, if any such employee has served as a covered executive branch official or a covered legislative branch official in the 2 years before the date on which such employee was first required to register as a lobbyist on behalf of the client, the position in which such employee served.

(c) GUIDELINES FOR REGISTRATION.—

(1) MULTIPLE CLIENTS.—In the case of a registrant making lobbying contacts on behalf of more than one client, a separate registration under this section shall be filed for each such client.

(2) MULTIPLE LOBBYISTS.—Any organization that has one or more employees who are lobbyists shall file a single registration under this section for each client on whose behalf its employees act as lobbyists covering all lobbying contacts made by such employees on behalf of such client.

(3) MULTIPLE CONTACTS.—If a registrant makes another lobbying contact for the same client with a covered executive branch official or covered legislative branch official, such contact will not require another registration under paragraph (1).

(d) TERMINATION OF REGISTRATION.—A registrant who after registration does not—

(1) engage in any lobbying activities in a semiannual reporting period on behalf of the client with respect to which the registrant registered, and

(2) anticipate any additional lobbying activities for such client in the 12-month period following such reporting period,

shall notify the Director of the termination of such activities and shall not be required to file any additional reports with respect to such client under this section.

**SEC. 5. REPORTS BY REGISTERED LOBBYISTS.**

(a) SEMIANNUAL REPORT.—

(1) IN GENERAL.—No later than 30 days after the end of the semiannual period beginning on the first day of each January and the first day of July of each year in which a registrant is registered under section 4, each registrant shall file a report with the Office of Lobbying Registration and Public Disclosure on its lobbying activities during such semiannual period. A separate report shall be filed for each client of the registrant.

(2) EXEMPTION.—

(A) INCOME OR EXPENSES OF LESS THAN $2,500.—Any registrant whose—

(i) total income for a particular client for matters that are related to lobbying activities on behalf of that client (in the case of a registrant described in subsection (b)(3)), or

(ii) total expenses in connection with lobbying activities (in the case of a registrant described in subsection (b)(4)),

are less than $2,500 in a semiannual period (as estimated under paragraph (3) or (4) of subsection (b), or paragraph (3) of subsection (c), as applicable) is deemed to be inactive during such period and may comply with the reporting requirements of this section by so notifying the Director in such form as the Director may prescribe.

(B) ADJUSTMENT.—The $2,500 figure in subparagraph (A) shall be adjusted as provided in section 4(a)(3)(B).

(b) CONTENTS OF REPORT.—Each semiannual report filed under subsection (a) shall be in such form as the Director shall prescribe by regulation and shall contain—

(1) the name of the registrant, the name of the client, and any changes or updates to the information provided in the initial registration;

(2) for each general issue area in which the registrant engaged in lobbying activities on behalf of the client during the semiannual filing period—

(A) a list of the specific issues upon which the registrant engaged in lobbying activities, including, to the maximum extent practicable, a list of bill numbers and references to specific regulatory actions, programs, projects, contracts, grants, and loans;

(B) a statement of the Houses and committees of Congress and the Federal agencies contacted by lobbyists employed by the registrant on behalf of the client during the semiannual filing period;

(C) a list of the employees of the registrant who acted as lobbyists on behalf of the client;

(D) a description of the interest in the specific issues, if any, of any foreign entity identified under section 4(b)(4); and

(E) a list of the specific issues on which any person or organization required to be identified under section 4(b)(5) has engaged in grass roots lobbying communications on behalf of the client;

(3) in the case of a registrant engaged in lobbying activities on behalf of a client other than the registrant, a good faith estimate of the total amount of all income from the client (including any payments to the registrant by any other person for lobbying activities on behalf of the client) during the semiannual period, other than income for matters that are unrelated to lobbying activities;

(4) in the case of a registrant engaged in lobbying activities on its own behalf, a good faith estimate of the total expenses that the registrant and its employees incurred in connection with lobbying activities during the semiannual filing period; and

(5) a good faith estimate of the total expenses that the registrant and its employees incurred in connection with grass roots lobbying communications on behalf of the client (including any amount paid in connection with such communications to a person or organization required to be identified under section 4(b)(5)).

(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, estimates of income or expenses shall be made as follows:

(1) $200,000 OR LESS.—Income or expenses of $200,000 or less shall be estimated in accordance with the following categories:

(A) At least $2,500 but not more than $10,000.

(B) More than $10,000 but not more than $20,000.

(C) More than $20,000 but not more than $50,000.

(D) More than $50,000 but not more than $100,000.

(E) More than $100,000 but not more than $200,000.

(2) MORE THAN $200,000.—Income or expenses in excess of $200,000 shall be estimated and rounded to the nearest $100,000.

(3) ESTIMATES BASED ON TAX REPORTING SYSTEM.—In the case of any registrant that reports lobbying expenditures as required by section 6033 of the Internal Revenue Code of 1986, regulations prescribed under section 7 of this Act shall provide that the registrant may make a good faith estimate of amounts that would be required to be disclosed under such section of the Internal Revenue Code of 1986 for the applicable semiannual period (by category of dollar value) to meet the requirements of subsection (b)(4), if each time the registrant makes such an estimate, the registrant informs the Director that the registrant is making such an estimate.

(4) CONSTRUCTION.—In estimating total income or expenses under this section, a registrant is not required to include—

(A) the value of contributed services for which no payment is made; or

(B) the expenses for services provided by an independent contractor of the registrant who is separately registered under this Act.

(d) CONTACTS.—

(1) CONTACTS CONSIDERED CONTACTS WITH COMMITTEES.—For purposes of subsection (b)(2), any contact with a member of a committee of Congress, an employee of a committee of Congress, or an employee of a member of a committee of Congress regarding a matter within the jurisdiction of such committee shall be considered a contact with the committee.

(2) CONTACTS CONSIDERED CONTACTS WITH HOUSE OF CONGRESS.—For purposes of subsection (b)(2), any contact with a Member of Congress or an employee of a Member of Congress regarding a matter which is not within the jurisdiction of a committee of Congress of which that Member is a member shall be considered a contact with the House of Congress of that Member.

(3) CONTACTS CONSIDERED CONTACTS WITH FEDERAL AGENCIES.—For purposes of subsection (b)(2), any contact with a covered executive branch official shall be considered a contact with the Federal agency that employs that official.

(e) EXTENSION FOR FILING.—The Director may grant an extension of time of not more than 30 days for the filing of any report under this section, upon the request of the registrant, for good cause shown.

### SEC. 6. PROHIBITION ON GIFTS, MEALS, TRAVEL, ENTERTAINMENT, REIMBURSEMENTS, AND LOANS; ITEMIZATION OF CERTAIN EXPENDITURES

(a) IN GENERAL.—

(1) REGISTRANTS AND LOBBYISTS.—In accordance with this section, each registrant (including a lobbyist employed by, or a lobbyist who is a member of, a registrant) or any client of a registrant shall be—

(A) prohibited from providing, directly or indirectly, gifts, meals, travel, entertainment, reimbursements, and loans described in subsection (b), and

(B) required to make an itemized disclosure of expenditures described in subsection (c) and provided, directly or indirectly,

to a covered legislative branch official, to an entity that is maintained or controlled by a covered legislative branch official, or to any other person or entity on behalf of a covered legislative branch official (collectively referred to in this subsection as a "covered person or entity").

(2) FOREIGN LOBBYISTS.—For purposes of this section, a registrant or any client of a registrant shall include a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act) and an agent of a foreign principal (as defined in section 1(c) of such Act).

(b) PROHIBITION.—A registrant (including a lobbyist) or any client of a registrant may not provide, directly or indirectly (with funds of a registrant or a client), to or on behalf of or for a covered person or entity:

(1) TRAVEL, ENTERTAINMENT, FOOD, AND LODGING.—Payment for local or long-distance transportation, entertainment, food, or lodging, whether provided in kind, by purchase of a ticket, by payment in advance or by reimbursement, or otherwise.

(2) REIMBURSEMENT.—Reimbursement of an expense.

(3) LOAN.—A loan.

(4) GIFTS.—Any other item of value.

(c) DISCLOSURE.—With respect to expenditures described in this subsection, the prohibitions prescribed by subsection (b) with respect to an expenditure will not apply to a registrant or any client of a registrant if the registrant discloses the expenditure of the registrant or the client, in the registrant's semiannual report under section 5(a) or in a separate report on itemized expenditures subject to the same filing requirements, as follows:

(1) IN GENERAL.—With respect to each expenditure described in paragraph (2), the registrant shall disclose—

(A) the name and position of the covered legislative branch official or other covered person or entity to whom or which or on behalf of whom or which the expenditure was made;

(B) the type of the expenditure;

(C) the date on which the expenditure was made; and

(D) the amount of the expenditure.

(2) EXPENDITURES SUBJECT TO DISCLOSURE.—The following expenditures are subject to disclosure under paragraph (1):

(A) Necessary travel-related expenditures made by a registrant described in section 5(b)(4) or a client of a registrant described in section 5(b)(3) for a covered legislative branch official or a person on behalf of such an official in connection with speaking engagements, fact finding trips, substantial participation in an event sponsored by an entity described in section 170(c) or 527(e) of the Internal Revenue Code of 1986, and similar events if the expenditure covers the costs of a trip for a period of not more than—

(i) 4 consecutive days in the case of domestic travel and 7 consecutive days (excluding travel days) in the case of international travel, and

(ii) 24 hours before or after such person's actual participation in the event in the case of domestic travel or 48 hours before or after such person's actual participation in the event in the case of international travel.

Necessary travel-related expenditures include reimbursements for necessary transportation whether or not such transportation occurs within the periods described in clause (i) or (ii), but does not include expenditures for travel, lodging, or entertainment collateral to the event or meals taken other than in a group setting to which all other attendees are invited.

(B) Honorary degrees and associated meals and entertainment provided to a covered person or entity.

(C) Food, refreshment, or entertainment provided a covered person or entity while attending a meeting or event with persons who are not United States citizens while on official travel to a foreign area.

(3) CONFERENCES.—With respect to each financial contribution or expenditure relating to a conference, retreat, or similar event for or on behalf of covered legislative branch officials which is sponsored by or affiliated with an official congressional organization, the registrant shall disclose—

(A) the nature of the conference, retreat, or similar event;

(B) the date or dates on which the conference, retreat, or other event occurred;

(C) the identity of the organization that sponsored or is affiliated with the event; and

(D) a single aggregate figure for the contributions or expenditures made by the registrant or client of the registrant in connection with the conference, retreat, or similar event.

(4) EVENTS.—With respect to each financial contribution or expenditure that relates to a widely attended event that is hosted or cohosted with, or in honor of, 1 or more covered legislative branch officials, the registrant shall disclose—

(A) the name and position of each such covered legislative branch official that hosted, cohosted, or was honored at such event

(B) the nature of the event;

(C) the date on which the event occurred; and

(D) a single aggregate figure for the contributions or expenditures made by the registrant in connection with the event.

(5) CHARITABLE CONTRIBUTIONS.—With respect to each charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made in lieu of an honorarium on the basis of a designation, recommendation, or other specification made by a covered legislative branch official, the registrant shall disclose—

(A) the name and position of each such covered legislative branch official;

(B) the name of any covered person or entity to whom or which the contribution was made;

(C) the date on which the contribution was made; and

(D) the value of the contribution.

(6) CONTRIBUTIONS TO LEGAL DEFENSE FUND.—With respect to each contribution or other payment made to a legal defense fund established for the benefit of a covered legislative branch official, the registrant shall disclose—

(A) the name and position of each such covered legislative branch official;

(B) the name of any other person or entity to whom or which the contribution was made;

(C) the date on which the contribution was made; and

(D) the value of the contribution.

(7) NOTIFICATION.—Not less than 3 weeks after an expenditure required to be reported under this subsection is made, the registrant or any client of a registrant who made or for whom was made such expenditure shall provide, in a standard format determined by the Office of Lobbying Registration and Public Disclosure, to any covered person or entity, whose name the registrant or client intends for the registrant to include in either the registrant's semiannual report under section 5(a) or a separate report on itemized expenditures under this subsection, a complete list of the information the registrant intends to disclose relative to that covered person or entity. The registrant shall not list in its report referred to in this paragraph any information relative to a covered person or entity who—

(A) was not the subject of the expenditure referred to in the preceding sentence, or

(B) reimburses the person making such expenditure the full amount of such expenditure within 30 days of the receipt of notification under this paragraph.

(d) EXCEPTIONS.—The following are not subject to subsection (b) or (c):

(1) Anything for which market value is paid by the recipient.

(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act.

(3) An item of little intrinsic value such as a greeting card, baseball cap, or a T-shirt or a personalized item such as a plaque, certificate, or trophy that is intended solely for recognition of a covered legislative branch official.

(4) Food and attendance provided to a covered person or entity at an event sponsored by an organization described in section 170(c) or 527(e) of the Internal Revenue Code of 1986.

(5)(A) An item described in subsection (b) (hereafter in this paragraph referred to as an "item") given under circumstances which make it clear that the item is given for a nonbusiness purpose and is motivated by a family relationship or personal friendship and not by the position of the recipient. In determining if the giving of an item is motivated by a family relationship or personal friendship, at least the following factors shall be considered:

(i) The history of the relationship between the individual giving the item and the individual receiving the item, including whether or not items have previously been exchanged by such individuals.

(ii) Whether the item was purchased by the individual who gave the item.

(iii) Whether the individual who gave the item also at the same time gave the same or similar item to other covered persons or entities.

(B) The giving of an item shall not be considered to be motivated by a family relationship or personal friendship if the family member or friend seeks—

(i) to deduct the value of such item as a business expense on the family member's or friend's Federal income tax return, or

(ii) reimbursement either from a registrant or from a client.

(6) Items which are not used and which are promptly returned to the donor.

(7) Except with respect to items described in subsection (c)—

(A) attendance, food, and refreshments at widely attended gatherings, including conventions, conferences, symposiums, retreats, dinners, receptions, viewings, or similar events if such attendance, food, and refreshments are unsolicited by the recipient and provided by the sponsor of the event,

(B) meals or entertainment that are unsolicited by the recipient and not paid for either directly or indirectly (including with funds of a registrant or client) by a lobbyist or an agent of a foreign principal (as defined in section 1(c) of the Foreign Agents Registration Act) and not paid for either directly or indirectly by a registrant described in section 5(b)(3), if an employee (other than a lobbyist) of—

(i) a registrant described in section 5(b)(4), or

(ii) a client of a registrant described in section 5(b)(3),

acting in a representational capacity, substantially participates in the meal or entertainment, and

(C) modest items of food or refreshment such as soft drinks, coffee, or doughnuts offered other than as part of a meal.

(8) Rewards and prizes given to competitors in contests or events, including random drawings open to the public.

(9) Loans from financial institutions on terms generally available to the public.

(10) Opportunities and benefits, including favorable rates and commercial discounts, available to the public or to a class consisting of all Government employees whether or not restricted on the basis of geographical considerations.

(11) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

(12) Anything which is paid for by the Government or secured by the Government under Government contract.

(13) Any gift accepted under specific statutory authority except section 901 of the Ethics Reform Act of 1989 (2 U.S.C. 31-2).

(14) Reduced membership or other fees for participation in organizational activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

(15) Opportunities and benefits offered to members of a group or class in which membership is unrelated to congressional employment.

(16) Opportunities and benefits offered to members of an organization, such as credit unions, in which membership is related to congressional employment if similar benefits are broadly available to large segments of the public through organizations of similar size.

(17) Gifts resulting from the covered legislative branch official's outside business or employment activities when it is clear that such benefits have not been offered or enhanced because of the covered legislative branch official's official status.

(18) Gifts resulting from the business or employment activities of a covered legislative branch official's spouse when it is clear that such benefits have not been offered or enhanced because of the covered legislative branch official's official position.

(19) Informational materials that are sent to a covered legislative branch official's office in the form of books, articles, periodicals, other written materials, audio tapes, videotapes, or other forms of communication.

(20) Home State products, food, or other items of minimal value used primarily for promotional purposes.

(e) DEFINITION.—For purposes of this section, the term "market value" when applied to a gift means the retail cost a person would incur to purchase the gift. The market value of a gift of a ticket entitling the holder to food, refreshments, or entertainment is the retail cost of similar food, refreshments, or entertainment.

(f) CLIENTS.—

(1) NOTICE TO CLIENTS.—A registrant described in section 5(b)(3) shall by written notice inform any client of the registrant of the requirements of this section applicable to the client. Such notice shall be provided at the time the registrant registers on behalf of such client under section 4 and at the beginning of each semiannual reporting period under section 5(a).

(2) NOTICE BY CLIENTS.—If a client of a registrant makes an expenditure which such registrant will be required to report under subsection (c), the client shall promptly notify the registrant of such expenditure. Failure to provide such notice shall be considered to be a violation of this Act.

(g) HOUSE RULES.—Clause (4) of Rule XLIII of the Rules of the House of Representatives is amended by adding at the end the following: "A Member, officer, or employee of the House of Representatives shall not accept a gift given by a lobbyist or registrant subject to the Lobbying Disclosure Act of 1994 in knowing violation of that Act.".

### SEC. 7. ESTABLISHMENT AND DUTIES OF OFFICE OF LOBBYING REGISTRATION AND PUBLIC DISCLOSURE.

(a) ESTABLISHMENT.—

(1) OFFICE AND DIRECTOR.—There is established as an independent agency in the executive branch an Office of Lobbying Registration and Public Disclosure, which shall be headed by a Director. The Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall be an individual who, by demonstrated ability, background, training, and experience, is especially qualified to carry out the functions of the position. The term of service of the Director shall be 5 years.

(2) COMPENSATION.—Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"Director of the Office of Lobbying Registration and Public Disclosure.".

(3) EMPLOYEES AND SERVICES.—The Director may—

(A) appoint officers and employees, including attorneys, in accordance with chapter 51 and subchapter III of chapter 53 of title 5, United States Code; and

(B) contract for financial and administrative services (including those related to budget and accounting, financial reporting, personnel, and procurement) with the General Services Administration or such other Federal agency as the Director determines appropriate, for which payment shall be made in advance or by reimbursement from funds of the Office in such amounts as may be agreed upon by the Director and the head of the agency providing such services.

Contract authority under subparagraph (B) shall be effective for any fiscal year only to the extent that appropriations are available for that purpose.

(b) DUTIES.—The Director of the Office of Lobbying Registration and Public Disclosure shall—

(1) after notice and a reasonable opportunity for public comment, and consultation with the Secretary of the Senate, the Clerk of the House of Representatives, and the Administrative Conference of the United States, prescribe such regulations, forms, and penalty schedules as are necessary to carry out this Act;

(2) provide guidance and assistance on the registration and reporting requirements of this Act, including the issuance of published decisions and advisory opinions;

(3) review the registrations and reports filed under this Act and make such verifications or inquiries as are necessary to ensure the completeness, accuracy, and timeliness of the registrations and reports;

(4) develop filing, coding, and cross-indexing systems to carry out the purposes of this Act, including computerized systems designed to minimize the burden of filing and maximize public access to materials filed under this Act;

(5) ensure that the computer systems developed pursuant to paragraph (4)—

(A) allow the materials filed under this Act to be accessed by client name, lobbyist name, and registrant name;

(B) are compatible with computer systems developed and maintained by the Federal Election Commission, and that information filed in the two systems can be readily cross-referenced; and

(C) are compatible with computer systems developed and maintained by the Secretary of the Senate and the Clerk of the House of Representatives;

(6) make copies of each registration and report filed under this Act available to the public, upon the payment of reasonable fees, not to exceed the cost of such copies, as determined by the Director, in electronic and hard copy formats as soon as practicable after the date on which such registration or report is received;

(7) preserve the originals or accurate reproduction of—

(A) registrations filed under this Act, and

(B) of reports filed under this Act,

for a period of not less than 3 years from the date on which the registration or report is received;

(8) maintain a computer record of—

(A) the information contained in registrations, and

(B) the information contained in reports filed under this Act for not less than 5 years after the date on which such reports are received;

(9) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a manner which clearly presents the extent and nature of expenditures on lobbying activities during such period;

(10) make information compiled and summarized under paragraph (9) available to the public in electronic and hard copy formats as soon as practicable after the close of each semiannual filing period;

(11) provide, by computer telecommunication or other transmittal in a form accessible by computer, to the Secretary of the Senate and the Clerk of the House of Representatives copies of all registrations and reports received under sections 4 and 5 and all compilations, cross-indexes, and summaries of such registrations and reports, as soon as practicable (but not later than 3 working days) after such material is received or created;

(12) make available to the public a list of all persons whom the Director determines, under section 9(c) or 10(c), to have violated this Act and submit such list to the Congress on a semiannual basis;

(13) upon request, indicate if an individual who may have been the subject of a lobbying contact is or has been within 3 years before the date of the request a covered executive branch official or a covered legislative branch official; and

(14) transmit to the President and the Congress a report, not later than March 31 of each year, describing the activities of the Office and the implementation of this Act, including—

(A) a financial statement for the preceding fiscal year;

(B) a summary of the registrations and reports filed with the Office with respect to the preceding calendar year;

(C) a summary of the registrations and reports filed on behalf of foreign entities with respect to the preceding calendar year; and

(D) recommendations for such legislative or other action as the Director considers appropriate.

### SEC. 8. INITIAL PROCEDURE FOR ALLEGED VIOLATIONS.

(a) ALLEGATION OF A VIOLATION.—Whenever the Office of Lobbying Registration and Public Disclosure has reason to believe that a person may be in violation of the requirements of this Act, the Director shall notify the person in writing of the nature of the alleged violation and provide an opportunity for the person to respond in writing to the allegation within 30 days after the notification is sent or such longer period as the Director may determine appropriate in the circumstances.

(b) INITIAL DETERMINATION.—If the person responds within the period described in the notification under subsection (a), the Director shall—

(1) issue a written determination that the person has not violated this Act if the person provides adequate information or explanation to make such determination; or

(2) make a formal request for information under subsection (c) or a determination under section 9, if the information or explanation provided indicates that such person may have violated this Act.

A determination under paragraph (1) may be published by the Director with the names redacted if the Director determines the determination without the names provides useful guidance.

(c) FORMAL REQUEST FOR INFORMATION.—If a person fails to respond in writing within the period described in the notification under subsection (a) or the response is not adequate to determine whether such person has violated this Act, the Director may make a formal request for specific additional written information (subject to applicable privileges) that is reasonably necessary for the Director to make such determination. Each such request shall be structured to minimize any burden imposed, consistent with the need to determine whether the person is in compliance with this Act, and shall—

(1) state the nature of the conduct constituting the alleged violation which is the basis for the inquiry and the provision of law applicable thereto;

(2) describe the class or classes of material to be produced pursuant to the request with such definiteness and certainty as to permit such material to be readily identified; and

(3) prescribe a return date or dates which provide a reasonable period of time within which the person may assemble and make available for inspection and copying or reproduction the material so requested.

(d) NONDISCLOSURE OF INFORMATION.—Information provided to the Director under this section and sections 9 and 10 shall not be made available to the public without the consent of the person providing the information, except to the extent such information may be included in—

(1) any new or amended registration or report filed in connection with an inquiry under this section; or

(2) a written decision issued by the Director under section 9 or 10 after appropriate redaction by the Director to protect the interests of innocent parties.

### SEC. 9. DETERMINATIONS OF VIOLATIONS.

(a) NOTIFICATION AND HEARING.—If the information provided to the Director under section 8 indicates that a person may have violated this Act, the Director shall—

(1) notify the person in writing of this finding and, if appropriate, a proposed penalty assessment and provide such person with an opportunity to respond in writing within 30 days after the notice is sent; and

(2) if requested in writing by that person within that 30-day period, afford the person an opportunity for a hearing on the record under the provisions of section 554 of title 5, United States Code.

(b) DETERMINATION.—Upon the receipt of a written response under subsection (a)(1) when no hearing under subsection (a)(2) is requested, upon the completion of a hearing requested under subsection (a)(2), or upon the expiration of 30 days in a case in which no such written response is received, the Director shall review the information received under this section (including evidence presented at any such hearing) and section 8 and make a final determination whether there was a violation and a final determination of the penalty, if any. If no written response was received under this section within the 30-day period provided, the determination and penalty assessment shall constitute a final order not subject to appeal.

(c) WRITTEN DECISION.—

(1) DETERMINATION OF VIOLATION.—If the Director makes a final determination under subsection (b) that there was a violation, the Director shall issue a public written decision—

(A) directing the person to correct the violation; and

(B) assessing a civil monetary penalty in an amount determined as follows:

(i) In the case of a minor violation, the amount shall be no more than $10,000, depending on the nature and extent of the violation.

(ii) In the case of a significant violation, the amount shall be more than $10,000, but no more than $200,000, depending on the nature and extent of the violation and the extent to which the person may have profited from the violation.

(2) DETERMINATION OF NO VIOLATION OR INSUFFICIENT EVIDENCE.—If the Director determines that no violation occurred or there was not sufficient evidence that a violation occurred, the Director shall issue a written notice of such determination to the person charged. Such notice may be published by the Director with names redacted if the Director determines it provides useful guidance.

(d) CIVIL INJUNCTIVE RELIEF.—If a person fails to comply with a directive to correct a violation under subsection (c), the Director shall refer the case to the Attorney General to seek civil injunctive relief in the appropriate court of the United States to compel such person to comply with such directive.

(e) PENALTY ASSESSMENTS.—

(1) GENERAL RULE.—No penalty shall be assessed under this section unless the Director finds that the person subject to the penalty knew or should have known that such person was in violation of this Act. In determining the amount of a penalty to be assessed, the Director shall take into account the totality of the circumstances, including the extent and gravity of the violation and such other matters as justice may require.

(2) REGULATIONS.—Regulations prescribed by the Director under section 7 shall define minor and significant violations. Significant violations shall be defined to include a failure to register and any other violation that is extensive or repeated if the person who commits such violation knew or should have known that the action constituting the violation was a violation of this Act.

(f) LIMITATION.—No proceeding shall be initiated under this section relating to a registration or report filed or required to be filed under this Act unless the Director notifies the person who is to be the subject to the proceeding of the alleged violation within 3 years after the date on which such registration or report was filed or was required to be filed.

### SEC. 10. OTHER VIOLATIONS.

(a) LATE REGISTRATION OR FILING; FAILURE TO PROVIDE INFORMATION.—If a person registers or files a report after a registration or filing is required under this Act, or fails to provide information requested by the Director under section 8(c), the Director shall—

(1) notify the person in writing of the violation and a proposed penalty assessment and provide such person with an opportunity to respond in writing within 30 days after the notice is sent; and

(2) if requested by that person within that 30-day period, afford the person a hearing in accordance with section 9(a)(2).

(b) DETERMINATION.—Upon the receipt of a written response under subsection (a)(1) when no hearing under subsection (a)(2) is requested, upon the completion of a hearing requested under subsection (a)(2), or upon the expiration of 30 days in a case in which no such written response is received, the Director shall review the information received under subsection (a) (including evidence presented at any such hearing) and, unless the Director determines, on the basis of such information, that the late filing or failure to provide information was justified, the Director shall make a final determination of a violation and a final determination of the penalty, if any. If no written response or request for a hearing was received under subsection (a) within the 30-day period provided, the determination and penalty assessment shall constitute a final order not subject to appeal.

(c) WRITTEN DECISION.—

(1) DETERMINATION OF VIOLATION.—If the Director makes a final determination under subsection (b) that there was a violation, the Director shall issue a public written decision—

(A) in the case of a late registration or filing, assessing a civil monetary penalty of $200 for each week by which the filing was late, with the total penalty not to exceed $10,000; or

(B) in the case of a failure to provide information—

(i) directing the person to provide the information within a reasonable period of time; and

(ii) except where the Director determines that the violation was the result of a good faith dispute over the validity or appropriate scope of a request for information, assessing a civil monetary penalty in an amount not to exceed $10,000.

(2) DETERMINATION OF NO VIOLATION OR INSUFFICIENT EVIDENCE.—If the Director determines that no violation occurred or there was not sufficient evidence that a violation occurred, the Director shall issue a written notice of such determination to the person charged. Such notice may be published by the Director with names redacted if the Director determines it provides useful guidance.

(d) CIVIL INJUNCTIVE RELIEF.—In the case of a person failing to comply with a directive issued under subsection (c)(2)(A), the Director shall refer such matter to the Attorney General, who shall seek civil injunctive relief in the appropriate court of the United States to compel such person to comply with such directive unless the Attorney General finds no reasonable likelihood that the Government would prevail.

### SEC. 11. JUDICIAL REVIEW.

(a) FINAL DECISION.—A written decision issued by the Director under section 9 or 10 shall become final 60 days after the date on which the Director provides notice of the decision, unless such decision is appealed under subsection (b) of this section.

(b) APPEAL.—Any person adversely affected by a written decision issued by the Director under section 9 or 10 may appeal such decision, except as provided under section 9(b) or 10(b), to the appropriate United States court of appeals. Such review may be obtained by filing a written notice of appeal in such court no later than 60 days after the date on which the Director provides notice of the Director's decision and by simultaneously sending a copy of such notice of appeal to the Director. The Director shall file in such court the record upon which the decision was issued, as provided under section 2112 of title 28, United States Code. The findings of fact of the Director shall be conclusive, unless found to be unsupported by substantial evidence, as provided under section 706(2)(E) of title 5, United States Code. Any penalty assessed or other action taken in the decision shall be stayed during the pendency of the appeal.

(c) RECOVERY OF PENALTY.—Any penalty assessed in a written decision which has become final under this Act may be recovered in a civil action brought by the Attorney General in an appropriate United States district court. In any such action, no matter that was raised or that could have been raised before the Director or pursuant to judicial review under subsection (b) may be raised as a defense, and the determination of liability and the determination of amounts of penalties and assessments shall not be subject to review.

### SEC. 12. RULES OF CONSTRUCTION.

(a) CONSTITUTIONAL RIGHTS.—Nothing in this Act shall be construed to prohibit or interfere with—

(1) the right to petition the government for the redress of grievances,

(2) the right to express a personal opinion, or

(3) the right of association,

protected by the First Amendment to the Constitution.

(b) PROHIBITION OF ACTIVITIES.—Nothing in this Act shall be construed to prohibit, or to authorize the Director or any court to prohibit lobbying activities or lobbying contacts by any person, regardless of whether such person is in compliance with the requirements of this Act.

(c) AUDIT AND INVESTIGATIONS.—Nothing in this Act shall be construed to grant general audit or investigative authority to the Director, or to authorize the Director to review the files of a registrant, except in accordance with the requirements of section 8.

### SEC. 13. AMENDMENTS TO THE FOREIGN AGENTS REGISTRATION ACT.

The Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.), is amended—

(1) in section 1—

(A) by striking out subsection (j);

(B) in subsection (o), by striking out "the dissemination of political propaganda and any other activity which the person engaging therein believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, persuade, or in any other way influence" and inserting in lieu thereof "any activity which the person engaging in believes will, or which he intends to, in any way influence";

(C) in subsection (p) by striking out the semicolon and inserting in lieu thereof a period; and

(D) by striking out subsection (q);

(2) in section 3(g) (22 U.S.C. 613(g)), by striking out "established agency proceedings, whether formal or informal." and inserting in lieu thereof "judicial proceedings, criminal or civil law enforcement inquiries, investigations or proceedings, or agency proceedings required by statute or regulation to be conducted on the record.";

(3) in section 3 (22 U.S.C. 613), by adding at the end the following:

"(h) Any agent of a person described in section 1(b)(2) or an entity described in section 1(b)(3) of this Act if the agent is required to register and does register under the Lobbying Disclosure Act of 1994 in connection with the agent's representation of such person or entity.".

(4) in section 4(a) (22 U.S.C. 614(a))—

(A) by striking out "political propaganda" and inserting in lieu thereof "informational materials"; and

(B) by striking out "and a statement, duly signed by or on behalf of such an agent, setting forth full information as to the places, times, and extent of such transmittal";

(5) in section 4(b) (22 U.S.C. 614(b))—

(A) in the matter preceding clause (i) by striking out "political propaganda" and inserting in lieu thereof "informational materials"; and

(B) by striking out "(i) in the form of prints, or" and all that follows through the end of the subsection and inserting in lieu thereof "without placing in such informational materials a conspicuous statement that the materials are distributed by the agent on behalf of the foreign principal, and that additional information is on file with the Department of Justice, Washington, District of Columbia. The Attorney General may by rule define what constitutes a conspicuous statement for the purposes of this subsection.";

(6) in section 4(c) (22 U.S.C. 614(c)), by striking out "political propaganda" and inserting in lieu thereof "informational materials";

(7) in section 6 (22 U.S.C. 616)—

(A) in subsection (a), by striking out "and all statements concerning the distribution of political propaganda";

(B) in subsection (b), by striking out ", and one copy of every item of political propaganda"; and

(C) in subsection (c), by striking out "copies of political propaganda,";

(8) in section 8 (22 U.S.C. 618)—

(A) in subsection (a)(2), by striking out "or in any statement under section 4(a) hereof concerning the distribution of political propaganda"; and

(B) by striking out subsection (d); and

(9) in section 11 (22 U.S.C. 621), by striking out ", including the nature, sources, and content of political propaganda disseminated or distributed".

### SEC. 14. AMENDMENTS TO THE BYRD AMENDMENT.

(a) REVISED CERTIFICATION REQUIREMENTS.—Section 1352(b) of title 31, United States Code, is amended—

(1) in paragraph (2), by striking out subparagraphs (A), (B), and (C) and inserting in lieu thereof the following:

"(A) the name of any registrant under the Lobbying Disclosure Act of 1994 who has made lobbying contacts on behalf of the person with respect to that Federal contract, grant, loan, or cooperative agreement; and

"(B) a certification that the person making the declaration has not made, and will not make, any payment prohibited by subsection (a).";

(2) in paragraph (3), by striking out all that follows "loan shall contain" and inserting in lieu thereof "the name of any registrant under the Lobbying Disclosure Act of 1994 who has made lobbying contacts on behalf of the person in connection with that loan insurance or guarantee."; and

(3) by striking out paragraph (6) and redesignating paragraph (7) as paragraph (6).

(b) REMOVAL OF OBSOLETE REPORTING REQUIREMENT.—Section 1352 of title 31, United States Code, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

### SEC. 15. REPEAL OF CERTAIN LOBBYING PROVISIONS.

(a) REPEAL OF THE FEDERAL REGULATION OF LOBBYING ACT.—The Federal Regulation of Lobbying Act (2 U.S.C. 261 et seq.) is repealed.

(b) REPEAL OF PROVISIONS RELATING TO HOUSING LOBBYIST ACTIVITIES.—

(1) Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) is repealed.

(2) Section 536(d) of the Housing Act of 1949 (42 U.S.C. 1490p(d)) is repealed.

### SEC. 16. CONFORMING AMENDMENTS TO OTHER STATUTES.

(a) AMENDMENT TO COMPETITIVENESS POLICY COUNCIL ACT.—Section 5205(e) of the Competitiveness Policy Council Act (15 U.S.C. 4804(e)) is amended by inserting "or a lobbyist for a foreign entity (as the terms 'lobbyist' and 'foreign entity' are defined in section 3 of the Lobbying Disclosure Act of 1994)" after "an agent for a foreign principal".

(b) AMENDMENTS TO TITLE 18, UNITED STATES CODE.—Section 219(a) of title 18, United States Code, is amended (1) by inserting "or a lobbyist required to register under the Lobbying Disclosure Act of 1994 in connection with the representation of a foreign entity, as defined in section 3(7) of that Act" after "an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938", and (2) by striking out ", as amended,". Section 201(c)(1) of such title is amended by inserting "or rule or regulation issued pursuant to section 7353(b) by the supervising ethics office as defined in section 7353(d)(1)(A) through (E) of title 5" after "as provided by law".

(c) AMENDMENT TO FOREIGN SERVICE ACT OF 1980.—Section 602(c) of the Foreign Service Act of 1980 (22 U.S.C. 4002(c)) is amended by inserting "or a lobbyist for a foreign entity (as defined in section 3(7) of the Lobbying Disclosure Act of 1994)" after "an agent of a foreign principal (as defined by section 1(b) of the Foreign Agents Registration Act of 1938)".

### SEC. 17. IDENTIFICATION OF FOREIGN CLIENT.

(a) ORAL LOBBYING CONTACT.—Any person who makes an oral lobbying contact with a covered legislative branch official or a covered executive branch official on behalf of a foreign client shall, on the request of the official, identify the client on whose behalf the lobbying contact was made, state that such client is considered a foreign client under this section, and state whether such person is registered on behalf of that client under section 4. Such person shall, within one week of such lobbying contact, send to the covered legislative branch official or the covered executive branch official written confirmation of the information provided.

(b) WRITTEN LOBBYING CONTACT.—Any person who makes a written lobbying contact (including an electronic communication) with a covered legislative branch official or a covered executive branch official on behalf of a foreign client shall identify the client on whose behalf the lobbying contact was made, state that such client is considered a foreign client under this section, and state whether such person is registered on behalf of that client under section 4.

(c) DEFINITION.—For purposes of subsections (a) and (b), the term "foreign client" means a foreign entity as defined in section 3(7) or any organization or combination of persons under United States or foreign law if more than 50 percent of its members are foreign entities, if more than 50 percent of the equitable ownership of the organization or combination is held by foreign entities, or if more than 50 percent of its financial support is provided by foreign entities.

### SEC. 18. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this Act.

### SEC. 19. SEVERABILITY.

If any provision of this Act, or the application thereof, is held invalid, the validity of the remainder of this Act and the application of such provision to other persons and circumstances shall not be affected thereby.

### SEC. 20. EFFECTIVE DATES AND INTERIM RULE.

(a) IN GENERAL.—Except as otherwise provided in this section, the provisions of this Act shall take effect 1 year after the date of the enactment of this Act.

(b) ESTABLISHMENT OF OFFICE.—The provisions of sections 7 and 18 and the amendments made by section 16 shall take effect on the date of the enactment of this Act.

(c) REPEALS AND AMENDMENTS.—The repeals and amendments made under sections 13, 14, and 15 shall take effect as provided under subsection (a), except that such repeals and amendments—

(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted; and

(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments.

(d) REGULATIONS.—Proposed regulations required to implement this Act shall be published for public comment no later than 270 days after the date of the enactment of this Act. No later than 1 year after the date of the enactment of this Act, final regulations required to implement this Act shall be published.

(e) PHASE-IN-PERIOD.—No penalty shall be assessed by the Director under section 9(e) for a violation of this Act, other than for a violation of section 6, which occurs during the first semiannual reporting period under section 5 after the effective date prescribed by subsection (a).

(f) INTERIM REPORTING RULE.—

(1) RULE.—For 3 years after the date of the enactment of this Act, any registrant engaged in lobbying activities on its own be-

half that is denied a deduction for expenditures associated with such lobbying activities under section 162(e) of the Internal Revenue Code of 1986, may make a good faith estimate (by category of dollar value) of the amount of the deduction denied for the applicable semiannual period to meet the requirements of section 5(b)(4) of this Act. Each time a registrant elects to estimate lobbying expenditures pursuant to this paragraph, the registrant shall inform the Director that it is making such an estimate.

(2) STUDY.—Within 120 days of the filing of reports by registrants under section 5 in the second semiannual reporting period, the Comptroller General of the United States shall review reporting by registrants under paragraph (1) in such periods and report to the Congress—

(A) the differences between the definition of lobbying activities in section 3 and the definition of lobbying expenditures in such section 162(e) as each are implemented by regulations;

(B) the impact any such differences may have on the amounts reported by the registrants who elect to estimate lobbying expenditures pursuant to paragraph (1); and

(C) any changes to this Act or to such section 162(e) which the Comptroller General may recommend to harmonize the two definitions.

(g) TRANSITIONAL FILING REQUIREMENT.—

(1) SIMULTANEOUS FILING.—Subject to the provisions of paragraph (2), each registrant shall transmit simultaneously to the Secretary of the Senate and the Clerk of the House of Representatives an identical copy of each registration and report required to be filed under this Act.

(2) SUNSET PROVISION.—The simultaneous filing requirement under paragraph (1) shall be effective until such time as the Director, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, determines that the Office of Lobbying Registration and Public Disclosure is able to provide computer telecommunication or other transmittal of registrations and reports as required under section 7(b)(11).

(3) IMPLEMENTATION.—The Director, the Secretary of the Senate, and the Clerk of the House of Representatives shall take such actions as necessary to ensure that the Office of Lobbying Registration and Public Disclosure is able to provide computer telecommunication or other transmittal of registrations and reports as required under section 7(b)(11) on the effective date of this Act, or as soon thereafter as reasonably practicable.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BRYANT] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker and Members of the House, we have before us today a bill that is the product of hours and hours of work on the part of many Members of the House, originally on both sides. Whether or not that continues to be the case remains to be seen today.

But it arises out of the fact that today in the United States we have a set of lobbying statutes that do not work, do not require the disclosure of necessary information so that the public can know what is going on, does not tell those who do lobby what they have to do and what they do not have to do, and are for all practical purposes useless.

Instead we have brought to the House today historic legislation that would require that lobbyists register, that they disclose what they spend in the pursuit of their lobbying objectives, that they make clear exactly what they are doing, and the upshot of it is that the American people will now know what is going on and who is spending what and who is doing what in pursuit of the objectives of the many organizations, most of them good ones, that lobby this Congress in hopes of passing legislation or changing legislation or defeating legislation.

In addition to that, we have added to this bill legislation that would change the rules with regard to what a lobbyist is able to spend money on a Member of the House of Representatives.

□ 1340

It simply says that a lobbyist no longer will be permitted to buy lunch or dinner for a Member of Congress, will no longer be able to pay for golf outings or entertainment for a Member of Congress, or theater tickets, says they will no longer be able to buy gifts for a Member of Congress. It is unfortunate that we even need to deal with this because for 99 percent of the Members of this House this legislation will have no impact because 99 percent of the Members of this House never come in contact with any of that anyway.

This place is full of great people. My greatest surprise in coming here 11½ years ago was to find how high the quality of people here on both sides of the aisle was and is, and I am sure it will continue to be. People come here to do a good job and to serve the public interest, and they try hard at it, but for whatever reason the perception in the public today is different, and this legislation is designed to deal with that perception.

We have faced criticisms from those who do not want to do anything and criticisms from those who want to do things that will actually impede our ability to do our jobs. I submit to my colleagues that no legislation can solve everybody's objections, but this legislation has come as close as it possibly could.

What am I talking about? I am talking about the letter many of my colleagues have received from Common Cause saying that as of yesterday they decided to oppose the legislation. One year ago Common Cause came before our subcommittee and said to us, "We want you to disclose all of the expenditures that lobbyists make on Members of Congress," and what did we say?

We said, "OK. We're going to disclose all of those except the ones that we prohibit."

And so we have prohibited residual expenditures and we required a disclosure of the rest.

Now, 1 year later, for some reason they decided that they are going to move the goal and decide that they want—I guess they want disclosure instead of prohibitions, or they want prohibitions where we have disclosure. It is not possible to keep up with them.

The fact of the matter is we have prohibited the expenditures about which most people complain. We have stopped the entertainment, we have stopped the gifts that can be given today, and we have come forth with a very, very strong bill.

We have heard from the nonprofits. Most of these nonprofits represent interests that I agree with, the Sierra Club, many of the nonprofit hospitals. But the fact of the matter is they should be treated the way everybody else is treated. It is not fair for us to require that General Motors disclose its contacts with the executive branch or the Environmental Protection Agency when at the same time the Sierra Club, lobbying on the other side of the issue, does not have to disclose its contacts with the executive branch. I would probably support the Sierra Club's position, but I believe they ought to be governed by the same rules that their adversaries are governed by, and that is what the nonprofits have written our colleagues about: They do not want to be covered.

I ask my colleagues this question:

"Nonprofit hospitals; do you think that they should not have to disclose their lobbying contacts with the Department of Health and Human Services while others, who are in the private business of providing health care should have to disclose theirs?"

I do not think that is fair, and this bill does not permit that, but that is what the nonprofits that wrote us letters want us to do.

We have a strong bill. I urge the Members to support it.

Mr. MFUME. Madam Speaker, will the gentleman yield?

Mr. BRYANT. I yield to the gentleman from Maryland.

Mr. MFUME. Madam Speaker, I thank the gentleman from Texas [Mr. BRYANT], the sponsor of the legislation, for yielding to me.

Could the gentleman answer a question for me or at least attempt to? It is my understanding that the nonprofits now, through the files that they have to disclose with IRS, are engaged in much more disclosure than the for-profit organizations, and I think what nonprofits are asking for, everything from the Heritage Foundation to the NAACP, is the ability to use the definitions and the formula that they already use to disclose their activities in IRS to comply with the intent of this bill.

Mr. BRYANT. Madam Speaker, I say to the gentleman, Mr. MFUME, let me answer you in the quickest way possible. The answer to that question is simply this:

They do not want to have to reveal their lobbying contacts with the executive branch, and they have cloaked that desire in rhetoric relating to the IRS regulations. We have been extremely generous with them in dealing with the way in which they have to keep up with their expenses, but this is a question of whether or not they can get by with contacting the executive branch and not having to disclose it, and we're not going to let them do that. It has nothing to do with the IRS.

Mr. MFUME. I ask the gentleman, "Aren't those already disclosed in the IRS forms?"

Mr. BRYANT. The answer is "no."

Mr. GEKAS. Madam Speaker, I yield myself such time as I may consume.

Members of the House, many moons ago, it seems like a decade ago, the gentleman from Texas [Mr. BRYANT] and I joined in a bipartisan effort to bring together the varying registration laws that were on the books, both for foreign commercial enterprises and governmental enterprises and for the same side of the domestic issue in registration, and then we joined, we on a bipartisan basis in a bicameral, bipartisan grouping, to try to bring some sense into the lobbying registration issue in our country, and I must say, when we proceeded on this pathway we felt proud of ourselves in crafting a pretty good product to present to the Congress of the United States and to the people. Even though we even left some cracks open, we believe, even in foreign registration and in domestic registration, nevertheless it was a good product.

For instance, one hybrid situation arises even today. Suppose a trade association has as part of its clientele two foreign governments that are involved in a multi, multifaceted trade association. Should they not register under our proposition in the FARA, in the Foreign Agents Registration Act, or under the domestic commercial registration? I believe that registration under the domestic would be enough, but the presence of two foreign governments in a hundred trade association kind of grouping might require FARA. We have got to clear all of that up.

But the point is it is a long way forward in doing what the American people have always wanted us to do, is get a handle on lobbying registration. Alas, somewhere down the line, probably because of action in the other Chamber, a mix was added to this issue when they wandered into the ethics side of reform measures, and that is what brings us to a confusing point where we find ourselves now. We are mixing the registration of lobbyists with gift ban for Members of Congress. It may be germane; we never really got a ruling on that, but apparently we are beyond that now.

But I find myself very reluctant now to have the enthusiastic support I originally had for our lobbying registration efforts. I still have that, and it still will compel me to vote for the bill at the end, but I have to be candid with both the gentleman from Texas [Mr. BRYANT] and others, that it really is, I believe, a blow to our lobbying registration efforts to have mixed into it the ethics question of the ban.

□ 1350

Madam Speaker, I will support the bill because I want to honor my commitment, and I think we are doing justice to the Congress in pursuing lobbying registration, collection, and reform. So I am in a very uncomfortable position, but that is not new. I will honor the commitment I made to pursue the passage of this legislation.

Mr. BRYANT. Madam Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Texas.

Mr. BRYANT. Madam Speaker, I thank the gentleman for his cooperation in this process, and I assure him that as we deal with this matter in conference, if we get to conference today, we will take into consideration all the concerns the gentleman has.

Mr. WASHINGTON. Madam Speaker, will the gentleman yield?

Mr. GEKAS. Yes, I yield to the gentleman from Texas very quickly.

Mr. WASHINGTON. Madam Speaker, my concern is not with the lobbying registration portion of the bill but the prohibition of gifts to Members.

Would it not be better to have a requirement that a gift of any kind of character be reported both by the donor and the donee?

Mr. GEKAS. Madam Speaker, if I may take back my time, I favored that from the beginning. I felt that if we were going to mix apples with oranges here, at least the oranges should be in the nature of full disclosure, not a ban. That was my personal preference.

Mr. WASHINGTON. Madam Speaker, will the gentleman yield just briefly?

Mr. GEKAS. I yield briefly.

Mr. WASHINGTON. If that were done, then the public would be able to compare what gifts we have received and the votes we have made to see if there is any correlation rather than the inference that we leave by passing this bill that there is some connection between the two.

Mr. GEKAS. That is right.

Mr. WASHINGTON. Madam Speaker, I thank the gentleman.

Mr. GEKAS. Madam Speaker, a number of questions have come to my attention regarding the application of this legislation to specific organizations which engage in lobbying activities. For example, this bill will generally require a lobbyist for a foreign commercial entity to register with the new Office of Lobbying Registration and Public Disclosure. The same requirement applies to a lobbyist for a trade association whose membership includes one or more foreign corporations. It is my view that such a trade association, which is registered to lobby with the Office of Lobbying Registration, would not also register under FARA simply because a minority of its members were owned or controlled by the government of the country in which they are based.

Mr. GEKAS. Madam Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Madam Speaker, I rise in reluctant support of the legislation.

I support the provision putting in section 201 of title 18 the supervising ethics office rules as specifying what officials can, and cannot, receive. Especially since the 1970's, as the rules in each branch of Government have changed, officials have had to take the rules of their branch with the utmost seriousness.

The history and procedures for this provision warrant some discussion. While each branch's internal ethics offices have roots going back to the Constitution, it was not until the post-Watergate era that we saw the creation in the late 1970's of the Office of Government Ethics, the congressional ethics committees, and the Judicial Conference's Judicial Ethics Committee.

From the post-Watergate creation of these offices, it was always intended that such offices give interpretations that would establish the law to be followed regarding what can be received. Section 201(c) of title 18, by excepting what is received that is provided by law, had always made room for such a mechanism of authoritative guidance. No one familiar with the laws creating these offices imagined that an officer in any branch, who understood from the interpretations of his ethics office that he was allowed to receive something, would then discover a second, different view was held by the authorities who press charges under section 201(c).

In the face of some dispute of this principle—to the peril of officials in all three branches—Congress in 1989, by enacting section 7353 of title 5, sought to codify that principle of the rules and interpretations of each branch providing authoritative guidance. A floor discussion between two principal authors of the 1989 Ethics Act, Representative FAZIO and Representative MCCOLLUM, had expressed again this principle. This current provision represents the ultimate codification step for this long-standing principle.

The complexity and changes of ethnic rules and interpretations, and the resulting need for an appropriate procedure under section 201(c), can be shown by an example. Take the case of an official in any of the three branches with a law degree who in 1988 accepted private reimbursement for a trip for himself and his spouse to a domestic or foreign bar conference, arranged by a local bar group as a recognition of his work.

Was he right in how he resolved the question of whether he could accept the trip, one of those many questions that arise all the time in this context? The whole idea of having an ethics office in each branch is so that, in such situations, where there is a need for guidance, the official can depend on what his ethics office's interpretations said in 1988 could, or could not, be accepted under the contemporary rules. It should not depend on some second, alternative, external judgment under section 201(c) by those not involved in that branch's ethics interpretations. Yet a perfectly ethical legislator, agency lawyer, or even judge could find himself the target of charges as a result of following his own branch's rules, and without procedures to protect him, could even find himself before a jury for resolving what is, after all, a question of legal interpretation of rules of a kind that Federal officials have to make every day.

This amendment of section 201(c), in light of that history and purpose, intends for the protection of the ethical Federal official to impose certain requirements. By directly amending the description of the elements of an offense under this statute, it requires that any charge must explicitly allege, as such an element of the offense, that each item of challenged reimbursement or receipt was not authorized by the Federal ethics rules of that branch effective at the time the item was received. If the official disputes this, a court, on a motion to dismiss, would review such allegations as a matter of law item by item, requiring a listing of the items at issue, possibly with current input from the ethics office of that branch for guidance.

This in an example stated, the charges against the agency lawyer, legislator, or judge going to the bar conference would be dismissed unless they explicitly alleged that the ethics rules in that branch in 1988 forbid a reimbursed visit to such a bar conference, and unless the allegation that the rules so forbid was shown to be true as a matter of law upon the requisite itemization and testing by motion.

Only in this way can officials who acted consistent with the interpretations of their supervising ethics offices, including the congressional ethics committees, at the applicable time have that recognized in all pending and future cases, whether the issue arose under the rules 10 years ago, now, or 10 years hence. This will bring to fruition elaborate 20-years evolution of the elaborate ethics apparatus—the Office of Government Ethics, the congressional ethics committees, and the Judicial Conference's ethics and conduct committees—in each branch of our Government.

Mr. GEKAS. Madam Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Madam Speaker, I rise in opposition to what I believe to be a half-hearted and not altogether honest attempt at lobbying reform. It is only half a loaf. Even if it were a completely good lobbying bill, it does not go far enough, and it never will.

Yes, it bans meals, dinners, and gifts from lobbyists, but it does not ban meals, gifts, and dinners from corporate representatives back home. Common Cause and The New York Times have editorialized against it. They do not think it goes far enough.

So even if we support this bill and it passes, we are still going to catch hell from the newspapers and from the tabloids that want to raise heck with us. If we want to go out and have a dinner or a golf game with a hometown corporate leader, the press is still going to condemn us even if this passes.

This bill does not cover the LSO's, the legislative service organizations. We have read lots and lots about abuses by those organizations and the improper contacts they have had with various representatives around the world. There are big abuses. This bill does not do anything about that. The bill does not affect the nonprofit entities and compel folks like Ralph Nader's Public Citizen to disclose their contributors. Just about 2 weeks ago a man from Public Citizen testified that they do not disclose their contributors, even though more than one person bragged that he's raised $100,000 for them in a day. The bill does not touch executive branch lobbyists or White House consultants.

For real reform, what I believe we need to do is go back to the original prompter of this legislation. Senator PAUL WELLSTONE did not have as bad an idea—full disclosure of all gifts, all dinners, and all games by anyone, not relative, over $20 in value, and he put the burden on the lobbyist to make the disclosure.

Mr. FAZIO. Madam Speaker, will the gentleman yield?

Mr. LIVINGSTON. No, I will not yield because I do not have enough time.

Mr. FAZIO. I will get the gentleman some time.

Mr. LIVINGSTON. Madam Speaker, if we are worried about disclosure, we should not accept the gift, we should not go to the dinner, we should not go to the golf game. Disclosure is the best reform, and this is a half-hearted attempt at reform.

The SPEAKER pro tempore (Mrs. KENNELLY). The time of the gentleman from Louisiana [Mr. LIVINGSTON] has expired.

Mr. BRYANT. Madam Speaker, I yield 1 minute to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Madam Speaker, I would ask the gentleman from Louisiana [Mr. LIVINGSTON] to engage in a dialog with me. The gentleman is a friend of mine, and we have had many, many meetings and conversations about this bill, and I want to try to clarify something.

Anybody who lobbies for anybody, spending 10 percent or more of their time, is covered by this bill, so if people are lobbying the executive branch, for example, they would be covered by this bill if it is more than 10 percent of their time. But I want to ask the gentleman, does he support the position of those who oppose this bill? I ask that because in all our conversations I do not remember the gentleman bringing me the arguments of The New York Times or the Common Cause organization. I ask the gentleman, where does the gentleman stand on this provision from their standpoint?

Mr. LIVINGSTON. Madam Speaker, if the gentleman will yield so I can reply, first of all, the 10 percent does not mean anything. Who is a lobbyist? What is a lobbyist?

Is the gentleman telling me that a corporate executive who devotes all of his time to the affairs of the company and takes you out to a golf game or a dinner, but does not spend 10 percent of his time is not a lobbyist? I suggest that he is.

Mr. FAZIO. Madam Speaker, anyone who spends 10 percent of their time lobbying the executive or legislative branch, regardless of what they do with the rest of their time, is covered as a lobbyist.

Mr. LIVINGSTON. Madam Speaker, I would suggest that that phrase is riddled with loopholes. I wish I had known that Common Cause was going to come out against this bill. I agree with them.

Mr. GEKAS. Madam Speaker, I reserve the balance of my time.

Mr. BRYANT. Madam Speaker, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Madam Speaker, I rise in support of this legislation, although I recognize, as the chairman of the subcommittee has already said, that there are improvements to be made along the way in conference.

Madam Speaker, I rise in qualified support of this lobbying reform bill. I say qualified, for it is clear that this bill does not do enough to close the loopholes of our ethics laws.

These loopholes are exactly what is feeding the public perception of a Congress for sale. With all we have heard and seen of public outrage on this issue, I expected we would do better on this bill.

Nevertheless, under H.R. 823 we are taking first steps to improve the situation: We are improving the registration of lobbyists, and increasing reporting requirements for some meals and gifts. That's admirable.

On the big issues, however, I am afraid we have missed the boat. There are loopholes in this legislation. We must address them in conference with the other body, or this bill will have been a wasted exercise. Worse, it will fuel the public anger, and perception that Government access and power are for sale in the Nation's Capital. In a world where working middle-class families see every day that there is no free lunch, we're changing the rules, and saying "there's no free lunch—except for Congressmen."

Most glaringly, H.R. 823 prohibits lobbyists from paying for travel, meals, and entertainment for Members of Congress—but turns around and allows the employers of lobbyists to pick up the tab. With the lobbyist in the room. That is, in the words of a wise old man, a "difference that makes no difference."

On this issue the other body has adopted a much stronger piece of legislation, definitively closing loopholes and legal gimmicks, and dispelling the notion that any Member of Congress is for sale.

We should follow the lead of the other body, and adopt these real reform provisions in conference. I support H.R. 823 today because it's this bill or no bill, and I think we would do a disservice to stop the process.

But if any ethics reform is to earn my final support, it must contain comprehensive lobbying and disclosure provisions, and move to restore credibility to this institution. We can, and we must, do better. But on this vote we should not let the perfect be the enemy of the good.

Mr. BRYANT. Madam Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Madam Speaker, I thank the chairman of the subcommittee for yielding me the time and I congratulate the gentleman from Texas [Mr. BRYANT] and the gentleman from Pennsylvania [Mr. GEKAS] for an extraordinary difficult job to be performed in this bill.

Why do I say that? Because we are dealing with perception in this bill, in my opinion, more than reality.

Members of this Congress and members of the legislative body that I served with in the past, the Senate of Maryland, are not subject to being influenced in their votes by the buying of meals or the playing of a golf game. The fact of the matter is, however, that we have had gridlock and we have not moved forward.

My opinion is that it is largely a matter of philosophy. There are significant differences between the executive and the legislative branches. But our public has said the reason for it is that we have the special interests.

The reason is that we have lobbyists. The reason is that we have some relationship with them that they do not feel is good.

Now, there are some who want the perfect who will say, "Let's not take the good." There are some who editorialize and write in that way. The common cause is moving forward, not having the perfect be the enemy of the good.

I have had some involvement with this legislation. I believe it is a step forward. It is a step to try to say to the American public, "We want you to know what is happening, No. 1, and No. 2, we are going to stop letting some of the things happen that you feel are undermining the doing of your business."

Why? Because in democracy we must have the confidence of our people. Whatever the reality may be, if we have lost the confidence of our people, we will not be successful as a democracy.

So I urge my colleagues to vote for this legislation and move it forward. It is, difficult piece of legislation, because all of us feel, first of all, that we are somehow personally being perceived as not operating honestly. I think we are.

Are there some who fall short of that? There are. There are human beings in this body. There are some who fall short in our society. But the overall majority are doing the business as we see fit.

But let us try in this small way to correct the perception, to make sure we have full lobbying disclosure and make sure the public knows we are not taking the gifts that they believe are affecting our actions.

I congratulate again the gentleman from Texas [Mr. BRYANT] and the gentleman from Pennsylvania [Mr. GEKAS] for the effort they have made to move this legislation forward. It is important that we pass it.

It is on suspension, so it will be difficult. We will have to join together and vote in significant numbers to do that. I suggest to those who fear this legislation that if this legislation does not move forward, it will not be what I believe to be a reasonable effort and a reasonable compromise that passes, it will ultimately be a more Draconian, less fair proposition that will ultimately pass.

Madam Speaker, I rise in support of S. 349, the Lobbying Disclosure Act and urge my colleagues to join me in moving ahead with this important reform measure.

The bill before us today continues congressional reform and makes significant changes in current lobbying registration law. The Bryant bill demands greater accountability than ever before of those who lobby the executive branch and the Congress.

S. 349 requires far greater registration by lobbyists and disclosure of their activities. Unlike current law, S. 349 requires all professional lobbyists to register if they lobby executive branch officials, legislative branch officials, and congressional employees regarding any changes in Federal policy, not just legislation. The new requirements would also require those who do direct and grass roots lobbying to register.

Lobbyists are also required to file more detailed reports of their activities, including estimates of lobbying expenses, identification of their clients, and issues on which they lobby.

There are provisions of this bill that I do not like. However, Chairman BRYANT has crafted a reasonable and responsible response to sometimes unreasonable and unrealistic demands. The balanced legislation that he has structured will continue to allow Members to represent and communicate with their constituents and their representatives while ensuring that ethical standards are upheld and are easily understood by all involved.

There are those in this House who would like to delay and not move this legislation forward today. In my opinion, that would be a mistake. To think that we are able to do less than the Bryant bill is to ignore the realities. To go beyond the reasonable and effective structure of the Bryant bill is to overreact, and indeed to insult the basic decency and honesty of public officials and their employees.

Clearly, however, it is time to move on. Each day that we delay this legislation and allow ourselves to be distracted by these discussions, we put off the real work of this Congress. It is time to move ahead past this issue and focus our energy, our intelligence, and our commitment on the issues of the day which will greatly affect the everyday lives of our constituents—health care reform, meaningful and effective crime legislation, and welfare reform.

In the last election we heard a clear message from the American public to change the way we do business. Those who heard that call as merely a call to publicly and regularly lash ourselves are as mistaken as those who think we should do nothing. This legislation is a step forward. As we address this issue, let us also remember that it is time to move forward on the agenda of this Congress and the American people. I for one am happy to have this bill off the to do list and urge my colleagues to join me in support.

☐ 1400

Mr. GEKAS. Madam Speaker, I yield 3 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Madam Speaker, it never ceases to amaze me why we pass legislation around here. The distinguished chairman of the Democratic Caucus says we have got to pass this legislation, let me see now, because of perception in the country. Rather than standing up and defending the institution, we have got to pass a piece of legislation because of the perception of the country.

The other reason is to pass this legislation because it could get worse, Members. So set yourselves up in this little way, because you could be set up even worse if we get our hands on this once again.

Look, I think we have enough restrictions and regulations and rules right now that regulate the way that we go. But if we have got to do something that I support, full disclosure, who are you tell me I am dishonest because I go out with a lobbyist? And many of you have said it. How dare you say that I am bought and paid for because I have dinner with a lobbyist?

It is my constituents who have the right to decide that, not you.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from California.

Mr. LEWIS of California. On that point, some years ago on a white steed, Jerry Brown was going to improve government in California, former Governor Jerry Brown. He passed a bill that would limit to like $15 a month money that could be spent by lobbyists.

Fifteen years ago. Everybody knows how much the legislative process improved since then. My friend the gentleman from California [Mr. FAZIO] would attest how great it is in California right now.

For Lord's sake, this is paying lip service to improving government in the name of doing something, and you are doing nothing at all.

Mr. DELAY. I hear the gentleman's words. The gentleman is so right.

If you do not want to do these things, do not do them. But at least be honest about it and say we will have full disclosure. You will decide how to operate yourself, how you will conduct yourself in working your job, and then disclose everything to the members of your constituency back home and let them decide whether they can link it up or not.

This is ridiculous. This is outrageous. This is no fix. What you have done, as I said earlier on the rule, is set up the Kay Bailey Hutchison syndrome. You have set up new criteria by which you can be charged, whether you are innocent or not, and they will bring you and drag you through all the processes that they can drag you through, and you have got to prove you are innocent.

You know, any time we are charged, we are guilty until we can prove our innocence. And what you are doing with this bill is setting up new criteria, new restrictions, new rules, by which we can be caught in a very innocent moment and be charged and drug through the mud.

The only way to fix this is through full disclosure. I urge a no vote on the bill.

Mr. BRYANT. Madam Speaker, I yield 3 minutes to the gentleman from Texas [Mr. BROOKS] the chairman of the Committee on the Judiciary.

Mr. BROOKS. Madam Speaker, it is with some regret that I rise to oppose the legislation now being considered by the House. I realize the good intentions and the motivations that lie beyond trying to craft a legislative solution to the perceived problem surrounding certain lobbying activities and gifts to Members of Congress.

I know JOHN BRYANT, chairman of the great Subcommittee on Administrative Law and Governmental Relations is one, in my judgment, of the brightest and most dedicated Members we have in this body. He is from Texas, and I am very proud of him. He is an outstanding and able Member.

But I think in this instance, in a vast majority of the situations, the problem is a perceived problem and not an actual problem. And the legislation does raise some disturbing questions about the rights of every American to redress their grievances before the Government and to inform and educate decision makers who, after all, are just their elected representatives. Who else are they going to talk to?

Teachers, doctors, restaurant owners, pipefitters, oil workers, refineries, chemical plants, every segment of our society, every segment of our economy, all of those great groups are entitled to pursue their rights and make their views known to their representatives.

We do not have to do what they say, but they are entitled to be able to come and make a pitch. And I think there is no way that any set of lawmakers, decision makers, can operate with perfect knowledge in a vacuum without the benefit of information received from the multifaceted life that we live without the benefit of those who know best and who know firsthand.

I personally do not take warmly to the idea that seems to lie beneath the surface of this pending legislation, this general effort, that I would ever be influenced to lift a finger on behalf of somebody who bought me a $10.95 dinner. I would rather eat at home with my wonderful wife. She is a wonderful cook. It is much more pleasant to be home. And I do, 98 percent of the time. In the fog and panic surrounding the debate on this issue, common sense has been left at the door in favor of unfounded suspicions. It is time to bring common sense through the door and back into the Chamber here.

I want to make one final point. I had originally planned to process a bill through the full committee in regular order. However, given that this initiative is a top priority of the bipartisan leadership of the House, I agreed to having the bill come directly to the Floor for consideration before the Easter district work period. I do not, however, view today's approach as setting a precedent that will be applicable to Committee on the Judiciary considerations of future legislative proposals in this field, or in any other.

In plain language, I think the bill is not necessary.

Mr. GEKAS. Madam Speaker, I yield 2½ minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I agree there is a lot of fog and panic, and we need to bring some common sense to this debate. I would like to bring a different perspective, the perspective of the private sector, where I just came from not more than 15 months ago.

But I have to tell you that it does, before I share those perspectives, it does strike me as being a little bit disingenuous that we are arguing over a $10.95 meal, when in fact the average Member of Congress takes $250,000 every election cycle in PAC money. What is the difference when there is special interest money funding congressional campaigns year after year after year to the tune of right now an average of $250,000, that we are speaking about this as a different way to purchase influence or access.

In any event, let me tell you how we dealt with this in my own company, because I built a company from nothing, and we were in the retail business of selling car phones. Naturally we had a lot of suppliers.

We wanted to guard against the possibility that some employee might be overpaying for something because of influence purchased as the result of gifts or entertainment.

What we did was we went to a zero tolerance type of approach, where we said you may not accept any gifts, any meals, any entertainment, any golf, whatsoever. We just cut it off completely.

I frankly think that is what we ought to do. We should not have a convoluted system where we have certain exceptions for people that use less than 10 percent of their time. We should just make it very clear, very simple, very easy.

This is another ridiculous bill that has all kinds of exceptions. It is difficult to follow. I am going to vote for it, reluctantly. I think we ought to have zero tolerance.

I would like to make a couple other observations. The gentleman from Texas talks about the problem here is the perception, not the reality. Come on, guys, what is politics? If in politics perception is not reality, where is perception and reality? Heavenly days, that is what politics is all about. Of course perception is reality. That is what this is all about.

The other thing I would like to say is this does not prevent people from going out to dinner or playing golf. We just have to pay for it. Just like everybody else, we just have to pay for it. It is not a big deal.

Mr. BRYANT. Madam Speaker, I yield 2 minutes to the gentlewoman from California [Ms. SCHENK].

☐ 1410

Ms. SCHENK. Madam Speaker, it is time for this House to finally take the first steps toward reforming the way that we do business in this body. This legislation, which is strongly supported by the freshman Democratic class in this House, represents a first step.

Yes, many of us would like to go further, perhaps even an outright ban on any gifts or perks. But this is where we stand today.

I would just like to say to my good friend, my colleague for whom I have enormous respect, the gentleman from Redlands, CA, that I served in Sacramento under what we call the two hamburgers and a coke rule. And it did work. It worked for the people of California.

What it did was it banned lobbyists from having big private dinners in smoky back rooms of restaurants where they had unfair access to legislators and executive branch officials. It leveled the playing field.

No, it did not eliminate the crooks. No, it did not eliminate those who want to do something under the table. No law will ever eliminate those kinds of people.

What it does, it levels the playing field. The American people have demanded this reform in the last election, in town meetings, every one of us who went through the campaign. I think that it just defies our God-given common sense to say it does not go far enough so let us not vote for it at all.

If we defeat this bill, we break faith with the American people. I ask my colleagues to support it.

Mr. GEKAS. Madam Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Madam Speaker, I rise in opposition to this misguided approach. If indeed, as the gentleman from Texas told us in his initial remarks, this is an issue that only affects 1 percent of the Members, we are going to basically put 99 percent of the Members by his own words under this micro-managed cockamamie plan that he has got to somehow make 435 of us defendants and having to hire lawyers to determine who and when we can go out to lunch with.

Nothing could be more ludicrous. This is like treatment Members of Congress like some kindergarten kids that we have got to somehow micro-manage and pass laws to correct. It is just absolutely ludicrous. I find it personally demeaning. I think every Member here should find it personally demeaning to think that we have to operate under some kind of rules like this and then somehow to have to look at that chart every time we determine whether we are going to go out of the house or not or leave the office.

I am really disappointed, frankly. I have a great deal of respect for my friend from Texas, who I serve with on the Committee on Energy and Commerce, but in this case, I think he has entirely missed the boat. If he wants to make some things that are reportable and allow the press to do what they do best, and that is to report all of these things and let the Member make his own explanations, that is fine. But do not try to tell me that I cannot do this or I cannot do that.

I am a duly-elected Member of this House of Representatives, by 570,000 people. I resent the fact that I have to follow these stupid rules to tell me how to live my life.

Mr. BRYANT. Madam Speaker, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Texas.

Mr. BRYANT. Madam Speaker, I understand the sentiments behind the gentleman's words, but the point is that we are only relating this to people who are registered lobbyists, who in effect are the lawyers in the courtroom. They should not be able to take the judge to lunch. That is what this is about.

Mr. OXLEY. Madam Speaker, my only problem with the lobbyist part of it is these gift bans and the so-called bans that we are going to have, which are going to make everybody in this House hire a lawyer just to make sure that they do not get stuck like KAY BAILEY HUTCHISON got stuck.

Mr. BRYANT. Madam Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. BROWDER].

Mr. BROWDER. Madam Speaker, I rise in strong support of this reform and the work of the gentleman from Texas.

Mr. BRYANT. Madam Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Madam Speaker, I thank the gentleman for yielding time to me, and I thank the gentleman from Texas for his work.

Mr. PENNY. Madam Speaker, will the gentleman yield?

Mr. FINGERHUT. I yield to the gentleman from Minnesota.

Mr. PENNY. Madam Speaker, I rise in strong support of the legislation. I simply want to say that I am delighted that this is a tougher and tighter bill than many of us may have expected. It deserves our strong support. I compliment all of those who worked so hard to bring this measure to the floor, including the chairman and the gentleman in the well.

Mr. FINGERHUT. Madam Speaker, I thank the gentleman for his comments.

I simply want to take one moment to say that with all this debate we sometimes forget what this bill is about.

There are a couple simple questions before the House. First, should everyone who lobbies, who actually engages in the business of professional lobbying register and disclose to the American public all those moneys that they spend to influence the course of legislation? The answer is yes.

Second, should those people who register as lobbyists and are engaged in this business be prohibited from providing direct financial benefit to Members of Congress? The answer is also yes.

We have heard a lot of opposition, some of it very principled indeed. Members who simply disagree with this approach. Others have been using the argument that we do not go far enough, but Common Cause, the New York Times oppose this legislation so we should, too.

Let me say this: The role of the New York Times, the role of Common Cause is to push us. It is to criticize. It is to say what the outer limits of things are.

I started in politics as the chairman of Common Cause in the State of Ohio and am a proud member of Common Cause, but I understand what they are supposed to be doing. They are supposed to point out exceptions, some of the exceptions which we have agreed to at the request of the minority. Our job is to say this is time to move forward, that this is legislation that takes a significant step forward. Our job is to tell the American people that this is important, that we can make a difference in the way that this body runs, if we support it. We need to support it today.

We are bringing it up under Suspension of the Rules. Two-thirds of this body need to stand up and tell the American people it is important. I believe we will do that. I believe we should do that and send the message out to the American people that we have heard what they are concerned about. We are responding. We are going to make the decisions in this body in the best interests of the people, not because of the special interests.

Mr. GEKAS. Madam Speaker, I yield 1 minute to the gentleman from Illinois [Mr. HYDE].

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Madam Speaker, I just would like to ask the gentleman from Texas a question so I understand about this bill.

As I look at it, it looks like a painting by Picasso. I mean, touched with genius but a little oddly shaped.

Is it true, let us say RJR Nabisco Holdings pays for my way over to Majorca to address a group of their executives over there and take 7 days in the trip and talk to people about the emotional disturbances involved in selecting French pastries or something and come back to this country. As along as they disclose it, that is perfectly all right. But their lobbyists cannot buy me lunch at Bull Feathers. Is that true?

Mr. BRYANT. Madam Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Texas.

Mr. BRYANT. Madam Speaker, the answer is, the gentleman must perform his speaking duties within 48 hours of arriving and leave within 48 hours of speaking, and they must disclose every 6 months all that they spent on the gentleman on that trip.

If the gentlemen can withstand that public scrutiny, he can take the trip. But if he cannot, he should not take the trip.

Presently, that is not the case.

Mr. HYDE. But they have to pay for that trip.

Mr. BRYANT. Madam Speaker, I reserve the balance of my time.

Mr. GEKAS. Madam Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Madam Speaker, let me speak again to some of the loopholes of this bill. Probably the biggest flaw in this legislation is the definition of lobbyists and the 10 percent requirement under this bill we have heard bantered around today. That is the loophole that will allow the 20,000 attorneys in this town to still conduct business as usual.

Ten percent is a loophole that we are creating and an opportunity for people to become involved in this process without reporting.

Let me say that this bill, and I want to correct my statement earlier, this bill creates civil penalties instead of the current criminal penalties. The civil penalties are enforced by the Department of Justice. Which is stronger, criminal or civil penalties?

I did not say this would allow the continued trips to Florida and other glorious spots. Common Cause stated that. I am not an attorney. Common Cause and their legal people have read this bill and said that it does not prohibit such trips.

□ 1420

This bill has loopholes that the lobbiest does not even have under the current law, exemptions for the $2,500, the $5,000 organization exemptions, the 10-percent exemptions.

I would ask the gentleman, why not, if someone is paid money or receives money from clients to influence legislation or the executive branch, anyone, then it should be reported: If someone is a paid as a lobbyist, then simply report it.

Again, this bill has loopholes big enough to drive a lobbyist's limousine through. What is sad about this, too, is that it creates a farce on the American people. It does not address the problems of foreign lobby registration or the revolving door, the things that people are fed up with.

Mr. GEKAS. Madam Speaker, I yield 1 minute to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Madam Speaker, with all deference to the sponsors of this bill, and as one who has been involved with serious reform efforts here in the Congress, I have to say that I think this legislation is an affront to this body. The gentleman from Texas [Mr. DELAY] is correct. If we are going to clean things up, realistically, let us have full public disclosure. Let us just disclose it all. That would help restore confidence in this institution.

I might say, full public disclosure is also the answer to campaign finance reform. However, this legislation is not enforceable. Someone once said that unenforceable laws bring derision on the system. I suggest that this proposal is not realistically enforceable, and will bring greater derision on the Congress than it currently suffers.

The other gentleman from Texas [Mr. BROOKS], in his appeal to common sense, stated the case very well. We may think we are addressing the problem here, but we are only addressing perceptions. If we would address reality, the perceptions would correct themselves.

The SPEAKER pro tempore (Mrs. KENNELLY). The time of the gentleman from Missouri [Mr. EMERSON] has expired.

Mr. GEKAS. Madam Speaker, I yield 1 minute to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. I will start quickly. There are not five people on this floor or listening over C-Span that even know what this bill is about. The bill being passed out on the floor right here is not the bill the Members are voting on. Nobody can come to this floor and say they even know what they are voting on, and I will bet there are not five people that know that there is going to be an independent branch agency set up in the executive government that does not even exist now, called, or excuse me, the Department of Justice, that is being passed out on the floor, does not exist any longer. It is now the Office of Lobbying Registration and Public Disclosure, who is going to set up rules, regulations, cross-indexing, filing. This has not even had a hearing in this House.

If the Members want to vote for something because they are panicked about the public, what the hell are they going in front of their constituents for to tell them that they deserve to give you a vote? If you want to pass lobbying registration, then do it, but do not come down on the floor because you are scared of your own constituents. Vote on a bill that you have read before you cast a vote, if you really mean to be a Member of the House of Representatives.

Mr. BRYANT. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, I regret having to respond so firmly to the gentleman from Hawaii [Mr. ABERCROMBIE], but if he is talking about people who have not read the bill, I suggest the gentleman speak for himself.

The provision to which he has referred has been in this bill since November. It has been well-read, well-stated, and there have been hearings upon it. I regret that he was not part of the process.

Madam Speaker, I yield 1 minute to the gentlewoman from Utah [Ms. SHEPHERD].

Ms. SHEPHERD. Madam Speaker, I first want to commend the gentleman from Texas [Mr. BRYANT] and the Democratic leadership for having the courage to come forward with this bill. Precisely what they were concerned would happen is happening, which is that people who do not want it to pass at all are trying to pick it apart and say it is not good enough.

Madam Speaker, let me say what the people want. It does not matter if we are talking about the Salt Lake Tribune, where 75 percent of the people think that it is a conflict of interest for members of any legislative body to have lobbyists spend money on them, or whether we are talking about any poll, hundreds of polls taken across this country by the people of this country. They think that spending money to talk to us is a conflict of interest.

Madam Speaker, it has been said here that this is half a loaf. That is wrong. It is not half a loaf. It is impossible to say that it is a full loaf, but I can tell the Members, it is every slice but the heel, and I invite each of the Members who think this bill is not strong enough to join with me in coming years and we will whittle away at it and we will make it stronger every year, because that is our responsibility to the people of this country.

Mr. GEKAS. Madam Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, let me say that I am for full reporting. I believe there should be instilled in the public, confidence in this body. If we have lunch with somebody and we want to report it, I think that is fine. I think if somebody plays golf with someone, that should be reported. That is fine.

However, here we are, and we are going to impose penalties on people that have lunch with somebody or play golf with somebody, and a much greater issue, as far as influence is concerned, are the contributions that we get for our campaigns.

Many people will vote for this legislation today and talk with self-righteous indignation if we vote against it, and they will go out and take a $5,000 contribution from a PAC and say that does not have as much influence as if they have lunch with somebody. That makes no sense. There is no logic to it.

Madam Speaker, I think that the best way to address this problem, if we want to instill public confidence, is to have the full reportability. That is fine. For us to say somebody who takes $25 for a lunch with somebody or plays golf with somebody, you have committed a crime, while at the same time you are taking $5,000 from their PAC, that does not make sense.

Mr. GEKAS. Madam Speaker, I yield back the balance of my time.

Mr. BRYANT. Madam Speaker, I yield myself my remaining time to close debate.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BRYANT] is recognized for 3 minutes.

Mr. BRYANT. Madam Speaker, I hope I can complete this without using the full 3 minutes, because I think much of what needs to be said has been said.

Madam Speaker, I would simply say this to the comments by the gentleman from Indiana [Mr. BURTON] just a moment ago, and the others preceding him, that the fact of the matter is that campaign money goes into a campaign, and the money we are talking about here in one way or another ends up in our pockets, or relieves us of an expenditure. I think that is the difference.

I would say one additional thing, we are also well underway here with a dramatic revision of the campaign laws, so it is not as though we are not paying attention to that.

Mr. BURTON of Indiana. Madam Speaker, Will the gentleman yield?

Mr. BRYANT. I yield briefly to the gentleman from Indiana.

Mr. BURTON of Indiana. Madam Speaker, briefly I would say that anybody in this body who believes that a lunch would have more influence than a $5,000 contribution from a PAC I do not think is living in the real world.

Mr. BRYANT. Let me ask the gentleman a question. Maybe a rhetorical question will do some good.

Does the gentleman think the rules ought to permit him to go and play golf and have a lobbyist, whose job it is to convince him to vote for his client and maybe against the people that are sitting here with us today, that the lobbyist ought to be able to pay for the gentleman's greens fees?

Mr. BURTON of Indiana. If the gentleman will continue to yield, if he gives me a $1,000 or $5,000 contribution, or gives that to you, if I were going to be corrupt, which I am not, but if I were going to be corrupt, that would have a much greater influence on me than a round of golf.

Mr. BRYANT. Madam Speaker, we are going to deal with contributions later, but we are dealing with the free golf games today.

My question is this, does the gentleman think that the rules of this place ought to permit him to have a lobbyist, whose job it is to influence him, pay for his greens fees?

Mr. BURTON of Indiana. He is not influencing me if I play a round of golf with him, for crying out loud.

Mr. BRYANT. Very well.

Mr. BURTON of Indiana. Let my constituents judge by having me report all that. I am for complete reportability, but my constituents can judge better than that.

Mr. BRYANT. I thank the gentleman. In responding to my remarks, he has placed this issue in clear relief. The plain fact is this. We have a bill on the floor today which is going to say that henceforth, a lobbyist whose only job is to come and influence us cannot pay for our greens fees. We ought to pay for them ourselves. He cannot buy us meals. We ought to pay for them ourselves. He cannot provide entertainment. If we want entertainment, we should pay for it ourselves.

That is what is at issue here today. I regret having to deal with this. I will stick by my guns from a moment ago. I think it is a fact that 99 percent of the Members of this House are not influenced by those expenditures, but the perception that we are, to a large extent, has been fostered by the comments like those we have heard today from the other side of the aisle, as well as a few on our side of the aisle. Unfortunately, we have to deal with it.

□ 1430

The fact of the matter is that we have got a bill on the floor today that deals with it in a way that makes sense. I do not know about these loopholes. I heard the gentleman from Florida [Mr. Mica] talking a while ago about loopholes, and he keeps talking about loopholes. I do not see any loopholes. There are no loopholes in this bill. That is the fact. Members cannot make those expenditures anymore.

Mr. ROSE. Madam Speaker, will the gentleman yield?

Mr. BRYANT. I yield to the gentleman from North Carolina.

Mr. ROSE. Madam Speaker, just one question. May I see a copy of the bill?

Mr. BRYANT. It is right next to the gentleman.

Mr. ROSE. I have a Xerox copy. Has the bill been printed?

Mr. BRYANT. I have to refer to the staff.

Mr. ROSE. The staff says that it has not been printed.

Mr. BRYANT. Very well. What is the difference?

Mr. ROSE. I do not have any questions. The bill has not been printed and nobody has a copy.

Mr. BRYANT. The bill is sitting on the podium right in front of the gentleman, if he wants to read it, and furthermore, I would say the bill has been out since the subcommittee reported it out last November. So if any Member has not read it, it is not the fault of the subcommittee.

Madam Speaker, I urge Members to vote for the bill and do a good deed for this body and this institution.

Mr. MARKEY. Mr. Speaker, I rise in support of H.R. 823, the Lobbying Disclosure Act of 1993. As chairman of the Energy and Commerce Subcommittee on Telecommunications and Finance, I want to express my appreciation to the gentleman from Texas [Mr. Bryant] and his staff for their willingness to work out appropriate language regarding two matters in the bill that affect matters within the jurisdiction of the subcommittee.

First, I would like to comment very briefly on one of the exceptions to the definition of "lobbying contact" in the pending bill. H.R. 823 provides an exception for communications "between officials of a self-regulatory organization recognized by Federal law, and the Federal regulatory agency with jurisdiction over such organization, relating to the regulatory responsibilities of such organization under such law."

This exception is included in the bill in recognition of the fact that certain Federal statutes, such as the Securities Exchange Act of 1934, delegate substantial Federal regulatory responsibilities to private self-regulatory organizations, such as the national securities exchanges and the National Association of Securities Dealers. These organizations exercise these responsibilities in close coordination with and under the supervision of Federal agencies—the Securities and Exchange Commission in the case of securities self-regulatory organizations. Because they share responsibilities under Federal statutes, the communications between these agencies and these self-regulatory organizations are more like communications between two levels of Government than communications between a regulator and a regulated entity.Thus, an exemption parallel to the exemption for communications among Government officials is appropriate.

In a March 9, 1994, letter to Congress, a copy of which I will insert into the Record following the conclusion of my statement, SEC Chairman Arthur Levitt expressed concerns about the impact of the bill on the SEC's ability to work with the various securities self-regulatory organizations on regulatory and enforcement matters. I am pleased that we have been able to work out language which would provide for a narrow exception to the disclosure provisions of the bill. This will allow the self-regulatory organizations to carry out their important responsibilities to assist the Commission in the enforcement of the Federal securities laws, including insider trading, market manipulation, and surveillance and regulation of our Nation's securities markets. The self-regulatory organizations would remain subject to the provisions of H.R. 823 will respect to their communications with Congress and all parts of the executive branch other than the Federal agency with jurisdiction over such organizations.

I also want to note that the bill deletes a provision which appeared in earlier drafts of H.R. 823 which would have repealed section 12(i) of the Public Utilities Holding Company Act of 1935 [PUHCA]. The Subcommittee on Telecommunications and Finance had not had an opportunity to fully review the implications of such an amendment to PUHCA and determine its impact on the protections afforded to investors, consumers and the public under PUHCA. I therefore appreciate the willingness of the gentleman from Texas to defer action on this matter and allow our subcommittee to undertake such a review and determine whether repeal of the PUHCA lobbying disclosure provision is needed.

Again, I want to thank the gentleman from Texas [Mr. Bryant] and his staff for their willingness to accommodate the concerns that Chairman Dingell and I had with respect to these matters, and I urge my colleagues to support this important legislation.

U.S. Securities and
Exchange Commission,
*Washington, DC, March 9, 1994.*

Hon. John Bryant,
*Chairman, Subcommittee on Administrative Law and Governmental Relations, Committee on the Judiciary, House of Representatives, Washington, DC.*

Dear Chairman Bryant: I am writing to comment on the application of the Lobbying Disclosure Act, H.R. 823, to the unique relationship between the Securities and Exchange Commission ("SEC") and the self-regulatory organizations ("SROs") that, under SEC supervision, handle much of the day-to-day regulation of the securities industry.

Under the Securities Exchange Act of 1934, there are four types of self-regulatory organizations: national securities exchanges, such as the New York Stock Exchange and American Stock Exchange; a national securities association, the National Association of Securities Dealers ("NASD"); securities clearing agencies, such as the National Securities Clearing Corporation; and, for some purposes, the Municipal Securities Rulemaking Board ("MSRB").

As their name implies, the self-regulatory organizations other than the MSRB are responsible under the Exchange Act for developing and enforcing SRO rules their members. (The MSRB develops rules for the municipal securities industry but has no enforcement role.) The Exchange Act requires that all SRO rules, rule changes and policies be filed with the SEC and, with certain exceptions, proposed SRO rules may not take effect until the SEC approves them. In fiscal year 1993, the SROs filed over 450 proposed rules with the SEC.

In addition, the SEC has an active program of SRO inspection, to confirm that the SROs are fulfilling their responsibilities under the Exchange Act. In fiscal year 1993, the SEC conducted 40 SRO inspections. The SEC also conducts examinations of firms already examined by the SROs to assure the quality of SRO broker-dealer examinations. In fiscal year 1993 the SEC conducted more than 400 such oversight examinations.

The Exchange Act also requires an SRO other than the MSRB to "enforce compliance" by its members and associated persons with the Exchange Act itself. The SROs have broad powers, under the Exchange Act, to discipline their members and persons associated with them, including the power to censure, to fine, and to bar from membership or association. Since the Exchange Act requires every broker-dealer to be a member of the NASD, or to effect transactions only on a national securities exchange of which it is a member, the SROs' power to bar a firm from membership, or a person from association, is essentially the power to exclude a firm or person from a substantial part of the securities industry.

In fiscal year 1993, the SROs reported more than 1,000 disciplinary actions to the SEC. A firm or person subject to an SRO sanction may, under the Exchange Act, appeal the sanction to the SEC: in fiscal year 1993 there were 71 such appeals. In cases in which the SRO's preliminary investigation suggests that an SRO sanction may be inadequate—such as suspected insider trading—the SROs refer enforcement matters to the Commission. There were over 150 such enforcement referrals in fiscal year 1993.

These figures give some sense of the breadth and frequency of contact between the SEC and the SROs. This communication is essentially governmental; the SEC and the SROs communicate about how best to exercise the responsibility they share under the Exchange Act for policing and overseeing the securities industry. Thus, for the same reasons that communications between federal and state or local officials are exempt under the Lobbying Disclosure Act, we believe that communications between the SEC and the SROs should be exempt. To paraphrase the Senate Report, it would not be "appropriate to require public officials at one level of government," the SROs, "to register as lobbyists when they express their views to public officials at another level of government," the SEC.

Specifically, we would like to see an addition to the list of exclusions from "lobbying contact" for communications "between officials of a securities self-regulatory organization and of the Securities and Exchange Commission." The SROs would thus remain subject to the Lobbying Disclosure Act with respect to their communications with Congress and all parts of the Executive Branch other than the SEC. The SROs would not be required to report, however, all the communications they have, many of which are required by law, with the SEC.

If this approach is not acceptable to the Committee, we would like to discuss alternatives with you. If you have any questions about this, please do not hesitate to contact us.

Sincerely yours,

ARTHUR LEVITT,
*Chairman.*

Mr. BEREUTER. Mr. Speaker, this Member intends to support the Lobbying Disclosure Act as it is a small step forward in providing increased disclosure of lobbying efforts. This measure represents the latest effort in a long-standing, if intermittent, attempt by Congress to rewrite Federal lobby disclosure laws. This Member certainly supports the provisions providing for the registration of all those who lobby Members of Congress, congressional staff, and executive branch officials. The measure also requires lobbyists to file semiannual reports on what legislation, regulatory actions, grants, and projects they are lobbying. These semiannual reports must also disclose the lobbyists' income from clients or the total expenses their organization has incurred for lobbying, including grassroots activity.

However, this Member must also express reservations regarding the provisions which ban lobbyists from providing meals, entertainment, travel, or gifts to Members of Congress or their staffs. This reservation is expressed because this seems a disingenuous attempt at such a ban because the measure is structured to allow a lobbyist's employer, or the organization or company that retains a lobbyist, to pay for such items and activities. The so-called ban is simply an illusion because as a practical matter, organizations and clients—not their lobbyists—pay for these items and activities.

Additionally, while this Member is supportive of the disclosure requirements for lobbyists, the Member has concerns regarding the measure's coverage of only professional lobbyists or paid lobbyists. Full public disclosure must, in this Member's opinion, be extended to all lobbyists—including nonprofit groups that rely on grassroots.

Again, while this Member has a number of reservations regarding this measure, this Member supports the Lobbying Disclosure Act as an overall positive move toward greater disclosure of lobbying activities. It is simply a matter of the public having a right to know about these activities.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today to voice my opposition to S. 349, the Lobbying Disclosure Act. While I recognize and support strong efforts to bring more openness and accountability to our legislative process, I do not believe that this legislation sensibly accomplishes this goal. In fact, in some respects S. 349 paints Members as apologists for carrying out the important work which our constituents sent us to this body to perform.

The business of the Congress is ordering the priorities of the millions of people and interests in the country. We accomplish this by listening to the concerns and voices of constituents and others at a variety of times and settings, including over meals or during conferences.

Yet certain provisions in this bill imply that accepting an invitation to a lunch or a dinner is improper, and by accepting such an invitation my decision on a particular issue or piece of legislation will be influenced. This is simply not true, and I believe that most—if not all—of my colleagues would agree to this proposition. And in fact, language in this bill allows Members to accept meals from clients of lobbyists or interest groups, thereby really providing only the appearance of a change in current policy in this area.

Such incidental provisions will have little effect on day-to-day business in Washington. the Congress needs to address the more important and fundamental issues that underlie lobby reform and the public's disenchantment with this institution. The question is not whether Congress is selling votes for baubles and trinkets. They are not and I resent this view. The real question here is how do we expand the ability of more individuals and groups to have a voice in the governing process. This will come through more open, bipartisan cooperation in tackling such issues as crime, health care, and welfare reform.

We in this body need to stop pointing fingers and playing to public hysteria and stereotypes of Congress and get on with the vital legislative business of the Nation. I do not believe that I and my colleagues need to legislate our integrity. Tangible results are what count, not politicking, and the American people know that.

Mr. Speaker, I urge my colleagues to vote "no" on S. 349.

Mr. KYL. Mr. Speaker, I am in opposition to the rule to H.R. 823, the Lobbying Reform and Disclosure Act.

Given the complexity of current congressional lobbying and gift disclosure rules, proper consideration of H.R. 823 is essential. This has not been the procedure. In fact, H.R. 823 was not even considered by the full House Judiciary or Administration committees before being sent, after the House had adjourned for the evening, to the Rules Committee for its "stamp" of approval. Members of the House Committee on Standards of Official Conduct should also review H.R. 823 but have not had the opportunity to review the bill we are now considering.

This bill should not be considered under "suspension of the rules," which bypasses the normal legislative review process and limits the opportunity to engage in full debate on this important issue. Although H.R. 823 contains improvements in congressional lobbying rules, there are detailed, substantive issues which should be addressed to strengthen the bill.

H.R. 823, as Common Cause points out in its March 23 letter, "fails to end the practices whereby special interests seeking to influence Congress finance recreational travel and provide undisclosed food and entertainment for Members of Congress and their staffs." According to Common Cause, House Members took, during one Congress, 4,000 trips at private expense. Two-thirds of the trips were paid for by corporations and trade groups, and many were to resorts and vacation spots. H.R. 823 should be strengthened to prohibit these types of trips.

I am also concerned that H.R. 823 does not adequately address contributions of foreign governments and lobbyists representing foreign interests to certain foundations and legislative service organizations [LSOs] in the Congress. LSOs and their affiliated organizations should be covered under any new lobbying reform law. These organizations are not included in H.R. 823.

Just as there are organizations that should be covered under H.R. 823, there are individuals who should be included but are not. The role of "consultants" in the executive branch, for example, should be included in the legislation. Certain people represent presidential administrations in the media and function as advisors, however, they are not full-time administration officials. As the minority leader of the House recently detailed in a letter to the Speaker of the House, a provision should be added to H.R. 823 which would disclose the work or possible conflicts of interests of volunteers, national party-paid consultants or special Government employees working within the executive branch by triggering disclosure requirements when an individual in entitled to enter Government offices beyond that access given to the general public. The contents of lobbying reports should be expanded to include significant "consulting" of executive branch activities that influence governmental policy and decisions.

The time to pass lobbying reform legislation is long overdue and I reluctantly rise in support of the bill. However, there is an opportunity to make H.R. 823 a more effective, responsive bill by allowing for consideration of amendments that would address the mentioned weaknesses, and more. For this reason, I urge my colleagues to vote against the proposed rule on H.R. 823 and to vote to provide a vehicle for passage of comprehensive, effective legislation.

The SPEAKER pro tempore (Mrs. KENNELLY). The question is on the motion offered by the gentleman from Texas [Mr. BRYANT] that the House suspend the rules and pass the Senate bill, S. 349, as amended, insist on the House amendment thereto, and request a conference with the Senate thereon.

The question was taken.

Mr. BRYANT. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 315, nays 110, not voting 9, as follows:

[Roll No. 90]

YEAS—315

Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Bonilla
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (OH)
Bryant
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Carr
Castle
Chapman
Clayton
Clinger
Coleman
Collins (GA)
Combest
Conyers
Coppersmith
Costello
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Duncan
Dunn
Durbin
Edwards (CA)
Ehlers
Engel
English
Eshoo
Evans
Everett
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Foley
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Goodlatte
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Herger
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
Kingston
Kleczka
Klein
Klink
Klug
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (GA)
Lightfoot
Linder
Lipinski
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Menendez
Meyers
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Morella
Murphy
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Roybal-Allard
Royce
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Studds
Stupak
Swett
Synar
Talent
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torricelli
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waxman
Weldon
Wheat
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—110

Abercrombie
Allard
Applegate
Armey
Baker (LA)
Ballenger
Barrett (NE)
Barton
Bateman
Bentley
Bliley
Boehlert
Boehner
Brewster
Brooks
Brown (FL)
Bunning
Burton
Callahan
Clay
Clement
Clyburn
Coble
Collins (IL)
Collins (MI)
Condit
Cooper
Crane
DeLay
Dingell
Dooley
Dreier
Edwards (TX)
Emerson
Ewing
Fields (TX)
Fish
Ford (MI)
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Grams
Hancock
Hansen
Hastert
Hastings
Hayes
Hefley
Hefner
Hilliard
Hobson
Houghton
Johnson, E. B.
Johnson, Sam
King
Knollenberg
Kopetski
Laughlin
Lewis (CA)
Livingston
Lloyd
McCandless
McCollum
McMillan
Meek
Mfume
Mica
Michel
Moorhead
Moran
Murtha
Orton
Oxley
Packard
Paxon
Pickett
Porter
Quillen
Rangel
Ravenel
Roberts
Rose
Rostenkowski
Rush
Schaefer
Scott
Shuster
Sisisky
Skeen
Smith (OR)
Stokes
Stump
Sundquist
Swift
Tanner
Tauzin
Taylor (NC)
Thompson
Torres
Towns
Traficant
Tucker
Walker
Washington
Waters
Watt
Whitten
Wilson

NOT VOTING—9

Cardin
Ford (TN)
Gallegly
Gallo
Grandy
Lewis (FL)
Natcher
Pickle
Solomon

□ 1457

Mr. WHITTEN changed his vote from "yea" to "nay."

Messrs. BLACKWELL, YOUNG of Alaska, PETE GEREN of Texas, BISHOP, INHOFE, ZELIFF, ARCHER, PAYNE of Virginia, HOEKSTRA, TORKILDSEN, BOUCHER, PASTOR, PAYNE of New Jersey and Ms. VELÁZQUEZ, Ms. ROYBAL-ALLARD, and Mrs. VUCANOVICH changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 397, the House insists on its amendment and requests a conference with the Senate thereon.

A motion to reconsider was laid on the table.

### APPOINTMENT OF CONFEREES TO S. 349

The SPEAKER pro tempore (Mrs. KENNELLY). Without objection, the Chair appoints the following conferees to S. 349 and the House amendment: Messrs. BRYANT, GLICKMAN, FRANK of Massachusetts, FISH, and GEKAS.

There was no objection.

## GENERAL LEAVE

Mr. BRYANT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3222

Mr. SABO. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3222.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

## A POINT OF PERSONAL PRIVILEGE—ALLEGED BREAKDOWN OF COMITY AMONG COMMITTEE MEMBERS IN RELATION TO OVERSIGHT HEARINGS ON RESOLUTION TRUST CORPORATION

Mr. LEACH. Madam Speaker, I rise to a point of personal privilege of the House.

The SPEAKER pro tempore (Mrs. KENNELLY). The gentleman from Iowa has risen to a point of personal privilege, and he has indicated to the Chair the press accounts which give rise to the request for the personal privilege.

The gentleman from Iowa [Mr. LEACH] is now recognized for 1 hour.

Mr. LEACH. Madam Speaker, I rise to a point of personal privilege of the House.

In rising to this point of privilege, I wish to express concern about the breakdown of comity that has occurred on a personal and procedural level in the House Banking Committee.

On a personal level, unfortunate adjectives have been used; on a procedural level, unprecedented tactics have been employed.

I don't wish to dwell on the personal, except to stress my high regard for the chairman of the Banking Committee and to suggest that, as the theologian Reinhold Niebuhr once observed, the temper and integrity of the political debate is more important in our kind of democracy than the outcome of any issue.

Motivational aspersions are no substitute for full disclosure; indignation no substitute for pursuit of truth.

Members of the majority may be speaking the truth when they indicate they have no evidence of a link between the failure of an Arkansas S&L and Whitewater and that they know of no improprieties at issue. But it should be understood that not speaking an untruth is not the same as describing a truthful situation, particularly if there has been no serious effort to pursue the truth.

Constitutionally it is the duty of Congress to oversee breaches of law or public ethics in the executive branch. During the 12 years of the so-called divided Government of the Reagan/Bush era, the legislative branch took its constitutionally mandated oversight function seriously, as witnessed by the expansion in the size of its staff and the number of investigations undertaken.

Now both the executive and the legislative branches of Government are controlled by the same political party. The oversight mandate thus falls disproportionately upon the ranking members of the respective committees for those areas of the executive branch over which they have jurisdiction. Not to assume leadership in performing the oversight function with regard to the way in which the financial institutions of this country are managed and regulated would be to violate my oath to "support and defend the Constitution of the United States * * * and * * * well and faithfully discharge the duties of the office."

If the majority party refuses to uphold its responsibilities because of political embarrassment to its party's top elected official, the minority party is left with the choice either of joining in a complicity of silence or pursuing investigations that run the danger of being partisan.

In this context, I would simply emphasize that I raised the Whitewater issue with great reluctance, realizing the import as well as the power of the Presidency. I fully understand the political and personal liabilities involved. Nonetheless, I feel it would be inconsistent, indeed, hypocritical, to my own values, if I refused to pursue a line of inquiry potentially embarrassing to the President of a country which from its inception was intended to be hallmarked by law and its applicability to all citizens. It is, after all, the establishment of a government of laws, not men, that defines the uniqueness of the American experiment with democracy.

Procedurally, it should be noted that the minority is currently engaged in one of the most profound checks and balances philosophical engagements with the executive branch in the modern history of the Congress. This engagement carries far greater implications than any judgment relating to a particular embarrassment of a particular public official at a particular time because at issue is precedent: whether in future circumstances the oversight capacities of Congress can be thwarted if the majority party of Congress is the same as that in control of the executive branch and chooses to refrain from its oversight obligations in order not to embarrass its party's standings.

It is possible that the constitutional precedent for our checks and balances system surrounding the refusal of the administration to cooperate with an oversight probe of the executive branch which the majority party does not sanction may have more long-term negative consequences than any episodic embarrassment that might relate to this or any President's past. What is at issue is the definition of Congress as it applies to the constitutionally granted oversight responsibilities of the legislature. In our checks and balances system, Congress was given oversight responsibilities, but this administration is suggesting in response to minority requests for documentation from executive agencies that only chairmen speak for Congress. The minority in Congress, by this logic, has no power to advance or fulfill its constitutional rights if the majority does not concur in request for information. If such precedent is allowed to stand, Congress's oversight capacities will for all practical purposes be hamstrung whenever the executive and legislative branches of Government are controlled by the same party. Would our Founding Fathers have had this in mind?

In this connection, on December 9, 1993, as ranking member of the Banking Committee, I wrote Federal regulatory agencies to request certain documents of an oversight interest [example, Tab A]. In a followup letter I pointed out, as the courts have noted, "The Congress rarely acts as a body. Its manifold duties in the legislative, investigative, and oversight fields are almost invariably carried out through committees, committee chairmen, individual members, and staff personnel." *Murphy* v. *Department of Army*, 613 F.2d 1151, 1156 (1979). In addition, the court stated:

> The Senate and the House are so organized that certain legislative and quasi-legislative activities may be accomplished only through committee action. In other respects, however, the legislature acts through its individual Members. All Members have a constitutionally recognized status entitling them to share in general congressional powers and responsibilities, many of them requiring access to executive information. It would be an inappropriate intrusion into the legislative sphere for the courts to decide without congressional direction that, for example, only the chairman of a committee shall be regarded as the official voice of the Congress for purposes of receiving such information, as distinguished from its ranking minority member, or other committee members, or other members of Congress. Each of them participates in the law-making process; each has a voice and a vote in that process; and each is entitled to request such information from the executive agencies as will enable him to carry out the responsibilities of a legislator.

Agency heads responded that a ranking member only has the authority of an individual Member of Congress and, therefore, may only obtain information that would be available to the public pursuant to the Freedom of Information Act. In addition, the Office of Thrift Supervision asserted that it differs "with the view that Rules X and XI of the House of Representatives grant to a ranking minority member—or any individual member—the same authority to request information that a committee chairman possesses." In short, the agencies contend that only chairmen, not ranking members, speak for Congress.

Subsequently, on March 8, 1994, I wrote requesting information for the Banking Committee's upcoming RTC oversight hearing [Tab B]. Agency heads again responded by holding to the position that only the chairman of a committee would be permitted access to agency documents.

In this dispute about who is entitled to speak for Congress in the context of Congress' right and obligation under Article I of the Constitution to conduct oversight of the executive branch, the chairman of the Banking Committee, in what may have been an effort to bolster the executive's position, wrote agency heads on March 10, 1994, to suggest that they deny my document request and wrote separately on March 14, 1994, to state that they need not answer questions concerning Madison Guaranty Savings and Loan at the scheduled hearings [Tabs C and D]. The chairman's letter contained an implicit and unprecedented philosophical assertion that not only does a chairman have the exclusive right to obtain oversight documents from the executive branch, but the right to deny such documentation to other Members and the right even to deny inquiries about issues clearly germane to the subject of hearings.

So that there is no misunderstanding, the RTC oversight hearing was scheduled under requirement of law, section 21A(k)(6) of the Federal Home Loan Bank Act (12 U.S.C. §1441a(k)(6)), and there is no provision in that law for exceptions to congressional oversight that relate to a single State and its institutions. The U.S. Congress wrote a law applicable to all 50 States, not 49, and the oversight of our laws applies throughout this country. Just as in America no individual is above the law, no State is beyond its reach. Just as no individual is entitled to violate the law out of ignorance of it, no person, even the chairman of a congressional committee, is entitled after the fact to be sole interpreter of a law's meaning or serve as a censor to another Member's inquiries. Indeed, no Member of Congress has the right or power to deny relevant information to another Member.

In addition to the Federal Home Loan Bank Act, the committee's role in oversight is buttressed by the House rules as modified under the Legislative Reorganization Act of 1970. I refer to paragraph 2 of House Rule X providing for the committee's "General Oversight Responsibilities" which states:

> (b)(1) Each standing committee . . . shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the congress and whether such programs should be continued, curtailed, or eliminated.

Separate procedural rules may apply to an investigative hearing, but such rules do not apply in this case. The statutorily mandated RTC hearing is an oversight hearing in accordance with rule X. Any reliance on investigative hearing procedures to deny information to committee members is misplaced. Any information requests or questions by Members related in any manner to RTC operations are authorized under the committee's oversight authority. It is also expected that in answering questions witnesses have the obligation either to assert appropriate privileges or fully respond with answers to the questions (See, 2 U.S.C. §192, *Sinclair* v. *United States*, 279 U.S. 263 (1929)) and such answers shall be truthful. (See, 18 U.S.C. §1001, *U.S.* v. *Poindexter*, 951 F.2d 369 (D.C. Cir. 1991)).

Moreover, the precedent of the Banking Committee is clear with respect to the relevance of specific questions on specific institutions. On numerous occasions at past RTC oversight hearings, questions related to individual institutions have been asked by committee members, including the chairman, and answered by witnesses. In fact, the committee's invitation letter of March 3, 1994, to Treasury Secretary Bentsen for purposes of the RTC oversight hearing, seeks testimony and documents related to a specific institution, Homefed Savings. Of relevance also is the following statement last week of the chairman of the Senate Banking Committee:

> So we have had now over the years since 1989, a very long series of regular oversight hearings where we call in the officials responsible for implementing that law to find out exactly how it is working and if there is a need to change any particular part of it. Is it working the way it was designed to work? Have we corrected all the abuses? We were so concerned about that issue that, in fact, we built into that 1989 law a requirement that there has to be a hearing here in Congress every 6 months on how that cleanup effort is doing and how that law is being implemented. Within the text of that part of the law we went so far as to say that any institutions that failed in that time period, in the mid-1980's, that if any Senator on the committee wanted to come in and ask questions about that particular institution, that they had a right in law to do so. We did not foresee the Madison case at that time, but it applies precisely to the Madison case and every other case out of that time period. (CONG. REC. S3153, March 17, 1994).

To the degree the chairman's letters are open to an interpretation that would imply the possibility that they have been requested by the administration to bolster its efforts to deny information to the Congress and thereby the public, at issue would be a collusive effort by the majority party in the Congress to aid and abet the executive branch in its concerted effort to deny disclosure of information related to legitimate congressional oversight.

In this regard, a letter recently copied to Representative WILLIAM CLINGER, ranking member of the Government Operations Committee, evidences a comparable approach in another committee of Congress [Tab E].

It is the minority's position that executive branch witnesses must address their obligations to respond to legitimate oversight requests and legitimate inquiries on the subject of hearings as required by the law and the Constitution, not in conjunction with any arbitrary desire of a chairman to deny discussion on a subject the executive branch would rather not forthcomingly address. The minority party, has a baseline assumption that officials of the U.S. Government will comply with the law and, when appearing before a committee of Congress, abide by the Code of Government Ethics for Federal employees to "Uphold the Constitution, laws, and regulations of the United States and all governments therein and never be party to their evasion." [Public Law No. 96-303, July 3, 1980, 94 Stat. 855].

The constitutionally-derived obligation of oversight cannot be short-circuited at the whim of the congressional majority. It is just as much the duty of the minority party, as the majority. Indeed, in real life circumstance as evidenced in this particular incident, oversight may in practice imply a greater obligation on the party out of power than the party in control of the executive branch.

Hodding Carter, the distinguished journalist from Mississippi, recently noted that southerners of virtually all philosophical stripes recognized a little or a lot of truth in certain northern concerns about discrimination that existed in the South in the heyday of civil rights activism. But with understandable resentment all felt that northerners had a duty to look a little more assiduously in their own backyards. In this probe of Whitewater, I believe an outsider might conclude that the single party concentration of political power in Arkansas may be in need of review that the shadow of Lyndon Johnson and Huey Long may have been cast too greatly on a former governorship. But as a northerner, I am obligated to note that my primary responsibility is my backyard, in this case the body to which I am elected to serve. While I believe it would be unfair to suggest that one of America's great political parties is more honest than the other, I believe the concerted effort to avoid accountability and full disclosure in the Whitewater incident, and the unfortunate institutional precedents in process of being established, reflect attitudes more associated with single party governance of closed than open societies. Competition is the American way. When single party dominance is long and deep, arrogance associated with power creeps incontestably into the system. Whitewater, in the end, may tell more about Congress than the executive branch.

In this context, the minority raised concerns about the manner in which the RTC oversight hearing scheduled this week might have been conducted. Nevertheless, the minority was disappointed the hearing was abruptly postponed.

Postponement of the hearing by the majority raises, above anything else, the issue of compliance with the law. Compliance with the law is not a matter of convenience or discretion. The majority party has no prerogative to avoid capriciously its legal obligations.

Hearings mandated by statute were to have occurred by December 3, 1993. It is a statutory obligation of the majority in the legislative branch to conduct on a timely basis RTC oversight;

it is the statutory obligation of the executive to cooperate with Congress and comply with its legal responsibilities.

The negotiations this week between leaders of the House which led to the passage of a bipartisan resolution expressing the sense of the House as to the need to hold bipartisan hearings are promising. The subsequent statements by the Speaker that these discussions were of the "possibility of hearings, not a concession that hearings are not necessarily going to take place," is disappointing. The majority that an obligation to ensure the decision to postpone indefinitely RTC hearings does not amount to yet another example of Congress not applying the law to itself.

With regard to a possible hearing, let me stress the minority has offered to cooperate fully with the special counsel. We have transferred substantial information to his office. We have given him our proposed witness list and offered to support a delay in the day of hearings provided under House rules to the minority to allow him a chance to depose witnesses first. For his part, the special counsel, in a meeting on March 17, 1994, with the minority, said that he would not impede in any manner executive branch testimony and that he would not stand in the way of an RTC oversight hearing. Mr. Fiske also stated that he did not object to the disclosure of copies of documents to Congress, other than White House documents. The existence of a special counsel appointed in the Madison case cannot be used as a rationale to avoid providing RTC oversight information to Congress.

Congress and prosecuting attorneys have differentiated roles, but they are by no means incompatible. In fact, they are generally complementary. Indeed, in the Banking Committee hearings over the past decade on institutions such as Lincoln—Charles Keating, and Silverado—Neil Bush, the Justice Department had tandem investigations underway. Hearings almost always reveal knowledge and perspective that is helpful to prosecutors. It was, after all, Senator Ervin's committee that revealed the existence of the Watergate tapes and it was the recent Senate hearing that revealed improper contacts between executive branch agencies and the White House. The major recent exception where a prosecutor was undercut by Congress involved excessive zeal to embarrass Presidents Reagan and Bush that caused a committee to offer immunity to certain witnesses in the Iran Contra people. But the more general proposition is that constraining a congressional inquiry has the effect of reducing knowledge, thus reducing prosecutorial discretion.

Mr. Speaker, in a country in which process is our most important product, it is the belief of this Member that the precedents established in this investigation are more important than the investigation itself. Nevertheless, I come to the floor this afternoon to present to the attention of the House and the American people some findings, with supporting documentation, the Minority has uncovered in its ongoing investigation of the Whitewater/Madison affair.

Accordingly, I would like to review in both a perspective and information dispensing sense the Madison/Whitewater issue and divide the remainder of my discussion in two categories: what happened and how the administration has responded.

On the landscape of political scandals Whitewater may be a bump, but it speaks mountains about me-generation public ethics as well as single party control of certain States and the U.S. Congress.

In a nutshell, Whitewater is about the arrogance of power—Machiavellian machinations of single-party Government. It all began in the late 1970's when a budding S&L owner named James McDougal formed a 50–50 real estate venture with a young politician, the then Attorney General of Arkansas, Bill Clinton. In this venture called Whitewater, the S&L owner and S&L affiliated entities provided virtually all, perhaps, all, the money; the Governor-in-the-making provided his name.

Over the years, the company received infusions of cash from the S&L as well as from a small business investment corporation which diverted, allegedly at the Governor's request, federally-guaranteed funds from a program designed for socially and economically disadvantaged people to the Governor's partners and thence, in part, to Whitewater.

Some of these funds were used to pay off personal and campaign liabilities of the Governor; some to purchase a tract of land from a company to which the State had just given a significant tax break. Whitewater records have apparently been largely lost. A review of the numerous land transactions, however, raises questions of what happened to the money that came into the company and a review of the President's tax records raises questions about tax deductions that were taken and income that may not have been declared.

Under the governorship of Bill Clinton, Jim McDougal was named a Gubernatorial aide to serve principally liaison to the Economic Development, Commerce, and Highway and Transportation Departments; the first lady of Arkansas was hired to represent the S&L before State regulators; the president of the S&L was placed on the State S&L commission; an attorney who represented the S&L was named the State S&L regulator; the S&L received rent from State agencies; Whitewater had roads constructed using a State agency program and State funds; and the S&L was allowed to operate, despite being insolvent for an extended period, providing millions in loans and investment dollars to insiders and the Arkansas political establishment.

Under the governorship of Bill Clinton, the S&L was allowed to grow 25-fold until Federal regulators forced its closing, at which time taxpayers picked up the tab for losses that amounted to approximately 50 percent of the institutions's deposit base.

Under the governorship of Bill Clinton, the total number of State-chartered savings associations declined dramatically. Over the period December 1979 to December 1992, the number of stock State-chartered thrifts in Arkansas declined from the 33, with assets of $961,002,000 to 3, with assets of $146,072,000. Viewed another way, the amount of assets available to support home mortgage lending for the people of Arkansas declined.

The story of Whitewater is thus part and parcel the story of the greatest domestic policy mistake of the century—the quarter-trillion dollar S&L debacle. It is the story of a company which in one sense was a simple real estate development venture, but in another was a vehicle used to spirit federally insured deposits from an S&L and compromise a significant political figure.

In the largest series of bank robberies in history, which precipitated an industry bail out larger than the taxpayers provided Lockheed, Chrysler, and New York City times a factor of 10, it is fair to ask: "What happened? Who is responsible."

An answer to these inquiries requires an understanding that those accountable are not only a few negligent and corrupt S&L owners, but attorneys, accountants, State and Federal legislators, regulator and assorted public officials. As wide ranging as the responsibility is, however, it is a mistake to be so glassy eyed as not seek lessons for the future through a demand for individual accountability for breaches of law and ethics in the past.

Macroeconomics aside, public responsibility for the S&L debacle is of a tripod nature, involving: First, the conflict-ridden role of Congress in passing loose laws; second, the ideological mistake of the Reagan administration in urging deregulation in an industry which requires responsible standards; and third, the culpability of a small number of State governments, such as in California, Texas, Louisiana, and Arkansas, which failed to rein in high flying State-chartered, State-regulated institutions, which because of the Federal nature of deposit insurance, precipitated a massive transfer of wealth from States with responsible governments to those without.

In Arkansas it is impressive how the Federal Government was obligated to close more than 80 percent of State-chartered S&L's in the 1980's and how large taxpayer losses were in relation to the State's S&L deposit base. The failure of the Clinton administration in Little Rock to fulfill its responsibility to police State financial institutions had the effect of increasing tax burdens on citizens of Arkansas as well as other States.

While taxpayers at the national level were forced to pick up the tab for the mistakes of politicians in whose elections they could not vote, citizens in States like Arkansas were doubly shortchanged. Not only did they have to share in eventual bail out costs, but when their home-based financial institutions frittered away the hard earned deposit savings of the their State to insiders, fewer resources were made available to potential homeowners and minority entrepreneurs.

What the Keating-5 scandal was all about was the attempt of an S&L owner to compromise through political contributions significant political players, in this case five Senators, to influence regulators to keep an insolvent, corruptly run, institution from being closed. What makes Governor Clinton's involvement with a company which helped breach the vaults of an Arkansas S&L philosophically at least equal to, but in reality more troubling than the Keating model is that not only did the institution's management organize conflict-ridden fund-raising endeavors for the key politician in the State, but through Whitewater it put the Governor in a compromising personal finance position as well.

What is extraordinary is the hypocrisy of the circumstance. The following 1991 announcement statement of Governor Clinton speaks for itself:

> For 12 years of this Reagan-Bush era, the Republicans have let S&L crooks and self-serving CEO's try to build an economy out of paper and perks instead of people and products. They stack the deck in favor of their friends at the top and tell everybody else to wait for whatever trickles down.

Despite the rhetoric it is remarkable how time after time in the 1980's, alleged defenders of the little guy in American politics found themselves advancing the interests of a small number of owners of financial institutions which were run as private piggy banks for insiders. The intertwining of greed and ambition turned democratic values upside down.

In our kind of democracy ends simply don't justify means. Just as a conservative, who may despise government, has no ethical right not to pay taxes, a liberal has no ethical basis to put the public's money in his own or his campaign's pocket just because he may have the arrogance to believe he is advancing a political creed that is in the public's interest.

Why does all this matter?

Here, it would perhaps be appropriate to paraphrase the great Illinois Senator, Ev Dirksen: a few thousand here and a few thousand there and pretty soon it adds up to a real scandal. Put another way, an ethical lapse here and an ethical lapse there and pretty soon it adds up to a character deficit.

I have never known anyone in public life better able to put embarrassing episodes behind him than Bill Clinton. Accordingly, I couldn't have been more surprised by the discombobulation of the administration at the minority's restrained request last November for hearings and full disclosure.

As in most serious public scandals, coverups can prove as troubling as acts at their source.

Much press attention has centered in recent weeks on the revelations of improper contact between employees of independent Federal agencies and the White House. The question of whether a heads up was appropriate is of significance. More so, is whether the line between a heads up and coverup was crossed.

By background, for several years a group of criminal investigators for the RTC in Kansas City reviewed the failure of Madison Guaranty Savings & Loan in Little Rock and came to the conclusion criminal referrals were appropriate. In the last week of September 1993, they sent copies of their referrals to Washington. Within a few days of receipt of the referrals from the Kansas City office, RTC Washington officials visited the White House. Within a few weeks, in an unprecedented change of procedure, Washington demanded to review all Madison referrals. Within a few months, a senior Kansas City criminal investigator was removed from the case. Within a few more months, officials from RTC Washington visited Kansas City to pass on the determined message that senior RTC officials in Washington wanted it understood that they wished to claim Whitewater was not responsible for any losses at Madison.

Courageously, Kansas City investigators refused to allow Washington RTC objections to change the content of the referrals they sent in the second week of October 1993, to the Justice Department.

Courageously, Kansas City investigators refused to back the Washington position that Madison's losses were unrelated to Whitewater and pointed out to their superiors that in one intensely reviewed 6-month period alone approximately $70,000 was transferred from Madison and Madison affiliated companies to Whitewater.

Courageously, Kansas City investigators have sought whistleblower protection rather than comply with the Washington RTC gag order that no one from Kansas City could speak with Special Counsel Fiske without clearance through and accompaniment of Washington RTC officials.

The briefing of the White House by high ranking Department of Treasury and RTC employees must be understood in the context of the development and transmittal to the Justice Department of these referrals and in the context of the possibility Kansas City was in the process of developing further referrals.

There are many elements of the Whitewater affair that are a bit esoteric. But the revelations that U.S. Government officials briefed key White House aides on potential legal actions which independent regulatory agencies might be obligated to take implicating but not charging the President and First Lady subvert one of the fundamental premises of American democracy—that this is a country of laws and not men.

In America no individual, whatever his or her rank, is privileged in the eyes of the law. No public official has the right to influence possible legal actions against him or herself. For this reason agencies of the Government as well as the White House have precise rules that govern their employees.

The following standards—31 CFR §0.735-30—apply to the Department of Treasury:

> An employee should avoid any action . . . which might result in, or create the appearance of . .
>
> (2) Giving preferential treatment to any person; . . .
>
> (4) Losing complete independence or impartiality;
>
> (5) Making a Government decision outside official channels; or
>
> (6) Affecting adversely the confidence of the public in the integrity of the Government.

Similarly, the following standards contained in 12 CFR §1605.7 apply to RTC employees:

> No employees shall engage in any action, which might result in, or create the appearance of . .
>
> (b) giving preferential treatment to any person; . . .
>
> (d) losing complete independence or impartiality;
>
> (e) making an RTC decision outside official channels; or,
>
> (f) adversely affecting the public's confidence in the integrity of the RTC.

Likewise, the following standards apply to the White House—3 CFR §100.735-4:

> In all circumstances employees shall conduct themselves so as to exemplify the highest standards of integrity. An employee shall avoid any action, whether or not specifically prohibited by this subpart, which might result in, or create the appearance of:
>
> (1) Using public office for private gain;
>
> (2) Giving preferential treatment to any person; . . .
>
> (4) Losing complete independence or impartiality;
>
> (5) Making a Government decision outside official channels; or
>
> (6) Affecting adversely the confidence of the public in the integrity of the Government.

Perhaps laws have not been broken, but seldom have the public and private ethics of professionals in the White

House and executive departments and branch agencies been so thoroughly devalued.

The point of all this is that there is a disjunction in this administration between public policy and private ethics. Americans abhor privilege; hypocrisy gnaws at the American soul; it leaves a dispiriting residue of resentment.

What is also extraordinary is the absence of simple truth.

Administration claim: Whitewater caused no losses to Madison.

Fact: As reflected in the minority-developed charts and evidenced by supporting documentation, Madison and affiliated companies transferred significant resources to Whitewater. In addition to being a modest-sized real estate company, with a cash flow derived from land sales, Whitewater appears to be one of a dozen so companies with direct or indirect access to Madison and its taxpayer guaranteed deposits.

Administration claim: The Clintons lost money in Whitewater.

Fact: To have lost in Whitewater implies that the Clintons invested sums which were unrecovered. Their Whitewater partner, James McDougal, claims at most the Clintons over the years put in $13,500 in Whitewater. The minority has provided evidence that one land transaction alone returned more than this amount to the Clintons and published reports indicate tax deductions of some value were taken. The Lyons report, as well as a review of land sales, indicates substantial sums were taken out of Whitewater over the years. It is not clear how disbursements were arranged. What is clear is that infusions of capital from land sales, from Madison-affiliated entities and possibly from others appear to have covered loans the company and the Clintons took out. The company may have had a negative value when the Clintons sold their half interest in 1992, but that neither means the Clintons themselves lost money, nor that questions ought not be asked about how direct or contingent liabilities may have been disposed of as late as 1992.

Administration claim: The President and his staff would fully cooperate with Congress.

Fact: The executive branch is actively working to prevent full disclosure of documents and committee access to witnesses.

Administration claim: It has done nothing wrong in relation to the RTC investigation into the failure of Madison and is fully cooperating with Special Counsel Fiske's probe.

Fact: Officials of an independent regulatory agency—the RTC—immediately notified the White House of the probe of Madison by its Kansas City office and attempted to put in place procedural techniques to undercut the traditional independence of its regional offices.

Fact: In January 1994, RTC Washington met with Kansas City staff. After the meeting the Kansas City office filed a formal complaint with Washington RTC.

Fact: On February 2, 1994, the day Roger Altman briefed the White House on Madison Guaranty, RTC senior attorney, April Breslaw visited the Kansas City office and said that Washington would like to say that Whitewater caused no losses to Madison. Kansas City employees protested that this was not the case.

Fact: On September 29, 1993, before the new criminal referrals were sent to the Justice Department, Treasury General Counsel Jean Hanson briefed White House Counsel on them. Nine days after the meeting, the referrals were sent to the Justice Department. On October 14, Jean Hanson with Secretary Bentsen's press secretary and chief of staff met with Presidential advisors ostensibly to discuss press inquiries related to Madison Guaranty.

Fact: On February 2, right after the appointment of Special Counsel Robert Fiske, Roger Altman gave the White House a heads-up briefing on Madison. At the Senate oversight board hearing, Roger Altman revealed his February 2 meeting, but no others. Several days later, the September and October White House briefings were revealed. On March 9, the Washington Post reported that there were numerous other contacts between the Treasury and the White House on Madison. After subpoenas are issued it is revealed that there are over 3,500 pages of documentation surrounding these contacts which the White House terms as inconsequential.

Fact: After the appointment of Special Counsel Fiske, Washington RTC officials imposed censorship guidelines on Kansas City RTC employees. No discussion with Fiske could be made without going through Washington. No meetings between Kansas City office and Fiske could take place without accompaniment of Washington officials. No materials could be forwarded without going through Washington. All information concerning attorney-client privilege was to be redacted, with Washington RTC determining the scope.

Administration claim: No fundraising improprieties occurred.

Fact: On April 4, 1985, Jim McDougal hosted a fundraiser for Governor Clinton. The Clinton's repeatedly asked McDougal to host the fundraiser to pay off the $50,000 personal loan that Clinton had taken out in the final weeks of his 1984 campaign. The question at issue is whether some of the money appears to have been diverted from Madison Guaranty, which would then, with the failure of Madison, imply deferred Federal financing of a gubernatorial election. For example, one cashier's check for $3,000 was made in the name of Charles Peacock III, then a 24-year-old college student who disclaims any knowledge of having made a contribution. Mr. Peacock's father was a major Madison borrower and served at one time on Madison's board. Other checks that the RTC is reviewing include a $3,000 check from the late Dean Landrum, an employee of Charles Peacock, and one from Susan McDougal. In the former Governor's defense, candidates are not always in a position to verify their campaign contributions.

Mr. Speaker, the President's former partner, Jim McDougal, in a number of occasions has contested the assertion that no resources were taken from Madison Guaranty and its related entities and given to Whitewater. In an AP story on February 4, 1994, and on the "David Brinkley Show" on March 13, 1994, he specifically raised concerns that Madison Marketing was not owned by Madison Guaranty, but was instead a sole proprietorship owned by his former wife. He has cited documents filed with the Arkansas secretary of state's office to buttress his claim.

Mr. McDougal apparently believes there are subtleties about the nature of Madison Marketing that need clarification. Mr. McDougal gives great credence to the circumstance that at some point Madison Marketing may have been operating as an intended proprietorship of his wife, but, whether this is true, this appears to be a distinction without a difference, form over substance. The overwhelming perspective as contained in the 1986 Federal Home Loan Bank Board Report of Examination is that all Madison Marketing resources were derived from Madison Guaranty or its subsidiaries. Any money transferred to Whitewater from Madison Marketing would thus have had as its source the S&L. The 1986 FHLBB exam, upon which the earlier staff memo on this subject was based, states:

> A. Objectionable Conflicts of Interest: Conflicts of interest involving James McDougal, Susan McDougal, and William Henley have been detrimental to the safety and soundness of the Institution. These individuals are in control of the Institution (Madison Guaranty) through their stock ownership. James McDougal owns 63.5 percent of the outstanding Madison shares. His wife, Susan McDougal, owns 12.6 percent, and her brother, William Henley owns 8.5 percent. In addition to his ownership control, Mr. McDougal, as President of the Institution's subsidiary (Madison Financial), has complete control of the land development projects discussed in comment.
>
> B. This control enabled Mr. McDougal to structure the development and financing of the projects so that substantial cash payments could be diverted to himself, Susan McDougal, William Henley and others. These payments have directly benefited these individuals, but Madison Guaranty has received little or nothing in return. Though they have been structured to avoid specific Insurance Regulations, these payments are contrary to the general policy of the FHLBB concerning conflicts of interest as stated in Insurance Regulation 571.9 and FHLBB Memorandum R-19a.

> Many of these payments have been funneled through business entities which are owned or controlled by the McDougals, employees, relatives of employees, or close friends of the McDougals and Henley.
>
> Madison Marketing: Madison Marketing is paid for doing all the general advertising for Madison Guaranty and most of the advertising for Madison Financial's land development projects. All of Madison Marketing's business is derived from Madison Guaranty or its subsidiaries. Since 1983 these payments total $1,532,000.
>
> Given the evidence of Madison Marketing's invoices, it is questionable how much of these advertising services are actually performed by the firm. The actual work of advertising, such as the design and production of commercials and providing air time or newspaper space, appears to be performed by others. Madison Marketing apparently just pays the bills of other providers and adds a 15 percent fee of its own. Examiners estimated this fee to be approximately $200,000 since 1983. It would appear that Madison Guaranty could have an employee perform similar work for much less money.
>
> Mr. Latham stated that Madison Marketing made no payments to any stockholders. This statement is false. As a part of a test for such payments, the examiners discovered two remittances from Madison Marketing to Susan McDougal which total $50,000. This was a test, and there may be additional payments.

Mr. McDougal apparently believes Madison Marketing should be understood simply as a sole proprietorship of his wife with no ties to the S&L. This view is in discordance with that of the U.S. Government, as indicated by the FHLBB report cited above; it is also in discordance with a contemporaneous view of the legal situation as defined and described by Mr. McDougal in a July 1, 1986, memorandum from him to Madison guaranty's president, Mr. John Latham. In this memorandum, which is a copy of an original Madison document in the possession of the RTC and the minority of the House Banking Committee, Mr. McDougal asserts:

> In late January 1985, Mrs. McDougal permitted Madison Marketing to become a subsidiary of Madison Financial Corporation.

In addition, Mr. Jeff Gerth of the New York Times has reported on March 8, 1992, an earlier instance in which Madison Marketing transferred resources to Whitewater. Mr. Gerth reported:

> Whitewater's check ledger shows that Whitewater's account at Madison was overdrawn in 1984, when the corporation was making payments on the Clinton's loan. Money was deposited to make up the shortage from Madison Marketing, an affiliate of the savings and loan that derived its revenues from the institution, records also show.

In addition, David Hale and his attorney Randy Coleman have asserted in recent days that it was proceeds of an $825,000 Madison loan that was used to leverage SBA funds and to make the $300,000 loan to Susan McDougal, of which $110,000 was deposited to Whitewater.

This evidentiary material coupled with the April 17, 1985, minutes of Madison Financial's board authorizing a transfer of $30,000 from Madison Financial to Whitewater, the memo of L. Jean Lewis of the Kansas City RTC office showing over a 6-month period reviewed that approximately $70,000 was transferred from Madison or affiliated entities to Whitewater, plus other more confidential RTC material in our possession indicates there is every credible reason to believe that Madison Guaranty through affiliated entities did transfer money to Whitewater.

Furthermore, records filed with the Arkansas Secretary of State's office show that Mr. McDougal, as president of Madison Financial Corp.—a subsidiary of Madison Guaranty—on July 26, 1986, filed an application for registration of fictitious name. The application was for Madison Financial to do business as Madison Marketing. This document does not represent incorporation papers. This application appears to be in response to the 1986 Federal Home Loan Bank exam which noted that with regard to Madison Marketing and Madison Real Estate, Madison Financial had not registered as a "doing business as" in the county records.

The effect of this statement with its supporting documentation is to evidence that:

First, Whitewater may have begun as a legitimate real estate venture but it came to be used to skim, directly or indirectly, federally insured deposits from an S&L and a Small Business Investment Corporation. When each failed, the U.S. taxpayer became obligated to pick up the tab;

Second, the family of the former Governor of Arkansas received value from Whitewater in excess of resources invested;

Third, taxpayer guaranteed funds were in all likelihood used to benefit the campaign of a former Governor;

Fourth, the independence of the U.S. Government's regulatory system has been flagrantly violated in an effort to protect a single American citizen; and

Fifth, Congress and the Executive are employing closed society techniques to resist full disclosure of an embarrassing circumstance, with unfortunate precedent setting ramifications.

Last month a BBC reporter asked me if we Americans weren't making too much of this scandal. He raised a fair question. Compared with petty potentates around the world, who routinely walk off with millions and in some cases billions, conflicts of interest in American politics are of petty variety. In this case, however, we have a situation where a multithousand-dollar conflicts of interest led to a multimillion-dollar hit on the taxpayer. That is the meaning to the failure of Madison Guaranty. That is also the meaning of the Small Business Investment Corporation called Capitol.

It is simply not appropriate to shrug it off and say that this is the way things are done in small States. They aren't in Nebraska, South Dakota, or Iowa. It is simply not appropriate to say it isn't a Federal issue. It is. The U.S. taxpayer has lost millions; homeowners in Arkansas have lost institutions that were established to serve their needs; minorities throughout the country cannot lightly shrug off yet another instance in which a program designed to give them a crack at the American dream was redirected to serve the investment ego a State political establishment.

It is suggested by the majority that we have better things to do around here. There again is some truth to this. The minority also wants to get on with the business of health care, welfare reform, crime legislation. Indeed, we pledge to be constructive and are not blocking any congressional consideration of these issues. But, in a larger sense, it should be understood that these—we have better things to do—laments suggest that ethics, governmental integrity, and the possible misuse of the public's money should be secondary considerations—something to worry about only when we have time. In a democratic system, built and maintained on the confidence of the people, placing such considerations last on the list of priorities is a highly dubious game. Nothing works over the long haul if the public loses confidence in its governmental institutions and the people who operate those institutions. The task of keeping the people's confidence may not be pretty or pleasant, but it is a first priority in our system—not a last priority as all too many are suggesting today.

Whitewater is less about the issues of the day than it is the ethics of our time. It is a central issue not because it is big, but precisely because it is small.

The way we in America keep our scandals from becoming too big is by holding people accountable when the amounts of money at issue are relatively small. It is the principles at issue, not the dollar amounts that matter.

In conclusion, let me stress that the most difficult issue to deal with is the question of proportionality. When the minority made its restrained request for hearings last November, I suggested that while there was fire with the smoke, Whitewater appeared to be more a camp than forest fire. I now believe the fire has spread to the grass and is heading to the trees but that it is still not too late to put it out with full disclosure and full accountability. In this regard, I suggested in a December, Washington Post editorial that when breaches of law or public ethics occur, options often exist as to whether civil or criminal remedies are appropriate. I presumptuously concluded then and maintain now that there is no reason not to proceed with civil accountability in a civil way. The last thing this country needs is a year long trial or travail for the President of the United States. It would divide the country and be unfair to the public as well as the President.

Accordingly, I have pledged to the President's counsel as well as to the special counsel that I will do my best to put the issue behind once disclosure is provided. Accountability is in order; a constitutional crisis is not. The Presidency should neither be jeopardized nor debilitated. Rather than high crimes and misdemeanors, the issue today relates to high improprieties and breaches of the public trust.

### ADDITIONAL SUPPORTING DOCUMENTATION

### STATEMENT OF THE HONORABLE JAMES A. LEACH

1. Notes of Conversation between L. Jean Lewis and April Breslaw, February 2, 1994. "(T)he 'head people', would like to be able to say that Whitewater did not cause a loss to Madison, but the problem is that so far no one has been able to say that to them." Describes losses to Madison caused by Whitewater.

2. Board of Directors Minutes, Madison Financial Corporation, April 17, 1985. "RESOLVED, that the Corporation pre-pay to Jim McDougal $30,000.00 of his annual bonus in recognition of the profits of the prior year and that said bonus is to be paid directly to Whitewater Development."

3. Application for Registration of Fictitious Name, Applicant—Madison Financial, Fictitious Name—"Madison Marketing" (July 25, 1986).

4. Chronology of Criminal Investigation.

5. Letter of September 1, 1992 from L. Richard Iorio (RTC-KC) to Steve Irons (FBI) transmitting criminal referral.

6. Letter of September 1, 1992 from L. Richard Iorio (RTC-KC) to Charles A. Banks (DOJ) transmitting criminal referral.

7. RTC Internal Memorandum, May 3, 1993. Background remarks and conversation with AUSA Bob Roddey's office re: Madison Guaranty Savings referral.

8. RTC Internal Memorandum, May 19, 1993. Additional conversation with Office of Legal Counsel for U.S. Attorney's, U.S. Justice Department, Washington, D.C. No record of Madison criminal referral at Washington DOJ.

9. RTC-KC E-Mail, May 19, 1993. Madison matter forwarded to Donna Henneman in "Legal Counsel." Referral submitted to that office "because of the political ramifications and political motivations."

10. RTC-KC E-Mail, May 26, 1993. Follow-up call from Donna Henneman (DOJ). RTC advised by an FBI agent in Little Rock that it was a "very solid case of check kiting, and was highly prosecutable." Henneman was growing increasingly frustrated by the situation, because she had seen the information, knew that it had come in, and couldn't understand why she was having such a hard time tracking where the referral and exhibits had gone.

11. RTC-KC E-Mail, June 8, 1993. Conversation with Donna Henneman (DOJ). Madison Referral has reappeared on her desk. Criminal Division has sent memo to Doug Frazier (in Depty Atty General Heyman's office) advising him that there was "no identifiable basis for recusal of the U.S. Attorney in the Eastern District of Arkansas." Referral sent to Frazier for review and final decision.

12. RTC-KC E-Mail, June 23, 1993. Conversation with Donna Henneman (DOJ). Package returned from Frazier. Frazier appointed U.S. Attorney in Florida.

13. RTC-KC E-Mail, June 23, 1993. Further Conversation with Donna Henneman (DOJ). Spoke with Doug Frazier. Decision made to return the referral back to the Arkansas U.S. Attorney. No basis for recusal.

14. RTC-KC E-Mail, June 29, 1993. Source indicates Madison referral has been returned to Little Rock. Acting U.S. Attorney will not act on referral. It is being held until U.S. Attorney designee Paula Casey takes office.

15. RTC-KC E-Mail, September 23, 1993. Conversation with Donna Henneman (DOJ). Washington DOJ would like to be copied on all future transmittal letters concerning Madison referrals with an additional one paragraph summary of the content of the referrals with the transmittal letters, so that Henneman will be aware of those with "sensitivity issues."

16. RTC-KC E-Mail, September 29, 1993. Conversation with Donna Henneman (DOJ). DOJ would like copies of all future Madison referrals sent to Washington in addition to sending to U.S. Attorney in Little Rock. Henneman will confirm this in writing.

17. RTC-KC E-Mail, September 29, 1993. Conversation with Donna Henneman (DOJ). Washington DOJ withdrawing request for referrals to be sent directly to Washington, but would still like copies of transmittal letters with addendum summary paragraph.

18. RTC-KC E-Mail, October 26, 1993. Conversation with FDIC-Memphis concerning Exam Reports.

19. RTC-KC E-Mail, October 27, 1993. Conversation with Donna Henneman (DOJ). Inquiry on whether declination letter had arrived from Little Rock U.S. Attorney.

20. Letter of October 27, 1993 from Paula J. Casey (U.S. Attorney) to L. Jean Lewis (RTC). Declination letter on the Madison referral.

21. Letter of November 1, 1993 from L. Jean Lewis (RTC) to Paula J. Casey (U.S. Attorney). Confirmation of declination letter and the stipulation from October 27th letter that the matter was concluded prior to the beginning of Paula Casey's tenure and that the RTC had never been advised of such result. Chronology of correspondence between RTC and DOJ.

22. RTC-KC E-Mail, November 10, 1993. Notice of new RTC lead investigator on Madison. L. Jean Lewis removed as lead investigator. "The Powers That Be have decided that I'm better off out of the line of fire . . ."

23. RTC-KC E-Mail, November 15, 1993. Transmittal of white paper outlining chronology of events related to 1992 Madison referral. Challenges news article indicating that decision to decline Madison referral had been prior to Paula Casey's appointment.

24. RTC-KC E-Mail, November 15, 1993. Discussion of meeting with Donald MacKay. "He's coming here to evaluate us, our work, and to try and decide just how good this case is, and how he can best deal with a very sensitive political situation."

25. Letter of December 21, 1993 from Michael Caron (RTC) to Bill Houston (FDIC-Memphis). Seeking information on banks involved in loan swapping.

26. RTC-KC E-Mail with attachment, January 6, 1994. Discussion of contact with reporter.

27. RTC Memorandum of January 14, 1994 from Jack Ryan to RTC Vice Presidents and Assistant Vice Presidents. Requirement that the collection and distribution of all information and material responsive to requests concerning Madison be coordinated through RTC-Washington.

28. RTC-KC E-Mail, January 25, 1994. Establishment of Madison review team.

29. RTC-KC E-Mail, February 7, 1994. Conversation with Little Rock U.S. Attorney's office. "(H)e'd spoken to Jeff Gerrish recently, and that Gerrish was 'absolutely astounded' that nothing more was ever done criminally with Madison, beyond the Castle Grande transaction.

30. RTC-KC E-Mail, January 5, 1994. RTC Washington review of Madison investigators. Response memo from supervisor stating, "FYI. This is way out of line. I have already contacted WDC and filed a formal complaint."

31. Letter of October 10, 1983 from C.J. Giroir, Jr. (Rose) to James B. McDougal. Pursuant to discussion with Hillary Clinton enclosing a billing for Madison Bank & Trust dated December 23, 1981.

32. Memorandum to Governor Bill Clinton from Jim McDougal, February 7, 1985. "Kathy called yesterday to ask for my recommendations for two people to fill the vacancies on the State Savings and Loan Board. * * * Bill, we are down to only about 15 State-chartered savings and loan institutions and I am about the only one around who has any interest in this board."

33. Letter of December 12, 1984 from James B. McDougal (Whitewater Development Co.) to Ron Proctor (Citizens Bank). "I have been unsuccessful in trying to meet with Bill and Hillary to sign the vote renewal. I have forwarded to them by messenger this morning the note and an envelope with which to forward it to you. Each month we will deposit into our account at Flippin an amount sufficient to cover the monthly payment."

34. Memorandum to John Latham from Jim McDougal, April 18, 1985. "I want this preferred stock matter cleared up immediately as I need to go to Washington to sell stock."

35. Memorandum to John Lathan from Jim McDougal, February 19, 1985. "Proceed with your idea on the subordinated notes. We need to make a decision on Madison Bank & Trust."

36. Memorandum to John from Jim, January 7, 1985. "You, Greg, and I need to discuss Securities License. First South has one on by its Service Corporation."

37. Memorandum to John Lathan from Jim McDougal, July 11, 1985. "I need to know everything you have pending before the Securities Commission as I intend to get with Hillary Clinton within the next few days."

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### NOTES FROM THE CONVERSATION BETWEEN RTC SENIOR CRIMINAL INVESTIGATOR L. JEAN LEWIS AND FDIC ATTORNEY APRIL BRESLAW ON FEBRUARY 2, 1994, FROM APPROXIMATELY 3:50 P.M. UNTIL 4:35 P.M.

April stated that "the people at the top" keep getting asked about Whitewater, which seems to have become a catch all phrase for Madison and it's related investigations. She said that eventually "this group" is going to have to make a statement about whether or not Whitewater caused a loss to Madison, but the fact that Whitewater had no loan at Madison provided less potential for a loss. April stated very clearly that Ryan and Kulka (?), the "head people", would like to be able to say that Whitewater did not cause a loss to Madison, but the problem is that so far no one has been able to say that to them. She felt like they wanted to be able to provide an "honest answer", but that there were certain answers that they would be "happier about, because it would get them off the hook."

April felt that it would have been difficult to determine exactly what happened with the Whitewater account, because so many checks had gone in and out of the account, and made a reference to the end resulting netting itself out. She asked about Greg Young's work papers on the Maple Creek Farms reserve for development analysis, and how it didn't seem to have any apparent tie to Whitewater. I concurred that it didn't have any legitimately defined tie, which is precisely why it was included in the referral.

She inquired about the $30,000 check to Jim McDougal from Whitewater in 5/85, and about the disposition of the funds. I explained the transaction as I know it: the $30,000 had been converted to a MGS&L cashier's check, which was subsequently endorsed by and deposited to Riggs National Bank. I explained that when the check was force paid, the Whitewater account was overdrawn by over $28,000 which was then subsequently covered by the payment of a $30,000 bonus from MFC to Jim McDougal, deposited directly to Whitewater on McDougal's orders.

She asked how we could get to a clear cut answer as to whether or not Whitewater caused a loss to Madison. I stated that, as far as I am concerned, there is a clear cut loss. I also stated that any attempt to extract Whitewater as one entity from the rest of the McDougal controlled entities involved in the alleged check kite will distort the entire picture. I further pointed out that I would produce the answers that were available, but that I would not facilitate providing "the people at the top" with the "politically correct answers just to get them off the hook".

She asked questions about the specifics of the checks going through the Whitewater account. I stated that it appeared that the majority of the checks written out of the Whitewater account during the window time frame were going to other financial institutions to make loan payments. I also said that the referral focused only on a short time frame, but that if that same research were conducted for a two year period, it was my belief that the losses to Madison from the Whitewater account alone would easily exceed $100,000, given that $80,000 had gone out of the account during the six month window time frame. I further added that the end loss result from the entire scam, using all 12 companies/entities, would be hundreds of thousands of dollars in what were essentially unauthorized loans.

I stated that if she wanted me to tell her, unequivocally, that Whitewater didn't cause a loss, I could not do that. I could only reiterate the allegations contained in the referral, which are based on fact, and that it is my opinion and belief that Whitewater did, in fact, cause a loss to Madison because of the amount of the unauthorized loans that McDougal made, through the check kite, to entities in which he was a primary party and beneficiary. I also pointed out that this ultimately benefited his business partners—the same business partners that knew they had real estate ventures that were not cash flowing, but that also knew their mortgages and/or notes were somehow being paid. I pointed out that these business partners are intelligent individuals, the majority of them being attorneys, who must have concluded that McDougal was making the payments for their benefit. I posed the question to her, if you know that your mortgages are being paid, but you aren't putting money into the venture, and you also know the venture isn't cash flowing, wouldn't you question the source of the funds being used to your benefit? Would you just assume that your partner was making these multi-thousand dollar payments out of the goodness of his heart? Wouldn't you wonder even more if you knew that your business partner's main source of income, and S&L, was in serious financial difficulty, which by 1985 was fairly common knowledge?

We discussed the initiation of the MGSL investigation, and how evidence of the check kite came to light. I explained that after reviewing a series of checks, all of which noted "loan" in the memo field, I discerned a pattern that looked like a check kite, and proceeded to trace funds through the various accounts, which is a standard investigations procedures. The end result was the referral alleging a massive check kite. I also advised April that I had been told by both the U.S. Attorney's office (Mac Dodson), and the FBI (Steve Irons) that this was a highly prosecutable case of check kiting. I also told her that I disputed the declination of that referral on the basis of "insufficient information". She commented that "that's what Grand Juries are for", and I pointed out that it generally seemed to be the policy of the U.S. Attorney to agree to open a case before they would start Grand Jury proceedings. I also noted that I found the treatment of that particular referral by the Justice Department to be highly unusual. This concluded our discussion.

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MINUTES OF MEETING MADISON FINANCIAL CORP.

The Board of Directors of Madison Financial Corporation met on April 17, 1985, at 1:00 p.m. at the offices of Madison Financial Corporation at 16th and Main Streets, Little Rock, Arkansas. All directors were present. The minutes of the previous meeting were read and approved as recorded.

The first order of business, introduced by John Latham, was the matter of authorizing prepayment of Jim McDougal's bonus. After a full discussion, the following resolution was unanimously adopted, with Jim McDougal abstaining from the voting:

"Resolved, that the Corporation pre-pay to Jim McDougal $30,000.00 of his annual bonus in recognition of the profits of the prior year, and that said bonus is to be paid directly to Whitewater Development."

There being no further business, the meeting was adjourned.

JAMES B. MCDOUGAL,
*Chairman.*

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STATE OF ARKANSAS
OFFICE OF THE SECRETARY OF STATE,

*Application for Registration of Fictitious Name*

To: W. J. "BILL" MCCUEN,
*Secretary of State*
*State Capitol, Little Rock, AK.*

Pursuant to the provisions of Section 95 of the Arkansas Business Corporation Act, (Act 576 of 1965), the undersigned corporation hereby applies for the registration of the use of a fictitious name and submits herewith the following statement:

1. The fictitious name under which the business is being, or will be conducted by this corporation is: Madison Marketing.

2. The character of the business being or, to be conducted, under such fictitious name is: Advertising and public relations.

3. (a) The corporate name of the applicant is: Madison Financial Corp.

(b) the State of incorporation is: Arkansas.

(c) The location (giving city and street address) of the registered office of the applicant corporation in Arkansas is: 2124 First Commercial Building, Little Rock, AR.

4. The applicant states that if it is a foreign corporation that it is admitted to and authorized to do business in the State of Arkansas.

5. The filing fee in the amount of $10.00 is enclosed.

Name of Applicant Corporation: Madison Financial Corporation.

Signature: James B. McDougal, President.
Address: P.O. Box 1583, Little Rock, AR.

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CRIMINAL INVESTIGATIVE CHRONOLOGY OF EVENTS

MARCH 9 TO 23, 1992

Madison Guaranty Savings & Loan ("MGSL") and it's alleged ties to Whitewater Development Corporation ("Whitewater") and Bill & Hillary Clinton were reported in a 3/8/92 New York Times article by Jeff Gerth. MGSL owner and board chairman, James B. McDougal, had been previously tried and acquitted on bank fraud charges in 6/90.

Inquiries regarding these ties emanated from both RTC Investigations in Washington, D.C., and the former Director of the Tulsa Consolidated Office. The Washington inquiry went through the Kansas City Regional Investigations Office to the Tulsa Consolidated Investigations office, who was responsible for investigating failed Arkansas thrifts. The question was raised as to whether Whitewater's relationship with MGSL had been reviewed, and were there any resulting losses or potential criminal activity documented. As a result of this inquiry, the Tulsa office criminal investigator assigned to the Arkansas thrifts was asked to work with the civil investigator in reviewing the completed investigative findings to date. Over a two week period, the criminal investigator reviewed all thrift records obtained from the institution at the time of conservatorship which were stored in the Tulsa office. These records included the available Board Minutes, committee and subsidiary minutes, Fidelity Bond policies, FHLB exams from prior years, outside audits, legal correspondence files and various limited loan files. No mention was found of any Whitewater relationship with MGSL.

MARCH 25 TO APRIL 15, 1992

During this time frame, Tulsa Investigations learned that a former MGSL employee, subsequently (and still) an attorney in the employment of a Little Rock law firm handling extensive litigation in Arkansas for the TRC, had allegedly fabricated at least two years of minutes for an MGSL subsidiary, Madison Financial Corporation ("MFC"). The criminal investigator was asked to review daily records created by the former employee, who was at that time the executive assistant to former MGSL president, John Latham. Latham pled guilty to one charge of bank fraud in 1989. Copies of the former employee's records had been shipped to Tulsa, where it would be determined if further investigation was appropriate. An affirmative decision was reached during the first week of 4/92. While this review was being conducted, the civil investigator was reviewing additional Madison records stored in Little Rock under the control of the post-receivership assuming bank, Central Bank & Trust("CB&T"). These records, which had never been inventoried by either MGSL or CB&T, were stored in a downtown Little Rock warehouse, and included, but were not limited to, former officer correspondence, legal files, subsidiary land development and investment files, microfilm, demand deposit (checking) account records/binders, cancelled checks, etc.

Based on the findings of these concurrent criminal and civil investigative reviews, the decision was made that both investigators should travel to Little Rock for a more extensive review of the warehoused documents. At this point, the criminal investigation, which had been previously scheduled for late 1992, was rescheduled to 4/92.

### APRIL 20 TO 24, 1992

The investigators conducted an extensive review of the warehoused records, and the criminal investigator talked with the FBI and U.S. Attorney's office regarding the 1990 trial of former MGSL owner James B. McDougal. The criminal investigator learned that the FBI was previously aware of the fabricated subsidiary minutes and had taken no criminal action. Tulsa Investigations management was advised accordingly and that aspect of the review was suspended.

The warehoused records revealed additional Whitewater checking account statements, raising further questions about the payee's on some of Whitewater's checks. A number of documents belonging to the former Chief Financial Officer of MGSL/MFC were located. Among these documents were several accountant/ledger worksheets on numerous MFC subsidiary land "developments", all of which were heavily subsidized by MGSL. Included in one of the development worksheets marked "Maple Creek Farms" was an item denoting a $30,000 charge to Whitewater for the cost of an engineering survey; this was the first indication of a relationship between MGSL and/or MFC and Whitewater beyond the existence of the Whitewater checking account. Original microfilm, along with pertinent original documents from the warehouse, were sent back to Tulsa for further investigation. Research was conducted on twelve McDougal and/or McDougal business partner controlled accounts, including Whitewater. Check copies were produced for a two year period between 6/84 and 6/86; a standard investigative procedure when tracing the flow of funds.

### MAY 1 TO JULY 15, 1992

During the first week of 5/92, all Tulsa Consolidated Office employees were advised that the Tulsa office would be permanently closing at the end of 7/92. All Tulsa Investigations records were shipped to the Kansas City Office, thus putting the Madison investigation on hold. The copy process on the McDougal and/or McDougal business partner controlled accounts was suspended as well, due to equipment and records relocation.

### AUGUST 1 TO SEPTEMBER 2, 1992

The criminal investigator transferred to the Kansas City office at the end of 7/92, resuming the analysis of Madison documents and checks. A criminal referral (#C0004) was subsequently generated alleging a $1.5 million check kiting scheme between the McDougal and/or McDougal business partners controlled entities, including Whitewater. This referral was submitted to the FBI and U.S. Attorney, Eastern District of Arkansas on 9/2/92.

### SEPTEMBER 3 TO DECEMBER 15, 1992

Having submitted the initial referral on MGSL, the criminal investigator redirected priorities to the ongoing investigations of three other failed thrifts, which were intensifying. First Federal Savings, Paragould, Arkansas, which was reaching suspect plea negotiations, First America Savings, Ft. Smith, Arkansas, which had been referred from jurisdiction in the Western District of Arkansas to the Dallas Fraud Task Force, and Cimmaron Federal Savings, Muskogee, Oklahoma, for which investigations had received an allegation of potential fraud from the managing agent. Throughout these investigations, the criminal investigator continued to request and monitor a response on MSGL referral #C0004.

### DECEMBER 15, 1992, TO MARCH 14, 1993

The U.S. Attorney's office did not offer any standard response to the MGSL referral, advising either that a case would be opened or that prosecution would be declined, for three months. In response to numerous calls from the criminal investigator during that time, the Little Rock FBI Special Agent in Charge sent a letter of acknowledgement to the RTC stating that both the FBI and U.S. Attorney had received the referral and exhibits. The investigator continued to work on the aforementioned institutions while continuing to monitor a potential response on the MGSL referral.

### MARCH 15 TO MAY 4, 1993

The criminal investigator initiated a preliminary review of criminal activity at Savers Savings, Little Rock, Arkansas, out of which a former borrower had been convicted and sentenced in conjunction with a failed Texas S&L. This review involved extensive interviews with the borrower, and a review of his personal and corporate records prior to his sentencing and incarceration in late 4/93. The investigator continued to make verbal requests for a written response from the FBI or U.S. Attorney on MGSL referral C0004.

### MAY 4 TO 25, 1993

On 5/4/93, the criminal investigator sent a letter to the U.S. Attorney inquiring about the status of the referral. The response from the U.S. Attorney referred the investigator to the U.S. Justice Department in Washington D.C. The criminal investigator initiated a series of calls to DOJ/Washington to ascertain the status of the referral. Simultaneously, the criminal investigator, criminal investigations department head and the field investigations officer determined that the most expedient way to complete the investigation of previously defined criminal allegations at MGSL was to supplement the investigative manpower.

### MAY 31 TO JUNE 4, 1993

Three additional criminal investigators were assigned the task of reviewing loan transactions, checking accounts and subsidiary lending transactions to ascertain the level of criminal activity at both MGSL and MFC. The lead investigator, along with another task assigned investigator, returned to the Little Rock warehouse for further document review. The investigators additionally travelled to four other counties to review land records pertaining to property sales, loan and mortgages reflected in the County Clerk's offices. Those findings were shared with the other assigned investigators.

### JUNE 5 TO OCTOBER 8, 1993

The four investigators reviewed and analyzed all available MGSL transactional information for the ensuing 120 days. As a result, nine additional criminal referrals involving multiple MGSL and MFC transactions were generated and submitted to the U.S. Attorney and FBI on 10/8/93.

### OCTOBER 17, 1993

The lead criminal investigator received a letter from the new U.S. Attorney for the Eastern District of Arkansas, Paula J. Casey. The letter stated that referral #C0004, submitted 9/2/92, had been declined due to "insufficient information".

### NOVEMBER 1, 1993 TO JANUARY 24, 1994

RTC Criminal investigations continues to support the investigative efforts of the FBI and U.S. Attorney by providing MGSL and MFC documents warehoused in Kansas City, and offering assistance with ongoing subpoena compliance.

The responsibility for investigation of all failed Arkansas thrifts was assumed by the Tulsa RTC Office of Investigations during the first quarter of 1991. Responsibility was assumed from the Eagan/Minneapolis RTC Office of Investigations; the lead Eagan investigator for Madison Guaranty Savings, Little Rock, Arkansas at that time was Mike Hammerly.

When the Tulsa office assumed this responsibility, Madison Guaranty was assigned to civil Investigator Wyatt Adams. Shortly after the reassignment of the Arkansas thrifts, several members of the Tulsa Office of Investigations made a sweep through the failed Arkansas shops and appropriated all the records deemed necessary for the effective completion of both civil and criminal investigations.

In mid summer 1991, Investigator Wyatt Adams traveled to Little Rock to review Madison Guaranty records held by the acquiring entity, Central Bank and Trust, in an old, non-climate controlled building downtown on the river, which had been converted to a "records storage" facility. According to Adams, when he arrived there were extensive records in poor condition, haphazardly heaped into the storage space on the second floor, which was poorly lit and protected by a chain link fence and a padlock. Boxes were on their sides with records dumped out, DDA binders were poorly stacked in one corner, and multiple boxes had been shoved into shelving, with no identifiable inventory. It should be noted that these records were already in the warehouse at the time of the Investigations team Spring 1991 "sweep" through the Arkansas thrifts, and that the former Managing Agent concurs that, to his knowledge, there was no inventory of these records.

In July 1991, the criminal investigation of Madison Guaranty was assigned to Investigator Jean Lewis. A follow-up criminal investigation was tentatively slated to begin during the third quarter of 1992, due to the fact that former thrift owner James B. McDougal had previously been tried on Bank Fraud charges stemming from Madison Guaranty, and was acquitted in 1990. The follow-up investigation was intended to ensure that any remaining potential criminal matters had been properly reviewed and addressed.

In March 1992, Senior Investigator Specialist Jon Walker contacted the Kansas City regional RTC office regarding an article that has appeared in the New York Times stating possible ties between Whitewater Development, Madison Guaranty Savings and Loan, and Bill & Hillary Clinton. Personnel in the KC regional office then contacted the Tulsa office with a request that this issue be reviewed to determine if Investigations was aware of, had reviewed and/or appropriately addressed matters pertaining to the possible relationship between Whitewater Development and Madison Guaranty.

After a review of all available Tulsa Investigations inventory documents, Investigators Adams and Lewis were detailed to the warehouse in Little Rock to review the remaining Madison records and ensure that nothing had been overlooked with regard to any potential action on this matter. Investigator Lewis noted, with concurrence from Adams, that upon arrival that the records were in very poor condition, appeared to have been dumped and/or crammed into the warehouse space, and that there was no available inventory provided by Central Bank & Trust personnel which could identify the nature of these records. Investigator Adams noted that this was the same condition in which he'd found the records in 1991. Boxes had to be rearranged in order to establish work space and room for a table and two chairs.

During the review of these records, neither Investigator Adams or Lewis located any loan files and loan records relating specifically to Whitewater Development or the Clintons. Investigator Adams then went through a number of Demand Deposit Account binders, to ascertain if Whitewater had maintained a checking account at Madison Guaranty. He located an account and statements for 1984, 1985 and 1986. Investigator Lewis reviewed multiple boxes of records, and recovered several documents from former thrift officer files that warranted further review. Among those documents was a ledger sheet marked "Reserve for Development—Maple Creek Farms" from the records of former Madison CFO Greg Young. On that ledger sheet was noted a $30,000 development reserve cost for an engineering survey charged to Whitewater Development. There was also a limited amount of microfilm located at the warehouse, which was appropriated under the terms of the P&A Agreement and returned to Tulsa along with several DDA binders, with permission from Central Bank & Trust. A signed receipt containing an itemized list of the documents taken by Investigators Adams and Lewis was left with * * * of CB&T.

Prior to departing Little Rock, Investigators Adams and Lewis reviewed the Madison daily work film held by Central Bank & Trust to research the flow of funds through the Whitewater account as pulled from the monthly statements, which is a standard operating procedure for Investigations. Several checks payable to the Bank of Cherry Valley which identified loan numbers, were identified and copied from the daily work. Also copied were numerous checks payable to entities entitled Pembroke Manor, Rolling Manor, Madison Marketing and others, all of which were signed by James or Susan McDougal, payable to Whitewater Development and contained the notation "loan" in the memo filed on the check. Accounts were located and reviewed for these other identified entities; similar checks containing the "loan" notation were found to have been paid between the entities. At that time, both investigators concurred that additional research would be appropriate, and requested all available film relating to Madison Guaranty and returned it to Tulsa, leaving a receipt for the film, binders and original documents pulled from former office files with CB&T employee Bonnie Crocheron. Copies of the entity statements and checks were pulled and/or duplicated from film for the years 1984, 1985 and 1986. * * *

After the original film was duplicated, the duplicates were returned to Central Bank & Trust for their retention, and the original film was retained in Tulsa by an RTC research contractor. The criminal investigation of Madison then continued, as the civil claims had previously been closed out by PLS.

In conjunction with the ongoing Madison investigation, Kansas City Investigators Jean Lewis and Randy Knight traveled to Little Rock in 5/93 to revisit the Madison records held in the downtown warehouse. Upon arrival Investigator Lewis immediately noted the condition of the records was significantly more organized than it had been during the previous visit, and it was evident that a number of boxes had been cleared out.

During this visit to the warehouse, Investigator Lewis learned from the storage facility attendant that the law firm of Mitchell, Selig, Jackson, Tucker & White, former general counsel to Madison Guaranty Savings, also stored records at the warehouse.

A number of the remaining boxes were reviewed, and the keys returned to * * * at Central Bank & Trust. At that time, Investigator Lewis noted to * * * that the warehouse seemed to lack a number of boxes that had previously been there, and * * * advised that some of the records had been retrieved and were being held in a back room at the bank (CB&T). When asked why this had not been disclosed when the keys had been picked up rather than returned, Ms. Crocheron's response was "you didn't ask."

It should be noted that, according to the US Attorney's staff in Little Rock, * * * to Madison and was summoned before the Grand Jury for testimony. The outcome of that investigation has never been disclosed to this office.

In conjunction with the ongoing FBI investigation of the RTC's referrals, Investigations advised the FBI that additional original Madison Guaranty microfilm, along with the records at the warehouse, were under the control of Central Bank & Trust. It is the understanding of Kansas City Office of Investigations that the aforementioned records have now been subpoenaed by the U.S. Attorney's office and are now under the control of the Little Rock FBI. The original Madison film held by Investigators has also been turned over to the FBI along with other records subject to Grand Jury Subpoena.

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RESOLUTION TRUST CORPORATION,
*Kansas City, MO, September 1, 1992.*

MS. STEVE IRONS,
*Supervisory Special Agent, White Collar Crime Unit, Federal Bureau of Investigation, Two Financial Centre, Suite 200, Little Rock, AR.*

Re: No. 7236 Madison Guaranty Savings & Loan, Little Rock, Arkansas—In Receivership (11/29/90), Criminal Referral Number C0004.

DEAR SIR: Certain matters have come to our attention which may constitute criminal offenses under Federal law. Enclosed is a report of an Apparent Criminal Irregularity.

Information in this referral may have been derived from financial records of customers of federally insured financial institutions. I hereby certify that (A) there is reason to believe that these records may be relevant to a violation of Federal criminal law, and (B) the records were obtained in the exercise of the RTC's supervisory or regulatory functions.

Due to the extensive nature of the exhibits relating to this referral, they are being submitted to the U.S. Attorney's office under separate cover at a later date.

Please direct any inquiries to the Investigator identified on the referral form, or to Lee O. Ausen, Department Head/Criminal Investigations, Kansas City Consolidated Office.

Sincerely,

L. RICHARD IORIO,
*Field Investigation Officer.*

Enclosure.

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RESOLUTION TRUST CORPORATION,
*Kansas City, MO, September 1, 1992.*

Hon. CHARLES A. BANKS,
*U.S. Attorney, Eastern District of Arkansas, U.S. Post Office and Courts Building, Little Rock, AR.*

Re: No. 7236 Madison Guaranty Savings & Loan, Little Rock, Arkansas—In Receivership (11/29/90), Criminal referral Number C0004.

DEAR SIR: Certain matters have come to our attention which may constitute criminal offenses under Federal law. Enclosed is a report of an Apparent Criminal Irregularity.

Information in this referral may have been derived from financial records of customers of federally insured financial institutions. I hereby certify that (A) there is reason to believe that these records may be relevant to a violation of Federal criminal law, and (B) the records were obtained in the exercise of the RTCs supervisory or regulatory functions.

Due to the extensive nature of the exhibits relating to this referral, they are being sent to your office under separate cover.

Please direct any inquiries to the Investigator identified on the referral form, or to Lee O. Ausen, Department Head/Criminal Investigations, Kansas City Consolidated Office.

Sincerely,

L. RICHARD IORIO,
*Field Investigations Officer.*

Enclosure.

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MEMORANDUM

To: Criminal Admin File.
From: Jean Lewis, Criminal Investigator.
Date: May 3, 1993.
Re: Background remarks and conversation with AUSA Bob Roddey's office re: Madison Guaranty Savings referral.

In March 1993, shortly after the departure of former U.S. Attorney Chuck Banks, I was advised by AUSA Bob Roddey on an unofficial basis, that Banks had forwarded the "Madison referral" to Justice in Washington D.C. almost immediately after receiving it last September; Roddey also added that Banks had taken this action as the referral was "politically hot".

I contracted Roddey's office early this afternoon to see if AUSA Floyd Mac Dodson was still with the U.S. Attorney's office, or if he had left with Chuck Banks. I was advised by Roddey's secretary, Laura, that Dodson did, in fact, leave with Chuck Banks, and she offered me their number, which I declined. I asked her what would have happened to Dodson's cases, and she offered to "check the computer" and call me back, if I could give her a specific case, which I did, identifying Madison Guaranty Savings criminal referral #C0004.

Approximately five minutes later, Laura called back and advised me that no record of that referral showed up in their computer system; she then advised me that in conversing with AUSA Roddey, he told her that Banks had sent it to Justice in Washington, and that "we'd probably never hear about it again".

A letter inquiring about the status of the referral has been prepared to send to U.S.A. Pence later today.

RICHARD IORIO
LEE AUSEN.

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MEMORANDUM

To: Criminal Admin. File.
From: Jean Lewis.
Date: May 19, 1993.

Re: Additional conversation with Office of Legal Counsel for U.S. Attorneys, U.S. Justice Department, Washington, DC.

In following up my previous discussion with the Office of Legal Counsel on May 13, I contacted Dyone Mitchell (secretary) of that office to see if she had been able to determine the status of the Madison referral, as I had not heard back from her. She consulted her notes and advised me that they "have no record of that referral, it is not in their computer system, it has not been given to an attorney"; upon repeating this response to her, she reiterated "no ma'am, that referral has not been submitted to this office."

After advising Lee Ausen and Richard Iorio of this conversation, the decision was made to resubmit the referral through the U.S. Attorney's office in Little Rock, and contact Ms. Mitchell in the Office of Legal Counsel to see if that office should be copied on the referral and letter to Richard Pence, U.S. Attorney in Little Rock. I contacted Ms. Mitchell again to inquire as to whether that office should be copied on the referral. She said yes, and when I asked to whose attention it should be directed, she responded that it should be sent to Acting Assistant Attorney General Daniel Koffsky, as the Assistant Attorney General, Mr. Dellinger, has not yet been confirmed.

The letter of re-submission will be prepared this afternoon, with a copy going to Mr. Koffsky's attention.

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To: L. Richard Iorio and Lee O. Ausen.
From: L. Jean Lewis.
Subject: No. 7236/Madison Guaranty Savings.
Date: Wednesday, May 19, 1993.

In following up on the suggestion that Mr. Daniel Koffsky, Acting Assistant Attorney General, be sent a copy of Madison referral No. C0004, I contacted the Office of Legal Counsel to verify the correct address. In speaking with Dyone Mitchell of that office, I reiterated the address provided by US Atty Richard Pence, which reads: Office of Legal Counsel, Executive Office for U.S. Attorneys, U.S. Justice Department, Washington, DC 20530.

The letter provided the phone number (202) 514-2041.

Ms. Mitchell advised that the Office of Legal Counsel and the Executive Office for the U.S. Attorneys were two separate sections, and that the referral may have been forwarded to the Executive Office instead of Legal Counsel. She then connected me with the operator, who put me through to the Executive Office where I spoke with Stephanie Kennedy. I explained to Ms. Kennedy what I was looking for, and she said she would get back to me this afternoon.

She called me back at 3:30, and advised that she had forwarded the matter on to Donna Henneman in "Legal Counsel", who would check it out and call me back tomorrow. I then contacted Ms. Henneman to offer background information on what I was looking for. When I explained that it was a referral out of Madison Guaranty, forwarded to that office by Chuck Banks, she had immediate knowledge, stating "oh, the one involving the President and his wife". She then stated that the referral had been sent to that office (exactly which office is till unclear to me) as a special report for the attention of the Attorney General, and not as a referral for prosecution. She then stated that "anytime a referral comes in that would make the department look bad, or has political ramifications, it goes to the Attorney General." She further added that the referral had been submitted to that office "because of the political ramifications and political motivations", and then told me that referrals were not prosecuted out of that office. She then stated that the referral had been declined. I advised her that the referral had not been declined, and read her the letter sent to this office by U.S. Attorney Richard Pence. She acknowledged that she was confused, and told me she would speak with her supervisor, Deborah Westbrook, and have her call me back tomorrow. I then asked for Ms. Henneman's title, and she informed me that she was the Ethics Program Manager. I thanked her and ended the conversation.

I'll keep you posted if and when I hear from Ms. Westbrook.

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To: L. Richard Iorio and Lee O. Ausen.
From: L. Jean Lewis Investigations
Subject: No. 7236/Madison Guaranty.
Date: Wednesday, May 26, 1993.

I've just received a follow-up call from Donna Henneman at Justice in D.C. She informed me that after speaking with Deputy Director/EO Wayne Rich she learned that referral #C0004 had been sent to former Special Counsel Ira Raphelson. I noted that Mr. Raphelson is now in private practice, she concurred and said that she wasn't sure where it had gone after he left, but that she was going to call the "criminal fraud division at Justice" and see if they are prosecuting the case or if a declination letter has been issued. I restated that, to my knowledge, the referral had not been declined, and that I had been advised by an FBI agent in Little Rock that it was a "very solid case of check kiting, and was highly prosecutable."

I then identified the suspects named in the referral for her reference, and she thanked me and told me she'd be back in touch as soon as she found something. She also stated that she was growing increasingly frustrated with the situation, because she had seen the information, knew that it had come in, and couldn't understand why she was having such a hard time tracking where the referral and exhibits had gone.

To date, each time she has given me a date that she would call back, she has kept her word. I'll let you know when I hear from her again.

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To: L. Richard Iorio Investigations.
From: L. Jean Lewis Investigations.
Date: Tuesday, June 8, 1993.

As we discussed this morning, I was going to contact Audrey Word at DOJ in Washington this afternoon; however, before I could call, Donna Henneman in the Executive Office for U.S. Attorneys called me. It seems that Madison referral #C0004 has reappeared on her desk. Audrey Word was successful in locating the referral within the Fraud section of the Criminal Division and determined that the individual assigned to the referral "didn't want to deal with it", so she sent the referral and all pertinent info back to Donna Henneman for further disposition.

Donna advised me that the Criminal Division (no one specifically identified) sent a memo to Doug Frazier, Associate Deputy Attorney General (in Deputy Atty General Heyman's office) advising him that there was "no identifiable basis for recusal of the U.S. Attorney in the Eastern District of Arkansas"; this was a direct quote from the memo, as she read it. She then told me that she'd contacted Mr. Frazier who did not remember receiving the memo, and suggested that she get the memo and the referral to him for review and a final decision.

She has subsequently sent him both the referral and the memo, and said she'll keep me posted. I then advised her that during the intervening period, additional information has surfaced that would further support the allegations contained in the referral, so I would be most curious as to their decision. I then concluded the conversation by telling her "whatever the decision is, I need something in writing so that I can close out the file with a declination, or offer support for an ongoing case." She agreed and said she'd stay in touch.

I'll keep you posted.

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To: L. Richard Iorio Investigations.
From: J. Jean Lewis Investigations.
Date: Wednesday, June 23, 1993.

At approximately 3:00 this afternoon, I spoke with Donna Henneman in the Executive Office for U.S. Attorneys, regarding the status of the Madison referral #C0004. She advised that she had sent the "package" to Associate Deputy Attorney General Doug Frazier on June 8, as we had previously discussed, but that she had received the entire package back on her desk today with no further answers, as Mr. Frazier was now the new U.S. Attorney in one of the Florida districts; she had not determined whether Mr. Frazier had taken any action prior to his departure, and had spoken with her supervisor regarding her next action shortly before I contacted her. She advised that she will attempt to contact Mr. Frazier in Florida sometime tomorrow, and determine what decision, if any, had been made.

She then advised that "this sort of thing happens all the time when we're trying to get the guys upstairs to make a decision." She said she'd be back in touch as soon as she had an answer from Doug Frazier, or his replacement, a Mr. Dave Margolis.

This was the 8th conversation I've had with Ms. Henneman since I first contacted her on May 19, 1993.

I'll keep you posted.

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To: L. Richard Iorio Investigations.
From: J. Jean Lewis Investigations.
Date: Wednesday, June 23, 1993.

Donna Henneman (EO/US Attorneys) just called me back to let me know she'd spoke with former Associate Deputy Attorney General Doug Frazier. He advised her that he met with Tony Muscato, the Director of the Executive Office for U.S. Attorney's, and that the decision has been made to return the referral to the U.S. Attorney in the Eastern District of Little Rock, as there was "no basis for the recusal of the U.S. Attorney", and apparently a lack of "conflict of interest."

Ms. Henneman then added that she doubted whether or not the U.S. Attorney, Eastern District/Arkansas would be aware of this situation yet, but suggested that I wait a few days and then contact that office in Little Rock.

She asked to be kept posted on the outcome, and offered her continued assistance whenever and however possible.

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To: L. Richard Iorio Investigations.
From: L. Jean Lewis Investigations.
Date: Tuesday, June 29, 1993.

I received a call this afternoon from a highly reliable and confidential source, that the Madison referral (C0004) has been returned to the U.S. Attorney's office in Little Rock, Arkansas. My source has advised me that the acting U.S. Attorney, Richard Pence, has stated he has no intention of acting on this referral, and plans to let it sit until such time as the new U.S. Attorney designee Paula Casey, takes office on either an interim or permanent basis. It was stated that there was displeasure at the fact that the referral had been returned to the Little Rock office, and that the reason cited for its return was that the Executive Office for U.S. Attorney's found no basis for recusal, and no conflict of interest emanating from the U.S. Attorney's office in the Eastern District. However, the acting U.S. Attorney is of the opinion that if the (strong) case against James McDougal is taken to trial, it will appear to the "sour grapes" due to his acquittal during his first bank fraud trial.

I was further advised that there is no definite date yet as to when Ms. Casey's confirmation will occur, and that is likely that she will assume her responsibilities on an interim basis. My source has advised that I will get a "head's up" call when Ms. Casey assumes her new responsibilities, but that such appointments have been delayed in the past, and may take a while.

I'll keep you advised should I hear anything further.

---

To: L. Richard Iorio Investigations.
From: L. Jean Lewis Investigations.
Date: Thursday, September 23, 1993.

I've just had a conversation with Donna Henneman, Ethics Program Manager, Executive Office for U.S. Attorneys. I called Donna to make a final determination as to whether or not she wants formal notification of the existence of the subsequent referrals being submitted to the U.S. Attorney, Eastern District of Little Rock, on Madison.

In discussing the standard RTC procedure of the submission of referrals, she has requested that she be copied on the transmittal letters that go to the U.S. Attorney and FBI. At the time she receives the copies of those letters, she will then request the referrals and exhibits from the U.S. Attorney's office for any necessary follow up. So, at her request, I'll ask Donna Minton to cc: Ms. Henneman in her official capacity. She felt that a letter requesting copies at this point was unnecessary, and if it becomes necessary, she will go through her channels at Justice to obtain the documentation from U.S. Attorney Paula Casey. Donna has also requested that I provide a brief one paragraph summary of the content of the referrals with the transmittal letters, so that she will be aware of those with "sensitivity issues." I will be glad to provide the requested summary as an addendum paragraph to the bottom of each transmittal letter.

She then asked me about the final disposition of MGS&L referral C0004. I told her that I had been advised that it was received back in the U.S. Attorney's office, but that I had received no formal notification that a case had been opened, nor a declination letter. I expressed my concerns that the same situation could befall the next referrals to be submitted, and she assured me that she and her supervisor, Deb Westbrook, would stay closely in touch with the situation, due its potentially political ramifications, some of which I explained for her edification.

She asked me to stay in touch as to the responses that I get from the U.S. Attorney's office, and assured me that, if necessary, the "higher-ups" at Justice would make sure something got done with these referrals, including the first one, which in her words "should have been handled by now, one way or the other."

I'll keep you posted.

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To: L. Richard Iorio Investigations.
From: L. Jean Lewis Investigations.
Date: Wednesday, September 29, 1993.

I've just received a call from Donna Henneman, Ethics Program Manager, Executive Office for U.S. Attorney's, Washington, D.C. She advised that she had spoken to her supervisor, Deb Westbrook, and Ms. Westbrooks supervisor, Doug Frazier, regarding whether or not the Executive Office wanted copies of the Madison referrals slated for submission this week. Ms. Westbrook and Mr. Frazier have determined that the Executive office should receive copies of the referrals and exhibits. Upon receipt, they will review them and determine whether to instruct the U.S. Attorney's office to act on them accordingly, or if they should be forwarded to the Public Integrity Section of DOJ for further review. In inquired as to the nature of the Public Integrity Section and was advised that it is the section of DOJ responsible for the prosecution of public officials. Ms. Henneman also advised that they have made the decision to get the Deputy Attorney General's office involved in this situation, and bring them up to speed.

I asked her to submit this request in writing, in order to document the Investigations file and she responded that she would do so, faxing me a letter this afternoon. I've provided her with the fax number and will copy you upon receipt of her letter.

To briefly summarize the situation to date, I contacted the Executive Office for U.S. Attorney's on May 13, 1993, at the written suggestion of U.S. Attorney Richard Pence, pursuant to his letter of May 10, 1993 regarding my written inquiry as to the final disposition of Madison referral #C0004, submitted on 9/1/92. Mr. Pence advised that the referral had been forwarded to the Executive Office by former U.S. Attorney Charles A. Banks due to what he deemed was a "conflict of interest". This information was relayed to Ms. Henneman during my first conversation with her. During subsequent calls I received from Ms. Henneman, she advised me as to her progress in tracking the whereabouts of referral #C0004, which she finally located and had forwarded back to her office on June 8, 1993. At that time, Ms. Henneman advised me that the decision had been made by personnel in the Criminal Division of DOJ that there was "no identifiable basis for recusal of the U.S. Attorney in the Eastern District of Arkansas", and that the referral would be forwarded back to the U.S. Attorney's office in Little Rock. Since that time, Ms. Henneman has contacted me to follow up on the final disposition of the referral. I have advised her that this office has not yet received notification of an opened case, or a letter declining prosecution. During these aforementioned conversations, the issue was raised as to further referrals, and whether the Executive Office should be copied on any further referrals to avoid a recurrence of circumstances. I received notification of that decision today when Ms. Henneman contacted me, as previously outlined.

Please let me know if you have any questions.

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To: L. Richard Iorio Investigations.
From: L. Jean Lewis Investigations.
Date: Wednesday, September 29, 1993.

I've received a follow-up call from Donna Henneman with the Executive Office for U.S. Attorneys. She spoke with her supervisor, Deb Westbrook, regarding my request for a written follow-up to her verbal request that the Executive Office be copied on all the Madison referrals and exhibits. Ms. Westbrook has withdrawn her initial request for copies, and stated that they will go through the U.S. Attorney's office to obtain copies rather than having us copy their office directly. Ms. Henneman indicated that this route would not make the U.S. Attorney's office feel as though the Executive Office was "going behind their back" in requesting copies of the referrals.

She then reiterated that she would like to be copied on the transmittal letters that will be sent with the referrals to the U.S. Attorneys and the FBI, with a brief summary paragraph outlining the suspects and content of each referral. I agreed to her request, and will make arrangements to provide the requested summary on the transmittal letters.

I'll let you know if I hear from her again.

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To: Lee O. Ausen.
From: L. Jean Lewis.
Subject: #7236 Madison Guaranty.
Date: Tuesday, October 26, 1993.

Just FYI...

Based on our conversation this afternoon regarding the OCC's inability to locate their past exams for UNB/Little Rock, I took a shot at a hunch, and made another call to Cristina Flechas, the attorney for the FDIC in Memphis who had previously advised me (in response to my written request of 6/23) that OCC would have been the regulatory agency for UNB during 1986.

Cristina, so I have learned, is no longer with the FDIC in Memphis. However, I spoke to her successor, Broderick Nichols, and outlined the previous request with him, asking him if he would do some additional followup just on the off chance that the FDIC might have done a concurrent exam on UNB with OCC at some point between 1983 and 1987. I then explained to him that the OCC seemed to be having some difficulty in locating their records, and advised him that I was informed by OCC that prior to 1991, UNB was actually First National Bank of Jacksonville. Well, it turns out that Broderick Nichols is from Little Rock. What a small world! And he evidently grew up knowing where Union National Plaza is and that Union National Bank was, and still is, the largest bank in Little Rock. He was somewhat concerned about the fact that OCC couldn't find their exams, and has offered his expeditious assistance in locating any concurrent exams done by FDIC. He's also offered to aid me in locating other potential leads and sources within OCC that might be able to rediscover the whereabouts of the UNB exams. He couldn't quite understand how the OCC could lose a $500 million bank. Does this sound familiar?

I'll keep you posted.

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To: L. Richard Iorio.
From: L. Jean Lewis.
Subject: #7236 Madison Guaranty.
Date: Wednesday, October 27, 1993.

Just got a call from Donna Henneman, Ethics Program Manager, Executive Office for U.S. Attorneys. She asked if I'd received a declination letter on the first referral (C0004) from the U.S. Attorney in Little Rock. I told her that we had not received a declination to date. She then advised that her supervisor, Deb Westbrook, had evidently had a conversation with U.S. Attorney Paula Casey, and that Ms. Casey stated that she would be sending a declination letter to the RTC on that particular referral. No date was given, and Donna did not reference the date of the conversation between Ms. Westbrook and Ms. Casey. I asked Donna if she knew the basis for the declination, and she responded that she did not, and hadn't seen a copy of the letter either. She then suggested that if I do not receive the letter of declination within a fairly short time frame, to please let her know.

Donna also noted that Ms. Westbrook advised her that USA Casey had stated she would "deal" with the other referrals as well.

I'll keep you posted as to any further calls from Ms. Henneman.

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UNITED STATES ATTORNEY,
EASTERN DISTRICT OF ARKANSAS,
*Little Rock, AR, October 27, 1993.*

Ms. L. JEAN LEWIS,
*Criminal Investigator,*
*Resolution Trust Corporation,*
*Kansas City, MO.*

Re #7236 Madison Guaranty Savings and Loan Criminal Referral Number C0004

DEAR MS. LEWIS: I am writing at the request of the Office of Legal Counsel, Executive Office for U.S. Attorneys of the U.S. Department of Justice to let you know the status of this referral.

As you know, this referral was reviewed by the Criminal Division of the U.S. Department of Justice at the request of the previous United States Attorney for the Eastern District of Arkansas. The matter was concluded before I began working in this office, and I was unaware that you had not been told until I was contacted by the Office of Legal Counsel. After receiving the call from Legal Counsel I reviewed the referral, and I concur with the opinion of the Department attorneys that there is insufficient information in the referral to sustain many of the allegations made by the investigators or to warrant the initiation of a criminal investigation.

Although I am declining to take further substantive action on this referral, my decision does not foreclose future prosecutions about the matters covered by the referral or related matters in the event that my office and the FBI are given access to records or information indicating that prosecutable cases can be made.

Sincerely,

PAULA J. CASEY,
*United States Attorney.*

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RESOLUTION TRUST CORPORATION,
*Kansas City, MO, November 1, 1993.*

Re #7236 Madison Guaranty Savings & Loan Criminal Referral Number C0004

Hon. PAULA J. CASEY,
*U.S. Attorney, Eastern District of Arkansas, Little Rock, AR.*

DEAR MS. CASEY: I have received your October 27, 1993 letter regarding the above captioned thrift and referral. On the basis of comments contained within your letter, I am interpreting that correspondence as a formal declination to prosecute referral #C0004. You stipulated in your letter that this matter was concluded prior to the beginning of your tenure as the United States Attorney for the Eastern District of Arkansas. Prior to the receipt of your letter, RTC Investigations was not advised that the matter had been formally concluded.

Between September 1, 1992 and today's date, this office has received a total of three letters with regard to the aforementioned referral, including your letter of declination. The other two letters were from FBI/SAC Don Pettus, 12/15/92, acknowledging receipt of the referral, and from Acting United States Attorney Richard Pence, 5/10/93, advising this office that he was unaware of the referral status as it had been forwarded to the Executive Office for United States Attorney's by former United States Attorney Chuck Banks.

If there were other documents produced that are relative to the conclusion of this matter, I would appreciate receiving the appropriate copies.

The RTC Kansas City Office of Investigations will continue it's policy of cooperation with both the United States Attorney's office and the FBI on all referral related and investigate matters, making all pertinent records accessible as requested.

Should you have any further questions, or if this office may be of further assistance, please do not hesitate to contact me at (816) 968-7237, or if I am unavailable, Supervisory Investigator Lee Ausen at (816) 968-7243 or Field Investigations Officer Richard Iorio at (816) 968-7212.

Very truly yours,

L. JEAN LEWIS,
*Senior Criminal Investigator.*

---

To: Jane M. Dankowski.
From: L. Jean Lewis.
Subject: Madison Guaranty.
Date: Wednesday, November 10, 1993.

Hey you! Just a heads up to let you know that Mike Caron, Senior Criminal Investigator, is now the lead investigator on Madison . . . so anymore faxes you send should come to Mike's attention, and any further communication about Madison should go to him, too. The Powers That Be have decided that I'm better off out of the line of fire (and I ain't arguing), but please let me assure you, that we are leaving you in very capable hands! Got any questions beyond that, ask Lee or Richard.

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To: James R. Dudine.
From: L. Richard Iorio
Subject: Madison Guaranty.
Date: Monday, November 15, 1993.

On Thursday, November 11, 1993, there was an article that appeared in the Washington Post concerning declination of prosecution on the first Madison referral that was transmitted to the Department of Justice (DOJ) on August 31, 1992.

Contained in the article was information that the referral had been reviewed by DOJ and that a decision had been made early on to decline on this referral and that when Paula Casey US Attorney, Little Rock, Arkansas, in fact issued the declination in October 1993, she was simply bringing this matter to a close.

The document attached clearly refutes this train of thought. In fact, it appears that no thorough review of the document had been conducted as late as June 23, 1993, some ten months after the referral had been initially transmitted. It was not until September 29, 1993 that this office was advised that the referral would be reviewed.

This whole issue might not be important, however, for purposes of credibility with regard to the RTC's efforts in this area, this memo and attachment are submitted for factual clarity.

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RTC Criminal Referral #C0004 on Madison Guaranty Savings was completed on August 31, 1992, signed by RTC Kansas City Investigations management on September 1, 1992, and sent via certified mail on September 2, 1992, to Charles A. Banks U.S. Attorney, Eastern District of Arkansas, and SSA Steve Irons, FBI, Little Rock.

By early November 1992, no standard written response of prosecution or declination had been forthcoming from the U.S. Attorney's office. In mid-November 1992, the lead criminal investigator made the first of a number of verbal requests to both the U.S. Attorney and FBI in Little Rock for some form of written acknowledgement that the referral had been received and reviewed. A written acknowledgement dated December 15, 1992, from FBI SAC Don K. Pettus, was received by the lead criminal investigator on January 4, 1993. This acknowledgement stated that the referral had been received, and that further questions should be directed to AUSA Floyd Mac Dodson, who had also received the referral and exhibits. On January 7, 1993, the lead investigator had a conversation with AUSA Mac Dodson in which he advised that he wasn't sure the referral was still in the U.S. Attorney's office in Little Rock, and that if prosecution occurred, it would probably be through a special attorney sent to Little Rock to handle the situation.

For four months, there was no further communication or correspondence received by Investigations on this matter. In a May 3, 1993, conversation between Investigations and the U.S. Attorney's office, it was indicated that referral #C0004 had been "sent to Justice in Washington almost as soon as it was received last September". On May 4, 1993 Investigations sent a written inquiry to Acting U.S. Attorney, Richard M. Pence, requesting the status of the referral. On May 12, 1993, Investigations received a letter from Mr. Pence (dated May 10, 1993) stating that former U.S. Attorney Charles Banks had determined that his office had a conflict of interest with conducting an investigation or prosecuting criminal charges relating to referral #C0004, and had sent the referral and exhibits to the Office of Legal Counsel ("OLC"), Executive Office for U.S. Attorney's, U.S. Justice Department, Washington D.C. He stated that any further inquiries as to the status of the referral should be directed to that office, providing a phone number in Washington D.C.

As suggested by Mr. Pence, the lead investigator called the OLC on May 13, 1993. This initiated a series of 15 phone calls between the OLC and Investigations; 10 taking place between May 13 and June 29, 1993, and five transpiring between September 23 and October 27, 1993. The majority of these calls were incoming to Investigations, and provided information as to the progress being made with regard to locating and determining the status of the referral.

The June 23, 1993 conversation between Investigations and OLC indicated that the decision had been made to return the referral to the U.S. Attorney in Little Rock as there was "no basis for recusal of the U.S. Attorney" and apparent "lack of conflict of interest." During a conversation on September 23, the OLC inquired as to the "final disposition" of referral #C0004. They were advised by Investigations that no formal notification had been received of either a declination or intent to prosecute, Investigations then advised OLC that there were additional referrals pending; OLC then requested that Investigations remain in contact with the OLC regarding further communication from the U.S. Attorney in Little Rock.

On September 29, 1993, the OLC contacted Investigations and advised that 1) the Deputy Attorney General's office had been advised of the situation and 2) that the pending and prior referrals would be reviewed and a decision made as to whether or not they be forwarded to the Public Integrity Section of Justice and reviewed for potential prosecution. A verbal request was then made by OLC that they be copied on the transmittal letters to the U.S. Attorney accompanying the new referrals, and that they be further provided with a summary of each referral.

The nine new referrals were submitted to the U.S. Attorney and FBI in Little Rock on October 8, 1993. On October 13, 1993, the Office of Legal Counsel was provided with copies of the transmittal letters, and the requested summaries on each referral.

On October 27, 1993, Investigations received a call from OLC inquiring as to whether or not Investigations had received a declination letter on referral #C0004; the response was "no." Investigations was advised that U.S. Attorney Paula Casey had advised the OLC that she would be sending a letter of declination to RTC Investigations.

On November 1, 1993, Investigations received a letter dated October 27, 1993, from U.S. Attorney Paula Casey stating that the disposition of referral #C0004 had been concluded prior to her taking office, and that she "concurred with the opinion of the Department attorneys that there is insufficient information . . . in the referral to warrant the initiation of a criminal investigation."

On November 11, 1993, RTC Investigations learned through an article in the Washington Post, that Paula Casey had recused herself and her staff from any further dealing with the Madison referrals.

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To: Lee O. Ausen.
From: L. Jean Lewis.
Date: Monday, November 15, 1993.

A few comments with regard to our conversation this afternoon about the pending meeting with Donald Mackay and his staff on 11/22.

You know, Richard knows, Donohue knows, Mike knows, and I know that Mackay is not coming here to look at records. Cut to the bottom line. He is coming here because he wants to be convinced that there either IS or IS NOT a very good case behind those referrals. He isn't coming specifically to discuss subpoena compliance, because he hasn't opened any cases yet. He's coming here to evaluate us, our work, and to try and decide just how good this case is, and how he can best deal with a very sensitive political situation. What would be easiest for him is to decide that, after meeting with RTC Investigations, he can conclude that there is no merit, and has accordingly advised Investigations that the matter will be dropped. If we don't convince him that those referrals are exceptionally solid, well prepared and supportable cases, then there is very little doubt that he will dispense with this situation in very short order.

Regardless of stated agenda, and regardless of whether or not I'm in attendance, he's going to try and make an objective assessment based on what is presented to him during the meeting. If that's the way the meeting starts out, then you better pull out all the stops to support the work we've done, or that's the last we'll hear of the Madison investigation. That's my instinct talking, and so far, it's been pretty much on target.

Michael is extremely knowledgable about Madison, and very capable of handling the situation. I would not do him the injustice of thinking otherwise. But internal political crap notwithstanding, if this meeting is going to turn into a turkey shoot, then you are going to need every loaded gun you've got to assist you in convincing this special prosecutor that the case is as good as it looks on the surface. And yes, we have strong documentation to support the allegations. But what's beneath the surface, including where we looked and why, who's tied to who, who's in business with who, who got paid for what and where all the internal and external ties are, isn't in writing. It's in my head.

I've had my say. The decision is up to you and Richard.

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RESOLUTION TRUST CORPORATION,
*Kansas City, MO, December 21, 1993.*

Mr. BILL C. HOUSTON,
*Regional Director, Division of Supervision, Federal Deposit Insurance Corporation, 5100 Poplar Avenue, Suite 1900, Memphis, TN.*

DEAR MR. HOUSTON: The Resolution Trust Corporation's ("RTC") Kansas City Office of Investigations is currently conducting an investigation into matters relating to an insolvent Little Rock, Arkansas savings & loan. Significant evidence points to the possibilities of loan "parking", loan "swapping", insider abuse and collaboration between specific borrowers and the principals of the Bank * * * financial institutions in * * * and Little Rock, Arkansas including the aforementioned insolvent thrift. In order to expedite this investigation, I would appreciate your assistance in providing this office with copies of the Reports of Examination ("ROE") from 1983 through the most recent exam for the above captioned institutions.

This written request is made pursuant to the terms of the Agreement Regarding Confidential Information between the FDIC and RTC, as signed by FDIC General Counsel Alfred J. Byrne and RTC General Counsel Gerald L. Jacobs, effective January 1, 1992.

Should you have any questions or require additional information, please do not hesitate to contact me at (816) 968-7191. Your expedited attention to this matter is appreciated.

Very truly yours,
MICHAEL E. CARON,
*Senior Criminal Investigator,*
*Office of Investigations.*

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To: Jane M. Jankowski, L. Richard Iorio, Lee O. Ausen, Michael X. Caron.
From: L. Jean Lewis.
Date: Thursday, January 6, 1994.

This is just to advise that earlier this evening, I received a call from * * * who started out her call with I've been lied to by the Justice Department". I advised her that I could not offer any comment, but that I would listen to what she had to say.

She stated that her sources from DOJ, who were there during the end of the Bush Administration, had advised her that the original RTC referral was taken much more seriously than the public has been led to believe, and that while they believed that the Clintons definitely stood to benefit from the alleged check kiting activities, they may not have had serious criminal culpability. They also advised her that the referral was left in Little Rock to prosecute by former USA Chuck Banks, because for Washington to be involved would look "too political." She said that they (her four DOJ sources) all told her that there was no basis for recusal, and no conflict of interest in Little Rock.

She then advised that Justice sources today informed her that it was line staff attorneys in the Criminal section of DOJ/DC that decided the referral warranted no further investigation, and instructed Paula Casey to decline.

She also noted that her previous DOJ sources had said that after the Clinton administration came into Washington, there were roadblocks put up around this referral, and that it had been their opinion that the RTC staff was attempting to do a legitimate job, but was being stymied by personnel at Justice for some reason. She asked me if it was true that the Clintons were named as witnesses on the referral; I declined comment. She asked me if it was true that the RTC had not been notified for months after the referral was allegedly declined by the staff attorneys in DC; I declined comment.

I told her that she would have to call you (Jane) in Public Affairs for any additional information, and she advised me that she'd already talked to you, and got no information. She stated that she understood that I was in a difficult position, for which I thanked her, and the conversation ended.

I found what she had to say very interesting. In the future, I'll comply with Richard and Lee's wishes that I not even listen to what a reporter has to say, and just offer a no comment. However, when someone starts out with "I've been lied to by the Justice Department", it's human nature to wonder whether or not it is true.

Thus endeth the lesson.

This document is a recap of a phone call that I just received from * * *, reporter * * * whose opening comment was "I've just been lied to by the Justice Department." My comment was that I would not be able to respond to any of her questions, but that I was fascinated by the fact that she thought she'd been lied to, so I would listen to what she had to say.

She outlined her credentials, stating that she'd written a book on drug trafficking, and had covered the "peanut loans", Bert Lance, Billy Carter, Jimmy Carter and the major governmental agencies during the Carter administration.

She'd been advised that I was the investigator on the case, and wanted to know which of the stories she'd been told by her sources at Justice were correct. Evidently, she had four former Justice sources who were there during the Bush administration, and that had been there when Chuck Banks sent the referral to Washington. The story they told her was as follows:

The referral was originally sent to DC as an "urgent report" for the Attorney General's review, due in part to the political sensitivity of some of the identified names, stating that Banks felt his office had a conflict of interest. (This coincides with what my letter from Richard Pence states, and what Donna Henneman told me during our many conversations on the whereabouts of the referral). There are conflicting stories about why Keeney wrote the memo referenced in the Schmidt/Isikoff story of 1/5; her sources stated that when the RTC referral was reviewed at Justice, it was taken much more seriously than the public has been led to believe, and that they believed that the Clinton's stood to benefit from the check kite although they may not have had serious criminal culpability. She asked if it was true that the Clinton's were named as witnesses on the referral; I told her no comment.

She said that her former Justice sources advised her that Banks had never recused himself, and that CID/DOJ DC left the referral in Little Rock and told Banks to prosecute, because 1) there was no conflict of interest, 2) there was no basis for recusal, and 3) that for Washington to get involved would "look too political" since it was right before and after the '92 election. Her sources also indicated that DOJ now seems to be deliberately making it look like the referral was "vague" and "ambiguous", and not to be taken seriously.

She stated that her sources told her that it appeared that the RTC folks were legitimately trying to do their job, and had legitimate concerns relating to the allegations contained in the referral, but that when the Clinton administration came in, somebody started putting up roadblocks on the referral, and her sources didn't know where it was coming from.

Her current Justice sources state that it was the line staff attorneys in CID/DOJ DC that made the decision several months ago that the referral warranted no further investigation, and instructed Paula Casey to decline accordingly; however, the RTC wasn't notified for months, which should have been corrected.

* * * went on to ask several questions, all of which I replied I could not answer, and referred her Public Affairs and Jane Jankowski. She stated that she'd already talked to Jane, and that it had gotten her nowhere. She asked if I knew anyone else that she could talk to, or if anyone that had left the RTC would have any information. I stated that there were no names that I could give her other than Jane Jankowski in Public Affairs. She then asked me if it was true that the RTC had not been notified of the referral declination for several months after it had been allegedly declined, and I told her no comment.

She said that she understood that I was in a difficult position, and but that she needed all the help she could get. I thanked her for understanding the difficultly of my position, advised her that I understood that she was only trying to do her job as a professional, but that I could not professionally or ethically make any comment about the investigation. She offered her phone numbers, which I did not write down. She thanked me for my time, and hung up.

My overall impression of this conversation was that she is very close to the heart of this story, and that she is almost on top of the "white paper" chronology outlining the sequence of events and communication between DOJ and RTC on C0004.

Lee Ausen was present for the entire conversation that I had with * * *, and suggested to me shortly before the conversation ended that I terminate the call with a "time out" gesture. He and Richard Iorio both advised that if she included anything in her story regarding that fact that I'd even listened to what she had to say, it would look bad for the RTC, and recommended that in the future, I not even listen to what a reporter has to say.

I advised them both that I felt that listening to what * * * had to say provided valuable information, and that there was no point in being rude to the press, anymore than there was any point in being rude to Justice or the FBI. "No comment" does not have to be offensive. I further stated that I would never do anything to undermine that efforts that the RTC has made, or take any action that would question our credibility or integrity, let alone do anything to compromise the investigation on which I have spent the past two years as the lead investigator.

I concurred that in the future, I would simply send the reporters to Public Affairs. However, I am very much inclined to believe that, on the basis of my personal, and documented, knowledge of what transpired during the conversations I had with Donna Henneman of DOJ/Office of Legal Counsel/Ethics section, that * * * is not far from the truth: it's beginning to sound like somebody, or multiple "somebodies" are trying to carefully control the outcome of any investigation surrounding the RTC referrals, and that the beginnings of a cover-up may have already started months ago.

RESOLUTION TRUST CORPORATION,
*Washington, DC, January 14, 1994.*

MEMORANDUM

To: Vice Presidents, Assistant Vice Presidents.

From: Jack Ryan, Deputy CEO.

Re: Madison Guaranty Savings and Loan Association.

The RTC has received numerous requests for information on Madison Guaranty Savings and Loan Association and related matters. Interim CEO Roger Altman is committed to responding to these requests as promptly and thoroughly as possible.

In order to assure that the RTC's response to requests on these matters is thorough, accurate, and timely, I have established a working group to coordinate the collection and distribution of all information and material responsive to the requests. The working group is comprised of James Dudine, William Collishaw, and Peter Knight.

I am sure that I can count on the full cooperation of you and your staff with the working group. Please see that this memorandum is distributed to the appropriate staff.

---

To: L. Richard Iorio and Dennis M. Cavinaw.

From: James R. Dudine.

Date: Tuesday, January 25, 1994.

At the request of General Counsel Kulka and Deputy CEO Ryan, PLS and The Washington Office of Investigations have established a team to ascertain if any liability claims remain viable as a result of the recent legislation extending the statute of limitations from two to five years. In this case the resurrected statute expires at the end of February 1994.

Gary Watts of my staff, assisted by Tom Murray will be visiting your office this week and next. Please give them access to all records and workpapers, and to knowledgeable members of your staff, including records and documents that are covered by a Federal Grand Jury Subpoena.

Gary and Tom will be working with a team of PLS attorneys headed by Sr. Counsel Mark Gabrellian and including Terry Arbit, Jim Igo, April Breslaw, Carl Gamble and Suzanne Rigby. The objective is to complete the review of claims potential by next week. In addition the team will assist in compiling a detailed history of events, including the criminal referral and document control issues, to assist RTC management in communicating in a factual and unified way to Treasury and Justice officials, the special counsel and to appropriate committees and members of Congress.

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To: L. Richard Iorio, Lee O. Ausen, Michael X. Caron.

From: L. Jean Lewis.

Date: Monday, February 7, 1994.

This is to advise you that I've had a conversation this morning with AUSA Fletcher Jackson of the U.S. Attorney's office in Little Rock. I called Mr. Jackson last week to make an inquiry regarding Independence Federal Savings in Batesville, Arkansas, out of which he had prosecuted a case regarding Duane Kepford sent me a memo quite some time ago about another; I recalled in having done a preliminary review of Independence, that Edney was given immunity for cooperating. I called Mr. Jackson last week to verify that fact, which he in turn did verify when he called back.

Mr. Jackson called Friday afternoon, and as I was out of the office, I intended to call him back this morning. Before I had the opportunity to call him, he called me.

We discussed, and he then changed the topic by asking me if Steve Irons had told me last fall not to talk to Fletcher. I told him that I preferred not to answer the question. He then stated that he "didn't have much use for ether Steve Irons or Gretchen Hall", and wanted to know what I'd been told. I advised him that Steve Irons had told me last fall that he thought it was a good idea if we (being Steve and myself) didn't talk to each other for a while about Madison. I further added that if had been suggested to me by my management here that any questions directed to me by the U.S. Attorney's office should probably come through Steve Irons or another FBI agent, and that since the FBI was my most appropriate contact, I should funnel responses to any questions through them. Mr. Jackson made a comment that he, and he was just looking for some input from me. He didn't get any.

He then added that he'd spoken to Jeff Gerrish recently, and that Gerrish was "absolutely astounded" that nothing more was ever done criminally with Madison, beyond the Castle Grande transaction. He asked me if I knew who Gerrish was; I advised him that year, I knew Jeff Gerrish, and no, I was not aware of Mr. Gerrish's opinions regarding the prosecution of criminal actions out of Madison, and that I'd formed by own conclusions on that point, and that's where they would stay—my own. I then advised Mr. Jackson that I did not wish to discuss Madison Guaranty, and we could change the subject, or hang up. He persisted, and I explained to him that I'd developed a respect for him during the past 2½ years, and that out of respect for the working relationship we've previously had, I wasn't going to talk about Madison. We then hung up after a cordial goodbye.

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To: Thomas L. Hindes, James R. Dudine, L. Richard Iorio, Glen A. Penrose, April A. Breslaw, David G. Eisenstein, Russell F. Kaufman, Philip J. Adams.

From: Julie F. Yanda.

Date: Wednesday, January 5, 1994.

Today at 1:30 p.m., Russ Kaufman and I received word that OCOS wanted to talk to us about the Madison Guaranty "investigation". We met with representatives of both WDC and KCO OCOS: Leonard Newmark (WDC), Michael Kohn (KCO) and a third individual whose name I cannot now remember. When Russ asked who had sent them to talk to us, Mr. Newmark replied that it had been his supervisor who had sent them and who had instructed them to be "proactive" in dealing with the issues this case would raise. Mr. Newmark indicated that they were not conducting an investigation, but rather an "inquiry".

The first question they asked was who had made the criminal referral on Madison Guaranty. Russ indicated that the referrals were made in accordance with RTC policy and committed to providing Mr. Kohn with a copy of the RTC policy. There was no further discussion of the referrals.

The second series of questions they asked dealt with what they characterized as "fitness and integrity" issues concerning the Rose Law Firm. First, they asked what investigation PLS had done into the representations the Rose Firm had made to state regulators to convince the regulators that Madison should remain open. I replied that PLS only investigates issues dealing with professional malpractice and that such inquiries would be made only in the context of conflict of interests issues involving outside counsel. I then explained that this case was not regionalized and that April had served as the PLS attorney on this case. Second, they asked who was the FDIC "conflicts contact" on this case. Third, they asked what information we had concerning the audit report the Rose Firm had used to convince regulators that Madison should remain open and then later relied upon in a malpractice claim against Frost & Co. Again, I told them that I had no information concerning these issues.

Our discussion lasted no more than 10 minutes. Russ and I then called Richard Iorio and discussed with him the substance of our conversation with OCOS.

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ROSE LAW FIRM,
*Little Rock, AR, October 10, 1983*

Mr. JAMES B. MCDOUGAL,
*Chairman of the Board, Bank of Kingston, Kingston, AR.*

DEAR JIM: Pursuant to your discussion with Hillary Rodham Clinton, I am enclosing herewith a copy of our firm statement, dated December 23, 1981, covering services rendered in connection with the matter of the First National Bank of Huntsville v. Madison Bank and Trust.

Very truly yours,
C.J. GIROIR, Jr.

Enclosures.

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ROSE LAW FIRM,
*Little Rock, AR, December 23, 1981.*

Mr. JAMES B. MCDOUGAL,
*Chairman of the Board, Bank of Kingston, Kingston, AR.*

| | |
|---|---|
| For legal services and professional advice rendered by Vincent Foster, Jr., Carol Arnold and Mary Ellen Russell subsequent to our billing dated December 23, 1981, through May 15, 1982 in connection with the matter of First National Bank of Huntsville v. Madison Bank and Trust; Madison Chancery E-81-112 | $5,000.00 |
| Costs advanced subsequent to our billing dated December 23, 1981, through July 31, 1982: | |
| Long distance telephone | $91.17 |
| Xerox charges | 21.40 |
| Extraordinary postage | 1.56 |
| Package delivery expenses | 6.70 |
| Supreme Court Clerk | 100.00 |
| Computer Research | 92.70 |
| Trevathan Printing Company | 580.10 |
| Total costs | 893.63 |
| Total fees and costs | $5,893.63 |

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[Memorandum]

FEBRUARY 7, 1985.

To: Governor Bill Clinton.
From: Jim McDougal.

Kathy called yesterday to ask for my recommendations for two people to fill the vacancies on the State Savings and Loan Board.

For the industry position from the 2nd Congressional District, I recommend John Latham, who is chairman of the board of Madison Guaranty Savings and Loan Association. Mr. Latham is a CPA and a licensed attorney. He is a major contributor to your campaign. His board of directors is 50% Black, giving his institution the largest minority representation of any financial institution in the State.

For the consumer position from the 4th Congressional District, I recommend Dr. Jerry Kendall of Camden. Dr. Kendall is a popular figure at Camden. His wife, Nancy from Magnolia, is widely and favorably know. Their complete support of your administration is a certainty.

Bill, we are down to only about 15 State-chartered savings and loan institutions and I am about the only one around who has any interest in this board.

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DECEMBER 12, 1984.

Mr. RON PROCTOR,
*Citizens Bank,*
*Flippin, AR.*

DEAR RON: I have been unsuccessful in trying to meet with Bill and Hillary to sign the note renewal. I have forwarded to them by messenger this morning the note and an envelope with which to forward it to you.

Each month we will deposit into our account at Flippin an amount sufficient to cover the monthly payment.

Thank you very much for your patience and tolerance in this matter.

Sincerely,
JAMES B. MCDOUGAL,
Whitewater Development Co.

[Memorandum]

APRIL 18, 1985.

To: John Latham
From: Jim McDougal.

I want this preferred stock matter cleared up immediately as I need to go to Washington to sell stock.

[Memorandum]

February 19, 1985
To: John Latham
From: Jim McDougal
Subject: Harvey Bell Cars.

He wants us to do a leasing arrangement on his funeral cars. Please assign someone to discuss this with him. His number is 376-1600.

Proceed with your idea on the subordinated notes. We need to make a decision on Madison Bank & Trust.

I need to close on my house loan and commercial loan pronto.

[Memo]

January 7, 1985
To: John
From: Jim.

1. See me about Steve Smith and Rolls Royce.

2. You, Greg, and I need to discuss Securities License. First South has one on by its Service Corporation.

3. Ask Greg how we get a market survey for shopping center.

4. We need to talk about how to handle first payment on the 90-day plan.

____ ____.
____.
____.

[Memo]

JULY 11, 1985.

To: John Latham
From: Jim McDougal.

1. This is probably a good time to take in some 5-year money cheap. Let's discuss rates.

2. I need to know everything you have pending before the Securities Commission as I intend to get with Hillary Clinton within the next few days.

INDEX TO TABS

Tab A—December 9, 1993 letters from Congressman Leach to the Federal banking agencies requesting all documents related to Madison Guaranty Savings and Loan and its subsidiaries.

Tab B—March 8, 1994 letters from Congressman Leach to the Office of Thrift Supervision (OTS) and the Resolution Trust Corporation (RTC) requesting access to all documents related to Madison Guaranty Savings and Loan and its subsidiaries, to prepare for the RTC Oversight Hearings.

Tab C—March 10, 1994 letters from Chairman Gonzalez to the OTS and the RTC requesting that the agencies deny Congressman Leach's document request.

Tab D—March 14, 1994 letters from Chairman Gonzalez to the Federal banking agencies and the RTC stating that the agencies need not answer questions Madison at scheduled RTC Oversight Hearings.

Tab E—March 1, 1994 letter copied to Congressman William Clinger.

Tab F—Charts and other supporting documentation concerning Whitewater's losses to Madison.

A. CHARTS

Total Arkansas State Chartered S&Ls from 1979 to 1992

Madison Guaranty Rate of Growth

Asset Growth of Madison Guaranty

Payment of Clinton Loan by Madison Related Entity

Funds from Madison Financial Corporation to Whitewater

Funds Transferred from Madison Related Entities to the Whitewater Development Corporation

B. OTHER DOCUMENTS

April 17, 1985 Board of Directors Meeting Minutes

July 1, 1986 Memorandum from Jim McDougal to John Latham concerning status of Madison Marketing

February 3, 1994 letter from Congressman Leach to Roger Altman with attached staff memorandum on links between Madison and Whitewater

[Tab A]

HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,
*Washington, DC, December 9, 1993.*

Mr. ANDREW C. HOVE,
*Acting Director, Federal Deposit Insurance Corporation, Washington, DC.*

DEAR MR. HOVE: I am writing in reference to the House Banking Committee Minority investigation of the failure of Madison Guaranty Savings and Loan (Madison). As you know, Madison was taken over by federal regulators in March 1989 and resolved by the Resolution Trust Corporation (RTC) in November, 1990.

To assist in this investigation, I request that the Federal Deposit Insurance Corporation (FDIC) provide access to all documents related to Madison and its subsidiaries. Such documents would include, but not be limited to, administrative files, examination reports, interoffice memorandum, notes and minutes of meetings (including telephonic meetings), correspondence, electronic mail, and agreements the FDIC entered into with private sector firms to perform legal and other services related to Madison. In addition to documents in possession at FDIC-Washington, I request access to all documents related to Madison held at FDIC field offices. Furthermore, please provide the names and titles of all FDIC employees involved with the examination and supervision of Madison.

Please have your staff contact Mike McGarry at 202-225-2258 to discuss arrangements to review the aforementioned documents as soon as possible.

I appreciate your assistance and look forward to your cooperation.

Sincerely,

JAMES A. LEACH,
*Ranking Member.*

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HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,
*Washington, DC, December 9, 1993.*

Mr. JOE MADDEN,
*Commissioner, Arkansas Securities Department, Little Rock, AR.*

DEAR MR. MADDEN: I am writing in reference to the House Banking Committee Minority investigation of the failure of Madison Guaranty Savings and Loan (Madison). As you know, Madison was taken over by federal regulators in March 1989 and resolved by the Resolution Trust Corporation (RTC) in November, 1990.

To assist in this investigation, I request that the Arkansas Securities Department provide access to all documents related to Madison and its subsidiaries. Such documents would include, but not be limited to administrative files, examination reports, interoffice memorandum, notes and minutes of meetings (including telephonic meetings), correspondence, electronic mail, and supervisory actions. Furthermore, please provide the names and titles of all State Securities Department employees involved with the examination and supervision of Madison.

Please have your staff contact Mike McGarry at 202-225-2258 to discuss arrangements to review these documents as soon as possible.

I appreciate your assistance and look forward to your cooperation.

Sincerely,

JAMES A. LEACH,
*Ranking Member.*

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HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,
*Washington, DC, December 9, 1993.*

Mr. ERSKINE BOWLES,
*Administrator, Small Business Administration, Washington, DC.*

DEAR MR. BOWLES: I am writing in reference to the House Banking Committee Minority investigation of the failure of Madison Guaranty Savings and Loan (Madison). As you know, Madison was taken over by federal regulators in March of 1989 and resolved by the Resolution Trust Corporation (RTC) in November, 1990.

To assist in this investigation, I request that the Small Business Administration (SBA) provide access to all documents related to Madison and its subsidiaries, the Whitewater Development Corporation, and Capital Management Services, Inc. Such documents would include, but not be limited to, administrative files, interoffice memorandum, notes and minutes and meetings (including telephonic meetings), correspondence, electronic mail, and loan applications and approvals. Furthermore, please provide the names and titles of all SBA employees involved with these entities.

Please have your staff contact Mike McGarry at 202-225-2258 to discuss arrangements to review these documents as soon as possible.

I appreciate your assistance and look forward to your cooperation.

Sincerely,

JAMES A. LEACH,
*Ranking Member.*

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HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,
*Washington, DC, December 9, 1993.*

Mr. JONATHAN FIECHTER,
*Acting Director, Office of Thrift Supervision, Washington, DC.*

DEAR MR. FIECHTER: I am writing in reference to the House Banking Committee Minority investigation of the failure of Madison Guaranty Savings and Loan (Madison). As you know, Madison was taken over by federal regulators in March of 1989 and resolved by the Resolution Trust Corporation (RTC) in November, 1990.

To assist in this investigation, I request that the Office of Thrift Supervision (OTS) provide access to all documents related to Madison and its subsidiaries. Such documents would include, but not be limited to, administrative files, examination reports, interoffice memorandum, notes and minutes and meetings (including telephonic meetings), correspondence, electronic mail. In addition to documents in possession at OTS-Washington, I request access to all documents related to Madison held at OTS field offices.

Furthermore, please provide the names and titles of all OTS employess involved with the examination and supervision of Madison as well as those who were assigned to work with the RTC when the institution was closed in 1989.

Please have your staff contact Mike McGarry at 202-225-2258 to discuss arrangements to review the aforementioned documents as soon as possible.

I appreciate your assistance and look forward to your cooperation.

Sincerely,

JAMES A. LEACH,
*Ranking Member.*

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HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,
*Washington, DC, December 9, 1993.*

Hon. ROGER C. ALTMAN,
*Interim Chief Executive Officer, Resolution Trust Corporation, Washington, DC.*

DEAR MR. ALTMAN: I am writing in reference to the House Banking Committee Minority investigation of the failure of Madison Guaranty Savings and Loan (Madison). As you know, Madison was taken over by federal regulators in March of 1989 and resolved by the Resolution Trust Corporation (RTC) in November 1990.

To assist in this investigation, I request that the RTC provide access to all documents related to Madison and its subsidiaries. Such documents would include, but not be limited to, administrative files, examination reports, interoffice memorandum, notes and minutes of meetings (including telephonic meetings), correspondence, electronic mail, and agreements the RTC entered into with private sector contractors during the resolution of Madison. In addition to documents in possession at RTC-Washington, I request access to all documents related to Madison held at RTC field offices. Furthermore, please provide the names and titles of all RTC employees involved with the disposition of Madison.

Please have your staff contact Mike McGarry at 202-225-2258 to discuss arrangements to review the aforementioned documents as soon as possible.

I appreciate your assistance and look forward to your cooperation.

Sincerely,

JAMES A. LEACH,
*Ranking Member.*

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[Tab B]

HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,
*Washington, DC, March 8, 1994.*

Mr. JONATHAN FIECHTER,
*Acting Director, Office of Thrift Supervision, Washington, DC.*

DEAR MR. FIECHTER: I am writing in reference to the House Banking Committee's statutorily mandated, semiannual RTC Oversight Hearings which are scheduled for the end of March. As you know, a major area of oversight at these hearings will be the failure and resolution of Madison Guaranty Savings and Loan, Little Rock, Arkansas. Madison was taken over by federal regulators in March of 1989 and resolved by the Resolution Trust Corporation (RTC) in November, 1990.

As ranking Member of the House Banking Committee, I request that the OTS provide the Committee with access to all documents related to Madison and its subsidiaries. Members of the Committee will need access to this material to prepare for the upcoming hearings and to perform their ongoing oversight responsibilities. (As I am sure you are aware, documents provided to the Ranking Member are available to the Committee as a whole under the Committee rules.) The documents requested would include, but not be limited to, administrative files, examination reports, interoffice memorandum, notes and minutes of meetings (including telephonic meetings), correspondence, electronic mail, and agreements the RTC entered into with private sector contractors during the resolution of Madison. In addition to documents in possession at OTS–Washington, I request access to all documents related to Madison held at OTS field offices. Furthermore, please provide the names and titles of all OTS employees involved with the supervision of Madison.

Please have your staff contact Joe Seidel at (202)226-3241 or Mike McGarry at (202)225-2258 to discuss arrangements to review the aforementioned documents as soon as possible. As you are aware, I have previously requested access to these documents for use in performing other Committee functions. My final letter concerning that request, was forwarded yesterday, March 7, 1994. If the agency decides to comply with that request, we will, of course, consider this request satisfied as well.

I appreciate your assistance and look forward to your cooperation.

Sincerely,

JAMES A. LEACH,
*Ranking Member.*

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HOUSE OF REPRESENTATIVES COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,
*Washington, DC, March 8, 1994.*

JOHN E. RYAN,
*Deputy Chief Executive Officer, Resolution Trust Corporation, Washington, DC.*

DEAR MR. RYAN: I am writing in reference to the House Banking Committee's statutorily mandated, semi-annual RTC Oversight Hearings which are scheduled for the end of March. As you know, a major area of oversight at these hearings will be the failure and resolution of Madison Guaranty Savings and Loan, Little Rock, Arkansas. Madison was taken over by Federal regulators in March of 1989 and resolved by the Resolution Trust Corporation (RTC) in November, 1990.

As ranking Member of the House Banking Committee, I request that the RTC provide the Committee with access to all documents related to Madison and its subsidiaries.

Members of the Committee will need access to this material to prepare for the upcoming hearings and to perform their ongoing oversight responsibilities. (As I am sure you are aware, documents provided to the Ranking Member are available to the Committee as a whole under the Committee rules.) The documents requested would include, but not be limited to, administrative files, examination reports, interoffice memorandum, notes and minutes of meetings (including telephonic meeting), correspondence, electronic mail, and agreements the RTC entered into with private sector contractors during the resolution of Madison. In addition to documents in possession at RTC-Washington, I request access to all documents related to Madison held at RTC field offices. Furthermore, please provide the names and titles of all RTC employees involved with the disposition of Madison.

Please have your staff contact Joe Seidel at (202)226-3241 or Mike McGarry at (202)225-2258 to discuss arrangements to review the aforementioned documents as soon as possible. As you are aware, I have previously requested access to these documents for use in performing other Committee functions. My final letter concerning that request, was forwarded yesterday, March 7, 1994. If the agency decisions to comply with the request, we will, of course, consider this request satisfied as well.

I appreciate you assistance and look forward to your cooperation

Sincerely,

JAMES A LEACH,
*Ranking Member.*

[Tab C]

COMMITTEE ON BANKING, FINANCE
AND URBAN AFFAIRS,
*Washington, DC, March 10, 1994.*

Mr. JONATHAN FIECHTER,
*Acting Director, Office of Thrift Supervision, Washington, DC.*

DEAR MR. FIECHTER: You have recently received letters from Congressman Jim Leach requesting access to all documents you possess concerning Madison Guaranty Savings and Loan and its subsidiaries. The March 8, 1994 letter states that, "Members of the Committee will need access to this material to prepare for the upcoming [RTC oversight] hearings and to perform their ongoing oversight responsibilities."

This letter is to inform you that the Banking Committee is not conducting an investigation of Madison Guaranty Savings and Loan or related matters at this time. Mr. Leach's requests do not constitute a Rule X or Rule XI investigation under the House Rules. A hearing does not provide the basis for a member of Congress to obtain documents to which he or she is not otherwise entitled. I will request any information needed by the Committee in order to prepare for any Thrift Depositor Protection Board Oversight hearings pursuant to section 21A(k)(6) of the FHLB Act and will make it available to members of the Committee, as appropriate.

I trust that you will give Congressman Leach's requests the consideration they merit and extend to him the same courtesies you would extend to any member of Congress.

Sincerely,

HENRY B. GONZALEZ,
*Chairman.*

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COMMITTEE ON BANKING, FINANCE
AND URBAN AFFAIRS
*Washington, DC, March 10, 1994.*

Mr. JOHN E. RYAN,
*Deputy Chief Executive Officer, Resolution Trust Corporation, Washington, DC.*

DEAR MR. RYAN: You have recently received letters from Congressman Jim Leach requesting access to all documents you possess concerning Madison Guaranty Savings and Loan and its subsidiaries. The March 8, 1994 letter states that, "Members of the Committee will need access to this material to prepare for the upcoming [RTC oversight] hearings and to perform their ongoing oversight responsibilities."

This letter is to inform you that the Banking Committee is not conducting an investigation of Madison Guaranty Savings and Loan or related matters at this time. Mr. Leach's requests do not constitute a Rule X or Rule XI investigation under the House Rules. A hearing does not provide the basis for a member of Congress to obtain documents to which he or she is not otherwise entitled. I will request any information needed by the Committee in order to prepare for any Thrift Depositor Protection Board Oversight hearings pursuant to section 21A(k)(6) of the FHLB Act and will make it available to members of the Committee, as appropriate.

I trust that you will give Congressman Leach's requests the consideration they merit and extend to him the same courtesies you would extend to any member of Congress.

Sincerely,

HENRY B. GONZALEZ,
*Chairman.*

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[Tab D]

HOUSE OF REPRESENTATIVES,
*Washington, DC, March 14, 1994.*

Mr. ANDREW C. HOVE, JR.,
*Acting Chairman, Federal Deposit Insurance Corporation, Member, Thrift Depositor Protection Oversight Board, Washington, DC.*

DEAR MR. HOVE: You have previously been invited by letter dated March 3, 1994 to appear before the Committee on Banking, Finance and Urban Affairs for the purpose of the semiannual appearance of the Thrift Depositor Protection Oversight Board. I expect that Republican members of the Committee may use the opportunity of the Oversight Board hearing to pursue extraneous matters, including Madison Guaranty Savings and Loan. Any questions regarding Madison Guaranty Savings and Loans, matters that are the subject of pending investigations by Special Counsel Fiske or other law enforcement authorities, or other extraneous matters not specifically set forth in section 21A(k)(6) of the Federal Home Loan Bank Act or the March 3, 1994 invitation letter will not be considered pertinent at the hearing and need not be answered by you.

I was the primary sponsor of the provision to require the Oversight Board to appear on a semiannual basis so that the Committee could oversee its activities. The recent appropriation of funds to the RTC, the management reforms, and FDIC-RTC transition measures required under Public Law 103-24 clearly require the complete and full attention of the Committee in order to have a successful Oversight Board hearing. I intend to keep the hearing so focused.

I look forward to your March 4, 1994 appearance.

Sincerely,

HENRY B. GONZALEZ,
*Chairman.*

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*Washington, DC, March 14, 1994.*

Hon. ALAN GREENSPAN,
*Chairman, Board of Governors of the Federal Reserve System, Member, Thrift Depositor Protection Oversight Board, Washington, DC.*

DEAR MR. GREENSPAN: You have previously been invited by letter dated March 3, 1994 to appear before the Committee on Banking, Finance and Urban Affairs for the purpose of the semiannual appearance of the Thrift Depositor Protection Oversight Board. I expect that Republican members of the Committee may use the opportunity of the Oversight Board hearing to pursue extraneous matters, including Madison Guaranty Savings and Loan. Any questions regarding Madison Guaranty Savings and Loans, matters that are the subject of pending investigations by Special Counsel Fiske or other law enforcement authorities, or other extraneous matters not specifically set forth in section 21A(k)(6) of the Federal Home Loan Bank Act or the March 3, 1994 invitation letter will not be considered pertinent at the hearing and need not be answered by you.

I was the primary sponsor of the provision to require the Oversight Board to appear on a semiannual basis so that the Committee could oversee its activities. The recent appropriation of funds to the RTC, the management reforms, and FDIC-RTC transition measures required under Public Law 103-24 clearly require the complete and full attention of the Committee in order to have a successful Oversight Board hearing. I intend to keep the hearing so focused.

I look forward to your March 4, 1994 appearance.

Sincerely,

HENRY B. GONZALEZ,
*Chairman.*

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HOUSE OF REPRESENTATIVES,
*Washington, DC, March 14, 1994.*

Mr. JONATHAN FIECHTER,
*Acting Director, Office of Thrift Supervision, Member, Thrift Depositor Protection Oversight Board, Washington, DC.*

DEAR MR. FIECHTER: You have previously been invited by letter dated March 3, 1994 to appear before the Committee on Banking, Finance and Urban Affairs for the purpose of the semiannual appearance of the Thrift Depositor Protection Oversight Board. I expect that Republican members of the Committee may use the opportunity of the Oversight Board hearing to pursue extraneous matters, including Madison Guaranty Savings and Loan. Any questions regarding Madison Guaranty Savings and Loans, matters that are the subject of pending investigations by Special Counsel Fiske or other law enforcement authorities, or other extraneous matters not specifically set forth in section 21A(k)(6) of the Federal Home Loan Bank Act or the March 3, 1994 invitation letter will not be considered pertinent at the hearing and need not be answered by you.

I was the primary sponsor of the provision to require the Oversight Board to appear on a semiannual basis so that the Committee could oversee its activities. The recent appropriation of funds to the RTC, the management reforms, and FDIC-RTC transition measures required under Public Law 103-24 clearly require the complete and full attention of the Committee in order to have a successful Oversight Board hearing. I intend to keep the hearing so focused.

I look forward to your March 24, 1994 appearance.

Sincerely,

HENRY B. GONZALEZ,
*Chairman.*

HOUSE OF REPRESENTATIVES,
*Washington, DC, March 14, 1994.*

Hon. LLOYD BENTSEN,
*Secretary of the Treasury, Chairman, Thrift Depositor Protection Oversight Board, Washington, DC.*

DEAR MR. SECRETARY: You have previously been invited by letter dated March 3, 1994 to appear and testify before the Committee on Banking, Finance and Urban Affairs for the purpose of the semiannual appearance of the Thrift Depositor Protection Oversight Board. That letter specifies in detail the matters to which you should direct your testimony. I expect that Republican members of the Committee may use the opportunity of the Oversight Board hearing to pursue their stated interest in extraneous matters, including Madison Guaranty Savings and Loan. Any questions regarding Madison Guaranty Savings and Loans, matters that are the subject of pending investigations by Special Counsel Fiske or other law enforcement authorities, or other extraneous matters not specifically set forth in section 21A(k)(6) of the Federal Home Loan Bank Act or the March 3, 1994 invitation will not be considered pertinent at the hearing and need not be answered by you.

I was the primary sponsor of the provision to require the Oversight Board to appear on a semiannual basis so that the Committee could oversee its activities. The recent appropriation of funds to the RTC, the management reforms, and FDIC–RTC transition measures required under Public Law 103–24 clearly require the complete and fully attention of the Committee in order to have a successful Oversight Board hearing. I intend to keep the hearing so focused.

I look forward to your March 24, 1994 appearance.

Sincerely,

HENRY B. GONZALEZ,
*Chairman.*

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HOUSE OF REPRESENTATIVES,
*Washington, DC, March 14, 1994.*

Hon. ROGER ALTMAN,
*Chief Executive Officer, Resolution Trust Corporation, Member, Thrift Depositor Protection Oversight Board, Washington, DC.*

DEAR MR. ALTMAN: You have previously been invited by letter dated March 3, 1994 to appear before the Committee on Banking, Finance and Urban Affairs for the purpose of the semiannual appearance of the Thrift Depositor Protection Oversight Board. I expect that Republican members of the Committee may use the opportunity of the Oversight Board hearing to pursue extraneous matters, including Madison Guaranty Savings and Loan. Any questions regarding Madison Guaranty Savings and Loans, matters that are the subject of pending investigations by Special Counsel Fiske or other law enforcement authorities, or other extraneous matters not specifically set forth in section 21A(k)(6) of the Federal Home Loan Bank Act or the March 3, 1994 invitation letter will not be considered pertinent at the hearing and need not be answered by you.

I was the primary sponsor of the provision to require the Oversight Board to appear on a semiannual basis so that the Committee could oversee its activities. The recent appropriation of funds to the RTC, the management reforms, and FDIC–RTC transition measures required under Public Law 103–24 clearly require the complete and full attention of the Committee in order to have a successful Oversight Board hearing. I intend to keep the hearing so focused.

I look forward to your March 24, 1994 appearance.

Sincerely,

HENRY B. GONZALEZ,
*Chairman.*

[Tab E]

HOUSE OF REPRESENTATIVES,
*Washington, DC, March 1, 1994.*

Hon. CAROL K. BROWNER,
*Administrator, U.S. Environmental Protection Agency, Washington, DC.*

DEAR MADAM ADMINISTRATOR: You have recently received a request from various minority members of the Committees on Armed Services, Energy and Commerce, Government Operations, and Natural Resources for information concerning the Waste Isolation Pilot Plant (WIPP) Test Phase. Their letter requests answers to a number of questions concerning WIPP as well as numerous documents, and cites Rules X and XI of the House of Representatives as the basis for the request.

This letter is to inform you that the above mentioned committees have no ongoing investigations of the WIPP Test Phase at this time. Therefore, the minority members' request does not constitute a Rule X or Rule XI investigation under the House Rules.

This is not intended in any way to direct the nature of your response to that letter. Indeed, we expect that you would show the members the same courtesies as you would any member of Congress.

Sincerely,

JOHN CONYERS, Jr.,
*Chair, Committee on Government Operations.*
GEORGE MILLER,
*Chair, Committee on Natural Resources.*
JOHN D. DINGELL,
*Chair, Committee on Energy and Commerce.*
RONALD V. DELLUMS,
*Chair, Committee on Armed Services.*

[Tab F]

Charts not reproducible in the RECORD.

MINUTES OF MEETING, BOARD OF DIRECTORS, MADISON FINANCIAL CORPORATION, APRIL 17, 1985

The Board of Directors of Madison Financial Corporation met on April 17, 1985, at 1:00 p.m. at the offices of Madison Financial Corporation at 16th and Main Streets, Little Rock, Arkansas. All directors were present. The minutes of the previous meeting were read and approved as recorded.

The first order of business, introduced by John Latham, was the matter of authorizing prepayment of Jim McDougal's bonus. After a full discussion, the following resolution was unanimously adopted, with Jim McDougal abstaining from the voting: "RESOLVED, that the Corporation pre-pay to Jim McDougal $30,000.00 of his annual bonus in recognition of the profits of the prior year, and that said bonus is to be paid directly to Whitewater Development."

There being no further business, the meeting was adjourned.

JAMES B. MCDOUGAL,
*Chairman.*

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MEMO

To: John Latham.
From: Jim McDougal.
Date: July 1, 1986.

*Madison Marketing*

When the service corporation undertook its first land development project in the spring of 1983, it was determined to primarily advertise the home sites through the use of television. The firm of Rothman and Lowery was retained as Madison's advertising agency. Because her education is in speech and drama, Mrs. McDougal assisted in preparing of copy for the commercials, appeared in the commercials, and assisted in editing the commercials. She either wrote or rewrote all newspaper copy to advertise the subdivision. Until the summer of 1984, the corporation undertook the development of other subdivisions in addition to Maple Creek Farms.

During this period the creative audio and visual quality of the production produced for the media by Rothman and Lowery progressively deteriorated. Additionally, the firm frequently made mistakes as to the placement of advertising or omitted to place advertising when instructed to do so.

In late summer 1984, after advising the board of directors of the savings and loan and after seeking the legal opinion from counsel, Mrs. McDougal formed Madison Marketing. She undertook, with hired assistants, the writing of copy, taping of spots, and placement of advertising for both the savings and loan and the service corporation. For the work she received exactly the same fee which had been paid Rothman and Lowery, with the exception of the fact that she did not charge for production of television spots or the writing of newspaper copy.

Additionally, she negotiated a much lower rate structure with the television stations than the company had been paying when the ads were placed through Rothman and Lowery. In late January, 1985, Mrs. McDougal permitted Madison Marketing to become a subsidiary of Madison Financial Corporation. Because Madison Marketing was at this point a "recognized agency" by the electronic media, this resulted in Madison Financial Corporation receiving the 15 percent discount normally given advertising agencies. Mrs. McDougal continues to perform all the aforementioned duties in connection with the company's advertising at no fee.

*Madison Real Estate*

When initial sales began at Maple Creek Farms in April of 1983, the listing broker was Perryman Realty Company, Inc. Mr. Perryman had, at this time, other interests including his own subdivisions. This prohibited his devoting the seven days a week necessary to the sales effort then under way at Maple Creek Farms and his listing was terminated.

Some of Mr. Perryman's better salesmen desired to remain at Maple Creek and continue selling. However, Arkansas law requires that real estate salesmen be under the direct supervision of a licensed real estate broker. Mrs. McDougal holds a valid broker's license. In 1983, her license was held under the name "McDougal Real Estate" although she was not actively involved in the sale of real estate at this time.

Upon the termination of Mr. Perryman's activities, Mrs. McDougal changed the name of her real estate company to "Madison Real Estate Company". Madison Real Estate became a wholly owned subsidiary of Madison Financial Corporation. From that time until the present, Mrs. McDougal has performed the duty of supervision broker for the various salesmen working for Madison Real Estate. Although it is normal practice that the supervising broker receives at least thirty percent of commissions generated by the salesmen under their supervision, Mrs. McDougal charged no such fees. The only fees Mrs. McDougal has received from Madison Real Estate are fees for sales she made personally.

*Sorenson Enterprises*

Sorenson Enterprises is a sole proprietorship owned by Erik Sorenson. Mr. Sorenson is a general contractor engaged in construction and landscaping work. He built the sales office for the subdivision at Camden known as Greentree Farms. He also built the sales office at Fair Oaks. At several of our subdivisions in southern Arkansas, he supervised the painting and erection of signs in entranceways. He employed in these subdivisions a crew of men engaged in selective clearing of trees, planting of grass, and the general beautification of the subdivisions. Concurrent with this activity, Mr. Sorenson was engaged in building houses for other persons unrelated to this company.

Because of the observed quality of his workmanship, he was placed under Mr. Dutton's command at Little Rock, and given the responsibility of constructing or making additions to various houses at Maple Creek Farms owned by the company. When the company undertook the development of Castle Grande Estates, an arrangement was negotiated with Mr. Sorenson whereby for a flat monthly fee he would supervise the assembling of the modular houses and these duties involved the preparation of footings and foundations, the adding of brick trim, and supervision of correcting any defect in the workmanship of the house, and supervision of the installation of central air conditioning and utilities.

*Madison Properties*

Madison Properties assets consists primarily of a very large masonry building located on several acres with two producing gas wells in Madison County just south of the county seat of Huntsville. Madison Properties has no connection to Madison Guaranty Savings and Loan or Madison Financial Corporation.

*Master Developers*

Three stockholders are working in conjunction with the development of 59 acres located on 145th Street. Two stockholders have extensive experience in real estate development and sales. These individuals have engaged in exhaustive market research to determine immediate commercial use for subject property. Their feasibility and marketing studies indicate the immediate need for a fast-food outlet to serve the several hundred industrial and service employees presently employed within 1,500 feet of subject location. There is no such outlet within several miles to serve the heavily populated suburban areas surrounding the property. Additional trade is anticipated from traffic generated by the freeway which services the location.

For the same reasons outlined above, need is indicated for a convenience store and gasoline outlet. As mentioned above a convenience store is essential to the successful sale of residential lots. Roadrunner, Incorporation, a highly successful Arkansas based convenience store and gasoline outlet franchiser, has conducted an extensive market survey which has concluded that such a facility located on subject property would be successful. Two of the principals of Master Developers have arranged for separate financing to erect such a facility.

Also, negotiations are far advanced for the sale of two acres of the property to a building supply and insulation firm.

The preliminary master development plan for the business park to be created is completed and a copy is attached.

*Island Construction*

The lots at Campobello which were under development last year, were so heavily overgrown with spruce trees and other foliage, that our sales people were finding it difficult to walk the prospects from the road to the ocean therefore, greatly inhibiting the sale of frontage lots.

Additionally, the density of the foliage prohibited a view of the ocean from the interior lots lying immediately behind the ocean fronts lots, thereby diminishing the value of those lots because of this lack of view of the water.

Initially, unsuccessful attempts were made to employ timber cutters with chain saws to selectively clear the ocean front lots. This process proved too slow and too costly. When it was determined that lot preparation could not keep pace with sales using this method and further determined that this process distracted from the beauty of the lots because it left them covered with stumps, another solution was sought.

Mr. Randolph, who was thoroughly familiar with the use of mechanical methods employed by the company to prepare lots for sale and who had had extensive experience working in various subdivisions owned by the company, was asked to come to Campobello to devise a method of overcoming this landscaping and marketing problem. Upon his arrival he immediately leased the proper bull dozer for such work and trained bull dozer operators living on the island as to the proper method of selectively clearing the lots and removal of the resulting debris from the lots. Direct correlation by the increasing sales and his arrival is easily demonstrative. For example, every lot he caused to be prepared in his first week of work was sold that weekend. His additional duties involved building driveways which permitted access from the main thoroughfare through the lot to the water's edge.

The company owns a large tract of land abutting the highway immediately at the entrance to the island. Our predecessor in title had cut the timber from this tract some years ago. When this sort of clear cutting occurs on that island, a large bushy plant, which is quite unattractive, grows to a great height and has an especially virulent root system which inhibits its removal effectively even by a bull dozer. Mr. Randolph purchased a new 70 horsepower tractor than attached a device known as a "tree eater" to be used in the eradication of this plant. This method was beautified to as to make the ocean visible, thus greatly enhancing the value of our entire property. Mr. Randolph left the tractor he purchased at Campobello where it is in use until this time. Personnel he trained in the proper method of beautification of our property are continuing the process this year with very beneficial effects.

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COMMITTEE ON BANKING, FINANCE
AND URBAN AFFAIRS,
*Washington, DC, February 3, 1994.*

Mr. ROGER C. ALTMAN,
*Interim CEO, Resolution Trust Corporation, Washington, DC.*

DEAR MR. ALTMAN: I am in receipt of your February 1, 1994 response to the letter initiated by Senate Republican leadership concerning Madison Savings and Loan and I am pleased to learn that the RTC "will vigorously pursue all appropriate remedies" with regard to Madison's failure. It seems self-apparent that in order for the RTC to pursue vigorously all remedies it must have all relevant information at its disposal. Accordingly, I urge the RTC to seek and review all Whitewater Development Corporation documents turned over by the White House to the Justice Department.

In its investigation of Madison, the Minority has uncovered links between Madison and Whitewater, some of which may have contributed to the thrift's failure. Not only did James and Susan McDougal hold significant ownership interest in both entities (approximately two thirds in Madison and one half in Whitewater), but the other joint owners of Whitewater (Bill and Hillary Clinton) appear to have benefited directly and indirectly from the application of Madison resources. [See the attached memo.]

If the White House choose to use the Justice Department to shield Whitewater documents not only from the public and Congress, but from other government agencies, such as the RTC, which have legitimate public law enforcement responsibilities, it is hard to believe a responsible resolution of the issues involved can be made by regulatory authorities.

I have high regard for your personal integrity, but as you know, from the beginning, it has been an awkward situation to have a presidentially appointed and confirmed officer of the Treasury Department also head an independent federal agency, the Resolution Trust Corporation (RTC). When this prospect was first suggested at the beginning of the Clinton Administration, it did not strike the Minority as overly unreasonable for a month or two given the fact that no RTC head had been selected.

However, it has been over a year since the Administration has been in office and it can only be described as structurally unseemly for a political appointee of an Executive branch department to make what are in effect, law enforcement decisions for an independent federal agency as they may touch upon the President.

Accordingly, I would urge that you request from the Department of Treasury's General Counsel and Ethics Office advice as to whether you, as interim CEO of the RTC, are obligated to rescue yourself from any decisions concerning the resolution of Madison Guaranty. Just as the special counsel law was designed to relieve the Attorney General from an ethical dilemma of being both chief law enforcement officer for the nation and chief legal advisor to the President in circumstances when the President or a high level Administration officer is the subject of investigation, so it would appear ethically questionable for a political appointee of the Department of Treasury to make decisions for an independent federal agency when the President may be implicated in enforcement and civil actions.

In this regard, it should be clear that the issue is not whether a presidentially appointed official can oversee an investigation involving the President. Rather the issue is that officials with this responsibility should be confirmed for the job with that particular accountability. As you will recall it was a political appointee confirmed by the Senate that issued a cease and desist order for engaging in conflicts of interest against the son of a former President.

As you know, despite your strong letter to the Chairman of the House Banking Committee recommending against extension, Congress last year extended the statute of limitations for civil lawsuits brought against S&L wrongdoers. As you pointed out in your most recent letter, this extension "has afforded the RTC an opportunity to investigate further any civil claims which may be asserted against individuals or entities associated with Madison Guaranty for fraud, intentional misconduct resulting in unjust enrichment, or international misconduct resulting in substantial loss to the institution." Given, however, the impending running of the statute of limitations for certain kinds of actions, time is clearly of the essence for the RTC to make judgments about civil accountability in the failure of Madison.

Finally, I would like to reiterate my request, pursuant to Rules X and XI of the House Rules for all documents related to Madison Guaranty Savings and Loan, Little Rock, Arkansas. As you know, on December 9, 1993, I wrote the RTC requesting access to all documents related to Madison Guaranty and its subsidiaries.

House and Committee Rules, House practices, and judicial precedent support the proposition that the Ranking Minority Member is the functional counterpart to the Chairman for Committee action. This being the case, a request for documents made by the Ranking Minority Member has parallel standing with a request made by the Chairman of the Committee. The Ranking Minority Member clearly has a voice in the process and is entitled to information that will enable the Ranking Minority Member to carry out his constitutionally mandated oversight responsibilities.

Therefore, the courtesy of a definitive reply to this document request is requested by 12 noon, Monday, February 7, 1994. On this matter, it is urged that you also consult with the Ethics Office as to the relevance of the previously discussed recusal issue.

Again, let me stress that to the degree a conflict situation may exist in this matter in no way reflects on your personal integrity. It is simply an awkward circumstance in contrast to a personal embarrassment.

Sincerely,

JAMES A. LEACH,
*Ranking Member.*

Enclosure.

MEMORANDUM

To: Congressman Leach.
From: Banking Minority Staff.
Re: Madison Guaranty ("Madison").

In reviewing documents related to Madison in the possession of Minority Banking, we have come across material which may indicate direct payment of a loan of Bill Clinton's by Madison through a subsidiary.

Since the Minority's investigation is concerned with the possible misuse of federally insured funds to assist Whitewater and/or the former Governor, we thought we should share the following information with you.

SUMMARY

Based on documentary evidence available to the Minority, it appears that Madison Marketing served, in at least one instance, as a conduit of funds from Madison Guaranty to Whitewater and Governor Clinton. If this is correct, it would appear that insured funds from the failed Madison Guaranty were diverted and directly benefitted the Governor and his investment in Whitewater, a claim Clinton had denied.

DOCUMENTATION

The 1983, Bill Clinton obtained a loan from Security Bank of Paragould, Arkansas for approximately $20,800 (loan #975-585, Bill Clinton). The money from this loan was used to pay off the remaining balance of a loan at Madison Bank and Trust of Kingston, Arkansas that was provided for the purpose of constructing a modular home on lot #13 at Whitewater Estates. The loan at Madison Bank was provided in 1980 to Hillary Clinton in the amount of $30,000.

On November 8, 1985, James McDougal sent a letter accompanied by a check to Charles Campbell, Vice President of Security Bank of Paragould, for $7,322.42. The letter from McDougal states that the check is principal and interest payment on "Note #957-585, Bill Clinton." [Note: It appears that the loan number is a typographical error with the superimposing of numbers 5 and 7 in the first three digits.]

The check McDougal enclosed with his letter to Mr. Campbell is a Whitewater Development Corporation check dated November 7, 1985. The loan number referenced on the memo portion of the check is "Note #95-585."

According to the check ledgers for the Whitewater Development Corporation (WDC), the corporation's checking account had the following balances: $189.50 on 10-10-85; and, $12.49 on 10-31-85. However, in order to cover the payment of $7,322.40 on the Clinton loan, a deposit is recorded on November 8, 1985 in the amount of $7,500.00. The deposit is listed as coming from "Madison Marketing."

A 1986 Federal Home Loan Bank Board exam gives the impression that Madison Marketing was largely a sham corporation used to divert federally insured resources to insiders. The exam notes that "Until 1986, Susan McDougal owned Madison Marketing." The report also states the following:

"Madison Marketing is paid for doing all the general advertising for Madison Guaranty and most of the advertising for Madison Financial's land development projects. All of Madison Marketing's business is derived from Madison Guaranty or its subsidiaries. Since 1983 these payments total $1,532,000.

"Given the evidence of Madison Marketing's invoices, it is questionable how much of these advertising services are actually performed by the firm. The actual work * * * appears to be performed by others. It would appear that Madison Guaranty could have an employee perform similar work for much less money.

"Mr. Latham [an officer of Madison] stated that Madison Marketing made no payments to any stockholders. This statement is false. As part of a test for such payments, the examiners discovered two remittances from Madison Marketing to Susan McDougal [a large stockholder of Madison] which total $50,000. This was a test, and there may be additional payments."

CONCLUSION

Given the above circumstances, it would appear that federally insured deposits (i.e., funds from Madison Guaranty through Madison Marketing), which, with the later failure of Madison became, in effect, taxpayer obligations, were transferred for the direct personal benefit of the former Governor.

The above payment also raises the question of whether Whitewater was treated as an affiliate or related interest of Madison Guaranty and therefore subject to conflict of interest statutes. From a legal perspective, it could be argued that the McDougals' controlling interest in Madison Guaranty and their substantial ownership interest in Whitewater could qualify Whitewater as an "affiliate" of Madison Guaranty. Even if Whitewater is not considered a subsidiary, related interest, or affiliate of Madison Guaranty, such an extension of funds to a presumably "unaffiliated" entity would be very unusual and suspect.

It has been publicly reported, with respect to this loan repayment, that both Whitewater and the Clintons took a tax deduction related to interest paid on the same loan—which the Clintons later recognized as improper double deduction after an article ran in the New York Times. What remains unclear is the largest question of whether the funds provided by Madison to reduce the Clinton's liability were proper or properly reported as income for income tax purposes.

As you know, we have received broad hints from within the RTC that the agency has had under review money transfers from Madison to Whitewater. We will not know whether this type of activity was more pervasive and part of a larger pattern unless, and until, the agency provides us the documents we have requested. If Madison provided any direct or indirect assistance to Whitewater, presumably half the value of such would redound to the advantage of each of the half owners. In any regard, the above money transfer underscores that then Governor Clinton had personal liabilities reduced by a payment from Madison. Such payment presumably carries ethical as well as tax implications and is part and parcel of the $47 to $60 million estimated taxpayer loss at Madison.

Attachments.

SEPTEMBER 30, 1983.

Governor BILL CLINTON,
*Little Rock, AR.*

DEAR GOVERNOR CLINTON: Enclosed is a copy of our check #12677 in the amount of $20,800.00 representing the proceeds of your note. The original was mailed to: Madison Bank & Trust, Kingston, Arkansas.

Sincerely,

CHARLES D. CAMPBELL,
*Vice President.*

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JIM MCDOUGAL,
*Little Rock, AR, November 8, 1985.*

Mr. CHARLES D. CAMPBELL,
*Vice President, Security Bank,*
*Paragould, AR.*

Re: Note #957-585, Bill Clinton.

DEAR MR. CAMPBELL: Enclosed is a White Water Development Corporation check for $7,322.42, representing principal payment of $5,000 and interest payment of $2,322.42, on the above note.

Thank you for your attention to this matter.

Sincerely,

JIM MCDOUGAL.

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS, SECOND DIVISION

MADISON GUARANTY SAVINGS AND LOAN ASSOCIATION, a State Chartered Savings and Loan; MADISON FINANCIAL CORPORATION, a Wholly Owned Subsidiary of Madison Guaranty Savings and Loan Association, Plaintiffs, versus ERNST & CO., an Arkansas Professional Association, and its directors James Alford, Michael Robinson, Gary Grey, Gaines Morton, Tim Gibbon, Steve Humphries, Alan Duncan, Frank Butts, Marjorie Itskowitz, John Does A., B, C, D, Defendant. (No. 88-1193)

FIRST AMENDED COMPLAINT

COKES NOW, Plaintiffs, and for cause of action states as follows:

I

PARTIES

1. Plaintiff Madison Guaranty Savings and Loan Association (hereinafter, Madison Guaranty) is a state savings & loan association duly chartered under the laws of the State of Arkansas. Plaintiff Madison Financial Corporation (hereinafter, Madison Financial) is a state chartered corporation and wholly owned subsidiary of Madison Guaranty.

2. Defendant Frost & Company is a professional association or partnership of public accountants with its principal place of business in Little Rock, Arkansas, comprised of the following individual partners who are set forth as Defendants in paragraph 3.

* * * * *

7. John Latham at all relevant times was the President and Chief Executive Officer of Madison Guaranty and a member of its Board of Directors; and a member of the Board of Directors and the Secretary of MFC.

8. Susan McDougal was at all relevant times wife of James B. McDougal, member of the Board of Directors of Madison Guaranty, President of Madison Real Estate, a division of MFC, and President of Madison Marketing, a service provider to Madison Guaranty and MFC.

9. Madison Real Estate was a real estate brokerage operation owned and operated by Madison Financial with its principal broker Susan McDougal.

10. Madison Marketing was an advertising agency through which Madison Financial and Madison Guaranty purchased all of its advertising for itself and KFC's real estate developments.

11. Jim, David and Bill Kenley ("Kenley Brothers") were real estate agents and/or developers for Madison Real Estate, who sold property and received substantial commissions and/or development fees from Madison Financial.

12. Frost & Company purported to serve as independent auditor of Madison Guaranty and its consolidated subsidiary Madison Financial for the years 1984 and 1985.

13. James D. Alford at all relevant times was the audit and accounting partner of Frost & Company in charge of the Madison Guaranty audit.

14. Federal Home Loan Bank Board ("FHLBB") is the primary federal regulator of Madison Guaranty. FHLBB has oversight of the Federal Home Loan Bank of Dallas which has direct supervisory responsibility for Madison Guaranty.

* * * * *

## Federal Home Loan Bank Board Office of Examinations and Supervision

Name and Address of Institution Madison Guaranty Savings and Loan Association, 1501 Main Street, Little Rock, Arkansas 72203.

District Number 9, Docket Number 7601.

Examination as of March 4, 1986.

Service Corporations and Other Affiliates Examined: Madison Financial Corporation.

### REPORT OF EXAMINATION

*Prohibition of disclosure or release*

This document is the property of the Federal Home Loan Bank Board and is furnished to the Institution for its confidential use. Under no circumstances shall the Institution, or any of its directors, officers, or employees, disclose or make this document or any portion of it public in any manner.

If a subpoena or other legal process is received calling for production of this document, the District Director—Examinations should be notified immediately. The attorney at whose instance the process was issued, and, if necessary, the court which issued the process, should be advised of the above prohibition, and referred to Part 505 of the General Regulations of the Federal Home Loan Bank Board.

Directors, in keeping with their responsibilities, should review this report thoroughly. This report should not be considered an audit report.

*Comments*

Information concerning the Institution's policies, practices and condition, considered to be of supervisory interest or concern, is shown below.

A. Objectionable Conflicts of Interest

Conflicts of interest involving James McDougal, Susan McDougal, and William Henley have been detrimental to the safety and soundness of the Institution. These individuals are in control of the Institution (Madison Guaranty) through their stock ownership. James McDougal owns 63.5% of the outstanding Madison shares. His wife, Susan McDougal, owns 12.6%, and her brother, William Henley owns 8.5%. In addition to his ownership control, Mr. McDougal, as President of the Institution's subsidiary (Madison Financial), has complete control of the land development projects discussed in comment B.

This control enabled Mr. McDougal to structure the development and financing of the projects so that substantial cash payments could be diverted to himself, Susan McDougal, William Henley and others. These payments have directly benefited these individuals, but Madison Guaranty has received little or nothing in return. Though they have been structured to avoid specific Insurance Regulations, these payments are contrary to the general policy of the FHLBB concerning conflicts of interest as stated in Insurance Regulation 571.7 and FHLBB Memorandum R-19a.

Many of these payments have been funneled through business entities which are owned or controlled by the McDougals, employees, relatives of employees, or close friends of the McDougals and Henley. In the report, reference will be made to these individuals as the McDougal-Henley Group. Though the activities of these business entities may be appropriate for a savings and loan institution to perform, the advantages associated with these activities accrue to the McDougals and Henley, rather than Madison Guaranty. As such, these arrangements are contrary to the FHLBB's policy concerning appropriations of corporate opportunity as explained by Insurance Regulation 571.9.

Mr. McDougal stated that there were no violations of the conflict of interest regulations.

There are several of these business entities, none of which are disclosed on the Examination Management Questionnaire. The investigation of these businesses remains incomplete. For example, the amount of Madison Guaranty loan proceeds going to many of the entities is unknown. Formal investigative powers have been granted; in this case, under Section 407(m)(2) of the National Housing Act. Current findings, with respect to three of the more important business entities, are discussed below.

1. Madison Real Estate.

Madison Financial pays commissions to Madison Real Estate for selling land from Madison Financial's developments. These commissions in turn are distributed to the sales personnel. Mr. Latham stated that Madison Real Estate was "a division" of Madison Financial. Mr. McDougal stated that Madison Real Estate was essentially formed in order to use Susan McDougal's real estate sales license which, in turn, was being used by Madison Financial to market the projects. But Madison Real Estate's checking account was not on Madison Financial's books until after management was notified of this fact by the examiners. Also, Madison Real estate is not registered in county records as a name being used by Madison Financial or anyone else.

Since the beginning of 1983, after the McDougals and Henley acquired Madison Guaranty, substantial commissions were paid through Madison Real Estate to William Henley ($427,683) and Susan McDougal ($137,500). In Henley's case, a substantial portion of these funds were advances against commissions to be earned on future land sales. Other McDougal-Henley Group members, who received substantial commissions, are Pat Harris ($242,289) and James Henley ($154,690), who is the brother of Susan McDougal and William Henley. These payments represent most of the commissions paid by Madison Financial to Madison Real Estate, which significantly derives all of its business from Madison Financial.

Many of the sales, which generated these commissions, were to McDougal-Henley Group members who are acting as straw buyers. Madison Guaranty essentially retained the risks of ownership on these transactions because it fully financed these sales including the cash sales commissions. Thus, Madison Guaranty's position deteriorated because it retained the same ownership risks as before, but paid cash fees to these individuals. In addition, fees paid through Madison Real Estate were used as down payments in some of the straw land purchases in an apparent attempt to disguise 100% funding of the purchase by Madison Guaranty and its subsidiaries.

Messrs. McDougal and Latham cited an April 24, 1985 letter from a Federal Home Loan Bank of Dallas Supervisory Agent as permission to pay real estate sales commissions to Madison Real Estate. However, this letter in part, asks that the Board of Directors review Insurance Regulation 571.7 which is cited above in this comment.

2. Madison Marketing.

Madison Marketing is paid for doing all the general advertising for Madison Guaranty and most of the advertising for Madison Financial's land development projects. All of Madison Marketing's business is derived from Madison Guaranty or its subsidiaries. Since 1983 these payments total $1,532,000. Until February 1986, Susan McDougal owned Madison Marketing. During a portion of this time, it was a corporation which was incorporated by Lisa Aunspaugh, reportedly a close friend of Susan McDougal.

Mr. Latham stated that after February 1986, Madison Marketing became an entity "d/b/a (doing business as)" for Madison Financial and ceased to be a corporation. However, it is not registered as a "d/b/a" in the County records. Also, its checking account has never been recorded on the books of Madison Financial.

Given the evidence of Madison Marketing's invoices, it is questionable how much of these advertising services are actually performed by the firm. The actual work of advertising, such as the design and production of commercials and providing air time or newspaper space, appears to be performed by others. Madison Marketing apparently just pays the bills of other providers and adds a 15% fee of its own. Examiners estimated this fee to be approximately $200,000 since 1983. It would appear that Madison Guaranty could have an employee perform similar work for much less money.

Mr. Latham stated that Madison Marketing made no payments to any stockholders. This statement is false. As a part of a test for such payments, the examiners discovered two remittances from Madison Marketing to Susan McDougal which total $50,000. This was a text, and there may be additional payments.

3. Designer's Construction.

Designer's Construction performs construction work on some of the land development projects and on some of the property securing Madison Guaranty loans. In 1985 and to date in 1986, $247,000 was paid for work performed for Madison Guaranty and its subsidiaries. The amount of loan proceeds paid to Designer's Construction on work for third party borrowers is unknown.

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□ 1540

## IMPROVING AMERICA'S SCHOOLS ACT OF 1994

The SPEAKER pro tempore (Mr. LEWIS of Georgia). Pursuant to House Resolution 366 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 6.

□ 1542

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6) to extend for 6 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes, with Mr. DARDEN, chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, March 22, 1994, the amendment offered by the gentleman from California [Mr. DOOLITTLE] had been disposed of, and title IX of the proposed Elementary and Secondary Education Act was open for amendment at any point.

Are there further amendments to this title?

### AMENDMENT OFFERED BY MR. HANCOCK

Mr. HANCOCK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK: —Page 762, after line 8, insert the following:

**SEC. 9506. PROHIBITION AGAINST FUNDS FOR HOMOSEXUAL SUPPORT.**

"(A) PROHIBITION.—No local educational agency that receives funds under this Act shall implement or carry out a program or activity that has either the purpose or effect of encouraging or supporting homosexual as a positive lifestyle alternative.

"(b) DEFINITION.—A program or activity, for purposes of this section, includes the distribution of instructional materials, instruction, counseling, or other services on school grounds, or referral of a pupil to an organization that affirms a homosexual lifestyle.

Mr. HANCOCK. Mr. Chairman, this amendment is very simple. It will prohibit any local educational agency that receives funds under H.R. 6 from implementing or carrying out any program or activity which has either the purpose or effect of promoting homosexuality as a positive lifestyle alternative. I just want to make clear from the very beginning this amendment is not an unfunded mandate. If anything, it is the reverse of a mandate.

My amendment does not impose on schools any duty to undertake a new program or activity. It creates no requirement for schools to denounce homosexuality in the classroom or to undertake a curriculum of any kind on the subject of homosexuality. Very importantly, it does not prevent schools from conducting traditional hygiene or health classes. All of these decisions are up to local elected school boards and parents, which is the way it ought to be.

This amendment does not even impose any new requirements to make reports or certifications to the Federal Government, which is different from a lot of legislation we pass here in Congress. It creates no extra expense or special burdens. We are saving money, which is really rare. All I am attempting to do is prevent the use of taxpayers' dollars to promote homosexuality. That is all.

Mr. Chairman, my amendment does restrict what schools can do with Federal funds. It also restricts what they can do with their own resources if they accept Federal dollars. This is necessary to prevent the shell game we have seen with other grantees who commingle Federal funds with other moneys. My amendment is the only way to protect Federal taxpayers from that kind of nonsense and evasion.

Some Members may ask why this amendment is necessary at all. Many may not be aware of what sort of prohomosexual propaganda is actually infiltrating our public schools. Believe it or not, right now in community after community, our children are being exposed to the homosexual lifestyle as early as elementary school. That lifestyle is presented in an approving manner and as a legitimate alternative lifestyle. This clearly defies the values of the overwhelming majority of parents and taxpayers throughout America.

There are a host of programs and groups, including project 10, since named project 21, I think it is pronounced SIECUS, Sex Information and Education Council of the United States, Mutual Caring, Mutual Sharing, and others which teach young people homosexuality is normal, healthy, and desirable.

Students must explore their sexual feelings through secret counseling. They are referred to gay and lesbian community centers to meet and interact with homosexual adults. Film strips, books, and other materials graphically portray homosexual acts, acts which are not only offensive but dangerous behavior which can expose one to AIDS and other serious health risks. Some even have a buddy system to help match up homosexual couples.

Of course, traditional teachings against homosexuality are systematically ridiculed as ignorance and bigotry. Where is this? So far, in Alaska, California, Connecticut, Hawaii, Louisiana, Massachusetts Minnesota, Nebraska, New Hampshire, New York, Vermont, Virginia, and elsewhere.

In New York City, even elementary schools are exposed to prohomosexual propaganda, including two books entitled, "Heather's two Mommies," and "Daddy's Roommate." This is a clear effort to target our young people.

One homosexual activist, Mr. Michael Swift, made this clear in the Boston Gay Community News, He said of the homosexual movement,

> We shall sodomize your sons feeble emblems of your masculinity. We shall seduce them in your schools, in your dormitories, in your gymnasiums, in your locker rooms, in your sports arenas, in your seminaries, in your youth groups, in your army bunkhouses, wherever men are with men together. Your sons shall become our minions and do our bidding. They will be recast in our image.

While this is just one activist, his mindset is highly instructive. I do not believe our children should be recast in his image, especially with Federal dollars. I do not appreciate this sort of attempt to recruit our children and grandchildren to this lifestyle.

Before Members vote, I urge them to survey the literature in front of me. I apologize in advance to Members who might be offended. Yes, some of it is graphic and offensive, but it is the same garbage being forced on our children.

Do not vote on this amendment without looking at this material for yourself. What this comes down to is whether or not Members think voters back home in their districts really approve of their hard-earned money being used to bombard their children with prohomosexual propaganda that directly contradicts their values.

If you think your taxpayers back home have a problem with this, then I ask for your support of this amendment.

□ 1550

### AMENDMENT OFFERED BY MRS. UNSOELD TO THE AMENDMENT OFFERED BY MR. HANCOCK

Mrs. UNSOELD. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mrs. UNSOELD to the amendment offered by Mr. HANCOCK:

In subsection (a) of the first amendment made to page 762, after "agency" strike "that received funds under this Act".

After "shall" insert "use funds made available under this Act to".

Add at the end of subsection (a) the following: No local educational agency shall use funds under this Act to distribute or to aid in the distribution by any organization of obscene material to minors on school grounds.

Add at the end of the first amendment made to page 762, after line 8, add the following:

"(c) NO FEDERAL CONTROL OF CURRICULUM.—Nothing in this section shall be construed—

"(1) to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or schools' instructional content, curriculum, and related activities;

"(2) to limit the application of the General Education Provisions Act;

"(3) to require the distribution of scientifically or medically false or inaccurate materials or to prohibit the distribution of scientifically or medically true or accurate materials;

"(4) to create any legally enforceable right.

"(d) RULE OF CONSTRUCTION.—In carrying out the provisions of this section, the Secretary shall not—

"(1) review any curricula or instructional materials;

"(2) promulgate regulations; or

"(3) take any administrative or legal action against a State or local educational agency or school.

Mrs. UNSOELD. Mr. Chairman, I ask my colleagues to support my amendment to the Hancock amendment to H.R. 6.

The Hancock amendment once more would give the Federal Government jurisdiction over curriculum decisions. What with all of the discussion we have heard in this bill about no Federal mandates, it seems absolutely crazy to even consider giving the Federal Government this control.

My amendment clarifies that restrictions contained in the amendment apply only to funds provided under the Elementary and Secondary Education Act and that it does not apply to the use of local funds. The amendment also clarifies that nothing in this section shall interfere with the rights of local communities to select curriculum appropriate to the needs of the children in their communities.

Decisions regarding curriculum choices are best left to local school officials and local elected school board members.

Education has always been a local matter. To change that now because of the gentleman from Missouri's, Mr. HANCOCK'S obsession or fear over prohomosexual propaganda is not only misplaced, it would be illegal.

The Hancock amendment violates a basic principle of the general Education Provisions Act and the Department of Education Organization Act that states that the Federal Government cannot exercise any direction, supervision, or control over the curriculum or program of instruction of any educational institution.

The amendment's definition of program or activity in the Hancock amendment is so broad that classroom discussions, library acquisitions, and even private conversations in counseling sessions would be subject to censorship under the threat of loss of all Federal funding.

Furthermore, we have just in this body passed lobbyist reform legislation. We have said in response to the American public there is too much influence by lobbyists on the legislative process, and yet outside this Chamber's doors material is being distributed to warn, is this coercion or blackmail, to warn Members that a vote for the Unsoeld amendment will be scored in voters' guides as a vote to promote homosexuality. Never mind what the facts are. These people will use it to score. Is that not undue influence by lobbying groups and in total violation to what this body did a very short time ago by more than a two-thirds vote?

The Hancock amendment would set an extremely dangerous precedent for Federal mandating and policing of local education programs. I urge my colleagues to keep local control of local moneys and local schools with the folks back home who know best what is going on in their communities, what the needs are in their schools, and not to impose the Federal Government, big brother, into local schools.

I urge adoption of the Unsoeld amendment.

Mr. HANCOCK. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Missouri [Mr. HANCOCK] is recognized for 5 minutes.

There was no objection.

Mr. HANCOCK. Mr. Chairman, the Unsoeld amendment—or what I will refer to as the "Unsoeld double-loophole" amendment—is a gutting amendment, pure and simple.

It is a desperate attempt to undermine my amendment completely. A vote for the Unsoeld double-loophole amendment is essentially a vote against the Hancock amendment to H.R. 6.

Indeed, a vote for the Unsoeld double-loophole amendment is a vote for allowing this kind of prohomosexual propaganda to continue unabated in our Nation's public schools.

Allow me to explain.

The Unsoeld amendment contains not one, but two separate and very clever loopholes which will allow any school in the country to use local, State, and Federal funds to blatantly promote and advocate the homosexual lifestyle to preschoolers, elementary school students, junior high students, and high school students.

The first loophole in the Unsoeld double-loophole amendment is that it restricts only the use of Federal funds.

In fact, the Unsoeld amendment explicitly affirms the right of schools to use other public resources to bombard our children and grandchildren with prohomosexual propaganda in the classroom.

This first loophole is a green light to local educational agencies to play the shell game we have come to know so well, where Federal grantees pour all the money in the same pot and somehow insist they didn't use Federal funds. As a result, there is absolutely no accountability regarding the use of Federal tax dollars.

That is loophole No. 1.

The second loophole in the Unsoeld double-loophole amendment is even more insidious.

The Hancock amendment targets those programs which have the purpose or effect of promoting the homosexual lifestyle. The Unsoeld double-loophole amendment changes that.

The Unsoeld amendment only targets those programs which have the purpose of promoting homosexual lifestyle.

Now, what does this mean? It means any school can simply misrepresent the purpose of their program—much as the New York State Board of Education did with this literature which is making the rounds of the Chamber. They claimed it was AIDS education.

All of these programs are instituted under the guise of something other than promoting the homosexual lifestyle. Whether they pass it off as cultural sensitivity training, sex education, or AIDS awareness, the campaign to promote homosexuality as healthy, normal and desirable will continue.

In fact, the Unsoeld double-loophole amendment would allow schools to use even Federal funds to promote the homosexual lifestyle—that's right, even Federal funds. All the school has to do is misrepresent or lie about the purpose of the program.

So you see, the Unsoeld double-loophole amendment covers every base to make it nearly impossible to prevent public resources of any kind from being used to bombard our children and grandchildren with graphic, pro-homosexual propaganda.

What about the mandate argument raised by Mrs. UNSOELD and other opponents of this amendment? My colleagues this is nothing but a red herring.

While I am gratified my liberal colleagues have suddenly gotten religion on the subject of local autonomy and the need to restrain Big Brother government, let's be honest about this so-called mandate issue.

H.R. 6 itself contains no less than 23 specific, new unfunded mandates—not counting the amendments we have added to it on this floor. I have a list of them right here, prepared by the Congressional Research Service at the request of the Unfunded Mandates Caucus.

The mandate issue is no excuse to oppose the Hancock amendment. If you vote against the Hancock amendment on that basis, you better be prepared to vote against H.R. 6.

□ 1600

But for the record, the Hancock amendment is not an unfunded mandate. It does not impose any new expense or burden on schools or States as an unfunded mandate would. Schools and States are not required to make any additional reports or certifications to the Federal Government. They are not required to implement any new program or activity as a normal mandate would.

The Hancock amendment simply restricts schools which choose to accept

Federal funds under this act from pursuing one particular type of activity, promoting a homosexual lifestyle.

Why not have such a restriction? We are not in the business of writing blank checks here in the Congress. As Members of Congress we have a fiduciary responsibility regarding the use of Federal tax dollars whether by an agency or a grantee such as a local school, and the only way to effectively prevent the use of Federal tax dollars to promote the homosexual lifestyle is the Hancock amendment.

My friends, I do not think you are going to escape this issue. You are going on record here; profamily groups across the country are watching this vote, which I will agree with my colleague, the public is going to know about this vote.

Ask yourself a basic question: Do the taxpayers of your district really want their hard-earned tax dollars and our Nation's public schools used to bombard their children with homosexual propaganda? Of course not. They will not be patient with more double talk coming out of the U.S. Congress.

The Unsoeld double loophole is no shield either.

I urge my colleagues, for the sake of what is right and decent, for the sake of the children of this country, to oppose and defeat the Unsoeld double-loophole amendment and support the Hancock amendment to H.R. 6.

Mr. KILDEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, I thank the gentleman for yielding to me.

My colleague on the other side of the aisle, sponsor of the amendment, referred to unfunded mandates. That was not in any of my statement.

I would like to suggest that if the Hancock amendment is intended to get at some of the literature or material that the gentleman from Missouri [Mr. HANCOCK] referred to, I would point out that the board of education's chancellor in New York has repudiated the use of such material, and it will be talked about by another Member on this side.

But I would point out to the gentleman from Missouri [Mr. HANCOCK] that if his objective is to not have this kind of material in any way distributed at some kind of school-sponsored program, he should read my amendment, which states:

> No local educational agency shall use funds under this act to distribute or to aid in the distribution by any organization of obscene material to minors on school grounds.

Now, I believe that that takes care of this issue.

I would also like the gentleman to read his own definition in his amendment which says that a program or activity for purposes of this section which should be prohibited includes the distribution of instructional materials, instruction, counseling, or other services on school grounds or referral.

So under your definition of what would be prohibited would be a referral of a pupil to an organization that affirms or discusses a homosexual lifestyle, even in the context of providing health care. That kind of Big Brother dictatorship from the Federal Government to local schools, to local communities, in my view, is not acceptable. It is not the American way of doing things.

Local decisions should be made by local people where they know best the problems and how to solve them.

I would submit that, rather than being a loophole, my amendment probably accomplishes what the gentleman was intending in his own amendment, and really he should support it.

Mr. EMERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to engage the gentleman from Missouri [Mr. HANCOCK] in a colloquy if he would agree.

Did I understand the gentleman in his opening remarks to say that there is literature that has been and is being distributed in public schools in this country that the Parliamentarian has determined is not fit for the eyes of Congress?

Mr. HANCOCK. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. I am happy to yield to the gentleman from Missouri.

Mr. HANCOCK. That is exactly right.

Mr. EMERSON. So this is another example of where we are willing to exempt ourselves, as it were, from some laws and regulations, yet have other entities in our population be exposed to them?

Mr. HANCOCK. If the gentleman will yield further for just a moment, in fact, the Unsoeld double-loophole amendment was changed from the time we started. We just got it in which she added the words that we did not even know about, obscene material. I think we have a problem with the definition of "obscene."

I am assuming that when I handed her this literature a few days ago that she agrees this is obscene material. We also have a few books here which I did not give her which are being used which you are welcome to come over and look at, and so they have corrected or at least changed, and we are getting into the problem of defining "obscene materials"; but these materials have been used and are being used in public education in lots of areas in the United States.

Mr. EMERSON. I would like to make one further point: The gentlewoman was critical of the fact that there are certain interest groups in this country who are seeking to inform Congress and the American public about their perspective on this issue, and they are going to tell people who belong to their organization how Members vote on this issue.

I have always understood that citizen communication or interest-group communication with Congress was protected under the first amendment, and people had the right to make expressions. The gentlewoman acted in such horror that there were people in the corridors out here who were expressing a point of view.

Have you ever come through those doors when there was not someone out there expressing a particular point of view?

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I just had a very simple question. Some materials have been handed out around this Chamber that are on the desk here that were allegedly distributed to schoolchildren. Now, aside from the one incident in New York where the Gay Men's Health Crisis has said that material meant for adults was by mistake left on a table outside a high school conference, can you cite chapter and verse as to where this has been distributed to children?

Mr. HANCOCK. If the gentleman will yield, we have lots of materials: Staples High School, Westport, CT; California, Unified School District, San Francisco; at Pehoa in Hawaii, a high school; the Rainbow Curriculum, and that is in the New York public schools; New Hampshire public schools; Fairfax County in Virginia, under family life education. Yes, we can cite where this is being done.

Mr. EMERSON. Mr. Chairman, reclaiming my time, I yield briefly to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, very briefly, my information, first of all, in New York, this material has never been distributed as part of the Rainbow Coalition in the New York City public schools. I do not know about the other high schools. But I do know that with the exception of the one mistake where this was put out at a high school citywide conference on a table, the authors say this has never been and never was mean to be and was never distributed to any schools, because it is meant for adults. I know that your reference to the New York City public schools is plainly mistaken.

Mrs. UNSOELD. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. I am happy to yield to the gentlewoman from Washington.

Mrs. UNSOELD. I believe it is highly appropriate for people outside the doors or anyplace to be expressing their view. What I take exception to is the threat that a vote is about to be scored, and then he list of the organizations for which that scoring has been done, and I do not think that is appropriate.

Mr. EMERSON. If I may say to the gentlewoman, every day the AFL-CIO and the Chamber of Commerce, the NAM and the NRA, and I am sure any number of interest groups in this country rate our votes according to their perspective, and I would suggest there is absolutely nothing inappropriate about that. It is clearly a matter of expression protected, I think not only by the first amendment, but under other provisions of the Constitution, and about the rights of citizens.

Mrs. UNSOELD. But a threat prior to the vote is probably exactly the kind of lobbyist influence to which the public objects and to which we should try to rise above as a legislative body representing those people.

Mr. EMERSON. I fail to understand how we can represent our constituencies if they are not to communicate with us, and certain organizations which their own membership.

Mr. McDERMOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I did not intend to speak on this amendment, but I sat in my office and watched it, and I decided that somebody needs to come over here and talk about kids.

The fastest growing number of kids in this country, or the fastest growing number of people who are contracting AIDS are young people. It is happening across the board. It does not make any difference whether you are in a rich community or a poor community or people of color or anything else, it is all over the country.

□ 1610

In my State, when I was in the State legislature, I put in the first education money, back in 1984, in order to make money available to the education system, and in 1988 the State of Washington passed a law requiring AIDS education in all the schools and appropriated $8 million of their own money to do it. I find it extraordinarily ironical that folks who are usually up on their feet telling us that the Federal Government ought to stay out of their business and that the beltway does not know everything, are suddenly going to leap in on school districts and decide what ought to happen.

Now, I am not going to defend what happened in every school district across this country, but I will defend the right of the 280-some school districts in the State of Washington to be able to decide what is an appropriate curriculum for their people. And I think for us to be putting in language that decides for them, the language of Mrs. UNSOELD's amendment—"No educational agency shall use funds under this act to distribute or aid in the distribution by any organization of obscene material"—is about as clear-cut as you need. And for us to then decide what obscenity is and for us to get down into that kind of stuff is simply the Federal Government taking away the right of local school districts to decide how to educate their kids.

There may be a problem in some district in the United States, but for us to legislate on the basis of what went on in some in 6 or 3 or 2 districts across the country is simply an invasion by the Federal Government, in a way, on this issue, the most personal of private behavior that we are trying to get kids to change and understand what they are doing, is in my opinion absolutely the wrong way to go.

I expect that in Chewelah, WA they are going to educate their kids a little bit differently than in Rolla, MO, or in Charleston, SC or in a whole lot of other places. And I will trust the school board and I will trust the community to make those kinds of educational decisions for their people.

For us not to have our communities involved in educating their kids is a serious mistake. And if something happens, they can correct that. That is not damage beyond belief. But for us in any way to stand between our school districts and telling their kids about how you contract AIDS, what it is about and what happens and what the end result of it is, simply not good policy.

Mrs. UNSOELD's amendment is sufficient in this regard, and I do not think you need to be delving any further into telling them.

Mr. HANCOCK. Mr. Chairman, will the gentleman yield?

Mr. McDERMOTT. I yield to the gentleman from Missouri.

Mr. HANCOCK. I thank the gentleman for yielding.

Mr. Chairman, I am assuming the gentleman is voting against H.R. 6 because of the 23 other mandates in H.R. 6. Is that correct?

Mr. McDERMOTT. The Federal Government puts out money to aid education. We allow States to use it in a whole lot of ways, and I think there are things in the cities that we have done to support that.

Mr. HANCOCK. But we do make mandates, you will assume.

Mr. McDERMOTT. Yes, but I am not going to tell them how to run the program or what the actual educational material is going to be.

Mr. KILDEE. Mr. Chairman, will the gentleman from Washington yield to me?

Mr. McDERMOTT. I yield to the gentleman from Michigan.

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Chairman, I want to tell the gentleman from Missouri he may think they are Federal mandates, but, as the gentleman from Wisconsin [Mr. GUNDERSON] pointed out the other day, he made it very clear that there are no Federal mandates in this bill. There are no Federal mandates in this bill. There are 23 reporting requirements, and those reporting requirements can be paid for with Federal dollars, not State or local dollars, but Federal dollars.

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, will the gentleman from Missouri [Mr. HANCOCK] yield for a colloquy? I tried to get the gentleman when he introduced his amendment, and he had yielded back his time already.

I want to go through the same discussion with the gentleman from Missouri, in good faith, that I went through with the gentleman from California [Mr. DOOLITTLE], yesterday.

First and foremost, what does the gentleman mean by program or activity?

Mr. HANCOCK. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Missouri.

Mr. HANCOCK. I thank the gentleman for yielding.

Mr. Chairman, the program or activity is defined as an activity with the purpose or effect of encouraging or supporting homosexuality as a positive lifestyle. That, I think, is pretty explicit. I have no objection——

Mr. GUNDERSON. Let me give the gentleman some examples. It is very important that we understand what we are or are not doing here.

Will counseling in school between a certified school counselor and a student on that student's struggle for personal identity be considered a program or activity under the gentleman's amendment?

Mr. HANCOCK. Counseling them for the purpose of the counseling which we have here of homosexuality as a positive, affirmative lifestyle, yes, I think that would be prohibited.

Mr. GUNDERSON. Let me take that one further. There is a recent study out, I think it was actually a study by the Department of Health and Human Services under the Bush administration, a 1989 report of the Secretary of Health and Human Services, a task force on youth suicide, which found that "homosexuals were 2 times to 7 times more likely than heterosexuals to attempt suicide."

Now, that happened under the Bush administration. What happens if a kid is found in a lunchroom or a restroom attempting suicide and is discovered and they take that to the high school counselor and the counselor says, "Let's talk," and the kid says, "I think I am a homosexual"? Can that counselor respond in a way that encourages that person, to accept themselves as a person to accept themselves as a human being? That will have the effect of, quote unquote, promoting homosexuality?

Mr. HANCOCK. I believe, under those circumstances the gentleman describes, the proper position for a school official would be to refer that student to an individual with the credentials that the gentleman from Washington [Mr. McDERMOTT] has, to be counseled.

Mr. GUNDERSON. Would the gentleman say under his amendment no school guidance counselor in America would be able to counsel a student, boy or girl, who came to them and said, "I am really struggling with who I am"?

Mr. HANCOCK. I think they could counsel them. I question whether we have very many people in public education who are qualified to counsel on this particular subject. I do not know that that is a requirement for teaching.

Mr. GUNDERSON. None of us wanted to get into teacher certification.

Mr. HANCOCK. But we can counsel, and the proper thing to do, if an individual should recognize that they are not qualified to counsel in this field, they should refer them to the proper qualified counsel.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, of course a young man who has an ambivalence ought to be counseled. He needs attention, care. But what this amendment proscribes is encouraging or supporting homosexual lifestyle, and that is different from giving advice and counseling.

Mr. GUNDERSON. Here is the problem I have with the amendment: I do not know about anybody else, but it has the effect of—if you drop the words "has the effect of" from his amendment, then I think what the gentleman from Illinois is suggesting is clearly palatable.

You see, where I am trying to get the gentleman, I hope there is not a person in America who supports an academic course in our public or private schools promoting homosexuality.

□ 1620

I do not support that, but what I am trying to deal with is an amendment that goes beyond what I think is that legitimate intention to some very destructive effects. No. 1 is dealing with counseling. The second one I want to get to is the issue of education.

I say to the gentleman, "I mean your amendment says that any school that receives funds under this act cannot use any funds that has the effect of promoting homosexuality under any program or activity. I would assume by that you mean then that AIDS education is no longer allowed activity in any public school in America if your amendment passes."

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. GUNDERSON] has expired.

(By unanimous consent the gentleman from Wisconsin [Mr. GUNDERSON] was allowed to proceed for 5 additional minutes.)

Mr. GUNDERSON. Mr. Chairman, I ask the gentleman, "Can you respond? I'm just trying to find out. I think, as I tried to discuss with you some time ago, I think a discussion can lead us to a consensus in this amendment that gets where you want to go that doesn't have the negative effect that I feel."

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I just again revert to the language of the amendment offered by the gentleman from Missouri [Mr. HANCOCK]. It says, "* * * shall implement or carry out a program or activity that has either the purpose," and I know the words that trouble the gentleman, "or effect of encouraging or supporting homosexuality as a positive lifestyle alternative."

I think that fits what the gentleman himself has said is not——

Mr. GUNDERSON. So the gentleman does not believe then that, if this amendment is adopted, that AIDS education will in any way be limited?

Mr. HYDE. Not at all. I would hope it would not be, and I would hope that young people struggling with their own identity could get counseling under this amendment so long as the life style of homosexuality is not encouraged. That does not mean it has to be misunderstood, or condemned, or judgmental, but just not to promote, encourage, it as a positive lifestyle.

Mr. GUNDERSON. OK; question No. 3:

What's the enforcement effect of your amendment? I mean we discussed this yesterday with the Doolittle amendment as well. Let's assume a school is found to have violated your amendment. What's the penalty?

Mr. HANCOCK. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Missouri.

Mr. HANCOCK. Mr. Chairman, since the question was brought up yesterday we did a little research, and we found that the Department of Education, when they receive applications for Federal funds from schools, that the schools swear to uphold the laws under this—under the——

Mr. GUNDERSON. Do they have to sign a report ahead of time proving they are not doing any thing of this sort?

Mr. HANCOCK. That is correct, and they also have to uphold the rules and regulations, the mandates, if you want to call it that, the other 23 of the Department of Education. So, those funds could be removed, if in fact—if they did not abide by the law.

Mr. GUNDERSON. OK; let me further ask the gentleman another question, and I regret this is taking a lot of time, but the Reagan AIDS Commission listed three recommendations regarding education on AIDS in the school system. One of them required States' boards of education should mandate that an HIV education curriculum be developed that is student AIDS sensitive; a recommendation was that local school boards should do the same thing, and the third recommendation was that school boards and parents should develop a means to incorporate values emphasizing personal responsibility. How would those recommendations of the Reagan AIDS Commission be affected by the gentleman's amendment?

Mr. HANCOCK. Were those recommendations made to promote—to encourage and support homosexuality as an alternative lifestyle? I do not think so.

Mr. GUNDERSON. Well, does it have the effect of—

Mr. HANCOCK. No, in fact I think it is just the other way around. I think that AIDS education, properly presented for what it is, but not the type of literature that is being used in our public schools now, this document here—

Mr. GUNDERSON. OK. It is my time, and I am running out of time, and the gentleman is getting off the subject. Answer a question: Would you agree to a unanimous consent request to delete the words "or has the effect of"?

Mr. HANCOCK. No.

Mr. GUNDERSON. Why not?

Mr. HANCOCK. Because there again it is part of the Unsoeld—

Mr. GUNDERSON. This has got nothing to do with the Unsoeld amendment. I am talking about the gentleman's amendment.

Mr. HANCOCK. The Unsoeld amendment does do the same thing the gentleman is asking me to do, and, no, I would agree because that opens up the door for them to say, "Well, we didn't intend for this to be this way. We didn't intend." It opens up the door for them to get around it by misrepresentation—

Mr. GUNDERSON. All right; I reclaim my time because I think my colleagues see the problem. No matter how good the intentions might be verbally, the problem is, if we adopt the Hancock amendment by itself, it has the effect of prohibiting school counseling and guidance, it has the effect of prohibiting AIDS education.

Now I put myself second to none in, quote, unquote, advocating Christian values around here, and I am aware of the flyer that is here. But I am going to plead with all my colleagues on this amendment to have the courage of their convictions and to recognize that as of January of this year 63,000 young people between the ages of 20 to 29, and most medical people say that means every one of those 63,000 was infected with AIDS while they were teenagers, and I ask my colleagues simply: How many kids do we have to kill before we have the courage to stand up and say it's time to educate them and to do what is right, not what is politically popular at that moment?

Mr. FORD of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the gentleman from Wisconsin [Mr. GUNDERSON] for his words. He is stepping right up to the plate on this issue. But there is something more important at stake here.

We are not entertaining the country by one series of amendments after another that do not rise to the intellectual level of scatological jokes exchanged by naughty little boys in the boys' room in a grade school, and that is what this debate, and the debate that we have been having on a lot of these other issues, has become.

I say to my colleagues, Now you want to talk about homosexuality; you don't have guts enough to talk straight. Now I'm telling you to your face to quit dancing around with it and say what it is that you don't want to have happen. Your amendment is so poorly written that the case in New York that you're complaining about isn't covered by the amendment.

Mr. Chairman, the March 23 New York Times has a description of what happened in that case. The Hancock amendment does not do anything.

I will tell my colleague something else: Maybe we are lucky that you don't know any more about education legislation than you do. There is no enforcement in your legislation. On the other hand, the gentlelady's amendment to your amendment, which I don't like, does make an enforceable prohibition. There is a way to enforce it.

My colleagues, go ahead and pass this, and I say, If you think that scatological jokes in a boys' room raise the intellectual level of a grade school any place in this country, or lower it, then you vote for the Hancock amendment because it will have just as much impact on the intellectual content of education in this country, and if you don't like what they are doing in New York in their schools, why don't you move to New York and run for the school board?

Mr. DORNAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was going to yield to the gentleman from Florida [Mr. STEARNS] because he was ahead of me, but please hang on, CLIFF, and allow me to say this:

My wife just called, mother of five, grandmother of nine, and she suggested I read some of the stuff from the pamphlets that they are distributing to young children in elementary schools.

I said,

> I'm already going to have a meeting with the Parliamentarian about something else. I can't read that filthy, pornographic material on national television. I can't do that, Sally. We have got a decorum in this Chamber, and it may be the last sane place in this Nation 20 or 30 years from now when our moral standards have culturally melted down to the standards of Sodom and Gomorrah.

I say to my colleagues,

> Look, I was born in Manhattan, and I was raised in Beverly Hills from 10 to 19, when I went in the Air Force, and those two communities have a particular penchant for poisoning little Dorothy's in Kansas, or Iowa, or other parts of this country.

Now the last Republican——

Mr. NADLER. Mr. Chairman, I have a point of personal privilege.

Mr. Chairman, I ask the gentleman to withdraw his comment about the State of New York or Manhattan, his comment about my district poisoning the rest of the country.

Mr. DORNAN. Ridiculous. Teach him parliamentary procedure.

The CHAIRMAN. The gentleman cannot rise to a question of personal privilege at this point.

☐ 1630

Mr. DORNAN. Now, the last gentleman——

Mr. GOODLING. Mr. Chairman, I think this conversation is out of order and has no place here.

Mr. FORD of Michigan. Mr. Chairman, take down the gentleman's words.

The CHAIRMAN. The gentleman from Michigan demands the words to be taken down.

Mr. DORNAN. Take them down. I will wait.

The CHAIRMAN. The Clerk will report the gentleman's words.

☐ 1640

Mr. DORNAN. Mr. Chairman, I ask unanimous consent to withdraw my words.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DORNAN. Mr. Chairman, do I not control the time now?

Mr. FORD of Michigan. Mr. Chairman, I am sorry. I think the words should be taken down, and he should be silenced in this Chamber.

Mr. DORNAN. Mr. Chairman, the parliamentary ruling already occurred.

The CHAIRMAN. The Committee has already agreed by unanimous consent to allow the gentleman to withdraw his words.

Mr. FORD of Michigan. Mr. Chairman, I am standing on my feet trying to deal with the Members around me. I object to the unanimous-consent request and insist that the gentleman's words be read and he be silenced for the rest of this debate.

Mr. DORNAN. Mr. Chairman, it is my time.

The CHAIRMAN. The gentleman's objection is untimely.

The gentleman from California [Mr. DORNAN] may proceed in order.

Mr. DORNAN. Mr. Chairman, when I look at this material on the desk, as a grandfather and as a father who is very lucky to have five children, it puts me in a fighting mood. This is material promoting and encouraging what a majority of people in this country consider grievous sin. There is a Federal role when our society is degenerating, when our culture is literally melting down, when we live in a country where the whole world points at us and refers to our child pornography, our drive-by shootings, our gangs and carjackings, where people are pulled out of cars by teenagers and beaten sometimes to death.

Our culture is melting down. This is one of the root causes, trying to sell sodomy as a healthy lifestyle.

Now, I notice that the distinguished, wonderful gentlewoman from the great State of Washington said that the gentleman from Missouri [Mr. HANCOCK] was obsessed with this issue. The word "homophobe" never appeared in that dictionary until a new edition was put in here 2 years ago. In my first 15 years around here, there was no such word. Why is it that people are insulted when we stand up here in disgust of the moral degeneration of our country and want to defend traditional family values? I am tired of this. I am tired of this kind of a debate where I pick up a book not fit for the eyes of adults with its obscene language and X-rated pictures and a cover designed for children.

I notice that the gentleman from Massachusetts [Mr. FRANK] is here. Here they are claiming, as homosexual people in history, Alexander the Great, Susan B. Anthony, where it says she probably had a sexual relationship with her lifelong friend Anna Dickinson, St. Augustin, for Lord's sake. It goes on, Lord Byron, Julius Caesar, Frederick the Great, that follows one of the Members of this House. Anne Frank, the little 13-year-old girl in that attic in Holland, what an obscenity. It goes on and on. Of course, Langston Hughes, John Maynard Keynes. Then they throw in some people out of themselves, Leonardo da Vinci, Michelangelo, grab anybody, Eleanor Roosevelt, Richard the Lionhearted. This is destructive to the educational system of our wonderful country. I hope this vote is rated. I will go on national radio and speak about why this vote is important and should be rated.

I think that one of the gentleman over there, the chairman, was hurling insults at my friend from Missouri right and left, suggesting he was ignorant on his amendment and did not know what he was doing. That it was lousy written legislation.

I was tempted to take down his words. I am glad I did not.

As far as my words are taken down, I will take that up with the gentleman that I referred to earlier, because he has criticized me in his press.

Mr. KILDEE. Mr. Chairman, I ask unanimous consent that debate on the Hancock amendment and the amendments pending thereto end in 10 minutes. That would give both sides a way to conclude their arguments.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. STEARNS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the amendment offered by the gentleman from Missouri. When I was in high school, I was a member of the debating team. The national debate topic one year was whether the Federal Government should provide aid to education. The chief conservative argument in all the debates against Federal aid to education was that along with Federal aid would come Federal control.

The liberal reply was that one did not follow the other. The Federal Government could restrain itself. The Congress could restrain itself from attempting to control, from attempting to dictate to local school districts.

Now look at this amendment. It would mandate a cutoff of all Federal funds to any school district that uses certain instructional materials of which some Members in this Chamber disapprove. Why should we attempt to seize control of classrooms, across the Nation? Why should we dictate the preferences of the gentleman from Missouri [Mr. HANCOCK] to the local school districts, which are a lot closer to local citizens that we are?

Do we not believe in local control of education, or are we in favor of local control only when local school officials agree with us and with our prejudices? What a policy. What an amendment.

The purpose of this amendment allegedly is to discourage proselytization of homosexuality.

The effect of this amendment is much different. It would leave our teachers bound and gagged, afraid to speak of anything which might cause offense to the most bigoted and ignorant in the local community. This amendment turns our most fundamental values on their head.

In considering this amendment, we are faced with a number of choices. Do we want to encourage the kind of behavior we saw in this House a few minutes ago? Are we going to teach children tolerance, or are we going to teach them to be intolerant toward those who may be different from us? Are we going to teach our children that open debate and understanding are worthy values in a free society, or are we going to teach them censorship and ignorance? Because if we vote for the Hancock amendment, we choose for our children censorship, ignorance, and intolerance. This amendment would impose a Federal mandate on every teacher in America to the effect that if the mere existence of gay men and lesbian women is mentioned at all, it must be in a negative light.

Why should we impose a curriculum of hate on every classroom in every community on this Nation? Who would judge just what curriculum materials have the effect of encouraging homosexuality and by what standards would they judge? How could local school districts know that would violate this amendment and bring down upon them the draconian penalty of a cutoff of all Federal funds?

And what about the AIDS education, education about safe sex? Are we to prohibit it?

The fact is there are gay boys and lesbian girls in our schools. That is a fact. Nothing that we say in this Chamber will alter that fact. The question is how to relate to it. How to relate to the fact that these boys and girls are at a greater risk of AIDS than most others in our society. How to prevent them from contracting AIDS. How to teach the facts about AIDS in a socially acceptable context.

These are questions that local school officials must wrestle with and that we are telling them, "Don't deal with, be careful with how you deal with it, because we will cut off all your aid to education."

It is misinformation, lack of understanding and intolerance that leads to this amendment. This amendment would mandate either that no mention ever be made in school of the existence of gay men and lesbians except in the language of fear, ignorance, and hate.

Let us not decide today that this is what we want to teach our children. Let us reject, let us reject this terrible amendment.

Mr. STEARNS. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Missouri [Mr. HANCOCK].

Mr. HANCOCK. Mr. Chairman, I would just like to say that if everybody in the United States, every parent, every person in the United States could see this literature, I think he would find that 98 percent of the people would come into the category that the gentleman mentioned of being bigoted and ignorant.

Frankly, I resent a little bit, the gentleman complained about his State of New York, I resent a little bit the gentleman calling the people in my district bigoted and ignorant, because they do not want this in their schools.

Mr. STEARNS. Mr. Chairman, I would just like to tone down the debate here and see that we talk about some of the facts. As any piece of legislation, everybody reads it differently.

I am sure the gentlewoman from Washington [Mrs. UNSOELD] has promoted an amendment here that she believes honestly clarifies, I think might be the word, the Hancock amendment. But let me read what she is saying in her amendment.

She is adding this to the Hancock amendment. "No local educational agency shall use funds under this Act to distribute or to aid in the distribution by any organization of obscene material to minors on school grounds."

I have here a book. It is called "Daddy's Roommate." This is not obscene literature.

Let me ask the gentlewoman from Washington [Mrs. UNSOELD], "Heather has two mommies." One teenager in 10, and I would be glad to yield to the gentlewoman from Washington [Mrs. UNSOELD], if this is considered literature that would be allowed under her amendment to be distributed?

☐ 1650

Mrs. UNSOELD. Will the gentleman yield?

Mr. STEARNS. I yield to the gentlewoman from Washington.

Mrs. UNSOELD. Mr. Chairman, that is a local school and locally elected school board's decision, not the Federal Government's.

Mr. STEARNS. I understand what the gentlewoman is saying, but I think that is the crux of this whole debate, what the gentleman from Missouri [Mr. HANCOCK] is saying.

Mrs. UNSOELD. Keeping Big Brother out of the high schools.

Mr. STEARNS. Mr. Chairman, we have used that argument, and I have heard it so many times. I understand why the gentlewoman is using it on her side.

This is the crux of the question, shall we allow the distribution of this material in our schools or not? The gentleman from Missouri [Mr. HANCOCK] believes that we should not, and obviously, the literature that he has cited over here, which is obscene, I think the gentlewoman would agree, the other literature he mentioned which is on the table, that many of us can hardly open, is obscene.

Under the gentlewoman's amendment, as I understand it, she is saying that literature could not be distributed?

Mrs. UNSOELD. If the gentleman will continue to yield, under the amendment of the gentleman from Missouri [Mr. HANCOCK] that literature would not be prohibited.

Mr. STEARNS. The gentlewoman is saying that literature could be circulated?

Mrs. UNSOELD. I am saying, Mr. Chairman, that the way his amendment is worded, it did not apply to that literature and its distribution.

Mr. STEARNS. In conclusion, let me just say I think we have a fundamental difference between what the gentlewoman is trying to do and what the gentleman from Missouri [Mr. HANCOCK] is trying to do.

Mr. Chairman, I rise in support of the Hancock amendment to prevent parents from being forced to subsidize the teaching of values that run directly counter to those they strive to teach their children, and against the Unsoeld amendment, which would attempt to distort the intentions of what the gentleman from Missouri [Mr. HANCOCK] is trying to do.

He is simply trying to say, "Let us not subsidize the distribution of material," not only like what I have in my hand, but obviously some of the material over there which is really destructive.

Mr. DORNAN. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from California.

Mr. DORNAN. Mr. Chairman, I just want to correct this. One of the gentleman on our side mentioned the HHS study. That was thrown out by Dr. Louis Sullivan, the Secretary of HHS, as being wrongheaded and bigoted, particularly bigoted against the Catholic Church, which the report accused of causing teenage suicide, in fact.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I do not have much time. As I get near the end, I would be glad to yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, I would like to clear up the charge that was just made.

Mr. STEARNS. The gentleman from Wisconsin [Mr. GUNDERSON] knows how much I respect him, and I am glad to yield to the gentleman.

Mr. GUNDERSON. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I just want to point out that just because the whole study was rejected does not mean a particular statistic in that study was rejected.

Mr. STEARNS. I appreciate the gentleman's comment.

In my way of thinking. Mr. Chairman, particularly across the United States, what we see here in these books and what the gentleman from Missouri [Mr. HANCOCK] has mentioned, the number of schools distributing this, it is used in the public schools to promote an agenda which is contrary to what many Americans believe. I could quote at length examples of homosexual groups who want to provide details of the gay lifestyle to our schools, but instead, I just want to concentrate on saying that our children need to be learning reading, writing, and arithmetic, studying foreign languages, world cultures and the sciences, and our children need to learn history, geography, and economics.

How can we even be thinking about wasting their valuable time on teaching and distributing materials like this? It simply has no place in our schools. We have just been through a lengthy debate over how much we should protect the very limited right to constitutionally protected prayer.

The CHAIRMAN. The time of the gentleman from Florida [Mr. STEARNS] has expired.

(By unanimous consent, the gentleman from Florida, Mr. STEARNS, was given permission to proceed for 1 additional minute.)

Mr. STEARNS. Mr. Chairman, we know, however, that promoting values that are shared by mainstream Americans, such as the Ten Commandments or the Golden Rule, cannot even be done in our public schools, yet we are distributing material like this.

At the local level, some are making every effort to force the homosexual agenda into the normal school curriculum, it seems clear to me, particularly in light of the constitutional prayer amendment that we talked about earlier.

Therefore, I ask my colleagues to support real education on real academic subjects, and urge my colleagues to vote yes on the Hancock amendment, and no on the Unsoeld substitute.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to join the Republican mayors of Los Angeles and New York, Mr. Reardon and Mr. Giuliani, in opposing this amendment. The Hancock amendment would cut off all Federal aid to the schools of New York, presided over by Rudy Giuliani, whose office authorized the statement of his opposition. It would cut off all aid to the schools of Los Angeles. Do the Members know why? Because those schools have tried, and two Republican mayors of those cities have continued to try, to respond to some of the unhappiest children in America.

I am struck by this debate about promoting homosexuality. I have to tell the Members, and I think I have had as much experience about it as almost anybody in here, if you paid me to promote homosexuality, I do not know what I would do. How do you promote homosexuality? What do people think it is, a rock concert? A prize fight? How do you promote homosexuality? What shallowness of understanding of basic human nature leads Members to talk about promoting homosexuality, encouraging homosexuality? What do they think it is, a taste for food?

In fact, people in New York and in Los Angeles and in other schools who understand human nature and understand human sexuality know that there are 15- and 16- and 17- and 18-year-old children who are tortured by feelings they cannot control in a society that condemns them. They have reached out to those children. They have established schools that say to those kids, "You are not worthless," that would not subject those children to the kind of treatment that one of the Members sought to subject another Member to on the floor. That is the kind of insensitivity and bullying that exists. We know that.

Yes, I suppose if we have a 16- or a 17-year-old whose feelings are homosexual and cannot turn them off, like a water faucet, despite the shallowness of the understanding that some people in here have of human nature, if we take that kid who has been abused and who has been picked on and put him in a more supportive environment, then we lose our money. How do we dare support that kid? How dare we tall her she is not worthless? How dare we try to say that the person should not be discouraged from going on with their life? That is what we are talking about.

The literature that is being given out, and some Members here have more interest in it than I do, that literature, if it is the literature talked about in New York by the Gay Men's Health Crisis, was rejected by the chancellor. That is why it is irrelevant to the gentleman's amendment. The chancellor of the schools in New York, Mr. Cortines, said that literature is no good. That was not in there by the schools. The schools repudiated it.

What they do have in New York, in Los Angeles, under Republican mayors, in San Francisco, is an effort to reach out. Let me say to the Members, I think most Members understand that this kind of attempted imposition on people who are trying to help young people is not good public policy.

People worry about the politics. We all understand politics. Nobody parachuted in here totally pure. However, may I please entreat my colleagues, do not torture children. No vote is worth that. No vote is worth adding to the pain of these teenagers. Please vote against the Hancock amendment.

Mr. DUNCAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Missouri [Mr. HANCOCK]. I know it is late in the afternoon, and I will not take my full time, but I do want to say this, that the gentleman from Missouri [Mr. HANCOCK] is one of the finest, and I might add, one of the kindest Members of this body, and I salute him for the work that he has done in this regard.

Mr. Chairman, the people of this Nation want our schools to emphasize the basics, and to do a better job in teaching core academic subjects, the point that was made so eloquently by my friend, the gentleman from Florida [Mr. STEARNS] just a few moments ago.

They do not want our schools to go to some of the extremes and tangents we have seen in some of the materials which schools have distributed and which they would be prohibited from distributing under the Hancock amendment.

Mr. Chairman, I might just read a quote that was written last year in Newsweek magazine by Joy Overbeck, a very liberal playwright and columnist, and she was writing about another topic, but it really relates to what we are talking about here today.

Writing of her sadness at the revealing clothes her 10-year-old daughter felt peer pressure to wear, Ms. Overbeck said this:

> It's not really that I want her to be a little girl forever. It's just that it would be nice if she were a child during her childhood. Instead, she has been bathed in the fantasy of bodies and beauty that marinates our entire culture. The result is an insidious form of premature sexual awakening that is stealing our kids' youth.

Mr. Chairman, that is why so many parents in New York City rebelled when the schools up there started to distribute the books "Heather Has Two Mommies" and "Daddy's Roommate." This is what we are talking about, education of small children.

There is tremendous competition for Government dollars today. We are having trouble coming up with enough money even for programs about which there is great consensus. The overwhelming majority of the American people do not want tax dollars spent to encourage or support homosexuality. Even my friend, the gentleman from Wisconsin [Mr. GUNDERSON] agreed that he did not want that, either. Nothing in the amendment of the gentleman from Missouri [Mr. HANCOCK] prohibits anyone from being a homosexual or having any type of homosexual activity. It simply gives our schools some very needed direction.

To hear some of the most liberal Members of this body say that they are just trying to keep Big Brother out of our schools has the most hollow ring to it of anything I have ever heard said. I might say, in response to what the last speaker said, you promote homosexuality by handing out pamphlets and books telling impressionable young people that homosexuality is a positive and healthy lifestyle. That is the very thing that would be prohibited by this amendment. I urge its support.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman from Tennessee [Mr. DUNCAN] thinks that teenagers decide on their sexual activity and their basic sexual urges from reading pamphlets, he is a poor guide, indeed, to public policy dealing with young people.

□ 1700

Mr. MILLER of California. Mr. Chairman, in the 20 years I have been in the House, somehow we have visited afternoon like this from time to time when the House has the incredible ability to be so narrow-minded and so shallow in its thinking, and to be so mean in its spirit. This amendment is not about those materials that fascinate the gentleman at the other table. This amendment is not about whatever the title of the book is, "Heather's Other Mommy," or somebody's roommate. This is not what this is about.

This is about using those materials as a pretext to punish and to ostracize a class of people in this country, and to deny them the ability to make the same decisions that we want all of our children and each one of us to make about our futures, about our lives, about our sexuality, about our identity, about our crises.

For 10 years this House was nice enough to make me the chairman of the Committee on Children, Youth, and Families. For a long time it was only going to be the Committee on Children and Families, because people here did not want it to carry the title "youth," because youth scare the living hell out of us, adolescence scares us. Fortunately, at that time, the Catholic Church came forward and said they could not support the creation of this committee if it did not include young people, because young people are some of the most troubled and some of the most vulnerable and some of the most at-risk people in our society. They take special care, special nurturing, and we need to pay attention to them.

In those 10 years and today after the end of that committee, I have continued to spend an inordinate amount of time with young people in the public schools and other schools of my district, talking to them about themselves, and about our society, and about their chances to confront it, and their fears, and their hopes and their aspirations. And I think that all of us try to do that with our own children. And we certainly all know our neighbors, our friends, the chairmen of our finance committees, our donors, the people we come across in our daily lives tell us a whole series of stories about their children. They tell us about their children that are happy and wonderful, they tell us about their children who are sad, the children that cannot make it in college that are thinking about dropping out of school. They tell us about all of those children. They tell us about their children who are gay or lesbian, and we tell them we understand.

But somehow on the floor of this Congress, we do not permit ourselves to say to this Nation we understand. Instead, what we do is to seek to strike out in the meanest possible way when these young people are the most vulnerable, to deny them the information, the counseling that may be necessary. The gentleman from Wisconsin [Mr. GUNDERSON] had it about right. If the counselor said to the young person who was thinking of suicide, and tragically we know there are some young people who are gay who have not only thought about suicide, but in fact have committed suicide, if the young person said to the counselor, "What should I do," and if the counselor suggested go on living, that would have the effect of promoting homosexuality under the Hancock amendment.

Are we really going to deny counselors, teachers, and others who encounter our children, and these are our children, our collective children, are we going to deny them the tools to say, "Choose life. Let us get you some additional counseling, some understanding, and let us put you together with professionals so that you can see the possibilities and the excitement of life over your despair at this moment, for whatever reason"? That cannot be the policy of the U.S. Congress, and it clearly cannot be the policy of this country.

I know it is new information to the gentleman from California [Mr. DORNAN] that before they put "homophobe" in the dictionary, there were some, and before they were listed in the book, and before the printing press, there were homosexuals and lesbians, before the printing press, before the telegraph, before the media, before the 20th century, before the 1960's there were homosexuals and lesbians. And we should not, we should not as a society seek to punish those individuals because they are in fact different from us. We must understand.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. Every study of this problem that we have looked at in America says adolescents are the most vulnerable, they are the most at risk. As was pointed out by the gentleman from Massachusetts [Mr. FRANK], school districts did not endorse these materials. Richard Riordan is a wonderful superintendent of schools and asked that they be taken out, that the policy not allow them. This is not about those materials. It is about whether or not you can strike out at homosexuals, whether or not you can mug them, and batter them, and beat them on the floor of this Congress, because you cannot do it in the street, because it is illegal. That is what this is about, and the youngest and most vulnerable of those.

I would just hope that we would not accept this amendment. This amendment is in fact poorly drafted.

I am one who believes in mandates from the Federal Government to local school districts. But we in fact ought to do it when it is right, and we certainly ought to do it where it does not create this kind of harm. And I would hope that we would reject this amendment, if necessary accept the Unsoeld amendment, but clearly these are decisions for our constituents as families, as parents, as members of the school board, and as members of our community.

Mr. DORNAN. Mr. Chairman, my distinguished colleague from California has said on his side that he is protecting children, indicating we are not, and said we are denying them tools. Is this what the gentleman calls tools? We believe we are protecting children on this side. These are not tools.

Mr. MILLER of California. I would say to the gentleman I do not know if those are or are not, because I have not looked through all of that material. Let me just say again I have held up a whole range of materials, some which apparently people believe are obscene, some which people object to and all of that. The point is in fact that that is not official policy, and if it is, that is a matter I think really in terms of local school districts, that is a matter for parents whose children are going to those schools.

Mr. DORNAN. There is a common denominator. They all glorify and promote sodomy, fisting, anal sex, and homosexual conduct. And the gentleman says he is protecting the children.

Mr. MILLER of California. Mr. Chairman, I do not know that they do that.

Mr. DORNAN. Here it is. Look at it. The gentleman said he had never looked at it, and those who defend every level of pornography never look at the material.

Mr. MILLER of California. I am taking back my time, Mr. Chairman. This was not about that. The gentleman did not listen. This was not about defending materials. This was about stopping, stopping the kind of outrageous behavior that would be allowed under this amendment, and preventing school districts from carrying out their functions to try and help teachers and to take care of our young people. And I would hope that we would reject this amendment.

Mr. GOODLING. Mr. Chairman, I ask unanimous consent that all debate on this amendment be ended after 3 minutes by the gentlewoman from Maryland [Mrs. MORELLA] and 2 minutes by the author of the amendment, the gentleman from Missouri [Mr. HANCOCK], and then after that I would ask that there be one-half hour on all future amendments and amendments thereto, and 1 hour on the substitute and all amendments thereto, if it is offered.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. INSLEE. Mr. Chairman, reserving the right to object, following the conclusion of the Unsoeld amendment, there may be consideration of another proposed amendment to the Hancock amendment. We would like to reserve the ability to debate that matter.

Mr. GOODLING. Mr. Chairman, I would like to amend that request to indicate the gentleman from California [Mr. BECERRA] would also have 3 minutes on this discussion before we end it, and that if the Unsoeld amendment would happen to be defeated, there would be a period of 5 minutes where they would have time to offer an amendment to the Hancock amendment.

Mr. KILDEE. Mr. Chairman, if the gentleman will yield, I think this is a reasonable compromise, and the gentleman from Washington [Mr. INSLEE] agrees with that unanimous consent request.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Chair will announce, according to the Chair's understanding of this agreement, there will be 10 minutes of future debate on the Unsoeld amendment to the Hancock amendment. The time will be equally divided between the gentleman from Missouri [Mr. HANCOCK], 5 minutes, and the gentlewoman from Washington [Mrs. UNSOELD], 5 minutes, and then that 3 of those minutes are reserved, 3 additional minutes reserved for the gentleman from California [Mr. BECERRA], is that correct?

Mr. GOODLING. That is correct, Mr. Chairman, on this amendment.

The CHAIRMAN. On this amendment those are the ground rules.

Mr. GOODLING. Three minutes to the gentlewoman from Maryland [Mrs. MORELLA], 3 minutes for the gentleman from California [Mr. BECERRA], and 2 minutes for the gentleman from Missouri [Mr. HANCOCK], to close the debate on this particular issue.

The CHAIRMAN. The gentlewoman from Maryland [Mrs. MORELLA] is recognized for 3 minutes.

Mrs. MORELLA. Mr. Chairman, I wanted to rise to reiterate my support for the Unsoeld substitute amendment to the Hancock amendment. I have listened to this debate. I would like to point out that, as this body knows, I am a former educator. My husband and I have raised nine children. We have 10 grandchildren. And I am against the Hancock amendment because I do not think the Federal Government should interfere with the decisions that are made on a local level.

Students in different parts of the Nation have different needs. Educational issues should be addressed by the local level, by the people that we elect or we appoint. So says my school board in Montgomery County, MD, one of the best educational systems in the country. So says a whole group of organizations, such as the Child Welfare League of America, the National Association of Elementary School Principals, the National Network of Runaway and Youth Services, the National Council of Jewish Women, the American Association of School Administrators, the United States Conference of Mayors, and the American Public Health Association. They all believe, as I do, that local school boards should preserve the right to develop programs that conform to local community standards.

I would also point out, as has been mentioned, among the Conference of Mayors are two Republican mayors of very large cities. Rudolf Guiliani of New York City, and Richard Riordan of Los Angeles were mentioned. But I want to point out they said:

> The Hancock amendment would set an extremely dangerous precedent for Federal mandating and policing of local programs.

I also have concerns about the fact that there are administrative burdens that would be imposed upon the school systems that are there to educate in the basics. The Department of Education would have to issue regulations regarding the content of what should or should not be taught in the classroom, and all of our local school districts would have to examine their curricula and instructional materials to make sure that they do comply with these regulations set forth by the Department of Education.

So, Mr. Chairman, I urge my colleagues to vote in favor of local school systems making the decisions about local school matters for all children.

☐ 1710

The CHAIRMAN. According to the prior agreement, the gentleman from California [Mr. BECERRA] is recognized for 3 minutes.

Mr. BECERRA. Mr. Chairman, I have been here before, and what I am about to say I have said before, but I have said it about a different segment of the population. Normally when I take to this mike, it is to talk about immigrants, but if you were to just replace the word "immigrants" with the words of "young people" who are desperate for counseling and guidance and some attention, whether they are gay, lesbian, or not, then you have heard what I am going to say before.

This amendment, is portrayed as one thing, but if it were to pass, I guarantee it would do another.

Members, please, read the language of this amendment. See if you can define its separate provisions. See if you can come up with some definitions for what it says. See how it will rob our communities of their local control to decide for themselves how they will manage their local school affairs.

Notice the chilling effect it will have on schools and school districts that want to provide guidance and counseling. Watch how it will handcuff our schools that receive Federal funds that will be at risk, who will be afraid to receive Federal funds if this amendment passes.

And to Members of this body who represent large numbers of minorities, please, read this amendment closely, because it will be the Latino, the Asian American, the black American, the African-American communities that will suffer most from this amendment.

I urge those Members to look very closely at this language in this amendment.

I have been here before, and I have said this before. It pains me to have to say it over and over and over, but this amendment is not what it says it is. It is something much worse, whether it is intended as something bad or not, it makes no difference, because we are about to set policy by passing this amendment, should it pass, that we will regret.

I hope the Members will take the time to read the one or two simple paragraphs in this amendment and understand that this Hancock amendment should not pass whether or not it is well-intentioned.

Mr. CHAIRMAN. The gentleman from Missouri [Mr. HANCOCK] has 2 minutes remaining and is recognized.

Mr. HANCOCK. Mr. Chairman, frankly, ladies and gentlemen, Members of the House, I had no idea when I came to the U.S. Congress 5 years ago that I would ever be called upon to discuss the subject, frankly, that we are discussing today except from the standpoint in private counseling with people that are concerned about it.

But when I see things like this, frankly, this is the first amendment I have ever offered on the House floor in the 5 years that I have been in the U.S. Congress. I am not comfortable. I have helped a lot of people do things. This made me so uncomfortable that I had to offer this amendment on the House floor, because I am a grandfather, I am a father.

Frankly, this type of stuff has no place in public education except from the standpoint of counseling people that do have a problem, and this amendment is not designed to keep that from happening. It has absolutely nothing to do with it.

But it does; it would prohibit from advocating this lifestyle as an acceptable alternative. I do not think of that as bigoted. I know people that are homosexual, and I have no problem with that as long as they do not advocate it, as long as they do not advocate it or promote it.

I am fully aware of what this amendment will do. It will return control, and it will tell people, "Look, look what the schools are doing."

Let us get involved in the education of our children. Let us go to the school board meetings. Let us see what is happening in our schools. And I think this forum is going to bring that out.

I would also say this: I certainly hope, in closing, I certainly hope that all of the rhetoric I have heard today about removing local control, that Government cannot control locally, all of the people, the liberals that have been doing it for the past 4 years, I hope they will read their comments later when it comes to some of the other votes that we are going to be doing throughout this session of Congress.

The CHAIRMAN. The gentleman from California [Mr. HUNTER] is recognized for such time as he may consume.

Mr. HUNTER. Mr. Chairman, I rise in strong support of the Hancock amendment.

Mr. CHAIRMAN. The gentlewoman from Washington [Mrs. UNSOELD] is recognized for 5 minutes.

Mrs. UNSOELD. Mr. Chairman, I wanted to assure the gentleman from Missouri [Mr. HANCOCK], the maker of the amendment, that I have no question about his intent, but must seriously question the effect of the amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. INSLEE].

Mr. INSLEE. Mr. Chairman, I also agree that the drafter of this amendment, his intention is sincere, and many of us join you in your intent, but this amendment, if passed with this current language, is going to drive crazy a certain segment of our population, one of whom is my brother.

Let me tell you something about my brother that you may not know. He is a teacher. He is a teacher——

PARLIAMENTARY INQUIRY

Mr. HANCOCK. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HANCOCK. Mr. Chairman, do I have the right to close, or does the gentlewoman from Washington [Mrs. UNSOELD] have the right to close?

The CHAIRMAN. The gentlewoman from Washington is offering the amendment to the amendment, and she has the right to close.

Mr. INSLEE. Mr. Chairman, as I was saying, my brother is a teacher. He has a stressful, tough job. We should not add to his job the worry that if a child comes to him and says, "Frank, Mr. Inslee, I may kill myself today because I am concerned about my sexual orientation," for this Congress to tell my brother to tell that child to go out in the hall and, "Get ye from the school yard," is not what I want this Congress to do.

I frankly do not think that is the intent of the drafter of this amendment. But that is what the language says.

And I speak for my father who was a biology teacher, and if someone raised his hand and said, "Mr. Inslee, is there a genetic component to sexual orientation," for him to have to worry about some bureaucrat disagreeing with him to lose school funding, that is wrong.

I urge you to support the Unsoeld amendment.

PARLIAMENTARY INQUIRY

Mr. GOODLING. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GOODLING. This is contrary to the unanimous consent that was requested. We are not going beyond the unanimous consent request.

The CHAIRMAN. The gentlewoman from Washington has 5 minutes. She has yielded 1.

Mr. GOODLING. No; no. That was if this was defeated and there was a substitute amendment.

The CHAIRMAN. The Chair divided the 10 minutes between the gentleman from Missouri [Mr. HANCOCK] and the gentlewoman from Washington [Mrs. UNSOELD].

Mr. GOODLING. But you only gave him 2 minutes.

The CHAIRMAN. The original request allotted 3 of the 5 minutes of the gentleman from Missouri [Mr. HANCOCK] to the gentlewoman from Maryland.

Mr. GOODLING. No. I requested 3 minutes for the gentlewoman from Maryland, 3 minutes for the gentleman from California and 2 minutes to close for the gentleman from Missouri [Mr. HANCOCK]. The additional time that we spoke about is if her amendment would happen to be defeated, then she would have an opportunity to offer another, and you were going to divide the 10 minutes at that particular time.

But now we are going beyond, and we will never get it stopped.

The CHAIRMAN. The Chair's understanding was that the gentleman requested 10 additional minutes equally divided, and then granted an additional 3 minutes to the gentleman from California [Mr. BECERRA].

The Chair announced at the time that the time would be equally divided between the gentleman from Missouri [Mr. HANCOCK] and the gentlewoman from Washington [Mrs. UNSOELD].

Mr. GOODLING. We had a misunderstanding in communication.

The CHAIRMAN. The Chair regrets any misunderstanding.

Mr. GOODLING. The 10 minutes I meant was for the time that she may need to offer a substitute or another amendment if her amendment went down, and I thought that is what we discussed.

What time is now left?

The CHAIRMAN. The gentlewoman from Washington has 4 minutes remaining.

Mr. GOODLING. And he has the other 3 of his 5?

The CHAIRMAN. The gentleman from Missouri yielded 3 minutes to the gentlewoman from Maryland.

Mrs. UNSOELD. Mr. Chairman, could I have a unanimous consent request that the 4 minutes be divided?

The CHAIRMAN. The gentlewoman requests that the 4 minutes remaining be equally divided between the two sides.

Is there objection to the request of the gentlewoman from Washington?

There was no objection.

The CHAIRMAN. The time will be divided. The gentleman from Missouri [Mr. HANCOCK] will be recognized for 2 minutes.

The Chair recognizes the gentleman from Missouri [Mr. HANCOCK].

Mr. HANCOCK. Mr. Chairman, I thought we were a little further along than we were, and I thought everybody would like for it to be over.

The arguments that we are hearing, quite frankly, are misleading, and I am not questioning anybody's judgment or their rationale.

As I talked to the gentleman yesterday about changing the amendment, he pointed out to me, he says, "Well," he says, "maybe it is because I am an attorney that I am reading into this thing," and maybe that is so.

The only thing I know is I believe that our amendment is straightforward. It would take somebody with a legal mind to read in anything other than what is plainly said.

In fact, the amendment even in the verbiage is very limited. We did not go into a lot of technicalities and legalese. It is very open, straightforward, and above board. That is exactly what we wanted to do.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentlewoman from Washington [Mrs. UNSOELD] for 2 minutes.

Mrs. UNSOELD. Mr. Chairman, I ask my colleagues to support my amendment, to correct the amendment by the gentleman from Missouri [Mr. HANCOCK], whose effect would be to prohibit the discussion of homosexuality even in the context of providing health care as a result of the passage of his amendment.

□ 1720

I ask my colleagues to consider some of the words that were spoken on this floor today and questions that were posed to us, Mr. Chairman. How many children must die before we are willing to accept the teaching of the local curriculum so that lives can be saved, so that the mental, emotional health, as well as the physical needs of those children can be met.

I ask my colleagues to support us today in our attempt to reach out to those young people wherever they are, to support them in what they need to go forward in their own lives and for us to stand aside and not be the Federal Government dictating to the local school boards, but, rather, to permit those people who run for the school board on the local level, those people who know the issue on a day-to-day basis, who visit those schools, who talk to the teachers, who talk to the parents, who are the parents, to let them make these very important decisions. I ask for support of the Unsoeld amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from Washington [Mrs. UNSOELD] to the amendment offered by the gentleman from Missouri [Mr. HANCOCK].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HANCOCK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair announces that pursuant to clause 2(c) of rule XXIII, the Chair many reduce to not less than 5 minutes the time for any recorded vote that may be ordered on the Hancock amendment without any business or debate.

The vote was taken by electronic device, and there were—ayes 224, noes 194, not voting 20, as follows:

[Roll No. 91]

AYES—224

Abercrombie
Ackerman
Andrews (ME)
Bacchus (FL)
Barca
Barcia
Barrett (WI)
Becerra
Beilenson
Bereuter
Bilbray
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Carr
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Coyne
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Green
Gunderson
Gutierrez
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Horn
Houghton
Hoyer
Huffington
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klug
Kolbe
Kopetski
Kreidler
Kyl
Lambert
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Lewis (GA)
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Pomeroy
Price (NC)
Rangel
Reed
Reynolds
Richardson
Roemer
Rohrabacher
Romero-Barcelo (PR)
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Skaggs
Slattery
Slaughter
Smith (IA)
Snowe
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—194

Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bevill
Bilirakis
Bliley
Boehner
Bonilla
Brewster
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chapman
Clement
Clinger
Coble
Collins (GA)
Combest
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gekas
Geren
Gillmor
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grams
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoekstra
Holden
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Klink
Knollenberg
LaFalce
Lancaster
Laughlin
Levy
Lewis (CA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Manzullo
McCollum
McDade
McHugh
McInnis
McKeon
McNulty
Meyers
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Murphy
Myers
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Traficant
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Whitten

Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—20

Andrews (NJ)
Bentley
Berman
Blackwell
Cardin
Derrick
Ford (TN)
Gallegly
Gallo
Grandy
Greenwood
Lewis (FL)
McMillan
Natcher
Norton (DC)
Pickle
Smith (TX)
Thomas (WY)
Torricelli
Weldon

□ 1745

Messrs. GORDON, SMITH of Michigan, and EDWARDS of Texas changed their vote from "aye" to "no."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to the Hancock amendments. The Hancock amendments would attempt to remove funding from local school districts with activities and programs which instruct or distribute materials to students that support homosexual orientation as a positive adult outcome. The amendments are mean-spirited and dangerous.

Mr. Chairman, on Monday night Tom Hanks won the Academy Award for best performance by an actor for his starring role in Philadelphia. In his moving acceptance speech, he particularly thanked to gay Americans who influenced his decision to become an actor. Please note that Tom Hanks was not made gay by these early influences. But he was made more open-minded and sensitive to others. His performance was a gift to all of us.

Mr. Chairman, gay affirmative materials and activities do not make people gay. Gay affirmative materials do, however, make people who are eventually going to be lesbian or gay adults feel better about themselves. Such affirmative materials also make those who will eventually be heterosexual adults more open-minded and accepting of others who are different—and thus also feel better about themselves.

Clearly, lesbian and gay youth encounter special challenges because they confront a frequently hostile environment. The Centers for Disease Control and Prevention reports that gay youth are at high risk of depression and suicide. According to former HHS Secretary Sullivan's Task Force on Youth Report, gay youth make up 30 percent of completed youth suicides. Gay youth are at least three times more likely than other youth to try to take their own lives.

These distressing facts are largely due to the ways in which antigay attitudes are promoted by certain individuals and groups in this country. These amendments, if enacted, would further promote gay youth depression, isolation and suicide. This is not a symbolic vote—real young people will be irreparably harmed.

The proper role of Government is to protect and improve the lives of all our young people. I urge my colleagues to reject the Hancock amendments.

Mr. TOWNS. Mr. Chairman, as a former educator now representing a highly diverse constituency, I must oppose the amendment offered by the distinguished colleague from Missouri. This amendment undermines the very nature and intent of education.

The purpose of education is to introduce and expose students to new or existing information, stimuli, and methods in a controlled environment through instruction and guidance. Certainly, lifestyles and the teaching thereof are essential to human development in our society.

In teaching lifestyles we must explore an abundance of interrelated fundamental elements such as interpersonal skills, effective communication, and coping mechanisms. These skills are key ingredients to success on all levels, in all endeavors. These elements prepare our youth to better cope with, compete in, and later, prosper in this increasingly complex society.

Therefore, I must reject any legislation which prohibits the teaching of homosexuality as a lifestyle in our school systems throughout the Nation. Nor can I support language that penalizes or paralyzes the operation of associated schools, programs, and activities by barring Federal funding.

Ms. WOOLSEY. Mr. Chairman, I rise today to oppose the Hancock amendments in the strongest terms possible and to urge my colleagues to vote for the Unsoeld perfecting amendment.

As a life-long advocate of civil rights, as a career human resources professional, and as the mother of a gay son, I urge my colleagues to defeat this damaging amendment.

This amendment severely restricts the autonomy of local schools and boards by reaching the long arm of Federal Government in a place where it has never, ever been before—your local school. This amendment dictates what conversations school administrators and teachers may have with students, what may be taught, and what the curriculum should be.

Mr. Chairman, in that respect, this amendment is a first. Does the gentleman offering it believe that it is OK for the Federal Government to tell local schools that they cannot teach creationism or evolution?

I think not. I would wager that he would say it is best left up to local discretion. And he would be right. We need to let local schools and local communities decide what is appropriate to teach children.

But, even if this amendment did not increase Federal bureaucracy and control, I would oppose it.

The fact is that many, many adolescents in school realize that they are gay or lesbian, or believe that they might be. It is then that they need the most support, especially from peers, teachers, school administrators, and parents.

The Secretary of Health and Human Services under President Bush, Louis Sullivan, issued a report on youth suicide which revealed that gay teens are two to three times more likely than their peers to attempt suicide.

They are also at a far greater risk for drug abuse; dropping out of school; running away from home; prostitution; and unwanted pregnancy.

Mr. Chairman, these are the exact children who need the most help. This amendment takes a sledgehammer to their fragile existence by not allowing them to receive counseling, whether it is about physical health issues, or mental health issues.

But, Mr. Chairman, the most important issue here is who is in charge of your local school? Mr. HANCOCK wants the Federal Government telling local schools what they can and cannot do. I am opposed to that, and I believe that the vast majority of this body is as well.

Again, I urge my colleagues to join me in soundly defeating this destructive and dangerous amendment.

### PERSONAL EXPLANATION

Ms. NORTON. Mr. Chairman, I was unavoidably detained during part of this afternoon's consideration of H.R. 6, the Improving America's Schools Act, and therefore missed rollcall votes on two amendments: the Unsoeld amendment to the Hancock amendment—rollcall vote 91—and the Hancock amendment as amended by the Unsoeld amendment—rollcall vote number 92. Had I been present, I would have voted "yes" on rollcall vote 91 and "yes" on rollcall vote 92.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. HANCOCK], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

### RECORDED VOTE

Mr. HANCOCK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 301, noes 120, not voting 17, as follows:

[Roll No. 92]

AYES—301

Abercrombie
Ackerman
Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Carr
Castle
Chapman
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
Diaz-Balart
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Durbin
Edwards (TX)
Ehlers
Emerson
Everett
Ewing
Faleomavaega (AS)
Fawell
Fields (LA)
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Hefner
Herger
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Huffington
Hughes
Hunter
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kim
King
Kingston
Klein
Klink
Klug
Knollenberg
Kolbe
Kyl
LaFalce
Lambert
Lancaster

LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Machtley
Mann
Manton
Manzullo
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McNulty
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thornton
Thurman
Traficant
Tucker
Upton
Valentine
Vento
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—120

Andrews (ME)
Bacchus (FL)
Barrett (WI)
Becerra
Beilenson
Bereuter
Blackwell
Bonior
Bunning
Clay
Clayton
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Crane
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Dickey
Dicks
Dixon
Dunn
Edwards (CA)
Engel
English
Eshoo
Evans
Farr
Fazio
Filner
Flake
Foglietta
Ford (MI)
Frank (MA)
Furse
Gejdenson
Gonzalez
Gutierrez
Hamburg
Harman
Hastings
Hilliard
Hinchey
Hoagland
Hoyer
Hutchinson
Johnson (CT)
Johnson, E. B.
Johnston
Kennelly
Kleczka
Kopetski
Kreidler
Lantos
Lewis (CA)
Lewis (GA)
Lowey
Maloney
Margolies-Mezvinsky
Markey
Matsui
McCrery
McDermott
McKinney
Meehan
Miller (CA)
Mineta
Mink
Moran
Morella
Nadler
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Rangel
Reed
Reynolds
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Skaggs
Slaughter
Stark
Stokes
Strickland
Studds
Swift
Synar
Thompson
Torkildsen
Torres
Towns
Underwood (GU)
Unsoeld
Velazquez
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Woolsey
Wyden
Wynn
Yates

NOT VOTING—17

Berman
Cardin
Derrick
Ford (TN)
Gallegly
Gallo
Gekas
Grandy
Hoke
Lewis (FL)
McMillan
Natcher
Norton (DC)
Pickle
Smith (TX)
Thomas (WY)
Torricelli

☐ 1756

Mr. SHARP, Mrs. LOWEY, Mrs. SCHROEDER, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "aye" to "no."

Mr. ACKERMAN changed his vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. THOMAS of Wyoming. Mr. Chairman, during consideration of rollcall votes No. 91 and No. 92 earlier today, I was unavoidably detained. Had I been present, I would have voted "no" on rollcall No. 91 and "yes" on rollcall No. 92.

Mr. KILDEE. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the RECORD and open to amendment at any point, with the understanding that it does not affect the time agreement and is consistent with the rule. Only amendments that have been printed in the RECORD are in order.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute, as modified, is as follows:

### *"TITLE X—COORDINATED SERVICES PROJECTS*

***"SEC. 10001. FINDINGS AND PURPOSE.***

*"(a) FINDINGS.—The Congress makes the following findings:*

*"(1) Growing numbers of children are negatively affected by influences outside of the classroom which increase their risk of academic failure.*

*"(2) Factors such as poor nutrition, unsafe living conditions, physical and sexual abuse, family and gang violence, inadequate health care, unemployment, lack of child care and substance abuse adversely affect family relationships and the ability of a child to learn.*

*"(3) Parents and other caregivers in today's high pressure society often face demands which place restraints on their time and affect their ability to adequately provide for the needs of their families.*

*"(4) Access to health and social service programs can address the basic physical and emotional needs of children so that they can fully participate in the learning experiences offered them in school.*

*"(5) Services for at-risk students need to be more convenient, less fragmented, regulated and duplicative in order to meet the needs of children and their families.*

*"(6) School personnel, parents, and support service providers often lack knowledge of, and access to, available services for at-risk students and their families in the community, and have few resources to coordinate services and make them accessible.*

*"(7) Service providers, such as teachers, social workers, health care and child care providers, juvenile justice workers and others, are often trained in separate disciplines that provide little support for the coordination of services.*

*"(8) Coordination of services is more cost effective because it substitutes prevention for expensive crisis intervention.*

*"(9) Coordinating health and social services with education can help the Nation meet the National Education Goals by ensuring better outcomes for children.*

*"(b) PURPOSE OF COORDINATING SERVICES.—The purpose of this section is to provide elementary and secondary school students and their families better access to the social, health and education services necessary for students to succeed in school and for their families to take an active role in ensuring that children receive the best possible education.*

***"SEC. 10002. DEFINITIONS.***

*"(a) The term 'coordinated services project' refers to a comprehensive approach to meeting the educational, health, social service, and other needs of children and their families, including foster children and their foster families, through a communitywide partnership that links public and private agencies providing such services or access to such services through a coordination site at or near a school.*

*"(b) An 'eligible entity' is a local educational agency, individual school, or consortium of schools.*

***"SEC. 10003. PROJECT DEVELOPMENT AND IMPLEMENTATION.***

*"(a) PROJECT PLANS.—Eligible entities exercising their authority under section 9206(b) shall submit to the Secretary an application for the development of a plan or a plan for the implementation of a coordinated services project.*

*"(b) PROJECT DEVELOPMENT.—The application for the development of the coordinated services project, which can last for up to one year, shall:*

*"(1) demonstrate that an assessment will be performed of the economic, social, and health barriers to educational achievement experienced by children and families, including foster children and their foster families, in the community, and the local, State, federal, and privately funded services available to meet such needs;*

*"(2) identify the measures that will be taken to establish a communitywide partnership that links public and private agencies providing services to children and families; and*

*"(3) identify any other measures that will be taken to develop a comprehensive plan for the implementation of a coordinated services project or projects.*

*"(c) PROJECT IMPLEMENTATION.—Eligible entities shall submit to the Secretary a plan for the implementation or expansion of a coordinated services project. Such plan shall include—*

*"(1) the results of a children and families needs assessment, which will include an assessment of the needs of foster children;*

*"(2) the membership of the coordinated services project partnership;*

*"(3) a description of the proposed coordinated services project, its objectives, where it will be located, and the staff that will be used to carry out the purposes of the project;*

*"(4) a description of how the success of the coordinated services project will be evaluated;*

*"(5) a description of the training to be provided to teachers and appropriate personnel; and*

*"(6) information regarding whether or not a sliding scale fee for services will be employed, and if not, an explanation of why such scale is not feasible.*

***"SEC. 10004. USES OF FUNDS.***

*"(a) Funds utilized under the authority of section 9206(b) may be used for activities under this title which include—*

*"(1) hiring a services coordinator;*

*"(2) making minor renovations to existing buildings;*

*"(3) purchasing basic operating equipment;*

*"(4) improving communications and information-sharing between members of the coordinated services project partnership;*

*"(5) providing training to teachers and appropriate personnel concerning their role in a coordinated services project; and*

*"(6) conducting the needs assessment required in section 10003(b)(1).*

*"(b) Projects operating under the authority of this title shall comply with the requirements of Sec. 1121(b).*

### "SEC. 10005. CONTINUING AUTHORITY.

*"The Secretary shall not approve the plan of any project which fails to demonstrate that it is achieving effective coordination after 2 years of implementation.*

### "SEC. 10006. FEDERAL AGENCY COORDINATION.

*"(a) Agency Coordination.—The Secretaries of Education, Health and Human Services, Labor, Housing and Urban Development, Treasury, and Agriculture, and the Attorney General shall review the programs administered by their agencies to identify barriers to service coordination.*

*"(b) Report to Congress.—Such Secretaries and the Attorney General shall submit jointly a report to the Congress not later than 2 years after the date of the enactment of the Improving America's Schools Act, based on the review required under paragraph (a) recommending legislative and regulatory action to address such barriers, and during this time, shall use waiver authorities authorized under this and other Acts.*

## "TITLE XI—SCHOOL FACILITIES IMPROVEMENT ACT

### "SEC. 11001. FINDINGS.

*"The Congress finds the following:*

*"(1) According to a 1991 survey conducted by the American Association of School Administrators, 74 percent of all public school buildings in the United States need to be replaced.*

*"(2) Almost one-third of such buildings were built prior to World War II.*

*"(3) It is estimated that 1 of every 4 public school buildings in the United States is in inadequate condition, and of such buildings, 61 percent need maintenance or major repairs, 43 percent are obsolete, 42 percent contain environmental hazards, 25 percent are overcrowded, and 13 percent are structurally unsound.*

*"(4) Large numbers of local educational agencies have difficulties securing financing for school facility improvement.*

### "SEC. 11002. PURPOSE.

*"The purpose of this Act is the leverage limited Federal funds to enable local educational agencies to finance the costs associated with the improvement of school facilities within their jurisdiction.*

### "SEC. 11003. FEDERAL ASSISTANCE IN THE FORM OF LOANS.

*"(a) Authority and Conditions for Loans.—To assist local educational agencies in the construction, reconstruction, or renovation of schools, the Secretary may make loans of funds to such agencies for the construction, reconstruction, or renovation of such schools. Such assistance shall only be provided—*

*"(1) to local educational agencies eligible for grants under section 1124A of part A of title I, schools located on Indian reservations, or local educational agencies eligible for payments under section 8004.*

*"(2) if the Secretary finds that such constructions will be undertaken in an economical manner, and that any such construction, reconstruction or renovation is not or will not be of elaborate or extravagant design or materials.*

*"(b) Priorities.—In approving loans under this title, the Secretary shall consider—*

*"(1) the difficulty of the applicant in securing affordable financing from other sources;*

*"(2) the threat the condition of the physical plant poses to the safety and well-being of students;*

*"(3) the demonstrated need for the construction, reconstruction, or renovation as based on the condition of the facility; and*

*"(4) the age of the facility to be renovated or replaced.*

*"(c) Amount and Conditions of Loans.—A loan to a local educational agency—*

*"(1) may be in an amount not exceeding the total development cost of the facility, as determined by the Secretary;*

*"(2) shall be secured in such manner and be repaid within such period, not exceeding 50 years, as may be determined by the Secretary; and*

*"(3) shall bear interest at a rate determined by the Secretary which shall be the rate of interest paid by the Secretary on funds obtained from the Secretary of the Treasury minus 1 and one quarter per cent each year.*

### "SEC. 11004. GENERAL PROVISIONS.

*"(a) Budget and Accounting.—In the performance of, and with respect to, the functions, powers, and duties under this part, the Secretary, notwithstanding the provisions of any other law, shall—*

*"(1) prepare annually and submit a budget program as provided for wholly owned Government corporations by chapter 91 of title 31, United States Code; and*

*"(2) maintain a set of accounts which shall be audited by the Comptroller General in accordance with the provisions of chapter 35 of title 31, United States Code, but such financial transactions of the Secretary, as the making of loans and vouchers approved by the Secretary, in connection with such financial transactions shall be final and conclusive upon all officers of the Government.*

*"(b) Use of Funds.—Funds made available to the Secretary pursuant to the provisions of this part shall be deposited in a checking account or accounts with the Treasurer of the United States. Receipts and assets obtained or held by the Secretary in connection with the performance of functions under this part, and all funds available for carrying out the functions of the Secretary under this part (including appropriations therefor, which are hereby authorized), shall be available, in such amounts as may from year to year be authorized by the Congress, for the administrative expenses of the Secretary in connection with the performance of such functions.*

*"(c) Legal Powers.—In the performance of, and with respect to, the functions, powers, and duties under this part, the Secretary, notwithstanding the provisions of any other law, may—*

*"(1) prescribe such rules and regulations as may be necessary to carry out the purposes of this part;*

*"(2) sue and be sued;*

*"(3) foreclose on any property or commence any action to protect or enforce any right conferred upon the Secretary by any law, contract, or other agreement, and bid for and purchase at any foreclosure or any other sale any property in connection with which the Secretary has made a loan pursuant to this part;*

*"(4) in the event of any such acquisition, notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property, but any such acquisition of real property shall not deprive any State or political subdivision thereof of its civil or criminal jurisdiction in and over such property or impair the civil rights under the State or local laws of the inhabitants on such property;*

*"(5) sell or exchange at public or private sale, or lease, real or personal property, and sell or exchange any securities or obligations, upon such terms as the Secretary may fix;*

*"(6) obtain insurance against loss in connection with property and other assets held; and*

*"(7) include in any contract or instrument made pursuant to this part such other covenants, conditions, or provisions as may be necessary to assure that the purposes of this part will be achieved.*

*"(d) Contracts for Supplies or Services.—Section 3709 of the Revised Statutes shall not apply to any contract for services or supplies on account of any property acquired pursuant to this part if the amount of such contract does not exceed $1,000.*

*"(e) Applicability of Government Corporation Control Act.—The provisions of section 9107(a) of title 31, United States Code, which are applicable to corporations or agencies subject to chapter 91 of such title, shall also be applicable to the activities of the Secretary under this part.*

*"(f) Wage Rates.—The Secretary shall take such action as may be necessary to ensure that all laborers and mechanics employed by contractors or subcontractors on any project assisted under this part—*

*"(1) shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (Davis-Bacon Act), as amended; and*

*"(2) shall be employed not more than 40 hours in any one week unless the employee receives wages for the employee's employment in excess of the hours specified above at a rate not less than one and one-half times the regular rate at which the employee is employed,*

*but the Secretary may waive the application of this subsection in cases or classes of cases where laborers or mechanics, not otherwise employed at any time in the construction of such project, voluntarily donate their services without full compensation for the purpose of lowering the costs of construction and the Secretary determines that any amounts saved thereby are fully credited to the educational institution undertaking the construction.*

*"(g) Limitations.—(1) No loan shall be made under this part to any local educational agency until 5 years after the date on which a previous loan to that agency was made under this part, unless the loan is intended to be used to construct or reconstruct a facility damaged as a result of a national disaster, as declared by the President.*

*"(2) Not more than 12.5 percent of the amount of the funds provided for in this part in the form of loans annually shall be made available to educational institutions within any one State.*

### "SEC. 11005. DEFINITIONS.

*"The term 'school' is defined as structures suitable for use as classrooms, laboratories, libraries, and related facilities, the primary purpose of which is the instruction of elementary and secondary school students.*

### "SEC. 11006. AUTHORIZATION.

*"There are authorized to be appropriated to carry out this title, $200,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.".*

## "TITLE XII—URBAN AND RURAL EDUCATION ASSISTANCE

## "PART A—URBAN EDUCATION DEMONSTRATION GRANTS

### "SEC. 12000. AUTHORIZATION OF APPROPRIATIONS.

*"(a) Demonstration Grants.—(1) There is authorized to be appropriated $200,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999 to carry out the provisions of sections 12003 and 12103.*

*"(2) 50 percent of the amount appropriated under paragraph (1) shall be reserved and made available only for the purposes of section 12103. If the amount reserved for any fiscal year for section 12103 is less than $50,000,000, the Secretary shall grant awards on a competitive basis to local educational agencies serving rural areas, making such that there is an equitable geographic distribution of such awards. If the amount reserved for any fiscal year for section 12103 exceeds $50,000,000, the Secretary shall grant awards in such a manner that a local educational agency serving rural areas in each State receives such an award.*

*"(3) 50 percent of the amount appropriated under paragraph (1) shall be reserved and made available only for the purposes of section 12003.*

*"(b) HIGHER EDUCATION AND RESEARCH GRANTS.—(1) There are authorized to be appropriated $50,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999 to carry out the provisions of sections 12004 and 12104.*

*"(2) 50 percent of the amount appropriated under paragraph (1) shall be reserved and made available only for the purposes of section 12004.*

*"(3) 50 percent of the amount appropriated under paragraph (1) shall be reserved and made available only for the purposes of section 12104.*

*(c) COMMISSIONS.—"There are authorized to be appropriated for fiscal years 1995, 1996, and 1997 such sums as may be necessary to carry out the provisions of sections 12006 and 12105. Amounts appropriated pursuant to this authority shall remain available until expended.*

*"(d) EVALUATION.—There are authorized to be appropriated for each of the fiscal years 1995 through 1999 such sums as may be necessary to carry out the provisions of section 12005.*

### "SEC. 12001. FINDINGS.

*"The Congress finds that—*

*"(1) the ability of the Nation's major urban school systems to meet the Nation's educational goals will determine the country's economic competitiveness and academic standing in the world community;*

*"(2) the quality of public education in the Nation's major urban areas has a direct effect on the economic development of the Nation's inner cities;*

*"(3) the success of urban schools in boosting the achievement of its minority youth attending such schools will determine the ability of the Nation to close the gap between the 'haves and have-nots' in society;*

*"(4) the cost to America's businesses to provide remedial education to high school graduates is approximately $21,000,000,000 per year;*

*"(5) approximately ⅓ of the Nation's work force will be minority by the year 2000;*

*"(6) urban schools enroll a disproportionately large share of the Nation's poor and 'at-risk' youth;*

*"(7) urban schools enroll approximately ⅓ of Nation's poor, 40 percent of the Nation's African American children, and 30 percent of the Nation's Hispanic youth;*

*"(8) nearly 20 percent of the Nation's limited English proficient children and 15 percent of the Nation's disabled youth are enrolled in urban schools;*

*"(9) the academic performance of students in the average inner-city public school system is below that of students in most other kinds of school systems;*

*"(10) urban schools systems have higher dropout rates, more problems with health care and less parental participation than other kinds of school systems;*

*"(11) urban preschoolers have one-half the access to early childhood development programs as do other children;*

*"(12) shortages of teachers in urban school systems are 2.5 times greater than such shortages in other kinds of school systems;*

*"(13) declining numbers of urban minority high school graduates are pursuing postsecondary educational opportunities;*

*"(14) urban schools systems have greater problems with teen pregnancy, discipline, drug abuse and gangs than do other kinds of school systems;*

*"(15) 75 percent of urban school buildings are over 25 years old, 33 percent of such buildings are over 50 years old, and such buildings are often in serious disrepair and create poor and demoralizing working and learning conditions;*

*"(16) solving the challenges facing our Nation's urban schools will require the concerted and collaborative efforts of all levels of government and all sectors of the community;*

*"(17) State and Federal funding or urban schools has not adequately reflected need; and*

*"(18) Federal funding that is well targeted, flexible and accountable would contribute significantly to addressing the comprehensive needs of inner-city schools.*

### "SEC. 12002. STATEMENT OF PURPOSE.

*"It is the purpose of this Act to provide financial assistance to—*

*"(1) assist urban schools in meeting national education goals;*

*"(2) improve the educational and social well being of urban public school children;*

*"(3) close the achievement gap between urban and nonurban school children, while improving the achievement level of all children nationally;*

*"(4) renovate and repair urban school buildings and facilities;*

*"(5) conduct coordinated research on urban education problems, solutions and promising practices;*

*"(6) improve the Nation's global economic and educational competitiveness by improving the country's urban schools;*

*"(7) encourage community, parental and business collaboration in the improvement or urban schools; and*

*"(8) review regulations whose simplification might improve the achievement of urban school children.*

### "SEC. 12003. URBAN EDUCATION DEMONSTRATION GRANTS.

*"(a) AUTHORITY.—The Secretary is authorized to make grants to eligible local educational agencies serving an urban area or State educational agencies in the case where the State educational agency is the local educational agency for activities designed to assist in local school improvement efforts and school reform, and to assist the schools of such agencies in meeting the National Education Goals.*

*"(b) AUTHORIZED ACTIVITIES.—Funds under this section may be used to—*

*"(1) increase academic achievement or urban school children;*

*"(2) ensure the readiness of urban children for school;*

*"(3) increase the graduation rates of urban students;*

*"(4) prepare urban school graduates to enter higher education, pursue careers, and exercise their responsibilities as citizens;*

*"(5) recruit and retain qualified teachers, particularly minority teachers and teachers specializing in areas of critical shortage;*

*"(6) provide for ongoing staff development to increase the professional capacities of the teaching staff and the skills of teacher aides and paraprofessionals;*

*"(7) decrease the use of drugs and alcohol among urban students and to ensure the physical and emotional well-being of such students in a bias-free school environment;*

*"(8) coordinate and collaborate with parents, the community, the private sector, and with other service providers and programs;*

*"(9) acquire and improve access to educational technology; and*

*"(10) assist the schools most in need of services by replicating successful efforts of other urban local educational agencies and expanding successful programs within the eligible agency.*

*"(c) GENERAL PROVISIONS.—An eligible local educational agency desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require, consistent with this section.*

*"(d) DEFINITIONS.—Except as otherwise provided, for the purposes of this part—*

*"(1) CENTRAL CITY.—The term 'central city' has the same meaning as that used by the United States Census Bureau.*

*"(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term 'eligible local educational agency' means a local educational agency which—*

*"(A) serves the largest central city in a State;*

*"(B) enrolls more than 30,000 students and serves a central city with a population of at least 200,000 in a metropolitan statistical area; or*

*"(C) enrolls between 25,000 and 30,000 students and serves a central city with a population of at least 140,000 in a metropolitan statistical area.*

*"(3) METROPOLITAN STATISTICAL AREA.—The term 'metropolitan statistical area' has the same meaning as that used by the United States Census Bureau.*

### "SEC. 12004. RESEARCH AND EVALUATION GRANTS.

*"The Secretary is authorized to make grants and enter into contracts with eligible local educational agencies, and institutions of higher education jointly with eligible local educational agencies to conduct research and evaluate programs for improving and reforming the Nation's urban schools.*

### "SEC. 12005. USE OF FUNDS.

*"Funds allotted to eligible local educational agencies and institutions of higher education under section 12004 may be used for—*

*"(1) collaborative and coordinated research and evaluation of educational techniques or approaches used in multiple eligible local educational agencies;*

*"(2) evaluation of projects assisted under title I;*

*"(3) collection and dissemination of information on successful projects and approaches assisted under title I;*

*"(4) design and implementation of extension service programs to allow an eligible local educational agency to provide technical assistance to individual schools and teachers involved in projects assisted under title I;*

*"(5) provision of data and information management services to individual schools assisted under title I;*

*"(6) provision of staff training in schools assisted under title I;*

*"(7) evaluation of progress made by eligible local educational agencies assisted under this Act in meeting national education goals;*

*"(8) provision of staff training in test interpretation and use for diagnostic purposes;*

*"(9) provision of information to parents on test results and test interpretation;*

*"(10) provision of technology and training in its research and evaluation uses;*

*"(11) development of assessment tools of students in individualized instruction;*

*"(12) research on school policies and practices which may be barriers to the success of students in school; and*

*"(13) development and testing of new multiple, alternative assessments of student progress toward the national education goals which are race and gender bias-free and sensitive to limited-English proficient and disabled students.*

**"SEC. 12006. AUGUSTUS F. HAWKINS NATIONAL COMMISSION ON URBAN EDUCATION.**

*"(a) ESTABLISHMENT.—There is established a National Commission on Urban Education (in this Act referred to as the 'Commission').*

*"(b) MEMBERSHIP.—*

*"(1) IN GENERAL.—The Commission shall be composed of 12 members as follows:*

*"(A) 4 of the Members shall be appointed by the President.*

*"(B) 4 of the Members shall be appointed by the Speaker of the House, including 2 Members of the House, of which 1 shall be from each political party.*

*"(C) 4 of the members shall be appointed by the President pro tempore of the Senate, including 2 Members of the Senate, of which 1 shall be from each political party.*

*"(2) CHAIRPERSON.—The Chairperson of the Commission shall be elected by the members of the Commission and shall continue to serve for the duration of the Commission.*

*"(3) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.*

*"(c) DUTIES.—The Commission shall study the following issues:*

*"(1) DEMOGRAPHIC CHANGES.—Demographic changes in student enrollment and classroom teachers in the 10-year period prior to the date of enactment of this Act.*

*"(2) SPECIAL NEEDS.—Numbers and types of special needs of students in urban schools.*

*"(3) UNSERVED OR UNDERSERVED STUDENTS.—Number of unserved or underserved students in urban schools eligible for assistance under the Head Start Act, chapter 1 of title 1 of the Elementary and Secondary Education Act of 1965, School Dropout Demonstration Assistance Act of 1988, Drug Free Schools and Communities Act of 1986. Carl D. Perkins Vocational and Applied Technology Education Act, Education of the Handicapped Act and other Federal programs.*

*"(4) STUDENT PERFORMANCE.—Program and management efforts in urban schools designed to enhance student performance, and reasons for the effectiveness of such efforts.*

*"(5) FINANCIAL SUPPORT.—Financial support and funding needs of urban schools from local, State, and Federal sources.*

*"(6) COLLABORATE EFFORTS.—Collaborative efforts and programs between urban schools, the private sector, and community groups.*

*"(7) SUPPLY NEEDS.—Supply needs for teachers in urban schools in the 10-year period beginning on the date of enactment of this Act.*

*"(d) REPORTS.—*

*"(1) IN GENERAL.—The Commission shall submit a report that includes recommendations to the President and to the appropriate committees of the Congress on the findings of the study required by this section. The report shall be submitted as soon as practicable.*

*"(2) PROPOSAL FOR CHANGES IN FEDERAL LEGISLATION.—The report submitted under this section shall include proposals for changes in Federal legislation.*

*"(e) STAFF.—Such personnel as the Commission deems necessary may be appointed by the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subtitle III of chapter 53 of such title relating to classification and General Schedule pay rates, but no individual so appointed shall be paid in excess of the rate of basic pay for level III of the Executive Schedule.*

*"(f) COMPENSATION.—*

*"(1) IN GENERAL.—Members of the Commission who are officers or full-time employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.*

*"(2) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, as authorized by section 5702 and 5703 of title 5, United States Code.*

*"(3) SPECIAL RULE.—Members of the Commission who are not officers or full-time employees of the United States may receive a per diem and travel allowance as is provided by the United States Code for persons in the Government service employed intermittently.*

*"(g) ADMINISTRATION.—*

*"(1) IN GENERAL.—The Commission or, on the authorization of the Commission, any committee thereof, may, for the purpose of carrying out the provisions of this section, hold such hearings and site and act at such times and such places within the United States as the Commission or such committee considers advisable.*

*"(2) CONSULTATION.—In carrying out its duties under this section, the Commission shall consult with other Federal agencies, representatives of State and local governments, and private organizations to the extent feasible.*

*"(3) INFORMATION.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish that information to the Commission.*

*"(4) CONTRACTS.—The Commission is authorized to enter into contracts to secure the necessary data and information to conduct its work and to obtain the services of experts and consultants.*

*"(5) COOPERATION.—The heads of all Federal agencies are, to the extent practicable, directed to cooperate with the Commission in carrying out this section.*

*"(6) SPECIAL RULE.—The Commission is authorized to utilize, with the consent of such agencies, the services, personnel, information, and facilities of other Federal, State, local, and private agencies with or without reimbursement.*

*"(h) TERMINATION.—The Commission shall terminate 3 years after the date of its first meeting.*

**"SEC. 12007. EVALUATION.**

*"The Secretary is authorized directly, or through grants or contracts to evaluate the programs and activities funded under this title, broadly disseminate such information to other school districts, and to report the results of such evaluation to the Education and Labor Committee of the House of Representatives and the Labor and Human Resources Committee of the Senate.*

## *"PART B—RURAL EDUCATION DEMONSTRATION GRANTS*

**"SEC. 12101. FINDINGS.**

*"The Congress finds that—*

*"(1) rural schools are essential to national efforts to meet the National Education Goals;*

*"(2) approximately 60 percent of the Nation's public school districts are rural, with populations of less than 2,500;*

*"(3) about 1 out of every 4 of America's rural school children are living below the poverty level;*

*"(4) the quality of public education in rural areas has a direct effect on the economic development of our country's rural communities;*

*"(5) the academic performance of students in the average rural school system is below that of students in most other suburban school systems;*

*"(6) the average age of rural public school buildings is more than 45 years old, creating poor and demoralizing working and learning conditions;*

*"(7) shortages of teachers for rural school systems is greater than in other kinds of school systems;*

*"(8) solving the challenges facing the Nation's rural schools will require the concerted and collaborative efforts of all levels of government and all sectors of the education community; and*

*"(9) additional Federal funding would contribute significantly to addressing the comprehensive needs of rural schools.*

**"SEC. 12102. STATEMENT OF PURPOSE.**

*"It is the purpose of this part to provide financial assistance to rural schools to encourage innovative school reform programs, the enhanced use of telecommunications technology for learning, and inservice training and teacher recruitment initiatives in cooperation with institutions of higher education designed to augment local school improvement activities.*

**"SEC. 12103. RURAL SCHOOL GRANTS.**

*"(a) AUTHORITY.—The Secretary is authorized to make grants to local education agencies serving rural areas or State educational agencies in the case where the State educational agency is the local educational agency for activities designed to assist in local school improvement efforts.*

*"(b) AUTHORIZED ACTIVITIES.—Funds under this title may be used to—*

*"(1) assist rural schools in meeting National Education goals and undertaking local school improvement initiatives;*

*"(2) develop pilot projects that experiment with innovative ways to teach rural public school children more effectively;*

*"(3) encourage rural school consortia for the purpose of increasing efficiency and course offerings;*

*"(4) provide meaningful inservice training opportunities for rural public school teachers; and*

*"(5) assist rural schools in acquiring and improving access to educational technology, including distance learning technologies.*

*"(c) GENERAL PROVISIONS.—Each eligible entity desiring a grant under this title shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Awards made by the Secretary shall be of sufficient size and scope to achieve significant rural school improvement.*

**"SEC. 12104. HIGHER EDUCATION GRANTS.**

*"(a) GRANTS.—The Secretary is authorized to make grants to institutions of higher education, consortia of such institutions, or partnerships between institutions of higher education and local education agencies to assist rural schools and local education agencies serving rural areas in undertaking local school improvement activities.*

*"(b) AUTHORIZED ACTIVITIES.—Funds under this section may be used to—*

*"(1) assist rural schools in meeting National Education Goals;*

*"(2) assist in the recruitment and training of teachers in rural schools;*

*"(3) assist rural schools in the development of appropriate innovative school improvement initiatives;*

*"(4) provide inservice training opportunities for teachers in rural schools; and*

*"(5) provide technical assistance in the use and installation of innovative telecommunications technology.*

*"(c) GENERAL PROVISIONS.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.*

**"SEC. 12105. NATIONAL COMMISSION ON RURAL EDUCATION.**

*"(a) ESTABLISHMENT.—There is established a National Commission on Rural Education.*

*"(b) MEMBERSHIP.—The Commission shall be composed of 12 members, 4 of whom shall be appointed by the President of the United States, 4 of whom shall be appointed by the Speaker of the House upon the recommendation of the ma-*

*jority leader and the minority leader, and 4 of whom shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader and the minority leader. A majority of the members of the Commission shall be individuals involved in rural education, with at least 2 individuals involved in rural postsecondary education. The Chair of the Commission shall be elected by the President from among his 4 appointees and shall continue to serve during the duration of the Commission. Vacancies in the Commission shall be filled in the same manner as the original appointment.*

*"(c) STUDIES.—The Commission shall conduct a full and complete study on the State of rural education in America. Included in this analysis should be the impact of demographic changes in rural schools, the special needs of these schools, the current and future teacher needs of these schools, the effectiveness of existing Federal education programs in meeting the needs of these schools, the adequacy of financial support for these schools, and any other issues that the Commission deems to be important and essential for a complete and exhaustive examination of the state and condition of rural schools in America.*

*"(d) STAFF.—The Commission may appoint such staff as may be necessary by the Chair without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay such staff without regard to the provisions of chapter 51 of subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no individual so appointed shall be paid in excess of the rate authorized for GS–18 of the General Schedule.*

*"(e) COMPENSATION AND EXPENSES.—(1) Members of the Commission who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers and employees of the United States. Such members may be allowed travel expenses and per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.*

*"(2) Members of the Commission who are not officers or full-time employees of the United States may each receive per diem and travel allowance as is provided by the United States Code for persons in the Government service employed intermittently.*

*"(f) ADMINISTRATION.—(1) The Commission may organize itself in whatever manner is most appropriate for the conduct of its activities. It may hold such hearings and act at such time and such places within the United States as it may consider advisable. In carrying out its duties, the Commission may consult with other Federal agencies, representatives of State and local governments, and private organizations to the extent feasible.*

*"(2) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, suggestions, estimates, and statistics for the purpose of this section, and each such department, bureau, agency, board, commission, office, independent establishment, or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request by the Chair.*

*"(3) The Commission may enter into contracts for the acquisition of information, suggestions, estimates, and statistics for the purpose of this section. The Commission is authorized to obtain the services of experts and consultants without regard to section 3109 of title 5, United States Code, and to set pay in accordance with such section.*

*"(4) The head of such Federal agency shall, to the extent not prohibited by law, cooperate with the Commission in carrying out this section. The Commission is authorized to utilize, with their consent, the services, personnel, information, and facilities of other Federal, State, local, and private agencies with or without reimbursement.*

*"(g) FINAL REPORT.—The Commission shall report to Congress its findings not later than 3 years after the date of enactment of this Act. Such report may include legislative recommendations. The Commission may make whatever interim reports to Congress that it deems necessary.".*

## TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

## PART A—APPLICABILITY OF THE GENERAL EDUCATION PROVISIONS ACT

**SEC. 211. TITLE; APPLICABILITY; DEFINITIONS.**

*Section 400 of the General Education Provisions Act (20 U.S.C. 1221 et seq.; referred to in this title as "the Act") is amended to read as follows:*

*"TITLE; APPLICABILITY; DEFINITIONS*

*"SEC. 400. (a) This title may be cited as the 'General Education Provisions Act'.*

*"(b)(1) Except as otherwise provided, this title applies to each applicable program of the Department of Education.*

*"(2) Except as otherwise provided, this title does not apply to any contract made by the Department of Education.*

*"(c) As used in this title, the following terms have the following meanings:*

*"(1) The term 'applicable program' means any program for which the Secretary or the Department has administrative responsibility as provided by law or by delegation of authority pursuant to law. The term includes each program for which the Secretary or the Department has administrative responsibility under the Department of Education Organization Act or under statutes effective after the effective date of that Act.*

*"(2) The term 'applicable statute' means—*

*"(A) the Act or the title, part, section, or any other subdivision of an Act, as the case may be, that authorizes the appropriation for an applicable program;*

*"(B) this title; and*

*"(C) any other statute that by its terms expressly controls the administration of an applicable program.*

*"(3) The term 'Department' means the Department of Education.*

*"(4) The term 'Secretary' means the Secretary of Education.*

*"(d) Nothing in this title shall be construed to affect the applicability of title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program.".*

**SEC. 212. REPEAL AND REDESIGNATION.**

*(a) The following provisions of the Act are repealed:*

*(1) Sections 400A, 401, 402, 405, 406, 406A, 406B, 406C, 407, 413, 416, 419, 421, 423, 424, 426A, and 429; and*

*(2) part D.*

*(b) Sections 403, 408, 409, 411, 412, 414, 415, 417, 420, 421A, 422, 425, 426, 427, 428, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, and 440 are redesignated as 401, 410, 411, 420, 421, 422, 423, 425, 426, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, and 446 respectively.*

*(c) Part E is redesignated as part D.*

## PART B—THE DEPARTMENT OF EDUCATION

**SEC. 221. NEW HEADING FOR PART A.**

*The heading for part A of the Act is amended to read as follows:*

*"PART A—FUNCTIONS OF THE DEPARTMENT OF EDUCATION".*

**SEC. 222. OFFICE OF NON-PUBLIC EDUCATION.**

*Section 401 of the Act (as redesignated) is amended by—*

*(1) striking the heading of such section and inserting the following new heading:*

*"OFFICE OF NON-PUBLIC EDUCATION".*

*(2) striking subsections (a), (b), and (c); and*

*(3) striking "(d)(1) There" and inserting "SEC. 401 (1) There".*

**SEC. 223. GENERAL AUTHORITY OF THE SECRETARY.**

*Section 410 of the Act (as redesignated) is amended to read as follows:*

*"GENERAL AUTHORITY OF THE SECRETARY*

*"SEC. 410. The Secretary, in order to carry out functions otherwise vested by law or by delegation of authority pursuant to law, and subject to limitations as may be otherwise imposed by law, is authorized to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operation of, and governing the applicable programs administered by, the Department.".*

**SEC. 224. COORDINATION.**

*The Act is amended by inserting the following new section 412:*

*"COORDINATION*

*"SEC. 412. The Advisory Council on Education Statistics, the National Education Goals Panel, the National Education Statistics and Improvement Council, and any other Board established to analyze, address, or approve standards and assessments shall coordinate and interact with one another in order to ensure that each entity does not duplicate activities to assist States in their efforts to reform their educational systems.".*

## PART C—APPROPRIATIONS AND EVALUATIONS

**SEC. 230. FORWARD FUNDING.**

*Section 420 of the Act (as redesignated) is amended to read as follows:*

*"FORWARD FUNDING*

*"SEC. 420. (a) To the end of affording the responsible State, local, and Federal officers adequate notice of available Federal financial assistance for carrying out ongoing education activities and projects, appropriations for grants, contracts, or other payments under any applicable program are authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year during which such activities and projects shall be carried out.*

*"(b) In order to effect a transition to the timing of appropriation action authorized by subsection (a), the application of this section may result in the enactment, in a fiscal year, of separate appropriations for an applicable program (whether in the same appropriations Act or otherwise) for 2 consecutive fiscal years.".*

**SEC. 231. AVAILABILITY OF APPROPRIATIONS.**

*(a) The heading for section 421 of the Act (as redesignated) is amended to read as follows: "AVAILABILITY OF APPROPRIATIONS ON ACADEMIC OR SCHOOL-YEAR BASIS; ADDITIONAL PERIOD FOR EXPENDITURE OF FUNDS".*

*(b) Section 421 of the Act (as redesignated) is further amended—*

*(1) in subsection (b) by striking "(b) Notwithstanding" and inserting "(b)(1) Notwithstanding"; and*

*(2) in subsection (c) by striking "section 3679(d)(2) of the Revised Statutes" and inserting "section 1341(a) of title 31 of the United States Code".*

**SEC. 232. CONTINGENT EXTENSION OF PROGRAMS.**

*Section 422 of the Act (as redesignated) is amended to read as follows:*

*"CONTINGENT EXTENSION OF PROGRAMS*

*"SEC. 422. (a) The authorization of appropriations for, or duration of, an applicable program*

*shall be automatically extended for one additional fiscal year unless Congress, in the regular session that ends prior to the beginning of the terminal fiscal year of such authorization or duration, has passed legislation that becomes law and extends or repeals the authorization or duration of such program.*

*"(b) The amount authorized to be appropriated for the period of automatic extension of an applicable program under subsection (a) shall be the amount that was authorized to be appropriated for that program during its terminal fiscal year.*

*"(c) During the period of automatic extension of an applicable program under subsection (a), the Secretary shall administer such program, including the performance of all required acts and determinations, in the same manner required in the termination fiscal year by the applicable statute.*

*"(d) This section shall not apply to the authorization of appropriations for a commission, council or committee which is required by an applicable statute to terminate on a date certain.".*

***SEC. 233. STATE REPORTS.***

*Subpart 2 of part B of the Act is amended by inserting the following new section 424 at the beginning of such subpart.*

*"RESPONSIBILITY OF STATES TO FURNISH INFORMATION*

*"SEC. 424. (a) Each State educational agency shall submit to the Secretary a report on or before March 15 of every second year. Each such report shall include—*

*"(1) information with respect to the uses of Federal funds in such State in the 2 preceding fiscal years under any applicable program under the jurisdiction of the State educational agency; and*

*"(2) information with respect to the uses of Federal funds in such State in the 2 preceding fiscal years under any Federal program administered by the State that provided grants or contracts to a local educational agency in the State.*

*"(b) Each report submitted as required by subsection (a) shall—*

*"(1) list, with respect to each program for which information is provided, all grants made to and contracts entered into with local educational agencies and other public and private agencies and institutions within the State during each fiscal year concerned;*

*"(2) analyze the information included in the report by local educational agency and by program;*

*"(3) include the total amount of funds available to the State under each such program for each fiscal year concerned; and*

*"(4) be made readily available by the State to local educational agencies and institutions within the State and to the public.*

*"(c) If the Secretary does not receive a report by the date required under subsection (a), or receives an incomplete report, the Secretary, not later than 30 days after such report is required to be submitted, shall take all reasonable measures to obtain the delinquent or incomplete information from the State educational agency.*

*"(d) When the Secretary receives a report required under subsection (a), the Secretary shall provide such information to the National Center for Education Statistics, and shall make such information available, at a reasonable cost, to any individual who requests it.*

*"(e) The Secretary shall consult with the Speaker and Minority Leader of the House of Representatives and the Majority and Minority Leaders of the Senate regarding the costs and feasibility of making the information described in subsection (a) available as part of a telecommunications network that is readily accessible to every member of Congress and other interested parties.*

*"(f) On or before August 15th of each year in which reports are submitted under subsection (a), the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate. Such report shall include—*

*"(1) an analysis of the content and data quality of such reports;*

*"(2) a compilation of statistical data derived from such reports; and*

*"(3) information obtained by the Secretary with respect to—*

*"(A) direct grants made to local educational agencies by the Federal Government; and*

*"(B) contracts entered into between such agencies and the Federal Government.".*

***SEC. 234. BIENNIAL EVALUATION REPORT.***

*Section 425 of the Act (as redesignated) is amended to read as follows:*

*"BIENNIAL EVALUATION REPORT*

*"SEC. 425. Not later than March 31 of each second year beginning with 1995, the Secretary shall transmit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate an evaluation report on the effectiveness of applicable programs during the two preceding fiscal years in achieving their legislated purposes. Such report shall—*

*"(1) contain program profiles that include legislative citations, multi-year funding histories, and legislated purposes;*

*"(2) contain recent evaluation information on the progress being made toward the achievement of program objectives, including listings of program performance indicators, data from performance measurement based on the indicators, evaluation information on the costs and benefits of the applicable programs being evaluated.*

*"(3) contain selected significant program activities, such as initiatives for program improvement, regulations, and program monitoring and evaluation;*

*"(4) list the principal analyses and studies supporting the major conclusions in such report; and*

*"(5) be prepared in concise summary form with necessary detailed data and appendices, including available data to indicate the effectiveness of the programs and projects by the race, sex, disability and age of their beneficiaries.".*

***SEC. 235. TECHNICAL AMENDMENT.***

*(a) Section 423 of the Act (as redesignated) is amended by striking "Commissioner" and inserting "Secretary".*

*(b) Section 426 of the Act (as redesignated) is amended by—*

*(1) striking "title I of" and all that follows through "Congress)" and inserting "title VIII of the Elementary and Secondary Education Act of 1965"; and*

*(2) striking "subparagraph (C) of section 3(d)(2) or section 403(1)(C)" and inserting in lieu thereof "sections 8003(c) or residing on property described in section 8012(4)(B)(ii)".*

***SEC. 236. COORDINATION.***

*The National Assessment Governing Board, the Advisory Council on Statistics, the National Education Goals Panel, the National Education Statistics and Improvement Council, and any other Board established to analyze, address, or approve standards and assessments shall coordinate and interact with one another in order to ensure that each entity does not duplicate activities to assist States in their efforts to reform their educational systems.*

## *PART D—ADMINISTRATION OF EDUCATION PROGRAMS*

***SEC. 241. JOINT FUNDING OF PROGRAMS.***

*Section 430 of the Act (as redesignated) is amended to read as follows:*

*"JOINT FUNDING OF PROGRAMS*

*"SEC. 430. (a)(1) The Secretary is authorized to enter into arrangements with other Federal agencies to jointly carry out projects of common interest, to transfer to such agencies funds appropriated under any applicable program, and to receive and use funds from such agencies, for projects of common interest.*

*"(2) Funds so transferred or received shall be used only in accordance with the statutes authorizing the appropriation of such funds, and shall be made available by contract or grant only to recipients eligible to receive such funds under such statutes.*

*"(3) If the Secretary enters into an agreement under this subsection for the administration of a project, the agency administering the project shall use its procedures to award contracts or grants and to administer such awards, unless the parties to the agreement specify the use of procedures of another agency that is a party to the agreement.*

*"(4) If the Secretary has entered into an agreement authorized under subsection (a) of this section and the Secretary and the heads of the other agencies participating in the agreement determine that joint funding is necessary to address a special need consistent with the purposes and authorized activities of each program that provides funding, the Secretary and the heads of the other participating agencies may develop a single set of criteria for jointly funded projects and require each applicant for those projects to submit a single application for review by the participating agencies.*

*"(b) The Secretary may develop the criteria for, and require the submission of, joint applications under two or more applicable programs under which awards are made on a competitive basis, and may jointly review and approve such applications separately from other applications under such programs, when the Secretary determines that such joint awards are necessary to address a special need consistent with the purposes and authorized activities of each such program. An applicant for such a joint award must meet the eligibility requirements of each such program.*

*"(c) The Secretary may not construe the provisions of this section to take precedence over a limitation on joint funding contained in an applicable statute.*

*"(d)(1) The Secretary shall provide notice to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate of each joint funding agreement made with other Federal agencies not later than 60 days following the making of such agreements.*

*"(2) Such notice shall include—*

*"(A) a description of the purpose and objectives of the joint funding arrangement;*

*"(B) the amounts and sources, by program, of the funds dedicated to such arrangement; and*

*"(C) the criteria developed to govern the award of contracts and grants.".*

***SEC. 242. COLLECTION AND DISSEMINATION OF INFORMATION.***

*Section 431 of the Act (as redesignated) is amended by—*

*(1) striking "(a) The Commissioner" and inserting "The Secretary";*

*(2) inserting "and" at the end of paragraph (2);*

*(3) striking "; and" at the end of paragraph (3) and inserting "."; and*

*(4) striking paragraph (4) and subsections (b) and (c).*

***SEC. 243. REVIEW OF APPLICATIONS.***

*(a) Section 432 of the Act (as redesignated) is amended—*

*(1) in subsection (a)—*

*(A) by striking "Commissioner" and inserting "Secretary";*

*(B) by striking "and in the case of the program provided for in title I of the Elementary and Secondary Education Act of 1965,";*

*(C) in the third sentence thereof, by inserting a comma after "the hearing"; and*

*(D) in the fourth sentence thereof—*

*(i) by striking the comma after "guidelines"; and*

*(ii) by inserting a comma after "program";*

*(2) in subsection (b), by striking "Commissioner" each place it appears and inserting "Secretary"; and*

*(3) in subsection (d), by striking "Commissioner" each time it appears and inserting "Secretary" and by inserting before the period "or issue such other orders as the Secretary may deem appropriate to achieve such compliance".*

*(b) All statistics and other data collection and analysis reported under this section shall, whenever feasible, be collected cross-tabulated, analyzed, and reported by sex within race or ethnicity and socioeconomic status. In the event that the Secretary determines that such statistics or data collection and analysis reveals no significant differences among such categories, the Secretary shall include in the relevant report incorporating such statistics or data an explanation of such determination.*

### *SEC. 244. TECHNICAL AMENDMENT.*

*Section 434 of the Act (as redesignated) is amended in the first sentence by striking "the Commissioner" and "he" and inserting "the Secretary" in lieu of each.*

### *SEC. 245. USE OF FUNDS WITHHELD.*

*Section 435 of the Act (as redesignated) is amended to read as follows:*

*"USE OF FUNDS WITHHELD*

*"SEC. 435. (a) At any time that the Secretary makes an allotment or reallotment to any State under any applicable program, the Secretary shall reduce such allotment or reallotment by such amount as the Secretary determines such allotment or reallotment would have been reduced, had the data on which the allotment or reallotment is based excluded all data relating to local educational agencies of the State that, on the date of the Secretary's action, are ineligible to receive the Federal financial assistance involved because of failure to comply with title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, or the Age Discrimination Act of 1975.*

*"(b) The Secretary may use any funds withheld under subsection (a)—*

*"(1) to increase the allotments of other local educational agencies within the State, or the allotments of all States, in accordance with the statutes governing the program; or*

*"(2) for grants to local educational agencies of that State in accordance with section 405 of the Civil Rights Act of 1964, or for any other program administered by the Department that is designed to enhance equity in education or redress discrimination on the basis of race, color, national origin, sex, age, or disability.".*

### *SEC. 246. APPLICATIONS.*

*Section 436 of the Act (as redesignated) is amended by striking "for three fiscal years" and inserting "for more than one fiscal year".*

### *SEC. 247. REGULATIONS.*

*Section 437 of the Act (as redesignated) is amended—*

*(1) in the heading by striking ": REQUIREMENTS AND ENFORCEMENT";*

*(2) in subsection (a) by—*

*(A) striking, in paragraph (1), "Commissioner" and inserting "Secretary"; and*

*(B) striking, in paragraph (2), "Department of Health, Education, and Welfare or the Office of Education, or by an official of such agencies" and inserting "Secretary";*

*(3) in subsection (b) by—*

*(A) striking "Commissioner" each place it appears and inserting "Secretary"; and*

*(B) striking the last sentence of paragraph (2)(B);*

*(4) in subsection (d) by—*

*(A) striking, in paragraph (1)—*

*(i) in the second sentence, "transmission unless the Congress shall, by concurrent resolution, find that the final regulation is inconsistent with the Act from which it derives its authority, and disapprove such final regulation, in whole or in part" and insert "transmission";*

*(ii) the last sentence; and*

*(iii) "(1)";*

*(B) striking paragraph (2);*

*(5) by striking subsections (e) and (f); and*

*(6) in subsection (g), by striking "Commissioner" each place it appears and inserting "Secretary".*

### *SEC. 248. RECORDS; REDUCTION IN RETENTION REQUIREMENTS.*

*Section 443 of the Act (as redesignated) is amended—*

*(1) in subsection (a)—*

*(A) by striking out "grant, subgrant, contract, subcontract, loan, or other arrangement (other than procurement contracts awarded by an administrative head of an educational agency)" and inserting in lieu thereof "grant, subgrant, cooperative agreement, loan or other agreement";*

*(B) by inserting "financial or programmatic" immediately before "audit."; and*

*(C) by striking "five" in the last sentence and inserting "three"; and*

*(2) in subsection (b), by striking out "to any records of a recipient which may be related, or pertinent to, the grants, subgrants, contracts, subcontracts, loans, or other arrangements" and inserting in lieu thereof "to any records currently maintained by a recipient that may be related, or pertinent to, grants, subgrants, cooperative agreements, loans, or other arrangements".*

### *SEC. 249. RELEASE OF RECORDS.*

*Section 444(b)(1)(E) of the Act (as redesignated) is amended to read as follows:*

*"(E) State and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to State statute adopted—*

*"(i) before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve the student whose records are released, or*

*"(ii) after November 19, 1974, if—*

*"(I) the allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve the student whose records are released, and*

*"(II) the officials and authorities to whom such information is disclosed certify in writing to the educational agency or institution that the information will not be disclosed to any other party except as provided under State law without the prior written consent of the parent.".*

### *SEC. 250. PROTECTION OF PUPIL RIGHTS.*

*Section 445 of the Act (as redesignated) is amended to read as follows:*

*"PROTECTION OF PUPIL RIGHTS*

*"SEC. 445. (a) All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.*

*"(b) No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning—*

*"(1) political affiliations;*

*"(2) mental and psychological problems potentially embarrassing to the student or his family;*

*"(3) sex behavior and attitudes;*

*"(4) illegal, antisocial, self-incriminating, and demeaning behavior;*

*"(5) critical appraisals of other individuals with whom respondents have close family relationships;*

*"(6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or*

*"(7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program),*

*without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.*

*"(c) Educational agencies and institutions shall give parents and students effective notice of their rights under this section.*

*"(d) The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that—*

*"(1) there has been a failure to comply with such section; and*

*"(2) compliance with such section cannot be secured by voluntary means.*

*"(e) The Secretary shall establish or designate an office and review board within the Department of Education to investigate, process, review, and adjudicate violations of the rights established under this section.".*

### *SEC. 251. ENFORCEMENT.*

*(a) Section 452 of the Act is amended—*

*(1) in the first sentence of paragraph (2) of subsection (a), by striking "stating" and all that follows through the end of such sentence and inserting "establishing a prima facia case for the recovery of funds, including an analysis reflecting the value of the program services actually obtained in a determination of harm to the federal interest.";*

*(2) in the first sentence of paragraph (1) of subsection (b), by striking "30" and inserting "60"; and*

*(3) in subsection (d) by—*

*(A) striking "(d) Upon" and inserting "(d)(1) Upon";*

*(B) adding a new paragraph (2) as follows:*

*"(2) During the conduct of such review, there shall not be any ex parte contact between the Secretary and individuals representing the Department or the recipient.".*

*(b) Section 459 of the Act is amended—*

*(1) in paragraph (1) of subsection (a) by striking ", and that the recipient is in all other respects in compliance with the requirements of that program"; and*

*(2) subsection (c) is amended to read as follows:*

*"(c) Notwithstanding any other provisions of law, the funds made available under this section shall remain available for expenditure for a period of time deemed reasonable by the Secretary, but in no case to exceed more than 3 fiscal years following the later of—*

*"(1) the fiscal year in which final agency action under section 452(e) is taken; or*

*"(2) if such recipient files a petition for judicial review, the fiscal year in which final judical action under section 458 is taken.".*

### *SEC. 252. TECHNICAL AMENDMENTS.*

*(a) The heading for Part C of the Act is amended by striking "COMMISSIONER OF EDUCATION" and inserting "SECRETARY".*

*(b) Section 434 of the Act (as redesignated) is amended in the second sentence thereof, by inserting "is made" after "such determination".*

*(c) Section 436 of the Act (as redesignated) is amended by striking "Commissioner" each place it appears and inserting "Secretary".*

*(d)(1) The heading of section 440 of the Act (as redesignated) is amended by striking "EDUCATIONAL".*

*(2) Section 440 of the Act (as redesignated) is amended—*

*(A) by striking "Commissioner" each place it appears and inserting "Secretary"; and*

*(B) by inserting "(c)" before the last sentence and by deleting "paragraph (3)" in such sentence and inserting "subsection (b)(3)".*

*(e) Section 441 of the Act (as redesignated) is amended—*

*(1) by striking "Commissioner" each place it appears and inserting "Secretary"; and*

*(2) in subsection (a)—*

*(A) by striking the comma after "submits a plan"; and*

*(B) by striking "(subject, in the case of programs under chapter 1 and chapter 2 of title I of the Elementary and Secondary Education Act of 1965, to the provisions of title V of such Act)".*

*(f) Section 442 of the Act (as redesignated) is amended—*

*(1) in subsection (a), by striking "that local education agency" and inserting "that local educational agency"; and*

*(2) in subsection (b)—*

*(A) in paragraph (2), by inserting a comma after "program";*

*(B) in paragraph (4), by striking "Commissioner" each place it appears and inserting "Secretary"; and*

*(C) in paragraph (7), by striking "handicapped individuals" and inserting "individuals with disabilities".*

*(g) Section 444 of the Act (as redesignated) is amended—*

*(1) in subsection (a)(4)(B)(ii), by striking the period at the end thereof and inserting a semicolon;*

*(2) in subsection (b)—*

*(A) in paragraph (1)(C), by striking "(iii) an administrative head of an education agency (as defined in section 408(c)), or (iv)" and inserting "or (iii)";*

*(B) in paragraph (1)(H), by striking "1954" and inserting "1986"; and*

*(C) in paragraph (3)—*

*(i) by striking "(C) an administrative head of an education agency or (D)" and inserting "or (C)"; and*

*(ii) by striking "education program" and inserting "education programs";*

*(3) in subsection (d), by inserting a comma after "education";*

*(4) in subsection (f)—*

*(A) by striking "The Secretary, or an administrative head of an education agency," and inserting "The Secretary";*

*(B) by striking "provisions of" after "enforce";*

*(C) by striking "according to the provisions of" and inserting "in accordance with"; and*

*(D) by striking "the provisions of" after "with"; and*

*(5) in subsection (g)—*

*(A) by striking "Health, Education, and Welfare" and inserting "Education"; and*

*(B) by striking "the provisions of".*

### *SEC. 253. EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES.*

*The Act is further amended by inserting after section 426 (as redesignated) a new section 427 to read as follows:*

*"EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES*

*"SEC. 427. (a) The purpose of this section is to assist the Department in implementing its mission to ensure equal access to education and to promote educational excellence throughout the Nation, by ensuring equal opportunities to participate for all eligible students, teachers, and other program beneficiaries in any project or activity carried out under an applicable program and promoting their ability to meet high standards.*

*"(b) The Secretary shall require each applicant for assistance under an applicable program (other than an individual) to develop and describe in its application the steps it proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with such assistance, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age.*

*"(c) The Secretary may establish criteria and provide technical assistance for meeting the requirements of this section.*

*"(d) Nothing in this section is intended to alter in any way the rights or responsibilities established under the statutes cited in section 400(d) of this Act.".*

## *PART E—RELATED AMENDMENTS TO OTHER ACTS*

### *SEC. 261. DEPARTMENT OF EDUCATION ORGANIZATION ACT.*

*The Department of Education Organization Act is amended—*

*(1) by repealing sections 414 and 427;*

*(2) by redesignating sections 209, 210, 211, 212, 214, 215, 303, 304, 305, 306, 307, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, and 428 as sections 208, 209, 210, 211, 212, 213, 302, 303, 304, 305, 306, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, and 426;*

*(3) the table of contents is amended to read as follows:*

*"TABLE OF CONTENTS*

*"Sec. 1. Short title; table of contents.*

*"TITLE I—GENERAL PROVISIONS*

*"Sec. 101. Findings.*
*"Sec. 102. Purposes.*
*"Sec. 103. Federal-State Relationships.*
*"Sec. 104. Definitions.*

*"TITLE II—ESTABLISHMENT OF THE DEPARTMENT*

*"Sec. 201. Establishment.*
*"Sec. 202. Principal officers.*
*"Sec. 203. Office for Civil Rights.*
*"Sec. 204. Office of Elementary and Secondary Education.*
*"Sec. 205. Office of Postsecondary Education.*
*"Sec. 206. Office of Vocational and Adult Education.*
*"Sec. 207. Office of Special Education and Rehabilitative Services.*
*"Sec. 208. Office of Educational Research and Improvement.*
*"Sec. 209. Office of Bilingual Education and Minority Languages Affairs.*
*"Sec. 210. Office of General Counsel.*
*"Sec. 211. Office of Inspector General.*
*"Sec. 212. Office of Correctional Education.*
*"Sec. 213. Federal Interagency Committee on Education.*

*"TITLE III—TRANSFERS OF AGENCIES AND FUNCTIONS*

*"Sec. 301. Transfers from the Department of Health, Education, and Welfare.*
*"Sec. 302. Transfers from the Department of Labor.*
*"Sec. 303. Transfers of programs from the National Science Foundation.*
*"Sec. 304. Transfers from the Department of Justice.*
*"Sec. 305. Transfers from the Department of Housing and Urban Development.*
*"Sec. 306. Effect of transfers.*

*"TITLE IV—ADMINISTRATIVE PROVISIONS*

*"PART A—PERSONNEL PROVISIONS*

*"Sec. 401. Officers and employees.*
*"Sec. 402. Experts and consultants.*
*"Sec. 403. Personnel reduction and annual limitations.*

*"PART B—GENERAL ADMINISTRATIVE PROVISIONS*

*"Sec. 411. General authority.*
*"Sec. 412. Delegation.*
*"Sec. 413. Reorganization.*
*"Sec. 414. Contracts.*
*"Sec. 415. Regional and field offices.*
*"Sec. 416. Acquisition and maintenance of property.*
*"Sec. 417. Facilities at remote locations.*
*"Sec. 418. Use of facilities.*
*"Sec. 419. Copyrights and patents.*
*"Sec. 420. Gifts and bequests.*
*"Sec. 421. Technical advice.*
*"Sec. 422. Working capital fund.*
*"Sec. 423. Funds transfer.*
*"Sec. 424. Seal of department.*
*"Sec. 425. Annual report.*
*"Sec. 426. Authorization of appropriations.*

*"TITLE V—TRANSITIONAL, SAVINGS, AND CONFORMING PROVISIONS*

*"Sec. 501. Transfer and allocation of appropriations and personnel.*
*"Sec. 502. Effect on personnel.*
*"Sec. 503. Agency terminations.*
*"Sec. 504. Incidental transfers.*
*"Sec. 505. Savings provisions.*
*"Sec. 506. Separability.*
*"Sec. 507. Reference.*
*"Sec. 508. Amendments.*
*"Sec. 509. Redesignation.*
*"Sec. 510. Coordination of programs affecting handicapped individuals.*
*"Sec. 511. Transition.*

*"TITLE VI—EFFECTIVE DATE AND INTERIM APPOINTMENTS*

*"Sec. 601. Effective date.*
*"Sec. 602. Interim appointments.".*

*(4) in section 202(b), by inserting after paragraph (2) the following:*

*"(3) There shall be in the Department, a Special Assistant for Gender Equity who shall be appointed by the Secretary. The Special Assistant shall promote, coordinate, and evaluate gender equity programs, including the dissemination of information, technical assistance, coordination of research activities, and the administration of grant programs. The Special Assistant shall report directly to the Secretary, and shall perform such additional functions as the Secretary shall prescribe.".*

## *TITLE III—AMENDMENTS TO OTHER ACTS*

## *PART A—AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT*

### *SEC. 311. ALLOCATIONS UNDER SECTION 611 OF THE IDEA.*

*(a) GRANT AMOUNTS.—Section 611(a) of the Individuals with Disabilities Education Act (referred to in this title as the "IDEA") is amended—*

*(1) by amending paragraph (1) to read as follows:*

*"(1) Except as provided in paragraph (5), the maximum amount of the grant for which a State is eligible under this section for any fiscal year is—*

*"(A) the sum of—*

*"(i) the number of children with disabilities in the State, aged six through 21, who are receiving special education and related services, as determined under paragraph (3); and*

*"(ii) the number of such children in the State, aged three through five, if the State is eligible for a grant under section 619; multiplied by*

*"(B) 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States.";*

*(2) by amending paragraph (2) to read as follows:*

*"(2) For the purpose of this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico."; and*

*(3) in paragraph (5)(A)—*

*(A) in clause (i)—*

*(i) by striking "and the State" and inserting "or the combined percentage of such children counted by the Secretary for the purpose of making fiscal year 199— allocations under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as in effect the day before the date of the enactment of the Improving America's Schools Act of 1994, whichever is greater, if the State"; and*

*(ii) by inserting "and" at the end thereof;*

*(B) in clause (ii)—*

*(i) by striking "and the State" and inserting "or the combined percentage of such children counted by the Secretary for the purpose of making fiscal year 1994 allocations under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as in effect the day before the date of the enactment of the Improving America's Schools Act of 1994, whichever is greater, if the State"; and*

*(ii) by striking out the semicolon and "and" at the end thereof and inserting in lieu thereof a period; and*

*(C) by striking out clause (iii).*

*(b) AMOUNT RECEIVED.—Section 611(b) of the IDEA is amended to read as follows:*

*"(b)(1) Notwithstanding subsections (a) and (g) of this section, no State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the combined amount it received for fiscal year 1994 under—*

*"(A) this section; and*

*"(B) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 as in effect the day before the date of the enactment of the Improving America's Schools Act of 1994, for children with disabilities aged three through 21.*

*"(2) If, for fiscal year 1998 or 1999, the number of children determined under subsection (a)(3) for any State is less than the total number of children with disabilities, aged three through 21, counted for such State's fiscal year 1994 grants under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as in effect the day before the date of the enactment of the Improving America's Schools Act of 1994, the amount determined under paragraph (1) for such State shall be reduced by the same percentage by which the number of such children so declined.*

*"(3) In any fiscal year in which the amount appropriated for grants under this section is less, in real dollar terms, than the amount appropriated in the immediate preceding fiscal year, the amount for each State under this subsection will be reduced proportionately.".*

*(c) USES OF FUNDS.—Section 611(c) of the IDEA is amended—*

*(1) by amending paragraph (1) to read as follows:*

*"(1) Of the funds received under subsection (a) by any State for any fiscal year—*

*"(A) the State may use up to 25 percent in accordance with paragraph (2); and*

*"(B) except as provided in paragraph (4), the State shall distribute at least 75 percent to local educational agencies and intermediate educational units, in accordance with subsection (d), for use in accordance with priorities established under section 612(3).";*

*(2) in paragraph (2), by amending subparagraph (A) to read as follows:*

*"(A) From the funds that any State may use under paragraph (1)(A) for any fiscal year, the State—*

*"(i) may use 5 percent of the funds received under this section or $450,000, whichever is greater, for administrative costs related to carrying out sections 612 and 613; and*

*"(ii) shall use the remainder—*

*"(I) to provide support services and direct services, subject to subparagraph (B), in accordance with priorities established under section 612(3); and*

*"(II) for the administrative costs of monitoring and complaint investigation, but only to the extent that such costs exceed the costs of administration incurred during fiscal year 1985.".*

*(d) STATE FUNDS.—Section 611(d) of the IDEA is amended to read as follows:*

*"(d)(1) From the total amount of funds available for any fiscal year under subsection (c)(1)(B), the State shall provide to each local educational agency or intermediate educational unit an amount that bears the same ratio to such total amount as the number of children, aged 3 through 21, determined under subsection (a)(3) for such agency or unit bears to the total number of such children determined for all such agencies and units that apply for such funds.*

*"(2)(A) To the extent necessary, the State—*

*"(i) shall use funds available under subsection (c)(2)(A)(ii) to ensure that each State-owned or State-operated school or program or State-supported school or program that received fiscal year 1994 funds under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 receives, from the combination of such funds and funds provided under paragraph (1), an amount equal to—*

*"(I) the number of children, aged 6 through 21, determined under subsection (a)(3) for such agency; multiplied by*

*"(II) the per-child amount provided under such subpart for fiscal year 1994; and*

*"(ii) may use such funds to ensure that each local educational agency that received fiscal year 1994 funds under such subpart for children who had transferred from a State-owned, State-operated, or State-supported school or program assisted under such subpart receives, from the combination of such funds and funds provided under paragraph (1), an amount for each such child, aged 3 through 21, determined under subsection (a)(3) for such agency, equal to the per-child amount the agency received under such subpart for fiscal year 1994.*

*"(B) For the purpose of subparagraph (A), the number of children determined under subsection (a)(3) for any State agency or local educational agency shall not exceed the number of children aged 3 through 21 for whom such agency received funds under such subpart for such fiscal year.*

*"(3) In any fiscal year in which the amount appropriated for grants under this section is less, in real dollar terms, than the amount appropriated in the preceding fiscal year, the amount for each State under this subsection will be reduced proportionately.".*

*(e) JURISDICTION.—Section 611(e)(1) of the IDEA is amended to read as follows:*

*"(1) The jurisdictions to which this subsection applies are Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau).".*

*(f) POSSIBLE RATABLE REDUCTION.—Section 611(g) of the IDEA is amended to read as follows:*

*"(g)(1)(A) If the sums appropriated under subsection (h) for any fiscal year are not sufficient to pay in full the total of the amounts that all States are eligible to receive under subsection (a), each such amount shall be ratably reduced.*

*"(B) If additional funds become available for making such payments for any fiscal year, such reduced amounts shall be increased on the same basis as they were reduced.*

*"(C) Any State that receives any such additional funds shall distribute them in accordance with this section, except that any State that has used funds available under subsection (c)(2)(A)(ii) for the purposes described in subsection (d)(2) may—*

*"(i) deduct, from the amount that it would otherwise be required to make available to local educational agencies and intermediate educational units, the same amount of such additional funds as it so used; and*

*"(ii) use such funds in accordance with subsection (c)(2)(A)(ii).*

*"(2)(A) In any fiscal year for which payments have been reduced and additional funds have not been made available under paragraph (1) to pay in full the amounts for which all States are eligible under this section, each State educational agency shall fix dates by which each local educational agency or intermediate educational unit shall report to the State agency the amount of funds available to it under this section that it estimates it will expend.*

*"(B) The State educational agency shall, in accordance with this section, reallocate any funds that it determines will not be used during the period of availability by such local educational agencies and intermediate educational units, and by any such agency or unit to which such funds would be available if it applied for them under this part, to such local educational agencies and intermediate educational units that the State educational agency determines will need, and be able to use, additional funds to carry out approved programs.".*

### SEC. 312. TREATMENT OF CHAPTER 1 STATE AGENCIES.

*Part B of the IDEA is further amended by inserting after section 614 the following new section:*

*"TREATMENT OF CHAPTER 1 STATE AGENCIES*

*"SEC. 614A. (a) For the purpose of making payments under sections 611 and 619 of this Act, any State agency that received funds for fiscal year 1994 under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 shall be treated as if it were a local educational agency.*

*"(b) The State educational agency shall ensure that each State agency that owns or operates or supports a program or school for children with disabilities with funds under this part—*

*"(1) provides each child with a disability in such school or program a free appropriate public education in accordance with this part, including the due process protections of section 615, as if it were a local educational agency; and*

*"(2) has on file with the State educational agency an application that meets the requirements of section 614 that the Secretary finds appropriate.*

*"(c) Section 611(c)(4) shall not apply with respect to a State agency that is eligible for a payment under this part by virtue of this section.".*

### SEC. 313. INFANTS AND TODDLERS WITH DISABILITIES.

*(a) ALLOTMENTS.—Section 684(c) of the IDEA is amended—*

*(1) by redesignating paragraph (2) as paragraph (5); and*

*(2) by striking paragraph (1) and inserting paragraphs (1) through (4) to read as follows:*

*"(1) Except as provided in paragraphs (3) and (4), from the funds remaining for each fiscal year after the reservation and payments under subsections (a) and (b), the Secretary shall first allot to each State an amount that bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States.*

*"(2) For fiscal year 1995 only, the Secretary shall allot $34,000,000 of the remaining funds de-*

*scribed in paragraph (1) among the States in proportion to the relative numbers of infants and toddlers who—*

*"(A) are counted on December 1, 1994; and*

*"(B) would have been eligible to be counted under section 1221(c)(1) of the Elementary and Secondary Education Act of 1965 as in effect before the enactment of the Improving America's Schools Act of 1994.*

*"(3) Except as provided in paragraph (4), no State shall receive an amount under this section for any fiscal year that is less than the greater of—*

*"(A) one-half of one percent of the remaining amount described in paragraph (1), not including any amounts allotted under paragraph (2); or*

*"(B) $500,000.*

*"(4)(A) No State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the combined amount it received for fiscal year 1994 under—*

*"(i) this part; and*

*"(ii) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for children with disabilities from birth through age two.*

*"(B) If, for fiscal year 1998 or 1999, the number of infants and toddlers in any State, as determined under paragraph (1), is less than the number of infants and toddlers so determined for fiscal year 1994, the amount determined under subparagraph (A) for that State shall be reduced by the same percentage by which the number of those infants and toddlers so declined.".*

*(b) Effective Date.—The amendments made by subsection (a) shall take effect beginning in fiscal year 1995.*

## PART B—EDUCATION FOR HOMELESS CHILDREN AND YOUTH

### SEC. 320. AMENDMENTS TO TABLE OF CONTENTS.

*Section 101 of the Stewart B. McKinney Homeless Assistance Act is amended by striking subtitles A and B of title VII and inserting the following:*

*"Subtitle A—Adult Education for the Homeless*

*"Sec. 701. State literacy initiatives*

*"Subtitle B—Education for Homeless Children and Youth*

*"Sec. 721. Statement of policy.*

*"Sec. 722. Grants for state and local activities for the education of homeless children and youth.*

*"Sec. 723. Local educational agency grants for the education of homeless children and youth.*

*"Sec. 724. Secretarial responsibilities.*

*"Sec. 725. Definitions.*

*"Sec. 726. Authorization of appropriations.".*

### SEC. 321. STATEMENT OF POLICY.

*Subtitle A of title VII of the Stewart B. McKinney Homeless Assistance Act is amended to read as follows:*

### "Subtitle A—Adult Education for the Homeless

### "SEC. 701. STATE LITERACY INITIATIVES.

*"(a) General Authority.—(1) The Secretary of Education is authorized to make grants to State educational agencies to enable each such agency to implement, either directly or through contracts and grants, a program of literacy training and academic remediation for adult homeless individuals within the State, which program shall—*

*"(A) include outreach activities; and*

*"(B) be coordinated with other agencies or organizations, such as community-based organizations, nonprofit literacy-action organizations, and funding recipients under the Adult Education Act, title II of the Job Training Partnership Act, the Youth Fair Chance program under title IV of the Job Training Partnership Act, the Volunteers in Service to America program under the Domestic Volunteers Service Act, part C of this title, or the Job Opportunity and Basic Skills program under the Social Security Act.*

*"(2) The Secretary of Education shall, in awarding grants under this section, give special consideration to the estimates submitted in the application submitted under subsection (b) and make such awards in whatever amounts he or she determines would best serve the purposes of this section.*

*"(b) Application.—Each State educational agency desiring to receive a grant under this section shall submit to the Secretary of Education an application at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall include an estimate of the number of homeless individuals in the State and the number of such individuals expected to be served.*

*"(c) Authorization of Appropriations.—For the purpose of carrying out the adult literacy and academic remediation programs authorized by this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.*

*"(d) Definition.—As used in this section, the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau).".*

### SEC. 322. EDUCATION FOR HOMELESS CHILDREN AND YOUTH.

*Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act is amended to read as follows:*

### "Subtitle B—Education for Homeless Children and Youth

### "SEC. 721. STATEMENT OF POLICY.

*"It is the policy of the Congress that—*

*"(1) each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth;*

*"(2) in any State that has a compulsory residency requirement as a component of its compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free, appropriate public education as provided to other children and youth;*

*"(3) homelessness alone should not be sufficient reason to separate students from the mainstream school environment; and*

*"(4) homeless children and youth should have access to the education and other services that they need to ensure that they have an opportunity to meet the same challenging State performance standards to which all students are held.*

### "SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

*"(a) General Authority.—The Secretary is, in accordance with the provisions of this section, authorized to make grants to States to carry out the activities described in subsections (d), (e), (f), and (g).*

*"(b) Application.—No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.*

*"(c) Allocation and Reservations.—(1) Subject to paragraph (2) and section 724(c), from the amounts appropriated for each fiscal year pursuant to section 726, the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated in each such year as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State in that year bears to the total amount allocated to all States, except that no State shall receive less than $100,000.*

*"(2)(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year pursuant to section 726 to be allocated by the Secretary among the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau), according to their respective need, as determined by the Secretary.*

*"(B)(i) The Secretary is authorized to transfer one percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act, that are consistent with the purposes of this Act.*

*"(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this part, for the distribution and use of these funds under terms that the Secretary determines best meet the purposes of the covered programs. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives, and milestones.*

*"(3) As used in this subsection, the term 'State' shall not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or Palau.*

*"(d) Activities.—Grants under this section shall be used—*

*"(1) to carry out the policies set forth in section 721 in the State;*

*"(2) to provide activities for, and services to, homeless children, including preschool-aged children, and homeless youth that enable such children and youth to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs;*

*"(3) to establish or designate an Office of Coordinator of Education of Homeless Children and Youth in the State educational agency in accordance with subsection (f);*

*"(4) to prepare and carry out the State plan described in subsection (g); and*

*"(5) to develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of homeless children and youth.*

*"(e) State and Local Grants.—(1)(A) Subject to subparagraph (B), if the amount allotted to the State educational agency for any fiscal year under this subtitle exceeds the amount such agency received for fiscal year 1990 under this subtitle, such agency shall provide grants to local educational agencies for purposes of section 723.*

*"(B) The State educational agency may reserve not more than the greater of five percent of the amount it receives under this subtitle for any fiscal year, or the amount such agency received under this subtitle for fiscal year 1990, to conduct activities under subsection (f) directly or through grants or contracts.*

*"(2) If the amount allotted to a State educational agency for any fiscal year under this*

*subtitle is less than the amount such agency received for fiscal year 1990 under this subtitle, such agency, at its discretion, may provide such grants or may conduct activities under subsection (f) directly or through grants or contracts.*

*"(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—*

*"(1) estimate the number of homeless children and youth in the State and the number of such children and youth served with assistance provided under the grants under this subtitle;*

*"(2) gather, to the extent possible, reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs and to public elementary and secondary schools, the difficulties in identifying the special needs of such children and youth, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the program under this subtitle in allowing homeless children and youth to enroll in, attend, and succeed in school;*

*"(3) develop and carry out the State plan described in subsection (g);*

*"(4) prepare and submit to the Secretary not later than October 1, 1997, and on October 1 of every third year thereafter, a report on the information gathered pursuant to paragraphs (1) and (2) and such additional information as the Secretary may require to carry out responsibilities under this subtitle;*

*"(5) facilitate coordination between the State educational agency, the State social services agency, and other agencies providing services to homeless children and youth and their families, including children who are preschool age; and*

*"(6) develop relationships and coordinate with other relevant education, child development, or preschool programs and providers of services to homeless children, homeless families, and runaway and homeless youth (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth), to improve the provision of comprehensive services to homeless children and youth and their families.*

*"(g) STATE PLAN.—(1) Each State shall submit to the Secretary a plan to provide for the education of homeless children and youth within the State, which plan shall describe how such children and youth are or will be given the opportunity to meet the same challenging State performance standards all students are expected to meet, shall describe the procedures the State educational agency will use to identify such children and youth in the State and to assess their special needs, and shall—*

*"(A) describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth;*

*"(B) describe programs for school personnel (including principals, attendance officers, teachers and enrollment personnel), to heighten the awareness of such personnel of the specific needs of runaway and homeless youth;*

*"(C) describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs;*

*"(D) describe procedures that ensure that—*

*"(i) homeless children have equal access to the same public preschool programs, administered by the State agency, as provided to other children; and*

*"(ii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs;*

*"(E) address problems set forth in the report provided to the Secretary under subsection (f)(4);*

*"(F) address other problems with respect to the education of homeless children and youth, including problems caused by—*

*"(i) transportation issues; and*

*"(ii) enrollment delays that are caused by—*

*"(I) immunization requirements;*

*"(II) residency requirements;*

*"(III) lack of birth certificates, school records, or other documentation; or*

*"(IV) guardianship issues;*

*"(G) demonstrate that the State and local educational agencies in the State have developed, and will review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in schools in the State; and*

*"(H) contain an assurance that the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youth are not isolated or stigmatized.*

*"(2) Each plan adopted under this subsection shall also show how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (9).*

*"(3)(A) The local educational agency that serves each homeless child and youth shall, according to the child's or youth's best interest, either—*

*"(i) continue the child's or youth's education in the school of origin—*

*"(I) for the remainder of the academic year; or*

*"(II) in any case in which a family becomes homeless between academic years, for the following academic year; or*

*"(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.*

*"(B) In determining the best interests of the child or youth under subparagraph (A), the local educational agency shall comply, to the extent possible, with the request made by a parent or guardian regarding school selection.*

*"(C) For purposes of this paragraph, the term 'school of origin' means the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.*

*"(D) The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere by the parents.*

*"(4) Each homeless child or youth shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including—*

*"(A) transportation services;*

*"(B) educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited-English proficiency;*

*"(C) programs in vocational education;*

*"(D) programs for gifted and talented students; and*

*"(E) school meals programs.*

*"(5) Any record ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, of each homeless child or youth shall be maintained—*

*"(A) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and*

*"(B) in a manner consistent with section 438 of the General Education Provisions Act.*

*"(6) Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate with local social services agencies and other agencies or programs providing services to such children or youth and their families, including services and programs funded under the Runaway and Homeless Youth Act.*

*"(7)(A) Each local educational agency in a State that receives a grant under this subtitle shall designate a homelessness liaison to ensure that—*

*"(i) homeless children and youth enroll and succeed in the schools of such agency; and*

*"(ii) homeless families, children, and youth receive educational services for which they are eligible, including preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services.*

*"(B) State coordinators and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaisons.*

*"(8) Each State and local educational agency shall review and revise any policies that may act as barriers to the enrollment of homeless children and youth in schools selected in accordance with paragraph (3). In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records, and other documentation, and guardianship. Special attention shall be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school.*

### *"SEC. 723. LOCAL EDUCATIONAL AGENCY GRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.*

*"(a) GENERAL AUTHORITY.—(1) The State educational agency shall, in accordance with section 722(e) and with amounts made available to such agency under section 726, make grants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youth.*

*"(2) Unless otherwise specified, services under paragraph (1) may be provided through programs on school grounds or at other facilities. Where services are provided through programs to homeless students on school grounds, schools may provide services to other children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, on an incidental basis. To the maximum extent practicable, services shall be provided through existing programs and mechanisms that integrate homeless individuals with nonhomeless individuals.*

*"(3) Services provided under this section are not intended to replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school's regular academic program.*

*"(b) APPLICATION.—A local educational agency that desires to receive a grant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require according to guidelines issued by the Secretary. Each such application shall include—*

*"(1) a description of the services and programs for which assistance is sought and the problems to be addressed through the provision of such services and programs;*

*"(2) an assurance that the local educational agency's combined fiscal effort per student or the aggregate expenditures of that agency and*

*the State with respect to the provision of free public education by such agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year;*

*"(3) an assurance that the applicant complies with, or will use requested funds to come into compliance with, paragraphs (3) through (9) of section 722(g); and*

*"(4) a description of policies and procedures that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.*

*"(c) AWARDS.—(1) The State educational agency shall, in accordance with section 722(g) and with amounts made available to such agency under section 726, award grants under this section to local educational agencies submitting an application under subsection (b) on the basis of the need of such agencies.*

*"(2) In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary, and secondary schools within the area served by the agency, and shall consider the needs of such children and youth and the ability of the agency to meet such needs. Such agency may also consider—*

*"(A) the extent to which the proposed use of funds would facilitate the enrollment, retention, and educational success of homeless children and youth;*

*"(B) the extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth, as well as the State plan required by section 722(g);*

*"(C) the extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youth; and*

*"(D) such other criteria as the agency determines appropriate.*

*"(3) Grants awarded under this section shall be for terms not to exceed three years.*

*"(d) AUTHORIZED ACTIVITIES.—(1) A local educational agency may use funds awarded under this section for activities to carry out the purpose of this subtitle, including—*

*"(A) the provision of tutoring and accelerated instruction and enriched educational services that are linked to the achievement of the same challenging standards the State establishes for other children or youth;*

*"(B) the provision of expedited evaluations of the strengths and needs of homeless children and youth, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited-English proficiency, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational education, and school meals programs);*

*"(C) professional development and other activities for educators and other school personnel that is designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youth, the rights of such children and youth under this Act, and the specific educational needs of runaway and homeless youth;*

*"(D) the provision of referral services to homeless children and youth for medical, dental, mental, and other health services;*

*"(E) the provision of assistance to defray the excess cost of transportation for students pursuant to sections 722(g)(4) or 722(g)(9), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3);*

*"(F) the provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged children;*

*"(G) the provision of before- and after-school, mentoring, and summer programs for homeless children and youth in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities;*

*"(H) where necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youth in school, including birth certificates, immunization records, academic records, guardianship records, and evaluations for special programs or services;*

*"(I) the provision of education and training to the parents of homeless children and youth about the rights of, and resources available to, such children and youth;*

*"(J) the development of coordination between schools and agencies providing services to homeless children and youth, including programs funded under the Runaway and Homeless Youth Act;*

*"(K) the provision of counseling (including violence prevention counseling), social work, and psychological services, and referrals for such services;*

*"(L) activities to address the particular needs of homeless children and youth that may arise from domestic violence;*

*"(M) the adaptation of space and purchase of supplies for nonschool facilities made available under subsection (a)(2) to provide services under this subsection;*

*"(N) the provision of school supplies; and*

*"(O) the provision of other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.*

### *"SEC. 724. SECRETARIAL RESPONSIBILITIES.*

*"(a) REVIEW OF PLANS.—In reviewing the State plans submitted by the State educational agencies under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plans adequately address the problems of homeless children and youth relating to access to education and placement as described in such plans.*

*"(b) TECHNICAL ASSISTANCE.—The Secretary shall provide support and technical assistance to the State educational agencies to assist such agencies to carry out their responsibilities under this subtitle.*

*"(c) EVALUATION AND DISSEMINATION.—The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.*

*"(d) SUBMISSION AND DISTRIBUTION.—The Secretary shall require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.*

*"(e) DETERMINATION BY SECRETARY.—The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (d), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education as described in section 721(1).*

*"(f) REPORTS.—The Secretary shall prepare and submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate on the programs and activities authorized by this subtitle by December 31, 1997, and every third year thereafter.*

### *"SEC. 725. DEFINITIONS.*

*"For the purpose of this subtitle, unless otherwise stated—*

*"(1) the term 'Secretary' means the Secretary of Education; and*

*"(2) the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.*

### *"SEC. 726. AUTHORIZATION OF APPROPRIATIONS.*

*"For the purpose of carrying out this subtitle, there are authorized to be appropriate $30,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.".*

## *PART C—IMPACT AID STATUTES*

### *SEC. 331. AMENDMENTS TO PUBLIC LAW 815.*

*(a) SECTION 2.—Section 2 of the Act of September 23, 1950 (Public Law 815, 81st Congress; 20 U.S.C. 632) is amended to read as follows:*

### *"SEC. 2. PORTION OF APPROPRIATIONS AVAILABLE FOR PAYMENTS.*

*"For each fiscal year the Secretary shall distribute the funds appropriated in accordance with section 1 which shall be available for carrying out the provisions of sections 5, 9, 10, and 14. The funds provided under section 1 for the schools serving military dependents and Indian lands shall be divided equally between section 5 and section 14 of this Act. Funds provided under section 5 of this Act shall be divided equally between the priority categories of section 1(a)(1) and 1(a)(2) of this Act.".*

*(b) SECTION 3.—Section 3 of such Act (20 U.S.C. 633) is amended to read as follows:*

### *"SEC. 3. ESTABLISHMENT OF PRIORITIES.*

*"Applications for construction or modification projects provided for under this Act must be filed by June 30 of the fiscal year prior to the year in which funds are first requested. The Secretary shall use the following order of priority in approving applications under section 5 and funded in accordance with section 1(a)(1) and section 1(a)(2) of this Act. The priority of payment of application under section 1(a)(1) shall be based on the highest percentage of number of children in need of minimum school facilities. The priority of payment of applications under section 1(a)(2) shall be based on the highest percentage of federally connected students eligible for payment. The Secretary shall use the priorities stated in this section in approving applications in the event the funds appropriated under section 1 of this title and remaining available on any such date for payment to local educational agencies are less than the Federal share of the cost of the projects with respect to which applications have been filed prior to such date (and for which funds under section 1 have not already been obligated). Only applications meeting the conditions for approval under this Act (other than section 6(b)(2)(C)) shall be considered applications for purposes of the preceding sentence. Such order of priority shall provide that applications payments based upon increases in the number of children residing on, or residing with a parent employed on property which is party of a low-rent housing project assisted under the United States Housing Act of 1937 shall not be approved for any fiscal year until all other applications under paragraph (2) of subsection (a) of section 5 have been approved for the fiscal year.".*

*(c) SECTION 5.—Section 5 of such Act (20 U.S.C. 635) is amended to read as follows:*

### *"SEC. 5. LIMITATION ON TOTAL PAYMENTS TO ANY LOCAL EDUCATIONAL AGENCY.*

*"(a) Subject to the limitations in subsection (c) the total of the payments to a local educational agency under this Act may not exceed the sum of—*

*"(1) the estimated increase, since the base year, in the number of children determined with respect to such agency who live on Federal*

property and have a parent who works on Federal property multiplied by 100 percent of the average per pupil cost of constructing minimum school facilities in the State in which the school district of such agency is situated; and

''(2) the estimated increase, since the base year, in the number of children determined with respect to such agency who have a parent who lives on or works on Federal property multiplied by 50 percent of such cost;

''(3) In computing for any local educational agency the number of children in an increase under paragraph (1) or (2), the estimated number of children described in such paragraph who will be in the membership of the schools of such agency at the close of the increase period shall be compared with the estimated number of such children in average daily membership of the schools of such agency during the base year. However, the base year average daily membership shall be adjusted to exclude the number of children that formed the basis for previous payments on applications approved 30 or more years prior to the close of the increased period for the current application.

''(b) If two of the paragraphs of subsection (a) apply to a child, the local educational agency shall elect which of such paragraphs shall apply to such child, except that, notwithstanding the election of a local educational agency to have paragraph (2) apply to a child instead of paragraph (1), the determination of the maximum amount for such agency under subsection (a) shall be made without regard to such election.

''(c) A local educational agency shall not be eligible to have any amount included in its maximum by reason of paragraphs (1), (2), and (3) of subsection (a) unless the increase in children referred to in such paragraph is at least 20, and in the case of paragraphs (1), (2), and (3) of subsection (a), is—

''(1) equal to at least 6 percent of the number of federally connected children who were in the average daily membership of the schools of such agency during the base year, or

''(2) at least 750,

whichever is the lesser.

''(d) Notwithstanding the provisions of subsection (c) of this section, whenever and to the extent that, in his judgment, exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the purposes of the Act, the Secretary may waive or reduce the minimum number requirement or any percentage requirement or requirements in subsection (c).

''(e) In determining under this section the total of the payments which may be made to a local educational agency on the basis of any application, the total number of children counted for purposes of paragraph (1) or (2), as the case may be, of subsection (a) may not exceed—

''(1) the number of children whose membership at the close of the increase period for the application is compared with average daily membership in the base period for purposes of that paragraph, provided that the base year average daily membership does not include any children which formed the basis of payment in the applications approved 30 or more years ago, minus

''(2) the number of such children whose membership at the close of the increase period was compared with membership in the base year for purposes of such paragraph under the last previous application, provided the application was funded within the last 4 years, if any, of the agency on the basis of which any payments have been or may be made to that agency.''.

(d) SECTION 6.—Section 6 of such Act (20 U.S.C. 636) is amended by adding at the end the following new subsection:

''(d) If the application has not been funded within the 3-year period, the local educational agency must recertify their need to have the application remain active.''.

### SEC. 332. REPEAL OF PUBLIC LAW 874.

The Act of September 30, 1950 (Public Law 874, 81st Congress; 20 U.S.C. 236 et seq.) is hereby repealed.

## PART D—AMENDMENTS TO ADULT EDUCATION ACT

### SEC. 335. AMENDMENTS TO ADULT EDUCATION ACT.

(a) Section 342(c)(11) of the Adult Education Act is amended by inserting ''Even Start,'' after ''1963,''.

(b) Section 384(n) is amended by striking ''and 1995'' and inserting ''1995, and 1996''.

## PART E—AMENDMENTS TO EDUCATION COUNCIL ACT OF 1991

### SEC. 341. FINDINGS.

Section 201 of the Education Council Act of 1991 (hereafter in this Act referred to as the ''Act'') is amended—

(1) by amending paragraph (2) to read as follows:

''(2) the writing problem has been magnified by the rapidly changing student populations in the Nation's schools and the growing number of students who are at risk because of limited-English proficiency;'';

(2) in paragraph (6)—

(A) by inserting ''writing and reading are both fundamental to learning, yet writing has been historically neglected in the schools and colleges, and'' before ''most''; and

(B) by striking the comma before ''have'';

(3) by amending paragraph (10) to read as follows:

''(10) the National Writing Project has become a model for programs to improve teaching in such other fields as mathematics, science, history, literature, performing arts, and foreign languages;'';

(4) by amending paragraph (15) to read as follows:

''(15) each year over 100,000 teachers voluntarily seek training in National Writing Project intensive summer institutes and workshops and school-year in-service programs through one of the 154 regional sites located in 45 States, the Commonwealth of Puerto Rico, and in 4 sites that serve United States teachers teaching in United States dependent and independent schools;'';

(5) by striking paragraph (17);

(6) by redesignating paragraph (18) as paragraph (17);

(7) in paragraph (17) (as redesignated in paragraph (6)), by striking the period at the end thereof and inserting a semicolon; and

(8) by adding at the end the following new paragraphs:

''(18) independent evaluation studies have found the National Writing Project to be highly cost effective compared to other professional development programs for teachers; and

''(19) during 1991, the first year of Federal support for the National Writing Project, the National Writing Project matched the $1,951,975 in Federal support with $9,485,504 in matching funds from State, local, and other sources.''.

### SEC. 342. NATIONAL WRITING PROJECT.

Section 202 of the Act is amended—

(1) in subsection (d)—

(A) in paragraph (3)—

(i) by striking the subparagraph designation ''(A)''; and

(ii) by striking subparagraph (B); and

(B) by striking paragraph (4);

(2) in subsection (e)—

(A) in the matter preceding subparagraph (A) of paragraph (1), by striking ''to enable'' and inserting ''to pay the Federal share of the cost of enabling''; and

(B) by adding at the end the following new paragraph:

''(4) FEDERAL SHARE.—For the purpose of this subsection the term 'Federal share' means, with respect to the costs of activities assisted under this subsection, 50 percent of such costs to the elementary or secondary school teacher.'';

(3) by amending subsection (g) to read as follows:

''(g) EVALUATION.—

''(1) IN GENERAL.—The Secretary shall conduct an independent evaluation of the teacher training programs assisted under this section. Such evaluation shall specify the amount of funds expended by the National Writing Project and each contractor receiving assistance under this section. The results of such evaluation shall be made available to the appropriate committees of the Congress.

''(2) FUNDING LIMITATION.—The Secretary shall reserve not more than $150,000 from the total amount appropriated pursuant to the authority of subsection (i) for fiscal year 1994 and the 4 succeeding fiscal years to conduct the evaluation described in paragraph (1).'';

(4) by amending subsection (h) to read as follows:

''(h) RESEARCH AND DEVELOPMENT ACTIVITIES.—

''(1) GRANTS AUTHORIZED.—From amounts appropriated pursuant to the authority of subsection (i)(2), the National Writing Project shall make grants to individuals and institutions of higher education that either have participated in a National Writing Project institute or are institutions designated as National Writing Project sites, to enable such individuals and institutions to conduct research activities involving the teaching of writing.

''(2) APPLICATION REVIEW.—The National Writing Project shall establish and operate a National Review Board that shall consist of—

''(A) leaders in the field of research in writing; and

''(B) such other individuals as the National Writing Project deems necessary.

''(3) DUTIES.—The National Review Board shall—

''(A) review all applications for assistance under this subsection; and

''(B) recommended applications for assistance under this subsection for funding by the National Writing Project.

''(4) JUNIOR RESEARCHER PRIORITY AND FUNDING RULE.—(A) In awarding grants pursuant to paragraph (1), the National Writing Project shall give priority to awarding such grants to junior researchers.

''(B) The National Writing Project shall award not less than 25 percent of the funds received pursuant to subsection (i)(2) to junior researchers.

''(5) AVAILABILITY OF FINDINGS.—The National Writing Project shall make available to the Secretary and to the network of National Writing Project sites the findings of the research conducted pursuant to the authority of paragraph (1).''; and

(5) in subsection (i)—

(A) in paragraph (1)—

(i) by striking ''1991'' and inserting ''1994''; and

(ii) by striking ''fiscal years 1992 and 1993'' and inserting ''each of the 4 succeeding fiscal years''; and

(B) by amending paragraph (2) to read as follows:

''(2) RESEARCH AND DEVELOPMENT.—In each fiscal year in which the amount appropriated pursuant to the authority of paragraph (1) equals or exceeds $10,000,000, there are authorized to be appropriated $500,000 to carry out the provisions of subsection (h).''.

## TITLE IV—NATIONAL EDUCATION STATISTICS

### SEC. 401. SHORT TITLE.

This title may be cited as the ''National Education Statistics Act of 1994''.

### *SEC. 402. FINDINGS; PURPOSE; DEFINITIONS.*

*(a) FINDINGS.—The Congress finds that—*

*(1) a Department of Education was established in 1867 "for the purpose of collecting such statistics and facts as shall show the condition and progress of education in the several States and territories, and of diffusing such information respecting the organization and management of schools and school systems and methods of teaching as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country";*

*(2) today, while the role of the current Department of Education is much broader, the National Center for Education Statistics within the Department's Office of Educational Research and Improvement continues to perform those crucial original purposes; and*

*(3) looking to the 21st century, the National Center for Education Statistics must be able to design and undertake, effectively and efficiently, statistical activities that will aid in reform of the Nation's educational systems.*

*(b) PURPOSE.—It is the purpose of this title to ensure the continuation of an effective mechanism for collecting and reporting statistics and information showing the condition and progress of education in the United States and other nations in order to promote and accelerate the improvement of American education.*

*(c) DEFINITIONS.—For the purpose of this title, the term—*

*(1) "Assistant Secretary" means the Assistant Secretary for Educational Research and Improvement, provided for under section 202(b)(1)(E) of the Department of Education Organization Act;*

*(2) "Department" means the Department of Education;*

*(3) "institution of higher education" has the same meaning given such term in section 1201 of the Higher Education Act of 1965;*

*(4) "local educational agency" has the same meaning given such term in section 9101(13) of the Elementary and Secondary Education Act of 1965;*

*(5) "Secretary" means the Secretary of Education;*

*(6) "State educational agency" has the same meaning given such term in section 9101(20) of the Elementary and Secondary Education Act of 1965; and*

*(7) "United States" and "State" mean—*

*(A) other than for the purpose of section 411, each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and*

*(B) for the purpose of section 411, mean the same as in subparagraph (A) and include Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until the effective date of the Compact of Free Association with the Government of Palau).*

### *SEC. 403. NATIONAL CENTER FOR EDUCATION STATISTICS.*

*(a) ESTABLISHMENT.—There is established, within the Office of Educational Research and Improvement established under section 209 of the Department of Education Organization Act, a National Center for Education Statistics (the "Center").*

*(b) COMMISSIONER AND ASSOCIATE COMMISSIONERS.—(1) The Center shall be headed by a Commissioner of Education Statistics (the "Commissioner") who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall—*

*(A) have substantial knowledge of programs encompassed by the Center;*

*(B) be paid in accordance with section 5315 of title 5, United States Code; and*

*(C) serve for a term of 4 years, with the terms to expire every fourth June 21, beginning in 1995.*

*(2) The Commissioner may appoint such Associate Commissioners as the Commissioner determines are necessary and appropriate.*

### *SEC. 404. DUTIES OF THE CENTER.*

*(a) DUTIES.—The duties of the Center are to collect, analyze, and disseminate statistics and other information reloted to education in the United States and in other nations, including—*

*(1) collecting, acquiring, compiling (where appropriate, on a State by State basis), and disseminating full and complete statistics on the condition and progress of education, at the preschool, elementary, secondary, and postsecondary levels in the United States, including data on—*

*(A) State and local school reform activities;*

*(B) student achievement and other educational outcomes at all levels of education;*

*(C) out of school youth and adults;*

*(D) teachers, administrators, counselors, and other educational personnel at all levels of education;*

*(E) the learning and teaching environment;*

*(F) financing and management of education; and*

*(G) the socioeconomic status of children;*

*(2) conducting and publishing reports and analyses of the meaning and significance of such statistics;*

*(3) conducting longitudinal studies, as well as regular and special surveys and data collections, necessary to report on the condition and progress of education;*

*(4) collecting, analyzing, cross-tabulating, and reporting, to the extent feasible, so as to provide information by gender, race, socioeconomic status, limited-English proficiency, and other population characteristics when such disaggregated information would facilitate educational and policy decisionmaking;*

*(5) assisting public and private educational agencies, organizations, and institutions in improving and automating statistical and data collection activities; and*

*(6) acquiring and disseminating data on educational activities and student achievement in the United States compared with foreign nations.*

*(b) TRAINING PROGRAM.—The Commissioner may establish a program to train employees of public and private educational agencies, organizations, and institutions in the use of the Center's standard statistical procedures and concepts and may establish a fellows program to appoint such employees as temporary fellows at the Center in order to assist the Center in carrying out its duties.*

### *SEC. 405. PERFORMANCE OF DUTIES.*

*(a) IN GENERAL.—In carrying out the duties under this title, the Commissioner may enter into grants, contracts, and cooperative agreements.*

*(b) GATHERING INFORMATION.—(1) The Commissioner may use the statistical method known as sampling to carry out the purpose of this title.*

*(2) The Commissioner may, as the Commissioner considers appropriate, use information collected—*

*(A) from States, local educational agencies, public and private schools, preschools, institutions of higher education, libraries, administrators, teachers, students, the general public, and such other individuals, organizations, agencies, and institutions as the Commissioner may consider appropriate; and*

*(B) by other offices within the Department and by other Federal departments, agencies, and instrumentalities.*

*(3) The Commissioner may—*

*(A) enter into interagency agreements for the collection of statistics;*

*(B) arrange with an agency, organization, or institution for the collection of statistics; and*

*(C) assign employees of the Center to any such agency, organization, or institution to assist in such collection.*

*(4) In order to maximize the effectiveness of Federal efforts to serve the educational needs of children and youth, the Commissioner shall—*

*(A) provide technical assistance to Department offices that gather data for statistical purposes; and*

*(B) coordinate closely with other Department offices in the collection of data.*

### *SEC. 406. REPORTS.*

*(a) REPORT ON THE CONDITION AND PROGRESS OF EDUCATION.—The Commissioner shall, no later than June 1 of each year, submit to the President and the Congress a statistical report regarding the condition and progress of education in the United States.*

*(b) STATISTICAL REPORTS.—The Commissioner shall issue regular statistical reports to the President and Congress on such education topics as the Commissioner determines to be appropriate.*

*(c) SPECIAL REPORTS.—The Commissioner may, whenever the Commissioner considers it appropriate, issue special reports on particular education topics.*

### *SEC. 407. ADVISORY COUNCIL ON EDUCATION STATISTICS.*

*(a) ESTABLISHMENT.—There is established, within the Center, the Advisory Council on Education Statistics (referred to in this title as the "Council").*

*(b) MEMBERSHIP.—(1) The Council shall be composed of—*

*(A) 18 voting members who are users of education data and who are appointed by the Secretary on the basis of their experience and eminence within the field, of whom at least—*

*(i) 3 shall be practicing educators at the preschool, elementary, or secondary level;*

*(ii) 3 shall be education policymakers;*

*(iii) 3 shall be professional statisticians;*

*(iv) 3 shall be education researchers; and*

*(v) 3 shall be experts in educational measurement;*

*(B) 3 individuals representing the general public, appointed by the Secretary;*

*(C) the Director of the Census and the Commissioner of Labor Statistics, as voting, ex officio members; and*

*(D) the Assistant Secretary and the Commissioner, as nonvoting, ex officio members.*

*(2) The Commissioner shall appoint the presiding officer of the Council from among the voting members.*

*(3) Members of the Council appointed under paragraph (1)(A) shall be appointed for 3-year terms except that, in the case of initial appointments, the Secretary shall make appointments for shorter terms to the extent necessary to avoid the expiration of the terms of more than 6 members in the same calendar year.*

*(4)(A) The Council shall meet in public session at the call of the presiding officer, except that it shall meet—*

*(i) at least 2 times during each calendar year; and*

*(ii) in addition, whenever 10 voting members request in writing that the presiding officer call a meeting.*

*(B) 11 voting members of the Council shall constitute a quorum.*

*(5) The Council shall—*

*(A) review general policies for the operation of the Center and shall advise the Commissioner on standards to ensure that statistics and other information disseminated by the Center are of high quality and are not subject to partisan political influence;*

*(B) advise the Commissioner on matters related to the National Assessment of Education Progress, including—*

*(i) the development of student performance goals;*

*(ii) assessment design and development;*

*(iii) analysis, reporting, and dissemination of data;*

*(iv) interstate, regional, and national comparisons of data; and*

*(v) recommendations for the improvement of such Assessment.*

*(6) The Council shall appoint a staff to enable the Council to carry out its duties.*

***SEC. 408. CONFIDENTIALITY.***

*(a) GENERAL.—(1)(A) The Center shall develop and enforce standards designed to protect the confidentiality of persons in the collection, reporting, and publication of data under this section.*

*(B) This section shall not be construed to protect the confidentiality of information about institutions, organizations, and agencies that receive grants from, or have contracts or cooperative agreements with, the Federal Government.*

*(2) No person may—*

*(A) use any individually identifiable information furnished under this title for any purpose other than a statistical purpose;*

*(B) make any publication whereby the data furnished by any particular person under this title can be identified; or*

*(C) permit anyone other than the individuals authorized by the Commissioner to examine the individual reports.*

*(b) ADMINISTRATION.—(1)(A) No department, bureau, agency, officer, or employee of the Government, except the Commissioner in carrying out the purposes of this title, shall require, for any reason, copies of reports that have been filed under this title with the Center or retained by any individual respondent.*

*(B) Copies of such reports that have been so filed or retained with the Center or any of its employees, contractors, or agents shall be immune from legal process, and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.*

*(C) This paragraph shall apply only to individually identifiable information (as defined in paragraph (5)(A)).*

*(2) Whoever, being or having been an employee or staff member of the Department, having taken or subscribed the oath of office, or having sworn to observe the limitations imposed by subsection (a)(2), knowingly publishes or communicates any individually identifiable information (as defined in paragraph (5)(A)), the disclosure of which is prohibited by subsection (a)(2), and that comes into such individual's possession by reason of employment (or otherwise providing services) under this title, shall be found guilty of a class E felony and imprisoned for not more than 5 years, or fined as specified in 18 U.S.C. 3571, or both.*

*(3) The Commissioner may utilize temporary staff, including employees of Federal, State, or local agencies or instrumentalities including local educational agencies, and employees of private organizations to assist the Center in performing its responsibilities, but only if such temporary staff are sworn to observe the limitations imposed by this section.*

*(4) No collection of information or data acquisition activity undertaken by the Center shall be subject to any review, coordination, or approval procedure except as required by the Director of the Office of Management and Budget under the rules and regulations established pursuant to chapter 35 of title 44, United States Code, except such collection of information or data acquisition activity may be subject to review or coordination if the Commissioner determines that such review or coordination would be beneficial.*

*(5) For the purposes of this section—*

*(A) the term "individually identifiable information" means any record, response form, completed survey, or aggregation thereof from which information about individuals may be revealed; and*

*(B) the term "report" means a response provided by or about an individual to an inquiry from the Center and does not include a statistical aggregation from which individually identifiable information cannot be revealed.*

*(6) This paragraph shall not apply to—*

*(A) the survey required by section 1303(c) of the Higher Education Amendments of 1986; or*

*(B) to any longitudinal study concerning access, choice, persistence progress, or attainment in postsecondary education.*

*(7) Any person who uses any data provided by the Center, in conjunction with any other information or technique, to identify any individual student, teacher, administrator, or other individual and who knowingly discloses, publishes, or uses for a purpose other than a statistical purpose, or who otherwise violates subsection (a)(2)(A) or (B), shall be found guilty of a class E felony and imprisoned for not more than 5 years, or fined as specified in section 3571 of title 18 of the United States Code, or both.*

*(8) Nothing in this section shall restrict the right of the Secretary, the Comptroller General of the United States, the Director of the Congressional Budget Office, and the Librarian of Congress to gain access to any reports or other records, including information identifying individuals, in the Center's possession, except that the same restrictions on disclosure that apply to the Center under subsection (b)(1) and (7) shall apply.*

***SEC. 409. DISSEMINATION.***

*(a) GENERAL REQUESTS.—(1) The Center may furnish transcripts or copies of tables and other statistical records and make special statistical compilations and surveys for State and local officials, public and private organizations, and individuals.*

*(2) The Center shall provide State and local educational agencies opportunities to suggest the development of particular compilations of statistics, surveys, and analyses that would assist such educational agencies.*

*(b) CONGRESSIONAL REQUESTS.—The Center shall furnish such special statistical compilations and surveys as the Congress may request.*

*(c) JOINT STATISTICAL PROJECTS.—The Secretary may engage in joint statistical projects related to the purposes of this Act or other statistical purposes authorized by law with nonprofit organizations or agencies, and the cost of such projects shall be shared equitably as determined by the Secretary.*

*(d) FEES.—(1) Statistical compilations and surveys under this section, other than those carried out pursuant to subsections (b) and (c), may be made subject to the payment of the actual or estimated cost of such work.*

*(2) All funds received in payment for work or services described in this paragraph shall be deposited in a separate account that may be used to pay directly the costs of such work or services, to repay appropriations that initially bore all or part of such costs, or to refund excess sums when necessary.*

*(e) ACCESS.—(1) The Center shall cooperate with other Federal agencies having a need for educational data in providing access to educational data received by the Center.*

*(2) The Center shall, in accordance with such terms and conditions as the Secretary may prescribe, provide all interested parties, including public and private agencies and individuals, direct access to data collected by the Center for the purposes of research and acquiring statistical information.*

***SEC. 410. COOPERATIVE EDUCATION STATISTICS SYSTEMS.***

*The Commissioner shall establish 1 or more national cooperative education statistics systems for the purpose of producing and maintaining, with the cooperation of the States, comparable and uniform information and data on elementary and secondary education, postsecondary education, and libraries that are useful for policymaking at the Federal, State, and local levels. In carrying out this section, the Commissioner may provide technical assistance and make grants and enter into contracts and cooperative agreements.*

***SEC. 411. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.***

*(a) ESTABLISHMENT.—The Commissioner shall, with the advice of the Council established by section 407, carry out, through grants, contracts, or cooperative agreements with 1 or more qualified organizations, or consortia thereof, a National Assessment of Educational Progress (the "National Assessment").*

*(b) PURPOSE; CONTENTS.—(1) The purpose of the National Assessment is to provide a fair and accurate presentation of educational achievement in reading, writing, and other subjects that are included in National Education Goal Three.*

*(2) The Commissioner, in carrying out the National Assessment, shall use sampling techniques that produce data that are representative on a national and regional basis and on a State basis pursuant to paragraph (3). In addition, the Commissioner shall—*

*(A) collect and report data on a periodic basis, but at least once every 2 years, on students at ages 9, 13, and 17 and in grades 4, 8, and 12 in public and private schools;*

*(B) report achievement data on a basis that ensures valid and reliable trend reporting;*

*(C) include information on special groups; and*

*(D) ensure that achievement data are made available on a timely basis following official reporting, in a manner that facilitates further analysis.*

*(3)(A)(i) The Commissioner, in carrying out the National Assessment, may conduct State assessments of student achievement in grades 4, 8, and 12.*

*(ii) Each such State assessment, in each subject area and at each grade level shall be conducted on a trial basis.*

*(B)(i) States wishing to participate in State assessments shall enter into an agreement with the Secretary pursuant to subsection (d)(2).*

*(ii) Such agreement shall contain information sufficient to give States full information about the process for consensus decisionmaking on objectives to be tested, and of the standards for sampling, test administration, test security, data collection, validation, and reporting.*

*(C) A participating State shall review and give permission for the release of results from any test of its students administered as a part of a State assessment prior to the release of such data. Refusal by a State to release its data shall not restrict the release of data from other States that have approved the release of such data.*

*(4) In carrying out the National Assessment, the Commissioner shall not collect any data that are not directly related to the appraisal of educational performance, achievement, and traditional demographic reporting variables, or to the fair and accurate presentation of such information.*

*(5) In carrying out the National Assessment, the Commissioner may provide technical assistance to States, localities, and other parties.*

*(c) ACCESS.—(1) Except as provided in paragraph (2), the public shall have access to all data, questions, and test instruments of the National Assessment.*

*(2)(A) The Commissioner shall ensure that all personally identifiable information about students, their educational performance, and their families, and that information with respect to*

*individual schools, remains confidential, in accordance with section 552a of title 5, United States Code.*

*(B) Notwithstanding any other provision of law, the Commissioner may decline to make available to the public for a period, not to exceed 10 years after initial use, cognitive questions that the Commissioner intends to reuse in the future.*

*(C)(i) The Commissioner may, upon the request of a State educational agency or a local educational agency, in a limited number of cases and on a trial basis, make National Assessment test instruments available for assessing aggregate student achievement at the local educational agency level.*

*(ii)(I) Participation by a local educational agency shall be voluntary.*

*(II) A State requesting the participation of a local educational agency must accompany this request with a statement of full written concurrence by such agency and that such agency is requesting to participate in the local assessment.*

*(iii) Before receiving such instruments, an agency shall provide the Commissioner with assurances that confidentiality and security requirements and testing protocols, prescribed by the Commissioner, will be complied with in the use of such instruments.*

*(d) PARTICIPATION.—(1) Participation in the national and regional assessments by State and local educational agencies shall be voluntary.*

*(2) Participation in assessments made on a State basis shall be voluntary. The Commissioner shall enter into an agreement with any State that desires to carry out an assessment for the State under this subsection. Each such agreement shall contain provisions designed to ensure that the State will—*

*(A) participate in the assessment; and*

*(B) pay from non-Federal sources the non-Federal share of participation.*

*(3)(A) For each fiscal year, the non-Federal share for the purpose of paragraph (2)(B) shall be—*

*(i) the cost of conducting the assessment at the school level for all public schools in the State sample, including the analysis and reporting of the data;*

*(ii) the cost of coordination within the State; and*

*(iii) other reasonable costs specified by the Secretary in the agreement described in paragraph (2).*

*(B) The non-Federal share of payments under this paragraph may be in cash or in kind, fairly valued.*

*(C) The agreement described in paragraph (2) shall describe the manner in which, the costs of administering the assessment to private nonprofit schools included in the State sample may be met.*

*(4) The implementation of subparagraph (C) of paragraph (2) of subsection (d) shall involve no cost to the Federal Government.*

*(e) STUDENT PERFORMANCE GOALS.—(1) The Commissioner shall establish appropriate student performance goals for each age and grade in each subject area to be tested under the National Assessment.*

*(2) The Commissioner, with the advice of the Council, shall establish rigorous standards for the evaluation of such goals.*

*(3) Such goals shall be—*

*(A) devised through a national consensus approach, providing for active participation of teachers, curriculum specialists, local school administrators, parents, and concerned members of the general public;*

*(B) used on a trial basis until the Commissioner determines, through an evaluation under subsection (f), that such goals meet the standards under paragraph (2) and are reasonable, valid, and informative to the public; and*

*(C) updated as appropriate.*

*(f) REVIEW OF NATIONAL AND STATE ASSESSMENTS.—(1) The Commissioner shall provide for continuing reviews by the National Academy of Education or the National Academy of Sciences of the National Assessment, State assessments, local educational agency assessments, and student performance goals. Such reviews shall address whether each trial state assessment is properly administered, produces high quality data that is valid and reliable, produces data on student achievement that is not otherwise available to the State exclusive of data comparing participating States to each other and the Nation, and is a cost-effective method of producing the data. The Commissioner shall also carry out evaluation studies by the Center and solicitation of public comment on the conduct and usefulness of the National Assessment. The Commissioner shall report to the Congress, the President, and the Nation on the findings and recommendations of such reviews.*

*(2) The Commissioner shall consider the findings and recommendations in designing the competition to select the organization, or organizations, through which the Office carries out the National Assessment.*

*(g) COVERAGE AGREEMENTS.—(1) The Secretary and the Secretary of Defense may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment the defense dependents education system established under the Defense Dependents' Education Act of 1978.*

*(2) The Secretary and the Secretary of the Interior may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment schools for Indian children operated or supported by the Bureau of Indian Affairs.*

***SEC. 412. AUTHORIZATION OF APPROPRIATIONS.***

*There are authorized to be appropriated to carry out this title, $103,200,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.*

### *TITLE V—MISCELLANEOUS*

### *SEC. 501. STUDY OF FEDERAL EFFORTS TO ASSIST IN SCHOOL REFORM.*

*(a)(1) In addition to the national assessment conducted pursuant to title I of the Elementary and Secondary Education Act as amended by this Act, the Secretary of Education shall conduct a comprehensive study of how the Federal Government has assisted the States to reform their educational systems through the various education laws enacted during the 103d Congress.*

*(2) Such study shall encompass the changes made in Federal programs pursuant to this Act as well as in any other law enacted during this Congress amending a Federal program assisting pre-elementary, elementary, or secondary education. In addition, such study shall encompass new initiatives enacted into law, such as the Goals 2000: Educate America Act, and the School-to-Work Opportunities Act.*

*(b)(1) This study shall include a comprehensive review of these laws and programs to determine their overall effect on—*

*(A) the readiness of children for schooling,*

*(B) the improvement in educational attainment of students in elementary and secondary education, and*

*(C) the improvement in skills needed by students to obtain employment upon completion of high school or further education.*

*(2) This study shall also include a comprehensive review of these programs to determine their overall effect—*

*(A) on school reform efforts undertaken by States,*

*(B) on efforts by States to adopt educational standards to improve schooling for all children, to align their curricula, teacher training, and assessments to such standards, and to bring flexibility to the rules governing how education is to be provided, and*

*(C) on student populations who have been the traditional beneficiaries of Federal assistance to determine whether their educational attainment has been improved through these changes.*

*(3) This study shall also evaluate how the National Assessment Governing Board, the Advisory Council on Education Statistics, the National Education Goals Panel, the National Education Statistics and Improvement Council and any other Board established to analyze, address, or approve standards and assessments coordinates, interacts, and/or duplicates efforts to assist the States to reform their educational systems.*

*(4) This study shall also include a review of these laws and programs in such detail as the Secretary deems appropriate and may involve cooperation with other Federal departments and agencies in order to incorporate their evaluations and recommendations.*

*(c)(1) The Secretary shall appoint an independent panel to review the plan for this study, to advise on its progress, and to comment, if it so wishes, on the final report.*

*(2) The Secretary shall submit this report by January 1, 1998, to the Committee on Education and Labor of the United States House of Representatives and to the Committee on Labor and Human Resources.*

***SEC. 502. BUDGET COMPLIANCE.***

*Any authority to make payments pursuant to the amendments made by this Act shall be effective only to the extent provided in appropriation Acts.*

AMENDMENT OFFERED BY MR. DURBIN

**Mr. DURBIN.** Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DURBIN:

—Page 439, strike lines 1 through 17 and insert the following:

"(1) The term 'drug and violence prevention' means—

"(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol, the use of tobacco and the use of controlled, illegal, additive, or harmful substances, including inhalants and anabolic steroids; and

"(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free from weapons and fosters individual responsibility and respect for the rights of others.

Page 762, after line 8, insert the following:

**"SEC. 9506. NONSMOKING POLICY.**

"(a) GENERAL RULE.—Each person who receives Federal funds under this Act and provides services to elementary and secondary school students pursuant to this Act shall, in providing such services, establish and make a good-faith effort to enforce a nonsmoking policy that, except as provided in subsection (b)—

"(1) prohibits smoking in each indoor portion of a facility used in connection with the provision of such services; and

"(2) where appropriate, requires that signs be posted to communicate the nonsmoking policy.

"(b) PERMISSIBLE FEATURES.—(1) The nonsmoking policy described in subsection (a) may permit smoking in specially designated areas of a facility if—

"(A) services are not normally provided directly to children in the designated areas; and

"(B) the designated areas are ventilated separately from areas of the facility in which such services are normally provided directly to children to ensure that air from the designated areas is directly exhausted to the outside and does not recirculate or drift to other areas within the facility.

"(2) Nothing in this subsection shall be construed to require the establishment of a designated smoking area.

"(c) CIVIL PENALTY.—

"(1) Any person subject to the requirements of this section who fails to comply with such requirements shall be liable to the United States for a civil penalty in an amount not to exceed $1,000 for each violation, but in no case shall the amount be in excess of the amount of the Federal funds received by the person for the provision of elementary and secondary educational services for the fiscal year in which the violation occurred. Each day a violation continues shall constitute a separate violation.

"(2) A civil penalty for a violation of this section shall be assessed by the Secretary to the person by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before issuing the order, the Secretary shall—

(A) give written notice to the person to be assessed a civil penalty under the order of the proposal to issue the order; and

"(B) provide the person an opportunity to request, not later than 15 days after the date of receipt of the notice, a hearing on the order.

"(3) In determining the amount of a civil penalty under this subsection, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation, the ability of the violator to pay, any prior history of the same kind of violation, the degree of culpability of the violator, a demonstration by the violator of willingness to comply with the requirements of this section, and such other matters as justice may require.

"(4) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that may be imposed under this subsection. The amount of the penalty as finally determined or agreed upon in compromise may be deducted from any sums that the United States owes to the person against whom the penalty is assessed.

"(5) A person who has requested a hearing concerning the assessment of a penalty pursuant to paragraph (2) and is aggrieved by an order assessing a civil penalty may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. The petition may only be filed during the 30-day period beginning on the date of issuance of the order making the assessment.

"(6) If a person fails to pay an assessment of a civil penalty—

"(A) after the order making the assessment has become a final order and without filing a petition for judicial review in accordance with paragraph (5); or

"(B) after a court has entered a final judgment in favor of the Secretary, the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the last day of the 30-day period referred to in paragraph (5) or the date of the final judgment, as the case may be) in an action brought in an appropriate district court of the United States. In the action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

"(d) EFFECTIVE DATE.—

"(1) IN GENERAL.—This section shall take effect on the date which is 180 days after the date of enactment of the Improving America's Schools Act of 1994, except as provided in paragraph (2).

"(2) COLLECTIVE BARGAINING AGREEMENTS.—

"(A) In the case of a person described in subsection (a) who employs individuals who are members of a labor organization and provide elementary or secondary educational services pursuant to a collective bargaining agreement that—

"(i) took effect before the date of enactment of the Improving America's Schools Act of 1994, and

"(ii) includes provisions relating to smoking privileges that are in violation of this section;

this section shall take effect on the date that is 180 days after the date of enactment of the Improving America's Schools Act of 1994 or the date specified in subparagraph (B), whichever is later.

"(B) The date specified in this subparagraph is the earlier of—

"(i) the first expiration date (after the date of enactment of the Improving America's Schools Act of 1994) of the collective bargaining agreement containing the provisions relating to smoking privileges, or

"(ii) the date that is 1 year after the date of enactment of the Improving America's Schools Act of 1994.

"(e) PREEMPTION.—Nothing in this section shall preempt or otherwise affect any provision of law of a State or political subdivision of a State that is as restrictive or more restrictive than a provision of this section.

Mr. DURBIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, we have read the gentleman's amendment, and we accept his amendment.

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Chairman, I accept the amendment.

Mr. DURBIN. Mr. Chairman, let me say very briefly, I want to thank the gentleman from Pennsylvania and the gentleman from Michigan for accepting this amendment.

This amendment establishes smoke-free schools across America. It is consistent but slightly different than the Goals 2000 legislation.

Mr. Chairman, scientific evidence is mounting that secondhand smoke breathed by nonsmokers is a dangerous and toxic environmental pollutant. According to the American Medical Association, environmental tobacco smoke is the third leading cause of early death in the United States.

Children suffer the most from the effects of secondhand smoke. The Environmental Protection Agency [EPA] estimates that, each year, smoke from tobacco causes 150,000 to 300,000 cases of bronchitis and pneumonia in children under 18 months of age. More than a million children suffer from asthma attacks triggered by cigarettes.

We must protect our children from the harmful effects of secondhand smoke by supporting the Durbin amendment. This legislation would restrict smoking in public schools across the country, except in separately ventilated areas. In my own district, Montgomery County, MD, the schools are already smoke free. I believe that children in all programs receiving ESEA funds should receive the same protection as the students in Montgomery County, MD, enjoy.

There is a long list of actions that already have been taken to protect children and adults from the ill effects of environmental tobacco smoke:

McDonald's made the front page of major newspapers recently by banning smoking in their company-owned restaurants.

Pentagon officials have announced that smoking will not be permitted in the military workplace. This action affects more than 2½ million uniformed and civilian personnel all over the world.

Many Federal agencies have banned smoking in their buildings, including Health and Human Services, the Environmental Protection Agency, and the Office of Personnel Management.

The State of Maryland wants to ban smoking in the workplaces throughout the State.

If Federal agencies, businesses, and local and State governments are taking steps to protect Americans from the harmful effects of secondhand smoke, how can we in Congress do less?

I urge my colleagues to support a very sensible approach to protecting our children from secondhand smoke as proposed in the amendment by Mr. DURBIN. "The Durbin amendment requires recipients of Federal funds for elementary and secondary educational services to establish and make a good-faith effort to enforce a nonsmoking policy that prohibits smoking in each indoor portion of a facility used in connection with the provision of educational services." However, smoking is permitted in designated areas that meet two criteria. These areas must be separately ventilated, and they must be areas where services are not normally provided directly to children.

Local educational agencies that fail to abide by this amendment would be subject to civil penalties. No Federal funds would be taken away from those agencies and ESEA services to children would not be affected. The amendment also addresses concerns that unions may have, especially if they have collective bargaining contracts that include smoking privileges. Unions would have 1 year to negotiate contract revisions to comply with the law.

Mr. Chairman, secondhand smoke kills 3,000 people each year from lung cancer. Thousands of children develop respiratory diseases from secondhand smoke, which triggers asthma attacks in as many as a million children. The least that we, in Congress, can do is to provide our youth with an unpolluted, smokefree environment in school. I urge my colleagues to vote in favor of the Durbin amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DURBIN].

The amendment was agreed to.

□ 1800

### AMENDMENT OFFERED BY MR. MILLER OF FLORIDA

Mr. MILLER of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Florida: Beginning on page 768, strike line 22 and all that follows through line 7 on page 776 (and redesignate the subsequent parts accordingly).

The CHAIRMAN. Pursuant to the order of the Committee of the Whole of earlier today, debate on this amendment and all amendments thereto will be limited to 30 minutes. The gentleman from Florida [Mr. MILLER] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Chairman, my amendment would eliminate $200 million in new spending from H.R. 6, intended to provide funding for low-interest direct loans for the construction of school facilities. This funding was not requested by President Clinton in his 1995 budget. It is a new, unwanted program put into H.R. 6 by the committee at the last minute, without even being considered by the Subcommittee on Elementary and Secondary Education.

This $200 million program is another provision buried in H.R. 6 that represents unnecessary and wasteful spending that will not contribute to better education.

This Congress loves to create new programs, but leave questions of financing for later. It is particularly hard to argue against spending new money on education without looking like a bad guy. We can all agree that real solutions to many of the problems facing this country are dependent on improving our country's education system.

I question our rationale, however, for dumping more and more Federal money on the problem as a real solution. I think it may be more of a political cop-out. The problem is not that the Federal Government spends too little but that we spend with too little thought. As a nation, we are already spending more on the education of our children than our competitors.

My amendment would delete a new program that would allow local educating agencies to receive loans from the Federal Government at an interest rate that is 1.25 percentage points lower than what the Federal Treasury borrows at. Sounds great. Or does it?

One possible result of these federally subsidized loans would be to discourage the normal process of raising money for planned construction at the local level. Instead, some local school officials may decide to come to Washington to lobby the powers that be in Congress. That, in and of itself, would create a misallocation of scarce school dollars.

And what will they find when they get here? Too few dollars to fund any number of potentially important school construction projects. Look at the funding for this program: $200 million in budget authority in fiscal year 1995, to be divided between over 15,000 school districts.

It is not even clear that these federally subsidized loans would provide a greater benefit to local schools. Currently, most local school districts finance new school construction through tax-exempt municipal bonds. According to the Congressional Research Service, local school districts "are likely to find that this subsidized taxable borrowing is not efficient." Even at 1.25 percentage points below Treasury bonds, municipal bonds may still offer a lower rate. And, then, the idea of 50-year loans is absurd. I have never heard of a 50-year loan.

Plain and simply that is irresponsible spending.

And, of course, every Federal dollar comes with strings attached, and congressional meddling into local school decisions. One example: New requirements, similar to Davis-Bacon mandates on Federal construction projects, that will set a prevailing wage on school building plans financed with this new Federal loan program. The end result would be higher labor costs that would increase the costs of the project dramatically.

Mr. Chairman, a significant majority of this Congress recently voted in favor of the balanced budget amendment to the Constitution; unfortunately, not the two-thirds required for final passage. We may remain unwilling to admit it, but the fact remains: the Federal Government cannot even come close to meeting its current spending obligations. As important as education is, we cannot keep borrowing and going into debt. With major health care and crime legislation before us this year, we must set priorities.

We love to talk about deficit reduction, but here is where the tough choices are actually made. If you are serious about balancing the budget—and if you voted for the balanced budget amendment, as I did—you will vote to trim this new program from H.R. 6.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Michigan [Mr. KILDEE] rise in opposition to the amendment?

Mr. KILDEE. Yes, Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan [Mr. KILDEE] is recognized for 15 minutes.

Mr. KILDEE. I yield such time as he may consume to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I hope that the Members would reject this amendment. This is an attempt to try to deal with a situation that occurs throughout our Nation, and that is that many, many of our schools are in very inadequate condition, for safety and health reasons, to educate our children. They are also among some of the poorest districts which are not able to put together the financing to take care of either the major renovation of those schools and/or the rebuilding of those schools. This would allow those school districts that cannot float bonds to acquire money for the purposes of renovation. We can no longer continue to accept in this country that poor children must go to poor schools. We have to change that learning environment. This $200 million would allow us to potentially leverage about $1 billion in school construction funds. This is very similar to a program that we now have in the Higher Education Act to provide for programs in higher education facilities.

Mr. Chairman, I would hope we would reject this amendment. This is a well-thought-out amendment. It means a great deal to poorer school districts throughout the entire country. I would hope that we would accept this and understand that this has a great potential to help many of our poorer school districts to put in new facilities that are necessary for the modernization of schools and to meet the demands of new technology.

Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I rise in support of the amendment. The gentleman from Pennsylvania is correct, there has been very little emphasis on this amendment, very little study, no hearings, and I have to say that contrary to what we just heard, it really does not give all poor school districts in the country an equal opportunity.

As it is written, Mr. Chairman, the amendment would only allow Federal loans to school districts which receive concentration grants. Let me tell the Members, in my district I have a very, very poor school district, but because of the county situation, which we are correcting down the line, they do not receive concentration grants.

There are also many rural school districts that are quite poor that cannot receive concentration grants. Therefore, they do not qualify for this program.

Of course, Mr. Chairman, as mentioned by the gentleman from Florida

[Mr. MILLER], school districts have 50 years to repay. If they do anything about infrastructure, they are going to discover that their loans and the costs of the loans are far greater than this, so we would be treating education differently than anything else. I think the gentleman from Florida [Mr. MILLER] has a good amendment, and I support that amendment.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, all of us have come to the point where we would rather take turns coming to the floor here and objecting to earmarking facilities in appropriation bills. We have become adamant, many of us in this House, that earmarking is the wrong way to provide needed facilities. I am calling it earmarking. America calls it pork.

We could spend hours, if we had more than just a few minutes, reading to each other our own words about earmarking and pork. This bill, Mr. Chairman, has in it for the first time an established way for the Congress to simply authorize renovation and construction of new facilities, and do it in a way that we do not earmark them, that we no longer will do that.

We cannot have it both ways. We cannot be against pork and then be against a process which the gentleman from California has put in this bill, and the gentleman from Florida would take out, a process which just establishes an institutional way to get on with the business of upgrading existing education facilities and building new ones.

If we want to continue to force Members to come to the floor and earmark projects, which is the wrong way to do it, then vote yes on the gentleman's amendment. If Members would rather take the pork out of it and have a legitimate authorization process go forward, that avoids the politics of getting enough votes to get one's own pork for their own district, then vote no on the gentleman's amendment and keep the language in the bill the way it is.

Finally, let me say this. There is an enormous national need for renovation of existing school facilities and for new school facilities. The condition of America's educational facilities in city after city after city in this country is a national disgrace.

□ 1810

Some facilities do not even have adequate lavatories. Many facilities have no science laboratories. The roofs are caving in. I was in a school the other day in a city in Montana that could have been a school that went through the earthquake in Los Angeles.

But should I come to the floor of the House and insist that I earmark, and as some would say pork money for a facility? No, let us take PAT WILLIAMS and the others out of it. Let us not have us earmarking and porking. Let us simply have a legitimate process of authorization which we now have in the bill.

I urge my colleagues to reject the gentleman's amendment by voting no.

Mr. MILLER of Florida. Mr. Chairman, I want to say I am not opposing the way money is allocated. I am opposed to the entire program. It is a totally new program of $200 million of funding. We have already taken a bill and a program that was $900 million when President Clinton introduced it which is now $2 billion higher, and now we have to start cutting our spending. I am not opposed to building schools. It is being done very effectively at the local level.

Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Chairman, I thank my colleague for yielding the time and I rise in support of this amendment.

The Federal Government in Washington, DC, is now going to accept the responsibility to build schools in America. The gentleman from Florida [Mr. MILLER] and I have been offering a series of amendments throughout this bill because we believe a number of programs were added in committee that were not requested by the President, that were not wanted by the Department of Education, but were wanted by Members of Congress. And this is another example of another program added to this bill that dilutes the focus of what we are trying to do by helping disadvantaged students around this country.

We would all like to have all of the money possible to do all of the great things that we want to do. But we do not have unlimited resources. We have scarce resources. As a result, I think we have a responsibility to focus our help where it is most needed.

Every district in America has schools that are falling apart. I would be the first one to admit that. The gentleman from Colorado made a great plea about a school in Montana, and I would suggest under the language of this amendment that there is not one school district in Montana that would ever qualify under the amendment that we have before us.

But let us get back to the focus of this. The Federal Government has no responsibility to build schools in America. That responsibility belongs to States and local communities and it ought to stay there.

Second, I would point out, 50 years, we are going to allow school districts 50 years which they get to pay back. In 50 years the buildings will not be there, which prompts the question: Is this a loan program, or let us be honest and call it what it is, a grant program, because the districts that would qualify under this amendment are districts that cannot afford the buildings, frankly. Let us be honest. They are never going to be able to afford to pay them back.

The last point I would make is a provision in this amendment that would require the construction of these schools to be done under Davis-Bacon. For all of us in this Chamber, we understand that Davis-Bacon laws are going to add 15 percent to 20 percent to the cost of construction. We are going to further burden local districts by requiring them to build these buildings under the Davis-Bacon Act, and it is totally unnecessary.

So with all due respect to the authors of the amendment, I believe that the gentleman from Florida has a very good amendment. We ought to strike this language and save this $200 million authorization, and keep that focus back in on title I and chapter 2 where we would like to have it.

Mr. KILDEE. Mr. Chairman, before yielding to the gentleman from Texas, I would like to say that in my capacity as chairman of this subcommittee, I have visited schools throughout this country and I have seen school buildings in which a Federal judge would not let us house prisoners. As a matter of fact, in my home county where I was born and raised, Genesee County, Michigan, the Federal judge ordered the closing of the county jail, and that county jail was in much better condition than some schools I have seen in this country.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in opposition to the Miller amendment to H.R. 6. The chairman of the subcommittee pointed out that but for the problems with getting amendments up here on the floor on the crime bill, we are willing to spend billions of dollars to build prisons and help States build prisons. I think it is time we started spending some of that money to build schools, because we know that we cannot build our way out of the crisis, and maybe if we build a few more schools we will not have to build prisons next year.

But this amendment would eliminate title XI in the bill which provides direct loans for the rehabilitation and the building of facilities. Some of the Nation's schools are in a complete state of disrepair, and this program will set us in the right direction in addressing the incredible needs for better school facilities. If we listen to the opposition, they are going to tell us we should not be doing this, they would not want us to provide funding at all, and even this small amount, $200 million all over the country, will not help everyone. But it will get leverage.

Research indicates that the total dollar amount needed to address school facilities is $13 billion nationwide. This modest amount of $200 million in direct loans to school districts for constructing these new facilities will address some of that shortcoming with what both the local schools and school districts and the States are doing.

In Texas we have been involved in a school finance controversy for over 20 years, and it is interesting to note that part of the current school court order for our schools includes a requirement that school facilities be addressed. School facilities are a vital part of the component, as much a part as the school books and as much a part as the teachers, and to say we should not help with facilities in the Federal Government is like putting our heads in the sand.

I urge my colleagues to vote against the Miller Florida amendment and give our schools some assistance to provide our Nation's school children the education they deserve. This will not solve all of the facility problems, but it will be leverage, and it will help.

Again, I urge a "no" vote.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS of New Jersey. Mr. Chairman, I thank the gentleman from Michigan for yielding me the time. I rise to oppose the amendment of the gentleman from Florida.

The gentleman from Florida has made an eloquent and convincing case that we should not create a $200 million a year Federal school construction program. He has made a convincing case as to why the Federal Government should no meddle in the affairs of school construction. He has made a convincing case about not spending money we do not have. He has argued, with all due respect, against a bill that is not here.

Let me describe what this bill does as opposed to the arguments made against it by our friend from Florida. It is true that under the rather bizarre bookkeeping rules that we have in the Federal Government that this has a $200 million a year price tag attached to it. It is also true that if this program operates under any normal economic assumptions, it will run in the black.

Here is how it works: if a school district borrows $10 million directly from the Federal Government to build a school, it will pay an interest rate under this bill of 1.25 percent below the Federal Government's 30-year rate to borrow money. Today that means that that school district would borrow money at approximately 5 percent.

The Federal Government would acquire that $10 million, either by raising it the way we do, or by borrowing it, and today the Federal Government borrows money at an average of 4.87 percent.

So here is the way it works: The Federal taxpayers would incur a debt service obligation of about $487,000 this year to produce the $10 million school loan. The school that borrows the money would pay us back $500,000.

Now in Washington arithmetic, that says we are in the red. In the real world arithmetic, that says we wind up as Federal taxpayers $13,000 in the black each year. If this were a $200 million a year grant program, I would join the gentleman from Florida in supporting his amendment. It is not. This is a program that will leverage up this year $1 billion of new school construction on a cash flow basis to the taxpayers that returns in the black.

I also thought, with all due respect to my friends, that Republicans support programs that pay for themselves and do not put the country in the red. If that is the case, this passes the litmus test of a Republican program, and my friends should oppose the Miller amendment and leave the bill the way that it is.

Mr. MILLER of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. ARMEY], the chairman of the Republican Conference.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding me the time. I rise in support of the Miller amendment.

☐ 1820

Ladies and gentlemen, we build schools so we can teach children. Let me suggest to you what will be the lessons the schoolchildren of America will draw from this bill.

If this provision remains in the bill, they will be told by their Government that irrespective of the concept of dual federalism which they are taught in their civics classes, the Federal Government should be so involved in local education issues that despite the 200 or so billion dollars this Government is in debt each year, we ought to create a $200 million program wherein we will make loans from the Federal Government to the local school district to construct schools, and we will lend that money to the local school district for 1.25 percent less than what we borrow the money for. This is hardly a lesson in prudent finance to teach our young people.

And we will need the $200 million to cover what, the interest subsidy and defaults, so we are writing here a provision into the bill that assumes that the local school districts will default on even a subsidized loan paid at rates more favorable than the lender-borrower.

Furthermore, we are going to teach our youngsters that in consideration for their well-being, we are going to force all of these States and all of these school districts within these States that avail themselves of this largesse, that they must disregard their own State's laws and construct the schools in a more costly fashion that complies with Davis-Bacon.

If our schoolchildren are dumb enough to buy that, ladies and gentlemen, they will never graduate.

Mr. KILDEE. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS of New Jersey. Mr. Chairman, I thank the gentleman for yielding me this time.

Let me just make this point: The $200 million figure that my friend, the gentleman from Texas, made reference to is not tied to loan defaults. The loan default rate for public school districts across this country is almost always, almost always less than 3 percent of money borrowed. That is simply not the reason for the $200 million, just a rather strange and arcane budget system that the gentleman helped to write.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Florida [Mr. MILLER] to strike title XI, School Facilities Improvement.

I would like to say at the outset that I find it somewhat incredulous that we are hearing some ranting and raving from the other side of the aisle about Federal encroachment into education when we have had amendment after amendment coming from the other side of the aisle mandating that the Federal Government get involved in curricula and other things and not allow the local level, local school districts, people back home to shape their own destiny. I do not think the argument cuts one way and not another way.

Title XI authorizes low-interest Federal direct loan programs modeled after the existing higher education, college housing, and academic facilities loan program, and the program, as was mentioned, would be directed to poorer school districts for school construction, reconstruction, and renovation projects.

This low-interest loan program will use limited Federal resources to leverage a maximum amount of aid to local schools. Preliminary estimates from the Congressional Budget Office indicate that the program's $200 million authorization will make about $1 billion in loan principal available to borrowers. According to recent studies, one in every four public school buildings in the United States is in inadequate condition. In fact, over 75 percent of our Nation's urban school buildings are over 25 years old and 33 percent of the buildings are over 50 years old.

The total cost of making needed replacements and renovations is estimated to exceed $100 billion. Financing such repairs is primarily the responsibility of States and local districts, but limited Federal aid is vital to support local projects in those areas where the costs of such activities would otherwise be prohibitive.

Let me say it has been my pleasure working with my colleagues, the gentleman from California [Mr. MILLER] and the gentleman from New Jersey [Mr. ANDREWS], on this innovative and important proposal. I thank them for their leadership in this area.

If we expect our children to meet the national goals set forth in the Educate America Act, we must provide them at the very minimum a safe and comfortable environment conducive to learning.

I urge my colleagues to oppose the Miller amendment.

Mr. KILDEE. Mr. Chairman, I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Michigan [Mr. HOEKSTRA], a freshman member of the Committee on Education and Labor.

Mr. HOEKSTRA. Mr. Chairman, I rise in support today of the Miller amendment.

I think it is important for our colleagues to recognize where and how this money makes its way to Washington and then back to the local school districts.

First, if we ever get to a point where we have a balanced budget, the dollars are going to be coming from constituents from local school districts. They have a habit of coming to Washington where we will establish a new bureaucracy to administer the loan funds, so the dollars coming from local school districts, we will eat up a portion of those costs in administrative costs. School districts will then have to apply to get this money back to their districts, and once they receive the money, they will be burdened with new Federal mandates in terms of how they will construct or how they may use these dollars for a construction project.

Once again, we will burden them with things like Davis-Bacon regulations, so that not going out and getting competitive bids, they will be mandated to provide the prevailing wages within that district regardless of whether they have received competitive bids. So rather than going out and helping the neediest school districts, what we will be doing is sending money back to them and tying up and spending this billion dollars in ways that are not most cost-effective to the individual school districts.

Let us leave the money back in the local districts.

Mr. MILLER of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I am not a member of the committee, and I have to tell you that I have listened to this debate now endlessly, and I am amazed at what is going on here.

I guess you have to kind of rethink this thing. I am a little surprised that we think all the knowledge on education resides here. I am a little surprised to think that all the resources in education reside here.

It seems to me this is one of the things in this country that has been strong because it has been locally controlled and local responsibility.

And we move increasingly to take a bankrupt Federal Government and want to provide funding for that kind of thing. It is surprising to me that we was to go deeper with the Federal Government, intruding themselves into local government that has worked well for that very reason.

Mr. MILLER of Florida. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as a fiscal conservative, my problem is this is a new program, $200 million of new spending that we do not have.

Where is the $200 million going to come from? We have a freeze on spending. We have pay-go type rules. We are going to have to take them from somewhere else.

Are we going to take them from title I, from the Eisenhower program, from chapter 2? We do not have the money to create a totally new loan program.

A lot of States are not going to be able to take advantage of this. In Florida, in my district, we do not have prevailing-wage laws, and all of a sudden we are going to enforce prevailing-wage laws in Florida. There is no school district in Florida that would even want this.

The interest rate is 1¼ percent of the taxable interest rate, 1¼ percent below. School districts borrow it at a tax-exempt rate. Even the A-1 rating, the Congressional Research Service says, is lower than that 1¼ below the taxable rate. This does not make any sense.

It costs us $200 million a year. Let us focus our money on chapter 2, title I, on the Eisenhower program, and put the money where it is best needed.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. MILLER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MILLER of Florida. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 235, not voting 22, as follows:

[Roll No. 93]

AYES—181

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chapman
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Crane
Crapo
Cunningham
Darden
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (NJ)
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Houghton
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kanjorski
Kasich
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
Kyl
LaFalce
Laughlin
Levy
Lewis (CA)
Lightfoot
Linder
Livingston
Machtley
Manzullo
Margolies-Mezvinsky
McCollum
McCrery
McDade
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Minge
Moorhead
Morella
Myers
Nussle
Orton
Oxley
Packard
Paxon
Penny
Peterson (FL)
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Ramstad
Ravenel
Regula
Ridge
Roberts
Rohrabacher
Roth
Roukema
Rowland
Royce
Sangmeister
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (WY)
Thurman
Upton
Valentine
Vucanovich
Walker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—235

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Cramer
Danner
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hayes

Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Horn
Hoyer
Huffington
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCurdy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Murphy
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pickett
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rogers
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Synar
Tanner
Tauzin
Tejeda
Thomas (CA)
Thompson
Thornton
Torkildsen
Torres
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—22

Applegate
Barrett (NE)
Brown (CA)
Cardin
Derrick
Ford (TN)
Gallegly
Gallo
Grandy
Lehman
Lewis (FL)
McMillan
Murtha
Natcher
Obey
Pickle
Santorum
Smith (TX)
Swift
Torricelli
Weldon
Wheat

☐ 1850

Messrs. WALSH, DIXON, PARKER, and NEAL of Massachusetts, and Ms. LAMBERT changed their vote from "aye" to "no."

Messrs. HOLDEN, SKELTON, ISTOOK, and EWING changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BARRETT of Nebraska. Mr. Chairman, I was unavoidably detained and missed rollcall vote number 93. Had I been present, I would have voted "yes" on the amendment offered by the gentleman from Florida [Mr. MILLER].

Mr. KILDEE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. HUGHES] having assumed the chair, Mr. PRICE of North Carolina, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6) to extend for 6 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes, had come to no resolution thereon.

## PROVIDING FOR AN ADJOURNMENT OF THE TWO HOUSES

Mr. GEPHARDT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 232) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 232

*Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on the legislative day of Thursday, March 24, 1994, it stand adjourned until noon on Tuesday, April 12, 1994, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Friday, March 25, 1994, Saturday, March 26, 1994, Monday, March 28, 1994, Tuesday, March 29, 1994, Wednesday, March 30, 1994, or Thursday, March 31, 1994, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand recessed or adjourned until noon on Monday, April 11, 1994, or at such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## AUTHORIZING THE SPEAKER AND THE MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, April 12, 1994, the Speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 13, 1994

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 13, 1994.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## TEMPORARY EXTENSION OF CERTAIN PROVISIONS OF THE MARINE MAMMAL PROTECTION ACT

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries be discharged from further consideration of the bill (H.R. 4122) to temporarily extend certain provisions of the Marine Mammal Protection Act, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. YOUNG of Alaska. Mr. Speaker, reserving the right to object, and I shall not object, I do so to give the gentleman from Massachusetts, Mr. STUDDS, a chance to explain the bill.

I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Speaker, I frankly wish that we did not have to bring this bill before the Members today.

For the past five years, the fishermen of this country have been operating under an exemption of the "taking" provisions of the Marine Mammal Protection Act [MMPA]. That exemption expires on April 1. Two nights ago, the House passed a reauthorization bill which would have established a new management program to preserve the fishermen's right to fish and saved marine mammals. The staff of both bodies then worked around the clock to reach a compromise that both House and Senate could support. Last night, the House passed what we thought was an agreed-to text.

Unfortunately, events in the other body over the last 24 hours have changed the situation, and we will not be able to come to agreement before the April 1 deadline. This bill would extend the exemption period for another 30 days, during which time we will continue to work with our colleagues to pass legislation that is fair to everyone, and—most importantly—meets the goal of this landmark law: to protect marine mammals for future generations.

Mr. YOUNG of Alaska. Mr. Speaker, the current exemption in the Marine Mammal Protection Act which allows American fishermen to operate expires on April 1, 1994. This committee has worked since last year to put together an acceptable bill that could be passed in the House and Senate. In fact, we passed a House bill on Monday, and what we believed to be a compromise text agreed to by the other body on Tuesday. We are now receiving from the other body a new version which is unacceptable to the Members of the

House. Therefore, in order to keep American fishermen operating and allow us to work out these new problems with the other body, we are passing a 1-month extension of the fishery provisions in the Marine Mammal Protection Act.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4122

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 114(a)(1) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1383a(a)(1)), is amended by striking "April 1, 1994," and inserting in lieu thereof "May 1, 1994,".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## IMPROVING AMERICA'S SCHOOLS ACT OF 1994

The SPEAKER pro tempore. Pursuant to House Resolution 366 and rule XXIII, the Chairman declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 6.

□ 1855

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6) to extend for 6 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes, with Mr. PRICE of North Carolina in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Florida [Mr. MILLER] had been disposed of and title IX through the remainder of the bill was open for amendment at any point.

Are there further amendments to the bill?

Mr. STEARNS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to engage in a colloquy with the gentleman from New York [Mr. OWENS].

The amendment I originally planned on introducing today was designed to address a problem brought to my attention by one of the school boards in my district.

Under the Individuals With Disabilities Education Act, the IDEA, students in our public schools with disabilities are provided special administrative protections against suspensions or expulsion. As I understand it, this is to prevent any school from using disciplinary actions as a way to avoid its constitutional responsibility to educate these students. Is that correct?

Mr. OWENS. Mr. Chairman, if the gentleman will yield, on this subject; yes, the gentleman is correct.

Mr. STEARNS. Mr. Chairman, reclaiming my time, the purpose of my amendment was to clarify in the law that these special administrative protections would not affect cases in which deadly weapons were involved or cases of serious assault.

In the last several days, it has come to my attention that there is a note to the regulations of the IDEA addressing this matter, but this does not appear to be well-known to our local school districts who have been following the so-called 10-day guideline for suspensions from the Hoenig decision.

Thus, I believe that placing this exception in law would free our schools to take necessary actions to protect all students and teachers against violent behavior.

I have been asked by Subcommittee Chairman OWENS, however, if I would be willing to pull this amendment so that the issue can be fully reviewed during reauthorization of the IDEA. I would certainly be willing to do so, and I yield to Mr. OWENS.

Mr. OWENS. Mr. Chairman, the Subcommittee on Select Education and Civil Rights is now considering the reauthorization of IDEA, and we are already having hearings. A hearing will be scheduled to allow Members to testify. There are a number of Members who have requested to testify before the committee, and we will have a full hearing just for Members. The gentleman from Florida will be invited to testify. We will certainly consider this matter during the consideration of this bill.

Mr. STEARNS. Mr. Chairman, I would just like to comment that the overwhelming majority of children with disabilities are serious, devoted learners whose efforts deserve our support and admiration.

However, I believe the scope of the special administrative protections was never intended to protect that very small number of students whose behavior endangers their fellow students, especially those with disabilities, and teachers.

I hope this matter can be addressed during the IDEA reauthorization, and thank Mr. OWENS for his cooperation.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. GUNDERSON

Mr. GUNDERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GUNDERSON: Page 826, after line 18, add a new section:

**SEC. 254. DISCLOSURE REQUIREMENTS.**

Each educational organization, prior to accepting funds for the cost of a minor's participation in an educational program operated by such organization, shall disclose the following information in written form to the minor or the minor's parent:

(1) METHOD OF SOLICITATION AND SELECTION.—The method of solicitation and selection of participants in the educational program, including—

(A) the origin of any mailing list used for such solicitation and selection;

(B) any recruitment through teacher or school personnel, including any enticements offered to such teacher or personnel for the recommendation of a minor for participation in the educational program;

(C) any open enrollment activity, including the method of outreach; and

(D) any cooperation with, or sponsorship by, a membership organization, including a description of the cooperation or sponsorship and the name of each such organization.

(2) COST AND FEES.—Information regarding the cost of the educational program and information regarding the distribution of any enrollment fee, including—

(A) the amount paid for, and the percentage of the total educational program cost of, each feature of the educational program, including—

(i) food;

(ii) lodging;

(iii) transportation;

(iv) program staffing;

(v) textbooks, syllabi, or other scholastic educational program materials;

(vi) speaker fees; and

(vii) administrative expenses, including expenses related to—

(I) the preparation of non-scholastic educational program materials;

(II) the provision of financial assistance;

(III) mailing list rental or other recruitment activity; and

(IV) administrative salaries and consulting fees;

(B) the identity of the organization or business providing each of the features described in clauses (i) through (vii) of subparagraph (A); and

(C) the nature of any relationship of any board member, officer, or employee of the educational organization to any organization or business described in subparagraph (B), including the salary or other compensation paid by such organization or business to such Board member, officer, or employee.

(3) NONDISCRIMINATORY ENROLLMENT AND SERVICE POLICY.—

(a) IN GENERAL.—Each educational organization shall include a verifiable statement on all enrollment or recruitment material that the educational organization does not—

(1) fail or refuse to hire, or discharge, any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, or

(2) exclude any student from participation in an educational program, discriminate against any student in providing the benefits associated with such program (including any scholarship or financial assistance, and use of any facility), or subject the student to discrimination under such program, on the basis of race, disability, or residence in a low-income area.

(b) CONSTRUCTION.—Nothing in this section shall be construed to entitle a student to—

(1) participation in an educational program or any benefit associated with such program; or

(2) a waiver of any fee charged for such participation or benefit.

(4) ENFORCEMENT.—

(a) IN GENERAL.—The Secretary of Education shall monitor compliance with the provisions of this section.

(b) CIVIL PENALTY.—If an educational organization knowingly violates any provision of this Act, the Secretary of Education, after notice and opportunity for hearing, may impose on such organization a civil fine of not more than $1,000 for each such violation.

(1) participation in an educational program or any benefit associated with such program; or

(2) a waiver of any fee charged for such participation or benefit.

Mr. GUNDERSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

□ 1900

Mr. GUNDERSON. Mr. Chairman, this is an amendment which requires disclosure by programs that bring students to Washington to study the Congress regarding disclosure of such issues and solicitation and selection methods and program costs.

AMENDMENT OFFERED BY MR. STARK TO THE AMENDMENT OFFERED BY MR. GUNDERSON

Mr. STARK. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. STARK to the amendment offered by Mr. GUNDERSON: At the end of the amendment made to page 826, after line 18, add the following:

"(5)(A) Educational organization, as defined by this section, means an organization or group which—

"(i) provides special honors programs, seminars, citizenship experiences, Government study programs, educational vacations, student exchange programs, or other educational experiences or honors generally directed toward minors or high school students and charges a tuition or enrollment fee;

"(ii) offers its program away from a student's regular place of school attendance, includes not less than 1 supervised night away from home, and is intended to enhance a student's regular course of study; and

"(iii) advertises and recruits students through commercial media, direct mailings, school recruitment programs, or school administrators or teachers.

"(B) The definition in subparagraph (A) shall not include—

"(i) a local educational agency, State educational agency, a State department of education, or an elementary or secondary school as defined by this Act;

"(ii) an institution of higher education as defined by the Higher Education Act of 1965; or

"(iii) a local organization sponsored by an elementary or secondary school, a recreational or entertainment organization, a local sports activity group, or a social club.

Mr. STARK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. STARK. Mr. Chairman, I am proud to have worked with the gentleman from Wisconsin [Mr. GUNDERSON] on this amendment. It is virtually identical to my bill H.R. 3109 which has the support of 22 cosponsors—including 7 Republicans and 6 Education and Labor Committee members.

Ranking Member GOODLING is a cosponsor and the legislation was introduced in the other body by Senators METZENBAUM and DOLE.

As the gentleman from Wisconsin has already pointed out, the amendment requires more disclosure by programs like the Washington groups that bring students out to study Congress. There have been well-documented marketing and recruiting abuses by some of these programs which need correction.

Informed parents can best decide the worth of these programs. But to do this they need to know how the $700–$800 per week cost is being spent and how their children were selected. That's the information this bill requires the programs to disclose.

I am aware that the Department of Education has questions about the scope of this amendment. With the agreement of Mr. GUNDERSON and the committee, I am offering a perfecting amendment that should answer these concerns. It specifically exempts local groups, school programs, and university programs.

Mr. Chairman, given the strong bipartisan support for this legislation, I hope my colleagues will support the Gunderson amendment as modified by my amendment.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, the gentleman's amendment is a good amendment.

The fact is, Mr. Chairman, the bill is originally a bill authored by the gentleman from California [Mr. STARK]. I was, I think, the lead Republican cosponsor, because I was on the Committee on Education and Labor.

I have offered his bill as an amendment. He has now corrected it by an amendment. We are one big happy family, and we accept his amendment.

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Chairman, I support the amendment and the amendment to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. STARK] to the amendment offered by the gentleman from Wisconsin [Mr. GUNDERSON].

The amendment to the amendment was agreed to.

Mr. ROEMER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Does the gentleman wish to address the Gunderson amendment, as amended?

Mr. ROEMER. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Indiana [Mr. ROEMER] is recognized for 5 minutes.

Mr. ROEMER. Mr. Chairman, I want to come to a better understanding of exactly the implications of this amendment. It is my understanding that the gentleman's amendment requires educational organizations to disclose certain information to students' parents prior to receiving payment for any Washington-based programs. Is it correct that while the gentleman's amendment requires these organizations to provide information to parents about food, lodging and transportation, these education organizations would not have to provide parents with the specific names of companies with which it contracts? For example, the Close Up Foundation would not have to provide the parents of the 24,000 students who participate in its programs each year with a list of the approximately 120 food vendors, 10 bus companies and 25 hotels it utilizes in any given year.

In the same vein, is it also correct that it is sufficient for an education organization to report the program expenditures in the aggregate, even when the organization itself provides the service? For example, the Close Up Foundation provides its own program staffing. Under the gentleman's amendment, is it correct that this organization would not be required to list the names and salaries of the approximately 150 employees involved in this activity.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, that is correct. What we want to do is make sure that groups which use outside management companies make it clear how those outside management companies spend funds paid to them.

For those organizations which rely on outside management, such as the Congressional Youth Leadership Council, we expect the education organization's disclosure of each category to include all spending, either by the organization or by the management company, on that organization's activities.

Organizations such as the Close Up Foundation, which do not contract with a single management company, could meet the disclosure requirements by providing two parents the aggregate costs of all vendors for each category.

Mr. ROEMER. Mr. Chairman, I appreciate the gentleman's cooperation on this matter and would like to ask my colleague from Wisconsin one additional question.

There are organizations, such as Close Up, which do not direct mail marketing to students and parents, but, instead rely on teachers to work with students who are interested in participating in the program.

These teachers serve as program liaisons to parents.

Could Close Up fulfill its disclosure requirements by including the appropriate information in the packet of information it sends to teachers, who in turn must send the materials to parents?

Mr. GUNDERSON. Mr. Chairman, if the gentleman will continue to yield, as long as Close Up ensures that teachers give the disclosure information to parents while the application is being completed, then the organization has complied with the amendment.

Mr. ROEMER. Mr. Chairman, I thank my distinguished colleague for his clarification of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. GUNDERSON], as amended.

The amendment, as amended, was agreed to.

### AMENDMENT OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. BOEHNER: Beginning on page 776, strike line 8 and all that follows through line 19 on page 798 (and redesignate the subsequent parts accordingly).

The CHAIRMAN. Does the gentleman from Michigan [Mr. KILDEE] wish to be recognized in opposition to the amendment?

Mr. KILDEE. Mr. Chairman, yes, I would like to be recognized in opposition to the amendment.

The CHAIRMAN. The Chair announces then that pursuant to our earlier agreement, the time, 30 minutes, will be allocated to this amendment with the time equally divided between the gentleman from Ohio [Mr. BOEHNER] and the gentleman from Michigan [Mr. KILDEE].

The Chair recognizes the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to strike the urban and rural education programs—new programs which were not requested by the Clinton administration. I do so not because I am against improving education in the cities and rural communities of this Nation. In fact, I have a very rural district. No, I am offering this amendment because I cannot see why we need a separate program for rural education and another for urban, when we have before us billions of dollars' worth of programs aimed at improving education throughout the Nation, including in the cities and small towns.

As I have said in the statements for my previous amendments, the best thing we can do for our schools is keep this bill streamlined and focused. I have asked this question before, in order to try to fund the $300 million authorized for these two programs. Are we willing to take money from title I, and chapter 2, and other programs? Because that is exactly what we will be forced to do. I don't understand why we want to keep adding program after program to this bill. Why can't we give local communities and States the flexibility to use the money under this bill to suit their particular needs and priorities? Why do we insist on defining their priorities for them?

I also want to look at the purposes of these programs. First of all, both programs will provide demonstration grants. In looking at other programs, not necessarily just in education, I find that demonstration projects tend to demonstrate nothing more than the ability of the same grantees to receive the same grant year after year.

Second, the programs establish two new commissions. I submit that the last thing this country needs is yet another commission inspired by the Federal Government. I find it also interesting that we are going to fund these commissions and their bureaucrats at the expense of getting more money to the students.

Finally, the objectives of these grants are nothing new. They are the same objectives we expect of every school and which other programs throughout the ESEA attempt to address. In other words, these two programs aim to do nothing new, nothing specific. They are attempts to target more Federal education dollars to the cities and rural areas. This is why we must look at these two programs within the context of the entire ESEA. When we do, I can't see the justification for funding them separately at the expense of the larger ESEA programs.

Congress can help urban and rural schools. In fact, the ESEA is geared toward improving education throughout the Nation, especially in troubled areas. Since the urban and rural schools appear to be the ones most in need, I would think that the ESEA as a whole would help these schools. If we look at title I, chapter 2, the fund for the improvement of education, drug-free schools, Eisenhower professional development, and most of the other programs, I believe urban and rural schools will be helped, without the existence of these two programs.

This is why I urge the adoption of this amendment.

□ 1910

Mr. Chairman, I yield back the balance of my time.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. I thank the gentleman for yielding me the time.

The language of the gentleman from the other side would strike language I put in this bill, which is an effort to help inner city schools and rural schools. Let me talk to the rural schools' need here.

Sixty percent of the school districts in this country are rural. Let me tell the Members a few facts about those rural areas and those rural schools. They enroll a disproportionately larger share of our country's poor and at-risk youth than do any other schools.

Approximately one out of four of America's rural children live below the level of poverty. Rural preschoolers have less access to early childhood education than do any other children across this country.

There is an enormous need, so my language, in which I was joined by a number of my colleagues who also want to speak this evening, offers small incentives and initiatives to help those schools: in-service training for rural school teachers; long-distance learning; computer technology development; innovative pilot projects, school consortia activities, where a number of schools can come together in activities.

It also establishes a National Commission on Rural Education to conduct a study on the condition of rural education in America, and come back to this Congress and make recommendations regarding how we might further help the children that go to rural schools.

The issue here, Mr. Chairman, is not a new program. The issue here is the teachers, the parents, and the schools and the students from rural areas need just a little Federal attention. We are trying to provide that with this very modest language, which the gentleman would delete.

I urge my colleagues to vote no.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I rise is strong opposition to the Boehner amendment. This amendment is all advised and ill conceived. It would eliminate the entire Rural, and Urban, Education title in this bill. I cannot impress upon the membership of this body how important this title is to rural and urban areas, of this country.

I was an original cosponsor of Mr. William's bill, upon which this program was based. I was very pleased to see it incorporated into H.R. 6.

The facts about rural America overwhelmingly support the need for this assistance: academic performance of rural students is lower than average, poverty among rural school age students is increasing, schools continue to operate in decrepit facilities, there is no capital with which to make improvements, and additional money is needed to address these needs.

Rural schools have the same, if not greater, needs than their suburban counterparts. High costs are coupled with an inability to leverage revenue to fund needed programs. Add to that geographic isolation and teacher recruitment obstacles, and rural students are most certainly at a disadvantage. In nearly every meeting on education I have with constituents, without fail I hear about the need for technology assistance for out schools if we are to keep them competitive. They need access to innovative education and they need access to financial assistance if our students are to be able to excel.

The grants included in the bill represent a collaborative, concerted assistance program for rural educators. The bill would provide grants that would encourage innovative school reform programs, use of telecommunications technology for learning, and inservice training, and teacher recruitment initiative with colleges and universities.

This assistance is desperately needed and I urge my colleagues to vote "No" on the Boehner amendment.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Chairman, I have been proud to have a chance to work with the gentleman from Ohio [Mr. BOEHNER] on a series of amendments to try to cut spending and add fiscal sanity to this bill.

This bill started off as $10.5 billion when the President introduced it. We have added almost $2 billion more of spending to the program. We just keep adding new program after new program. This is a $250 million program, actually two programs. I do not know what we need two more programs for. We are already giving money under chapter 1 to rural and urban schools. This is not requested by the President; it was not included in his budget.

Last week we spent 2 days debating the Balanced Budget Amendment. Now what are we doing? We are just adding more spending, adding more spending. We have to get some sense in our budget.

Mr. Chairman, I support the amendment of the gentleman from Ohio [Mr. BOEHNER] to try to get the budget in balance.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Chairman, I thank the gentleman for yielding me the time.

I think we ought to put sense in our programs, also. We are talking about a $22.5 billion crime bill to build new jails, to build new prisons. Why waste $22.5 billion on the back end when we could invest in our young people in our rural and urban centers on the front end? To me that makes no sense, to concentrate on spending money on bricks and mortar, where it costs more to imprison a person than it costs to go to Yale or Harvard.

The urban amendment recognizes that central city schools, along with rural schools, will face the greatest challenge in the American educational system in attempting to meet the national goals of the year 2000.

The ability of the Nation's major school systems will be greatly challenged by the new competitiveness in the world. We talk about the NAFTA, we talk about the GATT, the Uruguay rounds. Unless we have all of our young people in this country competitive, then we will not be the No. 1 country that we have been throughout our history.

Mr. Chairman, I urge the passage of this amendment to give urban schoolchildren an opportunity.

Some of the statistics are terrible: shortages of teachers in urban school systems are two and a half times greater than that in other school systems. Urban schools enroll approximately one-third of the Nation's poor, 40 percent of the Nation's African-American children, and 30 percent of the Nation's Latino children.

Urban preschoolers have one-half the access to early childhood development programs as do other children. Seventy-five percent of urban school buildings are over 25 years old. Thirty-three percent of such buildings are over 50 years old. These buildings are often in serious disrepair and create poor and unhealthy working and learning conditions.

We have the high amount of lead in our school systems and in our areas that work against the youngsters' learning ability, so I urge sanity here. Put common sense where it ought to be. Mr. Chairman, I urge the defeat of this amendment.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Indiana [Ms. LONG].

Ms. LONG. Mr. Chairman, I rise in opposition to the Boehner amendment. Mr. Chairman, I rise to speak about this amendment from two perspectives. The first is as a Democrat that represents a fairly conservative district. I am a member of the Conservative Democratic Forum and the Mainstream Forum. I vote for balanced budget amendments.

I consider myself a fiscal conservative. I say to the gentleman from Ohio—the author of the amendment—I understand your desire to get a handle on the budget deficit.

But, I think this particular amendment is misdirected. Education is one area that deserves more money—not less.

I also speak about the amendment as the Chair of the Congressional Rural Caucus. The Boehner amendment would eliminate much needed assistance for rural schools.

Approximately 60 percent of our country's public school districts are located in our Nation's smaller cities and towns. Rural schools face unique challenges to providing adequate educational services including poverty, geographic isolation, and teacher recruitment.

In fact, the GAO [General Accounting Office] recently reported that the rural school-age poverty rate rose to 20.4 percent in 1990, well above the 1990 urban rate of 16 percent.

Smalltown schools also face logistical difficulties due to geographic isolation. More often than not, these schools cannot offer the variety and depth of courses commonly available in other areas, or target programs to specific groups. Furthermore, rural schools have difficulty recruiting and retaining qualified teachers.

Fortunately, these problems are not insurmountable; the difficulties smalltown and rural schools face can be remedied through additional attention and funding. The funding that the Boehner amendment seeks to strike would assist rural school districts in undertaking genuine school reform, preparing more rural graduates for higher education and vocational training, and training and recruiting teachers.

It would also enable school districts to use the most advanced telecommunications technologies for learning. This program is an essential step in addressing the education needs of smalltown America. I commend Mr. WILLIAMS and the Education and Labor Committee for the work on these important provisions, and strongly urge my colleagues to oppose the Boehner amendment.

Mr. CLAY. Mr. Chairman, I rise to oppose the gentleman's amendment to strike the urban and rural education assistance provisions from H.R. 6.

The urban and rural education assistance provisions should remain in this legislation because they help rural and urban schools undertake school improvement initiatives.

Children should have an equal opportunity in terms of the achievement of the national goals as set forth in the Goals 2000 legislation which passed this body yesterday, as well as in H.R. 6.

The urban and rural provisions as included in H.R. 6 will assist both urban and rural public schools in meeting the national education goals as well as improve the educational and social well being of urban and rural public school children.

The provisions include demonstration grants to a number of central city school districts to demonstrate creative and replicable approaches for improving the performance of students in urban school districts. There is also a rural component.

The provisions in H.R. 6 also encourage community, parental, and business collaboration in the improvement of urban schools. The ability of the Nation's major urban areas to deliver high quality education has a direct effect on the economic development of the Nation's inner cities.

The urban initiative recognizes that central city schools along with rural schools will face the greatest challenges in American education in attempting to meet the national education goals by the year 2000.

The success of urban schools in boosting the achievement of its minority youth will determine the ability of the Nation to close the gap between the "haves and the have nots" in society.

Urban schools have higher drop out rates, more problems with health care, and less parental participation than other kinds of school systems.

Shortages of teachers in urban school systems are 2.5 times greater than shortages in other kinds of school systems.

Seventy-five percent of urban school buildings are over 25 years old, 33 percent of such buildings are over 50 years old, and these buildings are often in serious disrepair and create poor and unhealthy working and learning conditions. It is difficult for children to perform at their maximum learning potential under these conditions. The provisions in H.R. 6 are greatly needed to help the children who encounter these conditions every day achieve the standards as set forth in this legislation.

I ask my colleagues to oppose this amendment offered by the gentleman from Ohio [Mr. BOEHNER].

Mr. ENGEL. Mr. Chairman, I rise in opposition to Representative Boehner's amendment to strike title XII from H.R. 6.

Title XII, which authorizes Urban and Rural Education Demonstration Grants, is designed to help our Nation's rural and urban schools in undertaking school improvement initiatives. Part B, specifically, recognizes that central city schools, along with rural schools, will face the greatest challenges in American education in attempting to meet the national education goals by the year 2000.

Clearly, the quality of public education in the Nation's major urban areas has a direct effect on the economic development of our innercities. Urban schools currently enroll a disproportionately large share of the Nation's poor, and 40 percent of the Nation's African-American children and 30 percent of the Nation's Hispanic youth. The success of urban schools in boosting the achievement of its minority youth will determine the ability of the Nation to close the gap between the haves and havenots in our society.

In addition, shortages of teachers in urban school systems are 2.5 times greater than shortages in other kinds of school systems. And of all urban school buildings, 75 percent are over 25 years old, and 33 percent are over 50 years old. The school buildings are often in such disrepair that learning and working conditions are demoralizing and unsafe. Certainly, State and Federal funding of urban schools have not accurately met the growing needs of such schools. Federal funding that is well targeted, flexible, and accountable will significantly contribute to the overall improvement of our Nation's innercity schools.

I believe title XII of H.R. 6 is an honest and comprehensive attempt to meet these unique needs. Urban Education Demonstration Grants will help to increase the academic achievement and readiness of urban schoolchildren, improve graduation rates, and prepare urban school graduates to enter higher education, pursue careers, and exercise their responsibilities as citizens.

I urge my colleagues to oppose the Boehner amendment. If our innercity children are to succeed, they must be given the tools to do so. This long-term investment will pay tenfold in future social and economic savings.

Ms. LAMBERT. Mr. Chairman, I rise today in opposition to Representative BOEHNER'S amendment to eliminate the Urban and Rural Education Demonstration Grants programs from H.R. 6.

As a product of the public school system in the Arkansas Delta, I recognize the importance of strengthening rural education. The major problems we face at home—rural health care, job creation, and crime prevention—all rely on education for effective solutions.

I sympathize with Representative BOEHNER'S desire to cut wasteful programs from the budget, but assistance to rural schools is certainly not wasteful spending. From 1979 to 1986, the U.S. poverty rate for children under the age of 18 increased twice as fast in rural areas as in the rest of the Nation. Because research has identified socioeconomic status as the most powerful predictor of student performance, and because a disproportionate level of the Nation's poor live in rural America, these statistics should be of particular interest to us as legislators.

This provision of H.R. 6 would give rural schools the resources and incentives necessary to initiate innovative new programs such as distance learning technologies for improving rural education.

This program is an essential step in addressing the education needs of rural America. I thank Representative WILLIAMS and the Education and Labor Committee for the hard work on these very important provisions and urge my colleagues to oppose the Boehner amendment.

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Mr. KILDEE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BOEHNER].

The amendment was rejected.

AMENDMENT OFFERED BY MR. MILLER OF FLORIDA

Mr. MILLER of Florida. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. MILLER of Florida: Beginning on page 870, strike line 1 and all that follows through line 20 on page 875 (and redesignate the subsequent parts accordingly).

The CHAIRMAN. Is the gentleman from Michigan [Mr. KILDEE] opposed to the amendment?

Mr. KILDEE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. Pursuant to the unanimous consent agreement previously entered into, 30 minutes will be allowed on this amendment, equally divided between the gentleman from Florida [Mr. MILLER], and the gentleman from Michigan [Mr. KILDEE].

The Chair recognizes the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is the last opportunity that Mr. BOEHNER and I will have to enhance the effectiveness of this education bill by eliminating unwanted and unneeded programs. The National Writing Project was added to H.R. 6 during the committee markup contrary to the President's proposal and against the recommendations of Vice President GORE's National Performance Review. This program has a noble goal, but we don't need a separate program. Remember when Clinton and Secretary Riley submitted their proposal for funding elementary and secondary education, they requested $10.5 billion, and the committee increased that level to $12.4 billion. This program represents one of the many unneeded and unwanted programs.

Mr. Chairman, the National Performance Review recommended the elimination of any program that has achieved its purpose, or could be supported with non-Federal resources.

Therefore, the Clinton administration placed the National Writing Project on this year's budget hit list.

In this year's budget, the President said,

> No funds are requested because the administration has proposed that the program not be reauthorized. Furthermore, funds available to State and local educating agencies under the Eisenhower Professional Development Program could also be used for this purpose.

This project, therefore, reflects duplicative spending. As the President enumerated, the Eisenhower Professional Development Program authorizes $800 million for teacher training. So, why does the Federal Government have to create a new program telling school districts exactly how to spend money to improve writing. I agree with the President; the Eisenhower Professional Development Program creates an appropriate venue for the National Writing Project. Title II, additionally, provides block grants to reform and improve schools.

For these reasons, the National Writing Project is excessive and, unnecessarily, focuses on a specific constituency. It is too narrow for the spirit of this bill. Our intent in H.R. 6 was to create more flexibility for local educating agencies. Let's eliminate this program and allow the Eisenhower Professional Development Program and title II to achieve this purpose where local and private funds fall short.

We must get our house in order. I encourage my colleagues to eliminate this excessive spending program. Support the President and the Vice President and vote in favor of my amendment.

Mr. KILDEE. Mr. Chairman, I yield such time as he may briefly consume to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I would say that I hope all Members of the House will reject this amendment. The language in the legislation is identical to legislation that I have introduced along with Senator COCHRAN of Mississippi which has over 130 cosponsors. It has bipartisan support. This is a program that has been fantastically successful in teaching teachers how to teach writing so that young people can learn how to write and how to provide for critical assessment.

This program has received national honors from private businesses, from foundations, from the nonprofit sector of our economy. This program garners far more in private money than we will provide under this legislation. But that is exactly the point. By providing a small amount of seed money to keep the program going, we will be able to garner all kinds of additional private, nonprofit support for this program. And that is what we want to do. That is what we call the private-public partnership, and in this case the multiplier of teaching these teachers the skills to teach our young children how to write.

How many of my colleagues have had the experience of having a résumé in their office and talking to young people, and what is it we want to know? "Can you write? Give me a writing sample." Unfortunately, all too many American students and graduates fall short on that.

In California we have just gone through our new assessments on education, the new high standards assessments program. We found out that those school districts and programs where we have used the national writing projects, students are scoring better than in those school districts where they did not have the advantage of those programs. This is a program of merit. It is a program of great vision, and we ought to continue it. And it does in fact allow us to leverage Federal dollars into private participation.

Senator COCHRAN of Mississippi has supported this and garnered support in the Senate for it, and I believe we will be successful. And I hope that Members will reject this amendment that is very penny-wise but again very pound-foolish in terms of the number of students that we have a chance to impact to improve the writing and critical thinking skills of those students.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield briefly?

Mr. MILLER of California. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, if the program was as great as the gentleman has indicated and has the support, why would the Clinton budget say, "The project has a narrow focus and has received Federal funds for many years. It has been amply demonstrated as a strategy for improving the teaching of writing and should be supported with State and local funds."

Mr. MILLER of California. It is as great as I said, I would say to the gentleman. And the Clinton administration would say that because they are misguided.

Mr. BOEHNER. I thank the gentleman.

Mr. WELDON. Mr. Chairman, I rise in strong support of the National Writing Project and in opposition to this amendment.

I am committed to reduce federal spending. For instance, in 1993 the Citizens Against Government Waste gave me the "Taxpayer Hero Award" with a rating of 85 percent, the highest rating given to any Congressman from Pennsylvania, and the Watchdog of the Treasury presented me the "Golden Bulldog Award" for the seventh straight year.

In our efforts to curb the deficit we must evaluate each program for its effectiveness. Although I understand the efforts of my colleagues to streamline federally supported elementary and secondary programs, the National Writing Project is one program that gives us the most bang for the buck. Federal funds are a small, but important part of the funding for this invaluable program. In my area, federal funds allow teachers and students from poor school districts to participate in this program who otherwise would be left out. Students participate in a summer program that enhances their knowledge and skills while being kept off the streets and out of trouble.

Teachers throughout my district have participated in this program. Implementing what they learned into the classroom has had a tremendous impact. This impact is not just upon english class, but social studies, and even mathematics. Mathematics teachers have described to me how using National Writing Project tools in the classroom have helped students understand mathematic concepts. For instance, explaining a mathematics formula in writing can bring about a firmer understanding of that formula in a student's mind.

School boards recognize the importance of this program. For instance, upon learning of the dramatic impact this program was having in a number of their classrooms, the Rose-Tree Media School District doubled the number of stipends they provide teachers to participate in this program.

Most importantly, children recognize the importance of this program. Let me quote some students in Mrs. Rauch's class at Springton Lake Middle School. Michelle Conquest says, "Six months ago I could not write a simile. Now I receive many compliments for my writing." Eve Bateman says, "I've learned to express myself, use figurative language, and write better endings. I would like to learn more about quotation usage, how to pick a title that fits the story, and make my stories longer without them going on, and on, and on." And Jacob Rossiter says, "When I grow up I want to be a famous writer and dedicate it to the best 6th grade writing workshop teacher, Mrs. Rauch. Ever since I've been in her class I've started to enjoy writing."

These children are motivated to improve their writing. Their teachers and the National Writing Project deserve credit for this enthusiasm. The National Writing Project is an excellent small investment from which children and our country reap enormous benefits. I ask my colleagues to continue such projects across the country by voting "no" on the Miller amendment.

Mr. MILLER of Florida. Mr. Chairman, I yield back the balance of my time.

Mr. KILDEE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. MILLER].

The amendment was rejected.

Mr. GOODLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Michigan and the chairman of the Subcommittee on Elementary, Secondary and Vocational Education, Mr. KILDEE, for purposes of clarification.

I would like to clarify that a State could utilize the waiver provisions under Part D of Title IX for purposes of obtaining waivers of requirements under Subpart 2 of Part D of Title I—Improved Education for Disadvantaged Children.

It has come to my attention that there are States which have a system for the incarceration of delinquent youth which would not make the operation of the local program authorized under this subpart feasible. In such instances, I believe States should be able to apply for and receive a waiver. It has never been my intention to change the way States and localities deal with the incarceration of delinquent children and youth. Rather, I meant to improve the quality and kinds of services provided to delinquent youth in order to enhance the prospects of their return to and successful completion of school.

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Chairman, the answer is yes, the gentleman is correct. The State could utilize the waiver provisions under our language.

### AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MICHEL:

—Strike all after the enacting clause and insert the following:

## TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

### SEC. 101. AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

The Elementary and Secondary Education Act of 1965 is amended to read as follows:

### "SECTION 1. SHORT TITLE.

"This Act may be cited as the "Elementary and Secondary Education Act of 1965".

## "TITLE I—HELPING CHILDREN IN NEED MEET HIGH STANDARDS

### "SEC. 1001. DECLARATION OF POLICY AND STATEMENT OF PURPOSE.

"(a) STATEMENT OF POLICY.—The Congress declares it to be the policy of the United

States that a high-quality education for all citizens and a fair and equal opportunity to obtain that education—

"(1) are a societal good necessary for creating a vibrant future for our complex and diverse democracy and for meeting the challenge of an internationally competitive economy;

"(2) are a private good because individual opportunity is greatly enhanced by one's being well educated;

"(3) are a moral imperative in our society; simple justice demands that the opportunity to acquire skills and knowledge deemed necessary for basic citizenship and economic opportunity be equally available to all; and

"(4) improve the life of every citizen, because the quality of our individual lives ultimately depends on the quality of the lives of others.

"(b) RECOGNITION OF NEED.—The Congress recognizes that—

"(1) although the achievement gap between disadvantaged children and other children has been reduced by half over the past two decades, a sizeable gap remains, and many segments of our society lack the opportunity to become well educated;

"(2) the most urgent need for educational improvement is in schools with high concentrations of children from low-income families. Achieving the National Education Goals will not be possible without substantial improvement in these schools;

"(3) educational needs are particularly great for low-achieving children in our highest-poverty schools, children with limited English proficiency, children with disabilities, children of migrant workers, Indian children, children who are neglected or delinquent, and young children and their parents who are in need of family-literacy services; and

"(4) while title I and other programs funded under this Act have contributed to narrowing the achievement gap between children in high-poverty and low-poverty schools, they need to become even more effective in improving high-poverty schools in order to help enable all children to achieve high standards.

"(c) WHAT HAS BEEN LEARNED.—To enable schools to provide all children a high-quality education, this title builds upon what has been learned:

"(1) All children can master challenging content and complex problem-solving skills; research clearly shows that children, including low-achieving children, can succeed when expectations are high and they are given the opportunity to learn challenging material.

"(2) Piecemeal reform, particularly when not tied to an overall vision of teaching to, and helping all children reach, high standards, does not work.

"(3) Use of low-level tests that are not aligned with schools' curricula fails to provide adequate information about what children know and can do and encourages curricula and instruction that focus on low-level skills measured by those tests.

"(4) Resources are less effective when they serve children through such practices as pull-out programs, instead of ensuring that children have full access to effective regular school programs and receive supplemental help through extended-time activities.

"(5) The disproven theory that children must first learn basic skills before engaging in more complex tasks continues to dominate strategies for classroom instruction, resulting in emphasis on repetitive drill and practice at the expense of content-rich instruction, accelerated curricula, and effective teaching to high standards.

"(6) Intensive and sustained professional development for teachers and other school staff—focused on teaching and learning and on helping children attain high standards—is too often not provided.

"(7) Insufficient attention and resources are directed toward the effective use of technology in schools and the role it can play in professional development and improved teaching and learning.

"(8) All parents can contribute to their children's success by helping at home and becoming partners with teachers so that children can achieve high standards.

"(9) Decentralized decisionmaking is a key ingredient of systemic reform. Schools need the resources, flexibility, and responsibility to design and implement effective strategies for bringing their children to high levels of performance and should accept responsibility to do so.

"(10) Opportunities for students to achieve to high standards can be enhanced through a variety of approaches such as public school choice and charter schools.

"(11) Attention to academics alone cannot ensure that all children will reach high standards. The health and other needs of children that affect learning are frequently unmet, particularly in high-poverty schools, thereby necessitating coordination of services to better meet children's needs.

"(d) STATEMENT OF PURPOSE.—The purpose of this title is to enable schools to provide opportunities for children served to acquire the knowledge and skills contained in the rigorous State content standards and to meet the challenging State performance standards developed for all children under the Goals 2000: Educate America Act or, in their absence, under this title. This purpose shall be accomplished by—

"(1) ensuring high standards for all children and aligning the efforts of States, local educational agencies, and schools to help children served under this title to reach them;

"(2) providing children an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time so that children served under this title receive at least all the classroom instruction that other children receive;

"(3) promoting schoolwide reform and ensuring access of children—from the earliest grades—to effective instructional strategies and challenging academic content that includes intensive complex thinking and problem-solving experiences;

"(4) significantly upgrading the quality of curricula and instruction by providing staff in participating schools with substantial opportunities for intensive and sustained professional development;

"(5) coordinating services under all parts of this title with each other, with other educational services, and, to the extent feasible, with health and social service programs funded from other sources;

"(6) affording parents meaningful opportunities to participate in the education of their children at home and at school;

"(7) distributing resources, in amounts sufficient to make a difference, to areas where needs are greatest;

"(8) improving accountability, as well as teaching and learning, by using State assessment systems designed to measure how well children are achieving high State standards of performance expected of all children; and

"(9) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance.

**"SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

"Appropriations are authorized for the following programs and activities under this title:

"(1) LOCAL EDUCATIONAL AGENCY GRANTS.—For the purpose of carrying out part A of this title, other than section 1118(e), there are authorized to be appropriated $7,000,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996 through 1999.

"(2) EVEN START.—For the purpose of carrying out part B of this title, there are authorized to be appropriated $118,000,000 in fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 1999.

"(3) EDUCATION OF MIGRATORY CHILDREN.—For the purpose of carrying out part C of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(4) EDUCATION FOR NEGLECTED OR DELINQUENT YOUTH.—For the purpose of carrying out part D of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(5) CAPITAL EXPENSES.—For the purpose of carrying out section 1118(e) of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(6) SCHOOL IMPROVEMENT.—For the purpose of carrying out the activities authorized in sections 1119(b)(1), (b)(2), and (e) of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(7) FEDERAL ACTIVITIES.—(A) For the purpose of carrying out section 1501 of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(B) For the purpose of carrying out section 1502 of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

## "PART A—MAKING HIGH-POVERTY SCHOOLS WORK

### "Subpart 1—Basic Program Requirements

**"SEC. 1111. STATE PLANS.**

"(a) PLANS REQUIRED.—(1) Any State desiring to receive a grant under this part shall submit to the Secretary a plan, developed in consultation with local educational agencies, teachers, administrators, and parents, that—

"(A)(i) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; and

"(ii) is integrated with other State plans, if any, under the School-to-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, to the extent that these plans have not already been incorporated in the State's plan under title III of the Goals 2000: Educate America Act; or

"(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan—

"(i) is integrated with other State plans under this Act and other plans, including those under the School-to-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, where such plans exist; and

"(ii) satisfies the requirements of this section.

"(2) The plan may be submitted as part of a consolidated application under section 9302.

"(3) A State may satisfy all or part of the requirements of this section by referencing applicable sections of its approved State plan under title III of the Goals 2000: Educate America Act.

"(b) STANDARDS AND ASSESSMENT PROVISIONS.—(1)(A) Each State plan shall demonstrate that the State has developed or adopted high-quality standards for children served under this title that will be used by the State, its local educational agencies, and its schools to carry out this Act and that these standards be as challenging and of the same high-quality as they are for all children. These standards shall include—

"(i) challenging content standards in the core academic subjects that—

"(I) specify what children served under this title are expected to know and be able to do;

"(II) contain coherent and rigorous content; and

"(III) emphasize the teaching of advanced skills;

"(ii) challenging performance standards that—

"(I) are aligned with the State's content standards;

"(II) describe two levels of high performance, 'proficient' and 'advanced', that determine how well children served under this title are mastering the material in the content standards; and

"(III) include a third benchmark below proficient, if necessary, to provide complete information about the progress of the lower-performing children toward achieving the high 'proficient' and 'advanced' performance standards.

"(B) For those core academic subjects in which a State has not adopted challenging content and performance standards, the State plan shall include a schedule for their development that includes the completion of standards in mathematics and reading/language arts by the end of the interim period as described in paragraph (7).

"(2)(A) Each State plan shall demonstrate, based on assessments described under paragraph (3), what constitutes adequate yearly progress of—

"(i) any school served under this part toward enabling children to meet the State's 'proficient' and 'advanced' performance standards; and

"(ii) any local educational agency that received funds under this part toward enabling children in schools receiving assistance under this part to meet the State's 'proficient' and 'advanced' performance standards.

"(B) Adequate yearly progress shall be defined in a manner—

"(i) that is consistent with criteria of general applicability established by the Secretary and results in continuous and substantial yearly improvement for economically disadvantaged, limited-English proficient, and all students under this title in each school and local educational agency toward the goal of all children under this title meeting the State's challenging 'advanced' performance standards; and

"(ii) links progress primarily to performance on the assessments carried out under this section while permitting progress to be established in part through the use of other outcome-based measures such as reductions in drop-out rates.

"(3) Each State plan shall demonstrate that the State has developed or adopted a set of high-quality, yearly student assessments that will be used as the primary means of determining the yearly performance of each local educational agency and school receiving assistance under this part in enabling children served under this title to meet the State's performance standards and that these assessments be challenging and of the same high-quality as they are for all children. These assessments shall—

"(A) be aligned with the State's challenging content and performance standards and provide coherent information about student attainment of such standards;

"(B) be used for purposes for which they are valid and reliable, and be consistent with relevant nationally recognized professional and technical standards of assessments;

"(C) measure the proficiency of students in the core academic subjects in which a State has adopted challenging content and performance standards and be administered at some time during—

"(i) grades 3 through 5;

"(ii) grades 6 through 9;

"(iii) grades 10 through 12.

"(D) be comprised of multiple, up-to-date measures of student performance;

"(E)(i) include limited-English proficient students who shall be assessed, to the extent practicable in the language and form most likely to yield accurate and reliable information on what these students know and can do, to determine their mastery of skills in subjects other than English;

"(ii) include students who have been resident in a local educational agency for a full academic year but have not attended a single school for a full year, provided that the performance of students who have attended more than one school in the local educational agency in any academic year shall be used only in determining the progress of the local educational agency; and

"(iii) include students with disabilities who shall be assessed, to the extent practicable, in a manner and form most likely to yield accurate and reliable information on what these students know and can do, including assessment accommodations and modifications necessary to make such determinations, provided that those students who are determined, through valid evaluation conducted by qualified personnel, to be so severely cognitively impaired as to permanently lack the capacity to make any educational progress, with the provision of special education and related services, in meeting the State content and performance standards may be exempted from the assessment process;

"(F) provide individual student scores; and

"(G) provide for disaggregated results within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, and by economically disadvantaged students as compared to students who are not economically disadvantaged.

"(4) If a State has developed or adopted challenging content and performance standards and an aligned set of assessments for all students such as those developed under title III of the Goals 2000: Educate America Act, or another process, the State shall use such standards and assessments, modified, if necessary, to conform with the requirements of paragraphs (1)(A)(ii), (2), and (3).

"(5) If, after 2 years, a State does not have challenging content and performance standards that meet the requirements of paragraph (1) or after 3 years, a State does not have assessments that meet the requirements of paragraph (3), a State shall adopt a set of standards and aligned assessments such as the standards and assessments contained in other State plans that the Secretary has approved.

"(6)(A) If a State does not have assessments that meet the requirements of paragraph (3), the State may propose to use an interim set of yearly statewide assessments that will assess the performance of complex skills and challenging subject matter.

"(B) For any year during which a State is using an interim assessment system, the State shall devise a means for identifying schools and local educational agencies in need of improvement under section 1119.

"(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall also describe—

"(1)(A) the means by which the State educational agency will work with other agencies, including educational service agencies or other local consortia, and institutions to provide technical assistance to local educational agencies and schools to carry out the State educational agency's responsibilities under this part; and

"(B)(i) where educational service agencies exist, the State educational agency shall consider providing professional development and technical assistance through such agencies; and

"(ii) where educational service agencies do not exist, the State educational agency shall consider providing professional development and technical assistance through other cooperative agreements such as a consortium of local educational agencies;

"(2) the measure of poverty that local educational agencies shall use which shall include such measures as the number of children age 5 to 7 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible to receive free and reduced price lunches under the National School Lunch Act, the number of children in families receiving assistance under Aid to Families With Dependent Children or the number of children eligible to receive medical assistance under the Medicaid program; or a composite of such indicators;

"(3) how the State educational agency will notify local educational agencies of the authority to operate schoolwide programs, and fulfill its local educational agency and school improvement responsibilities under section 1119, including the corrective actions it will take under section 1119(d)(6);

"(4) how the State educational agency will encourage the use of funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114;

"(5) how the State educational agency will assess the needs of local educational agencies serving rural areas, and the plans the State educational agency has to meet those needs; and

"(6) how the State educational agency will encourage the establishment and operation of cooperative education, mentoring, and apprenticeship programs, involving business and industry.

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—The Secretary—

"(1) shall establish a peer review process to assist in the review and revision of State plans;

"(2) shall, following an initial peer review, approve a State plan the Secretary determines meets the requirements of subsections (b) and (c);

"(3)(A) shall, if the Secretary determines that the State plan does not meet the requirements of subsection (b) or (c), immediately notify the State of such determination and the reasons for it;

(B) shall not decline to approve a State's plan before offering the State an opportunity to revise its plan or application, provide technical assistance in order to assist the State to meet the requirements under subsections (b) and (c) and a hearing; and

(C) may withhold funds until determining that the plan meets the requirements of this section.

"(e) DURATION OF THE PLAN.—(1) Each State plan shall—

"(A) remain in effect for the duration of the State's participation under this part; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

"(2) If the State makes significant changes in its plan, such as the adoption of new content and performance standards, new assessments, or a new definition of adequate progress, the State shall submit this information to the Secretary for approval.

"(f) Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or pupil performance standards and assessments, curriculum, or program of instruction as a condition of eligibility to receive funds under this title.

"(g) If aggregate State expenditure by the State educational agency for operation of elementary and secondary education programs is less than the State educational agency's aggregate Federal allocation for State operation of all Federal elementary and secondary education programs, then the State plan for title I must include assurances and specific provisions for State expenditures for operation of elementary and secondary education programs to equal or exceed the level of Federal expenditures for such operation by fiscal year 1999.

### "SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

"(a) PLANS REQUIRED.—(1) A local educational agency may receive a subgrant under this part for any fiscal year only if it has on file with the State educational agency a plan, approved by the State educational agency, that—

"(A)(i) is integrated with the local educational agency's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; and

"(ii) is integrated with local plans, if any, under the School-to-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, to the extent that such plans have not already been incorporated into the local educational agency's plan under title III of the Goals 2000: Educate America Act; or

"(B) if the local educational agency does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan—

"(i) is integrated with other local plans under this Act and other plans, including those under the School-to-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, where such plans exist; and

"(ii) satisfies the requirements of this section.

"(2) The plan may be submitted as part of a consolidated application under section 9302.

"(3) A local educational agency may satisfy all or part of the requirements of this section by referencing applicable sections of its approved plan under title III of the Goals 2000: Educate America Act.

"(b) STANDARDS AND ASSESSMENT PROVISIONS.—Each local educational agency plan shall include—

"(1) a description of its challenging content and performance standards, if any, in the core subjects, in addition to the content and performance standards adopted by the State under section 1111, that the local educational agency expects children served under this title to meet;

"(2) a description, based on the assessments described under paragraph (3), of what constitutes adequate yearly progress if a local educational agency elects to establish such measures that are more stringent than the measures described in the State plan under section 1111; and

"(3) a description of additional high-quality student assessments, if any, other than the assessments described in the State plan under section 1111, that the local educational agency and schools served under this part will use to—

"(A) determine the success of children served under this title in meeting the State's performance standards; and

"(B) determine what revisions are needed to projects under this part so that such children will meet the State's performance standards.

"(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—(1) To ensure high-quality instruction to enable participating children to meet the State's challenging performance standards expected of all students, each local educational agency plan shall describe a coherent strategy for intensive and sustained professional development for teachers, administrators, and other staff, including staff of such agency.

"(2) Each local educational agency plan shall describe how the local educational agency will—

"(A) notify schools of the authority to operate schoolwide programs;

"(B) work in consultation with schools as the schools develop their plans pursuant to section 1115 or 1117 and assist schools as they implement such plans so that each school can make adequate yearly progress toward meeting the State's standards; and

"(C) fulfill its school improvement responsibilities under section 1119, including the corrective actions it will take under section 1119(c)(4).

"(3) To address the comprehensive needs of children served under this title, each local educational agency plan shall describe how the local educational agency will—

"(A) coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, including—

"(i) Even Start, Head Start, and other preschool programs, including plans for the transition of participants in such programs to local elementary school programs, vocational education programs, and school-to-work transition programs; and

"(ii) services for children with limited English proficiency or with disabilities, migratory children served under part C of this title or who were formerly eligible for services under part C in the 2-year period preceding the date of the enactment of this title, delinquent youth and youth at risk of dropping out served under part D of this title, homeless children, and immigrant children in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the children's instructional program;

"(B) coordinate and collaborate with other agencies providing services to children, youth, and families, including health and social services.

"(4) The local educational agency plan also shall include a description of—

"(A) the poverty criteria that will be used to select school attendance areas under section 1113;

"(B) the multiple criteria that will be used by targeted assistance schools under section 1115 to identify children eligible for services under this part;

"(C) the nature of the programs to be conducted by its schools under sections 1114 and 1115 and services outside such schools for children in local institutions for neglected or delinquent children and eligible homeless children, in accordance in section 1115(b)(2)(D);

"(D) how the local educational agency will ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;

"(E) how a school that plans to serve preschool children through the Head Start or Even Start programs will use its funds to expand such programs to serve preschool children from its attendance area that otherwise would not have been served or increase the level of service to children presently being served; and

"(F) how the local educational agency will provide services to eligible children attending private elementary and secondary schools in accordance with section 1120, and how timely and meaningful consultation with private school officials regarding such services will occur.

"(d) PLAN DEVELOPMENT AND DURATION.—Each local educational agency plan shall—

"(1) be developed in consultation with teachers, including vocational teachers, where appropriate, and parents of children in schools served under this part; and

"(2)(A) remain in effect for the duration of the local educational agency's participation under this part; and

"(B) periodically be reviewed and revised, as necessary, to reflect changes in the local educational agency's strategies and programs.

"(e) STATE APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the plan will enable schools served under this part to substantially help children served under this title to meet the State's challenging performance standards expected of all children.

"(f) PROGRAM RESPONSIBILITY.—The local educational agency plan shall reflect the shared responsibility of schools, teachers, and the local educational agency in making decisions required under sections 1114 and 1115.

### "SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.

"(a) IN GENERAL.—(1)(A)(i) A local educational agency shall use funds received under this part only in school attendance areas with high concentrations of children from low-income families, hereafter in this section referred to as 'eligible school attendance areas'.

"(ii) For the purposes of this part—

"(I) 'school attendance area' means, in relation to a particular school, the geographical area in which the children who are normally served by such school reside; and

"(II) 'eligible school attendance area' means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families in the local educational agency as a whole.

"(B) If funds allocated in accordance with subsection (c) are insufficient to serve all eligible school attendance areas, a local educational agency shall—

"(i) annually rank, without regard to grade spans, its eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent from highest to lowest according to the percentage of children from low-income families; and

"(ii) serve such eligible school attendance areas in rank order.

"(C) If funds remain after serving all eligible school attendance areas under subparagraph (B), a local educational agency shall—

"(i) annually rank its remaining eligible school attendance areas from highest to lowest either by grade span or for the entire local educational agency according to the percentage of children from low-income families; and

"(ii) serve such eligible school attendance areas in rank order either within each grade-span grouping or within the local educational agency as a whole.

"(2) The local educational agency shall use as the measure of poverty, the number of children ages 5-17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for free and reduced priced lunches under the National School Lunch Act, the number of children in families receiving assistance under Aid to Families with Dependent Children or the number of children eligible to receive medical assistance under the Medicaid program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—

"(A) to identify eligible school attendance areas;

"(B) to determine the ranking of each area; and

"(C) to determine allocations under subsection (c).

"(3) This subsection shall not apply to a local educational agency with a total enrollment of less than 1,000 children.

"(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—Notwithstanding subsection (a)(1), a local educational agency may—

"(1) designate as eligible any school attendance area or school in which at least 50 percent of the children are from low-income families;

"(2) use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency; and

"(3)(A) elect not to serve an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if—

"(i) the school meets the comparability requirements of section 1120(c);

"(ii) the school is receiving supplemental funds from other State or local sources that are spent according to the requirements of section 1114 or 1115; and

"(iii) the funds expended from such other sources equal or exceed the amount that would be provided under this part.

"(B) Notwithstanding subparagraph (A), the number of children attending private elementary and secondary schools who are to receive services, and the assistance they are to receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside is passed over under this paragraph.

"(c) ALLOCATIONS.—(1) A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools, identified under subsection (a) or (b), in rank order, on the basis of the total number of children from low-income families in each area or school.

"(2)(A) Except as provided in subparagraph (B), the per-pupil amount of funds allocated to each school attendance area or school under paragraph (1) shall be not less than 80 percent of the per-pupil amount of funds the local educational agency received for such year under sections 1124, 1124A, and 1125.

"(B) A local educational agency may reduce the amount of funds allocated under subparagraph (A) for a school attendance area or school by the amount of any supplemental State and local funds expended in such school attendance area or school for programs that meet the requirements of section 1114 or 1115.

"(3) A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to the services provided to children in schools funded under this part to serve—

"(A) homeless children in accordance with section 1115(b)(2)(D); and

"(B) children in local institutions for delinquent children.

**"SEC. 1114. SCHOOLWIDE PROGRAMS.**

"(a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—(1) A local educational agency may use funds under this part, in combination with other Federal, State, and local funds, to upgrade the entire educational program in an eligible school if, for the initial year of the schoolwide program, the school meets the following criteria:

"(A) For school year 1995–96—

"(i) the school serves an eligible school attendance area in which at least 65 percent of the children are from low-income families; or

"(ii) at least 65 percent of the children enrolled in the school are from such families.

"(B) For school year 1996–97 and thereafter, the percentage requirement in subparagraphs (A) (i) and (ii) shall be 50 percent.

"(2)(A) No schoolwide program school shall be required to identify particular children as eligible to participate or to provide supplemental services to them.

"(B) A schoolwide program school shall use such funds only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children with limited English proficiency.

"(3) A school may use funds received under any noncompetitive, formula-grant program administered by the Secretary, except such a program under the Individuals With Disabilities Education Act, and any discretionary program contained on a list (updated as necessary) issued by the Secretary to support a schoolwide program, notwithstanding any provision of the statute or regulations governing any such program.

"(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—(1) A schoolwide program shall include the following components:

"(A) A comprehensive needs assessment of the entire school that is based on information on the performance of children in relation to the State's standards.

"(B) Schoolwide reform strategies that—

"(i) provide opportunities for all children to meet the State's 'proficient' and 'advanced' performance standards expected of all children;

"(ii) are based on research on effective means of improving the achievement of children;

"(iii) use effective instructional strategies that increase the amount and quality of learning time and help provide an enriched and accelerated curriculum rather than remedial drill and practice;

"(iv) address the needs of all children in the school, but particularly the needs of low-achieving children, children with limited English proficiency, children from migratory families, and children who are members of the target population of any program that is included in the schoolwide program, and how the school will determine if those needs have been met; and

"(v) are consistent with, and are designed to implement, the State and local reform plans, if any, approved under title III of the Goals 2000: Educate America Act.

"(C) Instruction by highly qualified professional staff.

"(D) Intensive and sustained professional development for teachers, principals, and other staff to enable all children in the school to meet the State's performance standards.

"(E) Parental involvement in accordance with section 1117.

"(F) Additionally, in schools serving children beyond grade six, in coordination with funds available from other programs and, as appropriate, drawing on private and public organizations—

"(i) counseling and mentoring services;

"(ii) college and career awareness and preparation, such as college and career guidance, enhancement of employability skills, and job placement services; and

"(iii) services to prepare students for the transition from school to work.

"(2)(A) Any eligible school that desires to operate a schoolwide program shall first develop, in consultation with the local educational agency, a comprehensive plan for reforming the total instructional program in the school that—

"(i) incorporates the components described in paragraph (1);

"(ii) describes how the school will use resources under this part and from other sources to implement those components;

"(iii) includes a list of State and local educational agency programs and other Federal programs under paragraph (a)(3) that will be included in the schoolwide program; and

"(iv) describes how the school will provide individual student assessment results, including an interpretation of those results, to the parents of any child who participates in the assessment required by section 1111(b)(3).

"(B) Plans developed before a State has adopted standards and a set of assessments that meet the criteria in section 1111(b) (1) and (3) shall be based on an analysis of available data on the achievement of students in the school and a review of the school's instructional practices in the context of available research on effective instructional and school improvement practices.

"(C) The comprehensive plan shall be—

"(i) developed over a one-year period, unless—

"(I) the local educational agency, based on the recommendation of the school support team under subsection (c), determines that less time is needed to develop and implement the schoolwide program; or

"(II) the school is operating a schoolwide program at the time this section takes effect, in which case it may continue to operate that program, but shall develop a new plan during the first year to reflect the provisions of this section;

"(ii) developed with the involvement of the community to be served and those individuals who will carry it out, including teachers, principals, other staff, parents, and, if the plan relates to a secondary school, students from the school;

"(iii) reviewed and revised, as necessary, by the school; and

"(iv) available to the local educational agency, parents, and the public. The information contained therein shall be translated, to the extent feasible, into any language that a significant percentage of the parents of participating children in the school speak as their primary language.

"(c) SCHOOL SUPPORT TEAMS.—(1) Each State educational agency shall establish a system of school support teams to provide information and assistance to each schoolwide program to ensure that schoolwide programs provide the opportunity for all children to meet the State's challenging performance standards.

"(2) Each such team shall be composed of persons, including teachers, knowledgeable about research and practice on teaching and learning, particularly about strategies for improving the educational opportunities for low-achieving children.

"(3) A school support team shall work with each school as it develops its schoolwide program plan, review the merits of each plan, and make recommendations to the school and the local educational agency.

"(4) During the operation of the schoolwide program, a school support team shall—

"(A) periodically review the progress of the school in enabling children in the school to meet the State's performance standards;

"(B) identify problems in the design and operation of the instructional program; and

"(C) make suggestions for improvement to the school and the local educational agency.

"(5) Funds available for State administration and for local educational agencies under this part may be used to pay the costs of the school support teams.

**"SEC. 1115. TARGETED ASSISTANCE SCHOOLS.**

"(a) IN GENERAL.—In all schools selected to participate under section 1113 that are ineligible for a schoolwide program, or that choose not to operate a schoolwide program, a local educational agency may use funds received under this part only for programs that provide services to eligible children identified as having the greatest need for special assistance.

"(b) ELIGIBLE CHILDREN—(1)(A) The eligible population for services under this part is—

"(i) children up to age 21 who are entitled to a free public education through grade 12; and

"(ii) children who are not yet at a grade level where the local educational agency provides a free public education, yet are of an age at which they can benefit from an organized instructional program provided in a school or other educational setting.

"(B) From the population described in subparagraph (A), eligible children are children identified by the school as failing, or most at risk of failing, to meet the State's challenging performance standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, except that children from preschool through grade two shall be selected solely on the basis of such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures.

"(2)(A)(i) Children receiving services to overcome a disability or limited English proficiency are eligible for services under this part on the same basis as other children selected to receive services under this part.

"(ii) Funds received under this part may not be used to provide services that are otherwise required by law to be made available to such children.

"(B) A child who, at any time in the previous two years, participated in a Head Start, Even Start, or State-run preschool program shall be automatically eligible for services under this part;

"(C)(i) A child who, at any time in the previous two years received services under the program for delinquent youth and youth at risk of dropping out under part D of this title (or its predecessor authority) may be eligible for services under this part.

"(ii) Any child in a local institution for neglected or delinquent children or attending a community day program for such children is eligible for services under this part.

"(D) A local educational agency shall use funds received under this part to serve eligible homeless children who attend a school in the local educational agency that receives funds under this title. To the extent feasible, a local educational agency shall use funds received under this part to serve eligible homeless children who attend schools in noneligible attendance areas, including providing educationally related support services to children in shelters, where appropriate.

"(c) COMPONENTS OF A TARGETED ASSISTANCE SCHOOL PROGRAM.—(1) To assist targeted assistance schools and local educational agencies to meet their responsibility to provide all students with the opportunity to meet the State's challenging performance standards, each targeted assistance program under this section shall—

"(A) use its resources under this part to help participating children meet the challenging performance standards expected for all children;

"(B) be based on research on effective means for improving achievement of children;

"(C) use effective instructional strategies that—

"(i) give primary consideration to providing extended learning time such as an extended school year and before- and after-school programs and opportunities;

"(ii) involve an accelerated, high-quality curriculum, including applied learning, rather than remedial drill and practice; and

"(iii) minimize removing children from the regular classroom for instruction provided under this part;

"(D) be coordinated with and support the regular program in providing an enriched and accelerated curriculum for eligible children;

"(E) provide instruction by highly qualified professional staff;

"(F) provide opportunities for intensive and sustained professional development with resources under this part and from other sources for administrators and for teachers and other school staff who work with participating children in programs under this section or in the regular education program;

"(G) provide strategies to increase parental involvement, including family literary services;

"(H) provide plans for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, or a State-run preschool program, to local elementary school programs; and

"(I) include, additionally, in schools serving children beyond grade six, in coordination with funds available from other programs and, as appropriate, drawing on private and public organizations—

"(i) counseling and mentoring;

"(ii) college and career awareness and preparation, such as college and career guidance, comprehensive career development, enhancement of employability skills, personal finance education, and job placement services; and

"(iii) services to prepare students for the transition from school to work, including the formation of partnerships between elementary, middle, and secondary schools and local businesses.

"(2)(A) Each school conducting a program under this section shall develop, in consultation with the local educational agency, a plan to assist participating children to meet the State's 'proficient' and 'advanced' performance standards that describes—

"(i) the selection of children to participate in accordance with subsection (b);

"(ii) the program to be conducted that incorporates the components described in paragraph (1) and how the resources provided under this part will be coordinated with other resources to enable the children served to meet the State's standards;

"(iii) how the school will review, on an ongoing basis, the progress of participating children and revise the program, if necessary, to provide additional assistance to enable such children to meet the State's challenging performance standards such as an extended school year and before- and after-school programs and opportunities, training for teachers regarding how to identify students that require additional assistance, and training for teachers regarding how to implement performance standards in the classroom; and

"(iv) if the school is eligible to operate a schoolwide program under section 1114, why it chose not to do so.

"(B) Plans developed before a State has adopted standards and a set of assessments that meet the criteria of section 1111(b) (1) and (3) shall be based on an analysis of available data on the achievement of participating children and a review of the school's instructional practices in the context of available research on effective instructional practices.

"(C) Each plan shall be—

"(i) developed with the involvement of the community to be served and the individuals who will carry it out, including teachers, administrators, other staff, parents, representatives from business and industry, and, if the plan relates to a secondary school, students from the school;

"(ii) approved by the local educational agency and made available to parents and the information contained therein translated, to the extent feasible, into any language that a significant percentage of the parents of participating children in the school speak as their primary language; and

"(iii) reviewed and revised, as necessary, by the school.

"(d) ASSIGNMENT OF PERSONNEL.—To promote the integration of staff paid with funds under this part and children served under this part into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with funds received under this part may—

"(1) assume limited duties that are assigned to similar personnel who are not so paid, including duties beyond classroom instruction or that do not benefit participating children so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school;

"(2) participate in general professional development and school planning activities; and

"(3) collaboratively teach with regular classroom teachers, so long as their efforts directly benefit participating children.

**"SEC. 1116. PUBLIC SCHOOL CHOICE.**

"(a) CHOICE PROGRAMS.—A local educational agency may use funds under this part, in combination with other Federal, State, local, and private funds to develop and implement choice programs, for children eligible for assistance under this title, which permit parents to select the public school that their children will attend.

"(b) CHOICE PLAN.—A local educational agency that chooses to implement a school choice plan shall first develop a comprehensive plan that includes assurances that—

"(1) all eligible students across grade levels shall have equal access to the program;

"(2) the program shall not include schools which follow a racially discriminatory policy;

"(3) describe how the school will use resources under this part and from other sources to implement such components;

"(4) describe how the school will provide individual student assessment results, including an interpretation of those results, to the parents of a child who participates in the assessment required by section 1111(b)(3);

"(5) the plan will be developed with the involvement of the community to be served and individuals who will carry it out, including teachers, principals, other staff, parents, and, if the plan relates to a secondary school, students from the school;

"(6) the plan will be made available to parents and the public; and

"(7) the program shall not include schools not receiving funds under this title.".

**"SEC. 1117. PARENTAL INVOLVEMENT.**

"(a) LOCAL EDUCATIONAL AGENCY POLICY.—(1) Each local educational agency that receives funds under this part shall develop jointly with, and make available to, parents of participating children a written parent involvement policy that is incorporated into the local educational agency's plan developed under section 1112, establishes the expectations for parent involvement, and describes how the local educational agency will—

"(A) involve parents in the development of the plan described under section 1112, and the process of school review and improvement described under section 1119;

"(B) provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement;

"(C) build the schools' and parents' capacity for strong parent involvement as described in subsection (e);

"(D) coordinate and integrate parental involvement strategies with other programs, including Head Start, Even Start, and State-run preschool programs; and

"(E) ensure that participating schools review their parent involvement activities on an ongoing basis and use the findings of the reviews in designing strategies for school improvement.

"(2) If the local educational agency has a district-level parental involvement policy that applies to all parents, it may amend that policy, if necessary, to meet the requirements of this subsection.

"(b) SCHOOL PARENTAL INVOLVEMENT PLAN.—(1) Each school served under this part shall jointly develop with, and make available to, parents of participating children a written parent involvement plan that shall be incorporated into the school plan developed under section 1114 or 1115 and shall describe the means for carrying out the requirements of subsections (c) through (f).

"(2) If the school has a parental involvement policy that applies to all parents, it may amend that policy, if necessary, to meet the requirements of this subsection.

"(c) POLICY INVOLVEMENT.—Each school served under this part shall—

"(1) convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain this part, its requirements, and their right to be involved;

"(2) involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the development of the school plan under section 1114 or 1115. If a school has in place a process for involving parents in the planning and design of its programs, the school may use that process, provided that it includes an adequate representation of parents of participating children; and

"(3) provide parents of participating children—

"(A) timely information about programs under this part;

"(B) school performance profiles required under section 1119(a)(2);

"(C) opportunities for regular meetings to formulate suggestions, if such parents so desire; and

"(D) timely responses to their recommendations.

"(d) SHARED RESPONSIBILITIES FOR HIGH STUDENT PERFORMANCE.—As a component of the school-level parental involvement plan developed under subsection (b), each school served under this part shall jointly develop with parents for all children a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall—

"(1) describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enable the children to meet the State's challenging performance standards, and the ways in which each parent will be responsible for supporting his or her children's learning, including monitoring attendance, homework completion, television watching, and positive use of extracurricular time; and

"(2) address the importance of communication between teachers and parents on an ongoing basis through at least—

"(A) parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as it relates to the individual child's achievement;

"(B) frequent reports to parents on their children's progress; and

"(C) reasonable access to staff and observation of classroom activities.

"(e) BUILDING CAPACITY FOR INVOLVEMENT.—To ensure effective involvement of parents and to support a partnership among the school, parents, and the community to improve student achievement, each school and local educational agency shall—

"(1) provide assistance to participating parents in such areas as understanding the National Education Goals, the State's content and performance standards, State and local assessments, the requirements of this part, and how to monitor their children's progress and work with educators to improve the performance of their children;

"(2) provide materials and training, including necessary literacy training that is not otherwise available from other sources to help parents work with their children to improve their children's achievement;

"(3) educate teachers, principals and other staff in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between home and school; and

"(4) develop appropriate roles for community-based organizations and businesses in parent involvement activities, including providing information about opportunities for them to work with parents and schools.

"(f) ACCESSIBILITY.—In carrying out the parental involvement requirements of this part, local educational agencies and schools shall, to the extent practicable, provide full opportunities for participation to parents with limited English proficiency or with disabilities, including providing information in a language and form they understand.

**"SEC. 1118. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.**

(a) GENERAL REQUIREMENT.—(1) To the extent consistent with the number of eligible children identified according to section 1115(b) in a local educational agency who are enrolled in private elementary and secondary schools, a local educational agency shall, after timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis, special educational services or other benefits under this part.

"(2) The educational services or other benefits, including materials and equipment, must be secular, neutral, and nonideological.

"(3) Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this part.

"(4) Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.

"(5) The local educational agency may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

"(b) CONSULTATION.—(1) To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials during the design and development of the agency's programs under this part, on issues such as—

"(A) how the children's needs will be identified;

"(B) what services will be offered;

"(C) how and where the services will be provided; and

"(D) how the services will be assessed.

"(2) Consultation shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this part.

"(3) Consultation shall include a discussion of the full range of service delivery mechanisms a local educational agency could use to provide equitable services to eligible private school children including, but not limited to, instruction provided at public school sites, at neutral sites, and in mobile vans, computer-assisted instruction, extended-day services, home tutoring, and instruction provided with take-home computers.

"(c) PUBLIC CONTROL OF FUNDS.—(1) The control of funds provided under this part, and title to materials, equipment, and property purchased with those funds, shall be in a public agency, and a public agency shall administer such funds and property.

"(2)(A) The provision of services under this section shall be provided—

"(i) by employees of a public agency; or

"(ii) through contract by such public agency with an individual, association, agency, or organization.

"(B) In the provision of such services, such employee, person, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

"(d) STANDARDS FOR A BYPASS.—If a local educational agency is prohibited by law from providing for the participation on an equitable basis of eligible children enrolled in private elementary and secondary schools or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for such participation, as required by this section, the Secretary shall—

"(1) waive the requirements of this section for such local educational agency; and

"(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 9505 and 9506 of this Act.

"(e) CAPITAL EXPENSES.—(1)(A) From the amount appropriated for this subsection under section 1002(e) for any fiscal year, each State is eligible to receive an amount that bears the same ratio to the amount so appropriated as the number of private school children who received services under this part in the State in the most recent year for which data satisfactory to the Secretary are available bears to the number of such children in all States in that same year.

"(B) The Secretary shall reallocate any amounts allocated under subparagraph (A) that are not used by a State for the purpose of this subsection to other States on the basis of their respective needs, as determined by the Secretary.

"(2)(A) A local educational agency may apply to the State educational agency for payments for capital expenses consistent with this subsection.

"(B) State educational agencies shall distribute such funds to local educational agencies based on the degree of need set forth in their respective applications.

"(3) Any funds appropriated to carry out this subsection shall be used only for capital expenses incurred to provide equitable services for private school children under this section.

"(4) For the purpose of this subsection, the term 'capital expenses' is limited to—

"(A) expenditures for noninstructional goods and services, such as the purchase, lease, or renovation of real and personal property, including, but not limited to, mobile educational units and leasing of neutral sites or spaces;

"(B) insurance and maintenance costs;

"(C) transportation; and

"(D) other comparable goods and services.

### "SEC. 1119. ASSESSMENT AND SCHOOL AND DISTRICT IMPROVEMENT.

"(a) LOCAL REVIEW.—Each local educational agency receiving funds under this part shall—

"(1) use the State assessments described in the State plan and any additional measures described in the local educational agency's plan to review annually the progress of each school served under this part to determine whether the school is meeting, or making adequate progress as defined in section 1111(b)(2)(A)(i) toward enabling its students to meet, the State's performance standards;

"(2) publicize and disseminate to teachers, parents, students, and the community the results of the annual review under paragraph (1) of all schools served under this part in individual school performance profiles that include disaggregated results as required by section 1111(b)(3)(G); and

"(3) provide the results of the local annual review to schools so that they can continually refine the program of instruction to help all children in those schools meet the State's high performance standards.

"(b) DISTINGUISHED SCHOOLS.—(1) Each State shall designate as a Distinguished School—

"(A) any school served under this part that, for three consecutive years, has exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(i); and

"(B) any school in which virtually all students have met the State's 'advanced' performance standards.

"(2)(A) A State shall use funds available under section 1002(f) to recognize Distinguished Schools, including making monetary awards.

"(B) Funds awarded to a Distinguished School may be used by the school to further its educational program under this part, provide additional incentives for continued success, and reward individuals or groups in the school for past performance.

"(3) A local educational agency may also recognize the success of a Distinguished School by providing additional institutional and individual rewards, such as greater decisionmaking authority at the school building level, increased access to resources or supplemental services such as summer programs that may be used to sustain or increase success, additional professional development opportunities, opportunities to participate in special projects, and individual financial bonuses.

"(4) Schools designated as Distinguished Schools under paragraph (1) may serve as models and provide additional assistance to other schools served under this part that are not making adequate progress.

"(c) SCHOOL IMPROVEMENT.—(1) A local educational agency shall identify for school improvement any school served under this part that—

"(A) has been in program improvement under section 1020 of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as in effect before the effective date of the Improving America's Schools Act of 1993, for at least two consecutive school years prior to that date;

"(B) has not made adequate progress as defined in the State's plan under section 1111(b)(2)(A)(i) for two consecutive school years and if it does not have virtually all students meeting the State's 'advanced' performance standards; or

"(C) has failed to meet the criteria established by the State through its interim procedure under section 1111(b)(5)(C) for two consecutive years.

"(2)(A) Each school identified under paragraph (1) shall—

"(i) in consultation with parents, the local educational agency, and, for schoolwide programs, the school support team, revise its school plan under section 1114 or 1115 in ways that have the greatest likelihood of improving the performance of participating children in meeting the State's performance standards; and

"(ii) submit the revised plan to the local educational agency for approval.

"(B) During the first year immediately following identification under paragraph (1), the school shall implement its revised plan.

"(3) For each school identified under paragraph (1), the local educational agency shall provide technical assistance as the school develops and implements its revised plan.

"(4)(A) The local educational agency may take corrective action at any time against a school that has been identified under paragraph (1), but, during the third year following identification under paragraph (1), shall take such action against any school that still fails to make adequate progress.

"(B) Corrective actions are those listed in the local educational agency plan adopted in compliance with State law, which may include, but are not limited to, decreasing decisionmaking authority at the school level; making alternative governance arrangements such as the creation of a charter school; reconstituting the school staff; withholding funds; and authorizing students to transfer, including paying transportation costs, to other schools in the local educational agency.

"(C)(i) At any time after a school has been identified under paragraph (1), the local education agency may authorize students eligible for assistance under this title to transfer to another public school receiving funds under this title.

"(ii) During the third and subsequent years following the identification of a school under paragraph (1), the local education agency shall authorize students eligible for assistance under this title to transfer to another public school receiving funds under this title.

"(iii) Funds allocated for a student under this title shall follow such student when transferring to another school.

"(5) The State educational agency shall—

"(A) make assistance from Distinguished Educators under subsection (e) available to the schools farthest from meeting the State's standards, if requested by the school or local educational agency; and

"(B) if it determines that a local educational agency failed to carry out its responsibility under paragraphs (3) and (4), take such corrective actions that it deems appropriate.

"(6) Schools that for at least two of the three years following identification under paragraph (1) make adequate progress toward meeting the State's 'proficient' and 'advanced' performance standards no longer need to be identified for school improvement.

"(d) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—(1) A State educational agency shall—

"(A) annually review the progress of each local educational agency receiving funds under this part to determine whether it is making adequate progress as defined in section 1111(b)(2)(A)(ii) toward meeting the State's performance standards; and

"(B) publicize and disseminate to teachers, parents, students, and the community the results of the State review, including disaggregated results, as required by section 1111(b)(3)(F).

"(2) In the case of a local educational agency that for three consecutive years has exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(ii), the State may make institutional and individual rewards of the kinds described for individual schools in subsection (b)(3).

"(3) A State educational agency shall identify for improvement any local educational agency that—

"(A) for two consecutive years, is not making adequate progress as defined in section 1111(b)(2)(A)(ii) toward meeting the State's performance standards; or

"(B) has failed to meet the criteria established by the State through its interim procedure under section 1111(b)(5)(C) for two consecutive years.

"(4) Each local educational agency identified under paragraph (3) shall, in consultation with schools, parents, and educational experts, revise its district-level plan under section 1112 in ways that have the greatest likelihood of improving the performance of its schools in meeting the State's performance standards.

"(5) For each local educational agency identified under paragraph (3), the State educational agency shall—

"(A) provide technical assistance to better enable the local educational agency to develop and implement its revised plan and work with schools needing improvement; and

"(B) make available to the districts farthest from meeting the State's standards, if requested, assistance from Distinguished Educators under subsection (e).

"(6)(A) The State educational agency may take corrective action at any time against a local educational agency that has been identified under paragraph (3), but, during the fourth year following identification under paragraph (3), shall take such action against any local educational agency that still fails to make adequate progress.

"(B) Corrective actions are those listed in the local educational agency plan adopted in compliance with State law, which may include, but are not limited to, reconstitution of district personnel; appointment by the State educational agency of a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board; removal of particular schools from the jurisdiction of the local educational agency and establishment of alternative arrangements for governing and supervising such schools; the abolition or restructuring of the local educational agency; and the withholding of funds.

"(C)(i) At any time after a local education agency has been identified under paragraph (3), the State may authorize students eligible for assistance under this title to transfer to another public school in another local agency receiving funds under this title.

"(ii) During the fourth and subsequent years following the identification of a local education agency under paragraph (3), the State shall authorize students eligible for assistance under this title to transfer to another public school in another local education agency receiving funds under this title.

"(iii) Funds allocated for a student under this title shall follow such student when transferring to another school.

"(7) Local educational agencies that for at least two of the three years following identification under paragraph (3) make adequate progress toward meeting the State's standards no longer need to be identified for district improvement.

"(e) DISTINGUISHED EDUCATORS.—(1) In order to provide assistance to schools and local educational agencies identified as needing improvement under subsection (c) or (d), each State, using funds available under section 1002(f), shall establish a corps of Distinguished Educators.

"(2) When possible, these Distinguished Educators shall be chosen from schools served under this part that have been especially successful in enabling children to meet or make outstanding progress toward meeting the State's performance standards, such as those schools described in subsection (b).

"(3) Distinguished Educators shall provide, upon request, intensive and sustained assistance to the schools and districts farthest from meeting the State's standards as they revise and implement their plans.

"(4) If the State has devised an alternative approach to providing such intensive and sustained assistance to schools and districts farthest from meeting the State's standards, this approach shall meet the requirements of this subsection subject to the approval of the Secretary as part of the State plan.

"(f) STATE ALLOCATIONS FOR SCHOOL IMPROVEMENT.—From the amount appropriated under section 1002(f) for any fiscal year, each State shall be eligible to receive an amount that bears the same ratio to the amount appropriated as the amount allocated to the State under sections 1123 and 1124 bears to the total amount allocated to all States under those sections, except that each State shall receive at least $180,000, or $30,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Marianas, and Palau (until the Compact of Free Association goes into effect).

**"SEC. 1120. FISCAL REQUIREMENTS.**

"(a) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under this part for any fiscal year only if the State educational agency finds that the local educational agency has maintained its fiscal effort in accordance with section 9501 of this Act, including such effort for professional development activities.

"(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—(1)(A) Except as provided in subparagraph (B), a State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.

"(B) For the purpose of complying with subparagraph (A), a State or local educational agency may exclude supplemental State and local funds expended in any eligible school attendance area or school for programs that meet the requirements of section 1114 or 1115.

"(2) No local educational agency shall be required to provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate its compliance with paragraph (1).

"(c) COMPARABILITY OF SERVICES.—(1)(A) Except as provided in paragraphs (4) and (5), a local educational agency may receive funds under this part only if State and local funds will be used in schools served under this part to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

"(B) If the local educational agency is serving all of its schools under this part, such agency may receive funds under this part only if it will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school.

"(C) A local educational agency may meet the requirements of subparagraphs (A) and (B) on a grade-span by grade-span basis or a school-by-school basis.

"(2)(A) To meet the requirements of paragraph (1), a local educational agency shall demonstrate that—

"(i) expenditures per pupil from State and local funds in each school served under this part are equal to or greater than the average expenditures per pupil in schools not receiving services under this part; or

"(ii) it has adopted a districtwide salary schedule.

"(B) A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

"(3) Each local educational agency shall—

"(A) develop procedures for compliance with this subsection; and

"(B) maintain records that are updated biennially documenting its compliance.

"(4) This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

"(5) For the purpose of determining compliance with paragraph (1), a local educational agency may exclude State and local funds expended for—

"(A) bilingual education for children of limited English proficiency; and

"(B) excess costs of providing services to children with disabilities.

### "Subpart 2—Allocations

**"SEC. 1122. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.**

"(a) RESERVATION OF FUNDS.—From the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

"(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and

"(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (b).

"(b) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

"(1) The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

"(A) Indian children on reservations served by elementary and secondary schools for Indian children operated or supported by the Department of the Interior; and

"(B) out-of-State Indian children in elementary and secondary schools in local educational agencies under special contracts with the Department of the Interior.

"(2) From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary of Education determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

"(A) 40 percent of the average per-pupil expenditure in the State in which the agency is located; or

"(B) 48 percent of such expenditure in the United States.

**"SEC. 1123. ALLOCATIONS TO STATES.**

"(a) GENERAL.—For each fiscal year, an amount of the appropriations for this part equal to the appropriation for fiscal year 1994 for part A of chapter 1, title I, Elementary and Secondary Education Act, shall be allocated in accordance with sections 1124 and 1124A. Any additional appropriations for this part for any fiscal year, after application of the preceding sentence, shall be allocated in accordance with section 1125.

"(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

"(1) If the sums available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under sections 1124, 1124A, and 1125 for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (c) and (d) of this section.

"(2) If additional funds become available for making payments under sections 1124, 1124A, and 1125 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

"(c) HOLD-HARMLESS AMOUNTS.—Notwithstanding subsection (b), the total amount made available to each local educational agency under each of sections 1124 and 1125 for any fiscal year shall be at least 85 percent of the total amount such local educational agency was allocated under such sections (or, for fiscal year 1995, their predecessor authorities) for the preceding fiscal year.

"(d) DEFINITION.—For the purpose of this section and sections 1124 and 1125, the term State means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

**"SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

"(a) AMOUNT OF GRANTS.—

"(1) GRANTS FOR LOCAL EDUCATIONAL AGENCIES AND PUERTO RICO.—

"(A) The grant which a local educational agency in a State is eligible to receive under this subpart for a fiscal year shall (except as provided in section 1126), be determined by multiplying the number of children counted under subsection (c) by 40 percent of the amount determined under the next sentence. The amount determined under this sentence shall be the average per pupil expenditure in the State except that (i) if the average per pupil expenditure in the State is less than 80 percent of the average per pupil expenditure in the United States, such amount shall be 80 percent of the average per pupil expenditure in the United States, or (ii) if the average per pupil expenditure in the State is more than 120 percent of the average per pupil expenditure in the United States, such amount shall be 120 percent of the average per pupil expenditure in the United States. For each local educational agency serving an area with a total population of at least 20,000 persons, the grant under this section shall be the amount determined by the Secretary. For local educational agencies serving areas with total population of fewer than 20,000 persons, the State education agency may either (I) distribute to such local educational agencies grants under this section equal to the amounts determined by the Secretary; or (II) use an alternative method, approved by the Secretary, to distribute the share of the State's total grants under this section that is based on local educational agencies with total populations of fewer than 20,000 persons. Such an alternative method of distributing grants under this section among a State's local educational agencies serving areas with total populations of fewer than 20,000 persons shall be based upon population data that the State education agency determines best reflect the current distribution of children in poor families among the State's local educational agencies serving areas with total populations of fewer than 20,000 persons. If a local educational agency serving an area with total population of less than 20,000 persons is dissatisfied with the determination of its grant by the State education agency, then it may appeal this determination to the Secretary. The Secretary must respond to this appeal within 45 days of receipt. The Secretary shall consult with the Secretary of Commerce regarding whether available data on population for local educational agencies serving areas with total populations of fewer than 20,000 persons are sufficiently reliable to be used to determine final grants to such areas.

"(B) If, and only if, there are portions of any of the States for which the Department of Commerce has not prepared data on the number of children, aged 5–17, from families below the poverty level for local educational agencies, then the Secretary shall use such data compiled for counties in those portions of the States, treating the counties as if they were local educational agencies. In such cases, subject to section 1126, the grant for any local educational agency in such an area of a State shall be determined on the basis of the aggregate amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate amount shall be equal to the aggregate amount determined under subparagraph (A) for such county or counties, and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with basic criteria prescribed by the Secretary.

"(C) For each fiscal year, the Secretary shall determine the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States. The grant which the Commonwealth of Puerto Rico shall be eligible to receive under this subpart for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

"(i) the percentage determined under the preceding sentence; and

"(ii) 32 percent of the average per pupil expenditure in the United States.

"(2) DEFINITION.—For purposes of this subsection, the term 'State' does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and Palau.

"(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—A local educational agency shall be eligible for a basic grant for a fiscal year under this subpart only if the number of children counted under subsection (c) in the school district of such local educational agency is at least 10.

"(c) CHILDREN TO BE COUNTED.—

"(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section is the aggregate of—

"(A) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraph (2)(A),

"(B) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (2)(B), and

"(C) the number of children aged 5 to 17, inclusive, in the school district of such agency in institutions for neglected and delinquent children (other than such institutions operated by the United States) or attending community day programs for such children, but not counted pursuant to subpart 3 of part D for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

"(2) DETERMINATION OF NUMBER OF CHILDREN.—

"(A) For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data available from the Department of Commerce for local educational agencies (as produced and published under section 181a of title 13, United States Code). If, and only if, there are portions of any of the States for which the Department of Commerce has not prepared data on the number of children, aged 5–17, from families below the poverty level for local educational agencies, then the Secretary shall use such data compiled for counties in those portions of the States, treating the counties as if they were local educational agencies. The District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies. If a local educational agency contains two or more counties in their entirety, then each county will be treated as if it were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which shall distribute to schools in each county within it a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant. If the Department of Commerce has updated data on the number of children, aged 5–17, from families below the poverty level for local educational agencies, then the Secretary shall use the updated data. In determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

"(B) For purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act; and in making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics. The Secretary shall determine the number of such children and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the preceding fiscal year (using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October) or, to the extent that such data are not available to the Secretary before January of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination. The Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year.

"(C) When requested by the Secretary, the Secretary of Commerce shall make a special updated estimate of the number of children of such ages who are from families below the poverty level (as determined under subparagraph (A) of this paragraph) in each school district, and the Secretary is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

"(d) STATE MINIMUM.—

"(1) The aggregate amount allotted for all local educational agencies within a State may not be less than one-quarter of 1 percent of the total amount available for such fiscal year under this section.

"(2)(A) No State shall, by reason of the application of the provisions of paragraph (1) of this subsection, be allotted more than—

"(i) 150 percent of the amount that the State received in the fiscal year preceding the fiscal year for which the determination is made, or

"(ii) the amount calculated under subparagraph (B), whichever is less.

"(B) For the purpose of subparagraph (A)(ii), the amount for each State equals—

"(i) the number of children in such State counted under subsection (c) in the fiscal year specified in subparagraph (A), multiplied by

"(ii) 150 percent of the national average per pupil payment made with funds available under this section for that year.

### "SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

"(1)(A) Except as otherwise provided in this paragraph, each local educational agency, in a State other than Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and Palau, which is eligible for a grant under this part for any fiscal year shall be entitled to an additional grant under this section for that fiscal year if:

"(i) the number of children counted under section 1124(c) of this part in the local educational agency for the preceding fiscal year exceeds 6,500, or

"(ii) the number of children counted under section 1124(c) exceeds 15 percent of the total number of children aged five to seventeen, inclusive, in the local educational agency in that fiscal year.

"(B) Except as provided in subparagraph (C), no State described in subparagraph (A) shall receive less than—

"(i) one-quarter of 1 percent of the sums appropriated under paragraph (6) of this section for such fiscal year; or

"(ii) $250,000, whichever is higher.

"(C) No State shall, by reason of the application of the provisions of subparagraph (B)(i) of this paragraph, be allotted more than—

"(i) 150 percent of the amount that the State received in the fiscal year preceding the fiscal year for which the determination is made, or

"(ii) the amount calculated under subparagraph (D), whichever is less.

"(D) For the purpose of subparagraph (C), the amount for each State equals—

"(i) the number of children in such State counted for purposes of this section in the fiscal year specified in subparagraph (B), multiplied by

"(ii) 150 percent of the national average per pupil payment made with funds available under this section for that year.

"(2) For each local educational agency eligible to receive an additional grant under this section for any fiscal year the Secretary shall determine the product of—

"(A) the greater of—

"(i) the number of children in excess of 6,500 counted under section 1124(c) for the preceding fiscal year, in a local educational agency which qualifies on the basis of subparagraph (A)(i) of paragraph (1); or

"(ii) the number of children counted under section 1124(c) for the preceding fiscal year in a local educational agency which qualifies on the basis of subparagraph (A)(ii) of paragraph (1); and

"(B) the quotient resulting from the division of the amount determined for those agencies under section 1124(a)(1) for the fiscal year for which the determination is being made divided by the total number of children counted under section 1124(c) for that agency for the preceding fiscal year.

"(3) The amount of the additional grant to which an eligible local educational agency is entitled under this section for any fiscal year shall be an amount which bears the same ratio to the amount reserved under paragraph (6) for that fiscal year as the product determined under paragraph (2) for such local educational agency for that fiscal year bears to the sum of such products for all local educational agencies in the United States for that fiscal year.

"(4) For the purposes of this section, the Secretary shall determine the number of children counted under section 1124(c) for any local educational agency, and the total number of children aged five to seventeen, inclusive, in local educational agencies, on the basis of the most recent satisfactory data available at the time the payment for such local educational agency is determined under section 1124.

"(5)(A) For each local educational agency serving an area with a total population of at least 20,000 persons, the grant under this section shall be the amount determined by the Secretary. For local educational agencies serving areas with total populations of fewer than 20,000 persons, the State education agency may either (i) distribute to such local educational agencies grants under this section equal to the amounts determined by the Secretary; or (ii) use an alternative method, approved by the Secretary, to distribute the share of the State's total grants under this section that is based on local educational agencies with total populations of fewer than 20,000 persons. Such an alternative method of distributing grants under this section among a State's local educational agencies serving areas with total populations of fewer than 20,000 persons shall be based upon population data that the State education agency determines best reflects the current distribution of children in poor families among the State's local educational agencies serving areas with total populations of fewer than 20,000 persons and meeting the eligibility criteria of paragraph (1)(A). If a local educational agency serving an area with total population of less than 20,000 persons is dissatisfied with the determination of its grant by the State education agency, then it may appeal this determination to the Secretary. The Secretary must respond to this appeal within 45 days of receipt. The Secretary shall consult with the Secretary of Commerce regarding whether available data on population for local educational agencies serving areas with total populations of fewer than 20,000 persons are sufficiently reliable to be used to determine final grants to such areas meeting the eligibility criteria of paragraph (1)(A).

"(B) If, and only if, there are portions of any of the States for which the Department of Commerce has not prepared data on the number of children, aged 5–17, from families below the poverty level for local educational agencies, then the Secretary shall use such data compiled for counties in those portions of the States, treating the counties as if they were local educational agencies. In such cases, subject to section 1126, the grant for any local educational agency in such an area of a State shall be determined on the basis of the aggregate amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate amount shall be equal to the aggregate amount determined under subparagraph (A) for such county or counties, and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with the basic criteria prescribed by the Secretary.

"(b) RESERVATION OF FUNDS.—Of the total amount of funds available for sections 1124 and 1124A, 10 percent of the amount appropriated for that fiscal year shall be available to carry out this section.

"(c) RATABLE REDUCTION RULE.—If the sums available under subsection (b) for any fiscal year for making payments under this section are not sufficient to pay in full the total amounts which all States are entitled to receive under subsection (a) for such fiscal year, the maximum amounts which all States are entitled to receive under subsection (a) for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

### "SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—A local educational agency in a State is eligible to receive a targeted grant under this section for any fiscal year if the number of children in the local educational agency under subsection 1124(c), before application of the weighting factor, is at least 10.

"(b) Grants for Local Educational Agencies, the District of Columbia, and Puerto Rico.—(1) The amount of the grant that a local educational agency in a State or that the District of Columbia is eligible to receive under this section for any fiscal year shall be the product of—

"(A) the number of children counted under subsection (c); and

"(B) the amount in the second sentence of subparagraph 1124(a)(1)(A).

"(2) For each fiscal year, the amount of the grant for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to the number of children counted under subsection (c) for Puerto Rico, multiplied by the amount determined in subparagraph 1124(a)(1)(C).

"(c) Children To Be Counted.—

"(1) Categories of children.—The number of children to be counted for purposes of this section shall be the number counted in subsection 1124(c) multiplied by the weighting factor for the local educational agency. The weighting factor shall be established on the basis of the percentage that the number of children counted under section 1124(c) represents of the total population aged 5–17 years in the local educational agency or the number of such children. Weighted pupil counts will be calculated based upon both percentage and number and the larger of the two counts will be used in calculating grants for each local educational agency. Weighting factors shall be assigned according to the following scale: if the percentage is greater than 0 but less than 14.265, the weighting factor shall be 1.00 for all children counted in section 1124(c); if the percentage is greater than 14.265 but less than 21.553, the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 14.265 percent of the total school age population and 1.50 for children counted under section 1124(c) in excess of 14.265 percent of the total school age population; if the percentage is greater than 21.553 percent but less than 29.223 percent, then the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 14.265 percent of the total school age population, 1.50 for a number of children counted under section 1124(c) equal to 7.288 percent of the total school age population, and 2.00 for children counted under section 1124(c) in excess of 21.553 percent of the total school age population; if the percentage is greater than 29.223 percent but less than 36.538 percent, then the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 14.265 percent of the total school age population, 1.50 for a number of children counted under section 1124(c) equal to 7.288 percent of the total school age population, 2.00 for a number of children counted under section 1124(c) equal to 7.67 percent of the total school age population, and 2.50 for children counted under section 1124(c) in excess of 29.223 percent of the total school age population; and if the percentage is greater than 36.538, then the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 14.265 percent of the total school age population, 1.50 for a number of children counted under section 1124(c) equal to 7.288 percent of the total school age population, 2.00 for a number of children counted under section 1124(c) equal to 7.67 percent of the total school age population, 2.50 for a number of children counted in section 1124(c) equal to 7.315 percent of the total school age population, and 3.00 for children counted in section 1124(c) in excess of 36.538 percent of the total school age population. Separately, if the number of children counted under section 1124(c) is greater than 0 but less than 575, the weighting factor shall be 1.00 for all children counted in section 1124(c); if the number is greater than 575 but less than 1,870, the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 575, and 1.50 for children counted under section 1124(c) in excess of 575; if the number is greater than 1,870 but less than 6,910, then the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 575, 1.50 for a number of children counted under section 1124(c) equal to 1,295, and 2.00 for children counted under section 1124(c) in excess of 1,870; if the number is greater than 6,910 but less than 42,000 then the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 575, 1.50 for a number of children counted under section 1124(c) equal to 1,295, 2.00 for a number of children counted under section 1124(c) equal to 5,040, and 2.50 for children counted under section 1124(c) in excess of 6,910; and if the number is greater than 42,000, then the weighting factor shall be 1.00 for a number of children counted in section 1124(c) equal to 575, 1.50 for a number of children counted under section 1124(c) equal to 1,295, 2.00 for a number of children counted under section 1124(c) equal to 5,040, 2.50 for a number of children counted in section 1124(c) equal to 35,090 and 3.00 for children counted in section 1124(c) in excess of 42,000. For the Commonwealth of Puerto Rico, the weighting factor shall be no greater than 1.62.

"(d) Local Educational Agency Allocations.—For each local educational agency serving an area with a total population of at least 20,000 persons, the grant under this section shall be the amount determined by the Secretary. For local educational agencies serving areas with total populations of fewer than 20,000 persons, the State education agency may either (1) distribute to such local educational agencies grants under this section equal to the amounts determined by the Secretary; or (2) use an alternative method, approved by the Secretary, to distribute the share of the State's total grants under this section that is based on local educational agencies with total populations of fewer than 20,000 persons. Such an alternative method of distributing grants under this section among a State's local educational agencies serving areas with total populations of fewer than 20,000 persons shall be based upon population data that the State education agency determines best reflects the current distribution of children in poor families among the State's local educational agencies serving areas with total populations of fewer than 20,000 persons. If a local educational agency serving an area with total populations of less than 20,000 persons is dissatisfied with the determination of its grant by the State education agency, then it may appeal this determination to the Secretary. The Secretary must respond to this appeal within 45 days of receipt. If, and only if, there are portions of any of the States for which the Department of Commerce has not prepared data on the number of children, aged 5–17, from families below the poverty level for local educational agencies, then the Secretary shall use such data compiled for counties in those portions of the States, treating the counties as if they were local educational agencies. The Secretary shall consult with the Secretary of Commerce regarding whether available data on population for local educational agencies serving areas with total populations of fewer than 20,000 persons are sufficiently reliable to be used to determine final grants to such areas.

"(d) State Minimum.—Notwithstanding any other provision of this section, from the total amount available for any fiscal year to carry out this section, each State shall be allotted at least the lesser of—

"(1) one quarter of one percent of such amount;

"(2) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighting factor, multiplied by the State's total number of children described in section 1124(c), without application of a weighting factor.

**"SEC. 1126. SPECIAL ALLOCATION PROCEDURES.**

"(a) Allocations for Neglected or Delinquent Children.—(1) If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected or delinquent children as described in subparagraph 1124(c)(1)(C), the State educational agency shall, if it assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1124, 1124A, and 1125 that is attributable to such children.

"(2) If the State educational agency does not assume such responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

"(b) Allocations Among Local Educational Agencies.—The State educational agency may allocate the amounts of grants under sections 1124, 1124A, and 1125 between and among the affected local educational agencies when—

"(1) two or more local educational agencies serve, in whole or in part, the same geographical area; or

"(2) a local educational agency provides free public education for children who reside in the school district of another local educational agency.

"(c) Reallocation.—If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 1124, 1124A, and 1125 is more than such local agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.

**"SEC. 1127. CARRYOVER AND WAIVER.**

"(a) Limitation on Carryover.—Notwithstanding section 412 of the General Education Provisions Act or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year.

"(b) Waiver.—A State educational agency may, once every three years, waive the percentage limitation in subsection (a) if—

"(1) the agency determines that the request of a local educational agency is reasonable and necessary; or

"(2) supplemental appropriations for this subpart become available.

"(c) Exclusion.—The percentage limitation under subsection (a) shall not apply to any local educational agency that receives less than $50,000 under this subpart for any fiscal year.

**"Subpart 3—Presidential Awards Program**

**"SEC. 1131. PRESIDENTIAL AWARDS PROGRAM.**

"(a) Development.—The Secretary shall, in consultation with the chairpersons and ranking minority members of the Committee on Education and Labor for the House of Representatives and the Committee on Labor and Human Resources of the Senate and educational leaders, develop a Presidential awards program that will recognize and provide a cash award to schools that excel in educating their students to high levels as defined by the National Education Goals and the standards certified by the National Education Standards and Improvement Council established under the Goals 2000: Educate America Act.

"(b) Nominations.—Schools recognized under this program will be selected by the Secretary from a list of nominees. Each State shall select a nominee to be submitted to the Secretary from among schools designated as distinguished schools under section 1119.

"(c) Selection.—The Secretary shall annually convene a panel of experts who will review nominated schools and select those who will receive awards. In addition to Presidential recognition, selected schools will receive a cash award which may be applied without restriction to enhance the educational programs in that schools or to provide cash awards to personnel in the school.

"(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this subpart such sums as may be necessary for each of fiscal years 1995, 1996, 1997, 1998, and 1999.

**"PART B—EVEN START FAMILY LITERACY PROGRAMS**

**"SEC. 1201. STATEMENT OF PURPOSE.**

"It is the purpose of this part to help break the cycle of poverty and illiteracy by improving the educational opportunities of the Nation's low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program, to be referred to as 'Even Start', that is implemented through cooperative projects that build on existing community resources to create a new range of services, that promotes achievement of the National Education Goals, and that assists children and adults from low-income families to achieve challenging State standards.

**"SEC. 1202. PROGRAM AUTHORIZED.**

"(a) Reservation for Migrant Programs, Outlying Areas, Indian Tribes, and Other Purposes.—(1) In each fiscal year, the Secretary shall reserve not less than 5 percent of the amount appropriated under section 1002(b) of this title for programs, under such terms and conditions as the Secretary shall establish, that are consistent with the purpose of this part, and according to their relative needs, for—

"(A) children of migratory workers;

"(B) the outlying areas;

"(C) Indian tribes and tribal organizations; and

"(2) If the amount of funds made available under subsection (a) exceeds $4,600,000, the Secretary shall make a grant of sufficient size and for a period of sufficient duration to demonstrate the effectiveness of a family literacy program in a prison that houses women and their preschool age children and that has the capability of developing a program of high quality.

"(b) Reservation for Federal Activities.—From amounts appropriated under section 1002(b), the Secretary may reserve not more than three percent of such amounts or the amount reserved for such purposes in the fiscal year 1994, whichever is greater, for purposes of—

"(1) carrying out the evaluation required by section 1209; and

"(2) providing, through grants or contracts, technical assistance, program improvement, and replication activities through eligible organizations.

"(c) State Allocation.—(1) After reserving funds under subsections (a) and (b), the Secretary shall allocate the remaining funds appropriated for this part to States, to be used in accordance with section 1203.

"(2) Except as provided in paragraph (3), from the total amount available for allocation to States in any fiscal year, each State shall be eligible to receive a grant under paragraph (1) in an amount that bears the same ratio to such total amount as the amount allocated to such State under section 1122 of this title bears to the total amount allocated under that section to all the States.

"(3) No State shall receive less than $250,000 under paragraph (1) for any fiscal year.

"(d) Definitions.—For the purpose of this part—

"(1) the term 'eligible entity' means a partnership composed of both—

"(A) a local educational agency; and

"(B) a nonprofit community-based organization, public agency, institution of higher education, or other public or private nonprofit organization of demonstrated quality;

"(2) the terms 'Indian tribe' and 'tribal organization' have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act;

"(3) the term 'State' includes each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

"(4) the term 'eligible organization' means any public or private nonprofit organization with a record of providing effective services to family literacy providers, such as the National Center for Family Literacy, Parents as Teachers, Inc., and the Home Instruction Program for Preschool Youngsters.

**"SEC. 1203. STATE PROGRAMS.**

"(a) State-Level Activities.—Each State that receives a grant under section 1202(c)(1) may use not more than 5 percent for—

"(1) administrative costs; and

"(2) the provision, through one or more subgrants or contracts, of access to technical assistance for program improvement and replication to eligible entities that receive subgrants under subsection (b).

"(b) Subgrants for Local Programs.—(1) Each State shall use the remainder of its grant to make subgrants to eligible entities to carry out Even Start programs.

"(2) No State shall award a subgrant under paragraph (1) for an amount less than $75,000.

**"SEC. 1204. USES OF FUNDS.**

"(a) In General.—In carrying out an Even Start program under this part, a recipient of funds under this part shall use such funds to pay the Federal share of the cost of providing family-centered education programs that involve parents and children, from birth through age 7, in a cooperative effort to help parents become full partners in the education of their children and to assist children in reaching their full potential as learners.

"(b) Federal Share Limitation.—(1)(A) Except as provided in paragraph (2), the Federal share under this part may not exceed—

"(i) 90 percent of the total cost of the program in the first year that that program receives assistance under this part or its predecessor authority;

"(ii) 80 percent in the second such year;

"(iii) 70 percent in the third such year;

"(iv) 60 percent in the fourth such year; and

"(v) 50 percent in any subsequent such year.

"(B) The remaining cost of a program under this part may be provided in cash or in kind, fairly evaluated, and may be obtained from any source other than funds received under this title.

"(2) The State educational agency may waive, in whole or in part, the cost-sharing requirement of paragraph (1) if an eligible entity—

"(A) demonstrates that it otherwise would not be able to participate in the program under this part; and

"(B) negotiates an agreement with the State educational agency with respect to the amount of the remaining cost to which the waiver would be applicable.

"(3) Federal funds under this part may not be used for the indirect costs of an Even Start program, except that the Secretary may waive this limitation if a recipient of funds reserved under section 1202(a)(3) demonstrates to the Secretary's satisfaction that it otherwise would not be able to participate in the program under this part.

**"SEC. 1205 PROGRAM ELEMENTS.**

"Each Even Start program assisted under this part shall—

"(1) include the identification and recruitment of families most in need of services provided under this part, as indicated by a low level of income, a low level of adult literacy or English language proficiency of the eligible parent or parents, and other need-related indicators;

"(2) include screening and preparation of parents and children to enable them to participate fully in the activities and services provided under this part, including testing, referral to necessary counselling, other developmental and support services, and related services;

"(3) be designed to accommodate the participants' work schedule and other responsibilities, including the provision of support services, when unavailable from other sources, necessary for participation, such as—

"(A) scheduling and locating of services to allow joint participation by parents and children;

"(B) child care for the period that parents are involved in the program provided under this part; and

"(C) transportation for the purpose of enabling parents and their children to participate in programs authorized by this part;

"(4) include high-quality instructional programs that promote adult literacy, empower parents to support the educational growth of their children, developmentally appropriate early childhood educational services, and preparation of children for success in regular school programs;

"(5) include special training of staff, including child care staff, to develop the skills necessary to work with parents and young children in the full range of instructional services offered through this part;

"(6) provide and monitor integrated instructional services to participating parents and children through home-based programs;

"(7) operate on a year-round basis, including the provision of some program services, either instructional or enrichment, or both, during the summer months;

"(8) be coordinated with—

"(A) programs assisted under other parts of this title and this Act;

"(B) any relevant programs under the Adult Education Act, the Individuals With Disabilities Education Act, and the Job Training Partnership Act; and

"(C) the Head Start program, volunteer literacy programs, and other relevant programs; and

"(9) provide for an independent evaluation of the program.

**"SEC. 1206. ELIGIBLE PARTICIPANTS.**

"(a) IN GENERAL.—Except as provided in subsection (b), eligible participants in an Even Start program are—

"(1) a parent or parents—

"(A) who are eligible for participation in an adult basic education program under the Adult Education Act; or

"(B) who are within the State's compulsory school attendance age range, so long as a local educational agency provides (or ensures the availability of) the basic education component required under this part; and

"(2) the child or children, from birth through age seven, of any parent described in paragraph (1).

"(b) ELIGIBILITY FOR CERTAIN OTHER PARTICIPANTS.—(1) Family members other than those described in subsection (a) may participate in program activities and services, when deemed by the program to serve the purpose of this part.

"(2) Any family participating in a program under this part that becomes ineligible for such participation as a result of one or more members of the family becoming ineligible for such participation may continue to participate in the program until all members of the family become ineligible for participation, which—

"(A) in the case of a family in which ineligibility was due to the child or children of such family attaining the age of eight, shall be in two years or when the parent or parents become ineligible due to educational advancement, whichever occurs first; and

"(B) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of such family, shall be when all children in the family attain the age of eight.

**"SEC. 1207. APPLICATIONS.**

"(a) SUBMISSION.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency in such form and containing or accompanied by such information as the State educational agency shall require.

"(b) REQUIRED DOCUMENTATION.—Each application shall include documentation, satisfactory to the State educational agency, that the eligible entity has the qualified personnel needed—

"(1) to develop, administer, and implement an Even Start program under this part; and

"(2) to provide access to the special training necessary to prepare staff for the program , which may be offered by an eligible organization.

"(c) PLAN.—Such application shall also include a plan of operation for the program which shall include—

"(1) a description of the program goals;

"(2) a description of the activities and services that will be provided under the program, including a description of how the program will incorporate the program elements required by section 1205;

"(3) a description of the population to be served and an estimate of the number of participants;

"(4) as appropriate, a description of the applicant's collaborative efforts with institutions of higher education, community-based organizations, the State educational agency, private elementary schools, or other eligible organizations in carrying out the program for which assistance is sought;

"(5) a statement of the methods that will be used—

"(A) to ensure that the programs will serve families most in need of the activities and services provided by this part;

"(B) to provide services under this part to individuals with special needs, such as individuals with limited English proficiency and individuals with disabilities; and

"(C) to encourage participants to remain in the program for a time sufficient to meet the program's purpose; and

"(6) a description of how the plan—

"(A)(i) is consistent with and promotes the goals of the State and local plans, either approved or being developed, under title III of the Goals 2000: Educate America Act; and

"(ii) is consistent with the State and local plans under sections 1111 and 1112; or

"(B) is consistent with the State and local plans under sections 1111 and 1112 is the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan.

"(d) The plan described in subsection (c)(6) may be submitted as part of a consolidated application under section 9302.

**"SEC. 1208. AWARD OF SUBGRANTS.**

"(a) SELECTION PROCESS.—(1) The State educational agency shall establish a review panel that will approve applications that—

"(A) are most likely to be successful in meeting the purpose of this part, and in effectively implementing the program elements required under section 1205;

"(B) demonstrate that the area to be served by such program has a high percentage or a large number of children and families who are in need of such services as indicated by high levels of poverty, illiteracy, unemployment, or limited English proficiency;

"(C) provide services for at least a three-year age range, which may begin at birth;

"(D) demonstrate the greatest possible cooperation and coordination between a variety of relevant service providers in all phases of the program;

"(E) include cost-effective budgets, given the scope of the application;

"(F) demonstrate the applicant's ability to provide the additional funding required by section 1204(b);

"(G) are representative of urban and rural regions of the State; and

"(H) show the greatest promise for providing models that may be adopted by other local educational agencies.

"(2) The State educational agency shall give priority for subgrants under this subsection to proposals that either—

"(A) target services primarily to families described in paragraph (1)(B); or

"(B) are located in areas designated as empowerment zones or enterprise communities.

"(b) REVIEW PANEL.—A review panel shall consist of at least three members, including one early childhood professional, one adult education professional, and one or more of the following individuals:

"(1) A representative of a parent-child education organization.

"(2) A representative of a community-based literacy organization.

"(3) A member of a local board of education.

"(4) A representative of business and industry with a commitment to education.

"(5) An individual who has been involved in the implementation of programs under this title in the State.

"(c) DURATION.—(1) Subgrants may be awarded for a period not to exceed four years.

"(2) The State educational agency may provide a subgrantee, at the subgrantee's request, a 3- to 6-month start-up period during the first year of the four-year period, which may include staff recruitment and training, and the coordination of services, before requiring full implementation of the program.

"(3)(A) In reviewing any application for a subgrant to continue a program for the second, third, or fourth year, the State educational agency shall review the progress being made toward meeting the objectives of the program after the conclusion of the start-up period, if any.

"(B) The State educational agency may refuse to award a subgrant if such agency finds that sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for a hearing.

"(4)(A) An eligible entity that has previously received a subgrant under this part may reapply under the terms of this part for a second project period.

"(B) During the second project period, the Federal share of the subgrant shall not exceed 50 percent in any year.

**"SEC. 1209. EVALUATION.**

"From funds reserved under section 1202(b)(1), the Secretary shall provide for an independent evaluation of programs under this part—

"(1) to determine the performance and effectiveness of programs; and

"(2) to identify effective Even Start projects that can be replicated and used in providing technical assistance to national, State, and local programs.

### "PART C—EDUCATION OF MIGRATORY CHILDREN

**"SEC. 1301. PROGRAM PURPOSE.**

"It is the purpose of this part to assist States to—

"(1) support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves;

"(2) ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner;

"(3) ensure that migratory children have the opportunity to meet the same challenging performance standards that all children are expected to meet;

"(4) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit their ability to do well in school, and to prepare these children to make a successful transition to postsecondary education or employment; and

"(5) ensure that migratory children benefit from State and local systemic reforms.

**"SEC. 1302. PROGRAM AUTHORIZED.**

"In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies, or combinations of such agencies, to establish or improve, directly or through local operating agencies, programs of education for migratory children in accordance with this part.

**"SEC. 1303. STATE ALLOCATIONS.**

"(a) STATE ALLOCATIONS.—Each State (other than the Commonwealth of Puerto

Rico) is entitled to receive under this part, for each fiscal year, an amount equal to—

"(1) the sum of the estimated number of migratory children aged three through 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children aged three through 21 who reside in the State part time, as determined in accordance with subsection (e); multiplied by

"(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average expenditure per pupil in the United States.

"(b) ALLOCATION TO PUERTO RICO.—For each fiscal year, the amount for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to—

"(1) the number of migratory children in Puerto Rico, determined under subsection (a)(1); multiplied by

"(2) the product of—

"(A) the percentage that the average expenditure per pupil in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average expenditure per pupil in the United States.

"(c) RATABLE REDUCTIONS; REALLOCATIONS.—(1)(A) If, after the Secretary reserves funds under section 1308(c), the amount appropriated to carry out this part for any fiscal year is insufficient to pay in full the amounts for which all States are eligible, the Secretary shall ratably reduce each such amount.

"(B) If additional funds become available for making such payments for any fiscal year, the Secretary shall allocate such funds to States in amounts that the Secretary finds would best carry out the purpose of this part.

"(2)(A) The Secretary shall further reduce the amount of any grant to a State under this part for any fiscal year if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address such needs, that such amount exceeds the amount required under section 1304.

"(B) The Secretary shall reallocate such excess funds to other States whose grants under this part would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.

"(d) CONSORTIUM ARRANGEMENTS.—(1) In the case of a State that receives a grant of $1,000,000 or less under this section, the Secretary shall consult with the State educational agency to determine whether consortium arrangements with another State or other appropriate entity would result in delivery of services in a more effective and efficient manner.

"(2) A State, irrespective of the amount of its allocation, may propose a consortium arrangement.

"(3) The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will—

"(A) reduce administrative costs or program function costs for State programs; and

"(B) make more funds available for direct services to add substantially to the welfare or educational attainment of children to be served under this part.

"(e) DETERMINING NUMBERS OF ELIGIBLE CHILDREN.—In order to determine the estimated number of migratory children residing in each State for purposes of this section, the Secretary shall—

"(1) use such information as the Secretary finds most accurately reflects the actual number of migratory children;

"(2) as soon as feasible develop and implement a procedure for more accurately reflecting cost factors for different types of summer program designs which will be used to adjust the estimated number of children who reside in a State in order to reflect the number of migratory children who are served in summer programs (which may include intersession programs) in the State and the additional costs of operating such programs; and

"(3) conduct an analysis of the options for adjusting the formula so as to better direct services to the child whose education has been interrupted.

**"SEC. 1304. STATE APPLICATIONS; SERVICES.**

"(a) APPLICATION REQUIRED.—Any State wishing to receive a grant under this part for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(b) PROGRAM INFORMATION.—Each such application shall include—

"(1) a description of how, in planning, implementing, and evaluating programs and projects under this part, the State and its operating agencies will ensure that the special educational needs of migratory children are identified and addressed through a comprehensive plan for needs assessment and service delivery that meets the requirements of section 1306, including, when feasible, recording the migratory status of such children and their average daily attendance on State student collection data;

"(2) a description of the steps the State is taking to provide migratory students with the opportunity to meet the same challenging performance standards that all children are expected to meet;

"(3) a description of how the State will use its funds to promote interstate and intrastate coordination of services for migratory children, including how, consistent with procedures the Secretary may require, it will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not during the regular school year;

"(4) a description of the State's priorities for the use of funds received under this part, and how they relate to the State's assessment of needs for services in the State;

"(5) a description of how the State will determine the amount of any subgrants it will award to local operating agencies, taking into account the requirements of paragraph (1); and

"(6) such budgetary and other information as the Secretary may require.

"(c) ASSURANCES.—Each such application shall also include assurances, satisfactory to the Secretary, that—

"(1) funds received under this part will be used only—

"(A) for programs and projects, including the acquisition of equipment, in accordance with section 1306(b)(1); and

"(B) to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families;

"(2) such programs and projects will be carried out in a manner consistent with the objectives of sections 1114, 1115(b) and (d), 1120, and 1121(b) and (c), and part F of this title;

"(3) in the planning and operation of programs and projects at both the State and local operating agency level, there is appropriate consultation with parent advisory councils for programs lasting a school year, and that all such programs and projects are carried out, to the extent feasible, in a manner consistent with section 1118 of this title;

"(4) in planning and carrying out such programs and projects, there has been, and will be, adequate provision for addressing the unmet education needs of preschool migratory children;

"(5) the effectiveness of such programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and local educational agencies under part A of this title; and

"(6) the State will assist the Secretary in determining the number of migratory children under section 1303(e), through such procedures as the Secretary may require.

"(d) PRIORITY FOR SERVICES.—In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State's challenging performance standards, and whose education has been interrupted during the regular school year.

"(e) CONTINUATION OF SERVICES.—Notwithstanding any other provision of this part—

"(1) a child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term;

"(2) a child who is no longer a migratory child may continue to receive services for one additional school year, but only if comparable services are not available through other programs; and

"(3) secondary school students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation.

**"SEC. 1305. SECRETARIAL APPROVAL; PEER REVIEW.**

"(a) SECRETARIAL APPROVAL.—The Secretary shall approve each State application that meets the requirements of this part.

"(b) PEER REVIEW.—The Secretary may review any such application with the assistance and advice of State officials and other individuals with relevant expertise.

**"SEC. 1306. COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.**

"(a) COMPREHENSIVE PLAN.—Each State that receives a grant under this part shall ensure that the State and its local operating agencies identify and address the special educational needs of migratory children in accordance with a comprehensive State plan that—

"(1)(A) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act and satisfies the requirements of this section that are not already addressed by such State plan; and

"(B) is integrated with other State plans, if any, under the School-To-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Act to the extent that such plans have not already been incorporated in the State's plan under title III of the Goals 2000: Educate America Act;

"(2) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan—

"(A) is integrated with other State plans, such as those under the School-To-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Act, where such plans exist; and

"(B) satisfies the requirements of this section;

"(3) may be submitted as a part of a consolidated application under section 9302;

"(4) provides that migratory children will have an opportunity to meet the same challenging performance standards, set out in those plans, that all children are expected to meet;

"(5) specifies measurable program goals and outcomes;

"(6) encompasses the full range of services that are available for migratory children from appropriate local, State and Federal educational programs;

"(7) is the product of joint planning among such local, State, and Federal programs, including those under part A of this title, early childhood programs, and bilingual education programs under title VII of this Act;

"(8) provides for the integration of services available under this part with services provided by such other programs; and

"(9) to the extent feasible, provides for—

"(A) advocacy and outreach activities for migratory children and their families, including informing them of, or helping them gain access to, other education, health, nutrition, and social services;

"(B) professional development programs, including mentoring, for teachers and other program personnel;

"(C) parent involvement programs (as defined under section 1117) and, when feasible, the establishment of instructional programs such as use of the model developed under the Even Start Family Literacy Programs that promote adult literacy and train parents to support the educational growth of their children;

"(D) the integration of communication and information technology into educational and related programs; and

"(E) programs to facilitate the transition of high school students to postsecondary education or employment.

A State may satisfy all or part of the requirements of this section by referencing applicable sections of its approved plan under title III of the Goals 2000: Educate America Act.

"(b) AUTHORIZED ACTIVITIES.—(1) In implementing the comprehensive plan described in subsection (a), each local operating agency shall have the flexibility to determine the activities to be provided with funds made available under this part, provided that—

"(A) before funds provided under this part are used to provide services described in subparagraph (B), those funds shall be used to meet the identified needs of migratory children that—

"(i) result from the effects of their migratory lifestyle, or are needed to permit migratory children to participate effectively in school; and

"(ii) are not addressed by services provided under other programs, including part A of this title; and

"(B) all migratory children who are eligible to receive services under part A of this title shall receive such services with funds provided under this part or under part A of this title.

"(2) This subsection shall not apply to funds under this part that are used for schoolwide programs under section 1114 of this title.

### "SEC. 1307. BYPASS.

"The Secretary may use all or part of any State's allocation under this part to make arrangements with any public or private nonprofit agency to carry out the purpose of this part in such State if the Secretary determines that—

"(1) the State is unable or unwilling to conduct educational programs for migratory children;

"(2) such arrangements would result in more efficient and economic administration of such programs; or

"(3) such arrangements would add substantially to the welfare or educational attainment of such children.

### "SEC. 1308. COORDINATION OF MIGRANT EDUCATION ACTIVITIES.

"(a) IMPROVEMENT OF COORDINATION.—The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private nonprofit entities to improve the interstate and intrastate coordination among State and local educational agencies of their educational programs, including the establishment or improvement of programs for credit accrual and exchange, available to migratory students. Grants under this subpart may be made for up to 5 years.

"(b) ASSISTANCE AND REPORTING.—(1) Within 60 days of enactment, the Secretary shall convene a panel of Chief State School Officers and technical experts to assess alternative methods by which student records may be transferred from one school to another. Within 150 days of having been convened, the panel shall make recommendations to the Secretary on how schools may adopt the most cost-effective means of exchanging of school records. The Secretary shall also develop the most cost-effective and accurate method of determining the number of students or full-time equivalent students in each State on a yearly basis. The Secretary shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate the panel's findings and the Secretary's recommendations.

"(2) The Secretary may contract for services for purposes of this section.

"(c) AVAILABILITY OF FUNDS.—For the purpose of carrying out this section, the Secretary shall reserve up to $6,000,000 from the amount appropriated under section 1002(3) for each fiscal year to carry out this part.

"(d) COMPETITIVE GRANTS.—From the amounts made available for this section, the Secretary shall reserve not more than $1,500,000 to award, on a competitive basis, grants in the amount of up to $100,000 each to State educational agencies with consortium agreements described under section 1303(d). Not less than 10 of such grants shall be awarded to States which receive allocations of less than $1,000,000 if such States have approved agreements.

### "SEC. 1309. DISTANCE LEARNING.

"(a) PROGRAM.—The Secretary may establish a distance learning program to provide, through competitive grants, continuity in the education of migrant children using technology, interactive learning, computers, and automated technology links achieved with modems and telephone networks.

"(b) FUNDS.—Not more than $3,000,000 may be used to establish the program under subsection (a).

### "SEC. 1310. DEFINITIONS.

"As used in this part, the following terms have the following meanings:

"(1) The term 'local operating agency' means—

"(A) a local educational agency to which a State educational agency makes a subgrant under this part;

"(B) a public or nonprofit private agency with which a State educational agency or the Secretary makes an arrangement to carry out a project under this part; or

"(C) a State educational agency, if the State educational agency operates the State's migrant education program or projects directly.

"(2) The term 'migratory child' means—

"(A) for fiscal year 1996 and subsequent years, a child who is, or whose parent or spouse is, a migratory agricultural worker (including a migratory dairy worker) or a migratory fisher, and who, in the preceding 24 months, in order to obtain, or accompany such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work—

"(i) has moved from one local educational agency to another; or

"(ii) in a State that is comprised of a single local educational agency, has moved from one administrative area to another within such agency; or

"(B) for fiscal year 1995 only, a child fulfilling the requirements of subparagraph (A) for a period of 36 months instead of for 24 months; and

## "PART D—PREVENTION AND INTERVENTION SERVICES FOR DELINQUENT YOUTH AND YOUTH AT RISK OF DROPPING OUT

### "SEC. 1401. FINDINGS; PURPOSE; PROGRAM AUTHORIZED.

"(a) FINDINGS.—Congress finds the following:

"(1) A large percentage of youth in the juvenile justice system have poor academic achievement, are a year or more behind grade level, and have dropped out of school.

"(2) There is a strong correlation between academic failure and involvement in delinquent activities.

"(3) Preventing students from dropping out of local schools and addressing the educational needs of delinquent youth can help reduce the dropout rate and involvement in delinquent activities at the same time.

"(4) Many schools and correctional facilities fail to communicate regarding a youth's academic needs and students often return to their home school ill-prepared to meet current curriculum requirements.

"(5) Schools are often reluctant to deal with youth returning from facilities and receive no funds to deal with the unique educational and other needs of such youth.

"(6) A continuing need exists for activities and programs to reduce the incidence of youth dropping out of school.

"(7) Federal dropout prevention programs have demonstrated effectiveness in keeping children and youth in school.

"(8) Pregnant and parenting teens are a high at-risk group for dropping out of school and should be targeted by dropout prevention programs.

"(9) Such youth need a strong dropout prevention program which provides them with high level skills and which provides supports to youth returning from correctional facilities in order to keep them in school.

"(b) PURPOSE.—It is the purpose of this part—

"(1) to improve educational services to children in local and State institutions for delinquent children so that they have the opportunity to meet the same challenging State performance standards that all children in the State will be expected to meet;

"(2) to provide such children the services they need to make a successful transition from institutionalization to further schooling or employment; and

"(3) to prevent at-risk youth from dropping out of school and to provide dropouts and youth returning from institutions with a support system to ensure their continued education.

"(c) PROGRAM AUTHORIZED.—In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies, which shall make subgrants to State agencies and local educational agencies to establish or improve programs of education for delinquent children and youth at risk of dropping out of school before graduation.

### "SEC. 1402. PAYMENTS FOR PROGRAMS UNDER THIS PART.

"(a) AGENCY SUBGRANTS.—Based on the allocation amount computed under section 1403, the Secretary shall allocate to each State educational agency amounts necessary to make subgrants to State agencies.

"(b) LOCAL SUBGRANTS.—Each State shall retain, for purposes of subpart 2, funds generated throughout the State under part A based on youth residing in local correctional facilities, or attending community day programs for delinquent children.

"(c) USE OF REMAINING FUNDS.—Each State shall use any funds remaining after allocations are made under subsection (a).

## "Subpart 1—State Agency Programs

### "SEC. 1403. AMOUNT OF ALLOCATION TO STATE.

"(a) STATE ALLOCATION.—Each State educational agency is eligible to receive under this part, for each fiscal year, an amount equal to the product of—

"(1) the number of delinquent children in State correctional facilities serving youth under the age of 21 who are enrolled for at least 20 hours per week in education programs operated or supported by facilities serving youth, and 10 hours a week in adult facilities serving youth.

"(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent or more than 48 percent of the average per-pupil expenditure in the United States.

"(b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.—For each fiscal year, the amount of the grant for which a State agency in the Commonwealth of Puerto Rico is eligible under this part shall be equal to—

"(1) the number of children counted under subsection (a)(1) for Puerto Rico; multiplied by the product of—

"(A) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

### "SEC. 1404. STATE PLAN.

"(a) STATE PLAN.—(1)(A) Each State educational agency that desires to receive payments under this part shall submit, for approval by the Secretary, a plan, which shall be revised and updated as needed, for meeting the needs of delinquent youth and children at risk of dropping out that—

"(i) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by such State plan; or

"(ii) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act or is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this section.

"(B) A State plan submitted under paragraph (1)(A)(i) may, if necessary, be submitted as an amendment to the State's plan under title III of the Goals 2000: Educate America Act.

"(2) Each such plan shall also—

"(A) describe the State-established program goals, objectives, and performance measures that will be used to assess the effectiveness of the program in improving academic and vocational skills of children in the program;

"(B) provide that, to the extent feasible, such children will have the same opportunities to learn as they would have if they were in schools of local educational agencies in the State;

"(C) describe the manner in which such State educational agency will make subgrants; and

"(D) contain assurances that the State educational agency will—

"(i) ensure that programs assisted under this part will be carried out in accordance with the State plan described in this subsection;

"(ii) carry out the evaluation requirements of section 1408;

"(iii) ensure that its State agencies comply with all applicable statutory and regulatory requirements; and

"(iv) provide such other information as the Secretary may reasonably require.

"(b) SECRETARIAL APPROVAL; PEER REVIEW.—(1) The Secretary shall approve each State plan that meets the requirements of this part.

"(2) The Secretary may review any such plan with the assistance and advice of individuals with relevant expertise.

"(c) SUBGRANTS TO STATE AGENCIES.—A State agency is eligible for assistance under this part if it is responsible for providing free public education for children in institutions for delinquent children.

"(d) STATE AGENCY APPLICATIONS.—A State agency that desires to receive funds to carry out a program under this part shall submit an application to the State educational agency that—

"(1) describes the procedures to be used, consistent with the State plan under part A of this title, to assess the educational needs of the children to be served;

"(2) provides assurances that in making services available to youth in adult correctional facilities, priority will be given to such youth who are likely to complete incarceration within a 2-year period;

"(3) describes the program, including a budget for the first year of the program, with annual updates to be provided;

"(4) describes how the program will meet the goals and objectives of the State plan under this part;

"(5) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1406 are of high quality;

"(6) describes how the agency will carry out the evaluation requirements of section 1408 and how the results of the most recent evaluation are used to plan and improve the program;

"(7) includes data showing that the agency has maintained fiscal effort required of a local educational agency, in accordance with section 9501 of this title;

"(8) describes how the programs will be coordinated with other appropriate State and Federal programs, including the Job Training Partnership Act, vocational education, State and local dropout prevention programs, and special education;

"(9) describes how appropriate professional development will be provided to teachers and other instructional and administrative personnel;

"(10) designates an individual in each affected institution to be responsible for issues relating to the transition of children from an institution to locally operated programs;

"(11) describes how the agency will, endeavor to coordinate with businesses for training and mentoring for participating youth;

"(12) describes how the agency will assist in locating alternative programs through which students can continue their education if they are not returning to school after leaving the correctional facility;

"(13) describes how the agency will work with parents to secure their assistance in improving the educational achievement of their children and preventing their further involvement in delinquent activities;

"(14) describes how the agency works with special education youth in order to meet an existing individualized education program and an assurance that the agency will notify the youth's local school if such youth is identified as in need of special education services while the youth is in the facility and if the youth intends to return to the local school;

"(15) describes how the agency will work with youth who dropped out of school before entering the facility to encourage such youth to reenter school once their term has been completed or provide the youth with the skills necessary to gain employment, continue their education, or achieve a high school equivalency certificate if the youth does not intend to return to school;

"(16) provides assurances that teachers and other qualified staff are also trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such students;

"(17) describes any additional services provided to youth, including career counseling, assistance in securing student loans, grants; and

"(18) describes how this program will be coordinated with any programs operated under the Juvenile Justice and Delinquency Act, if applicable.

### "SEC. 1405. USE OF FUNDS.

"(a) GENERAL.—(1) A State agency shall use funds received under this part only for programs and projects that—

"(A) are consistent with the State plan referred to in section 1404(a); and

"(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to high school completion, further education, or employment.

"(2) Such programs and projects—

"(A) may include the acquisition of equipment;

"(B) shall be designed to support educational services that—

"(i) except for institution-wide projects under section 1406, are provided to children identified by the State agency as failing, or most at risk of failing, to meet the State's challenging performance standards;

"(ii) supplement and improve the quality of the educational services provided to such children by the State agency; and

"(iii) afford such children an opportunity to learn to such challenging State standards;

"(C) shall be carried out in a manner consistent with section 1119(b) and part F of this title; and

"(D) may include the costs of meeting the evaluation requirements of section 1408.

"(b) SUPPLEMENT, NOT SUPPLANT.—A program under this part that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the 'supplement, not supplant' requirement of section 1119(b) of this title without regard to the subject areas in which instruction is given during those hours.

### "SEC. 1406. INSTITUTION-WIDE PROJECTS.

"A State agency that provides free public education for children in an institution for delinquent children may use funds received under this part to serve all children in, and upgrade the entire educational effort of, such institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for such institution or program that—

"(1) provides for a comprehensive assessment of the educational needs of all youth in the institution or program serving juveniles;

"(2) provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a 2-year period;

"(3) describes the steps the State agency has taken, or will take, to provide all children under 21 with the opportunity to meet challenging academic and vocational standards in order to improve the likelihood that the students will complete high school, attain high school equivalency, or find employment after leaving the institution;

"(4) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for secondary school students;

"(5) specifically describes how such funds will be used;

"(6) describes the measures and procedures that will be used to assess student progress;

"(7) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions for delinquent children and personnel from the State educational agency; and

"(8) includes an assurance that the State agency has provided for appropriate training to teachers and other instructional and administrative personnel to enable them to carry out the project effectively.

### "SEC. 1407. THREE-YEAR PROJECTS.

"If a State agency operates a program under this part in which individual children are likely to participate for more than one year, the State educational agency may approve the State agency's application for a subgrant under this part for a period not to exceed 3 years.

### "SEC. 1408. TRANSITION SERVICES.

"(a) TRANSITION SERVICES.—Each State agency shall reserve not more than 10 percent of the amount it receives under this part for any fiscal year to support projects that facilitate the transition of children from State-operated institutions to local educational agencies.

"(b) CONDUCT OF PROJECTS.—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.

"(c) LIMITATION.—Any funds reserved under subsection (a) shall be used only to provide transitional educational services, which may include counseling and mentoring, to delinquent children in schools other than State-operated institutions.

## "Subpart 2—Local Agency Programs

### "SEC. 1410. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

"(a) LOCAL SUBGRANTS.—With funds retained under section 1402(2), the State educational agency shall make subgrants to local educational agencies with—

"(1) a high number or percentage of youth who are residing in local (including county) correctional facilities for youth (including those involved in day programs); and

"(2) which have the highest numbers or percentage of youth in the State which have dropped out of school in the preceding fiscal year.

"(b) NOTIFICATION.—A State educational agency shall notify local educational agencies which meet the criteria of subsection (a) of their eligibility for participation in the program.

"(c) PURPOSE OF LOCAL EDUCATIONAL AGENCY PROGRAMS.—The purpose of this section is the operation of local educational agency programs which involve collaboration between local educational agencies and local correctional facilities serving such youth to—

"(1) continue transition activities for youth returning from such facilities;

"(2) to operate dropout prevention programs in local schools for youth at risk of dropping out and youth returning from correctional facilities; and

"(3) to prepare youth who have finished their period of incarceration for employment, high school completion, and further education.

"(d) LOCAL EDUCATIONAL AGENCY APPLICATIONS.—(1) Eligible local educational agencies which choose to take part in programs funded under this section shall submit an application to the State educational agency, containing such information on programs to be operated under this section as the State educational agency may require, and which shall include—

"(1) a description of formal agreements between the local educational agency and correctional facilities and alternative school programs serving youth involved with the juvenile justice system to operate programs for delinquent youth;

"(2) a description of how participating schools will coordinate with facilities working with delinquent youth to ensure that such youth are participating in an education program comparable to one operating in the local school such youth would attend;

"(3) a description of the dropout prevention program operated by participating schools and the types of services such schools will provide to at risk youth in participating schools and youth returning from correctional facilities;

"(4) a description of the youth expected to be served by the dropout prevention program and how the school will be coordinating existing educational programs to meet unique education needs;

"(5) a description of how schools will coordinate with existing social and health services to meet the needs of students at risk of dropping out of school and other participating students, including prenatal health care and nutrition services related to the health of the parent and child, parenting and child development classes, child care, targeted re-entry and outreach programs, referrals to community resources, and scheduling flexibility;

"(6) a description of any partnerships with local businesses to develop training and mentoring services for participating students;

"(7) a description of how the program will involve parents in efforts to improve the education achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities;

"(8) a description of how this program will be coordinated with other Federal, State, and local programs, including the Job Training and Partnership Act and vocational education programs serving this at risk population of youth;

"(9) a description of how the program will be coordinated with programs operated under the Juvenile Justice and Delinquency Prevention Act, if applicable;

"(10) a description of how schools will work with probation officers to assist in meeting the needs of youth returning from correctional facilities;

"(11) a description of efforts participating schools will make to ensure correctional facilities working with youth are aware of a child's existing individualized education program; and

"(12) a description of the steps participating schools will take to find alternative placements for youth interested in continuing their education but unable to participate in a regular public school program.

"(e) USES OF FUNDS.—Funds provided to local educational agencies under this section may be used for—

"(1) dropout prevention programs which serve youth at educational risk, including pregnant and parent teens, youth who have come in contact with the juvenile justice system, youth at least one year behind their expected grade level, migrants, immigrants, students with limited-English proficiency and gang members;

"(2) the coordination of health and social services for such youth if there is a likelihood that the provision of such services including day care and drug and alcohol counseling, will improve the likelihood such students will complete their education; and

"(3) programs to meet the unique education needs of youth at risk of dropping out, which may include vocational education, special education, career counseling, and assistance in securing student loans or grants.

"(f) PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SECTION.—Each facility entering into a partnership with a local educational agency to provide services to youth under this section shall—

"(1) ensure educational programs in juvenile facilities are coordinated with the student's home school, particularly with respect to special education students with an individualized education program;

"(2) notify the local school of a youth if the youth is identified as in need of special education servicers while in the facility;

"(3) provide transition assistance to help the youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

"(4) provide support programs which encourage the youth who have dropped out to reenter school once their term has been completed or provide such youth with the skills necessary for them to gain employment or seek a high school equivalency certificate;

"(5) work to ensure facilities are staffed with teachers and other qualified staff who are also trained to work with children with disabilities and other special needs students taking into consideration such unique needs;

"(6) ensure educational programs in correctional facilities are related to assisting students meet high educational standards;

"(7) use, to the extent possible, technology to assist coordinating educational programs between the juvenile facility and community school;

"(8) involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

"(9) coordinate funds received under this program with other available State, local, and Federal funds to provide services to participating youth, including the Job Training Partnership Act, and vocational education;

"(10) coordinate programs operated under this section with activities funded under the Juvenile Justice and Delinquency Prevention Act, if applicable; and

"(11) if appropriate, work with local businesses to develop training and mentoring programs for participating youth.

"(g) ACCOUNTABILITY.—The State educational agency may—

"(1) reduce or terminate funding for projects funded under this section in local educational agencies if such agencies do not show progress in reducing dropout rates for male students and for female students over a 3-year period; and

"(2) require juvenile facilities to demonstrate, after 3 years, that there has been an increase in the number of youth returning to school, obtaining high school equivalency certificates, or obtaining employment after such youth are released.

**"SEC. 1411. PROGRAM EVALUATIONS.**

"(a) SCOPE OF EVALUATION.—Each State agency or local educational agency that conducts a program under subpart 1 or 2 shall evaluate the program, disaggregating data on participation by sex, and if feasible, by race, ethnicity, and age, not less than once every 3 years to determine its impact on the ability of participants to—

"(1) maintain and improve educational achievement;

"(2) accrue school credits that meet State requirements for grade promotion and high school graduation;

"(3) for delinquent youth, make the transition to a regular program or other education program operated by a local educational agency; and

"(4) complete high school (or high school equivalency requirements) and obtain employment after leaving the institution.

"(b) EVALUATION MEASURES.—In conducting each such evaluation with respect to subsection (a)(1), a State agency or local educational agency shall use multiple and appropriate measures of student progress.

"(c) EVALUATION RESULTS.—Each State agency and local educational agency shall —

"(1) submit evaluation results to the State educational agency; and

"(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children.

**"SEC. 1412. DEFINITIONS.**

"For the purpose of this part, the following terms have the following meanings:

"(1) The term 'adult correctional institution' means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age.

"(2) The term 'at risk youth' means school aged youth who are at risk of academic failure, have drug or alcohol problems, are pregnant or are parents, have come into contact with the juvenile justice system in the past, are at least one year behind the expected grade level for such age, have limited-English proficiency, are gang members, have dropped out in the past, or have high absenteeism rates.

"(3) The term 'community-day program' means a regular program of instruction provided by a State agency at a community-day school operated specifically for delinquent children.

"(4) The term 'institution for delinquent children' means a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

## "PART E—FEDERAL EVALUATIONS, DEMONSTRATIONS, AND TRANSITION PROJECTS

**"SEC. 1501. EVALUATIONS.**

"(a) NATIONAL ASSESSMENT.—(1) The Secretary shall conduct a national assessment of programs under this title, in coordination with the ongoing Chapter 1 Longitudinal Study under subsection (b) of this section, that shall be planned, reviewed, and conducted in consultation with an independent panel of researchers, State practitioners, local practitioners, and other appropriate individuals.

"(2) The assessment shall examine how well schools, local educational agencies, and States—

"(A) are progressing toward the goal of all children served under this title reaching the State's content and performance standards; and

"(B) are accomplishing the specific purposes set out in section 1001(d) of this title to achieve this goal, including—

"(i) ensuring high standards for all children and aligning the efforts of States, local educational agencies, and schools to help children reach them;

"(ii) providing children an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time that children receive;

"(iii) promoting schoolwide reform and access of all children to effective instructional strategies and challenging academic content;

"(iv) significantly upgrading the quality of the curriculum and instruction by providing staff in participating schools with substantial opportunities for professional development;

"(v) coordinating services under all parts of this title with each other, with other educational services, including preschool services, and, to the extent feasible, with health and social service programs funded from other sources;

"(vi) affording parents meaningful opportunities to participate in the education of their children at home and at school, including the provisions of family literacy services;

"(vii) distributing resources to areas where needs are greatest;

"(viii) improving accountability, as well as teaching and learning, by making assessments under this title congruent with State assessment systems; and

"(ix) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance.

"(3) Where feasible, the Secretary shall use information gathered from a variety of sources, including the National Assessment of Educational Progress, State evaluations, and available research studies in carrying out this subsection.

"(4) The Secretary shall submit a biennial report summarizing the cumulative findings to date of the assessment to the President and the appropriate committees of the Congress.

"(b) STUDIES AND DATA COLLECTION.—The Secretary may collect such data, as necessary, at the State, local, and school levels and conduct studies and evaluations, including national studies and evaluations, to assess on an ongoing basis the effectiveness of programs under this title and to report on such effectiveness on a periodic basis.

"(c) NATIONAL EVALUATION OF TITLE I.—The Secretary shall carry out an ongoing evaluation of the program under part A of this title in order to provide the public, Congress, and educators involved in such program, an accurate description of the effectiveness of such program and provide information that can be used to improve such program's effectiveness. Such evaluation shall—

"(1) have a longitudinal design tracking cohorts of students for at least 3 years which, when the cohorts are taken as a whole, provides a picture of such program's effectiveness over the elementary and secondary grades;

"(2) be separate and independent from State and local assessments and evaluations as required under this part;

"(3) utilize the highest available content standards that are generally accepted as national in scope;

"(4) provide information on all students, students served under this part, and, if funds are sufficient, information on students from low-income families and limited English proficient students; and

"(5) when feasible, collect, cross-tabulate, and report data by sex within race or ethnicity and socioeconomic status.

The Secretary shall use the information from this evaluation as part of the national assessment required by subsection (a) and shall report the data from this evaluation to the Congress and the public at least as frequently as that assessment.

"(d)(1) In conducting the National Assessment under subsection (a) and the National Evaluation under subsection (b), the Secretary shall not assess the progress of students in grade 1, kindergarten, and prekindergarten on the basis of outcome measures such as content and performance standards;

"(2) any assessments of children in grade 2 shall utilize matrix sampling and be performance-based; and

"(3) any data collected regarding children in grade 2 shall—

"(A) be collected at multiple points in time;

"(B) not be used to stigmatize, label, or place any child; and

"(C) be collected in multiple domains.

"(e) PARENTAL INVOLVEMENT, STUDY, REPORT AND DISSEMINATION.—(1) The Secretary, through the Office of Education Research and Improvement, shall conduct a study to identify and describe—

"(A) common barriers to effective parental involvement in the education of participating children; and

"(B) successful local policies and programs which improve parental involvement and the performance of participating children.

"(2) The Secretary shall—

"(A) complete such study by December 31, 1995;

"(B) report the findings of such study to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate; and

"(C) disseminate the findings, relating to the successful local policies and programs which improve parental involvement and the performance of participating children, to local educational agencies.

**"SEC. 1502. DEMONSTRATIONS OF INNOVATIVE PRACTICES.**

"(a) DEMONSTRATION PROGRAMS TO IMPROVE ACHIEVEMENT.—(1) From the funds appropriated for any fiscal year under section 1002(7)(B), the Secretary may make grants to State educational agencies, local educational agencies, other public agencies, nonprofit organizations, public/private partnerships involving business and industry organizations, and consortia of such bodies to carry out demonstration projects that show the most promise of enabling children served under this title to meet challenging State standards. Such projects shall include promising strategies such as—

"(A) accelerated curricula, the application of new technologies to improve teaching and learning, extended learning time, and a safe and enriched full-day environment for children to provide them the opportunity to reach high standards;

"(B) integration of education services with each other and with health, family, and other social services such as mentoring programs, particularly in empowerment zones and enterprise communities;

"(C) effective approaches to whole school reform;

"(D) programs that have been especially effective with limited English proficient children, migratory children and other highly mobile students, children leaving institutions for neglected or delinquent children and returning to school, and homeless children and youth; and

"(E) programs that are built upon partnerships developed between elementary and middle schools, employers, and the community which emphasize the integration of high quality academic and vocational learning, stress excellence and high expectations for success in core academic subjects, instill responsibility, decisionmaking, problem solving, interpersonal skills, and other competencies in students, and make school relevant to the workplace and the community, through applied and interactive teaching methodologies, team teaching strategies, learning opportunities connecting school, the workplace, and the community, and career exploration, awareness, and career guidance opportunities.

"(2) The Secretary shall evaluate the demonstration projects supported under this title, using rigorous methodological designs and techniques, including control groups and random assignment, to the extent feasible, to produce reliable evidence of effectiveness.

"(b) PARTNERSHIPS.—(1) From funds appropriated under section 1002(7)(B) for any fiscal year, the Secretary may, directly or through grants or contracts, work in partnership with State educational agencies, local educational agencies, other public agencies, and non-profit organizations to disseminate and use the highest quality research and knowledge about effective practices to improve the quality of teaching and learning in schools supported under this title.

**"PART F—GENERAL PROVISIONS**

**"SEC. 1601. FEDERAL REGULATIONS.**

"(a) IN GENERAL.—The Secretary is authorized to issue such regulations as are necessary to reasonably ensure that there is compliance with this title.

"(b) NEGOTIATED RULEMAKING PROCESS.—(1) Prior to publishing proposed regulations in the Federal Register to carry out this title, The Secretary shall obtain the advice and recommendations of representatives of Federal, State, and local administrators, parents, teachers, and members of local boards of education involved with the implementation and operation of programs under this title.

"(2) Such advice and recommendations may be obtained through such mechanisms as regional meetings and electronic exchanges of information.

"(3) After obtaining such advice and recommendations, and prior to publishing proposed regulations, the Secretary shall—

"(A) establish a negotiated rulemaking process on a minimum of 4 key issues, including—

"(i) schoolwide projects;

"(ii) standards and assessment;

"(iii) parental involvement; and

"(iv) professional development;

"(B) select individuals to participate in such process from among individuals or groups which provided advice and recommendations, with representation from all geographic regions; and

"(C) prepare a draft of proposed policy options that shall be provided to the individuals selected by the Secretary under subparagraph (A) not less than 45 days prior to the first meeting under such process.

"(4) Such process—

"(A) shall be conducted in a timely manner to ensure that final regulations are issued by the Secretary not later than the 240-day period required by section 437 of the General Education Provisions Act;

"(B) shall not be subject to the Federal Advisory Committee Act but shall otherwise follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).

"(5) In an emergency situation in which regulations to carry out this title must be issued with a very limited time to assist State and local educational agencies with the operation of the program, the Secretary may issue proposed regulations without following such process but shall, immediately thereafter and prior to issuing final regulations, conduct regional meetings to review such proposed regulations.

"(c) SPECIAL RULE.—Funds made available under section 1002(7) may not be released by the Secretary for expenditure until such time as final regulations to carry out part A are published in the Federal Register.

"(d) LIMITATION.—Regulations to carry out this part may not require local programs to follow a particular instructional model, such as the provision of services outside the regular classroom or school program.

**"SEC. 1602. COORDINATION OF FEDERAL, STATE, AND LOCAL ADMINISTRATION.**

"(a) PROGRAM ASSISTANCE MANUAL.—The Secretary shall, not later than 6 months after the publication of final regulations under this title, prepare and distribute to State educational agencies, State agencies operating programs under parts C and D, and local educational agencies, and shall make available to parents and other interested individuals, organizations, and agencies, a manual for this title to—

"(1) assist such agencies in—

"(A) enhancing the quality, increasing the depth, or broadening the scope of activities for programs under this title;

"(B) applying for program funds under this title; and

"(C) meeting the program objectives under this title;

"(2) assist State educational agencies in achieving proper and efficient administration of programs funded under this title;

"(3) assist parents to become involved in the planning for, and implementation and evaluation of, programs and projects under this title; and

"(4) ensure that officers and employees of the Department of Education, including officers and employees of the Secretary and officers and employees of such Department charged with auditing programs carried on under this title, uniformly interpret, apply, and enforce requirements under this title throughout the United States.

"(b) CONTENTS OF POLICY MANUAL.—The policy manual shall, with respect to programs carried out under this title, contain descriptions, statements, procedural and substantive rules, opinions, policy statements and interpretations and indices to and amendments of the foregoing, and in particular, whether or not such items are required under section 552 of title 5, United States Code, to be published or made available. The manual shall include—

"(1) a statement of the requirements applicable to the programs carried out under this title, including such requirements contained in this title, the General Education Provisions Act, other applicable statutes, and regulations issued under the authority of such statutes;

"(2) an explanation of the purpose of each requirement and its interrelationship with other applicable requirements; and

"(3) model forms and instructions developed by the Secretary for use by State and local educational agencies, at their discretion, including, application forms, application review checklists, and instruments for monitoring programs under this title.

"(c) RESPONSE TO INQUIRIES.—The Secretary shall respond with written guidance not more than 90 days after any written request (return receipt requested) from a State or local educational agency regarding a policy, question, or interpretation under this title. In the case of a request from a local educational agency, such agency is required to address its request to the State educational agency first.

**"SEC. 1603. STATE ADMINISTRATION.**

"(a) RULEMAKING.—(1) Each State that receives funds under this title shall—

"(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title and provide any such proposed rules, regulations, and policies to the Committee of Practitioners for their review and comment;

"(B) minimize such rules, regulations, and policies to which their local educational agencies and schools are subject; and

"(C) identify any such rule, regulation, or policy as a State-imposed requirement.

"(2) State rules, regulations, and policies under this title shall support and facilitate local educational agency and school-level systemic reform designed to enable all children to meet the State's standards.

"(b) COMMITTEE OF PRACTITIONERS.—(1) Each State educational agency shall create a State committee of practitioners to advise the State in carrying out its responsibilities under this title.

"(2) Each such committee shall include—

"(A) as a majority of its members, representatives from local educational agencies;

"(B) administrators;

"(C) teachers, including vocational educators;

"(D) parents;

"(E) members of local boards of education;

"(F) representatives of private school children; and

"(G) counselors.

"(3) The duties of the committee shall include a review, prior to publication, of any proposed or final State rule or regulation pursuant to this title. In an emergency situation where such rule or regulation must be issued within a very limited time to assist local educational agencies with the operation of the program, the State educational agency may issue a regulation without prior consultation, but shall immediately thereafter convene the State committee of practitioners to review the emergency regulation prior to issuance in final form.

"(c) PAYMENT FOR STATE ADMINISTRATION.—Each State may reserve for the proper and efficient performance of its duties under this title the greater of—

"(1) one percent of the funds received under section 1002(a) and (c) through (f); or

"(2) $325,000, or $50,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and Palau (until the Compact of Free Association takes effect).

## "TITLE II—IMPROVING TEACHING AND LEARNING

## "PART A—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM

### "SEC. 2101. FINDINGS.

"The Congress finds that—

"(1) reaching the National Education Goals requires a comprehensive educational reform strategy that involves parents, schools, government, communities, and other public and private organizations at all levels;

"(2) a crucial component of the strategy for achieving these goals is ensuring, through sustained and intensive high-quality professional development, and through the development and adoption of high quality curriculum, that all teachers are capable of providing challenging learning experiences in the core academic subjects for their students;

"(3) decisionmaking as to what activities a State or local educational agency should undertake to improve teaching and learning are best made by individuals in the schools closest to the classroom and most knowledgeable about the needs of schools and students;

"(4) the potential positive impact of high-quality professional development is underscored by recent research findings that—

"(A) professional development must be focused on teaching and learning in order to change the opportunities of all students to achieve higher standards; and

"(B) effective professional development focuses on discipline-based knowledge and subject-specific pedagogical skills, involves teams of teachers and administrators in a school and, through professional networks of teachers and administrators, is interactive and collaborative, motivates by its intrinsic content and relationship to practice, builds on experience and learning-by-doing, and becomes incorporated into the everyday life of the school;

"(5) engaging teachers in the development of high quality curricula is a powerful professional development activity that improves teaching and learning;

"(6) special attention must be given in professional development activities to ensure that education professionals are knowledgeable of, and make use of, strategies for serving populations that historically have lacked access to equal opportunities for advanced learning and career advancement;

"(7) States and local educational agencies also need to engage teachers in the development of high quality curricula that are aligned with State or local content and performance standards in order to improve teaching and learning and ensure that students achieve the State standards;

"(8) professional development is often a victim of budget reductions in fiscally difficult times and curricula development is almost nonexistent in many State and local school systems; and

"(9) the Federal Government has a vital role in helping States and local educational agencies to make sustained and intensive high-quality professional development in the core academic subjects become an integral part of the elementary and secondary education system and in providing assistance to such agencies to engage teachers in the development of high quality curricula that are aligned with State or local content and performance standards.

### "SEC. 2102. PURPOSES.

"The purposes of this part are to provide assistance to States and local educational agencies and to institutions of higher education with teacher education programs so that such agencies can determine how best to improve the teaching and learning of all students through—

"(1) helping to ensure that teachers, other staff, and administrators have access to sustained and intensive high-quality professional development that is aligned to challenging State content and performance standards in the CORE academic subjects and that—

"(A) is tied to challenging State and local curriculum content and student performance standards;

"(B) reflects recent research on teaching and learning;

"(C) incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse students, including females, minorities, individuals with disabilities, limited-English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging performance standards.".

"(D) includes strong academic content and pedagogical components;

"(E) is of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom; and

"(F) is part of the everyday life of the school and creates an orientation toward continuous improvement throughout the school; and

"(2) assisting States and local educational agencies to engage teachers in the development of high quality curriculum that is aligned with State or local content and performance standards.

### "SEC. 2103. AUTHORIZATION OF APPROPRIATIONS; ALLOCATION BETWEEN SUBPARTS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated such sums for fiscal year 1995, 1996, 1997, 1998, and 1999.

"(b) ALLOCATION BETWEEN SUBPARTS.—Of the funds appropriated to carry out this part for a fiscal year, the Secretary shall use—

"(1) 5 percent to carry out subpart 1; and

"(2) 95 percent to carry out subpart 2.

## "Subpart 1—Federal Activities

### "SEC. 2111. PROGRAM AUTHORIZED.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, local educational agencies, State educational agencies, State agencies for higher education, educational service agencies, institutions of higher education, and other public and private agencies, other organizations, and institutions to—

"(1) support activities of national significance that will contribute to the development and implementation of high-quality professional development activities in the core academic subject areas;

"(2) support the development of challenging curriculum that is aligned with State or local content and performance standards;

"(3) evaluate activities carried out under this subpart and under subpart 2.

"(b) COORDINATION WITH OTHER AGENCIES.—In carrying out this program, the Secretary shall consult and coordinate with the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, and other appropriate Federal agencies and entities.

### "SEC. 2112. AUTHORIZED ACTIVITIES.

"(a) ACTIVITIES.—The Secretary shall use funds available to carry out this subpart—

"(1) to provide seed money to eligible entities to develop their capacity to offer sustained and intensive high-quality professional development;

"(2) for the development and maintenance of a national clearinghouse for science, mathematics, and technology education materials which shall be administered as an adjunct clearinghouse of the ERIC system of clearinghouses supported by the Office of Educational Research and Improvement;

"(3) to support consortia of educational agencies and organizations in disseminating information and providing assistance regarding curricula, teaching methods, and assessment tools that support national or State content standards in mathematics and science; and

"(4) the evaluation of programs under this subpart and under subpart 2.

"(b) CLEARINGHOUSES.—The Secretary may use funds available to carry out this subpart—

"(1) for the development and maintenance of national clearinghouses for core academic subjects as the Secretary determines are needed and which shall be administered as adjunct clearinghouses of the ERIC system of clearinghouses supported by the Office of Educational Research and Improvement;

"(2) to provide grants to entities to develop high quality curricula that are aligned with voluntary national or State content standards;

"(3) to sponsor institutes that provide teachers and administrators with professional development that is based on strong and integrated disciplinary content and pedagogical components;

"(4) for efforts to train teachers in the innovative uses and applications of technology to enhance student learning;

"(5) to encourage the development of local and national professional networks of educators;

"(6) to disseminate standards in the core academic subjects, including information on voluntary national content and performance standards and related models of high-quality professional development;

"(7) for efforts to train teachers in innovative uses of applied learning strategies such as service learning;

"(8) to disseminate models of high-quality professional development activities that train educators in strategies, techniques, methods, and practices for meeting the educational needs of historically underserved populations, including females, minorities, individuals with disabilities, limited-English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging performance standards; and

"(9) to promote the transferability of licensure and certification of teachers and administrators among State and local jurisdictions.

"(c) ALLOCATION.—In carrying out subsection (a), the Secretary shall ensure that each program, project, and activity contained in such subsection receives an allocation that is no less than the amount that each such program, project, or activity received in fiscal year 1994.

**"Subpart 2—State and Local Activities**

**"SEC. 2121. PROGRAM AUTHORIZED.**

"The Secretary is authorized to make grants to State educational agencies for the improvement of teaching and learning through sustained and intensive high-quality professional development activities in the core academic subjects at the State and local levels and the development by teachers and others of high-quality curricula that are aligned with State or local content and performance standards.

**"SEC. 2122. ALLOCATION OF FUNDS.**

"(a) RESERVATION OF FUNDS.—From the amount made available to carry out this subpart for any fiscal year, the Secretary shall—

"(1) reserve one half of one percent for the outlying areas, to be distributed among them on the basis of relative need, as determined by the Secretary in light of the purposes of this part; and

"(2) reserve one half of one percent for the Secretary of the Interior for programs under this subpart for professional development activities for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs.

"(b) STATE ALLOTMENTS.—The Secretary shall allocate the remaining amount to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico as follows, except that no State shall receive less than one-half of one percent of such remaining amount:

"(1) 50 percent shall be allocated among such jurisdictions on the basis of their relative populations of individuals aged 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data.

"(2) 50 percent shall be allocated among such jurisdictions in accordance with the relative amounts such jurisdictions received under part A of title I of this Act for the preceding fiscal year.

"(c) REALLOCATION.—If any jurisdiction does not apply for its allotment under subsection (b) for any fiscal year, the Secretary shall reallocate such amount to the remaining jurisdictions in accordance with such subsection.

**"SEC. 2123. WITHIN-STATE ALLOCATIONS.**

"(a) RESERVATIONS.—Of the amounts received by a State under this subpart for a fiscal year—

"(1) not more than 5 percent shall be used for the administrative costs of programs carried out by the State educational agency and the State agency for higher education;

"(2) not more than 5 percent may be used for State-level activities, as described in section 2125; and

"(3) of the remaining amount—

"(A) 87 percent shall be distributed to local educational agencies, to be used in accordance with section 2129, as follows:

"(i) 50 percent of such amount shall be distributed in accordance with the relative enrollments in public and private nonprofit schools within their boundaries.

"(ii) 50 percent of such amount shall be distributed in accordance with the relative amount such agencies received under part A of title I of this Act for the preceding fiscal year; and

"(B) 13 percent shall be used for competitive grants to institutions of higher education as described in section 2129.

"(b) LIMITATION.—

"(1) GENERAL RULE.—Except as provided in paragraph (2), any local educational agency that receives an allocation of less than $10,000 under subsection (a) shall, for the purpose of providing services under this subpart, form a consortium with at least 1 other local educational agency or institution of higher education receiving assistance under this section.

"(2) WAIVER.—The State educational agency shall waive the application of paragraph (1) in the case of any local educational agency that demonstrates that the amount of its allocation is sufficient to provide a program of sufficient size, scope, and quality to be effective. In granting waivers under the preceding sentence, the State educational agency shall—

"(A) give special consideration to local educational agencies serving rural areas; and

"(B) consider cash or in-kind contributions provided from State or local sources that may be combined with the local educational agency's allocation for the purpose of providing services under this part.

**"SEC. 2124. STATE APPLICATIONS.**

"(a) APPLICATIONS REQUIRED.—Each State educational agency that wishes to receive its allotment under this subpart for any fiscal year shall submit an application to the Secretary at such time and in such form as the Secretary may require.

"(b) STATE PLAN TO IMPROVE TEACHING AND LEARNING—(1) Each application under this section shall include a State plan that—

"(A) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; or

"(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this section.

"(2) Each such plan shall also—

"(A) be developed in conjunction with the State agency for higher education, institutions of higher education, schools of education, and with the extensive participation of teachers and administrators and members of the public who are interested in improving education in the State and show the role of each in implementation;

"(B) be designed to give teachers and administrators in the State the knowledge and skills to provide all students the opportunity to meet challenging State performance standards;

"(C) include an assessment of State and local needs for professional development and for the development of curricula that are aligned with State or local content and performance standards;

"(D) include a description of how the plan has assessed the needs of local education agencies serving rural areas, and what actions are planned to meet those needs;

"(E) include a description of how the plan has maintained funding for professional development activities in mathematics and science education;

"(F) include a description of how the activities funded under this subpart will address the needs of teachers in schools receiving assistance under part A of title I of this Act;

"(G) a description of how programs in all core academic subjects, but especially in mathematics and science, will take into account the need for greater access to, and participation in, such disciplines by students from historically underrepresented groups, including females, minorities, individuals with limited-English proficiency, the economically disadvantaged, and the disabled, by incorporating pedagogical strategies and techniques which meet their educational need;

"(H) if the State's needs assessment under subsection (C) demonstrates a need for professional development, describe how the State will—

"(i) work with teachers, including teachers in schools receiving assistance under part A of title I of this Act, administrators, local educational agencies, schools, and institutions of higher education to ensure that they develop the capacity to support sustained and intensive, high-quality professional development programs in all the core academic subject areas, but especially in mathematics and science;

"(ii) take specific steps to review and, if necessary, reform State requirements for licensure of teachers and administrators, including certification and recertification, to align such requirements with challenging State content and performance standards; and

"(iii) address the need for improving teaching and learning through teacher development beginning with recruitment, pre-service, and induction, and continuing throughout the professional teaching career; and

"(I) if the State's needs assessment under subparagraph (C) demonstrates a need for curricula development, describe—

"(i) a strategy for engaging teachers in the development of curricula that are aligned with State or local content and performance standards; and

"(ii) how the State will also work with administrators, parents, school board members, and other members of the community in developing high quality curricula that are aligned with State or local content and performance standards.

"(c) ADDITIONAL MATERIAL.—Each State application shall also include—

"(1) a description of how the activities funded under this subpart will be coordinated, as appropriate, with—

"(A) other activities conducted with Federal funds, especially activities supported under part A of title I of this Act;

"(B) State and local funds;

"(C) resources from business and industry; and

"(D) funds from other Federal agencies, such as the National Science Foundation, the Departments of Commerce, Energy, and Health and Human Services, the National Endowment for the Arts, and the National Endowment for the Humanities; and

"(2) a description of the activities to be sponsored under the State-level activities and the higher education components of its program under this subpart.

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—(1) The Secretary shall approve the application of a State educational agency if it meets the requirements of this section and holds reasonable promise of achieving the purposes of this part.

"(2) In reviewing applications, the Secretary shall obtain the advice of non-Federal experts on education in the core academic subjects and on teacher education, including teachers and administrators.

### "SEC. 2125. STATE-LEVEL ACTIVITIES.

"(a) ACTIVITIES.—Each State may use funds reserved under section 2123(a)(2) to carry out activities referred to in section 2124(b), such as—

"(1) reviewing and reforming State requirements for teacher and administrator licensure, including certification and recertification, to align such requirements with the State's content standards and ensure that teachers and administrators have the knowledge and skills necessary to help students meet challenging State performance standards;

"(2) developing performance assessments and peer review procedures, as well as other methods, for licensing teachers and administrators;

"(3) providing technical assistance to schools and local educational agencies especially schools and local educational agencies that receive assistance under part A of title I of this Act, to help such schools and agencies provide effective professional development in the core academic subjects and develop high quality curricula;

"(4) developing or supporting professional development networks, either within a State or in a regional consortium of States, that provide a forum for interaction among teachers and that allow exchange of information on advances in content assessment and pedagogy;

"(5) supporting partnerships between schools, consortia of schools, or local education agencies and institutions of higher education, including but not limited to schools of education, which would encourage teachers to participate in intensive, ongoing professional development programs, both academic and pedagogical, at institutions of higher education, and to encourage students at institutions of higher education studying to become teachers to have direct, practical experience at the schools;

"(6) enhancing the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subject areas including—

"(A) efforts to train teachers in the innovative uses and application of instructional technology;

"(B) utilizing and strengthening existing telecommunications infrastructure dedicated to educational purposes; and

"(C) efforts to train teachers in methods for achieving gender equity both in access to and teaching practices used in the application of educational technology;

"(7) providing incentives for teachers to be involved in curriculum development and technical assistance processes for teachers and students;

"(8) professional development enabling teachers and other school staff to ensure that girls, young women, minorities, limited English proficient students, individuals with disabilities, and economically disadvantaged individuals have the opportunity to achieve challenging State performance standards in the core academic subjects by, for example, encouraging girls, young women, and minorities to pursue advanced courses in mathematics and science;

"(9) designing professional development activities that increase the numbers of members of minority and other underrepresented groups in the teaching force in the core subjects; and

"(10) developing high quality curriculum that is aligned with State or local content and performance standards.

"(b) ALTERNATIVE METHODS.—Nothing in this section shall be construed to prevent a State from implementing alternative methods of teacher certification.

### "SEC. 2126. LOCAL PLAN AND APPLICATION FOR IMPROVING TEACHING AND LEARNING.

"(a) LOCAL APPLICATION.—(1) Each local educational agency that wishes to receive a subgrant under this subpart shall submit an application (singly or as a consortia as described in section 2123(b)) to the State educational agency at such time as the State educational agency shall require, but not less frequently than every 3rd year.

"(2) If the local educational agency has an application approved by the State under title III of the Goals 2000: Educate America Act, the application required by this section shall be a component of (or, if necessary, an addendum to) its Goals 2000 application.

"(3) A local education agency shall set specific performance indicators for improving teaching and learning through professional development and curriculum development.

"(4) A local educational agency shall submit, as part of its application, the results of the needs assessment conducted under subsection (b), and the local educational agency plan developed in accordance with subsection (c).

"(b) NEEDS ASSESSMENT.—(1) A local educational agency that wishes to receive a subgrant under this subpart shall include in its application an assessment of such agency's need for professional development, for the development of high quality curricula that are aligned with State or local content and performance standards.

"(2) Such needs assessment shall be carried out with the involvement of teachers, including teachers in schools receiving assistance under part A of title I of this Act, and shall take into account what activities need to be conducted in order to give teachers and administrators the means, including the knowledge and skills, to provide students with the opportunity to meet challenging State or local performance standards.

"(c) PLAN DEVELOPMENT.—(1) The plan required under this subsection shall be developed jointly by the local educational agency and by teachers from the core academic disciplines.

"(2) Such teachers shall also be representative of the grade spans within schools to be served and of schools which receive assistance under part A of title I of this Act.

"(3) Based on the needs assessment required under subsection (b), the local educational agency's plan shall include the following—

"(A) a description of the local educational agency's strategy to improve teaching and learning in every school;

"(B) a description of how the plan contributes to the local educational agency's overall efforts for school reform and educational improvement;

"(C) a description of the activities the local educational agency intends to undertake under this subpart consistent with such agency's needs assessment conducted under subsection (b);

"(D) a description of how the plan has maintained funding for professional development activities in mathematics and science education;

"(E) a description of how the activities funded under this section will address the needs of teachers in schools receiving assistance under part A of title I of this Act;

"(F) a description of how programs in all core academic subjects, but especially in mathematics and science, will take into account the need for greater access to, and participation in, such disciplines by students from historically underrepresented groups, including females, minorities, individuals with limited-English proficiency, the economically disadvantaged, and the disabled, by incorporating pedagogical strategies and techniques which meet their educational need;

"(G) an assurance that the activities conducted with funds received under this program will be assessed at least every 3 years using the performance indicators;

"(H) a description of how the program funded under this subpart will be coordinated, as appropriate, with—

"(i) activities conducted under section 2130 and other services of institutions of higher education;

"(ii) similar State and local activities;

"(iii) resources provided under part A of title I and other parts of this Act, particularly part B of this title;

"(iv) resources from business, industry, private nonprofit organizations (including museums, libraries, educational television stations, community-based organizations, professional organizations and associations specializing in, or with a demonstrated expertise in the core academic disciplines);

"(v) funds or programming from other Federal agencies, such as the National Science Foundation, the Department of Energy, the Department of Health and Human Services, the National Endowment for the Humanities, and the National Endowment for the Arts; and

"(vi) an identification of funding that will provide the local educational agency's contribution under section 2127.

### "SEC. 2127. LOCAL COST SHARING.

"(a) IN GENERAL.—Each local educational agency shall bear not less than 33 percent of the cost of any program carried out under this subpart, but not including the cost of services provided to private schoolteachers.

"(b) AVAILABLE RESOURCES FOR COST-SHARING.—A local educational agency may meet the requirements of subsection (a) through one or more of the following:

"(1) Cash expenditures from non-Federal sources, including private contributions, directed toward professional development and curriculum development activities.

"(2) Release time for teachers participating in professional development or curricula development funded under this subpart.

"(3) Funds received under one or more of the following programs, if used for professional development or curricula development activities consistent with this subpart and consistent with the statutes under which such funds are provided, then such funds must be used for the benefit of students and teachers in the schools that would otherwise have been served with such funds:

"(A) Part A of title I of this Act.

"(B) The Safe and Drug Free Schools program under title IV of this Act.

"(C) The bilingual education program under title VII of this Act.

"(D) The Women's Educational Equity Program under title III of this Act.

"(E) Title III of the Goals 2000: Educate America Act.

"(F) Programs that are related to the purposes of this Act that are administered by other agencies, including the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, and the Department of Energy.

"(c) WAIVER.—The State educational agency may approve an application which has not fully met the requirements of subsection (a) and waive the requirements of subsection (a) if a local educational agency can demonstrate that it is unable to meet the requirements of subsection (a) due to economic hardship and that compliance with such requirements would preclude its participation in the program.

### "SEC. 2128. ALLOWABLE ACTIVITIES.

"(a) AUTHORIZED ACTIVITIES.—Each local educational agency and school that receives funds under this subpart shall use such funds for activities that give teachers and administrators the knowledge and skills to provide students with the opportunity to meet challenging State or local content and performance standards. Funds received by local educational agencies under this subpart only shall be used for the activities specified under subsections (b) and (c).

"(b) PROFESSIONAL DEVELOPMENT.—If a needs assessment conducted under section 2126(b) determines that funds under this subpart should be used to provide professional development in the core academic subjects for teachers and other school staff, the local educational agency shall use such funds for professional development for teachers and other staff to support teaching consistent with State, or local content standards, and shall, to the extent practicable, coordinate such activities with institutions of higher education and activities under section 2129:

"(1) Professional development activities funded under this subpart shall—

"(A) be tied to challenging State or local content and student performance standards;

"(B) reflect recent research on teaching and learning;

"(C) incorporate effective strategies, techniques, methods, and practices for meeting the educational needs of diverse students, including females, minorities, individuals with disabilities, limited-English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging performance standards;

"(D) include strong academic content and pedagogical components;

"(E) be of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom; and

"(F) be part of the everyday life of the school and create an orientation toward continuous improvement throughout the school.

"(2) Funds under this subpart may be used for professional development activities such as—

"(A) professional development for teams of teachers, administrators, or other staff from individual schools, to support teaching consistent with State or local content standards;

"(B) support and time for teachers and other school staff to participate in professional development in the core subjects offered through professional associations, universities, community-based organizations, and other providers including museums and educational partnership organizations;

"(C) activities that provide followup for teachers who have participated in professional development activities that are designed to ensure that knowledge and skills learned by the teacher are implemented in the classroom;

"(D) support for partnerships between schools, consortia of schools, or local education agencies and institutions of higher education, including but not limited to schools of education, which would encourage teachers to participate in intensive, ongoing professional development programs, both academic and pedagogical, at institutions of higher education, and to encourage students at institutions of higher education studying to become teachers to have direct, practical experience at the schools;

"(E) the establishment and maintenance of local professional networks that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy;

"(F) activities to prepare teachers in the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subject areas;

"(G) activities to enable teachers to ensure that girls, young women, minorities, limited-English proficient students, individuals with disabilities, and economically disadvantaged individuals the opportunity to achieve the challenging State performance standards in the core academic subjects;

"(H) professional development and recruitment activities designed to increase the number of minorities, individuals with disabilities, and females teaching in the core academic subject in which they are underrepresented;

"(I) other sustained and intensive high-quality professional development activities in the core academic subjects.

"(c) CURRICULUM DEVELOPMENT.—(1) If the needs assessment of a local educational agency determines that funds under this subpart should be used for curriculum development including the development of high quality standards, assessments, and other methods needed to provide teachers with the tools necessary to improve student achievement, such agency shall use the funds provided to develop high quality curricula that is aligned with State or local content and performance standards.

"(2) Funds may be used to purchase the curriculum materials to the extent such materials are essential components of the local educational agency's plan to improve teaching and learning in the core academic subjects.

### "SEC. 2129. HIGHER EDUCATION ACTIVITIES.

"(a) GENERAL.—(1) The State agency for higher education, working in conjunction with the State educational agency (if it is a separate agency), shall make grants to, or enter into contracts or cooperative agreements with, institutions of higher education and nonprofit organizations including museums and educational partnership organizations, which demonstrate consultation and cooperation with a local education agency, consortium of local education agencies, or schools, for—

"(A) professional development activities in the core academic subject areas that contribute to the State plan for professional development;

"(B) engaging teachers in the development of high-quality curricula that are aligned with State or local content and performance standards;

"(C) developing and providing assistance to local education agencies, and the teachers and staff of each such agency, for sustained, high-quality professional development activities;

"(D) improving teacher education programs in order to promote further innovation in teacher education programs within an institution of higher education and to better meet the needs of the local education agencies for well-prepared teachers;

"(2) All such awards shall be made on a competitive basis.

"(3) No institution of higher education may receive assistance under subsection (a)(1) of this subsection unless the institution enters into an agreement with a local education agency, or consortium of such agencies, to provide sustained, high-quality professional development for the elementary and secondary school teachers in the schools of each such agency.

"(4) Each project funded under this section shall involve a joint effort of the recipient's school or department of education and the schools or departments in the specific disciplines in which assistance may be provided.

"(b) ALLOWABLE ACTIVITIES.—A recipient of funds under this section shall use those funds for—

"(1) sustained and intensive high-quality professional development for teams of teachers, or teachers and administrators from individual schools or districts;

"(2) other sustained and intensive professional development activities related to achievement of the State plan for professional development such as—

"(A) establishment and maintenance of professional networks of teachers that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy;

"(B) programs that prepare teachers to be effective users of information technology, able to integrate technology into their pedagogy and their instructional practices, and able to enhance their curricular offerings by appropriate applications of technology;

"(C) programs that utilize information technology to deliver sustained and intensive high quality professional development activities for teachers;

"(D) activities to enable teachers to ensure that girls, young women, minorities, limited-English proficient students, individuals with disabilities, and economically disadvantaged individuals have the opportunity to achieve the challenging State performance standards in the core academic subjects;

"(E) professional development and recruitment activities designed to increase the number of minorities, individuals with disabilities, and other underrepresented groups teaching in the core academic subjects, particularly in mathematics and science;

"(F) establishment of professional development academies operated as partnerships between one or more elementary or secondary schools and one or more institutions of higher education to provide school-based teacher training that provides prospective, novice, and experienced teachers with an opportunity to work under the guidance of master teachers and college faculty members; and

"(G) technical assistance to local educational agencies in providing sustained and intensive high quality professional development activities for teachers.

## "Subpart 3—General Provisions

### "SEC. 2131. REPORTING AND ACCOUNTABILITY.

"(a) STATES.—Each State that receives funds under this part shall submit a report to the Secretary every 3 years on the State's progress toward the performance indicator identified in its State plan, as well as on the effectiveness of State and local activities under this part.

"(b) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency that receives funds under this part shall submit a report to the State every 3 years on its progress toward the outcome performance indicators in its plan.

"(c) FEDERAL EVALUATION.—The Secretary shall report to the President and Congress on the effectiveness of programs and activities funded under this part.

"(d) PROHIBITION ON FUNDS BEING USED FOR CONSTRUCTION OR RENOVATION.—Funds received under this part shall not be used for construction or renovation of buildings, rooms, or any other facilities.

### "SEC. 2132. DEFINITIONS.

"As used in this part, the following terms have the following meanings:

"(1) The term 'core academic subjects' means those subjects listed in the State plan under title III of the Goals 2000: Educate America Act or under National Education Goal Three as set out in section 102(3) of such Act.

"(2) The term 'performance indicators' means measures of specific outcomes that the State or local educational agency identifies as assessing progress toward the goal of ensuring that all teachers have the knowledge and skills to assist their students to meet challenging State standards in the core academic subject areas. Examples of such indicators include—

"(A) the degree to which licensure requirements are tied to State standards;

"(B) specific increases in the number of elementary and secondary teachers with strong content backgrounds in the core academic subjects; and

"(C) effective strategies, techniques, methods, and practices for meeting the educational needs of diverse students, including females, minorities, individuals with disabilities, limited-English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging performance standards.

"(3) The term 'sustained and intensive high-quality professional development' means professional development activities that—

"(A) are tied to challenging State or voluntary national content and performance standards;

"(B) reflect up-to-date research in teaching and learning and include integrated content and pedagogical components;

"(C) incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse students, including females, minorities, individuals with disabilities, limited English proficient individuals, and economically disadvantaged individuals, in order to assure that all students have the opportunity to achieve challenging performance standards;

"(D) are of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom or the administrator's performance on the job; and

"(E) recognize teachers as an important source of knowledge that should inform and help shape professional development.

"(4) The term 'local standard' means challenging content and performance standards in the core subjects (in addition to State content and performance standards approved by the State for title I).

## "PART B—INNOVATIVE EDUCATION PROGRAM STRATEGIES

### "SEC. 2201. FINDINGS AND STATEMENT OF PURPOSE.

"(a) FINDINGS.—The Congress finds that chapter 2 of the Education Consolidation and Improvement Act of 1981 has been successful in achieving the goals of increasing local flexibility, reducing administrative burden, providing services for private school students, encouraging innovation, and contributing to the improvement of elementary and secondary educational programs.

"(b) STATEMENT OF PURPOSE.—It is the purpose of programs under this part:

"(1) To support local education reform efforts which are consistent with and support statewide reform efforts under the Goals 2000 Educate America Act.

"(2) To support State and local efforts to accomplish the National Education Goals.

"(3) To provide funding to enable State and local educational agencies to implement promising educational reform programs that can be supported by State and local sources of funding after such programs are demonstrated to be effective.

"(4) To provide a continuing source of innovation, educational improvement, and support for library services and instructional materials, including media materials and,

"(5) To meet the special educational needs of at risk and high cost students.

"(c) STATE AND LOCAL RESPONSIBILITY.—The basic responsibility for the administration of funds made available under this part is within the State educational agencies, but it is the intent of Congress that the responsibility be carried out with a minimum of paperwork and that the responsibility for the design and implementation of programs assisted under this part will be mainly that of local educational agencies, school superintendents and principals, and classroom teachers and supporting personnel, because they have the most direct contact with students and are most likely to be able to design programs to meet the educational needs of students in their own districts.

### "SEC. 2202. DEFINITION.

"For the purposes of this part the term "effective schools programs" means school-based programs that may encompass preschool through secondary school levels and that have the objectives of (1) promoting school-level planning, instructional improvement, and staff development, (2) increasing the academic achievement levels of all children and particularly educationally deprived children, and (3) achieving as ongoing conditions in the school the following factors identified through effective schools research as distinguishing effective from ineffective schools:

"(A) strong and effective administrative and instructional leadership that creates consensus on instructional goals and organizational capacity for instructional problem solving;

"(B) emphasis on the acquisition of basic and higher order skills;

"(C) a safe and orderly school environment that allows teachers and pupils to focus their energies on academic achievement;

"(D) a climate of expectation that virtually all children can learn under appropriate conditions; and

"(E) continuous assessment of students and programs to evaluate the effects of instruction.

### "SEC. 2203. AUTHORIZATION OF APPROPRIATIONS; DURATION OF ASSISTANCE.

"(a) AUTHORIZATION.—To carry out the purposes of this part, there are authorized to be appropriated such sums for fiscal years 1995 through 1999.

"(b) DURATION OF ASSISTANCE.—During the period beginning October 1, 1994, and ending, September 30, 1999, the Secretary shall, in accordance with the provisions of this part, make payments to State educational agencies for the purpose of this section.

## "Subpart 1—State and Local Programs

### "SEC. 2211. ALLOTMENT TO STATES.

"(a) RESERVATIONS.—From the sums appropriated to carry out this subpart in any fiscal year, the Secretary shall reserve not to exceed 1 percent for payments to Guam, American Samoa, the Virgin Islands, Palau (until the effective date of the Compact of Free Association with the Government of Palau), and the Northern Mariana Islands, to be allotted in accordance with their respective needs.

"(b) ALLOTMENT.—From the remainder of such sums the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than an amount equal to one-half of 1 percent of such remainder.

"(c) DEFINITIONS.—For purposes of this subpart:

"(1) The term 'school-age population' means the population aged 5 through 17.

"(2) The term 'States' includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

### "SEC. 2212. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

"(a) DISTRIBUTION RULE.—From the sums made available each year to carry out this part, the State educational agency shall distribute not less than 85 percent to local educational agencies within such State according to the relative enrollments in public and private, nonprofit schools within the school districts of such agencies, adjusted, in accordance with criteria approved by the Secretary, to provide higher per pupil allocations to local educational agencies which have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as—

"(1) children living in areas with high concentrations of low-income families,

"(2) children from low-income families, and

"(3) children living in sparsely populated areas.

"(b) CALCULATION OF ENROLLMENTS.—(1) The calculation of relative enrollments under subsection (a) shall be on the basis of the total of—

"(A) the number of children enrolled in public schools, and

"(B) the number of children enrolled in private nonprofit schools that desire that their children participate in programs or projects assisted under this part, for the fiscal year preceding the fiscal year in which the determination is made. Nothing in this subsection shall diminish the responsibility of local educational agencies to contact, on an annual basis, appropriate officials from private nonprofit schools within the areas served by such agencies in order to determine whether such schools desire that their children participate in programs assisted under this part.

"(2)(A) Relative enrollments under subsection (a) shall be adjusted, in accordance with criteria approved by the Secretary under subparagraph (B), to provide higher per pupil allocations only to local educational agencies which serve the greatest numbers or percentages of—

"(i) children living in areas with high concentrations of low-income families,

"(ii) children from low-income families, or

"(iii) children living in sparsely populated areas.

"(B) The Secretary shall review criteria submitted by a State educational agency for adjusting allocations under paragraph (1) and shall approve such criteria only if the Secretary determines that such criteria are reasonably calculated to produce an adjusted allocation that reflects the relative needs within the State's local educational agencies based on the factors set forth in subparagraph (A).

"(c) PAYMENT OF ALLOCATIONS.—

"(1) From the funds paid to it pursuant to section 2203 for a fiscal year, a State educational agency shall distribute to each eligible local educational agency which has submitted an application as required in section 2223 the amount of its allocation as determined under subsection (a).

"(2)(A) Additional funds resulting from higher per pupil allocations provided to a local educational agency on the basis of adjusted enrollments of children described in subsection (a), may, at the discretion of the local educational agency, be allocated for expenditures to provide services for children enrolled in public and private nonprofit schools in direct proportion to the number of children described in subsection (a) and enrolled in such schools within the local educational agency.

"(B) In any fiscal year, any local educational agency that elects to allocate such additional funds in the manner described in subparagraph (A) shall allocate all additional funds to schools within the local educational agency in such manner.

"(C) The provisions of subparagraphs (A) and (B) may not be construed to require any school to limit the use of such additional funds to the provision of services to specific students or categories of students.

### "Subpart 2—State Programs

#### "SEC. 2221. STATE USES OF FUNDS.

"(a) AUTHORIZED ACTIVITIES.—A State educational agency may use funds reserved for State use under this section only for—

"(1) State administration of programs under this section including—

"(A) supervision of the allocation of funds to local educational agencies;

"(B) planning, supervision, and processing of State funds; and

"(C) monitoring and evaluation of programs and activities under this part; and

"(2) technical assistance and direct grants to local educational agencies and statewide education reform activities, including effective schools programs, which assist local educational agencies to provide targeted assistance.

"(b) LIMITATIONS AND REQUIREMENTS.—Not more than 25 percent of funds available for State programs under this part in any fiscal year may be used for State administration under subsection (a)(1).

#### "SEC. 2223. STATE APPLICATIONS.

"(a) APPLICATION REQUIREMENTS.—Any State which desires to receive a grant under this subpart shall submit to the Secretary an application which—

"(1) designates the State educational agency as the State agency responsible for administration and supervision of programs assisted under this part;

"(2)(A) provides for an annual submission of data on the use of funds, the types of services furnished, and the students served under this section; and

"(B) in fiscal year 1998 provides for an evaluation of the effectiveness of programs assisted under this subpart;

"(3) sets forth the allocation of such funds requested to implement section 2252;

"(4) provides that the State educational agency will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation (consistent with the responsibilities of the Secretary under this section);

"(5) provides assurance that, apart from technical and advisory assistance and monitoring compliance with this part, the State educational agency has not exercised and will not exercise any influence in the decision making processes of local educational agencies as to the expenditure made pursuant to an application under section 2233; and

"(6) contain assurances that there is compliance with the specific requirements of this part.

"(b) PERIOD OF APPLICATION.—An application filed by the State under subsection (a) shall be for a period not to exceed 3 years, and may be amended annually as may be necessary to reflect changes without filing a new application.

"(c) AUDIT RULE.—Notwithstanding section 1745 of the Omnibus Budget Reconciliation Act of 1981, local educational agencies receiving less than an average of $5,000 each under this section need not be audited more frequently than once every 5 years.

### "Subpart 3—Local Targeted Assistance Programs

#### "SEC. 2231. TARGETED USE OF FUNDS.

"(a) GENERAL RULE.—Funds allocated for use under this subpart shall be used by local educational agencies for targeted assistance described in subsection (b).

"(b) TARGETED ASSISTANCE.—The targeted assistance programs referred to in subsection (a) include—

"(1) technology related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to use effectively such equipment and software;

"(2) instructional and educational materials, assessments, and library services and materials (including media materials) tied to high academic standards and which are part of an overall education reform program;

"(3) promising education reform projects, including effective schools and 21st Century Learning Center school projects in accordance with subpart 4; and

"(4) computer hardware and software purchased under this section should be used only for instructional purposes.

#### "SEC. 2232. ADMINISTRATIVE AUTHORITY.

"In order to conduct the activities authorized by this part, each State or local educational agency may use funds reserved for this part to make grants to and to enter into contracts with local educational agencies, institutions of higher education, libraries, museums , and other public and private nonprofit agencies, organizations, and institutions.

#### "SEC. 2233. LOCAL APPLICATIONS.

"(a) CONTENTS OF APPLICATION.—A local educational agency or consortia of local educational agencies may receive an allocation of funds under this subpart for any year for which an application is submitted to the State educational agency and such application is certified to meet the requirements of this section. The State educational agency shall certify any such application if such application—

"(1)(A) sets forth the planned allocation of funds among targeted assistance programs described in section 2231 of this part and describes the programs, projects and activities designed to carry out such targeted assistance which it intends to support, together with the reasons for selection of such programs, projects and activities; and

"(B) sets forth the allocation of such funds required to implement section 2252;

"(2) describes how assistance under this section will contribute to meeting the National Education Goals and improving student achievement or improving the quality of education for students;

"(3) provides assurances of compliance with the provisions of this part, including the participation of children enrolled in private, nonprofit schools in accordance with section _____;

"(4) agrees to keep such records, and provide such information to the State educational agency as may reasonably be required for fiscal audit and program evaluation, concession with the responsibilities of the State agency under this part; and

"(5) provides in the allocation of funds for the assistance authorized by this part, and in the design, planning and implementation of such programs, for systematic consultation with parents of children attending elementary and secondary schools in the area served by the local education agency, with teachers and administrative personnel in such schools, and with other groups involved in the implementation of this section (such as librarians, school counselors, and other pupil services personnel) as may be considered appropriate by the local educational agency.

"(b) PERIOD OF APPLICATION.—An application filed by a local educational agency under subsection (a) shall be for a period not to exceed 3 fiscal years, may provide for the allocation of funds to programs for a period of 3 years, and may be amended annually as may be necessary to reflect changes without filing a new application.

"(c) LOCAL EDUCATIONAL AGENCY DISCRETION.—Subject to the limitations and requirements of this part, a local educational agency shall have complete discretion in determining how funds under this subpart shall be divided among the areas of targeted assistance. In exercising such discretion, a local educational agency shall ensure that expenditures under this subpart carry out the purposes of this subpart and are used to meet the educational needs within the schools of such local educational agency.

### "Subpart 4—21st Century Community Learning Centers

#### "SEC. 2241. FINDINGS.

"The Congress finds that—

"(1) there are influences outside of school which affect the ability of a child to achieve academically and schools are in a unique position to identify student and family needs to coordinate programs;

"(2) access to health and social service programs can assist children and their families to improve the ability of the family to take an active role in their child's education;

"(3) coordination of health and social service programs with education can help the Nation meet the National Education Goals and ensure better outcomes for children;

"(4) the high technology, global economy of the 21st century will require lifelong learning to keep America's workforce competitive and successful;

"(5) 21st Century Community Learning Centers enable the entire community to develop an education strategy that addresses the educational needs of all members of local communities; and

"(6) local public schools should provide centers for lifelong learning and educational opportunities for individuals of all ages.

### "SEC. 2242. FUNDS FOR COMMUNITY LEARNING CENTERS.

"(a) IN GENERAL.—Local educational agencies may use funds provided under section 2212 to pay the Federal share of the cost for enabling schools to serve as centers for the delivery of education and human services for members of a community.

"(b) USES OF FUNDS.—Local educational agencies may use funds provided under section 2212 for projects described under this subpart.

### "SEC. 2243. PROGRAMS.

"Local educational agencies that receive funds under this subpart may develop programs that include—

"(1) literacy education programs;

"(2) senior citizen programs;

"(3) children's day care services;

"(4) integrated education, health, social service, recreational, or cultural programs;

"(5) summer and weekend school programs in conjunction with summer recreation programs;

"(6) nutrition programs;

"(7) expanded library service hours to serve community needs;

"(8) telecommunications and technology education programs for all ages;

"(9) parenting skills education programs;

"(10) support and training for child day care providers;

"(11) employment counseling, training, and placement;

"(12) services for students who withdraw from school before graduating high school, regardless of age; and

"(13) services for individuals who are either physically or mentally challenged.

### "SEC. 2244. REQUIREMENTS.

"A local educational agency that uses funds to develop programs under this subpart shall, at the end of the first year for which funds are used for this purpose, provide information to the State educational agency which describes the activities and projects established with funds under this subpart and includes—

"(1) information on the comprehensive local plan that enables such school to serve as a center for the delivery of education and human services for members of a community; and

"(2) information on the initial evaluation of needs, available resources, and goals and objectives for the proposed community education program and how such evaluation was used to determine the program developed to address such needs; including—

"(A) the mechanism used to disseminate information in a manner understandable and accessible to the community;

"(B) identification of Federal, State, and local programs merged or coordinated so that public resources could be maximized;

"(C) a description of the collaborative efforts of community-based organizations, related public agencies, businesses, or other appropriate organizations;

"(D) a description of how the school will assist as a delivery center for existing and new services; and

"(E) the establishment of the facility utilization policy that specifically states rules and regulations for building and equipment use and supervision guidelines.

### "SEC. 2245. DEFINITION.

"For purposes of this subpart, the term 'Community Learning Center' means the provision of educational, recreational, health, and social service programs for residents of all ages of a local community in public school buildings, primarily in rural and inner city areas, operated by the local educational agency in conjunction with local governmental agencies, businesses, vocational education programs, community colleges, universities, cultural, recreational, and other community and human service entities.

## "Subpart 5—General Administrative Provisions

### "SEC. 2251. MAINTENANCE OF EFFORT; FEDERAL FUNDS SUPPLEMENTARY.

"(a) MAINTENANCE OF EFFORT.—(1) Except as provided in paragraph (2), a State is entitled to receive its full allocation of funds under this part for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

"(2) The Secretary shall reduce the amount of the allocation of funds under this part in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

"(3) The Secretary may waive, for 1 fiscal year only, the requirements of this subsection if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"(b) FEDERAL FUNDS SUPPLEMENTARY.—A State or local educational agency may use and allocate funds received under this part only so as to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds made available under this part, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

### "SEC. 2252. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

"(a) PARTICIPATION ON EQUITABLE BASIS.—(1) To the extent consistent with the number of children in the school district of a local educational agency which is eligible to receive funds under this part or which serves the area in which a program or project assisted under this part is located who are enrolled in private nonprofit elementary and secondary schools, or, with respect to instructional or personnel training programs funded by the State educational agency from funds reserved for State use, such agency, after consultation with appropriate private school officials, shall provide for the benefit of such children in such schools secular, neutral, and nonideological services, materials, and equipment, including the participation of the teachers of such children (and other educational personnel serving such children) in training programs, and the repair, minor remodeling, or construction of public facilities as may be necessary for their provision (consistent with subsection (c) of this section), or, if such services, materials, and equipment are not feasible or necessary in one or more such private schools as determined by the local educational agency after consultation with the appropriate private school officials, shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this part.

"(2) If no program or project is carried out under subsection (a)(1) of this section in the school district of a local educational agency, the State educational agency shall make arrangements, such as through contracts with nonprofit agencies or organizations, under which children in private schools in that district are provided with services and materials to the extent that would have occurred if the local educational agency had received funds under this part.

"(3) The requirements of this section relating to the participation of children, teachers, and other personnel serving such children shall apply to programs and projects carried out under this part by a State or local educational agency, whether directly or through grants to or contracts with other public or private agencies, institutions, or organizations.

"(b) EQUAL EXPENDITURES.—Expenditures for programs pursuant to subsection (a) shall be equal (consistent with the number of children to be served) to expenditures for programs under this part for children enrolled in the public schools of the local educational agency, taking into account the needs of the individual children and other factors which relate to such expenditures, and when funds available to a local educational agency under this part are used to concentrate programs or projects on a particular group, attendance area, or grade or age level, children enrolled in private schools who are included within the group, attendance area, or grade or age level selected for such concentration shall, after consultation with the appropriate private school officials, be assured equitable participation in the purposes and benefits of such programs or projects.

"(c) FUNDS.—(1) The control of funds provided under this part, and title to materials, equipment, and property repaired, remodeled, or constructed therewith, shall be in a public agency for the uses and purposes provided in this part, and a public agency shall administer such funds and property.

"(2) The provision of services pursuant to this section shall be provided by employees of a public agency or through contract by such public agency with a person, an association, agency, or corporation who or which, in the provision of such services, is independent of such private school and of any religious organizations, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this part shall not be commingled with State or local funds.

"(d) STATE PROHIBITION WAIVER.—If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation in programs of children enrolled in private elementary and secondary schools, as required by this section, the Secretary shall waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

"(e) WAIVER AND PROVISION OF SERVICES.—(1) If the Secretary determines that a State or a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in private elementary and secondary schools as required by this section, the Secretary may waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

"(2) Pending final resolution of any investigation or complaint that could result in a determination under this subsection or subsection (d), the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

"(f) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the State or local educational agency to meet the requirements of subsections (a) and (b).

"(g) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allotment of the State under this part.

"(h) REVIEW.—(1) The Secretary shall not take any final action under this section until the State educational agency and the local educational agency affected by such action have had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why that action should not be taken.

"(2) If a State or local educational agency is dissatisfied with the Secretary's final action after a proceeding under paragraph (1) of this subsection, it may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

"(3) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(4) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

### "SEC. 2253. EVALUATIONS AND REPORTING.

"(a) LOCAL EDUCATIONAL AGENCIES.—A local educational agency which receives financial assistance under this part shall report annually to the State educational agency on the use of funds under section 2431. Such reporting shall be carried out in a manner which minimizes the amount of paperwork required while providing the State educational agency with the necessary information under the preceding sentence. Such report shall be made available to the public.

"(b) STATE EDUCATIONAL AGENCIES.—A State educational agency which receives financial assistance under this part shall evaluate the effectiveness of State and local programs under this part in accordance with section 2423(a)(4)(B). That evaluation shall be submitted for review and comment by the State advisory committee and shall be made available to the public. The State educational agency shall submit to the Secretary a copy of the evaluation and a summary of the reports under subsection (a).

"(c) REPORTS.—(1) The Secretary, in consultation with State and local educational agency representatives, shall develop a model system which State educational agencies may use for data collection and reporting under this part.

"(2)(A) The Secretary shall submit annually a report to the Congress for the use of funds, the types of services furnished, and the students served under this part.

"(B) The Secretary shall not later than October 1, 1998, submit a report to the Congress summarizing evaluations under subsection (b) in order to provide a national overview of the uses of funds and effectiveness of programs under this part.

### "SEC. 2254. FEDERAL ADMINISTRATION.

"(a) TECHNICAL ASSISTANCE.—The Secretary, upon request, shall provide technical assistance to State and local educational agencies under this part.

(b) RULEMAKING.—The Secretary shall issue regulations under this part only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this part.

(c) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding any other provision of law, unless expressly in limitation of this subsection, funds appropriated in any fiscal year to carry out activities under this part shall become available for obligation on July 1 of such fiscal year and shall remain available for obligation until the end of the subsequent fiscal year.

### "SEC. 2255. APPLICATION OF GENERAL EDUCATION PROVISIONS ACT.

"(a) GENERAL RULE.—Except as otherwise specifically provided by this section, the General Education Provisions Act shall apply to the programs authorized by this part.

"(b) APPLICABILITY.—The following provisions of the General Education Provisions Act shall be superseded by the specified provisions of this part with respect to the programs authorized by this part:

"(1) Section 410(a)(1) of the General Education Provisions Act is superseded by section 2254(b) of this part.

"(2) Section 433(a) of such Act is superseded by section 2254(a) of this part.

"(3) Section 436 of such Act is superseded by sections 2223 and 2233 of this part.

(c) SPECIAL RULE.—Sections 440, 441, and 442 of the General Education Provisions Act, except to the extent that such sections relate to fiscal control and fund accounting procedures, may not apply to the programs authorized by this part and shall not be construed to authorize the Secretary to require any reports or take any actions not specifically authorized by this part.

## "PART C—SUPPORT AND ASSISTANCE FOR ESEA PROGRAMS

### "SEC. 2301. FINDINGS.

"The Congress finds that—

"(1) high-quality technical assistance can enhance the improvements in teaching and learning achieved through the implementation of programs under this Act;

"(2) comprehensive technical assistance is an essential ingredient of the overall strategy of the 1994 reauthorization of this Act to improve programs and to provide all children opportunities to meet challenging State performance standards;

"(3) States, local educational agencies, and schools serving students with special needs, such as students with limited English proficiency, have great need for comprehensive technical assistance in order to use funds under this Act to provide such students with opportunities to meet challenging State standards;

"(4) current technical assistance efforts are fragmented and categorical in nature, and thus fail to address adequately the needs of States and local educational agencies for help in integrating into a coherent strategy for improving teaching and learning the various programs under this Act with State and local programs and other education reform efforts;

"(5) too little creative use is made of technology as a means of providing information and assistance in a cost-effective way;

"(6) comprehensive technical assistance can help schools and school systems focus on improving opportunities for all children to reach challenging State performance standards, as they implement programs under this Act;

"(7) comprehensive technical assistance would provide 'one-stop shopping' to help States, local educational agencies, participating colleges and universities, and schools integrate Federal, State, and local education programs in ways that contribute to improving schools and entire school systems; and

"(8) technical assistance in support of programs under this Act should be coordinated with the Department's regional offices, the regional educational laboratories, and other technical assistance efforts supported by the Department.

### "SEC. 2302. PURPOSE.

"The purpose of this part is to make available to States, local educational agencies, schools, and other recipients of funds under this Act technical assistance in—

"(1) administering and implementing programs authorized by this Act in a manner that is consistent with State and local plans under the Goals 2000: Educate America Act; and

"(2) coordinating those programs with other Federal, State, and local education activities, so that all students are provided opportunities to meet challenging State performance standards.

### "SEC. 2303. PROGRAM AUTHORIZED.

"(a) COMPREHENSIVE REGIONAL CENTERS.—The Secretary is authorized to establish one center in each of the Department's ten regions to provide comprehensive technical assistance to States, local educational agencies, schools, and other recipients of funds under this Act in their administration and implementation of programs authorized by this Act. In allocating resources among the centers, the Secretary shall consider the geographic distribution of students with special needs.

"(b) TECHNOLOGY-BASED TECHNICAL ASSISTANCE.—The Secretary is also authorized to provide a technology-based technical assistance service that will—

"(1) support the administration and implementation of programs authorized by this Act by providing information, including legal and regulatory information, and technical guidance and information about best practices; and

"(2) be accessible to all States, local educational agencies, schools, and others who are recipients of funds under this Act.

### "SEC. 2304. ELIGIBLE ENTITIES.

"The Secretary may carry out this part directly or through grants to, or contracts or cooperative agreements with, public or private agencies or organizations or consortia of those agencies and organizations.

### "SEC. 2305. COMPREHENSIVE REGIONAL CENTERS.

"Each comprehensive regional center established under section 2203(a) shall—

"(1) maintain staff expertise in at least all of the following areas:

"(A) Instruction, curriculum improvement, school reform, and other aspects of title I of this Act.

"(B) Development and operation of successful schoolwide programs under title I of this Act, including integrating programs to serve children in high-poverty areas, migratory children, children with limited English proficiency, neglected and delinquent children, homeless children and youth, Indian children, and children with disabilities.

"(C) Meeting the needs of children served under this Act, including children in high-poverty areas, migratory children, children with limited English proficiency, neglected or delinquent children, homeless children and youth, Indian children, and children with disabilities.

"(D) Professional development for teachers, other school staff, and administrators to help students meet challenging State performance standards.

"(E) Bilingual education, including programs that emphasize English and native language proficiency, and promote multicultural understanding.

"(F) Safe and drug-free schools.

"(G) Educational applications of technology.

"(H) Parent involvement and participation.

"(I) The reform of schools and school systems.

"(J) Program evaluation;

"(2) ensure that technical assistance staff have sufficient training, knowledge, and expertise in how to integrate and coordinate programs under this Act with each other, as well as with other Federal, State, and local programs and reforms;

"(3) work collaboratively with the Department's regional offices;

"(4) provide technical assistance using the highest quality and most cost-effective strategies possible;

"(5) provide information and assistance regarding exemplary and promising practices;

"(6) work collaboratively, and coordinate the services it provides, with the general reform assistance provided by the regional educational laboratories supported by the Office of Educational Research and Improvement; and

"(7) consult with representatives of State educational agencies, local educational agencies, and populations served under this Act.

### "SEC. 2306. INFORMATION COLLECTION AND EVALUATION.

"The Secretary shall evaluate activities under this part to determine their effectiveness in advancing the purposes of this part, and report to the President and Congress on the effectiveness of such activities.

### "SEC. 2307. TRANSITION.

"(a) GENERAL.—The Secretary may use funds appropriated for this part for fiscal year 1995 in such manner as the Secretary finds necessary in order to ensure a smooth implementation of this part.

"(b) EXTENSION OF PREVIOUS CENTERS.—In accordance with subsection (a), and notwithstanding any other provisions of law, the Secretary may use such funds for existing contracts and to extend the award of any categorical technical assistance center under this Act that was in operation on the day before enactment of the Improving America's Schools Act of 1993.

### "SEC. 2308. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $70,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

## "PART D—TECHNOLOGY FOR EXCELLENCE

### "SEC. 2411. SHORT TITLE.

"This part may be cited as the 'Technology for Excellence in Education Act'.

### "SEC. 2412. DEFINITIONS.

"(a) IN GENERAL.—The terms used in this part, unless otherwise specified, shall have the same meaning given to such terms in section 9101 of this Act.

"(b) ADDITIONAL DEFINITIONS.—For the purposes of this part—

"(1) the term 'Director' means the Director of Educational Technology as established in subpart 1; and

"(2) the term 'educational technology' includes closed circuit television systems, public telecommunications entities, cable television, satellite, copper and fiber optic transmission, computer hardware and software, video and audio laser, and CD ROM disc, video and audio tapes, and other technologies related to educational services.

## "Subpart 1—National Leadership for Educational Technology

### "SEC. 2421. PURPOSES.

"The purposes of this subpart are—

"(1) to establish a national agenda for the use of technology in education to assist all students in attaining world-class academic standards as a means to increasing academic achievement and learning and reaching the National Education Goals;

"(2) to assure that all children in the United States start school ready to learn;

"(3) to increase the high school graduation rate to at least 90 percent;

"(4) to provide all students the opportunity to demonstrate competency in challenging subject matter in core areas and ensure that all students learn to use their minds well;

"(5) to increase the mathematics and science achievement of all students;

"(6) to provide the opportunity for all adult Americans to achieve literacy;

"(7) to ensure that every school in the United States is free of drugs and violence and will offer a disciplined environment conducive to learning;

"(8) to coordinate Federal programs—whose support already accounts for 50 percent of all funds used by schools to purchase software, integrated learning systems, and hardware—that provide for the development, purchase, or use of technology in education, including programs administered by the Department of Education and those administered by other Federal Departments;

"(9) to develop national standards and guidelines for State and local educational agencies to guide future projects and coordinate existing projects to ensure the compatibility of education-related computer and telecommunications networks on a national level; and

"(10) to permit funds distributed to the States and localities under existing Federal programs to be used for education-related technology purposes.

### "SEC. 2422. DIRECTOR OF EDUCATIONAL TECHNOLOGY.

"The Secretary shall appoint a Director of Educational Technology within the Department of Education. The Director shall be compensated at an annual rate of not less than a level GS-15 employee under section 5332 of title 5, United States Code.

### "SEC. 2423. DUTIES OF DIRECTOR.

"(a) DUTIES.—The duties of the Director of Educational Technology are—

"(1) to provide national leadership regarding the use of technology in education at all levels in achieving the National Education Goals, including—

"(A) submission of an annual report to Congress regarding education-related technology use and recommendations for the continuation of current and the development of future uses of technology to achieve the National Education Goals;

"(B) promotion of the use of technology to achieve the National Education Goals in programs that receive Federal assistance, particularly programs under titles I and II of this Act;

"(C) the development of support programs designed to increase the access of all children, particularly disadvantaged children from rural and urban poverty areas, to high-level learning through the use of quality technologies; and

"(D) the support of research, development, evaluation, and dissemination of educational technologies;

"(2) to provide a mechanism for coordinating existing Federal programs across agencies to encourage joint funding, planning, and implementation of projects;

"(3) to provide a mechanism for the development of standards and guidelines for State and local educational agencies in conjunction with industry to ensure the compatibility of educational computer and telecommunications networks on a national level; and

"(4) to provide support and training programs to educators in the use of technology to help obtain the National Education Goals.

## "Subpart 2—State Planning Grants

### "SEC. 2431. PURPOSES.

"The purposes of this subpart are—

"(1) to ensure that State educational agencies have a clear, long-term strategic plan for incorporating the use of technology in education; and

"(2) to allow States which have developed a State technology plan to allocate planning funds to local educational agencies to implement strategies developed in such plan.

### "SEC. 2432. STATE PLANNING GRANTS.

"The Secretary of Education is authorized to provide a one-time competitive grant to State educational agencies 50 percent of which shall be allocated in accordance with the relative amount the State received under title 1 of this Act for the preceding fiscal year and 50 percent of which shall be allocated in accordance with the relative amount the State received under part B of this title for the preceding fiscal year.

### "SEC. 2433. AUTHORIZED ACTIVITIES.

"(a) STATE PLANS.—A State educational agency which receives a grant under this subpart shall not later than 1 year after receipt of funds under this subpart undertake public hearings and complete a comprehensive State plan which includes—

"(1) overall strategic goals for the use of technology in education at all levels within the State;

"(2) a 5-year standards and assessment process to measure progress toward the goals in paragraph (1);

"(3) a follow-up 10-year standards and assessment process to measure progress toward the goals in paragraph (1);

"(4) guidelines for local educational agencies for the incorporation of educational technology into institutions of education at all levels;

"(5) a plan for the dissemination and sharing of information to local educational agencies about innovative and cost-effective uses of educational technology;

"(6) a plan for training educational personnel in the use of technology in the classroom;

"(7) a coordination plan providing mechanisms for the use of educational technology to assist existing and future education reform efforts at both the State and local levels; and

"(8) a plan to leverage public and private support for the funding and provision of educational technology in a cost-effective manner to institutions of education at all levels.

"(b) DEMONSTRATION SUBGRANTS.—States that have completed the State technology plan under subsection (a) may allocate funds received under this section as competitive subgrants to local educational agencies to implement strategies in such plan following the procedures in subpart 3.

**"SEC. 2434. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated $10,000,000 for fiscal year 1994 and such sums for fiscal years 1995–1999 to carry out the purposes of this subpart.

### "Subpart 3—Local Challenge Grants

**"SEC. 2441. PURPOSE.**

"The purposes of this subpart are—

"(1) to challenge local communities to incorporate quality, innovative educational technology in their education systems at all levels; and

"(2) to provide practical models of educational technology as provided for in the goals and guidelines under the State plans required in subpart 2.

**"SEC. 2442. GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

"(a) IN GENERAL.—(1) The Secretary is authorized to provide grants to State educational agencies for the use by local educational agencies of 3-year competitive demonstration grants to implement State technology plans.

"(2) Such grants may be awarded only to States which have completed the State technology plan required by subpart 2. The Secretary may waive this requirement if a State has a plan in place which meets the criteria established in subpart 2.

"(3) The State shall give priority consideration to demonstration programs that provide access to quality educational technology to disadvantaged urban and rural areas.

"(4) The State shall give priority consideration to demonstration programs that may be replicated in other areas throughout the Nation.

"(b) DISSEMINATION OF MODEL PROGRAMS.—The Secretary shall reserve not more than 5 percent of the funds authorized under this title to allow the Director of Educational Technology to disseminate effective models of the use of high-quality educational technology on a national basis.

"(c) MATCHING REQUIREMENT.—(1) The Federal share under this subpart may not exceed—

"(A) 100 percent of the total cost of a program for the first year for which a State receives funds under this subpart;

"(B) 85 percent of the total cost of a program for the second year for which a State receives funds under this subpart;

"(C) 60 percent of the total cost of a program for the third year for which a State receives funds under this subpart;

"(D) 45 percent of the total cost of a program for the fourth year for which a State receives funds under this subpart; and

"(E) 33 percent of the total cost of a program for the fifth and any succeeding year for which a State receives funds under this subpart.

"(2) The remaining cost may be provided in cash or in kind, fairly evaluated, and may be obtained from any source other than funds made available for programs under this subpart.

**"SEC. 2443. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated $25,000,000 for fiscal year 1994 and such sums as may be necessary to carry out the projects under this subpart for each of the fiscal years 1995 through 1999.

### "Subpart 4—Star Schools Program

**"SEC. 2451. FINDINGS.**

"The Congress finds that—

"(1) the Star Schools program has helped to encourage the use of distance learning strategies to serve multi-State regions primarily by means of satellite and broadcast television;

"(2) in general, distance learning programs have been used effectively to provide students in small, rural, and isolated schools with courses and instruction, such as science and foreign language instruction, that the local educational agency would not otherwise have been able to provide; and

"(3) distance learning programs could also be used to—

"(A) provide students in all types of schools and local educational agencies with greater access to high-quality instruction in the full range of core academic subjects that would enable them to meet challenging, internationally competitive, educational standards;

"(B) expand professional development opportunities for teachers;

"(C) contribute to achievement of the National Education Goals; and

"(D) expand learning opportunities for everyone.

**"SEC. 2452. STATEMENT OF PURPOSE.**

"The purpose of this subpart is to encourage the expansion and use of distance learning programs and technologies to help—

"(1) improve teaching and learning;

"(2) achieve the National Education Goals;

"(3) all students learn to challenging State content standards; and

"(4) increase participation in State and local educational reform.

**"SEC. 2453. PROGRAM AUTHORIZED.**

"(a) STAR SCHOOL AWARDS.—The Secretary is authorized, in accordance with this subpart, to make grants to eligible entities for the Federal share of the cost of providing distance learning programs, including—

"(1) developing, constructing, and acquiring telecommunications facilities and equipment;

"(2) developing and acquiring instructional programming; and

"(3) providing technical assistance regarding the use of such facilities and instructional programming.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(c) LIMITATIONS.—(1) A grant under this section shall not exceed—

"(A) five years in duration; and

"(B) $10,000,000 in any one fiscal year.

"(2) Not less than 25 percent of the funds available to the Secretary for any fiscal year under this subpart shall be used for the cost of instructional programming.

"(3) Not less than 50 percent of the funds available to the Secretary for any fiscal year under this subpart shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies that are eligible to receive assistance under part A of title I of this Act.

"(d) FEDERAL SHARE.—(1) The Federal share of the cost of projects funded under this section shall not exceed 75 percent for the first and second years of the award, 60 percent for the third and fourth years, and 50 percent for the fifth year.

"(2) The Secretary may reduce or waive the requirement of the non-Federal share under paragraph (1) upon a showing of financial hardship.

"(e) AUTHORITY TO ACCEPT FUNDS FROM OTHER AGENCIES.—The Secretary is authorized to accept funds from other agencies to carry out the purposes of this section, including funds for the purchase of equipment.

**"SEC. 2454. ELIGIBLE ENTITIES.**

"(a) ELIGIBLE ENTITIES.—(1) The Secretary may make a grant under section 2221 to any eligible entity, provided that at least one local educational agency is participating in the proposed project.

"(2) An eligible entity may include—

"(A) a public agency or corporation established for the purpose of developing and operating telecommunications networks to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation shall represent the interests of elementary and secondary schools that are eligible to participate in the program under part A of title I of this Act; or

"(B) any two or more of the following, which will provide a telecommunications network:

"(i) a local educational agency that has a significant number of elementary and secondary schools that are eligible for assistance under part A of title I of this Act, or elementary and secondary schools operated or funded for Indian children by the Department of the Interior eligible under section 1121(b)(1) of this Act;

"(ii) a State educational agency;

"(iii) an institution of higher education or a State higher education agency;

"(iv) a teacher training center or academy that—

"(I) provides teacher pre-service and in-service training; and

"(II) receives Federal financial assistance or has been approved by a State agency;

"(v)(I) a public or private entity with experience and expertise in the planning and operation of a telecommunications network, including entities involved in telecommunications through satellite, cable, telephone, or computer; or

"(II) a public broadcasting entity with such experience; or

"(vi) a public or private elementary or secondary school.

**"SEC. 2455. APPLICATIONS.**

"(a) GENERAL REQUIREMENT.—Each eligible entity that desires to receive a grant under this subpart shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

“(b) STAR SCHOOL AWARD APPLICATIONS.—Each application for a grant authorized under section 2221 shall—

“(1) describe—

“(A) how the proposed project will assist in achieving the National Education Goals set out in title I of the Goals 2000: Educate America Act, how it will assist all students to have an opportunity to learn to challenging State standards, and how it will assist State and local educational reform efforts;

“(B) the telecommunications facilities and equipment and technical assistance for which assistance is sought, which may include—

“(i) the design, development, construction, and acquisition of district, multidistrict, State, or multistate educational telecommunications networks and technology resource centers;

“(ii) microwave, fiber optics, cable, and satellite transmission equipment, or any combination thereof;

“(iii) reception facilities, satellite time, production facilities, and other telecommunications equipment capable of serving the intended geographic area;

“(iv) the provision of training services to instructors who will be using the facilities and equipment for which assistance is sought in using such facilities and equipment, and in integrating programs into the class curriculum; and

“(v) the development of educational and related programming for use on a telecommunications network;

“(C) the types of programming that will be developed to enhance instruction and training, including an assurance that such programming will be designed in consultation with professionals who are experts in the applicable subject matter and grade level;

“(D) how the eligible entity has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible entity will increase the availability of courses of instruction in English, mathematics, science, foreign languages, arts, history, geography, or other disciplines;

“(E) the professional development policies for teachers and other school personnel to be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought;

“(F) the manner in which historically underserved students (such as students from low-income families, limited English proficient students, disabled students, or students who have low literacy skills) and their families will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this subpart;

“(G) how existing telecommunications equipment, facilities, and services, where available, will be used;

“(H) the activities or services for which assistance is sought, such as—

“(i) providing facilities, equipment, training services, and technical assistance;

“(ii) making programs accessible to individuals with disabilities through mechanisms such as closed captioning and descriptive video services;

“(iii) linking networks around issues of national importance (such as elections) or to provide information about employment opportunities, job training, or student and other social service programs;

“(iv) sharing curriculum materials between networks;

“(v) providing teacher and student support services;

“(vi) incorporating community resources such as libraries and museums into instructional programs;

“(vii) providing professional development for teachers, including, as appropriate, training to early childhood development and Head Start teachers and staff and vocational education teachers and staff; and

“(viii) providing programs for adults at times other than the regular school day in order to maximize the use of telecommunications facilities and equipment; and

“(I) how the proposed project as a whole will be financed and how arrangements for future financing will be developed before the project expires;

“(2) provide an assurance that a significant portion of any facilities, equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools in local educational agencies that have a high percentage of children counted for the purpose of part A of title I of this Act; and

“(3) provide an assurance that the applicant will provide such information and cooperate in any evaluation that the Secretary may conduct under this subpart.

“(c) PRIORITIES.—The Secretary shall, in approving applications for grants authorized under section 2221, give priority to applications that—

“(1) propose high-quality plans to assist in achieving one or more of the National Education Goals as set out in title I of the Goals 2000: Educate America Act, would provide instruction consistent with State content standards, or would otherwise provide significant and specific assistance to States and local educational agencies undertaking systemic education reform under title III of the Goals 2000: Educate America Act; and

“(2) would serve schools with significant numbers of children counted for the purposes of part A of title I of this Act.

“(d) GEOGRAPHIC DISTRIBUTION.—In approving applications for grants authorized under section 2221, the Secretary shall, to the extent feasible, ensure an equitable geographic distribution of services.

### “SEC. 2456. LEADERSHIP AND EVALUATION ACTIVITIES.

“(a) SET-ASIDE.—From amounts appropriated under section 2221(b), the Secretary may reserve up to 10 percent for national leadership, evaluation, and peer review activities.

“(b) METHOD OF FUNDING.—The Secretary may fund the activities described in subsection (a) directly or through grants, contracts, and cooperative agreements.

“(c) USES OF FUNDS.—(1) Funds reserved for leadership activities may be used for—

“(A) disseminating information, including lists and descriptions of services available from recipients; and

“(B) other activities designed to enhance the quality of distance learning activities nationwide.

“(2) Funds reserved for evaluation activities shall be used to conduct independent evaluations of the Star Schools program under this subpart and of distance learning in general, including—

“(A) analyses of distance learning efforts, including both Star Schools projects and efforts not funded by the program under this subpart; and

“(B) comparisons of the effects, including student outcomes, of different technologies in distance learning efforts.

“(3) Funds reserved for peer review activities may be used for peer review of both proposals and funded projects.

### “SEC. 2457. DEFINITIONS.

“For the purpose of this subpart, the following terms have the following meanings:

“(1) The term ‘educational institution’ means an institution of higher education, a local educational agency, or a State educational agency.

“(2) The term ‘instructional programming’ means courses of instruction and training courses for elementary and secondary students, teachers, and others, and materials for use in such instruction and training that have been prepared in audio and visual form on tape, disc, film, or live, and presented by means of telecommunications devices.

“(3) The term ‘public broadcasting entity’ has the same meaning given that term in section 397 of the Communications Act of 1934.

## “Subpart 5—Commission on Technology

### “SEC. 2461. ESTABLISHMENT OF COMMISSION.

“The Secretary, in cooperation with the Congressional Office of Technology Assessment, shall appoint a Commission that will make recommendations regarding the development and implementation of technology-based education at the State and local levels.

## “TITLE III—FUND FOR THE IMPROVEMENT OF EDUCATION

## “PART A—IMPROVEMENT FUND

### “SEC. 3201.

“(a) FUND AUTHORIZED.—From funds appropriated under subsection (d), the Secretary is authorized to support nationally significant programs and projects to improve the quality of education, assist all students to meet challenging standards, and contribute to achievement of the National Education Goals. The Secretary is authorized to carry out such programs and projects directly or through grants to, or contracts with, State and local education agencies, institutions of higher education, and other public and private agencies, organizations, and institutions.

“(b) USES OF FUNDS.—(1) Funds under this section may be used for—

“(A) activities that will promote systemic education reform at the State and local levels, such as—

“(i) research and development related to content and performance standards for student learning; and

“(ii) the development and evaluation of model strategies for assessment of student learning, professional development for teachers and administrators, parent and community involvement, and other aspects of systemic reform;

“(B) demonstrations at the State and local levels that are designed to yield nationally significant results, including approaches to charter schools, public school choice and school based decision-making;

“(C) joint activities with other agencies to assist the effort to achieve the National Education Goals, including activities related to improving the transition from preschool to school and from school to work;

“(D) activities to promote and evaluate counseling and mentoring for students, including intergenerational mentoring;

“(E) activities to promote environmental education;

“(F) activities to assist students to demonstrate competence in foreign languages;

“(G) studies and evaluation of various education reform strategies and innovations being pursued by the Federal Government, States, and local educational agencies;

"(H) the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools; and

"(I) other programs and projects that meet the purposes of this section.

"(2) The Secretary may also use funds under this section to complete the project periods for direct grants or contracts awarded under the provisions of the Elementary and Secondary Education Act of 1965, part B of title III of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, or title III of the Education for Economic Security Act, as these Acts were in effect on the day before enactment of the Improving America's Schools Act of 1993.

"(c) AWARDS.—(1) The Secretary may make awards under this section on the basis of competitions announced by the Secretary and may also support meritorious unsolicited proposals.

"(2) The Secretary shall ensure that projects and activities supported under this section are designed so that their effectiveness is readily ascertainable.

"(3) The Secretary shall use a peer review process in reviewing applications for grants under this section and may use funds appropriated under subsection (d) for this purpose.

"(d) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated $35,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996 through 1999.

### "PART B—GIFTED AND TALENTED CHILDREN

### "SEC. 3301. SHORT TITLE.

"This part may be cited as the 'Jacob K. Javits Gifted and Talented Students Education Act of 1994'.

### "SEC. 3302. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds and declares that—

"(1) all students can learn to high standards and must develop their talents and realize their potential if the United States is to prosper;

"(2) gifted and talented students are a national resource vital to the future of the Nation and its security and well-being;

"(3) too often schools fail to challenge students to do their best work, and students who are not challenged will not learn to high standards, fully develop their talents, and realize their potential;

"(4) unless the special abilities of gifted and talented students are recognized and developed during their elementary and secondary school years, much of their special potential for contributing to the national interest is likely to be lost;

"(5) gifted and talented students from economically disadvantaged families and areas, and students of limited English proficiency are at greatest risk of being unrecognized and of not being provided adequate or appropriate educational services;

"(6) State and local educational agencies and private nonprofit schools often lack the necessary specialized resources to plan and implement effective programs for the early identification of gifted and talented students for the provision of educational services and programs appropriate to their special needs;

"(7) the Federal Government can best carry out the limited but essential role of stimulating research and development and personnel training and providing a national focal point of information and technical assistance that is necessary to ensure that the Nation's schools are able to meet the special educational needs of gifted and talented students, and thereby serve a profound national interest; and

"(8) the experience and knowledge gained in developing and implementing programs for gifted and talented students can and should be used as a basis to develop a rich and challenging curriculum for all students.

"(b) STATEMENT OF PURPOSE.—

"(1) It is the purpose of this part to provide financial assistance to State and local educational agencies, institutions of higher education, and other public and private agencies and organizations, to initiate a coordinated program of research, demonstration projects, personnel training, and similar activities designed to build a nationwide capability in elementary and secondary schools to meet the special educational needs of gifted and talented students. In addition, the purpose of this part is to encourage the development of rich and challenging curricula for all students through the appropriate application and adaptation of materials and instructional methods developed under this part.

"(2) It is also the purpose of this part to supplement and make more effective the expenditure of State and local funds, for the education of gifted and talented students.

### "SEC. 3303. DEFINITIONS.

"For purposes of this part, the term 'gifted and talented students' means children and youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

### "SEC. 3304. AUTHORIZED PROGRAMS.

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) From the sums appropriated under section 3308 in any fiscal year the Secretary (after consultation with experts in the field of the education of gifted and talented students) shall make grants to or enter into contracts with State educational agencies, local educational agencies, institutions of higher education, or other public agencies and private agencies and organizations (including Indian tribes and organizations as defined by the Indian Self-Determination and Education Assistance Act and Hawaiian native organizations) to assist such agencies, institutions, and organizations which submit applications in carrying out programs or projects authorized by this Act that are designed to meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

"(2) Applications for funds must include a section on how the proposed gifted and talented services, materials, and methods could be adapted, if appropriate, for use by all students and a section on how the proposed programs can be evaluated.

"(b) USES OF FUNDS.—Programs and projects assisted under this section may include—

"(1) professional development (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented students;

"(2) establishment and operation of model projects and exemplary programs for serving gifted and talented students, including innovative methods for identifying and educating students who may not be served by traditional gifted and talented programs, summer programs, mentoring programs, service learning programs, and cooperative programs involving business, industry, and education;

"(3) training of personnel involved in gifted and talented programs with respect to the impact of gender role socialization on the educational needs of gifted and talented children and in gender equitable education methods, techniques, and practices;

"(4) strengthening the capability of State educational agencies and institutions of higher education to provide leadership and assistance to local educational agencies and nonprofit private schools in the planning, operation, and improvement of programs for the identification and education of gifted and talented students and the appropriate use of gifted and talented programs and methods to serve all students;

"(5) programs of technical assistance and information dissemination which would include how gifted and talented programs and methods, where appropriate, could be adapted for use by all students; and

"(6) carrying out—

"(A) research on methods and techniques for identifying and teaching gifted and talented students, and for using gifted and talented programs and methods to serve all students; and

"(B) program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the purposes of this part.

"(c) ESTABLISHMENT OF NATIONAL CENTER.—

"(1) The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Center for Research and Development in the Education of Gifted and Talented Children and Youth through grants to or contracts with one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies, for the purpose of carrying out activities described in paragraph (5) of subsection (b).

"(2) Such National Center shall have a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with other institutions of higher education, State or local educational agencies, or other public or private agencies and organizations.

"(d) LIMITATION.—Not more than 30 percent of the funds available in any fiscal year to carry out the programs and projects authorized by this section may be used to conduct activities pursuant to subsections (b)(5) or (c).

"(e) COORDINATION.—Research activities supported under this section—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

"(2) may include collaborative research activities which are jointly funded and carried out with the Office of Education Research and Improvement.

### "SEC. 3305. PROGRAM PRIORITIES.

"(a) GENERAL PRIORITY.—In the administration of this part the Secretary shall give highest priority—

"(1) to the identification of and services to gifted and talented students who may not be identified and served through traditional assessment methods (including economically disadvantaged individuals, individuals of limited-English proficiency, and individuals with disabilities; and

"(2) to programs and projects designed to develop or improve the capability of schools in an entire State or region of the Nation through cooperative efforts and participation of State and local educational agencies, institutions of higher education, and other public and private agencies and organizations (including business, industry, and labor), to plan, conduct, and improve programs for the identification of and service to gifted and talented students, such as mentoring and apprenticeship programs.

"(b) SERVICE PRIORITY.—In approving applications under section 3304(a) of this part, the Secretary shall assure that in each fiscal year at least one-half of the applications approved address the priority in section 3305(a)(1).

### "SEC. 3306. GENERAL PROVISIONS.

"(a) PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.—In making grants and entering into contracts under this part, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary and secondary schools, including the participation of teachers and other personnel in professional development programs for serving such children.

"(b) REVIEW, DISSEMINATION, AND EVALUATION.—The Secretary shall—

"(1) use a peer review process in reviewing applications under this part;

"(2) ensure that information on the activities and results of projects funded under this part is disseminated to appropriate State and local agencies and other appropriate organizations, including nonprofit private organizations; and

"(3) evaluate the effectiveness of programs under this part, both in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress not later than January 1, 1998.

### "SEC. 3307. ADMINISTRATION.

"The Secretary shall establish or designate an administrative unit within the Department of Education—

"(1) to administer the programs authorized by this part;

"(2) to coordinate all programs for gifted and talented students administered by the Department;

"(3) to serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs; and

"(4) to assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities which reflect the needs of gifted and talented students.

The administrative unit established or designated pursuant to this section shall be headed by a person of recognized professional qualifications and experience in the field of the education of gifted and talented students.

### "SEC. 3308. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $10,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999 to carry out the provisions of this part.

### "PART C—PUBLIC CHARTER SCHOOLS

### "SEC. 3401. PURPOSE.

"It is the purpose of this part to increase national understanding of the charter schools model by—

"(1) providing financial assistance for the design and initial implementation of charter schools; and

"(2) evaluating the effects of those schools on improving student achievement, including their effects on students, staff, and parents.

### "SEC. 3402. PROGRAM AUTHORIZED.

"(a) GENERAL.—The Secretary may make grants to eligible applicants for the design and initial operation of charter schools.

"(b) PROJECT PERIODS.—Each such grant shall be for a period of not more than three years, of which the grantee may use—

"(1) no more than 18 months for planning and program design; and

"(2) no more than two years for the initial implementation of the charter school.

"(c) LIMITATION.—The Secretary shall not make more than one grant to support a particular charter school.

### "SEC. 3403. APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Any eligible applicant that desires to receive a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(b) SCOPE OF APPLICATION.—Each such application may request assistance for a single charter school or for a cluster of schools, which may include a high school and its feeder elementary and middle schools, within a community.

"(c) APPLICATION CONTENTS.—Each such application shall include, for each charter school for which assistance is sought—

"(1) a description of the educational program to be implemented by the proposed charter school, including—

"(A) how the program will enable all students to meet challenging State performance standards;

"(B) the grade levels or ages of children to be served; and

"(C) the curriculum and instructional practices to be used;

"(2) a description of how the school will be managed;

"(3) a description of—

"(A) the objectives of the school; and

"(B) the methods by which the school will determine its progress toward achieving those objectives;

"(4) a description of the administrative relationship between the charter school and the local educational agency that will authorize or approve the school's charter and act as the grantee under this part;

"(5) a description of how parents and other members of the community will be involved in the design and implementation of the charter school;

"(6) a description of how the local educational agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school is successful;

"(7) a request and justification for waivers of any Federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;

"(8) a description of how the grant funds would be used;

"(9) a description of how grant funds would be used in conjunction with other Federal programs administered by the Secretary;

"(10) a description of how students in the community will be—

"(A) informed about the school; and

"(B) given an equal opportunity to attend the school;

"(11) an assurance that the applicant will annually provide the Secretary such information as the Secretary may require to determine if the charter school is making satisfactory progress toward achieving the objectives described under paragraph (3);

"(12) an assurance that the applicant will cooperate with the Secretary in evaluating the program authorized by this part; and

"(13) such other information and assurances as the Secretary may require.

"(d) STATE EDUCATIONAL AGENCY APPROVAL REQUIRED.—(1) A local educational agency that desires to receive a grant under this part shall obtain the State educational agency's approval of its application before submitting it to the Secretary.

"(2) A State educational agency that approves an application of a local educational agency shall provide the local educational agency, and such local agency shall include in its application to the Secretary, a statement that the State has granted, or will grant, the waivers and exemptions from State requirements described in such local agency's application.

### "SEC. 3404. SELECTION OF GRANTEES; WAIVERS.

"(a) CRITERIA.—The Secretary shall select projects to be funded on the basis of the quality of the applications, taking into consideration such factors as—

"(1) the quality of the proposed curriculum and instructional practices;

"(2) the degree of flexibility afforded by the State and, if applicable, the local educational agency to the school;

"(3) the extent of community support for the application;

"(4) the ambitiousness of the objectives for the school;

"(5) the quality of the plan for assessing achievement of those objectives; and

"(6) the likelihood that the school will meet those objectives and improve educational results for students.

"(b) PEER REVIEW.—The Secretary shall use a peer review process to review applications for grants under this section.

"(c) DIVERSITY OF PROJECTS.—The Secretary may approve projects in a manner that ensures, to the extent possible, that they—

"(1) are distributed throughout different areas of the Nation, including in urban and rural areas; and

"(2) represent a variety of educational approaches.

"(d) WAIVERS.—The Secretary may waive any statutory or regulatory requirement that the Secretary is responsible for enforcing, except for any such requirement relating to the elements of a charter school described in section 3407(1), if—

"(1) the waiver is requested in an approved application or by a grantee under this part; and

"(2) the Secretary determines that granting such a waiver would promote the purpose of this part.

### "SEC. 3405. USES OF FUNDS.

"A recipient of a grant under this part may use the grant funds only for—

"(1) post-award planning and design of the educational program, which may include—

"(A) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

"(B) professional development of teachers and other staff who will work in the charter school; and

"(2) initial implementation of the charter school, which may include—

"(A) informing the community about the school;

"(B) acquiring necessary equipment;

"(C) acquiring or developing curriculum materials; and

"(D) other operational costs that cannot be met from State or local sources.

### "SEC. 3406. NATIONAL ACTIVITIES.

"The Secretary may reserve up to 10 percent of the funds appropriated for this part for any fiscal year for—

"(1) peer review of applications under section 3404(b); and

"(2) an evaluation of the impact of charter schools on student achievement, including those assisted under this part.

### "SEC. 3407. DEFINITIONS.

"As used in this part, the following terms have the following meanings:

"(1) The term 'charter school' means a school that—

"(A) in accordance with an enabling State statute, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

"(B) is created by a developer as a public school, or is adapted by a developer from an existing public school;

"(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the local educational agency applying for a grant on behalf of the school;

"(D) provides a program of elementary or secondary education, or both;

"(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

"(F) does not charge tuition;

"(G) complies with the Age Discrimination Act, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

"(H) admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

"(I) agrees to comply with the same Federal and State audit requirements as do other public schools in the State, unless such requirements are specifically waived for the purpose of this program;

"(J) meets all applicable Federal, State, and local health and safety requirements; and

"(K) operates in accordance with State law.

"(2) The term 'developer' means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

"(3) The term 'eligible applicant' means a local educational agency, in partnership with a developer with an application approved under section 3403(d).

### "SEC. 3408. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $15,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

## "PART D—ARTS IN EDUCATION

### "SEC. 3501. SUPPORT FOR ARTS EDUCATION.

"(a) FINDINGS.—The Congress finds that—

"(1) the arts are forms of understanding and ways of knowing that are fundamentally important to education;

"(2) the arts are important to excellent education and to effective school reform;

"(3) the most significant contribution of the arts to education reform is the transformation of teaching and learning;

"(4) this transformation is best realized in the context of comprehensive, systemic education reform;

"(5) demonstrated competency in the arts for American students is among the National Education Goals;

"(6) the arts can motivate at-risk students to stay in school and become active participants in the educational process; and

"(7) arts education should be an integral part of the elementary and secondary school curriculum.

"(b) PURPOSE. The purposes of this part are to—

"(1) support systemic education reform by strengthening arts education as an integral part of the elementary and secondary school curriculum;

"(2) help ensure that all students have the opportunity to meet challenging standards in the arts; and

"(3) support the national effort to enable all students to demonstrate competence in the arts in accordance with the National Education Goals.

"(c) ELIGIBLE RECIPIENTS.—In order to carry out the purposes of this part, the Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with—

"(1) State educational agencies;

"(2) local educational agencies;

"(3) institutions of higher education; and

"(4) other public and private agencies, institutions, and organizations.

"(d) AUTHORIZED ACTIVITIES.—Funds under this part may be used for—

"(1) research on arts education;

"(2) the development of, and dissemination of information about, model arts education programs;

"(3) the development of model arts education assessments based on high standards;

"(4) the development and implementation of curriculum frameworks for arts education;

"(5) the development of model preservice and inservice professional development programs for arts educators and other instructional staff;

"(6) supporting collaborative activities with other Federal agencies or institutions involved in arts education, such as the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art;

"(7) supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts;

"(8) supporting model projects and programs in the arts for individuals with disabilities through arrangements with the organization, Very Special Arts;

"(9) supporting model projects and programs to integrate arts education into the regular elementary and secondary school curriculum; and

"(10) other activities that further the purposes of this part.

"(e) COORDINATION.—(1) A recipient of funds under this part shall, to the extent possible, coordinate its project with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

"(2) In carrying out this part, the Secretary shall coordinate with the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art.

### "SEC. 3502. COMMUNITY ARTS PARTNERSHIP.

"(a) PURPOSE.—The purpose of this section is to make demonstration grants to eligible entities to improve the educational performance and future potential of at-risk children and youth by providing comprehensive and coordinated educational and cultural services.

"(b) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to award grants to eligible entities to pay the Federal share of the costs of the activities described in subsection (e).

"(2) SPECIAL REQUIREMENTS.—The Secretary shall award grants under this Act only to programs designed to—

"(A) promote educational and cultural services;

"(B) provide multi-year services to at-risk children and youth;

"(C) serve the target population described in subsection (e);

"(D) provide integration of community cultural resources in the regular curriculum;

"(E) focus school and cultural resources in the community on coordinated cultural services to address the needs of at-risk children and youth;

"(F) provide effective cultural linkages from preschool programs, including the Head Start Act and preschool grants under the Individuals with Disabilities Education Act, to elementary schools;

"(G) facilitate school-to-work transition from secondary schools and alternative schools to job training, higher education, and employment;

"(H) increase parental and community involvement in the educational, social, and cultural development of at-risk youth; or

"(I) replicate programs and strategies that provide high quality coordinated educational and cultural services and that are designed to integrate such coordination into the regular curriculum.

"(3) REQUIREMENT OF COORDINATION.—Grants may only be awarded under this section to eligible entities that agree to coordinate activities carried out under other Federal, State, and local grants, received by the members of the partnership for purposes and target populations described in this section, into an integrated service delivery system located at a school, cultural, or other community-based site accessible to and utilized by at-risk youth.

"(4) DURATION.—Grants made under this section may be renewable for a maximum of 5 years if the Secretary determines that the eligible recipient has made satisfactory progress toward the achievement of the program objectives described in application.

"(5) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this part, the Secretary shall ensure—

"(A) an equitable geographic distribution; and

"(B) an equitable distribution to both urban and rural areas with a high proportion of at-risk youth as defined in subsection (e).

"(c) ELIGIBILITY.—

"(1) SERVICES FOR IN-SCHOOL YOUTH.—For the purpose of providing a grant under this section to serve in-school children and youth, the term 'eligible entity' means a partnership between a local education agency that is eligible for funds under title I of this Act, and at least 1 institution of higher education or cultural entity located within or accessible to the geographical boundaries of the local education agency with a history of providing quality services to the community, and which may include—

"(A) nonprofit institutions of higher education; museums; libraries; performing, presenting and exhibiting arts organizations; literary arts organizations; local arts organizations; and zoological and botanical organizations; and

"(B) private for-profit entities with a history of training children and youth in the arts.

"(2) Services for out-of-school youth.—For purposes of providing a grant under this part to serve out-of-school youth, the term 'eligible entity' means a partnership between at least 1 entity of the type described in paragraph (A) or (B) of subsection (1), or a local education agency eligible for funds under chapter 1 of title I of this Act and at least 1 cultural entity described in subsection (1).

"(d) Target Population.—In order to receive a grant under this section, an eligible entity shall serve—

"(1) students enrolled in schools in participating schoolwide projects assisted under title I of this Act and the families of such students; or

"(2) out-of-school youth at risk of having limited future options as a result of teenage pregnancy and parenting, substance abuse, recent migration, disability, limited English proficiency, family migration, illiteracy, being the child of a teen parent, living in a single parent household, or being a high school dropout; or

"(3) any combination of in school and out-of-school at-risk youth.

"(e) Authorized Activities.—

"(1) In general.—Funds made under this part may be used—

"(A) to plan, develop, acquire, expand, and improve school-based or community-based coordinated educational and cultural programs to strengthen the educational performance and future potential of in-school and out-of-school at-risk youth through cooperative agreements, contracts for services, or administrative coordination;

"(B) to provide at-risk students with integrated cultural activities designed to develop a love of learning to ensure the smooth transition of preschool children to elementary school;

"(C) to design collaborative cultural activities for students in secondary or alternative schools that ensure the smooth transition to job training, higher education, or full employment;

"(D) to provide child care for children of at-risk students who would not otherwise be able to participate in the program;

"(E) to provide transportation necessary for participation in the program;

"(F) to work with existing school personnel to develop curriculum materials and programs in the arts;

"(G) to work with existing school personnel on staff development activities that encourage the integration of the arts into the curriculum;

"(H) for stipends that allow local artists to work with at-risk children and youth in the schools;

"(I) for cultural programs that encourage the active participation of parents in their children's education;

"(J) for programs that use the arts to reform current school practices, including lengthening the school day or academic year;

"(K) for appropriate equipment and necessary supplies; and

"(L) for evaluation, administration, and supervision.

"(2) Priority.—In providing assistance under this part, the Secretary shall give priority to eligible entities that provide comprehensive services that extend beyond traditional school or service hour, that may include year round programs that provide services in the evenings and on weekends.

"(3) Planning grants.—

"(A) Application.—An eligible entity may submit an application to the Secretary for a planning grants for an amount not to exceed $50,000. Such grants shall be for periods of not more than 1 year.

"(B) Limit on planning grants.—Not more than 10 percent of the amounts appropriated in each fiscal year under this part shall be used for grants under this subsection, and an eligible entity may receive not more than 1 such planning grant.

"(f) General Provisions.—

"(1) In general.—Each eligible entity desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) Contents.—Each application submitted pursuant to subsection (a) shall—

"(A) describe the cultural entity or entities that will participate in the partnership;

"(B) describe the target population to be served;

"(C) describe the services to be provided;

"(D) describe a plan for evaluating the success of the program;

"(E) describe, for a local educational agency participant, how services will be perpetuated beyond the length of the grant;

"(F) describe the manner in which the eligible entity will improve the educational achievement or future potential of at-risk youth through more effective coordination of cultural services in the community;

"(G) describe the overall and operational goals of the program; and

"(H) describe the nature and location of all planned sites where services will be delivered and a description of services which will be provided at each site.

"(g) Payments—Federal Share.—

"(1) Payments.—The Secretary shall pay to each eligible entity having an application approved under subsection (g) the Federal share of the cost of the activities described in the application.

"(2) Amounts of grants.—The amount of a grant made under this part may not be less than $100,000 or exceed $500,000 in the first year of such grant.

"(3) Federal share.—The Federal share shall be 80 percent.

"(4) Non-federal share.—The non-Federal share shall be equal to 20 percent and may be in cash or in kind, fairly evaluated, including facilities or services.

"(5) Limitation.—Not more than 25 percent of any grant under this part may be used for noninstructional services such as those described in paragraphs D, E, and L of subsection (f).

"(6) Supplement and not supplant.—Grant funds awarded under this part shall be used to supplement not supplant the amount of funds made available from non-Federal sources, for the activities assisted under this part, in amounts that exceed the amounts expended for such activities in the year preceding the year for which the grant is awarded.

"(7) Dissemination of models.—The Secretary shall disseminate information concerning successful models under this part through the National Diffusion Net work.

### "SEC. 3503. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995, 1996, 1997, 1998, and 1999.

## "PART E—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

### "SEC. 3601. INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION.

"(a) Authorization.—The Secretary is authorized to enter into a contract with Reading Is Fundamental (hereinafter in this section referred to as "the contractor") to support and promote programs, which include the distribution of inexpensive books to students, that motivate children to read.

"(b) Requirements of Contract.—Any contract entered into under subsection (a) shall—

"(1) provide that the contractor will enter into subcontracts with local private nonprofit groups or organizations or with public agencies under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books, by gift, to the extent feasible, or by loan, to children up through high school age, including those in family literacy programs;

"(2) provide that funds made available to subcontractors will be used only to pay the Federal share of the cost of such programs;

"(3) provide that in selecting subcontractors for initial funding, the contractor will give priority to programs that will serve a substantial number or percentage of children with special needs, such as—

"(A) low-income children, particularly in high-poverty areas;

"(B) children at risk of school failure;

"(C) children with disabilities, including children with serious emotional disturbance;

"(D) foster children;

"(E) homeless children;

"(F) migrant children;

"(G) children without access to libraries;

"(H) institutionalized or incarcerated children; and

"(I) children whose parents are institutionalized or incarcerated;

"(4) provide that the contractor will provide such technical assistance to subcontractors as may be necessary to carry out the purpose of this section;

"(5) provide that the contractor will annually report to the Secretary the number of, and describe, programs funded under paragraph (3); and

"(6) include such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

"(c) Restriction on Payments.—The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

"(d) Definition of 'Federal Share'.—For the purpose of this section, the term 'Federal share' means the portion of the cost to a subcontractor of purchasing books to be paid with funds made available under this section. The Federal share shall be established by the Secretary, and shall not exceed 75 percent, except that the Federal share for programs serving children of migrant or seasonal farmworkers shall be 100 percent.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $10,300,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

### "TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

### "SEC. 4001. SHORT TITLE.

"This title may be cited as the 'Safe and Drug-Free Schools and Communities Act of 1994'.

### "SEC. 4002. FINDINGS.

"The Congress finds as follows:

"(1) National Education Goal Six provides that by the year 2000, all schools in America will be free of drugs and violence and offer a disciplined environment that is conducive to learning.

"(2) The widespread illegal use of alcohol and other drugs among the Nation's secondary school students, and increasingly by students in elementary schools as well, constitutes a grave threat to their physical and mental well-being, and significantly impedes the learning process. For example, data show that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink.

"(3) Our Nation's schools and communities are increasingly plagued by violence and crime. Approximately three million thefts and violent crimes occur in or near our Nation's schools every year, the equivalent of more than 16,000 incidents per school day. Approximately one of every five high school students now carries a firearm, knife, or club on a regular basis.

"(4) The tragic consequences of violence and the illegal use of alcohol and drugs by students are felt not only by students and their families, but by their communities and the Nation, which can ill afford to lose their skills, talents, and vitality.

"(5) While use of illegal drugs is a serious problem among a minority of teenagers, alcohol use is far more widespread. The proportion of high school students using alcohol, though lower than a decade ago, remains unacceptably high. By the 8th grade, 70 percent of youth report having tried alcohol and by the 12th grade, about 88 percent have used alcohol. Alcohol use by young people can and does have adverse consequences for users, their families, communities, schools, and colleges.

"(6) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety and to reduce the demand for and use of drugs throughout the Nation. Schools and local organizations in communities throughout the Nation have a special responsibility to work together to combat the growing epidemic of violence and illegal drug use and should measure the success of their programs against clearly defined goals and objectives.

"(7) Students must take greater responsibility for their own well-being, health, and safety if schools and communities are to achieve their goals of providing a safe, disciplined, and drug-free learning environment.

### "SEC. 4003. PURPOSE.

"The purpose of this title is to support programs to meet Goal Six of the National Educational Goals by preventing violence in and around schools and by strengthening programs that prevent the illegal use of alcohol and drugs, involve parents, and are coordinated with related Federal, State, and community efforts and resources, through the provision of Federal assistance to—

"(1) States for grants to local and intermediate educational agencies and consortia to establish, operate, and improve local programs of school drug and violence prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools (including intermediate and junior high schools);

"(2) States for grants to local and intermediate educational agencies and consortia for grants to, and contracts with, community-based organizations and other public and private non-profit agencies and organizations for programs of drug and violence prevention, early intervention, rehabilitation referral, and education;

"(3) States for development, training, technical assistance, and coordination activities;

"(4) public and private non-profit organizations to conduct training, demonstrations, and evaluation, and to provide supplementary services for the prevention of drug use and violence among students and youth; and

"(5) institutions of higher education for the development and implementation of model programs and strategies to promote the safety of students attending institutions of higher education by preventing violent behavior and the illegal use of alcohol and drugs by such students.

### "SEC. 4004. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(1) for State grants under part A, such sums as may be necessary for each of fiscal years 1995 through 1999; and

"(2) for national programs under part B, such sums as may be necessary for each of fiscal years 1995 through 1999.

"(b) AVAILABILITY.—(1) Appropriations for any fiscal year for payments made under this title in accordance with regulations of the Secretary may be made available for obligation or expenditure by the agency or institution concerned on the basis of an academic or school year differing from such fiscal year.

"(2) Funds appropriated for any fiscal year under this title shall remain available for obligation and expenditure until the end of the fiscal year succeeding the fiscal year for which such funds were appropriated.

### "PART A—STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION PROGRAMS

### "SEC. 4101. RESERVATIONS AND ALLOTMENTS.

"(a) RESERVATIONS.—From the amount appropriated for each fiscal year under section 4004(a)(1), the Secretary—

"(1) shall reserve 1 percent of such amount for grants under this part to Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau), to be allotted in accordance with their respective needs;

"(2) shall reserve one percent of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth; and

"(3) may reserve no more than $1,000,000 for the national impact evaluation required by section 4106(a).

"(b) STATE ALLOTMENTS.—(1) Except as provided under paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

"(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

"(B) one-half of such remainder according to the ratio between the amount each State received under section 1124 and 1124A of this Act for the preceding year (or, for fiscal year 1995 only, sections 1005 and 1006 of this Act as in effect on the day before enactment of the Safe and Drug-Free Schools and Communities Act Amendments of 1994) and the sum of such amounts received by all the States.

"(2) For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

"(3) The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within two years of such allotment. Such reallotments shall be made on the same basis as allotments made under paragraph (1).

"(4) For the purpose of this subsection, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

### "SEC. 4102. STATE APPLICATIONS.

"(a) IN GENERAL.—In order to receive its allotment under section 4101 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

"(1)(A)(i) is integrated into the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that plan; and

"(ii) is submitted, if necessary, as an amendment to the State's plan under title III of the Goals 2000: Educate America Act; or

"(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this section;

"(2) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of on-going State evaluation activities, including data on the prevalence of drug use and violence by youth in schools and communities;

"(3) has been developed in consultation with the chief executive officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State child welfare agency, and the heads of the State criminal and juvenile justice planning agencies;

"(4) contains a description of the procedures the State educational agency will use to review applications from local educational agencies under section 4104;

"(5) contains an assurance that the State will cooperate with, and assist, the Secretary in conducting a national impact evaluation of programs required by section 4106(a); and

"(6) includes any other information the Secretary may require.

"(b) STATE EDUCATIONAL AGENCY FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4103(a) by the State educational agency that includes—

"(1) a statement of the State educational agency's measurable goals and objectives for drug and violence prevention and a description of the procedures it will use for assessing and publicly reporting progress toward meeting those goals and objectives;

"(2) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 4105;

"(3) a description of how the State educational agency will use funds it reserves under section 4103(b);

"(4) a description of how the State educational agency will coordinate its activities under this part with drug and violence prevention efforts of other State agencies; and

"(5) an explanation of the criteria the State educational agency will use to identify which local educational agencies receive supplemental funds under section 4103(d)(2)(A)(i)(II) and how the supplemental funds will be allocated among those local educational agencies.

"(c) GOVERNOR'S FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4103A by the chief executive officer that includes—

"(1) a statement of the chief executive officer's measurable goals and objectives for drug and violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives;

"(2) a description of how the chief executive officer will coordinate his or her activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

"(3) a description of how funds reserved under section 4103A will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;

"(4) a description of how the chief executive officer will award funds under section 4103A and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds; and

"(5) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning.

"(d) PEER REVIEW.—The Secretary shall use a peer review process in reviewing State applications under this section.

"(e) INTERIM APPLICATION.—Notwithstanding any other provisions of this section, a State may submit for fiscal year 1995 a one-year interim application and plan for the use of funds under this part that are consistent with the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review its application and comprehensive plan otherwise required by this section. A State may not receive a grant under this part for a fiscal year subsequent to fiscal year 1995 unless the Secretary has approved its application and comprehensive plan.

**"SEC. 4103. STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS.**

"(a) USE OF FUNDS.—An amount equal to 80 percent of the total amount allocated to a State under section 4101 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section.

"(b) STATE LEVEL PROGRAMS.—(1) A State educational agency shall use no more than five percent of the amount reserved under subsection (a) for activities such as—

"(A) training and technical assistance concerning drug and violence prevention for local and intermediate educational agencies, including teachers, administrators, counselors, coaches and athletic directors, other educational personnel, parents, students, community leaders, health service providers, local law enforcement officials, and judicial officials;

"(B) the development, identification, dissemination and evaluation of the most readily available, accurate, and up-to-date curriculum materials (including videotapes, software, and other technology-based learning resources), for consideration by local educational agencies;

"(C) demonstration projects in drug and violence prevention;

"(D) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this part; and

"(E) the evaluation of activities carried out within the State under this part.

"(2) A State educational agency may carry out activities under this subsection directly, or through grants or contracts.

"(c) STATE ADMINISTRATION.—A State educational agency may use no more than four percent of the amount reserved under subsection (a) for the administrative costs of carrying out its responsibilities under this part.

"(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—(1) A State educational agency shall distribute not less than 92 percent of the amount reserved under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.

"(2)(A)(i) Of the amount distributed under subsection (d)(1), a State educational agency shall distribute—

"(I) 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private non-profit schools within their boundaries; and

"(II) 30 percent of such amount to local educational agencies that the State educational agency determines have the greatest need for additional funds to carry out drug and violence prevention programs authorized by this part.

"(ii) To the extent practicable, not less than 25 percent of the amount specified in clause (i)(II) for a fiscal year shall be distributed to local educational agencies located in rural areas.

"(B)(i) A State educational agency shall distribute funds under subparagraph (A)(i)(II) to no more than ten percent of its local educational agencies, or five such agencies, whichever is greater.

"(ii) In determining which local educational agencies have the greatest need for additional funds, the State educational agency shall consider such factors as—

"(I) high rates of alcohol or other drug use among youth;

"(II) high rates of victimization of youth by violence and crime;

"(III) high rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

"(IV) the extent of illegal gang activity;

"(V) high rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;

"(VI) high rates of referrals of youths to juvenile court;

"(VII) high rates of expulsions and suspensions of students from schools; and

"(VIII) high rates of reported cases of child abuse and domestic violence.

"(e) REALLOCATION OF FUNDS.—If a local educational agency chooses not to apply to receive the amount allocated to it under subsection (d), or if its application under section 4104 is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of the local education agencies determined by the State educational agency under subsection (d)(2)(B) to have the greatest need for additional funds.

"(f) RETURN OF FUNDS TO STATE EDUCATIONAL AGENCY; REALLOCATION.—(1) Except as provided in paragraph (2), upon the expiration of the 1-year period beginning on the date that a local educational agency, intermediate educational agency, or consortium under this title receives its allocation under this title—

(A) such agency or consortium shall return to the State educational agency any funds from such allocation that remain unobligated; and

(B) the State educational agency shall reallocate any such amount to local educational agencies, intermediate educational agencies, or consortia that have plans for using such amount for programs or activities on a timely basis.

"(2) In any fiscal year, a local educational agency, intermediate educational agency, or consortium may retain for obligation in the succeeding fiscal year—

(A) an amount equal to not more than 25 percent of the allocation it receives under this title for such fiscal year; or

(B) upon a demonstration of good cause by such agency or consortium, a greater amount approved by the State educational agency.

**SEC. 4103A. GOVERNOR'S PROGRAMS.**

(a) USE OF FUNDS.—(1) An amount equal to 20 percent of the total amount allocated to a State under section 4101 for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

"(2) A chief executive officer may use no more than five percent of the amount reserved under paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section.

"(b) PROGRAMS AUTHORIZED.—(1) A chief executive officer shall use funds reserved under subsection (a)(1) for grants to or contracts with parent groups, community action and job training agencies, community-based organizations, and other public entities and private nonprofit organizations. Such grants or contracts shall support programs and activities described in subsection (c) for children and youth who are not normally served by State or local educational agencies, for populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, and dropouts), or both.

"(2) Grants or contracts awarded under this subsection shall be subject to a peer review process.

"(c) AUTHORIZED ACTIVITIES.—Grants and contracts under subsection (b) shall be used for programs and activities such as—

"(1) disseminating information about drug and violence prevention;

"(2) training parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, education, early intervention, counseling, or rehabilitation referral;

"(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training, law enforcement, health, mental health, and other appropriate services;

"(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with those of the State educational agency and its local educational agencies;

"(5) activities to protect students traveling to and from school;

"(6) developing and implementing strategies to prevent illegal gang activity;

"(7) coordinating and conducting community-wide violence and safety assessments and surveys; and

"(8) evaluating programs and activities under this section.

**"SEC. 4104. LOCAL APPLICATIONS.**

"(a) IN GENERAL.—(1) In order to be eligible to receive an allocation under section 4103(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency's program.

"(2)(A) A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, appropriate state agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

"(B) In addition to assisting the local educational agency to develop its application under this section, the advisory council established or designated under paragraph (2)(A) shall, on an on-going basis—

"(i) disseminate information about drug and violence prevention programs, projects, and activities conducted within the boundaries of the local educational agency;

"(ii) advise the local educational agency on how best to coordinate its activities under this part with other related programs, projects, and activities, including community service and service learning projects, and the agencies that administer them; and

"(iii) review program evaluations and other relevant material and make recommendations to the local educational agency on how to improve its drug and violence prevention programs.

"(b) CONTENTS OF APPLICATIONS.—An application under this section shall contain—

"(1) an assessment of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant's drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

"(2) a detailed explanation of the local educational agency's comprehensive plan for drug and violence prevention, which shall include a description of—

"(A) how that plan is consistent with, and promotes the goals in, the State's application under section 4102 and the local educational agency's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, or, if the local educational agency does not have such an approved plan and is not developing one, its plan under section 1112 of this Act;

"(B) the local educational agency's measurable goals for drug and violence prevention, and a description of how it will assess and publicly report progress toward attaining these goals;

"(C) the local educational agency's comprehensive plan for programs to be carried out under this part;

"(D) how the local educational agency will use its regular allocation under section 4103(d)(2)(A)(i)(I) and its supplemental allocation, if any, under section 4103(d)(2)(A)(i)(II);

"(E) how the local educational agency will coordinate its programs and projects with community-wide efforts to achieve its goals for drug and violence prevention; and

"(F) how the local education agency will coordinate its programs and projects with other Federal, State, and local programs for drug-abuse prevention, including health programs; and

"(3) such other information and assurances as the State educational agency may reasonably require.

"(c) REVIEW OF APPLICATION.—(1) In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

"(2)(A) In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of the local educational agency's comprehensive plan under subsection (b)(2) and the extent to which it is consistent with, and supports, the State's application under section 4102 and the State's plan under the Goals 2000: Educate America Act, and, if the State does not have such a plan, its plan under section 1111 of this Act.

"(B) A State educational agency may disapprove a local educational agency application under this section in whole or in part and may withhold, limit, or place restrictions on the use of funds allotted to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part or the State's plan under the Goals 2000: Educate America Act, and, if the State does not have such a plan, its plan under section 1111 of this Act, except that a local educational agency shall be afforded an opportunity to appeal any such disapproval.

**"SEC. 4105. LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.**

"(a) PROGRAM REQUIREMENTS.—A local educational agency shall use funds received under this part to adopt and carry out a comprehensive drug and violence prevention program which shall—

"(1) be designed, for all students and employees, to—

"(A) prevent the use, possession, and distribution of tobacco, alcohol and illegal drugs by students and to prevent the illegal use, possession, and distribution of such substances by employees;

"(B) prevent violence and promote school safety; and

"(C) create a disciplined environment conducive to learning;

"(2) include activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs assessments, goals, and programs under this part; and

"(3) include community-based prevention and education activities in accordance with the requirements of subsection (c).

"(b) AUTHORIZED ACTIVITIES.—A comprehensive drug and violence prevention program carried out under this part may include—

"(1) age-appropriate, developmentally based drug prevention and education programs for all students, from the preschool level through grade 12, that address the legal, social, personal and health consequences of the use of illegal drugs, promote a sense of individual responsibility, and provide information about effective techniques for resisting peer pressure to use illegal drugs;

"(2) programs of drug prevention, early intervention, counseling, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and which may include—

"(A) the dissemination of information about drug prevention;

"(B) the professional development of school personnel, parents, students, law enforcement officials, judicial officials, health service providers and community leaders in prevention, education, early intervention, counseling or rehabilitation referral;

"(C) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol and other drug use, such as—

"(i) family counseling;

"(ii) early intervention activities that prevent family dysfunction, enhance school performance, and boost attachment to school and family; and

"(iii) activities, such as community service and service-learning projects, that are designed to increase students' sense of community;

"(3) age-appropriate, developmentally based violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, health, personal, and social consequences of violent and disruptive behavior, including sexual harassment, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence;

"(4) violence prevention programs for school-aged youth, which emphasize students' sense of individual responsibility and may include—

"(A) the dissemination of information about school safety and discipline;

"(B) the professional development of school personnel, parents, students, law enforcement officials, judicial officials, and community leaders in designing and implementing strategies to prevent school violence;

"(C) the implementation of strategies, such as conflict resolution and peer mediation and the use of mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment; and

"(D) comprehensive, community-wide strategies to prevent or reduce illegal gang activities;

"(5) subject to the requirements of the matter following paragraph (8), not more than one half of the cost of—

"(A) minor remodeling to promote security and reduce the risk of violence, such as removing lockers, installing better lights, and upgrading locks; and

"(B) acquiring and installing metal detectors and hiring security personnel;

"(6) the promotion of before-and-after school recreational, instructional, cultural, and artistic programs in supervised community settings; and

"(7) drug abuse resistance education programs, designed to teach students to recognize and resist pressures to use alcohol or other drugs, which may include activities such as classroom instruction by uniformed law enforcement officers, resistance techniques, resistance to peer pressure and gang pressure, and provision for parental involvement;

"(8) the evaluation of any of the activities authorized under this subsection.

A local educational agency may use no more than 33 percent of the funds it receives under this part for any fiscal year for the activities described in paragraph (5).

### "SEC. 4106. EVALUATION AND REPORTING.

"(a) NATIONAL IMPACT EVALUATION.—The Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall conduct an independent biennial evaluation of the national impact of programs under this part and submit a report of the findings of such evaluation to the President and the Congress.

"(b) STATE REPORT.—(1) By October 1, 1997, and every third year thereafter, the State educational agency shall submit to the Secretary a report—

"(A) on the implementation and outcomes of State programs under section 4103(b) and local programs under section 4103(d), as well as an assessment of their effectiveness; and

"(B) on the State's progress toward attaining its goals for drug and violence prevention under section 4103(b)(1).

"(2) The report required by this subsection shall be—

"(A) in the form specified by the Secretary;

"(B) based on the State's on-going evaluation activities, and shall include data on the prevalence of drug use and violence by youth in schools and communities; and

"(C) made readily available to the public.

"(c) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency whatever information, and at whatever intervals, the State requires to complete the State report required by subsection (b), including information on the prevalence of drug use and violence by youth in the schools and the community. Such information shall be made readily available to the public.

## "PART B—NATIONAL PROGRAMS

### "SEC. 4201. FEDERAL ACTIVITIES.

"(a) PROGRAM AUTHORIZED.—From funds appropriated under section 4004(a)(2), the Secretary of Education, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students at all educational levels, preschool through postsecondary. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private organizations and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

"(1) the development and demonstration of innovative strategies for training school personnel, parents, and members of the community, including the demonstration of model preservice training programs for prospective school personnel;

"(2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention that are carried out in cooperation with other Federal agencies, including the Department of Health and Human Services, the Department of Justice, the Department of Housing and Urban Development, and the Department of Labor;

"(3) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 509 of the Public Health Service Act;

"(4) the development, dissemination, and implementation of model programs and strategies to promote the safety of students attending institutions of higher education by preventing violent behavior and the illegal use of alcohol and other drugs by such students;

"(5) the development of curricula related to child abuse prevention and education and the training of personnel to teach child abuse education and prevention to elementary and secondary school children;

"(6) program evaluations that address issues not addressed under section 4106(a);

"(7) direct services to schools and school systems afflicted with especially severe drug and violence problems;

"(8) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;

"(9) developing and disseminating drug and violence prevention materials, including video-based projects and model curricula;

"(10) developing and implementing a comprehensive violence prevention strategy for schools and communities, that may include conflict resolution, peer mediation, the teaching of law and legal concepts, and other activities designed to stop violence;

"(11) the implementation of innovative activities, such as community service projects, designed to rebuild safe and healthy neighborhoods and increase students' sense of individual responsibility;

"(12) other activities that meet unmet national needs related to the purposes of this title; and

"(13) grants to noncommercial telecommunications entities for the production and distribution of national video-based projects that provide young people with models for conflict resolution and responsible decisionmaking.

"(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

## "PART C—GENERAL PROVISIONS

### "SEC. 4301. DEFINITIONS.

"For the purposes of this title, the following terms have the following meanings:

"(1) The term 'drug and violence prevention' means—

"(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol, the use of tobacco and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids; and

"(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

"(2) The term 'nonprofit', as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(3) The term 'school-aged population' means the population aged 5 through 17, inclusive, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

"(4) The term 'school personnel' includes teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

### "SEC. 4302. MATERIALS.

"(a) 'WRONG AND HARMFUL' MESSAGE.—Drug prevention programs supported under this title shall convey a clear and consistent message that the illegal use of alcohol and other drugs is wrong and harmful.

"(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this title, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

### "SEC. 4303. PROHIBITED USES OF FUNDS.

"No funds under this title may be used for—

"(1) construction (except for minor remodeling needed to accomplish the purposes of this title);

"(2) drug treatment or rehabilitation; and

"(3) psychiatric, psychological, or other medical treatment or rehabilitation, other than school-based counseling for students or school personnel who are victims or witnesses of school-related crime.

### "SEC. 4304. CERTIFICATION OF DRUG AND ALCOHOL ABUSE PREVENTION PROGRAMS.

"(a) IN GENERAL.—Notwithstanding any other provision of law other than section 432 of the General Education Provisions Act and section 103(b) of the Department of Education Organization Act, no local educational agency shall be eligible to receive funds or any other form of financial assistance under any Federal program unless it certifies to the State educational agency that it has adopted and has implemented a program to prevent the use of illicit drugs and alcohol by students or employees that, at a minimum, includes—

"(1) age-appropriate, developmentally based drug and alcohol education and prevention programs (which address the legal, social, and health consequences of drug and alcohol use and which provide information about effective techniques for resisting peer pressure to use illicit drugs or alcohol) for students in all grades of the schools operated or served by the applicant, from early childhood level through grade 12;

"(2) conveying to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;

“(3) standards of conduct that are applicable to students and employees in all the applicant's schools and that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on school premises or as part of any of its activities;

“(4) a clear statement that sanctions (consistent with local, State, and Federal law), up to and including expulsion or termination of employment and referral for prosecution, will be imposed on students and employees who violate the standards of conduct required by paragraph (3) and a description of those sanctions;

“(5) information about any available drug and alcohol counseling and rehabilitation and re-entry programs that are available to students and employees;

“(6) a requirement that parents, students, and employees be given a copy of the standards of conduct required by paragraph (3) and the statement of sanctions required by paragraph (4);

“(7) notifying parents, students, and employees that compliance with the standards of conduct required by paragraph (3) is mandatory; and

“(8) a biennial review by the applicant of its program to—

“(A) determine its effectiveness and implement changes to the program if they are needed; and

“(B) ensure that the sanctions required by paragraph (4) are consistently enforced.

“(b) Dissemination of Information.—Each local educational agency that provides the certification required by subsection (a) shall, upon request, make available to the Secretary, the State educational agency, and to the public full information about the elements of its program required by subsection (a), including the results of its biennial review.

“(c) Certification to Secretary.—Each State educational agency shall certify to the Secretary that it has adopted and has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by its students and employees that is consistent with the program required by subsection (a) of this section. The State educational agency shall, upon request, make available to the Secretary and to the public full information about the elements of its program.

“(d) Regulations.—(1) The Secretary shall publish regulations to implement and enforce the provisions of this section, including regulations that provide for—

“(A) the periodic review by State educational agencies of a representative sample of programs required by subsection (a); and

“(B) a range of responses and sanctions for local educational agencies that fail to implement their programs or to consistently enforce their sanctions, including information and technical assistance, the development of a compliance agreement, and the termination of any form of Federal financial assistance.

“(2) The sanctions required by subsection (a)(1)(4) may include the completion of an appropriate rehabilitation program.

“(e) Appeal Regarding Termination of Assistance.—Upon a determination by the Secretary to terminate financial assistance to any local educational agency under this section, the agency may file an appeal with an administrative law judge before the expiration of the 30-day period beginning on the date such agency is notified of the decision to terminate financial assistance under this section. Such judge shall hold a hearing with respect to such termination of assistance before the expiration of the 45-day period beginning on the date that such appeal is filed. Such judge may extend such 45-day period upon a motion by the agency concerned. The decision of the judge with respect to such termination shall be considered to be a final agency action.

## “TITLE V—MAGNET SCHOOLS ASSISTANCE

### “PART A—PROMOTING EQUITY

#### “SEC. 5101. FINDINGS.

“The Congress finds that—

“(1) magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation in its schools;

“(2) the use of magnet schools has increased dramatically since enactment of the magnet program, with approximately 1.4 million students nationwide now attending such schools, of which more than 60 percent of the students are nonwhite;

“(3) magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts;

“(4) in administering this program, the Federal Government has learned that—

“(A) where magnet programs are implemented for only a portion of a school's student body, special efforts must be made to discourage the isolation of magnet students from other students in the school;

“(B) local educational agencies can maximize their effectiveness in achieving the purposes of this program if they have more flexibility to serve students attending a school who are not enrolled in the magnet school program;

“(C) local educational agencies must be creative in designing magnet schools for students at all academic levels, so that school districts do not skim off only the highest achieving students to attend the magnet schools;

“(D) local educational agencies must seek to enable participation in magnet school programs by students who reside in the neighborhoods where the programs are placed; and

“(E) in order to ensure that magnet schools are sustained after Federal funding ends, the Federal Government must assist local educational agencies to improve their capacity to continue to operate magnet schools at a high level of performance;

“(5) it is in the best interest of the Federal Government to—

“(A) continue its support of local educational agencies implementing court-ordered desegregation plans and local educational agencies seeking to foster meaningful interaction among students of different racial and ethnic backgrounds beginning at the earliest stage of their education;

“(B) ensure that all students have equitable access to quality education that will prepare them to function well in a culturally diverse, technologically-oriented, and highly competitive global community; and

“(C) maximize the ability of local educational agencies to plan, develop, implement and continue new and innovative programs in magnet schools that contribute to State and local systemic reform.

#### “SEC. 5102. STATEMENT OF PURPOSE.

“The purpose of this part is to assist in the desegregation of local educational agencies by providing financial assistance to eligible local educational agencies for—

“(1) the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students;

“(2) the development and implementation of magnet school projects that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State performance standards;

“(3) the development and design of innovative educational methods and practices; and

“(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

#### “SEC. 5103. PROGRAM AUTHORIZED.

“The Secretary is authorized, in accordance with this part, to make grants to eligible local educational agencies for use in magnet schools that are part of an approved desegregation plan and that are designed to bring students from different social, economic, ethnic, and racial backgrounds together.

#### “SEC. 5104. DEFINITION.

“For the purpose of this part, the term ‘magnet school’ means a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

#### “SEC. 5105. ELIGIBILITY.

“A local educational agency is eligible to receive assistance under this part if it—

“(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and that requires the desegregation of minority-group-segregated children or faculty in the elementary and secondary schools of such agency; or

“(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

#### “SEC. 5106. APPLICATIONS AND REQUIREMENTS.

“(a) Applications.—An eligible local educational agency desiring to receive assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

“(b) Information and Assurances.—An application under this part shall include—

“(1) a description of—

“(A) how assistance made available under this part will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

“(B) the manner and extent to which the magnet school project will increase student achievement in the instructional area or areas offered by the school;

“(C) the manner in which an applicant will continue the magnet school project after assistance under this part is no longer available, including, if applicable, an explanation of whether successful magnet schools established or supported by the applicant with funds under this part have been continued without the use of funds under this part;

“(D) how funds under this part will be used to implement services and activities that are consistent with the State's and local educational agency's systemic reform plan, if any, under title III of the Goals 2000: Educate America Act; and

“(E) the criteria to be used in selecting students to attend the proposed magnet school projects; and

"(2) assurances that the applicant will—

"(A) use funds under this part for the purposes specified in section 5103;

"(B) employ teachers in the courses of instruction assisted under this part who are certified or licensed by the State to teach the subject matter of the courses of instruction;

"(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

"(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

"(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

"(iii) designing or operating extracurricular activities for students;

"(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

"(E) give students residing in the local attendance area of the proposed magnet school projects equitable consideration for places in those projects.

"(c) SPECIAL RULE.—No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

**"SEC. 5107. PRIORITY.**

"In approving applications under this part, the Secretary shall give priority to applicants that—

"(1) have the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegragation plan and the projects for which assistance is sought;

"(2) propose to carry out new magnet school projects or significantly revise existing magnet school projects;

"(3) propose to select students to attend magnet school projects by methods such as lottery, rather than through academic examination;

"(4) propose to implement innovative educational approaches that are consistent with the State's and local educational agency's approved systemic reform plans, if any, under title III of the Goals 2000: Educate America Act; and

"(5) propose to draw on comprehensive community involvement plans.

**"SEC. 5108. USE OF FUNDS.**

"(a) USE OF FUNDS.—Grants made under this part may be used by eligible local educational agencies—

"(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

"(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

"(3) for the payment of, or subsidization of the compensation of, elementary and secondary school teachers who are certified or licensed by the State and who are necessary to conduct programs in magnet schools; and

"(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

"(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and

"(B) further the purposes of this part.

"(b) SPECIAL RULE.—With respect to subsections (a)(2) and (3), such grants may be used by eligible local educational agencies for such activities only if such activities are directly related to improving the students' reading skills or their knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational skills.

**"SEC. 5109. PROHIBITIONS.**

"Grants under this part may not be used for transportation, or for any activity that does not augment academic improvement.

**"SEC. 5110. LIMITATION ON PAYMENTS.**

"(a) DURATION OF AWARDS.—Awards made under this part shall not exceed 3 years.

"(b) LIMITATION ON PLANNING FUNDS.—A local educational agency may expend for planning up to 50 percent of the funds received under this part for the first year of the project, 15 percent for the second year of the project, and up to 10 percent for the third year of the project.

"(c) LIMITATION ON GRANTS.—A local educational agency shall not receive more than $4,000,000 under this part in any one grant cycle.

"(d) AWARD REQUIREMENT.—To the extent practicable, for any fiscal year, the Secretary shall award grants to local educational agencies under this part no later than June 1 of the applicable fiscal year.

**"SEC. 5111. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.**

"(a) AUTHORIZATION.—For the purpose of carrying out this part, there are authorized to be appropriated $120,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds $75,000,000, the Secretary shall, with respect to such excess amount, give priority to grants to local educational agencies that did not receive a grant under this part in the last fiscal year of the funding cycle prior to the fiscal year for which the determination is made.

"(c) EVALUATIONS.—The Secretary may reserve not more than 2 percent of the funds appropriated under subsection (a) for any fiscal year to carry out evaluations of projects under this part.

### "PART B—WOMEN'S EDUCATIONAL EQUITY ACT

**"SEC. 5201. FINDINGS AND STATEMENT OF PURPOSE.**

"(a) FINDINGS.—The Congress finds and declares that—

"(1) educational programs in the United States are frequently inequitable as such programs relate to women and girls;

"(2) such inequities limit the full participation of all individuals in American society; and

"(3) efforts to improve the quality of public education also must include efforts to ensure equal access to quality education programs for all women and girls.

"(b) PURPOSE.—The purpose of this part is to provide gender equity in education in the United States; to provide financial assistance to enable educational agencies and institutions to meet the requirements of title IX of the Educational Amendments of 1972; and to provide equity in education to women and girls who suffer multiple forms of discrimination based on sex, race, ethnic origin, limited English proficiency, disability, or age.

**"SEC. 5202. PROGRAMS AUTHORIZED.**

"The Special Assistant of the Office of Women's Equity is authorized—

"(1) to promote, coordinate and evaluate gender equity policies, programs, activities and initiatives in all federal education program and offices;

"(2) to develop, maintain, and disseminate materials, resources, analyses and research relating to education equity for women and girls;

"(3) to provide information and technical assistance to assure the effective implementation of gender equity programs;

"(4) coordinate gender equity programs and activities with other federal agencies with jurisdiction over education and related programs;

"(5) to provide grants to develop model equity programs;

"(6) to provide funds for the implementation of equity programs in schools throughout the Nation;

"(7) to assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities related to education equity for women and girls; and

"(8) any other activities consistent with achieving the purposes of this part.

**"SEC. 5203. LOCAL IMPLEMENTATION GRANTS.**

"(a) AUTHORITY.—The Secretary is authorized to make grants to, and enter into contracts with, public agencies, private nonprofit agencies, organizations, and institutions, including students and community groups, for activities designed to achieve the purposes of this part at all levels of education, including preschool, elementary and secondary education, higher education, adult education and vocational/technical education; for the establishment and operation, for a period not to exceed four years, of local programs to ensure—

"(1) educational equity for women and girls

"(2) equal opportunities for both sexes

"(3) to conduct activities incident to achieving compliance with title IX of the Education Amendments of 1972; and

"(b) GRANT PROGRAM.—Authorized activities under subsection (a) may include—

"(1) introduction into the curriculum and classroom of curricula, textbooks, and other material designed to achieve equity for women and girls;

"(2) implementation of preservice and inservice training with special emphasis on programs and activities designed to provide educational equity for women and girls;

"(3) evaluation of promising or exemplary model programs to assess their ability to improve local efforts to advance educational equity for women and girls;

(4) implementation of programs and policies to address sexual harassment and violence against women and girls and to ensure that educational institutions are free from threats to the safety of students and personnel;

"(5) implementation of guidance and counseling activities, including career education program, designed to ensure educational equity for women and girls;

"(6) implementation of nondiscriminatory tests of aptitude and achievement and of alternative assessments that eliminate biased assessment instruments from use;

"(7) implementation of programs to increase educational opportunities, including higher education, vocational training, and other educational programs for low income women; including underemployed and unemployed women and women receiving Aid to Families with Dependent Children benefits;

"(8) implementation of programs to improve representation of women in educational administration at all levels; and

"(9) planning, development and initial implementation of:

"(A) comprehensive plans for implementation of equity programs in state and local educational agencies and institutions of higher education; including community colleges;

"(B) innovative approaches to school-community partnerships for educational equity;

"(C) innovative approaches to equity programs addressing combined bias, stereotyping, and discrimination on the basis of sex and race, ethnic origin, limited English proficiency, and disability.

"(c) APPLICATION; PARTICIPATION.—A grant may be made, and a contract may be entered into, under this part only upon application to the Secretary, at such time, in such form, and containing or accompanied by such information as the Secretary may prescribe. Each such application shall—

"(1) provide that the program or activity for which assistance is sought will be administered by or under the supervision of the applicant and in cooperation with appropriate educational and community leaders, including parent, teacher and student organizations, educational institutions, business leaders, community-based organizations serving women, and other significant groups and individuals;

"(2) describe a program for carrying out the purpose set forth in Section 5203(b) which holds promise of making substantial contribution toward attaining such purposes;

"(3) describe plans for continuation and institutionalization of the program with local support following completion of the grant period and termination of Federal support under this part; and

"(4) establish policies and procedures which ensure adequate documentation and evaluation of the activities intended to be carried out under the application.

"(d) CRITERIA; PRIORITIES; CATEGORIES OF COMPETITION.—The Secretary shall establish criteria, priorities, and categories of competition for awards under this part to ensure that available funds are used for those purposes that most effectively will achieve the purposes of the act.

"(1) The Criteria shall address the extent to which—

"(A) the program addresses the needs of women and girls of color and women and girls with disabilities:

"(B) the program meets locally defined and documented educational equity needs and priorities, including title IX compliance;

"(C) the program is a significant component of a comprehensive plan for educational equity and title IX compliance in the particular school district, institution of higher education, vocational-technical institution, or other educational agency or institution;

"(D) the program implements an institutional change strategy with long-term impact and will continue as a central activity of the applicant agency or institution after the grant is completed.

"(2) The Secretary shall establish no more than four priorities, one of which shall be a priority for compliance with title IX of the Education Amendments of 1972. Not more than 60 percent of funds available in each fiscal year shall be allocated to programs under the four priorities.

"(3) The Secretary shall establish 3 categories of competition, distinguishing among three types of applicants and levels of education that shall include—

"(A) grants to local educational agencies, state education agencies, and other agencies and organizations providing elementary and secondary education;

"(B) grants to institutions of higher education, including community colleges and other agencies and organizations providing postsecondary education, including vocational-technical education, adult education, and other programs;

"(C) grants to non-profit organizations, including community-based organizations groups representing students, parents, and women, including women and girls of color and women and girls with disabilities.

"(e) REQUIREMENT.—Not less than 25 percent of funds used to support activities covered by subsection (b) shall be used for awards under each category of competition in each fiscal year.

"(f) SPECIAL RULE.—The Secretary shall ensure that the total of grants awarded each year address—

"(1) all levels of education, including preschool, elementary and secondary education, higher education, vocational education, and adult education;

"(2) all regions of the United States, including at least one grant in each of the ten federal regions;

"(3) urban, rural, and suburban educational institutions.

### "SEC. 5204. RESEARCH AND DEVELOPMENT GRANTS.

"(a) AUTHORITY.—The Secretary is authorized to make grants to, and enter into contracts with, public agencies, private nonprofit agencies, organizations, and institutions, including students, and community groups, for activities designed to achieve the purpose of this part at all levels of education, including preschool, elementary and secondary education, higher education, adult education and vocational-technical education; to develop model policies and programs, and to conduct research to address and ensure educational equities for women and girls, including but not limited to—

"(1) the development and evaluation of gender-equitable curricula, textbooks, software, and other educational material and technology;

"(2) the development of model preservice and inservice training programs for educational personnel with special emphasis on programs and activities designed to provide educational equity;

"(3) the development of guidance and counseling activities, including career education programs, designed to ensure gender equity;

"(4) the development and evaluation of nondiscriminatory assessment systems;

"(5) the development of policies and programs to address and prevent sexual harassment and violence to ensure that educational institutions are free from threats to safety of students and personnel;

"(6) the development and improvement of programs and activities to increase opportunity for women, including continuing educational activities, vocational education, and programs for low income women; including underemployed and unemployed women, and women receiving Aid to Families with Dependent Children.

"(7) the development of instruments and strategies for program evaluation and dissemination of promising or exemplary programs designed to improve local efforts to achieve gender equity;

"(8) the development of instruments and procedures to assess the presence or absence of gender equity in educational settings;

"(9) the development and evaluation of various strategies to institutionalize gender equity in education.

"(b) APPLICATION.—A grant may be made, and a contract may be entered into, under this part only upon application to the Secretary, at such time, in such form, and containing or accompanied by such information as the Secretary may prescribe. Each such application shall—

"(1) provide that the program or activity for which assistance is sought will be administered by or under the supervision of the applicant;

"(2) describe a plan for carrying out 1 or more research and development activities authorized in paragraph (a) above, which holds promise of making a substantial contribution toward attaining the purposes of this act; and

"(3) set forth policies and procedures which insure adequate documentation, data collection, and evaluation of the activities intended to be carried out under the application, including an evaluation or estimate of the potential for continued significance following completion of the grant period.

"(c) CRITERIA AND PRIORITIES.—(1) The Secretary shall establish criteria and priorities to ensure that available funds are used for programs that most effectively will achieve the purposes of this part.

"(2) The criteria and priorities shall be promulgated in accordance with section 431 of the General Education Provisions Act.

"(3) In establishing priorities the Secretary shall establish no more than 4 priorities, 1 of which shall be programs which address the educational needs of women and girls who suffer multiple or compound discrimination based on sex and on race, ethnic origin, disability, or age.

"(d) SPECIAL RULE.—The Secretary shall ensure that the total of grants awarded each year address—

"(1) all levels of education, including preschool, elementary and secondary education, higher education, vocational education, and adult education;

"(2) all regions of the United States;

"(d) COORDINATION.—Research activities supported under this part—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

"(2) may include collaborative research activities which are jointly funded and carried out by the Office of Women's Equity and the Office of Educational Research and Improvement.

"(f) LIMITATION.—Nothing in this part shall be construed as prohibiting men and boys from participating in any programs or activities assisted under this part.

### "SEC. 5205. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated—

"(1) for the purpose of carrying out the provisions of section 5203, there are authorized to be appropriated $3,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999; and

"(2) for the purpose of carrying out the provisions of section 5204, there are authorized to be appropriated $2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

## "TITLE VI—INDIAN EDUCATION

### "SEC. 6001. FINDINGS.

"The Congress finds that—

"(1) the Federal Government has a special responsibility to ensure that educational programs for all American Indian and Alaska Native children and adults—

"(A) are based on high-quality, internationally competitive content and student performance standards and build on Indian culture and the Indian community;

"(B) assist local educational agencies, Indian tribes, and others in providing Indian students the opportunity to achieve those standards; and

"(C) meet the special educational and culturally related academic needs of American Indian and Alaska Native students;

"(2) since enactment of the original Indian Education Act in 1972, Indian parents have become significantly more involved in the planning, development, and implementation of educational programs that affect them and their children, and schools should continue to foster such involvement;

"(3) although the numbers of Indian teachers, administrators, and university professors have increased since 1972, teacher training programs are not recruiting, training, or retraining sufficient numbers of Indian persons as educators to meet the needs of a growing Indian student population in elementary, secondary, vocational, adult, and higher education;

"(4) the dropout rate for Indian students is unacceptably high; for example, nine percent of Indian students who were eighth graders in 1988 had already dropped out of school by 1990;

"(5) from 1980 to 1990, the percentage of Indian persons living in poverty increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and families; and

"(6) research related specifically to the education of Indian children and adults is very limited, and much of it is poor in quality or focused on limited local or regional issues.

#### "SEC. 6002. PURPOSE.

"(a) Purpose.—It is the purpose of this title to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the special educational and culturally related academic needs of American Indians and Alaska Natives, so that they can achieve to the same challenging State performance standards expected of all students.

"(b) Programs Authorized.—This title carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

"(1) meeting the special educational and culturally related academic needs of American Indians and Alaska Natives;

"(2) the education of Indian children and adults;

"(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

"(4) research, evaluation, data collection, and technical assistance.

### "PART A—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

#### "SEC. 6101. PURPOSE.

"It is the purpose of this part to support local educational agencies in their efforts to reform elementary and secondary school programs that serve Indian students in order to ensure that such programs—

"(1) are based on challenging State content and student performance standards that are used for all students; and

"(2) are designed to assist Indian students meet those standards and assist the Nation in reaching the National Education Goals.

#### "SEC. 6102. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"A local educational agency is eligible for a grant under this part for any fiscal year if the number of Indian children who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

"(1) was at least 20; or

"(2) constituted not less than 25 percent of the agency's total enrollment.

#### "SEC. 6103. AMOUNT OF GRANTS.

"(a) Amount of Grants.—(1) The Secretary is authorized to allocate to each local educational agency which has an approved application under this part an amount equal to the product of—

"(A) the number of Indian children described in section 6106; and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which the agency is located; or

"(ii) 80 percent of the average per-pupil expenditure in the United States.

"(2) The Secretary shall reduce the amount of each allocation determined under paragraph (1) in accordance with subsection (e) of this section.

"(b) Minimum Grant Amount.—The Secretary shall not make a grant to a local educational agency if the amount determined under subsection (a) is less than $4,000, except that the Secretary may make a grant to a consortium of local educational agencies, one or more of which does not qualify for such a minimum award, if—

"(1) the total amount so determined for such agencies is not less than $4,000;

"(2) such agencies, in the aggregate, meet the eligibility requirement of either section 6102(1) or 6102(2); and

"(3) the Secretary determines that such a grant would be effectively used to carry out the purpose of this part.

"(c) Definition.—For the purpose of this section, the average per-pupil expenditure of a State is determined by dividing—

"(1) the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; by

"(2) the aggregate number of children who were in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

"(d) Schools Operated or Supported by the Bureau of Indian Affairs.—(1) In addition to the grants determined under subsection (a), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

"(A) the total number of Indian children enrolled in schools that are operated by—

"(i) the Bureau of Indian Affairs; or

"(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act (25 U.S.C. 450f et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.); and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which the school is located; or

"(ii) 80 percent of the average per-pupil expenditure in the United States.

"(2) The Secretary shall transfer the amount determined under paragraph (1), reduced as may be necessary under subsection (e), to the Secretary of the Interior in accordance with, and subject to, section 9205 of this Act.

"(e) Ratable Reductions.—If the sums appropriated for any fiscal year under section 6602(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

#### "SEC. 6104. APPLICATIONS.

"(a) General.—Any local educational agency that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) Comprehensive Program Required.—Each such application shall include a comprehensive program for meeting the needs of Indian children in the local educational agency, including their language and cultural needs, that—

"(1) provides programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students,

"(2)(A) is consistent with, and promotes the goals in, the State and local plans, either approved or being developed, under title III of the Goals 2000: Educate America Act or, if such plans are not approved or being developed, with the State and local plans under sections 1111 and 1112 of this Act; and

"(B) includes academic content and student performance goals for such children, and benchmarks for attaining them, that are based on the challenging State standards adopted under title III of the Goals 2000: Educate America Act or under title I of this Act for all children;

"(3) explains how Federal, State, and local programs, especially under title I of this Act, will meet the needs of such students;

"(4) demonstrates how funds under this part will be used for activities authorized by section 6105;

"(5) describes the professional development to be provided, as needed, to ensure that—

"(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

"(B) all teachers who will be involved in the project have been properly trained to carry it out; and

"(6) describes how the agency—

"(A) will periodically assess the progress of all Indian children in its schools, including Indian children who do not participate in programs under this part, in meeting the goals described in paragraph (2);

"(B) will provide the results of that assessment to the parent committee described in subsection (c)(6) and to the community served by the agency; and

"(C) is responding to findings of any previous such assessments.

"(c) Assurances.—Each such application shall also include assurances that—

"(1) the local educational agency will use funds received under this part only to supplement the level of funds that, in the absence of such Federal funds, the agency would make available for the education of Indian children, and not to supplant such funds;

"(2) the local educational agency will submit such reports to the Secretary, in such form and containing such information, as the Secretary may require to—

"(A) carry out the Secretary's functions under this part; and

"(B) determine the extent to which funds provided under this part have been effective in improving the educational achievement of Indian students in the local educational agency;

"(3) the program for which assistance is sought has been based upon a local assessment and prioritization of the special educational and culturally related academic needs of the American Indian and Alaska Native students for which the local educational agency is providing an education;

"(4) the program for which assistance is sought will use the best available talents and resources, including persons from the Indian community;

"(5) the local educational agency has developed the program in open consultation with parents of Indian children, teachers, and, where appropriate, secondary school Indian students, including holding public hearings at which such persons have had a full opportunity to understand the program and to offer recommendations regarding such program;

"(6) the local educational agency has developed the program with the participation and written approval of a committee—

"(A) that is composed of, and selected by, parents of Indian children in the local educational agency's schools, teachers, and, where appropriate, secondary school Indian students and of which at least half the members are such parent;

"(B) that sets forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children and representatives of the area to be served; and

"(C) that, in the case of an application which includes a schoolwide project (as specified in section 6105(c) of this part) finds that such project will not diminish the availability of culturally related activities for American Indians and Alaskan Native students; and

"(D) that adopts and abides by reasonable bylaws for the conduct of the activities of the committee.

"(d) STATE EDUCATIONAL AGENCY REVIEW.—(1) Before submitting its application to the Secretary, the local educational agency shall obtain comments on the application from the State educational agency.

"(2) The local educational agency shall send the State educational agency's comments to the Secretary with its application.

**"SEC. 6105. AUTHORIZED SERVICES AND ACTIVITIES.**

"(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this part shall use the grant funds for services and activities, consistent with the purpose of this part, that—

"(1) are designed to carry out its comprehensive plan for Indian students, described in its application under section 6104(b);

"(2) are designed with special regard for the language and cultural needs of those students; and

"(3) supplement and enrich the regular school program.

"(b) PARTICULAR ACTIVITIES.—Such services and activities include—

"(1) culturally related activities which support the program set out in the application, as required in section 6104;

"(2) early childhood and family programs that emphasize school readiness;

"(3) enrichment programs that focus on problem-solving and cognitive skills development and that directly support the attainment of challenging State content and student performance standards;

"(4) integrated educational services in combination with other programs meeting similar needs;

"(5) school-to-work transition activities to enable Indian students to participate in programs such as those supported by the School-to-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, including tech-prep, mentoring, and apprenticeship programs;

"(6) prevention of, and education about, substance abuse; and

"(7) acquisition of equipment, but only if such acquisition is essential to meet the purpose of this part.

"(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of this part, a local educational agency may use funds it receives under this part to support a schoolwide program under section 1114 of title I of this Act, in accordance with such section, if the Secretary determines that the local educational agency has made adequate provision for the participation of Indian children in such project and the involvement of Indian parents in the formulation of such project.

**"SEC. 6106. STUDENT ELIGIBILITY FORMS.**

"(a) The Secretary shall require that each application for a grant under this subpart for each fiscal year be supported by a form, maintained in the files of the applicant, for each eligible Indian child for whom the local educational agency is providing free public education that sets forth information establishing the status of the child as an eligible Indian child.

"(b) The Secretary shall request on the form required under subsection (a) at least the following information:

"(1) either—

"(A) the name of the tribe, band, or other organized group of Indians with which the child claims membership, along with the enrollment number establishing membership (if readily available), and the name and address of the organization which has updated and accurate membership data for such tribe, band, or other organized group of Indians, or

"(B) if the child is not a member of a tribe, band, or other organized group of Indians, the name, the enrollment number (if readily available), and the organization (and address thereof) responsible for maintaining updated and accurate membership rolls of any of the child's parents or grandparents, from whom the child claims eligibility;

"(2) whether the tribe, band, or other organized group of Indians with which the child, his parents, or grandparents claim membership is federally recognized;

"(3) the name and address of the parent or legal guardian;

"(4) the signature of the parent or legal guardian verifying the accuracy of the information supplied; and

"(5) any other information which the Secretary deems necessary to provide an accurate program profile.

"(c) Nothing in the requirements of subsection (b) may be construed as affecting the definition set forth in section 6601. In order for a child to be counted in computing the local educational agency's grant award, the eligibility form for the child must contain at a minimum—

"(1) the child's name;

"(2) the name of the tribe, band, or other organized group of Indians; and

"(3) the parent's dated signature.

The failure of an applicant to furnish any other information listed in subsection (b) with respect to any child shall have no bearing on the determination of whether the child is an eligible Indian child.

"(d) The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985–1986 academic year to establish a child's eligibility for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the only forms and standards of proof used to establish such eligibility and to meet the requirements of subsection (a).

"(e) For purposes of determining whether a child is an eligible Indian child, the membership of the child, or any parent or grandparent of the child, in a tribe, band, or other organized group of Indians may be established by proof other than an enrollment number, even if enrollment numbers for members of such tribe, band, or groups are available. Nothing in subsection (b) may be construed as requiring the furnishing of enrollment numbers.

"(f)(1)(A) The Secretary shall establish a method of auditing, on an annual basis, a sample of not less than one-fourth of the total number of local educational agencies receiving funds under this part and shall submit to the Congress an annual report on the findings of the audits.

"(B) For purposes of an audit conducted by the Federal Government with respect to funds provided under this part, all procedures, practices, and policies that are established by—

"(i) the Office of Indian Education of the Department of Education, or

"(ii) a grantee under this subpart who, in establishing such procedures, practices, and policies, was acting under the direction of any employee of such Office that is authorized by the Director of such Office to provide such direction,

shall, with respect to the period beginning on the date of the establishment of such procedures, practices, and policies, and ending on the date (if any) on which the Director of such Office revokes authorization for such procedures, practices, and policies, be considered appropriate and acceptable procedures, practices, and policies which are in conformity with Federal law.

"(C) A local educational agency may not be held liable to the United States, or be otherwise penalized, by reason of the findings of an audit that relate to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, a child's eligibility for entitlement under the Indian Elementary and Secondary School Assistance Act.

"(2) Any local educational agency that provides false information in the application for a grant under this subpart shall be ineligible to apply for any other grants under this part and shall be liable to the United States for any funds provided under this part that have not been expended.

"(3) Any student who provides false information on the form required under subsection (d)(1) may not be taken into account in determining the amount of any grant under this part.

"(g) For purposes of distribution of funds under this Act to schools funded by the Bureau of Indian Affairs, the Secretary shall use the count of the number of students in each such school funded under the Indian Student Equalization Formula developed pursuant to section 1128 of Public Law 95-561, in lieu of the requirements of this section.

"SEC. 6107. PAYMENTS.

"(a) GENERAL.—The Secretary shall pay each local educational agency with an application approved under this part the amount determined under section 6103, subject to subsections (b) and (c) of this section and shall notify such local educational agency of the amount no later than June 1 of the year in which the grant will be paid.

"(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary shall not make a grant under this part for any fiscal year to any local educational agency in a State that has taken into consideration payments under this part (or under subpart 1 of the Indian Education Act of 1988) in determining the eligibility of the local educational agency for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

"(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—(1) The Secretary shall not pay any local educational agency the full amount determined under section 6103 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that the combined fiscal effort of that local agency and the State with respect to the provision of free public education by such local agency for the preceding fiscal year, computed on either a per-student or aggregate expenditure basis, was not less than 90 percent of such combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

"(2) If the Secretary determines for any fiscal year that a local educational agency failed to maintain its fiscal effort at the 90 percent level required by paragraph (1), the Secretary shall—

"(A) reduce the amount of the grant that would otherwise be made to the agency under this part in the exact proportion of such agency's failure to maintain its fiscal effort at such level; and

"(B) not use the reduced amount of the agency's expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

"(3)(A) The Secretary may waive the requirement of paragraph (1), for not more than one year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

"(B) The Secretary shall not use the reduced amount of such agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.

"(d) REALLOCATIONS.—The Secretary may reallocate, in the manner the Secretary determines will best carry out the purpose of this part, any amounts that—

"(1) based on estimates by local educational agencies or other information, will not be needed by such agencies to carry out their approved projects under this part; or

"(2) otherwise become available for reallocation under this part.

## "PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

"SEC. 6201. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

"(a) IN GENERAL.—The Secretary shall carry out a program of making grants for the improvement of educational opportunities for Indian children—

"(1) to support planning, pilot, and demonstration projects, in accordance with subsection (b), which are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for Indian children;

"(2) to assist in the establishment and operation of programs, in accordance with subsection (c), which are designed to stimulate—

"(A) the provision of educational services not available to Indian children in sufficient quantity or quality, and

"(B) the development and establishment of exemplary educational programs to serve as models for regular school programs in which Indian children are educated;

"(3) to assist in the establishment and operation of preservice and inservice training programs, in accordance with subsection (d), for persons serving Indian children as educational personnel; and

"(4) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian children.

"(b) DEMONSTRATION PROJECTS.—The Secretary is authorized to make grants to State and local educational agencies, federally supported elementary and secondary schools for Indian children and to Indian tribes, Indian organizations, and Indian institutions to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for Indian children, including—

"(1) innovative programs related to the educational needs of educationally deprived children;

"(2) bilingual and bicultural education programs and projects;

"(3) special health and nutrition services and other related activities which meet the special health, social, and psychological problems of Indian children; and

"(4) coordination of the operation of other federally assisted programs which may be used to assist in meeting the needs of such children.

"(c) SERVICES AND PROGRAMS TO IMPROVE EDUCATIONAL OPPORTUNITIES.—

"(1) The Secretary is authorized to make grants to State and local educational agencies and to tribal and other Indian community organizations to assist them in developing and establishing educational services and programs specifically designed to improve educational opportunities for Indian children. Such grants may be used—

"(A) to provide educational services not available to such children in sufficient quantity or quality, including—

"(i) remedial and compensatory instruction, school health, physical education, psychological, and other services designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school;

"(ii) comprehensive academic and vocational instruction;

"(iii) instructional materials (such as library books, textbooks, and other printed, published, or audiovisual materials) and equipment;

"(iv) comprehensive guidance, counseling, mentoring, and testing services;

"(v) special education programs for disabled and gifted and talented Indian children;

"(vi) early childhood programs, including kindergarten;

"(vii) bilingual and bicultural education programs; and

"(viii) other services which meet the purposes of this subsection; and

"(B) to establish and operate exemplary and innovative educational programs and centers, involving new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children.

"(2) In addition to the grants provided under paragraph (1), the Secretary is authorized to provide grants to consortia of Indian tribes or tribal organizations, local educational agencies, and institutions of higher education for the purpose of developing, improving, and implementing a program of—

"(A) encouraging Indian students to acquire a higher education, and

"(B) reducing the incidence of dropouts among elementary and secondary school students.

"(d) TRAINING.—

"(1) The Secretary is authorized to make grants to institutions of higher education and to State and local educational agencies, in combination with institutions of higher education, for carrying out programs and projects—

"(A) to prepare persons to serve Indian students as teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

"(B) to improve the qualifications of such persons who are serving Indian students in such capacities.

"(2) Grants made under this subsection may be used for the establishment of fellowship programs leading to an advanced degree, for institutes and, as part of a continuing program, for seminars, symposia, workshops, and conferences.

"(3) In programs funded by grants authorized under this subsection, preference shall be given to the training of Indians.

"(4) In making grants under this subsection, the Secretary shall consider prior performance and may not limit eligibility on the basis of the number of previous grants or the length of time for which the applicant has received grants.

"(d) APPLICATIONS FOR GRANTS.—

"(1) Applications for a grant under this section shall be submitted at such time, in such manner, and shall contain such information, and shall be consistent with such criteria, as may be required under regulations prescribed by the Secretary. Such applications shall—

"(A) set forth a statement describing the activities for which assistance is sought;

"(B) in the case of an application for a grant under subsection (c)—

"(i) subject to such criteria as the Secretary shall prescribe, provide for—

"(I) the use of funds available under this section, and

"(II) the coordination of other resources available to the applicant, in order to ensure that, within the scope of the purpose of the project, there will be a comprehensive program to achieve the purposes of this section, and

"(ii) provide for the training of personnel participating in the project; and

"(C) provide for an evaluation of the effectiveness of the project in achieving its purpose and the purposes of this section.

"(2)(A) The Secretary may approve an application for a grant under subsection (b) or (c) only if the Secretary is satisfied that such application, and any document submitted with respect thereto—

"(i) demonstrate that—

"(I) there has been adequate participation by the parents of the children to be served and tribal communities in the planning and development of the project, and

"(II) there will be such participation in the operation and evaluation of the project, and

"(ii) provide for the participation, on an equitable basis, of eligible Indian children—

"(I) who reside in the area to be served,

"(II) who are enrolled in private nonprofit elementary and secondary schools, and

"(III) whose needs are of the type which the program is intended to meet,to the extent consistent with the number of such children.

"(B) In approving applications under this section, the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

### "SEC. 6202. SPECIAL EDUCATIONAL TRAINING PROGRAMS FOR THE TEACHERS OF INDIAN CHILDREN.

"(a) In General.—

"(1) The Secretary is authorized to make grants to, and enter into contracts with, institutions of higher education, Indian organizations, and Indian tribes for the purpose of—

"(A) preparing individuals for teaching or administering special programs and projects designed to meet the special educational needs of Indian people, and

"(B) providing in-service training for persons teaching in such programs.

"(2) Priority shall be given in the awarding of grants, and in the entering into of contracts, under subsection (a) to Indian institutions and organizations.

"(b) Fellowships and Traineeships.—

"(1) In carrying out the provisions of this section, the Secretary is authorized to award fellowships and traineeships to individuals and to make grants to, and to enter into contracts with, institutions of higher education, Indian organizations, and Indian tribes for the costs of education allowances.

"(2) In awarding fellowships and traineeships under this subsection, the Secretary shall give preference to Indians.

"(3) In the case of traineeships and fellowships, the Secretary is authorized to grant stipends to, and allowances for dependents of, persons receiving traineeships and fellowships.

### "SEC. 6203. FELLOWSHIPS FOR INDIAN STUDENTS.

"(a) In General.—During each fiscal year ending prior to October 1, 1999, the Secretary is authorized to award fellowships to be used for study in graduate and professional programs at institutions of higher education. Such fellowships shall be awarded to Indian students in order to enable them to pursue a course of study of not more than 4 academic years leading toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, and related fields or leading to an undergraduate or graduate degree in engineering, business administration, natural resources, and related fields.

"(b) Stipends.—The Secretary shall pay to persons awarded fellowships under subsection (a) such stipends (including such allowances for subsistence of such persons and their dependents) the Secretary may determine to be consistent with prevailing practices under comparable federally supported programs.

"(c) Payments to Institutions in Lieu of Tuition.—The Secretary shall pay to the institution of higher education at which the holder of a fellowship awarded under subsection (a) is pursuing a course of study, in lieu of tuition charged such holder, such amounts as the Secretary may determine to be necessary to cover the cost of education provided the holder of such a fellowship.

"(d) Special Rules.—

"(1) The Secretary may, if a fellowship awarded under subsection (a) is vacated prior to the end of the period for which it was awarded, award an additional fellowship for the remainder of such period.

"(2) By no later than the date that is 45 days before the commencement of an academic term, the Secretary shall provide to each individual who is awarded a fellowship under subsection (a) for such academic term written notice of the amount of such fellowship and of any stipends or other payments that will be made under this section to, or for the benefit of, such individual for such academic term.

"(3) Not more than 10 percent of the fellowships awarded under subsection (a) shall be awarded, on a priority basis, to persons receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.

"(e) Service Obligation.—The Secretary shall, by regulation, require that individuals who receive training under this section perform related work and shall notify such local educational agency of the amount no later than June 1 of the year in which the grant will be paid following that training or repay all or part of the cost of the training.

### "SEC. 6204. GIFTED AND TALENTED.

"(a) Establishment of Centers.—The Secretary shall establish 2 centers for gifted and talented Indian students at tribally controlled community colleges.

"(b) Demonstration Projects.—

"(1) The Secretary shall award separate grants to, or enter into contracts with—

"(A) 2 tribally controlled community colleges that—

"(i) are eligible for funding under the Tribally Controlled Community College Assistance Act of 1978, and

"(ii) are fully accredited, or

"(B) if acceptable applications are not submitted to the Secretary by 2 of such colleges, the American Indian Higher Education Consortium,

for the establishment of centers under subsection (a) and for demonstration projects designed to address the special needs of Indian students in elementary and secondary schools who are gifted and talented and to provide such support services to their families that are needed to enable the students to benefit from the project.

"(2) Any person to whom a grant is made, or with whom a contract is entered into, under paragraph (1) may enter into a contract with any other persons, including the Children's Television Workshop, for the purpose of carrying out the demonstration projects for which such grant was awarded or for which the contract was entered into by the Secretary.

"(3) Demonstration projects funded under this section may include—

"(A) the identification of the special needs of gifted and talented students, particularly at the elementary school level, with attention to the emotional and psychosocial needs of these students and to the provision of those support services to their families that are needed to enable these students to benefit from the project;

"(B) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including, but not limited to, demonstrating and exploring the use of Indian languages and exposure to Indian cultural traditions, and mentoring and apprenticeship programs;

"(C) the provision of technical assistance and the coordination of activities at schools which receive grants under subsection (c) with respect to the activities funded by such grants, the evaluation of programs at such schools funded by such grants, or the dissemination of such evaluations;

"(D) the use of public television in meeting the special educational needs of such gifted and talented children;

"(E) leadership programs designed to replicate programs for such children throughout the United States, including the dissemination of information derived from the demonstration projects conducted under this section; and

"(F) appropriate research, evaluation, and related activities pertaining to the needs of such children and to the provision of such support services to their families that are needed to enable such children to benefit from the project.

"(c) Additional Grants.—

"(1) The Secretary, in consultation with the Secretary of the Interior, shall provide 5 grants to schools that are Bureau funded schools for program research and development regarding, and the development and dissemination of curriculum and teacher training material regarding—

"(A) gifted and talented students,

"(B) college preparatory studies (including programs for Indian students interested in teaching careers),

"(C) students with special culturally related academic needs, including social, lingual, and cultural needs, and

"(D) math and science education.

"(2) Applications for the grants provided under paragraph (1) shall be submitted to the Secretary in such form and at such time as the Secretary may prescribe. Applications for such grants by Bureau schools, and the administration of any of such grants made to a Bureau school, shall be undertaken jointly by the supervisor of the Bureau school and the local school board.

"(3) Grants may be provided under paragraph (1) for one or more activities described in paragraph (1).

"(4) In providing grants under paragraph (1), the Secretary shall—

"(A) achieve a mixture of programs described in paragraph (1) which ensures that students at all grade levels and in all geographic areas of the United States are able to participate in some programs funded by grants provided under this subsection, and

"(B) ensure that a definition of the term 'gifted and talented student' for purposes of this section and section 1128(c)(3)(A)(i) of the Education Amendments of 1978 is developed as soon as possible.

"(5) Subject to the availability of appropriated funds, grants provided under paragraph (1) shall be made for a 3-year period and may be renewed by the Secretary for additional 3-year periods if performance by the grantee is satisfactory to the Secretary.

"(6)(A) The dissemination of any materials developed from activities funded by grants provided under paragraph (1) shall be carried out in cooperation with institutions receiving funds under subsection (b).

"(B) The Secretary shall report to the Secretary of the Interior and to the Congress any results from activities described in paragraph (4)(B).

"(7)(A) The costs of evaluating any activities funded by grants made under paragraph (1) shall be divided between the school conducting such activities and the demonstration project recipients under subsection (b).

"(B) If no funds are provided under subsection (b) for—

"(i) the evaluation of activities funded by grants made under paragraph (1),

"(ii) technical assistance and coordination with respect to such activities, or

"(iii) dissemination of such evaluations,

the Secretary shall, by grant or through contract, provide for such evaluations, technical assistance, coordination, and dissemination.

"(d) INFORMATION NETWORK.—The Secretary shall encourage persons to whom a grant is made, or with whom a contract is entered into, under this section to work cooperatively as a national network so that the information developed by such persons is readily available to the entire educational community.

### "SEC. 6205. TRIBALLY CONTROLLED SCHOOLS ACT.

"(a) TIMELY PAYMENTS.—Subsection (a) is amended to read as follows:

"'(a)(1) Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this part in 2 payments:

"'(A) one payment to be made no later than July 1 of each year in an amount equal to one-half of the amount which the grantee was entitled to receive during the preceding academic year, and

"'(B) the second payment, consisting of the remainder to which the grantee is entitled for the academic year, shall be made no later than December 1 of each year.

"'(2) For any school for which no payment was made from Bureau funds in the preceding academic year, full payment of the amount computed for the first academic year of eligibility under this part shall be made no later than December 1 of the academic year.

"'(3) With regard to funds for grantees that become available for obligation on October 1 of the fiscal year for which they are appropriated, the Secretary shall make payments to grantees no later than December 1 of the fiscal year.

"'(4) The provisions of the Prompt Payment Act (31 U.S.C. 3901 et seq.) shall apply to the payments required to be made by paragraphs (1), (2), and (3) of this subsection.'.

"(b) Paragraph (3) is amended by striking 'Paragraphs (1) and (2)' and inserting in lieu thereof 'Paragraphs (1), (2), and (3)', and is renumbered as paragraph '(5)'.

## "PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR INDIANS

### "SEC. 6301. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS.

"(a) IN GENERAL.—The Secretary shall carry out a program of awarding grants to State and local educational agencies and to Indian tribes, institutions, and organizations—

"(1) to support planning, pilot, and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

"(2) to assist in the establishment and operation of programs which are designed to stimulate—

"(A) the provision of basic literacy opportunities to all nonliterate Indian adults, and

"(B) the provision of opportunities to all Indian adults to qualify for a high school equivalency certificate in the shortest period of time feasible;

"(3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals;

"(4) to provide for basic surveys and evaluations to define accurately the extent of the problems of illiteracy and lack of high school completion among Indians; and

"(5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

"(b) EDUCATIONAL SERVICES.—The Secretary is authorized to make grants to Indian tribes, Indian institutions, and Indian organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

"(c) INFORMATION AND EVALUATION.—The Secretary is also authorized to make grants to, and to enter into contracts with, public agencies and institutions and Indian tribes, institutions, and organizations for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof; and

"(2) the evaluation of federally assisted programs in which Indian adults may participate to determine the effectiveness of such programs in achieving the purposes of such programs with respect to such adults.

"(d) APPLICATIONS.—

"(1) Applications for a grant under this section shall be submitted at such time, in such manner, contain such information, and be consistent with such criteria, as may be required under regulations prescribed by the Secretary. Such applications shall—

"(A) set forth a statement describing the activities for which assistance is sought; and

"(B) provide for an evaluation of the effectiveness of the project in achieving its purposes and the purposes of this section.

"(2) The Secretary shall not approve an application for a grant under subsection (a) unless the Secretary is satisfied that such application, and any documents submitted with respect thereto, indicate that—

"(A) there has been adequate participation by the individuals to be served and tribal communities in the planning and development of the project, and

"(B) there will be such a participation in the operation and evaluation of the project.

"(3) In approving applications under subsection (a), the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

## "PART D—NATIONAL ACTIVITIES AND GRANTS TO STATES

### "SEC. 6401. NATIONAL ACTIVITIES.

"(a) AUTHORIZED ACTIVITIES.—From funds appropriated for any fiscal year to carry out this section, the Secretary may—

"(1) conduct research related to effective approaches to the education of Indian children and adults;

"(2) evaluate federally assisted education programs from which Indian children and adults may benefit;

"(3) collect and analyze data on the educational status and needs of Indians; and

"(4) carry out other activities consistent with the purpose of this Act.

"(b) ELIGIBILITY.—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with, Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

"(c) COORDINATION.—Research activities supported under this section—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to assure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

"(2) may include collaborative research activities which are jointly funded and carried out by the Office of Indian Education and the Office of Educational Research and Improvement.

### "SEC. 6402. STATE EDUCATIONAL AGENCY REVIEW.

(a) Before submitting its application to the Secretary, the local educational agency shall submit its application to the State educational agency.

(b) The State education agency may send to the Secretary comments on each local educational agency application its reviews. The Secretary shall take such comments into consideration in reviewing such application.

## "PART E—FEDERAL ADMINISTRATION

### "SEC. 6501. OFFICE OF INDIAN EDUCATION.

"(a) OFFICE OF INDIAN EDUCATION.—There shall be an Office of Indian Education (referred to in this section as "the Office") in the Department of Education.

"(b) DIRECTOR.—(1) The Office shall be under the direction of the Director, who shall be appointed by the Secretary and who shall report directly to the Assistant Secretary for Elementary and Secondary Education.

"(2) The Director shall—

"(A) be responsible for administering this title;

"(B) be involved in, and be primarily responsible for, the development of all policies affecting Indian children and adults under programs administered by the Office of Elementary and Secondary Education;

"(C) coordinate the development of policy and practice for all programs in the Department relating to Indian persons; and

"(D) assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities related to the education of Indian persons.".

"(3) The Director of the Office shall be a member of the career Senior Executive Service.

"(c) INDIAN PREFERENCE IN EMPLOYMENT.—(1) The Secretary shall give a preference to Indian persons in all personnel actions in the Office.

"(2) Such preference shall be implemented in the same fashion as the preference given to any veteran under section 2609 of the Revised Statutes, section 45 of title 25, United States Code.

### "SEC. 6502. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

"(a) MEMBERSHIP.—There shall be a National Advisory Council on Indian Education (referred to in this section as "the Council"), which shall—

"(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

"(2) represent different geographic areas of the country.

"(b) DUTIES.—The Council shall—

"(1) advise the Secretary on the funding and administration, including the development of regulations and of administrative policies and practices, of any program, including programs under this title, for which the Secretary is responsible and in which Indian children or adults participate or from which they can benefit;

"(2) make recommendations to the Secretary for filling the Director's position whenever a vacancy occurs in such position; and

"(3) submit to the Congress, by June 30 of each year, a report on its activities, which shall include—

"(A) any recommendations it finds appropriate for the improvement of Federal education programs in which Indian children or adults participate, or from which they can benefit; and

"(B) its recommendations with respect to the funding of any such programs.

### "SEC. 6503. PEER REVIEW.

"In reviewing applications under parts B, C, and D of this title, the Secretary may use a peer review process.

### "SEC. 6504. PREFERENCE FOR INDIAN APPLICANTS.

"In making grants under parts B and C of this title, the Secretary shall give a preference to Indian tribes, Indian organizations, and Indian institutions of higher education under any program for which they are eligible to apply.

### "SEC. 6505. MINIMUM GRANT CRITERIA.

"In making grants under parts B and C of this title, the Secretary shall approve only projects that are—

"(1) of sufficient size, scope, and quality to achieve the purpose of the section under which assistance is sought; and

"(2) based on relevant research findings.

## "PART F—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

### "SEC. 6601. DEFINITIONS.

"The following definitions apply to terms as used in this title:

"(1) The term 'adult' means an individual who is either—

"(A) not less than 16 years old; or

"(B) beyond the age of compulsory school attendance under State law.

"(2) The term 'adult education' has the meaning given such term in section 312(2) of the Adult Education Act.

"(3) The term 'free public education' means education that is—

"(A) provided at public expense, under public supervision and direction, and without tuition charge; and

"(B) provided as elementary or secondary education in the applicable State or to preschool children.

"(4) The term 'Indian' means an individual who is—

"(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

"(i) tribes and bands terminated since 1940; and

"(ii) tribes and bands recognized by the State in which they reside;

"(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

"(C) considered by the Secretary of the Interior to be an Indian for any purpose; or

"(D) an Eskimo, Aleut, or other Alaska Native.

### "SEC. 6602. AUTHORIZATIONS OF APPROPRIATIONS.

"(a) PART A.—For the purpose of carrying out part A of this title, there are authorized to be appropriated $61,300,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(b) PARTS B THROUGH D.—For the purpose of carrying out parts B, C, and D of this title, there are authorized to be appropriated $20,925,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(c) PART E.—For the purpose of carrying out part E of this title, including section 6502, there are authorized to be appropriated $3,775,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

## "PART G—BUREAU OF INDIAN AFFAIRS PROGRAMS

### "SEC. 6701. STANDARDS FOR THE BASIC EDUCATION OF INDIAN CHILDREN IN BUREAU OF INDIAN AFFAIRS SCHOOLS.

"(a) The purpose of the standards developed under this section shall be to afford Indian students being served by a Bureau funded school with the same opportunities as all other students to achieve the high goals embodied in the Goals 2000: Educate America Act. Consistent with the provisions of this section and section 6711 of this part, the Secretary shall take such actions as are necessary to coordinate standards developed and implemented under this section with those in the State plans developed and implemented pursuant to the GOALS 2000 Educate America Act for the States in which each Bureau funded school operates. In developing and reviewing these standards and such coordination, the Secretary shall utilize the findings and recommendations of the panel established by the Goals 2000: Educate America Act

"(b) The Secretary, in consultation with the Secretary of Education, and in consultation with Indian organizations and tribes, shall carry out or cause to be carried out by contract with an Indian organization such studies and surveys, making the fullest use possible of other existing studies, surveys, and plans, as are necessary to establish and revise standards for the basic education of Indian children attending Bureau funded schools. Such studies and surveys shall take into account factors such as academic needs, local cultural differences, type and level of language skills, geographic isolation, and appropriate teacher-student ratios for such children, and shall be directed toward the attainment of equal eductional opportunity for such children.

"(c)(1) Within 18 months of the date of enactment of this Act, the Secretary shall revise the minimum academic standards published in the Federal Register of November 1983 for the basic education of Indian chlidren which are consistent with subsections (a) and (b) of this section and section 6711, and shall distribute such revised standards in the Federal Register for the purpose of receiving comments from the tribes and other interested parties. Within 21 months of the date of enactment of the Elementary and Secondary Education Act Amendments of 1993, the Secretary shall establish final standards, distribute such standards to all the tribes and publish such standards in the Federal Register. The Secretary shall revise such standards periodically as necessary. Prior to any revision of such standards, the Secretary shall distribute such proposed revision to all the tribes, and publish such proposed revision in the Federal Register, for the purpose of receiving comments from the tribes and other interested parties.

"(2) Such standards shall apply to Bureau schools, and subject to subsection (f), to contract and grant schools, and may also serve as a model for educational programs for Indian children in public schools. In establishing and revising such standards, the Secretary shall take into account the special needs of Indian students and the support and reinforcement of the specific cultural heritage of each tribe. Such standards shall include a requirement, developed in coordination with Indian tribes, the affected local school boards, the Indian Health Service of the Department of Health and Human Services, the State health departments, and the Centers for Disease Control and Prevention, on immunization for childhood diseases, including provisions for in-school immunization, where necessary.

"(d) The Secretary shall provide alternative or modified standards in lieu of the standards established under subsection (c), where necessary, so that the programs of each school shall be in compliance with the minimum standards required for accreditation of schools in the State where the school is located.

"(e) A tribal governing body, or the local school board so designated by the tribal governing body, shall have the local authority to waive, in part or in whole, the standards established under subsections (c) and (d), where such standards are deemed by such body to be inappropriate or ill-conceived. The tribal governing body or designated school board shall, within 60 days thereafter, submit to the Secretary a proposal for alternative standards that takes into account the specific needs of the tribe's children. Such revised standards shall be established by the Secretary unless specifically rejected by the Secretary for good cause and in writing to the affected tribes or local school board, which rejection shall be final and unreviewable.

"(f)(1) The Secretary, through contracting and grant-making procedures, shall assist school boards of contract and grant schools in the implementation of the standards established under subsection (c) and (d), if the school boards request that such standards, in part or in whole, be implemented. At the request of a contract or grant school board, the Secretary shall provide alternative or modified standards for the standards established under subsections (c) and (d) to take into account the needs of the Indian children and the contract or grant school.

"(2) Within 1 year of the date of the enactment of the Indian Education Technical Amendments Act of 1985, the Bureau shall, either directly or through contract with an Indian organization, establish a consistent system of reporting standards for fiscal control and fund accounting for all contract schools. Such standards shall yield data results comparable to those used by Bureau schools.

"(g) Subject to subsections (e) and (f), the Secretary shall begin to implement the standards established under this section immediately upon the date of their establishment. No later than January 1, 1995, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring all Bureau and contract and grant schools up to the level required by the applicable standards established under this section. Such plan shall include, but not be limited to, detailed information on the status of each school's educational program in relation to the applicable standards established under this section, specific cost estimates for meeting such standards at each school, and specific time lines for bringing each school up to the level required by such standards.

"(h)(1) Except as specifically required by statute, no school or peripheral dormitory operated by the Bureau of Indian Affairs on or after January 1, 1992, may be closed or consolidated or have its program substantially curtailed unless done according to the requirements of this subsection, except that, in those cases where the tribal governing body, or the local school board concerned (if so designated by the tribal governing body), requests closure or consolidation, the requirements of this subsection shall not apply. The requirements of this subsection shall not apply when a temporary closure, consolidation, or substantial curtailment is required by plant conditions which constitute an immediate hazard to health and safety.

"(2) The Secretary shall, by regulation, promulgate standards and procedures for the closing, consolidation, or substantial curtailment of Bureau schools in accordance with the requirements of this subsection.

"(3) Whenever closure, transfer to any other authority, consolidation, or substantial curtailment of a school is under active consideration or review by any division of the Bureau or the Department of the Interior, the affected tribe, tribal governing body, and designated local school board, will be notified as soon as such consideration or review begins, kept fully and currently informed, and afforded an opportunity to comment with respect to such consideration or review. When a formal decision is made to close, transfer to any other authority, consolidate, or substantially curtail a school, the affected tribe, tribal governing body, and designated local school board shall be notified at least 6 months prior to the end of the school year preceding the proposed effective date. Copies of any such notices and information shall be transmitted promptly to the Congress and published in the Federal Register.

"(4) The Secretary shall make a report to Congress, the affected tribe, and the designated local school board describing the process of the active consideration or review referred to in paragraph (3). At a minimum, the report shall include a study of the impact of such action on the student population, with every effort to identify those students with particular educational and social needs, and to insure that alternative services are available to such students. Such report shall include the description of the consultation conducted between the potential service provider, current service provider, parents, tribal representative and the tribe or tribes involved, and the Director of the Office of Indian Education Programs within the Bureau regarding such students. No irreversible action may be taken in furtherance of any such proposed school closure, transfer to any other authority, consolidation, or substantial curtailment (including any action which would prejudice the personnel or programs of such school) until the end of the first full academic year after such report is made.

"(5) The Secretary may terminate, contract, transfer to any other authority, or consolidate or substantially curtail the operation or facilities of—

"(A) any Bureau funded school that is operated on or after April 1, 1987,

"(B) any program of such a school that is operated on or after April 1, 1987, or

"(C) any school board of a school operated under a grant under the Tribally Controlled Schools Act of 1988 (Public Law 100-297),

only if the tribal governing body approves such action.

"(i) There are hereby authorized to be appropriated such sums as may be necessary, for academic program costs, in order to bring all Bureau and contract schools up to the level required by the applicable standards established under this section.

"(j)(1) All schools funded by the Bureau of Indian Affairs shall include within their curriculum a program of instruction relating to alcohol and substance abuse prevention and treatment. The Assistant Secretary shall provide the technical assistance necessary to develop and implement such a program for students in kindergarten and grades 1 through 12, at the request of—

"(A) any Bureau of Indian Affairs school (subject to the approval of the school board of such school);

"(B) any school board of a school operating under a contract entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); or

"(C) any school board of a school operating under a grant under the Tribally Controlled Schools Act of 1988 (Public Law 100-297).

"(2) In schools operated directly by the Bureau of Indian Affairs, the Secretary shall provide for—

"(A) accurate reporting of all incidents relating to alcohol and substance abuse; and

"(B) individual student crisis intervention.

"(3) The programs requested under paragraph (1) shall be developed in consultation with the Indian tribe that is to be served by such program and health personnel in the local community of such tribe.

"(4) Schools requesting program assistance under this subsection are encouraged to involve family units and, where appropriate, tribal elders and Native healers in such instructions.

"(k) For purposes of this section, the term "tribal governing body" means, with respect to any school, the tribal governing body, or tribal governing bodies, that represent at least 90 percent of the students served by such school.

"(l)(1)(A) The Secretary shall only consider the factors described in subparagraphs (B) and (C) in reviewing—

"(i) applications from any tribe for the awarding of a contract or grant for a school that is not a Bureau funded school,

"(ii) applications from any tribe or school board of any Bureau funded school for—

"(I) a school which is not a Bureau funded school; or

"(II) the expansion of a Bureau funded school which would increase the amount of funds received by the Indian tribe or school board under section 6707.

The Secretary shall give consideration to all of such factors, but none of such applications may be denied based primarily upon the geographic proximity of public education.

"(B) The Secretary shall consider the following factors relating to the program that is the subject of an application described in subparagraph (A):

"(i) the adequacy of facilities or the potential to obtain or provide adequate facilities;

"(ii) geographic and demographic factors in the affected areas;

"(iii) adequacy of the applicant's program plans or, in the case of a Bureau funded school, of projected needs analysis done either by a tribe or by Bureau personnel;

"(iv) geographic proximity of comparable public education; and

"(v) the stated needs of all affected parties, including (but not limited to) students, families, tribal governments at both the central and local levels, and school organizations.

"(C) The Secretary shall consider with respect to applications described in subparagraph (A) the following factors relating to all the educational services available at the time the application is considered:

"(i) geographic and demographic factors in the affected areas;

"(ii) adequacy and comparability of programs already available;

"(iii) consistency of available programs with tribal educational codes or tribal legislation on education; and

"(iv) the history and success of these services for the proposed population to be served, as determined from all factors and not just standardized examination performance.

"(2)(A) The Secretary shall make a determination of whether to approve any application described in paragraph (1)(A) by no later than the date that is 180 days after the day on which such application is submitted to the Secretary.

"(B) If the Secretary fails to make the determination described in subparagraph (A) with respect to an application by the date described in subparagraph (A), the application shall be treated as having been approved by the Secretary.

"(3)(A) Any application described in paragraph (1)(A) may be submitted to the Secretary only if—

"(i) the application has been approved by the tribal governing body of the students served by (or to be served by) the school or program that is the subject of the application, and

"(ii) written evidence of such approval is submitted with the application.

"(B) Each application described in paragraph (1)(A)—

"(i) shall provide information concerning each of the factors described in paragraph (1)(B), and

"(ii) may provide information concerning the factors described in paragraph (1)(C).

"(4) Whenever the Secretary makes a determination to deny approval of any application described in paragraph (1)(A), the Secretary shall—

"(A) state the objections in writing to the applicant by no later than the date that is 180 days after the day on which the application is submitted to the Secretary,

"(B) provide assistance to the applicant to overcome stated objections, and

"(C) provide the applicant a hearing, under the same rules and regulations pertaining to the Indian Self-Determination and Education Assistance Act, and an opportunity to appeal the objections raised by the Secretary.

"(5)(A) Except as otherwise provided in this paragraph, the action which is the subject of any application described in paragraph (1)(A) that is approved by the Secretary shall become effective with the commencement of the academic year succeeding the fiscal year in which the application is approved, or at an earlier date determined by the Secretary.

"(B) If an application is treated as having been approved by the Secretary by reason of paragraph (2)(B), the action that is the subject of the application shall become effective on the date that is 18 months after the date on which the application is submitted to the

Secretary, or at an earlier date determined by the Secretary.

### "SEC. 6702. NATIONAL CRITERIA FOR DORMITORY SITUATIONS.

"(a) The Secretary, in consultation with the Secretary of the Department of Education, and in consultation with Indian organizations and tribes, shall conduct or cause to be conducted by contract with an Indian organization, a study of the costs applicable to boarding arrangements for Indian students provided in Bureau and contract and grant schools, for the purpose of establishing national criteria for such dormitory situations. Such criteria shall include adult-child ratios, needs for counselors (including special needs related to off-reservation boarding arrangements), space, and privacy.

"(b) No later than January 1, 1996, the Secretary shall propose such criteria, and shall distribute such proposed criteria to the tribes and publish such proposed criteria in the Federal Register for the purpose of receiving comments from the tribes and other interested parties. Within eighteen months of the date of the enactment of this Act, the Secretary shall establish final criteria, distribute such criteria to all the tribes, and publish such criteria in the Federal Register. The Secretary shall revise such criteria periodically as necessary. Any revisions to the standards established under this section shall be developed subject to requirements established under section 6711.

"(c) The Secretary shall begin to implement the criteria established under this section immediately upon the date of their establishment. No later than January 1, 1981, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring all Bureau and contract boarding schools up to the criteria established under this section. Such plan shall include, but not be limited to, predictions for the relative need for each boarding school in the future, detailed information on the status of each school in relation to the criteria established under this section, specific cost estimates for meeting such criteria at each school, and specific time lines for bringing each school up to the level required by such criteria.

"(d)(1) The criteria established under this section may be waived in the same manner as the standards provided under section 6701(c) may be waived under section 6701(e).

"(2) No school in operation on or before January 1, 1987 (regardless of compliance or noncompliance with the criteria established under this section) may be closed, transferred to another authority, consolidated or have its program substantially curtailed for failure to meet the criteria.

"(3) By no later than May 1, 1996, the Secretary shall submit to the Congress a report detailing the costs associated with, and the actions necessary for, complete compliance with the criteria established under this section.

"(e) There are hereby authorized to be appropriated such sums as may be necessary in order to bring each school up to the level required by the criteria established under this section.

### "SEC. 6703. REGULATIONS.

"(a) The provisions of part 32 of title 25 of the Code of Federal Regulations, as in effect on January 1, 1987, are hereby incorporated into this Act and shall be treated as though such provisions are set forth in this subsection. Accordingly, such provisions may be altered only by means of an amendment to this subsection that is contained in an Act or joint resolution which is enacted into law. To the extent that such provisions of part 32 do not conform with this Act or any statutory provision of law enacted before the date of enactment of this Act, the provisions of this Act and the provisions of such other statutory law shall govern.

"(b) The provisions of parts 31, 33, 36, 39, 42, and 43 of title 25 of the Code of Federal Regulations, as in effect on January 1, 1987, shall be applied by the Federal Government and shall not, before July 1, 1989, be amended, revoked, or altered in any manner. No officer or employee of the Executive Branch shall have the authority to issue any other regulations, prior to July 1, 1989, that supersede, supplement, or otherwise affect the provisions of such parts. To the extent that the provisions of such parts do not conform with this Act or any statutory provision of law enacted before the date of enactment of this Act, the provisions of this Act and the provisions of such other statutory law shall govern.

"(c) After June 30, 1989, no regulation prescribed for the application of any program provided under this title shall become effective unless—

"(1) the regulation has been published as a proposed regulation in the Federal Register,

"(2) an opportunity of no less than 90 days has been afforded the public to comment on the published proposed regulation, and

"(3) the regulation has, after such period for public comment, been published in the Federal Register as a final regulation.

"(d) For purposes of this section, the term "regulation" means any rules, regulations, guidelines, interpretations, orders, or requirements of general applicability prescribed by any officer or employee of the Executive Branch.

### "SEC. 6704. SCHOOL BOUNDARIES.

"(a) The Secretary shall, in accordance with this section, establish separate geographical attendance areas for each Bureau school.

"(b)(1) Except as provided in paragraph (2), on or after July 1, 1985, no attendance area shall be changed or established with respect to any such school unless the tribal governing body or the local school board concerned (if so designated by the tribal governing body) has been (i) afforded at least six months notice of the intention of the Bureau to change or establish such attendance area, and (ii) given the opportunity to propose alternative boundaries. Any tribe may petition the Secretary for revision of existing attendance area boundaries. The Secretary shall accept such proposed alternative or revised boundaries unless the Secretary finds, after consultation with the affected tribe or tribes, that such revised boundaries do not reflect the needs of the Indian students to be served or do not provide adequate stability to all of the affected programs.

"(2) In any case where there is more than 1 Bureau funded school located on an Indian reservation, at the direction of the tribal governing body, the relevant school boards of the Bureau funded schools on the reservation may, by mutual consent, establish the relevant attendance areas for such schools, subject to the approval of the tribal governing body. Any such boundaries so established shall be accepted by the Secretary.

"(c) In any case where there is only 1 Bureau operated program located on an Indian reservation, the attendance area for the program shall be the boundaries of the reservation served, and those students residing near the reservation shall also receive services from such program.

"(d) The Bureau of Indian Affairs shall include in the final rules the requirement that each appropriate education line officer coordinate and consult with the affected tribes and relevant school boards in the establishment of such geographic boundaries.

### "SEC. 6705. FACILITIES CONSTRUCTION.

"(a) The Secretary shall immediately begin to bring all schools, dormitories, and other facilities operated by the Bureau or under contract or grant with the Bureau in connection with the education of Indian children into compliance with all applicable Federal, tribal, or State health and safety standards, whichever provide greater protection (except that the tribal standards to be applied shall be no greater than any otherwise applicable Federal or State standards), and with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and with the Americans with Disabilities Act of 1990, except that nothing in this section shall require termination of the operations of any facility which does not comply with such provisions and which is in use on the date of enactment of this Act.

"(b) By January 1, 1996, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring such facilities into compliance with such standards. Such plan shall include, but not be limited to, detailed information on the status of each facility's compliance with such standards, specific cost estimates for meeting such standards at each school, and specific time lines for bringing each school into compliance with such standards.

"(c) Within six months of the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress, and publish in the Federal Register, the system used to establish priorities for school construction projects. At the time any budget request for school construction is presented, the Secretary shall publish in the Federal Register and submit with the budget request the current list of all school construction priorities.

"(d)(1) A Bureau school may be closed or consolidated, and the programs of a Bureau school may be substantially curtailed, by reason of plant conditions that constitute an immediate hazard to health and safety only if a health and safety officer of the Bureau determines that such conditions exist at the Bureau school.

"(2)(A) In making determinations described in paragraph (1) before July 1, 1989, health and safety officers of the Bureau shall use the health and safety guidelines of the Bureau that were in effect on January 1, 1988.

"(B)(i) If—

"(I) the Secretary fails to publish in the Federal Register in final form before July 1, 1989, and

"(II) action described in paragraph (1) is taken after June 30, 1989, and before the date on which such regulations are published in final form in the Federal Register by reason of the condition of any plant,

an inspection of the condition of such plant shall be conducted by an appropriate tribal, county, municipal, or State health and safety officer to determine whether conditions at such plant constitute an immediate hazard to health and safety. Such inspection shall be completed by no later than the date that is 30 days after the date on which the action described in paragraph (1) is taken.

"(ii) The inspection required under clause (i) shall be conducted by a health and safety officer designated jointly by the Secretary and the tribes affected by the action described in paragraph (1). If the Secretary and such tribes are unable to agree on the designation of the health and safety officer, the Secretary shall designate the health and safety officer and shall provide notice of such designation to each of such tribes before the inspection is conducted by such officer.

"(iii) If the health and safety officer conducting an inspection of a plant required under clause (i) determines that conditions at the plant do not constitute an immediate hazard to health and safety, any consolidation or curtailment that was made by reason of conditions at the plant shall immediately cease and any school closed by reason of conditions at the plant shall be reopened immediately.

"(3) If—

"(A) a Bureau school is temporarily closed or consolidated, or the programs of a Bureau school are substantially curtailed, by reason of plant conditions that constitute an immediate hazard to health and safety, and

"(B) the Secretary estimates that the closure, consolidation, or curtailment will be more than 1 year in duration,

the Secretary shall submit to the Congress, by no later than the date that is 6 months after the date on which the closure, consolidation, or curtailment is initiated, a report which sets forth the reasons for such temporary actions and the actions the Secretary is taking to eliminate the conditions that constitute the hazard.

"(e) There are hereby authorized to be appropriated such sums as may be necessary to carry out subsection (a).

### "SEC. 6706. BUREAU OF INDIAN AFFAIRS EDUCATION FUNCTIONS.

"(a) The Secretary shall vest in the Assistant Secretary for Indian Affairs all functions with respect to formulation and establishment of policy and procedure, and supervision of programs and expenditures of Federal funds for the purpose of Indian education administered by the Bureau. The Assistant Secretary shall carry out such functions through the Director of the Office of Indian Education.

"(b) The Director of the Office shall direct and supervise the operations of all personnel directly and substantially involved with provision of education services by the Bureau, including (but not limited to) school or institution custodial or maintenance personnel. The Assistant Secretary for Indian Affairs shall provide for the adequate coordination between the affected Bureau Offices and the Office to facilitate the consideration of all contract functions relating to education. Except as required by section 6709(d), nothing in this Act shall be construed to require the provision of separate support services for Indian education.

"(c) Education personnel who are under the direction and supervision of the Director of the Office in accordance with the first sentence of subsection (b) shall—

"(1) monitor and evaluate Bureau education programs,

"(2) provide all services and support functions for education programs with respect to personnel matters involving staffing actions and functions, and

"(3) provide technical and coordinating assistance in areas such as procurement, contracting, budgeting, personnel, and curriculum.

"(d)(1) The Assistant Secretary shall submit in the annual Budget a plan—

"(A) for school facilities to be constructed under the system required by section 6705(c);

"(B) for establishing priorities among projects and for the improvement and repair of education facilities, which together shall form the basis for the distribution of appropriated funds; and

"(C) including a 5-year plan for capital improvements.

"(2) The Assistant Secretary shall establish a program, including the distribution of appropriated funds, for the operation and maintenance of education facilities. Such program shall include, but not be limited to—

"(A) a method of computing the amount necessary for each education facility;

"(B) similar treatment of all Bureau funded schools;

"(C) a notice of an allocation of appropriated funds from the Director of the Office directly to the appropriate education line officers; and

"(D) a system for the conduct of routine preventive maintenance.

The appropriate education line officers shall make arrangements for the maintenance of education facilities with the local supervisors of the Bureau maintenance personnel who are under the authority of the agency superintendent or area directors, respectively. The local supervisors of Bureau maintenance personnel shall take appropriate action to implement the decisions made in this regard by the appropriate education line officers, except that no funds from this program may be authorized for expenditure unless such appropriate education line officer is assured that the necessary maintenance has been, or will be, provided in a reasonable manner. Subject to the requirements of subsection (b) of this section, nothing in this Act shall be construed to require the provision of separate operations and maintenance personnel for the Office.

"(3) The requirements of this subsection shall be implemented no later than July 1, 1995.

"(e) Any other provision of law notwithstanding, the Director shall promulgate guidelines for the establishment of mechanisms for the acceptance of gifts and bequests for the use of, and benefit of, particular schools or designated Bureau operated education programs, including, where appropriate, the establishment and administration of trust funds. When a Bureau operated program is the beneficiary of such a gift or bequest, the Director shall make provisions for monitoring its use, and shall report to the appropriate committees of Congress the amount and terms of such gift and bequest, the use to which it is put, and any positive results achieved by such action.

"(f) For the purpose of this section the term "functions" includes powers and duties.

### "SEC. 6707. ALLOTMENT FORMULA.

"(a) The Secretary shall establish, by regulation adopted in accordance with section 6719, a formula for determining the minimum annual amount of funds necessary to sustain each Bureau funded school. In establishing such formula, the Secretary shall consider—

"(1) the number of eligible Indian students served and size of the school;

"(2) special cost factors, such as—

"(A) isolation of the school;

"(B) need for special staffing, transportation, or educational programs;

"(C) food and housing costs;

"(D) maintenance and repair costs associated with the physical condition of the educational facilities;

"(E) special transportation and other costs of isolated and small schools;

"(F) the costs of boarding arrangements, where determined necessary by a tribal governing body or designated local school board;

"(G) costs associated with greater lengths of service by educational personnel; and

"(H) special programs for gifted and talented students;

"(3) the cost of providing academic services which are at least equivalent to those provided by public schools in the State in which the school is located;

"(4) such other relevant factors as the Secretary determines are appropriate.

Upon the establishment of the standards required by sections 6701 and 6702 of this Act, the Secretary shall revise the formula established under this subsection to reflect the cost and funding standards so established. Prior to January 1, 1995, the Secretary shall review the formula established under this section and shall take such steps as may be necessary to increase the availability of counseling services for students in off-reservation boarding schools and other Bureau operated residential facilities. Concurrent with such action, the Secretary shall review the standards established under section 6701 of this title to be certain that adequate provision is made for parental notification regarding, and consent for, such counseling services.

"(b) Notwithstanding any other provisions of law, Federal funds appropriated for the general local operation of Bureau funded schools, shall be allotted pro rata in accordance with the formula established under subsection (a).

"(c)(1) For fiscal year 1990, and for each subsequent fiscal year, the Secretary shall adjust the formula established under subsection (a) to—

"(A) use a weighted unit of 1.2 for each eligible Indian student enrolled in the seventh and eighth grades of the school in considering the number of eligible Indian students served by the school;

"(B) consider a school with an enrollment of less than 50 eligible Indian students as having an average daily attendance of 50 eligible Indian students for purposes of implementing the adjustment factor for small schools; and

"(C) take into account the provision of residential services on a less than 9-month basis at a school when the school board and supervisor of the school determine that a less than 9-month basis will be implemented for the school year involved.

"(2)(A) The Secretary shall reserve for national school board training 0.2 percent of the funds appropriated for each fiscal year for distribution under this section. Such training shall be conducted through the same organizations through which, and in the same manner in which, the training was conducted in fiscal year 1992. If the contract for such training is not awarded before May 1 of each fiscal year, the contract under which such training was provided for the fiscal year preceding such fiscal year shall be renewed by the Secretary for such fiscal year. The agenda for the training sessions shall be established by the school boards through their regional or national organizations.

"(B) For each year in which the Secretary uses a weighted unit formula established under subsection (a) to fund Bureau schools, a Bureau school which generates less than 168 weighted units shall receive an additional 2 weighted units to defray school board activities.

"(C) From the funds allotted in accordance with the formula established under subsection (a) for each Bureau school, the local school board of such school may reserve an amount which does not exceed the greater of—

"(i) $5,000, or

"(ii) the lesser of—

"(I) $15,000, or

"(II) 1 percent of such allotted funds,

for school board activities for such school, including but not limited to, and notwithstanding any other provision of law, meeting expenses and the cost of membership in, and support of, organizations engaged in activities on behalf of Indian education.

"(3)(A) The Secretary shall adjust the formula established under subsection (a) to use a weighted unit of 2.0 for each eligible Indian student that—

"(i) is gifted and talented (as determined pursuant to section 6204 of the Indian Education Act of 1988), and

"(ii) is enrolled in the school on a full-time basis,

in considering the number of eligible Indian students served by the school.

"(B) The adjustment required under subparagraph (A) shall be used for the later of the following fiscal years and for each fiscal year succeeding such later fiscal year:

"(i) the second fiscal year succeeding the fiscal year in which the Secretary of Education makes the report required under section 6204(c)(6)(B) of the Indian Education Act of 1988, or

"(ii) the first fiscal year for which an increase in the amount of funds appropriated for allotment under this section is designated by the law that appropriates such funds as the amount necessary to implement such adjustment without reducing allotments made under this section to any school.

"(d) The Secretary shall reserve from the funds available for distribution for each fiscal year under this section an amount which, in the aggregate, shall equal 1 percent of the funds available for such purpose for that fiscal year. Such funds shall be used, at the discretion of the Director of the Office, to meet emergencies and unforeseen contingencies affecting the education programs funded under this section. Funds reserved under this subsection may only be expended for education services or programs at a schoolsite (as defined in section 5204(c)(2) of the Tribally Controlled Schools Act of 1988). Funds reserved under this subsection shall remain available without fiscal year limitation until expended. However, the aggregate amount available from all fiscal years may not exceed 1 percent of the current year funds. Whenever the Secretary makes funds available under this subsection, the Secretary shall report such action to the appropriate committees of Congress within the annual budget submission.

"(e) Supplemental appropriations enacted to meet increased pay costs attributable to school level personnel shall be distributed under this section.

"(f) In this section 'eligible Indian student' means a student who—

"(1) is a member of or is at least a ¼ degree Indian blood descendant of a member of an Indian tribe which is eligible for the special programs and services provided by the United States through the Bureau of Indian Affairs to Indians because of their status as Indians, and

"(2) resides on or near an Indian reservation or meets the criteria for attendance at a Bureau off-reservation boarding school.

"(g)(1) An eligible Indian student may not be charged tuition for attendance at a Bureau or contract school. A student attending a Bureau school under clause (2)(C) of this subsection may not be charged tuition.

"(2) The Secretary may permit the attendance at a Bureau school of a student who is not an eligible Indian student if—

"(A) the Secretary determines that the student's attendance will not adversely affect the school's program for eligible Indian students because of cost, overcrowding, or violation of standards,

"(B) the school board consents, and

"(C) the student is a dependent of a Bureau, Indian Health Service, or tribal government employee who lives on or near the school site, or

"(D) a tuition is paid for the student that is not more than that charged by the nearest public school district for out-of-district students. The tuition collected is in addition to the school's allocation under this section.

"(3) The school board of a contract school or grant school may permit students who are not eligible Indian students under this subsection to attend its contract school or grant school and any tuition collected for those students is in addition to funding under this section.

"(h)(1) The Secretary shall conduct, through contact or cooperative agreement with an entity having proven expertise in the field of school finance, and after consultation with tribes and national Indian organizations, a study to determine the feasibility and desirability of changing the method of financing for Bureau funded schools from the weighted student unit formula method in effect on the date of enactment of this Act to a school based budget system of financing. The Assistant Secretary shall take such steps as are necessary to immediately implement this provision.

"(2) For the purposes of this study, the term 'school-based budget system' means a system based upon an initial determination, at each school site, of the number of students who shall be served at the site, the needs of those students, the standards which will best meet those needs (including any standards or conditions reflecting local community input and the program developed under this part), the personnel profile necessary to establish such program and the cost (determined on an actual basis) of funding such a program. Such a system would include procedures to aggregate the determinations for each school site to determine the amount needed to fund all Bureau-funded schools, to prepare a budget submission based upon such aggregate and would provide for a mechanism for distributing such sums as may be appropriated based upon the determination at each school site.

"(3) No later than January 20, 1996, the Secretary shall transmit to the Committees on Education and Labor and Appropriations of the House of Representatives and the Committees on Indian Affairs and Appropriations of the Senate of the United States the study required under this subsection, along with any views or comments of the Secretary on such study.

"(i) Any other provision of law notwithstanding, at the election of the school board made at any time during the fiscal year, a portion equal to no more than 15 percent of the funds allocated with respect to a school under this section for any fiscal year shall remain available to the school for expenditure without fiscal year limitation. The Assistant Secretary shall take steps as may be necessary to implement this provision immediately.

"(j) Tuition for the out-of-State students boarding at the Richfield Dormitory in Richfield, Utah, who attend Sevier County high schools in Richfield, Utah, may be paid from the Indian School Equalization Program funds at a rate not to exceed the amount per Weighted Student Unit for that year for instruction. No additional administrative cost funds will be added to the grant.

### "SEC. 6708. ADMINISTRATIVE COST GRANTS.

"(a)(1) The Secretary shall, subject to the availability of appropriated funds, provide grants to each tribe or tribal organization operating a contract or grant school in the amount determined under this section with respect to the tribe or tribal organization for the purpose of paying the administrative and indirect costs incurred in operating contract schools in order to—

"(A) enable tribes and tribal organizations operating such schools, without reducing direct program services to the beneficiaries of the program, to provide all related administrative overhead services and operations necessary to meet the requirements of law and prudent management practice, and

"(B) carry out other necessary support functions which would otherwise be provided by the Secretary or other Federal officers or employees, from resources other than direct program funds, in support of comparable Bureau operated programs.

"(2) Amounts appropriated to fund the grants provided under this section shall be in addition to, and shall not reduce, the amounts appropriated for the program being administered by the contract schools.

"(b)(1) The amount of the grant provided to each tribe or tribal organization under this section for each fiscal year shall be determined by applying the administrative cost percentage rate of the tribe or tribal organization to the aggregate of the Bureau elementary and secondary functions operated by the tribe or tribal organization for which funds are received from or through the Bureau. The administrative cost percentage rate determined under subsection (c) does not apply to other programs operated by the tribe or tribal organization.

"(2) The Secretary shall—

"(A) reduce the amount of the grant determined under paragraph (1) to the extent that payments for administrative costs are actually received by an Indian tribe or tribal organization under any Federal education program included in the direct cost base of the tribe or tribal organization, and

"(B) take such actions as may be necessary to be reimbursed by any other department or agency of the Federal Government for the portion of grants made under this section for the costs of administering any program for Indians that is funded by appropriations made to such other department or agency.

"(c) For purposes of this section, the administrative cost percentage rate for a contract or grant school for a fiscal year is equal to the percentage determined by dividing—

"(1) the sum of—

"(A) the amount equal to—

"(i) the direct cost base of the tribe or tribal organization for the fiscal year, multiplied by

"(ii) the minimum base rate, plus

"(B) the amount equal to—

"(i) the standard direct cost base, multiplied by

"(ii) the maximum base rate, by

"(2) the sum of—

"(A) the direct cost base of the tribe or tribal organization for the fiscal year, plus

"(B) the standard direct cost base.

The administrative cost percentage rate shall be determined to the $\frac{1}{100}$ of a decimal point.

"(d)(1)(A) Funds received by a tribe or contract or grant school as grants under this section for tribal elementary or secondary educational programs may be combined by the tribe or contract school into a single administrative cost account without the necessity of maintaining separate funding source accounting.

"(B) Indirect cost funds for programs at the school which share common administrative services with tribal elementary or secondary educational programs may be included in the administrative cost account described in subparagraph (A).

"(2) Funds received as grants under this section with respect to tribal elementary or secondary education programs shall remain available to the contract or grant school without fiscal year limitation and without diminishing the amount of any grants otherwise payable to the school under this section for any fiscal year beginning after the fiscal year for which the grant is provided.

"(3) Funds received as grants under this section for Bureau funded programs operated by a tribe or tribal organization under a contract or agreement shall not be taken into consideration for purposes of indirect cost underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived.

"(4) In applying this section and section 106 of the Indian Self-Determination and Education Assistance Act with respect to an Indian tribe or tribal organization that—

"(A) receives funds under this section for administrative costs incurred in operating a contract school or a school operated under the Tribally Controlled Schools Act of 1988, and

"(B) operates 1 or more other programs under a contract or grant provided under the Indian Self-Determination and Education Assistance Act,

the Secretary shall ensure that the Indian tribe or tribal organization is provided with the full amount of the administrative costs, and of the indirect costs, that are associated with operating the contract school, a school operated under the Tribally Controlled Schools Act of 1988, and all of such other programs, except that funds appropriated for implementation of this section shall be used only to supply the amount of the grant required to be provided by this section.

"(e) For purposes of this section—

"(1)(A) The term 'administrative cost' means the costs of necessary administrative functions which—

"(i) the tribe or tribal organization incurs as a result of operating a tribal elementary or secondary educational program,

"(ii) are not customarily paid by comparable Bureau operated programs out of direct program funds, and

"(iii) are either—

"(I) normally provided for comparable Bureau programs by Federal officials using resources other than Bureau direct program funds, or

"(II) are otherwise required of tribal self-determination program operators by law or prudent management practice.

"(B) The term 'administrative cost' may include, but is not necessarily limited to—

"(i) contract (or other agreement) administration;

"(ii) executive, policy, and corporate leadership and decisionmaking;

"(iii) program planning, development, and management;

"(iv) fiscal, personnel, property, and procurement management;

"(v) related office services and record keeping; and

"(vi) costs of necessary insurance, auditing, legal, safety and security services.

"(2) The term 'Bureau elementary and secondary functions' means—

"(A) all functions funded at Bureau schools by the Office of Indian Education Programs of the Bureau;

"(B) all programs—

"(i) funds for which are appropriated to other agencies of the Federal Government, and

"(ii) which are administered for the benefit of Indians through Bureau schools; and

"(C) all operation, maintenance, and repair funds for facilities and government quarters used in the operation or support of elementary and secondary education functions for the benefit of Indians, from whatever source derived.

"(3) The term 'tribal elementary or secondary educational programs' means all Bureau elementary and secondary functions, together with any other Bureau programs or portions of programs (excluding funds for social services that are appropriated to agencies other than the Bureau and are expended through the Bureau, funds for major subcontracts, construction, and other major capital expenditures, and unexpended funds carried over from prior years) which share common administrative cost functions, that are operated directly by a tribe or tribal organization under a contract or agreement with the Bureau.

"(4)(A) Except as otherwise provided in this paragraph, the direct cost base of a tribe or tribal organization for the fiscal year is the aggregate direct cost program funding for all tribal elementary or secondary educational programs operated by the tribe or tribal organization during—

"(i) the second fiscal year preceding such fiscal year, or

"(ii) if such programs have not been operated by the tribe or tribal organization during the 2 preceding fiscal years, the first fiscal year preceding such fiscal year.

"(B) In the case of Bureau elementary or secondary education functions which have not previously been operated by a tribe or tribal organization under contract or agreement with the Bureau, the direct cost base for the initial year shall be the projected aggregate direct cost program funding for all Bureau elementary and secondary functions to be operated by the tribe or tribal organization during that fiscal year.

"(5) The term 'maximum base rate' means 50 percent.

"(6) The term 'minimum base rate' means 11 percent.

"(7) The term 'standard direct cost base' means $600,000.

"(f)(1) Upon the enactment of the Indian Education Amendments of 1988, the Secretary shall—

"(A) conduct such studies as may be needed to establish an empirical basis for determining relevant factors substantially affecting the required administrative costs of tribal elementary and secondary educational programs, using the formula set forth in subsection (c), and

"(B) a study to determine—

"(i) a maximum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the smallest tribal elementary or secondary educational programs,

"(ii) a minimum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the largest tribal elementary or secondary educational programs, and

"(iii) a standard direct cost base which is the aggregate direct cost funding level for which the percentage determined under subsection (c) will—

"(I) be equal to the median between the maximum base rate and the minimum base rate, and

"(II) ensure that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of tribal elementary or secondary educational programs closest to the size of the program.

"(2) The studies required under paragraph (1) shall—

"(A) be conducted in full consultation (in accordance with section 1130) with—

"(i) the tribes and tribal organizations that are affected by the application of the formula set forth in subsection (c), and

"(ii) all national and regional Indian organizations of which such tribes and tribal organizations are typically members;

"(B) be conducted on-site at a representative statistical sample of the tribal elementary or secondary educational programs under a contract entered into with a nationally reputable public accounting and business consulting firm;

"(C) take into account the availability of skilled labor, commodities, business and automatic data processing services, related Indian preference and Indian control of education requirements, and any other market factors found substantially to affect the administrative costs and efficiency of each such tribal elementary or secondary educational program studied in order to assure that all required administrative activities can reasonably be delivered in a cost effective manner for each such program, given an administrative cost allowance generated by the values, percentages, or other factors found in the studies to be relevant in such formula;

"(D) identify, and quantify in terms of percentages of direct program costs, any general factors arising from geographic isolation, or numbers of programs administered, independent of program size factors used to compute a base administrative cost percentage in such formula; and

"(E) identify any other incremental cost factors substantially affecting the costs of required administrative cost functions at any of the tribal elementary or secondary educational programs studied and determine whether the factors are of general applicability to other such programs, and (if so) how they may effectively be incorporated into such formula.

"(3) In carrying out the studies required under this subsection, the Secretary shall obtain the input of, and afford an opportunity to participate to, the Inspector General of the Department of the Interior.

"(4) Determinations described in paragraph (2)(C) shall be based on what is pragmatically possible to do at each location studied, given prudent management practice, irrespective of whether required administrative services were actually or fully delivered at these sites, or other services were delivered instead, during the period of the study.

"(5) Upon completion of the studies conducted under paragraph (1), but in no case later than October 1, 1989, the Secretary shall submit to the Congress a report on the findings of the studies, together with determinations based upon such findings that would affect the definitions of terms used in the formula that is set forth in subsection (c).

"(6) The Secretary shall include in the Bureau's justification for each appropriations request for each fiscal year beginning after fiscal year 1989, a projection of the overall costs associated with the formula set forth in subsection (c) for all tribal elementary or secondary educational programs which the Secretary expects to be funded in the fiscal year for which the appropriations are sought.

"(7) For purposes of this subsection, the size of tribal elementary or secondary educational programs is determined by the aggregate direct cost program funding level for all Bureau funded programs which share common administrative cost functions.

"(g)(1) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this section.

"(2) If the total amount of funds necessary to provide grants to tribes and tribal organizations in the amounts determined under subsection (b) for a fiscal year exceeds the amount of funds appropriated to carry out this section for such fiscal year, the Secretary shall reduce the amount of each grant determined under subsection (b) for such fiscal year by an amount that bears the same relationship to such excess as the amount of such grant determined under subsection (b) bears to the total of all grants determined under subsection (b) for all tribes and tribal organizations for such fiscal year.

"(h)(1) Notwithstanding any other provision of this section, the amount of the grants provided under this section for fiscal year 1989 shall—

"(A) in lieu of being determined under subsection (b), be determined for each tribal elementary or secondary educational program on the same basis that indirect costs were determined for such programs for fiscal year 1988, and

"(B) be subject to the provisions of subsection (d).

"(2) Notwithstanding any other provision of this section, the amount of the grant provided under this section for fiscal year 1990 with respect to each tribal elementary and secondary educational program that was operated by a tribe or tribal organization in fiscal year 1989 shall be equal to—

"(A) if the amount of the grant determined under subsection (b) for fiscal year 1990 with respect to such program exceeds the amount received by the tribe or tribal organization with respect to such program for administrative costs for fiscal year 1988 (or fiscal year 1989 if such program was not operated by the tribe or tribal organization during fiscal year 1988), the sum of—

"(i) such amount received, plus

"(ii) ⅓ of the excess of—

"(I) such amount determined under subsection (b), over

"(II) such amount received, or

"(B) if such amount received exceeds such amount determined under subsection (b), the excess of—

"(i) such amount received, over

"(ii) an amount equal to ⅓ of the excess of—

"(I) such amount received, over

"(II) such amount determined under subsection (b).

"(3) Notwithstanding any other provision of this section, the amount of the grants provided under this section for fiscal year 1991 with respect to each tribal elementary and secondary educational program that was operated by a tribe or tribal organization in fiscal year 1989 shall be equal to—

"(A) if the amount of the grant determined under subsection (b) for fiscal year 1991 with respect to such program exceeds the amount received by the tribe or tribal organization with respect to such program for administrative costs for fiscal year 1990, the sum of—

"(i) such amount received, plus

"(ii) ½ of the excess of—

"(I) such amount determined under subsection (b), over

"(II) such amount received, or

"(B) if such amount received exceeds such amount determined under subsection (b), the excess of—

"(i) such amount received, over

"(ii) an amount equal to ½ of the excess of—

"(I) such amount received over,

"(II) such amount determined under subsection (b).

"(i) The provisions of this section shall also apply to those schools operating under the Tribally Controlled Schools Act of 1988.

### "SEC. 6709. BUDGET PREPARATION AND SUBMISSION.

"(a) For each fiscal year beginning after October 1, 1994, and ending before October 1, 1998, the Secretary shall enter into an interagency agreement with the Secretary of Education for the purpose of carrying out this section. The Secretary shall take such actions as are necessary to transfer information requested by the Secretary of Education or the entity designated under subsection (b) of this section needed to carry out this section in a timely and accurate fashion.

"(b) The Secretary of Education, through the National Center for Education Statistics, shall prepare and submit to Congress the study set forth in subsection (c) of this section no later than January 20, 1995, and January 20 of each of the next 3 succeeding years. The Secretary of Education shall transmit the report directly and without substantive amendment to the Secretary of the Interior, the Assistant Secretary for Indian Affairs of the Department of the Interior, and the Committees on Education and Labor and Appropriations of the House of Representatives and the Committees on Indian Affairs and Appropriations of the Senate of the United States.

"(c)(1) The National Center for Educational Statistics (hereinafter referred to as the 'Center') shall prepare for each of the fiscal years covered under subsection (a) of this section a report on the amount needed to achieve academic and residential programs set forth in this part for Bureau-funded schools funded under section 6707. Such study shall be based on (A) the standards developed and implemented for Bureau-funded schools under section 6701 and 6702 of this part or such other standards as may apply to Bureau-funded contract schools or schools funded under the Tribally Controlled Schools Act of 1988, (B) the student count and characteristics of such schools, as determined pursuant to the formula developed and implemented pursuant to section 6707 of this part for the preceding academic year, adjusted for any changes in student demographics which the Center may project, (C) the employee statistics with respect to such schools for the preceding fiscal year, and (D) such other factors as the Center may set forth, including but not limited to age or physical condition of the schools and changes in isolation.

"(2) Each study shall include a total projected cost for attaining the standards set forth under paragraph (1), and shall presume compliance with those standards. Such study shall also include a projection of the cost for meeting such standards for each Bureau funded school. Such study shall also include a report on any shortfall in the amount needed to fund Bureau-funded schools, as determined by the study conducted pursuant to this section and the appropriations amount requested and enacted for the period covered by the study.

"(d)(1) Within 24 months of the date of enactment of this Act, the Secretary shall establish within the Office of Indian Education Programs a Division of Budget Analysis (hereinafter referred to as the 'Division'). Such Division shall be under the direct supervision and control of the Director of the Office.

"(2) The Division shall have the capacity to conduct such studies, surveys, or other activities as are necessary to gather demographic information on Bureau-funded schools (current and future) and project the amount necessary to provide Indian students in such schools the educational program set forth in this part.

"(3) The Division shall prepare projections on such amounts, along with such other information as the Director of the Office shall require, for each fiscal year beginning after October 1, 1996. The Director of the Office and the Assistant Secretary for Indian Affairs shall use such reports when preparing their annual budget submissions.

### "SEC. 6710. UNIFORM DIRECT FUNDING AND SUPPORT.

"(a)(1) Within six months after the date of enactment of this Act, the Secretary shall establish, by regulation adopted in accordance with section 6719, a system for the direct funding and support of all Bureau-funded schools. Such system shall allot funds, in accordance with section 6707. Amounts appropriated for distribution under this section may be made available under paragraph (2) or under paragraph (3), as provided in the appropriation Act.

"(2)(A) For the purpose of affording adequate notice of funding available pursuant to the allotments made by section 6707, amounts appropriated in an appropriation Act for any fiscal year shall become available for obligation by the affected schools on July 1 of the fiscal year in which they are appropriated without further action by the Secretary, and shall remain available for obligation through the succeeding fiscal year.

"(B) The Secretary shall, on the basis of the amount appropriated in accordance with this paragraph—

"(i) publish, on July 1 preceding the fiscal year for which the funds are appropriated, allotments to each affected school made under section 6707 of 85 percent of such appropriation; and

"(ii) publish, no later than September 30 of such preceding fiscal year, the allotments to be made under section 6707 of the remaining 15 percent of such appropriation, adjusted to reflect actual student attendance.

"(3) Notwithstanding any law or regulation, the supervisor of a Bureau school may expend an aggregate of no more than $35,000 of the amount allotted the school under section 6707 to acquire supplies and equipment for the school without competitive bidding if—

"(A) the cost for any single item purchased does not exceed $10,000;

"(B) the school board approves the procurement;

"(C) the supervisor certifies that the cost is fair and reasonable;

"(D) the documents relating to the procurement executed by the supervisor or other school staff cite this paragraph as authority for the procurement; and

"(E) the transaction is documented in a journal maintained at the school clearly identifying when the transaction occurred, what was acquired and from whom, the prices paid, the quantities acquired, and any other information the supervisor or school board considers relevant.

The Director shall be responsible for determining the application of this paragraph, including the authorization of specific individuals to carry out this authority, and shall be responsible for the provision of guidelines on the use of this authority and adequate training on such guidelines.

"(4) If a sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 reduces the amount of funds available for allotment under section 6707 for any fiscal year by more than 7 percent of the amount of funds available for allotment under such section during the preceding fiscal year—

"(A) the Secretary may, notwithstanding any other provision of law, use—

"(i) funds appropriated for the operation of any Bureau school that is closed or consolidated, and

"(ii) funds appropriated for any program that has been curtailed at any Bureau school,

to fund allotments made under section 6707, and

"(B) the Secretary may waive the application of the provisions of section 6701(h) with respect to the closure or consolidation of a school, or the curtailment of a program at a school, during such fiscal year if the funds described in clauses (i) and (ii) of subparagraph (A) with respect to such school are used to fund allotments made under section 6707 for such fiscal year.

"(b) In the case of all Bureau schools, allotted funds shall be expended on the basis of local financial plans which shall be prepared by the local school supervisor in active consultation with the local school board for each school, and the local school board for each school shall have the authority to ratify, reject, or amend such financial plan, and expenditures thereunder, and, on its own determination or in response to the supervisor of the school, to revise such financial plan to meet needs not foreseen at the time of preparation of the financial plan. The supervisor shall provide the appropriate union representative of the education employees with copies of proposed draft financial plans and all amendments or modifications thereto, at the same time they are submitted to the local school board. The supervisor of the school may appeal any such action of the local school board to the appropriate education officer of the Bureau agency by filing a written statement describing the action and the reasons the supervisor believes such action should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the appropriate education officer may, for good cause, overturn the action of the local school board. The appropriate education officer shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such action.

"(c) Funds for self-determination grants under section 103(a)(2) of the Indian Self-Determination and Education Assistance Act shall not be used for providing technical assistance and training in the field of education by the Bureau unless such services are provided in accordance with a plan, agreed to by the tribe or tribes affected and the Bureau, under which control of education programs is intended to be transferred to such tribe or tribes within a specific period of time negotiated under such agreement. The Secretary may approve applications for funding tribal divisions of education and the development of tribal codes of education from funds appropriated pursuant to section 104(a) of such Act.

"(d) In the exercise of its authority under this section, a local school board may request technical assistance and training from the Secretary, and he shall, to the greatest extent possible, provide such services, and make appropriate provisions in the budget of the Office for such services.

"(e)(1) A financial plan under subsection (b) for a school may include, at the discretion of the local administrator and the school board of such school, a provision for a summer program of academic and support services for students of the school. Any such program may include activities related to the prevention of alcohol and substance abuse. The Assistant Secretary of Indian Affairs shall provide for the utilization of any such school facility during any summer in which such utilization is requested.

"(2) Notwithstanding any other provision of law, funds authorized under the Act of April 16, 1934 (25 U.S.C. 452 et seq.) and the Indian Education Act may be used to augment the services provided in each summer program at the option, and under the control, of the tribe or Indian controlled school receiving such funds.

"(3) The Assistant Secretary of Indian Affairs, acting through the Director of the Office of Indian Education Programs, shall provide technical assistance and coordination for any program described in paragraph (1) and shall, to the extent possible, encourage the coordination of such programs with any other summer programs that might benefit Indian youth, regardless of the funding source or administrative entity of any such program.

"(f)(1) From funds allotted to a Bureau school under section 6707, the Secretary shall, if specifically requested by the tribal governing body (within the meaning of section 6701(k)), implement any cooperative agreement entered into between the tribe, the Bureau school board, and the local public school district which meets the requirements of paragraph (2) and involves the school. The tribe, the Bureau school board, and the local public school district shall determine the terms of the agreement. Such agreement may encompass coordination of all or any part of the following:

"(A) Academic program and curriculum, unless the Bureau school is currently accredited by a State or regional accrediting entity and would not continue to be so accredited.

"(B) Support services, including procurement and facilities maintenance.

"(C) Transportation.

"(2) Each agreement entered into pursuant to the authority provided in paragraph (1) shall confer a benefit upon the Bureau school commensurate with the burden assumed, though this requirement shall not be construed so as to require equal expenditures or an exchange of similar services.

"(g) Any other provision of law notwithstanding, where there is agreement on such action between the superintendent and school board of a B.I.A. funded school, the product or result of a project conducted in whole or in major part by a student may be given to that student upon the completion of said project.

"(h) Notwithstanding any other provision of law, funds received by Bureau funded schools under this title shall not be considered Federal funds for purposes of meeting a match requirement in any Federal program.

**"SEC. 6711. POLICY FOR INDIAN CONTROL OF INDIAN EDUCATION.**

"(a) It shall be the policy of the the Secretary and the Bureau, in carrying out the functions of the Bureau, to facilitate Indian control of Indian affairs in all matters relating to education.

"(b)(1) All actions under this Act shall be done with active consultation with tribes.

"(2) The consultation required under paragraph (1) means a process involving the open discussion and joint deliberation of all options with respect to potential issues or changes between the Bureau and all interested parties. During such discussions and joint deliberations, interested parties (including, but not limited to, tribes and school officials) shall be given an opportunity to present issues including proposals regarding changes in current practices or programs which will be considered for future action by the Bureau. All interested parties shall be given an opportunity to participate and discuss the options presented or to present other alternatives, with the views and concerns of the interested parties given effect unless the Secretary determines, from information educed or presented by the interested parties during 1 or more of the discussions and deliberations, that there is a substantial reason for another course of action. The Secretary shall submit to any Member of Congress, within 18 days of the receipt of a written request by such Member, a written explanation of any decision made by the Secretary which is not consistent with the views of the interested parties.

**"SEC. 6712. EDUCATION PERSONNEL.**

"(a)(1) Chapter 51, subchapter III of chapter 53, and chapter 63 of title 5, United States Code, relating to leave, pay, and classification, and the sections relating to the appointment, promotion and removal of civil service employees, shall not apply to educators or to education positions (as defined in subsection (n)).

"(2) Paragraph (1) shall take effect 1 year after the date of enactment of this Act.

"(b) Not later than the effective date of subsection (a)(2), the Secretary shall prescribe regulations to carry out this section. Such regulations shall govern—

"(1) the establishment of education positions,

"(2) the establishment of qualifications for educators,

"(3) the fixing of basic compensation for educators and education positions,

"(4) the appointment of educators,

"(5) the discharge of educators,

"(6) the entitlement of educators to compensation,

"(7) the payment of compensation to educators,

"(8) the conditions of employment of educators,

"(9) the length of the school year applicable to education positions described in subsection (n)(1)(A),

"(10) the leave system for educators, and

"(11) such other matters as may be appropriate.

"(c)(1) In prescribing regulations to govern the qualifications of educators, the Secretary shall require—

"(A)(i) that lists of qualified and interviewed applicants for education positions be maintained in each agency and area office of the Bureau from among individuals who have applied at the agency or area level for an education position or who have applied at the national level and have indicated in such application an interest in working in certain areas or agencies; and

"(ii) that a list of qualified and interviewed applicants for education positions be maintained in the Office from among individuals who have applied at the national level for an education position and who have expressed interest in working in an education position anywhere in the United States;

"(B) that a local school board shall have the authority to waive on a case-by-case basis, any formal education or degree qualifications established by regulation pursuant to subsection (b)(2), in order for a tribal member to be hired in an education position to teach courses on tribal culture and language and that subject to subsection (d)(2)(A), a determination by a school board that such a person be hired shall be followed by the supervisor; and

"(C) that it shall not be a prerequisite to the employment of an individual in an education position at the local level that such individual's name appear on the national list maintained pursuant to subsection (c)(1)(A)(ii) or that such individual has applied at the national level for an education position.

"(2) The Secretary may authorize the temporary employment in an education position of an individual who has not met the certification standards established pursuant to regulations, if the Secretary determines that failure to do so would result in that position remaining vacant.

"(d)(1) In prescribing regulations to govern the appointment of educators, the Secretary shall require—

"(A)(i) that educators employed in a school (other than the supervisor of the school) shall be hired by the supervisor of the school unless there are no qualified applicants available, in which case the vacant position shall be filed at the national level from the list maintained pursuant to subsection (c)(1)(A)(ii).

"(ii) each school supervisor shall be hired by the superintendent for education of the agency office of the Bureau in which the school is located, and

"(iii) educators employed in an agency office of the Bureau shall be hired by the superintendent for education of the agency office;

"(B) that before an individual is employed in an education position in a school by the supervisor of a school (or, with respect to the position of supervisor, by the appropriate agency superintendent for education), the local school board for the school shall be consulted, and that subject to subsection (d)(2), a determination by the school board that such individual should or should not be so employed shall be followed by the supervisor (or with respect to the position of supervisor, by the agency superintendent for education); and

"(C) that before an individual may be employed in an education position at the agency level, the appropriate agency school board shall be consulted, and that, subject to subsection (d)(3), a determination by such school board that such individual should or should not be employed shall be followed by the agency superintendent for education.

"(2)(A) The supervisor of a school may appeal to the appropriate agency superintendent for education any determination by the local school board for the school that an individual be employed, or not be employed, in an education position in the school (other than that of supervisor) by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the superintendent may, for good cause, overturn the determination of the local school board. The superintendent shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such determination.

"(B) The superintendent for education of an agency office of the Bureau may appeal to the Director of the Office any determination by the local school board for the school that an individual be employed, or not be employed, as the supervisor of a school by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the local school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such superintendent identifying the reasons for overturning such determination.

"(3) The superintendent for education of an agency office of the Bureau may appeal to the Director of the Office any determination by the agency school board that an individual be employed, or not be employed, in an education position in such agency office by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the agency school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the agency school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such superintendent identifying the reasons for overturning such determination.

"(4) Any individual who applies at the local level for an education position shall state on such individual's application whether or not such individual has applied at the national level for an education position in the Bureau. If such individual is employed at the local level, such individual's name shall immediately be forwarded to the Secretary, who shall, as soon as possible but in no event in more than thirty days, ascertain the accuracy of the statement made by such individual pursuant to the first sentence of this subparagraph. If the individual's statement is found to have been false, such individual, at the Secretary's discretion, may be disciplined or discharged. If the individual had applied at the national level for an education position in the Bureau, if the appointment of such individual at the local level shall be conditional for a period of ninety days, during which period the Secretary may appoint a more qualified individual (as determined by the Secretary) from the list maintained at the national level pursuant to subsection (c)(1)(A)(ii) to the position to which such individual was appointed.

"(5) Except as expressly provided, nothing in this section shall be construed as conferring upon local school boards, authority over, or control of, educators.

"(e)(1) In prescribing regulations to govern the discharge and conditions of employment of educators, the Secretary shall require—

"(A) that procedures be established for the rapid and equitable resolution of grievances of educators;

"(B) that no educator may be discharged without notice of the reasons therefore and opportunity for a hearing under procedures that comport with the requirements of due process; and

"(C) educators employed in Bureau schools shall be notified sixty days prior to the end of the school year whether their employment contract will be renewed for the coming year.

"(2) The supervisor of a Bureau school may discharge (subject to procedures established under paragraph (1)(B) for cause (as determined under regulations prescribed by the Secretary) any educator employed in such school. Upon giving notice of proposed discharge to an educator, the supervisor involved shall immediately notify the local school board for the school of such action. A determination by the local school board that such educator shall not be discharged shall be followed by the supervisor. The supervisor shall have the right to appeal such action to the superintendent for education of the appropriate agency office of the Bureau. Upon such an appeal, the agency superintendent for education may, for good cause and in writing to the local school board, overturn the determination of the local school board with respect to the employment of such individual.

"(3) Each local school board for a Bureau school shall have the right (A) to recommend to the supervisor of such school that an educator employed in the school be discharged, and (B) to recommend to the superintendent of education of the appropriate agency office of the Bureau and to the Director of the Office, that the supervisor of the school be discharged.

"(f)(1) Notwithstanding any provision of the Indian preference laws, such laws shall not apply in the case of any personnel action within the purview of this section respecting an applicant or employee not entitled to Indian preference if each tribal organization concerned grants, in writing, a waiver of the application of such laws with respect to such personnel action, where such a waiver is in writing deemed to be a necessity by the tribal organization, except that this shall in no way relieve the Bureau of its responsibility to issue timely and adequate announcements and advertisements concerning any such personnel action if it is intended to fill a vacancy (no matter how such vacancy is created).

"(2) For purposes of this subsection, the term 'tribal organization' means—

"(A) the recognized governing body of any Indian tribe, band, nation, pueblo, or other organized community, including a Native village (as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c); 85 Stat. 688)); or

"(B) in connection with any personnel action referred to in this subsection, any local school board as defined in section 1139, and which has been delegated by such governing body the authority to grant a waiver under such subsection with respect to such personnel action.

"(3) The term 'Indian preference laws' means section 12 of the Act of June 18, 1934 (25 U.S.C. 472; 48 Stat. 986) or any other provision of law granting a preference to Indians in promotions and other personnel actions, except that such term shall not be considered to include section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b); 88 Stat. 2295).

"(g) Subject to the authority of the Civil Service Commission to determine finally the applicability of chapter 51 of title 5, United States Code, to specific positions and employees in the executive branch, the Secretary shall determine in accordance with subsection (a)(1) the applicability or inapplicability of such chapter to positions and employees in the Bureau.

"(h)(1)(A) Except as otherwise provided in this section, the Secretary shall fix the basic compensation or annual salary rate for educators and education positions at rates comparable to the rates in effect under the General Schedule for individuals with comparable qualifications, and holding comparable positions, to whom chapter 51 is applicable or on the basis of the Federal Wage System schedule in effect for the locality.

"(B) By no later than October 28, 1988, the Secretary shall establish, for contracts for the 1991–1992 academic year, and thereafter, the rates of basic compensation, or annual salary rates, for the positions of teachers and counselors (including dormitory counselors and home-living counselors) at the rates of basic compensation applicable (on the date of enactment of such Amendments and thereafter) to comparable positions in overseas schools under the Defense Department Overseas Teachers Pay and Personnel Practices Act, unless the Secretary establishes such rates within such 6-month period through collective bargaining with the appropriate union representative of the education employees that is recognized by the Bureau.

"(C) By no later than October 28, 1988, the Secretary shall establish the rates of basic compensation or annual salary rates for the positions of teachers and counselors (including dormitory and home-living counselors)—

"(i) for contracts for the 1989–1990 academic year, at rates which reflect ⅓ of the changes in the rates applicable to such positions on April 28, 1988, that must be made to conform the rates to the rates established under subparagraph (B) for such positions for contracts for the 1991–1992 academic year, and

"(ii) for contracts for the 1990–1991 academic year, at rates which reflect ⅔ of such changes.

"(D) The establishment of rates of basic compensation and annual salary rates by the Secretary under subparagraphs (B) and (C) shall not preclude the use of regulations and procedures used by the Bureau before the enactment of the Indian Education Amendments of 1988 in making determinations regarding promotions and advancements through levels of pay that are based on the merit, education, experience, or tenure of the educator.

"(E)(i) Except as provided in clause (ii), the establishment of rates of basic compensation and annual salary rates by the Secretary under subparagraphs (B) and (C) shall not affect the continued employment or compensation of an educator who was employed in an education position on October 31, 1979, and who did not make the election under paragraph (2) of subsection (o).

"(ii) Any individual described in clause (i) may, during the 5-year period beginning on the date on which the Secretary establishes rates of basic compensation and annual salary rates under subparagraph (B), make an irrevocable election to have the basic compensation rate or annual salary rate of such individual determined in accordance with this paragraph.

"(iii) If an individual makes the election described in clause (ii), such election shall not affect the application to the individual of the same retirement system and leave system that applies to the individual during the fiscal year preceding the fiscal year in which such election is made, except that the individual must use leave accrued during a contract period by the end of that contract period.

"(F) The President shall include with the budget submitted under section 1105 of title 31, United States Code, for each of the fiscal years 1990, 1991, and 1992 a written statement by the Secretary which specifies—

"(i) the amount of funds the Secretary needs to pay basic compensation and the annual salaries of educators for such fiscal year, and

"(ii) the amount of funds the Secretary estimates would be needed to pay basic compensation and the annual salaries of educators for such fiscal year if the amendments made to this paragraph by the Indian Education Amendments of 1988 had not been enacted.

"(2) Each educator employed in an education position in Alaska shall be paid a cost-of-living allowance equal to 25 per centum of the rate of basic compensation to which such educator is entitled.

"(3)(A) The Secretary may pay a postdifferential not to exceed 25 per centum of the rate of basic compensation, on the basis of conditions of environment or work which warrant additional pay as a recruitment and retention incentive.

"(B)(i) Upon the request of the supervisor and the local school board of a Bureau school, the Secretary shall grant the supervisor of the school authorization to provide 1 or more post differentials under subparagraph (A) unless the Secretary determines for clear and convincing reasons (and advises the board in writing of those reasons) that certain of the requested post differentials should be disapproved or decreased because there is no disparity of compensation for the involved employees or positions in the Bureau school, as compared with the nearest public school, that is either—

"(I) at least 5 percent, or

"(II) less than 5 percent and affects the recruitment or retention of employees at the school.

The request under this subparagraph shall be deemed granted as requested at the end of the 60th day after the request is received in the Central Office of the Bureau unless before that time it is approved, approved with modification, or disapproved by the Secretary.

"(ii) The Secretary or the supervisor of a Bureau school may discontinue or decrease a post differential authorized by reason of this subparagraph at the beginning of a school year after either—

"(I) the local school board requests that it be discontinued or decreased, or

"(II) the Secretary or the supervisor determines for clear and convincing reasons (and advises the board in writing of those reasons) that there is no disparity of compensation that would affect the recruitment or retention of employees at the school after the differential is discontinued or decreased.

"(iii) On or before February 1 of each year, the Secretary shall submit to Congress a report describing the requests and grants of authority under this subparagraph during the previous fiscal year and listing the positions contracted under those grants of authority.

"(i) Any individual—

"(1) who on the date of enactment of this Act is holding a position which is determined under subsection (f) to be an education position and who elects under subsection (o)(2) to be covered under the provisions of this section, or

"(2) who is an employee of the Federal Government or the municipal government of the District of Columbia and is transferred, promoted, or reappointed, without break in service, from a position under a different leave system to an education position,

shall be credited for the purpose of the leave system provided under regulations prescribed pursuant to subsection (b)(10), with the annual and sick leave to his credit immediately before the effective date of such election, transfer, promotion, or reappointment.

"(j) Upon termination of employment with the Bureau, any annual leave remaining to the credit of an individual within the purview of this section shall be liquidated in accordance with sections 5551(a) and 6306 of title 5, United States Code, except that leave earned or accrued under regulations prescribed pursuant to subsection (b)(10) shall not be so liquidated.

"(k) In the case of any educator who is transferred, promoted, or reappointed, without break in service, to a position in the Federal Government under a different leave system, any remaining leave to the credit of such person earned or credited under the regulations prescribed pursuant to subsection (b)(10) shall be transferred to his credit in the employing agency on an adjusted basis in accordance with regulations which shall be prescribed by the Civil Service Commission.

"(l) An eduoator who voluntarily terminates employment with the Bureau before the expiration of the existing employment contract between such educator and the Bureau shall not be eligible to be employed in another education position in the Bureau during the remainder of the term of such contract.

"(m) In the case of any educator employed in an education position described in subsection (n)(1)(A) who—

"(1) is employed at the close of a school year,

"(2) agrees in writing to serve in such a position for the next school year, and

"(3) is employed in another position during the recess period immediately preceding such next school year, or during such recess period receives additional compensation referred to in subsection (g)(2) or (g)(3), section 5533 of title 5, United States Code, relating to dual compensation, shall not apply to such educator by reason of any such employment during a recess period for any such receipt of additional compensation.

"(n) For the purpose of this section—

"(1) The term "education position" means a position in the Bureau the duties and responsibilities of which—

"(A) are performed on a school-year basis principally in a Bureau school and involve—

"(i) classroom or other instruction or the supervision or direction of classroom or other instruction;

"(ii) any activity (other than teaching) which requires academic credits in educational theory and practice equal to the academic credits in educational theory and practice required for a bachelor's degree in education from an accredited institution of higher education;

"(iii) any activity in or related to the field of education notwithstanding that academic credits in educational theory and practice are not a formal requirement for the conduct of such activity; or

"(iv) support services at, or associated with, the site of the school; or

"(B) are performed at the agency level of the Bureau and involve the implementation of education-related programs other than the position for agency superintendent for education.

"(2) The term "educator" means an individual whose services are required, or who is employed, in an education position.

"(o)(1) Subsections (a) through (n) of this section apply to an educator hired after November 1, 1979 (and to an educator who elected application under paragraph (2)) and to the position in which such individual is employed. Subject to paragraph (2), the enactment of this Act shall not affect the continued employment of an individual employed on October 31, 1979 in an education position, or such individual's right to receive the compensation attached to such position.

"(2) Any individual employed in an education position on October 31, 1979, may, not later than November 1, 1983, make an irrevocable election to be covered under the provisions of subsection (a) through (n) of this section.

"(p)(1) An educator who was employed in an education position on October 31, 1979, who was eligible to make an election under paragraph (2) of subsection (o) at that time, and who did not make the election under paragraph (2) of subsection (o), may not be placed on furlough (within the meaning of section 7511(a)(5) of title 5, United States Code) without the consent of such educator for an aggregate of more than 4 weeks within the same calendar year, unless—

"(A) the supervisor, with the approval of the local school board (or of the agency superintendent for education upon appeal under paragraph (2)), of the Bureau school at which such educator provides services determines that a longer period of furlough is necessary due to an insufficient amount of funds available for personnel compensation at such school, as determined under the financial plan process as determined under section 1129(b) of this Act, and

"(B) all educators (other than principals and clerical employees) providing services at such Bureau school are placed on furloughs of equal length, except that the supervisor, with the approval of the local school board (or of the agency superintendent for education upon appeal under paragraph (2)), may continue 1 or more educators in pay status if (i) they are needed to operate summer programs, attend summer training sessions, or participate in special activities including (but not limited to) curriculum development committees, and (ii) they are selected based upon their qualifications, after public notice of the minimum qualifications reasonably necessary and without discrimination as to supervisory, nonsupervisory, or other status of the educators who apply.

"(2) The supervisor of a Bureau school may appeal to the appropriate agency superintendent for education any refusal by the local school board to approve any determination of the supervisor that is described in paragraph (1)(A) by filing a written statement describing the determination and the reasons the supervisor believes such determination should be approved. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the superintendent may, for good cause, approve the determination of the supervisor. The superintendent shall transmit the determination of such appeal in the form of a written opinion to such local school board and to the supervisor identifying the reasons for approving such determination.

**"SEC. 6713. MANAGEMENT INFORMATION SYSTEM.**

"The Secretary shall establish within the Office, within 1 year after the date of the enactment of the Indian Education Amendments of 1984, a computerized management information system, which shall provide information to the Office. Such information shall include but shall not be limited to—

"(1) student enrollment;

"(2) curriculum;

"(3) staff;

"(4) facilities;

"(5) community demographics;

"(6) student assessment information; and

"(7) information on the administrative and program costs attributable to each Bureau program, divided into discreet elements.

**"SEC. 6714. BUREAU EDUCATION POLICIES.**

"Within 180 days of the date of enactment of this Act, the Secretary shall develop, publish in the Federal Register, and submit to all agency and area offices of the Bureau, all tribal governments, and the appropriate committees of the Congress, a draft set of education policies, procedures, and practices for education-related action of the Bureau. The Secretary shall, within 1 year of the date of enactment of this Act, provide that such uniform policies, procedures, and practices shall be finalized and promulgated. Thereafter, such policies, procedures, and practices and their periodic revisions, shall serve as the foundation for future Bureau actions in education.

**"SEC. 6715. UNIFORM EDUCATION PROCEDURES AND PRACTICES.**

"The Secretary shall cause the various divisions of the Bureau to formulate uniform procedures and practices with respect to such concerns of those divisions as relate to education, and shall report such practices and procedures to the Congress.

**"SEC. 6716. RECRUITMENT OF INDIAN EDUCATORS.**

"The Secretary shall institute a policy for the recruitment of qualified Indian educators and a detailed plan to promote employees from within the Bureau. Such plan shall include opportunities for acquiring work experience prior to actual work assignment.

**"SEC. 6717. ANNUAL REPORT.**

"(a) The Secretary shall submit to each appropriate committee of the Congress a detailed annual report on the state of education within the Bureau and any problems encountered in the field of education during the year. Such report shall contain suggestions for improving the Bureau educational system and increasing local Indian control of such system. Such report shall also include the current status of tribally controlled community colleges. The annual budget submission for the Bureau's education programs shall, among other things, include (1) information on the funds provided previously private schools under section 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458d; 88 Stat. 2216) and recommendations with respect to the future use of such funds; (2) the needs and costs of operation and maintenance of tribally controlled community colleges eligible for assistance under the Tribally Controlled Community College Assistance Act of 1978 (92 Stat. 1325; 25 U.S.C. 1801 et seq.) and recommendations with respect to meeting such needs and costs; and (3) the plans required by section 1121(f), and 1122(c); and 1125(b) of this Act (25 U.S.C. 2001(f), 2002(c), and 2005(b)).

"(b) The Inspector General of the Department of the Interior shall establish a system to ensure that financial and compliance audits are conducted of each Bureau school at least once in every three years. Audits of Bureau schools shall be based upon the extent to which such school has complied with its local financial plan under section 1129.

**"SEC. 6718. RIGHTS OF INDIAN STUDENTS.**

"Within six months of the date of enactment of this Act, the Secretary shall prescribe such rules and regulations as are necessary to insure the constitutional and civil rights of Indian students attending Bureau schools, including, but not limited to, their right to privacy under the laws of the United States, their right to freedom of religion and expression and their right to due process in connection with disciplinary actions, suspensions, and expulsions.

**"SEC. 6719. REGULATIONS.**

"Regulations required to be adopted under sections 6706 through 6718 and any revisions of the standards developed under section 6701 or 6702 of this Act shall be deemed rules of general applicability prescribed for the administration of an applicable program for the purposes of section 431 of the General Education Provisions Act and shall be promulgated, submitted for congressional review, and take effect in accordance with the provisions of such section. Such regulations shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based.

**"SEC. 6720. DEFINITIONS.**

"For the purpose of this part—

"(1) the term 'agency school board' means a body, the members of which are appointed by the school boards of the schools located within such agency, and the number of such members shall be determined by the Secretary in consultation with the affected tribes, except that, in agencies serving a single school, the school board of such school shall fulfill these duties;

"(2) the term 'Bureau' means the Bureau of Indian Affairs of the Department of the Interior;

"(3) the term 'Bureau funded school' means—

"(A) a Bureau school;

"(B) a contract school; or

"(C) a school for which assistance is provided under the Tribally Controlled Schools Act of 1988;

"(4) the term 'Bureau school' means a Bureau operated elementary or secondary day or boarding school or a Bureau operated dormitory for students attending a school other than a Bureau school;

"(5) the term 'contract school' means an elementary or secondary school or a dormitory which receives financial assistance for its operation under a contract or agreement with the Bureau under section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(a), and 458d);

"(6) the term 'education line officer' means education personnel under the supervision of the Director, whether located in central, area, or agency offices;

"(7) the term 'financial plan' means a plan of services to be provided by each Bureau school;

"(8) the term 'grant school' means a school which is provided assistance under the Tribally Controlled Schools Act of 1988;

"(9) the term 'Indian organization' means any group, association, partnership, corporation, or other legal entity owned or controlled by a federally recognized Indian tribe or tribes, or a majority of whose members are members of federally recognized Indian tribes;

"(8) the term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State, and includes any State agency which directly operates and maintains facilities for providing free public education;

"(9) the term 'local school board', when used with respect to a Bureau school, means a body chosen in accordance with the laws of the tribe to be served or, in the absence of such laws, elected by the parents of the Indian children attending the school, except that in schools serving a substantial number of students from different tribes, the members shall be appointed by the governing bodies of the tribes affected; and the number of such members shall be determined by the Secretary in consultation with the affected tribes;

"(10) the term 'Office' means the Office of Indian Education Programs within the Bureau;

"(11) the term 'Secretary' means the Secretary of the Interior;

"(12) the term 'supervisor' means the individual in the position of ultimate authority at a Bureau school; and

"(13) the term 'tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

### "SEC. 6721. VOLUNTARY SERVICES.

"Notwithstanding section 1342 of title 31, United States Code, the Secretary may, subject to the approval of the local school board concerned, accept voluntary services on behalf of Bureau schools. Nothing in this title shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees. An individual providing volunteer services under this section is a Federal employee only for purposes of chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

### "SEC. 6722. PRORATION OF PAY.

"(a) Notwithstanding any other provision of law, including laws relating to dual compensation, the Secretary, at the election of the employee, shall prorate the salary of an employee employed in an education position for the academic school-year over the entire twelve month period. Each educator employed for the academic school-year shall annually elect to be paid on a twelve month basis or for those months while school is in session. No educator shall suffer a loss of pay or benefits, including benefits under unemployment or other Federal or federally-assisted programs, because of such election.

"(b) During the course of such year the employee may change election once.

"(c) That portion of the employee's pay which would be paid between academic school years may be paid in lump sum at the election of the employee.

"(d) For the purposes of this section the terms "educator" and "education position" have the meaning contained in section 6712(n)(1) and (n)(2) of this title. This section applies to those individuals employed under the provisions of section 6712 of this title or title 5, United States Code.

### "SEC. 6723. EXTRACURRICULAR ACTIVITIES.

"(a) Notwithstanding any other provision of law, the Secretary may provide, for each Bureau area, a stipend in lieu of overtime premium pay or compensatory time off. Any employee of the Bureau who performs additional activities to provide services to students or otherwise support the school's academic and social programs may elect to be compensated for all such work on the basis of the stipend. Such stipend shall be paid as a supplement to the employee's base pay.

"(b) If an employee elects not to be compensated through the stipend established by this section, the appropriate provisions of title 5, United States Code, shall apply.

"(c) This section applies to all Bureau employees, whether employed under section 6712 of this title or title 5, United States Code.

### "SEC. 6724. EARLY CHILDHOOD DEVELOPMENT PROGRAM.

"(a) The Secretary shall provide grants to tribes, tribal organizations, and consortia of tribes and tribal organizations to fund early childhood development programs that are operated by such tribes, organizations, or consortia.

"(b)(1) The total amount of the grants provided under subsection (a) with respect to each tribe, tribal organization, or consortium of tribes or tribal organizations for each fiscal year shall be equal to the amount which bears the same relationship to the total amount appropriated under the authority of subsection (f) for such fiscal year (less amounts provided under subsection (e)) as—

"(A) the total number of children under 6 years of age who are members of—

"(i) such tribe,

"(ii) the tribe that authorized such tribal organization, or

"(iii) any tribe that—

"(I) is a member of such consortium, or

"(II) authorizes any tribal organization that is a member of such consortium, bears to

"(B) the total number of all children under 6 years of age who are members of any tribe that—

"(i) is eligible to receive funds under subsection (a),

"(ii) is a member of a consortium that is eligible to receive such funds, or

"(iii) authorizes a tribal organization that is eligible to receive such funds.

"(2) No grant may be provided under subsection (a)—

"(A) to any tribe that has less than 500 members,

"(B) to any tribal organization which is authorized—

"(i) by only 1 tribe that has less than 500 members, or

"(ii) by 1 or more tribes that have a combined total membership of less than 500 members, or

"(C) to any consortium composed of tribes, or tribal organizations authorized by tribes, that have a combined total tribal membership of less than 500 members.

"(c)(1) A grant may be provided under subsection (a) to a tribe, tribal organization, or consortia of tribes and tribal organizations only if the tribe, organization or consortia submits to the Secretary an application for the grant at such time and in such form as the Secretary shall prescribe.

"(2) Applications submitted under paragraph (1) shall set forth the early childhood development program that the applicant desires to operate.

"(d) The early childhood development programs that are funded by grants provided under subsection (a)—

"(1) shall coordinate existing programs and may provide services that meet identified needs of parents and children under 6 years of age which are not being met by existing programs, including—

"(A) prenatal care,

"(B) nutrition education,

"(C) health education and screening,

"(D) educational testing, and

"(E) other educational services,

"(2) may include instruction in the language, art, and culture of the tribe, and

"(3) shall provide for periodic assessment of the program.

"(e) The Secretary shall, out of funds appropriated under the authority of subsection (f), include in the grants provided under subsection (a) amounts for administrative costs incurred by the tribe or tribal organization in establishing and maintaining the early childhood development program.

"(f) For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $5,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

### "SEC. 6725. TRIBAL DEPARTMENTS OF EDUCATION.

"(a) Subject to the availability of appropriations, the Secretary shall provide grants and technical assistance to tribes for the development and operation of tribal departments of education for the purpose of planning and coordinating all educational programs of the tribe.

"(b) Grants provided under this section shall—

"(1) be based on applications from the governing body of the tribe,

"(2) reflect factors such as geographic and population diversity,

"(3) facilitate tribal control in all matters relating to the education of Indian children on Indian reservations and on former Indian reservations in Oklahoma,

"(4) provide for the development of coordinated educational programs on Indian reservations (including all preschool, elementary, secondary, and higher or vocational educational programs funded by tribal, Federal, or other sources) by encouraging tribal administrative support of all Bureau funded educational programs as well as encouraging tribal cooperation and coordination with all educational programs receiving financial support from State agencies, other Federal agencies, or private entities,

"(5) provide for the development and enforcement of tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs, and

"(6) otherwise comply with regulations for grants under section 103(a) of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450h) that are in effect on the date application for such grants are made.

"(c)(1) In approving and funding applications for grants under this section, the Secretary shall give priority to any application that—

"(A) includes assurances from the majority of Bureau funded schools located within the boundaries of the reservation of the applicant that the tribal department of education to be funded under this section will provide coordinating services and technical assistance to all of such schools, including (but not limited to) the submission to each applicable agency of a unified application for funding for all of such schools which provides that—

"(i) no administrative costs other than those attributable to the individual programs of such schools will be associated with the unified application, and

"(ii) the distribution of all funds received under the unified application will be equal to the amount of funds provided by the applicable agency to which each of such schools is entitled under law,

"(B) includes assurances from the tribal governing body that the tribal department of education funded under this section will administer all contracts or grants (except those covered by the other provisions of this title and the Tribally Controlled Community College Assistance Act of 1978) for education programs administered by the tribe and will coordinate all of the programs to the greatest extent possible,

"(C) includes assurances for the monitoring and auditing by or through the tribal department of education of all education programs for which funds are provided by contract or grant to ensure that the programs meet the requirements of law, and

"(D) provides a plan and schedule for—

"(i) the assumption over the term of the grant by the tribal department of education of all assets and functions of the Bureau agency office associated with the tribe, insofar as those responsibilities relate to education, and

"(ii) the termination by the Bureau of such operations and office at the time of such assumption,

but when mutually agreeable between the tribal governing body and the Assistant Secretary, the period in which such assumption is to occur may be modified, reduced, or extended after the initial year of the grant.

"(2) Subject to the availability of appropriated funds, grants provided under this section shall be provided for a period of 3 years and the grant may, if performance by the grantee is satisfactory to the Secretary, be renewed for additional 3-year terms.

"(d) The Secretary shall not impose any terms, conditions, or requirements on the provision of grants under this section that are not specified in this section.

"(e) For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

### "SEC. 6726. PAYMENTS.

"(a)(1) Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this part in 2 payments:

"(A) one payment to be made no later than July 1 of each year in an amount equal to one-half of the amount which the grantee was entitled to receive during the preceding academic year, and

"(B) the second payment, consisting of the remainder to which the grantee is entitled for the academic year, shall be made no later than December 1 of each year.

"(2) For any school for which no payment was made from Bureau funds in the preceding academic year, full payment of the amount computed for the first academic year of eligibility under this part shall be made no later than December 1 of the academic year.

"(3) With regard to funds for grantees that become available for obligation on October 1 of the fiscal year for which they are appropriated, the Secretary shall make payments to grantees no later than December 1 of the fiscal year.

"(4) The provisions of the Prompt Payment Act (31 U.S.C. 3901 et seq.) shall apply to the payments required to be made by paragraphs (1), (2), and (3) of this subsection.

(b) Paragraph (3) is amended by striking "Paragraphs (1) and (2)" and inserting in lieu thereof "Paragraphs (1), (2), and (3)", and is renumbered as paragraph "(5)".

### "TITLE VII—BILINGUAL EDUCATION PROGRAMS

### "SEC. 7001. SHORT TITLE.

"This title may be cited as the 'Bilingual Education Act'.

### "SEC. 7002. FINDINGS, POLICY, AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) language-minority Americans constitute a large and growing proportion of the Nation's population;

"(2) language-minority Americans speak virtually all world languages plus many that are indigenous to the United States;

"(3) the presence of language-minority Americans is related in part to Federal immigration policies;

"(4) many language-minority Americans are limited in their English proficiency, and many have limited education and income;

"(5) limited-English-proficient children and youth, like all other children and youth, have diverse educational needs and strengths and therefore require access to all educational programs and services;

"(6) the Federal Government has a responsibility for the education of American Indians and a special obligation to Native Alaskans, Native Hawaiians and native residents of the territories and freely associated nations to redress the effect of past Federal policies;

"(7) institutions of higher education can assist in preparing teachers, administrators and other school personnel to understand and build upon the educational strengths and needs of language-minority and culturally diverse student enrollments;

"(8) it is the purpose of this title to help ensure that limited-English-proficient students master English and develop high levels of academic attainment in content areas;

"(9) quality bilingual education programs enable children and youth to learn English and meet high academic standards including proficiency in more than one language;

"(10) as the world becomes increasingly interdependent and as international communication becomes a daily occurrence in government, business, commerce, and family life, multilingual skills constitute an important national resource which deserves protection and development;

"(11) educational technology has the potential for improving the education of language-minority and limited-English-proficient students and their families, and the Federal Government should foster this development;

"(12) research, development, implementation and dissemination of effective bilingual education methods, practices, and programs for limited-English-proficient children are essential to systemwide school reform that improves education for all children; and

"(13) a recognized means by which a child learns is through the use of the child's native language, cultural heritage, and instructional programs which use and build upon a child's non-English native language and cultural heritage to promote parent and community involvement in education, student self-esteem, proficiency in English, and subject matter achievement.

"(b) POLICY.—The Congress declares it to be the policy of the United States, in order to ensure equal educational opportunity for all children and youth and to promote educational excellence, to assist State and local educational agencies, institutions of higher education, and community-based organizations to build their capacity to establish, implement, and sustain programs of instruction for language minority and limited-English-proficient children and youth.

"(c) PURPOSE.—The purpose of this title is to educate language minority and limited-English-proficient children and youth to meet the same rigorous standards for academic performance expected of all children and youth, including meeting challenging State performance standards in academic areas by developing—

"(1) systemic improvement and reform of educational programs serving language-minority and limited-English-proficient students through the development and implementation of exemplary bilingual education programs and special alternative instruction programs;

"(2) data collection and dissemination, research, materials development, and technical assistance which is focused on school improvement for language-minority and limited-English-proficient students; and

"(3) programs which strengthen and improve the professional training of educational personnel who work with limited-English-proficient and language-minority students.

### "SEC. 7003. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—For the purpose of carrying out the provisions of this title (except part F), there are authorized to be appropriated $215,000,000 for the fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

"(b) DISTRIBUTION.—From the sums appropriated under subsection (a) for any fiscal year, the Secretary shall reserve at least 25 percent for part C of this title.

### "SEC. 7004. DEFINITIONS; REGULATIONS:

"(a) GENERAL RULE.—For purposes of this title—

"(1) The term 'native language', when used with reference to an individual, means the language normally used by such individuals, or, in the case of a child, the language normally used by the parents of the child.

"(2) The term 'language-minority' means—

"(A) individuals whose native language is other than English;

"(B) individuals who usually speak a language other than English or come from home environments where a language other than English is usually spoken; or

"(C) American Indians, Alaskan Natives, and Native Hawaiians and native residents of the territories and freely associated nations.

"(3) The term 'limited-English-proficient' means a language-minority person who has difficulty understanding, speaking, reading, or writing the English language at a level appropriate to his or her age and grade and is, thereby, academically disadvantaged in programs conducted exclusively in English.

"(4) The term 'bilingual education' refers to educational programs for limited-English-proficient students which make instructional use of both English and a student's native language. Programs of bilingual education must enable limited-English-proficient students to achieve English proficiency and academic mastery of subject matter content and higher order skills, including critical thinking, so as to meet age-appropriate grade-promotion and graduation standards in concert with national education goals. Bilingual education programs may also develop the native language skills of limited-English-proficient students, or ancestral languages of American Indians, Alaskan Natives, Native Hawaiians and native residents of the territories and freely associated nations. English proficient students may participate in bilingual education programs if the programs are designed to enable all enrolled students to become proficient in English and a second language.

"(5) The term 'special alternative instructional program' refers to educational programs for limited-English-proficient students which utilize specially designed English language curricula and services but do not use the student's native language for instructional purposes. Special alternative instructional programs must enable limited-English-proficient students to achieve English proficiency and academic mastery of subject matter content and higher order skills, including critical thinking so as to meet age-appropriate grade-promotion and graduation standards in concert with national education goals. Special alternative instructional programs are suitable for schools where the diversity of the limited-English-proficient students' native languages and the small number of students speaking each respective language makes bilingual education impractical and where there is a critical shortage of bilingual education teachers.

"(6) The term 'family education programs' refers to bilingual education or special alternative instructional programs designed to help limited-English-proficient adults and out-of-school youths achieve proficiency in the English language and to provide instruction on how parents and family members can facilitate the educational achievement of their children. When feasible, instructional programs such as the model developed under the Even Start Literacy Programs that promote adult literacy and train parents to support the educational growth of their children shall be developed. Programs shall give preference to participation by parents and immediate family members of children attending school. Family education programs may also provide instruction to facilitate higher education and employment outcomes.

"(7) The term 'institution of higher education' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965.

"(8) The term 'Office' means the Office of Bilingual Education and Minority Languages Affairs.

"(9) The term 'community college' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 for an institution which provides not less than a 2-year program which is acceptable for full credit toward a bachelor's degree, including institutions receiving assistance under the Tribally Controlled Community College Assistance Act of 1978.

"(10) The term 'paraprofessional' means an individual who is employed in preschool or elementary or secondary school under the supervision of a certified or licensed teacher, including individuals employed in bilingual education, special education and migrant education.

"(11) The term 'other programs for persons of limited-English-proficiency' means any programs administered by the Secretary that serve persons of limited-English-proficiency.

"(12) The term 'community-based organization' means a private nonprofit organization or Indian tribe or tribally sanctioned educational authority which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community. The term 'community-based organization' includes Native Hawaiian organizations (including Native Hawaiian education organizations) as defined in section 4009 of Public Law 100–297).

"(13) The term 'children and youth' means individuals aged 3 through 21.

"(14) The term 'immigrant children and youth' means individuals who—

"(A) are aged 3 through 21;

"(B) were not born in any State; and

"(C) have not been attending 1 or more schools in any 1 or more States for more than 2 full academic years.

"(b) REGULATION RULE.—In developing regulations under this title, the Secretary shall consult with State and local educational agencies, organizations representing limited-English-proficient individuals, and organizations representing teachers and other personnel involved in bilingual education.

"(c) PARENTAL NOTIFICATION.—Parents of children and youth participating in programs assisted under this title shall be informed of—

"(1) a student's level of English proficiency, how it was assessed, the status of a student's academic achievement and the implications of a student's educational strengths and needs for age and grade appropriate academic attainment, promotion, and graduation;

"(2) what programs are available to meet the student's educational strengths and needs and how the programs differ in content and instructional goals, and in the case of a disabled student, how the program meets the objectives of a student's individualized education program;

"(3) the instructional goals of the bilingual education or special alternative instructional program, and how the program will specifically help the limited-English-proficient student acquire English and meet age-appropriate standards for grade-promotion and graduation, including—

"(A) the benefits and nature of the bilingual educational program and of the instructional alternatives; and

"(B) the reasons for the selection of their child as being in need of bilingual education.

"(4)(A) Parents shall also be informed that they have the option of declining enrollment of their children and youth in such programs and shall be given an opportunity to do so if they so choose.

"(B) Local educational agencies are not relieved of any of their obligations under title VI of the Civil Rights Act of 1964 because parents choose not to enroll their children in bilingual education programs.

"(5) Parents must receive, in a manner and form understandable to them, including, if necessary and to the extent feasible, in their native language, the information required by this subsection. At a minimum, parents must receive—

"(A) timely information about projects funded under this part; and

"(B) if the parents of participating children so desire, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents.

"(6) no action may involve the admission or exclusion of students to or from any federally assisted education program merely on the basis of the surnames or language-minority status of such students.

### "SEC. 7005. INDIAN AND ALASKAN NATIVE CHILDREN IN SCHOOLS.

"(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this title for individuals served by elementary, secondary, or postsecondary schools operated predominately for Indian or Alaska Native children and youth, an Indian tribe, a tribally sanctioned educational authority, or an elementary or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency as such term is used in this title, subject to the following qualifications:

"(1) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

"(2) The term 'tribally sanctioned educational authority' means—

"(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; or

"(B) any nonprofit institution or organization that is—

"(i) chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee the delivery of educational services to members of that tribe; and

"(ii) approved by the Secretary for the purpose of this section.

"(b) BUREAU OF INDIAN AFFAIRS SCHOOLS.—From the sums appropriated pursuant to section 7003, the Secretary is authorized to make payments to applicants to carry out programs of bilingual education or special alternative instruction for Indian children served by elementary and secondary schools operated or funded by the Bureau of Indian Affairs.

"(c) ANNUAL REPORT.—(1) The Assistant Secretary of the Interior for the Bureau of Indian Affairs in collaboration with the Secretary shall submit to the Congress, the President, and the Secretary, by September 30 of each year, a report which provides—

"(A) an assessment of the educational outcomes and needs of Indian children with respect to the purposes of this title in schools operated or funded by the Department of the Interior, including tribes and local educational agencies receiving assistance under the Johnson-O'Malley Act and the Native American Languages Act; and

"(B) an assessment of the extent to which such needs are being met by funds provided to such schools for educational purposes through the Secretary of the Interior.

"(2) The results presented in this report shall be included in the report under section 7041 of this Act.

"(3) The assessments required under this subsection shall be waived if such assessments duplicate similar assessment requirements under other Federal or tribal laws.

### "SEC. 7006. RESIDENTS OF THE TERRITORIES AND FREELY ASSOCIATED NATIONS.

"For the purpose of carrying out programs under this title in Guam and the freely associated nations, the term 'local educational agency' shall include public institutions or agencies whose mission is the preservation and maintenance of native languages.

### "PART A—BILINGUAL EDUCATION CAPACITY AND DEMONSTRATION GRANTS

**"SEC. 7101. PURPOSE OF GRANTS.**

"Grants under this part shall be used to develop the capacity of local educational agencies, institutions of higher education, and community-based organizations which provide educational programs to initiate, develop, enhance or improve bilingual education or special alternative instruction programs for children and youth of limited-English-proficiency.

**"SEC. 7102. PROGRAM DEVELOPMENT AND IMPLEMENTATION GRANTS.**

"(a) PURPOSE.—The purpose of this section is to develop and implement new comprehensive, coherent, and successful bilingual education or special alternative instructional programs for limited-English-proficient students including programs of early childhood education, K-12 education, gifted and talented education, and vocational and applied technology education.

"(b) PROGRAM AUTHORIZED.—

"(1) The Secretary is authorized to make program development and implementation grants of up to $100,000 annually for 3 years with 1 additional year upon the Secretary's approval.

"(2) Grants approved under this section shall be used to improve the education of limited-English-proficient students and their families by—

"(A) developing and implementing comprehensive preschool, elementary, or secondary bilingual education or special alternative instructional programs that are coordinated with other relevant programs and services to meet the full range of educational needs of limited-English-proficient students; and

"(B) providing in service training to classroom teachers, administrators, and other school or community-based organizational personnel to improve the instruction and assessment of language-minority and limited-English-proficient students.

"(3) Grants approved under this section may be used to improve the education of limited-English-proficient students and their families by—

"(A) implementing family education programs and activities; and

"(B) improving the instructional program for limited-English-proficient students by upgrading curriculum, instructional materials, and assessment procedures and, if appropriate, applying educational technology.

"(c) ELIGIBLE ENTITIES.—A grant may be made under this section only upon application by one or more local educational agencies, applying alone or in collaboration with an institution of higher education, community-based organization or local or State educational agency. A grant may also be made under this section upon application by a community-based organization which is agreed to by the local educational agency to develop and implement early childhood education or family education programs or to conduct an instructional program which supplements the educational services provided by a local educational agency.

"(d) DISTRIBUTION.—The Secretary shall, to the extent practicable, award grants equally among early childhood education, elementary education, and secondary education programs.

**"SEC. 7103. PROGRAM ENHANCEMENT PROJECTS.**

"(a) PURPOSE.—The purpose of this section is to carry out highly focused, innovative, locally designed projects to expand or enhance existing bilingual education or special alternative instructional programs for limited-English-proficient students.

"(b) PROGRAM AUTHORIZED.—

"(1) The Secretary is authorized to make program enhancement project grants of up to $100,000 for 2 years to eligible applicants.

"(2) Grants approved under this section shall be used for providing in-service training to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of language-minority and limited-English-proficient students.

"(3) Grants approved under this section may be used for—

"(A) improving the instructional program for limited-English-proficient students by upgrading curriculum, instructional materials, and assessment procedures and, if appropriate, applying educational technology;

"(B) implementing family education programs and activities; and

"(C) providing intensified instruction.

"(c) ELIGIBLE ENTITIES.—A grant may be made under this section only upon application by one or more local educational agencies, applying alone or in collaboration with an institution of higher education, community-based organization or local or State educational agency. A grant also may be made under this section upon application by a community-based organization which is agreed to by the local educational agency to enhance early childhood education or family education programs or to conduct an instructional project which supplements the educational services provided by a local educational agency.

**"SEC. 7104. WHOLE-SCHOOL PROGRAMS.**

"(a) PURPOSE.—The purpose of this section is to provide financial assistance to eligible applicants to reform, restructure, and upgrade all relevant programs and operations within an individual school to fulfill the comprehensive educational needs of all of a school's limited-English-proficient students and their families.

"(b) PROGRAM AUTHORIZED.—

"(1) The Secretary is authorized to make 5-year grants of up to $100,000 for the first year and up to $250,000 for each of the subsequent 4 years to eligible applicants.

"(2) Grants approved under this section shall be used to improve education of limited-English-proficient students and their families by reviewing, restructuring, and upgrading in-service training for all school staff and, if appropriate, for community-based organization personnel.

"(3) Grants approved under this section may be used to improve the education of limited-English-proficient students and their families by reviewing, restructuring, and upgrading—

"(A) the school's instructional program for limited-English-proficient students including curriculum, instructional materials, and assessment systems, and, if appropriate, the application of educational technology;

"(B) family education programs and activities; and

"(C) intensified instruction.

"(4) During the first year of the grant, a priority is established in use of funds for preparatory activities including planning, training, curriculum development, and materials acquisition or development.

"(c) ELIGIBLE ENTITIES.—A grant may be made under this section only upon application by one or more local educational agencies, applying alone or in collaboration with an institution of higher education, community-based organizations or local or State educational agency.

**"SEC. 7105. SYSTEM-WIDE IMPROVEMENT GRANTS.**

"(a) PURPOSE.—The purpose of this section is to provide financial assistance to improve, reform, and upgrade relevant programs and operations with an entire local educational agency to fulfill the comprehensive educational needs of all the agency's limited-English-proficient students and, to the extent feasible, their families.

"(b) PROGRAM AUTHORIZED.—

"(1) The Secretary is authorized to make 5-year grants of up to $1,000,000 for the first year and up to $5,000,000 for each of the subsequent 4 years to eligible applicants.

"(2) Grants approved under this section may be used during the first 12 months exclusively for activities preparatory to the delivery of services.

"(3) Grants approved under this section may be used to improve education of limited-English-proficient students and their families by reviewing, restructuring, and upgrading—

"(A) educational goals, curriculum guidelines and content, standards and assessments;

"(B) personnel policies and practices including recruitment, certification, staff development, and assignment;

"(C) student grade-promotion and graduation requirements;

"(D) student assignment policies and practices;

"(E) program delivery standards, management information and accountability systems;

"(F) instructional and extracurricular programs and services; and

"(G) application of educational technology.

"(c) ELIGIBLE ENTITIES.—A grant may be made under this section only upon application by one or more local educational agencies, applying alone or in collaboration with an institution of higher education, community-based organization or local or State educational agency.

"(d) PRIORITY.—The Secretary shall give priority to applications from—

"(1) applicants which enroll a large percentage or large number of limited-English-proficient students; and

"(2) consortia of eligible applicants to serve limited-English-proficient students in rural and linguistically isolated settings.

**"SEC. 7106. APPLICATIONS.**

"(a) SUBMISSION.—To receive a grant under this part, applicants shall submit an application to the Secretary in such form and containing such information as the Secretary may require:

"(1) An application for a grant under this part shall be developed in consultation with, and shall provide for the continuing involvement of, an advisory council which shall be composed of representatives responsible for implementing grant activities and of parents and other relatives of the children to be served in such programs; parents shall comprise a majority of all council members.

"(2) All applicants for grants under this part, except for those applicants identified in section 7005, shall submit a copy of the application to the relevant State educational agency. The State educational agency may submit to the Secretary written comments on the application with respect to how the applications further State education improvement plans including any developed under Goals 2000: Educate America Act (if such plans exist) or title I of this Act. If the State educational agency of a State submits written comments on any application, it must submit written comment on all applications within that same grant category from within that State. The Secretary shall take comments into consideration when funding applications under this part.

"(b) REQUIRED DOCUMENTATION.—Such application shall include documentation that the applicant has the qualified personnel required to develop, administer, and implement the proposed program.

"(c) CONTENTS.—(1) An application for a grant under this part shall contain the following:

"(A) A description of the need for the proposed program, including data on the number of children and youth of limited-English-proficiency in the school or district to be served and their characteristics, such as language spoken, dropout rates, proficiency in English and the native language, academic standing in relation to their English proficient peers, and, where applicable, the recency of immigration.

"(B) A description of the program to be implemented and how its design—

"(i) relates to the linguistic and academic needs of the children and youth of limited-English-proficiency to be served;

"(ii) is consistent with, and promotes the goals in, the local educational agency plan under title III of the Goals 2000: Educate America Act, if such plan exists, and the local educational agency's plan under title I of this Act, particularly as those plans relate to the education of children and youth of limited-English-proficiency;

"(iii) involves the parents of the children and youth of limited-English-proficiency to be served;

"(iv) ensures accountability in the expected student outcomes; and

"(v) promotes coordination of services for the children and youth of limited-English-proficiency to be served and their families.

"(C) A description, if appropriate, of the applicant's collaborative activities with institutions of higher education, community-based organizations, local or State educational agencies, private schools, nonprofit organizations, or businesses in carrying out the proposed program.

"(D) An assurance that the applicant will not reduce the level of State and local funds that it expends for bilingual education or special alternative instruction programs if it receives an award under this part.

"(E) A budget for grant funds.

"(2) An application for a grant under section 7102 or 7104 shall also contain a description of the instructional program, student services, in-service training, and family education programs to be provided under the grant.

"(3) An application for a grant under section 7103 shall also contain the following:

"(A) A description of the existing bilingual education or special alternative instruction program which the project is designed to enhance.

"(B) A description of the proposed project activities.

"(4) An application for a grant under section 7105 shall also contain a description of the activities which would be carried out under the grant.

"(d) APPROVAL OF APPLICATIONS.—An application for a grant under this part may be approved only if the Secretary determines that—

"(1) the program will use qualified personnel, including those personnel who are proficient in the language or languages used for instruction;

"(2) in designing the program for which application is made, the needs of children in nonprofit private elementary and secondary schools have been taken into account through consultation with appropriate private school officials and, consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a similar type that the program is intended to address, after consultation with appropriate private school officials, provision has been made for the participation of such children on a basis comparable to that provided for public school children;

"(3) student evaluation and assessment procedures in the program are valid, reliable, and fair for limited-English-proficient students, and that limited-English-proficient students who are disabled are identified and served in accordance with the requirements of the Individuals with Disabilities Education Act;

"(4) Federal funds made available for the project or activity will be used so as to supplement the level of State and local funds that, in the absence of such Federal funds, would have been expended for special programs for children of limited-English-proficient individuals and in no case to supplant such State and local funds, except that nothing in this paragraph shall preclude a local educational agency from using funds under this title for activities carried out under an order of a court of the United States or of any State respecting services to be provided such children, or to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided such children;

"(5) the assistance provided under the application will contribute toward building the capacity of the applicant to provide a program on a regular basis, similar to that proposed for assistance, which will be of sufficient size, scope, and quality to promise significant improvement in the education of students of limited-English-proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under this title is reduced or no longer available;

"(6) the applicant provides for utilization of the State and national dissemination sources for program design and in dissemination of results and products.

"(e) SPECIAL CONSIDERATION AND PRIORITIES.—

"(1) Students may participate in any program receiving funds under this part for the duration of the program.

"(2) The Secretary shall give priority to applications which provide for the development of bilingual proficiency for all participating students.

"(3) Grants for special alternative instructional programs shall not exceed 25 percent of the funds provided for any type of grant under any section or of total funds provided under this part.

"(4) Notwithstanding paragraph (3), the Secretary may award grants for special alternative instructional programs if an applicant has demonstrated that they cannot develop and implement a bilingual education program for the following reasons:

"(A) Where the diversity of the limited-English proficient students' native languages and the small number of students speaking each respective language makes bilingual education impractical.

"(B) Where, despite documented convincing efforts, the applicant has not been able to hire instructional personnel who are able to communicate in the students' native language.

"(5) In approving applications under this part, the Secretary shall give consideration to the degree to which the program for which assistance is sought involves the collaborative efforts of institutions of higher education, community-based organizations, the appropriate local and State educational agency, or business.

"(6) The Secretary shall ensure that projects funded under this part address the full needs of school systems of all sizes and geographical areas, including rural schools.

"(7) The Secretary shall give priority to applications providing training for personnel participating in or preparing to participate in the program which will assist them in meeting State and local certification requirements and that, to the extent possible, college or university credit will be awarded for such training.

### "SEC. 7107. INTENSIFIED INSTRUCTION.

"In carrying out this part, each grant recipient may intensify instruction for limited-English-proficient students by—

"(1) expanding the educational calendar of the school in which such student is enrolled to include programs before and after school and during the summer months;

"(2) expanding the use of professional and volunteer aids;

"(3) applying technology to the course of instruction; and

"(4) providing intensified instruction through supplementary instruction or activities, including educationally enriching extracurricular activities, during times when school is not routinely in session.

### "SEC. 7108. CAPACITY BUILDING.

"Each recipient of a grant under this part shall use its grant in ways that will build its capacity to continue to offer high-quality bilingual and special alternative education programs and services to children and youth of limited-English-proficiency once Federal assistance is reduced or eliminated.

### "SEC. 7109. SUBGRANTS.

"A local educational agency that receives a grant under this part may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a non-profit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

### "SEC. 7110. GEOGRAPHIC DISTRIBUTION OF FUNDS.

"To the extent possible, the Secretary shall award funds under this part throughout the Nation in a manner that reflects the geographic distribution of children and youth of limited-English-proficiency.

### "SEC. 7111. PROGRAMS IN PUERTO RICO.

"Programs authorized under this title in the Commonwealth of Puerto Rico may, notwithstanding any other provision of this title, include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for children and youth of limited-Spanish proficiency.

### "SEC. 7112. EVALUATIONS.

"(a) EVALUATION.—Each recipient of funds under this part shall provide the Secretary with an evaluation, in the form prescribed by the Secretary, of its program every two years.

"(b) USE OF EVALUATION.—Such evaluation shall be used by a grantee—

"(1) for program improvement;

"(2) to further define the local program's goals and objectives; and

"(3) to determine program effectiveness.

"(c) Evaluation Components.—Evaluations shall include—

"(1) student outcome indicators that measure progress toward the performance standards set out in the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, or, if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, with the State plan approved or being developed under section 1111 of this Act, including data comparing children and youth of limited-English-proficiency with non-limited-English-proficient children and youth with regard to school retention, academic achievement, and gains in English (and, where applicable, native language) proficiency;

"(2) program implementation indicators that provide information for informing and improving program management and effectiveness, including data on appropriateness of curriculum in relationship to grade and course requirements, appropriateness of program management, appropriateness of the program's staff professional development, and appropriateness of the language of instruction;

"(3) program context indicators that describe the relationship of the activities funded under the grant to the overall school program and other Federal, State, or local programs serving children and youth of limited-English-proficiency; and

"(4) such other information as the Secretary may require.

### "PART B—RESEARCH AND DISSEMINATION

**"SEC. 7201. USE OF FUNDS.**

"The Secretary is authorized to conduct data collection, dissemination, research, and evaluation activities through the Office of Bilingual Education and Minority Languages Affairs for the purpose of improving bilingual education and special alternative instruction programs for children and youth of limited-English-proficiency.

**"SEC. 7202. RESEARCH.**

"(a) Research Activities.—The Secretary shall support through competitive grants contracts and cooperative agreements to institutions of higher education, nonprofit and for-profit organizations, and local and State educational agencies, funds for research with a practical application to teachers, counselors, paraprofessionals, school administrators, parents, and others involved in improving the education of limited-English-proficient students and their families.

"(b) Authorized Activities.—

"(1) The Secretary may conduct research activities that include—

"(A) identifying criteria for the establishment, use and monitoring of local, State, or national education goals, content, performance and delivery standards, and assessments for all students that provide for appropriate, valid, reliable, and fair participation by limited-English-proficient and language-minority students;

"(B) identifying determinants of appropriate high quality secondary school programs for limited-English-proficient students, and high quality curriculum-related instructional materials; and

"(C) identifying determinants of appropriate high quality early childhood development programs for limited-English-proficient children, including families, and appropriate high quality materials.

"(D) studies to identify models of effective program coordination that support students while in transition to English language classrooms that develop and maintain high levels of proficiency in the native languages and English;

"(E) studies of effective curricula and instructional strategies for the development and maintenance of high levels of student proficiency in both their native language and English, including the role of family, community, and career contexts;

"(F) identification of strategies for effective participation by limited-English-proficient parents in their children's education for attainment of educational excellence;

"(G) identifying methods of improving classification, placement, and services to limited-English-proficient students including, but not limited to their participation in early childhood development programs, title I, special education, foreign language education, and gifted and talented education;

"(H) identification of methods for effective delivery of bilingual education to rural schools and in the less-commonly-taught languages using educational technology and electronic communications networks;

"(I) identification of trends in demand for language skills and of career opportunities for individuals with high levels of proficiency in English and a second language; and

"(J) establishing through the National Center for Education Statistics and in consultation with the Office of Bilingual Education and Minority Languages Affairs, and experts in bilingual education, second language acquisition and English-as-a-second language, a common definition of 'limited-English-proficient student' for purposes of national data collection.

"(c) Field-Initiated Research.—The Secretary shall reserve at least 5 percent of the funds available under this section for field-initiated research by current or recent recipients of grants under parts A or C of this title. Research must be conducted by current grant recipients or by former recipients who have received such grants within the previous 5 years. Field-initiated research may provide for longitudinal studies of students or teachers in bilingual education, monitoring the education of such students from entry in bilingual education through high school completion. Applicants may submit an application for field-initiated research at the same time as applications are submitted under part A or part C. The Secretary shall complete a review of such applications on a timely basis to allow research and program grants to proceed in coordination where appropriate.

"(d) Consultation.—The Secretary shall consult with agencies and organizations that are engaged in bilingual education research and practice, or related research, and bilingual education researchers and practitioners to identify areas of study and activities to be funded under this section.

"(e) Coordination.—Research activities supported under this section—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

"(2) may include collaborative research activities which are jointly funded and carried out by the Office of Bilingual Education and Minority Language Affairs and the Office of Educational Research and Improvement.

"(f) Data Collection.—The Secretary shall provide for the continuation of data collection on limited-English-proficient students as part of the data systems operated by the Department.

**"SEC. 7203. ACADEMIC EXCELLENCE AWARDS.**

"(a) Awards.—The Secretary may make grants to, and enter into contracts and cooperative agreements with, State and local educational agencies, nonprofit organizations, and institutions of higher education to promote the adoption and implementation of bilingual education, special alternative instruction programs, and professional development programs that demonstrate great promise of assisting children and youth of limited-English-proficiency to meet challenging State standards.

"(b) Applications.—(1) An entity desiring to receive an award under this section shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

"(2) The Secretary shall use a peer review process, using effectiveness criteria that the Secretary shall establish, to review applications under this section.

"(c) Use of Funds.—Funds under this section shall be used to enhance the capacity of States and local education agencies to provide high quality academic programs for children and youth of limited-English-proficiency, which may include—

"(1) completing the development of such programs;

"(2) professional development of staff participating in bilingual education programs;

"(3) sharing strategies and materials; and

"(4) supporting professional networks.

"(d) Coordination.—Recipients of funds under this section shall coordinate their activities with those carried out by comprehensive technical assistance centers under title II of this Act.

**"SEC. 7204. STATE GRANT PROGRAM.**

"(a) State Grant Program.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that its approved plan under title III of the Goals 2000: Educate America Act, if such plan exists, or, if such plan does not exist, its plan under title I of this Act, effectively provides for the education of children and youth of limited-English-proficiency within the State.

"(b) Payments.—The amount paid to a State educational agency under subsection (a) shall not be less than $100,000 nor greater than 5 percent of the total amount awarded to local educational agencies within the State under part A of this title for the previous fiscal year.

"(c) Use of Funds.—(1) A State educational agency shall use funds for programs authorized by this section to—

"(A) assist local educational agencies in the State with program design, capacity building, assessment of student performance, and program evaluation; and

"(B) collect data on the State's language-minority and limited English-proficient populations and the educational programs and services available to these populations.

"(2) The State educational agency may also use funds for the training of State educational agency personnel in educational issues affecting limited-English-proficient children and youth.

"(3) Recipients of awards under this section shall not restrict the provision of services under this section to federally-funded programs.

"(d) State Consultation.—A State educational agency receiving funds under this section shall consult with recipients of grants under this title and other individuals or organizations involved in the development or operation of programs serving limited-English-proficient children or youth to ensure that funds are used in a manner consistent with the requirements of this title.

"(e) APPLICATIONS.—A State educational agency desiring to receive an award under this section shall submit an application to the Secretary in such form, at such time, containing such information and assurances as the Secretary may require.

"(f) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase to level of funds that would, in the absence of such funds, be made available by the State for the purposes described in this section, and in no case to supplant such funds.

"(g) REPORT TO THE SECRETARY.—State educational agencies receiving grants under this section shall provide for the annual submission of a summary report to the Secretary containing information on such matters as the Secretary shall, by regulation, determine necessary and proper to achieve the purposes of this title, including information on State capacity and progress in meeting the education needs of all limited-English-proficient children, plans for additional action, the effect of standards and assessments in improving their education. Such reports shall be in such form and shall be submitted on such date as the Secretary shall specify by regulation.

### "SEC. 7205. NATIONAL CLEARINGHOUSE FOR BILINGUAL EDUCATION.

"(a) ESTABLISHMENT.—The Secretary shall establish and support the operation of a National Clearinghouse for Bilingual Education, which shall collect, analyze, synthesize, and disseminate information about bilingual education and related programs.

"(b) FUNCTIONS.—The National Clearinghouse for Bilingual Education shall—

"(1) be administered as an adjunct clearinghouse of the ERIC system of clearinghouses supported by the Office of Educational Research and Improvement;

"(2) coordinate its activities with Federal data and information clearinghouses and dissemination networks and systems; and

"(3) develop a data base management and monitoring system for improving the operation and effectiveness of funded programs.

### "SEC. 7206. INSTRUCTIONAL MATERIALS DEVELOPMENT.

"The Secretary may provide grants for the development, publication and dissemination of high quality instructional materials in Native American, Native Hawaiian and other languages for which instructional materials are not readily available. The Secretary shall give priority to the development of instructional materials in languages indigenous to the United States, its territories, and freely associated nations. The Secretary shall also accord priority to applications which provide for developing and evaluating materials in collaboration with activities under parts A and C of this title and which are consistent with national and State content standards.

### "SEC. 7207. EVALUATION ASSISTANCE CENTERS AND MULTIFUNCTIONAL RESOURCE CENTERS.

"(a) TRANSITION.—The Secretary shall extend grants or contracts for Evaluation Assistance Centers and Multifunctional Resource Centers that are in effect on the date of enactment of the Improving America's School Act through fiscal year 1996.

"(b) CONTINUITY OF SERVICES.—(1) The Secretary shall ensure that the comprehensive regional technical assistance centers authorized under title II of this Act provide services which are at least equal in volume, scope, and quality to those provided by Evaluation Assistance Centers and Multifunctional Resource Centers.

"(2) The Secretary shall ensure that the comprehensive regional technical assistance centers authorized under title II of this Act, as amended by the Improving America's School Act, provide services which enable children and youth of limited-English-proficiency to meet challenging State and National standards.

"(3) The Secretary shall ensure that the comprehensive technical assistance centers authorized under title II of this Act are established with consideration given to the geographic and linguistic distribution of children and youth of limited-English-proficiency.

"(c) GIFTS, BEQUESTS, AND DEVISES.—The entities may accept (but not solicit), use, and dispose of gifts, bequests, or devises of services or property, both real and personal for the purpose of aiding or facilitating the work of entities under this section. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the national clearinghouse on bilingual education, the Evaluation and Assistance Center or Multifunctional Resource Center, respectively.

## "PART C—BILINGUAL EDUCATION TEACHER TRAINING

### "SEC. 7301. PURPOSE.

"The purpose of this part is to assist in preparing educators to improve the delivery of educational services to language-minority and limited-English-proficient children and youth. This part supports the training of all educational personnel to serve more effectively limited-English-proficient students. The goal of this part is to provide for the training of not less than 50,000 teachers who meet professional preparation and certification standards for bilingual education teachers by the year 2000.

### "SEC. 7302. TRAINING FOR ALL TEACHERS PROGRAM.

"(a) PURPOSE.—The purpose of this section is to provide for the incorporation of courses and curricula on appropriate and effective instructional and assessment methodologies, strategies and resources specific to limited-English-proficient and language-minority students into education personnel preparation programs for teachers, counselors, administrators and other education personnel.

"(b) AUTHORIZATION.—The Secretary shall award grants for up to 5 years to institutions of higher education, local educational agencies, and State educational agencies or to nonprofit organizations which have entered into consortia arrangements with one of such institutions, agencies, or organizations.

"(c) PERMISSIBLE ACTIVITIES.—Activities conducted under this section may include the development of training programs in collaboration with training under titles I and II of this Act, the Head Start Act, and other relevant programs.

"(d) PRIORITY.—The Secretary shall give priority to applications from institutions of higher education which currently operate, with full-time tenured faculty, programs to prepare educators and administrators to work with language-minority and limited-English-proficient students in bilingual education settings and from institutions of higher education which are attempting to start bilingual teacher training programs if such institutions demonstrate a significant commitment in financial and human resources, including cash and in-kind. The Secretary shall give special consideration to applications for such programs which provide training of secondary school teachers or early childhood development teachers. Such special consideration would not disallow the funding of applications for exemplary programs for the training of elementary school teachers.

### "SEC. 7303. BILINGUAL EDUCATION TEACHERS AND PERSONNEL GRANTS.

"(a) PURPOSE.—The purpose of this section is to provide for degree programs to prepare new bilingual education teachers, administrators, counselors, and other educational personnel to meet high professional standards for bilingual education teachers and to increase the availability of educators to provide high quality education limited-English-proficient students.

"(b) AUTHORIZATION.—The Secretary shall award grants for up to 5 years to institutions of higher education in consortia with local or State educational agencies.

### "SEC. 7304. BILINGUAL EDUCATION CAREER LADDER PROGRAM.

"(a) PURPOSE.—The purpose of this section is to upgrade the qualifications and skills of non-certified educational personnel, especially educational paraprofessionals, to meet high professional standards, including certification and licensure as bilingual education teachers and other educational personnel who serve limited-English-proficient students, through collaborative training programs operated by institutions of higher education and local and State educational agencies. Grants for programs under this section may also provide for collaborative programs operated by institutions of higher education and secondary schools which are designed to recruit and train secondary school students as bilingual education teachers and other educational personnel to serve limited-English-proficient students.

"(b) AUTHORIZATION.—The Secretary shall award grants of up to 5 years for bilingual education career ladder programs to institutions of higher education applying in consortia with local or State educational agencies; consortia may include community-based organizations or professional education organizations.

"(c) ACTIVITIES.—Grants funded under this section may—

"(1) include the development of bilingual education career ladder program curricula appropriate to the needs of the consortium participants;

"(2) provide assistance for stipends and costs related to tuition, fees and books for enrolling in courses required to complete degree and certification requirements as bilingual education teachers; and

"(3) include programs to introduce secondary school students to careers in bilingual education teaching that are coordinated with other activities under this program.

"(d) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications under this section which provide for—

"(1) participant completion of baccalaureate and masters degree teacher education programs, certification and may include effective employment placement activities;

"(2) development of teacher proficiency in English and a second language, including required demonstration of proficiency in the instructional use of English and a second language in classroom contexts;

"(3) coordination with Trio, the Teacher Corps, National Community and Service Trust Act, Mini Corps, and other programs for the recruitment and retention of bilingual students in secondary and post-secondary programs to train as bilingual educators; and

"(4) the applicant's contribution of additional student financial aid to participating students.

### "SEC. 7305. GRADUATE FELLOWSHIPS IN BILINGUAL EDUCATION PROGRAM.

"(a) AUTHORIZATION.—The Secretary may award fellowships for masters, doctoral, and post-doctoral study related to instruction of children and youth of limited-English-proficiency in such areas as teacher training, program administration, research and evaluation, and curriculum development, and for the support of dissertation research related to such study. For fiscal year 1994 not less than 500 fellowships leading to a masters or doctorate degree shall be awarded under this section, rising each subsequent year of this authorization by not less than 50. The Secretary shall include information on the operation and the number of fellowships awarded under the fellowship program in the report required under section 7401 of this title.

"(b) FELLOWSHIP REQUIREMENTS.—(1) Any person receiving a fellowship under this section shall agree to—

"(A) work in an activity related to the program or in an activity such as those authorized under this title, including work as a bilingual education teacher, for a period of time equivalent to the period of time during which such person receives assistance under this title; or

"(B) repay such assistance.

"(2) The Secretary shall establish in regulations such terms and conditions for such agreement as the Secretary deems reasonable and necessary and may waive the requirement of paragraph (1) in extraordinary circumstances.

"(c) The Secretary may give priority to institutions of higher education that demonstrate experience in assisting fellowship recipients find employment in the field of bilingual education.

### "SEC. 7306. APPLICATIONS.

"(a) IN GENERAL.—Each applicant or consortium that desires to receive a grant under this part shall submit an application to the Secretary and the State educational agency or State board for higher education as appropriate, at such time and in such manner as the Secretary shall prescribe. The application shall demonstrate integration, where appropriate, with the State and local plans, if such plans exist, for serving limited-English-proficient students. The State and local educational agency, and where applicable the State board for higher education, may comment in writing on the application indicating how the application furthers State education reform activities, including the provision of appropriate high quality education to all language minority students. If the State educational agency or State Board for Higher Education submits comments on any application, it shall submit comments on all. The Secretary shall take any written comments that have been made into consideration when considering applications under this part.

"(b) ELIGIBLE ENTITIES.—

"(1) A grant may be made under this part upon application of an institution of higher education, applying individually or jointly with one or more local educational agencies, nonprofit organizations, or State educational agencies.

"(2) The Secretary shall provide for outreach and technical assistance to institutions of higher education eligible under title III of the Higher Education Act and institutions of higher education that are operated or funded by the Bureau of Indian Affairs to facilitate their participation in activities under this part.

"(3) In making grants under this part, the Secretary shall, consistent with subsection (d), ensure adequate representation of Hispanic serving institutions that demonstrate competence and experience in the programs and activities authorized under this title and are otherwise qualified.

"(c) APPLICATION REQUIREMENTS FOR BILINGUAL TEACHER TRAINING PROGRAMS.—The application shall demonstrate integration, where appropriate, with the State plan, if one exists, for serving limited-English-proficient students.

"(d) PREFERENCE IN ASSISTANCE AND PURPOSE OF TRAINING.—

"(1) In making a grant under this part the Secretary shall give preference to programs which—

"(A) include tenured faculty in bilingual education, and

"(B) and for institutions of higher education which are attempting to start bilingual teacher training programs if such institutions demonstrate a significant commitment in financial and human resources, including cash and in-kind.

"(C) provide additional resources for such training from other sources.

"(2) In making grants under sections 7302, 7303 and 7304, the Secretary shall give special consideration to programs that ensure that individuals completing such programs demonstrate proficiency in English and a second language.

### "SEC. 7307. PROGRAM REQUIREMENTS.

"Activities conducted under this part shall assist educational personnel in meeting State and local certification requirements for bilingual education and, wherever possible, shall award college or university credit.

### "SEC. 7308. STIPENDS.

"The Secretary shall provide for the payment of such stipends (including allowances for subsistence and other expenses for such persons and their dependents), as the Secretary determines to be appropriate, to persons participating in training programs under this part.

### "SEC. 7309. PROGRAM EVALUATIONS UNDER PART C.

Each recipient of funds under part C of this title shall provide the Secretary with an evaluation of its program every two years. Such evaluation shall include data on—

"(1) post-program placement of persons trained;

"(2) how the training relates to the employment of persons served by the program;

"(3) program completion; and

"(4) such other information as the Secretary may require.

## "PART D—ADMINISTRATION

### "SEC. 7401. OFFICE OF BILINGUAL EDUCATION AND MINORITY LANGUAGE AFFAIRS.

"(a) ESTABLISHMENT.—There shall be, in the Department of Education, an Office of Bilingual Education and Minority Languages Affairs through which the Secretary shall carry out functions relating to bilingual education.

"(b) DIRECTOR.—(1) The Office shall be headed by a Director of Bilingual Education and Minority Languages Affairs, appointed by the Secretary, to whom the Secretary shall delegate all delegable functions relating to bilingual education. The Director shall also be assigned responsibility for recommending improvements and providing technical assistance to other Federal programs serving language-minority and limited-English-proficient students and their families and for assisting the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities which reflect the needs of language-minority and limited-English language proficient students.

"(2) The Office shall be organized as the Director determines to be appropriate in order to carry out such functions and responsibilities effectively.

"(3) The Secretary shall ensure that limited-English-proficient and language-minority students are included in ways that are valid, reliable and fair under all standards and assessment development conducted or funded by the Department.

"(c) REPORT.—The Director shall prepare and, not later than February 1 of every other year, shall submit to Congress, the President, the Governors, and the clearinghouse a report on—

"(1) the activities carried out under this title and their effectiveness in improving the education provided to limited-English-proficient children and youth;

"(2) a critical synthesis of data reported by the States pursuant to section 7204;

"(3) an estimate of the number of certified bilingual education personnel in the field and an estimate of the number of bilingual education teachers which will be needed for the succeeding 5 fiscal years;

"(4) the major findings of research carried out under this title; and

"(5) recommendations for further developing the capacity of our Nation's schools to educate effectively limited-English-proficient student.

"(d) ASSESSMENT OF GATEWAY EDUCATION.—The Secretary shall prepare a report on the education of all students who reside near the United States border with Canada and Mexico or areas or communities which serve as a gateway for immigrants to the United States. Gateway communities shall include Hawaii, the Commonwealth of Puerto Rico, as well as the territories and freely associated nations. The report shall identify trends in student and out-of-school youth immigration trends, appropriate procedures for the international transfer of records, the language proficiency of students living in border and gateway areas, and opportunities for teacher exchange. Such efforts shall be coordinated with other ongoing efforts in this area. A preliminary report on these issues shall be provided to the Congress not later than 2 years after the enactment of this Act. The final report including policy proposals for improvements in these areas shall be provided to Congress and the President not later than October 21, 1997.

"(e) COORDINATION WITH RELATED PROGRAMS.—In order to maximize Federal efforts aimed at serving the educational needs of children and youth of limited-English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs serving language-minority and limited-English-proficient students that are administered by the Department of Education and other agencies. The Secretary shall consult with the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Agriculture, Attorney General and other relevant agencies to identify and eliminate barriers to appropriate coordination of programs that affect language-minority and limited-English-proficient students and their families. The Secretary shall provide for continuing consultation and collaboration between Office and relevant programs operated by the Department, including title I and other programs in this Act, in planning, contracts, providing joint technical assistance, providing joint field monitoring activities and in other relevant activities to ensure effective program coordination to provide high quality education opportunities to all language-minority and limited-English-proficient students. In no case shall such coordination at the local, State or Federal level permit funds under this title to be used in programs that do not provide bilingual education or special alternative instructional programs for the instruction of language-minority or limited-English-proficient students.

"(f) The Secretary shall, to the extent feasible, ensure that all data collected shall include for the collection and reporting of data on limited-English-proficient students in all Departmental data keeping and with respect to all Federal education programs.

"(g) STAFFING REQUIREMENTS.—The Secretary shall ensure that the Office of Bilingual Education and Minority Language Affairs is staffed with sufficient personnel trained or with experience in bilingual education to discharge effectively the provisions of this title.

"(1) Notwithstanding section 403 of the Department of Education Organization Act, the Assistant Secretary may appoint not more than 7 additional employees to serve as staff without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(2) The employees appointed under paragraph (1) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the minimum rate of basic pay payable for GS-15 of the General Schedule.

"(h) READING APPLICATIONS.—For the purpose of reading applications for competitive grants authorized under this title, the Secretary shall use persons who are not employees of the Federal Government and who are experienced and involved in bilingual education including teachers, researchers, and administrators of educational programs similar to those assisted under this title. Readers of applications for grants involving conservation of Indian languages and other indigenous language which are subject to loss shall include individuals with expertise in such programs. The Secretary shall solicit nominations for application readers from State directors of bilingual education, graduate programs of bilingual education, tribal organizations and professional associations and shall have readers serve for a period of 3 years.

"(i) PUBLICATION OF PROPOSALS.—The Secretary shall publish and disseminate all requests for proposals for programs funded under this title.

### "SEC. 7402. RELEASE TIME.

"Professional development programs funded under this Act shall permit use of funds for professional release time to enable participation in programs assisted under this part.

### "SEC. 7403. EDUCATION TECHNOLOGY.

"Funds available under this Act may be used to provide for the acquisition or development of education technology or instructional materials, including authentic materials in languages other than English, access to and participation in electronic networks for materials, training and communications, and incorporation of such resources in curricula and programs such as those funded under this title.

### "SEC. 7404. NOTIFICATION.

"The State educational agency, when applicable, the State Board for postsecondary education, when applicable, the clearinghouse, the applicable Evaluation and Assistance Center and Multifunctional Resource Center shall be notified within three working days of the date a grant is made to an eligible entity within the State.

### "SEC. 7405. CONTINUED ELIGIBILITY.

"Entities receiving grants under this title shall remain eligible for grants for subsequent activities which extend or expand and do not duplicate those activities supported by a previous grant under this title. In considering applications for grants under this title the Secretary shall take into consideration the applicant's record of accomplishments under previous grants.

### "SEC. 7406. LIMITATION OF AUTHORITY.

"The Secretary shall not impose restrictions on the availability of funds authorized under this title other than those set out in this title or other applicable Federal statutes and regulations.

## "PART E—TRANSITION

### "SEC. 7501. TRANSITION PROVISIONS.

"Any grant or contract awarded under this title prior to the date of the enactment of the Improving America's Schools Act of 1994 shall be allowed to continue the term of the original award in accordance with the conditions of the original award but not for a period in excess of 3 years from the date of the grant or contract.

## "PART F—EMERGENCY IMMIGRANT EDUCATION PROGRAM

### "SEC. 7601. PURPOSE.

"The purpose of this part is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration to—

"(1) provide high-quality instruction to immigrant children and youth; and

"(2) help such children and youth—

"(A) with their transition into American society; and

"(B) meet the same challenging State performance standards expected of all children and youth.

### "SEC. 7602. STATE ADMINISTRATIVE COSTS.

"For any fiscal year, a State educational agency may reserve up to 1.5 percent of the amount allocated to it under section 7604 to pay the costs of performing its administrative functions under this part.

### "SEC. 7603. WITHHOLDING.

"Whenever the Secretary, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirement of any provision of this part, the Secretary shall notify that agency that further payments will not be made to the agency under this part, or in the discretion of the Secretary, that the State educational agency shall not make further payments under this part to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this part, or payments by the State educational agency under this part shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

### "SEC. 7604. STATE ALLOCATIONS.

"(a) PAYMENTS.—The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 1995 through 1999 for the purpose set forth in section 7601.

"(b) ALLOCATIONS.—(1) Except as provided in subsections (c) and (d) of this section, of the amount appropriated for each fiscal year for this part, each State participating in this program shall receive a share equal to the proportion of its number of immigrant children and youth who are enrolled in elementary and secondary public schools under the jurisdiction of each local educational agency described in paragraph (2) within that State, and in elementary and secondary nonpublic schools within the district served by each such local educational agency, relative to the total number of immigrant children and youth so enrolled in all the States participating in this program.

"(2) The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children and youth who are enrolled in elementary or secondary public schools under the jurisdiction of such agencies, and in elementary or secondary nonpublic schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this part, is equal to—

"(A) at least 500; or

"(B) at least 3 percent of the total number of students enrolled in such public or nonpublic schools during such fiscal year;

whichever number is less.

"(c) DETERMINATIONS OF NUMBER OF CHILDREN AND YOUTH.—(1) Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimate are clearly erroneous.

"(2) No such determination with respect to the number of immigrant children and youth shall operate because of an underestimate or overestimate to deprive any State educational agency of the allocation under this section that such agency would otherwise have received had such determination been made on the basis of accurate data.

"(d) REALLOCATION.—Whenever the Secretary determines that any amount of a payment made to a State under this part for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount of carrying out such purpose. Any amount made available to a State from any appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this part, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

"(e) RESERVATION OF FUNDS.—(1) If appropriations under this part exceed $40,000,000 for a fiscal year, a State educational agency may reserve up to 20 percent of its payment for redistribution through competitive grants to local educational agencies within the State in the following manner:

"(A) At least one-half of such grants shall be made to local educational agencies within the State with the highest numbers and percentages of immigrant children and youth.

"(B) Remaining funds shall be distributed to local educational agencies within the State with a sudden influx of immigrant children and youth which are otherwise not eligible for assistance under this part.

"(2) Local educational agencies with the highest number of immigrant children and youth receiving additional funds under this subsection may make information available on serving immigrant children and youth to areas in the State with sparse numbers of such children.

### "SEC. 7605. STATE APPLICATIONS.

"(a) SUBMISSION.—No State educational agency shall receive any payment under this part for any fiscal year unless such agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

"(1) provide that the educational programs, services, and activities for which payments under this part are made will be administered by or under the supervision of the agency;

"(2) provide assurances that payments under this part will be used for purposes set forth in section 7601, including a description of how local educational agencies receiving funds under this part will use such funds to meet such purposes, and how the program designs are consistent with other education improvement plans, including any developed under Goals 2000: Educate America Act, if such plan exists, or title I;

"(3) provide assurances that such payments, with the exception of payments reserved under section 7604(e), will be distributed among local educational agencies within that State on the basis of the number of immigrant children and youth counted with respect to each such local educational agency under section 7604(b)(1);

"(4) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this part without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

"(5) provide for making such reports as the Secretary may reasonably require to perform the functions under this part;

"(6) provide assurances—

"(A) that to the extent consistent with the number of immigrant children and youth enrolled in the elementary or secondary nonpublic schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of these children and youth secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children and youth;

"(B) that the control of funds provided under this part and title to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in this part, and a public agency shall administer such funds and property; and

"(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such elementary or secondary nonpublic school and of any religious organization; and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds;

"(7) provide that funds reserved under subsection (e) of section 7604 be awarded on the basis of merit and need consistent with such subsection; and

"(8) provide an assurance that State and local educational agencies receiving funds under this part will comply with the requirements of section 1121(b).

### "SEC. 7606. PAYMENTS.

"(a) AMOUNT.—The Secretary shall pay by not later than June 1 of each year to each State educational agency that has its application approved under section 7605 the amount of the State's allocation as determined under section 7604.

"(b) SERVICES TO CHILDREN ENROLLED IN NONPUBLIC SCHOOLS.—If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 7605(a)(6), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this part. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of title I.

### "SEC. 7607. USES OF FUNDS.

"(a) USE OF FUNDS.—Funds awarded under this part shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

"(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

"(2) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

"(3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;

"(4) identification and acquisition of curricular materials, educational software, and technologies to be used in the program; and

"(5) such other activities, related to the purposes of this part, as the Secretary may authorize.

"(b) CONSORTIA.—A local educational agency that receives a grant under this part may collaborate or form a consortium with one or more local educational agencies, institutions of higher education, and non-profit organizations to carry out the approved program.

"(c) SUBGRANTS.—A local educational agency that receives a grant under this part may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a non-profit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

### "SEC. 7608. REPORTS.

"(a) TRIENNIAL REPORT.—Each State educational agency receiving funds under this part shall submit, once every 3 years, a report to the Secretary concerning the expenditure of funds by local educational agencies under this part. Each local educational agency receiving funds under this part shall submit to the State educational agency such information as may be necessary for such report.

"(b) REPORT TO CONGRESS.—The Secretary shall submit, once every 3 years, a report to the appropriate committees of the Congress concerning programs under this part.

### "SEC. 7609. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out the provisions of this part, there are authorized to be appropriated $40,000,000 in fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

## *"TITLE VIII—IMPACT AID*

### "SEC. 8001. FINDINGS.

"The Congress finds that—

"(1) certain activities of the Federal Government place a financial burden on the local educational agencies serving areas where such activities are carried out; and

"(2) it is the shared responsibility of the Federal Government, the States, and local educational agencies to provide for the education of children connected to those activities.

### "SEC. 8002. PURPOSE.

"In order to fulfill the Federal responsibility to assist with the provision of educational services to federally connected children, and to help them meet challenging State standards, it is the purpose of this title to provide financial assistance to local educational agencies that—

"(1) experience a substantial and continuing financial burden due to the acquisition of real property by the United States;

"(2) educate children who reside on Federal property and whose parents are employed on Federal property;

"(3) educate children of parents who are in the military services and children who live in low-rent housing;

"(4) experience sudden and substantial increases in enrollments because of military realignments; or

"(5) need special assistance with capital expenditures for construction activities because of the enrollments of substantial numbers of children who reside on Indian lands.

### "SEC. 8003. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

"(a) IN GENERAL.—Where the Secretary, after consultation with any local educational agency and with the appropriate State educational agency, determines for a fiscal year ending prior to October 1, 1999—

"(1) that the United States owns Federal property in the local educational agency, and that such property—

"(A) has been acquired by the United States since 1938;

"(B) was not acquired by exchange for other Federal property in the local educational agency which the United States owned before 1939; and

"(C) had an assessed value (determined as of the time or times when so acquired) aggregating 10 percent or more of the assessed value of all real property in the local educational agency (similarly determined as of the time or times when such Federal property was so acquired); and

"(2) that such agency is not being substantially compensated for the loss in revenue resulting from such ownership by increases in revenue accruing to the agency from the conduct of Federal activities with respect to such Federal property, then such agency shall be paid the amount described in subsection (b).

"(b) AMOUNT.—

"(1) IN GENERAL.—(A) The amount that a local educational agency shall be paid under subsection (a) for a fiscal year shall be calculated in accordance with paragraph (2), except that such amount shall be reduced by the Secretary by an amount equal to the amount of revenue, if any, that such agency received from activities conducted on such property during the previous fiscal year.

"(B) If funds appropriated under section 8014(a) are insufficient to pay the amount determined under subparagraph (A), the Secretary shall ratably reduce the payment to each eligible local educational agency.

"(C) Notwithstanding any other provision of this subsection, a local educational agency may not be paid an amount under this section which exceeds the difference of—

"(i) the maximum amount that such agency is eligible to receive for such fiscal year under section 8004(b)(1)(C); and

"(ii) the amount that such agency receives in such fiscal year under section 8004(b)(2).

"(2) APPLICATION OF CURRENT LEVIED REAL PROPERTY TAX RATE.—In making a determination of the amount that would have been derived in such year under paragraph (1)(A)(i), the Secretary shall apply the current levied real property tax rate for current expenditures levied by fiscally independent local educational agencies or imputed, for fiscally dependent local educational agencies, to the current annually determined aggregate assessed value of such acquired Federal property.

"(3) DETERMINATION OF AGGREGATE ASSESSED VALUE.—Such aggregate assessed value of such acquired Federal property shall be determined (on the basis of the highest and best use of property adjacent to such acquired Federal property as of the time such value is determined), and provided to the Secretary, by the local official responsible for assessing the value of real property located in the jurisdiction of such local educational agency for the purpose of levying a property tax.

"(c) APPLICABILITY TO TENNESSEE VALLEY AUTHORITY ACT.—For the purposes of this section, any real property with respect to which payments are being made under section 13 of the Tennessee Valley Authority Act of 1933 shall not be regarded as Federal property.

"(d) OWNERSHIP BY UNITED STATES.—The United States shall be deemed to own Federal property for the purposes of this Act, where—

"(1) prior to the transfer of Federal property, the United States owned Federal property meeting the requirements of subparagraphs (A), (B), and (C) of subsection (a)(1); and

"(2) the United States transfers a portion of the property referred to in paragraph (1) to another nontaxable entity, and the United States—

"(A) restricts some or any construction on such property;

"(B) requires that the property be used in perpetuity for the public purposes for which it was conveyed;

"(C) requires the grantee of the property to report to the Federal government (or its agent) containing information on the use of the property;

"(D) except with the approval of the Federal government (or its agent), prohibits the sale, lease, assignment, or other disposal of the property unless such sale, lease, assignment, or other disposal is to another eligible government agency; and

"(E) reserves to the Federal government a right of reversion at any time the Federal government (or its agent) deems it necessary for the national defense.

### "SEC. 8004. PAYMENTS FOR ELIGIBLE FEDERALLY-CONNECTED CHILDREN.

"(a) COMPUTATION OF PAYMENT.—

"(1) IN GENERAL.—For the purpose of computing the amount that a local educational agency is eligible to receive under subsection (b), (d), or (f) for any fiscal year, the Secretary shall determine the number of children who were in average daily attendance in the schools of such agency, and for whom such agency provided free public education, during the preceding school year and who, while in attendance at such schools—

"(A) resided on Federal property with a parent employed on Federal property situated in whole or in part within the boundaries of the school district of such agency;

"(B) resided on Federal property and had a parent on active duty in the uniformed services (as defined in section 101 of title 37, United States Code);

"(C) resided on Indian lands;

"(D) had a parent on active duty in the uniformed services (as defined by section 101 of title 37, United States Code) but did not reside on Federal property; or

"(E) resided in low-rent housing.

"(2) DETERMINATION OF WEIGHTED STUDENT UNITS.—For purposes of computing the basic support payment under subsection (b), the Secretary shall calculate the total number of weighted student units for a local educational agency by adding together the results obtained by the following computations:

"(A) Multiply the number of children described in subparagraphs (A) and (B) of paragraph (1) by a factor of 1.0.

"(B) Multiply the number of children described in paragraph (1)(C) by a factor of 1.25.

"(C) Multiply the number of children described in subparagraphs (A) and (B) of paragraph (1) by a factor of .35 if the local educational agency has—

"(i) a number of such children described in such subparagraphs which exceeds 6,500; and

"(ii) an average daily attendance for all children which exceeds 100,000.

"(D) Multiply the number of children described in subparagraphs (D) and (E) of paragraph (1) by a factor of .20.

"(b) BASIC SUPPORT PAYMENTS AND PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

"(1) BASIC SUPPORT PAYMENTS.—

"(A) IN GENERAL.—From the amount appropriated under section 8014(b) for a fiscal year, the Secretary is authorized to make basic support payments to eligible local educational agencies with children described under subsection (a).

"(B) ELIGIBILITY.—A local educational agency shall be entitled to receive a basic support payment under subparagraph (A) for a fiscal year with respect to a number of children determined under subsection (a) only if the number of children so determined with respect to such agency amounts to the lesser of—

"(i) at least 400 such children, or

"(ii) a number of such children which equals at least 3 percent of the total number of children who were in average daily attendance, during such year, at the schools of such agency and for whom such agency provided free public education.

"(C) MAXIMUM AMOUNT.—The maximum amount that a local educational agency is eligible to receive under this subsection for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2), multiplied by—

"(i) the greater of—

"(I) one-half of the average per pupil expenditure of the State in which the local educational agency is located for the 3rd preceding fiscal year, or

"(II) one-half of the average per pupil expenditures of all of the States for the 3rd preceding fiscal year;

"(ii) the comparable local contribution rate certified by the State, as determined under regulations prescribed to carry out the Act of September 30, 1950 (Public Law 874, 81st Congress), as in effect on January 1, 1994; or

"(iii) the average per pupil expenditure of the State in which the local educational agency is located, multiplied by the local contribution percentage.

"(2) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

"(A) IN GENERAL.—For any fiscal year in which the sums appropriated under section 8014(b) are insufficient to pay to each local educational agency the full amount computed under paragraph (1), the Secretary shall make payments based upon the provisions of this paragraph.

"(B) LEARNING OPPORTUNITY THRESHOLD PAYMENTS.—(i) For fiscal years described in subparagraph (A), the Secretary shall compute a learning opportunity threshold payment (hereinafter 'threshold payment') by multiplying the amount obtained under paragraph (1)(C) by the total percentage obtained by adding—

"(I) the percentage of federally connected children for each local educational agency determined by calculating the fraction, the numerator of which is the total number of children described under subsection (a)(1) and the denominator of which is the total number of children in average daily attendance at the schools served by such agency; and

"(II) the percentage that funds under this paragraph represent of the total budget of the local educational agency, determined by calculating the fraction, the numerator of which is the total amount of funds calculated for each educational agency under this paragraph (not including amounts received under subsection (f)), and the denominator of which is the total current expenditures for such agency.

"(ii) Such total percentage used to calculate threshold payments under paragraph (1) shall not exceed 100.

"(C) RATABLE DISTRIBUTION.—For fiscal years described in subparagraph (A), the Secretary shall make payments as a ratable distribution based upon the computation made under subparagraph (B).

"(c) PRIOR YEAR DATA.—All calculations under this section shall be based upon data for each local educational agency from the fiscal year preceding the fiscal year for which the agency is making application for payment.

"(d) USE OF FUNDS FOR CHILDREN WITH DISABILITIES.—

"(1) IN GENERAL.—From the amount appropriated under section 8014(c) for a fiscal year, the Secretary shall pay to each eligible local educational agency, on a pro rata basis, the amounts determined by—

"(A) multiplying the number of children described in subparagraphs (B) and (C) of subsection (a)(1) who are eligible to receive services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) by a factor of 1.0; and

"(B) multiplying the number of children described in subparagraph (D) of subsection (a)(1) who are eligible to receive services under such Act by a factor of .5.

"(2) USE OF FUNDS.—A local educational agency that receives funds under paragraph (1) shall use such funds to provide a free appropriate public education to children described in paragraph (1) in accordance with the Individuals with Disabilities Education Act.

"(e) HOLD-HARMLESS AMOUNTS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, the total amount that the Secretary shall pay to a local educational agency under subsections (b) and (f)—

"(A) for fiscal year 1995, shall not be less than 80 percent of the payment such agency received for fiscal year 1994 under section 3(a) of the Act of September 30 , 1950 (Public Law 81-874, 81st Congress), as in effect for fiscal year 1994;

"(B) for fiscal year 1996, shall not be less than 60 percent of such payment received for fiscal year 1994; and

"(C) for fiscal year 1997, shall not be less than 40 percent of such payment received for fiscal year 1994.

"(2) REDUCTION IN PAYMENTS.—In order to make payments to local educational agencies in accordance with paragraph (1), the Secretary shall reduce payments to other local educational agencies determined under subsection (b).

"(f) ADDITIONAL ASSISTANCE FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(1) RESERVATION.—From amounts appropriated under section 8014(d) for a fiscal year, the Secretary shall provide additional assistance to meet special circumstances relating to the provision of education in local educational agencies eligible to receive assistance under this section.

"(2) ELIGIBILITY.—A local educational agency shall be eligible to receive additional assistance under this subsection only if such agency—

"(A)(i) has an enrollment of federally connected children described in subsection (a)(1) which constitutes at least 40 percent of the total student enrollment of such agency; and

"(ii) has a tax rate for general fund purposes which is at least 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State;

"(B)(i) has an enrollment of federally connected children described in subsection (a)(1) which constitutes at least 35 percent of the total student enrollment of such agency; and

"(ii) has a tax rate for general fund purposes which is at least 125 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State; or

"(C) is a local education agency whose boundaries are the same as a Federal military installation or includes Federal property under exclusive Federal jurisdiction.

"(3) MAXIMUM PAYMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the maximum amount that a local educational agency may receive under this subsection in accordance with the following computations:

"(i) The Secretary shall first determine the greater of—

"(I) the average per pupil expenditure of the State in which the local educational agency is located or the average per pupil expenditure of all the States;

"(II) the average per pupil expenditure of generally comparable school districts located in the State of the local educational agency, as defined by the Secretary in regulations; or

"(III) the average per pupil expenditure of three generally comparable school districts located in the State of the local educational agency, as defined by the Secretary in regulations.

"(ii) The Secretary shall next subtract from the amount determined under clause (i) the average amount of State aid per pupil received by the local educational agency.

"(iii) The Secretary shall next multiply the amount determined under clause (ii) by the sum of the total weighted units of the local educational agency, as computed under subsection (a)(2).

"(iv) If the tax rate of the local educational agency is greater than 94 percent, but less than 100 percent, of the tax rate of comparable school districts, the Secretary shall next multiply the amount determined under clause (iii) by the percentage that the tax rate of the local educational agency is of—

"(I) the average tax rate of its generally comparable school districts; or

"(II) the average tax rate of all the school districts in the State in which the local educational agency is located.

"(v) The Secretary shall next subtract the total amount of payments received by a local educational agency under subsections (b) and (d) for a fiscal year from the amount determined under clause (iii) or clause (iv), as the case may be.

"(B) SPECIAL RULE.—With respect to payments to local educational agencies described in subparagraphs (B) and (C) of paragraph (2), the maximum amount of such payments shall be equal to the product of the average per pupil expenditure of all the States multiplied by .7, except that such amount may not exceed 125 percent of the average per pupil expenditure of all local educational agencies in the State.

"(4) CURRENT YEAR DATA.—The Secretary shall, for purposes of providing assistance under this subsection, use—

"(A) data from the fiscal year in which the local educational agency is applying for assistance under this subsection; or

"(B) the most recent data available which is adjusted to such fiscal year.

**"SEC. 8005. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.**

"(a) IN GENERAL.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8004 shall establish policies and procedures to ensure that—

"(1) such children participate in programs and activities supported by such funds on an equal basis with all other children;

"(2) parents of such children and Indian tribes are afforded an opportunity to present their views on such programs and activities, including an opportunity to make recommendations on the needs of those children and how they may help those children realize the benefits of those programs and activities;

"(3) parents and Indian tribes are consulted and involved in planning and developing such programs and activities;

"(4) relevant applications, evaluations, and program plans are disseminated to the parents and Indian tribes; and

"(5) parents and Indian tribes are afforded an opportunity to present their views on the agency's general educational program to such agency.

"(b) RECORDS.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8004 shall maintain records demonstrating its compliance with requirements contained in subsection (a).

"(c) WAIVER.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8004 is excused from the requirements contained in subsections (a) and (b) for any year with respect to any Indian tribe from which it has received a written statement that the agency need not comply with those subsections because the tribe is satisfied with the provision of educational services by such agency to such children.

"(d) TECHNICAL ASSISTANCE AND ENFORCEMENT.—The Secretary shall—

"(1) provide technical assistance to local educational agencies, parents, and Indian tribes to enable them to carry out this section; and

"(2) enforce this section through such actions, which may include the withholding of funds, as the Secretary determines to be appropriate, after affording the affected local educational agency, parents, and Indian tribe an opportunity to present their views.

**"SEC. 8006. APPLICATION FOR PAYMENTS UNDER SECTIONS 8003 AND 8004.**

"(a) IN GENERAL.—A local educational agency desiring to receive a payment under section 8003 or 8004 shall—

"(1) submit an application for such payment to the Secretary; and

"(2) provide a copy of such application to the State educational agency.

"(b) CONTENTS.—Each such application shall be submitted in such form and manner, and shall contain such information, as the Secretary may require, including—

"(1) information to determine the eligibility of the local educational agency for a payment and the amount of such payment; and

"(2) where applicable, an assurance that such agency is in compliance with section 8005 (relating to children residing on Indian lands).

"(c) DEADLINE FOR SUBMISSION.—The Secretaryshall establish deadlines for the submission of applications under this section.

"(d) APPROVAL.—

"(1) IN GENERAL.—The Secretary shall approve an application submitted under this section that—

"(A) is filed by the deadline established under subsection (c); and

"(B) otherwise meets the requirements of this title.

"(2) REDUCTION IN PAYMENT.—The Secretary shall approve an application filed up to 60 days after a deadline established under subsection (c) that otherwise meets the requirements of this title, except that, notwithstanding section 8004(e), the Secretary shall reduce the payment based on such late application by 10 percent of the amount that would otherwise be paid.

"(3) LATE APPLICATIONS.—The Secretary shall not accept or approve any application that is filed more than 60 days after a deadline established under subsection (c).

**"SEC. 8007. PAYMENTS FOR SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE OF MILITARY DEPENDENTS.**

"(a) ELIGIBILITY.—A local educational agency is eligible for a payment under this section if—

"(1) the number of children in average daily attendance during the current school year is at least ten percent or 100 more than the number of children in average daily attendance in the preceding school year; and

"(2) the number of children in average daily attendance with a parent on active duty (as defined in section 101(18) of title 37, United States Code) in the Armed Forces who are in attendance at such agency because of the assignment of their parent to a new duty station between July 1 and September 30, inclusive, of the current year, as certified by an appropriate local official of the Department of Defense, is at least ten percent or 100 more than the number of children in average daily attendance in the preceding school year.

"(b) APPLICATION.—A local educational agency that wishes to receive a payment under this section shall file an application with the Secretary by October 15 of the current school year, in such manner and containing such information as the Secretary may prescribe, including information demonstrating that it is eligible for such a payment.

"(c) CHILDREN TO BE COUNTED.—For each eligible local educational agency that applies for a payment under this section, the Secretary shall determine the lesser of—

"(1) the increase in the number of children in average daily attendance from the preceding year; and

"(2) the number of children described in subsection (a)(2).

"(d) PAYMENTS.—From the amount appropriated for a fiscal year under section 8014(c), the Secretary shall pay each local educational agency with an approved application an amount, not to exceed $200 per eligible child, equal to—

"(1) the amount available to carry out this section, including any funds carried over from prior years, divided by the number of children determined under subsection (c) for all such local educational agencies; multiplied by

"(2) the number of such children determined for that local educational agency.

"(e) NOTIFICATION PROCESS.—

"(1) ESTABLISHMENT.—The Secretary shall endeavor to establish, with the Secretary of Defense, a notification process relating to the closure of Department of Defense facilities, or the adjustment of personnel levels assigned to such facilities, which may substantially affect the student enrollment levels of local educational agencies which receive or may receive payments under this title.

"(2) INFORMATION.—Such process shall provide timely information regarding such closures and such adjustments—

"(A) by the Secretary of Defense to the Secretary; and

"(B) by the Secretary to the affected local educational agencies.

**"SEC. 8008. PAYMENTS FOR CONSTRUCTION.**

"(a) PAYMENTS AUTHORIZED.—From the amount appropriated for each fiscal year under section 8014(d), the Secretary shall make payments to each local educational agency—

"(1) that receives a basic payment under section 8004(b); and

"(2) in which the number of children determined under section 8004(a) who resided on Indian lands constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the preceding school year.

"(b) AMOUNT OF PAYMENTS.—The amount of a payment to each agency described in paragraph (2) of subsection (a) shall be equal to—

"(1) the amount appropriated under section 8014(d); divided by

"(2) the number of children determined under section 8004(a) for all such agencies, but not including any children attending a school assisted or provided by the Secretary under section 8009 or section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress; 20 U.S.C. 640) as in effect prior to the date of the enactment of the Improving America's Schools Act of 1994; multiplied by

"(3) the number of such children determined for such agency.

"(c) USE OF FUNDS.—Any local educational agency that receives funds under this section shall use such funds for construction, as defined in section 8013(3) of this title.

**"SEC. 8009. FACILITIES.**

"(a) CURRENT FACILITIES.—From the amount appropriated for any fiscal year under section 8014(e), the Secretary may continue to provide assistance for school facilities that were supported by the Secretary under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress; 20 U.S.C. 640) as in effect prior to the date of the enactment of the Improving America's Schools Act of 1994.

"(b) TRANSFER OF FACILITIES.—

"(1) IN GENERAL.—The Secretary shall, as soon as practicable, transfer to the appropriate local educational agency or another appropriate entity all the right, title, and interest of the United States in and to each facility provided under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress; 20 U.S.C. 640), or under section 204 or 310 of the Act of September 30, 1950 (Public Law 874, 81st Congress), as in effect on January 1, 1958.

"(2) OTHER REQUIREMENTS.—Any such transfer shall be without charge to such agency or entity, and prior to such transfer, the transfer must be consented to by the local education agency or other appropriate entity, and may be made on such terms and conditions as the Secretary deems appropriate to carry out the purposes of this Act.

**"SEC. 8010. STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.**

"(a) GENERAL PROHIBITION.—Except as provided in subsection (b), a State may not—

"(1) consider payments under this title or under the Act of September 30, 1950 (Public Law 874, 81st Congress) in determining for any fiscal year—

"(A) the eligibility of a local educational agency for State aid for free public education; or

"(B) the amount of such aid; or

"(2) make such aid available to local educational agencies in a manner that results in less State aid to any local educational agency that is eligible for such payment than it would receive if it were not so eligible.

"(b) STATE EQUALIZATION PLANS.—

"(1) IN GENERAL.—A State may reduce State aid to a local educational agency that receives a payment under sections 8003 and 8004(a) (except the amount calculated in excess of 1.0 under subparagraph (B) of subsection (a)(2)) or under the Act of September 30, 1950 (Public Law 874, 81st Congress) as such Act existed prior to the enactment of the Improving America's Schools Act of 1994 (other than an increase in payments described in paragraphs (2)(B), (2)(C), (2)(D), or (3)(B)(ii) of section 3(d) of such Act of September 30, 1950) for any fiscal year if the Secretary determines, and certifies under subsection (c)(3)(A), that such State has in effect a program of State aid that equalizes expenditures for free public education among local educational agencies in such State.

"(2) COMPUTATION.—

"(A) IN GENERAL.—For purposes of paragraph (1), a program of State aid equalizes expenditures among local educational agencies if, in the second preceding fiscal year, the amount of per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the highest such per-pupil expenditures or revenues did not exceed the amount of such per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the lowest such expenditures or revenues by more than 10 percent.

"(B) OTHER FACTORS.—In making a determination under this subsection, the Secretary shall—

"(i) disregard local educational agencies with per-pupil expenditures or revenues above the 95th percentile or below the 5th percentile of such expenditures or revenues in the State; and

"(ii) take into account the extent to which a program of State aid reflects the additional cost of providing free public education in particular types of local educational agencies, such as those that are geographically isolated, or to particular types of students, such as children with disabilities.

"(3) EXCEPTION.—Notwithstanding paragraph (2), if the Secretary determines that the State has substantially revised its program of State aid, the Secretary may certify such program for any fiscal year only if—

"(A) the Secretary determines, on the basis of projected data, that the State's program will meet the 10 percent disparity standard described in paragraph (2) in that fiscal year; and

"(B) the State provides an assurance to the Secretary that, if final data do not demonstrate that the State's program met such standard for that year (or that it met such standard with a greater percentage of disparity than anticipated), the State will pay to each affected local educational agency the amount by which it reduced State aid to the local educational agency on the basis of such certification, or a proportionate share thereof, as the case may be.

"(c) PROCEDURES FOR REVIEW OF STATE EQUALIZATION PLANS.—

"(1) WRITTEN NOTICE.—

"(A) IN GENERAL.—Any State that wishes to consider payments described in subsection (b)(1) in providing State aid to local educational agencies shall submit to the Secretary, not later than 120 days before the beginning of the State's fiscal year, a written notice of its intention to do so.

"(B) CONTENTS.—Such notice shall be in the form and contain the information the Secretary requires, including evidence that the State has notified each local educational agency in the State of its intention to consider such payments in providing State aid.

"(2) OPPORTUNITY TO PRESENT VIEWS.—Before making a determination under subsection (b), the Secretary shall afford the State, and local educational agencies in the State, an opportunity to present their views.

"(3) QUALIFICATION PROCEDURES.—If the Secretary determines that a program of State aid qualifies under subsection (b), the Secretary shall—

"(A) certify the program and so notify the State; and

"(B) afford an opportunity for a hearing, in accordance with section 8012(a), to any local educational agency adversely affected by such certification.

"(4) NON-QUALIFICATION PROCEDURES.—If the Secretary determines that a program of State aid does not qualify under subsection (b), the Secretary shall—

"(A) so notify the State; and

"(B) afford an opportunity for a hearing, in accordance with section 8012(a), to the State, and to any local educational agency adversely affected by such determination.

"(d) REDUCTIONS OF STATE AID.—

"(1) IN GENERAL.—A State whose program of State aid has been certified by the Secretary under subsection (c)(3) may reduce the amount of such aid provided to a local educational agency that receives a payment under subsection (b) by any amount up to—

"(A) the amount of such payment (excluding amounts provided under subsections (d) and (f)); multiplied by

"(B) 100 percent minus the percentage of disparity determined under subsection (b).

"(2) PROHIBITION.—A State may not make a reduction described in paragraph (1) before its program of State aid has been certified by the Secretary under subsection (c)(3).

"(e) REMEDIES FOR STATE VIOLATIONS.—

"(1) IN GENERAL.—The Secretary or any aggrieved local educational agency may, without exhausting administrative remedies, bring an action in a United States district court against any State that violates subsection (a) or subsection (d)(2) or fails to carry out an assurance provided under subsection (b)(3)(B).

"(2) IMMUNITY.—A State shall not be immune under the eleventh amendment to the Constitution of the United States from an action described in paragraph (1).

"(3) RELIEF.—The court shall grant such relief as it determines is appropriate, which may include attorney's fees to a prevailing local educational agency.

### "SEC. 8011. FEDERAL ADMINISTRATION.

"(a) PAYMENTS IN WHOLE DOLLAR AMOUNTS—The Secretary shall round any payments under this title to the nearest whole dollar amount.

"(b) OTHER AGENCIES.—Each Federal agency administering Federal property on which children reside, and each agency principally responsible for an activity that may occasion assistance under this title, shall, to the maximum extent practicable, comply with requests of the Secretary for information the Secretary may require to carry out this title.

### "SEC. 8012. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.

"(a) ADMINISTRATIVE HEARINGS.—A local educational agency and a State that is adversely affected by any action of the Secretary under this title shall be entitled to a hearing on such action in the same manner as if such agency were a person under chapter 5 of title 5, United States Code.

"(b) JUDICIAL REVIEW OF SECRETARIAL ACTION.—

"(1) IN GENERAL.—A local educational agency or a State aggrieved by the Secretary's final decision following an agency proceeding under subsection (a) may, within 60 days after receiving notice of such decision, file with the United States court of appeals for the circuit in which such agency or State is located a petition for review of that action. The clerk of the court shall promptly transmit a copy of the petition to the Secretary. The Secretary shall then file in the court the record of the proceedings on which the Secretary's action was based, as provided in section 2112 of title 28, United States Code.

"(2) FINDINGS OF FACT.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence. The Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) REVIEW.—The court shall have exclusive jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

### "SEC. 8013. DEFINITIONS.

"For purposes of this title, the following definitions apply:

"(1) ARMED FORCES.—The term 'Armed Forces' means the Army, Navy, Air Force, and Marine Corps.

"(2) AVERAGE PER-PUPIL EXPENDITURE.—The term 'average per-pupil expenditure' means—

"(A) the aggregate current expenditures of all local educational agencies in the State; divided by

"(B) the total number of children in average daily attendance for whom such agencies provided free public education.

"(3) CONSTRUCTION.—The term 'construction' means—

"(A) the preparation of drawings and specifications for school facilities;

"(B) erecting, building, acquiring, altering, remodeling, repairing, or extending school facilities;

"(C) inspecting and supervising the construction of school facilities; and

"(D) debt service for such activities.

"(4) FEDERAL PROPERTY.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) through (F), the term 'Federal property' means real property that is not subject to taxation by any State or any political subdivision of a State due to Federal agreement, law, or policy, and that is—

"(i) owned by the United States or leased by the United States from another entity;

"(ii)(I) held in trust by the United States for individual Indians or Indian tribes;

"(II) held by individual Indians or Indian tribes subject to restrictions on alienation imposed by the United States;

"(III) conveyed at any time under the Alaska Native Claims Settlement Act (Public Law 92-203, 43 U.S.C. 1601 et seq.) to a Native individual, Native group, or Village or Regional corporation;

"(IV) public land owned by the United States that is designated for the sole use and benefit of individual Indians or Indian tribes; or

"(V) used for low-rent housing, as otherwise described in this paragraph, that is located on land described in subclause (I), (II), (III), or (IV) of this clause or on land that met one of those descriptions immediately before its use for such housing;

"(iii)(I) part of a low-rent housing project assisted under the United States Housing Act of 1937; or

"(II) used to provide housing for homeless children at closed military installations pursuant to section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411); or

"(iv) owned by a foreign government or by an international organization.

"(B) SCHOOLS PROVIDING FLIGHT TRAINING TO MEMBERS OF AIR FORCE.—The term 'Federal property' includes, so long as not subject to taxation by any State or any political subdivision of a State, and whether or not that tax exemption is due to Federal agreement, law, or policy, any school providing flight training to members of the Air Force under contract with the Air Force at an airport owned by a State or political subdivision of a State.

"(C) NON-FEDERAL EASEMENTS, LEASES, LICENSES, PERMITS, IMPROVEMENTS, AND CERTAIN OTHER REAL PROPERTY.—The term 'Federal property' includes, whether or not subject to taxation by a State or a political subdivision of a State—

"(i) any non-Federal easement, lease, license, permit, or other such interest in Federal property as otherwise described in this paragraph, but not including any non-Federal fee-simple interest;

"(ii) any improvement on Federal property as otherwise described in this paragraph; and

"(iii) real property that, immediately before its sale or transfer to a non-Federal party, was owned by the United States and otherwise qualified as Federal property described in this paragraph, but only for one year beyond the end of the fiscal year of such sale or transfer.

"(D) CERTAIN POSTAL SERVICE PROPERTY AND PIPELINES AND UTILITY LINES.—Notwithstanding any other provision of this paragraph, the term 'Federal property' does not include—

"(i) any real property under the jurisdiction of the United States Postal Service that is used primarily for the provision of postal services; or

"(ii) pipelines and utility lines.

"(E) PROPERTY WITH RESPECT TO WHICH STATE OR LOCAL TAX REVENUES MAY NOT BE EXPENDED, ALLOCATED, OR AVAILABLE FOR FREE PUBLIC EDUCATION.—Notwithstanding any other provision of this paragraph, 'Federal property' does not include any property on which children reside that is otherwise described in this paragraph if—

"(i) no tax revenues of the State or of any political subdivision of the State may be expended for the free public education of children who reside on that Federal property; or

"(ii) no tax revenues of the State are allocated or available for the free public education of such children.

"(F) CERTAIN PROPERTY LOCATED IN STATE OF OKLAHOMA OWNED BY INDIAN HOUSING AUTHORITY FOR LOW-INCOME HOUSING.—The term 'Federal property' includes any real property located in the State of Oklahoma that—

"(i) is owned by an Indian housing authority and used for low-income housing (including housing assisted under the mutual help ownership opportunity program under section 202 of the United States Housing Act of 1937); and

"(ii) at any time—

"(I) was designated by treaty as tribal land; or

"(II) satisfied the definition of Federal property under section 403(1)(A) of the Act of September 30, 1950 (Public Law 874, 81st Congress).

"(5) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is provided—

"(A) at public expense, under public supervision and direction, and without tuition charge; and

"(B) as elementary or secondary education, as determined under State law, except that, notwithstanding State law, such term—

"(i) includes preschool education; and

"(ii) does not include any education provided beyond grade 12.

"(6) INDIAN LANDS.—The term 'Indian lands' means any Federal property described in paragraph (4)(A)(ii) or (4)(F).

"(7) LOCAL CONTRIBUTION PERCENTAGE.—

"(A) IN GENERAL.—The term 'local contribution percentage' means the percentage of current expenditures in the State derived from local and intermediate sources, as reported to and verified by the National Center for Education Statistics.

"(B) Hawaii and District of Columbia.—Notwithstanding subparagraph (A), the local contribution percentage for Hawaii and for the District of Columbia shall be the local contribution percentage computed for the Nation as a whole.

"(8) Local educational agency.—

"(A) In general.—Except as provided in subparagraph (B), the term 'local educational agency'—

"(i) means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent school district, or other school district; and

"(ii) includes any State agency that directly operates and maintains facilities for providing free public education.

"(B) Exception.—The term 'local educational agency' does not include any agency or school authority that the Secretary determines on a case-by-case basis—

"(i) was constituted or reconstituted primarily for the purpose of receiving assistance under this title or the Act of September 30, 1950 (Public Law 874, 81st Congress) or increasing the amount of such assistance; or

"(ii) is not constituted or reconstituted for legitimate educational purposes.

"(9) Low-rent housing.—The term 'low-rent housing' means housing located on property that is described paragraph (4)(A)(iii).

"(10) Revenue derived from local sources.—The term 'revenue derived from local sources' means—

"(A) revenue produced within the boundaries of a local educational agency and available to such agency for its use; or

"(B) funds collected by another governmental unit, but distributed back to a local educational agency in the same proportion as it was collected as a local revenue source.

"(11) School facilities.—The term 'school facilities' includes—

"(A) classrooms and related facilities; and

"(B) equipment, machinery, and utilities necessary or appropriate for school purposes.

**"SEC. 8014. AUTHORIZATION OF APPROPRIATIONS.**

"(a) Payments for Federal Acquisition of Real Property.—For the purpose of making payments under section 8003, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(b) Basic Payments.—For the purpose of making payments under section 8004(a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(c) Payments for Children With Disabilities.—For the purpose of making payments under section 8004(d), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(d) Payments for Heavily Impacted Local Educational Agencies.—

"(1) In general.—For the purpose of making payments under section 8004(f), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(2) Availability.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

"(e) Payments for Increases in Military Children.—For the purpose of making payments under section 8007, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(f) Construction.—For the purpose of making payments under section 8008, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(g) Facilities Maintenance.—For the purpose of carrying out section 8009, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

## TITLE IX—GENERAL PROVISIONS

**"PART A—DEFINITIONS**

**"SEC. 9101. DEFINITIONS.**

"Except as otherwise provided, for the purposes of this Act, the following terms have the following meanings:

"(1)(A) Except as provided otherwise by State law or this paragraph, the term 'average daily attendance' means—

"(i) the aggregate number of days of attendance of all students during a school year; divided by

"(ii) the number of days school is in session during such school year.

"(B) The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership or such other data.

"(C) If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for purposes of this Act—

"(i) consider the child to be in attendance at a school of the agency making such payment; and

"(ii) not consider the child to be in attendance at a school of the agency receiving such payment.

"(D) If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act, the Secretary shall, for the purposes of this Act, consider such child to be in attendance at a school of the agency making such payment.

"(2) The term 'average per-pupil expenditure' means, in the case of a State or of the United States—

"(A) without regard to the source of funds—

"(i) the aggregate current expenditures, during the third preceding fiscal year (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

"(ii) any direct current expenditures by the State for operation of such agencies; divided by

"(B) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

"(3) The term 'child' means any person within the age limits for which the applicable State provides free public education.

"(4) The term 'community-based organization' means a private nonprofit organization that—

"(A) is representative of a community or significant segments of a community; and

"(B) provides educational or related services to individuals in the community.

"(5) The term 'consolidated State application' means an application submitted by a State educational agency pursuant to section 9302 of this Act.

"(6) The term 'county' means one of those divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

"(7) The term 'covered program' means each of the programs authorized by—

"(A) part A of title I of this Act;

"(B) part C of title I of this Act;

"(C) part A of title II of this Act; and

"(D) part A of title IV of this Act except section 4104.

"(8) The term 'current expenditures' means expenditures for free public education—

"(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

"(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I and part A of title II of this Act.

"(9) The term 'Department' means the Department of Education.

"(10) The term 'educational service agency' means regional public multiservice agencies authorized by State statute to develop, manage, and provide services and programs to local educational agencies.

"(11) The term 'elementary school' means a nonprofit day or residential school that provides elementary education, as determined under State law.

"(12) The term 'free public education' means education that is provided—

"(A) at public expense, under public supervision and direction, and without tuition charge; and

"(B) as elementary or secondary school education as determined under applicable State law, except that such term does not include any education provided beyond grade 12.

"(13) The term 'institution of higher education' has the meaning given that term in section 1201(a) of the Higher Education Act of 1965.

"(14)(A) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools.

"(B) The term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"(15) The term 'mentoring' means a program in which an adult works with a child or youth on a 1-to-1 basis, establishing a supportive relationship, providing academic assistance, and exposing the child or youth to new experiences that enhance the child or youth's ability to excel in school and become a responsible citizen.

"(16) The term 'other staff' means pupil services personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

"(17) The term 'outlying area' means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau).

"(18) The term 'parent' includes a legal guardian or other person standing in loco parentis.

"(19) The terms 'pupil-services personnel' and 'pupil services' mean, respectively—

"(A) school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services as part of a comprehensive program to meet student needs; and

"(B) the services provided by such individuals.

"(20) The term 'secondary school' means a nonprofit day or residential school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12. This definition shall not apply to any private, religious, or home school that does not receive funds under this Act.

"(21) The term 'Secretary' means the Secretary of Education.

"(22) The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

"(23) The term 'State educational agency' means the agency primarily responsible for the State supervision of public elementary and secondary schools.

### "SEC. 9102. APPLICABILITY OF THIS TITLE.

"Parts B through F of this title do not apply to title VIII of this Act.

### "SEC. 9103. REFERENCES IN OTHER ACTS.

"References to section 1471 of this Act, as it existed prior to the enactment of the Improving America's Schools Act of 1994, shall be deemed to refer to this section.

## "PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

### "SEC. 9201. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

"(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—(1) A State educational agency may consolidate the amounts specifically made available to it for State administration under one or more of the programs specified under paragraph (2) if such State educational agency can demonstrate that the majority of such agency's resources come from non-Federal sources.

"(2) This section applies to title I of this Act and the covered programs specified in sections 9101(7)(C) and (D).

"(b) USE OF FUNDS.—(1) A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

"(2) A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under such programs, such as—

"(A) the coordination of programs specified in subsection (a)(2) with other Federal and non-Federal programs;

"(B) the establishment and operation of peer-review mechanisms under this Act;

"(C) the administration of this title;

"(D) the dissemination of information regarding model programs and practices; and

"(E) technical assistance under programs specified in subsection (a)(2).

"(c) RECORDS.—A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a).

"(d) REVIEW.—To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of such administration.

"(e) UNUSED ADMINISTRATIVE FUNDS.—If a State educational agency does not use all of the funds available to it under this section for administration, it may use such funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

### "SEC. 9202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.

"A State educational agency that also serves as a local educational agency shall, in its applications or State plans under this Act, describe how it will eliminate duplication in the conduct of administrative functions.

### "SEC. 9203. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

"(a) GENERAL AUTHORITY.—In accordance with regulations of the Secretary, a local educational agency, with the approval of its State educational agency, may consolidate and use for the administration of one or more covered programs for any fiscal year not more than the percentage, established in each covered program, of the total amount available to that local educational agency under those covered programs.

"(b) STATE PROCEDURES.—Within one year from the date of enactment of the Improving America's Schools Act of 1994, a State educational agency shall, in collaboration with local educational agencies in the State, establish procedures for responding to requests from local educational agencies to consolidate administrative funds under subsection (a) and for establishing limitations on the amount of funds under covered programs that may be used for administration on a consolidated basis.

"(c) CONDITIONS.—A local educational agency that consolidates administrative funds under this section for any fiscal year shall not use any other funds under the programs included in the consolidation for administration for that fiscal year.

"(d) USES OF ADMINISTRATIVE FUNDS.—A local educational agency that consolidates administrative funds under this section may use these consolidated funds for the administration of covered programs and for the purposes described in section 9201(b)(2).

"(e) RECORDS.—A local educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual covered program, to account for costs relating to the administration of covered programs included in the consolidation.

### "SEC. 9204. ADMINISTRATIVE FUNDS STUDY.

"(a) STUDY.—(1) The Secretary shall conduct a study of the use of funds under this Act for the administration, by State and local educational agencies, of covered programs, including the percentage of grant funds used for such purpose in covered programs.

"(2) Based on the results of such study, the Secretary shall develop a definition of what types of activities constitute the administration of programs under this Act by State and local educational agencies.

"(3) Based on the results of such study, the Secretary may publish regulations or guidelines regarding the use of funds for administration under those programs, including the use of such funds on a consolidated basis and limitations on the amount of such funds that may be used for administration where such limitation is not otherwise specified in law.

"(b) REPORT.—The Secretary shall submit to the President and the appropriate committees of the Congress a report regarding the study conducted under this section within 30 days of its completion.

### "SEC. 9205. CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS.

"(a) GENERAL AUTHORITY.—(1) The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under part A of title VI of this Act, and the education for homeless children and youth program under subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs.

"(2)(A) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those funds under terms that the Secretary determines best meet the purposes of those programs.

"(B) The agreement shall—

"(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred, the steps to be taken to achieve the National Education Goals, and performance measures to assess program effectiveness, including measurable goals and objectives; and

"(ii) be developed in consultation with Indian tribes.

"(b) ADMINISTRATION.—The Department of the Interior may use up to 1.5 percent of the funds consolidated under this section for its costs related to the administration of the funds transferred under this section.

### "SEC. 9206. AVAILABILITY OF UNNEEDED PROGRAM FUNDS.

"(a) UNNEEDED PROGRAM FUNDS.—With the approval of its State educational agency, a local educational agency that determines for any fiscal year that funds under a covered program other than part A of title I of this Act are not needed for the purpose of that covered program may use such funds, not to exceed five percent of the total amount of its funds under that covered program, for the purpose of another covered program.

"(b) COORDINATION OF SERVICES.—A local educational agency, individual school, or consortium of schools may use a total of up to 5 percent of the funds it receives under this Act for the establishment and implementation of a coordinated services project consistent with the requirements of Title X of this Act.".

## "PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL APPLICATIONS

### "SEC. 9301. PURPOSE.

"It is the purpose of this part to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery under this Act and enhanced integration of programs under this Act with educational activities carried out with State and local funds.

### "SEC. 9302. OPTIONAL CONSOLIDATED STATE APPLICATION.

"(a) GENERAL AUTHORITY.—(1) In order to simplify application requirements and reduce burden for State educational agencies under this Act, the Secretary shall, in accordance with subsection (b), establish procedures and criteria under which a State educational agency may submit a consolidated State application meeting the requirements of this section for each of the covered programs in which the State participates.

"(2) A State educational agency may also include in its consolidated application—

"(A) the Even Start program under part B of title I of this Act;

"(B) the education of neglected and delinquent youth program under part D of title I of this Act;

"(C) part A of title II of the Carl D. Perkins Vocational and Applied Technology Education Act;

"(D) Goals 2000: Educate America Act;

"(E) School-to-Work Opportunities Act; and

"(F) such other programs as the Secretary may designate.

"(3) A State educational agency that submits a consolidated State application under this section shall not be required to submit separate State plans or applications under any of the programs to which its consolidated application under this section applies.

"(b) COLLABORATION.—(1) In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

"(2) Through the collaboration process described in subsection (b), the Secretary shall establish, for each program under the Act to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State application.

"(3) The Secretary shall require only descriptions, information, assurances, and other materials that are absolutely necessary for the consideration of the State application.

### "SEC. 9303. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.

"(a) ASSURANCES.—A State educational agency that submits a State plan or application under this Act, whether separately or under section 9302, shall have on file with the Secretary a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, in a nonprofit private agency, institution, or organization, or in an Indian tribe if the statute authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

"(3) the State will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations and other recipients responsible for carrying out each program;

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

"(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of such programs;

"(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

"(5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

"(6) the State will—

"(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and

"(B) maintain such records, provide such information to the Secretary, and afford access to the records as the Secretary may find necessary to carry out the Secretary's duties; and

"(7) before the application was submitted to the Secretary, the State has afforded a reasonable opportunity for public comment on the application and has considered such comment.

"(b) GEPA PROVISION.—Section 440 of the General Education Provisions Act does not apply to programs under this Act.

### "SEC. 9304. CONSOLIDATED LOCAL APPLICATIONS.

"(a) GENERAL AUTHORITY.—A local educational agency receiving funds under more than one covered program may submit applications to the State educational agency under such programs on a consolidated basis.

"(b) REQUIRED CONSOLIDATED APPLICATIONS.—A State educational agency that has submitted and had approved a consolidated State application under section 9302 may require local educational agencies in the State receiving funds under more than one program included in the consolidated State application to submit consolidated local applications under such programs.

"(c) COLLABORATION.—A State educational agency shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated applications under this section.

"(d) The State educational agency shall require only descriptions, information, assurances, and other material that are absolutely necessary for the consideration of the application of the local educational agency.

### "SEC. 9305. OTHER GENERAL ASSURANCES.

"(a) ASSURANCES.—Any applicant other than a State educational agency that submits an application under this Act, whether separately or pursuant to section 9304, shall have on file with the State educational agency a single set of assurances, applicable to each program for which an application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the statute authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

"(3) the applicant will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

"(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency or the Secretary or other Federal officials;

"(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to such applicant under each such program;

"(6) the applicant will—

"(A) make reports to the State educational agency and the Secretary as may be necessary to enable such agency and the Secretary to perform their duties under each such program; and

"(B) maintain such records, provide such information, and afford access to the records as the State educational agency or the Secretary may find necessary to carry out the State educational agency's or the Secretary's duties; and

"(7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and has considered such comment.

"(b) GEPA PROVISION.—Section 442 of the General Education Provisions Act does not apply to programs under this Act.

## "PART D—WAIVERS

### "SEC. 9401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

"(a) Except as provided in subsection (c), the Secretary may waive any requirement of this Act or of the General Education Provisions Act, or of the regulations issued under such Acts, for a State educational agency, Indian tribe, or other agency, organization, or institution that receives funds under a program authorized by this Act from the Department and that requests such a waiver the Secretary determines that such requirement impedes the ability of the State educational agency or other recipient to achieve more effectively the purposes of this Act.

### "SEC. 9402. APPLICATIONS.

"(a) GENERAL REQUIREMENTS.—A school, local educational agency, or State that desires to receive a waiver under this Act shall—

"(1) indicate which Federal requirements are to be waived and how waiving such requirements will improve educational achievement among all students;

"(2) describe educational programs and goals being proposed and how such programs will meet the needs of all students;

"(3) identify the Federal programs to be included in the project;

"(4) indicate which State and local requirements to be waived;

"(5) describe specific, measurable educational improvement goals and expected outcomes for all affected students;

"(6) describe methods to be used to measure progress toward meeting such goals;

"(7) describe how programs will continue to focus on the same populations served by programs for which waivers are requested;

"(8) describe how students not now eligible for programs for which waivers are granted can be served without weakening the program benefits for eligible populations; and

"(9) describe the student population at proposed schools, including—

"(A) current data regarding the achievement levels of students, particularly disadvantaged students;

"(B) the number of students who—

"(i) are of limited English proficiency, as defined in section 7003(a)(1) of the Bilingual Education Act;

"(ii) are children with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act;

"(iii) are currently or were, within the past 5 years, migratory;

"(iv) are educationally disadvantaged for the purposes of title I of the Elementary and Secondary Education Act of 1965; and

"(v) are eligible for a free or reduced-price lunch.

"(b) ADDITIONAL REQUIREMENTS.—The Secretary of Education may include additional requirements as may reasonably be required.

"(c) INDIVIDUAL SCHOOL APPLICATIONS.—A local school that desires to receive a waiver under this Act shall submit an application to the local educational agency, which, after review, shall submit such application to the State educational agency.

"(d) LOCAL APPLICATIONS.—(1) A local educational agency that desires to receive a waiver under this Act shall submit an application to the State educational agency for review.

"(2) A State educational agency that approves an application submitted by a local educational agency shall forward such application to the Secretary of Education for consideration.

"(3) If an application requests a waiver for a program other than an education program, the State educational agency shall submit such application to the chief executive of the State for review before forwarding such application to the Secretary of Education.

"(e) STATE APPLICATIONS.—(1) A State educational agency that desires to receive a waiver under this Act shall—

"(1) submit an application to the Secretary of Education for consideration; and

"(2) provide all interested local education agencies in the State with notice and an opportunity to comment on the proposal.

"(f) WAIVERS NOT AUTHORIZED.—The Secretary may not waive, under this section, any statutory or regulatory requirement relating to—

"(1) comparability of services;

"(2) maintenance of effort;

"(3) the equitable participation of students attending private schools;

"(4) parental participation and involvement;

"(5) the distribution of funds to States or to local educational agencies or other recipients of funds under this Act;

"(6) maintenance of records;

"(7) applicable civil rights requirements; or

"(8) the requirements of sections 444 and 445 of the General Education Provisions Act.

### "SEC. 9403. EVALUATIONS AND TECHNICAL ASSISTANCE.

"(a) WAIVERS.—Three years after a waiver is provided to a school or local educational agency, the Secretary of Education shall evaluate the effectiveness of such waiver, based on reports and evaluations conducted by the State educational agency, in meeting the goals outlined in their application, in achieving educational reform, in raising student achievement for all students, including students with disabilities, students who are disadvantaged, and students who are limited English proficient, and in meeting the National Education Goals.

"(b) TECHNICAL ASSISTANCE.—If the Secretary determines that progress in achieving education reform is not satisfactory, the Secretary may provide technical assistance to a school or local educational agency.

"(c) TERMINATION.—If the Secretary determines that the technical assistance does not improve education reform efforts, the Secretary may immediately terminate any waivers previously granted.

"(d) NATIONAL EVALUATION.—Three years after the flexibility program is implemented and at the end of every succeeding 3-year period, the Secretary shall evaluate the effectiveness of the flexibility program nationwide. The findings of such evaluation shall be submitted to the Congress not later than 120 days after such evaluation is completed.

### "SEC. 9404. REPORTS.

"(a) LOCAL REPORTS.—A local educational agency or school that participates in a flexibility project under this Act shall submit an annual report to the State educational agency that—

"(1) describes project activities;

"(2) evaluates the progress in achieving the goals stated in the application; and

"(3) evaluates the effectiveness of coordinating services for students and their families.

"(b) STATE REPORTS.—(1) A State that participates in a flexibility project under this Act shall submit an annual report to the Secretary of Education which evaluates the progress in achieving goals stated in the application.

"(2) The State Educational Agency, upon receipt of reports of local educational agencies or schools participating in a flexibility project, shall review such documents and evaluate the progress of such programs in elevating academic achievement for all students, accomplishing education reform and meeting the National Education Goals. Such reports and evaluations shall be submitted to the Secretary of Education on an annual basis.

"(c) SECRETARY REPORTS.—The Secretary of Education shall submit to the Congress a biennial report, based on State reports, regarding the national progress of flexibility programs and the effect of such programs on improving educational achievement for all students and meeting the National Education Goals.

### "SEC. 9405. GENERAL PROVISION REGARDING NON-RECIPIENT NONPUBLIC SCHOOLS.

"Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal involvement with or control over any aspect of any private, religious, or home school that does not receive funds under the Act.

### "TITLE X—COORDINATED SERVICES PROJECTS

### "SEC. 10001. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress makes the following findings:

"(1) Growing numbers of children are negatively affected by influences outside of the classroom which increase their risk of academic failure.

"(2) Factors such as poor nutrition, unsafe living conditions, physical and sexual abuse, family and gang violence, inadequate health care, unemployment, lack of child care and substance abuse adversely affect family relationships and the ability of a child to learn.

"(3) Parents and other caregivers in today's high pressure society often face demands which place restraints on their time and affect their ability to adequately provide for the needs of their families.

"(4) Access to health and social service programs can address the basic physical and emotional needs of children so that they can fully participate in the learning experiences offered them in school.

"(5) Services for at-risk students need to be more convenient, less fragmented, regulated and duplicative in order to meet the needs of children and their families.

"(6) School personnel, parents, and support service providers often lack knowledge of, and access to, available services for at-risk students and their families in the community, and have few resources to coordinate services and make them accessible.

"(7) Service providers, such as teachers, social workers, health care and child care providers, juvenile justice workers and others, are often trained in separate disciplines that provide little support for the coordination of services.

"(8) Coordination of services is more cost effective because it substitutes prevention for expensive crisis intervention.

"(9) Coordinating health and social services with education can help the Nation meet the National Education Goals by ensuring better outcomes for children.

"(b) PURPOSE OF COORDINATING SERVICES.—The purpose of this section is to provide elementary and secondary school students and their families better access to the social, health and education services necessary for students to succeed in school and for their families to take an active role in ensuring that children receive the best possible education.

### "SEC. 10002. DEFINITIONS.

"(a) The term 'coordinated services project' refers to a comprehensive approach to meeting the educational, health, social service, and other needs of children and their families, including foster children and their foster families, through a communitywide partnership that links public and private agencies providing such services or access to such services through a coordination site at or near a school.

"(b) An 'eligible entity' is a local educational agency, individual school, or consortium of schools.

### "SEC. 10003. PROJECT DEVELOPMENT AND IMPLEMENTATION.

"(a) PROJECT PLANS.—Eligible entities exercising their authority under section 9206(b) shall submit to the Secretary an application for the development of a plan or a plan for the implementation of a coordinated services project.

"(b) PROJECT DEVELOPMENT.—The application for the development of the coordinated services project, which can last for up to one year, shall:

"(1) demonstrate that an assessment will be performed of the economic, social, and health barriers to educational achievement experienced by children and families, including foster children and their foster families, in the community, and the local, State, federal, and privately funded services available to meet such needs;

"(2) identify the measures that will be taken to establish a communitywide partnership that links public and private agencies providing services to children and families; and

"(3) identify any other measures that will be taken to develop a comprehensive plan for the implementation of a coordinated services project or projects.

"(c) PROJECT IMPLEMENTATION.—Eligible entities shall submit to the Secretary a plan for the implementation or expansion of a coordinated services project. Such plan shall include—

"(1) the results of a children and families needs assessment, which will include an assessment of the needs of foster children;

"(2) the membership of the coordinated services project partnership;

"(3) a description of the proposed coordinated services project, its objectives, where it will be located, and the staff that will be used to carry out the purposes of the project;

"(4) a description of how the success of the coordinated services project will be evaluated;

"(5) a description of the training to be provided to teachers and appropriate personnel; and

"(6) information regarding whether or not a sliding scale fee for services will be employed, and if not, an explanation of why such scale is not feasible.

**"SEC. 10004. USES OF FUNDS.**

"(a) Funds utilized under the authority of section 9206(b) may be used for activities under this title which include—

"(1) hiring a services coordinator;

"(2) making minor renovations to existing buildings;

"(3) purchasing basic operating equipment;

"(4) improving communications and information-sharing between members of the coordinated services project partnership;

"(5) providing training to teachers and appropriate personnel concerning their role in a coordinated services project; and

"(6) conducting the needs assessment required in section 10003(b)(1).

"(b) Projects operating under the authority of this title shall comply with the requirements of section 1121(b).

**"SEC. 10005. CONTINUING AUTHORITY.**

"The Secretary shall not approve the plan of any project which fails to demonstrate that it is achieving effective coordination after 2 years of implementation.

**"SEC. 10006. FEDERAL AGENCY COORDINATION.**

"(a) AGENCY COORDINATION.—The Secretaries of Education, Health and Human Services, Labor, Housing and Urban Development, Treasury, and Agriculture, and the Attorney General shall review the programs administered by their agencies to identify barriers to service coordination.

"(b) REPORT TO CONGRESS.—Such Secretaries and the Attorney General shall submit jointly a report to the Congress not later than 2 years after the date of the enactment of the Improving America's Schools Act, based on the review required under paragraph (a) recommending legislative and regulatory action to address such barriers, and during this time, shall use waiver authorities authorized under this and other Acts.

**"SEC. 10007. LIMITATION ON USE OF FUNDS FOR COORDINATION OF SERVICES.**

"None of the funds authorized under this Act which are used for projects which include the coordination of health and social services with education may be used to provide family planning or reproductive health services.".

## TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

### PART A—APPLICABILITY OF THE GENERAL EDUCATION PROVISIONS ACT

**SEC. 211. TITLE; APPLICABILITY; DEFINITIONS.**

Section 400 of the General Education Provisions Act (20 U.S.C. 1221 et seq.; referred to in this title as "the Act") is amended to read as follows:

"TITLE; APPLICABILITY; DEFINITIONS

"SEC. 400. (a) This title may be cited as the 'General Education Provisions Act'.

"(b)(1) Except as otherwise provided, this title applies to each applicable program of the Department of Education.

"(2) Except as otherwise provided, this title does not apply to any contract made by the Department of Education.

"(c) As used in this title, the following terms have the following meanings:

"(1) The term 'applicable program' means any program for which the Secretary or the Department has administrative responsibility as provided by law or by delegation of authority pursuant to law. The term includes each program for which the Secretary or the Department has administrative responsibility under the Department of Education Organization Act or under statutes effective after the effective date of that Act.

"(2) The term 'applicable statute' means—

"(A) the Act or the title, part, section, or any other subdivision of an Act, as the case may be, that authorizes the appropriation for an applicable program;

"(B) this title; and

"(C) any other statute that by its terms expressly controls the administration of an applicable program.

"(3) The term 'Department' means the Department of Education.

"(4) The term 'Secretary' means the Secretary of Education.

"(d) Nothing in this title shall be construed to affect the applicability of title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program.".

**SEC. 212. REPEAL AND REDESIGNATION.**

(a) The following provisions of the Act are repealed:

(1) Sections 400A, 401, 402, 405, 406, 406A, 406B, 406C, 407, 413, 416, 419, 421, 423, 424, 426A, and 429; and

(2) part D.

(b) Sections 403, 408, 409, 411, 412, 414, 415, 417, 420, 421A, 422, 425, 426, 427, 428, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, and 440 are redesignated as 401, 410, 411, 420, 421, 422, 423, 425, 426, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, and 446 respectively.

(c) Part E is redesignated as Part D.

### PART B—THE DEPARTMENT OF EDUCATION

**SEC. 221. NEW HEADING FOR PART A.**

The heading for Part A of the Act is amended to read as follows:

"PART A—FUNCTIONS OF THE DEPARTMENT OF EDUCATION".

**SEC. 222. OFFICE OF NON-PUBLIC EDUCATION.**

Section 401 of the Act (as redesignated) is amended by—

(1) striking the heading of such section and inserting the following new heading:

"OFFICE OF NON-PUBLIC EDUCATION".

(2) striking subsections (a), (b), and (c); and

(3) striking "(d)(1) There" and inserting "SEC. 401 (1) There".

**SEC. 223. GENERAL AUTHORITY OF THE SECRETARY.**

Section 410 of the Act (as redesignated) is amended to read as follows:

"GENERAL AUTHORITY OF THE SECRETARY

"SEC. 410. The Secretary, in order to carry out functions otherwise vested by law or by delegation of authority pursuant to law, and subject to limitations as may be otherwise imposed by law, is authorized to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operation of, and governing the applicable programs administered by, the Department.".

**SEC. 224. COORDINATION.**

The Act is amended by inserting the following new section 412:

"COORDINATION

"SEC. 412. The Advisory Council on Education Statistics, the National Education Goals Panel, the National Education Statistics and Improvement Council, and any other Board established to analyze, address, or approve standards and assessments shall coordinate and interact with one another in order to ensure that each entity does not duplicate activities to assist States in their efforts to reform their educational systems.".

### PART C—APPROPRIATIONS AND EVALUATIONS

**SEC. 230. FORWARD FUNDING.**

Section 420 of the Act (as redesignated) is amended to read as follows:

"FORWARD FUNDING

"SEC. 420. (a) To the end of affording the responsible State, local, and Federal officers adequate notice of available Federal financial assistance for carrying out ongoing education activities and projects, appropriations for grants, contracts, or other payments under any applicable program are authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year during which such activities and projects shall be carried out.

"(b) In order to effect a transition to the timing of appropriation action authorized by subsection (a), the application of this section may result in the enactment, in a fiscal year, of separate appropriations for an applicable program (whether in the same appropriations Act or otherwise) for 2 consecutive fiscal years.".

**SEC. 231. AVAILABILITY OF APPROPRIATIONS.**

(a) The heading for section 421 of the Act (as redesignated) is amended to read as follows: "AVAILABILITY OF APPROPRIATIONS ON ACADEMIC OR SCHOOL-YEAR BASIS; ADDITIONAL PERIOD FOR EXPENDITURE OF FUNDS".

(b) Section 421 of the Act (as redesignated) is further amended—

(1) in subsection (b) by striking "(b) Notwithstanding" and inserting "(b)(1) Notwithstanding"; and

(2) in subsection (c) by striking "section 3679(d)(2) of the Revised Statutes" and inserting "section 1341(a) of title 31 of the United States Code".

**SEC. 232. CONTINGENT EXTENSION OF PROGRAMS.**

Section 422 of the Act (as redesignated) of the Act is amended to read as follows:

"CONTINGENT EXTENSION OF PROGRAMS

"SEC. 422. (a) The authorization of appropriations for, or duration of, an applicable program shall be automatically extended for one additional fiscal year unless Congress, in the regular session that ends prior to the beginning of the terminal fiscal year of such authorization or duration, has passed legislation that becomes law and extends or repeals the authorization or duration of such program.

"(b) The amount authorized to be appropriated for the period of automatic extension of an applicable program under subsection (a) shall be the amount that was authorized to be appropriated for that program during its terminal fiscal year.

"(c) During the period of automatic extension of an applicable program under subsection (a), the Secretary shall administer such program, including the performance of all required acts and determinations, in the same manner required in the termination fiscal year by the applicable statute.

"(d) This section shall not apply to the authorization of appropriations for a commission, council or committee which is required by an applicable statute to terminate on a date certain.".

### SEC. 233. STATE REPORTS.

Subpart 2 of part B of the Act is amended by inserting the following new section 424 at the beginning of such subpart.

"RESPONSIBILITY OF STATES TO FURNISH INFORMATION

"SEC. 424. (a) Each State educational agency shall submit to the Secretary a report on or before March 15 of every second year. Each such report shall include—

"(1) information with respect to the uses of Federal funds in such State in the 2 preceding fiscal years under any applicable program under the jurisdiction of the State educational agency; and

"(2) information with respect to the uses of Federal funds in such State in the 2 preceding fiscal years under any Federal program administered by the State that provided grants or contracts to a local educational agency in the State.

"(b) Each report submitted as required by subsection (a) shall—

"(1) list, with respect to each program for which information is provided, all grants made to and contracts entered into with local educational agencies and other public and private agencies and institutions within the State during each fiscal year concerned;

"(2) analyze the information included in the report by local educational agency and by program;

"(3) include the total amount of funds available to the State under each such program for each fiscal year concerned; and

"(4) be made readily available by the State to local educational agencies and institutions within the State and to the public.

"(c) If the Secretary does not receive a report by the date required under subsection (a), or receives an incomplete report, the Secretary, not later than 30 days after such report is required to be submitted, shall take all reasonable measures to obtain the delinquent or incomplete information from the State educational agency.

"(d) When the Secretary receives a report required under subsection (a), the Secretary shall provide such information to the National Center for Education Statistics, and shall make such information available, at a reasonable cost, to any individual who requests it.

"(e) The Secretary shall consult with the Speaker and Minority Leader of the House of Representatives and the Majority and Minority Leaders of the Senate regarding the costs and feasibility of making the information described in subsection (a) available as part of a telecommunications network that is readily accessible to every member of Congress and other interested parties.

"(f) On or before August 15th of each year in which reports are submitted under subsection (a), the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate. Such report shall include—

"(1) an analysis of the content and data quality of such reports;

"(2) a compilation of statistical data derived from such reports; and

"(3) information obtained by the Secretary with respect to—

"(A) direct grants made to local educational agencies by the Federal Government; and

"(B) contracts entered into between such agencies and the Federal Government.".

### SEC. 234. BIENNIAL EVALUATION REPORT.

Section 425 of the Act (as redesignated) is amended to read as follows:

"BIENNIAL EVALUATION REPORT

"SEC. 425. Not later than March 31 of each second year beginning with 1995, the Secretary shall transmit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate an evaluation report on the effectiveness of applicable programs during the two preceding fiscal years in achieving their legislated purposes. Such report shall—

"(1) contain program profiles that include legislative citations, multi-year funding histories, and legislated purposes;

"(2) contain recent evaluation information on the progress being made toward the achievement of program objectives, including listings of program performance indicators, data from performance measurement based on the indicators, evaluation information on the costs and benefits of the applicable programs being evaluated.

"(3) contain selected significant program activities, such as initiatives for program improvement, regulations, and program monitoring and evaluation;

"(4) list the principal analyses and studies supporting the major conclusions in such report; and

"(5) be prepared in concise summary form with necessary detailed data and appendices, including available data to indicate the effectiveness of the programs and projects by the race, sex, disability and age of their beneficiaries.".

### SEC. 235. TECHNICAL AMENDMENT.

(a) Section 423 of the Act (as redesignated) is amended by striking "Commissioner" and inserting "Secretary".

(b) Section 426 of the Act (as redesignated) is amended by—

(1) striking "title I of" and all that follows through "Congress)" and inserting "title VIII of the Elementary and Secondary Education Act of 1965"; and

(2) striking "subparagraph (C) of section 3(d)(2) or section 403(1)(C)" and inserting in lieu thereof "sections 8003(c) or residing on property described in section 8012(4)(B)(ii)".

### SEC. 236. COORDINATION.

The National Assessment Governing Board, the Advisory Council on Statistics, the National Education Goals Panel, the National Education Statistics and Improvement Council, and any other Board established to analyze, address, or approve standards and assessments shall coordinate and interact with one another in order to ensure that each entity does not duplicate activities to assist States in their efforts to reform their educational systems.

## PART D—ADMINISTRATION OF EDUCATION PROGRAMS

### SEC. 241. RACE-NORMING.

The Act is amended by inserting after section 426 (as redesignated) the following new section:

"PROHIBITION AGAINST DISCRIMINATORY USE OF TEST SCORES

"SEC. 426A. No funds appropriated for the purpose of carrying out any applicable program may be used to adjust the scores of, use different scores for, or otherwise alter the results of educational tests on the basis of race, color, religion, sex, or national origin.".

### SEC. 242. JOINT FUNDING OF PROGRAMS.

Section 430 of the Act (as redesignated) is amended to read as follows:

"JOINT FUNDING OF PROGRAMS

"SEC. 430. (a)(1) The Secretary is authorized to enter into arrangements with other Federal agencies to jointly carry out projects of common interest, to transfer to such agencies funds appropriated under any applicable program, and to receive and use funds from such agencies, for projects of common interest.

"(2) Funds so transferred or received shall be used only in accordance with the statutes authorizing the appropriation of such funds, and shall be made available by contract or grant only to recipients eligible to receive such funds under such statutes.

"(3) If the Secretary enters into an agreement under this subsection for the administration of a project, the agency administering the project shall use its procedures to award contracts or grants and to administer such awards, unless the parties to the agreement specify the use of procedures of another agency that is a party to the agreement.

"(4) If the Secretary has entered into an agreement authorized under subsection (a) of this section and the Secretary and the heads of the other agencies participating in the agreement determine that joint funding is necessary to address a special need consistent with the purposes and authorized activities of each program that provides funding, the Secretary and the heads of the other participating agencies may develop a single set of criteria for jointly funded projects and require each applicant for those projects to submit a single application for review by the participating agencies.

"(b) The Secretary may develop the criteria for, and require the submission of, joint applications under two or more applicable programs under which awards are made on a competitive basis, and may jointly review and approve such applications separately from other applications under such programs, when the Secretary determines that such joint awards are necessary to address a special need consistent with the purposes and authorized activities of each such program. An applicant for such a joint award must meet the eligibility requirements of each such program.

"(c) The Secretary may not construe the provisions of this section to take precedence over a limitation on joint funding contained in an applicable statute.

"(d)(1) The Secretary shall provide notice to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate of each joint funding agreement made with other Federal agencies not later than 60 days following the making of such agreements.

"(2) Such notice shall include—

"(A) a description of the purpose and objectives of the joint funding arrangement;

"(B) the amounts and sources, by program, of the funds dedicated to such arrangement; and

"(C) the criteria developed to govern the award of contracts and grants.".

### SEC. 243. COLLECTION AND DISSEMINATION OF INFORMATION.

Section 431 of the Act (as redesignated) is amended by—

(1) striking "(a) The Commissioner" and inserting "The Secretary";

(2) inserting "and" at the end of paragraph (2);

(3) striking "; and" at the end of paragraph (3) and inserting "."; and

(4) striking paragraph (4) and subsections (b) and (c).

**SEC. 244. REVIEW OF APPLICATIONS.**

(a) Section 432 of the Act (as redesignated) is amended—

(1) in subsection (a)—

(A) by striking "Commissioner" and inserting "Secretary";

(B) by striking "and in the case of the program provided for in title I of the Elementary and Secondary Education Act of 1965,";

(C) in the third sentence thereof, by inserting a comma after "the hearing"; and

(D) in the fourth sentence thereof—

(i) by striking the comma after "guidelines"; and

(ii) by inserting a comma after "program";

(2) in subsection (b), by striking "Commissioner" each place it appears and inserting "Secretary"; and

(3) in subsection (d), by striking "Commissioner" each time it appears and inserting "Secretary" and by inserting before the period "or issue such other orders as the Secretary may deem appropriate to achieve such compliance".

(b) All statistics and other data collection and analysis reported under this section shall, whenever feasible, be collected cross-tabulated, analyzed, and reported by sex within race or ethnicity and socioeconomic status. In the event that the Secretary determines that such statistics or data collection and analysis reveals no significant differences among such categories, the Secretary shall include in the relevant report incorporating such statistics or data an explanation of such determination.

**SEC. 245. TECHNICAL AMENDMENT.**

Section 434 of the Act (as redesignated) is amended in the first sentence by striking "the Commissioner" and "he" and inserting "the Secretary" in lieu of each.

**SEC. 246. USE OF FUNDS WITHHELD.**

Section 435 of the Act (as redesignated) is amended to read as follows:

"USE OF FUNDS WITHHELD

"SEC. 435. (a) At any time that the Secretary makes an allotment or reallotment to any State under any applicable program, the Secretary shall reduce such allotment or reallotment by such amount as the Secretary determines such allotment or reallotment would have been reduced, had the data on which the allotment or reallotment is based excluded all data relating to local educational agencies of the State that, on the date of the Secretary's action, are ineligible to receive the Federal financial assistance involved because of failure to comply with title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, or the Age Discrimination Act of 1975.

"(b) The Secretary may use any funds withheld under subsection (a)—

"(1) to increase the allotments of other local educational agencies within the State, or the allotments of all States, in accordance with the statutes governing the program; or

"(2) for grants to local educational agencies of that State in accordance with section 405 of the Civil Rights Act of 1964, or for any other program administered by the Department that is designed to enhance equity in education or redress discrimination on the basis of race, color, national origin, sex, age, or disability.".

**SEC. 247. APPLICATIONS.**

Section 436 of the Act (as redesignated) is amended by striking "for three fiscal years" and inserting "for more than one fiscal year".

**SEC. 248. REGULATIONS.**

Section 437 of the Act (as redesignated) is amended—

(1) in the heading by striking ": REQUIREMENTS AND ENFORCEMENT";

(2) in subsection (a) by—

(A) striking, in paragraph (1), "Commissioner" and inserting "Secretary"; and

(B) striking, in paragraph (2), "Department of Health, Education, and Welfare or the Office of Education, or by an official of such agencies" and inserting "Secretary";

(3) in subsection (b) by—

(A) striking "Commissioner" each place it appears and inserting "Secretary"; and

(B) striking the last sentence of paragraph (2)(B);

(4) in subsection (d) by—

(A) striking, in paragraph (1)—

(i) in the second sentence, "transmission unless the Congress shall, by concurrent resolution, find that the final regulation is inconsistent with the Act from which it derives its authority, and disapprove such final regulation, in whole or in part" and insert "transmission";

(ii) the last sentence; and

(iii) "(1)";

(B) striking paragraph (2);

(5) by striking subsections (e) and (f); and

(6) in subsection (g), by striking "Commissioner" each place it appears and inserting "Secretary".

**SEC. 249. RECORDS; REDUCTION IN RETENTION REQUIREMENTS.**

Section 443 of the Act (as redesignated) is amended—

(1) in subsection (a)—

(A) by striking out "grant, subgrant, contract, subcontract, loan, or other arrangement (other than procurement contracts awarded by an administrative head of an educational agency)" and inserting in lieu thereof "grant, subgrant, cooperative agreement, loan or other agreement";

(B) by inserting "financial or programmatic" immediately before "audit."; and

(C) by striking "five" in the last sentence and inserting "three"; and

(2) in subsection (b), by striking out "to any records of a recipient which may be related, or pertinent to, the grants, subgrants, contracts, subcontracts, loans, or other arrangements" and inserting in lieu thereof "to any records currently maintained by a recipient that may be related, or pertinent to, grants, subgrants, cooperative agreements, loans, or other arrangements".

**SEC. 250. RELEASE OF RECORDS.**

Section 444(b)(1)(E) of the Act (as redesignated) is amended to read as follows:

"(E) State and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to State statute adopted—

"(i) before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve the student whose records are released, or

"(ii) after November 19, 1974, if—

"(I) the allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve the student whose records are released, and

"(II) the officials and authorities to whom such information is disclosed certify in writing to the educational agency or institution that the information will not be disclosed to any other party except as provided under State law without the prior written consent of the parent.".

**SEC. 251. PROTECTION OF PUPIL RIGHTS.**

Section 445 of the Act (as redesignated) is amended to read as follows:

"PROTECTION OF PUPIL RIGHTS

"SEC. 445. (a) All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspection by the parents or guardians of the children.

"(b) No student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation that reveals information concerning—

"(1) political affiliations;

"(2) mental and psychological problems potentially embarrassing to the student or his family;

"(3) sex behavior and attitudes;

"(4) illegal, antisocial, self-incriminating, and demeaning behavior;

"(5) critical appraisals of other individuals with whom respondents have close family relationships;

"(6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or

"(7) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program),

without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

"(c) Educational agencies and institutions shall give parents and students effective notice of their rights under this section.

"(d) The Secretary shall take such action as the Secretary determines appropriate to enforce this section, except that action to terminate assistance provided under an applicable program shall be taken only if the Secretary determines that—

"(1) there has been a failure to comply with such section; and

"(2) compliance with such section cannot be secured by voluntary means.

"(e) The Secretary shall establish or designate an office and review board within the Department of Education to investigate, process, review, and adjudicate violations of the rights established under this section.".

**SEC. 252. ENFORCEMENT.**

(a) Section 452 of the Act is amended—

(1) in the first sentence of paragraph (2) of subsection (a), by striking "stating" and all that follows through the end of such sentence and inserting "establishing a prima facia case for the recovery of funds, including an analysis reflecting the value of the program services actually obtained in a determination of harm to the federal interest.";

(2) in the first sentence of paragraph (1) of subsection (b), by striking "30" and inserting "60"; and

(3) in subsection (d) by—

(A) striking "(d) Upon" and inserting "(d)(1) Upon";

(B) adding a new paragraph (2) as follows:

"(2) During the conduct of such review, there shall not be any ex parte contact between the Secretary and individuals representing the Department or the recipient.".

(b) Section 459 of the Act is amended—

(1) in paragraph (1) of subsection (a) by striking ", and that the recipient is in all other respects in compliance with the requirements of that program"; and

(2) subsection (c) is amended to read as follows:

"(c) Notwithstanding any other provisions of law, the funds made available under this section shall remain available for expenditure for a period of time deemed reasonable by the Secretary, but in no case to exceed more than 3 fiscal years following the later of—

"(1) the fiscal year in which final agency action under section 452(e) is taken; or

"(2) if such recipient files a petition for judicial review, the fiscal year in which final judical action under section 458 is taken.".

**SEC. 253. TECHNICAL AMENDMENTS.**

(a) The heading for Part C of the Act is amended by striking "COMMISSIONER OF EDUCATION" and inserting "SECRETARY".

(b) Section 434 of the Act (as redesignated) is amended in the second sentence thereof, by inserting "is made" after "such determination".

(c) Section 436 of the Act (as redesignated) is amended by striking "Commissioner" each place it appears and inserting "Secretary".

(d)(1) The heading of section 440 of the Act (as redesignated) is amended by striking "EDUCATIONAL".

(2) Section 440 of the Act (as redesignated) is amended—

(A) by striking "Commissioner" each place it appears and inserting "Secretary"; and

(B) by inserting "(c)" before the last sentence and by deleting "paragraph (3)" in such sentence and inserting "subsection (b)(3)".

(e) Section 441 of the Act (as redesignated) is amended—

(1) by striking "Commissioner" each place it appears and inserting "Secretary"; and

(2) in subsection (a)—

(A) by striking the comma after "submits a plan"; and

(B) by striking "(subject, in the case of programs under chapter 1 and chapter 2 of title I of the Elementary and Secondary Education Act of 1965, to the provisions of title V of such Act)".

(f) Section 442 of the Act (as redesignated) is amended—

(1) in subsection (a), by striking "that local education agency" and inserting "that local educational agency"; and

(2) in subsection (b)—

(A) in paragraph (2), by inserting a comma after "program";

(B) in paragraph (4), by striking "Commissioner" each place it appears and inserting "Secretary"; and

(C) in paragraph (7), by striking "handicapped individuals" and inserting "individuals with disabilities".

(g) Section 444 of the Act (as redesignated) is amended—

(1) in subsection (a)(4)(B)(ii), by striking the period at the end thereof and inserting a semicolon;

(2) in subsection (b)—

(A) in paragraph (1)(C), by striking "(iii) an administrative head of an education agency (as defined in section 408(c)), or (iv)" and inserting "or (iii)";

(B) in paragraph (1)(H), by striking "1954" and inserting "1986"; and

(C) in paragraph (3)—

(i) by striking "(C) an administrative head of an education agency or (D)" and inserting "or (C)"; and

(ii) by striking "education program" and inserting "education programs";

(3) in subsection (d), by inserting a comma after "education";

(4) in subsection (f)—

(A) by striking "The Secretary, or an administrative head of an education agency," and inserting "The Secretary";

(B) by striking "provisions of" after "enforce";

(C) by striking "according to the provisions of" and inserting "in accordance with"; and

(D) by striking "the provisions of" after "with"; and

(5) in subsection (g)—

(A) by striking "Health, Education, and Welfare" and inserting "Education"; and

(B) by striking "the provisions of".

**SEC. 254. EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES.**

The Act is further amended by inserting after section 426 (as redesignated) a new section 427 to read as follows:

"EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES

"SEC. 427. (a) The purpose of this section is to assist the Department in implementing its mission to ensure equal access to education and to promote educational excellence throughout the Nation, by ensuring equal opportunities to participate for all eligible students, teachers, and other program beneficiaries in any project or activity carried out under an applicable program and promoting their ability to meet high standards.

"(b) The Secretary shall require each applicant for assistance under an applicable program (other than an individual) to develop and describe in its application the steps it proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with such assistance, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age.

"(c) The Secretary may establish criteria and provide technical assistance for meeting the requirements of this section.

"(d) Nothing in this section is intended to alter in any way the rights or responsibilities established under the statutes cited in section 400(d) of this Act.".

## PART E—RELATED AMENDMENTS TO OTHER ACTS

**SEC. 261. DEPARTMENT OF EDUCATION ORGANIZATION ACT**

The Department of Education Organization Act is amended—

(1) by repealing sections 414 and 427;

(2) by redesignating sections 209, 210, 211, 212, 214, 215, 303, 304, 305, 306, 307, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, and 428 as sections 208, 209, 210, 211, 212, 213, 302, 303, 304, 305, 306, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, and 426;

(3) the table of contents is amended to read as follows:

"TABLE OF CONTENTS

"Sec. 1. Short title; table of contents.

"TITLE I—GENERAL PROVISIONS

"Sec. 101. Findings.
"Sec. 102. Purposes.
"Sec. 103. Federal-State Relationships.
"Sec. 104. Definitions.

"TITLE II—ESTABLISHMENT OF THE DEPARTMENT

"Sec. 201. Establishment.
"Sec. 202. Principal officers.
"Sec. 203. Office for Civil Rights.
"Sec. 204. Office of Elementary and Secondary Education.
"Sec. 205. Office of Postsecondary Education.
"Sec. 206. Office of Vocational and Adult Education.
"Sec. 207. Office of Special Education and Rehabilitative Services.
"Sec. 208. Office of Educational Research and Improvement.
"Sec. 209. Office of Bilingual Education and Minority Languages Affairs.
"Sec. 210. Office of General Counsel.
"Sec. 211. Office of Inspector General.
"Sec. 212. Office of Correctional Education.
"Sec. 213. Federal Interagency Committee on Education.

"TITLE III—TRANSFERS OF AGENCIES AND FUNCTIONS

"Sec. 301. Transfers from the Department of Health, Education, and Welfare.
"Sec. 302. Transfers from the Department of Labor.
"Sec. 303. Transfers of programs from the National Science Foundation.
"Sec. 304. Transfers from the Department of Justice.
"Sec. 305. Transfers from the Department of Housing and Urban Development.
"Sec. 306. Effect of transfers.

"TITLE IV—ADMINISTRATIVE PROVISIONS

"PART A—PERSONNEL PROVISIONS

"Sec. 401. Officers and employees.
"Sec. 402. Experts and consultants.
"Sec. 403. Personnel reduction and annual limitations.

"PART B—GENERAL ADMINISTRATIVE PROVISIONS

"Sec. 411. General authority.
"Sec. 412. Delegation.
"Sec. 413. Reorganization.
"Sec. 414. Contracts.
"Sec. 415. Regional and field offices.
"Sec. 416. Acquisition and maintenance of property.
"Sec. 417. Facilities at remote locations.
"Sec. 418. Use of facilities.
"Sec. 419. Copyrights and patents.
"Sec. 420. Gifts and bequests.
"Sec. 421. Technical advice.
"Sec. 422. Working capital fund.
"Sec. 423. Funds transfer.
"Sec. 424. Seal of department.
"Sec. 425. Annual report.
"Sec. 426. Authorization of appropriations.

"TITLE V—TRANSITIONAL, SAVINGS, AND CONFORMING PROVISIONS

"Sec. 501. Transfer and allocation of appropriations and personnel.
"Sec. 502. Effect on personnel.
"Sec. 503. Agency terminations.
"Sec. 504. Incidental transfers.
"Sec. 505. Savings provisions.
"Sec. 506. Separability.
"Sec. 507. Reference.
"Sec. 508. Amendments.
"Sec. 509. Redesignation.
"Sec. 510. Coordination of programs affecting handicapped individuals.
"Sec. 511. Transition.

"TITLE VI—EFFECTIVE DATE AND INTERIM APPOINTMENTS

"Sec. 601. Effective date.
"Sec. 602. Interim appointments.".

(4) in section 202(b), by inserting after paragraph (2) the following:

"(3) There shall be in the Department, a Special Assistant for Gender Equity who shall be appointed by the Secretary. The Special Assistant shall promote, coordinate, and evaluate gender equity programs, including the dissemination of information, technical assistance, coordination of research activities, and the administration of grant programs. The Special Assistant shall report directly to the Secretary, and shall perform such additional functions as the Secretary shall prescribe.''.

## TITLE III—AMENDMENTS TO OTHER ACTS

## PART A—AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

### SEC. 311. ALLOCATIONS UNDER SECTION 611 OF THE IDEA.

(a) GRANT AMOUNTS.—Section 611(a) of the Individuals with Disabilities Education Act (referred to in this title as the ''IDEA'') is amended—

(1) by amending paragraph (1) to read as follows:

''(1) Except as provided in paragraph (5), the maximum amount of the grant for which a State is eligible under this section for any fiscal year is—

''(A) the sum of—

''(i) the number of children with disabilities in the State, aged six through 21, who are receiving special education and related services, as determined under paragraph (3); and

''(ii) the number of such children in the State, aged three through five, if the State is eligible for a grant under section 619; multiplied by

''(B) 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States.'';

(2) by amending paragraph (2) to read as follows:

''(2) For the purpose of this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.''; and

(3) in paragraph (5)(A)—

(A) in clause (i)—

(i) by striking ''and the State'' and inserting ''or the combined percentage of such children counted by the Secretary for the purpose of making fiscal year 199— allocations under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as in effect the day before the date of the enactment of the Improving America's Schools Act of 1994, whichever is greater, if the State''; and

(ii) by inserting ''and'' at the end therof;

(B) in clause (ii)—

(i) by striking ''and the State'' and inserting ''or the combined percentage of such children counted by the Secretary for the purpose of making fiscal year 1994 allocations under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as in effect the day before the date of the enactment of the Improving America's Schools Act of 1994, whichever is greater, if the State''; and

(ii) by striking out the semicolon and ''and'' at the end thereof and inserting in lieu thereof a period; and

(C) by striking out clause (iii).

(b) AMOUNT RECEIVED.—Section 611(b) of the IDEA is amended to read as follows:

''(b)(1) Notwithstanding subsections (a) and (g) of this section, no State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the combined amount it received for fiscal year 1994 under—

''(A) this section; and

''(B) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 as in effect the day before the date of the enactment of the Improving America's Schools Act of 1994, for children with disabilities aged three through 21.

''(2) If, for fiscal year 1998 or 1999, the number of children determined under subsection (a)(3) for any State is less than the total number of children with disabilities, aged three through 21, counted for such State's fiscal year 1994 grants under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as in effect the day before the date of the enactment of the Improving America's Schools Act of 1994, the amount determined under paragraph (1) for such State shall be reduced by the same percentage by which the number of such children so declined.

''(3) In any fiscal year in which the amount appropriated for grants under this section is less, in real dollar terms, than the amount appropriated in the immediate preceding fiscal year, the amount for each State under this subsection will be reduced proportionately.''.

(c) USES OF FUNDS.—Section 611(c) of the IDEA is amended—

(1) by amending paragraph (1) to read as follows:

''(1) Of the funds received under subsection (a) by any State for any fiscal year—

''(A) the State may use up to 25 percent in accordance with paragraph (2); and

''(B) except as provided in paragraph (4), the State shall distribute at least 75 percent to local educational agencies and intermediate educational units, in accordance with subsection (d), for use in accordance with priorities established under section 612(3).'';

(2) in paragraph (2), by amending subparagraph (A) to read as follows:

''(A) From the funds that any State may use under paragraph (1)(A) for any fiscal year, the State—

''(i) may use 5 percent of the funds received under this section or $450,000, whichever is greater, for administrative costs related to carrying out sections 612 and 613; and

''(ii) shall use the remainder—

''(I) to provide support services and direct services, subject to subparagraph (B), in accordance with priorities established under section 612(3); and

''(II) for the administrative costs of monitoring and complaint investigation, but only to the extent that such costs exceed the costs of administration incurred during fiscal year 1985.''.

(d) STATE FUNDS.—Section 611(d) of the IDEA is amended to read as follows:

''(d)(1) From the total amount of funds available for any fiscal year under subsection (c)(1)(B), the State shall provide to each local educational agency or intermediate educational unit an amount that bears the same ratio to such total amount as the number of children, aged 3 through 21, determined under subsection (a)(3) for such agency or unit bears to the total number of such children determined for all such agencies and units that apply for such funds.

''(2)(A) To the extent necessary, the State—

''(i) shall use funds available under subsection (c)(2)(A)(ii) to ensure that each State-owned or State-operated school or program or State-supported school or program that received fiscal year 1994 funds under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 receives, from the combination of such funds and funds provided under paragraph (1), an amount equal to—

''(I) the number of children, aged 6 through 21, determined under subsection (a)(3) for such agency; multiplied by

''(II) the per-child amount provided under such subpart for fiscal year 1994; and

''(ii) may use such funds to ensure that each local educational agency that received fiscal year 1994 funds under such subpart for children who had transferred from a State-owned, State-operated, or State-supported school or program assisted under such subpart receives, from the combination of such funds and funds provided under paragraph (1), an amount for each such child, aged 3 through 21, determined under subsection (a)(3) for such agency, equal to the per-child amount the agency received under such subpart for fiscal year 1994.

''(B) For the purpose of subparagraph (A), the number of children determined under subsection (a)(3) for any State agency or local educational agency shall not exceed the number of children aged 3 through 21 for whom such agency received funds under such subpart for such fiscal year.

''(3) In any fiscal year in which the amount appropriated for grants under this section is less, in real dollar terms, than the amount appropriated in the preceding fiscal year, the amount for each State under this subsection will be reduced proportionately.''.

(e) JURISDICTION.—Section 611(e)(1) of the IDEA is amended to read as follows:

''(1) The jurisdictions to which this subsection applies are Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau).''.

(f) POSSIBLE RATABLE REDUCTION.—Section 611(g) of the IDEA is amended to read as follows:

''(g)(1)(A) If the sums appropriated under subsection (h) for any fiscal year are not sufficient to pay in full the total of the amounts that all States are eligible to receive under subsection (a), each such amount shall be ratably reduced.

''(B) If additional funds become available for making such payments for any fiscal year, such reduced amounts shall be increased on the same basis as they were reduced.

''(C) Any State that receives any such additional funds shall distribute them in accordance with this section, except that any State that has used funds available under subsection (c)(2)(A)(ii) for the purposes described in subsection (d)(2) may—

''(i) deduct, from the amount that it would otherwise be required to make available to local educational agencies and intermediate educational units, the same amount of such additional funds as it so used; and

''(ii) use such funds in accordance with subsection (c)(2)(A)(ii).

''(2)(A) In any fiscal year for which payments have been reduced and additional funds have not been made available under paragraph (1) to pay in full the amounts for which all States are eligible under this section, each State educational agency shall fix dates by which each local educational agency or intermediate educational unit shall report to the State agency the amount of funds available to it under this section that it estimates it will expend.

''(B) The State educational agency shall, in accordance with this section, reallocate any funds that it determines will not be used during the period of availability by such local educational agencies and intermediate educational units, and by any such agency or unit to which such funds would be available if it applied for them under this part, to such local educational agencies and intermediate educational units that the State educational agency determines will need, and be able to use, additional funds to carry out approved programs.''.

### SEC. 312. TREATMENT OF CHAPTER 1 STATE AGENCIES.

Part B of the IDEA is further amended by inserting after section 614 the following new section:

"TREATMENT OF CHAPTER 1 STATE AGENCIES

"SEC. 614A. (a) For the purpose of making payments under sections 611 and 619 of this Act, any State agency that received funds for fiscal year 1994 under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 shall be treated as if it were a local educational agency.

"(b) The State educational agency shall ensure that each State agency that owns or operates or supports a program or school for children with disabilities with funds under this part—

"(1) provides each child with a disability in such school or program a free appropriate public education in accordance with this part, including the due process protections of section 615, as if it were a local educational agency; and

"(2) has on file with the State educational agency an application that meets the requirements of section 614 that the Secretary finds appropriate.

"(c) Section 611(c)(4) shall not apply with respect to a State agency that is eligible for a payment under this part by virtue of this section.".

### SEC. 313. INFANTS AND TODDLERS WITH DISABILITIES.

(a) ALLOTMENTS.—Section 684(c) of the IDEA is amended—

(1) by redesignating paragraph (2) as paragraph (5); and

(2) by striking paragraph (1) and inserting paragraphs (1) through (4) to read as follows:

"(1) Except as provided in paragraphs (3) and (4), from the funds remaining for each fiscal year after the reservation and payments under subsections (a) and (b), the Secretary shall first allot to each State an amount that bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States.

"(2) For fiscal year 1995 only, the Secretary shall allot $34,000,000 of the remaining funds described in paragraph (1) among the States in proportion to the relative numbers of infants and toddlers who—

"(A) are counted on December 1, 1994; and

"(B) would have been eligible to be counted under section 1221(c)(1) of the Elementary and Secondary Education Act of 1965 as in effect before the enactment of the Improving America's Schools Act of 1994.

"(3) Except as provided in paragraph (4), no State shall receive an amount under this section for any fiscal year that is less than the greater of—

"(A) one-half of one percent of the remaining amount described in paragraph (1), not including any amounts allotted under paragraph (2); or

"(B) $500,000.

"(4)(A) No State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the combined amount it received for fiscal year 1994 under—

"(i) this part; and

"(ii) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for children with disabilities from birth through age two.

"(B) If, for fiscal year 1998 or 1999, the number of infants and toddlers in any State, as determined under paragraph (1), is less than the number of infants and toddlers so determined for fiscal year 1994, the amount determined under subparagraph (A) for that State shall be reduced by the same percentage by which the number of those infants and toddlers so declined.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect beginning in fiscal year 1995.

## PART B—EDUCATION FOR HOMELESS CHILDREN AND YOUTH

### SEC. 320. AMENDMENTS TO TABLE OF CONTENTS.

Section 101 of the Stewart B. McKinney Homeless Assistance Act is amended by striking subtitles A and B of title VII and inserting the following:

"Subtitle A—Adult Education for the Homeless

"Sec. 701. State literacy initiatives

"Subtitle B—Education for Homeless Children and Youth

"Sec. 721. Statement of policy.
"Sec. 722. Grants for state and local activities for the education of homeless children and youth.
"Sec. 723. Local educational agency grants for the education of homeless children and youth.
"Sec. 724. Secretarial responsibilities.
"Sec. 725. Definitions.
"Sec. 726. Authorization of appropriations.".

### SEC. 321. STATEMENT OF POLICY.

Subtitle A of title VII of the Stewart B. McKinney Homeless Assistance Act is amended to read as follows:

### "Subtitle A—Adult Education for the Homeless

### "SEC. 701. STATE LITERACY INITIATIVES.

"(a) GENERAL AUTHORITY.—(1) The Secretary of Education is authorized to make grants to State educational agencies to enable each such agency to implement, either directly or through contracts and grants, a program of literacy training and academic remediation for adult homeless individuals within the State, which program shall—

"(A) include outreach activities; and

"(B) be coordinated with other agencies or organizations, such as community-based organizations, nonprofit literacy-action organizations, and funding recipients under the Adult Education Act, title II of the Job Training Partnership Act, the Youth Fair Chance program under title IV of the Job Training Partnership Act, the Volunteers in Service to America program under the Domestic Volunteers Service Act, part C of this title, or the Job Opportunity and Basic Skills program under the Social Security Act.

"(2) The Secretary of Education shall, in awarding grants under this section, give special consideration to the estimates submitted in the application submitted under subsection (b) and make such awards in whatever amounts he or she determines would best serve the purposes of this section.

"(b) APPLICATION.—Each State educational agency desiring to receive a grant under this section shall submit to the Secretary of Education an application at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall include an estimate of the number of homeless individuals in the State and the number of such individuals expected to be served.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the adult literacy and academic remediation programs authorized by this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(d) DEFINITION.—As used in this section, the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau).".

### SEC. 322. EDUCATION FOR HOMELESS CHILDREN AND YOUTH.

Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act is amended to read as follows:

### "Subtitle B—Education for Homeless Children and Youth

### "SEC. 721. STATEMENT OF POLICY.

"It is the policy of the Congress that—

"(1) each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth;

"(2) in any State that has a compulsory residency requirement as a component of its compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free, appropriate public education as provided to other children and youth;

"(3) homelessness alone should not be sufficient reason to separate students from the mainstream school environment; and

"(4) homeless children and youth should have access to the education and other services that they need to ensure that they have an opportunity to meet the same challenging State performance standards to which all students are held.

### "SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

"(a) GENERAL AUTHORITY.—The Secretary is, in accordance with the provisions of this section, authorized to make grants to States to carry out the activities described in subsections (d), (e), (f), and (g).

"(b) APPLICATION.—No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(c) ALLOCATION AND RESERVATIONS.—(1) Subject to paragraph (2) and section 724(c), from the amounts appropriated for each fiscal year pursuant to section 726, the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated in each such year as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State in that year bears to the total amount allocated to all States, except that no State shall receive less than $100,000.

"(2)(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year pursuant to section 726 to be allocated by the Secretary among the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau), according to their respective need, as determined by the Secretary.

"(B)(i) The Secretary is authorized to transfer one percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act, that are consistent with the purposes of this Act.

"(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this part, for the distribution and use of these funds under terms that the Secretary determines best meet the purposes of the covered programs. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives, and milestones.

"(3) As used in this subsection, the term 'State' shall not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or Palau.

"(d) ACTIVITIES.—Grants under this section shall be used—

"(1) to carry out the policies set forth in section 721 in the State;

"(2) to provide activities for, and services to, homeless children, including preschool-aged children, and homeless youth that enable such children and youth to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs;

"(3) to establish or designate an Office of Coordinator of Education of Homeless Children and Youth in the State educational agency in accordance with subsection (f);

"(4) to prepare and carry out the State plan described in subsection (g); and

"(5) to develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of homeless children and youth.

"(e) STATE AND LOCAL GRANTS.—(1)(A) Subject to subparagraph (B), if the amount allotted to the State educational agency for any fiscal year under this subtitle exceeds the amount such agency received for fiscal year 1990 under this subtitle, such agency shall provide grants to local educational agencies for purposes of section 723.

"(B) The State educational agency may reserve not more than the greater of five percent of the amount it receives under this subtitle for any fiscal year, or the amount such agency received under this subtitle for fiscal year 1990, to conduct activities under subsection (f) directly or through grants or contracts.

"(2) If the amount allotted to a State educational agency for any fiscal year under this subtitle is less than the amount such agency received for fiscal year 1990 under this subtitle, such agency, at its discretion, may provide such grants or may conduct activities under subsection (f) directly or through grants or contracts.

"(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—

"(1) estimate the number of homeless children and youth in the State and the number of such children and youth served with assistance provided under the grants under this subtitle;

"(2) gather, to the extent possible, reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs and to public elementary and secondary schools, the difficulties in identifying the special needs of such children and youth, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the program under this subtitle in allowing homeless children and youth to enroll in, attend, and succeed in school;

"(3) develop and carry out the State plan described in subsection (g);

"(4) prepare and submit to the Secretary not later than October 1, 1997, and on October 1 of every third year thereafter, a report on the information gathered pursuant to paragraphs (1) and (2) and such additional information as the Secretary may require to carry out responsibilities under this subtitle;

"(5) facilitate coordination between the State educational agency, the State social services agency, and other agencies providing services to homeless children and youth and their families, including children who are preschool age; and

"(6) develop relationships and coordinate with other relevant education, child development, or preschool programs and providers of services to homeless children, homeless families, and runaway and homeless youth (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth), to improve the provision of comprehensive services to homeless children and youth and their families.

"(g) STATE PLAN.—(1) Each State shall submit to the Secretary a plan to provide for the education of homeless children and youth within the State, which plan shall describe how such children and youth are or will be given the opportunity to meet the same challenging State performance standards all students are expected to meet, shall describe the procedures the State educational agency will use to identify such children and youth in the State and to assess their special needs, and shall—

"(A) describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth;

"(B) describe programs for school personnel (including principals, attendance officers, teachers and enrollment personnel), to heighten the awareness of such personnel of the specific needs of runaway and homeless youth;

"(C) describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs;

"(D) describe procedures that ensure that—

"(i) homeless children have equal access to the same public preschool programs, administered by the State agency, as provided to other children; and

"(ii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs;

"(E) address problems set forth in the report provided to the Secretary under subsection (f)(4);

"(F) address other problems with respect to the education of homeless children and youth, including problems caused by—

"(i) transportation issues; and

"(ii) enrollment delays that are caused by—

"(I) immunization requirements;

"(II) residency requirements;

"(III) lack of birth certificates, school records, or other documentation; or

"(IV) guardianship issues;

"(G) demonstrate that the State and local educational agencies in the State have developed, and will review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in schools in the State; and

"(H) contain an assurance that the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youth are not isolated or stigmatized.

"(2) Each plan adopted under this subsection shall also show how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (9).

"(3)(A) The local educational agency that serves each homeless child and youth shall, according to the child's or youth's best interest, either—

"(i) continue the child's or youth's education in the school of origin—

"(I) for the remainder of the academic year; or

"(II) in any case in which a family becomes homeless between academic years, for the following academic year; or

"(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

"(B) In determining the best interests of the child or youth under subparagraph (A), the local educational agency shall comply, to the extent possible, with the request made by a parent or guardian regarding school selection.

"(C) For purposes of this paragraph, the term 'school of origin' means the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.

"(D) The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere by the parents.

"(4) Each homeless child or youth shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including—

"(A) transportation services;

"(B) educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited-English proficiency;

"(C) programs in vocational education;

"(D) programs for gifted and talented students; and

"(E) school meals programs.

"(5) Any record ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, of each homeless child or youth shall be maintained—

"(A) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and

"(B) in a manner consistent with section 438 of the General Education Provisions Act.

"(6) Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate with local social services agencies and other agencies or programs providing services to such children or youth and their families, including services and programs funded under the Runaway and Homeless Youth Act.

"(7)(A) Each local educational agency in a State that receives a grant under this subtitle shall designate a homelessness liaison to ensure that—

"(i) homeless children and youth enroll and succeed in the schools of such agency; and

"(ii) homeless families, children, and youth receive educational services for which they are eligible, including preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services.

"(B) State coordinators and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaisons.

"(8) Each State and local educational agency shall review and revise any policies that may act as barriers to the enrollment of homeless children and youth in schools selected in accordance with paragraph (3). In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records, and other documentation, and guardianship. Special attention shall be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school.

### "SEC. 723. LOCAL EDUCATIONAL AGENCY GRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

"(a) GENERAL AUTHORITY.—(1) The State educational agency shall, in accordance with section 722(e) and with amounts made available to such agency under section 726, make grants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youth.

"(2) Unless otherwise specified, services under paragraph (1) may be provided through programs on school grounds or at other facilities. Where services are provided through programs to homeless students on school grounds, schools may provide services to other children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, on an incidental basis. To the maximum extent practicable, services shall be provided through existing programs and mechanisms that integrate homeless individuals with nonhomeless individuals.

"(3) Services provided under this section are not intended to replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school's regular academic program.

"(b) APPLICATION.—A local educational agency that desires to receive a grant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require according to guidelines issued by the Secretary. Each such application shall include—

"(1) a description of the services and programs for which assistance is sought and the problems to be addressed through the provision of such services and programs;

"(2) an assurance that the local educational agency's combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year;

"(3) an assurance that the applicant complies with, or will use requested funds to come into compliance with, paragraphs (3) through (9) of section 722(g); and

"(4) a description of policies and procedures that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.

"(c) AWARDS.—(1) The State educational agency shall, in accordance with section 722(g) and with amounts made available to such agency under section 726, award grants under this section to local educational agencies submitting an application under subsection (b) on the basis of the need of such agencies.

"(2) In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary, and secondary schools within the area served by the agency, and shall consider the needs of such children and youth and the ability of the agency to meet such needs. Such agency may also consider—

"(A) the extent to which the proposed use of funds would facilitate the enrollment, retention, and educational success of homeless children and youth;

"(B) the extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth, as well as the State plan required by section 722(g);

"(C) the extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youth; and

"(D) such other criteria as the agency determines appropriate.

"(3) Grants awarded under this section shall be for terms not to exceed three years.

"(d) AUTHORIZED ACTIVITIES.—(1) A local educational agency may use funds awarded under this section for activities to carry out the purpose of this subtitle, including—

"(A) the provision of tutoring and accelerated instruction and enriched educational services that are linked to the achievement of the same challenging standards the State establishes for other children or youth;

"(B) the provision of expedited evaluations of the strengths and needs of homeless children and youth, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited-English proficiency, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational education, and school meals programs);

"(C) professional development and other activities for educators and other school personnel that is designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youth, the rights of such children and youth under this Act, and the specific educational needs of runaway and homeless youth;

"(D) the provision of referral services to homeless children and youth for medical, dental, mental, and other health services;

"(E) the provision of assistance to defray the excess cost of transportation for students pursuant to sections 722(g)(4) or 722(g)(9), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3);

"(F) the provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged children;

"(G) the provision of before- and after-school, mentoring, and summer programs for homeless children and youth in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities;

"(H) where necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youth in school, including birth certificates, immunization records, academic records, guardianship records, and evaluations for special programs or services;

"(I) the provision of education and training to the parents of homeless children and youth about the rights of, and resources available to, such children and youth;

"(J) the development of coordination between schools and agencies providing services to homeless children and youth, including programs funded under the Runaway and Homeless Youth Act;

"(K) the provision of counseling (including violence prevention counseling), social work, and psychological services, and referrals for such services;

"(L) activities to address the particular needs of homeless children and youth that may arise from domestic violence;

"(M) the adaptation of space and purchase of supplies for nonschool facilities made available under subsection (a)(2) to provide services under this subsection;

"(N) the provision of school supplies; and

"(O) the provision of other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.

### "SEC. 724. SECRETARIAL RESPONSIBILITIES.

"(a) REVIEW OF PLANS.—In reviewing the State plans submitted by the State educational agencies under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plans adequately address the problems of homeless children and youth relating to access to education and placement as described in such plans.

"(b) TECHNICAL ASSISTANCE.—The Secretary shall provide support and technical assistance to the State educational agencies to assist such agencies to carry out their responsibilities under this subtitle.

"(c) EVALUATION AND DISSEMINATION.—The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

"(d) SUBMISSION AND DISTRIBUTION.—The Secretary shall require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.

"(e) DETERMINATION BY SECRETARY.—The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (d), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education as described in section 721(1).

"(f) REPORTS.—The Secretary shall prepare and submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate on the programs and activities authorized by this subtitle by December 31, 1997, and every third year thereafter.

**"SEC. 725. DEFINITIONS.**

"For the purpose of this subtitle, unless otherwise stated—

"(1) The term 'Secretary' means the Secretary of Education.

"(2) The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

**"SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

"For the purpose of carrying out this subtitle, there are authorized to be appropriate $30,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.".

## PART C—IMPACT AID STATUTES

### SEC. 331. AMENDMENTS TO PUBLIC LAW 815.

(a) SECTION 2.—Section 2 of the Act of September 23, 1950 (Public Law 815, 81st Congress; 20 U.S.C. 632) is amended to read as follows:

**"SEC. 2. PORTION OF APPROPRIATIONS AVAILABLE FOR PAYMENTS.**

"For each fiscal year the Secretary shall distribute the funds appropriated in accordance with section 1 which shall be available for carrying out the provisions of sections 5, 9, 10, and 14. The funds provided under section 1 for the schools serving military dependents and Indian lands shall be divided equally between section 5 and section 14 of this Act. Funds provided under section 5 of this Act shall be divided equally between the priority categories of section 1(a)(1) and 1(a)(2) of this Act.".

(b) SECTION 3.—Section 3 of such Act (20 U.S.C. 633) is amended to read as follows:

**"SEC. 3. ESTABLISHMENT OF PRIORITIES.**

"Applications for construction or modification projects provided for under this Act must be filed by June 30 of the fiscal year prior to the year in which funds are first requested. The Secretary shall use the following order of priority in approving applications under section 5 and funded in accordance with section 1(a)(1) and section 1(a)(2) of this Act. The priority of payment of application under section 1(a)(1) shall be based on the highest percentage of number of children in need of minimum school facilities. The priority of payment of applications under section 1(a)(2) shall be based on the highest percentage of federally connected students eligible for payment. The Secretary shall use the priorities stated in this section in approving applications in the event the funds appropriated under section 1 of this title and remaining available on any such date for payment to local educational agencies are less than the Federal share of the cost of the projects with respect to which applications have been filed prior to such date (and for which funds under section 1 have not already been obligated). Only applications meeting the conditions for approval under this Act (other than section 6(b)(2)(C)) shall be considered applications for purposes of the preceding sentence. Such order of priority shall provide that applications payments based upon increases in the number of children residing on, or residing with a parent employed on property which is party of a low-rent housing project assisted under the United States Housing Act of 1937 shall not be approved for any fiscal year until all other applications under paragraph (2) of subsection (a) of section 5 have been approved for the fiscal year.".

(c) SECTION 5.—Section 5 of such Act (20 U.S.C. 635) is amended to read as follows:

**"SEC. 5. LIMITATION ON TOTAL PAYMENTS TO ANY LOCAL EDUCATIONAL AGENCY.**

"(a) Subject to the limitations in subsection (c) the total of the payments to a local educational agency under this Act may not exceed the sum of—

"(1) the estimated increase, since the base year, in the number of children determined with respect to such agency who live on Federal property and have a parent who works on Federal property multiplied by 100 percent of the average per pupil cost of constructing minimum school facilities in the State in which the school district of such agency is situated;

"(2) the estimated increase, since the base year, in the number of children determined with respect to such agency who have a parent who lives on or works on Federal property multiplied by 50 percent of such cost;

"(3) In computing for any local educational agency the number of children in an increase under paragraph (1) or (2), the estimated number of children described in such paragraph who will be in the membership of the schools of such agency at the close of the increase period shall be compared with the estimated number of such children in average daily membership of the schools of such agency during the base year. However, the base year average daily membership shall be adjusted to exclude the number of children that formed the basis for previous payments on applications approved 30 or more years prior to the close of the increased period for the current application.

"(b) If two of the paragraphs of subsection (a) apply to a child, the local educational agency shall elect which of such paragraphs shall apply to such child, except that, notwithstanding the election of a local educational agency to have paragraph (2) apply to a child instead of paragraph (1), the determination of the maximum amount for such agency under subsection (a) shall be made without regard to such election.

"(c) A local educational agency shall not be eligible to have any amount included in its maximum by reason of paragraphs (1), (2), and (3) of subsection (a) unless the increase in children referred to in such paragraph is at least 20, and in the case of paragraphs (1), (2), and (3) of subsection (a), is—

"(1) equal to at least 6 percent of the number of federally connected children who were in the average daily membership of the schools of such agency during the base year, or

"(2) at least 750,

whichever is the lesser.

"(d) Notwithstanding the provisions of subsection (c) of this section, whenever and to the extent that, in his judgment, exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the purposes of the Act, the Secretary may waive or reduce the minimum number requirement or any percentage requirement or requirements in subsection (c).

"(e) In determining under this section the total of the payments which may be made to a local educational agency on the basis of any application, the total number of children counted for purposes of paragraph (1) or (2), as the case may be, of subsection (a) may not exceed—

"(1) the number of children whose membership at the close of the increase period for the application is compared with average daily membership in the base period for purposes of that paragraph, provided that the base year average daily membership does not include any children which formed the basis of payment in the applications approved 30 or more years ago, minus

"(2) the number of such children whose membership at the close of the increase period was compared with membership in the base year for purposes of such paragraph under the last previous application, provided the application was funded within the last 4 years, if any, of the agency on the basis of which any payments have been or may be made to that agency.".

(d) SECTION 6.—Section 6 of such Act (20 U.S.C. 636) is amended by adding at the end the following new subsection:

"(d) If the application has not been funded within the 3-year period, the local educational agency must recertify their need to have the application remain active.".

### SEC. 332. REPEAL OF PUBLIC LAW 874.

The Act of September 30, 1950 (Public Law 874, 81st Congress; 20 U.S.C. 236 et seq.) is hereby repealed.

## PART D—AMENDMENTS TO ADULT EDUCATION ACT

### SEC. 335. AMENDMENTS TO ADULT EDUCATION ACT.

(a) Section 342(c)(11) of the Adult Education Act is amended by inserting "Even Start," after "1963,".

(b) Section 384(n) is amended by striking "and 1995" and inserting "1995, and 1996".

## TITLE IV—NATIONAL EDUCATION STATISTICS

### SEC. 401. SHORT TITLE.

This title may be cited as the "National Education Statistics Act of 1994".

### SEC. 402. FINDINGS; PURPOSE; DEFINITIONS.

(a) FINDINGS.—The Congress finds that—

(1) a Department of Education was established in 1867 "for the purpose of collecting such statistics and facts as shall show the condition and progress of education in the several States and territories, and of diffusing such information respecting the organization and management of schools and school systems and methods of teaching as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country";

(2) today, while the role of the current Department of Education is much broader, the National Center for Education Statistics within the Department's Office of Educational Research and Improvement continues to perform those crucial original purposes; and

(3) looking to the 21st century, the National Center for Education Statistics must be able to design and undertake, effectively and efficiently, statistical activities that will aid in reform of the Nation's educational systems.

(b) PURPOSE.—It is the purpose of this title to ensure the continuation of an effective mechanism for collecting and reporting statistics and information showing the condition and progress of education in the United States and other nations in order to promote and accelerate the improvement of American education.

(c) DEFINITIONS.—For the purpose of this title, the term—

(1) "Assistant Secretary" means the Assistant Secretary for Educational Research and Improvement, provided for under section 202(b)(1)(E) of the Department of Education Organization Act;

(2) "Department" means the Department of Education;

(3) "institution of higher education" has the same meaning given such term in section 1201 of the Higher Education Act of 1965;

(4) "local educational agency" has the same meaning given such term in section 9101(13) of the Elementary and Secondary Education Act of 1965;

(5) "Secretary" means the Secretary of Education;

(6) "State educational agency" has the same meaning given such term in section 9101(20) of the Elementary and Secondary Education Act of 1965; and

(7) "United States" and "State" mean—

(A) other than for the purpose of section 411, each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(B) for the purpose of section 411, mean the same as in subparagraph (A) and include Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until the effective date of the Compact of Free Association with the Government of Palau).

### SEC. 403. NATIONAL CENTER FOR EDUCATION STATISTICS.

(a) ESTABLISHMENT.—There is established, within the Office of Educational Research and Improvement established under section 209 of the Department of Education Organization Act, a National Center for Education Statistics (the "Center").

(b) COMMISSIONER AND ASSOCIATE COMMISSIONERS.—(1) The Center shall be headed by a Commissioner of Education Statistics (the "Commissioner") who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall—

(A) have substantial knowledge of programs encompassed by the Center;

(B) be paid in accordance with section 5315 of title 5, United States Code; and

(C) serve for a term of 4 years, with the terms to expire every fourth June 21, beginning in 1995.

(2) The Commissioner may appoint such Associate Commissioners as the Commissioner determines are necessary and appropriate.

### SEC. 404. DUTIES OF THE CENTER.

(a) DUTIES.—The duties of the Center are to collect, analyze, and disseminate statistics and other information related to education in the United States and in other nations, including—

(1) collecting, acquiring, compiling (where appropriate, on a State by State basis), and disseminating full and complete statistics on the condition and progress of education, at the preschool, elementary, secondary, and postsecondary levels in the United States, including data on—

(A) State and local school reform activities;

(B) student achievement and other educational outcomes at all levels of education;

(C) out of school youth and adults;

(D) teachers, administrators, counselors, and other educational personnel at all levels of education;

(E) the learning and teaching environment;

(F) financing and management of education; and

(G) the socioeconomic status of children;

(2) conducting and publishing reports and analyses of the meaning and significance of such statistics;

(3) conducting longitudinal studies, as well as regular and special surveys and data collections, necessary to report on the condition and progress of education;

(4) collecting, analyzing, cross-tabulating, and reporting, to the extent feasible, so as to provide information by gender, race, socioeconomic status, limited-English proficiency, and other population characteristics when such disaggregated information would facilitate educational and policy decisionmaking;

(5) assisting public and private educational agencies, organizations, and institutions in improving and automating statistical and data collection activities; and

(6) acquiring and disseminating data on educational activities and student achievement in the United States compared with foreign nations.

(b) TRAINING PROGRAM.—The Commissioner may establish a program to train employees of public and private educational agencies, organizations, and institutions in the use of the Center's standard statistical procedures and concepts and may establish a fellows program to appoint such employees as temporary fellows at the Center in order to assist the Center in carrying out its duties.

### SEC. 405. PERFORMANCE OF DUTIES.

(a) IN GENERAL.—In carrying out the duties under this title, the Commissioner may enter into grants, contracts, and cooperative agreements.

(b) GATHERING INFORMATION.—(1) The Commissioner may use the statistical method known as sampling to carry out the purpose of this title.

(2) The Commissioner may, as the Commissioner considers appropriate, use information collected—

(A) from States, local educational agencies, public and private schools, preschools, institutions of higher education, libraries, administrators, teachers, students, the general public, and such other individuals, organizations, agencies, and institutions as the Commissioner may consider appropriate; and

(B) by other offices within the Department and by other Federal departments, agencies, and instrumentalities.

(3) The Commissioner may—

(A) enter into interagency agreements for the collection of statistics;

(B) arrange with an agency, organization, or institution for the collection of statistics; and

(C) assign employees of the Center to any such agency, organization, or institution to assist in such collection.

(4) In order to maximize the effectiveness of Federal efforts to serve the educational needs of children and youth, the Commissioner shall—

(A) provide technical assistance to Department offices that gather data for statistical purposes; and

(B) coordinate closely with other Department offices in the collection of data.

### SEC. 406. REPORTS.

(a) REPORT ON THE CONDITION AND PROGRESS OF EDUCATION.—The Commissioner shall, no later than June 1 of each year, submit to the President and the Congress a statistical report regarding the condition and progress of education in the United States.

(b) STATISTICAL REPORTS.—The Commissioner shall issue regular statistical reports to the President and Congress on such education topics as the Commissioner determines to be appropriate.

(c) SPECIAL REPORTS.—The Commissioner may, whenever the Commissioner considers it appropriate, issue special reports on particular education topics.

### SEC. 407. ADVISORY COUNCIL ON EDUCATION STATISTICS.

(a) ESTABLISHMENT.—There is established, within the Center, the Advisory Council on Education Statistics (the "Council").

(b) MEMBERSHIP.—(1) The Council shall be composed of—

(A) 15 voting members who are users of education data and who are appointed by the Secretary on the basis of their experience and eminence within the field, of whom at least—

(i) three shall be educators;

(ii) three shall be education policy-makers;

(iii) three shall be professional statisticians; and

(iv) three shall be education researchers;

(B) the Director of the Census and the Commissioner of Labor Statistics, as voting, ex officio members; and

(C) the Assistant Secretary and the Commissioner, as nonvoting, ex officio members.

(2) The Secretary shall appoint the presiding officer of the Council from among the voting members.

(3) Members of the Council appointed under paragraph (1)(A) shall be appointed for three-year terms except that, in the case of initial appointments, the Secretary shall make appointments for shorter terms to the extent necessary to avoid the expiration of the terms of more than five members in the same calendar year.

(4)(A) The Council shall meet at the call of the presiding officer, except that it shall meet—

(i) at least two times during each calendar year; and

(ii) in addition, whenever eight voting members request in writing that the presiding officer call a meeting.

(B) Nine voting members of the Council shall constitute a quorum.

(5) The Council shall review general policies for the operation of the Center and shall advise the Commissioner on standards to ensure that statistics and other information disseminated by the Center are of high quality and are not subject to partisan political influence.

### SEC. 408. CONFIDENTIALITY.

(a) GENERAL.—(1)(A) The Center shall develop and enforce standards designed to protect the confidentiality of persons in the collection, reporting, and publication of data under this section.

(B) This section shall not be construed to protect the confidentiality of information about institutions, organizations, and agencies that receive grants from, or have contracts or cooperative agreements with, the Federal Government.

(2) No person may—

(A) use any individually identifiable information furnished under this title for any purpose other than a statistical purpose;

(B) make any publication whereby the data furnished by any particular person under this title can be identified; or

(C) permit anyone other than the individuals authorized by the Commissioner to examine the individual reports.

(b) ADMINISTRATION.—(1)(A) No department, bureau, agency, officer, or employee of the Government, except the Commissioner in carrying out the purposes of this title, shall require, for any reason, copies of reports that have been filed under this title with the Center or retained by any individual respondent.

(B) Copies of such reports that have been so filed or retained with the Center or any of its employees, contractors, or agents shall be immune from legal process, and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

(C) This paragraph shall apply only to individually identifiable information (as defined in paragraph (5)(A)).

(2) Whoever, being or having been an employee or staff member of the Department, having taken or subscribed the oath of office, or having sworn to observe the limitations imposed by subsection (a)(2), knowingly publishes or communicates any individually identifiable information (as defined in paragraph (5)(A)), the disclosure of which is prohibited by subsection (a)(2), and that comes into such individual's possession by reason of employment (or otherwise providing services) under this title, shall be found guilty of a class E felony and imprisoned for not more than 5 years, or fined as specified in 18 U.S.C. 3571, or both.

(3) The Commissioner may utilize temporary staff, including employees of Federal, State, or local agencies or instrumentalities including local educational agencies, and employees of private organizations to assist the Center in performing its responsibilities, but only if such temporary staff are sworn to observe the limitations imposed by this section.

(4) No collection of information or data acquisition activity undertaken by the Center shall be subject to any review, coordination, or approval procedure except as required by the Director of the Office of Management and Budget under the rules and regulations established pursuant to chapter 35 of title 44, United States Code, except such collection of information or data acquisition activity may be subject to review or coordination if the Commissioner determines that such review or coordination would be beneficial.

(5) For the purposes of this section—

(A) the term "individually identifiable information" means any record, response form, completed survey, or aggregation thereof from which information about individuals may be revealed; and

(B) the term "report" means a response provided by or about an individual to an inquiry from the Center and does not include a statistical aggregation from which individually identifiable information cannot be revealed.

(6) This paragraph shall not apply to—

(A) the survey required by section 1303(c) of the Higher Education Amendments of 1986; or

(B) to any longitudinal study concerning access, choice, persistence progress, or attainment in postsecondary education.

(7) Any person who uses any data provided by the Center, in conjunction with any other information or technique, to identify any individual student, teacher, administrator, or other individual and who knowingly discloses, publishes, or uses for a purpose other than a statistical purpose, or who otherwise violates subsection (a)(2)(A) or (B), shall be found guilty of a class E felony and imprisoned for not more than 5 years, or fined as specified in section 3571 of title 18 of the United States Code, or both.

(8) Nothing in this section shall restrict the right of the Secretary, the Comptroller General of the United States, the Director of the Congressional Budget Office, and the Librarian of Congress to gain access to any reports or other records, including information identifying individuals, in the Center's possession, except that the same restrictions on disclosure that apply to the Center under subsection (b)(1) and (7) shall apply.

### SEC. 409. DISSEMINATION.

(a) GENERAL REQUESTS.—(1) The Center may furnish transcripts or copies of tables and other statistical records and make special statistical compilations and surveys for State and local officials, public and private organizations, and individuals.

(2) The Center shall provide State and local educational agencies opportunities to suggest the development of particular compilations of statistics, surveys, and analyses that would assist such educational agencies.

(b) CONGRESSIONAL REQUESTS.—The Center shall furnish such special statistical compilations and surveys as the Congress may request.

(c) JOINT STATISTICAL PROJECTS.—The Secretary may engage in joint statistical projects related to the purposes of this Act or other statistical purposes authorized by law with nonprofit organizations or agencies, and the cost of such projects shall be shared equitably as determined by the Secretary.

(d) FEES.—(1) Statistical compilations and surveys under this section, other than those carried out pursuant to subsections (b) and (c), may be made subject to the payment of the actual or estimated cost of such work.

(2) All funds received in payment for work or services described in this paragraph shall be deposited in a separate account that may be used to pay directly the costs of such work or services, to repay appropriations that initially bore all or part of such costs, or to refund excess sums when necessary.

(e) ACCESS.—(1) The Center shall cooperate with other Federal agencies having a need for educational data in providing access to educational data received by the Center.

(2) The Center shall, in accordance with such terms and conditions as the Secretary may prescribe, provide all interested parties, including public and private agencies and individuals, direct access to data collected by the Center for the purposes of research and acquiring statistical information.

### SEC. 410. COOPERATIVE EDUCATION STATISTICS SYSTEMS.

The Commissioner shall establish 1 or more national cooperative education statistics systems for the purpose of producing and maintaining, with the cooperation of the States, comparable and uniform information and data on elementary and secondary education, postsecondary education, and libraries that are useful for policymaking at the Federal, State, and local levels. In carrying out this section, the Commissioner may provide technical assistance and make grants and enter into contracts and cooperative agreements.

### SEC. 411. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.

(a) ESTABLISHMENT.—The Commissioner shall, with the advice of the Governing Board established under section 412, carry out, through grants, contracts, or cooperative agreements with 1 or more qualified organizations, or consortia thereof, a National Assessment of Educational Progress (the "National Assessment").

(b) PURPOSE; CONTENTS.—(1) The purpose of the National Assessment is to provide a fair and accurate presentation of educational achievement in reading, writing, and other subjects that are included in National Education Goal Three.

(2) The Commissioner, in carrying out the National Assessment, shall use sampling techniques that produce data that are representative on a national and regional basis and on a State basis pursuant to paragraph (3). In addition, the Commissioner shall—.

(A) collect and report data on a periodic basis, but at least once every 2 years, on students at ages 9, 13, and 17 and in grades 4, 8, and 12 in public and private schools;

(B) report achievement data on a basis that ensures valid and reliable trend reporting;

(C) include information on special groups; and

(D) ensure that achievement data are made available on a timely basis following official reporting, in a manner that facilitates further analysis.

(3)(A)(i) The Commissioner, in carrying out the National Assessment, may conduct State assessments of student achievement in grades 4, 8, and 12.

(ii) Each such State assessment, in each subject area and at each grade level shall be conducted on a trial basis.

(B)(i) States wishing to participate in State assessments shall enter into an agreement with the Secretary pursuant to subsection (d)(2).

(ii) Such agreement shall contain information sufficient to give States full information about the process for consensus decisionmaking on objectives to be tested, and of the standards for sampling, test administration, test security, data collection, validation, and reporting.

(C) A participating State shall review and give permission for the release of results from any test of its students administered as a part of a State assessment prior to the release of such data. Refusal by a State to release its data shall not restrict the release of data from other States that have approved the release of such data.

(4) In carrying out the National Assessment, the Commissioner shall not collect any data that are not directly related to the appraisal of educational performance, achievement, and traditional demographic reporting variables, or to the fair and accurate presentation of such information.

(5) In carrying out the National Assessment, the Commissioner may provide technical assistance to States, localities, and other parties.

(c) ACCESS.—(1) Except as provided in paragraph (2), the public shall have access to all data, questions, and test instruments of the National Assessment.

(2)(A) The Commissioner shall ensure that all personally identifiable information about students, their educational performance, and their families, and that information with respect to individual schools, remains confidential, in accordance with section 552a of title 5, United States Code.

(B) Notwithstanding any other provision of law, the Commissioner may decline to make available to the public for a period, not to exceed 10 years after initial use, cognitive questions that the Commissioner intends to reuse in the future.

(C)(i) The Commissioner may, upon the request of a State educational agency or a local educational agency, in a limited number of cases and on a trial basis, make National Assessment test instruments available for assessing aggregate student achievement at the local educational agency level.

(ii)(I) Participation by a local educational agency shall be voluntary.

(II) A State requesting the participation of a local educational agency must accompany this request with a statement of full written concurrence by such agency and that such agency is requesting to participate in the local assessment.

(iii) Before receiving such instruments, an agency shall provide the Commissioner with assurances that confidentiality and security requirements and testing protocols, prescribed by the Commissioner, will be complied with in the use of such instruments.

(d) PARTICIPATION.—(1) Participation in the national and regional assessments by State and local educational agencies shall be voluntary.

(2) Participation in assessments made on a State basis shall be voluntary. The Commissioner shall enter into an agreement with any State that desires to carry out an assessment for the State under this subsection. Each such agreement shall contain provisions designed to ensure that the State will—

(A) participate in the assessment; and

(B) pay from non-Federal sources the non-Federal share of participation.

(3)(A) For each fiscal year, the non-Federal share for the purpose of paragraph (2)(B) shall be—

(i) the cost of conducting the assessment at the school level for all public schools in the State sample, including the analysis and reporting of the data;

(ii) the cost of coordination within the State; and

(iii) other reasonable costs specified by the Secretary in the agreement described in paragraph (2).

(B) The non-Federal share of payments under this paragraph may be in cash or in kind, fairly valued.

(C) The agreement described in paragraph (2) shall describe the manner in which, the costs of administering the assessment to private nonprofit schools included in the State sample may be met.

(4) The implementation of subparagraph (C) of paragraph (2) of subsection (d) shall involve no cost to the Federal Government.

(e) REVIEW OF NATIONAL AND STATE ASSESSMENTS.—(1) The Commissioner shall provide for continuing reviews by the National Academy of Education or the National Academy of Sciences of the National Assessment, State assessments, local educational agency assessments, and student performance goals. Such reviews shall address whether each trial state assessment is properly administered, produces high quality data that is valid and reliable, produces data on student achievement that is not otherwise available to the State exclusive of data comparing participating States to each other and the Nation, and is a cost-effective method of producing the data. The Commissioner shall also carry out evaluation studies by the Center and solicitation of public comment on the conduct and usefulness of the National Assessment. The Commissioner shall report to the Congress, the President, and the Nation on the findings and recommendations of such reviews.

(2) The Commissioner shall consider the findings and recommendations in designing the competition to select the organization, or organizations, through which the Office carries out the National Assessment.

(f) COVERAGE AGREEMENTS.—(1) The Secretary and the Secretary of Defense may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment the defense dependents education system established under the Defense Dependents' Education Act of 1978.

(2) The Secretary and the Secretary of the Interior may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment schools for Indian children operated or supported by the Bureau of Indian Affairs.

**SEC. 412. NATIONAL ASSESSMENT GOVERNING BOARD**

(a) ESTABLISHMENT.—There is established the National Assessment Governing Board (the "Board"), which shall formulate policy guidelines for the National Assessment.

(b) MEMBERSHIP.—(1) The Board shall be appointed by the Secretary and be composed of—

(A) two Governors, or former Governors, who shall not be members of the same political party;

(B) two State legislators, who shall not be members of the same political party;

(C) two chief State school officers;

(D) one superintendent of a local educational agency;

(E) one member of a State board of education;

(F) one member of a local board of education;

(G) three classroom teachers representing the grade levels at which the National Assessment is conducted;

(H) one representative of business or industry;

(I) two curriculum specialists;

(J) three testing and measurement experts, who shall have training and experience in the field of testing and measurement;

(K) one nonpublic school administrator or policymaker;

(L) two school principals, one elementary and one secondary; and

(M) four additional members who are representatives of the general public, including parents.

(2) The Assistant Secretary for Educational Research and Improvement shall serve as an ex officio, nonvoting member of the Board.

(3) The Secretary and the Board shall ensure at all times that the membership of the Board reflects regional, racial, gender, and cultural balance and diversity and that it exercises its independent judgment, free from inappropriate influences and special interests.

(c) TERMS.—Members of the Board shall serve for terms not to exceed four years which shall be staggered, as determined by the Secretary. Any appointed member of the Board who changes status under subsection (b) during the term of the appointment of the member may continue to serve as a member until the expiration of such term.

(d) VACANCIES.—As vacancies occur, new members of the Board shall be appointed by the Secretary from among individuals who are nominated by the Board after consultation with representatives of the groups listed in subsection (b)(1). For each vacancy, the Board shall nominate at least three individuals who, by reason of experience or training, are qualified in that particular Board vacancy.

(e) DUTIES.—(1) In carrying out its functions under this section the Board shall—

(A) select subject areas to be assessed (consistent with section 11(b)(1));

(B) identify appropriate achievement goals for each age and grade in each subject area to be tested under the National Assessment;

(C) develop assessment objectives;

(D) develop test specifications;

(E) design the methodology of the assessment;

(F) develop guidelines for analysis plans and for reporting and disseminating results;

(G) develop standards and procedures for interstate, regional, and national comparisons; and

(H) take appropriate actions needed to improve the form and use of the National Assessment.

(2) The Board may delegate any of its procedural and administrative functions to its staff.

(3) The Board shall have final authority on the appropriateness of cognitive items.

(4) The Board shall take steps to ensure that all items selected for use in the National Assessment are free from racial, cultural, gender, or regional bias.

(5) Each learning area assessment shall have goal statements devised through a national consensus approach, providing for active participation of teachers, curriculum specialists, local school administrators, parents, and concerned members of the general public.

(f) PERSONNEL.—(1) In the exercise of its responsibilities, the Board shall be independent of the Secretary and the other offices and officers of the Department of Education.

(2) The Secretary may appoint, at the direction of the Board, such staff as the Board requires. Such appointments may include, for terms not to exceed three years, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, not more than six technical employees to administer this subsection, who may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(g) COMMISSIONER REPORTS.—The Commissioner shall report to the Board at regular intervals on the Department's actions to implement the decisions of the Board.

(h) ADMINISTRATION.—(1) Not more than 10 percent of the funds available for the National Assessment for any fiscal year may be used for administrative expenses (including staff, consultants, and contracts) and to carry out the Board's functions described in subsection (e).

(2) For the purposes of its administrative functions, the Board shall have the authorities authorized by the Federal Advisory Committee Act and shall be subject to the open meeting provisions of that law.

**SEC. 413. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this title, $103,200,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

Mr. MICHEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Pursuant to the prior agreement, the time for this amendment will be 1 hour, to be equally divided between the proponent and an opponent.

The Chair recognizes the gentleman from Illinois [Mr. MICHEL].

□ 1930

Mr. MICHEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, recently I had the chance to be with a group of young Americans, winners of the VFW Voice of Democracy contest, and it occurred to me that these fine young Americans, as well as many others, could well be impacted by what we do in this bill.

Yes, 94 percent of education spending in our country comes from sources other than the Federal Government, but what we say and do here has a profound effect on the shape and scope and substance of American education. That is why I am offering a substitute amendment to H.R. 6.

This substitute amendment reflects how we, as Republicans, would reauthorize the elementary and secondary education programs. At the heart of this amendment are five basic principles of sound education: local control, maximum flexibility, streamlining Federal paperwork, high standards and expectations, and parental rights.

Let me briefly outline what this amendment seeks to do. First, it eliminates the $1.15 billion from the bill by terminating programs President Clinton proposed to terminate in his fiscal 1995 budget. It also eliminates all the new programs added in the Education and Labor Committee markup.

The amendment then eliminates numerous reporting requirements layered on States and localities including the onerous opportunity-to-learn standards.

Flexibility is increased by streamlining waiver provisions in H.R. 6, makes it easier for the State and local educators to secure waivers of Federal regulations, and the substitute allows greater use of schoolwide strategies which allow schools to combine funds from a number of Elementary and Secondary Education Act programs into a single effort to benefit the whole school.

Our amendment protects parental rights by including provisions allowing local school districts to develop public school choice programs for chapter 1 students. A choice must be provided to parents, particularly with low and middle incomes whose children attend schools that have failed to improve after 3 years of corrective action.

The concept of choice offered in our amendment is neither a panacea for all educational ills nor a radical innovation. It is, rather, a prudent limited application of the concept of parental freedom and responsibility to the field of education.

And I may remind my colleagues that the House has already favorably acted on this issue when the Boehner amendment was adopted on March 3.

Finally, this amendment retains compromise language for the development of standards and assessments agreed to by the Nation's Governors in 1989, continuing the process of setting high standards in key academic subjects.

The amendment also prohibits the use of funds for family planning and reproductive health services and restores the Governors' funds for drug-free schools and communities.

Mr. Chairman, over the years, we have learned the hard way that we cannot dictate educational excellence from Washington. We can only hope to have the wisdom to pass sound, if limited, legislation, the courage to admit we cannot do everything, and the desire to help parents better exercise their basic right to educate their children as they see fit.

That is why I ask my colleagues to join me in making H.R. 6 a better bill by the adoption of this amendment.

Mr. Chairman, I ask unanimous consent that the balance of my time be allocated to the distinguished gentleman from Ohio [Mr. BOEHNER], and that he in turn, be permitted to yield time as he so sees fit on our side.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have one-half hour, and hopefully we will not consume either one-half of the hour.

While I hold the gentleman from Illinois [Mr. MICHEL] in utmost respect, as I know all Members of this body do, rise in opposition to the Michel substitute.

H.R. 6 represents a very carefully crafted compromise designed to reflect the concerns of Democrats and Republicans alike. We have worked very closely to go over a yearlong process of crafting this bill. We had 39 meetings of the members. We have had 36 bipartisan subgroups meeting on various areas of this bill, and I think it does represent the best.

I have always said that the education bill is best when it is drafted in a bipartisan manner. But the Michel substitute would eliminate several key provisions of H.R. 6. which we have labored so hard to put together.

Let me just mention a few of those. It eliminates the library media assistance provisions. I suggest that we look at the libraries in this country. We know the average copyright date of a library book in our schools is 1965. That is before men went to the Moon. We certainly must help our libraries.

We have met with our librarians back home. Most of us have spoken to them that we will support their libraries and reflect our Federal concern for the fact those books are 1965 average copyright.

We also close out in the Michel substitute the Federal support, a minor Federal support, minimal Federal support, for those who come in the Close Up Program, those who need it the most.

I would again suggest that after we have labored so hard in a bipartisan manner that we should not destroy that bipartisan work that we have produced.

I, therefore, would oppose the Michel amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON], a member of the committee.

Mr. GUNDERSON. Mr. Chairman, It is difficult to follow those bipartisan comments of our subcommittee chairman, and I do agree with him. But I think I can follow our leader and say that he is right, this is what the Republicans would have tried to do if we had been in charge, per se.

What is different? I want you to understand that the substitute that is being offered is different in a couple of, I think, important ways.

First and foremost, we realize fiscal reality, and so we do not authorize funding levels that we know we are never going to appropriate, by sending false hopes back home. That is why you will see that in most areas we literally, honestly, do such sums, but in recognizing those fiscal realities, we say perhaps it is important to make sure that more of that money goes back home to those schools and is used for the actual delivery of educational services rather than Federal or State bureaucracies, rather than rules, regulations, and reporting requirements.

I think one of the things that you have heard discussed throughout this process is this whole concern about how many new reporting requirements and plans will be there as a condition of receiving particular Federal funds. In that regard, I have to tell you, and I suppose this means we lose some votes on the Democratic side, but one of the things the substitute does is it strikes all references to opportunity-to-learn standards, because there is at least a misunderstanding, if not an outright opposition, to that concept, I think, by many, many Members here on both sides.

Second, what we try to do is understand that in chapter 1 we need to be more flexible. We need to make it easier for schools to go to schoolwide programs, and so we lower the percentages in that particular area.

Likewise, we eliminate the 1-percent parental reporting requirement that is in the bill that we have discussed in the past.

Similarly, when you move to chapter 2, you find the same kind of thing. We remove the 13-percent set-aside for competitive grants for higher education and return control of those funds to the LEA's where we think they can be used most effectively.

Likewise, as you move into the other areas, we try to maintain many of the ideas that we have put together, frankly, on a bipartisan basis for innovative education programs, and we create a new fund literally for improvement of education and add such things as charter schools and flexibility in that particular area.

So I would call to my colleagues' attention that this is a very different kind of substitute. It is a substitute with the same commitment, the same basic education outline, but it says let us have faith in local government, let us believe that they have the best interests of our children at heart, and let us not overwhelm them as we have done providers of health care with rules, regulations, and reporting requirements.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Chairman, I rise in opposition to the amendment.

As the chairman, the gentleman from Michigan [Mr. KILDEE] pointed out, this has been a carefully crafted piece of legislation stretching over many months of subcommittee hearings, full committee hearings, and markups. It has been extensively debated on the floor of this House; indeed, at this juncture, one might say exhaustively debated. Most of the issues that have been mentioned by the preceding speakers contained in this proposal have been presented and have been, in most part, rejected.

This legislation could be improved. We could do better, I think, in targeting chapter 1 funds, but by and large this legislation deserves to be passed, and the substitute deserves to be rejected.

There are new programs in this legislation. Those new programs respond to real needs, as the chairman of the subcommittee pointed out, particularly in the area of libraries where we have books that are years and years out of date, and we propose to help school systems correct that great disparity.

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In sum, this legislation will fortify public education in conjunction with Goals 2000, which is an attempt to help stimulate reform at the local level. These are two solid legislative proposals which will improve public education and indeed make us competitive in the world, make our children the best educated in the world, and that is an obligation we owe to them and we will discharge by rejecting this amendment and supporting the underlying legislation proposed by the committee.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MILLER] a valued member of our committee.

Mr. MILLER of Florida. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Michel substitute. It is a streamlined and fiscally responsible way to address the education needs from the Federal Government level.

Mr. BOEHNER and I have offered 8 amendments so far to add some fiscal sanity to this bill, and all 8 were defeated. It is hard to get fiscal responsibility in education because it sounds like you are arguing against motherhood and apple pie.

The root cause of so many problems in our country is education, whether it is the teen pregnancy problem or the crime problem or the welfare problem; education is the root cause of the problem. But elementary and secondary education is the primary responsibility of the family, of the local and of the State governments. The Federal Government only gets 5 percent of the money. My problem with the bill that has been introduced, H.R. 6, is twofold: One is the mandate issue and requirements forced on the schools; but more important is the fiscal sanity and additional spending. As I said before, it started out as $10.5 billion and ended up at $12.4 billion. Where does the money come from? We just do not have the money. If we increase the spending here, we have to cut it somewhere else. Are we going to cut title I, are we going to cut chapter 2, and we will go through the same problem when we get to the crime bill and the health bill? These are all things we need to address.

It is unfortunate that the 8 amendments that Mr. BOEHNER and I offered were all defeated, because we talk about fiscal responsibility and a balanced budget amendment, and then we end up voting to increase spending. It just does not make sense.

I want to close with two comments from my meeting with my school superintendents in my district. My school superintendent, Dr. Fowler, in Sarasota told me, "Remember, Dan, Washington cannot be the local school board. The local school board is the one that has got to make decisions on how to run the schools." And as Mr. Witt, the superintendent from Manatee County, told me, "Keep your fingers out of our day-to-day business in Manatee County." That is what this bill is doing wrong. It is not fiscally responsible, and it has too much influence and control of the local schools.

I hope everybody will support the Michel substitute.

Mr. KILDEE. Mr. Chairman, I yield 5 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. I thank the gentleman from Michigan [Mr. KILDEE] for yielding this time to me.

Mr. Chairman, we are about to complete what has been a truly historical legislative experience. This is the 9th time the Congress has written and rewritten this Elementary and Secondary Education Act. We have spent more time on this bill than we did during any of the previous 8 times we have authorized the act.

During the early 1960's, when the first ESEA bill came to the 89th Congress, that landmark bill providing the first major, comprehensive Federal effort to assist our Nation's elementary and secondary public schools—a bill that involved very serious church/state issues and the difficult fundamental question of whether the Federal Government should be involved at all in supporting local schools—we had 3 days of House floor consideration. Thirteen amendments were considered. Only two were adopted.

In the 90th Congress, we reauthorized ESEA, and it took us again 3 days on the House floor. Fourteen amendments were offered. We accepted seven.

In the 93d Congress, during some very troubling times when segregated schools, desegregation, efforts, and school busing dominated our debates, the Congress spent 3 days on the House floor reauthorizing ESEA. Thirty amendments were offered, and 11 were accepted.

Mr. Chairman, we have reauthorized this act eight times. In each of the previous seven times we reauthorized this act we spent and average of 2½ days on the House floor. We considered on the average 18 amendments. We accepted on average nine amendments, or half of those offered.

However, this time we have set a new record.

This is the seventh day of our consideration. Thirty-nine amendments have been offered. Eighteen have been accepted, seven by recorded vote. Four have been withdrawn. Seventeen amendments have been rejected, nine by recorded vote. On average, only about one-fourth of the members have voted for the failed amendments. Yet we have debated them for hours on end, often with the knowledge that the sponsor of these amendments had no intention of supporting the bill, even if his or her amendment was adopted. I would even go so far as to say that some members who have had their amendments adopted still won't support this bill.

Let me give you a few examples of what I mean. We spent almost 3 hours debating one issue—on and on we went. Political posturing was the hallmark. The amendment was not even controversial, as evidenced by the 424–1 vote by which it passed.

We spent nearly 3 hours debating whether we would, in effect, turn school officials into Immigration and Naturalization Service agents. That amendment received only 78 votes.

We spent nearly 3 hours debating whether we should help our schools teach children whose primary language is not English, or whether we should leave those schools on their own to address this growing national problem with their own, very limited funds. The amendment to terminate Federal aid to these schools received only 58 votes.

We spent nearly 2 hours on school prayer, and over an hour on whether we were going to dictate, at the Federal level, how schools were going to teach sex education classes. Today we've spent another 2 hours debating whether once again the Federal Government should dictate how schools should teach and what they should teach. And today's debate took a very unfortunate nasty, rude turn.

If my calculations are correct, we have spent 18 hours on issues that will not help our schools one bit. H.R. 6 is an education bill, a bill that helps our schools and our school teachers do the important job of educating our children more effectively. And if we had spent 2 working days debating issues that would help our schools, I'd have no complaint. But in my opinion the examples I've given above had nothing to do with helping our schools. Just the opposite. Many of them would harm our schools, interfere with local control of schools, and turn schools into institutions the American people never asked them, or wanted them, to be. I don't believe these amendments were helpful to either the legislative process or the education process. In fact, I believe they abused both processes.

I point all of this out simply to sound an alarm to my colleagues. The people's business, which we are about, is serious business indeed. And in doing that business, we want all issues to be fully debated. Open rules permit that. But as this bill proves, open rules can indeed be used not to further meaningful debate, but to tie this body up with issues that most Members of this body never have any intention of supporting. I think the lesson that H.R. 6 teaches us is this—open rules can sometimes be good, but it is equally as important to let the legislative process move forward in a way that does not tie this body up in frivolous issues that have little or no bearing on the substantive matter before us. I think it is absolutely essential that there be trust and faith in the legislative process. That requires rules and discipline, and an allegiance to those on all our parts.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume in order to respond to the gentleman from Montana.

You know, democracy is a messy business. It takes time. Everything that is said on this floor is not what we would all want to have said each and every day. All the amendments that come to this floor are not the amendments that we would want to have. But I would suggest to the gentleman from Montana and others who are concerned about the length of the time this debate has taken, that this is in fact that democracy means, that we bring this debate to the floor, that we have a discussion, that we actually vote the will of the people and not do like we usually do, have presented to us 1 of 100 options predisposed as to what it is going to be and we get one chance to vote up or down and that is the end of it.

Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina, [Mr. BALLENGER.]

Mr. BALLENGER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Michael substitute for H.R. 6. As a member of the committee, I would like to say that I had many amendments, and none of them was accepted. As it is, H.R. 6 is a disappointing bill that will do little to improve America's schools. Instead it relies on opportunity to learn standards and unfunded Federal mandates. True education reform must be driven locally, by parents, teachers, local administrators, and the community as a whole—not the Federal Government. H.R. 6 relies far too heavily on Federal control. It will stifle locally driven reform.

Under current law, ESEA covers 61 programs. President Clinton's proposal to reauthorize ESEA contained only 26 programs. Unfortunately, many programs were added back by the majority during the committee markup. As it stands, the number of programs in H.R. 6 is back up to a grand total of 48. The problem with so many programs is a lack of focus and priorities. When the Appropriations Committee designates funding, it will try to fund as many programs as possible, thereby diluting funds to the larger and broader programs like chapter 1 and chapter 2. The Michel substitute eliminates the programs that were added back to the original bill sent to us by the President.

The Michel substitute gives schools the tools to improve, and eliminates the cumbersome opportunity to learn standards. I urge my colleagues to vote yes for this substitute and say "yes" to the flexibility necessary to adapt Federal programs to the unique needs of schools all over this country. I urge my colleagues to say "yes" to streamlined access to Federal funds, and high standards, and expectations for all children, and "yes" to paperwork reduction and parental involvement.

Mr. Chairman, the vote on the Michel substitute is the only vote we will have to truly improve America's schools. I urge my colleagues to join with me in voting "yes" on the Michel substitute.

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Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman from Michigan [Mr. KILDEE], the chairman of our subcommittee, for not only allowing me 3 minutes to speak, but also for his hard work on this particular bill. As the gentleman from Montana [Mr. WILLIAMS] said, we spent more time on this bill than we have on many other bills this session.

I am a proud member of the Committee on Education and Labor and the subcommittee that this bill came out of, and I rise today in opposition to the substitute offered by the gentleman from Illinois. I oppose this substitute because it would undermine the result of 13 months of negotiations between members from both sides of the aisle and would undo a number of carefully crafted compromises designed to bring this House in consensus on this bill. The fact that this substitute is being offered is particularly frustrating since I believe we have come a long way in addressing the concerns of the minority members on a number of issues.

During the entire committee process, members from both sides of the aisle had ample opportunity to raise objections to parts of the bill and each of those objections had a full and open discussion. The compromise reached on the "opportunity-to-learn" standards represents one of the best efforts I have seen in both sides of our committee working together to reach an agreement. Reaching these agreements was not easy and often resulted in heated debate and now that these commitments have been made, some in the minority feel compelled to undermine these agreements by offering a substitute that deletes the opportunity-to-learn agreement.

The Michel substitute also deletes a number of important programs such as the school library component of title II and does not ensure that services are provided to limited-English proficient students under the technical assistance center.

The Michel substitute also does not contain the set aside for the Drug Abuse Resistance Education [DARE] program. This program is supported by the education professionals and law enforcement agencies across the country and deserves to be included in this reauthorization.

Members, the Michel substitute has a number of shortcomings which I have described but the largest shortcoming in this plan is that it attempts to bypass the committee process in which we worked hard to create a bill that could be supported by both Republicans and Democrats. Education is not a partisan issue and I appeal to my colleagues to support the only version of this bill that was drafted in a bipartisan manner. Please oppose the Michel substitute and support the committee version of this bill that is the result of countless hours of hearings, negotiations, and compromise.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I rise today in support of the Michel substitute to H.R. 6. In doing so, Mr. Chairman, I rise to support local control of education. I am impressed that there is a basic philosophical issue here.

The gentleman from Texas [Mr. GENE GREEN] just talked about all the details and all the things we might do. There is a basic philosophical question as to what the role of the Federal Government is in education.

I rise in support of more flexibility for local schools. Local schools are quite different; they are quite different in Basin, WY, than they are in Baltimore, MD, and I think we have to have that kind of flexibility.

I rise in support of more concentrated, block-grant approaches to Federal funding of education where local people can make the decisions.

And, Mr. Chairman, I rise in support of the core Federal programs, chapter 1 and chapter 2.

I have been very involved in education. I have been on a school board. My wife is a teacher; my family has teachers. I am interested in that.

I am chairman of the Disabilities Council in our State, and I know we need these programs, but I am amazed at the things that come up to sort of clutter the area of helping in this area. My problem with H.R. 6 is not with the motivation behind the legislation, but behind the implementation.

H.R. 6 contains many new reporting requirements, focuses on inputs instead of results, funds several narrowly defined categorical programs and generally expands the role of the Federal Government in education in conflict with the philosophy I have.

The Michel substitute recognizes the legitimate role the Federal Government has in education.

While maintaining the important core programs in H.R. 6, and the funding that goes with it, the Michel substitute eliminates the Federal micromanagement found throughout H.R. 6.

The Michel substitute promotes flexibility from excessive Federal regulations and allows local schools the freedom to innovate.

It seems to me that is a more appropriate role for the Federal Government, and I encourage my colleagues to vote for the Michel substitute and against H.R. 6.

Mr. KILDEE. Mr. Chairman, I have no further requests for time, nor do I invite any, but I do reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I rise in support of the Michel substitute to H.R. 6.

H.R. 6 has taken a long time to come to the floor. Subcommittee hearings began in February 1993. This past February, it was marked out of subcommittee. And since February 23, we have been debating it on the floor.

Four hundred and twelve days of consideration is exhaustive; but it is necessary, as this is an important bill. Quite simply what we have been debating is how to define the Federal role in education.

As Governor of Delaware, I had the opportunity to visit each and every public school in my State at least once. Through these visits, I saw different schools make different decisions and different ways of carrying out their reforms—thereby charting out a course of high standards, leading to effective learning and achievement.

One of the great strengths in our current system is that from the beginning, education has been locally based and funded. The Federal Government has—and continues to have—a valuable purpose in assisting with the education of our disadvantaged students.

This precisely is the heart of H.R. 6. If you have been listening to most of the recent debate on this bill, you may have heard other extraneous messages.

Circumstances differ from State to State, and school district to school district. It is inappropriate for the Federal Government—namely, Congress—to create Federal rules and regulations that will tie the hands of those who best know how to educate his or her students: local educators.

I will support final passage of committee-reported H.R. 6. It is a good bill. Most of its consideration focused on bipartisan negotiations. Nonetheless, the Federal role in education as defined by the committee bill is still more stringent.

In contrast, the Republican substitute retains many of the committee-bill's components—it contains a valid funding formula, returns flexibility to the Chapter 2 Program, and eliminates costly additional programs—such as library media and technology assistance—that are already funded in the bill.

The original bill begins to encroach on our schools. This substitute ensures that the Federal Government's role is to set high curricula and performance standards for schools to meet and access progress toward meeting these standards.

Control over subject areas, curriculum, classroom activities, and teaching methods should stay with States and schools.

This substitute correctly defines the Federal role in education and ensures that we keep every aspect of education local. I urge my colleagues to support it.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the ranking Republican, the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, as I said when we began this discussion way back in the Dark Ages, the staffs in a bipartisan way did an outstanding job in bringing to the committee an outstanding piece of legislation. I truly believe that we messed it up somewhat after the subcommittee and the full committee began to work with it. The Michel substitute would be the ideal piece of legislation to take into conference with the Senate, and then we would not encourage the Senate to add 18, or 20, or 30 more programs.

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So again, like the Governor, I plan to support the legislation that the committee has developed, with the hope that by the time it gets to the President's desk, we will have corrected many things that, as I said, we messed up in committee.

In the meantime, however, it seems to me that the Michel substitute is the ideal place to start with when we are going to negotiate with the Senate.

Mr. BOEHNER. Mr. Chairman, I yield two minutes to the gentleman from California [Mr. McKEON] a member of the committee.

Mr. McKEON. Mr. Chairman, I rise in strong support of the substitute offered by the gentleman from Illinois.

Before I came to this body I had the opportunity to serve on a local school board for several years. I served with four concerned members of the community and together we spent countless hours trying to meet the needs of the young people for whom we were responsible. A friend of mine once told me that people who serve on school boards are going to have a special place in heaven.

When I was first elected to the board, our budget was approximately $16 million dollars. At the end of my 9 years, that budget was up to $40 million. Over 85 percent of this money came from the State and Federal Governments. That's a lot of money and I think we could have done an excellent job of educating our young people. The problem was that even though we were elected as local, on-the-spot officials, we had very little say in what went on in our schools. While the Federal and State Governments sent us most of the money, they sent even more mandates. We were constantly trying to do all the things they asked us to do rather than do what was really best for the children.

I'm a strong advocate for local control of the educational process and for minimizing Federal and State mandates. I assure you those I know who serve on local school boards would give up that special place in heaven to have more say in the educational process.

Mr. Chairman, I strongly urge my colleagues to support the Michel substitute.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. HOEKSTRA] a member of the committee.

Mr. HOEKSTRA. Mr. Chairman, I rise tonight in support of the Michel substitute to H.R. 6, the Elementary and Secondary Education Act. I appreciate the opportunity we have had to openly and fully debate this issue. We have made a number of improvements over the last couple of weeks.

Having said that, I still have to come to the conclusion that this legislation still goes too far. I have received a tremendous number of calls and letters against H.R. 6, and people know that we face a dramatic change in educational policy. What we face with H.R.

6 is a dramatic move toward greater Federal control and mandates if H.R. 6 is passed as is.

I support flexibility in Federal policy. For those who agree with me that states and localities should make the decisions which affect their own children in the schools in their communities, vote for the Michel substitute. For those who agree with me that opportunity to learn standards are the camel's nose under the tent, vote for this substitute. For those who agree with me that Federal guidelines should be minimized and limited resources should be focused on programs which do the most good, not what we in Washington think work, vote for the Michel substitute.

A good example of what the Michel substitute would allow school districts to do is allow them a great deal of flexibility. It would allow for schoolwide strategies, schoolwide projects, that would let the schools take a look at the Federal dollars they are receiving, and rather than trying to meet a formula or specific project criteria, take these funds and allocate them to the specific needs of that school district, of the children in that school.

We do not tell them where to use the money, but we trust local school districts, local teachers, local parents, and local school boards, to trust their judgment to spend it the best way that they feel is necessary.

A vote for this substitute is a vote in support of your local school districts and students everywhere.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong support of the Michel substitute. Often in this Chamber the minority Members are accused of not having a real alternative, of not proposing and taking a stand on what we believe in.

I want to say that the gentleman from Illinois, Mr. MICHEL, the minority leader of our Members in this Chamber, has proposed a bill that is a bill that we as Republicans would support if in fact we were in charge of this institution.

Why? I think it is pretty simple. Throughout this entire debate over these last few weeks, we have tried to point out that this bill before us, the committee bill, has some 46 different programs. The entire focus of the bill goes from here to here to here. It is all over the lot.

What we believe is that we ought to get this money to students and schools who need it in America in the most efficient way, with the least red tape and bureaucracy attached to it. And that is what we do in our proposal.

We also eliminate many of the programs that the President tried to eliminate when he sent his reauthorization bill here. We have not added all of these programs back in as the committee members did during the markup several weeks ago.

So this bill, in my opinion, is an effort on the part of the Republicans to leave control where it belongs, to the States and local communities, to empower parents and teachers and principals to make decisions about education, not Members of Congress or bureaucrats here in Washington, DC.

This is a very good effort on the part of minority Members. It deserves the consideration of all Members, and I urge its adoption.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois, Mr. MICHEL.

The question was taken; and the Chairman announced that the noes appeared to have it.

### RECORDED VOTE

Mr. BOEHNER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 173, noes 245, not voting 20, as follows:

[Roll No. 94]

### AYES—173

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lewis (CA)
Lightfoot
Linder
Lipinski
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Parker
Paxon
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

### NOES—245

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Horn
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

### NOT VOTING—20

Barton
Cardin
Derrick
Ford (TN)
Gallegly
Gallo
Grandy
Kopetski
LaFalce

Leach
Lewis (FL)
McMillan
Natcher
Pickle
Rangel
Rostenkowski
Smith (TX)
Torricelli
Washington
Whitten

□ 2028

Messrs. STUDDS, HORN, and GILMAN changed their vote from "aye" to "no".

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mr. DOOLEY. Mr. Chairman, I want to take this opportunity to thank Chairman FORD and ranking member GOODLING for including my amendments in the en bloc amendment to title I of the bill. These provisions address concerns that I have heard from many of my constituents regarding the impact of the new school-wide title 1 programs authorized under H.R. 6 on children from migrant families. I want to thank Chairman FORD and his staff for working with me on these amendments. I know that Chairman FORD has long been the leading advocate in Congress for migrant education programs and that his work on H.R. 6 reflects his concern for this population.

As you know, H.R. 6 provides schools with high populations of poor children the ability to establish school-wide programs that will benefit all the children in a school by combining Migrant Education Program funds and funds for other categorical programs. I think that the school-wide programs provide the opportunity for schools with large numbers of poor children to provide more coordinated services to a larger number of children.

Migrant Education Programs, part C of title I, provide supplemental services specifically designed to address the special needs of children from migratory families whose education is interrupted because of frequent family migration. These students do not necessarily enter a school at the beginning of the fall term and leave when the summer begins. They may enter several schools within a year. For them to be able to keep up with their peers and to receive a meaningful education they must have supplemental programs to help them bridge the gap from school to school. School-wide programs, which may well have a very different focus, should address the needs of migrant children. My amendment, which is now part of the chairman's en bloc amendment, contains two changes to H.R. 6 that will go a long way in addressing the continuing needs of migrant children.

First, the amendment would add a provision to section 10001 of H.R. 6, which deals with coordination of services, requiring that the health and welfare needs of children from migratory families be addressed in coordination of services. I believe that this provision is important in ensuring that the special needs of these children are not overlooked in a school operating a school-wide program.

Second, the amendment would require the Secretary of Education to report to Congress on how school-wide programs are meeting the needs of children from migratory families. The report would help preserve vital services to migrant students by identifying potential problem areas in school-wide programs, and making improvements on them, before it is too late.

H.R. 6 reaffirms the commitment of Congress to Federal education programs for children from migratory families. MEP programs are important and should not be ignored during implementation of schoolwide programs. I believe all of the provisions of my amendment address this concern.

Again, I thank the chairman for his help in this matter and urge that my colleagues support H.R. 6.

Mr. SYNAR. Mr. Chairman, I rise today to support the final passage of H.R. 6, the Improving America's Schools Act. This legislation will greatly improve teaching and learning in our public schools at a time when it is critical for our Nation to keep pace with the educational prowess of our international competitors. H.R. 6 meets this challenge by encouraging States to develop improved curricula tied to internationally competitive academic and workforce standards, promoting enhancements of instruction and by fostering both professional development and greater family and community involvement in schools.

The innovative approach to education reform embodied in H.R. 6 is long overdue. Studies have shown that while our economy, society and families have undergone dramatic changes, schools and instruction programs have remained stagnant. Long-term improvement in public education will only occur if states, local school districts and individual schools work together to achieve reform. H.R. 6 promotes this approach by creating a fully coordinated effort designed to produce a well-qualified and well-trained workforce that will meet both the increasingly complex and rapid technological challenges and the ever-growing aggressive competition of our international rivals.

During the opening days of debate on H.R. 6, my attendance was required in Oklahoma and I was unable to vote on two important home schooling amendments offered by Education and Labor Committee Chairman FORD and Congressman ARMEY. Had I been present, I would have voted for Congressman FORD's amendment and opposed the Armey amendment. The amendment by Mr. FORD deleted language in H.R. 6 which required each local educational agency within a State to certify each full-time teacher within the agency's jurisdiction. I believe that the removal of the certification language, and the addition of language which specifies that nothing in the bill impacts home schools, addresses the concerns of the home school supporters in my district in a constructive manner that maintains the overall integrity of the legislation. While I recognize the environment in which the Ford amendment was offered and support its adoption, I also believe that if we are to improve our public school education we must ensure that students are taught by qualified teachers and it is my hope that all public school teachers will soon be certified in the subject they teach.

I oppose Congressman ARMEY's proposal, known as the home school/private schools freedom amendment, because it contains overbroad language that could unintentionally restrict the participation of home schools, parochial schools and private schools in H.R. 6 programs. After careful study, I am in agreement with groups such as the Catholic Coalition and the Seventh Day Adventists, both of which support extensive parochial school education, that believe the Ford amendment adequately addresses the concerns that were raised by home school supporters without creating more potential problems by denying non-public schools from participating in the programs in H.R. 6.

Again, I would like to express my support for H.R. 6, Improving America's Schools Act. This legislation provides an innovative, well-coordinated framework that will allow our Nation's education system to advance into the next century. The challenges in that century, both from our international competitors and from the increasing complexity and potential of new technology, demand that this Nation rededicate itself to providing a solid educational foundation for all its citizens. H.R. 6 will help achieve that goal.

Mr. BUYER. Mr. Chairman, I oppose H.R. 6, the Improving America's Schools Act, in its present form because it is not in the best interests of the children, families, and school districts in Indiana's Fifth Congressional District. H.R. 6 attempts to impose Federal control and micromanagement of our schools while denying States and local school districts the flexibility necessary to best educate our children.

Universal prescriptions and mandates stemming from Washington are not going to help provide children with the basic reading and arithmetic skills needed to compete into the next century. True education and learning comes from partnership in learning between educators, parents, and students. States and localities need the flexibility to form curricula in accordance with the unique needs of the children they educate. A one-size-fits-all approach to education hardly suits the individual needs of all students.

Educators should be free to spend their time teaching our kids, not filling out forms. School superintendents across the Fifth District communicated to me that they are tired of layers of Federal regulations and funding contingencies. Overall, they believe programs funded under title I achieve results, so long as they can spend their time administering to their pupils rather than filling out forms. These school superintendents expressed that while they understand the necessity for regulation, and the need for accountability, the big Government regulations are burdensome, drain financial resources, and actually consume precious time that could be better-spent educating children.

Allow me to share a few examples. Dr. Randy Green, superintendent of Wabash City Schools in Wabash, IN, commented that he is burdened by the regulations imposed upon the schools under his jurisdiction. Further, while Federal and State programs are greatly appreciated, when these programs are unfunded they can be devastating to schools. In another example, a school superintendent in Grant County, IN, informed me that he prefers local and home control of schools, adding that there are too many rules and mandates requiring the administration of special programs, to the exclusion of basic educational schemes. He commented that education is becoming secondary in his school system while he tries to meet big Government unfunded mandates.

These are only two of many examples of comments from school superintendents within my district which clearly express the need for less regulation and Federal involvement. H.R. 6 is big on mandates and imposes a heavy hand on States and localities.

H.R. 6 includes opportunity to learn standards which are Federal mandates in disguise. These regulations require school districts to develop programs to meet Federal criteria while not requiring implementation of the standards. Nonetheless, opportunity to learn standards intrude on State flexibility and local control of school districts, while imposing a time consuming and arduous task on schools and their administrators. Why must we add another level of paperwork to schools that are pleading for less bureaucracy? If we are serious about cutting Government bureaucracy and allowing teachers to spend valuable time teaching our children, then opportunity to learn standards are the wrong means to that end.

Mr. Chairman, the reauthorization of the funds included in H.R. 6 is of the utmost importance to the schools within Indiana's Fifth Congressional District. However, through my contacts with over 50 school superintendents in Indiana I know that unfunded Federal mandates are going to place a strain on schools and their administrators.

Access to Federal funding is important, but at what expense? According to a school superintendent in a northwest portion of my district, given the amount of restrictions and paperwork necessary to qualify for title I funding, it is questionable whether it is worthwhile to expend such time in order to obtain this funding.

Also included in H.R. 6 was an amendment proposed by Congressman SAM JOHNSON which prohibits Federal funds from being directed to any school which effectively prevents students from exercising their constitutionally protected right to prayer in schools. I would like to go on record as strongly supportive of this amendment. The right to prayer or meditation is a constitutionally protected right which cannot be abridged by educational, or other institutions. We cannot allow forces, which already attempt to remove prayer from various sectors of public life, to impede on the right of our children to prayer and personal development. I greatly respect my colleague and appreciate his efforts in this regard.

It is time to control the heavy hand of big Government and oppose Federal micromanagement. We can rely on our State and local school boards to recognize what is best for our children. It is for these reasons that I remain opposed to H.R. 6.

Mr. FRANKS of Connecticut. Mr. Chairman, while there are many positive things to say about American education today, there are also many problems. Students graduate our high schools without the knowledge needed to get a job. Too many students do not graduate at all. The school years of many urban children are filled with the dangers of violence, the temptations of drugs and personal irresponsibility, and the expectation of failure. The constituents of my Connecticut district, especially parents, have been looking for solutions to these problems. Goals 2000, which I voted for last fall, is the first step toward addressing these problems. H.R. 6, the reauthorization of the Elementary and Secondary Education Act, is the second step.

Like debate in boards of education and State legislative bodies, debate in Congress over aspects of education are often bitter and divisive. Such is the case with this bill. I have kept in mind throughout the debate and amendment process that education is best when kept under local control. More programs, more paperwork, more mandates, and more bureaucracy is definitely not the way to reform education. Indeed, such problems have stifled the ability of school districts to help our disadvantaged children. I find especially disappointing the unwillingness of Congress to support tax vouchers, so that parents can choose to send their children to the school that will be the best for their child.

Not all of the provisions in this bill are totally in agreement with my philosophies on education. This is why I voted for the Michel Republican substitute to try to make this bill the best possible piece of legislation to help our Nation's children.

The Michel substitute gives schools the flexibility they need to adopt Federal programs to their own needs. It limits bureaucracy and paperwork so that schools can use Federal education funds to educate students rather than hiring more administrators. It requires the same high standards, fosters parental involvement, and helps States and school districts move toward technology-based education.

Unfortunately, the Michel amendment failed to pass. Nevertheless, I intend to vote for the final version of H.R. 6, because it includes programs worthy of enactment. I will outline my approval and objections to certain provisions in this bill that generated considerable debate on the floor.

One of the most welcome elements of this bill is the flexible Chapter 2 Block Grant Program. I realize that school districts across the country are at various points in their ongoing efforts to improve the education they provide. Each community has its own strengths and its own problems. Within my district, Waterbury, Danbury, and Meriden have special concerns not as pressing in the suburban areas of Connecticut. Chapter 2 encourages local innovation in the use of Federal funds for education reform.

I was pleased to see the Boehner amendment on public school choice added to the bill without needing a vote. Last year I was disappointed to see true school choice defeated during consideration of Goals 2000. This permission to school districts to allow parents educational choice among public schools receiving title 1 funds is the first step toward using competition as a way to improve our Nation's educational system.

Republicans and Democrats worked in committee to develop a title 1 formula that fairly distributes money to all areas of the country. Title 1 provides grants to school districts to provide educational services to disadvantaged children. Under the revised formula, title 1 funds in the bill, up to the 1994 level, will be distributed according to the formula that has been used in the past 5 years. Funds exceeding this level will be distributed under a new formula that gives more of the money to districts with a high percentage of poor families. Disadvantaged children living in relatively affluent areas will not lose the Federal assistance that they deserve, and school district budgets will not suffer from a drastic loss of Federal Funds.

This bill will also allow the Federal Government to award competitive grants for the planning and establishment of charter schools in local communities. Charter schools are publicly funded schools in which students not succeeding under standard methods of teaching are exposed to new methods of education. The federal government waives certain Federal laws and regulations to give these schools more room for innovation.

While President Clinton has greatly weakened the ability of the Office of National Drug Control Policy to fight the drug war, I still see drugs as a serious problem worthy of fighting at every level of government. This bill reauthorizes the Drug-Free Schools and Communities Programs, including the Drug Abuse Resistance Education Programs, commonly called DARE. I support the continuation of these programs, which have kept widespread drug abuse at bay during the past several years.

Congressman ROTH offered an amendment to eliminate from this bill all funds available to States for bilingual education programs. While I do not doubt that some bilingual programs have lost sight of the program goal—to teach students English in a short period of time—I do not think that eliminating Federal funds for bilingual education programs would help immigrant children to learn English. Children from homes where no English is spoken can benefit from teachers who speak their native language. States need to change and update bilingual education programs that are not working, but I do see a legitimate need for transitional programs that help children to master the language that unites our country of diversity.

One of my most serious objections to the original version of the bill was the inclusion of eight mandatory opportunity to learn standards written in the bill. The original version would have required States to set standards and issue reports on many different aspects of education that have traditionally been left to State and local governments. Areas in which the Federal Government planned to intrude included student-teacher ratios, teacher training, school facilities, and the number of library books. Besides increasing the paperwork burden on already burdened school systems, the bill did not provide any money for the development of these standards. Opportunity to learn standards are an expensive, incomplete, and simplistic way to try to improve our Nation's schools, and Congress has no business forcing school districts to adopt them.

I supported the Goodling amendment to greatly limit the influence of opportunity to learn standards in this bill. The Goodling amendment requires States to develop only two opportunity-to-learn standards only for schools that receive title 1 money. One standard would require school systems to develop, but not implement, ways to align its curricula and resources with standards developed by the State. The second standard would make sure teachers are able to teach subjects for which the State has adopted content and performance standards. Although I feel that all opportunity to learn standards should be completely voluntary, and not in Federal legislation, I recognize that this compromise will allow many good aspects of this bill to be passed.

Many parents in my district were concerned about language in the bill that would have imposed new Government control over private school teachers and parents who teach their children at home. In order to receive professional development funding from the original version of this bill, school districts may have had to prove that all fulltime teachers in the district were certified to teach their assigned subjects. This requirement could have been interpreted to apply to private school teachers and home schoolers, as well as public school teachers. I feel that the Federal Government has no business being involved with teacher certification issues, whether public, private, or home schoolers.

I voted for two amendments to solve this problem. First, I voted for the Ford amendment, which removed from the bill the requirement that school districts certify teachers in order to receive certain funding. I also voted for the Armey amendment, which states that nothing in the bill allows any Federal control over any aspect of private, religious, or home schools. These two amendments should relieve the concerns of my constituents who assert their right to choose private schools or home schooling.

Illegal immigrant children attending public schools is a serious problem for many school districts, including districts I represent. Illegal immigrants enter the country aware that our Nation's compassion for children will permit their children to get a free education courtesy of the American taxpayers. We need to squelch this incentive. Congressman ROHRABACHER attempted to amend this bill by requiring school systems receiving taxpayer money under H.R. 6 to count and report the number of children in their schools who are illegal immigrants or children of illegal immigrants. I supported an amendment to pay for this count with Federal funds, because immigration is a Federal problem. This amendment was never offered, because members permissive of illegal immigration wanted to provide a fiscal reason to oppose the Rohrabacher amendment. I voted for the Rohrabacher amendment because I believe in the need for immigration control, and I call on the Democrat leadership in Congress and President Clinton to address our Nation's illegal immigrant problem this year.

I hope that the next reauthorization of the Elementary and Secondary Education Act includes the option for States and local school districts to develop school choice plans. I still believe that school choice will inspire self-initiated education reform more effective than any education program being approved in this bill today.

Mr. CONDIT. Mr. Chairman, I would like to explain the reasons for my vote on H.R. 6, the Elementary and Secondary Education Reauthorization. During the course of the debate on this bill, I have become very concerned with potential unfunded mandates that may result from its enactment. As a result of this concern, I have attempted to amend H.R. 6 so as to make the model opportunity-to-learn standards, contained in title 1, voluntary. I am somewhat pleased that an amendment was added to title 1 which stipulates that the implementation of opportunity-to-learn standards will be voluntary for States. Unfortunately, States will still have to develop these standards, even though they will not have to implement them. There are no doubt other mandates in H.R. 6 which may result in direct costs to States and local school districts. It has been reported that H.R. 6 contains 23 new reporting requirements for State and local education agencies.

For this reason, many have suggested that we defeat this legislation. And while H.R. 6 certainly has flaws and a better bill could probably be drafted, it is important to realize that H.R. 6 is must-pass legislation. The overwhelming majority of Federal programs for our public schools will receive their authority under H.R. 6. In order to continue these programs, such as chapter 1 and Even Start, we must reauthorize the Elementary and Secondary Education Act. So just as I did earlier this week when I voted for the Goals 2000 education reform bill, I will be reluctantly casting my vote in support of H.R. 6.

Mr. GOODLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do so just to say again that I thank the staff on both sides that worked hundreds and hundreds and hundreds of hours on this legislation.

Mr. Chairman, I also want to take time to say that I have some pretty ideal people on the minority side who serve on this committee. There is none that does his homework any more, there is no one on this committee on either side of the aisle that is better prepared whenever we come, whether it is a hearing or whether we are dealing with legislation, than the gentleman from Wisconsin [Mr. GUNDERSON].

□ 2030

The CHAIRMAN. Are there further amendments to the committee amendment in the nature of a substitute, as modified, as amended?

If not, the question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HUGHES) having assumed the chair, Mr. PRICE of North Carolina, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6) to extend for 6 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes, pursuant to House Resolution 366, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. WILSON. Mr. Speaker, I demand a separate vote on the so-called Armey amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 735, line 6, insert "institutional" after "nonprofit".

On page 737, line 13, insert "institutional" after "nonprofit".

On page 762, line 9, insert the following new section and redesignate subsequent sections accordingly:

**"SEC. 9508 GENERAL PROVISION REGARDING NON-RECIPIENT NONPUBLIC SCHOOLS.**

"Nothing in this Act shall be construed to permit, allow, encourage, or authorize any federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under state law. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under the Act.".

Mr. KILDEE (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WILSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

So the amendment was agreed to.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore, announced that the ayes appeared to have it.

### RECORDED VOTE

Mr. GOODLING. Mr. Speaker, I demand a recorded vote.

A recorded voe was ordered.

The vote was taken by electronic device, and there were—ayes 289, noes 128, not voting 16, as follows:

[Roll No. 95]

AYES—289

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Carr
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reed
Reynolds
Richardson
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Taylor (MS)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (FL)

NOES—128

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bereuter
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fields (TX)
Franks (NJ)
Gekas
Gingrich
Goodlatte
Goss
Grams
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
Levy
Lewis (CA)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
Mica
Michel
Miller (FL)
Moorhead
Myers
Nussle
Oxley
Packard
Paxon
Pombo
Portman
Pryce (OH)
Quillen
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Royce
Santorum
Schaefer
Schiff
Sensenbrenner
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (NC)
Thomas (WY)
Vucanovich
Walker
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—16

Barton
Cardin
Derrick
Ford (TN)
Gallegly
Gallo
Grandy
LaFalce
Lewis (FL)
McMillan
Natcher
Pickle
Smith (TX)
Torricelli
Washington
Whitten

□ 2051

So the bill was passed.

The title of the bill was amended so as to read: "A bill to extend for five years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes.".

A motion to reconsider was laid on the table.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the Report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 3345) "An act to provide temporary authority to Government agencies relating to voluntary separation incentive payments, and for other purposes.".

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1636) "An act to authorize appropriations for the Marine Mammal Protection Act of 1972 and to improve the program to reduce the incidental taking of marine mammals during the course of commercial fishing operations, and for other purposes."

## FURTHER APPOINTMENT OF CONFEREE ON S. 349, LOBBYING DISCLOSURE ACT OF 1993

The SPEAKER pro tempore (Mr. LAUGHLIN). Without objection, the Chair appoints the gentleman from Oklahoma [Mr. SYNAR] to the committee of conference on S. 349 in place of the gentleman from Massachusetts, [Mr. FRANK].

There was no objection.

## TRIBUTE TO THE HONORABLE WILLIAM D. FORD

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Mr. Speaker, I would like to indicate first that this bill, the Elementary and Secondary Education Act, was passed as one of the great achievements of President Lyndon Johnson, and helping President Lyndon Johnson pass this bill in a very, very effective and grand way was Congressman BILL FORD.

Mr. Speaker, BILL FORD is leaving us this year. But let me say this personally, and I will have some time later to speak: No Member of Congress could have had a better mentor than I have had in BILL FORD. I am deeply appreciative of all that he has taught me. I am a much better legislator and a better human being because of BILL FORD.

## GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on H.R. 6, the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## AUTHORIZING THE CLERK TO MAKE CHANGES IN SECTION NUMBERS, PUNCTUATION, CROSS-REFERENCES, AND OTHER TECHNICAL AND CONFORMING CHANGES IN ENGROSSMENT OF H.R. 6, IMPROVING AMERICA'S SCHOOLS ACT OF 1994

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, the Clerk be authorized to make corrections in section numbers, punctuation and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, H.R. 6.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL MIDNIGHT, MARCH 25, 1994, TO FILE SUNDRY REPORTS

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until midnight, Friday, March 25, 1994, to file sundry reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so simply to inquire of the gentleman from Texas whether or not the sundry bills on which he is filing reports is the crime bill.

Mr. BROOKS. The gentleman is absolutely correct.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## PERMISSION FOR MEMBERS TO SUBMIT MATERIAL FOR EXTENSION OF REMARKS ON MARCH 24, 1994

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that for today, March 24, 1994, all Members be permitted to extend their remarks and to include extraneous material in that section of the RECORD entitled Extension of Remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## MORE CLINTON ADMINISTRATION NEWS

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, I am going to have to try and squeeze two 1-minutes into one, because of the rush of news today.

Last night on this floor, I called for the resignation or firing of Joycelyn Elders. I have just asked permission to put into the RECORD the letter written by Cardinal Hickey, the Archbishop of Washington, DC., and environs, to the President demanding that he disavow and censure Joycelyn Elders, the Surgeon General, for her remarks which appeared in a homosexual publication, The Advocate. This is the second time in just 8 months that an Archbishop has written forcefully to condemn the remarks of this Surgeon General. At this point I would like to submit that letter.

Now I find in the paper a second issue, which I missed yesterday: "Of the 1,000 FBI background checks of White House personnel, more than 500 revealed derogatory information that would have prevented these people from obtaining FBI security clearances. The FBI found cases of past drug use, drug convictions, years of unpaid taxes, unpaid debts, and financial irregularities, all discrepancies that are grounds for Secret Service questions." The White House denies this and says it is only 100.

Do you remember my words here last September and October, Mr. Speaker? I said that Bill Clinton could not have gotten a security clearance to serve in any agency of any administration. Only by getting elected President could he obtain a clearance.

The flower generation, the hippie sixties generation, has come to Washington, DC, and it is a nightmare. The Wall Street Journal today printed a letter written by DAN GLICKMAN and LARRY COMBEST, good men from the Select Committee on Intelligence. It is a letter asking CIA Director Woolsey what steps he has taken to ensure that classified material has not fallen into the hands of those who do not have proper clearance. It is a letter I asked him to write.

I will include with my remarks the entire Wall Street Journal editorial with the letter from the chairman and ranking Republican of the Committee on Intelligence.

[From The Wall Street Journal, Thursday, March 24, 1994]

### REVIEW AND OUTLOOK—PATSY TAKES THE FISKE

White House notoriety Patsy Thomasson actually showed up to testify to Congress Tuesday, and proved herself charming. She did little to still concerns about the administration's security procedures, however, and on the matter of her nocturnal visit to Vincent Foster's office in the wake of his death she pleaded the Fiske.

Ms. Thomasson "would like nothing better," she said, than to tell the subcommittee "what I did that night in that office." But due to Special Counsel Robert Fiske's probe into Mr. Foster's death, she couldn't possibly comment on that. Ms. Thomasson, in case you've spent the last month as an orbiting astronaut, is the FOB from Arkansas who was once the top aide of FOB bond dealer and drug convict Dan Lasater, and who has risen in life to be director of the Office of Administration at the White House, where she oversees personnel, computers and some security operations.

These responsibilities seem to weigh heavily in this administration. The White House Counsel's office is responsible for security passes, the immediate responsibility of Associate Counsel William Kennedy III, the former Rose Law Firm partner now tottering on the brink of resignation (maybe by tonight's 7:30 press conference?) over a nanny-tax issue. Last night, the White House said Mr. Kennedy would no longer handle passes.

The security situation is so dire that Congressmen Dan Glickman and Larry Combest, Chairman and ranking minority member of the House Intelligence Committee, have written the Director of Central Intelligence (see text below) more or less suggesting that he cut the White House off from classified information.

More specifically, they asked CIA Director James Woolsey what steps he had taken to ensure that White House staffers without clearances hadn't had access to classified material. The two Members said they were troubled, and that "The urgency of this matter has been highlighted by the arrest of Aldrich Ames," (for astronauts, the recently apprehended KGB mole in the CIA).

When Ms. Thomasson responded to similar concerns expressed this week by House subcommittee chair Steny Hoyer, a Maryland Democrat, she was hardly reassuring. "We don't think we have any Aldrich Ameses at the White House," Ms. Thomasson responded. "But we certainly could." Ms. Thomasson admits that she lacked a permanent White House pass or security clearance until earlier this month; despite that, she has had 24-hour access to the West Wing. At one point in her testimony, she also said she had "no need" to have the combinations to any safes in the White House; they are in the possession of Charles Easley, a security officer who works for her.

She also revealed that while Mr. Kennedy was handling clearances for White House passes, his own background check was finished in March 1993, but he didn't receive his own permanent pass until December. GOP Rep. Frank Wolf, who first agitated these issues on the House subcommittee that oversees the White House budget, told us that White House Chief of Staff McLarty's background check was completed on January 22, 1993—two days after the inauguration. He didn't get his permanent pass until just this past March 5, the day Mr. Fiske's first subpoenas arrived at the White House. House Members wanted to know what was going on.

Ms. Thomasson, however, persisted in telling Rep. Wolf on Tuesday not to worry. She said there was no reason for concern that senior White House aides lacked permanent passes because they nonetheless had gotten "requisite security" approval. She holds that Mr. McLarty's case was "fully adjudicated," which apparently means the background check was complete and accepted by Mr. Kennedy, who just hadn't gotten around to forwarding the Chief of Staff's papers to the Secret Service.

This is "malarkey," says Phil Larsen, who was administrative officer in Jimmy Carter's White House and ran personnel management under President Bush. The Secret Service must clear a final financial check, and is part of an adjudication. "None of this makes any sense," he told us; it would be "astonishing" if security clearances were issued before passes were. "The two always—and should—go together.

After sleeping overnight on Patsy's testimony, Rep. Wolf and Rep. Bill Clinger, ranking Republican on the Government Operations Committee, called for a GAO investigation of the White House pass problem.

At 8:15 p.m. last night, AP reported Press Secretary Dee Dee Myers had suddenly issued a "fact sheet" indicating that more than 100 White House staffers lack security clearances and one-third of the 1,044 employees don't have permanent passes.

OFFICE OF THE ARCHBISHOP,
*Washington, DC, March 21, 1994.*
The PRESIDENT OF THE UNITED STATES,
*The White House,*
*Washington, DC.*

MY DEAR MR. PRESIDENT, I must take strong exception to the recent remarks of the Surgeon General, Joycelyn Elders, advocating homosexual behavior and the expressing support for adoption by so-called homosexual couples. Furthermore, I deeply regret her apparent intolerance of people whose religious faith and moral values collide with her own ill-considered views.

The Surgeon General irresponsibly accuses religious leaders of holding that human sexuality is solely for procreation. Her words are a misleading caricature. In our Catholic tradition the two fundamental purposes of human sexuality—the expression of the committed love of husband and wife and openness to new human life—are linked together. Human sexuality is a great gift from God which enables couples to express their love for one another and in the context of that love to create and care for a family. Such a view is supported both by faith and reason; it does not involve the suppression of human sexuality but rather its right use for the good of individuals and society.

The strength of our country, Mr. President, has always been in the vitality of our families, not in the might of our weapons. By contrast, the breakdown of the family has been the root of so many of the social problems which, as a nation, we now struggle to overcome. The comments of Surgeon General Elders are destructive of a true understanding of family life. It is one thing to defend the human rights of homosexual men and women; it is quite another to encourage, as she does, a life-style which puts so-called homosexual unions on a par with marriage and family and condones homosexual behavior among young people.

Mr. President, I strongly urge you to take responsibility for the Surgeon General's harmful and offensive remarks and publicly to disavow them. Respectfully I ask that you urge Dr. Elders to be more tolerant of religious teachings with respect to human sexuality. Whether she knows it or not, the religious teachings, leaders and institutions which her remarks attack are vitally important to solving many of our nation's social ills.

Sincerely in Christ,
JAMES CARDINAL HICKEY,
*Archbishop of Washington.*

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 232. Concurrent resolution providing for an adjournment of the two Houses.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and under a previous order of the House, the following Members are recognized for 5 minutes each.

## BANKS, DERIVATIVES, AND HEDGE FUNDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, I take the floor today to update my colleagues about the Banking Committee's efforts to ensure the safety and soundness of the financial system. Over the past 6 months the Banking Committee has been monitoring the rapid growth of newfangled financial instruments called derivatives and I have ordered my staff to draft legislation that would call for further regulation of derivatives.

As part of our review of the risks posed by derivatives, the Committee has been studying one of the major purchasers of derivative products—hedge funds. Bank lending to these highly leveraged and largely unregulated investment funds raises a number of serious safety and soundness questions about hedge funds and their use of derivatives.

Hedge funds are one of the largest purchasers of derivative products from banks, and that status alone makes them worthy of scrutiny. But hedge funds deserve extra scrutiny because their massive financial clout, fueled by large credit lines from banks, is used for speculative purposes. This speculative activity has grown so great that it has a tremendous effect on the stability of our financial markets.

The Congress and regulators must make sure that they understand the impact of hedge funds on the stability of our financial markets and the banking system. Based on recent events, it appears that hedge funds are increasingly being viewed as a growing threat to the stability of our financial system. The only way to understand that threat is to learn more about hedge funds, debunk the myths, and develop supervisory strategies to control those risks. To execute that strategy the regulators must begin to require greater disclosure about bank exposure to hedge funds and the securities regulators need to require greater information about hedge fund operations.

As a first step to ensuring that the regulators are learning all they can about the risks posed by hedge funds, the Committee will hold a hearing to explore the implications of bank exposure to hedge funds on Wednesday, April 13.

### BACKGROUND ON HEDGE FUNDS

Generally, there is very little publicly available data on hedge funds because hedge funds deliberately structure their activities so as to avoid regulation, including public disclosure. It is not uncommon for a hedge fund to have its trading offices located in some exotic tax haven that does not require public disclosure of the fund trading activities.

There is no precise definition of a hedge fund, but basically a hedge fund is a speculative investment vehicle that uses sophisticated techniques to trade a wide range of currencies, securities and commodities. They offer high-risk, high-profit investments to investors, usually wealthy individuals who can afford to take the risks.

In legal form hedge funds are commonly structured as private limited partnerships organized in the U.S. or a foreign corporations in an offshore tax haven. Organizing in this way permits hedge fund to avoid most domestic regulation. They are exempt from most securities laws and because they are partnerships or off-shore corporation they do not pay U.S. taxes. Without these important legal distinctions hedge fund activities would be severely curtailed.

Each hedge fund partnership has a general partner that is responsible for managing the fund, making investment decisions and raising new capital. The general partner often have a large personal stake in the fund. The general partner receives a fee for managing the fund and on top of that, typically takes 20 percent of all fund profits.

Hedge funds are usually highly leveraged. In other words, they use borrowed money to engage in many of their activities. Banks and securities firms are a key source of funds for hedge funds. Hedge funds are also one of the largest purchasers of derivatives and they rely on banks to supply both derivative products and credit, yet there is little available data on the exact magnitude of derivative product sales to hedge funds or even bank credit exposure to hedge funds.

The Commodity Futures Trading Commission [CFTC] is the only financial regulatory agency with any regular reporting contact with hedge funds. In the futures market the CFTC requires reporting which identifies the positions of large traders such as hedge funds. The CFTC's large trader reporting authority derives from the Commodities Exchange Act which requires large traders to and position holders in particular futures contracts to maintain books and records of their transactions and positions in both futures and cash market for particular commodities.

Information on hedge funds is sometimes reportable by brokers and dealers under the Securities Exchange Commission's [SEC's] large trading reporting requirement, but these regulations cover only publicly traded corporate equities and options.

Hedge funds are subject to the Securities Exchange Act which requires investors to report large positions in equity securities. Also some investment managers of hedge funds that exercise investment discretion with respect to equity securities must file quarterly reports with the SEC regarding their equity positions.

### RECENT LOSSES RAISES CONCERNS

The recent collapse of European bond prices was the latest warning bell that illustrates the potential risks posed by hedge funds. Press reports indicate that hedge funds made massive but incorrect bets on the direction of European bond prices and the result was staggering losses. The newspapers are full of stories about hedge funds losses. For example, one headline reads "Soros Empire Unfazed by Loss of $600 million." George Soros' runs the largest hedge fund called the Quantum Fund which reportedly has over $10 billion in assets under management. The Fund reportedly lost in the neighborhood of $600 million in 1 day. Other funds have had similar experiences. I will invite Mr. Soros and other fund managers to testify on April 13 when I plan hearings on the risk these funds pose to banks.

Recent headlines also suggest that the massive losses are understandably matched by a growing regulatory concern over hedge funds. One headline reads, "Central Bankers Inquire Into Hedge Fund Risks," while another reads, "SEC Is Concerned About Hedge Funds." Coupled with the recent market turbulence over the Federal Reserve's decision to raise interest rates, it is easy to understand why the regulators and even the Congress are jittery about hedge funds and their effect on the stability of our financial system.

It is reasonable to ask how a hedge fund could lose $600 million in one day. In great part the explanation lies in the growth of hedge fund financial clout and the highly leveraged nature of hedge fund operations—big gains means big risks, and big risks mean big losses.

Hedge funds have approximately $75 billion under management. The hedge funds apparently leverage that capital with bank loans ranging from $5 to $20 for every $1 under management. In other words, these funds could conceivably control anywhere between $375 billion and $1.5 trillion in financial clout. The funds can then further leverage that amount by buying options and other derivatives.

To place hedge fund financial clout in perspective, the average daily volume of currency transactions is estimated in the $1 trillion range, while the world's largest stock exchange, the New York Stock Exchange, has a daily trading volume of roughly $10 billion.

Given their financial muscle, it is easy to see how hedge funds can move markets and worry regulators. It is also easy to see that given their aggressive activities, hedge funds have the potential to cause market disruptions and increase volatility—both threats to banks that are heavily involved in the securities and derivatives businesses.

### CONCERNS RAISED BY HEDGE FUNDS

Hedge funds pose several major risks to our financial system and the regulators and the Congress must take aggressive steps to investigate those risks. One threat risk is systemic while the other relates to the level of individual bank exposure to hedge funds. Both of these risks are magnified by the lack of information on hedge fund activities and the lack of any reliable numbers on bank exposure to hedge funds. Without proper information, it is impossible to gauge the level of risk hedge funds pose to our financial system. In addition, the regulators can do little to limit bank exposure to hedge funds without such information. In other words, not knowing the data, no one can build a safety net.

Examples of problems that could arise from hedge fund activities are easy to envision. A large hedge fund fails and defaults on billions in loans to several large derivatives dealing banks. On top of that, the hedge fund defaults on its side of billions in derivatives contracts which sets off a chain reaction panic in the highly concentrated derivatives market. Rumors would be raised about the dealer banks' ability to handle the defaults.

Events like this would place severe stress on the derivatives markets and the credit markets and the financial system would likely grind to a halt over fears that the large banks could not meet their obligations. Confidence, the key underpinning of our financial system could easily be shaken to the core.

This scenario alone should provide enough impetus for the regulators to gather more information in order to better understand bank exposure to hedge funds. While the hedge funds and banks will tell us that the above scenario is highly unlikely, in the real world such missteps are all too real. We need to prepare for all possibilities in order to protect the integrity of our financial system.

I have asked the regulators if they are prepared to deal with potential hedge fund problems. I have also asked for detailed information on bank exposure to hedge funds and an explanation of the systemic risks that hedge funds pose to our financial system. And I am not the only person expressing concern about hedge funds.

### CENTRAL BANKERS CONCERNED

The G-10 Central Bank governors convene regularly at the Bank for International Settlements [BIS] to discuss international monetary issues. Earlier this year the central banks began asking questions about hedge fund operations. Recent press reports indicate that several of the world's central banks have begun investigating hedge funds after the huge losses of the funds incurred in the European bond markets.

The central banks are concerned over the risks that hedge funds pose to the stability of the world's financial system and the risks to individual banks. One newspaper reported that the Bank of England is holding talks with United Kingdom clearing and merchant banks and has sent them a questionnaire seeking a clearer picture of the risks involved and the extent of bank exposure to hedge funds.

Another paper reported that the Federal Reserve has undertaken an informal but similar survey of the major U.S. banks in order to gather information on the effect of hedge funds on bank safety and soundness and the systemic risks posed by the funds.

These efforts are necessary because there is very little publicly available data on bank exposure to hedge funds. I liken the current situation to the recent experience with highly leveraged transactions. In that case the regulators had no systemic data on bank exposure to highly leveraged transactions and they were unable to gauge the safety and soundness risks posed by bank lending on highly leveraged transactions. In order to get a better handle on those risks, those regulators eventually forced the banks to provide detailed information on their exposure to highly leverage transactions.

The same should happen with respect to bank exposure to hedge funds. It is impossible to gauge the risks of exposure to hedge funds without an accurate picture of the exposure. Chairman Greenspan recently stated that before bank supervisors can develop effective supervisory strategies to deal with derivatives, it was imperative that banks supply additional information on derivatives. For that same reason I want the regulators to require banks to provide additional reporting on their exposure to hedge funds.

### DINGELL, MARKEY AND SEC CONCERNED ABOUT HEDGE FUNDS

On March 10, 1994, Energy and Commerce Committee Chairman DINGELL and Telecommunications and Finance Subcommittee Chairman MARKEY wrote to the Treasury Secretary and SEC Chairman expressing concern over hedge funds and asking for greater disclosure of hedge fund operations.

Independent of that action, Mr. Arthur Levitt, the Chairman of the SEC, recently stated that he was concerned about hedge funds' impact on the stock markets and the SEC's limited ability to monitor the funds. He also stated that the SEC was working on measures to improve hedge fund reporting.

These initiatives will allow the government to better monitor the impact of trading by such funds in the nation's securities markets and take steps to limit risks to the financial system.

### SINGLE REGULATOR

I want to reiterate that the public would be much better served by the existence of a single bank regulator to deal with complex issues such as derivatives and hedge funds. Each regulator has a slightly different orientation and philosophy toward derivatives and hedge funds and what steps should be taken to ensure safety and soundness. We need a unified, uniformly applied policy.

### CONCLUSION

The 1992 Joint Report on the Government Securities Market, conducted by the Treasury Department, Federal Reserve and SEC provides important insight into how hedge funds can negatively affect a market. The report states:

> Events in the government securities markets have shown that their capacity for leverage allows hedge funds to take large trading positions disproportionate of their capital base. However the sheer size of the positions taken by hedge funds raises concerns about systemic risk that these fund may introduce into the financial markets. Regulators currently have little information that might help them assess the market impact of a failure of a hedge fund or that would warn of impending failure.

The landscape has not changed in the last two years. Before we get to the crisis stage with hedge funds, all the regulators should develop the means to better understand the risks posed by hedge funds. This can only be done by increased disclosure. For their part, bank regulators should require greater disclosure of bank exposure to hedge funds. In addition, hedge funds should no longer be exempt from prudent safety and soundness regulations as called for under the securities laws.

The Congress must ensure that the regulators have an adequate understanding of and clear policies to deal with the systemic and operational risks posed by hedge funds. It is also the responsibility of the Congress to ensure that supervision of bank derivative activities and hedge funds is adequate.

I will have more to say on this in the near future. Meanwhile, I want to emphasize that the concern I have is shared by many and I intend to bring to light the risks hedge funds pose, and bring into being the polices needed to control those risks.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,
*Washington, DC, March 24, 1994.*

Hon. ALAN GREENSPAN,
*Chairman, Board of Governors of the Federal Reserve System, Washington, DC.*

DEAR CHAIRMAN GREENSPAN: On April 13, 1994 at 10:00 a.m., in Room 2128, Rayburn House Office Building, the Committee on Banking, Finance and Urban Affairs will hold a hearing to explore safety and soundness issues related to bank holding company involvement with hedge funds. You or your designee is invited to testify at the hearing.

So that the Committee may better understand the various safety and soundness issues involving the relationship between bank holding companies and hedge funds, please provide written answers to the following questions with your testimony.

### 1. GENERAL INFORMATION

How does the Federal Reserve define hedge funds? Please provide a list of hedge funds, including their balance sheet and income statement data and total assets under management. Is there any available measure of the degree of leverage that hedge funds employ? In what markets do hedge funds operate?

### 2. BANK HOLDING COMPANY/HEDGE FUND RELATIONSHIP

What is total bank holding company (BHC) exposure to hedge funds? Please include totals for extensions of credit, guarantees, derivatives exposure, etc. What is the total BHC credit risk exposure to hedge funds?

Please list all the BHC services provided to hedge funds and the revenue derived from those services. Are any BHC investors in hedge funds? Do any bank holding companies act as investment advisors to hedge funds?

### 3. HEDGE FUNDS AS DERIVATIVES CUSTOMERS

In dollar and quantity terms, what percentage of BHC OTC derivatives contracts are purchased by hedge funds? What percentage of BHC exchange traded derivatives contracts are p666X by hedge funds?

Are there any restrictions or prohibitions on the sharing of hedge fund derivative purchases with BHC trading account operations? Would a Chinese Wall between these activities limit bank trading account speculation?

### 4. FEDERAL RESERVE MONITORING OF HEDGE FUNDS

Does the Federal Reserve require BHC's to report any information on their exposure to hedge funds? Has the Federal Reserve performed any studies on bank exposure to hedge funds? Is the Federal Reserve currently monitoring bank exposure to hedge funds? Do hedge funds cooperate with Federal Reserve requests for information?

### 5. HEDGE FUNDS AND SYSTEMIC RISK

What risks do hedge funds pose to the safety and soundness of the banking system? For example, how would the failure of a large hedge fund and the ensuing default on derivatives contracts affect BHC's and the derivatives market?

Recent press accounts indicate that the Federal Reserve and other central banks discussed the systemic risks to the world financial system posed by hedge funds. What were the results of that meeting? Does the Federal Reserve contemplate taking any action that would curb the aggressive trading strategies of hedge funds? Does the Federal Reserve have any contingency plans should a large hedge fund fail?

### 6. HEDGE FUNDS AND TREASURY SECURITIES MARKET

The "Joint Report on the Government Securities Market" (January 1992) raises concerns about the influence hedge funds have on the government securities market. The report also noted that hedge funds provide only limited information on their activities in this market. Please update the Committee on developments since the report was published. Are hedge fund activities still a concern to the efficient operation of the government securities market? Do hedge funds provide adequate information on their activities in this market? Does the Federal Reserve have similar concerns about hedge fund activities in other markets?

### 7. INCREASED REPORTING

You recently stated that before supervisors can develop effective supervisory strategies to deal with derivatives, it was imperative that banks supply additional information. For that same reason it seems to make sense that banks provide regulators and/or the public with information on their exposure to hedge funds. I also note that House Energy and Commerce Committee Chairman Dingell has urged the SEC to require hedge funds to make greater disclosures.

Does the Federal Reserve have any plans to require BHC's to report on hedge fund exposure?

### 8. ADEQUATE NETTING ARRANGEMENTS WITH TAX-HAVEN COUNTRIES

For various reasons, some hedge funds are chartered in tax-haven countries and these hedge funds purchase derivatives from banks. Is the Federal Reserve concerned over the adequacy of netting arrangements with tax-haven countries?

Finally, please provide additional comments or recommendations your agency has on the BHC/hedge fund relationship and the need for improved reporting of that relationship.

You will be given 5 minutes to summarize your written remarks. Banking Committee rules require that 200 copies of your written testimony be delivered to Room 2129, Rayburn House Office Building, no later than noon on April 12, 1994.

Thank you for your time and cooperation. The Committee looks forward to your testimony.

With best wishes.

Sincerely,
HENRY B. GONZALEZ,
*Chairman.*

HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,
*Washington, DC, March 24, 1994.*

Hon. BARBARA HOLUM,
*Acting Chairperson, Commodity Futures Trading Commission, Washington, DC.*

DEAR CHAIRPERSON HOLUM: On April 13, 1994 at 10:00 a.m., in Room 2128, Rayburn House Office Building, the Committee on Banking, Finance and Urban Affairs will hold a hearing to explore safety and soundness issues related to hedge funds and their use of derivative products. You or your designee is invited to testify at the hearing.

So that the Committee may better understand the various risks hedge funds pose to our financial system, please provide written answers to the following questions with your testimony.

### 1. GENERAL INFORMATION

How does the CFTC define hedge funds? Please provide a list of hedge funds, including balance sheet and income statement data and assets under management. Is there any available measure of the degree of leverage that hedge funds employ? In what markets do hedge funds operate?

### 2. HEDGE FUND REGULATION

Please provide a brief overview of the CFTC-related laws and regulations governing hedge fund operations, including any registration, record keeping and reporting requirements.

### 3. CFTC MONITORING OF HEDGE FUNDS

How many hedge fund managers are registered as commodity pool operators (CPO) with CFTC? How many hedge fund advisors are registered as commodity trading advisors (CTA) with the CFTC? Does the CFTC have adequate authority and resources to monitor hedge funds? Has the CFTC performed any studies on hedge funds? Is the CFTC currently monitoring any aspect of hedge fund operations or contemplating improvements in regulations applicable to hedge funds?

### 4. SYSTEMIC PROBLEMS WITH HEDGE FUNDS

Is the CFTC concerned about the impact hedge fund have on the financial markets? Does the CFTC have any concerns about hedge fund use of derivative products? What steps has the CFTC taken to address those concerns? Does the CFTC contemplate taking any action that would curb the aggressive trading strategies of hedge funds?

Finally, feel free to provide any additional comments or recommendations related to hedge funds.

You will be given 5 minutes to summarize your written remarks. Banking Committee rules require that 200 copies of your written testimony be delivered to Room 2129, Rayburn House Office Building, no later than noon April 12, 1994.

Thank you for your time and cooperation. The Committee looks forward to your testimony.

With best wishes.

Sincerely,

HENRY B. GONZALEZ,
*Chairman.*

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING, FINANCE
AND URBAN AFFAIRS,
*Washington, DC, March 24, 1994.*

Hon. ARTHUR LEVITT, JR.,
*Chairman, Securities and Exchange Commission, Washington, DC.*

DEAR CHAIRMAN LEVITT: On April 13, 1994 at 10:00 a.m., in Room 2128, Rayburn House Office Building, the Committee on Banking, Finance and Urban Affairs will hold a hearing to explore safety and soundness issues related to hedge funds and their use of derivatives. You or your designee is invited to testify at the hearing.

So that the Committee may better understand the various risks hedge funds pose to our financial system, please provide written answers to the following questions with your testimony.

1. GENERAL INFORMATION

How does the SEC define hedge funds? Please provide a list of hedge funds, including their balance sheet and income statement data and assets under management. Is there any available measure of the degree of leverage that hedge funds employ? In what markets do hedge funds operate?

2. HEDGE FUND REGULATION

Please provide a brief overview of the laws and regulations governing hedge fund operations, including any investor protection, registration, record keeping and reporting requirements.

3. HEDGE FUNDS AS DERIVATIVES CUSTOMERS

In dollar and quantity terms, what percentage of registered broker-dealer OTC derivatives contracts are purchased by hedge funds? What percentage of exchange traded derivatives contracts are purchased by hedge funds?

4. SEC MONITORING OF HEDGE FUNDS

Recent press accounts indicate that the SEC is concerned about the ways that hedge fund impact the financial markets and the Commission's limited ability to monitor hedge funds. What steps has the SEC taken to address those concerns? Has the SEC performed any studies on hedge funds? Is the SEC currently monitoring any aspect of hedge fund operations? Does the SEC contemplate taking any action that would curb the aggressive trading strategies of hedge funds?

5. LARGE TRADER REPORTING SYSTEM

In a 1992 Report to Congress the SEC stated that the "large trader reporting system" for equity securities and the "large position reporting system" for government securities would, when implemented, provide the Commission with adequate information about the systematic effect of hedge funds on those two markets. Please update the Committee on the implementation of these systems, and describe their usefulness in addressing systemic issues. Are any other reporting requirements necessary to ensure the SEC has a clear grasp of hedge funds' impact on the markets?

Finally, feel free to provide additional comments or recommendations related to hedge funds.

You will be given 5 minutes to summarize your written remarks. Banking Committee rules require that 200 copies of your written testimony be delivered to Room 2129, Rayburn House Office Building, no later than noon on April 12, 1994.

Thank you for your time and cooperation. The Committee looks forward to your testimony.

With best wishes.

Sincerely,

HENRY B. GONZALEZ,
*Chairman.*

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING, FINANCE
AND URBAN AFFAIRS,
*Washington, DC, March 24, 1994.*

Hon. EUGENE A. LUDWIG,
*Comptroller, Office of the Comptroller of the Currency, Washington, DC.*

DEAR COMPTROLLER LUDWIG: On April 13, 1994 at 10:00 a.m., in Room 2128, Rayburn House Office Building, the Committee on Banking, Finance and Urban Affairs will hold a hearing to explore various safety and soundness issues related to bank involvement with hedge funds. You are invited to testify at the hearing.

So that the Committee may better understand the various safety and soundness issues involving the relationship between banks and hedge funds, please provide written answers to the following questions with your testimony.

1. GENERAL INFORMATION

How does the OCC define hedge funds? Please provide a list of hedge funds with significant exposure to banks including their balance sheet and income statement data and assets under management. Is there any available measure of the degree of leverage that hedge funds employ? In what markets do hedge funds operate?

2. BANK/HEDGE FUND RELATIONSHIP

What is total bank exposure to hedge funds? Please include totals for extensions of credit, guarantees, derivatives exposure, etc. What is the total bank credit risk exposure to hedge funds?

Please list all the banking services provided to hedge funds and the revenue derived from those services. Are any banks investors in hedge funds? Do any banks act as investment advisors to hedge funds?

3. OCC MONITORING OF HEDGE FUNDS

Please describe the means used by the OCC to evaluate the degree of bank credit risk exposure to hedge funds. Does the OCC require banks to report any information on their exposure to hedge funds? Has the OCC performed any studies on bank exposure to hedge funds? Is the OCC currently monitoring bank exposure to hedge funds? Does the OCC have any plans to require banks to report on hedge fund exposure?

Since hedge funds are not rated by the independent credit agencies, based on what information do banks lend to hedge funds? Do hedge funds provide adequate data for banks to make credit decisions? Does the fact that a hedge fund is also usually a purchaser of derivatives sway the banks credit decisions in any way?

4. HEDGE FUNDS AS BANK DERIVATIVES CUSTOMERS

In dollar and quantity terms, what percentage of bank OTC derivatives contracts are purchased by hedge funds? What percentage of exchange traded derivatives contracts are purchased by hedge funds?

Are there any restrictions or prohibitions on the sharing of information on hedge fund purchases of derivative products between bank derivative operations and bank trading account operations?

5. HEDGE FUNDS AND SYSTEMIC RISK

What risks do hedge funds pose to the safety and soundness of the banking system? For example, how would the failure of a large hedge fund and the ensuring default on derivatives contracts affect banks and the derivatives market?

Does the OCC contemplate taking any action that would curb the aggressive trading strategies of hedge funds? Does the OCC have any contingency plans should a large hedge fund fail?

6. ADEQUATE NETTING ARRANGEMENTS WITH TAX HAVE COUNTRIES

For various reasons, some hedge funds are chartered in tax-haven countries and these hedge funds purchase derivatives from banks. Is the OCC concerned over the adequacy of netting arrangements with tax-haven countries?

Finally, please provide additional comments or recommendations your agency has on the BHC/hedge fund relationship and the need for improved reporting of that relationship.

You will be given 5 minutes to summarize your written remarks. Banking Committee rules require that 200 copies of your written testimony be delivered to Room 2129, Rayburn House Office Building, no later than noon, April 12, 1994.

Thank you for your time and cooperation. The Committee looks forward to your testimony.

With best wishes.

Sincerely,

HENRY B. GONZALEZ,
*Chairman.*

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□ 2100

## HONORING OVETA CULP HOBBY AT MARY HARDIN-BAYLOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. EDWARDS] is recognized for 5 minutes.

Mr. EDWARDS of Texas. Mr. Speaker, The University of Mary Hardin-Baylor in Belton, Texas will honor Oveta Culp Hobby at their 1994 homecoming on April 16th. It is my privilege to share the history of this remarkable woman who will be honored for the contributions and sacrifices she has made in service to our country.

Oveta Culp Hobby was born in Killeen, Texas, on January 19, 1905. The second of seven children, she was graduated from Temple High School. She attended Mary Hardin-Baylor College, now known as the University of Mary Hardin-Baylor, in Belton, Texas. In 1956 the University awarded her an honorary doctorate in the humanities.

The Killeen native was married to William Pettus Hobby in 1931 and they had two children, Jessica and William. Mrs. Hobby and her husband purchased the Houston Post and worked together editing and publishing their newspaper. She also involved herself in numerous community activities such as serving as a member of the board of the Houston Museum of Fine Arts, a member of the Junior League, and president of the Texas League of Women Voters.

In 1942, Oveta Culp Hobby put aside her business career, family, and civic duties when she was called to serve her country in World War II. Her first assignment was to head the Army's Bureau of Public Relations section. The section she headed was responsible for the promotion of the Army to wives and mothers of service men. A year later, Secretary of War Henry Stimson and General George C. Marshall gave her the task of finding what role women could fill in the country's efforts to defeat the Axis powers. Her duties included explaining before congressional panels a plan she helped develop for an Army corps consisting only of women.

These army units became known as the Women's Auxiliary Army Corps or WACs. Because of her efforts, Oveta Culp Hobby was asked to command this newly commissioned corps, becoming the first female commander of a military unit in the U.S. Army. Under her direction, the WACs were transformed into a highly effective force that performed numerous duties critical to the country's war effort.

After three years of dedicated service to her country, Mrs. Hobby left the Army. For her distinguished service, she was awarded the Distinguished Service Medal, becoming the first woman to receive this prestigious award.

Following her military service, Oveta Culp Hobby resumed her career as director of KPRC–AM & FM and KPRC–TV and as editor and chairman of the board of the Houston Post. She also returned to her extensive involvement in civic groups. She served on the boards of the Advertising Federation of America, the American Design Award Committee, the American National Red Cross, the American Cancer Society, the American Society of Newspaper Editors, and the American Assembly. In 1948, she became a member of the United States delegation to the United Nations Conference on Freedom of Information and the Press in Geneva, Switzerland. Oveta Culp Hobby's contributions to her country's did not end with her military service. She worked closely with three U.S. presidents including Franklin D. Roosevelt, Dwight D. Eisenhower, and Lyndon B. Johnson. President Eisenhower appointed her to the post of Secretary of Health, Education and Welfare in 1953. The appointment made her the second woman to be appointed to a cabinet-level position and the first person to head the department. President Johnson appointed her to the National Advisory Commission of Selective Service. At his personal request, she flew to Vietnam as a member of the Health, Education and Welfare Task Force in 1966. As is evident, Oveta Culp Hobby is a multi-faceted woman deserving the highest recognition. She is to be commended and honored for having the strength to balance everything from being a wife, a mother, and a civic leader, to serving as a corporate executive and as a high ranking officer in the U.S. Army. Her vast leadership abilities come as no surprise to those who know her background and family. Her father, Ike W. Culp, was elected to the Texas State Legislature, and her husband served as the Governor of Texas. Her son, William, served as the Lieutenant Governor of Texas for 18 years.

Through her courageous leadership and selfless service to her country, Oveta Culp Hobby has paved the way for women who wish to serve in the armed services, enter the business world or take their place in the political realm. Her accomplishments are an example for all to follow. It is with great honor that I pay tribute to Oveta Culp Hobby for the many contributions and for the dedicated service she has given to our great country.

## HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, I am inserting at this point in the RECORD the votes on health care reform which took place in the Committee on Ways and Means on March 23, 1994:

The following recorded votes were taken on March 23, 1994 in the Subcommittee on Health of the Committee on Ways and Means during consideration of Chairman Stark's substitute proposal for H.R. 3600, the Health Security Act of 1994:

An amendment in the nature of a substitute offered by Mr. Thomas of California, H.R. 3600, The Health Security Act sponsored by Mr. Gephardt on behalf of the President. The amendment was defeated 4–0.

DEMOCRATS

Mr. Stark, "present."
Mr. Levin, "present."
Mr. Cardin, "present."
Mr. Andrews of Texas, "present."
Mr. McDermott, "present."
Mr. Kleczka, "present."
Mr. Lewis of Georgia, "present."

REPUBLICANS

Mr. Thomas of California, "nay."
Mrs. Johnson of Connecticut, "nay."
Mr. Grandy, "nay."
Mr. McCrery, "nay."

An amendment in the nature of a substitute was offered by Mr. Andrews of Texas, Mr. Grandy, and Mrs. Johnson of Connecticut, H.R. 3222, the Managed Competition Act of 1993. The amendment was defeated 6–5.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay."
Mr. Cardin, "nay."
Mr. Andrews of Texas, "yea."
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis of Georgia, "nay."

REPUBLICANS

Mr. Thomas of California, "yea."
Mrs. Johnson of Connecticut, "yea."
Mr. Grandy, "yea."
Mr. McCrery, "yea."

An amendment in the nature of a substitute offered by Mr. Thomas of California, H.R. 3704, the Health Equity and Access Reform Today Act of 1993. The amendment was defeated 6–5.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay."
Mr. Cardin, "nay."
Mr. Andrews of Texas, "yea" by proxy.
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis of Georgia, "nay."

REPUBLICANS

Mr. Thomas of California, "yea."
Mrs. Johnson of Connecticut, "yea."
Mr. Grandy, "yea."
Mr. McCrery, "yea."

An amendment in the nature of a substitute offered by Mr. McDermott, H.R. 1200, American Health Security Act of 1993. The amendment was defeated 7–4.

DEMOCRATS

Mr. Stark, "yea."
Mr. Levin, "nay."
Mr. Cardin, "nay."
Mr. Andrews of Texas, "nay" by proxy.
Mr. McDermott, "yea."
Mr. Kleczka, "yea" by proxy.
Mr. Lewis of Georgia, "yea."

REPUBLICANS

Mr. Thomas of California, "nay."
Mrs. Johnson of Connecticut, "nay."
Mr. Grandy, "nay."
Mr. McCrery, "nay."

An amendment by Mr. Grandy to the Chairman's substitute amendment striking the 1 percent self insurance payroll tax, the 20 percent co-insurance on home health, the change on state maintenance of effort from 95 percent to 100 percent, the change on the computation of state maintenance-of-effort amounts for general assistance recipients, the HI tax application to all state and local employees and the S corporation provision.

The amendment was paid for by striking the 100 percent of poverty subsidies in 1998, and phasing the percentage eligibility to 2001 when 200 percent of poverty is reached. The amendment was defeated 7–4.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay."
Mr. Cardin, "nay."
Mr. Andrews of Texas, "nay" by proxy.
Mr. McDermott, "nay."
Mr. Kleczka, "nay."
Mr. Lewis of Georgia, "nay."

REPUBLICANS

Mr. Thomas of California, "yea."
Mrs. Johnson of Connecticut, "yea."
Mr. Grandy, "yea."
Mr. McCrery, "yea" by proxy.

An amendment by Mrs. Johnson of Connecticut to the Chairman's substitute amendment striking the computation of state maintenance of effort for general assistance recipients. The amendment was paid for by beginning the 100 percent of poverty subsidies in 1998 and phasing the percentage eligibility to 2001 when 200 percent of poverty would be reached. The amendment was defeated 5–5.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay."
Mr. Cardin, "nay."
Mr. Andrews of Texas, "nay."
Mr. McDermott did not vote.
Mr. Kleczka, "yea."
Mr. Lewis of Georgia, "nay" by proxy.

REPUBLICANS

Mr. Thomas of California, "yea."
Mrs. Johnson of Connecticut, "yea."
Mr. Grandy, "yea."
Mr. McCrery, "yea" by proxy.

An amendment by Mr. Thomas of California to the Chairman's substitute amendment striking the 20 percent co-insurance on home health, the increase in state maintenance of effort, and the S corporation provision.

The amendment was paid for by striking the 100% of poverty subsidies in 1998, and phasing the percentage eligibility to 2001 when 200% of poverty is reached. The amendment was defeated 5-4.

DEMOCRATS

Mr. Stark, "nay."
Mr. Levin, "nay."
Mr. Cardin, "nay."
Mr. Andrews of Texas, "nay" by proxy.
Mr. McDermott did not vote.
Mr. Kleczka did not vote.
Mr. Lewis of Georgia, "nay" by proxy.

REPUBLICANS

Mr. Thomas of California, "yea."
Mrs. Johnson of Connecticut, "yea."
Mr. Grandy, "yea."
Mr. McCrery, "yea" by proxy.

An amendment by Mr. Stark in the nature of a substitute to strike the .8 percent payroll tax and financing the revenue loss with the following provisions: a 1-year delay of the employer mandate for both large and small employers; a 1-year delay in the self-insurance provision; an increase in the level of state maintenance of effort provisions; a 20 percent co-insurance in home health care; a 1 percent payroll tax on employers who self-insure; inclusion of all state and local workers under Medicare III tax; a 2.9 percent Medicare payroll tax on profits of many S corporation owners. The amendment was adopted 6-5.

DEMOCRATS

Mr. Stark, "yea."
Mr. Levin, "yea."
Mr. Cardin, "yea."
Mr. Andrews of Texas, "nay."
Mr. McDermott, "yea."
Mr. Kleczka, "yea."
Mr. Lewis of Georgia, "yea" by proxy.

REPUBLICANS

Mr. Thomas of California, "nay."
Mrs. Johnson of Connecticut, "nay."
Mr. Grandy, "nay."
Mr. McCrery, "nay."

A motion by Mr. Levin to strike all after the enacting clause, to insert the substitute amendment, and to report H.R. 3600 favorably to the full committee. The motion was approved 6-5.

DEMOCRATS

Mr. Stark, "yea."
Mr. Levin, "yea."
Mr. Cardin, "yea."
Mr. Andrews of Texas, "nay."
Mr. McDermott, "yea."
Mr. Kleczka, "yea."
Mr. Lewis of Georgia, "yea" by proxy.

REPUBLICANS

Mr. Thomas of California, "nay."
Mrs. Johnson of Connecticut, "nay."
Mr. Grandy, "nay."
Mr. McCrery, "nay."

## WHY MILK WITH rBGH NEEDS TO BE LABELED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. SANDERS] is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, I am deeply concerned about the entire process by which the FDA approved Monsanto's rBGH, as well as their recently published labeling guidelines. The Food and Drug Administration can only blame itself for the growing opposition to Monsanto's bovine growth hormone rBGH, the synthetic drug that will force cows to produce 20 percent more milk than they naturally do.

FDA says they found rBGH safe. More accurately, they found that rBGH is a manageable risk. Unfortunately, it is an unnecessary risk that comes with no benefits. FDA says that no significant difference has been found between the milk from cows treated with rBGH and untreated cows. They don't say that rBGH treatments do change the composition of milk, and do result in synthetic rBGH residues in milk.

FDA takes the position that rBGH milk can't be labeled because there is no way to test for rBGH residues. Why not? The American Medical Association's Scientific Advisory Council states, matter of factly, that a test could be devised to detect synthetic rBGH in the milk from rBST treated animals. Other independent scientists also say an rBGH residue test can be developed. Why hasn't FDA required it? Because Monsanto knows that, given the choice, consumers will reject milk produced with synthetic hormones.

Sadly, the FDA's new labeling guidance not only discourages labeling, it has become the basis for Monsanto's lawsuits against companies who want to label. Monsanto lawyers have gone so far as to enclose the FDA's guidelines in letters threatening legal action against companies who label their products as free of rBGH.

Imagine: farmers being sued for telling consumers that they are not using a synthetic hormone—a hormone that FDA admits presents a risk to consumers and a health threat to cows.

FDA generally must find an animal drug safe and effective for its intended use. But rBGH, when used as directed, makes cows sicker—the drug's own label says so. In addition to significant increases in clinical mastitis, an udder infection that results in "visibly abnormal milk," the label for Monsanto's rBGH product, Posilac, cites reduced pregnancy rates, increases in cystic ovaries, disorders of the uterus, increases in retained placenta, digestive disorders, disorders of the foot, and increased body temperature among the problems caused by rBGH treatments. It also says that rBGH will result in "increased use of antibiotics in cows." FDA days don't worry. Take the risk.

Is rBGH worth the risk? Remember that rBGH is purely a production drug. It has no therapeutic or social value. It does not cure a disease or solve a health problem. It just makes cows produce more milk—at a time when we already have a surplus of milk.

Nor have all the questions about safety to humans been settled. The Consumer Policy Institute of Consumers Union (publishers of Consumer Reports magazine) wrote FDA in May 1993, questioning among other things the possible effects of BGH on human health via its effects on the substance IGF-1. FDA did not respond to their letter.

You can't blame consumers and farmers for wondering why FDA has consistently failed to respond to serious questions about the rBGH review process, and why the Agency has chosen to put the financial interests of a huge chemical company above the interests of the public.

There should be no question but that consumers have the right to know if their milk and dairy products were produced with synthetic growth hormones. And there is no doubt that FDA is cooperating with Monsanto to rob consumers of that right. Consumers, more and more aware of what they eat and how their food is produced have, in consumer survey after consumer survey, voiced overwhelming opposition to adding synthetic bovine growth hormone to their milk supply. That concern must not be ignored.

The FDA, in dealing with Monsanto, has shown itself incapable of protecting the needs of consumers and family farmers. It appears that State governments will have to do what the FDA has not done. I'm very proud that the State of Vermont has led the way in protecting consumer rights by recently passing legislation which will require the labelling of all milk products from cows injected with rBGH. Hopefully, other States and the U.S. Congress will soon follow.

Until the questions are answered, consumers and farmers should beware. And milk from rBGH treated cows should be labelled.

□ 2110

Mr. Speaker, there are many other unanswered questions about rBGH, But I think the American people have the right to demand that the FDA support the right of companies and farmers to label their product very clearly as not coming from rBGH-infected cows.

## ECONOMIC WELL-BEING OF RURAL AMERICA DESERVES IMMEDIATE ATTENTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON], is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, the Nation's attention has been focused on the economic plight of our inner cities, but I believe that the economic well-being of rural America has reached a critical point and deserves our immediate attention.

Rural communities are rapidly losing population as jobs dry-up. From 1980-1990, the census showed more than 50 percent of the country's rural counties lost population. Average rural unemployment for the decade was almost 9 percent. Furthermore, by the beginning of this decade, almost a quarter of all farm households had incomes below the poverty line, more than twice the national average. In my rural 1st District of North Carolina, the average poverty rate is 26 percent.

Mr. Speaker, it is time for Congress to take action to unlock the potential economic power of rural America. In a time of limited Federal resources, we in Congress must seize upon the opportunities available to leverage private resources and ensure that existing programs are used to their utmost.

We all know that agriculture and its related industries are the economic pillars upon which rural communities were built. But over the years, agriculture and rural businesses have changed dramatically. In this context, I believe that Congress must act now to adapt public policy to meet the challenges facing rural America.

As rural communities have become less dependent on agriculture, farmers have become more dependent on the jobs provided by those communities. Off-farm income now accounts for more than 80 percent of the average income of farmers. Almost half now receive a majority of their income from nonfarm sources. Today more than ever, agriculture depends on a healthy and growing rural economy.

In this fight to revitalize rural America, local leaders tell us that specific plans, tailored to unique local resources and needs, are the most effective efforts. Communities are trying to attract start-up businesses, expand existing enterprises, and provide job opportunities for their residents—and they need our help!

Mr. Speaker, the bill I introduce today will provide local leaders some of the resources they need to fight this battle—at no cost to the U.S. Treasury. The Rural Credit and Development Act of 1994 would leverage the $65 billion in assets of the cooperative Farm Credit System for the benefit of rural communities who are in desperate need of capital. This legislation will allow Farm Credit's far-flung network of lending offices to play a crucial role in providing the dollars needed to rebuild rural economies.

The Farm Credit System offers 250 financial institutions and over 1,400 lending offices nationwide, all controlled and owned by people who live and work in rural areas. These local Farm Credit leaders as committed to meeting the changing needs of agriculture and rural business. Consequently, the Rural Credit and Development Act of 1994 would employ this established delivery network to bring the resources of Wall Street to rural businesses, rural infrastructure, rural housing stock, and much needed rural community facilities.

Today, our Nation's rural communities have a tremendous potential opportunity to help expand the national economy and spur economic growth. Rural America possesses a record of substantial economic achievement and a workforce willing to meet the challenges of the next century. This legislation can help rural America realize its potential by providing it with the necessary capital for job creation and economic diversification.

For over 75 years, the Farm Credit System has successfully put the financial resources of urban centers to work for American agriculture. I ask my colleagues to provide this same opportunity for the rest of rural America by signing on as cosponsors to this legislation and working for its swift passage. Thank you.

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□ 2120

## ASSASSINATION OF LUIS DONALD COLOSIO

The SPEAKER pro tempore (Mr. LAUGHLIN). Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, it was said most eloquently in a report on one of the network newscasts this evening, when an elderly woman, drying, walked through the streets of Tijuana and said, "This is very painful."

I rise to note with great sadness the assassination of Luis Donald Colosio, the leading presidential candidate in Mexico. As with any killing, this is first and foremost a personal tragedy. He was a young man, 44 years of age, when he was killed.

He leaves behind a wife and 2 young children, a 7-year-old son and a newborn daughter.

As President Clinton noted earlier, his discussion of this tragedy with President Salinas was entirely regarding the personal nature of this loss.

I had the pleasure of meeting and working with Mr. Colosio, as have a number of our colleagues, on many different occasions. He was a fine man, well-educated, intelligent and incredibly dedicated to making Mexico a better place.

He rose from poverty, earned scholarships through hard work that led to degrees in economics from the Monterrey Institute of Technology and the University of Pennsylvania.

He dedicated his political career to bringing the fruits of free market economic growth to all the Mexican people, especially the poor. And it should be noted, Mr. Speaker, that when he was assassinated yesterday, he was campaigning in a very poor neighborhood in the outskirts of Tijuana.

Mr. Colosio was dedicated to building upon the remarkable economic success story of the Salinas administration in Mexico. By moving away from socialism and protectionism to competition and freer markets, Mexico has made great economic progress. Mexico today stands as one of the world's fastest growing economies.

As the Secretary of Social Development, Colosio was the director of grassroots infrastructure and social welfare projects that were designed to bring the benefits of economic development to all of Mexico.

He was also at the very head of the Mexican effort to expend greater resources on environmental improvements. These programs earned him widespread respect and support from the Mexican people. And I will never forget when President Salinas told me that the overwhelming number of letters that came to him on a daily basis have come from young children talking about environmental concerns. And these were the things that Mr. Colosio was working.

However, as in all developing countries, there is much to be done. As a presidential candidate, Secretary Colosio promised to focus even more of the benefits on market reforms for the poor. He was undoubtedly a threat to those on the left who hoped to use the lack of immediate prosperity throughout Mexico as the wedge to turn Mexico away from market reforms.

Mr. Speaker, the Colosio assassination is first and foremost a personal tragedy for his family and friends. However, it also has dark implications regarding the NAFTA political battle that was undertaken last year right here in the United States Congress. Earlier today, I was deeply disappointed when one of our colleagues, one of the leading opponents of the North American Free Trade Agreement essentially blamed the NAFTA for the killing of Mr. Colosio.

In the remarks she excused the inexcusable murder of a political figure by claiming that the assassin was pushed into this brutal act by the Trade Agreement. It is this type of faceless vitriolic anti-Mexican rhetoric that has contributed to a new level of violence in Mexico.

The life and death anti-Mexico rhetoric surrounding NATFA was uncalled for. NAFTA is nothing more than a trade agreement that phases out tariffs and establishes rules for investment. It will not change the world or serve as a panacea for problems in any country. However, it is also not the economic or political disaster described by those who demonized the agreement all of last year.

How soon we forget that in the battle to stop free trade, NAFTA opponents used such inflamed rhetoric that NAFTA was portrayed as a life or death struggle. Members of Congress here had their lives threatened, literally threatened with death if they voted for the NAFTA. We can only consider ourselves lucky that the level of anxiety and anger over NAFTA quickly dissipated when the bill was passed and the agreement was implemented. That is because all of the sucking-sound rhetoric was so obviously wrong.

Unfortunately, Mr. Speaker, the very same political rhetoric appears to have bred life-and-death consequences in Mexico. We thought that the rebels in Chiapas, who took up arms against the Mexican government, blamed NAFTA, an agreement that had nothing to do with any of their grievances, proved nothing more than that they had good media consultant.

Now a responsible Member of Congress blames the killing of a foreign political figure on the enactment of the trade agreement. Our rhetoric has gone too far.

Mr. Speaker, the murder of Luis Colosio is a dark moment, a horrible victory of violence over deliberation, the gun over the ballot box and hatred over reconciliation.

And I would like to add that late this afternoon I met in my office with former Ambassador John Gavin who joins me in extending his condolences to the Mexican people. Ambassador Gavin is convinced that the solidarity for which Mr. Colosio stood will continue to grow.

The Mexican people will move on. The American people should hope that they continue on the path to freedom, democracy and open markets that Luis Donaldo Colosio advocated. Over time, the prosperity that those forces will bring will bring the rewards that every Mexican and every American deserves.

## THE CLINTON YEARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, about 35 Republicans were jammed in the Cloakroom tonight watching Mr. Clinton's short press conference. It was even shorter if you count only the time that he spoke. I do not think it solved many things, but two things come to mind.

One was, he referred to himself and Mrs. Clinton as middle-class folks or something like that. Pulling down over $200,000 a year between them hardly qualifies them for middle-class status, particularly in the second poorest State in the Union. In fact, they would be considered the very rich under his tax plan.

I wanted to put into the RECORD an article by Lisa Shiffren that appeared in the American Spectator a couple of months ago which exposes the various funds that then-Governor Clinton was allowed to tap and which allowed him to have a very comfortable life. These funds were out of the control of the Arkansas Legislature. I think I will just submit the front page so we do not get into any of these cost problems.

Mr. Speaker, when Mr. LEACH, my colleague from Iowa and my classmate from 1976, spoke on a point of personal privilege on the floor tonight, I think his last sentence will ring through history. I know he is going to add more to this and asked permission to do that at the end of business today.

His last words were, "Rather than high crimes and misdemeanors, the issue today relates to high improprieties and breaches of the public trust."

Well, that is for openers. I hope people will treasure the CONGRESSIONAL RECORD of today, because in it will be Mr. LEACH's 20-page statement that he has permission to augment.

Mr. Speaker, this whole Whitewater controversy is sinking into the popular culture.

□ 2130

The opening of the last two very popular youth culture shows, Saturday Night Live, began with Whitewater. I have in front of me the text from the night of March 12. It is so rough I cannot even put it in the RECORD.

I think it was payback time for comedian actor Phil Hartman, because the White House had blocked him from entertaining the Queen of England at a command performance. They did not want him doing a parody of the President of the United States. Can you imagine, if Mr. Reagan or Mr. Bush had ever shut down an actor in England?

I will put in the RECORD the transcript of a song that opened Saturday Night Live on 19 March. It is stunning to think that young people are going to get their education on Whitewater more clearly from comedians on a popular NBC comedy show than they will from the President himself.

Mr. Speaker, the President was on ABC television last night and the night before talking about his particular brand of Christianity. He was asked by Peggy Wiemeyer, of ABC, about abortion.

He said, "I think there are too many abortions in America," and yet his policies are driving that number up. He said, "I think there should be more adoption in America." There are only 50,000, and we know why. Then he says, "I do not believe it is self-evident from the Bible that abortion is murder."

"As for homosexuality, well, the whole issue of homosexuality did not make it into the Ten Commandments."

Look up there, Mr. Speaker. Look at Moses looking down at you and this Chamber. Did Mosaic law have to identify grand theft auto and pick-pocketing for us to know it is wrong?

What Mr. Clinton ought to know is that any religion that respects Mosaic law and the commandment, "Thou shall not commit adultery," considers homosexuality and acts of sex outside of marriage sin.

Here is Clinton February 3, after he was lectured to by Mother Teresa who begged him not to kill babies, to give them to her. He was at a junior high school here in the District. In response to a child's question, he says that "Children are not prepared to take the responsibility for children, having children. They are not even able to take responsibility for themselves. This is not a sport," referring to sex, "this is a solemn responsibility. Look at it hard." Great words, but I understand some of the kids chuckled.

That night on NBC Jay Leno said, "If sex were a sport, Michael Jackson and Mr. Clinton would obviously be up for gold medals."

Mr. Speaker, but as bad as that is, Joycelyn Elders is probably going to do more as Surgeon General to hurt the moral climate of our country than any other appointment of Mr. Clinton's, and that is saying a mouthful. I begin by urging everyone to look at the letter by James Cardinal Hickey that I submitted during my one minute this morning on the latest outrage by Dr. Elders.

Here is an article from the Wanderer, by a lady, Anne Stewart Connell, that describes accurately how Dr. Elders actually have a slave-master mentality. In her speech on February 25 to the Family Planning and Reproductive Health Association, all a euphemism for abortion, she blasted the medicaid system for its white male slave-owner mentality. But Connell rightly points out, "She has it all wrong. It is she who demonstrated slave-owner mentality in her arrogant and sarcastic words and actions."

Mr. Speaker, I will include this article for the RECORD. It may move people to subscribe to The Wanderer, which I think is the clearest-thinking Christian publication today.

The final thing I would like to put in is the latest press release from the General Counsel of the Plaintiffs, the Association of American Physicians and Surgeons, and the American Council for Health Care Reform, and the National Legal and Policy Center.

Today they filed a motion for summary judgment and permanent injunction against, get this mouthful, Mr. Speaker, the Interdepartmental Working Group of the President's Task Force on National Health Care and its 15 cluster groups, 43 working groups, and 4 subgroups. They are taking on Ira Magaziner, another Rhodie who actually got his degree, whereas Clinton did not, who is running this health care task force with Mrs. Clinton. The AAPS said that he testified under oath that those 511 people that were on that Health Care Council, that long mouthful I just said, were composed entirely of Federal Government employees.

Not true, not by a long shot. It looks like there is a huge conflict of interest here, and the judges on this case are going to eventually demand the release of all of these documents. I think the press conferences to come in the future are going to be more and more fascinating. I fear a Presidential meltdown, I had great respect for Jimmy

Carter and enjoyed every invitation to the White House, and went there about 7 to 10 times when he was President. I look forward to going there to visit with the 43rd presidency, a former colleague and a great guy, AL GORE.

(Articles referred to follow:)

On March 23, 1994, the Plaintiffs, *Association of American Physicians and Surgeons, *American Council for Health Care Reform and the *National Legal & Policy Center: filed a "Motion for Summary Judgment and Permanent Injunction" asking that the *Interdepartmental Working Group of the President's Task Force on National Health Care Reform and its 15 Cluster Groups, 43 Working Groups and 4 Subgroups be declared Advisory Committees for purposes of the Federal Advisory Committee Act on the grounds that the *Interdepartmental Working Group and its Cluster Groups, Working Groups and Subgroups were not composed "wholly of full-time officers or employers of the federal government" and that they were established on January 25, 1993 by the President and utilized by him for purposes of developing and making recommendations on national health care reform, to wit, the *Health Security Act of 1993. The injunction would force the disclosure of all records of the Task Force and its Cluster Groups, Working Groups and Subgroups.

Accompanying the "Motion for Summary Judgment and Permanent Injunction" were nearly 2,000 documents produced by the White House which reveal startling information. The documents illustrate that *Ira Magaziner's Interdeparmental Working Group and all 15 Cluster Groups, 43 Working Groups and 4 Subgroups were not, as Magaziner testified under oath, composed entirely of federal government employees, but, rather, consisted, in every instance, of large numbers of persons with vested private interests who have the world to gain by the enactment of the Health Security Act of 1993, which they developed and recommended. In over half of the Cluster Groups, Working Groups and Subgroups, the leaders were private individuals from health care interests who would be key players in the Clinton Plan if enacted.

Private interests such as United Health Care Corporation, Chicago Health Maintenance Organization, Aetna, Travelers, Liberty Mutual Insurance, Wausau Insurance Company, National Capitol Preferred Providers Organization (Hartford Insurance Company), Harvard Community Health Plan, Kaiser Permanente, U.S. Health Care, EDS Health Care, PCS Health Systems, First Health, Blue Cross Blue Shield Association, Alliant Health Systems—all managed care companies—were represented in the Interdepartmental Working Group. Other potential contractors such as Rand Corporation, Alpha Center, Urban Institute, Telesis, MCI Communication, Coopers & Lybrand, Price Waterhouse and the Principal Financial Group served on the Task Force. The list of special interests—all seeking special roles in the proposed health care plan as contractors, alliances, administrators and medical auditors—is enormous.

Moreover, of the many members of the Interdepartmental Working Group and its Cluster Groups, Working Groups and Subgroups who were listed as "special government employees" by the White House, only a small number (35) filed conflict of interest forms and of those, many of the forms were filed late and others were backdated and possibly forged. Of those special government employees who had serious conflicts of interest—and there were a sizable number—none had complied with the Ethics in Government Act by obtaining waivers. Of significant importance is that even the President and the First Lady, prior to the time their assets were placed in a blind trust, had invested in at least one managed care company—United Health Care Corporation—whose vice president served on the Interdepartmental Working Group and many Cluster Groups, Working Groups and Subgroups.

Probably the most serious problem raised by the Task Force and its Interdepartmental Working Groups and its Cluster Groups, Working Groups and Subgroups is the role of multi-billion dollar tax exempt foundations who were instrumental in staffing and decision-making. The Robert Wood Johnson Foundation, with $4 billion in assets, along with the Henry J. Kaiser Family Foundation and the Urban Institute planned and staffed much of the Task Force. As they have done in many states such as Arkansas, Washington, Kentucky, Minnesota and Florida, these large, tax-exempt foundations developed the format for the Task Force structure and asked their own people, including many grant recipients, to sit on the Task Force and develop the Clinton Managed Care Plan.

In addition, the Robert Wood Johnson Foundation had paid "Fellows" sitting on the staffs of Sens. Kennedy, Rockefeller, Wofford, Bumpers and Bradley who were passed off to the Court by the White House as "Congressional Staff", but who were wholly privately paid by the Robert Wood Johnson Foundation. Ira Magaziner, of course, knew who these people were as did Judith Feder, an official in the Department of Health and Human Services, who was also on the Task Force and who, herself, is a Robert Wood Johnson grant investigator.

The insinuation of these multibillion dollar, private, tax-exempt foundations into the legislative and executive branches of government, behind closed doors, in order to make policy and legislation to benefit themselves and those they seek to promote is frightening in the extreme.

Clearly, the Interdepartmental Working Group of the President's Task Force on National Health Care Reform is not only fraught with conflict-of-interest problems, but represents an effort to utterly co-opt representative government.

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### DR. ELDERS: SLAVE-MASTER MENTALITY

(By Anne Stewart Connell)

The surgeon general, Dr. Joycelyn Elders, in a speech to the annual meeting of the National Family Planning and Reproductive Health Association on Feb. 25th, blasted the Medicaid system for its "white male slave owner mentality." Elders has it all wrong. It is she who demonstrated slave owner mentality in her arrogant and sarcastic words and actions.

Elders castigated "white male slave owner" Medicaid because "it fails to provide services to poor women to prevent unwanted pregnancies, and this failure contributes to poverty, ignorance, and enslavement." She complained that if we really want to do something about illegitimate births and unwanted births, Medicaid should support family planning at the same level as prenatal care. * * * The Medicaid system must have been developed by a male slave owner. It pays for you to be pregnant and have a baby, but it won't pay for much family planning."

What does slave master Elders mean by this? It's a known fact that anybody who qualifies as being poor can get birth control counseling and supplies from Planned Parenthood for next to nothing. And when Elders was director of the Arkansas Health Department, she attacked the "deadly disease" of teenage pregnancy by establishing school-based clinics that provided "counseling" and contraceptives to teenagers. Result? Under Elders' tenure, the overall teen pregnancy rate rose 12% in the counties with school-based clinics! What the power-driven social engineers in Planned Parenthood and the Clinton administration simply don't "get" is that trying to impose their antilife values on women, young or not young, is rejected as slave-master whipping.

Elders also stated at this meeting, "We always talked about the separation of church and state, I want to forget about the separation. Let's try to integrate church and state so we can come together and begin to do things that make a difference to people in our community." That's a very interesting slave-master comment. What she is really saying is that she wants churches to preach her antilife gospel; support her immoral sanctions of abortion and contraception; and declare her to be the "pope of infertility."

This bigoted woman whom Clinton elevated to the position of surgeon general was exposed in The Wall Street Journal on July 22nd by Blant Hurt's commentary. Hurt, a Little Rock businessman and a columnist for Arkansas Business, spoke from firsthand experience. Elders triple-dipped salaries. in addition to her "two state salaries adding up to $103,297, she was receiving $550 a day as a consultant to Donna Shalala, secretary of Health and Human Services!"

A person with the sleazy record of Dr. Elders is hardly in a position to preach. But preach she does, and now she asks the churches to sanction her slave-master beliefs and attitudes. A message is in need of deliverance to Dr. Elders: Just because you are black and a woman does not relieve you of the judgment that you have a slave-master mentality. You do, Dr. Elders, and it is totally unacceptable.

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### BILL AND HILLARY AT THE TROUGH

Ever wonder why President Bill and First Lady Hillary seem so genuinely to believe that all money earned in the 1980s was somehow illegitimate and undeserved? Or why, after a decade-long national experiment, they seem completely indifferent to the effects of tax rates on people's willingness to work? Or to the relation between incentives and productivity in general? Or, most dismaying, why they seem not to believe that most people who do well work very hard for their money?

When Bill Clinton nominated Ruth Bader Ginsburg to the Supreme Court, he said: "I believe the measure of a person's values can best be measured by examining the life the person lives." In that spirit, Bill and Hillary's financial life, as reflected in a decade's worth of tax returns, sheds light on their values, and the experience that shaped their economic worldviews.

#### SUBSIDIES FOR PERSONAL EXPENSES

Remember Bill Clinton's much-touted "lowest-in-the-nation" $35,000 governor's salary? That was merely his cash compensation—mad money. For the decade he was governor, all Clinton's personal living expenses (including food, shelter, transportation, and entertainment), along with security, housekeeping, administration, utilities, etc., were paid out of various state funds. Including those expenses, the care and feeding of their humble governor cost taxpayers in the nation's second-poorest state more than three-quarters of a million dollars a year according to the Arkansas state auditor, Julia Hughes Jones. And it left Hillary's annual $150,000 or so free.

Two particular funds raise interesting legal questions. One was a yearly $51,000 food allotment, intended for both state functions and private meals, as well as incidental mansion expenses and anything else the governor might wish to spend it on. Unlike most expense funds, but like income, that stipend was not subject to oversight by the state legislature. (According to a former senior official in the Tax Division of the U.S. Department of Justice, "One rule of thumb used to determine what is income is unrestricted discretion,") While governor, America's First Appetite annoyed the legislature by requesting a significantly larger "food allowance" during a late-1980s period of belt-tightening. According to former IRS Commissioner Donald Alexander, who has reviewed the returns, the $51,000 fund "probably constitutes a failure to report income."

### ROCKERS TO EXPLAIN WHITEWATER ON SATURDAY NIGHT LIVE

Back in 1978, the Clinton's bought some land to sell vacation homes. 230 acres to be exact.

They borrowed $203 thousand with their friends the MacDougals and formed the Whitewater Development Corporation. That's a fact.

In 1980 MacDougal buys the Madison Bank and Trust.

He lends his partner Hillary 30 grand to build a model house on a Whitewater lot. He loans her the money to get around laws which prevent him from loaning money to himself or his own company.

That's the plot.

It's very complicated. It's hard to understand.

We'll try to walk you through it, come on and take my hand.

In 1984 Whitewater helps Bill pay back a $20 thousand personal loan to Cherry Valley Bank, and the Clintons claim the payment as an interest deduction on their tax return.

That's an illegal deduction, but the Clinton's blame their accountants for the mistake.

This is an intriguing turn.

MacDougal pays back Clinton's loan and hires Hillary and her law firm to represent his bank. Then she helps Whitewater buy a new place of land with an illegal $300 thousand loan.

MacDougal says he shipped the Clinton's all the files to the Governor's Mansion and the Clinton's say they never got them. These guys should talk on the phone.

It's very tough to figure, where it all went wrong.

But draw your own conclusions, from listening to our song.

Madison Bank goes under, with $60 million missing. MacDougal is arrested and in a conflict of interest, Hillary's law firm is hired for a suit against the bank that it used to represent.

MacDougal is acquitted, but claims the Clinton's lost much less than the $68 thousand they claim.

In 1992 Clinton ran for President.

It's really quite a puzzle, who did what to who.

But we gotta get a handle, it's up to me and you.

In 1993 Vince Foster, the Clinton's friend and attorney who worked at the same firm as Hillary, filed long overdue taxes for Whitewater which contradicted most of the established financial numbers.

After his suicide, important papers were removed from his office. White House staffers met with the Treasury Department and then Janet Reno named a special prosecutor and the House began deciding whether to hold hearings and what kind to hold.

So finally the President had to bring Lloyd Cutler, an old Democratic hand, to restore some order to his administration.

We don't have all the answers, perhaps we never will. The only ones who'll ever know are Hillary and Bill and MacDougal and his wife and Webster Hubbell and Margaret Williams and Vince Foster.

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## COWARDICE IN THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. STRICKLAND] is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, before I came to this Chamber I was a psychologist, and so I am a student of human behavior. One of the things I have observed since I have been a Member of this body is that there is much what I would term cowardly behavior displayed in this Chamber at times.

We have people in this Chamber who hide behind the rules of this House. The rules of this House enable those of us who are Members to speak about other people, other individuals, our President, in the most callous, crass, and unkind manner. We know that we can hide behind the rules of this House because it is impossible to be identified by name, and to be censured by name by other Members of this body.

Last week, Mr. Speaker, I sat in my office and I observed a Member of this body make a statement about Vincent Foster and his suicide, saying in effect that Mr. Foster committed suicide because he was too cowardly and did not have the guts to face the coming firestorm.

Mr. Speaker, I was appalled by that kind of statement, because it takes a coward, Mr. Speaker, to pick on the dead.

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## UPCOMING LEGISLATION AND SUGGESTIONS FOR REDUCING THE DEFICIT.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, we are about to go home for a work recess. There are a lot of issues that Congress is dealing with, some that we have not addressed that I look forward to addressing when we get back, some of the environmental issues, the defense issues, GATT, private property rights issues, reapportionment.

Reapportionment, right now there are many Southern States that are under the Voting Rights Act, that have lawsuits that have been filed or that are being appealed, and that at this point appears to be something a little bit more unique to the Southern States that are subject to the Voting Rights Act.

Mr. Speaker, I believe when we get back that is going to spread all over the country, and it will probably be proper for Congress to address the issue about minority voting representation, because I was a member of the State legislature at the time when Georgia drew our lines, and I know at the time we worked under Justice Department guidelines.

Now I understand that there are many people who believe that those guidelines were not poured in concrete, as we were led to believe. The lawsuits are indicating this. I think it is going to be something we will need to address.

Mr. Speaker, what I want to talk about tonight, the centerpiece of all legislation is the cost, so I want to talk about the budget.

As Members know, our national debt right now is $4.5 trillion. It is a bipartisan problem. During the period of time this debt was amassed there were certainly Democrats and Republicans on both sides of the aisle who participated in deficit spending, so let us put aside the partisanship.

There are a lot of ways we can attack the budget. I will outline five of them that I think will help.

Number one, Vice President GORE'S Reinventing Government. At one time we thought and hoped that would save about $9 billion. Later it was scored a little less than that. Whether it is more than $9 billion or less, let us get behind the Vice President and try to reinvent government and save the taxpayer's dollars.

A second way I believe we can save money to decrease our deficit is to reform welfare. Reforming welfare should not only save money and reduce the costs of our entitlement programs for public benefits, but it will also bring in more revenue, because ultimately we will have more people on the tax rolls. I think that is very important.

We should have two major components in welfare: one is a work component, where people who are able to work are required to work, a carrot and a stick.

At the same time, let use not push a woman out the door and not help her out with her day care problem for her children. Let us not push her out the door into the work world and expect her to give up those insurance benefits. Let us be practical about it.

□ 2140

I think we can work out the compromise so that those who are on welfare can have a smooth transition into total independence.

The second part is we have to bring the dad back into the formula. We have a welfare system that lets fathers act like tomcats. They can go and basically impregnate a woman, and they are on their way, no more responsibility according to the government than a tomcat. And I think it is time to let the father get back into the formula. I believe there is a rent reform bill right now that will help this, which says if the dad lives at home and his income increases the family's total income, where they would ordinarily not be eligible to live in the housing project anymore, this would be waived so that he could still live there.

It is so important to bring these family units back together. Let us help the folks by reuniting their family. I think these components should be in there.

A third item we should address in a very serious manner to help bring down our deficit is that of illegal immigration. The cost to our Nation is about $14 billion a year, and many people are coming to our country because of the public assistance benefits. But not only is that costing us, but there is a big cost in our Federal penal system, and that is that about 22 percent of our prisoners are illegal immigrants, and these are, in many cases, I think 80 percent of the time, violent offenders. That is a tremendous cost for us. Let us as a Congress address this problem for deficit reduction if for no other reason.

The fourth thing we can do to reduce the debt or the deficit is to address criminal justice. The average career criminal each year commits about $500,000 worth of property and damage and theft. And yet the price of incarceration is only about $20,000 a year. I do not like incarceration, but it isolates folks from society, and it is ultimately less expensive for society.

I have a letter on my desk from a woman whose daughter was raped while bathing her child. She was at home and a man broke into her home, threatened to kill the baby if the woman did not cooperate, and being a loving mother she did what she felt was necessary for the survival of her child. But now that rapist is about to get out of jail, and it just horrifies her, and it horrifies all of her relatives and the children. We cannot live in a society where people are living in such fear. We need to keep folks behind bars who have committed such crimes.

The fifth thing I believe we can do to bring down the deficit, Mr. Speaker, is to help the American family out. In the 1950s the American family paid as an average for income tax 2 percent. Today that same family is paying Federal income tax of 24 percent. We cannot do that to the family, Mr. Speaker, because during that period of time, in order to pay for higher taxes, the family had to work harder. As a result, the family is spending less time with each other, the family members and with the children, and less time to impart information, impart values, impart the difference between right and wrong, education, homework, a myriad of other things.

In conclusion, Mr. Speaker, I believe when we get back if we reinvent government, welfare, illegal immigration, crime, and help the family, that we will help reduce the deficit and then pay down the debt.

## SUBSIDY REFORM

The SPEAKER pro tempore (Mr. LAUGHLIN). under the Speaker's announced policy of February 11, 1994, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the majority leader's designee.

Mr. OWENS. Mr. Speaker, we have just concluded a very important Phase 1 of this year of the 103rd session of Congress. In conclusion, we passed H.R. 6, the reauthorization of the Elementary and Secondary Education Assistance Act. I think to close out this phase of this year's session with passage of a major education bill was very much in order.

There are discussions under way now in the White House, and a few other places, about welfare reform and the relationship is an obvious one. Education is a vital necessity if we are going to have meaningful welfare reform. Education, job training and actual creation of jobs, those three are very necessary if we are going to have meaningful welfare reform.

I rise in favor of welfare reform. I am in favor of any form of reform of a Federal function or government function. Everything can be improved. But I hope the reform will go forward without hysteria, and without seeking to wreak revenge upon the poor. Welfare reform ought to be guided by scientific principles, by logic, by sound management principles. I think we can accomplish a great deal.

I rise to advocate welfare reform with principles that really should apply to all American citizens who receive assistance from our government. If we are going to establish certain principles with respect to welfare, then let it be across the board for all citizens who receive assistance from government.

From time to time, different classes of citizens need assistance. We just passed not too long ago a bill which appropriated more than $8 billion for earthquake relief for victims of the earthquake in California. And it is totally appropriate that government should come to the aid of people in need. In this case, victims of the earthquake, regardless of income level, regardless of education, will be recipients of that earthquake relief.

Last year we appropriated $6 billion, more than $6 billion for relief for victims of the Midwest floods, more than $6 billion. They were victims. They needed assistance of their government. It is altogether appropriate and fitting and proper that our government should come to the aid of those who need assistance.

The year before that, we had appropriated I think more than $6 billion for hurricane relief for victims of the hurricane in Florida. People who were victims of hurricanes needed the government to come to their assistance. It is fitting and proper that we should do that. Wherever American are in need, then they should be assisted.

Members must understand however, that in our big cities we have a form of disaster which is not a natural disaster or a God-made disaster, but it is nevertheless a disaster. Certain of our inner city communities have had unemployment levels 10 points higher than national unemployment levels for the last 10 years. There are areas in my congressional district where unemployment has been up as high as 20 percent for a long period of time for adults, and for young adults even higher than that. And this is not unique to my district in New York. There are similar districts in the big cities, Chicago, Philadelphia, Los Angeles, you name it, where the same kind of "job quake," you might say, unemployment quake has existed. So those victims need relief, too.

Relief to these victims, these families, often comes in the form of Aid to Families with Dependent Children. Welfare reform should be looked upon as providing help to those victims who are in need. But as we look at welfare reform, I think the parameters ought to be broadened, and if we are going to have reform of welfare which is directed primarily to Aid to Families with Dependent Children, we ought to take a look at other forms of welfare also and at the same time.

Maybe we should not even call the actions we are about to take, or the plans that are about to be put forth welfare reform at all. We should call it subsidy reform or victim assistance reform. Some people are receiving subsidies who are not victims, so we should call it subsidy reform.

If we call it subsidy reform, then we will reach out and take a hard look at everybody who is getting assistance from the government, and take a look at what should be done about that and what principles should be applied. I think this would be far more in line with the notion that we are a just and fair society and want to be fair to everybody. We do not want to just take revenge against the poor.

People get very excited about the thought of these poor people sitting around doing nothing, no work, and therefore they are on welfare and using taxpayers' money. I think we should try to find jobs for everybody we can find jobs for. I think victims should be assisted when they cannot find jobs. But I am all in favor of jobs as a sound principle in welfare reform. Providing jobs for all, providing jobs for people on welfare, that is a sound principle, and every discussion of welfare that I have heard so far has talked about we are going to provide jobs. Two years on welfare and then you get a job.

☐ 2150

I have no problem with providing jobs. Jobs are basic to our society. There is plenty of work, you know; there are many, many things to be done in our society. But work is not a job. A job is something you get paid for. Employment is something you get paid for.

Therefore, if they cannot find jobs in the private sector, I think our Government should create meaningful jobs or should provide economic policies which generate meaningful jobs so that everybody, every sound-bodied person, can get a job.

I am all in favor of that. In fact, since I arrived in Congress, every year I have introduced, and the first year I introduced it, and every session I have reintroduced a bill which calls for a revision of the Constitution to add an amendment which would provide for a job opportunity for every American who wants to work.

I think that this would not be radical idea at all, to provide a job opportunity for every American who wants to work, and when there are no jobs, it should be the duty of the Congress to create programs that generate jobs.

So as we talk about welfare reform, the idea, the principle, of jobs is a sound principle that I support.

Now, the principle of 2 years and you are off, if you are on welfare, 2 years you are getting assistance, for 2 years, 2 years and no more, that principle is something maybe we should take a look at. It might be a sound principle. It might not be. I think Congress ought to examine the principle of 2 years and you are off. Or maybe we want to look at 3 years and you are off, or maybe 4 years and you are off, but I think we ought to examine the principle, and if we are going to examine the principle of 2 years and you are off, we ought to think in terms of all people who are receiving subsidies from the Government.

Can they also accept the same principle? Do we want to establish in our Government a principle that the government should assist individuals or families or groups for 2 years and no more? Do we want to establish that principle? Or maybe it should be 4 years or 3 years.

Whatever the principle is, let us have it apply across the board to all Government subsidies. That means farm subsidies where you are giving farmers money in order to control the kind, the amount of crops we produce, and keep the prices at a certain level. The taxpayers pay twice. They pay to subsidize the farmers, and they pay for higher food prices, because by regulating the price, by paying to keep the grain and the products off the market, we keep the price high, so you pay twice. You pay a higher cost for food as a result of this Government-controlled regulated situation through the farm subsidy program.

We have had some farm subsidy programs for three decades, three decades, not 2 years, three decades. If you are going to apply the principle of 2 years and you are off, 2 years of assistance from our Government and no more, then we should get rid of the farm subsidy programs in 2 years.

Of course, that would generate quite a bit of money, you know; the budget would save quite a bit of money which maybe can be used for the welfare reform program to provide for more jobs that are created in inner cities, cleaning up the environment, doing all the work that needs to be done, and also provide day care for mothers who have to go to work. There are a number of ways you could use the money you save by cutting off the farm subsidies, because they have been on for three decades, and 2 years is all we are going to tolerate, 2 years of raising your cattle on publicly owned land by all of those cattle grazers out there who have raised their cattle on publicly owned lands at discount rates, discount rates which are much lower than private property owners are charging, 2 years, and then we charge full rates.

We would gain quite a bit of revenue from charging full rates after we have helped the farmers, and these farmers are not poor. These ranchers are not poor. Some of them are multimillionaires. Two years, and that is it.

Two years of low-interest mortgages on the Farmers' Home Loan Mortgage Program, 2 years with low interest, and then you pay the regular interest rate.

You would save quite a bit of money on the Farmers Home Loan Mortgage Program if you stopped giving away money. People get incensed. Taxpayers, listen, people get very incensed when they see welfare recipients getting $400 a month for a family of four. But do you know that the Farmers Home Loan Mortgage Program gave $11.5 billion to farmers over the last 5 years? These are loans that the farmers had that they forgave over the last 5 years for $11.5 billion. Not only did they not put them off after 2 years, when they decided to put them off, they just let them take the money and run.

So this is just an introduction to a discussion I want to have in concert with my colleagues. We are all concerned about the forward movement of the preparation for the welfare reform bill, and I think we should open by asking all the taxpayers to have an open mind. We are in favor of reform of any function, any program in the Government that has existed for some time that can benefit from reform.

But let us go forward with some sound principles, sound management principles, sound principles of logic, scientific principles and let us not be afraid to compare what we are doing with welfare, meaning aid to families with dependent children, and what we are doing in assisting Americans in other walks of life.

Let us have the broadest possible approach to this situation.

At this point I yield to two of my colleagues to also make the same kind of introduction of this problem that we have been discussing in Congress for a long time.

I think as we close out this phase of Congress and go on recess and return, welfare reform, I think, will be very much on the agenda and moving forward. It is time for us now to stop and take stock and prepare for a long, long debate on welfare reform.

At this point, I yield to my colleague, the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, I would like to thank Representative MINK and Representative OWENS for organizing this special order on welfare reform today, and I look forward to participating in an ongoing dialogue and discussion about the essential elements of welfare reform, especially with an emphasis on how reform will affect women and their children.

I have often said that, in order to have effective welfare reform, other social support services must be in place both to prevent the need to go on welfare in the first place, and to help recipients get off and stay off for good. Those services include health care, child care, transportation, jobs that pay a family wage, and child support enforcement.

Today, I would like to focus on our Nation's child support system and how important the quality of child support enforcement is to truly effective welfare reform. The simple fact is that we cannot have true welfare reform without dramatically improving our child support system.

Mr. Speaker, of the $47 billion owed in child support each year, only $13 billion is collected, leaving a $34 billion gap between what is owed, and what is paid, to support our children. That $34 billion gap is a national disgrace, which is punishing our children and bankrupting our welfare system.

I have introduced legislation to fundamentally change the child support collection system in the United States. This bill, called the Secure Assurance for Families Everywhere Act, or SAFE, will dramatically increase child support collection.

First, SAFE will federalize child support collection by having the IRS maintain a national registry of child support orders, and using wage withholding to collect support.

Second, this bill guarantees every family, that is owed child support, a minimum monthly payment.

Third, it will dramatically increase paternity establishment.

Today, States use Federal dollars to collect child support—resulting in confusion, duplication, and abysmal collection rates, which range as low as 11.9 percent. Further, 33 percent of child support cases are interstate. Since it is difficult for States to enforce child support collection across State lines, less than $1 for every $10, owed in interstate child support, is collected.

The SAFE Act would do away with the current hit-or-miss State child support collection system. My bill enables the IRS, which has an 84 percent collection rate, to withhold child support payments from an absent parent's paycheck and pay support to families with child support orders.

Just like the Social Security System, which ensures that children of deceased parents receive financial support, the SAFE Act guarantees that children abandoned by their living parents are ALSO supported. My legislation will provide every parent who is owed child support a minimum monthly payment of $250.

In order for this program to be truly effective, however, we need to make progress on establishing paternity. The SAFE Act will make it easier to establish paternity and to meet parental responsibilities.

Child Support Reform, after all, is about taking care of our children.

I personally know the importance of child support, Mr. Speaker, because 25 years ago, I was a divorced, working mother struggling to raise my three small children ages 1, 3, and 5. I had been living a "Leave it to Beaver" life—successful husband; beautiful home; healthy kids—and suddenly, through no fault of my own or my children's, I was left alone with no child support to raise my family. Although, I was working, I was forced to go on AFDC in order to take care of my family's needs.

Mr. Speaker, if the United States had had a child support system in 1968 like the one I am proposing today, I might not have needed to go on welfare in the first place.

With children accounting for 70 percent of welfare recipients, this bill will play a major role in reducing dependence on welfare, and, it should be the first step Congress takes, if we are truly serious about reforming the welfare system.

Researchers, such as Dr. Irwin Garfinkel, estimate that a system like the SAFE Act could move about one-third of welfare recipients off the system.

The SAFE Act could have made a real difference in my life and my children's. Now, with this legislation, I have the opportunity to make sure that all of our Nation's children are given the care and support they need.

Mr. Speaker, I would like to commend my colleagues in the other body, Senator ROCKEFELLER and Senator DODD, for joining me in calling for child support reform to be an integral part of the welfare reform debate. And, I look forward to working with my colleagues in this body for fair and effective welfare reform.

□ 2200

I thank the gentleman for yielding to me.

Mr. OWENS. Mr. Speaker, I congratulate my distinguished colleague from California for that fine piece of legislation, and I would like to become a cosponsor. I think it certainly ought to be a component of any welfare reform legislation.

Mr. Speaker, I have a couple of questions which I would like to ask. When the gentlewoman said $250, did she mean $250 per child or per family?

Ms. WOOLSEY. $250, Mr. OWENS, for the first child and $300 a month for more than one child.

Mr. OWENS. Is it comparable to what AFDC paid?

Ms. WOOLSEY. It is more.

Mr. OWENS. It is more?

Ms. WOOLSEY. Aid for Dependent Children can be part of this. If there is not enough, Aid to Dependent Children comes in and add to the support.

Mr. OWENS. Is it comparable to what Social Security pays for survivors?

Ms. WOOLSEY. Almost; not quite.

Mr. OWENS. I thank the gentlewoman and look forward to working with her in making sure that this legislation is part of any reform legislation.

Ms. WOOLSEY. I would like to expand just a bit on why I think that $250, even though it is not very much money, it is enough. When people are poor, if they cannot count on the money coming in, they cannot budget. But if they know what is coming in, they can budget a lot better than a hit-and-miss proposition; sometimes the money comes in and sometimes it does not.

That is why I am going to try very hard to have income assurance, which is a new concept in this Nation.

Mr. OWENS. Mr. Speaker, would the gentlewoman also agree that collecting from fathers who are not in the home, who do not have jobs, is almost an impossibility and so a jobs program is an absolute necessity for a large percentage of the fathers involved here?

Ms. WOOLSEY. Absolutely. I do not think we can have welfare reform unless we have jobs in this Nation which pay a family wage and which train and educate people for those jobs, unless we have true health care reform, and then we can talk about welfare reform.

Mr. OWENS. I thank the gentlewoman from California and yield to my colleague, the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. I thank my colleague for yielding and for taking this special order.

As indicated in the opening of this hour, these past weeks have been an extremely important and demanding period of our time. All three of us share responsibility in the Committee on Education and Labor, and we have concluded a conference on Goals 2000, with some difficulty, but at least that has been concluded, and now we have completed today the reauthorization of the Elementary and Secondary Education Act.

Both of these pieces of legislation are an indication of the Federal Government's commitment to the importance of education, and this relates to this whole topic of welfare reform, as my colleagues have indicated.

One of the cornerstones of the various suggestions on welfare reform indicate that if we are going to solve this problem, we have to find jobs for these parents who are on welfare, and in order to do that, in many instances we are going to have to find the money to supplement the educational requirements that might be needed or the job training or counseling for the job research. It is an enormous task.

We are dealing with 5 million parents who are recipients of welfare assistance, with 9 million children currently on board. The suggestions being made by the administration and others with respect to the jobs I think are good but unrealistic. I do not believe there are going to be those jobs out there in any of our communities and in our States that are going to be easily available to individuals who are on welfare today. It is going to be very difficult.

We have people on unemployment compensation who are struggling to find jobs that are the equivalent of what they had or even half the equivalent of what they had. So the biggest task, as I see it, in this whole welfare reform is the attempt to connect the families to a job. It is going to be extremely difficult, and it is going to be costly. There is no doubt the cost of the welfare program is going to double or maybe even triple if we are going to do a good job to educate for those jobs and train people.

So the anomaly is that the whole issue of welfare reform comes to focus because many people are looking at it as a way to save money, to close down the deficit or help balance the budget. But in truth, an honest look at the welfare situation is going to require a tremendous amount of money.

That is what brings me to my feet tonight, my colleagues, because there was an item in the New York Times yesterday which indicates that the final proposals on welfare reform have come to the White House and they have indeed called the Cabinet people together to discuss some of the provisions. And in discussing how they are going to come up with the monies that they believe are necessary to pay for the reform package, most of the suggestions were not that wholeheartedly endorsed.

So, in the end of the news article, there was a suggestion that, "Well, maybe we will just go for the reform, the tough, punitive measures first, and put aside the attempt to fund some of these costly requirements for reform."

I find that suggestion extremely shocking and disturbing, and I hope that the reports were not true.

One of the things they said they could put aside was childcare. How could any welfare reform proposal come forward without the support for the parents in terms of childcare? There is no possibility they could go for training or education or counseling or whatever and hold down a job without childcare.

Also, the astounding part of the suggestion coming from the welfare reform task force is that they want to target the youngest recipients, those below 25 years of age. When you take the youngest segment of the welfare recipients, you are going to take the youngest children, the infants, under-1-year-of-age category. What is startling about that is you are not only dealing with ordinary daycare childcare requirements, when you get into infant care, it is infinitely more expensive. So, we are talking about a very large requirement for funding.

□ 2210

I think that there are some things that basically have escaped those who are looking at this whole issue. The President has said, "Let's do away with welfare as we know it." Well, the problem, I think, out in the country at large is that people really do not know what welfare is. They have all the visions and the myths, but the realities really are not known. People think, for instance, those on welfare, the recipients, are ill-educated, have not gone to school at all, are not capable of working and, therefore, the intense focus is on this work for wages kind of concept.

I have taken the trouble to ask the Congressional Research Service to dig up some of this information. They probably got some of it from the Department or the Census Bureau, but I think it is very interesting that for the welfare recipients who are on welfare, this so-called 24-month period, that 41 period of them already had their high school diploma or their GED, 4 percent had their GED.

The other kinds of statistics, I think, that are important to understand in looking at this whole picture of the welfare system is that 42.5 percent were on welfare for less than 2 years.

What we see in the statistics on welfare is this high mobility. We see these young families coming on under age 25, perhaps, coming on welfare, but they do not stay there on a continuous basis. They are out. They are holding down a job. They are trying to help themselves. They are not just coming on welfare and staying there.

So, Mr. Speaker, we have got to adopt a policy that says, "2 years and you're out."

There are more than 60 percent of the single parents who are on welfare who are trying to find a job and, in fact, do go out to get a job, and because the requirements are so strict, Mr. Speaker, the moment they earn anything they are dropped from the rolls, and, when they are dropped, that very, very important element of support is gone. No one is out there to help them with job training, or help them to find a job, or to place them in suitable work, and, as a consequence, they are out 6, 7, 8 months and cannot make it, and they are then forced to come back on the welfare rolls again.

My suggestion to the administration and those who are working on this whole issue:

Instead of arbitrarily saying we are going to set up a program that is going to take care of everybody under 25, why not look at these individuals on welfare right now? May be as many as 2 million out of the 5 million who are on welfare who are honestly trying to help themselves—and the records prove it—they are going out there and getting a job. They are not staying on a continuous basis. They are going out. They are working. They are not finding good jobs because nobody is out there to help them. They are not being trained. They are not given support.

So, Mr. Speaker, I suggest to the task force that they look at this potential group of almost a half of those on welfare rolls today who by their own initiative indicate a real desire to help themselves by getting a job. These are the ones that we should concentrate on. They are the ones that have the highest potential of success that could immediately eliminate 50 percent of our welfare requirements today. With a little help, allow some of them to keep their earnings, allow them to have the earned income tax credit benefits, let them stay on food stamps, keep them on the AFDC rolls for 6 months or 8 months. Give them child care because that is one of the biggest reasons they cite for finally, after working 6 or 7 months, they simply cannot put it together, and then they come back on to welfare again.

So I think we have right within the whole data complex to key to where I believe the emphasis ought to be: those on welfare today, that by their own initiative have demonstrated their desire to get out there and work.

Mr. Speaker, one of the things that I do not like about the 2 years and you're out, I would say to my colleague, the gentleman from New York [Mr. OWENS], is that it is forced labor. It is forcing people out. And I do not believe that we need to do that to reform the system. All we need to do is to look at the people who are earnestly trying and they are not making it, and if we help them, we would cut the rolls by 50 percent almost immediately. We would know because of the initiative that has been demonstrated that these are the ones that are looking for self-sufficiency, they are the ones that are going to have the highest rate of success.

Mr. Speaker, I yield to the gentleman from New York [Mr. OWENS].

Mr. OWENS. I find some of the statistics the gentlewoman cited a bit astounding. I ask the gentlewoman, "Did you say that 45 percent have high school diplomas?"

Mrs. MINK of Hawaii. Those that are in the AFDC for 24 months or less, have a high school diploma: 41 percent. That is that group that is out there looking for work, going out and maybe getting something. But because we have tossed them out, more or less, the minute they get a job, cut off their support, no child care, they cannot make it.

Mr. OWENS. If they have a high school diploma already, then we can conclude that they probably do not need a very costly job training program. They need training for jobs, but they have a lot to offer when they come to the training for the jobs, and what they need is training for jobs that are realistic, that are going to be there. Once the training is finished, they are going to have jobs there.

We have some jobs of that kind in my district. My congressional district has a medical complex which includes a large municipal hospital and also a medical school, a down state medical center that has a medical school and a hospital attached to it, and it has an allied health professions program there with the medical complex.

Mrs. MINK of Hawaii. Exactly that kind of program.

Mr. OWENS. A program to train people for 1 year. In 1 year of training one can get certain categories of jobs: practical nurse, child care aide, and one or two others. So just to have a 1-year training, one gets trained for a job that is going to definitely be there and stay there. Those jobs are always there. If one gets 2 years' worth of support and can go to school for 2 years, then they can enter the middle class.

Mrs. MINK of Hawaii. Absolutely.

Mr. OWENS. They become record clerks, x-ray technicians. There are a number of jobs where they can come out of the program and not only get a job immediately in the New York City area or the Brooklyn area, they can go anywhere in the country, because those people are in demand, and the demand is increasing all the time. Yet our Department of Labor and their programs for job training have insisted that we can give only 6 months of training.

Mr. Speaker, the head of the school told me, "I cannot train anybody for anything in 6 months. But 6 more months and I can do something which is useful, and certainly for 2 years."

We need job training programs which make sense and are attached to the reality of today, and one reality is that health care, health professions, anything related to health care, is a solid occupation and likely to increase, but that is not there.

The gentlewoman from Hawaii [Mrs. MINK] also said that welfare—a lot of recipients who do not stay on welfare very long——

Mrs. MINK of Hawaii. It is 2 years. Forty-two percent are less than 2 years.

Mr. OWENS. So 42 percent of the people do not need to be told, 2 years and you're off, because in less than 2 years they are off.

Mrs. MINK of Hawaii. They are, but a lot of them come back on again because they do not have the support right now, and that is what we need to bring a stop to.

Mr. OWENS. It is very interesting to note that it appears that welfare would be one of the more efficient Federal programs, in that people who receive assistance, large numbers, do get off and make the attempt after 2 years.

Not so with the farm subsidy program. Not so with the cattle ranchers who are using public lands for grazing. Huge numbers of people who gain assistance, who seem to think that the Government owes them a living on and on, forever, and they are in the middle class and making lots of money. And most Americans citizens, most of the taxpayers out there, are not aware.

I just want to take a moment, if you do not mind, to get back to the theme of welfare reform. It should be a time when we look at the larger picture, the larger situation with respect to Federal subsidies. It ought to be subsidy reform, because a lot of the funds we need to deal with people who are on welfare, in terms of being able to supply them with child care and supply them with decent job training, why can the Government not provide 2 years worth of training for everybody?

When we have Pell grants and student loans, so people can go to college, they get a certain kind of assistance from the Government that other people do not get. We ought to guarantee everybody 2 years of educational assistance.

That means that those people who have the high school diplomas, if they are given 2 years of assistance to go into a program for medical training, they would come out of that program and be able to get a job.

Now, we need to give the money for that. If the Labor Department needs the money, one of the places to get the money for job training and more child care is by cutting all of these other programs where people are receiving subsidies for decades and endlessly.

I want to refer to an article that appeared in the Washington Post on March 6 of this year. The title of the article is "The Fat Cat Freeloaders: When American Big Business Bellies Up to the Public Trough."

It talks about other forms of welfare. I will just read a little bit and ask unanimous consent to enter it into the RECORD because it is not that long. James P. Donahue is the author of this article that appeared in the Washington Post on March 6.

It begins as follows:

> The current vogue of welfare reform in Washington is curiously narrow. After all, ending welfare as we know it means cutting off not only the proverbial unwed mothers, but also those corporations that have grown fat feeding at the public trough.
>
> This year taxpayers will spend $51 billion in direct subsidies to business, and they will lose another $53.3 billion in tax breaks for corporations, according to the Office of Management and Budget and the Joint Committee on Taxation.
>
> Those who want welfare recipients to work as a condition of public assistance should expand their efforts to cover corporations dependent on Federal largess. The most costly form of corporate welfare in 1994 will be subsidies for agri-business, subsidies for the farmers.

And we have less than 3 percent of the population now engaged in farming. Less than 3 percent of the population receives subsidies for their agribusiness, costing an estimated $29.2 billion. I did not say million, taxpayers. Listen carefully. I said billion; $29.2 billion to subsidize farmers, to pay them for growing less crops. And you pay again because you pay higher costs for their food.

Getting back to the article, however,

> By contrast, the Federal Government will spend $25 billion on food stamps and $15 billion for Aid to Families with Dependent Children, two of the programs most criticized by conservatives in the welfare reform debate. Ignoring the cost of corporate entitlements distorts the welfare debate and leaves most Americans with the false impression that poor people, rather than corporations or middle and upper income individuals, are straining the National budget.

I said before I am in favor of welfare reform. I am in favor of reforming any aspect of government that has been in existence for a long time. But if you are going to look at welfare reform fairly and with real logic, you have got to look at subsidy reform.

Going back to the article,

> One Federal bureaucracy that has been especially indulgent of free loaders is the Bureau of Land Management. The Bureau of Land Management rents out public lands to ranchers for cattle grazing. In 1992, the Bureau of Land Management's annual grazing fee was $1.92 per animal, according to the National Wildlife Federation. But private land owners were charging those same ranchers an average of $9.26 per animal.

You, the taxpayers, were allowing rich ranchers to graze their animals on your land for $1.92, when the going market rate was $9.26 per animal.

> The low grazing fees amount to a Food Stamp Program for livestock belonging to wealthy ranchers.

I am quoting, and I want to repeat that.

> The low grazing fees amount to a Food Stamp Program for livestock, belonging to wealthy ranchers. In 1992, the Government's below market rates cost the taxpayers an estimated $55 million in revenues. A typical beneficiary of this subsidy is J.R. Simplot of Grand View, ID. He paid the Government $87,430 for the privilege to graze cattle on public land. According to the National Wildlife Federation, if the Government had billed Simplot at free market prices, he would have had to pay $410,524.

It is not as if Simplot is going to suffer without this public assistance. He is on the Forbes 400 list of richest Americans, with an estimated net worth of just over $500 million.

Let us look at welfare reform in the larger context. Let us establish new perimeters for the discussion. If we collect it from millionaires like Mr. Simplot, what he owes, then we could have the money to deal with welfare reform and help people who are real victims get the kind of training they need and get the kind of jobs they need.

I am going to quote one more piece, and then I will pause for a moment on this article.

> Another Federal handout to corporations is the Department of Agriculture's market promotion program. This year the program will give American companies $100 million to advertise their goods and services abroad.

There are others, and I will not quote from them right now. I may get back to it later before I submit this article.

My point is, you have talked about the fact that you have a population here that probably large numbers could help themselves if they had just a little better help from the government. We do not supply that better help because we say it costs too much.

Keeping people on welfare the way we keep them on now is really the cheapest form of helping people. That is one reason we have it. To put people to work means you have to give them a decent education and training. That costs more than we have been willing to pay so far.

We have sources for getting the funds, if we would just take the welfare, the fat cat, the free loaders off welfare, and apply that money to the kinds of programs that my colleague is discussing here. I look forward to hearing further discussion from her.

Mrs. MINK. I thank the gentleman.

Mr. Speaker, the big issue facing the White House, as the gentleman knows, is they have the proper thoughts about welfare reform, the necessity for education and training and counseling and job searching, and maybe even the necessity of public service jobs if there are no private sector jobs and child care. But the problem is how to pay for it.

□ 2230

The gentleman is correct. There are many ways to pay for it. The shocking thing is, as the White House Task Force has looked for ways to pay for it, they are thinking taxing food stamps, taxing public housing tenants, taxing the welfare benefit itself, taking legal aliens off of SSI and Medicare and some of these programs. So your contributions on how this thing could be paid for, I think, are extremely noteworthy. I hope that the White House is listening and paying attention to your suggestions.

The important point is to make the point over and over again, and that is, welfare reform is not a means to reduce the deficit or to balance the budget. It is a sincere effort, I hope, to help these poor people help themselves to get a job. I am not for forcing them out of the home.

An interesting statistic, my colleague, again, I picked it up from CRS, is that 77 percent of the parents on welfare coming on the first time and staying on that 2-year period have a child 1 year or younger. This means that if you are targeting that young group, you are going to have to find the most expensive child care programs for the infants and the 1 and the 2-year olds. It is going to be an extremely expensive endeavor.

The second suggestion that I made to the White House was, if cost was a problem, to augment this program immediately, they ought to think in terms of the parents who have school-age children. They are in school, kindergarten, first grade, whatever. And so you do not need that full-time child care requirement.

You need after-school care. You need summertime care, but at least that school time responsibility can be met by the public school system. So that is a way of getting into reform, helping these families locate a job.

As I said earlier, the high school diploma situation is not as egregious as is purported to be, when they start talking about the education requirements.

Let me give you more details about the education, because I was fascinated with it, particularly as we were talking about elementary-secondary education.

Out of the 5 million parents who are on welfare, those that have no high school at all number 440,000. These are 1990 statistics. Those that have some high school at all number 1.3 million. Those that have completed high school are 1.5 million. Those that have had some college number about 400,000, and those that are college graduates are somewhere between 30 and 60,000. So we have a group of individuals here, I believe, that with a little assistance, a little encouragement and incentives and support, are going to be very, very successful in terms of assistance in finding a job.

But they do not need to pushed out and put to this "2-year and you are out" kind of discussion. I find that idea the most disconcerting.

Mr. OWENS. For a long time in New York State we had a debate on whether or not welfare would provide, help keep women on welfare who wanted to go to college. They have to get a special waiver to go for 2 years, and that was permitted for large numbers of women. But then the debate on whether to let anybody go for 4 years. It never got resolved. I think they never did that. Is there any discussion of that?

Throughout the States, I think they have the option for the 2 years. How many States do allow 2 years of college for people on welfare? They can stay on welfare while they are going to college for 2 years.

Mrs. MINK of Hawaii. I am not aware that there is an limitation, but that is certainly a point that needs to be looked at. What I do have a statistic here for the 1991–1992 school year is that 448,643 AFDC recipients were attending college with a Pell Grant. That is a real self-help, a drive, a significant number.

Mr. OWENS. That is good. It probably has improved, the situation, since then, since that debate took place. But there are large numbers.

Mrs. MINK of Hawaii. The picture I am trying to create is a different kind of welfare recipient than what the so-called welfare as we know it kind of myth. These are people that are struggling to improve themselves. They are going to college, getting their GED and participating in the jobs program, which the Congress created in 1988.

The problem with the jobs program, it was under-funded. It did not really reach out to enough of the parents.

In my State there is a long waiting list. Many people want to get on it, want to get the assistance of education and job training.

In 1992, the statistics show only 274 AFDC parents were even on the jobs program. As I understand it, it requires matching. So here is a case in which the Federal Government could take over responsibility of that wonderful program that was enacted in 1988, fully funded, make it a Federal program. And I believe that many, many more of the parents would take advantage of that.

Mr. OWENS. You estimate, according to your statistics, maybe as many as two-fifths of the people on welfare could get off with just some enhancement of the job training and education program.

Mrs. MINK of Hawaii. Easily.

Mr. OWENS. So we would go down from 5 million families to something like 3 million families.

Mrs. MINK of Hawaii. Even 2 million, I believe, we could do that, about 50 percent.

Mr. OWENS. More intelligent, more well-directed job training and education program and a program fully paid for by the Federal Government, because States and local governments have balked at supplying any percentage of the funds needed for the training.

Mrs. MINK of Hawaii. Well, you can just look at the AFDC payments in many of these States. A State like Arizona, $293; Alabama, 124; Florida, 294 per month average family, one-parent family with three, two children.

Mr. OWENS. One parent family with two children gets $124 a month.

Mrs. MINK of Hawaii. That is Alabama, yes. And let us look at Arkansas, $204. My own State, $632, not too bad. California, $694.

Let us look at New York. New York is $703.

I think that the assistance should be standardized. There should be some way in which the government could decide what a family in each of these states requires to sustain themselves, a family of a size of three and that everybody ought to get that same support.

Mr. OWENS. Do you have in your statistics the amount of money that Social Security, children who are beneficiaries of Social Security Survivors Program?

Mrs. MINK of Hawaii. That is not included in this.

Mr. OWENS. That is uniform across the whole country. All children get a certain amount of money. It is generally higher than the amount they receive in AFDC. Every child is understood to be worth, under the Social Security program, a much higher amount than the AFDC program.

Some of the things you have just cited in some States, $124 a month in Alabama for a family of three, you could see why welfare is so rampant and welfare has persisted for so long. In order to really provide an alternative to welfare, to provide training, to provide day care and jobs, a job would cost far more than $124 a month. In fact, it is ridiculous to even think about trying to provide anything significant with $124 a month. So that welfare becomes a symbolic thing that is done by, in this case, the State of Alabama, and some other State. When you compare the cost of living in the State with the amount of money recipients are receiving, it is just as bad.

☐ 2240

Welfare is the cheapest form of providing assistance to victims of the economic deficiencies of our society. It is our society that is economically deficient. The least our society can do for any individual is provide an opportunity to earn a living. That is basic. The social contract with human beings is that human beings give up their existence in nature. The do not steal and rob and use their strength and their own abilities to get what they want, because to society, they surrender that to the society to provide ways in which they can meet their needs in some legal way.

We violate a social contract when we create a society where we do not have basic jobs available so people can earn a living. They ought to be able to earn a living. Any time you have a society that does not provide any jobs for people to earn a living, that society is deficient. Our economy is deficient. We should finds ways to provide income-producing opportunities for people, all people.

Welfare has been an alternative, a substitute for meeting the real needs of people. Welfare has been an alternative, a substitute, for this society not meeting its obligations to provide meaningful income for people.

Everybody should be required to work who is able-bodied and can work, but they cannot work if the jobs are not there. As I said before, there is plenty of work to do. There are plenty of things that need to be done to clean up our environment, there are all kinds of human service programs, infrastructure needs to be built. There are all kinds of jobs that could be created, but government must take a role in creating those jobs and take the responsibility for maintaining jobs at a certain level.

If we can maintain jobs and employment at a certain level in a society, then the welfare problem goes down to zero, or down towards zero. It does not go to zero because there are always people who are not able-bodied, there are people who are going to be dependent, the elderly, and there are some children who do not have parents. There are a number of groups that will be dependent, but it can go down to a very small percentage of the total population if you apply yourself to the economic and the job and employment problem in our society.

What we should understand, as we go into this discussion on welfare reform, taxpayers, is that welfare has existed for so long because welfare is the cheapest way to pretend that you are meeting the needs of your society. Welfare is the cheapest way for us to pretend that we are compassionate. It is the cheapest way for us to carry on the myth that we care about the poorest people in our society, to carry on the myth that we care about children. What can we provide for children with $124 a month, or in some other States with higher standards of living, $230 a month? You cannot take care of children properly. You can only symbolically say that you are doing something for them.

If we come to grips with it and deal with it in realistic terms, then we have to provide more income for families, and the way to do that, the number one way to do that, is to have the government have an ongoing job creation program, a job generation program,where they stimulate the economy so that private industry does it all the time, most of the time, and when private industry cannot do it, government provides the jobs to make up for it.

If you manage the economy properly, you can probably stimulate the economy so private industry is able to create the jobs, and you do not have to create the jobs that are run directly by the government, but you must start out with the premise that it is the duty of government to make certain that employment opportunities are out there for everybody at all times. That is the kind of welfare reform that is all-encompassing and most meaningful to all of us.

Mrs. MINK. Absolutely. Again, I emphasize that 43 percent of the AFDC parents work.

Mr. OWENS. They are already working?

Mrs. MINK. Already working. In that 2-year period, they go out to work. But 40 percent return within a year. They do not stay out even 12 months, because——

Mr. OWENS. You have not even mentioned health care, the fact that after they get off AFDC, they cannot get Medicaid, they do not have health care.

Mrs. MINK. That's right. So the whole thing is a tragic kind of circle that we need to make the American people understand better.

Mr. OWENS. I would just like to conclude this portion by including for the record the article entitled "The Fat Cat Freeloaders" that appeared March 6, 1994 in the Washington Post:

[From the Washington Post, Mar. 6, 1994]

### The Fat Cat Freeloaders—When American Big Business Bellys Up to the Public Trough

(By James P. Donahue)

The current vogue of welfare reform in Washington is curiously narrow. After all, "ending welfare as we know it" means cutting off, not only the proverbial unwed mothers, but also those indolent corporations that have grown fat feeding at the public trough.

This year, taxpayers will spend $51 billion in direct subsidies to business and lose another $53.3 billion in tax breaks for corporations, according to the Office of Management and Budget and the Joint Committee on Taxation. Those who want welfare recipients to work as a condition of public assistance should expand their efforts to cover corporations dependent on federal largesse.

The most costly form of corporate welfare in 1994 will be subsidies for agribusiness, costing an estimated $29.2 billion. By contract, the federal government will spend $25 billion on food stamps and $15 billion for Aid to Families With Dependent Children (AFDC), two of the programs most critized by conservative in the welfare reform debate. Ignoring the cost of corporate entitlements distorts the welfare debate and leaves most Americans with the false impression that poor people, rather than corporations or middle and upper income individuals, are straining the national budget.

The problem is that corporate welfare has created a culture of dependency that has encouraged certain industries to live off the taxpayers. Year after year, these companies receive subsidies or handouts from the federal government and never learn to fend for themselves. And, unlike the vast majority of poor people who receive public assistance, most corporate welfare recipients are not particularly needy.

One federal bureaucracy that has been especially indulgent of freeloaders is the Bureau of Land Management. The BLM rents out public lands to ranchers for cattle grazing. In 1992, the BLM's annual grazing fee was $1.92 per animal, according to the National Wildlife Federation. But private landowners charge their grazing customers, on average, $9.26 per animal. The low grazing fees amount to a food stamp program for livestock belonging to wealthy ranchers. In 1992, the government's below-market rates cost the taxpayers an estimated $55 million in revenues.

A typical beneficiary of this subsidy is J.R. Simplot of Grandview, Idaho. He paid the government $87,430 for the privilege to graze cattle on public land, according to the National Wildlife Federation. If the government had billed Simplot at free-market prices he would have had to pay $410,524. And it's not as if Simplot is going to suffer without public assistance. He is on the Forbes' 400 list of richest Americans with an estimated net worth of just over $500 million.

A spokesman for Simplot said ranchers need the federal subsidy "to keep their operations going. * * * As Far as the term 'welfare' goes, there's not a lot of money in ranching and it's a damn tough business. It costs more to run a set of cows on public land than it does on private land because there are such vast distances and you've got to haul water for the cattle to drink."

Another federal handout to corporations is the Department of Agriculture's Market Promotion Program. This year the program will give American companies $100 million to advertise their goods and services abroad. The corporate citizens with outstretched palms include some of the biggest names in American business. In 1991 and 1992 Sunkist Growers, Inc. received $17.8 million to promote citrus products, according to the Agriculture Department figures. The Department gave the American Soybean Association $10.4 million in 1992 to promote soybeans. In 1991, Gallo Wines received $5.1 million to promote wine, M&M/Mars received $1.1 million to promote candy bars, the Campbell's Soup Co. received $450,000 to promote V–8 juice and McDonald's took $465,000 to promote Chicken McNuggets.

The government, according to Gallo Wine spokesperson, Dan Solomon, is merely addressing a neglected national problem: the fact that Americans drink more imported than domestic wine. "Export markets are difficult," explains Solomon. "The [market promotion] program has significantly cut the wine deficit in California."

The government's failure to charge reasonable fees or sales prices for mining minerals on publicly-owned land is another form of corporate welfare. Other countries, such as Australia and Canada, do not coddle their mining companies, charging up to 12 percent in rents and royalties, for extracting minerals on public lands. In contrast, the U.S. Interior Department charges no rents or royalties and allows companies to mine government land for virtually nothing. The House Committee on Natural Resources reported last November that in 1988 the government had transferred 20 land titles to private companies in exchange for less than $4,500. The land, according to the General Accounting Office, was worth in the range of $14 million to $48 million.

Perhaps the biggest beneficiary is the American Barrick Resources Corp., based in

Toronto. Since 1987 the company has extracted $8.75 billion (yes, billion) worth of gold from a site in northern Nevada that is the property of the American people. According to the Natural Resources Committee, the federal government is now preparing to sell the land to American Barrick for all of $15,000. Oh yes, the founder of the company paid himself $32 million in 1992.

Vince Borg, a vice president of public affairs for American Barrick, rejects the notion that the company has benefited unduly. He says that American Barrick has spent $11.5 million since 1987 to maintain its claims on the land while awaiting final approval of ownership from the government and has paid $80 million in corporate income taxes. Borg also claims that American Barrick has spent a billion dollars developing the Nevada site. The government's generosity, according to Borg, is "quite contrary to a subsidy * * * it's an investment in highly skilled jobs." American Barrick employs 1,500 people at the mine in Nevada, a rather modest payoff for the loss of $8.75 billion in gold.

Deadbeat corporations also take advantage of the taxpayers. For example, forestry companies that signed contracts to purchase government timber at a set price in the mid-1980s and then defaulted owe the U.S. Treasury $135.6 million. The corporations claim that they are justified in breaching the contracts because of falling lumber prices. But there's no reason why taxpayers should have to protect companies in pursuit of profits from normal business risks. Hampton Tree Farms, Inc. of Portland, Oregon, for example, owe the government more than $18 million in 1993 for 11 timber purchase agreements during the 1980s. A federal court dismissed the government's claim in nine of the purchase agreements on a technicality, a ruling that the government is challenging. The parent company, Hampton Resources, is one of the largest wood products companies in Oregon and owns 66,000 acres of timberland in the state. Its refusal to reimburse the taxpayers on the two outstanding purchase agreements is costing the taxpayers still more.

Another example: In 1990 the Forest Service incurred between $35.6 million and $112.2 million in expenses while selling the public's timber, but failed to recover this cost in its sales prices. The net effect is that the public spent the money to help corporations purchase timberland that was exploited for private profit.

Major pharmaceutical companies are on the federal dole too. While the Government pays for a substantial portion of the research in developing new drugs to fight disease, private drug makers are provided exclusive rights to market and profit from them. Rep. Ron Wyden (D-Ore.) told a congressional hearing in 1993 that U.S. taxpayers had spent $32 million over 15 years to develop Taxol, an anti-cancer drug. Wyden reported that Bristol-Myers Squibb was provided extensive government data and exclusive commercial rights to Taxol in 1991 at which time it charged patients $986 for a three-week's supply. The drug company declined to provide the National Institutes of Health with any data about what it spent on developing Taxol or on how it established the drug's price; Wyden estimated that Bristol-Myers Squibb's price was six to eight times the production cost of the drug. Cancer patients have already helped finance the invention of Taxol once as taxpayers. Why should they have to pay Bristol-Myers a second time as consumers?

Corporate welfare is sometimes rationalized on grounds that it promotes "competitiveness" and provides a level playing field against unfairly advantaged companies. The Agriculture Department's Export Enhancement Program is supposed to help U.S. agribusiness compete against foreign firms subsidized by their goverments. Private companies receive free shipments of wheat, corn and other commodities from U.S. government preserves. Between 1985 and 1989 Cargill, Inc., Continental Grain Co. and Louis Dreyfus Corp. received commodities worth $444 million, $429 million and $300 million respectively from the government. Think of it as government cheese for hungry corporations.

Given that corporate welfare represents only a tiny fraction of the overall net worth of corporate America, shouldn't its societal benefit be scrutinized at least as closely and widely as AFDC? The "two years and out" proposal for individual welfare recipients should be linked with a similar time limit on corporate welfare payments.

More generally, we need to expand what we mean by welfare reform. President Clinton, who recently appointed the members of an "Entitlements Commission" to deliberate how best to reduce the cost of "entitlements," should broaden the definition of the panel's work to cover business entitlements, too. It's time to take the corporate welfare Cadillac off the road.

## THOUGHTS ON WELFARE REFORM

The SPEAKER pro tempore. (Mr. LAUGHLIN). Under a previous order of the House, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 60 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I thank the Speaker for affording me the opportunity to continue on with this discussion. It is a very complex issue.

Mr. Speaker, the matter that I want to turn to now is a proposal that comes from our colleague, JAN MEYERS of Kansas. She has proposed that one of the ways to deal with this problem of welfare reform is to require teenagers under the age of 18 who become pregnant and have a child as a single parent be required to live at home.

As I said earlier, I am not for forcing people by law, by mandating, that they go to work. I believe that given the incentives and the support of child care and so forth, that these parents will go to work. They can improve themselves. Just by earning minimum wage, they would get better than $125 a month.

On this teenage parent situation, perhaps the moral argument ought to be that society should try to encourage the teenager to stay at home and remain with their parents, but this cannot always be the case. You might have an abusive family situation, totally disengaged with the reality of providing the support for this teenaged parent, and so again, I do not support the idea of creating a mandate that applies to all teenagers below the age of 18.

In raising this issue, the proponents of this idea leave the impression that out of the 9 million children that we are dealing with, that we have a huge number of teenagers that are mothers. This is not the case at all. Again, I have asked for the statistics from the Census Bureau and the Department of Health and Human Services, and their reports that I have here indicate that we are talking about a very, very small number of individuals, very small.

Totally, in the whole United States, in terms of female adult AFDC recipients by age, totally in the United States, out of the nearly 4 million in this particular census period, those teenaged mothers between the ages of 14 and 15 number, countrywide, 3,932; 16 years of age, they number 11,795; 17 years of age, they number 31,453.

I submit that those are not such large numbers as to require a Federal mandate. It is not such a huge problem that we have to deal with it in this sort of punitive way. We can create incentives so that the young teenaged mother would stay at home by allowing Federal support, irrespective of the fact that the parents are wage earners and maybe earn more than the family income criteria would require, and in some way encourage that teenager to maintain her household in that environment.

However, to go and force such a child to live in a home where her situation might be tenuous, at best, I thing is the wrong way to go.

Mr. OWENS. Will the gentlewoman yield?

Mrs. MINK of Hawaii. Yes, I will be happy to yield.

Mr. OWENS. You have said that the plans that are being developed by the White House indicate they want to focus in on the youngest welfare recipients, which means that the ones coming in now, the youngest ones, would have the youngest children.

Mrs. MINK of Hawaii. Exactly.

Mr. OWENS. Is there any scientific evidence that supports their reasoning there in terms of the taking away out of the home, or they are saying they are going to cut them off in 2 years? It means a woman with a new baby, the baby is 2 years old, taking the mother away from a 2-year-old baby. Does that jibe with current scientific evidence about raising children? Or will it do more harm than good by throwing those children into an artificial situation? Even the best day care cannot make up for what a mother could do at home. Are they considering all of this?

Mrs. MINK of Hawaii. It goes exactly against the best scientific information, which says the best nurturer of the child is the mother of the child.

□ 2250

So to break up this relationship in a forceful manner by mandating a law that requires this seems to me an abrogation of our public policy stances, which has always been to support the family. We always stand up and say, "I am for the family," and we debate how much we excel in terms of your beliefs in the family and mine. And yet when it comes to something like welfare reform, we somehow feel that we can abrogate these fundamental beliefs, and I think that is wrong.

Mr. OWENS. Do they give any reasons for singling out this particular category?

Mrs. MINK of Hawaii. I must admit that I was shocked in talking to some of the members of the task force. They argue that they must start with the youngest in order that welfare does not become as habit.

Mr. OWENS. Oh, I see.

Mrs. MINK of Hawaii. They are into this myth, welfare as we know it, myth.

Mr. OWENS. What about the habits of the mothers who are on welfare and the child is 6 years old? They are saying that they cannot be saved?

Mrs. MINK of Hawaii. Cannot be saved.

Mr. OWENS. It is more reasonable to take the 5-year-old and 6-year-old as the cutoff point where the child is older and able to go to Head Start or school, kindergarten or regular school, and they are just going to overlook all of the evidence that all of the psychologists and the experts on raising children have shown? So we are going to create a generation of scarred children who do not get the nurturing, who have a multitude of problems.

Mrs. MINK of Hawaii. Separated from their mothers.

Mr. OWENS. So we have to have more support services for them when they get to regular school, and then eventually they are going to have a larger percentage of the juvenile delinquents, and later on the criminals. We are just going to throw away all scientific evidence and march into something on the basis of not much sound evidence.

Mrs. MINK of Hawaii. Current Federal law says if the mother has a child 3 years or younger they cannot even be part of the jobs programs. So we have always kept to this idea that the best nurturer of a young child is the mother. But of course if she wants to go out to work, then we help to find child care. But this is a forcible policy that they are trying to enact, a requirement that unless you sign up, the day you register for welfare you have to sign a contract with the Government saying yes, I will go for education; yes, I will go for job training; yes, I will be in a job within 2 years. That is the contract that you have to sign to go on welfare if this whole program comes about.

So what we are doing is forcibly requiring these young mothers with infants to sign up in order to get welfare, cash assistance, to say that they will abandon their children and seek a job outside the home.

Many of the mothers do that. I certainly as a person who has stood for women's rights and opportunities have always said women ought to have that option if they wish to work. But certainly I do not believe it is appropriate for the Federal Government to pass a law that requires this policy.

Mr. OWENS. We are driven by some forces that are irrational here. I said before I hope welfare reform does not become revenge on the poor where we throw away any reason because there is a scream out there by people who really do not know who the fat cats on welfare are, and do not realize they are being swindled out of their taxpayers' money day in and day out by people who are in some cases billionaires. They just see poor people and they want to get revenge, get rid of any benefits that they are getting, and they lose their perspective, we lose our perspective and we create more problems than we solve. We are going to scar and hurt children in ways that will make it more costly for society in the future.

I want to thank the gentlewoman from Hawaii. I am going to have to leave now, but I look forward to further dialogues with her. I hope that the American people are watching closely as we develop this welfare reform program. The gentlewoman has facts and statistics and is on top of the program and following the development of the plans in a way which is commendable, and I look forward to the use of her monitoring of the program as a resource. I have in my district large numbers of people who are on welfare. I have large numbers of people on welfare who tell me all of the time that they would like very much to get off. Nobody seems to want to stay on welfare. And one of the major problems they point out right away is that they cannot find a job, and the jobs that they find do not have health care. And immediately, if you have a child, the first thing you worry about is being able to have some way to deal with their health problems that will not cost you an arm and a leg. They just cannot on a minimum wage job, and most of the jobs are minimum wage jobs, where they can barely make ends meet in terms of food, clothing, and shelter, and if the child gets sick, if you do not have health care, you are wiped out. And I imagine that many of the mothers, you say they leave welfare and they come back, I would wager if a detailed study and analysis were made of why they come back, a sick child probably is often one of the reasons that they come back.

We want welfare reform. I am all for welfare reform. I am all for the principle that people should not accept any Federal handouts, any government subsidies, you know, without a closed end. It should not be on and on assistance, it should not go on and on without some kind of a terminal point.

But that should apply across the board to everybody, all Federal subsidies, all assistance to victims. And I think that if there is going to be a 2-year rule for welfare, we ought to calculate how much money is involved in that. It may be that even in very liberal States like Hawaii and New York we are talking about $15,000 a year as a subsidy, which over a 2-year period would be $30,000, and that may be the standard, $30,000 of assistance to all victims in America. If you are a victim of anything, if you are a victim of an earthquake you are entitled to $30,000.

If you are victim of a flood, you are entitled to $30,000 worth of assistance. If you are a victim of a hurricane you are entitled to $30,000 worth of assistance. The farmers, they have already gotten their $30,000 a long time ago. But maybe we will give them 2 more years at $30,000 a piece, and the ranchers who are grazing on the lands for free, and making big profits, we give them $30,000 worth of discounted grazing, and that is it.

Let us be fair right across the board, and we would save a lot of money by being fair, having the same standard apply to them, and we would save a lot of money that would allow us to be able to provide the kinds of job training, and the kinds of education and child care that would solve the welfare problem.

It is a pleasure to hold this discourse with the gentlewoman, and I look forward to it in the future.

Mrs. MINK of Hawaii. I thank the gentleman very much for his support this evening.

In discussing welfare, there is just so much information that I feel that the American public ought to have to understand what we are talking about. People have some impressions about welfare, but I do not feel that they are really necessarily based on facts.

Going back to this teenage parents, talking about it one gets the impression that there are millions of these teenage mothers out there on welfare. The fact is that they are remarkably few in number, as I indicated.

The gentlewoman from Kansas, who has proposed this idea of requiring the teenager under 18 to remain at home, in her State there are as total of 24,824 female adults who are on AFDC, and these are statistics from October 1991 to September 1992. In the age group 14 to 15 years of age, Kansas had zero teenagers, none whatsoever. In the 16-year category they had a total of 74 out of the 24,824 total AFDC recipients. In the 17-age category there were only 99 youths, young mothers. And this provides a grand total of 173 youths that would be affected by such a rule.

The problem is not very large. It is small. The States ought to be able to handle it on a one-to-one basis. The caseworkers ought to be able to go and talk to the young mother and find out what is best for that family situation.

There ought not to be a law that requires a certain action to be taken under those circumstances.

□ 2300

Even a big State like California with 575,000 females on AFDC in the age category of 14 to 15 years of age, there were only 1,151, and in the same category of 16, the same number, and in age 17, 4,027, for a total of 6,329 all total.

The statistics are available. The Commerce Department has provided the information. For my own State, I wanted to insert in the RECORD that in Hawaii under this particular table we had 14,646 females; in the age category of 14 to 15, zero; at age 16 years of age, only 29; and 17 years of age, only 29, and these statistics are available, and you can request them from the census or in your own libraries across the country look up this information.

There is one other subject that I wanted to mention before closing my special order this evening, one that I think raises some very grave concerns for the Congress and for the general public.

I know how popular it is to zero in on foreigners and aliens and to argue that the country has no responsibility to aliens in our midst. Our country has always had a policy of inviting people from all countries, all walks of life, all kinds of economic circumstances under a very strict quota basis, under very strict requirements, under strict refugee requirements to come to the United States and to make it their home, our home. That has always been the policy of the United States.

Under Supreme Court decisions, we have always maintained that one who is legally in the United States must be accorded the same treatment that U.S. citizens are treated and, therefore, we have struggled not to make any distinctions between those who lack citizenship but who are legally here in the United States.

This is different from the illegal immigrant problem. There you have special concerns, and we need to deal with those separately.

One of the suggestions that the welfare task force has come up with to try to raise the moneys necessary to pay for welfare reform is to take legal immigrants off of certain entitlement programs, Medicare, welfare, SSI, and a range of other things in the hope that by doing this they could raise enough money to pay for the welfare reform package. I think that this is a very bad idea. It reduces our country to setting up a different category of treatment or concern, compassion for people within the United States.

There is even a bill in the Congress that suggests that if you were born of an illegal parent that you could not become a U.S. citizen. That is a violation of the very basic policies throughout the world. Wherever you are born you are a citizen of that country, and so many of these ideas are now kind of impinging upon rational thought, and so here we have a suggestion that legal immigrants ought to be treated differently in terms of many of our programs.

I saw a very interesting article in today's Washington Post, and it is entitled, "Immigrants' Benefits At Risk; House Alliance Wants Fund For Welfare Reform."

What is interesting about the article is it states 85 percent of the noncitizen SSI recipients live in seven States, California, Texas, Florida, Illinois, New York, Connecticut, and one or two others. I did not discern it from the map. It also states that those who are legally in the United States, that the very largest number come from Mexico, 93,000. These are legal immigrants that would be affected by this ruling. There are 35,590 from the Philippines; there are 32,000 that have fled Cuba and have come to the United States and are legally within the United States; there are 30,000 from China who came after the uprising in China and were legally admitted into the United States; 30,990 Chinese; there are 40,030 Soviet Jews who are legally in the United States that would be affected by this program; 17,990 Vietnamese whom we invited to come to this country at the end of the Vietnamese war; 13,000 Laotians and 11,000 Cambodians. These are the people that are going to be affected by the harsh kind of recommendations that are coming from the welfare reform task force, saying that notwithstanding that they have been for some reason or another given legal status in the United States, coming in, fleeing their country, from Cuba, from Vietnam, from the Soviet Union's oppression of the Jews, coming from Laos and Cambodia from very difficult circumstances, that now because we have to find funds to support the welfare reform program that the benefits that they would otherwise be entitled to would be terminated.

No wonder word has come out from the White House that there was some vigorous discussion about such a proposal, and I would hope that the idea has been scrapped and that they will look for other ways suggested by the gentleman from New York for the funds that are necessary.

The important point in what the administration is struggling at this point is we have the criteria for reform which is education, training, counseling, job search, finding the job in the public or private sector, and then being able to assure child care for the single parent so that they could actually hold a job down, and the reality is setting in that this is a very expensive endeavor. And if we are to accomplish this reform as it is now described, moneys have to be found.

The current welfare program is costing the Federal Government about $17 billion. That is 1 year, $17 billion. My own personal estimates on the cost of what I know my friends are paying for child care today that we are going to perhaps double or triple that amount of money with just the addition of child care, not to mention what the costs of education and training are going to be. Child care for most families on welfare, according to the statistics I have seen, require about a quarter of what that family earns just to take care of the child care expenses. So no wonder that after a few months off of welfare they find it impossible to survive when they have to come back for the cash assistance that welfare affords.

This problem is a very difficult one, because it cannot be solved by simply passing laws that have no budget consequence. This is a reform effort that is going to be extremely costly, and what we are really dealing with is the systemic problem of poverty and the problem of trying to help people find jobs, suitable jobs that can lift them up out of poverty. I hope that the administration will carefully look at these questions that many of us have been raising in special orders and in correspondence and in "Dear Colleague" letters that have been circulated and join hands with us in looking at all the alternatives that we have suggested as probably appropriate, if not more appropriate ways to deal with this problem.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PICKLE (at the request of Mr. GEPHARDT), for March 23 after 4 p.m. and the balance of the week, on account of illness.

Mr. LEWIS of Florida (at the request of Mr. MICHEL), for today, on account of family business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DREIER) to revise and extend their remarks and include extraneous material:)

Mr. BACHUS of Alabama, for 5 minutes, today.

Mr. DREIER, for 5 minutes, today.

Mr. DORNAN, for 5 minutes, today.

Mr. KOLBE, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. RICHARDSON, for 5 minutes, today.

Mr. EDWARDS of Texas, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. BROWN of California, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DORNAN, and to include extraneous matter notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $3,382.

Mr. LEACH, and to include extraneous matter notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $5,002.

## ADJOURNMENT TO TUESDAY, APRIL 12, 1994

Mrs. MINK of Hawaii. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. LAUGHLIN). Pursuant to the provisions of House Concurrent Resolution 232 of the 103d Congress, the House stands adjourned until 12 noon, Tuesday, April 12, 1994.

Thereupon (at 11 o'clock and 10 minutes p.m.), pursuant to House Concurrent Resolution 232, the House adjourned until Tuesday, April 12, 1994, at 12 noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2846. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), Department of Defense, transmitting notification of emergency munitions disposal, pursuant to 50 U.S.C. 1512(4) and 1518; to the Committee on Armed Services.

2847. A letter from the Secretary of the Air Force, transmitting notification that certain major defense acquisition programs have breached the unit cost by more than 15 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

2848. A letter from the Secretary of the Navy, transmitting notification that certain major defense acquisition programs have breached the unit cost by more than 15 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

2849. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-212, "Public Utility Environmental Impact Statement Electrical Amendment Act of 1994," pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2850. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-210, "Cogeneration Facilities Appropriateness Standards Act of 1994," pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2851. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-209, "Anti-Gender Discriminatory Language Criminal Offenses Amendment Act of 1994," pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2852. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-208, "Immunity for Juveniles who are Witnesses in Juvenile Proceedings Act of 1994," pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2853. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's 1993 annual report of its activities, pursuant to 15 U.S.C. 78w(b); to the Committee on Energy and Commerce.

2854. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of the President's exercise of his authority under 614(a)(1) of the Foreign Assistance Act of 1961 (Determination No. 94-17), pursuant to 22 U.S.C. 2364(a)(2); to the Committee on Foreign Affairs.

2855. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by William J. Crowe, Jr., of Virginia, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2856. A letter from the Senior Deputy Assistant, Agency for International Development, transmitting a report on economic conditions prevailing in Turkey that may affect its ability to meet its international debt obligations and to stabilize its economy, pursuant to 22 U.S.C. 2346 note; to the Committee on Foreign Affairs.

2857. A letter from the Executive Director, National Capital Planning Commission, transmitting the annual report on the activities of the Inspector General for fiscal year 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2858. A letter from the Executive Secretary, National Labor Relations Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1993, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2859. A letter from the Assistant Vice President, National Railroad Passenger Corporation, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2860. A letter from the Secretary of the Interior, transmitting the 1993 annual report for the Office of Surface Mining Reclamation and Enforcement [OSM], pursuant to 30 U.S.C. 1211(f), 1267(g), 1295, 1279(b), and 1241; to the Committee on Natural Resources.

2861. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting a copy of the 1993 activities report to the President and Congress, pursuant to 16 U.S.C. 470(b); to the Committee on Natural Resources.

2862. A letter from the Secretary of Transportation, transmitting the annual report of activities of the Department's administration of the Deepwater Port Act, pursuant to 33 U.S.C. 1519; to the Committee on Public Works and Transportation.

2863. A letter from the Secretary of Transportation, transmitting a report on the national maximum speed limits, travel speeds, enforcement efforts and speed related highway statistics for fiscal year 1992, pursuant to Public Law 102-240, section 1029(e) (105 Stat. 1970); to the Committee on Public Works and Transportation.

2864. A letter from the Acting Assistant Secretary for Civil Works, Department of the Army, transmitting the results of the 1992 update of the national inventory of dams, pursuant to Public Law 99-662; to the Committee on Public Works and Transportation.

2865. A letter from the Senior Vice President, Tennessee Valley Authority, transmitting a copy of the Authority's statistical summaries as part of their annual report for the fiscal year beginning October 1, 1992, and ending September 30, 1993, pursuant to 16 U.S.C. 831h(a); to the Committee on Public Works and Transportation.

2866. A letter from the Comptroller of the Department of Defense, transmitting a report pursuant to section 108 Public Law 102-229; jointly, to the Committees on Foreign Affairs and Appropriations.

2867. A letter from the Director, Office of Civilian Radioactive Waste Management, Department of Energy, transmitting notification of the delay in the completion of a report concerning spent nuclear fuel and high-level radioactive waste; jointly, to the Committee on Natural Resources and Energy and Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 4066. A bill to suspend temporarily the duty on the personal effects of participants in, and certain other individuals associated with, the 1994 World Cup Soccer Games, the 1994 World Rowing Championships, the 1995 Special Olympics World Games, the 1996 Summer Olympics, and the 1996 Paralympics (Rept. 103-454). Referred to the Committee of the Whole House on the state of the Union.

Mr. MINETA: Committee on Public Works and Transportation. S. 1206. An act to redesignate the Federal building located at 380 Trapelo Road in Waltham, MA, as the "Frederick C. Murphy Federal Center" (Rept. 103-455). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 3693. A bill to designate the U.S. courthouse under construction in Denver, CO as the "Byron White United States Courthouse" (Rept. 103-456). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 3770. A bill to designate the U.S. courthouse located at 940 Front Street in San Diego, CA, and the Federal building attached to the courthouse as the "Edward J. Schwartz Courthouse and Federal Building" (Rept. 103-457). Referred to the House Calendar.

Mr. BROOKS: Committee on the Judiciary. H.R. 4017. A bill to amend title 28, United States Code, to prevent racially discriminatory capital sentencing (Rept. 103–458). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 4033. A bill to assist in the prevention of crime by initiating a comprehensive community justice program; with an amendment (Rept. 103–459, Pt. 1). Ordered to be printed.

Mr. BROOKS: Committee on the Judiciary. H.R. 3979. A bill to amend title 18, United States Code, with respect to certain mandatory minimum sentences; with an amendment (Rept. 103–460). Referred to the Committee of the Whole House on the State of the Union.

## REPORTED BILLS SEQUENTIALLY REFERRED

**Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:**

Mr. MINETA: Committee on Public Works and Transportation. H.R. 3567. A bill to amend the John F. Kennedy Center Act to transfer operating responsibilities to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, and for other purposes, with an amendment; referred to the Committee on Natural Resources for a period ending not later than April 29, 1994, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of the committee pursuant to clause 1(n), rule X (Rept. 103–453, Pt. 1). Ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

**Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:**

By Mr. MONTGOMERY (for himself and Mr. ROWLAND):

H.R. 4124. A bill to amend title 38, United States Code, to reform health care policy in the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. HUGHES (for himself and Mr. SAXTON):

H.R. 4125. A bill to improve the national flood insurance program to increase the stability of the National Flood Insurance Fund through improved risk management, enhanced compliance, and incentives for mitigation, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Ms. LOWEY (for herself, Mr. LEWIS of Georgia, Mr. FROST, Mr. PARKER, Mr GENE GREEN of Texas, and Mr. FALEOMAVAEGA):

H.R. 4126. A bill to offer States a national welfare reform option and incentives to implement the welfare reform option, to strengthen child support enforcement, to provide all States with the flexibility and resources necessary to promote work and self-sufficiency, to expand access to affordable child care, and for other purposes; jointly, to the Committee on Ways and Means and Education and Labor.

By Mr. BARCA of Wisconsin (for himself, Mr. HANSEN, Mr. THOMAS of Wyoming, Mr. CONDIT, and Mr. PETERSON of Minnesota):

H.R. 4127. A bill to require the Secretary of the Treasury to biannually pay to State and local governments compensation for direct costs incurred by those governments in complying with Federal mandates; to the Committee on Government Operations.

By Mr. BROWN of Ohio (for himself, Mr. DINGELL, Mr. WAXMAN, and Mr. STOKES):

H.R. 4128. A bill to require providers of home infusion therapy services to be licensed and to limit physician referrals for services in which the physician has a financial interest; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mrs. CLAYTON:

H.R. 4129. A bill to provide needed credit and financial services to rural residents, public services, and business enterprises, and for other purposes; to the Committee on Agriculture.

By Mr. DARDEN (for himself, Mr. LIGHTFOOT, and Mr. HOYER):

H.R. 4130. A bill to require that all Federal recurring payments be paid by electronic funds transfer, and for other purposes; to the Committee on Government Operations.

By Mr. DARDEN:

H.R. 4131. A bill to amend the Internal Revenue Code of 1986 to make the income tax more equitable for families; to the Committee on Ways and Means.

By Mr. GEJDENSON:

H.R. 4132. A bill to amend the Truth in Lending Act to provide for a cap on consumer credit card interest rates; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GRANDY (for himself, Mr. ROSE, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mr. LEACH, and Mr. NUSSLE):

H.R. 4133. A bill to expand the Tree Assistance Program of the Department of Agriculture to assist agriculture producers to pay the costs of replanting commercially grown trees and seedlings, ornamental plants, and other perennial plants that are destroyed by damaging weather or related condition and to change the manner of determining crop yields for trees and seedlings, ornamental plants, and other perennial plants for purposes of emergency crop loss assistance; to the Committee on Agriculture.

By Mr. GUNDERSON:

H.R. 4134. A bill to establish a reserve fund to reimburse milk producers for losses incurred as a result of the bankruptcy of a milk handler that marketed raw milk from the producers, to provide funds for the reserve fund through an assessment on all milk handlers, and to establish a Board of Trustees to administer the reserve fund; to the Committee on Agriculture.

By Mr. HALL of Texas (for himself, Mr. ROEMER, Mrs. JOHNSON of Connecticut, Mr. MURPHY, Mr. LEWIS of California, Mr. WHEAT, and Mr. DARDEN):

H.R. 4135. A bill to authorize the minting of coins to commemorate the 175th anniversary of the founding of the U.S. Botanic Garden; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HERGER (for himself, Mr. KLECZKA, Mr. MCDADE, Mr. CONDIT, Mr. LEWIS of Florida, Mr. POSHARD, Mr. EMERSON, Mr. MORAN, Mr. BUYER, Mr. MCHUGH, Mr. OXLEY, Mr. HANSEN, Mr. HEFLEY, Mr. EWING, Mr. POMBO, Mr. BONILLA, Mr. DELAY, Mr. HASTERT, Mr. DOOLITTLE, Mr. BAKER of California, Mr. FAWELL, Mr. BAKER of Louisiana, and Mr. MANN):

H.R. 4136. A bill to amend title II of the Social Security Act to institute certain reforms relating to the provision of disability insurance benefits based on substance abuse and relating to representative payees, and for other purposes; to the Committee on Ways and Means.

By Mr. HYDE (for himself and Mr. WILSON):

H.R. 4137. A bill to amend the National Security Act of 1947 to improve counterintelligence measures through enhanced security for classified information, and for other purposes; jointly, to the Committees on Intelligence (Permanent Select), the Judiciary, Banking, Finance and Urban Affairs, and Post Office and Civil Service.

By Mr. JACOBS (for himself, Mr. GRANDY, Ms. WATERS, Mr. MAZZOLI, Mr. FRANK of Massachusetts, Mr. BLUTE, Mr. WYNN, and Mr. BURTON of Indiana):

H.R. 4138. A bill to amend the Internal Revenue Code of 1986 to provide that the amount of an overpayment otherwise payable to any person shall be reduced by the amount of past-due, legally enforceable State tax obligations of such person; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota (for himself, Mr. COMBEST, Mr. POMEROY, Mr. ROSE, Mr. PENNY, Ms. LONG, Mr. INSLEE, Mr. KINGSTON, Mr. SARPALIUS, Mr. MINGE, Mr. HOLDEN, and Mr. GLICKMAN):

H.R. 4139. A bill to authorize the use of the general counsel of the Department of Agriculture and other attorneys in collecting claims and obligations under the farm loan programs carried out by the Farmers Home Administration; to the Committee on Agriculture.

By Mr. LAFALCE:

H.R. 4140. A bill to amend the Bankruptcy Act to make small business investment companies and specialized small business investment companies ineligible to file bankruptcy, and for other purposes; to the Committee on the Judiciary.

By Mr. LAZIO (for himself, Mrs. ROUKEMA, Mr. SCHUMER, Mr. PENNY, Mr. BAKER of Louisiana, Mr. FLAKE, Mr. KNOLLENBERG, Mr. BEREUTER, Mr. BLUTE, Mr. EWING, Mr. MCCANDLESS, Mr. RANGEL, Mr. ACKERMAN, Mr. FISH, Mr. GUNDERSON, Mr. CALVERT, Ms. PRYCE of Ohio, and Mr. FROST):

H.R. 4141. A bill to amend section 8 of the United States Housing Act of 1937 to provide rental assistance to obtain new residences for families residing in dwelling units assisted under such section or in public housing, who provide information regarding criminal activity to law enforcement agencies and are subject to violence because of providing such information; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LEHMAN (for himself, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. FRANK of Massachusetts, Mr. MOORHEAD, Mr. PALLONE, Mr. BILBRAY, Mr. TORRES, Mr. ANDREWS of New Jersey, Mr. BONIOR, Mr. KENNEDY, Mrs. ROUKEMA, Mr. KLEIN, and Mr. MENENDEZ):

H.R. 4142. A bill to prohibit U.S. foreign assistance to countries that restrict the transport or delivery of U.S. humanitarian assistance to other countries; to the Committee on Foreign Affairs.

By Mrs. MALONEY (for herself, Mr. SCHUMER, Mr. KLEIN, Mr. DEUTSCH, Mr. GUTIERREZ, Mr. FOGLIETTA, Mr. TOWNS, Mr. OWENS, Mr. NADLER, Mr. PAYNE of New Jersey, Mr. SCOTT, Mr. FILNER, Mr. LIPINSKI, Mr. MENENDEZ, and Mr. HILLIARD):

H.R. 4143. A bill to authorize the Secretary of Housing and Urban Development to make grants to nonprofit community organizations for the development of open space on municipally owned vacant lots in urban areas; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MATSUI:

H.R. 4144. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of crops destroyed by casualty; to the Committee on Ways and Means.

By Mr. McCLOSKEY for himself, Mr. MACHTLEY, Mr. MOAKLEY, Mr. NEAL of Massachusetts, Mr. KENNEDY, Mr. FRANK of Massachusetts, Mr. SCHUMER, Mr. QUINN, Mr. WALSH, Mr. APPLEGATE, Mr. CALVERT, Mr. CONYERS, Mr. COYNE, Mr. GILMAN, Mrs. MALONEY, Mr. MANTON, and Ms. MOLINARI):

H.R. 4145. A bill to require the Attorney General and the Secretary of State to designate Ireland as a pilot program country for purposes of this visa waiver pilot program; to the Committee on the Judiciary.

By Mr. McCOLLUM (for himself, Mr. DEUTSCH, Mr. TORKILDSEN, and Mr. ROWLAND):

H.R. 4146. A bill to amend the Federal Deposit Insurance Act to clarify provisions intended to protect the Corporation from having bank loans or other assets diluted by secret side agreements; to the Committee on Banking, Finance and Urban Affairs.

By Mr. McNULTY:

H.R. 4147. A bill to establish the Hudson and Mohawk Rivers National Heritage Corridor in the State of New York, and for other purposes; to the Committee on Natural Resources.

By Mr. MEEHAN:

H.R. 4148. A bill to establish the National Commission on Gay and Lesbian Youth Suicide Prevention; to the Committee on Energy and Commerce.

By Mr. MONTGOMERY:

H.R. 4149. A bill to amend title 10, United States Code, to provide a charter for the National Guard Bureau, otherwise to improve the administration of the National Guard, and for other purposes; to the Committee on Armed Services.

By Mr. MURPHY (for himself, Mr. PETRI, Mr. ANDREWS of New Jersey, and Mr. FAWELL):

H.R. 4150. A bill to amend the Fair Labor Standards Act of 1938 to make uniform the application of the overtime exemption for inside sales personnel; to the Committee on Education and Labor.

By Mr. NADLER:

H.R. 4151. A bill to amend title 35, United States Code, to provide for the compulsory licensing of the patents for certain products which have not been commercially marketed or used; to the Committee on the Judiciary.

By Mr. OLVER:

H.R. 4152. A bill to authorize the Attorney General to provide grants for domestic court advocacy programs; to the Committee on the Judiciary.

By Mr. POMEROY (for himself, Mr. BAESLER, Mr. HOLDEN, Ms. LONG, Mr. PETERSON of Minnesota, Mr. SARPALIUS, Mr. SLATTERY, and Mr. TEJEDA):

H.R. 4153. A bill to amend the Agricultural Credit Act of 1987 to expand the types of agricultural issues covered by State mediation programs; to the Committee on Agriculture.

By Mr. REED:

H.R. 4154. A bill to amend section 377 of title 28, United States Code, to designate certain retired bankruptcy judges and magistrate judges as senior judges; to the Committee on the Judiciary.

By Mr. RICHARDSON:

H.R. 4155. A bill to provide for the management of Federal lands in a manner that does not undermine or frustrate traditional Native American religions or religious practices; to the Committee on Natural Resources.

By Mr. SMITH of New Jersey:

H.R. 4156. A bill to amend title 38, United States Code, to add bronchioloalveolar carcinoma to the list of diseases presumed to be service-connected for certain radiation-exposed veterans; to the Committee on Veterans' Affairs.

By Mr. THOMAS of Wyoming (for himself, Mr. HANSEN, Mr. SKEEN, Mr. ALLARD, Mr. BOEHNER, Mr. CALVERT, Mr. CUNNINGHAM, Mr. DELAY, Mr. DOOLITTLE, Mr. DUNCAN, Mr. EMERSON, Mr. GALLEGLY, Mr. HEFLEY, Mr. KOLBE, Mr. LEWIS of California, Mr. LIVINGSTON, Mr. MCCANDLESS, Mr. MCINNIS, Mr. POMBO, Mr. ROBERTS, Mr. SCHAEFER, Mr. SMITH of Oregon, Mr. STUMP, Mr. TAYLOR of North Carolina, Mrs. VUCANOVICH, and Mr. YOUNG of Alaska):

H.R. 4157. A bill to transfer the lands administered by the Bureau of Land Management to the State in which the lands are located; to the Committee on Natural Resources.

By Ms. VELAZQUEZ:

H.R. 4158. A bill to establish the Lower East Side Tenement Museum National Historic Site; to the Committee on Natural Resources.

By Ms. WATERS (for herself and Mr. BISHOP):

H.R. 4159. A bill to encourage gainful employment among the residents of public housing, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WAXMAN (for himself and Mr. STUDDS):

H.R. 4160. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, and the Orphan Drug Act to revise the provisions of such Acts relating to orphan drugs; to the Committee on Energy and Commerce.

By Mr. ZELIFF:

H.R. 4161. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to make comprehensive improvements in provisions relating to liability, State implementation, remedy selection, and funding; jointly, to the Committees on Energy and Commerce, Public Works and Transportation, and Ways and Means.

By Mr. RICHARDSON (for himself, Mr. MCDERMOTT, Mr. BREWSTER, and Mr. KOPETSKI):

H.R. 4162. A bill to grant authority to provide social services block grants directly to Indian tribes; to the Committee on Ways and Means.

By Mr. WILLIAMS (for himself, Mrs. MINK of Hawaii, Mr. DEFAZIO, Ms. SHEPHERD, Mr. UPTON, and Mr. STARK):

H.R. 4163. A bill to enable the Park Service to regulate, or prohibit, scenic commercial overflights at units of the National Park System; jointly, to the Committee on Natural Resources and Public Works and Transportation.

By Mr. BALLENGER (for himself, Mr. BLILEY, Mr. ROHRABACHER, and Mr. SAXTON):

H.J. Res. 345. Joint resolution disapproving the action of the District of Columbia Council in approving the Displaced Workers Protection Act of 1994; to the Committee on the District of Columbia.

By Mr. COYNE:

H.J. Res. 346. Joint resolution designating September 25, 1994, as "Gold Star Mothers Day;" to the Committee on Post Office and Civil Service.

By Mrs. FOWLER (for herself, Ms. ROS-LEHTINEN, and Mr. DIAZ-BALART):

H.J. Res. 347. Joint resolution to designate July 23, 1994, as "General Bernardo de Galvez Day"; to the Committee on Post Office and Civil Service.

By Mr. RANGEL:

H.J. Res. 348. Joint resolution declaring April 10 as "Son-in-Law Day"; to the Committee on Post Office and Civil Service.

By Mr. WYDEN (for himself, Mr. MACHTLEY, Mr. KREIDLER, Mr. SPRATT, Mr. TANNER, Mr. SLATTERY, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. CLEMENT, Mr. COBLE, Mr. MOAKLEY, Mr. MAZZOLI, Mrs. UNSOELD, Mr. ROWLAND, Mr. HEFNER, Mr. JACOBS, Mr. BILBRAY, Mr. PICKLE, Mr. LANTOS, Mr. WHEAT, Mr. WAXMAN, Ms. BYRNE, Mr. FALEOMAVAEGA, Mr. WOLF, Mr. CRAMER, Mr. MILLER of California, Ms. FURSE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANKS of Connecticut, Mr. PETERSON of Minnesota, Mr. STARK, Mrs. MALONEY, Mr. REGULA, Mr. FILNER, Mr. COLEMAN, Mr. TOWNS, Mr. KOPETSKI, Mr. CONYERS, Mr. MARKEY, Mr. LAFALCE, Mr. SAWYER, Mr. FROST, Mr. WISE, Mr. POSHARD, Mr. GEJDENSON, Mr. KING, Mr. ARCHER, Mrs. ROUKEMA, Ms. NORTON, Mr. KASICH, Mr. EVANS, Mr. COOPER, Mrs. MINK of Hawaii, Mr. KLECZKA, Mrs. THURMAN, Mr. NEAL of Massachusetts, Mr. PETERSON of Florida, and Ms. MOLINARI):

H.J. Res. 349. Joint resolution to designate the week of October 2, 1994, through October 8, 1994, as "Mental Illness Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. GEPHARDT:

H. Con. Res. 232. Concurrent resolution providing for an adjournment of the two Houses. Considered and agreed to.

By Mr. KILDEE (for himself and Mr. EMERSON):

H. Con. Res. 233. Concurrent resolution expressing the sense of the Congress that any health care reform legislation passed by the Congress include guaranteed full funding for the special supplemental food program for women, infants, and children [WIC] so that all eligible women, infants, and children who apply could be served by the end of fiscal year 1996 and full funding could be maintained through fiscal year 2000, and for other purposes; to the Committee on Education and Labor.

By Mrs. MORELLA (for herself, Mr. BEILENSON, and Mr. PORTER):

H. Con. Res. 234. Concurrent resolution expressing the sense of the Congress regarding the role of the United States at the International Conference on Population and development; to the Committee on Foreign Affairs.

By Mr. SABO (for himself, Mr. KOPETSKI, Mr. DELLUMS, and Mr. GEPHARDT):

H. Con. Res. 235. Concurrent resolution concerning the negotiation of limitations on nuclear weapons testing; to the Committee on Foreign Affairs.

By Mr. TRAFICANT:

H. Con Res. 236. Concurrent resolution authorizing the 1994 Special Olympics torch relay to be run through the Capitol Grounds;

to the Committee on Public Works and Transportation.

H. Con. Res. 237. Concurrent resolution authorizing the use of the Capitol Grounds for the 13th annual National Peace Officers' Memorial Service; to the Committee on Public Works and Transportation.

## MEMORIAL

Under clause 4 of rule XXII, memorials were presented and referred as follows:

321. By the SPEAKER: Memorial of the General Assembly of the State of Indiana, relative to the essential air service program; to the Committee on Public Works and Transportation.

322. Also, Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to retirement or pension plans and pension lump sum rollovers; to the Committee on Ways and Means.

323. Also, Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to increasing weatherization and Low-Income Home Energy Assistance Program funds; jointly, to the Committees on Energy and Commerce and Education and Labor.

324. Also, Memorial of the Legislature of the State of Maine, relative to the Maine territorial sea limits; jointly, to the Committees on Foreign Affairs, the Judiciary, and Merchant Marine and Fisheries.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GILCHREST:

H.R. 4164. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; to the Committee on Merchant Marine and Fisheries.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. Baesler, Mr. Deal, and Mr. Menendez.

H.R. 54: Mr. Moakley.

H.R. 55: Mr. Jefferson.

H.R. 140: Mr. Coble, Mr. Brown of California, Mr. Sam Johnson of Texas, Mr. Dornan, Mr. Bateman, Mr. Thomas of California, and Mr. Manzullo.

H.R. 212: Mr. Hancock.

H.R. 214: Mr. Wyden.

H.R. 225: Mr. Franks of Connecticut.

H.R. 280: Mr. Visclosky.

H.R. 291: Mr. Pastor, Mr. Andrews of New Jersey, Mr. Faleomavaega, and Mr. Olver.

H.R. 359: Ms. Ros-Lehtinen, Mr. Johnson of South Dakota, Ms. Woolsey, Ms. Eshoo, Mr. Filner, Ms. Velazquez, Mr. Barrett of Wisconsin, and Mrs. Unsoeld.

H.R. 417: Mr. Kingston and Mr. Roemer.

H.R. 467: Mr. Myers of Indiana and Mr. Borski.

H.R. 502: Mr. Paxon.

H.R. 521: Ms. McKinney, Mr. LaRocco, and Mr. Neal of Massachusetts.

H.R. 773: Mr. Bilirakis.

H.R. 790: Mr. Wyden.

H.R. 835: Ms. Norton and Mr. Neal of North Carolina.

H.R. 846: Mr. Cox, Mr. Gillmor, Mr. Dornan, Mrs. Morella, and Mrs. Thurman.

H.R. 1106: Mr. Faleomavaega, Mr. Frost, Mr. Johnston of Florida, Mr. Peterson of Minnesota, Mr. Sabo, Mr. Wynn, and Mr. Yates.

H.R. 1164: Ms. Velazquez.

H.R. 1169: Mr. Peterson of Minnesota.

H.R. 1219: Mr. Bonior.

H.R. 1276: Mr. Hutchinson.

H.R. 1314: Mr. Johnston of Florida.

H.R. 1391: Mr. Lewis of Georgia and Mr. McDermott.

H.R. 1517: Mr. Conyers.

H.R. 1621: Mr. Wyden.

H.R. 1627: Mr. Pete Geren of Texas.

H.R. 1673: Mr. Wyden.

H.R. 1709: Mr. Sundquist, Mr. Tucker, Mr. Ortiz, and Mrs. Meyers of Kansas.

H.R. 1824: Mr. Pallone.

H.R. 1938: Mr. Fish.

H.R. 1961: Mr. Filner.

H.R. 2064: Mr. Fazio.

H.R. 2105: Mr. Sabo and Mr. Johnston of Florida.

H.R. 2169: Mr. Barrett of Wisconsin.

H.R. 2365: Mr. Kopetski.

H.R. 2417: Mr. Dornan.

H.R. 2418: Ms. Collins of Michigan.

H.R. 2444: Mr. Crapo, Mr. Rohrabacher, and Mr. Lipinski.

H.R. 2448: Mr. Barrett of Wisconsin.

H.R. 2471: Mrs. Meek of Florida.

H.R. 2484: Mr. Gejdenson and Mr. Sabo.

H.R. 2586: Mr. Gordon and Mr. Montgomery.

H.R. 2759: Mr. Mr. Herger, Mr. Doolittle, Mr. Archer, Mr. Royce, Mr. Minge, Mr. Deal, Mr. Cunningham, Mrs. Byrne, and Mrs. Morella.

H.R. 2767: Mr. Stump.

H.R. 2826: Mr. Andrews of Maine, Mr. Manzullo, Mr. Moakley, Mr. Bliley, Mr. Glickman, Mr. Martinez, Mr. McCloskey, and Ms. Velázquez.

H.R. 2829: Mr. Inslee, Ms. McKinney, Mr. Andrews of Maine, Mr. Frank of Massachusetts, Ms. Velázquez, Mr. de Lugo, Mr. Stark, Mr. Stokes, Mr. Dingell, Mr. Peterson of Minnesota, Mr. Stupak, and Mr. Johnston of Florida.

H.R. 2830: Mr. Richardson and Mrs. Mink of Hawaii.

H.R. 2835: Ms. DeLauro.

H.R. 2866: Mr. Deutsch and Mr. Neal of Massachusetts.

H.R. 2897: Mr. Thomas of California.

H.R. 2942: Mr. Roberts, Mr. Lewis of Florida, Mr. Emerson, Mr. Doolittle, Mr. Boehner, Mr. Kingston, Mr. Ewing, Mr. Gunderson, Mr. Bateman, Mr. Calvert, Mr. Wolf, Mr. Bliley, Mr. Dickey, Mr. Smith of Michigan, Mr. Sisisky, Mrs. Clayton, Mr. Payne of Virginia, Mrs. Byrne, Mr. Scott, Mr. Baesler, Mr. Inslee, Mr. Pomeroy, Ms. Long, Mr. Smith of Texas, Mr. Moran, Mr. Pickett, Mr. Volkmer, Mr. Boucher, and Mr. Dixon.

H.R. 3017: Mr. Baker of Louisiana and Mr. Whitten.

H.R. 3040: Mr. Burton of Indiana.

H.R. 3065: Mr. Upton.

H.R. 3087: Mr. Hamilton, Mr. Nussle, and Mr. McDermott.

H.R. 3088: Mr. Mineta, Mrs. Thurman, Ms. Eshoo, and Ms. McKinney.

H.R. 3182: Mr. Swett.

H.R. 3246: Mr. Gejdenson, Mr. Hall of Ohio, Ms. Norton, Mr. Bonilla, Mr. Zeliff, and Mr. Livingston.

H.R. 3270: Mr. Swift, Mr. Yates, Mr. Hochbrueckner, Mr. Bryant, Mr. Pickle, Mr. Scott, Mr. Hyde, Mr. Gilman, Mr. Lewis of California, and Mr. Barrett of Wisconsin.

H.R. 3288: Mr. Goodling and Mr. Gallo.

H.R. 3293: Mr. Gilchrest, Mrs. Thurman, and Mr. Laughlin.

H.R. 3310: Mr. Lewis of Georgia.

H.R. 3314: Ms. Velázquez.

H.R. 3365: Mr. Hutchinson and Mr. Gene Green of Texas.

H.R. 3513: Mr. Wyden.

H.R. 3523: Mr. Dornan, Mr. Neal of Massachusetts, and Mr. Gejdenson.

H.R. 3534: Mr. Kopetski.

H.R. 3561: Mr. Foglietta and Mr. Underwood.

H.R. 3569: Mr. Rangel, Mr. Towns, and Mrs. Unsoeld.

H.R. 3630: Mr. Rangel, Mr. Matsui, Mrs. Kennelly, Mr. Grandy, and Mr. Clinger.

H.R. 3646: Mr. Roberts, Mr. Obey, and Mr. Klug.

H.R. 3656: Mr. Zimmer and Mr. McNulty.

H.R. 3661: Mr. Hutto and Mr. Kingston.

H.R. 3663: Mr. Becerra.

H.R. 3666: Mr. de Lugo, Mr. Gekas, Mr. Richardson, Mr. Bilbray, and Mrs. Byrne.

H.R. 3704: Mr. McDade and Mr. McMillan.

H.R. 3783: Mr. Evans, Mr. Johnson of South Dakota, Ms. Waters, Mr. Dellums, Mr. Filner, Mr. Miller of California, Ms. Velázquez, and Mr. Foglietta.

H.R. 3795: Mr. Emerson.

H.R. 3796: Mr. Greenwood.

H.R. 3827: Mr. Barcia of Michigan, Mrs. Clayton, Mr. Filner, Mr. Frank of Massachusetts, Mr. Hilliard, and Mr. Miller of California.

H.R. 3831: Mr. Frost and Mr. Serrano.

H.R. 3843: Mr. Hobson.

H.R. 3844: Mr. Hobson.

H.R. 3849: Mr. Zeliff.

H.R. 3872: Mr. Kolbe and Mr. Frost.

H.R. 3879: Mr. Sisisky, Mr. Filner, Mr. Porter, Mr. Mineta, Mr. Bevill, Ms. Snowe, Ms. Margolies-Mezvinsky, Mr. Moakley, Mr. Obey, Mr. de la Garza, Mr. Brown, of California, Mr. Mollohan, Mr. Mazzoli, Mr. Becerra, Mr. Montgomery, Mr. Carr, Mr. Ackerman, Mr. Richardson, Mr. Ford of Michigan, Mr. Andrews of Texas, Mr. Baesler, Mr. Applegate, Mr. McDade, Mr. Penny, Ms. Norton, Mr. Gallo, Ms. Long, Mr. DeFazio, Ms. Dunn, Mr. Evans, Mr. Deutsch, Mr. Slattery, Mr. Barca of Wisconsin, Mr. Dingell, Mr. Sangmeister, Mr. Vento, Mr. Barrett of Wisconsin, Mr. Klink, Mr. Lewis of California, Mr. Ford of Tennessee, Mr. Lehman, Mr. Dooley, Mr. King, Mr. Peterson of Minnesota, Mr. McHale, Mr. Gibbons, Mr. Condit, Ms. McKinney, Mr. Hinchey, Mr. Brewster, Mr. Hamilton, Mr. McCrery, Mr. Clay, Mr. Rahall, Mr. Dellums, Mr. Waxman, Mr. Gonzalez, Mr. de Lugo, Mr. Coney, Mr. Conyers, Mr. Matsui, Mr. Stokes, Mr. Markey, Mr. Smith of Iowa, Mr. Roemer, Mr. Bonior, Mr. Derrick, Ms. Furse, Mr. Browder, Mr. Huttoer, Mr. Johnson of South Dakota, Mr. Pickle, Mrs. Maloney, Mr. Mfume, Mr. Roth, Mr. Bunning, Mr. Taylor of Mississippi, Mr. Lipinski, Mrs. Thurman, Mr. Cooper, Ms. Cantwell, Mr. Pallone, Mr. Peterson of Florida, Mr. Gutierrez, Mr. Bereuter, Mr. Michel, Mrs. Collins of Illinois, Mr. Berman, Mr. Edwards of California, Mr. Kildee, Mrs. Roukema, Mr. Orton, MR. Castle, MR. Kanjorski, Mr. Hastings, Mr. Brown of Ohio, Mr. Hilliard, Ms. Byrne, Mr. Baker of California, Mr. Stupak, Mr. Hyde, Mr. Hochbrueckner, Mr. Lazio, Mr. Johnston of Florida, Mr. Mann, Mr. Swift, Mr. Johnson of Georgia, Mr. McCollum, Mr. Coleman, Mr. Bilbray, Mr. Traficant, Mr. Gene Green of Texas, Mr. Tanner, Ms. Danner, Mr. Hall of Texas, Mr. Wilson, Mr. Valentine, Mr. Weldon, Mr. Wyden, Mr.

Manton, Mr. Inslee, Mr. Rangel, Mr. Swett, Mrs. Lloyd, and Ms. Harman.

H.R. 3885: Mr. Frank of Massachusetts, Mr. Durbin, Mr. Neal of Massachusetts, Mr. Foglietta, Mr. Olver, Mr. Meehan, Mr. Jacobs, Mr. Markey, Mr. Oberstar, Mr. Sanders, Mr. Hall of Ohio, Mr. Beilenson, Ms. Eddie Bernice Johnson of Texas, Mr. Synar, Ms. Roybal-Allard, Mr. Kennedy, Mr. Studds, Ms. Margolies-Mezvinsky, Mr. DeFazio, Mr. Wynn, Mr. Miller of California, Mr. Evans, Ms. Pelosi, Mr. Barrett of Wisconsin, and Mr. Kreidler.

H.R. 3894: Mr. Barrett of Nebraska.

H.R. 3897: Mr. Coleman, Mr. Mineta, Mr. Frost, and Mr. Barton of Texas.

H.R. 3900: Mr. Berman, Mr. Bevill, Mr. Chapman, Mr. Clyburn, Mr. Deutsch, Mr. Farr, Mr. Gene Green of Texas, Mr. Hochbrueckner, Mr. Hughes, Mr. Manton, and Mr. Torres.

H.R. 3921: Mr. Frost, Mrs. Clayton, Mr. Torkildsen, Mr. Smith of Texas, Mr. Canady, Mr. Greenwood, Mr. Kingston, Mr. Dreier, and Mr. Hoke.

H.R. 3923: Mr. Wynn.

H.R. 3926: Mr. Hancock and Mr. Boucher.

H.R. 3948: Mr. Oberstar, Mr. Rahall, Mr. de Lugo, Mr. Borski, Mr. Lipinski, Mr. Traficant, Mr. DeFazio, Ms. Shepherd, Ms. Norton, and Mr. Gilchrest.

H.R. 3951: Mr. Kingston, Mr. Barrett of Nebraska, Mr. Jacobs, Mr. Dooley, and Mr. de la Garza.

H.R. 3955: Mr. Glickman, Mr. Ballenger, Mr. Stenholm, and Mr. Canady.

H.R. 3986: Mr. Kolbe, Mr. Coppersmith, Mr. Zeliff, and Mr. Upton.

H.R. 3993: Mr. Filner, Mr. Foglietta, Mr. Rahall, Mr. Underwood, Mr. Applegate, Mr. Wolf, Mr. Frost, and Mr. Porter.

H.R. 3999: Mr. Evans.

H.R. 4051: Ms. Eddie Bernice Johnson of Texas, Ms. Roybal-Allard, Mr. Becerra, Mrs. Clayton, and Mr. Rush.

H.R. 4052: Mr. Everett, Mr. McHugh, and Mr. Hochbrueckner.

H.R. 4057: Mr. Grams, Ms. Dunn, Mr. Ramstad, Mr. Hoke, Mr. Bachus of Alabama, Mr. Huffington, Mr. Baker of California, Mr. Buyer, Mr. Hansen, Mr. Hefley, Mr. Hunter, Mr. Hutchinson, Mr. Kingston, Mr. Manzullo, Mr. Pombo, Mr. Thomas of Wyoming, Mr. Herger, Mr. Collins of Georgia, Mr. Ballenger, Mr. Istook, Mr. Burton of Indiana, Mr. Payne of Virginia, Mr. Browder, Mr. Hutto, Mr. Penny, Mr. Stenholm, Mr. DeLay, Mr. Barcia of Michigan, Mr. Peterson of Minnesota, Mr. Greenwood, and Mr. Hall of Texas.

H.R. 4064: Mr. Neal of Massachusetts, Mr. Costello, Mr. Faleomavaega, Mr. Calvert, and Mr. Frost.

H.R. 4065: Mr. Neal of Massachusetts, Mr. Costello, Mr. Faleomavaega, Mr. Calvert, and Mr. Frost.

H.R. 4087: Mr. Lightfoot and Mr. Cunningham.

H.R. 4094: Mr. Dickey, Mr. Goss, and Mr. Calvert.

H.R. 4095: Mr. Goss, Mr. Baker of Louisiana, Mr. Traficant, Mr. Callahan, Mr. Inhofe, and Mr. Ramstad.

H.J. Res. 90: Mr. Lewis of Florida, Mr. Miller of Florida, Mr. Murphy, Mr. Michel, Mr. Peterson of Florida, Mr. Murtha, Mr. Neal of Massachusetts, Mr. Hansen, Mr. Hilliard, Mr. Slattery, Mr. Kreidler, Mr. Dixon, Mr. Pete Geren of Texas, Mr. Greenwood, Mr. Ramstad, Mr. Upton, Mr. DeLay, Mr. Cox, Mr. Gingrich, Mr. Smith of Iowa, Mr. Houghton, Mr. Horn, and Mr. Buyer.

H.J. Res. 253: Mr. Zimmer, Mrs. Meek of Florida, Mr. Whitten, Mr. Barlow, and Mr. Kennedy.

H.J. Res. 303: Mr. Sabo, Mr. Rohrabacher, Mr. Frank of Massachusetts, Mr. Kennedy, Mr. Pickle, Mr. Pete Geren of Texas, Mr. Burton of Indiana, Mr. Zeliff, Mr. Crane, Mr. Coyne, Mr. Poshard, Mr. Wolf, Ms. Schenk, Mr. Washington, Mr. Myers of Indiana, Mr. Natcher, Ms. Molinari, Mr. de la Garza, and Mr. Neal of North Carolina.

H.J. Res. 311: Mr. Baker of California, Mr. Bilirakis, Mr. Clement, Ms. Danner, Mr. Ewing, Mr. Filner, Mr. Frost, Mr. Gene Green of Texas, Mr. Hochbrueckner, Mr. King, Mr. Klein, Mr. LaFalce, Mr. Lantos, Mr. Lazio, Mr. Levy, Mr. Lewis of Georgia, Ms. Lowey, Mr. Miller of California, Ms. Molinari, Mr. Moran, Mr. Neal of Massachusetts, Mr. Parker, Mr. Peterson of Minnesota, Mr. Pickett, Mr. Ravenel, Mrs. Roukema, Ms. Roybal-Allard, Ms. Shepherd, Mr. Skeen, Mr. Slattery, Mr. Smith of Iowa, Mr. Spratt, Mr. Swett, Mr. Tanner, Mr. Tucker, Mr. Valentine, Mr. Walsh, Mr. Wise, and Mr. Yates.

H.J. Res. 314: Mr. Peterson of Minnesota.

H.J. Res. 338: Mr. Stenholm, Mr. Brewster, Mr. Wolf, Mr. Underwood, Mr. Kasich, Mr. Ravenel, Mr. Montgomery, and Mr. Oxley.

H. Con. Res. 35: Mr. Pete Geren of Texas, Mr. Fingerhut, Mr. Reed, Mr. Traficant, Mr. Ackerman, Mr. Flake, Mr. Cardin, and Mr. Peterson of Florida.

H. Con. Res. 98: Mr. Smith of Oregon and Mr. McCurdy.

H. Con. Res. 100: Mr. Applegate, Mr. Kanjorski, Mr. Neal of North Carolina, Mr. Fish, Mr. Conyers, and Ms. Kaptur.

H. Con. Res. 148: Mr. Ramstad.

H. Con. Res. 166: Mr. Porter, Mr. Paxon, and Mr. Ramstad.

H. Con. Res. 179: Mr. Andrews of New Jersey.

H. Con. Res. 199: Mr. Mineta, Mr. Calvert, Mr. Castle, Mr. Gilchrest, Ms. Danner, Mr. Sanders, Mr. Valentine, and Mr. Matsui.

H. Con. Res. 201: Ms. Molinari, Mr. Boehlert, and Mr. Gunderson.

H. Con. Res. 209: Mr. Ackerman, Mr. Hinchey, Mr. Wynn, and Mr. Moran.

H. Con. Res. 210: Mr. Weldon.

H. Con. Res. 217: Mr. Hamburg, Mr. Payne of New Jersey, Mr. Frank of Massachusetts, Mr. Hochbrueckner, Mr. Schumer, Mr. Minge, Mr. Brown of Ohio, Mr. Slattery, Mr. Levy, Mr. Bonior, Mr. Lehman, Ms. Eddie Bernice Johnson of Texas, Mr. Richardson, Mr. Filner, Mr. Owens, Mrs. Lloyd, Mrs. Clayton, Mr. Foglietta, Mr. Williams, Mr. Scott, Mr. Moran, Mr. Abercrombie, Ms. Danner, Mr. Wheat, Mrs. Meek of Florida, and Mr. Jacobs.

H. Con. Res. 228: Mr. Barrett of Wisconsin, Mr. Stupak, Mr. Klein, Ms. Slaughter, Mr. Quinn, Mr. Taylor of Mississippi, Ms. Woolsey, Mr. Vento, Mr. Wise, Mr. McHale, Ms. Shepherd, Mrs. Maloney, Mr. Calvert, and Mr. Frost.

H. Con. Res. 229: Mr. Coppersmith, Mr. Sabo, and Ms. Brown of Florida.

H. Res. 108: Mr. Peterson of Minnesota.

H. Res. 234: Mr. Mineta, Mr. Lewis of California, Mr. Brewster, Mr. Leach, Mr. Abercrombie, Mr. Blackwell, and Mr. Hansen.

H. Res. 247: Mr. Young of Florida.

H. Res. 255: Mr. Shays, Mr. Deal, Mr. Pete Geren of Texas, and Mr. Gingrich.

H. Res. 365: Mr. Zeliff.

H. Res. 372: Mr. Walsh and Mr. Scott.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

**Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:**

H.R. 3222: Mr. Sabo.

## PETITIONS, ETC.

**Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:**

82. By the SPEAKER: Petition of the Office of State Representative Huey McCoulskey, Austin, TX, relative to the practice of polygamy and polygamous cohabitation and a constitutional amendment forbidding such practice; to the Committee on the Judiciary.

83. Also, Petition of the King County Democratic Central Committee, Seattle, WA, relative to the single-payer national health insurance system; jointly, to the Committee on Energy and Commerce and Ways and Means.

## DISCHARGE PETITIONS

**Under clause 3, rule XXVII the following discharge petitions were filed:**

Petition 15, March 24, 1994, by Mr. BILIRAKIS on House Resolution 382, was signed by the following Members: Michael Bilirakis.

## DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

**The following Members added their names to the following discharge petitions:**

Petition 10 by Mr. McCOLLUM on House Resolution 295.

Petition 11 by Mr. RAMSTAD on House Resolution 247: Dana Rohrabacher, Herbert H. Bateman, C.W. Bill Young, and Robert H. Michel.

Petition 12 by Mr. TRAFICANT on H.R. 3261.

Petition 13 by Mr. CHRISTOPHER SMITH on House Resolution 281: Jim Kolbe, Bob Livingston, Elton Gallegly, David Dreier, Hamilton Fish, Jr., Scott McInnis, Bob Franks, Herbert H. Bateman, and Jim Nussle.

# EXTENSIONS OF REMARKS

## MY COMMITMENT TO AMERICA

### HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. COOPER. Mr. Speaker, I submit the following for printing in the CONGRESSIONAL RECORD.

MY COMMITMENT TO AMERICA

(By Autumn Cartmill, Post 1893, Winchester, TN)

Imagine—A knock at the door with the news of the passing away of a distant relative, one who has left you a million dollars. You can almost feel the excitement just thinking about it. Well hold your enthusiasm. We have all inherited such a gift, but its greatness is magnified a thousand times over. This gift is commitment. The strong faith and commitment of our forefathers gave them a plan for the ages. This plan was embodied in a document that was destined to secure the liberty and freedom of all Americans. It would establish rights for each individual without discrimination. They developed this Constitution through commitment. Those steadfast beliefs enabled our fledgling country to develop into a great and powerful nation. Our forefathers passed down this torch of patriotism and loyalty to the next generation in hopes that these ideals of freedom would live on and that the flame that was ignited would, in those early words, "forever be tended". Today, my generation must guard this birthright of freedom and liberty and do what is now our obligation for future generations. I have been handed this torch of freedom by my family. My father and grandfathers have carried my right to freedom from the South Pacific Islands of World War II, across the frozen 38th parallel of Korea, into the highlands of Vietnam, through Panama, and back from the arid wastelands of Iraq. Unselfish acts of love for the ideals of this country, for me, for you, and for generations to come. Now, it is my turn to maintain the strength and nobility of our United States. How will I, a high school student, achieve this? With foresight and perseverance? SURELY! With old fashioned grit and determination? WITHOUT A DOUBT! With patriotism, love, and sacrifice for my country? ABSOLUTELY! These are ideals that determine my actions and define my heart and soul.

While I am a highly motivated person who has excellent communication skills and the ability to confront any problems that face me, I must rise to the challenge my country presents me: I must spread the tenets of democracy and I must defend the principles of equality, no matter what conflicting views thwart me or how many discording voices assail me. I must choose to set my goals high-striving only for what is best for myself, my country, and future generations.

To be the best for our country is always important, especially when we strive to maintain freedom for generations. I intend to further my education by attending a university where I can become knowledgeable in international affairs. I have prepared for such a career while still in high school by attending Governor's School for International Studies, by hosting exchange students, and by leading youth groups on missionary work. These activities have helped me in understanding what the current issues of our nation are in the international arena.

Though I cannot see the future, I can work for that future. By participating actively in writing and speech competitions, you will hear my voice speak out against apathy and for involvement as it develops commitment in leadership. I will work for and support the leaders of my generation to see that America continues to safeguard the liberty that was long ago won by the Revolution. I will take up as my battlecry the belief that all men are created equal and have a divine reason for being alive. Each American, black or white, male or female, deserves to be treated humanely, with dignity, and above all with honesty. I am committed to secure liberty for every man, woman, and child under the American flag. So, long after this competition is over and the tape has collected dust on a shelf, I can guarantee that you will still hear my voice as it fights to maintain and represent the most powerful yet wonderful country—the United States of America. I know what I am willing to do with my inheritance; what will you do with yours?

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VFW ANNOUNCES NATIONAL VOD SCHOLARSHIP WINNERS

KANSAS CITY, MO.—The Veterans of Foreign Wars of the United States and its Ladies Auxiliary sponsor the Voice of Democracy Audio-Essay Scholarship Competition. The program is now in its 47th year and requires high school student entrants to write and record a three to five minute essay on an announced patriotic theme. "My Commitment to America" is this year's theme, and over 138,000 students participated in the program nationwide.

Nathaniel Bennett, a junior at Minneapolis South High School has been named the first place National winner of the 1994 Voice of Democracy Program and recipient of the $20,000 T.C. Selman Memorial Scholarship Award provided by the Veterans of Foreign Wars and its Ladies Auxiliary. Nat is the son of Mr. and Mrs. Scott Bennett. His career goals are undecided. Nat was sponsored by VFW Post 1149 and its Ladies Auxiliary and Minneapolis, Minnesota.

Brenda Gilbert, a senior at Central High School has been named the second place National winner of the 1994 Voice of Democracy Program and recipient of the $15,000 Scholarship Award provided by the Veterans of Foreign Wars and its Ladies Auxiliary. Brenda is the daughter of Mr. and Mrs. Millard Gilbert and Brenda plans a career in journalism. Brenda was sponsored by VFW Post 4663 and its Ladies Auxiliary in Clifton, Colorado.

Julie Willis, a senior at Hoisington High School has been named the third place National winner of the 1994 Voice of Democracy Program and recipient of the $10,000 Scholarship Award provided by the Veterans of Foreign Wars and its Ladies Auxiliary. Julie is the daughter of Mr. and Mrs. Randy Willis and Julie plans a career in speech and english education. Julie was sponsored by VFW Post 7428 and its Ladies Auxiliary in Hoisington, Kansas.

Karen Rosenkoetter, a senior at Princeton High School has been named the fourth place National winner of the 1994 Voice of Democracy Program and recipient of the $5,500 Scholarship Award provided by the Veterans of Foreign Wars and its Ladies Auxiliary. Karen is the daughter of Mr. and Mrs. Robert Morrow and Karen plans a career in occupational therapy and music. Karen was sponsored by VFW Post 4323 and its Ladies Auxiliary in Princeton, Illinois.

Jeremy McCarter, a senior at Bishop McDevitt High School has been named the fifth place National winner of the 1994 Voice of Democracy Program and recipient of the $4,000 Scholarship Award provided by the Veterans of Foreign Wars and its Ladies Auxiliary. Jeremy is the son of Mr. and Mrs. Lawrence McCarter and Jeremy plans a career in government foreign service or international law. Jeremy was sponsored by VFW Post 710 and its Ladies Auxiliary in Steelton, Pennsylvania.

Amy Bice, a senior at Madison High School has been named the sixth place National winner of the 1994 Voice of Democracy Program and recipient of the $3,500 Minnesota Scholarship Award. Amy is the daughter of Mr. and Mrs. Russell Bice and Amy plans a career in Psychology. Amy was sponsored by VFW Post 3012 and its Ladies Auxiliary in Rexburg, Idaho.

Bryan Venable, a junior at Northwood High School has been named the seventh place National winner of the 1994 Voice of Democracy Program and recipient of the $3,000 Department of Indiana and its Ladies Auxiliary Scholarship Award. Bryan is the son of Mr. and Mrs. L. Wayne Venable and Bryan plans a career in education. Bryan was sponsored by VFW Post 7328 in Saltville, Virginia.

Michael Martel, a senior at St. Dominic Regional High School has been named the eighth place National winner of the 1994 Voice of Democracy Program and recipient of the $2,500 Daniel Sean Wallace Memorial Scholarship Award. Mike is the son of Mr. and Mrs. Roger Martel and Mike plans a career as a Funeral Director. Mike was sponsored by VFW Post 9459 and its Ladies Auxiliary in Lisbon, Maine.

Carrie Warner, a senior at Belmont High School has been named the ninth place National winner of the 1994 Voice of Democracy Program and recipient of the $2,000 Jesse A. Lewis Memorial Scholarship Award. Carrie is the daughter of Mr. and Mrs. C. Terry Warner and Carrie plans a career in music. Carrie was sponsored by VFW Post 1272 and its Ladies Auxiliary in Belmont, Massachusetts.

Russell DiSilvestro, a senior at Bloomington High School North has been named the tenth place National winner at the 1994 Voice of Democracy Program and recipient of the $1,500 Joseph O. Hansen Memorial Scholarship Award. Russell is the son of Mr. and Mrs. Frank DiSilvestro and Russell plans a career in either politics, business, or law. Russell was sponsored by VFW Post 604 and its Ladies Auxiliary in Bloomington, Indiana.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Robert Waite, a senior at Randolph High School has been named the eleventh place National winner of the 1994 Voice of Democracy Program and recipient of the $1,500 Department of New Hampshire Jean A. Loud Memorial Scholarship Award. Rob is the son of Mr. and Mrs. Robert Waite and Rob plans a career in engineering. Rob was sponsored by VFW Post 7333 and its Ladies Auxiliary in Randolph, New Jersey.

Lara Hadrys, a senior at Joppatowne High School has been named the twelfth place National winner of the 1994 Voice of Democracy Program and recipient of the $1,500 Department of Illinois and its Ladies Auxiliary Scholarship Award. Lara is the daughter of Mr. and Mrs. William Hadrys, Jr. and Lara plans a career in either the education or entertainment industries. Lara was sponsored by VFW Post 5838 in Joppatowne, Maryland.

Meredith Borel, a junior at Fort Mill High School has been named the thirteenth place National winner of the 1994 Voice of Democracy Program and recipient of the $1,500 Rothbart Family Memorial Scholarship Award. Meredith is the daughter of Mr. and Mrs. Joseph Borel. Her career goals are undecided. Meredith was sponsored by VFW Post 9138 and its Ladies Auxiliary in Fort Mill, South Carolina.

Berianne Bramman, a senior at Spaulding High School has been named the fourteenth place National winner of the 1994 Voice of Democracy Program and recipient of the $1,500 Larry W. Rivers Scholarship Award. Berianne is the daughter of Mr. and Mrs. Marvin Bramman and Berianne plans a career in the performing arts. Berianne was sponsored by VFW Post 790 in Barre, Vermont.

Kimberly Tupa, a senior at Bismark High School has been named the fifteenth place National winner of the 1994 Voice of Democracy Program and recipient of the $1,500 Department of Missouri and Ladies Auxiliary Scholarship Award. Kim is the daughter of Mr. and Mrs. Thomas Tupa and Kim plans a career in biochemistry. Kim was sponsored by VFW Post 1326 and its Ladies Auxiliary in Bismark, North Dakota.

Daryl Finizio, a junior at Westerly High School has been named the sixteenth place National winner of the 1994 Voice of Democracy Program and recipient of the $1,500 Department of New Mexico Scholarship Award. Daryl is the son of Mr. and Mrs. Norman Finizio and Daryl plans a career in political science and government. Daryl was sponsored by VFW Post 8955 and its Ladies Auxiliary in Westerly, Rhode Island.

Emily Roach, a senior of Defiance High School has been named the seventeenth place National winner of the 1994 Voice of Democracy Program and recipient of the $1,000 Francis Tallman Memorial Scholarship Award. Emily is the daughter of Mr. and Mrs. James Roach and Emily plans a career in the medical field and social services. Emily was sponsored by VFW Post 3360 and its Ladies Auxiliary in Defiance, Ohio.

Marc Mulcahy, a junior at Washington High School has been named the eighteenth place National winner of the 1994 Voice of Democracy Program and recipient of the $1,000 Robert A. Stock Memorial Scholarship Award. Marc is the son of Mr. and Mrs. Michael Mulcahy. His career plans are undecided. Marc was sponsored by VFW Post 788 and its Ladies Auxiliary in Cedar Rapids, Iowa.

Paige Roiger, a junior at Liberty Christian School has been named the nineteenth place National winner of the 1994 Voice of Democracy Program and recipient of the $1,000 Walter and Doris Marshall Scholarship Award. Paige is the daughter of Mr. and Mrs. Michael Roiger and Paige plans a career in banking. Paige was sponsored by VFW Post 4099 and its Ladies Auxiliary in Sidney, Montana.

Benjamin Hladilek, a senior at Walden III Alternative High School has been named the twentieth place National winner of the 1994 Voice of Democracy Program and recipient of the $1,000 Cooper T. Holt Scholarship Award. Ben is the son of Mr. and Mrs. James Hladilek and Ben plans a career in either political science or international relations. Ben was sponsored by VFW Post 1391 and its Ladies Auxiliary in Racine, Wisconsin.

Claire Sisco, a junior at Alexandria Senior High School has been named the twenty-first place National winner of the 1994 Voice of Democracy Program and recipient of the $1,000 Mr. and Mrs. James H. Black Scholarship Award. Claire is the daughter of Mr. and Mrs. Ralph Sisco and Claire plans a career in education. Claire was sponsored by VFW Post 1736 and its Ladies Auxiliary in Alexandria, Louisiana.

Andrew Ruppar, a senior at Copperas Cove High School has been named the twenty-second place National winner of the 1994 Voice of Democracy Program and recipient of the $1,000 Jane Young Memorial Scholarship Award. Andrew is the son of Mr. and Mrs. Kenneth Ruppar and Andrew plans a career in government service and law. Andrew was sponsored by VFW Post 8577 and its Ladies Auxiliary in Copperas Cove, Texas.

Beth Shapiro, a senior at Rome High School has been named the twenty-third place National winner of the 1994 Voice of Democracy Program and recipient of the $1,000 Department of Alabama Scholarship Award. Beth is the daughter of Mr. and Mrs. I. Robert Shapiro and Beth plans a career in broadcast journalism. Beth was sponsored by VFW Post 4911 and its Ladies Auxiliary in Rome, Georgia.

Claudia Chandler, a senior at Ruskin High School has been named the twenty-fourth place National winner of the 1994 Voice of Democracy Program and recipient of the $1,000 Department of Georgia James H. "Sloppy" Floyd Memorial Scholarship Award. Claudia is the daughter of Mr. and Mrs. Luther Chandler, Sr. and Claudia plans a career in medicine. Claudia was sponsored by VFW Post 9997 and its Ladies Auxiliary in Kansas City, Missouri.

Rachel Pierce, a senior at Oak Hill Academy has been named the twenty-fifth place National winner of the 1994 Voice of Democracy Program and recipient of the $1,000 Department of Georgia R.D. "Bulldog" Smith, Jr. Scholarship Award. Rachel is the daughter of Mr. and Mrs. R. Dale Pierce and Rachel plans a career as an attorney. Rachel was sponsored by VFW Post 2098 and its Ladies Auxiliary in West Point, Mississippi.

Nadia Singh, a senior at the National Cathedral School has been named the twenty-sixth place National winner of the 1994 Voice of Democracy Program and recipient of the $1,000 Department of Ohio Chester J. Koch Memorial Scholarship Award. Nadia is the daughter of Mr. and Mrs. Steven Singh and Nadia plans a career in medicine. Nadia was sponsored by the Department of District of Columbia and its Ladies Auxiliary.

Marcus Stubbles, a senior at Brookings High School has been named the twenty-seventh place National winner of the 1994 Voice of Democracy Program and recipient of the $1,000 Department of Connecticut and its Ladies Auxiliary Scholarship Award. Marcus is the son of Mr. and Mrs. Russell Stubbles and Marcus plans a career in international relations and law. Marcus was sponsored by VFW Post 2118 and its Ladies Auxiliary in Brookings, South Dakota.

Stacy Havener, a senior at Brookfield High School has been named the twenty-eighth place National winner of the 1994 Voice of Democracy Program and recipient of the $1,000 Stephen and Elsie Riordan Scholarship Award. Stacy is the daughter of Mr. and Mrs. John Bellnier and Stacy plans a career in environmental law. Stacy was sponsored by VFW Post 10201 and its Ladies Auxiliary in Brookfield, Connecticut.

Cynthia Hutcheson, a senior at Caldwell County High School has been named the twenty-ninth place National winner of the 1994 Voice of Democracy Program and recipient of the $1,000 Department of Illinois Scott Post 4183 Scholarship Award. Cindy is the daughter of Mr. and Mrs. John Hutcheson, III and Cindy plans a career in either accounting or pharmacy. Cindy was sponsored by VFW Post 5595 and its Ladies Auxiliary in Princeton, Kentucky.

Barry McFarland, a junior at Lexington Senior High School has been named the thirtieth place National Winner of the 1994 Voice of Democracy Program and recipient of the $1,000 Capitol Hill Post 2400 Scholarship Award. Barry is the son of Mr. and Mrs. Max McFarland and Barry plans a career in education. Barry was sponsored by VFW Post 5136 and its Ladies Auxiliary in Lexington, Nebraska.

Joanna Byrd, a sophomore at Smyrna High School has been named the thirty-first place National winner of the 1994 Voice of Democracy Program and recipient of the $1,000 Department of California and its Ladies Auxiliary Scholarship Award. Joanna is the daughter of Mr. and Mrs. Thomas Byrd and Joanna plans a career in English education. Joanna was sponsored by VFW Post 8801 and its Ladies Auxiliary in Clayton, Delaware.

Stacey Boozer, a senior at Balboa High School has been named the thirty-second place National winner of the 1994 Voice of Democracy Program and recipients of the $1,000 Bernard J. Michels, Post 9610 and its Auxiliary Scholarship Award. Stacey is the daughter of Mr. and Mrs. David Boozer and Stacey plans a career in elementary education. Stacey was sponsored by the Department of Panama Canal.

Lanson Relyea, a senior at Pioneer High School has been named the thirty-third place National winner of the 1994 Voice of Democracy Program and recipient of the $1,000 Juanita Crowe, Department of Tennessee Scholarship Award. Lanson is the son of Mr. and Mrs. Mark Relyea and Lanson plans a career in engineering. Lanson was sponsored by VFW Post 374 and its Ladies Auxiliary in Arcade, New York.

Tamara Kelly, a junior at Franklin Pierce High School has been named the thirty-fourth place National winner of the 1994 Voice of Democracy Program and recipient of the $1,000 Cramer/Harrell Scholarship Award. Tamara is the daughter of Mr. and Mrs. Patrick Kelly and Tamara plans a career in teaching. Tamara was sponsored by VFW Post 969 and its Ladies Auxiliary in Tacoma, Washington.

Kjirsti Nilson, a senior at San Marcos High School has been named the thirty-fifth place National winner of the 1994 Voice of Democracy Program and recipient of the $1,000 Ervin and Lorraine Rothenbuhler Scholarship Award. Kjirsti is the daughter of Mr. and Mrs. Bjorn Nilson and Kjirsti plans a career in teaching. Kjirsti was sponsored by VFW Post 11460 in Goleta, California.

Autumn Cartmill, a senior at Saint Andrews Sewanee has been named the thirty-sixth place National winner of the 1994 Democracy Program and recipient of the $1,000 Fridley VFW Post 363 and its Ladies Auxiliary Scholarship Award. Autumn is the daughter of Mr. and Mrs. David Cartmill and Autumn plans a career in medicine. Autumn was sponsored by VFW Post 1893 and its Ladies Auxiliary in Winchester, Tennessee.

Annmarie Tenn, a sophomore at Manchester Central High School has been named the thirty-seventh place National winner of the 1994 voice of Democracy Program and recipient of the $1,000 Silver Spring Memorial Post 2562 Scholarship Award. Annmarie is the daughter of Doctor and Mrs. James Tenn and Annmarie plans a career as a lawyer. Annmarie was sponsored by VFW Post 8214 and its Ladies Auxiliary in Manchester, New Hampshire.

Michelle Durgin, a sophomore at Patch American High School has been named the thirty-eighth place National winner of the 1994 Voice of Democracy Program and recipient of the $1,000 Department of Massachusetts Edward A. Nardi Scholarship Award. Michelle is the daughter of Mr. and Mrs. David Durgin and Michelle plans a career in medicine. Michelle was sponsored by VFW Post 10810 in Stuttgart, Germany (Department of Europe).

Allan Brinkmeyer, a senior at St. Joe High School has been named the thirty-ninth place National winner of the 1994 Voice of Democracy Program and recipient of the $1,000 Department of Michigan and its Ladies Auxiliary Scholarship Award. Allan is the son of Mr. and Mrs. Michael Brinkmeyer and Allan plans a career as a cartoonist. Allan was sponsored by VFW Post 4681 and its Ladies Auxiliary in Leslie, Arkansas.

The remaining fifteen students will each receive a minimum scholarship of $500.

## TRIBUTE TO FRANCIS A. QUINN

### HON. ROBERT T. MATSUI

OF CALIFORNIA

### HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. MATSUI. Mr. Speaker, Mr. FAZIO and I rise today to pay tribute to a truly special individual who has contributed significantly to the physical, mental and spiritual health and welfare of countless Sacramentans.

Francis A. Quinn was appointed seventh bishop of Sacamento in 1979. In the 14 years that have passed since then, Bishop Quinn has worked tirelessly with a myriad of service agencies and organizations to secure a better way of life for anyone in our community who was in need.

Bishop Quinn was born September 11, 1921 in Los Angeles. In 1946, he was ordained and went on to the Catholic University of America and then to the University of California at Berkeley, where he earned his doctorate in education. In subsequent years, he taught at Serra High School, then at Sacred Heart High School, then served as superintendent of schools at the Archdiocese of San Francisco and later as an instructor at the University of San Francisco.

In 1978 he was ordained Auxiliary Bishop of San Francisco. Eighteen months later, Francis A. Quinn became Sacramento's seventh bishop.

Apart from the demanding schedule which comes with such a large and sprawling diocese as Sacramento, Bishop Quinn quickly established himself as a fixture among the community's service organizations.

His affiliations are too numerous to list but include a very diverse and effective collection of groups who greatly value the Biship's years of support.

A partial list of these organizations includes the Interfaith Service Bureau; AIDS Walk; Amnesty International; NAACP; United Nations, Sacramento Chapter; Knights of Columbus; and Bread for the World. In addition, he is Episcopal moderator for Sacramento Diocesan Council of Catholic Women, Catholic Ladies Relief Society of Sacramento, Social Concerns Commission of Sacramento Diocese and SUCCEED [Sacramento Urban Catholic Children Endowment Education Development]. As if these commitments were not enough, Bishop Quinn is an annual sponsor of numerous organizations and events including the Special Olympics, St. Hope Academy for Disadvantaged Children, Loaves and Fishes, Sacramento Food Bank, and Habitat for Humanity.

Mr. Speaker, it is with great pleasure that we rise to recognize Bishop Francis Quinn for his outstanding commitment to the citizens of Sacramento. We ask our colleagues to join us in congratulating him on 14 years of outstanding service and in wishing him continued success and good health as he prepares for a new mission in the American Southwest.

## OPPOSITION TO CASTLE AMENDMENT TO H.R. 3345

### HON. MARJORIE MARGOLIES-MEZVINSKY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, we are all frighteningly aware of the crime problem our country is facing today. We are all too familiar with the startling statistics. Every day, more than 60 Americans are killed by handguns. The safety of our children is indeed a national priority. We cannot, however, ignore the fact that our children will not enjoy true security until this Government addresses what will end up as the biggest crime of all: our national deficit.

In voting for early buyouts in the Federal Workforce Restructuring Act, we are making a responsible choice. The 12-percent reduction in the Federal work force will save close to $36 billion over 6 years. In addition, we will be giving the right message to our Federal employees. By offering them an early buyout, we will be empowering them to decide their fate.

I opposed the Castle amendment to H.R. 3345, not because I do not support violent crime prevention programs, but rather because I believe that we must guarantee true security for our children by reducing the national deficit. We must also continue the fight against crime and should seek funding sources from unchecked Federal mandates, and eliminating government waste. I feel very strongly that any money achieved by the Federal Workforce Restructuring Act should be directed towards deficit reduction, and not just spent elsewhere. I refuse to contribute to this serious financial burden we are leaving to the future of America.

## COMMENDATION OF DERRICK EIHAUSEN AND CHRIS PFLUG

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. COSTELLO. Mr. Speaker, I rise today to commend Derrick Eihausen and Chris Pflug of Belleville Township High School. The two are students at Belleville Township High School East in Belleville, IL, and recently won the Illinois State two-student debate team title.

Fifty teams entered the competition in Bloomington, IL, where the topic was "Resolved: That the federal government should guarantee comprehensive national health insurance to all United States citizens." Chris and Derrick argued the negative position in the final round, and the five-judge panel voted 3–2 in favor of the team from Belleville. It is the high school's first-ever debate championship.

I ask my colleagues to join me as I salute Derrick Eihausen and Chris Pflug for the tremendous skill and dedication they displayed in winning the Illinois State two-student debate team championship.

## THANKS TO AETNA

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. STARK. Mr. Speaker, several months ago, I complained in the CONGRESSIONAL RECORD about two cases in my congressional area where seniors had been enrolled in a Medicare HMO arrangement, but the enrolling HMO—in this case Aetna—could not serve them. In essence, the two women—one suffering from severe mobility problems and the other suffering from dementia in a nursing home—were separated from the doctors who had been serving them without being able to access Aetna's HMO doctors.

I want to report that Aetna's management has carefully and fully investigated the two cases and has taken important steps to right the two cases and ensure that it does not happen to others. The facts as presented to me in the two cases by a local community health center were not fully accurate, for which I apologize. Nevertheless, in reviewing what went wrong. Aetna has found ways to make sure that this kind of problem is more quickly detected and rectified in the future.

If any Member has a constituent who, in confusion or through inadvertence, is enrolled in an Aetna plan in such a way to impact on their medical treatment, I urge you to contact Aetna. Their management has shown a willingness to walk a second mile to help resolve this kind of often complex and tragic case.

Following is Aetna's letter and description of corrective steps. I hope other HMO contractors around the Nation will do as well.

AETNA,
*Hartford, CT, March 15, 1994.*

This letter represents the follow-up I promised you when we discussed the problems raised by the Over 60 Health Center in Berkeley, California (in its two letters to Chairman Stark).

As you will recall the problems focused on the enrollment of two individuals into Aetna's "Senior Choice" program. In the first case the individual was reportedly solicited while a nursing home resident and in the second case there was some confusion as to program terms and conditions.

Sometimes no matter how hard we try, something unacceptable happens. For example, while it is clearly not the policy of Aetna to pursue the enrollment of nursing home residents into Senior Choice, in the first case at hand the individual was in a nursing home at the time of enrollment. The whole story reveals, however: that no Aetna solicitation or marketing took place at the nursing home (which would have been against Aetna policy); the actual enrollment was effected by the granddaughter and not the member herself; and the application submitted to Aetna clearly stated the individual was not a resident in a nursing home.

Thus in this first case, contrary to the implications/statements in the Congressional Record:

Aetna did not sign this individual up at a nursing home.

Aetna did not make a sales presentation at the nursing home.

The granddaughter (not the niece) enrolled the grandmother.

The application (signed by the granddaughter) said the applicant did not reside in a nursing home.

And in the second case, contrary to the implications in the Congressional Record:

The member applied to Senior Choice in response to direct mail advertising.

Subsequently the member was hospitalized and treated by non Senior Choice Providers.

When contacted by Aetna Health Plans, the member did not recall enrolling into the Plan.

From our perspective these cases do not in any way "fit" the characterizations of Aetna as printed in the Congressional Record. They do however point out the utility of being cautious, even to the point of being repetitive, to make sure senior citizens know absolutely, positively the terms, conditions and consequences of enrolling in a Medicare managed care plan (before, during and after enrollment).

While the harsh words in the Record are not deserved, our review of the two cases referenced in the Record has helped us formulate changes in our procedures with respect to the Senior Choice Program. These changes are designed to go the "next step" to minimize any potential shortcomings in our procedures. Our overall Corrective Action Plan will:

Solidify our education/marketing practices as they relate to communicating to potential and new members just what it means to sign up for a network-based product under Medicare.

Enhance our ability to identify and follow-up on continuing care issues and circumstances involving members prior to or as they enroll;

Enhance communications among departments to improve our ability to arrange for Medicare members to receive the services they need;

Improve communications with our Medical Groups/IPAs to make sure they understand their obligation to provide or arrange for care of institutionalized members.

The "bottomline" here is as follows:

Appropriate steps have been taken to disenroll both Senior Choice Members in these two cases and to re-enter them into "regular" Medicare.

All provider bills for Medicare covered services have been/will be paid for both individuals during the time of Aetna coverage.

All appropriate reimbursement to the Over 60 Health Center in connection with services to these beneficiaries will be made.

A series of corrective steps is being put in place to provide additional "safety net" procedural protections against repeat situations.

We are actively looking at our records to see if there are other cases that deserve our attention. You can be sure that if I uncover other situations, they will be handled with all due appropriate care. (If any cases come to your attention, please let me know.)

At Aetna we are quite mindful of the vulnerable status of our senior citizens and of our responsibility to make sure our Senior Choice Program is fully understood. We are not the kind of company as described in the 2/1/94 Congressional Record. We are rather the "White Hats" of the industry (as so identified by Chairman Stark at a Long Term Care hearing a while back) and by our conduct in the cases at hand, I think we have continued to earn this characterization.

We encourage you to use this letter to set the record (Record) straight.

We pledge to continue to serve our Senior Choice members with the highest quality of care. I look forward to hearing from you, and hopefully seeing some kind words about Aetna in the Record.

Very truly yours,
JONATHAN M. TOPODAS,
*Vice President and Counsel.*

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## HEALTH CARE

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. SOLOMON. Mr. Speaker, they have just finished discussing their weekend dates and Thelma picks up a folder from the top of the pile and says, "This one is requesting a 506A."

"What a 506A?" Louise asks.

"George Washington Hospital's emergency room wants to know if the Government will pay for a broken leg that the patient suffered when he fell off his pickup truck."

"You can't authorize payment until the doctor submits a 1049C swearing to the seriousness of the break and tells us how much plaster he plans to use to set the leg. If he intends to mix more than is allocated under guidelines L subparagraph 45, he must apply for a 932. Where is the patient now?"

"On the same stretcher they carried him in on 2 months ago when the original application was filed with this department."

Sound outrageous? This is an excerpt from a column by Washington insider Art Buchwald. He foresees government-run health care as all Americans will if the Clinton plan is enacted, one big bureaucracy that will ration health care to save money. The Clinton plan paves the way from take-a-number medicine and I for one don't think the American public will want their loved ones waiting months for medical attention.

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## IN APPRECIATION OF FREDRICA K. GRAY'S 18 YEARS OF DEDICATED SERVICE TO THE PERMANENT COMMISSION ON THE STATUS OF WOMEN

### HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is with great respect and appreciation that I rise in tribute to Fredrica Gray, executive director of the Permanent Commission on the Status of Women in Connecticut for her 18 years of service to the citizens of the Nutmeg State.

Fredrica Gray has served the commission with distinction and receives well-deserved respect and support for her distinguished leadership as a strong voice on women's issues for the State. The elimination of discrimination based on sex, development of relationships to promote services and opportunities for women, and the representation of women's priorities in the public and private sectors are but a few of the goals to which Ms. Gray has dedicated her professional service. The promotion of women's issues extends beyond a single individual, into family networks, the employment arena, and the development of sound public policy. Fredrica was the primary author of a legislative initiative developed to afford women and men the opportunity to balance both family and professional commitments. The adoption of family and medical leave legislation by the Connecticut General Assembly, the first State to enact such an initiative, was the direct result of Fredrica's extensive experience in identifying and addressing the unique needs of women and families.

A strong personal commitment to the betterment of life for all in our communities has led Fredrica to pursue the development of programs which support economic self-sufficiency and nontraditional employment opportunities for women, and to stem violence against women and sexual harassment in the work place. She has devoted her incredible energy, experience, compassion and leadership to economic, domestic and personal equity, advancement and opportunity for the women of Connecticut and for that unequaled effort, I, on behalf of my constituents in the Sixth Congressional District, express my gratitude and appreciation.

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## JOSEPH KASAPIS HONORED FOR LIFETIME OF SERVICE

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mrs. MALONEY. Mr. Speaker, I am deeply saddened to rise today to bring to the attention of my colleagues the sad passing on January 28 of Joseph Kasapis, a great Greek-American and an important member of my community in Astoria, NY. Mr. Kasapis was survived by his wife Sultana, their son and daughter, and one granddaughter.

Mr. Kasapis was born in Greece in 1928. He served in the Greek Army from 1951 to 1954, and then as an economist in the Ministry of Commerce for Greek Government.

In 1959, he married his lovely bride and emigrated to this country. In the 35 years that he lived in this country, Mr. Kasapis was actively involved in issues of importance to the Greek-American community. At various times during his lifetime of service to these causes, he was a founding member and subsequently the president of the Thessalonikian Society of New York, a member of the St. Demetrios of Astoria Church Council, governor of the Pan Macedonian Association of Greater New York, supreme president of the Pan Macedonian Association of the United States and Canada, chairman and then president of the Federation of Hellenic American Societies, and a founding member of the National Hellenic Council of America.

As you can see, his achievements speak for themselves. But what no encapsulation of his career can adequately capture is the fact that Joseph Kasapis was a man who loved the land where he was born and his adopted homeland with equal fervor. That's why I hope my colleagues will take a moment with me now to express our deepest sympathies to Mr. Kasapis' family and many friends.

## TRIBUTE TO THE DISTINGUISHED WOMEN ELECTED OFFICIALS OF CALIFORNIA'S 14TH CONGRESSIONAL DISTRICT

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Ms. ESHOO. Mr. Speaker, I rise today during National Women's History Month to salute the remarkable women of California's 14th Congressional District who have been elected to serve our communities at the county and city level. The 14th Congressional District is special for many reasons, including the fact that it has one of the highest number of women elected officials in the Nation. For example, 10 out of our 15 cities have women mayors. These talented public servants bring unique ideas, perspectives, and skills to their offices and provide our district with outstanding leadership. Having gained valuable experience through local commissions, community organizations, and businesses, they now serve on boards of supervisors and city councils. National Women's History Month is the perfect opportunity to reflect on the significant contributions these women leaders have made to our communities, contributions which cannot be overlooked.

The 14th Congressional District's distinguished women elected officials are: Dianne McKenna and Zoe Lofgren from the Santa Clara County Board of Supervisors; Mary Griffin from the San Mateo County Board of Supervisors; councilmembers Nanette Chapman and Dianne Fisher from the City of Atherton; Mayor Pamela Rianda and councilmembers Nancy Levitt and Adele Della Santina from the City of Belmont; Mayor Barbara Koppel and Councilmember Lauralee Sorensen from the City of Cupertino; Mayor Sharifa Wilson and Councilmember Myrtle Walker from the City of East Palo Alto; Mayor Naomi Patridge and Councilmember Deborah Ruddock from the City of Half Moon Bay; Mayor Margaret Bruno and Councilmember Patricia Williams from the city of Los Altos; councilmembers Elayne Dauber and Barbara Tryon from the city of Los Altos Hills; councilmembers Gail Slocum and Dee Tolles from the city of Menlo Park; Mayor Dena Bonnell and councilmembers Patricia Figueroa and Maryce Freelan from the city of Mountain View; Mayor Liz Kniss and councilmembers Jean McCown, Micki Schneider, and Lanie Wheeler from the city of Palo Alto; Mayor Judy Buchan and councilmembers Daniela Gasparini, Georgi La Berge, and Janet Steinfeld from the city of Redwood City; councilmember Sally Mitchell from the city of San Carlos; Mayor Frances Rowe and Councilmember Robin Parker and Barbara Waldman from the city of Sunnyvale; and Mayor Susan Crocker and councilmember Barbara Seitle from the city of Woodside.

Mr. Speaker, I ask my colleagues to join me in honoring these women whose remarkable leadership, expertise, and commitment have made the 14th Congressional District a wonderful place to live. They are fitting representatives of the many women in our community who make history every day and whose numerous accomplishments we recognize on the occasion of National Women's History Month.

## 14TH ANNUAL RADIO VISION VOLUNTEER RECOGNITION DAY

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. GILMAN. Mr. Speaker, the time has arrived again to call to the attention of all of our colleagues the meritorious services provided by Radio Vision throughout our eight-county region of southeastern New York.

Radio Vision kicked off its unique services in the spring of 1980. It is staffed and maintained solely through volunteers. These dedicated individuals read local news, topical literature, shopping hints, and other vital information to the clients of Radio Vision over their unique closed circuit system. These clients, who now number over 600, are the blind and sight impaired for whom Radio Vision has been a window to the world.

While the blind and sight impaired can certainly listen to radio news just as the rest of us do, we must not forget the vast segments of our population do not have access to much of the information that is available to the rest of us. Local news, new literature, news of sales in local stores, periodical items—all of these sources of information, entertainment and intellectual stimulation are made available by the fine services of Radio Vision.

Today, Radio Vision enjoys the services of over 85 outstanding volunteers who give of their time, their efforts, their voices and their hearts to this worthy cause.

While Radio Vision's volunteers work tirelessly and selflessly 364 days a year, for 1 day each year they stop and justly pat themselves on the back for a job well done. This year, volunteer recognition day will be held on Saturday, April 9. This is the one time all year that the Radio Vision volunteer team, along with Radio Vision director Daniel Hulse and volunteer coordinator Carol Cleveland allow the rest of us to thank them, not only for a job well done but also for being an inspiration to the rest of our community.

Mr. Speaker, I invite all of our colleagues to join with me in saluting Radio Vision, the outstanding service for the blind and sight impaired in southeastern New York, for a job well done over the past 14 years, and in extending my best wishes for many many more years of health, happiness, and productivity.

## EPA ADMINISTRATOR

### HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. LEHMAN. Mr. Speaker, last week EPA Administrator Browner made some comments with which I am in complete disagreement.

Ms. Browner directly blamed Congress for the delay in setting food safety standards. Her attack focused on a supposed inability to move pesticide-use legislation through the Congress. In truth, however, it is the administration's inaction that has slowed the reform process. Where are their guidelines for protecting the food supply? The administration has been talking about offering its own legislation for months now, but we have yet to see a concrete proposal.

Meanwhile, H.R. 1627, the Food Quality Protection Act, has the support of almost a majority of Congress, but has been held up due to the expected release of the administration's proposal. H.R. 1627 would allow the EPA the discretion to establish standards based on realistic health and economic benefits. In the context of Congress' support of cost/benefit analysis in environmental policy, the administration would be well-advised to offer environmental legislation which also relies on real-world assessments of risk and economic cost.

I thank Mr. Stenholm for committing to mark up H.R. 1627, and I hope my colleagues and the administration recognize the importance of effective risk assessments in setting food safety standards.

## TRIBUTE TO DENISE GARLAND

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Denise Garland of Apple Valley, CA. Denise is a longtime WeTip volunteer who will be recognized as the "WeTip Woman of the Year" at an awards banquet during WeTip's 21st National Conference in April.

As you know, WeTip is one of America's leading anticrime organization's. Founded in 1972 by Bill and Miriam Brownell, WeTip began as a group of concerned parents who took on drug trafficking and crime in California and has grown into a major force in fighting crime in our country. The results have been both dramatic and impressive. Information from WeTip has aided law enforcement in making 10,200 arrests of major criminals and over 4,000 cases resulting in convictions. The concept behind WeTip is simple, yet effective. WeTip provides an anonymous toll-free hotline to citizens who have information about a crime and want to report it to authorities without having to reveal their identity. WeTip information is immediately conveyed to appropriate law enforcement agencies.

Denise has been a long time active participant in the WeTip program. She has served as sheriff's service specialist for the San Bernardino County Sheriff's Department since 1987. She has worked as a volunteer for WeTip since that time in Rancho Cucamonga, Victorville and currently serves as WeTip regional chairperson for the Apple Valley, Hesperia, and Victorville area. To no one's surprise, Denise was overwhelmingly chosen by secret ballot as the 1993–94 Woman of the Year for her outstanding work in Apple Valley.

Mr. Speaker, I ask that you join me, our colleagues, and our many friends dedicated to the success of WeTip in congratulating Denise Garland for her dedication to this fine organization and her support of public safety. In her many years of devoted service, Denise has touched the lives of many people in our community and it is only fitting that the House recognize her today.

## HONORING GREEK INDEPENDENCE DAY

### HON. MARJORIE MARGOLIES-MEZVINSKY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Ms. Margolies-Mezvinsky. Mr. Speaker, I am proud to honor Friday, March 25, 1994, as Greek Independence Day. Each day we are reminded of the valuable contribution Greek society has made to contemporary society as we enjoy the spirit of democracy. For the past 7 years, the House of Representatives and the Senate have jointly saluted Greece, as we do today.

In the past, Greece has played an important role in the development of democracy throughout the world. Those ideals, born 2,500 years ago are still with us today. On behalf of my constituents of Greek descent, I am pleased to join the United States Government in celebrating Greek heritage and the spirit of democracy. I am confident that the United States will continue to honor our ties to both ancient Greece as well as the Greece of today.

## CONGRATULATIONS TO MORRIS SNIVELY

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. COSTELLO. Mr. Speaker, I rise today to congratulate Morris Snively of Belleville, IL. Mr. Snively was recently named National Speech Educator of the Year by the National Federation of State High School Associations.

Mr. Snively is an English, speech, and debate teacher at Belleville Township High School East in Belleville. He was recognized by NFSHSA for "outstanding service and unselfish devotion to interscholastic speech programs." As if to demonstrate Mr. Snively's worthiness for this award, 2 days later a debate team that he coaches won the Illinois State debate championship.

I ask my colleagues to join me as I congratulate Morris Snively for his outstanding contributions as both an educator and a mentor to young people.

## RECOGNIZING MAYOR MICHAEL SWEENEY FOR HIS YEARS OF SERVICE TO THE CITY OF HAYWARD, CA

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. STARK. Mr. Speaker, today, I would like to pay tribute to Mayor Michael Sweeney for his 12 years of dedicated service to the people and city of Hayward. During his tenure, Mayor Sweeney has provided strong leadership to a city which has risen to new heights.

Mr. Sweeney was first elected to the Hayward City Council in 1982 and quickly became one of the its most popular members through his efforts to respond to the needs of the community. He led in establishing a rent control ordinance, that provided enormous help for hard-pressed seniors and mobile home residents. By continually fighting to protect the Hayward hills and shoreline, he has immeasurably helped the environmental quality of the city and won the support of the environmental community. He also helped energize neighborhoods, block-by-block, through his dedicated involvement with the neighborhood alert groups.

Mr. Sweeney's activism was rewarded in 1986 when he won his reelection to the council with the highest total of votes for any candidate, and in 1990 when he was elected mayor by winning 70 percent of the vote. I believe this success can be attributed to the mayor's community involvement approach. An example of this is when he formed a task force during the Hayward schools crisis. Mayor Sweeney promptly brought together parents, educators, business leaders, and residents, who quickly issued a series of recommendations to alleviate some of the problems. The leaders of this task force continue to meet and offer its input to the school district.

Mr. Speaker, I come before you today to recognize Michael Sweeney for all his achievements and continued commitment to our community. I hope you and my colleagues will join me in congratulating this leader for all his accomplishments and tenacious spirit and wish him well in his future endeavors.

## CLINTON TO IGNORE LAW OF THE PEOPLE AND ADMIT HIV-INFECTED IMMIGRANTS INTO THE UNITED STATES

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. SOLOMON. Mr. Speaker, last May the American public spoke their will and the Congress enacted a law to ban the immigration of individuals infected with HIV, a deadly communicable disease of public health significance. This legislation made it absolutely clear to the White House that HIV-infected immigrants pose a threat to the health and well-being of American citizens.

Well, here it is not even a year after the enactment of the ban and President Clinton is poised to run rough-shod over the will of people. The Clinton administration is preparing to allow HIV-infected immigrants to enter the United States to participate in the New York Gay Games in June. This directly conflicts with both the spirit and letter of the law and it is outrageous.

With all the efforts being made to prevent the spread of the AIDS epidemic, how can the President knowingly admit new sources of contagious diseases into our country? President Clinton should stop playing politics to win the approval of a few liberal organizations and start using a little common sense.

## IN APPRECIATION OF THE COURAGEOUS SERVICE PREFORMED BY THE MEN AND WOMEN WHO PUT THEIR LIVES ON THE LINE AS FIREFIGHTERS AND IN PARTICULAR, THOSE OF THE TORRINGTON, CONNECTICUT FIRE DEPARTMENT

### HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is with great pride and admiration that I rise to pay tribute to the 37 firefighters who are being honored for their unwavering service to the citizens of Torrington, CT, at the Annual Firemen's Award Night dinner scheduled for March 30, 1993. Their commitment to the safety and well-being of the people of Torrington and its surrounding communities is, indeed, worthy of distinction.

Last July, 10 firefighters from the Torrington Fire Department rescued two men from a sanitation truck that had accidentally become entangled in high tension wires. The accident snapped two telephone poles, releasing a cable television line and three electrical wires carrying 13,000 volts of electricity. It caused two brush fires, a fire in the truck's load of corrugated cardboard and a power outage affecting approximately 500 residents. Thanks to the quick work by these firefighters, the two men walked away from this potentially fatal situation unharmed.

This past January, L. Richard Oakley, a 34-year department veteran and Todd LaMothe, a 2-year rookie went above and beyond the call of duty, entering a burning building to rescue three children from a first floor apartment. The blaze required 50 firefighters to extinguish and claimed the lives of two children, Christopher and Jennifer Small. The third child, 3-year-old Jeffrey Small was saved by these brave firefighters.

On another occasion, Torrington firefighters spent hours searching the murky water of Burr Pond hoping to save a 16-year-old YMCA day camper from West Haven.

These men and women are, indeed, a rare breed. Courageously, they put their lives on the line each day—often in situations where they are keenly aware of the realities of personal injury or worse. Yet, as the deputy chief of the Torrington Fire Department recently put it, "firefighting is a thankless job." the Torrington Fire Department and others across America deserve our thanks, as it is their meritorious deeds that have saved the lives of thousands each year. Accordingly, I would like to thank them for their service, as they may be often overlooked, but never forgotten.

## TISH AND GUIDO CIANCIOTTA HONORED FOR COMMUNITY SERVICE

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mrs. MALONEY. Mr. Speaker, I rise today to honor two tremendous members of the Greenpoint-Williamsburg area of my district, two individuals who have worked tirelessly on behalf of their neighborhood, two Americans who exemplify the true meaning of community service: Tish and Guido Cianciotta.

I have been deeply privileged to work alongside Tish and Guido on issues of importance to the residents of northern Brooklyn. That's why I am especially pleased to inform my colleagues that their many years of hard work were recently recognized by the dedication of one of the new neighborhood women's renaissance buildings in their honor.

Tish and Guido's leadership of the Concerned Citizens of Withers Street and Area Block Association has resulted in their vision for a better community becoming a partial reality. But as Tish pointed out at the dedication ceremony, there is still much more to be done. And I know, without a doubt, that Tish and Guido won't rest until their job is completed.

Their recent successes have given me the opportunity to reflect upon what makes a community special, and there is no doubt that the northern Brooklyn area of my district is a special community. I believe that what makes this community such a great neighborhood is the presence of people who are willing to give their time and energy to causes in which they believe. It is the very essence of democracy; it is what makes this country great; and the Greenpoint community can always count on Tish and Guido to be there fighting for what is right.

It would take too long to recite all of Tish and Guido's accomplishments here today. Suffice it to say that they are integrally involved in nearly every major community organization in Greenpoint-Williamsburg—including the Greenpoint Renaissance Enterprise Corp., Community Board 1, and, of course, the Concerned Citizens of Withers Street and Area Block Association. You cannot walk down the street without meeting one of their many friends and fans, a group of which I am a charter member.

Because of their tremendous achievements, I am truly excited to have the opportunity to come here to the floor of the House of Representatives and salute Tish and Guido. It has been my privilege to get to know them over the past 2 years, and I look forward to working with them for many more to come.

## TRIBUTE TO THE SANTA CLARA COUNTY COMMISSION ON THE STATUS OF WOMEN OF CALIFORNIA'S 14TH CONGRESSIONAL DISTRICT

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Ms. ESHOO. Mr. Speaker, I rise today during National Women's History Month to honor the important work being done by the Santa Clara County Commission on the Status of Women. In 1974, this commission was established to promote affirmative action, as well as eliminate discrimination and prejudice against all women. The 15-member commission advises the Santa Clara County Board of Supervisors about the diverse needs of women in the county and makes recommendations on how to address these critical needs.

The commission has worked on a broad range of issues such as sexual harassment, pay equity, teenage pregnancy, the concerns of homeless women, child care, child support, and cultural/ethnic differences. The commissioners have worked closely with members of the community to bring about real change for women and children in Santa Clara County. For example, the commission has organized local educational workshops, sponsored public forums and hearings, and operated an important county information and referral service.

This remarkable organization is committed to celebrating and honoring the accomplishments of all women and has sponsored a women's history day called, Celebrating Women Making History: Celebrating Diversity. It has also organized events such as Women's Equality Day, Women In Action Lobby Day, the Second Annual Leadership Conference for Young Girls and Young Women, and the national Take Your Daughter To Work Day.

I am proud to represent a district with such a deep commitment to women's and children's issues. I bring the example of the Santa Clara County Commission on the status of women before the House as a model of the way local government can address the unique problems women face in our society.

Mr. Speaker, someday when we look back in history, I hope that efforts like these will be the norm, rather than the exception. I ask my colleagues to join me in saluting the Santa Clara County Commission on the Status of Women and the vital contributions it is making to our community.

## TRIBUTE TO HON. HAMILTON FISH

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. GILMAN. Mr. Speaker, all of us are aware and are saddened by the pending and premature retirement of our colleague, the gentleman from New York [Mr. FISH].

Some of our periodicals in the Hudson Valley of New York share our sense of loss and have expressed this regret editorially.

I would like to share with our colleagues in the Congress two articulate and poignant editorials. The first appeared in the Sentinel, a weekly newspaper published in New Windsor, NY. The second was published by the Times Herald Record, a daily tabloid from my home town of Middletown, NY, which points to Congressman FISH's career as "a two-word argument against setting term limits for Members of Congress."

Mr. Speaker, I request consent to print both editorials in the CONGRESSIONAL RECORD at this point:

[From the Sentinel, Mar. 17, 1994]

THE END OF AN ERA?

With his announcement Monday, Congressman Hamilton Fish, Jr. became the second local political veteran to announce that he wouldn't be running for reelection in November. Unlike Assemblyman Lawrence Bennett, who made his announcement last week, Fish cited health reasons for his decision.

For the people of the Mid-Hudson Valley, Fish's announcement could mean the end of perhaps the longest continuous political dynasty in American History. The Fish family involvement in government and politics predates the Declaration of Independence.

Col. Nicholas Fish served in the Revolutionary War and was the first Adjutant General in the State of New York.

His son, Hamilton Fish was a Governor of New York, U.S. Congressman, U.S. Senator, Secretary of State under President Grant and turned down an appointment as Chief Justice of the Supreme Court by Grant because he felt he was underqualified.

His son, Hamilton Fish, Jr., was an eleven-term state Assemblyman and a U.S. Congressman.

His son, Hamilton Fish, Sr., was an All-American football star at Harvard, commander of an all-black regiment in World War I, co-founded the American Legion, served in the New York State Assembly, and was, for 25 years, this area's representative in Congress.

And his son, Hamilton Fish, Jr., announced Monday, that after 25 years, he was leaving the House of Representatives.

Senator Edward Kennedy said of the Fish family, "When people talk to day of the

'Kennedy Dynasty' in politics, I reply that we're Johnny-come-latelys compared to the Fishes! What an extraordinary family, and what an extraordinary service they have given our country."

Ham Fish, Jr. had some legacy to live up to. And he did. A thoughtful, intelligent man, he represents an individual that is all too rare today—a statesman. In this era of media politics and sound-byte ideology, Congressman Fish knew very well that his job was not as a politician, but as a representative of his constituents. He did that job to the best of his abilities.

There is, of course, another Hamilton Fish, the congressman's son. He has sought office before and may do so again. If he does, he will have a long shadow cast over him. A shadow of public service that's more than 200 years long.

[From the Times Herald Record, Mar. 19, 1994]

AN ERA ENDS

Want to hear a two-word argument against setting term limits for members of Congress?

Ham Fish.

Thirteen terms representing the people of the 19th Congressional District of New York. A quarter of a century of public service marked by consistency, common sense and civility. (And how's that for an arcane word to use in connection with a politician today?)

Having carried on in the tradition of his father, the late Hamilton Fish Sr., who also served in Congress for a quarter of a century, Hamilton Fish Jr. is not seeking re-election because he has more pressing business: a battle with a recurrence of cancer.

Otherwise, the Dutchess County resident would be running for his 14th term this fall and opponents would be arguing that he had been in Washington, too long that it was time for a change. It's the only argument they had—weak as it was—because Fish has put those 13 terms to good use.

He is one of the few remaining voices of moderate Republicanism in the House, a congressman who doesn't automatically spout the increasingly conservative party line or go for the jugular merely to score political points. He votes his own mind, notably on social issues. He co-sponsored the Equal Rights Amendment. As a member of the House Judiciary Committee, he was one of the first Republicans to call for the impeachment of President Richard M. Nixon.

Locally, Fish has been a strong advocate for cleaning up the Hudson River and a conscientious monitor of West Point. He has fought a perennial fight to gain more federal funding for the Highland Falls-Fort Montgomery School District, which is heavily affected by the presence of West Point.

Through his seniority, the 67-year-old Fish has gained a position of prominence on the Judiciary Committee and—agree or disagree with his views—has become a voice to be listened to in debates about criminal justice. If he has been too cautious for some at times, he has never been crass in his comments. Another anomaly that—a politician who thinks before he speaks.

Ham Fish is retiring after 26 years in Congress. In that, he became as much a dynasty as his father, who lived to 101. May the family tradition of longevity continue with the son as well.

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## HUMANITARIAN AID CORRIDOR ACT

### HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. LEHMAN. Mr. Speaker, today I am introducing the Humanitarian Aid Corridor Act which is designed to restore credibility to our Nation's Foreign Aid Program by ensuring that U.S. humanitarian assistance is properly distributed to people in need.

This legislation stipulates that countries who receive U.S. foreign assistance must—as a condition of receiving U.S. assistance—not obstruct nor delay the delivery of U.S. humanitarian assistance.

During these difficult budgetary times, it is essential that our Foreign Aid Program is run in a manner which maximizes the usage of each foreign aid dollar. Therefore, it simply makes no sense for our Government to continue to provide assistance to countries which deliberately impede the delivery of U.S. humanitarian assistance. The refusal to allow medicine, food, and other essential items to be delivered to people in need is reprehensible. However, what is even more appalling is that our Government continues to give millions of dollars to governments which deliberately deny the delivery of humanitarian assistance.

The approval of this act will send a message around the world that the United States will no longer tolerate actions which impede U.S. efforts to assist people in need. No longer will countries such as Turkey for example, be able to thumb their nose at the State Department and deny congressionally approved humanitarian assistance from being delivered to starving people.

Turkey's actions are atrocious and have forced desperately needed assistance destined for Armenia to be channeled through the war-torn Republic of Georgia. Not only does this unnecessary diversion cost more money, but it jeopardizes the lives of Armenians. The time has come for this Nation to tell countries, like Turkey, that if they wish to continue to receive United States assistance, that they must act in a responsible manner.

Mr. Speaker, allowing a major recipient of U.S. assistance to deny the delivery of food and medicine undermines the goal of our foreign policy program. Therefore, I urge my colleagues to join me in cosponsoring this urgently needed legislation which ensures that people in need will be provided with the necessary resources.

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## TRIBUTE TO DICK HEATLEY

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Dick Heatley of San Bernardino, CA. Dick, who has demonstrated a remarkable dedication to the many public safety needs of San Bernardino County residents over the past 25 years, will be honored at the San Bernardino Elks Lodge on April 23 as he retires from his position as State Traffic Officer with the Inland Division of the California Highway Patrol.

Dick graduated from my alma mater San Bernardino High School in 1961 and has spent the majority of his law enforcement career in southern California. Because of his involvement and active leadership in the community, Dick has been an instrumental force in preserving law and order in San Bernardino County for many years.

Following his 4-year stint in the U.S. Air Force in 1965, Dick joined the San Bernardino Police Department as a patrol officer. Upon graduating from the California Highway Patrol Academy in 1968, Dick's career in law enforcement flourished. He joined the California Highway Patrol as road patrol officer assigned to the Baldwin Park area and later that year was reassigned to the Riverside area. While serving there, his duties included road patrol, accident review, and serving as a court and public affairs officer. For the past 7 years, Dick has been assigned to the Inland Division of the CHP serving in many vital capacities.

Dick's distinguished career is further highlighted by his active involvement in numerous organizations in the law enforcement arena. In addition to serving as the area representative for the California Association of Highway Patrolmen, Dick has served as president of the Area Squad Club in Riverside and the Division Squad Club while assigned to the Inland Division.

Mr. Speaker, I ask that you join me, our colleagues, Dick's family, and his many friends in honoring this unique individual for his extensive work on behalf of the citizens of southern California. Over the years, Dick Heatley has touched the lives of many people in our commuinity and our State and it is only fitting that the House recognize him today and wish him the best of luck in the years ahead.

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## SALUTE TO BETTY SUZUKI

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. MATSUI. Mr. Speaker, I rise today to salute Betty Suzuki, who is retiring from 30 years of successful public service to the county of Sacramento.

Ms. Suzuki began her career as a social worker in 1955, serving the counties of San Joaquin, Los Angeles, and Alameda. In 1963, she became a social worker for the County of Sacramento, whereupon she began her steady rise within the system.

In 1969, she was appointed social services supervisor I while pursuing her masters degree, and then in 1971, she was again promoted to the position of staff assistant to deputy director of services. The next year she was promoted to social service supervisor II where she served until her appointment in 1984 to welfare bureau chief of children's protective services, Department of Health and Human Services.

As a bureau chief and throughout her career, she has diligently fought for the rights and protection of the children of Sacramento County. Upon her appointment in 1984, Betty was assigned the task of bringing the CPS bureau into State compliance in 11 of 13 areas. She accomplished this task in under 6 months and the bureau has not been out of compliance since that time.

Counted among her many professional accomplishments include the passing of legsialtion for the State of California's Baby Doe laws. She also worked with the Department of Social Services to create legislation that resulted in the generation of the Options for Recovery Program in Sacramento County, as well as the Children's Health and Disability Prevention Program which has become a statewide system.

Ms. Suzuki has served on the Juvenile Institutions and Programs Committee, under the Criminal Justice Cabinet to deal with overcrowding in juvenile hall; and is also involved in the Annie E. Casey Foundation grant, providing essential services to minors. She served on the Juvenile Justice Delinquency Prevention Commission from 1982–84, and was the vice chair of the commission in 1984.

Betty has been the recipient of Sacramento's Outstanding Women in Youth Services award by the Friends of Mayor Ann Rudin in June 1993, and the Outstanding Contribution on Behalf of Children award by the Child Abuse Prevention Council in January 1989. Ms. Suzuki currently serves as a director of the General Board of Global Ministries for whom she represents northern California and Nevada. Her participation has included multiple projects affecting women, children, and youth.

Apart from her plans to travel and improve her golf game, Ms. Suzuki intends to remain active in her dedication to our community's challenges through service to commissions, consulting work, and lecturing.

Mr. Speaker, it is with great pleasure that I rise to recognize Betty Suzuki for her commitment to the citizens of Sacramento. I ask my colleagues to join me in congratulating her and wishing her continued success and happiness in all of her future endeavors.

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## FANNIE MAE'S BOLD STEP

### HON. MARJORIE MARGOLIES-MEZVINSKY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, I want to applaud Fannie Mae on their new initiative which will serve to give millions of Americans, who were previously unable, the support they need to afford to buy a home.

I urge my colleagues to read the following editorial from the March 18, 1994, edition of the Philadelphia Inquirer.

[From the Philadelphia Inquirer, Mar. 18, 1994]

FANNIE MAE'S BOLD STEP

If money talks, the nation's largest home-mortgage investor virtually shouted this week when it announced it was prepared to make available $1 trillion to help Americans with modest incomes buy homes.

By committing twice as much for mortgages in the next seven years as it has in the last seven, the Federal National Mortgage Association (known as Fannie Mae) aims to provide access to the classic American dream, a home of one's own, for minorities, city dwellers, people with special needs and new immigrants.

In its bold attempt to remove the barriers—financial, racial or otherwise—that have kept homeownership out of reach of millions, the plan has the potential to transform the nation in nearly the same way federal mortgages did after World War II.

Since the announcement, an almost palpable wave of hope and joy has engulfed area housing experts, community leaders and even lenders. We, too, are excited by the scope of the plan, its commitment and, most of all, its potential for recreating the urban landscape. For home ownership is key not only to building strong families, but also to reviving neighborhood businesses and boosting community pride.

The Philadelphia region stands to gain plenty from this initiative. Philadelphia housing chief John Kromer's most recent analysis of housing needs found that while the homeownership rate here is a respectable 62 percent, almost 10.6 percent of all housing stock is vacant, and stock is even more scarce for those earning less than $30,000 a year.

Moreover, the Fannie Mae initiative can build on the success of existing programs, such as the coalition of eight area banks and 23 community groups that operate the Delaware Valley Mortgage Plan. Thanks to that plan, 18,000 families with low and moderate incomes have bought homes in the last 20 years.

This plan works largely because the banks offer flexible underwriting standards that count welfare and Social Security as income, and consider payment of rent and utility bills as proof of credit-worthiness. But banks can't sell such loans to Fannie Mae under current guidelines, a situation we think Fannie Mae should change as part of the initiative.

Such a change would automatically boost interest in neighborhoods now written off by banks more inclined to finance a handful of $300,000 mortgages than dozens of $45,000 loans. And such neighborhood investment is sorely needed to Philadelphia, where ambitious plans to spur the economy are focused more on creating a glittery downtown than on rebuilding the areas where most Philadelphians live.

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## VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM'S UTAH WINNER NICOLE HINTZE

### HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. ORTON. Mr. Speaker, I would like to submit for my colleagues' interest and benefit the following essay written by Ms. Nicole Hintze, a high school student in East Carbon, UT. Each year students from around the Nation compete in the Voice of Democracy Scholarship Program essay contest sponsored by the Ladies Auxiliary of the Veterans of Foreign Wars. Nicole, who is currently a senior at East Carbon High School, was selected as the Utah State winner. I would like to share her thoughts on "My Commitment to America" with all of you, in the hope that we can all share Nicole's dedication to preserving America and its freedoms for ourselves and our children.

MY COMMITMENT TO AMERICA

(By Nicole Hintze)

A man stood upon a mountain peak. In his being were the people of all nations, races, and creeds. There was a complete and awesome silence, and then the silence was broken by a voice asking this question, "For what purpose are you living?" Terrified and bewildered, the man sank upon his knees because he was in the presence of the Lord. In his confusion, he cried out, "For what purpose am I living? Why, Lord, the purpose of my living is everywhere evident. From our humming factories are coming thousands of things producing a civilization that has never before existed. We have conquered distance, developed the power of electricity, projected our voice thousands of miles through space, and have utilized the power of the sun. What we have done in the past is nothing compared to what we can accomplish in the next fifty years."

Again through the special abyss came this voice: "You have done all of these things, but think again, for what purpose are you living?"

If you had been asked this question, what would your answer have been? For what purpose are we living? The prospects for the next fifty years are breathtaking. What tomorrow will bring is almost impossible to imagine. We are only on the threshold concerning the conquest of disease and the ills of old age. Machines are becoming more and more efficient, making possible an ever-increasing standard of living. The robot factory is just around the corner doing away with the heaviest type of human labor.

Yet, there is something wrong with this picture. Our civilization is sick. Man stands huddled in fear amidst the countless gadgets of his culture. With every new invention has come the greater threat of wiping out his entire existence.

We have created many things to live by, but nothing to live for. What do we have to look forward to in our future?

Raymond E. Baldwin said, "Many of us often feel that, in the move of tremendous events, our individual voices are too small to be heard—that there is little we, as individuals, can do to direct the rushing course of history. But there is a field in which each of us can serve—and has a duty to serve—that is in his own community and among his own friends, to recall the good of our American system and join in efforts to improve whatever failings it has."

Not all of us can make a difference in our nation or even worldwide; but, with a little effort, every one of us can make a difference in our community, county, and even state. But, we can't sit back and let others worry about it; we must take the initiative to do it ourselves.

There are many reasons we should do this. Not only do we owe it to ourselves, we owe it to our children and grandchildren. We also owe it to our ancestors. They did their best to make America what it is today, and we must do our best to make sure it stays that way. John Quincy Adams said, "You will never know how much it has cost my generation to preserve your freedom and our country. I hope you will make good use of it."

What we do with our country today will carry on forever; therefore, we must try to fix and repair some of the damages already done. It is our responsibility and our commitment to make sure our nation stays great.

A nation is made great, not by its fruitful acres, but by the men who cultivate them; not by its great forests, but by the men who build and run them. America was a great land when Columbus discovered it. Americans have made it a great nation.

For what purpose are we living? The military geniuses, the scientists, and the politicians have not solved the world's problems. People all over the world are ill-fed, ill-housed, and ill-clothed. The fine hopes for a brave new world produced by war are gone. If there is any hope for the future, we must modernize an old Chinese prayer to read, "Oh, Lord, make the world, my country, my city, my church, my home, better—and begin with me." We have constructed wonderful buildings and destroyed human creativeness. We have learned to fly through the air and swim through the sea, and yet we do not know how to walk on this earth like men. We have established a better world in which to live, but now we do not know how to live in it.

We need to recall the words of former Chief Justice Charles Evans Hughes, "The peril to this nation is not in any foreign foe. We the people are its power, its peril, its hope."

Our commitment must be to do whatever we can to preserve America and the "freedoms" we take for granted. We must not forget our ancestors, our children, or our grandchildren. We must not disappoint them. We must do our part in our community, county, and state. We can make a difference; and that should be our commitment to America.

If we are going to have a better world in fifty years, we must work for it today. We must begin now. A great man once said: "I am only one, but I am one, I cannot do everything, but I can do something. What I can do I ought to do, and By the grace of God, I will do."

This is my commitment to America.

## TWO DISTINGUISHED LEADERS OF GREEK ORTHODOX DIOCESE MOURNED

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mrs. MALONEY. Mr. Speaker, I am deeply saddened to rise today to inform my colleagues of the tragic deaths of two distinguished coworkers of the Greek Orthodox Archdiocese, the Archimandrite Germanos Stavropoulos, chancellor, and Protopresbyter Dimitrios Frangos, chief secretary. The two priests were killed in an auto accident in New York on March 17.

Father Frangos was born in the village of Shinoudio on the Island of Imvros, near Turkey. He graduated from the Theological Seminary of Halki. In July 1939, he married Hariclia Papadopulu, who preceded him to death in June 1993. In 1940, Father Frangos emigrated to the United States and became pastor of the Holy Trinity Church in Norwich, CT, beginning a long and fruitful career of service. He then served 2 years as pastor of the St. George Church in Southbridge, MA; for 4 years as pastor of the Transfiguration Church in Lowell, MA; and then for 4 more years as pastor of the St. John Church in Boston.

From 1950 to 1961, Father Frangos was the pastor of the St. Demetrios in Astoria, NY. Thereafter, he was named director of the archdiocese department of education, and then the director of St. Basil's Academy in Garrison, NY.

Between 1974 and 1979, Father Frangos headed the archdiocese registry department, and in 1979, he was named chief secretary to the Archbishop. He is survived by one son, Dr. George Frangos; a daughter, Maria; as well as many other friends and relatives.

Father Stavropoulos was born August 14, 1942, in New York City. He attended Immaculate Conception School in Jamaica, NY, before enrolling at St. Francis Xavier High School. After graduating, Father Stavropoulos matriculated at Holy Cross Greek Orthodox School of Theology in Brookline, MA, earning his theology degree in 1966. He subsequently earned his licentiate degree after 3 years of study at the University of Athens School of Theology.

Father Stavropoulos returned to the United States in 1971. During the next 22 years he served at various times as the respected pastor of the Holy Cross Church in Southfield, MI; the Assumption Church in Danbury, CT; the St. George Church in East Norwalk, CT—where he was the driving force behind the construction of a new Byzantine-style edifice—and finally the Zoodohos Peghe Church in the Bronx.

In 1983, Father Stavropoulos was named administrative assistant for the New Jersey Diocese. In September 1992, he became chancellor of the archdiocese.

He is survived by his mother, Ethel Stavropoulos of Jamaica Estates, NY, and a sister, Sylvia Christakos of Essex Fells, NJ, as well as many other friends and relatives.

These two priests gave so much to their communities and our country. As the representative of one of the largest Greek-American communities in the United States, I am particularly hopeful that my colleagues will join with me in extending our most heartfelt sympathies to their family, friends, and the entire community. They will be missed.

## CONGRATULATIONS TO PINCKNEYVILLE PANTHERS

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. COSTELLO. Mr. Speaker, one of the most dramatic moments in high school sports nationwide was provided by a basketball team in my congressional district during the State of Illinois Class A Championships last week.

In winning the State Championships March 12, the Pinckneyville Panthers and their coach, Dick Corn, brought heart-stopping drama in the final game of the season. The Panthers beat the Eureka Hornets 67–65 when, with seconds left in the game, Shane Hawkins passed to Ryan Bruns, who sunk a 12-foot jump shot at the buzzer to win.

The dramatic ending followed 32 minutes of hard fought basketball by both teams. That final game ended a fantastic season for the school, as Pinckneyville ended the season with a near-perfect 33–2 record. Now, for the first time since 1948, the Panthers bring back to southern Illinois a State championship.

I want my colleagues to join me in congratulating the outstanding athletic efforts of the Pickneyville Panthers and their tremendous victory in the Illinois State Championships. They demonstrated strong persistence, ability, and dedication as they defeated team after team in bringing home the winner's trophy. My congratulations to coach Dick Corn and all of the team's players.

## CELEBRATING THE DEDICATION OF OLD ALVARADO—CESAR CHAVEZ PARK IN UNION CITY, CA

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. STARK. Mr. Speaker, today, I would like to join my constituents in the dedication of Old Alvarado—Cesar Chavez Park in Union City, CA.

Shortly after the death of Cesar Chavez, leaders within this community quickly mobilized to pay tribute to this great human rights leader. Last year, the labor council for Latin American Advancement of Alameda County proposed to the Union City Council to rename Alvarado Park as Old Alvarado—Cesar Chavez Park, so that we could continuously remember the spirit of Chavez. The renaming of the park was not solely supported by the labor and city councils; the culturally rich community of Union City shared a universal appreciation for the life of Cesar. They recognized Chavez' efforts on behalf of all the lives he changed—not just the farm workers he represented through the Union Farm Workers of America, but all who fought the daily struggle or suffered from any social hardship or injustice.

With their tribute, Union City shares its recognition with friends like the late Senator Robert Kennedy who praised Chavez back in 1968 as "one of the heroic figures of our times." It is also appropriate that Union City is one of the first to honor his life, because it is a community that reflects the message that Chavez espoused. Cesar once described his work with farm laborers as an effort to raise their consciousness and create brotherhood through nonviolent means: This is a decree whole-heartedly embraced by this culturally rich community. It has always been a home to working people from all walks of life.

Therefore, Mr. Speaker, I come before you today celebrating with my constituents the memory of Cesar Chavez. I hope you and my colleagues will also join me in congratulating the community of Union City for their tribute to this great American.

## TRIBUTE TO THE DISTINGUISHED ELECTED WOMEN OFFICIALS IN EDUCATION OF CALIFORNIA'S 14TH CONGRESSIONAL DISTRICT

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Ms. ESHOO. Mr. Speaker, I rise today during National Women's History Month to salute the remarkable women of California's 14th Congressional District who have been entrusted to preserve and enhance our excellent system of public education.

The 14th Congressional District is special for many reasons, including the fact that it has one of the highest number of women elected officials in the Nation. These talented public servants bring unique ideas, perspectives, and skills to their offices and provide our district with outstanding leadership. They are devoted to the field of public education and serve with honor and distinction on local boards of education and community college district boards. National Women's History Month is the perfect opportunity to reflect on the significant contributions these women leaders have made to our communities, contributions which cannot be overlooked.

The 14th Congressional District's distinguished women elected officials in education are: Boardmembers Mary Mason, Judith Moss, and Dolores Sandoval from the Foothill/De Anza Community College District; Boardmember Helen Hausman from the San Mateo County Community College District; Trustees Maria Ferrer, Valerie Harrison, Anne Kurze, and Andrea Leiderman from the Santa Clara County Board of Education; Trustees Karen Schwarz and Beverly Willis-Gerard from the San Mateo County Board of Education; Boardmembers Nancy Gisko, Francesca Karpel, and Nancy Kehl from the Belmont Elementary School District; Boardmembers Mary Freeman Dove, Toni Foster, and Ruth Palmer from the Cabrillo Unified School District; Boardmembers Debbie Byron, Sandra James, and Emily Lee Kelley from the Cupertino Elementary School District; Boardmembers Betty Nelson, Linda Lanterman, and Nancy Newton from the Fremont Union High School District; Boardmembers Tracey Demma, Janet Gomes-Simms, and Connie Sarabia from the La Honda-Pescadero Unified School District; Boardmembers Lynette Aitken, Kerry Bouchier, and Elaine White from the Las Lomitas School District; Boardmembers Terri Sachs and Gerri Carlton from the Los Altos Elementary School District; Boardmembers Karen Canty and Marge Draper from the Menlo Park City School District; Boardmembers Lislie Pantling and Donna Larson from the Montebello Elementary School District; Boardmembers Susan Foden, Ann Garcia, and Susan Ware from the Mountain View Elementary School District; Boardmembers Lynn Alvarado, Ann Baker, Judy Hannemann, and Shirley Magarian from Mountain View/Los Altos High School District; Boardmembers Julie Jerome, Diane Reklis, and Susan Richardson from the Palo Alto Unified School District; Boardmembers Kathryn Reavis, Holly Myers, and Patricia Steuer from the Portola Valley School District; Boardmembers Donna Rutherford and Keisha Williams from the Ravenswood City Elementary School District; Boardmembers Terri Bailard, Patricia Brown, and Magda Gonzalez from the Redwood City Elementary School District; Boardmembers Joy Ferrario and Beth Hunkapiller from San Carlos Elementary School District; Boardmembers Pat Nail, Dr. Beverly Scott, Allene Sieling, and Dr. Sarah Stewart from the Sequoia Union High School District; Boardmembers Ellen McHenry, Linda Kilian, Margaret Quillinan, and Pamela Kittler from the Sunnyvale Elementary School District; Boardmembers Fran Kruss and Sanda Spiegel from the Whisman Elementary School District; and Boardmembers Heidi Brown, Ann Nolan, and Abby Wilder from the Woodside School District.

Mr. Speaker, I ask my colleagues to join me in honoring these remarkable women whose leadership, expertise, and commitment have made the 14th Congressional District a wonderful place to live. They are fitting representatives of the many women who make history every day and whose numerous accomplishments we recognize on the occasion of National Women's History Month.

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## CYPRUS REMAINS SEPARATED

## HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. PORTER. Mr. Speaker, July marks the 20th anniversary of the invasion of Cyprus. The situation there is a throwback to the cold war. Artificially divided and militarily tense, Cyprus deserves a better fate. The cold war is over—the long-divided Germans have reunited, and even Yemen has recently come together. Yet Cyprus remains separated.

The United States must vigorously support all efforts to bring an end to this tragedy. We own as much, both to the Cypriot people, and in respect to the beliefs that no country be given license to occupy another, that artificial ethnic separation is not an answer, and that peace and democracy be allowed to flourish in a reunited Cyprus.

Mr. Speaker, I ask that we insert two articles into the RECORD which eloquently describe the sad situation that has existed in Cyprus for nearly 20 years.

[From the Houston Post, Mar. 12, 1994]

### WILL THE WALL TUMBLE DOWN?

(By Ken Hoffman)

NICOSIA, CYPRUS.—When the Berlin Wall came down in 1989, Nicosia was left standing as the world's only divided capital city.

Divided by force, religion, politics, mistrust and hatred.

In July 1974, the small Mediterranean country, culturally and politically aligned with Greece but lying only 40 miles south of Turkey, was invaded by Turkish fighter boats and 40,000 heavily armed commandos. Turkey had long coveted Cyprus, with its strategic location at the crossroads of Africa, Europe and the Middle East.

On the morning of July 20, under the pretense of protecting Turkish Cypriot minorities in Cyprus and with Cyprus in its usual turmoil, Turkey seized its opportunity.

Opposed by only 16,000 Cypriot national guardsman, Turkey's military objective was accomplished in less than one month.

Thousands were dead. About 180,000 Greek Cypriots were sent running for their lives to the south.

In their place, Turkey invited 55,000 Turkish Cypriots living in the south to move north. Eighty thousand settlers from mainland Turkey were brought to Cyprus to solidify Turkey's racial hold on the territory. The occupiers gave new Turkish names to Cypriot cities. Kyrenia became Girne. Famagusta became Magosa.

More demoralizing personally to the refugee Cypriots, Turkish invaders moved into their homes and took over their businesses.

### BARBED WIRE, RIFLES

Now the country has a 112-mile impenetrable border of barbed wire and pointed rifles stretching from coast to coast.

From its western beaches to its eastern ports, the "Attila Line" and a narrow buffer zone patrolled by 2,100 United Nations soldiers keep Greek and Turkish Cypriots apart.

Cypriots are not allowed, under any circumstance, to cross the border. There is no telephone or mail service between north and south.

The northern 37 percent of the island has been renamed the Turkish Republic of Northern Cyprus, an outlaw government supported solely by Turkey.

Since 1974, several United Nations resolutions have condemned the Turkish invasion of Cyprus and ordered the occupiers to leave. Turkey has ignored each demand.

The Turkish invasion was devastating to Cyprus in economic as well as in emotional terms.

Turkey's capture of North Cyprus was well-aimed. The occupied territory contains Cyprus' two prettiest resort cities, Kyrenia and Famagusta. They took over the country's lone international airport and only deep water port.

With the conquest of the north, 70 percent of the country's hotels were lost. Tourism was wiped out.

### BORDER CROSSING

Tourists are permitted to walk through the Attila Line's only gate near the old Ledra Palace Hotel in downtown Nicosia.

The Ledra Palace was once Cyprus' most elegant hotel. Now it's barracks. Its elegant dining room is now a military mess hall.

To cross the border, you first show your passport to Greek Cypriot military officials. They will let you by, but only after asking politely that you not go. They point to a hand-painted sign that reads:

Attention!

Beyond this checkpoint is an area of Cyprus still occupied by Turkish troops since the invasion in 1974. The invaders expelled 180,000 Cypriots of Greek origin from their ancestral home and brought over colonists from mainland Turkey to replace them.

Enjoy yourself in this land of racial purity and true apartheid.

Enjoy the sight of our desecrated churches.

Enjoy what remains of our looted heritage and homes.

Below the sign is a painting of Cyprus with a bloody dagger stuck through the heart of Nicosia.

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[From the Houston Post]

### CYPRUS INVASION NOT FORGOTTEN

(By Ken Hoffman)

NICOSIA, CYPRUS.—Every night on television in Cyprus, they flash the message "DEN XECHNOUME." We have not forgotten.

Not forgotten Turkey's bloody invasion of North Cyprus in 1974 that killed 6,000 people and created 100,000 Greek Cypriot refugees in their own country.

Not forgotten that Turkey continues to occupy the country's most beautiful cities, the international airport and valuable port of Farnagusta.

Not forgotten that almost 20 years later, Cyprus is a divided island, with an outlaw government calling itself the Turkish Republic of Northern Cyprus ruling 37 percent of the land.

Most of all, they have not forgotten that Turkish soldiers and settlers stole their business and moved into their homes.

Evi Fiouri certainly has not forgotten.

In 1974, Evi was 13 years old, in her first year of high school. She lived in a small gray home in the north beach resort of Kyrenia with her parents and baby sister.

Evi remembers the morning in 1974 when she heard the bombs. "We jumped out of bed and went on the roof. We could see the Turkish boats. My father said we had to flee. Someone told us that Turkish soldiers had already landed in a western village and were committing atrocities," she said.

"They were raping girls and killing the old people. We had to go immediately."

Her father tried to calm his daughters. He said they would probably return in a few days.

"We were leaving just for security, until the problems with Turkey was worked out * * *. For awhile before, Turkish Cypriots had warned us that there would be an invasion * * *. But we thought it was impossible. It was too absurd."

RUNNING FOR THEIR LIVES

And then they heard the bombs.

Evi grabbed a small handbag, stuck her favorite doll in it and hopped into the family car.

They drove south, but still heard the bombs. So they continued on the southern highway. They listened to the radio. Rumors were flying. The Turks were running rampant. Helicopters filled the sky. Greek Cypriots who attempted to defend their homes were killed.

"We realized that Kyrenia was occupied, so my father drove us to Larnaca, farther in the south," Evi said. "People were kind to us. The Red Cross gave us clothes and food. That was when I first heard the word 'refugees,' and I knew that it meant us. My little sister started crying. She didn't want to be called a refugee."

LOSING EVERYTHING

In Kyrenia, Evi's father had owned a lemon grove. The family was considered well off. Now all they owned was a car, a few suitcases and a young girl's doll.

Evi's father did work again. Although he is retired, his hobby of raising bees is profitable.

Evi lives in the capital city of Nicosia and works for the government. Her husband is customs officer. A few years ago, she heard that a Turkish Cypriot police officer was living in her old home.

A United Nations soldier, who had visited Kyrenia, brought back a picture. It was painful for Evi to look, she said. The backyard garden her pride, was in ruins.

"Other homes near mine were torn down and made into potato farms."

Cypriots are forbidden to cross the border into the Turkish occupied territory. But even if she could go. Evi could not bear to visit her old house.

"It would be too tragic. That was the happiest time in my life. How would I feel to be a stranger there? To have to ask to come into the home that I rightfully own? I want my old home back," she said.

"I want my country back, too."

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## HOUSE RESOLUTION 394

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. TOWNS. Mr. Speaker, I voted against House Resolution 394. This resolution expressed the sense of the U.S. House of Representatives that Congress has a constitutional obligation to conduct oversight of matters related to the operation of the Federal Government. The Constitution grants Congress extensive authority to oversee and investigate executive branch activities. We should thoroughly, aggressively, and diligently investigate allegations of wrongdoing, mismanagement, and abuse of power.

However, I do not agree that our oversight role should be used simultaneously in a situation where a special prosecutor has been appointed, an investigation is ongoing and a grand jury is sitting to receive testimony. It seems to me that for Congress to conduct an oversight hearing in that kind of circumstance not only unnecessarily duplicates efforts, but also endangers the investigation of the special prosecutor. Many people may recall that in the Iran-Contra investigation Congress intervened with its own investigation. Unfortunately the testimony given by witnesses at those hearings actually jeopardized and tarnished the criminal indictments that the special prosecutor was able to bring against administration officials who violated the law.

I think we should have learned our lesson from Iran-Contra. If we intervene before the special prosecutor is able to conclude his investigation, we may interfere with those results. I think it is better that we stay our hand until the special prosecutor has been able to perform his job.

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## A TRIBUTE TO THE FEDERAL FIREFIGHTERS AT THE MARINE CORPS LOGISTICS BASE, BARSTOW, CA

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and dedicated service of the Federal firefighters at the Marine Corps Logistics Base [MCLB] in Barstow, CA. The last few months have proven to be a trying time for the citizens of southern California as they have suffered the effects of raging wildfires and a catastrophic earthquake. It is because of the immediate and exemplary response of these firefighters that the lives and property of the citizens of southern California were saved and protected.

In October and November 1993 several wildfires stretched across southern California devastating its residents and businesses. At this time of crisis, the firefighters at MCLB responded with professionalism and dedication as they provided an engine company which not only served the immediate Barstow area, but San Bernardino County and Los Angeles County as well. Indicative of their high regard for the safety of the community, these firefighters put their lives on the line as they fought with scarce resources and weary spirits.

Tragedy struck again on January 17, 1994, as a devastating earthquake shook southern California, claiming the lives of many and causing billions of dollars in damage. Once again the firefighters at MCLB responded in an outstanding manner. With their lives at stake these men again valiantly fought the destructive fires and provided emergency medical assistance. By successfully implementing carefully designed plans, the firefighters brought much needed relief to the community. These firefighters demonstrated their commitment of public safety by their willingness to help people and agencies all across the region.

Specifically, I would like to bring to your attention three outstanding gentlemen whose leadership, knowledge, and expertise enabled the MCLB firefighters to respond to these two events with precision and professionalism. Col. R.H. Myers, base commander, MCLB, Lieutenant Colonel Kebelman, director, F&S division, MCLB, and fire chief "Skip" Westfield, Fire Department, MCLB are model officers who serve as shining examples of courage and fortitude which aided California in pulling through these emergencies.

Mr. Speaker, I ask that you join me, our colleagues, and their many friends and family in honoring the firefighters at MCLB for their extensive and dedicated service. Because of their hard work and commitment to protecting the lives and property of southern Californians, it is only fitting that the House recognize them today.

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## TRIBUTE TO CARBONDALE TERRIERS BASKETBALL TEAM

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. COSTELLO. Mr. Speaker, I rise today to bring to my colleagues' attention the outstanding efforts of the Carbondale Terriers basketball team from Carbondale, IL, High School during the recent Illinois AA State basketball championships.

Victory was close for the Terriers as a last-second shot ran around the rim and out again, a shot that came at the end of a hard-fought 61–60 contest with Peoria Manual. A second-place finish in no way lessens the significance of their fantastic season, and Coach Tim Bleyer and the entire Carbondale team is to be congratulated for their string of victories.

As much as the Nation focuses on college basketball and the NCAA tournament, they may be forgetting that some of the best games are in the high school championships. Certainly, the Carbondale Terriers proved that on May 19 during the championship game. I ask my colleagues to join me in congratulating the Terriers for their outstanding season.

# REMARKS IN DEFENSE OF MULTIPLE USE BY COMMISSIONER LOUISE LISTON

## HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. ORTON. Mr. Speaker, there are many of us from the West who feel that we confront problems which are poorly understood by those from other regions. The extremely high percentage of public land within the boundaries of our States and counties present additional challenges to our State and local governments which others do not have to face. In my own State, for example, almost 70 percent of the land is federally controlled and for several of the rural counties in my district, that figure is well over 90 percent.

One of the biggest challenges this situation presents to local officials is trying to encourage economic stability and growth in the face of Federal land management policies which often seem to be producing the opposite results. Local leaders too often find themselves fighting for the very survival of their communities in an arena where the Federal Government is perceived to be a major part of the problem rather than part of the solution.

In this, as in other crisis situations, some people rise to the challenges confronting them and demonstrate the highest levels of leadership. Certainly, that has been the case with Louise Liston, a commissioner from Garfield County in my district. Commissioner Liston is nationally recognized as one of the most thoughtful and eloquent advocates of a balanced approach to natural resources and land use policies. She also is one of the staunchest defenders of preserving the unique culture of the rural West, a goal to which I wholeheartedly subscribe as well.

I am personally convinced that our Western cultural heritage is one of the few wellsprings we can tap to restore and revitalize a national character which now, at times, seems to be faltering.

Recently, Commissioner Liston delivered a speech which highlights several critical aspects of the dilemma we face in the West. She suggests that the principles of multiple use management which have served us so well for decades should continue to be the basis for Federal land and resource management decisions. I was very impressed by the logic, eloquence and insight contained in her speech and I commend it to the attention of my colleagues.

### THE MULTIPLE-USE SUSTAINED-YIELD ACT: THE ANSWER TO THE PUBLIC LANDS DILEMMA

I am a rancher's wife, retired school teacher, county commissioner in Southern Utah and Chair of the National Association of Counties Public Lands Steering Committee. I live in Escalante where my grandfather and great-grandfather ran sheep and cattle on the Escalante Desert to the south and on the mountains to the west and north. My husband's great-grandfather was the first man to bring cattle into the valley back in the late 1800's. We both come from a proud pioneer heritage, and for over forty years have struggled to maintain a livelihood for ourselves and five children in Southern Utah. We love it there, as did our ancestors, who also struggled, but against different odds. They also battled the elements, and isolation, but today added to those are government restrictions and regulations, wilderness designation and endangered species.

In the past we have shared our red sandstone canyons, high plateaus, deserts, and mountains with everyone. Isn't it interesting that these areas have survived for eons of time and have become even more rugged and spectacular with its passing, and all without the help of present day nature lovers and suitcase saviors who seem to be such experts in preserving the land. We don't deny their weekend love affairs with the land are very passionate and intense, but that love seems so superficial when compared to our love of the land which is a harmony that stems from sacrifice and struggle, from respect and caring for the very source of our livelihoods.

Ours is a deep and abiding love that has grown from achieving a balance over the years between our immediate needs and those of future generations. That balance is evident when we look at recent BLM and Forest Service management studies. They show that the nation's public lands are in better condition today than at any time in this century. I attribute much of that success to the Multiple-Use Sustained-Yield Act passed in June of 1960. It is one of the greatest tools from the past that still holds the best hope for the future.

Of all the environmental laws on record in the United States, none had a stronger endorsement than this one. After Senator Hubert Humphrey introduced the bill and sat down, no one rose to oppose him. No one. Not one person. In fact speaker after speaker, 17 in all, stood up to agree with him. It has since been seldom litigated and has not been amended once since its enactment. To me that is more than enough proof of its success and more especially, its importance to us, 33 years later.

Up until recent years, established management practice on our public lands has always been one of multiple use. That meant that timber harvesting, oil exploration, mining, grazing and recreation were guaranteed a place in present and future policy.

I think everyone here would agree that it often requires a very delicate balancing between wise use of our natural resources and protection of our critical environments. But I strongly believe that's something we can effectively resolve in sensible, realistic, down-to-earth practices based on substantiated evidence rather than unsubstantiated emotional rhetoric.

It seems that more and more the emphasis in multiple-use management is shifting to protection and away from commodity uses. In simple terms, that means that jobs in timber, oil, mining, and cattle industries are being lost. The direct and indirect impacts of that shift is endangering the existence of communities that are dependent upon those natural resources for their survival. A list of ten "endangered communities" was once again released by the National Association of Counties in early November. Those communities, by the way, even though there were only ten listed, represent hundreds of other resource-dependent communities that are suffering from the same imbalance of decisions by the federal government on how public lands are used.

Because of location, present lack of funds to improve infrastructure, limited opportunities to diversify, and inability to attract stable, well paying jobs, most rural communities cannot have a healthy economy without relying upon the use of the federal lands. We can diversify to some extent, but may find in doing so that we actually adversely affect the condition of our nation's ecosystems and cause unforeseen financial burdens on the budget. Even more serious consequences may occur when local custom and culture are systematically destroyed by land management decisions and environmental scare tactics. When community morales are low, with people living in fear of losing jobs and having their schools close, we experience a dramatic increase in spouse and child abuse and escalating occurrences of alcohol and drug abuse.

Right now many of our young people living in rural areas feel their constitutional rights to life, liberty and the pursuit of happiness are being violated more and more by federal restrictions, regulations, and designations that are perceived as destroying their ability to find jobs, build homes, and plan for a marriage and reasonably secure future. Talk about an endangered species! We are actually jeopardizing the future of those young people by locking up potential development of our natural resources with no promise of a healthy, sustainable economy for them to enjoy.

I personally feel that when we pit economic values such as person's job or income or way of life against environmental values, we achieve very little. And I guess that's why I strongly support the multiple-use practice, because instead of pitting environmental and economic interests at odds with each other, multiple-use endorses a we-can-do-both attitude. There is enough land out there for all of us. It is possible to protect and maintain our natural resources while making beneficial use of them at the same time. In fact, much of the land is already protected by various state and federal laws, and thousands of acres will always be protected by its very nature. That's something easterners will never under- stand unless they've "walked the land."

More and more the long-term impacts resulting from environmental fanaticism in our nation are having a devastating effect on the economy, our schools and roads, our towns and people, the historic uses of our public lands, and our traditional values so vital to a healthy democratic society.

Greedy preservationists will never be satisfied in their quest for more and more land, for wilderness, for cattle grazing to be stopped, for mining to be done away with, for ridiculous listings of endangered species, for wetlands to be set aside, for industry and growth to be curbed, because it will mean the end of their cause, and more importantly, the end of their jobs.

Instead of being solely concerned about the impacts on the land, we should also be concerned about the impacts on families, communities and schools. What we don't stop to realize is that our public lands control the economic activity of the nation. Stopping the use and development of our natural resources on those lands jeopardizes not only our personal freedoms, but the national economy and security as well. And yet, piece by piece, I see the multiple-use concept being eroded away, and in its place single-use concepts are gaining strength. Massive centralization of power and dominion over our public lands by the federal government is not the answer. Our public lands were meant to be used to build a greater and mightier nation, not as tools to tear it down. Wise use of those lands means preserving the natural resources for the public and not from the public. If we act through the emotionalism of preservation rhetoric, it comes down to wise use versus no use. And no use means no jobs, no grazing, no roads, no tax base, and no money for the needed services rural America demands and deserves.

The multiple-use sustained-yield approach to managing our natural resources has proven in the past to be effective. Its can-do-both philosophy is something we cannot simply abandon as we face the environmental changes that await us. Only by achieving a desired balance can we hope to preserve both the land and the people.

What most Americans at this point do not realize is, that the most valuable natural resource is the human resource.

Thank you,

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## TRIBUTE TO RAYMOND SPILLMAN

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Raymond Spillman, who will be retiring from the Internal Revenue Service in Sacramento, CA, after 38 years of Federal service. On Friday, February 18, 1994, family, friends, and colleagues held a dinner in his honor to bid a fond farewell as he retires.

Through the course of his Federal service experience Ray has had the opportunity to live and work in a number of locations across this great country of ours and has confronted many challenges in the complex world of tax collection. In this capacity, he has developed outstanding leadership abilities, clearly demonstrated by the respect he commands from his peers for his work in managing the Sacramento district office of the IRS. He began his service to the United States in the Army, which included a stint as a finance officer in Japan during the early fifties. He began his career with the Internal Revenue Service as a revenue agent in Chicago. Along the way he earned a law degree from DePaul University, and worked his way up to the position of district director in Albany, NY. This was followed by a move to Washington, DC, where Ray served as Deputy Assistant to the Commissioner of the IRS during the Carter administration and during a portion of Reagan's first term. Finally, his career brought him to Sacramento, where he was selected to serve as the district's first director in 1983.

There has been a number of notable achievements in the course of Ray's career with the Internal Revenue Service. What stands out in my mind, because it is of great benefit to my constituents, was his leadership in formulating the new Sacramento district. He assembled the management team, and set the standard of excellence which they follow to this day. The Sacramento district under his leadership has led the way in specializing in quality customer service.

Ray has put to work his tremendous leadership abilities in areas other than the IRS. Throughout his life experiences Ray has developed a genuine understanding of the many issues affecting the quality of life in America, and has eagerly jumped into leadership positions with a number of community organizations. He was the founding president of the Federal Executive Association of Sacramento. He is on an advisory board of the University of California system. He is the chairman of the Sacramento area United Way. He is also on the board of trustees of the Mercy Foundation where he is involved in fundraising for five hospitals. As you can see, Ray is a well-rounded and highly educated man with a wealth of real-world experience who readily applies his experience and abilities to both his career and his community. Sacramento has been very fortunate to be the home of such an outstanding leader.

Mr. Speaker, it is with great pleasure that I rise today to recognize Raymond Spillman for his commitment to the Federal Government and to his community. He is an example that all public servants would do well to emulate. I ask my colleagues to join me in congratulating him and wishing him happiness in his retirement.

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## IN TRIBUTE TO THE WINNERS OF THE 1994 McDONALD'S BLACK HISTORY MAKERS OF TOMORROW PROGRAM

### HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to the winners of the 1994 McDonald's Black History Makers of Tomorrow program.

The McDonald's Black History Makers of Tomorrow program is an educational program that recognizes leadership, character, community service, and exceptional scholarship among the country's most talented youth. Honored during Black History Month, these young men and women represent vision and hope for the future that will shape America. The program features talented, minority youth and provides their peers with positive role models.

The McDonald's Black History Makers of Tomorrow program honors outstanding high school juniors for their leadership, scholarship, community service, and character. The students that participated were asked to write a 500-word essay entitled, "How I Plan to Make an Impact on Black History". In response, many of the 1994 winners indicated that education as well as communication was the key to success. Over 50 applications were received throughout the Washington, DC area. From those, 15 winners were selected and were recognized at a reception on Capitol Hill on February 25, 1994. These outstanding students will be McDonald's ambassadors throughout the year.

Now in its seventh year, this program honors outstanding high school juniors who have demonstrated leadership qualities and who possess the ability to make a significant contribution to the future growth and development of our nation.

To the following students, I offer my congratulations on this exemplary achievement, and encourage you to continue to demonstrate excellence in your studies.

1994 BLACK HISTORY MAKERS OF TOMORROW, LOCAL WINNERS

Thelma Ayensu, Parkdale High School, Riverdale, Maryland; Kevin Clark, Thomas Sprigg Wootton, Rockville, Maryland; Kori Day, Suitland High School, Forestville, Maryland; Trina Deal, High Point High School, Beltsville, Maryland; Kynisha Debose, West Potomac High School, Alexandria, Virginia; Michael Glover, La Plata High School, La Plata, Maryland; Deborah Green, Banneker High School, Washington D.C.; and Nini Johnston, Banneker High School, Washington D.C.

Yusef Kassim, Banneker High School, Washington D.C.; Nikki Lewis, Paint Branch High School, Silver Spring, Maryland; Tiffani Lott, Montromery Blair High School, Rockville, Maryland; La-Tasha Terrell, Oxon Hill High School, Oxon Hill, Maryland; Adrienne Tracy, Gwynn Park High School, Brandywine, Maryland; Jonas Strickland, Banneker High School, Washington D.C.; and Marc White, Coolidge High School, Washington D.C.

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## TRIBUTE TO 50 NEW EAGLE SCOUTS

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. VISCLOSKY. Mr. Speaker, I rise today to call your attention to 50 young men from the Calumet region, who have risen to the rank of Eagle Scout in the Boy Scouts of America.

It is my distinct honor to commend the outstanding achievement of the following honorees accepting the title of Eagle Scout: David M. Allen, Kyle Allred, Daniel L. Banach, Stuart A. Barney, Jeff Bergman, Jeremie A. Brackett, Ryan K. Campbell, Vincent E. Cesare III, Michael Cokley, Justin T. Conway, Tony L. Daluga, Joel B. Detterline, Joshua P. Gangolf, Ricardo R. Garcia, John L. Giannini, Christopher Grad, Kevin J. Groskopf, John D. Hilsen, Jerry Hlinsky, William S. Hoffman, Jon Hyman, Brian J. Jackiw, Benjamin S. James, Peter Johnson, Carl E. Johnson, Brian J. Joshke, Bryon R. Kawa, Andrew Kolanowski, Peter L. Kong, Victor B. Kress, Brian W. Kreiger, Todd J. Manchester, Matt McClure, Martin McKinley, Michael D. Niezgoda, Timothy M. Nosich, Michael A. Pappas, Jamison Potempa, Matthew K. Pursley, Michael E. Robbins, Andrew Schwarz, Darren L. Selock, Jason E. Shea, Robert T. Spoor, David A. Sumner, Michael P. Trentz, Andrew J. Walker, Jon Wetmore, Lloyd K. Wisleder, and Scott A. Woods.

A special significance is attached to the title of Eagle Scout, a significance that accompanies a young man throughout his life. As he pursues endeavors in higher education, business, industry, and community service, he carries with him the lofty goal of success through leadership.

The highest rank in Scouting, each Eagle Scout has had to fulfill rigorous requirements in the areas of leadership, service, and outdoor skills. The Eagle Award is granted upon the demonstration of proficiency in different areas of skills, required for rank progression, including Tenderfoot, Second Class, First Class, Star, Life, and Eagle. Specific tests are administered, which must be passed for proper advancement. Those who are successful, are rewarded with merit badges which signify the mastery of Scoutcraft skills, as well as acquisition of skills in areas of personal interest. Of the more than 100 badges available, 21 must be earned to qualify for Eagle status, 11 of which are required in the areas of First Aid, Citizenship in the Community, Citizenship in the Nation, Citizenship in the World, Communications, Safety, Environmental Science, Personal Management, and Camping. The Scout has a choice between Emergency Preparedness and Lifesaving, and a choice among Personal Fitness, Swimming, and Sports.

Mr. Speaker, I ask that you and my colleagues to join me in saluting these new Eagle Scouts. I salute also the Boy Scouts of America for instituting the Eagle Scout Award and establishing the stringent criteria that each of these young men has met. It is my sincere belief that these men will continue to distinguish themselves and their communities through public service.

## A SALUTE TO VIETNAM VETERANS

### HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. BILIRAKIS. Mr. Speaker, a very special event will be taking place in my district next month. Hillsborough County Friends of the Parks and Veterans Memorial Musuem Committee are hosting "A Salute to Vietnam Veterans" at Edward Medard Park.

This week-long salute is to honor all Vietnam veterans and will include the Moving Wall. This event is dedicated to Vietnam veterans and their families.

The Moving Wall is a 1/2 scale replica of the Vietnam Veterans Memorial in Washington, DC. The Moving Wall is 250 feet long and contains the names of 58,191 Americans killed during the Vietnam war. Approximately 1,300 of these service members are still unaccounted for prisoners of war [POWS] or missing in action [MIA].

The Moving Wall is a powerful symbol. Hundreds of thousands of people across the country have visited it in or near their communities. As of January 1, 1993, the Moving Wall has been displayed in 315 communities throughout the United States and Canada. Requests to have the Moving Wall have come from as far away as Australia, Ireland, and Germany.

I am proud to say that on the four previous occasions when it has been displayed in Florida, approximately 300,000 Floridians have visited the Moving Wall. During the 2-day "Salute to Vietnam Veterans," 50,000 people are expected to visit the Moving Wall.

I would like to take this opportunity to commend the organizers of this great event. It is a stirring reminder of just how blessed we are in the modern world to live in a free society, and will not allow us to forget that this blessing is due to the sacrifices of our friends, relatives, neighbors, and countrymen who served us all when duty called.

For as long as the American soldier stands ready to support his country and its allies, the forces of oppression and injustice will be held in check. For this, the American serviceman—the veteran—must never be forgotten.

## GONZALEZ RECEIVES HOUSING HERO AWARD

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. FRANK of Massachusetts. Mr. Speaker, yesterday the distinguished chairman of the House Committee on Banking, Finance and Urban Affairs was the first recipient of the Federal National Mortgage Association's [Fannie Mae] Housing Hero Award. Fannie Mae bestows this award on public officials whose efforts and activities enhance homeownership opportunities for low- and moderate-income people. This award was presented to Chairman GONZALEZ last night by Fannie Mae's Chairman and CEO James A. Johnson at the National Bankers Association reception held in the Rayburn House Office Building.

The inscription on the plaque read:

FANNIE MAE HOUSING HERO

Chairman Henry B. Gonzalez for his lifetime efforts to extend the American dream of homeownership to families across Texas and throughout America.

Presented with gratitude by James A. Johnson, Chairman and Chief Executive Officer.

Chairman GONZALEZ efforts over his long and distinguished career is well known by those of us who serve on the Banking Committee, so I am delighted that Jim Johnson and Fannie Mae has highlighted the housing career of my distinguished colleague from Texas by making this new and special award to HENRY GONZALEZ.

Mr. Speaker, I am including a copy of a news release on the chairman's award and Jim Johnson's remarks at the presentation.

[News Release]

REPRESENTATIVE HENRY GONZALEZ RECEIVES THE FIRST FANNIE MAE HOUSING HERO AWARD

WASHINGTON, DC.—Rep. Henry Gonzalez today received the first-ever Fannie Mae Housing Hero Award in recognition for a lifetime of accomplishments in ensuring that millions of families have decent, safe, and affordable housing throughout the nation.

"Millions of American families across the country live in better conditions and in many cases have achieved homeownership because of Chairman Gonzalez' tireless efforts over the past 32 years in Congress," said Fannie Mae Chairman James A. Johnson. "He has always fought to give people a better shot at the American dream of owning a home, and we are pleased to recognize that achievement with this award."

Since becoming chairman of the housing subcommittee in 1989, Gonzalez has written four major pieces of housing legislation, including the Cranston-Gonzalez Affordable Housing Act and the 1992 Affordable Housing Act. In addition, Gonzalez has been the primary sponsor of legislation that created the Federal Public Housing Program and FHA insurance to guarantee mortgages for single-family and multifamily housing. Gonzalez was also the primary congressional author of the "Section 235" program that has assisted several thousand families in purchasing homes in San Antonio.

The Fannie Mae Housing Hero Award was presented to Congressman Gonzalez by Mr. Johnson at the National Bankers Association's 15th Annual Congressional Reception. This is the third year that Fannie Mae has jointly sponsored the Reception in Washington, D.C.

The Fannie Mae Housing Hero Award recognizes elected officials for their lifelong work to implement policies that will help low- and moderate-income families and individuals live in decent, affordable homes and apartments.

"The Housing Hero Award in Fannie Mae's version of the Oscar," Johnson said. "It is presented to a star player in the housing arena who serves in elected office and who uses that office as an activist seeking to create housing opportunities for all low-, moderate-, and middle-income Americans. Henry Gonzalez fits that profile perfectly."

The Fannie Mae Housing Hero Award is based on a combination of votes for affordable housing initiatives and legislation that has been introduced and enacted by Congress to improve the quality of housing available to low-, moderate-, and middle-income Americans.

Fannie Mae (Federal National Mortgage Association—FNM/NYSE) is a congressionally chartered, shareholder-owned corporation and the nation's largest source of funds for home mortgages.

## CONGRATULATIONS TO CAROL JOANNE SCHRADER

### HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. RIDGE. Mr. Speaker, it gives me great pleasure to offer my congratulations to Carol JoAnne Schrader, who on April 29, 1994, will be commissioned as an officer in the Navy of the United States of America.

The daughter of Kathleen Schrader and the late William Schrader, Ms. Schrader started her naval career in 1982, shortly after graduating from Lakeview High School in Mercer County PA. Ms. Schrader already has several awards to her credit, including the Navy Achievement Medal in 1988 at the Submarine Training Center at Pearl Harbor, the Naval Achievement Medal in 1990 at the U.S. Pacific Command at Camp Smith, HI, and in 1992 she received the Joint Service Commendation Medal from the Chairman of the Joint Chiefs of Staff, Gen. Colin Powell.

Ms. Schrader will be commissioned at the White House where she is currently employed. Following a 30-day orientation school, Ms. Schrader will be stationed aboard the U.S.S. *Samuel Gompers* hemiported at Alameda, CA.

Mr. Speaker, it is with great pleasure that I extend to Carol JoAnne Schrader my congratulations and best wishes for success in her career as a naval officer.

## CAREER INFORMATION RESOURCE CENTER OF OAKLAND

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### HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. DELLUMS. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the fine work initiated by a number of agencies in my district. Particularly, I would like to commend the Oakland Private Industry Council for spearheading the creation of a partnership of vocational and educational institutions dedicated to bringing job training and employment services together in a cohesive way to end the fragmentation of services that too often exist among training and service institutions.

This collaboration is called the Career Information Resource Center of Oakland [CIRCO] and its mission is to provide a one-stop location to which an individual requiring job counseling or training can come to be assessed, counseled, and referred to an appropriate job training agency or program. The goal is to guide individuals toward occupational decisions which will empower them to obtain and retain gainful employment.

The partners in this collaborative effort are the Oakland Unified School District, the Employment Development Department, Laney College, Merritt College, the city of Oakland, the Department of Rehabilitation, the Oakland Private Industry Council, and the Employment Training Coalition—a consortium of nearly 50 partners. They have formed a governing board, and within the capabilities of each, will provide onsite agency representation for career counseling and referral services as well as in-kind support.

My district has witnessed the departure of dozens of major employers and the concurrent elimination of hundreds of jobs that are directly or indirectly linked to plant shut-closures or cutbacks. This situation will be further exacerbated by the impending base closures. This dislocated group of job seekers will be added to the ever-growing group of at-risk individuals who need basic education, job training, career counseling, relevant labor market information and support in order to be prepared to reenter the work force successfully.

Additionally, this consortium seeks to better serve individuals and families in poverty, those whose native language is not English, the physically challenged, homeless, long-term unemployed, and others with multiple barriers to employment opportunities.

Comprehensive community partnerships, such as the Career Information Resource Center of Oakland, will be an important part of the solution to the employment crisis in the Oakland Bay Area. The partnership exemplifies the concept of One-Stop Career Centers anticipated by the Re-Employment Act legislation.

Mr. Speaker, I congratulate the parties for having the foresight to initiate this most important venture.

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## HONORING BOY SCOUT TROOP 495, CONSERVATION YOUTH GROUP OF THE YEAR AWARD RECIPIENT, LEWIS RUN, PA AND JAMES W. JOHNSON, CONSERVATION EDUCATOR OF THE YEAR AWARD RECIPIENT, CUSTER CITY, PA

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### HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. CLINGER. Mr. Speaker, I rise today to congratulate Boy Scout Troop 495 of Lewis Run, PA, and Mr. James W. Johnson of Custer City, PA, on receiving awards from the Pennsylvania Wildlife Federation Achievement Program. Boy Scout Troop 495 was the recipient of the Conservation Youth Group of the Year Award, presented annually to a youth group in recognition of an outstanding conservation effort. Mr. Johnson was selected as the Conservation Educator of the Year, an award recognizing an individual for outstanding educational achievement through either formal or informal methods.

Under the direction of Scoutmaster William Getz, Troop 495 has been instrumental in the environmental conservation of McKean County, PA. The creation of a camporee area at the Kinzua Bridge State Park, is a prime example of their commitment and dedication to the environment. Having cleared a 50-foot-by-250-foot area that was formerly a dumping ground for debris, the Scouts were successful in grading and seeding an area, that after 20,000 hours of public service, became the camporee area that currently serves hundreds of Scouts and Scouters.

Troop 495's ongoing history of outstanding conservation efforts certainly has not gone unnoticed. They were honored as the Conservation Organization of the Year for 1992 by the Pennsylvania Association of Conservation Districts. Having also been honored by the U.S. Department of Interior, with the Volunteer Service Award for 1993, these awards testify to the obvious commitment Boy Scout Troop 495 and Scoutmaster Getz have made, and continued to make, on behalf of the environment.

It is also my distinct pleasure to recognize Custer City resident, Mr. James Johnson, for his dedication to conservation. Appropriately, Mr. Johnson serves as the assistant Scoutmaster for Boy Scout Troop 495. Mr. Johnson has earned the distinction of Conservation Educator of the Year as a result of his personal endeavors to inform young people about the importance of conservation in the areas of agriculture, fish and wildlife management, and forestry. Over the past 10 years, the programs Mr. Johnson helped implement provided over 20,000 hours of public service to county, State, and Federal lands, and have benefited more than 5,000 young people in Pennsylvania and surrounding States. Stream improvement projects, creation of permanent trail blazes, and the establishment of a traveling road show for conservation education purposes, are all projects resulting from Mr. Johnson's voluntarism.

Mr. Speaker, it is my distinct honor to recognize, both Boy Scout Troop 495 and Mr. James Johnson, as award winners in the Pennsylvania Wildlife Federation Achievement Award Program. I offer them my sincere congratulations for the diligence with which they serve McKean County.

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## GOVERNMENT LOSSES FROM INSOLVENT SBIC'S

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### HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. LAFALCE. Mr. Speaker, almost 2 years ago the President signed H.R. 4111, the Small Business Credit and Business Opportunity Enhancement Act of 1992—Public Law 102-366. Title IV of this bill includes major reform provisions to the Small Business Investment Act of 1958 under which the Small Business Administration licenses private companies to provide venture or equity-type capital to small businesses.

These private companies are designated as small business investment companies [SBIC's] or, if they restrict their activities to funding socially or economically disadvantaged small firms, as specialized small business investment companies [SSBIC's].

These companies have private capital invested in them, and based on the amount of this private money, augment the amount available for investment in small firms by obtaining Government guarantees of debentures or long-term notes which they sell to private investors.

The new law addresses cash flow problems of these SBIC's by restructuring the program to provide a new type of financing and also by requiring more private money to be invested and serve as a buffer before any Government money is lost.

We believe that the new system will be a vast improvement; however, it is inevitable that some SBIC's will not succeed. Historically, when that has occurred, the SBA liquidates or winds up the affairs of a failed or failing company by seeking a receivership under the auspices of the Federal courts. Several years ago SBIC's discovered that they could thwart this process by seeking the protection of the Bankruptcy Act.

By filing under Chapter 11 as a debtor in possession, an SBIC can frustrate SBA's efforts to liquidate the company through a receivership. Instead, the bankruptcy court generally will permit the owner-operator to continue to run the company and receive a salary well in excess of the amount SBA would have approved and to pay significant amounts for attorneys, accountants, and other professional personnel.

Most importantly, by initiating bankruptcy proceeding, the SBIC can speculate with Government money. If the SBIC's investments were promptly liquidated, the Government might receive most or at least some of its money back, but unless it receives full payment, the owner of the company would walk away empty-handed.

On the other hand, if the company can draw out the proceedings for 4 or 5 years, the SBIC's investments may appreciate in value and provide the owner with amounts remaining after the company's creditors are paid.

Thus bankruptcy is a win-win situation for the owners of the SBIC—they can continue to draw a fat salary while they wait to see if better times are ahead; if not, only the Government loses.

This type of situation exists in other industries in which participants are licensed by or are substantially regulated by the Government. There is, however, a major difference—the Bankruptcy Code does not permit such participants to hide behind it. Section 109 of title XI of the United States Code specifically prohibits the filing of bankruptcy by institutions such as: insurance companies, banks, savings and loans, and credit unions.

I believe that a similar prohibition should be applied to small business investment companies.

In the late 1980's, a dozen SBIC's with Government indebtedness of $120 million have abused the process and have filed bankruptcy. We do not know how much of this amount will actually be lost to the Government, nor will we ever know for sure how less our losses would be if the companies had been liquidated under SBA auspices through a receivership. But clearly our losses would have been less as the SBA could have controlled the company's expenses and timing on disposition of assets.

Mr. Speaker, the SBIC Program is worthwhile. It provides equity-type capital to small businesses which cannot obtain it elsewhere. However, participation in the program is a privilege and those who elect to do so should be precluded from seeking the protection of the bankruptcy courts.

The SBA is proposing a partial solution to this problem in the regulations implementing the new participating securities. It will require that SBIC's consent in advance to SBA being appointed as receiver upon the occurrence of certain specified events. SBIC's seeking financial assistance, or leverage, from SBA would provide such consent.

However, there is over $800 million in SBA financing outstanding today. SBA's new regulation will not impact these monies unless the SBIC's involved seek and receive new money from SBA. We remain at risk until the issuing SBIC's are prohibited from seeking bankruptcy as my bill provides.

I urge the Judiciary Committee to promptly consider this measure.

The text of the bill follows:

That section 109(b)(2) of title 11, United States Code, is amended by inserting after "homestead association" the following: "small business investment company licensed by the Small Business Administration under subsection (c) or (d) of section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681),".

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## CONSUMERS DESERVE RELIEF FROM HIGH CREDIT CARD INTEREST RATES

### HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. GEJDENSON. Mr. Speaker, today I am introducing legislation to reduce credit card interest rates by capping them at 9 percent above the 6-month T-bill rate. As most observers have noticed, credit card interest rates have not exhibited the marked trend toward lower rates that has characterized most other branches of the lending industry. In fact, while the prime rate has dropped about 9 percent from its high of 12 years ago, credit card interest rates, on average, fell only two points. In contrast, mortgage rates and auto loan rates have plummeted several points each. Clearly, credit card interest rates are not responsive to market conditions, placing an inequitable burden on consumers.

The bill I am introducing today will give consumers a break from high interest rates. At today's 6-month T-bill rate of about 3 percent, under my bill, credit card interest rates would be capped at 12 percent. This would reduce rates 4.5 below the current average. For many card holders who are now paying 18 percent, the reduction would be even greater.

Further, the bill gives credit card issuers a reasonable profit margin. Consumers need relief from high credit card interest rates which have proven to be stubbornly unresponsive to the general climate of low interest rates. My bill would provide that relief, and I urge my colleagues to support it.

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## INTRODUCTION OF LEGISLATION ESTABLISHING THE STATUS OF SENIOR U.S. MAGISTRATE JUDGES AND SENIOR U.S. BANKRUPTCY JUDGES

### HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. REED. Mr. Speaker, at the suggestion of a constituent of mine, Judge Jacob Hagopian of RI, I am introducing legislation today to establish the status of Senior U.S. Magistrate Judge and Senior U.S. Bankruptcy Judge for U.S. magistrate and bankruptcy judges who remain eligible for recall after retirement. We are facing a wave of retirements which will leave a gap on the bench in terms of both numbers and experience. Judge Hagopian suggested providing this cost free incentive to encourage retired judges to keep themselves available for continued recall service.

I am introducing this legislation in an effort to call attention to and promote discussion of this issue. I also enclose for the RECORD a resolution of the Federal Bar Association in support of this legislation as a means toward preventing judicial manpower losses while saving fiscal resources.

The resolution follows:

RESOLUTION 94-1—Senior Magistrate and Bankruptcy Judges

Whereas, Title 28 United States Code section 377(a) provides for the retirement for United States Magistrate Judges and United States Bankruptcy Judges based on years of service, and 28 U.S.C. section 377(b) provides for retirement for magistrate judges and bankruptcy judges upon failure of reappointment; and

Whereas, retired magistrate judges and bankruptcy judges provide a pool of expert judicial talent who, if they choose to keep themselves available for recall, may be recalled to service under sections 155(b), 375, or 636(h) of Title 28 and thereby provide relief to severely overburdened courts; and

Whereas, any magistrate judge or bankruptcy judge who retires under this section and who thereafter practices law is not eligible for recall under sections 155(b), 375, or 636(h) of Title 28; and

Whereas, in light of the number of retirements of magistrate and bankruptcy judges eligible for retirement, the diminishing financial resources of the courts, and the increasing case burden faced by the courts; and

Whereas, any non-monetary inducement that encourages skilled and motivated retired magistrate judges and bankruptcy judges to keep themselves available for recall to assist the courts in the accomplishment of their constitutional mission should be encouraged;

Now, Therefore, be it *Resolved* that the Federal Bar Association strongly urges the Congress and the President to support the following amendment to Title 28 United States Code section 377:

Any U.S. Magistrate Judge or Bankruptcy Judge who retires or has retired under the provisions of Title 28 U.S. Code section 377(a) or (b) and remains eligible for recall under section 377(m)(2) shall be designated "Senior Magistrate Judge" or "Senior Bankruptcy Judge" respectively.

Be it Further *Resolved* that the president of the Federal Bar Association is authorized to communicate copies of this resolution to the Congress and other appropriate officials.

Adopted by the Executive Committee, February 5, 1994.

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## CRIME BILL

### HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. BISHOP. Mr. Speaker, in order to restore sanity and security to the streets of America, I strongly support a tough and fair anti-crime package that offers a balance between punishment and prevention.

Congress must provide the people with the necessary weapons to combat drug dealers, gang leaders, robbers and rapists.

Community based policing, reinforced with more cops on the beat and more money for drug treatment, buttresses our effort to win this war.

Also, Mr. Speaker, deeply rooted in any crime prevention initiative are measures that promote family values, education, and job training.

I endorse a crime package that throws three time convicted felons in jail for life, that increases penalties for adults who employ children in their misconduct, and, among other measures, Mr. Speaker, adds more Federal crimes to the death penalty list.

We must protect ourselves, our families, and our neighborhoods by locking up—and where appropriate, executing—those who repeatedly demonstrate a disregard for the sanctity of human life.

A successful crime package is one designed to displace fear with security, sanity, and confidence through a balanced approach that provides the strength and fairness needed to win the war on crime.

It is through shared responsibility and courage to change that we can stem the growth of crime and violence in America.

## INSIDE SALES COMPENSATION

### HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. FAWELL. Mr. Speaker, I am pleased today to join several of my colleagues on the Education and Labor Committee in the introduction of legislation making the application of the overtime exemption under the Fair Labor Standards Act [FLSA] uniform for sales personnel.

The FLSA currently provides an exemption for certain commissioned inside sales personnel in retail and service establishments. The exemption applies to the employees in these establishments provided that the following criteria is met: First, the employee's regular rate of pay must be in excess of 1½ times the minimum wage, and second, more than half of the employee's compensation for a representative period—of not less than one month—must represent commissions on goods or services. This exemption does not, however, extend to employees in wholesale establishments.

In 1991, the Third Circuit Court of Appeals in Martin versus Cooper Electric Supply Co. held that wholesale inside sales personnel were not administrative employees eligible for a statutory exemption. This in effect, put an end to what had been the practice of wholesale establishments for years and created a difference in the compensation rules as they apply to retail versus wholesale inside sales personnel. For example, an inside salesperson for a wholesale establishment must be paid time and one-half for hours worked over 40 per week, even if he or she meets the two criteria regarding the rate of pay and commissions. Yet a salesperson in a retail establishment who performs the same duties would not have to be paid overtime, so long as the wage criteria was met.

This legislation would make the application of this particular overtime exemption under the FLSA consistent for retail, wholesale, and service establishments. I would like to note that the provisions defining who is covered under section 13(a)(1) of the FLSA and the 541 regulations are very confusing. Apparently the language in the act is the result of various amendments over the years. As we consider this legislation, I hope that we can also work to simplify and streamline the language.

## THE TRIUMPH OF ECONOMIC POLICY OVER ECONOMIC AID

### HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. ROTH. Mr. Speaker, our foreign aid system and the vast bureaucracy that administers it are in a shambles. For years, billions of hard-earned taxpayer dollars have been given to help developing nations grow economically with little result. In fact, in many cases these nations are worse off now than they were decades ago.

As we reassess our foreign aid programs this year, it is worth remembering that the most successful developing countries have created their own economic success by fostering economic investment, productivity, and entrepreneurship wherever possible. In other words, economic policies—not aid—make the difference for countries seeking economic growth.

On this subject, I commend to my colleagues' attention an article written by a constituent of mine, Dr. Ismail Shariff, the current chair of the department of economics at the University of Wisconsin-Green Bay.

[From the Green Bay Press-Gazette, May 8, 1993]

Economic Policies Are More Effective Than Extensive Aid

(By Dr. Ismail Shariff)

Over the past four decades, the U.S. has provided the so-called developing world with some $500 billion in aid.

Yet throughout this period, the American people have heard from various pulpits only that poverty persists in these lands and they must send more money.

Before sending in their checks, they logically might ask: What happened to the previous $500 million?

Two recent reports, one by the Agency for International Development and one by a congressional task force, offer an explanation for what's wrong with development aid.

Administrators say that no country receiving U.S. aid in the past 20 years has "graduated" from developing to a developed status. With remarkable candor, the AID reports that all too often U.S. aid promises dependence on yet more aid, not development, and calls for a radical reshaping of foreign aid programs.

The AID study follows a bipartisan task force report by the House Foreign Affairs Committee. It said aid programs are so encrusted with red tape they no longer either advance U.S. interests abroad or promote economic development. The task force skewered both Congress and the Bush administration for piling 33 different, often conflicting, foreign aid objectives one on top of another.

The panel co-chaired by Democratic Rep. Lee Hamilton and Republican Benjamin A. Gilman recommends repealing the 1961 foreign aid law abolishing AID authorizing a new agency and ending congressional micromanagement of aid programs. It noted that the current programs are caught in a maze of 75 different statutory priorities and 288 separate congressionally mandated reports. Changes in any of 700 programs must be reported to Congress.

The AID report provides evidence that sound economic policies, not foreign aid, have reduced poverty abroad.

Growth-centered South Korea has cut its infant mortality rate by more than 60 percent since 1976 and enrolls more than 90 percent of its children in high school. China's agricultural liberalization has doubled rural income since 1979 and the nation now can feed itself. It is noteworthy to realize that policies of economic growth are a constant among success cases, regardless of aid they have received.

In the light of the above conclusions, as Congress begins to debate President Clinton's budget outlays for 1994 fiscal year, specific attention should be paid to the proposed $16 billion foreign aid package. Also, in light of growing budget deficit at home, the question of continuing the foreign aid package without any realistic consideration is no longer acceptable.

About six months ago, Sen. Bob Dole, the Senate minority leader, raised for the first time on the Senate floor the issue about the logic of continuing foreign aid. He went on to suggest that we should let our foremost aid recipients, Israel and Egypt (they received about half of the total U.S. aid in 1992), know that the United States can no longer continue to dole out aid as in previous years due to its growing deficit at home and mounting demand for scarce tax dollars.

In other words, the U.S. has to realize that it cannot afford to year after year billion of dollars in foreign aid, and that all indications point out to that U.S. foreign aid to date has failed to accomplish its intended objective of making the recipient countries graduate from less developed to developed status.

Therefore, the only sensible thing left for the U.S. is to export policies that were responsible to create its own wealth to the less fortunate countries. Thus, exporting economic policies that produce real results would be the most generous aid program for all.

## INTRODUCTION OF THE ORPHAN DRUG ACT AMENDMENTS OF 1994

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. WAXMAN. Mr. Speaker, I am pleased to introduce the Orphan Drug Act Amendments of 1994. This legislation will amend the Orphan Drug Act of 1983, which was designed to stimulate research on drugs for rare diseases and disorders.

The Orphan Drug Act has been a resounding success. During the past 10 years, more than 500 orphan drugs have been designated by FDA and more than 100 of these have been approved for patient use. This compares to a mere 10 orphan drugs approved in the decade before the law was passed. As a result of the act, many thousands of rare-disease patients who had previously felt abandoned now have hope—and, in many cases, they also have a new lease on life.

In fact, on some occasions the act has been almost too successful. In recent years there have been several drugs with sales of $200 million per year or more than have qualified as orphan drugs under the act. The Orphan Drug Act was never intended to grant marketing exclusivity to these blockbuster drugs. The commercial market for these drugs provides many incentives for their development. Instead it was intended for drugs for rare diseases, which have so little prospect of profit that they would not have been developed without the incentives of the Orphan Drug Act.

The bill I am introducing today will correct this imbalance. Under the legislation, orphan drugs will be limited to 4 years of exclusivity. However, sponsors of the drugs will be able to obtain an additional 3 years of exclusivity if they can demonstrate to the Food and Drug

Administration that their drug has limited commercial potential. In addition, the bill provides that where drug is so profitable that more than one company is interested in developing it, both companies can get their drugs on the market if they filed their applications for marketing within 1 year of each other and if they meet certain other conditions.

Mr. Speaker, striking the appropriate balance for the Orphan Drug Act has been a delicate issue. On the one hand, we do not want the act used for blockbuster drugs which clearly would have been developed without the additional marketing exclusivity that it provides. On the other hand, we want the incentives in the act to continue to be generous so that companies will continue to invest in orphan drugs.

I believe that this bill strikes the right balance. I am pleased to announce that it has been endorsed by the Biotechnology Industry Organization [BIO], the trade association for the biotechnology industry, which includes most of the companies that have used the act. It has also been endorsed by the National Organization for Rare Disorders, which represents patients who have the diseases which these drugs are designed to treat.

I am also pleased that my colleague, Mr. STUDDS, has joined me as a cosponsor of the bill. Mr. STUDDS has been a tireless advocate of disadvantaged patients and has worked hard to help make drugs more affordable by amending the Orphan Drug Act.

Finally I would like to note for the record that a companion bill has been introduced in the other body by Senators KASSEBAUM, METZENBAUM, and KENNEDY.

I have prepared a summary of the bill. I ask that it and the bill be included in the RECORD after this statement.

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## BLACK HISTORY MONTH

## HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mrs. KENNELLY. Mr. Speaker, each February we commemorate the achievements and history of African-Americans. This year, I sponsored an essay contest in Hartford, inviting high school students to tell me what Black History Month meant to them.

The entries I received from the high schools in my congressional district were marvelously impressive. These essays were both thoughtful and thought provoking. They were well written and exemplary of a generation that is shaping our Nation.

I heard from Terry-Ann Mitchell who drew on the inspiration of Maya Angelou and the lessons we can learn from history. Terry-Ann wrote about the lasting impression she has of a sophomore CORE class which taught her about Benjamin Banneker, Crispus Attucks, Harriet Tubman, Sojourner Truth, and Frederick Douglass.

Trina Scott wrote that we should also remember the past and study its lessons. She wrote that a month is too short to commemorate black history—it should be celebrated every day of the year because each day someone tries to make the creed "All Men Are Created Equal" a reality.

April Krausz wrote that we need to take the time to study the lives of people who may not be famous, but have shaped the lives of others. She wrote about Biddy Mason, who became a successful businesswoman after fighting for her freedom from slavery. She described the remarkable lives of sisters Sadie and Bessie Delany, whose lives are wondrous. April also described the great influence her teachers have had on her life.

Miriam Mercado described Black History Month as a time to teach about African-Americans and a time to break with the status quo. She also talked about the common bond of many people—African-Americans, Puerto Ricans, Native Americans, and West Indians.

These essays honored Black History Month and I so enjoyed reading them. I would like to commend these students for their work. Their parents and teachers should all be proud.

I would like to insert in the RECORD the two essays which were selected by an independent panel as the most outstanding of all these entries.

The first is by Weaver High School student Monique Nelson. The second is by Hartford High School student Laquanda Plantt. I ask that both be reprinted in their entirety.

### WHAT BLACK HISTORY MONTH MEANS TO ME

(By Monique Nelson)

For me, Black History Month is yet another month of the year for celebrating my African heritage. It has no special meaning to me as it does for others because I do not need the nation to appoint a special month of the year to allow me to celebrate the history of my ancestors who have contributed so much to this nation; nor do I need the nation to reinforce the idea that I should be proud of who I am. I am an African American and I have known that since the day that my eyes opened. I have always been proud of who I am or else I would not have managed to be where I am today. I do not need a "Black History Month" because I have "Black History Day" year long.

I have not always had the same perspective on Black History Month as I do now. While growing up in Hartford, CT, I remember marching in a line to my school's auditorium to attend our annual Black History Month assemblies. During these assemblies, I remember thinking Martin Luther King and Rosa Parks were the only reasons for celebrating Black History Month since each assembly that I can recollect was fully centered around Martin Luther King and Rosa Parks; this led me to conclude that these celebrations were about them. I believe this is the same perspective that many elementary school kids still have today. Some may think that the only African Americans that have contributed something to the nation are these two and we all know this is not true because African Americans have made many other contributions to this nation's success. Not only do I not currently support the manner in which Black History Month is celebrated but I think that the message it sends is detrimental. The message is distorted, leaving many people with the impression that there have only been a few Blacks that have changed the history of America. Black History Month celebrations have always failed to recognize African Americans such as Madame C. J. Walker who was America's first Black millionaire businesswomen, Lemuel Haynes who was the first Black man ordained minister in the United States, or Ida Gray who was the first Black woman to earn a Doctor of Dental Surgery degree.

I also feel that there should be recognition given to African American achievers in our own community such as lawyers, teachers, doctors, business owners, and even drug dealers or addicts who have turned their lives around for the better. Given recognition to others in our race who have made it against the odds uplifts us socially, psychologically and spiritually. There are many African Americans who succeed or who are trying their best such as a single parent or a struggling student but they never receive the recognition that they should, so they sometimes lose hope. This hope diminishes because one might start to question one's purpose of life. If we celebrate who we are everyday, there would not be any room for loss of hope. Because I fully understand all of the achievements of African Americans and how important they are to this nation, there is no question of who I am. This is why I have "Black History Day" year long. Everyday I praise myself for what I have achieved and recognize others for what they have or are trying to achieve; this in return builds my self-esteem.

Therefore, in my opinion, Black History Month as it is presently celebrated needs to be eliminated. There is a need to reform the present day celebration of African Americans because it has sent mixed messages about the history of Black achievers. The history and success of our people need to be put in our everyday school curriculum instead of recognizing and celebrating a few achievers once a year. No one else in this country will celebrate who we are and what we have achieved until we do so ourselves everyday. This is the message that needs to be instilled in young African Americans. If this message is instilled in young African Americans they will seek out their history and they will be able to celebrate Black History year long.

For me, Black History means another month, another week, and another day of celebrating who I am; a proud African American. I have always been proud of who I am and I do not need twenty-eight days to reinforce this. Celebrating my African heritage everyday, I have come to realize that there is no way one can succeed without having self-confidence and a feeling of self-worth and this can only come from knowing who you are and from where you have come.

### WHAT BLACK HISTORY MONTH MEANS TO ME

(By Laquanda Plantt)

Being born an African-American is a privilege. I have come from a long line of African-Americans who had to endure a lot of pain and suffering in order for me to enjoy what I do today. Many brave blacks died to ensure us of the freedom that we have today. Slavery was a horrible institution. Blacks were saddled with the labor such as sharecropping and picking cotton. They also had to cook and clean. Most of all, they were denied an education. What good was being able to read and write going to do for a slave? If a slave didn't do as he was told, the slave would be severely beaten with a whip. Learning about this makes me appreciate more my freedom to study and learn.

One thing I have learned as a result of reading during Black History Month is that not all Blacks were slaves. Based on a letter I read by John Rolfe to Sir Edwin Sandys, I learned Blacks first came with the Spaniards in 1619, and that it was the Spaniards who were the real founders of the United States. This is a little known fact, but I know it because I read it as part of an assignment for Black History. One of the earliest free Negro settlers was Austin Dabney, a hero of the Revolutionary War. I learned also that several Blacks were in the Lewis-Clark expedition which left Virginia in 1803 to go to the Pacific. A member of the expedition, Pompey another Black man, had Pompey's Pillar in Montana named after him.

Still another thing I learned was that George William Bush, a black man, is really the founder of the State of Washington. A friend of the Indians, he led the first party of white people there from Missouri in 1843. Thanks to his friendship with the Indians, he made it possible for the whites to live there in peace. George Washington (1818–1905) was the founder of Centralia, Washington. Born a slave in Virginia, he started West and reached Washington after a 3,000 mile journey. Countless contributions have been made by Blacks in all areas of American History.

Because of the Black History Month, I have had the opportunity to read and learn about Black Americans in all aspects of life, and doing so makes me proud to be a Black American. It also makes me want to make significant accomplishments on my own so that somewhere in history, others will read about me and marvel.

## VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM'S IDAHO WINNER, RUSSELL DISILVESTRO

### HON. FRANK McCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. McCLOSKEY. Mr. Speaker, today I am submitting for the RECORD an excellent and thought-provoking piece written by a young man who lives in my congressional district in Bloomington, IN.

The piece I am submitting was written by Russell DiSilvestro as an entry in the Veterans of Foreign Wars of the United States "Voice of Democracy" broadcast scriptwriting contest. While more than 138,000 secondary school students participated in the contest, Russell placed 10th in the Nation.

Again, I commend Russell DiSilvestro for his pro-active commitment to democracy and his ability to communicate that commitment to a broader audience.

MY COMMITMENT TO AMERICA

Come with me for a moment as we journey back in time to the year 1863 and listen to Abraham Lincoln as he delivers the Gettysburg Address. Most of us are familiar with the opening line—"Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal." We may not be as familiar with the statement of Lincoln's that comes a little later—"It is for us the living rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced."

Now let us journey back to 1993 and think about Lincoln's words as they relate to us today. Lincoln spoke about the need of citizens to fight to preserve their union, but they were in the midst of a Civil War. What do we, as citizens, need to do in 1993 to preserve our union? What is our responsibility as citizens of this great democracy?

As citizens, we have many responsibilities. We need to learn about our country's past, care about our country's present, and prepare ourselves for our country's future. The key to our responsibilities is found in Lincoln's words. Our country is, as he called it, an "unfinished work." We are creating a new America each day. As a young person in America, I personally must ask, "What kind of America am I helping to create?"

As a young person, I show my commitment to America by learning about my country's history, and by learning about the Constitution. I show my commitment to my country by learning about the problems that face my country, by obeying the laws of my country, and by serving my fellow countrymen. I am serving my fellow man now by participating in student government. Some day in the future, I may show my commitment to America by running for an elected public office. That is a future dream, but I don't have to wait for the future to show commitment.

I try to show my commitment by using my writing and speaking skills to promote positive things about my country. This year, I spoke on Veteran's Day at my high school about the role of veterans in protecting our country's freedoms. Another unique way I have shown my commitment to America is by giving speeches about the importance of voting.

Why voting? Why have I chosen this topic as a unique focus of my commitment to America? Because I think that voting is so fundamental to our system of democracy. The world events of the past few years have made me stop and think about our country, our system of democracy in comparison to other forms of government. All over the world, people literally have been dying for a democratic system that will allow them to vote. The students of China flooded Tianamen Square, the people of East Germany broke down the wall, hungry for freedom! In the recent breakup of the Soviet Union, we witnessed the flowering of a new democracy where a totalitarian government once stood.

But freedom always has a cost. The birth of freedom, like any birth, involves pain, and, like any birth, involves the shedding of blood. Our own country and government were established only after the loss of many lives. Soldiers with bleeding feet starved, froze, and died serving under George Washington at Valley Forge. They paid a price so that we could have a democracy today!

How important is our democracy? Just ask the veterans who fought against Hitler in World War II. Just ask the United States soldiers who risked their lives in the Persian Gulf conflict. Just ask the families whose sons' and daughters' names are engraved on the Vietnam War Memorial.

Let's think back to Lincoln's closing remarks at this Gettysburg Address—"We here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom * * *" Each time we show our commitment to America, we give freedom a new birth. By showing our commitment to America, we can join our dream to the dream of Abraham Lincoln: that this government "* * * of the people, by the people, and for the people, shall not perish from the earth."

## HONORING FORMER NEW JERSEY STATE SENATOR THOMAS F. COWAN

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the accomplishments of a leader in my home State of New Jersey, who is being honored this coming Saturday night, March 26th, by the Hudson County Association for Brain Injured Children. Former State Senator Thomas F. Cowan, of Jersey City, is the honoree at this year's dinner.

Senator Cowan ably represented parts of Bergen and Hudson Counties from the day of his election to the Assembly in 1977, where he served three terms until his election to the State Senate in 1983. In his three Senate terms, Tom established a reputation as an experienced legislator, and a dependable servant of the people of the 32d District.

A Jersey City native, Tom attended St. Paul's School in his hometown, and went on to the Holy Family Academy in Bayonne. During the conclusion of World War II, he served in the Army from July 1945 to April 1946, and later returned to service from May 1952 to April 1954 during the Korean conflict. At the conclusion of his service, he had attained the rank of sergeant. Tom later continued his education locally, attending Seton Hall University, where he received his Bachelor of Arts degree in Social Studies and Political Science in 1962.

Tom serves as the business representative of Local 825 of the International Union of Operating Engineers, and is chairman of the Political Action and Education Committee of Local 825. He is also a trustee of the Local's Pension and Welfare Funds, and a member of the National Foundation of Health, Welfare and Pension Funds. As a delegate to both the New Jersey State AFL–CIO and the New Jersey State Building Trades conventions, Tom has demonstrated outstanding leadership on behalf of the union's membership.

A member of the Holy Name Society of St. Aedan's Church, Tom's dedication to his family and his community has never wavered. I commend Mr. Cowan's record of public service to my colleagues, and ask them to join me in recognizing his accomplishments as he accepts his honors this Saturday night.

## CROATIAN LEADERS SHOW SUPPORT FOR DOBROSLAV PARAGA AS LEGAL PRESIDENT OF THE CROATION PARTY OF RIGHTS

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. TRAFICANT. Mr. Speaker, I rise to take this opportunity to share a letter with my colleagues on behalf of Dobroslav Paraga, an opposition leader in the Croatian Parliament who was democratically elected the President of the Croatian Party of Rights. Attempts by the Tudjman government to deprive him of his elected right to function in this capacity have resulted in the following letter of protest.

Let us not forget how far Croatia has yet to come in granting democratic rights to its own citizens. The United States can be of great assistance in supporting progress in this area in its negotiations with the Croatian Government.

At this point, I wish to include the text of the letter which follows:

LETTER OF SUPPORT TO THE CROATIAN PARTY OF RIGHTS AND ITS LEGAL PRESIDENT, DOBROSLAV PARAGA

I condemn the unconstitutional and unlawful decision by the Ministry of Administration of the Republic of Croatia which has named persons it authorizes to represent the Croatian Party of Rights. Such a decision is in violation of the law on political parties in Croatia as well as the statutes of the Croatian Party of Rights.

In the interest of democracy and parliamentarism in Croatia I ask that the authorities make correct application of laws governing this case. I think that it is extremely unethical that the Croatian government and its ministers interfere in the work of political parties such as they have done with the Croatian Party of Rights. I also think it is unethical that the courts, whose main function is to protect civil rights, have ignored the appeals of those whose civil rights have been violated.

With this letter I am expressing my concern for the state of democracy in Croatia, as well as my support for the legal and legitimate representatives of the Croatian Party of Tights in their struggle for democracy, and a State based on law and unobstructed political party activity. These are the rights of all citizens regardless of their political affiliation.

I agree that this letter with my signature may be made public.

The following is a list of the signatories to the above letter:

1. Miko Tripalo, President of Soros Foundation, Vice-President of Croatian Helsinki Committee, Representative of Croatian Parliament.
2. Danijel Ivin, Member of Presidency of Croatian Helsinki Committee
3. Vjekoslav Vidovic, retired President of Supreme Court of Croatia
4. Dragutin Lesar, President of Association of Independent Unions of Croatia
5. Boris Kunst, President of Zagreb Chapter of Association of Independent Unions of Croatia
6. Dr. Semso Tankovic, President of Party for Democratic Action in Croatia
7. Hans Peter Rullmann, Publisher of "Hrvatska Domovina" newspaper, President of German-Croatian Society
8. Dr. Marko Veselica, President of Croatian Christian Democratic Union
9. Vladimir Jakic, Head Secretary of Croatian Helsinki Committee
10. Izet Aganovic, Professor at Zagreb University, President of Merhamet for Croatia and Bosnia-Hercegovina
11. Dr. Ivo Banac, Professor at Yale University
12. Dr. Ivo Goldstein, Professor at Zagreb University
13. Ivan Zvonimir Cicak, President of Croatian Helsinki Committee for Human Rights
14. Dr. Juraj Plenkovic, Professor at Zagreb University
15. Dr. Slobodan Lang, Croatian Ambassador for Human Rights and Professor at Zagreb University
16. Slavko Goldstein, Editor of "Novi Liber" magazine

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## TRIBUTE TO MAJ. GEN. THOMAS M. MONTGOMERY

### HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. JACOBS. Mr. Speaker, during World War II the name, General Montgomery was enormously famous and just a bit controversial.

Now in this year of 1994, there is another General Montgomery, Maj. Gen. Thomas M. Montgomery of the U.S. Army. There is nothing controversial about this General Montgomery. He is an authentic American hero with a distinguished and long standing record of noble service to our Nation.

On March 31st the United States ends its military involvement in Somalia. General Montgomery has been the Commanding Officer of all U.S. forces in Somalia, and now it's home for him.

General Montgomery served longer than any other U.S. service member in Somila, and he is among the last 20,000 to leave that unhappy land.

General Montgomery also served as Deputy Commander of the U.N. Operation in Somalia, an operation that involved 30,000 people from 29 nations. He completed that assignment on February 7, 1994.

Like all great commanders, General Montgomery has been rather modest about his own towering achievements, preferring to heap praise on the soldiers, sailors, air personnel and marines of the United States. These people endured enormous hardships, were exposed to danger and brought honor to our Defense Department. But so did Gen. Tom Montgomery, the first American general officer to don the blue beret of the United Nations.

Not the least of the General's accomplishments is to have been born a Hoosier, a graduate of Arsenal Technical High School in Indianapolis, later earning a bachelor's degree in Slavic languages, including Russian, as well as in literature at Indiana University where he completed his Reserve officer's training and was commissioned a Lieutenant by the Army.

Serving the Army as an armor officer, specializing in tanks, General Montgomery spent a total of 10 years on the Plains of Europe, earning his professional spurs while helping to protect West Germany's borders from the threat of the Communist force which, at the time, outnumbered his own 10 to 1.

General Montgomery also served two separate 1 year tours with the 11th Armored Black Horse Calvary Regiment in Vietnam.

Later he served as the Deputy Commander of the 8th Infantry Division. And he has been an excellent instructor in the classrooms of outstanding military schools in the United States, including the famous War College.

His awards are a litany of valor and devotion to duty. He has earned the Defense Distinguished Service Medal and two Legions of Merit. He has also and, I think, more significantly been awarded both the Silver and Bronze Stars with the V attachment symbolizing valor in Southeast Asia. The German Government awarded General Montgomery the Federal Republic of Germany's Honor Cross in Silver.

Thus he was well suited to make history in Somalia. And he has done just that with discipline, skill and honor.

As I have said many times and in many places, true patriotism, is not a shouting matter. It is an abiding thing, calm and steady on stormy seas as well as the safety of the harbor. And General Montgomery reflects that ideal. Not flashy, but calm, quiet and dignified. He is the personification of modest but awesome valor.

The poet Homer wrote, "In a just world, there would be no need for valor." But this is not a just world. And as long as it is not, pray God that America may always have the likes of Gen. Thomas M. Montgomery.

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## LEGISLATION TO SIMPLIFY APPLICATION OF FLSA

### HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. MURPHY. Mr. Speaker, I rise today to introduce legislation to simplify application of the Fair Labor Standards Act [FLSA] to commissioned sales personnel.

As many of my colleagues know, the FLSA has an exemption for both outside sales representatives and inside commission sales personnel. In the case of outside sales, the exemption is from the minimum wage requirement as well as the overtime premium pay requirement, section 13(a) 29 U.S.C. 213(a). With respect to inside commission sales personnel, the exemption is only from the standard overtime pay requirements, section 7(i) 29 U.S.C. 207(i).

Under current law, the 7(i) exemption applies only to retail and service establishments. In order to qualify for the exemption, it requires that an employee must receive at least 1½ times the minimum wage for all hours worked, and at least half of the employee's compensation must be in the form of a bona fide commission sales program.

I am concerned with the affect of this exemption on wholesale suppliers, who often compete head to head with retailers. In the past wholesalers frequently had outside sales representatives who visited commercial customers on the road. Today, conditions in various industries have changed, especially the building materials industry. Previously wholesalers sold building supplies and materials to contractors and retail merchants for resale to the public. Now in that industry, major retailers have become the biggest players.

These corporate retail giants generate a large volume of business through multiple retail warehouse sales outlets dispersed over wide geographic areas. Thus, they are large enough to purchase directly from manufacturers and either operate their own distribution network or have factory shipment directly to their retail locations. Consequently, wholesalers no longer play a role in selling building materials or supplies to major retailers in that industry.

Many of these major retail operations also operate contractor or builder departments which often have special hours, separate phone lines, job site delivery systems, and volume purchase discount pricing policies to service builders. Such retail operations may, and often do, take full advantage of the 7(i) overtime exemption for their sales personnel, including their contractor or builder department personnel. Such inside sales personnel may make solicitation phone or fax calls to builders and contractors or respond to product inquiries and take orders from builder-contractors, by phone, fax, mail or over a counter.

Wholesale supplier's inside sales personnel engage in identical business activity, contacting or responding to builder/contractors, making sales, and arranging delivery. These wholesale sales personnel also receive compensation in the form of commissions on sales, yet their employers are excluded from making use of the inside commission sales exemption.

I am concerned about the impact of the 7(i) exemption in the building supply industry. The exemption tends to competitively favor massive corporate retailers over local or regional wholesale distributors. Since such wholesale distributors are the only link to the manufacturers for small local building material supply retailers, the current exemption may also favor the largest building material corporate retailers over smaller ones. As more wholesale distributors are eliminated from the building material supply industry, small retail suppliers may be cut off because their operations are too small for direct purchase from manufacturers or not large enough to cost effectively operate their own shipping and distribution network.

For the reasons I have outlined, I am introducing legislation to apply the 7(i) inside commission sales exemption to employees of wholesale suppliers. I would accomplish this objective by striking statutory reference to retail and service establishment rather than adding language to cover an additional category of employers—wholesalers. The distinction is, of course, only semantic but such differences can sometimes also have important political implications.

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## ONE OF THE FOX VALLEY'S FINEST

### HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. ROTH. Mr. Speaker, the foundation of our country's economy and the key to our economic success in the future is entrepreneurship. Our Nation has been blessed with countless examples of people with the ability to take an idea, a small business, an invention, or other raw material, and help it grow through hard work and intelligence into a thriving business.

I rise today to pay tribute to one such entrepreneur and a very special member of the Fox Valley community in Wisconsin, Mr. John T. Streur. Mr. Streur was recently presented with a Certificate of Commendation by the State of Wisconsin for a lifetime of contributions to his community and the publishing industry.

Mr. Streur knows that the American dream lives on. He recently wrote to me with the stirring message, "Thank God for America's free enterprise system—it still works." He wrote that with authority, because he is a living example of what a lifetime of hard work can accomplish.

John Streur began his working life as a paperboy, and later became a route salesman and driver for a periodical in Appleton, WI. After fighting in World War II for 3½ years in the service of his country, he returned home, bought the Appleton News Agency and changed its name to Badger Periodical. Often working 7 days a week for long hours with members of his family working by his side, the business grew from just 5 to 90 employees. His company's 43 delivery trucks—compared to the original three—are now common sights as they traverse the highways of the Upper Midwest to distribute magazines, books, comics, and cards.

Along the way, John has been recognized for his notable contributions to the business community and his fellow citizens. In 1985 he was named small business person of the year by the Fox Valley Chamber of Commerce. Badger Periodical has been recognized for exemplary performance in book wholesaling by the International Periodical Distributors Association every year since 1989. And in October 1993 he was picked as Wholesaler of the Year by the International Periodical Distributors Association.

Mr. Streur has not limited his efforts to the publishing industry, however. Knowing the importance of making financial available to businesses so that they can grow, he has served on several bank boards, including the Outagamie Bank and First Interstate Bank.

In all of these activities, he has not forgotten the importance of family. His family's dedication and loyalty to him is witnessed by the hours of work they have put in at Badger Periodical to make it successful, while other family members have built thriving businesses of their own in other areas of the publishing industry.

His family is not the only beneficiaries of his efforts. Countless other employees and their families have profited from John Streur's labors. In addition to providing stable employment for many residents of the Fox Valley over the years, he has always striven to maintain an open door policy to hear his employees' concerns and requests.

One common characteristic of the entrepreneur is the need to keep making a significant contribution whenever possible. John Streur is no exception. At an age when many people have retired and are resting on their laurels, John Streur continues to work hard and complains that there aren't enough hours in the day. He is still intimately involved in the daily running of Badger Periodical, and stays actively involved in the community.

Mr. Speaker, I am pleased to have this opportunity to speak about the outstanding career of one of the Fox Valley's most prominent citizens. As a businessman, family man, and friend, John Streur has been a vigorous contributor to the Fox Valley community. I join his family, his employees, and his community in hoping he will continue contributing for many, many years to come.

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## STATEMENT ON THE UNSOELD AMENDMENT TO H.R. 6

### HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. FOGLIETTA. Mr. Speaker, on Tuesday, March 22, during consideration of H.R. 6, the Improving America's Schools Act, I voted against an amendment offered by Mrs. UNSOELD to an amendment offered by Mr. DOOLITTLE regarding the teaching of sex education. This should not be interpreted to mean that I supported the original Doolittle amendment; quite the opposite. I had planned to oppose the Doolittle amendment.

My concern with the amendment offered by Mrs. UNSOELD is that it attempted to correct an amendment so seriously flawed in its intent that it was beyond repair. I felt that the House should vote on the original Doolittle amendment, and that it should be overwhelmingly rejected.

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## IN SUPPORT OF THE SARAH WEBER HOME INFUSION CONSUMER PROTECTION ACT OF 1994

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. STOKES. Mr. Speaker, I am pleased to rise in support of the Sarah Weber Home Infusion Consumer Protection Act of 1994. I take pride in joining my colleague from Ohio, Congressman SHERROD BROWN, in the introduction of this important health care measure. This legislation is named in honor of Sarah Weber, a courageous young girl who suffered from cerebral palsy and intestinal disorders. Sarah's mother, Marie Kostos Weber, led the crusade for the introduction of this legislation.

Mr. Speaker, this legislation is designed to place regulations on the $4 billion home infusion industry, which now goes virtually unchecked. In particular, the bill would require licensing of providers of home infusion therapy services, and place limitations on physician referrals. Thus, the adoption of Mr. BROWN's proposal would guarantee that the home infusion industry operates with meaningful regulations and effective cost controls.

Mr. Speaker, throughout my tenure in Congress, I have been an advocate for legislative issues which affect the health and welfare of our citizens. This has included not only effective health care delivery, but the regulatory measures needed to ensure quality and cost-effective care for all Americans. It is for this reason that I am proud to join my colleague as a cosponsor of this important measure. I pledge my strong support and ask that my colleagues join me in ensuring the enactment of this measure in the House.

## THE MEANING OF THE UNITED STATES ROLE IN SOMALIA

### HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. HANSEN. Mr. Speaker, in just over 1 week, the last of the American contingent in Somalia will leave that troubled land. It is a deployment that, in my judgment, should never have been made.

The initial policy of the Bush administration to halt the starvation of the Somali people eventually led to the nation-building policy of the United Nations which was sanctioned by the Clinton administration. For a time, the military excesses of rival warlords, which were responsible for the depth of the starvation of the Somali people, were tempered. Now, with the withdrawal of American and other forces, the chance of a return to the chaotic desperation which led to the intervention is rated a mere tossup.

Fritz Wirth, writing in the March 17 edition of Die Welt, has summarized the disaster of United States policy in Somalia from a German perspective. A translated copy of his article follows my remarks. Wirth notes two major effects of our policy in Somalia. First, the United States experience in Somalia has made the Nation even more reluctant to commit United States forces abroad for an uncertain purpose. Second, Somalia exposed the inadequacies of the United Nations in dealing with complicated peacekeeping operations.

Wirth asserts that this has ramifications for United States policy in Bosnia. I agree. The Nation is hesitant and ambivalent about the President's policy in Bosnia and his willingness to commit thousands of United States troops to enforce what is likely to be a tenuous peace. The existing U.N. peacekeeping effort in Bosnia, if the March 13 incident at Bihac is any indication, is far from being an effective deterrent to breaches of the peace.

Mr. Speaker, there are lessons to be learned from the experience in Somalia. The question is whether the President is attentive to them.

[From the Die Welt, Mar. 17, 1994]

DAILY DISCUSSES SOMALIA DISASTER, UNITED STATES POLICY

(By Fritz Wirth)

Bertrand Russell once wrote that "extreme hopes are children of extreme misery." For George Bush, this statement turned into an order 15 months ago. He sent 26,000 U.S. troops to Somalia for Operation Restore Hope to stop one of the world's most terrible famines. More than 2,000 people used to die each day under the eyes of a world that had basically been standing idly by until then.

Hunger has been defeated. These days, the last U.S. troops are leaving the country. Still, what remains is not gratitude, hope, and relief, but a question mark, fear, and foreboding. These troops are leaving as the refugees of an "impossible mission." Nothing shows the dubious and problematic nature of their withdrawal more clearly than the recent hasty Somalia mission by Chief of Staff Shalikashvili. It was a psychological morale-boosting trip, intended to dispel the feeling among the withdrawing soldiers that they are pulling out as losers.

Nevertheless, it remains a withdrawal without a victory parade and the most dismal, most dubious, and most dissatisfying U.S. military disengagement since the pullout of Beirut 11 years ago. The tragic price of the Operation Restore Hope are 37 dead and 181 wounded U.S. Soldiers. It was this price and not the fulfillment of the high hopes that dictated the order to end Operation Restore Hope.

As noble and urgent the motives for this operation have been—it was an operation of aberrations from the very beginning. It started with George Bush's extreme hopes that he could successfully end the operation even before the end of his presidency, that is to say within six weeks. It reveals that these 26,000 troops were sent to Somalia on the basis of a most deficient appreciation of the situation. Officials in Washington saw the hungry people, but not the political reasons behind them.

When, after a few months, the insufficient limits of the mission were recognized, the new administration under Clinton made the second embarrassing mistake. It handed over the U.S. Troops to the military and political incompetence of the UN bureaucracy. The United Nation's hunt for clan leader Aidid turned into a farce and finally a tragedy, when the dead bodies of U.S. troops were dragged through the streets of Mogadishu. The resulting order for the withdrawal of the U.S. forces was not determined by strategic and political considerations, but exclusively by emotions that were fueled by these grueling scenes.

It was a fatal and far-reaching decision. All European nations immediately followed with the withdrawal of their UN peace corps members. What remains are 20,000 UN soldiers, whose main contingent is provided by Pakistan, badly equipped and incompetently led. They will be at the mercy of a new looming civil war. And this new civil war also threatens to bring back starvation. In other words: Operation Restore Hope was in great probability not a mission of salvation but one of suspended chaos. The self-complacent tribute Bill Clinton paid yesterday to the returning U.S. troops describing them as great winners had a rather embarrassing touch.

After all, the real tragedy in Somalia is that the clan leaders are now stronger than before this folded intervention. They have become legends as a result of their resistance to the powerful United States. This is also why they saw no reason to make any concessions in the efforts to achieve political and diplomatic solutions for the Somalia conflict in Nairobi and Cairo in the past few months. Thus, in Somalia, the signals continue point to confrontation.

However, the consequences of this operation go far beyond Somalia. They became visible over the past few months in places as far away as Haiti and Bosnia. Somalia defined the limits of U.S. military commitment of ground operations and direct enemy contact. The readiness to take risks in such operations has further decreased as a result of Somalia. At the same time, it exposed the limits to military leadership and strategy at the level of the highly overtaxed United Nations. What remains in Somalia is a minimum of hope and the distressing danger of new extreme misery.

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## MENTAL ILLNESS AWARENESS WEEK

### HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. WYDEN. Mr. Speaker, the tragedy of mental illness affects 40 million adults and 12 million children in this country alone.

Over the past 11 years, the first week of October has been proclaimed "Mental Illness Awareness Week." During this time many national and local grass roots organizations throughout the country sponsor activities directed to their members, volunteers, the media, legislators and the public to bring awareness to the plight of the mentally ill. Today, I am once again introducing a resolution to commemorate Mental Illness Awareness Week to keep the flame of hope alive for victims of mental illness.

Barriers to the recognition and treatment of mental illnesses persist, and we continue to pay the price. Inadequate treatment shows up in performance and absentee statistics in school and industry, in homelessness, in chronic physical problems, and in suicide, crime and accident reports. Mental illnesses claim tens of thousands of lives and cost the Nation $300 billion annually.

Children are particularly vulnerable. The rate of completed and attempted suicides in adolescents continues to rise. Children with depression, anorexia, autism, and behavioral disorders experience the anguish of mental illness directly. But children are also indirect victims, suffering the consequences of impaired parenting by a mentally ill or drug or alcohol abusing mother or father.

There is much to be done to combat mental illness. We must provide adequate funding for research and act as advocates for mental health, recognizing the diverse settings where mental illnesses are treated. We need to champion preventive and early diagnostic services and recognize the benefits of early treatment, a prerequisite of which is the goal of this annual proclamation: the formation of a national partnership to dispel the silence surrounding mental illness.

Mental Illness Awareness Week provides us with the opportunity to overcome the cruel stigma surrounding mental illness. It also helps to educate the public that treatment is available and can lead to increased productivity and improved quality of life for millions of Americans.

I thank my colleagues who have already joined this cause through their support for this resolution, and urge the Congress to move swiftly in recognizing again the plight and needs of the mentally ill.

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## USE OF ELECTRONIC FUND TRANSFER

### HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. DARDEN. Mr. Speaker, today the gentleman from Iowa, Mr. LIGHTFOOT, the gentleman from Maryland, Mr. HOYER, and I are introducing legislation that will save the American taxpayer millions of dollars each year. This legislation would move the financial operations of the Federal Government towards the 21st century by greatly increasing the use of electronic funds transfers. This bill would direct the Secretary of the Treasury to issue regulations establishing a presumption that direct deposit is to be used to make all recurring payments made by the Federal Government.

Mr. Speaker, electronic funds transfer is a more efficient and safer method of payment than traditional paper checks. Use of the electronic funds transfer payment method by the Federal Government would have saved the American taxpayer over $130 million in administrative costs last year alone. It is extremely important that we continue to show the American people that we are seeking out ways to save money and eliminate unnecessary spending. This bill is part of that effort and is consistent with both the administration's "reinventing government" initiatives and the Congress' ongoing actions to reduce the cost of Government and cut the Federal deficit.

Mr. Speaker, while strongly encouraging the use of electronic funds transfer by the Federal Government, this measure is sufficiently flexible to allow individuals and groups to receive other forms of payment if they request in writing. This flexibility allows for important exceptions for certain law enforcement and intelligence personnel. This flexibility also protects those individuals who feel they must, for whatever reason, receive Federal payments by methods other than electronic transfer.

Mr. Speaker, reducing the Federal Government's budget deficit is an important part of maintaining our Nation's economic health. The savings that this legislation would produce represent another step towards that goal.

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## IN HONOR OF GREEK INDEPENDENCE DAY MARCH 25, 1994

### HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. COBLE. Mr. Speaker, I am proud to cosponsor House Joint Resolution 10, which designates March 25, 1994, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

Greek Independence Day is a celebration for Greek-Americans and the people of Greece. It is also a celebration for all Americans because it marks the beginning of a relationship between Greece, the original democracy, and the United States of America, the world's greatest democracy.

As we all know, March 25, 1994 marks the 173d anniversary of the revolution that freed Greece from the Ottoman Empire. The period before the revolution was marked by oppression, and a struggle for human liberty by the people of Greece. The relationship between Greece and the United States is based upon our mutual commitment to democracy.

The connection between Greece and the United States extends to the present day. There are currently more than 3 million Greek-Americans in the United States. The Greek culture has enriched America's diversity. At home in the Sixth District of North Carolina, Greek-Americans have made many contributions to our culture and society. I always enjoy attending the wonderful Greek-American festivals and celebrations held in my district annually.

We affirm the bonds between our two nations through the celebration of Greek Independence Day. I am proud to be a cosponsor of House Joint Resolution 10 and urge all Americans to join in activities to salute the Greek people and their contributions to the world community in which we all live.

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## THE INTRODUCTION OF THE AMERICAN INDIAN RELIGIOUS FREEDOM ACT OF 1994

### HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. RICHARDSON. Mr. Speaker, today I am introducing the American Indian Religious Freedom Act Amendments of 1994. In 1978, the Congress enacted the original American Indian Religious Freedom Act, which committed the United States to the protection of religious freedom for American Indians. The act required the President to direct Federal agencies to evaluate their policies and practices, in consultation with native traditional religious leaders, in order to determine appropriate changes necessary to protect and preserve native American cultural rights and religious practices.

In the years since 1978, the Federal courts have been called upon on numerous occasions to determine whether the land management decisions of Federal agencies have been contrary to the provisions of AIRFA. Unfortunately, the vague provisions of AIRFA have led to a great deal of confusion regarding the interpretation and implementation of the act. In Lyng versus Northwest Indian Cemetery Protective Association, the Supreme Court was faced with a case involving plans to permit logging on Federal lands in an area which was regarded as sacred by traditional Indian religious practitioners. The Indians claimed that preservation of the area in its pristine condition was essential for their religious practices.

In their decision, the Supreme Court acknowledged that the logging in the area could devastate or destroy the traditional Indian religious practices. Despite this finding, the Supreme Court decided the case against the Indian tribes, noting that the Federal Government had taken some steps to mitigate the harm to native religious practices. This decision has stirred enormous controversy among native Americans, Federal officials, and other parties.

The bill I am introducing today is an attempt to strike a balance among many of the competing interests involved in Federal land management decisions. Under the bill, Federal lands which have been considered sacred and indispensable to a native American religion which are necessary to the conduct of that religion are entitled to protection. These lands should not be managed in a way that will pose a threat of undermining and frustrating the native American religion or religious practice. Under the bill, Federal officials are granted latitude to act to protect compelling governmental interests. These land management officials shall, to the greatest extent feasible, select a course of action that is the least intrusive on traditional native American religions or religious practices. Nothing in this bill compels a Federal official to totally deny public access to Federal lands.

Native Hawaiian religious practices are protected under the original act. This bill will not affect those protections. As the legislative process continues, I will look into the necessity of additional protections for native Hawaiians.

Mr. Speaker, this bill is the culmination of oversight hearings that have taken place in the Natural Resources Subcommittee on Native American Affairs, which I chair. I believe this is a realistic approach to address these problems and one that can pass during this Congress. In short, this is a bill that simply creates a cause of action for aggrieved tribes and native Americans. The bill gives the 1978 American Indian Religious Freedom Act the teeth it has always needed.

I urge my colleagues to support this bill.

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## SALUTE TO GORDON STELLPFLUG OF PARIS, TX

### HON. JIM CHAPMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. CHAPMAN. Mr. Speaker, the men and women serving in the U.S. Armed Forces are volunteers—honorable, brave, and dedicated Americans who protect our great Nation and interests. We have the finest Armed Forces due in part because of the recruiters who work with and help our future soldiers and sailors.

I would like to recognize and honor MM1 (SS) Gordon Stellpflug, a fellow Texan, as the U.S. Navy's Nuclear Program Recruiter of the Year in fiscal year 1993. In the Kansas City area last year, Machinist Mate First Class Stellpflug made 112 presentations to classes of higher math and physics to introduce them to the Navy's nuclear power. His hard work and dedication to the U.S. Navy and the Nuclear Power Program paid off as he made 153.8 percent of goal.

Machinist Mate First Class Stellpflug earned the U.S. Navy's 1993 Recruiter of the Year award because of his dedication to service and our country. I congratulate Machinist Mate First Class Stellpflug on his accomplishment and on behalf of the U.S. Congress want to thank him for his hard work to the U.S. Navy and our great Nation.

## WEEHAWKEN VOLUNTEER FIRST AID SQUAD ANNIVERSARY

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. MENENDEZ. Mr. Speaker, I would like to take this opportunity to pay tribute to the Weehawken, NJ, Volunteer First Aid Squad. The squad will celebrate its 25th anniversary on April 9 with an anniversary dinner and dance.

The residents of a community which is served by a volunteer rescue squad sometimes forget that their lifeline may depend on a neighbor's commitment to a call for service. The members of the Weekhawken Volunteer First Aid Squad are selfless in the time that they contribute, both in manning the station and in the preparation which they have completed in order to serve as members of a rescue squad.

I would be remiss if I did not also mention the sacrifice and commitment of the families of these men and women who spend hours each week away from their homes in order to serve their community

The members of the Weehawken Rescue Squad indeed merit recognition on this occasion. The 25th anniversary celebration of the work of the Weehawken Rescue Squad demonstrates the true warmth and commitment of its members, past and present. Mr. Speaker, I know that they will have another 25 years of proud service to the citizens of Weehawken.

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## TRIBUTE TO DAVID P. KRAMER CENTRAL LABOR COUNCIL OF ALAMEDA COUNTY 1994 UNIONIST OF THE YEAR

### HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. DELLUMS. Mr. Speaker, I rise today to salute Mr. David P. Kramer, the unanimous choice for 1994 Unionist of the Year by the Central Labor Council of Alameda County.

Dave Kramer has spent his life fighting for the rights of working people and the disadvantaged. Dave was the forefront of the Civil Rights Movement during the 1960's. As a member of the Congress for Racial Equality, he organized in Detroit, MI and Louisiana. He demonstrated selfless devotion for Detroit's West Central Organizing Committee in helping poor and unemployed families organize and fight for their rights. As a field representative for Service Employees International Union (SEIU) Local 535, Dave Kramer was one of the leaders in the historic 49-day, county workers strike of 1976, the longest countywide public employee strike in California history.

Dave Kramer has skillfully represented the interests of county employees for many years both as a field representative and an organizer; as Secretary Treasurer of SEIU Local 616; and, in the present position as Northern California Regional Director of SEIU Local 535.

Dave Kramer has served for many years on the Executive Committee of the Central Labor Council of Alameda County, AFL-CIO, and has always been a willing volunteer on council picket lines in support of other union members. He serves on Councils Committee on Political Education (COPE), and works hard on behalf of the annual Labor Day Picnic.

Dave Kramer's effort for the betterment of workers have never been restricted to his own members; indeed, he has always struggled on behalf of all working people.

Since 1991 Dave has served as a member of the Oakland Port Commission which governs Oakland's most important resource. Dave has been a strong voice on behalf of organized labor on this vital body, while helping to insure continued progress in making the Port of Oakland a dynamic force in the Bay Area economy.

I would like to personally thank David P. Kramer for his past and continuing contributions on behalf of working people and the disadvantaged. He has demonstrated that one individual can make a difference in making the world a better place to live.

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## STATEMENT OF HON. BILL McCOLLUM D'OENCH DUHME CLARIFICATION ACT

### HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. McCOLLUM. Mr. Speaker, today my colleagues and I are introducing legislation to clarify what is known as the D'Oench Duhme doctrine in order to allow individuals that perform services for banks and other innocent third parties to raise claims against the receivers of failed banks. This is not a major piece of legislation, but it will provide for a small measure of justice for individuals that have legitimate claims.

In the 1942 Supreme Court case D'Oench Duhme and Co. versus FDIC, the Court held that in disputes over a failed bank's assets, the FDIC was only bound by written agreements contained in the bank's records. This decision was first codified in Federal statutory law in 1950. It was subsequently modified in the savings and loan legislation of 1989. Unfortunately, the 1989 changes did not specify that an asset of the bank must be involved for the doctrine to apply. This has caused a number of individuals and small businesses (with valid claims against failed banks for breach of fiduciary duty, fraud, and breach of contract) to be denied their day in court.

This bill will restore the statutory and common law to its original intent, and ensure that the D'Oench Duhme doctrine would apply only in situations where Congress originally intended it to apply. This is accomplished by putting the asset test back into the statute and ratify its existence in the common law doctrine. Individuals with valid tort claims would once again be allowed to have a hearing on the merits of their cases rather than face peremptory dismissals based on FDIC-RTC motions.

I am sure that the regulatory agencies affected by this bill will oppose its enactment. I can foresee a great hue and cry from the FDIC and the RTC complaining that this legislation will hamper their ability to limit insurance fund losses in failed institutions. Since 1989 these agencies have been given enhanced powers in litigating causes of action relating to failed financial institutions. In my opinion, these powers have been abused—especially in cases against bank directors and officers. Another example of regulatory zeal is the use of the 1989 statute by agencies to urge the dismissal of good-faith claims against receiverships even when there is no asset in question. The following five cases are a few examples of why the asset requirement needs to be put back in the law:

1. *Hawke Associates* v. *City Federal Savings Bank,* 787 F. Supp. 423 (D.N.J. 1991).

The landlord entered into an agreement with City Federal Savings Bank for the lease of additional space in the building on favorable terms, in return for the bank's commitment to continue to occupy its existing space. Shortly after the lease was signed, the landlord sued the bank for damages, alleging that the bank had breached the lease by (1) engaging in fraudulent conduct and (2) making misrepresentations during the lease negotiations. However, before the case was heard by the court, the Government determined that the bank was insolvent, and the RTC was appointed receiver of the institution. Citing the D'Oench Duhme statute, 12 U.S.C. sections 1821(d)(9)(A) and 1823(e), but disregarding the asset requirement, the court held that the bank's alleged lease with the landlord was not enforceable against the RTC because the lease would tend to diminish or defeat the interest of the RTC.

2. *Bell & Murphy and Associates, Inc.* v. *Interfirst Bank Gateway, N.A.,* 894 F.2d 750 (5th Cir.), *cert. denied,* 498 U.S. 895 (1990).

Bell & Murphy, a company in the oil and gas industry, sought financial assistance from First Republic Bank Dallas, N.A., in the mid-1980s. Under the terms of an agreement embodied in a letter from a Republic loan officer to Bell & Murphy, the bank agreed to extend financing, but only if the company surrendered to the bank as security for the loan its account receivables and funds from its pension and profit sharing plans. Several years later, Bell & Murphy filed suit against the bank, alleging that the bank breached the agreement after intentionally inducing the company to surrender its assets. Interfirst Bank failed shortly thereafter, and the FDIC was appointed receiver. Relying upon the Federal common law D'Oench doctrine, the court dismissed Bell & Murphy's claims against the FDIC as receiver for the institution, despite the fact that the FDIC had not actually acquired an asset.

3. *Hall* v. *FDIC,* 920 F.2d 334 (6th Circuit 1990), *cert. denied,* 111 S. Ct. 2852 (1991).

A group of borrowers and investors sued Commerce Federal Savings and Loan Association for breach of a loan agreement under which Commerce allegedly agreed to fund a secured loan. FSLIC, which was appointed receiver of Commerce when the institution failed, defended its failure to fund and argued that the plaintiffs' claims were barred by 12 U.S.C. section 1823(e) and the Federal common law D'Oench doctrine. The Sixth Circuit agreed with the FSLIC, noting, in dictum, that "the logic of D'Oench should still apply to protect" the Government even when the Government does not have an interest in an asset.

4. *McCaugherty* v. *Sifferman,* 772 F. Supp. 1128 (N.D. Cal. 1991).

The claims of the partners in a limited partnership were barred in D'Oench in this case. The partners purchased securities from Farmers Savings. The partners subsequently filed an action against Farmers, citing misstatements by Farmers concerning the existence of other bidders for the securities and alleging "causes of action for fraud, negligence, misrepresentations, and violations of the Federal and State securities laws." Among other forms of relief, the partners sought recovery of damages from the receivership estate. The court ruled that the plaintiffs' damages claims, though not related to any specific asset, were barred by 12 U.S.C. sections 1821(d)(9)(A), 1823(e) and the Federal common law D'Oench doctrine: "the D'Oench doctrine applies even where the unrecorded agreement at issue is wholly-unrelated to any specific monetary obligation of the bank, but is merely asserted to recover damages."

5. *Bowen* v. *FDIC,* 915 F. 2d 1013 (5th Cir. 1990).

The shareholders of a corporation sued First Republic Bank-El Paso for its failure to fund a loan which, according to plaintiffs, the bank had orally agreed to fund. In reversing the district court judgment for the plaintiffs, the Fifth Circuit applied the Federal common law D'Oench doctrine, thereby barring the plaintiffs' assertion of an unrecorded loan commitment. Recognizing that D'Oench had evolved to a "rule that today is expansive and perhaps startling in its severity," the court nevertheless concluded that D'Oench applies even when the FDIC has not acquired an asset.

The regulatory agencies, like any powerful bureaucracy, will complain that this legislation will inhibit their efforts to recover assets in failed banks. In the interest of justice, however, good-faith claimants at least deserve their day in court, which is what this bill will provide.

## INTRODUCTION OF THE AGRICULTURAL MEDIATION IMPROVEMENT ACT OF 1994

### HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. POMEROY. Mr. Speaker, I am pleased to offer today a bill, the Agricultural Mediation Improvement Act of 1994, which amends Title V of the Agricultural Credit Act of 1987. Eighteen states—Alabama, Arkansas, Arizona, Indiana, Iowa, Kansas, Minnesota, Mississippi, Montana, Nebraska, New Mexico, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Wisconsin, and Wyoming—have voluntarily adopted mediation programs to provide producers and taxpayers the benefits of cost-effective dispute resolution within the U.S. Department of Agriculture.

For the last 7 years, the 50 percent–80 percent success rate of the program allowed thousands of farmers to resolve their disputes and meet their debt obligations during the mid-1980's, a time of great financial hardship. Vice President Gore hailed this program as a model for alternative dispute resolution in all government agencies in his National Performance Review. A 1989 cost-benefit analysis conducted by USDA–FmHA documented that $3.20–$5.92 is saved by foregoing the costs of the appeals process for each $1 spent in mediation.

This bill expands the jurisdiction of these successful state programs to permit resolution of other types of disputes between USDA and producers: wetlands determinations (made within USDA); farm program and conservation program compliance; rural water loan programs; grazing on national forest lands; pesticides; and other actions by the Department of Agriculture that the Secretary may deem appropriate.

As a low cost, neutral method of facilitating disputes, mediation avoids internal administrative appeals processes and costly court litigation. The bill benefits producers, provides more flexibility for State programs, and saves taxpayer dollars. I urge my colleagues to support this cost-effective program.

## McDONALD'S CORPORATION WINNER OF 1994 CATALYST AWARD

### HON. BLANCHE M. LAMBERT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Ms. LAMBERT. Mr. Speaker, I want to pay special tribute today to a company that is providing real leadership in an issue that is tremendously important to every working woman in America: making certain that equal opportunity is alive and well in corporate America. That's why I want to recognize the McDonald's Corp., for its ongoing efforts to help break the glass ceiling, that invisible barrier that for too many years has kept women from advancing into the board room or whenever else they deserve to be in the ranks of top management.

McDonald's Corp., has earned the prestigious 1994 Catalyst Award for its continuing efforts to promote women within its ranks. Catalyst is a non-profit organization dedicated to helping women gain equal footing in corporate America, which is why its award is so meaningful, because it symbolizes the kind of bold leadership it will take to break through the status quo along with the glass ceiling itself.

McDonald's has long been a pioneering company when it comes to employment leadership, from its long-standing record of hiring persons with disabilities, senior citizens, and minorities to its commitment to helping women advance commensurate with their talents and abilities. McDonald's is being honored by catalyst for its Partnership with Women program, an initiative that has helped expand entrepreneurial opportunities for Women throughout the McDonald's system. This partnership has produced the Women Operators' Network, a growing organization of women with growing clout within the company. It includes a training program for the wives of current McDonald's restaurant owners that helps them become qualified operators themselves. Additionally, the Women Operators' Network also makes certain that its members have access to top management and to the company's own business planning.

As a result, McDonald's has shown an impressive 300 percent increase in women franchise owners during the past 5 years. And these women have quickly demonstrated an excellence in store operations, bottom line success, and quality community involvement.

Once again, McDonald's has taken the lead in an area of real importance to its customers. I commend McDonald's. I urge other companies to follow its lead. Congratulations to the McDonald's Corp., on winning the 1994 Catalyst Award.

LIFE GETS BETTER FOR WOMEN AT WORK—THREE COMPANIES WIN 1994 CATALYST AWARD

January 11, 1994.—Bank of Montreal, McDonald's Corporation and Pitney Bowes Inc. have won the 1994 Catalyst Award for their bold new initiatives to shatter the glass ceiling. Catalyst, the not-for-profit organization that works with business and the professions to effect change for women, has helped spur the most significant labor market development of the last three decades: the dramatic increase in the number of working women. Since 1987, companies have vied for the prestigious Catalyst Award, which annually honors American business for innovative efforts to advance women.

Bank of Montreal, the first non-U.S. based company to win the award, ensures equal opportunity for women and minorities and have achieved impressive result: women represented 54 percent of executive level promotions in 1993, up dramatically from 29 percent in 1991. A 300 percent increase in female ownership of McDonald's franchises during the past five years reflects the leading fast-food restaurant's outstanding commitment to women's progress. Finally, Pitney Bowes' comprehensive diversity plan for each of its ten business units formalizes the company's long-standing culture of fairness and equality.

"Women today are better educated and better trained than ever before. They are filling the management pipelines," said Catalyst President Sheila Wellington. "By investing in women, this year's winning companies foster leadership by the most able and promote their future economic viability."

Through its research and advisory efforts, Catalyst continually learns about and monitors company programs and policies; those nominated for the Catalyst Award are benchmarked against the organization's comprehensive database and undergo rigorous scrutiny. Members of the Awards Committee carefully evaluate nominations on the following criteria: originality, accountability, replicability, measurable results, top-down support, percentage of women in senior management, communication of and rationale for the program and a supportive environment. Catalyst conducts intensive, on-site audits at finalist companies in order to gauge the programs' effectiveness. Evaluations include interviews and focus groups with executive management, high-level women, human resources professionals and employees at various levels.

"The Catalyst Award competition prompts genuine progress. It educates the business community about model initiatives to develop women's potential," said Wellington.

Bank of Montreal, McDonald's Corporation and Pitney Bowes Inc. will be honored for their winning programs at a dinner to be held on March 23, 1994 at the Waldorf-Astoria in New York City. Gary L. Tooker, Vice Chairman and Chief Executive Officer of Motorola, will serve as chairman and host of the dinner; Evelyn Lauder, Senior Corporate Vice President of Estee Lauder Companies, will present the awards. F. Anthony Comper, President and COO of Bank of Montreal; Michael R. Quinlan, Chairman and CEO of the McDonald's Corporation; and George B. Harvey, Chairman and President of Pitney Bowes Inc., will accept the awards on behalf of their companies. Representatives from each winning company will outline their programs earlier on the afternoon of March 23 at a Catalyst-sponsored research conference.

### ABOUT THE WINNERS

A fully integrated approach to cultural change, Bank of Montreal's Workplace Equality initiative was implemented to address the barriers to women's advancement. A task force researched and dispelled beliefs commonly held by employees about women's lack of progress. The newly created Workplace Equality division monitors a business plan that includes goals for all managers on hiring, retaining and advancing women and minorities. Quarterly tracking of progress is undertaken through a variety of channels, including employee feedback compiled in a report to the chief operating officer. Some of the programs that Workplace Equality monitors for the entire bank include work/life initiatives, a series of gender awareness workshops for executive and senior management, a revision of all training and education programs to include diversity perspectives, and a national career information network. The success of the initiative is borne out by statistics: between October 1991 and October 1993, women's representation at the executive level has increased from nine to 13 percent; in senior management, from 13 to 17 percent; and in middle management, from 34 to 39 percent.

A key component of the McDonald's Corporation's Partnership with Women is its Women Operators' Network (WON). Dedicated to the expansion of entrepreneurial opportunities for women through the McDonald's franchise system, WON has the full support of the chairman and senior management. The network offers women participation in the corporation's business plan, with its management liaison reporting directly to the top officers of the company. An important element of the network is the Spouse Certification Program, which offers the spouse of an existing owner/operator who is already active in running a restaurant the training necessary to gain his or her own owner/operator status. Through the partnership, McDonald's has produced a 300 percent increase in female franchise owners during the past five years; their stores are producing some of the top level financial rewards in the system; women are gaining recognition for operational excellence; and contributions made by women operators are recognized by business and community organizations.

In August 1992, Chairman and President George Harvey initiated the development of an overall Strategic Diversity Plan at Pitney Bowes Inc. A task force drafted a diversity vision statement and created a strategic plan that functions as a model for each of the company's ten business units. The various units' individual plans incorporate such actions as mentoring, preparing competency models for management positions, strengthening the employee career planning process, conducting and analyzing exit interviews, and including a diversity component in orientation and manger training. Each unit's progress in carrying out its diversity strategies is measured monthly; the bonus of each business unit head will be affected by the unit's year-end diversity results rating. Through various communication channels, including an employee publication and a corporate video, employees are kept apprised of the goals of the Strategic Plan.

### ABOUT CATALYST—1993–1994

Founded in 1962, Catalyst works with business and the professions to effect change for women—through research, advisory services and communication.

An independent not-for-profit organization, Catalyst has a dual mission—to enable women in business and the professions to achieve their maximum potential and to help employers capitalize on the talents of their female employees. With a dedicated staff and board of corporate and professional leaders, the organization works with senior managers to create programs enhancing the development and retention of female employees.

Catalyst's pragmatic and solutions-oriented approach has earned the confidence of business leaders, who know they can count on Catalyst to help them address workplace challenges and develop cost-effective responses. Following are highlights of Catalyst's programs and services.

### RESEARCH

Catalyst researchers study and evaluate the best ways for companies to move women to their highest levels of achievement. Researchers conduct national studies as well as confidential projects for individual companies. Recently completed are studies of the impact of flexible work arrangements on employees' careers, the obstacles facing female engineers and corporate child care programs. Soon-to-be published research explores the experiences and contributions of female directors of Fortune 500 and Service 500 companies, and women's success in nonretail sales within a broad range of industries.

### ADVISORY SERVICES

As partners in the strategic planning process, Catalyst works closely with human resources professionals to help them maximize the talents of a changing work force. Each year, Catalyst conducts environmental assessments and advises nearly 500 companies and professional firms on a range of issues: women's leadership development, work and family supports, mentoring, flexible work arrangements, succession planning and valuing diversity. Catalyst also monitors and advises 60 corporate women's groups nationwide, providing them with publications, speakers and networking opportunities.

### CORPORATE BOARD PLACEMENT

Increasingly, business leaders are seeking women to join their boards of directors. Since 1977, Catalyst's Corporate Board Placement, a confidential service, has helped over 100 companies identify and recruit carefully selected women to service on their boards.

### PUBLICATIONS

Catalyst publications give companies the facts needed to respond to the challenges of a changing work force. Some examples: the organization's monthly newsletter, *Perspective*, reports on issues affecting women and business, as well as current research findings, model corporate programs and action steps for policymakers. Catalyst's recently published *Flexible Work Arrangements II: Succeeding With Part-Time Options* examines how part-time arrangements function over time and how flexibility affects employees' career growth. Catalyst's *Mentoring: A Guide to Corporate Programs and Practices* is the first publication to profile innovative mentoring programs that show how companies can identify and advance high-potential women, recruit and train new employees and address the challenges of a diverse work force.

### INFORMATION CENTER

Catalyst's Information Center specialists regularly screen hundreds of business publications for data on emerging work force issues and provide guidance and printed information to contributors and the media. Containing hundreds of periodicals, thousands of topically field articles, books and statistical fact sheets, the Information Center represents a vast resource on women's workplace issues.

### THE CATALYST AWARD

The Catalyst Award is presented each March to three corporations or professional firms that demonstrate outstanding achievement in promoting women's career and leadership development. The 1993 Catalyst Award winners were Con Edison, Morrison & Foerster and Motorola.

### MEDIA OUTREACH

Catalyst has a strong relationship with the media, which relies on the organization's balanced perspective and its Information Center for the most up-to-date facts and statistics. Each year, Catalyst's research findings are cited in over 500 publications, and its issue specialists featured on major business and news broadcasts.

### SPEAKERS AND CONFERENCES

Catalyst staff specialists annually deliver over 50 presentations to professional organizations, companies and universities. Catalyst also communicates research findings through regional conferences cosponsored by major corporations. Recent conferences focused on workplace flexibility, strategies to recruit and retain female engineers and glass ceiling issues.

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## KOSOVA PEACE AND DEMOCRACY ACT—H.R. 4115

## HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. ENGEL. Mr. Speaker, yesterday I introduced H.R. 4115, the Kosova Peace and Democracy Act of 1994. This bill would condition lifting of sanctions on Serbia upon improvement of conditions in Kosova. I submit a copy of that bill to be printed in the RECORD.

H.R.—

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Kosova Peace and Democracy Act of 1994".

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) The political rights of the Albanian majority in Kosova were curtailed in 1989 when the former Yugoslav Government in Belgrade illegally amended the Yugoslav federal constitution, revoking Kosova's autonomous status.

(2) In September 1990, a referendum on the question of independence for Kosova was held in which 87 percent of those eligible to participate voted, and 99 percent of those voting supported independence for Kosova.

(3) In May 1992, a Kosovar national parliament was elected and Dr. Ibrahim Rugova was overwhelmingly elected President of the Republic of Kosova.

(4) The government in Belgrade has not allowed the new Kosovar government to assemble on Kosovar territory.

(5) Credible reports of Serbian "ethnic cleansing" in Kosova have been received by the United Nations Special Rapporteur on Human Rights, and Serbian leader Slobodan Milosevic has called for the transfer of ethnic Albanians from their homes in Kosova to areas outside of Kosovar territory and their replacement by Serbs.

(6) Since 1990, tens of thousands of Kosovars of Albanian origin have been dismissed from their jobs solely on the basis of their ethnicity.

(7) Reports of brutal beatings of ethnic Albanians in Kosova by the mostly Serbian police are received almost daily.

(8) The government in Belgrade has severely restricted the access of ethnic Albanians in Kosova to all levels of education solely on the basis of their ethnicity.

(9) All forms of the media in Kosova, especially those in the Albanian language, are strictly controlled by the government in Belgrade and dissenting political views are systematically deleted from all forms of the media.

(10) Under the "Special Measures" decree adopted in 1991, the government in Belgrade intentionally undermined the independent character of the judiciary of Kosova by dismissing hundreds of ethnic Albanian judges, replacing them with Serbs or Montinegrins, and changing the official court language to Serbian, which is not native to the Albanian majority.

(11) Those expressing political views in opposition to the current government are frequently jailed and tortured while in prison by Serbian authorities, and occasional deaths of detainees have been reported.

(12) Conference on Security and Cooperation in Europe observers dispatched to Kosova in 1991, were expelled by the government in Belgrade in July 1993.

(13) Following the departure of such observers, several international human rights organizations, including Amnesty International, Human Rights Watch, and the Helsinki Federation for Human Rights, have documented an increase in humanitarian abuses in Kosova.

(14) The economy of Kosova is under severe pressure caused by the combination of the closing of small businesses by Serbian authorities and the effect of international sanctions.

(15) Radio Free Europe recently began broadcasts to the former Yugoslavia in Serbian and Croatian, but not in Albanian.

(16) Congress has provided for the opening of a United States Information Agency cultural center in Prishtina, Kosova, in section 223 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, but security conditions have prevented the establishment of such center.

(17) The closing of the airport in Prishtina, Kosova, represents an obstacle to the delivery of humanitarian goods into Kosova and a barrier to a return to normalcy.

(18) The President has explicitly warned the government in Belgrade that "in the event of conflict in Kosova caused by Serbian action, the United States will be prepared to employ military force against the Serbs in Kosova and in Serbia proper.".

**SEC. 3. SENSE OF CONGRESS.**

It is the sense of the Congress that—

(1) "ethnic cleansing" and other acts of represion against the citizens of Kosova by the government in Belgrade must be halted immediately;

(2) members of the elected government of Kosova should be allowed to assemble and exercise their legitimate mandate as elected representatives of the people of Kosova;

(3) all individuals in Kosova whose employment was terminated on the basis of their ethnicity should be reinstated to their previous positions immediately;

(4) the education system in Kosova should be reopened to all residents of Kosova regardless of ethnicity, and the majority ethnic Albanian population should be allowed to be educated in its native tongue;

(5) all decrees undermining the autonomous and indigenous character of the Kosovar bar and judiciary should be reversed;

(6) the right of the press and all forms of media in Kosova, including those in the Albanian language, relating to freedom of expression should be respected;

(7) Conference on Security and Cooperation in Europe observers, expelled by the government in Belgrade in July 1993, should be readmitted to Kosova and their numbers expanded;

(8) the United Nations should dispatch observers to Kosova to monitor human rights and to limit violence;

(9) the airport in Prishtina, Kosova should be reopened;

(10) the United States Information Agency should open a cultural center in Prishtina, Kosova, as provided in section 223 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, as soon as possible;

(11) the "no-fly-zone", currently covering Bosnia, should be expanded to cover Kosova;

(12) the United States should reiterate warnings to the government in Belgrade that it is prepared to respond with all necessary means in the event that Serbia expands the military conflict into Kosova; and

(13) the North Atlantic Treaty Organization should develop plans to halt the spread of the Balkan conflict to Kosova.

**SEC. 4. PROHIBITION ON LIFTING OF SANCTIONS AGAINST SERBIA AND MONTENEGRO UNTIL CERTAIN CONDITIONS MET.**

(a) CODIFICATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions imposed on Serbia and Montenegro, as in effect on the date of the enactment of this Act, that were imposed by or pursuant to the following directives of the executive branch shall (except as provided under subsection (e)) remain in effect until the President certifies to the Congress that the conditions described in subsection (d) have been met:

(1) Executive Order 12808 of May 30, 1992, as continued in effect on May 25, 1993.

(2) Executive Order 12810 of June 5, 1992.

(3) Executive Order 12831 of January 15, 1993.

(4) Executive Order 12846 of April 25, 1993.

(5) Department of State Public Notice 1427, effective July 11, 1991.

(6) Proclamation 6389 of December 5, 1991 (56 Fed. Register 64467).

(7) Department of Transportation Order 92-5-38 of May 20, 1992.

(8) Federal Aviation Administration action of June 19, 1992 (14 C.F.R. Part 91).

(b) PROHIBITION ON ASSISTANCE.—No funds appropriated or otherwise made available by law may be obligated or expended on behalf of the government of Serbia or the government of Montenegro until the President certifies to the Congress that the conditions described in subsection (d) have been met.

(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose any assistance from that institution to the government of Serbia or the government of Montenegro, except for basic human needs, until the President certifies to the Congress that the conditions described in subsection (d) have been met.

(d) CONDITIONS DESCRIBED.—The conditions described in this subsection are the following:

(1) There is substantial progress toward the restoration of the independent identity and autonomy of Kosova.

(2) There is substantial improvement in the human rights situation in Kosova, including improvement in those factors listed in paragraphs (5) through (11) of section 2.

(3) International human rights observers are allowed to return to Kosova.

(4) The elected government of Kosova is permitted to meet and carry out its legitimate mandate as elected representatives of the people of Kosova.

(e) WAIVER AUTHORITY.—

(1) IN GENERAL.—The President may waive or modify the application, in whole or in part, of any sanction described in subsection (a) the prohibition in subsection (b), or the requirement in subsection (c).

(2) CERTIFICATION.—Such a waiver or modification may only be effective upon certification by the President to Congress that the President has determined that the waiver or modification is necessary—

(A) to meet emergency humanitarian needs; or

(B) to achieve a negotiated settlement of the conflict in Kosova that is acceptable to the parties.

**SEC. 5. PROGRAMMING BY RADIO FREE EUROPE AND RADIO LIBERTY IN THE ALBANIAN LANGUAGE TO KOSOVA, THE FORMER YUGOSLAVE REPUBLIC OF MACEDONIA, AND OTHER AREAS.**

Not later than 3 months after the date of enactment of this Act, the Chairman of the Board for International Broadcasting shall submit to the Congress a plan, together with a detailed budget, for the establishment of a surrogate home service under the auspices of Radio Free Europe/Radio Liberty for Albanian populations living in Kosova and other areas of the former Yugoslavia. Such service shall be in the Albanian language and shall be broadcast not less than one hour per day.

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# GED FOR EARLY RELEASE FROM PRISON

## HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. FRANKS of New Jersey. Mr. Speaker, I intend on offering the following amendment to H.R. 4092 when it comes before the House for consideration. I hope that my colleagues will support this amendment, which would require Federal inmates to earn a general educational development [GED] certificate before receiving early release from prison.

AMENDMENT TO H.R. 4092

Add at the end the following new title:

TITLE —INMATE REHABILITATION

**SEC. . EDUCATION REQUIREMENT FOR EARLY RELEASE**

Section 3624(b) of title 18, United States Code, is amended—

(1) by inserting "(1)" after "behavior.—";

(2) by striking "Such credit toward service of sentence vests at the time that it is received. Credit that has vested may not later be withdrawn, and credit that has not been earned may not later be granted." and inserting "Credit that has not been earned may not later be granted."; and

(3) by adding at the end the following:

"(2) Credit toward a prisoner's service of sentence shall not be vested unless the prisoner has earned a high school diploma or an equivalent degree.

"(3) The Attorney General shall ensure that the Bureau of Prisons has in effect an optional General Educational Development program for inmates who have not earned a high school diploma or its equivalent.".

## TRIBUTE TO THE 939th RESCUE WING COMMAND POST'S BRAVERY AND COOPERATION

### HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Ms. FURSE. Mr. Speaker, I wish to share a story of bravery and cooperation.

On February 24 at 7:00 a.m. the 939th Rescue Wing Command Post in Portland, OR received a call from Coast Guard Station Astoria requesting assistance for a woman who was hemorrhaging aboard a Greek freighter 250 miles off the mouth of the Columbia River.

The weather was dismal with poor visibility, high winds and seas. The Coast Guard helicopters did not have the range to make the rescue. The 939th's H-60 had the ability to go the distance but would require three visual contact refuelings to make the round trip.

What unfolded was a drama of hair-raising proportions. With a Coast Guard jet flying weather reconnaissance, two Air Force helicopters and a tanker hovering above the freighter, clouds closing in and daylight failing, a pararescueman rapelled to the deck and secured the patient for a lift in a wire basket. The patient was taken to Portland, the closest hospital site weather permitted, where she was treated and released several days later.

What this event illustrates is not solely the saving of one woman's life. That was the goal of the mission. A success. But it was accomplished only through an intermeshing of skills, of well maintained equipment, of command coordination, of personal bravery. It graphically illustrates the value of dual use: prepared military personnel serving both civilian and defense agendas.

If we all lived with such courage, bravery and in a spirit of cooperation, our nation could overcome so many of our challenges today. The men and women involved with this rescue have given us a role model to follow. I commend them all.

## CONGRATULATIONS TO GEOFFREY OWENS AND MARISA TOMEI

### HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. OWENS. Mr. Speaker, I rise to congratulate two young Brooklyn actors—Geoffrey Owens and Ms. Marisa Tomei—for their performances in the move, The Paper, which was released last Friday, March 18.

My district in Brooklyn includes Edward R. Murrow High School, where Ms. Tomei attended, and the Prospect Heights neighborhood, where my son Geoffrey was raised. The Paper, directed by Ron Howard, features Ms. Tomei, Michael Keaton, Glenn Close, and Robert Duvall. Black actress Lynne Thigpen is also in the cast. The plot revolves around the arrest of two young African-American men who are charged with racially-biased murders they did not commit.

The Paper is a sensitive effort to bring some values back to our media. In a world where it is easy to point fingers and scapegoat people, we need a media that truly pursues the truth. I congratulate Director Ron Howard and the entire cast for bringing that message home to all of us.

I am very proud of the fact that Brooklyn can be called home by so many talented people. Edward R. Murrow High School is in my district, and I know Murrow is proud of Ms. Tomei. Prospect Heights can cheer for Geoffrey Owens, who attended District 13 and District 18 schools, and who is appearing in his first movie role after years on The Cosby Show and in stage productions. Geoffrey also turned 33 years old last Friday, the day of the movie's opening. I cannot think of a better birthday present! We are certainly very proud of Brooklyn's role in launching the superstars of the future.

## A RESPONSE TO THE MASSACRE AT HEBRON

### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. RAHALL. Mr. Speaker, on February 25, 1994, during the Moslem holy month of Ramadan, 500 worshipers knelt in prayer at dawn in the Hebron mosque, a holy place known as the Tomb of the Patriarchs.

As they prayed, in holy communion with God, an American physician, a Jewish settler in the Palestinian town of Hebron, and also a reserve captain in the Israeli army, opened fire with his army-issue Galil automatic rifle, killing 39 innocents instantly, and wounding more than 150 others, both then and in the awful aftermath throughout the town.

"All the ground was full of blood, and most of the people were bloody," said one of the wounded who survived, barely, with his own life.

It was the bloodiest single day in the West Bank of the occupied territories since 1967.

I joined millions of people worldwide in expressing my great personal sorrow over those events in Hebron, and only 2 days later, was again stunned when the news reached me that a deadly bomb had been set off at the Maronite Catholic church near Jouneih in Lebanon, killing another 9 worshipers and wounding more than 60 others—men, women and children—in the spiritual attitude of taking holy communion.

As in the death of a loved one, so it is when deaths occur among a people well loved—as in the case of the Palestinians and the Lebanese—first we go through stages. Denial, anger, reproach, and then grieving.

I extend my profound sympathies to the people of Palestine—of the West Bank and Gaza, driven from their homes in 1948, millions never to return. I extend my deep sorrow and mourning to the people of Lebanon, just having ended an unprecedented 16 years of civil strife, and still occupied to the south by the Israeli military, and to the north by the Syrian military. They have also been driven from their homes and their homeland, in order to survive, to get on with their lives, to raise families, and to pray for a just and lasting peace in the Middle East.

These people—the Palestinians and the Lebanese—are a martyred people every bit as much as the Israelis—the Jews—who believe they have a divine right to be considered the martyred people. For some reason, the world is expected to weep and rend its clothing over their losses—and that they have suffered much there is no doubt—but are we expected to weep forever, and while we are weeping, are we supposed to look the other way no matter what happens, and no matter what atrocity is committed at their hands and under their policies and standards?

It is time for Israel to move over a bit, and allow the Palestinians, the Jordanians, the Lebanese—to demand a certain amount of worldwide sorrow and sympathy for the suffering and the loss, by brutal mean, of an entire people or peoples.

It is time we stopped paying and paying and paying, by ignoring the acts of Israelis, whether it is an isolated act by one madman as many would have us believe, or the actions of the terrorist group which spawned that madman.

I am pleased to note that since the Hebron massacre, the Israeli government itself has described the extremist group to which the assassin at Hebron belonged, as a terrorist group. I am pleased to note that the Israeli Government has indeed called for effective protections of the Palestinians living in the West Bank and Gaza. I am pleased to note that perhaps the Israeli Government is rethinking any further settlement activity in the territories, and perhaps to ways of disarming those who live there not—especially settlers who are in the Israeli Army with each access to army-issue automatic weapons.

In other words, I am glad to note that the rest of the world—including the United States Government—has finally agreed that just perhaps there might be terrorist groups operating out of Israel proper, aided by some who are of their extremist persuasion in the United States. I applaud the action being taken in the wake of Hebron's massacre, by our Justice Department to conduct domestic investigations into the ties between the United States and the Israeli terrorist groups, and to determine what, if any, United States antiterrorism laws might have been violated already.

At the same time, Mr. Speaker, I am gravely concerned over the effect these two recent events in Hebron and then in Jouneih, Lebanon, might have on the future success of the Middle East peace process. I want that peace process to continue, and I want it to succeed.

And so, Mr. Speaker, I have introduced a resolution, House Resolution 390, expressing the Sense of the House, in condemning the Hebron massacre, but also defying those who would derail the Middle East peace process, no matter which side of the issue they may claim as their own. In the condemnation of the Hebron massacre, I have also sought balance in demanding protection of all civilians, regardless of identities.

Further, the resolution encourages the Government of the United States to support the efforts of the Security Council of the United Nations to guarantee the security and protection of the civilian Palestinian populations in the West Bank and Gaza against further violence, and I am pleased to note that the United Nationals Security Council has acted on its resolution to that effect, with the endorsement of the United States Government.

House Resolution 390 also calls upon all parties to the Middle East peace talks to return to the negotiating table and to redouble their efforts to achieve a comprehensive, just, and lasting peace in the Middle East.

Whatever extremist group acts out against the people in Israel or the people in the occupied territories, is acting against their own best interest—which is peace in the region for everyone.

There is ample blame to go around when it comes to extremist groups, terrorist groups, and violence associated with them with respect to derailing efforts to bring peace to Middle East. But America and its people need to be educated more as to how broad is the brush that paints one group as terrorist while assuming the other is the innocent, long-suffering martyrs of the world, and because they have suffered have the right to do whatever they please.

It isn't just Israel and its people who have suffered untold agonies as a people—it is the entire Middle Eastern region—and all those people can point to decades upon decades of cruelty, deprivation of human, civil and religious rights; to loss of independence and sovereignty of entire populations; to loss of homeland. And more, all can speak eloquently about death and destruction brought to their doorsteps just because they are called Arabs.

I ask my colleagues to cosponsor House Resolution 390. I believe if they read it, they will find it is a fair and balanced Sense of the House, not only rightfully condemning the Hebron, and Jouneih, Lebanon, murders, but also calling upon the United States to take a more active role in the Middle East peace process.

## HONORING LA TRIBUNA FOR 32 YEARS OF FAITHFUL SERVICE TO NEW JERSEY'S HISPANIC COMMUNITY

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. MENENDEZ. Mr. Speaker, I rise today to pay special tribute to La Tribuna newspaper on its 32d anniversary of service and commitment to New Jersey's Hispanic community.

For all those years, La Tribuna has kept the Hispanic community informed about the daily events in their community. Every community needs a newspaper to serve as a watchdog and to give the residents a sense of history. This is not less true for the Hispanic community of New Jersey.

In the early 1960's, when a large number of Hispanic immigrants began to move to New Jersey, there were few newspapers providing information in Spanish. La Tribuna was one of the first to serve the important role of keeping the community in touch with its government and the world around it.

They covered the good news and the bad news. When municipal or State services weren't up to par they wrote about it. When government or individuals did something positive for the community they wrote about that too. They served as a vital link between government and the community.

I can tell you from personal experience that La Tribuna has always strived to be fair and accurate in its coverage. They have truly been a responsible voice in the Hispanic community. It is as a result of ethnic newspapers like La Tribuna that our minority communities have been able to blossom in this great nation.

Mr. Speaker, I want to take this opportunity to give heartfelt thanks to La Tribuna for 32 years of service. I am hopeful that 32 years hence La Tribuna will still be performing it vital public service role.

## INTRODUCTION OF LEGISLATION CLARIFYING APPLICATION OF UNIFORM CAPITALIZATION RULES TO CERTAIN AGRICULTURAL CROP LOSSES

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. MATSUI. Mr. Speaker, today I am introducing legislation which would clarify the application of the uniform capitalization rules to certain agricultural crop losses. My interest in passage of this legislation is based primarily on my concern regarding the impact of the phylloxera infestation in my State. However, this legislation is not isolated to that type of casualty. For instance, farmers who experience frostkill, a serious problem in many of the fruit-growing regions of the country, would benefit from this clarifying proposal. Orchard, vineyard, and grove owners whose crops are destroyed by natural disasters, such as the hurricanes in 1992, which devastated the agricultural industry in southern Florida and Hawaii, would also benefit from this legislation. There are numerous other examples of similar weather and pest-related problems in other States.

Diseases and other disasters have a devastating effect on farmers in this country. For example, various segments of the wine industry have been devastated by phylloxera B, a small aphid-like louse which cannot be combated by conventional pesticide methods; only the complete removal of the infested vineyards, including the intertwined irrigation equipment, drain tiles, and trellis systems, followed by the fumigation and replanting of roots stocks resistant to the pest, can remedy an infestation. In the wine-growing regions of California alone, growers have incurred $2 billion in losses relating to phylloxera infestation. The U.S. Department of Agriculture has warned that failure of grape growers to take effective action to protect themselves against the insects could lead to further devastating consequences for vast areas of vineyards.

Mr. Speaker, U.S. farmers are usually smaller than industrial manufacturing entities and are often deficient in their ability to finance the capital expenditures necessary to recover from crop losses caused by diseases and other disasters. Congress acknowledged this problem when the special farming rule under code section 263A was passed in 1986. Specifically, section 263A(d)(2) provides an exception to the uniform capitalization requirements for losses of plants bearing edible crops. The provision states that the capitalization rules of section 263A "shall not apply to any costs of the taxpayer of replanting plants bearing the same type of crop * * *" that were lost or damaged "by reason of freezing temperatures, disease, drought, pests, or casualty."

Although the statute speaks in terms of any costs, some Internal Revenue Service officials have recently indicated they support a narrow and restrictive interpretation of the rule, indicating that only a portion of the costs of replanting, specifically preproductive costs, may be deducted under section 263A(d)(2). I do not believe that this interpretation reflects the action we took in 1986.

Although the legislative history governing section 263A(d)(2) does not explicitly address the interpretation of any costs, that history strongly suggests that we passed the loss exemption so that it would apply more broadly to all costs associated with replanting. The conference report on the Tax Reform Act of 1986, 1986 act, highlights the fact that prior to the imposition of section 263A(d)(2), the code had a former loss provision that permitted a taxpayer to deduct currently only otherwise deductible replanting and maintenance costs—former section 278(c). The conference report further indicates that when we considered the loss provision in the 1986 act, we changed the language of the former loss exemption (§278(c)) to read that "replanting and maintenance costs incurred following loss of * * * [a] vineyard * * * are currently deductible even though replanting does not take place on the same property." We did not include the more limiting, otherwise deductible, language. The Senate amendment broadened our language to permit taxpayers, other than the person who owns the vineyard, to deduct replanting and maintenance costs. Nothing in the conference report explicitly mentioned or limited costs to those that were otherwise deductible.

Moreover, the original House report to the 1986 act suggests that we intended to expand the former loss exemption of section 278(c). The House report stated that "under the committee bill, the special rule of present law permitting expensing of amounts incurred in replanting after loss or damage due to freezing temperatures, disease, drought, pests, or casualty (sec 278(c)) is expanded with respect to edible crops to include expenditures in connection with planting or maintaining a field other than the field in which the damage occurred." While the House report does not explicitly discuss which costs can be deducted, the fact that we modified and expanded the old loss exemption implies a broader interpretation of section 263A(d)(2) was intended.

The fact that we intended a broader interpretation of the types of costs that could be deducted is further evidenced by the decision not to incorporate the Senate amendment which maintained the former loss exemption and did not modify the otherwise deductible language in this code provision.

The pre-1986 language was certainly easier to understand. The report language accompanying the former loss exemption (§278(c)) had explicitly stated that section 278(a), requiring capitalization of preproductive expenses, would not apply to amounts allowable as deductions for vineyard replanting caused by reason of disease or pests. Unfortunately no such clarity applies to the 1986 act loss provision, which changed the language to the more inclusive all costs terminology and which does not explicitly impose preproductive cost limits.

The legislation I am introducing today would ensure that section 263A(d)(2) fully reflects our original intent behind its enactment, without opening the provision to abuse. It provides a simple rule clarifying a taxpayer's ability to deduct, in the year incurred, all preproductive period costs and 80 percent of all other costs for replanting plants destroyed by freezing temperatures, disease, drought, pests or casualty. The 80-percent test provides an easy to administer rule which roughly approximates that amount of replanting expenditures which are true replacement costs and not costs for increasing the value of the taxpayer's assets. Preproductive period expenses would remain fully deductible, which has not been contested by IRS officials. The legislation also includes, first, language preventing a taxpayer from receiving a double benefit by taking loss deductions on the same assets which are being replaced under this rule, and second, language ensuring that new assets which are dissimilar to the original replanting's assets would not be eligible for the special treatment provided under section 263A(d)(2).

By clarifying existing law, my legislation would greatly benefit our Nation's agricultural industry by ensuring that farmers can continue to raise the resources needed to recover from diseases and other disasters. I urge my colleagues to cosponsor this important legislation and support its enactment this year.

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## TRIBUTE TO MELINA MERCOURI

### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. EDWARDS of California. Mr. Speaker, just as I look forward to July 4 each year to commemorate the birth of the American Republic, this time of year is joyous and profound to me because it marks the anniversary of the Greek Revolution in 1821 and reflects the democratic ideal that was born in that ancient land.

On April 21, 1967, less than a month after Greek Independence Day, an antidemocratic junta staged a coup d'etat in Greece. Many good people fought with me under the banner of the United States Committee for Democracy in Greece in opposition to the oppression and to guide United States policies in support of democratic restoration. One of the dearest to me of that group was Melina Mercouri, who recently passed away. I can imagine no better way to pay tribute to Greek independence than to celebrate Melina.

A TRIBUTE TO MELINA MERCOURI

Mr. Speaker, the world of the theater, the world of politics, and the cause of human rights lost a great champion on March 6, when Melina Mercouri died. She was Greece's Minister of Culture, but she was much more than that. She was a good person, a friend, and one of the most vivid personalities I have every encountered.

Beloved by many in Greece and abroad, disliked by some, Melina Mercouri was devoted both to the theater and to politics. She was one of those few stars referred to by a single name. She was simply Melina all over the world.

Melina Mercouri died on March 6 at Sloan Kettering Hospital in New York from complications arising from lung cancer. She is survived by her husband Jules Dassin, the noted film director, and by Spyros Mercouris, her brother.

In 1959 Melina achieved international fame starring in "Never on Sunday," a low budget movie written and directed by Jules Dassin. The movie became a classic. And it had a huge and positive influence on Greek tourism, which, together with the advent of jet travel, set off an unprecedented tourist boom. Greek music, Greek food, Greek dancing, Greek gusto suddenly became in.

On April 21, 1967, a military coup took place in Greece. Over 6,000 political people, writers, journalists, and artists were arrested in one night. At that moment, Melina was in the United States, touring with "Ilya, Darling," the musical version of her movie success, "Never on Sunday." She and Dassin immediately spoke out against the junta.

In view of the fact that Melina was so celebrated, she attracted considerable favorable publicity. She also became a target for vicious personal attack. In September, 1967, the junta stripped her of her Greek citizenship. This had one interesting consequence: the United States was contemplating the resumption of full military aid; now it hesitated. The pressure on her grew, as she balanced her career, her visible antijunta role, her angst, the praise and the criticism. As time went on, she had to deal with the agony of being barred from her homeland. The junta was lasting a very long time, and she and other exiles had to wonder when they would see Athens again. She and Jules retired to France, where they continued to speak out. They also gave sustenance to impoverished Greek friends, adding to their own economic woes.

Melina and Jules come to Washington a number of times during the junta years. The first visit was on October 1, 1967. I would like to share some memories of that visit, for it displayed Melina at full throttle. It was vintage Melina, and the flavor was quite remarkable.

LuVerne Conway, then my legislative assistant, arranged a party for Melina at the Harbour Square complex in Washington.

At about the same time the United States Committee for Democracy in Greece was formed. It brought together a coalition of liberals, labor unionists, and people from the arts. The first chairman was the venerable Francis Biddle, 82, former U.S. Attorney General under F.D.R.—the only other chairmen were Congressmen Don Fraser, D–MN, and I, both of us serving 3 years apiece. The treasurer was Victor Reuther, of the UAW board; members included Jack Conway, who had conceived the committee, Senator Joe Clark—D–PA, Congressman Don Fraser, Melina and Jules, playwright Edward Albee, Jim Pyrros, administrative assistant to Congressman Lucien Nedzi—D–MI, economist Angelo Clones, and Maurice Goldbloom, a writer with an enormous grasp for the detail of Greek politics and foreign affairs in general. In time, the legendary Benjamin Cohen, author of much of F.D.R.'s New Deal legislation and the man who had conceived of the Lend-Lease Act in the dark hours of World War II, joined the board.

The gathering at the October 1 party attracted 100 guests, primarily from the political world. Melina, then 41, was magnetic, enchanting, witty, and winning. Tall, tawny, she captivated with phrase and with gesture.

One of the guests was Senator J.W. Fulbright, chairman of the Senate Foreign Relations Committee. She sat right down with him and chatted for 20 minutes. Looking into his eyes, she said, "How can I ever thank you?" He leaned forward and replied, "I hope you're going to try very hard."

Melina gave a short speech, made even more effective by an occasional malaprop. The next day the Washington Post and Washington Star gave her wonderful coverage. The junta and its public relations firm fumed.

Also on the next day, Melina came up on the Hill and taped brief interviews with Congressman Morris Udall—D–AZ, Congressman Don Fraser—D–MN, Congressman Henry Reuss—D–WI, Congressman Bob Kastenmeier—D–WI, and myself, to be played in our home districts. Her political instincts were keen.

A Knight-Ridder reporter, Saul Friedman, got an interview with her. When he began to question her on small political details, she replied with deep insight:

> Please don't make me intelligent. If you make me intelligent I must kill myself. I must stay naive. If I am naive I can be effective.

After Congressman Udall finished his taping, he smiled at her, "Have you thought about trying the movies or the theater?" She laughed, "You think I have a future there?"

Melina gave the issue of democracy in Greece greater prominence than it otherwise would have had, although the American press, some Senators and Congressmen, and some academicians stood tall. The U.S. Government, heavily influenced by Pentagon hardliners, was either indifferent or supportive of the junta during the years of the dictatorship. So was the Greek Orthodox Church in America and the fraternal order of AHEPA. Many individual Greek-Americans, however, were antijunta, and I came to know a number of them.

The U.S. committee provided a focus and helped keep the issue alive. Articles were placed in the RECORD, journalists and broadcasters were briefed, and joint statements by Members of Congress were issued. These were invariably picked up by BBC and Deutche Wells and broadcast widely in Europe and to Greece itself. We pushed for release of political prisoners and helped obtain information for the families of victims. The late Congressman Ben Rosenthal—D-NY, did extraordinary work on the issues.

The Committee also provided a forum for visiting Greek exiles and political personalities. In addition to Melina, we hosted Andreas Papandreou, Constantine Mitsotakis, and George Rallis—all future Prime Ministers. Also, newspaper publishers Eleni Vlachou, parliamentarians Dimitri Papaspyrou, John Zighdes, and Emmanuel Kothris, city planner Antoni Tritsis, Lady Amalia Fleming—widow of the discoverer of penicillin, Gen. Orestes Vidalis, and others, both liberal and conservative. We raised moral issues, we set forth alternatives to rigid and shortsighted policies, and we provided hope. I am proud of those days.

Our experiences demonstrated that an individual or a small group can make a difference.

There are many untold stories from those times, and I would like to tell briefly two of them. They will illustrate how our group networked before that term became commonplace.

On the day of the April 21, 1967, coup, the main concerns of our small group were: First, the fate of Greece; second, the U.S. role and response; and third, the fate of Andreas Papandreou, who was believed to be the junta's primary target and the prisoner most likely to be shot. For the first year, until Andreas was released and went into exile, we concentrated on him. Later, we became acquainted and friendly with many democratic politicians across the political spectrum.

But on April 21, Athens Airport was closed; nobody was allowed out of the country. Once the airport reopened, a Danish official, Deputy Finance Minister Mogers Comer, the last foreigner to see Andreas Papandreou before the coup, got out. He was carrying a dramatic message. Andreas had told him, "If anything happens to me, get a hold of Galbraith." He was given Angelo Clones' phone number in Washington.

Thus it was that on the morning of Monday, April 24, Clones received an urgent call from Europe. It was Comer. But John Kenneth Galbraith, Harvard economist, former Ambassador to India, and friend of John F. Kennedy and Lyndon B. Johnson, could not be found. Clones' call to Harvard was met with the response that Galbraith was on vacation at his rural retreat and his phone number was unknown. Clones, alarmed and desperate, called Jim Pyrros. Pyrros provided the connection: He knew that Galbraith had recently been chosen president of Americans for Democratic Action, and that none other than Jack Conway was executive director. A quick call to Conway provided the number, and Clones reached Galbraith. As has been written, Galbraith called Joseph Califano, of President Johnson's staff. Whereupon LBJ issued his celebrated directive, "Tell those bastards not to kill that son of a bitch."

Galbraith told Clones that he and Princeton economist Carl Kaysen, a friend of Papandreou's, were already working on it. But it is reasonable to believe that Clones' call, relaying the dramatic Comer message, added urgency to Galbraith's subsequent action.

The other story is this: In December, 1967, Papandreou received a Christmas amnesty. He, his wife, and four children went into exile, settling briefly in Paris.

LuVerne Conway was primarily responsible for inviting Papandreou to Washington for a speech at the annual dinner of the Washington Chapter of ADA on March 9, 1968. He had arrived from Paris the day before. It was his first public appearance following his exile. And it was on that weekend, I understand, that Melina Mercouri and Andreas Papandreou, and their spouses, met for the first time. The day after the speech, Papandreou appeared on "Meet the Press," and gave a crisp, impressive performance. Afterwards there was a small reception at the home of Victor Reuther. That night, Papandreou and Justice William O. Douglas were the featured guests at the Edwards home. Those were the days of turmoil, and distress over American foreign policy, but it can be said that we met and worked with some memorable people.

Later, when Papandreou and his PASOK party was elected to power in Greece, Melina Mercouri, already a member of Parliament, served as Minister of Culture from 1981 to 1988. Last October, when PASOK was returned to power, Melina again became Minister of Culture.

Soon, on April 22, Prime Minister Andreas Papandreou will have a working visit to the White House with President Bill Clinton. Life has come almost full circle. Democracy in Greece is well established. And a 27-year history moves on. Unfortunately, Melina Mercouri is no longer a direct part of it.

But Melina, often larger than life, will long be remembered. No one else was quite like her.

I could not have presented this reminiscence of Melina had it not been for the enormous contributions of Jim Pyrros and LuVerne Conway, who were such a part of the events of those days, and who shared their journals and personal recollections with me. My thanks to both of them.

## LEGISLATION REFORMING THE NATIONAL FLOOD INSURANCE PROGRAM

### HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. HUGHES. Mr. Speaker, I rise to introduce legislation to reform the National Flood Insurance Program. I am pleased to be joined in introducing this bill by my colleague JIM SAXTON.

The National Flood Insurance Program was established by an act of Congress in 1968 and substantially amended in 1973. The intent of the program is to provide financial protection for property owners against flood loss while, at the same time, working with communities to develop floodplain management programs that will reduce or prevent future losses. Premiums collected from policies issued under the program help reduce the need for taxpayer funded disaster assistance payments.

In recent years, the New Jersey shore has experienced three major storms which caused millions of dollars in property damage. At the same time, flooding along the Mississippi River devastated much of the Midwest, while hurricanes destroyed property throughout Florida, Hawaii and South Carolina.

These incidents have all served to focus attention on the role the Federal Government plays in dealing with natural disasters, and upon the National Flood Insurance Program in particular.

I believe that—for the most part—the National Flood Insurance Program has served its purpose well. However, as many in this body, in New Jersey, and across the country have pointed out, there is substantial room for improvement. We need to strengthen this program and increase the stability of the National Flood Insurance Fund.

That is why we are introducing the Flood Insurance Risk Management Act of 1994. Our legislation aims to increase participation in the National Flood Insurance Program, while at the same time creating a more risk-based system without causing a large and rapid rise in premiums for policyholders.

The Flood Insurance Risk Management Act contains many of the same provisions the Banking Committee has approved to improve compliance with flood purchase requirements. It will assure that those who purchase properties in special flood hazard areas carry flood insurance in order to obtain a loan from a federally backed lender. While the law does require this now, the current enforcement provisions are not strong enough to ensure that once a mortgage holder purchases insurance, that person maintains the insurance as long as he or she owns the property. The result is that only some 15–20 percent of those who should carry flood insurance actually have it in force.

The FIRM Act will provide lending institutions the authority to purchase and maintain flood insurance for those whose properties are in special flood hazard areas and are required to carry insurance under the law. Furthermore, our bill requires that lenders who are providing loans for properties in special flood hazard areas inform borrowers both in writing and verbally of their requirement to carry flood insurance in advance of a closing.

But the FIRM Act will do more than strengthen enforcement of existing law. The Act will help strengthen the stability of the National Flood Insurance Program by giving owners and communities incentives and funding to reduce risks. For example, the bill establishes a community rating system that will take into account a property's location, past history of incidents and claims. The system will also provide premium credits for communities that pursue recommendations to eliminate flood-prone conditions.

The FIRM Act will also give communities and individuals the tools to reduce flood risks by establishing a revolving loan fund and mitigation insurance to help cover the costs of floodproofing. Under the FIRM Act, policyholders who own repetitive loss structures that are not built to FEMA's post-1974 standards can receive up to 40 percent of the increased cost of construction if they rebuild to the post-1974 standards following a flood event. However, if policyholders floodproof before a major flood event—thus saving the fund money—they are eligible to receive up to 60 percent of the cost of floodproofing.

To make up the remaining costs of floodproofing, the FIRM Act creates a low-interest revolving loan fund that policyholders and communities may borrow from to fund flood mitigation activities that are authorized under the Act. Some of these activities include floodproofing of individual structures, constructions of sea walls and levees, and the public purchase of properties to create buffer zones.

The FIRM Act will also allow communities more flexibility in complying with the flood insurance purchase requirements by establishing a community rate pooling program. Under the community rate pooling program the Director of FEMA is authorized to enter into an agreement with a community to allow that community to take over the flood insurance payments for all structures in a flood zone that are mandated to carry flood insurance.

While the FIRM Act holds out many carrots to encourage participation in the flood insurance program, the Act also provides the sticks necessary to ensure that the most endangered property owners take steps to reduce their risks.

One of the most frequently heard criticisms about the flood insurance program is that it provides subsidies to landowners in risky areas. Under the law, the Director is given the authority to charge less than actuarial rates on certain structures in order to make flood insurance available and affordable. I agree in part with this philosophy because it is important that we have broad participation in the program. However, it is time we begin to move toward actuarial rates. I do not believe it was Congress' intent to provide that subsidy in perpetuity.

The FIRM Act will begin to program away from subsidies and do it in such a way so as not to strain policyholders. First, the bill requires that in order to offer policies at less than actuarial rates, the Director must certify to the President and Congress, on a biannual basis, that such rates are necessary in order to make insurance available where necessary at reasonable rates so as to encourage participation in the National Flood Insurance Program. This will force FEMA, Congress and the administration to reassess the need for subsidies every 2 years.

Next, the FIRM Act puts limitations on claims for repetitive loss structures—properties that have suffered at least two losses of 25 percent or more over a 10-year period. These structures represent the largest drain on the flood insurance fund, accounting for some 40 percent of claims. Almost all of these repetitive loss structures are subsidized buildings not designed to FEMA's post-1974 construction standards which require elevation to the 100 year flood level and other floodproofing measures.

The FIRM Act would remove subsidies for these structures over a period of time. Repetitive loss structures would be assessed at actuarial rates; however, premiums would only be permitted to rise five percent per year. The Director would also have the authority to continue to subsidize certain structures, such as multilevel condominiums, that—in his judgement—could not be made to conform to the post-1974 FEMA building regulations.

As a final stick, our bill would require the Director to establish a program placing increasing penalties upon repeated claims beginning after the second claim of $5,000 or more. Under private insurance programs, in order to maintain the stability of the insurance fund, after each time a policyholder files a claim that policyholders' premiums rise. This is not the case with the flood insurance program—in large part because such premium increases might drive people out of the program. Our legislation would bring increased stability to the fund while keeping premiums reasonable by having the director deduct increasing penalties from repetitive claims rather than by increasing premiums.

My intention in offering this bill is to expand the debate on flood insurance reform and to offer my colleagues my view on where we should be going with respect to this issue. Many of our colleagues have offered legislation aiming to reform the flood insurance program over the last few years. In fact, last week our colleague from Florida, Mr. BACCHUS, introduced a fine piece of legislation that would accomplish many of the goals of the FIRM Act. I am very supportive of his bill and I will certainly be working with him in the coming weeks on many issues of mutual concern.

I also want to compliment Mr. KENNEDY and Mr. BEREUTER for their efforts in this area. Mr. BEREUTER, in particular, has been a major advocate of flood insurance reform for many years. While I disagree with some of the approaches they have advocated, I am hopeful that Mr. Bacchus, Mr. Saxton, Myself and others can work with the distinguished gentleman from Massachusetts to develop a national flood insurance reform proposal that will benefit both the Flood Insurance Program and the policyholders.

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## THE NATIONAL PARK OVERFLIGHT CONCESSIONS ACT OF 1994

### HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. WILLIAMS. Mr. Speaker, most Americans are surprised to learn that the scenic air tour industry is the only commercial activity taking place in National Parks which is virtually unregulated. The National Park Service has an appropriate permitting process for the hotels, outfitters, retail stores, restaurants and all other commercial users of the Parks. The Park Service permitting process operates in a way that provides those services to the public while at the same time assuring protection of the amazing resources that our Nation's visionaries saw fit to preserve.

We could have a dozen new helicopter tour companies set up shop outside Yellowstone, Glacier, Yosemite or any other National Park and the Park Service has nothing to say about it. That's wrong and we must change it.

At our most treasured national parks, like the Grand Canyon, Hawaii's Volcanoes, Glacier in Montana, Rocky Mountain, Yosemite, Canyonlands, and others, unrestricted and uncontrolled access by commercial overflights is very quickly becoming the number one visitor and resource management conflict—a conflict in which the National Park Service today has zero authority to influence or contain.

Today I am introducing legislation which, if passed, will bring a measure of peace and quiet to those of America's National Parks which are today imperiled by uncontrolled and rapidly growing use by helicopter and airplane scenic tours.

This legislation requires that any commercial tour operator conducting tours over a National Park have a concession permit with the Park Service, just as is required of every other concessionaire. The bill requires that before issuing a permit, the Park Service, in conjunction with the FAA, will review the effect of overflights on the resources and the visitor's experience at the individual park, and then decide the appropriate conditions to be placed on scenic overflights. The bill provides specific authority to the Park Service to prohibit scenic overflights altogether if it finds that that option best stewards the resources Congress intended to protect in establishing the park.

There is a great need for this bill. As some of you know we passed legislation in 1987 providing for an airspace management plan at Grand Canyon National Park, a place which is at once the Nation's most tremendous vista, yet at the same time can be so quiet that even the most sensitive sound equipment shows the absolute absence of noise.

That process was successful in limiting overflights to specific corridors around the park; the problem is that the total number of overflights has grown exponentially since then, virtually eliminating the gains that were made through the corridor restrictions.

At Hawaii Volcanoes and at Haleakala National Parks, which are high elevation, pristine alpine parks, they have air tours operating almost constantly. At Haleakala, the Park Service has found that on clear days helicopters tours are so pervasive that they are plainly audible for more than 30 minutes of every hour.

At the Statute of Liberty a tour company is proposing a fixed raft from which it can provide about 115 helicopter tour flights each day. Perhaps that's the kind of experience folks in that city are comfortable with; it strikes me as out of control.

Mount Rushmore is today a very different place for visitors than it was because of the regular occurrence of overflights close by those visages of American history.

And at my State's Glacier National Park helicopter tour operators are unable to resist the temptation to show their customers America's great wild animals up close and personal. If Montana wildlands are America's serengetti, Glacier and Yellowstone are its finest preserves. At Glacier Park helicopters have been seen hovering over grizzly bears, mountain goats, and elk. They fly in the midst of eagle migration corridors during their times of heaviest use.

And I and thousands of people every year visit Glacier to get away, to put a little effort into hiking up some valley for the purpose of getting away, only to have that experience shattered by the reverberation of a helicopter sharing that same valley.

Mr. Speaker, to some extent we as humans are adaptable—perhaps we can adjust to something like sharing Glacier National Park with many helicopters. But I suggest that the time has come to draw our line. Glacier National Park should not become a place where we simply learn to adapt to the intrusions of our modern lives, where we must compromise our personal priorities—in this case to find a truly pristine experience—in the interest of having everything for everybody.

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## CLOSING OF NORTON AIR FORCE BASE IN SAN BERNARDINO

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. BROWN of California. Mr. Speaker, on March 31, one of our Nation's premier military bases, Norton Air Force Base in San Bernardino, CA, will close.

I am extremely proud to have represented Norton Air Force Base and its employees in the U.S. House of Representatives. Norton has been more than just a workplace in my community. It's been a community, a place where people not only work, but also live, shop, recreate, and get medical care. Perhaps even more, as I use to listen to the steady sound of C–141 transport planes coming in over my district office in Colton, I was always reminded of how Norton linked up our community with the events and actions of our Nation and the world as a whole. In that sense, Norton Air Force Base made many people in our region feel a part of a larger effort and a world beyond our own neighborhoods. That's just one reason I'll miss Norton and the sound of those C–141's.

But the biggest reason is that I know that at the landing point of those jet sounds have been several thousand of our region's people, working hard and making a living serving their country. I've come to know many of them over the years. While I have undoubtedly not met some of them yet, through our common bond at Norton, I feel a familiarity with and respect for all of the base's past and present employees.

As just one example of some of the good people I've had the opportunity to come to know at Norton, I would like to take a moment to express my appreciation for one of Norton's civilian employees who I have known for many years and who will be one of the many people I will dearly miss at Norton—and that is Lorna Kenney.

I have come to know Lorna through the many hats she wears in our community, including her role with the sister cities program, with the Federal Managers Association, and with Norton's civilian personnel office.

I know that the role of a personnel officer is difficult as you try to be fair and just to individuals at the same time that you must always safeguard and promote the larger organizational mission. Lorna has always struck me as combining the best in Air Force professionalism with a strong commitment to going the extra mile to help ensure fairness and justice for individuals. I'll miss Lorna's presence at Norton, but I'm sure I'm not alone in being confident that she'll go on to apply her talents and strong personal character to other endeavors in our community.

I know that Lorna is not alone among Norton civilian employees who have done their best, performed good solid work at Norton, and given their all to this base, its mission, and our Nation.

On behalf of the people of the Inland Empire of California, I want to thank all of Norton's departing civilian and military personnel for all that you have done to make Norton mean something special to our community and something that played an important role in our Nation and in our world. I wish you best in the next chapter of your lives, and I know that you will always be thought of warmly in this community for your work with this great base.

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## SUGGESTED INTRODUCTORY LANGUAGE FOR THE U.S. BOTANIC GARDEN COMMEMORATIVE COIN BILL

### HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. HALL of Texas. Mr. Speaker, one of Washington, DC's most historic institutions is poised to celebrate an important milestone. In 1995, the U.S. Botanic Garden will mark 175 years of fulfilling George Washington's vision of a botanic garden at the seat of Government.

The U.S. Botanic Garden is this country's oldest continuously operating botanic garden with a history almost as old as our Nation itself. Established in 1820, it is a valuable resource and a living library of permanent, international collections of tropical, subtropical and desert plants. Its purpose as an educational display garden is to inform and educate visitors about the importance, and often irreplaceable value, of plants to the well being of humankind and to the fragile environments that support all life.

The programs provided by the garden include opening its doors free of charge to thousands of visitors from all over the world 365 days a year, hosting group tours and sponsoring horticultural, botanical and environmental classes at no charge.

In recognition and celebration of this significant milestone in the life of our Capitol's closest neighbor on the Mall, several of my colleagues and I are proud to introduce legislation to authorize the minting of coins to commemorate the 175th anniversary of the U.S. Botanic Garden. Proceeds from the sale of these coins will be paid to the National Fund for the United States Botanic Garden for the purpose of building the new National Garden at the U.S. Botanic Garden. Companion legislation, S. 1952, has been introduced in the Senate by Senator J. BENNETT JOHNSTON and 13 original co-sponsors.

The Architect of the Capitol, under the supervision of the Congressional Joint Committee on the Library, has been authorized by legislation passed by the Congress in 1988 to design and construct the National Garden. Under a contract with the National Fund for the United States Botanic Garden, the Architect has designated the Fund, a charitable (501)(c)(3) organization, as the primary means for soliciting private contributions for that purpose.

The new National Garden will be a premier showcase for unusual, useful and ornamental plants that grow well in the mid-Atlantic region. It will be built on a three-acre site immediately adjacent to the Botanic Garden Conservatory, located on the Mall between Maryland and Independence Avenues. The three major features of the National Garden—the Environmental Learning Center, the Rose Garden, and the Water Garden—will provide a hands-on, living laboratory and beautiful place to exhibit our national flower, the rose.

The National Garden will expand the U.S. Botanic Garden's ability to address the public's concern for the environment. It will examine, in formal and informal settings, natural habitats and the interrelationships between plants, humankind and nature. Through its collections, exhibits, displays, and educational programs, it will communicate a benevolent attitude toward nature and will illuminate for the visitor the ecological and environmental responsibilities of individuals and society. It will be equipped to serve all people, including those who are physically challenged.

Visitors will leave the National Garden with a heightened sense of stewardship and an understanding of their role and responsibility to preserve and protect nature for future generations. The National Garden will commemorate the Bicentennial of the U.S. Congress and will be dedicated in 1995 in conjunction with the U.S. Botanic Garden's 175th Anniversary.

Sales of this commemorative coin will be an essential part of a national, broad-based effort to raise the funds necessary to build the National Garden and ensure that the dream becomes a reality. The coin presents an opportunity to invest in the future of the Botanic Garden and enhance George Washington's vision of the Botanic Garden as a place where people of all ages and from every corner of the world can come to study, be inspired and enjoy. I urge speedy support of this legislation so that this coin can be minted and sold in 1995 as a centerpiece of the Botanic Garden's 175th anniversary celebration.

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## TRIBUTE TO DIANNA ANDERSON

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. TOWNS. Mr. Speaker, I want to commend Dianna Anderson for her heroism. On Thursday, February 17, 1993, she dashed into harm's way to save a 2-year-old child who had strayed into the street. As cars whizzed by on the street, they miraculously missed the very small child. Mrs. Anderson's instincts carried the day and she scooped up the child and carried it to safety.

I am proud to salute Mrs. Dianna Anderson, a community hero, who risked her life to save someone else. A young child has much to look forward to, and our community owes a tremendous debt to Mrs. Anderson for her courage and presence of mind.

## S. 349, THE LOBBYING DISCLOSURE ACT

### HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. MFUME. Mr. Speaker, I rise reluctantly in opposition to this bill in its present form. While I support the thrust behind this legislation and I agree that the people of the United States deserve to know who is talking to their elected representatives and on which issues, there is an element of this bill which will result in a severe hardship to many, if not most, of the nonprofit groups operating in the United States today.

Currently all nonprofit groups, from the Heritage Foundation to the National Organization for the Advancement of Colored People, must fill out extensive disclosure forms and submit them to the Internal Revenue Service. Under the bill we are currently considering, these same groups would be required to fill additional extensive disclosure forms if they have any contact with Members of Congress.

In order to comply simultaneously with the regulations of this bill and the existing IRS rules on lobbying disclosure, all employees of charitable organizations will be forced to keep at least two separate sets of time records, using different rules and regulations for each. The result will be that many of these organizations will be forced to spend additional money on administration; others have indicated to me that they will simply stop contacting us altogether.

Is that the aim of this bill? Is the intent of this bill to stop nonprofit organizations from contacting us, and to limit us almost entirely to hearing from the people who are paid, many of them very well, to promote a money-making cause? I think not.

The nonprofit groups that I have spoken with have indicated a willingness, indeed an eagerness, to fully and completely disclose their lobbying activities. In fact, they already do that, much more so than lobbyists representing for-profit organizations, through the disclosure forms they file with the IRS.

What the nonprofit groups are asking for, quite simply, is the ability to use the definitions and forms that they already use to disclose their activities to the IRS to comply with the intent of this bill.

Mr. Speaker, colleagues, I rise, albeit unenthusiastically, in opposition to this bill. As I said earlier, while I support the concept of this legislation, which I believe should give the American public additional confidence in their elected representatives, I cannot support this bill.

I hope that my colleagues will agree with me that we should send this bill back to committee so that we can rework this important aspect of this legislation.

## INTRODUCTION OF "A CHILD IS WAITING" RESOLUTION

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. KILDEE. Mr. Speaker, today I am introducing a resolution supporting a very important cause—the full funding of the Special Supplemental Food Program for Women, Infants and Children [WIC]. The title of this resolution is "A Child Is Waiting." But the truth of the matter is that more than 3 million pregnant and post-partum women, their infants, and their children are waiting for WIC's critical services.

WIC provides nutritious food, nutrition education, and referral to health care to low-income women and their children up to age 5. In 1991, five corporate executives testified before the House Budget Committee supporting WIC full funding. William Woodside, the chairman of Sky Chefs, Inc., described WIC in these terms:

> The Federal Government operates hundreds of programs. State and local governments operate hundreds more. Rarely, in this large universe of programs has a program compiled the stunning record of effectiveness that WIC has. In the often murky world of social program evaluation, WIC stands out for the clarity and consistency of the research findings that demonstrate it produces remarkable results.

WIC's effectiveness is remarkable. WIC decreases the incidence of very low birthweight by 44 percent. It lowers the incidence of late fetal deaths by up to one-third and increases the head size of infants whose mothers participated in WIC during pregnancy. Head size normally reflects brain growth during pregnancy.

But WIC's benefits reach far beyond infancy. Children who participate in WIC appear to be better prepared for school. The 4- and 5-year-olds whose mothers participated in WIC during pregnancy were found to have higher vocabulary test scores. In addition, children who participated in WIC after their first birthday scored higher on memory tests. It is the children between the ages of 1 and 5 that are currently most underserved by the program, and we need to address this.

They body sets priorities for itself: Survival is first; growth is second; and learning is last. If a child is forced to survive on a limited food supply in their formative years, the energy available for learning is extremely limited or perhaps nonexistent. This kind of situation is dangerous for several reasons. It threatens the health and well-being of children, their ability to take advantage of the lessons offered in the classroom, and their potential to contribute to society fully as adults.

Not only is support for WIC morally right, it is fiscally right. Every $1 spent on a pregnant woman under WIC saves between $1.92 and $4.21 in Medicaid costs for newborns and mothers and from $2.98 to $4.75 for newborns alone. A 1993 study conducted by the Department of Agriculture found that the savings in Medicaid resulting from a reduction in the incidence of low birthweight was $4.5 million in North Carolina in 1987.

This resolution supports the language included in the President's health care reform proposal that would guarantee full funding for WIC. It asserts that whatever shape health care reform takes when it is approved by the House, it should include full funding for WIC because it is the very first step in promoting good health and preventing disease for some of our most vulnerable citizens.

I am pleased to be joined by my colleague, the gentleman from Missouri, [Mr. EMERSON], in introducing this resolution, and I encourage the rest of my colleages to support the goal of full funding for WIC.

## HOUSE REPUBLICAN RESEARCH COMMITTEE CONCERN ABOUT THE HUMAN RIGHTS OF HMONG REFUGEES IN THAILAND AND LAOS.

### HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. HUNTER. Mr. Speaker, Hmong refugees who have been subjected to mandatory and forced repatriation from camps in Thailand to Laos are disappearing and dying. Laos remains under the crushing jackboot of a repressive Communist regime that remains closed to monitoring by independent human rights organizations and continues to cling to power with its brutal military and secret police.

The current Hmong refugee crisis is very serious. On behalf of the House Republican Research Committee, and as a veteran of the war in Vietnam, I urge this Congress to take immediate action on the recommendations set forth in the following letter I received recently from the Hmong people.

> LAO HUMAN RIGHTS COUNCIL,
> *Denver, CO, March 7, 1994.*
>
> Hon. DUNCAN HUNTER,
> *Chairman of the Republican Research Committee, House of Representatives, Washington, DC.*
>
> DEAR CONGRESSMAN HUNTER: On behalf of the Lao/Hmong-American community in the United States and Lao/Hmong refugees in the camps in Thailand, I appeal to you and your colleagues in the U.S. Congress to make every effort to stop the forced repatriation of Hmong refugees from Thailand to Laos. The U.S. Congress should also move to harshly condemn the Communist Pathet Lao government for the persecution, abduction and murder of Lao/Hmong returnees in Laos.
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> On April 27, 1993, officials of the Thai government and UNHCR forced Mr. Vang Thai Xiong and his family members as well as about 400 non-volunteer refugees from the Napho Camp, Thailand back to Laos. The *Philadelphia Inquirer* of February 27, 1994, accurately reported that Vang Thai Xiong and several hundred other non-volunteer refugees were forced from Thailand back to Laos. On February 27, 1994, Thai and UN officials forced Mr. Wa Lor Xiong (BSC 1526), Wa Chue Kong (BSC 1283), and Ms. Chia Lee (BSC 169), and several other non-volunteer refugees from the Napho Camp in Thailand back to Laos. On March 5, 1994, a number of reliable sources in Thailand reported that about 2,500 non-volunteer refugees will be forced to return to Laos in the near future. Many Hmong refugees also report that the authori-

ties have used food as a political weapon and tool to punish them and to force them to register for "voluntary" (forced) repatriation. Recently, high metal fences have been installed surrounding the refugees in the Napho Camp. Now, it is a detention center or prison camp to punish the refugees and force them to return to Laos. About 50,000 Hmong refugees will be forced from Thailand back to Laos between 1994 and 1995. The refugees oppose forced repatriation.

According to reliable sources from Thailand and Laos, as well as human rights groups, Mr. Vue Mai, the former chairman of the Ban Vinai Camp and a volunteer returnee and leader who led the Hmong refugees from Thailand to Laos, "disappeared" on September 11, 1993, from his house in Vientiane, the capital of Laos. Four days later, Hmong refugee leader, Mr. Chong Moua Thao, the former Vice Chairman of the Chieng Kham Camp, Thailand, died of apparent food poisoning after eating a meal with senior officials of the Communist Pathet Lao government.

Mr. Chong Moua Thao led several hundred Hmong refugees back to Laos from the Chieng Kham Camp, Thailand, on August 13, 1992. He died on September 15, 1993. Mr. Vue Mai returned to Laos on November 10, 1992. He disappeared on September 11, 1993. There are several hundred cases similar to the cases of Vue Mai and Chong Moua Thao. From 1991 to 1993, about 4,000 Hmong refugees were forced to return to Laos from Thailand. Hundreds of returnees disappeared, were persecuted, imprisoned, tortured, executed or otherwise killed.

Therefore, the Hmong refugees in Thailand, the Lao/Hmong-American community and the Lao Human Rights Council, Inc., in the United States, would like to propose the following points to you and other members of the U.S. Congress for action:

1. The U.S. Congress should urge the Thai government and the UNHCR to allow Hmong refugees to choose freedom of residence, freedom of movement and family reunification, according to the Universal Declaration of Human Rights and the U.S. Refugee Acts of 1975 and 1980.
2. The U.S. government, Thai government and the United Nations must recognize that Hmong refugees are political refugees because of the legacy of the Vietnam War and the role of the Hmong in the CIA's "Secret War."
3. Peace, democracy, human rights, freedom, justice and safety must be restored to Laos like it has been done in Cambodia, before the repatriation of Hmong refugees from Thailand to Laos continues.
4. The U.S. government, Thai government and the United Nations should provide emergency humanitarian assistance inside Thailand for the Hmong refugees to stay there temporarily, so the refugees have the opportunity to choose freedom of residence and freedom of movement according to international refugee law and the Universal Declaration of Human Rights.
5. The U.S. government and the United Nations should insist that all North Vietnamese troops be removed from Laos completely and unconditionally before any further repatriation of refugees to Laos takes place.
6. Unsolved problems of the Hmong refugees in Thailand must be based upon the Eighteen Points on Laos which were published in the *Congressional Record* of October 3, 1991.
7. U.S. Congressional hearings on the Lao/Hmong refugee crisis and factfinding missions to the refugee camps in Thailand and in Laos are necessary and important.

The above seven-point proposal was written in consultation with Lao/Hmong refugees in Thailand as well as the Lao/Hmong community representatives in the United States.

I have been elected by the Lao/Hmong people in America to serve as the Chairman and Executive Director of the Lao Human Rights Council, Inc., since 1987. Therefore, I sign my name on behalf of the Lao/Hmong refugees and communities in the United States, with the authority they have entrusted me with.

I submit the above points to you and members of the U.S. House of Representatives and Senate for your earliest consideration and action.

Your assistance is urgently needed.

Respectfully yours,

DR. VANG POBZEB,
*Chairman,*
*Lao Human Rights Council, Inc. in the United States.*

## INTRODUCTION OF A BILL TO PROVIDE SOCIAL SERVICE BLOCK GRANTS DIRECTLY TO INDIAN TRIBES

### HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. RICHARDSON. Mr. Speaker, I am pleased to introduce today, along with Representatives MCDERMOTT, BREWSTER, and KOPETSKI, legislation to correct a long-standing inequity to Indian tribes. The legislation we are introducing would provide that funds under the Title XX Social Services Block Grants program be provided directly to tribal governments to administer their social services programs. Currently, title XX funds are provided by formula to State governments and to territorial governments, but not to Indian tribal governments. This bill will allow the Secretary of Health and Human Services to make contracts or grants with Indian tribes or tribal organizations so that funds under title XX of the Social Security Act may be accessed by Indian tribal governments and tribal organizations. It requires the Secretary to establish a base funding formula, and mandates that 3 percent of title XX funds are to be made available to Indian tribes and tribal organizations. This bill is consistent with the longstanding Federal policies of maintaining the government-to-government relationship with Indian tribes and furthering Indian self-determination and self-governance.

Mr. Speaker, many Federal statutes provide for funding allocations—usually expressed as percentages of a total appropriation—to tribal governments. Congress routinely provides for direct funding to Indian tribes from Federal programs. This situation did not exist when the Title XX Social Services Block Grant was enacted. Indian tribes are in urgent need of a stable source of social services funding, and the best way to do this is to address the inequities of the current Social Services Block Grant program by providing a percentage of funds directly to tribal governments.

The Title XX Social Services Block Grant—which is an entitlement program—is meant to provide flexible social services moneys for locally designed and administered social services programs. Much of title XX money is used for child welfare services. It is a great injustice that Indian tribes have not had access to annual title XX moneys which could have helped them build stable social services programs to address the multitude of problems affecting Indian children and families.

To the extent that poverty, lack of education, and high unemployment indicate a need for social services, the 1990 census paints a bleak picture. The percentage of Indian people in poverty in New Mexico is 46 percent. The national Indian poverty rate is 30.9 percent, while the Nation as a whole has a poverty rate of 13.1 percent. For Indian families headed by females, 50.4 percent of the families are living in poverty, which compares to a national figure of 31.1 percent.

According to the 1990 census the percentages of unemployed Indian males and females in New Mexico who are considered in the work force is 21.2 percent and 16.4 percent respectively. This compares with national Indian unemployment rates of 13.1 percent for both Indian males and females. The national unemployment rate is 6.4 percent. For the entire United States, 20.3 percent of persons over the age of 25 have a bachelor degree or higher education, while only 9.3 percent of Indian people have attained this level of education.

Mr. Speaker, Indian people are always at the bottom of the economic ladder. The funds which they could access under this bill would help to improve the plight of the Indian nations. This bill rights a great wrong—Indian tribes should have had these funds from the beginning. After all, the purpose of the Title XX Social Services Block Grant program is to provide for the needs of all Americans. It is ironic that this country's first Americans were left out of this program, because no other group in America has a greater need for this program.

I have spoken to many Indian tribes and tribal organizations who have described the tremendous need for this legislation, and as chairman of the Native American Affairs Subcommittee, I am pleased to introduce this bill. I am also pleased to be joined by three distinguished members of the Ways and Means Committee, Representative McDermott, Brewster, and Kopetski, as original cosponsors of this legislation. I look forward to working closely with them and other members of the Ways and Means Committee to get this much needed legislation enacted into law.

I urge my colleagues to support this important measure.

## HONORING "VERONICA'S VEIL PASSION PLAY" FOR 80 CONSECUTIVE PALM SUNDAY PERFORMANCES

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. MENENDEZ. Mr. Speaker, I would like to take this opportunity to pay tribute to "Veronica's Veil Passion Play" which on March 27 will perform its 80th consecutive Palm Sunday performance.

The play, produced by members of St. Joseph's parish, has become a local religious and family institution in Union City, where I previously served as mayor. The very longevity of the play is a testament to this Nation's tradition of religious freedom. It makes me proud that such an institution exists in my hometown. The enduring images it presents of family, tradition and hometown American merit recognition.

In the Christian tradition it is believed by many that as Jesus was carrying his cross to Calvary, a pious women by the name of Veronica offered him her veil to wipe his sweat and blood. When Jesus handed the veil back to Veronica his image was emblazoned on it with his blood.

During the Christian holy season of Lent, the members of the Veronica's Veil Guild players dedicate themselves to creating an experience that is both religious and entertaining. Volunteers include attorneys, doctors, electricians, roofers, and public employees, all brought together by their love of the riveting story of Jesus and Veronica.

The costume staff consists of expert seamstresses who design and sew the many beautiful costumes worn in the play. The staff does careful research to insure that only historical patterns are used. The commissary staff serves the players, staff, and patrons. The stage staff has created innovative scenery and extraordinary lighting and sound techniques.

Mr. Speaker, I stand here to praise and honor "Veronica's Veil Passion Play," known locally as "America's Oberammergau,"for their inspiration and achievement. I have a fervent hope that although this year's performance may be the last, somehow a way is found to preserve this tradition.

## A SALUTE TO REV. KENNETH BROWN

**HON. RONALD V. DELLUMS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. DELLUMS. Mr. Speaker, I rise today to recognize and salute Rev. Kenneth Brown, a little man who makes a huge contribution to our country. It is a privilege for me to recognize this great individual.

For someone who stands only 4 feet tall, Kenneth Brown is a man with some very big ideas. That's because, as he puts it, "The Lord got to me." It also is because he is a born optimist who believes there are no barriers preventing him from making a positive contribution to society.

Ken is a midget and very proud to be a member of namely, the "Little People of America." As an African-American, he broke the color barrier in the 1,000-member Little People of America organization, becoming a member in Camden, NJ., in 1965. He became very active in the organization. Ken would often share his experiences as an African-American with the organization in an effort to bring about better understanding and communication.

In addition, he is in the ministry. He is well known in Washington and Baltimore churches for the type of message he brings and the enthusiasm with which it is given. But preaching did not come naturally to him.

Ken's father, the late Rev. Willie Brown, Sr., was a longtime Baptist preacher in Charleston, SC, who was renown for the stirring and spiritual sermons that he delivered. As a youngster Ken was often moved and inspired by his father's sermons, however it was not until late in 1970 in Baltimore that Ken really started "getting squared away with God." Ken recalls that suddenly he believed his mission in life was to serve God.

After his rebirth, Ken moved to the District and started working with the Civil Service Commission. Ken vividly remembers his first speaking assignment at 5 p.m. on February 23, 1973, at the Women's Worker's group at the Park Road Community Church in the District of Columbia. This is a very significant date because it has come to mean so much in his new found career as an evangelist.

Increasingly, he found himself engrossed in the life of the churches. As a result, he was licensed to preach by the late Bishop Winfield A. Shawall of the First Apostolic Faith Church in Baltimore in July 1973 and since then, there has been no keeping him quiet. Ken was increasingly called upon to deliver the word and he never failed to accept the challenge.

Ken also believed it was important to do the Lord's work in the communities and neighborhoods throughout Washington, DC. He became very active in civic affairs and used his voice to assist the less fortunate in society. The issues of homelessness, hunger, drugs, and education are a passion for him. Ken often uses his pulpit to remind congregations that we are our brother's keeper.

Ken is 1 of 10 children ranging in height from his 4 feet to 6 feet. His mother and father are only 5 feet 4 inches tall each. And although he stands only 4 feet tall he has made a significant contribution to his community and it's people. He has not allowed his size or color to be an impediment in his life. Rev. Kenneth Brown, a self-proclaimed midget in size, is indeed a giant in life. I am proud to know him and am honored to bring his accomplishments to the attention of this Nation.

## PIONEER UAV INVESTIGATION: SHOOTING THE MESSENGER

**HON. NORMAN SISISKY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. SISISKY. Mr. Speaker, I wish to address the House tonight about an investigation my subcommittee has underway. Normally, I do not like to speak publicly about an investigation until it has been finished and we have all our ducks lined up. In this case, however, I think a public airing is essential. The Armed Services Subcommittee on Oversight and Investigations has been looking for several weeks into allegations regarding the Pioneer Unmanned Aerial Vehicle [UAV] Program. These allegations were brought to my attention by a group of government employees who saw a waste of taxpayer money and wanted something done about it. When their efforts to solve the problem through Navy channels got nowhere, they came to the committee. Part of our investigative effort involved talking to officials in the UAV Program. Soon afterward, we discovered that some people in the Navy decided that, rather than investigate the allegations, they would investigate the allegators. In other words, this could become another case where dedicated public servants are made into dead whistleblowers. When this happened, I quickly telephoned Nora Slatkin, who used to work on our committee staff and is now the Navy assistant secretary for acquisition. I am confident Ms. Slatkin will see to an effective cleanup of this program. In the meantime, I want to air what the subcommittee has learned up to this point in order to underscore that our subcommittee will not tolerate reprisal actions against whistleblowers.

Before I list the allegations, let me briefly outline what the Pioneer is. It is an unmanned aerial vehicle; that means it's a pilotless drone. It can be used, for example, to take television pictures of the battlefield and let commanders down below know what's ahead of them. The Pioneer, in fact, is our only fully deployed system designed to provide real time surveillance and intelligence gathering capability on the battlefield. Pioneer proved invaluable to our troops in the field during Operation Desert Storm. In one instance you may have heard about, Iraqi troops actually attempted to surrender to a Pioneer circling over their position. Let me make clear that what I am about to say is not a criticism of the Pioneer, which is a sterling piece of hardware. It is not a criticism of UAVs in general. It is a criticism of management. The Pioneer Program, and the follow-on UAV efforts have been solidly supported by the Congress and are expected to play increasingly critical roles in future conflicts. But we cannot turn a blind eye to mismanagement of this or any other program.

Let me turn now to the allegations. As I said earlier, we have not finished our investigation yet and so I cannot lay out everything with certainty. But at this juncture, we see indications of five central problems. In summary, they are as follows:

Credible evidence suggests the government has paid exorbitant and excessive prices for commonly available spare parts.

There are serious questions about overhead costs charged to the program being pyramided.

Pioneer readiness levels are unacceptably low.

Proper stewardship has been lacking, with credible allegations having gone uninvestigated for more than 2 years.

Program officials may have attempted a reprisal against personnel cooperating with the subcommittee's investigation.

Now let me detail these points one-by-one.

First, spare parts overpricing. The whistleblowers first showed the subcommittee evidence of excessive prices being paid by the Navy for spare parts to support the Pioneer system. Our investigation so far has revealed significant overpricing of some parts. What I cannot say at this juncture is exactly how extensive the overpricing was. Nor can I put any dollar sum on the total funds lost to such overpricing. I can, however, document some examples. One of the most notorious is in the same league as the $600 hammer and the $2,000 toilet seat. The subcommittee examined a spark plug connector. The contractor price quoted to the government to supply the replacement spark plug connectors was $544.09 and required a five-month delivery time. The subcommittee obtained one of the connectors from our whistleblowers in the Navy supply system. Stamped on it was the name of the manufacturer and the commercial part number. Let me emphasize that this is a commercial product, not some unique and special component. The engine of the Pioneer is not exotic; it's basically a snowmobile engine. One phone call to the original manufacturer of the part provided us the name of a Washington area retailer. There, the staff bought the identical part for $10.77 including tax—and without 5 months delivery time. The staff has examined other equally egregious examples with similar results.

The second issue is overhead costs. While investigating the spare parts charges, we discovered that the overhead rates billed by the contractor were under question. The subcommittee discovered that a relatively new contracting official in the Navy believed overhead costs were being pyramided between various subcontractors. To understand this, you need to understand the complex structure of the contractors. Israeli Aircraft Industries is the originator of the Pioneer and is itself a true pioneer in UAV work. As is common for foreign contractors, it has an American partner, Aircraft Armament Inc. In order to service the Pioneer contract, IAI and AAI created a new and jointly owned firm called Pioneer UAV Inc. All this makes perfect sense. The problem comes when a part is sold by IAI to AAI to PUI to the Navy. If no value is added but overhead charges are tacked on at each step, then the taxpayer is losing money. This new Navy contracting official wrote a memo last year stating that in his opinion these charges constitute pyramiding, thus violating the Federal Acquisition Regulations (FAR), and should be disallowed. The Armed Services Committee sought to halt this practice when it passed the Defense Procurement Reform Act of 1984, but unfortunately this practice may still be continuing. This allegation requires further investigation.

The third issue is readiness. The program's readiness status could hardly be worse. The Pioneer Program has a readiness goal of 85 percent, meaning that percentage of the Pioneer drones should always be available for use by our troops on any one day. The actual Pioneer combat readiness figure is an appalling 27 percent. Let me note that the Pioneer Program office is very aware of this problem. In fact, of the five problems I am outlining for you today, this is the only one that the program office agrees is a problem. The Pioneer Program office is devoting considerable effort to raising the readiness percentage. I would not be surprised, however, to discover later in our investigation that the unacceptable readiness levels are related to the contractual and financial problems I just cited.

The fourth issue is stewardship. Government officials are charged with stewardship of the taxpayers' money in their management of programs. This appears to be lacking when it comes to this program. Officials responsible for oversight of the program—including contracting officers, auditors, investigators and managers—failed to respond properly or effectively to substantive allegations of flagrant overpricing—potentially exposing the Government to millions of dollars in excessive payments. I am not prepared to charge or even hint here today that these officials are corrupt and are pocketing some ill-gotten gains. What appears to be emerging at this point is a case of overworked officials getting sloppy and neglectful and failing to followup on evidence of excessive charges. In other words, somebody—many bodies, in fact—were asleep at the wheel. At this point, it would be unfair of me to suggest anything more. As I mentioned earlier, whistleblowers tried to use Navy channels to clear up the overpricing problems they saw. The allegations were not merely verbal accusations without substance. The subcommittee discovered that extensive technical analysis was done to demonstrate to skeptical program officials what many already knew—that the Pioneer system was a non-developmental, off-the-shelf system without a need for highly specialized technology or expensive support. Logistics personnel collected numerous examples of commonly available parts used to support the Pioneer system, which were egregiously overpriced. The staff has examined documents that dismiss the allegations and those who made them rather than properly investigate the charges. Staff even discovered an internal Navy investigation—done by Navy contracts officials, not investigators or auditors—that concluded there was no basis to the allegations. However, buried in the same report is the following statement: "The consensus of the interviewees including the Procuring Contracting Officer [PCO] is that the Navy is paying an excessive price for repair parts to support the Pioneer system." This same investigation failed to interview the personnel making the allegations because they were outside the Naval Air Systems Command span of management control. Finally, this same investigation probed the issue of excessive overhead by relying on a Defense Contract Audit Agency [DCAA] audit report which raised no objection to the contractor's overhead. However, DCAA officials interviewed by the subcommittee admitted that the report in question was not an audit report and did not conform to government auditing standards, and did not challenge the reasonableness of the overhead rates charged by the contractor. This test of reasonableness is a crucial element in determining the acceptability of both overhead costs and the prices for parts. The FAR is very clear on the issue of reasonableness. It states:

> A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person in the conduct of competitive business. No presumption of reasonableness shall be attached to the incurrence of costs by a contractor. * * * The burden of proof shall be upon the contractor to establish that such cost is reasonable.

Obviously, this is a very common sense approach intended to prevent the kind of procurement disaster we seem to have found in the Pioneer system.

After these other channels proved fruitless, the Naval Criminal Investigative Service was alerted by the whistleblowers to the allegations. NCIS went back to the Naval Air Systems Command and saw the dubious investigation cited above. Relying on that questionable work as definitive, NCIS decided to do nothing further.

Now I come to my fifth and final point. When it became clear that the program was the subject of a congressional probe, an investigation was launched from within the Navy. I can only describe this so-called investigation as a bald attempt at a reprisal against those dedicated officials who first brought their concerns to the attention of the Subcommittee on Oversight and Investigations. The memorandum launching this counter-investigation is dated March 2 of this year, just a few days after the subcommittee staff met with program officials. This memorandum says there have been a number of allegations involving the conduct of the Pioneer Program at the Point Mugu Naval Air Warfare Center Weapons Division. You may have noticed I have said nothing about the problems being at Point Mugu. I will tell you that the whistleblowers are at Point Mugu, however. I would be happy to make the full text of this memo available to any interested Members. Let me just quote a key part, the section outlining the allegations about program misconduct:

> These reports include allegations concerning payment of excessive or unreasonable prices for Pioneer spare parts, acceptance of defective parts, inappropriate splitting of procurements to remain under small purchase thresholds, failure to safeguard contractor proprietary information, failure to preserve government rights under warranty provisions, and inappropriate procurements from Original Equipment Manufacturers [OEMs] as opposed to requisitioning through normal defense supply activities.

Please note that these instructions direct this fact-finding review to look for evidence that the personnel at Point Mugu had paid excessive prices for parts, which they undoubtedly did although they were objecting to the prices, and that they didn't safeguard contractor proprietary information, which could be applied to the documents clandestinely supplied to this subcommittee. Needless to say, the subcommittee will not tolerate acts of reprisal against government employees attempting to protect scarce taxpayer dollars or informing Congress about longstanding and significant problems on key programs.

To reiterate, logistics personnel documented as early as mid-1992 substantial evidence of overpricing, but a comprehensive audit was not even requested until after the subcommittee began its investigation in February 1994. In conclusion, I plan to ask the Department of Defense Inspector General to conduct a full inquiry into the matters we have uncovered, including:

Credible evidence suggests the Government has paid exorbitant and excessive prices for commonly available spare parts.

There are serious questions about overhead costs charged to the program being pyramided.

Pioneer readiness levels are unacceptably low.

Proper stewardship has been lacking, with credible allegations having gone uninvestigated for more than 2 years.

Program officials may have attempted a reprisal against personnel cooperating with the subcommittee's investigation.

As I said at the beginning, it is not my policy to speak up about an investigation before it has been completed. I don't like airing allegations before they have been thoroughly and exhaustively looked into. Otherwise, you always run the risk of dealing with half-baked charges, misplaced facts and numerous other errors, misunderstandings and mistakes. I'm breaking with my normal policy this time simply because I smell the poison of a reprisal against whistleblowers. I will not tolerate that. The Congress cannot exercise its constitutional role in oversight if government employees who come here to share information are subject to reprisal. It doesn't matter if their allegations pan out or not; they must be free to contact the Congress. I put the Department of Defense on notice that regardless of how this investigation concludes with regard to the allegations of parts overpricing and overhead pyramiding, I will not stand still and tolerate any reprisal against any of the public employees with whom we have been dealing.

The Pioneer UAV is an essential ingredient in the ability of our fighting forces to collect real time intelligence on the battlefield. We cannot allow this capability to be mismanaged and neglected, or the consequences to our fighting forces in the field will be dire indeed.

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## TECHNOLOGY USED TO REUNITE FAMILIES

### HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. BRYANT. Mr. Speaker, we are all saddened by the pictures we see of the refugees from that terrible conflict in the former Yugoslavia. The United Nations High Commissioner for Refugees [UNHCR] estimates that there are 3.8 million displaced persons throughout Europe. More than 40,000 of those refugees are unaccompanied children separated from their families, and who now live in camps for the refugees and the displaced.

I am pleased to announce, however, that there is an effort underway to use technology to bring these children back to their families. The United Nations High Commissioner for Refugees, the EDS Corporation from my hometown of Dallas, and the French company Bull Worldwide Information Systems, have joined together to address this problem.

Using CD–ROM and client-server technology on a system developed by EDS, this team will construct a data base of information and photos so that the UNHCR representatives can use it in the field to help bring families together. Called Operation reUNite, the program is seen as a first step in addressing the overall problem of missing children from the former Yugoslavia.

Operation reUNite is helping the UNHCR organization have access to vast amounts of information to help them solve the heart-wrenching problem of putting children together with their families. This program certainly shows that technology has a human face and can cut to the most basic of human needs.

Mr. Speaker, I would like to share with my colleagues a wire service report from Reuters discussing Operation reUNite.

(From Reuter World Service, Mar. 22, 1994)

PARENTS IN BOSNIA TO USE COMPUTERS TO TRACE KIDS

(By Stephanie Nebehay)

GENEVA—Parents throughout Bosnia, who in desperation shoved an estimated 40,000 children on trains and buses to escape the fighting, will be able to trace them soon via a computer list, the United Nations said on Tuesday. "These are children whose parents, panicking as the war came toward them, gave their children to anybody who was managing to get out," UNHCR spokeswoman Sylvana Foa told a news briefing.

"Children were pushed through bus windows, put on trains and thrown into cars as people tried to flee from one area to another. Parents sent their kids out as fast as they could."

"Operation Reunite" was launched by the U.N. High Commissioner for Refugees (UNHCR) amid signs the 23-month-old civil war in Bosnia-Herzegovina may be coming to an end.

UNHCR, the main relief agency in former Yugoslavia, is providing food and medical supplies to about 2.5 million people displaced by the fighting between the three warring factions. U.N. experts estimate there are 40,000 unaccompanied minors under age 18 who have shown up in refugee centres and countries of asylum, according to UNHCR. These include 20,000 in Croatia.

Britain, Italy, Sweden, the Netherlands, Slovenia, and Turkey generally decided that unaccompanied minors were the most vulnerable, Foa said. "This registration process needed to be done really fast." "If you wait too long these kids start to forget who they are. Some of these kids don't even know their names," she added. "They don't know their date of birth, they don't know anything."

UNHCR said it was collecting documentation on the children, taking their photographs and storing it all on computer disks. It hoped that distraught parents could look at the first 500 cases, already stored on computer disks, by next month.

The disks will initially go to 10 locations throughout former Yugoslavia—including Sarajevo, Tuzla and Zenica—although UNHCR aims to have 40 such centres eventually. "Parents will be able to go to one of these locations, sit down at the computer, and search through the photographs by anything—nickname, approximate date of birth, colour of eyes, colour of hair and whatever we can do to try to cross reference (the information)," Foa told reporters in Geneva.

The $2.2 million project is being financed with grants from the London-based George Soros foundation and the U.S. Agency for International Development (AID), as well as two computer firms. The Soros Foundation, set up by Hungarian-born billionaire financier George Soros, who has already donated $50 million to relief efforts in Bosnia, has provided a grant of $620,000.

Electronic Data Systems Inc., a subsidiary of General Motors Corporation, has donated software worth $400,000, equal to the value of portable and desk top computers contributed by Compaqnie des Machines Bull of France, according to the UNHCR. USAID has provided a $850,000 grant to be used by "Unaccompanied Children in Exile," a Zagreb-based group. "Parents will have to come back several times if they don't find their child on the optical disk the first time," Foa said. "They'll have to try again and again." However, parents will not be told the location of the children "for security reasons," according to the spokeswoman.

"They will be told to contact this or that agency that has the child's file," Foa said. "People will be asked to provide documentation or will be asked about the child's birthmarks so we can be sure we are giving the child to the right parent." The International Committee for the Red Cross (ICRC), which operates a Central Tracing Agency aimed at locating family members separated by conflict, has managed to reunite 590 Bosnian children with their families, according to a spokesman.

ICRC delegates have handled the exchange of five million family messages since the start of the Bosnian war, he added. "We are ready to receive all information collected by the UNHCR," an ICRC spokesman at Geneva headquarters told Reuters.

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## WELFARE REFORM BILL

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. SOLOMON. Mr. Speaker, Thomas Jefferson once said "A departure from principle in one instance becomes a precedent for a second; that second for a third; and so on, till the bulk of the society is reduced to be mere automations of misery, and to have no sensibilities left but for sinning and suffering." In this regard, welfare reform seeks to meld responsible policy with fiscal realities. I firmly believe that welfare reform and deficit reduction are mutually inclusive goals. Responsible reform in welfare policy can result in both lower welfare levels and in decreased Government spending. As the Republic welfare reform bill demonstrates, comprehensive reform is possible through increased targeting of benefits, improved management of programs, and a tightening of eligibility requirements. The February issue of Reader's Digest portrays yet another reason why welfare reform is so essential both for society at-large and for the solvency of our Treasury. Consequently, I commend the article to your attention. It has raised the eyebrows of hundreds of my constituents, I hope it raises yours.

THE FOOD-STAMP RACKET

CROOKS HAVE TURNED THIS WELL-INTENTIONED PROGRAM INTO AN ILLICIT CASH MACHINE—AND TAXPAYERS ARE STUCK WITH THE BILL

(By Daniel R. Levine)

Spyros Stanley was one of the wealthiest people in Charleston, W.Va. He owned a bar and practically every parking lot in the city. But, according to investigators, he had also purchased $23,000 worth of food stamps—for a fraction of their value—from welfare recipients and crack-cocaine dealers. Stanley was buying the stamps to purchase food for himself and his bar.

In Brooklyn, N.Y., J & D Meats, Inc., looked like a typical big-city wholesaler, bustling with delivery trucks, vans and forklifts. Its finances, however, were anything but typical. J & D's owners were illegally trading meat for food stamps. The wholesaler was converting the stamps to cash by depositing them into the bank account of a retail meat market it had once owned, but which was then out of business. In nine years, J & D Meats redeemed $82-million worth of food stamps at its bank.

In Hampton, Va., food stamps became Lazaro Sotolongo's road to riches. Penniless when he arrived from Cuba in 1980, Sotolongo set up a drug ring that sold crack for food stamps at 50 cents on the dollar. He converted the food stamps to cash by selling them to unscrupulous authorized retailers. Over three years he took in more than $1 million.

Says Constant Chevalier, Midwest regional inspector general of the U.S. Department of Agriculture (USDA):

"We've seen just about every type of fraud and abuse of the food-stamp program you could think of."

In 1968, 2.2 million Americans received food stamps at a cost of $173 million. Today, 27 million Americans are enrolled in a food-stamp program that costs taxpayers $24 billion a year.

Food stamps are available to anyone meeting certain eligibility requirements, including individuals whose monthly income is 30 percent above the poverty line. The eligibility requirements are so generous that a family of four earning $18,660 a year (and an individual earning $9,072) can qualify for limited benefits. Maximum benefits for a family of four with no income are $375 a month, while a family of eight can receive up to $676 a month. The value of the stamps is inflated to 103 percent of the cost of the government's basic nutrition plan. This three-percent boost costs $850 million each year.

Even when required by law, getting Congress to cut food-stamp benefits is nearly impossible. Benefits are indexed for food-price inflation once a year. But when food prices dropped 1.3 percent between 1991 and 1992, Congress blocked the law's automatic reduction in food-stamp benefits, throwing a potential savings of $330 million out the window.

At the same time President Clinton and Congress talk of reducing the federal deficit, food-stamp spending will increase by $3 billion over the next five years. Now is a good time to take a look at what years of skyrocketing spending have already produced.

### SECOND CURRENCY

Once a month, a large percentage of food-stamp recipients receive "authorization to participate" (ATP) cards in the mail that show their monthly allotment based on household size and income. They take these to a post office, bank or check-cashing store and exchange them for food stamps, which are used to buy food in authorized retail stores.

But it's when recipients trade the stamps for cash or drugs that the system breaks down. A typical fraud works this way: A drug dealer approaches a food-stamp recipient outside an issuance center and trades $50 worth of crack for $100 in food stamps. The dealer then sells the stamps to a dishonest authorized retailer for $75 in cash. The store then redeems the stamps at a bank for their full value. As a result food stamps have become a second currency used to pay for drugs, prostitution, weapons, cars—even a house. Says Cathy E. Krinick, a Virginia deputy commonwealth attorney, "Food stamps are more profitable than money."

In Camden, N.J., a USDA agent making an undercover investigation into food-stamp fraud received a startling offer in January 1991. Jack Ayoub, owner of a grocery store authorized to accept food stamps, had already received $6700 in coupons from the agent for $3300 in cash. Now Ayoub offered to trade a three-bedroom house for $30,000 in food stamps and another house every two months using the same scheme. After completing the first part of the deal, Ayoub was arrested by federal agents.

An art aficionado in Albuquerque, N.M., used food stamps to fund his collection. He also owned a general store authorized by the USDA to accept food stamps. But instead of milk or eggs, he gave customers cash at 30 to 50 cents on the dollar for their stamps. Then he redeemed them at the bank for their face value. With his profits, he bought $35,000 worth of stolen art.

Food stamps are also easily counterfeited. Dennie Lyons of New Orleans printed more than $127,000 worth of bogus stamps and tried to sell them around the country. When caught, he was sentenced to four years in prison, and his wife, Johnette, got five years' probation for aiding him. But it wasn't long before her phony food stamps were replaced by real ones—soon after her indictment, she was admitted to the food-stamp program.

### RETAILER RIP-OFFS

Only stores authorized by the USDA's Food and Nutrition Service (FNS) can accept and redeem food stamps. But the procedures for receiving authorization are woefully inadequate. A retailer can receive certification merely by filling out an application and stating that staple foods account for over 50 percent of his sales. At the same time, however, there are some 175 FNS people assigned to monitor and investigate the activities of 213,000 authorized retailers, of which 3200 are estimated to be illegally exchanging stamps for cash.

The FNS is so outmatched that even official sanctions don't work. A USDA audit in 1992 found that there were "no effective procedures" to prevent disqualified retailers from continuing to accept and cash in food stamps. "The disqualification process is sorely lacking," says one regional inspector general.

Adds Craig L. Beauchamp, the USDA's assistant inspector general for investigations, "We are seeing more million-dollar-and-up frauds committed by retailers than we have ever seen before."

In Toledo, Ohio, grocer Michael Hebeka was convicted of fraud and permanently banned from the food-stamp program in 1984. Using falsified papers, he tricked officials into believing he had sold his Ashland Market to an employee. Soon the government reauthorized the store to accept food stamps, and Hebeka was back in business. When he was caught a second time in May 1991, he had already redeemed another $7.2 million in stamps.

In Los Angeles, two small grocery stores bought food stamps for half their face value in cash and redeemed them for their full value. Between 1989 and 1992, they cashed in stamps worth more than $20 million. For 16 months, one of the markets averaged $19,000 a day in food-stamp redemptions—even though it had only $10,000 in inventory.

In East St. Louis, Ill., Kenneth Coates, owner of Coates Market, paid as little as 65 cents on the dollar for food stamps, which he cashed in for full value. Over a year and a half, he redeemed $1.3 million, enabling him to pay for his children's private schooling and have enough left over for $150,000 worth of stocks, at least five rental houses and a Mercedes-Benz. This wasn't the first time Coates Market had defrauded the food-stamp program. Ten years earlier, it had been disqualified for fraud—only to be readmitted after six months.

### BUREAUCRATIC NIGHTMARE

After Medicaid, the food-stamp program is the most expensive in the federal welfare system, and one of the most poorly run. Even when the number of recipients has dropped, operating costs have gone up. In 1990 there were 600,000 fewer people on the rolls compared with 1981. But administrative costs soared from $1.1 billion to $2.5 billion. The bureaucracy has grown so unwieldy that mismanagement and inefficiency permeate the program.

Most welfare programs are jointly funded by state and federal governments. But food stamps are entirely funded and regulated by Washington, while state and local agencies are responsible for administering and distributing the coupons. Essentially, states run the day-to-day operation of a program in which they have little incentive to manage costs efficiently.

Mistakes are rife. In 1992, $1.7-billion worth of food stamps were overpaid or sent to ineligible people. The government has fined states that have high error totals, but the penalties are rarely taken seriously. During the past 11 years, $869 million in fines have been levied, and only $5 million collected.

With over $20 billion in federal food stamps circulating every year and little reason for the states to manage them effectively, it's no surprise that the program is easy pickings for crooks—even those "inside" the system.

In Detroit, the department of social services sent $26,000 in food stamps to Mae Duncan. But she didn't exist. The name was one of 26 invented by Patricia Allen, a 39-year-old social worker. Over a nine-year period, she collected more than $221,000 worth of food stamps. In Baton Rouge, La., two sisters who were social-service caseworkers issued $50,000 in food stamps to nonexistent recipients. And in St. Paul, Minn., nobody noticed when a state clerk pocketed $180,000 worth of returned food stamps in nine months.

Of the $24 billion taxpayers fork over for food stamps, nearly $2 billion is lost to fraud, waste and abuse. Says welfare and social-policy expert Charles Murray of the American Enterprise Institute, a Washington, D.C., think tank, "This is a program that for three decades has grown year after year, without any evidence that it *should* grow."

Clearly, radical reform is needed. Here's what can be done:

*1. Tighten eligibility.* Food stamps should be focused on helping the neediest Americans—those living at or below the poverty line. Lowering the income eligibility ceiling to that level (except for families with elderly and disabled members) would guarantee that taxpayer dollars are going to those who truly need assistance.

*2. Cut excesses.* Reducing benefits so that they reflect 100 percent, rather than 103 percent, of the government's basic food plan would save $850 million annually. And states with excessive error rates in administering food stamps should be forced to reimburse the federal government for the lost money. If incentives are put into place, taxpayers could be saved hundreds of millions of dollars each year, and recipients would be served more efficiently.

*3. Crack down on criminals.* Last August, Congress passed legislation introduced by Sen. Mitch McConnell (R., Ky.) toughening penalties against recipients and retailers convicted of food-stamp trafficking. This is a good start, but much more can be done. Recipients should be permanently barred from the program the first time they are caught trading food stamps for drugs, just as they are when they trade for weapons, ammunition or explosives. Now they are given two chances.

As for retailers, information they provide the FNS, such as sales-volume and coupon-redemption data, should be shared with federal law-enforcement officials. Currently, only other welfare agencies are allowed to see these numbers. Also, tougher standards should be imposed before retailers can be certified to redeem food stamps and after a store has been disqualified. Regular store visits and interviews with the owners should be the rule, not the exception. Some of the savings from the program should be used to hire much—needed additional FNS investigators.

Ultimately, however, it is up to Congress to control the rapid growth of food stamps. But over the program's 30-year history, Congress has rarely taken the bold steps necessary to rein in costs. Eliminating illicit trafficking and ensuring that food stamps reach only the neediest Americans in a cost-efficient manner should be a top national priority.

## THE NEIGHBORHOOD CRIME FIGHTERS HOUSING ASSISTANCE ACT

### HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. LAZIO. Mr. Speaker, today I am introducing a bill to help reduce crime in public housing. I am pleased that Representative MARGE ROUKEMA, the ranking member of the Housing and Community Development Subcommittee—the panel with jurisdiction over this bill—is the coauthor of this proposal. In addition, 17 Members, 6 Democrats, and 11 Republicans are original cosponsors.

The Neighborhood Crime Fighters Housing Assistance Act would allow the Department of Housing and Urban Development to work with local public housing and law enforcement officials to relocate residents of public housing when they come forward with information that assists in the arrest, prosecution, or conviction of criminals in or near their public housing community. If the resident fears retribution for such assistance, he or she, and their family, could be moved from their current residence and placed in scattered site housing or provided section 8 certificate or voucher assistance.

The objectives of my legislation are to: substantially decrease drug and criminal activity in or near public housing; provide protection for the innocent victims of crime occurring in public housing; and provide a safer public housing environment.

Under this bill, the Department of Justice, in coordination with HUD and local public housing authorities, would determine whether a public housing resident's contribution merits protection from retribution. If that is the case, HUD would be authorized to provide the necessary aid through coordination, where possible, to prevent harm. That aid can include new rental housing, transportation and moving expenses, career counseling and placement, social services, as well as other measures.

I believe this program is needed to help combat crime in our Nation's public housing. In New York City public housing alone, in 1991, there were: 200 homicides, 336 rapes, 4,451 assaults, 3,961 robberies, 151 arsons, and 2,538 weapons offenses in New York City's public housing. Only yesterday, Mayor Sharon Pratt Kelly stated during a radio interview that approximately 80 percent of all crimes committed in the District of Columbia were in or near public housing. Statistics for other cities around the Nation are similar.

My amendment would allow HUD to set aside $15 million in section 8 certificates for fiscal years 1995 and 1996 for this program. Some may say that this deprives HUD of funds for public housing, but I would argue that this is a wise investment to provide a safer environment for the residents in these communities. Indeed, HUD itself agrees with this concept. The Department's Operation Safe Home Program—which is still being developed—is similar to my proposal, but offers no financing mechanism.

Finally, this is not a problem unique to urban areas. Throughout the Nation, public housing exists in many communities and the residents of these neighborhoods are also victimized by crime.

In summary, my bill is designed to encourage residents of public housing to be active participants in a nationwide effort against crime which ultimately will improve the quality of life in their communities.

## FLOOD INSURANCE RISK MANAGEMENT ACT OF 1994 INTRODUCED

### HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. SAXTON. Mr. Speaker, I rise to join Mr. HUGHES in introducing the Flood Insurance Risk Management Act of 1994.

We on the New Jersey coast have seen a rise in the frequency of nor'easters—devastating storms that batter our coastal towns. Our concern for our constituents who live and vacation on the coast has brought us to the floor today.

Since 1968, the National Flood Insurance Program has provided federally backed flood insurance to encourage communities to enact and enforce floodplain regulations.

The program has been largely successful in encouraging communities to change local building codes to eliminate risky development. In addition, the program has lessened taxpayer involvement from bailing out communities after storms because NFIP participants pay into the fund by which they are covered.

The bill we are introducing today will improve two areas in the NFIP that have been criticized as ineffective.

The first problem is lack of participation which may lead to solvency problems for the fund. This bill encourages participation in a number of ways—

First, it requires financial institutions and Federal agency lenders that have mortgage escrow accounts to collect flood insurance premiums from borrowers—this protects their investment.

Second, it authorizes lenders to purchase flood insurance for borrowers who live in special flood hazard areas but have not purchased flood insurance—again, this protects the bank as well as the borrower.

Third, this bill establishes a Community Premium-Pooling Program to authorize the FEMA to enter into agreements to allow all premiums for a community to be paid by an appropriate public body or agency.

This enables a community to cover not only homes in special flood hazard areas with mortgages, but also those without. In the wake of our last nor'easter, FEMA found that 60 percent of those homes damaged by the storm were those on which no mortgages were held and therefore were not targeted or covered by the NFIP. This bill will increase participation by including that 60 percent in the program, increasing the number of ratepayers and spreading out the risk.

The second problem that our constituents have requested the program address is mitigation.

There are two approaches that are taken in the bill to help homeowners fulfill mitigation requirements—such as flood-proofing their homes.

The bill establishes a revolving loan fund in the Treasury to make loans to carry out flood damage or erosion mitigation activities to those communities or individuals participating in the NFIP. The loan is fixed at a 3 percent interest rate. This fund is financed by a one-time surcharge, as is the additional coverage of mitigation insurance, a concept the FEMA supports. It authorizes the Federal Insurance Administration (FIA) to allow claims for the increased cost of compliance resulting from flood damage.

Finally, this bill defines and limits claims on repetitive loss structures and requires actuarial rates be charged on such structures. It establishes a program placing increasing penalties on repeated claims, beginning after the second claim of $5,000 or more.

This bill is the result of countless hours Congressman HUGHES and I have spent consulting our constituents who participate in the National Flood Insurance Program. This includes lenders, real estate agents, coastal community representatives, local Government officials and Federal agencies which administer the program. It answers their many concerns about the program and we hope for your support in improving this important safeguard on which coastal communities depend nationwide.

## SALUTE TO THE "REGISTER TO MAKE THE DREAM A REALITY" PROJECT

### HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. FOGLIETTA. Mr. Speaker, I rise to salute the "Register to Make the Dream a Reality" project, sponsored by The Philadelphia Martin Luther King, Jr. Association for Nonviolence. This year marks the 26th anniversary of Dr. Martin Luther King's assassination. In the spirit of Dr. King and his struggle for social justice for all, a voter registration drive will be held on April 4th at J.F.K. Plaza and 15th Street in Philadelphia.

Dr. King believed in the power of the ballot for social change. This registration drive, in which more than 40 local civic and political groups will participate, is a fitting tribute to Dr. King's vision. I salute the Martin Luther King Jr. Association for Nonviolence and its Chairperson, Waverly Easley, President C. DeLores Tucker, and Vice Presidents Dr. Constance Clayton and Mary Mason for their work to carry on The Dream.

## THE KYL SEXUAL ASSAULT AMENDMENT TO H.R. 4092 INTRODUCED

### HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. KYL. Mr. Chairman, even though H.R. 4092, the proposed crime bill recently reported out of the Judiciary Committee, provides a beginning for reform of sexual violence laws. However, there are critical omissions in the bill which must be addressed. I am offering an amendment to this bill, currently awaiting a House rule, to effectively deal with the issue of sexual violence.

My amendment will add provisions to H.R. 4092 to help combat sexual violence crimes and provide for equal protection in court for victims of these crimes. Most of the provisions of the amendment I have offered will come from H.R. 688, the Sexual Assault Prevention Act, introduced earlier in the year by Representative SUSAN MOLINARI and myself. H.R. 688 is cosponsored by 112 House Members, both Democrats and Republicans.

Specifically, my amendment will: provide for pretrial detention in serious sex offense cases; increase authorized penalties for repeat sex offenders, repeat child abusers and for drug distribution to pregnant women; increase sentencing guidelines for sex offenses; require HIV testing of defendants in Federal sex offense cases with disclosure of test results to the victim (test results may not be used against that defendant in State or Federal trials); authorize courts to enforce restitution orders by suspending Federal benefits, including grants, contracts, loans and licenses for offenders who refuse to comply with restitution obligations; protect the victim's right to an impartial jury by equalizing the number of peremptory challenges accorded to the defense and to the prosecution in felony cases; allow for evidence of similar crimes in sex offense cases, including child molestation; make inadmissible evidence showing provocation or invitation by victim in sex offense cases; and, provide for the right of the victim to fair treatment in legal proceedings.

Similar pretrial detention, Federal suspension of benefits and Federal Rules of Evidence provisions have been incorporated into the Senate-passed crime bill.

The Federal Rules of Evidence provision of the amendment will go a long way toward helping to neutralize the psychological damage a rape victim often experiences going through the judicial process and will provide a model upon which states can base reforms of their own rules of evidence. My amendment would specifically broaden admissibility of evidence in Federal court to allow evidence showing the accused sex offender had committed offenses of the same type on other occasions and would make it more difficult to admit evidence of past conduct of the victim if it has nothing to do with the issue of consent to act that is the subject of the prosecution.

In rape and child molestation cases, allowing the admission of evidence is critical to the integrity of the judicial process. In most rape cases, it is the word of the defendant against the word of the victim. If the defendant has committed similar acts in the past, the claims of the victim are more likely to be considered truthful if there is substantiation of other assaults.

It is also common in rape and child molestation cases that the victim is too traumatized, intimidated, or humiliated to file a complaint and go through the full course of proceedings of a criminal prosecution. Nevertheless, the victims in such cases are often willing to bear the burden of testifying when they find out that the person who marred their lives has also victimized others.

As the co-chair of the Republican study committee women's task force, I have held a number of hearings dealing with sexual violence. At those hearings, witnesses testified that the most important thing we can do to protect and empower our citizens from sexual and domestic violence is by restructuring our criminal justice system, including increasing penalties for offenders.

Paul McNulty, former director of policy at the Department of Justice, said at one of the hearings, "Given what we know about the recidivist nature of sex offenders, you might think that the criminal justice system does all that it can to keep them in prison. Unfortunately, nothing could be further from the truth. The majority of those who are arrested for rape are not sentenced to prison. Only 33 percent of all such arrestees go to prison. For those who are sent to prison, only a fraction of their sentences are actually served. It is, therefore, quite clear that the most effective way to prevent sexual assault is to punish violent criminals by removing them from the streets. That is why we strongly endorse H.R. 688. As Attorney General William Barr stated last year when discussing this bill, "It brings criminals to justice and justice to victims."

For the millions of individuals who are victims of sexual violence every year, the Congress should take the opportunity to strengthen sexual violence laws by supporting my amendment. It is the only way we will begin to remove violent sex offenders from our streets and our communities and increase the rights of the victim.

## TRIBUTE TO WALTER H. McLAUGHLIN

### HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. MEEHAN. Mr. Speaker, I rise today to pay tribute to one of Massachusetts, legal giants, Walter H. McLaughlin Sr., who recently passed away at age 87. Chief Justice McLaughlin was an outstanding jurist, a dedicated public servant and a devoted family man. His passing will be mourned by countless citizens who benefited from his wisdom and expertise during a distinguished career that spanned seven decades.

Born in 1907 and educated in Cambridge public schools, Judge McLaughlin worked full time at a bakery to pay for his night classes at Suffolk Law School. After receiving his juris doctor in 1931, he began practicing law with his two brothers at a Boston law firm. It did not take long for Judge McLaughlin to establish a reputation as one of the State's leading trial attorneys. A local newspaper reported, "If Walter McLaughlin was your lawyer, he's with you 100 percent; your adversary's position is either illegal, unconstitutional, or just dead wrong."

Judge McLaughlin's legal expertise was recognized by the Massachusetts administration, resulting in his appointment as Justice of the Massachusetts Superior Court in 1967 by Governor Volpe. Three years later, Governor Sargent named him chief justice. In his 7 years at the helm of the court, Judge McLaughlin instituted sweeping reform of the Massachusetts jury selection system, saving the State hundreds of thousands of dollars in the process. He was noted for his skillful and even-handed leadership, as well as his ability to foster a great "esprit de corp" among the judges.

Judge McLaughlin was never too busy to offer others the benefits of his years of judicial experience. He served as a trustee of Suffolk University and as chairman of its Law School Committee. He was a fellow of the American College of Trial Lawyers and was past president of the Massachusetts Bar Association, which awarded him its highest distinction, the gold medal, in 1973. Upon stepping down from the bench in 1977 at the mandatory retirement age of 70, he began a second career in the practice of law, as a counsel to the firm of Gilman, McLaughlin and Hanrahan. In addition to maintaining an active litigation practice, he served as a valued senior advisor, helping new associates make the transition from recent graduates to seasoned professionals. Young lawyers, as well as the veterans, quickly learned that the best way to tackle a sticky legal question was to "run it by the judge".

Despite all the demands of his career, Judge McLaughlin made his family a priority. He and his wife of 61 years, Alice, raised two sons, Walter Jr. and Robert, who practiced law with him, and a daughter, Alice Grayson. He also took great pride in his 12 grandchildren, five of whom, thus far, have pursued legal careers, and seven great-grandchildren.

Mr. Speaker, Judge McLaughlin exemplified the very best in public service and leaves a rich legacy to his family and the people of Massachusetts.

## GOLD STAR MOTHERS DAY

### HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. COYNE. Mr. Speaker, I am introducing today legislation which honors American Gold Star Mothers by designating September 25, 1994, as "Gold Star Mothers Day."

Congress has acted at various points in U.S. history to recognize the role of mothers in the life of our Nation. Special tribute has been paid to mothers who have lost a son or daughter who served in the Armed Forces of the United States. It is fitting that Congress should take such action to recognize the supreme sacrifice made by mothers who have lost a child serving in the defense of our country and perpetuate the memory of all whose lives were sacrificed in our wars.

I want to note the special role played by the American Gold Star Mothers organization in honoring the memory of those who have lost their lives in the defense of the United States. The American Gold Star Mothers group was incorporated in 1929 as a nonprofit, nonpolitical organization. The American Gold Star Mothers, Inc., today continues to assist veterans of the Armed Forces and their dependents in the presentation of claims to the Veterans' Administration, and aid the men and women who served and died or were wounded or incapacitated during hostilities. This outstanding organization has worked over many decades to promote patriotism and to inspire respect for our Nation's democratic institutions.

On September 14, 1940, the late President Franklin D. Roosevelt issued a proclamation designating the last Sunday in September as Gold Star Mothers Day. At various points since 1940, the Congress has reaffirmed its support for the celebration of Gold Star Mothers Day and the bill I am introducing would continue this tradition by designating September 25, 1994, as "Gold Star Mothers Day."

Mr. Speaker, I urge my colleagues to join me in honoring the mothers of the men and women who have given their lives in the defense of our Nation by cosponsoring Gold Star Mothers Day legislation.

## WHITE HOUSE EMPLOYEES WITH CLEARANCES ARE DANGEROUS

### HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. MCCOLLUM. Mr. Speaker, in light of the recent Ames spy case at the CIA, it is ludicrous that there are over a hundred White House staffers who have not yet received their security clearances. Every day a potential Trojan horse pulls up to the White House and empties these staffers and hundreds of other employees who don't yet have permanent passes. The White House seems to be saying "Well if you worked for my campaign we know you're OK and we'll get around to getting you a security clearance when it's convenient for you to fill out the forms."

Meanwhile employees at the CIA must file financial disclosure forms and take polygraph tests. Yes we know they are busy at the White House but other administrations were able to comply with the 30 day limit in filling out the security forms. Yet here it is more than a year after the deadline and over 100 employees who enter the White House every day still have not received an OK from the F.B.I. This is not only alarming and potentially dangerous, but an indication of the sloppy procedures at the White House. But it comes from the top. White House Chief of Staff Mack McLarty who wrote the guidelines for employers to follow did not himself get a permanent pass until earlier this month. Mr. Kennedy who oversees the issuing of passes did not complete the FBI check until early December. Even today a number of senior White House officials without security clearance presumably have access to some of the Nation's most sensitive security information.

All we ask for is a consistent policy to protect the safety of our country. Surely with that in mind no one is above the law.

## GENERAL BERNARDO DE GALVEZ DAY

### HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mrs. FOWLER. Mr. Speaker, today I am introducing a resolution to commemorate the contribution that Gen. Bernardo de Galvez, Spain's Governor of the Louisiana Territory during the Revolutionary War, made to America's fight for independence.

Few Americans today appreciate the important contributions that Spain, and General de Galvez in particular, made to our Nation's fight for freedom. The General, who was the youngest Governor of the Spanish colonies, personally led troops against the British in a successful campaign to drive them from the Louisiana Territory and the Gulf of Mexico. He played a vital role in defending Florida, Louisiana, Alabama, Mississippi, and Texas, capturing such cities as Pensacola, Baton Rouge, Natchez, Mobile, San Antonio, and Galveston from the British to support America's aspirations for freedom.

General de Galvez's actions denied these posts to Great Britain and pressured British forces in the south. Coupled with his support for America's Continental Army and militiamen through the provision of munitions, cattle, uniforms, and other aid, General de Galvez helped to assure George Washington's final victory over the British at Yorktown.

Mr. Speaker, General de Galvez's efforts had a major impact on the outcome of the war and were a key to this Nation's success against the British. The resolution I am introducing today would commemorate these critical contributions by designating the anniversary of his birth, July 23, as General Bernardo de Galvez Day. This resolution would authorize the President to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities, and would give much-deserved recognition to the efforts of a man who did much to secure life, liberty, and the pursuit of happiness for all Americans.

## S. 349—LOBBYING REFORM

### HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. LEWIS of Florida. Mr. Speaker, due to family obligations I was unable to be present to vote on S. 349, the Lobbying Disclosure Act. Had I been present, I would have voted against this resolution for the following reasons.

The Constitution of the United States grants each House of the Congress the power to, "Determine the Rules of its Proceedings, (and) punish its Members for disorderly Behavior. . ." Yet, Congress has been unable to establish standards that say to the American public, "We are here to represent you—not a paid lobbyist." By passing this bill Congress would be saying to the American public that the institution is not capable of enforcing any type of fundamental ethical standard and, to that extent we are asking those who lobby to take that responsibility.

Proponents of this bill claim that it is true reform, because it, "bans gifts, meals, entertainment, travel-related expenses, reimbursements and loans from registered lobbyists to members of Congress and their staff." Yet, this bill details a number of exemptions. These exemptions will perpetuate what has created the public perception that precipitated the introduction and calls for passage of this legislation. With this in mind, I believe that Congress has the responsibility not to legislate on the basis of misguided public perceptions, Congress has a responsibility to clarify public opinion. Congress should legislate in a manner that when true reform is necessary—true reform is achieved. S. 349 does not fit this criteria.

In addition Mr. Speaker, S. 349, creates a whole new bureaucracy for the purpose of registering all paid lobbyists a process which has been in place since established in 1946. I find this fiscally irresponsible as the Congressional Budget Office has not made a cost estimate on this bill. With all the authority granted to this new bureaucracy, and the number of lobbyists already registered in Washington, the size of this office has not even been discussed. Thus, amid calls for smaller government the bill would create a new agency at the taxpayers expense further burdening a Government which already has a $ five trillion debt.

Mr. Speaker, finally, I am concerned about the procedure in which this legislation was brought before the House. Under the rule passed, an extremely closed legislative procedure was enacted for the consideration of this bill. Furthermore, this bill was never even considered at the full committee level. I find it ironic that the supporters of this bill claim that it is intended to "open up the process. . . to ensure a fair and open legislative procedure . . . to end the perception that this is a closed institution"—yet, the bill itself was being considered under an extremely narrow Congressional procedure which does not permit amendments to the legislation.

Mr. Speaker, it is for these reasons why, had I been present, I would have voted against S. 349.

## HONORING BOOMER ESIASON'S SON GUNNAR

### HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. KING. Mr. Speaker, I rise today to salute a young man from the Village of Plainview in my home district who has indeed performed a mitzvah. Thirteen-year-old Eric Solnin was so deeply moved by the plight of New York Jets quarterback Boomer Esiason's son, Gunnar, who is afflicted with cystic fibrosis, that he donated half of his Bar Mitzvah gift money to the Cystic Fibrosis Foundation. His selfless act is an inspiration to people everywhere, proving that each of us can have it in our hearts to reach out and do our part to help make a difference.

Eric not only helped to fight this dread disease through his generous donation, but through his action, helped to focus public attention on the fight to cure cystic fibrosis. He continues in that fight, and will lead a major walk-a-thon on Long Island to raise money for the Cystic Fibrosis Foundation this May.

Following are articles from the New York Post, the New York Daily News, and Newsday about Eric Solnin's good deed.

[From the New York Newsday, Nov. 4, 1993]

BOOMER'S HERO: TEEN WITH HEART

(By Debby Wong)

After Eric Solnin became a bar mitzvah last month, he wasn't quite sure what to do with all the money he received as gifts.

But then the 13-year-old Plainview boy saw Jets quarterback Boomer Esiason on "Good Morning America" discussing cystic fibrosis, the severe and often fatal lung disease. Esiason's 3-year-old son, Gunnar, has cystic fibrosis, and after watching the show, Eric know where some of the money would go.

Yesterday, Eric left Mattlin Middle School a bit early to head over to the Jets' training complex at Hofstra University, where Eric gave Esiason a $4,176 check made out to the Cystic Fibrosis Foundation, about half his bar mitzvah money.

Eric said yesterday that he thought he had enough material things and was thankful he had escaped a fire at his summer camp without injury.

"I already had everything so I wanted to put it to a good cause," he said. "I saw a lot of coverage on Boomer and his son. I knew cystic fibrosis had to be a bad thing."

A grinning Eric got to watch an hour of the Jets' practice yesterday, and then handed the check to Esiason, who gave the boy a Jets jersey with his number 7 on it, along with an autographed football.

"He was a little hero," said Esiason. "As a parent of a CF child, I can't say enough to thank Eric."

Eric's father, Gil, said the donation was in character for his son. "Eric was always putting other people in front of himself. He was always willing to share with others not as fortunate as himself."

Eric, whose chief sport is tennis, said he hopes to be a lawyer or news announcer when he gets older. As for the money, he hopes the donation will help with research and in finding a cure.

And the other half of his bar mitzvah gifts? "I'm going to give to everyone else's bar mitzvah that I'm going to."

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[From the New York Daily News, Thursday, Nov. 4, 1993]

JET FAN ON THE MONEY

By Paul Needell

In September, five months after his 2-year-old son, Gunnar, was diagnosed with the disease, Boomer Esiason created the NFL Quarterback Challenge for Cystic Fibrosis.

Since then, about $160,000 worth of donations have come in to help battle the affliction. After practice yesterday at Hofstra, Esiason was presented with one of the more touching contributions.

Thirteen-year-old Eric Solnin of Plainview, who was bar mitzvahed on Oct. 9, donated half of the monetary gifts he was bestowed for the occasion. His father's company chipped in with another $1,000, and Eric handed Esiason a check for $5,176.

Boomer, in turn, gave Solnin an autographed "ESIASON" Jets jersey, an autographed football and a tour of the locker room. With his arm around the teenager, Esiason introduced him to teammates as "my friend Eric."

"Well I thought about what I was going to do with the money, and I couldn't think of anything," Solnin said. "I didn't really need it, so I wanted to give it to people who needed it more than me."

Said Esiason: "I've received four or five gestures similar to this. It bodes well for the next generation. It's an amazing thing that's taking place. It's the nice part of this story. It's very heartwarming, to say the least."

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[From the New York Post, Thursday, Nov. 4, 1993]

YOUNG'S LONG WAIT ENDING

(By Mark Cannizzaro)

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In a gesture of enormous generosity, 13-year-old Eric Solnin was so moved when he heard about Boomer Esiason's son, Gunnar, being afflicted with Cystic Fibrosis, he donated $5,176 to the Cystic Fibrosis Foundation.

Solnin, of Plainview, gave $4,176, which was half of his Oct. 9 Bar Mitzvah gift money, and Seagram's, where his father works, added $1,000 to it.

"I wanted to put it to a good cause and I didn't really need it, so I wanted to give it to people who needed it more than me," Solnin said.

The youngster yesterday visited Esiason at Jets camp, where he was given an autographed Esiason jersey, a ball and a tour around the complex after practice.

Several weeks into the season, Esiason formed the NFL Quarterback Challenge for Cystic Fibrosis. Mitzvah, by the way, means good deed.

## BOY SCOUTS REPORT TO THE NATION

### HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. GEPHARDT. Mr. Speaker, on March 16, the Boy Scouts of America delivered their annual Report to the Nation to the President of the United States, the Speaker of the House, and the President pro tempore of the Senate. Clerk of the House, Donn Anderson, hosted a breakfast for the Scout delegation in the Capitol during which the Clerk received the report on behalf of Speaker FOLEY and the Secretary of the Senate, Joe Stewart, did likewise on behalf of the President pro tempore.

The Boy Scouts of America is founded on the highest ideals of patriotism, citizenship, and moral rectiftude. The delegation is composed of the most outstanding Scouts in the Nation who are set apart by their example of service, leadership, and achievement.

As a former Boy Scout with the rank of Eagle, I am proud to include for the RECORD, the Boy Scouts report to the Nation together with the names of distinguished delegation.

1993 REPORT TO THE NATION—BOY SCOUTS OF AMERICA

Realizing that America's future is in the physical, moral, and spiritual strength of its youth, the Boy Scouts of America in 1993 fortified the traditional Scouting program and developed better ways to reach youth in urban areas.

In 1993, the Boy Scouts of America: Focused on critical growth areas; expanded Learning for Life; helped develop a Scouting handbook for Russian youth; introduced a new award recognizing contributions to council endowment trusts.

The BSA formulated responses to today's critical challenges so that it can continue providing youth with programs that fill their need for moral and spiritual growth as well as for fun and adventure. More than 3,427,000 youth representing 123,989 units took part in traditional Scouting activities in 1993.

Tiger Cubs, BSA: Tiger Cubs, BSA, for first-grade boys, was strengthened without changing the basics that last year attracted more than 360,000 youngsters. Procedural changes added Tiger Cubs to pack charter rosters, and enabled the boys to roll over into Cub Scouting automatically. Program enhancements will keep young boys and their parents enjoying Scouting longer.

Boy Scouting: The Order of the Arrow launched a new leadership development course. A Train-the-Trainer manual was produced that will train those who train program and council leaders. The Wood Badge was earned by 5,712 dedicated leaders who expanded troop operation skills through experiencing a Scout's daily life.

Exploring: The Exploring Division placed strong emphasis on volunteer and professional staff development, recognition of volunteers, quality program development, and efforts to broaden the focus of future Explorer posts. Exploring's Council Growth Plan achieved its third consecutive year of membership growth. The membership increased by 13,810 to 380,903 in 1993.

Eagle Scouts: The Eagle Scout Award, the highest rank a Scout or Explorer can achieve, was earned by 33,672 boys. The National Eagle Scout Association increased membership by 11,141 to 179,645 members.

Jamboree: Nearly 26,000 boys ages 12 to 18 discovered exciting activities in a wholesome atmosphere at the 1993 National Scout Jamboree at Fort A.P. Hill, Virginia. Boys shared their Scouting experiences with new friends from every state and 64 countries, swapped patches, prepared group meals, and took part in nonstop activities, while learning more clearly what it means to be a Scout.

Camping: Camping introduced youngsters to the wonders of the natural world overlooked in everyday city life. In 1993, 479,384 Boy Scouts (more than half of all Boy Scouts) went camping. Cub Scout camping drew 572,846 youth. The BSA certified 3,168 leaders at National Camping Schools, where they learned successful techniques for operating summer camps. More than 150 professional Scouters learned new camping management ideas during a national forum.

Learning for Life. In its second full year, the popular Learning for Life program received overwhelming approval from educators who appreciated its teaching of positive values and vital life skills in classroom settings. Educators and council professionals learned new administrative, financial, and organizational skills at the first Learning for Life conference. Membership in 1993 was 737,799 youth.

Russian Scout Handbook. The countries of the former Soviet Union are eager to instill basic Scouting values in their youth. Organizers of their young Scouting movement turned to the BSA for help in producing the first Russian Scout Handbook.

Critical Issues. Programs were implemented to advance each of the 1992 National Strategic Plan's four critical issues—traditional net unit growth, Urban Emphasis, endowment emphasis, and positive public relations—under the theme, "Character Counts! Be Prepared for the Twenty-first Century."

Urban Emphasis. Demographic changes make it clear that more than 70 percent of the growth in youth of Scouting age will come from minority communities. It is vital that Scouting reach these young people, many of whom are at risk because of gangs and other urban problems. The BSA devised strategies that will bring successful Scouting to the Nation's inner cities. With the new "Operation First Class" initiative, urban efforts received board-level attention from local councils. Additionally, the BSA held urban seminars for professional staff, attended by councils from throughout the Nation.

James E. West Fellowship Award. The BSA established a new award to give national recognition to the important contribution made by those whose gifts ensure a top-quality Scouting program. Named the James E. West Fellowship Award in honor of the first Chief Scout Executive, the award is given to individuals donating $1,000 or more in cash or securities, beyond their regular contribution, to local council endowment trust funds.

National Court of Honor: Recognizing outstanding acts in the Scouting tradition, the National Court of Honor awarded 36 Honor Medals, 136 Heroism Awards and 95 Awards of Merit.

Young American Awards. Young American Awards, given to young people ages 15 to 25 who have demonstrated excellence early in their adult lives, were presented to five outstanding young Americans: Tracy L. Collett, Marlon Harmon, Hung Pham, Michael E. Plochocki, and Joseph E. Ponzo.

Silver Buffalo Awards. The prestigious Silver Buffalo Award is presented to distinguished citizens for exemplary national service to youth. Six men earned the Silver Buffalo in 1993: William H. Gray, G. William Swisher Jr., George R. Hill III, Lester G. Jones, R. Dan Matkin, and R. Richard Rubottom.

JOHN L. CLENDENIN,
*President.*
JERE B. RATCLIFFE,
*Chief Scout Executive.*

1994 REPORT TO THE NATION DELEGATION

Gregory James Carney, Cub Scout Representative.

Warren K. Baugh, Boy Scout Representative.

Alexander Gonzales, Boy Scout Representative.

Scott Beckett, National Chief, Order of the Arrow.

Christine Ann Hilton, Explorer Representative.

Shawn Flate, National Explorer President.

Norman Burkhalter, Delegation Director.

Gregory Carney, Susan Carney, Parents of Cub Scout Representative.

Gerard Rocque, Donna Rocque, Co-Advisors, Volunteer Scouters.

SCOUT OATH

On my honor I will do my best
To do my duty to God and my country and
to obey the Scout Law;
To help other people at all times
To keep myself physically strong, mentally
awake, and morally straight.

BREAKFAST IN THE U.S. CAPITOL

Welcome—Donnald Anderson, Clerk, U.S. House of Representatives.

Invocation—Warren Baugh, Boy Scout Representative.

Breakfast. Introduction of Delegates—Jerry Rocque, Delegation Advisor.

Presentation of Report—Scott Beckett, National Chief, Order of the Arrow.

Token of Appreciation—Shawn Flate, National Exploring President.

Closing—Donnald Anderson.

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## COMPREHENSIVE SUPERFUND IMPROVEMENT ACT OF 1994

### HON. WILLIAM H. ZELIFF JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 24, 1994*

Mr. ZELIFF. Mr. Speaker, today I am introducing the Comprehensive Superfund Improvement Act of 1994. This bill is a grassroots approach to comprehensive reform of the Superfund law. As you know, the law has come under wide criticism in recent years, and Congress has begun consideration of the President's comprehensive reform package. While I applaud the President and his efforts, I believe my reform will go further in making the needed reforms to enhance fairness, efficiency, and speed in the Superfund cleanup process.

It is clear that most of the money under Superfund currently goes toward litigation and bureaucratic overhead, not to badly needed hazardous waste cleanup and the health and safety of our citizens. My bill, to be introduced in the other body by Senator BOB SMITH, uses the money to clean up the mess, not to pay for legal costs and bureaucracy.

As of 1992, cleanup had only been completed on 12 percent of the more than 1,275 National Priority List [NPL] sites. Despite these dismal statistics, Congress has appropriated over $15 billion since the enactment of Superfund 13 years ago . . . and that figure does not include litigation and transaction costs.

The arms of bureaucracy, litigation, and cost have strangled the Nation's Superfund program. To this point, the lawyers have thrived under Superfund, while the environment and the taxpayers have suffered. Red tape and an unfair liability system—which results in lengthy lawsuits—slow down the cleanup process.

It is time for Congress to admit they made mistakes in Superfund law, and I believe my legislation is a common-sense approach to reforming a law that has gone awry. The Comprehensive Superfund Improvement Act of 1994 will promote environmental protection, speed cleanup, reduce costly lawsuits, target health risks, give States and communities more control and flexibility, and reduce bureaucracy.

This approach to reform is a grassroots, real-world approach to a comprehensive Superfund reauthorization. My legislation has grown out of the recommendations of my New Hampshire Superfund Task Force, a group of 27 volunteers representing a wide cross-section of individuals. Of the 17 NPL sites in New Hampshire, 14 are in my district. Furthermore, 10 of the 17 sites are more than a decade old. None have been completely cleaned up. The members of my task force therefore have tremendous experience in the real world operation of Superfund, and I have no doubt of the validity of their concerns.

In addition, we have had input from numerous business groups, environmentalist, State and municipal leaders, members of the National Governor's Association, the Business Roundtable, the Alliance for a Superfund Action Partnership [ASAP], John Sawhill at the National Advisory Council on Environmental Policy and Technology [NACEPT], and high-level officials at EPA.

We have listened and we have acted. This is not a Washington, DC bureaucratic mandate—it evolved from real people at the grassroot.

The comprehensive Superfund Improvement Act will:

Eliminate retroactive liability from the current law. Under current law, parties who contributed waste prior to enactment of the law can still be held responsible for cleanup costs. This has resulted in excessive litigation.

Implement a fair share system whereby parties will only be held responsible for the amount of waste they contributed to a site.

Provide a new framework for quicker and more efficient Superfund cleanups.

Restructure the method by which EPA determines health and environmental risk at Superfund sites to incorporate scientifically acceptable principles.

Allow States to administer the program without EPA interference in the decision making.

Establish community advisory councils to make recommendations to the EPA on cleanup and future land use of a site and assure that priorities to the local community are considered.

I urge Members to look seriously at this legislation as Congress moves through the reauthorization process. My bill represents the grassroots, not back room deals. This is a real solution that comes from real people.

THE COMPREHENSIVE SUPERFUND IMPROVEMENT ACT OF 1994

TITLE 1—LIABILITY

*1. Elimination of Retroactive Liability Before 1980*

All liability is removed for parties which contributed waste to an NPL site prior to enactment of CERCLA on December 11, 1980. EPA reports that there are 176 sites which have waste that was dumped prior to 1980.

Sites which have remedial action completed that contained waste dumped prior to 1980 will not be eligible for any compensation.

### 2. Release of Liability for Other Innocent Parties

A. *Lenders and Fiduciaries.* Lenders and fiduciaries holding title to land on which an NPL site is located, or which may be held liable for costs associated with the cleanup of that site, are exempted. There are safeguards against any exemption of any such party which is found to be responsible for waste distribution.

B. *Innocent Landowners.* Releases landowners from Superfund liability if they meet the criteria defined in this section after which they will have been deemed to have performed "all appropriate inquiry" under CERCLA.

C. *Conservation Easements.* Grantees of conservation easements on which an NPL site is located is relieved from Superfund liability considering they had nothing to do with any release of hazardous substances.

D. *Site Redevelopers.* Individuals who had nothing to do with disposal and who wishes to redevelop a former NPL site, is released from the threat of any future liability claims.

E. *Non-negligent Remedial Action Contractors.* Clarifies current liability exemption for environmental contractors who are not negligent and did not contribute to the waste.

### 3. Binding Proportional Allocation of Liability

The process of allocation is as follows:

A. *Initial Petition.* Within 30 days of remedial investigation study, EPA or state will file petition identifying site, PRPs, and summarizing legal and technical issues specific to site. Initial petition will also include name of person appointed by Administrator to be "guardian of the fund."

B. *Statement of Parties.* Within 30 days of initial petition, all parties may submit statements regarding defenses to liability, additional facts, and any further PRPs (which may be done for up to 120 days of initial petition). Also within 30 days of initial petition, allocation panel may begin requesting information from all parties (who then have 45 days to respond).

C. *Initial Publication of All PRPs.* Within 6 months of initial petition, allocation panel will publish all PRPs. Allocation panel may add PRPs until final decision is made. Also within that period, allocation panel will name "de micromis" parties, who contributed only a miniscule amount of waste (10 pounds or 10 liters), and who may be released of all liability.

D. *Advocacy Papers.* Within 30 days of publication, all parties may submit papers outlining how they propose liability determination and liability allocation should be done. Parties will also have this opportunity after the allocation panel's first report.

E. *Allocation Reports.* Within 90 days of publication, allocation panel issues report specifying on what basis it will allocate liability. Following second round of advocacy papers (above), allocation panel issues decision on liable parties and allocation of responsibility. Any PRP may request a hearing on these determinations. Allocation panel has discretion to honor that request. For period between filing of initial petition and 18 months following that filing, allocation panel may release any party deemed not liable from all future liability at site.

F. *Orphan Share.* Any party may submit evidence identifying one or more of liable parties whose share should be assigned to orphan share. Following receipt, allocation panel will assign orphan share.

G. *Final Binding Allocation Decision.* Within 18 months of initial petition filing, allocation panel makes final decision (which is binding), based on the following factors: (1) degree to which each party's contribution can be distinguished; (2) amount of hazardous substances contributed by each liable party compared to total amount of waste at site; (3) degree of toxicity of substances contributed by each party; (4) degree of involvement of each party in generation, treatment, storage, or disposal of waste; (5) degree of care exercised by each party; (6) degree of cooperation of each party with government officials in prevention of harm to public health; (7) weight of evidence as to the liability and the appropriate shares of each liable party; (8) any other factors deemed appropriate; (9) ability to pay.

H. *De Minimis Settlements.* As part of final decision, allocation panel identifies all parties which contributed less than 1.0% of total waste. These parties may settle with EPA based on: EPA estimate of total site cleanup cost multiplied by de minimis party share, plus a premium to reflect the benefit of early and complete resolution of liability.

### 4. General Provisions

Requires a release of evidence by EPA to PRPs if requested, which details the basis upon which EPA made their decisions regarding liability at a site.

Provides for contribution protection for parties which settle with EPA from any further cost recoveries by third parties.

Allows "assurances of no enforcement action" for owners of contiguous parties who were not owner/operators at the site.

## TITLE 2—STATE IMPLEMENTATION

### 1. State Authorization

States are authorized to carry out response actions and cost recoveries following approval from EPA and entering a contractual agreement with EPA. The State is not mandated to take on the responsibility of Superfund, nor is it required to address every NPL site within its borders.

A. *Promulgation of Regulations.* Within one year of enactment of this legislation, the Administrator (of EPA) will issue regulations to determine a State's eligibility for authorization. The State is deemed eligible if the Administrator determines that "the State possesses the legal authority, technical capability, and resources necessary to conduct response actions and enforcement activities in a manner that is substantially consistent with this Act and the National Contingency Plan. * * *"

B. *Authorized Use of Fund.* States are authorized to receive funding from the Fund for response actions. The amount authorized takes into account the number and financial viability of all PRPs, and is limited to the amount necessary to achieve a level of response that is not more stringent than required under this legislation. Specific regulations will be promulgated within one year by the Administrator, in consultation with the States.

States must assure payment of a 10% cost share for response actions.

States may retain 5% of all cost recoveries for use in its hazardous cleanup response program.

C. *Federal Oversight.* EPA is allowed periodic review of State programs to determine that response actions selected are consistent with this Act, monies from the Fund are being properly used, and the State's cost recovery efforts are conducted in accordance with the contract. EPA may not, at any time, modify any remedial decision of a State.

The EPA may withdraw State authorization and seek enforcement in Federal court (after 60 days notice) if a State violates its contract of authorization with EPA. Any withdrawal or approval of authorizations are subject to public comment. Finally, if a State chooses to implement response actions which are more stringent than under this Act, they are solely responsible for the cost of any additional costs.

## TITLE 3—REMEDY SELECTION

### 1. Immediate Risk Reduction Measures (IRRMs)

The first step at all sites should be to minimize and prevent, to the maximum extent possible, any actual and imminent and substantial endangerment to public health. EPA or the State will have the authority to draw money from the Fund to abate the danger by taking such actions as: removing waste from barrels, tanks, or lagoons; providing alternative water supplies; preventing discharges to surface waters or groundwaters; installing fencing; or instituting other institutional controls (this is *not* an exclusive list).

The IRRM must be conducted in the most cost-effective manner.

The IRRM will be performed by the State or the EPA as soon as possible; but not later than 60 days after NPL listing. IRRMs are also allowed at a later date if new or changed conditions warrant.

### 2. Site Scoring

The EPA or State (the lead agency) then scores the site based on then-existing conditions after the IRRM is completed. Thus, the scoring is based on residual risk. If residual risks score high enough, the site is "listed." (Prior conditions are not considered in scoring)

### 3. Prepare a Long-Term Response Plan (LTRP)

The EPA or State will then prepare a LTRP, which includes four components (see below). PRPs may be given the opportunity to prepare the LTRP, and the lead agency may be able to expedite the LTRP if it determines a standardized remedy satisfies the selection criteria.

A. *Site Characterization.* Type, nature, and extent of contamination, including location(s) of source(s). This will be more focused than the current RI process and must be completed within twelve months of listing.

B. *Risk Assessment.* Risk assessment defines who is at risk, what they are at risk of, and the likelihood and degree of the risk. Risk assessment is performed at the same time as the Site Characterization and must be completed within twelve months of listing.

C. *Community Advisory Council (CAC).* The CAC investigates current and reasonably expected future uses of the site, and affected off-site areas of resources, and determines the community's desire(s) for the site and the potentially affected resources. The CAC's report is also prepared within twelve months of listing. (consultation rights but no veto power)

D. *Response Option Identification.* Following completion of steps A, B, and C, and earlier if possible, there will be a three month period in which to develop the range of possible response actions and to conduct a cost/benefit analysis on each category of action: Containment (permanent or not while awaiting new technology), remediation, monitoring, and delisting (no further action).

The CAC, PRPs, and other interested parties would then inform the lead agency of their preferred option(s).

4. *Long-Term Response Plan Selection.* EPA or the State selects a long-term response or combination which achieves an acceptable level of residual risk reduction (the "cleanup

goal''), taking into account such factors as future site uses, cost/benefit considerations, and economic impact. The selected LTRP may include monitoring, containment, institutional controls such as groundwater management zones (GMZs), natural attenuation, and active remediation. ARARs and preference for permanence are eliminated.

Response is selected by lead agency, based on review of the LTRP and input from CAC, PRPs, and the general public. The lead agency shall consider, but is not bound by, the recommendations of the CAC, PRPs, or other parties. ARARs are no longer a consideration, and the preference for permanence is also eliminated.

5. *Transition Provisions.* Existing sites will fall into a three-tier transition process: if an existing NPL site has not yet conducted an RI/FS, then Title III of this Act is executed in full. If an existing NPL site is at some stage between the RI/FS and the execution of the RA contract, then the parties at the site must declare within 30 days of enactment their desire to opt in to this Act and begin the new remedial process with a new risk assessment, as defined in this Act. The final tier allows for any site at any stage following the execution of the RA contract to restart the process at the risk assessment stage of this Act if the lead agency determines it would be technically and economically feasible.

6. *General Provisions.* (a) Appeal process for IRRM issues: standard of review is arbitrary and capricious, abuse of discretion, or not in accordance with law. There is a seven-day limit on appeals filings in an IRRM. Appeal process for LTRP: de novo review. All appeals are heard by the US District Court where the site is located.

(b) Appeal process on LTRPS: if no appeal or lose appeal, or appeal results in modifications, the PRPs must implement LTRP within 30 days of EPA's decision date or the court's decision date.

(c) EPA/State may have periodic review every 5 years; may trigger a supplemental LTRP, which includes all the process steps for an LTRP.

(d) Site is delisted once cleanup goals have been met, which includes delisting while O&M or monitoring are still being conducted.

(e) All LTRPs shall be determined and initiated within 6 years of the enactment of this act.

TITLE 4—FUNDING

1. *Reauthorization of Tax Authority.* Allows for a straight reauthorization of current taxes relating to Superfund.

2. *Authorizes Appropriations From General Treasury.* For $250,000,000 per year for five years (no change from current).

3. *New Funding.* Assessments on corporations with taxable income above $2,000,000 will be increased to 0.24%. A new fee on insurance companies will also go into effect. Funds collected which are a result of these increases will be placed in a fund dedicated solely to cleaning up sites prior to Superfund being enacted.

4. *Sunset of Some Provisions.* Any increases will sunset after five years.

# SENATE—*Friday, March 25, 1994*

*(Legislative day of Tuesday, February 22, 1994)*

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. Leading the Senate this morning in its prayer to Almighty God, who created man in His own image and breathed into his nostrils the breath of life, will be the guest Chaplain, Rabbi Tzvi H. Porath, Rabbi emeritus, Ohr Kodesh Congregation, Chevy Chase, MD.

Rabbi Porath, please.

## PRAYER

The guest Chaplain, Rabbi Tzvi H. Porath, Rabbi emeritus, Ohr Kodesh Congregation, Chevy Chase, MD, offered the following prayer:

Let us pray:

We meet this morning prepared to conclude the agenda of the final days of this session so that we may return to our communities for the scheduled recess.

We trust that our constituents realize that the deliberations in which we have participated, the judgments we have made, and the conclusions we have reached will reflect the directions they would want us to go.

We look forward to the coming days to be able to meet with our citizens to get their ideas, their thoughts, their input.

We pray that we return from our recess invigorated, stimulated, and uplifted by the personal contact with the people from our State.

We extend our best wishes to all those who are preparing to celebrate the religious festivals, Passover and Easter, that occur during this period.

May we all be inspired to translate the message of our holy days to bring the inhabitants of our country, whatever their origin, race, or creed, into a bond of true brotherhood, banishing hatred and bigotry, safeguarding the ideals and free institutions which are our country's glory. Amen.

## RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. The Senate will be in order. Under the previous order, the leadership time is reserved.

## CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

The PRESIDENT pro tempore. Under the previous order the Senate will now resume consideration of Senate Concurrent Resolution 63, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 63) setting forth the congressional budget for the U.S. Government for the fiscal years 1995, 1996, 1997, 1998, and 1999.

The Senate resumed consideration of the concurrent resolution.

Pending:

Harkin amendment No. 1578, to express the sense of the Congress that spending for the star wars (Ballistic Missile Defense) must not exceed the fiscal year 1994 appropriated level.

The PRESIDENT pro tempore. The majority leader.

### SCHEDULE

Mr. MITCHELL. Mr. President, pursuant to an order entered last evening, the Senate will complete action today on the concurrent resolution on the budget, which is now the pending matter. Under that order, which is printed at page 2 of today's calendar, there remain in order a maximum of eight amendments, which are listed. Each is subject to a time limitation of 10 minutes for debate. So it is my hope that we will complete action on this measure promptly today. I am advised by the managers that it is likely that not all of those amendments will require recorded votes.

Following the disposition of this measure, the Senate will return to consideration of the conference report accompanying the Goals 2000 education bill.

As I have indicated previously on several occasions, we must complete action on both of these measures prior to the Easter recess.

Mr. President, I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDENT pro tempore. Who yields time?

Mr. DOMENICI. Mr. President, I believe, pursuant to the order, Senator SPECTER is to proceed and he has 5 minutes on an amendment.

The PRESIDENT pro tempore. The Senator from Pennsylvania has an amendment on the list. Does he wish to proceed and call up that amendment?

### AMENDMENT NO. 1597

(Purpose: To state the sense of the Congress regarding the need to shift the allocation of antidrug funds from ineffective international antidrug programs to drug treatment and prevention programs designed to reduce the demand for illegal drugs)

Mr. SPECTER. Mr. President, I sought recognition to send an amendment to the desk and to ask for its immediate consideration in line with the unanimous consent agreement reached last night.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 1597.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Is there objection to dispensing with further reading of the amendment?

The Chair hears no objection. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III add the following new section:

SEC. **SENSE OF THE CONGRESS ON SHIFTING THE ALLOCATION OF ANTI-DRUG FUNDS FROM INTERNATIONAL ANTI-DRUG PROGRAMS TO DRUG TREATMENT AND PREVENTION PROGRAMS.**

(a) FINDINGS.—The Congress finds that—

(1) in 1991 over 11,000 hectares of opium production were eradicated out of over 238,000 hectares under opium cultivation;

(2) in 1992 over 22,000 hectares of opium production were eradicated, but the amount of hectares under opium cultivation grew to over 255,000 hectares;

(3) in the face of a successful opium eradication program in 1992, the amount of land under active opium cultivation grew by 6700 hectares;

(4) in 1991 over 6,500 hectares of coca leaf production were eradicated out of over 212,700 hectares under cultivation;

(5) in 1992 fewer than 5,300 hectares of coca leaf production were eradicated, and the amount of hectares under active coca leaf cultivation grew to almost 217,000;

(6) the amount of land under active coca leaf production grew by 5300 hectares in 1992, and coca leaf production increased by 1200 metric tons over production in 1991;

(7) the Drug Enforcement Administration has reported that the purity of cocaine available in the United States has increased since 1990, which demonstrates that adequate supplies of cocaine continue to be produced and smuggled into the United States;

(8) the Drug Enforcement Administration has reported that the price of cocaine available in the United States has remained stable or declined since 1990, again demonstrating that adequate supplies of cocaine are being produced and smuggled into the United States;

(9) many observers of national drug policy have come to conclude that the efforts of the United States to reduce the supply of drugs through international law enforcement and training, economic development, and crop substitution programs in foreign nations cannot succeed in reducing the supply of drugs available in the United States;

(10) recent studies demonstrate that drug treatment and prevention programs have achieved notable success in reducing drug use and associated criminality, including the commission of violent crime by drug users;

(11) the current national capacity to provide drug treatment falls far short of being

able to provide adequate treatment to drug users who need and want treatment;

(12) additional resources are needed to add drug treatment capacity and to expand drug prevention programs.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) in setting forth the budget authority and outlay amounts in this resolution, Congress should take note of the failure of past spending to support international anti-drug programs, including but not limited to those of the Agency for International Development, the Bureau of International Narcotics Matters and the Bureau of Politico-Military Affairs of the Department of State, and the Drug Enforcement Administration; and

(2) the budget authority and outlay amounts in this resolution should be reallocated from international anti-drug programs to support successful drug treatment and prevention programs that will curb the demand for illegal drugs; and

(3) one-half of the budget authority and outlay amounts to combat illegal drugs be expended to reduce the demand for illegal drugs in the United States and one-half of such amounts be expended to reduce the supply of such drugs in the United States;

(4) no budget authority or outlay amounts reallocated in accordance with the provisions of this section shall be taken from budget authority and outlay amounts for foreign aid or international development other than those accounts that support international anti-drug programs.

The PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, there is only 5 minutes allocated, so I will get right to the point. The amendment is a sense-of-the-Senate amendment which would reallocate funding for the so-called supply side, where funds are expended in Latin America for crop eradication and for police work in Latin America, which has proved to be unsuccessful; and would transfer those funds to the so-called demand side, where the moneys would be used for rehabilitation and education in the United States.

We have, for the years 1995 through 1999, budget authority of almost $1.2 billion and almost $1 billion in outlays. And this sense-of-the-Senate resolution would reallocate that to rehabilitation and education in the United States, with $1.1587 billion going to education and rehabilitation, and $463 million in outlays.

The facts of the matter are these. Even though there have been substantial reductions in the number of hectares of opium production and hectares of coca production—and a hectare is defined by Webster's New World Dictionary as a unit of surface measure equal to 10,000 square meters and 1 hectare equals approximately 2.471 acres—even though there have been those reductions, the net effect yet has been that production has increased. And that is because it is so profitable to make opium and to produce coca.

There was a Congressional Research Service study in April 1993, published by the Senate Judiciary Committee as "U.S. International Drug Control Policy, Recent Experience, Future Options," and the results of that study show that this program has not been effective. At the same time, we are very short on sufficient funds for rehabilitation of drug users in the United States. The current system has the capacity, according to the Office of National Drug Control Policy, to treat 1.4 million drug users. And we have as many as 2.5 million drug users who could benefit from drug treatment. So the funds were being allocated in the wrong way.

The Senate has twice passed sense-of-the-Senate resolutions introduced by this Senator calling for a change in the allocation between education and treatment on the one side, known as demand, and law enforcement and interdiction, known as supply. Instead of a two-thirds allocation for law enforcement and one-third for treatment and education, there should be a 50–50 split. And there has been some movement on the allocation of funds, but not nearly enough.

I personally have talked to administration officials from the Attorney General, Deputy Attorney General, assistant of the criminal division, and the drug people, who all express sympathy, both privately and in public hearings. But there has been very little movement. There has been, in fiscal year 1993 a split of 65–35 percent and that moved to 62.6–37.4 in 1994. The projection for 1995 was 59.3 to 40.7 percent.

So we have moved from a 65–35 split in 2 years to a 60–40 split, and that is not nearly enough.

The issue of rehabilitation and education, Mr. President, is vital if we are to give drug offenders a chance. This ties in directly with the current interest in life sentences for career criminals.

From my own experience as a district attorney of Philadelphia, I know that we cannot get judges to impose life sentences, which is a very individual matter, simply by having a legislative mandate. What is necessary is realistic rehabilitation with literacy training and job training and drug treatment so that if an individual fails after a first conviction, gets rehabilitation and fails after a second conviction, and gets rehabilitation and then comes before the court as a career criminal after a third offense—and these career criminals commit about 70 percent of the crimes in America; on the average about two robberies or burglaries a day, some 700 crimes, statistics show for career criminals—and there is an effort at rehabilitation and it fails, then you can get life sentences imposed and protection of society after you give the individual a chance.

So it is a matter of humane treatment for the individual, and then it is a matter for protection of society.

We do relatively little congressional surveillance, Mr. President, as we all know. We are so busy with the other work that we have in the Senate. This is really a shot across the bow to move this limited amount of funds. Where we now spend about $13 billion a year on drug enforcement and rehabilitation, there should be a lot more accounting and a lot closer attention paid.

When this amendment was filed, I finally heard from some members of the administration. This is only a sense of the Senate of what I intend to do to follow it through the appropriations process. I see the President wielding the gavel. I conclude.

The PRESIDENT pro tempore. The Senator's time has expired. Who yields time in opposition?

Mr. SASSER. Mr. President, I believe we can accept this amendment on the part of the Senator from Pennsylvania. Let me be clear on just one point. Does the amendment actually shift numbers in the resolution?

Mr. SPECTER. Mr. President, if I may respond to my friend from Tennessee, it does not. It is a sense-of-the-Senate resolution which calls for the shift. As I say, it is a shot across the bow, and I intend to follow it through the appropriations process.

Mr. SASSER. I yield to the distinguished Republican Member.

Mr. DOMENICI. I join you. We are willing to accept the amendment. I clearly support the ideas that are encapsulated in the sense-of-the-Senate amendment. We all understand it will be up to the appropriators to decide how this money is allocated between the subcommittees, and ultimately what happens to the disposition of the Senator's cause as he expressed it here. I see no reason why we cannot accept it on this side.

Mr. SPECTER. Mr. President, if I might make one brief addendum.

The PRESIDENT pro tempore. Who yields time?

Mr. SASSER. Does the Senator from Pennsylvania have additional time?

The PRESIDENT pro tempore. He has no time.

Mr. SPECTER. I ask for 1 minute.

Mr. SASSER. I yield 1 minute.

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized for 1 minute.

Mr. SPECTER. Mr. President, if I may have the attention of the Senator from Tennessee, in the 2 preceding years, we passed sense-of-the Senate resolutions for even split 50–50, and they were both dropped in conference. This is the third amendment I have offered on the assurances of the managers that they would be vigorously defended in conference. But I do think we need to get the concurrence of the House if at all possible. I know that cannot be determined at this moment.

But I just urge my colleagues, two very forceful advocates, that when the moment of reckoning comes they push very hard. They have deleted our two sense-of-the-Senate resolutions from the last 2 years. So I urge my colleagues on this and the two amendments on yesterday, to do your utmost to have them retained in conference.

Mr. SASSER. I will assure the Senator from Pennsylvania we will be diligent in trying to uphold the Senate's position on this issue.

Mr. KERRY. Mr. President, I want to sound a note of caution as we pass Senator SPECTER's amendment on the allocation of antidrug funds from international antidrug programs to drug treatment and prevention. I agree with Senator SPECTER that we need focused attention on reducing drug demand in the United States, and that funds for drug treatment are woefully inadequate. Indeed, I have long sought to increase funding for treatment to permit treatment on demand for all drug addicts who want it, as a policy that would save us billions of dollars over the long run in reductions in crime, health care, and other social service costs.

But I do not accept the proposition for an instant that we should shut down our international antidrug efforts, as his amendment recommends.

The problem is that the Specter amendment fails to recognize that there is a close connection between international drug trafficking and our domestic crime and drug problems. The fact that our past efforts have not been as effective as they need to be does not justify simply shutting down international efforts. We require a smarter strategy, not an absence of strategy, which I fear would be the net result of the Specter approach, were it to be implemented.

The existence of international organized crime is understood by almost everyone. But often its various manifestations are seen as unrelated, random actions that typically are peripheral to U.S. interests. In fact, while originating in many, often varying local conditions, international organized crime constitutes a very significant and increasing integrated threat to a wide range of U.S. interests. First, international crime can only flourish to the extent that domestic governments are incapable or unwilling to prevent the criminals from achieving their unlawful goals. When criminals succeed, and governments fail, the governments tend to become increasingly weakened in the process. There are many pernicious consequences for the United States of this weakening of structures. International criminals tend not to be responsible citizens of the world in any realm. They are happy to smuggle not just narcotics, but other dangerous materials, like radioactive substances used in making a nuclear bomb, and the basics for chemical and biological weaponry. The smuggling networks for any one prohibited substance can readily be applied to all others. Barriers break down, and those who we most want to be protected against can gain access to everything they need to threaten us.

We have grown increasingly used to the terrifying reality that our cities contain unsafe areas. This should not be acceptable to any American, but it is still a reality that we have been unable to change. The violence that takes place every day in Washington, DC, or Detroit, or Miami, or Los Angeles, or Chicago, or New York is one direct consequence of the effectiveness of the vertically integrated cocaine and heroin trafficking networks that exist in those cities, but whose leadership is in Medellin and Cali, Colombia. Drug-related violence takes place at every level of urban life, and while it is usually viewed as a domestic problem, it is also an aspect of international crime.

The drugs come from abroad. The drug profits are repatriated to foreign drug kingpins. The idea that we can ignore them and still deal with our national drug problem is a policy that will leave the drug criminals free to flourish, grow, and develop ever more political and economic power internationally.

Accordingly, it is my considered view that we cannot deal with the problems of drugs without a focused attention upon strengthening host nation democratic antidrug institutions, integrating our antidrug efforts with sustainable development programs, and making greater use of traditional multilateral partners, like the United Nations.

The Specter amendment seems to contemplate an end to all international efforts at combating narcotics. Accordingly, while I will not hold up passage of the budget at this time by forcing extended debate upon what is only a sense of the Congress, I do want to express my deep concerns about the consequences for our international efforts against narcotics were it to become law.

The PRESIDENT pro tempore. The question is on the adoption of the amendment. Has the Senator from Tennessee yielded back his time?

Mr. SASSER. I yield back the remainder of my time.

The PRESIDENT pro tempore. All time has been yielded back. The question is on the adoption of the amendment of the Senator from Pennsylvania.

So the amendment (No. 1597) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, the next amendment in order of sequence will be an amendment to be offered by the distinguished Senator from Florida [Mr. GRAHAM]. I do not see him on the floor, and I am advised he is on official business at the White House at the present time. I ask my friend from New Mexico, is there anyone on his side who might be willing to offer an amendment?

Mr. DOMENICI. Mr. President, we have Senator GRAMM, of Texas, en route. His would have been the third amendment. He says he will be here shortly. I do not think Senator SIMON or any of the other Senators are available at this point, so we probably have to wait.

Mr. President, I wonder if the chairman would mind if I took 30 seconds at this time to congratulate Senator SPECTER and thank him for his cooperation.

Mr. SASSER. That is fine.

Mr. DOMENICI. I yield 30 seconds, Mr. President, to myself.

The PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I want to say to Senator SPECTER that I very much appreciate his patience. He has had three or four very interesting and noteworthy amendments, and he has spent more time on the floor waiting patiently and working with this side. I thank him for that. I think he got most of his amendments before the Senate. But I am apologetic he had to wait so long. I thank him very much.

Mr. SASSER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Tennessee does not have time. The Senator from New Mexico has——

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate go into a quorum call at this time.

The PRESIDENT pro tempore. On the time of the Senator from New Mexico?

Mr. DOMENICI. And that the time be added to the allotted time heretofore agreed to, thus not counting against the various amendments that are pending.

The PRESIDENT pro tempore. Is there objection?

Mr. SASSER. No objection.

The PRESIDENT pro tempore. The Chair hears none. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent to be able to speak for 3 minutes as in morning business.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection. Is there objection?

Mr. SASSER. Reserving the right to object. Mr. President, I ask that the time that the Senator from Minnesota uses be charged against the resolution.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection. The Senator from Minnesota is recognized for 3 minutes, the time to come off the time on the resolution.

## THE STATE OF AMERICA'S CHILDREN

Mr. WELLSTONE. Mr. President, the Children's Defense Fund just issued a report called "The State of America's Children." I would like to cite some statistics on the floor of the U.S. Senate.

Every 5 seconds of the school day, a student drops out of public school. Every 30 seconds, a baby is born into poverty. Every 34 seconds, a baby is born to a mother who did not graduate from high school. Every 2 minutes, a baby is born at low birth weight. Every 2 minutes, a baby is born to a mother who had late or no prenatal care. Every 4 minutes, a child is arrested for an alcohol-related crime. Every 5 minutes a child is arrested for a violent crime. Every 7 minutes, a child is arrested for a drug crime. Every 2 hours, a child is murdered. Every 4 hours in the United States of America, a child commits suicide. And every 9 hours, a child or young adult under 25 dies from HIV.

Mr. President, the reason that I read these statistics is that I am concerned about the resolution, and in particular I am concerned about the additional cut in outlays of over $20 billion over the next several years.

Mr. President, my concern is since we do not specify where those cuts will be, there is a greater than even chance as applied to discretionary spending that we will see cuts in programs most important to those citizens who are most vulnerable, those citizens with the least amount of economic resources and the least amount of political clout.

Mr. President, I have heard my colleagues talk about deficit reduction over and over and over again. I voted for the reconciliation bill and was proud to do so. I think deficit reduction is one public policy goal. But for children who are hungry, for children who are homeless, for children who go to schools that do not have the resources, for children who see no opportunities, for children who really do not have a chance now, deficit reduction is a rather abstract goal.

I do not know how I will vote on this final budget resolution, but I do know that these additional cuts, though we talk about them in numbers and in an abstract way, will be very hurtful to citizens in our country, and I believe many of those citizens could very well be children.

When, Mr. President, in addition to the deficit reduction are we going to deal with the investment deficit reduction? When are we going to invest in children? What happened to the agenda of race and gender and poverty and children and opportunities and education and housing and safe neighborhoods? What happened to that agenda?

Mr. President, all the discussion about deficit reduction leaves many, many citizens out of the loop. I wonder when we are going to respond to the state of America's children. When are we going to get beyond photo opportunities with children and discussion of children and deal with these statistics? We are dealing with the budget deficit, but we are not dealing with the investment deficit.

Mr. President, if we do not invest in children when they are young, we are going to pay the price later. When will we learn? Decline begets decline begets decline.

The PRESIDENT pro tempore. The time of the Senator has expired.

## CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

### AMENDMENT NO. 1598

(Purpose: To reimburse States for costs resulting from the Federal Government's failure to control our borders and curb illegal immigrants)

Mr. GRAMM. Mr. President, I send an amendment to the desk for myself and Mrs. HUTCHISON.

The PRESIDENT pro tempore. The Chair will inquire, is this the amendment that is on the list?

Mr. GRAMM. Yes, Mr. President, it is.

The PRESIDENT pro tempore. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM], for himself and Mrs. HUTCHISON, proposes an amendment numbered 1598.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 11, decrease the amount on line 14 by $187,000,000.

On page 11, decrease the amount on line 15 by $31,000,000.

On page 11, decrease the amount on line 22 by $187,000,000.

On page 11, decrease the amount on line 23 by $94,000,000.

On page 12, decrease the amount on line 5 by $187,000,000.

On page 12, decrease the amount on line 6 by $187,000,000.

On page 12, decrease the amount on line 13 by $187,000,000.

On page 12, decrease the amount on line 14 by $187,000,000.

On page 12, decrease the amount on line 21 by $187,000,000.

On page 12, decrease the amount on line 22 by $187,000,000.

On page 13, decrease the amount on line 1 by $40,000,000.

On page 13, decrease the amount on line 8 by $7,000,000.

On page 13, decrease the amount on line 14 by $40,000,000.

On page 13, decrease the amount on line 15 by $20,000,000.

On page 13, decrease the amount on line 21 by $40,000,000.

On page 13, decrease the amount on line 22 by $40,000,000.

On page 14, decrease the amount on line 3 by $40,000,000.

On page 14, decrease the amount on line 4 by $40,000,000.

On page 14, decrease the amount on line 10 by $40,000,000.

On page 14, decrease the amount on line 11 by $40,000,000.

On page 14, decrease the amount on line 18 by $183,000,000.

On page 14, decrease the amount on line 19 by $31,000,000.

On page 15, decrease the amount on line 2 by $183,000,000.

On page 15, decrease the amount on line 3 by $92,000,000.

On page 15, decrease the amount on line 10 by $183,000,000.

On page 15, decrease the amount on line 11 by $183,000,000.

On page 15, decrease the amount on line 18 by $183,000,000.

On page 15, decrease the amount on line 19 by $183,000,000.

On page 16, decrease the amount on line 2 by $183,000,000.

On page 16, decrease the amount on line 3 by $183,000,000.

On page 16, decrease the amount on line 11 by $335,000,000.

On page 16, decrease the amount on line 12 by $56,000,000.

On page 16, decrease the amount on line 18 by $335,000,000.

On page 16, decrease the amount on line 19 by $168,000,000.

On page 16, decrease the amount on line 25 by $335,000,000.

On page 17, decrease the amount on line 1 by $335,000,000.

On page 17, decrease the amount on line 7 by $335,000,000.

On page 17, decrease the amount on line 8 by $335,000,000.

On page 17, decrease the amount on line 14 by $335,000,000.

On page 17, decrease the amount on line 15 by $335,000,000.

On page 17, decrease the amount on line 22 by $95,000,000.

On page 17, decrease the amount on line 23 by $16,000,000.

On page 18, decrease the amount on line 5 by $95,000,000.

On page 18, decrease the amount on line 6 by $48,000,000.

On page 18, decrease the amount on line 13 by $95,000,000.

On page 18, decrease the amount on line 14 by $95,000,000.

On page 18, decrease the amount on line 21 by $95,000,000.

On page 18, decrease the amount on line 22 by $95,000,000.

On page 19, decrease the amount on line 5 by $95,000,000.

On page 19, decrease the amount on line 6 by $95,000,000.

On page 19, decrease the amount on line 14 by $635,000,000.

On page 19, decrease the amount on line 15 by $106,000,000.

On page 19, decrease the amount on line 22 by $635,000,000.

On page 19, decrease the amount on line 23 by $318,000,000.

On page 20, decrease the amount on line 5 by $635,000,000.

On page 20, decrease the amount on line 6 by $635,000,000.

On page 20, decrease the amount on line 13 by $635,000,000.

On page 20, decrease the amount on line 14 by $635,000,000.

On page 20, decrease the amount on line 21 by $635,000,000.

On page 20, decrease the amount on line 22 by $635,000,000.

On page 22, decrease the amount on line 23 by $282,000,000.

On page 22, decrease the amount on line 24 by $47,000,000.

On page 23, decrease the amount on line 7 by $282,000,000.

On page 23, decrease the amount on line 8 by $141,000,000.

On page 23, decrease the amount on line 15 by $282,000,000.

On page 23, decrease the amount on line 16 by $282,000,000.

On page 23, decrease the amount on line 23 by $282,000,000.

On page 23, decrease the amount on line 24 by $282,000,000.

On page 24, decrease the amount on line 7 by $282,000,000.

On page 24, decrease the amount on line 8 by $282,000,000.

On page 24, decrease the amount on line 17 by $2,132,000,000.

On page 24, decrease the amount on line 18 by $355,000,000.

On page 24, decrease the amount on line 25 by $2,132,000,000.

On page 25, decrease the amount on line 1 by $1,066,000,000.

On page 25, decrease the amount on line 8 by $2,132,000,000.

On page 25, decrease the amount on line 9 by $2,132,000,000.

On page 25, decrease the amount on line 16 by $2,132,000,000.

On page 25, decrease the amount on line 17 by $2,132,000,000.

On page 25, decrease the amount on line 24 by $2,132,000,000.

On page 25, decrease the amount on line 25 by $2,132,000,000.

On page 26, decrease the amount on line 8 by $450,000,000.

On page 26, decrease the amount on line 9 by $75,000,000.

On page 26, decrease the amount on line 15 by $450,000,000.

On page 26, decrease the amount on line 16 by $225,000,000.

On page 26, decrease the amount on line 22 by $450,000,000.

On page 26, decrease the amount on line 23 by $450,000,000.

On page 27, decrease the amount on line 5 by $450,000,000.

On page 27, decrease the amount on line 6 by $450,000,000.

On page 27, decrease the amount on line 12 by $450,000,000.

On page 27, decrease the amount on line 13 by $450,000,000.

On page 30, decrease the amount on line 20 by $99,000,000.

On page 30, decrease the amount on line 21 by $17,000,000.

On page 31, decrease the amount on line 2 by $99,000,000.

On page 31, decrease the amount on line 3 by $50,000,000.

On page 31, decrease the amount on line 9 by $99,000,000.

On page 31, decrease the amount on line 10 by $99,000,000.

On page 31, decrease the amount on line 16 by $99,000,000.

On page 31, decrease the amount on line 17 by $99,000,000.

On page 31, decrease the amount on line 23 by $99,000,000.

On page 31, decrease the amount on line 24 by $99,000,000.

On page 32, decrease the amount on line 6 by $16,000,000.

On page 32, decrease the amount on line 7 by $3,000,000.

On page 32, decrease the amount on line 13 by $16,000,000.

On page 32, decrease the amount on line 14 by $8,000,000.

On page 32, decrease the amount on line 20 by $16,000,000.

On page 32, decrease the amount on line 21 by $16,000,000.

On page 33, decrease the amount on line 2 by $16,000,000.

On page 33, decrease the amount on line 3 by $16,000,000.

On page 33, decrease the amount on line 7 by $16,000,000.

On page 33, decrease the amount on line 10 by $16,000,000.

On page 33, decrease the amount on line 17 by $30,000,000.

On page 33, decrease the amount on line 18 by $5,000,000.

On page 33, decrease the amount on line 25 by $30,000,000.

On page 34, decrease the amount on line 1 by $15,000,000.

On page 34, decrease the amount on line 8 by $30,000,000.

On page 34, decrease the amount on line 9 by $30,000,000.

On page 34, decrease the amount on line 16 by $30,000,000.

On page 34, decrease the amount on line 17 by $30,000,000.

On page 34, decrease the amount on line 24 by $30,000,000.

On page 34, decrease the amount on line 25 by $30,000,000.

On page 36, decrease the amount on line 20 by $516,000,000.

On page 36, decrease the amount on line 21 by $86,000,000.

On page 37, decrease the amount on line 2 by $516,000,000.

On page 37, decrease the amount on line 3 by $257,000,000.

On page 37, decrease the amount on line 9 by $516,000,000.

On page 37, decrease the amount on line 10 by $516,000,000.

On page 37, decrease the amount on line 16 by $516,000,000.

On page 37, decrease the amount on line 17 by $516,000,000.

On page 37, decrease the amount on line 23 by $516,000,000.

On page 37, decrease the amount on line 24 by $516,000,000.

On page 41, increase the amount on line 11 by $5,000,000,000.

On page 41, increase the amount on line 12 by $833,000,000.

On page 41, increase the amount on line 18 by $5,000,000,000.

On page 41, increase the amount on line 19 by $2,499,000,000.

On page 41, increase the amount on line 25 by $5,000,000,000.

On page 42, increase the amount on line 1 by $5,000,000,000.

On page 42, increase the amount on line 7 by $5,000,000,000.

On page 42, increase the amount on line 8 by $5,000,000,000.

On page 42, increase the amount on line 14 by $5,000,000,000.

On page 42, increase the amount on line 15 by $5,000,000,000.

Mr. GRAMM. Mr. President, we have language in the budget resolution that talks about the problem being imposed on the States by mandates that the Federal Government has imposed on the States which forces them to provide education, health, refugee assistance, and prison space to illegal aliens. But yet, while the Federal Government has the sole responsibility under the Constitution to control our borders and to keep out illegal aliens, the Federal Government is not fulfilling that responsibility, is not controlling our borders, and as a result billions of dollars of costs are being imposed on States all over the country, especially border States like my own, like California, Arizona, New Mexico, and other States as well.

What I have done in this amendment is pretty simple. That is, I have taken all of the President's add-ons in every area except criminal justice, where I have fully funded the criminal justice function, but I have taken all of the other add-ons and I have cut them proportionately to provide $5 billion a year for 5 years to fund the mandates that the Federal Government has imposed on the States. This $5 billion would be used to help defray the cost of education, of health care, of prisons, of refugee assistance—costs imposed on the States because the Federal Government will not do its job. The Federal Government will not commit the resources to gain control of the border. The Federal Government has refused to enforce employer sanctions, and as a result it has imposed very heavy costs on the States.

My amendment remedies that by providing $5 billion a year for 5 years, and it is my hope that this amendment is adopted. If it were put into permanent law, the Federal Government would decide that since the Federal Government has to pay the cost of illegal aliens, we would commit the resources to the Border Patrol; that we would commit the resolution necessary to enforce the law of the land.

Barring passage of this amendment, the Federal Government is imposing very heavy costs on our States, and I think the Federal Government ought to pay for it.

That is the purpose of this amendment. It is a simple, straightforward amendment that simply cuts the President's add-ons outside the criminal justice area proportionately and then provides in the allowance function $5 billion a year. This money could be made available through authorization and appropriation to the States to help defray the costs imposed on them by failure of the Federal Government to gain control of our borders and keep illegal aliens out of the country.

I reserve the remainder of my time.

The PRESIDENT pro tempore. The Chair will advise the managers of the time situation and request some assistance in clarifying that situation.

Only 15 minutes remains on the resolution, and several amendments are still outstanding. When that 15 minutes expires, there is no time remaining for the amendments.

Mr. SASSER. Mr. President, notwithstanding the time running out on the resolution, it is the desire of the managers that each of the amendments have the 10 minutes allocated to them. I ask unanimous consent that notwithstanding time running out on the resolution, all amendments which are lined up for presentation now under the previous order be allowed 10 minutes for debate.

The PRESIDENT pro tempore. The Senator asks that the overall time on the resolution be extended accordingly, does he?

Mr. SASSER. I ask unanimous consent that the time on the resolution be extended accordingly.

The PRESIDENT pro tempore. With six amendments outstanding, other than the one that is presently pending, and with the time of those who wish to speak in opposition to the Gramm amendment included, that would mean the time would have to be extended then for something like 65 minutes; is that correct?

Mr. SASSER. That is correct.

The PRESIDENT pro tempore. Is there objection to extending the time on the overall resolution by 65 minutes, with the understanding that each of the remaining six amendments that are outstanding to be offered will have 10 minutes thereon, the time to be equally divided according to the usual form, and that the 5 minutes remaining in opposition to the Gramm amendment also be included, making a total of 65 minutes?

Is there objection? The Chair hears no objection. That will be the order.

Who speaks in opposition to the amendment?

Mr. SASSER addressed the Chair.

The PRESIDENT pro tempore. The Senator from Tennessee.

The Senator from Tennessee has 5 minutes.

Mr. SASSER. Mr. President, the amendment of the Senator from Texas offsets the increase for immigration enforcement by paying for it with "all of the President's adds."

That euphemistic phrase encompasses a whole host of items—highway funding, education funding, funding for Head Start, funding for the Ryan White AIDS funding, the National Health Institutes, and a wide variety of other worthwhile investments.

We are cutting all of those in order to move in the direction of increasing more funding for immigration enforcement.

The amendment of the Senator from Texas hits function 500 of the budget the hardest. He proposes to cut $10 billion in budget authority out of this function over 5 years.

Mr. President, this is the same function where Senators JEFFORDS, DODD, and SIMON had been trying to increase funding. I supported them in their efforts to increase funding for education and for investing in our children. It is this function 500, called education, training, and social services, where so many of the President's investments are located.

Let me just list a few of them for my colleagues: Goals 2000, school to work, safe and drug-free schools, education of the disadvantaged, Job Corps, dislocated workers, Head Start, national services. The President proposes to increase these programs. The Senator's amendment would simply pull the rug out from under them.

Mr. President, the Senator's amendment also cuts the Social Security administrative expenses. The Social Security Administration is chronically underfunded and understaffed as a result of the cuts of the 1980's. From fiscal year 1985 to fiscal year 1991, the staff of the Social Security Administration has been cut by 21 percent. Meanwhile, the number of people filing disability claims has increased very significantly.

The number of claims, for example, filed in 1992 was about 50 percent of the number of applications received during the 1980's. This number is expected to increase. As a result, there is a growing backlog in disability determinations. The current disability claim backlog at the end of 1993 was 552,000 people, over a half a million. It is expected to grow to 1.1 million by the end of 1995.

What the Senator from Texas is asking us to do is to reduce and cut all of these programs dealing with education, dealing with the safe and drug-free schools, dealing with the Job Corps, to educate disadvantaged youth, cut the Head Start Program, cut national service, reduce the staff of the Social Security Administration so that the backlog of disability cases will continue to grow all to increase immigration enforcement in his State of Texas, and one or two other States. I realize there is an immigration problem in many of the States bordering on Mexico, and there is an immigration problem in Florida, for example. But I do not think that it is wise to reduce funding to all of these very critical and crucial education programs to deal with that problem. We ought to be able to find funding somewhere else if this is indeed such a critical problem.

Mr. President, this is not a balanced amendment. It is an amendment really that is targeted to be of assistance to maybe two or three States, including Texas, at the expense of the rest of the Nation, at the expense of the education of our children, at the expense of dealing with Social Security disability cases, and a whole host of other things.

I urge my colleagues to look unfavorably on this amendment, and to vote against it.

Mr. GRAMM. Mr. President, how much time do I have remaining?

The PRESIDENT pro tempore. The Senator has 1 minute 49 seconds remaining.

Mr. GRAMM. Mr. President, let me respond briefly. What my amendment does is cut the add-on growth by about 50 percent. It uses the money to pay for mandates that the Federal Government has imposed on the States, mandates that are generated by the cost of the Federal Government not gaining control of our borders. This is clearly a legitimate function for the Federal Government. Only the Federal Government has the power and the mandate to maintain the security and sanctity of the Nation's borders.

What I am saying in this amendment is pretty simple: either gain control of the borders and stop illegal immigration, or pay the costs that are mandated on the States. It is an eminently reasonable amendment. I hope my colleagues will vote for it.

We have language in the bill saying we ought to do something about the problem. What this does is actually allocate the money to show that we are willing to pay for these mandated costs on the States.

I yield the remainder of my time.

The PRESIDENT pro tempore. All time has expired.

Mr. SASSER. Mr. President, has all time expired on the Gramm amendment?

The PRESIDENT pro tempore. The Senator is correct.

### ORDER OF PROCEDURE

Mr. SASSER. Mr. President, I ask unanimous consent that the Gramm amendment be temporarily laid aside and that no amendments be in order to the Gramm amendment or the language proposed to be stricken.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. SASSER. I thank the Chair.

Mr. President, what is the next amendment under the unanimous consent?

The PRESIDENT pro tempore. There is no specified order, the Chair will say to the Senator from Tennessee.

Mr. SIMON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Illinois.

### AMENDMENT NO. 1599

(Purpose: Internal Revenue Service Compliance Initiative Amendment)

Mr. SIMON. Mr. President, I send an amendment to the desk on behalf of myself, Senator BOND, and Senator PRYOR, and I ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON], for himself, Mr. BOND, and Mr. PRYOR, proposes an amendment numbered 1599.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the resolution, insert the following new section:

**SEC. . INTERNAL REVENUE SERVICE COMPLIANCE INITIATIVE.**

(a) ADJUSTMENTS.—For purposes of points of order under the Congressional Budget and Impoundment Control Act of 1974 and concurrent resolutions on the budget—

(1) the discretionary spending limits under section 601(a)(2) of that Act (and those limits as cumulatively adjusted) for the current fiscal year and each outyear;

(2) the allocations to the Committees on Appropriations under sections 302(a) and 602(a) of that Act; and

(3) the levels for major functional category 800 (General Government) and the appropriate budgetary aggregates in the most recently agreed to concurrent resolution on the budget,

shall be adjusted to reflect the amounts of additional new budget authority or additional outlays (as compared with the amounts requested for the Internal Revenue Service in the President's Budget for fiscal year 1995) reported by the Committee on Appropriations in appropriations Acts (or by the committee of conference on such legislation) for the Internal Revenue Service compliance initiative activities in any fiscal year, but not to exceed in any fiscal year $405,000,000 in new budget authority and $405,000,000 in outlays.

(b) REVISED LIMITS ALLOCATIONS, LEVELS, AND AGGREGATES.—Upon the reporting of legislation pursuant to subsection (a), and again upon the submission of a conference report on such legislation in either House (if a conference report is submitted), the Chairmen of the Committees on the Budget of the Senate and the House of Representatives shall file with their respective Houses appropriately revised—

(1) discretionary spending limits under section 601(a)(2) of the Congressional Budget Act of 1974 (and those limits as cumulatively adjusted) for the current fiscal year and each outyear;

(2) allocations to the Committees on Appropriations under sections 302(a) and 602(a) of that Act; and

(3) levels for major functional category 800 (General Government) and the appropriate budgetary aggregates in the most recently agreed to concurrent resolution on the budget,

to carry out this subsection. These revised discretionary spending limits, allocations, functional levels, and aggregates shall be considered for purposes of congressional enforcement under that Act as the discretionary spending limits, allocations, functional levels, and aggregates.

(c) REPORTING REVISED ALLOCATIONS.—The Committees on Appropriations of the Senate and the House of Representatives may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this section.

(d) CONTINGENCIES.—This section shall not apply to any additional new budget authority or additional outlays unless—

(1) in the case of such budget authority or outlays for any fiscal year after fiscal year 1995, the Secretary of the Treasury certifies—

(A) to the Chairmen of the Committees on the Budget of the Senate and the House of Representatives, and

(B) to the Chairmen of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives,

that there has been enacted into law a Taxpayer Bill of Rights 2 which is substantially similar to that contained in the conference report to H.R. 11, 102d Congress, 2d Session;

(2) the Secretary of the Treasury certifies to the chairmen described in paragraph (1)(A) that the Internal Revenue Service will initiate and implement an educational program with respect to the Taxpayer Bill of Rights 1 and 2 for any new employees hired pursuant to such budget authority or outlays;

(3) the Director of the Congressional Budget Office certifies to the chairmen described in paragraph (1)(A) that such budget authority or outlays will not increase the Federal budget deficit; and

(4) any funds made available pursuant to such budget authority or outlays are available only for the purpose of carrying out Internal Revenue Service compliance initiative activities.

(e) SUNSET.—This section shall expire September 30, 1998.

Mr. SIMON. Mr. President, I ask unanimous consent to waive all points of order. I believe it is noncontroversial and has been agreed to by all sides.

This adds $405 million for enforcement on the IRS. It brings back about $5 for every $1 we invest. Right now, we have about 83 percent compliance. We all, whether you are for lower taxes or higher taxes, ought to be interested in the people who owe taxes ought to pay their taxes. This is the step in that direction.

I know of no opposition to the amendment. I hope it can be agreed to. And we have added a provision at the suggestion of Senator PRYOR that I think is significant.

I yield to Senator PRYOR.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I thank my good friend and colleague from Illinois, Senator SIMON, for yielding to me. It has been a pleasure working with him on this amendment.

Originally, Mr. President, I had strong misgivings about what was then known as the Simon amendment. From several aspects I had misgivings, but now I believe that through cooperation and compromise, additions and subtractions, et cetera, that we have forged together a very, very good amendment. I hope it will be constructive. I hope that will be approved.

Basically, Mr. President, what is happening here is the Internal Revenue Service is seeking to add an additional 5,000 agents, 5,000 revenue officials across our land. What the amendment now says is if these agents are in fact hired, if they are retained by the Internal Revenue Service, each of these 5,000 agents—basically that would be the number—would be educated on compliance initiatives, and they will be educated on taxpayers' rights and education, and none of these funds will be used for bonuses, or the like, or to pay for extraordinary things like extra or added benefits for these particular agents.

These agents will be basically schooled in taxpayers' rights provisions. Also, there is a very strong condition in this legislation, Mr. President, and that condition is that if we hire these additional Internal Revenue Service agents, the protections in the law that the "Taxpayer Bill of Rights 2" provides will have to actually be in effect. The Simon-Pryor-Bond amendment provides for the funding for this initiative, and it will be funded if, and only if, the "Taxpayer Bill of Rights 2" has been enacted into law.

We think this is a good amendment. We think that, yes, we perhaps need new agents for the Internal Revenue Service to bring in extra dollars and to go after those people who are not paying their taxes or are possibly cheating the Government on their taxes. But at least each of those agents would be instructed and educated and will be schooled in the protections that each taxpayer in this country so deserves.

I thank my colleague and I yield the floor.

Mr. SASSER. Will the Senator yield for a question?

Mr. SIMON. I am pleased to yield for a question.

Mr. SASSER. This is an IRS compliance amendment and, as I understand it, pursuant to additional funding going to the Internal Revenue Service, they will employ additional agents, which in turn will generate additional revenue through compliance with the tax laws for the Federal Government?

Mr. SIMON. That is correct.

Mr. SASSER. I will ask my friend from Illinois this: We have done this before with the Internal Revenue Service, as my friend knows. The IRS has alleged that this has resulted in substantial additional compliance.

Does the Senator from Illinois have any data as to how much in additional revenues we receive for each $1 spent for these additional compliance measures?

Mr. SIMON. Yes. We receive about $5 for each $1 that is spent. Obviously, you get to a point of diminishing returns. So if we were to make 10 times this amount, we would not pull in $5 for every $1. But the IRS believes this is a sensible move, and on the basis of the information they have given me, I believe that is correct.

Mr. SASSER. I know other Senators have been interested in this initiative for some time, including the distinguished Presiding Officer, the Senator from North Dakota. We are essentially, as I understand it, relying on the IRS, however, to give us information as to how much additional revenues we receive by virtue of increasing funding to enforce compliance; is that an accurate statement?

Mr. SIMON. That is correct. I think it would be a good idea to ask CBO or GAO to take a look at that.

Mr. SASSER. That is my point. I am interested in knowing if we are getting an unbiased view. This funding would be outside of the limitations or beyond the so-called caps, as I understand it; is that correct?

Mr. SIMON. That is correct.

Mr. SASSER. So the Appropriations Committee would not be forced to try to fund this out of other programs that they might have ongoing?

Mr. SIMON. That is absolutely correct. I will shortly ask unanimous consent that we waive all points of order under the Congressional Budget Act so that we can do this. It is a similar action that we took in 1990.

Mr. BYRD. The Senator does not need to make that request as long as there is a point of order.

May I have 1 minute?

Mr. SASSER. Mr. President, I am pleased to yield 1 minute to the chairman.

Mr. BYRD. Mr. President, I take this minute to state that I have confirmed with the Secretary of the Treasury, Mr. Bentsen, the point concerning the revenues that would come in as a result of having these additional personnel.

I am informed by Mr. Bentsen that indeed there would be expected to be a 5-to-1 ratio with respect to the benefits to accrue from the cost. So what Mr. SIMON has stated with respect to those benefits is confirmed by the Secretary of the Treasury, Mr. Bentsen.

Mr. SIMON. Mr. President, I appreciate that. I also appreciate Senator BYRD, who knows more about the Senate rules than anybody, by a country mile.

Let me make a parliamentary inquiry of the Chair. Senator BYRD just made the point that if no point of order is raised, then I do not need to ask to waive the Congressional Budget Act in this regard; is that correct?

The PRESIDING OFFICER. The Chair will consult with the Parliamentarian.

That is correct, with respect to the pending resolution.

Mr. BYRD. I think the Senator should proceed and make the request in this instance.

### UNANIMOUS-CONSENT AGREEMENT

Mr. SIMON. Mr. President, I ask unanimous consent to waive all points of order by voice vote under the Congressional Budget Act with respect to the pending amendment and with respect to the language of such amendment, and that if such language is included in any conference report on the concurrent resolution on the budget for fiscal year 1995, such language should be substantially similar to the language in the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. PRYOR. Mr. President, will the distinguished Senator from Tennessee, the chairman of the Budget Committee, yield me 30 seconds?

Mr. SASSER. I yield 30 seconds to the Senator from Arkansas.

Mr. PRYOR. Mr. President, actually, last evening, the CBO has come into question here, and last evening we did shape some language here that I think will clarify a matter.

Now, under the Simon-Bond-Pryor proposal, CBO must certify that this proposal will raise revenue and not increase the deficit, or it will not receive the funding for the new IRS agents.

That is, in fact, in the language of the amendment now as a result of a compromise and agreement reached late in the evening last night.

I thank the Chair and yield the floor.

Mr. SASSER. Mr. President, I am prepared to yield back all time. I see Senator JEFFORDS on the floor, and I am advised by the distinguished ranking Member's staff that he has no objection to this, to moving forward with a voice vote.

I yield back all time.

Mr. SIMON. As a point of parliamentary clarification, I ask that the words "by voice vote" be deleted from my unanimous-consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I rise in support of the Simon amendment, and I want to thank Senator SIMON for working with me on this amendment, which I originally had misgivings about, but now, given some added safeguards, I can support and I will vote for today.

The idea that more revenue agents can raise more tax dollars is not a new one. In 1990, President Bush opposed, and Congress enacted, $191 million for 3,476 new agents.

At that time, Mr. President, the Congressional Budget Office stated that the Bush proposal would raise no revenue. In the proposal before us, the IRS claims it needs approximately 5,000 new agents which will enable it to raise $9 to $10 billion more in revenue.

Mr. President, the IRS now claims it can prove the savings under the proposal, therefore, the Simon amendment now requires CBO to certify that this proposal will raise revenue, and not increase the deficit, or it will not receive the funding for the new agents. This added contingency is good common sense and it will help ensure that the budget caps are not violated.

Also, Mr. President, the Simon amendment now contains a contingency that the funds authorized must be spent on compliance initiatives. Under this amendment, none of this money can be spent on pay raises, locality pay, or any purpose other than this compliance initiative.

Next, Mr. President, the IRS will argue that more agents means better compliance, but I believe that more agents alone is not the answer.

My first priority as chairman of the Finance Subcommittee on IRS Oversight is to see that taxpayers are treated fairly. Mr. President, we look to our citizens to respect the tax system and the agency of Government assigned the difficult task of administering it. On the other hand, we also have a right to expect the men and women of the IRS to respect taxpayers, and to demonstrate that respect through courtesy and competence.

In order to meet this obligation under this amendment, we have provided that the Secretary of Treasury must certify that the IRS will initiate and implement a taxpayer rights education program for the new IRS employees.

Further, Mr. President, on February 20, 1992, after extensive hearings, I introduced the taxpayer bill of rights II. This legislation was cosponsored by 52 of my colleagues in the Senate and it passed Congress twice but was vetoed as part of tax bills sent to President Bush in 1992.

Mr. President, if we hire 5,000 new IRS agents, I believe we must give to the taxpayer the protections in the law that the taxpayer bill of rights II provides. Therefore, the Simon amendment provides that the funds for this compliance initiative will be funded after the first year if, and only if, the taxpayer bill of rights II is enacted into law.

Mr. President, once again I want to thank Senator SIMON for working with me to address my concerns. I believe these additions to the amendment make it a good one and I urge its passage.

The PRESIDING OFFICER. All time on the amendment has expired.

The question is on agreeing to the amendment.

The amendment (No. 1599) was agreed to.

Mr. SASSER. Mr. President, I see the distinguished Senator from Vermont on the floor. May I inquire, is he here for the purpose of offering an amendment?

Mr. JEFFORDS. Mr. President, I am here for the purpose of offering an amendment.

Mr. SASSER. I am pleased to yield to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I understand that under the unanimous-consent request, there are 5 minutes allowed to proponents and 5 minutes to the opponents.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1585

(Purpose: To reduce function 920 to reflect a freeze of Federal overhead spending in fiscal year 1996, and then an adjustment of inflation in fiscal year 1997, 1998, and 1999, and assumes that all Federal agencies to improve the collection of delinquent debts, with one-third of the savings for deficit reduction and two-thirds for the Federal share of education funding for individuals with disabilities)

**Mr. JEFFORDS.** Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for himself, Mr. BROWN, Mr. SIMON, Mr. SPECTER, and Mr. HARKIN, proposes an amendment numbered 1585.

**Mr. JEFFORDS.** Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 2, decrease the amount by $1,150,000,000.

On page 5, line 3, decrease the amount by $1,250,000,000.

On page 5, line 4, decrease the amount by $1,325,000,000.

On page 5, line 5, decrease the amount by $1,425,000,000.

On page 5, line 12, decrease the amount by $1,150,000,000.

On page 5, line 13, decrease the amount by $1,250,000,000.

On page 5, line 14, decrease the amount by $1,325,000,000.

On page 5, line 15, decrease the amount by $1,425,000,000.

On page 5, line 23, decrease the amount by $975,000,000.

On page 5, line 24, decrease the amount by $1,225,000,000.

On page 5, line 25, decrease the amount by $1,325,000,000.

On page 6, line 1, decrease the amount by $1,425,000,000.

On page 6, line 8, decrease the amount by $975,000,000.

On page 6, line 9, decrease the amount by $1,225,000,000.

On page 6, line 10, decrease the amount by $1,325,000,000.

On page 6, line 11, decrease the amount by $1,425,000,000.

On page 6, line 18, decrease the amount by $975,000,000.

On page 6, line 19, decrease the amount by $1,225,000,000.

On page 6, line 20, decrease the amount by $1,325,000,000.

On page 6, line 21, decrease the amount by $1,425,000,000.

On page 7, line 2, decrease the amount by $975,000,000.

On page 7, line 3, decrease the amount by $1,225,000,000.

On page 7, line 4, decrease the amount by $1,325,000,000.

On page 7, line 5, decrease the amount by $1,425,000,000.

On page 7, line 9, decrease the amount by $975,000,000.

On page 7, line 10, decrease the amount by $2,200,000,000.

On page 7, line 11, decrease the amount by $5,725,000,000.

On page 7, line 12, decrease the amount by $7,150,000,000.

On page 8, line 8, decrease the amount by $975,000,000.

On page 8, line 9, decrease the amount by $1,225,000,000.

On page 8, line 10, decrease the amount by $1,325,000,000.

On page 8, line 11, decrease the amount by $1,425,000,000.

On page 24, line 17, increase the amount by $1,000,000,000.

On page 24, line 18, increase the amount by $1,000,000,000.

On page 24, line 25, increase the amount by $4,375,000,000.

On page 25, line 1, increase the amount by $3,850,000,000.

On page 25, line 8, increase the amount by $4,450,000,000.

On page 25, line 9, increase the amount by $4,375,000,000.

On page 25, line 16, increase the amount by $4,525,000,000.

On page 25, line 17, increase the amount by $4,525,000,000.

On page 25, line 24, increase the amount by $4,600,000,000.

On page 25, line 25, increase the amount by $4,600,000,000.

On page 38, line 13, decrease the amount by $25,000,000.

On page 38, line 14, decrease the amount by $25,000,000.

On page 38, line 20, decrease the amount by $100,000,000.

On page 38, line 21, decrease the amount by $100,000,000.

On page 39, line 2, decrease the amount by $150,000,000.

On page 39, line 3, decrease the amount by $150,000,000.

On page 39, line 9, decrease the amount by $225,000,000.

On page 39, line 10, decrease the amount by $225,000,000.

On page 39, line 25, decrease the amount by $25,000,000.

On page 40, line 1, decrease the amount by $25,000,000.

On page 40, line 7, decrease the amount by $100,000,000.

On page 40, line 8, decrease the amount by $100,000,000.

On page 40, line 14, decrease the amount by $150,000,000.

On page 40, line 15, decrease the amount by $150,000,000.

On page 40, line 21, decrease the amount by $225,000,000.

On page 40, line 22, decrease the amount by $225,000,000.

On page 41, line 11, decrease the amount by $1,000,000,000.

On page 41, line 12, decrease the amount by $1,000,000,000.

On page 41, line 18, decrease the amount by $5,500,000,000.

On page 41, line 19, decrease the amount by $4,800,000,000.

On page 41, line 25, decrease the amount by $5,600,000,000.

On page 42, line 1, decrease the amount by $5,500,000,000.

On page 42, line 7, decrease the amount by $5,700,000,000.

On page 42, line 8, decrease the amount by $5,700,000,000.

On page 42, line 14, decrease the amount by $5,800,000,000.

On page 42, line 15, decrease the amount by $5,800,000,000.

On page 70, line 21, increase the amount by $1,125,000,000.

On page 70, line 22, increase the amount by $950,000,000.

On page 70, line 24, increase the amount by $1,150,000,000.

On page 70, line 25, increase the amount by $1,125,000,000.

On page 71, line 2, increase the amount by $1,175,000,000.

On page 71, line 3, increase the amount by $1,175,000,000.

**Mr. JEFFORDS.** Mr. President, this amendment is similar to the one that was offered earlier on Tuesday by Senator DODD. However, it is significantly different in several aspects.

I have been working with Senator BROWN and Senator SIMON, who both opposed the Dodd amendment, to bring one before this body which could be voted for and, I believe, adopted overwhelmingly.

It adds $1 billion in fiscal year 1995 to the Special Education Program in function 500. The Dodd amendment attempted to add $6 billion. It adds $19 billion over 5 years in the outyears. Unlike Tuesday's amendment, however, it does not add back any Exon-Grassley money and it does not reduce defense or intelligence spending. Further, it does not lower the 1995 cap. Instead, it is fully offset by Senator BROWN's proposal to continue the Government overhead freeze proposed by President Clinton and Senator SASSER for fiscal year 1995 into the outyears and by improved collection of debts owed to the Federal Government. In fact, it actually adds a bit to the deficit reduction in the resolution.

Mr. President, it has been more than a decade since the report, "A Nation at Risk" warned of the rising tide of mediocrity of our schools. It has been more than 4 years since President Bush, Governor Clinton, and all the Governors from across the land agreed to the goals for our schools. It has been almost 20 years since we committed to helping schools with 40 percent of their special education costs.

This year, no more unkept promises. This year, we need to start delivering on our past promises.

We can begin by putting in place the Goals 2000 education bill, which will provide Federal help to State and local educational efforts. When the Senate passed the Goals 2000 bill, we identified a number of areas where significant improvement was needed. By a 93-to-0 vote and by my commitment with Senator GREGG, we also expressed the sense of the Senate that the Federal Government begin meeting the commitment it made in 1975 to fund 40 percent of special education.

Today, the Federal Government provides less than 8 percent of the cost of this very important program. This is the first installment we make toward living up to the Federal Government's commitment.

Our local school districts and the States are being pressed to the limit, with their budgets being brought through the wringer. They are struggling just to meet their current commitments and will have a nearly impossible task to improve their performance without increased Federal help. Here is an opportunity to help them.

Special education is a program that everyone supports and everyone wants to succeed. Obviously, it is difficult to find additional money for any program, but this a program for the children of our country and for a better future for all of us. I urge my colleagues to support this amendment.

Mr. President, I will now, if appropriate, yield to the Senator from Illinois for his comment.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I will be very brief. What this does is—it does not add one cent to the deficit—it says let us make a priority out of education.

Economists may differ on a lot of things. One thing they agree on is in this country we are going to have to make a greater priority out of education if we are to reach our productive potential.

That is what this amendment says, and I am pleased to support it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Is there further debate?

The Senator from Tennessee.

Mr. SASSER. Mr. President, may I inquire of the amendment's author, does this amendment lower the overall cap on discretionary spending over 5 years?

Mr. JEFFORDS. In the outyears it may.

As the Senator well knows, that will be a matter for discussion in the conference, but it does not lower the cap for the year 1995.

Mr. SASSER. But over 5 years, as I understand, it would lower the cap and really lower it below the existing Exon-Grassley cut; is that correct?

Mr. JEFFORDS. I am not aware of the answer to that question. But I know that for the critical year of 1995 it does not. I would certainly accept the word of the chairman of the committee for the outyears.

Mr. SASSER. Could the Senator advise us how much it lowers the cap over the 5-year period?

Mr. JEFFORDS. It is my understanding that over the 5 years it is $19 billion.

Mr. SASSER. I thank the Senator.

Mr. JEFFORDS. I am sorry. It lowers the total $4.45 billion over the outyears.

Mr. SASSER. It is $4.45 billion in the total in the outyears?

Mr. JEFFORDS. That is right.

Mr. SASSER. Excluding 1995?

Mr. JEFFORDS. That is right.

Mr. SASSER. I thank the Senator.

Mr. BYRD. Mr. President, I hope this amendment will not be agreed to. Last year, it was brought here and we set a limitation on the caps. Now if we make cuts and reduce the caps accordingly, we are taking a second shot at the work we did last year.

We have already squeezed our discretionary programs to the limit, and it seems to me we ought to try to live up to the 5-year agreement we made last year without coming in every year now in some instances on continuing the amendments to cut but also of lowering the cap.

So I oppose this amendment. I hope the Senate will reject it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. JEFFORDS. I yield what time I may have to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Thank you, Mr. President.

I support the distinguished Senator from Vermont on this issue. Let me emphasize something. This is not a cut. This is merely a freeze in overhead costs for several years and then limiting the growth of the cost of living in the other 2 years.

So at least in the major areas there are some other adjustments. In the major areas this is not a cut. This simply says we are not going to increase as fast. It follows on the fine work of the Budget Committee and our distinguished chairman and ranking member on working on overhead expenses this year.

Mr. President, this sets priorities. It says the children are more important than increases in travel costs and office expenses and phone calls, and, in fact, it does not cut them. What it does is we are going to slow them to transfer the money over to helping our children in education. A small portion of the money here, roughly a fourth of the overhead cost, does go to the taxpayer. That is, it goes to the taxpayer by reducing the deficit. But this sets the priority. It says children are more important than increases in overhead.

It seems to me that is the kind of message and the kind of good budgeting that we want to do in this country.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

The Senator from Tennessee.

Mr. SASSER. Mr. President, I certainly applaud what my distinguished friend from Vermont is attempting to do here. It has been my pleasure to work with the Senator from Vermont on a number of other amendments to try to allocate move funding from other functions into the education function and to allocate that funding for special education.

As I understand it, this is the first amendment that has been offered by the distinguished Senator from Vermont which would, in essence, lower the caps in the outyears or reduce funding for overall discretionary spending in the outyears.

As much as I admire the dedication of my friend from Vermont in this area of allocating additional resources to special education and as much as I agree with him in that particular instance, I think he is entirely right that we do need to allocate more funding to education generally and to special education in particular. I would be reluctant, however, to do that at the expense of reducing in the outyears funding for overall discretionary purposes. I say that for this reason. We entered into an agreement last year, or passed legislation last year, setting the caps for discretionary spending over a 5-year period, and I am just very, very reluctant to now come back and start nibbling at those caps in an effort to put together enough support here to pass a particular initiative no matter how worthwhile that initiative may be.

I think the initiative of the Senator from Vermont is extraordinarily worthwhile. So I hope the Senator will understand that, although I agree with him in spirit here, on closer analysis of the amendment, I do have some reservations about it.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator's time has expired on the amendment.

Mr. JEFFORDS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there any further debate?

Mr. SASSER. Mr. President, I ask unanimous consent that the amendment of the Senator from Vermont be temporarily laid aside and be disposed of following the Graham amendment numbered 1598, and that no amendments be in order to the Jeffords amendment or to the language it proposes to strike.

The PRESIDING OFFICER. Is there objection? Hearing none, that is the order.

Mr. SASSER. Under the schedule we earlier agreed to, the next amendment would be the Graham amendment. I see the distinguished Senator from Florida is present on the floor.

The PRESIDING OFFICER. The Senator from Florida.

### AMENDMENT NO. 1600

Mr. GRAHAM. Mr. President, we have approached the issue of deficit reduction often as if it were castor oil, that it was bad, distasteful medicine we had to take in order to benefit our children and grandchildren to relieve them of a burden of a constantly growing national debt.

The PRESIDING OFFICER. Does the Senator wish to send his amendment to the desk?

Mr. GRAHAM. Mr. President, I will make a few introductory remarks and then I will submit the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, we took some of that strong castor oil last summer with the adoption of a significant deficit reduction program. Before we took that action, it was projected by the Office of Management and Budget that we would have a spiraling, out-of-control deficit for the middle part of this decade and into the next century. As a result of the action that we took, we have substituted a different economic course for the Nation.

For instance, in this current fiscal year, fiscal year 1994, instead of running a deficit of $301 billion, which had been projected, we will have a deficit of $223 billion. And for next year, the year that will be affected by the budget resolution that currently is before us, instead of a deficit of $296 billion, it will be a deficit of $171 billion.

That was tough medicine that we took, and we accomplished a significant change in our Nation's economic future. But we also, Mr. President, got some immediate benefits. We did not have to wait long to begin to see that this remedy had a positive effect.

The week in which we adopted the economic program of August 1993, long-term interest rates in the United States were 6.53 percent. Within a period of approximately 90 days, largely as a result of that action, long-term interest rates dropped to less than 5.9 percent, a dramatic reduction in the cost of money for those things that Americans purchase for their homes and other long-term investments; a dramatic reduction in the cost to businesses in terms of expansion, the creation of new jobs.

What I think we saw here, Mr. President, was that there is a linkage between our degree of fiscal responsibility and the confidence that will be placed in our national fiscal policy by those who make long-term economic decisions.

But, Mr. President, there is also in this same chart some disturbing news. And that is the fact that beginning in about the middle of October, that very positive gain started to be erased and we began to see a pattern in which long-term interest rates began to rise again. By the end of January, we were back to where we had been in August, and now we are up in the range of 6.8, 6.9 percent long-term interest rates.

What has happened? Why have we seen these gains reversed? Well, there are always a number of factors, some of which relate to matters outside the control of Government, some of which relate to Government actions. But I believe that one of the most fundamental reasons there has been this lessening of confidence in our economic policy reflected in an upturn in long-term interest rates is because people are starting to focus on the back end of this chart of deficit reductions.

While we got the applause for reducing the deficit in the immediate future, we are now beginning to pay the price for the fact that people are focusing on the fact that beginning in about 1997 the deficit will start to go up again and by the turn of the century, we will be running deficits of about the same proportion as we ran in the 1980's.

I believe, therefore, Mr. President, we need to use every opportunity that is available to us to send a signal that we are concerned about this longer term implication of our deficit policy and are ready to take some steps to deal with it.

For that reason, I have supported the efforts that were made by Senator EXON and Senator GRASSLEY to at least make a token further reduction in our spending in fiscal year 1995. I think it is very important that that provision be held throughout the further consideration of this budget resolution.

But I believe that, as we look at this long-term distressing picture of increasing deficits that, we need to go beyond token measures. Therefore, Mr. President, I am going to offer as a sense-of-the-Senate proposal to this budget resolution a statement which has been endorsed by Senators KERREY of Nebraska, LIEBERMAN, GREGG, BROWN, ROBB and DOMENICI, which states that legislation should be enacted providing enforceable limits to control growth of entitlement or mandatory spending.

I send that amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows

The Senator from Florida [Mr. GRAHAM], for himself, Mr. KERREY, Mr. LIEBERMAN, Mr. GREGG, Mr. BROWN, Mr. ROBB, and Mr. DOMENICI, proposes an amendment numbered 1600.

It is the sense of the Senate that legislation should be enacted providing enforceable limits to control the growth of entitlement or mandatory spending.

The PRESIDING OFFICER. I call to the attention of the Senator from Florida that he has spoken for 5 minutes.

Mr. GRAHAM. Mr. President, I conclude by saying there is nothing more important we could do to send a signal as to our resolve to deal with our deficit issue than a clear statement that we are prepared to impose the same type of discipline on our entitlement spending that last year we imposed on our discretionary spending. I recognize that this is a commitment, not a promise fulfilled, in terms of our willingness to do so. But I think it is an important step to take today, a step that we must then fulfill in terms of positive binding action in the weeks ahead. Thank you, Mr. President.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, the Senator from Florida has come to the Senate this morning with a sense-of-the-Senate resolution which would indicate that we should enact limits to control the growth of entitlement or mandatory spending. I think we all agree that we are going to have to have some restraint on some mandatory programs. Specifically, we are going to have to have some restraint on the health accounts.

I am not sure that any of us are ready at the present time to specify how we should do that before the construction of a health care reform bill, but I know my friend from Florida knows that that is really the driving force behind the growth in entitlements—health care.

But I would say that I accept, in a broad sense, the Senate language that we have been discussing here and which has been offered by our friend from Florida. So I have no objection to accepting this amendment.

If we could get the attention of our friend from New Mexico, our distinguished ranking member, on this particular matter.

Let me say to my friend from New Mexico that the Senator from Florida has before us a sense-of-the-Senate resolution that has as its thrust that we should enact enforceable limits to control the growth of entitlement or mandatory spending. It is a sense-of-the-Senate resolution that we control mandatory or entitlement growth, and I have no objection to accepting it, if that is acceptable to the distinguished ranking member.

Mr. DOMENICI. Will the Senator yield me a minute?

Mr. SASSER. I am pleased to yield to my friend from New Mexico.

Mr. DOMENICI. Mr. President, I am a cosponsor of this. It is a sense-of-the-Senate resolution, therefore, it is not binding.

But I compliment the Senator from Florida for trying to let the Senate say the time has come. I much prefer a real one that is binding, much like the one we offered before in the name of Nunn-Domenici or Domenici-Nunn. But if we are just speaking what we would like to be the sense of the Senate here, I have no objection to it and I commend the Senator for it.

Mr. GRAHAM. Mr. President, I thank the Senator from New Mexico for his excellent statement. I want to indicate he is an original cosponsor of this sense of the Senate.

I would also like to point out this same language is currently contained in the budget resolution as it passed the House of Representatives. So, if we adopt it, it assumedly will be in the final budget resolution. I believe that will give a significance and impetus to convert this statement of policy and principle into the reality of a controlling statute.

The PRESIDING OFFICER. Does the Senator from Tennessee yield back his time?

Mr. SASSER. I yield the remainder of our time.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1600) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. GRAHAM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, under the previous agreement, the next amendment to be considered will be that of the distinguished Senator from Georgia [Mr. NUNN].

### AMENDMENT NO. 1601

(Purpose: To place a permanent, enforceable cap on the amount of non-Social Security mandatory spending, beginning with fiscal year 1996)

Mr. NUNN. Mr. President, on behalf of myself, Senator DOMENICI, Senator ROBB, and Senator DANFORTH, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself, Mr. DOMENICI, Mr. ROBB, and Mr. DANFORTH, proposes an amendment numbered 1601.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. NUNN. Could I inquire of the Chair how much time is available and how that time is allocated?

The PRESIDING OFFICER. A total of 10 minutes, 5 minutes on each side is allotted for presentation of amendments.

Mr. NUNN. So I have a total of how much?

The PRESIDING OFFICER. Five minutes.

Mr. NUNN. Does the Senator from New Mexico have time on his own right?

Mr. DOMENICI. I just need 1 minute.

Mr. NUNN. Mr. President, that makes it very difficult to explain in about 3½ minutes how we are going to save $100 billion and turn around the budget trend of America which has been taking place for about 25 years, but that is what this sense of the Senate will do. The problem with this resolution, as all other resolutions, is it has to be a sense of the Senate because of the procedural situation. But it is a serious resolution. We mean it seriously.

It is to address this very profound problem reflected on this chart. This chart tells the story of why America cannot and is not so far willing to get its deficit under control; why Congress has not dealt with it.

The defense budget is coming down $190 billion, if you measure the difference between what we spent over the last 5 years and what we are going to spend over the next 5 years. The domestic discretionary is going up about $240 billion. The net of these two accounts that we call discretionary is going to go up about $90 billion. But defense is going down.

Now look at Social Security. This is going up $420 or $430 billion in terms of the increase, but it is paid for. That is paid for with taxes. In fact there is a surplus that we are borrowing every year from the Social Security trust funds.

But look at health care. Assuming the President's program and assuming the savings take place, this is going up $800 billion; an $800 billion difference over 5 years.

The interest on the debt is going up $190 billion. People ask me, why are we not saving money on defense? We are. All the money on defense is being spent with new interest on the debt. If you look at health care, we are spending, over the next 5 years, four times on health care increases in the Federal budget what we are saving in the Defense budget.

We voted on this amendment or a similar amendment several times. I am not going to go into detail on it because I want to reserve time for the Senator from New Mexico. Essentially, however, this amendment limits the growth of overall entitlement spending to the rate of inflation plus the population growth. We even put a kicker in for the first 4 years. We add 4 percent in 1996, we add 3.5 percent in 1997; 3 percent in 1998, 2 percent in 1999. So it is inflation in 1996 plus 4 percent. We should be able to discipline ourselves to that kind of growth rate. This amendment does not gut entitlements. This amendment restrains the growth on entitlements, which are running away from us and which are causing our deficit.

There will be two arguments against this amendment at least. One argument we have heard over and over again: It is not specific enough. There is nothing specific in this whole budget resolution. That is the job of the authorizers and appropriators. There is nothing specific in the defense cuts. Not one item is specific in this resolution as to the defense cuts. People may have notions but they have not written them into this law. So this is just as specific as anything else. We are making it clear we expect the entitlement cap to be met. This would require further legislation. It would require sequester procedure. We set that out, and I think that is the answer to that argument.

The other argument is what does this do to the President's health care plan? The answer to that is we have bent over backward—some would say too far—in this resolution to say whatever health care plan the Congress agrees to becomes the baseline and then we limit the growth thereafter. So we can enact whatever health care plan we choose to.

I will be for a conservative fiscal health care plan. Others may have a different view. But we are neutralizing this, as far as what health care plan we adopt. Then that becomes the baseline and we measure growth thereafter.

To reiterate, Mr. President, the amendment I am proposing, along with Senator DOMENICI expresses the sense of the Senate that we should enact legislation that places a cap on the growth of individual entitlement, or mandatory spending programs, excluding Social Security, deposit insurance, and net interest, beginning in 1996. As an aside, I would like to remind my colleagues that it was a year ago today that Senator DOMENICI and I offered a similar amendment to last year's budget resolution.

This cap would not reduce entitlement spending. It would limit the rate of future growth of entitlement spending to the increases needed to cover increases in the number of beneficiaries, plus increases for inflation, plus an extra allowance of 4 percent in 1996, 3.5 percent in 1997, 3 percent in 1998, and 2 percent in 1999 and thereafter. If a mandatory program exceeded its cap there would be a grace period of not less than 60 days for the Congress to enact legislation that would bring the overall's spending back into line. If such legislation is not enacted, a sequester on that specific program will result. We would not require one entitlement program to suffer because another program exceeded its limit.

This cap on the growth of mandatory spending was a central feature of the fiscal plan recommended 2 years ago by the Center for Strategic and International Studies Strengthening of America Commission, which I cochaired along with the distinguished ranking member of the Budget Committee, the Senator from New Mexico. The Commission included Members of Congress from both parties, business leaders, academics, and mayors.

### UNCONTROLLED SPENDING IS NOT BEING CONTROLLED

Many citizens may not understand the difference between the way discretionary programs work and the way mandatory programs work. No money can be spent for discretionary programs unless the Congress specifically appropriates the money. This category of spending is called controllable.

Entitlement, or mandatory programs make up over one-half of the Federal budget. Many of these programs work automatically, such as payments to retirees. No action is needed by Congress for the money to be spent. Other programs, such as Medicaid, actually are appropriated by Congress each year but in language that provides such sums as necessary. That is why this category of spending is called uncontrollable. One glaring flaw in our budget process is that it lacks any discipline on mandatory spending programs.

A good example is the 1990 budget summit agreement. That agreement placed caps on discretionary spending. If, for any reason, we want to spend more than those caps—for Hurricane Andrew, the floods in the Midwest last summer, or for the recent earthquake which struck the Los Angeles area—we need to pass a bill and have the President sign it.

But for entitlement programs, as well as for taxes, that budget agreement created a pay-as-you-go system. What this system means is that if you want to create a new spending program, or expand an existing one, you have to find an offset. And to that extent, it has succeeded. But this pay as you go system does nothing to control the spending growth of the existing entitlement programs.

So we have created an important distinction in our treatment of discretionary programs and mandatory programs. For discretionary programs, the presumption is that no additional money is spent unless we take a positive action to do so.

But for mandatory programs, the presumption is: just let the programs run, no matter what they cost, unless we specifically decide to take some action. But the catch is, the Budget Act does not require any action.

This is why we need an entitlement cap. While we can control mandatory programs without one, we do not have to, and we do not. There is no process to force the hard choices that almost everybody says we should be making.

GROWTH OF ENTITLEMENT SPENDING

Mr. President, under this budget resolution, during the next 5 years, we will be spending $1.3 trillion more on entitlements than we did in the last 5 years, compared to an increase in discretionary spending of just $60 billion over the same 5 years. The cap envisioned by this amendment would still allow entitlement spending to grow faster than the increases needed to keep up with inflation and population growth.

I might point out that in domestic discretionary spending, the caps are basically flat and will not allow those programs to keep pace with either inflation or population growth, let alone both. Any many of those domestic discretionary programs, such as Pell grants or Head Start, see their requirements increase due to inflation or growth in eligible population. Yet the discretionary caps force those programs to make do with what they have, unless Congress can find cuts somewhere else, such as Defense, to fund an increase. Even if we adopt this amendment, entitlement programs would still not have to operate under the strict discipline we enforce on discretionary spending.

Mr. President, I want to make a few points on the difference between what has been happening with mandatory spending and discretionary spending.

In accordance with the new caps on discretionary spending in last year's reconciliation bill, the discretionary spending requested in the President's fiscal year 1995 budget over the next 5 years represents an increase of just 2 percent over the amount we spent in this area over the last 5 years. That is a total of $60 billion more discretionary spending over the next 5 years compared to the last 5 years.

Of course the reason that overall discretionary total increases by only 2 percent is that over the next 5 years, even if the Congress agrees with the President's request not to cut Defense any further, we will spend $190 billion less on defense than we did during the last 5 years.

During the next 5 years domestic spending will increase by a slightly larger amount over what was spent in the last 5 years, an increase of $250 billion more than in the last 5 years. The total of the Defense decrease of $190 billion and the domestic increase of $250 billion is a total discretionary increase of $60 billion over the next 5 years.

While discretionary spending would be 2 percent higher over the next 5 years, entitlement spending would increase by 42 percent, or $1.3 trillion, during the next 5 years. About $440 billion of this will be in the self-financing Social Security Program, but even including the effects of the President's health care reform proposal, assuming all the savings in his plan are achieved, health care spending in the next 5 years is projected to be $790 billion higher than in the last 5 years. I should note that the spending in the President's plan is offset in part by increased revenues from cigarette taxes and other areas, and I am only addressing the spending side of the health care equation right now.

Finally, Mr. President, interest payments on the debt, even with lower interest rates, would be $190 billion higher over the next 5 years than in the last 5—this alone cancels all the defense savings.

Mr. President, clearly the real problem in reducing the deficit is restraining the runaway growth in entitlement spending, not in cutting discretionary spending. We cannot solve the deficit problem by trying to cut Defense enough to keep up with the increases in the other categories of the budget. We must restrain the growth in the so-called mandatory category of the budget.

The part of the budget that has had constraints—caps—put on it—the programs covered by the Appropriations Committee—has been controlled. The mandatory programs that have not been subject to any discipline have not been controlled.

Mr. President, let me simply restate what we are talking about when we say we want to cap the growth of entitlements. Words like cap and cut get used pretty loosely sometimes.

For instance, defense spending in 1995 will be lower than defense spending in 1994. Period. That is a decrease. Or if, for instance, Federal workers do not get a pay raise next year, and I am not advocating this, they will not get any less money, but their salaries will fall behind inflation. That is a freeze. What we are proposing for entitlements is not a decrease. It is not a freeze. It is more money than the programs had last year. More money to keep up with inflation. More money if more people are eligible for the program than last year. But what we are saying is, let us hold the increase down to what you need to cover inflation and additional people eligible for the program and the additional growth allowance we provide.

WHY NOT MAKE SPECIFIC CUTS

Mr. President, last year we heard several criticisms of our proposal to cap mandatory spending. But there was one criticism that has been repeated over and over: An entitlement cap is not specific—why don't you name the specific cuts you are going to make?

Let us be clear on one thing. The entitlement cap is no different—no more specific, but also no less specific, than any other recommendation in this budget resolution. If anyone can find a single specific cut anywhere in the language of this resolution, I would like them to show it to me. You cannot cut specific programs in a budget resolution, regardless of what program you claim your amendment would cut. If we cut specific programs on this bill we would not need to do authorization and appropriation bills.

If anyone can find anything in the report language—let alone the resolution—about how we are going to make the defense cuts required by this resolution, let me know. The Armed Services Committee will have to figure out how to make these cuts before the year is over, but there are no specifics in here on how we are going to make this defense cut.

WHY A CAP ON MANDATORY SPENDING

Mr. President, there are several reasons why this cap on the growth of entitlement spending makes sense:

First, simple math. If we agree we have to get the deficit under control, it is obvious we cannot do it with almost two-thirds of the budget off the table. This includes payments on the interest on the debt plus entitlement spending.

Second, accountability and responsibility. Even if we did not have a crippling debt and budget deficit, leaving half the budget on autopilot is a bad way to run our fiscal policy. Imagine if the Federal Reserve ran our monetary policy that way, just taking its hands off the rudder and letting the money supply grow according to formulas written years ago.

Third, common sense. Our entitlement cap says programs can stay at their current level, with their current benefits, and grow with the general rate of inflation plus the number of people eligible—under current criteria—to receive benefits plus an additional allowance. In my view, this is a straightforward rule of thumb the American people can understand and support.

Mr. President, is it unreasonable to, first, set up an alarm that tells us when spending on a mandatory program is not staying within this common-sense formula and, second, a requirement that when this happens, we have to do something about it besides going deeper into debt?

Fourth, a cap is not a cut. The most important message in the entitlement cap proposal has not gotten through to a lot of people. The point is that if we can use this cap on the growth of entitlement spending—not a cap on spending, a cap on the growth in spending—to keep spending on entitlement programs growing at the overall rate of inflation, while taking account of the number of people eligible, we can come close to achieving a balanced budget over a 10-year period while still keeping the safety net intact, and without touching Social Security.

WHAT ABOUT HEALTH CARE

Mr. President, some people will say we cannot control entitlement spending because it would make health care reform impossible. Frankly, Mr. President, I do not understand that logic.

Mr. President, the issue of health care reform is central to controlling entitlement spending, and entitlement spending is the key to the deficit. We all agree on that point. The disagreement seems to be whether we should enact health care reform first, without any guarantee that it saves money, and without any fiscal guidance, or whether we need to lock in a guarantee that requires the savings before you know the specifics of the health care proposal.

Mr. President, I do not believe this amendment conflicts with health care reform. I think it reinforces it. If you argue that this amendment will stop us from passing health care reform, what you are really saying is that health care reform will not save money. That is a crucial point, Mr. President.

CBO is projecting huge deficits if we continue our current policies. They project the deficit will grow to $365 billion 10 years from now, and that is including the Social Security surplus. Without counting the surplus from the Social Security trust fund, which masks the real size of our annual deficit, the deficit will be over $500 billion in that year. If health care reform is not going to reduce the deficit, then I think we need to know that.

If there are no savings to be had from health care reform, then we are facing a future of $300 billion to $400 billion deficits, with no additional savings to be had from health care—this will be after health care reform—and defense will be at rock bottom—how are we going to deal with that? Where are we going to find the cuts then?

Mr. President, I simply do not believe that Americans can afford to enact comprehensive health care reform that does not restrain spending on health care. I understand that the President has reiterated that health care reform will save substantial amounts of money. Let me make clear that this amendment does not dictate to the Finance Committee a certain dollar level that health care must stay under for 1995. Any health care reform package that is allowed under this resolution as currently worded is still allowed. But what our amendment says is, once we pass a health care reform bill and establish a spending level for health care, that level cannot grow at the out-of-control rates that health care reform has been growing at.

Mr. President, one of the problems in the Congress in the last 10 years is that virtually every serious budget debate or amendment is treated as being for or against the President in power. I think it is past due time for both Democrats and Republicans to get beyond this simplistic description of the problems our country faces. I hope that we will begin examining issues on the basis of whether we are voting for or against our children and grandchildren.

What are we going to say to them around the turn of the century when they ask—grandfather and grandmother—What were you doing when the country was piling up all this debt for us to pay?

We have a train wreck in the making in the next century, Mr. President. We are building the biggest trap for our children and grandchildren in the history of our Nation.

In 1994, we will borrow $62 billion from the Social Security trust fund. By the end of the century we will be borrowing $100 billion a year. In the year 2010 we will borrow over $200 billion. In the year 2015 the total amount borrowed from the Social Security trust fund will reach $4.4 trillion. In the year 2016, just 22 years from now, we will have to pay out more from the Social Security trust fund than it receives in taxes. At that time less than 2 workers will support each beneficiary. In 1950, this ratio was 16 to 1.

CONCLUSION

Mr. President, Maurice Chevalier used to say, "old age isn't so bad when your consider the alternative." The same can be said about this amendment.

Critics of the entitlement cap need to face the fact that the alternative—doing nothing on entitlements—is no alternative at all. Our current policies clearly are simply not sustainable.

No solution to our fiscal problems is possible until we deal with entitlement spending. That is what this amendment does, and I urge my colleagues to support it.

Mr. President, I yield the remainder of my time to the Senator from New Mexico. I want the Senator from Missouri to speak also. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has remaining 1 minute.

Mr. NUNN. I yield a minute to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I commend Senator NUNN for this. I am pleased to be a cosponsor.

As I understand it, what Senator NUNN has done with this proposal is to say whatever health care plan the Congress of the United States adopts, you account for that, put it in the baseline of the American expenditure programs——

Mr. NUNN. Raise or lower, depending.

Mr. DOMENICI. Raise or lower. And then all you say after that is that cost has to be controlled in the outyears so it does not increase more than the percentages stated in the resolution.

Mr. NUNN. The Senator is entirely correct.

Mr. DOMENICI. So you are assuming Congress will pass a pay-go, reasonable plan. You may not be for it, you may be for it. It may be very generous. It may be very liberal. But once it is in place, it has to control expenditures and you are saying you found a way to do that?

Mr. NUNN. The Senator is entirely correct.

Mr. DOMENICI. That is why I support it. I think we must do that or, indeed, we will increase the deficits with health care rather than bring them down or keep them at the pay-go level when adopted.

Mr. NUNN. The Senator is correct. I reserve whatever time I have remaining.

The PRESIDING OFFICER. Time has expired.

Mr. NUNN. I thank the Chair.

The PRESIDING OFFICER. The senior Senator from Tennessee.

Mr. SASSER. Mr. President, I do not think there is any disagreement about the basic thrust of the proposal of the Senator from Georgia, and that is controlling the growth of the health accounts of the Federal budget. I think the numbers are very clear that the growth in health care costs is the driving force behind the expansion of the entitlements and that is the problem with regard to the deficit.

According to calculations I have seen, 83 percent of the growth in entitlements is directly attributable to two accounts, Medicare and Medicaid, the two health care accounts. That is the problem; 83 percent of the growth in entitlements, which is what is driving the deficit, are two accounts, Medicare and Medicaid. So the numbers are very clear. That is why we accepted the sense-of-the-Senate resolution offered by our distinguished friend, the Senator from Florida.

But it appears to me the amendment being offered by the Senator from Georgia at this time is just premature. The clear fact is that Congress in both Houses and in numerous committees, at the present time, this week, is directly embroiled in the process of constructing health reform legislation.

Many of us met for almost 2 hours yesterday with the President, the Vice President, and the First Lady and talked about essentially nothing but health care reform and health care legislation, and that was the purpose of the meeting.

I agree with the intent of this amendment, and I interpret it to mean that credible health reform is going to lower the deficit. But I do not understand the idea of trying to impose a binding number on the attendant deficit reduction before we have even written the legislation that does the reform and produces the savings.

I say to my friend from Georgia that most of the health care reform proposals that I am aware of—from that offered by President Clinton to that offered by my colleague, Congressman JIM COOPER, of Tennessee, of which I think the distinguished Senator from Georgia is a cosponsor and which I have said favorable things about—most of the proposed plans employ some share of Medicare or Medicaid savings to pay for some of the costs associated with fundamental alteration in the health care system.

Whether it is expanded coverage through alliances or some kind of tax-free health insurance or some other kind of tax incentive to encourage people to become covered with health insurance, many of these proposals assume offsets from Medicare and Medicaid.

Why in the world should we seek to bind ourselves now to a totally arbitrary set of Medicare and Medicaid savings that will harm our ability to fashion the most rational kind of health reform?

How, when we are approaching one of the most daunting challenges—I think the most daunting challenge on the domestic level—the most daunting challenge in public policy we face I think in 50 years, and that is doing something about health care and doing something about health care costs—why in the world would we want to come out now and build a cage or construct a prison of arbitrary numbers before we even set the policy? I just do not think, Mr. President, that is the way we ought to go.

I know the distinguished Senator from Georgia and my friend from New Mexico have expressed these concerns for many years. I share their concerns. We are finally around to the point now where I think we all agree that the problem is health care costs. We can quit talking about entitlements and mandatories as if that is something abstract, you put a lid on that, and that solves all the problem. We have finally come around to all recognizing that essentially the problem is health care costs.

The PRESIDING OFFICER. The time has expired on the amendment.

AMENDMENT NO. 1602 TO AMENDMENT NO. 1601

(Purpose: To state the sense of the Congress that health care reform should contribute to deficit reduction)

Mr. SASSER. I send to the desk an amendment in the second degree to the amendment of the distinguished Senator from Georgia.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. SASSER] proposes an amendment numbered 1602 to amendment No. 1601.

Mr. SASSER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SASSER. Mr. President, this amendment is essentially self-explanatory. It simply in the preamble sets out that millions of Americans fear that job loss, illness, or preexisting condition will deprive them of health insurance. It indicates that some 39 million Americans, most of them working Americans, cannot now afford health insurance. It states that the cost of health care in America is growing at a rate of 11 percent per year, more than double the annual inflation rate.

The only areas of the Federal budget that are growing faster than the economy as a whole are the health care accounts. The amendment further states that we must constrain the growth of these mandatory programs that are growing faster than the Consumer Price Index, plus population, plus 4 percent and that almost all health care reform proposals, both Democratic and Republican, assume some savings from Federal health care programs which will be used to offset the cost of comprehensive health care reform proposals designed to correct the above-listed problems.

The amendment concludes by indicating that it is the sense of the Congress that Congress should adopt comprehensive health care reform that will curtail the growth of health care spending and devote the savings both to lower the deficit and to offset the cost of whatever comprehensive health care reform legislation that Congress ultimately enacts.

The thrust of this proposal, Mr. President, is essentially self-explanatory. We endorse the idea of controlling spending in the health care accounts, just as the sense-of-the-Senate resolution offered by the distinguished Senator from Florida did.

But we do not bind ourselves to a specific number and, thereby, enforce distortions in our eventual health care reform effort. What we are trying to do with this amendment in the second degree is simply escape the distortion of setting arbitrary limits before the health care plan or the health care proposal is even enacted by the Congress. It gives us the latitude and the flexibility, I think, to deal with the problem.

I see the distinguished Senator from West Virginia is on his feet. Does he wish some time to speak on this matter?

Mr. ROCKEFELLER. The Senator would be very honored if the distinguished Senator from Tennessee would yield him some time.

Mr. SASSER. I will be pleased to yield to the distinguished Senator from West Virginia the remainder of my time, reserving 1 minute.

Mr. ROCKEFELLER. Mr. President, the Senator is very courageous and very generous.

I will, of course, support the sense-of-the-Senate resolution, although it says sense of the Congress, so I guess that is what it is. I think it is particularly important to pass it in order to defeat the underlying amendment, or the amendment which would be before us if this amendment failed.

This is the same battle as we were in last year, except the stakes are a whole lot higher. We won the battle last year by 4 votes. I call attention to my colleagues that winning my 4 votes was not much of a margin last year. The stakes are far more dangerous this year if the Domenici-Nunn-Thurmond amendment were to be adopted.

Entitlement caps hold health care spending for the elderly, for the poor hostage to the forces that are not predictable nor controllable, absent comprehensive health care reform, as the distinguished Senator from Tennessee has been saying.

I know in arguing against a similar proposal of the Senator from New Mexico and the Senator from Georgia last year, I told my colleagues I thought it imperative that we do our health care work, that we do it diligently and we do it promptly—that was a year ago—that we not try to put our fingers in the entitlement dike, only to have the entire system overflow the containment and retainer walls.

The President has now given us the road map to do it. Now it is in our hands. We should do it responsibly. If you want to control the deficit, do health care reform. I am going to try to make this explicit and even, I hope, interestingly clear.

I hope we can count on our colleagues to vote for that same budget discipline, I might say, when it comes time for health care reform, because that health care reform will be a budget discipline type of effort.

In fact, it was precisely the promise of health care reform in the form of sincere and absolute commitment to passing comprehensive systematic health care reform made both by the President and the majority of us in the Senate that staved off this kind of an amendment last year by 4 votes.

The argument for health care reform as the most appropriate legislative vehicle to deal with the real issues raised by an entitlement cap has only been strengthened in the intervening years since we debated this. It is just a much stronger case that we should win by 20 votes this year, not by 4 votes. That is, the Domenici-Nunn amendment should lose by 20 votes this year, not by 4 votes as it lost last year, especially if you are suggesting the caps could be very flexible or adjustable over the next few years.

Maybe I should just say, Mr. President, that inflation and entitlements, with the exception of health care spending, are not causing the deficit to increase relative to GDP. There are four major causes: The growth in health care costs, the decline in general revenues as a percent of GDP, net interest cost, and a sluggish economy. Health care is the reason. The growth in entitlements is not the reason. Health care reform is the answer. The amendment of the Senator from Tennessee I hope will pass.

Mr. SASSER. I thank the Senator from West Virginia.

### AMENDMENT NO. 1602, AS MODIFIED

Mr. SASSER. Mr. President, I modify my amendment to reflect all changes made by the Gorton amendment No. 1559, the Boxer amendment No. 1562, and the Specter amendment No. 1565.

The PRESIDING OFFICER. The Senator has that right.

Mr. SASSER. This modification, I say for the benefit of my colleagues, simply ensures that the changes made in the resolution during its consideration in the Chamber are reflected in the amendment that I offered as well.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

Strike all after the first word in the pending amendment and insert the following:

Fiscal year 1995: $1,242,390,000,000.
Fiscal year 1996: $1,303,486,000,000.
Fiscal year 1997: $1,368,586,000,000.
Fiscal year 1998: $1,437,889,000,000.
Fiscal year 1999: $1,509,589,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total new budget authority are as follows:

Fiscal year 1995: $1,149,190,000,000.
Fiscal year 1996: $1,202,286,000,000.
Fiscal year 1997: $1,256,986,000,000.
Fiscal year 1998: $1,314,989,000,000.
Fiscal year 1999: $1,372,289,000,000.

(3) BUDGET OUTLAYS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1995: $1,283,199,000,000.
Fiscal year 1996: $1,352,498,000,000.
Fiscal year 1997: $1,411,998,000,000.
Fiscal year 1998: $1,485,100,000,000.
Fiscal year 1999: $1,485,100,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total budget outlays are as follows:

Fiscal year 1995: $1,124,000,000,000.
Fiscal year 1996: $1,183,199,000,000.
Fiscal year 1997: $1,241,900,000,000.
Fiscal year 1998: $1,241,898,000,000.
Fiscal year 1999: $1,290,698,000,000.

(4) DEFICITS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1995: $238,600,000,000.
Fiscal year 1996: $252,000,000,000.
Fiscal year 1997: $272,800,000,000.
Fiscal year 1998: $275,600,000,000.
Fiscal year 1999: $294,900,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the amounts of the deficits are as follows:

Fiscal year 1995: $246,600,000,000.
Fiscal year 1996: $258,300,000,000.
Fiscal year 1997: $274,100,000,000.
Fiscal year 1998: $272,100,000,000.
Fiscal year 1999: $283,100,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1995: $4,963,600,000,000.
Fiscal year 1996: $5,278,800,000,000.
Fiscal year 1997: $5,611,200,000,000.
Fiscal year 1998: $5,945,400,000,000.
Fiscal year 1999: $6,289,700,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1995: $26,700,000,000.
Fiscal year 1996: $32,100,000,000.
Fiscal year 1997: $33,800,000,000.
Fiscal year 1998: $35,700,000,000.
Fiscal year 1999: $37,800,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1995: $199,700,000,000.
Fiscal year 1996: $174,400,000,000.
Fiscal year 1997: $164,600,000,000.
Fiscal year 1998: $164,100,000,000.
Fiscal year 1999: $163,500,000,000.

### SEC. 3. DEBT INCREASE AS A MEASURE OF DEFICIT.

The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1995: $306,700,000,000.
Fiscal year 1996: $315,200,000,000.
Fiscal year 1997: $332,400,000,000.
Fiscal year 1998: $334,200,000,000.
Fiscal year 1999: $344,200,000,000.

### SEC. 4. DISPLAY OF FEDERAL RETIREMENT TRUST FUND BALANCES.

The balances of the Federal retirement trust funds are as follows:

Fiscal year 1995: $1,161,100,000,000.
Fiscal year 1996: $1,275,200,000,000.
Fiscal year 1997: $1,396,900,000,000.
Fiscal year 1998: $1,524,200,000,000.
Fiscal year 1999: $1,651,300,000,000.

### SEC. 5. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1995: $360,500,000,000.
Fiscal year 1996: $379,600,000,000.
Fiscal year 1997: $399,000,000,000.
Fiscal year 1998: $419,500,000,000.
Fiscal year 1999: $439,800,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1995: $287,600,000,000.
Fiscal year 1996: $301,300,000,000.
Fiscal year 1997: $312,300,000,000.
Fiscal year 1998: $324,400,000,000.
Fiscal year 1999: $337,000,000,000.

### SEC. 6. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1995 through 1999 for each major functional category are:

(1) National Defense (050):

Fiscal year 1995:
(A) New budget authority, $263,800,000,000.
(B) Outlays, $270,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $255,300,000,000.
(B) Outlays, $261,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $252,000,000,000.
(B) Outlays, $256,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:
(A) New budget authority, $258,700,000,000.
(B) Outlays, $256,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:
(A) New budget authority, $265,100,000,000.
(B) Outlays, $257,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1995:
(A) New budget authority, $19,300,000,000.
(B) Outlays, $18,100,000,000.
(C) New direct loan obligations, $3,200,000,000.
(D) New primary loan guarantee commitments, $18,000,000,000.

Fiscal year 1996:

(A) New budget authority, $17,200,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $18,500,000,000.

Fiscal year 1997:

(A) New budget authority, $17,000,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $2,600,000,000.

(D) New primary loan guarantee commitments, $18,500,000,000.

Fiscal year 1998:

(A) New budget authority, $16,800,000,000.

(B) Outlays, $17,600,000,000.

(C) New direct loan obligations, $2,400,000,000.

(D) New primary loan guarantee commitments, $18,500,000,000.

Fiscal year 1999:

(A) New budget authority, $17,000,000,000.

(B) Outlays, $17,500,000,000.

(C) New direct loan obligations, $2,400,000,000.

(D) New primary loan guarantee commitments, $16,500,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1995:

(A) New budget authority, $17,300,000,000.

(B) Outlays, $17,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $17,200,000,000.

(B) Outlays, $17,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $17,300,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $17,400,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $17,600,000,000.

(B) Outlays, $17,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1995:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $5,000,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $5,200,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $5,000,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $6,100,000,000.

(B) Outlays, $4,700,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $5,700,000,000.

(B) Outlays, $4,400,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1995:

(A) New budget authority, $21,700,000,000.

(B) Outlays, $21,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $22,200,000,000.

(B) Outlays, $21,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $22,100,000,000.

(B) Outlays, $21,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $22,000,000,000.

(B) Outlays, $21,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $21,600,000,000.

(B) Outlays, $21,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1995:

(A) New budget authority, $12,480,000,000.

(B) Outlays, $11,780,000,000.

(C) New direct loan obligations, $10,100,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1996:

(A) New budget authority, $12,500,000,000.

(B) Outlays, $11,400,000,000.

(C) New direct loan obligations, $9,700,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1997:

(A) New budget authority, $13,000,000,000.

(B) Outlays, $11,700,000,000.

(C) New direct loan obligations, $9,700,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1998:

(A) New budget authority, $13,200,000,000.

(B) Outlays, $12,000,000,000.

(C) New direct loan obligations, $9,800,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1999:

(A) New budget authority, $13,700,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $9,900,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1995:

(A) New budget authority, $7,700,000,000.

(B) Outlays, −$8,300,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $117,900,000,000.

Fiscal year 1996:

(A) New budget authority, $5,300,000,000.

(B) Outlays, −$10,800,000,000.

(C) New direct loan obligations, $3,000,000,000.

(D) New primary loan guarantee commitments, $103,200,000,000.

Fiscal year 1997:

(A) New budget authority, $5,100,000,000.

(B) Outlays, −$3,400,000,000.

(C) New direct loan obligations, $3,100,000,000.

(D) New primary loan guarantee commitments, $95,900,000,000.

Fiscal year 1998:

(A) New budget authority, $5,200,000,000.

(B) Outlays, −$2,900,000,000.

(C) New direct loan obligations, $3,200,000,000.

(D) New primary loan guarantee commitments, $96,600,000,000.

Fiscal year 1999:

(A) New budget authority, $6,200,000,000.

(B) Outlays, −$900,000,000.

(C) New direct loan obligations, $3,400,000,000.

(D) New primary loan guarantee commitments, $99,500,000,000.

(8) Transportation (400):

Fiscal year 1995:

(A) New budget authority, $42,900,000,000.

(B) Outlays, $38,800,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1996:

(A) New budget authority, $41,800,000,000.

(B) Outlays, $39,600,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $43,200,000,000.

(B) Outlays, $40,100,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $44,000,000,000.

(B) Outlays, $40,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $44,600,000,000.

(B) Outlays, $40,500,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1995:

(A) New budget authority, $9,500,000,000.

(B) Outlays, $9,300,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1996:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $8,900,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1997:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,000,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1998:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,100,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1999:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,000,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1995:

(A) New budget authority, $57,920,000,000.

(B) Outlays, $53,648,000,000.

(C) New direct loan obligations, $5,500,000,000.

(D) New primary loan guarantee commitments, $19,000,000,000.

Fiscal year 1996:

(A) New budget authority, $58,200,000,000.

(B) Outlays, $55,671,000,000.

(C) New direct loan obligations, $11,500,000,000.

(D) New primary loan guarantee commitments, $14,000,000,000.

Fiscal year 1997:

(A) New budget authority, $59,900,000,000.

(B) Outlays, $58,199,000,000.

(C) New direct loan obligations, $13,200,000,000.

(D) New primary loan guarantee commitments, $13,200,000,000.

Fiscal year 1998:

(A) New budget authority, $61,700,000,000.

(B) Outlays, $60,602,000,000.

(C) New direct loan obligations, $15,100,000,000.

(D) New primary loan guarantee commitments, $12,300,000,000.

Fiscal year 1999:

(A) New budget authority, $63,200,000,000.

(B) Outlays, $62,200,000,000.

(C) New direct loan obligations, $16,800,000,000.

(D) New primary loan guarantee commitments, $11,200,000,000.

(11) Health (550):

Fiscal year 1995:

(A) New budget authority, $124,300,000,000..

(B) Outlays, $122,730,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1996:

(A) New budget authority, $136,703,000,000.

(B) Outlays, $135,730,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

Fiscal year 1997:

(A) New budget authority, $150,006,000,000.

(B) Outlays, $149,895,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $200,000,000.

Fiscal year 1998:

(A) New budget authority, $166,709,000,000.

(B) Outlays, $165,453,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $100,000,000.

Fiscal year 1999:

(A) New budget authority, $184,212,000,000.

(B) Outlays, $182,568,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1995:

(A) New budget authority, $162,400,000,000.

(B) Outlays, $160,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $180,500,000,000.

(B) Outlays, $178,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $198,500,000,000.

(B) Outlays, $196,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $217,700,000,000.

(B) Outlays, $215,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $242,300,000,000.

(B) Outlays, $239,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) For purposes of section 710 of the Social Security Act, Federal Supplementary Medical Insurance Trust Fund:

Fiscal year 1995:

(A) New budget authority, $56,000,000,000.

(B) Outlays, $55,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $65,200,000,000.

(B) Outlays, $64,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $73,300,000,000.

(B) Outlays, $72,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $81,300,000,000.

(B) Outlays, $80,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $92,200,000,000.

(B) Outlays, $90,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(14) Income Security (600):

Fiscal year 1995:

(A) New budget authority, $220,225,000,000.

(B) Outlays, $220,705,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $234,732,000,000.

(B) Outlays, $229,330,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $249,339,000,000.

(B) Outlays, $242,828,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $261,246,000,000.

(B) Outlays, $253,234,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $272,863,000,000.

(B) Outlays, $264,440,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Social Security (650):

Fiscal year 1995:

(A) New budget authority, $6,800,000,000.

(B) Outlays, $9,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $9,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $8,300,000,000.

(B) Outlays, $11,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $12,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $9,800,000,000.

(B) Outlays, $13,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(16) Veterans Benefits and Services (700):

Fiscal year 1995:

(A) New budget authority, $37,200,000,000.

(B) Outlays, $36,600,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $32,900,000,000.

Fiscal year 1996:

(A) New budget authority, $37,600,000,000.

(B) Outlays, $36,600,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $27,400,000,000.

Fiscal year 1997:

(A) New budget authority, $38,500,000,000.

(B) Outlays, $38,300,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $25,800,000,000.

Fiscal year 1998:

(A) New budget authority, $38,600,000,000.

(B) Outlays, $38,500,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $25,600,000,000.

Fiscal year 1999:

(A) New budget authority, $39,700,000,000.

(B) Outlays, $39,600,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $25,300,000,000.

(17) Administration of Justice (750):

Fiscal year 1995:

(A) New budget authority, $18,823,000,000.

(B) Outlays, $17,255,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $21,326,000,000.

(B) Outlays, $19,406,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $22,129,000,000.

(B) Outlays, $21,066,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $23,232,000,000.

(B) Outlays, $22,491,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $24,535,000,000.

(B) Outlays, $23,493,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) General Government (800):

Fiscal year 1995:

(A) New budget authority, $14,000,000,000.

(B) Outlays, $13,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $14,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $13,400,000,000.

(B) Outlays, $13,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $13,100,000,000.

(B) Outlays, $13,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $13,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Net Interest (900):

Fiscal year 1995:

(A) New budget authority, $247,100,000,000.

(B) Outlays, $247,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $267,100,000,000.

(B) Outlays, $267,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $282,500,000,000.

(B) Outlays, $282,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $297,900,000,000.

(B) Outlays, $297,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $314,700,000,000.

(B) Outlays, $314,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) For purposes of section 710 of the Social Security Act, Net Interest (900):

Fiscal year 1995:

(A) New budget authority, $257,600,000,000.

(B) Outlays, $257,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $277,800,000,000.

(B) Outlays, $277,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $293,300,000,000.

(B) Outlays, $293,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $308,500,000,000.

(B) Outlays, $308,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $324,500,000,000.

(B) Outlays, $324,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(21) The corresponding levels of gross interest on the public debt are as follows:

Fiscal year 1995: $311,800,000,000.

Fiscal year 1996: $331,100,000,000.

Fiscal year 1997: $347,400,000,000.

Fiscal year 1998: $364,600,000,000.

Fiscal year 1999: $383,300,000,000.

(22) Allowances (920):

Fiscal year 1995:

(A) New budget authority, −$11,258,000,000.

(B) Outlays, −$13,118,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$8,575,000,000.

(B) Outlays, −$3,938,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$9,288,000,000.

(B) Outlays, −$6,492,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$12,498,000,000.

(B) Outlays, −$11,982,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$24,111,000,000.

(B) Outlays, −$15,589,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(23) Undistributed Offsetting Receipts (950):

Fiscal year 1995:

(A) New budget authority, −$36,100,000,000.

(B) Outlays, −$36,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$30,300,000,000.

(B) Outlays, −$30,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$30,300,000,000.

(B) Outlays, −$30,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$31,200,000,000.

(B) Outlays, −$31,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$31,600,000,000.

(B) Outlays, −$31,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(24) For purposes of section 710 of the Social Security Act, Undistributed Offsetting Receipts (950):

Fiscal year 1995:

(A) New budget authority, −$33,500,000,000.

(B) Outlays, −$33,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$27,100,000,000.

(B) Outlays, −$27,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$27,600,000,000.

(B) Outlays, −$27,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$28,300,000,000.

(B) Outlays, −$28,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$28,500,000,000.

(B) Outlays, −$28,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

### SENSE OF THE CONGRESS THAT HEALTH CARE REFORM SHOULD CONTRIBUTE TO DEFICIT REDUCTION.

(a) FINDINGS.—The Congress finds that—

(1) millions of Americans fear that job loss, illness, or a pre-existing condition will deprive them of health insurance;

(2) some 39 million Americans, most of them working Americans, are without health insurance;

(3) the cost of health care in America is growing at a rate of 8 percent a year, more than double the annual inflation rate;

(4) the only areas in the Federal budget that are growing faster than the economy as a whole are the health care programs, growing at 11 percent a year;

(5) we must constrain the growth of those mandatory programs that are growing faster than the Consumer Price Index plus population plus 4 percent in 1996, 3.5 percent in 1997, 3 percent in 1998, and 2 percent in 1999;

(6) almost all health care reform proposals, both Democratic and Republican assume some savings from Federal health care programs will be used to offset the costs of comprehensive health reform proposals designed to correct the above listed problems.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that Congress should adopt comprehensive health care reform that will curtail the growth of health care spending and devote the savings both to lower the deficit and to offset the cost of whatever comprehensive health reform legislation that Congress ultimately enacts.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry. Does the time in opposition to the amendment belong to the Senator from New Mexico?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I yield myself 3 minutes, and I will yield the remaining 2 minutes to Senator NUNN.

I hope the Senator from West Virginia and the Senator from Tennessee will listen to this explanation.

Frankly, this is a post-health care reform amendment. It says the following: After we have put into place under pay-go, meaning a neutral health care reform package, after that is done, the Nunn-Domenici amendment says do not let happen to that program what has happened to health care in the past. Do not let its costs skyrocket, thus creating an imbalance on the pay as you go. Rather, put a realistic cap on that so that after you have adopted health care, you do not let it get out of control.

It does nothing to what kind of health care you can pass, no limitation on what can be in it. In fact, I say to my friend from West Virginia, so long as it is pay-go, which you agree to abide by, it sets no limit. But it says after that, as the years go on, for the next 5 years, you cannot let the costs go wild because the pay as you go is gone then. This just says at that point you put a cap on it.

I think we ought to do that. This is rather profound public policy. If we do not do it now, we ought to do it in the health care plan that comes through this place or else we will be right back in the same muddle after health care reform because the savings we claim will yield to spiraling costs growth, and we will not have a mechanism to force it down.

I yield the remainder of my time to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I can only echo what the Senator from New Mexico said. This amendment that would be wiped out by the Sasser amendment does not preclude any kind of health care plan that this body and the House and the President decide to agree on. It becomes baseline.

Those who would oppose this on the basis of health care now are basically saying we have no confidence that what we are going to pass is going to save money. We are going to have to keep it open-ended like we have in the past, and that is what has resulted—$800 billion we are going to spend over the next 5 years compared to the previous 5 years.

Mr. President, this is a very simple choice for people around here who want to do something about the budget deficit. We all make speeches on it. Everybody knows where the money is going. It is going into the entitlement programs, primarily health care but not exclusively health care. Do we want to ever say there is any limit on entitlements? Are we going to say that we have no limit on entitlements from now on? It just keeps on going; it keeps on going; it keeps on going. No limits; no closed doors; no fiscal discipline whatsoever.

This is a clear vote. There is nothing wrong with the Sasser substitute. It is language with which everybody would agree. The difficulty is everybody who votes should know this. A vote for the Sasser amendment is a vote to do nothing on entitlements, to do nothing on the 50 percent of the budget that is out of control, to have no advanced restraint whatsoever about what will happen after we pass a health care bill.

Mr. ROCKEFELLER. Will the Senator yield?

Mr. NUNN. So this is a clear vote. If you want to have no restraint on the budget, on the entitlement section, vote for the Sasser amendment. If you want an opportunity to begin to have some gentle restraint on entitlements, over a carefully calibrated period of time, then you would vote against Sasser and vote for the Nunn-Domenici amendment. A vote for the Sasser amendment will kill the Nunn amendment, so a vote for the Sasser amendment is a vote against the Nunn-Domenici amendment.

Mr. ROCKEFELLER. Will the Senator yield?

Mr. NUNN. I do not believe I have any time remaining.

The PRESIDING OFFICER. The Senator from New Mexico has 45 seconds.

Mr. ROCKEFELLER. Will the Senator from New Mexico yield?

Mr. DOMENICI. I have 45 seconds. I yield 22½ of it to the Senator.

Mr. ROCKEFELLER. I thank the Senator. I have heard nobody on this floor on either side of the aisle say that any plan has more than 25 votes for passage. That is, a health care reform plan. Therefore, this entire argument is being predicated upon something which at this particular moment is not likely to happen.

So I remind my colleagues that if health care does not pass this year, and the votes are not there yet, we are stuck with this draconian measure.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, there is nothing draconian about this measure. There is no health care plan around that purports to try to control the Federal Government's cost of health care. The President proposes to control the private sector cost of health care. This merely says whatever you adopt, whenever you adopt it, you cannot let those costs get back out of control because you set the limit in this amendment of a realistic growth but not a superinflated growth that will break the budget again.

The PRESIDING OFFICER. The time has expired on the amendment.

Mr. NUNN. Mr. President, have the yeas and nays been ordered on the Sasser amendment?

The PRESIDING OFFICER. They have not.

Mr. NUNN. Mr. President, I ask for the yeas and nays on the Sasser amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. SASSER. Mr. President, I ask unanimous consent that the amendment be temporarily set aside to be disposed of following the Jeffords amendment No. 1585.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I have a unanimous consent request. I ask unanimous consent that my amendment be withdrawn. I do so because I find the unusual situation where I think the majority of the people on my side of the aisle will vote for it but others object to some noneducation provisions of the amendment. We had an amendment earlier which the majority on the other side voted for it. So I think it clearly demonstrates that everybody is in favor of doing something as far as reordering our priorities to help on education and to assist with respect to the special education program in particular. We simply need to work out suitable offsets. Unfortunately, we have run out of time to fix this problem.

I do not want to put us through another vote. I had hoped that a freeze on overhead would be a suitable offset for increased education funding; but others objected because it lowers the caps in fiscal years 1996, 1997, and 1998 and, therefore, reduces the amount of money that can be spent in those years. I do intend to continue working for increased funding for education.

So at this point, Mr. President, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment (No. 1585) was withdrawn.

Mr. SASSER. Mr. President, we are prepared to entertain another amendment.

Mr. President, I inquire of the Presiding Officer, is there a Harkin amendment pending?

The PRESIDING OFFICER. The Senator is correct. There are two amendments pending, the Harkin amendment and the Dorgan amendment.

AMENDMENT NO. 1578

Mr. SASSER. Mr. President, could we go to the Harkin amendment at the present time.

The PRESIDING OFFICER. If there is no objection, that will be the order.

Mr. THURMOND. Mr. President, I rise to take exception to the premise behind the Harkin amendment. The need for ballistic missile defense is growing not diminishing. We can ill afford to be so short-sighted as to cut, or seriously limit, this critical technology. If we accept the limits proposed by the Senator from Iowa, there would be no funds to procure the systems our investment in research and development has enabled us to build. There would be no funds to build even the theater defenses everyone agrees we need for our forces abroad. This makes no sense militarily, and it makes no sense economically.

Unfortunately, the demise of the Soviet Union did not eliminate the threat to this Nation or to its deployed forces from ballistic missiles. Not only are many of the missiles from the former Soviet Union still operational, they are now under more tenuous control than before. Furthermore, they are in hands of governments that are less stable and evolving rapidly in directions uncertain.

In addition, ballistic missiles are proliferating around the world. Just last week the intelligence community confirmed that North Korea is developing two new missiles that will extend the threat of this hermit government by thousands of miles. Many other potentially hostile nations are developing or purchasing ballistic missiles; missiles that can threaten forward U.S. bases, Allied nation, deployed forces, or even the continental United States.

Mr. President this is surely not the time to cut missile defense funds. We are moving into a less stable and, in many respects, more dangerous world. Undoubtedly the danger of a massive nuclear attack is less than during the cold war. But, the probability of a limited strike by one of many rogue regimes is much greater. Why would we reduce spending on our best insurance against an increasing threat? This defies logic.

My colleagues would be wise to vote against the Harkin amendment and, at least, return the level of funding for ballistic missile defense request by the current administration.

Mr. SASSER. Mr. President, parliamentary inquiry: Have the yeas and nays been vitiated on the Harkin amendment?

The PRESIDING OFFICER. They have not been vitiated.

Mr. SASSER. The yeas and nays have not been ordered on the Harkin amendment?

The PRESIDING OFFICER. They have been ordered.

Mr. SASSER. Mr. President, I ask unanimous consent to vitiate the yeas and nays on the Harkin amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, I have no objection. I have conferred with those on our side who had objected. They indicated that I could concur in that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, has all time been yielded back on the Harkin amendment?

The PRESIDING OFFICER. All time has expired on the amendment.

The question is on agreeing to the Harkin amendment.

The amendment of the Senator from Iowa (No. 1578) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I inquire of the Chair. There is one remaining amendment. Is that correct?

The PRESIDING OFFICER. There is one amendment in order, the Dorgan amendment on the sense of the Senate on Canadian wheat.

Mr. DOMENICI. Have the yeas and nays been ordered on the Gramm amendment?

The PRESIDING OFFICER. They have not been ordered.

Mr. DOMENICI. Is it in order to request the same at this moment?

The PRESIDING OFFICER. Not at this point.

Mr. SASSER. Mr. President, I ask unanimous consent that the Dorgan amendment be stricken from the list of amendments to be considered. We are advised that the proponent of that amendment does not wish to offer it.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on the Gramm amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SASSER. Mr. President, for the information of Senators on the floor and those who may be watching in their offices or in committee meetings, we are now prepared to vote on the Gramm amendment No. 1598, and the Sasser-Nunn amendment No. 1601.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 1598

The PRESIDING OFFICER. the pending question is the Gramm amendment. The question occurs on amendment No. 1598, offered by the Senator from Texas [Mr. GRAMM]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS], is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN] is necessarily absent.

The PRESIDING OFFICER (Mrs. MURRAY). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 37, nays 61, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—37

Bennett
Boxer
Brown
Burns
Coats
Cochran
Coverdell
Craig
D'Amato
Dole
Domenici
Durenberger
Faircloth
Feinstein
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Helms
Hutchison
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Shelby
Simpson
Smith
Thurmond
Wallop
Warner

NAYS—61

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Conrad
Danforth
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Ford
Glenn
Harkin
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Specter
Stevens
Wellstone
Wofford

NOT VOTING—2

Cohen
Hollings

So the amendment (No. 1598) was rejected.

Mr. SASSER. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### AMENDMENT NO. 1602, AS MODIFIED

Mr. KENNEDY. Mr. President, I urge the Senate to adopt the Sasser second-degree amendment and to reject the entitlement cap amendment.

The entitlement cap proposal claims to limit entitlement spending to reasonable levels, but it cannot pass the truth in advertising test—because it is really a proposal to slash Medicare and Medicaid and block health reform. Federal health spending is the primary cause of the runaway growth in entitlement spending. The best way to deal with that problem is as part of comprehensive health reform, not in this arbitrary and counterproductive amendment.

In the past decade, if we exclude Medicare, Medicaid, and Social Security, entitlement spending has actually been rising more slowly than the CPI. If we look at the impact of this proposal, Medicaid and Medicare are the only entitlement programs likely to be affected by the proposed cap, since all other entitlements are under the cap.

These figures make the bottom line painfully clear. If this amendment passes, health care reform is dead. Instead of using savings in current health spending to reform our system and save workers, employers, and governments billions of dollars in future health care, we will be in the position of arbitrarily cutting billions of dollars from Medicare and Medicaid.

Medicaid is a frayed safety net, but it is the only help available today to the millions of poor and uninsured.

Almost 40 million Americans are uninsured, and the number is rising every year. Surely this is not the way to cut back on the only safety net they have. A Medicaid cap hurts the most vulnerable, including poor children, pregnant women, poor elderly, and persons with disabilities. A Medicaid cap will require cuts in eligibility, services, and payment rates. None of these are viable options for underserved and vulnerable populations already facing serious barriers to adequate care.

Arbitrarily capping Medicaid will also shift costs to the States as they struggle to meet the Federal mandates in Medicaid without sufficient Federal resources. Even during the Reagan years, Congress rejected an equally harsh proposal to cap Medicaid. Let's not make the mistake today that we avoided making then.

Deep cuts in Medicare would be equally unjustified. Today, Medicare pays hospitals 10 percent less than the cost of caring for elderly patients.

The gap between Medicare payment levels and private payment levels continue to widen. Every dollar cut from Medicare means a dollar in additional costs for average citizens and for business, as health care providers seek to recover Medicare underpayments by shifting costs to others.

Cuts in Medicare are a false economy. They are also hazardous to the health of senior citizens.

As the gap widens between what private patients pay and what the Government pays hospitals and doctors increasingly view the elderly as second class citizens.

It is shameful that the poor and uninsured are so often denied the services they need because they cannot pay. The shame will be compounded if the same fate befalls senior citizens because the Government has failed to keep the promise of Medicare.

The only other alternative to stay below the entitlement caps proposed in this amendment would be to dramatically reduce or eliminate funding for other entitlements that are not going up faster than the costs of living. That would mean cutting retirement benefits for members of the Armed Forces; denying school lunches and breakfasts to hungry children; food stamps to needy families; income assistance to the poorest senior citizens and people with disabilities; and loans to college students.

There is no justification to punish all of these innocent bystanders because costs are out of control for Medicare and Medicaid.

There is a realistic solution to the soaring cost of Medicare and Medicaid. It is also a solution that is long overdue. We need comprehensive health reform that meets two fundamental tests. It must guarantee every American basic health insurance coverage. And it must put in place a credible program to control health care costs—not a program that simply slashes Government spending while ignoring the basic inflationary problems in the current health care system. President Clinton's Health Security Act meets these tests. Even those who do not support the President's proposal, if they support any serious health reform, cannot vote for entitlement caps without voting against such reform.

I urge the Senate to accept the President's challenge and work for health reform. Capping Government health spending and shifting more costs to the private sector is not the answer. It would only make all of our other problems worse.

An entitlement cap is not a true saving. It is a tax on the elderly, the poor, and middle-class Americans, and it deserves to be rejected.

### VOTE ON AMENDMENT NO. 1602, AS MODIFIED

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 1602 offered by the Senator from Tennessee [Mr. SASSER] to amendment No. 1601 offered by the Senator from Georgia [Mr. NUNN]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN] is necessarily absent.

The result was announced—yeas 45, nays 53, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—45

Akaka
Baucus
Biden
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Harkin
Inouye
Jeffords
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Mathews
Metzenbaum
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—53

Bennett
Bingaman
Bond
Boren
Brown
Burns
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Exon
Faircloth
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Kassebaum
Kempthorne
Kerrey
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mitchell
Murkowski
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Cohen
Hollings

So the amendment (No. 1602) was rejected.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

Mr. MITCHELL. I ask for the yeas and nays on the motion to table.

The VICE PRESIDENT. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I ask unanimous consent that the yeas and nays on the motion to table the motion to reconsider be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion to table.

Without objection, the motion to table is agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

### AMENDMENT NO. 1601, AS MODIFIED

Mr. DOMENICI. I send an amendment to the desk on behalf of myself and

Senator NUNN. It is a modification of the amendment that is pending.

Mr. SASSER. It is the modification of the pending amendment.

Mr. DOMENICI. Yes, it is the modification that we have discussed.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The modification is as follows:

Fiscal year 1995; $1,242,400,000,000.
Fiscal year 1996; $1,303,500,000,000.
Fiscal year 1997; $1,368,600,000,000.
Fiscal year 1998; $1,437,900,000,000.
Fiscal year 1999; $1,509,600,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total new budget authority are as follows:

Fiscal year 1995; $1,149,200,000,000.
Fiscal year 1996; $1,202,300,000,000.
Fiscal year 1997; $1,257,000,000,000.
Fiscal year 1998; $1,315,000,000,000.
Fiscal year 1999; $1,372,300,000,000.

(3) BUDGET OUTLAYS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1995; $1,216,300,000,000.
Fiscal year 1996; $1,283,200,000,000.
Fiscal year 1997; $1,352,500,000,000.
Fiscal year 1998; $1,412,000,000,000.
Fiscal year 1999; $1,485,100,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total budget outlays are as follows:

Fiscal year 1995; $1,124,000,000,000.
Fiscal year 1996; $1,183,200,000,000.
Fiscal year 1997; $1,241,900,000,000.
Fiscal year 1998; $1,290,700,000,000.
Fiscal year 1999; $1,349,600,000,000.

(4) DEFICITS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1995; $238,600,000,000.
Fiscal year 1996; $252,000,000,000.
Fiscal year 1997; $272,800,000,000.
Fiscal year 1998; $275,600,000,000.
Fiscal year 1999; $294,900,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the amounts of the deficits are as follows:

Fiscal year 1995: $246,600,000,000.
Fiscal year 1996: $258,300,000,000.
Fiscal year 1997: $274,100,000,000.
Fiscal year 1998: $272,100,000,000.
Fiscal year 1999: $283,100,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1995: $4,963,600,000,000.
Fiscal year 1996: $5,278,800,000,000.
Fiscal year 1997: $5,611,200,000,000.
Fiscal year 1998: $5,945,400,000,000.
Fiscal year 1999: $6,289,700,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1995: $26,700,000,000.
Fiscal year 1996: $32,100,000,000.
Fiscal year 1997: $33,800,000,000.
Fiscal year 1998: $35,700,000,000.
Fiscal year 1999: $37,800,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1995: $199,700,000,000.
Fiscal year 1996: $174,400,000,000.
Fiscal year 1997: $164,600,000,000.
Fiscal year 1998: $164,100,000,000.
Fiscal year 1999: $163,500,000,000.

### SEC. 3. DEBT INCREASE AS A MEASURE OF DEFICIT.

The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1995: $306,700,000,000.
Fiscal year 1996: $315,200,000,000.
Fiscal year 1997: $332,400,000,000.
Fiscal year 1998: $334,200,000,000.
Fiscal year 1999: $344,200,000,000.

### SEC. 4 DISPLAY OF FEDERAL RETIREMENT TRUST FUND BALANCES

The balances of the Federal retirement trust funds are as follows:

Fiscal year 1995: $1,161,100,000,000.
Fiscal year 1996: $1,275,200,000,000.
Fiscal year 1997: $1,396,900,000,000.
Fiscal year 1998: $1,524,200,000,000.
Fiscal year 1999: $1,651,300,000,000.

### SEC. 5. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1995, $360,500,000,000.
Fiscal year 1996, $379,600,000,000.
Fiscal year 1997, $399,000,000,000.
Fiscal year 1998, $419,500,000,000.
Fiscal year 1999, $439,800,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1995, $287,600,000,000.
Fiscal year 1996, $301,300,000,000.
Fiscal year 1997, $312,300,000,000.
Fiscal year 1998, $324,400,000,000.
Fiscal year 1999, $337,000,000,000.

### SEC. 6. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1995 through 1999 for each major functional category are:

(1) National Defense (050):

Fiscal year 1995:
(A) New budget authority, $263,800,000,000.
(B) Outlays, $270,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $255,300,000,000.
(B) Outlays, $261,000, 000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $252,000,000,000.
(B) Outlays, $256,400, 000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:
(A) New budget authority, $258,700,000,000.
(B) Outlays, $256,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:
(A) New budget authority, $265,100,000,000.
(B) Outlays, $257,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1995:
(A) New budget authority, $19,300,000,000.
(B) Outlays, $18,100,000,000.
(C) New direct loan obligations, $3,200,000,000.
(D) New primary loan guarantee commitments, $18,000,000,000.

Fiscal year 1996:
(A) New budget authority, $17,200,000,000.
(B) Outlays, $17,300,000,000.
(C) New direct loan obligations, $2,800,000,000.
(D) New primary loan guarantee commitments, $18,500,000,000.

Fiscal year 1997:
(A) New budget authority, $17,000,000,000.
(B) Outlays, $17,300,000,000.
(C) New direct loan obligations, $2,600,000,000.
(D) New primary loan guarantee commitments, $18,500,000,000.

Fiscal year 1998:
(A) New budget authority, $16,800,000,000.
(B) Outlays, $17,600,000,000.
(C) New direct loan obligations, $2,400,000,000.
(D) New primary loan guarantee commitments, $18,500,000,000.

Fiscal year 1999:
(A) New budget authority, $17,000,000,000.
(B) Outlays, $17,500,000,000.
(C) New direct loan obligations, $2,400,000,000.
(D) New primary loan guarantee commitments, $16,500,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1995:
(A) New budget authority, $17,300,000,000.
(B) Outlays, $17,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $17,200,000,000.
(B) Outlays, $17,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $17,300,000,000.
(B) Outlays, $17,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:
(A) New budget authority, $17,400,000,000.
(B) Outlays, $17,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:
(A) New budget authority, $17,600,000,000.
(B) Outlays, $17,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1995:
(A) New budget authority, $6,300,000,000.
(B) Outlays, $5,000,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $5,900,000,000.

(B) Outlays, $5,200,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $5,000,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $6,100,000,000.

(B) Outlays, $4,700,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $5,700,000,000.

(B) Outlays, $4,400,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1995:

(A) New budget authority, $21,700,000,000.

(B) Outlays, $21,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $22,200,000,000.

(B) Outlays, $21,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments. $0.

Fiscal year 1997:

(A) New budget authority, $22,100,000,000.

(B) Outlays, $21,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0

Fiscal year 1998:

(A) New budget authority, $22,000,000,000.

(B) Outlays, $21,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $21,600,000,000.

(B) Outlays $21,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1995:

(A) New budget authority, $12,300,000,000.

(B) Outlays, $11,600,000,000.

(C) New direct loan obligations, $10,100,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1996:

(A) New budget authority, $12,500,000,000.

(B) Outlays, $11,400,000,000.

(C) New direct loan obligations, $9,700,000,000.

(D) New primary loan guarantee commitments $7,400,000,000.

Fiscal year 1997:

(A) New budget authority, $13,000,000,000.

(B) Outlays, $11,700,000,000.

(C) New direct loan obligations, $9,700,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1998:

(A) New budget authority, $13,200,000,000.

(B) Outlays, $12,000,000,000.

(C) New direct loan obligations, $9,800,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1999:

(A) New budget authority, $13,700,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $9,900,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1995:

(A) New budget authority, $7,700,000,000.

(B) Outlays, −$8,300,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $117,900,000,000.

Fiscal year 1196:

(A) New budget authority, $5,300,000,000.

(B) Outlays, −$10,800,000,000.

(C) New direct loan obligations, $3,000,000,000.

(D) New primary loan guarantee commitments, $103,200,000,000.

Fiscal year 1997:

(A) New budget authority, $5,100,000,000.

(B) Outlays, −$3,400,000,000.

(C) New direct loan obligations, $3,100,000,000.

(D) New primary loan guarantee commitments, $95,900,000,000.

Fiscal year 1998:

(A) New budget authority, $5,200,000,000.

(B) Outlays, −$2,900,000,000.

(C) New direct loan obligations, $3,200,000,000.

(D) New primary loan guarantee commitments, $96,900,000,000.

Fiscal year 1999:

(A) New budget authority, $6,200,000,000.

(B) Outlays, −$900,000,000.

(C) New direct loan obligations, $3,400,000,000.

(D) New primary loan guarantee commitments, $99,500,000,000.

(8) Transportation (400):

Fiscal year 1995:

(A) New budget authority, $42,900,000,000.

(B) Outlays, $38,800,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1996:

(A) New budget authority, $41,800,000,000.

(B) Outlays, $39,600,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $43,200,000,000.

(B) Outlays, $40,100,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $44,000,000,000.

(B) Outlays, $40,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $44,600,000,000.

(B) Outlays, $40,500,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1995:

(A) New budget authority, $9,500,000,000.

(B) Outlays, $9,300,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1996:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $8,900,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1997:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,000,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1998:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,100,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1999:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,000,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1995:

(A) New budget authority, $57,600,000,000.

(B) Outlays, $53,600,000,000.

(C) New direct loan obligations, $5,500,000,000.

(D) New primary loan guarantee commitments, $19,000,000,000.

Fiscal year 1996:

(A) New budget authority, $58,200,000,000.

(B) Outlays, $55,500,000,000.

(C) New direct loan obligations, $11,500,000,000.

(D) New primary loan guarantee commitments, $14,000,000,000.

Fiscal year 1997:

(A) New budget authority, $59,900,000,000.

(B) Outlays, $58,100,000,000.

(C) New direct loan obligations, $13,200,000,000.

(D) New primary loan guarantee commitments, $13,200,000,000.

Fiscal year 1998:

(A) New budget authority, $61,700,000,000.

(B) Outlays, $60,600,000,000.

(C) New direct loan obligations, $15,100,000,000.

(D) New primary loan guarantee commitments, $12,300,000,000.

Fiscal year 1999:

(A) New budget authority, $63,200,000,000.

(B) Outlays, $62,200,000,000.

(C) New direct loan obligations, $16,800,000,000.

(D) New primary loan guarantee commitments, $11,200,000,000.

(11) Health (550):

Fiscal year 1995:

(A) New budget authority, $123,800,000,000.

(B) Outlays, $122,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1996:

(A) New budget authority, $136,600,000,000.

(B) Outlays, $135,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

Fiscal year 1997:

(A) New budget authority, $150,900,000,000.

(B) Outlays, $149,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $200,000,000.

Fiscal year 1998:

(A) New budget authority, $166,600,000,000.

(B) Outlays, $165,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $100,000,000.

Fiscal year 1999:

(A) New budget authority, $184,100,000,000.

(B) Outlays, $182,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1995:

(A) New budget authority, $162,400,000,000.

(B) Outlays, $160,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $180,500,000,000.

(B) Outlays, $178,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $198,500,000,000.

(B) Outlays, $196,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $217,700,000,000.

(B) Outlays, $215,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $242,300,000,000.

(B) Outlays, $239,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) For purposes of section 710 of the Social Security Act, Federal Supplementary Medical Insurance Trust Fund:

Fiscal year 1995:

(A) New budget authority, $56,000,000,000.

(B) Outlays, $55,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $65,200,000,000.

(B) Outlays, $64,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $73,300,000,000.

(B) Outlays, $72,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $81,300,000,000.

(B) Outlays, $80,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $92,200,000,000.

(B) Outlays, $90,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(14) Income Security (600):

Fiscal year 1995:

(A) New budget authority, $219,900,000,000.

(B) Outlays, $220,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $234,500,000,000.

(B) Outlays, $229,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $249,100,000,000.

(B) Outlays, $242,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $261,000,000,000.

(B) Outlays, $253,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $272,600,000,000.

(B) Outlays, $264,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Social Security (650):

Fiscal year 1995:

(A) New budget authority, $6,800,000,000.

(B) Outlays, $9,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $9,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $8,300,000,000.

(B) Outlays, $11,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $12,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $9,800,000,000.

(B) Outlays, $13,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(16) Veterans Benefits and Services (700):

Fiscal year 1995:

(A) New budget authority, $37,200,000,000.

(B) Outlays, $36,600,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $32,900,000,000.

Fiscal year 1996:

(A) New budget authority, $37,600,000,000.

(B) Outlays, $36,600,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $27,400,000,000.

Fiscal year 1997:

(A) New budget authority, $38,500,000,000.

(B) Outlays, $38,300,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $25,800,000,000.

Fiscal year 1998:

(A) New budget authority, $38,600,000,000.

(B) Outlays, $38,500,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $25,600,000,000.

Fiscal year 1999:

(A) New budget authority, $39,700,000,000.

(B) Outlays, $39,600,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $25,300,000,000.

(17) Administration of Justice (750):

Fiscal year 1995:

(A) New budget authority, $18,300,000,000.

(B) Outlays, $17,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $20,800,000,000.

(B) Outlays, $19,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $21,600,000,000.

(B) Outlays, $20,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $22,700,000,000.

(B) Outlays, $22,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $24,000,000,000.

(B) Outlays, $23,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) General Government (800):

Fiscal year 1995:

(A) New budget authority, $14,000,000,000.

(B) Outlays, $13,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $14,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $13,400,000,000.

(B) Outlays, $13,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $13,100,000,000.

(B) Outlays, $13,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $13,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Net Interest (900):

Fiscal year 1995:

(A) New budget authority, $247,100,000,000.

(B) Outlays, $247,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $267,100,000,000.

(B) Outlays, $267,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $282,500,000,000.

(B) Outlays, $282,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $297,900,000,000.

(B) Outlays, $297,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $314,700,000,000.

(B) Outlays, $314,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) For purposes of section 710 of the Social Security Act, Net Interest (900):

Fiscal year 1995:

(A) New budget authority, $257,600,000,000.

(B) Outlays, $257,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $277,800,000,000.

(B) Outlays, $277,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $293,300,000,000.

(B) Outlays, $293,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $308,500,000,000.

(B) Outlays, $308,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $324,500,000,000.

(B) Outlays, $324,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(21) The corresponding levels of gross interest on the public debt are as follows:

Fiscal year 1995: $311,800,000,000.

Fiscal year 1996: $331,100,000,000.

Fiscal year 1997: $347,400,000,000.

Fiscal year 1998: $364,600,000,000.

Fiscal year 1999: $383,300,000,000.

(22) Allowances (920):

Fiscal year 1995:

(A) New budget authority, −$9,400,000,000.

(B) Outlays, −$12,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$7,700,000,000.

(B) Outlays, −$3,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$8,400,000,000.

(B) Outlays, −$5,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$11,600,000,000.

(B) Outlays, −$11,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$23,200,000,000.

(B) Outlays, −$14,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(23) Undistributed Offsetting Receipts (950):

Fiscal year 1995:

(A) New budget authority, −$36,100,000,000.

(B) Outlays, −$36,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996

(A) New budget authority, −$30,300,000,000.

(B) Outlays, −$30,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$30,300,000,000.

(B) Outlays, −$30,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$31,200,000,000.

(B) Outlays, −$31,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$31,600,000,000.

(B) Outlays, −$31,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(24) For purposes of section 710 of the Social Security Act, Undistributed Offsetting Receipts (950):

Fiscal year 1995:

(A) New budget authority, −$33,500,000,000.

(B) Outlays, −$33,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$27,100,000,000.

(B) Outlays, −$27,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$27,600,000,000.

(B) Outlays, −$27,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$28,300,000,000.

(B) Outlays, −$28,300,000,000.

(C) New direct loan obligations. $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$28,500,000,000.

(B) Outlays, −$28,500,000,000.

(C) New direct loan obligations. $0.

(D) New primary loan guarantee commitments, $0.

Mr. DOMENICI. Madam President, this amendment just makes it absolutely certain and clear that there is no prehealth-care impact. In other words, these attempts to control entitlement expenditures will only take place postadoption of whatever health care plan the U.S. Congress adopts.

Mr. NUNN addressed the Chair.

The VICE PRESIDENT. The Senator from Georgia.

Mr. NUNN. We explained this amendment in a very clear way; that this amendment will allow a health care plan to be adopted and that plan will become the baseline. We found that technically the amendment at the desk was not drafted in that technical sense in clarity. This makes it absolutely clear by this modification that the baseline for health care will be whatever we pass, whether it is lower or whether it is higher. And that then will be restrained according to the formula in the bill.

So I urge adoption of the modification.

The VICE PRESIDENT. The question is on agreeing to the Nunn amendment, as modified.

The amendment (No. 1601), as modified, was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. The majority leader.

Mr. MITCHELL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

## COSPONSORS—S. 1952

Mr. JOHNSTON. Mr. President, I ask unanimous consent to add as cosponsors to S. 1952 the following Senators: SIMON, BOXER, BINGAMAN, FEINSTEIN, AKAKA, MOSELEY-BRAUN, HEFLIN, FAIRCLOTH, CONRAD, GRASSLEY, BOREN, SARBANES, COCHRAN, LIEBERMAN, HATCH, BIDEN, MATHEWS, LEVIN, BRYAN, METZENBAUM, FORD, ROBB, DODD, MIKULSKI, HARKIN, REID, DASCHLE, HELMS, BUMPERS, PRYOR, MCCONNELL, D'AMATO, HUTCHISON, CAMPBELL, FEINGOLD, WALLOP, DOMENICI, BYRD, LEAHY, EXON, BRADLEY, KEMPTHORNE, CRAIG, BENNETT, and SHELBY.

The VICE PRESIDENT. Without objection, it is so ordered.

## CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

The Senate continued with the consideration of the concurrent resolution.

Mr. MITCHELL addressed the Chair.

The VICE PRESIDENT. The majority leader.

Mr. MITCHELL. Mr. President, I want the RECORD to be clear and to show that the vote, the previous vote on the Sasser second-degree amendment to the Nunn-Domenici first-degree amendment, occurred under circumstances in which a number of Senators were in a misunderstanding as to the effect of the underlying Nunn-Domenici amendment.

As we know, that amendment has now been modified to clarify the effect. But at the time the votes were cast on the Sasser second-degree amendment, there was on the part of many Senators a serious misunderstanding as to that effect, and, therefore, the RECORD should be clear that that vote was cast at a time and under a circumstance in which there was a good deal of misunderstanding as to the effect. And the vote should be considered and construed in that light.

Mr. NUNN. Mr. President, I completely agree with what the majority leader has said.

Mr. MITCHELL. Further, Mr. President, I want to make it clear on my own part that I voted for the Sasser amendment. I changed my vote to "no" at the end in order to make myself eligible to move to reconsider the vote.

My vote was intended to be, and was in substance, an affirmative vote. The change to a "no" vote was solely to permit myself to be eligible to move to reconsider, which is required under the Senate rules, of course.

Therefore, I am pleased that we now have resolved that matter in a way that I believe is acceptable to a large number of Senators.

Mr. LEAHY. Mr. President, I come to the floor today to support Senate Concurrent Resolution 63, the budget resolution for the fiscal year 1995 Federal budget. As I walked over to the Capitol today, I was reminded of the debate we had on last year's budget. We all remember the grim predictions of doom and gloom if Congress passed the President's budget plan.

On this floor, after looking into their dark crystal balls, we heard Senator after Senator make forlorn forecasts of the future.

One Senator said:

> This bill, also known as President Clinton's deficit reduction plan, is no such thing * * *. This is a smoke and mirrors approach to deficit reduction, and it will not work * * *. You can call a donkey a racehorse all you want, but it is still a donkey * * *.

Another Senator predicted:

> When all is said and done, people will pay more taxes, the economy will create fewer jobs, government will spend more money and the American people will be worse off.

And a third forecast:

> The American people are told by this administration that the country can reduce its budget deficit and return to the road to prosperity painlessly through higher taxes on someone else. That dog will not hunt.

I don't know about donkeys becoming racehorses and dogs learning to hunt. But I do know that last year's budget plan is working.

Now that we have heard what the nay sayers said last year, let's listen to what one independent analyst said recently during testimony before Congress:

> The underlying, long-term economic outlook in this country is improving quite measurably, and indeed, I don't recall as good an underlying base for the long-term outlook that we have today in the last two or three decades.

That independent analyst was Alan Greenspan, Chairman of the Federal Reserve System.

Chairman Greenspan is right. Our economic outlook is indeed very bright.

The deficit is shrinking. For the first time since the buck stopped with President Harry Truman, the Federal deficit is estimated to decline for the third year in a row. In 1995, it is projected that the deficit as a percentage of national income will fall to 2.3 percent—as low as it was in 1979, before the deficit began to explode.

Economic growth is up. In 1993, we had four consecutive quarters of growth, topped by last quarter's annual rate of 7.5 percent—the highest growth in over a decade. Most economists predict this growth will continue at a 3- to 3.5-percent clip for all of 1994.

The private sector is creating new jobs. Since President Clinton's inauguration, the private sector has created over 1.9 million jobs, almost twice as many jobs as were created during the Bush administration. As a result, the unemployment rate under President Clinton has fallen from 7.7 percent in January 1993 to 6.5 percent in February 1993, a drop of 1.2 percent.

And all of last year's talk about higher taxes on everyone was just empty rhetoric. Only 1.2 percent of the wealthiest Americans, the 1.4 million taxpayers who earned over $140,000 in adjusted gross income in 1993, will face higher income tax rates. Due to the expansion of the earned income tax credit, 15 million lower- and middle-income working families will have to pay less in taxes come April 15. When the earned income tax credit is fully expanded, 21 million families will be eligible for a tax reduction.

This year's budget resolution further widens our path toward prosperity. It includes President Clinton's investment initiatives in our future. And it improves upon the President's proposal by restoring essential funds for programs needed by many low-income Americans.

Working within the strict spending caps achieved in last year's budget, this year's budget makes long overdue investments in programs that help our children, our students, and our workers.

For our children, the budget invests in the Special Supplemental Food Program for Women, Infants and Children [WIC], which provides nutritious meals for pregnant women and their children. It has been my long-time goal to make sure that every eligible woman and child gets the benefits of this program. I was also pleased to cosponsor an amendment introduced by Senator BOXER to increase WIC funding by an additional $100 million. The amendment also invests in other child programs like immunizations and puts more money into The Emergency Food Assistance Program [TEFAP]. The amendment passed the Senate by an overwhelming 93 to 5 vote.

For our students, the budget finances 33,000 positions in the President's ambitious National Service Program. This program is meant to bring out the best in today's young people, just as the Peace Corps did for my generation.

I had hoped that this budget resolution would increase the Federal share of education funding for individuals with disabilities. Unfortunately, Senators DODD and JEFFORDS' amendment to transfer $5 billion to help the States pay for special education was defeated 65-33. I supported this amendment. Many Vermont communities are struggling to provide an appropriate education for individuals with disabilities and the Federal Government should be doing its share.

For our workers, the budget fully supports a revamped worker training program. This program is designed to teach today's dislocated workers the skills they need for tomorrow's jobs.

And these investments are made in a budget where outlays for discretionary spending will decline from the year before, the first time that has happened since 1969.

Finally, I am delighted that the Senate unanimously approved an amendment to fully restore funding for the Low Income Home Energy Assistance Program [LIHEAP], which was cut by 50 percent in the President's budget proposal. Millions of poor Americans rely on LIHEAP to avoid choosing between paying their heating bills or their grocery bills. In Vermont alone, 22,350 families receive average assistance of $80 per month during the winter months.

Like last year's budget debate, let us resist the sirens of doom and gloom. This budget resolution builds upon last year's success and continues to steer our economy in the right direction.

Mr. KOHL. Mr. President, I am proud to come to the floor today to speak in favor of a Federal budget that is—for the most part—honest and responsible. It cuts spending; it does not raise taxes. It moves in the direction the American people have demanded.

Last year, during our final debate on the budget—the reconciliation bill—we enacted enforceable caps to hold spending to a freeze. Not a so-called soft freeze in which some priority programs increase and no programs are terminated. Not an inflation adjusted freeze. But a strict freeze that holds the spending controlled by the Appropriations Committee to below $550 billion for 5 years.

By law, the Appropriations Committee can spend no more this year than last year—no more next year than this year. That is real progress.

And the budget we consider today goes even further. Because of an amendment offered in Budget Committee, the budget before us today cuts substantially more than recommended by the President and cuts substantially more than a freeze would require. Last year, we appropriated $550 billion in nonentitlement funds. If this resolution passes, we will appropriate only $540 billion.

So, for the most part, this budget deserves the Senate's support. It reduces spending and freezes in the reductions. It holds deficits down without raising taxes. However, it does have one flaw I would like to discuss.

I strongly support the extra $26 billion in cuts added to the resolution in Budget Committee. I would have preferred that these cuts were specifically delineated. There were 10 votes in the committee on specific spending cuts. Not one passed. There was one vote on this extra $26 billion in unspecified spending reduction. That passed.

I am distressed that we have not progressed much further than hiding deficit reduction in magic asterisks. That was a trick that David Stockman used. It was smoke and mirrors then, and it is smoke and mirrors now.

This budget cuts spending but relies on a payer to be named later. Unfortunately, the experience of the 1980's showed us that, in deals like this, it is likely that our children and our grandchildren will become the payers to be named later. We cannot let that continue.

I have heard my colleagues from the other side of the aisle argue that this budget does not do enough. I agree. We need to be more honest about where we would cut. But we also need a budget that keeps pushing Congress to live up to the spending freeze agreed to last year—without raising taxes. This budget does that, and for that reason I support it, and urge my colleagues to do the same.

### TEN-YEAR RULE AS SET FORTH IN SENATE CONCURRENT RESOLUTION 63

Mr. MOYNIHAN. I would like to ask the chairman of the Budget Committee, Senator SASSER, for clarification of the pay-as-you-go budget rule set forth in section 23 of this resolution.

Mr. SASSER. I would be happy to clarify this provision for the distinguished chairman of the Finance Committee.

Mr. MOYNIHAN. As I read section 23(c) of this resolution, a point of order would lie against legislation which would cause a deficit increase for the period of years 6 through 10, only if the legislation meets both of two conditions—that it would cause a deficit increase in the outyears when taken individually and that it would cause a deficit increase in the outyears when taken together with direct spending and receipts legislation enacted since OBRA–1993. Is that correct?

Mr. SASSER. The chairman of the Finance Committee is correct. Both conditions must be met in order for a point of order to lie. Therefore, even if a bill—individually—would cause a deficit increase in the outyears, if that increase is offset by surpluses resulting from previous legislation enacted since OBRA–1993, then no point of order would lie.

Mr. MOYNIHAN. I thank the chairman. Pursuing this a bit further, what if previously enacted legislation since OBRA–1993 is currently scored as causing a cumulative deficit for years 6 through 10? My understanding is that legislation brought to the floor in that situation would not have to offset that cumulative deficit, so long as the legislation brought to the floor is—individually—deficit neutral.

Mr. SASSER. The chairman is correct. Since a bill must cause a deficit increase both individually, as well as together with previously enacted legislation, no point of order would lie in this situation as long as the bill brought to the floor is, itself, deficit neutral.

Mr. MOYNIHAN. I thank the chairman of the Budget Committee for his clarification.

Mr. RIEGLE. Mr. President, I would like to commend my colleagues on the Senate Budget Committee for their bipartisan support of the programs of the National Center for Manufacturing Sciences [NCMS] in the 1995 concurrent budget resolution. The NCMS is one of the most successful and important initiatives of the Department of Defense, addressing the advanced manufacturing needs of a wide range of industrial sectors and supply tiers that have strategic importance to our national security. Contrary to the Government picking winners and losers, the NCMS is a fair and open, industry-led program. Federal funds are matched over 2 to 1 by the growing number of U.S. corporations that participate. The expertise of the U.S. automobile manufacturers, for example, along with that of their world class suppliers, is being brought to bear through the NCMS on a wide range of weapon-related manufacturing issues.

Mr. SASSER. Mr. President, I thank my colleague from Michigan. The committee has recognized for many years the potential of bringing the commercial practices and lessons learned of U.S. producers competing in the global marketplace to reengineer the way we design and build weapon systems. General Motors and the people of Tennessee design and build the Saturn. It is unquestionably one of the great U.S. automotive success stories. From the showroom to the shop floor, the Saturn program has revolutionized manufacturing and is creating new jobs and economic growth here in the United States. The NCMS provides the forum and the vehicle by which the Defense Department and its contractor base can access and utilize the know-how of General Motors and over 180 leading U.S. corporations to help benchmark, leverage, and modernize its own manufacturing processes.

Mr. DOMENICI. Mr. President, I fully agree with my colleagues on the importance of the NCMS. The NCMS has succeeded in over 100 high-risk, high-return programs since its formation over 8 years ago. For example, the NCMS is recognized for its success in the development and commercialization of rapid prototyping processes that have already decreased by over 50 percent, the cost of the development of extremely complex, high precision components to be used in the F–22 and other major weapon systems. The NCMS is also on the leading edge in establishing large-scale collaborative programs with the weapons laboratories of the Department of Energy, and in forging a partnership between industry and these laboratories to support the conversion of the weapons laboratories of the former Soviet Union.

Mr. THURMOND. Mr. President, during the past months the Senate Armed Services Committee held numerous hearings on the status of our Armed Forces and the fiscal year 1995 Defense budget. I came away from those hearings with great concern over the readiness status of our forces. More importantly, the hearings reinforced my concern that the future defense spending proposed by the administration will not be sufficient to provide this Nation the capability of winning future battles.

The senior military leaders testified before the Armed Services Committee that the fiscal year 1995 Defense budget request barely maintains critical readiness and any further cuts would seriously jeopardize the Armed Forces' ability to support a sound national defense strategy. My colleagues may recall that recently I called upon President Clinton to provide a coherent, overall strategy that would provide the basis for judgments about resources devoted to defense and force levels required.

Mr. President, I cannot cast my vote for a budget resolution which would create a potential $63-billion shortfall for our national defense. My vote against this resolution reflects the depth of my concern about the dramatic decline in our Defense budget and the lack of direction provided by the Clinton administration. The Russian bear may appear to be gone, but there are plenty of snakes in the woods—and their threat may be chemical, biological, or even nuclear. Clearly, we must not jeopardize our security by cutting any more than we have already. Mr. President, I simply cannot, in good conscience, vote to support this resolution which would certainly further degrade readiness and jeopardize the young men and women we send in harm's way.

Mr. DOLE. Mr. President, the Senate Democrats' budget plan fails to make the tough decisions to reduce the deficit, and it lacks funding for the President's biggest new spending initiatives.

Senator DOMENICI and the Republicans on the Senate Budget Committee deserve a lot of credit. With their leadership, Republicans were able to offer an alternative which would cut the deficit by more than $300 billion over the next 5 years, cut President Clinton's 1999 deficit in half, and do this without raising taxes and without cutting Social Security. The Republican plan offered a balanced approach to deficit reduction—60 percent of our spending cuts came from Federal entitlement programs, 40 percent from nondefense appropriated accounts.

Our plan was responsible. It set new priorities and said we are willing to pay for these new initiatives with spending cuts.

The President and the Senate Democrats want taxpayers to invest in the future by boosting big Government. Republicans want to invest in the future by providing tax relief to working families and children. We want to unleash new investments and help protect the value of homes, small businesses, family farms, investments and other assets from the corrosive effects of inflation by indexing capital gains.

We want to maintain a strong national defense. The administration's own defense experts calculate a shortfall of at least $20 billion in the Clinton defense plan. And while the President says that he will make no further cuts in defense, his budget plan forces our military to eat that $20 billion shortfall. This hidden cut comes on top of the $127 billion cut the President has already applied. During this debate, Republicans offered the only budget plan that provides what the President's own defense experts say they need.

The Republican alternative backed up our tough talk about crime-fighting with $22 billion in funding over 5 years for the violent crime trust fund. This money will hire more cops, make our schools safer, put away violent criminals, and slam shut the revolving prison door.

The American people have asked all of us to make the tough decisions needed to get the deficit under control. Republicans offered a plan which proves that we are willing to cut spending first to reduce the deficit, and we are willing to provide funding for our priorities like tax relief for working families, a strong defense and a tough crime-fighting package.

The Senate Democrats' plan is an improvement over the President's budget. The bipartisan Exon-Grassley amendment cuts Federal spending by an additional $26 billion over 5 years and locks in those savings for deficit reduction.

But, Republicans are not satisfied with $200 billion deficits as far as the eye can see. We know that we can do better. We proved it by offering a plan to cut the deficit to $99 billion by 1999.

I urge my colleagues to vote against final passage of the Senate Democrats' plan.

Mr. DOMENICI. Mr. President, first, I want to congratulate the Chairman of the Budget Committee, my friend, Senator SASSER on bringing to completion this phase of the 1995 budget process.

Second, let me say that this has been a long week but it could have been longer had we taken the full 50 hours authorized under the statute.

I regret to tell the chairman that I will not be able to vote for final passage.

Had my effort to focus spending cuts on the real culprit to controlling deficits—entitlements—been successful then my decision might have been different.

Had the effort of my friend Senator NUNN been successful this morning to set some limit on the growth of entitlements, then my decision might have been different.

For you see, I see this resolution as a simple continuation of the budget adopted last year, that refused to control entitlement spending and promised that the deficit would be controlled through health care reform. The latter which is not evident 1-year later.

What is worse, this resolution returns to the old standby for deficit reduction—defense spending. I sincerely believe that the Exon-Grassley amendment will result in further cuts to our national security. Enough is enough. Not my words, President Clinton's words.

What is worse, despite the claim that somehow my amendment yesterday was going to destroy "health care reform" this year, the Senate will be adopting a resolution that simply says—do health care reform but don't worry about the deficit.

This resolution says by establishing a "deficit neutral reserve fund for health care reform" that increased spending for health care and increased taxes to pay for it are OK, so long as they cancel each out. We get increased spending, increased taxes, and once again no deficit reduction.

I simply asked in my amendment yesterday, that the Federal budget we adopt include as one factor in health care reform legislation, relief to the Federal budget. I support health, care reform, but it must include as one of those factors—deficit reduction. Not my words, President Clinton's.

So for these reasons: Continuation of last year's budget policies with increasing deficits in the future;

No fundamental change in entitlement spending;

No effort to even consider deficit reduction as one factor in health care reform; and

Another swipe at national security in a time of heightened world uncertainty;

I will not be able to vote for final passage.

Mr. Chairman, I know this is difficult for you. I am the only person in this Chamber that can say that I have stood in your shoes. But I also want to say that someday, I hope we can genuinely work together in a bipartisan approach on the budget. Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, last year the President and the Congress made some hard choices to cut spending and to raise taxes as part of a budget package that reduced the deficit by almost half a trillion over 5 years. The opponents of that package predicted that it would not reduce the deficit and would destroy the economy.

One said, "We are buying a one way ticket to a recession." Another predicted, "It will flatten the economy." A third added that the bill was "a jobs killer."

They were confident, and 1 year later, it is clear they were wrong.

The budget resolution before us projects a deficit for fiscal year 1995 that is $60 billion lower than the deficit for fiscal year 1994 and about $130 billion lower than the last year's projection of the deficit for fiscal year 1995. The fiscal year 1995 deficit would be 40 percent lower as a percentage of GDP than it was just 2 years ago. According to the nonpartisan Congressional Budget Office, "The dramatic improvement since last January is largely the result of the enactment in August of a major package of tax increases and spending cuts.

As for the economy itself, almost twice as many jobs were created in 1993 than were created during the previous 4 years. The rebound in the auto and housing industries offer encouraging evidence that the current economic recovery can be sustained. It sure is better to read the recent reports of manufacturing jobs being created than to hear the drumbeat over the past few years of plant after plant being closed down.

This budget resolution for fiscal year 1995 follows through on the decisions of last year, and a little bit more. Discretionary spending is cut below the level of a freeze. This further cut in spending will make for some difficult choices during the appropriations process, but they are the choices that we must be willing to make if we are to put the budget on a path of fiscal responsibility.

At the same time, the budget resolution does not include provisions that would make health care reform more difficult. Unlike some of the amendments offered during the debate, it recognizes that there are areas of additional spending restraint in the Federal Government's health care programs but chooses to address those areas as part of a comprehensive health care reform package.

One aspect of the debate on this resolution deserves mention. Time and time again, in criticizing the work of the Budget Committee, proposals were made which bore a striking resemblance to the kinds of budget proposals that were made and adopted during the early 1980's. It is ironic that some of the people who contributed to making those decisions, which had the effect of putting our economy in intensive care by the end of the 1980's, are now proudly demanding, "Bring on another body."

Mr. MITCHELL. I would like to inquire of the managers whether we are now prepared to proceed to final passage on this resolution.

Mr. SASSER. Mr. Leader, we are prepared to move to final passage on the measure.

Mr. DOMENICI. Mr. President, I am conferring with Senator DOLE. Just give us 30 seconds before you go to final passage.

Mr. MITCHELL. Certainly.

Mr. President, I want to take this opportunity to thank the managers for their cooperation, patience, and perseverance. I would like to make—Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order. Members conducting conversations at the rear of the Chamber will please cease conversations. The Senate will be in order.

The majority leader.

## ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, before we cast this vote, I want to state for the information of Senators my intentions as to the schedule following this vote.

As I previously indicated, we will remain in session until we complete action on the conference report on the Goals: 2000 education bill. Under the Senate rules—first we know that we are confronting a filibuster on that conference report—in order to overcome the filibuster, I filed two motions to end the filibuster and invoke cloture. Because we were not able to file those motions until Thursday, the motions will not ripen for votes under the Senate rules until Saturday.

I have discussed this with a large number of Senators, and while there are many conflicting interests in schedules, I have concluded that the best way to proceed is the following:

Immediately following this vote, I will move to return the Senate to consideration of the conference report, and the Senate will remain in session throughout the day debating that matter. Votes are possible during the day. Senators should be aware of that. If we are required to proceed, as under the rules, and the vote cannot occur until Saturday, it is my intention to convene the Senate at 12:01 a.m. on Saturday, and to have the vote occur under the rules at 1:01 a.m. on Saturday.

I recognize that this will be inconvenient to all Senators, but I have concluded that the alternatives will be much more inconvenient.

My hope is, and I again ask, that we can have the cloture votes today immediately after this vote if possible. I make that request again. Previous requests have not been met with an affirmative response.

So I regret having to make this decision. But it is my intention that we will remain in session until such time as we complete action on that conference report.

Mr. DOLE addressed the Chair.

The VICE PRESIDENT. Does the majority leader retain the time, or does he yield?

Mr. MITCHELL. I yield.

Mr. DOLE. Mr. President, I want to ask the question of the majority leader.

It is my understanding that we will go back on the conference report and there could be or would be procedural votes throughout the day.

Mr. MITCHELL. That is correct. Senators will be required to debate. If quorum calls are put in simply for purposes of delay, then I will move to have procedural votes under the rules so they will occur throughout the day.

Mr. DOLE. If everything else fails, is it possible to waive the 1 hour under the rule?

Mr. MITCHELL. Certainly. If we can have the vote at 12:01 a.m., I would be pleased to do that. Frankly, that would require consent. If someone is willing to consent to have the vote at 12:01 a.m., I hope they consent to have the vote at 11 p.m. or 10 p.m.

Mr. DOLE. Could we deem this as Saturday? Maybe we could deem today as Saturday. [Laughter.]

Mr. MITCHELL. There is much the Senate can do by unanimous consent. That is one thing I do not think we can.

The VICE PRESIDENT. Is there objection? [Laughter.]

Mr. DOLE. There may be other possibilities, too. Hopefully, if we have to come back at midnight, we can vote immediately rather than wait until 1 a.m.

Mr. MITCHELL. Mr. President, let me make clear, I want to vote as soon as possible. As far as I am concerned, the earlier the better. If we have no consent given and we are required to proceed strictly under the rules, then the earliest the vote could occur is 1:01 a.m. tomorrow morning, and that is what we will do.

## CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

The VICE PRESIDENT. Under the previous order, the Senate will now proceed to the consideration of H. Con. Res. 218, which the clerk will report.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 218) setting forth the congressional budget for the U.S. Government for fiscal years 1995, 1996, 1997, 1998, and 1999.

The VICE PRESIDENT laid before the Senate the following message from the House of Representatives:

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1995.**

The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1995, including the appropriate budgetary levels for fiscal years 1996, 1997, 1998, and 1999, as required by section 301 of the Congressional Budget Act of 1974.

**SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.**

The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1994, October 1, 1995, October 1, 1996, October 1, 1997, and October 1, 1998:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1995: $977,800,000,000.
Fiscal year 1996: $1,031,200,000,000.
Fiscal year 1997: $1,079,700,000,000.
Fiscal year 1998: $1,136,400,000,000.
Fiscal year 1999: $1,190,200,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1995: $0.
Fiscal year 1996: $0.
Fiscal year 1997: $0.
Fiscal year 1998: $0.
Fiscal year 1999: $0.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1995: $100,300,000,000.
Fiscal year 1996: $106,300,000,000.
Fiscal year 1997: $111,900,000,000.
Fiscal year 1998: $117,800,000,000.
Fiscal year 1999: $123,700,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1995: $1,246,800,000,000.
Fiscal year 1996: $1,308,400,000,000.
Fiscal year 1997: $1,374,400,000,000.
Fiscal year 1998: $1,447,800,000,000.
Fiscal year 1999: $1,531,400,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1995: $1,225,500,000,000.
Fiscal year 1996: $1,284,700,000,000.
Fiscal year 1997: $1,356,500,000,000.
Fiscal year 1998: $1,419,000,000,000.
Fiscal year 1999: $1,495,000,000,000.

(4) The amounts of the deficits are as follows:

Fiscal year 1995: $247,700,000,000.
Fiscal year 1996: $253,500,000,000.
Fiscal year 1997: $276,800,000,000.
Fiscal year 1998: $282,600,000,000.
Fiscal year 1999: $304,800,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1995: $4,968,300,000,000.
Fiscal year 1996: $5,293,800,000,000.
Fiscal year 1997: $5,640,100,000,000.
Fiscal year 1998: $5,996,200,000,000.
Fiscal year 1999: $6,367,300,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1994, October 1, 1995, October 1, 1996, October 1, 1997, and October 1, 1998, are as follows:

Fiscal year 1995:

(A) New direct loan obligations, $26,700,000,000.

(B) New primary loan guarantee commitments, $199,700,000,000.

Fiscal year 1996:

(A) New direct loan obligations, $32,100,000,000.

(B) New primary loan guarantee commitments, $174,400,000,000.

Fiscal year 1997:

(A) New direct loan obligations, $33,800,000,000.

(B) New primary loan guarantee commitments, $164,600,000,000.

Fiscal year 1998:

(A) New direct loan obligations, $35,700,000,000.

(B) New primary loan guarantee commitments, $164,100,000,000.

Fiscal year 1999:

(A) New direct loan obligations, $37,800,000,000.

(B) New primary loan guarantee commitments, $163,500,000,000.

**SEC. 3. MAJOR FUNCTIONAL CATEGORIES.**

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1995 through 1999 for each major functional category are:

(1) National Defense (050):

Fiscal year 1995:

(A) New budget authority, $263,300,000,000.

(B) Outlays, $270,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $255,300,000,000.

(B) Outlays, $261,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $252,000,000,000.

(B) Outlays, $256,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $258,700,000,000.

(B) Outlays, $256,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $258,700,000,000.

(B) Outlays, $256,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1995:

(A) New budget authority, $19,200,000,000.

(B) Outlays, $18,100,000,000.

(C) New direct loan obligations, $3,200,000,000.

(D) New primary loan guarantee commitments, $18,000,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $17,200,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $18,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $17,000,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $2,600,000,000.

(D) New primary loan guarantee commitments, $18,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $16,800,000,000.

(B) Outlays, $17,700,000,000.

(C) New direct loan obligations, $2,400,000,000.

(D) New primary loan guarantee commitments, $18,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $17,000,000,000.

(B) Outlays, $17,700,000,000.

(C) New direct loan obligations, $2,400,000,000.

(D) New primary loan guarantee commitments, $16,500,000,000.

(E) New secondary loan guarantee commitments, $0.

(3) General Science, Space, and Technology (250):

Fiscal year 1995:

(A) New budget authority, $17,200,000,000.

(B) Outlays, $17,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $17,200,000,000.

(B) Outlays, $17,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $17,300,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $17,400,000,000.

(B) Outlays, $17,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $17,400,000,000.

(B) Outlays, $17,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1995:

(A) New budget authority, $6,000,000,000.

(B) Outlays, $5,000,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $5,100,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $4,900,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $6,100,000,000.

(B) Outlays, $4,700,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $5,400,000,000.

(B) Outlays, $4,200,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1995:

(A) New budget authority, $21,400,000,000.

(B) Outlays, $21,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $22,200,000,000.

(B) Outlays, $21,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $22,100,000,000.

(B) Outlays, $21,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $22,000,000,000.

(B) Outlays, $21,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $21,600,000,000.

(B) Outlays, $21,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1995:

(A) New budget authority, $12,600,000,000.

(B) Outlays, $11,900,000,000.

(C) New direct loan obligations, $10,100,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $13,200,000,000.

(B) Outlays, $12,100,000,000.

(C) New direct loan obligations, $9,700,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $13,700,000,000.

(B) Outlays, $12,400,000,000.

(C) New direct loan obligations, $9,700,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $13,900,000,000.

(B) Outlays, $12,700,000,000.

(C) New direct loan obligations, $9,800,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $14,200,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $9,900,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

(E) New secondary loan guarantee commitments, $0.

(7) Commerce and Housing Credit (370):

Fiscal year 1995:

(A) New budget authority, $7,300,000,000.

(B) Outlays, −$8,500,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $117,900,000,000.

(E) New secondary loan guarantee commitments, $130,000,000,000.

Fiscal year 1996:

(A) New budget authority, $5,300,000,000.

(B) Outlays, −$10,900,000,000.

(C) New direct loan obligations, $3,000,000,000.

(D) New primary loan guarantee commitments, $103,200,000,000.

(E) New secondary loan guarantee commitments, $110,000,000,000.

Fiscal year 1997:

(A) New budget authority, $5,100,000,000.

(B) Outlays, −$3,500,000,000.

(C) New direct loan obligations, $3,100,000,000.

(D) New primary loan guarantee commitments, $95,900,000,000.

(E) New secondary loan guarantee commitments, $110,000,000,000.

Fiscal year 1998:

(A) New budget authority, $5,200,000,000.

(B) Outlays, −$2,900,000,000.

(C) New direct loan obligations, $3,200,000,000.

(D) New primary loan guarantee commitments, $96,600,000,000.

(E) New secondary loan guarantee commitments, $110,000,000,000.

Fiscal year 1999:

(A) New budget authority, $5,200,000,000.

(B) Outlays, −$1,900,000,000.

(C) New direct loan obligations, $3,400,000,000.

(D) New primary loan guarantee commitments, $99,500,000,000.

(E) New secondary loan guarantee commitments, $110,000,000,000.

(8) Transportation (400):

Fiscal year 1995:

(A) New budget authority, $41,800,000,000.

(B) Outlays, $38,800,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $41,800,000,000.

(B) Outlays, $39,600,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $43,100,000,000.

(B) Outlays, $40,100,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $43,900,000,000.

(B) Outlays, $40,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $44,700,000,000.

(B) Outlays, $40,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1995:

(A) New budget authority, $9,500,000,000.

(B) Outlays, $9,300,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $8,900,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,000,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,100,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,100,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

(E) New secondary loan guarantee commitments, $0.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1995:

(A) New budget authority, $57,000,000,000.

(B) Outlays, $53,400,000,000.

(C) New direct loan obligations, $5,500,000,000.

(D) New primary loan guarantee commitments, $19,000,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $58,200,000,000.

(B) Outlays, $55,200,000,000.

(C) New direct loan obligations, $11,500,000,000.

(D) New primary loan guarantee commitments, $14,000,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $59,900,000,000.

(B) Outlays, $58,000,000,000.

(C) New direct loan obligations, $13,200,000,000.

(D) New primary loan guarantee commitments, $13,200,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $61,700,000,000.

(B) Outlays, $60,600,000,000.

(C) New direct loan obligations, $15,100,000,000.

(D) New primary loan guarantee commitments, $12,300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $61,800,000,000.

(B) Outlays, $60,800,000,000.

(C) New direct loan obligations, $16,800,000,000.

(D) New primary loan guarantee commitments, $11,200,000,000.

(E) New secondary loan guarantee commitments, $0.

(11) Health (550):

Fiscal year 1995:

(A) New budget authority, $123,400,000,000.

(B) Outlays, $122,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $136,600,000,000.

(B) Outlays, $135,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $150,900,000,000.

(B) Outlays, $149,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $200,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $166,600,000,000.

(B) Outlays, $165,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $100,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $182,900,000,000.

(B) Outlays, $181,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1995:

(A) New budget authority, $162,400,000,000.

(B) Outlays, $160,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $180,500,000,000.

(B) Outlays, $178,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $198,500,000,000.

(B) Outlays, $196,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $217,700,000,000.

(B) Outlays, $215,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $242,200,000,000.

(B) Outlays, $239,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1995:

(A) New budget authority, $219,800,000,000.

(B) Outlays, $220,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $234,500,000,000.

(B) Outlays, $229,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $249,100,000,000.

(B) Outlays, $242,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $261,000,000,000.

(B) Outlays, $253,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $272,200,000,000.

(B) Outlays, $264,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1995:

(A) New budget authority, $6,800,000,000.

(B) Outlays, $9,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $9,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $8,300,000,000.

(B) Outlays, $11,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $12,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $9,800,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1995:

(A) New budget authority, $37,200,000,000.

(B) Outlays, $36,600,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $32,900,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $37,600,000,000.

(B) Outlays, $36,600,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $27,400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $38,500,000,000.

(B) Outlays, $38,300,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $25,800,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $38,600,000,000.

(B) Outlays, $38,500,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $25,600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $39,700,000,000.

(B) Outlays, $39,700,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $25,300,000,000.

(E) New secondary loan guarantee commitments, $0.

(16) Administration of Justice (750):

Fiscal year 1995:

(A) New budget authority, $18,000,000,000.

(B) Outlays, $16,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $20,800,000,000.

(B) Outlays, $19,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $21,700,000,000.

(B) Outlays, $20,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $22,700,000,000.

(B) Outlays, $22,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $22,800,000,000.

(B) Outlays, $22,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1995:

(A) New budget authority, $13,700,000,000.

(B) Outlays, $13,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $14,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $13,400,000,000.

(B) Outlays, $13,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $13,100,000,000.

(B) Outlays, $13,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $13,200,000,000.

(B) Outlays, $13,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1995:

(A) New budget authority, $247,100,000,000.

(B) Outlays, $247,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $267,200,000,000.

(B) Outlays, $267,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $282,800,000,000.

(B) Outlays, $282,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $298,500,000,000.

(B) Outlays, $298,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $315,800,000,000.

(B) Outlays, $315,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(19) Allowances (920):

Fiscal year 1995:

(A) New budget authority, −$800,000,000.

(B) Outlays, −$1,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$3,600,000,000.

(B) Outlays, −$2,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$3,600,000,000.

(B) Outlays, −$2,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$2,900,000,000.

(B) Outlays, −$6,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $9,400,000,000.

(B) Outlays, −$900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1995:

(A) New budget authority, −$36,100,000,000.

(B) Outlays, −$36,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$30,300,000,000.

(B) Outlays, −$30,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$30,300,000,000.

(B) Outlays, −$30,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$31,200,000,000.

(B) Outlays, −$31,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$31,600,000,000.

(B) Outlays, −$31,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

### SEC. 4. HEALTH CARE REFORM.

(a) If health care reform legislation is reported (including by a committee of conference), budget authority, outlays, and new entitlement authority shall be allocated to committees, and the total levels of budget authority, outlays, and revenues shall be adjusted, to reflect such legislation if the legislation in the form in which it will be considered would not increase the total deficit for the period of fiscal years 1995 through 1999.

(b) Upon reporting of legislation described in subsection (a) and again upon submission of a conference report on such legislation, the chairman of the Committee on the Budget shall publish in the Congressional Record revised allocations under section 602(a) of the Congressional Budget Act of 1974 and revised levels of total budget authority, outlays, and revenues to carry out this section. Such allocations and totals shall be considered as the allocations and aggregates under this resolution.

### SEC. 5. SENSE OF THE CONGRESS.

It is the sense of Congress that the following legislation should be enacted:

(1) Legislation providing enforceable limits to control the growth of entitlement or mandatory spending.

(2) Amendments to the Budget Enforcement Act of 1990 to establish a regular procedure to provide assistance for disasters and other emergencies without adding to the deficit.

(3) Legislation granting the President expedited rescission authority over appropriations measures, as provided by H.R. 1578, as passed the House.

### SEC. 6. SENSE OF COMMITTEE ON THE BUDGET ON SCORING HEALTH REFORM.

It is the sense of the Committee on the Budget that all financial transactions associated with the President's health reform legislation or similar health reform legislation relying on mandated payments to a Government entity be treated as part of the Federal budget, including premium payments by individuals and employees to health alliances (which should be treated as receipts) and payments by health alliances to providers (which should be treated as outlays), for all purposes under the Congressional Budget Act of 1974.

### SEC. 7. SENSE OF COMMITTEE ON THE BUDGET.

(a) The Committee on the Budget is troubled by the Federal Government's failure to enforce immigration laws and secure United States borders from illegal immigration. The Government has also failed to investigate and prosecute Federal wage and hour violations, thus creating incentives to hire persons illegally in the United States and exacerbating the problem of illegal immigration.

(b) The Committee on the Budget recognizes that the Federal Government has an obligation to help fund increasing State and local government costs directly resulting from ineffective Federal enforcement efforts in this area. Therefore, the Committee assumes that adequate funding in this resolution will be used to reimburse States and local governments for both authorized program costs and legally binding obligations associated with providing:

(1) Elementary and secondary education for undocumented children in the public schools.

(2) Emergency medical assistance to undocumented persons.

(3) Law enforcement resources and personnel to incarcerate and supervise parole of criminal aliens. This funding can either be used by the Federal Government to take into custody and incarcerate criminal aliens or to reimburse States and local governments for their associated costs.

(4) Services incidental to admission of refugees under the Refugee Admission and Resettlement program.

### SEC. 8. SENSE OF THE CONGRESS REGARDING RESERVE FUNDS FOR EMERGENCIES.

It is the sense of Congress that—

(1) the emergency designation under section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 has repeatedly been invoked to circumvent the discretionary spending limits for other than emergency purposes;

(2) amounts for emergencies should be set aside within a reserve fund and subject to the discretionary spending limit;

(3) the reserve fund shall total 1 percent of annual budget outlays; and

(4) emergency funding requirements in excess of amounts held in the reserve fund should be offset by a reduction in appropriations.

### SEC. 9. SENSE OF THE CONGRESS REGARDING UNFUNDED MANDATES.

It is the sense of Congress that—

(1) the Federal Government should not diminish the fiscal autonomy of State and

local governments over their own sources of revenue;

(2) the Federal Government should not shift the costs of administering Federal entitlements to State and local governments;

(3) the Federal Government's share of entitlement programs should not be capped without providing States authority to amend their financial or programmatic responsibilities to continue meeting the mandated service; and

(4) Congress should develop a mechanism to ensure that the costs of mandates are considered during deliberations on authorizing legislation.

### SEC. 10. SENSE OF THE CONGRESS REGARDING BASELINES.

(a) FINDINGS.—The Congress finds that—

(1) the baseline budget shows the likely course of Federal revenues and spending if policies remain unchanged;

(2) baseline budgeting has given rise to the practice of calculating policy changes from an inflated spending level; and

(3) the baseline concept has been misused to portray policies that would simply slow down the increase in spending as spending reductions.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the President should submit a budget that compares proposed spending levels for the budget year with the current year; and

(2) the starting point for deliberations on a budget resolution should be the current year.

The VICE PRESIDENT. All after the resolving clause of House Concurrent Resolution 218 is stricken and the text of Senate Concurrent Resolution 63, as amended, is inserted in lieu thereof.

The question occurs on adoption of——

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

The pending question is on adoption of House Concurrent Resolution 218, as amended.

Mr. SASSER. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The questions is on agreeing to the concurrent resolution.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN] and the Senator from Mississippi [Mr. LOTT] are necessarily absent.

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—57

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—40

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Hutchison
Kassebaum
Kempthorne
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—3

Cohen
Hollings
Lott

So, the concurrent resolution (H. Con. Res. 218, as amended) was agreed to, as follows:

H. CON. RES. 218

*Resolved by the House of Representatives (the Senate concurring),*

### *SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1995.*

*(a) DECLARATION.—The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1995, including the appropriate budgetary levels for fiscal years 1996, 1997, 1998, and 1999, as required by section 301 of the Congressional Budget Act of 1974.*

*(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:*

*Sec. 1. Concurrent resolution on the budget for fiscal year 1995.*

*TITLE I—LEVELS AND AMOUNTS*

*Sec. 2. Recommended levels and amounts.*
*Sec. 3. Debt increase as a measure of deficit.*
*Sec. 4. Display of Federal Retirement Trust Fund balances.*
*Sec. 5. Social Security.*
*Sec. 6. Major functional categories.*

*TITLE II—BUDGETARY PROCEDURES*

*Sec. 21. Sale of Government assets.*
*Sec. 22. Social security fire wall point of order in the Senate.*
*Sec. 23. Enforcing pay-as-you-go.*
*Sec. 24. Deficit-neutral reserve fund in the Senate.*
*Sec. 25. Enforcement procedures.*
*Sec. 26. Exercise of rule-making powers.*

*TITLE III—SENSE OF CONGRESS PROVISIONS*

*Sec. 31. Sense of the Congress regarding the budgetary accounting of health care reform.*
*Sec. 32. Sense of the Congress on the costs of illegal immigration.*
*Sec. 33. Sense of the Congress regarding baselines.*
*Sec. 34. Sense of the Congress on economic assumptions.*
*Sec. 35. Sense of the Congress regarding unfunded Federal mandates.*
*Sec. 36. Closing of loopholes in foreign tax provisions.*
*Sec. 37. Sense of the Senate regarding tax expenditures.*
*Sec. 38. Sense of the Congress regarding health service delivery and water infrastructure in the Indian Health Service.*
*Sec. 39. Sense of the Senate regarding the National Aeronautics and Space Administration.*
*Sec. 40. Sense of the Senate regarding a balanced budget and the Spending Reduction Commission.*
*Sec. 41. Minimum allocation program.*
*Sec. 42. Sense of Senate on payments to United Nations of United States arrearages in contributions for peacekeeping activities.*
*Sec. 43. Policy in Eastern and Central Europe.*
*Sec. 44. Sense of the Senate regarding Federal courthouse construction.*
*Sec. 45. Sense of the Congress regarding Federal law enforcement personnel.*
*Sec. 46. Sense of Senate that taxes not be increased because taxpayers are married.*
*Sec. 47. Sense of the Senate regarding certain Department of Energy reductions-in-force.*
*Sec. 48. Sense of the Congress regarding minerals management.*
*Sec. 49. Sense of Senate regarding diesel fuel dyeing regulations.*
*Sec. 50. Sense of the Senate regarding equitable distribution of reductions in discretionary spending.*
*Sec. 51. Star Wars (ballistic missile defense).*
*Sec. 52. Control growth of entitlement or mandatory spending.*
*Sec. 53. Sense of the Congress on shifting the allocation of anti-drug funds from international anti-drug programs to drug treatment and prevention programs.*
*Sec. 54. Internal Revenue Service compliance initiative.*
*Sec. 55. Sense of the Senate on controlling nonsocial security mandatory spending.*

## *TITLE I—LEVELS AND AMOUNTS*

### *SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.*

*The following budgetary levels are appropriate for the fiscal years 1995, 1996, 1997, 1998, and 1999:*

*(1) FEDERAL REVENUES.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution—*

*(i) The recommended levels of Federal revenues are as follows:*

*Fiscal year 1995: $977,700,000,000.*
*Fiscal year 1996: $1,031,200,000,000.*
*Fiscal year 1997: $1,079,700,000,000.*
*Fiscal year 1998: $1,136,400,000,000.*
*Fiscal year 1999: $1,190,200,000,000.*

*(ii) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:*

*Fiscal year 1995: $0.*
*Fiscal year 1996: $0.*
*Fiscal year 1997: $0.*
*Fiscal year 1998: $0.*
*Fiscal year 1999: $0.*

*(iii) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:*

*Fiscal year 1995: $100,300,000,000.*
*Fiscal year 1996: $106,300,000,000.*
*Fiscal year 1997: $111,900,000,000.*

*Fiscal year 1998: $117,830,000,000.*
*Fiscal year 1999: $123,700,000,000.*

*(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund)—*

*(i) The recommended levels of Federal revenues are as follows:*

*Fiscal year 1995: $877,500,000,000.*
*Fiscal year 1996: $924,800,000,000.*
*Fiscal year 1997: $967,800,000,000.*
*Fiscal year 1998: $1,018,600,000,000.*
*Fiscal year 1999: $1,066,500,000,000.*

*(ii) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:*

*Fiscal year 1995: $0.*
*Fiscal year 1996: $0.*
*Fiscal year 1997: $0.*
*Fiscal year 1998: $0.*
*Fiscal year 1999: $0.*

*(2) NEW BUDGET AUTHORITY.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:*

*Fiscal year 1995: $1,242,400,000,000.*
*Fiscal year 1996: $1,303,500,000,000.*
*Fiscal year 1997: $1,368,600,000,000.*
*Fiscal year 1998: $1,437,900,000,000.*
*Fiscal year 1999: $1,509,600,000,000.*

*(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total new budget authority are as follows:*

*Fiscal year 1995: $1,149,200,000,000.*
*Fiscal year 1996: $1,202,300,000,000.*
*Fiscal year 1997: $1,257,000,000,000.*
*Fiscal year 1998: $1,315,000,000,000.*
*Fiscal year 1999: $1,372,300,000,000.*

*(3) BUDGET OUTLAYS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:*

*Fiscal year 1995: $1,216,300,000,000.*
*Fiscal year 1996: $1,283,200,000,000.*
*Fiscal year 1997: $1,352,500,000,000.*
*Fiscal year 1998: $1,412,000,000,000.*
*Fiscal year 1999: $1,485,100,000,000.*

*(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total budget outlays are as follows:*

*Fiscal year 1995: $1,124,000,000,000.*
*Fiscal year 1996: $1,183,200,000,000.*
*Fiscal year 1997: $1,241,900,000,000.*
*Fiscal year 1998: $1,290,700,000,000.*
*Fiscal year 1999: $1,349,600,000,000.*

*(4) DEFICITS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the amounts of the deficits are as follows:*

*Fiscal year 1995: $238,600,000,000.*
*Fiscal year 1996: $252,000,000,000.*
*Fiscal year 1997: $272,800,000,000.*
*Fiscal year 1998: $275,600,000,000.*
*Fiscal year 1999: $294,900,000,000.*

*(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the amounts of the deficits are as follows:*

*Fiscal year 1995: $246,600,000,000.*
*Fiscal year 1996: $258,300,000,000.*
*Fiscal year 1997: $274,100,000,000.*
*Fiscal year 1998: $272,100,000,000.*
*Fiscal year 1999: $283,100,000,000.*

*(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:*

*Fiscal year 1995: $4,963,600,000,000.*
*Fiscal year 1996: $5,278,800,000,000.*
*Fiscal year 1997: $5,611,200,000,000.*
*Fiscal year 1998: $5,945,400,000,000.*
*Fiscal year 1999: $6,289,700,000,000.*

*(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:*

*Fiscal year 1995: $26,700,000,000.*
*Fiscal year 1996: $32,100,000,000.*
*Fiscal year 1997: $33,800,000,000.*
*Fiscal year 1998: $35,700,000,000.*
*Fiscal year 1999: $37,800,000,000.*

*(7) PRIMARY LOAN GUARANTEE COMMITMENTS:—The appropriate levels of new primary loan guarantee commitments are as follows:*

*Fiscal year 1995: $199,700,000,000.*
*Fiscal year 1996: $174,400,000,000.*
*Fiscal year 1997: $164,600,000,000.*
*Fiscal year 1998: $164,100,000,000.*
*Fiscal year 1999: $163,500,000,000.*

### *SEC. 3. DEBT INCREASE AS A MEASURE OF DEFICIT.*

*The amounts of the increase in the public debt subject to limitation are as follows:*

*Fiscal year 1995: $306,700,000,000.*
*Fiscal year 1996: $315,200,000,000.*
*Fiscal year 1997: $332,400,000,000.*
*Fiscal year 1998: $334,200,000,000.*
*Fiscal year 1999: $344,200,000,000.*

### *SEC. 4. DISPLAY OF FEDERAL RETIREMENT TRUST FUND BALANCES.*

*The balances of the Federal retirement trust funds are as follows:*

*Fiscal year 1995: $1,161,100,000,000.*
*Fiscal year 1996: $1,275,200,000,000.*
*Fiscal year 1997: $1,396,900,000,000.*
*Fiscal year 1998: $1,524,200,000,000.*
*Fiscal year 1999: $1,651,300,000,000.*

### *SEC. 5. SOCIAL SECURITY.*

*(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:*

*Fiscal year 1995: $360,500,000,000.*
*Fiscal year 1996: $379,600,000,000.*
*Fiscal year 1997: $399,000,000,000.*
*Fiscal year 1998: $419,500,000,000.*
*Fiscal year 1999: $439,800,000,000.*

*(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:*

*Fiscal year 1995: $287,600,000,000.*
*Fiscal year 1996: $301,300,000,000.*
*Fiscal year 1997: $312,300,000,000.*
*Fiscal year 1998: $324,400,000,000.*
*Fiscal year 1999: $337,000,000,000.*

### *SEC. 6. MAJOR FUNCTIONAL CATEGORIES.*

*The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1995 through 1999 for each major functional category are:*

*(1) National Defense (050):*

*Fiscal year 1995:*
*(A) New budget authority, $263,800,000,000.*
*(B) Outlays, $270,700,000,000.*
*(C) New direct loan obligations, $0.*
*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1996:*
*(A) New budget authority, $255,300,000,000.*
*(B) Outlays, $261,000,000,000.*
*(C) New direct loan obligations, $0.*
*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1997:*
*(A) New budget authority, $252,000,000,000.*
*(B) Outlays, $256,400,000,000.*
*(C) New direct loan obligations, $0.*
*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1998:*
*(A) New budget authority, $258,700,000,000.*
*(B) Outlays, $256,600,000,000.*
*(C) New direct loan obligations, $0.*
*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1999:*
*(A) New budget authority, $265,100,000,000.*
*(B) Outlays, $257,600,000,000.*
*(C) New direct loan obligations, $0.*
*(D) New primary loan guarantee commitments, $0.*

*(2) International Affairs (150):*

*Fiscal year 1995:*
*(A) New budget authority, $19,300,000,000.*
*(B) Outlays, $18,100,000,000.*
*(C) New direct loan obligations, $3,200,000,000.*
*(D) New primary loan guarantee commitments, $18,000,000,000.*

*Fiscal year 1996:*
*(A) New budget authority, $17,200,000,000.*
*(B) Outlays, $17,300,000,000.*
*(C) New direct loan obligations, $2,800,000,000.*
*(D) New primary loan guarantee commitments, $18,500,000,000.*

*Fiscal year 1997:*
*(A) New budget authority, $17,000,000,000.*
*(B) Outlays, $17,300,000,000.*
*(C) New direct loan obligations, $2,600,000,000.*
*(D) New primary loan guarantee commitments, $18,500,000,000.*

*Fiscal year 1998:*
*(A) New budget authority, $16,800,000,000.*
*(B) Outlays, $17,600,000,000.*
*(C) New direct loan obligations, $2,400,000,000.*
*(D) New primary loan guarantee commitments, $18,500,000,000.*

*Fiscal year 1999:*
*(A) New budget authority, $17,000,000,000.*
*(B) Outlays, $17,500,000,000.*
*(C) New direct loan obligations, $2,400,000,000.*
*(D) New primary loan guarantee commitments, $16,500,000,000.*

*(3) General Science, Space, and Technology (250):*

*Fiscal year 1995:*
*(A) New budget authority, $17,300,000,000.*
*(B) Outlays, $17,200,000,000.*
*(C) New direct loan obligations, $0.*
*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1996:*
*(A) New budget authority, $17,200,000,000.*
*(B) Outlays, $17,200,000,000.*
*(C) New direct loan obligations, $0.*
*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1997:*
*(A) New budget authority, $17,300,000,000.*
*(B) Outlays, $17,300,000,000.*
*(C) New direct loan obligations, $0.*
*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1998:*
*(A) New budget authority, $17,400,000,000.*
*(B) Outlays, $17,300,000,000.*
*(C) New direct loan obligations, $0.*
*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1999:*
*(A) New budget authority, $17,600,000,000.*
*(B) Outlays, $17,500,000,000.*
*(C) New direct loan obligations, $0.*
*(D) New primary loan guarantee commitments, $0.*

*(4) Energy (270):*

*Fiscal year 1995:*

*(A) New budget authority, $6,300,000,000.*

*(B) Outlays, $5,000,000,000.*

*(C) New direct loan obligations, $1,400,000,000.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1996:*

*(A) New budget authority, $5,900,000,000.*

*(B) Outlays, $5,200,000,000.*

*(C) New direct loan obligations, $1,500,000,000.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1997:*

*(A) New budget authority, $5,900,000,000.*

*(B) Outlays, $5,000,000,000.*

*(C) New direct loan obligations, $1,500,000,000.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1998:*

*(A) New budget authority, $6,100,000,000.*

*(B) Outlays, $4,700,000,000.*

*(C) New direct loan obligations, $1,500,000,000.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1999:*

*(A) New budget authority, $5,700,000,000.*

*(B) Outlays, $4,400,000,000.*

*(C) New direct loan obligations, $1,500,000,000.*

*(D) New primary loan guarantee commitments, $0.*

*(5) Natural Resources and Environment (300):*

*Fiscal year 1995:*

*(A) New budget authority, $21,700,000,000.*

*(B) Outlays, $21,300,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1996:*

*(A) New budget authority, $22,200,000,000.*

*(B) Outlays, $21,500,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1997:*

*(A) New budget authority, $22,100,000,000.*

*(B) Outlays, $21,600,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1998:*

*(A) New budget authority, $22,000,000,000.*

*(B) Outlays, $21,500,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1999:*

*(A) New budget authority, $21,600,000,000.*

*(B) Outlays, $21,400,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*(6) Agriculture (350):*

*Fiscal year 1995:*

*(A) New budget authority, $12,480,000,000.*

*(B) Outlays, $11,780,000,000.*

*(C) New direct loan obligations, $10,100,000,000.*

*(D) New primary loan guarantee commitments, $7,400,000,000.*

*Fiscal year 1996:*

*(A) New budget authority, $12,500,000,000.*

*(B) Outlays, $11,400,000,000.*

*(C) New direct loan obligations, $9,700,000,000.*

*(D) New primary loan guarantee commitments, $7,400,000,000.*

*Fiscal year 1997:*

*(A) New budget authority, $13,000,000,000.*

*(B) Outlays, $11,700,000,000.*

*(C) New direct loan obligations, $9,700,000,000.*

*(D) New primary loan guarantee commitments, $7,400,000,000.*

*Fiscal year 1998:*

*(A) New budget authority, $13,200,000,000.*

*(B) Outlays, $12,000,000,000.*

*(C) New direct loan obligations, $9,800,000,000.*

*(D) New primary loan guarantee commitments, $7,400,000,000.*

*Fiscal year 1999:*

*(A) New budget authority, $13,700,000,000.*

*(B) Outlays, $12,500,000,000.*

*(C) New direct loan obligations, $9,900,000,000.*

*(D) New primary loan guarantee commitments, $7,400,000,000.*

*(7) Commerce and Housing Credit (370):*

*Fiscal year 1995:*

*(A) New budget authority, $7,700,000,000.*

*(B) Outlays, −$8,300,000,000.*

*(C) New direct loan obligations, $2,800,000,000.*

*(D) New primary loan guarantee commitments, $117,900,000,000.*

*Fiscal year 1996:*

*(A) New budget authority, $5,300,000,000.*

*(B) Outlays, −$10,800,000,000.*

*(C) New direct loan obligations, $3,000,000,000.*

*(D) New primary loan guarantee commitments, $103,200,000,000.*

*Fiscal year 1997:*

*(A) New budget authority, $5,100,000,000.*

*(B) Outlays, −$3,400,000,000.*

*(C) New direct loan obligations, $3,100,000,000.*

*(D) New primary loan guarantee commitments, $95,900,000,000.*

*Fiscal year 1998:*

*(A) New budget authority, $5,200,000,000.*

*(B) Outlays, −$2,900,000,000.*

*(C) New direct loan obligations, $3,200,000,000.*

*(D) New primary loan guarantee commitments, $96,600,000,000.*

*Fiscal year 1999:*

*(A) New budget authority, $6,200,000,000.*

*(B) Outlays, −$900,000,000.*

*(C) New direct loan obligations, $3,400,000,000.*

*(D) New primary loan guarantee commitments, $99,500,000,000.*

*(8) Transportation (400):*

*Fiscal year 1995:*

*(A) New budget authority, $42,900,000,000.*

*(B) Outlays, $38,800,000,000.*

*(C) New direct loan obligations, $100,000,000.*

*(D) New primary loan guarantee commitments, $500,000,000.*

*Fiscal year 1996:*

*(A) New budget authority, $41,800,000,000.*

*(B) Outlays, $39,600,000,000.*

*(C) New direct loan obligations, $100,000,000.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1997:*

*(A) New budget authority, $43,200,000,000.*

*(B) Outlays, $40,100,000,000.*

*(C) New direct loan obligations, $100,000,000.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1998:*

*(A) New budget authority, $44,000,000,000.*

*(B) Outlays, $40,300,000,000.*

*(C) New direct loan obligations, $100,000,000.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1999:*

*(A) New budget authority, $44,600,000,000.*

*(B) Outlays, $40,500,000,000.*

*(C) New direct loan obligations, $100,000,000.*

*(D) New primary loan guarantee commitments, $0.*

*(9) Community and Regional Development (450):*

*Fiscal year 1995:*

*(A) New budget authority, $9,500,000,000.*

*(B) Outlays, $9,300,000,000.*

*(C) New direct loan obligations, $2,200,000,000.*

*(D) New primary loan guarantee commitments, $3,600,000,000.*

*Fiscal year 1996:*

*(A) New budget authority, $9,000,000,000.*

*(B) Outlays, $8,900,000,000.*

*(C) New direct loan obligations, $2,200,000,000.*

*(D) New primary loan guarantee commitments, $3,600,000,000.*

*Fiscal year 1997:*

*(A) New budget authority, $9,000,000,000.*

*(B) Outlays, $9,000,000,000.*

*(C) New direct loan obligations, $2,200,000,000.*

*(D) New primary loan guarantee commitments, $3,600,000,000.*

*Fiscal year 1998:*

*(A) New budget authority, $9,000,000,000.*

*(B) Outlays, $9,100,000,000.*

*(C) New direct loan obligations, $2,200,000,000.*

*(D) New primary loan guarantee commitments, $3,600,000,000.*

*Fiscal year 1999:*

*(A) New budget authority, $9,000,000,000.*

*(B) Outlays, $9,000,000,000.*

*(C) New direct loan obligations, $2,200,000,000.*

*(D) New primary loan guarantee commitments, $3,600,000,000.*

*(10) Education, Training, Employment, and Social Services (500):*

*Fiscal year 1995:*

*(A) New budget authority, $57,920,000,000.*

*(B) Outlays, $53,648,000,000.*

*(C) New direct loan obligations, $5,500,000,000.*

*(D) New primary loan guarantee commitments, $19,000,000,000.*

*Fiscal year 1996:*

*(A) New budget authority, $58,200,000,000.*

*(B) Outlays, $55,671,000,000.*

*(C) New direct loan obligations, $11,500,000,000.*

*(D) New primary loan guarantee commitments, $14,000,000,000.*

*Fiscal year 1997:*

*(A) New budget authority, $59,900,000,000.*

*(B) Outlays, $58,199,000,000.*

*(C) New direct loan obligations, $13,200,000,000.*

*(D) New primary loan guarantee commitments, $13,200,000,000.*

*Fiscal year 1998:*

*(A) New budget authority, $61,700,000,000.*

*(B) Outlays, $60,602,000,000.*

*(C) New direct loan obligations, $15,100,000,000.*

*(D) New primary loan guarantee commitments, $12,300,000,000.*

*Fiscal year 1999:*

*(A) New budget authority, $63,200,000,000.*

*(B) Outlays, $62,200,000,000.*

*(C) New direct loan obligations, $16,800,000,000.*

*(D) New primary loan guarantee commitments, $11,200,000,000.*

*(11) Health (550):*

*Fiscal year 1995:*

*(A) New budget authority, $124,300,000,000.*

*(B) Outlays, $122,730,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $400,000,000.*

*Fiscal year 1996:*

*(A) New budget authority, $136,703,000,000.*

*(B) Outlays, $135,730,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $300,000,000.*

*Fiscal year 1997:*

*(A) New budget authority, $151,006,000,000.*

*(B) Outlays, $149,895,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $200,000,000.*

*Fiscal year 1998:*

*(A) New budget authority, $166,709,000,000.*

*(B) Outlays, $165,453,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $100,000,000.*

*Fiscal year 1999:*

*(A) New budget authority, $184,212,000,000.*

*(B) Outlays, $182,556,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*(12) Medicare (570):*

*Fiscal year 1995:*

*(A) New budget authority, $162,400,000,000.*

*(B) Outlays, $160,500,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1996:*

*(A) New budget authority, $180,500,000,000.*

*(B) Outlays, $178,200,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1997:*

*(A) New budget authority, $198,500,000,000.*

*(B) Outlays, $196,100,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1998:*

*(A) New budget authority, $217,700,000,000.*

*(B) Outlays, $215,100,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1999:*

*(A) New budget authority, $242,300,000,000.*

*(B) Outlays, $239,000,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*(13) For purposes of section 710 of the Social Security Act, Federal Supplementary Medical Insurance Trust Fund:*

*Fiscal year 1995:*

*(A) New budget authority, $56,000,000,000.*

*(B) Outlays, $55,200,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1996:*

*(A) New budget authority, $65,200,000,000.*

*(B) Outlays, $64,200,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1997:*

*(A) New budget authority, $73,300,000,000.*

*(B) Outlays, $72,200,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1998:*

*(A) New budget authority, $81,300,000,000.*

*(B) Outlays, $80,200,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1999:*

*(A) New budget authority, $92,200,000,000.*

*(B) Outlays, $90,900,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*(14) Income Security (600):*

*Fiscal year 1995:*

*(A) New budget authority, $220,225,000,000.*

*(B) Outlays, $220,705,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1996:*

*(A) New budget authority, $234,732,000,000.*

*(B) Outlays, $229,330,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1997:*

*(A) New budget authority, $249,339,000,000.*

*(B) Outlays, $242,828,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1998:*

*(A) New budget authority, $261,246,000,000.*

*(B) Outlays, $253,234,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1999:*

*(A) New budget authority, $272,853,000,000.*

*(B) Outlays, $264,440,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*(15) Social Security (650):*

*Fiscal year 1995:*

*(A) New budget authority, $6,800,000,000.*

*(B) Outlays, $9,400,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1996:*

*(A) New budget authority, $6,300,000,000.*

*(B) Outlays, $9,400,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1997:*

*(A) New budget authority, $8,300,000,000.*

*(B) Outlays, $11,500,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1998:*

*(A) New budget authority, $9,000,000,000.*

*(B) Outlays, $12,300,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1999:*

*(A) New budget authority, $9,800,000,000.*

*(B) Outlays, $13,200,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*(16) Veterans Benefits and Services (700):*

*Fiscal year 1995:*

*(A) New budget authority, $37,200,000,000.*

*(B) Outlays, $36,600,000,000.*

*(C) New direct loan obligations, $1,400,000,000.*

*(D) New primary loan guarantee commitments, $32,900,000,000.*

*Fiscal year 1996:*

*(A) New budget authority, $37,600,000,000.*

*(B) Outlays, $36,600,000,000.*

*(C) New direct loan obligations, $1,300,000,000.*

*(D) New primary loan guarantee commitments, $27,400,000,000.*

*Fiscal year 1997:*

*(A) New budget authority, $38,500,000,000.*

*(B) Outlays, $38,300,000,000.*

*(C) New direct loan obligations, $1,400,000,000.*

*(D) New primary loan guarantee commitments, $25,800,000,000.*

*Fiscal year 1998:*

*(A) New budget authority, $38,600,000,000.*

*(B) Outlays, $38,500,000,000.*

*(C) New direct loan obligations, $1,400,000,000.*

*(D) New primary loan guarantee commitments, $25,600,000,000.*

*Fiscal year 1999:*

*(A) New budget authority, $39,700,000,000.*

*(B) Outlays, $39,600,000,000.*

*(C) New direct loan obligations, $1,500,000,000.*

*(D) New primary loan guarantee commitments, $25,300,000,000.*

*(17) Administration of Justice (750):*

*Fiscal year 1995:*

*(A) New budget authority, $18,823,000,000.*

*(B) Outlays, $17,255,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1996:*

*(A) New budget authority, $21,326,000,000.*

*(B) Outlays, $19,406,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1997:*

*(A) New budget authority, $22,129,000,000.*

*(B) Outlays, $21,068,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1998:*

*(A) New budget authority, $23,232,000,000.*

*(B) Outlays, $22,491,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1999:*

*(A) New budget authority, $24,535,000,000.*

*(B) Outlays, $23,493,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*(18) General Government (800):*

*Fiscal year 1995:*

*(A) New budget authority, $14,000,000,000.*

*(B) Outlays, $13,700,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1996:*

*(A) New budget authority, $13,500,000,000.*

*(B) Outlays, $14,700,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1997:*

*(A) New budget authority, $13,400,000,000.*

*(B) Outlays, $13,900,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1998:*

*(A) New budget authority, $13,100,000,000.*

*(B) Outlays, $13,400,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1999:*

*(A) New budget authority, $13,500,000,000.*

*(B) Outlays, $13,500,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*(19) Net Interest (900):*

*Fiscal year 1995:*

*(A) New budget authority, $247,100,000,000.*

*(B) Outlays, $247,100,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1996:*

*(A) New budget authority, $267,100,000,000.*

*(B) Outlays, $267,100,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1997:*

*(A) New budget authority, $282,500,000,000.*

*(B) Outlays, $282,500,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1998:*

*(A) New budget authority, $297,900,000,000.*

*(B) Outlays, $297,900,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

*Fiscal year 1999:*

*(A) New budget authority, $314,700,000,000.*

*(B) Outlays, $314,700,000,000.*

*(C) New direct loan obligations, $0.*

*(D) New primary loan guarantee commitments, $0.*

(20) For purposes of section 710 of the Social Security Act, Net Interest (900):

Fiscal year 1995:

(A) New budget authority, $257,600,000,000.

(B) Outlays, $257,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $277,800,000,000.

(B) Outlays, $277,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $293,300,000,000.

(B) Outlays, $293,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $308,500,000,000.

(B) Outlays, $308,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $324,500,000,000.

(B) Outlays, $324,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(21) The corresponding levels of gross interest on the public debt are as follows:

Fiscal year 1995: $311,800,000,000.

Fiscal year 1996: $331,100,000,000.

Fiscal year 1997: $347,400,000,000.

Fiscal year 1998: $364,600,000,000.

Fiscal year 1999: $383,300,000,000.

(22) Allowances (920):

Fiscal year 1995:

(A) New budget authority, −$11,258,000,000.

(B) Outlays, −$13,118,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$8,575,000,000.

(B) Outlays, −$3,938,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$9,288,000,000.

(B) Outlays, −$6,492,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$12,498,000,000.

(B) Outlays, −$11,982,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$24,111,000,000.

(B) Outlays, −$15,589,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(23) Undistributed Offsetting Receipts (950):

Fiscal year 1995:

(A) New budget authority, −$36,100,000,000.

(B) Outlays, −$36,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$30,300,000,000.

(B) Outlays, −$30,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$30,300,000,000.

(B) Outlays, −$30,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$31,200,000,000.

(B) Outlays, −$31,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$31,600,000,000.

(B) Outlays, −$31,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(24) For purposes of section 710 of the Social Security Act, Undistributed Offsetting Receipts (950):

Fiscal year 1995:

(A) New budget authority, −$33,500,000,000.

(B) Outlays, −$33,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$27,100,000,000.

(B) Outlays, −$27,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$27,600,000,000.

(B) Outlays, −$27,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$28,300,000,000.

(B) Outlays, −$28,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$28,500,000,000.

(B) Outlays, −$28,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

## TITLE II—BUDGETARY PROCEDURES

### SEC. 21. SALE OF GOVERNMENT ASSETS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) from time to time the United States Government should sell assets; and

(2) the amounts realized from such asset sales will not recur on an annual basis and do not reduce the demand for credit.

(b) FINDING.—The Congress finds that every budget resolution since that for fiscal year 1988 has included language prohibiting counting in the budget process the amounts realized from asset sales (other than loan assets).

(c) BUDGETARY TREATMENT.—For purposes of points of order under this concurrent resolution and the Congressional Budget and Impoundment Control Act of 1974, the amounts realized from sales of assets (other than loan assets) shall not be scored with respect to the level of budget authority, outlays, or revenues.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by the Budget Enforcement Act of 1990); and

(2) the term shall not include asset sales mandated by law before September 18, 1987, and routine, ongoing asset sales at levels consistent with agency operations in fiscal year 1986.

(e) SUNSET.—Subsections (a) through (d) of this section shall expire September 30, 1998.

(f) CONFORMING AMENDMENT.—Section 8 of House Concurrent Resolution 64 (103d Congress), section 8 of House Concurrent Resolution 287 (102d Congress), section 7 of House Concurrent Resolution 121 (102d Congress), section 5 of House Concurrent Resolution 310 (101st Congress), section 6 of House Concurrent Resolution 106 (101st Congress), section 4 of House Concurrent Resolution 268 (100th Congress), and sections 7 and 8 of House Concurrent Resolution 93 (100th Congress) are repealed.

### SEC. 22. SOCIAL SECURITY FIRE WALL POINT OF ORDER IN THE SENATE.

(a) FINDING.—The Senate finds that the concurrent resolutions on the budget for fiscal years 1993 and 1994 have prohibited subsequent concurrent resolutions on the budget from decreasing the balances of the social security trust fund.

(b) APPLICATION OF SECTION 301(i).—Notwithstanding any other rule of the Senate, in the Senate, the point of order established under section 301(i) of the Congressional Budget Act of 1974 shall apply to any concurrent resolution on the budget for any fiscal year (as reported and as amended), amendments thereto, or any conference report thereon.

(c) CONFORMING AMENDMENT.—Section 10(b) of House Concurrent Resolution 64 (103d Congress) and section 12(b) of House Concurrent Resolution 287 (102d Congress) are repealed.

### SEC. 23. ENFORCING PAY-AS-YOU-GO.

(a) PURPOSE.—The Senate declares that it is essential to—

(1) ensure continued compliance with the deficit reduction embodied in the Omnibus Budget Reconciliation Act of 1993; and

(2) continue the pay-as-you-go enforcement system.

(b) FINDING.—The Senate finds that section 12(c) of the concurrent resolution on the budget for fiscal year 1994 created a point of order prohibiting legislation that would increase the deficit through fiscal year 2003.

(c) ENFORCEMENT.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or receipts legislation (including any such bill, joint resolution, amendment, motion, or conference report) that would—

(A) increase the deficit for the first fiscal year covered by the most recently adopted concurrent resolution on the budget;

(B) increase the deficit for the period of the 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

(C) increase the deficit for the period of the 5 fiscal years following the first 5 years covered by the most recently adopted concurrent resolution on the budget;

when taken individually (as a bill, joint resolution, amendment, motion, or conference report, as the case may be), and when taken together with all direct spending and receipts legislation enacted after the date of enactment of the Omnibus Budget Reconciliation Act of 1993.

(2) DIRECT SPENDING AND RECEIPTS LEGISLATION.—For purposes of this subsection, direct spending and receipts legislation shall—

(A) exclude full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990;

(B) exclude emergency provisions so designated under section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985;

(C) include the estimated amount of savings in direct spending programs applicable to that fiscal year resulting from the prior year's sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985, if any (except for any amounts sequestered as a result of a net deficit increase in the fiscal year immediately preceding the prior fiscal year); and

*(D) except as otherwise provided in this subsection, include all direct spending legislation as that term is defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.*

*(d) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.*

*(e) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.*

*(f) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and receipts for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.*

*(g) CONFORMING AMENDMENT.—Section 12(c) of House Concurrent Resolution 64 (103d Congress) is repealed.*

*(h) TECHNICAL CORRECTION.—Notwithstanding section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by sections 13112(b) and 13208(b)(3) of the Budget Enforcement Act of 1990), the second sentence of section 904(c) of the Congressional Budget Act of 1974 (except insofar as it relates to section 313 of that Act) and the final sentence of section 904(d) of that Act (except insofar as it relates to section 313 of that Act) shall continue to have effect as a rule of the Senate through (but no later than) September 30, 1998.*

*(i) SUNSET.—Subsections (a) through (f) of this section shall expire September 30, 1998.*

### *SEC. 24. DEFICIT-NEUTRAL RESERVE FUND IN THE SENATE.*

*(a) INITIATIVES TO IMPROVE THE WELL-BEING OF FAMILIES THROUGH WELFARE OR OTHER REFORMS, TO PROVIDE FOR SERVICES TO SUPPORT OR PROTECT CHILDREN, OR TO IMPROVE THE HEALTH, NUTRITION, OR CARE OF CHILDREN.—*

*(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees and the revenue aggregates may be reduced for legislation to improve the well-being of families through welfare or other reforms (including promoting self-sufficiency through improvements in job training or employment programs), to provide for services to support or protect children (including assuring increased parental support for children through improvements in the child support enforcement program), or to improve the health, nutrition, or care of children, within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—*

*(A) fiscal year 1995; or*

*(B) the period of fiscal years 1995 through 1999.*

*(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.*

*(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.*

*(b) INITIATIVES TO PROVIDE COMPREHENSIVE TRAINING OR JOB SEARCH ASSISTANCE OR TO REFORM UNEMPLOYMENT COMPENSATION.—*

*(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to provide comprehensive training or job search assistance (including reemployment or job training programs or dislocated worker programs), or to reform unemployment compensation, or to provide for other related programs, within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—*

*(A) fiscal year 1995; or*

*(B) the period of fiscal years 1995 through 1999.*

*(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.*

*(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.*

*(c) CONTINUING IMPROVEMENTS IN ONGOING HEALTH CARE PROGRAMS OR COMPREHENSIVE HEALTH CARE REFORM.—*

*(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to make continuing improvements in ongoing health care programs, to provide for comprehensive health care reform, to control health care costs, or to accomplish other health care reforms within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—*

*(A) fiscal year 1995; or*

*(B) the period of fiscal years 1995 through 1999.*

*(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.*

*(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.*

*(4) ADJUSTMENTS FOR AMENDMENTS.—(A) If the Chairman of the Committee on the Budget makes an adjustment for legislation pursuant to this subsection, upon the offering of an amendment to such legislation, the Chairman shall file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates if the enactment of such legislation (as proposed to be amended) will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—*

*(i) fiscal year 1995; or*

*(ii) the period of fiscal years 1995 through 1999.*

*(B) These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution on the budget.*

*(C) The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.*

*(d) INITIATIVES TO PRESERVE AND REBUILD THE UNITED STATES MARITIME INDUSTRY.—*

*(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to preserve and rebuild the United States maritime industry within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—*

*(A) fiscal year 1995; and*

*(B) the period of fiscal years 1995 through 1999.*

*(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.*

*(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.*

*(e) INITIATIVES TO REFORM THE FINANCING OF FEDERAL ELECTIONS.—*

*(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that in-*

*creases funding to reform the financing of Federal elections within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—*

*(A) fiscal year 1995; or*

*(B) the period of fiscal years 1995 through 1999.*

*(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.*

*(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.*

*(f) TRADE-RELATED LEGISLATION.—*

*(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees and the revenue aggregates may be reduced for trade-related legislation (including legislation to implement the Uruguay Round of the General Agreement on Tariffs and Trade or to extend the Generalized System of Preferences) within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—*

*(A) fiscal year 1995; or*

*(B) the period of fiscal years 1995 through 1999.*

*(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.*

*(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.*

*(g) REFORMS RELATING TO THE PENSION BENEFIT GUARANTY CORPORATION.—*

*(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees and the revenue aggregates may be reduced for reforms relating to the Pension Benefit Guaranty Corporation (including legislation to improve the funding of government-insured pension plans, to protect plan participants, or to limit growth in exposure of the Pension Benefit Guaranty Corporation) or other employee benefit-related legislation within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—*

*(A) fiscal year 1995; or*

*(B) the period of fiscal years 1995 through 1999.*

*(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.*

*(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.*

*(h) REFORMS RELATING TO EMPLOYMENT TAXES ON DOMESTIC SERVICES.—*

*(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees and the revenue aggregates may be reduced for reforms relating to providing for simplified collection of employment taxes on domestic services within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—*

*(A) fiscal year 1995; or*

*(B) the period of fiscal years 1995 through 1999.*

*(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.*

*(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.*

*(i) INITIATIVES TO REFORM THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980.—*

*(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to reform the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—*

*(A) fiscal year 1995; or*

*(B) the period of fiscal years 1995 through 1999.*

*(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.*

*(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.*

*(j) REFORMS TO CONSOLIDATE THE SUPERVISION OF DEPOSITORY INSTITUTIONS INSURED UNDER THE FEDERAL DEPOSIT INSURANCE ACT.—*

*(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees and the revenue aggregates may be reduced for reforms to consolidate the supervision of depository institutions insured under the Federal Deposit Insurance Act within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—*

*(A) fiscal year 1995; or*

*(B) the period of fiscal years 1995 through 1999.*

*(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.*

*(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.*

*(k) INITIATIVES TO PRESERVE ENERGY SECURITY.—*

*(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees and the revenue aggregates may be reduced for initiatives to preserve United States energy security within such a committee's jurisdiction if such a committee or the committee of conference*

*on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—*

*(A) fiscal year 1995; or*

*(B) the period of fiscal years 1995 through 1999.*

*(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.*

*(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.*

### *SEC. 25. ENFORCEMENT PROCEDURES.*

*(a) DISCRETIONARY SPENDING LIMITS.—*

*(1) DEFINITION.—As used in this section, for the discretionary category, for the purposes of congressional enforcement of this resolution, reduce the discretionary spending limit in section 601 of the Congressional Budget Act of 1974 by the following amounts—*

*(A) with respect to fiscal year 1996, $4,200,000,000 in budget authority and $5,400,000,000 in outlays;*

*(B) with respect to fiscal year 1997, $4,800,000,000 in budget authority and $5,600,000,000 in outlays; and*

*(C) with respect to fiscal year 1998, $8,700,000,000 in budget authority and $5,300,000,000 in outlays.*

*(2) POINT OF ORDER IN THE SENATE.—(A) Except as provided in subparagraph (B), it shall not be in order in the Senate to consider any concurrent resolution on the budget for fiscal years 1996, 1997, or 1998 (or amendment, motion, or conference report on such a resolution) that would exceed any of the discretionary spending limits in this section.*

*(B) This subsection shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.*

*(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.*

*(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.*

*(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate or the Committee on the Budget of the House of Representatives, as the case may be.*

### *SEC. 26. EXERCISE OF RULE-MAKING POWERS.*

*The Congress adopts the provisions of this title—*

*(1) as an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and*

*(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.*

## *TITLE III—SENSE OF CONGRESS PROVISIONS*

### *SEC. 31. SENSE OF THE CONGRESS REGARDING THE BUDGETARY ACCOUNTING OF HEALTH CARE REFORM.*

*It is the sense of the Congress that—*

*(1) the Congress should measure the costs and benefits of all health care reform legislation against a uniform set of economic and technical assumptions;*

*(2) before enacting major changes in the health care system, the Congress should have available to it reliable estimates of the costs of competing plans prepared in a comparable manner;*

*(3) Congress should use Congressional Budget Office estimates in accounting for the costs and benefits of health care reform legislation; and*

*(4) all financial transactions associated with Federal health care reform legislation mandating employer payments for health care coverage should be treated as part of the Federal budget, including employer mandated payments to entities (which should be treated as Government receipts) and payments made by the entities pursuant to Federal law (which should be treated as outlays), for all purposes under the Congressional Budget Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985.*

### *SEC. 32. SENSE OF THE CONGRESS ON THE COSTS OF ILLEGAL IMMIGRATION.*

*(a) FINDINGS.—The Congress finds that—*

*(1) the Federal Government is solely responsible for setting and enforcing national immigration policy;*

*(2) the Federal Government has not adequately enforced immigration laws;*

*(3) this weak enforcement has imposed financial costs on State and local governments;*

*(4) States must incur costs for incarcerating undocumented persons convicted of State and local crimes, educating undocumented children, providing emergency medical services to undocumented persons, and providing services incidental to admission of refugees under the Refugee Admissions and Resettlement Program; and*

*(5) the Federal Government has an obligation to reimburse State and local governments for costs resulting from the costs described in paragraph (4).*

*(b) SENSE OF CONGRESS.—It is the sense of Congress that, in setting forth the budget authority and outlay amounts in this resolution, funding should be provided to reimburse State and local governments for the costs associated with—*

*(1) elementary and secondary education for undocumented children;*

*(2) emergency medical assistance to undocumented persons;*

*(3) incarceration and parole of criminal aliens; and*

*(4) services incidental to admission of refugees under the Refugee Admissions and Resettlement Program.*

### *SEC. 33. SENSE OF THE CONGRESS REGARDING BASELINES.*

*(a) FINDINGS.—The Congress finds that—*

*(1) the baseline budget shows the likely course of Federal revenues and spending if policies remain unchanged;*

*(2) baseline budgeting has given rise to the practice of calculating policy changes from an inflated spending level; and*

*(3) the baseline concept has been misused to portray policies that would simply slow down the increase in spending as spending reductions.*

*(b) SENSE OF CONGRESS.—It is the sense of the Congress that—*

*(1) the President should submit a budget that compares proposed spending levels for the budget year with the current year; and*

*(2) the starting point for deliberations on a budget resolution should be the current year.*

### *SEC. 34. SENSE OF THE CONGRESS ON ECONOMIC ASSUMPTIONS.*

*It is the sense of Congress that—*

*(1) economic assumptions play a significant role in projecting Federal budget expenditures and revenues;*

*(2) over the past decade and one-half, the economic assumptions used by both the Office of Management and Budget and by the Congressional Budget Office have been less accurate than the Blue Chip projections;*

*(3) future economic assumptions utilized for budget projection purposes should use the latest Blue Chip projections for economic assumptions and quoted public market rates when relevant for projecting interest rates; and*

*(4) in the event the Office of Management and Budget or the Congressional Budget Office concludes that using the Blue Chip indicators or market rates are inaccurate, they should present their budget projections using both their own and Blue Chip and market assumptions, along with an explanation of why they find the latter to be unacceptable.*

### *SEC. 35. SENSE OF THE CONGRESS REGARDING UNFUNDED FEDERAL MANDATES.*

*It is the sense of the Congress that—*

*(1) the Federal Government should not shift the costs of administering Federal programs to State and local governments;*

*(2) the Federal Government's share of entitlement programs should not be capped or otherwise decreased without providing States authority to amend their financial or programmatic responsibilities to continue meeting the mandated service;*

*(3) the Federal Government should not impose excessive mandates and regulations that increase costs for the private sector, hindering economic growth and employment opportunities; and*

*(4) Congress should develop a mechanism to ensure that costs of mandates are considered during agencies' development of regulations and congressional deliberations on legislation.*

### *SEC. 36. CLOSING OF LOOPHOLES IN FOREIGN TAX PROVISIONS.*

*(a) FINDINGS.—The Senate finds that—*

*(1) foreign-controlled corporations doing business in the United States do not pay their fair share of taxes;*

*(2) up to 72 percent of foreign-controlled corporations doing business in the United States pay no Federal income tax;*

*(3) the Internal Revenue Service has limited its own ability to enforce Federal tax laws against foreign-controlled corporations, to the detriment of domestic taxpayers;*

*(4) the Internal Revenue Service has been using antiquated accounting concepts to deal with sophisticated multinational corporations;*

*(5) billions of dollars of Federal revenues are lost annually due to the inability of the Internal Revenue Service to enforce the "arm's length" transaction rule—not even counting the costs of bureaucracy and litigation; and*

*(6) the Federal income tax laws encourage domestic taxpayers to relocate abroad by granting*

them deferral of United States taxes on income earned abroad.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that deficit reduction should be achieved, in part, by ending loopholes and enforcement breakdowns that now enable foreign-controlled corporations operating in the United States to pay no taxes and that subsidize the flight of domestic businesses and jobs out of the United States, including—

(1) a more streamlined and efficient method of enforcing Federal tax laws involving multinational corporations, especially those based abroad, in particular, the use of a formula approach by the Treasury Department where the "arm's length" transaction rule does not work; and

(2) a repeal of tax subsidies for domestic businesses that move jobs to tax havens abroad and then ship their products back into the United States.

### SEC. 37. SENSE OF THE SENATE REGARDING TAX EXPENDITURES.

(a) FINDINGS.—The Senate finds that—

(1) continuing budget deficits and the accumulation of Federal debt have a detrimental impact on the Nation's long-term economic growth prospects;

(2) in the absence of further fiscal restraint, the Congressional Budget Office estimates that the Federal deficit will increase to $365,000,000,000 by 2004 and the national debt held by the public will grow to approximately $6,000,000,000,000;

(3) tax expenditures are growing significantly; and

(4) in some instances, tax expenditures may have the same effect as direct Federal spending and should be subject to the same level of budgetary review.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Congress should consider targets for the growth in tax expenditures similar to the targets for the growth of mandatory spending;

(2) such targets should be specified in any reconciliation instructions included in a budget resolution; and

(3) such targets should be enforceable separately from any revenue targets included in the reconciliation instructions.

### SEC. 38. SENSE OF THE CONGRESS REGARDING HEALTH SERVICE DELIVERY AND WATER INFRASTRUCTURE IN THE INDIAN HEALTH SERVICE.

It is the sense of the Congress that—

(1) sufficient funding should be provided to the Indian Health Service to ensure that Indian Health Service hospitals and outpatient facilities in existence on the date of enactment of this resolution, and Indian Health Service hospitals and outpatient facilities scheduled to open during fiscal years 1994, 1995, and 1996, are fully staffed with the appropriate number of health care professionals needed to meet the health and medical needs of the American Indians and Alaska Natives who depend on the Indian Health Service for health care; and

(2) sufficient funding should be provided to the Indian Health Service to ensure that the Indian Health Service is capable of meeting basic public health and safety and sanitation requirements on Indian lands through timely and proper water infrastructure construction and upgrades.

### SEC. 39. SENSE OF THE SENATE REGARDING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

It is the sense of the Senate that the budget authority and outlay figures for function 250 in this resolution do not assume any amounts for the National Aeronautics and Space Administration for any fiscal year from 1995 through 1999 in excess of the amounts proposed by the President for such fiscal year.

### SEC. 40. SENSE OF THE SENATE REGARDING A BALANCED BUDGET AND THE SPENDING REDUCTION COMMISSION.

(a) FINDINGS.—The Congress finds that—

(1) The Congressional Budget Office has affirmed that reductions in outlays of $34,000,000,000 per year below their current baseline will result in a balanced budget by the year 2000.

(2) The Spending Reduction Commission described in S. 1191 is a proven mechanism which will provide the necessary reductions in Federal spending required to achieve a balanced budget.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Federal outlays should be reduced to reflect the aforementioned reductions from the Congressional Budget Office Baseline and that a Spending Reduction Commission should be created to propose annual spending cuts sufficient to reach the yearly spending reduction targets.

### SEC. 41. MINIMUM ALLOCATION PROGRAM.

(a) FINDINGS.—The Congress finds that—

(1) the minimum allocation program was established in 1982 to address inequities in the funding formula for Federal-aid highways;

(2) the minimum allocation program was designed to provide the greatest degree of flexibility practicable to States that receive funding under the formula referred to in paragraph (1) and includes an exemption of the apportionments from the obligation ceiling;

(3) the minimum allocation program provides additional flexibility by allowing a State a 4-year period during which amounts apportioned to the State may be obligated;

(4) the budget of the United States Government for fiscal year 1995 submitted by the President to Congress proposes to include minimum allocation apportionments under the obligation ceiling and also proposes to limit the authority of States to obligate apportionments under the minimum allocation program to 67 percent of the amount of the apportionments; and

(5) States have planned transportation programs on the basis of the provisions of the Intermodal Surface Transportation Efficiency Act of 1991, and the amendments made by the Act, relating to minimum allocation that confirmed core commitments to exemption and flexibility.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the minimum allocation program should remain exempt from the obligation ceiling; and

(2) the flexibility of the minimum allocation program should be an enduring and critical component of the provision of Federal assistance to States for Federal-aid highways.

(c) DEFINITIONS.—As used in this section:

(1) FEDERAL-AID HIGHWAYS.—The term "Federal-aid highways" has the meaning provided the term in section 101 of title 23, United States Code.

(2) MINIMUM ALLOCATION PROGRAM.—The term "minimum allocation program" means the program of allocation of funding to States under section 157 of title 23, United States Code.

(3) OBLIGATION CEILING.—The term "obligation ceiling" means the obligation ceiling under section 1002 of the Intermodal Surface Transportation Efficiency Act of 1991.

### SEC. 42. SENSE OF SENATE ON PAYMENT TO UNITED NATIONS OF UNITED STATES ARREARAGES IN CONTRIBUTIONS FOR PEACEKEEPING ACTIVITIES.

(a) SENSE OF SENATE ON AUTHORITY AND OUTLAYS.—It is the sense of the Senate that budget authority of $250,000,000 in fiscal year 1995 and outlays of $170,000,000 in that fiscal year based upon funds accruing under subsection (b) should be allocated to the committee or committees of the Senate having jurisdiction over contributions to the United Nations for peacekeeping activities for the purposes of permitting the payment of arrearages of the United States in commitments in fiscal year 1994 for such contributions.

(b) SENSE OF SENATE ON FUNDS.—It is the sense of the Senate that funds should be available for the budget authority of $250,000,000 and outlays of $170,000,000 referred to in subsection (a) as the result of—

(1) the reimposition by the United States of charges on foreign governments (other than Israel and Egypt) for the non-recurring costs of research, development, and production of major defense equipment licensed for commercial export to such governments; and

(2) the recoupment by the United States from such governments of administrative costs relating to foreign military sales; and

(3) the elimination of all financing assistance for such sales (other than sales to Israel and Egypt) by the United States.

### SEC. 43. POLICY IN EASTERN AND CENTRAL EUROPE.

It is the sense of the Senate that the assumptions underlying the levels of spending set forth in this resolution regarding the national defense (050) and international affairs (150) budget categories include an assumption that the United States will oppose through appropriate means attempts by the Russian Federation to intimidate, use military force or engage in economic coercion to establish a sphere of influence over the former republics of the Soviet Union, the Baltics, or Central and Eastern European nations, consistent with provisions contained in the Freedom Support Act and the Foreign Assistance Appropriations Act of 1994.

### SEC. 44. SENSE OF THE SENATE REGARDING FEDERAL COURTHOUSE CONSTRUCTION.

It is the sense of the Senate that—

(1) the President's fiscal year 1995 budget includes a request for 11 courthouses with a total estimated cost of over $1,000,000,000;

(2) while there may be significant need for new Federal courthouses, the need for programs that prevent youth violence before children get to courthouses is greater;

(3) there should be a moratorium for fiscal year 1995 on the construction of any new Federal courthouses which have not already been specifically approved by Congress; and

(4) priority should be given to programs for children and families like Head Start and grants for maternal and infant health care.

### SEC. 45. SENSE OF THE CONGRESS REGARDING FEDERAL LAW ENFORCEMENT PERSONNEL.

(a) FINDINGS.—The Congress finds that—

(1) violent crimes reported to law enforcement continue to increase with over 1,900,000 offenses being reported to law enforcement each year;

(2) drug dealing and the violent crime that accompanies it are at the heart of the Nation's current crime crisis;

(3) the problem of international drug trafficking is increasing and foreign narcotics syndicates continue to make the United States their primary target;

(4) drug abuse among our Nation's young people, after years of decline, has recently increased;

(5) interstate criminal street gangs, which deal in illicit narcotics and which are responsible for so much violent crime, are spreading into cities throughout the Nation;

(6) the Senate has passed a comprehensive anti-crime bill which increases authorizations for Federal and State law enforcement, increases penalties for violent crime, and enhances Federal law enforcement's role in combating violent street crime;

(7) the President's proposed budget for fiscal year 1995 cuts the number of Drug Enforcement Administration, Federal Bureau of Investiga-

*tion, Organized Crime Drug Enforcement Task Force, and United States Attorney personnel;*

*(8) absent the President's proposed budget cuts to Federal law enforcement for fiscal year 1995, there are still 431 fewer FBI agents and 301 fewer DEA agents today than there were in 1992 and, according to the President's budget, there will not be a new FBI or DEA class until fiscal year 1996;*

*(9) an adequate Federal law enforcement and Federal prosecutor presence is critical to our Nation's effort to respond to the crime and drug problem; and*

*(10) President Clinton and Attorney General Reno have publicly stated their support for enhanced efforts to fight violent crime and drug trafficking.*

*(b) SENSE OF THE CONGRESS.—It is the sense of Congress that—*

*(1) current levels of agent strength within the DEA and FBI and the current number of assistant United States Attorneys are inadequate to meet the Federal Government's obligations to our Nation's law abiding citizens; and*

*(2) at a minimum, the agent strength for the FBI and DEA should be restored to end-of-fiscal year 1992 levels, and the number of Assistant United States Attorneys should not be reduced.*

### *SEC. 46. SENSE OF SENATE THAT TAXES NOT BE INCREASED BECAUSE TAXPAYERS ARE MARRIED.*

*(a) FINDINGS.—The Senate finds that—*

*(1) successful stable marriages are an essential part of a successful stable society;*

*(2) the breakdown of marriages has been one of the causes of our unacceptable crime, illiteracy, school dropout, drug abuse, and illegitimacy rates;*

*(3) the Federal Government has a moral and ethical obligation to help promote stable marriages or at least to not undermine them financially;*

*(4) the Internal Revenue Code currently contains a number of provisions that financially penalize couples for becoming or remaining married (so called "marriage penalties");*

*(5) marriage penalties are in effect an annual Federal tax on marriage licenses;*

*(6) the Omnibus Budget Reconciliation Act of 1993 added new marriage penalties to the Internal Revenue Code and expanded some existing marriage penalties;*

*(7) marriage penalties financially discriminate against the most fundamental and important unit in our society—the family—and are especially harmful to our Nation's children; and*

*(8) there is no policy justification for the Federal Government to financially penalize couples simply because they choose to become or remain legally married.*

*(b) SENSE OF THE SENATE.—It is the sense of the Senate that no taxpayer, regardless of age, sex, income, or number of dependents, should be required to pay more in Federal taxes under any provision of the Internal Revenue Code because that taxpayer is legally married.*

### *SEC. 47. SENSE OF THE SENATE REGARDING CERTAIN DEPARTMENT OF ENERGY REDUCTIONS-IN-FORCE.*

*It is the sense of the Senate that—*

*(1) a reduction-in-force at the Department of Energy's Kansas City Plant should not be carried out until—*

*(A) the National Defense Authorization Act for fiscal year 1995 and the Energy and Water Development Appropriations Act for fiscal year 1995 become law; or*

*(B) Congress has otherwise approved such an action.*

### *SEC. 48. SENSE OF THE CONGRESS REGARDING MINERALS MANAGEMENT.*

*It is the sense of the Congress that the budget authority and outlay totals set forth in this resolution assume sufficient funding under budget function 300 (Natural Resources and Environment) to ensure—*

*(1) the ability of the Minerals Management Service to run an effective Outer Continental Shelf resource evaluation program that responds to increased interest on OCS areas, including Alaska;*

*(2) the ability of the United States Geological Survey to continue to perform mineral resource surveys at the same levels as in previous years; and*

*(3) the continued effective functioning of all current Bureau of Mines offices.*

### *SEC. 49. SENSE OF SENATE REGARDING DIESEL FUEL DYEING REGULATIONS.*

*(a) FINDINGS.—The Senate finds that changes made to the collection point of the diesel fuel excise tax made as part of the Omnibus Reconciliation Act of 1993 and the Internal Revenue Service regulations implementing such changes have caused economic hardship, created market distortions, and added burdens to users and suppliers of diesel fuel by—*

*(1) requiring businesses, primarily small entrepreneurs, to invest thousands of dollars in equipment, or choose between taxable and nontaxable users of diesel fuel, in order to comply with the new rules;*

*(2) imposing cumbersome notification requirements for marketers and distributors of diesel fuel and home heating oil; and*

*(3) creating shortages of fuel due to storage tank limitations.*

*(b) SENSE OF THE SENATE.—It is the sense of the Senate that—*

*(1) the Internal Revenue Service should make every effort to ensure its regulations implementing the changes to the collection point for the diesel fuel excise tax will minimize the economic hardship, market distortions, unnecessary burdens, and supply shortages;*

*(2) such regulations should, to the extent possible, be consistent with Environmental Protection Agency regulations implementing the diesel desulfurization program; and*

*(3) if the Internal Revenue Service lacks the authority to issue revised regulations consistent with this resolution, then Congress should consider legislation that will eliminate these hardships, distortions, burdens, and shortages.*

### *SEC. 50. SENSE OF THE SENATE REGARDING EQUITABLE DISTRIBUTION OF REDUCTIONS IN DISCRETIONARY SPENDING.*

*The Senate finds that since the President's fiscal year 1995 defense budget request represents the tenth straight year of real cuts in defense and if the President's defense budget request is approved, since 1985 real defense spending will have been reduced by 45 percent by 1999; and President Clinton, during his State of the Union address on January 25, 1994, promised no further cuts in defense spending. Then it is the sense of the Senate that the annual levels of the (050) function should be reduced from the President's fiscal year 1995–1999 budget request only after other annual levels of non-defense discretionary spending in the budget resolution have been reduced, fairly and appropriately.*

### *SEC. 51. STAR WARS (BALLISTIC MISSILE DEFENSE).*

*It is the sense of the Congress that given the Federal budget deficit, the real reductions in discretionary spending in this resolution, and the existence of many more worthy programs competing for this funding, spending for the Star Wars (Ballistic Missile Defense) must not exceed the fiscal year 1994 appropriated level.*

### *SEC. 52. CONTROL GROWTH OF ENTITLEMENT OR MANDATORY SPENDING.*

*It is the sense of the Senate that legislation should be enacted providing enforceable limits to control the growth of entitlement or mandatory spending.*

### *SEC. 53. SENSE OF THE CONGRESS ON SHIFTING THE ALLOCATION OF ANTI-DRUG FUNDS FROM INTERNATIONAL ANTI-DRUG PROGRAMS TO DRUG TREATMENT AND PREVENTION PROGRAMS.*

*(a) FINDINGS.—The Congress finds that—*

*(1) in 1991 over 11,000 hectares of opium production were eradicated out of over 238,000 hectares under opium cultivation;*

*(2) in 1992 over 22,000 hectares of opium production were eradicated, but the amount of hectares under opium cultivation grew to over 255,000 hectares;*

*(3) in the face of a successful opium eradication program in 1992, the amount of land under active opium cultivation grew by 6,700 hectares;*

*(4) in 1991 over 6,500 hectares of coca leaf production were eradicated out of over 212,700 hectares under cultivation;*

*(5) in 1992 fewer than 5,300 hectares of coca leaf production were eradicated, and the amount of hectares under active coca leaf cultivation grew to almost 217,000;*

*(6) the amount of land under active coca leaf production grew by 5,300 hectares in 1992, and coca leaf production increased by 1,200 metric tons over production in 1991;*

*(7) the Drug Enforcement Administration has reported that the purity of cocaine available in the United States has increased since 1990, which demonstrates that adequate supplies of cocaine continue to be produced and smuggled into the United States;*

*(8) the Drug Enforcement Administration has reported that the price of cocaine available in the United States has remained stable or declined since 1990, again demonstrating that adequate supplies of cocaine are being produced and smuggled into the United States;*

*(9) many observers of national drug policy have come to conclude that the efforts of the United States to reduce the supply of drugs through international law enforcement and training, economic development, and crop substitution programs in foreign nations cannot succeed in reducing the supply of drugs available in the United States;*

*(10) recent studies demonstrate that drug treatment and prevention programs have achieved notable success in reducing drug use and associated criminality, including the commission of violent crime by drug users;*

*(11) the current national capacity to provide drug treatment falls far short of being able to provide adequate treatment to drug users who need and want treatment;*

*(12) additional resources are needed to add drug treatment capacity and to expand drug prevention programs.*

*(b) SENSE OF CONGRESS.—It is the sense of the Congress that*

*(1) in setting forth the budget authority and outlay amounts in this resolution, Congress should take note of the failure of past spending to support international anti-drug programs, including but not limited to those of the Agency for International Development, the Bureau of International Narcotics Matters and the Bureau of Politico-Military Affairs of the Department of State, and the Drug Enforcement Administration; and*

*(2) the budget authority and outlay amounts in this resolution should be reallocated from international anti-drug programs to support successful drug treatment and prevention programs that will curb the demand for illegal drugs; and*

*(3) one-half of the budget authority and outlay amounts to combat illegal drugs be expended to reduce the demand for illegal drugs in the United States and one-half of such amounts be expended to reduce the supply of such drugs in the United States; and*

*(4) no budget authority or outlay amounts reallocated in accordance with the provisions of*

*this section shall be taken from budget authority and outlay amounts for foreign aid or international development other than those accounts that support international anti-drug programs.*

### *SAC. 54. INTERNAL REVENUE SERVICE COMPLIANCE INITIATIVE.*

*(a) ADJUSTMENTS.—For purposes of points of order under the Congressional Budget and Impoundment Control Act of 1974 and concurrent resolutions on the budget*

*(1) the discretionary spending limits under section 601(a)(2) of that Act (and those limits as cumulatively adjusted) for the current fiscal year and each outwear;*

*(2) the allocations to the Committees on Appropriations under sections 302(a) and 602(a) of that Act; and*

*(3) the levels for major functional category 800 (General Government) and the appropriate budgetary aggregates in the most recently agreed to concurrent resolution on the budget, shall be adjusted to reflect the amounts of additional new budget authority or additional outlays (as compared with the amounts requested for the Internal Revenue Service in the President's Budget for fiscal year 1995) reported by the Committee on Appropriations in appropriations Acts (or by the committee of conference on such legislation) for the Internal Revenue Service compliance initiative activities in any fiscal year, but not to exceed in any fiscal year $405,000,000 in new budget authority and $405,000,000 in outlays.*

*(b) REVISED LIMITS, ALLOCATIONS, LEVELS, AND AGGREGATES.—Upon the reporting of legislation pursuant to subsection (a), and again upon the submission of a conference report on such legislation in either House (if a conference report is submitted), the Chairmen of the Committees on the Budget of the Senate and the House of Representatives shall file with their respective Houses appropriately revised*

*(1) discretionary spending limits under section 601(a)(2) of the Congressional Budget Act of 1974 (and those limits as cumulatively adjusted) for the current fiscal year and each outwear;*

*(2) allocations to the Committees on Appropriations under sections 302(a) and 602(a) of that Act; and*

*(3) levels for major functional category 800 (General Government) and the appropriate budgetary aggregates in the most recently agreed to concurrent resolution on the budget,*

*to carry out this subsection. These revised discretionary spending limits, allocations, functional levels, and aggregates shall be considered for purposes of congressional enforcement under that Act as the discretionary spending limits, allocations, functional levels, and aggregates.*

*(c) REPORTING REVISED ALLOCATIONS.—The Committees on Appropriations of the Senate and the House of Representatives may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this section.*

*(d) CONTINGENCIES.—This section shall not apply to any additional new budget authority or additional outlays unless—*

*(1) in the case of such budget authority or outlays for any fiscal year after fiscal year 1995, the Secretary of the Treasury certifies*

*(A) to the Chairmen of the Committees on the Budget of the Senate and the House of Representatives, and*

*(B) to the Chairmen of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives,*

*that there has been enacted into law a Taxpayer Bill of Rights 2 which is substantially similar to that contained in the conference report to H.R. 11, 102d Congress, 2d Session;*

*(2) the Secretary of the Treasury certifies to the chairmen described in paragraph (1)(A) that the Internal Revenue Service will initiate and implement an educational program with respect to the Taxpayer Bill of Rights 1 and 2 for any new employees hired pursuant to such budget authority or outlays;*

*(3) the Director of the Congressional Budget Office certifies to the chairmen described in paragraph (1)(A) that such budget authority or outlays will not increase the Federal budget deficit; and*

*(4) any funds made available pursuant to such budget authority or outlays are available only for the purpose of carrying out Internal Revenue Service compliance initiative activities.*

*(e) SUNSET.—This section shall expire September 30, 1998.*

### *SAC. 55. SENSE OF THE SENATE ON CONTROLLING NON-SOCIAL SECURITY MANDATORY SPENDING.*

*It is the sense of the Senate that the Congress should*

*(1) enact, after health care reform legislation is enacted, annual caps on mandatory spending that take effect beginning in fiscal year 1996;*

*(2) include within such caps all mandatory spending programs except Social Security, deposit insurance and net interest;*

*(3) provide that the caps shall be set so that programs providing benefits to individuals may grow for inflation, changes in the numbers of beneficiaries, and an additional growth allowance of*

*(A) 4 percent in 1996,*

*(B) 3.5 percent in 1997,*

*(C) 3 percent in 1998, and*

*(D) 2 percent in 1999 and thereafter;*

*(4) provide that the caps shall be adjusted annually in the President's budget for changes in inflation and the number of beneficiaries in mandatory spending programs since the caps were enacted (excluding any changes due to legislation); and*

*(5) provide that if total mandatory spending exceeds the formula in subsection (3), the caps shall be enforced by*

*(A) requiring the President's budget to comply with the caps, including submission of proposals to reduce mandatory spending to stay within the caps if a breach is expected under current law;*

*(B) super majority points-of-order prohibiting the consideration of future budget resolutions or legislation that would breach the caps; and*

*(C) at the conclusion of each session of Congress, a sequestration procedure that would reduce mandatory spending by the amount of any breach of the cap in the upcoming year by reducing those programs growing faster than inflation, beneficiary changes, and the additional growth allowance for that year.*

*(6) provides for a period of not less than 60 days before such sequestration for committees of the House and the Senate with jurisdiction over mandatory programs which are determined to be exceeding these allowable spending levels to report legislation that reduces direct spending in their jurisdiction by an amount sufficient to eliminate the excess spending;*

*(7) ensures that reductions in Federal spending for mandatory programs required by such legislation is not to be achieved by shifting costs to State and local governments.*

Mr. SASSER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER addressed the Chair.

The VICE PRESIDENT. The Senator from Tennessee.

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate Concurent Resolution 63 be returned to the calendar.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. SASSER. Mr. President, just let me take a moment to express some gratitude here at the successful conclusion of our budget resolution.

First, I want to thank the majority leader, who has once again helped in many ways with this budget resolution. I think the majority leader's work in this area is just one of the areas where he is going to be so terribly missed here in future years.

I also want to thank my friend, the distinguished ranking Republican on the Budget Committee, Senator DOMENICI. Senator DOMENICI and I have had some differences this year, as we have just about every year. But I want to say that Senator DOMENICI, the Republican manager, is a pleasure to work with.

We have considered this year many things. We passed a large number of amendments, many of them sponsored by Members from the other side of the aisle, and we passed them all in a fairly short timeframe.

I believe this productivity is a tribute to the good cooperation and working relationship which Senator DOMENICI and I have been able to maintain over the years.

I also want to pay tribute to the very able staff of the Budget Committee on both sides of the aisle, in particular the two staff directors.

As always, I want to give my special thanks to the staff director of the Budget Committee on our side, Larry Stein, for the superb job that he did. His patience, good humor, and dedication under very difficult and trying circumstances are examples to us all.

This year, I might say, Larry was struck by laryngitis just before we came to the floor. We can truthfully say that he gave his all, including his voice, to this budget resolution.

I want to thank Bill Hoagland, the very able Republican staff director, for his cooperation and for his constancy, no matter what the hour or the circumstances.

I should also thank the Budget Committee staff analysts, who kept track of and turned around the large number of amendments that were proposed this week. Although many deserve notice, let me take a moment to single out Kathy Deignan, the assistant director for human resources and Sue Nelson, director of budget review, without whom we could not put a budget together and, of course, the very able chief counsel of the Budget Committee, Bill Dauster, who is always my strong right arm.

They have put in some long hours. They did some hard work.

Let me close by expressing my gratitude to my entire Budget Committee staff, whose names follow: Amy Abraham, Lisa Bartko, Diane Bath, Andy Blocker, Angela Costalas, Bill Dauster, Kathy Deignan, Randy DeValk, Kelly Dimock, Tony Dresden, Meg Duncan, Louise Echols, Jodi Grant, Alex Green, Matt Greenwald, Chuck Hanson, Stephanie Harbourt, Anne Hill, Joan Huffer, Beth Kirk, Jim Klumpner, Jennifer Leake, Nell Mays, Sue Nelson, Doug Olin, Diane Reis, Larry Stein, Katrina Thaler, Donald Tobin, Buck White, Dave Williams, and George Woodall.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to thank Senator SASSER for the way he handled this measure. This is a tough resolution, very complicated, very heated on some occasions. I believe he did an excellent job, considering the pressures that were on him. I compliment him for it.

Many do not know how long our staffs work on this kind of a resolution and how tired they get. I want to thank each one of them from the Republican side for all their effort, time, lack of sleep and devotion, leading off with Bill Hoagland, staff director; and Jim Capretta, Lisa Cieplak, Lynne Daghlian, Christy Dunn, Charles Flickner, Andrea Gatta, Melissa Longoria, Carole McGuire, Anne Miller, Roy Philips, Denise Ramonas, Cheri Reidy, Ricardo Rel, Austin Smythe, Bob Stevenson, Peter Taylor, and Mieko Nakabayashi, a Japanese intern who works in the office.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House, and the Chair appoints the following conferees, which the clerk will report.

The PRESIDING OFFICER appointed Mr. SASSER, Mr. HOLLINGS, Mr. JOHNSTON, Mr. DOMENICI, and Mr. GRASSLEY conferees on the part of the Senate.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I would like to make a couple comments on the bill just passed. As my colleagues know, I had intended to offer an amendment today which would have provided an extra $1 billion in the budget this year for special education. I had proposed to offer this amendment in recognition of the critical importance of these funds for schools and communities across the country.

Previously, Senator DODD and I offered a different amendment, which would have shifted $6 billion to function 500 for special education. Unfortunately, that amendment failed. For several reasons, my second amendment, which I offered on behalf of myself, Senator BROWN, Senator SIMON, and Senator SPECTER was never brought to a vote. Even though we would have had nearly unanimous support for the amendment from the members on my side of the aisle and several others on the other side of the aisle, I felt that for us to lose twice would be counterproductive to my ultimate goal of increasing Federal funding for education. Furthermore, I refrained from asking for a vote on my amendment due to the objections of the chairman and possibly the ranking member of the Budget Committee, as well as the chairman of the Appropriations Committee.

Thus, I would like to leave the record straight. On the Goals 2000 bill, which we will take up shortly, we had a 93-to-0 vote in support of fulfilling our commitment to funding 40 percent of the cost of special education.

Although neither of my amendments to this bill individually garnered the votes necessary to pass this year, it is interesting to note that if you put together the number of Senators who voted for the first amendment and the number who indicated they would have voted for the second amendment, we have close to the 93 Senators who voted for the original sense-of-the-Senate amendment. Clearly a majority of the Senate wants to do something about special education and education funding yet we have not been able to get agreement about exactly what should be done.

But I want to say to Members on my side of the aisle—and, like I said, their vote would have been nearly unanimous for my amendment—that I apologize for not having given them the opportunity to show their support. I just hope they will understand what our final goal is here. We are attempting to reorder our national priorities, in line with my amendment last year which passed by voice vote which expressed the sense of the Congress that we should increase spending on education by 1 percent of the total budget each year for the next 8 years. It is imperative that we increase our investment in education if we are ever going to meet the goals that we lay out in the Goals 2000 bill.

It would appear that the enthusiasm of our Members to do something in this area is there. Although I was not successful this year. I will continue to work hard for this goal in the future.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## GOALS 2000: EDUCATE AMERICA ACT—CONFERENCE REPORT

### MOTION TO PROCEED

Mr. MITCHELL. Mr. President, I move to proceed to the conference report accompanying H.R. 1804, the Goals 2000 education bill, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

### VOTE ON THE MOTION TO PROCEED

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Maine [Mr. COHEN], the Senator from Mississippi [Mr. LOTT], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 83, nays 12, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—83

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Cochran
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Harkin
Hatfield
Heflin
Helms
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Warner
Wellstone
Wofford

NAYS—12

Coats
Coverdell
Craig
Gramm
Gregg
Hatch
Hutchison
Kempthorne
Nickles
Packwood
Smith
Thurmond

NOT VOTING—5

Chafee
Cohen
Hollings
Lott
Wallop

So the motion was agreed to.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 1804) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of March 21, 1994.)

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Massachusetts [Mr. KENNEDY] is recognized.

Mr. KENNEDY. Madam President, I will take just a short while to outline the basic elements of the conference report, the essential aspects of the legislation. I hope, as the majority leader has stated, we will be able to move forward toward a resolution of this legislation which is enormously important in terms of its timeliness. Not only have there been allocations of resources in excess of $100 million which many schools have been planning to utilize as they move forward in their school restructuring, but also this legislation is enormously important as part of the administration's general program to try to bring greater focus, attention, and enhancement to the academic achievement of this country's children.

The administration has had a multifaceted approach in terms of education and investment in children in this country. It started with the expansion of the Head Start Program not only in resources—some $700 million—but also extending the Head Start Program down to 0 to 3, making it the earliest possible intervention, in order to build self-esteem and self-confidence.

I think all of us in this body know of the extraordinary record of the Head Start Program. The new reauthorization is going to reflect the recommendations that have been made in a bipartisan way and that the administration has endorsed—a number of very constructive, positive changes in the Head Start Program, a real enhancement of that program. What we are trying to do is expand and build on Head Start. We are trying to make sure that the Head Start Program fits more effectively into the K through 12 system.

We also are considering the reauthorization of the chapter 1 program that provides assistance to the disadvantaged children in this country. We are restructuring that program to take advantage of the lessons learned over the past several years. We are trying to bring out the best elements of chapter 1 programs. The chapter 1 program has not been significantly altered or changed since its inception. We have had extensive hearings on that program, and it really is the next item of education business for our committee. This is very important.

We have also addressed the issue of school to work transition, recognizing that about 70 percent of all of our young people do not go on to postsecondary education, and there is a disconnect between those who graduate and those who find early employment. We passed legislation—again in a bipartisan way—to address this particular educational challenge for many of our young people.

We also include in the President's program on national service the voluntary service learning programs for children in K through 12, so that they can be more involved and active in reaching out into their communities, in service to their communities.

The key element of all of this, of course, is to enhance the academic achievement of our children. In this legislation we encourage States on a voluntary basis to move toward opportunity to learn standards. We are also moving toward content standards and more effective kinds of evaluation of our children.

In this legislation we also establish an Office of Technology at the Department of Education—this is the beginning of a recognition of the importance of moving technologies into the classroom. We all understand that the future for our young children is going to have to involve new technology to a greater extent, and we must address the question of how to ensure that our teachers are going to receive the kind of training they need to utilize these technologies to train and educate our young children.

We also will see an enhancement of the chapter 2 program which will provide for the upgrading of skills for the teachers of this country.

In the area of higher education, we have moved toward a direct loan program which means that young people will be able to borrow at the rate that the Government can borrow. We hope that this will provide additional savings for many of the hard-pressed sons and daughters of middle-income and working families to go on to college.

We have also reached out to provide a service program linked to an enhancement of educational opportunity for our young people, If they do not have the resources to be able to afford college in their own right, they will be able to perform some service to the community and in return obtain assistance in terms of college tuition.

We also have included in our education program allowing students to repay their college loans as a percent of their income. That has not been out there for any period of time. Those young people that may be encumbered by the loans that they need to continue their education will now be able to go on into teaching, law enforcement, or some other kind of service program, and they will pay 5, 7, or 9 percent of their income for a period of time that will be sufficient to pay off their debts.

So this legislation is part of a holistic approach which I think is very, very commendable. A key element of all of this is Goals 2000, a bottom-up effort to bring about reform with support from the top down.

None of us believe that this legislation in and of itself is going to be the answer to our educational needs. But what we do know is that where we do provide help and assistance for school reform and school enhancement, following these general kinds of guidelines will lead to some very, very important advancement in terms of academic achievement.

Just 3 days ago in the hearings that Senator MIKULSKI and I held about the National Science Foundation, we heard about the support that their education programs have given recently to the State of Louisiana which was matched by the State of Louisiana following very, very closely the kinds of programs that are supported in Goals 2000. This has resulted in a significant advance in achievement of the 4th, 8th, and 12th grades in math, science, and other technical subjects.

We know what works. There is an important need for these kinds of initiatives. That is why this legislation is so important.

Four years after we began, Democrats and Republicans, House and Senate and administration, have finally come together on this legislation—Goals 2000—to change the way the Federal Government supports local schools.

Not long ago, a Boston teacher named Eileen Shakespeare said this to me:

> If I could ask you to take a single message back to Washington, it would be this: Please have a sense of urgency about what we are doing here with students, and help us.

All of us share that sense of urgency, and it has enabled us to overcome differing points of view and unite behind the common goal of helping communities across the country to improve their schools and meet the challenges of education reform.

The crisis in our schools is too serious to ignore. While we here in Washington have been debating the proper Federal role for the last 4 years, over 1 million students dropped out of school. Eighty percent of the prisoners in jails across the country are high school dropouts. Education is one of the most effective remedies for the difficult social challenges we face on many fronts. Education is a source of hope and opportunity for all young men and women in every community in America. It is the key to the American dream, but for too many children in too many schools across the country, the key no longer fits the lock.

In the years ahead, Goals 2000 will be regarded as a turning point in American education. The legislation before us lays out four far-reaching steps to stimulate education reform:

First, it provides support for locally developed plans for school reform. For the first time in history, the Federal Government will make grants not just for a specific program, not just to help disadvantaged students or special education students or vocational students, but to schools to help all students. The funds will be awarded competitively, and will flow through the States to ensure coordination and system-wide change.

Second, Goals 2000 encourages the development of content standards for courses, so that parents and local communities will finally be able to know what every student should learn in core subjects like English, history, mathematics, and science. The legislation also encourages the development of new ways to measure whether students are learning the challenging material that they should know. These standards will help to end the confusion about what parents should expect and what makes a good school—it is a school where all students are learning what the standards describe.

We will finally end the disconnect in attitudes that are so troubling about schools. Too many parents and communities fail to see the problems in their own schools. They think the failures in education are taking place in someone else's schools, when in fact the failures are happening everywhere.

Third, the legislation also speaks to teachers. Never before in Federal law has there been such an impressive consensus that dollars should be spent to help teachers, not just students. The essence of learning is what happens day by day between teachers and students in the classroom. Adopting standards alone will not ensure that students reach them. How subjects are taught makes all the difference in whether the subjects are learned, retained, and used. Unless we give more emphasis to the central role of teachers and give them the support they need, reform will fail and the schools will keep on failing.

Fourth, Goals 2000 provides greater and long overdue flexibility in the use of Federal dollars to support students and schools. By waiving regulations that impede reform, we are challenging States and schools to work together in their own communities to identify the reforms that fit their local needs and that will do the most effective job of helping all children to learn.

So we permit under certain circumstances the waiver of local regulations, State regulations, and Federal regulations so there can be greater flexibility at the local level which I think is something that is rather unique in terms of most programs. We do not obviously waive the requirements in terms of disability and some of the other requirements, but we do permit greater consolidation of many of the programs and greater flexibility.

The Goals 2000 initiative achieves these four goals through a process that ensures grassroots participation. In each State that receives funds, a broad-based panel will develop a comprehensive plan for school reform. This plan will include a State's high academic standards in core subjects, as well as new testing methods that accurately measure whether students are learning the material. The plan will also address the need for more support for teachers, and the need for waivers of rules that impede reform. Finally, the State must address in its plan the need to make sure every student has a fair chance to learn and attends a school with well-prepared teachers and up to date materials.

Most of the funds that States receive must flow directly to local school districts. The districts may use these funds to implement reforms in schools, or they may use them to support professional development for teachers. Local districts and schools will create their own reform plans that meet local needs and that are consistent with the strategy for overall State reform strategy.

The authorization in the legislation specifies $400 million for the current fiscal year, and is open-ended for future years. Because the current fiscal year is half over, only $100 million was actually appropriated for the legislation this year, and that will be enough to launch this new direction effectively.

The Clinton administration budget request for next year is $700 million, and for the following 3 years, $1 billion a year has been requested.

We all wish we could do more. But education is primarily a State and local responsibility. Our hope is that this Federal contribution will provide the much-needed seed money essential to enable local efforts to flourish and improve the Nation's schools.

Follow-on Federal assistance is on the way. Separate legislation reauthorizing the Elementary and Secondary Education Act will be enacted by Congress in the coming months. That measure will build on the framework for school reform that States and local governments will put in place under Goals 2000. In the current fiscal year, $6.3 billion has been appropriated for chapter I under ESEA, and the Clinton administration has requested $7 billion for fiscal year 1995.

It is all the more important, therefore, for Goals 2000 to be in place now, so that the schools across the country can begin to plan and implement their local reform plans and make the most effective use of these Federal resources.

Finally, Goals 2000 is a bipartisan bill and deserves strong support because national leadership on school reform requires cooperation from all of us. I especially commend my colleague on the Labor Committee, Senator JEFFORDS, for his impressive leadership. He has worked tirelessly, skillfully, and with great commitment to bring us to this point today. I also commend Senator PELL, who has, over the years, made so many contributions to this body and to our country, but whose single leadership in the area of education has been marked by its bipartisan nature and its effectiveness over a long period of time. I thank the majority leader, Senator MITCHELL, and Senator KASSEBAUM. Senator KASSEBAUM has been part of the bipartisan efforts we have made in education in the past. We are thankful to the majority leader for his persistence in assuring the young people, the children of this country, and the parents and the families of this country, that education is a strong priority in the U.S. Senate. The majority leader has been of great effectiveness in helping us move education programs forward. I thank Senator SIMON and Senator WELLSTONE, who were instrumental in working out a compromise with the House. Finally, I commend our colleagues in the House, Chairman FORD, Mr. KILDEE, Mr. REID, and Mr. SAWYER, who supported discussion and reasonable compromise every step of the way and led the House to a strong bipartisan vote of 307 to 120.

I urge the Senate to approve the conference report and to take this auspicious step toward redeeming our pledge of education reform.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Vermont [Mr. JEFFORDS] is recognized.

Mr. JEFFORDS. Madam President, I also rise in support of the conference report on Goals 2000. I thank my chairman for the tremendous effort he has made all through the years, and especially in this area, to try to bring this important piece of legislation before the Senate today. I thank Senator PELL who has been a mentor of mine for some 20 years now in the area of education, and for his help and work in that regard. I thank Senator KASSEBAUM, who has been very helpful in making sure that this report is one that can be supported by my side of the aisle.

I have spent much time over the last few days on budget matters, discussing the importance of education and the need for us to make an effort to solve the many problems that we have in our educational system.

We have tried during the consideration of the budget resolution to increase the amount of money available for education. I know there are a number of people that say money is not the answer. While I agree that it is not the total answer, I do believe that in order to improve the educational achievement of our youngsters, we do need to devote more resources to education.

Unfortunately, we were unable to expand the resources that will be available for next year. On the other hand, we did have a consensus by nearly all of the Members of the Senate that in the future we must find a way to increase the resources that will be available. There were two amendments—one that we voted on, and one that I know I had well over 40 votes for, but was not sure it would pass—but together we had nearly every Member of the Senate agreeing that we should be doing something to reallocate resources to high priority areas. All that is clear today is that we have not found a way to do it yet. Hopefully, after we pass the conference report on the Goals 2000, we will find a way to pull together the necesary resources.

This bill, Goals 2000, has been long in the making, but now is the time for its passage. If we do not pass it by April 1, we will lose another year, after having waited some 11 years after the landmark report "A Nation At Risk" to take any action at all. It has been 5 years since the Governors all met with President Bush and said: These are the goals we ought to pass. Now we are finally passing those goals. If we have to wait until later next month to pass this, the States and local school districts will have to wait another year to begin their planning process.

Both the report, "A Nation At Risk," and the Governors' meeting brought to the public's attention the problems plaguing American schools; low expectations for students, a watered-down curriculum, minimal requirements for graduation, and a shortage of high-quality, experienced teachers.

Let us be perfectly clear—we cannot delay action on this bill. If we do not pass it by April 1, we will lose another whole year.

Let me run through the goals so that people have a better understanding of what we are trying to do in this Nation. Goal 1 states that all children should enter school ready to learn. Yet, nearly half of the infants born in the United States begin life with one or more factors that place him or her at risk for future educational failure.

Goal 2 states that we want the high school graduation rate to increase to at least 90 percent by the year 2000. Today, almost 13 percent of all 16-to-24-year-olds are high school dropouts, including nearly 35 percent of Hispanic youths, and 19 percent of the African-American youths in our Nation. Of those that do graduate, we find that only 48 percent of those have the skills necessary to begin entry level jobs or to go on to college.

Goals 3 and 4 state that we want our children to demonstrate high achievement and to be first in the world in math and science. Yet, 75 percent of students in all grades failed to achieve even the basic level of proficiency in math and science. Clearly, we have a long way to go before our students will be ready for the competitive global marketplace of the next century.

Goal 6 states that every school in America will be free of drugs and violence. We know only too well how far we are from achieving this goal. The homicide rate for young black males increased 43 percent between 1987 and 1990.

Also, goal 5 indicates and shows how bad our educational programs have been in the past. We have now some 75 million Americans, adults, who are either functionally illiterate—that is, unable to be successful in entry level jobs, basic matters such as being able to fill out your checking statements—or are totally illiterate in the sense they cannot read nor write.

That is an incredible black mark on our society and one that we must do something about.

Make no mistake about it. These disturbing statistics are not about someone else's children and they are not someone else's problem. These are our children, our future work force and our future leaders. The quality of our public schools in America is directly related to the standard of living of each and every one of our citizens.

Our priority must be with our young people. If we do not pass this bill by April 1, we have dealt our children a terrible injustice. Certainly, the funds would be reallocated to cover the Pell grant shortfall, but we have already covered that expense in the budget bill we have just debated. Let that not be an element that would encourage you to not vote for the bill today. The debate on fully funding Pell grants occurred during the 1992 reauthorization of the Higher Education Act. As I recall, not one of my Republican colleagues joined me in supporting full funding of that important program. Now is not the time to make that choice for it will directly take from another effort which is equally important.

Passage of Goals 2000 is essential for it is designed to address those very issues that I have mentioned and set our Nation on course to meet the demands of the 21st century. The conference report upholds that commitment and generally retains the bulk of the Senate bill. Let me also remind my colleagues that this conference report is the vehicle for other important education provisions. Included within the conference agreement is the reauthorization of the Office of Educational Research and improvement, the Safe Schools Act, and new educational technology provisions.

Let me take a few moments to outline some significant provisions of the final compromise. Title I retains all eight of the national education goals as embodied in the Senate bill. I would point out to my Republican colleagues that almost all of the Republican amendments, 22 out of 26 I believe, have been maintained in this bill, I have gone out of my way to convince the conference committee to support the important amendments of my colleagues.

Title II makes changes to the existing National Education Goals Panel and the newly created National Education Standards and Improvement Council [NESIC] but completely retains the voluntary nature of the model national standards. The conference report reiterates that no State has to adopt or implement any standards in order to receive Federal funds under this act or any other Federal legislation.

Title III does contain changes, but ones that I believe are reasonable and should be supported. On the issue of opportunity to learn—this was a very critical one for Members on my side of the aisle—the conference agreement does two things:

First, it reiterates that the standards or strategies developed by States to provide students an opportunity to learn must be determined by the State, not the Federal Government.

Second, it adds new language which specifically asserts that the implementation of such strategies are completely voluntary on the part of the States, LEA's and schools and that nothing in the section is to be construed to mandate equalized spending or national school building standards.

I believe the changes to the opportunity to learn section reflect the sentiments of the Senate. The conference report makes clear that the implementation of opportunity to learn strategies is voluntary. It further makes clear that opportunity to learn need not be standards but indeed can be strategies developed by the State to best meet the needs of children within the States.

In Vermont, for instance, the State has developed a form of opportunity to learn. It is not a standard. It does not require that each school meet "input" requirements. Instead, it is a compact between the State and local schools to assist all schools in achieving high student outcomes. It is a collaborative effort. It is not punitive, but it is a strategy designed to examine what changes need to be made to enable all students to achieve. It outlines the shared responsibility of the State and local schools for the education of children within the State.

The conference agreement supports the very kind of effort and allows for State flexibility and innovation.

The conference report does require that a State—in its plan—show that it is establishing or developing content and student performance standards. I do not think anybody can argue that that ought not to be a State responsibility or a requirement. Data from 2 years ago show that 44 States have either implemented or are in the process of implementing these very standards, and I again point out no State has to do anything unless they want the planning money. Most importantly, the conference agreement provides that States, not the Federal Government, determine their own standards. The requirement to have a process in place does exist, but the contents and requirements of that process are not in the final agreement. In my mind, that is distinction that allows me to support the agreement without reservation.

And as a final measure, an overall prohibition on Federal mandates is contained in the final agreement. That paragraph reads that:

> Nothing in this act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency or school's curriculum, program of instruction, or allocation of State or local resources or mandates a State or any subdivision thereof to spend any funds or incur any costs not paid for under this act.

It makes it very, very clear we are not putting new mandates for spending in this bill.

To reiterate, this legislation does not establish a national curriculum, does not contain unfunded mandates nor attempt to micromanage the rightful role of States and communities in their educational decisions. On this issue the conference report is clear and reinforces the will of the Senate.

However, there are legitimate concerns raised by my colleague from North Carolina about the absence of school prayer provisions. While I was on the losing side on this issue, that is, I did not support the Senator from North Carolina, I do recognize that a majority of the House and Senate is on record supporting the provision. The House did not have any prayer provisions in its bill. This issue will be addressed during the reauthorization of the Elementary and Secondary Education Act for the House did include prayer language to that bill. Let us please not hold up this important legislation when we will have ample time for debate during the Elementary and Secondary Education Act reauthorization on the very emotional and important issue of school prayer.

Madam President, the situation in our schools is so serious that we must enact this bill and do much, much more. Some opponents may question the necessity of spending Federal dollars to accomplish State education reform. But as the experience of the eighties makes clear, even the most ardent reformers can fall far short of their goals if the tools at their disposal are not sufficient to overcome the obstacles in their way. And obstacles there are many.

Our schools must be able to identify these problems and deal with them. Enacting Goals 2000 is essential to the future of our children and the future of our educational system and the future of our Nation. Our outdated system is no longer adequate for our changing society. It is not producing the highly skilled and fully literate adult population that our society must have if we are going to meet the competition of the international markets as we go into the next century. I believe that Goals 2000 is the beginning of a renewed commitment of the Federal Government to improve the educational opportunities of our young people.

I urge my colleagues to join me in supporting this important piece of legislation.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Rhode Island.

Mr. PELL. Madam President, I want to express my strong support for the conference report which includes not only the Goals 2000 legislation but also the Safe Schools Act and the reauthorization of the Office of Educational Research and Improvement. The report, to my mind, is very important legislation and deserves approval by this Chamber.

There are several aspects of this legislation which deserve particular attention. The Goals 2000 provisions authorize more than $400 million to spur education reform at the State and local level. In exchange for Federal financial assistance, it asks the States, on a voluntary basis, to implement strong academic content and student performance standards.

While my own personal view is that we ought to have strong, even mandatory national standards, I recognize that this may not be a view widely held by my colleagues. In spite of this, I am encouraged that we are taking an important step forward in urging the States to develop content and performance standards. These voluntary State standards will set forth what students are expected to know and be able to do in subject areas such as English, mathematics, science, history, geography, civics and government, and the arts.

The content standards will be accompanied by performance standards which identify content achievement levels toward which all students are expected to work. The content and performance standards mean little if they are not accompanied by valid and reliable assessments. This is important if we are to know how our students are performing and what may be necessary to help overcome deficiencies.

I am equally encouraged that the voluntary content and performance standards have been linked to voluntary opportunity to learn standards and strategies in this legislation. Opportunity to learn encompasses the resources—resources such as qualified teachers, good instructional materials, and adequate school facilities—that are necessary if students are to have a level playing field on which to learn.

My own special concern was that opportunity to learn standards and strategies be closely related to content and performance standards. My colleague from Rhode Island, Mr. REED, was concerned that where schools were not reaching the high academic standards set by the State, then the State should lay out strategies to be employed to help those schools marshal the resources to turn the situation around. This was the basis of the compromise ultimately reached in the conference.

There are several other areas of personal interest to me where I believe we made good progress. In the educational technology provisions of the legislation, we establish an Office of Technology Training Transfer to bring technological advancements from other Departments of the Federal Government to the Department of Education and utilize or adapt them to educational needs. This is based on legislation I proposed and was enacted several years ago. That legislation, however, only authorized the establishment of the Office, this legislation actually creates the Office.

In the national leadership section of the bill, we require the Secretary to support model projects integrating content standards in various subject areas. It is important that we recognize that the arts, for example, can be used to help a child learn mathematics, and that science can be used to teach history. Content standards should be seen as part of a whole curriculum, and we should make a concerted effort to link and integrate those standards.

The conference report before us also contains reauthorization of the Office of Educational Research and Improvement, and I would call to my colleagues' attention the importance of those provisions. The legislation reorganizes the Office so that it will have a new focus. It establishes five new research institutes, including, for example, an Institute on At-Risk Children, and Institute on Early Childhood Education, and an Institute on Student Achievement, Curriculum and Assessment. These institutes are patterned on the model of the National Institutes of Health, and they cover what we believe are the major areas or issues in which educational research should be concentrated.

Perhaps most important, throughout the legislation we place a high priority on the dissemination of the results of research. One of our major concerns was that education research should reach beyond the laboratory or office where the research is done. If research in education is to have value, it must be utilized. It must be placed in the hands of teachers if it is to have a positive effect on teaching and learning in the classroom. That was a major goal of our reauthorization work, and I believe the legislation reflects the importance we attached to dissemination.

As a part of the OERI reauthorization, we also authorize a $10 million International Education Program. Directed at the emerging democracies in Eastern Europe and in the new nations that were once a part of the Soviet Union, this program recognizes the very real need for the United States to take a leadership role in exchange programs in two vitally important areas: civics and government, and economic education. Knowledge about the operation of our system of government and our free market economy is woefully lacking in these countries. Their success in sustaining a democratic system of government and in building a free market economy will be enhanced, to a great degree, upon their full and complete understanding of the two centuries of experience we have had in building, chancing, perfecting, and supporting our institutions of government and our free market economy.

We began working on the International Education Program well before the fall of the totalitarian regimes in Eastern Europe. We saw a need for this initiative then, and believe the need is even more pressing now. As provided in the legislation, the cooperation program between the Department of Education and the U.S. Information Agency is a most important undertaking. I remain very hopeful we will not only authorize it but also provide the funds to put it into operation.

Finally, the conference report includes the Safe Schools Act, the enactment of which is crucial. Today, one out of every five children carries a weapon to school. Tragically, this means that the schoolroom is no longer a safe haven for learning. The problem of violence in our schools must be addressed not only in terms of immediate protection for our children but also in strong education programs that teach our children that violence is not an acceptable means of resolving conflict. The situation with which we are not confronted is an intolerable one; it must be changed. We must act, and act now.

Madam President, from school reform, to educational research, to safety in our schools, the matters addressed in this conference report merit our attention and action. I applaud the President and the Secretary of Education for their leadership in proposing the original legislation, and in working with Congress to accommodate our concerns. I urge my colleagues to approve this conference report and send the legislation to the President for his signature.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

### SCHOOL PRAYER

Mr. KENNEDY. Madam President, on the school prayer issue, when the Goals 2000 legislation was before the Senate last month, we adopted three amendments dealing with prayer and moments of silent reflection in school. those amendments were offered by Senator HELMS, Senator LEVIN, and Senator DANFORTH.

The Helms amendment passed by a 75–22 vote. It provided that all federal education funds must be cut off when a State or local education agency has a policy of denying, or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis.

The Levin amendment passed by voice vote. It provided that Federal education funds shall not be denied to a State or local education agency because they have adopted a constitutional policy relative to prayer in public school.

The Danforth amendment passed by a 97–0 vote. It expressed the sense of the Senate that schools should encourage a period of daily silence for students for the purpose of contemplating their aspirations; for considering what they hope and plan to accomplish that day; for considering how their own actions of that day will affect themselves and others around them, including their schoolmates, friends and families; for drawing strength from whatever personal, moral or religious beliefs or positive values they hold; and for such other introspection and reflection as well help them develop and prepare them for achieving the goals of this act.

The House bill contained no provision of the subject. However, the House voted 345 to 64 to instruct its conferees to accept the Helms amendment.

In discussions with the House conferees, it became clear that a majority of them did not support inclusion in the conference report of the specific Helms provision or the two other Senate amendments. Instead, they proposed a compromise that recognized the strong support expressed by the Senate for protecting the constitutional right to exercise one's religion and for encouraging a period of silent meditation at the beginning of the school day.

The language, which they proposed and which the Senate accepted, is an appropriate effort to reconcile the various Senate provisions. The conference report provides that Goals 2000 funds may not be used by State or local education agencies to adopt policies that prevent voluntary prayer and meditation in public schools.

This language is substantially similar to the annual provision that has been included in Labor-HHS Appropriations Acts since 1981, which prohibits appropriated funds from being used to prevent the implementation of programs of voluntary prayer and meditation in the public schools. The amendment would permanently restrict Goals 2000 funds in a similar manner.

I ask unanimous consent that the specific language of the three amendments be printed in the RECORD at the conclusion of my remarks, along with the specific language of the Appropriations Act and the specific language of the conference report, so that all Senators can see them.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. When the Goals 2000 bill was before the Senate, I voted for the Helms amendment after Senator HELMS modified it to limit its application to constitutionally protected voluntary prayer. There are narrow situations where the free exercise clause guarantees students the right to pray privately and quietly to themselves, without disrupting class or avoiding their studies. The Helms amendment, as modified, required school board officials to honor the religious liberty protected by the first amendment.

At the same time, the specific language of the Helms amendment could be misused by some to encourage school board officials to permit religious exercises in situations where they are not constitutionally protected.

That point was clearly made to us in a joint letter by the American Association of School Administrators, the National Association of State Boards of Education, the National Education Association, the National PTA, and the National School Boards Association. As they state in their letter:

> On behalf of a majority of America's public educators, we are writing to urge you to drop from the Goals 2000 bill both the Helms and Levin school prayer amendments. These two amendments together place an untenable burden on school officials.
>
> We may differ on the constitutionality and desirability of some of the manifestations of school prayer addressed by these amendments. However, we are united in strongly opposing the use of a federal fund cut-off as a club with which to compel a uniform national policy.
>
> The Helms amendment is designated to protect the right of students to engage in 'constitutionally protected prayer.' Any school district failing to comply with this policy loses its federal funds. In a recent Washington, DC, press conference, the chief counsel of Pat Robertson's American Center for Law and Justice proclaimed that, when coupled with lawsuits, the Helms amendment would be a 'very, very important weapon' in their struggle against school systems.
>
> The difficulty, of course, is that no one knows with any certainty what constitutes 'constitutionally protected prayer.' The Fifth and Eleventh Circuits have reached dramatically opposed results on the constitutionality of prayer at school events

when approved by a majority of students. The Fifth Circuit held such prayer constitutionally protected, the Eleventh that it is constitutionally forbidden. Other courts and state attorneys general have likewise reached conflicting results.

Under the Helms amendment, school officials must guess at which answer is correct. Whatever they decide, they must of necessity either risk desperately needed federal funds or violating the constitutional rights of students. The risk is heightened because the Helms amendment prohibits not only policies directed toward prohibiting voluntary student prayer but which have the effect of doing so, a vague formulation which compounds the uncertainty for school boards. The Levin amendment poses somewhat similar problems.

We urge you to delete these amendments.

I ask unanimous consent that the full text of the letter be printed in the RECORD at the conclustion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 2.]

Mr. KENNEDY. The right protected by the Helms amendment is a profoundly important one. But the harsh remedy it would prescribe—a total fund cutoff—could easily distort the delicate balance required to protect the constitutional rights of those who wish to engage in prayer in schools, and of those who do not wish to participate. Local school boards, faced with the risk of a complete cutoff of Federal funds, would have a strong incentive to sacrifice the constitutional rights of religious minorities to accommodate the religious preferences of the majority.

These are difficult issues, and they are especially serious when children are involved. The reason we have a first amendment is precisely to provide constitutional protection for the rights of minorities against the overbearing pressure of majorities.

We have debated similar first amendment issues in other contexts. The Equal Access Act, passed in 1984, assures that religious groups have an equal right to use school facilities for after-school meetings. When that law was first introduced, it contâined a fund cut-off provision similar to the Helms amendment. Congress rejected that approach in the version that finally was enacted; it expressly prohibits the Federal Government from withholding school aid for violations of the act.

Similarly, the Federal laws banning race, gender, and disability discrimination in Federally funded programs do not permit—let alone require—a complete cutoff of Federal funds when institutions are found to discriminate. Fund terminations may occur, but only after a hearing on the record, judicial review, and persistent refusal by the institution to comply with the requirement. Even in those situations, fund terminations are limited to the specific program found to have discriminated.

Finally, there was a suggestion made on the floor yesterday that this provision was somehow slipped into the conference report. Let me state for the record that staff for all the Republicans on the Labor and Human Resources Committee, as well as staff for Senator HELMS, were presented with the specific compromise language that the House would offer on school prayer. They received it 2 days before the House offer was actually made. On each day of the conference, we stated that the school prayer issue remained to be resolved. Every effort was made to advise interested Senators of the issue and its consideration.

The conference report fairly and adequately addresses the school prayer issue. We have debated this issue many times in recent years, and in all likelihood we will be debating it many more times in the future. It is imperative that we pass the Goals 2000 conference report this week, to enable the $100 million in funds already appropriated to be used for this imnportant education reform. I urge my colleagues to support the conference report.

### SEC. 405. SCHOOL PRAYER

No funds made available through the Department of Education under this Act, or any other Act, shall be available to any State of local educational agency which has a policy of denying, or which effectively prevents participation in, constitutionality protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionality protected prayer in such in public schools.

### SEC. 406 DAILY SILENCE FOR STUDENTS.

It is the sense of the Senate that local educational agencies should encourage a brief period of daily silence for students for the purpose of contemplating their aspirations; for considering what they hope and plan to accomplish that day; for considering how their own actions of that day will effect themselves and others around them, including their schoolmates, friends and families; for drawing strength from whatever personal, moral or religious beliefs or positive values they hold; and for such other introspection and reflection as will help them develop and prepare them for achieving the goals of this Act.

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### SEC. 418. EDUCATIONAL AGENCIES NOT DENIED FUNDS FOR ADOPTING CONSTITUTIONAL POLICY RELATIVE TO PRAYER IN SCHOOLS

Notwithstanding any other provision of this Act, no funds made available through the Department of Education under this Act, or any other Act, shall be denied to any State or local educational agency because it has adopted constitutional policy relative to prayer in public school.

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### SEC. 1011. SCHOOL PRAYER.

No funds authorized to be appropriated under this Act may be used by any State or local educational agency to adopt policies that prevent voluntary prayer and meditation in public schools.

EXHIBIT 2

*March 10, 1994.*

Re: Goals 2000 (S. 1150/H.R. 1804)

DEAR CONFEREE: On behalf of a majority of America's public educators we are writing to urge you to drop from the Goals 2000 bill both the Helms and Levin school prayer amendments. These two amendments together place an untenable burden on school officials.

We may differ on the constitutionality and desirability of some of the manifestations of school prayer addressed by these amendments. However, we are united in strongly opposing the use of a federal fund cut-off as a club with which to compel a uniform national policy.

The Helms amendment is designed to protect the right of students to engage in "constitutionally protected prayer." Any school district failing to comply with this policy loses its federal funds. In a recent Washington, D.C. press conference, the chief counsel of Pat Robertson's American Center for Law and Justice proclaimed that, when coupled with lawsuits, the Helms amendment would be a "very, very important weapon" in their struggle against school systems.

The difficulty, of course, is that no one knows with any certainty what constitutes "constitutionally protected prayer."[1] The Fifth and Eleventh Circuits have reached dramatically opposed results on the constitutionality of prayer at school events when approved by a majority of students. The Fifth Circuit held such prayer constitutionally protected, the Eleventh that it is constitutionally forbidden. Compare *Jones v. Clear Creek I.S.D.*, 977 F.2d 963 (5th Cir. 1992) with *Jager V. Douglas County School Bd.*, 862 F.2d 824 (11th Cir. 1989). Other courts and state attorneys general have likewise reached conflicting results.

Under the Helms amendment, school officials must guess at which answer is correct. Whatever they decide, they must of necessity either risk desperately needed federal funds or violating the constitutional rights of students. The risk is heightened because the Helms amendment prohibits not only policies directed toward prohibiting voluntary student prayer but which have the effect of doing so, a vague formulation which compounds the uncertainty for school boards. The Levin amendment poses somewhat similar problems.

True voluntary prayer takes place every day in the nation's schools without objection. The question of student-led prayer at school events, which appears to be the target of these amendments, is currently in the courts. Several state legislatures are considering legislation to protect the supposed right to "voluntary student-led prayer." Under these circumstances, legislating a cutoff of funds aimed at improving the education of our youth, a cut-off to be administered by federal bureaucrats unschooled in the fine points of federal constitutional law, is a mischievous intrusion into the proper role of state and local educational agencies and the courts.

We urge you to delete these amendments.

Sincerely,

American Association of School Administrators, National Association of State Boards of Education, National Education Association, National PTA, National School Boards Association.

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[1] We note that in 1984, when Congress enacted the Equal Access Act, 20 U.S.C. §4071, it refused to include a fund cut-off provision, on the ground that it was too stringent a penalty given the constitutional uncertainties then surrounding the subject.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. GORTON. Will the Senator yield to me on the merits? I understand he is going to be here for some time.

Mr. HELMS. Pardon me?

Mr. GORTON. Will the Senator defer to a speech directly on this bill? I understand the Senator from North Carolina is going to be here for some time.

Mr. HELMS. Sure. Sure. May I ask how long the Senator will be?

Mr. GORTON. About 10 or 15 minutes.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, Goals 2000, in its present form, is seriously flawed but still represents at least a halting step forward in American educational policy. So this Senator intends with some reluctance to support the conference report.

Before I detail my reasons, I intend to take a moment to share with the Senate an incident that took place on Wednesday of this week in a high school in Seattle. This incident dramatizes our debate on education reform, and what steps are necessary to implement effective reform.

The day before yesterday a 16-year-old Ballard High School sophomore was fatally shot in a gang related drive-by shooting outside that school. According to the wire service report:

> Melissa Fernandes was standing with a group of about 10 students on a sidewalk on the north side of the school shortly after 1:30 p.m. when two cars sped past and one person opened fire with a handgun. A number of shots were fired, but it wasn't immediately clear whether the shots were aimed at the group or fired at random.
>
> The shooting came nearly 30 minutes before classes let out, but students said the conflict began at lunch. They said students and the occupants of the cars had argued and a weapon was displayed.

Melissa Fernandes died yesterday morning after several hours of surgery. A 16-year-old junior from another high school is the suspected gunman.

Sadly, according to the Seattle Times, "Police units had been called to the school about an hour earlier on an unrelated incident involving a gun * * * area residents said such violence has not been unexpected." Madam President, all too often these types of violent occurrences are "not unexpected."

In Washington state, violent crimes by youths have doubled in numbers in the past decade despite a 3 percent reduction in the youth population. The Washington State Survey of Adolescent Health Behaviors recently found that 15 percent of 6th grade students, and 25 percent of 8th, 10th, and 12th grade students said that they had carried a weapon to school. The same survey found that students who abused drugs and alcohol were much more likely to carry weapons to school.

In King County alone last year, 22 victims of homicide were children under 18. In 1992, 42 juveniles were victims of murder in Washington State, 22 of whom were child abuse victims. From 1991 to 1992, the number of gang-related homicides in the State jumped from 3 to 17. Nationally, in the last 10 years, arrests of juveniles for homicide offenses have risen 93 percent.

According to the National Crime Survey, each year nearly 3 million thefts and violent crimes—one crime every 6 seconds—take place on or near school grounds. The same study suggests that 67 out of every 1,000 teenagers suffer a violent crime each year.

Madam President, I have a strong personal stake in the debate over education reform. Soon, my wife Sally and I will be blessed with our sixth grandchild. And as a grandparent I am deeply apprehensive about their safety in our schools and on our streets. Perhaps here in the halls of Congress we can feel immune from what is going on in local communities back in our home States. But, Madam President, the threat of violence in our schools and communities is tragic.

While we in the Congress simply debate this issue, teachers and school officials have lost the ability and the right to control their classrooms. Violent and disruptive students who prevent others from learning cannot be disciplined effectively for fear of lawsuits.

According to the Washington State Parents and Teachers Association,

> Federal regulations make it difficult to create a safe, orderly environment in our schools. Educators are unreasonably hampered when they try to prevent or reduce violence. They find that federal regulations inhibit their ability to design and implement common sense discipline in their schools.

Violence is tearing our society apart and is destroying education opportunites for America's youth. Madam President, it is time we take the steps necessary to regain control of our Nation's school.

This call for reform came through loud and clear earlier this year at a statewide education conference I held in Fife, Washington. At that conference I listened to the concerns of almost 200 parents, teachers, principals, students, business people, and other community leaders. The desire for true education reform and need for Federal leadership on this issue was unmistakable.

To my surprise, I found that the primary concern of those attending was not specific goals in mathematics, science, English, and the like, or even the fiscal problems of the schools. Rather the first concern was the growing problem of violence in our public schools. Accordingly, in order for educators to deal effectively with the violence, and indeed in order to address a number of pressing education issues, the participants told me that it is necessary to get the Federal Government off the backs of local educators and let them do their jobs.

In an effort to address these concerns, I offered an amendment during the Senate consideration of Goals 2000. It stated simply that no Federal law or regulation could restrict the disciplinary rights of school authorities over criminal or violent acts on the part of students on school grounds. After some debate and a few modifications, the Senate unanimously agreed to this highly reasonable provision to return power to schools to deal with criminal and violent behavior.

The amendment was drafted as the direct result of suggestions I heard at my education conference. Teachers, parents, and students asked me to fight for legislation to give schools and local communities the flexibility to enact and implement appropriate discipline policies. It had the support of the Washington State PTA; the Washington Association of School Principals and their national affiliates, the National Association of Elementary School Principals, and the National Association of Secondary School Principals; the Washington State Educational School Districts; and the Washington State School Directors' Association. These groups work with our children every day and understand the critical need to provide a safe learning environment.

The message was unmistakable—if educators are not allowed adequately to address the problems of violent and criminal behavior in their schools, the value of other reforms will be sharply diminished. If a school receives money under Goals 2000, it ought to be able to use that money for programs to restore discipline and reduce violence in our schools and our communities. It should not be second-guessed by Washington, DC bureaucrats, or constantly harassed in the courts. It is time the Government makes youth violence a top priority.

In response to concerns raised by Members concerned with the rights of the disabled, the amendment was modified to exempt individuals protected by Federal disability and civil rights laws. I agreed to this modification in good faith and the amendment was accepted without opposition.

It is, therefore, particularly frustrating that after making significant changes in the youth violence amendment, changes that local educators felt would weaken its effectiveness, the Senate conferees agreed to drop this provision from the conference report. Having had my amendment so treated, I understand and share the frustrations of other Members whose amendments were treat likewise, including the senior Senator from North Carolina—namely the amendment protecting school prayer that was passed by both Houses. Even though it passed the Senate by a vote of 70 to 22, with my support, it was nevertheless removed from the final version of the bill.

My frustrations are not entirely based on the fact that these amendments were dropped. Rather, I am concerned because it was the opinion of the majority of the Senate that these provisions were important improvements that would further the goals of the legislation.

The conference committee did not entirely ignore the issue of youth violence. It papered over the problems by including nonbinding report language instructing the Secretary of Education and the Attorney General jointly to undertake a study of the scope of disciplinary measures available to school districts and schools under State and Federal laws for dealing with violent behavior on school premises. They will also review the types and sources of information on prior convictions and pending arrests for violent offenses and other matters pertaining to possible criminal and violent student behavior. The study is to identify any changes in law necessary to provide schools and school districts with appropriate information.

Madam President, we do not need another study. We do not need a long and ineffective study to know that our schools are not able to discipline or control violent and criminal students. Members of this body only need to take time out of their busy schedules, as I did, to sit down with parents, teachers, and children and listen to their fears and concerns about violence. That violence is taking place right now. It should not wait for another 2 or 3 or 4 years to be addressed.

Reaslistically, we cannot assume that better discipline at Ballard High School would have prevented the tragic incident that occurred on Wednesday. But we know that it can help prevent or control behavior that now goes unchecked. We must regain control of our classrooms now. We can begin by giving the authority to school officials to do their jobs.

This Senator does not consider this matter closed. On behalf of parents, teachers, and students, I plan to continue efforts to pass legislation once again to make it safe to walk the halls of our public schools. When the next education bill comes before the Seante—and it will be soon—I will offer my amendment again, perhaps in even a stronger version. The next time I do offer this amendment, Mr. President, the entire Senate will go on record an vote either for giving educators the ability to deal with violence in the public schools or for the status quo.

Mr. KENNEDY. Will the Senator yield just on that point?

Mr. GORTON. Yes, he will.

Mr. KENNEDY. Madam President, the point that was raised by the Senator from Washington is a very serious one, and there was a strong desire by the conference committee to accommodate the Senators who, I think, generally expressed, as we talked during the course of the debate, the points that were made.

In the conference, there had been some discussion from other Members that had been involved in the shaping of the legislation—the House Members—about the disparity that exists in different States in terms of age and how they deal with juveniles and juvenile offenders.

There was a review of the different State rules and regulations that are focused on juveniles. We were not able, given the disparity of those issues, to try and find a way through the various conflicts with regard to what information is revealed and what is not. It is not because there was not a desire to address the issue.

What we did do, since this is not an area that we felt a particular degree of competency in, is to ask the Department of Justice and the Juvenile Delinquency Division in the Department of Justice and the Department of Education to meet on this and to report back on the best way we could address the issue.

The fact that we did not include it in the conference report in no way demeans the seriousness with which we considered it. We would be more than glad to work with the Senator from Washington on this particular issue. There was a genuine sense among the members of the committee that we ought to try and find some way to address it.

I want to assure the Senator that we will be glad to work with him. I will be glad to join with him in a letter to the Attorney General, as well as the Secretary of Education, to try and expedite it so that we may have some kind of recommendations.

What we are asking for is a series of different recommendations so that people could look at the pros and cons of different provisions and so that we, or other Members, would be able to address it.

We specifically noted the intent of the conferees to request the Secretary of Education and the Attorney General to undertake a study of the scope of the disciplinary measures available under State and Federal laws to school districts and schools in dealing with violent behavior in school—the types and sources of information concerning, among other things, prior convictions and pending arrests for violent offenses, information that schools and school districts should have access to in order to minimize violent behavior on school premises. They should identify any changes in the law necessary to provide school districts with that information.

So I want to give that assurance, certainly from my point of view. I hope a series of recommendations will be available for us by the time we get to elementary and secondary education so we can carry through the spirit of this provision. I understand the Senator thinks that there are other ways of doing it. We are serious about trying to find a responsible approach to what I think is a very legitimate problem.

Mr. GORTON. Madam President, I thank the Senator from Massachusetts for his thoughtful and detailed explanation. But, I should like to say that that explanation itself is the problem. What in the world are we doing saying that the Attorney General of the United States should make this determination? These incidents of violence and disruption are taking place in our schools every single day all across the United States of America.

Of course, there are differing responses to this kind of challenge from one State to another and from one school district to another. There ought to be different responses to that kind of situation. But from this Senator's point of view, I am much happier to leave the problem in Ballard High School to the Ballard High School and Seattle school district authority, and the problems in Cape Cod, MA, to school authorities there. They do not need the Attorney General and the Secretary of Education to tell them what their problems are. They know what their problems are and they know how to solve them.

Why is it that we seem to think that all wisdom resides in a group of bureaucrats and lawyers in Washington, DC, and none at all in the people who are actually running our schools? I look forward not particularly with bated breath to this report. I doubt that it will say very much. I hope that it is here before the Senator from Massachusetts brings the elementary and secondary education bill to the floor, because this amendment is going to come back then. Our schools and our school authorities need help now, and the help they need is the authority to do their own jobs without being interfered with from Washington, DC.

That is the difference between us and a handful of conferees meeting in a very, very safe and hidden room in the Capitol of the United States. They can take their time. They can be patient. They can call for studies. But we are not going to provide the proper educational atmosphere for our students until we restore authority to our school authorities to do the job that they need to do.

While I am frustrated with the process that accompanied the final draft of this bill, I still believe that it should move forward. After talking with local education officials and parents in Washington state, I have come to believe that the overall good in the Goals 2000 bill outweighs the loss of this important provision on youth violence.

Two other proposals that I offered and were attached during the Senate debate of Goals 2000 were retained by the conference committee.

At my education conference, students from all parts of my state were not only in attendance, but were active participants. In fact, Madam President, I found some of the student suggestions and statements to be most insightful. Few businesses would last very long if they did not pay close attention to the needs and concerns of their customers and take those thoughts to heart in their operations. Similarly, we cannot further education reform without the input of education customers—the students. Accordingly, I offered an amendment to ensure that students are represented on the State education improvement councils. The spirit of this proposal was retained by the conference committee.

One of the most cost-efficient education programs in the country is the Star Schools Program. The Star Schools Program and other distance learning consortia provide education to rural areas by way of satellite. If we are truly to move forward in education reform, we must be led by those who are already succeeding. On January 7, 1994 I participated in a Star Schools Program. My voice and picture were up-linked from the Seattle School District studio. The transmission was then down-linked to five States and more than 169 sites in Washington State. Students were able to call in and ask me questions about youth violence, education, and politics. I talked to students from all over the State, including Bellingham, Colville, and Vancouver.

I was so impressed with this experience that I felt obligated to further the goals of this worthy and cost effective program. My amendment ensures that members of this successful program are included in the development of the national long-range technology plan. The inclusion of Star Schools has greatly improved the Goals 2000 legislation.

In addition to my amendments, the conference report contains other provisions to ensure a greater amount of local flexibility and less Federal interference.

At my education conference, attendees told me that local schools are in need of financial assistance to start the reform process. This bill provides financial assistance to States and local educational agencies to develop and implement voluntary reform standards and to coordinate their reforms with schools across the country. It is important to repeat that these reform standards are completely voluntary and will not be used to determine funding decisions for any other Federal program. States are to develop their own standards and implementation plans and to share them with the council and the Goals panel for its review and suggestions. Several provisions in this bill also require that between 60 and 90 percent of the funds in a grant be expended at the local level.

In order to avoid excessive Federal entanglement in primary and secondary education, the conference report retains the Senate provisions that specifically prohibit Federal mandates on equalized spending per pupil or national school building standards and includes general prohibitions on Federal mandates, or the direction and control of local school and education districts.

This point should be made clear. This bill does not authorize a Federal takeover of education decisions made by States or local schools. The implementation of standards are to be developed by the States and local educational agencies on a voluntary basis in order to address the specific needs of the States and localities. This bill does not require States and localities to implement any learning standards and specifically prohibits the use of these funds for 5 years for assessments that would be used to make decisions on graduation, grade promotion or retention of students.

Flexibility is a key issue for educators and parents. Far too often a handful of Federal dollars come with strings that tie the hands of local educators and prevent them from effectively using their resources for the greatest benefit to their students. This bill provides authority to the Secretary of Education to waive Federal laws and regulations that may hinder education reform efforts. A request for waivers from restrictive Federal regulations was another provision that was specifically requested by the local educators at my education conference.

In order to encourage greater parental and community involvement in reform efforts, Goals 2000 includes provisions to require local education agencies and states to solicit input from the community and take that input into account during the development of their reform plans. It expands protections for students and parental rights by providing them with specific protections against intrusions into their constitutional rights of privacy. The bill specifically states:

> All instructional materials, including teachers' manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program shall be available for inspections by the parents or guardians of the children.

The bill requires prior parental approval before students are subjected to certain types of surveys, analyses, or evaluations. This gives parents and students specific guaranteed protections for their rights and beliefs.

Madam President, the Goals 2000 legislation moves the education reform debate forward in a manner that is more positive than negative. I do not believe, as some Members do, that this bill is a perfect answer to the grassroots pleas for education reform; it does however, develop a framework under which local education reform can advance in a positive manner.

We in this body should not be overly optimistic that this one relatively modest sum of money will overhaul America's weakened public education system. True education reform will not happen at the Federal level; rather, it will only occur at the local level where parents, students and educators have the most input. It should be the role of the Federal Government to encourage and assist these reforms, but not to control the content or structure of these reforms. There are more reforms that need to take place and we should be prepared to assist the States and local educators in implementing those reforms.

Thus, while I do not support this bill wholeheartedly, I do believe that it is important for the Congress to move forward in developing an infrastructure that will assist the States in the reform efforts. I vote for this bill on behalf of the many people of Washington State who so desperately want to see a change from the status quo in the way our public school systems are run.

The PRESIDING OFFICER (Mr. CONRAD). Who seeks recognition?

The Senator from Indiana.

Mr. COATS. Mr. President, I do not think any of us anticipated we would still be debating at the beginning of this Easter recess. I regret that we are, and I know many Members regret we are. Many have had to cancel plans made long ago. I had plans I made a year ago which I reluctantly canceled this morning.

That is the nature of the way the Senate works, and we all understand that. The one issue that has kept us here is an issue involving school prayer.

Members will recall that we had extensive debate on that when the Goals 2000 bill came through the Senate initially. The core amendment was one offered by Senator HELMS, which was modified by Senator PACKWOOD from Oregon. That amendment, as modified, was accepted and supported by 75 Members of the U.S. Senate.

The language said that, "No funds made available through the Department of Education under this act or any other act shall be available to any State or local educational agency which has a policy of denying, or which effectively prevents participation in constitutionally protected prayer"—that is the key phrase—"constitutionally protected prayer in public schools by individuals on a voluntary basis."

So, any individual or student exercising their first amendment rights of freedom of expression of their religion or of their faith, if it was done on a voluntary basis, and if the action was constitutionally protected—that is, the courts had ruled that that particular action was acceptable under first amendment prohibitions against church and State interference—that would be allowed.

The amendment includes an additional clause which I think is important because it prohibits the United States or any State or any local educational agency—in other words, any governmental entity—it prohibits that entity from participating in that prayer, requiring anybody to participate in that prayer, or to influence the form or content of that prayer.

In other words, keep the State out of it. Keep this strictly voluntary. But do not deny—in fact it would be unconstitutional to deny—an individual the right to freedom of expression of their faith and religion, and in an attempt to state that any school agencies or districts or governmental authorities who prevented that would lose their funds under grants or distribution through the Department of Education.

So, as I said, the Senate, after some lengthy debate with alternatives and others, finally voted on that core amendment, and 75 Members of the Senate on a bipartisan basis agreed to that language.

In fact, Senator KENNEDY as chairman of the House Labor and Human Resources Committee, and directing the efforts on the floor, indicated that it was an acceptable amendment to him. I quote from the RECORD in which he said:

> This amendment has been changed now for constitutionally protected speech. Basically we are just saying if the school board is going to violate that as a matter of policy, it would be ineligible to receive money under this provision. As one who has supported that position with regard to race and religion and disability, I think the amendment is not inconsistent with that policy. So when the time comes to vote, I will vote in favor of the amendment.

When the bill went to conference with the House to be reconciled between the two differences in the bill on a whole number of measures, that amendment adopted by the Senate was changed. The House did not include similar language. But the House wanted the conferees to accept the Senate language. And, in fact, they went through a procedure called "a motion to instruct." And they actually had a vote on the matter which essentially said we instruct our representatives of this House in the conference to agree to the Senate language. That vote was 367 to 55.

So there can be no question that the amendment, as proposed by Senator HELMS and modified by Senator PACKWOOD, enjoys solid majority bipartisan support in both the Senate and the House of Representatives.

Most of us thought at that point the battle was over; that given the statements that were made on the floor, given the vote that was taken here in the Senate and the vote that was taken in the House of Representatives, that the language which we adopted would be included in the Goals 2000 bill.

Unfortunately, it was not. It was stricken, and a substitute was made, a substitute that many of us feel is totally inadequate. It is far more limiting. It deals only with withholding funds from school districts or educational agencies; from implementing a policy to deny that prayer. But it does nothing with those schools which are already enforcing the policies. For those who say, "Oh, well, that does not make any difference," it makes a very, very substantial difference.

As Senator LOTT indicated on the Senate floor during the debate, a voluntary prayer in the Mississippi school, and I quote that prayer by a student on a voluntary basis:

> Almighty God, we ask that You bless our parents, teachers, and country throughout this day. In Your name we pray. Amen.

That prayer was deemed offensive. That prayer was deemed out of bounds. That prayer was stricken, and that student who offered that prayer was suspended.

The principal of that school, which was Wingfield High School in Jackson, MS, essentially said that he saw nothing wrong with that prayer, and he was suspended. Students from that school in protest of those suspensions were subsequently suspended themselves.

So for an individual student to state a prayer which said, "Almighty God, we ask that You bless our parents, teachers, and country throughout this day. In Your name we pray, amen," we had the suspension of that student, the suspension of the principal of that school, and the suspension of students who protested that. That then led to a rally at the statehouse in Jackson, MS, where 4,000 people arrived and basically said, "This is crazy. This is the denial of the individual rights of freedom of expression guaranteed under the Constitution."

So the Senate was dealing with that type of issue. Those are policies that are being enforced throughout the country.

I have a list here of cases that are now in the courts brought by students who have been denied their right to free expression of their faith.

J.J. Music from Prestonsburg, KY, is a sixth grade student who was denied the right to pray with friends before school, not in class, but before school.

Eileen Unander of Champagine, IL, was denied the right to participate in a "See You at the Pole" type of activity, which was an activity which took place in some of our public schools around the country on a designated time at which they met at the flagpole before the school day and joined in prayer for their school, their teachers, or whatever. Case was brought. That individual was denied the right to participate in that particular activity.

Becky Renshaw of Kremmling, CO, has been told not to mention the word "Jesus" in school.

Nathan Lewis of Hatfield, PA, was selected to speak at the graduation but they said he cannot offer a prayer as part of his speech.

James Amyx of Brodhead, KY, is a student who was denied the right to plan a prayer at graduation, and he has been further threatened with denial of the right to pray with other students before school if he pursues the graduation issue further.

Adam Grecco of Derby, CT, was a student denied the right to speak to another student about God at school.

These are all cases now in the courts.

Bethany Null of Panama City, FL, was a special education student who was told she could not pray over her lunch.

And on and on we go as school districts, educational authorities, and others are simply denying this right of freedom of expression of faith in a public school on a voluntary basis without any teacher coercion, without any State coercion, without any State influence as to what that prayer might be.

That is what Senator HELMS and Senator PACKWOOD were attempting to address when they offered this amendment. That is what the Senate agreed to. That is what the House of Representatives agreed to in an overwhelming fashion, 367 to 55 in instructing their conferees. Yet we enter a conference and suddenly the bill came back with substitute language, which most of us feel is totally inadequate to address the situation.

So people are saying, how can it be? How can the Senate vote by a 3-to-1 margin, almost 4-to-1 margin and the House vote by a 4- or 5-to-1 margin to do the same thing and the conferees, the people selected to reconcile the two bills, come back with something entirely different?

Senator HELMS has protested going forward with this bill because of the actions that were taking place that were contrary to what the majority of this body and the majority of the House of Representatives sought to do. He has, on many occasions, invoked his rights as a minority Member to filibuster or to delay consideration of legislation, because he did not agree with what the majority was doing. That is certainly within his rights, and probably every Member of the Senate has done that at one time or another.

But what Senator HELMS is doing this time is not filibustering because he does not agree with the majority; he is filibustering because a minority has contravened and intervened and denied the rights of the majority. It is their right to do that. They can meet in conference and strike that language. It is not representative; it is not indicative of or carrying forward the wishes of the majority, which they are supposed to represent; but that is what was done.

So we have an interesting reversal here, an interesting flip-flop. We have a Member of the Senate who is filibustering, not to protect the rights of a minority or his own individual rights; we have a Member filibustering to try to protect the rights of the majority.

I suggest that there is a very substantial difference between that type of filibuster and the type of filibuster designed to protect the rights of the minority. It is the majority of the Senate and majority of the House of Representatives, by a very substantial margin, that wants the Helms-Packwood language left in this Goals 2000 bill. It is only a minority that does not want it. Unfortunately, that minority controlled the conference.

Senator HELMS has talked about the procedures of the conference, how the issue was not debated for more than 60 seconds at a time at all, and was done right at the end of the conference. I do not believe it had a fair hearing at the conference. I was not there. In fact, I was on the way to that conference, because I was told that that is when we were going to take up the prayer issue, which was my main concern. I met my aide halfway there, and she said, "It is done, the conference is over." I said, "What about the prayer amendment." She said, "They dropped the language and added something else and did it all in 60 seconds."

So I think many of us feel that we did not have a fair shot at this. The only way we are going to get a fair shot at this is to deny the minority the right to push this thing through, which I think is in direct contravention to the vast majority of us who supported and voted for this.

I regret that we are in this situation. I regret that Members are left here when we should have finished last evening. I regret it partly because I have had to change my own plans—something I had planned for a year. I know other Members have other considerations. But the reason we are here is not because Senator HELMS or any other Senator is trying to defend a position that is not shared by the majority. The reason we are here is because a very small minority is trying to have their way and deny what the majority has already agreed to do. That is significantly different than what we normally encounter during a filibuster situation.

So it appears that we are going to be here debating until at least 12:01 a.m. Saturday, and perhaps beyond that. That is the unfortunate situation in which we find ourselves. I regret it, and I know other Senators regret it. But it was not a minority that put us here. We are trying to defend the rights of the majority, which have been denied by the result of this conference.

I yield the floor.

Mr. KENNEDY. Mr. President, I will not take much time to comment in addition to what I mentioned earlier. Of course, my good friend from Indiana failed to mention that there were other provisions relating to school prayer that were included in the Goals 2000. The Helms amendment was accepted 75-22. The Danforth amendment was accepted 97-0.

Let me read the Danforth amendment. It expresses the sense that:

> The schools should encourage a period of daily silence for students for the purpose of contemplating their aspirations, for considering what they hope and plan to accomplish that day, for considering how their own actions of that day will affect themselves and others around them, including their schoolmates, friends, and families, for drawing strength for whatever personal, moral, or religious beliefs, or positive values they hold, and for such other introspection and reflection as will help them develop and prepare them for achieving the goals of this act.

That is what the Danforth amendment said.

The Helms language is:

> No funds available through the Department of Education under this act, or any other act, shall be available to any State or local education agency which has a policy of denying, or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary base. Neither the United States nor any other local education agency shall require any person to participate in prayer or influence the form or content or any constitutionally protected prayer in such schools.

Mr. COATS. Will the Senator yield?

Mr. KENNEDY. I will yield in just a moment.

The LEVIN amendment says:

> Notwithstanding other provisions of the act, no funds available through the Department of Education under this act, or any other act, shall be denied to any State or local education agency because it has adopted a constitutional policy relative to school prayer.

Those are three different amendments. So we come back in the conference report with this language: No funds authorized to be appropriated under this act may be used by any State or local educational agency to adopt policies that prevent voluntary prayer and meditation in public schools.

You have three different languages, three different amendments. At the end of the day, we come back and say:

> No funds authorized to be appropriated under this act may be used by any State or local educational agency to adopt policies that prevent voluntary prayer and meditation in public schools.

I would think that Senator Danforth, whose amendment passed 97-0, would be up here saying: Look at my amendment and look how that passed by even greater support than the Helms amendment. Or we might have Senator LEVIN saying: Why did we not take all of this language? Well, I have read the language that we did take.

Finally, as the Senator knows—or should know—there was a very divisive issue that was before the conference: opportunity to learn standards. At several times during those negotiations, there was every likelihood that we would not come back with a conference report.

If we had been unable to address that particular issue, there would have been no conference report. Therefore, the Members from the House and the Senate said, let us see if we are even going to have a bill before we start talking about the three school prayer amendments that we have in there, about the fact that the House legislation did not include any, and about the issue of the instructions to the House of Representatives. That seemed to be a reasonable way to proceed.

As I have outlined on other occasions, the questions on the notifications on different matters, the distribution, the 2 days before are different language.

With all respect, my good friend from Indiana never came to me at any time and said, "Look, before we take this up, I want to be heard."

The Senator from Pennsylvania, Senator SPECTER, came to us with regard to the issue of private management. He wanted to be able to attend our conference when his amendments were coming up—and he did appear at our conference. We accord that kind of comity.

I know the Senator from Indiana was interested in this issue, but we had gone on in conference for a very considerable period of time. He cannot find any place in that record or any other place where he said, before we finally resolve, I would like to have this issue addressed. Congressman MILLER did it with regard to the Dorgan amendment on guns—he came to the conference. We waited a great deal of time to accomodate him. Congressman WILLIAMS wanted to have an opportunity to address the issue. We accommodated staff that indicated that their Members wanted to be represented at the conference.

Quite frankly, I know this is a complex and a difficult issue and, eventually, as pointed out, the Senate is going to have the opportunity on the Elementary and Secondary Education Act to revisit the issue, and that, obviously, would be an opportunity for the Senator and the Senate to resolve it.

Given the fact that we can resolve this issue in a few weeks on the next education bill that comes up, or on any other bill that comes up prior to that, because anybody can offer this amendment under the Senate rules at any time, it ought to be clear that we should not do it now.

If we do not pass this legislation now, there will be significant loss of funding to the Members' States. For example, the State of Indiana will lose, it is estimated, some $13 million over the next three years in education reform funds. This is not to say that money is going to answer all the educational needs of any of our States, but there is no question that some financial assistance can make a very big difference. Matched with the extraordinary generosity of Ambassador Annenberg of some $500 million, Goals 2000 will provide much-needed help to States and local communities that are trying to make progress. This is a very important time for educational reform.

I appreciate the comments of the Senator, and I know they are made in good faith, because the Senator is too good a friend and I have too much respect for him to conclude otherwise, but I do think there is another side to the issue.

Mr. COATS. If the chairman will yield, I would like to respond to a couple points.

Mr. KENNEDY. I am glad to yield the floor and respond to the question. I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, in response to a couple statements made by the Senator from Massachusetts, let me just state that, first of all, in looking back over the chronology of the conference meetings on the Goals 2000 measure, the first meeting was held on Tuesday, March 15, at 10:30 a.m. That was the first members meeting. And like the first members meeting of the conference, it was just general discussion, and that is what took place.

They reconvened at 3:30. The members meeting resumed. I had a conflict, so I asked my staff if they would contact Senator KENNEDY's staff and inform both Senator KENNEDY's staff and Senator KASSEBAUM's staff—Senator KASSEBAUM was the ranking member on the committee—that the language suggested on the prayer was unacceptable to me and inquiring whether or not there would be debate on the prayer amendment.

The answer was they were not sure, and I advised my staff to please let me know since I had a conflict to let me know if that came up, and it did not come up at that particular meeting.

Next day, on March 16, on Wednesday at 11 a.m., my staff inquired of Senator KENNEDY's staff when the school prayer issue would be debated.

We were informed at that time that it would be debated that afternoon. Again, because I had a conflict, I said that is the issue I am interested in and it is not going to be debated in the morning. I will wait until the afternoon. We informed Senator KENNEDY's staff that we wanted to raise the issue of school prayer. At 2 p.m., that afternoon the members conference resumed. The school prayer issue was not debated again. That was at the time when the Republicans were meeting with Senator DOLE at a Republican conference to discuss a number of issues of strategy and legislation.

On Thursday, the next day, March 17, then at 1:30 p.m. the final members conference was held. Our office was notified of that final meeting that morning. I was hosting a luncheon down in the Senate dining room. I said I would get there just as quickly as I can, and I excused myself from that luncheon early and was on my way to the meeting when my staff aide informed me that the conference was concluded.

Now, Senator KENNEDY is correct when he says that I did not personally indicate to him that I had an interest in this particular issue. I have a long history of involvement in respect to school prayer, certainly Senator KENNEDY would have known of my interest in that particular issue. But I am somewhat remiss for not directly talking to him and saying I do not want the conference closed without the opportunity to come over and debate it.

I was, as I said, on my way to do just that when I learned that the conference was already closed.

I can assure the Senator that in the future this new junior Senator has learned a lesson and I will communicate directly with him on issues that are important, and this clearly was an issue that is important to me. I will do that in the future.

In another related matter, Senator KENNEDY indicated that the Helms-Packwood amendment was not the only one that was adopted, and that is true. Senator Levin had an amendment adopted and Senator Danforth had an amendment adopted, but neither of those was included in the Goals 2000 final conference report either.

I guess my question is the Senate voted overwhelmingly on three separate amendments relative to school prayer. Of course, we all knew the Helms amendment was the one with teeth in it and the one with the core amendment. But what came back was an amendment not debated and not voted on by the Senate, the three that were not brought back. They were dropped.

It seems curious to me that the three that the Senate indicated an interest in did not make the final cut. The one that the House indicated overwhelming they wanted their conferees to support and the language that they wanted in the bill that did not make the final cut.

What came back was something that neither body wanted. In fact, the House in its debate on the Elementary and Secondary Education Act voted on language identical to the Helms-Packwood language. They voted 345 to 64 to put that language in that bill. And that was after a vote came on language offered by Representative PAT WILLIAMS which is exactly the language brought back to us here and now incorporated in this bill. They rejected that language 171 to 239. The House labeled it as do-nothing language.

So it just seems curious to me that the language which the Senate clearly wanted and the language that the House clearly wanted was rejected. What was substituted was the language that the House clearly rejected. That to me does not represent a conference that heeded the wishes of the strong majority of either body and I think that is what has put us in this unfortunate situation.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will just take a moment.

Mr. President, Senator COATS and I have remarkably talented, gifted, and wonderful staff. If there is some misunderstanding on this, then I am prepared to recognize that. I have a somewhat different report from my people, but I do not think we in this body want to go into this.

I just say I regret that I had no personal knowledge. In the time that I have been here in the Senate, some 30 years, when notified by a Member or staff that a particular Member wanted to be heard on a measure, I have always accommodated that request. I think the record will demonstrate it.

It is true that we met at 1:30 in S–116 right outside of the dining room here. To the best of my knowledge, we were in there about 40 minutes or so. But, nonetheless, I appreciate what the Senator has said, and I regret any misunderstanding.

Let me just say one other thing with regard to the Senator's points. We had three different amendments. We came back with the one in the conference report, which I read into the RECORD. We were trying to reconcile the different amendments. That is what we were charged with in conference committee. We were not charged with selecting one or another amendment, and if we had been, we should have come back from conference with the Danforth amendment, which had stronger support than the Helms amendment.

But, having read the three different ones into the RECORD, it seems that the language we came back with is much closer to the Danforth amendment. And the important point about the language in the conference report is what that language is. Did we make that language out of whole cloth in the course of the conference? No. It has effectively been the existing law for 13 years on the appropriations bill—13 years.

This language did not come out of thin air or whole cloth. That has been law for 13 years. And the Senator from Indiana and the Senator from North Carolina have not challenged it for all that time. Why did they not do that? Why are they holding up Goals 2000?

If the Senator says, well, we are doing it to help put other language on

ESEA, then that is exactly what we are saying—let us debate the issue on the Elementary and Secondary Education Act. We are glad to do that.

I just hope that we do not get away from the point. If we do not pass this Goals 2000 legislation now, we are effectively denying to States over $100 million that will go to local schools that are out there on the front line—schools with teachers that are hard pressed, parents that are hard pressed, and students that are hard pressed. After 4 years, with this legislation that passed the Senate by a strong bipartisan vote, we are within hours of the opportunity to get some badly-needed assistance to local school districts.

And we are being caught up in this situation where a handful of Senators feel that this is not the way to proceed. I seriously am saddened by that, saddened by it because we have had bipartisan support in shaping the legislation coming out of the conference itself. We had Republicans that signed the conference report. This is not a situation where all of one party walked out and said they had been treated shabbily. That has not been the case.

Whatever misunderstanding there has been, I regret. But I do not regret the fact that we reached the accomodation that we did and that we reached it when we did.

I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. It is not my intention to get into a Ping-Pong match with the Senator from Massachusetts. This will be the last time I will speak.

I want to just respond to a couple of things here. No. 1, as I indicated, I am willing to accept there was a misunderstanding. Obviously, the solution to that is for this Senator to go directly to the Senator. Our staffs have worked together on other items and they will continue to do so. And so we can remedy that, and I take responsibility for not directly communicating with Senator KENNEDY my interest in this.

I have to, however, question what has come back from the conference as being representative of a compromise between the three specific amendments that we passed. What came back, as Senator KENNEDY has said, is current law.

The reason Senator HELMS and Senator PACKWOOD offered their modified amendment is that they do not believe current law is working very well. And I cited earlier a number of cases of situations where individuals had been denied their rights, or what I think are their rights, under the Constitution.

What we are trying to do is clarify that. Because in school district after school district all across this country, there is an antagonism toward the concept of prayer. People want to drive God completely out of the public square, out of the public schools, to say He has no place there.

And many of us agree that we do not want a situation, as our Founding Fathers tried to protect against, we do not want a situation where some State superintendent of education or some local superintendent of education or even some teacher says, "Oh, here's the prayer. Read it."

I do not want a government authority telling me and my kids how to pray. I do not want a government authority authorizing any kind of a prayer, whether it is at graduation or before a football game or in the school to start the day. But, I do not want to deny a student the right to express their faith or offer a voluntary prayer that has been constitutionally protected by the Supreme Court. And that is what the Helms amendment attempts to clarify and that is why it gained majority support here.

But it is this litany of cases that we hear about and read about every other day, it seems like, where again a student is told that they cannot bow their head before they have lunch in the cafeteria, or they cannot voluntarily offer a prayer before a basketball game, or they cannot kneel down after a big victory and voluntarily, with some other members of the football team, and say, "Lord, thank you for the victory," or "Thanks for keeping us injury free," or whatever they want to express. That is a voluntary expression. That is a tradition in this country. That has been a tradition in our schools, and I think is the kind of tradition that we want to retain. And the courts have denied that and stripped that away and there have been lawsuits.

The current law obviously is not doing the job or we would not find all these incidents across the country. That is what we are trying to correct.

So what has come back is not a reconciliation of the three amendments that were offered here, and I had no objection to any one of them. What has come back is a restatement of current law which has not worked, and that is what we are trying to correct.

Finally, as to the idea that we are losing some funds here, my understanding is that if Goals 2000 stalls, those funds will be shifted over to fund a shortfall in the Pell Grant Program. There is a $118 million Pell grant shortfall. So those funds are not going to be shifted away from education but they simply would wipe out a funding backlog. They are going to go to students to help pay for their education.

And so, we are not talking about a loss of funds going to education. We are talking about, at least until this issue is resolved, a temporary suspension of funds that might go to implement the Goals 2000 program.

With that, Mr. President, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma [Mr. NICKLES].

Mr. NICKLES. Mr. President, I wish to congratulate my friend and colleague, Senator COATS from Indiana, for his statement and also for his commitment. And I wish to compliment and congratulate Senator HELMS from North Carolina for his tenacity and his courage, because it is not easy taking the floor, it is not easy saying you are going to filibuster a bill unless a provision is reinstated. But I compliment him for it.

I happen to think his amendment is more important than the bill.

Senator COATS alluded to the fact that there are lots of school districts and others that are afraid to even have voluntary prayer in school because of a court interpretation or maybe advisories that they have been given by the ACLU or the attorney for the school board that said if you have or even allowed voluntary student-led prayer somebody might file a class action suit or a suit against you and you might end up in court, and it might cost a lot of money and you are going to have to defend yourself. And they do not want to have to defend themselves, so many school districts have avoided such prayer.

As a result of the Lee versus Weisman case that came out last year, a lot of school districts not only do not have prayer allowed at commencement exercises, but they also sometimes decide not to have prayer at athletic events.

That is not what the Lee versus Weisman case says. I might mention, Lee versus Weisman was a 5 to 4 decision, and in my opinion not a correct decision.

Many people have taken that bad decision and expanded it basically to try to prohibit any type of voluntary prayer in our public schools. I think that is a mistake.

So I think the amendment by Senator HELMS was correct. It was supported overwhelmingly in both the House and the Senate. It should be part of this package. And, again, it is a very important part of the package.

I also echo what Senator COATS alluded to in the fact that the Pell Grant Program is underfunded. And in the President's budget for 1995, he is requesting $118 million to make up for a shortfall from previous years in the Pell Grant Program.

Also, last year, when we passed the Labor-HHS appropriations bill, we said that if this bill was not passed that the funding would revert to the Pell Grant Program. So if this bill does not pass, I have heard people say, the school districts are going to lose this $118 million. The real result will be that the Pell Grant Program will be brought up to date. The Pell Grant program can use $118 million. So this money will go toward education and I think in a very positive and successful program.

The Pell Grant Program helps 4 million students today.

I rise also to address a couple of other issues. One relates to comments that Dr. Elders, our Surgeon General, has made in the recent months since she was confirmed as Surgeon General.

Senator KENNEDY knows, and many other people know, I strongly opposed Dr. Elder's nomination as Surgeon General. I opposed it because she made a lot of comments that I thought really did not suit the position of Surgeon General. For example, talking about the positive public health effects of abortion, saying that reduced the number of children born with Downs Syndrome. I found that to be totally insensitive to parents and individuals born with Downs Syndrome. I just thought that was totally inappropriate for the Surgeon General.

She talked about the positive ramifications of abortion, the positive public health effects of abortion. I thought that was wrong.

She made statements saying we teach kids what to do in the front seat of the car, we should teach kids what to do in the back seat of the car, and so on, telling kids not to go on a date unless they took a condom—really just taking the radical position on a lot of issues.

Dr. Elders was confirmed despite my opposition, and she has made a lot of radical comments since. I am looking at a headline that was in the Saturday Washington Times. It says, "Elders Calls Gay Sex 'Wonderful and Healthy'" and it goes on. These statements were made in an interview in the Advocate. I believe they are statements rooted in extremism and insensitivity and intolerance. They are outrageous and radical.

I will just cite a few examples from her interview. I also ask unanimous consent to have the article printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NICKLES. According to the article, Dr. Elders endorsed gay adoption.

> I feel that good parents are good parents, regardless of their sexual orientation.

Keep in mind, this is the Surgeon General of the United States.

Dr. Elders displayed a disregard for the containment of the AIDS virus.

> We have to be more open about sex and we need to speak out to tell people that sex is good and sex is wonderful. It is a normal part and a healthy part of our being, whether it is homosexual or heterosexual.

I might also mention Dr. Elders recently repeated these statements in an appearance before the Senate Judiciary Committee on March 23. Dr. Elders said that school-based clinics, for which she has previously endorsed birth control information, should also dispense information on homosexuality.

> We cannot just write off 10 percent of our student population. We should certainly work on gay and lesbian health issues. We need to make sure our teachers are educated about sexuality and counselors know how to address the issue in a sensitive manner.

Not only is this a policy which would destroy public confidence in our school systems, Dr. Elders uses the now discredited figure of 10 percent in reference to the homosexual population.

Dr. Elders also called the current Boy Scout membership policy unfair. This is her quote:

> Once again we are dealing with the ignorance of our society about what gay people are like, and the effects of policies like this on them.

Finally, Dr. Elders endorsed gay marriages. She wants Americans to—

> * * * learn that gay people are not just out there wanting to have sex with anybody who walks down the street, and that gay people have real loving, lasting relationships and families.

There is much more in the article.

On March 22, in a hearing before the Senate Judiciary Committee, she reiterated her comments, standing by them unequivocally; beating up on Boy Scouts, backing gay marriages and gay adoption, endorsing homosexual education of our schoolchildren —all this she supports.

But with her radical blinders on, Dr. Elders ignores the deep distress she has caused among many Americans with her remarks. So distressing were these statements, statements not just advocating homosexual adoption but mischaracterizing religious teaching on homosexual issues, that the Cardinal of Washington, James Hickey, took the extraordinary step of sending a letter to the President this week.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. NICKLES. Cardinal Hickey writes:

> I must take strong exception to the recent remarks of Surgeon General Dr. Joycelyn Elders advocating homosexual behavioral and expressing support for adoption by so-called homosexual couples. The Surgeon General irresponsibly accuses religious leaders holding sexuality is solely for procreation. The comments of Surgeon General Elders are destructive of true understanding of family life. It is one thing to defend the human rights of homosexual men and women. It is quite another to encourage, as she does, a lifestyle which puts so-called homosexual unions on par with marriage and family and condones homosexual behavior among young people.

Last year, when the Senate considered the nomination of Dr. Elders to the post of Surgeon General, we spent some time discussing her positions and statements. In particular, we focused on a series of statements she made in Little Rock about the Catholic church, comments which also distressed many Catholics and non-Catholics alike.

Dr. Elders never disavowed those statements. And I expect she will not disavow recent statements either. But I would hope at some point she would realize that whenever she speaks she is sorely misinformed and displays nothing but intemperance and intolerance. In 7 months she has lurched from controversy to controversy, attacking toy guns, Congress, people of faith, and former President Lyndon Johnson. Her lack of discernment should be made clear to President Clinton. In my opinion it is long past time to dismiss Dr. Elders.

Mr. President, this is not the first time she has made such statements. Let us just review the record of the last few months. Even before her nomination, she told the press she was eager to use the bully pulpit that came with the job to speak out strongly on questions of health. Many of Dr. Elders' predecessors, notably Dr. Koop, used the power of persuasion in a serious and thoughtful way. Through their advocacy they helped improve our country's health. But in her inaugural speech, Dr. Elders skipped focusing on an American health agenda. Instead, she focused on her personal abortion agenda.

According to one of the many press reports on the speech, and I will quote:

> Surgeon General Joycelyn Elders urged American women Thursday, to retaliate at the voting booth if Members of Congress vote to strip coverage for abortions from President Clinton's health care plan.
>
> I would hope that our policymakers would not be so narrow minded as to deny a complete range of reproductive health services in our health care reform plan for all women. If they are, I hope women would make sure they never forget.

That was in the AP on October 7, 1993.

Mr. President, as you know, this Congress, for at least the past dozen years, has had restrictions on Federal funding of abortion. That has passed repeatedly by a majority of Congress. Yet now she is advocating not only legal abortion, but taxpayers' subsidies for it; that it would be a fringe benefit in all health care plans. And if one would dare to oppose that position, she urges people to retaliate against those lawmakers.

Mr. President, that is not the position that should be taken by the Surgeon General. That was no bully pulpit speech. No, that was a pulpit bully speaking.

Second, last year the Surgeon General took on handgun violence, which is what many people think of when they think of crime. All us know handgun violence is a serious problem in our society. Far too many people have suffered from criminals who use guns. But to cut down on handgun violence Dr. Elders told America, "We have to educate the public not to buy their children toy guns for Christmas." That was reported on CNN, December 8, 1993.

It amazes me. For all the crime in America, Dr. Elders believes toy guns are the problem. This thoughtless comment from Dr. Elders trivialized the work of millions of Americans trying to confront the violence that keeps countless inner city families hostage in their own homes. It dishonored the pain of families who had members murdered by criminals. Her suggestion does not deserve even to be a footnote in the serious debate our society is having on how to stop our epidemic of violence.

Without even pausing for a breath, though, Dr. Elders decided to speak up about the war on drugs. Her prescription: Unconditional surrender.

According to Dr. Elders, same day, same speech:

> I do feel we would markedly reduce our crime rate if drugs were legalized, but I do not know all the ramifications of this. I do feel we need to do some studies. And in some of the countries that have legalized drugs and made it legal, they have certainly shown there has been a rate reduction in their crime rate and there has been no increase in their drug use rate.

That is December 7, 1993.

Mr. President, Bill Clinton started this administration by gutting funding and staffing for the drug czar's office. He skipped submitting a drug strategy last year. He decided to cut funds for drug interdiction in the fiscal year 1995 budget. According to the Clinton administration itself, nearly 80 million Americans have tried illegal drugs. After years of decline, 1993 saw teen drug use increase. More students are trying marijuana and LSD, and the belief that drugs are harmful is declining among our youth.

Mr. President, countless law enforcement personnel, countless teachers, countless parents, countless religious leaders are spending countless hours working with their families, working with children, encouraging children to say no to drugs, trying to warn people that if they use drugs, it is hazardous to their health; that drugs can be deadly.

This is basketball season. We have the NCAA tournaments going now. I remember a famous basketball star, Len Bias, from Maryland, who died of an overdose of drugs. And yet the Surgeon General of the United States, Dr. Elders, is saying maybe we should consider legalizing drugs. If Dr. Elders does not know that drugs can be harmful to your health, then we need a new Surgeon General.

In January, Dr. Elders hit the headlines again. While fervently urging the use of condoms by teenagers, she decided being a general is not good enough; she wants to be a queen. In an interview with the New York Times, Dr. Elders told America:

> If I can be the condom queen and get every young person who engages in sex to use a condom in the United States, I would wear a crown on my head with a condom on it. I would.

New York Times, January 4, 1994.

Back when she was in Arkansas, she had a little condom tree on her desk.

Mr. President, I find it astonishing again that the Surgeon General makes such a statement. She should know condoms are not foolproof, not totally safe—they do not even stop the HIV virus in many cases. And even when she was head of the Department of Health and Human Services in Arkansas, she distributed a lot of defective condoms and she did not notify individuals that they had received defective condoms so they continued to use them, risking disease, risking pregnancy, risking, unfortunately, AIDS, a very deadly disease.

Mr. President, the list goes on. Just last month, Dr. Elders was at it again. Never one to let facts get in the way of a good quote, the Surgeon General told the National Family Planning and Reproductive Health Association:

> Honestly, our Medicaid system had to be developed by a white male slave owner because our present system supports healthy, uneducated people which can only be slaves. We pay for prenatal care, we pay for delivery, we won't pay for family planning. There's something wrong with our system.

That was February 25, 1994. Of course, if Medicaid was the brainchild of a white male slave owner, he was none other than Democrat President Lyndon Baines Johnson.

By the way, I might mention, President Johnson pushed through Congress several of the most sweeping civil rights bills in our Nation's history.

When it comes to facts, Dr. Elders appears not to know that the Department she serves, Health and Human Services, administers a Medicaid program that requires States to cover family planning services. For the information of the Surgeon General, Mr. President, this is a mandatory requirement. No exceptions, no excuses.

Further, under Medicaid, State family planning programs get a more generous share of Federal matching funds than any other Medicaid program. Ninety percent of the cost of family planning is borne by the Federal Government. Matching rates for all other programs vary between 50 and 83 percent.

Finally, more money was spent on family planning than other preventive services under Medicaid. In the latest year for which statistics are available, fiscal year 1991, the average payment for family planning services was $164 per beneficiary—more than the average payment for dental services, for visits to rural clinics, or for the early periodic screening, diagnosis and treatment program.

Then, Mr. President, this week we have her ludicrous comments that were made in the "Advocate"—it has the title on it, "The Condom Queen, She Speaks Her Mind." Again, she advocates gay marriages and blasts the Boy Scouts.

Mr. GREGG. Will the Senator yield for a question?

Mr. NICKLES. I will be happy to.

Mr. GREGG. Because I think you have raised a very significant point as relates to the bill we are considering today, which is Goals 2000. As the Senator from Oklahoma appreciates, under Goals 2000, there will be created a national commission called NESIC, which will develop a set of standards as to what is a proper curriculum for school systems.

It is alleged that that curriculum, as developed by this Federal group, will be voluntary. No States will have to comply with it. But as you look through the law, you determine fairly quickly that a lot of States are going to be put in a position where they comply or else they do not get funds.

But if that board is to develop standards, who are they to look to for their standards? I presume it is going to come from the administration and the leaders of the administration as to what should be taught in our school systems.

As the Senator has pointed out, Joycelyn Elders, the Surgeon General, in the article which he has referred to, has suggested—and I will quote from a statement that she made on March 23, post that article but confirms that article—in an exchange between Senator BROWN and herself before the Judiciary Committee.

If I may quote that statement to support this question, she has suggested that basically homosexuality and heterosexuality should be taught on a par and should both be taught as healthy and wonderful sex. I will quote the statement.

This is Senator BROWN:

> In the sexuality education, are the comments you made in the Advocate ones that you think should be included in the sexuality education?

Surgeon General Elders:

> I'm sorry, Senator. What, what were they?

Senator BROWN:

> Well, the reference was, and you appreciate that magazines or at least my impression is that magazines are not perfect. They don't always get it exactly right. But one of the quotes out of the magazine is that America needs to know that sex is wonderful and normal and a healthy part of being, whether it is homosexual or heterosexual.

Surgeon General Elders:

> Yes, I made, that's correct. They did get it correct.

If this is the position of the Surgeon General, it may fly as an appropriate position in some parts of this country, some areas of this country. But there are other parts of the country—I suspect my own State is one and the State of Oklahoma is one—where the concept of teaching heterosexuality and homosexuality as being healthy, wonderful, and normal and on par would be repugnant and receive a significant amount of resistance. Yet you have the Surgeon General of the United States representing that this is the manner in which sexual education should be structured.

Under this bill, Goals 2000, you have a national board which is going to design a national curriculum which will be the certified national curriculum of the Nation, and one presumes that the Surgeon General of the United States will have a major say in that board, maybe even be a member of that board for all I know. The President may put her on the board or make her chairman of that board. Probably she will be chairman of the subcommittee of that board on what should be taught in the area of health and sex education in our school system.

So it is very likely that the philosophy of this individual will become the national certified standard, and that the way this Goals 2000 is structured, at some point in the future—and I do not think it is very far away, although those on the other side will argue it will never happen—I do not think it is too far away that that certified standard, as represented by this Surgeon General, will become the standard of the land and that elementary and secondary schools throughout the country, whether in Oklahoma, New Hampshire, or San Francisco, will be required to teach this as catechism of appropriate sexual activity.

I think a lot of people will resist that and they will think it is unfair that the question of sexual activity should be defined by someone like Joycelyn Elders who I do not believe is in the mainstream on this issue and yet who speaks for this administration and, because of this bill, may become the arbiter of what is sexual education and proper sexual education in this country, which is, it is normal, healthy and wonderful to treat both homosexual and heterosexual activity as equal within our school systems for educational purposes.

If people want to be homosexuals, that is their decision, but certainly I think there is a lot of resistance in this country to teaching it within the school systems, especially when you get into the lower school system, which she says sexual education—in an earlier statement—must start at the kindergarten level.

I think it appropriate you raise this issue because really this is a very serious question of who is going to control the catechism, the dogma, the criteria for sexual education in our school systems. Because under this bill, we are possibly turning that over to a national board which will be dramatically influenced by Joycelyn Elders and taking it out of the hands of the families and the teachers and the principals who are on the front line of education and traditionally have handled this issue.

Mr. NICKLES. Mr. President, I very much appreciate my colleague's remarks. I concur with him 100 percent. Dr. Elders has long been an advocate for early sex and health education, and now we find that this is in her agenda, to teach our young people—these kinds of statements—"that sex is wonderful and a normal * * * and healthy part of our being, whether it is homosexual or heterosexual." About "sex is good, that sex is wonderful." It is * * * a normal * * * and healthy part of our being, whether it is homosexual or heterosexual."

To think she wants to begin this national sex education for all kids beginning at kindergarten I think is frightening. I will tell you what bothers me as well is that she has made these remarks. Many of us warned this administration not to nominate her, warned this body not to confirm her because she had these positions. But she was confirmed.

It is interesting, when she made the comment about legalizing drugs, President Clinton was quick to respond. He said, "Oh, I don't agree with that." But evidently he did not reprimand her very much because shortly after that, 2, 3 weeks later, she spoke out again on the issue. She still thought we should study legalizing drugs—she did not say legalizing only marijuana, but talking about drugs—which means cocaine, crack, heroin, LSD, drugs that kill, drugs that maim, drugs that make addicts, drugs that produce the tragedy of crack babies.

And again to think this is not somebody with a theory or somebody who is trying to get a Government grant for a study. This is the Surgeon General of the United States, who does not obviously realize that there is a real serious health problem with legalizing drugs.

It is interesting that the President distanced himself from those remarks. The day they were made, he said no, we are not going to do that on my watch, we are not going to legalize drugs. When she made the comment 2 or 3 weeks later, there was no effort made—evidently, she was not called in for stating these things. And now she has made these statements that homosexuality is a normal lifestyle in the early ages and talking about gay marriages, gay adoption, bashing the Boy Scouts. Their policy of saying they do not want to have homosexuals as scout masters she thinks is wrong; she thinks that is unfair and should be repudiated. This President has not distanced himself from any of these remarks.

So these remarks continue to go out, and we see these headlines, and I cannot help but think what does this do to undermine the families and the police and the teachers and counselors who are trying to tell kids to stay away from drugs? Or maybe they are trying to tell their kids, hey, sex can be dangerous. Sex can be dangerous. It can be deadly. You did not see that in Dr. Elders' remarks. Sex can be deadly. And I am just kind of concerned that this administration has not been very forthcoming.

Mr. President, I believe the President of the United States should replace Dr. Elders. I think her nomination and her confirmation as well was a serious mistake.

EXHIBIT 1

[From the Advocate, March 22, 1994]

### THE CONDOM QUEEN REIGNS—SURGEON GENERAL JOYCELYN ELDERS SPEAKS OUT WHERE THE PRESIDENT FEARS TO TREAD

(By Chris Bull)

In a memorable and often-quoted line uttered in 1989 while she served as the director of the Arkansas Department of Health under then-governor Bill Clinton, Joycelyn Elders, who is now Clinton's U.S. surgeon general, compared driver's education for young people to sex education in the schools. "We taught them what to do in the front seat of the car," she said. "Now, it's time to teach them what to do in the backseat."

Elders made the remark as part of an aggressive campaign to lower the rate of teenage pregnancy in the state, which at the time had the second highest rate in the nation, after Mississippi. But Elders says that the now-famous quote should apply equally to gay youths who are at high risk for infection with HIV. The federal government, she insists, has a responsibility to teach young gay men "what to do in the backseat" to protect themselves from HIV, especially in the light of several recent studies indicating that a sizable number of young gay men have not been reached by AIDS education campaigns and are continuing to engage in unprotected sex.

"If there are young gay men out there who are not hearing the message, then we have to step in and figure out how to get to them," Elders says. "The federal government has a responsibility to all of our citizens, not just the heterosexual citizens. 'This country has to get over the judgmental way it makes decisions and make sure we are fair to all our citizens."

Statements like these have earned Elders a reputation as the most fearless and most outspoken member of the Clinton administration; so much so, in fact, that she appears to be on a collision course with her boss. Last December, for instance, Elders precipitated a political firestorm by saying that legalizing drugs would reduce crime and violence. Clinton quickly distanced himself from his surgeon general by insisting that drugs would "not be legalized on my watch."

Elders is able to maintain this stance without jeopardizing her relationship with Clinton—who is known for his political caution—through a combination of personal popularity and political savvy. "Elders is widely perceived as sincere, well-meaning, and tough," says Christopher H. Foreman Jr., a research associate at the Brookings Institution, a Washington, D.C.-based policy-analysis group. "Those qualities will keep her in good stead in a rime when so many politicians are seen as weak and insincere."

Although she rarely addressed gay and lesbian issues during her six-year stint as Arkansas's top health official, as U.S. surgeon general Elders now appears ready to risk the president's ire by speaking out on behalf of gay causes. For this interview Elders insisted that she wanted to address gay-related topics gingerly until she had thoroughly familiarized herself with them, but then she proceeded to unhesitatingly express her opinion on a wide range of gay-related causes. Elders endorsed gay and lesbian adoption, advocated suicide-prevention efforts aimed at gay and lesbian youths, termed the Boy Scouts of America's ban on gay scouts and scout leaders "unfair," denounced antigay campaigns by conservative religious groups, and said that Americans "need to be more open about sex."

Indeed, Elders is seemingly willing to address topics that have landed other Administration officials in hot water. Last October, for instance, after receiving flak from conservative groups, the White House's AIDS policy coordinator, Kristine Gebbie, was forced to back off her statement that sex is "an essentially important and pleasurable thing" that continues to be "repressed" by the country's "Victorian morality." Before the outcry over her remarks occurred, Gebbie had said she considered it part of her job to stand on the "White House lawn talking about sex with no lightning bolts falling on my head."

Elders does not appear to fear lightning bolts. What underlies antigay attitudes in this country, she says, is an irrational "fear of sexuality" in general. "Society wants to keep all sexuality in the closet," she says. "We have to be more open about sex, and we need to speak out to tell people that sex is good, sex is wonderful. It's a normal part and healthy part of our being, whether it is homosexual or heterosexual. There are certain times and places where sex is inappropriate, but just because it is inappropriate at certain times does not mean that it's bad. I think the religious right at times thinks that the only reason for sex is procreation. Well, I feel that God meant sex for more than procreation. Sex is about pleasure as well as about responsibility."

During a 1992 campaign stop, Clinton refused to criticize the Boy Scouts ban on the grounds that as a private organization it is entitled to set its own policies. But Elders says she opposes the ban "in principle" because of its negative effect on the mental health of gay youths, and she has promised to oppose it publicly. If we have important organizations that we are all supporting, I certainly think that all our youth should be allowed to participate," she says. "Once again we are dealing with the ignorance of our society about what gay people are like and the effect of policies like this on them."

Elders says the fight for full equality for gays and lesbians depends at least in part upon the ability of most Americans to "learn that gay people are not just out there wanting to have sex with anybody who walks down the street and that gay people have real loving, lasting relationships and families."

As a result, Elders says gays and lesbians can play an important societal role by adopting children as well as by raising their own. "I feel that good parents are good parents—regardless of their sexual orientation." she say "It's clear that the sexual orientation of parents has nothing to do with the sexual orientation or outlook of their children. Many children in this society are born unwanted, and I feel that if gay or lesbian couples feel that they want children enough to adopt, well, then they are probably just as capable of being good parents as heterosexual parents who choose to adopt. Gays and lesbians are not going to choose to adopt or have their own children unless they really want children. They are making a conscious choice. We have too many parents who did not choose nor did they want to be parents.

Despite what seem to be enlightened convictions, this is the first time that Elders has been asked to address gay and lesbian health issues in a comprehensive manner—a task she says has been one of the most difficult challenges she has faced since assuming her post last September. "One of the biggest problems in this job that I am facing is that I don't know enough about gay and lesbian issues," she admits. "I'm trying to get educated as fast as I can. I don't want to do a lot of speaking out until I am comfortable with the issue and I can answer all the questions that are posed to me from both sides.'"

Even so, Elders is taking some tentative steps toward addressing gay-related health issues. During a Jan. 18 meeting, for example, Elders surprised lesbian-health advocates by suggesting that the Department of Health and Human Services (HHS) fund the creation of brochures aimed at educating health care workers about lesbian health concerns.

"I can see that there are many problems that lesbians face that physicians have yet to address," Elders says, "We have to train our nation's physicians to ask the right questions and to offer lesbians advice that is appropriate to them. Many times doctors may be concerned that women are taking proper contraception, but if some women are having sex only with other women, that's not the right kind of concern to have."

At other times, though, Elders has been on the defensive. During a public appearance last December for World AIDS Day, Elders was targeted by Luke Sissyfag, a 20-year-old AIDS activist who loudly accused her and the president of dragging their feet on issues revolving around AIDS. But Elders took the protest in stride. "I've met Luke on several occasions now, and I respect what he's doing," she says, "I think that it's OK for him to feel like we're not doing enough. I don't feel like we're doing enough. One of the wonderful things about America is that Luke can go around and be critical of me and of the president if he doesn't think we're doing enough. There are many ways of skinning the cat."

Elders is facing a learning curve on gay-related issues in part because she steered clear of them while in Arkansas. Eric Camp, a spokesman for the Arkansas Gay and Lesbian Task Force, a statewide political group based in Little Rock, says that addressing homosexuality publicly in the state would have amounted to political suicide. "She was already seen as an extremist in the state for talking about birth control and abortion," he says. "Her programs never would have gone anywhere had gay and lesbian issues been included. But I think that on the national level she will be far more inclined to consider gays and lesbians part of her consituency."

Elders says she did not consciously dodge the issue, though. "I did talk to gay groups in Arkansas, and when I did it got a lot of press," she says. "I've spoken out before. It was not as well-organized a constituency there as some other groups might have been, but that would not have been a reason to avoid it."

In Arkansas, Elders focused primarily on what has been a lifetime mission: reducing the rate of teenage pregnancies, which she says have made a generation of young women into a "slave class" by forcing them to raise children before they are ready to do so, at the expense of their own educational and employment opportunities. Among her initiatives was a controversial plan to place medical clinics in each of the state's 300 school districts that would dispense condoms, sex education, and health care. So far, 24 districts have installed clinics, and 28 more are on a waiting list for state funds to establish them.

Elders's emphasis on youth and sexuality as public health concerns may lend itself easily to addressing AIDS and gay-related issues. Kerry Lobel, Lead organizer for the Arkansas Women's Project, a Little Rock-based advocacy group, says that when seeking support from Elders, gay and AIDS activists would be well-advised to frame the issue in terms of youth, prevention of sexually transmitted diseases, and reproductive health. "Dr. Elders will stick up for children and young people no matter what." she says. "If the issue can be presented that way, she will listen. That's where her heart is."

Elders, a pediatrician by training, indeed becomes most passionate when the topic turns to gay and lesbian youth. While the school-based clinics in Arkansas were designed to focus primarily on the needs of heterosexual students, Elders says they should eventually address the needs of young people who are struggling to come to terms with their sexuality as well. "We can't just write off 10 percent of our student population." Elders says. "We should certainly work on gay and lesbian health issues. We need to make sure our teachers are educated about sexuality and that counselors know how to address the issue in a sensitive manner."

Commenting on a hotly contested 1989 HHS report—later suppressed by the Bush administration—that found that gay and lesbian youths represent approximately 30 percent of teenage suicides, Elders says that "when we are talking about young people taking their own lives, that's the worst health threat we can possibly face. So for me it has to be an issue. Again I have to admit stupidity on exactly how to address the issue, but certainly we should make educators and counselors aware of the issue and make sure they know how to respond to the situation when it arises. I certainly see addressing gay and lesbian youth suicide as part of my mission. My job as surgeon general is to talk about all of the health issues that have an impact on Americans."

Elders has been able to speak out forcefully on a variety of topics in Arkansas and in Washington D.C., in part because of her personal popularity with the public. The daughter of sharecroppers who lived in rural Arkansas, the 60-year-old Elders overcame poverty to serve in the U.S. Army as a first lieutenant. She later attended the University of Arkansas Medical School on the GI Bill.

That modern Horatio Alger story has helped to disarm some of her critics. During her contentious confirmation hearings last July, for instance, Elders repeatedly invoked her upbringing to explain her position on a number of issues. Still, the Senate finally confirmed Elders in a less-than-overwhelming 65–34 votes. "She's a very sympathetic figure, and even her critics have to be careful not to appear to be attacking a black woman," says Foreman.

Elders also benefits from a close relationship with Clinton, who stood behind her despite fierce attacks from right-wing pressure groups and conservative members of Congress. During the confirmation hearings the Traditional Values Coalition, a conservative lobbying group, dubbed Elders the nation's "condom queen" for her staunch support of condom distribution in the schools and said she was "clearly the worst Clinton nominee yet." After her confirmation Elders responded in an interview with The New York Times by saying, "If I could be the 'condom queen' and get every young person who is engaged in sex to use a condom in the United States, I would wear a crown on my head with a condom on it."

Conservative members of the Senate were most critical of a 1992 remark that Elders made attacking the Roman Catholic Church. Elders said the church hierarchy's opposition to abortion rights is more vehement than was its opposition to the Holocaust and "the 400 years in which black Americans had their freedom aborted." Sen. Don Nickles (R-Okla.), who led the opposition to Elders's nomination, said the statement "exhibited strong anti-Catholic belief."

Clinton's support also helped Elders withstand attacks from right-wing groups in Arkansas.

After conservative opponents spread false rumors that the clinics she had proposed for the state's schools would perform abortions for students, Elders, a Methodist, called them "very religious non-Christians" who "love little babies as long as they are in someone else's uterus." Conservatives demanded an apology, and Elders complied in a letter to the state legislature, but she continues to use the phrase to describe her opponents anyway.

By way of contrast, Clinton did not display the same fortitude when another black female nominee, Lani Guinier, came under attack for statements and beliefs that are less incendiary than some of Elders's. In fact, longtime Arkansas political observers say that Clinton and Elders have for years played out a political cat-and-mouse game that benefits both players.

An incident at the 1987 press conference where Clinton introduced Elders to the state illustrates the point. In response to a question as to whether she planned to distribute condoms in public schools, Elders said, "Well, we won't be putting them on their lunch trays, but yes." Press reports at the time described Clinton as blushing from embarrassment but nodding in agreement with Elders.

"Clinton relies on Dr. Elders to say the things he cannot say for political reasons," says Lobel, who has observed the complex political relationship between the two for years. "When he finally said that he was pro-choice, we all said, 'Well, of course he's pro-choice,' but we really only knew that because she had been so outspoken and he would not have let her do that unless he agreed with her."

That same dynamic was at work during the outcry over Elders's December statement about legalizing drugs; the situation escalated further when her 27-year-old son, Kevin, was arrested in Little Rock on drug charges. Sen. Robert Dole (R-Kan.) said Americans "must be wondering if the surgeon general is hazardous to our health," and Nickles has called for her resignation.

Elders said she had "no second thoughts" about the remark, and Clinton said he remained "four-square" behind her. "When you have someone who is outspoken and energetic like she is," he said, "there are going to be times when she'll be outspoken and energetic in a way that I don't necessarily agree with."

Marj Plumb, health policy director for the National Gay and Lesbian Task Force, a Washington, D.C.-based political group, says she has seen that dynamic at work on gay-related topics as well. During the meeting at which Elders suggested developing lesbian-health brochures, Plumb recalls that she turned to Patsy Fleming, special assistant to HHS secretary Donna Shalala, who was sitting next to Plumb, and said, "'Are you sure you want to take the heat for something like this?' and then Patsy said, 'Marj, this is Dr. Elders you are talking about.' So even internally at HHS there is a general understanding that she is going to articulate a vision that is not necessarily politically safe for others to articulate."

Elders's ability to speak out on national health issues is also aided by the surgeon general's office, which has little official authority but has come to serve as a bully pulpit for the officeholder's political and medical agenda. The office has just ten full-time employees and a $550,000 annual budget. In contrast, the administration's AIDs policy office, headed by Gebbie, has 55 employees and a $5-million annual budget.

Dr. C. Everett Koop, who served as President Reagan's surgeon general from 1984 to 1988, paved the way for Elders on AIDS-related issues. Though considered a staunch conservative when he was nominated for the post, Koop nevertheless bucked the Reagan administration by advocating humane treatment of people with AIDS and supporting sexually explicit educational campaigns to stem the spread of HIV.

Elders says she intends to continue Koop's tradition. "If AIDS had started out as a disease of upper-middle-class white babies, it would have gotten a lot more attention," she says. "Koop recognized this and did what a surgeon general has to do. You have to stand up for what's right—based on the medical and scientific data—regardless of what your personal beliefs are."

Elders's outspokenness occasionally offends even her allies. In 1991, for instance, Elders said that one of the benefits of legal abortion is the reduction of severe birth defects, citing Down's syndrome as an example. A number of parents of children with Down's syndrome protested, saying that Elders was implying that handicapped babies should not be allowed to be born. Elders responded that she had a nephew with the syndrome whom she loved and that she cared for many Down's patients in her pediatric practice.

But the comment raises disturbing questions for gays and lesbians as well. With increasing evidence of a genetic basis for homosexuality, some scientists and medical ethicists have raised the possibility that antigay parents, upon learning that their fetus carries a gene for homosexuality, could opt for an abortion rather than give birth to a child that might grow up to be gay.

Elders refuses to get drawn into that debate though. "I think that's a decision only parents can make," she says. "If a woman had an abortion because they located the gay gene, it would not upset me any more than choosing an abortion on any other grounds. It's not a position for the government to take. The choice has to be left up to the individual. No one can try to make such a choice for a women."

That nonjudgmental view is consistent with Elders's approach to gay rights in general. Commenting on antigay campaigns undertaken by conservative religious groups, Elders says that if "you are truly right within your heart and with Christianity, you know in advance that you do not know enough about other people's lives to judge them. You do not love enough to make decisions about how other people should live their lives. How can I be judgmental of you when in the sight of God you may think you are better than me? You have to wonder how much love that people who hate gay people have in their hearts."

EXHIBIT 2

ARCHDIOCESE OF WASHINGTON,
OFFICE OF THE ARCHBISHOP,
*Washington, DC, March 21, 1994.*

PRESIDENT OF THE UNITED STATES,
*The White House,*
*Washington, DC.*

DEAR MR. PRESIDENT, I must take strong exception to the recent remarks of the Surgeon General, Joycelyn Elders, advocating homosexual behavior and expressing support for adoption by so-called homosexual couples. Furthermore, I deeply regret her apparent intolerance of people whose religious faith and moral values collide with her own ill-considered views.

The Surgeon General irresponsibly accuses religious leaders of holding that human sexuality is solely for procreation. Her words are a misleading caricature. In our Catholic tradition the two fundamental purposes of human sexuality—the expression of the committed love of husband and wife and openness to new human life—are linked together. Human sexuality is a great gift from God which enables couples to express their love for one another and in the context of that love to create and care for a family. Such a view is supported both by faith and reason; it does not involve the suppression of human sexuality but rather its right use for the good of individuals and society.

The strength of our country, Mr. President, has always been in the vitality of our families, not in the might of our weapons. By contrast, the breakdown of the family has been the root of so many of the social problems which, as a nation, we now struggle to overcome. The comments of Surgeon General Elders are destructive of a true understanding of family life. It is one thing to defend the human rights of homosexual men and women; it is quite another to encourage, as she does, a life-style which puts so-called homosexual unions on a par with marriage and family and condones homosexual behavior among young people.

Mr. President, I strongly urge you to take responsibility for the Surgeon General's harmful and offensive remarks and publicly to disavow them. Respectfully I ask that you urge Dr. Elders to be more tolerant of religious teachings with respect to human sexuality. Whether she knows it or not, the religious teachings, leaders and institutions which her remarks attack are vitally important to solving many of our nations social ills.

Sincerely in Christ,
JAMES CARD. HICKEY,
*Archbishop of Washington.*

## WHITEWATER

Mr. NICKLES. Mr. President, last night President Clinton did a masterful job at his press conference answering a variety of questions, most of which were related to Whitewater.

I have heard some people say, well, the President did a fine job and maybe this will help put the Whitewater issue to rest. But I would just make the comment that there are a lot of questions that have not been answered and even some confusion from what the President said last night.

For example, the President said last night:

> I think that the American people are really upset about the thought that this invest-

ment that we made 16 years ago, lost money, did not involve savings and loans, might somehow divert us from doing the work of the country.

Mr. President, I just looked at some of the work—and I have not looked at it very closely—Mr. LEACH did, Congressman LEACH, and in data he supplied to the House and in his speech, there is a copy of a resolution of the board of directors of Madison Financial Corporation, April 17, 1985. I will read the resolve from the corporation:

> That the corporation prepay to Jim McDougal $30,000 of his annual bonus in recognition of the profits of the prior year and that said bonus be paid directly to Whitewater Development.

So there is S&L money that went to Whitewater Development. And, incidentally, the Clintons, the President and Mrs. Clinton, owned half of Whitewater so that statement he made, I think, was incorrect. There may have been other mistakes. The President has given the impression he has been totally forthcoming, he has released all the documents. He has not released them to the press.

Mr. President, I think there are a lot of questions that remain to be asked of and certainly remain to be answered by President and Mrs. Clinton. I will just touch on a few of those.

What about the files? What about those files that were in Mr. Foster's office for several months after his death, that even actually in January—Mr. Foster died, I might mention, in July—but by January they were turned over to special counsel. Why are they not made public? If this is just a real estate deal, why not make all information public? Why give it just to Special Counsel Fiske under guise of a subpoena so the public will not find out?

Other questions. How much did President and Mrs. Clinton invest in Whitewater? The President said, "We did not lose $70,000; we think maybe about $47,000 we lost." Well, how much did they invest? How much did they make and how much did they lose? Those questions have not been answered. The President referred to the Lyons report. Well, the Lyons report was very inconclusive and really very misleading. The Lyons report did not tell people—this is during the campaign year—the Lyons report did not tell people that Whitewater did not file a tax return for 3 years. Why not?

Now, reports are that Mr. Foster filed those tax returns, or made up for the delinquent returns, when he was an employee of the White House. He was doing delinquent returns for Whitewater, a private corporation while a Federal employee. That seems to be wrong.

Why are not the Whitewater returns made public? Why is not all the information that the McDougals, who said that they turned all the information over to the Clintons at the Governor's mansion, why is not that information made public?

And we need to ask other questions. Was that information destroyed? Because now people say that information is not available. But the McDougals said they turned all that information over to, at that time, Governor and Mrs. Clinton.

Where is that information? Where are those files? Mr. McDougal, who was on TV the other night, said he needs those files back so he can do some tax work or something for the reports. He said he turned them all over. I think he is willing to say that under oath. I do not know. Where are those files? And there have been reports that maybe a bunch of those papers were destroyed. If that is the case, there could be obstruction of justice.

Those questions were not asked last night. They need to be asked. They need to be answered.

Another question. Were then-Arkansas Attorney General Bill Clinton and his wife, Hillary Rodham Clinton, provided a gift by being made equal partners in the Whitewater Development Corporation, despite investing little money? How much did they invest and how much did they get out?

There have been reports that they bought some land, then they sold the land for a significant profit. Did they make a profit and how much? Did they lose money? Then they sold their part or venture in 1992 for $1,000. We need to have all the information. That information has not been made public. So I am calling on the President to make the information public.

The President indicated last night he is fully disclosing, he is cooperating fully with Congress. He has not fully cooperated with Congress. He has not released that information.

Did then-Governor Clinton's 1984 campaign receive money wrongly diverted by James McDougal, Clinton's business partner and owner of Madison Guaranty, a federally insured savings and loan, from Madison to pay off the $50,000 personal loan with another bank to the Governor? Additionally, did McDougal in 1985 write checks from Whitewater's account to pay off Bill Clinton's personal loans? Again, we do not have answers to these questions.

Did Governor Bill Clinton in 1986 pressure David Hale, the owner of Capital Management Services, to knowingly issue an illegal Small Business Administration loan to Whitewater co-owner Susan McDougal, and were those funds then used to clean up financial problems of Madison? It has been reported that Mr. Hale, who controlled this Capital Management Services, made a $300,000 loan to Mrs. McDougal, who was a co-owner with President and Mrs. Clinton in Whitewater, and that at least $100,000 of those funds ended up in Whitewater.

So again, those funds purportedly were for disadvantaged small business people who could not qualify for other business loans. Did that diversion happen? Was coercion used by the Governor for the loan to be made? Clearly, they were not entitled to that loan, to be recipients of that loan; they were not eligible to be recipients of that loan.

In 1984, did Mr. Clinton pressure Madison owner and Whitewater Development partner James McDougal to hire his wife, Hillary Clinton, to represent the S&L, which allowed her to promote a stock issue plan to a newly hired State securities commissioner whose brother managed Clinton's campaign?

If Governor and Mrs. Clinton were merely passive shareholders in Whitewater, how do they explain that Mrs. Clinton in 1988 sought broad powers of attorney over Whitewater and the fact that published reports indicate that the Clintons "took an aggressive part in the management of Whitewater affairs?"

Another question, Mr. President. Did the Rose law firm in 1989, which then was managed by the former Associate Attorney General, Mr. Webster Hubbell, violate FDIC rules by failing to disclose to regulators its earlier representation of Madison Guaranty by senior law partner Hillary Clinton?

Did the U.S. Attorney for the Eastern District of Arkansas, Paula Casey, in 1993 violate Department of Justice rules regarding conflict of interest by initially deciding to concur with Justice Department recommendations not to pursue a criminal referral from the Resolution Trust Corporation which specifically mentioned Bill and Hillary Clinton?

Have laws or rules been violated by the White House officials in handling Whitewater files that were in the office of White House Deputy Council, Vincent Foster, following his death on July 20, 1993, but were not turned over to the Justice Department until January 18, 1994, nearly 6 months later?

How much did the Clintons actually gain or lose in Whitewater Development? That still remains to be seen.

Why did the Clintons' and McDougals' corporation, Whitewater Development, fail to file tax returns for 3 years? As far as I know it is not an option whether or not you file tax returns. Whether you make or lose money, you have to file tax returns. But Whitewater, of which President and Mrs. Clinton owned 50 percent, did not file tax returns for 3 years.

Mr. President, we have these questions. A lot of other questions remain to be asked, questions that Congressman LEACH alluded to.

I will submit an additional two pages of questions. I know Senator KASSEBAUM is seeking the floor. I have an additional two pages of questions, commonsense questions not trying to do anything but get the facts out, that really need to be responded to. And hopefully they will be responded to quickly in the form of Congressional hearings or by just release of the information by the White House.

I urge the White House, if they really want to get their Whitewater issue behind them, to release the information. I think the President took a small step in that direction yesterday. But, if they would release all of the information pertaining to Whitewater, it would be a big step towards getting this issue finally resolved.

Mr. President, I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### WHITEWATER: TEN QUESTIONS

The January 20 appointment of Special Counsel Robert Fiske begins a process that hopefully will resolve serious questions of possible wrongdoing by the President of the United States and his spouse both before his election and during his Administration. At question is the Clinton's involvement in a real estate investment, known as Whitewater, and a failed savings and loan, Madison Guaranty.

Numerous reports concerning Whitewater have been published in reputable newspapers around the country.

The ten questions about Whitewater and Madison are:

1. Were then-Arkansas Attorney General Bill Clinton and his wife, Hillary Rodham Clinton, provided a "gift" by being made equal partners in the Whitewater Development Corporation, despite investing "little money"?

It is not clear how much cash—if any—that then-Attorney General Bill Clinton and his spouse actually invested in their share of a joint purchase with James and Susan McDougal on August 2, 1978, of 230 acres for $203,000 to eventually establish Whitewater, a vacation-home development project.

2. Did then-Governor Clinton's 1984 campaign receive money wrongly diverted by James McDougal, Clinton's business partner, and owner of Madison Guaranty, a federally insured savings and loan, from Madison to pay off a $50,000 personal loan with another bank to the Governor? Additionally, did McDougal in 1985 write checks from Whitewater's account to pay off Bill Clinton's personal loans?

"At least one person listed as having donated money at the 1985 [fundraising] event has denied he contributed to Clinton" (Arkansas Democrat Gazette, 1/15/94). Bill Clinton reportedly asked McDougal "to take care of the debt still left over from 1984. 'He asked me to knock out the deficit,'" McDougal said (New York Times, 12/15/93).

3. Did Governor Bill Clinton in 1986 pressure David Hale, the owner of Capital Management Services, to knowingly issue an illegal Small Business Administration loan to Whitewater co-owner Susan McDougal, and were those funds then used to "clean up" financial problems at Madison? (Washington Times, 11/6/93)

Hale told reporters that Governor Clinton, on at least two occasions, pressured him to issue the SBA-backed "disadvantaged" loan that was never repaid. Hale, when awaiting trial on an indictment for wrongdoing concerning loans not related to Whitewater, unsuccessfully tried to negotiate a deal with the U.S. Attorney in Little Rock in exchange for the information he has now made public. Both Clinton and McDougal deny the meetings took place, but the loan to Susan McDougal is not questioned.

4. Did Clinton in 1984 pressure Madison owner and Whitewater Development partner James McDougal to hire Hillary Clinton to represent the S&L, which allowed her to promote a stock issue plan to a newly hired state securities commissioner, whose brother managed Clinton's campaign?

McDougal told the Los Angeles Times (11/7/93) that Clinton asked him to give some of Madison's legal work to Hillary Clinton because of tight finances at the Clinton home, specifically requesting $2,000 per month. Hillary Clinton received a $2,000-a-month retainer for 15 months, and helped Madison win approval from state regulators regarding the novel stock issue plan that was never carried out.

5. If Governor and Mrs. Clinton were merely "passive shareholders" in Whitewater, how do they explain the fact that Mrs. Clinton in 1988 sought broad powers-of-attorney over Whitewater, and the fact that published reports indicate the Clintons "took an aggressive part in the management of Whitewater's affairs"? (Washington Times, 11/4/93)

6. Did the Rose law firm in 1989, which then was managed by now-former Associate Attorney General Webster Hubbell, violate FDIC rules by failing to disclose to regulators its earlier representation of Madison Guaranty by senior law partner Hillary Rodham Clinton?

One of the Rose law firm's senior partners, Vincent Foster, signed a letter to the FDIC seeking the job of prosecuting the failed Madison Guaranty S&L. Therein, he claimed that the Rose firm did not represent any S&L associations in any state or federal regulatory matters. Rose's then-managing partner, Webster Hubbell, claims to have told the FDIC about the Rose firm's dealings with Madison. The FDIC disputes that. The FDIC hired Rose (without knowing of its earlier representation) and paid the firm $400,000.

7. Did U.S. Attorney for the Eastern District of Arkansas, Paula Casey, in 1993 violate Department of Justice rules regarding conflict-of-interest by initially deciding to concur with Justice Department recommendations not to pursue a criminal referral from the Resolution Trust Corporation, which specifically mentioned Bill and Hillary Clinton?

Casey has a long history of involvement with Clinton, including volunteering in his gubernational bids. Two weeks after her concurrence, after the matter became public, she then recused herself. (Washington Post, 11/11/93)

8. Have laws or rules been violated by White House officials in the handling of Whitewater files that were in the office of White House Deputy Counsel Vincent Foster following his apparent suicide on July 20, 1993, but were not turned over to the Justice Department until January 18, 1994, nearly six months later? And, where are the Whitewater files which James McDougal claimed he personally delivered to the Arkansas Governor's Mansion in 1987 at the request of Hillary Clinton that now apparently cannot be found?

9. How much did the Clintons actually lose or gain in Whitewater Development?

An "audit" prepared for the 1992 Clinton campaign by Denver attorney, and Clinton friend, James Lyon, claimed the Clintons lost $68,900 from their Whitewater investment. However, a recent Time magazine article, and published comments by James McDougal, suggest the loss was much less. Also, the Clintons claimed a $1,000 capital gain from their sale of Whitewater in their 1992 tax return, and never reported a loss in previous returns. (Washington Post, 4/16/93)

10. Why did the Clintons' and McDougals' corporation, Whitewater Development, fail to file tax returns for three years?

During the early months of the Clinton Administration, Vince Foster oversaw the preparation of three years worth of delinquent tax returns, which were filed in June 1993, a fact not made known to the media or the public until after Vince Foster's death.

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### NEW QUESTIONS ARISE ABOUT MADISON INVESTIGATION

Congressman Jim Leach (R-IA), in his statement to the House of Representatives yesterday, disclosed copies of certain electronic mail messages written by employees of the Resolution Trust Corporation, and correspondence by RTC officials, that raise new questions about the failure and resolution of Madison Guaranty Savings and Loan Association of Arkansas.

This material deals with the criminal referral made to the Department of Justice by the Resolution Trust Corporation about Madison.

These messages seem to indicate that Washington-based appointees involved themselves in monitoring, and perhaps influencing, any Madison investigation.

Why did the Department of Justice in Washington, DC, ask that all correspondence on Madison referrals be copied to the Department of Justice here, with summaries of "sensitivity issues" attached? [RTC-Kansas City employee electronic mail message written September 23, 1993]

Why did the Department of Justice request to have copies of all future Madison referrals? [RTC-Kansas City employee September 29, 1993, electronic mail message]

Why did an RTC-Kansas City employee state that she had been removed as lead investigator on Madison by "The Powers That Be"? [electronic mail message on November 10, 1993]

Why did an RTC Washington lawyer tell the former RTC-Kansas City lead investigator on Madison on February 2, 1994, that "The 'head people' would like to be able to say that Whitewater did not cause a loss to Madison, but the problem is that no one has been able to say that to them"? [Notes of conversation]

What other contacts did regulators and career RTC and Treasury Department employees have with Washington-based bureaucrats and/or political appointees about Madison?

Congress has a responsibility and a duty to look into these and many other questions surrounding the failure and resolution of Madison Guaranty.

Attached is a relevant excerpt on these issues, and others, from Congressman Leach's statement yesterday to the House of Representatives.

### STATEMENT OF CONGRESSMAN JIM LEACH, MARCH 24, 1994

Administration Claim: Whitewater caused no losses to Madison.

Fact: As reflected in the minority-developed charts and evidenced by supporting documentation, Madison and affiliated companies transferred significant resources to Whitewater. In addition to being a modest sized real estate company, with a cash flow derived from land sales, Whitewater appears to be one of a dozen so companies with direct or indirect access to Madison and its taxpayer guaranteed deposits.

Administration claim: The Clintons lost money in Whitewater.

Fact: To have lost money in Whitewater implies that the Clintons invested sums which were unrecovered. Their Whitewater partner, James McDougal, claims at most the Clintons over the years put in $13,500 in Whitewater. The Minority has provided evidence that one land transaction alone returned more than this amount to the Clintons and published reports indicate tax deductions of some value were taken. The Lyons report, as well as a review of land sales, indicates substantial sums were taken out of Whitewater over the years. It is not clear how disbursements were arranged. What is clear is that infusions of capital from land sales, from Madison affiliated entities and possibly from others appear to have covered loans the company and the Clintons took out. The company may have had a negative value when the Clintons sold their half interest in 1992, but that neither means the Clintons themselves lost money, nor that questions ought not be asked about how direct or contingent liabilities may have been disposed of as late as 1992.

Adminstration claim: The President and his staff would fully cooperate with Congress.

Fact: The Executive branch is actively working to prevent full disclosure of documents and committee access to witnesses.

Administration claim: It has done nothing wrong in relation to the RTC investigation into the failure of Madison and is fully cooperating with Special Counsel Fiske's probe.

Fact: Officials of an independent regulatory agency (the RTC) immediately notified the White House of the probe of Madison by its Kansas City office and attempted to put in place procedural techniques to undercut the traditional independence of its regional offices.

Fact: In January, 1994 RTC Washington met with Kansas City staff. After the meeting the Kansas City office filed a formal complaint with Washington RTC.

Fact: On February 2, 1994, the day Roger Altman briefed the White House on Madison Guaranty, RTC Senior Attorney, April Breslaw visited the Kansas City office and said that Washington would like to say that Whitewater caused no losses to Madison. Kansas City employees protested that this was not the case.

Fact: On September 29, 1993, before the new criminal referrals were sent to the Justice Department, Treasury General Counsel Jean Hanson briefed White House Counsel on them. Nine days after the meeting, the referrals were sent to the Justice Department. On October 14, Jean Hanson with Secretary Bentsen's Press Secretary and Chief of Staff met with Presidential Advisors ostensibly to discuss press inquiries related to Madison Guaranty.

Fact: On February 2, right after the appointment of Special Counsel Robert Fiske, Roger Altman gave the White House a "heads up" briefing on Madison. At the Senate Oversight Board hearing, Roger Altman revealed his February 2 meeting, but no others Several days later, the September and October White House briefings were revealed. On March 9, the Washington Post reported that there were numerous other contacts between the Treasury and the White House on Madison. After subpoenas are issued it is revealed that there are over 3,500 pages of pages of documentation surrounding these contacts which the White House terms as inconsequential.

Fact: After the appointment of Special Counsel Fiske, Washington RTC officials imposed censorship guidelines on Kansas City RTC employees. NO discussion with Fiske could be made without going through Washington. No meetings between Kansas City office and Fiske could take place without accompaniment of Washington officials. No materials could be forwarded without going through Washington. All information concerning attorney-client privilege was to be redacted, with Washington RTC determing the scope.

Administration claim: No fundraising improprieties occurred.

Fact: On April 4, 1985, Jim McDougal hosted a fundraiser for Governor Clinton. The Clinton's repeatedly asked McDougal to host the fundraiser to pay off the $50,000 personal loan that Clinton had taken out in the final weeks of his 1984 campaign. The question at issue is whether some of the money appears to have been diverted from Madison Guaranty, which would then, with the failure of Madison, imply deferred federal financing of a gubernatorial election. For example, one cashier's check for $3,000 was made in the name of Charles Peacook III, then a 24-year-old college student who disclaims any knowledge of having made a contribution. Mr. Peacock's father was a major Madison borrower and served at one time on Madison's board. Other checks that the RTC is reviewing include a $3,000 check from the late Dean Landrum, an employee of Charles Peacock, and one from Susan McDougal. In the former Governor's defense, candidates are not always in a position to verify their campaign contributions.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, I will be voting in opposition to the conference report accompanying Goals 2000: Educate America Act, and I would like to take this opportunity to explain my reasons for doing so.

As a former school board member, I care deeply about education. Everybody here in this Chamber does. There is simply no question that a sound education, particularly at the elementary and secondary levels, provides the foundation for success for an individual and, indeed, our society.

No one in this Chamber would disagree with that observation. And I know there is no one more dedicated to education than the Secretary of Education, Richard Riley. He brings to his post the experiences that he had as a former Governor of South Carolina. I bring my own less lofty experiences to my views regarding education. However, serving as a school board member, participating in school activities when my own children were going through school, and talking with countless teachers and school officials has reaffirmed to me the critical role which local community commitment plays in assuring educational quality.

We might talk here at great length about designing some initiative for meeting goals, for meeting standards, and for assessing them. However, if there is not a commitment on the part of the family and the community to quality education, and if students themselves do not recognize why it is important, then we simply are not going to improve education with more committees and more guidelines which may make us feel better but will not assure educational quality.

I have encountered situations where outside help intended to improve classroom teaching and the students' education, serves instead to disrupt classroom time and bury teachers in paperwork. The further up the chain of bureaucracy offering the help, the greater the likelihood that the focus will shift from the needs of individual students to the needs of government auditors.

Involving Federal Government in general aid to education requires the establishment of a difficult and delicate balance. This is a balance that I struggled along with others to achieve in working with the Senate bill through the committee and on the floor. It is a balance which, in my view, did not survive the conference between the House and Senate on Goals 2000.

Throughout the conference deliberations, there were repeated expressions of a vision for extensive Federal involvement in education, which I do not share. One needs to draw the line somewhere, and it became increasingly clear to me that I could go no further than the provisions of the Senate bill.

I would like at this point, Mr. President, to say that I know there were many conferees, including the chairman of the Senate Labor Committee, Senator KENNEDY, and Senator PELL, the chairman of the Education Subcommittee, who gave a great deal of thoughtful guidance and effort to that conference to achieve a product which was far better than it might have been.

But I supported the Senate version of this measure with a certain amount of misgiving even at that time, recognizing that the line between welcome support and inappropriate interference could easily be crossed over the long-term.

However, during the course of the Senate consideration of the bill, some important changes were made, particularly eliminating lengthy lists of requirements on the States. Unfortunately, some of the progress made in this area was eroded in conference with the addition of required activities relating to State content and student performance, standards, and assessment.

However, Mr. President, I would like to make sure that people who might be listening to our observations on Goals 2000 understand that the model national standards are drawn up by professional teachers in the area of their expertise. For example, the math standards have been developed by teachers of math. This is not something that is going to be drawn up by somebody working in the bureaucracy here in Washington. They will be laid out by those who have experience in their own professional fields.

So, while there are many of us who have worried about who would design these standards and whether they would become mandatory, I think it is important to reiterate that the national standards are voluntary. But clearly, there is a line, as I mentioned, that will be very easy to cross. And for me, that became very apparent as this conference progressed.

Another area of real concern for me, which probably is not as much of a concern for others, relates to job skill standards. I was particularly disappointed in the provisions relating to the establishment of the National Skills Standards Board. I worked very hard in the Senate to address some serious concerns about the board.

Frankly , I believe it is a mistake to move headlong into the creation of a national system of skills standards and certification, given that there is little if any evidence to demonstrate they make a difference either for workers or for their employers.

What we do know is that such standards and certification will have no value at all unless they have the support and involvement of employers who are supposed to use them.

I offered a substitute amendment in the Labor Committee which was designed to address at least some of these concerns. My substitute would have strengthened business involvement, and offered an opportunity to review the effectiveness of the effort before it became yet another inconsequential, but entrenched, Washington institution.

That substitute was defeated in committee. But, subsequently, through a series of conversations with Labor Secretary Reich, we agreed to compromise language, which was incorporated in the Senate bill. I believe that was a good compromise. However, it did not survive conference.

I remain concerned, as well, Mr. President, about provisions relating to opportunity-to-learn standards, a subject which does not belong in the bill at all. These standards are of grave concern and overshadowed much of our debate during the conference. Although the bill includes safeguards against the Federal Government's becoming entangled in the complex issues related to the distribution of resources among schools, the fact of the matter is that this clearly is an area of State responsibility.

I feel it is very important that we not allow this to progress to the point where we are developing mandatory opportunity-to-learn standards.

Following the work of the State legislature in my own State of Kansas as they have tackled the school finance issue, I am more convinced than ever that the Federal Government is not in the position to make constructive contributions in this area. So if there are problems and there is a desire to make a change, that is where it can be changed.

The potential danger in having Federal legislation address this subject at all is that Congress will ultimately be unable to resist the temptation to prescribe the remedies and send the bill to the States. This is not to say that I believe the "worst case" scenarios painted about this legislation will materialize.

The real potential danger of this legislation is not that it will lead to a uniform, federally controlled system of education. Clearly, while there are those who would push such an agenda, the majority sentiment in Congress is not to impose education mandates on States and localities. Nor is this the intention of one of the bill's strongest advocates, Secretary of Education Riley who was a real leader in reform of education as Governor of South Carolina, and for whom I have the greatest respect. To me, the most worrisome aspect of this legislation, Mr. President, is that it will distract from the real work on behalf of reform through the institution of endless bureaucracy and the imposition of mindless requirements, none of which bear any relationship to student achievement. I cannot tell you how strongly I feel that all the requirements and paperwork that a teacher will have to engage in will only distract from the ability to educate.

As I was leaving the final conference meeting that we had between the House and Senate on this bill, I expressed my concerns to one of the individuals standing outside the room—an educator —and he said to me, "Don't worry, Senator, you can rest assured that this bill will never make it down to touch one school child in America."

I am concerned that we really will be distracted—teachers, students, educators and administrators—from the real world of day-to-day quality education. To the extent that Goals 2000 is to serve as a framework guiding other Federal education efforts, particularly the Elementary and Secondary Education Act, it should do so as a statement of high expectations. Using it as a foundation upon which to heap additional Federal mandates and to build new bureaucracies will serve none of us well—least of all, our Nation's elementary and secondary students.

Before closing, I want to take a few moments to discuss the school prayer issue, which has dominated much of the debate on the legislation. Many times Members reach the same point, but for very different reasons. That is the case with this bill, and I want to clarify that my opposition is not based on disappointment that the school prayer language included in the Senate bill was substantially modified in the final version.

In fact, I was among the 22 Senators who opposed Senator HELMS' school prayer amendment, because I believed it would put school administrators around the country in a position of having to determine questions of constitutional law.

Again, we are attempting to express a strongly held belief, which I am sure we all share, about the importance of prayer and religion in our lives. The general issue of school prayer is important. I do not believe that because there is opposition to this particular amendment, it means that our country has developed an antagonism toward religion or toward God. Rather, the real question is how, through legislative language, we can design something that will be meaningful to those who have a strong feeling about the importance of faith, their religion, and of prayer.

I believe what this amendment would do is simply tie this issue up in a far more legalistic web than we had ever imagined, further embroiling the issue in the courts. When all is said and done, we would miss the very key element we were trying to address. It is for those reasons, Mr. President, relating to education, that I have serious concerns and will be voting against the Goals 2000 legislation.

## THE WITHDRAWAL OF TROOPS FROM SOMALIA

Mrs. KASSEBAUM. Mr. President, over the last few days, we saw the withdrawal of the last of our troops from Somalia. I want to, at this moment, express my deep admiration and respect for the U.S. forces who served in that war-torn country.

When we look back over the past year and a half, it is easy to lose sight of what our troops accomplished in Somalia. Before the arrival of the United States in December of 1992, more than 300,000 Somalis—mostly women and children—had died due to starvation or disease. Another half million were at risk of death.

Now the famine is largely over. Our humanitarian mission accomplished what it had set out to do: Crops have been planted and harvested; feeding centers have been turned into schools in many parts of the country; and despite some banditry the country is much more stable than it was before our troops arrived.

I am sure there are many who would question whether we should have engaged in this mission. We will be debating for years the impact of our mission in Somalia—whether it was the correct thing to do; whether we handled it right; where did it go wrong. But it would be a real disservice not to express our great respect and gratitude for our troops who served in Somalia. These troops served at our request, with resolutions passed in the House and Senate, as well as under two Commanders in Chief—first President Bush, and then President Clinton. Our forces undertook a difficult mission which achieved much. They fulfilled it with the highest standards of our Armed Forces and did what our country asked of them to do.

So as we reflect on the pluses and minuses of the Somali operation, we must not forget those who went to serve who were asked to go serve there and the great benefit which they accomplished for struggling peoples of a ravaged country.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota [Mr. DURENBERGER].

Mr. DURENBERGER. I thank you, Mr. President.

Mrs. KASSEBAUM. Mr. President, I am sorry. I wonder if the Senator from Minnesota will yield for a moment for a request that I have been asked to make for Senator DOMENICI.

Mr. DURENBERGER. I am pleased to yield the floor.

Mrs. KASSEBAUM. I appreciate that.

## CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

The Senate continued with the consideration of the concurrent resolution.

### AMENDMENT NO. 1601, AS FURTHER MODIFIED

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the Nunn amendment (No. 1601) with the substitute language now be sent to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Nunn amendment will be so modified.

So the amendment (No. 1601) was further modified as follows:

Insert at the appropriate place the following:

**SEC. 6A. SENSE OF THE SENATE ON CONTROLLING NON-SOCIAL SECURITY MANDATORY SPENDING.**

It is the sense of the Senate that the Congress should

(1) enact, after health care reform legislation is enacted, annual caps on mandatory spending that take effect beginning in fiscal year 1996;

(2) include within such caps all mandatory spending programs except Social Security, deposit insurance and net interest;

(3) provide that the caps shall be set so that programs providing benefits to individuals may grow for inflation, changes in the numbers of beneficiaries, and an additional growth allowance of, 4.0 percent in 1996, 3.5 percent in 1997, 3.0 percent in 1998, and 2.0 percent in 1999 and thereafter; and

(4) provide that the caps shall be adjusted annually in the President's budget for changes in inflation and the number of beneficiaries in mandatory spending programs since the caps were enacted (excluding any changes due to legislation; and

(5) provide that if total mandatory spending exceeds the formula in section (3), the caps shall be enforced by,

(A) requiring the President's budget to comply with the caps, including submission of proposals to reduce mandatory spending to stay within the caps if a breach is expected under current law;

(B) supermajority points-of-order prohibiting the consideration of future budget resolutions or legislation that would breach the caps, and

(C) at the conclusion of each session of Congress, a sequestration procedure that would reduce mandatory spending by the amount of any breach of the cap in the upcoming year by reducing those programs growing faster than inflation, beneficiary changes, and the additional growth allowance for that year.

(6) Provides for a period of not less than 60 days before such sequestration for committees of the House and the Senate with jurisdiction over mandatory programs which are determined to be exceeding these allowable spending levels to report legislation that reduces direct spending in their jurisdiction by an amount sufficient to eliminate the excess spending.

(7) Ensures that reductions in federal spending for mandatory programs required by such legislation is not to be achieved by shifting costs to state and local governments.

Mrs. KASSEBAUM. Mr. President, I appreciate the Senator from Minnesota for yielding.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. DURENBERGER] is recognized.

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## SOMALIA

Mr. DURENBERGER. Mr. President, I thank the Chair, and I particularly appreciate the comments made by my colleague from Kansas about Somalia and the many sacrifices that Americans have made there.

I would also suggest to my colleagues there are Americans in Somalia today and in neighboring Kenya and other parts of that world who are prepared to make even greater sacrifices in the future.

A number of Members have been involved over the last few months in helping to develop a resource for Somalis called the Somalia Reconciliation and Development Corps. A young man from my State by the name of Jim Killsmier, his wife and family of several children, have moved to Narobi, Kenya, and regularly visit a town called Buburti which is just north of Mogadishu. What we have in mind is a project which will help Somalis reconcile and redevelop their country.

A number of Somali Americans are involved in this effort as well, and it is the hope of those of us who are involved in this particular project that with a little bit of help and a little bit of sacrifice from those of us who do not have to experience firsthand the ravages of hunger and starvation and banditry and the illogic of a nonpolitical system that the Somali people and the new leadership of that country will take responsibility for reconciling that country.

## GOALS 2000: EDUCATE AMERICA—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. DURENBERGER. Mr. President, on the subject before us, the Goals 2000 legislation, I rise to indicate my support for final passage of the conference committee agreement on the Goals 2000 proposal.

I do so fully aware that a number of members of this body, my very articulate and ranking Member who has just spoken and a person for whom I have such a great deal of respect, have reservations about this bill. I do so also fully aware that many of my constituents in the State of Minnesota have reservations about this bill.

I share at least some of these reservations. But, on balance, I believe several aspects of this bill will offer needed support to education reform initiatives now underway in States and local communities all over America.

And, contrary to its harshest critics, I do not believe this legislation will fundamentally change the historic role of parents and of local communities in the governance and control of our Nation's public schools.

At the same time, I do not share the hopes of the most enthusiastic supporters of this legislation that it will—by itself—result in significant improvements in teaching and learning.

That is not to say that improvements are not necessary. To the contrary, America's schools must do a far better job of preparing America's students for work and for life. And, that will require fundamental changes in how teaching and learning are done.

But, as we try to address that reality, we are not being honest if we believe this legislation—even if fully funded and implemented—will result in the kind of significant improvements that a 21st century America will need.

I say that because this legislation depends mainly on plans and in incremental changes in existing schools.

Real change in behavior, Mr. President, does not come from plans, or by relying just on existing schools. I do agree that setting high standards that focus on results can help offer concrete goals for change.

But, real improvements in what students learn will only come when there's a reason to change. And, just like health care and a lot of other public services, real change will only come when market forces are present that encourage and reward good choice and success.

To get that kind of change, education must be viewed from a consumer standpoint.

That means, Mr. President, that parents and students must have the right to choose which schools their children attend.

In a minute, I am going to make a statement in introduction of a Medicare choice act in which I quote President Clinton in one of the great reforms undertaken in our generation the reform of health care in our country, and he says there are six essential elements that must be in the reform of our Nation's health care system: Security, simplicity, savings, choice, quality, and responsibility.

Our current educational system may give someone the sense of security. It may seem simple. It has no savings. It has absolutely no choice. It has questionable quality. And it almost totally lacks responsibility.

All you have to do is go to a school board meeting sometime when they are having a problem and watch them point fingers at the State Capital or the National Capital or mandate or someone else in the system. We know that. There is no responsibility, and without responsibility there is no accountability and without that there is no impact from whatever choice that we make.

That means that teachers and parents and communities must have the right to start and run innovative, new schools; that schools must be as diverse as the needs of today's increasingly diverse students; and, that new forms of accountability must be tested that offer schools and teachers incentives and rewards for improved results.

All over America, Mr. President, States are taking steps to both redesign and redefine public education to implement these and other fundamental reforms.

My own State of Minnesota has been among the leaders by lessening the burdens of input-oriented rules and regulations; by redirecting accountability toward improved results; by making it possible for parents and students to choose which public schools they attend; and, by increasing the range and diversity of public school choices that are available.

I am pleased, Mr. President, that at least several of these strategies for change will be assisted by provisions that I was able to get added to this bill.

For example, on every positive feature in Goals 2000 is the provision allowing States to use State-level improvement funds to support public school choice initiatives, including information and referral programs; and to support the establishment of innovative new public schools, including magnet schools and charter schools.

Under language I suggested, local school districts may now also use a portion of their grant funds to support innovative new public schools.

Finally, I am also pleased that this legislation now includes several significant opportunities for States and local school districts to get out from under the burdens of Federal rules and mandates.

Under an amendment that Senator HATFIELD and I authored, up to six States will be able to seek broad authority to waive both Federal and State mandates—rules and regulations that now stand in the way of doing what teachers, principals, and parents know must be done to improve their schools.

Minnesota is leading the rest of the country in replacing accountability for schools that's now based on inputs—like how many hours students have to be in the classroom and how many days have to be in the school year—with standards that reward schools based on what students actually learn. Reward schools based on results. What do kids actually learn? That is a result. It does not do it on how many hours you are in the school. Nor how many minutes you are in a classroom. Nor how many kids in front of a teacher. Nor how many days of education process is going on. For that reason, I'm very hopeful that Minnesota will be one of the six States chosen to participate in the demonstration Senator HATFIELD and I authored.

I want to emphasize the fact that this legislation places certain fundamental protections off-limits from this waiver authority and also requires that those seeking waivers demonstrate that the underlying objectives of the regulations being waived will not be jeopardized.

To monitor whether that commitment is maintained, we will need a more localized, manageable, and effective alternative accountability mechanism for schools and districts that receive waivers. Ideally, that alternative accountability mechanism will be local and results-oriented.

One such alternative is now embodied in the laws of States that have authorized charter schools. Although these laws vary, they generally allow public schools to operate free of most rules and regulations in exchange for a multi-year, results-oriented performance contact with a State or local education agency or some other public body.

This arrangement keeps accountability with an entity that can provide effective oversight. It keeps the number of deregulated schools that need to be monitored by each oversight agency relatively low. And, it shifts the focus of accountability from input-oriented rules and regulations to contractually agreed-to results.

Clearly, the waiver provisions contained in the Goals 2000 proposal will take some time to fully implement. And, I would hope that, as these provisions are implemented, alternative accountability mechanisms—including an oversight role for State or local education agencies, a clear focus on results, and the use of contracts or other formal agreements between deregulated schools and the State or local education agency—will be given a fair test.

I also hope that the more general subject of the role of Federal waivers in education reform—including how those waivers are granted and administered—will be given additional consideration in this year's reauthorization of the Elementary and Secondary Education Act.

Finally, Mr. President, let me comment briefly on the provisions in this proposal that authorize so-called opportunity-to-learn standards.

As Members of this body know, I have been among the most strident critics of these standards. My preference would have been that they not appear at all in the bill.

I have not been alone. And, I know that the administration, the Nation's Governors, and many others have worked hard to reach agreement on the provisions that remain—to ensure that they do not place additional mandates on States and school districts and divert attention from an increased focus on accountability for results—holding schools accountable for what students actually learn.

I have shared the language in the compromise we have reached with education officials in Minnesota, Mr. President. And, I have been told that my own State's education reform initiatives will not be compromised by the requirement that opportunity-to-learn standards or strategies be adopted—but that actual implementation of those standards or strategies remain an option.

Based on that advice, I will not oppose this bill. But, I do pledge to maintain vigilance over implementation of these provisions to make sure they are not an entre to new and intrusive Federal regulation of the inputs needed to improve teaching and learning in our Nation's schools.

In monitoring implementation of opportunity-to-learn standards, Mr. President, I have identified five important limitations I believe must be respected:

First, compliance with opportunity-to-learn standards must be strictly voluntary. And, there must be no link between achieving such standards and eligibility for Federal education improvement funds or funds authorized by chapter 1 or other Federal programs.

Second, compliance with a uniform and mandatory list of opportunity-to-learn standards must not be considered a prerequisite to being held accountable for tough, results-oriented academic standards.

Third, meeting opportunity-to-learn standards must be viewed as only one of a number of alternative strategies available to State and local education agencies and to schools in achieving academic standards.

Fourth, we must accept the reality that all schools and communities are unique. Therefore, we must recognize that some opportunity-to-learn standards may contribute to achieving performance standards in some schools or communities and other opportunity-to-learn standards may make that contribution in others.

And, finally, States and local districts and schools must be able to decide which opportunity-to-learn standards may contribute to achieving academic standards in their unique circumstances.

I believe these limitations are consistent with the conference agreement now before us, Mr. President. But, I believe all those who oppose new Federal mandates in education must remain vigilant to ensure that these limitations do not get violated as implementation of this legislation goes forward.

Having noted the various improvements that have now been made, Mr. President, I am prepared to vote to approve this conference committee agreement.

I am pleased with the authority it gives States and local school districts to increase parent choices and help start innovative new public schools.

I strongly support the authority this legislation grants the Secretary to grant waivers to States, districts, and schools that are stifled by input-oriented rules and regulations and are now willing to be held accountable for what students actually learn.

And, I believe the compromises that have been made in the provisions dealing opportunity-to-learn standards need not stand in the way of the important reforms now taking place in education all over America.

At the same time, Mr. President, I believe we must realize the limitations of this legislation and the reality that achieving the goals it would make law will require the leadership of States and the dedicated efforts of teachers, parents, students in every community in this Nation.

Real reform in education will not result just from changes in Federal law or Federal programs. But, the conference agreement now before us could help establish a framework within which that real reform can—and must—now take place.

Thank you, Mr. President. I yield the floor.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that I might proceed as though in morning business on another subject.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

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## RON SPEED

Mr. DURENBERGER. Mr. President, I rise today to honor a friend and fellow Minnesotan, Ron Speed. Ron died March 15 at his home in Minneapolis of complications from AIDS.

In many ways, Ron Speed represented the very best of public life in Minnesota. He had worked for more than 25 years for one of our State's largest employers, Honeywell, Inc. At the time of his death, Ron was Honeywell's vice president of corporate, government, and community affairs.

Ron had many talents and many, many friends. He combined his own vision and leadership with the resources of a large company to help build a better community. And, although Minnesota has now lost one of its finest corporate citizens, his memory will continue through the programs and projects to which he gave life.

I first came to know Ron Speed almost 30 years ago when we were both what we then called Young Republicans—young idealists in a political party that succeeded because it offered attractive candidates and practical and progressive ideas that worked.

Ron spent several years here in Washington on the staff of Representative John Zwach. And then, 25 years ago last November, he began a career at Honeywell that would help redefine and reshape the very meaning of corporate public affairs.

Ron and I were colleagues during 7 of those years when I held a similar position at the H.B. Fuller Co. We supported many of the same community programs and projects, and began many of the same initiatives within our own companies, many of which are being adopted across this country.

During his 25 years at Honeywell, Ron started a new division called corporate community affairs.

And, because of his leadership—and the support of others at Honeywell—that division gave new meaning to how a large corporation relates to its community, not just through its business practices, but through its employees, through its corporate and foundation giving, and through the leadership its top executives give to real and needed forces for community change.

Ron was fortunate during his 25 years at Honeywell to have bosses and mentors who created an environment that allowed this vision of corporate public affairs to grow.

Ron worked for some of the true national pioneers in redefining the role of large corporations in society, including five highly gifted CEO—Ed Spencer, Steve Keating, Jim Binger, Jim Renier, and most recently, Michael Bonsignore.

Ron also was blessed with an unusually gifted group of colleagues in what has always been a strong and creative public affairs department, mentors and friends like Russ Laxson, Don Conley, Glen Skovholt, and many, many others.

And, Ron used his vision and what he learned from others to help change the role of employers in society. He was always willing to share that vision with others—informally, and through his membership on the advisory boards of the Center for Ethics at the College of St. Catherine and the Boston College Center for Community Relations.

Two months ago, Mr. President, I had the privilege of joining more than 300 friends, family members and co-workers who attended a celebration to honor Ron for his outstanding community service and to announce the establishment of what will be known as the Ron Speed Award for Public Affairs Leadership.

The mood that evening was somber, yet filled with upbeat celebration. Several mutual friends commented that the event was "pure Ron Speed"—dignified, reflective, yet fun.

Many warm, personal and caring things were said both about and to Ron that night. And, when the time came for his response, Ron did not let his friends down.

He was clearly moved by the genuine outpouring of love and support from a community he had loved and supported in return.

But, Ron's response did not dwell on his illness or pain. Nor did he reminisce about past accomplishments or express regrets about what might have been.

Instead, Ron Speed used his last opportunity to speak publicly to lay down a challenge to his colleagues at Honeywell and to all those who struggle with the role that large, multi-national employers must continue to play in the communities from which they do business.

"One of the things most of us have held dear," Ron told his assembled friends, "is the notion that solutions to problems cannot be found without the participation of everybody in the community."

"And, as the community fights more difficult issues all of the time, and is working—particularly in urban settings—to make life better, it can't be done without the churches, the people, and obviously, the political system."

I ask unanimous consent, Mr. President, that the full text of Ron's challenge be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DURENBERGER. Mr. President, meeting the challenge Ron spoke of will require the active participation of large employers like Honeywell. But, it will take the active involvement of many others as well.

And, Ron Speed had a unique ability to bring all those forces for change together to benefit the larger community.

Ron worked through the Honeywell Foundation to support programs that could empower communities to tackle problems on their own.

Ron also used programs he started within Honeywell—the Honeywell Retired Executive Project, for example—to put back into the community the time and talents we so desperately need.

And, Ron placed a high priority on programs that help shape the future, especially educational programs supporting children and young adults.

One program to which Ron gave national leadership is Close-Up, a program that has meant a lot to me personally, as well.

Literally thousands of high school students from Minnesota and many other States can thank Ron Speed for his leadership in Close-Up and for the inspiration and knowledge that experience has offered to them at a critical point in their lives.

During his quarter century of public service, Ron also served as chair of the board for the American Refugee Committee, the Minnesota 2000 education reform initiative, and the Business Leadership Council of the Close-Up Foundation. And, he served on the boards of the national Points of Light Foundation, the National Retiree Volunteer Center, Augsburg College, the Minneapolis United Way, and the Minnesota Government Learning Center.

Ron also headed the Business Action Resource Council for the Greater Minneapolis Chamber of Commerce and the program committee for the Minnesota Project on Corporate Responsibility. He was a member of the Minnesota Special Olympics Advisory Council. And he chaired the Management Assistance Project, an agency linking corporate volunteers with nonprofit Twin Cities agencies.

Ron was born February 23, 1943. He is survived by his partner, Jim Macknick; his children, Erika, Kate, and Ryan Speed and their mother, Paulette; his parents; a brother, a sister, several nieces, and a nephew.

Ron Speed will be missed, Mr. President, by his family and friends. And, my heart goes out to them as they try to accept and adjust to his loss.

But, because of what he gave when he was with us, Ron Speed's memory—and his contributions to his community—will live on forever.

### EXHIBIT 1

### REMARKS BY RON SPEED

Presented at the Announcement of the Ron Speed Award for Public Affairs Leadership—January 7, 1994.

We are all here for a period of time and then go on—and my time in life is short. My hope is that through the creation of this award, we will continue to find specific ways for us all to work together for real action. One of the things most of us have held clear is the notion that solutions to problems cannot be found without the participation of everybody in the community. As the community fights more difficult issues all of the time and is working—particularly in urban settings—to make life better, it can't be done without the churches, the people, and obviously, the political system. In Minnesota, we've been blessed by the fact that corporations are also a big part of the equation. However, this tradition has been challenged mightly, and I think understandably, over the last several years with takeovers, "barbarians at the gate," and greed from Wall Street.

We are now back on a better track. For the most part, companies, like my own, have hung in there with very little change. Though we may have had to cut back on certain staff projects, our work through the Foundation never faltered—and that is one of the things that I admire about Honeywell and Honeywell management. We have always understood that attention to the community is critical.

At Honeywell, we have been increasingly strategic in our efforts to help solve community problems. We did go through an era, probably in the 1970's, when we would adopt a school or take on some small project or do some nice thing for a community agency down the street. And there is a place for that. But, it's also important for us to sit down with county commissioners and to sit down with other companies and community agencies and really try to engage. We've got to get at these problems if they are ever going to be solved and not just talk around the edges. It has be a strategic effort by all of us.

Some of the projects we've talked about tonight are good examples. The Management Assistance Project was an attempt to gather hundreds of executives to take two, three, or four months to work in community agencies on very targeted projects. I think they've worked with more than 2,000 agencies. There's power in that kind of involvement.

Another project mentioned earlier was the Honeywell Retiree Volunteer Project. More than 1,100 individuals have worked on assignments with over 425 agencies. And, HRVP has triggered similar efforts throughout the United States. I think there are lots of other examples we could cite. These efforts take working together, finding the right partners, and finding the talented people within the company who can bring organization and insight.

Ray Hoewing (Public Affairs Council), Don Conley (former Vice President of Public Affairs at Honeywell). Peter Hutchinson (former Vice President of Public Affairs at Dayton Hudson and current Superintendent of Schools in Minneapolis), and I have discussed how important it is not to overly compartmentalize our companies' public affairs efforts. For example, in too many companies, we may lobby at the state capitol or in Washington for specific issues with very little awareness of what is going on with other issues such as housing or education policy. Or, we may make contributions to education, but we don't know what's going on with the public policy side of the issue.

I am very proud of Honeywell, and especially the public affairs department, which over the last several years has worked aggressively with the understanding that we can have more of an impact through shaping public policy than through our dollars alone. For example, our contributions people lobby and work with county commissioners, congressmen, and city government. Our government affairs people work on contribution programs and serve on the Foundation board. I believe it's time for companies to do a better job of integrating and understanding issues so we can be more serious about solving problems. And, at Honeywell, we are convinced we serve our business units more effectively through this strategy.

Jim Renier (former Honeywell Chairman and Chief Executive Officer) is a master of supporting this strategy. For example we included workers compensation, taxes, education, policy and Success by 6 in our legislative program last year. This is a pretty unusual agenda for most companies. It also goes without saying that, as a staff, we have to rely on one another to do the work that we do. In my case, I have certainly relied on Honeywell as the anchor, the partner, the employer for which I work. Honeywell, I think, has been truly one of the magnificent companies in this country.

I've worked under five CEO's. Jim Binger brought a thoughtfulness and a sensitivity about philanthropy and contributions and how it might be done in the most rational way. Today, he demonstrates these skills in his work as a member of the McKnight Foundation board and in the field of international philanthropy.

Steve Keating was an activist chairman who jumped into the middle of a difficult time of race relations, a difficult moment in the 1960's. He co-chaired the Urban Coalition and did lots of other things with the Courage Center and other boards. He made quite an impact in the community, and lots of people followed his example. It should be noted also that Steve started the housing project in the Phillips neighborhood to which we have given almost $2 million in housing assistance over a 20-year period.

The CEO who had the biggest impact on what we're trying to do strategically was Ed Spencer. Ed agreed that a business must act responsibly wherever it operates—whether it's a sales office in Philadelphia, or a regional office in Georgia, or a manufacturing location in Massachusetts. For three to five years, there flourished a network of Honeywell people from all over the country who supported this strategy. We even became serious about moving on public affairs issues internationally; it was no longer something we dabbled in. Prospects for Peacemaking, a dialogue regarding peace issues, and other pioneer initiatives came out of that sort of environment. Acting responsibly became institutionalized—a part of the infrastructure at Honeywell.

Jim Renier brought a whole new dimension to our efforts. He was a real flagship leader. Jim came at a time when he was battling all sorts of other things—takeovers, difficult business times, but he kept the company whole and was able to fight off the "barbarians" at our gate. At the same time, he never wavered in his eagerness to do things for the community. Jim was moved by the difficult reports he had read about small children. And, he understood how up-front work with pregnant mothers, infants, and toddlers could prevent a lot of problems and save money in the long run. Jim eventually jumped in with both feet and became one of the most credible spokespersons in the country on education. We also put together discussions with the Secretaries of Health and Human Services and Education. We got a half-million dollar grant to put into the School Human Services Redesign Project. And, Jim led the United Way's participation in this rather risky new model. I was always a little embarrassed because he seemed to be a little ahead of me on reading or doing more staff work than I was at times.

Now, with Michael Bonsignore, we have an opportunity to spread our wings even further. Mike is a real internationalist and has already asked that each executive in the world take on a key community assignment. And, he, personally has been very involved in a number of important community projects. However, working with Mike will be a little more difficult at the outset because he is swamped. As the new CEO, he has to be everywhere to become known, and he has to focus on strengthening the market.

We've been very fortunate at Honeywell. It is pretty unusual. I believe, to find executives like ours who have the kind of insight to run a complicated business, support their public affairs people, and really make the machinery in the corporation work for the maximum public good.

In today's environment, there are more and more challenges facing public affairs people. However, I hope we keep at this through thick and thin. And, I hope we can continue working as partners, working in a strategic manner to make a difference in all the communities where we operate.

(The remarks of Mr. DURENBERGER pertaining to the introduction of S. 1996 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DURENBERGER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. BOXER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURENBERGER addressed the Chair.

Mr. MITCHELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. THURMOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina.

Mr. THURMOND. Madam President, I rise today as a strong supporter of education reform. However, after carefully examining this legislation and considering the views of my constituents, I intend to vote against the conference report to S. 1150, the Goals 2000: Educate America Act.

As you know, I supported this legislation out of the Senate Committee on Labor and Human Resources with a number of concerns. I also voted for the Senate version of this measure, again with a number of reservations. I believed then, as I do now, that we should strive to develop national education goals which describe what our children should know and be able to achieve in school. However, while we work on education reform legislation, we should guard against excessive Federal regulatory requirements, as well as Federal mandates not funded by the Federal Government.

The conference report now mandates specific content and performance requirements which must be included in the States' improvement plans for meeting the national education goals. The Senate version allowed much more flexibility by only requiring the States to establish content and performance strategies that the State felt would meet the National Education Goals. The conference mandate goes to the very heart of my concerns. It takes away the voluntary nature of the States' strategies, and I believe this could be the beginning of the development of a national curriculum, which I oppose.

In a letter written by the Governor from my home State of South Carolina, Governor Campbell, to President Clinton, I observed a number of concerns he has with this legislation, especially in the area of opportunity-to-learn standards. As you know, I do not support federally imposed opportunity-to-learn standards. I believe this is a responsibility that should remain with the States, and I agree with the concerns Governor Campbell raised in his letter.

Unfortunately, the inclusion of content and performance requirements and opportunity-to-learn standards creates the potential for widespread litigation. We are setting the stage for every student who believes they are not getting "a fair opportunity to learn" to bring a lawsuit. A number of studies demonstrate no correlation between spending and educational performance. However, attorneys are lining up in anticipation of suing a school system because its standards are not adequate.

In a hearing before the National Council on Education Standards and Testing, Mr. Jonathan Wilson argued that all he needed to bring a lawsuit is the establishment of standards by which to measure whether the State is properly carrying out its responsibility to provide adequate education. Under this legislation, he will have the standards he needs to sue.

Our schools will not be spending their scarce resources on the necessary tools for education. Instead, our schools will be paying the local attorney to defend it from a barrage of lawsuits filed to equalize or normalize the amount of resources provided to each child. This is not what is intended by education reform.

Madam President, this legislation will establish a National Skill Standards Board for the subsequent development and adoption of national industry-recognized skill standards. I am supportive of the development of voluntary national industry-recognized skill standards in this country, not mandatory ones.

During the previous consideration of this legislation in the Senate, I stated that we should not establish a Board which would undermine or restrict businesses in developing their own skill standards. It is essential that this continues to be an industry led initiative.

I supported the compromise concerning the composition of the Board reached by Senator KASSEBAUM and Labor Secretary Robert Reich. Unfortunately, this compromise was deleted in conference.

The ultimate cost of the bill is a matter of great concern.

Finally, I object to the absence of the Helms' school prayer amendment from this legislation. My good friend and colleague, Senator HELMS, offered an amendment to S. 1150, which was adopted in the Senate by a vote of 75 to 22. The House passed a motion to instruct House conferees to accept the Helms amendment by a vote of 367 to 55. However, the Helms amendment was stripped from this legislation. I believe a return to voluntary prayer in public schools would considerably add to the well-being and character development of America's children.

Madam President, I believe the education we provide to our children and future generations of children is one of the most important gifts we can give them. The Federal Government should facilitate State and local reform efforts and not become an obstacle. However, I am deeply concerned that this bill will wrest the control from the States and local communities, and place it in the hands of Washington bureaucrats. Under the Constitution, Education is primarily the responsibility of the States.

I worked closely with my good friend Secretary Riley on this legislation and commend him for his efforts, however, I cannot support this legislation in its present form.

### RESPONSE TO HOUSE OF REPRESENTATIVES VOTE ON VOLUNTARY SCHOOL PRAYER

Madam President, earlier this week, by a vote of 345 to 64, the House of Representatives agreed to withhold Federal education funds from school districts that prohibit students from engaging in voluntary prayer in public school. I applaud my colleagues in the House for this vote and especially commend Congressman JOHNSON of Texas who drafted the language. This amendment should remain in the bill which will provide Federal aid to elementary and secondary school programs.

Also, my good friend and colleague, Senator HELMS, had offered a similar amendment to S. 1150, the Goals 2000, Educate America Act, which was adopted in the Senate by a vote of 75 to 22. However, the House-Senate conference on Goals 2000, in a hasty manner, adopted so-called compromise language on the Helms amendment which completely misses the mark of the original Senate position. Hopefully, this action will not stand and the Senate will have the opportunity to reiterate its position on voluntary prayer in public schools.

Madam President, last year on the first legislative day of the 103d Congress, I introduced Senate Joint Resolution 9 which is a proposed constitutional amendment to allow voluntary school prayer. This bill is essentially the same as legislation which I introduced at the request of President Reagan in March of 1983, during the 98th Congress. I reintroduced this amendment in the 99th, 100th, 101st, and 102d Congress. This proposal would restore the right to pray voluntarily in public schools—a right which was freely exercised under our Constitution for 170 years until the Supreme Court ruled to the contrary.

Until the Supreme Court ruled in the Engel and Abington school district decisions, the establishment clause of the first amendment was generally understood to prohibit the Federal Government from officially approving, or holding in special favor, any particular faith or denomination. In crafting that clause, our Founding Fathers sought to prevent what had originally caused many colonial Americans to emigrate to this country—an official, state religion. At the same time, they sought, through the free exercise clause, to guarantee to all Americans the freedom to worship God without government interference or restraint. In their wisdom, they recognized that true religious liberty precluded the government from both forcing and preventing worship.

In the 1960's, in one fell swoop, the Supreme Court overturned the long-settled public policies of tens of thousands of communities across the Country. A moment of voluntary prayer at the start of the school day—a policy that had enriched the education of generations of school children since the founding of the Republic—was determined by the Supreme Court to be a menace to the first amendment.

Madam President, every morning we open the Senate and begin our work day with the comfort and stimulus of voluntary prayer. As a Nation, we continue to recognize God in our Pledge of Allegiance by affirming that we are a Nation "under God." Our currency is inscribed with the motto, "In God We Trust." It is time we restored the simple freedom of our citizens to offer prayer in our public schools and institutions. The public expression through prayer and recognition in other ways of our faith in God is a fundamental part of our American heritage. It should not be excluded from our public schools.

Madam President, our liberty springs from and depends upon an abiding faith in God. This has been clear from the time of George Washington, who stated in his farewell address:

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports * * *. And let us with caution indulge the supposition that morality can be maintained without religion * * * [R]eason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

Madam President, there is much discussion across this Nation on the breakdown of values and morality. There are concerns of violence in schools threatening the safety of teachers and students alike and undermining a sound learning environment. Of course, school prayer is not the panacea to end all problems, but I am confident that it will considerably add to the well-being and character development of America's children.

Again, I commend the recent action by the House of Representatives and believe that we must rededicate our efforts to amending the Constitution to return voluntary prayer to public schools.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Madam President, I appreciate the opportunity to share a few thoughts with the Members of this Chamber with regard to the measure before us. What we have is an exercise that this Senator believes is symbolic of a practice that has grown up over the recent years in Congress—that is, of ignoring the wishes of the majority in both the House and the Senate.

Why would I say that with regard to this bill? I think, as all Senators are familiar with, the amendment that was labeled the Helms amendment, passed this body by a large margin. What may not be clear to everyone who listens to us is that that amendment passed the House of Representatives by a very large margin, as well. It passed, as I understand it, in the form of instructions to conferees. Yet, when this matter was considered in conference, even though the Members of both the House and Senate had voted on this specific measure and had both agreed on this specific measure, the members of the conference took a position dramatically different.

The problem with that is that we then find the will of the majority—a majority of the House and Senate—thwarted. Our concept of democracy, representative democracy, is based on the will of the majority prevailing. Yet, we find a very specific instance here where, instead of prevailing, we find that the wishes of the majority were thwarted. It comes on a very sensitive issue. It comes on an issue in which there are strong feelings on both sides. All of us appreciate it. But I think it is fair and reasonable to observe that the members of the conference committee felt differently about the issue than the Members of the body.

The real question that we have to face today and resolve is whether or not people who are appointed to the conference committee can simply ignore the expressed and voted-upon wishes of the majority—not just the wishes of the majority of the people of this country; incidentally, I think the people of this country support the Helms amendment in a clear fashion—but the majority of their elected representatives. Most State legislatures do not have this problem. When I say that, I deal with rules, and I think the rules are important here.

The rules for most State legislatures provide that a conference committee may not go beyond the scope of the differences between the two bills. We, of course, have provisions that speak to that phenomenon in our rules both in the Senate and the House. Our rules are somewhat different than most States.

What we have talked about—going beyond the scope of the differences—in the Senate and the House and the rules our conference committee seemed to operate under, is if a measure is raised and there is no difference between the position of the House and Senate as expressed in their votes, the conference committee still feels free to go beyond the scope of the differences of what has been expressed. In other words, as long as they address the subject, the feeling is that they can do, in some cases, the opposite of the expressed will of the majority. That is clearly not in line with the rules of most legislative bodies or with the concept of democracy, which requires legislative bodies to respond to the will of the majority.

In effect, what we have are rules that allow conference committees to disregard the expressed will of the majority. We allow them to write new legislation in conference committee. We allow them to express ideas and bring to the floor legislation. This problem is compounded by another phenomenon that the rules of this Chamber and that of the House; that is, the provisions that preclude members of the conference committee from developing a minority report, a report that is favored by less than a majority of that conference committee.

Why is that significant? It is significant because if a minority report is put out that is properly before the House and Senate with the conference committee reports then the various Chambers have the ability then to reassert the will of the majority. This dispute could easily have been resolved if simple votes had been allowed or had been in order to let the majority reassert its preference.

In the State legislatures—not all, but most—they allow a minority report from the conference committee. It is a safeguard from a runaway conference committee that disregards the will of the majority. If a conference committee does not reflect the feelings of the majority of either house and does so in the reports they prepare, a minority of that conference committee can indeed write a minority report, and that is available to the various houses to express their preferences. That is the way it works in most legislative bodies. They are designed to make sure that the will of the majority prevails, and our concept of democratic leadership is not thwarted.

Such is not the case with our rules. In the case of our rules, it allows people to go beyond the scope of the real differences in the conference committee, even though we use terminology that suggests they should stay within it. It allows them to draft legislation that is opposite to the wishes of the majority as expressed in votes on the floors of the House and the Senate. And then it allows them to preclude the will of the majority, to come before the various houses in the form of a minority report.

Our rules not only thwart the majority sentiments expressed in the House and Senate, but they thwart the ability to even raise it properly as an alternative conference report. It thus allows the leadership of the bodies, if they wish, to send people to conference committees who do not represent the feelings of this body or of the House of Representatives. It further allows that conference committee to vote in legislation in the conference report that is not representative of the bodies. It further allows them to deny the majority an alternative conference report in which to express their wishes.

Some will say, "That is the way the rules work. That is the way the ball game is played." Madam President, let us not pretend that it is fair. Let us not pretend that it is the way democracy is meant to work in this country. It is an aberration, a way to thwart the will of the majority. It is a way to deny fair democratic process. That is why we find ourselves in the late afternoon and evening talking about a measure that ought to be simply resolved by votes. It is why the Senate finds itself held over in this circumstance, and it is why feelings run so deep.

On the one hand, the determined majority feels they ought to have an opportunity to express their feelings, and a determined minority that controls the process through the appointment in conference committees and an aberration of rules that allow unrepresentative conference reports to come forward. If this is the only time it happened, perhaps you would not have this strong reaction of people suggesting that we stay in session until midnight, or a little beyond, and debate the issue. I suspect there are not the votes to overturn the conference report. I suspect most legislators want to call it a day and head home.

But the principle is at stake here. It is much more important than simply myself, or the distinguished Presiding Officer, or other Members of this Chamber. The principle goes to the very thought and core of democracy. It goes to the aberration, and I think the problems is inherent in the rules. It goes to the ability of the leadership of this Chamber and the other Chamber to thwart the will of the majority.

Madam President, some could say: Senator, when Republicans have held this Chamber, or the Chamber of the House, there were times when their leadership used every tool at their command to thwart the will of the majority. It would be a fair observation and a correct one. Both parties in the past have, at times, used the rules to their advantage and used the rules to thwart the will of the majority. Perhaps we are dealing with human nature, but that does not make it right. They, in turn, have had to answer to the American people, just as those who would thwart the will of the majority here will have to answer to the American people.

The real issue is not just prayer at school. The real issue is whether or not this is a democratic body that honors the obligations it has to people in the country.

It is whether conference reports honor the obligation they have to represent the Chamber. No one suggests that we ought to do away with the concept of conference committees, but what we do suggest is that when there is a clear vote on this subject the conferees from that Chamber should respond to it and should honor it and not simply disregard it.

Also, I think it is a crying need for us to follow the examples of most of our States in this Nation and allow minority reports from conference committees to come forth before the bodies. I see it in regard to many, many other issues, not just prayer in school.

One of the early lessons I found was on appropriation bills where one Chamber would come within budget, spending $9 billion, and another Chamber would come forth with a bill spending $8 billion and a budget and conference committee would come back with a report to spend $12 billion or $13 billion, far beyond the scope of the differences, the scope of the differences between $8 billion and $9 billion. The compromise, of course, was just to accept the spending proposals in both Houses.

Who lost? The taxpayers. It was an aberration of the rules, I think unfair rules if one were to look at it, to ignore the real scope of the difference and say, look, we all talked about these; therefore, they are able to be legislated and we will not only take all the programs of both Chambers but break the budget in the process.

That phenomenon is repeated over and over and over and over again, and the losers have been the American people. The losers have been the American people who end up footing the bill.

It is part and parcel of that phenomenon of the rules as to how this Nation has simply fallen deeper and deeper and deeper into debt. The chart on my right tells the chilling story. It has simply a depiction of the red ink that the taxpayers of this country are responsible for. It is passed on to their children and to their grandchildren and to generations beyond.

It tells several, I think, important things. It tells of an abandonment of the principles of watching the budget and being careful with the taxpayers' money. But it tells more than that. By an alarming explosion in terms of spending we have seen an explosion in terms of deficits. The numbers depicted are nothing more than the amount we owe. They are straight dollar numbers. They use estimates for fiscal 1995.

Madam President, let me observe that at least from my experience the numbers here for 1995 underestimate the debt that we will have. They do not overestimate it. The balance of the chart are actual figures, other than the estimates for the last 2 years.

They tell the story of a burden imposed on the working men and women of this country that make it more and more difficult for us to compete in world markets, make it more and more difficult to prepare for the future of our children and our future generations and leave a lasting legacy of debt. And who is responsible?

In the process we have had people point fingers at everyone else, but the reality is this Congress over those years in question that this Congress has repeatedly voted to exceed budgets.

I want to be specific about that because some have implied that the President of the United States was the one who was responsible for these huge deficits. Let me acknowledge that the President does indeed possess the right to veto legislation, but tragically we have not acknowledged the ability to use a line-item veto. I for one believe a line-item veto is implied in the Constitution.

Senator ARLEN SPECTER of Pennsylvania has done an exhaustive, and I think very thoughtful, work on that subject. He has not only sponsored a constitutional amendment to deal with that subject but his legal research points out that a line-item veto is implicit within the Constitution itself. I commend Senator SPECTER's legal work in that regard for anyone who is interested in that subject. I might simply observe this. The Constitution of the United States mandates a President veto measures with which he or she may not agree. It also mandates that the President has a responsibility to keep this country running and moving forward.

What has happened through many of these years where the debt has exploded is that we have had a President faced with a continuing resolution that includes almost all of the spending oftentimes in the discretionary category. The President is virtually put in the position of shutting down the entire Government of the country as well as defense or in the alternative signing the bill for which he or she may not agree.

That is not within the scope of what the Constitution provided. The Constitution mandates—"shall" is the word, mandatory language, that he veto those measures. Yet if they veto those measures they violate other mandates from the Constitution.

The debate over a line-item veto will await another day, but the results of conference committees ignoring the issues of the various bodies and coming in with reports that are clearly beyond the scope of the difference of the various bodies, even though we interpret the meaning of beyond the differences differently, the result of that has been disastrous. It is not simply meant to thwart voluntary prayer in school. It has thwarted the financial obligation of this country and the ability to try to deal with it.

I want to go through some numbers. I hope they will be meaningful to the Members of this Chamber as we go through them, because they involve a variety of Presidencies and they involve a variety of actions by this Congress.

In 1981, President Carter submitted a budget to Congress of a $34 billion deficit. Congress when it got through with that budget, gave us a deficit of $79 billion, a full $44 billion more than what the President had recommended.

In fiscal 1982, President Carter submitted a budget recommending the deficit of $46 billion, but Congress ended up appropriating, taxing to a deficit of $128 billion.

In 1983, President Reagan submitted a budget recommending the deficit of $107 billion, but a reluctant Congress gave him a deficit of almost twice that much, $208 billion.

In 1984, President Reagan recommended a deficit of $203 billion, and it came in a little bit less in actual terms, a remarkable achievement primarily attributed to the remarkable turnaround. What is interesting to note, though, in that 1984 budget is that much of it was due not to control of spending in Congress, but to changes in economic assumptions resulting from the dramatic turnaround of the economy. Some attributed that turnaround to the Federal budget deficits resulting from changes in the Tax Code.

But the pattern quickly went back to the same as the years went forward.

In 1985 the President recommended a budget deficit of $195 billion, and Congress came in with one of $212 billion.

In 1986, the President recommended a deficit of $180 billion, and the Congress gave the President a deficit of $221 billion.

In 1987, the President recommended $144 billion, and Congress gave him a deficit of $150 billion.

In 1988, the President recommended a deficit of $108 billion. Congress gave him a deficit of $155 billion.

In 1989, the President recommended a deficit of $130 billion. Congress gave him a deficit of $153 billion.

In 1990, President Bush recommended a deficit of $91 billion. The Congress turned around with a deficit of $220 billion.

In 1991, President Bush recommended a deficit of $63 billion. Congress returned a deficit of $269 billion.

In 1992, President Bush recommended a deficit of $281 billion. Congress gave him $333 billion.

One may hope that this will turn around in the years ahead. My guess is in some years it will. But what is strange through all these years—through President Carter, President Bush, President Reagan—is that Congress itself violated its own budgets. Congress itself ended up spending more money, or at least having higher deficits, than the Congress itself had called for in their own budgets.

One may quarrel, as I did, with the budget recommendations of President Reagan and President Bush, but this Congress violated and exceeded, in terms of the deficit, not only the budget deficits recommended by the President, but the Congress violated its own budgets.

This flood of red ink did not happen by chance. It happened because Congress ignored its own budgets. And it was not just economic assumptions. It was a process of declaring emergencies when none existed. It was a process of finding loopholes and ignoring the budgets that were there. It was a process that saw Congress vote $20 billion a year in spending, on the average, more than what it had called for in its own budgets.

One can understand how a Democratic majority in Congress might disagree with the President of a different party. But it is hard to understand how a Congress would exceed its own budget by an average of $20 billion, and yet that is what indeed has happened over the last 15 years. Congress exceeded the deficits recommended by not only the Presidents but by Congress' own action itself.

Little surprise then that the integrity of the budget process has been called into question. Little surprise that we face an ever-dimmer economic future as the actions we have taken seem to swallow up the potential growth in the economy.

Americans are well aware of those problems, have seen the growth of per capita GDP slow, have seen the growth in productivity slow, and have seen the savings in our country drop from a country which, through much of its history, led the world in terms of the portion of gross domestic product, that was committed to saving and reinvesting in a country, to a place where we are now a little bit above 4 percent of GDP, to a place where that represents the lowest portion of GDP savings and reinvestment of any major industrialized country in the world. Well, that is right. We are the lowest; not the highest as we once were, but the lowest.

And if one looks for responsibility, one need look no further than this Capitol. The Tax Code that has been designed is one that discourages savings, one that penalizes savings, one that discourages both the affluent and the poor from preparing for their future. Oh, yes, it is done with good phrases. Yes, it is done with what blessings we are bestowing on the people by spending their money. Yes, it is done in the name of equalizing the Tax Code, and a variety of others.

But the reality is that the penalties this Congress has put in the Tax Code have acted as a giant disincentive for Americans planning and preparing for the future. What perhaps was good politics, was bad policy. As a reality, we need to give people incentive. The vibrancy, the strength of this country, comes from the individual, from the bottom up, not from Government down.

As we preclude the private sector's ability to plan and prepare and save, we diminish our own country's future and we slow the rate of growth of what could be Federal revenue to deal with the problem. That is why we need a change of policy.

This issue goes far beyond anything that we might wish to talk about with regard to school goals. School goals are but one aspect of this. It is one that is important and one that we ought to move on, but it is not one that we can afford to violate rules and fair play and good common sense.

We ought to be ones that are willing to let the rules work. We ought to be ones that will let the majority will prevail.

As the American people listen in, they will wonder how it is, as we attempt to set goals for our school children across the land, that we would do it through a mechanism that denies a majority the right to make their feelings heard, that denies a majority, clearly expressed and voiced in this chamber and in the House of Representatives, from becoming the law of this land.

How can we pretend to set goals for this Nation and at the same time deny the school children of this country an example of what fair play is all about?

The day may well be won by those who control the mechanisms, the day may well be won by those who have a different view than Senator HELMS does with regard to school prayer. But perhaps as important or more important than that issue, is devising a set of rules that guarantees the people and the citizens of this country that they will have a fair shot at having their will expressed in Congress; that they will have a fair shot of seeing their wishes come into law.

I pointed out just one example of the process that we are suffering from. This flood of red ink is ominous, not simply because we have to pay the debt and we have to pay the interest on this debt. It is ominous because it represents a pattern of behavior in this Chamber and the House of Representatives that indicates we are unwilling to face up to our responsibility, that we are unwilling to set priorities.

The budget resolution that we have acted to approve sets long-term projections, as well, not just for next year that we focus on, but for the following years. What has not, I believe, been clearly enunciated to the American people is that that budget that passed was not only a long-term plan for spending and revenue for this country—while it provided a small decrease in the coming years in terms of the deficit, primarily because of renewed economic activity—but that the long-term plan it encompassed over the 5 years, and the forecasts that were included by reference for a longer period up to 10 years, shows the deficit not just dropping in the near term but going back up dramatically.

What it was, was a long-term plan for the bankruptcy of this Nation. We need a better long-term plan. We need a stronger commitment, a stronger commitment by this body to reflect the will and the determination of the American people.

Mr. President, I yield to the distinguished Senator from Montana.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes Senator BURNS from Montana.

Mr. BURNS. I thank my colleague from Colorado. As we take up this health care issue this year, I think most of us who have been involved in a task force for the last 3 years, trying to answer some of the questions on maybe what Government could do with respect to health care, find it is a much more complex problem than once we had thought, when we delve into some issues.

Although I have a daughter in med school, that is about as close to the medical profession as I have chosen to be in my lifetime. I spent most of my life in agriculture and the business of feeding and clothing this Nation. So we all had to go through the pains of coming up to speed on an issue that we really were not fluent in.

After going through the exercise of the budget resolution again, we have noticed how many different ideas and versions, or directions, I might say, that different people have when it comes to setting the direction of a Government and its spending. I wonder if we had a system that was Government run, how much more difficult it would be again. We are talking about between 7 and 14 percent of the GDP of this country.

I hope the American people will understand really how difficult an issue this is to confront. I congratulate the President for stepping forward, stepping up to bat on this issue. Sure there are areas on which we disagree, but we also disagree with the status quo. We have to look into this situation from a budgetary and monetary standpoint, because we find with current dollars we just cannot stretch them far enough.

There is no plan that has surfaced yet that is like a big broom or big sweeper that encompasses everybody. There are some folks in this country who just cannot, and some who will not, be covered with an insurance plan. We hear the figure of 37 million people who do not have insurance. I would have to agree with that. During the year, at some time or another, there are people always without insurance, who are between jobs and this type thing. But most of those people are people who have chosen the option not to be covered under insurance. They are making payments on a home, saving for a new home, wanting a new automobile—many things. Family gets in the way.

I can remember when I was in my twenties, I did not have any health insurance. I really did not give it much thought. I knew I was as smart as a busload of county agents and had a bulletproof brain. I was invincible. I would never get hurt, never get sick.

So you have that attitude among some of those folks who were not covered by insurance. But if we could logically look at what we really need to do and fix those things we can fix, and build on the system we now have, we can have a health care plan by the end of the year—or by the end of this Congress.

Insurance reform? Yes. If you fix preexisting conditions, then we have fixed portability or job lock. Insurance people say they are ready to come to the table and talk about those issues: ready to talk about administration, paperwork, some things that have to be done in that respect; ready to talk about tort reform. I have not talked to one physician who has not said that is a big part of his operating expense, malpractice insurance—liability. So we can fix those areas.

We can also deal with rural health and inner-city health-care problems, problems of the underserved areas, through taxes. Take my State of Montana, where we have quite a lot of dirt between light bulbs. We have a hard time attracting physicians to rural areas. We have 148,000 square miles and only 800,000 people. It does not give one a great base for investment in education to pay back the student loans it took to get through med school, let alone with a willing heart to serve in rural areas, especially in the medical field. So we have to give them some incentives to do that, and I think that is possible here in this Congress.

So, that debate goes on. Yet it is linked really with the debate we had today with regard to health care, because how much more of a struggle will it be to talk about budget reconciliation with another big program on the books that has to be funded? Reform does have something to do with the budget and income available to this Government.

In States where there is an absence of large holdings, Government holdings of public lands, it is hard to understand rangeland reform. Some would put it in the context of the environment. Some would put it in the context of subsidies. But in those States where there are large holdings of Government land, they regard it as a culture, a way of life.

The Secretary of the Interior has proposed some ranchland reforms that so far have not been met with much pleasure by those who run grazing on public lands or who mine public lands. Nonetheless some reform is due. Some would like to frame the argument in the area of grazing fees, forgetting that there are other areas that need to be addressed, not just fees. So we have some major concerns.

When the Secretary of the Interior came out with his draft outline he released it on Saint Patrick's day. I thought he was confused, because after I looked through it, it looked more like April Fools' Day.

There are some areas of concern, when you take a look at those reforms. Today, the actual language was to be released. I have not received it yet, but I imagine I will in due time. But there are some areas of major concern about those who are in charge of taking care of the public lands, like advisory councils. This is in the area of grazing. Each district has an advisory council and the makeup of those councils is usually people who are in the community, who live in the community, and are also users of that grazing.

The Secretary has proposed to change the makeup of those advisory councils, calling for a little broader mix of representation, of different interests on those public lands. We like local authority; we like local options with most of the decisions being made at the local level. That usually works best. I was a product of local government, county government. I was a Commissioner before being elected to the U.S. Senate. I have found that government closest to the people is usually better for the people. It is more accessible, with options and flexibility to move with the seasons.

In the northern high plains of Montana where weather conditions have more to do with making a profit than anything else, Mother Nature, every now and then, can rear her head. We are just coming out of a 7-year drought. For that to happen, an area does not have to have a great decrease in rain, especially in our part of the country where the average rainfall, including the snow in winter, is only 14 inches a year. So water and moisture become a very, very important thing.

But the local advisory councils call for local people to serve on the council with the exception of the so-called environmental groups. They are given the ability to serve on a council when they may not even live in the neighborhood. They may not even live in the State. They may live somewhere else and serve on an advisory council in such far away places as Garfield County, or Jordan, MT.

Understanding of the range is quite a feat in itself. Back in 1980, we started a thing called Montana Range Days. I helped finance that, and it attracted some 400 people all the way from age 7 up through adults. It was a 3-day range science adventure, teaching not only about plants but also water quality, water conservation, lay of the land, carrying capacity, and also the effects of drought and, yes, too much rain in that fragile land. That is a very, very fragile part of the country.

So you study that for 3 days. We sort of become experts in the business of running livestock on public lands but also knowing that we are the caretakers of that public land.

So the makeup of that advisory council is very important. Are they people who really understand range and how it serves that community and how it serves us as a society? Those who use and those who live there usually make the right decisions when it comes to the caretaking of that land.

The other concern we have with the proposed reform is the process for setting standards and guidelines. In other words, standards and guidelines could be set in Washington, DC; it could be set in Kansas City; it could be set in Denver. But those standards and guidelines will be based supposedly on science.

If we have seen anything in the management of our public lands, it is that we are attracting young people into the science of range management, and, yes, I would also have to say in forestry, people who have very little background in the actual business of growing things. They went to school and they read it in a book and what the book says, this is the way it is going to be.

The books are not always right. They do not necessarily fit the conditions. You have to be flexible, understanding the relationship of range soil and sunlight.

So when we talk about setting standards and guidelines, do we want those decisions being made here or should those decisions be made upon the land? It would be awfully hard to make whatever kind of a farm or ranch produce if the decisions were not made on that farm or ranch. There are not two alike.

I was raised on a small farm in northwest Missouri. My father made 160 acres of two rocks and one dirt produce, made us all a living, fed us pretty good. It did not make a lot of money, but it kept us fed.

I can remember back in the seventies when that farm was sold to another man, and he had to start the experience all over again of really learning the personality and the makeup of that farm to make it produce because he changed some things and some of them did not work—not like my father made it work, anyway.

We have seen that happen in business when sons inherit a business and they change it from the way dad ran it and then it did not run very good.

So setting standards and guidelines away from somewhere else does not always work or you do not always get the maximum production from that particular piece of land.

Another area of concern: the level of fees and details in the incentive package. What has been proposed is a new fee level, which some would debate, and some economists who live in the country would choose to debate that. But also there is proposed an incentive system; that is, you would be rewarded with lower grazing fees if you comply with the standards and guidelines or you are a good caretaker of that property.

I see no problem with that, except the fact that it takes a long time to prove that your incentive package has worked. We cannot change management of any piece of property, and when you are growing a crop, you cannot change it willy-nilly at any time of the year. They say that a farmer plows with faith and seeds and hope and reaps with charity. But during that growing season, you cannot change your plans. So we would have to see not only the level of fees, but we would have to take a look at the incentive package, because is it a viable option to a producer?

With these public lands and with the lease, certain things were expected of the lessee: water development, fences, some kind of roads, maintenance of reservoirs, pipelines, the way we spread our mineral, the way we scatter our livestock so it does not overgraze in one area and another area is left to grow up.

In order to do those things, we have to put some sort of improvements on there. Remember that when you lease this property, you just get the property, you do not get anything with it. Uncle Sam expects you to put all those improvements on there. Corrals, yes; a way to move livestock, yes. All of those things are paid for by the person who is leasing that property.

Right now they are saying that in this rangeland reform that once a lease changes hands, the improvements on that property go to the Government. Well, that is not very fair. The Government did not pay for putting it there. So how can they assume ownership?

The most contentious issue in the whole reform is how water language is drafted. When you live in a part of the world where there is not very much water and the demands for that water are great, there comes a lot of discussion on who owns it, who controls it, who pays for it and who develops it.

It has been said that if you want to change the culture of the West, you control the finances and you also control the water.

A long time ago, when I first drifted into Montana, I took a look at the streams, the headwaters of the mighty Missouri River, and I said back then that before I am departed from this Earth that water would be Montana's greatest resource, fresh, pure water.

We have worked awfully hard for the last 100 years to maintain that great resource in that State, the Yellowstone River, being the longest free-flowing river without any dams. It just flows out of Yellowstone Park, across the southern borders of Montana, and dumps into the mighty Missouri at Williston, ND. We think it is pretty special.

We think that all the resources around it that evolves in that water are probably the lifeblood of the West. And so we get pretty jealous. It was said at one time that the West would rather be at the head of the ditch than at the head of the church, and that is true when we start talking about water rights, water development, and water conservation.

I do not think there is a representative in this body or the body across the way in the House of Representatives that represents a constituency in the semiarid country of the West that really does not understand that.

I would say that whenever you start talking about controlling the finances and then controlling the water—a long time ago there was an old fellow Montanan who taught me that you do not give the Government the rights to the water. That has to go with the land. It has to stay with the land because a tyrant can make as good a use of water as he can with arms.

So we get pretty touchy and concerned when we start talking about water and how that water language is drafted.

Before it is all over, and maybe even before the turn of the century, those States that do not have great holdings of public lands, and, yes, have conditioned themselves to depend upon the rains that fall—they do not get too concerned about water, but they will because the population will at one time demand a better source of water because it is the lifeblood of this society.

As those rangeland reforms come down, we must make America aware not only of the cultural part of this issue but also what it means to every American and our ability to feed and clothe ourselves, and, yes, produce that material that produces shelter for this great country.

The second thing we do every day—I have a colleague in the Chamber who understands that—the second thing we do every day is we eat, and we eat pretty good, and it is done by the ingenuity of our great American agriculture, those who produce not only for themselves but around 125 other people around the world. He is a producer.

We talked about a budget. Everybody wanted to know how to save money. It might not really surprise you that in our part of the country they want to reintroduce the wolf. It is a nice animal but not too nice a neighbor to a stockman, however. But for Americans, they should know that we offered to give Canada $6 million to buy some of their wolves to bring them down here and put them in our Yellowstone Park.

If they stay in the park, I have no problems with that. However, I find that those rascals do not read those signs very well. But $6 million? Six million dollars to spend on wolves to bring them down here when we already have them and there is a natural migration of that gray wolf across the line. He does not understand the Canadian boundary and the United States boundary any better than he does a boundary in Yellowstone Park. I think we have that ironed out. It escapes me though why we would spend $6 million to do that. I think we would take that money and spend it in better places for the betterment of this society.

On the other hand, we are going into an area now called the natural biological survey which is going full steam ahead and has not even been authorized by law. I think Americans should know about that. And they wonder why we get excited about the wastefulness in our budgeting and trying to hold things in bounds. We do not set our priorities very well.

Mr. President, I yield to my friend from South Dakota.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota [Mr. PRESSLER].

## SOUTH ASIA, THE NEXT KOREA? A PROMISE OF EXTENDED SENATE DEBATE

Mr. PRESSLER. Mr. President, I thank my friend from Montana, and I join in his remarks.

Mr. President, on a separate subject, on Wednesday, the Senator from Ohio, [Mr. GLENN] and I spoke to the Senate about our serious concerns over the Clinton administration's proposal to create a one-time exemption to the restrictions on aid to Pakistan contained in the Pressler amendment. Under the administration's plan, Congress would allow a one-time exemption to the ban on aid to Pakistan to allow for the delivery of F-16 fighter aircraft to that country.

Mr. President, I just want to put my colleagues on notice that not only do I strongly oppose the administration's proposal but that it will not become law without extended debate in this Chamber. This is not a threat. This is a point of fact. My colleagues in this body know I have used this privilege only on the rarest of occasions. I would never do so lightly. However, in this case the stakes simply are too great.

Let me explain exactly why I feel so strongly about this point. Much of this has been said before. However, it bears repeating as it is now apparent that the administration is not getting the message.

I find it ironic that an administration claiming to be committed to nuclear nonproliferation is now attempting to further this worthy goal by providing aircraft capable of delivering nuclear weapons to a country that currently would be hard pressed to reliably and efficiently deliver the nuclear weapons it possesses. Mr. President, I simply do not understand the logic here. As recently as 2 days ago, I asked a senior administration official, Deputy Secretary of State Strobe Talbott, to explain it to me during a Foreign Relations Committee meeting. He could not.

Let me give some background on the Pressler amendment and its prohibition of aid and arms sales to Pakistan.

First of all, I like both India and Pakistan. Over the years, I have traveled to both countries and I like both countries. In the mid-1980's, with the support of Pakistan, an amendment I offered was passed at the time I was chairman of the Arms Control Subcommittee in the Foreign Relations Committee. The amendment stated that aid to Pakistan and military sales would be cut off if the President could not certify that Pakistan did not possess a nuclear explosive device. At the time Pakistan said, "We are not developing one; we support the amendment." This was due in large part to the fact that during this same timeframe Alan Cranston had another amendment that would have cut off aid immediately under the presumption that Pakistan already had a nuclear weapon.

My amendment—offered as a compromise—was adopted. About 4 years passed, and each year Pakistan assured President Reagan, President Bush and our CIA that they were not developing a nuclear weapon. Each year, the President was able to so certify and aid continued to flow to Pakistan. However, in 1990 our CIA and the administration determined that it could no longer certify that Pakistan did not have a nuclear explosive devise. Indeed, there is some evidence that they had not been telling the truth to visiting American Senators or to the President of the United States.

As a result, all American assistance to Pakistan—including a pending sale of F-16's—was cut off. There are now a certain number of F-16's, I believe about 22, down in Arizona that Pakistan has paid for that have not been delivered. The manufacturer, Lockheed, obviously would very much like to complete the contract.

Last fall, the Clinton administration announced that it was going to seek a repeal of the so-called Pressler amendment. However, after several members in this body—Members from both sides of the aisle—protested, the administration withdrew that proposal. Let me add that the House of Representatives overwhelmingly voted in 1991 not to repeal the Pressler amendment.

The Clinton administration's initial proposal was followed within the last few weeks by a proposal that seems almost preposterous. I can only believe that it has come from the Pentagon and the State Department. I do not think President Clinton and Vice President Gore are yet aware of it personally. Whatever the source, the administration now proposes to deliver the F-16's to Pakistan in exchange for an agreement from that country to cap its nuclear weapons arsenal.

Probably never before in history has a country sought to promise 20 to 40 fighter aircraft—one of the functions of which is to deliver nuclear weapons—to a country that has nuclear weapons and say it is doing so in the interest of nuclear nonproliferation. It does not add up at all.

Now, the Pentagon says, "Well, the F-16's will not have nuclear weapons mounts." That is, the mounts necessary to carry a nuclear weapon will not be on the planes as delivered. Mr. President, a third-rate garage mechanic can make those mounts. They are very simple to make. Therefore, what we are talking about here is supplying Pakistan with a large number of F-16's—one of the best ways in which that country could deliver a nuclear bomb to India or elsewhere—and we are told it is to be done in the interest of nuclear nonproliferation. As I have said, that does not add up. What does add up is that southern California and Texas have economic problems. The administration wants to help. This involves Lockheed. It involves jobs. It involves U.S. sales of military aircraft abroad. I can see the desire to do that. On the other hand, it flies in the face of the goal of nuclear nonproliferation.

Mr. President, another part of the administration's proposal that I find very strange is that we are saying to a country that has lied to us and lied to our President for several years, that if you will now agree to cap your nuclear weapons program—not to build anymore—we will give you fighter planes. That does not make sense. The same country that did not tell us the truth for all of these years will not necessarily cap its program based on a promise alone. Indeed, there would be no incentive to do so once the planes are delivered.

The next very disturbing thing about this plan is its potential to create a renewed and very serious arms race in South Asia. For that matter, I am concerned about what it could mean in terms of an arms race throughout Asia. The catalyst for much of what is currently happening on the Korean Peninsula was a Clinton administration policy that sent disastrously mixed signals to the North Korean government. As a result, officials in Pyongyang came to believe the United States was not serious about preventing the proliferation of nuclear weapons in that part of the world. North Korea postured. The administration waffled. North Korea was emboldened, and today we have an extremely unstable and frightening situation that even the world community may not be able to contain.

Mr. President, we still have a chance to prevent a similar story from playing out in South Asia. At the very least, we do not need to put ourselves in the position of looking back some months from now and realizing that we once again provided the catalyst for destabilization. The warning signs are there. Recently, Pakistan closed its consulate in Bombay. India responded by shuttering its consulate in Karachi. The Indian press is calling America another evil empire and I ask unanimous consent that a recent editorial from the New Delhi "Indian Express" be reprinted in the RECORD immediately following my remarks. Providing F–16's to Islamabad would add extremely volatile fuel to this fire.

If we deliver the F–16's, India certainly will react by escalating its procurement of arms. Tensions will mount. Two countries that have been at war three times since independence in the 1940's once again will find themselves on the brink. Perhaps Kashmir will provide the spark to ignite the fourth war. Only this time, each side will have the ultimate weapon at its disposal. While the world focuses its attention on the Korean Peninsula, South Asia could find itself in a nuclear war.

Mr. President, there is yet another problem with the administration's proposal. If we allow a so-called one-time exemption to the Pressler amendment, we will be certifying and accepting Pakistan as a full nuclear power. We will say, "We will recognize you have nuclear weapons. You are not a signatory of the NPT, you do not allow inspections, but we recognize you as a nuclear power along with China, the U.S., and other nuclear powers." In other words, we would tell Pakistan—and other countries considering a nuclear weapons program—that there is no long-term penalty for going nuclear. We already are faced with a situation that if Korea insists on keeping the bomb, Japan is going to get into the nuclear business. They probably are, already. We have a major nuclear race in Asia which is directly opposed to stated U.S. policy. A one-time exemption to the Pressler amendment would only serve to make matters much worse.

Let me say that our own country is one of the chief proliferators of conventional arms, and I do not agree with that. Under the administration's plan we are now considering becoming a leader in the proliferation of nuclear weapons. We are being asked to wipe the slate clean for a country that has not met the requirements laid down in law almost a decade ago.

If Pakistan wants aid, and if Pakistan wants the planes, it can dismantle its nuclear weapons program, and our CIA and our President would so certify, as they did between 1985 and 1990.

There are still other problems that surround this whole matter. If the administration wants to exchange some form of aid for a nuclear cap—and I am not advocating such a policy—why does it not propose to resume economic aid on a one-time basis, instead of sending military planes on a one-time basis, to test Pakistan's good intentions? Again, I am not saying I would agree with such an approach. I am only saying that it would be a more logical tactic. As it stands, the administration's plan is a very strange policy, indeed.

Mr. President, I have worked on nuclear nonproliferation and conventional nonproliferation issues with great interest and a fair amount of frustration since coming to Congress in 1974. Before that, I was a lawyer at the State Department, and worked on it there.

The Pressler amendment is the only amendment ever passed into law that has teeth in it regarding U.S. nonproliferation policy. If it is repealed, there is little else. Basically letting the delivery of these planes go forward means that the law is being repealed. So I ask my colleagues to take a close look at this. It is an extremely bad deal, to put it as mildly as I can.

I do not know who cooked this up in the Pentagon. I do not know if it is driven by economic needs in southern California or Texas. But it is a very bad policy, and I think we should review it carefully.

Let me say also that I think the people making some of these policies in the State Department and the Pentagon are totally out of touch with President Clinton and Vice President GORE.

I see my colleague from Georgia. I know he wants to speak. So I shall wrap it up, and yield shortly.

The point is that the statements being made by the State Department and the Defense Department are contrary to what has been stated by the President and the Vice President in their campaign. It is a very serious matter.

Mr. President, these are some of the reasons I feel so strongly that the Pressler amendment must remain in force. This also is why I put my colleagues on notice that any attempts to weaken it will be subject to extended debate on the floor of the U.S. Senate.

I am prepared to yield the floor.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Delhi Indian Express, Mar. 22, 1994]

### ANOTHER EVIL EMPIRE

Only those living in a world of make believe will shrug off the possibility of the world's two largest democracies being on a collision course. The U.S. is still in the process of fully coming to terms with its status as the unchallenged global power. There is, however, one area where there are not only no signs of departure from the old cold war approach, but positive evidence of efforts to perpetuate and even enhance the traditional anti-Indian thrust of American policy in South Asia. This was clearly hinted by the Raphels and Mallots of the State Department last year that they were meant to prepare the way for a clear-cut anti-Indian edge to U.S. policy now seems obvious from the Clinton administration's stubborn reluctance to heed the decision of Congress to persist with the Pressler Amendment. Since then Senator Pressler has found it necessary to reiterate, more vehemently than before, his charge that the administration plans to resume military sales to Pakistan banned by the 1985 amendment to the Foreign Assistance Act. Pressler's assertion that Pentagon is trying to achieve the aim of effectively removing the amendment through the backdoor, namely, by making a "one-time exception" has now been confirmed by Robin Raphel in her deposition before the Ackerman sub-committee. The "exception" aims to clear the long-standing proposal to sell 71 F–16 fighter aircraft to Pakistan. Pressler has warned that the withdrawal of the only piece of non-proliferation legislation will have disastrous consequences.

Before the Soviet Union crumbled in a heap, the rationale behind U.S. mollycoddling of successive Pakistani military dictators was a blind hatred of the "evil empire" that played footsie with socialists in New Delhi. It would have been logical if in today's unipolar context, Washington no longer found it worth its while to accord preferential status to Pakistan. After all, in purely economic terms the lure of an untapped Indian market is worth more than the price of courting one Benazir Bhutto. However, precisely the opposite is happening.

It is to be hoped that no security wiseacre will emerge in New Delhi to underplay the proposed sabotage of the Pressler Amendment as nothing but a ploy to prevent Lockheed, the manufacturers of F–16, from going under. It is some reassurance that Narasimha Rao bluntly told Senator Pressler last month that the removal of the Amendment would force India to review its defence policy. The Prime Minister was, however, being characteristically mild. The antics of the Clinton administration call for an entire revisicn of Indian foreign policy to take into account the threat from a democratic, but no less "evil empire." Diplomacy is one facet of the counter-offensive, but New Delhi may also find it prudent to retaliate in other ways, namely by curbing its slavish endorsement of U.S. economic hegemonism. There are risks, but India must be prepared to take them.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia [Mr. COVERDELL].

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## U.S. POSTAL SERVICE AUDITS

Mr. COVERDELL. Mr. President, not long ago the Senate adopted a very important amendment that was offered by myself and Senator PRYOR of Arkansas. That amendment dealt with a very important subject to the people of the United States that specifically dealt with the actions on the part of the U.S. Postal Service and the procedures by which it was interacting with private businesses in our country.

I am pleased to be here this evening to report on a major event that relates to the resolution that was adopted by the Senate. The Senate said that it was its sense that the U.S. Postal Service should cease and desist from a practice by which the Postal Service was sending out auditors. And "they were," the Postal Service says, "in a voluntary interaction between businesses and the Postal Service."

Many of these private companies felt otherwise. They saw it as an intimidating practice to audit the business about its practices of using private carriers. We all know who those are. We have seen the purple plane, Federal Express, and the brown and gold of UPS—and there are hundreds of others of them.

The Postal Service was saying that you could only use this private carrier if it was urgent. It had to be an urgent matter to use the private carrier. And you had to pay more for it. They were claiming that these private companies were not meeting that standard, and they were charging them, they say, prospectively. The bottom line, it is a fine. It was a punishment in the judgment of the Postal Service. They were the sole determinant as to whether or not the matter being mailed was urgent or not.

I thought that was inappropriate. I did not believe the Postal Service had the authority to do this under the law. It was a judgment on their part of expanded regulation. I thought it was exceedingly complicated for a private carrier to know what these rules were or were not. I did not believe the Postal Service had done anything to educate the public with regard to this standard that they are were imposing.

After inquiry, we asked just how many of they companies have been audited. It turns out it was about 41 over the past 5 years that they had levied, I call it fines, against. They called it agreed-to sums of over $1 million. I just did not think they had the authority. When you look at the amount of money that they had raised from the audits, it was insignificant in terms of their revenues. So about the only thing the Postal Service was accomplishing was a black eye.

The Postal Service was damaging its own public relations. Obviously, it did not have the money nationwide to conduct broad audits. It was not raising enough money from the fines to make any difference, and the only thing that happened was the American public had one more reason to lose confidence in the U.S. Postal Service.

So the resolution said—the Senate said: Stop doing that until we can take a look at it, us, the Congress, to see whether we can verify for ourselves that, yes, you have the right or, no, you do not. So this week Senator PRYOR of Arkansas, who chairs the Subcommittee on Federal Services, which includes Post Office and Civil Service—and the ranking Member on our side is Senator STEVENS of Alaska—was holding their annual meeting to hear from the Postal Service. The Postmaster General, Marvin Runyon, was present.

I outlined my concerns that you do not have the authority, you are not earning enough revenue, you have not educated the public, and this is a practice that should be stopped. Then came the turn of Mr. Runyon to express himself. I think that it is important to the Senate and to the American public that Mr. Runyon said that the Postal Service would no longer instigate in its enforcement division these types of audits.

So the effort on the part of the Senate, without legislation, has indeed resulted in a very positive event, a positive decision on the part of the U.S. Postal Service, so American business can now concentrate on running its businesses and not on trying to understand all the ramifications and implications of remote regulations to try to determine for a business whether or not its mail was urgent or not.

I want to publicly thank the Postmaster General and his colleagues for hearing and adhering to the sense of the Senate, for thinking this through, and for coming to a very appropriate and valid decision, whereby everybody will be a winner. Their public relations will improve, they can concentrate on what they need to be working on, and they can get about the business of doing business.

One of the reasons that I felt they should cease and desist from the activity is because I thought it was virtually moot and that they were behind the curve in terms of the way people communicate. In our exchange, I pointed out that in my Senate office, we receive 500 to 1,000 letters a day. But, equally important, I receive almost 1,000 faxes a day. And we receive hundreds of computer messages a week. I asked the Postmaster General during the discussion, Mr. President, was he going to put a meter on fax machines. Were we going to find some gadget that we wire to a computer on networking or E-mail throughout the country that would somehow monitor whether it was a personal message, whether it was urgent or not and, therefore, whether the Postal Service was supposed to receive some revenue?

The point is that the delivery of personal messages or business messages that are written on a piece of paper, folded up and put in an envelope with a stamp, are probably, in terms of history, only moments away from being moot. And what the Postal Service ought to be focusing on is how to adapt technology so that the Postal Service is in front of this communication curve.

I was encouraged by statements of the Postmaster General because, indeed, he focused on this type of activity. A good part of his remarks dealt with the fact that they knew they were facing massive changes in the ways in which Americans communicate, one to the other, individual to individual, business to business.

So it was encouraging. You do not have many days like that in this town. It was encouraging to see that the legislative branch and this semi-autonomous monopoly were able to engage in the activity, work it through, and come up with a reasonable answer. And the stunning part of it is that it was done in less than a year.

So I commend the Postmaster General for taking these steps that I believe will help the Postal Service and all American businesses and citizens in our country.

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## HEALTH CARE REFORM

Mr. COVERDELL. Mr. President, there is an item I want to mention here this evening that has received very little public attention. We have now been talking for over a year about massive reform for health care.

The President and First Lady have come forward with a very broad, sweeping change in the current health care system. For the last year, there has been enormous speculation about whether or not this would be successful and what were the fortunes of the President's proposal. After the address he gave to the joint session of Congress, the numbers swelled in terms of support for that proposal. But since that time, with each passing day, each passing hour, support for that plan has begun to diminish.

Why is that? Well, one gentleman—I will leave him nameless this evening—who has been an advisor from time to time to the President and First Lady, said that in the final analysis, the reason people were moving away and stepping back from this plan was because of its complexity. There are 1,346 pages, I think. It talks about massive new Federal Government regulation and expanded costs. But the most important ingredient, according to this gentleman, was the fact that it was terribly complicated and left everybody wondering: What in the world does that mean to me?

The specific event to which I am referring occurred within the last 10 days: The Ways and Means Subcommittee on Health recently took a vote—we have had a lot of votes over there in these health committees. This, I think, received about four lines in the Washington Post at the bottom of the article. If you are a headline reader, you are never going to get to this news.

In fact, you have to be a very thorough reader to get to it. But they had a vote on the President's proposal for health care reform in the Ways and Means Subcommittee on Health. There are six Members of the President's party, six Democrats on that committee, and four minority Members, four Republicans.

I just found the vote absolutely breathtaking. The vote in that subcommittee was this: every Member of the President's party refused to vote on the President's proposal, and the four Republicans voted against it.

So in a vote on the President's proposal for health care reform in the Subcommittee on Health not one Member of the President's party would vote for it.

Now why? Mr. President, that is a remarkable public statement, absolutely remarkable.

I would suggest that the reason is not unlike the adviser. The reason for this vote is because people are perceiving that that plan for reform destabilizes too many people. It takes a program that everybody agrees has significant problems and problems that need attention, but instead of focusing on those problems, instead turns the lights out on health care in the United States, turns all the lights out and tries to create a new program and turn the lights on in an entirely new way.

Everybody gets asked a lot of questions about health care reform, and I am no different from the rest, but I always point to this analogy. I do not know anybody who has never confronted a leak in their roof. Everybody has had a leak in their roof. It is serious. No one ignores a leak in their roof. I have never seen anybody that did. You are running around trying to salvage an important heirloom table, your grandmother's table, your new drapes you just put up are being soiled, the water is coming near an electrical socket that is going to create a fire. It is a serious problem, and you do something about it and you do it quickly. You know, Mr. President, I have never met an American yet who tore his or her house down to the foundation and rebuilt it to fix a leak.

Mr. President, everybody I know fixes the gable or maybe they need new shingles. Maybe they need to remove the wood rot. But they target right in on what needs attention. No one tears the house down and starts over.

Mr. President, I personally believe too many of the proposals do just that. They have been written and designed by people who have never been in the medical system, never been a doctor, never had to confront some of the issues directly, and as a result we get suggestions that simply are not pragmatic.

I would suggest to you, Mr. President, that that is why this vote that we did not hear near enough about because it is a very important one, every Member of the President's party refused to vote on the first real test on that plan.

Mr. President, I yield the floor to the distinguished senior Senator and colleague from South Carolina.

The PRESIDING OFFICER (Mr. EXON). The Chair recognizes the Senator from South Carolina [Mr. THURMOND].

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## LET US PRAY

Mr. THURMOND. Mr. President, there has been an article in the Reader's Digest in November 1992 entitled "Let Us Pray" by Eugene H. Methvin. At the top of the article it says, "Why can't the voice of the people be heard on prayer in schools?"

The article is very interesting, and I would like to present it to the Senate.

[From Reader's Digest, November 1992]

### LET US PRAY

When James Todd of San Diego went to school in the 1930s, students read from the Bible and recited a prayer at the beginning of each day. "Now they teach them about sex and give them condoms and don't mention the Bible," Todd says. "It would be nice to teach moral values also."

This opinion is widely and strongly held across the country, a Reader's Digest poll reveals, putting the American people at sharp odds with the Supreme Court—and the nation's cultural establishment. Three-fourths of those interviewed, for example, favor prayer in public schools, which the Court considers unconstitutional.

"Who are they to tell us when we can pray?" asks Jeanne Pepper of Bloomfield, Mo., reflecting the sentiment of many in the survey. "Let the children decide, and let those who don't want to participate sit quietly and respectfully. That's their right."

The Reader's Digest poll, conducted by The Wirthlin Group, pinpointed other fissures between the people and the Court.

Eighty percent of Americans disapprove of the Supreme Court's ruling this year that banned prayers at graduation ceremonies. "I don't think the Supreme Court should tell us what we can and cannot do on this issue," says Joyce Sykora of Wellsville, N.Y.

Seventy-six percent say it's right for a school to put up a manger scene or a menorah during the holiday season. Says Carol Moro of San Francisco: "All religions should be treated equally. If a child says, 'My religion is not represented,' then it should be."

Over half, 53 percent, agree that it's right for a school to post the Ten Commandments in classrooms. "Children should be exposed to religious training, and some do not get it at home," says Louise Tatum of Stuart, Va.

These opinions were expressed by Democrats and Republicans, blacks and whites, rich and poor, high-school dropouts and college graduates—reflecting a profound disparity between the citizenry and the Court.

"There is no issue in American life in which the public will is so clear and the political establishment is so heedless," says scholar Michael Novak of the American Enterprise Institute. "The cultural and political elites have simply ignored the overwhelming support of the American people for voluntary school prayer—indeed for the role of religion and faith in the nation's life."

The voice of the people, however, may well be heard in the voting booth. Most of those surveyed—59 percent—say they would be more likely to vote for a candidate for President or Congress who favored public-school prayer; 23 percent said it would make no difference. "I would definitely be more likely to vote for someone who favors prayer in schools," says Charles Topping of Falmouth, Mass., who classifies himself as a liberal. "Religion has been around a heck of a lot longer than the Supreme Court."

Indeed, the Supreme Court's interpretations of the Constitution in recent years might astonish those who in 1789 declared, in the First Amendment, that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

The justices claim this amendment empowers them to do just the opposite of what the men who framed it thought they were doing: forbidding the new national government from meddling in the religious accommodations worked out by states and communities.

Consider the historical record. The Congress that wrote the First Amendment also elected chaplains and paid them, voted to provide land "for the Society of the United Brethren for propagating the Gospel among the Heathen" and said, in providing for the formation of new states, "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

In 1962, however, the Court decided that prayer in classrooms is unconstitutional. Since then, with the federal judiciary as their guide, school authorities have told youngsters they cannot sit together at their lunch hour and read the Bible, say grace over their meals or discuss religion. A handicapped girl in Texas was ordered not to use her rosary on a school bus. A Denver teacher was ordered to cease reading his Bible silently during his class reading period and to remove the book from his desk.

Five Supreme Court justices ruled that Kentucky's legislature violated the Constitution by ordering the posting of the Ten Commandments in public-school classrooms.

And at the North Clayton (GA) Junior High School, drama, math, science and chess clubs assembled. But the 60-member Youth for Christ Club, which always met after school, was expelled from campus after a lawsuit was filed through the American Civil Liberties Union (ACLU). Student Council president Stuart Kennedy, a ninth-grader, showed a better grasp of U.S. constitutional history than has the Supreme Court when he protested that the ruling "infringes upon my rights as a citizen instead of defending them."

In light of these decisions, it is ironic that the Supreme Court begins each session with a bailiff's intoning the prayer: "God save the United States and this Honorable Court."

The latest case arose in Providence, RI, when Rabbi Leslie Gutterman gave an invocation and benediction at an eighth-grade graduation ceremony. His prayers thanked the "God of the free, hope of the brave" for "the legacy of America, where diversity is celebrated and the rights of minorities are protected."

With the help of ACLU lawyers, a parent sued. This past June, Justice Anthony M. Kennedy declared that asking the students to stand for an invocation and benediction "compelled attendance and participation in an explicit religious exercise." Justices Sandra Day O'Connor, David Souter, Harry Blackmum and John Paul Stevens agreed.

Justice Antonin Scalia wrote a scorching dissent, which was joined by Chief Justice William Rehnquist and Justices Byron White and Clarence Thomas: "The Court lays waste a longstanding American tradition of nonsectarian prayer to God at public celebrations. . . . There is simply no support for the proposition that the officially sponsored nondenominational invocation and benediction read by Rabbi Gutterman—with no one legally coerced to recite them—violated the Constitution of the United States. To the contrary, they are so characteristically American they could have come from the pen of George Washington or Abraham Lincoln himself."

Moreover, the four dissenters, including Chief Justice Rehnquist, contend that invocations and benedictions can still be offered, provided schools include a note in the commencement program to the effect that participation is voluntary.

"That obvious fact recited," the four dissenters said, the graduates and their parents may proceed to thank God, as Americans have always done, for the blessings He has generously bestowed on them and their country."

Such a course may not be necessary if Americans cast their votes for candidates who will challenge the Supreme Court. When justices disregard the bounds of precedent and tradition, the Constitution does offer remedies. Article III empowers Congress to remove whole classes of cases from the Court's appellate jurisdiction.

Further, the 14th Amendment provides that "The Congress shall have power to enforce, by appropriate legislation," the rights the amendment creates. So if the legislators disapprove of the Court's rulings, presumably they can pass statutes substituting their own rules. The Congress did this in 1984, enacting a law permitting student religious groups to meet in schools. How has such overwhelming public support for school prayer, as shown in the Reader's Digest poll, been denied for 30 years?

"Beginning in the 1960s, a gulf opened between popular and elite opinion on a wide range of issues, particularly those that relate to community standards," says political theorist Jeffrey Bell, author of the acclaimed new book Populism and Elitism. "This gulf shows no sign of closing. As long as judicial and other elites deny the people the right to set their own standards on issues like school prayer, our social fabric will keep eroding."

Mr. President, that was the article from the Reader's Digest, as I just stated.

Now the Reader's Digest has another article that came out in the November 1992 edition that is very interesting. It is headed "The Case for Religion in Schools," Condensed from "The De-Valuing of America," by William J Bennett.

At the top of the article it stated, "Why hide the important of this cornerstone of American culture?"

The article goes on and states this:

God and Religion: these two words will bring the most levelheaded academic to a state of extreme agitation, if not frenzy. During my tenure as U.S. Secretary of Education, nothing I said seemed more unforgivable than my good words about religion.

Religion has a crucial role in the founding of this country, and it maintains a prominent place in the lives of many citizens. Yet, in too many places in American public education, religion has been ignored, banned or shunned. Some teachers and principals seem to think that, since schools must not encourage people to be members of one religious faith or another, the whole subject of religion in our society is out of bounds. That is wrongheaded and silly.

The extreme to which educators go to deny the place of religion in American life is mind-boggling. A study by New York University professor Paul Vitz found that most elementary and high-school textbooks take extraordinary steps to avoid any references to religion. One sixth-grade reader, for example, includes the story "Zlateh the Goat" by the late Nobel laureate Isaac Bashevis Singer. In it, a boy named Aaron takes Zlateh, the family goat, to a butcher in the village to be sold. When Aaron and Zlateh get lost in the blizzard, Singer writes: "Aaron began to pray to God for himself and for the innocent animal." In the textbook this has been changed to: "Aaron began to pray for himself and for the innocent animal." Later, after Aaron and Zlateh have found shelter in a haystack, Singer writes: "Thank God that in the hay it was not cold." But in the book "God" had been changed to "goodness."

This would be funny if it were not so serious. Professor Vitz documents case after case of exclusions and distortions. One world-history book completely ignores the Reformation. A U.S. history textbook defines Pilgrims as "people who make long trips." Another defines fundamentalists as rural people who "follow the values or traditions of an earlier period." A study by the liberal People For the American Way found that junior-high-school history textbooks typically "treat religion by exclusion or by brief and simplistic reference."

The story of America is the story of the highest aspirations and proudest accomplishments of mankind. To understand those achievements, we must understand the religious roots from which they sprang. We must tell our schoolchildren about the Puritans, who founded a "city upon a hill" with a sacred mission: to be a beacon unto the nations and to lead a community of saints to the New Jerusalem; about Benjamin Franklin, who proposed that the Great Seal of the United States depict Moses leading the chosen people from the wilderness to the Promised Land; about Abraham Lincoln, who saw the Civil War as a divine punishment for the sin of slavery; about the Rev. Martin Luther King, Jr., who carried the "gospel of freedom" to the mountaintop.

Everyone, including agnostics and atheists, must concede that the Judeo-Christian tradition is a major formative influence on American life, law, ideals and principles. George Washington warned in his Farewell Address, "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. And let us with caution indulge the supposition that morality can be maintained without religion."

The Founding Fathers intended religion to provide a moral anchor for our democracy. All would be puzzled were they to return to modern-day America to find, among elite circles in academia and the media, a scorn for the public expression of religious values.

The irony of this situation is that we are among the most religious people in the world. A City University of New York study in 1991 revealed that nearly 90 percent of the American people identify themselves religiously as Christians or Jews, while only 7.5 percent claim no religion.

Yet again and again as Education Secretary, I was criticized for my views on the church-state debate. I was attacked as an "ayatollah" when I supported voluntary school prayer—and the posting of the Ten Commandments in schools. But it was important to re-establish what was believed by almost everybody for a very long time, that people do not give up their First Amendment rights when they enter a classroom.

Many "sophisticated" political and social commentators complain that issues like school prayer are "distractions" having nothing to do with today's most pressing issues. What they fail to recognize is that a people's faith is intertwined with the issues of the day. Religion is a wellspring of civic virtues that democracy requires in order to flourish. It promotes hard work and responsibility. It lifts each citizen outside himself and inspires concern for community and country. It is a call to kindness, decency and forgiveness.

The real danger of showing disdain for religion is an impoverishment of our public life. G.K. Chesterton pointed out that the trouble when people stop believing in God is that they thereafter believe in anything. Neutrality to religin guarantees neutrality to those very values that issue from religion.

As Justice William O. Douglas put it 40 years ago, if "in every and all respects there shall be a separation of church and state," then "the state and religion would be aliens to each other—hostile, suspicious and even unfriendly."

We cannot deny in our public schools that from the Judeo-Christian tradition come our values, our principles and the spirit of our institutions. That tradition and the American tradition are wedded. When we have disdain for our religious tradition, we have disdain for ourselves.

Mr. President, I was very much impressed with an article written by one of our colleagues, the distinguished Senator from New Hampshire, Senator JUDD GREGG. It is entitled, "A Federal Grab for Control of Schools." I would like to present that to the Senate.

[From the Washington Times, Jan. 31, 1994]

### A FEDERAL GRAB FOR CONTROL OF SCHOOLS

(By Judd Gregg)

Image a Czar of Curriculum in Washington. Crazy? How about a National Bureau of Standards of Schools. Far-fetched? This may sound like a bad dream at first, but it could become reality if the Senate passes President Clinton's plan for education reform called Goals 2000.

It is important to understand that although the title is innocuous, the administration's initiative is far-reaching. It is aimed at restructuring the way education is managed in America. No one suggests that our educational system is all it can be. But the answer is not putting education in the hands of the new federal bureaucracy created by this Clinton initiative.

The Clinton plan will specifically shift a significant amount of the control of curriculum and management of elementary and secondary schools from local communities and states to the federal government. It is, therefore, important to highlight some of the problems with this legislation.

A series of new federal bureaucracies. The concept of this legislation is to lay the management of education in the arms of two small, but extremely powerful, federal entities. The first is know as the national Education Standards and Improvement Council

(NESIC) and is charged with certifying national content and performance standards. These standards will basically address all areas affecting the way elementary and secondary schools are operated.

The second is called the National Education Goals Panel. NESIC refers its work to this Goals Panel, which passes judgment on its acceptability. The operation of these two entities will basically set out a national agenda that will cover all functions of elementary and secondary school education, including curriculum.

For the first time in the history of this country, the federal bureaucracy will be defining how education should be delivered on Main Street anywhere in America. The traditional role of limiting federal direction in education to narrow areas, such as special education, will have been abandoned, as the federal role moves to defining how elementary and secondary school education should be delivered across the country.

Voluntary standards. Throughout the legislation the term "voluntary" is used aggressively. The standards are, for example, "voluntary." The state's participation is "voluntary." The National Opportunity to Learn standards are "voluntary." The assessment system is "voluntary."

Methinks the plan doth protest too much. There is very little that is voluntary about this initiative. In fact, the only thing voluntary in this bill is the word itself. In order to qualify for access to a $400 million pot of funds, states must produce plans that conform to the content and performance standards set out by the national panels cited above. The argument, of course, is that if the states do not want the money, they do not have to participate in setting up such standards; therefore, everything is "voluntary." However, the structure is such that it is unlikely that the political leadership of the states will be able to resist the financial and legal pressure to participate in this program. Also, as we have seen in the past, this is the "camel's-nose-under-the-tent" approach. One can expect that when this initiative is up and running, obtaining so much as a nickel in federal funds for current programs, such as for special education, will likely require compliance with the performance and content standards that have been certified by NESIC under this act.

Lawsuits. It is obvious that one of the purposes of the act is to create a litigious atmosphere—along much the same lines as has occurred in environmental policy. The standards to be developed in compliance with this law—relative to teachers' workload, special treatment of students with special needs and a myriad of local education functions—will quickly become the hammer for activist lawsuits. This will be true whether a state adopts a plan that meets the directives of the national standards for content and performance or not. The long-cherished principle of community control of education will be lost to the courts.

A straitjacket at the local level. Control over education at the state and local level has been maintained in part by flexibility in complying with federal regulations. Goals 2000 moves in the opposite direction. It limits flexibility and expands and centralizes control at the federal level. It defines content and thus controls input rather than focusing on results.

Of course, this unwillingness to push for results standards is a reflection of the influence of the National Education Association and other labor unions. The unions do not wish to be held to such standards, preferring instead an approach regulating input. That approach, of course, avoids accountability and precludes effective comparisons.

As the Vermont commissioner of education recently stated: "The bill defines a radically different federal role in education: The Goals Panel will set the goals, the Standards and Improvement Council will certify the standards to measure progress toward the goals, and the Secretary will oversee a state and local planning process to reach the goals. While the federal government requires plans now, they govern only a part of education. . . . This bill will assert federal oversight over the whole educational program in a state or community."

This bill is another in what is becoming a long list of initiatives by the Clinton administration. that fall into the category of "we know what is best for you" legislation. It is an attempt by a group of recycled 1960s utopian academics to enforce their view of the world and in this case, their views on education, on all the misguided folks out there in America who really do not know what is appropriate for their children. In case you didn't know, that's you.

Mr. President, I have an article by David M. Ackerman, which I think would be of interest to the Senate, on the subject of amendments to S. 1150 relating to school prayer.

During debate in early February on S. 1150, the "Goals 2000; Educate America Act," the Senate adopted three amendments relating to school prayer. This memorandum provides a brief analysis of their legal and constitutional implications.

### TEXT OF THE AMENDMENTS

On February 3, 1994, the Senate adopted an amendment sponsored by Senators Helms, and Lott to S. 1150, the "Goals 2000: Educate America Act." The amendment, which was approved by a vote of 75–22, provides as follows:

> No funds made available through the Department of Education under this Act, or any other Act, shall be available to any state or local educational agency which has a policy of denying, or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any state nor any local educational agency shall require any person to participate in prayer or influence the form of content of any constitutionally protected prayer in such public school.

The words "constitutionally protected" were not included in the amendment as first propounded but were added by unanimous consent after an extended colloquy between Senators Helms, Packwood, and Danforth.

On February 4 and 8, 1994, respectively, the Senate adopted two more amendments generally relating to the issue of school prayer—a sense of the Senate amendment sponsored by Senators Danforth, Chafee, and Kassebaum and an amendment by Senator Levin. The sense of the Senate amendment, which was adopted by a vote of 78–8, provides as follows:

> It is the sense of the Senate that local educational agencies should encourage a brief period of daily silence for students for the purpose of contemplating their aspirations; for considering what they hope and plan to accomplish that day; for considering how their own actions of that day will effect (sic) themselves and others around them, including their schoolmates, friends and families; for drawing strength from whatever personal, moral or religious beliefs or positive values they hold; and for such other introspection and reflection as will help them develop and prepare them for achieving the goals of this bill.

Finally, the Levin amendment, which was adopted by voice vote, provides as follows:

> Notwithstanding any other provision of this Act, no funds made available through the Department of Education under this Act, or any other Act, shall be denied to any State or local educational agency because it has adopted a constitutional policy relative to prayer in public schools.

### LEGAL EFFECT OF THE AMENDMENTS

While the amendment concerning a brief period of daily silence is, as a statement of the sense of the Senate, purely hortatory, both the Helms-Lott and the Levin amendments would have substantive legal effect. The Helms-Lott amendment would bar the Department of Education from making funds available to any State educational agency (SEA) or local educational agency (LEA) that had "a policy of denying, or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis." The Levin amendment, conversely, would prohibit the Department from denying funds to any SEA or LEA which had "a constitutional policy relative to prayer in public school." It is not clear that that prohibition accomplishes anything that would not otherwise be the case, but the prohibition, nonetheless, would be a binding legal mandate.

The amendments raise at least five issues relating to their legal effect. First, are the amendments compatible, or contradictory? Second, would the Helms-Lott amendment cut off all Federal funds flowing to SEAs and LEAs that violate its prescription, or just funding provided through the Department of Education? Third, what does the phrase "constitutionally protected prayer in public schools by individuals on a voluntary basis" in the Helms-Lott amendment mean? Fourth, what does the counterpart phrase in the Levin amendment—"a constitutional policy relative to prayer in public school"—mean? Fifth, would any of the amendments violate the Constitution?

(1) Are the amendments compatible, or contradictory? The amendments appear to be compatible. The Helms-Lott amendment would require that Federal education funds be cut off under certain circumstances, while the Levin amendment would prohibit the cutoff of Federal education funds under certain circumstances. But under both the Helms-Lott and Levin amendments an SEA or LEA that had a constitutional policy relative to prayer in the public schools would be eligible for Federal education funds. Only in the circumstance that an SEA or LEA prevented participation in constitutionally protected prayer, i.e., had an unconstitutional policy relative to prayer in the public schools, would the Helms-Lott amendment require that funds be cut off. The Levin amendment would not proscribe that cutoff. The Danforth amendment, as a statement of the sense of the Senate regarding a brief period of silence in the public schools, is, as previously noted, purely hortatory. But because the policy it recommends is arguably constitutional, it, too, appears to be compatible with the Helms-Lott and Levin amendments.

(2) Would the Helms-Lott amendment cut off all Federal funds flowing to SEAs and LEAs that violate its prescription, or just funding provided through the Department of Education? This issue arose during debate on the Helms-Lott amendment but does not ap-

pear to have been clearly resolved. The language of the Helms-Lott amendment states "No funds made available through the Department of Education under this Act, or any other Act, shall be available to any state or local educational agency. . . ." Sen. Jeffords, an opponent of the amendment, twice asserted during debate that this language meant that the cutoff of funds under the amendment would apply not only to funds under S. 1150 and not only to other funds that go through the Department of Education but also to all other Federal funds going to SEAs and LEAs, such as school lunch and breakfast monies from the Department of Agriculture, National Science Foundation grants, NASA grants, and Medicaid funds through the Department of Health and Human Services. No rebuttal of this allegation was made by proponents of the amendment. Sen. Helms did introduce a legal memorandum from the American Center for Law and Justice several days later which described the funding cutoff of his amendment as applying to "funding under the Goals legislation, and funding under any other act, which is provided through the Department of Education. . . ." But early in the debate he had stated that under his amendment a school district could "lose its Federal funding." The same language appears in the Levin amendment.

The grammatical structure of the language would seem to intend that the phrase "through the Department of Education" applies not only to "under this Act" but also to ", or any other Act,". But any uncertainty in this regard would be eliminated if the commas were eliminated and the word "Act" were used but once: "No funds made available through the Department of Education under this or any other Act. . . ."

(3) What does the phrase "constitutionally protected prayer in public schools by individuals on a voluntary basis" in the Helms-Lott amendment mean? This phrase states the prescriptive standard of the Helms-Lott amendment, interference with which would cause a cutoff of Federal funds. The meaning of that phrase, thus, is critically important.

Mr. President, I understand that the distinguished Senator from Virginia is seeking the floor. I will be glad to yield to him at this time.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague and longtime friend, the senior Senator from South Carolina. I have had the privilege of serving in the Senate now, it being my 16th year, with Senator THURMOND, and we look upon him as a role model in many, many respects. I enjoy so much my work with him on the Armed Services Committee. And each Tuesday when he addresses our caucus, he always raises subjects of interest to all and presents them in a very cogent manner.

Mr. President, I ask unanimous consent that a letter from the office of the Governor, George Allen, relating to the subject matter of the underlying legislation, together with other statements, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
*Richmond, VA, February 2, 1994.*
Hon. JOHN WARNER,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR WARNER: I understand that S. 1150 is scheduled for a vote today. I once again ask that you please vote 'no' on this bill.

This Administration is working hard to create scholastic standards for grades K–12 and we want the opportunity to implement them in a way that best suits the children of our Commonwealth. Should S. 1150 pass, we would be robbed of the privilege of determining what is best for our own children.

Please do not let another layer of intrusive federal legislation further harm public education in this country.

Sincerely,

BEVERELY H. SGRO.

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COMMONWEALTH OF VIRGINIA,
DEPARTMENT OF EDUCATION,
*Richmond, VA, January 27, 1994.*
Hon. JOHN WARNER,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR WARNER: You will soon be asked to vote on S. 1150. I would ask that you vote no. Last month, I visited the U.S. Department of Education and met with Mike Cohen regarding this bill. He was very helpful; however, I fear that future funding will be contingent upon the "restructuring plan", fundamentally this proposal. Even though I am getting oriented to my new work as Superintendent of Public Instruction for Virginia, I am well aware of your commitment to local concerns and decision-making. A vote of no on S. 1150 will help us to maintain this autonomy and responsibility.

Sincerely,

WILLIAM C. BOSHER, Jr.,
*Superintendent of Public Instruction.*

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### Policy Concerns—Goals 2000: The National Takeover of Education Bill

Goals 2000 will be another power grab by the federal government.

Rhetoric: Goals 2000 maximizes local control over education.

Reality: This legislation serves as another example of a government power grab by establishing strong national control over education. Goals 2000 calls for top-down management, thereby taking power away from state and local school districts. For the first time in U.S. education history, it would give Washington, DC, the power to directly set national academic standards. The bill itself discredits the notion of "voluntary" standards by its repeated emphasis on the certification roles of the National Goals Panel and the National Education Standards and Improvement Council (NESIC).

"I have great reservations about national standards, frankly," said Mr. Cavazos, who served as Secretary of Education under the Reagan and Bush Administrations. "I think that once you establish a standard, although it's voluntary and we can change it and people do not have to accept it—I have seen too many volunteer things started out in Washington that subsequently became law" (Education Week, January 12, 1994).

Federalization of education would be encouraged by the "opportunity-to-learn" standards as defined by NESIC. The NESIC would create an unprecedented federal role in promoting national standards and curriculum. These standards are defined in the bill as conditions necessary for all students to have a fair opportunity to learn. However, equalization of inputs does not ensure academic achievement. Pouring more taxpayer dollars into a bureaucratic labyrinth has proven not to solve our education problem.

Barbara Lerner of the Philadelphia Inquirer has described the Goals 2000 bill as creating "a massively intrusive bureaucratic nightmare."

Rhetoric: Goals 2000 does not impose mandates on states to comply with the national goals and standards.

Reality: As the bill is currently written, the development of goals, standards and assessments are voluntary for a state or local community to receive federal funding. In practice, however, states would receive pressure to adopt the federal government's standards. (Already, states are rushing to fundamentally restructure educational systems—some of which is being encouraged by federal dollars—in fear of the coming national standards.)

Attorney Jonathan Wilson, an advisor to the Implementation Task Force of the National Council on Education Standards and Testing, explains,

"You can say that it's voluntary, but it won't be. I'm a lawyer * * * all I need from you to get me in court that I don't have now is [school delivery or opportunity-to-learn standards]. Because I have got state law that constitutionally says that you have got to provide an adequate education, and the thing that keeps me from going to court is I don't have a measure for what that is. You give it to me, and I'll get things required—not voluntary". (October 30, 1991, minutes of the National Council on Education Standards and Testing, Implementation Task Force, pp. 72–3).

Education Week reports in its January 19, 1994 issue that "* * * while the standards are voluntary, the hope is that every state and school district will make them part of its own goals for education."

Under Title I of Goals 2000, the bill's purpose is defined as "providing a framework for the reauthorization of all Federal education programs. * * *" This definition squares with the reauthorization of the Elementary and Secondary Education Act (ESEA) which cites the national standards provided by the National Goals Panel.

The Administration seeks to make federal aid to elementary and secondary schools contingent upon state adoption of national goals and standards. According to the September 11, 1993 Congressional Quarterly, the reauthorization of ESEA would effectively force states to comply with the national standards and goals outlined in Goals 2000. Thomas Payzant, the Education Department's assistant secretary for elementary and secondary education, stated that ESEA will "pick states up where they are and provide support and encouragement for them to keep moving" in the direction of standards and goals.

The content and performance standards mandated in the ESEA Chapter 1 program provide the link with the so-called voluntary standards of Goals 2000. (Chapter 1 is a government-funded assistance program for disadvantaged children, providing funds to about ninety-five percent of all school districts.) ESEA would require states to submit plans to the U.S. Department of Education describing content and performance standards of what children are "expected to know and do." Therefore, in order for states to receive the coveted federal funds, they would have to submit their pre-approved standards to the NESIC at the U.S. Department of Education.

Indeed, an analysis provided by the U.S. Department of Education (Summary Sheets, September 13, 1993) again outlines the intrinsic connection between Goals 2000 and the reauthorization of the Elementary and Secondary Education Act.

Goals 2000 extends the power of the federal government to intrude into the realm of education which traditionally (and constitutionally) has been within the domain of states and localities. The "opportunity-to-learn" standards are nothing less than federal mandates that would direct: national standards for spending; uniform material requirements for schools; curriculum; and class size.

"States and localities don't want a federal mandate of what a classroom should look like."—National Governors Association (NGA) policy analyst Patricia Sullivan.

"The standards-driven approach * * * could conceivably hurt our efforts at improving education in our state by forcing the state to adopt federal priorities and to redirect resources away from ongoing state efforts * * * to meet national content and delivery standards."—Senator Orrin Hatch (R-UT), Education Daily, May 5, 1993.

"(T)he federal government will be taking over education. They say they won't, but they're riding down a slippery slope."—Carroll Campbell, Governor of South Carolina, The News, (Greenville, S.C.) April 22, 1993.

Family will no longer be seen as the primary nurturer for the child.

Rhetoric: Goals 2000 will further empower parents to direct their children's education.

Reality: Concerned Women for America has actively worked to promote parental participation and input in primary and secondary education across the U.S. However, Goals 2000 departs from this traditional concept by embracing a more directive approach for "parental involvement." Rather than affirm the authority of parents over curricular content, "parental involvement" will be defined and implemented by the educational system.

The entire tenor of "educational restructuring" has called for the integration of social services into the public school system. Educational reforms frequently cite transforming the public school into the new "village commons" where social, health, and psychological services would be administered regardless of income eligibility. This universalized approach to government services is not only a radical (and expensive) idea, but that which necessarily robs families of greater time and authority over their children by placing family responsibilities into the hands of surrogates.

Sweden's new education minister, Beatrice Ask, seeks to dismantle Sweden's failed education policies that incorporated the delivery of social services into the schools: "Swedish schools have diluted the quality of education by trying to do too much" (Wall Street Journal, April 7, 1992).

A seventh goal has been added to the current six national educational goals. This newest one could allow federal funding for the controversial program, "Parents As Teachers." The goal states:

"(B)y the year 2000, every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional and academic growth of children."

No one has raised the important question of when it became the government's job to promote the "emotional growth" of children. In fact, one of Secretary Riley's "ready to learn" recommendations calls for states to implement comprehensive parent education programs. A recent Parents as Teachers bill called for the establishment of a federal program which envisioned ten home visits per year by social workers to check on the progress of families in complying with the P.A.T. guidelines. Parents from all ideological persuasions would justifiably raise privacy concerns about such government intrusion.

While it is widely acknowledged that a small percentage of families may require government intervention in the face of documented evidence of child abuse, this by no means justifies embarking upon a widespread federal government program to reeducate America's parents in "proper" childrearing practices, as determined by social workers.

Rhetoric: Goals 2000 does not create a national curriculum.

Reality: The opportunity-to-learn standards in Goals 2000 will pave the way for a national curriculum. The House version reads that the "curriculum [must be] . . . aligned to content standards." Clearly, this projects the establishment of a national curriculum far from the interests of parents and teachers in local communities. According to education researchers,

"Instead of raising student achievement * * * [a national curriculum] could end up * * * creating a costly bureaucracy that would take away funds from instruction." (Robert Rothman, "Researchers Wave Caution Flag Over National Curriculum," Education Week, June 23, 1993, p.5).

An opponent of the Goals 2000 bill, Congresswoman Marge Roukema (R-NJ), has predicted that the bill "will inevitably lead, as night follows day, to a national curriculum and national funding standards" (Educational Daily, April 23, 1993).

"The further the bureaucracy is from the classroom, the less relevant it is for education."—John Norquist, Democratic Mayor of Milwaukee, Wisconsin.

Rhetoric: Goals 2000 will help teachers do their job in the classroom.

Reality: A recent Education Week article revealed that many teachers are overwhelmed by the already-cumbersome national standards underway in certain subject areas:

"As the standards-setting movement continues to gain momentum, worries that the documents may turn out to be too numerous, too lengthy, too much to teach, and too different from one another are being voiced with increasing frequency. And, in the end, [Richard] Aieta fears, it may be educators like himself at the local level—curriculum supervisors and department heads and teachers—who must try to put it all together.

"And God help the elementary school teacher when all of this is going to come down on them," Aieta adds. Those teachers, who are responsible for instructing their students in eight or more subjects, could face a stack of standards a foot or more thick." (Education Week, January 18, 1994).

Concerned Women for America urges Congress to carefully examine the wisdom of rushing headlong into fundamental restructuring of American education at all levels by federal government bureaucrats. Serious concerns are being raised at the classroom level and school district level about the nature of certain "reforms" underway by education experts.

## SOME OF THE SUBJECTS RECEIVING ATTENTION

Mr. WARNER. Mr. President, tonight I would like to talk about several subjects which many Senators, including myself, have been engaged in in the past few days in the Senate. The first subject involves the Safe Drinking Water Act. Under the leadership of Senators BAUCUS and CHAFEE, the Environment and Public Works Committee had a markup this week of this important piece of legislation.

I had considerable doubt, as did other Republican Senators on this committee, that we would achieve a bill and report it to the floor. But through the diligence and cooperation of all members of the committee on both sides of the aisle, we did achieve that goal and reported out a bill this past week. I would like to share with the Senate some of the highlights of this very important piece of legislation.

There are not a lot of us that do not desire that all Americans have the finest drinking water that is obtainable. The name of the act itself implies that desire: Safe Drinking Water Act. However, there are a number of economic concerns that must be faced by communities all across this country. Eighty-seven percent of the communities in America are under 10,000 people. And quite frankly, they cannot afford—it is beyond the budgets of their communities to achieve certain standards. That factor was taken into consideration by the committee in its work this week.

So I would like now to discuss the work of this committee. I will start off by giving a little history.

In 1974, the Safe Drinking Water Act, Public Law 93-523, was enacted to ensure that public drinking water systems throughout the Nation provide water that is free of harmful contaminants. Previously, the Public Health Service set standards for drinking water which were used as a voluntary reference for drinking water systems. The drinking water program was transferred to EPA when that agency was created in 1970. The SDWA requires EPA to establish drinking water regulations to protect public health. EPA established a maximum contaminant level goal. That is referred to as MCLG, which is a level at which no known or anticipated effects on the health of persons occur, and allows an adequate margin of safety.

EPA then sets a maximum contaminant level, MCL, which is the enforceable level set as close to the goal as is feasible. Feasible means the application of the best available treatment technology taking costs into consideration.

The regulations apply to both privately and publicly owned systems which serve at least 25 people or 15 connections. There are approximately 60,000 community water systems in this country. There are another 140,000 noncommunity water systems, including hospitals, schools, and campgrounds that serve more than 25 people regularly, and are regulated under the act as written in 1974.

While the national drinking water program is based on Federal law, States have primary enforceable responsibility for implementing the act within their borders. The act authorizes EPA to provide grants to assist the States in developing their programs funded by $60 million, and that was the level of funding in 1993.

A key aspect of the drinking water program is the variability in size of drinking water systems. Eighty percent, as I said, of the population receive their drinking water from large systems operated by major cities or private utilities. These systems can afford to monitor and to treat the water at a relatively small cost to consumers. There are a large number of very small systems serving only a few hundred people. Sixty-two percent—this was the forecast in 1974—of systems serve less than 500 persons.

These systems often lack sufficient resources and expertise to comply with the regulations. Available technology in monitoring requirements that EPA sets are established to reflect the capabilities of large systems, not small ones.

Let us look at the legislation since 1972. The Safe Drinking Water Act was last reauthorized in June of 1986. And appropriations are authorized through fiscal year 1991. The 1986 amendments established the schedule for issuing additional MCLs. Many in Congress felt that the regulatory process should be streamlined, and that EPA was not developing revised regulations quickly enough. In 1986, only 23 contaminants had standards.

Consequently, the 1986 amendments redesignated the remaining 23 interim regulations as promulgated primary regulations and set a 3-year deadline for EPA to develop primary drinking water regulations for 83, including the 23 already-regulated specified contaminants.

In addition, the 1986 amendments required EPA to add 25 contaminants every 3 years after the standards for the initial 83 contaminants had been issued. In other words, aggressively through research add the additional contaminants so as to further improve our water systems.

The 1986 amendments also created two new programs that focused on ground water protection: grants for sole source aquifer demonstrations and the Well-Head Protection Program.

In the past several years there has been a growing controversy over the new drinking water regulations issued by the EPA, and the cost of monitoring and treatment to meet these new regulations. Senator LAUTENBERG, a member of the Environment and Public Works Committee, a man who has taken a great deal of interest in the Superfund legislation—and I worked with him on that, as I have on many other programs. Senator LAUTENBERG held a general oversight hearing on the Safe Drinking Water Act in May of 1991 to review progress in implementing the program and evaluate concerns about the costs of the program.

In July of 1992, the Senate passed a Chafee-Lautenberg second-degree amendment to a Domenici amendment addressing the safe drinking water. The Domenici amendment would have suspended several promulgated drinking water standards and prevented EPA from issuing new standards until reauthorization of the act. The Chafee-Lautenberg amendment called for a study of the whole act; extended the deadline for radon in drinking water regulations; and reduced the requirement for monitoring small systems from 4 times every 3 years to just once.

Mr. President, that invoked quite a considerable savings to these small communities. The small communities were quite anxious to comply. But, again, it is a matter of economics. Oftentimes, the costs associated with complying with the various regulations of the Safe Drinking Water Act is as big as their whole budget for law enforcement, and their whole budget for health care in their community. Therefore, we have to be very cautious as we mandate these regulations down on these small communities. That is what we are doing now as we are working on our rewrite for this year of the Safe Drinking Water Act.

In early 1993, President Clinton proposed a major new initiative to establish State revolving loan funds, called SRFs, to help communities comply with drinking water standards, modeled after a similar loan program under the Clean Water Act, and authorized the $600 million in fiscal year 1993, and $1 billion per year in fiscal year 1994 and fiscal year 1997.

Last year, the Energy and Commerce and Public Works Committees in the House reported legislation authorizing drinking water loan funds. The HUD appropriations bill for fiscal year 1994 reserved $600 million for the drinking water loan funds pending enactment of legislation authorizing the funds.

The HUD bill also extends the deadline for issuing the radon drinking water standard until the end of 1994 for the reauthorization of the Safe Drinking Water Act, or whichever occurs first.

In September 1993, EPA issued a major report to Congress on the drinking water program. The report views the key elements of the program, and includes 10 major recommendations for changes to the act. On October 14, 1993, Senator BAUCUS introduced comprehensive legislation to amend the Safe Drinking Water Act, S. 1547. The bill authorizes the State loan fund—that is the new feature—and makes significant changes to the regulatory provisions of the previous act. The Environment and Public Works Committee held a hearing on the act and proposed legislation in October of last year, 1993.

Drinking water issues, the Chairman's marks: A few comments on that.

Drinking water systems and States argue costs of meeting drinking water standards is an unfunded Federal mandate. While the Clean Water Act provided funds to help communities meet clean water goals, the Drinking Water Act never included funding for meeting drinking water standards.

Current law provides for grants to States to manage the program. The fiscal year 1993 appropriations for State grants is $60 million. States argue that this is far less than they need to run the program. The EPA estimates that States need an additional $162 million to cover program costs. The chairman's mark authorizes an SRF for drinking water at $600 million for 1994 and $1 billion for fiscal year 1995 through the turn of the century—2000.

States may use a percentage of the SRF to pay for program costs—50 percent in 1995, 100 percent in 1996 through 1998, and 50 percent in 1999.

If the State lacks adequate funding, EPA may withdraw delegation of the program and have authority to impose a Federal drinking water fee to pay the cost of the program. In addition, the authorization level for the PWSS grants is increased from $40 million to $100 million.

Let us talk about the small systems, Mr. President. Many small systems face very high user charges when complying with the drinking water regulations because of the limited economies of scale. These systems argue that they need financial help to keep costs down, or authority to reduce expected treatment.

In addition, small systems argue that they are unable to afford or manage the monitoring requirements of the act. The chairman's mark directs EPA to develop small-system best-available technology. Any system serving under 3,300 persons is eligible for a variance if—I repeat if—in addition, small systems argue they are unable to afford or manage the monitoring requirements of the act. The chairman's mark directs EPA to develop small-system best-available technology.

Any system serving under 3,300 persons is eligible for a variance if it cannot afford to comply with current regulations through conventional treatment system restructuring or finding an alternative source of water. This determination is made by the State.

Mr. President, I am going to digress from the comments I have on the Safe Drinking Water Act to a second subject. I worked on it this week, together with 43 other Senators on this side of the aisle.

Today, all 44 Republican Senators are sending to the President of the United States the following letter:

DEAR MR. PRESIDENT:

We are writing regarding negotiations that the administration has entered into on the future of the ABM Treaty and the potential impact that any resultant agreement might have on U.S. theater missile defense (TMD) programs.

Over the last several years, the Senate has taken a very active role in promoting the resolution of this issue. The Missile Defense Act of 1991—

A piece of legislation which I and several others had a hand in drawing up

as amended, directs the executive branch to clarify the distinctions between permitted TMD systems and precluded ABM systems. During the Senate's consideration of the fiscal year 1994 defense authorization bill, this issue was again debated at length. The Senate subsequently adopted a congressional finding, now codified in law, section 234 (a) (7), of Pub. L. 103–160, that states that the ABM Treaty does not apply to the TMD systems unless such systems are "tested against or have demonstrated capabilities to counter modern strategic ballistic missiles."

As you know, there is an emerging consensus in the Senate that any agreement to substantively modify the ABM Treaty should be submitted by the administration for Senate advise and consent. We agree with this view and look forward to reviewing the final agreements on ABM Treaty succession and TMD demarcation.

To date we have been encouraged by the administration's handling of the TMD demarcation issue. The U.S. proposal tabled at the Standing Consultative Commission (SCC) in November 1993—that any TMD system not tested against a ballistic missile target with a maximum speed in excess of 5 km/sec be deemed compliant with the ABM Teaty—was an important and positive step. We believe that this proposal is consistent with the "demonstrated standard" contained in last year's Congressional finding would not constrain currently planned U.S. TMD development or deployment efforts.

As a new round of discussions in the SCC begins, we urge you to adhere to the "demonstrated standard." In this regard, we are particularly concerned by the reported Russian counter-proposal to add constraints on TMD interceptor and sensor characteristics. This would undermine the "demonstrated standard" and likely preclude several promising U.S. TMD efforts. By so precluding a class of TMD systems, the U.S. would assume new legal obligations under the AMB Treaty—constraints that were not envisioned or intended when the treaty was ratified. It is unlikely that we would be able to support any such agreement.

At a time when the ballistic missile threat is dramatically expanding—as highlighted by the news that North Korea is developing three new standard-range ballistic missiles—we should do everything possible to maximize the capabilities of our TMD programs.

The administration has done an excellent job in formulating the TMD demarcation issue to date. We respectfully urge you to stay the course and resist efforts to erode the position.

Signed by myself, Senator THURMOND, ranking member of the Armed Services Committee, and 42—all of our Republican colleagues.

I am quite certain that, given the opportunity, there are many colleagues on the other side of the aisle that would likewise be in support of our position.

I would like to amplify our position. I would like to go back just for a personal recollection, Mr. President.

During the course of the gulf war, I and many colleagues here made trips to the gulf theater of operations, and I remember one trip very vividly. I was accompanied this time by the chairman of the Armed Services Committee, Senator NUNN, Senator INOUYE, and Senator STEVENS. The four of us constituted a codel of the then leadership of the Appropriations Subcommittee over which the Presiding Officer is the chairman, the Acting President of the Senate, and the Senate Armed Services Committee chairman, Mr. NUNN, and myself. We visited the gulf theater of operations and felt it very important that we, on our return leg home, visit Israel.

The people of Israel had shown remarkable courage during the gulf war in many ways not the least of which to withstand repeated attacks by Saddam Hussein and the Iraqi military, repeated Scud missile attacks. These weapons were fired indiscriminately—indiscriminately—at the helpless, innocent people of Israel. There was no military reason for firing those missiles. It was pure politics. It was an act of terrorism.

That night, when we arrived in Israel, we were taken to the office of the Defense Minister where we immediately proceeded to have an indepth meeting respecting our report of the mission to the gulf operations, our visit with General Schwarzkopf and his commanders.

We made it very clear on behalf of the Senate, on behalf of the Congress, on behalf of the President and the people of the United States how much we admired the courage of the people of Israel and its leadership in their forbearance from striking back against Iraq.

Had Israel taken an active military role in that operation, there would have been, in all likelihood, complications with respect to the very fragile coalition of forces put together by the President and other leaders of the Western World and, indeed, other gulf states, Arab nations in putting together an extraordinarily able, competent, fighting force to repel the Iraqi invaders.

During the course of our meeting at the Defense Ministry, we were advised that a Scud had been launched at Tel Aviv. I remember so well the calmness with which the Defense Minister and all present received that news and the careful manner in which they proceeded to take precautions in the Defense Ministry and the fact that all televisions in Tel Aviv suddenly switched from their programming that evening to a repetition of what they played many times before; namely, instructions as to how to handle gas masks, how to deal with children, and other precautions such that they could hopefully survive this terrorist attack of a Scud missile.

The Defense Minister knew exactly, almost to the second, as to whether there would be impact from that missile. They could not predict where in Tel Aviv it would fall, but they knew basically the timing, and in due course we did hear a very clear and loud and sensed the impact of the incoming missile.

We resumed our meeting, and the next day the delegation went out to view the area of impact and give our condolences to the people in the region who had suffered certain loss—of damage and other losses. It was a tragic situation, but it was a remarkable hour for the people of Israel to show that strength, to take and endure those terrorists attacks and to not take an active role of intervention.

Mr. President, that evening left an indelible recollection in this Senator's mind, as it did my three colleagues. It is for that reason that I, along with many others, have taken a great interest in seeing that the United States of America takes every step we can to research and develop systems to protect our troops, to protect our allies, troops of our allies, to protect others against these short-range intermediate theater missiles. And under the leadership of President Clinton and the Defense Department and other departments, we are doing that.

Nevertheless, this group of 44 colleagues became concerned that we should give the President our best advice, that we did not want the current rounds of consultation through the SCC in any way to inhibit this country as we proceed with the research and development and upgrading.

For instance, we are in an upgrade with the Patriot system, the only system we had at that time to defend against these missiles, a system that we quickly sent to Israel and which effectively, in many instances, prevented greater damage from Scuds in Israel.

The system was effective in protecting some of our troops; regrettably not all. The largest number of casualties from a weapons system in that Gulf operation resulted from the Scud attacks.

So, Mr. President, today I address the Senate about an important letter, as I said, sent to the President of the United States on the relationship between theater missiles defense systems and antiballistic missiles, the ABM treaty.

Currently, there is no agreed-upon understanding of what defines a strategic defense system, to which the limits of the ABM Treaty apply, and what defines a theater ballistic defense, not subject to the treaty. The reason for this lack of understanding is that at the time the treaty was negotiated in the early 1970's, the drafters did not anticipate a threat from theater ballistic missiles. Such systems were not even on the drawing board.

In other words, people were not, at the time of the negotiation of the ABM Treaty, envisioning the advancement of weaponry to where we had these short range systems. Therefore, the drafters of the treaty, the signatories to the treaty—and, incidentally Mr. President, if I may say, I was present in Moscow. I was a part of the delegation to the signing of the ABM Treaty, as well as SALT I. I was then privileged to serve as Secretary of the Navy and had been part of the delegation for the purpose of signing the Incidents at Sea agreement, an agreement which I negotiated and executed on behalf of the United States in May 1972, the day before the signing of the ABM Treaty.

But my point is that the ABM was never envisioned to cover the short range theater ballistic systems. Therefore, as we begin to look through how this ABM should be revised, it should not apply in any way to America's ability to proceed to protect our own interest against future attacks by these short range systems.

Until the definitional problem is resolved, we cannot proceed with the development of an effective, treaty-complaint theater missile defense.

Mr. President, as the United States engages in a new round of negotiations to clarify the intent of the ABM treaty, all 44 signatories to this letter propose a reasonable solution to this problem. The solution we advocate maintains the integrity of the ABM treaty while insuring the development of an effective defense against theater ballistic missiles. It is the administration's current position, and we simply ask that this position not be changed during the negotiations.

Mr. President, allow me to begin with some background. We all remember the Persian Gulf war. During the war, our Patriot system was the premier defense against Iraqi Scud missile attacks—attacks which terrorized our forces and our close friend Israel. The Patriot system was not designed to defend against missiles, but the Iraqi Scuds were not very well advanced in technology, and this Patriot system had a measure of effectiveness. Thus, the Patriot proved successful at intercepting a number of the Scud missiles fired upon the Allied forces in the Gulf and to help the people of Israel.

In the future, we will not have this luxury—that is perhaps because of the advancement in missiles technology, we will not have a system; certainly the Patriot cannot keep up in many respects with the advanced technology of the missiles—and, therefore, we must be better prepared, and that requires intensive research and development of advanced systems to deter and defend against these missiles.

Our Nation's most immediate concern is with the proliferation of advanced weapons, including modern theater ballistic missiles. The threat from such missiles is real and growing, with more and more countries capable of launching them. The recent announcement by James Woolsey, the director of Central Intelligence, that North Korea is developing several variants of medium range missiles—the No-Dong 1, the Taepo Dong 1, and the Taepo Dong 2—capable of striking all of South Korea, the Japanese mainland, and perhaps as far south as Southeast Asia—is simply the latest reminder of the seriousness of this threat, and the proliferation of these weapons. And now we know that North Korea is selling these weapons to buyers throughout the world.

The theater missile threat is not simply a conventional threat. These missiles can carry nuclear, chemical, or biological explosives, thus significantly increasing the danger faced by our troops.

Now I have been present at meetings in the White House when President Clinton has spoken about this problem. He understands this problem very clearly, Mr. President. I say to my colleagues, he understands the proliferation of weapons of mass destruction, he understands their delivery systems.

I commend the President and his administration for having taken a position on this prior to the opening of these talks on the ABM Treaty. He has called it the most serious security threat facing America today, and I agree with the President. As legislators, we are compelled to do everything in our power to protect American, allied, and friendly nations against attack from such missiles.

In order to develop the best possible defense against theater ballistic missiles, the United States, Russia, and other potential successor states to the Aanti-Ballistic Missile [ABM] Treaty must agree upon precisely what constitutes a theater ballistic missile. As we are all aware, the ABM Treaty places a limit of 100 on the number of ABM interceptors each side can possess and limits the location of these interceptors to a single site on the signatories' territory. The treaty does not apply to theater missile defenses. Unfortunately, the treaty does not clearly define the difference between a strategic missile, to which its provisions would apply, and a theater missile, to which its provisions would not apply.

It is clear, Mr. President, that because there is no agreed upon demarcation line between theater and strategic missiles among the signatories, we have no way of knowing for sure whether or not a theater ballistic missile defense program is compliant with the ABM Treaty. At first glance, the common sense solution would seem to be range, but let me address that issue. A strategic missile is a missile that can travel say 5,000 miles and a theater missile is one that can travel far less. However, an interceptor that can take out a missile traveling 2,000 miles can also take out a missile traveling 5,000 miles. Conceivably, a country could manufacture hundreds or thousands of interceptors capable of intercepting strategic missiles, declare them theater missile defense interceptors, and thereby claim compliance with the ABM Treaty. Clearly, range is not a workable criteria.

In order to deal with this difficult definitional problem, Congress last year passed an amendment to the fiscal year 1994 defense authorization bill, which expressed the sense of the Congress that a theater missile defense system is compliant with the ABM Treaty unless it has a demonstrated capability against strategic ballistic missiles. After extensive consultation within the administration, between the administration and Congress, and with outside experts, the administration very wisely—this is the Clinton administration—adopted a concrete proposal, consistent with the overall guidance provided by Congress, which stated that a theater ballistic missile defense is compliant with the ABM Treaty if—and I ask my colleagues to listen carefully—if it can destroy an incoming missile traveling no faster than 5 kilometers per second. That is the criteria. In effect, any missile traveling faster is deemed a strategic missile and any missile traveling slower is deemed a theater missile.

There are practical reasons why this formula makes sense. In general, missiles that travel farther must travel faster to achieve the distance; missiles that travel shorter distances travel slower to limit the distance traveled. Overcoming this fact of physics requires an increase in missile complexity and in missile cost that no country has been willing to pay. All modern strategic missiles travel much faster than 5 km/sec, while all current and foreseeable theater missiles travel 5 km/sec or less. Thus, for the time being a 5 km/sec standard is a reasonable one. The Clinton administration devised this formula, and it is the correct one. We hope that the administration does not agree to Russian counterproposals to further constrain the performance characteristics of theater missile defense systems.

Mr. President, the bottom line is this. Adopting the 5 km/sec standard will allow the United States to proceed with development of an effective theater missile defense. The integrity of the ABM Treaty will be preserved, our forward-deployed troops will be better protected in the future, and our tax dollars will be spent more wisely.

Mr. President, every Republican Senator has signed my letter, and thus this letter stakes out a clear Republican position on the issue of theater missile defense. For years, the Republicans have advocated the development of an effective national and theater defense against the threat of ballistic missile attack. We continue to do so today with this letter, and we look forward to reviewing the final outcome of the current negotiations.

Mr. President, it is my hope that this brief statement explains a complicated but important letter. By remaining faithful to the 5 km/sec demarcation line, we can be sure that we can build the best possible theater missile defense systems to protect our troops, allies, and friendly nations from any foreseeable theater missile threat. We should do no less.

## UNANIMOUS CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I will propound a unanimous consent request that has been cleared with the Republican leader. Then I will file some additional cloture motions.

Mr. President, I ask unanimous consent that at 11 p.m. today, the Senate stand in recess until 12:01 a.m. on Saturday, March 26, and that at that time the Senate begin the live quorum, as provided under rule XXII.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report accompanying H.R. 1804, Goals 2000: Educate America.

Byron L. Dorgan, Paul Wellstone, Edward M. Kennedy, Harlan Mathews, Jeff Bingaman, Barbara Boxer, Pat Leahy, John F. Kerry, B. Mikulski, John Glenn, Frank R. Lautenberg, Bill Bradley, J. Lieberman, D. Pryor, Patty Murray, Harris Wofford.

## CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a second cloture motion to the desk and I ask it be stated by the clerk.

The PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report accompanying H.R. 1804, Goals 2000: Educate America.

Byron L. Dorgan, Paul Wellstone, Edward M. Kennedy, Harlan Mathews, Jeff Bingaman, Barbara Boxer, Pat Leahy, John F. Kerry, B. Mikulski, John Glenn, Frank R. Lautenberg, Bill Bradley, J. Lieberman, D. Pryor, Patty Murray, Harris Wofford.

## ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, pursuant to the prior agreement, the Senate will stand in recess beginning at 11 p.m. this evening and continuing until 12:01 tomorrow morning, at which time the live quorum will commence as under rule XXII.

I therefore anticipate that there will be a vote on a motion to instruct the Sergeant at Arms to request the presence of absent Senators, to be followed by the cloture vote. Although I am uncertain at this moment of the precise time, I suspect, therefore, the cloture vote will occur sometime between 12:30 a.m., and 1 a.m. tomorrow.

If cloture is not obtained on the first vote, there will be a second cloture vote tomorrow morning, shortly after the first one. And if cloture is not obtained then, the two cloture motions which I filed will ripen on Monday, and it would be my intention to reconvene the Senate on Monday for votes on those two cloture votes. There may, indeed there will almost certainly, be additional votes beside the cloture votes, both tomorrow morning and Monday in the event cloture is not obtained on the first vote —either early tomorrow morning, or on Monday.

The PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair.

(The remarks of Mr. EXON pertaining to the introduction of S. 2002 are located in today's RECORD under "Statements on Introduced Bill and Joint Resolutions.")

The PRESIDENT pro tempore. The Senator from Colorado, Mr. BROWN.

## GOALS 2000: EDUCATE AMERICA ACT—CONFERENCE REPORT

The Senate continued with consideration of the conference report.

Mr. BROWN. Mr. President, I rise to address concerns about Goals 2000. While there will be differing views as to whether or not to include the provision with regard to prayer, I am sure every Senator in this body joins me in looking for a dramatic change in the way our education system works.

Everyone must have asked themselves why Americans seem to fall behind in this category. It is particularly amazing because the American experience is one which has resulted in excellence in almost every discipline. Indeed, our educational achievements at the graduate level and postgraduate level are remarkable and lead the world. The United States remains the place to come for graduate school and advanced degrees. Yet, for some reason our K–12 education experience has not remained competitive with many other countries around the world, some of the same countries that supplied the population that makes up America.

Do people lose intellectual capacity when they cross the water to come to America? I think not. Is there something inferior about this Nation that would result in the lack of achievement in the K–12 area? I think not, Mr. President. Everything we can look at seems to indicate exactly the opposite. The freedom and democracy that has blessed this shore has showered achievement in almost every area of human endeavor. To be sure, it has brought out the best in all of us.

Then why the failure of achievement in the K–12 area? Many of the comparative studies seem to indicate that our high school graduates may be as much as 2 years behind their counterparts in Europe or Japan or China or other countries around the world. Some would say it is because we attempt to educate the entire population while others are more restrictive and selective. Yet the figures do not seem to bear that out. While that may well be a factor, it is not by any means the only factor. In fact, there are some studies that show that other countries have very broad educational policies as well. No, the answer lies somewhere else. I do not pretend to be the Nation's expert in this area, but the studies have shown some differences in the K–12 area, and I think those differences are worth looking at.

The first is the number of school days. Quite simply, how many days a year do our children go to school and how does that compare with their competitors around the world? The studies are very dramatic and quite clear. Our children go to school a significantly fewer number of days per year than other students around the world. Could this be part of the explanation? I think so. We simply are not going to have the same educational achievement if our students are not in school.

One of the things that clearly needs to change if we are to become competitive again is that the length of the school year must be extended. We must be competitive in the length of time our students commit to education if we are to be competitive in their achievement levels.

The second dramatic difference between the American schools and others is the length of the school day. Several months ago I had the privilege of chatting with a young man in a school in Adams County, CO. He had endured difficult problems. Indeed, he was a year behind those people in school of similar age. At one point, he had dropped out. Thanks to what I thought was a very progressive program, he had been recruited to come back to school and was finishing the 8th grade.

He is a delightful young man. When I chatted with him about the program, he expressed optimism about his future because of the special attention he received. I asked him many questions about the program, but I remember one of his answers particularly well. I asked him when his school day was completed. He finished school at 1:15 in the afternoon.

He attended somewhere around 4 hours of classroom instruction a day and he was free from 1:15 p.m. on. Interestingly, he did not have homework, or at least any significant amount he felt compelled to spend a meaningful amount of time doing. His day, in terms of academic preparation, ended at 1:15 in the afternoon. His mother did not get home until 6 o'clock. While he was clearly an active, vigorous young man with lots of energy, he led an unstructured and unsupervised life between 1:15 and 6 o'clock.

That is the comparison between ourselves and other countries. Their school days are longer. One of the reasons we do not achieve the same way other countries achieve is simply because we ask our children to stay in school a shorter amount of time. Can we learn more on less time, fewer hours? I think not. As creative and productive as Americans are, they still have to put in the time and the effort to compete. So, the second difference is not simply matching our competitors with the number of school days, but it has to be asking our children to put in the same amount of time during the school day.

Mr. President, I particularly believe that length of time in the school day is extremely important. Young men and women who are going through our school system are filled with energy and enthusiasm, and if their time is not filled with productive pursuits, it may well be filled with pursuits that result in trouble and, yes, even crime.

The explosion of violence in our society and the increase in the number of gangs is in part related to the fact that there are not productive, active pursuits available for our children during the daytime. This particular young man is free from 1:15 to 6 o'clock. He is filled with energy and excitement. He has the potential for getting into trouble.

We have restricted children from working part-time jobs, even ones that would help them when their family needs help, even ones that would help fill time in productive pursuit. Perhaps there is something we can do to allow young men and women who want to work part time to fill their time with work. Perhaps we ought to look at the restrictions we have on such jobs. I, for one, am convinced that good healthy work can help fill time in a productive way and serve a useful productive function for our society. It can also constitute the some of the strongest and best training that a young person can receive. Learning how to work is every bit as important as any single academic enterprise that we have. Tragically, some of our laws at the State level, perhaps even at the national level, restrict that opportunity.

Mr. President, there was another difference between our schools and those of our competitors, that is the lack of homework in American schools. While we have some schools that provide significant and meaningful homework responsibilities and assignments, a large majority of our public schools simply do not have purposeful, challenging homework assignments for our students. However, I can guarantee you the Japanese do. The Japanese care about their children; they care about their academic success. And part of that caring is the assignment of homework that both challenges the student and brings out the best in them.

There is nothing wrong with Americans. We can compete with the best in the world. But we cannot compete if we do not show up for the race, and we are not showing up for the race when there is no homework.

A fourth area that I am convinced is very important is discipline. It is clear that while levels of discipline and methods of discipline vary dramatically around the world, the United States may be at the bottom rung in terms of imposing discipline upon their students. Certainly discipline is a function that must go far deeper than our schools. It must begin with the family and parents; it must involve society as a whole. But our schools have a part to play, and tying the disciplinary hands of the teachers and the principals, who are required to administer those schools, is a disservice to the students. No one would accept cruel or hateful treatment of our students, and there is no question that discipline can be overdone. But it also can be underdone. Lack of discipline invites chaos in many of our schools.

Those are four differences, Mr. President, that I think make a difference in American education. As we talk about the future of education, we see many plans drawn up and many suggestions made. That is part of the richness of this country. It is part of the value I hope will come forth. But this Senator believes that until we deal with these four basic fundamental differences between our schools and our competitors' schools, we will not have addressed the reason why Americans fall behind in K–12 education.

I am one who believes that there is nothing wrong with Americans; that we are capable of competing and excelling. We have the ability not only to catch up with the rest of the world in K–12 education, but to outshine them all as, indeed, we have through much of our history. But it must involve fundamental changes and, at a minimum, it must involve a longer school year, a longer school day, more homework and stronger discipline. Those four pillars will help support a resurgence of education in this Nation.

Mr. President, I cannot help but recollect the very enlightening and helpful discussions that you have brought to this Chamber in your discussions of the history of Rome and of world history. The University of Colorado library has chiseled over it a saying I think is particularly appropriate, particularly since I have had the pleasure of listening to your many eloquent talks on the floor concerning Roman history. It says: "He who knows only his own generation remains always a child." Indeed, I believe it is so.

As America faces troubling times, it perhaps is worthwhile for us to take a moment to look back at the lessons of history.

One particular interesting story from William Durant I want to relate. It involves a period of French history just prior to the French Revolution. These were tumultuous times not only for France but also, as the President knows well, the United States. This was a time, during and after our revolution, where we held the torch of liberty aloft for all to see. And those stirrings of independence and liberty swept the European continent as well. No, they did not change governments immediately, but they did something just as important or perhaps more important. They influenced and impacted the minds of the men and women who would direct the future.

France had enormous problems during this period. They had a runaway budget deficit. Expenditures exceeded income in dramatic fashion. They had a huge military. They had a queen that, while beautiful, was extravagant. The annual budget for jewelry was a horrendous sum by any measurement.

They had tolls on the roads, ones that restricted commerce and industry throughout France. Those tolls made it more difficult for imports and exports to go through the country, made it much more difficult for farmers and merchants to deliver their goods and compete throughout the country. They had enormous trade barriers. So, as a result, many of their industries were not competitive.

Further, the guilds within Paris and other parts of France restricted competition; restricted competition not just for the benefit of the guilds but to the detriment of consumers. Moreover, the French found it more and more difficult to compete in world markets, such as they were at that time, because lack of competition within the country made it more difficult for them to compete outside the country.

The French also had a tax code that was dreadful by any measurement. It imposed on the working men and women of the country a horrendous burden. Yet the church lands, which were numerous and significant, and the royalty of the country were largely exempt from paying taxes. The burden paying fell on those who could least afford it and on those who were called upon to do the work.

The country went from bad to worse. The deficit skyrocketed. Unable to face the various interest groups that plagued them even in that day, the problems rolled on and grew. Finally, the French had incurred such horrendous problems in financing their debt that they were forced to go to the Dutch to refinance it. They got to the point where, to finance that debt, as Durant relates, they drew interest rates of 12 percent, 14 percent, and even 16 percent as the problem spiraled out of control.

In desperation, the King turned to a new finance minister, and gave him very broad powers. Turgot was brought in as finance minister and given wide powers to deal with the economic and fiscal problems of the country. What he did was to bring tough medicine to France. But he established a model for what one must do to bring an economy in line and to straighten out a country's fiscal crisis.

What Turgot did was address the problems. He took on all of the interest groups. The toughest interest group of all was the Queen. He eliminated her budget for jewelry; it was a major item, and it was not unnoticed by the King and the Queen. He cut back on household expenses for the King. He went to the military and cut it back significantly. He eliminated the tolls on the roads so competition and commerce could expand. He eliminated the trade barriers and, indeed, while they received many imports from England, they were able to export more wine and other products.

France, when they eliminated their trade barriers, instead of becoming less competitive, became more competitive. Turgot restricted the ability of the guilds to corner markets and restrict trade. He was an early forerunner of our antimonopoly concept, pioneered by Americans. It was not called that. Trusts were not involved. But Turgot quickly understood that the concentration of economic powers under the guild system harmed and dramatically injured the competitiveness of the French economy.

Turgot took on the exempt areas of taxation and, indeed, insisted that the royalty pay taxes. At any rate, he took on many of the exemptions that they held. And while he did not go as far as he wished, he did make some progress in broadening the tax base.

In short, in 18 or 19 months Turgot was able to balance the budget, a task that people had thought impossible. He was able to dramatically reduce the trade deficit. He was able to significantly spur and increase the competitiveness of their economy. He was able to refinance the debt. Astoundingly, a debt that was loaned or borrowed at 12, 14, and 16 percent was refinanced at 4½ percent after only 18 or 19 months.

After he achieved the refinancing, he found that every single interest group that he had offended, or taken on, had teamed up against him. The Queen, the military, those who owned the toll highways, the guilds, the royalty, even the church, they took Turgot and threw him out of office. Within a brief time, the French Revolution occurred.

There are many reasons the French Revolution occurred. I do not mean to pretend that the return to the old ways of tax and spend were the only ones, or the unwillingness to live with competitiveness, or the unwillingness to curb appetites for military, jewels, and other household trappings. But one has to wonder how different history might have been if Turgot had not been thrown out of office but had stayed.

What happened, of course, is the inflation that Turgot had quieted returned; inflation came back, the economic instability returned, shortages occurred, and the economic crisis facilitated a political crisis.

The reality was that Turgot had the right answers. Turgot's instinct or willingness to make sacrifices and to bring budgets into line, his willingness to make tough choices, his willingness to take on special interests, his willingness to broaden the tax base, his willingness to stand up for good, for what his country was and for what the special interests were against, could have saved France a bloodbath.

Perhaps, in all, the democracy that eventually came to France was worth it. But one has to wonder if there was not a better way. One wonders if Turgot 's vision and foresight and courage could not have saved many lives and meant a different destiny for Europe than the years of bloody wars brought on by Napoleon and the instability that spread far beyond French borders. It is an answer no one will know, but I cannot help but think this country, with our inability and our unwillingness to face up to the terrible budget deficits that lie before us, does not face great instability as well.

The blessing of liberty and the enormous outpouring of spirit and creativity that have come from the American people are part and parcel of what I believe our freedom is all about. And yet this last year we had over 70,000 pages of new regulations published in the Federal Register. We have adopted a form of central planning in this Nation which may be more efficient than any country in the world has ever placed upon its people. It may be more efficient because it is more numerous and more detailed with stricter enforcement.

The creative spirit of this country will not be dampened by thousands of pages of new regulations, or even 70,000 pages of new regulations, or even 20 years of 70,000 pages of new regulation per year. But it will be impacted. The spirit and the enterprise of this country will not be eliminated by taxes that rise higher and higher and penalize people for working harder and harder. But it will be affected by it. The willingness of our citizens to save and plan for the future and prepare for their children will not be eliminated by a Tax Code that penalizes savings, but it will be impacted.

The fact that we have the lowest net savings rate of any major industrialized country in the world speaks volumes about what we have done to incentives in America. There are those in this Congress who come here with a deep and abiding commitment to make sure that the wealth of the Nation is redivided in a way that gives all a chance and, indeed, this Nation is committed to make sure each one has a chance.

But in our enthusiasm to redivide the wealth in the Nation, we must never forget the engine that drives America is that spirit of free enterprise. It is that ability to keep a fair share of what one produces for themselves and their family, that ability to make decisions about their own lives—yes, even when they might make mistakes. We do not want to kill off the engine that sparks this Nation, that drives this Nation, that makes this a creative phenomenon, with our enthusiasm for giving all a chance.

In the last analysis, giving all a chance is a valuable and important goal, but it is dramatically different than making everyone equal in the final result. Our Founding Fathers and our leaders, since the time this Republic began, believed that America was all about giving everyone a chance and an opportunity. Our commitment to education is part and parcel of that concern. We have long believed, and I believe rightly so, that education should be available to all of this land because it is fundamental to having a chance to make it up the rungs of the ladder of success, to climb the rungs that provide greater opportunity.

But making all come out the same, is not making them the same. Those who work harder deserve to live better, and if they do not, we send a message that hard work and achievement are not to be rewarded in America. Have we gone too far? Have we begun to slow the engine of creativity of progress? The numbers sometimes tell the story.

Our rate of growth of productivity has lagged and lagged for many years now. True, we are still the most productive people on the face of the Earth. But the rate of our productivity growth is slow when you look at it over the long-term. That has to be reversed. Our rate of savings has fallen from one of the highest in the world to one of the lowest in terms of the large industrialized nations.

Our willingness to face up to tough problems has also suffered in recent years. The reality is that those who would be concerned about America's future and draw from the lessons of history should be concerned about our failure to deal with the problems that are before us.

I would add this: That the observations of Polybius and Cicero about the cycles of government can apply to America just as they applied to ancient Greece and to ancient Rome. The observation is that the tendency toward a greater and greater concentration of power occurred both in Greece and later in Rome. Now it indeed applies to the United States. We have gone from a country where power was widely spread to where it has become more and more and more concentrated in the hands of a few.

When Washington begins to control the details of our daily lives, when a small number of men and women take on the power to spend the fruits of what working men and women produce in our country, when they take on the power to decide how we live our daily lives in detail, when they issue 70,000 pages of new regulations in the Federal Register last year, we begin to see a society where the power of the Nation is taken from the individual citizens and concentrated more and more in the hands of a few elite in Washington, DC.

Polybius and Cicero knew what was going on when they saw the same tendencies and the same cycles appear in their societies. They also saw the danger and the lack of vigor, trust, and creativity result when a few try and control the majority.

I, for one, am convinced that the tendency of our Government in Washington to concentrate the power of this Nation in the hands of a few in this city is a great mistake. There is a valuable and important purpose for our levels of local and State government, there is a valuable reason for the tenth amendment of the Constitution. The best repository of our power and our strength is in the hands of the individual citizen, not in the hands of the elite who decide how their money is spent, how they live their daily lives and the details of their daily work.

My impression is that the economy shows that same tendency. Giant businesses are often not as competitive as ones of individual entrepreneurs, who have the flexibility and creativity to move quickly on opportunity and with the motivation coming from having your own destiny in your own hands.

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## THE FEDERAL GOVERNMENT BUYOUT

Mr. BROWN. Mr. President, we acted earlier this week to create a buyout for Federal employees. It involves in so many cases, a modest amount of money, a sum up to $25,000, for people who have dedicated their lives as civil servants for Federal Government. It was associated with what I consider to be a very responsible and a sincere effort on the part of the President to reduce the Federal payrolls. It is one strongly endorsed and joined by Members of this Congress, both the Democrats and Republicans, to see if there is not a way we can save funding through reduced payrolls.

I believe that many of these areas of Government will be able to be performed well and perhaps even more efficiently with fewer people. As we go through that difficult process, I believe that effort will have strong bipartisan support. It will have support because it means that we will not only save money, but we will focus our resources on better alternatives.

However, I am concerned about the bill that was before us. It received overwhelming support from this Chamber, so its passage was never in doubt. Part of the reason it had such overwhelming support is it not only provided welcome financial assistance to Federal civil servants who will be leaving their jobs, but it also was accompanied by revenue and budget estimates which indicated that it would ultimately save this country money.

Those estimates were done by sincere people who honestly believed in the results. However, I was concerned about those estimates and came to the conclusion that they were not ultimately accurate. Far from ultimately saving money, there is a chance the program, the way it was framed, could well have the opposite impact. While that feeling was not widespread, it was indeed sincerely felt by me. I thought two areas are of particular concern.

First of all, one phenomenon that we saw is that when this proposal was aired, people who would have normally retired did not take their retirement and move on to other jobs. They were, in effect, encouraged to stay to wait to see if indeed Congress would pass a buyout package. In other words, we had a phenomenon of a delay. The immediate impact of consideration of the buyout was not to encourage people to retire, but to discourage them from retiring.

It is not an illogical move for many people. If you retire immediately, and receive no bonus, you are not as well off as if you stay a while longer and receive a bonus for what you would do anyway.

I believe the initial impacts of consideration of this measure have had that phenomenon. It is not recorded specifically in the numbers that this Congress looked at. But I believe part of the impact of this discussion was to delay normal retirements, and delay a reduction of personnel that would have occurred naturally.

This significantly affects the numbers, if you look at them. If, instead, Congress had turned it down and made it clear that there were no special buyout provisions, my guess is people would have not waited solely because they thought a buyout would come, but they would have done what they planned, and that is retire.

The second factor that I think was not fully taken into account was the fact that our senior civil servants, ones eligible for retirement with many years of service, may in some respects be our least expensive employees. How is that possible? Most of our pay scales indicate that they end up with the higher salaries. The higher salaries are primarily related to the positions they hold. Obviously, length of service is a factor as well. But if someone who is near retirement, or at retirement, and has long service continues to serve, there is a marginal cost difference that is not as large as their salary. Let me be specific.

By delaying or giving up their right to immediate retirement, they give up that retirement pay. Thus, the marginal cost of having them retained in active civil service duty is less than their full salaries because while they receive that salary, they are not receiving the retirement pay to which they might be entitled.

Replacing senior people with junior people, who would not be eligible for retirement, will mean a marginal increase in cost in some areas. It does not represent a marginal decrease because the senior person will begin to draw their retirement and the junior person, who is not giving up retirement, is elevated to that same spot with the higher salary. The higher salary is there. But the offset before retirement is not.

One could well say, "Wait a minute. The person who stays on is indeed building up the retirement for the future." Of course, that is correct. But my concern was that in the estimates put together for this Congress we did not fully account for the phenomenon of the offset of retirement forgone.

It also seems to me there was a third factor that called into question the estimated savings put forth with regard to the buyout bill. That is the potential future impact. If indeed Federal employees come to believe that this sets a precedent, then indeed it will have the wrong kind of impact in future years.

Instead of having a normal turnover, which will enable us to provide jobs for people that wish to join the Federal service, it is quite likely that we will end up having a slowdown, a slowdown of retirement, when anybody seems to think there is a chance of another buyout coming. So the anticipation of future buyouts could well offset any savings which could be achieved.

Those factors, obviously, did not control the vote and did not influence the vote. The overwhelming number of Members of Congress felt that this was good and responsible policy.

But this Member, at least, feels that the estimates that we looked at did not include all of the factors, and that it set the kind of precedent that could well be very costly for this country in the future.

## WELFARE REFORM NEGOTIATIONS

Mr. BROWN. Mr. President, I want to share a few thoughts with the Chamber with regard to our welfare reform efforts.

The President has indicated, from the first start of his campaign, that he was interested in welfare reform. Indeed, in his campaign he mentioned it often and, I thought, made strong points. The President is not a newcomer to the subject of welfare reform. He was active as a Governor, as all Members know. He was involved with it when the 1988 welfare reform bill passed.

I had an opportunity to work on that measure as the ranking member on the subcommittee that dealt with the subject in the House Ways and Means Committee. I was active in the conference committee that ultimately designed the final version of the bill. I have also been a sponsor of a number of measures that change welfare, both in the House and in the Senate. It is something that I offered amendments and bills on in 1990, 1991, 1992, and 1993. Again in 1994, I will be joining others to reform our welfare system.

Our welfare system is a human tragedy that must be changed. The good men and women who wrote the laws regarding it, on behalf of the less fortunate among us, had goals that have not been met. If anyone had forecast what would have happened to the rate of illegitimate births in this country, nobody would have believed it or imagined it possible. It is not fair to attribute it only to the Federal programs. Clearly, many other factors are involved. But it is quite clear that the Federal programs have not met the expectations and the hopes that all of us would have.

Far from helping many people, the welfare system has been an impediment to many families. I, for one, believe that there is ample room for both Republican and Democratic Members to agree on a welfare reform package. I think all are aware that the President has not been able to draft a package to send to Congress, even though this project has been underway for a year and a half.

I, along with 18 other Republican Senators, introduced a welfare reform bill several months ago. I have joined Senator KASSEBAUM in her welfare reform bill, and I am talking with Senator FAIRCLOTH on another welfare reform bill with a different purpose.

Mr. President, I think we have to address this subject. One of the things we have done is ask the President to join with Republicans to draft a bill so that we can move ahead quickly on a bipartisan measure. There is a lot to agree on.

What can we agree on?

One, I think we can agree to eliminate the prohibitions on referring people to jobs, a restriction which now stands in the current law. The 1988 welfare reform bill included a tragic provision, a provision that literally made it illegal to refer welfare recipients to a job, even though they want the job and want to be referred to the job, and even though there was an opening. For them to be referred to a job, it had to be a job that involved a new position. It could not be a simple existing opening in a local agency. By restricting job referrals, we have dramatically restricted the ability to place welfare recipients into jobs where they can learn and earn and change their lives. This restriction simply must be repealed.

Second, there is an enormous amount on which Republicans and Democrats that can agree in paternity establishment and child support enforcement. Our bill requires the welfare recipient mother to name a father. It involves strong sanctions if she is able to name the father and refuses.

Why is there an insistence on identifying the father? We think it is a vital part of any welfare reform to insist that the father accept responsibility for his own child. By identifying the father, it is possible to insist that he help make payments to support the child. We think it is also a fundamental step in helping that father to take responsibility for the child he has played a part in bringing into this world. It is not simply the money, but the chance of ensuring attachment and responsibility, all of which can be lost if the father is not required to meet his responsibilities in this area.

In addition to requiring the naming of the father, the measure includes very strong language to enhance the enforcement of child support payments. This, I think, is fundamental. Our bill addresses the problem of a father leaving the State, going to another State and simply dodging his responsibility to make child support payments—partly because of the difficulty of enforcing child support orders across State lines.

The Republican welfare reform measure, which I believe will receive strong Democratic support, at least in many areas, enhances our ability to obtain enforcement of child support orders across State lines. That has several impacts. One of the impacts is to ensure that costs are reduced, that fathers who are able to pay will indeed pay. That has a significant impact on the cost of welfare. However, much more important than that, I believe it also helps ensure that the father continues to have a responsibility to that child. The fact that they make payments makes it much more likely that they will continue their responsibility to the child in other areas.

So identifying the father, enforcing child support orders across State lines, and repealing the prohibitions on work, all are factors that I think can achieve bipartisan support and make a great deal of difference.

There are also strong new measures to break the cycle of poverty included in the bill. One of the more significant of these is an effort to deal with the problem and the phenomenon of children having children—when a 14- or 15- or 16-year-old child has a child out of wedlock. Under our current system, sometimes these children have been able to establish their own households and get their own food stamps, their own AFDC payments, and their own section 8 housing.

Of the 78 need-based programs we have on the books, many are available in this circumstance. What we are literally saying to children is: if you have a child out of wedlock, you can leave home, you can get your own apartment, you can get your own food stamps, you can get your own AFDC payment, and you can leave the problems at the household where you are, and also leave whatever discipline you may have at home.

Mr. President, what this policy has done is break up families. The Republican welfare bill changes that. It suggests that in the future children who have children will have their options restricted. They will be required to live at home under parental supervision. If for some reason that is inappropriate and, of course, we can imagine circumstances where that could be the case, for example, where there is abuse of the child in the home or other personal tragedy, the teen would have to live in supervised housing. Supervision, we believe, particularly for a troubled child, is a vitally important factor. We must institute policies helping them, rather than simply throwing them out in the world without supervision and with the series of welfare checks that lets them avoid facing the reality of their acts.

The fact is that for far too long our system has encouraged and rewarded behavior which we ought to discourage. This is one change we think worthy of bipartisan support and one we think the President will ultimately endorse.

We think fundamental change in welfare must occur through changing the chemistry that makes it so difficult for people to leave welfare. One way the Brown/Dole bill proposes to help welfare recipients change their lives is a voucher program. The voucher works this way. It says to the welfare recipient if you wish as an option, only as an option, to take a voucher for next month's welfare payments—food stamps and AFDC—you may. We will give your voucher for next month's benefits in advance. You may take it to an employer and you can trade it to the employer for a job. The employer literally gets the money from the voucher, and the employee or the welfare recipient gets a job. That job has to be a real job and it has to pay double the amount of the voucher. But it means opening up doors to welfare recipients to get real training and real jobs.

What is the fiscal impact? The welfare recipient is significantly better off. They receive double the amount of their welfare payments in a paycheck. Many of you will note that the paycheck is diminished by taxes. Yes, indeed, that is true. There are Social Security taxes, unemployment taxes, and others. But the bottom line is the welfare recipient is significantly better off than with their welfare benefits.

The employer is better off because while they have an employee that they might not have hired otherwise, the employer has some assistance for training that person; reimbursement for training that person comes from the voucher. So the employer has a real incentive to give them a chance, give them an opportunity, and a portion of the costs of training them is taken care of.

What about the Government? The Government is, indeed, out the cost of the voucher, but the Government was going to pay the welfare payments in any case. In reality, the Government is better off as well. While the Government has put out the money for the voucher, which they would have put out anyway, they have gained some revenue from the variety of taxes that are paid, the Social Security taxes that are generated, the income taxes that are paid, unemployment taxes that are paid, and a variety of others.

We literally have a situation where all three parties to the transaction are better off and the cost to the Government is reduced.

Mr. President, I cannot help but think that this will have bipartisan support. Many, many welfare recipients want to turn they lives around. They want an opportunity to change. They do not want to stay on welfare year after year. They do not want to surrender their potential for moving up the ladder of success. Part of what keeps them down and keeps them in poverty is the fact that they are forced into a circumstance where they simply cannot afford to leave welfare where the amount they might get for a bottom-rung job is less in aftertax dollars than what they get under welfare. It does not mean they are getting rich under welfare. They are not. It does mean that to take a job at the bottom rung to get started up the ladder of success sometimes causes them to take less in aftertax pay than they would receive in welfare benefits.

Is that their fault? Well, perhaps in a way it is. But it is also our fault, too. We should be smart enough to figure out a system where you are better off working in America than if you are not working. I think that this option for welfare recipients, not a mandate but an option for them, is one that will generate bipartisan support as well.

My hope is that we will also change welfare to expand the State options in dealing with welfare. This is an avenue Senator KASSEBAUM deals with in her bill, and it is a superb bill. It may well be the best bill that is brought before this Congress. What the Senator from Kansas says is we will pay for Medicaid and we will give the top three welfare programs back to the States in terms of a dollar exchange. The dollars are about the same, it is about even-Steven. What it does do is give the States full control over the three programs, and let the States design their own way of dealing with them. It is a way around the maze of Federal red tape that so encumbers our effort to help the poor among us.

The Brown-Dole bill does not do that, although I am a great admirer of the Kassebaum bill and am a cosponsor. What the Brown-Dole bill does do is provide our States with broad new discretionary ability to deal with welfare programs. It gives them broad discretion in designing their own programs, and in waiving federal rules and regulations. It, I think, offers bright hope to the creativity on the State level that can come into play in terms of changing people's lives.

As one looks through at the various features of the welfare system, there is near universal accord that what we are doing now simply does not work.

I want to pay tribute to the President of the United States for what he has done in terms of granting waivers to the States. As a Republican, I must admit that President Bush did not grant waivers when he should have. I think the Members of this Chamber can take pride in the fact that President Clinton has begun to grant waivers that are not only justified under the law but I think are very helpful.

I hope we will expand that power, and that is part of the Brown-Dole bill. Our welfare reform expands the ability of the States to design their own programs. Will they always do everything right? No. Will everything they do be perfect? No. But, I think ultimately we are much more likely to see programs designed to help people if we grant that discretionary power to the States. I think this is a fundamental part of welfare reform.

Mr. President, there is another part of welfare reform that I think is crucial, perhaps more important than the dollar signs that we deal with, or the outlays, or the pages of legislation. It is the process of caring about people, of helping people turn their lives around.

We have created a bureaucratic nightmare that deals with people in an impersonal way. We have set up stiff bureaucracies and strict rules and regulatory guidelines. Sometimes this Nation in its zeal to help those less fortunate has put in effect a very impersonal, uncaring, unsupportive system. Of all things we must accomplish, we must change the incentives in the system so that men and women who find themselves down and out, who are in need, will find not only financial resources to help them turn their lives around but a system that helps them find caring friends that will help them change their lives as well.

This is one of the reasons I feel so strongly about the voucher program. One of the things that the businesses across this country can do is reach out to help people who are unemployed and on welfare to change their lives. I believe the voucher system will encourage people to do it. It is more than simply offering a job. It is offering a caring hand. Business that says we care about you, not just because you will fill a job, but because you are a human being we want to invest in, a human being we are convinced can make it.

The company I worked for 11 years before I ran for Congress had such a program. They had it, not because it helped the bottom line, although I cannot help but think that it must have had rewards, but because the head of the company cared about people.

Every month the company made it a policy to reach out and hire someone who was an ex-convict, someone who had violated the law, oftentimes serious offenses, but who had paid their debt to society, at least in terms of prison time, and now needed a job.

Oftentimes these people, who had the most desire to work and the most reasons to want to turn their lives around, found it the most difficult to get anyone to take a chance on them. So what the company did was pretty basic.

They not only would give them a chance with a job, but they would assign someone who would, in effect, be their big brother or their big sister. They were the ones in the first months who would watch to see if they would come to work, if they had the kind of utensils and equipment that they needed, if they were in the kind of shape they needed to be in to do the job. It was more than being someone's supervisor. It was a matter of calling them and getting them out of bed if they did not show up for work. It was a matter of leaving work and going over to the house and shaking them by the shoulder and getting them to work. It was more than just going the extra mile. It was assigning someone who cared about you and took an interest in you.

We will be on the way to solving the welfare problem if we find a way to tap the energy and the caring and the love that Americans have for each other.

I do not know if the voucher system is the right way to do it, but I know it is worth trying. I know that the key to success is not simply a bureaucracy that thinks you are a number or a form to fill out. The key to success is involving volunteers across this Nation in every job and work center in the country. People who care about the people they deal with and feel some identity with them and believe in their ability to pull themselves out of welfare and out of dependency upon others.

The reality is most welfare recipients have a good attitude and they want to change their lives. A good number of people on welfare get off of welfare. It is true that a substantial number of the people on welfare stay on for 8 years or more. But the majority of the people on welfare at any one time cycle and turn over and often turn over fairly rapidly. For them the system works as it should; that is, temporary help when they need a helping hand to get back on their feet and then they go on to be self-supporting.

But for those who welfare has become a way of life, we have to change things. We have to help them find a system that brings out the best in them; help them find a system that develops their own ability; help them find a system that gets them started on the ladder of success, instead of blocking them from moving up.

One thing is for sure. Keeping people on welfare generation after generation after generation is not a sign of caring for them. It is a sign of callousness. It is a sign of disregard. It is a sign of a lack of faith in them and their abilities and their opportunities. It is a way of making them dependent on Government instead of helping them realize their abilities and their dreams and their independence.

We have to do better, and I am convinced we can do better. But we cannot do better if we do not change the system.

Mr. President, I confess I am deeply disappointed that it has taken so long for the administration to come up with a plan. I understand the difficulties. I have been through the process, as well. But I hope it will be a top priority for the administration to move forward with.

We may not be able to agree on a comprehensive welfare reform bill. We may not be able to agree on a comprehensive health reform bill. But we have to try.

The tragedy of welfare, as it is now structured, affects millions of Americans and darkens their future. I know this Congress, both Democrats and Republicans, has a lot to agree on which can help them turn their lives around and make them independent. I know that if we will set our minds to it, we can move forward.

My hope has been that the Finance Committee would move forward by themselves without waiting for the administration to consider the many fine ideas being put forth by both Democratic and Republican Members in this Chamber. I remain convinced that we can reach an accord that lets every Member of this body say with pride that he or she voted for meaningful welfare reform.

To hold up the welfare reform measure for an administration bill that may be months and months in coming I think is a mistake. I would like to see us move on with the project and move on with it quickly

Mr. President, I see my colleague from Oklahoma is here in the Chamber and I yield the floor

Mr. NICKLES addressed the Chair.

The PRESIDENT pro tempore. The Senator from Oklahoma [Mr. NICKLES].

Mr. NICKLES. Mr. President, I had the pleasure of listening to part of the comments by my friend and colleague, the Senator from Colorado. I wish to compliment him. His statement concluded talking about welfare reform. He has done yeoman's work in the area of welfare reform and I congratulate him for it.

I hope, Mr. President, that welfare reform is one issue that we can work together on in a bipartisan fashion. I think Democrats and Republicans alike would agree that the present welfare system that we have has not been a success. In many cases, it has been a dismal failure.

We have spent, I think, since the inception of a lot of the Great Society programs, in welfare about $5 trillion. It is interesting to note we have the same percentage of the population defined as welfare or under the poverty level today as we did in 1965. So we spent a lot of money. Unfortunately, we have not had a lot of success.

It is also troubling to me to find that we have actually many families that have become so dependent on welfare.

Again, I compliment my friend and colleague, Senator BROWN from Colorado, for his leadership. I really do hope that this would be one area that we would take heed of the President's words when he said he wanted to end welfare as we know it. I hope that we do. I hope we change it.

Let us give some real incentives for people to get off welfare to go to work. Let us restore this idea of pride in family and families taking care of those who are less fortunate. I think that would be very positive.

Let us break this welfare dependency cycle, where you have generation after generation becoming welfare dependent and where we have children who are basically teenagers having babies out of wedlock. And that is becoming more prevalent all the time, and the percentages of that have become staggering.

I remember at one of the prayer breakfasts that we had, one of our colleagues started giving statistics on how that has risen in all populations, in all groups. If I remember the statistic—and I am stretching my memory and I hope I am correct—but 20 years ago, in the Caucasian population, the number of children born with one parent or born out of wedlock with a single parent family, was around 5 percent. Today that figure is over 20 some percent.

And in the number of minority youths, black youths, that were born in a single parent family, 20 years ago, it was around 20 percent; today it is almost two-thirds, right at 66 percent.

That is frightening, staggering statistics. If you look at all the U.S. population, the percentage of children who were born in a single parent family and raised in a single parent family is around 30 percent. And that figure is growing.

That is a serious problem. Those kids have a serious, serious challenge to overcome. They need a two-parent family. They need the role models of fathers. And, unfortunately, there are too many families where the fathers are absent and not providing the role model that is so desperate and so needed today.

So, again, I thank my friend for his leadership.

I am hopeful that we will work together in Congress this session—this session—to enact some needed reforms, needed reforms like workfare, where we really restore incentives and we tell people, "Yes, if you are going to receive welfare, you have to do something."

Certainly, if they are able bodied and their kids are older, they can do something. Maybe, if it is an able-bodied man, they could do some work. Maybe it is cleaning up a park. Maybe it is cleaning up graffiti. If they are a female, maybe it is working in a day care center or maybe it is helping teach some other child to read.

There also should be some requirements for them to receive the welfare. If they are going to receive a welfare check they should make sure their children are in school. That is one of the requirements we tried to push. We called it Learnfare. Let us make sure welfare recipients meet some obligations, and one of those obligations should be to make sure their children are in school.

You hate to think it, but I find it to be the case. I even stopped off in some Government housing projects, low-income housing projects, and I went in and visited with a young single mother with three or four kids. The older kids were not in school and I said, Why?

"Well, I did not get around to get them in school."

I think that is an obligation and responsibility for which they should be held accountable. They should get their kids in school. They should make sure their kids get vaccinations. Again, that responsibility to take care of their kids. We should put in those requirements. I think it would be very positive. We should do a lot of things to help break this very terrible cycle of welfare dependency.

## WHITEWATER

Mr. NICKLES. Mr. President, I wish to speak this evening on a couple of issues, one of which is a subject that has received a lot of attention, and that deals with Whitewater and the fact that there are a lot of questions that have not been answered.

I spoke some time ago about many questions that have been asked by the media, by other organizations, by Republicans, by concerned individuals—some questions on Whitewater. The President may have touched on one of those last night, but there are a lot of questions that still have not been answered that need to be answered.

I will refer to the meeting on February 2 that was arranged by Mr. Altman, the acting head of the Resolution Trust Corp., to give the White House a Heads-up about RTC's criminal referring of Madison Guaranty.

Instead of answers we received accusations, accusations of partisanship. Instead of being forthcoming with answers and information, the President accused Republicans of "an overriding-negative, intensely personal, devoid-of-principle attack." Those are the President's words.

Having engaged in a little political combat now and then, the President's comments remind me of an old political tactic. When you cannot respond or do not want to respond to an accusation, then attack the accuser. That is what he did in this case.

Not a single Republican Member of the Senate, to my knowledge, has accused the President of any wrongdoing or any criminal activity. What we have asked for is the appointment of a special counsel, which finally was agreed upon, and also for a congressional investigation, to which, I am glad to say now, that the Members of both the House and the Senate have agreed. We have not set the time. The reason we have asked for congressional hearings is just to get the facts. It is not to put anybody in jail. It is to find out answers to questions. In my opinion that is not partisanship, that is called doing our job.

Between the years 1980 and 1992—I was elected in 1980—Congress conducted investigations, conducted hearings, including hearings and investigations into 25 specific allegations of wrongdoing within the administration. On four occasions those investigations were instigated by a Republican majority in the Senate.

Many of my colleagues on the other side of the aisle said we should not hold hearings because it might interfere with the work of the special counsel. The special counsel has also expressed concern about the effect that hearings might have on his investigation. I find it quite ironic that some of my colleagues oppose hearings. If history has taught us anything in recent years, it is that congressional hearings actually help, not hinder, the work of the special counsel.

Take the Watergate scandal, for example. It was at a congressional hearing that we learned of the presence of the White House tapes. The contents of those tapes eventually led to President Nixon's resignation. And it was an RTC oversight hearing by the Banking Committee, chaired by Chairman RIEGLE, and by the ranking member, Senator D'AMATO, that revealed the February 2 meeting between RTC officials and the White House that was clearly improper. The meeting is also now being investigated by the special counsel, thanks to the information revealed at that hearing.

On three occasions during the 1980's, this Congress held hearings or conducted investigations concurrent with investigations by an independent counsel. But the most important reason for hearings is because it is our constitutional responsibility to provide a check and balance over the executive branch.

We have also heard the President say, "We are not covering up. We are opening up. We are disclosing. We are giving you information." He said that at a White House press conference in response to a reporter's question. He alluded to it last night.

Why, then, does the President refuse to disclose the information that was held in Mr. Foster's office after his death for almost 6 months? That information has now been turned over to the special counsel, but it has not been released to the public. Those are Whitewater files. Those are files that have direct bearing on this entire issue that now the media and everyone is so concerned about. It would answer a lot of the questions I am going to be raising tonight. But it still has not been disclosed.

What about the issue of taxes? The President just released today his tax returns for 1978 and 1979. He did so under pressure, because people were asking questions. And finally he released them.

What about the income tax forms? I wonder if most people are aware that Whitewater did not file income tax returns for 3 years?

Filing your income tax, if you are a corporation, if you are a company, if you are an individual, is not an optional issue. You have to file your income tax. But the Whitewater corporation did not file its income tax.

Who owned Whitewater? The McDougals and the Clintons. We understand the Clintons owned half of Whitewater, but they never have said how much money they invested in the corporation. Again, this is information we need to find out.

How much did they invest? Is that a Republican question? No, that question was asked by the New York Times. How much money was invested and how much money was lost? The President alluded to it last night. He said we lost $20,000 less than what Mr. Lyons' report—that was done in 1992—said we lost. It said the Clintons lost about $69,000. Mr. Clinton said it was $20,000 less than that, but still never said how much money was invested.

How much money did they make? How much money did they lose? Those facts have not come out and they need to come out.

We need to get the information on those files. That information, presumably, was in Mr. Foster's office, because he filed income tax returns.

We had 3 years that Whitewater corporation did not file income tax returns. Mr. Lyons' report did not reveal that. Mr. Lyons' report was done, presumably, to put Whitewater behind candidate Bill Clinton in 1992. But he forgot to mention the fact that Whitewater did not file income tax returns for 3 years. And maybe for good reason, I do not know. But I do not think there is a good reason. It happens to be against the law not to file income tax returns.

I do not like filing them. You are going to have a lot of constituents in West Virginia and Oklahoma and in a lot of places that kind of get in a bad mood because it is income tax time. We are rolling into income tax time. I have a brother-in-law who is a CPA. This is a busy time for him. People have to file their income tax, or at least get an extension, but they did not get an extension in Whitewater. They just did not file them for 3 years. As a matter of fact, Mr. Foster, who was working in the White House, filed the delinquent returns. That was one of the things he did shortly before his death. As a matter of fact he was working on Whitewater, according to news reports, on the day that he died.

So there was a lot of Whitewater information that was in Mr. Foster's office that was not revealed to the public; as a matter of fact, supposedly was held by the White House for several months before it was even disclosed. Keep in mind, the U.S. attorney in Arkansas was conducting an investigation on Whitewater, but this information was never turned over to the U.S. attorney until there was a hue and cry from a lot of people saying this information should be made public.

President Clinton, in the middle of December said, "Well, we will turn it over." But he did not turn it over until January 18. Then he only turned it over under the disguise, I guess, of a subpoena so that information would not be made public. He turned thousands of pages of documents concerning Whitewater over to the special counsel, but under the form of a subpoena, therefore, the information would not be made public and it is still not made public.

That is one of the things that should be made public. People need to find out in the Whitewater files how much money was invested; how much money was made; how much money was lost; was there coercion?

Mr. Hale, David Hale, has testified that Governor Clinton put pressure on him to make a $300,000 loan to Mrs. McDougal who was a partner in Whitewater. He was head of a corporation, of a capital company that was supposed to make loans to low-income groups, an SBA-type loan, making loans to individuals that could not get money from ordinary banks to help disadvantaged people. That was the purpose of the SBA-type loans.

Frankly, the McDougals nor the Clintons would qualify. As a matter of fact, Mrs. Clinton, according to news reports, made right at $100,000 dealing with commodities, so certainly would not qualify for low-income or a disadvantaged-type loan, but yet he did loan them $300,000. He loaned Mrs. McDougal $300,000; $100,000 of that money ended up in Whitewater Corp. which was owned, according to the press, 50 percent by the Clintons. Neither the Clintons nor the McDougals are eligible to participate in that loan. Mr. Hale says he was pressured by Governor Clinton to make that loan. He stated it such.

Questions need to be answered. Those questions have been raised, they need to be answered. They have not been answered yet.

Mr. President, the New York Times on February 27 raised another fundamental question arising from the review of transactions involving Madison Guaranty and Whitewater: Was Madison used to convert campaign funds to personal funds? That is a good question. We need an answer.

Mr. President, the President downplays the whole Whitewater matter by insisting that, and I quote, "there is no credible evidence and no credible charge" that he violated any criminal or civil Federal law.

That is a very artfully worded sentence, Mr. President. The words "credible evidence" and "credible charge" are carefully chosen, but serious allegations and questions have been raised, not by the President but by former political associates of the President and by news organizations.

It was the New York Times, not Republicans, who asked whether Madison was used to convert campaign funds to personal funds for then Gov. Bill Clinton.

It was the New York Times, not Republicans, who asked whether Bill Clinton paid the same amount of money for their half share of Whitewater that their partner, James McDougal, paid for his.

It was the New York Times, not Republicans, who asked about possible improprieties involving Hillary Rodham Clinton and the Rose law firm.

Mr. President, I do not think any of my colleagues believe the New York Times editorial staff is in the back pocket of Republicans.

If the President and the White House is opening up, as they claim, then why are these questions not being answered? That is why we need hearings. President Clinton has done a good job coming to the defense of the First Lady, but laying politics aside, there are serious questions about her role in this matter that should be looked into by this Congress, questions not raised by Republicans but by credible news organizations, including the Washington Post.

Did Mrs. Clinton's efforts on behalf of Madison help prompt Arkansas State regulators to go easy on that failing savings and loan?

Did Mrs. Clinton get the power of attorney she was looking for over all Whitewater affairs back in 1987?

And what happened to all the Whitewater records that she asked be delivered to the Governor's mansion in 1987? I might mention that Mr. McDougal said that he sent all the papers to the Governor's mansion, but yet those papers have not been made public, and we continue to hear, "Well, those papers aren't available," or "They can't be found."

This is not a partisan issue. Growing numbers of Americans believe the President did something seriously wrong in Whitewater. The same is true for Mrs. Clinton. The White House and Treasury Department aides have been subpoenaed by the special counsel. I fear, as the President probably does or obviously does, that this matter will preoccupy the White House and the country at the expense of issues that matter to real Americans, issues like crime and health care, welfare reform, and the need to get our Federal deficit under control.

I think it is important that we do work together. I think it is important that we work together on issues that are important, but we need some answers to questions.

Here is a Wall Street Journal article of March 14 that asks several different questions. These questions have yet to be answered. They were not answered last night by President Clinton and they have not been answered yet. I will include them into the RECORD.

Our colleague, Congressman JIM LEACH yesterday made a speech where he asked a lot of questions, where he made statements, where he raised concerns and also made some comments concerning facts. I will take a few excerpts from his speech. He made a very lengthy speech and I will not put that in its entirety into the RECORD, but I will raise some of the highlights that have been mentioned by Congressman LEACH.

He said:

> Perhaps laws have not been broken, but seldom have private and public ethics of professionals in the White House and executive departments and branch agencies been so thoroughly devalued.
>
> The point of all this is that there is a disjunction in this administration between public policy and private ethics. What is also extraordinary is the absence of simple truth.
>
> Administration claim: Whitewater caused no losses to Madison.
>
> Fact: As reflected in the minority-developed charts and evidence by supporting documentation, Madison and affiliated companies transferred significant resources to Whitewater. In addition to being a modest sized real estate company, with a cash flow derived from land sales, Whitewater appears to be one of a dozen so companies with direct or indirect access to Madison and its taxpayer guaranteed deposits.
>
> Administration claim: The Clinton's lost money in Whitewater.

President Clinton mentioned this last night, although he did say he did not lose as much as previously reported. Again, this is Congressman LEACH'S statement.

> Fact: To have lost money in Whitewater implies that the Clintons invested sums which were unrecovered. Their Whitewater partner, James McDougal, claims at most the Clintons over the years put in $13,500 in Whitewater. The minority has provided evidence that one land transaction alone returned more than this amount to the Clintons and published reports indicate tax deductions of some value were taken. The Lyons report, as well as the review of the land sales, indicates substantial sums were taken out of Whitewater over the years.
>
> Administration claim: The President and his staff would fully cooperate with Congress.
>
> Fact: The executive branch is actively working to prevent full disclosure of documents and committee access to witnesses.
>
> Administration claim: It has done nothing done in relation to the RTC investigation into the failure of Madison and is fully cooperating with Special Counsel Fiske's probe.
>
> Fact: Officials of an independent regulatory agency (the RTC) immediately notified the White House of the probe of Madison by its Kansas City office and attempted to put in place procedural techniques to undercut the traditional independence of its regional offices.
>
> Fact: On September 29, 1993, before the new criminal referrals were sent to the Justice Department, Treasury General Counsel Jean Hanson briefed the White House counsel on them. Nine days after the meeting, the referrals were sent to the Justice Department. On October 14, Jean Hanson with Secretary Bentsen's press secretary and chief of staff met with Presidential advisers ostensibly to discuss press inquiries related to Madison Guaranty.
>
> Fact: On February 2, right after the appointment of Special Counsel Robert Fiske, Roger Altman gave the White House a "heads up" briefing on Madison. At the Senate oversight board hearing, Roger Altman

revealed his February 2 meeting, but no others.

Fact: After the appointment of Special Counsel Fiske, Washington RTC officials imposed censorship guidelines on Kansas RTC employees. No discussion with Fiske could be made without going through Washington. No meetings between Kansas City office and Fiske could take place without accompaniment of Washington officials. No materials could be forwarded without going through Washington. All information concerning the attorney-client privilege was to be redacted, with Washington RTC determining the scope.

Administration claim: No fund raising improprieties occurred.

Fact: On April 4, 1985, Jim McDougal hosted a fundraiser for Governor Clinton. The Clintons repeatedly asked McDougal to host the fundraiser to pay off the $50,000 personal loan that Clinton had taken out in the final weeks of his 1984 campaign. The question at issue is whether some of the money appears to have been diverted from Madison Guaranty, which would then, with the failure of Madison, imply deferred Federal financing of gubernatorial election. For example, one cashier's check for $3,000 was made in the name of Charles Peacock III, then a 24-year-old college student who disclaims any knowledge of having made the contribution. Mr. Peacock's father was a major Madison borrower and served at one time on Madison's board.

Mr. President, I could continue. I will enter these two pages concerning Mr. Leach's statement. But my point is there are a lot of questions that have been raised. The President gave a very eloquent performance last night, but he did not answer hardly any of the questions. Maybe it is not possible to do that in 30 minutes. But these questions need to be answered. They need to be resolved. The American people are entitled to have answers to these very important questions.

Mr. President, I ask unanimous consent to insert these two pages to which I have referred, as well as the questions in the Wall Street Journal article, in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### IN A NUTSHELL, WHITEWATER IS ABOUT THE ARROGANCE OF POWER

*Excerpts from the statement by Rep. Jim Leach, Iowa Republican, on the House floor yesterday.*

"Constitutionally, it is the duty of Congress to oversee breaches of law or public ethics in the executive branch. . . .

If the majority party refuses to uphold its responsibilities because of political embarrassment to its party's top elected official, the minority party is left with the choice either of joining in a complicity of silence or pursuing investigations that run the danger of being partisan. . . .

On the landscape of political scandals Whitewater may be a bump, but it speaks mountains about me-generation public ethics as well as single party control of certain states and the U.S. Congress.

In a nutshell, Whitewater is about the arrogance of power—Machiavellian machinations of single-party government. It all began in the late 1970s when a budding S&L owner named James McDougal formed a 50-50 real estate venture with a young politician, the then-attorney general of Arkansas, Bill Clinton. In this venture called Whitewater, the S&L owner and S&L affiliated entities provided virtually all, perhaps all, the money; the governor-in-the-making provided his name.

Over the years, the company received infusions of cash from the S&L as well as from a small business investment corporation which diverted, allegedly at the governor's request, federally guaranteed funds from a program designed for socially and economically disadvantaged people to the governor's partners and thence, in part, to Whitewater.

Some of these funds were used to pay off personal and campaign liabilities of the governor; some to purchase a tract of land from a company to which the state had just given a significant tax break. Whitewater records have apparently been largely lost.

A review of the numerous land transactions, however, raises questions of what happened to the money that came into the company and a review of the president's tax records raises questions about tax deductions that were taken and income that may not have been declared.

Under the governorship of Bill Clinton, Jim McDougal was named a gubernatorial aide to serve principally as liaison to the Economic Development, Commerce, and Highway and Transportation departments; the first lady of Arkansas was hired to represent the S&L before state regulators; the president of the S&L was placed on the state S&L commission; and attorney who represented the S&L was named the state S&L regulator; the S&L received rent from state agencies; Whitewater had roads constructed using a state agency program and state funds; and the S&L was allowed to operate, despite being insolvent for an extended period, providing millions in loans and investment dollars to insiders and the Arkansas political establishment.

Under the governorship of Bill Clinton, the S&L was allowed to grow 25-fold until federal regulators forced its closing, at which time taxpayers picked up the tab for losses that amounted to approximately 50 percent to the institution's deposit base. * * *

The story of Whitewater is thus part and parcel the story of the greatest domestic policy mistake of the century—the quarter trillion dollar S&L debacle. It is the story of a company which in one sense was a simple real estate development venture, but in another was a vehicle used to spirit federally insured deposits from an S&L and compromise a significant political figure. * * *

In our kind of democracy ends simply don't justify means. Just as a conservative, who may despise government, has no ethical right not to pay taxes, a liberal has not ethical basis to put the public's money in his own or his campaign's pocket just because he may have the arrogance to believe his is advancing a political creed that is in the public's interest. * * *

Much press attention has centered in recent weeks on the revelations of improper contact between employees of independent federal agencies and the White House. The question of whether a "heads up" was appropriate is of significance. More so, is whether the line between a "heads up" and "cover-up" was crossed.

By background, for several years a group of criminal investigators for the RTC in Kansas City [Mo.] reviewed the failure of Madison Guaranty Savings and Loan in Little Rock and came to the conclusion criminal referrals were appropriate. In the last week of September 1993, they sent copies of their referrals to Washington. Within a few days of receipt of the referrals from the Kansas City office, RTC Washington officials visited the White House.

Within a few weeks, in an unprecedented change of procedure, Washington demanded to review all Madison referrals. Within a few months, a senior Kansas City criminal investigator was removed from the case. Within a few more months, officials from RTC Washington visited Kansas City to pass on the determined message that senior RTC officials in Washington wanted it understood that they wished to claim Whitewater was not responsible for any losses at Madison.

The briefing of the White House by high-ranking Department of Treasury and RTC employees must be understood in the context of the development and transmittal to the Justice Department of these referrals and in the context of the possibility Kansas City was in the process of developing further referrals. * * *

The revelations that U.S. government officials briefed key White House aides on potential legal actions which independent regulatory agencies might be obligated to take implicating but not charging the president and first lady subvert one of the fundamental premises of American democracy—that this is a country of laws and not men.

In America no individual, whatever his or her rank, is privileged in the eyes of the law. No public official has the right to influence possible legal actions against him or herself. For this reason, agencies of the government as well as the White House have precise rules governing employees. * * *

Perhaps laws have not been broken, but seldom have the public and private ethics of professionals in the White House and executive departments and branch agencies been so thoroughly devalued.

The point of all this is that there is a disjunction in this administration between public policy and private ethics.

What is also extraordinary is the absence of simple truth.

Administration claim: Whitewater caused no losses to Madison.

Fact: As reflected in the minority-developed charts and evidenced by supporting documentation, Madison and affiliated companies transferred significant resources to Whitewater. In addition to being a modest-sized real estate company, with a cash flow derived from land sales. Whitewater appears to be one of a dozen [or] so companies with direct or indirect access to Madison and its taxpayers guaranteed deposits.

Administration claim: The Clintons lost money in Whitewater.

Fact: To have lost money in Whitewater implies that the Clintons invested sums which were unrecovered. Their Whitewater partner, James McDougal, claims at most the Clintons over the years put in $13,500 in Whitewater. The minority has provided evidence that one land transaction alone returned more than this amount to the Clintons and published reports indicate tax deductions of some value were taken. The Lyons report, as well as a review of land sales, indicates substantial sums were taken out of Whitewater over the years.

Administration claim: The president and his staff would fully cooperate with Congress.

Fact: The executive branch is actively working to prevent full disclosure of documents and committee access to witnesses.

Administration claim: It has done nothing wrong in relation to the RTC investigation into the failure of Madison and is fully cooperating with Special Counsel Fiske's probe.

Fact: Officials of an independent regulatory agency [the RTC] immediately notified the White House of the probe of Madison by its Kansas City office and attempted to put in place procedural techniques to undercut the traditional independence of its regional offices.

Fact: On Sept. 29, 1993, before the new criminal referrals were sent to the Justice Department, Treasury General Counsel Jean Hanson briefed White House Counsel on them. Nine days after the meeting, the referrals were sent to the Justice Department. On Oct. 14, Jean Hanson, with [Treasury] Secretary [Lloyd] Bentsen's press secretary and chief of staff, met with presidential advisers ostensibly to discuss press inquiries related to Madison Guaranty.

Fact: On Feb. 2, right after the appointment of Special Counsel Robert Fiske, Roger Altman gave the White House a "heads up" briefing on Madison. At the Senate Oversight Board hearing, Roger Altman revealed his Feb. 2 meeting, but no others.

Fact: After the appointment of Special Counsel Fiske, Washington RTC officials imposed censorship guidelines on Kansas City RTC employees. No discussion with Fiske could be made without going through Washington. No meetings between Kansas City office and Fiske could take place without accompaniment of Washington officials. No materials could be forwarded without going through Washington. All information concerning attorney-client privilege was to be redacted with Washington RTC determining the scope.

Administration claim: No fundraising improprieties occurred.

Fact: On April 4, 1985, Jim McDougal hosted a fund-raiser for Gov. Clinton. The Clinton's repeatedly asked McDougal to host the fund-raiser to pay off the $50,000 personal loan that Clinton had taken out the final weeks of his 1984 campaign.

The question at issue is whether some of the money appears to have been diverted from Madison Guaranty, which would then, with the failure of Madison, imply deferred federal financing of a gubernatorial election. For example, one cashier's check for $3,000 was made in the name of Charles Peacock III, then a 24-year-old college student who disclaims any knowledge of having made a contribution. Mr. Peacock's father was a major Madison borrower and served at one time on Madison's board.

Mr. Speaker, the president's former partner, Jim McDougal, in a number of occasions has contested the assertion that no resources were taken from Madison Guaranty and its related entities and given to Whitewater. . . . Mr. McDougal gives great credence to the circumstance that at some point Madison Marketing may have been operating as an intended proprietorship of his wife, but, whether this is true, this appears to be a distinction without a difference, form over substance.

This view is in discordance with that of the United States government. . . . It is also in discordance with a contemporaneous view of the legal situation as defined and described by Mr. McDougal in a July 1, 1986, memorandum from him to Madison Guaranty's president, Mr. John Latham. . . .

This evidentiary material coupled with the April 17, 1985, minutes of Madison Financial's board authorizing a transfer of $30,000 from Madison Financial to Whitewater, the memo of L. Jean Lewis of the Kansas City RTC office showing over a six-month period reviewed that approximately $70,000 was transferred from Madison or affiliated entities to Whitewater, plus other more confidential RTC material in our possession indicates there is every credible reason to believe that Madison Guaranty through affiliated entities did transfer money to Whitewater.

Furthermore, records filed with the Arkansas secretary of state's office show that Mr. McDougal, as president of Madison Financial Corp. [A subsidiary of Madison Guaranty] on July 26, 1986, filed an application for registration of fictitious name. The application was for Madison Financial to do business as "Madison Marketing".

The effect of this statement with its supporting documentation is to evidence that:

1. Whitewater may have begun as a legitimate real estate venture, but it came to be used to skim, directly or indirectly, federally insured deposits from an S&L and a small business investment corporation. When each failed, the U.S. taxpayer became obligated to pick up the tab.

2. The family of the former governor of Arkansas received value from Whitewater in excess of resources invested.

3. Taxpayer-guaranteed funds were in all likelihood used to benefit the campaign of a former governor.

4. The independence of the U.S. government's regulatory system has been flagrantly violated in an effort to protect a single American citizen.

5. Congress and the executive are employing closed-society techniques to resist full disclosure of an embarrassing circumstance, with unfortunate precedent setting ramifications. . . .

Whitewater is less about the issues of the day than it is the ethics of our time. It is a central issue not because it is big, but precisely because it is small."

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### FRESH QUESTIONS MAKING WHITEWATER AN AFFAIR HARD TO FORGET

(By R. W. Apple Jr.)

Washington, March 24—Representative Jim Leach of Iowa dropped his blockbuster this afternoon, but whether it will inflict heavy political damage remains to be seen.

For weeks and months, there have been allegations of irregularities, even shulduggery, in an Arkansas real estate deal involving Bill Clinton and his wife 15 years ago. But to most Americans, it seemed like much ado about not very much, and the whole thing took place long ago and far away, anyway.

Suggestions earlier this month that those who were supposed to be investigating the matter had improperly briefed people in the White House several times brought the controversy into the here and now—out of Arkansas and into Washington, out of the 1970's and into the 1990's. Subpoenas were issued to several top-level Presidential aides (two of them, George Stephanopoulos and Bruce Lindsey, testified today), and President Clinton conceded at the time that "it would be better if the meetings and conversations hadn't occurred."

But until Mr. Leach made his charges on the floor of the House of Representatives today, and backed some of them with detailed documents, no one with any credibility to speak of had actually accused anyone in the Administration of trying to interfere with the investigation or cover something up.

Mr. Leach did that.

He has a formidable reputation for independence and rectitude matched by few people on Capitol Hill, and that gave weight to what he said. But his charges remain unproven, and Mr. Clinton categorically denied at his news conference tonight any knowledge of the actions of which Mr. Leach spoke. If anybody interfered, he implied, it was probably Republican appointees.

#### FRESH QUESTIONS TO ANSWER

The President also took several further steps tonight in his campaign to demonstrate that he and Mrs. Clinton have nothing to hide, pledging to release tax returns he had previously kept confidential and conceding that his original estimates of their losses on Whitewater might be wrong.

Nevertheless, fresh questions permeate the political atmosphere here: Which officials of the Resolution Trust Corporation oversaw the investigation of the failure of Madison Guaranty Savings and Loan and any potential connection with the Whitewater land deal? Did they, as charged, try to steer the inquiry away from Whitewater and the Clintons? If so, who, if anyone—in the Treasury Department? in the White House?—told them to do it? Who in the White House, if anyone, learned of it after the fact? What did they do then?

The Iowa Republican has handed over his evidence to the special counsel in the case, Robert B. Fiske, Jr., who will have to try to figure out the answers. But politics dispenses a rough justice of its own, and today was no exception.

Mr. Clinton's standing in the polls which has been slipping in the last few days, will almost certainly slip further now. In the latest survey by the Los Angeles Times, two-thirds of the respondents said they thought the Clintons were guilty of some wrongdoing, and half said they thought the White House had concealed damaging information—all before Mr. Leach spoke.

But the Times poll also showed that four of five Americans think the White House affair is disrupting the Government's effectiveness. The President and his advisers clearly think that finding, at a time when the public seems to want action by the Government, can be turned to Mr. Clinton's advantage.

He scheduled tonight's prime-time news conference, only the second of his Administration, to try to regain the offensive, to turn people's minds back to health care, crime and other issues, but Mr. Leach prevented that. The news conference was about Whitewater, and the President looked beleaguered if still a scrappy advocate of his own position as he defended his and his wife's ethical sensitivity and commitment to public service.

"Since we came here, our country has been moving in the right direction," he said, rattling off a list of issues he has driven to the top of the national agenda and bills he predicted Congress would pass this year. "I know that many people around America must believe that Washington is overwhelming preoccupied by the Whitewater matter. But our Administration is preoccupied with the business we were sent here to do for the American people."

He argued that Whitewater would ultimately matter little "in the light of history" compared with "the fact that by common consensus we had the most productive first year of a Presidency last year of anyone in a generation."

The White House strategy is to portray Mr. Clinton as the high-minded statesman, concerned for the nation but harassed by Republicans acting out of the basest of motives and by the equally selfish, headline-hungry news media. Dee Dee Myers, the White House press secretary, actually said on television this afternoon that while others reveled in imagined scandal, Mr. Clinton was doing his best "to make sure that the world is safe for democracy."

She and others close to the Clintons have been making the argument for several weeks now that the people with whom the Clintons associated before they came to Washington were being pilloried because they came from Arkansas. Last weekend, for example, a cabinet member told a reporter: "You would never pick on these people if they had grown up in Boston or Washington and gone to Harvard or Yale. You all have a contempt for the South and for Arkansas."

### APPREHENSIVE DEMOCRATS

Much of the same populist tactic was employed in defense of President Jimmy Carter when he came under fire. It failed to stop his slide in the polls.

The Easter Congressional recess, which begins this weekend and runs through April 11, now looms large for Mr. Clinton. While he takes a brief vacation in California and works on his regular Joe image by attending University of Arkansas basketball games, the denizens of Capitol Hill will be busy taking soundings back home.

Already, many are worried, especially Democrats, who are fearful of heavy losses in November. Their apprehension is pushing them ineluctably toward the hearings they have so strongly opposed, lest their constituents consider them part of a cover-up. Senator Bob Dole, the Republican leader, said today that he expects hearings soon, probably by June, and many Democrats are starting to argue that it would be better to get them out of the way.

The trouble with that approach is that few on the Hill even pretend to know the truth about the charges. As Ted Van Dyk, a longtime Democratic strategist, said this week, "No Congressional Democrat wants to dispute charges made against the Clintons only to find the following day that they are true or that new ones have surfaced."

Presumably acting on the advice of his new counsel, Lloyd N. Cutler, Mr. Clinton moved quickly on Wednesday to demote yet another aide who had become a symbol of ethical slovenliness, William H. Kennedy 3d, a former member of Mrs. Clinton's law firm who had been in charge of checking the backgrounds of potential Federal nominees.

In the face of Mr. Leach's charges, the President will have to continue, as he did tonight, to answer questions on Whitewater as they come, and to do everything possible to assure the public that he is cooperating with the special counsel. To do otherwise would revive talk of a bunker mentality and tempt the Congressional Democrats to edge away from Mr. Clinton in an effort to save their political skins.

That is something the President can ill afford as he scours for every vote in his bid to pass what he considers the centerpiece of what he hopes will be the first of two terms.

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[From the Wall Street Journal, Mar. 14, 1994]

## FISKE GETS OFF TO FAST START IN WHITEWATER PROBE BY MOVING FORWARD AGGRESSIVELY ON ALL FRONTS

(By Ellen Joan Pollock)

After only six weeks on the job, special counsel Robert Fiske has launched aggressive probes on all fronts of the tangled Whitewater controversy.

His opening salvo was a stern warning to the White House, Congress and Hillary Rodham Clinton's former law firm that he won't tolerate anything that impedes his investigation. In a show of prosecutorial muscle, Mr. Fiske came to Washington last week from his Little Rock, Ark., headquarters to urge lawmakers to delay hearings. He also questioned White House aides before a grand jury to see if there were improper contacts with Treasury officials about a criminal inquiry into a failed thrift once owned by a Clinton business partner.

The fulcrum of the investigation will soon shift again to Little Rock, where a small band of lawyers and FBI agents has been poring over records of Madison Guaranty Savings & Loan and preparing to question witnesses before a special grand jury set to convene on March 23.

So far, Mr. Fiske, a Republican, is getting good marks from veterans of other investigations, including Iran-Contra prosecutor Lawrence Walsh. But Thomas Puccio, who prosecuted the Abscam corruption cases, says it was a waste of time to subpoena White House officials to testify about how they learned of the impending Madison investigation because the Justice Department would have eventually told them about it anyway.

Mr. Fiske has a reputation for fierce independence and is staying clear of the web of social and professional connections that helped spawn the Whitewater controversy in the first place.

Shortly after his appointment in January, Mr. Fiske received a friendly note from Little Rock lawyer Alston Jennings Sr., who like Mr. Fiske is a former president of the prestigious American College of Trial Lawyers. Mr. Jennings represents Seth Ward, a former Madison consultant and father-in-law of Associate Attorney General Webster Hubbell. But when Mr. Jennings followed up with a call, he got a polite brushoff from Mr. Fiske. "He obviously didn't want to be seen anywhere with me," Mr. Jennings said.

Mr. Fiske, a New York litigator on leave from the Wall Street law firm of Davis, Polk & Wardwell, is pursuing a number of different investigative threads at once.

### THE MCDOUGALS AND THE CLINTONS

The heart of the Whitewater controversy centers on the Clinton's business relationship with Arkansas businessman James McDougal, who owned Madison, and his ex-wife, Susan. The Clintons and McDouglas were partners in Whitewater Development Co., a 230-acre real estate venture on Arkansas's White River, in which President Clinton and the first lady say they lost money. Unsorting the tangled business dealings between the Clintons and the McDougals is one of the central preoccupations of Mr. Fiske's squad of investigators in Little Rock.

Mr. McDougal, a highflying deal-maker with connections to prominent members of Little Rock's business and political communities, ran Madison as his own financial fiefdom. In 1985, Mr. Clinton asked him to host a fund-raiser to help retire a $50,000 campaign loan. At the fund-raiser, which then-Gov. Clinton didn't attend. Mr. McDougal raised $30,000. But there is evidence that some of the money may not have come from contributors but from Madison accounts.

The Fiske staff hopes that documents involving Madison, a Cherry Valley, Ark., bank that furnished the 1984 campaign loan, and the Clinton campaign, will shed light on that flow of money.

Mr. Fiske is expected to investigate allegations that Mr. McDougal "carried" the Clintons in the Whitewater venture, launched with $203,000 in loans. There is evidence that the McDougals shouldered more of the financial burden in the investment than the Clintons even though the two couples had an equal stake. Mr. Fiske will also question why Mr. McDougal and President Clinton have conflicting accounts of their investment. For example, the Clintons say they lost almost $69,000 in Whitewater but Mr. McDougal says they lost only about $9,000. The Clintons didn't claim any Whitewater loss on their tax returns. Cash also inexplicably move between Whitewater's account and other accounts at Madison, which failed in 1989.

The investigators already have voluminous documents involving the McDougals' business interests. James Lyons, a Denver lawyer who prepared a report on Whitewater for the Clinton presidential campaign, has also turned over documents.

### MADISON'S FAILURE

Mr. Fiske is trying to discover whether the Clintons improperly used their influence to bolster Madison's sagging fortunes. In 1985, Madison hired Mrs. Clinton and the Rose Law Firm to help it get authorization for a stock offering. The Arkansas securities department, which had to approve the plan, was headed by Beverly Bassett Schaffer, a Clinton appointee.

Mr. Fiske recently subpoenaed the commission's records. Mrs. Schaffer, a lawyer now in private practice, has turned over her private calendars for that time, according to her husband. Mr. Fiske has subpoenaed files from the Rose Law Firm as well.

Also on Mr. Fiske's agenda is an examination of the webb of Mr. McDougal's failed business and real-estate interests. Mr. McDougal had business relationships with many people prominent in business and in politics, including current Arkansas Gov. Jim Guy Tucker. Gov. Tucker received a grand jury subpoena before Mr. Fiske was appointed special counsel. Mr. McDougal has complained that allegations of mismanagement at his S&L are being recycled from a 1990 federal fraud trial in which he was acquitted.

### THE ROSE LAW FIRM

The Rose firm meanwhile, has become tangled in the Whitewater controversy on several levels. Mr. Fiske is expected to examine whether the firm had conflicts of interest when it represented the Resolution Trust Corp., after it took over Madison, in litigation against the thrift's auditor. A grand jury has subpoenaed documents involving Seth Ward, Mr. Hubbell's father-in-law, who sued Madison for commissions stemming from real-estate transactions.

Ronald Clark. Rose managing partner, says the firm is cooperating fully with Mr. Fiske. Several rooms at the firm are devoted to culling documents to ensure that client confidences are not divulged as documents are turned over. Mr. Clark also insists that any documents that may have been shredded have nothing to do with Mr. Fiske's inquiry.

### DAVID HALE

Later this month, Mr. Fiske will prosecute David Hale on charges of defrauding the Small Business Administration, which had licensed him to grant loans through his Capital Management Services. On the face of it, this case has nothing to do with Whitewater. But Mr. Hale, a former municipal judge, has alleged that Mr. Clinton, when he was governor, pressured him into making a $300,000 loan to a firm owned by Mr. McDougal's wife, Susan. Some of that loan was allegedly diverted to Whitewater.

When Mr. Fiske replaced other federal prosecutors in the Hale case last month. Mr.

Hale's co-defendants objected strenuously because they didn't want to be pulled into the Whitewater controversy. But Mr. Fiske's lawyers prevailed. The trial is set for March 28.

### THE DEATH OF VINCENT FOSTER

Mr. Fiske has assigned a deputy, Roderick Lankler, to take charge of the most sensitive corner of his investigation, a full-scale probe of the death of Vincent Foster.

The goal is to solve the mystery of why Mr. Foster killed himself and whether the Whitewater controversy contributed to his despondent mood. Even if a definitive answer can't be found, investigators hope to quash some of the zanier conspiracy theories. They don't believe speculation, rampant in the tabloid press, that Mr. Foster was murdered. Forensic experts and pathologists will examine documents already turned over by the U.S. Park Service, which investigated Mr. Foster's death, and Mr. Lankler is considering retaining a psychiatrist to evaluate Mr. Foster's mood before he died.

Under the supervision of Mr. Lankler, who once prosecuted homicide cases in the Manhattan District Attorney's office, investigators are also looking into allegations that White House officials may have impeded the park-police investigation. In the aftermath of the suicide, a file containing Whitewater documents was found in Mr. Foster's office and turned over by White House counsel Bernard Nussbaum to the Clintons' personal lawyer. The file has not been turned over to Mr. Fiske. According to White House accounts, Mr. Foster had the Whitewater file in his office because he was preparing delinquent tax returns for the partnership.

## HEALTH CARE REFORM

Mr. NICKLES. Mr. President, I wish to address the Senate on another issue not related to Whitewater but, I will say, probably more important to most American people, and that is on the issue of health care.

Mr. President, we have a lot of challenges in health care. President and Mrs. Clinton undoubtedly deserve some credit for bringing the health care issue to the forefront. They have come up with a very comprehensive proposal, very extensive proposal, 1,342 pages, a health care proposal that I think the more one finds out about, the more questions, the more problems most people have with it.

I, for one, would like to see Congress work together to pass a real, significant, quality, health care bill this year, one that will expand access to a lot of people who do not have it, one that will bring health care costs down.

The President has a proposal. Many of us also have counterproposals. I have looked at the President's proposal from several different perspectives, one as an employer. I used to be an employer. And I see several major serious problems in President and Mrs. Clinton's proposal. I will address those.

Then I would like to address, just for a moment, some counteralternatives or countersuggestions I think would make significant improvements.

Ms. MIKULSKI. Will the Senator from Oklahoma yield for a question?

Mr. NICKLES. I will be happy to yield.

Ms. MIKULSKI. How long does the Senator from Oklahoma intend to expand his views on what should be a national framework for health insurance reform?

Mr. NICKLES. I could talk as long as necessary, but I will be happy to yield some time to my colleague; or I will talk for 10 minutes and I will yield the floor and allow my friend and colleague from Maryland to have the floor.

Ms. MIKULSKI. I would encourage the Senator to expand his views; 10 minutes would be sufficient. I thank the Senator for his courtesy.

Mr. NICKLES. I will be happy to. I did not realize my colleague was wanting the floor. I will try to do it in 10 minutes.

Mr. President, I mentioned as an employer I had several problems with the President's package, one of which I guess would be obvious—an employer mandate. But that is just the start. The President's package has an employer mandate. It says, employers, you have to pay 80 percent of the health care package.

That sounds simple. A lot of people say, well, why not?

Well, the President's package is a very expensive package. A lot of people in America do not know that the Congressional Budget Office has estimated that the cost of the President's package for a family in West Virginia, Oklahoma, Illinois, and nationwide is about $5,565 per family. That is a very expensive package. It has been estimated at about $6,000—$5,950 in 1994 and it escalates every year. So basically a $6,000 package per family.

If you mandate that employers have to pay 80 percent of that, that is a big hit. I daresay there are a lot of employers in West Virginia, Oklahoma, and every State in the Nation that cannot afford that kind of mandate. And if you put that kind of a burden on employers, you are going to be putting a lot of people out of work.

I can speak from experience. I used to run a manufacturing plant. We have quite a few employees to whom we provide a health and accident plan right now, and it is a lot less expensive than the President's package. We are covering our employees. And we have worked and negotiated with our employees to find something that is mutually beneficial, and it costs less than half of what the President is going to mandate.

Why should our plan be banned? Most people are not aware of the fact—this is another major, major problem with the President's proposal—it will outlaw 99 percent of the plans in America—outlaw, ban, prohibit, replace. In other words, all those plans are not good enough. They are going to be replaced with a Government-knows-best plan. It is going to be replaced with a plan designed by Washington, DC. The benefits are going to be set in Washington, DC.

Under the President's plan, he has a benefit advisory board appointed by the President. They are going to determine what benefits have to be in every single plan in America. And they may have a lot of benefits that maybe some people do not have. It may have benefits that some people already have, and they might not be included in the President's plan.

My point is that it is a Government-knows-best plan. It is saying every plan in America, you are out. We are going to replace you with a Government plan.

Now, you could keep your own plan if you had over 5,000 employees. I do not have many employers in my State of Oklahoma that have over 5,000 employees. And even if they did, they would have to subscribe, at least have all these benefits the Government says should be in this plan. And for that privilege they also have to pay 1 percent of their payroll which, if they have 5,000 employees, is a significant contribution as well.

But I have a real problem, and I asked Mrs. Clinton this in one of her meetings—and I appreciate the fact that they have invited me and many of our colleagues to health care meetings and discussions—but I asked her a question. I said, "Mrs. Clinton, my company, Nickles Machine Corp., self-insures for the first several thousand, and then we buy a policy to cover the more expensive claims. Can we continue that plan?" She said, "No." Every self-insured plan that is out there would be outlawed, would be banned. You could not do it. You could not do it if you want to.

Under the President's package, there is another little provision called mandatory alliances. You have to buy your health care from a health care alliance.

Basically, I have heard people say, well, that is a cooperative. I have heard people call them a health-type cooperative, purchasing cooperative, but it is a Government-controlled entity. If you have the standard benefit package where the Government says here is what every plan in America has to provide, and then you have a situation where the Government says, well, you paid for this by a payroll tax as proposed under the President's package or some other method, cigarette tax—and God bless the smokers; they are going to have to smoke a lot to pay for this package because the President has proposed a lot of new expensive programs. I know my friend and colleague from West Virginia and I have talked time and time again about the explosive costs of entitlements.

I will just tell my friend from West Virginia that we have not seen anything yet, because the President has at least four new expensive entitlements that will explode in cost, and he does not have near enough money in the Presidential package to pay for them. I will just mention a couple of them. Most everybody is aware of them.

Early retirement benefits. Under the President's package, we are going to have the Federal Government pick up 80 percent of the health care costs for people who retire early, between the ages of 55 and 65. I do not know why. That has never been an obligation of the Federal Government before. If you read the Constitution, it does not say we should pick up 80 percent or 85 percent of the cost of early retirees. It is a new obligation proposed by President and Mrs. Clinton. I think it is ridiculous, and I think the cost of that will only explode.

It does not take anybody who studies this issue very long to see that people between the ages of 55 and 65 have very expensive health care.

So if they are not paying for it, the Government is going to pay 80 percent of that cost. That means we are going to have to raise taxes or the other producers in society, the workers, are going to have to contribute a lot more to pay for it.

Then I have had some people say, "This is a benefit that was put in to help the big auto companies," or the big steel companies or whatever. I asked the question. My company that I worked with, Nickles Machine, we have not made any money. We have been a nonprofit organization, not by design, but we have not made any money for the last few years. Our employees have really not gotten any raises, hardly any, over the last several years. Their average wage is a lot less than what a UAW worker working for Ford Motor Co., makes retired.

We are going to raise the taxes on some of those employees to pay 80 percent of the health care costs for retirees? I do not think so. I will tell my friends and colleagues that I will speak for a long time before we allow that to happen because I think that is grossly unfair. That is just one little entitlement.

We have the Medicare Program that says, well, beyond 65, we will pick up health care costs. Now the President's proposal says we will do it basically for anybody above 55. That is a major, major expansion of an entitlement with the Government saying we are going to come in and pick up 80 percent of that. The costs will only explode. I will tell my colleagues that there is going to be a lot more early retirees if we put a provision like that in.

The President also has prescription drugs for Medicare. That cost will explode. The President has another provision—and long-term disability I should mention. Heaven knows how much that could cost. There is no limit to how much that could cost.

Do we want to help people to have long-term disability? Sure. Is there any limit to how much that can cost? No. It could explode and grow and grow at an unbelievable rate.

Mr. President, there is another little subsidy in the President's package a lot of people have not looked at, and it is the most expensive provision in this bill. He has a little provision called employer subsidy. The idea is to help make this package grow or sell. He says we are going to limit the cost to small employers, people that have little companies, and maybe do not provide any insurance. They have low-paid workers. We are going to limit that cost to 3½ percent of payroll. For the big companies, we will limit the cost of this health care plan to 7.9 percent of the payroll. The estimated cost under the President's bill is $346 billion over 5 years—the gross cost, according to his numbers.

They come back, and say, "We are going to save in Medicare and Medicaid. So it will not cost near that amount." But the gross figures are $346 billion. And I tell you, I think he has underestimated that.

How does this work in an individual firm in West Virginia, Oklahoma, Illinois, or maybe in Maryland? I used to have a janitor service when I was going to school. I had a small business, just a little janitor service. We did not provide health insurance for our employees. I started out with my wife. We started getting more accounts. We cleaned a lot of different places—the cleaners, the ice cream shop; we cleaned the barber shop; we cleaned printers; we cleaned anything we could find.

I wanted to make money. I wanted to get through school. I wanted to hire more people. This was fun. But we did not provide health insurance for our employees. We did not pay a minimum wage either. I contracted with them. They made more than minimum wage. They were happy to have the job to help them get through school. It worked out well. We provided a good service and did some good work.

I was proud of that little business. But if you put a mandate on that company that you have to provide health insurance for your employees, I would not be able to afford it.

Do you know what the cost of the President's plan is if the employer pays all the costs? If you are talking about a married person, you are talking about something like $6,000 per family. You divide that by the number of hours in a year working 40 hours a week. That is 2,080 hours a year. You are talking about almost $3 an hour increase in cost. That little janitor service could not carry that.

So you would have to have a subsidy. The President came up and said, "We will tell that employer they only have to pay 3½ percent. We will give employer discounts or subsidies to make up the difference; 3½ percent, if you have an employee working making $10,000. Three and a half percent of that is $350.

If they are married and have a child—I had a couple that was married and had a child that worked for me. Who is going to pay the difference? The difference in this case was $5,600. That is a gift. That is not a subsidy. That is a gift. That is the Government paying nine times as much as the individual or the company.

The point is this employer subsidy which no one has talked about near enough, no one has any idea how much that is going to cost. That is just the low income. That is the small business.

What about the bigger business? I mentioned having some of the auto companies in talking to me. They pay a lot more than 7.9 percent of their payroll. Now we are going to limit them. You only have to pay 7.9. Who is going to pay the balance?

This employer subsidy thing is going to grow, and there is not near enough money in the President's package to pay for this benefit. The President's package says we will guarantee everybody these benefits. Then we are going to tax businesses so much as a percentage. That goes into this mandatory alliance.

What if the alliance does not have enough money? They can roll back prices on doctors. They can roll back prices on hospitals, nurses, and other providers. But that loan will not work unless they ration care. Then the quality of health care will come tumbling down. I do not want to see that happen.

I hope, Mr. President, that we will draw the line that says whatever health care proposal we enact, we are not going to do anything that causes the quality of health care to deteriorate in this country. We have the best quality health care anywhere in the world. Let us keep it that way.

We do have some problems. I happen to think health care costs too much, and, unfortunately, there are a lot of people that do not have health care. There are 37 million people uninsured. How can we help them? I think there are some things we can do, and things we should do.

I might mention to the President, half of those 37 million people will have insurance within 6 months. They are between jobs—maybe like my daughter. She just turned 22. She used to be a student under my plan. Now she is 22, and on her own. She has to buy her own policy. She has done that. But there was maybe a period of a month or so when she was between jobs.

Maybe somebody lost a job, between jobs. But half of that 37 million people will have insurance within 6 months.

What about the chronically uninsured, people that are really on the low end of the scale? How can we help them?

I have a proposal that is a little bit different than the President's. We called it the consumer choice health bill. I am happy to say we have 25 cosponsors on this bill. I hope we will have some more. I hope people will look at it because it is a very viable constructive alternative.

We have done some things that are a little different. We say, "Wait a minute. Let us look at the Tax Code." The present Tax Code benefits individuals who work for an employer who subsidizes their health care. They get to have tax-free health benefits. Whatever the amount, the employer subsidizes their health care. But not all employers can do it, not all employers do it, and not everybody works.

So the Tax Code helps those people who work for generous employers. But it does not help those working for a company that cannot afford it like my little janitor service. It does not do anything for people unemployed.

You have a lot of people who can afford health care, but they do not have a job. But they do not get anything from the Tax Code. Some people have a nice, cushy job, and their employer pays half or all of their benefits. They get a tax-free benefit.

Under our proposal, we take that tax exclusion for health care, and we say let us replace that with tax credit. But it makes it universal. Let us give it to everybody, regardless of whether or not they have a job. If Uncle Sam decides we are going to make an attempt to use the Tax Code to help people buy health care, let us make it apply to everybody, not just somebody who happens to be fortunate enough to work for a generous employer.

Then for those people who are really on the lowest end of the economic ladder and still has high health care costs, let us give them a greater tax credit. Under our proposal, we give everybody a 25-percent tax credit. But for somebody who is really low income, no income, we can give them a greater tax credit, maybe 50, or 75 percent of the total cost, not only of the insurance, but of their other out-of-pocket health care costs. That will help reach out and solve a lot of the problems for that 37 million people.

Then, I believe, and almost everybody in this body believes, let us make some insurance reform. Let us make sure no one is denied insurance because they have a preexisting illness. I know a lot of my colleagues that are serving right now that have had cancer, prostate cancer.

I had bladder cancer a few years ago. One of the first things the doctor told me was, "You will not be able to buy insurance." We ought to change that. We can. We can pass that tonight.

Let us make another insurance change, and say no one will lose their insurance because they became ill. Let us make insurance truly portable. And under the provision or the bill that I have, individuals would actually own or control the insurance. They would not have to be totally dependent on their employer. They could keep their insurance with their employer if they wanted to, but they could also take the money the employer was subsidizing, giving them, and buy it from the Farm Bureau, from the REC. They could buy it from the bowling league, any group that they want to. They would have the option.

But, Mr. President, one of the vital and most important things—and I see my friend from Maryland. She represents a lot of Federal employees. Federal employees have lots of choices in health care—dozens of choices. Included in Federal employees are every Congressman and every Senator. We get to choose once a year from the whole multitude of plans.

Let us give that same option to every single person in America. I know President and Mrs. Clinton say their bill has consumer choice. I hate to say this, but that is very misleading and inaccurate. The only choice under the President's package is you get to buy the benefit that is designed by Washington, DC, and have almost no control over the cost, and it is going to be inordinately expensive. That is about the only option—buy an HMO or a fee-for-service. HMO's are estimated to cost about $6,000 per family. If you buy a fee-for-service and that means you get to keep your own doctor, you have to pay a lot more. If $6,000 is not enough—it is about $500 a month per family—if you want to keep your own doctor, you have to pay more than that. Most people do not know that. But they need to know that.

So we should give everybody in America what we have, and that is consumer choice. We can choose from dozens of different plans, and we can change plans every year. Nobody is going to deny us insurance because we happen to have cancer, or heart disease, or AIDS, or some other problem. You can get into a different health care plan if you are a Federal employee. Federal employees like that option.

Give that to everybody in America. That is why we call our plan the consumer choice plan. That is a significant reform, which would help eliminate a lot of problems in that 37 million uninsured.

So, again, let us work on attacking the problem, but let us not destroy the system that in many cases has worked well for about 85 percent of the population. Let us not take away the individual's choice. Let us not go into Illinois or Idaho and tell an employer and employee that we do not care what your health care plan is, it is not good enough. We are going to replace it, and here is the bill. People need to know that if Congress mandates a very expensive package, that is going to come right out of the hide and out of the wallet of the working men and women of this country.

If you tell an employer you have to pay 80 percent of a package that costs $6,000 a year, that is about $4,800. If that employer can afford it, is making money and maybe he is paying it, that is great. Congratulations. A lot of employers cannot afford it, and maybe are not making any money. So either they are going to lose employees, which will happen. Maybe they will go bankrupt and lose the entire company, and that will happen. That could be the thing that would put people over the edge; or, conversely, maybe they will be a survivor and will provide the insurance they have to provide, as mandated. But they are going to cut wages to do it. They are going to tell the employee: We were paying you $20,000, and we are paying maybe a couple thousand for health care. So your total compensation package, fringes and wages together, may be equal to $22,000.

Now the Government is coming up with a package to mandate the employer to pay $4,800. He can say: I calculate that to a $2,800 raise. I cannot give that to you. That is a 10 percent increase, and I have not made that money, therefore your wages are going to be reduced. Or: You are not going to get an increase next year, or a bonus. Or: We are going to eliminate the cafeteria plan where you choose your plan.

The President's bill eliminates all cafeteria plans. That is a mistake. Ask employees that participate in those; they want to choose different benefits. Maybe they want dental or something else. They will have that option. That is not available under the President's package, or under any of the packages, including the Cooper package that people talk about, because it has a standard benefit.

So, Mr. President, I mention this not to be partisan, because I want health care to be bipartisan; I want us to pass positive health care reform and to pass medical malpractice reform, so we can get health care costs down. I want us to pass antitrust reform so we can get hospitals from oversupplying services—like every hospital having an MRI, and so on. We should not have to do that.

We can pass positive health care reform this year. We can help a lot of people that do not have insurance, maybe through a refundable tax credit, as I have proposed. But let us make sure that we give people a lot of options and not come in with the idea that the Government knows best, and your plan is illegal, and we are going to prohibit you from having a self-insured plan or another plan. That would be a serious mistake. We would have severe economic consequences if we made that mistake.

I am afraid it would cost a lot of people their jobs. A lot of people today have a job with no health insurance. If we came up with that kind of a mandate, I am afraid a lot of people would not only not have health insurance but would not have a job. That would be a serious mistake.

Again, I want to say let us draw and underline and make sure that whatever we do does no harm. Let us make sure that whatever we do is a positive, constructive improvement to the quality health care system that we have today.

I thank my friend and colleague from Maryland. I talked a little more than 10 minutes. I yield the floor.

## GOALS 2000: EDUCATE AMERICA—CONFERENCE REPORT

The Senate continued with consideration of the conference report.

Ms. MIKULSKI. Mr. President, I am sure those people watching C-SPAN wonder why are we here. Why is the U.S. Senate in session at 10:30 on a Friday night, debating a variety of issues—whether it is health insurance reform, whether it is rafting the whitewaters of presidential bashing? Why are we here? Mr. President, I believe the pending business is a legislation called the National Educational Goals For The Year 2000. I would like to get back to why we are here.

Tonight, pending before the U.S. Senate, is a legislative framework that would establish eight goals that the United States of America should achieve by the year 2000, to get our young people ready for the 21st century, to make sure our young people are fit for duty in this new world, and particularly the new world order of economic competition.

What are those goals?

The No. 1 goal is that all children in America will start school ready to learn, meaning all of the kinds of things that go on in the home and in the family and in daycare, to make sure kids are ready to learn.

We also have as goal No. 2 that the high school graduation rate will increase by exactly 90 percent, to make sure those who are being left out or left behind will be included in a high school education, which is a threshold education in order to be able to seek a job in the 21st century.

Our third goal is that kids will leave grades 4, 8 and 12, having demonstrated competency in challenging subjects like English, math, foreign language, government, history, geography, and that every student will ensure that students learn to use their minds so students will be prepared for citizenship, further learning, and productive employment in our Nation's economy.

Our fourth goal is that the Nation's teaching force will have access to programs for the continued improvement of their professional skills, and the opportunity for the knowledge and skills needed to teach the kids. We have a national goal of teaching the teachers to teach the kids.

Our fifth goal is that the U.S. students will be the first in the world in mathematics and science achievement. The last couple of weeks we watched Americans out there win the gold and the silver in the Olympics of athletics, and yet when we look at our scores in math and science we are scoring at Third World levels. Our national goal would move us to world-class standards.

Our sixth goal is that every adult will be literate. Every adult will be literate and possess the skills necessary to compete in a global economy. If we left the Senate tonight and went out to the shelters of the homeless, we would find that many adults are illiterate. That is why First Lady Barbara Bush led the literacy campaign that was not only for children but for adults, another important goal.

The seventh goal is that every school in the United States will be free of drugs, firearms, alcohol, and violence, and will offer a disciplined environment conducive to learning. Well, that should also be a threshold goal for the United States of America.

And eighth, every school will promote partnerships that increase parental involvement and parental participation in promoting the social, emotional, and academic growth of American children.

Those are the goals. Why are we on this floor tonight? Is it not true that everybody in the United States of America would agree with these eight goals? Whether you are a Republican, a Democrat, a libertarian, an anarchist—I do not know about an anarchist—would you not support these goals? So why are we here?

I will tell you why we are here. We are not here about the Goals 2000. We are here because we are conducting a rolling filibuster about an amendment to offer prayer in the schools.

Mr. President, I respect every religion that is practiced in the United States of America. I am a Roman Catholic of John XXIII and the Pope John school of thought that believes that worship is an integral part to a person's life and to the life and vitality of a community.

I believe in the power of prayer. I know what it has meant in my own life. It has been a source of inspiration, and it has been of great emotional support in personal problems like when my own dear father struggled with Alzheimer's, when my mother was in intensive care with heart bypass surgery and not only calling upon a higher power from 911 but for 411 on the information to show there is more to a person than just memos, and so on. We have to have a sense of purpose, and a sense of higher purpose.

I believe in prayer. I also understand the power of prayer in the school. I went to a Catholic religious day school. I prayed every day in school. So I know the power of prayer, and I understand the power of voluntary prayer in schools.

Mr. President, I am from the school of thought that believes that church and State should be separated but certainly not divided. And in here within the U.S. Senate if we are going to vote on prayer in the school, then we should vote on prayer in the school.

But, Mr. President, I believe that we should not use the tools and tactics of the U.S. Senate to prevent something else called prayer in the home. You might say why am I saying the Senate tactics would prevent prayer in the home? Mr. President, there is a certain number of our colleagues who are Members whose faith preference is of the Jewish tradition. We are on the eve of Passover of a very sacred holiday, and it is commemorated in the Book of Exodus as well as through a series of other things that occur in the home.

Mr. President, I think we ought to let our friends from the Jewish community be able to vote on Goals 2000, these eight goals and be able to go home to be with their family to worship in their synagogue, to worship in their home, and stop the delay and dilatory tactics that has kept us in here at great taxpayer's expense on a Friday night. We need to be able to vote on this legislation. We will be able to do it in a few short hours, and I believe we need to acknowledge what is going on here. It is a rolling filibuster.

It is a rolling filibuster over these national goals, and I respect the Senator who is so committed to prayer in the school but, Mr. President, I believe we have to stop the delaying and dilatory tactics so not only does the Senate go home but that so people who I happen to respect and admire have a chance to go home, to be with their family, to practice the Passover tradition and not be sitting in the U.S. Senate wondering if we are going to have votes at 12:01, missing planes, missing opportunities, missing to be with their families, and so on.

I believe that we need to be able to respect that people who honor a 4,000-year tradition be able to be with their own family practicing their own faith and be able to do that.

One week from tonight is Good Friday. I would not want to be in the U.S. Senate on Good Friday. That is my tradition. I want to respect the tradition of my colleagues.

I will tell you, Mr. President, tonight is March 25. It is Maryland Day. It is the commemoration of the founding of the State of Maryland. It was, as the Presiding Officer, a great student of history knows, that Maryland was the first State to grant religious toleration. It is the hallmark of the State of Maryland, so that we could be free without a State religion, without State mandates on religion, so that according to whatever was your faith preference, whether you worshipped the Bible or you worship in your heart individually, a Quaker, a Catholic, a

Moslem, a Buddhist, or whatever, you could do that.

Mr. President, to be able to keep us in session so that we would be voting on this legislation I respect, but there comes a time when we need to vote. We need to be able to bring this session to an end. We need to be able to allow our colleagues to go home and while we debate prayer in the school to allow them the opportunity to practice prayer in the home and prayer according to a tradition that has been here for 4,000 years.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho [Mr. CRAIG].

## THE ENDANGERED SPECIES ACT

Mr. CRAIG. Mr. President, this evening as we debate a variety of topics destined toward a time late this evening when we will vote on a very important issue that the Senate has decided to deliberate in a fairly unique way I would like to talk about an issue that I think not only is the chairman interested in, because he is chairman of the full Appropriations Committee, but also chairman of the Interior Appropriations Subcommittee, and that is an issue that for some time has caused the American people a growing concern as to the application of public policy. I talk about the Endangered Species Act passed in 1970 for the purpose of identifying plants and animals endangered or at risk with extinction because of a change in their habitat or their environment that might have been caused by the actions of man.

This week in a public press conference the National Wilderness Institute released a study that I think spells out in a very clear way why this act needs to be revisited and why it needs to be reformed and why I would hope this year that the Environment and Public Works Committee could move toward comprehensive legislation that recognized what I believe to be the misapplication and misuse of the Endangered Species Act.

So for a few moments this evening before we get on with the business of the Senate and some legislation that needs to be dealt with, let me speak about the study itself and some of the problems that are being faced especially in the public land west where many species are being reviewed today by the U.S. Fish and Wildlife Service or by the National Marine Fishery Service and the kinds of problems that these particular approaches are causing to the human species in its attempt to co-exist with the native species of plant and animals on these public lands.

The study that was released this week examined 306 recovering species under which recovery plans will be established by the two agencies that I have referenced. These plans were developed between 1970 and 1993. The plans included 8 amphibians, 72 birds, 57 fish, 58 invertebrates, 35 mammals, 135 plants, and 27 reptiles.

That does not mean those were all of the species that were concerned. There were 466 other species that were found to be at risk or endangered or threatened during this period of time that recovery plans were developed on. There were also 3,882 species that we call candidate species or ones that these agencies are now examining to consider whether there ought to be a listing of them as threatened or endangered and whether a recovery plan ought to be established.

But the point I would like to make this evening is the application of recovery plans toward 306 species by these two agencies and what these plans have meant and, most important to the chairman of the Appropriations Committee, what these plans have cost the American taxpayer.

The top 10 species of the 306 that I would like to talk about tonight have cost these dollars of the American taxpayers.

Let me talk about the Atlantic green turtle first. Over the course of the last 15 years, the National Marine Fisheries Agency has spent $88,236,000 to save this species of turtle.

For the loggerhead turtle, the same agency spent $85,947,000 to save that species of turtle. And yet both of those turtles are in environments today and they themselves, as a species of reptile, remain relatively unstable.

The blunt-nosed leopard lizard. This lizard was found in California in the San Joaquin Valley. To recover that lizard by the management of its habitat cost the American taxpayers $70,252,000.

How about the Kemp's Ridley sea turtle, another reptile—$63,600,000.

And then several years ago, while I was serving in the House, along with my colleague from Colorado, BEN NIGHTHORSE CAMPBELL, I worked with him to get an appropriation to begin the building of a dam very important to southeastern Colorado, to a semiarid desert environment. That dam was blocked because environmentalists said it would throw into jeopardy the environment of the Colorado squawfish.

Well, the dam has not been constructed yet. The Colorado squawfish, which just years before the Colorado Fish and Wildlife Management Agency had killed and poisoned because it was threatening other species of fish, is now, I am told, a pretty happy fish. Its habitat has been secured. And it cost the American taxpayers $57,770,000 to save that fish, along with the humpback chub, the bonytail chub, and the razorback sucker.

And, oh, by the way, saving those fish cost a whale of lot more than building the dam that would have provided water for irrigation, and provided flood control, and recreation, and created a warm water fishery that would have been a marvelous recreation facility for the citizens of the local area.

And then candidate number 9, in this list of 10 of the 306 that I am talking about this evening, is the black-capped Vireo. Now I am not sure what it is, but I think it is a bird. And it cost the American taxpayers $53,583,000 to save that.

The last, number 10 in this candidates list, is the swamp pink. That cost $29,026,000.

Well, you say, Senator CRAIG, what in the heck are you talking about? I am talking about the Endangered Species Act. I am talking about an act that, in my opinion, has been allowed to run wild and no one, including the Appropriations Committee, or the chairman, or myself, or any other Senator, has taken the time to see what this act is costing the American taxpayer or, more importantly, what it is doing.

It is now estimated that all of the species that have been listed to date—those 306, incorporated with the 460 others—have cost the American taxpayers $884,000,772, according to this study done by the National Wilderness Institute.

Now that is just today. That does not include the listing of the other 3,880 candidates of at risk or endangered species and the recovery plans that they will cost the American taxpayer.

The costs that I am referring to are only the costs to the taxpayer. They are not the costs to local or State fish and game management agencies, or to the private sector that in some way either was stopped from performing on the jobs that were lost as a direct result of man's inability to operate in a given area that became restricted to protect the environment of a given species of plant or animal.

Here is another example of the problem we are dealing with. Some of these other species, the recovery plan for the black-footed ferret was estimated by the U.S. Fish and Wildlife Services to cost $3,546,000. The amount that we have identified in the study that the agency spent was over $4,200,000, or a cost overrun of about 119 percent. This occurred in 1967.

The red-cockaded woodpecker. Now that is a bird down in the southeastern part of the United States that is today dislocating loggers, that has changed the management and the habitat of both public and private forests, has cost $8,315,000 to date in the saving of that particular woodpecker. I should say, that was the projected cost of the recovery plan. The actual cost to the U.S. Forest Service, U.S. Fish and Wildlife Service, was over $14,887,000, or a cost overrun of about 180 percent.

The big winner in cost overruns came with the Florida scrub jay. This is a bird that it was believed would cost the American taxpayers $65,000 to secure its habitat. With a cost overrun of 33,000 percent, $21,671,000 later, I am told the Florida scrub jay is now happy and secure in his or her nest. I do not know about the nest of the humans that were dislocated as a result of the $21 million of their tax money that this Government allocated to be spent in the security of that bird.

There is another bird that is becoming relatively famous at this time. That bird is the spotted owl. The spotted owl is a bird out in the forests of Oregon, Washington and northern California.

This administration, when it first came to power, said we are going to solve the spotted owl issue because we are told it would put a lot of people out of work. They created a summit. The President went to Oregon. The summit was convened. Proposed recovery plans were announced.

To date, recovery plan option 9 is being proposed as the solution to the spotted owl. It is believed that that recovery plan will put 60,000 men and women out of work in the logging industry. That recovery plan, if it puts that many people out of work, will cost $775 million annually just in workmen's unemployment compensation.

Now that is a darn tragedy. But that is because this Congress and this Senate, in my opinion, has not been responsible in reviewing this law, in doing the necessary accounting processes that this new study points up about a public law that has run rampant in costing now over $884 million.

I believe we are now ready for some unanimous consents and other legislation to move. I would be happy to yield to Senator FORD for those purposes.

The PRESIDENT pro tempore. The Senator from Kentucky [Mr. FORD].

## MORNING BUSINESS

## RETIREMENT OF SAM POSEY

Mr. SASSER. Mr. President, I rise today to recognize and pay tribute to my good friend, Sam Posey, who is retiring from his long and successful service with the Memphis Fire Department and Local 1784 of the International Association of Fire Fighters.

Sam's dedication and hard work on behalf of Tennessee's firefighters is part of his family's tradition of public service. His father, William H. Posey, Sr., served in the Memphis Fire Department for 27 years and is a member of Local 1784. Sam's two brothers—William, Jr. and Henry—also have careers in fire services, and his youngest son, Philip, works with him in the Memphis Fire Department. His elder son, Sam, Jr., is a member of the Memphis Police Department.

The lives of firefighters in Tennessee have been greatly improved by the efforts of Sam Posey. As president, of the Tennessee Professional Fire Fighters Association, Sam was instrumental in bringing about much-needed benefits for firefighters and their families, ranging from pay supplements to scholarships for the children of firefighters killed in the line of duty.

Since joining Local 1784 in 1971, Sam has held every elected office within the union with the exception of secretary-treasurer. Through his work in negotiating new contracts and dealing with grievances, Sam rose up through the ranks—earning the respect and admiration of his colleagues—to eventually serve as union president, a position he has held for the past 5 years. I know the men and women of Local 1784 will miss him and the leadership he has provided over the years, and I join them in wishing him a long and happy retirement.

## GREEK INDEPENDENCE DAY

Mr. SARBANES. Mr. President, I would like to take this opportunity to rise in observance of March 25, 1994, a day when millions of Greeks around the world join in celebrating the 173d anniversary of Greece's independence.

Indeed today we pay tribute to Greek and American democracy and a historic legacy of respect for the individual with which both are profoundly imbued. The famous classical scholar Edith Hamilton once noted, on being named an honorary citizen of Athens in 1957:

> Freedom was a Greek discovery. The Greeks were the first free nation in the world. Greece rose because there was in the Greeks the greatest spirit that moves in humanity—the spirit that makes men free.

Greece and America have enjoyed a friendship which has prospered for more than 170 years, dating back to our Founding Fathers. I should note that the American leadership during the 18th century recognized the important role of ancient Greece in shaping the American Constitution.

In fact, the Federalist Papers make numerous references to and contain extended discussions of the forms of ancient Greek governance. The prominent American historian Henry Steele Commager has described the extent to which the architects of the American Revolution and authors of the Declaration of Independence, the Constitution and the Bill of Rights were ardent students of the classics, Thucydides, Plutarch and others, and the ancient Greek ideas of liberty and citizenship. To be sure, Pericles' profound words of 2,000 years ago are just as pertinent today as they were in America in its early days:

> Our Constitution is called a democracy because power is in the hands not of a minority but of the whole people. When it is a question of settling private disputes, everyone is equal before the law; when it is a question of putting one person before another in positions of public responsibility, what counts is not membership of a particular class, but the actual ability which the man possesses.

As our forefathers drew inspiration from ancient Greece's democratic example, Greek patriots struggling to regain independence from four centuries of Ottoman rule in turn looked to the American revolution for strength in the face of tremendous adversity. Thomas Jefferson wrote to the Greeks as they sought their own independence:

> Possessing ourselves the combined blessing of liberty and order, we wish the same to other countries and to none more than yours, which as the first of civilized nations presented examples of what men should be.

President James Monroe observed that Americans not only participated in but were keenly aware of the valiant efforts of the Greek community on behalf of cherished individual freedoms and a return of Greece to its roots as the "Birthplace of Democracy." The great American legislator Daniel Webster also spoke eloquently for the cause of Greek Independence on the floor of the House of Representatives during the early stages of the decade-long march toward independence. Similarly to Jefferson's remarks, Webster stated of the Greeks:

> They look to us as the great Republic of the Earth, and they ask us by our common faith, whether we can forget that they are now struggling for what we can now so ably enjoy?

In this century, Greece and America have maintained close relations based on mutual respect and a shared commitment to democratic principles, values and individual freedoms. During World War I, both nations forged a steadfast alliance. During the Second World War, Greeks heroically resisted the brutal Nazi occupation, defeated Mussolini's legions, and contributed in no small part to the allied victory over Hitler and the Axis powers. At the cold war's genesis, President Truman and the American people committed to helping Greece turn back a Communist insurgency and rebuild the war-ravaged nation. As we approach the end of the century in a post-cold-war era, Greece continues to play an important role as a valued member of the international community and within NATO and the European Union. Regrettably, I must mention that the struggle for freedom is not over and will remain incomplete as long as the occupation of Cyprus continues. In keeping with such a rich heritage of liberty and freedom, Greeks everywhere cannot rest until peace and justice are restored to Cyprus and its people.

Mr. President, it is fitting today that we rededicate ourselves to the principles which inspired the free and democratic peoples of America and Greece. I would like to close by reading from today's Presidential proclamation for this occasion which I feel highlights a new era of close bonds between our two nations and the emerging democracies around the world:

> Encouraged by the triumphs of our histories and the continuity of our friendship, Greeks and Americans everywhere join today in wishing the world's newest democracies a future worthy of our past—one of great prosperity and lasting peace.

## TROY S. BROWN, JR.

Mr. MITCHELL. Mr. President, Members of the Senate lost a dear friend last week with the passing of Troy S. Brown, Jr., who has served the Senate with distinction for nearly 25 years.

During his lifetime, Troy served his country in many ways. He spent more than 15 years in the Army, doing duty in Greece, Iran, and at Fort Myer.

In 1970, he came to Capitol Hill to serve as a personal aide to Senator Stennis. He later worked in the superintendent's office and spent the last 10 years as an attendant in the Senate gym.

Every Senator who had the pleasure of knowing Troy is deeply saddened by his passing. I have always appreciated Troy's enthusiasm, his kindness, and his able assistance.

I extend the condolences of every Member of the Senate to Troy's daughter, Glenda, and the rest of his family. We have lost a fine person and an outstanding public servant.

## TROY S. BROWN, JR.: IN MEMORIAM

• Mr. HOLLINGS. Mr. President, Troy S. Brown, Jr., a good friend to so many of us here in the Senate, was laid to rest this morning at Arlington National Cemetery. Since 1982, Troy worked as a physical therapist in the Senator's gym, in which capacity I had the pleasure of almost daily association with this fine man.

Troy was a proud native of Mississippi. He served 3 years in the Army Air Corps during World War II, earning the Army Commendation Medal. He came to the Senate in 1970 and worked for the following decade as a staff assistant to our beloved former colleague, Senator John C. Stennis. All totaled, he served just short of a quarter century here on the Senate staff.

Mr. President, Troy Brown was a man of enormous decency and truly sterling character. He was a good friend to me and, I know, to many, many other Senators. We will miss him very much.•

## TROY BROWN—A GREAT LOSS TO THE SENATE

Mr. KENNEDY. Mr. President, Troy Brown's death last week shocked and saddened all of us who knew him. For many years, he had been a faithful and respected member of the staff of the Senate gym, and we will miss him very much.

At the end of long days in the Senate, I almost always stopped for a few moments in the gym. One of the things I looked forward to most was the warm greeting Troy Brown. Whether I was there to work out a kink in my back or work off some weight, I could always count on Troy Brown to offer cheerful encouragement.

I have been known to gain a few extra pounds on occasion, so I especially appreciated Troy's creative way of assessing—I really should say condoning—my weight.

"Don't worry, about that testimonial breakfast, Senator," he would say. "I'm sure it was important. You're only up a half a pound today. You couldn't be rude. You couldn't just walk away from nice eggs benedict and good cream sauce."

He kept good records, so I could keep track of my progress—or more accurately, my lack of progress. I knew he was on my side the first day, when he volunteered to keep my numbers in code.

He wrote them down in the back of the gym book, so no other Senator could see them. I think he had a special page, just for HOWELL HEFLIN and me. That's what I call real friendship—and Troy Brown was my friend.

I remember how shocked and saddened I was last week to learn of his loss. On that Wednesday afternoon, the day he was stricken, I had gone to the gym on my way to the big St. Patrick's Day gala dinner at a local hotel. My nephew Michael, Robert Kennedy's son, was in town, so I took him to meet Troy. Well, Troy took a long look at him, laughed, and said, "Michael, it's nice to meet a Kennedy who doesn't have to watch his weight."

"And, Senator," he said, "don't worry about tonight's dinner—a good helping of corned beef and cabbage never hurt any Irishman."

I first met Troy when he joined the staff of Senator John Stennis. Troy had already had a successful career in the Army. He served in Greece and Iran during the 1950's and 1960's, and then was assigned to Washington to serve at Ft. Myer. The funeral service for Troy was held there this morning, so in a sense, Troy came home again today to Ft. Myer.

His administrative ability was his strength, and he managed the Tri-Service Barracks here. He retired as a sergeant first class in special ceremonies held for him at the Pentagon in 1968. He joined the Retired Officers Association where he was an active participant.

Troy often said he was especially proud of having worked for eight generals. But he surpassed himself when he came to the Senate. He treated all 100 of us as generals too. He managed us with grace and wit. Like John Stennis, he was a great gentleman from Mississippi.

Troy was born in Schlater, a town of 400 a few miles from Greenwood. He attended Millsaps College in Jackson before joining the Army. He grew up in a close-knit family as the protective big brother for his sister Nancy, and as the best friend of his younger brother Howard. He was proud of Howard's fine career at the IRS, and proud of Nancy the biochemist, working in AIDS research.

From his mother, Troy inherited his caring ways. From his father, his wit and abiding interest in politics. His father, in his 90's now, handled land sales and spent endless hours traveling the country, talking to farmers and other members of the community about issues of the day. Troy's father introduced him to Senator Stennis and kept him up to date on grassroots news of Mississippi when he settled in Washington.

Troy was also a gourmet cook. He quietly took French cooking lessons, to the delight of friends he invited to dinner. I'm told he used a lot of butter, so I know I would have enjoyed his creations.

His prize possession was his special cookware. He splurged to buy his pots, and as his daughter Glenda says, he made sure he paid those bills on time.

On Sundays, he would reign in the kitchen, preparing great tender roasts without making a mess. He said his secret was cooking them on the top of the stove instead of in the oven. Nancy and Glenda were his most frequent guests, and they both agree that Troy's poached salmon was better than the Four Seasons.

When Troy wasn't cooking, he was washing the dishes—and watching wrestlers out of the corner of his eye. He enjoyed the showmanship and entertainment as much as the sport. He thought wrestlers were wonderfully amusing actors—almost as amusing as Senators wrestling with issues.

I think of the way he could throw a wet towel into the laundry bin from far across the room. No Senator could match him. Michael Jordan could not have done it better—nothing but net.

In football, he was a Redskins fan. In music, a Mozart fan. But the real music was his harmony with life—his warm personality and generous friendship that spread good feeling to all.

Another joy he found was planning his custom-built house. He and Glenda, who does contracting, worked together on the project, and it brought them even closer. Glenda and Troy would make excursions to hardware stores and choose the faucets, the doorknobs, and the bricks for the exterior. Glenda created the interior blueprints, and as a proud father, Troy showed them off. He took them everywhere, including the Senate gym. He showed them to me, and I was so impressed that I hired Glenda to supervise some work on my own house.

Now, of course, their dream house won't be built. But for Troy and Glenda, the planning was a wonderful shared adventure, and the memories will endure.

Glenda was Troy's only child, and as all of us knew, he loved her very much. The two of them made a special effort to care for each other after the death of Troy's wife. There were the regular Sunday dinners, and the many phone calls. He gave her the most thoughtful gifts. For her birthday, he gave her tuition toward her Ph.D. Troy was the kind of father who always checked to make sure Glenda was doing well. She said he was "the best Dad any child could have asked for—protective, but not possessive."

People make friends over a lifetime in many different ways, and I have been blessed in public life with friendships I value deeply. The gift of such friendship is one of the greatest blessings that anyone can bestow. When I think of Troy, I remember his big heart and the genuine sense of joy he brought to everything and everyone he touched. And I recall the words of the poet—what "golden friends I had."

One final story tells a lot about Troy. A year or two ago, he gave Glenda a special gift. Her name was "Shannon"—a black and white border collie who adored them both. On Troy's visits, Shannon would jump up beside him on the couch, snuggle closer and closer to Troy, and finally lick his cheek. This ritual delighted everyone who saw it, and remembering it now is special comfort for Glenda. As she said in this sad week of his loss, "He left part of himself with me, through Shannon."

Troy Brown left part of himself with all of us, too. We loved him in the Senate. We miss him. And we will never forget him.

## NATIONAL WOMEN'S HISTORY MONTH

Mr. RIEGLE. Mr. President, I rise today to recognize the month of March as National Women's History Month. As we reflect upon the innumerable contributions that women have made to the betterment of our society, we must also look to the future and all that remains to be done so that women will be recognized as free, equal, and respected members of our society.

The theme of this year's celebration is "In Every Generation, Action Frees Our Dreams." I cannot think of a more appropriate sentiment as I look around this Chamber. In the last election, four more women were elected to the Senate, and the total number now stands at seven. As chairman of the Banking, Housing, and Urban Development Committee, I am particularly proud to have three of these women Senators as members of my committee.

In my 28 years in public service, I have been proud to be a part of the women's movement, and have personally witnessed the evolution of political attitudes toward so-called women's issues. In this Congress alone, the Senate that has introduced several important pieces of legislation specifically aimed at improving the quality of life for women in America.

For example, the Violence Against Women Act, of which I am an original cosponsor, provides for the implementation of crucial measures to ensure that women can feel safer on our streets, in the workplace and at home. Women should no longer have to fear for their very lives due to the ineffective laws and insufficient criminal sentences that now govern our land. This law will help to right that wrong. S. 25, the Freedom of Choice Act, will help to reinforce the freedom that all women have—and should continue to have—to make their own reproductive health decisions without fear of legal recrimination or intervention. These important pieces of legislation have enjoyed the strong support of our democratic female colleagues, all of whom have made many contributions to ensure their swift passage into law.

As a Senator from the State of Michigan, I would be remiss in my tribute to women and their important role in government if I did not salute Martha Griffiths. Ms. Griffiths was a judge in the recorder's court in Detroit when, in 1955, she was elected to the U.S. House of Representatives. Her constituents, their trust and admiration growing with each passing year, sent her back to Washington for 10 consecutive terms until her retirement in 1974. Although vocal and involved with virtually every issue that came her way, it was the women of America who benefited most from the fruits of Mrs. Griffith's labors.

During consideration of the 1964 Civil Rights Act, an amendment was offered prohibiting sex discrimination in employment. Member after Member stood on the House floor to make light of the amendment and to joke about the unnecessary nature of such a protection for women. Then Congresswoman Griffiths took the floor and gave an eloquent and impassioned speech which turned around the debate—the amendment was passed later that same day.

Ms. Griffiths was one of the earliest champions of the Equal Rights Amendment when it was proposed in the early 1970's, and she was given much of the credit for successfully moving the amendment through the House of Representatives in 1971. She has said that the future of the ERA will grow brighter as young men and women become more knowledgeable, and when State legislators and Members of Congress begin looking at laws with a view as to whether they affect each person equally.

Upon her return to Michigan, Ms. Griffiths continued to serve the public and was eventually elected Lieutenant Governor. Just last October, she was inducted into the National Women's Hall of Fame as a pioneer for women's equality. In the decade of the woman, Martha Griffiths is a bright star that illuminates just how much women have accomplished, as well as the tasks that lie ahead to ensure equality for all. It is with great honor that I salute Martha Griffiths and women everywhere as we recognize March 1994 as National Women's History Month.

## IN HONOR OF THE 173D ANNIVERSARY OF GREEK INDEPENDENCE

Mr. RIEGLE. Mr. President, I rise today to commemorate the anniversary of the beginning of the Greek struggle to regain independence from the Ottoman Empire. One hundred and seventy-three years ago, the Greek people took a courageous stand by declaring their independence from powerful Turkish rulers. Thus sparked a struggle for freedom that would last until 1827. On October 20 of that year, the 400-year-old Greek struggle against oppressive foreign rule culminated in the defeat of the Turkish militia and the reestablishment of a free and independent Greece.

As in the past, I am proud to be a cosponsor of Senate Joint Resolution 162, which designates this day as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." It is fitting that on this day we commemorate the close relationship of the Greek and American people throughout the struggle for independence and throughout the Greek and American transformations into modern, democratic States. Moreover, we must take this opportunity to renew our commitment to maintain this relationship in the future.

The close affiliation between the United States and Greece finds its roots in shared democratic traditions. Modern American democracy draws directly from the system first established by the Greeks. We can also attribute some of the greatest advances in art, philosophy, science, and law to our Greek friends.

As a result of these cultural and political ties between the United States and Greece, both countries have continued to maintain a cooperative pose. Greek revolutionaries first used the language of our Declaration of Independence as a framework for their own document. Since that time, our countries have remained political and economic allies—we fought together during both World Wars, and during the cold war the United States helped to prevent expansionist Communist regimes from crossing Greek borders. Most recently, the United States was able to turn to Greece and its other NATO allies for support during the Gulf war.

As we celebrate the historic affinity of the Greek and American people, let us remember the importance of maintaining this relationship in the future. Moreover, let us recognize the specific steps we must take to ensure that this partnership remains strong.

We are fortunate that President Clinton has demonstrated his willingness to maintain the military equilibrium between Greece and Turkey by balancing the foreign military assistance granted to each country. Congress must maintain its vigilance, however, to ensure that this balance is kept in the future. The role of the United States must also not diminish in addressing the international conflicts that continue to threaten the Greek people.

The United States has recently stepped up its role in the conflict in the former Yugoslavia. We must continue to lend our support to a resolution of this conflict that is fair, and that prevents the violence from spilling into the neighboring Balkan countries. At the same time, we must remain sensitive to the particular concerns that Greece has in that area. Although the conflict in Cyprus has inched closer to a resolution, we must remain cautious that the final solution is a fair one. We must be especially adamant that the whereabouts of those missing since the Turkish invasion of Cyprus are accounted for. Finally, we must draw attention to the plight of the Pontian Greeks trapped in the former Soviet Republic of Georgia, whose situation has grown steadily worse over the past several months.

Mr. President, this is the last opportunity I will have as a U.S. Senator to celebrate the anniversary of Greek independence. However, I would like to remind all of my colleagues who will remain here, and those who will soon join them, of the importance of the agenda I have just addressed. The cooperation of the Greek and American people has enabled both cultures and political systems to flourish. Let us not forget the success of our past collaborative efforts, and let us ensure that they will continue well into the future.

## HONORING GREEK INDEPENDENCE DAY

Mr. KEMPTHORNE. Mr. President, I want to take a few minutes of the Senate's time to honor Greek Independence Day. As my colleagues know, March 25 is set aside as "Greek Independence Day—a Celebration of American and Greek Democracy." On this day, the American people are encouraged to remember Greece's instrumental contribution to the development of democracy.

Over 2,000 years ago, the Greeks established the world's first democracy. This democracy christened the principle of government by the people and government for the people. Of course, the Founders of our Constitution relied heavily on the writings and thoughts of our Greek ancestors as they crafted our finely balanced system of government. Every American, and the world, owes Greece a debt of gratitude for its contribution to the birth of democracy.

As world events changed in more modern times, the Greek people again showed themselves to be true patriots in the pursuit of democracy as they defeated the Communist attempt to conquer their nation. Since that time, Greece has been a loyal and valuable NATO ally of the United States. While the United States-Greek relationship has had its ups and downs, our common commitment to democracy, human rights, and mutual respect has served to bond our nations together.

In my home State of Idaho, we have a substantial Greek population. These Greek-Americans add diversity, entrepreneurship and an unsurpassed love of life to Idaho's culture. The Greek-Americans living in Idaho are the finest examples of what the American dream is all about.

In honor of Greek Independence Day, I hope all Americans will take some time to pay tribute to the Greeks contribution to human democracy, philosophy, science, and the arts.

## IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,556,298,849,924.14 as of the close of business yesterday, Thursday, March 24. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,476.44.

## WELFARE REFORM

Mr. BROWN. Mr. President, this morning, I was disappointed to see a note in the Wall Street Journal that the President's welfare reform proposal is unlikely to reach Congress even by late April. With recent polls showing that Americans are at least as concerned about welfare reform as health care reform, we must begin work on the issue.

Two months ago, Senators DOLE, PACKWOOD, and I introduced a welfare reform plan, S. 1795. There are now 19 Republican Senators on that bill and we would welcome any other Senators, on either side of the aisle to join us. S. 1795 is not a perfect bill, no bill of this magnitude is perfect on introduction. But S. 1795 is a starting place. It is a beginning for the very important debate we must have about our welfare system. It is a start at reforming a system that is hurting all of us, but most especially welfare beneficiaries.

S. 1795 is not the only welfare reform bill which has been introduced while we await the President's proposal. H.R. 3500, the House Republican welfare reform bill, has 162 cosponsors. Senator KASSEBAUM has introduced a very intriguing bill swapping Federal funding of Medicaid for allowing States to design and operate their own welfare programs. I'm a cosponsor of Senator KASSEBAUM's bill. Similarly, Senator FAIRCLOTH has been working on a welfare reform proposal of his own and we've had several discussions about his ideas and proposals. Senators BOND and HARKIN have circulated a "Dear Colleague" letter about welfare reform legislation they plan to introduce shortly.

Through his Finance Subcommittee on Social Security and Family Policy, Senator BREAUX has held oversight hearings on AFDC and the Jobs Program we instituted in 1988 in the Family Support Act. Several of our Democrat colleagues have also been drafting welfare reform bills. Senator LIEBERMAN has introduced a bill and Senator KOHL is drafting another. In the House, Representative MCCURDY and the mainstream forum are working no legislation.

One of the things that strikes me about almost all of these proposals is how much agreement there is. First, we agree that the system is not working and must be changed. Second, we generally agree that there are some responsibilities that able-bodied adults on welfare should assume, that is, working or preparing themselves to work. The problem of rising illegitimacy rates and the link to long-term welfare dependency is recognized and there are several different proposals to address the problem. Paternity establishment and child support enforcement are acknowledged as priorities.

The interest in welfare reform is there—both by the public and here in Congress. We have the vehicles to begin, let's not wait.

## WELFARE REFORM

Mr. KOHL. Mr. President, today I rise to outline a proposal to abolish the Federal welfare system and replace it with a system that allows States to move their people into jobs and their families into economic security. When we return from the April recess, I will be introducing legislation to take the

Federal money we currently spend on welfare and give it to the States to use for community-based programs to connect people to work and to make work pay. Federal payments to people who can work, but will not will end.

Several weeks ago, I made a statement that laid out several principles I thought must be included in any welfare reform proposal. I would like to go through those principles again and explain how my proposal meets each one.

The first principle is: Washington's welfare system does not work. It cannot just be reformed. It must be abolished. It makes no sense—in fact, it is cruel—to provide Federal funds only to those mothers who agree not to work, not to marry, and not to seek a stable life for their children. But that is exactly what our current system does.

My proposal would end that system—end AFDC and part of the Food Stamp Program and replace them with a block grant. The block grant would go to States that would use it to move low-income Americans into jobs that enable them to support their families.

The block grant would initially be based on the amount States currently receive from AFDC and Food Stamps. Gradually, the money would be redistributed based on economic need and on a State's own spending on low-income populations.

The block grant approach sends a simple message: the Federal Government ought to get out of the welfare business. We have created a system that is too bad to fix. We ought to turn it over—with sufficient funds to get the job done—to the States.

The second principle is: Work is what works; hand-outs do not work. Right now, welfare pays people to reject the values of work and family. It should be used to bring low-income mothers into the work force.

My proposal would require States to use their block grant funds to move people toward work, but it would give them wide latitude in how they choose to do this. In the first year of the program, the Secretary of HHS would have to fund any State plan that moved people to work—the plan could use job training, earnings supplementation, nutrition assistance, education, child care, housing vouchers, public sector jobs, tax credits, or any other creative method to connect low-income mothers to jobs.

In future years, States would only have to show they were making progress in moving people into jobs to continue receiving block grant funds. That progress would be measured by the percentage of program participants who get jobs and the number who have moved out of the State program because their income increased. More credit would be given for moving low-income mothers into jobs.

Those States whose programs move people into work get full funding with no bureaucratic questioning. Those States whose programs do not work have to explain to the Secretary of HHS how they will fix their plans to make them effective before they get their Federal funds. In short, the Federal Government will no longer pay for programs that do not have a proven record of moving people into work.

My proposal turns current welfare incentives upside down. Instead of paying people not to work, we will pay States to create an environment that moves people into work.

The third principle is: The answer to the current welfare crisis is not inside the beltway—it is inside each of our States. My State of Wisconsin is full of ideas and programs for changing welfare to a program that moves people to work. Milwaukee's Mayor John Norquist has proposed a "work connection" system. In Milwaukee, Project New Hope is about to expand to 600 former welfare recipients who will be moved to jobs using training and earnings supplements. Our Governor is about to start a pilot program that limits welfare support 2 years. Kenosha County has an innovative program to consolidate current job training resources into one center and make sure welfare recipients have access to those resources. These are all work-based ideas that could and would be funded under my block grant proposal.

By giving States the flexibility to design their own work-based systems, we will provide an incentive for local communities to become involved in moving welfare recipients into jobs. We will allow local communities to design programs that make sense for local economic conditions. We will give our communities the power to do what is right and best for the low-income families in their area—and stop paying low-income people to do what we all agree is wrong and worst for their families.

We must do more than just reform welfare. We owe it to the low-income families of this country to end a program that requires them to stay jobless and broken. We owe it to the taxpayers to spend their money in a way that strengthens their communities. We owe it to ourselves to be honest when we have failed—as we have with our current welfare system. And we owe it to this country to develop a welfare system that respects and encourages the values of work and family. I believe my proposal does all this, and I hope my colleagues will be able to support it when it is introduced next month.

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## GREEK INDEPENDENCE DAY

Mr. COCHRAN. Mr. President, I take this opportunity to congratulate all Americans of Greek ancestry on Greek Independence Day. On this date in 1821, the Greeks began the revolution that ended the rule of the Ottoman Empire which had begun with the fall of Constantinople in 1453.

The spiritual bond between our two nations is strong. James Madison and Alexander Hamilton described our debt to Greek democracy in the Federalist Papers:

> Among the confederacies of antiquity, the most considerable was that of the Grecian republics * * * From the best accounts transmitted of this celebrated institution, it bore a very instructive analogy to the present confederation of the American States.

As if to return the favor, the fighters for Greek independence upheld the American Revolution as their ideal. Indeed, I understand that Greek intellectuals translated our Declaration of Independence into Greek and used it as their own declaration.

That spiritual bond was strengthened in the early part of this century, when one of every four Greek males between the ages of 15 to 45 immigrated to the United States. Americans of Greek ancestry preserved their traditions and customs and contributed to the richness of American life, even as they continued to support the welfare of their ancestral homeland.

The friendship between America and Greece is shown by the fact that Greece is one of only three nations in the world, beyond the former British Empire, who have been allies of the United States in every major international conflict this century. Over 600,000 Greeks died fighting on the side of the Allies in World War II—9 percent of the entire Greek population at that time.

After Greece won its post-World War II struggle against Communist rebels, President Dwight Eisenhower in 1953 paid this tribute:

> Greece asked no favor except the opportunity to stand for those rights in which it believed, and it gave to the world an example of battle * * * a battle that thrilled the hearts of all free men and women everywhere.

On this Greek Independence Day, I applaud the achievements of Greeks around the world and with them continued success, peace, and freedom.

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## THE $20 BILLION INFLATION PROBLEM

Mr. GRASSLEY. Mr. President, on the morning of March 22, I made some remarks during the opening debate on the budget resolution about the so-called $20 billion inflation problem in the outyears of the Department of Defense's Future Years Defense Program or FYDP.

After I made those remarks, the March 17, 1994, issue of Inside the Pentagon was brought to my attention. It contains a story about the inflation shortfall in the outyears. It suggests that Defense Secretary Perry will find a way to live with the 4-year $20 billion cut.

This assessment is based on information presented at the confirmation hearings of John Deutch on March 10.

Mr. Deutch has been nominated to be the new Deputy Secretary of Defense.

Well, that's fine and dandy, Mr. President, but learning to live with the law doesn't quite cut it in my book.

Those outyear inflation costs do not fit in the President's budget, and they do not belong in the fiscal year 1995 FYDP or 5-year program.

President Clinton told Secretary Aspin in December that he would not raise the overall DOD budget numbers to cover the higher inflation estimates.

The money is just not there. If it's not in the fiscal year 1995 budget, how could it be in the FYDP?

Section 221 of title 10 of the United States Code requires that the Secretary of Defense bring the 5-year program into line with the President's budget. That means he must cut or eliminate programs that are over budget—above the President's topline.

Secretary Perry has not done that.

The $20.2 billion in mandatory cuts should have been made during the Pentagon's annual program and budget review last year.

So, as a result, Secretary Perry has at least $20.2 billion of overprogramming in the outyears.

Now, if Inside the Pentagon is right and if DOD is really ready to give up the $20.2 billion of overprogramming, then Mr. Perry is trying hard to fulfill his promise to make the FYDP honest.

Mr. President, I would like to warn my colleagues about one thing.

The $20 billion in overprogramming cannot be eliminated by waving the magic wand. Programs have to be reviewed, scrubbed, and cut, and that's a painful process—that's the very process the Pentagon bureaucrats are trying so hard to avoid.

Mr. President, I ask unanimous consent to place a copy of the article from Inside the Pentagon along Mr. Deutch's written response to a question on inflation protection.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### SUGGESTING DOD WILL LIVE WITH $20 BILLION SHORTFALL—DEUTCH: BOTTOM-UP REVIEW FORCE IS AFFORDABLE UNDER CURRENT BUDGET

The Pentagon's new deputy secretary, John Deutch, last week suggested that the Defense Department will be able to realize the force structure called for in the bottom-up review without having to ask the White House for more money to cover a potential $20 billion shortfall in the future years defense budget. Former Defense Secretary Les Aspin, in one of his last moves before leaving the Pentagon, had engaged in a highly-publicized battle with Office of Management and Budget Director Leon Panetta over additional funds for DOD to execute the bottom-up review. The White House offered DOD some relief, but still left Aspin $20 billion short of what he had said was needed to carry out the review's mandates.

Deutch's statement last week, during his Senate confirmation hearings to be deputy secretary, was the first indication that Defense Secretary William Perry would find a way to live with the four-year $20 billion cut. Just last month, in a background briefing on the FY-95 defense budget, a senior Pentagon official said it was unclear how DOD would handle the $20 billion shortfall. The official suggested Perry would ask President Clinton for more money if he determined the bottom-up review couldn't be executed without it.

A decision by Perry not to ask for more money likely will be criticized privately by military officials, who have consistently questioned the Defense Department's ability to fulfill the bottom-up review's mandate to fight two nearly-simultaneous major regional conflicts (MRCs) within current budget constraints.

Deutch told Congress last week the Pentagon's $20 billion budget shortfall, which he said could be reduced by revised inflation figures, will not stop the Defense Department from buying the force structure to fight two nearly simultaneous MRCs.

"At this time, I do not think this shortfall seriously threatens our ability to implement the decisions in the bottom-up review," Deutch stated in a written response to questions submitted by the Senate Armed Services Committee in advance of his March 10 confirmation hearing.

Deutch was confirmed as deputy secretary March 10. Until then he held the Clinton Pentagon's top acquisition job as under secretary of defense for acquisition and technology.

Deutch stated that the $20 billion administration shortfall estimate may be too high. "Based on the administration's current inflation projections, the funding shortfall is about $20 billion, spread over four years—FY 1996–99. If we use the Congressional Budget Office's inflation projections, the funding shortfall is about $11 billion over the same four years."

Whether the shortfall is $11 billion or $20 billion, many sources say Deutch's optimism is unfounded. Some members of Congress and the administration already have argued that the proposed bottom-up review force structure may not be affordable even if fully funded. Said a Pentagon planner: "The savings just aren't there. We're already stretched to the limit to buy the bottom-up review force, and if Congress doesn't give us the money to keep up with inflation, something is going to have to slip."

Deutch said the deputy defense secretary has traditionally taken the lead role in managing resource allocation in the Pentagon, and he promised to apply himself vigorously to that task. He lists three primary actions that are pivotal to the pentagon's effort to implement the bottom-up review:

"First, we need the support of the Congress for the bottom-up review and the funding levels requested by the president in the Fiscal Year 1995 budget request.

"Second, we must draw down and restructure the defense infrastructure, and introduce acquisition reform.

"Third, we need to proceed with the force enhancements and modernization program identified in the bottom-up review."

Excerpts from Deutch's response to advance confirmation questions accompany this article.

DEUTCH'S RESPONSES TO SENATE QUESTIONS

*Inflation protection*

If the Defense topline is not increased for higher inflation in the same way it was lowered when inflation was assumed to be lower, what management problems would that present in terms of the responsibilities traditionally performed by the Deputy Secretary of Defense?

Based on the Administration's current inflation projections, the funding shortfall is about $20 billion, spread over four years—FY 1996-99. If we use the Congressional Budget Office's inflation projections, the funding shortfall is about $11 billion over the same four years. At this time, I do not think this shortfall seriously threatens our ability to implement the decisions in the Bottom-Up Review.

It traditionally has been the role of the Deputy Secretary of Defense to take the lead in managing resource allocation to defense requirements, and I expect to continue that role if confirmed. The inflation shortfall is an example of the management problems that I will have to address.

## GREEK INDEPENDENCE

Mr. MOYNIHAN. Mr. President, I rise once again to join the Greek-American community as they celebrate the 173d anniversary of the beginning of their revolution for independence from under the yoke of the Ottoman Empire. I and 61 of my colleagues in the Senate joined together to commemorate this historic event by cosponsoring Senate Joint Resolution 162, a resolution commemorating March 25, 1994, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy. I am proud to say President Clinton has signed this resolution into law [Public Law 103–22].

From their first settlement in the 18th century in St. Augustine, FL, to one of the largest Greek communities in America, Astoria, NY, the Greek people have been an influential segment of American society. Their history, culture, language, religion, and of course native culinary artistry, have enriched America. Greece has contributed great things in the areas of arts, medicine, and education, but no contribution was more precious than that of democracy.

Born in Athens, nurtured in the United States, the principles of democracy are now being practiced throughout Eastern Europe. This new wave of democracy would never have come to fruition had it not been for Hellenistic political thought. We will always be indebted to Greece for giving us this most precious gift.

## TRAGEDY AT POPE AIR FORCE BASE, NC

Mr. FAIRCLOTH. Mr. President, the day before yesterday two Air Force planes collided over Pope Air Force Base in North Carolina. While the crew members of one plane were able to eject, and the crew of the second was spared when it was able to safely land, fiery debris from the crash was showered over a runway.

On that runway was another plane and group of Army paratroopers in a staging area preparing to board it. The falling debris killed some 20 people, and injured over 80 others. Many of those injured are in grave jeopardy.

Mr. President, the hearts of all North Carolinians go out to the families and friends of those who yesterday paid the ultimate price to defend our freedom. Too often we forget the sacrifices that are made every day, often in remote and desolate locations far removed from the glare of television cameras, to protect the peace that this Nation enjoys.

Yesterday we learned once again that it is not a cliche to say that the price of freedom is high. Those that paid that price join the unbroken line of those without whom this country would have long ago perished. Today, we honor them.

## APPOINTMENT OF DOD GENERAL COUNSEL JAMIE S. GORELICK TO BE THE DEPUTY ATTORNEY GENERAL OF THE UNITED STATES

Mr. NUNN. Mr. President, on March 22, the Senate unanimously confirmed the nomination of Jamie S. Gorelick to be the Deputy Attorney General of the United States. I want to take this opportunity to commend Ms. Gorelick for her service to the Nation over the past year as general counsel of the Department of Defense.

Ms. Gorelick came to the position of general counsel of the Department of Defense with outstanding qualifications. She received her undergraduate and law degrees from Harvard with honors. After graduation, she entered private practice with the Miller, Cassidy, Larroca, Lewin law firm in Washington, DC. In addition to maintaining an active practice with the firm, she undertook leadership positions in numerous bar activities, including serving as President of the District of Columbia Bar and as a Member of the House of Delegates of the American Bar Association. Her previous Government experience included 2 years with the Department of Energy, and service as vice chairman of the task force on audit, investigations, and inspection components of the Department of Defense.

As general counsel of the Department of Defense, Ms. Gorelick was called upon to address many complex and controversial issues, including the policy on homosexuality in the armed forces, sensitive nominations, and reform of the acquisition system. She has addressed these issues with the highest degree of professionalism, skill, and integrity.

Ms. Gorelick's presentations to the Committee on Armed Services on these and other issues—whether in the form of testimony, written communications, or personal briefings—earned her the trust and respect of our committee. When we asked for Jamie's views, we could be confident that we would receive clear and precise responses, based upon comprehensive research and objective analysis.

During her year of service at the Department of Defense, Jamie served as a key advisor to former Secretary Aspin, Secretary Perry, and numerous other senior DOD officials. She never forgot, however, that her advice would have a profound affect on the men and women who serve our Nation in uniform. She served them well.

Much as we regret losing Jamie as a DOD official, I want to commend the President for his excellent choice in nominating her to be the Deputy Attorney General. The Defense Department's loss is certainly the Justice Department's gain.

I also want to commend our friends on the Judiciary Committee for acting so promptly on her nomination—although we certainly wouldn't have minded if they had let her stay in Defense a bit longer. Of course, the Department of Justice plays a significant role in many issues affecting the Department of Defense, and it is good to know that the legal issues affecting our national security posture will continue to benefit from Ms. Gorelick's outstanding public service in the Clinton administration.

## 17TH OLYMPIC WINTER GAMES

Mr. BROWN. Mr. President, the 17th Winter Olympics recently ended in Lillehammer, Norway. This American team won more medals than any Winter Olympic team in our history: a total of 13. I know all of us are very proud of our American team. They deserve our heartfelt commendation.

We Coloradans feel a special link to America's Olympic teams. The headquarters for the U.S. Olympic Committee is located in Colorado Springs and many of our best and brightest athletes train there. These men and women spend years and years in tough, difficult training all for a brief chance at victory. We see many of these athletes in Colorado as they train, and we know just how much dedication their feats take.

All of those team members who participated in the Winter Olympics in Lillehammer deserve our praise and commendation. Many, for the privilege of being on the Olympic team, underwent years of hardship and struggle. Each man and woman that represented our country in Lillehammer represented our country's best. I know my colleagues will join me when I say that all of us here were deeply moved by their fine performances—individually and as a team. Not only did they achieve great, incredible athletic feats, their efforts as shown on CBS each evening brought us together as a nation and rekindled the deep pride and respect for our fellow Americans that each of us feels.

This year's U.S. Winter Olympic team deserves special commendation, however, because these men and women together brought home a record-breaking number of Olympic medals for a U.S. Winter Olympic team. The entire team deserves special praise. No medal could have been won without the support of the entire team. Just being a member of America's Olympic team is an outstanding accomplishment. But, I would like to take a moment to pay a special tribute to those who won an Olympic medal for the United States while at Lillehammer.

### TOMMY MOE

Few people expected America to capture a medal in downhill skiing, especially not on the first day of competition. Tommy Moe, of Palmer, AK beat all expectations by winning the gold medal in the men's downhill competition. Young Tommy Moe did not stop there. He went on to win the silver medal in the men's Super G 4 days later. Moe's victories make him the first U.S. male skier to win two medals in the same Olympics. His victories deserve America's utmost respect and a heartfelt congratulations.

### LIZ MCINTYRE

A resident of Winter Park, CO, and a graduate of Dartmouth College, Liz McIntyre brought the U.S. ski team medal count up to three. Colorado was particularly thrilled that one of our adopted residents performed so well. Her able skiing in the women's mogul event was breathtaking, earning her the silver medal in the highly competitive event. Liz's enduring athletic ability and Olympic success are a great source of pride for both the U.S. ski team and the United States.

### DIANN ROFFE-STEINROTTER

As the first competitor down the mountain in the Women's Super G, Diann Roffe-Steinrotter stunned the crowd in Lillehammer by posting a time of 1:22.15. Having won a Super G silver medal in the 1992 Olympics, Diann was considered a medal contender, but all wondered if her time would hold as competitor after competitor lined up to beat her. Hold it did, and a beaming Diann went home with the gold medal. A resident of Potsdam, NY, Diann plans to retire after her success in Lillehammer in order to attend Clarkson University. We congratulate Diann and wish her as much success in her future endeavors as she has had in skiing.

### DAN JANSEN

With a new world record time of 1:12.43 in the 1,000 meter speedskating event, Dan Jansen captured a gold medal in Lillehammer and fulfilled both his own dreams and his Nation's high hopes for his success. Dan dedicated his victory to Jane, his sister who died of leukemia on the morning of his 1988 Olympic race. As we watched Dan Jansen receive his gold, we were truly inspired. America will not soon forget this Wisconsin native's tremendous courage, perseverance, and most of all, his success.

### PICABO STREET

Picabo Street arrived in Lillehammer determined to win a medal for the U.S. ski team. She let no one down. In the first week of the games Picabo captured the silver medal in the women's downhill event. A resident of Sun Valley, ID, Picabo was a classic team participant, attributing her success to the overwhelming confidence and ability of the entire ski team. Picabo deserves our congratulations and thanks for her stunning silver medal performance and her inspiring team spirit.

### BONNIE BLAIR

Capturing the gold in both the 500-meter and 1,000-meter speedskating events tops off Bonnie Blair's breathtaking string of Olympic success. A native of Milwaukee, WI, Bonnie Blair's skating was unparalleled in Lillehammer. In both of her medal winning events, Bonnie turned in near perfect performances to the roaring cheers of the crowd. She now stands alone as the winner of more gold medals—a total of five—in the Winter Olympic games than any other American in history. Bonnie is truly an American legend. She deserves our highest praise and our deepest respect.

### NANCY KERRIGAN

As the world watched gripped by Nancy's horrible knee injury just weeks before, Nancy Kerrigan of Stoneham, MA, delivered the figure skating performance of her career. She captured not only the silver medal in the women's figure skating, but the hearts of the American people. Her skating program displayed all of the strength, grace, and courage of a true champion. Her years of dedication on the ice and her determination to stay focused through these difficult games exemplify Nancy's amazing strength of character. Her flawless performance in Lillehammer deserves our highest praise and congratulations.

### AMY PETERSON

Amy Peterson was expected to do well in the Lillehammer Olympic games. Both her mother and her uncle were Olympic speed skaters, and Amy's father was a hockey player. Nonetheless, Amy surpassed all expectations by capturing not one, but two medals in Lillehammer. Along with her three teammates, Amy won the bronze medal in the women's rough-and-tumble short track 3,000-meter relay. Two days later, Amy gave another stunning performance on the ice, capturing the bronze medal in the 500-meter short track event. With these two medals, this native of Maplewood, MN, brings her Olympic medal total up to four. She is truly an exemplary skater and deserves the Senate's praise.

### CATHY TURNER

In one of the most exciting events of the Olympic games, Cathy Turner of Hilton, NY, came from behind and captured the gold in the women's 500-meter short track speedskating event. With a record time of 45.98 seconds, Cathy skated past China's Xiulan Wang and over the finish line to the delight of the Americans in attendance. This gold medal victory came only 2 days after Cathy and three teammates took the bronze medal in the women's short track 3,000-meter relay. Cathy now holds a total of four Olympic medals, an impressive tribute to her skating talents, and to America's speedskating team.

### NIKKI ZIEGELMEYER

After her impressive performance in the 1992 Olympic games, Nikki did not expect to compete again in the women's short-track 3,000-meter relay in Lillehammer. As the games got under way, Nikki, a resident of Milwaukee, WI, and her teammates were content just to have been invited to Lillehammer. But, when events unfolded to permit the United States relay team to enter the competition, Nikki and her three teammates rose to the challenge. The determination and strength of these courageous women carried them through to the bronze medal in this exciting event. Nikki and her teammates deserve America's heartfelt congratulations.

### KAREN CASHMAN

A native of Quincy, MA, Karen Cashman thought she would be watching the Winter Olympic games on television, not participating in the short track 3,000-meter speedskating relay. But Karen ended up not only participating, but helping her team capture the bronze medal in the event. Karen and her teammates' victory brought the total U.S. medal count up to eight. We salute Karen for her role in this impressive Olympic accomplishment.

### ANDY GABEL

Andy Gabel, a two-time Olympian from Pewaukee, WI, helped his team capture the silver medal in the men's short track 5,000-meter speedskating event. The four-man relay team skated exceptionally well, clocking in at 7:13.37, just behind Italy's team. Congratulations to Andy for his part in this success.

### JOHN COYLE

A graduate of Stanford University, John Coyle also played a crucial role in the four-man relay team's silver medal performance. John now plans to pursue his MBA in International Business, undoubtedly with the same determination and strength he brought to the Olympics. His Olympic success deserves America's commendation.

### ERIC FLAIM

With his contribution to the speedskating relay team, Eric now holds two Olympic silver medals. His performances both in 1988 in the 1,500-meter event and in Lillehammer this year are worthy of America's appreciation and pride. We congratulate Eric for his success.

### RANDY BARTZ

Randy has been skating avidly from the age of 6. His many years of practice and determination finally paid off in Lillehammer as he helped his team capture the silver in the four-man relay. Randy now plans to turn in his ice skates for what will certainly be a successful career in operations management. America thanks and salutes Randy for his accomplishments.

## GREEK INDEPENDENCE DAY

Mr. CRAIG. Mr. President, March 25, 1994, marks the 173d anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire. Mr. President, I rise today to commemorate this, the Greek day of independence.

Throughout this century, Greece has proven to be an ally of the United States. More than 600,000 Greeks or 9 percent of the population of Greece died fighting for the allied cause in World War II.

Greeks and Americans also share a common intellectual and ideological heritage. The American ideals of democracy and majority rule were taught by philosophers in Greece as far back as 370 B.C. Thomas Jefferson once said that: "to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness." It is an historical irony that having established independence from the Ottoman Empire in the 1820's, the Greek people then turned to the American system as a model for the establishment of their Government in modern times. The American Declaration of Independence was translated into Greek and used as a model for the Greek version of this document.

During the early 1900's, 1 in every 4 Greek males between the ages of 15 and 45 emigrated to the United States carrying with them a culture rich in the tradition and history. They and their descendants went on to be active participants in their American communities, States, and nation. It is on behalf of Greek-Americans living in my State and across the country that I make this tribute to our Greek heritage on March 25, 1994, Greek Independence Day.

## THE CATHOLIC CHURCH IN BOSNIA AND HERZEGOVINA

Mr. DECONCINI. Mr. President, next week Christians around the world will celebrate Easter—a season of reconciliation and of hope. Nearly 2 years of war and genocide in Bosnia and Herzegovina have taken a tremendous toll on all segments of the population there. In remarks earlier this week at the Carnegie Endowment for International Peace, Archbishop Vinko Puljic of Sarajevo described the suffering of the people of Bosnia and Herzegovina. The archbishop stated that "Bosnia is and always will be a multiethnic and multireligious country" and urged the United States to "help find a just political settlement" which respects the territorial boundaries of his country.

In addition to the mass displacement of Moslems and the destruction of most mosques throughout the country, nearly three-quarters of Catholics in the Archdiocese of Sarajevo have been uprooted—53 of the 144 parish churches have been completely destroyed while another 58 have been severely damaged. Hundreds of priests and nuns have been forced to flee during the course of the war.

I commend Archbishop Puljic's poignant observations and comments to my colleagues and join him in his prayer that a just peace be pursued for all of the people of Bosnia and Herzegovina.

Mr. President, I ask unanimous consent that the text of the archbishop's statement be included in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

### STATEMENT OF MOST REVEREND VINKO PULJIC, ARCHBISHOP OF SARAJEVO

Thank you, Ambassador Abramowitz, for your kindness in having me here this morning at the Carnegie Endowment for International Peace. Your interest in what is taking place in Bosnia and Herzegovina is gratifying to those of us who have had to endure two years of the cruelest of wars. I thank you, Mr. Ambassador, all of you here, and all those Americans who have done so much to help alleviate our suffering.

You are well aware of the magnitude of the suffering that has been inflicted on us. In the past two years, I have seen the Catholic population of my archdiocese reduced from 520,000 to about 125,000 people, most of whom live in small, besieged enclaves. In those same two years, I have seen three-quarters of the 144 parishes in the archdiocese cease to exist, with most of the buildings destroyed or damaged. Many of these church buildings, I am sorry to say, were intentionally targeted by extremists seeking to fan religious hatred. I and the Catholic Church in Bosnia and Herzegovina have been trying desperately to prevent this from happening. If a permanent peace is not established soon, Catholics risk being exterminated from large parts of Bosnia and Herzegovina, despite thirteen centuries of our organized presence there. As you know all too well, the suffering of Catholics in my archdiocese is typical of what has been happening throughout my country to thousands of innocent civilians.

We have suffered terribly in part because the international community has failed to act decisively in the face of aggression and "ethnic cleansing." Moreover, it is my impression, and the impression of many people in Bosnia, that the international community has even contributed to the ethnic division of the country and has legitimized aggression by failing to uphold basic moral and legal norms.

Despite real difficulties, there can be no alternative to pursuing a just peace in Bosnia and Herzegovina. It is late but there is still time. I ask of you the following:

1. The ordinary people of my diocese and my country are tired of war; they yearn to live together in peace. Please, use your influence to stop the bloodshed and bring this illogical war to an end. The resolve shown by the United States and the international community in recent weeks has brought a tenuous peace to Sarajevo and some other parts of Bosnia. I pray that the United States and the international community will persevere in and intensify these efforts until a lasting peace is achieved.

2. Use your influence to help find a just political settlement for Bosnia and Herzegovina. Respect the territorial boundaries of Bosnia, which has been recognized by the Vatican and the international community. Help us to achieve a peace within these boundaries that reflects the fact that Bosnia is and always will be a multi-ethnic and multi-religious country. Help us to be a country in which ethnic Bosnian-Muslins, Serbs and Croats can cultivate their respective identities at the same time that they respect the equal rights and equal legitimacy of the ethnic and religious identities of other citizens.

I welcome the recent agreement between Muslims and Croats because it reflects what ordinary people want and what the United States is a symbol of: a pluralistic and tolerant society in which the equal rights of all citizens are respected, regardless of their ethnicity or religion.

It would be a tragedy if force, violence, aggression and crime were legitimized by a partition of Bosnia along ethnic lines. A peace which does not correct injustices, which rewards aggression, and which is based on ethnic division can be neither a just nor a permanent peace.

3. I ask you ardently, help us both to survive and to begin to rebuild our lives. Efforts must be made to ensure the uninterrupted passage of humanitarian aid to the many people who are still in dire need of food, medicine, water and electricity. In addition to humanitarian aid, we need reconstruction aid to help rebuild our homes, schools, hospitals, churches, mosques, businesses and other institutions. Also essential if we are to return to a multi-ethnic society is help to create the conditions for a safe return of exiled and displaced persons to their homes.

4. Finally, the Catholic Church and other religious communities will need your support as we work together to address perhaps the most difficult challenge: reconciliation. We must promote a moral and spiritual renewal that can heal the hatred, despair and division which this war has brought. Only by rebuilding the spiritual life of our people can we ensure that the horrors we have lived through for the last two years will not be repeated. With God's grace, we will succeed.

I hope that my presence in this country and here today will help to inform the world of our plight and will help to encourage the international community to heed the appeals of Pope John Paul II that it act with resolve to help us bring about a just peace, a peace that will enable all people of Bosnia and Herzegovina to once again live together in peace and dignity.

I thank you all for your interest and for the good you are doing for us. Thank you, God bless you!

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## GREEK INDEPENDENCE DAY

Mr. CHAFEE. Mr. President, tonight I will deliver remarks on the occasion of Greek Independence Day. I ask that a copy of these remarks be printed in the RECORD.

The remarks follow:

### REMARKS BY SENATOR JOHN H. CHAFEE ON GREEK INDEPENDENCE DAY, MARCH 25, 1994, PROVIDENCE, RI

Good evening—and happy Independence Day! You will be pleased to know that the President has signed into law an act of Congress declaring today, "Greek Independence Day—a Celebration of American and Greek Democracy!"

It is fitting, I think, to celebrate Greece and America together. Thomas Jefferson said, "to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness." Greece is the birthplace of democracy; the American experiment was modeled on her invention.

173 years ago, Greece began her own quest for independence from the Ottoman Empire, and drew inspiration from the American Revolution.

In the twentieth century, our two histories have become even more entwined. We are allies: Greece is one of only three nations in the world, outside the former British empire, to have allied itself with the United States in every major international conflict this century.

At the same time, many Greek people immigrated to the United States, thus enriching this country with their energy, intelligence, and rich and vibrant culture. I was astounded to learn that in the early 1900's, one in every four Greek males between the ages of 15 and 45 departed for the United States.

Now, our two nations are cooperating on the somber matter of the war in Bosnia. America and Greece share a strong interest in securing peace and stability in the Balkans.

Today we pay tribute to the contributions Greeks make to American life, both as productive citizens of this country, and as citizens of our staunch friend and NATO ally.

The poet Percy Bysshe Shelley wrote aptly, "We are all Greeks! Our laws, our literature, our religion, our art, have their roots in Greece." Today, let us all be Greek!

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## GREEK INDEPENDENCE DAY

Mr. KENNEDY. Mr. President, today marks the 173d anniversary of Greek independence from the Turkish Ottoman Empire, and I am honored to be a sponsor of the resolution designating today as Greek Independence Day: A National Day of Celebration of Greek and American Democracy.

On this occasion, we are reminded again of the Greek people's long struggle to free their Nation from the tyranny of imperialism and restore democracy. The United States is proud of its strong, historic, and current ties with Greece, and I am confident that we will continue to maintain such ties in the years ahead.

We are especially mindful today of the continuing tragedy on the island of Cyprus and the ongoing efforts to bring a just settlement to that continuing controversy. At a time when many of the world's other seemingly intractable conflicts are being resolved, a lasting political settlement based on the legitimate rights of both the Greek and Turkish communities must also be reached on Cyprus.

Greece's concerns about the Former Yugoslav Republic of Macedonia also deserve our attention. I have joined many others in urging the new republic to eliminate the provisions of its constitution that suggest expansionist aspirations, and to discontinue the use of symbols that are unique to Greek history. It is my hope that the new republic will do so as soon as possible, so that this unfortunate dispute can be ended and these two Nations can live together in peace.

On this important anniversary, I join all those of Greek ancestry in celebrating their extraordinary heritage and their contributions to the United States.

## GREEK INDEPENDENCE DAY

Mr. LAUTENBERG. Mr. President, I rise to support Senate Joint Resolution 22, the joint resolution designating March 25, 1994, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." The resolution also asks the President to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities.

March 25, 1994, marks the 173d anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire. It is fitting that we celebrate this day together with Greece in order to reaffirm the common democratic heritage of Americans and Greeks.

The ancient Greeks forged the very notion of democracy, placing the ultimate power to govern in the people. As Aristotle said, "If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will best be attained when all persons alike share in the government to the utmost."

Because the concept of democracy was born in the age of the ancient Greeks, all Americans, whether or not of Greek ancestry, are kinsmen of a kind to the ancient Greeks. America's Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our Government. For that contribution alone, we owe a heavy debt to the Greeks.

The common heritage which we share has forged a close bond between Greece and the United States, and between our peoples. And it is reflected in the numerous contributions made by present-day Greek-Americans in New Jersey and across the country to our American culture.

I urge my colleagues to support this resolution as a tribute to these contributions, past and present, which have greatly enriched American life.

## GREEK INDEPENDENCE DAY

Mr. PRESSLER. Mr. President, democracy is this Nation's most cherished ideal. Its enduring appeal provides a guiding light for people worldwide. People forced to live under repressive regimes, whose inherent rights to life and liberty are denied, nevertheless find inspiration in the hope for democracy. That inspiration led them to seek change. Today, many are free for the first time in their lives.

We live in a world that has changed dramatically for the better during the past few years. It is a world in which democratic principles reign ever stronger. The democracy we cherish, however, is not of our own invention. For our system of government and way of life, we must give credit to the ancient Greeks.

For these reasons, I am pleased to urge my colleagues to join me in recognizing and celebrating March 25, 1994, as Greek Independence Day. I proudly salute the Greek-Americans in my home State, as well as those throughout the United States.

Although the Greeks first brought democracy to the world, they were unable to ensure its continuation in their homeland. For a long time, democracy was lost to the people of Greece. Then, on March 25, 1821, the people of Greece threw off the chains of autocracy and returned to the democratic system they had created long before.

When we celebrate Greek Independence Day 1994, we do so in a world that is more democratic than perhaps at any time in history. However, the celebration of democracy and its unstoppable march into country after country by no means should allow us to become complacent. The struggle of the Greek people to restore democracy to their country in the last century should serve as a reminder to us all: the preservation of freedom has a price.

## GREEK INDEPENDENCE DAY

Mr. WOFFORD. Mr. President, on this, the 173d anniversary of Greek independence from Ottoman rule, we should all be mindful of that most wonderful gift that Greece gave to the world so long ago—democracy. It was born in a tumultuous period. Wars raged among the city states of Greece, Persian armies wrought havoc on the land, and great fleets fought for control of the sea; yet the word would not die. The Roman Empire came and went, predatory armies conquered their way across the continent, and Greece itself was swallowed up by the Ottoman Empire. But democracy, that most virtuous form of governance, remained our legacy.

The people of Greece fought long and hard for their freedom. Thousands gave their lives to advance the cause. As America's ally, more than one-half million Greeks died fighting with us in the Second World War.

It is fitting then, that we should join with the people of Greece in celebrating their rebirth in freedom.

## TRIBUTE TO AN ACADEMY AWARD WINNER FOR DOCUMENTARY

Mr. PELL. Mr. President, I salute today an exceptional filmmaker and Rhode Island native, Alice M. Maurice, who has been recognized by the Academy of Motion Picture Arts and Sciences as associate producer of 1994's best short subject documentary.

Ms. Maurice's commitment to excellence in filmmaking has not only brought her and the State of Rhode Island honor, but has made a positive difference in the lives of women throughout the United States. Her documentary film, "Defending Our Lives," details the suffering of eight abused women who killed their assailants in self defense. Ms. Maurice's film draws attention to an important subject which deserves such national recognition.

I ask that my distinguished colleagues join me in saluting this remarkable woman, a truly accomplished artist and filmmaker.

## VOTES ON BUDGET RESOLUTION AMENDMENTS AND MOTION TO PROCEED TO GOALS 2000 LEGISLATION

• Mr. HOLLINGS. Mr. President, Members of this body are loathe to miss a vote. However, on rare occasions, each of us must choose to miss votes rather than renege on particularly important commitments in our respective States. Regrettably, I must honor one such commitment today—a longstanding commitment to host Attorney General Janet Reno at the University of South Carolina in commemoration of Law Day.

Mr. President, permit me to make a clear record of my position on four votes I will miss later today while I am en route to South Carolina.

I would have voted "no" on the Gramm amendment to the budget resolution; the Gramm amendment proposes to cut all of the President's proposed discretionary spending increases except for criminal justice in order to provide an additional $5 billion annually for the next 5 years in grants to the States.

On the Sasser second-degree amendment to the budget resolution—a sense-of-the-Senate declaration that we should work to control entitlements through health care reform—I would have voted "yes."

On final passage of the budget resolution, I would have voted "yes."

Finally, on the motion to proceed to consideration of the Goals 2000 legislation, I would have voted "yes."●

## NATIONAL GRIEF TELECONFERENCE

Mr. DURENBERGER. Mr. President, on March 31, over 40,000 people will gather at 890 sites in the United States, Puerto Rico, and Canada to listen, learn, and participate in a teleconference on death, grief, and bereavement. The event is sponsored by the nonprofit Hospice Foundation.

Grief is not something you expect to attract large crowds, but this conference has. When the foundation began this effort, it expected to reach no more than 50 sites and possibly 2,000 or 3,000 people. Those numbers were exceeded during the first day of sign-ups.

The extraordinary response—indeed, the demand to participate—indicates how universal the need is for counseling for those who survive the death of a loved one or are caregivers for the dying on a daily, professional basis. This includes not only the medical profession, but volunteers, family members, social workers, and clergy who provide solace and spiritual sustenance to the grieving.

More than 2,000,000 people die each year in the United States, excluding homicide, suicide, and traffic accidents. Another 170,000 people die in those ways. Death, anticipated or sudden, leaves in its wake more than tears. Family, friends, fellow employees live with the lingering aftereffects of grief and bereavement.

Some handle it well, but others suffer chronic or periodic depression, overmedication, alcohol abuse or some other dysfunctional behavior. Many of those who grieve need help; all of them would be well served by at least minimal counseling.

Death, grief, and bereavement are conditions faced by hospice people every day since over 200,000 terminally ill people are cared for annually by hospices. Indeed, Medicare-certified hospices must, by law, have both social workers and clergy available for their patients and for a period after a death for the survivors to help with grief and bereavement.

Further, Medicare requires that volunteers be involved and almost 70,000 were last year, contributing more than 5,000,000 hours of unpaid service. The Hospice Foundation has, therefore, concerned itself increasingly with the handling of grief and bereavement by hospice volunteers and workers.

In my own State of Minnesota, there will be 32 sits where over 1,000 people will join together to learn, to share ideas and experience, and to enhance their skills at helping others in need of counsel and companionship. Those sites reach from International Falls and Hallock in our northernmost areas to the Waseca, Worthington, and Jackson far to the south. The sites are in rural areas and in our major cities, and the local sponsors include hospices, medical centers, VA, and other hospitals, community colleges, and county social service agencies.

Our attention is often drawn to the catastrophic natural disasters that afflict us—spring floods, tornados in my area, but earthquakes, mudslides, fires elsewhere. They deserve and must have our attention, but it is also true that natural death goes on year after year, day after day, and that hospice workers devote themselves to making the final days of others as good as they can be. It is an important demonstration of compassion, concern, and involvement. Within Minnesota, there are well over 50 hospices at work in their communities. I am proud of our commitment to caring.

I want to commend the Hospice Foundation for undertaking this project and to thank those who are attending for enhancing their skills through knowledge and insights shared by an outstanding, dedicated panel. The participants include moderator Cokie Roberts of ABC News, and Jack D. Gordon, president of the Hospice Foundation, Dr. Kenneth J. Doka, president of the Association of Death Education and Counseling, Dr. Therese A. Rando, director of the Institute for the Study and Treatment of Loss, Dr. Ellen S. Zinner, director of the Center for Loss and Grief Therapy, Dr. J. William Worden, codirector of the Child Bereavement Study at Harvard University, and Dr. Sandra L. Bertman, director of the Medical Humanities Program at the University of Massachusetts as panelists.

## ALAN HASSENFELD AND THE AMERICAN PROMENADE IN ISRAEL

Mr. PELL. Mr. President, one of the strongest relationships between the true democracies of this world is that which exists between the United States and the State of Israel, the only true democracy in the Middle East.

This friendship has its roots in the vital role played by our country in the formation of Israel and has grown stronger because of the shared political, cultural, and economic values of the two nations.

To commemorate this unique relationship, a group of private citizens is undertaking the development of the American Promenade in Israel. It is to be a series of monuments and a botanical garden in a national park outside Jerusalem. It is being financed solely by private funds.

A prominent American from each of the 50 States will be honored at the promenade as a founding father. I note with interest that the person to be honored from my own State of Rhode Island is Alan G. Hassenfeld, chairman and chief executive officer of one of my State's most prestigious companies, Hasbro, Inc. Alan is not only one of the industrial leaders of our country, he is also a committed and tireless philanthropist. I can think of no one more deserving to be honored as a founding father of the American Promenade in Israel than Alan Hassenfeld.

## EXIT FROM SOMALIA

Mr. BYRD. Mr. President, today, March 25, 1994, Maj. Gen. Thomas Montgomery, U.S. Army, officially ended United States participation in the United Nations operation in Somalia. As the last of our combat and logistics forces withdraw from that troubled nation, we should pause to commend them for performing a difficult mission with professionalism, valor, and heroism.

In December 1992, President Bush announced the deployment of U.S. forces on a humanitarian mission to ensure that relief convoys could deliver food to tens of thousands of starving Somalis suffering the combined effects of famine and war. After almost 2 years of constant civil strife, all authority in Somalia had broken down and anarchy reigned, making it impossible for relief agencies to meet the basic human needs of the Somali people. Finally, the world decided to act, and, here in the United States, the President's decision to join the effort enjoyed broad support.

We all know the unfortunate events that occurred between December 1992 and October 1993. This noble humanitarian mission degenerated into a foolish and fatal game of cat and mouse between the United Nations and General Aideed. During this time, 29 U.S. soldiers died and at least 170 more were injured. The futility of the policy became increasingly apparent. The final straw came on October 3, 1993, when 18 U.S. soldiers died in a firefight with Aideed's forces. President Clinton quickly announced that all U.S. troops would leave Somalia by March 31, 1994. That date was codified when the Congress adopted an amendment that I offered to the 1994 Defense Appropriations Act—the first time the Congress had used a funding cutoff to end a foreign military involvement since the end of the Vietnam War.

I do not intend to rehash the debate of last October. Rather, I applaud the men and women of the U.S. military who tackled a very difficult mission and performed admirably. They went to Somalia to stop the mass starvation and suffering, and they accomplished that mission. Somalia today is not a perfect place, but there is at least a glimmer of hope. Today's Washington

Post reports that the two principal Somali warlords have signed a cease-fire agreement and have scheduled a reconciliation conference for May. It remains to be seen if this is really the end of the bloodshed, but certainly Somalia could not have reached this point without the efforts of the military forces of the United States and the many other nations that participated in the humanitarian mission.

Throughout this deployment, the men and women of our armed forces have maintained the highest standard of military professionalism. Nothing illustrates this better than the tragic firefight of October 3. According to the accounts made public since that day, soldiers involved in that 15-hour battle showed extreme bravery and heroism. An article in the February 28, 1994, issue of Time recounts this dramatic episode, and reports that the Secretary of the Army has recommended that M. Sgt. Gary Gordon and Sfc. Randall Shugart posthumously receive the Congressional Medal of Honor for heroically defending the crew of a downed helicopter. This will be the first time the Medal of Honor has been awarded since the Vietnam War.

I also commend President Clinton for making the very tough decision to pull out of the U.N. operation in Somalia. It is much more difficult to end such an involvement than to begin one. The President and his military commanders deserve credit for implementing an orderly withdrawal and a smooth turnover of responsibilities to the United Nations. He has worked through diplomatic channels to make sure that the Somalis at least have a chance at success, while at the same time returning the U.S. military force to its original humanitarian mission and avoiding any additional loss of life in pursuit of unrealistic goals.

We will have ample opportunity in the future to discuss the lessons learned by this experience, but today I rise to commend the men and women of the U.S. Armed Forces for the job they did and to thank them for the sacrifices they made.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 746. Robert F. Hale, to be an Assistant Secretary of the Air Force;

Calendar 780. Charles F. Meissner, to be an Assistant Secretary of Commerce;

Calendar 781. Susan G. Esserman, to be an Assistant Secretary of Commerce;

Calendar 783. Lynn M. Bragg, to be a member of the U.S. International Trade Commission;

Calendar 784. Jeanette W. Hyde, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados;

Calendar 786. Josiah Horton Beeman, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand;

Calendar 787. Donald M. Blinken, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Hungary;

Calendar 788. March Fong Eu, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federated States of Micronesia;

Calendar 789. Richard Dale Kauziarich, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Azerbaijan;

Calendar 790. Charles R. Baquet III, to be Deputy Director of the Peace Corps;

Calendar 791. Thomas L. Baldini, to be a Commissioner on the part of the United States on the International Joint Commission;

Calendar 792. Susan Bayh, to be a Commissioner on the part of the United States on the International Joint Commmission;

Calendar 793. Alice Chamberlain, to be a Commissioner on the part of the United States on the International Joint Commission;

Calendar 794. Harold C. Pachios, to be a member of the U.S. Advisory Commission on Public Diplomacy;

Calendar 795. Lewis Manilow, to be a member of the U.S. Advisory Commission on Public Diplomacy;

Calendar 797. John F. Hicks, Sr., to be a member of the Board of Directors of the African Development Foundation;

Calendar 798. Barry S. Newman, to be U.S. Alternate Executive Director of the International Monetary Fund;

Calendar 799. Michael H. Trujillo, to be Director of the Indian Health Service, Department of Health and Human Services;

Calendar 801. Michael J. Davis, to the U.S. District Judge;

Calendar 802. Ancer L. Haggerty, to be U.S. District Judge;

Calendar 803. Frankin D. Burgess, to be U.S. District Judge;

Calendar 804. Kent Barron Alexander, to be U.S. Attorney;

Calendar 805. David D. Freudenthal, to be U.S. Attorney;

Calendar 806. Herbert Lee Brown, to be U.S. Marshal;

Calendar 807. Lawson Cary Bittick, to be U.S. Marshal;

Calendar 808. Frank James Anderson, to be U.S. Marshal;

Calendar 809. Nanette Holly Hegerty, to be U.S. Marshal;

Calendar 810. Raymond Gerard Gagnon, to be U.S. Marshal;

Calendar 813. Maria Luisa Mabilangan Haley, to be a member of the Board of Directors of the Export-Import Bank of the United States; and

Calendar 814. Elaine A. McReynolds, to be Federal Insurance Administrator.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that upon confirmation, the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

### DEPARTMENT OF DEFENSE

Robert F. Hale, of Virginia, to be an Assistant Secretary of the Air Force.

### DEPARTMENT OF COMMERCE

Charles F. Meissner, of Maryland, to be an Assistant Secretary of Commerce.

Susan G. Esserman, of Maryland, to be an Assistant Secretary of Commerce.

### U.S. INTERNATIONAL TRADE COMMISSION

Lynn M. Bragg, of Maryland, to be a Member of the United States International Trade Commission for the term expiring June 16, 2002.

### DEPARTMENT OF STATE

Jeanette W. Hyde, of North Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of Dominica, Ambassador Extraordinary and Plenipotentiary of the United States of America to St. Lucia, and Ambassador Extraordinary and Plenipotentiary of the United States of America to St. Vincent and the Grenadines.

Josiah Horton Beeman, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, and to serve concurrently as Ambassador Extraordinary and Plenipotentiary of the United States of America to Western Samoa.

Donald M. Blinken, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Hungary.

March Fong Eu, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federated States of Micronesia.

Richard Dale Kauzlarich, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Azerbaijan.

### PEACE CORPS

Charles R. Baquet III, of Maryland, to be Deputy Director of the Peace Corps.

### INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

Thomas L. Baldini, of Michigan, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

Susan Bayh, of Indiana, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

Alice Chamberlin, of New Hampshire, to be a Commissioner on the part of the United

States on the International Joint Commission, United States and Canada.

### U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Harold C. Pachios, of Maine, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 1996.

Lewis Manilow, of Illinois, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 1996.

### AFRICAN DEVELOPMENT FOUNDATION

John F. Hicks, Sr., an Assistant Administrator of the Agency for International Development, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 1997.

### INTERNATIONAL MONETARY FUND

Barry S. Newman, of Virginia, to be United States Alternate Executive Director of the International Monetary Fund for a term of two years.

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

Michael H. Trujillo, of Oregon, to be Director of the Indian Health Service, Department of Health and Human Services, for a term of four years. (New Position).

### THE JUDICIARY

Rafael Diaz, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Michael J. Davis, of Minnesota, to be United States District Judge for the District of Minnesota.

Ancer L. Haggerty, of Oregon, to be United States District Judge for the District of Oregon.

Franklin D. Burgess, of Washington, to be United States District Judge for the Western District of Washington.

### DEPARTMENT OF JUSTICE

Kent Barron Alexander, of Georgia, to be United States Attorney for the Northern District of Georgia for the term of four years.

David D. Freudenthal, of Wyoming, to be United States Attorney for the District of Wyoming for the term of four years.

Herbert Lee Brown, of Nevada, to be United States Marshal for the District of Nevada for the term of four years.

Lawson Cary Bittick, of Georgia, to be United States Marshal for the Middle District of Georgia for the term of four years.

Frank James Anderson, of Indiana, to be United States Marshal for the Southern District of Indiana for the term of four years.

Nannette Holly Hegerty, of Wisconsin, to be United States Marshall for the Eastern District of Wisconsin for the term of four years.

Raymond Gerard Gagnon, of New Hampshire, to be United States Marshall for the District of New Hampshire for the term of four years.

### EXPORT-IMPORT BANK OF THE UNITED STATES

Maria Luisa Mabilangan Haley, of Arkansas, to be a Member of the Board of Directors of the Export-Import Bank of the United States for the remainder of the term expiring January 20, 1995.

### FEDERAL EMERGENCY MANAGEMENT AGENCY

Elaine A. McReynolds, of Tennessee, to be Federal Insurance Administrator, Federal Emergency Management Agency.

## LEGISLATIVE SESSION

The PRESIDENT pro tempore. Under the previous order, the Senate will resume legislative session.

## TWIN FALLS COUNTY LANDFILL ACT OF 1993

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of S. 1402, a bill to convey a parcel of public land to the county of Twin Falls, ID, and that the Senate proceed to its immediate consideration.

The PRESIDENT pro tempore. The clerk will state the title of the bill.

The legislative clerk read as follows:

A bill (S. 1402) to convey a parcel of public land to the county of Twin Falls, ID, for use as a landfill, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

### AMENDMENT NO. 1603

Mr. CRAIG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 1603.

Mr. CRAIG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

Revise section 2(a) to read as follows:

"(a) Effective on the tender by the County of Twin Falls, Idaho, of the fair market value for the lands described in subsection (b) to the Secretary of the Interior, all right, title, and interest in and to such lands, except for subsurface minerals which are reserved to the United States, is transferred by operation of law to the County of Twin Falls. The Secretary shall evidence such conveyance as soon as possible thereafter by appropriate quitclaim deed."

In section 2, delete subsections (b) and (c) and redesignate subsection (d) as (b).

At the end of the bill add a new subsection (c) as follows:

"(c) Subject to valid existing rights, the lands referred to in subsection (b) are withdraw from location, entry, and patent under the United States mining laws and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto."

The PRESIDENT pro tempore. The question is on adoption of the amendment.

The amendment (No. 1603) was agreed to.

The PRESIDENT pro tempore. Is there further amendment?

Mr. CRAIG. Mr. President, I rise in support of passage of S. 1402. This bill is before us today because of a land transfer arising from requirements of Reclamation Conservation and Recovery Act [RCRA], subsection D regulations that necessitate the opening of a new landfill in Twin Falls County, ID, by April 9, 1994.

I have no argument with the landfill requirements at this time. However, I am concerned that counties surrounded by Federal land, such as Twin Falls, ID, are caught in a bureaucratic dilemma: The time it takes to transfer Federal land to the county does not fit within the stringent timeframe set by EPA to open a new landfill.

Twin Falls County is approximately fifty percent owned by the Federal Government; as a result, it must turn to those Federal lands as a site for a new landfill. County authorities began a regional process to meet EPA requirements in 1988. The county has worked diligently with the Bureau of Land Management to acquire land known as Hub Butte under the Recreation and Public Purposes Act. Completing this transaction has simply taken too long. It is for this reason I asked for a hearing on S. 1402 before the Energy and Natural Resources Committee and for speedy action to allow the acquisition of this land by the county.

I had been led to believe State primacy over subsection D landfill regulations would alleviate the problem facing Twin County. In a letter to me earlier this month, EPA made it very clear that the State of Idaho had no such authority to grant any time extension under the primacy granted by EPA.

As a result of this situation, Twin Falls County, who has dealt in good faith in this entire issue, is faced with bearing extraordinary costs. These costs will result from having to truck waste 30 miles to another landfill and to pay a dump cost of approximately $150,000 per month. To allow the county relief from these excessive costs, it is necessary for this body to act and direct the transfer of this land after the payment of fair market value by the county. S. 1402 directs the transfer of land that will then allow the opening of a landfill facility that will meet the new subtitle D, RCRA, regulations and thus correct the situation that Twin Falls County faces.

Mr. President, I ask unanimous consent that a statement by Twin Falls County commissioner James F. Fraley be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### TWIN FALLS COUNTY LANDFILL—WRITTEN COMMENTS

Twin Falls County, Idaho has made much progress toward completing a new "Subtitle D" landfill facility. After our original attempts of joining in a regional landfill venture failed, a Twin Falls County Landfill Siting Committee, composed of a cross-section of people from throughout the county, conducted a thorough search for appropriate locations for a county landfill. Our citizens were particularly adamant that productive farm land not be utilized when so much undeveloped land is available, only one third of all land in Twin Falls County is privately owned. The committee located four tentative sites which appeared to meet the stiff landfill site criteria; all four were on BLM land. After thoroughly studying the sites for several months a design team of engineers recommended Hub Butte located south of the City of Twin Falls and adjacent to the current landfill; the Commissioners concurred with their recommendation.

Site certification went smoothly. Not only did Hub Butte meet all federal Subtitle D requirements, it also met all State of Idaho requirements including those regarding Critical Habitat, Setback Requirements, Scenic and National Lands, and Perennial Streams and Lakes. Site certification documents were submitted March 8, 1993, after a 28 day public comment period and an additional 21 day DEQ review period, the site certification was obtained on April 20, 1993.

By August of 1993 we had a bond passed by 77 percent, a site approved, a landfill design approved, and a construction bid accepted. We were ready to start construction except that the process for acquiring land from the BLM is very time consuming.

The land acquisition process for the landfill site began in December of 1992 with a formal application to the BLM. Initially it appeared that an environmental assessment would be adequate for the transfer of ownership. Later, it was determined that an Environmental Impact Statement [EIS], a very lengthy process, would be required. Although there appears to be no opposition to the site, the entire process to acquire BLM land is so cumbersome that we are looking at an August 30, 1994 acquisition date, nearly two years from the submission of the application and that is with the full cooperation and support of the local BLM staff!

The bottom line is that we obviously are not going to be able to comply with the federal deadline of April 9, 1994. The DEQ and Governor Andrus were willing to give us an extension because of our good faith effort, but they apparently have no authority to do so. That authority rests with the EPA.

The best solution would be an extension, but that apparently is not going to happen, in spite of our appeals. The legislation Senator Craig is proposing will immediately transfer the BLM property to Twin Falls County so that construction of our landfill can commence at once, saving our taxpayers thousands of dollars each month for expenses related to transporting trash out of county or federal fines of up to $25,000 daily for continuing to use our current landfill until the new one, which is adjacent to it, is completed. Even with this bill we are looking at five to six months of exorbitant added costs because of the lengthy land acquisition process.

Thank you for considering the needs of the citizens of Twin Falls County.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1402

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Twin Falls County Landfill Act of 1994".

**SEC. 2. CONVEYANCE.**

(a) Effective on the tender by the County of Twin Falls, Idaho, of the fair market value for the lands described in subsection (b) to the Secretary of the Interior, all right, title, and interest in and to such lands, except for subsurface minerals which are reserved to the United States, is transferred by operation of law to the County of Twin Falls. The Secretary shall evidence such conveyance as soon as possible thereafter by appropriate quit-claim deed.

(b) DESCRIPTION OF LAND.—The lands to be conveyed pursuant to section 2 of this Act comprise approximately 1083.77 acres of Federal lands described as the SE¼SW¼SE¼, S½SE¼SE¼ of section 31; W½, SW¼SW¼SE¼ of section 32; Township 11 South, Range 17 East, Boise Meridian and the West Half of Lot 2, Lot 3, Lot 4, W½SW¼NE¼, S½NW¼, SW¼ and the W½W½SE¼ of section 5; Lot 1, East Half of Lot 2, E½SW¼NE¼, SE¼NE¼, E½W½SE¼, and the E½SE¼ of section 6; N½NE¼NE¼, NE¼NW¼NE¼ of section 8; of Township 12 South, Range 17 East, Boise Meridian.

(c) Subject to valid existing rights, the lands referred to in subsection (b) are withdrawn from location, entry, and patent under the United States mining laws and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table. The motion to lay on the table was agreed to.

## EXTENDING THE MARINE MAMMAL PROTECTION ACT

Mr. FORD. Mr. President, I ask unanimous consent now that the Commerce Committee be discharged from further consideration of H.R. 4122, a bill to provide for a 1-month extension of certain provisions of the Marine Mammal Protection act; that the Senate then proceed to its immediate consideration, the bill be read a third time and passed, the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 4122) was ordered to a third reading, was deemed read the third time, and passed.

## EXTENDING CONDOLENCES TO THE PEOPLE OF MEXICO

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to consideration of Senate Resolution 198, a resolution submitted earlier today by Senator DODD extending condolences to the people of Mexico on the tragic death of Luis Donaldo Colosio; that the resolution and the preamble be agreed to; the motions to reconsider be laid on the table en bloc; and that any statements appear in the RECORD at the appropriate place.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the resolution (S. Res. 198) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 198

Whereas Luis Donaldo Colosio was selected by the Institutional Revolutionary Party to be its official candidate for the August Presidential elections in Mexico;

Whereas Mr. Colosio had ably served the people of Mexico as a government official in the administration of President Carlos Salinas de Gortari; and had demonstrated during his tenure as Secretary of Social Development a compassion for the underprivileged and an understanding of the need for economic and political reforms in order to better meet the aspirations of all of the people of Mexico;

Whereas Mr. Colosio had demonstrated that he was among the most progressive and promising leaders of his country;

Whereas, on March 23, during a campaign event in Tijuana in the presence of more than one thousand people, Mr. Colosio was savagely shot and killed;

Whereas today the people of Mexico are mourning the tragic and untimely death of Mr. Colosio: Now, therefore, be it

*Resolved by the Senate,* That it

(1) condemns this senseless act of violence;

(2) joins with President Clinton in extending the condolences of the American people to the people of Mexico, and most especially to the Colosio family, who have all endured a devastating and terrible loss; and

(3) pledges the full and unequivocal support of the United States to the government and people of Mexico during this difficult and trying time.

Mr. DODD. Mr. President, this resolution is designed to let our friends in Mexico know that we understand the grief and sorrow inflicted upon them as a result of the tragic death of Luis Donaldo Colosio.

The assassination of this rising political star—the candidate of his party in Mexico's upcoming Presidential elections—touches all of us.

Luis Donaldo Colosio was a very gifted and talented public servant, and his cold-blooded murder robs Mexico—indeed it robs all of the nations of the Western Hemisphere—of one of its most prominent and promising political leaders.

Our thoughts and prayers are with the Colosio family and with the people of Mexico.

Mr. President, I hope this resolution will be adopted without further delay.

Mrs. BOXER. Mr. President, I am proud to cosponsor the resolution offered by the Senator from Connecticut and I thank him for his leadership on this issue.

Our Nation knows all too well the pain of political violence. On behalf of all Californians, I want to send my heartfelt condolences to the family of Luis Donaldo Colosio, and to all those who put their faith in him.

I want to commend President Carlos Salinas de Gortari for the leadership he has shown during this crisis. A tragedy of this magnitude shakes a people's confidence in their government. President Salinas' statements that the criminal act of a deranged individual must not derail a democracy are exactly on point.

I also want to thank President Clinton for his actions in response to the assassination. As he discussed in his news conference last night, the President took immediate steps to stabilize the Mexican peso and prevent a financial panic.

Finally, I want to thank my constituents in California for the sympathy that they have shown the family of Luis Donaldo Colosio and the support that they have shown the Mexican Government. I was struck this afternoon by an article that appeared in today's Fresno Bee entitled "Fresnans Concerned In Assassination Wake." The article described how Mexican Consul General Gabriel Garcia Perez returned to his Fresno office from Tijuana to the calls of support of hundreds of shocked and saddened Fresnans.

That is part of the California spirit, Mr. President. We will not abandon our neighbors to the south in their hour of need.

Mr. BINGAMAN. Mr. President, I rise to join my colleague, Senator DODD, on offering a resolution that would extend condolences of the American people to the people of Mexico on the tragic death of Luis Donaldo Colosio.

As you know, on March 23, Luis Donaldo Colosio was assassinated as he spoke to a crowd as the newly chosen candidate of the Institutional Revolutionary Party. Well on his way to becoming the next President of Mexico, his loss is a tragic one for the people of Mexico as well as for the people of the United States.

As Secretary of Social Development in the Salinas cabinet, he demonstrated his commitment for the underprivileged of Mexico. A leader in his party, he demonstrated the need to continue the economic and political reforms introduced by the current administration of President Salinas.

We would like to commend President Clinton in taking swift action in denouncing this senseless act of violence and in extending condolences to the family of Luis Donaldo Colosio and the people of Mexico. We join the President in maintaining our confidence in the Mexican Government and in maintaining our new economic partnership with the people of Mexico.

The State of New Mexico has always shared a long historical and cultural connection with Mexico. In the age of NAFTA, we as a country are in the process of extending that relationship to one of trade and economic exchange. This is an era of economic development and political reform for the people of Mexico. The untimely loss of such a talented and socially conscious leader is one that is felt by both our nations.

Mr. President, this resolution joins President Clinton in extending the condolences of the American people to the people of Mexico in their time of loss. In extending our understanding of losing a young and talented leader, may it serve to strengthen the new relationship between our two nations.

## MEASURE READ FOR FIRST TIME—S. 1996

Mr. FORD. Mr. President, I understand that S. 1996, the Medicare Choice Act of 1994, introduced earlier today by Senator DURENBERGER, is at the desk, and I ask for its first reading.

The PRESIDENT pro tempore. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1996) to amend title 18 of the Social Security Act to provide Medicare beneficiaries a choice among health plans, and for other purposes.

Mr. FORD. Mr. President, I now ask for its second reading.

The PRESIDENT pro tempore. The clerk will read the bill a second time.

Mr. CRAIG. I object.

The PRESIDENT pro tempore. Objection being heard the bill will go over until the next legislative day after an adjournment of the Senate.

## APPOINTMENT OF CONFEREES—H.R. 2659

Mr. FORD. Mr. President, I ask unanimous consent that with respect to the passage H.R. 2659, the organ transplant legislation, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Thereupon, the President pro tempore appointed Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mrs. KASSEBAUM, and Mr. JEFFORDS conferees on the part of the Senate.

## HIGH DEFAULT RATE FOR CERTAIN INSTITUTIONS OF HIGHER EDUCATION

Mr. FORD. Mr. President, I now ask unanimous consent the Senate proceed to consideration of S. 2004, a bill introduced earlier today by Senators BUMPERS and COCHRAN, and others, dealing with the high default rate for certain institutions of higher education; that the bill be read a third time and passed; the motion to reconsider laid on the table; and any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the bill (S. 2004) was deemed read the third time and passed, as follows:

S. 2004

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION.**

The matter preceding clause (i) of section 435(a)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1085(a)(2)(C)) is amended by striking "July 1, 1994" and inserting "July 1, 1998".

Mr. BUMPERS. Mr. President this bill would extend the current exemption from loan default thresholds for historically black colleges and universities and tribally controlled Indian community colleges. The exemption, which is due to expire on July 1, 1994, would be extended to July 1, 1998.

The extension authorized in this bill would allow time for historically black colleges and universities to implement a community-wide strategy that has the full support of Secretary of Education Reiley and the White House. The strategy is designed to reduce default rates at historically black colleges and universities through administrative reforms and a new peer counseling system.

The Congress has long recognized the special and historical mission these institutions carry out, and, consequently, has specifically exempted historically black colleges from default rate thresholds. The General Accounting Office has estimated that, without an extension of the current exemption, 33 of the 104 historically black colleges and universities would become ineligible to participate in the Federal Student Loan Program on July 1, 1994, thereby jeopardizing access to higher education for many minority students.

It is important to point out that the historically black colleges and universities receive a relatively low volume of Federal Student Loan dollars. In 1991 the Federal Student Loan Program totaled $13.5 billion. Loans to students at historically black colleges and universities were only $372 million, or less than 2.8 percent of the entire program.

This bill is supported by the Administration and by the American Council on Education and 14 other organizations representing institutions of higher education.

Mr. President, I ask unanimous consent that a letter of support from the American Council on Education be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN COUNCIL ON EDUCATION,
*Washington, DC, February 1, 1994.*
Hon. CLAIBORNE PELL,
*U.S. Senate, Washington, DC.*

DEAR SENATOR PELL: The higher education associations listed below represent all 3200 of the nation's 2- and 4-year, public and private colleges and universities. We are seeking your support for a matter of considerable urgency and profound importance: extending the exemption for the Historically Black Colleges and Universities (HBCUs) and the tribally-controlled and Navajo community colleges from the student loan default rate cut-off in the Federal Family Education Loan Program (FFELP). Without legislative intervention, the current exemption will expire on July 1, 1994, and make 33 institutions—one-third of the total number of HBCUs—ineligible to participate in federal student loan programs.

Historically Black Colleges and Universities, tribally-controlled and Navajo community colleges play a unique role in making a college education available to minorities. Millions of graduates of these schools have distinguished themselves as superbly productive and influential members of society. The prospect that many of these schools could lose their eligibility to participate in the FFELP program would constitute a devastating setback to efforts to increase minority participation in higher education, and threatens the continued viability of the institutions themselves.

We do not condone high default rates, and we strongly support congressional and executive branch default reduction measures. However, we believe that the default rates at these schools have been influenced heavily by such factors as a sluggish economy and a decade of declining federal grant assistance. As grant assistance has given way to borrowing, loan volume among the HBCUs, tribally-controlled and Navajo community colleges has increased significantly. Even as this trend has occurred, however, less than 3 percent of the annual $19 billion in FFELP loans are made to HBCU students, and schools have stepped up their efforts to inform students about their responsibilities for loan repayment and to work with lenders and guarantee agencies to ensure that loans are promptly repaid.

As President Clinton said in his State of the Union message, "* * * if we give ordinary people equal opportunity, quality education, and a fair shot at the American dream, they will do extraordinary things." No statement could better capture the essence of what these colleges and universities do. We urge you to enable the Historically Black Colleges and Universities and the tribally-controlled and Navajo community colleges to carry forward their distinctive efforts to serve low-income and minority students by swiftly extending their FFELP legislative provision.

Sincerely,

ROBERT H. ATWELL,
*President.*

On behalf of: American Council on Education, American Association of Community Colleges, American Association of State Colleges and Universities, Association of American Universities, Association of Catholic Colleges and Universities, Association of Community College Trustees, Association of Governing Boards of Universities and Colleges, Association of Jesuit Colleges and Universities, Council of Independent Colleges, Hispanic Association of Colleges and Universities, National Association for Equal Opportunity in Higher Education, National Association for Independent Colleges and Universities, National Association of Student Financial Aid Administrators, National Association of State Universities and Land-Grant Colleges, United Negro College Fund.

Mr. COCHRAN. Mr. President, the higher education amendments of 1992 established a mechanism for removing institutions of higher education from the student loan program if the number of defaulted loans at any institution averaged 25 percent or more over a 3-year period. Such schools are no longer eligible to participate in the Federal student loan program. An exemption was provided for Historically Black Colleges and Universities [HBCU's], tribally controlled community colleges and Navajo community colleges, until July 1, 1994.

These institutions offer postsecondary education to a disproportionate number of students from disadvantaged backgrounds. Ninety-five percent of students attending Mississippi's nine HBCU's receive some form of Federal student aid. Without Federal assistance, these institutions would be closed and their students would more than likely not attend college at all.

The exemption for HBCU's and tribally controlled community colleges expires July 1, 1994. Only one of Mississippi's HBCU's is on the list to become ineligible for Federal student loans beginning in July. However, 33 of the 104 HBCU's around the country would be ineligible to participate if the exemption is not extended.

The bill will extend the exemption for 4 more years. By extending the exemption, these institutions would have more time to bring student default rates down through better internal procedures and student awareness of the obligation they have to repay the loans.

It is important to note that despite high default rates, these institutions receive a relatively low volume of Federal student loan dollars, partially due to the low cost of attending these institutions. The General Accounting Office reported that of $13.5 billion in Federal students loan volume in fiscal year 1991, loans to students attending HBCU's totaled $372 million or less than 2.8 percent of the Federal student loans made that year. The CBO estimates that extending the exemption will cost $19 million over a 6-year period.

I believe it is appropriate to extend this exemption through the life of the Higher Education Act amendments of 1992, and then we can take another look at it. I urge other Senators to support this legislation.

## MAKING TECHNICAL CORRECTIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 2005, a bill making certain technical corrections, and that the Senate then proceed to its immediate consideration; the bill be read a third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

So the bill (S. 2005) was deemed read the third time and passed, as follows:

S. 2005

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TECHNICAL AMENDMENTS**

(a) Sections 101B(c)(1)(D)(v)(II) and 103B(c)(1)(D)(v)(II) of the Agricultural Act of 1949 (7 U.S.C. 1441-2(c)(1)(D)(v)(II) and 1444-2(c)(1)(D)(v)(II)) are each amended by inserting "without regard to clause (ii)" after "clause (iii)".

(b) Section 105B(c)(1)(B)(iii)(IV)(bb) of such Act (7 U.S.C. 1444f(c)(1)(B)(iii)(IV)(bb)) is amended by striking "clause (i)(I)" and inserting "clauses (i) and (ii)".

(c) Section 204(g) of such Act (7 U.S.C. 1446e(g)) is amended—

(1) in paragraph (1), by inserting after "purchase" the following: "(less sales under section 407 for unrestricted use)"; and

(2) in paragraph (2), by inserting after "purchases" each place it appears the following: "(less sales under section 407 for unrestricted use)".

## UNDER SECRETARY FOR HEALTH IN THE DEPARTMENT OF VETERANS AFFAIRS ACT

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on (S. 1534), a bill to amend title 38, United States Code, to repeal a requirement that the Under Secretary for Health in the Department of Veterans Affairs be a doctor of medicine.

The PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 1534) entitled "An Act to amend title 38, United States Code, to repeal a requirement that the Under Secretary for Health in the Department of Veterans Affairs be a doctor of medicine", do pass with the following amendments:

Strike out all after the enacting clause and insert:

**SECTION 1. MODIFICATION TO PHYSICIAN REQUIREMENT FOR CERTAIN SENIOR VETERANS HEALTH ADMINISTRATION OFFICIALS.**

(a) UNDER SECRETARY.—Section 305 of title 38, United States Code, is amended—

(1) in subsection (a)(2), by striking out "shall be a doctor of medicine and shall be" an inserting in lieu thereof "shall (except as provided in subsection (d)(1)) be a doctor of medicine. The Under Secretary shall be";

(2) in subsection (d)—

(A) by adding at the end of paragraph (1) the following: "If at the time such a commission is established both the position of Deputy Under Secretary for Health and the position of Associate Deputy Under Secretary for Health are held by individuals who are doctors of medicine, the individual appointed by the President as Under Secretary for Health may be someone who is not a doctor of medicine. In any case, the Secretary shall develop, and shall furnish to the commission, specific criteria which the commission shall use in evaluating individuals for recommendations under paragraph (3).";

(B) by redesignating paragraph (4) as paragraph (5);

(C) by inserting after the first sentence of paragraph (3) the following: "In a case in which, pursuant to paragraph (1), the individual to be appointed as Under Secretary does not have to be a doctor of medicine, the commission may make recommendations without regard to the requirement in subsection (a)(2)(A) that the Under Secretary be appointed on the basis of demonstrated ability in the medical profession, but in such a case the commission shall accord a priority to the selection of a doctor of medicine over an individual who is not a doctor of medicine."; and

(D) by designating the sentence beginning "The commission shall submit" as paragraph (4).

(b) DEPUTY AND ASSOCIATE DEPUTY UNDER SECRETARY.—Section 7306 of such title is amended—

(1) in subsection (a), by inserting "(except as provided in subsection (c))" in paragraphs (1) and (2) after "and who shall";

(2) in subsection (c)—

(A) by inserting "(1)" after "(c)"; and

(B) by adding at the end the following:

"(2) If at the time of the appointment of the Deputy Under Secretary for Health under subsection (a)(1), both the position of Under Secretary for Health and the position of Associate Deputy Under Secretary for Health are held by individuals who are doctors of medicine, the individual appointed as Deputy Under Secretary for Health may be someone who is not a doctor of medicine.

"(3) If at the time of the appointment of the Associate Deputy Under Secretary for Health under subsection (a)(2), both the position of Under Secretary for Health and the position of Deputy Under Secretary for Health are held by individuals who are doctors of medicine, the individual appointed as Associate Deputy Under Secretary for Health may be someone who is not a doctor of medicine.".

Amend the title so as to read: "An Act to amend title 38, United States Code, to allow one of the three senior citizens in the Veterans Health Administration of the Department of Veterans Affairs to be an individual who is not a doctor of medicine.".

### AMENDMENT NO. 1604

(Purpose: To provide a substitute)

Mr. FORD. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House to the bill with an amendment that I now send to the desk.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. ROCKEFELLER, proposes an amendment numbered 1604.

Mr. FORD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

### SECTION 1. MODIFICATION TO PHYSICIAN REQUIREMENT FOR CERTAIN SENIOR VETERANS HEALTH ADMINISTRATION OFFICIALS.

(a) UNDER SECRETARY.—Section 305 of title 38, United States Code, is amended—

(1) in subsection (a)(2), by striking out "shall be a doctor of medicine and shall be" and inserting in lieu thereof "shall (except as provided in subsection (d)(1)) be a doctor of medicine. The Under Secretary shall be";

(2) in subsection (d)—

(A) by adding at the end of paragraph (1) the following: "If at the time such a commission is established both the position of Deputy Under Secretary for Health and the position of Associate Deputy Under Secretary for Health are held by individuals who are doctors of medicine, the individual appointed by the President as Under Secretary for health may be someone who is not a doctor of medicine. In any case, the Secretary shall develop, and shall furnish to the commission, specific criteria which the commission shall use in evaluating individuals for recommendations under paragraph (3).";

(B) by redesignating paragraph (4) as paragraph (5);

(C) by inserting after the first sentence of paragraph (3) the following: "In a case in which, pursuant to paragraph (1), the individual to be appointed as Under Secretary does not have to be a doctor of medicine, the commission may make recommendations without regard to the requirement in subsection (a)(2)(A) that the Under Secretary be appointed on the basis of demonstrated ability in the medical profession"; and

(D) by designating the sentence beginning "The commission shall submit" as paragraph (4).

(b) DEPUTY AND ASSOCIATE DEPUTY UNDER SECRETARY.—Section 7306 of such title is amended—

(1) in subsection (a), by inserting "(except as provided in subsection (c))" in paragraphs (1) and (2) after "and who shall";

(2) in subsection (c)—

(A) by inserting "(1)" after "(c)"; and

(B) by adding at the end of the following:

"(2) If at the time of the appointment of the Deputy Under Secretary for Health under subsection (a)(1), both the position of Under Secretary for Health and the position of Associate Deputy Under Secretary for Health are held by individuals who are doctors of medicine, the individual appointed as Deputy Under Secretary for Health may be someone who is not a doctor of medicine.

"(3) If at the time of the appointment of the Associate Deputy Under Secretary for Health under subsection (a)(2), both the position of Under Secretary for Health and a position of Deputy Under Secretary for Health are held by individuals who are doctors of medicine, the individual appointed as Associate Deputy Under Secretary for Health may be someone who is not a doctor of medicine.".

### SEC. 2. REQUIREMENT RELATING TO MEMBERS OF COMMISSION TO RECOMMENDED APPOINTEES.

Section 305(d)(2) of title 38, United States Code, is amended—

(1) by striking out "A commission" and inserting in lieu thereof "(A) Subject to subparagraph (B), a commission";

(2) by redesignating subparagraphs (A), (B), (C), (D), (E), and (F) as clauses (i), (ii), (iii), (iv), (v), and (vi), respectively; and

(3) by adding at the end the following new subparagraph (B):

"(B) Not less than five of the members of the commission shall be doctors of medicine.".

Amend the title so as to read: "An Act to amend title 38, United States Code, to allow one of the three senior officials in the Veterans Health Administration of the Department of Veterans Affairs to be an individual who is not a doctor of medicine, and for other purposes.".

Mr. ROCKEFELLER. Mr. President, I am delighted that the Senate is acting on my amendment to the pending legislation, S. 1534, which relates to the qualifications of the Under Secretary for Health of the Department of Veterans Affairs.

Under current law, section 305 of title 38, United States Code, which dates from 1946, the Under Secretary for Health must be a doctor of medicine. I originally introduced this bill, along with my good friend, the ranking minority member on the Committee on Veterans' Affairs, Senator MURKOWSKI, last fall, and the Senate passed it on October 7, 1993. As introduced and passed by the Senate, the legislation would have modified current law so as to allow the Under Secretary to be other than a medical doctor. I refer my colleagues and others with an interest in the background of this legislation to my remarks at the time of Senate action, which begin on page S 13253 of the RECORD for October 7, 1993.

Mr. President, following Senate passage of this legislation, the House Committee on Veterans' Affairs developed—after significant debate and activity, including a defeat for the provision as passed by the Senate in a subcommittee markup—an amendment that would allow one of the top three positions within the Veterans Health Administration—the Under Secretary for Health, the Deputy Under Secretary for Health, or the Associate Deputy Under Secretary—to be a nonphysician. The full House passed this amendment on November 16, 1993. The House amendment also would require the Secretary to develop specific criteria for the evaluation of candidates for the position of Under Secretary and would provide that, in the event a commission established under the law to select a new Under Secretary was considering individuals who were not physicians, the commission would be required to accord a priority to physician candidates over nonphysician candidates.

Mr. President, the amendment that I am proposing today would further amend the House amendment in two ways—first, in response to concerns raised by some members of our Committee, it would delete the requirement that a commission give a priority to physician candidates, and second, it would provide that any such commissions established in the future have physicians as at least one-half of their membership. With reference to this second element of the membership. With reference to this second element of the membership of a search commission, in light of the qualifications that are set forth in the law for such membership, this would not be a difficult standard to meet.

Mr. President, as I noted last fall, there was an immediate reason for making the change to the qualifications of the Under Secretary—namely, the compelling need to find a highly qualified candidate to fill the currently vacant position of Under Secretary for Health. However, that process has gone forward in the interim, and I am hopeful that a decision will be made in the near future on a candidate for the position. Thus, this change in the law will not have any immediate effect. I nevertheless believe that this is an important change, and I urge my colleagues support for it.

The PRESIDENT pro tempore. The question is on the adoption of the amendment.

Without objection, the amendment is agreed to.

So the amendment (No. 1604) was agreed to.

Mr. FORD. Mr. President, I ask unanimous consent the Senate concur in the amendment of the House to the title.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

## COURT OF VETERANS APPEALS IMPROVEMENT ACT OF 1993

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar 376, S. 1546, the Court of Veterans Appeals Improvement Act of 1993; that the committee substitute amendment be agreed to, the motion to reconsider be laid upon the table, that the bill be read a third time, passed, the motion to reconsider laid upon the table, and that any statement appear at the appropriate place in the RECORD.

The PRESIDENT pro tempore. Without objection the several requests will be granted.

Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I urge the Senate to pass S. 1546, the proposed Court of Veterans Appeals Improvement Act of 1993, a bill to revise certain provisions relating to the U.S. Court of Veterans Appeals, as reported by the committee on March 2, 1994. This bill would make improvements in the Veterans' Judicial Review Act, the legislation that created the Court of Veterans Appeals in 1988.

Mr. President, the measure as it comes before us today, which I will refer to as the "committee bill," is derived from a measure which passed the full Senate during the 102d Congress—S. 2974—which was reported by the Committee on Veterans' Affairs on September 15, 1992, and passed by the full Senate on October 1, 1992.

### SUMMARY OF PROVISIONS

Mr. President, section 2 of the committee bill would require that the appointment of an associate judge of the U.S. Court of Veterans Appeals to be chief judge be by and with the advice and consent of the Senate.

Section 3 would require that the court accept as timely filed a notice of appeal that is mailed within the 120-day statutory filing period if it bears a legible U.S. Postal Service postmark, and would provide that the court's determination as to the legibility of a postmark is final and not subject to review by any other court.

Finally, section 4 would clarify that attorneys may receive payment for representation before the court directly from VA out of a retroactive benefit award only if the total amount of the fee is contingent upon the claim being resolved in favor of the appellant.

Mr. President, because the various provisions contained in the committee bill are described in detail in the committee report (S. Rept. 103-232), at this time I will only highlight the provisions of the committee bill. I refer my colleagues and all others with interest in this bill to the committee report.

### CONFIRMATION OF CHIEF JUDGE OF THE COURT

Mr. President, section 2 of the bill would clarify the process for filling the position of chief judge of the court. Currently, under section 7254(d) of title 38, United States Code, when the position of chief judge is vacant, the associate judge senior in service assumes the role of acting chief judge, unless the President designates another associate judge to serve in that position. This provision was enacted in Public Law 101-94 for the purpose of avoiding any unnecessary disruption when the chief judge position becomes vacant.

Section 2 of the bill acknowledges the importance of the position of chief judge by clarifying that the appointment of any individual by the President to serve in the position of chief judge, including any sitting associate judge, must only be with the advice and consent of the Senate. Therefore, section 2 would require Senate confirmation of any individual selected by the President to serve as chief judge of the Court of Veterans Appeals.

### FILING DATE FOR NOTICE OF APPEAL TO THE COURT

Mr. President, section 3 of the bill would provide that an appeal to the Court of Veterans Appeals is timely filed if it is postmarked—rather than actually received by the court—by the statutory deadline. Currently, section 7266(a) of title 38 requires that an appeal to the court must be filed within 120 days after the date on which the Board of Veterans' Appeals mails its decision. Under rule 4 of the court's Rules of Practice and Procedure, the court must receive the notice of appeal by the 120th day of that filing period.

Mr. President, although the Court of Veterans Appeals acted appropriately and within the scope of its authority when it adopted rule 4, I believe that the court's interpretation of the statutory requirement is unduly restrictive and complicated. I believe that in order to be fair to all appellants, the postmark date on the notice of appeal must be considered the filing date for purposes of determining whether or not an appeal was filed in a timely manner. Therefore, section 3 of the bill would amend section 7266(a) of title 38 to require that a notice of appeal be deemed received by the court on the date of receipt by the court if it is delivered, or on the date it is postmarked if it is mailed.

### PAYMENT OF ATTORNEY FEES UNDER CONTINGENT FEE AGREEMENTS

Mr. President, section 4 of the committee bill would overrule the Court of Veterans Appeals as to one element of its decision in Matter of Fee Agreement of Smith, 4 Vet. App. 487 (1993). Specifically, this provision relates to the issue of attorney fees paid directly to the attorney by VA from past-due benefits awarded to the appellant. Under current law, section 5904(d) of title 38, an attorney may receive payment for representation before the court directly from VA out of a retroactive benefit award.

Section 4 would amend section 5904(d) to clarify that if a fee agreement requires direct payment from VA to the attorney, the total amount of the fee must be contingent upon whether or not the appellant's claim is successfully resolved.

### CONCLUSION

Mr. President, this legislation would allow the Court of Veterans Appeals to fulfill more effectively its responsibility under the Veterans' Judicial Review Act and ease certain unnecessary restrictions on potential appellants before the court. I urge all of my Senate colleagues to support this bill.

Mr. President, I express my appreciation to the distinguished ranking Republican member of the Senate committee, Mr. MURKOWSKI, and all other members of the committee. I look forward to working with my colleagues in the Senate, as well as members of the House Committee on Veterans' Affairs, on this measure.

Mr. President, I urge the Senate to give its unanimous approval to this measure.

So the bill (S. 1546), as amended, was passed, as follows:

### S. 1546

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1, SHORT TITLE.**

This Act may be cited as the "Court of Veterans Appeals Improvement Act of 1994".

**SEC. 2. CONFIRMATION OF CHIEF JUDGE.**

Section 7253(b) of title 38, United States Code, is amended by striking out "The Judges" and inserting in lieu thereof "The chief judge and the associate judges".

**SEC. 3. MAILING OF NOTICES OF APPEAL TO THE COURT OF VETERANS APPEALS.**

(A) IN GENERAL.—Section 7266(a) of title 38, United States Code, is amended to read as follows:

"(a)(1) In order to obtain review by the Court of Veterans Appeals of a final decision of the Board of Veterans' Appeals, a person adversely affected by such decision shall file a notice of appeal with the Court within 120 days after the date on which notice of the decision is mailed pursuant to section 7104(e) of this title.

"(2) An appellant shall file a notice of appeal under this section by delivering or mailing the notice to the Court.

"(3) A notice of appeal shall be deemed to be received by the Court as follows:

"(A) On the date of receipt by the Court, if the notice is delivered.

"(B) On the date of the United States Post Service postmark stamped on the cover in which the notice is posted, if the notice is mailed.

"(4) For a notice of appeal mailed to the Court to be deemed to be received under paragraph (3)(B) on a particular date, the United States Postal Service postmark on the cover in which the notice is posted must be legible. The Court shall determine the legibility of any such postmark and the Court's determination as to legibility shall be final and not subject to review by any other Court.".

(b) APPLICATION.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to notices of appeal that are delivered or mailed to the United States Court of Veterans Appeals on or after the date.

### SEC. 4. CLARIFICATION OF PAYMENT OF ATTORNEY FEES UNDER CONTINGENT FEE AGREEMENTS.

Section 5904(d)(2)(A) of title 38, United States Code, is amended to read as follows:

"(A) A fee agreement referred to in paragraph (1) of this subsection is one under which the total amount of the fee payable to the attorney (i) is to be paid to the attorney by the Secretary directly from any past-due benefits awarded on the basis of the claim, and (ii) is contingent on whether or not the matter is resolved in a manner favorable to the claimant.".

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## HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1993

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1299, a bill to reform requirements for the disposition of multifamily property owned by the Secretary of Housing and Urban Development, enhance program flexibility, authorize a program to combat crime, and for other purposes.

The PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 1299) entitled "An Act to reform requirements for the disposition of multifamily property owned by the Secretary of Housing and Urban Development, enhance program flexibility, authorize a program to combat crime, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

### *SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.*

*(a) SHORT TITLE.—This Act may be cited as the "Multifamily Housing Property Disposition Reform Act of 1994".*

*(b) TABLE OF CONTENTS.—*

*Sec. 1. Short title and table of contents.*

*TITLE I—MULTIFAMILY PROPERTY DISPOSITION REFORM*

*Sec. 101. Multifamily property disposition.*
*Sec. 102. Repeal of State agency multifamily property disposition demonstration.*
*Sec. 103. Preventing mortgage defaults on multifamily housing projects.*
*Sec. 104. Interest rates on assigned mortgages.*
*Sec. 105. Authorization of appropriations.*

*TITLE II—OTHER PROGRAM REFORMS*

*Subtitle A—Home Investment Partnerships Program*

*Sec. 201. Participation by State agencies or instrumentalities.*
*Sec. 202. Simplification of program-wide income targeting for rental housing.*
*Sec. 203. Homeownership units.*
*Sec. 204. Simplification of matching requirements.*
*Sec. 205. Repeal of separate audit requirement.*
*Sec. 206. Environmental review requirements.*
*Sec. 207. Use of CDBG funds for HOME program expenses.*
*Sec. 208. Flexibility of HOME program for disaster areas.*
*Sec. 209. Applicability and regulations.*

*Subtitle B—HOPE Homeownership Program*

*Sec. 221. Matching requirement under HOPE for homeownership of single family homes program.*

*Subtitle C—Community Development Block Grants*

*Sec. 231. Section 108 eligible activities.*
*Sec. 232. Economic development grants.*
*Sec. 233. Guarantee of obligations backed by section 108 loans.*
*Sec. 234. Flexibility of CDBG program for disaster areas.*

*TITLE III—TECHNICAL AMENDMENTS*

*Sec. 301. Definition of "families".*
*Sec. 302. Elimination of requirement to identify CIAP replacement needs.*
*Sec. 303. Project-based accounting.*
*Sec. 304. Operating subsidy adjustments for anticipated fraud recoveries.*
*Sec. 305. Environmental review provisions.*
*Sec. 306. Correction of FHA multifamily mortgage limits.*
*Sec. 307. Amendments to FHA multifamily risk-sharing and housing finance agency pilot programs.*
*Sec. 308. Subsidy layering review.*

## *TITLE I—MULTIFAMILY PROPERTY DISPOSITION REFORM*

### *SEC. 101. MULTIFAMILY PROPERTY DISPOSITION.*

*(a) FINDINGS.—The Congress finds that—*

*(1) the portfolio of multifamily housing project mortgages insured by the FHA is severely troubled and at risk of default, requiring the Secretary to increase loss reserves from $5,500,000,000 in 1991 to $11,900,000,000 in 1992 to cover estimated future losses;*

*(2) the inventory of multifamily housing projects owned by the Secretary has more than quadrupled since 1989, and, by the end of 1994, may exceed 69,000 units;*

*(3) the cost to the Federal Government of owning and maintaining multifamily housing projects escalated to $288,000,000 in fiscal year 1993;*

*(4) the inventory of multifamily housing projects subject to mortgages held by the Secretary has increased dramatically, to more than 2,400 mortgages, and approximately half of these mortgages, with approximately 219,000 units, are delinquent;*

*(5) the inventory of insured and formerly insured multifamily housing projects is deteriorating, potentially endangering tenants and neighborhoods; and*

*(6) the current statutory framework governing the disposition of multifamily housing projects effectively impedes the Government's ability to dispose of properties, protect tenants, and ensure that projects are maintained over time.*

*(b) MANAGEMENT AND DISPOSITION OF MULTIFAMILY HOUSING PROJECTS.—Section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11) is amended to read as follows:*

### *"SEC. 203. MANAGEMENT AND DISPOSITION OF MULTIFAMILY HOUSING PROJECTS.*

*"(a) GOALS.—The Secretary of Housing and Urban Development shall manage or dispose of multifamily housing projects that are owned by the Secretary or that are subject to a mortgage held by the Secretary in a manner that—*

*"(1) is consistent with the National Housing Act and this section;*

*"(2) will protect the financial interests of the Federal Government; and*

*"(3) will, in the least costly fashion among reasonable available alternatives, address the goals of—*

*"(A) preserving certain housing so that it can remain available to and affordable by low-income persons;*

*"(B) preserving and revitalizing residential neighborhoods;*

*"(C) maintaining existing housing stock in a decent, safe, and sanitary condition;*

*"(D) minimizing the involuntary displacement of tenants;*

*"(E) maintaining housing for the purpose of providing rental housing, cooperative housing, and homeownership opportunities for low-income persons;*

*"(F) minimizing the need to demolish multifamily housing projects;*

*"(G) supporting fair housing strategies; and*

*"(H) disposing of such projects in a manner consistent with local housing market conditions. In determining the manner in which a project is to be managed or disposed of, the Secretary may balance competing goals relating to individual projects in a manner that will further the purposes of this section.*

*"(b) DEFINITIONS.—For purposes of this section:*

*"(1) MULTIFAMILY HOUSING PROJECT.—The term 'multifamily housing project' means any multifamily rental housing project which is, or prior to acquisition by the Secretary was, assisted or insured under the National Housing Act, or was subject to a loan under section 202 of the Housing Act of 1959.*

*"(2) SUBSIDIZED PROJECT.—The term 'subsidized project' means a multifamily housing project that, immediately prior to the assignment of the mortgage on such project to, or the acquisition of such mortgage by, the Secretary, was receiving any of the following types of assistance:*

*"(A) Below market interest rate mortgage insurance under the proviso of section 221(d)(5) of the National Housing Act.*

*"(B) Interest reduction payments made in connection with mortgages insured under section 236 of the National Housing Act.*

*"(C) Direct loans made under section 202 of the Housing Act of 1959.*

*"(D) Assistance in the form of—*

*"(i) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965,*

*"(ii) additional assistance payments under section 236(f)(2) of the National Housing Act,*

*"(iii) housing assistance payments made under section 23 of the United States Housing Act of 1937 (as in effect before January 1, 1975), or*

*"(iv) housing assistance payments made under section 8 of the United States Housing Act of 1937 (excluding payments made for tenant-based assistance under section 8),*

*if (except for purposes of section 183(c) of the Housing and Community Development Act of 1987) such assistance payments are made to more than 50 percent of the units in the project.*

*"(3) FORMERLY SUBSIDIZED PROJECT.—The term 'formerly subsidized project' means a multifamily housing project owned by the Secretary that was a subsidized project immediately prior to its acquisition by the Secretary.*

*"(4) UNSUBSIDIZED PROJECT.—The term 'unsubsidized project' means a multifamily housing project owned by the Secretary that is not a subsidized project or a formerly subsidized project.*

*"(5) AFFORDABLE.—A unit shall be considered affordable if—*

*"(A) for units occupied—*

*"(i) by very low-income families, the rent does not exceed 30 percent of 50 percent of the area median income, as determined by the Secretary, with adjustments for smaller and larger families; and*

*"(ii) by low-income families other than very low-income families, the rent does not exceed 30 percent of 80 percent of the area median income, as determined by the Secretary, with adjustments for smaller and larger families; or*

"(B) the unit, or the family residing in the unit, is receiving assistance under section 8 of the United States Housing Act of 1937.

"(6) LOW-INCOME FAMILIES AND VERY LOW-INCOME FAMILIES.—The terms 'low-income families' and 'very low-income families' shall have the meanings given the terms in section 3(b) of the United States Housing Act of 1937.

"(7) PREEXISTING TENANT.—The term 'preexisting tenant' means, with respect to a multifamily housing project acquired pursuant to this section by a purchaser other than the Secretary at foreclosure or after sale by the Secretary, a family that resides in a unit in the project immediately before the acquisition of the project by the purchaser.

"(8) MARKET AREA.—The term 'market area' means a market area determined by the Secretary.

"(9) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(c) DISPOSITION OF PROPERTY.—

"(1) DISPOSITION TO PURCHASERS.—In carrying out this section, the Secretary may dispose of a multifamily housing project owned by the Secretary on a negotiated, competitive bid, or other basis, on such terms as the Secretary deems appropriate considering the low-income character of the project and consistent with the goals in subsection (a), only to a purchaser determined by the Secretary to be capable of—

"(A) satisfying the conditions of the disposition plan developed under paragraph (2) for the project;

"(B) implementing a sound financial and physical management program that is designed to enable the project to meet anticipated operating and repair expenses to ensure that the project will remain in decent, safe, and sanitary condition and in compliance with any standards under applicable State or local laws, rules, ordinances, or regulations relating to the physical condition of the housing and any such standards established by the Secretary;

"(C) responding to the needs of the tenants and working cooperatively with tenant organizations;

"(D) providing adequate organizational, staff, and financial resources to the project; and

"(E) meeting such other requirements as the Secretary may determine.

"(2) DISPOSITION PLAN.—

"(A) IN GENERAL.—Prior to the sale of a multifamily housing project that is owned by the Secretary, the Secretary shall develop an initial disposition plan for the project that specifies the minimum terms and conditions of the Secretary for disposition of the project, the initial sales price that is acceptable to the Secretary, and the assistance that the Secretary plans to make available to a prospective purchaser in accordance with this section.

"(B) MARKET-WIDE PLANS.—In developing the initial disposition plan under this subsection for a multifamily housing project located in a market area in which at least 1 other multifamily housing project owned by the Secretary is located, the Secretary may coordinate the disposition of all such multifamily housing projects located within the same market area to the extent and in such manner as the Secretary determines appropriate to carry out the goals under subsection (a).

"(C) SALES PRICE.—The initial sales price shall be reasonably related to the intended use of the project after sale, any rehabilitation requirements for the project, the rents for units in the project that can be supported by the market, the amount of rental assistance available for the project under section 8 of the United States Housing Act of 1937, the occupancy profile of the project (including family size and income levels for tenant families), and any other factors that the Secretary considers appropriate.

"(D) COMMUNITY AND TENANT INPUT.—In carrying out this section, the Secretary shall develop procedures—

"(i) to obtain appropriate and timely input into disposition plans from officials of the unit of general local government affected, the community in which the project is situated, and the tenants of the project; and

"(ii) to facilitate, where feasible and appropriate, the sale of multifamily housing projects to existing tenant organizations with demonstrated capacity, to public or nonprofit entities that represent or are affiliated with existing tenant organizations, or to other public or nonprofit entities.

"(E) TECHNICAL ASSISTANCE.—To carry out the procedures developed under subparagraph (D), the Secretary may provide technical assistance, directly or indirectly, and may use amounts available for technical assistance under the Emergency Low Income Housing Preservation Act of 1987, subtitle C of the Low-Income Housing Preservation and Resident Homeownership Act of 1990, subtitle B of title IV of the Cranston-Gonzalez National Affordable Housing Act, or this section, for the provision of technical assistance under this paragraph. Recipients of technical assistance funding under the provisions referred to in this subparagraph shall be permitted to provide technical assistance to the extent of such funding under any of such provisions or under this subparagraph, notwithstanding the source of the funding.

"(3) FORECLOSURE SALE.—In carrying out this section, the Secretary shall—

"(A) prior to foreclosing on any mortgage held by the Secretary on any multifamily housing project, notify both the unit of general local government in which the property is located and the tenants of the property of the proposed foreclosure sale; and

"(B) dispose of a multifamily housing project through a foreclosure sale only to a purchaser that the Secretary determines is capable of implementing a sound financial and physical management program that is designed to enable the project to meet anticipated operating and repair expenses to ensure that the project will remain in decent, safe, and sanitary condition and in compliance with any standards under applicable State or local laws, rules, ordinances, or regulations relating to the physical condition of the housing and any such standards established by the Secretary.

"(d) MANAGEMENT AND MAINTENANCE OF PROPERTIES.—

"(1) CONTRACTING FOR MANAGEMENT SERVICES.—In carrying out this section, the Secretary may—

"(A) contract for management services for a multifamily housing project that is owned by the Secretary (or for which the Secretary is mortgagee in possession) with for-profit and nonprofit entities and public agencies (including public housing authorities) on a negotiated, competitive bid, or other basis at a price determined by the Secretary to be reasonable, with a manager the Secretary has determined is capable of—

"(i) implementing a sound financial and physical management program that is designed to enable the project to meet anticipated operating and maintenance expenses to ensure that the project will remain in decent, safe, and sanitary condition and in compliance with any standards under applicable State or local laws, rules, ordinances, or regulations relating to the physical condition of the project and any such standards established by the Secretary;

"(ii) responding to the needs of the tenants and working cooperatively with tenant organizations;

"(iii) providing adequate organizational, staff, and financial resources to the project; and

"(iv) meeting such other requirements as the Secretary may determine; and

"(B) require the owner of a multifamily housing project that is subject to a mortgage held by the Secretary to contract for management services for the project in the manner described in subparagraph (A).

"(2) MAINTENANCE OF PROJECTS OWNED BY SECRETARY.—In the case of multifamily housing projects that are owned by the Secretary (or for which the Secretary is mortgagee in possession), the Secretary shall—

"(A) to the greatest extent possible, maintain all such occupied projects in a decent, safe, and sanitary condition and in compliance with any standards under applicable State or local laws, rules, ordinances, or regulations relating to the physical condition of the housing and any such standards established by the Secretary;

"(B) to the greatest extent possible, maintain full occupancy in all such projects; and

"(C) maintain all such projects for purposes of providing rental or cooperative housing.

"(3) PROJECTS SUBJECT TO A MORTGAGE HELD BY SECRETARY.—In the case of any multifamily housing project that is subject to a mortgage held by the Secretary, the Secretary shall require the owner of the project to carry out the requirements of paragraph (2).

"(e) REQUIRED ASSISTANCE.—In disposing of multifamily housing property under this section, consistent with the goal of section 203(a)(3)(A), the Secretary shall take, separately or in combination with other actions under this subsection or subsection (f), one or more of the following actions:

"(1) CONTRACT WITH OWNER FOR PROJECT-BASED ASSISTANCE.—In the case of multifamily housing projects that are acquired by a purchaser other than the Secretary at foreclosure or after sale by the Secretary, the Secretary may enter into contracts under section 8 of the United States Housing Act of 1937 (to the extent budget authority is available) with owners of the projects, subject to the following requirements:

"(A) SUBSIDIZED OR FORMERLY SUBSIDIZED PROJECTS RECEIVING MORTGAGE-RELATED ASSISTANCE.—In the case of a subsidized or formerly subsidized project referred to in subparagraphs (A) through (C) of subsection (b)(2)—

"(i) the contract shall be sufficient to assist at least all units covered by an assistance contract under any of the authorities referred to in subsection (b)(2)(D) before acquisition or foreclosure, unless the Secretary acts pursuant to the provisions of subparagraph (C);

"(ii) the contract shall provide that, when a vacancy occurs in any unit in the project requiring project-based rental assistance pursuant to this subparagraph that is occupied by a family who is not eligible for assistance under such section 8, the owner shall lease the available unit to a family eligible for assistance under such section 8; and

"(iii) the Secretary shall take actions to ensure that any unit in any such project that does not otherwise receive project-based assistance under this subparagraph remains available and affordable for the remaining useful life of the project, as defined by the Secretary; to carry out this clause, the Secretary may require purchasers to establish use or rent restrictions maintaining the affordability of such units.

"(B) SUBSIDIZED OR FORMERLY SUBSIDIZED PROJECTS RECEIVING RENTAL ASSISTANCE.—In the case of a subsidized or formerly subsidized project referred to in subsection (b)(2)(D) that is not subject to subparagraph (A)—

"(i) the contract shall be sufficient to assist at least all units in the project that are covered, or were covered immediately before foreclosure on or acquisition of the project by the Secretary, by an assistance contract under any of the provi-

*sions referred to in such subsection, unless the Secretary acts pursuant to provisions of subparagraph (C); and*

*"(ii) the contract shall provide that, when a vacancy occurs in any unit in the project requiring project-based rental assistance pursuant to this subparagraph that is occupied by a family who is not eligible for assistance under such section 8, the owner shall lease the available unit to a family eligible for assistance under such section 8.*

*"(C) EXCEPTIONS.—*

*"(i) AUTHORITY.—In lieu of providing project-based assistance under section 8 of the United States Housing Act of 1937 in accordance with subparagraph (A)(i) or (B)(i) for a project, the Secretary may, for certain units in unsubsidized projects located within the same market area as the project otherwise required to be assisted with such project-based assistance—*

*"(I) require use and rent restrictions providing that such units shall be available to and affordable by very low-income families for the remaining useful life of the project (as defined by the Secretary), or*

*"(II) provide project-based assistance under section 8 for such units to be occupied by only very low-income persons,*

*but only if the requirements under clause (ii) are met.*

*"(ii) REQUIREMENTS.—The requirements under this clause are that—*

*"(I) upon the disposition of the project otherwise required to be assisted with project-based assistance under subparagraph (A)(i) or (B)(i), the Secretary shall make available tenant-based assistance under section 8 to low-income families residing in units otherwise required to be assisted with such project-based assistance; and*

*"(II) the number of units subject to use restrictions or provided assistance under clause (i) shall be at least equivalent to the number of units otherwise required to be assisted with project-based assistance under section 8 in accordance with subparagraph (A)(i) or (B)(i).*

*"(D) UNSUBSIDIZED PROJECTS.—Notwithstanding actions taken pursuant to subparagraph (C), in the case of unsubsidized projects, the contract shall be sufficient to provide—*

*"(i) project-based rental assistance for all units that are covered, or were covered immediately before foreclosure or acquisition, by an assistance contract under—*

*"(I) the new construction and substantial rehabilitation program under section 8(b)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1983);*

*"(II) the property disposition program under section 8(b) of such Act;*

*"(III) the project-based certificate program under section 8 of such Act;*

*"(IV) the moderate rehabilitation program under section 8(e)(2) of such Act;*

*"(V) section 23 of such Act (as in effect before January 1, 1975);*

*"(VI) the rent supplement program under section 101 of the Housing and Urban Development Act of 1965; or*

*"(VII) section 8 of the United States Housing Act of 1937, following conversion from assistance under section 101 of the Housing and Urban Development Act of 1965; and*

*"(ii) tenant-based assistance under section 8 of the United States Housing Act of 1937 for families that are preexisting tenants of the project in units that, immediately before foreclosure or acquisition of the project by the Secretary, were covered by an assistance contract under the loan management set-aside program under section 8(b) of the United States Housing Act of 1937.*

*"(2) ANNUAL CONTRIBUTION CONTRACTS FOR TENANT-BASED ASSISTANCE.—In the case of multifamily housing projects that are acquired by a purchaser other than the Secretary at foreclosure or after sale by the Secretary, the Secretary may enter into annual contribution contracts with public housing agencies to provide tenant-based assistance under section 8 of the United States Housing Act of 1937 on behalf of all low-income families who are otherwise eligible for assistance in accordance with subparagraph (A), (B), or (D) of paragraph (1) on the date that the project is acquired by the purchaser, subject to the following requirements:*

*"(A) REQUIREMENT OF SUFFICIENT AFFORDABLE HOUSING IN AREA.—The Secretary may not take action under this paragraph unless the Secretary determines that there is available in the area an adequate supply of habitable, affordable housing for very low-income families and other low-income families using tenant-based assistance.*

*"(B) LIMITATION FOR SUBSIDIZED AND FORMERLY SUBSIDIZED PROJECTS.—The Secretary may not take actions under this paragraph in connection with units in subsidized or formerly subsidized projects for more than 10 percent of the aggregate number of units in such projects disposed of by the Secretary in any fiscal year.*

*"(3) OTHER ASSISTANCE.—*

*"(A) IN GENERAL.—In accordance with the authority provided under the National Housing Act, the Secretary may provide other assistance pursuant to subsection (f) to the owners of multifamily housing projects that are acquired by a purchaser other than the Secretary at foreclosure, or after sale by the Secretary, on terms that ensure that—*

*"(i) at least the units in the project otherwise required to receive project-based assistance pursuant to subparagraphs (A), (B), or (D) of paragraph (1) are available to and affordable by low-income persons; and*

*"(ii) for the remaining useful life of the project, as defined by the Secretary, there shall be in force such use or rent restrictions as the Secretary may prescribe.*

*"(B) VERY LOW-INCOME TENANTS.—If, as a result of actions taken pursuant to this paragraph, the rents charged to any very low-income families residing in the project who are otherwise required (pursuant to subparagraph (A), (B), or (D) of paragraph (1)) to receive project-based assistance under section 8 of the United States Housing Act of 1937 exceed the amount payable as rent under section 3(a) of the United States Housing Act of 1937, the Secretary shall provide tenant-based assistance under section 8 of such Act to such families.*

*"(f) DISCRETIONARY ASSISTANCE.—In addition to the actions required under subsection (e) for a subsidized, formerly subsidized, or unsubsidized multifamily housing project, the Secretary may, pursuant to the disposition plan and the goals in subsection (a), take one or more of the following actions:*

*"(1) DISCOUNTED SALES PRICE.—In accordance with the authority provided under the National Housing Act, the Secretary may reduce the selling price of the project. Such reduced sales price shall be reasonably related to the intended use of the property after sale, any rehabilitation requirements for the project, the rents for units in the project that can be supported by the market, the amount of rental assistance available for the project under section 8 of the United States Housing Act of 1937, the occupancy profile of the project (including family size and income levels for tenant families), and any other factors that the Secretary considers appropriate.*

*"(2) USE AND RENT RESTRICTIONS.—The Secretary may require certain units in a project to be subject to use or rent restrictions providing that such units will be available to and affordable by low- and very low-income persons for the remaining useful life of the property, as defined by the Secretary.*

*"(3) SHORT-TERM LOANS.—The Secretary may provide short-term loans to facilitate the sale of a multifamily housing project if—*

*"(A) authority for such loans is provided in advance in an appropriation Act;*

*"(B) such loan has a term of not more than 5 years;*

*"(C) the Secretary determines, based upon documentation provided to the Secretary, that the borrower has obtained a commitment of permanent financing to replace the short-term loan from a lender who meets standards established by the Secretary; and*

*"(D) the terms of such loan are consistent with prevailing practices in the marketplace or the provision of such loan results in no cost to the Government, as defined in section 502 of the Congressional Budget Act of 1974.*

*"(4) UP-FRONT GRANTS.—If the Secretary determines that action under this paragraph is more cost-effective than establishing rents pursuant to subsection (h)(2), the Secretary may utilize the budget authority provided for contracts issued under this section for project-based assistance under section 8 of the United States Housing Act of 1937 to (in addition to providing project-based section 8 rental assistance) provide up-front grants for the necessary cost of rehabilitation and other related development costs.*

*"(5) TENANT-BASED ASSISTANCE.—The Secretary may make available tenant-based assistance under section 8 of the United States Housing Act of 1937 to families residing in a multifamily housing project that do not otherwise qualify for project-based assistance.*

*"(6) ALTERNATIVE USES.—*

*"(A) IN GENERAL.—Notwithstanding any other provision of law, after providing notice to and an opportunity for comment by preexisting tenants, the Secretary may allow not more than—*

*"(i) 10 percent of the total number of units in multifamily housing projects that are disposed of by the Secretary during any fiscal year to be made available for uses other than rental or cooperative uses, including low-income homeownership opportunities, or in any particular project, community space, office space for tenant or housing-related service providers or security programs, or small business uses, if such uses benefit the tenants of the project; and*

*"(ii) 5 percent of the total number of units in multifamily housing projects that are disposed of by the Secretary during any fiscal year to be used in any manner, if the Secretary and the unit of general local government or area-wide governing body determine that such use will further fair housing, community development, or neighborhood revitalization goals.*

*"(B) DISPLACEMENT PROTECTION.—The Secretary may take actions under subparagraph (A) only if—*

*"(i) tenant-based rental assistance under section 8 of the United States Housing Act of 1937 is made available to each eligible family residing in the project that is displaced as a result of such actions; and*

*"(ii) the Secretary determines that sufficient habitable, affordable rental housing is available in the market area in which the project is located to ensure use of such assistance.*

*"(7) TRANSFER FOR USE UNDER OTHER PROGRAMS OF SECRETARY.—*

*"(A) IN GENERAL.—Notwithstanding the provisions of subsection (e), the Secretary may, pursuant to an agreement under subparagraph (B), transfer a multifamily housing project—*

*"(i) to a public housing agency for use of the project as public housing; or*

*"(ii) to an entity eligible to own or operate housing assisted under section 202 of the Housing Act of 1959 or under section 811 of the Cranston-Gonzalez National Affordable Housing Act for use as supportive housing under either of such sections.*

*"(B) REQUIREMENTS FOR AGREEMENT.—An agreement providing for the transfer of a project described in subparagraph (A) shall—*

*"(i) contain such terms, conditions, and limitations as the Secretary determines appropriate, including requirements to ensure use of the project as public housing, supportive housing under section 202 of the Housing Act of 1959, or supportive housing under section 811 of the Cranston-Gonzalez National Affordable Housing Act, as applicable; and*

*"(ii) ensure that no tenant of the project will be displaced as a result of actions taken under this paragraph.*

*"(8) REBUILDING.—Notwithstanding any provision of section 8 of the United States Housing Act of 1937, the Secretary may provide project-based assistance in accordance with subsection (e) of this section to support the rebuilding of a multifamily housing project rebuilt or to be rebuilt (in whole or in part and on-site, off-site, or in a combination of both) in connection with disposition under this section, if the Secretary determines that—*

*"(A) the project is not being maintained in a decent, safe, and sanitary condition;*

*"(B) rebuilding the project would be less expensive than substantial rehabilitation;*

*"(C) the unit of general local government in which the project is located approves the rebuilding and makes a financial contribution or other commitment to the project; and*

*"(D) the rebuilding is a part of a local neighborhood revitalization plan approved by the unit of general local government.*

*The provisions of subsection (j)(2) shall apply to any tenants of the project who are displaced.*

*"(9) EMERGENCY ASSISTANCE FUNDS.—The Secretary may make arrangements with State agencies and units of general local government of States receiving emergency assistance under part A of title IV of the Social Security Act for the provision of assistance under such Act on behalf of eligible families who would reside in any multifamily housing projects.*

*"(g) PROTECTION FOR UNASSISTED VERY LOW-INCOME TENANTS.—For each multifamily housing project disposed of under this section, the Secretary shall require that, for any very low-income family who is a preexisting tenant of the project who (upon disposition) would be required to pay rent in an amount in excess of 30 percent of the adjusted income (as such term is defined in section 3(b) of the United States Housing Act of 1937) of the family—*

*"(1) for a period of 2 years beginning upon the date of the acquisition of the project by the purchaser under such disposition, the rent for the unit occupied by the family may not be increased above the rent charged immediately before acquisition;*

*"(2) such family shall be considered displaced for purposes of the preferences for assistance under sections 6(c)(4)(A)(i), 8(d)(1)(A)(i), and 8(o)(3)(B) of the United States Housing Act of 1937; and*

*"(3) notice shall be provided to such family, not later than the date of the acquisition of the project by the purchaser—*

*"(A) of the requirements under paragraphs (1) and (2); and*

*"(B) that, after the expiration of the period under paragraph (1), the rent for the unit occupied by the family may be increased.*

*"(h) CONTRACT REQUIREMENTS.—Contracts for project-based rental assistance under section 8 of the United States Housing Act of 1937 provided pursuant to this section shall be subject to the following requirements:*

*"(1) CONTRACT TERM.—The contract shall have a term of 15 years, except that the term may be less than 15 years—*

*"(A) to the extent that the Secretary finds that, based on the rental charges and financing for the multifamily housing project to which the contract relates, the financial viability of the project can be maintained under a contract having such a term; except that the Secretary shall require that the amount of rent payable by tenants of the project for units assisted under such contract shall not exceed the amount payable for rent under section 3(a) of the United States Housing Act of 1937 for a period of at least 15 years; or*

*"(B) if such assistance is provided—*

*"(i) under a contract authorized under section 6 of the HUD Demonstration Act of 1993; and*

*"(ii) pursuant to a disposition plan under this section for a project that is determined by the Secretary to be otherwise in compliance with this section.*

*"(2) CONTRACT RENT.—The Secretary shall establish the contract rents under such contracts at levels that, together with other resources available to the purchasers, provide sufficient amounts for the necessary costs of rehabilitating and operating the multifamily housing project and do not exceed the percentage of the existing housing fair market rentals for the market area in which the project assisted under the contract is located as determined by the Secretary under section 8(c) of the United States Housing Act of 1937.*

*"(i) RIGHT OF FIRST REFUSAL FOR LOCAL AND STATE GOVERNMENT AGENCIES.—*

*"(1) NOTIFICATION.—Not later than 30 days after the Secretary acquires title to a multifamily housing project, the Secretary shall notify the appropriate unit of general local government (including public housing agencies) and State agency or agencies designated by the chief executive officer of the State in which the project is located of such acquisition of title and that, for a period beginning upon such notification that does not exceed 90 days, such unit of general local government and agency or agencies shall have the exclusive right under this subsection to make bona fide offers to purchase the project.*

*"(2) RIGHT OF FIRST REFUSAL.—During the 90-day period, the Secretary may not sell or offer to sell the multifamily housing project other than to a party notified under paragraph (1), unless the unit of general local government and the designated State agency or agencies notify the Secretary that they will not make an offer to purchase the project. The Secretary shall accept a bona fide offer to purchase the project made during such period if it complies with the terms and conditions of the disposition plan for the project or is otherwise acceptable to the Secretary.*

*"(3) PROCEDURE.—The Secretary shall establish any procedures necessary to carry out this subsection.*

*"(j) DISPLACEMENT OF TENANTS AND RELOCATION ASSISTANCE.—*

*"(1) IN GENERAL.—Whenever tenants will be displaced as a result of the demolition of, repairs to, or conversion in the use of, a multifamily housing project that is owned by the Secretary (or for which the Secretary is mortgagee in possession), the Secretary shall identify tenants who will be displaced, and shall notify all such tenants of their pending displacement and of any relocation assistance that may be available. In the case of a multifamily housing project that is subject to a mortgage held by the Secretary, the Secretary shall require the owner of the project to carry out the requirements of this paragraph, if the Secretary has authorized the demolition of, repairs to, or conversion in the use of such multifamily housing project.*

*"(2) RIGHTS OF DISPLACED TENANTS.—The Secretary shall ensure for any such tenant (who continues to meet applicable qualification standards) the right—*

*"(A) to return, whenever possible, to a repaired or rebuilt unit;*

*"(B) to occupy a unit in another multifamily housing project owned by the Secretary;*

*"(C) to obtain housing assistance under the United States Housing Act of 1937; or*

*"(D) to receive any other available similar relocation assistance as the Secretary determines to be appropriate.*

*"(k) MORTGAGE AND PROJECT SALES.—*

*"(1) IN GENERAL.—The Secretary may not approve the sale of any loan or mortgage held by the Secretary (including any loan or mortgage owned by the Government National Mortgage Association) on any subsidized project or formerly subsidized project, unless such sale is made as part of a transaction that will ensure that such project will continue to operate at least until the maturity date of such loan or mortgage, in a manner that will provide rental housing on terms at least as advantageous to existing and future tenants as the terms required by the program under which the loan or mortgage was made or insured prior to the assignment of the loan or mortgage on such project to the Secretary.*

*"(2) SALE OF CERTAIN PROJECTS.—The Secretary may not approve the sale of any subsidized project—*

*"(A) that is subject to a mortgage held by the Secretary, or*

*"(B) if the sale transaction involves the provision of any additional subsidy funds by the Secretary or a recasting of the mortgage,*

*unless such sale is made as part of a transaction that will ensure that the project will continue to operate, at least until the maturity date of the loan or mortgage, in a manner that will provide rental housing on terms at least as advantageous to existing and future tenants as the terms required by the program under which the loan or mortgage was made or insured prior to the proposed sale of the project.*

*"(3) MORTGAGE SALES TO STATE AND LOCAL GOVERNMENTS.—Notwithstanding any provision of law that requires competitive sales or bidding, the Secretary may carry out negotiated sales of mortgages held by the Secretary, without the competitive selection of purchasers or intermediaries, to units of general local government or State agencies, or groups of investors that include at least one such unit of general local government or State agency, if the negotiations are conducted with such agencies, except that—*

*"(A) the terms of any such sale shall include the agreement of the purchasing agency or unit of local government or State agency to act as mortgagee or owner of a beneficial interest in such mortgages, in a manner consistent with maintaining the projects that are subject to such mortgages for occupancy by the general tenant group intended to be served by the applicable mortgage insurance program, including, to the extent the Secretary determines appropriate, authorizing such unit of local government or State agency to enforce the provisions of any regulatory agreement or other program requirements applicable to the related projects; and*

*"(B) the sales prices for such mortgages shall be, in the determination of the Secretary, the best prices that may be obtained for such mortgages from a unit of general local government or State agency, consistent with the expectation and intention that the projects financed will be retained for use under the applicable mortgage insurance program for the life of the initial mortgage insurance contract.*

*"(4) SALE OF MORTGAGES COVERING UNSUBSIDIZED PROJECTS.—Notwithstanding any other provision of law, the Secretary may sell mortgages held on projects that are not subsidized or formerly subsidized projects on such terms and conditions as the Secretary may prescribe.*

*"(5) MORTGAGE SALE DEMONSTRATION.—The Secretary may carry out a demonstration to test*

*the feasibility of restructuring and disposing of troubled multifamily mortgages held by the Secretary through the establishment of partnerships with public, private, and nonprofit entities.*

*"(6) PROJECT SALE DEMONSTRATION.—The Secretary may carry out a demonstration to test the feasibility of disposing of troubled multifamily housing projects that are owned by the Secretary through the establishment of partnerships with public, private, and nonprofit entities.*

*"(l) REPORT TO CONGRESS.—Not later than June 1 of each year, the Secretary shall submit to the Congress a report describing the status of multifamily housing projects owned by or subject to mortgages held by the Secretary, on an aggregate basis, which highlights the differences, if any, between the subsidized and the unsubsidized inventory. The report shall include—*

*"(1) the average and median size of the projects;*

*"(2) the geographic locations of the projects, by State and region;*

*"(3) the years during which projects were assigned to the Department, and the average and median length of time that projects remain in the HUD-held inventory;*

*"(4) the status of HUD-held mortgages;*

*"(5) the physical condition of the HUD-held and HUD-owned inventory;*

*"(6) the occupancy profile of the projects, including the income, family size, race, and ethnic origin of current tenants, and the rents paid by such tenants;*

*"(7) the proportion of units that are vacant;*

*"(8) the number of projects for which the Secretary is mortgagee in possession;*

*"(9) the number of projects sold in foreclosure sales;*

*"(10) the number of HUD-owned projects sold;*

*"(11) a description of actions undertaken pursuant to this section, including a description of the effectiveness of such actions and any impediments to the disposition or management of multifamily housing projects;*

*"(12) a description of the extent to which the provisions of this section and actions taken under this section have displaced tenants of multifamily housing projects;*

*"(13) a description of any of the functions performed in connection with this section that are contracted out to public or private entities or to States; and*

*"(14) a description of the activities carried out under subsection (i) during the preceding year.".*

*(c) CLARIFICATION OF FEDERAL PREFERENCES.—*

*(1) PUBLIC HOUSING TENANCY.—Section 6(c)(4)(A)(i) of the United States Housing Act of 1937 (42 U.S.C. 1437d(c)(4)(A)(i)) is amended by inserting after "displaced" the following: "(including displacement because of disposition of a multifamily housing project under section 203 of the Housing and Community Development Amendments of 1978)".*

*(2) SECTION 8 ASSISTANCE.—Section 8(d)(1)(A)(i) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(1)(A)(i)) is amended by inserting after "displaced" the following: "(including displacement because of disposition of a multifamily housing project under section 203 of the Housing and Community Development Amendments of 1978)".*

*(3) VOUCHER ASSISTANCE.—The first sentence of section 8(o)(3)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(3)(B)) is amended by inserting after "displaced" the following: "(including displacement because of disposition of a multifamily housing project under section 203 of the Housing and Community Development Amendments of 1978)".*

*(d) DEFINITION OF OWNER.—Section 8(f)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(f)(1)) is amended by inserting "an agency of the Federal Government," after "cooperative,".*

*(e) AMENDMENT TO NATIONAL HOUSING ACT.—Title V of the National Housing Act (12 U.S.C. 1731a et seq.) is amended by adding at the end the following new section:*

*"PARTIAL PAYMENT OF CLAIMS ON MULTIFAMILY HOUSING PROJECTS*

*"SEC. 541. (a) AUTHORITY.—Notwithstanding any other provision of law, if the Secretary is requested to accept assignment of a mortgage insured by the Secretary that covers a multifamily housing project (as such term is defined in section 203(b) of the Housing and Community Development Amendments of 1978) and the Secretary determines that partial payment would be less costly to the Federal Government than other reasonable alternatives for maintaining the low-income character of the project, the Secretary may request the mortgagee, in lieu of assignment, to—*

*"(1) accept partial payment of the claim under the mortgage insurance contract; and*

*"(2) recast the mortgage, under such terms and conditions as the Secretary may determine.*

*"(b) REPAYMENT.—As a condition to a partial claim payment under this section, the mortgagor shall agree to repay to the Secretary the amount of such payment and such obligation shall be secured by a second mortgage on the property on such terms and conditions as the Secretary may determine.".*

*(f) EFFECTIVE DATE.—The Secretary shall issue interim regulations necessary to implement the amendments made by subsections (b) through (d) not later than 90 days after the date of the enactment of this Act. Such interim regulations shall take effect upon issuance and invite public comment on the interim regulations. The Secretary shall issue final regulations to implement such amendments after opportunity for such public comment, but not later than 12 months after the date of issuance of such interim regulations.*

### ***SEC. 102. REPEAL OF STATE AGENCY MULTIFAMILY PROPERTY DISPOSITION DEMONSTRATION.***

*Section 184 of the Housing and Community Development Act of 1987 (12 U.S.C. 1701z–11 note) is hereby repealed.*

### ***SEC. 103. PREVENTING MORTGAGE DEFAULTS ON MULTIFAMILY HOUSING PROJECTS.***

*(a) MULTIFAMILY HOUSING PLANNING AND INVESTMENT STRATEGIES.—*

*(1) PREPARATION OF ASSESSMENTS FOR INDEPENDENT ENTITIES.—Section 402(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715–1a note) is amended by adding at the end the following new sentence: "The assessment shall be prepared by an entity that does not have an identity of interest with the owner.".*

*(2) TIMING OF SUBMISSION OF NEEDS ASSESSMENTS.—Section 402(b) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–1a note) is amended to read as follows:*

*"(b) TIMING.—To ensure that assessments for all covered multifamily housing properties will be submitted on or before the conclusion of fiscal year 1997, the Secretary shall require the owners of such properties, including covered multifamily housing properties for the elderly, to submit the assessments for the properties in accordance with the following schedule:*

*"(1) For fiscal year 1994, 10 percent of the aggregate number of such properties.*

*"(2) For each of fiscal years 1995, 1996, and 1997, an additional 30 percent of the aggregate number of such properties.".*

*(3) REVIEW OF COMPREHENSIVE NEEDS ASSESSMENTS.—Section 404(d) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715–1a note) is amended to read as follows:*

*"(d) REVIEW.—*

*"(1) IN GENERAL.—The Secretary shall review each comprehensive needs assessment for completeness and adequacy before the expiration of the 90-day period beginning on the receipt of the assessment and shall notify the owner of the property for which the assessment was submitted of the findings of such review.*

*"(2) INCOMPLETE OR INADEQUATE ASSESSMENTS.—If the Secretary determines that the assessment is substantially incomplete or inadequate, the Secretary shall—*

*"(A) notify the owner of the portion or portions of the assessment requiring completion or other revision; and*

*"(B) require the owner to submit an amended assessment to the Secretary not later than 30 days after such notification.".*

*(4) REPEAL OF NOTICE PROVISION.—Section 404 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715–1a note) is amended by striking subsection (f).*

*(5) PUBLICATION.—Section 404 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–1a note), as amended by paragraph (4) of this subsection, is further amended by inserting after subsection (e) the following new subsection:*

*"(f) PUBLICATION OF METHOD FOR RECEIVING CAPITAL NEEDS ASSESSMENT.—The Secretary shall cause to be published in the Federal Register the method by which the Secretary determines which capital needs assessments will be received each year in accordance with section 402(b) and subsection (d) of this section.".*

*(6) FUNDING.—Title IV of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–1a note) is amended by adding at the end the following new section:*

***"SEC. 409. FUNDING.***

*"(a) ALLOCATION OF ASSISTANCE.—Based upon needs identified in comprehensive needs assessments, and subject to otherwise applicable program requirements, including selection criteria, the Secretary may allocate the following assistance to owners of covered multifamily housing projects and may provide such assistance on a noncompetitive basis:*

*"(1) Operating assistance and capital improvement assistance for troubled multifamily housing projects pursuant to section 201 of the Housing and Community Development Amendments of 1978, except for assistance set aside under section 201(n)(1).*

*"(2) Loan management assistance available pursuant to section 8 of the United States Housing Act of 1937.*

*"(b) OPERATING ASSISTANCE AND CAPITAL IMPROVEMENT ASSISTANCE.—In providing assistance under subsection (a) the Secretary shall use the selection criteria set forth in section 201(n) of the Housing and Community Development Amendments of 1978.*

*"(c) AMOUNT OF ASSISTANCE.—The Secretary may fund all or only a portion of the needs identified in the capital needs assessment of an owner selected to receive assistance under this section.".*

*(b) FLEXIBLE SUBSIDY PROGRAM.—*

*(1) DELETION OF UTILITY COST REQUIREMENTS.—Section 201(i) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a(i)) is hereby repealed.*

*(2) REPEAL OF MANDATORY CONTRIBUTION FROM OWNER.—Section 201(k)(2) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a(k)(2)) is amended by striking ", except that" and all that follows and inserting a period.*

*(3) FUNDING.—Section 201(n) of the Housing and Community Development Amendments of 1978 (42 U.S.C. 1715z–1a(n)) is amended to read as follows:*

"(n) ALLOCATION OF ASSISTANCE.—

"(1) SET-ASIDE.—In providing, and contracting to provide, assistance for capital improvements under this section, in each fiscal year the Secretary shall set aside an amount, as determined by the Secretary, for projects that are eligible for incentives under section 224(b) of the Emergency Low Income Housing Preservation Act of 1987, as such section existed before the date of enactment of the Cranston-Gonzalez National Affordable Housing Act. The Secretary may make such assistance available on a noncompetitive basis.

"(2) GENERAL RULES FOR ALLOCATION.—Except as provided in paragraph (3), with respect to assistance under this section not set aside for projects under paragraph (1), the Secretary—

"(A) may award assistance on a noncompetitive basis; and

"(B) shall award assistance to eligible projects on the basis of—

"(i) the extent to which the project is physically or financially troubled, as evidenced by the comprehensive needs assessment submitted in accordance with title IV of the Housing and Community Development Act of 1992; and

"(ii) the extent to which such assistance is necessary and reasonable to prevent the default of federally insured mortgages.

"(3) EXCEPTIONS.—The Secretary may make exceptions to selection criteria set forth in paragraph (2)(B) to permit the provision of assistance to eligible projects based upon—

"(A) the extent to which such assistance is necessary to prevent the imminent foreclosure or default of a project whose owner has not submitted a comprehensive needs assessment pursuant to title IV of the Housing and Community Development Act of 1992;

"(B) the extent to which the project presents an imminent threat to the life, health, and safety of project residents; or

"(C) such other criteria as the Secretary may specify by regulation or by notice printed in the Federal Register.

"(4) CONSIDERATIONS.—In providing assistance under this section, the Secretary shall take into consideration—

"(A) the extent to which there is evidence that there will be significant opportunities for residents (including a resident council or resident management corporation, as appropriate) to be involved in the management of the project (except that this paragraph shall have no application to projects that are owned as cooperatives); and

"(B) the extent to which there is evidence that the project owner has provided competent management and complied with all regulatory and administrative requirements.".

(4) REPEAL.—Section 201 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a) is amended—

(A) by striking subsection (o); and

(B) by redesignating subsection (p) as subsection (o).

(c) IMPLEMENTATION AND EFFECTIVE DATES FOR SUBSECTIONS (a) AND (b).—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall apply with respect to amounts made available for fiscal year 1994 and fiscal years thereafter.

(2) EXCEPTION.—Section 201(n)(1) of the Housing and Community Development Amendments of 1978 (as added by the amendment made by subsection (b)(3) of this section) shall take effect on the date of enactment of this Act.

(3) NOTICE.—The Secretary shall, by notice published in the Federal Register, establish any requirements necessary to implement the amendments made by subsections (a) and (b). The notice shall invite public comments and, not later than 12 months after the date on which the notice is published, the Secretary shall issue final regulations based on the initial notice, taking into consideration any public comments received.

(d) STREAMLINED REFINANCING.—As soon as practicable, the Secretary shall implement a streamlined refinancing program under the authority provided in section 223 of the National Housing Act to prevent the default of mortgages insured by the FHA which cover multifamily housing projects, as defined in section 203(b) of the Housing and Community Development Amendments of 1978.

(e) GAO STUDY ON PREVENTION OF DEFAULT.—

(1) IN GENERAL.—Not later than April 1, 1995, the Comptroller General of the United States shall submit to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that evaluates the adequacy of loan loss reserves in the General Insurance and Special Risk Insurance Funds and presents recommendations for the Secretary to prevent losses from occurring.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) evaluate the factors considered in arriving at loss estimates and determine whether other factors should be considered;

(B) determine the relative benefit of creating a new, actuarially sound insurance fund for all new multifamily housing insurance commitments; and

(C) recommend alternatives to the Secretary's current procedures for preventing the future default of multifamily housing project mortgages insured under title II of the National Housing Act.

(f) GAO STUDY ON ACTUARIAL SOUNDNESS OF CERTAIN INSURANCE PROGRAMS.—

(1) IN GENERAL.—Not later than April 1, 1995, the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a report that evaluates, in connection with the General Insurance Fund, the role and performance of the nursing home, hospital, and retirement service center insurance programs.

(2) CONTENTS.—The reports submitted under paragraph (1) shall—

(A) evaluate the strategic importance of these insurance programs to the mission of the FHA;

(B) evaluate the impact of these insurance programs upon the financial performance of the General Insurance Fund;

(C) assess the potential losses expected under these programs through fiscal year 1999;

(D) evaluate the risk of these programs to the General Insurance Fund in connection with changes in national health care policy;

(E) assess the ability of the FHA to manage these programs; and

(F) make recommendations for any necessary changes.

(g) RISK ASSESSMENT.—

(1) SPECIAL RISK INSURANCE FUND.—Section 238(c) of the National Housing Act (12 U.S.C. 1715z–3(c)) is amended by adding at the end the following new paragraph:

"(3) The Secretary shall undertake an annual assessment of the risks associated with each of the insurance programs comprising the Special Risk Insurance Fund, and shall present findings from such review to the Congress in the FHA Annual Management Report.".

(2) GENERAL INSURANCE FUND.—Section 519 of the National Housing Act (12 U.S.C. 1735c) is amended by adding at the end the following new subsection:

"(g) RISK ASSESSMENT.—The Secretary shall undertake an annual assessment of the risks associated with each of the insurance programs comprising the General Insurance Fund, and shall present findings from such review to the Congress in the FHA Annual Management Report.".

(h) ALTERNATIVE USES FOR PREVENTION OF DEFAULT.—

(1) IN GENERAL.—Subject to notice to and comment by existing tenants, to prevent the imminent default of a multifamily housing project subject to a mortgage insured under title II of the National Housing Act, the Secretary may authorize the mortgagor to use the project for purposes not contemplated by or permitted under the regulatory agreement, if—

(A) such other uses are acceptable to the Secretary;

(B) such other uses would be otherwise insurable under title II of the National Housing Act;

(C) the outstanding principal balance on the mortgage covering such project is not increased;

(D) any financial benefit accruing to the mortgagor shall, subject to the discretion of the Secretary, be applied to project reserves or project rehabilitation; and

(E) such other use serves a public purpose.

(2) DISPLACEMENT PROTECTION.—The Secretary may take actions under paragraph (1) only if—

(A) tenant-based rental assistance under section 8 of the United States Housing Act of 1937 is made available to each eligible family residing in the project that is displaced as a result of such actions; and

(B) the Secretary determines that sufficient habitable, affordable (as such term is defined in section 203(b) of the Housing and Community Development Amendments of 1978) rental housing is available in the market area in which the project is located to ensure use of such assistance.

(3) IMPLEMENTATION.—The Secretary shall, by notice published in the Federal Register, which shall take effect upon publication, establish such requirements as may be necessary to implement the amendments made by this subsection. The notice shall invite public comments and, not later than 12 months after the date on which the notice is published, the Secretary shall issue final regulations based on the initial notice, taking into account any public comments received.

**SEC. 104. INTEREST RATES ON ASSIGNED MORTGAGES.**

Section 7(i)(5) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(i)(5)) is amended by striking the first semicolon, and all that follows through "as determined by the Secretary".

**SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

(a) SPECIAL RISK INSURANCE FUND.—Section 238(b) of the National Housing Act (12 U.S.C. 1715z–3(b)) is amended by striking the fifth sentence.

(b) GENERAL INSURANCE FUND.—Section 519 of the National Housing Act (12 U.S.C. 1735c) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) (as added by section 103(g)(2) of this Act) as subsection (f).

(c) MULTIFAMILY INSURANCE FUND APPROPRIATIONS.—Title V of the National Housing Act (12 U.S.C. 1731a et seq.) is amended by adding after section 541 (as added by section 101(e) of this Act) the following new section:

**"SEC. 542. AUTHORIZATION OF APPROPRIATIONS FOR GENERAL AND SPECIAL RISK INSURANCE FUNDS.**

"There are authorized to be appropriated such sums as may be necessary for each of fiscal years 1994 and 1995, to be allocated in any manner that the Secretary determines appropriate, for the following costs incurred in conjunction with programs authorized under the General Insurance Fund, as provided by section 519, and the Special Risk Insurance Fund, as provided by section 238:

"(1) The cost to the Government, as defined in section 502 of the Congressional Budget Act, of new insurance commitments.

"(2) The cost to the Government, as defined in section 502 of the Congressional Budget Act, of modifications to existing loans, loan guarantees, or insurance commitments.

"(3) The cost to the Government, as defined in section 502 of the Congressional Budget Act, of loans provided under section 203(f) of the Housing and Community Development Amendments of 1978.

"(4) The costs of the rehabilitation of multifamily housing projects (as defined in section 203(b) of the Housing and Community Development Amendments of 1978) upon disposition by the Secretary.".

## TITLE II—OTHER PROGRAM REFORMS

### Subtitle A—Home Investment Partnerships Program

### SEC. 201. PARTICIPATION BY STATE AGENCIES OR INSTRUMENTALITIES.

Section 104(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704(2)) is amended—

(1) by striking "and" after "Columbia,"; and

(2) by inserting before the period at the end the following: ", or any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive officer to act on behalf of the State with regard to the provisions of this Act".

### SEC. 202. SIMPLIFICATION OF PROGRAM-WIDE INCOME TARGETING FOR RENTAL HOUSING.

Section 214(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12744(1)) is amended—

(1) in subparagraph (A)—

(A) by striking "such funds are invested with respect to dwelling units that are occupied by" and inserting "(i) the families receiving such rental assistance are"; and

(B) by striking ", and" and inserting ", or (ii) the dwelling units assisted with such funds are occupied by families having such incomes; and"; and

(2) in subparagraph (B)—

(A) by striking "such funds are invested with respect to dwelling units that are occupied by" and inserting "(i) the families receiving such rental assistance are"; and

(B) by inserting before the semicolon at the end the following: ", or (ii) the dwelling units assisted with such funds are occupied by such households".

### SEC. 203. HOMEOWNERSHIP UNITS.

(a) REMOVAL OF FIRST-TIME HOMEBUYER REQUIREMENT.—Section 215(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(b) SIMPLIFICATION OF RESALE PROVISIONS.—Section 215(b)(3)(B) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(3)(B)), as so redesignated by subsection (a) of this section, is amended by striking "subsection" and inserting "title".

### SEC. 204. SIMPLIFICATION OF MATCHING REQUIREMENTS.

Section 220(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12750(a)) is amended to read as follows:

"(a) CONTRIBUTION.—Each participating jurisdiction shall make contributions to housing that qualifies as affordable housing under this title that total, throughout a fiscal year, not less than 25 percent of the funds drawn from the jurisdiction's HOME Investment Trust Fund in such fiscal year. Such contributions shall be in addition to any amounts made available under section 216(3)(A)(ii).".

### SEC. 205. REPEAL OF SEPARATE AUDIT REQUIREMENT.

Section 283 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12833) is amended—

(1) by striking the section designation and heading and inserting the following:

"SEC. 283. AUDITS BY COMPTROLLER GENERAL.";

(2) by striking subsection (a);

(3) in subsection (b)—

(A) by striking "(b) AUDITS BY THE COMPTROLLER GENERAL.—";

(B) by redesignating paragraphs (1) and (2) as subsections (a) and (b), respectively; and

(C) by moving subsections (a) and (b), as so redesignated by subparagraph (B), 2 ems to the left so that such subsections are flush with the left margin; and

(4) in subsection (a), as so redesignated by paragraph (3)(B), by striking the second sentence.

### SEC. 206. ENVIRONMENTAL REVIEW REQUIREMENTS.

Section 288 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12838) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "participating jurisdictions" and inserting "jurisdictions, Indian tribes, or insular areas"; and

(B) by adding at the end the following new sentences: "The regulations shall provide—

"(1) for the monitoring of the environmental reviews performed under this section;

"(2) in the discretion of the Secretary, to facilitate training for the performance of such reviews; and

"(3) for the suspension or termination of the assumption under this section.

The Secretary's duty under the preceding sentence shall not be construed to limit or reduce any responsibility assumed by a State or unit of general local government with respect to any particular release of funds.";

(2) in the first sentence of subsection (b), by striking "participating jurisdiction" and inserting "jurisdiction, Indian tribe, or insular area";

(3) in subsection (c)(4)(B), by striking "participating jurisdiction" and inserting "jurisdiction, Indian tribe, or insular area"; and

(4) in subsection (d), by striking "ASSISTANCE TO A STATE.—In the case of assistance to States" and inserting the following: "ASSISTANCE TO UNITS OF GENERAL LOCAL GOVERNMENT FROM A STATE.—In the case of assistance to units of general local government from a State".

### SEC. 207. USE OF CDBG FUNDS FOR HOME PROGRAM EXPENSES.

(a) ADMINISTRATIVE EXPENSES.—Section 105(a)(13) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(13)) is amended by inserting after "charges related to" the following: "(A) administering the HOME program under title II of the Cranston-Gonzalez National Affordable Housing Act; and (B)".

(b) PROJECT DELIVERY COSTS.—Section 105(a)(21) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(21)) is amended—

(1) by inserting "in connection with tenant-based rental assistance and affordable housing projects assisted under title II of the Cranston-Gonzalez National Affordable Housing Act" after "housing counseling"; and

(2) by striking "authorized" and all that follows through "any law" and inserting "assisted under title II of the Cranston-Gonzalez National Affordable Housing Act".

### SEC. 208. FLEXIBILITY OF HOME PROGRAM FOR DISASTER AREAS.

Title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) is amended by adding at the end the following new section:

"SEC. 290. SUSPENSION OF REQUIREMENTS FOR DISASTER AREAS.

"For funds designated under this title by a recipient to address the damage in an area for which the President has declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Secretary may suspend all statutory requirements for purposes of assistance under this title for that area, except for those related to public notice of funding availability, nondiscrimination, fair housing, labor standards, environmental standards, and low-income housing affordability.".

### SEC. 209. APPLICABILITY AND REGULATIONS.

The amendments made by this title shall apply with respect to any amounts made available to carry out title II of the Cranston-Gonzalez National Affordable Housing Act after the date of the enactment of this Act and any amounts made available to carry out such title before such date of enactment that remain uncommitted on such date. The Secretary shall issue any regulations necessary to carry out the amendments made by this title not later than the expiration of the 45-day period beginning on the date of the enactment of this Act.

### Subtitle B—HOPE Homeownership Program

### SEC. 221. MATCHING REQUIREMENT UNDER HOPE FOR HOMEOWNERSHIP OF SINGLE FAMILY HOMES PROGRAM.

Section 443(c)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12893(c)(1)) is amended by striking "33 percent" and inserting "25 percent".

### Subtitle C—Community Development Block Grants

### SEC. 231. SECTION 108 ELIGIBLE ACTIVITIES.

The first sentence of section 108(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(a)) is amended—

(1) by striking "or" after "section 105(a);"; and

(2) by inserting before the period the following: "; (5) the acquisition, construction, reconstruction, or installation of public facilities (except for buildings for the general conduct of government); or (6) in the case of colonias (as such term is defined in section 916 of the Cranston-Gonzalez National Affordable Housing Act), public works and site or other improvements".

### SEC. 232. ECONOMIC DEVELOPMENT GRANTS.

(a) GRANTS.—

(1) IN GENERAL.—Section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308) is amended by adding at the end the following new subsection:

"(q) ECONOMIC DEVELOPMENT GRANTS.—

"(1) AUTHORIZATION.—The Secretary may make grants in connection with notes or other obligations guaranteed under this section to eligible public entities for the purpose of enhancing the security of loans guaranteed under this section or improving the viability of projects financed with loans guaranteed under this section.

"(2) ELIGIBLE ACTIVITIES.—Assistance under this subsection may be used only for the purposes of and in conjunction with projects and activities assisted under subsection (a).

"(3) APPLICATIONS.—Applications for assistance under this subsection may be submitted only by eligible public entities, and shall be in the form and in accordance with the procedures established by the Secretary. Eligible public entities may apply for grants only in conjunction with requests for guarantees under subsection (a).

"(4) SELECTION CRITERIA.—The Secretary shall establish criteria for awarding assistance under this subsection. Such criteria shall include—

"(A) the extent of need for such assistance;

"(B) the level of distress in the community to be served and in the jurisdiction applying for assistance;

"(C) the quality of the plan proposed and the capacity or potential capacity of the applicant to successfully carry out the plan; and

"(D) such other factors as the Secretary determines to be appropriate.".

(2) CONFORMING AMENDMENT.—Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended—

(A) in section 101(c) in the second sentence, by inserting "or a grant" after "guarantee"; and

(B) in section 104(b)(3), by inserting "or a grant" after "guarantee".

(b) USE OF UDAG RECAPTURES.—Section 119(o) of the Housing and Community Development Act of 1974 (42 U.S.C. 5318(o)) is amended by inserting before the period the following: ", except that amounts available to the Secretary for use under this subsection as of October 1, 1993, and amounts released to the Secretary pursuant to subsection (t) may be used to provide grants under section 108(q).".

(c) UDAG RETENTION PROGRAM.—

(1) AMENDMENT.—Section 119 of the Housing and Community Development Act of 1974 (42 U.S.C. 5318) is amended by adding at the end the following new subsection:

"(t) UDAG RETENTION PROGRAM.—If a grant or a portion of a grant under this section remains unexpended upon the issuance of a notice implementing this subsection, the grantee may enter into an agreement, as provided under this subsection, with the Secretary to receive a percentage of the grant amount and relinquish all claims to the balance of the grant within 90 days of the issuance of notice implementing this subsection (or such later date as the Secretary may approve). The Secretary shall not recapture any funds obligated pursuant to this section during a period beginning on the date of enactment of the Multifamily Housing Property Disposition Reform Act of 1994 until 90 days after the issuance of a notice implementing this subsection. A grantee may receive as a grant under this subsection—

"(1) 33 percent of such unexpended amounts if—

"(A) the grantee agrees to expend not less than one-half of the amount received for activities authorized pursuant to section 108(q) and to expend such funds in conjunction with a loan guarantee made under section 108 at least equal to twice the amount of the funds received; and

"(B)(i) the remainder of the amount received is used for economic development activities eligible under title I of this Act; and

"(ii) except when waived by the Secretary in the case of a severely distressed jurisdiction, not more than one-half of the costs of activities under subparagraph (B) are derived from such unexpended amounts; or

"(2) 25 percent of such unexpended amounts if—

"(A) the grantee agrees to expend such funds for economic development activities eligible under title I of this Act; and

"(B) except when waived by the Secretary in the case of a severely distressed jurisdiction, not more than one-half of the costs of such activities are derived from such unexpended amount.".

(2) IMPLEMENTATION.—Not later than 10 days after the date of enactment of this Act, the Secretary shall, by notice published in the Federal Register, which shall take effect upon publication, establish such requirements as may be necessary to implement the amendments made by this subsection.

### SEC. 233. GUARANTEE OF OBLIGATIONS BACKED BY SECTION 108 LOANS.

Section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308) is amended by adding after subsection (q) (as added by section 232(a)(1) of this Act) the following new subsection:

"(r) GUARANTEE OF OBLIGATIONS BACKED BY LOANS.—

"(1) AUTHORITY.—The Secretary may, upon such terms and conditions as the Secretary considers appropriate, guarantee the timely payment of the principal of and interest on such trust certificates or other obligations as may—

"(A) be offered by the Secretary or by any other offeror approved for purposes of this subsection by the Secretary; and

"(B) be based on and backed by a trust or pool composed of notes or other obligations guaranteed or eligible for guarantee by the Secretary under this section.

"(2) FULL FAITH AND CREDIT.—To the same extent as provided in subsection (f), the full faith and credit of the United States is pledged to the payment of all amounts that may be required to be paid under any guarantee made by the Secretary under this subsection.

"(3) SUBROGATION.—If the Secretary pays a claim under a guarantee made under this section, the Secretary shall be subrogated for all the rights of the holder of the guaranteed certificate or obligation with respect to such certificate or obligation.

"(4) EFFECT OF LAWS.—No State or local law, and no Federal law, shall preclude or limit the exercise by the Secretary of—

"(A) the power to contract with respect to public offerings and other sales of notes, trust certificates, and other obligations guaranteed under this section upon such terms and conditions as the Secretary deems appropriate;

"(B) the right to enforce any such contract by any means deemed appropriate by the Secretary; and

"(C) any ownership rights of the Secretary, as applicable, in notes, certificates, or other obligations guaranteed under this section, or constituting the trust or pool against which trust certificates, or other obligations guaranteed under this section, are offered.".

### SEC. 234. FLEXIBILITY OF CDBG PROGRAM FOR DISASTER AREAS.

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following new section:

### "SEC. 122. SUSPENSION OF REQUIREMENTS FOR DISASTER AREAS.

"For funds designated under this title by a recipient to address the damage in an area for which the President has declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Secretary may suspend all requirements for purposes of assistance under section 106 for that area, except for those related to public notice of funding availability, nondiscrimination, fair housing, labor standards, environmental standards, and requirements that activities benefit persons of low- and moderate-income.".

## TITLE III—TECHNICAL AMENDMENTS

### SEC. 301. DEFINITION OF "FAMILIES".

The first sentence of section 3(b)(3)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(B)) is amended by striking "means families with children" and inserting "includes families with children and".

### SEC. 302. ELIMINATION OF REQUIREMENT TO IDENTIFY CIAP REPLACEMENT NEEDS.

Section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l) is amended—

(1) in subsection (d)—

(A) by striking paragraph (2);

(B) in paragraph (4), in the matter preceding subparagraph (A)—

(i) by striking "and replacements,"; and

(ii) by striking "(1), (2), and (3)" and inserting "(1) and (2)"; and

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(2) in subsection (f)(1)—

(A) in subparagraph (A), by striking "(d)(4)(A)" and inserting "(d)(3)(A)";

(B) by striking subparagraph (B);

(C) in subparagraph (C), by striking "(d)(4)" and inserting "(d)(3)";

(D) in subparagraph (D)—

(i) by striking "(1), (2), and (3)" and inserting "(1) and (2)"; and

(ii) by striking "(d)(4)" and inserting "(d)(3)"; and

(E) by redesignating subparagraphs (C) and (D), as so amended, as subparagraphs (B) and (C), respectively;

(3) in subsection (g), by striking "(d)(4)" and inserting "(d)(3)"; and

(4) in subsection (h)(2), by striking "(d)(4)" and inserting "(d)(3)".

### SEC. 303. PROJECT-BASED ACCOUNTING.

Section 6(c)(4)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437d(c)(4)(E)) is amended by striking "250" and inserting "500".

### SEC. 304. OPERATING SUBSIDY ADJUSTMENTS FOR ANTICIPATED FRAUD RECOVERIES.

Section 9(a) of the United States Housing Act of 1937 (42 U.S.C. 1437g(a)) is amended by adding at the end the following new paragraph:

"(4) Adjustments to a public housing agency's operating subsidy made by the Secretary under this section shall reflect actual changes in rental income collections resulting from the application of section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988.".

### SEC. 305. ENVIRONMENTAL REVIEW PROVISIONS.

(a) LEAD-BASED PAINT HAZARD REDUCTION.—Section 1011 of the Housing and Community Development Act of 1992 (42 U.S.C. 4852) is amended—

(1) by redesignating subsection (o) as subsection (p); and

(2) by inserting after subsection (n) the following new subsection:

"(o) ENVIRONMENTAL REVIEW.—

"(1) IN GENERAL.—For purposes of environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1969 and other provisions of law that further the purposes of such Act, a grant under this section shall be treated as assistance under the HOME Investment Partnership Act, established under title II of the Cranston-Gonzalez National Affordable Housing Act, and shall be subject to the regulations promulgated by the Secretary to implement section 288 of such Act.

"(2) APPLICABILITY.—This subsection shall apply to—

"(A) grants awarded under this section; and

"(B) grants awarded to States and units of general local government for the abatement of significant lead-based paint and lead dust hazards in low- and moderate-income owner-occupied units and low-income privately owned rental units pursuant to title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992 (Public Law 102-139, 105 Stat. 736).".

(b) PROGRAMS UNDER UNITED STATES HOUSING ACT OF 1937.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new section:

### "SEC. 26. ENVIRONMENTAL REVIEWS.

"(a) IN GENERAL.—

"(1) RELEASE OF FUNDS.—In order to assure that the policies of the National Environmental Policy Act of 1969 and other provisions of law which further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of funds under this title, and to *assure to the public undiminished protection of the environment, the Secretary may, under such regulations, in lieu of the environmental protection procedures otherwise applicable, provide for the release of funds for projects or activities under this title, as specified by the Secretary upon the request of a public housing agency (including an Indian housing authority) under this section, if the State or unit of general local government, as designated by the Secretary in accordance with regulations, assumes all of the responsibilities for environmental review, decisionmaking, and action pursuant to such Act, and such other provisions of law as the regulations of the Secretary may specify, which would otherwise apply to the Secretary with respect to the release of funds.*

*"(2) IMPLEMENTATION.—The Secretary, after consultation with the Council on Environmental Quality, shall issue such regulations as may be necessary to carry out this section. Such regulations shall specify the programs to be covered.*

*"(b) PROCEDURE.—The Secretary shall approve the release of funds subject to the procedures authorized by this section only if, not less than 15 days prior to such approval and prior to any commitment of funds to such projects or activities, the public housing agency (including an Indian housing authority) has submitted to the Secretary a request for such release accompanied by a certification of the State or unit of general local government which meets the requirements of subsection (c). The Secretary's approval of any such certification shall be deemed to satisfy the Secretary's responsibilities under the National Environmental Policy Act of 1969 and such other provisions of law as the regulations of the Secretary specify insofar as those responsibilities relate to the release of funds which are covered by such certification.*

*"(c) CERTIFICATION.—A certification under the procedures authorized by this section shall—*

*"(1) be in a form acceptable to the Secretary;*

*"(2) be executed by the chief executive officer or other officer of the State or unit of general local government who qualifies under regulations of the Secretary;*

*"(3) specify that the State or unit of general local government under this section has fully carried out its responsibilities as described under subsection (a); and*

*"(4) specify that the certifying officer—*

*"(A) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and each provision of law specified in regulations issued by the Secretary insofar as the provisions of such Act or other such provision of law apply pursuant to subsection (a); and*

*"(B) is authorized and consents on behalf of the State or unit of general local government and himself or herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his or her responsibilities as such an official.*

*"(d) APPROVAL BY STATES.—In cases in which a unit of general local government carries out the responsibilities described in subsection (c), the Secretary may permit the State to perform those actions of the Secretary described in subsection (b) and the performance of such actions by the State, where permitted by the Secretary, shall be deemed to satisfy the Secretary's responsibilities referred to in the second sentence of subsection (b).".*

*(c) SPECIAL PROJECTS.—*

*(1) IN GENERAL.—*

*(A) RELEASE OF FUNDS.—In order to assure that the policies of the National Environmental Policy Act of 1969 and other provisions of law which further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of funds for special projects appropriated under an appropriations Act for the Department of Housing and Urban Development, such as special projects under the head "Annual Contributions for Assisted Housing" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993, and to assure to the public undiminished protection of the environment, the Secretary of Housing and Urban Development may, under such regulations, in lieu of the environmental protection procedures otherwise applicable, provide for the release of funds for particular special projects upon the request of recipients of special projects assistance, if the State or unit of general local government, as designated by the Secretary in accordance with regulations, assumes all of the responsibilities for environmental review, decisionmaking, and action pursuant to such Act, and such other provisions of law as the regulations of the Secretary specify, that would otherwise apply to the Secretary were the Secretary to undertake such special projects as Federal projects.*

*(B) IMPLEMENTATION.—The Secretary shall issue regulations to carry out this subsection only after consultation with the Council on Environmental Quality. Such regulations shall—*

*(i) provide for monitoring of the performance of environmental reviews under this subsection;*

*(ii) in the discretion of the Secretary, provide for the provision or facilitation of training for such performance; and*

*(iii) subject to the discretion of the Secretary, provide for suspension or termination by the Secretary of the assumption under subparagraph (A).*

*(C) RESPONSIBILITIES OF STATE OR UNIT OF GENERAL LOCAL GOVERNMENT.—The Secretary's duty under subparagraph (B) shall not be construed to limit any responsibility assumed by a State or unit of general local government with respect to any particular release of funds under subparagraph (A).*

*(2) PROCEDURE.—The Secretary shall approve the release of funds for projects subject to the procedures authorized by this subsection only if, not less than 15 days prior to such approval and prior to any commitment of funds to such projects, the recipient submits to the Secretary a request for such release, accompanied by a certification of the State or unit of general local government which meets the requirements of paragraph (3). The Secretary's approval of any such certification shall be deemed to satisfy the Secretary's responsibilities under the National Environmental Policy Act of 1969 and such other provisions of law as the regulations of the Secretary specify insofar as those responsibilities relate to the releases of funds for special projects to be carried out pursuant thereto which are covered by such certification.*

*(3) CERTIFICATION.—A certification under the procedures authorized by this subsection shall—*

*(A) be in a form acceptable to the Secretary;*

*(B) be executed by the chief executive officer or other officer of the State or unit of general local government who qualifies under regulations of the Secretary;*

*(C) specify that the State or unit of general local government under this subsection has fully carried out its responsibilities as described under paragraph (1); and*

*(D) specify that the certifying officer—*

*(i) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and each provision of law specified in regulations issued by the Secretary insofar as the provisions of such Act or other such provision of law apply pursuant to paragraph (1); and*

*(ii) is authorized and consents on behalf of the State or unit of general local government and himself or herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities as such an official.*

*(4) APPROVAL BY STATES.—In cases in which a unit of general local government carries out the responsibilities described in paragraph (1), the Secretary may permit the State to perform those actions of the Secretary described in paragraph (2) and the performance of such actions by the State, where permitted by the Secretary, shall be deemed to satisfy the Secretary's responsibilities referred to in the second sentence of paragraph (2).*

### SEC. 306. CORRECTION OF FHA MULTIFAMILY MORTGAGE LIMITS.

*The National Housing Act (12 U.S.C. 1701 et seq.) is amended in sections 207(c)(3), 213(b)(2), 220(d)(3)(B)(iii), and 234(e)(3) by striking "$59,160" each place it appears and inserting "$56,160".*

### SEC. 307. AMENDMENTS TO FHA MULTIFAMILY RISK-SHARING AND HOUSING FINANCE AGENCY PILOT PROGRAMS.

*(a) RISK-SHARING PILOT PROGRAM.—Section 542(b) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended—*

*(1) by striking paragraphs (1) and (2) and inserting the following new paragraphs:*

*"(1) IN GENERAL.—The Secretary shall carry out a pilot program in conjunction with qualified participating entities to determine the effectiveness of Federal credit enhancement for loans for affordable multifamily housing through a system of risk-sharing agreements with such entities.*

*"(2) PROGRAM REQUIREMENTS.—*

*"(A) IN GENERAL.—In carrying out the pilot program under this subsection, the Secretary shall enter into risk-sharing agreements with qualified participating entities.*

*"(B) MORTGAGE INSURANCE AND REINSURANCE.—Agreements under subparagraph (A) may provide for (i) mortgage insurance through the Federal Housing Administration of loans for affordable multifamily housing originated by or through, or purchased by, qualified participating entities, and (ii) reinsurance, including reinsurance of pools of loans, on affordable multifamily housing. In entering into risk-sharing agreements under this subsection covering mortgages, the Secretary may give preference to mortgages that are not already in the portfolios of qualified participating entities.*

*"(C) RISK APPORTIONMENT.—Agreements entered into under this subsection between the Secretary and a qualified participating entity shall specify the percentage of loss that each of the parties to the agreement will assume in the event of default of the insured or reinsured multifamily mortgage. Such agreements shall specify that the qualified participating entity and the Secretary shall share any loss in accordance with the risk-sharing agreement.*

*"(D) REIMBURSEMENT CAPACITY.—Agreements entered into under this subsection between the Secretary and a qualified participating entity shall provide evidence acceptable to the Secretary of the capacity of such entity to fulfill any reimbursement obligations made pursuant to this subsection. Evidence of such capacity which may be considered by the Secretary may include—*

*"(i) a pledge of the full faith and credit of a qualified participating entity to fulfill any obligations entered into by the entity;*

*"(ii) reserves pledged or otherwise restricted by the qualified participating entity in an amount equal to an agreed upon percentage of the loss assumed by the entity under subparagraph (C);*

*"(iii) funds pledged through a State or local guarantee fund; or*

*"(iv) any other form of evidence mutually agreed upon by the Secretary and the qualified participating entity.*

"(E) UNDERWRITING STANDARDS.—The Secretary shall allow any qualified participating entity to use its own underwriting standards and loan terms and conditions for purposes of underwriting loans to be insured under this subsection, except as provided in this section, without further review by the Secretary, except that the Secretary may impose additional underwriting criteria and loan terms and conditions for contractual agreements where the Secretary retains more than 50 percent of the risk of loss. Any financing permitted on property insured under this subsection other than the first mortgage shall be expressly subordinate to the insured mortgage.

"(F) AUTHORITY OF SECRETARY.—The Secretary, upon request of a qualified participating entity, may insure or reinsure and make commitments to insure or reinsure under this section any mortgage, advance, loan, or pool of mortgages otherwise eligible under this section, pursuant to a risk-sharing agreement providing that the qualified participating entity will carry out (under a delegation or otherwise, and with or without compensation, but subject to audit, exception, or review requirements) such credit approval, appraisal, inspection, issuance of commitments, approval of insurance of advances, cost certification, servicing, property disposition, or other functions as the Secretary shall approve as consistent with the purpose of this section. All appraisals of property for mortgage insurance under this section shall be completed by a Certified General Appraiser in accordance with the Uniform Standards of Professional Appraisal Practice.

"(G) DISCLOSURE OF RECORDS.—Qualified participating entities shall make available to the Secretary or the Secretary's designee, at the Secretary's request, such financial and other records as the Secretary deems necessary for purposes of review and monitoring for the program under this section.";

(2) in paragraph (4), by striking "financial institutions and entities to be eligible to enter into reinsurance agreements" and inserting "eligibility under this subsection of qualified participating entities";

(3) by striking paragraph (8) and inserting the following new paragraph:

"(11) IMPLEMENTATION.—The Secretary shall take any administrative actions necessary to initiate the pilot program under this subsection."; and

(4) by inserting after paragraph (7) the following new paragraphs:

"(8) PROHIBITION ON GINNIE MAE SECURITIZATION.—The Government National Mortgage Association shall not securitize any multifamily loans insured or reinsured under this subsection.

"(9) QUALIFICATION AS AFFORDABLE HOUSING.—Multifamily housing securing loans insured or reinsured under this subsection shall qualify as affordable only if the housing is occupied by families and bears rents not greater than the gross rent for rent-restricted residential units as determined under section 42(g) of the Internal Revenue Code of 1986.

"(10) CERTIFICATION OF SUBSIDY LAYERING COMPLIANCE.—The requirements of section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 may be satisfied in connection with a commitment to insure a mortgage under this subsection by a certification by a housing credit agency (including an entity established by a State that provides mortgage insurance) to the Secretary that the combination of assistance within the jurisdiction of the Secretary and other government assistance provided in connection with a property for which a mortgage is to be insured shall not be any greater than is necessary to provide affordable housing.".

(b) HOUSING FINANCE AGENCY PILOT PROGRAM.—Section 542(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended—

(1) in paragraph (1), by inserting after "qualified housing finance agencies" the following: "(including entities established by States that provide mortgage insurance)";

(2) in paragraph (2)—

(A) in subparagraph (C), by striking the last sentence and inserting the following: "Such agreements shall specify that the qualified housing finance agency and the Secretary shall share any loss in accordance with the risk-sharing agreement."; and

(B) by adding at the end the following new subparagraph:

"(F) DISCLOSURE OF RECORDS.—Qualified housing finance agencies shall make available to the Secretary such financial and other records as the Secretary deems necessary for program review and monitoring purposes.";

(3) in paragraph (7)—

(A) by striking "very low-income"; and

(B) by striking "(2)"; and

(4) by adding at the end the following new paragraphs:

"(9) ENVIRONMENTAL AND OTHER REVIEWS.—

"(A) ENVIRONMENTAL REVIEWS.—

"(i) IN GENERAL.—(I) In order to assure that the policies of the National Environmental Policy Act of 1969 and other provisions of law which further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the insurance of mortgages under subsection (c)(2), and to assure to the public undiminished protection of the environment, the Secretary may, under such regulations, in lieu of the environmental protection procedures otherwise applicable, provide for agreements to endorse for insurance mortgages under subsection (c)(2) upon the request of qualified housing finance agencies under this subsection, if the State or unit of general local government, as designated by the Secretary in accordance with regulations, assumes all of the responsibilities for environmental review, decisionmaking, and action pursuant to such Act, and such other provisions of law as the regulations of the Secretary may specify, that would otherwise apply to the Secretary with respect to the insurance of mortgages on particular properties.

"(II) The Secretary shall issue regulations to carry out this subparagraph only after consultation with the Council on Environmental Quality. Such regulations shall, among other matters, provide—

"(aa) for the monitoring of the performance of environmental reviews under this subparagraph;

"(bb) subject to the discretion of the Secretary, for the provision or facilitation of training for such performance; and

"(cc) subject to the discretion of the Secretary, for the suspension or termination by the Secretary of the qualified housing finance agency's responsibilities under subclause (I).

"(III) The Secretary's duty under subclause (II) shall not be construed to limit any responsibility assumed by a State or unit of general local government with respect to any particular property under subclause (I).

"(ii) PROCEDURE.—The Secretary shall approve a mortgage for the provision of mortgage insurance subject to the procedures authorized by this paragraph only if, not less than 15 days prior to such approval, prior to any approval, commitment, or endorsement of mortgage insurance on the property on behalf of the Secretary, and prior to any commitment by the qualified housing finance agency to provide financing under the risk-sharing agreement with respect to the property, the qualified housing finance agency submits to the Secretary a request for such approval, accompanied by a certification of the State or unit of general local government that meets the requirements of clause (iii). The Secretary's approval of any such certification shall be deemed to satisfy the Secretary's responsibilities under the National Environmental Policy Act of 1969 and such other provisions of law as the regulations of the Secretary specify insofar as those responsibilities relate to the provision of mortgage insurance on the property that is covered by such certification.

"(iii) CERTIFICATION.—A certification under the procedures authorized by this paragraph shall—

"(I) be in a form acceptable to the Secretary;

"(II) be executed by the chief executive officer or other officer of the State or unit of general local government who qualifies under regulations of the Secretary;

"(III) specify that the State or unit of general local government under this section has fully carried out its responsibilities as described under clause (i); and

"(IV) specify that the certifying officer consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and under each provision of law specified in regulations issued by the Secretary insofar as the provisions of such Act or such other provisions of law apply pursuant to clause (i), and is authorized and consents on behalf of the State or unit of general local government and himself or herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities as such an official.

"(iv) APPROVAL BY STATES.—In cases in which a unit of general local government carries out the responsibilities described in clause (i), the Secretary may permit the State to perform those actions of the Secretary described in clause (ii) and the performance of such actions by the State, where permitted by the Secretary, shall be deemed to satisfy the Secretary's responsibilities referred to in the second sentence of clause (ii).

"(B) LEAD-BASED PAINT POISONING PREVENTION.—In carrying out the requirements of section 302 of the Lead-Based Paint Poisoning Prevention Act, the Secretary may provide by regulation for the assumption of all or part of the Secretary's duties under such Act by qualified housing finance agencies, for purposes of this section.

"(C) CERTIFICATION OF SUBSIDY LAYERING COMPLIANCE.—The requirements of section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 may be satisfied in connection with a commitment to insure a mortgage under this subsection by a certification by a housing credit agency (including an entity established by a State that provides mortgage insurance) to the Secretary that the combination of assistance within the jurisdiction of the Secretary and other government assistance provided in connection with a property for which a mortgage is to be insured shall not be any greater than is necessary to provide affordable housing.

"(10) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) MORTGAGE.—The term 'mortgage' means a first mortgage on real estate that is—

"(i) owned in fee simple; or

"(ii) subject to a leasehold interest that—

"(I) has a term of not less than 99 years and is renewable; or

"(II) has a remaining term that extends beyond the maturity of the mortgage for a period of not less than 10 years.

"(B) FIRST MORTGAGE.—The term 'first mortgage' means a single first lien given to secure advances on, or the unpaid purchase price of, real estate, under the laws of the State in which the real estate is located, together with the cred-

*it instrument, if any, secured thereby. Any other financing permitted on property insured under this section must be expressly subordinate to the insured mortgage.*

*"(C) UNIT OF GENERAL LOCAL GOVERNMENT; STATE.—The terms 'unit of general local government' and 'State' have the same meanings as in section 102(a) of the Housing and Community Development Act of 1974.".*

*(c) DEFINITIONS.—Section 544 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended—*

*(1) by striking paragraph (1) and inserting the following new paragraph:*

*"(1) The term 'multifamily housing' means housing accommodations on the mortgaged property that are designed principally for residential use, conform to standards satisfactory to the Secretary, and consist of not less than 5 rental units on 1 site. These units may be detached, semidetached, row house, or multifamily structures."; and*

*(2) by adding at the end the following new paragraph:*

*"(5) The term 'qualified participating entity' means an entity approved by the Secretary for participation in the pilot program under this subsection, which may include—*

*"(A) the Federal National Mortgage Association;*

*"(B) the Federal Home Loan Mortgage Corporation;*

*"(C) State housing finance and mortgage insurance agencies; and*

*"(D) the Federal Housing Finance Board.".*

***SEC. 308. SUBSIDY LAYERING REVIEW.***

*Section 911 of the Housing and Community Development Act of 1992 (42 U.S.C. 3545 note) is amended—*

*(1) by striking subsection (a) and inserting the following new subsection:*

*"(a) CERTIFICATION OF SUBSIDY LAYERING COMPLIANCE.—The requirements of section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 may be satisfied in connection with a project receiving assistance under a program that is within the jurisdiction of the Department of Housing and Urban Development and under section 42 of the Internal Revenue Code of 1986 by a certification by a housing credit agency to the Secretary, submitted in accordance with guidelines established by the Secretary, that the combination of assistance within the jurisdiction of the Secretary and other government assistance provided in connection with a property for which assistance is to be provided within the jurisdiction of the Department of Housing and Urban Development and under section 42 of the Internal Revenue Code of 1986 shall not be any greater than is necessary to provide affordable housing."; and*

*(2) by striking subsection (c) and inserting the following new subsection:*

*"(c) REVOCATION BY SECRETARY.—If the Secretary determines that a housing credit agency has failed to comply with the guidelines established under subsection (a), the Secretary—*

*"(1) may inform the housing credit agency that the agency may no longer submit certification of subsidy layering compliance under this section; and*

*"(2) shall carry out section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 relating to affected projects allocated a low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986.".*

Amend the title so as to read: "An Act to amend section 203 of the Housing and Community Development Amendments of 1978 to provide for the disposition of multifamily properties owned by the Secretary of Housing and Urban Development, to provide for other reforms in programs administered by the Secretary, and to make certain technical amendments, and for other purposes.".

Mr. SARBANES. Mr. President, I rise to speak in favor of S. 1299—the Multifamily Property Disposition Reform Act of 1994. The Senate first passed S. 1299 last November on a unanimous vote. On Tuesday this week, the House also passed S. 1299, with amendments, by an overwhelming majority. The bill we will pass today closely resembles the original Senate-passed bill and I urge its adoption.

S. 1299 represents a major step forward in making the Department of Housing and Urban Development [HUD] a more effective partner—with State and local governments and the for-profit and nonprofit housing providers—in the provision of decent, safe, and sanitary housing in this country. This bill incorporates important improvements to HUD's programs that will allow HUD Secretary Cisneros to move forward in solving some of the more intractable problems confronting his Department.

At the core of this legislation are reforms to the way in which HUD disposes of properties it acquires as a result of defaults on FHA-insured mortgages. The problems with the current HUD multifamily property disposition statute are revealed by the basic statistics: the HUD-owned inventory of multifamily properties quadrupled between 1989 and 1993 to over 31,000 units. By the end of this year, the HUD-owned inventory will likely double again, to over 69,000 units.

The main impediment to the sale of these properties is a requirement in current law that HUD provide 15-year Section 8 subsidies on most of the units in its inventory upon disposition. However, the funding levels necessary to meet these subsidy requirements have never been met.

Existing law embodied a noble impulse: by requiring these subsidies Congress hoped to create additional permanent units of affordable housing. However, without adequate funding, the law only offered tenants of HUD-owned properties a theoretical right to section 8 subsidies. Lacking funding for subsidies, HUD has become a perpetual landlord. Unfortunately, the Department, by its own admission, is not well suited to this role. As a result, many properties are deteriorating under HUD's stewardship.

It is important, Mr. President, to remember that we are not just talking about projects; we are talking about places that families call home. The projects in HUD's inventory are often quite distressed. To a certain extent, this legislation is about poor families living in dilapidated apartment buildings. It is about neighborhoods blighted by housing development gone sour.

The answer, of course, was to craft a solution that moves these properties as promptly as possible into the hands of owners with the resources to maintain this inventory in decent condition and, at the same time, balance the need to protect existing residents from displacement, preserve units as affordable housing, and provide a reasonable return to the taxpayer. I believe that S. 1299 achieves this balance.

It is important to point out that one of the key elements of this bill is that every tenant who currently receives a HUD subsidy will continue to receive a subsidy after disposition. In this legislation, Congress not only mandates that subsidies be provided to all tenants who were receiving a subsidy before their prior owner defaulted, but provides HUD with workable tools which will facilitate the long-term physical and financial viability of these projects. These new tools include short-term loans, rehabilitation grants, rent restrictions, and tenant-based assistance. Further, the bill will restrict rent increases for a 24-month period on certain units occupied by very low-income families as an additional protection against displacement.

Unfortunately, the problems in disposing of multifamily project are only the tip of the iceberg: HUD owns and services mortgages with a face value of over $7 billion. Some $6.2 billion of these mortgages are delinquent—covering properties with over 219,000 units. The 1992 audit of the FHA insurance funds required HUD to increase the loan reserves on FHA insurance-inforce from $5.5 billion to $11.9 billion.

In response to the condition of the FHA portfolio, S. 1299 also provides initiatives designed to prevent these projected losses from occurring. For example, the legislation requires HUD to develop a streamlined mortgage refinancing program to take advantage of current flow interest rates. The legislation also more clearly ties existing assistance programs to projects at risk of default. And, the legislation gives HUD explicit authority to sell certain mortgages, freeing HUD staff to focus on working out the troubled mortgages that require greater attention.

In addition to the multifamily reforms, S. 1299 offers significant enhancements to other important HUD programs. Local governments using the HOME program are provided with greater flexibility to meet their housing needs. Most notably, the bill removes bias against new construction in the HOME program by creating a uniform 25 percent match for all activities. S. 1299 also makes homeownership activities easier by simplifying resale provisions and by removing a requirement that the HOME program only assist first-time homebuyers.

S. 1299 makes the existing Community Development Block Grant Section 108 loan guarantee program more workable. The bill expands the activities eligible under the program and creates a new grant program that will increase the use of the program. These grants will be used to reduce the risk of using CDBG to back section 108 projects, creating an incentive for cities to use this underutilized economic development tool.

There were a few important provisions in the Senate-passed bill that the House was unable to accept at this time. These include rent reform for public housing, the COMPAC crime prevention initiative, amendments to be severely distressed public housing program, and civil money penalties for certain owners and managers of HUD-assisted properties. These reforms continue to be important and timely; however, they have been postponed for consideration in the context of the larger housing program reauthorization effort scheduled for later in this session.

In closing, I would like to thank my colleagues on the Senate Banking Committee—Chairman RIEGLE, ranking member Senator D'AMATO, and Senator BOND, for their assistance in crafting this important piece of legislation. I would also like to especially thank my colleagues on the House side—Banking Committee Chairman GONZALEZ and Congresswoman ROUKEMA—for their support and contributions to this legislation. Thanks go also to Secretary Cisneros and his excellent team at HUD for the time and energy that they put into this legislation. The successful working relationship established in connection with this legislation bodes well for the upcoming effort that will be required to reauthorize our Nation's housing programs.

Finally, I would like to recognize the fine work of the Senate staff who put in long hours of hard work to bring this bill to this point. I would like to extend my personal thanks to the Senate Housing Subcommittee majority staff—Paul Weech, Lori Bamberger, Cheryl Fox, Robin Campbell, Kris Warren, Gina Ramos, and Eileen Gallagher—the minority staff—Jon Kamarck and Fallie Calder—and also full Banking Committee staff—Kevin Chavers and Jeannine Jacokes for their efforts.

Mr. RIEGLE. I would like to offer my strong support for S. 1299—the Multifamily Housing Property Disposition Act of 1994. A similar version of this bill was passed last year on November 18, 1993 with the support of the full Senate. This package is essentially the same bill the Senate passed with some important refinements added by the House when it acted upon S. 1299. I believe this bill is critically important because it responds to the multifamily crisis confronting the Department of Housing and Urban Development [HUD].

Problems in HUD's multifamily portfolio have been of concern to the Committee for a long period of time. Last year, the Committee held a hearing on June 22 on this dire situation. Our witnesses testified that HUD has experienced a significant increase in loan loss reserves for 1992 from $5.5 billion to $11.9 billion, in order to cover anticipated losses from future defaults on mortgages insured by HUD. We also heard how problems in HUD's multifamily programs are exacerbated by the current rules governing property disposition.

S. 1299 addresses these issues by providing greater flexibility in the disposition of HUD-owned multifamily properties while protecting affordability and preservation objectives in current law. This bill gives the department new tools to facilitate disposition. It increases the department's flexibility in disposing of properties and expedites the sales of properties. The expedited sales of HUD-owned properties will reduce the costs of holding and maintaining the properties in the inventory. This will free up HUD's resources to focus on preventing defaults on currently insured mortgages. The bill also provides tools designed to prevent such defaults from occurring and to minimize losses.

Amendments made by the House to the Senate-passed S. 1299 strengthen tenant protections by requiring restraints on rent increases for 2 years after disposition for certain very low-income residents. The House also chose to postpone consideration of a provision included in the Senate-passed bill that would have applied civil money penalties to owners, general partners, and certain managing agents of HUD-assisted properties in cases where such parties failed to adequately maintain the properties.

The bill also includes several other important provisions that will help create jobs for people living in economically-distressed communities. It contains an economic development initiative which will allow Community Development Block Grant recipients who use the section 108 Loan Guarantee Program to use grants to create viable economic development projects. The bill includes a UDAG trade-in program. This program will permit cities to trade in outstanding UDAG grants in exchange for funds for other economic development projects.

In addition, the bill contains several technical amendments to the HOME program and other technical changes which correct errors in recent legislation.

This bill represents an important step in providing HUD with the flexibility and tools it needs to confront the crisis in its multifamily programs, in particular, and its management problems, in general. I wish to commend Housing and Urban Affairs Subcommittee Chairman SARBANES and his ranking Republican member, Senator BOND, as well as Senator D'AMATO for the bipartisan spirit with which we have worked to put this bill together.

I ask my colleagues to join me in supporting this important piece of legislation.

Mr. BOND. Mr. President, I want to state my strong support for S. 1299, the Multifamily Housing Property Disposition Reform Act of 1994. This bill was initially reported out of the Senate Committee on Banking, Housing, and Urban Affairs by unanimous vote on October 19, 1993, and subsequently passed the Senate on November 19, 1993. This bill with certain perfecting amendments has been since considered and passed by the House on March 22, 1994, by a vote of 413 to 9.

S. 1299 is important legislation that addresses several critical issues that are crucial to the ability of the Department of Housing and Urban Development to carry out the requirements of a number of its programs. In particular, S. 1299 will provide HUD with needed flexibility in the disposition of its multifamily housing inventory, provide HUD with needed authority to help prevent the default of HUD-insured mortgages, make several reforms to the CDBG and HOME programs, and make other noncontroversial technical amendments to HUD programs.

S. 1299 is designed, most importantly, to address a crisis in HUD's FHA Multifamily Housing Property Disposition Program by providing HUD with significant flexibility to dispose of an ever-growing inventory of FHA insured multifamily housing projects which are acquired by HUD through either foreclosure or by assignment.

HUD testified before the Senate Housing Subcommittee on June 22, 1993, that the FHA Multifamily Housing Property Disposition Program is very costly to the Department and that section 203 of the Housing and Community Development Amendments of 1978 limits severely the ability of HUD to effectively and efficiently dispose of properties in its multifamily housing property disposition inventory. As a practical matter, HUD has construed section 203 of the 1978 amendments to require HUD to provide 15-year project-based section 8 assistance for most of the units in housing projects held by HUD in its multifamily housing inventory. HUD does not and will not have enough 15-year project-based section 8 assistance to meet the section 203 disposition requirements. As a result, HUD has become an involuntary landlord which, by its own admission, does not have the administrative capacity to maintain the physical needs and housing quality standards of this housing.

In particular, the inventory of HUD-owned multifamily housing projects has quadrupled since 1989, with the expectation that the inventory could balloon to some 69,000 units by the end of 1994. The cost of disposition of these units under the existing section 203 is currently estimated at over $5.4 billion.

Moreover, the inventory of HUD-held multifamily housing has substantially increased to over 2,400 mortgages covering some 219,000 units. To cover these future estimated losses, HUD was required to increase the insurance loss reserves from $5.5 billion in 1991 to $11.9 billion in 1992.

These are significant and costly obligations. In response to these concerns, I introduced with Senator D'AMATO on July 22, 1993, S. 1279, the FHA Multifamily Housing Flexible Disposition Act of 1993. S. 1279 would have provided HUD, for 18 months, with complete flexibility to dispose of its multifamily housing property inventory while balancing the need to maintain the low-income nature of the housing. S. 1299, as amended, does not go as far as S. 1279. Nevertheless, S. 1299 responsibility addresses this crisis by providing HUD with significant flexibility to dispose of these multifamily housing projects while requiring HUD to continue to provide housing assistance or rent affordability to, at a minimum, the low-income households already receiving assistance. This new flexibility includes the use of section 8 project-based and tenant-based assistance, bridge loans to nonprofits and public entities, rehabilitation grants, discounted sales prices, and the use of rent restrictions in lieu of section 8 subsidies. I also strongly support and urged adoption of a provision in the legislation which would allow HUD to authorize demolition and to provide project-based assistance for the rebuilding of certain projects which have not been maintained in a decent, safe, and sanitary condition, and for which rebuilding would be less expensive than substantial rehabilitation. I believe this provision will be of tremendous benefit Nation-wide to communities with very troubled and deteriorated multifamily housing, I emphasize that the provisions of S. 1299 are bipartisan, flexible, will help to guarantee good housing quality standards, and, most importantly, will protect low-income households already receiving housing assistance.

This bill also provides a number of modest changes to current housing law to help HUD assess and minimize the risk of mortgage default with regard to the FHA insured multifamily inventory. For example, the bill would make several noncontroversial revisions to the Flexible Subsidy Program to ensure that housing repair needs are better and more appropriately addressed.

This bill also makes a number of noncontroversial changes to the HOME Program which should help localities better use this program. In particular the HOME match will be a flat 25-percent local match as opposed to the current two tiered match, which includes a 30-percent local match for new construction. S. 1299 also makes some positive changes to the section 108 program to broaden its scope and assist communities in using section 108 loan guarantees. Moreover, a provision of mine is intended to provide communities which are declared Federal disaster areas with more flexibility in using their annual HOME and CDBG funding.

In conclusion, this bill is an excellent example of a bipartisan solution to the costly problem of HUD's disposition of its multifamily housing inventory. It also makes a number of other important, although noncontroversial, housing policy decisions.

I urge my colleagues to support S. 1299.

Mr. SARBANES. The law governing HUD's disposition of multifamily housing properties—that we are amending today—can be found in section 203 of the Housing and Community Development Amendments of 1978. S. 1299 amends and rewrites section 203 in its entirety, in order to streamline its provisions and to provide HUD with certain conditioned flexibility to dispose of the properties that it has acquired through mortgage defaults.

Subsection (a) of the amended section 203 sets forth the goals that Congress requires the Department to follow in disposing of the properties it owns. In many instances, these goals may conflict, and the status directs the Department to balance these competing goals to the best of its ability and within available resources.

Subsection (e) of section 203, as amended by S. 1299, mandates certain minimum subsidies and affordability requirements that the Department must provide to certain tenants or units. In the opening sentence of subsection (e), we have modified that requirement by a reference to only one of the goals of the statute, and I wanted to make it clear for the record why we included that modified language in this bill.

The new subsection (e) begins: "In disposing of multifamily housing property under this section, consistent with the goal of section 203(a)(3)(A), the Secretary shall take separately, or in combination with other actions under this subsection or subsection (f), one or more of the following actions: * * *." Section 203(a)(3)(A) is a goal of "preserving certain housing so that it can remain available to and affordable by low-income persons." I would like to clarify that this reference to the goal set forth in section 203(a)(3)(A) is in no way intended to lessen the requirement that HUD provide section 8 assistance to any tenants or units so entitled under subsection (e). With very limited exceptions, HUD must perform the analysis required by subsection (e) for each and every property in its inventory to identify which residents or units must receive assistance under the provisions of the new law.

The reference to the single goal was included in this bill for two reasons. First, the language will permit the Department to take advantage of limited authorities set forth in paragraphs (f)(6), (f)(7), and (f)(8) of the amended section 203. In these paragraphs, the Department retains the discretionary authority to provide specific alternative assistance to tenants or to undertake specific actions which benefit tenants in lieu of providing assistance otherwise required under subsection (e). Second, we were particularly concerned that without this reference to preserving certain properties, the Department would not be able to demolish and replace projects in those isolated cases where such a strategy is necessary—where demolition is dictated by health and safety concerns, where the cost of replacement is less than the cost of rehabilitating an existing structure, or where the structure, even after rehabilitation, would not be physically or financially viable.

Mr. BOND. Will the Senate yield? I would like to express my agreement with Senator from Maryland's interpretation. This language was not added to lessen the requirement that the Department must balance all the goals when disposing of any property it owns. Nor was it intended to arbitrarily exempt certain properties from the section 8 assistance required under subsection (e). The language was intended to reinforce those alternative disposition tools, set forth in paragraphs (6), (7), and (8) of subsection (f), that have been developed in this amended statute. Of course, the statute requires the Secretary to identify through regulation how these alternatives, as well as any demolition authority, will be implemented.

In this context, I am particularly pleased that the bill we are passing today includes a new provision, set forth in subsection (f)(8), that will allow the Department to use the section 8 assistance otherwise required under subsection (e) to rebuild projects that are not habitable, as long as the rebuilding is less costly than rehabilitation and current tenants are protected. I, for one, know this tool will be particularly useful in Missouri; the Department has identified other instances where certain projects have deteriorated to the point where rebuilding would be appropriate.

Mr. SARBANES. I thank my colleague for his comments. A second point of clarification may be needed with respect to S. 1299. Subsection (203)(e)(2) allows the Secretary to substitute tenant-based section 8 rental assistance for project-based section 8 assistance in certain circumstances. A similar provision exists under current law, and is commonly known as the soft-market test. The changes made to this section were not intended to reverse the requirement that this option apply only in soft markets—as determined by the Secretary. Rather, enhancements made to section 203(e)(2) were intended to ensure that the Department additionally analyze whether households receiving tenant-based assistant would be able to use such assistance successfully in those soft markets.

Mr. BOND. That is also understanding. I thank the chairman of the Senate Housing Subcommittee for that clarification of this provision.

Mr. FORD. Mr. President, I move that the Senate concur in the amendments of the House.

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

Mr. FORD. Mr. President, I move to reconsider.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I further ask unanimous consent that the Senator concur in the House amendment to the title, and that any statements on this measure appear in the RECORD at the appropriate place as though read.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT AMENDMENT ACT

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 476, on a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

The PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 476) entitled "An Act to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

### *TITLE I—AMENDMENTS TO NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT*

#### *SEC. 101. SHORT TITLE.*

*This title may be cited as the "National Fish and Wildlife Foundation Improvement Act of 1994".*

#### *SEC. 102. COOPERATIVE PROGRAMS WITH NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.*

*Section 2(b) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701) is amended by inserting "and the National Oceanic and Atmospheric Administration" after "the United States Fish and Wildlife Service".*

#### *SEC. 103. MEMBERSHIP OF BOARD OF DIRECTORS OF FOUNDATION.*

*(a) CONSULTATIONS REGARDING APPOINTMENTS.—*

*(1) IN GENERAL.—Section 3(b) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(b)) is amended by adding at the end the following: "The Secretary of the Interior shall consult with the Under Secretary of Commerce for Oceans and Atmosphere before appointing any Director of the Board.".*

*(2) APPLICATION.—The amendment made by paragraph (1) shall apply to appointments of Directors of the Board of Directors of the National Fish and Wildlife Foundation made after the date of the enactment of this Act.*

*(b) EXPANSION OF BOARD.—Section 3(a) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(a)) is amended—*

*(1) in the matter preceding paragraph (1) by striking "nine" and inserting "15"; and*

*(2) in paragraph (2) by striking "three" and inserting "4".*

*(c) INITIAL TERMS.—Of the Directors on the Board of Directors of the National Fish and Wildlife Foundation first appointed pursuant to the amendment made by subsection (b)(1), notwithstanding the second sentence of section 3(b) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(b))—*

*(1) 2 shall be appointed to a term of 2 years;*

*(2) 2 shall be appointed to a term of 4 years; and*

*(3) 2 shall be appointed to a term of 6 years; as specified by the Secretary of the Interior at the time of appointment.*

*(d) COMPLETION OF APPOINTMENTS.—The Secretary of the Interior shall appoint the additional members of the Board of Directors of the National Fish and Wildlife Foundation authorized by the amendment made by subsection (a), by not later than 60 days after the date of the enactment of this Act.*

*(e) AUTHORITY OF BOARD NOT AFFECTED.—The authority of the Board of Directors of the National Fish and Wildlife Foundation to take any action otherwise authorized by law shall not be affected by reason of the Secretary of the Interior not having completed the appointment of Directors of the Board of Directors of the National Fish and Wildlife Foundation pursuant to the amendment made by subsection (b)(1).*

#### *SEC. 104. REAUTHORIZATION OF NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT.*

*(a) REAUTHORIZATION.—Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended—*

*(1) in subsection (a) by striking "not to exceed $15,000,000" and all that follows through the end of the sentence and inserting "$25,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998."; and*

*(2) by adding at the end the following:*

*"(c) ADDITIONAL AUTHORIZATION.—The amounts authorized to be appropriated under this section are in addition to any amounts provided or available to the Foundation under any other Federal law.".*

*(b) CLERICAL AMENDMENT.—Section 10(b)(1) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709(b)(1)) is amended by striking "paragraphs (2) and (3)," and inserting "paragraph (2),".*

#### *SEC. 105. CONVEYANCE OF SENECAVILLE NATIONAL FISH HATCHERY.*

*(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law and within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall convey to the State of Ohio without reimbursement all right, title, and interest of the United States in and to the property known as the Senecaville National Fish Hatchery, located in Senecaville, Ohio, including—*

*(1) all easements and water rights relating to that property, and*

*(2) all land, improvements, and related personal property comprising that hatchery.*

*(b) USE OF PROPERTY.—All property and interests conveyed under this section shall be used by the Ohio Department of Natural Resources for the Ohio fishery resources management program.*

*(c) REVERSIONARY INTEREST.—All right, title, and interest in and to all property and interests conveyed under this section shall revert to the United States on any date on which any of the property or interests are used other than for the Ohio fishery resources management program.*

### *TITLE II—BROWNSVILLE WETLANDS POLICY CENTER*

#### *SEC. 201. SHORT TITLE.*

*This title may be cited as the "Brownsville Wetlands Policy Act of 1994".*

#### *SEC. 202. ESTABLISHMENT OF WETLANDS POLICY CENTER AT THE PORT OF BROWNSVILLE, TEXAS.*

*(a) ESTABLISHMENT OF CENTER.—For purposes of utilizing grants made by the United States Fish and Wildlife Service there may be established in accordance with this title, on property owned or held in trust by the Brownsville Navigation District at the Port of Brownsville, Texas, a wetlands policy center which shall be known as the "Brownsville Wetlands Policy Center at the Port of Brownsville, Texas" (in this title referred to as the "Center"). The Center shall be operated and maintained by the Port of Brownsville with programs to be administered by the University of Texas at Brownsville.*

*(b) MISSION OF THE CENTER.—The primary mission of the Center shall be to utilize the unique wetlands property at the Port of Brownsville and adjacent waters of South Texas to focus on wetland matters for the purposes of protecting, restoring, and maintaining the Lagoon Ecosystems of the Western Gulf of Mexico Region.*

*(c) BOARD OF DIRECTORS.—The Center shall be governed by a Board of Directors to oversee the management and financial affairs of the Center. The Board of Directors shall be cochaired by the Port of Brownsville, the University of Texas at Brownsville, and the designee of the Director of the Fish and Wildlife Service, and shall include as members other representatives considered appropriate by those cochairs.*

*(d) OVERSIGHT OF THE CENTER.—*

*(1) ANNUAL REPORT.—The Board of Directors of the Center shall prepare an annual report and submit it through the Director of the United States Fish and Wildlife Service to the Congress.*

*(2) CONTENTS.—Annual reports under this subsection shall cover the programs, projects, activities, and accomplishments of the Center. The reports shall include a review of the budget of the Center, including all sources of funding received to carry out Center operations.*

*(3) AVAILABILITY OF INFORMATION.—The Board of Directors of the Center shall make available all pertinent information and records to allow preparation of annual reports under this subsection.*

*(4) GENERAL ACCOUNTING OFFICE.—The Comptroller General of the United States shall periodically submit to the Congress reports on the operations of the Center.*

#### *SEC. 203. GRANTS.*

*The Director of the United States Fish and Wildlife Service shall, subject to the availability of appropriations, make grants to the Center for use for carrying out activities of the Center.*

#### *SEC. 204. LEASE.*

*The Director of the United States Fish and Wildlife Service, subject to the availability of appropriations, may enter into a long-term lease with the Port of Brownsville for use by the Center of wetlands property owned by the Port of Brownsville. Terms of the lease shall be negotiated, and the lease shall be signed by both parties, prior to the disposal of any Federal funds pursuant to this title. The lease shall include a provision authorizing the Director to terminate the lease at any time.*

***SEC. 205. OTHER REQUIREMENTS.***

*As conditions of receiving assistance under this title—*

*(1) the University of Texas at Brownsville shall make available to the Center for fiscal years 1994, 1995, 1996, and 1997—*

*(A) administrative office space;*

*(B) classroom space; and*

*(C) other in-kind contributions for the Center, including overhead and personnel; and*

*(2) the Port of Brownsville shall make available up to 7,000 acres of Port Property for the programs, projects, and activities of the Center.*

*The Board of Directors of the Center shall include in their annual report under section 202(d) a statement of whether these conditions have been met.*

***SEC. 206. AUTHORIZATION OF APPROPRIATIONS.***

*There are authorized to be appropriated to the Director of the United States Fish and Wildlife Service $5,000,000 for fiscal year 1994, $4,000,000 for fiscal year 1995, $4,000,000 for fiscal year 1996; and such sums as may be necessary for fiscal year 1997, for making grants to the Center under section 203, including for use for the establishment, operation, maintenance, and management of the Center.*

***SEC. 207. RELATIONSHIP OF CENTER WITH THE CENTER FOR ENVIRONMENTAL STUDIES AND SERVICES, CORPUS CHRISTI, TEXAS.***

*None of the funds appropriated pursuant to this title may be used to relocate any of the administrative operations of the United States Fish and Wildlife Service from the Center for Environmental Studies and Services Building on the campus of Corpus Christi State University, to the Brownsville Wetlands Policy Center at the Port of Brownsville, Texas, established pursuant to this title.*

### *TITLE III—WALTER B. JONES CENTER FOR THE SOUNDS AT THE POCOSIN LAKES NATIONAL WILDLIFE REFUGE*

***SEC. 301. FINDINGS.***

*The Congress finds the following:*

*(1) The Pocosin Lakes National Wildlife Refuge, located in northeastern North Carolina, provides unique opportunities for observing and interpreting the biological richness of the region's estuaries and wetlands.*

*(2) Although there are 10 national wildlife refuges in eastern North Carolina, not one has an educational or interpretative center for visitors.*

*(3) The State of North Carolina, Tyrrell County, the town of Columbia, the Conservation Fund, and private citizens have proposed to enter into a partnership with the United States Fish and Wildlife Service to establish an educational and interpretative facility to be known as the Center for the Sounds.*

*(4) Establishment of the Center for the Sounds would bestow economic benefits upon Tyrrell County and the town of Columbia.*

*(5) The Federal Government has designated the Albemarle-Pamlico estuary system of northeastern North Carolina as an estuary of national concern.*

*(6) Throughout his congressional career, the Honorable Walter B. Jones was a strong supporter of the National Wildlife Refuge System.*

*(7) During his years of service in the House of Representatives, Walter B. Jones supported the establishment and expansion of National Wildlife Refuges in eastern North Carolina; these include 6 new National Wildlife Refuges established in his district, including the Alligator River National Wildlife Refuge and the Pocosin Lakes National Wildlife Refuge, which are respectively the third largest and fifth largest National Wildlife Refuges east of the Mississippi River.*

*(8) Walter B. Jones helped increase refuge acreage in his district by over 303,000 acres, thus ensuring the protection of these lands for wildlife habitat and public recreation.*

*(9) Walter B. Jones' support for reintroducing endangered red wolves into the wild at Alligator River National Wildlife Refuge was a major factor in securing public acceptance of, and support for, this first successful effort to reintroduce endangered predators into formerly occupied habitat.*

*(10) Walter B. Jones devoted much of his congressional career, including his years as Chairman of the Merchant Marine and Fisheries Committee, to the conservation of fish and wildlife, for the benefit of the Nation and the people of North Carolina.*

*(11) Walter B. Jones should most appropriately be recognized for his work on behalf of fish and wildlife conservation by having the Center for the Sounds at the Pocosin Lakes National Wildlife Refuge System named in his honor.*

***SEC. 302. AUTHORITY TO CONSTRUCT AND OPERATE FACILITY.***

*The Secretary of the Interior may, subject to the availability of appropriations, construct and operate a facility at the Pocosin Lakes National Wildlife Refuge in Tyrrell County, North Carolina, which shall be known as the "Walter B. Jones Center for the Sounds", for the following purposes:*

*(1) Providing public opportunities, facilities, and resources to study the natural history and natural resources of northeastern North Carolina.*

*(2) Offering a variety of environmental educational programs and interpretive exhibits.*

*(3) Fostering an awareness and understanding of the interactions among wildlife, estuarine and wetland ecosystems, and human activities.*

*(4) Providing office space and facilities for refuge administration, research, education, and related activities.*

***SEC. 303. DESIGN.***

*The Secretary of the Interior shall ensure that the design, size, and location of a facility constructed under this title are consistent with the cultural and natural history of the area with which the facility will be concerned.*

***SEC. 304. COST SHARING.***

*The Secretary of the Interior may accept contributions of funds from non-Federal sources to pay the costs of operating and maintaining the facility authorized under this title, and shall take appropriate steps to seek to obtain such contributions.*

***SEC. 305. REPORT.***

*Not later than 6 months after the date of the enactment of this Act, the Secretary of the Interior shall submit a report to the Congress on progress made in designing and constructing a facility under this title, including steps taken under section 304 to obtain contributions and any such contributions that have been pledged to or received by the United States.*

Amend the title so as to read: "An Act to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, and for other purposes.".

Mr. FORD. Mr. President, I ask unanimous consent that the Senate concur in the amendments of the House and that the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 2:30 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 1284. An act to amend the Developmental Disabilities Assistance and Bill of Rights Act to modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes.

S. 1913. An act to extend certain compliance dates for pesticide safety training and labeling requirements.

H.R. 3345. An act to provide temporary authority to Government agencies relating to voluntary separation incentive payments, and for other purposes.

H.J. Res. 329. Joint resolution designating March 23, 1994, as "Education and Sharing Day, U.S.A."

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2410. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a certification relative to the Board for International Broadcasting; to the Committee on Appropriations.

EC–2411. A communication from the Acting Assistant Secretary of the Army (Installations, Logistics, and Environment), transmitting, pursuant to law, notice relative to the environmental remediation operations at Aberdeen Proving Ground, Maryland; to the Committee on Armed Services.

EC–2412. A communication from the Secretary of the Navy, transmitting, pursuant to law, notice relative to a major defense acquisition program; to the Committee on Armed Services.

EC–2413. A communication from the Secretary of the Army, transmitting, pursuant to law, a report on unit cost thresholds; to the Committee on Armed Services.

EC–2414. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, the report on program activities to facilitate weapons destruction and nonproliferation in the Former

Soviet Union for the period July 1, 1993 through September 30, 1993; to the Committee on Armed Services.

EC-2415. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the annual report for fiscal year 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC-2416. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the annual report under the Fair Debt Collection Practices Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-2417. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, notice relative to the Government National Mortgage Association; to the Committee on Banking, Housing, and Urban Affairs.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM—425. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Foreign Relations.

"SENATE CONCURRENT MEMORIAL 1004

"Whereas, the State of Arizona is dependent on and committed to appropriate use, management and protection of its water supplies;

"Whereas, the State of Arizona has adopted a program to manage its water resources in a hydrologically sound manner;

"Whereas, a portion of the Santa Cruz River basin, which is an important water source for both this state and the Republic of Mexico, is located within the Republic of Mexico;

"Whereas, this state wishes to improve water management on both sides of the international border for the benefit of both the United States and the Republic of Mexico;

"Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

"1. That the Congress and the President of the United States enter into negotiations with the government of the Republic of Mexico through the International Boundary and Water Commission to cooperatively manage the water of the Santa Cruz River basin, in a manner compatible with the groundwater management program of the State of Arizona, and that these discussions consider an international active management area designation either by new agreement between the United States and the Republic of Mexico or by amendment to existing water treaties.

"2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives, the President of the United States and each Member of the Arizona Congressional Delegation."

POM-426. A resolution adopted by the Commission of the City of Clearwater, Florida relative to unfunded Federal mandates; to the Committee on Governmental Affairs.

POM-427. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Indian Affairs.

"SENATE CONCURRENT RESOLUTION 1011

"Whereas, the people of the State of Arizona view with concern that none of the statues or memorials honoring veterans in Washington, D.C. show any Native Americans.

"Whereas, the people of the State of Arizona recognize the long tradition Native Americans have of service to their country in the military: Therefore be it

*Resolved by the Senate of the State of Arizona, the House of Representatives concurring:*

"1. That the Congress and the President of the United States shall honor the longstanding military contribution of Native Americans by making provision for the erection of a statue or memorial in Washington, D.C. that includes Native American veterans.

"2. That the Secretary of State of the State of Arizona transmit a certified copy of this Concurrent Resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona."

POM-428. A joint resolution adopted by the Legislature of the State of California; to the Committee on Veterans' Affairs.

"SENATE JOINT RESOLUTION NO. 13

"Whereas, service-disabled and prisoner of war veterans are benefiting from new medical therapies and prostheses to the extent that they are participating more fully in society, especially in the free enterprise system and the ownership and management of businesses; and

"Whereas, the Legislature of the State of California has established systems of procurement and contracting assistance and other benefits that provide participation in state contract goals for disabled veterans: Now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly:*

That the Legislature of the State of California respectfully memorializes the President and the Congress to establish and maintain participation by service-disabled veteran owned and operated businesses in contracting and procurement programs with the government or with government contractors, licensees, or agents; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, and to each Senator and Representative from California in the Congress of the United States."

POM—429. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Commerce, Science, and Transportation.

"JOINT RESOLUTION

"Whereas, we, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the members of Congress of the United States, as follows:

"Whereas, the current territorial sea limit for the State of Maine is 3 miles; and

"Whereas, waters within the 3-mile territorial sea limit are regulated by the State of Maine with respect to marine fisheries and the waters outside the 3-mile territorial sea limit are not within the jurisdiction of the State; and

"Whereas, the United States Government has extended territorial limits to 12 miles for purposes other than marine fisheries: Now, therefore, be it

"*Resolved,* That We, your Memorialists, respectfully recommend and urge the Congress of the United States to extend the territorial sea limit of the State of Maine from 3 miles to 12 miles for the purposes of marine fisheries so that the State of Maine can more effectively manage its marine fisheries resources; and be it further

"*Resolved,* That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation."

POM-430. A concurrent resolution adopted by the Legislature of the State of Kansas; to the Committee on Commerce, Science, and Transportation.

"SENATE CONCURRENT RESOLUTION NO. 1615

"Whereas, that efforts have been made in Congress in recent years to impose drastic government-mandated increases in the corporate average fuel economy (CAFE) standards in the automotive industry for cars and light trucks, calling for a 40% or more increase to be achieved by the year 2001; and

"Whereas, that Kansas is an agriculture-based economy with the livelihood of its citizens heavily dependent upon pickup trucks and vans; and

"Whereas, that the National Academy of Sciences and other independent safety/research organizations have concluded that there are major safety trade-offs involved with mandated improved fuel economy standards; and

"Whereas, that the General Motors Fairfax automobile manufacturing plant in Wyandotte County, Kansas, employs approximately 2,500 people and these American jobs could be jeopardized by a drastically increased mandatory CAFE requirement; and

"Whereas, that the American consumer has always enjoyed the freedom of choice to choose a vehicle that meets the consumer's needs; and

"Whereas, although efforts to increase the fuel economy of motor vehicles is laudable for many reasons, including the improvement of air quality, preservation of natural resources and a reduction in the dependency on foreign oil, the increased government-mandated CAFE standards represent an unreasonable standard to obtain by the year 2001: Now, therefore, be it

"*Resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:*

"That the Kansas Legislature does not wish to discourage continued improvements in fuel economy. However, certain proposals to increase mandatory CAFE standards by up to 40% or more by the year 2001 do not adequately take into consideration the potentially devastating impact upon agriculture-based economies, safety concerns of the driving public, the negative impact upon American automobile manufacturing jobs and the basic freedom of choice of the American automobile consumer and such efforts to increase the CAFE standards should be rejected; and

"*Be it further resolved:* That the Secretary of State transmit copies of this resolution to the President of the Senate and Speaker of the House of Representatives of the United States Congress, the United States Secretary of Transportation, the United States Secretary of Energy, the United States Secretary of Agriculture and the Kansas Congressional Delegation."

POM-431. A resolution adopted by the House of the General Assembly of the State of North Carolina; to the Committee on the Judiciary.

"HOUSE RESOLUTION 230

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and defining other societal standards; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of other citizens; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capital Building, and memorials to our greatest leaders, which are the property of every American and are worthy of protection from desecration and dishonor; and

"Whereas, the American flag is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, a nation that remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords the Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration of the Stars and Stripes to a proper station under law and decency: Now, therefore, be it

"*Resolved by the House of Representatives:*

"Section 1. The House of Representatives respectfully memorializes the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

"Sec. 2. The Principal Clerk of the House of Representatives shall transmit a certified copy of this resolution to the Secretary of the United States Senate, to the Clerk of the United States House of Representatives, and to each member of the North Carolina congressional delegation.

"Sec. 3. This resolution is effective upon adoption."

## REPORTS OF COMMITTEES

**The following reports of committees were submitted:**

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1586. A bill to establish the New Orleans Jazz National Historical Park in the State of Louisiana; and for other purposes (Rept. No. 103–242).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 725. A bill to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes (Rept. No. 103–243).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

**The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:**

By Mr. HEFLIN:

S. 1983. A bill to provide that the provisions of chapters 83 and 84 of title 5, United States Code, relating to reemployed annuitants shall not apply with respect to postal retirees who are reemployed, on a temporary basis, to serve as rural letter carriers or rural postmaster; to the Committee on Governmental Affairs.

By Mr. METZENBAUM:

S. 1984. A bill to repeal the provisions of chapters 83 and 84 of title 5, United States Code, relating to a mandatory retirement age for Federal law enforcement officers and firefighters, Capitol Police, and air traffic controllers, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BROWN (for himself and Mr. CAMPBELL):

S. 1985. A bill to amend the Federal Water Pollution Control Act to provide for the use of biological monitoring and whole effluent toxicity tests in connection with publicly owned treatment works, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BREAUX:

S. 1986. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the preservation of low-income housing; to the Committee on Finance.

By Mrs. BOXER:

S. 1987. A bill to ensure fair and effective enforcement of immigration and labor laws in the United States, to promote naturalization among eligible aliens, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN (for himself and Mr. CAMPBELL):

S. 1988. A bill to authorize the transfer of a certain loan contract to the Upper Yampa Water Conservancy Project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. METZENBAUM (for himself and Mr. BRYAN):

S. 1989. A bill to prohibit the transfer and novation of an insurance policy without the prior informed written consent of the policyholder, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS (for himself and Mr. HATCH):

S. 1990. A bill to expand the role of public schools to provide community services; to the Committee on Labor and Human Resources.

By Mr. MCCAIN:

S. 1991. A bill to provide for the safety of journeyman boxers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROTH:

S. 1992. A bill to amend chapter 5 of title 5, United States Code, to provide for results based regulations, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1993. A bill to remove the restrictions on the export of Alaskan North Slope oil, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SMITH (for himself, Mr. GREGG, Mr. FAIRCLOTH, and Mr. KEMPTHORNE):

S. 1994. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to make comprehensive improvements in provisions relating to liability, State implementation, remedy selection, and funding, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mrs. KASSEBAUM, Mr. METZENBAUM, Ms. MIKULSKI, Mr. WOFFORD, Mr. BINGAMAN, and Mr. PELL):

S. 1995. A bill to amend the Public Health Service Act to reauthorize migrant, community and homeless health center programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DURENBERGER:

S. 1996. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries a choice among health plans, and for other purposes; read the first time.

By Mrs. FEINSTEIN (for herself, Mr. MOYNIHAN, Mrs. KASSEBAUM, Mrs. BOXER, Mr. MCCAIN, Mr. RIEGLE, Mr. GRAHAM, Mr. STEVENS, Mr. BRADLEY, Mr. MACK, Mr. CAMPBELL, Mr. BINGAMAN, Mr. DECONCINI, Mr. JOHNSTON, and Mr. WELLSTONE):

S. 1997. A bill to amend title 13, United States Code, to require that the Secretary of Commerce produce and publish, at least every 2 years, current data relating to the incidence of poverty in the United States; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN:

S. 1998. A bill to provide for the acquisition of certain lands formerly occupied by the Franklin D. Roosevelt family, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1999. A bill to establish the Lower East Side Tenement Museum National Historic Site; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself and Mr. KENNEDY):

S. 2000. A bill to authorize appropriations for fiscal years 1995 through 1998 to carry out the Head Start Act and the Community Services Block Grant Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN:

S. 2001. A bill to improve the administration of the Women's Rights National Historical Park in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. EXON:

S. 2002. A bill to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA:

S. 2003. A bill for the relief of the heirs, successors, or assigns of Sadae Tamabayashi; to the Committee on the Judiciary.

By Mr. BUMPERS (for himself, Mr. COCHRAN, Mr. BINGAMAN, Mr. PELL, Mr. KENNEDY, Mr. INOUYE, Mr. METZENBAUM, Mr. SIMON, Mr. WOFFORD, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. THURMOND, Mr. JOHNSTON, Mr. LOTT, Mr. SASSER, and Mr. LEVIN):

S. 2004. A bill to extend until July 1, 1998, the exemption from ineligibility based on a high default rate for certain institutions of higher education; considered and passed.

By Mr. LEAHY (for himself, Mr. COCHRAN, Mr. PRYOR, and Mr. LUGAR):

S. 2005. A bill to make certain technical corrections, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOLE (for himself, Mr. HEFLIN, Mr. CRAIG, and Mr. BROWN):

S. 2006. A bill to require Federal agencies to prepare private property taking impact analyses, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DOLE (for himself, Mr. STEVENS, Mr. THURMOND, Mr. METZENBAUM, Mr. COATS, and Mr. BOND):

S.J. Res. 179. A joint resolution to designate the week of June 12 through 19, 1994, as "National Men's Health Week"; considered and passed.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PRYOR:

S. Res. 196. A resolution to authorize the printing of additional copies of a Senate report entitled "Developments in Aging: 1993"; to the Committee on Rules and Administration.

By Mr. BAUCUS (for himself, Mr. FORD, Mr. WARNER, Mr. BREAUX, and Mr. WOFFORD):

S. Res. 197. A resolution to promote clean air and to prevent the import of "dirty" gasoline into the United States; to the Committee on Finance.

By Mr. DODD (for himself and Ms. MIKULSKI):

S. Res. 198. A resolution extending condolences to the people of Mexico on the tragic death of Luis Donaldo Colosio; considered and agreed to.

## STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEFLIN:

S. 1983. A bill to provide that the provisions of chapters 83 and 84 of title 5, United States Code, relating to reemployed annuitants shall not apply with respect to postal retirees who are reemployed, on a temporary basis, to serve as rural letter carriers or rural postmaster; to the Committee on Governmental Affairs.

### POSTAL SERVICE RURAL AREAS ACT OF 1994

Mr. HEFLIN. Mr. President, I am today introducing companion legislation to H.R. 3246 in order to help the U.S. Postal Service meet its temporary personnel needs in rural areas. Congressman THOMAS SAWYER has introduced the House version of the bill.

I want to mention at the outset that this measure will have no effect whatsoever on the Federal budget. It will cost taxpayers nothing, since the Postal Service's operational costs are borne by the agency, coming from the revenue generated from its sales and services.

The Postal Service has identified the need for this legislation to allow the hiring of individuals on a temporary basis. This is particularly true for rural parts of the country. In these areas, the Postal Service often has difficulty attracting temporary letter carriers and postmasters to fill vacancies. Since there are far fewer postal workers in rural areas, it is harder to hire trained temporary employees. When career postal employees are ill, on vacation, on detail, or are out for some other reasons, there often aren't any trained employees familiar with procedures and routes to take their place temporarily.

As a result, the Postal Service must often turn to an untrained pool of workers to fill in for the postmaster or letter carrier. A better alternative—and the one sought by this bill—would be to hire, on a temporary basis, a retired postmaster or other former postal employee who may be living in the community. This person would not need to be trained, because he or she would already be familiar with postal regulations and procedures.

It is obviously in our best interest to see that the Postal Service attracts applicants for temporary assignments from a skilled labor pool. We can assist the agency by making temporary employment attractive to retired postal employees, who are likely to have free time and may be willing to work part time.

Currently, however, provisions of title 5, United States Code relating to reemployed Federal annuitants virtually prevent postal retirees from accepting temporary reemployment with the Postal Service. Sections 8331 and 8401 stipulate that reemployed Postal Workers forfeit an amount equal to their annuity if they become reemployed by the agency. Basically, once one is retired from the Postal Service, it does not pay to go back.

This measure provides an exemption from the offset provisions contained in title 5 for retired postal employees who are rehired by the Postal Service on a temporary basis. Under our bill, postal annuitants could be reemployed by the Service for 90 days in a calendar year without having their retirement offset. The measure also provides for a 180-day life-time limit on eligibility for the exemption. The time limit is important for one reason: it is not our intention to have postal retirees take away opportunities from individuals seeking career appointments with the Postal Service. This bill is aimed only at allowing the Postal Service's rural offices to fill a temporary need for skilled employees. If does not require the Postal Service to hire retirees; it only gives the agency the flexibility to do so if the need is identified.

Citizens in rural communities have a particularly close relationship with those who provide mail service. They probably know their local postmaster and letter carriers by name. When these postal employees retire, they usually remain in the community, and could offer a valuable service in the form of temporary mail service.

Since the Postal Service is constantly facing increased operational expenses, passage of this bill would be the fiscally prudent course to take. I urge my colleagues to support this measure and welcome their cosponsorship.

By Mr. BREAUX:

S. 1986. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the preservation of low-income housing; to the Committee on Finance.

### LOW-INCOME HOUSING PRESERVATION ACT

• Mr. BREAUX. Mr. President, I am introducing a bill that charts a promising new way to enlist the private sector's help in preserving and improving the country's stock of affordable housing. I urge my colleagues to join me in cosponsoring this bill, entitled the "Low-Income Housing Preservation Act."

All of us are aware from our trips home that there is a serious shortage of affordable housing in the country. All one has to do is look at the number of homeless in most of our larger cities to know this, but the statistics tell the story as well. A 1992 Harvard study estimated that there were 4.1 million units of HUD or privately owned, publicly assisted units, while there are 13.8 million households eligible to receive HUD-funded housing assistance if the assistance were available. In light of the severe budget restraints, the funds for such expanded assistance are not available.

Much of the housing that is currently occupied by low-income tenants is not public housing, but privately owned apartment houses that are assisted directly or indirectly by HUD. If these disappear because the private owners are no longer able to maintain the projects, the supply of affordable housing will be further reduced. Yet many of these projects have been severely depressed by the 1986 changes to the tax laws. As a result, the current owners have no way to raise additional capital to rehabilitate the structures, as becomes inevitably necessary with time. Additionally, current owners cannot sell the projects to new owners who may be able to expend the private capital needed. Because the project's market values are so depressed, the current owners cannot receive enough in cash upon sale to pay the capital gains taxes they would owe. As a result these aging projects are locked into a long, slow downward spiral.

The President recognized the pressing nature of the problem last year when, in his economic recovery plan, he called for additional funding to "repair and restore the Nation's stock of assisted rental housing, most of which is 20 to 30 years old. Many units are in deteriorated buildings. Many operators of buildings are also financially troubled."

I believe that the bill I am introducing provides a solution to the problem that is both effective and realistic. It is identical to the approach that has already been proposed in the House of

Representatives by Congressman JEFFERSON, H.R. 3322.

In the first place, the bill targets the projects which are most at risk. These are projects assisted by HUD under the old section 221(d)(3) below market rate interest rate program or section 236 programs, or projects insured under the section 221(d)(3) market rate or section 221(d)(4) programs, and assisted under section 8. In all cases, the projects must be at least 10 years old, and at least a majority of the units in the projects must be occupied by the tenants whose income was no more than 80 percent of the area median income when they first became tenants.

Accordingly to HUD, there are almost 1 million units in the affordable housing projects that meet the bill's criteria. These projects are located in every State in the country.

The bill offers special tax benefits to new investors who agree to buy these affordable housing projects, invest the necessary capital to fix them up, and maintain them for low-income tenants. It will be the responsibility of HUD in each case to determine how much new capital must be invested in the project as part of the sale, but in no event may it be less than 10 percent of adjusted basis of the residential rental property. In exchange, the bill proposes to reduce the depreciation schedule for these projects from 27½ to 15 years. It also provides that any investor in the project may claim annually up to $50,000 of losses from such projects without regard to the passive loss rules.

Mr. President, it is clearly in the public interest to help ensure the continued existence of these housing units. The tenants will benefit as the existing owners are replaced by new owners with new capital, and a new willingness to preserve and improve the projects. The local community will benefit from the jobs generated by the work to rehabilitate the units, and by the general improvement of the neighborhood that goes along with refurbished buildings. The taxpayer benefits because the number of projects that go into bankruptcy and end up in HUD's portfolio will be reduced, and because HUD will find it easier to dispose of projects already in its portfolio. Over the longer run, the taxpayers will save the cost of having to replace the existing projects that are lost from lack of financial support.

I hope my colleagues will support me in this effort as we move ahead to consider and refine the bill's details in the weeks ahead.●

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By Mrs. BOXER:

S. 1987. A bill to ensure fair and effective enforcement of immigration and labor laws in the United States, to promote naturalization among eligible aliens, and for other purposes; to the Committee on the Judiciary.

### IMMIGRATION ENFORCEMENT REFORM ACT OF 1994

● Mrs. BOXER. Mr. President, I am pleased to introduce the Immigration Enforcement Reform Act of 1994.

Over the last year, our country has been faced with an illegal immigration crisis. The breakdown in enforcement at our borders and in the enforcement of our labor laws have placed a burden on the resources of States like California and has led to a lack of confidence in our immigration system.

We must respond to the real need to regain control over our immigration system, but as we do so, we must avoid extreme measures on both sides.

This legislation represents a balanced approach to immigration reform which I have consistently advocated. My balanced approach is based on the principle that our immigration laws are good but our enforcement has been ineffective.

My bill offers practical solutions to failings in the current system by ensuring strong and fair enforcement of our border and our labor laws, and by promoting naturalization and civic participation among eligible immigrants to weave them into the fabric of America.

Mr. President, let me briefly review the other important parts of a balanced approach to immigration reform before I specifically outline the bill I am offering today.

All of my colleagues would agree that border enforcement is a critical dimension of any reform plan. It is estimated that 3 million people illegally cross the United States-Mexico border each year. Of this number, 200,000 to 300,000 become permanent inhabitants. By some estimates California is home to approximately 1.3 million illegal immigrants, or more than half of all undocumented immigrants living in America.

We must stop people from entering illegally, before they burden local resources, and before they present problems for labor law enforcement. Last July, I offered a plan to improve border enforcement in a cost effective manner by using the National Guard to assist the Border Patrol in a civilian capacity. This plan was successfully included as part of the Defense Appropriations bill.

In addition to stopping those who cross the border without documents, we have got to crack down on the rampant use of forged documents. Last August, I traveled to the southwest border and joined Attorney General Reno and my colleague from California, Senator FEINSTEIN, for a briefing by local officials on border problems. We were shown thousands and thousands of forged documents that smugglers use to get people into the country.

I have worked to ensure that smugglers and document forgers know that stiff penalties await them. My amendment to increase the civil and criminal penalties for forgery of immigration documents was successfully included in the Senate crime bill.

While we act now to stop illegal immigration, we must address the fact that years of inadequate enforcement has already allowed millions of people to enter the country illegally, placing a burden on the resources of State and local governments.

Last week, I successfully included language in the Budget Resolution Act that establishes the principle of Federal responsibility to reimburse State and local costs. It is the sole responsibility of the Federal government to set and enforce immigration policy, and the Federal Government must reimburse States for the cost of their failure to enforce that policy.

But when we go to the Federal Government for reimbursements, our request must be based on solid figures. That is why I have asked the General Accounting Office to analyze recent cost and benefit estimates and assess the net fiscal impact of illegal immigrants in State like California.

In addition to these measures that I have secured—stronger border enforcement, increased penalties for document forgery, and steps towards Federal reimbursement for costs to State and local governments—I am a cosponsor of bills by Senators KENNEDY and GRAHAM that address asylum reform and the high cost of incarcerating criminal aliens. But these critical reform measures are only part of a balanced approach.

Today, I offer legislation that addresses three additional areas that are essential to repairing our system: labor law enforcement, oversight of the border patrol, and integration of legal immigrants into American society through citizenship.

Mr. President, illegal immigrants themselves are often those most hurt by the breakdown of our system. The primary reason that people cross our border illegally is to find work, and most do—at substandard wages and in dangerous conditions.

Our current efforts to prevent the hiring and exploitation of undocumented workers have been inadequate and ineffective. In 1986, sanctions against employers who knowingly hired illegal immigrants were passed as part of the Immigration Reform and Control Act. However, illegal immigration continues at high rate. After an initial drop following the implementation of employer sanctions, Border Patrol apprehension rates have resurged, climbing back up to 1.16 million a year. Employer sanctions have failed to reduce the job magnet and the flow of illegal immigrants into our country continues.

Our second line of attack against the job magnet—enforcement of labor law standards by the Labor Department has also failed to curb exploitation.

Despite continued problems with illegal immigration and labor exploitation, the staff at the Department of Labor dedicated to investigating labor law violations has plummeted over the last decade from 1,100 employees in 1980, down to 817 in 1993.

The regional office in San Francisco, which has the job of covering violations throughout California—the destination for over half of the illegal immigrants in the United States—is only equipped with 89 investigators. Subsequently, as of July 1993, they faced a backlog of over 1,300 cases in the California area. It is amazing that there are only 16 employees struggling with the task of investigating labor law violations in the large five county Los Angeles area.

If we do not address the job magnet and the system of cruel exploitation that fuels illegal immigration our borders and airports will never be secure. Document forgers and smugglers will continue to undermine our system, and people will continue to come to the United States illegally, straining local resources.

But we need to find innovative, cost effective approaches to confront this problem instead of focusing all our resources into efforts that have not shown strong results.

My bill builds on a successful and cost effective program underway in California. California's TIPP, or the Targeted Industries Partnership Program, has brought together officials from a variety of Federal, State, and local agencies—from wage and hour, health and safety, and even the IRS—to share information and jointly locate and crack down on labor law violators. With the help of this program, the California State Labor Commissioner alone assessed over $4 million in penalties.

By creating a labor exploitation task force at the Department of Labor, my legislation will reduce the incentive to hire and exploit illegal immigrants. This small but focused task force will be charged with developing a long range, active strategy, for cutting back on the hiring of illegal immigrants. They will oversee the implementation of labor law strike forces at the local level to crack down on employers who flout our labor laws and exploit desperate people.

The task force will target industries with labor law violations related to illegal immigration, including but not limited to wage and hour violations and violations of occupational health and safety standards. It will pool the resources of various Federal and State agencies to provide labor law strike forces in regions with high rates of exploitation of undocumented workers, and it would allow the Secretary of Labor to increase fines for labor law violations to direct these funds toward expanded enforcement.

We have to serve notice to unethical employers. These strike forces will send a clear and strong message about the costs of exploiting illegal immigrants, and undermining the wages of the most vulnerable American workers.

The second component of my legislation creates a Citizen Promotion Bureau at the Department of Justice to help immigrants who want to become full participants in American society.

At present, lengthy delays and poor service prevent even the most determined and resourceful people from making it through the naturalization process. Eligible legal immigrants who are seeking to become a full part of the American dream deserve to be a high priority and to receive their fair share of resources, particularly in light of the substantial fees they often pay for services.

Management difficulties, and conflicting enforcement and advocacy roles of the Immigration and Naturalization Service [INS] undermine its ability to provide adequate service to eligible legal immigrants and residents seeking full participation in American society.

We owe it to those who patiently follow the rules to reform our naturalization system. And reform must include better management of the fees collected for naturalization services. Though the fees collected annually should cover all of INS program costs, the agency's inadequate accounting systems have prevented it from accurately adjusting the fee structure. The inspector general at the Department of Justice recently estimated that at least $170 million in additional fees are not collected annually because INS does not fully exercise its authority for establishing fees. With accurate accounting and cost reviews, INS could significantly increase collections, and significantly improve service.

California has much at stake in improving the naturalization process and insuring that enough revenue is raised to cover program costs. My State currently has 5.2 million legal residents who are not citizens, and 1 out of 6 cannot now vote. A great number of these Californians were granted amnesty under the Immigration Reform and Control Act. However, many have been unable to obtain citizenship education and English classes, or they are waiting for the INS to process backlogged legalization applications.

The presence of so many individuals who cannot fully participate in our political system undermines the democratic nature of our society, and sends a negative message to those who try to follow the rules for legally entering the United States.

By moving the services and procedures related to the process of naturalization into a division of the Department of Justice separate from immigration enforcement, we can insure that citizenship becomes a priority and not a step child in our immigration system.

The third part of the legislation that I am introducing today would create the position of Immigration Enforcement Complaint Commissioner at the Justice Department.

To stem the flow of illegal immigrants across the border, we must continue to increase the number of border patrol agents who patrol that border. Over the last decade, the number of agents has doubled, and it will continue to rise.

Just as it is imperative that we enforce our borders to preserve our legal immigration system, I believe we must work to insure the integrity of one of the largest police forces in the United States—the Border Patrol—by instituting a consistent and credible system for investigating allegations of misconduct and civil rights abuses.

While the vast majority of employees of the INS are living up to their human rights training, there is a clear need for mechanisms to discipline those who do not.

Currently, four different offices within the Department of Justice—the Office of the Inspector General, the Office of Professional Responsibility, the Civil Rights Division, and the Office of Internal Audit at the INS—share roles in processing complaints. This overlapping jurisdiction and diffusion of responsibility hinders the investigation of complaints.

Richard Hankinson, the inspector general at the Department of Justice who is charged with investigating misconduct, stated in recent testimony before a House Government Operations Subcommittee that he was unable to provide concrete information on employee discipline. He admitted that the Department could not obtain "useful data at this point on how the INS disciplines its employees in response to our investigations or those of others." The only conclusion he was able to reach, based on anecdotal evidence was that "there is a persistent belief among those of our staff with experience in the area that INS's treatment of misconduct is spotty. Whether action is taken, and the severity of the punishment, if any, seems to be uneven and sometimes happenstance."

This troubling testimony was echoed in a recent report on the INS undertaken by Representative CONDIT's Government Operations Subcommittee. The subcommittee report concluded that "serious questions have been raised about the sufficiency of investigations into allegations of misconduct by INS personnel—in particular, Border Patrol personnel who are often accused of abusive behavior. When misconduct or inadequate performance is identified and documented, INS discipline is 'spotty.' Witnesses testified that INS personnel lack a basic sense of civility and courtesy in dealing with the public."

In one tragic example, Patrol supervisors failed to take proper action in response to repeated complaints against an agent, who was then later arrested on rape charges of two different women he had stopped while on patrol. Last year, the agent was sentenced to 24 years in prison. In another costly example, despite the fact that a U.S. district court awarded over $500,000 in damages to a 12-year-old boy who was shot in the back by a San Diego Border Patrol agent while the boy was standing in Tijuana, authorities never prosecuted or disciplined the agent.

An enhanced complaint review process is necessary to protect U.S. citizens as well as the undocumented. Over half of the victims who make complaints about treatment by the INS were legally in the country and U.S. citizens accounted for 17.7 percent of those reporting abuse. Cases such as the mistaken deportation to Mexico of a twenty-year-old United States citizen who was fixing the roof of his parents' home, and the questioning of the mayor of the city of Pomona by INS agents, demonstrate the need for reform and enhanced review.

To be fair, the Patrol has not been equipped with a complaint review process that can live up to its task of overseeing one of the largest police forces in the United States. My bill helps the INS do its job, by streamlining jurisdiction to insure that serious complaints are not lost in a haphazard process.

My bill creates a Commissioner at the Department of Justice but outside of the Immigration and Naturalization Service who is charged with responsibility for abuse prevention and complaint review.

By creating a commissioner identified as the center of responsibility for monitoring and keeping track of complaints, we can improve investigation and review, and develop a strategy for better screening and training.

As some of my colleagues in the Senate, as well as many of my former colleagues in the House, have focused on the illegal immigration problem over the past year, I have often heard their assertions that they value immigrants and seek only to preserve our proud tradition of legal immigration.

We all extol the virtues and contributions of immigrants, and many of us have witnessed them directly in our families and our communities. I myself am a first generation immigrant on my mother's side.

Today, I have outlined a plan and introduced legislation that provides a balanced and fair approach to regain control of our system, to reduce illegal immigration and to preserve our Nation's proud heritage of legal immigration. Now I urge my colleagues to move forward with a balanced approach to immigration reform. I challenge them to move forward in a way that is based on the principle of strong but fair law enforcement, and that is true to the promise of the American dream.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1987

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Immigration Enforcement Reform Act of 1994".

## TITLE I—LABOR EXPLOITATION TASK FORCE

### SEC. 101. ESTABLISHMENT.

(a) IN GENERAL.—The Secretary of Labor shall establish within the Employment Standards Administration a task force to be known as the Labor Exploitation Task Force (hereafter in this title referred to as the "Task Force").

(b) COMPOSITION.—The Task Force shall be composed of members who are appointed by the Secretary of Labor.

### SEC. 102. DUTIES.

(a) MANDATORY.—The Task Force shall—

(1) assist the Secretary of Labor in the enforcement of the Fair Labor Standards Act of 1938, the Occupational Health and Safety Act, and any other Federal laws related to labor;

(2) identify industries that have a history of violating laws with respect to labor, work place safety and health, or illegal immigration;

(3) in coordination with other Federal agencies and State and local agencies, develop an interagency strategy to monitor, investigate, and inspect industries for violations of laws with respect to labor, work place safety and health, or illegal immigration, including, to the extent practicable, the conduct of joint inspections of industries by Federal agencies and State and local enforcement agencies);

(4) advise a State or local enforcement agency on the implementation of any strategic activity described in paragraph (3) at the local level;

(5) develop and define basic principles of conduct that enforcement personnel are to follow during an inspection or investigation described in paragraph (3) or during other contact with the public;

(6) develop a system that centralizes Federal, State, and local data bases with respect to industries that have violated the labor, work place safety and health, or illegal immigration laws enforced by each participating enforcement agency; and

(7) disseminate information to State and local agencies on the successful outcomes of the investigative, inspection, and preventive activities described in paragraph (3).

(b) DISCRETIONARY.—The Task Force may seek advice from, or coordinate efforts to encourage cooperation among, Federal agencies concerned with the prevention of illegal immigration and the hiring and exploitation of undocumented immigrants.

### SEC. 103. CIVIL PENALTIES.

(a) INCREASE IN FINES.—For the purposes described in subsection (b), the Secretary of Labor may increase fines prescribed by Federal law with respect to labor law violations.

(b) USE OF AMOUNT OF FINES.—The Secretary of Labor shall use the excess amount collected from a fine increased under subsection (a) for additional labor enforcement personnel, equipment, or the provision of incentives to encourage State and local enforcement agencies to cooperate in the activities described in section 102(a)(3).

### SEC. 104. PROHIBITION ON RETALIATION.

An employer may not retaliate against an employee (including the termination of such employee) for participation or cooperation in any investigative, inspection, or preventive activity carried out under this title.

### SEC. 105. DEFINITION.

For purposes of this title, the term "State and local enforcement agencies" means a State or local governmental entity that is responsible for the enforcement of laws related to labor.

## TITLE II—CITIZENSHIP PROMOTION

### SEC. 201. CITIZENSHIP PROMOTION BUREAU WITHIN THE DEPARTMENT OF JUSTICE.

(a) ESTABLISHMENT.—There is established within the Department of Justice a Citizenship Promotion Bureau.

(b) DIRECTOR.—The Bureau shall be headed by a Director of Citizenship Promotion, who shall be a naturalized citizen of the United States and who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) PURPOSE.—The Bureau shall be responsible for the implementation of a comprehensive program of encouraging and assisting immigrants to become naturalized citizens as soon as they become eligible to do so.

(d) COOPERATIVE AGREEMENTS.—The Director is authorized to enter into cooperative agreements with Federal, State, and local governmental agencies and with private entities to carry out the purpose of the Bureau.

(e) TRANSFER OF FUNCTIONS, PERSONNEL, AND ASSETS.—The Attorney General shall transfer to the Bureau established all functions, personnel, and assets which the Immigration and Naturalization Service exercised, employed, or held before the date of the enactment of this Act in carrying out its responsibilities relating to citizenship and naturalization.

### SEC. 202. NATIONAL CITIZENSHIP ADVISORY BOARD.

(a) ESTABLISHMENT.—The Director is authorized to establish a national citizenship advisory board for the purpose of providing advice and recommendations to the Director on matters relating to the granting of citizenship status to aliens lawfully admitted for permanent residence in the United States.

(b) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The advisory board shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. Appendix 2).

### SEC. 203. NATURALIZATION FEE ACCOUNT.

(a) ESTABLISHMENT.—(1) There is established in the Treasury of the United States a Naturalization Fee Account, which shall consist of the fees described in subsection (b).

(2) Funds in the Account shall be available to carry out the activities of the Bureau.

(b) TRANSFER OF FEES.—Fees collected by the Bureau in connection with the performance of naturalization services shall be deposited in the account established under subsection (a).

(c) FEE LEVELS.—(1) The Director shall review and reevaluate the amount of each fee charged for the performance of naturalization services.

(2) The Director shall assure that the total amount of fees collected would cover the full cost of efficiently providing such services, including the costs of administering the Bureau and performing related outreach activities.

(3) The Director shall, by regulation, prescribe the amount of each fee to cover the costs described in paragraph (2).

(d) ANNUAL REPORT.—Not later than one year after the date of enactment of this Act, and every year thereafter, the Attorney General and the Director shall jointly submit a report to Congress which—

(1) assesses the financial condition of the Naturalization Fee Account; and

(2) describes the activities of the Bureau.

### SEC. 204. REDESIGNATION OF IMMIGRATION AND NATURALIZATION SERVICE.

(a) REDESIGNATION.—Effective on the date of enactment of this Act, the Immigration and Naturalization Service shall be referred to as the Immigration Service.

(b) CONFORMING AMENDMENTS.—(1) Section 101(a)(34) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(34) is amended by striking "and Naturalization".

(2) Section 4 of the Act entitled "An Act to establish the Department of Commerce and Labor", approved February 14, 1903 (8 U.S.C. 1551) is amended by striking "and Naturalization".

(3) Section 7 of the Act entitled "An Act in amendment to the various acts related to immigration and the importation of aliens under contract or agreement to perform labor, approved March 3, 1891 (8 U.S.C. 1552) is amended by striking "and Naturalization".

### SEC. 205. REFERENCES.

Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the Attorney General or the Commissioner with regard to functions transferred under section 201, shall be deemed to refer to the Director;

(2) the Service with regard to functions transferred under section 201, shall be deemed to refer to the Bureau; and

(3) the Immigration and Naturalization Service shall be deemed to refer to the Immigration Service.

## TITLE III—IMMIGRATION ENFORCEMENT PRACTICES

### SEC. 301. IMMIGRATION ENFORCEMENT COMPLAINTS.

(a) ESTABLISHMENT OF OFFICE.—There shall be established in the Department of Justice the Office of Immigration Enforcement Complaints.

(b) COMMISSIONER.—There shall be at the head of the Office an Immigration Enforcement Complaint Commissioner, who shall be appointed by the President, by and with the advice and consent of the Senate. The Commissioner shall be directly responsible to the Attorney General for carrying out his duties.

(c) DUTIES.—The Commissioner shall—

(1) have power to investigate any complaint of an unlawful immigration enforcement practice;

(2) make recommendations on specific policy and disciplinary actions to the Attorney General with respect to employees of the Department;

(3) make recommendations to the Attorney General for the reform of procedures applicable to the investigation of complaints of unlawful immigration enforcement practices and for disciplinary action against Department employees who engaged in such action; and

(4) make recommendations to the Attorney General with respect to bringing prosecutions against employees of the Department who committed criminal offenses in the course of an unlawful immigration enforcement practice.

(d) COMPENSATION.—The Commissioner is entitled to receive compensation at a rate not to exceed the maximum rate payable for a position above GS-15 of the General Schedule, under section 5332 of title 5, United States Code.

(e) REGIONAL OFFICES.—The Commissioner, in accordance with regulations of the Attorney General, shall establish such regional offices as may be necessary to carry out his duties.

(f) EARLY WARNING PROGRAM.—The Commissioner shall develop a system of procedures, that may be referred to as the "early warning program", that is designed—

(1) to identify Border Patrol officers who have been the subject of an excessive number of legitimate complaints of unlawful immigration enforcement practices;

(2) to provide assistance to such officers in avoiding such difficulty in the future, including the provision of training in communication techniques, conflict resolution, and stress management; and

(3) to recommend discipline where appropriate.

(g) PROTECTION AGAINST RETALIATION.—It shall be unlawful for the Department, or any officer thereof, to discriminate against any employee or applicant for employment because the individual has opposed any practice made an unlawful immigration enforcement practice by this section or because the individual has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this section.

(h) RECORDS.—The Commissioner shall collect and maintain records on all complaints of unlawful immigration enforcement practices filed with the Department.

(i) ANNUAL REPORT.—Beginning one year after the date of enactment of this Act, and every year thereafter, the Commissioner shall submit a report to Congress setting forth a statistical summary of the complaints of unlawful immigration enforcement practices filed with the Department during the preceding 12-month period.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commissioner such sums as may be necessary to carry out this section.

(k) DEFINITIONS.—For purposes of this section—

(1) the term "Commissioner" means the Immigration Enforcement Complaint Commissioner appointed under subsection (a);

(2) the term "Department" means the Department of Justice; and

(3) the term "unlawful immigration enforcement practice" means the excessive use of force, or demonstrated difficulty in dealing appropriately with members of the public, in the course of carrying out immigration enforcement activities.•

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By Mr. METZENBAUM (for himself and Mr. BRYAN):

S. 1989. A bill to prohibit the transfer and novation of an insurance policy without the prior informed written consent of the policyholder, and for other purposes; to the Committee on Commerce, Science, and Transportation.

### THE INSURANCE POLICY TRANSFER ACT

• Mr. METZENBAUM. Mr. President, on behalf of myself and Senator BRYAN, I rise to offer a bill that will put fairness back into the insurance company-policyholder relationship. The Insurance Policy Transfer Act prevent policyholders from being victimized when their insurance company transfers their insurance policies to another insurer—without the policyholders' informed consent.

The policy transfers treat policyholders like commodities, trading them like baseball cards.

This is outrageous. Transfers change the policyholders contract without the consent of the policyholder. In most businesses this would be impossible, illegal, but not in the insurance industry. The insurance industry feels it has the impunity to break contracts with policyholders, when it suits insurance companies.

Let me illustrate how this would work if the banks could transfer depositors: A consumer deposits $100,000 with triple "A" bank. Triple "A" bank promises to pay the money back. Triple A then transfers the $100,000, and the obligation to pay the consumer, to the PDQ bank. Triple A doesn't tell the consumer about the transfer or obtain his or her permission. Triple A has hundreds of branches, billions in assets, and plenty of capital. But PDQ is a one branch operation; and it's in financial trouble. PDQ fails.

The consumer, who has never heard of the PDQ bank, now asks Triple A for her money. Triple A replies, "We aren't your bank. We owe you nothing. Your account was transferred to PDQ. Unfortunately, PDQ failed."

I know this sounds unbelievable in the banking industry, but, believe me, this is how it works in the insurance industry. Insurance companies trade policyholders like baseball cards, like commodities. Like so many widgets. Policyholders aren't widgets. They are people. People with a contract. A contract that involves their lives and their families' lives.

It's absolutely disgraceful that the insurance industry can treat policyholders like objects, swapping, and trading them without even asking their permission.

No other industry does this. Only an industry as powerful and arrogant as the insurance industry could stoop to such one-sided practices.

State regulators permit them to do it. According to a survey by my Antitrust Subcommittee, most State laws don't require that insurers obtain the informed consent of policyholders before a transfer.

The insurance industry's unchecked power to transfer policies causes enormous trauma and financial loss.

My Antitrust Subcommittee has documented how tens of thousands of policyholders in the past decade suffered because they were transferred by their insurance company:

Transferred without their consent:

Transferred because their original insurer decided the were no longer profitable;

Transferred to distant and little known companies;

Transferred to financially weaker insurers, insurers in such poor financial shape that they couldn't attract policyholders, but had to buy them wholesale, without their consent.

Transferred to insurers operated by unscrupulous executives looking only for the millions of dollars in assets that are transferred with policies; assets that represent years of policyholders' premiums.

Too often these assets are dissipated or disappear soon after the transfer, leaving the policies without any assets to back them.

Guarantee Security Life Insurance of Florida is an example of a transfer in which the assets disappeared. In the 4 years before it failed, Guarantee Security acquired 30,000 policies from other insurers. During that time Guarantee Security was in financial trouble and needed cash. It got cash by acquiring 30,000 policies and those policies' $250 million in accumulated premiums—money which should have been saved to eventually pay policyholders.

Unfortunately, when Guarantee Security failed, the money was gone. There wasn't enough left to pay policyholders.

No one ever asked policyholders if they wanted to be transferred to Guarantee Security.

Under our legislation, they would have to be given the opportunity, not only to reject the transfer, but to learn about Guarantee Security's poor financial condition.

Guarantee Security is by no means an isolated example. Consider the transfer of 3,000 annuities of the Security Benefit Life Insurance Co. of Kansas.

Security Benefit secretly concluded that the rate of interest it had promised the policyholders on the annuities was higher than it wanted to pay. Security Benefit figured that transferring the annuities to another insurer could get it out from under its contractual obligation.

Believe it or not, and you can believe it. Security Benefit never notified the policyholders that they were going to be transferred. Policyholders were never given the opportunity to accept or reject the transfer.

The annuities were transferred to the Life Assurance Co. of Pennsylvania. Security Benefit was rated at the top in financial health, while Life Assurance of Pennsylvania was unrated. Worse, Life Assurance of Pennsylvania was in financial trouble. My subcommittee documented that Security Benefit knew that it was in trouble. The subcommittee obtained a handwritten memo by Security Benefit's chief executive officer. He wrote that he was afraid that Life Assurance of Pennsylvania, "Might go under." It went under.

When policyholders learned of the failure, they wanted Security Benefit to stand behind its annuity contract. Security Benefit told them that it owed them nothing, that it has washed its hands of them when it transferred their annuity of Life Assurance of Pennsylvania.

Security Benefit made its own policyholders into legal orphans, transferring them to a bankrupt insurer, to a company they had not chosen. Disgraceful.

The policyholders eventually got paid, but only after 4 years of uncertainty and anxiety. And only when the State insurance guaranty funds, which are overwhelmingly financed by taxpayers, picked up three-quarters of the cost. The original insurer, Security Benefit, enjoying record profits, foisted its obligation off on the taxpayers, getting off easy.

This legislation places the obligation where it belongs, on the healthy companies that originally sold the policies, not on the taxpayers.

Don't assume that transfers are isolated occurrences. The reality is far from that. Based on an informal survey, the staff of the Antitrust Subcommittee estimates that tens of billions, very likely, hundreds of billions of dollars of policies have been transferred. These policies involve hundreds of thousands of policyholders. Many of whom have been transferred to risky companies. In most cases, the policyholders were not asked if they wanted to be transferred.

Mrs. Morton Langsfeld of Pennsylvania is an example. Mrs. Langsfeld wasn't asked when her policy was transferred. As a result of that transfer, she had to wait years following her husband's death to get the policy's benefit.

Mrs. Langsfeld's original insurance company, Charter Security Life of New Jersey, transferred her policy to a Colorado insurer, Capitol Life. Capitol Life then transferred her to an Indiana insurer, Mutual Security. Mrs. Langsfeld's consent to the transfers was never obtained.

Mrs. Langsfeld's original insurer was top rated, A plus. Mutual Security Life was rated C plus, near the bottom, junk.

Mutual Security went bankrupt.

Unfortunately, under existing law, there is little a policyholder can do when his or her policy is transferred without their consent. In most cases even when it's possible to sue, it's impractical. Many lawyers are reluctant to take a case against a well-funded insurance company that has the best lawyers in town. Lawyers that will take a policyholder's case, usually require thousands of dollars in legal fees in advance. Few policyholders have that kind of money to gamble on a lawsuit.

Even if policyholders win, there is little chance they can force the insurer to pay their huge legal bills.

It is no wonder few transfers are successfully challenged.

Our legislation would correct this unfairness. If they win, policyholders could be awarded their legal fees.

Unfortunately the present situation is getting worse because the frequency of transfers has accelerated, according to State regulators who testified before my Antitrust Subcommittee.

Transfers are especially common with individual disability policies. The reason appears to be that many companies entered the disability insurance business in the late 1970's and early 1980's and mispriced the product. Now these insurers want out from under their obligations. That is just not acceptable. Without passage of this legislation, insurance companies will continue transferring disability policyholders to weaker companies, without the consent of the policyholders.

Crown Life policyholders are an example of unfair disability transfers. Crown Life washed its hands of its obligations to 35,000 disability policyholders last year by transferring them to Lone Star Life of Texas. Crown Life had an A plus rating, A.M. Best's second highest. Lone Star had a B minus rating, A.M. Best's eighth. That's below investment grade.

Crown Life should be ashamed. Its transfer to a financially weak insurer was unconscionable.

It doesn't take a rocket scientist to understand that policyholders would have been better off with Crown Life. Crown Life has $8 billion in assets; Lone Star has $320 million.

Imagine how worried, how frightened, you would be, especially if you were disabled—confined to bed, home, or wheelchair—and forcibly transferred to a below-investment-grade insurer.

Crown Life knew perfectly well what it was doing. Before the transfer, Crown hired an actuarial firm to look at the transfer and Lone Star. The actuary's report showed that Lone Star's already poor financial condition would worsen if it took on Crown Life's policies. It revealed that Lone Star planned to mask Lone Star's poor condition by engaging in some financial sleight-of-hand, known as surplus relief reinsurance.

Now listen to this. Crown Life kept the policyholders in the dark. It didn't provide the actuaries report to policyholders. Shame.

Marginalizing policyholders and keeping them in the dark should be prohibited. Under the Insurance Policy Transfer Act it would.

No transfer would take place if the policyholder wanted to stay with his or her original insurer. If a policyholder fails to respond to three requests asking for consent to the transfer, the policy could be transferred, but if and only if, the transfer is to a consistently top-rated or better-rated insurer.

Since consent is meaningless unless it is informed, policyholders would have to be given the information necessary to make a transfer decision. The act requires that each policyholder be given an independent actuary's opinion that the transfer is fair and in the best interest of policyholders. The report underlying the actuary's opinion would be available for free to any policyholder who asks.

We need this bill. According to the Antitrust Subcommittee survey, only one State, South Dakota, currently requires anything like an actuary's fairness opinion.

The national association of insurance commissioners [NAIC] recently concluded that policyholders need better legal protection against abusive transfer. Unfortunately, the NAIC's proposal fails to provide policyholders the protections needed. For example, the NAIC's proposal does not require that policyholders be given an expert's opinion and underlying report.

The NAIC proposal permits involuntary transfers to less financially healthy companies. That is totally unacceptable. The NAIC considers the payment of a premium to an assuming company, a consent to a transfer. That's crazy. Policyholders pay premiums because they want insurance coverage, not because they want a transfer. Unfortunately, the insurance industry has them over a barrel. If they fail to pay the premium in order to protest a transfer they likely will lose their insurance coverage.

We need better protection than the NAIC proposes, and we need it more quickly. There is no assurance that the NAIC's proposal will ever be enacted.

My subcommittee held a hearing in 1990 that revealed how long it takes the States to adopt NAIC proposals. You roll the dice as to whether a NAIC proposal will be enacted in most States. Let me give you an example. In 1985, the NAIC proposed giving insurance commissioner authority over insurers in hazardous financial condition—clearly, important authority. Five years later, not a single State had enacted the proposal. Not a single State after 5 years. Even today only about half the States have adopted it.

Policyholders can't wait years to see whether the NAIC improves its faulty bill and then additional years to see if their State enacts it.

Mr. President, insurance policyholders are being traded between insurance companies like commodities. They're being swapped like baseball cards.

After decades of paying premiums to their insurance company, policyholders are being disowned. Their insurance company says it owes them nothing, and that after years of paying premiums their insurer has transferred them to another insurer, because they were no longer profitable. Outrageous. I know of no industry, other than the insurance industry, that can get away with treating customers in such a shoddy manner.

Mr. President, this bill aims to correct this imbalance, to put fairness back in the policyholder-insurer relationship. This bill doesn't prevent transfers. Many transfers are good for both policyholder and company. This bill does block transfers that are not in the best interest of policyholders.

I am pleased that Senator BRYAN, the distinguished chairman of the Consumer Subcommittee of the Commerce Committee, has joined as an original cosponsor. Indeed, I hope that all of my distinguished colleagues will join me in cosponsoring this bill.

I am certain that with Senator BRYAN as an original cosponsor, we will move forward quickly, and that both Houses will pass this legislation into law this year.

With the sponsorship of Senator BRYAN, I believe we will reverse the Commerce Committee's reputation as a burial ground for insurance consumer protection.

My subcommittee has already held hearings. The need for this legislation has been amply demonstrated. We need not repeat the hearing process.

Mr. President, the whole Senate has already spoken on this legislation. Last week the Senate adopted a sense-of-the-Senate resolution that acknowledged both the need for this legislation and the policy underlying it.

I now feel confident that with Senator BRYAN's leadership and the Senate's action last week, this legislation will move forward promptly, to immediate floor action, if possible.

Mr. President, I ask unanimous consent that a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### SECTION-BY-SECTION ANALYSIS ON THE INSURANCE POLICY TRANSFER ACT

Section 1. Short Title. This Act may be cited as the "Insurance Policy Transfer Act".

Section 2. Purpose. The purpose of this Act is to prohibit the transfer and novation of insurance policies without first obtaining the informed written consent of the policyholder.

Section 3. Definitions. For the purpose of this Act, the term "contract of insurance" includes all property, casualty, life, health, accident, surety, title, and annuity policies authorized to be written under State law. The term "transfer agreement" means a contract that transfers insurance obligations or risks of existing contracts of insurance from one insurance company (the transferring insurer) to another (the assuming insurer). Such a transfer results in a novation of the transferred contracts of insurance. The assuming insurer becomes directly liable to the policyholder of the transferring insurer.

Section 4. Notice. Except as provided in section 6, no insurer shall transfer contracts of insurance unless such insurer has first provided each policyholder with proper notice of the transfer as prescribed by this Act. Among other things, such notice shall provide the policyholder with (1) financial data on the transferring insurer and the assuming insurer including balance sheets and ratings by nationally recognized insurance company rating organizations; (2) a statement setting forth the financial condition of the transferring insurer and the assuming insurer under the proposed transfer agreement and the effect the transfer will have on the financial condition of each such insurer; (3) an opinion by a disinterested third-party expert, such as an actuary, finding that the transfer is fair and in the best interests of the policyholder; (4) a statement by the chief insurance regulatory official of the State of domicile of the transferring and accepting insurers that the proposed transfer is fair, reasonable, and in the best interests of the policyholder and that the notice given to the affected policyholder was fair adequate and not misleading; and (5) a statement describing the effect of the transfer, if any, on state insurance guaranty fund coverage.

Section 5. Consent Requirement. No insurer shall enter into a transfer agreement or transfer a contract of insurance without the written consent of the policyholder or a beneficiary of the policyholder.

The written consent of a policyholder may be implied where: (1) the transferring and assuming insurer are top-rated by the same 3 nationally recognized insurance rating agencies for each of the 3 years preceding the transfer, or the accepting insurer is rated better than the transferring insurer during such period; and (2) the policyholder or beneficiary of the contract of insurance is provided with proper notice as prescribed by this Act and such policyholder has not responded to the notice with an objection to the transfer.

Section 6. Transfers Not Subject to the Act. This Act shall not apply to: (1) a transfer in which the transferring insurer continues to remain directly liable for its insurance obligations under the contracts of insurance; (2) the substitution of one insurer for another upon the expiration of insurance coverage pursuant to statutory or contractual requirements; (3) cases where the transfer of contracts of insurance are made pursuant to a merger or a consolidation that is regulated by State law; and (4) insurers that are subject to a judicial order of liquidation or rehabilitation.

Section 7. Regulations. The Secretary of Commerce shall promulgate such regulations as may be necessary to carry out this Act.

Section 8. Cause of Action. The policyholder or the Attorney General may bring an action against an insurer for violations of this Act in the appropriate United States district court. The appropriate district court shall have jurisdiction to grant such relief, including injunctive relief and attorney fees, as is necessary or appropriate to redress the violation.•

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By Mr. JEFFORDS (for himself and Mr. HATCH):

S. 1990. A bill to expand the role of public schools to provide community services; to the Committee on Labor and Human Resources.

### THE 21ST CENTURY COMMUNITY LEARNING CENTERS ACT

• Mr. JEFFORDS. Mr. President, today I am introducing a bill on behalf of myself and Mr. HATCH entitled the "21st Century Community Learning Centers Act." This legislation provides grants to schools to expand education services beyond the regular school hours and to reach beyond the traditional school-age population. I had intended to introduce this bill last week by conference work on the Goals 2000 bill and the debate over increasing education funding in the budget kept me from doing it sooner.

The legislation is simple—it provides grants to schools to open up their buildings for before- and after-school activities for children and for services for adults, from literacy classes for children and for services for adults, from literacy classes to extended library hours to senior citizens programs. While simple at its core, this bill will have far-reaching effects.

This legislation attempts to replicate on a broader scale the work being done in communities across the country. In my own State of Vermont, H.O. Wheeler school in Burlington is the prototype for activities envisioned by the 21st century community learning centers. This school has made room for the Vermont Visiting Nurses Association to teach parenting classes to young mothers and fathers, it has opened up its gym to community meetings and adult classes, and it has extended library hours for the neighborhood residents.

These efforts are designed to address the varying needs of the area. Now more than ever, our communities are on the front line of the changes that are occurring throughout our Nation and throughout the world. Employers are demanding highly skilled and technologically literate workers requiring many adults to return to school or find retraining programs. Two-parent working families today are more often the rule than the exception. Many families need before- and after-school programs and day care services. In many of our communities, both adult education programs and day care services are expensive or nonexistent.

That situation must change—and it can. Schools, particularly in rural and low-income areas, are a valuable resource to the community and are often the only places available to provide activities designed to meet the needs of area residents.

We must expand upon and take advantage of those facilities. The interconnection between education and economic growth is real. For our nation to become economically competitive, our education system must provide services for students of all ages. While many will agree that school cannot be isolated from the home and the community, the reality is that too often schools are perceived as remote, bureaucratic institutions. Some communities, however, are changing that perception and working collaboratively with parents, local businesses and colleges to restructure the traditional role of the school within the community.

It is this new vision of the school that this bill encourages. By providing grants to local schools, we make it possible for schools to become the center for a network of agencies and institutions committed to meeting the needs of the community and expanding learning opportunities for all of its members. The concept of community schools provides our children not only with essential support systems but also brings the community to the school—which develops commitment to, and a sense of ownership for, our schools.

To meet the needs of the 21st century we need to reevaluate and revamp the way in which we provide education services. This simple concept—which doesn't cost much money—is an important first step. I hope my colleagues will support this effort.•

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By Mr. MCCAIN:

S. 1991. A bill to provide for the safety of journeyman boxers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

### THE PROFESSIONAL BOXING SAFETY ACT OF 1994

• Mr. MCCAIN. Mr. President, I rise today to introduce the Professional Boxing Safety Act of 1994. This legislation would create a vital set of strengthened safety measures for all professional boxing events that are held in the United States. The Professional Boxing Safety Act is aimed primarily at the club fights that occur in dozens of States in small arenas on Friday nights across America.

The provisions of my legislation are as follows. First, each State will be required to issue an identification card to all professional boxers residing in their State. Foreign boxers who come to the United States to box, and boxers in the United States who reside in a State without a boxing commission, must register in any State of their choice which has a commission.

An identification card will help State officials verify not only the identity, but the professional and medical history of each boxer seeking to box in the State. Verifying this information enables State boxing commissioners to ensure that no injured or debilitated boxers will be exploited by participating in a show in their State.

Second, all States which hold professional boxing matches must have a State regulatory authority to oversee the fight, or arrange to have commissioners from a neighboring State sanction the event. This is a critical, although very basic, requirement. It is dangerous and indefensible for any jurisdiction to allow professional boxing matches to occur without providing a minimum level of responsible oversight.

Responsible oversight means making sure that physicians are present at the fight, supportive medical services are available, and the matches are conducted according to the safely guidelines established by the professional boxing industry. Let me also point out that safety overseeing all boxing shows need not be a new financial burden on States that don't currently have a boxing commission. Status can simply require promoters to contract with neighboring State commissioners to oversee the show.

Third, State boxing commissioners will be required to review the background of boxers participating in shows in their State, and ensure that no boxers fight while under suspension in another jurisdiction. This will prevent boxers from going from State to State to box while they are injured, after having failed a drug test, or after their declining skills have rendered them incapable of competing safely. If all States respect the suspensions of boxers, promoters, and managers ordered by their fellow State commissions, the unsafe and unethical practices which plague the professional boxing industry will be eliminated to a substantial degree.

Finally, my legislation will require all State commissioners to promptly report the results of each boxing show held in their State, and any suspensions they order, to the boxing registries that are certified by the Association of State Boxing Commissioners and the Florida State Athletic Department. This provision is intended to improve and expand the information network that already exists between State commissions and professional boxing registries. It is extremely important that each State have access to credible data on the backgrounds of all boxers and promoters who participate in boxing shows across the country.

Providing boxing registries with the results of all boxing matches, including information on any injuries or suspensions, will enable State commissioners to quickly determine which boxers should or should not be getting into the ring. This requirement is intended to both protect the health and welfare of the men whose physical skills and courage sustain the boxing industry, and to prevent fraudulent bouts from taking place.

The requirement for the State of Florida's commission to also be notified of boxing show results and suspensions will assist their officials in the extremely valuable work they have generously performed in this regard for several years. At no cost to other State commissions or other interested parties, Florida's boxing officials send out a continuously updated list of all boxers and promoters who have been suspended across the country due to injury, violation of State laws, or improper conduct. All State commissions should review this list weekly, and take action to properly oversee the boxing events held in their State.

The enforcement provisions in this legislation will authorize the U.S. attorney in each State to fine or prosecute promoters or managers who knowingly and willfully violate these reasonable and easily followed standards. If a promoter or manager is so callous and uncaring as to arrange for an injured or debilitated boxer to get into the ring, they should be held accountable for their indefensible behavior.

Furthermore, the U.S. attorney can seek an injunction in Federal court to block unsanctioned and unsafe boxing events from taking place. These events continue to occur in several States in the United States, and they are nothing more than an unconscionable exploitation of men who may know of no other way to support themselves and their families than getting into the ring for $50 a round. Anyone who loves the sport of boxing, or who cares even the slightest bit about the welfare of boxers themselves, will agree that each boxing show should be carried out under the auspices of commissioners at the State level.

My objective is to ensure that a basic but absolutely essential series of safety precautions for professional boxers are implemented nationwide, and adhered to by all State boxing officials.

This is the very least we should do to try and protect the health and welfare of professional boxers—most of whom are from impoverished backgrounds—and improve the integrity of the sport.

While the reforms that I am proposing are extremely important and will be very helpful to State commissioners who are concerned about boxers, I can't really claim that they are truly innovative. I have followed the sound counsel of the very best men and women that the professional boxing industry and State agencies have to offer. I have sought the advice of boxing officials from Nevada, Florida, California, Missouri, Arizona, New York, and many other States, as well from leaders of the Association of Boxing Commissioners. I have actively participated in several hearings on problems in the professional boxing industry held in the past year by the Senate's Governmental Affairs Committee and the Consumer Subcommittee. This bill represents the views and recommendations of the people who know boxing the best, and who care about boxers the most.

In pursuing my overriding objective of protecting the health and welfare of journeymen or club boxers, I have strived to avoid placing any significant new costs or regulations on State commissions, and I believe that we have successfully met this goal. No new, taxpayer-subsidized Federal commission or corporation would be created by my legislation; there are no costly new medical standards imposed upon the States; and there is no Federal intrusion into the business side of boxing.

If implemented, the safety measures contained in this legislation will help protect men who are often unprotected, and ensure that they are not physically or financially exploited by individuals whose profit motives have outweighed their consciences. Unfortunately, the history of the boxing industry in the United States is replete with situations wherein boxers who had no business being in the ring were exploited for the financial gain of others. This practice must stop.

Furthermore, this legislation will finally put the Congress clearly on record, stating that we will no longer stand by idly as the health and welfare of a group of unknown but courageous athletes is jeopardized.

Mr. President, I strongly believe that we simply cannot tolerate the dangerous status quo of bootleg boxing shows and fraudulent matches because things have always been done that way, or because the Congress has never found a practical and acceptable method to assist the State commissions that regulate the sport.

I support the primacy of the States to regulate the boxing industry, but I also want to make sure that every State provides at least a minimum amount of responsible oversight for each boxing event held in their jurisdiction. The Professional Boxing Safety Act will do just that, and help protect the health and welfare of a group of men who now have few advocates willing to look out for their interests.•

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By Mr. ROTH:

S. 1992. A bill to amend chapter 5 of title 5, United States Code, to provide for results based regulations, and for other purposes; to the Committee on Governmental Affairs.

### RESULTS-BASED REGULATIONS ACT OF 1994

• Mr. ROTH. Mr. President, I have long been concerned that our Federal regulatory process is not sufficiently flexible in how it deals with regulated entities. In a worthwhile effort to protect our health, safety, and well-being, Government agencies too often take a one-size-fits-all approach. They provide insufficient opportunity for a business, or State or local government, to find equally effective but less costly alternatives to the mandated procedures.

The legislation I am introducing today, the Results Based Regulations Act of 1994, is an effort to address this problem. It would require Federal agencies, where practicable, to state what outcomes and results a proposed regulation is to achieve. It would then provide waiver authority for the agencies, to exempt from all or part of the regulation an applicant who convinces the agency that there is a less costly way for the applicant to achieve the results intended.

I believe this is an entirely reasonable, and in fact common-sense requirement. Agencies would have great discretion in how to develop such a waiver process. They could do so in ways that do not subject themselves to a flood of waiver applications from every business or State and local government in the country. They might require that parties with common interests get together and develop one waiver request. And of course, the agency itself would then have to be satisfied that the proposed alternative would indeed achieve the same results as the regulation itself.

On the other hand, the regulated entities would have an on-going opportunity—even after a regulation is finalized and implemented—to find a less onerous way to achieve the purpose of the regulation. This would help make the regulatory process more flexible and reasonable, while still accomplishing the intended results.

The value of this approach was recognized in the recently published addendum to the Vice President's National Performance Review report—entitled, "Improving Regulatory Systems." This report stated that, "Performance standards are generally preferable to prescriptive or design standards because they give the regulated industry the flexibility to determine the best technology to meet established standards."

I urge my colleagues to support this effort to reinvent the regulatory process. I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1992

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Results Based Regulations Act of 1994".

**SEC. 2. RESULTS BASED REGULATIONS.**

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 559 the following new section:

**"§ 560. Results based regulations**

"(a) For purposes of this section the term 'regulation' means any rule for which the agency publishes a general notice of proposed rulemaking under section 553(b) or any other law.

"(b) To the greatest extent practicable, each agency shall include in the general notice of proposed rulemaking relating to a regulation—

"(1) a statement of—

"(A) the overall outcomes and results to be achieved by the regulation;

"(B) methods to quantify such outcomes and results;

"(C) possible alternative methods to achieve such outcomes and results; and

"(D) a process for waiving in whole or part such regulation if an alternative is subsequently proposed under which the agency determines the waiver applicant, and others covered by such waiver, would have no less of an impact on the achievement of those outcomes and results than would occur without such waiver; and

"(2) a solicitation for comments by persons affected by the regulation on the methods and processes described under paragraph (1) (B), (C), and (D).

"(c) An agency action taken under this section shall not be subject to review by a court of the United States.".

"(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 559 the following new item:

"560. Results based regulations.".

**SEC. 3. EFFECTIVE DATE.**

The amendments made by this Act shall take effect 60 days after the date of the enactment of this Act.•

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By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1993. A bill to remove the restrictions on the export of Alaskan North Slope oil, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

### ALASKAN OIL LEGISLATION

• Mr. MURKOWSKI. Mr. President, I introduce legislation on behalf of myself and Senator STEVENS that is critical to the economy of Alaska and the energy security of the United States. This legislation would lift the 21-year-old prohibition on the export of Alaskan oil thereby allowing the State's most important and vital industry to sell its products in the global marketplace.

To ensure that lifting of the export ban does not harm the U.S. merchant marine, our legislation requires oil exported from Alaska to be transported on U.S. built vessels manned by American merchant seamen.

Mr. President, the export ban is contrary to the free trade, nondiscrimination, and open market principles that have guided this administration in the successful NAFTA and GATT negotiations. It represents the worst type of protectionism that costs workers jobs in Alaska and California, damages our Nation's energy security, and contributes to our international trade deficit.

The export ban is an unjustifiable and unprecedented discrimination against the State of Alaska and the citizens of my State. It costs the State hundreds of millions of dollars a year in lost royalties and hinders the ability of the State to provide social services and infrastructure that would enable the State to diversify its economy. This artificial constraint on the development of Alaska's economy is fundamentally unfair, and in this Senator's view, impinges on the sovereignty of my State in a way that no other State has to endure.

Mr. President, I know of no other laws that Congress has adopted that prevent the export of a particular product simply because the product is manufactured or mined in a particular State. Would it be fair to bar the export of timber or paper products from forests in Tennessee and Washington, but allow the export of such products if they came from forests in Kentucky or Oregon? Of course not. But that is exactly the type of discrimination that Alaskans are somehow expected to accept.

Why should Alaskans be expected to accept this type of discrimination? We are not talking about mineral resources located on Federal lands. We are not talking about special Federal subsidies provided to developers in Alaska. We are simply talking about resource development within the State of Alaska and how the developers of that resource and the State can maximize their return from these investments.

In 1973, when the ban was imposed, many people believed that it would enhance our Nation's energy security. Twenty-one years later, it is clear to nearly every economist who has studied this issue, that the export ban, rather than enhancing energy security, will ultimately make America more dependent on foreign oil.

Today, most of the 1.8 million barrels of oil that is shipped from Alaska is delivered by tanker to the closest domestic markets on the west coast, primarily California. The remainder is generally shipped to Panama, off-loaded into a pipeline and then reloaded onto a tanker and transported to the gulf coast.

The 1.3 million barrels of oil shipped into California each day glut the California market and drive the price of oil there far below the world price. For example, in December, when the world price slipped below $15 barrel, the wellhead price of California oil was $8.75.

These glut-induced prices have devastated the California oil and gas industry and exacerbated the prolonged recession in California. Wells have been permanently shut in. Exploration and development activities have crawled to a near halt, and employment has been devastated.

Mr. President, the single most effective way of reversing this trend and encouraging the renewed exploration and development of oil production in California is to lift the ban on the export of Alaskan crude oil. When a representative of the General Accounting Office testified before Congress on this issue in 1990, she estimated that if the ban was lifted, wellhead prices for Alaskan and California oil would rise by $1 to $2 a barrel.

These price estimates are consistent with recent analyses performed by the Alaska Department of Revenue. Our revenue department estimates that lifting the ban would raise wellhead prices by $1.10 a barrel for Alaskan and California oil. If that happened, Federal Government tax revenues would increase by $280 million and revenues to the State of Alaska would rise by $185 million.

More importantly, removing the ban would stimulate employment and exploration activities both in California and in Alaska. By one estimate, California employment could increase anywhere from 5,500 to 15,000 jobs. By contrast, if the export ban is retained, one study suggests that development of as much as 10 billion barrels in Alaska and California will be significantly inhibited over the next several decades. At current prices, it would cost the U.S. economy $200 billion to replace that domestic production with foreign oil imports.

Mr. President, I know that there is concern in the domestic maritime community that if the ban is lifted, the American-flag merchant marine will suffer severe employment declines because all of the oil currently shipped from Alaska to the lower 48 is shipped on American flag tankers. I am sympathetic to this concern and recognize the importance of maintaining a strong American-flag merchant marine. It is for that reason that this legislation requires exported Alaskan oil to be transported on American flag tankers.

Under current economic projections, oil production declines in Alaska suggest that most, if not all, of the oil shipped into gulf coast ports will disappear in the next year or two. That will cause a significant decline in U.S. maritime employment and will put many U.S.-flag ships into mothballs. However, if Alaska is permitted to export its oil, and if U.S.-flag ships were used in the export trade at least 240 seafaring jobs could be saved.

Moreover, since the price that Alaskan crude can command in the world market is higher than it commands in the glutted U.S. market, there will be a greater incentive for the oil industry to invest in Alaska to enhance production from current wells. Keeping these oil fields producing means greater energy security for America and continued employment security for the American flag merchant marine.

Mr. President, this ban makes no economic sense. It hurts the citizens of Alaska; it severely damages the California oil and gas industry, and if left in place, it ensures the steady decline in the production of Alaskan crude and the demise of hundreds of jobs in Alaska, in California and in the U.S. merchant marine. I hope that this is the year that this ban will finally be lifted.•

• Mr. STEVENS. Mr. President. I am pleased to join my colleague from Alaska today in introducing legislation to lift the ban on the export of Alaska North Slope crude oil while increasing American jobs. This legislation will increase jobs because it will increase production of oil in Alaska, and therefore increase transportation of oil on U.S. tankers manned by U.S. crews.

When Congress approved the construction of the Trans-Alaska Pipeline System in 1973 there was a provision included in the act that severely restricted exportation of crude oil transported through TAPS. In 1979 an amendment to the Export Administration Act expressly prohibited export of TAPS crude oil, but at the same time, eased restrictions on export of oil produced in other states. Section 7 of the Export Administration Act discriminates against Alaska by making it the only State that is forbidden to export its crude oil.

The export ban on Alaska North Slope crude oil directly impacts the value of oil production in Alaska. Each day about 1.6 million barrels of Alaska crude are transported to domestic markets of the lower 48. 85 percent of that is landed on the west coast, mostly in California, and 15 percent on the U.S. gulf coast. The export ban drastically reduces the market value of the crude oil on the U.S. west coast. Since the majority of the Alaska crude is marketed to the west coast it significantly depresses the value of California production as well.

The excessive supplies of crude oil on the west coast have caused an artificial crude surplus on the west coast. This causes the value of oil in Alaska and California to be depressed.

The depressed price for Alaska crude discounts the wellhead value of the crude by as much as $3 per barrel. A $1 decrease per barrel adds up to a total loss of about $130 million a year for the State of Alaska in royalty revenues.

Furthermore, when crude oil prices are depressed, there is little incentive for exploring and producing oil in Alaska and California.

Prudhoe Bay production is declining at a rate of 10 percent a year. California production is also on the decline. The oil export ban is one of the major reasons for this decline in production. A small dollar difference in the price of oil makes a huge difference when you calculate the economics of producing oil—especially in Alaska.

The North Slope of Alaska contains as much as 100 billion barrels of oil. But only 16 billion barrels qualify as proven reserves. Estimates show that the oil export ban could restrain the development of as much as 10 billion barrels in Alaska and California.

It would cost our economy $200 billion to replace Alaska and California's production with foreign oil imports. And it would mean the loss of thousands of jobs. The export ban costs the Federal Government and the State of Alaska billions in lost royalties, taxes and other revenues.

The legislative history of the Export Administration Act shows that Congress specifically intended to discriminate solely against Alaska in the export of domestically produced crude oil for the benefit of other States. Among all of the States, only Alaska and its Trans-Alaska Pipeline crude oil are subject to a per se ban.

The port preference clause of the Constitution prohibits actions of Congress which prefer the ports of one or more States to those of another or which direct or divert commerce from the ports of a State to the ports of one or more other States. Maryland in particular wanted the port preference clause because they were concerned their ships involved in commerce would be forced to stop in Norfolk, VA before going overseas.

More than 200 years later, the Arctic Slope crude oil export ban does exactly what the drafters of the Constitution sought to prevent. Section 7 of the Export Administration Act effectively forces Alaska crude oil to be landed in a few ports on the U.S. west coast and gulf coast for the sole benefit of those States. Meanwhile, those States sell some of their oil production to other countries.

The Supreme Court has held that the 10th amendment limits the power of Congress by prohibiting action which commandeers the legislative processes of the States by directly compelling them to enact and enforce a Federal regulatory program. This includes actions by Congress to attach State treasuries or otherwise make a State government an unwilling instrument or financier of congressional policy. The Artic Slope crude oil export ban violates the 10th amendment because it requires Alaska to provide a subsidy to other States in the form of lost royalties due to depressed lower crude oil prices in pursuit of a congressional objective.

I want to repeat that this legislation increases jobs for Americans. It will help the oil industry by allowing for a market driven price of oil on the west coast, rather than an artificial glut and low price due to the prohibition on exporting it. The increased sale price of oil in California and Alaska will increase production and therefore increase jobs to produce and transport the oil.

Most of the oil will continue to be transported to California because the economics will demand it. But we should allow the export of the oil that creates a crude oil glut.

The provision in the Export Administration Act clearly discriminates against Alaska. The total export ban on Arctic Slope crude oil is unprecedented in other oil producing states. While other states are subject to limited restrictions on exporting oil, only Alaska is subject to a total ban on exporting its oil. This bill will finally lift this discriminatory and unconstitutional prohibition on the export of our crude oil.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1993

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXPORT ADMINISTRATION ACT AMENDMENT.**

Section 7(d) of the Export Administration Act of 1979 (50 U.S.C. App. 2406(d)) is repealed.

**SEC. 2. TRANSPORT REQUIREMENT.**

The export of domestically produced crude oil shall be transported in vessels documented under the laws of the United States which are eligible to engage in the coastwise trade if such crude oil is transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652).

**SEC. 3. OTHER PROVISIONS OF LAW.**

The export of domestically produced crude oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652) shall not be subject to the restrictions contained in section 28(u) of the Mineral Leasing Act (30 U.S.C. 185(u)), section 103 of the Energy Policy and Conservation Act (42 U.S.C. 6212), section 28 of the Outer Continental Shelf Lands Act (43 U.S.C. 1354), or section 7430(e) of title 10, United States Code, or any regulations issued under any such provision of law.•

By Mr. SMITH (for himself, Mr. GREGG, Mr. FAIRCLOTH, and Mr. KEMPTHORNE):

S. 1994. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to make comprehensive improvements in provisions relating to liability, State implementation, remedy selection, and funding, and for other purposes; to the Committee on Finance.

COMPREHENSIVE SUPERFUND IMPROVEMENT ACT OF 1994

• Mr. SMITH. Mr. President, today, I am introducing the Comprehensive Superfund Improvement Act of 1994. In 1980, Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA], commonly known as Superfund, to force the cleanup of our Nation's worst hazardous waste sites.

In theory, Superfund was supposed to resolve environmental hazards quickly and economically by making polluters pay. But in practice, the program has fallen well short of its promise to the American people. There are now more than 1,275 sites on the national priorities list with little cleanup progress to show after 13 years.

Since Superfund is due to be authorized in 1994, Congress now has an opportunity to correct this flawed program. That is why I am introducing a plan to put the Superfund program back on track. This legislation is dramatic, comprehensive reform that will be good for the environment and good for the economy.

I have spent the past year researching and seeking input from groups like the New Hampshire Superfund Task Force, initiated by my colleague, Congressman BILL ZELIFF, who has introduced companion legislation in the House of Representatives. I have also talked to State government officials, individual town managers, and local businesses. In addition to local input, I have met with various national groups, including representatives from the insurance industry, the business roundtable, and the NAACP. This really is a grassroots answer to a grassroots problem.

The Senate Environment Committee, of which I am a member, is scheduled to consider Superfund reauthorization during the next several months. The administration unveiled its plan last month, and although it is a step in the right direction, I do not believe it goes far enough in the areas of liability and remedy selection.

However, one thing is certain—EPA Administrator Carol Browner, the business community, the insurance industry, cleanup contractors, State and local governments, and individual citizens all agree—Superfund needs to be fixed.

WHY WE NEED THIS LEGISLATION

First, hazardous waste sites are not being cleaned up in a timely manner. Litigation and delay have become the standard operating procedure for the Superfund program. After 13 years and approximately $18 billion spent on the Superfund program, only 12 percent or about 150 sites on the Superfund priority list have been cleaned up. Only 4 percent have actually been delisted. The average time it takes to clean up a site is a staggering 10 to 15 years, costing $25 to $30 million per site.

Second, lawyers are benefiting more than the environment and our communities. Enormous amounts of time and money are being wasted on lawsuits and administrative bureaucracy, instead of being spent on actual cleanup of hazardous waste. In fact, on average, nearly 50 percent of the costs at a site are devoted to these so-called transaction costs.

Third, Superfund's liability scheme fuels litigation. Under the doctrine of strict, retroactive, joint and several liability, a single party can be held liable for 100 percent of the cleanup cost even if hundreds of parties contributed waste to the site, and even if the single party contributed only 5 percent of the waste. Numerous towns and small businesses have been caught in the Superfund liability net for actions that were legal at the time they occurred.

ELEMENTS OF THE COMPREHENSIVE SUPERFUND IMPROVEMENT ACT OF 1994:

First, liability: This legislation would eliminate retroactive liability prior to CERCLA's enactment on December 11, 1980. It would also replace joint and several liability with a new proportional allocation plan. To apply a law retroactively is simply unfair, un-American, and violates the spirit of the Constitution. In addition, to address the unfairness of joint and several liability, I propose a new, binding allocation system. Under my plan, parties would only be forced to pay for what they contributed to a site. This new "fair share" allocation process will reduce the amount of lawsuits between parties, saving a significant amount of time and money.

Second, State delegation: Current law does not allow for States to manage the Superfund program. Decisions are made by the EPA with little input from the States and affected communities. Many States believe they can do the job more effectively and efficiently than the Federal Government can. I agree. States that are capable and qualified to administer the Superfund program should be given this authority if so desired.

Third, remedy selection: Currently, risk assessment and cleanups are based on unrealistic, worst-case risk scenarios that ultimately lead to overly expensive remedies. We need to address the issue of "How clean is clean?" Often times, striving to clean that last ounce of pollution has little environmental benefit but increases cost significantly. We must begin to prioritize and direct our limited resources toward areas that pose the greatest risk. We also need to ask ourselves, "If an industrial site is going to remain an industrial site, does it make sense to clean it up to playground standards?" Current law does not allow these issues to be considered.

My plan will use more realistic risk assessments and allow for land use and cost to be considered when selecting a remedy. I propose a rational, streamlined approach to the cleanup process that includes: An immediate response action for any immediate public health threat, a post immediate response action site scoring, and long-term remediation if necessary at which time the site would undergo a thorough evaluation and risk assessment to determine how to best clean up the remaining contamination.

Local citizens are also brought into the process through community advisory councils, which are established in this legislation. Their purpose is to provide input into the decision-making process such as intended use of the land. Cleanup options are then identified, taking into account local feedback and cost.

In conclusion, I believe these major changes that I have outlined stem from input at the grassroots level and represent a broad cross-section of interested parties. This is a fair, commonsense approach to addressing the ineffectiveness of the current Superfund program.

I urge my colleagues to cosponsor this legislation and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1994

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Comprehensive Superfund Improvement Act".

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—LIABILITY

Sec. 101. Release of evidence.
Sec. 102. Elimination of retroactive liability.
Sec. 103. Limitation on liability of certain owners and operators.
Sec. 104. Contribution protection.
Sec. 105. Contiguous properties.
Sec. 106. Lender and fiduciary liability.
Sec. 107. Definitions.
Sec. 108. Assignment of shares of liability for costs of response actions at national priority list sites.
Sec. 109. Enforcement of response actions through joint and several liability.
Sec. 110. Establishment of binding allocation of responsibility process.
Sec. 111. Site redevelopment.
Sec. 112. Liability of response action contractors.

TITLE II—STATE IMPLEMENTATION

Sec. 201. State authority.
Sec. 202. Transfer of authorities.
Sec. 203. EPA oversight costs.

TITLE III—REMEDY SELECTION

Sec. 301. Immediate risk reduction measures.
Sec. 302. Site scoring.
Sec. 303. Long-term response plan.
Sec. 304. Long-term response selection.
Sec. 305. Periodic review.
Sec. 306. Delisting of facilities and sites.

TITLE IV—FUNDING

Sec. 401. 5-year extension of Hazardous Substance Superfund.
Sec. 402. Increase in environmental income tax.
Sec. 403. Environmental fees and assessments on insurance companies.
Sec. 404. Retroactive Liability Fund.

## TITLE I—LIABILITY

**SEC. 101. RELEASE OF EVIDENCE.**

(a) TIMELY ACCESS TO INFORMATION FURNISHED UNDER SECTION 104(e).—Section 104(e)(7)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(e)(7)(A)) is amended by inserting after "shall be available to the public" the following: "not later than 14 days after the records, reports, or information is obtained".

(b) REQUIREMENT TO PROVIDE PRPs EVIDENCE OF LIABILITY.—(1) Subsection (a) of section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)) is amended by adding at the end the following: "In any case in which the President issues an order to a person under this subsection, the President shall provide information concerning the evidence that indicates that each element of liability contained in subparagraph

(A), (B), (C), or (D) of section 107(a)(1) is present.".

(2) Section 122(e)(1) of such Act is amended by inserting after subparagraph (C) the following:

"(D) For each potentially responsible party, the evidence that indicates that each element of liability contained in subparagraph (A), (B), (C), or (D) of section 107(a)(1) is present.".

### SEC. 102. ELIMINATION OF RETROACTIVE LIABILITY.

Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)) is amended by adding at the end the following new subsection:

"(n) Retroactive Liability Cut-Off Date; Cost Reimbursement Provisions.—

"(1) In general.—Subject to the provisions in this subsection, a person is liable under this section only for actions occurring after December 11, 1980. The provisions of this subsection shall not apply to actions occurring before December 11, 1980, which were contrary to a law at the time of the actions. Reimbursement or payment from the Retroactive Liability Fund (established by section 9512 of the Internal Revenue Code of 1986) shall be made pursuant to section 508.

"(2) Pre-1981 Sites.—With respect to sites or facilities with respect to which all actions for which liability arising under this Act occurred before December 11, 1980, the following rules apply:

"(A) Construction completed.—For such sites or facilities where the construction of the response action has been completed by January 1, 1994, no reimbursement may be made from the Retroactivity Liability Fund to the potentially responsible parties concerned for costs incurred for such construction. If a potentially responsible party is conducting operation and maintenance related to the response action at the site or facility as of January 1, 1994, the President shall assume the future costs of such operation and maintenance and shall reimburse the party for such costs incurred.

"(B) Construction ongoing.—For such sites or facilities where the construction of the response action has not been completed by January 1, 1994, reimbursement may be made to the potentially responsible parties concerned for costs incurred for such construction, but only after the construction is completed. After construction is complete, the President shall assume future costs for any operation and maintenance related to the response action.

"(C) Discovery after January 1, 1994.—For such sites or facilities that are discovered after January 1, 1994, the President shall use amounts from the Retroactive Liability Fund to pay for all costs of the response action. Such costs shall not include attorney's fees or other costs associated with litigation related to the response action.

"(3) Straddle Sites.—With respect to sites or facilities with respect to which actions for which liability arising under this Act occurred both before and after December 11, 1980, the following rules apply:

"(A) Construction completed.—For such sites or facilities where the construction of the response action has been completed by January 1, 1994, no reimbursement may be made from the Retroactive Liability Fund to the potentially responsible parties concerned for costs incurred for such construction. If a potentially responsible party is conducting operation and maintenance related to the response action at the site or facility as of January 1, 1994, the potentially responsible party may, within 90 days after the date of enactment of the Comprehensive Superfund Improvement Act, petition the President for an allocation (in accordance with title V) of the operation and maintenance costs. The allocation shall determine which portion of the operation and maintenance costs are attributable to actions occurring before December 11, 1980, and which are attributable to actions occurring after such date, and shall provide for the reimbursement of the potentially responsible party, from the Retroactive Liability Fund, of those costs attributable to actions occurring before December 11, 1980.

"(B) Construction ongoing.—For such sites or facilities where the construction of the response action has not been completed by January 1, 1994, the potentially responsible parties concerned shall complete construction and conduct any required operation and maintenance. A potentially responsible party may, within 90 days after construction of the response action is complete, petition the President for an allocation (in accordance with title V) of both the construction and operation and maintenance costs. The allocation shall determine which portion of the construction and operation and maintenance costs are attributable to actions occurring before December 11, 1980, and which are attributable to actions occurring after such date, and shall provide for the reimbursement of the potentially responsible party, from the Retroactive Liability Fund, of those costs attributable to actions occurring before December 11, 1980.

"(C) Discovery after January 1, 1994.—For such sites or facilities that are discovered after January 1, 1994, the President shall use amounts from the Retroactive Liability Fund to pay for costs of the response action, including construction and operation and maintenance, attributable to actions occurring before December 11, 1980.

"(4) Definitions.—In this subsection:

"(A) The term 'actions' includes ownership or operation of a facility at which hazardous substances were disposed of, disposal of hazardous substances, arrangement with a transporter for transport for disposal or treatment of a hazardous substance, and any other activities described in subsection (a).

"(B) The term 'person' has the meaning provided in section 101(21) but does not include the United States Government.

### SEC. 103. LIMITATION ON LIABILITY OF CERTAIN OWNERS AND OPERATORS.

(a) Exemption for Grantees of Certain Easements.—Subsection (a) of section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)) is amended—

(1) in paragraph (4), by striking out "shall be liable for—" and inserting in lieu thereof "shall be liable, except as provided in paragraph (4), for the costs and damages set forth in paragraph (2).";

(2) by inserting before subparagraph (A) the following:

"(2) The costs and damages for which persons described in paragraph (1) shall be liable are—";

(3) by aligning the margins of subparagraphs (A), (B), (C), and (D) so as to be cut in two ems;

(4) by inserting "(1)" before "Notwithstanding any other provision or rule of law,";

(5) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(6) by inserting "(3)" before the text beginning with "The amounts recoverable in an action under this section" (and aligning such text as a paragraph below paragraphs (1) and (2) (as redesignated)) and in that text—

(A) by inserting "of paragraph (2)" after "subparagraphs (A) through (D)";

(B) by striking out "(i)" and inserting in lieu thereof "(A)"; and

(C) by striking out "(ii)" and inserting in lieu thereof "(B)"; and

(7) by adding at the end the following new paragraph:

"(4) In the case of a person who is a qualified organization under section 170(h)(3) of the Internal Revenue Code of 1986 and who is the grantee of a conservation easement with respect to real property on which a facility is located, the person shall not be considered an owner or operator of the facility under subparagraph (A) or (B) of paragraph (1) unless the person, by any act or omission, causes or contributes to the release or threatened release of a hazardous substance that causes the incurrence of response costs. For purposes of this paragraph, the term "conservation easement" means a restriction on the use of land for purposes of protecting in perpetuity a conservation purpose listed in section 170(h)(4) of the Internal Revenue Code of 1986.

(b) Safe Harbor for Innocent Landowner Defense.—(1) Section 101(35) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively and inserting after subparagraph (B), the following:

"(C)(i) A defendant who has acquired real property shall have established a rebuttable presumption that he has made all appropriate inquiry within the meaning of subparagraph (B) if he establishes that, immediately prior to or at the time of acquisition, he obtained an environmental assessment of the real property which meets the requirements of this subparagraph.

"(ii) For purposes of this subparagraph, the term 'environmental professional' means an individual, or an entity managed or controlled by such individual who, through academic training, occupational experience and reputation (such as engineers, environmental consultants and attorneys), can objectively conduct one or more aspects of an environmental assessment. For purposes of this subparagraph, the term 'environmental assessment' means an investigation of the real property, conducted by environmental professionals, to determine or discover the likelihood of the presence or substantial reason to suspect the presence of a release or threatened release of hazardous substances on the real property and which consists of a review of each of the following sources of information concerning the previous ownership and uses of the real property:

"(I) Recorded chain of title documents regarding the real property, including all deeds, easements, leases, restrictions, and covenants for a period of 50 years.

"(II) Aerial photographs which may reflect prior uses of the real property and which are reasonably accessible through State or local government agencies.

"(III) Determination of the existence of recorded environmental cleanup liens against the real property which have arisen pursuant to Federal, State, and local statutes.

"(IV) Reasonably obtainable Federal, State, and local government records of sites or facilities where there has been a release of hazardous substances and which are likely to cause or contribute to a release or threatened release of hazardous substances on the real property, including investigation reports for such sites or facilities; reasonably obtainable Federal, State, and local government environmental records of activities likely to cause or contribute to a release or a threatened release of hazardous substances on the real property, including landfill and other disposal location records, underground storage tank records, hazardous waste handler and generator records and spill reporting records; and such other reasonably obtainable Federal, State, and local government environmental records which report incidents or activities which are likely to cause or contribute to a release or threatened release of hazardous substances on the real property. A record is considered to be reasonably obtainable for purposes of this subclause if a copy or reasonable facsimile of the record is obtainable from the government agency by request.

"(V) A visual site inspection of the real property and all facilities and improvements on the real property, and a visual inspection of immediately adjacent properties from the real property, including an investigation of any chemical use, storage, treatment and disposal practices on the property.

"(iii) No presumption shall arise under clause (i) unless the defendant has maintained a compilation of the information reviewed in the course of the environmental assessment.

"(iv) Notwithstanding any other provision of this paragraph, if the environmental assessment discloses the presence or likely presence of a release or threatened release of hazardous substances on the real property to be acquired, no presumption shall arise under clause (i) with respect to such release or threatened release unless the defendant has taken reasonable steps, in accordance with current technology available, existing regulations, and generally acceptable engineering practices, as may be necessary to confirm the absence of such release or threatened release.".

(2) Subparagraph (C) of section 101(35) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as added by paragraph (1), shall take effect on the date of the enactment of this Act.

**SEC. 104. CONTRIBUTION PROTECTION.**

Section 113(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9613(f)(2)) is amended in the first sentence by inserting "or cost recovery" after "contribution".

**SEC. 105. CONTIGUOUS PROPERTIES.**

Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)), as amended by section 103(a), is further amended by adding at the end the following new paragraph:

"(5) A person who owns or operates real property that is contiguous to or otherwise situated with respect to real property on which there has been a release of a hazardous substance and that is or may be contaminated by such release shall not be considered an owner or operator of a facility under paragraph (1)(A) solely by reason of such contamination. The President may issue assurances of no enforcement action under this Act to any such person and may grant any such person protection against cost recovery and contribution actions pursuant to section 113(f)(2).".

**SEC. 106. LENDER AND FIDUCIARY LIABILITY.**

(a) RULEMAKING AUTHORITY FOR SECURITY INTEREST EXEMPTION.—Section 115 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (15 U.S.C. 9615) is amended—

(1) by redesignating the text of the section as subsection (a); and

(2) by adding at the end the following:

"(b)(1) Pursuant to the authority conferred by this section, the President shall issue, within 30 days after the date of enactment of the Comprehensive Superfund Improvement Act, regulations to define the terms of this Act as they apply to lenders and other financial services providers. These regulations shall clarify the definition of the term 'owner or operator' contained in section 101(20)(A) by—

"(A) defining the terms 'indicia of ownership', 'security interest', 'primarily to protect a security interest', and 'participation in management'; and

"(B) specifying the types of activities that may be undertaken without voiding the exemption to liability provided by section 101(20)(A).

"(2) The following clarifications shall be included among the provisions in the regulations issued under paragraph (1):

"(A) The term 'participation in management' does not include—

"(i) the mere capacity to influence, or ability to influence, or the unexercised right to control facility operations; or

"(ii) any act of the security interest holder to require another person or itself, to comply with applicable laws or to respond lawfully to disposal of any hazardous substance.

"(B) A security interest holder will not be deemed to be participating in management of a facility unless the security interest holder—

"(i) has undertaken responsibility for the facility's hazardous substance handling or disposal practices; or

"(ii) has undertaken overall management of the facility encompassing day-to-day decisionmaking over either environmental compliance or over the operational, as opposed to financial and administrative, aspects of the facility.

"(C) Legal or equitable title acquired by a security interest holder through foreclosure or its equivalents will be deemed to be held primarily to protect a security interest provided that the holder undertakes to sell, release, or otherwise divest the property in a reasonably expeditious manner on commercially reasonable terms.".

(b) PROTECTION FOR FIDUCIARIES FROM INDIVIDUAL LIABILITY.—(1) Section 101(20) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(20)) is amended by adding at the end the following new subparagraph:

"(E)(i) The term 'owner or operator' does not include a fiduciary who holds legal title to, is the mortgagee or secured party with respect to, controls, or manages, directly or indirectly, any facility or vessel for purposes of administering an estate or trust of which such facility or vessel is a part.

"(ii) For purposes of clause (i), the term 'fiduciary' means a person who is acting in any of the following representative capacities, but only to the extent such person is acting in such representative capacity:

"(I) An executor or administrator of an estate, including a voluntary executor or a voluntary administrator.

"(II) A guardian.

"(III) A conservator.

"(IV) A trustee under a will under which the trustee takes title to, or otherwise controls or manages, property for the purpose of protecting or conserving such property under the ordinary rules applied in State courts.

"(V) A court-appointed receiver.

"(VI) A trustee appointed in proceedings under Federal bankruptcy laws.

"(VII) An assignee or a trustee acting under an assignment made for the benefit of creditors.

"(VIII) A trustee, or any successor thereto, pursuant to an indenture agreement, trust agreement, lease, or similar financing agreement, for debt securities, certificates of interest of participation in any such debt securities, or other forms of indebtedness as to which it is not, in its capacity as trustee, the lender.".

(2) Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607), as amended by sections 102 and 103, is further amended by adding at the end the following new subsection:

"(m) FIDUCIARY LIABILITY.—(1) Except as provided in paragraph (3), a fiduciary (as defined in section 101(20)) shall not be liable in its individual capacity under this section.

"(2) Nothing in this paragraph may be construed as preventing claims under this Act against—

"(A) the assets of the estate or trust administered by a fiduciary; or

"(B) non-employee agents or independent contractors retained by a fiduciary.

"(3) Nothing in this paragraph may be construed as preventing claims under this Act against a fiduciary in its individual capacity whose negligent acts or intentional misconduct caused a release or threatened release of hazardous substances at a facility or vessel. A fiduciary shall not be attributed with the negligence or intentional misconduct of non-employee agents or independent contractors if the fiduciary has conducted itself without negligence or intentional misconduct with regard to its relationship with such agents or contractors.".

**SEC. 107. DEFINITIONS.**

Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601), is amended by adding at the end the following:

"(39) The term 'potentially responsible party' means any person identified as potentially liable under section 107, potentially responsible to perform any response action under sections 104 or 106, or potentially liable for contribution under section 113.

"(40) The term 'de micromis party' means a potentially responsible party who is a generator or transporter who contributed less than 100 pounds or 100 liters of material containing hazardous substances at a facility, or such greater or lesser amount as the Administrator may determine by regulation.

"(41) The term 'de minimis party' means a liable party whose assigned share of liability is determined to be 1.0 percent or less in a final binding allocation of responsibility decision under title V.

"(42) The term 'liable party' means any potentially responsible party determined by an allocation panel or a court to be liable under section 107, responsible to perform any action under sections 104 or 106, or liable for contribution under section 113.

"(43) The term 'assigned share' means the percentage of liability assigned, in accordance with the factors set forth in section 503(g)(2), to a liable party by an allocation panel in a binding allocation of responsibility or by a court of law.

"(44) The term 'orphan party' means a liable party at a site who is defunct, unknown, insolvent, or whose assigned share has been subject to discharge or limitation in bankruptcy, or who is otherwise financially unable to pay all or part of its assigned share.

"(45) The term 'creditor party' means the Administrator, a State, or any person who is determined to be a liable party with respect to a National Priority List site and who incurs or has incurred costs with respect to the site that are not inconsistent with the National Contingency Plan.

"(46) The term 'debtor party' means the Hazardous Substance Superfund and any person who is determined to be a liable party with respect to a National Priority List site.

"(47) The term 'binding allocation of responsibility' means a final binding determination by an allocation panel pursuant to title V.

"(48) The term 'orphan share' means the total of the assigned shares of all orphan parties at a site, including all shares eligible for reimbursement or payment pursuant to section 107(n).

"(49) The term 'guardian of the fund' or 'guardian' means the person appointed by the Administrator to represent the Environmental Protection Agency in a binding allocation of responsibility proceeding.

"(50) The term 'National Priority List site' means any site or facility that the Administrator has listed on, or proposed for listing on, the list established pursuant to section 105(a)(8)(B).".

### SEC. 108. ASSIGNMENT OF SHARES OF LIABILITY FOR COSTS OF RESPONSE ACTIONS AT NATIONAL PRIORITY LIST SITES.

Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)), is amended by inserting before the phrase "The amounts recoverable" the following: "With respect to any National Priority List site, each liable party who accepts the results of the allocation of responsibility process under title V or who successfully appeals the results of such process shall be liable only for its assigned share of the costs incurred pursuant to subparagraphs (A), (B), and (D) of this section. The orphan share of a National Priority List site shall be paid out of the Hazardous Substance Superfund or the Retroactive Liability Fund, or any combination thereof, as determined by final binding allocation of liability.".

### SEC. 109. ENFORCEMENT OF RESPONSE ACTIONS THROUGH JOINT AND SEVERAL LIABILITY.

Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by adding at the end the following:

"(n) JOINT AND SEVERAL LIABILITY OF PARTIES WHO FAIL TO PERFORM RESPONSE ACTIONS.—In any case in which no liable party or potentially responsible party agrees to perform a response action at a National Priority List site, or a liable party or potentially responsible party agrees to perform a response action but the party fails to perform such response action, as determined by the Administrator or the State in which the site is located, the following provisions apply:

"(1) The party is considered to have not resolved its liability to the United States, notwithstanding the party's acceptance of the results of the binding allocation of responsibility process under title V or the party's successful appeal of the results of such process.

"(2) The party is subject to civil action under section 106, subparagraphs (A), (B), and (D) of subsection (a) of this section, and section 113 for the response action and all costs of the response action with respect to the National Priority List site.

"(o) PAYMENT OF CERTAIN RESPONSE COSTS BY FUND.—A potentially responsible party who performs and pays for a response action at a National Priority List site shall be reimbursed by the Hazardous Substance Superfund.

"(p) AUTHORITY TO COLLECT RESPONSE COSTS FROM OTHERS.—A liable party who performs and pays for a response action at a National Priority List site is a creditor party under section 508 with respect to the site and may recover its response costs in accordance with that section.".

### SEC. 110. ESTABLISHMENT OF BINDING ALLOCATION OF RESPONSIBILITY PROCESS.

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following new title:

### "TITLE V—BINDING ALLOCATION OF RESPONSIBILITY

"Sec. 501. General rules governing binding allocations of responsibility.
"Sec. 502. Qualifications and powers of administrative law judges and allocation panels.
"Sec. 503. Specific rules and procedures.
"Sec. 504. Duty to answer information requests and requests for production of documents.
"Sec. 505. Civil and criminal penalties.
"Sec. 506. Document repository; confidentiality; no waiver.
"Sec. 507. Final agency action and judicial review.
"Sec. 508. Collection, enforcement, and implementation.
"Sec. 509. Transition provisions.
"Sec. 510. Voluntary settlements.
"Sec. 511. New binding allocations of responsibility.

### "SEC. 501. GENERAL RULES GOVERNING BINDING ALLOCATIONS OF RESPONSIBILITY.

"(a) ALLOCATION PANELS.—The Administrator shall appoint panels of administrative law judges to perform expedited administrative proceedings, to be known as 'binding allocations of responsibility', for purposes of determining the liability of potentially responsible parties at National Priority List sites. Each such panel shall be composed of three administrative law judges appointed by the Administrator under section 3105 of title 5, United States Code, and shall be known as an 'allocation panel'.

"(b) RULES OF DECISION.—The decisions of allocation panels under this title shall be rendered based on the provisions of this Act and the court decisions interpreting such provisions.

"(c) RELATIONSHIP TO NATURAL RESOURCES DAMAGE.—Binding allocations of responsibility shall not address or affect the liability of any person with respect to damage to natural resources under section 107(a)(1)(C).

### "SEC. 502. QUALIFICATIONS AND POWERS OF ALLOCATION PANELS.

"(a) QUALIFICATIONS.—An administrative law judge may not be appointed to an allocation panel under section 501 unless the judge completes at least 40 hours of education and training, as specified by the Administrator, in the following subject areas:

"(1) The operation of this Act and the regulations promulgating this Act.

"(2) The science of soil and groundwater contamination and the technology for treating such contamination.

"(b) GENERAL POWERS.—An allocation panel shall have the power and authority to perform all functions necessary to administer and perform the binding allocations of responsibility, including the power to—

"(1) issue information requests and requests for production of documents to any person;

"(2) require the Administrator and the State concerned to provide all information relevant to a binding allocation of responsibility, including the production of copies of all documents and information obtained pursuant to section 104(e) or pursuant to similar State law;

"(3) rule upon motions, requests, and offers of proof, dispose of procedural requests, and issue all necessary orders;

"(4) administer oaths and affirmations and take affidavits;

"(5) examine witnesses and receive documentary or other evidence;

"(6) grant and manage such discovery by the parties as the allocation panel deems appropriate and consistent with the expedited nature of the binding allocation of responsibility process;

"(7) admit or exclude evidence;

"(8) hear and decide questions of fact and law;

"(9) require the parties, including the State and the guardian of the Fund, to attend conferences for the settlement or simplification of the issues or the expedition of the proceedings;

"(10) require, at any time, that potentially responsible parties wishing to present similar legal or factual arguments use a common spokesman or consolidated briefing for the presentation of such facts and legal positions;

"(11) obtain or employ such support services as are necessary to conduct the binding allocation of responsibility, including secretarial and clerical services, investigative services, and computer information and database management services;

"(12) establish a document repository where all documents associated with the binding allocation of responsibility shall be maintained and made available to all parties to the binding allocation of responsibility in accordance with section 506; and

"(13) do all other acts and take all measures necessary for the maintenance of order and for the efficient, fair, and impartial adjudication of issues arising in the binding allocation of responsibility.

"(c) SUBPOENA POWER.—Allocation panels shall have the power of subpoena to collect information necessary or appropriate for conducting the binding allocation of responsibility or for otherwise implementing this section. This authority shall include the power to compel the attendance and testimony of witnesses and the production of reports, papers, documents, answers to questions, and other information that the allocation panel deems necessary. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In the event of contumacy or failure or refusal of any person to obey any such subpoena, any district court of the United States in which venue is proper shall have jurisdiction to order any such person to comply with such subpoena.

"(d) INFORMAL RULES OF EVIDENCE.—In conducting the binding allocation of responsibility, an allocation panel shall not be bound by the Federal Rules of Evidence, but shall instead use such informal rules of evidence and evidentiary procedures, such as those set forth at sections 22.22 and 22.23 of title 40 of the Code of Federal Regulations, as will promote the expeditious completion of the proceeding.

"(e) NATIONWIDE SERVICE OF PROCESS.—Any document required to be served on a party under this title may be served in any district where the person is found, resides, transacts business, or has appointed an agent for service of process. Any such document is deemed to be served on a party if it is mailed to the counsel of record for the party or to the address designated by the party if the party is not represented by counsel.

**"SEC. 503. SPECIFIC RULES AND PROCEDURES.**

"(a) INITIATION OF ALLOCATION PROCESS.—

"(1) IN GENERAL.—A binding allocation of responsibility with respect to a National Priority List site shall be initiated by filing a petition with the Office of the Administrative Law Judges of the Environmental Protection Agency. Such a petition may be filed by the Administrator or the State where the National Priority List site is located.

"(2) WHEN INITIATED.—The Administrator or a State shall file a petition to initiate a binding allocation of responsibility at a National Priority List site not later than 30 days after initiating the remedial investigation study (or its equivalent) for the site. In any case where the petition is filed more than 30 days after initiation of the remedial investigation study (or its equivalent), all governmental response costs incurred or contracted for prior to the filing of the petition shall be allocated entirely to the orphan share.

"(3) CONTENTS OF PETITION.—The petition to initiate the binding allocation of responsibility proceeding shall identify the petitioner and shall include all relevant information reasonably available concerning—

"(A) the identity, location, history, current status, and environmental condition of the National Priority List site;

"(B) the identity and address of each person believed by the petitioner to be a liable party and the basis for such belief;

"(C) any proposed questions and document requests that the petitioner believes should be included in the allocation panel's first information request and document request; and

"(D) a list of any legal or technical issues that the petitioner believes may be raised in the binding allocation of responsibility.

"(4) SERVICE.—A copy of the petition shall be served by mail, publication, or otherwise on the Administrator, the State where the site is located, and each potentially responsible party identified in the petition. Within 20 days after the filing of the petition, the Hearing Clerk of the Office of Administrative Law Judges shall cause a notice of the filing of the petition, together with a brief description of the site and a list of all potentially responsible parties identified in the petition, to be published in the Federal Register. The petitioner shall cause a similar notice, description, and list to be published in a newspaper of general circulation within the State where the site is located.

"(5) PRIOR INVESTIGATION AND SEARCH.—The Administrator or the State, as the case may be, shall, prior to filing a petition, conduct a thorough investigation and search, under section 104(e) or any other relevant Federal or State statutory or regulatory authority, for all potentially responsible parties. All information, answers, and documents discovered in such investigation or search and relevant to any aspect of the binding allocation of responsibility shall, simultaneously with the filing of the petition, be filed in the document repository for the binding allocation of responsibility. If the allocation panel determines that the Administrator or the State failed to conduct a diligent search for potentially responsible parties in accordance with this paragraph, and if another party performs additional investigations and successfully identifies additional potentially responsible parties, then the allocation panel shall credit all of the reasonable costs of such additional search against the assigned share, if any, of the party that performed such additional investigation or search.

"(6) APPOINTMENT OF GUARDIAN FOR THE HAZARDOUS SUBSTANCE SUPERFUND AND THE RETROACTIVE LIABILITY FUND.—Any petition filed by the Administrator shall include the name and address of the person appointed to serve as the guardian for the Hazardous Substance Superfund and the Retroactive Liability Fund for that binding allocation of responsibility. In any case where a petition is initiated by a State, the Administrator shall notify the Hearing Clerk of the Office of the Administrative Law Judges within 10 days after the petition is filed of the name and address of the person designated by the Administrator as the guardian for the Hazardous Substance Superfund and the Retroactive Liability Fund. If the Environmental Protection Agency is also a potentially responsible party or a liable party with respect to the National Priority List site concerned, then the agency may participate in the binding allocation of responsibility with regard to such liability, but the person designated as the guardian shall not represent the agency with regard to the agency's status as a potentially responsible party or liable party.

"(b) IDENTIFICATION OF POTENTIALLY RESPONSIBLE PARTIES.—

"(1) INITIAL STATEMENT.—(A) Not later than 30 days after receipt of a copy of a petition or after publication in the Federal Register of a notice of the filing of an initial petition (whichever is earlier) under subsection (a)(4), the guardian, the State and any potentially responsible party may file an initial statement setting forth—

"(i) any defenses to liability;

"(ii) any equitable considerations pertaining to any party's potential liability;

"(iii) any additional facts and issues relevant to the binding allocation of responsibility;

"(iv) any proposed questions or document requests that the person filing the statement believes should be included in the first information request issued by the allocation panel; and

"(v) the name and address of any additional person or persons that the person filing the statement believes may be a liable party at the National Priority List site and all reasonably available information as to the relationship between each proposed additional party and the site.

"(B) Any initial statement shall be filed with the Hearing Clerk and served on all parties named in the petition and named in such initial statement.

"(2) INFORMATION REQUESTS AND REQUESTS FOR PRODUCTION OF DOCUMENTS.—(A) Not later than 30 days after the filing of the petition, the allocation panel shall mail initial information requests and requests for production of documents to the guardian, the State, all potentially responsible parties identified in the petition, and all additional parties identified in the initial statements. Responses to such requests shall be made in accordance with this paragraph and section 504.

"(B) Within 45 days after a person receives any information request or request for production of documents, such person shall file a response with the Hearing Clerk. For good cause shown, the allocation panel may grant a single 45-day extension for the filing of any such response. Each party shall have a continuing obligation to supplement its response upon the receipt of additional relevant information.

"(3) ADDITIONAL NOMINATIONS OF POTENTIALLY RESPONSIBLE PARTIES.—The parties may identify and nominate additional potentially responsible parties until the expiration of the 120-day period beginning on the date of filing of the petition. Any nominations received by the Hearing Clerk after that period may be disregarded by the allocation panel. Each nomination shall include all reasonably available information supporting the assertion that the nominee is a liable party and shall be made at the earliest possible time. Any party making an additional nomination shall serve notice of such nomination on the nominated party and file a copy of such notice with the Hearing Clerk. The nominated party may file its initial response not later than 30 days after receipt of the notice. The allocation panel may issue information requests and requests for the production of documents to any nominated party at any time.

"(4) INITIAL LIST OF ALL POTENTIALLY RESPONSIBLE PARTIES.—Within six months after the filing of the petition, the allocation panel shall cause to be published in the Federal Register and a newspaper of general circulation in the State where the site is located a list identifying all parties that the allocation panel preliminarily deems to be potentially responsible parties with respect to the site. The allocation panel also shall attempt to mail a copy of the list to all parties to the binding allocation of responsibility. The allocation panel shall reject the nomination of any person as a liable party or potentially responsible party if it finds that the nomination alleges no connection between the nominated person and the site. The allocation panel may also identify, on its own motion or the motion of a potentially responsible party, additional potentially responsible parties at any time before issuance of the final binding allocation of responsibility.

"(c) DE MICROMIS PARTIES.—(1) Not later than six months after the filing of the petition, the allocation panel shall issue a list identifying all potentially responsible parties that the allocation panel determines contributed only 100 pounds or 100 liters of material containing hazardous substances at the facility (or such greater or lesser amount as the Administrator may determine by regulation), to be known as 'de micromis parties'. The allocation panel shall base the determination on an evaluation of all evidence received at the time of the issuance of the list with respect to the amount of hazardous substances contributed by potentially responsible parties.

"(2) The allocation panel shall notify each de micromis party of its inclusion on the list issued under paragraph (1) not later than 20 days after issuing the list.

"(3) Any person included on the list of de micromis parties is exempt from liability to the United States and shall have no other liability (including liability for contribution), under Federal or State law, to any person for response actions or for any past, present, or future costs incurred at the site, provided that the person takes no other actions after being included on the list that would give rise to a separate basis for liability under this Act.

"(d) IDENTIFICATION OF LIABLE PARTIES AND DETERMINATION OF ASSIGNED SHARES.—

"(1) FIRST ALLOCATION ADVOCACY PAPER.—Unless the allocation panel determines that it would unduly delay the process, the guardian, the State, and any potentially responsible party may file an allocation advocacy paper with the Hearing Clerk not later than 30 days after the publication of the initial list of potentially responsible parties in the

Federal Register. Any such allocation advocacy paper, which shall be served on the guardian, the State, and each potentially responsible party, shall be a concise statement, together with citations to relevant supporting evidence and law, of the party's position with regard to—

"(A) the legal and factual criteria that should be used in determining whether a potentially responsible party at the site is a liable party; and

"(B) how the allocation factors set forth in subsection (g)(2) should be applied to determine the assigned share of each liable party.

"(2) FIRST ALLOCATION REPORT.—Within 90 days after the publication of the initial list of potentially responsible parties in the Federal Register, the allocation panel shall issue its first allocation report tentatively specifying the criteria to be used in identifying the liable parties, tentatively specifying how the allocation factors will be applied to the case to determine assigned shares, and setting forth the process and schedule that will be used to allow parties the opportunity to present written evidence and argument regarding how such criteria and factors apply to the case. The first allocation report shall be served on the guardian, on the State, and on each potentially responsible party.

"(3) SECOND ALLOCATION ADVOCACY PAPER.—The guardian, the State, and each potentially responsible party may file an allocation advocacy paper with the Hearing Clerk not later than 60 days after receipt of the first allocation report. The allocation advocacy paper, which shall be served on the guardian, the State, and each potentially responsible party, shall be the primary opportunity for the guardian, the State, and each potentially responsible party to present evidence and argument regarding how the liability criteria and the allocation factors should be applied to such party and, if desired by the person filing the paper, how those criteria and factors should be applied to other potentially responsible parties at the site.

"(4) HEARING.—Any potentially responsible party may request a hearing on the determination that such party is a liable party and on the determination of its assigned share. The allocation panel may hold such a hearing if the allocation panel determines that it would expedite or materially assist in the resolution of disputed factual or legal issues. The allocation panel shall have broad discretion in managing the conduct of any such hearing, including limiting the time available to each party and requiring that parties with generally similar interests be represented by a single spokesperson or common counsel. The allocation panel may allow or prohibit the cross-examination of witnesses.

"(5) RULE OF DECISION.—Any party may present written evidence or argument on whether it, or any other potentially responsible party, is a liable party and on the appropriate assigned share for itself or any other potentially responsible party. A potentially responsible party shall be deemed a liable party if the allocation panel determines that the preponderance of the evidence supports the conclusion that such party is liable.

"(6) SECOND ALLOCATION REPORT.—Following the submission of advocacy papers and at the conclusion of any hearings, the allocation panel shall issue a second allocation report identifying all liable parties at the site and specifying the assigned share of each liable party. If the second allocation report changes or expands the list of potentially responsible parties or the criteria or factors set forth in the first allocation report, then the second report shall so specify and provide a brief explanation of any such change. The second allocation report shall be served on the guardian, the State, all potentially responsible parties, and all liable parties.

"(e) DETERMINATION OF ORPHAN SHARE.—

"(1) ORPHAN SHARE ADVOCACY PAPER.—Unless the allocation panel determines that it would unduly delay the process, the guardian, the State, and each liable party may file an orphan share advocacy paper with the Hearing Clerk not later than the 30-day period beginning on the date of issuance of the second allocation report. The orphan share advocacy paper shall be the primary opportunity for the guardian, the State, and each liable party to present written evidence and argument as to which liable parties are orphan parties whose assigned share should, in whole or in part, be assigned to the orphan share.

"(2) ORPHAN SHARE REPORT.—Following the expiration of the 30-day period referred to in paragraph (1), the allocation panel shall issue an orphan share allocation report identifying the orphan share. The orphan share report shall be served on the guardian, the State, all potentially responsible parties, and all liable parties.

"(f) DETERMINATION OF NONLIABLE PARTIES.—(1) At any time during the period beginning six months after the filing of the petition and ending 18 months after the filing of the petition, the allocation panel shall issue a list identifying all potentially responsible parties that the allocation panel determines did not contribute any amount of hazardous substances to the National Priority List site. The allocation panel shall base the determination on an evaluation of all evidence received at the time of the issuance of the list with respect to the amount of hazardous substances contributed by potentially responsible parties.

"(2) The allocation panel shall notify each nonliable party of its inclusion on the list issued under paragraph (1) not later than 20 days after issuing the list.

"(3) Nonliable parties shall have no other liability, under Federal or State law, to any person for response actions or for any past, present, or future costs incurred at the site, provided that they take no other actions after making such settlement payment that would give risk to a separate basis for their liability under this Act.

"(g) FINAL BINDING ALLOCATION OF RESPONSIBILITY DECISION.—

"(1) DECISION.—(A) Not later than the deadline set forth in subparagraph (B), the allocation panel shall issue a final binding allocation of responsibility decision (in this subsection referred to as the 'final BAR decision') based on the allocation factors listed in paragraph (2). The panel shall include the Government's costs of carrying out the allocation as part of the response costs to be included in the final BAR decision. The decision shall include a list of all potentially responsible parties, a list of all liable parties and the assigned share for each (including all de minimis parties as determined under paragraph (3)), a list of all orphan parties and the portion of the assigned share of each orphan party that is assigned to the orphan share, and the total orphan share assigned to the Fund and to the Retroactive Liability Fund. Where an orphan party is able to pay only a portion of its assigned share, the allocation panel shall allocate to the orphan share the portion of the assigned share that the party is unable to pay and require the party to pay the remainder. The final BAR decision shall provide a concise explanation of the basis for the decision. The decision may consist, in whole or in part, of a compilation of the first allocation report, the second allocation report, and the orphan share report.

"(B) The final BAR decision shall be issued not later than 18 months after the date of publication under section 503(a)(4) of notice that a petition for a binding allocation of responsibility has been filed, except that, in a case of exceptional complexity, the final decision shall be issued not later than 24 months after such date.

"(2) ALLOCATION FACTORS.—An allocation panel shall determine the assigned share of each liable party based on the following factors:

"(A) The degree to which the liable party's contribution to a discharge, release, or disposal of a hazardous substance can be distinguished.

"(B) The amount of hazardous substances contributed by the liable party at the site concerned, compared to the total amount of hazardous substances at that site.

"(C) The degree of toxicity of the hazardous substance contributed by the liable party.

"(D) The degree of involvement by the liable party in the generation, transportation, treatment, storage, or disposal of the hazardous substance.

"(E) The degree of care exercised by the liable party with respect to the hazardous substance concerned, taking into account the characteristics of such hazardous substance.

"(F) The degree of cooperation by the liable party with Federal, State, or local officials to prevent any harm to the public health or the environment.

"(G) The weight of the evidence as to the liability and the appropriate share of the liable party.

"(H) The ability to pay of the liable party.

"(I) Any other equitable factors deemed appropriate.

"(3) DE MINIMIS SETTLEMENTS.—(A) As part of the final BAR decision, or at any time before the issuance of the final BAR decision, the allocation panel shall issue a list identifying all potentially responsible parties that the allocation panel determines contributed only 1.0 percent or less of the total quantity of hazardous substances present at the National Priority List site, to be known as 'de minimis parties'.

"(B) Not later than 60 days after issuance of the final BAR decision or the issuance of the list of de minimis parties under subparagraph (A), whichever is earlier, the Administrator shall make a firm written offer of settlement to all de minimis parties. The amount of the settlement offer for a de minimis party shall be based on the Environmental Protection Agency's estimate of the total cleanup cost at the site multiplied by the de minimis party's allocated share as determined by the allocation panel and increased by a reasonable premium (expressed as a percentage) to reflect the benefit of an early and complete resolution of liability, including consideration of whether the remedy at the site will entail multiple phases or operable units. All settlement offers by the Administrator to de minimis parties at the same site shall be based on the same estimate of cleanup costs and the same premium percentage. The settlement offer under this subparagraph is not subject to judicial review.

"(C) A de minimis party may accept or decline a settlement offer, but any acceptance of the offer must be made within 60 days after receipt of the offer. A de minimis party that accepts the offer may resolve its liability to the United States by paying the amount of the offer to the Hazardous Substance Superfund. Such settlement may not be reopened after payment is made, except on grounds of fraud.

"(D) De minimis parties that accept the settlement offer and pay the amount of the offer shall have no other liability, under Federal or State law, to any person for response actions or for any past, present, or future costs incurred at the site, provided that they take no other actions after making such settlement payment that would give risk to a separate basis for their liability under this Act.

"(E) All proceeds from de minimis settlements under this paragraph that represent the allocated shares of de minimis parties at a site shall be paid by the Administrator directly to the person performing the response action at the site. All proceeds from de minimis settlements under this paragraph that represent premiums paid by de minimis parties at the site shall be earmarked in the Hazardous Substance Superfund to be used specifically for costs of response action at the site. Any amounts of such settlements remaining in the Fund after completion of the response action shall be available in the Superfund for general use.

"(4) SERVICE AND PUBLICATION.—The binding allocation of responsibility decision shall be served on the guardian, the State, and all liable parties. The Hearing Clerk shall cause a notice of the binding allocation of responsibility decision to be published in the Federal Register and in a newspaper of general publication in the State where the site is located.

"(5) BINDING EFFECT.—The binding allocation of responsibility decision shall be binding as to all past, present, or future liability (i) for response costs incurred under section 107(a)(1)(A), (B), or (D), and (ii) for contribution under section 113. The binding allocation of responsibility decision shall be binding on all persons, including, without limitation, the United States, any affected State or local governmental agency or Indian Tribe, any alleged or nominated potentially responsible party (regardless of whether such party participates in the binding allocation of responsibility), and the public.

"(6) EFFECT ON OTHER PROCEEDINGS.—A determination that a person is a liable party under a binding allocation of responsibility proceeding is applicable only with respect to liability being assigned in the proceeding and not with respect to liability being determined in any other criminal, civil, or administrative proceeding.

### "SEC. 504. DUTY TO ANSWER INFORMATION REQUESTS AND REQUESTS FOR PRODUCTION OF DOCUMENTS.

"(a) DUTY TO ANSWER.—Each person who receives any information request or request for production of documents from the allocation panel during a binding allocation of responsibility must provide full and timely responses to the request.

"(b) CERTIFICATION OF DOCUMENTS.—Answers to information requests and requests for production of documents shall include a certification by a responsible representative who meets the criteria established in section 270.11(a) of title 40 of the Code of Federal Regulations that the answers—

"(1) are true and correct to the best of their knowledge;

"(2) are based on a diligent good faith search of records in the possession or control of the person to whom the request was directed;

"(3) are based on a reasonable inquiry of the current and former officers, directors, employees, and agents of the person to whom the request was directed;

"(4) accurately reflect information obtained in the course of conducting such search and such inquiry;

"(5) that the person executing the certification understands that there is a duty to supplement any such answers if, during the binding allocation of responsibility, any significant additional, new, or different information becomes known or available to the answerer; and

"(6) that the person executing the certification understands that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

"(c) SANCTION.—In addition to any other penalty or sanction, any person who fails to answer an information request or request for production of documents, and who is determined to be a liable party, shall be assigned an assigned share of up to 500 percent of whatever its assigned share would otherwise have been, or up to 50 percent of the total liability at the site, whichever is greater. If this results in a binding allocation of responsibility that allocates more than 100 percent of the total liability, then the excess shall be deposited into the Hazardous Substance Superfund.

### "SEC. 505. CIVIL AND CRIMINAL PENALTIES.

"(a) CIVIL PENALTIES.—Any person who fails to submit a complete and timely answer to an allocation panel's information request or request for production of documents or other discovery request, or who submits a response that lacks the certification required under section 504(b), or who makes any false or misleading material statement or representation in any submission to the allocation panel during the binding allocation of responsibility process, including statements or representations in connection with the nomination of another potentially responsible party, shall be subject to civil penalties of up to $10,000 per day of violation. The violation shall be deemed a continuing one until such time as the request is answered or the necessary certification is submitted or the false or misleading statement or representation is corrected. Such penalties may be assessed by the President in accordance with section 109 or by any other party in a citizen suit brought under section 310. A prevailing plaintiff in such a citizen suit shall be awarded its attorneys fees and up to 50 percent of the penalty imposed by the court.

"(b) CRIMINAL PENALTIES.—Any person who knowingly makes any false material statement or representation in the response to an allocation panel's information request or request for the production of documents or other discovery request, or in any other submission to the allocation panel during the binding allocation of responsibility, including statements or representations in connection with the nomination of another potentially responsible party, may be fined under title 18, United States Code, imprisoned for not more than 2 years, or both.

### "SEC. 506. DOCUMENT REPOSITORY; CONFIDENTIALITY; NO WAIVER.

"(a) DOCUMENT REPOSITORY.—The allocation panel shall establish and maintain a document repository where copies of all petitions, initial statements, advocacy papers, reports, answers to information requests and requests for production of documents by the allocation panel, answers to Federal or State information requests or requests for the production of documents issued prior to the filing of the petition, produced documents, and all other similar material shall be maintained and organized. The documents and information in the document repository shall be available only to the parties to the binding allocation of responsibility for review and copying at their own expense, subject only to the confidentiality provisions of subsection (b). All responses to any information request or request for production of documents by the allocation panel shall be filed with the clerk for the document repository and need not be served on other potentially responsible parties, the State, or the guardian.

"(b) CONFIDENTIALITY.—(1) All pleadings, documents, and materials submitted to the allocation panel or placed in the document repository, together with the record of any depositions or testimony adduced during the binding allocation of responsibility, shall be confidential and shall not be subject to release under section 552 of title 5, United States Code (the Freedom of Information Act). The Hearing Clerk and each party to the binding allocation of responsibility proceeding shall maintain such pleadings, documents, and materials, together with the record of any depositions or testimony adduced during the binding allocation of responsibility, as confidential. Such material shall not be discoverable or admissible in any other Federal, State or local judicial, administrative, or legislative proceeding of any kind whatsoever, except—

"(A) to the extent necessary to collect or otherwise enforce in court the assigned share of a liable party as determined by the binding allocation of responsibility;

"(B) in a proceeding for judicial review of the binding allocation of responsibility;

"(C) in any new binding allocation of responsibility proceeding concerning the same site; and

"(D) in any binding allocation of responsibility involving a different site where the allocation panel determines that the sites are related and that specified documents from the first binding allocation of responsibility could materially assist the second binding allocation of responsibility.

"(2) Notwithstanding paragraph (1)(D), if the original of any document or material submitted to the allocation panel or placed in the document repository during the binding allocation of responsibility was, while in the possession of the party which provided it, otherwise discoverable or admissible, then such original document, if subsequently sought from such party, shall remain discoverable or admissible. If a fact covered in any deposition or testimony adduced during the binding allocation of responsibility was, in the knowledge of the witness or deponent, otherwise discoverable or admissible, then such testimony, if subsequently sought from such other party, shall remain discoverable or admissible.

"(c) NO WAIVER OF PRIVILEGE.—The submission of documents or information pursuant to the binding allocation of responsibility proceeding shall not be deemed to be a waiver of any privilege, applicable to the original document or fact, under any Federal or State law, regulation, or rule of discovery or evidence .

"(d) DISCOVERY.—In any case where a party to a binding allocation of responsibility receives any request for any pleading, document, or material, or for the record of any depositions or testimony adduced in a binding allocation of responsibility, such party shall promptly notify the person who originally submitted such item and shall provide such submitting person the opportunity to assert and defend the confidentiality of such item. No party to the binding allocation of responsibility shall release or provide a copy of any pleading, document, or material, or the record of any depositions or testimony adduced therein, to any person not a party to such binding allocation of responsibility, except in compliance with an order from a court.

"(e) CIVIL PENALTY FOR VIOLATION OF CONFIDENTIALITY REQUIREMENTS.—Any person who fails to maintain the confidentiality of any pleadings, documents, or materials, or the record of any deposition or testimony adduced during the binding allocation of responsibility, or who releases any such information in violation of this section, shall be subject to a civil penalty of up to $25,000 per violation. Such a penalty may be assessed by the President in accordance with section 109 or by any other party in a citizen suit brought under section 310. A prevailing plaintiff in such a citizen suit shall be awarded its attorneys fees and up to 50 percent of the penalty imposed by the court.

### "SEC. 507. FINAL AGENCY ACTION AND JUDICIAL REVIEW.

"(a) FINAL AGENCY ACTION.—The binding allocation of responsibility decision of the allocation panel shall constitute final agency action pursuant to section 706 of title 5, United States Code, subject only to review by the Administrator in situations of fraud or gross misconduct.

"(b) JUDICIAL REVIEW.—

"(1) IN GENERAL.—No Federal or State court shall have jurisdiction to review, modify, or enjoin any aspect of any binding allocation of responsibility proceeding except as expressly set forth in this subsection. No aspect of any action, decision, ruling, or determination by an allocation panel in any binding allocation of responsibility proceeding shall be subject to administrative or judicial review in any Federal or State court until after the final binding allocation of responsibility decision (in this subsection referred to as the 'final BAR decision') is issued by the allocation panel. Thereafter the Administrator, the guardian, the State, or any person determined by the allocation panel to be a liable party may obtain judicial review of a final BAR decision by filing a petition for review with the United States Court of Appeals for the Circuit in which the facility is located or for the District of Columbia.

"(2) PETITION.—Any such petition for review must be filed within 60 days after the date of the final BAR decision by the allocation panel. The petition shall set forth either the specific assigned share of liability that the petitioner believes should have been assigned to it (or, in the case of a petition filed by the guardian, the assigned share that the guardian believes should have been assigned to the orphan share) in the binding allocation of responsibility, or stating specifically that the petitioner believes it should not have been found to have any liability at all.

"(3) REVIEW.—Judicial review of the final BAR decision shall be conducted on the administrative record, which shall include all materials relating to the issues raised on appeal by the petitioner that are contained in the document repository described in section 506(a). The court shall set aside the binding allocation of responsibility only if it is found to be arbitrary, capricious, an abuse of discretion, or contrary to constitutional right, power, privilege, or immunity.

"(4) PAYMENT DURING PENDENCY OF REVIEW.—During the pendency of a petition for review under this section, the petitioner shall pay any demand notices rendered for its assigned share in accordance with the binding allocation of responsibility decision, subject to later refund if the petitioner prevails in the litigation.

"(5) CONDUCT OF RESPONSE ACTION DURING PENDENCY OF REVIEW.—During the pendency of a petition for review under this section, response action with respect to the site may occur, but only as provided in section 121(b)(7).

"(6) LIABILITY OF SUCCESSFUL PETITIONER.—If the petitioner is a liable party and the court adopts the assigned share proposed by the petitioner, then the difference between that share and the share originally assigned to the petitioner shall be added to the orphan share. If the petitioner is the guardian and the court adopts the orphan share proposed by the petitioner, then the matter shall be remanded to the allocation panel for the issuance, as soon as possible, of a revised binding allocation of responsibility decision in accordance with the decision of the court.

"(7) LIABILITY OF UNSUCCESSFUL PETITIONER.—(A) In the case of a petitioner who is a liable party petitioning for a change in the petitioner's assigned share, and the court does not adopt the assigned share proposed by the petitioner, the following provisions apply:

"(i) The petitioner shall reimburse all other parties that participated in the appeal for the actual attorneys' fees and costs that they incurred in defending the binding allocation of responsibility decision.

"(ii) The petitioner may participate in the settlement based on its assigned share if the petitioner notifies the court of such intention within 10 days after the court's decision on the petition.

"(iii) If the petitioner does not give notice as described in clause (ii), the petitioner is considered to have not resolved its liability to the United States and is subject to civil action under section 106, 107(a), and 113 for the following response costs with respect to the National Priority List site concerned:

"(I) The assigned share of the petitioner, as determined in the final BAR decision, plus

"(II) the orphan share for that site.

"(iv) A petitioner covered by clause (ii) is subject to claims for contribution from, and may make claims for contribution against, other unsuccessful petitioners with respect to the National Priority List site concerned.

"(B) In the case of a petitioner who is a liable party petitioning for a determination that the petitioner is not liable with respect to the site concerned (for reasons such as the fact that the petitioner is a successor to, or a parent or subsidiary of, a company which the petitioner believes should be assigned liability instead), and the court denies the petition, the petitioner is liable for its assigned share as determined in the final BAR decision.

### "SEC. 508. COLLECTION, ENFORCEMENT, AND IMPLEMENTATION.

"(a) COLLECTION.—

"(1) AMOUNT RECOVERABLE.—After a final binding allocation of responsibility decision is made with respect to a National Priority List site, any creditor party may, in accordance with paragraph (2), recover from any debtor party the following:

"(A) With respect to a debtor party who is a liable party, that party's assigned share, as determined under the binding allocation of responsibility.

"(B) With respect to a debtor party which is the Hazardous Substance Superfund or the Retroactive Liability Fund, the orphan share, as determined under the binding allocation of responsibility.

"(C) With respect to a debtor party who is either a liable party or the Hazardous Substance Superfund or the Retroactive Liability Fund, any attorneys' fees incurred by the creditor party in a judicial action seeking to recover costs from the debtor party.

"(2) PROCEDURES FOR RECOVERY.—Recovery by a creditor party from a debtor party shall be carried out in accordance with the following provisions:

"(A) The creditor party shall file a certified copy of the final decision of the binding allocation of responsibility in the United States District Court for the district in which the site is located.

"(B) The creditor party shall file a verified statement with the same court specifying the actions taken and the costs incurred by the creditor party, and stating that such actions and costs are not inconsistent with the National Contingency Plan.

"(C) The creditor party shall serve a demand notice to each debtor party against whom enforcement is sought and shall deliver a copy of each such notice to the Administrator and the State in which the site is located. The demand notice shall specify the total amount of costs covered by the notice, state a demand amount (consisting of the debtor party's assigned share or, with regard to the Fund, the orphan share), and demand that the debtor party pay such demand amount within 30 days after receipt of the notice. Any demand notice served by a creditor party shall provide that a debtor party may pay the demand amount over a period of time in installment payments. A copy of the demand notice shall be filed with the United States District Court for the district in which the site is located.

"(D) With respect to any response actions or expenditures of a continuing nature, verified statements and demand notices shall be filed with the court and delivered to the debtor parties and the guardian quarterly.

"(E) Where several liable parties, or a liable party and the Administrator or the State, each take actions or incur costs not inconsistent with the National Contingency Plan, different demand notices may be issued concurrently.

"(b) PENALTIES AND DAMAGES.—Except in the case of a challenge to collection duly filed in accordance with subsection (c), if a liable party, including any Federal, State, or local governmental agency, fails to pay the sum specified in a demand notice within 30 days after receipt of the notice (or, in the case of a debtor party paying by installments, within 30 days after an installment payment is due), such party shall be liable for the interest thereon, civil penalties of up to $10,000 per day, and damages of up to an amount equal to 3 times the sum specified in the demand notice. In the case of the orphan share, if the Hazardous Substance Superfund or the Retroactive Liability Fund fails to pay the sum specified in a demand notice within 30 days after receipt of the notice, the Fund or the Retroactive Liability Fund shall be liable for interest thereon and damages of up to the amount equal to 2 times the sum specified in the demand notice.

"(c) CHALLENGES TO ENFORCEMENT.—There shall be no administrative or judicial review of any aspect of a demand notice filed and delivered pursuant to subsection (a) except in accordance with this subsection. Within 30 days after receipt of a demand notice, a liable party or, in the case of the orphan share, the guardian may file a petition with the allocation panel that issued the binding allocation of responsibility decision contending that the costs reflected in the demand notice were incurred for actions inconsistent with the National Contingency Plan. If such a petition is filed, the allocation panel shall conduct an expedited review of the matter. The review shall be limited solely to the issue of the alleged inconsistency of the response actions and costs with the National Contingency Plan. The person challenging the demand notice shall have the burden of proof that such actions and the claimed costs are inconsistent with the National Contingency Plan. The allocation panel's decision shall not be subject to judicial review. Payment need not be made, and no interest shall accrue, pending the allocation panel's decision.

"(d) SUBSEQUENT ADDITIONS TO ORPHAN SHARE.—If good faith collection and enforcement efforts, whether by the Federal or State government or by any other creditor party, against a liable party results in a judicial or administrative determination that such liable party is an orphan party, then such liable party's share will be added to the orphan share amount and will be recoverable from the Hazardous Substance Superfund.

"(e) CONTRIBUTION PROTECTION.—Liable parties that pay their assigned share and comply with the binding allocation of responsibility decision shall have no other liability, under Federal or State law, to any person for costs incurred at the site, and shall be granted covenants not to sue by the Federal Government and the State government concerned, except that the binding allocation of responsibility decision shall not affect any contract for insurance or indemnification.

### "SEC. 509. TRANSITION PROVISIONS.

"(a) IN GENERAL.—Except as provided in subsection (b), no person may initiate any administrative or judicial action under section 106, subparagraph (A), (B), or (D) of section 107(a)(1), or section 113, or under any other Federal or State law or regulation, for the recovery of response costs, contribution, or performance of response actions regarding any National Priority List site until 90 days after a final binding allocation of responsibility is issued.

"(b) EXCEPTIONS.—Subsection (a) is subject to only the following exceptions:

"(1) ADMINISTRATIVE ORDERS FOR EMERGENCY REMOVAL ACTIONS.—The President may issue an order under section 106, prior to the issuance of a final binding allocation of responsibility, if the order is limited to those actions required to implement immediate risk reduction measures pending the issuance of the final binding allocation of responsibility decision.

"(2) CONTINUATION OF PENDING RESPONSE ACTIONS.—In any case where, as of the date of enactment of this title, the Administrator or a State has already issued a binding contract for the performance of a remedial investigation/feasibility study or has issued an administrative order or executed a consent decree for the performance of any response action, the binding allocation of responsibility process shall not affect the timing or manner of implementation of such response actions.

"(c) STAY OF EXISTING ACTIONS.—

"(1) STAY OF PENDING ENFORCEMENT ACTIONS.—In any case where, as of the date of enactment of this title, the Administrator or the State has already initiated any administrative or judicial enforcement action regarding the liability of any party under section 106, subparagraph (A), (B), or (D) of section 107(a)(1), or section 113, or under any other Federal or State law or regulation for the response costs, contribution, or performance of response actions, such action shall be automatically stayed until 90 days after a binding allocation of responsibility is issued, any judicial review of such allocation is completed, and a final administrative or judicial allocation decision is rendered.

"(2) STAY OF PENDING PRIVATE PARTY LITIGATION.—In any case where, as of the date of enactment of this title, any private person has initiated any administrative or judicial action regarding the liability of any party at a National Priority List site under section 106, subparagraph (A), (B), or (D) of section 107(a)(1), or section 113, or under any other Federal or State law or regulation for the response costs, contribution, or performance of response actions, such action shall be automatically stayed until 90 days after a binding allocation of responsibility is issued, any judicial review of such allocation is completed, and a final administrative or judicial allocation decision is rendered.

"(d) CREDIT FOR ACTIONS AND COSTS IN PENDING MATTERS.—In the case of any response action performed or cost incurred in any activity carried out pursuant to subsection (b), the liability for such response action shall be governed by, and the costs of implementing any such response action or other activity carried out pursuant to subsection (b), shall be included in, the subsequently issued binding allocation of responsibility for such National Priority List site. In conducting the binding allocation of responsibility, the allocation panel shall, to the extent reasonably possible, give credit for any prior costs incurred or response actions performed at the National Priority List site.

"(e) LIMITATIONS ON EXISTING ACTIONS.—(1) The time period described in paragraph (2) shall not be counted in determining the statute of limitations applicable to any administrative or judicial action under section 106, subparagraph (A), (B), or (D) of section 107(a)(1), or section 113, or under any other Federal or State law or regulation, for the recovery of costs, for contribution, or for the investigation, cleanup, or remediation of any National Priority List site.

"(2) The time period referred to in paragraph (1) is the period beginning on the date that any person first files a petition for the initiation of a binding allocation of responsibility for that site and ending on the date that a binding allocation of responsibility is issued.

### "SEC. 510. VOLUNTARY SETTLEMENTS.

"Prior to the issuance of a binding allocation of responsibility decision, any group of potentially responsible parties may submit a private allocation for the National Priority List site (to be known as a 'voluntary binding allocation of responsibility') to the allocation panel. If such voluntary binding allocation of responsibility meets the following criteria, the allocation panel shall promptly adopt it as the binding allocation of responsibility:

"(1) The voluntary binding allocation of responsibility shall be a binding allocation of 100 percent of past, present, and future recoverable response costs at the site.

"(2) The voluntary binding allocation of responsibility shall not allocate any costs or requirements—

"(A) to the orphan share, unless the guardian agrees, in writing, to such allocation; or

"(B) to any person who is not a signatory to the voluntary binding allocation of responsibility.

"(3) Signatories to the voluntary binding allocation of responsibility shall be entitled to contribution protection as specified in section 508(e). Such signatories shall be prohibited from pursuing any cost recovery action or contribution against any non-signatory, but may seek additional recovery against non-signatories based on a contract for insurance or indemnification.

"(4) Signatories to the voluntary binding allocation of responsibility shall be entitled to enforce it in the same manner as any binding allocation of responsibility final decision by the allocation panel.

### "SEC. 511. NEW BINDING ALLOCATIONS OF RESPONSIBILITY.

"A binding allocation of responsibility shall constitute a permanent determination of the assigned share of each liable party and of the orphan share and, except for additions to the orphan share pursuant to section 508(d) and judicially mandated changes pursuant to section 507(b), the binding allocation of responsibility shall not be subject to any change or revision for at least 5 years after the date of the binding allocation of responsibility final decision. Thereafter a new binding allocation of responsibility process shall be available only if the party requesting it demonstrates that, due to new information not reasonably available during first binding allocation of responsibility, a 35 percent or greater increase in total waste-in volume has been discovered. If such a request for a new binding allocation of responsibility is granted, the same rules and procedures described for initial binding allocations of responsibility apply to the new or revised binding allocation of responsibility. New binding allocations of responsibility shall only apply to funds actually expended after the effective date of the new binding allocation of responsibility decision, with no credits for funds already expended. Subsequent new binding allocations of responsibility requests are prohibited until 5 years after the date of issuance of the prior new binding allocation of responsibility.".

### SEC. 111. SITE REDEVELOPMENT.

Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by adding the following at the end thereof:

"(n) SITE REDEVELOPMENT.—

"(1) EXEMPTION.—No person who is a qualified redeveloper shall be liable under this title for costs or damages with respect to the release of any hazardous substance or the threat of any such release from any facility solely by reason of an agreement by such person to redevelop such facility after a response action has been completed (as determined by the President) at such facility.

"(2) QUALIFIED REDEVELOPER.—For purposes of this subsection, the term 'qualified redeveloper' means a person who is not otherwise liable under section 107 and did not cause or contribute to the release or threat of release which necessitated the response action referred to in paragraph (1).".

### SEC. 112. LIABILITY OF RESPONSE ACTION CONTRACTORS.

(a) EXTENSION OF NEGLIGENCE STANDARD.—Subsection (a) of section 119 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(1) in paragraph (1) by striking out "title or under any other Federal law" and inserting in lieu thereof "title, under any other Federal law, or under the law of any State or political subdivision of a State"; and

(2) by adding at the end of paragraph (2) the following: "Such conduct shall be evaluated based on the generally accepted standards and practices in effect at the time and place that the conduct occurred.".

(b) EXTENSION OF INDEMNIFICATION AUTHORITY.—Section 119(c) of such Act is amended by adding at the end of paragraph (1) the following: "Any such agreement may apply to claims for negligence arising under Federal, State, or common law.".

(c) EXTENSION OF COVERAGE.—Section 119(e) of such Act is amended in the text appearing after subparagraph (D)—

(1) by striking out "List, or any removal under this Act," and inserting in lieu thereof "List, any removal under this Act, or any response action under this Act at a facility using an alternative or innovative technology,"; and

(2) by inserting before the period the following: ", or to undertake appropriate natural resource restoration actions necessary to protect and restore any natural resources damaged by such release or threatened release of a hazardous substance or pollutant or contaminant".

(d) INDEMNIFICATION FOR THREATENED RELEASES.—Section 119(c)(5) of such Act is amended in subparagraph (A) by inserting "or threatened release" after "release" both places it appears.

(e) CLARIFICATION OF LIABILITY.—Section 101 of such Act, as amended by section 106, is further amended by adding at the end of paragraph (20) the following:

"(F) The term 'owner or operator' does not include any person carrying out a written contract or agreement with any Federal agency, any State (or any political subdivision of a State), or any responsible party to provide any response action or any form of services or equipment ancillary to such response action. Any such person shall not be considered to have caused or contributed to any release or threatened release of, or to have arranged for disposal or treatment of, or arranged with a transporter for transport for disposal or treatment of, or transported, hazardous substances or pollutants or contaminants. This subparagraph shall not apply to any person potentially responsible under section 106 or 107 other than those persons associated solely with the provision of response action or any form of ancillary services or equipment.".

(f) FEDERAL STATUTE OF REPOSE.—Section 119 of such Act is further amended by adding at the end the following new subsection:

"(g) LIMITATION ON ACTIONS AGAINST RESPONSE ACTION CONTRACTORS.—No action to recover for any injury to property, real or personal, or for bodily injury or wrongful death, or any other expenses or costs arising out of the performance of services under a response action contract, nor any action for contribution or indemnity for damages sustained as a result of such injury, shall be brought against any response action contractor more than 6 years after the completion of work at any site under such contract. The limitation prescribed in this subsection shall not affect any right of indemnification that such response action contractor may have under this section or may acquire by written agreement with any party.".

### TITLE II—STATE IMPLEMENTATION

#### SEC. 201. STATE AUTHORITY.

(a) STATE AUTHORIZATION.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9600 et seq.) is amended by adding after section 126 the following new section:

#### "§ 127. State authority

"(a) STATE PROGRAM AUTHORIZATION.—

"(1) IN GENERAL.—At any time after the promulgation of regulations required by paragraph (2), a State may apply to the Administrator to carry out, under its own legal authorities, response actions and enforcement activities at all facilities listed or proposed for listing on the National Priorities List, or certain categories of facilities listed or proposed for listing on the National Priorities List, within the State. If the Administrator determines that the State meets the criteria for eligibility, the Administrator, pursuant to a contract or agreement entered into between the Administrator and the State, shall authorize the State to assume the responsibilities established under this Act at all such facilities or categories of facilities. Except as otherwise provided in this Act, such responsibilities include, but are not limited to, responding to a release or threatened release of a hazardous substance or pollutant or contaminant; selecting response actions; expending the Fund and the Retroactive Liability Fund in amounts authorized by the Administrator to finance response activities; and taking enforcement actions, including cost recovery actions to recover Fund and the Retroactive Liability Fund expenditures made by the State. In an application for authorization, a State shall acknowledge its responsibility to address all response actions at the facilities for which it seeks authorization.

"(2) PROMULGATION OF REGULATIONS.—Not later than 1 year after the date of the enactment of the Comprehensive Superfund Improvement Act, the Administrator shall issue regulations to determine a State's eligibility for authorization and to establish a process and criteria for withdrawal of such an authorization. A State shall be considered eligible for authorization if the Administrator determines that the State possesses the legal authority, technical capability, and resources necessary to conduct response actions and enforcement activities in a manner that is substantially consistent with this Act and the National Contingency Plan at the facilities listed or proposed for listing on the National Priorities List for which it seeks authorization.

"(b) AUTHORIZED USE OF FUNDS.—At facilities listed on the National Priorities List for which a State is authorized under subsection (a), and at facilities listed on the National Priorities List which are referred to a State under subsection (b), the State shall be eligible for response action financing from the Fund and the Retroactive Liability Fund. The Administrator shall ensure that all allocations of the Fund and the Retroactive Liability Fund to the States for the purpose of undertaking site-specific response actions are based primarily on the relative risks to human health and the environment posed by the facilities eligible for funding. The amount of Fund and Retroactive Liability Fund financing for a State-selected response action at a facility listed on the National Priorities List shall—

"(1) take into account the number and financial viability of parties identified as potentially liable for response costs at such facility, and

"(2) be limited to the amount necessary to achieve a level of response that is not more stringent than that required under this Act.

A State also may obtain Fund financing to develop and enhance its capacity to undertake response actions and enforcement activities. The Administrator, in consultation with the States, shall establish, within 1 year after the date of enactment of the Comprehensive Superfund Improvement Act, specific criteria for allocating expenditures from the Fund and the Retroactive Liability Fund among States for the purposes of undertaking response actions and enforcement activities at referred and State-authorized facilities, and building State capacities to undertake such response actions and enforcement activities.

"(c) STATE COST SHARE.—Notwithstanding section 104(c)(3)(C) of this Act, a State shall pay or assure payment of 10 percent of the costs of all response actions (including response actions at facilities operated by the State or a political subdivision of the State) for which the State receives funds from the Fund under this section. A State the receives funds from the Retroactive Liability Fund under this section shall not be subject to any cost share requirements for the receipt of those funds.

"(d) TERMS AND CONDITIONS; COST RECOVERY.—A contract or agreement for a State authorization or referral under this section is subject to such terms and conditions as the Administrator prescribes. The terms and conditions shall include requirements for periodic auditing and reporting of State expenditures from the Fund and the Retroactive Liability Fund. The contract or agreement may cover a specific facility, a category of facilities, or all facilities listed or proposed to be listed on the National Priorities List in the State. The contract or agreement shall require the State to seek cost recovery, as contemplated by this Act, of all expenditures from the Fund. Ten percent of the moneys recovered by the State may be retained by the State for use in its hazardous substance response program, and the remainder shall be returned to the Fund. Before making further allocations from the Fund to any State, the Administrator shall take into consideration the effectiveness of the State's enforcement program and cost recovery efforts.

"(e) ENFORCEMENT OF AGREEMENTS.—If the Administrator enters into a contract or agreement with a State pursuant to this section, and the State fails to comply with any terms and conditions of the contract or agreement, the Administrator, after providing 60 days notice, may withdraw the State authorization or referral, or seek in the appropriate Federal district court to enforce the contract or agreement to recover any funds advanced or any costs incurred because of the breach of the contract or agreement by the State.

"(f) MORE STRINGENT STATE STANDARDS.—Under either an authorization or referral, a State may select a response action that achieves a level of cleanup that is more stringent than required under section 121 of this Act if the State agrees to pay for the incremental increase in response cost attributable to achieving the more stringent cleanup level. Neither the Fund, the Retroactive Liability Fund, nor any party liable for response costs shall incur costs in excess of those necessary to achieve a level of cleanup required under section 121 of this Act.

"(g) OPPORTUNITY FOR PUBLIC COMMENT.—The Administrator shall make available, for public review and comment, applications for authorization under subsection (a) and applications for referral under subsection (b). The Administrator shall not approve or withdraw authorization or referral from a State unless the Administrator notifies the State, and makes public, in writing, the reasons for such approval or withdrawal.

"(h) PERIODIC REVIEW OF AUTHORIZED STATE PROGRAMS AND REFERRALS.—The Administrator shall conduct a periodic review of authorized State programs and referrals to determine, among other things, whether—

"(1) the response actions were selected and conducted in a manner that was substantially consistent with this Act, the National Contingency Plan, and the contract or agreement between the Administrator and the State;

"(2) the State response costs financed by Fund and Retroactive Liability Fund expenditures were incurred in the manner agreed to by the State, in accordance with the contract or agreement between the Administrator and the State; and

"(3) the State's cost recovery efforts and other enforcement efforts were conducted in accordance with the contract or agreement between the Administrator and the State.

Within 1 year after the date of enactment of the Comprehensive Superfund Improvement Act, the Administrator, in consultation with the States, shall develop specific criteria for periodic reviews of authorized State programs and referrals. The Administrator shall establish a mechanism to make the periodic State reviews available to the public.".

(b) TRANSITION AND CONFORMING AMENDMENTS.—

(1) Sections 104(c)(5), 104(c)(7), 104(d)(1), and 104(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 are each amended by inserting after the heading in each paragraph the following—"This paragraph applies only to response actions for which a Record of Decision or other decision document is signed before the date of enactment of the Comprehensive Superfund Improvement Act.".

(2) Section 114(a) of such Act is amended by striking "Nothing" and inserting—"Except as otherwise provided in this Act, nothing";

(3) Paragraph (1) of section 121(f) of such Act is amended to read as follows: "(1) The President may repeal, no earlier than one year after the promulgation of final regulations under sections 127(a)(3) and 127(b)(3), the regulations issued under this paragraph prior to the date of enactment of the Comprehensive Superfund Improvement Act.";

(4) Paragraphs (2) and (3) of section 121(f) of such Act are each amended in the second sentence of subparagraph (A) by striking "does not attain a legally applicable or relevant and appropriate standard, requirement, criteria, or limitation, under the authority of subsection(d)(4)" and inserting in lieu thereof "is not relevant and appropriate under subsection(d),".

(5) Section 302(d) of such Act is amended by striking "Nothing" and inserting—"Except as otherwise provided in this Act, nothing".

**SEC. 202. TRANSFER OF AUTHORITIES.**

Section 120(g) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(g)) is amended by inserting after "the Environmental Protection Agency," the following: "and except as provided in section 127,".

**SEC. 203. EPA OVERSIGHT COSTS.**

(a) OVERSIGHT COST ACCOUNTING AND APPEAL PROCEDURE.—Section 104(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(a)) is amended by adding at the end the following new paragraph:

"(5) OVERSIGHT COST ACCOUNTING AND APPEAL PROCEDURE.—(A) The President shall maintain detailed and timely records of the costs incurred under, or in connection with, any oversight contract or arrangement referred to in paragraph (1). The President shall submit such records to the responsible party that has agreed to reimburse the Fund for such costs with each demand or bill for such costs.

"(B) The President shall establish an administrative procedure under which a party that conducts any response action may contest the amount of costs incurred by the President in overseeing the conduct of that response action. The procedure shall be carried out separately from the conduct of the response action at the facility concerned.".

(b) LIMITATION ON OVERSIGHT COSTS.—Any costs of oversight incurred by the President that exceed 50 percent of the response costs incurred by the responsible party or parties at the facility concerned shall be paid by the Fund, unless the responsible party or parties have previously agreed to pay a larger sum under a court decree or the response action is being conducted under an order issued under section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

## TITLE III—REMEDY SELECTION

**SEC. 301. IMMEDIATE RISK REDUCTION MEASURES.**

(a) IMMEDIATE RISK REDUCTION MEASURES.—Section 104(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(2) in paragraph (5) (as redesignated), by striking out "paragraph (3)" and inserting in lieu thereof "paragraph (4)"; and

(2) by inserting after "(a)" the following new paragraph (1): "(1) IMMEDIATE RISK REDUCTION MEASURES.—

"(A) AUTHORITY TO ACT.—Whenever any hazardous substance, pollutant, or contaminant is released or there is a substantial threat of such a release into the environment, and such release may present an imminent and substantial danger to the public health, the President, or the State in the case of a facility for which a State has responsibility under section 127, is authorized to act to minimize and prevent to the extent possible the endangerment to the public health.

"(B) TYPES OF MEASURES ALLOWED.—The actions that the President or a State may take under this paragraph (hereinafter in this section referred to as 'immediate risk reduction measures') may include, but are not limited to, the following:

"(i) The removal of waste from barrels, tanks, or lagoons.

"(ii) The provision of alternative water supplies or point-of-use treatment.

"(iii) The prevention of discharges to surface waters or ground waters.

"(iv) The installation of fencing.

"(v) The institution of other institutional controls.

"(C) MEASURES PROHIBITED.—The authority provided by this paragraph does not include authority for the President or a State to institute long-term remediation measures.

"(D) TIMING.—The President or a State shall commence immediate risk reduction measures under this paragraph—

"(i) in the case of a facility that is not listed on the National Priorities List, as soon as practicable after the President or the State becomes aware of an endangerment to the public health; and

"(ii) in the case of a facility that is listed on the National Priorities List, not later than 60 days after the facility is so listed.

"(E) COST EFFECTIVENESS.—Any immediate risk reduction measure carried out under this paragraph shall be conducted in the most cost-effective manner practicable.

"(F) FUNDING.—The Fund may be used to pay for immediate risk reduction measures taken under this paragraph. The President may (in accordance with title V) recover the costs of such measures from any person determined to be liable for such costs but, in the case of measures costing less than $1,000,000, the President may choose not to recover such costs.

"(G) JUDICIAL REVIEW.—The decision of the President or a State to act under this subsection is subject to review as provided in chapter 7 of title 5, United States Code, except that a reviewing court may set aside an action only if it is found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. Review may be had only in the United States district court for the district in which the facility or site is located.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

**SEC. 302. SITE SCORING.**

Section 105(c)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(c)(1)) is amended—

(1) by inserting "(A)" after "REVISION.—"; and

(2) by adding at the end the following new subparagraph

"(B)(i) After the date of enactment of the Comprehensive Superfund Improvement Act, the hazard ranking system shall be applied to a site or facility only after the site or facility has undergone immediate risk reduction measures pursuant to section 104(a)(1). In applying such ranking system, conditions existing at the site or facility before the immediate risk reduction measures were taken shall not be taken into account.

"(ii) Clause (i) shall apply to all sites and facilities to be newly listed on the National Priorities List after such date of enactment and to any sites already so listed as of such date of enactment but for which a remedial investigation and feasibility study has not been conducted as of such date.

"(iii) As soon as practicable after such date of enactment, the President shall revise the hazard ranking system regulations to reflect the requirements this subparagraph.".

**SEC. 303. LONG-TERM RESPONSE PLAN.**

(a) IN GENERAL.—Section 104(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by section 301, is further amended by adding at the end the following new paragraph:

"(6) LONG-TERM RESPONSE PLAN.—

"(A) IN GENERAL.—Before carrying out or allowing another person to carry out a response action at a facility under this subsection, the President, or the State in the case of a facility for which a State has responsibility under section 127, shall prepare a long-term response plan (hereinafter in this section referred to as an 'LTRP' or 'plan') for such facility. The President or State may allow a potentially responsible party to prepare such a plan and to carry out the elements of the plan listed in clauses (i), (ii), and (iv) of subparagraph (B).

"(B) ELEMENTS OF LTRP.—The LTRP shall address the following elements:

"(i) SITE CHARACTERIZATION.—The site characterization element of the plan shall determine the type, nature, and extent of contamination at the facility, including the location of the sources of the release or threatened release. The site characterization component shall be completed within 12 months after a facility is listed on the National Priorities List.

"(ii) RISK ASSESSMENT.—The risk assessment element of the plan shall be carried out in accordance with paragraph (7). The risk assessment component shall be performed simultaneously with the site characterization component and shall be completed within 12 months after a facility is listed on the National Priorities List.

"(iii) COMMUNITY ADVISORY COUNCILS.—The plan shall take into account any recommendations made by the community advisory council for the facility created under section 117(f). The council shall provide its recommendations with respect to the facility within 12 months after a facility is listed on the National Priorities List.

"(iv) RESPONSE OPTION IDENTIFICATION.—The response option identification element of the plan shall be carried out in accordance with paragraph (8) during the 3-month period beginning on the date on which the elements listed in clauses (i) through (iii) are completed.

"(C) APPLICABILITY.—(i) A long-term response plan shall be required for the following:

"(I) A facility to be newly listed on the National Priorities List after the date of enactment of the Comprehensive Superfund Improvement Act.

"(II) A facility or site listed on the National Priorities List as of such date of enactment but for which a remedial investigation and feasibility study has not been conducted as of such date.

"(III) A facility or site listed on the National Priorities List as of such date of enactment, for which a remedial investigation and feasibility study has been conducted as of such date, but for which a contract has not been executed for remedial design and remedial action as of such date, if the potentially responsible parties and the State in which the facility or site is located agree, within 30 days after such date, to subject themselves to the requirements of an LTRP.

"(ii) A long-term response plan shall not be required for any facility or site with respect to which a contract has been executed for remedial design and remedial action as of such date of enactment.".

(b) RISK ASSESSMENTS.—(1) Section 104(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(a)), as amended by section 301 and this section, is further amended by adding at the end the following new paragraph:

"(7) RISK ASSESSMENTS.—

"(A) IN GENERAL.—In carrying out a remedial investigation with respect to a facility, the President or other person carrying out the investigation shall assess the risk to human health and the environment presented by the release or threat of release of a hazardous substance, pollutant, or contaminant. The risk assessment component of the remedial investigation shall be carried out in compliance with regulations promulgated by the President. The President shall ensure that the regulations do not conflict with regional or State guidance on risk assessments. At a minimum, the regulations shall—

"(i) require risk assessments to use exposure factors that accurately describe site or facility conditions; and

"(ii) require that values used to describe quantities of a substance consumed by people accurately reflect average conditions.

"(B) CURRENT RISK VERSUS FUTURE RISK.—In carrying out the risk assessment component of the remedial investigation, the President or other person carrying out the assessment shall separately evaluate (i) the current risks, and (ii) the likely future risks, to human health and the environment, based on current and likely future land use of the site. If the President determines that one or more such risks exist and warrant remedial action, the President shall specify in the record of decision which risks support the decision for remedial action, which risks are current risks, and which risks are likely future risks.

"(C) BEST ESTIMATES VERSUS WORST CASE.—In carrying out the risk assessment component of the remedial investigation, the President or other person carrying out the assessment shall rely to the maximum extent practicable on actual data rather than on assumptions. The President or other person shall provide the most plausible estimate of any risk to human health and the environment. The President or other person also shall describe any assumptions or uncertainties that pertain to such estimate, including the likelihood of human exposure actually occurring. Whenever the President or other person considers it feasible, the President shall provide a quantitative estimate of the uncertainty associated with the most plausible estimate of the risk.".

(1) PERFORMANCE OF RISK ASSESSMENTS BY PRPS.—Section 104(a)(1) of such Act is amended in the second sentence—

(A) by striking out "may" and inserting in lieu thereof "shall"; and

(B) by inserting after "remedial investigation" the following: "(including the risk assessment component of the remedial investigation)".

(c) COMMUNITY ADVISORY COUNCILS.—Section 117 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by adding at the end the following:

"(f) COMMUNITY ADVISORY COUNCILS.—

"(1) CREATION.—The Administrator shall create a Community Advisory Council for each facility listed on the National Priorities List. Such Council shall be comprised of not more than 20 persons appointed by the Governor of the State in which the facility is located from among persons in the community in which the facility is located. Each such council shall represent a wide variety of local interests.

"(2) PURPOSE.—The Community Advisory Councils shall provide information to potentially responsible parties, the Administrator, and the State with regard to the future use of the facility and affected off-site areas and resources. The councils shall provide a public forum for citizens to voice concerns regarding the response action to be taken and the future use of the site.

"(3) RECOMMENDATIONS.—The President and the State shall taken into consideration any recommendations made by a Community Advisory Council in making decisions regarding any response action under this title at the facility for which such council was established.

"(4) TECHNICAL AND ADMINISTRATIVE SUPPORT FOR COMMUNITY ADVISORY COUNCILS.—The Administrator's regional offices shall provide administrative and technical services for Community Advisory Councils, including technical assistance in understanding this title and the regulations under this title.".

(d) RESPONSE OPTION IDENTIFICATION.—Section 104(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(a)), as amended by section 301 and this section, is further amended by adding at the end the following new paragraph:

"(8) RESPONSE OPTION IDENTIFICATION.—(A) The response option identification element of a long-term remediation plan shall consist of the development of the range of possible response actions for a facility and the conduct of a cost-benefit analysis on each of the following categories of possible response actions:

"(i) Containment (both permanent and temporary).

"(ii) Remediation.

"(iii) Monitoring.

"(iv) Delisting.

"(v) Institutional controls.

"(B) The President, the State, or the other person carrying out the identification shall take into account advice from the Community Advisory Council created for the facility concerned.

"(C) During the 30-day period occurring after completion of the response option identification, the Community Advisory Council, potentially responsible parties, and any other interested parties may submit comments to the President or the State on preferred options.".

(2) COST-BENEFIT REGULATIONS.— Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) is amended by adding at the end the following new subsection:

"(h) COST-BENEFIT REGULATIONS.—(1) The President shall promulgate and include in the national contingency plan guidelines for conducting cost/benefit analyses of response actions conducted pursuant to this Act. The guidelines shall include a standard methodology for evaluating benefits and costs over the lifetime of a remedial action.

"(2) In developing the standard methodology under paragraph (1), the President shall seek and take into account suggestions from States and political subdivisions of States for which costs and benefits to include in a cost-benefit analysis, and which methods to use in evaluating the costs and benefits. The costs may include costs related to public welfare.

"(3) In developing the methodology for measuring the costs of a remedial action, the President, at a minimum, shall take into account the following costs:

"(A) Costs associated with the remedial action, including the following:

"(i) Direct capital costs.

"(ii) Operation and maintenance costs.

"(iii) Preconstruction costs, including permitting, siting, and regulatory compliance costs.

"(iv) Capital acquisition, amortization, and debt service costs.

"(v) Consulting costs.

"(vi) Costs and potential liabilities of future environmental remediation if the remedial action does not provide for a permanent remedy.

"(vii) Land acquisition costs.

"(viii) Costs of insurance.

"(B) Avoided or additional costs of cleaning up the contamination using an alternative treatment technology.

"(4) In developing the methodology for measuring the benefits of a remedial action, the President shall, at a minimum, take into account the costs of benefits associated with the remedial action, including the following:

"(A) Increased property values.

"(B) Reduced public health risks.

"(C) Reduced ecological risks.

"(D) Improved environmental quality in the community.".

### SEC. 304. LONG-TERM RESPONSE SELECTION.

(a) LONG-TERM RESPONSE SELECTION.—Section 121(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(a)) is amended to read as follows:

"(a) Response Selection.—

"(1) Section 104.—After completion of the long-term response plan for a facility under section 104, the President, or the State in the case of a facility for which a State has responsibility under section 127, shall select that response or combination of responses (from among the options identified in the plan) that best achieves an acceptable level of residual risk reduction at the facility or site (referred to as the 'cleanup goal'), in accordance with the general rules stated in subsection (b).

"(2) Section 106.—With respect to actions determined to be necessary by the President to be secured under section 106, the President shall select appropriate remedial actions that are in accordance with this section and, to the extent practicable, the national contingency plan, and which provide for cost-effective response.".

(b) General Rules for Response Selection.—Section 121(b) of such Act is amended to read as follows:

"(b) General Rules.—

"(1) Selection process.—In selecting a response action under this section, the President (or State, as the case may be) shall review the long-term response plan for the facility or site and consider any recommendations submitted to it from the Community Advisory Council, the potentially responsible parties, and the general public.

"(2) Factors to be considered.—In selecting a response action, the President shall take into account the following:

"(A) Site-specific factors, including the current and likely future uses of the land and the ground water (including any designated uses or institutional controls), the potential for human exposure to contamination, the actual risk to human health, and the degree and type of contamination.

"(B) The economic impact of the action on the potentially responsible parties. In the case of a potentially responsible party which is a municipality or other subdivision of a State (including municipalities that are owners or operators of landfills), the President shall take into account the funding priorities of the community.

"(C) The costs and benefits of the response options, as determined by cost-benefit analysis under section 104(a)(8).

"(3) Types of responses that may be selected.—The types of response actions that the President (or State, as the case may be) may select include the following:

"(A) Monitoring.

"(B) Containment or stabilization, if the President or State finds that any of the following conditions exist with respect to the facility concerned:

"(i) The risks to human health or the environment are low.

"(ii) The costs of other types of remediation, including treatment, are extremely high.

"(iii) No proven technology exists for achieving a permanent and significant decrease in the toxicity, mobility, or volume of the hazardous substance, pollutant, or contaminant concerned that is proportionate to the risk to human health or the environment.

"(C) Institutional controls as part of a permanent remedy. The President shall give preference to using such controls at facilities with low future risk (as determined in the risk assessment component of a Long-Term Response Plan). Such controls include zoning ordinances and other ordinances that restrict access to or use of property (including groundwater management zones), physical barriers that restrict access to property (such as fences), and such other controls as the President (or State) considers appropriate.

"(4) Preference for certain type of action.—In selecting a response action, the President (or State) shall, with reference to the factors set forth in section 121(b)(2), prefer response actions that significantly reduce the volume, toxicity, or mobility of the hazardous substances, pollutants, and contaminants, or that significantly reduce actual or threatened exposure to such hazardous substances, pollutants, or contaminants.

"(5) Limitation on standardized remedies.—The President (or State) shall not select a response action that is a standardized remedy in any case in which the use of an alternative technology would be less expensive but as protective of health and the environment as the standardized remedy. For purposes of this paragraph, the term 'standardized remedy' means a remedy that is determined by the President to be protective of human health and the environment for a category of facilities.

"(6) Compliance boundaries.— The President (or State), in determining the boundaries within which a response action is to be achieved, shall extend site or facility boundaries to include areas subject to easements or other institutional controls, such as zones of groundwater management.

"(7) Judicial review.—The selection of a response action by the President or a State under this subsection is subject to review as provided in chapter 7 of title 5, United States Code, except that a reviewing court may set aside an action only if it is found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. Review may be had only in the United States district court for the district in which the facility or site is located. In any such review, the facts of the case are subject to a trial de novo by the reviewing court. Any appeal of the selection of a response action shall be filed within 60 days after the selection is made.

"(8) Deadline for implementation to begin.—The implementation of a response action selected pursuant to this section shall begin no later than 60 days after the selection has been made and—

"(A) an appeal of such selection has been filed and a court has finally acted upon such appeal; or

"(B) the time for filing an appeal of such selection has expired and no appeal has been filed.".

(c) Repeal of ARARs Cleanup Standards.—Section 121(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(d)) is amended—

(1) by striking out paragraphs (2), (3), and (4); and

(2) by striking out "(1)".

(d) Applicability.—The amendments made by this section shall apply with respect to any facility or site with respect to which—

(1) no contract for remedial design and remedial action has been executed as of the date of the enactment of this Act; and

(2) the pertinent parties have not opted to subject themselves to the long-term response plan and related requirements within 30 days after such date of enactment (as described in section 104(a)(6)(C)).

(e) Cross Reference Amendment.—Section 104(c)(4) of such Act is amended to read as follows:

"(4) Selection of Response.—The President shall select response actions to carry out this section in accordance with section 121 of this Act.".

### SEC. 305. PERIODIC REVIEW.

Section 121(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(c)) is amended by striking out the first two sentences and inserting in lieu thereof the following: "The President, or the State in the case of a facility for which a State has responsibility under section 127, shall review each response action selected under this section not less often than once every 5 years after the initiation of the action to assure that human health and the environment are being protected by the action being implemented. If upon such review it is the judgment of the President or State that additional actions are appropriate at such site in accordance with section 104, the President or State shall take or require such action, including a supplemental long-term response plan under section 104. In the case of a review carried out by the President, if it is the judgment of the President that additional actions are appropriate at such site in accordance with section 106, the President or State shall take or require such action.".

### SEC. 306. DELISTING OF FACILITIES AND SITES.

Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) is amended by adding at the end the following new subsection:

"(h) Delisting of Facilities and Sites.—After a response action selected for a site or facility achieves the cleanup goal set for such facility under section 121(a), the President shall delist the site or facility from the National Priorities List. Such delisting may occur even if monitoring or operation and maintenance are being conducted at the facility.".

## TITLE IV—FUNDING

### SEC. 401. 5-YEAR EXTENSION OF HAZARDOUS SUBSTANCE SUPERFUND.

(a) Extension of Taxes.—

(1) The following provisions of the Internal Revenue Code of 1986 are each amended by striking "January 1, 1996" each place it appears and inserting "January 1, 2001":

(A) Section 59A(e)(1) (relating to application of environmental tax).

(B) Paragraphs (1) and (3) of section 4611(e) (relating to application of Hazardous Substance Superfund financing rate).

(2) Paragraph (2) of section 4611(e) of such Code is amended—

(A) by striking "1993" and inserting "1998",

(B) by striking "1994" each place it appears and inserting "1999", and

(C) by striking "1995" each place it appears and inserting "2000".

(b) Increase in Aggregate Tax Which May Be Collected.—Paragraph (3) of section 4611(e) of such Code is amended by striking "$11,970,000,000" each place it appears and inserting "$26,970,000,000" and by striking "December 31, 1995" and inserting "December 31, 2000".

(c) Extension of Repayment Deadline for Superfund Borrowing.—Subparagraph (B) of section 9507(d)(3) is amended by striking "December 31, 1995" and inserting "December 31, 2000".

(d) Extension of Authorization of Appropriations to Trust Fund.—Subsection (b) of section 517 of the Superfund Revenue Act of 1986 (26 U.S.C. 9507 note) is amended by striking "and" at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting ", and", and by adding at the end thereof the following new paragraphs:

"(10) 1996, $250,000,000,
"(11) 1997, $250,000,000,
"(12) 1998, $250,000,000,
"(12) 1999, $250,000,000, and
"(13) 2000, $250,000,000,".

### SEC. 402. INCREASE IN ENVIRONMENTAL INCOME TAX.

(a) IN GENERAL.—Subsection (a) of section 59A of the Internal Revenue Code of 1986 (relating to environmental tax) is amended by inserting "(0.24 percent in the case of taxable years beginning after December 31, 1994, and before January 1, 2000)".

(b) INCREASED REVENUES NOT DEPOSITED IN SUPERFUND.—Subsection (b) of section 9507 of such Code (relating to Hazardous Substance Superfund) is amended by adding at the end the following new sentence: "Only 50 percent of the taxes received in the Treasury under section 59A with respect to taxable years beginning after December 31, 1994, and before January 1, 2000, shall be taken into account under paragraph (1)."

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1994.

### SEC. 403. ENVIRONMENTAL FEES AND ASSESSMENTS ON INSURANCE COMPANIES.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by inserting after section ____ the following new section:

**"§ . Environmental fees and assessments on insurance companies".**

[RESERVED]

(b) CLERICAL AMENDMENTS.—The table of sections for chapter ____ of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section ____ the following:

**"§ . Environmental fees and assessments on insurance companies".**

### SEC. 404. RETROACTIVE LIABILITY FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end thereof the following new section:

### "SEC. 9512. RETROACTIVE LIABILITY FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Retroactive Liability Fund', consisting of such amounts as may be appropriated or credited to such Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO FUND.—There are hereby appropriated to the Retroactive Liability Fund—

"(1) amounts equivalent to 50 percent of the revenues received in the Treasury from the tax imposed by section 59A (relating to environmental tax) for taxable years beginning after December 31, 1994, and before January 1, 2000; and

"(2) amounts received from fees and assessments imposed by the amendments made by section 403 of this Act.

"(c) EXPENDITURES FROM FUND.—Amounts in the Retroactive Liability Fund shall be available, as provided in appropriation Acts, only for purposes of making expenditures to carry out section 107(n) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.".

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end thereof the following new item:

"Sec. 9512. Retroactive Liability Fund."•

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By Mr. KENNEDY (for himself, Mrs. KASSEBAUM, Mr. METZENBAUM, Ms. MIKULSKI, Mr. WOFFORD, Mr. BINGAMAN, and Mr. PELL):

S. 1995. A bill to amend the Public Health Service Act to reauthorize migrant, community and homeless health center programs, and for other purposes; to the Committee on Labor and Human Resources.

### HEALTH CENTERS REAUTHORIZATION ACT OF 1994

Mr. KENNEDY. Mr. President, today I am introducing the Health Centers Reauthorization Act of 1994, with my colleagues Senators KASSEBAUM, METZENBAUM, MIKULSKI, WOFFORD, PELL, and BINGAMAN. This legislation continues the migrant, community, and homeless health center programs for 1 year. The Labor Committee plans to undertake a full reauthorization of these successful programs next year, following action on health care reform this year. Since the current authorization for these programs expires this year, an extension is needed.

Community and migrant health centers play a vital role in bringing affordable and accessible community-based primary care to millions of Americans in underserved areas. Since its beginning in 1975, the community health center program has been the backbone of Federal efforts to bring quality health care to needy persons and areas throughout the country. In inner cities and isolated rural areas, these health centers have served millions of uninsured and under-insured people, including the elderly, women, and children at risk, and those with other special needs. Nationwide, over 2,000 centers provide basic health services to approximately 6.5 million individuals each year.

In addition to basic care, these centers provide many other services tailored to the needs of the populations they serve, including health education, public health screening, laboratory services, preventive dental care, emergency care, pharmacy services, substance abuse counseling, and certain social services. Many centers maintain extended hours for working families, offer care at multiple sites, use mobile clinics to reach rural patients, employ multilingual staff to reduce barriers to care, and stay in touch with community needs by working closely with local boards.

A key feature of the health center programs is the strong emphasis on preventive care. For the high risk populations they serve, the centers reduce the demand for costly emergency and in-patient hospital care by emphasizing prevention, early intervention, and case management with good followup. One of the many vital missions of the centers is to reduce infant mortality and low birthweight, by reaching out and helping pregnant women and their infants receive timely care.

In Massachusetts, community health centers have played a vital role in providing these services. Over 800,000 persons receive primary and preventive health care through the centers—care that would otherwise be delayed or unavailable for many people without access to other health care providers. In Western Massachusetts, health centers have mobilized to address problems such as high teenage birth rates, increasing rates of HIV infection, and the high incidence of drug abuse and alcohol-related problems. In those areas hard hit by the recession, the centers provide a realistic opportunity for uninsured and struggling families to receive comprehensive care.

As we move forward with health reform, the role of these centers will become an even more vital link in bringing health care to many under-served populations, and will help turn the promise of universal health coverage into the reality of accessible care. I look forward to working with my colleagues to consider this extension bill in a timely manner, and to recognize the important contributions that health centers make to serving so many Americans.

Mr. President I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1995

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Centers Reauthorization Act of 1994".

### SEC. 2. REAUTHORIZATION OF CERTAIN HEALTH CENTER PROGRAMS.

(a) MIGRANT HEALTH CENTERS.—Section 329(h)(2)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(2)(A)) is amended by striking "1994" and inserting "1995".

(b) COMMUNITY HEALTH CENTERS.—Section 330(g) of such Act (42 U.S.C. 254c(g)) is amended—

(1) in paragraph (1)(A), by striking "1994" and inserting "1995"; and

(2) in paragraph (2)(A), by striking "1994" and inserting "1995".

(c) HOMELESS HEALTH SERVICES.—Section 340(q)(1) of such Act (42 U.S.C. 256(q)(1)) is amended by striking "1994" and inserting "1995".

(d) PUBLIC HOUSING HEALTH SERVICES.—Section 340A(p)(1) of such Act (42 U.S.C. 256a(p)(1)) is amended by striking "and 1993" and inserting "through 1995".

Mrs. KASSEBAUM. Mr. President, I am pleased to join my colleague Senator KENNEDY in introducing legislation to reauthorize the Community and Migrant Health Centers Programs, the homeless Health Services Program, and the Public Housing Health Services Program. These programs play a vital role in making health care services more accessible and affordable to the poor and to those residing in rural and urban areas suffering from a shortage of health professionals.

The legislation we are introducing today provides for a 1-year reauthorization of current program policy. I had hoped that my colleagues and I on the Committee on Labor and Human Resources would have had the opportunity to hold comprehensive hearings on these programs and consider policy changes which might be necessary to enhance their ability to meet the needs of special populations and of those residing in medically undeserved areas. However, I believe a 1-year reauthorization is appropriate, given the demands health care reform will make on our committee schedule and the need to reassess the role of these programs should Congress pass a comprehensive health care reform plan this year.

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By Mr. DURENBERGER:

S. 1996. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries a choice among health plans, and for other purposes; read the first time.

### THE MEDICARE CHOICE ACT OF 1994

Mr. DURENBERGER. Mr. President, when President Clinton spoke to the Joint Session of Congress about health care reform, he said that he was introducing a group of reforms which would bring six essential elements to the Nation's health care system: Security, simplicity, savings, choice, quality and responsibility.

My views on where the President's plan meets those goals—and where it falls short—are pretty well known. And in both the Senate and the House, we are now engaged in a useful and productive debate over how best to reach those goals.

I personally believe we are going to meet the President's goals, by passing legislation this year. I believe we are going to meet those goals by changing the market incentives, so that those markets do what only markets can do: Increase efficiency, lower costs, and improve quality. I believe that we will provide security, simplicity, savings, choice, quality, and responsibility. And we will do it without creating cumbersome bureaucracies, Federal or State Government regulatory schemes or price controls.

Mr. President, between the House and the Senate we have about a dozen health reform proposals. But not one of them brings these essential elements of health care reforms to America's seniors and to people with disabilities.

Mr. President, I am blessed with two living parents. My parents are intelligent, educated people who are living a well-deserved retirement in their eighties. Through their experience, I have seen that Medicare part A, Medicare part B, MediGap, and other supplemental plans are often confusing, bureaucratic, time consuming, frustrating, and costly.

I am also blessed with four sons. Through them, I have felt the inequity that my generation is doing them. I know that I am piling on them the obligation to pay for my health care and the health care of my parents. They bear this burden at a time when they are struggling to find jobs with good pay, struggling to pay for expensive education, struggling to cover their own health care costs, and struggling with an uncertain future as they start their own families.

I am blessed to come from a state with fantastic health care providers, with progressive and responsible corporate citizens, with innovative health plans and creative thinkers. Through them, I have learned that the current Medicare system creates inequities and inefficiencies in our system by dictating payments that may or may not accurately reflect costs, and thereby force hidden cost shifts.

Through the country hospitals and country doctors of rural Minnesota, I know that the Medicare system—and Congress' attempts to reduce the deficit on the shoulders of Medicare—is undermining the quality and availability of health care for rural seniors.

And through my work in the Senate, I have learned that the costs of Medicare have soared and are projected to continue to grow at an unsustainable pace. The result will be bankruptcy, a crushing tax burden on future generations, or reduced access to quality medical services.

Many of these problems are addressed in some of the health care reform plans currently under consideration in the Congress. But out of fear that some interest groups might react negatively, every health care reform plan, including the ones of which I am a sponsor, have failed to address the underlying problems and the integration of our senior population and of Americans with disabilities into the 21st century of health care.

I believe they deserve better. They certainly deserve the same benefit as the rest of the population.

That is why I rise today to introduce the Medicare Choice Act: An essential part of health reform that will allow seniors and people with disabilities to fully share in the benefits that we will all receive from the historic health reform legislation of 1994.

For the past year, I have worked closely with my colleague from New Mexico, Senator DOMENICI, to develop this bill. We have approached reform of the Medicare program from two different angles, which I believe serve the program, the Congress and the people well. He, from a budget perspective, realizes the strain of the program's spiralling costs on our deficit. I, from a Medicare policy perspective, recognize the need to increase efficiency in the Medicare program to secure its future.

Later this spring, Senator DOMENICI will be introducing a health care reform bill. The Medicare Choice Act will serve as the core of the Medicare title in his bill. I will continue to work with Senator DOMENICI toward this goal.

I believe this legislation provides the basic structure for integrating Medicare beneficiaries into any health reform proposal. This bill is based on studies conducted by Dr. Bryan Dowd at the Institute for Health Services Research at the University of Minnesota's School of Public Health. Dr. Dowd's work, and Alain Enthoven's before him, introduced the principles of competitive bidding for the Medicare program.

It is my intent to initiate discussion on this essential component of health reform. I am certain that many groups will offer their input on the specifics outlines in my proposal. Debate will be helpful toward crafting a truly comprehensive health care reform bill.

Mr. President, I have served as chairman or ranking member of the Finance Committee's Health Subcommittee for 10 years, and ranking member on its Medicare and Long-term Care Subcommittee for 6. I have been ranking Republican on the Labor and Human Resources Committee's Subcommittee on Disability Policy for 6 years. I have learned a lot.

While serving on these committees, I recognized the need to restructure the Medicare program to fulfill the promise of true health care security. In the 99th Congress, I introduced the Medicare Voucher Act of 1986 to allow Medicare beneficiaries the full range of health care options available to the rest of the population. The concept was the same in that bill as it is today in the Medicare Choice Act—to allow providers to compete for senior and disabled patients who will buy their medical care with a voucher.

During the following Congress, I introduced the Medicare Private Health Plan Capitation Improvement Act of 1987. This bill sought to: First, promote the provision of high-quality and cost-effective health care to all Medicare beneficiaries; second, manage an individual's lifetime expenditures; third, prohibit discrimination based on an individual's health or disability status, the area where they live, or the health plan they choose; fourth, increase an individual's choice of health plans; and fifth, provide for equitable capitation payments to health plans. The goals of this bill were identical to the goals of the Medicare Choice Act of 1994.

I continue to believe that restructuring the market to encourage competition and consumer choice is preferable to the alternative—more regulation.

Mr. President, the Medicare Choice Act, which I introduce today, is, in my view, an essential part of any health care reform discussion that really wants to get serious about health care reform that benefits all Americans.

We actually planted the seeds for this bill in 1982. That year we created TEFRA risk contracts—these contracts allowed seniors to choose more benefits, at a lower cost and with less paperwork, through Health Maintenance Organizations [HMO's]. Unfortunately, we tied that program too tightly to the flawed fee-for-service payment scheme of Medicare. The result is that HMO's never had much enthusiasm for the project, and now have reduced their participation in many areas of the country. The promise that seniors would have a real choice in health care is disappearing.

The Medicare Choice Act will deliver on that promise. There is every reason to do it now, when we are actively engaged in the larger issues of health care reform.

Let's look at the six essential elements of health care reform—and how this bill will bring them to seniors.

First, security. Right now, there is little security in Medicare. While the program currently pays the many bills for seniors, the future is not certain. The Social Security and Medicare Board of Trustees predicts virtual bankruptcy by 1999. Absent a significant increase in taxes or the deficit, the current alternative is to further reduce spending. This will inevitably lead to loss of benefits, rationing, and second-class care for seniors and people with disabilities.

The Medicare Choice Act offers an alternative. While eligible persons will still have the option of participating in the traditional fee-for-service Medicare program, they will also have the choice of new Medicare health plans. these plans will match, and in most cases exceed, the benefits now available under Medicare. They will work to keep costs down while improving benefits and quality. It is our best hope for ending the cost spiral that threatens the future of Medicare. It is our best hope for security.

Next, choice. Under this plan seniors will be able to choose from a variety of plans tailored to their needs. Just as participants in the Federal Employees' Health Benefits Program [FEHBP] or, in my State, the Minnesota Employee Benefits Program are able to make a choice of plans every year, seniors will be able to choose each year the plan that best fits their needs. The plans will be presented in simple comparisons, without any fine print or hidden exclusions. Seniors will have one-stop shopping for health care, and their choices will be explained in plain language. They will be able to see what the options cost, and how the costs compare.

MediGap policies and supplemental policies will be included in the comparisons. In short, seniors will have the same ability to choose that we are planning for the rest of us in health care reform. In the future, these same plans offer access to long-term care services as well.

Next, simplicity. Under this act, people will be able to opt for Medicare health plans that virtually eliminate paperwork, copays, deductibles, and confusing presentations of MediGap and supplemental options.

This bill also enhances the option for retirees to stay with their employer's plan. I have often wondered why retirees should not receive health care at age 65 just as they received it at age 64. What could be simpler? One's 65th birthday need not be the introduction to the Federal medical bureaucracy. Under this bill, one of the options seniors can choose will be to continue in their former employer's health plan, as long as it at least matches current Medicare benefits. Under this provision, the only change at age 65 is the Federal contribution toward the plan's premium.

Savings and quality are essential elements of health care reform, and are intrinsically related. In health care reform, most of us are looking for savings to come from reforming the market and letting competition in the market place drive costs down while improving quality. There is no reason why the senior and disabled population should be left out of this benefit.

With people able to choose between plans based on services and costs, the plans will strive, as any competitor does, to increase services while lowering costs. This is our best hope for getting Medicare costs under control without the reduction of quality, availability, and services that will inevitably result from continuing efforts to squeeze money out of Medicare.

What is uniquely better about the Medicare Choice Act is that seniors and the disabled will not only see savings, they will get to keep savings when they spend less.

Finally, we need a system that places responsibility where it belongs. Under the bill, seniors will be responsible for making choices based on their needs and the costs.

Health plans will be responsible for maintaining the health of their members and using the best medicine efficiently in order to compete.

And the Federal Government will live up to its responsibility to provide the financial security that was the original intent to Medicare. No one will be surrepitously and irresponsibly shifting cost from the Federal Government to individuals.

Mr. President, there are many details that we need to work out in health care reform. I am excited by the progress I see that we are making every day. I do not share the pessimism of some Members of Congress, who believe that we cannot accomplish great things this year in health reform.

We can do it, and we will. And when we do, I want to include older Americans and Americans with disabilities in health care reform. The Medicare Choice Act begins this process—which should be, I believe the seventh essential element of health care reform.

By Mrs. FEINSTEIN (for herself, Mr. MOYNIHAN, Mrs. KASSEBAUM, Mrs. BOXER, Mr. MCCAIN, Mr. RIEGLE, Mr. GRAHAM, Mr. STEVENS, Mr. BRADLEY, Mr. MACK, Mr. CAMPBELL, Mr. BINGAMAN, Mr. DECONCINI, Mr. JOHNSTON, and Mr. WELLSTONE):

S. 1997. A bill to amend title 13, United States Code, to require that the Secretary of Commerce produce and publish, at least every 2 years, current data relating to the incidence of poverty in the United States; to the Committee on Governmental Affairs.

### POVERTY DATA IMPROVEMENT ACT

• Mrs. FEINSTEIN. Madam President, I join with Senators MOYNIHAN, KASSEBAUM, BOXER, MCCAIN, RIEGLE, GRAHAM, STEVENS, BRADLEY, MACK, BINGAMAN, CAMPBELL, DECONCINI, JOHNSTON, and WELLSTONE to introduce legislation that will reform the way in which the Federal Government distributes funds for programs that serve low-income communities.

This legislation, which was recently passed on the suspension calendar by the House of Representatives—and is entitled the Poverty Data Improvement Act of 1994—will substantially improve census tracking of low-income people living in communities throughout the Nation. This, in turn, will assure taxpayers that money from the Federal Government, for those programs which have funding based on the incidence of poverty, will be spent where there is the most need.

Each year, more than $20 billion is provided to State and local governments based on data relating to income and poverty levels. However, these funds are distributed using census figures which are compiled just once each decade. Since there are constant shifts in income levels from one census to another, Federal funding allocations are made using data which is far from accurate, and which can be as much as 14 years old. This has often prevented funds from reaching those communities in the greatest need.

Among Federal programs which use income or poverty criteria in allocation formulas are:

The Chapter 1 Education Program, which is the Federal government's largest program to support the education of disadvantaged children.

The Community Development Block Grant Program [CDBG], which as mayor of San Francisco, I found to be one of the most effective Federal programs. It allows communities to undertake a wide range of economic development and neighborhood revitalization efforts which can help stimulate the local economy as well as improve the quality of life for some of the more marginalized communities in our Nation's cities.

The Job Training Partnership Act, which provides comprehensive training to youths and young adults in high-poverty areas.

The HOME Program, which allows local governments to implement housing strategies designed to increase home ownership and affordable housing opportunities for low-income people.

Also included are: Low Income Tax Credits, the Federal Housing Finance Board Affordable Housing Program, the Federal Housing Finance Board Community Investment Program, the Rural Housing Program, and others.

The legislation, which we are introducing today, directs the Secretary of Commerce to publish—for each State, county or borough, local government unit—including Alaska Native villages, and school district—data relating to the incidence of poverty, at least biennially.

Tracking these more gradual shifts in the poor population will provide for a more effective targeting of scarce Federal dollars. A more frequent and accurate count will reduce the dramatic changes in the reallocation of Federal funds, and will allow local units of government to better plan their resources whether that funding goes up or down.

This means that those communities which experience a decline, in their poor populations, will not experience sudden and sharp cuts in the Federal funds they relay upon. And, communities which experience an increase in their poor populations will receive Federal funding, in a more timely manner, so that they can serve the people as they need it and when they need it.

I'd like to give you some examples of the difference this legislation would have made had it been in effect for last year's chapter 1 funding allocations. The 1992–93 total basic, plus concentration, chapter 1 grants to California were $541,365,000 because they were based on the 1980 census. Had the 1990 census been used, the estimated allocation for California would have been $682,005,000. That is a difference of $140,640,000 for just 1 year. This difference reflects the increase in California's poor school age children during the 1980's.

For Idaho, the actual allocation was $17,998,000 versus what would have been $19,511,000 had the 1990 census been used. For Wyoming, the actual allocation was $7,628,000, versus what would have been $10,555,000. For Wisconsin, $87,403,000 actual, versus $105,416,000 with the 1990 census. For Oklahoma, $59,601,000 versus $75,325,000. And for Texas the actual chapter 1 allocations were $388,007,000, whereas if the 1990 census had been used, the amount would have been $513,493,000—a difference of $125,486,000 for just 1 year.

It just makes no sense for the Federal Government to distribute scarce Federal dollars, which are intended to help those most in need, on demographic data which is as much as 14 years old.

And let me just say that this is not a matter of winners and losers. This is a matter of accuracy and fairness involving the distribution of Federal funds, and I think it will be very difficult for anyone to argue against that.

Let me give you one more example. The recession did not hit many parts of the country until after 1989. So the number of people that fell below the poverty line, in those areas, was far fewer then, and this is reflected in the 1990 census. However, this also means that the Federal funding allocations, for those communities, are set for the next 10 years, even though the incidence of poverty jumped sharply soon after the census was taken.

So you see, the census becomes a snapshot, as it were, of regional economic conditions as they exist at the time of the census. And this in turn locks into place Federal funding allocations for the next 10 years.

This legislation will correct that.

At any given point in time, the economic circumstances of a given region can change. When they do, the number of people that fall into, or out of, poverty, also changes. Without intercensal poverty data, communities with a high incidence of poverty will not receive the Federal funds to which they are entitled. At the same time, other communities will receive Federal dollars, for the next 10 years, even if their poor population has declined.

Compared to the large amounts which are disbursed each year, the cost of producing the data required by this legislation is small. The Bureau of Census has estimated that the annual cost will be approximately $400,000—a minuscule amount, indeed, when considering the large number of people who will be denied assistance due to the flaw in the current system.

This legislation will ensure a more frequent collection of income and poverty data, and will expedite the flow of Federal funds to the neediest populations in our Nation, at the time when those funds are needed the most. It will also greatly improve the planning and budgeting process for State and local governments at every level.

This is legislation whose time has come.

Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1997

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Poverty Data Improvement Act of 1994".

**SEC. 2. CONGRESSIONAL FINDINGS.**

The Congress finds that—

(1) more than $20,000,000,000 is provided to State and local governments each year, under various Federal programs, based on data relating to income and poverty status;

(2) the infrequency with which such data are collected diminishes their reliability and usefulness for public policy purposes;

(3) the relative lack of intercensal data can prevent Federal funds from reaching those populations that are in greatest need, as reflected in the dramatic and often unforeseen shifts in the way Federal funds are reallocated following each decennial census;

(4) the more frequent collection of data relating to income and poverty status would allow policymakers to target scarce program funds more effectively and in a more timely fashion; and

(5) the cost of producing the data needed to achieve the ends described in paragraph (4) would be small compared to the amounts that are distributed based on such data.

**SEC. 3. REQUIREMENT.**

(a) IN GENERAL.—Subchapter IV of chapter 5 of title 13, United States Code, is amended by inserting after section 181 the following:

**"§ 181A. Data relating to poverty**

"(a) The Secretary, to the extent feasible, shall produce and publish for each State, county or borough, and local unit of general purpose government, including Alaska native village, for which data are compiled in the most recent census of population taken under section 141(a), and for each school district, data relating to the incidence of poverty. Such data may be produced by means of sampling, estimation, or any other method that the Secretary determines will produce current, comprehensive, and reliable data.

"(b) Data under this section—

"(1) shall include—

"(A) for each school district, the number of children age 5 to 17, inclusive, in families below the poverty level; and

"(B) for each state and county referred to in subsection (a), the number of individuals age 65 or over below the poverty level, and

"(2) shall be published in 1996 and at least every second year thereafter.

"(c)(1) If reliable data could not otherwise be produced, the Secretary may, for purposes of subsection (b)(1)(A), aggregate school districts, but only to the extent necessary to achieve reliability.

"(2) Any data produced under this subsection shall be appropriately identified and shall be accompanied by a detailed explanation as to how and why aggregation was used (including the measures taken to minimize any such aggregation).

"(d) If the Secretary is unable to produce and publish the data required under this section for any State, county, local unit of general purpose government, or school district in any year specified in subsection (b)(2), a report shall be submitted by the Secretary to the President of the Senate and the Speaker of the House of Representatives, not later than 90 days before the commencement of the following year, enumerating each government or school district excluded and giving the reasons for the exclusion.

"(e) In carrying out this section, the Secretary shall use the same criteria relating to poverty as were used in compiling the then most recent census of population taken under section 141(a) (subject to such periodic adjustments as may be necessary to compensate for inflation and other similar factors).".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 13, United States Code, is amended by inserting after the item relating to section 181 the following:

"181A. Data relating to poverty.".●

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By Mr. MOYNIHAN:

S. 1998. A bill to provide for the acquisition of certain lands formerly occupied by the Franklin D. Roosevelt family, and for other purposes; to the Committee on Energy and Natural Resources.

ROOSEVELT FAMILY LAND ACQUISITION ACT

• Mr. MOYNIHAN. Mr. President, there cannot be many houses designed by our Presidents. We have the opportunity to acquire one for the National Park Service, and we should certainly do so. I refer to Top Cottage, where Franklin Roosevelt intended to live at the end of his Presidency. It was the site of many historic occasions, and is a most significant part of the Hyde Park estate.

This bill authorizes the acquisition of Top Cottage. I urge my colleagues to support this effort while the opportunity presents itself. The president of the Franklin and Eleanor Roosevelt Institute assures me that the Institute will help raise funds for this purpose.

Hyde Park is a wonderful tribute to President Roosevelt, but it is incomplete without this parcel. This bill gets us closer to its acquisition, and I hope we can act on it promptly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1998

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ACQUISITION OF ROOSEVELT FAMILY LANDS.**

(a) IN GENERAL.—

(1) GENERAL AUTHORITY.—The Secretary of the Interior (hereinafter referred to as the "Secretary") may acquire, by purchase with donated or appropriated funds, donation, or otherwise, lands and interests in land (including development rights and easements) in the properties located at Hyde Park, New York, that were owned by Franklin D. Roosevelt or his family at the time of his death, as depicted on the map entitled "Roosevelt Family Estate" and dated November 19, 1993.

(2) LIMITATIONS.—

(A) RESIDENTIAL PROPERTY.—the Secretary may only acquire those residential properties on the lands and interests in land depicted on the map referred to in subsection (a) that were owned or occupied by Franklin D. Roosevelt or his family, including his parents, siblings, wife, and children.

(B) STATE LANDS.—Lands and interests in land depicted on the map referred to in subsection (a) that owned by the State of New York, or a political subdivision of the State, may only be acquired by donation.

(3) PRIORITY.—In acquiring lands and interests in land pursuant to this section, the Secretary shall, to the extent possible, give priority to acquiring the tract of lands commonly known as the "Open Park Hodhome Tract", as generally depicted on the map referred to in subsection (a).

(4) COSTS.—The Secretary may pay the costs, including title search and survey, associated with the acquisition of lands and interests in land pursuant to this section.

(b) ADMINISTRATION.—Lands and interests in land acquired by the Secretary pursuant to this section shall be added to, and administered as part of, the Franklin Delano Roosevelt National Historic Site or the Eleanor Roosevelt National Historic Site, as appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.•

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By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1999. A bill to establish the Lower East Side Tenement Museum National Historic Site; to the Committee on Energy and Natural Resources.

LOWER EAST SIDE TENEMENT MUSEUM NATIONAL HISTORIC SITE ACT OF 1994

• Mr. MOYNIHAN. Mr. President, I introduce a bill that will authorize a small but most significant addition to the National Park System. For 150 years the Lower East Side of New York City has been the most vibrant, populous, and famous immigrant neighborhood in the Nation. From the first waves of Irish and German immigrants to Italians and Eastern European Jews to the Asian, Latin, and Caribbean immigrants arriving today, the Lower East Side has provided millions their first American home.

For many of them that home was a brick tenement; six or so stories, no elevator, maybe no plumbing, maybe no windows, a business on the ground floor, and millions of our forbears upstairs. The Nation has with great pride preserved log cabins, farm houses, and other symbols of our agrarian roots. We have recently reopened Ellis Island to commemorate and display the first stop for 12 million immigrants who arrived in New York City. Until now we have not preserved a sample of urban, working class life as part of the immigrant experience. For many of those who disembarked on Ellis Island the next stop was a tenement on the Lower East Side, such as the one at 97 Orchard Street. It is here that the Lower East Side Tenement Museum will show us what that next stop was like.

The tenement at 97 Orchard was built in the 1860's, during the first phase of tenement construction. It provided housing for 20 families on a plot of land planned for a single-family residence. Each floor had four three-room apartments, each of which had two windows in one of the rooms and none in the others. The privies were in the back, as was the spigot that provided water for everyone. The public bathhouse was down the street.

In 1900 this block was the most crowded per acre on earth. Conditions improved after the passage of the New York Tenement House Act of 1901, though the crowding remained. Two toilets were installed on each floor. A skylight was installed over the stairway and interior windows were cut in the walls to allow some light throughout each apartment. For the first time the ground floor became commercial space. In 1918 electricity was installed. Further improvements were mandated in 1935, but the owner chose to board the building up rather than follow the new regulations. It remained boarded up for 60 years until the idea of a museum took hold.

The Tenement Museum will keep at least one apartment in the dilapidated condition in which it was found when reopened, to show visitors the process of urban archeology. Others will be restored to show how actual families lived at different periods in the building's history. At a nearby site there will be interpretive programs to better explain the larger experience of gaining a foothold on America in the Lower East Side of New York. There are also plans for programmatic ties with Ellis Island and its precursor, Castle Clinton. And the museum plans to play an active role in the immigrant community around it, further integrating the past and present immigrant experience on the Lower East Side.

The Tenement Museum is to be affiliated with the National Park Service. That is the purpose of this legislation. The Museum will be able to enter into cooperative agreements with the Park Service for technical assistance, and with the Statue of Liberty/Ellis Island and Castle Clinton for interpretation and other operations. It will be a productive partnership.

Mr. President, I believe the Tenement Museum provides an outstanding opportunity to preserve and present an important stage of the immigrant experience and the move for social change in our cities at the turn of the century. I know of no better place than 97 Orchard Street to do so, and no other place in the National Park system doing so already. I look forward to the realization of this grand idea.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1999

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE**

This Act may be cited as the "Lower East Side Tenement Museum National Historic Site Act of 1994".

**SEC. 2. DEFINITIONS.**

As used in this Act:

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "historic site" means the Lower East Side Tenement Museum designated as a national historic site by section 4.

(3) The term "Museum" means the Lower East Side Tenement Museum at 97 Orchard Street, New York City, in the State of New York, and related facilities owned or operated by the Museum.

**SEC. 3. FINDINGS AND PURPOSES.**

(a) FINDINGS.—The Congress finds that—

(1) the Lower East Side Tenement Museum at 97 Orchard Street is an outstanding survivor of the vast number of humble buildings

that housed immigrants to New York City during the greatest wave of immigration in American history;

(2) the Museum is well suited to represent a profound social movement involving great numbers of unexceptional but courageous people;

(3) no single identifiable neighborhood in the United States absorbed a comparable number of immigrants;

(4) the Lower East Side Tenement Museum is dedicated to interpreting immigrant life on the Lower East Side and its importance to United States history, within a neighborhood long associated with the immigrant experience in America; and

(5) the National Park Service found the Lower East Side Tenement Museum to be nationally significant, suitable, and feasible for inclusion in the National Park System.

(b) PURPOSES.—The purposes of this Act are—

(1) to assure the preservation, maintenance, and interpretation of this site and to interpret in the site and in the surrounding neighborhood, the themes of early tenement life, the house reform movement, and tenement architecture in the United States;

(2) to ensure the continuation of the Museum at this site, the preservation of which is necessary for the continued interpretation of the nationally significant immigrant phenomenon associated with the New York City's Lower East Side, and its role in the history of immigration to the United States; and

(3) to enhance the interpretation of the Castle Clinton National Historic Monument and Ellis Island National Historic Monument through cooperation with the Museum.

### SEC. 4. ESTABLISHMENT OF HISTORIC SITE.

In order to further the purposes of this Act and the Act of August 21, 1935 (16 U.S.C. 461–7), the Lower East Side Tenement Museum at 97 Orchard Street, in the city of New York, State of New York, is hereby designated as a national historic site.

### SEC. 5. ACQUISITION OR COOPERATIVE AGREEMENT.

(a) IN GENERAL.—In furtherance of the purposes of this Act and the Act of August 21, 1935 (16 U.S.C. 461–7), the Secretary may either acquire the historic site with donated or appropriated funds or enter into cooperative agreements with the Lower East Side Tenement Museum designed to effectuate the purposes of this Act.

(b) TECHNICAL AND FINANCIAL ASSISTANCE.—Such agreements may include provisions by which the Secretary will provide technical assistance to mark, restore, interpret, operate, and maintain the historic site and may also include provisions by which the Secretary will provide financial assistance to the Museum to acquire ownership of and to maintain the historic site, or to mark, interpret, and restore the historic site, including the making of preservation-related capital improvements and repairs.

(c) ADDITIONAL PROVISIONS.—Such agreement may also contain provisions that—

(1) the Secretary, acting through the National Park Service, shall have the right of access at all reasonable times to all public portions of the property covered by such agreement for the purpose of conducting visitors through such properties and interpreting them to the public; and

(2) no changes or alterations shall be made in such properties except by mutual agreement between the Secretary and the other parties to such agreements.

### SEC. 6. LAND ACQUISITION.

The Secretary is authorized to acquire properties owned or occupied or required by the Museum or to assist the Museum in the acquisition of properties which it occupies or requires through the use of appropriated funds or by donation or purchase with donated funds.

### SEC. 7. APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.●

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By Mr. DODD (for himself and Mr. KENNEDY):

S. 2000. A bill to authorize appropriations for fiscal years 1995 through 1998 to carry out the Head Start Act and the Community Services Block Grant Act, and for other purposes; to the Committee on Labor and Human Resources.

## HUMAN SERVICES REAUTHORIZATION ACT

● Mr. DODD. Mr. President, I introduce on behalf of myself and Senator KENNEDY, the Human Services Reauthorization Act of 1994. This bill is the vehicle we will use in the Labor Committee to reauthorize an important collection of antipoverty programs over the next several months. The Human Services Act consists of several social programs that have deep roots in our Nation's history of helping disadvantaged families make a better life for themselves. The most well known of these programs are Head Start, the Low-Income Home Energy Assistance Program, and the Community Services Block Grant.

The administration's proposals for reauthorizing each of these three programs has already been introduced. The Head Start reauthorization proposal which was introduced by Senator KENNEDY is S. 1862. Just last week I introduced the administration's proposal for Community Services Block Grant—S. 1937—and LIHEAP—S. 1938. The President's suggestions in these areas will be carefully considered and reviewed as we put together our umbrella proposal for these and other programs contained in the Human Services Act in committee next month.

Many of the programs in the Human Services Act can be traced back to the war on poverty. Since then, they have undergone many structural and administrative changes, but the central principles they embody endure and are proof that antipoverty efforts have not all gone for naught.

These programs share a common orientation, in that they work within the community to address the needs of individuals living there. They share a common goal, that of helping people move toward self-sufficiency. They see families' needs as a whole and seek to address them comprehensively.

In hearings on the three major programs, people they have helped told us over and over of how they needed a helping hand and found it in their community—through a knock on the door from a Head Start outreach worker, a supportive hand on the shoulder from a community action worker when a child was ill, through a local agency offering energy assistance with dignity to an elderly couples with nowhere else to turn.

Mr. President, as we hear the ever-present drumbeat of welfare reform, I would suggest to my colleagues that they look to some of these programs for ideas about how to help families move toward self-sufficiency. Their philosophy is one that promotes solutions to poverty that are comprehensive, supportive, and based in the communities in which families live. There is much to be said for this approach, and I look forward to working with my colleagues to continue these important programs.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2000

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the Human Services Reauthorization Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title, table of contents.
TITLE 1—HEAD START ACT
Sec. 101. Authorization of appropriations.
TITLE II—COMMUNITY SERVICES BLOCK GRANT ACT
Sec. 201. Authorization of appropriations.
TITLE III—DEMONSTRATION PARTNERSHIP AGREEMENTS ADDRESSING THE NEEDS OF THE POOR
Sec. 301. Authorization of appropriations.
TITLE IV—LOW-INCOME HOME ENERGY ASSISTANCE ACT OF 1981
Sec. 401. Authorization of appropriations.
TITLE V—COORDINATED SERVICES FOR CHILDREN, YOUTH, AND FAMILIES
Sec. 501. Authorization of appropriations.

## TITLE I—HEAD START ACT

### SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended—

(1) in subsection (a)—

(A) by striking "and $7,660,000,000" and inserting "$7,660,000,000"; and

(B) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1995 through 1998";

(2) in subsection (b), by striking "1996" and inserting "1998"; and

(3) in subsection (c)(2), by striking "1992, 1993, and 1994" and inserting "1992 through 1998".

## TITLE II—COMMUNITY SERVICES BLOCK GRANT ACT

### SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 672(b) of the Community Services Block Grant Act (42 U.S.C. 9901(b)) is amended—

(1) by striking "and $500,000,000" and inserting "$500,000,000"; and

(2) by inserting before "to carry out the provisions" the following: ", and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(b) COMMUNITY FOOD AND NUTRITION PROGRAMS.—Section 681A(d) of such Act (42 U.S.C. 9910a(d)) is amended—

(1) by striking "and $25,000,000" and inserting "$25,000,000"; and

(2) by inserting before "to carry out this section" the following: ", and such sums as may be necessary for each of the fiscal years 1995 through 1998".

### TITLE III—DEMONSTRATION PARTNERSHIP AGREEMENTS ADDRESSING THE NEEDS OF THE POOR

#### SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 408(h) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(h)) is amended—

(1) in paragraph (1), by striking "1992, 1993, and 1994" and inserting "1992 through 1998"; and

(2) in paragraph (2), by striking "1992 through 1994" and inserting "1992 through 1998".

### TITLE IV—LOW-INCOME HOME ENERGY ASSISTANCE ACT OF 1981

#### SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

Section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621) is amended—

(1) in subsection (b), by striking "1993, 1994, and 1995" and inserting "1993 through 1998"; and

(2) in subsection (d), by striking "1993, 1994, and 1995" and inserting "1993 through 1998".

### TITLE V—COORDINATED SERVICES FOR CHILDREN, YOUTH, AND FAMILIES

#### SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 934 of the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (42 U.S.C. 12340) is amended—

(1) in subsection (a)(1), by striking "for fiscal years 1992, 1993, and 1994" and inserting "for each of the fiscal years 1992 through 1998"; and

(2) in subsection (d), by striking "1992 through 1994" and inserting "1992 through 1998".

(b) NATIONAL CLEARINGHOUSE.—Section 960 of such Act (42 U.S.C. 12355) is amended—

(1) in subsection (a), by striking "1992 through 1994" and inserting "1992 through 1998"; and

(2) in subsection (b), by striking "1992 through 1994" and inserting "1992 through 1998".•

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By Mr. MOYNIHAN:

S. 2001. A bill to improve the administration of the Women's Rights National Historical Park in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

#### WOMEN'S RIGHTS NATIONAL HISTORICAL PARK EXPANSION ACT

• Mr. MOYNIHAN. Mr. President, I introduce legislation that will add several important properties to the Women's Rights National Historic Park in Seneca Falls, NY. In 1980 I introduced legislation to commemorate an idea, that of equal rights for women. It is commemorated in Seneca Falls because that is where in 1948 the Declaration of Sentiments was signed, stating that "all men and women are created equal" and that women should have equal political rights with men. From this beginning sprang the 19th amendment and all the other advances for women this century and last.

With the historic park authorized in 1980, we began the planning, held a design competition, and paid for the construction. The park is now in operation and a tremendous success. Visitorship increased 50 percent in fiscal year 1993 to 30,000. However, the park is not complete. As can be expected when starting such a venture from zero, not all the important properties could be acquired at the outset. Several remain in private hands or under the control of the trust for public land, and this bill authorizes their addition to the park.

These properties include the last remaining parcel of the original Elizabeth Cady Stanton property, necessary so that the Stanton House can be restored to its original condition, and the Young House in Waterloo, important for safety, resource preservation, and preserving the historic scene at the M'Clintock House. The other two are the Baldwin property, which would provide a visitor contact facility, restrooms, and boat docking facilities, and a maintenance facility now being rented by the park.

These additions to the park will add tremendously to the enjoyment and value of a visit. The National Park Service supports them, and in fact this legislation is the top priority for the North Atlantic region. We must pass it promptly, for time is not a luxury; the Nies property is in the early stages of foreclosure. I urge my colleagues to support this bill, and to come to the Women's Rights Park themselves. It is a trip well worth making.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2001

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. INCLUSION OF ADDITIONAL PROPERTIES.

Section 1601(c) of the Public Law 96-607 (16 U.S.C. 410*ll*) is amended—

(1) by striking "initially" in the second sentence;

(2) in paragraph (8), by striking "and" the last place it appears;

(3) in paragraph (9) by striking the period and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

"(10) not to exceed 1 acre, plus improvements, as determined by the Secretary, in Seneca Falls for development of a maintenance facility;

"(11) dwelling, 1 Seneca Street, Seneca Falls;

"(12) dwelling, 10 Seneca Street, Seneca Falls;

"(13) parcels adjacent to Wesleyan Chapel Block, including Clinton Street, Fall Street, and Mynderse Street, Seneca Falls; and

"(14) dwelling, 12 East Williams Street, Waterloo.".

#### SEC. 2. MISCELLANEOUS AMENDMENTS.

Section 1601 of Public Law 96-607 (16 U.S.C. 410*ll*) is amended—

(1) in subsection (g), by adding at the end the following new sentence: "Funds available to the Secretary for the purposes of the park shall be available to establish and administer within the park education and research facilities and programs on the history of women's rights pursuant to cooperative agreements with appropriate public or private entities.";

(2) in paragraph (5) of subsection (h), by striking "ten years" and inserting "25 years"; and

(3) in subsection (i)—

(A) by striking "$700,000" and inserting "$1,500,000"; and

(B) by striking "$500,000" and inserting and "$15,000,000".•

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By Mr. EXON:

S. 2002. A bill to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### AMTRAK INVESTMENT ACT OF 1994

• Mr. EXON. Mr. President, I am proud to introduce by request the administration's Amtrak Reauthorization Act. As the chairman of the Senate Surface Transportation Subcommittee and long time advocate for the Amtrak system, this legislation represents an historic turning point in the history of American passenger rail.

For the first time in 12 years, a President of the United States has put forward a positive vision for Amtrak. This legislation calls for a world class system and takes the first step towards that goal.

It is especially gratifying that a former staff member of the Senate Surface Transportation Subcommittee has had such a noticeable influence on the administration's agenda for Amtrak. Prior to entering public service, Don Itzkoff, the Deputy Administrator of the Federal Rail Administration warned the Nation in his book and columns that America's passenger rail system was moving off the track. With Don's help, the Clinton administration has put forward an Amtrak bill which will help get America back on the track.

Of course, Mr. President, I have many of my own ideas about how to improve Amtrak service and maximize the return on Federal passenger rail investments. We must foster a customer friendly mode of operation, maximize the value of Amtrak assets and real estate, take a creative approach to generating advertising revenues and utilize information age technologies to improve operational efficiencies. I will discuss those ideas in much more detail when the subcommittee holds hearings soon after the spring recess.

I look forward to working with my colleagues and the Clinton administration to make Amtrak a world class railroad.•

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By Mr. AKAKA:

S. 2003. A bill for the relief of the heirs, successors, or assigns of Sadae

Tamabayashi; to the Committee on the Judiciary.

### SADAE TAMABAYASHI PRIVATE RELIEF LEGISLATION

• Mr. AKAKA. Mr. President, I introduce a bill for the relief of the family of Sadae Tamabayashi.

In 1941, Mrs. Tamabayashi was the owner of Paradise Clothes Cleaning Shop in Honolulu, HI. On the morning of December 7, she and her family lost everything that they owned. The attack on Pearl Harbor not only had a national repercussion, but it affected the lives of many individuals as well, especially for those who lived in Hawaii at the time. For Sadae Tamabayashi and her family, the bombing was devastating to their livelihood.

On the morning of December 7, Paradise Clothes Cleaning Shop was destroyed by fire which started as a result of the attack on Pearl Harbor and the subsequent retaliatory shots by U.S. Armed Forces. The entire building and its contents, which included the Tamabayashi's family quarters, were destroyed.

The Tamabayashi family attempted to seek compensation through the War Damage Corporation Claims Service Office in 1942. Their efforts were to no avail. Their claim for reparations was denied by the Corporation because Mrs. Tamabayashi was a Japanese national. However, the United States prohibited Mrs. Tamabayashi from becoming a citizen under the Immigration Act of 1924, which sought to exclude persons of Japanese descent. It was not until 1952, 7 years after the end of the World War II, that the 1924 Immigration Act was repealed, and Asians were finally given equal status in this country.

The family of Sadae Tamabayashi seeks fair treatment of their mother's losses. I hope that my colleagues will support this effort to bring to a close this sad chapter in the lives of the Tamabayashi family.•

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By Mr. DOLE (for himself, Mr. HEFLIN, Mr. CRAIG, and Mr. BROWN):

S. 2006. A bill to require Federal agencies to prepare private property taking impact analyses, and for other purposes; to the Committee on Governmental Affairs.

### PRIVATE PROPERTY RIGHTS

Mr. DOLE. Mr. President, as I have traveled around the country over the past year, time and again I have heard from the people that Congress must do more to stop the tide of infringement on private property rights. I believe Members on both sides of the aisle have heard this message. Even President Clinton has said that he wants to "put people first." One way he can do this is to ensure that government mandates and government bureaucrats do not run over individual citizens and individual rights.

Today, Senator HEFLIN and I are introducing the Private Property Rights Act of 1994. Now, a lot has been said on this floor regarding private property rights. I think many of us agree on the need to protect private property. The question is—How do we best vote and get government out of peoples backyards? This bill is very simple.

The legislation would require Federal agencies to conduct a takings impact assessment when promulgating any agency policy, regulation, guideline, or recommending legislative proposals to Congress. This bill does not stop legitimate regulatory processes and it only applies to any action which could result in an actual taking.

The assessment must consider the effect of the agency action, the cost of the action to the Federal Government, the reduction in value to private property owners and require the agency to consider alternatives to taking private property.

I seem to recall that the rights of property owners are supposed to be protected from the Federal Government under the fifth amendment and from State governments by the 14th amendment. Unfortunately, those who have sworn to uphold our Constitution are not always as vigilant as they need to be. Let's face it, there are billions of dollars in claims filed against the Federal Government by landowners who believe their private property has been taken.

It is important to note that a taking can occur even though title to the property remains with the original owner and the government has only placed restrictions on its use. Fortunately, courts have recognized these partial taking are subject to just compensation. Unfortunately, the only check on the enforcement of the Constitution has been through the court system, wherein citizens can, at the expense of vast amounts of money and time, ensure the government complies with the Constitution.

Mr. President, I ask my colleagues to talk with their small businessmen and women, their farmers, their ranchers, those who believe in the private property rights contained in our Constitution, what they think about this most appropriate legislation. When they do, I am certain they will agree that we should move this legislation in 1994.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 2006

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Private Property Rights Act of 1994".

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) the protection of private property from a taking by the Government without just compensation is an integral protection for private citizens incorporated into the Constitution by the Fifth Amendment and made applicable to the States by the Fourteenth Amendment; and

(2) Federal agencies should take into consideration the impact of Governmental actions on the use and ownership of private property.

**SEC. 3. PURPOSE.**

The Congress, recognizing the important role that the use and ownership of private property plays in ensuring the economic and social well-being of the Nation, declares that it is the policy of the Federal Government to use all practicable means and measures to minimize takings of private property by the Federal Government.

**SEC. 4. DEFINITIONS.**

For purposes of this Act—

(1) the term "agency" means an Executive agency as defined under section 105 of title 5, United States Code, and—

(A) includes the United States Postal Service; and

(B) does not include the General Accounting Office; and

(2) the term "taking of private property" means any action whereby private property is taken in such a way as to require compensation under the Fifth Amendment to the United States Constitution.

**SEC. 5. PRIVATE PROPERTY TAKING IMPACT ANALYSIS.**

(a) IN GENERAL.—The Congress authorizes and directs that, to the fullest extent possible—

(1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies under this Act; and

(2) all agencies of the Federal Government shall submit a certification to the Attorney General of the United States that a private property taking impact analysis has been completed before issuing or promulgating any policy, regulation, proposal, recommendation (including any recommendation or report on proposal for legislation), or related agency action which could result in a taking or diminution of use or value of private property.

(b) CONTENT OF ANALYSIS.—A private property taking impact analysis shall be a written statement that includes—

(1) the specific purpose of the policy, regulation, proposal, recommendation, or related agency action;

(2) an assessment of whether a taking of private property may occur under such policy, regulation, proposal, recommendation, or related agency action;

(3) the effect of the policy, regulation, proposal, recommendation, or related agency action on the use or value of private property, including an evaluation of whether such policy, regulation, proposal, recommendation, or related agency action requires compensation to private property owners;

(4) alternatives to the policy, regulation, proposal, recommendation, or related agency action that would lessen the adverse effects on the use or value of private property;

(5) an estimate of the cost to the Federal Government if the Government is required to compensate a private property owner; and

(6) an estimate of the reduction in use or value of any affected private property as a result of such policy, regulation, proposal, recommendation, or related agency action.

(c) PUBLIC AVAILABILITY OF ANALYSIS.—An agency shall—

(1) make each private property taking impact analysis available to the public; and

(2) to the greatest extent practicable, transmit a copy of such analysis to the owner or any other person with a property right or interest in the affected property.

(d) PRESUMPTIONS IN PROCEEDINGS.—For the purpose of any agency action or administrative or judicial proceeding, there shall be a rebuttable presumption that the costs, values, and estimates in any private property takings impact analysis shall be outdated and inaccurate, if—

(1) such analysis was completed 5 years or more before the date of such action or proceeding; and

(2) such costs, values, or estimates have not been modified within the 5-year period preceding the date of such action or proceeding.

### SEC. 6. RULES OF CONSTRUCTION.

Nothing in this Act shall be construed to—

(1) limit any right or remedy, or bar any claim of any person relating to such person's property under any other law, including claims made under section 1346 or 1402 of title 28, or chapter 91 of title 28; or

(2) constitute a conclusive determination of the value of any property for purposes of an appraisal for the acquisition of property, or for the determination of damages.

### SEC. 7. STATUTE OF LIMITATIONS.

No action may be filed in a court of the United States to enforce the provisions of this Act on or after the date occurring 6 years after the date of the submission of the certification of the applicable private property taking impact analysis with the Attorney General.

### SEC. 8. EFFECTIVE DATE.

The provisions of this Act shall take effect 120 days after the date of the enactment of this Act.

Mr. HEFLIN. Mr. President, I rise today as an original cosponsor of the Private Property Rights Act of 1994. This bill recognizes the important role the use and ownership of property plays in American society and declares the policy of the Federal Government to be one that will minimize takings of private property. This bill will require Federal agencies to certify to the Attorney General that a taking impact assessment has been completed prior to promulgating any agency policy to Congress. The takings impact assessment will consider the effect of the agency action, the cost of the action to the Federal Government, the reduction in value to private property owners and require the agency to consider alternatives to taking private property.

This bill will ensure that the impact on private property rights is duly considered in Federal Government agencies' regulatory activities. In no way does it limit an agency's authority to regulate or meet a legislative mandate. But it does require Government decisionmakers to analyze the potential impact of their regulatory actions on private property rights and to minimize those actions to the fullest extent possible. Compliance with this act will help avoid inadvertent takings of constitutionally guaranteed rights and therefore reduce the Federal Government's financial liability for such compensable takings.

Government regulations too often harm American farmers and others by taking away the value of their land. For example, farmers complain that their property rights can be taken away without just compensation or due process when they are denied a wetlands permit. This legislation will give farmers and other private citizens a chance to be heard in court if they believe the Government has not properly followed its own procedures to make sure it does not take private property without adequate compensation.

The Private Property Rights Act of 1994 will give statutory weight to procedures like those outlined in Executive Order 12630, issued by former President Reagan. Many organizations which strongly defend private property rights are supportive of this legislation, including the American Forest Council, National Cattlemen's Association, National Farmers Organization, National Milk Producers Association, National Water Resources Association, and the U.S. Chamber of Commerce. Private property rights are the foundation of American agricultural production and the individual liberties we all enjoy. This bill provides a strategic method for balancing the Government's necessary action and protecting these private rights.

I urge my colleagues to join me in supporting this important legislation.

## ADDITIONAL COSPONSORS

### S. 689

At the request of Mr. BRADLEY, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 689, a bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes.

### S. 773

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 773, a bill to require the Administrator of the Environmental Protection Agency to establish a program to encourage voluntary environmental cleanup of facilities to foster their economic redevelopment, and for other purposes.

### S. 1231

At the request of Mr. MOYNIHAN, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1231, a bill to provide for simplified collection of employment taxes on domestic services, and for other purposes.

### S. 1350

At the request of Mr. INOUYE, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 1350, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

### S. 1539

At the request of Mr. INOUYE, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Alaska [Mr. STEVENS], the Senator from Nevada [Mr. REID], the Senator from Alabama [Mr. HEFLIN], the Senator from Utah [Mr. HATCH], the Senator from North Dakota [Mr. CONRAD], the Senator from Hawaii [Mr. AKAKA], the Senator from Rhode Island [Mr. PELL], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Illinois [Mr. SIMON], the Senator from Minnesota [Mr. WELLSTONE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Florida [Mr. GRAHAM], the Senator from Arizona [Mr. DECONCINI], the Senator from California [Mrs. FEINSTEIN], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1539, a bill to require the Secretary of the Treasury to mint coins in commemoration of Franklin Delano Roosevelt on the occasion of the 50th anniversary of the death of President Roosevelt.

### S. 1569

At the request of Ms. MOSELEY-BRAUN, her name was added as a cosponsor of S. 1569, a bill to amend the Public Health Service Act to establish, reauthorize, and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes.

### S. 1724

At the request of Mr. JOHNSTON, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1724, a bill to authorize the Secretary of Health and Human Services to award a grant for the establishment of the National Center for Sickle Cell Disease Research, and for other purposes.

### S. 1727

At the request of Mr. COHEN, the names of the Senator from Virginia [Mr. WARNER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Vermont [Mr. JEFFORDS], the Senator from Hawaii [Mr. INOUYE], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 1727, a bill to establish a National Maritime Heritage Program to make grants available for educational programs and the restoration of America's cultural resources for the purpose of preserving America's endangered maritime heritage.

### S. 1728

At the request of Mr. BRYAN, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1728, a bill to provide regulatory capital guidelines for treatment of real estate assets sold with limited recourse by depository institutions.

S. 1814

At the request of Mr. DASCHLE, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1814, a bill to amend the Internal Revenue Code of 1986 to provide that a taxpayer may elect to include in income crop insurance proceeds and disaster payments in the year of the disaster or in the following year.

S. 1836

At the request of Mr. DOLE, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1836, a bill for the relief of John Mitchell.

S. 1916

At the request of Mr. SIMON, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1916, a bill to amend chapter 44 of title 18, United States Code, to increase certain firearm license application fees and require the immediate suspension of the license of a firearm licensee upon conviction of a violation of that chapter, and for other purposes.

S. 1920

At the request of Mr. DOMENICI, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1920, a bill to amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") to ensure the safety of public water systems, and for other purposes.

S. 1933

At the request of Mr. MCCAIN, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 1933, a bill to repeal the Medicare and Medicaid Coverage Data Bank, and for other purposes.

S. 1942

At the request of Mr. EXON, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1942, a bill to authorize appropriations for the local rail freight assistance program.

S. 1952

At the request of Mr. JOHNSTON, the names of the Senator from Illinois [Mr. SIMON], the Senator from California [Mrs. BOXER], the Senator from New Mexico [Mr. BINGAMAN], the Senator from California [Mrs. FEINSTEIN], the Senator from Hawaii [Mr. AKAKA], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Alabama [Mr. HEFLIN], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Iowa [Mr. GRASSLEY], the Senator from Oklahoma [Mr. BOREN], the Senator from Maryland [Mr. SARBANES], the Senator from Mississippi [Mr. COCHRAN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Utah [Mr. HATCH], the Senator from Delaware [Mr. BIDEN], the Senator from Tennessee [Mr. MATHEWS], the Senator from Michigan [Mr. LEVIN], the Senator from Nevada [Mr. BRYAN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Kentucky [Mr. FORD], the Senator from Virginia [Mr. ROBB], the Senator from Connecticut [Mr. DODD], the Senator from Maryland [Ms. MIKULSKI], the Senator from Iowa [Mr. HARKIN], the Senator from South Dakota [Mr. DASCHLE], the Senator from North Carolina [Mr. HELMS], the Senator from Arkansas [Mr. BUMPERS], the Senator from Arkansas [Mr. PRYOR], the Senator from Kentucky [Mr. MCCONNELL], the Senator from New York [Mr. D'AMATO], the Senator from Texas [Mrs. HUTCHISON], the Senator from Colorado [Mr. CAMPBELL], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Wyoming [Mr. WALLOP], the Senator from New Mexico [Mr. DOMENICI], the Senator from West Virginia [Mr. BYRD], the Senator from Vermont [Mr. LEAHY], the Senator from Nebraska [Mr. EXON], the Senator from New Jersey [Mr. BRADLEY], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Idaho [Mr. CRAIG], the Senator from Utah [Mr. BENNETT], the Senator from Tennessee [Mr. SASSER], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 1952, a bill to authorize the minting of coins to commemorate the 175th anniversary of the founding of the United States Botanic Garden.

S. 1979

At the request of Mrs. MURRAY, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1979, a bill to require employers to post, and to provide to employees individually, information relating to sexual harassment that violates title VII of the Civil Rights Act of 1964, and for other purposes.

SENATE JOINT RESOLUTION 90

At the request of Mr. ROBB, the names of the Senator from Utah [Mr. HATCH], the Senator from Oregon [Mr. HATFIELD], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Washington [Mrs. MURRAY], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 90, a joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

SENATE JOINT RESOLUTION 172

At the request of Mr. DOLE, the names of the Senator from Colorado [Mr. BROWN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Illinois [Mr. SIMON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Hawaii [Mr. AKAKA], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 172, a joint resolution designating May 30, 1994, through June 6, 1994, as a "Time for the National Observance of the Fiftieth Anniversary of World War II."

SENATE RESOLUTION 70

At the request of Mr. BRADLEY, the names of the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of Senate Resolution 70, a resolution expressing the Sense of the Senate regarding the need for the President to seek the advice and consent of the Senate to the ratification of the United Nations Convention on the Rights of the Child.

SENATE RESOLUTION 190

At the request of Mr. D'AMATO, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Resolution 190, a resolution expressing the Sense of the Senate that the President should work to achieve a clearly defined and enforceable agreement with allies of the United States which establishes a multilateral export control regime to stem the proliferation of products and technologies to rogue regimes that would jeopardize the national security of the United States.

AMENDMENT NO. 1581

At the request of Mr. FAIRCLOTH his name was added as a cosponsor of Amendment No. 1581 intended to be proposed to S. 540, a bill to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, and for other purposes.

## SENATE RESOLUTION 196—PRINTING REPORT ENTITLED "DEVELOPMENTS IN AGING: 1993"

Mr. PRYOR submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 196

*Resolved*, That there shall be printed for the use of the Special Committee on Aging, in addition to the usual number of copies, the maximum number of copies of volumes 1 and 2 of the annual report of the committee to the Senate, entitled "Developments in Aging: 1993", which additional copies may be printed at a cost not to exceed $1,200.

## SENATE RESOLUTION 197—RELATING TO THE IMPORTATION OF DIRTY GASOLINE

Mr. BAUCUS (for himself, Mr. FORD, Mr. WARNER, Mr. BREAUX, and Mr.

WOFFORD) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 197

Whereas, the "Clean Air Act Amendments of 1990" (CAAA 1990) is legislation critical for preserving American health and environment;

Whereas, the reformulated gasoline program is a key provision of the CAAA 1990;

Whereas, the integrity of the clean fuels requirement of the CAAA necessarily involves EPA verification of data submitted;

Whereas, the DPA must be able to verify with certainty the foreign submitted data substantiating 1990 baseline standards of foreign refiners of reformulated gasoline;

Whereas, the final reformulated gasoline rule issued by EPA on December 15, 1993 recognizes the difficulty EPA has verifying the baseline of gasoline produced abroad and attempts to protect the integrity of the clean fuels requirement in the CAAA 1990;

Whereas, foreign refiners might be entitled to a claim that the December 15 EPA rule denies them national treatment obligations owed them by the United States under the General Agreement on Tariffs and Trade (GATT);

Whereas, the GATT provides a recognized exception to GATT obligations of "national treatment" by virtue of a measure's importance to protecting human, animal or plant life or health;

Whereas, the reformulated gasoline EPA rule can be reasonably found to fall within this GATT article XX exception: Therefore be it

*Resolved*, That it is the Sense of the Senate that the reformulated gasoline rule should stand as previously promulgated;

And that the United States Trade Representative should vigorously defend the reformulated gasoline rule under the GATT;

And that if the United States re-opens the reformulated gasoline rule, the new proposed rule to permit foreign refineries to use their own 1990 baselines should be subject to rigorous and extensive public notice and comment to ensure that it does not consequently result in an increase in the levels of ozone over the current reformulated gasoline rule, and does not result in discrimination against domestic refiners of reformulated gasoline.

Mr. BAUCUS. Mr. President: I submit a Sense-of-the-Senate resolution regarding recent, deplorable actions of our State Department to weaken our Federal Clean Air Act in order to appease the Venezuelan gasoline industry.

In our dealings with foreign governments, Woodrow Wilson said, we must have open covenants, openly arrived at. A recent secret agreement by the State Department shows why he was right.

The problem is as follows The Clean Air Act as we all remember, is designed among other things to reduce smog and clean up the air in our cities. Now, as it happens, Venezuelan gasoline is particularly rich in a class of contaminants called olefins. With three times the average American level of olefins, Venezuelan gasoline would contribute significantly to urban smog.

Under Clean Air Act regulations, other countries that export gasoline to the United States must clean up their gasoline to conform with our domestic regulations. It seems only fair that foreign producers who want to sell their gasoline in this country comply with our domestic standards. But Venezuela refuses to do that. The gasoline industry of Venezuela does not want to spend the money to comply with our standards.

So, they filed a GATT challenge against the United States claiming the Clean Air Act is a discriminatory trade barrier. And, on top of this, the Venezuelan Government hired high-priced Washington lobbyists to lobby our own Government for help.

### A BACK-DOOR DEAL

The State Department obliged. But surprisingly enough, it went well beyond the usual practice of pleading the Venezuelan case. Instead, our own State Department went behind the back of Congress and negotiated a special deal for Venezuela. Under this agreement, Venezuela will drop its GATT challenge, we will allow Venezuela to use its own standard for reduction of ozone, and we will cap total sales of Venezuelan gasoline in the United States at approximately the current level. This deal is billed as a compromise, but it does not look like one to me. Venezuela got everything it wanted. They get to continue to export large quantities of dirty gasoline to the United States.

Mr. President, think what kind of signal this sends to domestic industry and to the rest of the world. U.S. refiners are struggling to meet the tough standards set by the Clean Air Act. But we are going to give foreign refiners an easy way out. Moreover, manufacturers all over the world will think they can get the same special treatment that Venezuela did if they challenge other U.S. environmental laws as trade barriers. Changing this regulations sets a dangerous precedent.

No public comment, no public criticism, no input from industry or environmental groups went into this deal. There was no consultation with Congress before this deal was cut—at least not with the Environment Committee members or the committee staff. And the result of this deal is a momentous and frightening change in the law. This is simply not the sort of thing we should permit.

### UNITED STATES HAS A STRONG CASE

On a substantive level, we have a strong case to make in the GATT challenge and we should not back down. The Clean Air Act is not an environmental law designed to block imports. It is legislation to ensure that every American can breath clean, healthy air. All we ask is to enforce the Clean Air Act as strictly with foreign manufacturers as we do with domestic manufacturers.

I think this law is fair, and the regulation EPA published last December is fair. And even if the GATT panel disagrees on that point, I think we still will win.

Article XX of the GATT provides that "nothing in this Agreement shall be construed to prevent the adoption or enforcement by any contracting party of measures * * * necessary to protect human, animal or plant life or health * * *" This exception clearly covers the EPA's reformulated gas regulation, which is based on sound science and intended to be used to reduce life and health-threatening smog in urban areas. If Venezuela wants to contest this at the GATT, we should not get spooked. We should mount a strong defense.

### NEED FOR A SENATE RESOLUTION

What we should not have done at this point—in fact, what we should never do—is to try and resolve the issue in secret. We should not make domestic environmental policy through secret negotiations by the State Department. That is what has apparently happened in this case. And that is why this short, simple resolution is so important.

It restates our goal in the Clean Air Act of 1990—to make our air cleaner and healthier.

It reminds us of the substantive case—that if we let foreign refineries use weak or contrived data to avoid making our air cleaner, we discriminate against the domestic refiners we have asked to meet high standards, and we put our own citizens at risk of lung disease.

And perhaps most important, it gives some in the executive branch a strong reminder that attempts to ease foreign policy while keeping Congress and the American public in the dark are not the American way of Government.

## SENATE RESOLUTION 198—RELATING TO THE DEATH OF LUIS DONALDO COLOSIO

Mr. DODD (for himself and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 198

Whereas Luis Donaldo Colosio was selected by the Institutional Revolutionary Party to be its official candidate for the August Presidential elections in Mexico;

Whereas Mr. Colosio had ably served the people of Mexico as a government official in the administration of President Carlos Salinas de Gortari; and had demonstrated during his tenure as Secretary of Social Development a compassion for the underprivileged and an understanding of the need for economic and political reforms in order to better meet the aspirations of all of the people of Mexico;

Whereas Mr. Colosio had demonstrated that he was among the most progressive and promising leaders of his country;

Whereas, on March 23, during a campaign event in Tijuana in the presence of more than one thousand people, Mr. Colosio was savagely shot and killed;

Whereas today the people of Mexico are mourning the tragic and untimely death of Mr. Colosio: Now, therefore, be it

*Resolved by the Senate*, That it

(1) condemns this senseless act of violence;

(2) joins with President Clinton on extending the condolences of the American people to the people of Mexico, and most especially to the Colosio family, who have all endured a devastating and terrible loss; and

(3) pledges the full and unequivocal support of the United States to the government and people of Mexico during this difficult and trying time.

## AMENDMENTS SUBMITTED

## CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

### SPECTER AMENDMENT NO. 1597

**Mr. SPECTER** proposed an amendment to the concurrent resolution (S. Con. Res. 63) setting forth the congressional budget for the U.S. Government for the fiscal years 1995, 1996, 1997, 1998, and 1999; as follows:

At the end of title III add the following new section:

**SEC. . SENSE OF THE CONGRESS ON SHIFTING THE ALLOCATION OF ANTI-DRUG FUNDS FROM INTERNATIONAL ANTI-DRUG PROGRAMS TO DRUG TREATMENT AND PREVENTION PROGRAMS.**

(a) FINDINGS.—The Congress finds that—

(1) in 1991 over 11,000 hectares of opium production were eradicated out of over 238,000 hectares under opium cultivation;

(2) in 1992 over 22,000 hectares of opium production were eradicated, but the amount of hectares under opium cultivation grew to over 255,000 hectares;

(3) in the face of a successful opium eradication program in 1992, the amount of land under active opium cultivation grew by 6,700 hectares;

(4) in 1991 over 6,500 hectares of coca leaf production were eradicated out of over 212,700 hectares under cultivation;

(5) in 1992 fewer than 5,300 hectares of coca leaf production were eradicated, and the amount of hectares under active coca leaf cultivation grew to almost 217,000;

(6) the amount of land under active coca leaf production grew by 5,300 hectares in 1992, and coca leaf production increased by 1,200 metric tons over production in 1991;

(7) the Drug Enforcement Administration has reported that the purity of cocaine available in the United States has increased since 1990, which demonstrates that adequate supplies of cocaine continue to be produced and smuggled into the United States;

(8) the Drug Enforcement Administration has reported that the price of cocaine available in the United States has remained stable or declined since 1990, again demonstrating that adequate supplies of cocaine are being produced and smuggled into the United States;

(9) many observers of national drug policy have come to conclude that the efforts of the United States to reduce the supply of drugs through international law enforcement and training, economic development, and crop substitution programs in foreign nations cannot succeed in reducing the supply of drugs available in the United States;

(10) recent studies demonstrate that drug treatment and prevention programs have achieved notable success in reducing drug use and associated criminality, including the commission of violent crime by drug users;

(11) the current national capacity to provide drug treatment falls far short of being able to provide adequate treatment to drug users who need and want treatment;

(12) additional resources are needed to add drug treatment capacity and to expand drug prevention programs.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) in setting forth the budget authority and outlay amounts in this resolution, Congress should take note of the failure of past spending to support international anti-drug programs, including but not limited to those of the Agency for International Development, the Bureau of International Narcotics Matters and the Bureau of Politico-Military Affairs of the Department of State, and the Drug Enforcement Administration; and

(2) the budget authority and outlay amounts in this resolution should be reallocated from international anti-drug programs to support successful drug treatment and prevention programs that will curb the demand for illegal drugs; and

(3) one-half of the budget authority and outlay amounts to combat illegal drugs be expended to reduce the demand for illegal drugs in the United States and one-half of such amounts be expended to reduce the supply of such drugs in the United States;

(4) no budget authority or outlay amounts reallocated in accordance with the provisions of this section shall be taken from budget authority and outlay amounts for foreign aid or international development other than those accounts that support international anti-drug programs.

### GRAMM (AND HUTCHISON) AMENDMENT NO. 1598

**Mr. GRAMM** (for himself and Mrs. HUTCHISON) proposed an amendment to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:

On page 11, decrease the amount on line 14 by $187,000,000.

On page 11, decrease the amount on line 15 by $31,000,000.

On page 11, decrease the amount on line 22 by $187,000,000.

On page 11, decrease the amount on line 23 by $94,000,000.

On page 12, decrease the amount on line 5 by $187,000,000.

On page 12, decrease the amount on line 6 by $187,000,000.

On page 12, decrease the amount on line 13 by $187,000,000.

On page 12, decrease the amount on line 14 by $187,000,000.

On page 12, decrease the amount on line 21 by $187,000,000.

On page 12, decrease the amount on line 22 by $187,000,000.

On page 13, decrease the amount on line 1 by $40,000,000.

On page 13, decrease the amount on line 8 by $7,000,000.

On page 13, decrease the amount on line 14 by $40,000,000.

On page 13, decrease the amount on line 15 by $20,000,000.

On page 13, decrease the amount on line 21 by $40,000,000.

On page 13, decrease the amount on line 22 by $40,000,000.

On page 14, decrease the amount on line 3 by $40,000,000.

On page 14, decrease the amount on line 4 by $40,000,000.

On page 14, decrease the amount on line 10 by $40,000,000.

On page 14, decrease the amount on line 11 by $40,000,000.

On page 14, decrease the amount on line 18 by $183,000,000.

On page 14, decrease the amount on line 19 by $31,000,000.

On page 15, decrease the amount on line 2 by $183,000,000.

On page 15, decrease the amount on line 3 by $92,000,000.

On page 15, decrease the amount on line 10 by $183,000,000.

On page 15, decrease the amount on line 11 by $183,000,000.

On page 15, decrease the amount on line 18 by $183,000,000.

On page 15, decrease the amount on line 19 by $183,000,000.

On page 16, decrease the amount on line 2 by $183,000,000.

On page 16, decrease the amount on line 3 by $183,000,000.

On page 16, decrease the amount on line 11 by $335,000,000.

On page 16, decrease the amount on line 12 by $56,000,000.

On page 16, decrease the amount on line 18 by $335,000,000.

On page 16, decrease the amount on line 19 by $168,000,000.

On page 16, decrease the amount on line 25 by $335,000,000.

On page 17, decrease the amount on line 1 by $335,000,000.

On page 17, decrease the amount on line 7 by $335,000,000.

On page 17, decrease the amount on line 8 by $335,000,000.

On page 17, decrease the amount on line 14 by $335,000,000.

On page 17, decrease the amount on line 15 by $335,000,000.

On page 17, decrease the amount on line 22 by $95,000,000.

On page 17, decrease the amount on line 23 by $16,000,000.

On page 18, decrease the amount on line 5 by $95,000,000.

On page 18, decrease the amount on line 6 by $48,000,000.

On page 18, decrease the amount on line 13 by $95,000,000.

On page 18, decrease the amount on line 14 by $95,000,000.

On page 18, decrease the amount on line 21 by $95,000,000.

On page 18, decrease the amount on line 22 by $95,000,000.

On page 19, decrease the amount on line 5 by $95,000,000.

On page 19, decrease the amount on line 6 by $95,000,000.

On page 19, decrease the amount on line 14 by $635,000,000.

On page 18, decrease the amount on line 15 by $106,000,000.

On page 19, decrease the amount on line 22 by $635,000,000.

On page 19, decrease the amount on line 23 by $318,000,000.

On page 20, decrease the amount on line 5 by $635,000,000.

On page 20, decrease the amount on line 6 by $635,000,000.

On page 20, decrease the amount on line 13 by $635,000,000.

On page 20, decrease the amount on line 14 by $635,000,000.

On page 20, decrease the amount on line 21 by $635,000,000.

On page 20, decrease the amount on line 22 by $635,000,000.

On page 22, decrease the amount on line 23 by $282,000,000.

On page 22, decrease the amount on line 24 by $47,000,000.

On page 23, decrease the amount on line 7 by $282,000,000.

On page 23, decrease the amount on line 8 by $141,000,000.

On page 23, decrease the amount on line 15 by $282,000,000.

On page 23, decrease the amount on line 16 by $282,000,000.

On page 23, decrease the amount on line 23 by $282,000,000.

On page 23, decrease the amount on line 24 by $282,000,000.

On page 24, decrease the amount on line 7 by $282,000,000.

On page 24, decrease the amount on line 8 by $282,000,000.

On page 24, decrease the amount on line 17 by $2,132,000,000.

On page 24, decrease the amount on line 18 by $355,000,000.

On page 24, decrease the amount on line 25 by $2,137,000,000.

On page 25, decrease the amount on line 1 by $1,066,000,000.

On page 25, decrease the amount on line 8 by $2,132,000,000.

On page 25, decrease the amount on line 9 by $2,132,000,000.

On page 25, decrease the amount on line 16 by $2,132,000,000.

On page 25, decrease the amount on line 17 by $2,132,000,000.

On page 25, decrease the amount on line 24 by $2,132,000,000.

On page 25, decrease the amount on line 25 by $2,132,000,000.

On page 26, decrease the amount on line 8 by $450,000,000.

On page 26, decrease the amount on line 9 by $75,000,000.

On page 26, decrease the amount on line 15 by $450,000,000.

On page 26, decrease the amount on line 16 by $225,000,000.

On page 26, decrease the amount on line 22 by $450,000,000.

On page 26, decrease the amount on line 23 by $450,000,000.

On page 27, decrease the amount on line 5 by $450,000,000.

On page 27, decrease the amount on line 6 by $450,000,000.

On page 27, decrease the amount on line 12 by $450,000,000.

On page 27, decrease the amount on line 13 by $450,000,000.

On page 30, decrease the amount on line 20 by $99,000,000.

On page 30, decrease the amount on line 21 by $17,000,000.

On page 31, decrease the amount on line 2 by $99,000,000.

On page 31, decrease the amount on line 3 by $50,000,000.

On page 31, decrease the amount on line 9 by $99,000,000.

On page 31, decrease the amount on line 10 by $99,000,000.

On page 31, decrease the amount on line 16 by $99,000,000.

On page 31, decrease the amount on line 17 by $99,000,000.

On page 31, decrease the amount on line 23 by $99,000,000.

On page 31, decrease the amount on line 24 by $99,000,000.

On page 32, decrease the amount on line 6 by $16,000,000.

On page 32, decrease the amount on line 7 by $3,000,000.

On page 32, decrease the amount on line 13 by $16,000,000.

On page 32, decrease the amount on line 14 by $8,000,000.

On page 32, decrease the amount on line 20 by $16,000,000.

On page 32, decrease the amount on line 21 by $16,000,000.

On page 33, decrease the amount on line 2 by $16,000,000.

On page 33, decrease the amount on line 3 by $16,000,000.

On page 33, decrease the amount on line 9 by $16,000,000.

On page 33, decrease the amount on line 10 by $16,000,000.

On page 33, decrease the amount on line 17 by $30,000,000.

On page 33, decrease the amount on line 18 by $5,000,000.

On page 33, decrease the amount on line 25 by $30,000,000.

On page 34, decrease the amount on line 1 by $15,000,000.

On page 34, decrease the amount on line 8 by $30,000,000.

On page 34, decrease the amount on line 9 by $30,000,000.

On page 34, decrease the amount on line 16 by $30,000,000.

On page 34, decrease the amount on line 17 by $30,000,000.

On page 34, decrease the amount on line 24 by $30,000,000.

On page 34, decrease the amount on line 25 by $30,000,000.

On page 36, decrease the amount on line 20 by $516,000,000.

On page 36, decrease the amount on line 21 by $86,000,000.

On page 37, decrease the amount on line 2 by $516,000,000.

On page 37, decrease the amount on line 3 by $257,000,000.

On page 37, decrease the amount on line 9 by $516,000,000.

On page 37, decrease the amount on line 10 by $516,000,000.

On page 37, decrease the amount on line 16 by $516,000,000.

On page 37, decrease the amount on line 17 by $516,000,000.

On page 37, decrease the amount on line 23 by $516,000,000.

On page 37, decrease the amount on line 24 by $516,000,000.

On page 41, increase the amount on line 11 by $5,000,000,000.

On page 41, increase the amount on line 12 by $833,000,000.

On page 41, increase the amount on line 18 by $5,000,000,000.

On page 41, increase the amount on line 19 by $2,499,000,000.

On page 41, increase the amount on line 25 by $5,000,000,000.

On page 42, increase the amount on line 1 by $5,000,000,000.

On page 42, increase the amount on line 7 by $5,000,000,000.

On page 42, increase the amount on line 8 by $5,000,000,000.

On page 42, increase the amount on line 14 by $5,000,000,000.

On page 42, increase the amount on line 15 by $5,000,000,000.

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## SIMON (AND OTHERS) AMENDMENT NO. 1599

Mr. SIMON (for himself, Mr. BOND, and Mr. PRYOR) proposed an amendment to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:

At the appropriate place in the resolution, insert the following new section:

**SEC. . INTERNAL REVENUE SERVICE COMPLIANCE INITIATIVE.**

(a) ADJUSTMENTS.—For purposes of points of order under the Congressional Budget and Impoundment Control Act of 1974 and concurrent resolutions on the budget—

(1) the discretionary spending limits under section 601(a)(2) of that Act (and those limits as cumulatively adjusted) for the current fiscal year and each outyear;

(2) the allocations to the Committees on Appropriations under sections 302(a) and 602(a) of that Act; and

(3) the levels for major functional category 800 (General Government) and the appropriate budgetary aggregates in the most recently agreed to concurrent resolution on the budget,

shall be adjusted to reflect the amounts of additional new budget authority or additional outlays (as compared with the amounts requested for the Internal Revenue Service in the President's Budget for fiscal year 1995) reported by the Committee on Appropriations in appropriations Acts (or by the committee of conference on such legislation) for the Internal Revenue Service compliance initiative activities in any fiscal year, but not to exceed in any fiscal year $405,000,000 in new budget authority and $405,000,000 in outlays.

(b) REVISED LIMITS ALLOCATIONS, LEVELS, AND AGGREGATES.—Upon the reporting of legislation pursuant to subsection (a), and again upon the submission of a conference report on such legislation in either House (if a conference report is submitted), the Chairmen of the Committees on the Budget of the Senate and the House of Representatives shall file with their respective Houses appropriately revised—

(1) discretionary spending limits under section 601(a)(2) of the Congressional Budget Act of 1974 (and those limits as cumulatively adjusted) for the current fiscal year and each outyear;

(2) allocations to the Committees on Appropriations under sections 302(a) and 602(a) of that Act; and

(3) levels for major functional category 800 (General Government) and the appropriate budgetary aggregates in the most recently agreed to concurrent resolution on the budget,

to carry out this subsection. These revised discretionary spending limits, allocations, functional levels, and aggregates shall be considered for purposes of congressional enforcement under that Act as the discretionary spending limits, allocations, functional levels, and aggregates.

(c) REPORTING REVISED ALLOCATIONS.—The Committees on Appropriations of the Senate and the House of Representatives may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this section.

(d) CONTINGENCIES.—This section shall not apply to any additional new budget authority or additional outlays unless—

(1) in the case of such budget authority or outlays for any fiscal year after fiscal year 1995, the Secretary of the Treasury certifies—

(A) to the Chairmen of the Committees on the Budget of the Senate and the House of Representatives, and

(B) to the Chairmen of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives,

that there has been enacted into law a Taxpayer Bill of Rights 2 which is substantially similar to that contained in the conference report to H.R. 11, 102d Congress, 2d Session;

(2) the Secretary of the Treasury certifies to the chairmen described in paragraph (1)(A) that the Internal Revenue Service will initiate and implement an educational program with respect to the Taxpayer Bill of Rights 1 and 2 for any new employees hired pursuant to such budget authority or outlays;

(3) the Director of the Congressional Budget Office certifies to the chairmen described in paragraph (1)(A) that such budget authority or outlays will not increase the Federal budget deficit; and

(4) any funds made available pursuant to such budget authority or outlays are available only for the purpose of carrying out Internal Revenue Service compliance initiative activities.

(e) SUNSET.—This section shall expire September 30, 1998.

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### GRAHAM (AND OTHERS) AMENDMENT NO. 1600

Mr. GRAHAM (for himself, Mr. KERREY, Mr. LIEBERMAN, Mr. GREGG, Mr. BROWN, Mr. ROBB, and Mr. DOMENICI) proposed an amendment to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:

It is the sense of the Senate that legislation should be enacted providing enforceable limits to control the growth of entitlement or mandatory spending.

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### NUNN (AND OTHERS) AMENDMENT NO. 1601

Mr. NUNN (for himself, Mr. DOMENICI, Mr. ROBB, and Mr. DANFORTH) proposed an amendment to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:

S. 1601

Strike all that occurs beginning on page 5 line 1 and ending on page 45 line 20 and insert in lieu thereof the following:

Fiscal year 1995; $1,242,400,000,000.
Fiscal year 1996; $1,303,300,000,000.
Fiscal year 1997; $1,367,700,000,000.
Fiscal year 1998; $1,435,700,000,000.
Fiscal year 1999; $1,505,100,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total new budget authority are as follows:

Fiscal year 1995; $1,149,200,000,000.
Fiscal year 1996; $1,202,100,000,000.
Fiscal year 1997; $1,256,100,000,000.
Fiscal year 1998; $1,312,800,000,000.
Fiscal year 1999; $1,367,800,000,000.

(3) BUDGET OUTLAYS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1995; $1,216,300,000,000.
Fiscal year 1996; $1,276,600,000,000.
Fiscal year 1997; $1,335,300,000,000.
Fiscal year 1998; $1,380,800,000,000.
Fiscal year 1999; $1,433,400,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total budget outlays are as follows:

Fiscal year 1995; $1,124,000,000,000.
Fiscal year 1996; $1,176,400,000,000.
Fiscal year 1997; $1,224,700,000,000.
Fiscal year 1998; $1,259,500,000,000.
Fiscal year 1999; $1,297,900,000,000.

(4) DEFICITS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1995; $238,600,000,000.
Fiscal year 1996; $245,200,000,000.
Fiscal year 1997; $255,600,000,000.
Fiscal year 1998; $244,400,000,000.
Fiscal year 1999; $243,200,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the amounts of the deficits are as follows:

Fiscal year 1995: $246,600,000,000.
Fiscal year 1996: $251,500,000,000.
Fiscal year 1997: $256,900,000,000.
Fiscal year 1998: $240,900,000,000.
Fiscal year 1999: $231,400,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1995: $4,963,600,000,000.
Fiscal year 1996: $5,272,000,000,000.
Fiscal year 1997: $5,587,200,000,000.
Fiscal year 1998: $5,890,200,000,000.
Fiscal year 1999: $6,182,800,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1995: $26,700,000,000.
Fiscal year 1996: $32,100,000,000.
Fiscal year 1997: $33,800,000,000.
Fiscal year 1998: $35,700,000,000.
Fiscal year 1999: $37,800,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1995: $199,700,000,000.
Fiscal year 1996: $174,400,000,000.
Fiscal year 1997: $164,600,000,000.
Fiscal year 1998: $164,100,000,000.
Fiscal year 1999: $163,500,000,000.

### SEC. 3. DEBT INCREASE AS A MEASURE OF DEFICIT.

The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1995: $306,700,000,000.
Fiscal year 1996: $308,400,000,000.
Fiscal year 1997: $315,200,000,000.
Fiscal year 1998: $303,000,000,000.
Fiscal year 1999: $292,500,000,000.

### SEC. 4 DISPLAY OF FEDERAL RETIREMENT TRUST FUND BALANCES

The balances of the Federal retirement trust funds are as follows:

Fiscal year 1995: $1,161,100,000,000.
Fiscal year 1996: $1,275,200,000,000.
Fiscal year 1997: $1,396,900,000,000.
Fiscal year 1998: $1,524,200,000,000.
Fiscal year 1999: $1,651,300,000,000.

### SEC. 5. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1995: $360,500,000,000.
Fiscal year 1996: $379,600,000,000.
Fiscal year 1997: $399,000,000,000.
Fiscal year 1998: $419,500,000,000.
Fiscal year 1999: $439,800,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1995: $287,600,000,000.
Fiscal year 1996: $301,300,000,000.
Fiscal year 1997: $312,300,000,000.
Fiscal year 1998: $324,400,000,000.
Fiscal year 1999: $337,000,000,000.

### SEC. 6. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1995 through 1999 for each major functional category are:

(1) National Defense (050):

Fiscal year 1995:
(A) New budget authority, $263,800,000,000.
(B) Outlays, $270,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $255,300,000,000.
(B) Outlays, $261,000, 000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $252,000,000,000.
(B) Outlays, $256,400, 000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:
(A) New budget authority, $258,700,000,000.
(B) Outlays, $256,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:
(A) New budget authority, $265,100,000,000.
(B) Outlays, $257,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1995:
(A) New budget authority, $19,300,000,000.
(B) Outlays, $18,100,000,000.
(C) New direct loan obligations, $3,200,000,000.
(D) New primary loan guarantee commitments, $18,000,000,000.

Fiscal year 1996:
(A) New budget authority, $17,200,000,000.
(B) Outlays, $17,300,000,000.
(C) New direct loan obligations, $2,800,000,000.
(D) New primary loan guarantee commitments, $18,500,000,000.

Fiscal year 1997:
(A) New budget authority, $17,000,000,000.
(B) Outlays, $17,300,000,000.
(C) New direct loan obligations, $2,600,000,000.
(D) New primary loan guarantee commitments, $18,500,000,000.

Fiscal year 1998:
(A) New budget authority, $16,800,000,000.
(B) Outlays, $17,600,000,000.
(C) New direct loan obligations, $2,400,000,000.
(D) New primary loan guarantee commitments, $18,500,000,000.

Fiscal year 1999:
(A) New budget authority, $17,000,000,000.
(B) Outlays, $17,500,000,000.
(C) New direct loan obligations, $2,400,000,000.
(D) New primary loan guarantee commitments, $16,500,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1995:

(A) New budget authority, $17,300,000,000.

(B) Outlays, $17,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $17,200,000,000.

(B) Outlays, $17,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $17,300,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $17,400,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $17,600,000,000.

(B) Outlays, $17,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1995:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $5,000,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $5,200,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $5,000,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $6,100,000,000.

(B) Outlays, $4,700,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $5,700,000,000.

(B) Outlays, $4,400,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1995:

(A) New budget authority, $21,700,000,000.

(B) Outlays, $21,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $22,200,000,000.

(B) Outlays, $21,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments. $0.

Fiscal year 1997:

(A) New budget authority, $22,100,000,000.

(B) Outlays, $21,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $22,000,000,000.

(B) Outlays, $21,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $21,600,000,000.

(B) Outlays, $21,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1995:

(A) New budget authority, $12,300,000,000.

(B) Outlays, $11,600,000,000.

(C) New direct loan obligations, $10,100,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1996:

(A) New budget authority, $12,500,000,000.

(B) Outlays, $11,400,000,000.

(C) New direct loan obligations, $9,700,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1997:

(A) New budget authority, $13,000,000,000.

(B) Outlays, $11,700,000,000.

(C) New direct loan obligations, $9,700,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1998:

(A) New budget authority, $13,200,000,000.

(B) Outlays, $12,000,000,000.

(C) New direct loan obligations, $9,800,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1999:

(A) New budget authority, $13,700,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $9,900,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1995:

(A) New budget authority, $7,700,000,000.

(B) Outlays, −$8,300,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $117,900,000,000.

Fiscal year 1996:

(A) New budget authority, $5,300,000,000.

(B) Outlays, −$10,800,000,000.

(C) New direct loan obligations, $3,000,000,000.

(D) New primary loan guarantee commitments, $103,200,000,000.

Fiscal year 1997:

(A) New budget authority, $5,100,000,000.

(B) Outlays, −$3,400,000,000.

(C) New direct loan obligations, $3,100,000,000.

(D) New primary loan guarantee commitments, $95,900,000,000.

Fiscal year 1998:

(A) New budget authority, $5,200,000,000.

(B) Outlays, −$2,900,000,000.

(C) New direct loan obligations, $3,200,000,000.

(D) New primary loan guarantee commitments, $96,900,000,000.

Fiscal year 1999:

(A) New budget authority, $6,200,000,000.

(B) Outlays, −$900,000,000.

(C) New direct loan obligations, $3,400,000,000.

(D) New primary loan guarantee commitments, $99,500,000,000.

(8) Transportation (400):

Fiscal year 1995:

(A) New budget authority, $42,900,000,000.

(B) Outlays, $38,800,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1996:

(A) New budget authority, $41,800,000,000.

(B) Outlays, $39,600,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $43,200,000,000.

(B) Outlays, $40,100,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $44,000,000,000.

(B) Outlays, $40,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $44,600,000,000.

(B) Outlays, $40,500,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1995:

(A) New budget authority, $9,500,000,000.

(B) Outlays, $9,300,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1996:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $8,900,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1997:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,000,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1998:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,100,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1999:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,000,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1995:

(A) New budget authority, $57,600,000,000.

(B) Outlays, $53,600,000,000.

(C) New direct loan obligations, $5,500,000,000.

(D) New primary loan guarantee commitments, $19,000,000,000.

Fiscal year 1996:

(A) New budget authority, $58,200,000,000.

(B) Outlays, $55,500,000,000.

(C) New direct loan obligations, $11,500,000,000.

(D) New primary loan guarantee commitments, $14,000,000,000.

Fiscal year 1997:

(A) New budget authority, $59,900,000,000.

(B) Outlays, $58,100,000,000.

(C) New direct loan obligations, $13,200,000,000.

(D) New primary loan guarantee commitments, $13,200,000,000.

Fiscal year 1998:

(A) New budget authority, $61,700,000,000.

(B) Outlays, $60,600,000,000.

(C) New direct loan obligations, $15,100,000,000.

(D) New primary loan guarantee commitments, $12,300,000,000.

Fiscal year 1999:

(A) New budget authority, $63,200,000,000.

(B) Outlays, $62,200,000,000.

(C) New direct loan obligations, $16,800,000,000.

(D) New primary loan guarantee commitments, $11,200,000,000.

(11) Health (550):

Fiscal year 1995:

(A) New budget authority, $124,300,000,000.

(B) Outlays, $122,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1996:

(A) New budget authority, $136,600,000,000.

(B) Outlays, $135,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

Fiscal year 1997:

(A) New budget authority, $150,900,000,000.

(B) Outlays, $149,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $200,000,000.

Fiscal year 1998:

(A) New budget authority, $166,600,000,000.

(B) Outlays, $165,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $100,000,000.

Fiscal year 1999:

(A) New budget authority, $184,100,000,000.

(B) Outlays, $182,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1995:

(A) New budget authority, $162,400,000,000.

(B) Outlays, $160,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $180,500,000,000.

(B) Outlays, $178,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $198,500,000,000.

(B) Outlays, $196,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $217,700,000,000.

(B) Outlays, $215,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $242,300,000,000.

(B) Outlays, $239,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) For purposes of section 710 of the Social Security Act, Federal Supplementary Medical Insurance Trust Fund:

Fiscal year 1995:

(A) New budget authority, $56,000,000,000.

(B) Outlays, $55,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $65,200,000,000.

(B) Outlays, $64,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $73,300,000,000.

(B) Outlays, $72,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $81,300,000,000.

(B) Outlays, $80,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $92,200,000,000.

(B) Outlays, $90,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(14) Income Security (600):

Fiscal year 1995:

(A) New budget authority, $219,900,000,000.

(B) Outlays, $220,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $234,500,000,000.

(B) Outlays, $229,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $249,100,000,000.

(B) Outlays, $242,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $261,000,000,000.

(B) Outlays, $253,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $272,600,000,000.

(B) Outlays, $264,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Social Security (650):

Fiscal year 1995:

(A) New budget authority, $6,800,000,000.

(B) Outlays, $9,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $9,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $8,300,000,000.

(B) Outlays, $11,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $12,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $9,800,000,000.

(B) Outlays, $13,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(16) Veterans Benefits and Services (700):

Fiscal year 1995:

(A) New budget authority, $37,200,000,000.

(B) Outlays, $36,600,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $32,900,000,000.

Fiscal year 1996:

(A) New budget authority, $37,600,000,000.

(B) Outlays, $36,600,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $27,400,000,000.

Fiscal year 1997:

(A) New budget authority, $38,500,000,000.

(B) Outlays, $38,300,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $25,800,000,000.

Fiscal year 1998:

(A) New budget authority, $38,600,000,000.

(B) Outlays, $38,500,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $25,600,000,000.

Fiscal year 1999:

(A) New budget authority, $39,700,000,000.

(B) Outlays, $39,600,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $25,300,000,000.

(17) Administration of Justice (750):

Fiscal year 1995:

(A) New budget authority, $18,300,000,000.

(B) Outlays, $17,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $20,800,000,000.

(B) Outlays, $19,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $21,600,000,000.

(B) Outlays, $20,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $22,700,000,000.

(B) Outlays, $22,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $24,000,000,000.

(B) Outlays, $23,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) General Government (800):

Fiscal year 1995:

(A) New budget authority, $14,000,000,000.

(B) Outlays, $13,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $14,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $13,400,000,000.

(B) Outlays, $13,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $13,100,000,000.

(B) Outlays, $13,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $13,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Net Interest (900):

Fiscal year 1995:

(A) New budget authority, $247,100,000,000.

(B) Outlays, $247,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $266,900,000,000.

(B) Outlays, $266,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $281,600,000,000.

(B) Outlays, $281,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $295,700,000,000.

(B) Outlays, $295,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $310,200,000,000.

(B) Outlays, $310,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) For purposes of section 710 of the Social Security Act, Net Interest (900):

Fiscal year 1995:

(A) New budget authority, $257,600,000,000.

(B) Outlays, $257,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $277,600,000,000.

(B) Outlays, $277,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $292,400,000,000.

(B) Outlays, $292,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $306,300,000,000.

(B) Outlays, $306,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $320,000,000,000.

(B) Outlays, $320,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(21) The corresponding levels of gross interest on the public debt are as follows:

Fiscal year 1995: $311,800,000,000.

Fiscal year 1996: $330,900,000,000.

Fiscal year 1997: $346,500,000,000.

Fiscal year 1998: $362,400,000,000.

Fiscal year 1999: $378,800,000,000.

(22) Allowances (920):

Fiscal year 1995:

(A) New budget authority, −$9,400,000,000.

(B) Outlays, −$12,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$7,700,000,000.

(B) Outlays, −$9,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$8,400,000,000.

(B) Outlays, −$21,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$11,600,000,000.

(B) Outlays, −$40,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$23,200,000,000.

(B) Outlays, −$62,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(23) Undistributed Offsetting Receipts (950):

Fiscal year 1995:

(A) New budget authority, −$36,100,000,000.

(B) Outlays, −$36,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$30,300,000,000.

(B) Outlays, −$30,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$30,300,000,000.

(B) Outlays, −$30,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$31,200,000,000.

(B) Outlays, −$31,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$31,600,000,000.

(B) Outlays, −$31,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(24) For purposes of section 710 of the Social Security Act, Undistributed Offsetting Receipts (950):

Fiscal year 1995:

(A) New budget authority, −$33,500,000,000.

(B) Outlays, −$33,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$27,100,000,000.

(B) Outlays, −$27,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$27,600,000,000.

(B) Outlays, −$27,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$28,300,000,000.

(B) Outlays, −$28,300,000,000.

(C) New direct loan obligations. $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$28,500,000,000.

(B) Outlays, −$28,500,000,000.

(C) New direct loan obligations. $0.

(D) New primary loan guarantee commitments, $0.

### SEC. 6A. SENSE OF THE SENATE ON CONTROLLING NON-SOCIAL SECURITY MANDATORY SPENDING.

It is the sense of the Senate that the Congress should—

(1) enact this year annual caps on mandatory spending that take effect beginning in fiscal year 1996;

(2) include within such caps all mandatory spending programs except Social Security, deposit insurance and net interest;

(3) provide that the caps shall be set so that programs providing benefits to individuals may grow for inflation, changes in the numbers of beneficiaries, and an additional growth allowance of—

4.0% in 1996,

3.5% in 1997,

3.0% in 1998, and

2.0% in 1999 and thereafter; and

(4) provide that the caps shall be adjusted annually in the President's budget for changes in inflation and the number of beneficiaries in mandatory spending programs since the caps were enacted (excluding any changes due to legislation); and

(5) provide that if total mandatory spending exceeds the formula in section (3), the caps shall be enforced by—

(A) requiring the President's budget to comply with the caps, including submission of proposals to reduce mandatory spending to stay within the caps if a breach is expected under current law;

(B) supermajority points-of-order prohibiting the consideration of future budget resolutions or legislation that would breach the caps, and

(C) at the conclusion of each session of Congress, a sequestration procedure that would reduce mandatory spending by the amount of any breach of the cap in the upcoming year by reducing those programs growing faster than inflation, beneficiary changes, and the additional growth allowance for that year.

(6) Provides for a period of not less than 60 days before such sequestration for committees of the House and the Senate with jurisdiction over mandatory programs which are determined to be exceeding these allowable spending levels to report legislation that reduces direct spending in their jurisdiction by an amount sufficient to eliminate the excess spending.

(7) Ensures that reductions in federal spending for mandatory programs required

by such legislation is not to be achieved by shifting costs to state and local governments.

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## SASSER AMENDMENT NO. 1602

Mr. SASSER proposed an amendment to amendment No. 1601 proposed by Mr. NUNN to the concurrent resolution Senate Concurrent Resolution 63, supra; as follows:

Strike all after the first word in the pending amendment and insert the following:

Fiscal year 1995: $1,242,400,000,000.
Fiscal year 1996: $1,303,500,000,000.
Fiscal year 1997: $1,368,600,000,000.
Fiscal year 1998: $1,437,900,000,000.
Fiscal year 1999: $1,509,600,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total new budget authority are as follows:

Fiscal year 1995: $1,149,200,000,000.
Fiscal year 1996: $1,202,300,000,000.
Fiscal year 1997: $1,257,000,000,000.
Fiscal year 1998: $1,315,000,000,000.
Fiscal year 1999: $1,372,300,000,000.

(3) BUDGET OUTLAYS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1995: $1,216,300,000,000.
Fiscal year 1996: $1,283,200,000,000.
Fiscal year 1997: $1,352,500,000,000.
Fiscal year 1998: $1,412,000,000,000.
Fiscal year 1999: $1,485,100,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total budget outlays are as follows:

Fiscal year 1995: $1,124,000,000,000.
Fiscal year 1996: $1,183,200,000,000.
Fiscal year 1997: $1,241,900,000,000.
Fiscal year 1998: $1,290,700,000,000.
Fiscal year 1999: $1,349,600,000,000.

(4) DEFICITS.—(A) For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1995: $238,600,000,000.
Fiscal year 1996: $252,000,000,000.
Fiscal year 1997: $272,800,000,000.
Fiscal year 1998: $275,600,000,000.
Fiscal year 1999: $294,900,000,000.

(B) For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the amounts of the deficits are as follows:

Fiscal year 1995: $246,600,000,000.
Fiscal year 1996: $258,300,000,000.
Fiscal year 1997: $274,100,000,000.
Fiscal year 1998: $272,100,000,000.
Fiscal year 1999: $283,100,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1995: $4,963,600,000,000.
Fiscal year 1996: $5,278,800,000,000.
Fiscal year 1997: $5,611,200,000,000.
Fiscal year 1998: $5,945,400,000,000.
Fiscal year 1999: $6,289,700,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1995: $26,700,000,000.
Fiscal year 1996: $32,100,000,000.
Fiscal year 1997: $33,800,000,000.
Fiscal year 1998: $35,700,000,000.
Fiscal year 1999: $37,800,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1995: $199,700,000,000.
Fiscal year 1996: $174,400,000,000.
Fiscal year 1997: $164,600,000,000.
Fiscal year 1998: $164,100,000,000.
Fiscal year 1999: $163,500,000,000.

### SEC. 3. DEBT INCREASE AS A MEASURE OF DEFICIT.

The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1995: $306,700,000,000.
Fiscal year 1996: $315,200,000,000.
Fiscal year 1997: $332,400,000,000.
Fiscal year 1998: $334,200,000,000.
Fiscal year 1999: $344,200,000,000.

### SEC. 4. DISPLAY OF FEDERAL RETIREMENT TRUST FUND BALANCES.

The balances of the Federal retirement trust funds are as follows:

Fiscal year 1995: $1,161,100,000,000.
Fiscal year 1996: $1,275,200,000,000.
Fiscal year 1997: $1,396,900,000,000.
Fiscal year 1998: $1,524,200,000,000.
Fiscal year 1999: $1,651,300,000,000.

### SEC. 5. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1995: $360,500,000,000.
Fiscal year 1996: $379,600,000,000.
Fiscal year 1997: $399,000,000,000.
Fiscal year 1998: $419,500,000,000.
Fiscal year 1999: $439,800,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1995: $287,600,000,000.
Fiscal year 1996: $301,300,000,000.
Fiscal year 1997: $312,300,000,000.
Fiscal year 1998: $324,400,000,000.
Fiscal year 1999: $337,000,000,000.

### SEC. 6. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1995 through 1999 for each major functional category are:

(1) National Defense (050):

Fiscal year 1995:
(A) New budget authority, $263,800,000,000.
(B) Outlays, $270,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $255,300,000,000.
(B) Outlays, $261,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $252,000,000,000.
(B) Outlays, $256,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:
(A) New budget authority, $258,700,000,000.
(B) Outlays, $256,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:
(A) New budget authority, $265,100,000,000.
(B) Outlays, $257,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1995:
(A) New budget authority, $19,300,000,000.
(B) Outlays, $18,100,000,000.
(C) New direct loan obligations, $3,200,000,000.
(D) New primary loan guarantee commitments, $18,000,000,000.

Fiscal year 1996:
(A) New budget authority, $17,200,000,000.
(B) Outlays, $17,300,000,000.
(C) New direct loan obligations, $2,800,000,000.
(D) New primary loan guarantee commitments, $18,500,000,000.

Fiscal year 1997:
(A) New budget authority, $17,000,000,000.
(B) Outlays, $17,300,000,000.
(C) New direct loan obligations, $2,600,000,000.
(D) New primary loan guarantee commitments, $18,500,000,000.

Fiscal year 1998:
(A) New budget authority, $16,800,000,000.
(B) Outlays, $17,600,000,000.
(C) New direct loan obligations, $2,400,000,000.
(D) New primary loan guarantee commitments, $18,500,000,000.

Fiscal year 1999:
(A) New budget authority, $17,000,000,000.
(B) Outlays, $17,500,000,000.
(C) New direct loan obligations, $2,400,000,000.
(D) New primary loan guarantee commitments, $16,500,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1995:
(A) New budget authority, $17,300,000,000.
(B) Outlays, $17,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $17,200,000,000.
(B) Outlays, $17,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $17,300,000,000.
(B) Outlays, $17,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:
(A) New budget authority, $17,400,000,000.
(B) Outlays, $17,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:
(A) New budget authority, $17,600,000,000.
(B) Outlays, $17,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1995:
(A) New budget authority, $6,300,000,000.
(B) Outlays, $5,000,000,000.
(C) New direct loan obligations, $1,400,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $5,200,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $5,000,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $6,100,000,000.

(B) Outlays, $4,700,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $5,700,000,000.

(B) Outlays, $4,400,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1995:

(A) New budget authority, $21,700,000,000.

(B) Outlays, $21,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $22,200,000,000.

(B) Outlays, $21,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $22,100,000,000.

(B) Outlays, $21,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $22,000,000,000.

(B) Outlays, $21,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $21,600,000,000.

(B) Outlays, $21,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1995:

(A) New budget authority, $12,300,000,000.

(B) Outlays, $11,600,000,000.

(C) New direct loan obligations, $10,100,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1996:

(A) New budget authority, $12,500,000,000.

(B) Outlays, $11,400,000,000.

(C) New direct loan obligations, $9,700,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1997:

(A) New budget authority, $13,000,000,000.

(B) Outlays, $11,700,000,000.

(C) New direct loan obligations, $9,700,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1998:

(A) New budget authority, $13,200,000,000.

(B) Outlays, $12,000,000,000.

(C) New direct loan obligations, $9,800,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

Fiscal year 1999:

(A) New budget authority, $13,700,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $9,900,000,000.

(D) New primary loan guarantee commitments, $7,400,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1995:

(A) New budget authority, $7,700,000,000.

(B) Outlays, −$8,300,000,000.

(C) New direct loan obligations, $2,800,000,000.

(D) New primary loan guarantee commitments, $117,900,000,000.

Fiscal year 1996:

(A) New budget authority, $5,300,000,000.

(B) Outlays, −$10,800,000,000.

(C) New direct loan obligations, $3,000,000,000.

(D) New primary loan guarantee commitments, $103,200,000,000.

Fiscal year 1997:

(A) New budget authority, $5,100,000,000.

(B) Outlays, −$3,400,000,000.

(C) New direct loan obligations, $3,100,000,000.

(D) New primary loan guarantee commitments, $95,900,000,000.

Fiscal year 1998:

(A) New budget authority, $5,200,000,000.

(B) Outlays, −$2,900,000,000.

(C) New direct loan obligations, $3,200,000,000.

(D) New primary loan guarantee commitments, $96,600,000,000.

Fiscal year 1999:

(A) New budget authority, $6,200,000,000.

(B) Outlays, −$900,000,000.

(C) New direct loan obligations, $3,400,000,000.

(D) New primary loan guarantee commitments, $99,500,000,000.

(8) Transportation (400):

Fiscal year 1995:

(A) New budget authority, $42,900,000,000.

(B) Outlays, $38,800,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 1996:

(A) New budget authority, $41,800,000,000.

(B) Outlays, $39,600,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $43,200,000,000.

(B) Outlays, $40,100,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $44,000,000,000.

(B) Outlays, $40,300,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $44,600,000,000.

(B) Outlays, $40,500,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1995:

(A) New budget authority, $9,500,000,000.

(B) Outlays, $9,300,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1996:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $8,900,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1997:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,000,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1998:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,100,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

Fiscal year 1999:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $9,000,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1995:

(A) New budget authority, $57,600,000,000.

(B) Outlays, $53,600,000,000.

(C) New direct loan obligations, $5,500,000,000.

(D) New primary loan guarantee commitments, $19,000,000,000.

Fiscal year 1996:

(A) New budget authority, $58,200,000,000.

(B) Outlays, $55,500,000,000.

(C) New direct loan obligations, $11,500,000,000.

(D) New primary loan guarantee commitments, $14,000,000,000.

Fiscal year 1997:

(A) New budget authority, $59,900,000,000.

(B) Outlays, $58,100,000,000.

(C) New direct loan obligations, $13,200,000,000.

(D) New primary loan guarantee commitments, $13,200,000,000.

Fiscal year 1998:

(A) New budget authority, $61,700,000,000.

(B) Outlays, $60,600,000,000.

(C) New direct loan obligations, $15,100,000,000.

(D) New primary loan guarantee commitments, $12,300,000,000.

Fiscal year 1999:

(A) New budget authority, $63,200,000,000.

(B) Outlays, $62,200,000,000.

(C) New direct loan obligations, $16,800,000,000.

(D) New primary loan guarantee commitments, $11,200,000,000.

(11) Health (550):

Fiscal year 1995:

(A) New budget authority, $123,800,000,000.

(B) Outlays, $122,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $400,000,000.

Fiscal year 1996:

(A) New budget authority, $136,600,000,000.

(B) Outlays, $135,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

Fiscal year 1997:

(A) New budget authority, $150,900,000,000.

(B) Outlays, $149,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $200,000,000.

Fiscal year 1998:

(A) New budget authority, $166,600,000,000.

(B) Outlays, $165,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $100,000,000.

Fiscal year 1999:

(A) New budget authority, $184,100,000,000.

(B) Outlays, $182,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1995:

(A) New budget authority, $162,400,000,000.

(B) Outlays, $160,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $180,500,000,000.

(B) Outlays, $178,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $198,500,000,000.

(B) Outlays, $196,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $217,700,000,000.

(B) Outlays, $215,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $242,300,000,000.

(B) Outlays, $239,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) For purposes of section 710 of the Social Security Act, Federal Supplementary Medical Insurance Trust Fund:

Fiscal year 1995:

(A) New budget authority, $56,000,000,000.

(B) Outlays, $55,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $65,200,000,000.

(B) Outlays, $64,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $73,300,000,000.

(B) Outlays, $72,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $81,300,000,000.

(B) Outlays, $80,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $92,200,000,000.

(B) Outlays, $90,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(14) Income Security (600):

Fiscal year 1995:

(A) New budget authority, $219,900,000,000.

(B) Outlays, $220,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $234,500,000,000.

(B) Outlays, $229,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $249,100,000,000.

(B) Outlays, $242,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $261,000,000,000.

(B) Outlays, $253,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $272,600,000,000.

(B) Outlays, $264,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Social Security (650):

Fiscal year 1995:

(A) New budget authority, $6,800,000,000.

(B) Outlays, $9,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $6,300,000,000.

(B) Outlays, $9,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $8,300,000,000.

(B) Outlays, $11,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $12,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $9,800,000,000.

(B) Outlays, $13,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(16) Veterans Benefits and Services (700):

Fiscal year 1995:

(A) New budget authority, $37,200,000,000.

(B) Outlays, $36,600,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $32,900,000,000.

Fiscal year 1996:

(A) New budget authority, $37,600,000,000.

(B) Outlays, $36,600,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $27,400,000,000.

Fiscal year 1997:

(A) New budget authority, $38,500,000,000.

(B) Outlays, $38,300,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $25,800,000,000.

Fiscal year 1998:

(A) New budget authority, $38,600,000,000.

(B) Outlays, $38,500,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $25,600,000,000.

Fiscal year 1999:

(A) New budget authority, $39,700,000,000.

(B) Outlays, $39,600,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $25,300,000,000.

(17) Administration of Justice (750):

Fiscal year 1995:

(A) New budget authority, $18,300,000,000.

(B) Outlays, $17,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $20,800,000,000.

(B) Outlays, $19,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $21,600,000,000.

(B) Outlays, $20,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $22,700,000,000.

(B) Outlays, $22,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $24,000,000,000.

(B) Outlays, $23,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) General Government (800):

Fiscal year 1995:

(A) New budget authority, $14,000,000,000.

(B) Outlays, $13,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $14,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $13,400,000,000.

(B) Outlays, $13,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $13,100,000,000.

(B) Outlays, $13,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $13,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Net Interest (900):

Fiscal year 1995:

(A) New budget authority, $247,100,000,000.

(B) Outlays, $247,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $267,100,000,000.
(B) Outlays, $267,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $282,500,000,000.
(B) Outlays, $282,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:
(A) New budget authority, $297,900,000,000.
(B) Outlays, $297,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:
(A) New budget authority, $314,700,000,000.
(B) Outlays, $314,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(20) For purposes of section 710 of the Social Security Act, Net Interest (900):

Fiscal year 1995:
(A) New budget authority, $257,600,000,000.
(B) Outlays, $257,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $277,800,000,000.
(B) Outlays, $277,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $293,300,000,000.
(B) Outlays, $293,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:
(A) New budget authority, $308,500,000,000.
(B) Outlays, $308,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:
(A) New budget authority, $324,500,000,000.
(B) Outlays, $324,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(21) The corresponding levels of gross interest on the public debt are as follows:

Fiscal year 1995: $311,800,000,000.
Fiscal year 1996: $331,100,000,000.
Fiscal year 1997: $347,400,000,000.
Fiscal year 1998: $364,600,000,000.
Fiscal year 1999: $383,300,000,000.

(22) Allowances (920):

Fiscal year 1995:
(A) New budget authority, −$9,400,000,000.
(B) Outlays, −$12,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, −$7,700,000,000.
(B) Outlays, −$3,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, −$8,400,000,000.
(B) Outlays, −$5,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:
(A) New budget authority, −$11,600,000,000.
(B) Outlays, −$11,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:
(A) New budget authority, −$23,200,000,000.
(B) Outlays, −$14,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(23) Undistributed Offsetting Receipts (950):

Fiscal year 1995:
(A) New budget authority, −$36,100,000,000.
(B) Outlays, −$36,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, −$30,300,000,000.
(B) Outlays, −$30,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, −$30,300,000,000.
(B) Outlays, −$30,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:
(A) New budget authority, −$31,200,000,000.
(B) Outlays, −$31,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:
(A) New budget authority, −$31,600,000,000.
(B) Outlays, −$31,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(24) For purposes of section 710 of the Social Security Act, Undistributed Offsetting Receipts (950):

Fiscal year 1995:
(A) New budget authority, −$33,500,000,000.
(B) Outlays, −$33,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, −$27,100,000,000.
(B) Outlays, −$27,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, −$27,600,000,000.
(B) Outlays, −$27,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:
(A) New budget authority, −$28,300,000,000.
(B) Outlays, −$28,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:
(A) New budget authority, −$28,500,000,000.
(B) Outlays, −$28,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

### SENSE OF THE CONGRESS THAT HEALTH CARE REFORM SHOULD CONTRIBUTE TO DEFICIT REDUCTION.

(a) FINDINGS.—The Congress finds that—

(1) millions of Americans fear that job loss, illness, or a pre-existing condition will deprive them of health insurance;

(2) some 39 million Americans, most of them working Americans, are without health insurance;

(3) the cost of health care in America is growing at a rate of 8 percent a year, more than double the annual inflation rate;

(4) the only areas in the Federal budget that are growing faster than the economy as a whole are the health care programs, growing at 11 percent a year;

(5) we must constrain the growth of those mandatory programs that are growing faster than the Consumer Price Index plus population plus 4 percent in 1996, 3.5 percent in 1997, 3 percent in 1998, and 2 percent in 1999;

(6) almost all health care reform proposals, both Democratic and Republican assume some savings from Federal health care programs will be used to offset the costs of comprehensive health reform proposals designed to correct the above listed problems.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that Congress should adopt comprehensive health care reform that will curtail the growth of health care spending and devote the savings both to lower the deficit and to offset the cost of whatever comprehensive health reform legislation that Congress ultimately enacts.

## TWIN FALLS COUNTY LANDFILL ACT OF 1993

### CRAIG AMENDMENT NO. 1603

Mr. CRAIG proposed an amendment to the bill (S. 1402) to convey a certain parcel of public land to the county of the Twin Falls, ID, for use as a landfill, and for other purposes; as follows:

Revise section 2(a) to read as follows:

"(a) Effective on the tender by the County of Twin Falls, Idaho, of the fair market value for the lands described in subsection (b) to the Secretary of the Interior, all right, title, and interest in and to such lands, except for subsurface minerals which are reserved to the United States, is transferred by operation of law to the County of Twin Falls. The Secretary shall evidence such conveyance as soon as possible thereafter by appropriate quitclaim deed."

In section 2, delete subsections (b) and (c) and redesignate subsection (d) as (b).

At the end of the bill add a new subsection (c) as follows:

"(c) Subject to valid existing rights, the lands referred to in subsection (b) are withdrawn from location, entry, and patent under the United States mining laws and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto."

## UNDER SECRETARY FOR HEALTH IN THE DEPARTMENT OF VETERANS' AFFAIRS ACT

### ROCKEFELLER AMENDMENT NO. 1604

Mr. FORD (for Mr. ROCKEFELLER) proposed an amendment to the bill (S. 1534) to amend title 38, United States Code, to repeal a requirement that the Under Secretary for Health in the Department of Veterans' Affairs be a doctor of medicine; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

### SECTION 1. MODIFICATION TO PHYSICIAN REQUIREMENT FOR CERTAIN SENIOR VETERANS HEALTH ADMINISTRATION OFFICIALS.

(a) Under Secretary.—Section 305 of title 38, United States Code, is amended—

(1) in subsection (a)(2), by striking out "shall be a doctor of medicine and shall be" and inserting in lieu thereof "shall (except as provided in subsection (d)(1)) be a doctor of medicine. The Under Secretary shall be";

(2) in subsection (d)—

(A) by adding at the end of paragraph (1) the following: "If at the time such a commission is established both the position of Deputy Under Secretary for Health and the position of Associate Deputy Under Secretary for Health are held by individuals who are doctors of medicine, the individual appointed by the President as Under Secretary for Health may be someone who is not a doctor of medicine. In any case, the Secretary shall develop, and shall furnish to the commission, specific criteria which the commission shall use in evaluating individuals for recommendations under paragraph (3).";

(B) by redesignating paragraph (4) as paragraph (5);

(C) by inserting after the first sentence of paragraph (3) the following: "In a case in which, pursuant to paragraph (1), the individual to be appointed as Under Secretary does not have to be a doctor of medicine, the commission may make recommendations without regard to the requirement in subsection (a)(2)(A) that the Under Secretary be appointed on the basis of demonstrated ability in the medical profession."; and

(D) by designating the sentence beginning "the commission shall submit" as paragraph (4).

(b) Deputy and Associate Deputy Under Secretary.—Section 7306 of such title is amended—

(1) in subsection (a), by inserting "(except as provided in subsection (c))" in paragraphs (1) and (2) after "and who shall";

(2) in subsection (c)—

(A) by inserting "(1)" and "(c)"; and

(B) by adding at the end the following:

"(2) If at the time of the appointment of the Deputy Under Secretary for Health under subsection (a)(1), both the position of Under Secretary for Health and the position of Associate Deputy Under Secretary for Health are held by individuals who are doctors of medicine, the individual appointed as Deputy Under Secretary for Health may be someone who is not a doctor of medicine.

"(3) If at the time of the appointment of the Associate Deputy Under Secretary for Health under subsection (a)(2), both the position of Under Secretary for Health and the position of Deputy Under Secretary for Health are held by individuals who are doctors of medicine, the individual appointed as Associate Deputy Under Secretary for Health may be someone who is not a doctor of medicine.".

### SEC. 2. REQUIREMENT RELATING TO MEMBERS OF COMMISSION TO RECOMMEND APPOINTEES.

Section 305(d)(2) of title 38, United States Code, is amended—

(1) by striking out "A commission" and inserting in lieu thereof "(A) Subject to subparagraph (B), a commission";

(2) by redesignating subparagraphs (A), (B), (C), (D), (E), and (F) as clauses (i), (ii), (iii), (iv), (v), and (vi), respectively; and

(3) by adding at the end the following new subparagraph (B):

"(B) Not less than five of the members of the commission shall be doctors of medicine.".

Amend the title so as to read: "An Act to amend title 38, United States Code, to allow one of the three senior officials in the Veterans Health Administration of the Department of Veterans Affairs to be an individual who is not a doctor of medicine, and for other purposes.".

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## PREVENTIVE HEALTH SERVICES AND HEALTH PROFESSIONS AMENDMENTS ACT OF 1993

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## KENNEDY AMENDMENT NO. 1605

Mr. MITCHELL (for Mr. Kennedy) proposed an amendment to the bill (S. 1569) to amend the Public Health Service Act to establish, reauthorize and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

### SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Disadvantaged Minority Health Improvement Act of 1993".

(b) Reference.—Except as otherwise expressly provided, whenever in this Act an amendment or a repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

(c) Table of Contents.—The table of contents is as follows:

Sec. 1. Short title; reference; table of contents.
Sec. 2. Findings.

TITLE I—HEALTH POLICY

Sec. 101. Office of Minority Health.
Sec. 102. Agency Offices of Minority Health.
Sec. 103. State Offices of Minority Health.
Sec. 104. Assistant Secretary of Health and Human Services for Civil Rights.

TITLE II—HEALTH SERVICES

Sec. 201. Health services for residents of public housing.
Sec. 202. Issuance of regulations regarding language as impediment to receipt of services.
Sec. 203. Health services for Pacific Islanders.

TITLE III—HEALTH PROFESSIONS

Sec. 301. Loans for disadvantaged students.
Sec. 302. Cesar Chavez primary care scholarship program.
Sec. 303. Thurgood Marshall scholarship program.
Sec. 304. Loan repayments and fellowships regarding faculty positions at health professions schools.
Sec. 305. Centers of excellence.
Sec. 306. Educational assistance regarding undergraduates.
Sec. 307. Area health education centers.

TITLE IV—RESEARCH AND DATA COLLECTION

Sec. 401. Office of Research on Minority Health.
Sec. 402. Activities of Agency for Health Care Policy and Research.
Sec. 403. Data collection by National Center for Health Statistics.

TITLE V—MISCELLANEOUS

Sec. 501. Revision and extension of program for State Offices of Rural Health.
Sec. 502. Technical corrections relating to health professions.
Sec. 503. Clinical traineeships.
Sec. 504. Demonstration project grants to States for Alzheimer's disease.
Sec. 505. Medically underserved area study.
Sec. 506. Programs regarding birth defects.
Sec. 507. Demonstration projects regarding diabetic-retinopathy.
Sec. 508. Mexican Border State Analytical Laboratories.
Sec. 509. Construction of regional centers for research on primates.

TITLE VI—GENERAL PROVISIONS

Sec. 601. Effective date.

### SEC. 2. FINDINGS.

Section 1(b) of the Disadvantaged Minority Health Improvement Act of 1990 (42 U.S.C. 300u–6 note) is amended to read as follows—

"(b) Findings.—Congress finds that—

"(1) the health status of individuals from racial and ethnic minorities in the United States is significantly lower than the health status of the general population and has not improved significantly since the issuance of the 1985 report entitled "Report of the Secretary's Task Force on Black and Minority Health";

"(2) racial and ethnic minorities are disproportionately represented among the poor;

"(3) racial and ethnic minorities suffer disproportionately high rates of cancer, heart disease, diabetes, substance abuse, acquired immune deficiency syndrome, and other diseases and disorders;

"(4) the incidence of infant mortality among African Americans is almost double that for the general population;

"(5) Mexican-American and Puerto Rican adults have diabetes rates twice that of non-Hispanic whites;

"(6) a third of American Indian deaths occur before the age of 45;

"(7) according to the 1990 Census, African Americans, Hispanics, American Indians, and Asian/Pacific Islanders constitute approximately 12.1 percent, 9 percent, 0.08 percent, and 2.9 percent, respectively, of the population of the United States;

"(8) minority health professionals have historically tended to practice in low-income areas, medically underserved areas, and to serve racial and ethnic minorities;

"(9) minority health professionals have historically tended to engage in the general practice of medicine and specialties providing primary care;

"(10) reports published in leading medical journals indicate that access to health care among minorities can be substantially improved by increasing the number of minority professionals;

"(11) diversity in the faculty and student body of health professions schools enhances the quality of education for all students attending the schools; and

"(12) health professionals need greater access to continuing medical education programs to enable such professionals to upgrade their skills (including linguistic and cultural competence skills) and improve the quality of medical care rendered in minority communities.".

## TITLE I—HEALTH POLICY

### SEC. 101. OFFICE OF MINORITY HEALTH.

Section 1707 (42 U.S.C. 300u–6) is amended by striking subsection (b) and all that follows and inserting the following:

"(b) Duties.—With respect to improving the health of racial and ethnic minorities, the Secretary, acting through the Deputy Assistant Secretary for Minority Health, shall carry out the following:

"(1) Establish short-range and long-range goals and objectives and coordinate all other activities within the Public Health Service that relate to disease prevention, health promotion, service delivery, and research concerning such individuals. The Director of the Centers for Disease Control and Prevention, the Administrator of the Health Resources and Services Administration, the Director of the Agency for Health Care Policy and Research, the Administrator of the Substance Abuse and Mental Health Services Administration and the Director of the National Institutes of Health shall consult with the Deputy Assistant Secretary for Minority Health to ensure the coordination of all activities within the Public Health Service as they relate to disease prevention, health promotion, service delivery, and research concerning such individuals.

"(2) Carry out the following types of activities by entering into interagency agreements with other agencies of the Public Health Service:

"(A) Support research, demonstrations and evaluations to test new and innovative models.

"(B) Increase knowledge and understanding of health risk factors.

"(C) Develop mechanisms that support better information dissemination, education, prevention, and service delivery to individuals from disadvantaged backgrounds, including racial and ethnic minorities.

"(3) Support a national minority health resource center to carry out the following:

"(A) Facilitate the exchange of information regarding matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care.

"(B) Facilitate access to such information.

"(C) Assist in the analysis of issues and problems relating to such matters.

"(D) Provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance).

"(4) Establish a national center that shall carry out programs to improve access to health care services for individuals with limited English proficiency by facilitating the removal of impediments to the receipt of health care that result from such limitation.

"(5) With respect to grants and contracts that are available under certain minority health programs, the Secretary shall ensure that the agencies of the Public Health Service—

"(A) inform entities, as appropriate, that the entities may be eligible for the awards;

"(B) provide technical assistance to such entities in the process of preparing and submitting applications for the awards in accordance with the policies of the Secretary regarding such application; and

"(C) inform populations, as appropriate, that members of the populations may be eligible to receive services or otherwise participate in the activities carried out with such awards.

"(6) Not later than September 1 of each year, the Deputy Assistant Secretary of Minority Health shall prepare and submit to the Secretary a report summarizing the activities of each Office of Minority Health within the Public Health Service, including the Office of Research on Minority Health at the National Institutes of Health.

"(c) ADVISORY COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Health (in this subsection referred to as the 'Committee').

"(2) DUTIES.—The Committee shall provide advice to the Secretary on carrying out this section, including advice on the development of goals and specific program activities under subsection (b)(1) for each racial and ethnic group.

"(3) CHAIRPERSON.—The Deputy Assistant Secretary for Minority Health shall serve as the Chairperson of the Committee.

"(4) COMPOSITION.—The Committee shall be composed of no fewer than 12, and not more than 18 individuals, who are not officers or employees of the Federal Government. The Secretary shall appoint the members of the Committee from among individuals with expertise regarding issues of minority health. The membership of the Committee shall be equitably representative of the various racial and ethnic groups. The Secretary may appoint representatives from selected Federal agencies to serve as ex officio, non-voting members of the Committee.

"(5) TERMS.—Each member of the Committee shall serve for a term of 4 years, except that the Secretary shall initially appoint a portion of the members to terms of 1 year, 2 years, and 3 years.

"(6) VACANCIES.—If a vacancy occurs on the Committee, a new member shall be appointed by the Secretary within 90 days from the date that the vacancy occurs, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Committee.

"(7) COMPENSATION.—Members of the Committee who are officers or employees of the United States shall serve without compensation. Members of the Committee who are not officers or employees of the United States shall receive, for each day (including travel time) they are engaged in the performance of the functions of the Committee, compensation at rates that do not exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule under title 5, United States Code.

"(d) CERTAIN REQUIREMENTS REGARDING DUTIES.—

"(1) RECOMMENDATIONS REGARDING LANGUAGE AS IMPEDIMENT TO HEALTH CARE.—The Secretary, acting through the Director of the Office of Refugee Health, the Director of the Office of Civil Rights, and the Director of the Office of Minority Health of the Health Resources and Services Administration, shall make recommendations regarding activities under subsection (b)(4).

"(2) EQUITABLE ALLOCATION REGARDING ACTIVITIES.—In awarding grants or contracts under section 338A, 338B, 340A, 724, 737, 738, or 1707, the Secretary shall ensure that such awards are equitably allocated with respect to the various racial and ethnic populations.

"(3) CULTURAL COMPETENCY OF SERVICES.—The Secretary shall ensure that information and services provided pursuant to subsection (b) are provided in the language and cultural context that is most appropriate for the individuals for whom the information and services are intended.

"(4) PEER REVIEW.—The Secretary shall ensure that each application for a grant, contract or cooperative agreement under this section undergoes appropriate peer review.

"(e) REPORTS.—Not later than January 31 of fiscal year 1995 and of each second year thereafter, the Secretary shall submit to the Congress a report describing the activities carried out under this section during the preceding 2 fiscal years and evaluating the extent to which such activities have been effective in improving the health of racial and ethnic minorities.

"(f) GRANTS AND CONTRACTS REGARDING DUTIES.—

"(1) AUTHORITY.—In carrying out subsection (b), the Secretary may enter into grants and contracts with public and nonprofit private entities.

"(2) EVALUATION AND DISSEMINATION.—The Secretary shall, directly or through contracts with public and private entities, provide for evaluations of projects carried out with financial assistance provided under paragraph (1) during the preceding 2 fiscal years. The report shall be included in the report required under subsection (e) for the fiscal year involved.

"(g) DEFINITION.—As used in this section, the term 'racial and ethnic minority group' means Hispanics, Blacks, Asian Americans, Pacific Islanders, Native Americans, and Alaskan Natives. The term 'Hispanic' means individuals whose origin is Mexican, Puerto Rican, Cuban, Central or South American, or any other Spanish-speaking country, including Spain or the Caribbean Islands, and individuals identifying themselves as Hispanic, Latino, Spanish, or Spanish-American.

"(h) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $20,500,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(2) ALLOCATION OF FUNDS BY SECRETARY.—Of the amounts appropriated under paragraph (1) for a fiscal year in excess of $15,000,000, the Secretary shall make available not less than $3,000,000 for activities to improve access to health care services for individuals with limited English proficiency, including activities identified in subsection (b)(4).".

**SEC. 102. AGENCY OFFICES OF MINORITY HEALTH.**

Title XVII (42 U.S.C. 300u et seq.) is amended by adding at the end the following new section:

**"SEC. 1709. AGENCY OFFICES OF MINORITY HEALTH.**

"(a) IN GENERAL.—The Secretary shall ensure that an Office of Minority Health is operating at the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Administration, and the Agency for Health Care Policy and Research. Such Offices shall ensure that services and programs carried out within each such respective agency or office—

"(1) are equitably delivered with respect to racial and ethnic groups;

"(2) provide culturally and linguistically competent services; and

"(3) utilize racial and ethnic minority community-based organizations to deliver services.

"(b) REPORTS.—Each Office of Minority Health within the Public Health Service, including the Office of Research on Minority Health at the National Institutes of Health, shall submit a report, not later than May 1 of each year, to the Deputy Assistant Secretary for Minority Health (as provided for in section 1707(b)) describing the accomplishments or programs of the plan, the budget allocation and expenditures for, and the development and implementation of, such health programs targeting racial and ethnic minority populations. The Secretary shall ensure the participation and cooperation of each Agency in the development of the annual report.".

### SEC. 103. STATE OFFICES OF MINORITY HEALTH.

Title XVII (42 U.S.C. 300u et seq.), as amended by section 102, is further amended by adding at the end the following new section:

### "SEC. 1710. GRANTS TO STATES FOR OPERATION OF OFFICES OF MINORITY HEALTH.

"(a) In General.—The Secretary, acting through the Deputy Assistant Secretary for Minority Health (as provided for in section 1707), may make grants to States for the purpose of improving the health status in minority communities, through the operation of State offices of minority health established to monitor and facilitate the achievement of the Health Objectives for the Year 2000 as they affect minority populations.

"(b) Administration of Program.—The Secretary may not make a grant to a State under subsection (a) unless such State agrees that the program carried out by the State with amounts received under the grant will be administered directly by a single State agency.

"(c) Certain Required Activities.—The Secretary may not make a grant to a State under subsection (a) unless such State agrees that activities carried out by an office operated under the grant received pursuant to such subsection will—

"(1) establish and maintain within the State a clearinghouse for collecting and disseminating information on—

"(A) minority health care issues;

"(B) research findings relating to minority health care; and

"(C) innovative approaches to the delivery of health care and social services in minority communities;

"(2) coordinate the activities carried out in the State that relate to minority health care, including providing coordination for the purpose of avoiding redundancy in such activities;

"(3) identify Federal and State programs regarding minority health, and providing technical assistance to public and nonprofit entities regarding participation in such program; and

"(4) develop additional Healthy People 2000 objectives for the State that are necessary to address the most prevalent morbidity, mortality and disability concerns for racial and ethnic minority groups in the State.

"(d) Requirement Regarding Annual Budget for the Office.—The Secretary may not make a grant to a State under subsection (a) unless such State agrees that, for any fiscal year for which the State receives such a grant, the office operated under such grant will be provided with an annual budget of not less than $75,000.

"(e) Certain Uses of Funds.—

"(1) Restrictions.—The Secretary may not make a grant to a State under subsection (a) unless such State agrees that—

"(A) if research with respect to minority health is conducted pursuant to the grant, not more than 10 percent of the amount received under the grant will be expended for such research; and

"(B) amounts provided under the grant will not be expended—

"(i) to provide health care (including providing cash payments regarding such care);

"(ii) to conduct activities for which Federal funds are expended—

"(I) within the State to provide technical and other nonfinancial assistance under subsection (m) of section 340A;

"(II) under a memorandum of agreement entered into with the State under subsection (h) of such section; or

"(III) under a grant under section 388I;

"(iii) to purchase medical equipment, to purchase ambulances, aircraft, or other vehicles, or to purchase major communications equipment;

"(iv) to purchase or improve real property; or

"(v) to carry out any activity regarding a certificate of need.

"(2) Authorities.—Activities for which a State may expend amounts received under a grant under subsection (a) include—

"(A) paying the costs of establishing an office of minority health for purposes of subsection (a);

"(B) subject to paragraph (1)(B)(ii)(III), paying the costs of any activity carried out with respect to recruiting and retaining health professionals to serve in minority communities or underserved areas in the State; and

"(C) providing grants and contracts to public and nonprofit entities to carry out activities authorized in this section.

"(f) Reports.—The Secretary may not make a grant to a State under subsection (a) unless such State agrees—

"(1) to submit to the Secretary reports containing such information as the Secretary may require regarding activities carried out under this section by the State; and

"(2) to submit a report not later than January 10 of each fiscal year immediately following any fiscal year for which the State has received such a grant.

"(g) Reimbursement of Application.—The Secretary may not make a grant to a State under subsection (a) unless an application for the grant is submitted to the Secretary and the application in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out such subsection.

"(h) Noncompliance.—The Secretary may not make payments under subsection (a) to a State for any fiscal year subsequent to the first fiscal year of such payments unless the Secretary determines that, for the immediately preceding fiscal year, the State has complied with each of the agreements made by the State under this section.

"(i) Authorization of Appropriations.—

"(1) In general.—For purposes of making grants under subsection (a) there are authorized to be appropriated $3,000,000 for fiscal year 1995, $4,000,000 for fiscal year 1996, and $3,000,000 for fiscal year 1997.

"(2) Availability.—Amounts appropriated under paragraph (1) shall remain available until expended.

"(j) Termination of Program.—No grant may be made under this section after the aggregate amounts appropriated under subsection (i)(1) are equal to $10,000,000.".

### SEC. 104. ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES FOR CIVIL RIGHTS.

(a) In General.—Part A of title II (42 U.S.C. 202 et seq.), as amended by section 2010 of Public Law 103-43, is amended by adding at the end the following new section:

### "SEC. 229. ASSISTANT SECRETARY FOR CIVIL RIGHTS.

"(a) Establishment of Position.—There shall be in the Department of Health and Human Services an Assistant Secretary for Civil Rights, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) Responsibilities.—The Assistant Secretary shall perform such functions relating to civil rights as the Secretary may assign.".

(b) Conforming Amendment.—Section 5315 of title 5, United States Code, is amended, in the item relating to Assistant Secretaries of Health and Human Services, by striking "(5)" and inserting "(6)".

## TITLE II—HEALTH SERVICES

### SEC. 201. HEALTH SERVICES FOR RESIDENTS OF PUBLIC HOUSING.

Section 340A(p)(1) (42 U.S.C. 256a(p)(1)) is amended—

(1) by striking "$35,000,000 for fiscal year 1991" and inserting "$12,000,000 for fiscal year 1994"; and

(2) by striking "1992 and 1993" and inserting "1995 and 1996".

### SEC. 202. ISSUANCE OF REGULATIONS REGARDING LANGUAGE AS IMPEDIMENT TO RECEIPT OF SERVICES.

(a) Proposed Rule.—Not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall issue a proposed rule regarding policies to reduce the extent to which having limited English proficiency constitutes a significant impediment to individuals in establishing the eligibility of the individuals for—

(1) participation in health programs under the Public Health Service Act;

(2) the receipt of services under such programs and under programs under titles XVIII and XIX of the Social Security Act; or

(3) participation in programs or activities otherwise receiving financial assistance from the Secretary or receiving services under such programs or activities.

(b) Final Rule.—

(1) In general.—Not later than the expiration of the 1-year period beginning on the date of the enactment of this Act, the Secretary shall issue a final rule regarding the policies described in subsection (a).

(2) Failure to issue by date certain.—If the Secretary fails to issue a final rule under paragraph (1) before the expiration of the period specified in such paragraph, the proposed rule issued under subsection (a) is upon such expiration deemed to be the final rule under paragraph (1) (and shall remain in effect until the Secretary issues a final rule under such paragraph).

### SEC. 203. HEALTH SERVICES FOR PACIFIC ISLANDERS.

Section 10 of the Disadvantaged Minority Health Improvement Act of 1990 (42 U.S.C. 254c-1) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting ", substance abuse" after "availability of health"; and

(ii) by striking ", including improved health data systems";

(B) in paragraph (3)—

(i) by striking "manpower" and inserting "care providers"; and

(ii) by striking "by—" and all that follows through the end thereof and inserting a semicolon;

(C) by striking paragraphs (5) and (6);

(D) by redesignating paragraphs (7), and (8) as paragraphs (5) and (6), respectively;

(E) in paragraph (5) (as so redesignated), by striking "and" at the end thereof;

(F) in paragraph (6) (as so redesignated), by striking the period and inserting a semicolon; and

(G) by inserting after paragraph (6) (as so redesignated), the following new paragraphs:

"(7) to provide primary health care, preventive health care, and related training to American Samoan health care professionals; and

"(8) to improve access to health promotion and disease prevention services for rural American Samoa.";

(2) in subsection (f)—

(A) by striking "there is" and inserting "there are"; and

(B) by striking "$10,000,000" and all that follows through "1993" and inserting "$5,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996"; and

(3) by adding at the end thereof the following new subsection:

"(g) STUDY AND REPORT.—

"(1) STUDY.—Not later than 180 days after the date of enactment of this subsection, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall enter into a contract with a public or nonprofit private entity for the conduct of a study to determine the effectiveness of projects funded under this section.

"(2) REPORT.—Not later than July 1, 1995, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the findings made with respect to the study conducted under paragraph (1).".

## TITLE III—HEALTH PROFESSIONS

### SEC. 301. LOANS FOR DISADVANTAGED STUDENTS.

Section 724(f)(1) (42 U.S.C. 292t(f)(1)) is amended—

(1) by striking "there is" and inserting "there are"; and

(2) by striking "$15,000,000 for fiscal year 1993" and inserting "$8,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996".

### SEC. 302. CESAR CHAVEZ PRIMARY CARE SCHOLARSHIP PROGRAM.

Section 736 (42 U.S.C. 293) is amended—

(1) by striking the section heading and inserting the following:

**"SEC. 736. CESAR CHAVEZ PRIMARY CARE SCHOLARSHIP PROGRAM.";**

(2) in subsection (c)—

(A) by striking "there is" and inserting "there are"; and

(B) by striking "$11,000,000 for fiscal year 1993" and inserting "$10,500,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996".

### SEC. 303. THURGOOD MARSHALL SCHOLARSHIP PROGRAM.

Section 737 (42 U.S.C. 293a) is amended—

(1) by striking the section heading and inserting the following:

**"SEC. 737. THURGOOD MARSHALL SCHOLARSHIP PROGRAM.";**

(2) in subsection (a)—

(A) in paragraph (1), by inserting "(to be known as Thurgood Marshall Scholars)" after "providing scholarships to individuals"; and

(B) in paragraph (3), by inserting "schools offering programs for the training of physician assistants," after "public health,"; and

(3) in subsection (h), by striking paragraph (1) and inserting the following new paragraph:

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $17,100,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

### SEC. 304. LOAN REPAYMENTS AND FELLOWSHIPS REGARDING FACULTY POSITIONS AT HEALTH PROFESSIONS SCHOOLS.

Section 738 (42 U.S.C. 293b) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "disadvantaged backgrounds who—" and inserting "racial or ethnic groups that are underrepresented in the health professions who—"

(B) in paragraph (5)—

(i) by striking "; and" in subparagraph (A) and inserting a period;

(ii) by striking "unless—" and all that follows through "the individual involved" in subparagraph (A) and inserting "unless the individual involved"; and

(iii) striking subparagraph (B);

(C) by striking paragraph (6); and

(D) by redesignating paragraph (7) as paragraph (6); and

(2) in subsection (b)(2)(B), by striking "$30,000" and inserting "$50,000";

(3) in subsection (c)—

(A) by striking "there is" and inserting "there are"; and

(B) by striking "$4,000,000 for fiscal year 1993" and inserting "$1,100,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996".

### SEC. 305. CENTERS OF EXCELLENCE.

Section 739 (42 U.S.C. 293c) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by inserting before the semicolon the following: "through collaboration with public and nonprofit private entities to carry out community-based programs to prepare students in secondary schools and institutions of higher education for attendance at the health professions school";

(B) in paragraph (4), by striking "and" at the end thereof;

(C) in paragraph (5), by striking the period and inserting "; and"; and

(D) by adding at the end thereof the following new paragraph:

"(6) to train the students of the school at community-based health facilities that provide health services to a significant number of minority individuals and that are located at a site remote from the main site of the teaching facilities of the school.";

(2) in subsection (e)—

(A) by striking the subsection heading and inserting "AUTHORITY REGARDING CONSORTIA.—";

(B) by striking paragraph (1) and inserting the following new paragraph:

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) to any school of medicine, osteopathic medicine, dentistry, clinical psychology, or pharmacy that has in accordance with paragraph (2) formed a consortium of schools.";

(C) in paragraph (2), by striking subparagraphs (A) through (D) and inserting the following new subparagraphs:

"(A) the consortium consists of—

"(i) the health professions school seeking the grant under subsection (a); and

"(ii) one or more schools of medicine, osteopathic medicine, dentistry, pharmacy, nursing, allied health, or public health, or graduate programs in mental health practice;

"(B) the schools of the consortium have entered into an agreement for the allocation of such grant among the schools; and

"(C) each of the schools agrees to expend the grant in accordance with this section."; and

(D) by adding at the end the following paragraph:

"(3) AUTHORITY FOR COLLECTIVELY MEETING RELEVANT REQUIREMENTS IN CERTAIN CASES.—With respect to meeting the conditions specified in subsection (c)(4) for Native American Centers of Excellence, the Secretary may make a grant to any school that has in accordance with paragraphs (1) and (2) formed a consortium of schools that meets such conditions (without regard to whether the schools of the consortium individually meet such conditions)."; and

(3) in subsection (i)—

(A) in paragraph (1), by striking "such sums as may be necessary for fiscal year 1993" and inserting "$25,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996"; and

(B) in paragraph (2)(C) by adding at the end the following: "Health professions schools described in subsection (c)(2)(A) shall be eligible for grants under this subparagraph in a fiscal year if the amount appropriated for the fiscal year under paragraph (1) is greater than $23,500,000. Such schools shall be eligible to apply only for grants made from the portion of such amount that exceeds $23,500,000.".

### SEC. 306. EDUCATIONAL ASSISTANCE REGARDING UNDERGRADUATES.

Section 740 (42 U.S.C. 293d) is amended—

(1) in subsection (a)(1), by adding at the end the following new sentence: "To be eligible for such a grant, a school shall have in place a program to assist individuals from disadvantaged backgrounds in gaining entry into a health professions school or completing the course of study at such a school.";

(2) in subsection (d)(1)—

(A) by striking "there is" and inserting "there are"; and

(B) by striking "1993" and inserting "1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996".

(3) in subsection (d)(2)(B), by adding at the end thereof the following new sentence: "Scholarship recipients under this section shall be known as 'Cesar Chavez Primary Care Scholars'.".

### SEC. 307. AREA HEALTH EDUCATION CENTERS.

Section 746(d)(2)(D) (42 U.S.C. 293j(d)(2)(D)) is amended by inserting "and minority health" after "disease prevention".

## TITLE IV—RESEARCH AND DATA COLLECTION

### SEC. 401. OFFICE OF RESEARCH ON MINORITY HEALTH.

Section 404 (42 U.S.C. 283b), as added by section 151 of Public Law 103–43, is amended by adding at the end the following subsections:

"(c) PLAN.—The Director of the Office, shall collaborate with the Deputy Assistant Secretary for Minority Health (as provided for in section 1707), to develop and implement a plan for carrying out the duties required by subsection (b). The Director, in consultation with the Deputy Assistant Secretary for Minority Health, shall review the plan not less often than annually, and revise the plan as appropriate.

"(d) EQUITY REGARDING VARIOUS GROUPS.—The Director of the Office shall ensure that activities under subsection (b) address equitably all minority groups.

"(e) ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT.—In carrying out subsection (b), the Secretary shall establish an advisory committee to be known as the Advisory Committee on Research on Minority Health (in this subsection referred to as the 'Advisory Committee').

"(2) COMPOSITION.—

"(A) VOTING AND NONVOTING MEMBERS.—The Advisory Committee shall be composed of voting members appointed in accordance with subparagraph (B) and the ex officio nonvoting members described in subparagraph (C).

"(B) VOTING MEMBERS.—The Advisory Committee shall include not fewer than 12, and not more than 18, voting members who are not officers or employees of the Federal Government. The Director of the Office shall appoint such members to the Advisory Committee from among physicians, practitioners, scientists, consumers and other health professionals, whose clinical practices, research specialization, or professional expertise includes a significant focus on research on minority health or on the barriers that minorities must overcome to participate in clinical trials. The membership of the Advisory Committee shall be equitably representative of the minority groups served by the Office.

"(C) EX OFFICIO NONVOTING MEMBERS.—The Deputy Assistant Secretary for Minority Health and the Directors of each of the national research entities shall serve as ex officio nonvoting members of the Advisory Committee (except that any of such Directors may designate an official of the institute involved to serve as such member of the Committee in lieu of the Director).

"(3) CHAIRPERSON.—The Director of the Office shall serve as the chairperson of the Advisory Committee.

"(4) DUTIES.—The Advisory Committee shall—

"(A) advise the Director of the Office on appropriate research activities to be undertaken by the national research institutes with respect to—

"(i) research on minority health;

"(ii) research on racial and ethnic differences in clinical drug trials, including responses to pharmacological drugs;

"(iii) research on racial and ethnic differences in disease etiology, course, and treatment; and

"(iv) research on minority health conditions which require a multidisciplinary approach;

"(B) report to the Director of the Office on such research;

"(C) provide recommendations to such Director regarding activities of the Office (including recommendations on priorities in carrying out research described in subparagraph (A)); and

"(D) assist in monitoring compliance with section 492B regarding the inclusion of minorities in clinical research.

"(5) BIENNIAL REPORT.—

"(A) PREPARATION.—The Advisory Committee shall prepare a biennial report describing the activities of the Committee, including findings made by the Committee regarding—

"(i) compliance with section 492B;

"(ii) the extent of expenditures made for research on minority health by the agencies of the National Institutes of Health; and

"(iii) the level of funding needed for such research.

"(B) SUBMISSION.—The report required in subparagraph (A) shall be submitted to the Director of the National Institutes of Health for inclusion in the report required in section 403.

"(f) REPRESENTATIVES OF MINORITIES AMONG RESEARCHERS.—The Secretary, acting through the Assistant Secretary for Personnel Administration and in collaboration with the Director of the Office, shall determine the extent to which minorities are represented among senior physicians and scientists of the national research institutes and among physicians and scientists conducting research with funds provided by such institutes, and as appropriate, carry out activities to increase the extent of such representation.

"(g) DEFINITIONS.—For purposes of this part:

"(1) MINORITY HEALTH CONDITIONS.—The term 'minority health conditions', with respect to individuals who are members of minority groups, means all diseases, disorders, and conditions (including with respect to mental health)—

"(A) unique to, more serious, or more prevalent in such individuals;

"(B) for which the factors of medical risk or types of medical intervention are different for such individuals, or for which it is unknown whether such factors or types are different for such individuals; or

"(C) with respect to which there has been insufficient research involving such individuals as subjects or insufficient data on such individuals.

"(2) RESEARCH ON MINORITY HEALTH.—The term 'research on minority health' means research on minority health conditions, including research on preventing such conditions.

"(3) MINORITY GROUPS.—The term 'minority groups' means Blacks, American Indians, Alaskan Natives, Asian/Pacific Islanders, and Hispanics, including subpopulations of such groups.".

### SEC. 402. ACTIVITIES OF AGENCY FOR HEALTH CARE POLICY AND RESEARCH.

Section 902(b) (42 U.S.C. 299a(b)) is amended to read as follows:

"(b) REQUIREMENTS WITH RESPECT TO CERTAIN POPULATIONS.—In carrying out subsection (a), the Administrator shall undertake and support research, demonstration projects, and evaluations with respect to the health status of, and the delivery of health care to—

"(1) the populations of medically underserved urban or rural areas (including frontier areas); and

"(2) low-income groups, minority groups, and the elderly.".

### SEC. 403. DATA COLLECTION BY NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306(n) of the Public Health Service Act (42 U.S.C. 242k(n)), as redesignated by section 501(a)(5)(B) of Public Law 103–183 (107 Stat. 2237), is amended to read as follows:

"(n)(1) For health statistical and epidemiological activities undertaken or supported under this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(2) Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall obligate not more than an aggregate $5,000,000 for carrying out subsections (h), (l), and (m) with respect to particular racial and ethnic population groups, except that not more than $100,000 may be expended in the aggregate for the administration of activities under subsection (m) and for activities described in paragraph (2) of such subsection.".

## TITLE V—MISCELLANEOUS

### SEC. 501. REVISION AND EXTENSION OF PROGRAM FOR STATE OFFICES OF RURAL HEALTH.

(a) MATCHING FUNDS.—Section 338J(b) (42 U.S.C. 254r(b)) is amended to read as follows:

"(b) REQUIREMENT OF MATCHING FUNDS.—

"(1) IN GENERAL.—With respect to the costs to be incurred by a State in carrying out the purpose described in subsection (a), the Secretary may not make a grant under such subsection unless the State agrees to provide non-Federal contributions toward such costs, in cash, in an amount that is not less than $1 for each $1 of Federal funds provided in the grant.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—In determining the amount of non-Federal contributions in cash that a State has provided pursuant to paragraph (1), the Secretary may not include any amounts provided to the State by the Federal Government.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 338J(j)(1) (42 U.S.C. 254r(j)(1)) is amended—

(1) by striking "and" after "1992,"; and

(2) by inserting before the period the following: ", and $5,000,000 for each of the fiscal years 1994 through 1996".

(c) TERMINATION OF PROGRAM.—Section 338J(k) (42 U.S.C. 254r(k)) is amended by striking $10,000,000" and inserting "$20,000,000".

### SEC. 502. TECHNICAL CORRECTIONS RELATING TO HEALTH PROFESSIONS.

(a) HEALTH EDUCATION ASSISTANCE LOAN DEFERMENT FOR BORROWERS PROVIDING HEALTH SERVICES TO INDIANS.—

(1) IN GENERAL.—Section 705(a)(2)(C) is amended by striking "and (x)" and inserting "(x) not in excess of three years, during which the borrower is providing health care services to Indians through an Indian health program (as defined in section 108(a)(2)(A) of the Indian Health Care Improvement Act (25 U.S.C. 1616a(a)(2)(A)); and (xi)".

(2) CONFORMING AMENDMENTS.—Section 705(a)(2)(C) is further amended—

(A) in clause (xi) (as so redesignated) by striking "(ix)" and inserting "(x)"; and

(B) in the matter following such clause (xi), by striking "(x)" and inserting "(xi)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to services provided on or after the first day of the third month that begins after the date of enactment of this Act.

(b) MAXIMUM STUDENT LOAN PROVISION.—

(1) IN GENERAL.—Section 722(a)(1) (42 U.S.C. 292r(a)(1)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking "the sum of" and all that follows through the end thereof and inserting "the cost of attendance (including tuition, other reasonable educational expenses, and reasonable living costs) for that year at the educational institution attended by the student (as determined by such educational institution).".

(2) THIRD AND FOURTH YEARS.—Section 722(a)(2) (42 U.S.C. 292r(a)(2)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking "the amount $2,500" and all that follows through "including such $2,500" and inserting "the amount of the loan may, in the case of the third or fourth year of a student at school of medicine or osteopathic medicine, be increased to the extent necessary".

(c) REQUIREMENT FOR SCHOOLS.—Section 723(b)(1) (42 U.S.C. 292s(b)(1)), as amended by section 2014(c)(2)(A)(ii) of Public Law 103-43 (107 Stat. 216), is amended by striking "3 years before" and inserting "4 years before".

(d) SERVICE REQUIREMENT FOR PRIMARY CARE LOAN BORROWERS.—Section 723(a) (42 U.S.C. 292s(a)) is amended in subparagraph (B) of paragraph (1), by striking "through the date on which the loan is repaid in full" and inserting "for 5 years after completing the residency program".

(e) PREFERENCE AND REQUIRED INFORMATION IN CERTAIN PROGRAMS.—

(1) TITLE VII.—Section 791 (42 U.S.C. 295j) is amended by adding at the end thereof the following subsection:

"(d) EXCEPTIONS.—

"(1) IN GENERAL.—To permit new programs to compete equitably for funding under this section, those new programs that meet the criteria described in paragraph (3) shall qualify for a funding preference under this section.

"(2) DEFINITION.—As used in this subsection, the term 'new program' means any program that has graduated less than three classes. Upon graduating at least three classes, a program shall have the capability to provide the information necessary to qualify the program for the general funding preferences described in subsection (a).

"(3) CRITERIA.—The criteria referred to in paragraph (1) are the following:

"(A) The mission statement of the program identifies a specific purpose of the program as being the preparation of health professionals to serve underserved populations.

"(B) The curriculum of the program includes content which will help to prepare practitioners to serve underserved populations.

"(C) Substantial clinical training experience is required under the program in medically underserved communities.

"(D) A minimum of 20 percent of the faculty of the program spend at least 50 percent of their time providing or supervising care in medically underserved communities.

"(E) The entire program or a substantial portion of the program is physically located in a medically underserved community.

"(F) Student assistance, which is linked to service in medically underserved communities following graduation, is available to the students in the program.

"(G) The program provides a placement mechanism for deploying graduates to medically underserved communities.".

(2) TITLE VIII.—Section 860 (42 U.S.C. 298b-7) is amended by adding at the end thereof the following subsection:

"(f) EXCEPTIONS.—

"(1) IN GENERAL.—To permit new programs to compete equitably for funding under this section, those new programs that meet the criteria described in paragraph (3) shall qualify for a funding preference under this section.

"(2) DEFINITION.—As used in this subsection, the term 'new program' means any program that has graduated less than three classes. Upon graduating at least three classes, a program shall have the capability to provide the information necessary to qualify the program for the general funding preferences described in subsection (a).

"(3) CRITERIA.—The criteria referred to in paragraph (1) are the following:

"(A) The mission statement of the program identifies a specific purpose of the program as being the preparation of health professionals to serve underserved populations.

"(B) The curriculum of the program includes content which will help to prepare practitioners to serve underserved populations.

"(C) Substantial clinical training experience is required under the program in medically underserved communities.

"(D) A minimum of 20 percent of the faculty of the program spend at least 50 percent of their time providing or supervising care in medically underserved communities.

"(E) The entire program or a substantial portion of the program is physically located in a medically underserved community.

"(F) Student assistance, which is linked to service in medically underserved communities following graduation, is available to the students in the program.

"(G) The program provides a placement mechanism for deploying graduates to medically underserved communities.".

(f) DEFINITIONS.—Section 799(6) (42 U.S.C. 295p(6)) is amended—

(1) in subparagraph (B) by striking "; or" at the end thereof;

(2) in subparagraph (C) by striking the period and inserting a semicolon; and

(3) by adding at the end thereof the following:

"(D) ambulatory practice sites designated by State Governors as shortage areas or medically underserved communities for purposes of State scholarships or loan repayment or related programs; or

"(E) practices or facilities in which not less than 50 percent of the patients are recipients of aid under title XIX of the Social Security Act or eligible and uninsured.".

(g) GENERALLY APPLICABLE MODIFICATIONS REGARDING OBLIGATED SERVICE.—

(1) IN GENERAL.—Section 795(a)(2) (42 U.S.C. 295n(a)(2)), is amended—

(A) in subparagraph (A), by striking "specialty in" and inserting "field of"; and

(B) in subparagraph (B), by striking "specialty" and inserting "field"; and

(2) EFFECTIVE DATE.—Each amendment made by paragraph (1) shall take effect as if such subsection had been enacted immediately after the enactment of the Health Professions Education Extension Amendments of 1992.

(h) RECOVERY.—Part G of title VII (42 U.S.C. 295j et seq.) is amended by inserting after section 795, the following new section:

**"SEC. 796. RECOVERY.**

"(a) IN GENERAL.—If at any time within 20 years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under section 720(a) (as such section existed one day prior to the date of enactment of the Health Professions Education Extension Amendments of 1992 (Public Law 102-408)—

"(1)(A) in case of a facility which was an affiliated hospital or outpatient facility with respect to which funds have been paid under such section 720(a)(1), the owner of the facility ceases to be a public or other nonprofit agency that would have been qualified to file an application under section 605;

"(B) in case of a facility which was not an affiliated hospital or outpatient facility but was a facility with respect to which funds have been paid under paragraph (1) or (3) of such section 720(a), the owner of the facility ceases to be a public or nonprofit school, or

"(C) in case of a facility which was a facility with respect to which funds have been paid under such section 720(a)(2), the owner of the facility ceases to be a public or nonprofit entity,

"(2) the facility ceases to be used for the teaching or training purposes (or other purposes permitted under section 722 (as such section existed one day prior to the date of enactment of the Health Professions Education Extension Amendments of 1992 (Public Law 102-408)) for which it was constructed, or

"(3) the facility is used for sectarian instruction or as a place for religious worship, the United States shall be entitled to recover from the owner of the facility the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

"(b) NOTICE.—The owner of a facility which ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or the owner of a facility the use of which changes as described in paragraph (2) or (3) of subsection (a), shall provide the Secretary written notice of such cessation or change of use within 10 days after the date on which such cessation or change of use occurs or within 30 days after the date of enactment of this subsection, whichever is later.

"(c) AMOUNT.—

"(1) BASE AMOUNT.—The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of the facility as the amount of the Federal participation bore to the cost of construction.

"(2) INTEREST.—

"(A) IN GENERAL.—The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of ninety-one-day Treasury bills auctioned during that period.

"(B) PERIOD.—The period referred to in subparagraph (A) is the period beginning—

"(i) if notice is provided as prescribed by subsection (b), 191 days after the date on which the owner of the facility ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or 191 days after the date on which the use of the facility changes as described in paragraph (2) or (3) of subsection (a), or

"(ii) if notice is not provided as prescribed by subsection (b), 11 days after the date on which such cessation or change of use occurs,

and ending on the date the amount the United States is entitled to recover is collected.

"(d) WAIVER.—The Secretary may waive the recovery rights of the United States under subsection (a)(2) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

"(e) LIEN.—The right of recovery of the United States under subsection (a) shall not, prior to judgment, constitute a lien on any facility.".

### SEC. 503. CLINICAL TRAINEESHIPS.

Section 303(d)(1) (42 U.S.C. 242a(d)(1)) is amended by inserting "counseling" after "family therapy,".

### SEC. 504. DEMONSTRATION PROJECT GRANTS TO STATES FOR ALZHEIMER'S DISEASE.

(a) IN GENERAL.—Section 398(a) (42 U.S.C. 280c-3(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "not less than 5, and not more than 15,";

(2) in paragraph (2)—

(A) by inserting after "disorders" the following: "who are living in single family homes or in congregate settings"; and

(B) by striking "and" at the end;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

"(3) to improve access for individuals with Alzheimer's disease or related disorders, particularly such individuals from ethnic, cultural, or language minorities and such individuals who are living in isolated rural areas, to services that—

"(A) are home-based or community-based long-term care services; and

"(B) exist on the date of enactment of this paragraph; and".

(b) DURATION.—Section 398A (42 U.S.C. 280c-4) is amended—

(1) in the title, by striking "LIMITATION ON";

(2) in subsection (a)—

(A) in the heading, by striking "LIMITATION ON"; and

(B) by striking "may not exceed" and inserting "may exceed"; and

(3) in subsection (b), in paragraphs (1)(C) and (2)(C), by inserting ", and any subsequent year," after "third year".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 398B(e) (42 U.S.C. 280c-5(e)) is amended by striking "and 1993" and inserting "through 1998".

### SEC. 505. MEDICALLY UNDERSERVED AREA STUDY.

(a) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study concerning the feasibility and desirability of, and the criteria to be used for, combining the designations of "health professional shortage area" and "medically underserved area" into a single health professional shortage area designation.

(b) REQUIREMENTS.—As part of the study conducted under subsection (a), the Secretary of Health and Human Services, in considering the statutory and regulatory requirements necessary for the creation of a single health professional shortage area designation, shall—

(1) review and report on the application of current statutory and regulatory criteria used—

(A) in designating an area as a health professional shortage area;

(B) in designating an area as a medically underserved area; and

(C) by a State in the determination of the health professional shortage area designations of such State; and

(2) review the suggestions of public health and primary care experts.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report concerning the findings of the study conducted under subsection (a) together with the recommendations of the Secretary.

(d) RECOMMENDATIONS.—In making recommendations under subsection (c), the Secretary of Health and Human Services shall give special consideration to (and describe in the report) the unique impact of designation criteria on different rural and urban populations, and ethnic and racial minorities, including—

(1) rational service areas, and their application to frontier areas and inner-city communities;

(2) indicators of high medical need, including fertility rates, infant mortality rates, pediatric population, elderly population, poverty rates, and physician to population ratios; and

(3) indicators of insufficient service capacity, including language proficiency criteria for ethnic populations, annual patient visits per physician, waiting times for appointments, waiting times in a primary care physician office, excessive use of emergency facilities, low annual office visit rate, and demand on physicians in contiguous rural or urban areas.

### SEC. 506. PROGRAMS REGARDING BIRTH DEFECTS.

Section 317C of the Public Health Service Act (42 U.S.C. 247b-4), as added by section 306 of Public Law 102-531 (106 Stat. 3494), is amended to read as follows:

"PROGRAMS REGARDING BIRTH DEFECTS

"SEC. 317C. (a) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

"(1) to collect, analyze, and make available data on birth defects, including data on the causes of such defects and on the incidence and prevalence of such defects;

"(2) to provide information and education to the public on the prevention of such defects;

"(3) to operate centers for the conduct of applied epidemiologic research and study of such defects, and to improve the education, training, and clinical skills of health professionals with respect to the prevention of such defects; and

"(4) to carry out demonstration projects for the prevention of such defects.

"(b) NATIONAL CLEARINGHOUSE.—In carrying out subsection (a)(1), the Secretary shall establish and maintain a National Information Clearinghouse on Birth Defects to collect and disseminate to health professionals and the general public information on birth defects, including the prevention of such defects.

"(c) GRANTS AND CONTRACTS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities. Recipients of assistance under this subsection shall collect and analyze demographic data utilizing appropriate sources as determined by the Secretary.

"(2) SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.—

"(A) Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

"(B) With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"(3) APPLICATION FOR AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the award is to be made.

"(d) BIENNIAL REPORT.—Not later than February 1 of fiscal year 1995 and of every second such year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report that, with respect to the preceding 2 fiscal years—

"(1) contains information regarding the incidence and prevalence of birth defects and the extent to which birth defects have contributed to the incidence and prevalence of infant mortality;

"(2) contains information under paragraph (1) that is specific to various racial and ethnic groups; and

"(3) contains an assessment of the extent to which each approach to preventing birth defects has been effective, including a description of effectiveness in relation to cost;

"(4) describes the activities carried out under this section; and

"(5) contains any recommendations of the Secretary regarding this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1997.".

### SEC. 507. DEMONSTRATION PROJECTS REGARDING DIABETIC-RETINOPATHY.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Eye Institute and in consultation with the Director of the Centers for Disease Control and Prevention, may make grants to public and nonprofit private entities for demonstration projects to serve the populations specified in subsection (b) by carrying out, with respect to the eye disorder known as diabetic retinopathy, all activities regarding information, dissemination, early detection, education, and prevention.

(b) RELEVANT POPULATIONS.—The populations referred to in subsection (a) are minority populations that have diabetes mellitus.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $1,000,000 for each of the fiscal years 1995 through 1997.

### SEC. 508. MEXICAN BORDER STATE ANALYTICAL LABORATORIES.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, may make grants to eligible entities to establish and operate State laboratories to analyze human, wildlife, air, water, and soil samples. The laboratories shall serve the border region.

(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under subsection (a), an entity shall be a State that borders Mexico.

(c) APPLICATIONS REQUIREMENTS.—No grant may be made under subsection (a) unless an application has been submitted to and approved by the Secretary of Health and Human Services.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1997.

### SEC. 509. CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES.

Section 481B of the Public Health Service Act (42 U.S.C. 287a-3), as added by section 1503 of Public Law 103-43 (107 Stat. 178), is amended to read as follows:

"CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES

"SEC. 481B. With respect to activities carried out by the National Center for Research Resources to support regional centers for research on primates, the Director of NIH may, for each of the fiscal years 1994 through 1996, reserve from the amounts appropriated under section 481A(h) not more than $3,000,000 for the purpose of making awards of grants and contracts to public and nonprofit private entities to construct, renovate, or otherwise improve such regional centers. The reservation of such amounts for any fiscal year is subject to the availability of qualified applicants for such awards.".

## TITLE VI—GENERAL PROVISIONS

### SEC. 601. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect October 1, 1993, or upon the date of the enactment of this Act, whichever occurs later.

## METZENBAUM (AND OTHERS) AMENDMENT NO. 1606

Mr. MITCHELL (for Mr. METZENBAUM for himself, Ms. MOSELEY-BRAUN, Mr. INOUYE, Mr. SIMON, Mrs. KASSEBAUM, and Mrs. FEINSTEIN) proposed an amendment to amendment No. 1505 proposed by Mr. KENNEDY to the bill S. 1569, supra; as follows:

At the appropriate place, insert the following new title:

TITLE —MULTIETHNIC PLACEMENT

**SEC. 01. SHORT TITLE.**

This Act may be cited as the "Multiethnic Placement Act of 1994".

**SEC. 02. FINDINGS AND PURPOSE.**

(A) FINDINGS.—Congress finds that—

(1) nearly 500,000 children are in foster care in the United States;

(2) tens of thousands of children in foster care are waiting for adoption;

(3) 2 years and 8 months is the median length of time that children wait to be adopted;

(4) child welfare agencies should work to eliminate racial, ethnic, and national origin discrimination and bias in adoption and foster care recruitment, selection, and placement procedures; and

(5) active, creative, and diligent efforts are needed to recruit parents, from every race and culture, for children needing foster care or adoptive parents.

(b) PURPOSE.—It is the purpose of this Act to decrease the length of time that children wait to be adopted and to prevent discrimination in the placement of children on the basis of race, color, or national origin.

**SEC. 03. MULTIETHNIC PLACEMENTS.**

(a) ACTIVITIES.—

(1) PROHIBITION.—An agency, or entity, that receives Federal assistance and is involved in adoption or foster care placements may not—

(A) categorically deny to any person the opportunity to become an adoptive or a foster parent, solely on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved; or

(B) delay or deny the placement of a child for adoption or into foster care, or otherwise discriminate in making a placement decision, solely on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved.

(2) PERMISSIBLE CONSIDERATION.—An agency or entity to which paragraph (1) applies may consider the race, color, or national origin of a child as a factor in making a placement decision if such factor is relevant to the best interests of the child involved and is considered in conjunction with other factors.

(3) DEFINITION.—As used in this subsection, the term "placement decision" means the decision to place, or to delay the placement of, a child in a foster care or an adoptive home, and includes the decision of the agency or entity involved to seek the termination of birth parent rights or otherwise make a child legally available for adoptive placement.

(b) LIMITATION.—The Secretary of Health and Human Services shall not provide placement and administrative funds under section 474(a)(3) of the Social Security Act (42 U.S.C. 674(a)(3)) to an agency or entity described in subsection (a) that is not in compliance with subsection (a).

(c) EQUITABLE RELIEF.—Any individual who is aggrieved by an action in violation of subsection (a), taken by an agency or entity described in subsection (a), shall have the right to bring an action seeking relief in a United States district court of appropriate jurisdiction.

(d) CONSTRUCTION.—Nothing in this section shall be construed to affect the application of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

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## LEVIN (AND KASSEBAUM) AMENDMENT NO. 1607

Mr. MITCHELL (for Mr. LEVIN for himself and Mrs. KASSEBAUM) proposed an amendment to amendment No. 1605 proposed by Mr. KENNEDY to the bill S. 1569, supra; as follows:

At the end of the amendment, insert the following:

TITLE . VOLUNTARY MUTUAL REUNIONS

**SEC. . FACILITATION OF REUNIONS.**

The Secretary of Health and Human Services, in the discretion of the Secretary and at no net expense to the Federal Government, may use the facilities of the Department of Health and Human Services to facilitate the voluntary, mutually requested reunion of an adult adopted child who is 21 or older with—

(1) any birth parent of the adult child; or

(2) any adult adopted sibling, who is 21 or older, of the adult child,

if all such persons involved in any such reunion have, on their own initiative, expressed a desire for a reunion.

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## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs and the Senate Committee on Labor and Human Resources be authorized to meet on Friday, March 25, 1994, beginning at 10 a.m., in 485 Russell Senate Office Building on the Headstart Programs serving Native Americans.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, March 25, 1994 to hold a hearing on the nominations of Fortunato "Pete" Benavides, of Texas, to be United States circuit judge for the fifth circuit, Ruben Castillo, of Illinois, to be U.S. district judge for the northern district of Illinois and Audrey Collings, of California, to be U.S. district judge for the central district of California.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources and the Committee on Indian Affairs be authorized to meet for a joint hearing on Indian Issues in Head Start Reauthorization, during the session of the Senate on March 25, 1994, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

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## RETIREMENT OF WILLIAM A. HILLIARD

• Mr. HATFIELD. Mr. President, I rise today to offer a tribute to one of the leading editors in American journalism who hails from the State of Oregon.

William A. Hilliard will retire this spring as editor of the Oregonian after a distinguished career spanning more than 42 years. A man known for his commitment to his work and his community, Mr. Hilliard long ago established a reputation that symbolized the highest standards of his profession.

Mr. Hilliard rose from the ranks at the Oregonian through diligence, determination, and hard work. His story is one of diligence, determination, and hard work. His story is one of pioneering. He started as a copy aid in 1952 and rose to become the Oregonian's top editor in 1982, with overall supervision over both news and editorial divisions. He was the first black employee in the Oregonian's news department, the first black city editor of a major daily, one of only a handful of black editors of a large metropolitan newspaper, and now the first black officer of the American Society of Newspaper Editors.

Ironically, as a boy he had been denied a delivery route for the Oregonian in his predominately white neighborhood. One of his college professors once told him that he had no future in newspapers because of his color. But he was determined to change things. He studied at the University of Oregon, the premier journalism school in the Northwest, and later transferred to Pacific University, where he served as editor of the school's newspaper and graduated with honors.

Despite his brilliant college career, Mr. Hilliard could not get a job with a mainstream newspaper so he started his own—the Portland Challenger. Eventually, he was offered a position as a copyboy at the Oregonian. He never looked back from there.

As a reporter, he typified the track of many young journalists, moving through the ranks and working his way up the ladder through perseverance. He spent a year in sports and moved to the cityside desk in 1954, covering police, politics, and city hall. His first big story was the Holt Korean Babylift in 1956. When he was named city editor in 1971 it was considered national news, warranting an article in Time magazine.

As city editor, Mr. Hilliard presided over the Oregonian's coverage of a contentious period in our Nation's history; the Vietnam war, antiwar protests, and race riots. During this time, the Oregonian started regular coverage of civil rights issues, poverty, and race relations.

When beset by obstacles that would have defeated many people, Mr.

Hilliard confronted them and pushed ahead with hard work.

A headline from an American Society of Newspaper Editors Bulletin story written by Jud Randall, a retired assistant to Mr. Hilliard and veteran journalist, put it aptly: "ASNE's Next President Is Known for Pushing Quiet—But Persistent Change."

Under Mr. Hilliard's direction, the Oregonian has moved into the mainstream of the new electronic publishing era, redesigned its pages, and received numerous State and regional awards for its coverage.

Mr. Hilliard's diplomatic grace, caring nature, and commitment to progressive social change has made a big difference not only in Oregon, but in the Pacific Northwest, the American news industry, and the Nation as a whole.

He was once described by the late Robert C. Maynard, former editor and publisher of the Oakland Tribune, as "a legend to many journalists of color" and a "beacon of encouragement" to young journalists of all races and colors. Indeed, he was in the same league with journalism pioneers like Maynard for he helped pave the way and launch the careers of countless young reporters and editors.

I have known Mr. Hilliard for many years and pushed for him to be appointed as one of four panelists at the nationally televised Presidential debates between President Jimmy Carter and then-candidate Ronald Reagan in 1980. While we may not have always agreed on the editorial direction of the Oregonian, you could always depend on Bill Hilliard to instill a sense of fairness in his work. I congratulate him and wish him well in his newest endeavor.•

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## TRIBUTE TO DR. WILSON H. ELKINS

• Mr. SARBANES. Mr. President, I rise today to bring to our colleagues' attention the remarkable legacy of Wilson H. Elkins who served the people of Maryland and the Nation for 24 years as President of the University of Maryland. Dr. Elkins passed away March 17 at the age of 85.

Dr. Elkins was a native of Texas, and a graduate of the University of Texas with both B.A. and M.A. degrees. Wilson Elkins was both an outstanding student and star athlete. He earned eight varsity letters in football, basketball, and track, as well as election to Phi Beta Kappa and served as president of the Student Government Association and captain of the basketball team. He was a Rhodes Scholar at Oxford University where he earned both the B. Litt. and Ph.D. degrees.

After teaching at the University of Texas and serving as president of several colleges in the State, Wilson Elkins was named the 21st president of the University of Maryland in 1954 where he served during a period of tremendous growth and rebuilding of the university's academic programs.

Mr. President, the leadership of Dr. Wilson Elkins during a period of such remarkable growth and change laid the basis for the outstanding reputation the University of Maryland and its component colleges, campuses, divisions and other units enjoy today. Dr. Elkins was indeed, "a lifelong champion of an educated citizen" as the president of the University of Maryland's University College said. For these achievements, thousands of Marylanders and indeed our whole Nation are grateful.

Mr. President, on Monday, March 28, a memorial service for Dr. Wilson Elkins will be held in the University of Maryland university chapel in College Park. I ask that several editorials and obituaries commending the accomplishments of Dr. Elkins be reprinted in the RECORD at this point.

The material follows:

[From the Baltimore Sun, Mar. 19, 1994]

### WILSON H. ELKINS

Lyndon Johnson called him "Bull," an apt nickname for Wilson Homer Elkins. He picked up the moniker as a star athlete at the University of Texas, and when he came to College Park in 1954 to succeed Harry Clifton "Curley" Byrd as president of the University of Maryland, Dr. Elkins needed a bull's strength and single-mindedness.

The university's academic accreditation was threatened because Byrd had emphasized athletics over scholarship. Restoring a healthy balance was one of football star Elkins' first moves. It infuriated the state's sports establishment. But a year later, accreditation was reaffirmed, and construction began on a new library.

Wilson Elkins guided the university for 24 years. He was not wildly popular with students, who demonstrated, occupied campus buildings, blocked U.S. 1 in College Park several times and hurled epithets at him during Board of Regents meetings. (Dr. Elkins was to say later that the decision to close the university during the riots of 1970 was one of the toughest of his presidency.) He never gave in to students, never pampered and seldom glad-handed, even in Annapolis, where legislators who were university alumni longed for the glory days of Curley Byrd.

During Dr. Elkins' remarkable tenure, enrollment and budgets soared, schools of social work and architecture were founded, the university was decentralized, research activities multiplied and the Baltimore County campus sprouted in a Catonsville corn field. "It was not the location I would have chosen if money had not been a factor," Dr. Elkins was to say in his memoirs. But the UM president, who had been a Rhodes Scholar as well as a quarterback, understood the relationship of money and politics. That was one of the reasons for Wilson Elkins' professional longevity; he outlasted all of his fellow presidents, handing out more than 150,000 degrees over 40 consecutive years as a college president in Texas and Maryland.

In retrospect, Maryland needed a bull in 1954—and in 1970. All Wilson Elkins did for the state was drag its flagship university into the 20th century. In the wake of his death at 85 this week, Marylanders can be thankful.

[From the Baltimore Evening Sun, Mar. 22, 1994]

Wilson H. Elkins, who died last week at age 85, was never a popular figure at the University of Maryland, where he ruled for 24 years as its president. Yet he changed the course of UM dramatically. He saved it from becoming a backwater school famous only for its football teams.

What was the real "Bull" Elkins like? George H. Callcott, a UM professor and resident historian of the institution, edited Dr. Elkins' taped "memoirs" in 1981. Here's how Professor Callcott sized up UM's best president:

"Wilson Elkins is a quiet, formal man, almost laconic, with none of the volubility of the proverbial Texan. Vice presidents who worked in adjacent offices for 20 years still call him only 'Dr. Elkins,' and so of course I do. He is cautious in manner, slow to come to a firm opinion, but he does not change easily when he has made up his mind.

"People still call him 'The Bull' behind his back, to refer to his square-jawed resolution. Powerful ambition and total self-control lie behind his cool exterior, but after these things he is a simple man, without much mystery.

"There are no hidden layers of meaning in his speech or thinking. He is wary of intellectual constructs and clever phrases. He approaches administration and life itself with a direct, reasonable common sense. He knows exactly what he knows with perfect clarity, and he doesn't worry much about the rest. Here he stands . . . I think there is a unity to his career and convictions: the curious unity of athletics and education, or democracy and excellence. Colleges, like the playing fields, provide opportunity; and in colleges, as on the playing fields, mediocrity is weeded out and quality is recognized. His first convocation address at Maryland was entitled, 'A Quantity of Quality,' and he has returned to that theme repeatedly—democracy and excellence, both; competition and victory."

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[From the Baltimore Sun, Mar. 18, 1994]

### WILSON ELKINS, PRESIDED OVER UM NEARLY 25 YEARS

(By DeWitt Bliss)

Wilson H. Elkins, president of the University of Maryland during a quarter-century of social change and dramatic growth, died of cancer early yesterday at the UM Medical Center in Baltimore. He was 85.

Dr. Elkins presided over the institution from 1954 to 1978—a period that saw its racial integration, Vietnam War protests, the opening of the Baltimore County campus and creation of a statewide university system.

When he began his tenure, the university's reaccreditation had been delayed by the Middle States Association of Colleges and Secondary Schools. The Phi Beta Kappa honorary society had refused to establish a chapter there.

At his retirement, UM not only had a chapter of the honorary society, but was a member of the Association of American Universities—an organization composed of the nation's major research universities. Faculty tenure, sabbatical and governance systems had been established. Schools of social work and architecture had been opened, a faculty club established, and a new library had been built.

T. Benjamin Massey, president of the UM system's University College, which also was established by Dr. Elkins, described him as "a lifelong champion of an educated citizen" and "a leading force in higher education for almost three decades"—and "really the guy who built the modern University of Maryland."

But Dr. Elkins himself, in a 1974 interview published in College Management Magazine, discounted a suggestion in the Washington Post that the University of the previous 20 years was his creation. "I've had something to do with it," he said.

Louis L. Kaplan, a former chairman of the university's Board of Regents, described Dr. Elkins as a "fundamentally modest person" who did not put on acts to show his importance.

"He was one of the best presidents we ever had," Mr. Kaplan said.

Dr. Elkins built up not only the university, but its standards of academic excellence. In 1961, UM refused entrance to 144 graduates of Maryland high schools—the first time such students who did not meet university standards had not been admitted if their parents insisted.

Retired Baltimore Circuit Judge Mary Arabian, a current regent who also served during the Elkins years, described him as a "wonderful leader," and a "remarkable" and scholarly man whose influence over the school continued into the 1990s.

Within the past six months, she said, Dr. Elkins had testified in opposition to a proposal before the regents—one that was dropped in part because of his testimony.

"He was very effective," she said, "You do not expect someone to come back from the distant past."

Dr. Elkins' administration included the turbulent years of student demonstrations, when Maryland students took over U.S. 1 three times between 1968 and 1972 in anti-war demonstrations that eventually brought the National Guard to the College Park campus.

Dr. Massey said Dr. Elkins had "a calm demeanor" during that era of protest, "but was forceful when he had to be. He consulted broadly but never shirked making the decision."

Born in Medina, Texas, Dr. Elkins was a 1932 graduate of the University of Texas where he had served as president of the student body, was elected to Phi Beta Kappa and won eight varsity letters in football, basketball and track.

He also received a master's degree there and, as a Rhodes Scholar, earned a bachelor's degree in literature and his doctorate at Oxford University in England.

Before coming to Maryland, he had been president in Texas of San Angelo Junior College and Texas Western College, a branch of the University of Texas.

His first wife, the former Dorothy Blackburn, died in 1971.

He is survived by his wife, the former Vivian Noh Andrews; two daughters, Carol Neal of University Park and Margaret Frost of Reading, Conn.; two stepsons, Bruce Andrews of New York City and Tom Andrews of Lyons, Colo.; six grandchildren and a great-grandson.

A memorial service will be held at 3 p.m. March 28, in College Park Chapel.

Memorial donations may be made to the Wilson Elkins Professorship at the University of Maryland Foundation, Metzerot Road, Adelphi 20783.

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[From the Washington Post, Mar. 18, 1994]

### EX-U-MD. PRESIDENT WILSON ELKINS DIES

(By Bart Barnes)

Wilson H. Elkins, 85, who served as president of the University of Maryland from 1954 to 1978 and guided the institution through a period of unprecedented growth and change, died of complications related to cancer yesterday at the University of Maryland Hospital in Baltimore.

Dr. Elkins's presidency at Maryland spanned an era of campus unrest and turmoil when many college chief executives had a limited tenure in office. But he served longer than anyone else at Maryland, and few college presidents elsewhere matched his professional longevity.

He began his presidency at a 7,000-student university with an annual budget of $23 million, a strong football tradition and weak academic credentials. The Middle States Association of Colleges and Secondary Schools had threatened to withdraw accreditation and Phi Beta Kappa, the academic honor society, refused to authorize a chapter on the Maryland campus.

On taking the helm at College Park, Dr. Elkins declared that rebuilding the university's academic credibility would be his primary mission. A year after he took office, the Middle States Association reaffirmed its accreditation, and construction began on a new library.

During the 1960s, the physics department acquired a cyclotron, and Phi Beta Kappa finally authorized a chapter. The faculty was upgraded, and tenure and sabbatical systems were developed. Maryland was admitted to membership in the Association of American Universities, which includes the top 57 research universities in the country. Enrollment soared to 78,000, and the annual budget was more than $300 million.

Dr. Elkins was born on a farm in West Texas, and he grew up in San Antonio. He worked his way through the University of Texas, where he had a partial athletic scholarship and won letters in basketball, track and football (he played quarterback).

After teaching in Texas for a year, he won a Rhodes Scholarship and spent three years at Oxford University in England, receiving a doctorate in history and economics. After oxford he taught at the University of Texas for two years. Later he was president of the state junior college at San Angelo and then president of what is now the University of Texas at El Paso.

His years at Maryland coincided with the baby boom generation's coming of college age and an era of rapid expansion at colleges throughout the nation. The University of Maryland added a campus in Baltimore County and another on the Eastern Shore and enlarged its overseas program to accommodate swelling enrollment.

This surge in enrollment, coupled with an unpopular war in Vietnam, brought an era of turmoil and protest to campuses everywhere. Dr. Elkins, stern and laconic with a reputation as a no-nonsense administrator, later recalled this period as the most unpleasant of his years as an educator.

Protesting students periodically blocked Route 1, which passes through the College Park campus. University offices were seized, ceremonies disrupted and the National Guard was called out.

Dr. Elkins took a hard line towards the protestors. "It is very important for the maintenance of order that, when there is an occupation of a building, that you suspend them and get them out," he argued.

Radical students, he once said, "should be thrown off every campus." In 1971, he blocked promotions for two College Park faculty members who had protested the suspensions of students involved in campus protest. But when other faculty members threatened to resign unless Dr. Elkins relented, he approved the promotions. When Dr. Elkins became the target of obscene remarks in two campus publications, he responded by banning the publications.

He retired on June 30, 1978, less than 10 days before his 70th birthday, amid a storm of controversy over the appointment of an avowed Marxist, Bertell Ollman, to head the political science department at College Park.

The appointment had been approved at all levels up to Dr. Elkins's office. When politicians in the state found out about it, they began to complain. After weighing the issue for several weeks, Dr. Elkins took no action on the appointment, and the decision fell to his successor, John S. Toll, who turned Ollman down.

In retirement, Dr. Elkins continued to participate in university functions.

His first wife, the former Dorothy Blackburn, died in 1971.

Survivors include his wife, the former Vivian Noh Andrews of College Heights Estates; two daughters from his first marriage, Carol Neal of University Park and Margaret Frost of Redding, Conn.; two stepsons, Bruce Andrews of New York and Tom Andrews of Lyons, Colo.; and six grandchildren.•

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## COMMENDING THE NATIONAL GAY AND LESBIAN TASK FORCE POLICY INSTITUTE FOR THEIR EFFORTS TO COMBAT ANTIGAY VIOLENCE

• Mr. SIMON. Mr. President, I applaud the National Gay and Lesbian Task Force Policy Institute [NGLTF] for their work to document the extent of anti-gay violence and its victimization. For the past 9 years, NGLTF has issued an annual report examining anti-gay violence in America. I bring your attention to their latest report, entitled "Anti-Gay/Lesbian Violence, Victimization, & Defamation in 1993." While increasing public awareness of the problem of anti-gay violence, this report helps generate constructive solutions. I commend the NGLTF for their continuing efforts, and I would like to share with you some of their recent findings.

Encouragingly, the report indicates an overall decrease in the number of anti-gay incidents reported in Boston, Chicago, Denver, Minneapolis-St. Paul, New York City, and San Francisco. The reported incidents include harassment, threats, physical assault, vandalism, arson, police abuse, kidnaping, extortion, and murder. The six cities documented a total of 1,813 of these incidents in 1993. This represents a 14-percent decrease over the all-time high reported in 1992, and the first annual decline after 5 years of a steady and dramatic rise in the number of anti-gay incidents. Although promising, these figures still represent a 127 percent increase from the number of episodes reported 5 years ago.

Only Denver experienced an increase in the number of reported incidents. The report attributes this increase to the passage of amendment 2, an anti-gay statewide ballot initiative in Colorado. Following passage of that initiative, 41 percent of the year's 204 anti-gay incidents occurred in a 2-month time span. Overall, Denver reported a 12-percent increase.

The report shows a decrease in the number of threats, physical assaults, robberies, reports of police abuse, and anti-gay murders. However, anti-gay arson, vandalism, bomb threats, and harassment continued to rise.

The increase in the severity of the reported anti-gay incidents represents a disturbing trend. Although the number of reported incidents declined in 1993, victims reported the occurrence of multiple criminal or victimizing acts during each incident. Nationwide the number of multiple offenses during anti-gay incidents rose 22 percent from 1992.

Although these numbers present a startling picture of the level of hate in our society today, some specific examples more graphically describe the problem. The NGLTF reports that in January 1993, a teenager dragged a 55-year-old Vietnamese man to the rocks on Laguna Beach, CA, kicked him with steel-toed boots and beat him unconscious. Police could not identify the race of the victim for several days because of the severity of his facial and skull fractures. The teen admitted he drove to Laguna Beach looking for gay people to harass.

In Wichita, KS, two men shot a gay man and robbed him of his wallet when he stopped to help them dislodge their car in January 1993. The men admitted to "stalking faggots." Their actions left the gay man a quadriplegic.

In Fairfax County, VA, three male teenagers burned a gay man on his neck and head with cigarettes. The teenagers then followed the man, calling him a "fag" and "queer," and threw beer cans at his head.

These stories and the data present a sad story about the level of anti-gay bias in this country. While reports like this one won't put an end to the violence and the hatred, they are extremely valuable in ensuring continued public awareness.

I thank NGLTF for their efforts and urge them to continue to inform all of us about the incidents of anti-gay violence so that we will continue to search for solutions.•

## S. 1920, A BILL TO REAUTHORIZE THE SAFE DRINKING WATER ACT

• Mr. GORTON. Mr. President, whenever I travel across my State I hear about the Safe Drinking Water Act. Whether I'm holding town meetings, visiting with small business owners, or talking with the mayors and residents of the small rural towns which make up my State, the Safe Drinking Water Act is a top concern.

I hear two common themes: the costs of compliance with the act do not necessarily correspond to a direct public health benefit, and that the act's "one-size-fits-all" approach does not meet the needs of small communities.

Instead of spending their resources on identifying, monitoring, testing, and treating those contaminants which do pose a health risk and are known to exist within a given water system, rural communities are expending their dwindling resources on identifying and monitoring for contaminants which, in many cases do not appear in their water systems, nor pose a public health threat.

Federal assistance is desperately needed by our States and small communities. For proof positive of this fact, take a look at the State of Washington:

In 1993, the Washington State Department of Public Health conducted a "needs assessment survey" and determined that by 1999 the State's water systems will need $700 million in capital funding to comply with current SDWA requirements. Washington State is only one of many States in dire need of Federal assistance to provide safe, clean drinking water to its citizens.

Moreover, an EPA resource model shows that the Washington State Department of Health needs 170 people to effectively administer the act, however, the State currently only has 45 people to help with administration, of which 70 percent is funded by the State.

Perhaps even more distressing is the costs which compliance with the act requires local governments and their residents to absorb.

For example, the city of Entiat estimates that the average household water bill will increase from $15 per month to $28. The city of South Bend—population 1,570—tells us that in order to meet SDWA requirements it would cost the city $1.5 million. The city contends that it would be impossible to absorb this cost, as 33 percent of the population is made up of retired citizens. The average combined water, sewer and garbage bill totals $40 per month. SDWA requirements would tack on an estimated $10 per month.

Mr. President, these are the communities I continue to hear from—small, rural communities which, almost inevitably, bear the cost of expensive Federal regulations.

Yet another example, Mayor Hartman, of Coulee Dam, WA, population 1,100, wrote urging me to support S. 1920. He wrote:

> We urge your support of the legislation which will look at health threats as they might exist at each location and cooperatively work towards resolving these problems on an individual basis, rather than assuming the same health threats exist in all surface waters.

If you listen closely to this statement, it sounds as if Mayor Hartman is an expert on the Safe Drinking Water Act—in fact I would bet that he is probably more knowledgeable on the specifics of the act than most members of Congress. Clearly, Mayor Hartman wants to provide safe, clean water to his residents. But we need to give him the resources and the flexibility to achieve his goal.

It is these pleas from the town of Coulee Dam and the city of Entiat, WA, which make clear to me that one of the most important provisions of S. 1920 is the authorization of appropriations for both grants and a state revolving loan fund. Although some might balk at the authorization included within this bill—because the price tag is high—even this amount may not be enough to assist communities across the United States in their effort to provide safe, affordable drinking water to their residents. In my opinion this will be money well spent. These moneys will help small communities meet their SDWA needs and put an end to the unfunded mandates within the act.

The authorization of appropriations to conduct research on contaminants is $20 million for each of fiscal year's 1994–98.

Previous authorizations for grants to States ranged from $37.2 million in fiscal year 1987 to $40.15 million in fiscal year 1991. S. 1920 authorizes appropriations for grants to States at the following levels fiscal year 1994, $100 million, fiscal year 1995, $125 million, fiscal year 1996, $150 million, fiscal year 1997, $150 million, and fiscal year 1998, $150 million.

### SCIENCE AND REALITY BASED CONTAMINANT REQUIREMENTS

The central component of this bill is this: The bill would require that maximum contaminant levels, and corresponding enforcement regulations, be based upon an assessment of public health information data. This is the basic thrust of the bill. By focusing our Federal, State and local resources on those contaminants which pose public health threats we will stop the process of identifying contaminants simply for the sake of identification. This bill shifts the focus of contaminant identification to focus upon those contaminants which actually exist in a given water supply and scientific research determines to pose a public health threat.

It is important to note that the bill stipulates that each maximum contaminant level [MCL] established shall be set at the level at which no known or anticipated adverse effects on the health of persons occur and which allows an adequate margin of safety. In other words, this bill ensures that we will be providing safe water to our citizens. The bill requires that water systems will use the best technology, treatment techniques, and other means in order to comply with the MCL.

The bill also requires the Administrator to consider public health risk reduction benefits and cost when making technology and treatment determinations. This cost-benefit component has been one for which communities across my State have been fighting. And it just makes sense.

Time and again I hear from Washingtonians that their communities are required under existing law to construct costly filtration systems when, in fact little if no benefit can be derived from its construction. This provision is common sense. We need to ensure that Federal, State and local dollars are being used wisely, because, after all, resources are in short supply.

This legislation addresses the needs of our small, rural communities, and recognizes that not all water systems are alike across this Nation. S. 1920 direct the Administrator to establish best technology treatment techniques [BTTT] for public water systems serving less than 1,000 people, BTTT for systems serving between 1,000 and 10,000 people, and BTTT for systems serving over 10,000 people. In addition to technology, watershed protection and pollution prevention shall be considered appropriate best technology for purposes of compliance with drinking water regulations.

This is another important component of the legislation—especially for Washington State. In Washington State water sources are often located in pristine and rural settings which are unique to the Northwest. It is important to understand, and a simple look on the map would illustrate this point clearly, that the Northwest is geographically different than the Midwest or the Northeast sections of our Nation. We have problems with different contaminants in our water sources. Consequently, in Washington State watershed protection is a good course of action, many communities tell me, in order to protect the water supply from contamination.

### SUPPORT FOR S. 1920

Mr. President, a broad coalition of associations support S. 1920. This legislation is supported by the National Governors Association, National League of Cities, U.S. Conference of Mayors, Association of Metropolitan Water Agencies, National Association of Counties, National Association of Regulatory Utility Commissioners, Association of State Drinking Water Administrators, National Rural Water Association, American Water Works Association, National Association of Water Companies, National Conference of State Legislators, National Association of Regulator Utility Commissioners.

More specifically to Washington State, S. 1920 is supported by Washington State's Governor Mike Lowry. I ask that a copy of the Governor's letter on this subject be included within the RECORD upon completion of my remarks.

Other Washington groups support S. 1920, the Seattle Water Department, the Tacoma Water Department, the Everett Public Works Department, the town of Coulee Dam, the Washington Associated Water Systems, the city of Chelan, to name a few.

I am holding a safe drinking water forum over the Easter recess to listen to the concerns of the many cities and towns across Washington State, mayors, small business owners, citizens and interested groups. I hope to learn what's working with the current act and how we can make it better for our residents.

In summary, I am proud to cosponsor S. 1920 because I believe it answers the problems of many of my constituents, and will help us provide safe, clean water to Washington State residents.

The letter follows:

OFFICE OF THE GOVERNOR,
*Olympia, WA, January 21, 1994.*

Hon. SLADE GORTON,
*Hart Senate Office Building, Washington, DC.*

DEAR SLADE: As Governor of Washington, and a former member of Congress, I am writing to urge your support of HB 3392, the Safe Drinking Water Act Amendments of 1993 and HB 1701, an act to create a state revolving fund for public water systems.

HB 3392 is a bipartisan measure cosponsored by Congressmen Jim Slattery (D-KS) and Tom Bliley (R-VA). I understand that this bill has been cosponsored by approximately 60 additional members of Congress, although not yet by any member of the Washington Delegation. I am writing to ask you to consider becoming a cosponsor, and otherwise fully support this measure.

HB 3392 represents the work of a broad coalition of groups knowledgeable about the current Safe Drinking Water Act (SDWA) and motivated to assure better public health protection through the revisions proposed in HR 3392. The National Governors Association (NGA) is one of the members of the coalition that developed HR 3392, which tracks the recommendations for changes to the SDWA adopted by the NGA in 1992. HR 3392 is also supported by the National League of Cities, National Association of Counties, Association of State Drinking Water Administrators, U.S. Conference of Mayors, National Rural Water Association, American Water Works Association, National Conference of State Legislators, and National Association of Regulatory Utility Commissioners. Washington representatives have actively participated in most, if not all, of these groups' work on what has become known as the "Coalition bill." These and other groups are vitally and directly interested in assuring that we all have safe and reliable drinking water supplies.

There is near-universal agreement that the SDWA as it currently exists, and is being implemented by the Environmental Protection Agency (EPA), has major flaws that must be corrected. These problems include overly-cumbersome and complicated rules, massive costs for water systems (particularly for small system customers), major increases in implementation costs on administering states like Washington, and inadequate research on health effects, to name a few. I see serious problems being created by the SDWA in this state, including the following:

Of the nearly 5000 water systems in Washington subject to the SWDA, all but 170 are considered "small" by the EPA (either community systems with fewer than 1000 hookups or non-community systems). These small systems, when forced to do the monitoring, testing, or treatment required by the EPA under its new rules will face potentially major rate increases that could drive monthly household charges up to $100 or more. The EPA has not adequately addressed this issue, stating that it bases its economic analysis on "large municipal system" costs, which does not reflect the reality of the vast majority of systems in Washington. HB 3392 makes special provision for small system problems, including the development by EPA of appropriate technology for different size systems.

EPA's "one size fits all" approach to setting national standards does not account for regional or state differences. Washington, for instance, does not have the history of chemical pollution that more industrialized states have, nor the widespread use of lead pipes like many major eastern cities have. Yet the EPA rules require Washington's systems to conduct the same types of expensive testing and monitoring as are appropriate in areas where these types of contaminants may be expected to be found. HB 3392 would allow tailoring of monitoring and testing by each state to its own circumstances, and provide additional flexibility to the states in determining appropriate water treatment requirements.

The 1993 Public Water System Needs Assessment conducted by the Department of Health concluded that by 1999 the state's water systems will need nearly $700 million in capital funding to meet SDWA requirements. The study noted that figure could increase significantly if existing exceptions are not maintained (e.g., the City of Seattle may be required to spend approximately $300 million to build a filtration plant for the Cedar River if it does not continue to receive its exception under the SDWA). There is not now any major federal funding program for such federally-driven capital costs (like there was for wastewater treatment under the Clean Water Act). Congress has appropriated $599 million in start-up money in FY 94 for the proposed Drinking Water State Revolving Fund. That funding will lapse on September 30 if such a program has not been authorized. HB 3392's one major omission is authorization for such a program. However, Congressmen Waxman has an act (HB 1701) that would authorize such a program independently of the re-authorization of the SDWA in HB 3392. Given that these major costs will be incurred regardless of the prospective changes in the SDWA, the State Revolving Fund program envisioned in HB 1701 should be enacted immediately.

According to the EPA's model, the Department of Health will have to increase its level of staffing from the current 73.5 FTE's to approximately 170 by 1998 in order to have a program that satisfies the EPA. Most of these increases would be directly due to administration of existing and proposed rules under the SDWA. EPA currently provides only about 30% of our Drinking Water Program funding, even though more than half the Program's functions and activities are directly generated by the SDWA. For the current fiscal year, the EPA proposed no increase in grants to the states for administering, although Congress on its own initiative added another $5 million for the states. The heavy increase in workload being forced on the states can only be done through major increases in federal funding, which the current Administration has not proposed to provide. The state of Washington cannot afford such increases, given its current fiscal problems and the future limitations on state revenues imposed under Initiative 601. HB 3392 will provide the major increases in state funding necessary.

I think I can safely characterize the 1986 Safe Drinking Water Act amendments as well-intentioned legislation, based on the best available information at the time, that in its implementation has gone awry. We now know much more than we did in 1986, particularly with regard to the existence of many contaminants, their potential health effects, and the enormous costs that will have to be borne by utilities and state and local governments to implement the rules enacted by the EPA. While there is a lot we still don't know, I think it is time to make a mid-course correction to the SDWA, based on knowledge accumulated over the past seven years. HB 3392 will do that.

Although I am asking that you support HB 3392 (and any Senate version I understand may be introduced), I am aware that SB 1547 (the "Baucus bill") also contains a number of provisions that would materially improve the SDWA and its administration. Many of these changes are meritorious and deserve your support. However, at this point, HB 3392 represents the work of a large number of organizations, and the consensus of a variety of viewpoints, including those of the Governors of the 50 states. Because of the lengthy debate and compromise that has already gone into this bill, it warrants your strong efforts on its behalf.

Finally, I want to note that, despite its broad support from a range of organizations, HB 3392 is being criticized as "weakening" of public health protection. I do not believe that claim is accurate, and I am not aware of any such criticisms being made by Washington organizations knowledgeable about drinking water issues. The public health of our citizens can only be adequately protected if reasonable decisions are made on the allocation of our resources to all the types of threats being made to public health. We cannot afford to divert scarce resources to theoretical public health threats and away from real and demonstrable ones, of which we have many.

In my one year as Governor, I have become well aware that the citizens of this state will no longer tolerate increasingly expensive burdens imposed on them by any level of government without clear delineation of the need. They are willing to support good public policy, with clearly stated objectives, and reasonable measures to achieve them. HB 3392 will go a long way toward assuring that, at least with regard to safe and reliable water supplies.

Sincerely,

MIKE LOWRY,
*Governor.*•

## REGARDING S. 1541

• Mr. McCAIN. Mr. President, recently I cosponsored legislation, S. 1541, a bill which addresses issues regarding private express mail delivery. I wanted to take this opportunity to explain the rationale behind my doing so.

First, I strongly support the U.S. Postal Service. I believe the USPS is the finest postal delivery system in the world. The men and women who keep the mail flowing to and from every corner of the country, from small towns such as Queen Creek, AZ, to large metropolises such as New York City, deserve our praise and admiration.

Second, if we are to maintain a first-rate, high-quality postal system that delivers to every address in America, we must allow our national post office to maintain its monopoly status and should not privatize the USPS. I believe that privatizing the USPS would severely limit the ability of all Americans to use the mails regardless of their place of residence. Because of that belief, I would fight privatizing the Postal Service.

Third, although I believe the USPS must be allowed to continue to be our Nation's only regular mail carrier, I believe there is room in the mail delivery industry for overnight express carriers who can fulfill certain specific requirements as allowed by law.

Currently the law allows for any American to choose the overnight mail carrier of his or here choice. Carriers other than the USPS have certain restrictions placed upon them. I believe that such limitations are entirely appropriate and should be maintained.

I am concerned, however, that postal inspectors may be using subjective criteria to fine or punish companies for using private overnight carriers. If we were to take a poll of every business in America, I would wager that the vast majority, perhaps nearly all, would not be aware that unless a package is truly urgent they are forbidden by law from using a private overnight delivery service. Additionally, I doubt many businesses would know what qualifies as urgent and what does not.

We must rectify this situation. We need less big brother Government and must place more trust in the American people.

We must make sure that all individuals and businesses know what rights they possess regarding the mail. We must also be sure that every person who uses a private overnight delivery service understands exactly what is defined as urgent or nonurgent. Unfortunately, as I have stated, there is no clear delineation on what qualifies as urgent or nonurgent.

I believe the Congress must address this issue and decide how it best be addressed. The Congress should establish a bright line test regarding this issue. Such a bright line would allow everyone to know what is permitted and act accordingly.

To ensure that this issue is debated, I have supported S. 1541. This should not in any way be interpreted as a lack of support for the Postal Service. Quite the contrary is true.

I believe that when the Congress clarifies this issue, the Postal Service will better be able to do its job and the businesses and individuals who need to send overnight mail will know their rights and obligations. This is the appropriate role of Congress.

Because of this measure, the Postmaster General has stated that the Postal Service will cease these investigatory raids. I applaud his doing so.

I am now hopeful that we can establish criteria to address any concerns that still exist.

I am hopeful that the U.S. Postal Service and the public will benefit from this discussion and that this issue once and for all will be clarified.•

## EUROPE IS NO MODEL FOR CREATING JOBS

• Mr. MACK. Mr. President, last week in Detroit the leaders of the Group of Seven convened a jobs summit to ostensibly attack the problem of persistent global joblessness.

The summiteers blamed global unemployment on everything from technological changes that replace labor with capital to shifting demands for less educated workers to those with higher skills.

Little was said about what many believe to be the major cause of unemployment: high governmental taxes and regulations that increase the cost of labor. This problem is particularly acute in Europe where the expansive social welfare net and its component taxes have pushed unemployment to 12 percent in most European countries.

Ironically, President Clinton's domestic policies—including a costly Government-controlled health care plan—threaten to bring this Eurosclerosis to America. Indeed, the Congressional Budget Office says the Clinton plan would require a 27-percent tax increase by 2004, the biggest tax increase in our history.

I would like to bring to the attention of the Senate two cogent articles on why Europe is no model for creating jobs—one by my former House colleague Jack Kemp, co-director of Empower America and honorary co-chairman of the Alexis de Tocqueville Institution, entitled "Forget Europe as a Model for Creating Jobs" which appeared in the Los Angeles Times and the other by Cesar Conda, executive director of the de Tocqueville Institution, entitled "An Agenda for the Jobs Summit" which appeared in the Journal of Commerce.

Both Secretary Kemp and Mr. Conda argue that the taxes on labor required to fund Europe's social welfare state have become a serious disincentive to job creation. The solution, as Secretary Kemp put it, "lies in unleashing the creative power of America's small business owners through lower taxes on both labor and capital."

We should keep the European experience in mind as we proceed with the debate over health care reform. I ask that these articles be printed in the RECORD immediately following my remarks.

The articles follow:

[From the Los Angeles Times, Mar. 20, 1994]

### Forget Europe as a Model for Creating Jobs—Clinton's Health Plan Has the Same Blind Spot—Broader Benefits Require Higher Taxes.

(By Jack Kemp)

One of the most consistent facts about American economic life over the past several years has been the almost weekly announcement of massive job cutbacks or layoffs by Fortune 500 firms.

What should America do? President Clinton thinks he has the answer. "We simply must figure out how to create more jobs," he said back in January. "We have a lot to learn from the Europeans," he added, citing European job-training programs and the ability to move people "from school to work into good-paying jobs."

There is only one problem with this job-growth tutorial. Europe has nothing to teach. Every country on that continent, except Switzerland, is experiencing unemployment well above America's 6.5% rate. Several European countries have unemployment rates well into double digits, including Belgium, 14%; Denmark, 12.4%; France, 12%, and Spain, 23.1%. Britain is the only European nation with an unemployment rate lower today than a year ago.

Europe's high unemployment rates have a single root causes, the failure to create enough new jobs. Between 1982 and 1992, the six largest European countries combined created just 6.9 million jobs, while the European labor force increased by 7.5 million. Over the same period, the United States created 18 million new jobs, while the labor force grew by 18.8 million.

There are many reasons why we created so many more jobs in the 1980s, but one of the most important is that European employers pay significantly higher taxes on labor. In Belgium, for example, government-mandated charges on labor as a percentage of GDP have risen from 19.6% in 1970 to 29.5% in 1981; in Italy, from 12.7% to 23.6%. Only Great Britain's rate has remained steady. By contrast, the U.S, rate was 15.9% in 1970, 19.4% in 1991.

So, this much we can learn from Europe: A welfare state with national health insurance and expensive fringe benefits has an insatiable appetite. And the main burden of financing this largess always falls on working men and women.

With his national health-care plan, President Clinton would set America on Europe's descending path. Although he tells us that few workers will pay more than they do now, history is clear: All national health-insurance schemes inevitably cost far more than anyone projected when the programs were adopted.

Government has a dismal track record in predicting the burden its programs will impose on future taxpayers. Look at Medicare. When that program was enacted in 1965, the Johnson Administration estimated that it would cost $8 billion per year by 1990. The actual cost? $98 billion.

Even if we take the Clinton projections at face value, his health plan will still lead to a 27% increase in federal taxes by the year 2004, according to a study from the Alexis de Tocqueville Institution.

Clinton defends this vast expansion of federal taxation on the grounds that higher taxes will be offset by lower health-insurance costs. This is just a semantic game. Would people really be better off if the government increased their taxes by the amount of their annual food costs while providing free food at the same time. Of course not, because the government cannot provide anything as efficiently as the market and because the costs would quickly rise far beyond expectations, leading to tax increases or reduced benefits. Also, in the process, people would lose the freedom to choose.

Health care will not escape this fate. Quality will decline because patients and doctors will be forced into more rigid government constraints. As in Canada, a model for the Clinton Administration, people will wait months or even years for simple operations, and many will be denied access to treatment because the plan managers judge them too old to benefits never mind their physicians opinions.

To these costs we must add a price paid in jobs. As the European example shows higher benefits lead to higher taxes, which, in the end, lead to higher unemployment. A recent DRI/McGraw Hill study predicts that by the year 2000, the Clinton health plan will cause 1 million jobs to disappear—a conservative estimate.

Instead of invoking a European model of job creation that creates no jobs, President Clinton should study the lesson of America's job explosion in the 1980s. He would find that the key to job creation lies in unleashing the creative power of America's entrepreneurs and small business owners through lower taxes on both labor and capital. Viewing entrepreneurs as a endless funding source for an insatiable federal government is a prescription for employment stagnation—or worse.

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[From the Journal of Commerce, Mar. 15, 1994]

### An Agenda for the Jobs Summit

(By Cesar V. Conda)

This week the leaders of the major industrialized countries are attending a jobs summit in Detroit to tackle the global problem of persistent unemployment. Ironically, much of President Bill Clinton's domestic policy agenda—including his costly nationalized health-care plan—is based on the European model of government that even the Europeans now believe is responsible for their lingering joblessness.

Between 1982 and 1992, the United States generated 18 million jobs, more than triple the number created by the major European economies over the same period. According to the Organization for Economic Cooperation and Development, the unemployment rate for last year in most European countries was about 11% to 12% compared to only 6.7% in the United States. Perhaps the most disturbing comparison is the difference in long-term unemployment rates: In 1989, more than half of the unemployed people in the European Union countries were out of work for a year or more, compared to only 6.3% in this country, according to David Henderson of the Hoover Institution.

Labor Secretary Robert Reich has circulated a white paper to the Group of 7 arguing that joblessness in Europe is primarily caused by a shift in demand from less educated workers to workers with problem-solving skills. With all due respect to Mr. Reich, he completely misses the point: The demand and supply for European workers—skilled and unskilled—has declined because of the growing burden of the social welfare state and its component taxes on the private economy. This social spending, including unemployment insurance, retirement benefits and nationalized health care, has reduced the incentives for employers to hire and for people to work.

According to the OECD, social spending in the European Union will account for 21.5% of GDP this year, up from 16.4% in 1989—double the percentage rise in the last downturn in the early 1980s. The OECD says the EU social spending exceeds U.S. and Japanese levels by 50% and 78%, respectively. Because of this expansion in the Social welfare state, the total business tax burden has risen to 61% in Germany and 52% in France compared to "only" 45% in the United States, according to the German Industry Institute.

This high tax burden on European employees—combined with government-mandated employer spending for certain social insurance benefits—has contributed to the high and rising cost of labor. The Bureau of Labor Statistics reports that hourly compensation costs in 1992 were 60% higher in Germany in the United States; 50% higher in Sweden; 20% to 25% higher in Italy; and 5% higher in France. To stay competitive, European businesses have been forced to either shed jobs or relocate to countries with lower labor costs.

Europe's lavish social welfare state has had a more insidious effect: It has reduced the incentive for people for work. For example, in Italy, unemployment insurance compensates up to 80% of lost wages; in France, an unemployed worker could collect benefits for 2½ years.

To their credit, Europe's political leaders have either taken or are considering steps to reduce the social welfare state. In 1993, France froze spending on state pensions, Germany reduced unemployment insurance and the U.K. ordered a complete review of welfare spending. Moreover, the Europeans are considering payroll tax cuts and other reforms that would increase labor flexibility and reduce costs. As reported by the Financial Times, a draft OECD paper on joblessness concludes that "a significant revenue-neutral cut in payroll taxes could yield import increases in employment over the medium term."

While Europe is beginning to "see the light" with regard to jobs, America is close to imitating the failed European model. From 1988 to 1993, income and payroll taxes were raised several times. Over this period, several new laws were enacted including the Americans with Disabilities Act, the Family and Medical Leave Act, the Civil Rights Act and various environmental, health and safety regulations. These have added to the total cost of employment and are a major reason why employers have become more reluctant to hire full-time workers. Indeed, anecdotal evidence suggests many businesses are keeping their full-time work forces below 50 to avoid the coverage threshold under the new Family and Medical Leave Act.

Today, Congress is debating the Clinton nationalized health reform plan, which would require businesses to pay for 80% of their employees health insurance coverage, resulting in a new 7.9% payroll tax. Overall, the Congressional Budget Office says the Clinton plan would lead to a 27% increase in federal taxes by the year 2004, the largest peacetime tax increase in U.S. history. Private studies say the plan could destroy anywhere from 900,000 to 3.1 million jobs.

Yes, the rate of U.S. economic growth in recent months has been impressive and, yes, the rate of unemployment has dropped to 6.5%. But economic growth in this expansion is averaging only 2.7% a year, significantly lower than the 5% average annual growth of the previous postwar recoveries.

And although job growth averaged 150,000 a month in 1993, it has yet to compare to the Reagan expansion, which generated an average of 183,000 jobs a month for seven years. Major governmental policy shocks, including a nationalized health plan, could limit the job creating potential of this expansion.

To restart the global jobs engine, the Group of 7 should adopt a strategy of limiting governmental tax and regulatory burdens. The European economies should radically reform their social welfare systems with an eye toward reducing labor costs, increasing labor market flexibility and eliminating work disincentives. Ironically, the Clinton administration has said that Japan needs a sizable income tax rate cut.

Here in the United States we should reduce taxes and regulations on workers and entrepreneurs. A number of U.S. governors have done this at the state level, including John Engler of Michigan, Carroll Campbell of South Carolina, Kirk Fordice of Mississippi, Tommy Thompson of Wisconsin and Christine Todd Whitman of New Jersey. At the very least, we should reject the failed European model that would almost certainly grind America's dynamic job creation machine to a halt.•

## COST OF PRESIDENT CLINTON'S HEALTH CARE PLAN

• Mr. MACK. Mr. President, a major element of the debate over President Clinton's health care plan is its cost. The Congressional Budget Office identified the compulsory payments by individuals and businesses to health alliances as taxes.

Along with the other elements of the President's plan, this will add over half a trillion dollars to Federal revenues. According to Bruce Barlett of the Alexis de Tocqueville Institution, this would be a massive 27-percent incerase in Federal revenues—a tax increase over four times greater than any tax increase Congress has passed in recent years.

As we know all too well, taxes matter, and tax increase have damaging effects on working, saving, and investing. Moreover, those damaging effects are almost always underestimated.

Before we move forward on this massive tax increase, we must consider the effects of those taxes very carefully. The following article by Bruce Bartlett—and I ask that his analysis be inserted into the Record in its entirety—is well worth examining in this light.

The article follows:

[From the Washington Times, Mar. 7, 1994]

### The Devil of the Clinton Health Plan Is In the Detail—How to Quadruple Federal Revenue

(By Bruce Bartlett)

According to the Congressional Budget Office (CBO), by the year 2004, when the Clinton health plan is fully phased-in, its effect will be to increase federal taxes by over 27 percent. Without the health plan, total federal receipts are estimated to be $2,054 trillion, and the health plan would increase this figure by $566 billion, raising the revenue total to $2.62 trillion.

The vast bulk of these new revenues, $513 billion, will come from compulsory payments by individuals and businesses to health alliances. The CBO correctly concluded that these payments are, in fact, taxes, because they involve exercise of the federal government's sovereign power and because the health alliances are governmental institutions.

Addtional revenues will come from three main sources. First is the increase in ordinary federal income and payroll taxes arising from higher wages. Wages are expected to rise because for most employers the cost of providing health benefits to their employees is expected to fall. The savings are assumed to be given to employees in the form of higher wages. By 2004, these higher wage levels would increase federal revenues by $34 billion.

The second major source of new revenue is from higher tobacco taxes. These taxes would roughly quadruple the tax on cigarettes and other tobacco products. The federal tax on cigarettes, for example, would rise from 24 cents per pack to 99 cents. Federal revenues, however, would not quadruple because the higher taxes will significantly reduce smoking and perhaps increase smuggling of cigarettes, as now happens along the U.S.-Canadian border as the result of an increase in Canadian cigarette taxes. Thus, according to CBO, federal revenue would only triple, from $5.6 billion to $16.6 billion. This is a smaller increase than projected by the Clinton administration, although many private economists believe that even the lower CBO figure is unlikely to be achieved given the Canadian experience.

The last major revenue increase will come from excluding health insurance from cafeteria plans offered by employers. (Cafeteria compensation plans allow workers to choose an individual package of benefits from a menu, so that some workers might choose higher pension benefits in lieu of health benefits, for example.) This would raise $7 billion by 2004. A 1 percent assessment on corporate health alliances would raise another $1 billion, as would extension of the current health insurance tax to presently uncovered state and local government employees. There are also a few other minor tax changes.

A tax increase of this magnitude during peacetime is unprecedented in American history. The largest tax increase in recent years, the Tax Equity and Fiscal Responsibility Act of 1982, for example, only increased revenues by less than 6 percent, whereas the Clinton plan proposes to increase revenues by more than 27 percent.

Although it is difficult to isolate the effects of the increased taxes from the overall economic impact of the Clinton health plan, the CBO admits that the overall effect would be to reduce employment and real output in the economy. This fact is confirmed by a recent study from DRI/McGraw-Hill, commissioned by the Citizens for a Sound Economy Foundation, which estimates that the combination of universal health coverage, employer mandate, corporate assessment and taxes would, by the year 2000, reduce real GDP by $75 billion, increase unemployment by 900,000, raise the inflation rate by 0.3 percent, and increase the federal budget deficit by $115 billion.

To be sure, such estimates must be treated as tentative. As the CBO points out, there is just no precedent for estimating the effects of changes of this magnitude on the economy. Prudence, therefore, suggests that we at least try to find out more about these possible effects before moving forward with the largest domestic tax and spending program in history.•

## FREE ENTERPRISE MONTH

• Mr. GORTON. Mr. President, I would like to express my support for the Free Enterprise Month of January 1994, sponsored by the Distributive Education Clubs of America [DECA]. DECA is a national youth leadership development organization with approximately 800,000 members throughout the United States and Canada. DECA is promoting the Phillips Petroleum free enterprise project to make the public more aware of the free enterprise system and its importance in our society. In order to spread the word of free enterprise we need to demonstrate a combined effort by the business, government, and education communities. Therefore, I support this effort to develop a better understanding of the socioeconomic environment we live in today. Free enterprise is an important part of America's strength and I give Free Enterprise Month my full support. Thank you, Mr. President.•

## FACES OF THE HEALTH CARE CRISIS

• Mr. RIEGLE. Mr. President, I rise today in my continuing effort to put real faces on the health care crisis confronting our Nation. I would like to share the story of Tracy, from the Detroit metro area in Michigan. Tracy has asked that I not use her full name, because she fears discrimination from employers if her health condition is known. Tracy is uninsured, does not have a doctor, and needs surgery that will cost between $4,000 and $5,000 and then continuing medical care.

Tracy is a single 39–year–old woman with no children. In August 1992, she was diagnosed with endometriosis which is a condition where the cells lining the uterus grow uncontrollably outside the uterus. These tumors can grow anywhere in the abdominal cavity and can result in severe pain for some women. There is no known cause or cure for this condition, but there are treatments that can slow the growth of these cells.

Tracy suffers from a great deal of pain as a result of this illness. The nonsurgical treatments have failed to ease her pain or control the progression of the disease.

Tracy has had various part-time and temporary administrative jobs over the last few years, which often did not provide any health insurance coverage. The last time she had employer-sponsored insurance was in 1989. She held a full-time position with a small trucking firm that transported paint. The combination of exhaust and paint fumes, however, caused her bronchitis to flare up. After 8 months on this job Tracy became so incapacitated that she had to leave. It was one of the few jobs in her 20 years of employment that offered any health insurance coverage at all. Since she left that company she has worked in various positions, without any employer provided health insurance.

In June 1992, Tracy purchased a major medical insurance policy with a monthly premium of $125. Her family was concerned that Tracy's job did not provide coverage and helped her purchase this individual policy. When Tracy bought her insurance she was not ill. She had never been diagnosed as having endometriosis, nor had she ever received any treatments for the condition. Tracy started feeling pelvic pain in late July and sought medical advice. In August she had outpatient laparoscopy surgery to diagnose and treat her condition. Her doctor determined that she had endometriosis.

The surgery and medical care cost over $4,000. Although Tracy's insurance company paid a portion of the bills, it denied her claim for hospital services because they classified her endometriosis as a pre-existing condition. Tracy has been fighting the denial from the insurance company for 2 years. The $3,000 hospital bill for the surgery remains unpaid. The company has said that it paid a portion of her medical charges in error.

The health insurance company stated that Tracy has not proven that her endometriosis did not exist before the policy went into effect. They place the burden on Tracy to prove that she was not ill. Tracy did not renew her health insurance policy, because it seemed ridiculous to pay a premium when the company refused all her claims related to her condition.

Because of her chronic bronchitis and the endometriosis, Tracy is not able to work full time and relies on her family for support and to pay her medical costs. For the 20 months since the endometriosis was diagnosed, Tracy has been paying for all of her treatments and doctor visits out-of-pocket. One 6-month hormone treatment cost over $2,500 for the prescription and the specialist office visits, all of which Tracy had to ask her parents to pay.

As if this financial burden were not enough, Tracy has also faced discrimination and barriers to care because of her uninsured status. Her doctor, who had been treating her since 1992, has informed her that his office is no longer seeing uninsured, self-pay patients. Tracy is not delinquent in paying her doctor bills. In fact, her bills are completely paid. But because the medical practices does not want to take the risk that an uninsured patient will not pay his or her bill, the physician will no longer see her as a patient. Under the current health system, Tracy will continue to be faced with this sort of discrimination—whether it comes from a provider or from an insurance company in the form of a preexisting condition exclusion.

Tracy is trying to work part time, but the pain of her endometriosis is sometimes overwhelming. The nonsurgical treatments have failed to help her and she is facing the prospect of another surgical procedure, again at a cost of $4,000 to $5,000. But she has no doctor and no insurance. She is desperate to find a new doctor who can control her pain, but she does not want to face the prospect of being turned down as a patient because of her uninsured status.

At this point she is considering buying a health insurance policy that she knows would not cover her treatment costs for this disease, but would at least enable her to say she has insurance and therefore gain access to a physician.

Mr. President, we must enact comprehensive health care reform to provide a guarantee of coverage for all Americans so that people like Tracy receive the care they need without discrimination. Today, when people like Tracy are forced to leave the work force because of an illness they give up the health coverage they need. When you lose your job it means you lose your health insurance. If you do not work for the right kind of company, or work part time, you often do not have coverage at all. We need reform so that Americans have the security of ongoing coverage no matter what their employment status or their ability to pay.

Without health care reform, individuals, like Tracy, who suffer from chronic conditions, find it impossible to buy insurance because of the pre-existing condition clauses. And health insurance companies have incentives to deny claims for medically necessary care, because it is cheaper to encourage sick people to give up their coverage.

Mr. President, we must enact health reform to ensure that individuals like Tracy get timely preventive care and medical treatment and have access to the providers they need. I will continue to work with my colleagues in the Senate and with the White House to make sure that health care reform becomes a reality this year.•

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## COMMEMORATION OF THE INDUSTRIAL BUSINESSWOMEN'S GROUP ACCOMPLISHMENTS

• Mr. RIEGLE. Mr. President, today I rise to honor the Industrial Businesswomen's Group [IBG], an outstanding service club whose contributions to my hometown of Flint, MI, reflects the true spirit of community service.

On April 11, after 60 years of making our community a finer place to live, the Industrial Businesswomen's Group will disband. The Flint Industrial Businesswomen's Group started in 1934 after Harlow H. Curtis, Buick Motor Division's general manager asked his secretary, Alice Dewey, to organize a club patterned after a group he had heard of organized at General Motors in Detroit, MI, "to foster employee-corporation relations."

Approximately 538 women attended the initial meeting on April 10, 1934, chose the club's name and elected Alice Dewey as their first president. Ms. Dewey "helped extend women's influence in the community by emphasizing service to worthwhile causes."

Over the years the Industrial Businesswomen's Group record of community involvement is without comparison. In the early years, the club's activities were mostly social. But as the needs of the community changed over time, the Industrial Businesswomen's Group adapted to meet them. The club has had a prominent role in the establishment of programs that will continue even as the group disbands. These include the formation of Big Sisters of Flint and Genesee County in 1955, the annual Harvest Ball for the mentally and physically disabled, and Operation Santa Clause in which gifts are collected for needy children.

With over six decades of commitment and dedication to those in need from Flint and Genesee County, our community is surely saddened by the disbanding of the Industrial Businesswomen's Group but will forever be grateful for their immense beneficiary.•

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## SPECTER AMENDMENT 1378 ON SHIFTING ALLOCATION FOR ANTIDRUG PROGRAMS

• Mr. LEAHY. Mr. President, I want to give my views on the amendment of Senator SPECTER, which calls for a reallocation from international antidrug programs to drug treatment and prevention programs.

I am a strong supporter of programs to reduce the domestic demand for drugs. I believe these programs are essential to solving the drug problem in this country. The President shares this view, which is why the overwhelming bulk of funds for antidrug programs are aimed at reducing demand here at home.

But I do not believe we should ignore the source of the drugs that are coming to this country, and for that reason I do not agree with the Senator's amendment.

As chairman of the Foreign Operations Subcommittee which appropriates funds for international antidrug programs, I was a strong critic of the Bush administration's Andean Drug Initiative. In fact, I included a provision in the fiscal year 1994 foreign operations bill which withholds funding for antidrug programs in the Andean countries until the administration develops a new strategy and consults with the Congress about it.

I recently met with State Department counselor Tim Wirth, who oversees this program, and we discussed the Clinton administration's proposed international antidrug strategy and some of my concerns. The administration plans a shift in emphasis away from transit zone interdiction and in favor of supporting the democratic institutions and law enforcement capabilities of the source countries. This is a step in the right direction, if it is done in ways that are consistent with protecting human rights and without involving U.S. personnel in combat operations. There are other aspects of the administration's proposed strategy that continue to concern me, and my discussions with them on this are continuing.

But while I agree with the Senator that there is no point in throwing money away on programs that do not work and he is right to be critical of the past administration's international antidrug program, I cannot agree with his solution. The solution is to give the new administration a chance to reshape the international antidrug program so it can achieve its goals, not to scrap the whole idea and walk away from these countries.

Colombia, Bolivia, and Peru are under constant threat of the drug cartels. Many of the traffickers are closely connected to guerrilla groups. They threaten the very survival of these governments. It would be folly for the United States to end all support for their efforts to combat the traffickers.

Rather than reallocate the small amount of funds available for international antidrug programs, I would hope that the Senator would work with me to assist the administration in developing a strategy that reflects our concerns.•

## A FUTURE UKRAINE

• Mr. LAUTENBERG. Mr. President, recently, Ukrainian President Leonid Kravchuk visited our country. This was an important visit, because the United States relationship with Ukraine is of enormous strategic importance to our country.

In a recent article in Foreign Affairs, Zbigniew Brzezinski argues that the future stability and independence of Ukraine is of paramount importance to America's foreign policy interests. Many other analysts, both within and outside the Clinton administration agree with this assessment. The key question is, what will best insure Ukraine's stability and independence?

Many are concerned about the economic conditions in Ukraine. Inflation stands at an annual rate of 6,500 percent, and an energy crisis has led to sharp reductions in industrial output, temporary layoffs of hundreds of thousands of workers, and the closing of the universities for most of the winter.

In spite of these problems, the United States Government should uphold the independence of Ukraine and demonstrate its support of the inviolability of its borders.

Mr. President, in the midst of these tensions, Ukraine will hold an election on Sunday, March 27. Ukrainian citizens will go to the polls to elect a new parliament. The current parliament was elected back in 1990, before Ukraine was an independent state and before it had substantial experience in running a free and fair election.

This upcoming election will go a long way toward determining what kind of a future Ukraine will have. For one thing, it may start the process of breaking the political log-jam that has made it difficult for the Ukrainian Government to more effectively address the country's desperate economic situation. In addition, if the elections are perceived by the people of Ukraine as being free and fair, they will hopefully begin a process of strengthening the Ukrainian people's thrust in their government and belief in the reform process, which has been badly shattered by the events of the past several years. Clearly, a strong relationship between the people of Ukraine and the government they elect to represent them will bode well for the future of democracy in Ukraine.

Mr. President, on Sunday the 27th, the people of Ukraine will have an opportunity to demonstrate their commitment to democratic principles. I look forward to free and fair elections and a long United States relationship with a democratic Ukraine.•

## THE RAY FAMILY, HEMOPHILIA, AND THE AIDS EPIDEMIC

• Mr. GRAHAM. Mr. President, on December 13, 1992, Ricky Ray, a teenage boy in east Orange County, FL, died at home after his 6-year battle against AIDS and 15-year or lifelong battle with hemophilia. I attended Ricky's funeral later that week and read a letter from then President-elect Bill Clinton who, like I, was profoundly affected by this incredible human being and his family.

This tragic story begins over 10 years earlier when the first case of immune deficiency linked to blood products was reported in a Floridian with hemophilia in January 1982. As documented in Randy Shilt's book "And the Band Played On: Politics, People, and the AIDS Epidemic," evidence grew over the year that others with hemophilia were being infected and at least two transfusion-related AIDS cases were also reported. In June 1982, the first warning was issued by the Centers for Disease Control [CDC] to clotting-concentrate manufacturers, other Federal health agencies and the National Hemophilia Foundation.

According to Harvey M. Sapolsky and Stephen L. Boswell in "The History of Transfusion AIDS: Practice and Policy Alternatives",

> Weighing this evidence, the CDC epidemiologists began warning representatives of the several blood-banking organizations that the blood supply was possibly being contaminated with AIDS. These discussions culminated in a meeting in Atlanta in early January 1983, at which proposals were presented to screen out from the blood donor pool members of high-risk groups.

Sapolsky and Boswell add,

> The opposition of the whole-blood collectors delayed governmental action intended to reduce the risks of AIDS transmission through transfusions. It was not until March 1983 that the Centers for Disease Control made public the recommendations for widespread screening.

Moreover, it was not until even February 1984 that manufacturers included warnings about AIDS on their blood products—over 18 months after CDC's original warning.

Calls for blood testing for evidence of hepatitis B with a core antibody test were also being made during the period. According to Sapolsky and Boswell,

> The Food and Drug Administration's Blood Products Advisory Committee studied the issues pertaining to screening the blood supply in early 1984, concluding that surrogate testing, and most specifically the hepatitis B core antibody test, was not appropriate as a means of identifying those at high risk for developing AIDS because it screened out too much of the blood supply.

While some testing did occur like that at Standord University Blood Bank, it was far from pervasive.

In March 1985, the FDA licensed and put into place the first blood test for HIV antibodies. Meanwhile, due to the fact that clotting factors are made from pooled plasma lots composed of thousands of donors, approximately one-half of the estimated 20,000 Americans with hemophilia contracted AIDS. The result was, as Michael McLeod reports in his article "Bad Blood" which was printed in the Orlando Sentinel on December 19, 1993, "a quite death march, caused by one of the worst medically induced calamities in history—one that has claimed more than 1,600 Americans already, with at least 8,000 more sure to follow." Ricky Ray tested positive for HIV in 1986.

In remembering Ricky, words such as perseverance and wisdom come to mind. Ricky and his family have, since that revelation in 1986, lived with the pain and questions caused by this horrible virus called AIDS. If that is not enough, there was also the pain of being banned from school in 1987, having their home burned down by an arsonist shortly thereafter, and spending a tremendous amount of time in court fighting with the DeSoto County School District and the pharmaceutical companies that sold the Ray family the contaminated blood products.

Despite it all, Ricky was committed to teach others about his disease. His mother, Louise Ray, said of Ricky in a recent article written by Monica Davey at the St. Petersburg Times, "He believed that his track in life was to educate people about a disease that nobody know about. He believed that was his purpose." His father Clifford added, "Ricky was a very old soul. He had a wisdom about him."

Like others with hemophilia and AIDS, Ricky was interested in answers to the questions of why. Why did this happen and why was not more done to prevent this tragedy? If nothing else, we certainly owe it to the hemophilia community to find answers to these questions and to do everything possible to prevent further recurrences.

As a result, I joined Senator Edward M. Kennedy and Congressman Porter Goss in requesting from Secretary Donna Shalala of the Department of Health and Human Services a thorough review of the transmission of HIV through blood products to approximately half of this Nation's hemophilia population and up to 90 percent among those with the most severe form of hemophilia. As Congressman Goss and I wrote in a letter to House Energy and Commerce Committee Chairman John Dingell, "Our mission is twofold: first, it is critical to make sure the Nation's blood-supply and our supply of lifesaving blood clotting factors are now free on HIV contamination; second, we believe we owe it to those who were infected and their families to find out what went wrong."

Secretary Shalala requested the study to be conducted by the National Academy of Sciences. We are all hopeful for a thorough, yet speedy, review of these issues. However, with a person in the hemophilia community dying every day from AIDS, we cannot just patiently wait for their conclusions. We must continue to seek answers and move to protect others from similar fates.

First, and foremost, we must ensure that our Nation's blood supply is truly safe for both the hemophilia community and all Americans who face the possibility that they may need a blood transfusion at some point in their lifetime.

For example, the FDA has a catalog of Red Cross violations since 1988 that is 500 pages long and has more than 3000 violations. In addition, according to a "Dateline NBC" report, there have been "more than 1,700 cases in the past 5 years in which blood had to be recalled from Red Cross and non-Red Cross blood banks across the country." The FDA, as a result, has resorted to suing the Red Cross, which is responsible for nearly half of the Nation's blood supply.

Second, we should ensure that we assist those 10,000 HIV-infected people and their families with their primary needs. Whether this is addressed by Congress this year through the provision of universal health care coverage or not, we must adequately address the health and human needs of this population and others affected by AIDS.

Third, as Harold L. Dalton, and editor of "AIDS Law Today: A New Guide for the Public," writes:

> * * * we should remember that just as the law frames society's response to the AIDS epidemic, the society as a whole shapes the law. Like it or not, we must decide what kind of society we will be: mean-spirited, shortsighted, and judgmental or compassionate, clearheaded, and accepting. In the end, society will determine where the burden of AIDS—social, financial, and emotional—will fall. We can make the choice consciously and purposely, or we can make it by indirection or default, but make it we will.

When Ricky saw the headline that "Ryan White loses battle with AIDS", he was very upset. As quoted by McLeod, he said to his mother, "If I die, don't let them write that about me. Don't let them say that I lost. Just because you die, that doesn't mean you gave up. That doesn't mean you lost." Ricky is right because his call for answers, help for those with AIDS and fight for the safety of the blood supply lives on.

Mr. President, I ask that additional information concerning this matter be printed in the Record.

The material follows:

[From the Philadelphia Inquirer, Feb. 4, 1994]

## AIDS A Big Factor In Deaths of Hemophiliacs

(By Gilbert M. Gaul)

A new federal study documents the devastating effect of AIDS on America's hemophiliacs.

The death rate among hemophiliacs with the most common form of the hereditary bleeding disorder, hemophilia A, tripled between 1979–1989, chiefly because of AIDS, according to a report in the February issue of the American Journal of Hematology.

During the same period, the median age at death for people with hemophilia A plummeted from 57 years to 40 years, researchers from the U.S. Centers for Disease Control reported.

The study found that 470 people with hemophilia A who died between 1987 and 1989 had AIDS or HIV infection listed as the cause of death. The 470 accounted for more than half of all those with hemophilia A who died during that period.

The president of the National Hemophilia Foundation, a New York advocacy group, said the findings confirmed what hemophiliacs and their families already knew.

"We have known that this devastation has been going on for years." said Alan Brownstein. "But for people who want to see the numbers, their study displays the dramatic reversal of all of the progress that had been made in the lifespan of hemophiliacs in the 1970."

According to the foundation, about 17,000 Americans have hemophilia A. More than 80 percent of people with severe hemophilia A are believed to have been infected with AIDS in the early to mid-1980s through the use of tainted blood-clotting medicine, called Factor VIII. The first case of AIDS in hemophiliacs was reported in 1981.

To date, about 4,000 people with hemophilia A are officially listed as having been infected with AIDS according to the CDC.

"It's safe to say that more than 2,000 people with hemophilia A have died of AIDS." Brownstein said. Currently, about 30 more people per month are dying, he said.

The lifespan of hemophiliacs increased in the 1970s, but then dropped dramatically in the late 1980s as hemophiliacs started to die from AIDS. After peaking in 1983 to a median lifespan of 64 years, the median age at death in hemophiliacs fell to 40 in 1989, the study found. The lifespan of hemophiliacs today now resembles what it was 20 years ago, before modern treatments were available.

According to the researchers, the risk of getting AIDS from tainted blood products has been virtually eliminated since 1985 because of new screening procedures and safer clotting medicines.

In a related development, Brownstein yesterday said foundation officials were competing draft legislation to compensate AIDS-infected hemophiliacs and their families. They hope to present it to Congress in March.

Under the foundation's proposal, those hemophiliacs would be eligible for financial help for medical bills and family support from Medicare and Social Security. The legislation would also create a special trust fund to meet the needs of people who have been financially devastated by AIDS, Brownstein said.

"We're pursuing this on the basis that the federal government had a major responsibility in monitoring the safety of the blood supply. We're not casting blame. We're saying the system didn't work."

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["Dateline NBC," Oct. 5, 1993]

## Safety of America's Blood Supply

Jane Pauley. A ten-year old in California. A carpenter in Montana. They have something in common. Both acquired AIDS from blood transfusions.

Bob Jones. AIDS was the last thing on the face of this Earth that I was worried about.

Pauley. It happened long after blood screening began.

Elizabeth Dole. American Red Cross blood is the safest it's ever been. It's the safest in the world.

Pauley. It's not always safe enough. Tonight, a Dateline investigation into laboratories and blood banks.

Stone Phillips. What does that say about the safety of the blood supply?

Dr. David Kessler. The risks are rare but they're real.

Pauley. Do you know what you need to know about blood?

Whether it's a surgical procedure or an accident, any one of us could need a blood transfusion. That's why our first story is so important: the safety of America's blood supply.

The vast majority of blood transfusions are safe. And nothing of what follows should cause you to reject blood if you face a medical emergency. But what you're about to hear is the untold story of the problems the Federal Government's been finding at too many of the nation's blood banks.

Stone Phillips. Problems so serious, the government took the unprecedented step of suing the American Red Cross earlier this year.

Tonight, the results of a six-month Dateline investigation. And for the first time on television, we'll show you the scope of what the Food and Drug Administration described as a continuing pattern of violations, violations that call into question whether the blood supply is as safe as it can be. As FDA Commissioner David Kessler told us, the risks are rare but real.

Jones. I was just totally shocked, stunned. You know, I couldn't say a word, I couldn't think, I couldn't do anything. AIDS was the last thing on the face of this Earth that I was worried about.

Phillips. Bob Jones is a 60-year-old carpenter living with his wife, Shirley, in the mountains near Bozeman, Montana, far removed from the urban neighborhoods that have become the killing grounds of the AIDS epidemic.

It's hard to imagine anybody being much further from the highrisk groups for HIV infection than you.

SHIRLEY JONES. Right. That's what we thought. Absolutely.

Jones. Well, apparently our high risk was accepting blood from the blood bank.

PHILLIPS. Doctors say Bob Jones is slowly dying of AIDS. What's surprising about his story is how he got it: through a blood transfusion, a transfusion he received more than four years after the government had approved a new test that was supposed to screen blood for AIDS.

In the early years of the AIDS epidemic, before scientists knew much about it, thousands of people contracted AIDS from blood transfusions, including celebrities like tennis star Arthur Ashe.

WOMAN. Today we are licensing a blood test . . .

PHILLIPS. But that changed in 1985 when officials announced a new test that would screen the blood.

There's no doubt the new test did dramatically improve blood safety. Food and Drug Commissioner David Kessler says today your chances of getting AIDS from a blood transfusion are about the same as dying from an allergic reaction to penicillin.

Dr. KESSLER. If you need blood tonight, I mean if you have to be transfused, I can sit here and say that if you need that transfusion, have that transfusion, because the benefits outweigh that risk.

PHILLIPS. Even so, Kessler says the nation's blood system is not as safe as it could be.

Dr. KESSLER. The risks are rare but they're real. And unless it's your own blood, then the risks are out there.

PHILLIPS. Bob Jones says his case is evidence that the risks are greater than most people realize. And as you'll see, our own investigation points to the same disturbing conclusion.

Do you feel that you and your family were misled about the safety of the blood supply?

JONES. I feel not only my family, us and our family, I think the whole world has been misled by it. You see these advertisements on television, "Blood is safer than it ever was." Well, right. It is. They don't tell you how safe it never was.

PHILLIPS. It was November 1989 when Bob Jones was rushed to this hospital near Portland, Oregon. A blood vessel had burst, causing severe internal bleeding. Surgery saved Bob's life. But four months later he got a phone call from the head of the Red Cross blood bank in Portland.

JONES. He told me, he says, "I hate to be the bearer of bad news. But," he said, "one of the donors has turned up positive for HIV."

PHILLIPS. What in the world went through your mind when you heard that?

JONES. I hate to see my family have to go through the next, oh, three, four or five years, whatever it takes. I would have much rather gone out right on the table.

PHILLIPS. You would have rather died in surgery than gone through this.

JONES. That's right.

PHILLIPS. How can contaminated blood get through the screening process? And is it still happening today?

When we started asking those questions, we found a blood safety net which government officials say has potentially dangerous holes. From big-city blood banks, where government records show some critical testing and labeling violations going on year after year, right into 1993; to government computer files that document blood recalls, something we'd never heard of, hundreds of them nationwide during the last five years; and finally, to the headquarters of an organization responsible for nearly half of the nation's blood supply, whose record of repeated safety violations recently landed it in federal court.

When you took this job, did you ever imagine that your biggest enforcement nightmare would be coming from an organization called the American Red Cross?

Dr. KESSLER. It's the hardest thing that I have done. And it had to be done in a way that got the job done and still not scare the public.

PHILLIPS. In order to understand why FDA Commissioner David Kessler has taken the Red Cross to court and how people as unlikely as Bob Jones are still getting AIDS from blood transfusions, we wanted to find out more about how blood is tested for safety.

Dr. ED ENGLEMAN. This is the laboratory in which the blood is tested.

PHILLIPS. Ed Engleman is a medical doctor, research scientist, and director of the blood bank at Stanford University. He's also testified as a paid expert in court cases against the Red Cross. He says all blood must pass a series of sophisticated tests, screening everything from hepatitis to syphilis to the AIDS virus.

Dr. ENGLEMAN. Each virus is different.

PHILLIPS. But even if every stop in the AIDS test is followed to the letter, contaminated blood still can slip through because the test has an inherent weakness, something blood banks know but you may have heard little about The problem is that the test doesn't actually look for the AIDS virus itself, but for the immune system's response to it, the antibodies.

Dr. ENGLEMAN. And once a person is infected with the virus, it takes time for the antibodies to form. It may take a few weeks, it may take four or five months.

PHILLIPS. If a donor is recently infected, it may not show up.

Dr. ENGLEMAN. That's correct.

PHILLIPS. That means the test has a built-in blind spot. And since each unit of blood usually is split into different components, each component going to a different patient, one bad unit could infect several people.

In the case of Bob Jones, it turns out the donor had been recently infected with the AIDS virus and the blood test didn't catch it. But in a lawsuit, Bob Jones's attorney, Monte Back, claimed the Red Cross in Portland overlooked what should have been a clear warning.

Each number on this computer printout represents a blood sample taken and tested for AIDS. On the list, one stands out. It's the blood that went to Bob Jones. Although not above the cutoff that would have prevented its release, this blood tested far higher than the other samples in the batch.

MONTE BECK. If you see an unusual test result that's five times higher than anybody else on that test that day, that's telling you something.

PHILLIPS. But if I'm the lab technician and I know what my cutoff point is, I might not flag it.

BECK. Well, you might not flag it, but you should.

PHILLIPS. Dr. Engleman agrees. He says although blood-testing equipment is better than ever, all lab technicians need to be encouraged to use their judgment in close calls. Often that's not the case, even in his own lab.

DR. ENGLEMAN. So if somebody comes up with a test that is just below the cutoff, you've trained that individual to ignore it.

PHILLIPS. This past March, just one day after these opening arguments began in court, the Red Cross settled the Bob Jones case, agreeing to pay him an undisclosed amount of money but admitting no mistakes.

FRED KYLE. We shouldn't imply that this was the fault of the American Red Cross, because it was not.

PHILLIPS. Fred Kyle is in charge of Red Cross blood banks nationwide.

KYLE. The American Red Cross, in the case of the Jones incident, followed every single procedure that we have to the letter and every single procedure that the Food and Drug Administration requires to the letter.

PHILLIPS. While the FDA did not find fault with the Red Cross's handling of the Jones case, these government inspection reports, obtained by Dateline through the Freedom of Information Act, show the Red Cross does have a record of repeatedly failing to follow blood test procedures, not only for AIDS but for other potentially fatal diseases as well.

In Portland, government inspectors reported in 1991 that the Red Cross failed to properly calibrate its testing equipment, failed to follow proper test procedures. And record-keeping was so sloppy that during one inspection the government found blood which had failed an AIDS test about to be shipped out.

DR. KESSLER. There was a great deal of concern.

PHILLIPS. And Kessler says the problems weren't just in Portland, but at Red Cross blood banks all across the country.

In Waco, Texas, the Red Cross allowed blood to be transfused from a donor with a history of failing AIDS tests. In Farmington, Connecticut, the Red Cross mistakenly released blood taken from known IV drug users. In Washington, D.C., the blood bank failed to follow up on hundreds of cases in which donors gave blood but later tested positive for AIDS.

DR. KESSLER. It wasn't any one individual violation. What it was was going in year-in and year-out and seeing the same violations. That's what concerned us most.

ELIZABETH DOLE [May 20, 1991]. There can be no higher trust than the blood of life we distribute.

DR. KESSLER. The government's findings came in spite of repeated pledges, in 1988 and again in 1991, that the Red Cross would upgrade its blood system.

DOLE. The key here is that we're going to make it as safe as it can be made, or we're not going to collect blood.

PHILLIPS. Did you talk to Elizabeth Dole about this, head of the Red Cross?

DR. KESSLER. I spoke to the entire leadership of the American Red Cross.

PHILLIPS. Unpersuaded their voluntary transformation program to overhaul equipment and training would address the problems quickly enough, Commissioner Kessler made what he calls his most difficult and most important decision. In May of this year, he took the American Red Cross to court, where both sides agreed that if the improvements weren't made by specific deadlines, the Red Cross would answer to a federal judge.

KYLE. I don't accept the fact or the allegation that the American Red Cross has dragged its feet at all on maintaining absolute safety in our operations.

PHILLIPS. Absolute safety?

KYLE. Absolute confidence that we have maximum safety.

PHILLIPS. This is the FDA's catalog of Red Cross violations since 1988. It's 500 pages, more than 3000 violations. I mean that's a pretty sizable document.

KYLE. It certainly is.

Stone, I think that if we have rigorous regulatory enforcement, which absolutely is necessary and we welcome it, we are always going to have observations of how we can improve our operations. But that's a different thing than saying that there is a problem with the safety of the blood supply, or the efficiency or safety of our operations. That's two different things.

KESSLER. We were seeing too many units that were released where there was just a breach in one of the levels of protection. There were just too many unsuitable units being shipped.

PHILLIPS. When we come back, blood recalls, trying to get some of those unsuitable units back after they've been shipped out. And more blood banks cited by the FDA. We'll tell you which ones, why they got in trouble, and how in some cases the government threatened to shut them down.

PHILLIPS. As we just heard, there is a blind spot in the test used to screen blood for the AIDS virus, making it inevitable that blood from some recently infected donors will slip through. That's a problem both for Red Cross blood banks and for private ones as well. But the question is, given that, how should blood banks respond once they've learned that one of their donors has tested positive for the virus? What responsibilities do they have to notify patients who may have received tainted blood? As we discovered, that's another problem area for the FDA.

Jessie Lee Fagan was hardly the picture of a child struggling with cancer, perhaps because she beat it.

ROGER FAGAN [father]. When we heard the word "remission," that was just the best news I've ever heard.

PHILLIPS. So why is Jessie in a California hospital bed today? Well, it turns out in overcoming leukemia she received dozens of blood transfusions. And somewhere along the way, long after AIDS screening began, she apparently got blood contaminated with the AIDS virus.

DENISE FAGAN [mother]. I just thought, "Oh, my God. How did it happen." I thought this blood was safe.

PHILLIPS. Now, more than two years after she was diagnosed with AIDS, doctors still don't know the source of the contaminated blood, leaving open the possibility that an infected donor may have given more tainted blood that slipped through. And yet when local health officials tried to find the donor, they say their efforts were actually thwarted by the Los Angeles Chapter of the American Red Cross, which provided much of Jessie's blood.

This March 1992 letter about Jessie's case was sent by the public health director in Kern County, California to the L.A. Chapter of the Red Cross. It said, "Your agency has refused to provide us important information that would solve the missing link and prevent further blood contamination and the spread of AIDS."

The Red Cross says it was only trying to protect donor confidentiality. But other documents obtained by Dateline show that the Los Angeles Red Cross, in a number of cases, has been slow to notify patients who may have received contaminated blood.

An AIDS transfusion case reported in October of 1991. The blood donor isn't contacted until February of '92. And as of May '92, more than six months later, the blood recipients hadn't been contacted.

Dr. ENGLEMAN. I think that's—I think that's criminal. I think it's absolutely irresponsible. Because not only do you have the blood donor who hasn't been contacted immediately, now you have the recipients who are infected and capable of infecting other people.

Dr. KESSLER. Was it sloppy? Was it the result of not realizing that they had to adhere to rigid standards? Sure.

KYLE. The L.A. center did not move as fast in the past as we insist they move now.

PHILLIPS. And in fact, there was a failure to promptly try to contact people who might have received contaminated blood.

KYLE. In the past, they weren't moving as fast as we wanted them to. Yeah.

PHILLIPS. The implications there are pretty serious. I mean if people don't know that they may have been contaminated, what's going to happen? They're going to go out and contaminate others, potentially, with the virus.

Dr. KESSLER. It is very serious. And that's why we've taken the actions that we've taken.

PHILLIPS. Although the Red Cross has been the focus of the government's enforcement effort, Dateline discovered the problems haven't been limited to that organization. Records show that within the past year the government shut down a non-Red Cross blood bank in Putnam County, Florida, and one in Spokane, Washington, which was allowed to reopen only after a management shakeup. And the FDA has threatened to close down other blood banks, as well, for AIDS and non-AIDS-related violations, including Life Source, the largest blood bank in the Chicago area, cited for failing to perform blood tests properly and not keeping an accurate list of ineligible donors. The Irwin Memorial Blood Center, the largest in San Francisco, cited for failing to test blood correctly and failing to properly investigate cases of possible AIDS-contaminated transfusions. The Wobley (?) Blood Bank, the largest in Dallas, cited for mistakenly allowing people who fail the AIDS test to keep donating blood, some of it actually distributed for transfusion.

Dateline has learned that federal inspectors thought those violations in Dallas were so serious, they considered pursuing criminal charges because of the repeated release of unsuitable blood, blood that wasn't adequately screened.

All these blood centers were ultimately allowed to remain open after convincing the FDA they were upgrading their equipment and procedures.

Dr. KESSLER. What we're saying is that if there's not immediate correction, we're going to close down and stop allowing you to ship blood. I mean it's as serious as you get.

PHILLIPS. And there's more. A Dateline analysis of government computer records uncovered more than 1700 cases in the past five years in which blood had to be recalled from Red Cross and non-Red Cross blood banks across the country. In more than 500 of those cases, records show the recalls were because the blood had failed at least one of the safety checks meant to screen out AIDS.

This map shows the states, 36 of them plus the District of Columbia, in which blood banks have reported AIDS-related recalls since 1991.

Now, a recall doesn't mean the blood was necessarily infected, but it does mean there was a mistake in the safety screening.

What does that say about the safety of the blood supply?

Dr. KESSLER. It doesn't allow me to sleep very well at night, knowing that, you know, that we have to recall blood.

PHILLIPS. Your staff has told us that only a very small fraction of the blood that's recalled is actually recovered.

Dr. KESSLER. That's correct.

PHILLIPS. Well, doesn't that leave a very big unresolved medical issue out there, blood that you don't know whether it's contaminated or not contaminated?

Dr. KESSLER. Certainly, if there is a breach in a layer of protection, there is no question that the blood poses risks.

KYLE. I think we are doing a disservice, I truly do, if we imply that the blood supply in this country is not safe. Because it is safe.

PHILLIPS. In spite of the problems, the Red Cross and other blood banks point to the following statistic as evidence that the blood supply is extraordinary safe.

KYLE. Since there was testing for the HIV virus in 1985, there have, I believe, been in the United States 21 identified cases of transfusion-related HIV.

PHILLIPS. That figure comes from the Centers for Disease Control, the CDC, and it's been repeated year after year to reassure the public that the risk of getting AIDS from blood transfusions is very low. The most recent CDC statistic is actually 25 cases in the past eight years. That's an average of just three a year out of millions of transfusions. But Dateline discovered that number may not tell the whole story.

Remember Bob Jones? His blood transfusion was in November 1989, but Dateline discovered that his case hasn't been included yet in the CDC's numbers.

JONES. I don't think they're telling us the truth on that, because of my not being listed.

PHILLIPS. The government says it doesn't count cases like Jone's until the patient develops full-blown AIDS. Experts say that can take years, even after patients have tested positive for the AIDS virus.

How many uncounted cases are there? Nobody knows for sure. But Commissioner Kessler told Dateline that instead of three transfusion AIDS cases each year, the real number today could range from 70 to several hundred.

Dr. KESSLER. You're dealing with, at most, I think, several hundred cases a year. And when you recognize that there are somewhere between 12 and 18 million units a year that are transfused, the risk is small.

PHILLIPS. Several hundred per year is a lot more than 25 since 1985.

Dr. KESSLER. That's—Stone, that's the best estimate that I have. That's the best number that I can give you today.

PHILLIPS. In the end, for people like Jessie Lee Fagan and Bob Jones, it's no longer about estimates or numbers. It's about doing everything possible to make an imperfect system safer.

JONES. I'd like to see them fix this up so's that my grandkids and your grandkids aren't fighting this 20–30 years from now, if there's anybody left.

PHILLIPS. The American Red Cross told us just last week that instead of two or three cases, it now estimates there may be as many as 89 cases each year of HIV contracted through blood transfusions.

So, what should you do?

Well, first, you cannot get AIDS by donating. So don't be afraid to give blood.

Second, and we repeat, nothing you've heard tonight should prevent you from accepting blood in a medical emergency. But if you need surgery and it is not an emergency, FDA Commissioner David Kessler urges everyone, if at all possible, to set aside their own blood.

[Dateline NBC, Dec. 14, 1993]

### Hemophiliacs Not Told of Clotting Factor's AIDS Risk

Jane Pauley. If only we knew then what we do now. But back when the magnitude of the AIDS crises was only beginning to be understood, one group of people at high risk slipped between the cracks of what we knew and what we didn't yet know. Thousands are dead or dying.

Was this tragedy preventable?

Stone Phillips. Our story goes back to the early 1980s, when people with hemophilia began using a blood-clotting agent known as factor. It was convenient and effective, but it was often transmitting the AIDS virus.

Tonight a six-month Dateline investigation shows that there were people in authority who knew about the risks. So why didn't their warnings reach more people?

Here's Lea Thompson.

[Clip of demonstration]

Woman: Ten thousand people infected.

Louise Ray: They should have at least given these people word that every time you put that needle in your arm, you are playing Russian roulette. I don't appreciate it that they played God with my children's lives.

Lea Thompson. Louise Ray's three sons are among the thousands of hemophiliacs who got the AIDS virus by injecting a blood product that was supposed to help them, not kill them.

This is Ricky, Robert and Randy Ray in 1987. They were all born with hemophilia, a bleeding disorder among males that prevents blood from clotting. Like most hemophiliacs, they were treated with infusions of clotting factor, a concentrate made from the blood of up to 20,000 donors.

Mrs. Ray. The only thing that I knew about factor, that it was this miracle drug that made it easier for hemophiliacs.

Thompson. It was a miracle. Beginning in the '70s, instead of having to go to the hospital for treatment, hemophiliacs could finally treat themselves at home. And if swelling or bleeding did occur, patients started using it even when it wasn't absolutely necessary.

Mrs. Ray. So we thought it was great, and we never questioned it because we didn't know that we could.

Thompson. The Rays say they never would have used factor had they known the risks: that in the early '80s, just one donor with AIDS could contaminate thousands of bottles of clotting factor.

Once they were infected, the Ray brothers paid a heavy price. They were barred from school. Their house was burned to the ground. Today one son, Ricky, is already dead. And Louise knows that inevitably she will lose two more.

Mrs. Ray. I have to wonder every morning when I get up, you know, is this the day that they're going to get sick? Is this the day that we're going to go down that road that I went with with Ricky?

Thompson. There were 20,000 hemophiliacs in the United States in the early '80s. By 1985 drug companies had found a way to heat factor to make it safe. But by then it was too late. We now know over 12,000 people were infected with the AIDS virus, nearly two out of every three hemophiliacs. Almost an entire generation wiped out.

Today hemophiliacs are outraged because they have discovered most of those people didn't have to die, that it could have been prevented.

Man. Facts don't lie.

[Applause]

Thompson. Once silent, hemophiliacs are looking to place blame.

Man. Nail that son of a bitch.

Thompson. In a strange twist, they're not only suing the companies that made the factor, but the very organization that claims to protect their interests, the National Hemophilia Foundation, the NHF, which doctors and patients trusted for information, not only about hemophilia but also about AIDS.

Man. They should have decided in favor of safety, and they didn't.

[Applause]

Mrs. Ray. The National Hemophilia Foundation was supposed to have been there as an advocate for us. They took away our choice and our right to make a medically informed decision for our children. And that's wrong.

Thompson. Do you ever step back from this and say, "Almost everybody I represent is going to die?"

Alan Brownstein. I can't believe it. I can't believe it.

Thompson. And this is the man that many hemophiliacs blame the most. Alan Brownstein, the Executive Director of the NHF since 1981.

Hemophiliacs charge that because of the NHF's close ties to drug companies, Brownstein and his former medical advisers failed to adequately warn them.

There are many people who say you just didn't do your job in the early '80s, and as a result they're dying.

Brownstein. We did all that we could. And I just wish we had more information so that we could have made decisions that could have saved more lives.

Thompson. But as the nation's chief consumer advocate for hemophiliacs, the NHF had plenty of information. What it did with it was another matter.

A six-month Dateline investigation has uncovered disturbing evidence that at a time when factor was known to be contaminated, the NHF continually downplayed the danger of using it.

In July of 1982, when little was known about AIDS, the government Centers for Disease Control alerted the NHF that for the first time three hemophiliacs had been discovered with AIDS, and the CDC indicated all signs pointed to clotting factor as the cause.

Brownstein. We thought, first of all, that we had to get the information out.

Thompson. And several days later, the NHF did send out the first of a series of newsletters. While it advised patients to consult their doctors, it emphasized the risk of AIDS was only minimal and that CDC was not advising a change in treatment. In other words, keep using the factor.

Dr. Donald Francis. The newsletter says that CDC does not recommend changing treatment. That was just not true.

Thompson. Dr. Donald Francis was one of the leading scientists at the CDC during the outbreak of the AIDS epidemic. Francis and his colleagues repeatedly warned the NHF about the danger of injecting factor, and by the end of 1982, he says, the NHF should have seen what was going.

Dr. Francis. We were already expressing at that time our fear that half the hemophiliacs might die of this disease.

Thompson. If half their members were going to die of AIDS, that fear did not seem to be reflected by the NHF.

Dana Kuhn. They're the watchdog. And I felt like if there was any problem with the product, they would make sure that everybody knew about it.

Thompson. On March 25th, 1983, Dana Kuhn, a minister and a hemophiliac, broke his foot playing in a church basketball game. At the hospital, even though his injury was not serious, as a precaution they injected him with clotting factor. It was his first and only injection.

Is there a word that can explain how you feel?

Kuhn. Betrayed.

Thompson. And the reality is, is that you're living with a disease that has no cure.

Kuhn. Right. And my children are living with a nightmare, that they don't know when their dad is going to develop symptoms and die of AIDS.

Thompson. What Dana Kuhn never knew was three weeks before he received what would be his fatal injection, the CDC issued an even stronger statement: that blood product appeared to be the cause of AIDS in hemophiliacs. But the NHF newsletter five days later failed to mention that.

Kuhn. Why weren't we getting warned when you had all this information? That is when we should have been totally warned, and it should have gone over the wire and people should have had a choice.

Thompson. It would be three years before Kuhn would discover he had contracted the HIV virus. By then, he had unknowingly passed it to his wife. Patricia Kuhn died 21 days after she was diagnosed with AIDS.

Did you ever dream that she would be the first to go?

Kuhn. It just totally destroyed my life when she died. And the toughest part was to tell my children. They didn't understand why their mom died and they would say "It's not fair. It's not fair. Why did God let my mother die?"

Thompson. And what's even harder to understand is why, nearly a year after the CDC's first warning, the NHF sent out this May 1983 bulletin with a headline, "NHF Urges Clotting Factor Use Be Maintained." By then, the death toll was rising, and thousands who weren't already infected were still at risk.

Dr. Francis. Clotting factor was not an essential to the survival of a hemophiliac. There were other options for treatment. To say that NHF urges clotting factor use, at least I feel at times, was a death sentence to lots of people.

Thompson. Mr. Brownstein, what does the headline say?

Brownstein. Oh. "NHF Urges Clotting Factor Use Be Maintained," because at that time the risk was minimal, from what we knew. And keep in mind that the leading cause of death in people with hemophilia was bleeding that was not treated with clotting factor.

Dr. Francis. He's clearly in error. It was clear that the leading cause of death in hemophiliacs was not bleeding, but already in January of 1983 the leading cause of death was AIDS.

Thompson. And Francis and others charge the NHF never placed enough emphasis on the link between factor and AIDS.

Dateline reviewed all of NHF's newsletters from 1982 to 1985. And although there were some references to potential risks, not once could we find any clear warning not to use factor because it could lead to AIDS.

Tom Drees. And nobody, including my own company, issued a warning.

Thompson. Tom Drees is the former head of one of the companies that makes factor. In the early '80s, Drees says, he was fired for trying to make the factor safer. He claims that while the companies put profits ahead of lives, the NHF looked the other way.

Why would the National Hemophilia Foundation side with the pharmaceutical companies in an issue that it knew was killing its very own people.

DREES. Because it got a substantial amount of its income from the pharmaceutical companies. And over the years, they were always after us to make more contributions.

BROWNSTEIN. They funded a project here and there, but the actual operation of the foundation—zero.

THOMPSON. They were doing things for you that wouldn't have been done if they hadn't paid for them.

BROWNSTEIN. That is correct. That is correct. And those—that is quite typical to get support, but it's also—we are honor-bound to make sure that this support is done without any strings whatsoever.

THOMPSON. There was no conflict of interests.. . .

BROWNSTEIN. Zero.

THOMPSON. . . .In the early '80s with these pharmaceutical companies.

BROWNSTEIN. Zero.

THOMPSON. But the drug companies certainly took advantage of NHF newsletters.

On May 11th of 1983, you put out this bulletin saying "NHF Urges Clotting Factor Use Be Maintained."

BROWNSTEIN. Un-huh.

THOMPSON. Do you have any idea how the pharmaceutical companies used this bulletin?

BROWNSTEIN. No. I know how we use it and I know how we send it to our physicians and to members of our community.

THOMPSON. Here are two memos sent to sales forces.

Dateline has obtained these two 1983 drug company memos with that NHF newsletter attached urging patients to inject factor. Doctors confirm that NHF information was used to push sales.

They took your bulletin and they took it to hospitals and to doctors and said, "This is what the NHF wants to go on. Now please buy my product."

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## BAD BLOOD—EVERY DAY, A HEMOPHILIAC DIES OF AIDS. IT DIDN'T HAVE TO HAPPEN

(By Michael McLeod)

There's a pool on the third floor of the hotel, but Johnny Kellar hasn't bothered to bring his swimsuit.

At 13, he still has the face of a child, with curly brown hair and a poutish over-bite. But he steers away from the other kids at the convention, staying with the adults instead—sitting in on their meetings, taking part in their protest marches, wearing one of the buttons they've been passing out.

"Cry Bloody Murder," it says.

Johnny, of Clearwater, is wearing the button when he accosts an executive from the National Hemophilia Foundation in the lobby of the Indianapolis hotel.

"You thought I'd be dead by now, didn't you?" Johnny shouts. "Well . . . I'm back!"

Johnny's mother doesn't scold him after the outburst. Nor do any of the other adults. No one even appears surprised. The annual convention of the hemophilia foundation is the one place Johnny Kellar and his anger fit right in.

Like Johnny, many of the people at this convention are dying. Like him, they are intent on speaking their minds, knowing how slim the chances are that they will be back next year to elaborate.

Theirs is not a photogenic catastrophe, no space shuttle blown to bits while millions watched. Until now it has been a quiet death march, caused by one of the worst medically induced calamities in history—one that has claimed more than 1,600 Americans already, with at least 8,000 more sure to follow.

They are among the more than 10,000 hemophiliacs in the United States who contracted AIDS in the early 1980s from a blood based clotting agent that pharmaceutical companies and the National Hemophilia Foundation told them to continue using even after government warnings that it was dangerous.

Fearful of the stigma of AIDS, most hemophiliacs suffered quietly as their numbers diminished. The only hemophiliacs with AIDS who generated publicity were children who were forced into confrontations—Ryan White in Indiana, the three Ray brothers in Florida. Thousands of other hemophiliacs, young and old, fought solitary battles—for hope, for legal redress, for details about how their medicine had been contaminated and why they were not warned.

Lately that has begun to change. Hemophiliacs have banded together, with their strongest bond not commiseration but camaraderie.

Motivated by the Ray family, they have sparked a congressional inquiry into the catastrophe. The Rays, who live in east Orlando, helped persuade U.S. Sens. Bob Graham of Flordia and Edward M. Kennedy of Massachusetts to spearhead the federal investigation soon after the death last year of 15-year-old Ricky Ray, Ricky was the eldest of Clifford and Louis Ray's three hemophiliac sons, all of whom contracted the AIDS virus from the contaminated, blood-based medicine.

The 18-month inquiry by the National Academy of Sciences will focus on the response of federal agencies and private industry to the contamination.

Hemophiliacs also have filed suit against four drug companies and the National Hemophilia Foundation, asserting that because of its close ties to industry the nonprofit consumer group played down the danger of the medicine when it should have been warning them about it.

In that class-action suit filed in October, the drug companies are accused on continuing to sell infected medication even after top scientists, bureaucrats and company executives knew or should have known that it was contaminated with the AIDS virus.

Whatever the results of the congressional inquiry and related legal action, this much is clear following an examination by Florida magazine of internal corporate memorandums, transcripts of public health meetings, lawsuits, government documents and more than 100 interviews with victims and industry leaders:

The imminent death from AIDS of more than half of the hemophiliacs in the United States and thousands more abroad could have been avoided. Questions about the safety of blood-based products emerged in the mid-1970s, long before the AIDS crisis. And as early as 1980 the pharmaceutical industry rejected proven cleansing processes that could have eliminated viruses such as AIDS from the medicine.

In 1982, people responsible for ensuring the safety of the hemophiliac community were officially warned by the federal Centers for Disease Control and Prevention that the blood-based medication was dangerous and probably fatal. Those warnings, however, were not relayed in their entirety to hemophiliacs and their doctors for a year and a half.

Along with the CDC's warnings came two major safety recommendations by the federal health agency that were ignored by all but one of the pharmaceuticals. A 1983 memo shows that three of the companies went further, suggesting "delaying tactics" to evade those recommendations.

Meanwhile, the federal Food and Drug Administration, which oversees the safety of blood products, deferred many critical decisions to the industry by exercising little regulatory control.

By the time the drug companies issued warnings and perfected measures to purify the medicine, thousands in the United States had been infected.

Scientists such as Dr. Donald Francis look back with horror on their futile attempts to persuade industry and government leaders to take emergency action. To Francis, the contamination of the hemophiliac community was a human-wrought catastrophe with all the classic trademarks: the pressure of money, the illusion of invulnerability, the warning voices that go unheard, the chances to change course that slip by unheeded.

"It was like we were standing at a bend in the railroad tracks, and you could hear the sound of an engine and you could feel the tracks vibrating. And everyone was saying, 'No, you're wrong. There's no train coming,'" recalls Francis, an epidemics specialist with the CDC in the 1980s.

To Chicago lawyer Leonard Ring, one of the attorneys in the class-action suit, the tragedy is nothing short of "the largest scandal in U.S. medical history."

Its boundaries actually extend even farther. The same medicine that infected hemophiliacs in the United States was exported to England, Canada, Japan and other countries. Similar scandals involving blood concentrate took place in Germany and in France, where it reached the level of a Watergate, toppling a political party and sending two high-ranking government scientists to jail.

And in Costa Rica, at least 15 hemophiliacs are infected with AIDS because an American company, now called Miles Inc., sent a tainted shipment of the medicine there in 1985, when Miles already had crated an AIDS-free product through heat treatment.

To Miles and the other drug companies that produce the blood concentrate—Rhone-Poulenc Rorer/Armour Pharmaceuticals, Baxter Healthcare Corp. and Alpha Therapeutic Corp.—the contamination of their product was simply a terrible tragedy that was no one's fault.

"The villain here is not any person or company," says Don Hyman, director of corporate communications for Miles Inc. in New Haven, Conn. "Isn't it possible that no one is to blame? Isn't it possible that the villain here is simply a virus?"

Several high-ranking hematologists support the position of these drug companies that the infection of their product with AIDS was no one's fault.

"Hindsight is great, but we had to make logical decisions based on the information we had at the time," says Dr. Louis Aledort, a key figure in the controversy as medical adviser to the National Hemophilia Foundation when the AIDS crisis began. "People have short memories. They forget all the good things we did for hemophiliacs before this happened."

Gainesville hematologist Craig Kitchens, who has testified on behalf of the drug companies in lawsuits brought by hemophiliacs, also feels that blame is being misplaced.

Kitchens says the scientists who voiced early warnings were essentially just lucky.

"If you put 30 guys in a room, one of them is going to predict who is going to win the World Series," he says.

Yet it wasn't just a game of random numbers that doomed thousands of hemophiliacs. Nor was it a single, viral villain.

It was a system of government and private enterprise that failed them precisely when they needed its protection the most.

"They lied to us," says Johnny Kellar. "Do they think we're stupid? It's so obvious. The whole thing was money, money. Money was more important to them than our lives."

Johnny became friends with both Ricky Ray and Jason Christopher, an 11-year-old Tampa hemophiliac who died of AIDS two years ago. Last year, a jury awarded Jason's parents $2 million in their milestone negligence lawsuit against Armour. The jury decided that Armour knew enough in 1982 and 1983 to warn users of the AIDS risk—and that if such a warning had come, Jason's doctor would have changed to a safer treatment. Attorneys for Armour, who are appealing, described the outcome as a "sympathy verdict."

Dave Houston of Palm Harbor was the foreman of that jury. "There was no emotion involved" in the decision, he said.

"We just felt that a company as big as that, a company that supplies anything—food, medicine, whatever—if they ever had the slightest doubt about the safety of anything, they need to take it off the shelf. You may lose a few million, but in the long run you'll save yourself money—and you'll save people's lives."

The jury award was small consolation to Johnny Kellar, who says he now has to fight "the companies" not only for himself but for friends like Jason and Rickey.

"The way I see it, I don't have any choice," he says. "They killed my friends. They gave me AIDS. And if I let them get by with it, they're just going to do it again."

It was a golden age. It was a miracle cure.

In Miami, Maxine Segal's two teenage boys, Doug and Scott, had been in and out of the hospital so often that all their crushes were on candy stripers. Now, instead of spending their weekends hooked up to intravenous lines, they were water-skiing and going to band practice.

In Hershey, Pa., a retired night watchman named Gino Cailone was able at last to take his dream trip to the old country—to a rustic mountain village where indoor plumbing was still a novelty. He came back home beaming, showing off pictures of long-lost cousins pointing at their sinks.

In Fort Pierce, a cattleman named Merlin Dawson had been passing up chances to expand his business because of his health. Now he was establishing herds in South America.

And in Clearwater, the parents of Jason Christopher were relieved that their infant son would grow up like a normal boy.

It was all because of a new, blood-based medicine that had been developed to treat their illness, hemophilia.

The standard misconception about hemophilia is that its victims can bleed to death from a tiny scratch. That's not true. But for many years, the reality was nearly as bad.

Because of a single missing gene, the blood hemophiliacs fails to clot properly. The main problem for hemophiliacs is "spontaneous" internal bleeds that can start for no apparent reason.

Without clotting action, blood can seep into joints repeatedly, eroding cartilage and even bone, causing painful swelling and a form of arthritis. Before World War II, a hemophiliac was usually on crutches or in a wheelchair by the time he reached his teens.

Transmitted by women, hemophilia causes symptoms almost exclusively in males. Its hereditary nature helped to make it a "closet" disease—a family secret. Mothers felt guilty for giving it to their sons. Sons felt like sissies because they were overprotected.

Probably the most famous and overprotected hemophiliac in history was Nicholas II of Russia, one of several aristocrats who inherited the disease from Queen Victoria. But the cloistered image of hemophilia would continue to haunt its victims even into modern times.

For years, the only treatment was an infusion of blood plasma—the translucent, protein-laden part of blood that remains when red blood cells are taken out. Plasma helped save lives, but it did little to stop the crippling effect of bleeds.

Then, in 1964, Stanford University researcher Judith Poole noticed a sediment, or "cryoprecipitate," that accumulated at the bottom of frozen plasma. She tested the substance and discovered that it consisted mostly of the proteins that help blood to clot. If hemophiliacs could be treated with the sediment—Poole called it "cryo" for short—it would at least be better than giving them whole plasma, which taxed the circulatory system and involved long hospital sessions.

Cryo was a turning point for hemophiliacs. Because it could deliver clotting proteins quickly, there now was a way to prevent the painful internal bleeds and joint damage.

Yet it was still cumbersome. It had to be kept frozen, and a doctor was needed to administer it. Then, in 1968, researchers at the American Red Cross and Hyland Laboratories developed a new product, which quickly became known as clotting concentrate.

It was mass-produced by pooling plasma in huge vats, then drawing off the proteins that make blood clot—either Factor VIII, the protein lacked by most hemophiliacs, or Factor IX, another clotting protein. The clotting agent was then stabilized, freeze-dried and bottled.

Now hemophiliacs could treat themselves, thanks to the small, vacuum-packed vials of white crystals—ready to be dissolved in water and injected "early and often," as manufacturers advised.

Patients were euphoric. Doctors basked in their gratitude. A Gainesville hematologist remembers a whole family coming to his office to hug him on their way to the Grand Canyon—the first time they had dared take their hemophiliac son across the Alachua County line.

One physician called the mid-1970s "the golden age of hemophiliacs." A company that distributed clotting concentrate came up with a cartoon super-hero mascot for it, a caped crusader called "Factor Man." If it sounded more like a Saturday morning cartoon character than a medical advance nobody was about to complain.

Like most medications, clotting concentrate had a side effect. Although the concentrate was treated to screen out bacteria, viruses could slip through. Doctors knew that one in particular was inevitable: viral hepatitis

Because the plasma of an average of 20,000 different donors was pooled in huge vats to make clotting concentrate, viral hepatitis became statistically inevitable for hemophiliacs. And doctors knew that a portion of those who contracted hepatitis eventually would die from liver damage caused by the disease.

But it would take decades for viral hepatitis to kill someone who contracted it from clotting concentrate. And because concentrate was so convenient and effective, many doctors, drug manufacturers, the FDA and hemophiliacs themselves accepted the risk.

Others didn't.

Dr. Oscar Ratnoff had no particular inside track on the manufacturing of concentrate. But the Cleveland hematologist had done research into liver diseases. And one of the things he remembered was the massive outbreak of hepatitis during World War II, when soldiers were exposed to pooled plasma.

The incident stuck in his mind as an example of just how volatile plasma from thousands of donors could be. Ratnoff wasn't so sure the trade-off between the convenience of clotting concentrate and the risk of hepatitis was such a good one. Why risk contracting a fatal disease for the sake of convenience?

Many of his colleagues thought Ratnoff was hopelessly old-fashioned and conservative. "Oh," one would later say, "Oscar was always saying things like that."

But as Ratnoff knew, cryo was produced by local blood banks with the plasma of only a dozen or so donors. With a pool that small, chances were excellent that you could avoid hepatitis altogether.

Like any good doctor, Ratnoff decided to explain the risks to his patients and give them a choice.

Five patients chose cryo.

Five shrugged of his warnings and kept using clotting concentrate.

"You're messing with my lifestyle, Doc," said one of them.

There had been no telltale jolt, no sound of massive gears locking in place. But a doomsday machine had begun churning forward, and five more hemophiliacs had just taken their places on board—alongside Jason Christopher, Gino Cialone, Merlin Dawson, Doug and Scott Segal and 10,000 others.

It was a holiday weekend, July 4, 1991, when Calvin Dawson drove from Apopka to Fort Pierce to say goodbye to his brother. By then, Merlin was emaciated. Confined to a wheelchair, he was resigned to death. "This thing is going to kill me," he said. They prayed together. Merlin bound his head, then looked at Calvin and said that he had accepted Christ as his savior, that he wasn't afraid of death, that it had to be better than the suffering he was going through.

Then he swore Calvin to a promise.

"This is the damndest thing to happen to a group of people," he said. "If you do anything, Calvin, find out what happened and why."

What happened is that hemophiliacs unknowingly became part of what Peter Levine, a leading hemophilia researcher, calls an "unbelievable experiment."

That experiment—sanctioned by the FDA and carried out by the pharmaceutical industry—would involve regular, week-after-week exposure to a product made from the bodily fluids of thousands of people. Later, it would be equated to having unprotected sex with 20,000 strangers every week.

Unlike the plasma that was used in cryo, the plasma in clotting concentrate came from blood that was bought and sold—the basis of a loosely regulated, highly competitive $2 billion industry revolving around plasma products.

The foundation of the plasma industry was a system of paid-donor centers, most of them located in impoverished, inner-city neighborhoods where people were paid $10 to $20 per donation.

Two of the companies that produced clotting concentrate for hemophiliacs also had programs to draw plasma from inmates in federal prisons. A string of plasma centers that catered to migrant workers was located along the border between the United States and Mexico. And between 1972 and 1977, a series of American-run plasma centers was operating in Central and South America, from Haiti to Argentina, where they could pay for less per donation.

Hemophiliacs were suddenly at the receiving end of what was quite literally an international bloodstream.

Three of the four companies that sold clotting concentrate would soon become subsidiaries of foreign-owned conglomerates—German, French and Japanese. In the 1970s, the United States became the chief exporter of plasma and clotting concentrate across the world.

It was a profitable system. As everyone would later realize, it was also ideal for spreading a worldwide epidemic.

There were two reasons. Plasma-product manufacturers were now pooling the blood of thousands of people, exponentially increasing the risk of contamination from disease. And plasma centers were paying for the blood of high-risk donors—people who were less likely to be healthy than volunteer donors.

In the midst of the golden age, however, it was difficult to shift the momentum of a multinational industry once its course was set.

As medical director for Hyland Pharmaceuticals, Dr. Edward Shanbrom had overseen the original mass production of clotting concentrate in 1974. He became concerned when technicians who worked close to the huge vats of plasma developed skin rashes and hepatitis.

It was one thing to calculate, on paper, the risk-to-benefit ratio of clotting concentrate. It was another to see people catch a serious disease simply because they came into contact with invisible vapors from the pooling vats.

Shaken, Shanbrom decided to develop a detergent-wash process to make clotting concentrate virus-free. But it took him five years. And when he tried to sell his cleansing process to the drug companies in 1980, they turned him down. A year later, the companies also ignored another kind of cleansing process by a German company, which had tested its new product on a group of 155 hemophiliacs. None of them contracted hepatitis.

Nor was anyone taking note of the warnings of Dr. J. Garrett Allen, a Stanford University surgeon who had once run a blood bank at the University of Chicago. Allen waged a long and unsuccessful campaign to warn people about the dangers of pooled plasma.

"Large pools are highly profitable, but they are medically bankrupt," Allen said in 1987. "This is not a recent consensus. There was no valid reason to not have developed a heat-treatment protocol . . . in the 1970s."

Articles in medical journals from that time were documenting the progression of liver disease caused by hepatitis, which had become the second-leading killer of hemophiliacs, after bleeding. And in 1974, a U.S. Senate subcommittee under Sen. Henry Jackson of Washington began looking into the blood-plasma industry. The inquiry died after Jackson lost his bid for the presidential nomination.

Robert Massie Jr. was an investigator for Jackson at the time. Massie, a hemophiliac with AIDS, is a professor in business ethics at Harvard Divinity College.

"It was clear to anyone who looked at the system that it was absolutely perverted, with little concern for safety, driven by the search for cheap plasma and the desire to maximize profit," he says.

Yet apart from that brief investigation, few questioned the collection methods of the plasma industry or the danger of hepatitis.

And fewer still stopped to wonder: If one virus could slip through, who was to say that another one wouldn't?

Make a wish, they said. The charitable organization that set up dream trips for children with terminal diseases told Johnny Kellar he could go anywhere, meet anyone.

"OK," said Johnny. "I want to meet Arnold Schwarzenegger."

So Johnny and his mother were flown to Hollywood. But when he came face to face with Arnold, Johnny was too nervous to talk. His mother had to relay the boy's request. He didn't want an autograph, he didn't want a souvenir.

"My son says you're the Terminator, and he has a job for you," Marge Kellar said. "He says he wants you to terminate the drug companies for him."

Dr. Donald Francis had spent years battling communicable diseases in impoverished countries—from smallpox to exotic African viruses.

As early as 1981, when the notion still seemed outlandish to many scientists, he suspected that AIDS was caused by a new virus with a long incubation period. Independent and mercurial, the young epidemics specialist was often impatient with the ponderous CDC bureaucracy. He quickly became known as a hothead—a reputation he bolstered by pounding on a table during a key meeting between CDC scientists and balky blood industry leaders during the early months of the AIDS crisis, demanding: "How many deaths do you need?"

It was typical for Francis to get straight to the point, as he did in a conversation with another CDC scientist, Dr. Bruce Evatt, in 1982.

"If your children had hemophilia," Francis asked, "would you let them use clotting concentrate?"

Unlike Francis, Evatt was courtly, soft-spoken. A good listener and a diplomat, he had been around a federal agency long enough to choose his words carefully.

In this case, however, his response was unhesitating. "No," he said.

Yet even though the danger was clear to the two specialists, it would take a year and a half for their warnings to get through to hemophiliacs.

What stood in the way?

Francis would later come up with a theory about that. He calls it "the erroneous consensus spiral," and he says he may some day write a paper about it. His thesis would be that thousands of Americans weren't killed by the AIDS virus. They were victims of the status quo.

Time after time, in the key crisis years of 1982 to 1984, people and institutions who could have saved lives refused to listen to the warnings of specialists.

"I had worked around the world in a variety of government settings, including dictatorships and military regimes, and I have never seen the sort of repression of the truth that I was dealing with then," says Francis, who retired from the CDC two years ago and in now working on an AIDS vaccine for a private biotechnology firm. "We told them what the danger was. We told them what to do about it. And they ignored us."

Evatt, who is still with the CDC, says:

"You have to remember that, at the time, infectious diseases weren't supposed to happen. We thought we had conquered infectious diseases forever. They were supposed to be a thing of the past.

"What happened—the disbelief, the way people reacted—that was just human nature. It's the sort of thing that happens every day. Nobody wants to believe bad news. It's just that in this case, the consequences were so immense."

It was in the spring of 1982 that Evatt, a divisional director at the CDC, began seeing evidence that hemophiliacs were falling ill from the same immune system collapse that was killing gay men. Haitians and intravenous drug users.

Evatt and other CDC scientists had feared it would happen. Hemophiliacs were the canaries in the coal mine—harbingers of a deadly infiltration. The thing—whatever it was—had gotten into the blood supply, into blood plasma, into clotting concentrates. One infected blood donor could taint tens of thousands of units of clotting factor because of the lethal exponentials of the pooling vats.

Eventually, more than half of the nation's 20,000 hemophiliacs would contract a fatal disease through the medicine they had thought of as their salvation. By the time hemophiliacs understood the implications of the infection and the nature of the disease, hundreds of their sexual partners were also infected.

But all those horrors still lay in the future when Evatt's staff, in July 1982, presented evidence of three cases of the mysterious new disease in hemophiliacs.

Evatt knew that for many hemophiliacs, it already might be too late. Thousands more were at grave risk.

He and his staff quickly started working on a plan to alert the blood industry, the FDA and other federal agencies.

Though CDC scientists saw the danger in clotting concentrate—and also in routine blood transfusions—they could only make recommendations about how to deal with it. The CDC wanted blood banks and plasma centers to begin screening donors—that is, to stop taking blood and plasma from homosexuals. That suggestion drew the ire of gay activists, which helped to delay the screening.

CDC doctors also wanted to test blood and plasma for hepatitis and to discard all samples that came out positive. Doing so would make blood products much safer, the CDC reasoned, because eight out of 10 donors with AIDS also had hepatitis.

However, the agency had no authority to enforce those recommendations. That action would have had to come from the FDA or the drug companies themselves. Nor did CDC directly warn hemophiliacs: That responsibility was assumed by the National Hemophilia Foundation.

So for CDC scientists, the critical first years of the AIDS crisis would be like a macabre version of the parlor game in which a whispered message, relayed through several people, becomes muddled by the time it reaches the last in line.

In July 1982, the CDC issued its first official warning about hemophiliacs and AIDS, when Evatt wrote a letter to other federal health agencies, blood banks, the four pharmaceutical companies and Dr. Louis Aledort, the National Hemophilia Foundation's medical director.

"We have been suspicious that it may be transmitted in a manner similar to hepatitis, and thus creates a problem for the users of blood products," Evatt wrote. "Hemophiliacs would be prime candidates to develop this syndrome."

Internal memos from the early months of the AIDS crisis, in 1982 and '83 show that the drug companies understood the danger to hemophiliacs.

In a 1982 memo, a doctor with Amour Pharmaceutical wrote: "Deficiency Syndrome [AIDS] is now a major issue. The cases are doubling every six months, it is probably a transmissible disease and may be found in all blood products. High risk groups for Hepatitis B (which includes hemophiliacs) are also high risk for AIDS."

In a deposition for Maryland hemophiliacs's lawsuit, Milton Mozen, medical research director of Miles Inc., said his company knew in October 1983 that the blood concentrate could cause AIDS and that the entire supply of clotting concentrate was contaminated.

Even earlier, the company was aware of its responsibility to warn consumers. In an internal memo sent to top executives, dated Dec. 29, 1982, an attorney for a division of Miles Inc. called Cutter Biological, sent this warning:

"It appears to me to be advisable to include an AIDS warning in our literature . . . litigation is inevitable, and we must demonstrate diligence in passing along whatever we do know to the physicians who prescribe the product."

The company, however, did not issue those warnings for another year and a half.

Meanwhile, doctors and consumers were told the danger was minimal.

Three months after the internal Cutter memo, an article appeared in a Cutter magazine for hemophiliacs.

The article, titled "What is Cutter Biological Doing to Minimize the Risk of AIDS?" claimed that Cutter was "launching an all-out campaign that includes strict precautionary measures to make clotting concentrate safer."

Then it listed Cutter's blood-plasma collecting centers, noting: "There are no Cutter centers in New York, San Francisco, Los Angeles or Miami, where the vast majority of AIDS cases to date have been reported."

The prison where Cutter drew blood was not listed. And anyone familiar with the West Coast might have paused at the very first California city on Cutter's list: Berkeley.

Besides being just a 10-minute subway ride from San Francisco, Berkely is a college town with substantial communities of gays and drug users—the population that doctors knew was most at risk.

And although it was true that Cutter has no plasma center in Miami, it did have one in a run-down section of Fort Lauderdale—a center that had been criticized for safety violations by the FDA.

"That, to me—playing that game of misleading little geographical games with your patients—that was just plain callous," says Dr. Thomas Drees. "That shows you the mind-set of some of these companies."

From 1973 to 1984, Drees was the president of Alpha Therapeutics in Los Angeles, one of the companies that produced clotting concentrate. He now works as a consultant and is one of a few members of the plasma industry who is an outspoken critic of the drug companies.

Drees says he was aggressive in applying safety standards—and was fired specifically for that reason, when the company was taken over by a Japanese conglomerate, Green Cross.

An Alpha spokesperson declined comment.

"My attitude was, if you thought you had a problem, you had a problem," says Drees. "In terms of our safety standards, we always tried to stay a step ahead of whatever the FDA advised. Ethically, morally, that was the way I thought we should do business."

That attitude was not necessarily shared by other clotting-concentrate manufacturers.

One internal memo, dated December 1983, indicates that some of the manufacturers—not including Cutter—were trying to delay a recommendation to initiate plasma-screening measures that the CDC had suggested a year earlier.

"Mike Rodell of Armour proposed a task force to deliberate the details of the recommendation and provide further information in three months," the memo reads. ". . . The general thrust of the task force is to provide a delaying tactic for the implementation of further testings."

The FDA agreed to the formation of the task force, which consisted of drug industry representatives. The task force eventually recommended against the testing that the CDC wanted.

Instead, the drug companies began experimenting with heat-treated clotting concentrate, assuming that heat would kill any fatal virus. By 1984, scientists had finally identified the AIDS virus that destroys the immune system and confirmed it was transmitted through blood products and bodily fluids.

They eventually would learn that a combination of blood-donor screening and heat treating would eliminate the virus from their blood product. By 1985, the clotting concentrate was considered safe—three years after the CDC issued its warning and recommended blood screening.

Even then, hemophiliac activists say, one company continued to use the old, unheated and unscreened clotting concentrate rather than destroy it. Dallas attorney Charles Siegel says he has proof.

Cutter, he says, "dumped" unscreened, unheated and AIDS-tainted clotting concentrate into a foreign market, knowing that it could be contaminated. Siegel is suing Miles Inc. on behalf of 15 Costa Rican hemophiliacs who contracted AIDS from the contaminated concentrate, which was shipped to Costa Rica by Miles' Cutter subsidiary in March 1985. At the time, Cutter had an AIDS-free product available.

"It's very difficult for someone outside of the U.S. to sue a U.S. company," Siegel says. "I honestly think that Cutter just never believed in a million years that anyone [from Costa Rica] would ever sue them over this, and that's why they did it."

As an example of the company's unwillingness to destroy products that might be tainted, Siegel points to a series of Cutter memos recommending the sale of "unscreened" product—meaning raw plasma drawn from donors who had not been screened for AIDs.

"Put unscreened material into finished inventory as soon as possible," reads one such memo, dated March 20, 1986. "Get word to distribution to move existing unscreened finished goods inventory before we move screened material. . . . From a production planning and inventory-control point of view, this current policy is desired. We need the unscreened inventory to meet our 1986 sales requirements and want to avoid large writeoffs."

Siegel contends that such concern for profit was the reason that his Costa Rican clients ended up with AIDS.

Clotting concentrate is one of the most expensive medicines ever made. Someone with severe hemophilia spends roughly $150,000 a year on the treatment. By one estimate, the pharmaceutical industry takes in $250 million a year from the sale of the medicine.

"They had the technology available to make a safer product and ship it to their customers," Siegal says. "So they had to make a choice: Do you sell the old stuff or throw it out? They chose. They decided to just put it in the pipeline."

Donald Hyman, the spokesman for Miles Inc., calls criticism such as Siegel's nothing but hyperbole.

"We reject categorically any allegation that we would put profits over concern for human safety," he stated in a recent news release. "As in all such cases, tragedies such as this create an urge in some people to seek a villain. And the villain here is the AIDS virus."

Miles acted properly, "based on the scientific knowledge of the time, to procure safe and effective bloodclotting products," he wrote. The company "never sold products that its scientists believed could transmit the AIDS virus."

In response to sending nonheat-treated concentrate to Costa Rica, Hyman stated: "Although we can now know the tremendous benefits of heat-treated product, the company, the medical community and regulatory agencies in the various countries did not fully understand these benefits when it was first introduced."

It was just a charity basketball game, something the church had put together that spring in 1983. One of the players was 40-year-old Dana Kuhn, a father of two who was working as an assistant for the church as part of his seminary studies.

He went up for a rebound, came down off balance and wound up breaking a bone in his foot. At the emergency room, he told doctors that he was a mild hemophiliac—with such a faint trace of the disease that he had never had to use clotting concentrate.

They suggested, just be on the safe side, that he should get a shot of concentrate to stave off any bleeding problems that the broken bone might cause.

Kuhn was doubtful. He'd heard rumors that there was a problem with AIDS in the concentrate. But the doctors, he says, assured him it was safe.

"They probably have a way of screening the virus out of this stuff," he remembers thinking as they gave him the injection.

It was the legal responsibility of the drug companies to warn consumers about any danger caused by their products. But there were two other lines of defense for hemophiliacs.

One was the Food and Drug Administration, the federal agency that regulates blood products. The other was the National Hemophilia Foundation, the group with the most direct line of communication to hemophiliacs.

Why, then, did neither the FDA nor the foundation make sure that the pharmaceuticals followed the blood-screening recommendations and other precautions laid out by the CDC in the early 1980s?

At the time, both organizations had critical flaws that hampered their ability to deal with an emergency.

The FDA, during the Reagan deregulation years, left key posts unfilled for years. Morale was low, with many scientists shopping around for new jobs. Regulation also was less than aggressive: In 1983, at the height of the crisis, the FDA agreed to a blood-industry suggestion to cut down on the number of its inspections of blood banks—from one per year to one every other year.

The FDA has been described in court cases as, by nature, a "passive" agency—one that relies on manufacturers to stay abreast of safety issues relating to their products. In a series of hearings on drug-labeling regulations in 1978, an FDA commissioner said that it was impossible, given staff and funding limitations, for the FDA to operate any other way.

Dr. Donald Francis, the CDC epidemics specialist, gives two reasons why his agency's recommendations were not immediately adopted: the FDA's complacency and resistance from blood banks and pharmaceutical companies.

"They never really sat down and listened to us when we warned them very clearly about what was happening," Francis says. "And now they all have to live with themselves. So, of course, they're going to say that it wasn't their fault, that they did everything they could. But that's simply not true. The truth is that they killed a lot of people."

At a series of meetings of blood industry leaders and federal officials, the CDC warnings and screening recommendations were downplayed and derided.

Where were their studies? How could they be so sure? Weren't they exaggerating? Many at the agency, and within the blood industry, saw the CDC's aggressiveness as the beginnings of a turf war.

"We also agreed that the CDC was getting increasingly involved in areas beyond their area of expertise," reads an internal Cutter memo, dated January 1983.

Among the doubters was Dr. Dennis Donahue, head of the biologics division of the FDA, which was chiefly responsible for overseeing the clotting-concentrate manufacturers.

Like many FDA officials, Donahue had been in the blood-bank industry himself. And an internal Cutter memo mentions that, at the time of the AIDS crisis, Donahue was disillusioned with the FDA and was looking for another job—in the blood industry.

Donahue thought the CDC's suggestion for a stopgap screening test was "absolute nonsense." A Cutter memo, dated Dec. 27, 1982, notes that Donahue "requested that we send him some official notification of our plans so that he could use this as ammunition that voluntary efforts of the industry precluded the need for any further regulation."

In effect, decision making was left to blood bankers, drug company executives and doctors whose careers revolved around clotting concentrate—all people who had a vested interest in the outcome.

Donahue, who is retired, declined to comment, as did an FDA spokeswoman in Washington, citing pending litigation.

"They were gambling that things wouldn't be as bad as the CDC said," says Judy Kavanaugh, a Sarasota attorney who is working on the class-action lawsuit against the pharmaceuticals and the hemophilia foundation. "The tragedy is that they were gambling with people's lives."

Kavanaugh says that a "revolving door" was in operation at the time between FDA officials and the private industry they regulated.

"If you look at the documents, you see an incredible chumminess—among the regulatory agency, the so-called consumer advocacy group for hemophiliacs and the blood industry," she says. "People just seem to move around freely from place to place within this inner circle. It's like a little country club. Everybody has an angle. Everybody has a reason to be pals with the other guy."

The foundation occupied a place in that inner circle. The nonprofit group had come close to bankruptcy in the late 1970s and had discovered a way out: the coattails of the clotting-concentrate manufacturers. Drug companies sponsored foundation conventions and financed the foundation's mailings to members. Internal foundation documents show what the product manufacturers were getting in return for their donations: publicity for their product.

Kavanaugh believes that the foundation was hesitant in its warnings because it didn't want to offend the drug companies.

"They weren't watchdogs," she says. "They were more like lap dogs."

Although the foundation did call for screening of blood donors early in the crisis, its officials continued to downplay the danger of AIDS.

The foundation's executive director, Allan Brownstein, in a speech to drug company representatives in 1983, criticized "scare tactics used by some of the media [that] have created so much fear that . . . the use of product is down."

And even though the CDC continued to warn the blood industry in an escalating series of letters and conferences, the foundation's medical adviser, Dr. Louis Aledort, all but scoffed at the notion that hemophiliacs were at risk.

Aledort had been one of the heroes of the golden age—a key figure in the science, the business and the politics of hemophilia that evolved around clotting concentrate. He successfully lobbied for federally funded centers that offered greatly improved, comprehensive care to hemophiliacs.

Besides acting as medical adviser to the hemophilia foundation, Aledort frequently worked on research projects about hemophilia paid for by one or more of the drug companies that produced clotting concentrate. Drees, the former Alpha president, says his company gave Aledort roughly $25,000 a year.

Aledort also was closely aligned with Cutter. He received money for research from Cutter, helped solicit donations from Cutter for the foundation and contributed articles to a monthly newsletter that the company sent out to hemophiliacs.

In the May 1983 edition of that newsletter, Aledort downplayed the danger of AIDS. By then a dozen hemophiliacs in the United States were known to have developed symptoms of the disease.

"Let's put this in perspective," Aledort wrote. "AIDS is a dreadful, terrible disease that is frightening. Hemophiliacs are frightened . . . but whether and if and how it relates to their therapy [meaning clotting concentrate] is completely unclear." The article continued: "There is no evidence to support that AIDS is transmitted in either cryoprecipitate or concentrate, although it is possible."

Two months earlier, the CDC Morbidity & Mortality Weekly Report had stated: "Blood products . . . appear responsible for AIDS among hemophiliacs who require clotting factor."

And at a meeting earlier that year, Dr. Ratnoff, the Cleveland hematologist, had been invited to share his research, which showed that those of his patients who are using cryo rather than clotting concentrate were not showing any symptoms of the immune disorder.

"There was evidence of what was happening. It wasn't just from me, and it was very clear cut," Ratnoff says today. "But I can assure you it was antithetical to the prevailing view, and there were very powerful forces aligned against it."

Aledort was among the most outspoken of the high-ranking doctors and blood industry leaders who were convinced that the CDC was wrong and that Ratnoff's data were insignificant. Aledort's own theory was that the growing number of hemophiliacs with the immune disorder were only reacting to antigens—bits of foreign protein that were known to be transmitted by blood products.

Aledort's position was that hemophiliacs should continue to use concentrate, despite its possible danger. Several other key hematologists agreed with him.

Their oft-repeated logic was that the "known risk" of hemorrhaging was greater than the "unknown risk" of possible AIDS infection. At that time, scientists were still uncertain whether people who became infected with the AIDS virus would always develop symptoms of the disease. And they also knew that a large percentage of hemophiliacs already had been infected with the virus by the time the CDC issued the warning about it. For them, it was already too late.

But that still left thousands of hemophiliacs who might have been able to avoid infection—perhaps by switching from concentrate to cryo. Evatt himself estimates that roughly half of the hemophiliacs who contracted the AIDS virus were infected after his warning.

The standard of public health is to err on the side of caution. And a key principle of medical ethics is the notion of informed consent: that the patient should be apprised of any risk from treatment.

That may be why Aledort's point of view so astonished one FDA scientist that, at a key 1983 meeting, he asked Aledort to repeat himself, saying, "I just want to make sure I'm hearing what I think I'm hearing."

And the foundation itself became disillusioned with Aledort. In 1983, its executives decided to seek his resignation as medical director. the minutes of an executive committee meeting held in April 1983 spell out the reason:

"Dr. Aledort is not a team player. . . . Dr. Aledort's medical brilliance is accompanied by personality traits which take an excessive amount of time and effort to cope with. . . . There have been isolated but real instances in which Dr. Aledort has failed to properly implement NHF policies which he has not agreed with, and, instead, has interposed a personal position to delay or negate NHF policy."

Like many doctors who were mistaken about AIDS and hemophilia, Aledort, now the director of the hemophilia treatment center and a member of the board of directors at Mount Sinai Hospital in New York, says that he would still do the same thing again, given the information he had.

"We were wrong," he says. "We didn't think it was a virus, and we certainly didn't know it was 100 percent lethal. There were uncertainties."

Aledort describes himself as a "visionary" and a "straight shooter" and says of his dispute with the hemophilia foundation: "They expected me to say, 'Recall all Factor' [clotting concentrate]. They wanted me to say things I disagreed with, and I wouldn't do it." He says he feared that the CDC's warnings would panic hemophiliacs. "All I was saying was, let's stop the ticker tape."

He accuses CDC scientists like Dr. Donald Fancis of "creative recall." He complains bitterly about hemophiliacs who have picketed banquets in his honor and who refer to him as "the Joseph Mengele of the hemophilia holocaust."

They want somebody's head to roll," says Aledort. "It is like a mob scene out of the French Revolution—'Let's knock off everybody who ever treated us.' Well, that won't solve anything. But this is a fan club country. It's like a ballplayer who makes one bad play. You're remembered for your last mistake, not all the good you did before."

Aledort says he didn't perceive himself as having a conflict of interest. He says of all the studies that he did, funded with drug company money: "Who do you think profits from all those studies? The hemophiliacs do."

But to many, Aledort has come to represent what one hemophiliac advocate calls the "incestuous relationship" among the foundation, the drug companies and the FDA.

"He could have blown the whistle and stopped the train," says Calvin Dawson, whose brother Merlin died of AIDS from the medicine a few weeks after his farewell visit. "Everybody would have listened to Lou Aledort."

Says Ricky Ray's mother, Louise: "He played God with a lot of people's lives. He was in a position to warn us, and he didn't."

Jan Hamilton was a key member of the foundation's board of directors during the early 1980s. She says that the board simply believed what Aledort told them and went along with his suggestions.

"I was at some of those meetings. I can remember getting goose bumps, worrying abut what was going on. But they kept telling us it was not that serious.

"He was the expert. We never thought he would mislead us," she says.

Last year, Hamilton and her husband, who is a pediatrician, were shown for the first time some of the early warning letters to Aledort from the CDC. She says they both began crying.

"I was crying because I felt so bad and so angry and so betrayed," she says. "But I think my husband was crying for a different reason. I think it was because he hates to see people in his profession going against the Hippocratic oath."

The newspaper clipping enraged Ricky Ray. It wasn't the story. It was the headline: "Ryan White loses battle with AIDS."

"Mom," Ricky said, "If I die, don't let them write that about me. Don't let them say that I lost. Just because you die, that doesn't mean you gave up. That doesn't mean you lost."

In their final moments, the pilots of doomed airliners rarely express fear.

Instead, just before the crash, they are angry. They wonder what is wrong with the machine, and they hate it for failing them. They don't appeal to the hereafter. They curse the here and now.

It is something akin to that emotion that imbues the 1993 convention of the National Hemophilia Foundation.

The meeting is not just for hemophiliacs but for health professionals, and some of the seminars and meetings are about promising developments for hemophiliacs. A cure involving gene therapy is tantalizingly close. A new Kind of clotting drug, produced in the lab instead of from human plasma, is already available.

Neither of those subjects comes up in the meetings—support groups, legal seminars and town meetings—for hemophiliacs with AIDS.

Many of them have lost loved ones, and many have only months to live themselves. But it isn't grief or fear that drives them. It's a sense of betrayal best expressed by a woman who stands up at one meeting and compares hemophiliacs with AIDS to incest victims.

"We've gone through all the same stages," she says through her tears. "First disbelief and denial. You just can't believe that someone who was supposed to be protecting you did this to you. Then rage. And then, finally, what you want most is just for the truth to come out, so that you can heal."

Calvin Dawson is here. Dawson, who lives in Apopka, has become a firebrand in the hemophiliac community. He keeps his brother's wheelchair in his office as a reminder of the deathbed promise he made to him to find out what happened and why.

Dana Kuhn is here. Kuhn is the minister who used clotting concentrate just once in his life, after the charity basketball game. The shot gave him the AIDS virus, which he unwittingly transmitted to his wife, who died two years later.

Because his case was so clear-cut, he could have pursued an individual, multi-million-dollar lawsuit. Instead, he became one of the lead plaintiffs in the class-action suit, to give it added credibility.

Michael Druck is here. A 32-year-old Manhattan coin dealer, he is among the leaders of a small group of hemophiliacs with AIDS who have staged protests at testimonial dinners for Aledort and other doctors involved in key decisionmaking roles during the crisis. Like many men at the convention, Druck has an immune system that is paper-thin. His T-cell count—they are the immune cells that the AIDS virus attacks—is measured in single digits. He jokes darkly about talking to another AIDS-infected hemophiliac whose T-cell count was even smaller.

"I offered," says Druck, "to loan him one of mine until Tuesday."

Michael Rosenberg is here. A former publisher, he is one of the elder statesmen of the grass-roots activism among hemophiliacs with AIDS. Everyone can see the change in Rosenberg since last year's meeting. They've seen the same signs before in all the others: the pallor, the way the clothes no longer fit, the hollows in the face that begin to show a little more clearly. Rosenberg is an inspired speaker, but now there is a hesitation. People lean forward in their seats, trying to finish his sentences for him.

Bruce Evatt is here as well. Though he tells people, again and again, that he saw his inability to warn them as "a personal failure," he is considered a hero by many hemophiliacs. There is always a circle of people around him. The CDC pays his expenses to come to the convention—unlike the early years of the crisis when Evatt, traveling to speak to various groups about the threat of AIDS, often had to spend his own money or beg other government agencies for travel funds.

Pharmaceutical company representatives were once a prominent presence at foundation conventions. They set up display tables and "infusion suites" where people could go for free injections.

But there are only a few displays at this year's convention, and those are usually unmanned, with just a brochure or two and a scattering of free pens on the tables. At last year's convention, Maxine Segal walked up to one young man at the Miles Inc. table, took off her glasses and leaned over within a few inches of him. "I just wanted you to see the face of the mother of two boys that your company murdered," she said.

AIDS has taken its fatal course a little more slowly with hemophiliacs than with other victims, but time is running out. One hemophiliac per day dies from AIDS in this country. Those who survive are "getting close to the far edge of the curve," as one AIDS-infected conventioneer phrases it. A mimeographed, homemade cartoon is making the rounds at the convention, depicting a row of gravestones that read "RIP hemophiliac." A speaker at a lectern is addressing the gravestones. "It is with great pleasure we give an award to the pharmaceutical companies and one to the government for their never-tiring battle to find a cure for hemophilia," he says.

Johnny Kellar likes that cartoon a lot. He's been passing it out to people. Though most of the time he stays to himself or listens quietly, he hasn't always been such a loner.

Like many young hemophiliacs with AIDS, he made friends with other infected children, meeting them at camps and in treatment centers—children with no future, drawn together in a kinship that is difficult for adults to fathom.

That was how he became best friends with Jason Christopher, the Tampa youth whose parents won a $2 million lawsuit that helped pave the way for the class-action suit.

Two years ago, Jason and Johnny were being treated in a St. Petersburg hospital, where they played tricks on the nurses—their favorite one being to rig a balloon-and-needle booby trap to explode when the nurses lowered their beds.

Jason was in the final stages of AIDS. But John's problem was different. The doctors gave it a vague name: "failure to thrive." In truth, they could offer no particular physical reason for his listlessness, his loss of appetite, his weight loss. Though he had the AIDS virus, it was not in its active stage. But it would be soon, the doctor warned Johnny's mother, if his tailspin wasn't reversed.

Then, a few months later, Jason died.

And Marge Kellar was surprised when, soon after that, Johnny perked up.

He started eating again. He began speaking on behalf of an AIDS awareness group and asking more questions about how his medicine got contaminated with AIDS.

He adopted a theme song: "Beat It." He liked the lyrics: They'll kick you and beat you and tell you it's fair . . . just beat it.

He visited Ricky Ray when Ricky was on his deathbed.

"Give 'em hell when I'm gone," Ricky told him.

Like so many others, Johnny Kellar has the paper-thin immune system, the single-digit T-cell count. Statistically, he should be dead by now. His mother has come to believe that the only thing keeping him alive is anger. It's as though the raw fuel of adolescence has been drained out of him and replaced by something else. She has begun calling him by a wry nickname: "Old Man."

On this night, the "old man" has left the adults meeting upstairs and has headed for the awards dinner—the social highlight of the convention.

A jazz band is tuning up on stage. Allan Brownstein, executive director of the hemophilia foundation, the man at whom Johnny had shouted earlier, amuses everyone by sitting down at the piano and playing "Chopsticks." Waitresses circle with crystal water pitchers while guests in semiformal wear filter through the ballroom looking for their seats. In all the refined commotion, nobody notices Johnny slip a program off the table.

Johnny glides out of the ballroom, stuffing the paper in his pocket.

"Information," he mutters mysteriously. "I pick up things, here and there. You never know when it might come in handy."

If he notices the slogan at the top of the program, he doesn't say so. But there it is in black and white, the motto that the National Hemophilia Foundation selected for this year's convention: "Securing our future . . . together."•

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## LOBBY DISCLOSURE BILL

• Mr. LAUTENBERG. Mr. President, yesterday the House of Representatives approved its version of the lobby disclosure bill, including provisions designed to prohibit lobbyists from providing gifts to Members of Congress.

Unfortunately, Mr. President, the House bill is seriously flawed. Most importantly, it includes loopholes that will allow special interests to continue to provide Members with vacation trips to the Caribbean, and free meals with lobbyists at expensive restaurants. These and other loopholes should be closed before the bill is sent to the President.

Mr. President, I have introduced legislation, cosponsored by Senators WELLSTONE and FEINGOLD, which would close the loopholes in the House bill and ban virtually all gifts from lobbyists and their clients. Our bill, S. 1935, is scheduled to come before the Senate no later than May 4. My hope is that the Senate will approve our legislation before the conference on the lobby disclosure bill.

At its most basic level, the twin goals of our bill are simple: First, to help restore public confidence in the Congress, and, second, to reduce the ability of lobbyists and special interests to buy access and exert influence on Capitol Hill.

Mr. President, Americans have always been deeply cynical about their Government. Today that cynicism is evident to all of us, along with their anger. They see Members as captives of special interests, unconcerned about ordinary people. Many feel that Congress is not serving the public well because Members are out to lunch—at expensive restaurants and resorts, with the tab picked by special interests.

Mr. President, I know many of my colleagues believe that these perceptions are inaccurate, or at least overstated. But no one can deny that those perceptions exist and are broadly held by the American people.

They are also understandable. After all, let us say you are a basketball fan. You pay hundreds of dollars to fly to the NCAA Final Four to see your favorite team compete. And then you find out that the referees just came back from a luxury trip to the Caribbean—paid for by the opposing team.

Now, those referees might insist that their free trip will not influence their work. They may claim to be fine, ethical people who care about the good of the game. They may say that their judgments will not be colored by the gifts they received.

And not a fan in the country will believe them.

Well, Mr. President, that is how most Americans feel when they see Members of Congress cast their votes after they have been wined and dined by special interest lobbyists. They think the deck is stacked against them. They do not think it is right. And they do not respect a system that operates that way.

Mr. President, fair or not, as long as the public believes that Congress is beholden to special interests, our credibility, and our ability to lead, is undercut.

Democracy simply cannot function in an atmosphere of distrust. After all, when citizens view everything the Congress does in the worst possible light, they are similarly skeptical about the legislation we propose. That makes it extremely difficult to build public support. And without public support, it becomes almost impossible to address major social problems in a meaningful way.

In other words, Mr. President, restoring public confidence in the Congress is not just important to the institution. It is critical for our country and our future.

That brings me to the second purpose of this legislation.

Mr. President, the need to ban lobbyists' gifts is based on more than the need to restore public confidence in the Congress. We also need to address the disproportionate power of special interests in our political system.

Now, Mr. President, I suspect that many of my colleagues are thinking: come on FRANK, you and I know that Senators are not selling votes for a free meal.

And that is true.

But that is not the point.

The point is this: when lobbyists take a Senator or key staff member out to dinner, they are not just buying a meal. They are buying access. And access is power.

Ordinary citizens do not have that access.

They cannot just take their Senator to a quiet dinner at an expensive restaurant and explain what it is like to be unemployed.

They cannot take their Congressman to a ball game to discuss problems they have making ends meet or educating their kids.

And they certainly cannot spend a relaxing weekend at a tropical resort, playing golf with key legislators while reviewing their concerns and anxieties about the future.

Meanwhile, lobbyists can do all these things. And while they are at that restaurant, or that ball game, or that resort, they can discuss a new tax break, or some other favor that their clients want.

If any Member doubts the value of this kind of access, just ask a lobbyist or their corporate clients. Only the most disingenuous will claim that they provide these exotic trips out of the goodness of their heart. They pay because it gets results.

They pay to buy clout.

Similar thinking is involved when lobbyists give Members tickets to a show or sporting event, or other gifts. Often, the tickets buy access to Members at the event itself. But if not, they buy good will. And good will also is power. It can mean the difference between getting your calls returned, or your letter taken seriously. And that can translate into millions, even billions of dollars—at the expense of ordinary Americans who have no lobbyists to represent them.

Now I know that these kinds of gifts and favors are not unique to Congress. They are the common coin of exchange in a variety of different areas. Which, again, demonstrates that people think they have an impact.

I know I did when I was a CEO in the private sector. My company strictly forbade purchasing agents from accepting gifts from suppliers. There was the potential for undue influence, and the stakes were high. So I took steps to minimize the possibility of abuse.

The same concerns apply to Congress, where the stakes are infinitely greater. And now we have to take steps to minimize abuses here as well.

Before I go further, Mr. President, let me say this.

I know a lot of my colleagues are unhappy with me for proposing this legislation. And that may be putting it mildly. So I want to emphasize a few things.

I did not introduce this bill to tear down the Congress. To the contrary, I want to build it up and strengthen it.

Nor am I offering this legislation to inpugn the integrity of any Member of Congress. The fact is, Members of this body are dedicated public servants who work hard and are genuinely committed to serving the public interest. That is not widely appreciated, but it is true. And I think our bill would only help make that clear.

Nor am I claiming that I am some kind of a saint who thinks he is holier than thou. Listen, in the past most of the Members of this body, myself included, have lived by the rules and accepted certain items. I do not claim otherwise.

But times have changed. Public frustration has reached enormous proportions. And it seems to me that we will never restore public faith in this institution until we make some meaningful changes in the way we do business.

So I want my colleagues to see this as a constructive, not a destructive, proposal. I offer it in that spirit. And I really believe it can make an enormous positive difference in the way we are viewed, and the way our work is received by the American people.

Mr. President, let me take a few minutes and explain exactly what our bill does and does not do.

First, the bill establishes a general rule. That rule is that no lobbyist or client of a lobbyist may provide any item of value to a Member of Congress or congressional employee.

That includes free meals. Free gold watches. Free trips to the Caribbean. Anything of value.

Similarly, the bill provides that a lobbyist or a client may not provide any item of value to a third party on behalf of a Member or staffer, such as a charitable contribution. Nor may a lobbyist or client provide a gift to an organization that is maintained or controlled by a Member or staffer.

Those, in a nutshell, are the general rules.

However, there are several exceptions. The exceptions are designed to ensure that the legislation is reasonable, and does not interfere with the ability of Members of Congress to perform legitimate representational functions.

For example, the bill allows lobbyists and clients to provide travel-related expenses for a trip that is directly related to the official duties of a Member.

That could include a trip for a meeting, a speaking engagement, or a fact-finding trip.

But what it would not include—and what would be banned by our bill—are trips that are substantially recreational. Golf trips, tennis trips, beach vacations, and so forth. If the activities of a trip are substantially recreational, then travel-related expenses could not be provided by a lobbyist or client.

Similarly, the proposal would prohibit lobbyists or clients from paying for recreational activities, even on a permitted trip. So if a lobbyist pays for a Member to go to a public policy conference, the lobbyist could not also pay for the Member to go to a ball game or a play in the evenings. Of course, Members would be free to participate in such events. They would just have to pay their own way.

For a trip to qualify for the exception from the ban, details about the trip would have to be published in advance in the CONGRESSIONAL RECORD, unless that is impossible because, for example, the trip is arranged while the Congress is out of session.

The legislation also includes an exception to the general gift ban for meals provided by clients who sponsor broadly attended events, such as conferences and conventions, and meetings of organizations, such as a luncheon meeting of a VFW lodge or citizens group.

Another exception is provided for gifts that are clearly motivated by a family relationship or personal friendship, so long as gifts from friends to Members are disclosed.

And there is an exception for greeting cards, personalized plaques, and other items of little intrinsic value.

Mr. President, there are a few other minor exceptions, and I will not go into all of them here. But all would be clarified in regulations. And the legislation would not go into effect for 1 year.

On balance, Mr. President, this is a strong, credible, and reasonable proposal. And we think it is time to act on it.

Mr. President, I would like to introduce into the RECORD material prepared by Common Cause that explains some of the key differences between our bill and the House bill.

The material follows:

### SUMMARY OF S. 1935, THE LAUTENBERG-WELLSTONE-FEINGOLD BILL, TO BAN LOBBYISTS AND OTHERS FROM PROVIDING GIFTS TO MEMBERS OF CONGRESS AND THEIR STAFFS

#### GENERAL PROHIBITION ON GIFTS AND OTHER BENEFITS FROM LOBBYISTS

Lobbyists and their clients would be prohibited from providing (with business or personal funds) any gift or other benefit to a Member of Congress or congressional employee (including spouses and immediate family members). The ban on clients would apply to gifts paid for by organizations that hire or retain lobbyists or by top officials of such organizations. The ban would also apply to gifts given to organizations maintained or controlled by Members or staff, or given to third parties on behalf of Members, such as charitable contributions.

The bill would also ban anyone from paying for travel-related expenditures for recreational trips, such as golf, tennis and ski trips. In addition, lobbyists would be prohibited from paying for any recreational activities or entertainment costs for Members and staff while on a permitted trip.

#### GIFTS REQUIRED TO BE DISCLOSED

In some limited circumstances, lobbyists and their clients would be allowed to continue to provide certain financial benefits to Members and staff. However, they would have to itemize and disclose these benefits on a Member-by-Member basis.

1. Certain Permitted Travel-Related Expenditures.—Lobbyists and their clients could provide travel-related expenditures in connection with meetings, speaking engagements, fact-finding trips and similar events but only if the trip was directly related to a Member or staff's official duties and if details about the trip were published in advance in the Congressional Record. Such expenditures would also have to be disclosed in the report filed by a lobbyist.

2. Gifts to Members Motivated by a Personal Friendship.—A lobbyist could provide a gift or other benefit to a Member on the basis of a personal friendship under certain limited circumstances. The personal friendship exemption would not apply to any gift for which the lobbyist obtains a tax deduction or reimbursement (including using an expense account of an employee or client, or charging fees to clients for the purpose of reimbursement for the purchase of gifts). However, any gifts provided to Members on the basis of the personal friendship exemption would have to be disclosed by the lobbyist.

#### GIFTS EXEMPT FROM THE BAN AND DISCLOSURE

1. Gifts to Members and staff motivated by a family relationship.

2. Gifts to staff motivated by a personal friendship as defined narrowly in the bill.

3. Items of little intrinsic value such as a greeting card or personalized plaque, certificate or trophy.

4. Informational materials such as books and videos.

5. Modest refreshments such as coffee, soft drinks or doughnuts offered other than as part of a meal.

6. Home state products used for promotional purposes.

7. Political contributions otherwise reported to the FEC.

8. Honorary degrees.

#### EXEMPTION FOR FOOD AND MATERIALS AT CERTAIN EVENTS

Clients (but not lobbyists) could provide food and materials to Members and staff at the following types of events:

1. Broadly attended events.—Conventions, conferences, symposia, receptions and similar events.

2. Smaller events.—Bona fide meetings of organizations, provided that the value of the food does not exceed $20.

Neither of these exemptions would apply to expenses for travel or lodging; entertainment collateral to an event; meals other than those in a group setting to which all attendees are invited; a concert, play, motion picture, sporting event or similar public entertainment event; a conference, retreat or similar event for or on behalf of Members and/or staff that is sponsored by an official congressional organization; or an event that is hosted or cohosted with, or in honor of, a Member of Congress or staff.

#### OTHER PROVISIONS

1. Notification to Members and staff.—Lobbyists would have to notify recipients of any expenditure required to be disclosed in their lobby reports within three weeks of the expenditure. Lobbyists could not include in their report any item that has been returned within 30 days of receipt.

2. Penalties.—Violators would be subject to penalties in accordance with S. 349, the Lobbying Disclosure Act, as approved by the Senate, which provides for fines of up to $200,000 for serious offenses.

3. Regulations.—The President or his designee would be directed to promulgate final regulations to implement the provisions no later than one year after the date of enactment.

4. Study.—A study would be conducted after 18 months to evaluate the bill and to identify any significant problems which may have arisen in its implementation. The study could also include recommendations for statutory changes.

5. Effective Date.—The bill would be effective one year after the date of enactment.•

## STRENGTHEN THE LOBBYING DISCLOSURE ACT IN CONFERENCE

• Mr. WELLSTONE. Mr. President, several weeks ago Senator LAUTENBERG and I announced our intention to offer an amendment on the Senate floor soon that would impose tough new restrictions on gifts from lobbyists and their clients.

Following a week of discussions on timing and procedure with the Senate Democratic leadership, a unanimous-consent agreement was reached which provided for Senate floor consideration of our proposal, or a committee-reported alternative, by May 4, 1994. Since our goal all along has been to get a straightforward vote on our legislation as soon as possible, we agreed to introduce it as a separate bill (S. 1935) on March 16, to be considered under the expedited timetable above.

Yesterday, the House passed overwhelmingly its version of the Lobbying Disclosure Act after months of contentious discussion about various of its provisions. While the bill does ban certain gifts and other financial benefits from lobbyists, there are still a number of significant loopholes in it which need to be closed. Our bill is designed to close those loopholes, and we are hopeful that the Senate will have a chance to act on it before a House-Senate conference on the Lobbying Disclosure Act. I was encouraged to read in the papers today that certain key House conferees, appointed yesterday, expect that the bill will be strengthened in conference. I will work to ensure that result.

I ask unanimous consent that a brief comparison of the House and Senate gift provisions of S. 349, a copy of a "Dear Colleague" letter circulated yesterday by myself, Senator FEINGOLD, and Senator LAUTENBERG, and two recent editorials from the New York Times on the legislation, be included in the RECORD along with my statement.

I am hopeful that the Senate Governmental Affairs Committee will approve and report to the floor legislation similar to S. 1935; I intend to continue to work with Subcommittee Chairman LEVIN and Chairman GLENN to ensure enactment of the most thoroughgoing reform legislation possible.

I believe that the Senate should have acted on this issue last year, as it voted virtually unanimously to do in May, 1993. Now that the House has acted on its version, the Senate should express its will on the important policy implications of the gift ban—on the substance of which it has never voted—before the conference committee completes its work on this important measure.

My goal has always been to impose a tough and comprehensive ban on gifts and other financial benefits from lobbyists and their clients, and to require strict disclosure of those few benefits which are not covered by the ban. I urge my colleagues to join in this important political reform effort by cosponsoring S. 1935.

The material follows:

[From Common Cause, March 1994]

## LAUTENBERG/WELLSTONE GIFT REFORM LEGISLATION—STRENGTHENING THE GIFT REFORM PROVISIONS IN H.R. 823, AS REPORTED BY THE HOUSE JUDICIARY SUBCOMMITTEE

### I. TRAVEL

Problem with H.R. 823: Allows lobbyists to continue to pay for Members' travel for golf and tennis vacation trips; allows lobbyists to pay for travel of spouses and others.

Lautenberg/Wellstone: Prohibits travel-related reimbursements from anyone for recreational trips such as golf, tennis, skiing and similar trips; prohibits reimbursement from a lobbyist for any other trip that is not publicly disclosed in advance in the Congressional Record; prohibits reimbursements for recreational activities while on those trips that are allowed; prohibits reimbursements for expenses for Members' spouses and family members.

### II. MEALS AND ENTERTAINMENT

Problem with H.R. 823: Allows executives or other employees of a registered organization which employs or hires a lobbyist to use the organization's money to pay for meals and entertainment for Members and their staffs. For example, a vice president of a corporation registered under the new lobby disclosure law could make undisclosed expenditures of the corporation's funds for meals and entertainment for a Member of Congress and could do so even if the corporation's registered lobbyist took part in the event.

Lautenberg/Wellstone: Bans lobbyists and their clients from providing meals and entertainment, with an exemption allowing clients to provide food at broadly attended events or at meetings of organizations subject to a $20 cap on the cost of food.

### III. CHARITABLE CONTRIBUTIONS

Problems with H.R. 823: Does not require disclosure by lobbyists of the recipient organization receiving charitable contributions given on behalf of Members unless that organization is controlled or maintained by a Member.

Lautenberg/Wellstone: Prohibits lobbyists from giving charitable contributions to entities maintained or controlled by a Member or to any entity on behalf of a Member; requires lobbyists to disclose any charitable contribution solicited by congressional staff (which is allowed only if the recipient organization is not maintained or controlled by a Member).

### IV. GIFTS GIVEN TO MEMBERS ON BASIS OF PERSONAL FRIENDSHIP

Problem with H.R. 823: Lobbyists have publicly indicated the personal friendship exemption could be used as a means to continue to provide gifts and other financial benefits to Members and to do so without disclosing them.

Lautenberg/Wellstone: Clarifies that a gift or other financial benefit given by a lobbyist to a Member or staff does not meet the test for the personal friendship exemption if a lobbyist uses a firm's expense account to pay for the gift or if a lobbyist charges fees to the client for the propose of compensating him/herself for the cost of an item.

Requires disclosure by a lobbyist of any gift or other financial benefit that is given to a Member on the basis of a claim of personal friendship.

### V. OTHER STRENGTHENING CHANGES

Prohibits lobbyists from financing congressional retreats or conferences, or events hosted or cohosted by or in honor of Members;

Prohibits lobbyists from contributing to the legal defense funds of Members;

Prohibits lobbyists and clients from using the funds of a PAC with whom they are affiliated to pay for Members' food and attendance at events.

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U.S. SENATE,
*Washington, DC, March 22, 1994.*

DEAR COLLEAGUE: We have introduced legislation, S. 1935, to prohibit lobbyists and their clients from providing gifts, meals and recreational trips to Members of Congress and congressional employees. The bill will be considered by the full Senate no later than May 4, and we would welcome your cosponsorship.

Of course, none of us believes that Members are selling their votes. However, free meals, free vacations and other gifts often do ensure access—access to Members that generally is not available to ordinary Americans.

Polls continue to demonstrate clearly that public trust in Congress is at an historic low, and the demand for political reform is very high. In part, this is because many Americans believe that special interests have a firm grip on the legislative process, and therefore on the products of that process. Helping to restore the trust and confidence of Americans in the legislative process is the primary goal of this effort.

Our bill would put an end to most meals, gifts, and recreational trips provided by lobbyists or their clients. However, we include reasonable exceptions designed to ensure that the restrictions are not overly burdensome on organizations that hire lobbyists, and to ensure that Members can continue to meet their representational obligations. For example, organizations that hire lobbyists still could provide meals at broadly-attended events such as legislative conferences, banquets, and receptions. In addition, there is an exemption from the gift ban for lobbyists and clients who are family members or personal friends of Members or staff. Other exceptions are noted in the attached summary.

Last May, the Senate went firmly on record in favor of tightening the rules in this area by the end of 1993. It's long past time to act.

We hope you will support the bill. If you have any questions, or would like to cosponsor, please let us know, or have your staff contact Bruce King (Sen. Lautenberg) at x49712, or Colin McGinnis (Sen. Wellstone) at x45641.

Sincerely,

PAUL WELLSTONE.
FRANK R. LAUTENBERG.
RUSSELL D. FEINGOLD.

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[From the New York Times, Mar. 8, 1994]

## AN HONEST GIFT BAN

At the urging of Senator Frank Lautenberg of New Jersey, the Senate approved a resolution last May committing the chamber to strict new curbs, by the end of 1993, on gift-giving by lobbyists to members of Congress. The deadline passed, but last week Mr. Lautenberg served notice that he was ready to push the matter. That is a promising development for Congressional ethics reform.

Mr. Lautenberg and another strong critic of the unseemly financial ties between lobbyists and lawmaker, Senator Paul Wellstone of Minnesota, made public an amendment they will offer to bar the free meals, resort vacations and other life style enhancers that powerful interests now bestow on members, hoping to buy legislative advantage.

The faint-hearted among their colleagues may not be pleased. But Messrs. Lautenberg and Wellstone have done a real public service by putting forward an honest measure that could move Congress to a higher moral plane.

The measure exposes the major weaknesses in the House's pending gift ban bill, sponsored by Representative John Bryant of Texas. The problem with that bill, as the accompanying chart suggests, is that it is too9 permissive to do much good.

The reason for the House's timidity is depressingly clear. Many House members have grown accustomed to a life on the dole, and recoil at the idea of giving up their lobbyist-financed golf and tennis outings. House Democrats, who do not normally go out of their way to satisfy the Republican minority, now have Representative Vic Fazio of California conferring with the minority whip, Newt Gingrich, to try to agree on new gift limits.* * *

What both sides seem to be looking for is bipartisan cover for not seem to be looking for is bipartisan cover for not strengthening the Bryant bill.

By moving their measure swiftly in the Senate, Senators Lautenberg and Wellstone will make it much tougher for House leaders to pull a fast one by passing the weaker Bryant bill and claiming a victory for reform. Much as many lawmakers would like to deny it, the public stakes are high. "When lobbyists take a senator to dinner, they're not just buying a meal, they're buying access," observes Mr. Lautenberg. "And access is power."

### THE GOLF CLUB SURVIVES

Senator Orrin Hatch has some good news. Tennis, he announced in a recent letter to Congressional colleagues, has been added to the list of activities at the Utah Congressional Golf Challenge, an annual sporting event to which Mr. Hatch plays host in his home state.

Like other such junkets taken in the guise of helping charity or Congressional business, this is a chance for lawmakers to enjoy an expenses-paid vacation at a luxury resort courtesy of big corporate sponsors, whose lobbyists and executives get to play right alongside the House and Senate members. These corporations, of course, care less about golf and tennis than forging personal ties that can help with legislation.

Mr. Hatch's tournament was not mentioned yesterday when the House debated gift-giving to members of Congress, which is too bad. The popular outing points to a critical flaw in the new gift restrictions pushed through by House Democrats who are now loudly proclaiming a victory for ethics.

Some victory. The bill, crafted by John Bryant of Texas to placate the peripatetic and bipartisan House Golf and Tennis Caucus, and shepherded to a lopsided victory by Vic Fazio of California, would not prohibit Mr. Hatch's sporting junket. A loophole-marred provision would bar lobbyists from picking up the tab for lawmakers' meals and entertainment. But the corporate executives who hire the lobbyists could continue to bestow these benefits without the embarrassment of disclosure.

It speaks volumes about the state of Congressional ethics that House Republicans, most of whom ended up voting for yesterday's gift measure, initially balked at accepting even these deficient changes. Democratic leaders, meanwhile, happily latched onto that reluctance as an excuse for not strengthening the Bryant bill.

Realistically, the hope for strong gift reform now rests with the Senate. A tough gift ban measure recently proposed by Senators Frank Lautenberg of New Jersey and Paul Wellstone of Minnesota provides a real chance to change Congress's lobbyist-subsidized life style. It would forthrightly ban gifts of recreational travel, meals and other dubious financial benefits bestowed by lobbyists and the companies who employ them in an effort to influence legislation.

The Lautenberg proposal is now before the Senate's Governmental Affairs Committee, which, under an agreement with the Senate majority leader, George Mitchell, has until April 27 to act on the issue. Floor consideration is assured no later than May 4. The Senate's Democratic leadership should wait until the Senate's gift provisions are acted upon before scheduling a conference with the House.

Prompt action by the Senate on an honest gift reform bill would expose the House bill for the inadequate response it is. It could also force club- and racket-wielding lawmakers, kicking and screaming, onto higher ethical ground.•

## BRUCE J. BRUMFIELD ELECTED PRESIDENT, NATIONAL COTTON COUNCIL

• Mr. COCHRAN. Mr. President, I would like to take this opportunity to inform the Senate that a very distinguished agricultural leader from Mississippi has been selected to be the 43d president of the National Cotton Council. Bruce J. Brumfield of Inverness, MS, was elected to this position by the National Cotton Council's board of directors during their annual meeting. This organization represents all of the major segments of the U.S. cotton industry, which includes producers, ginners, warehousemen, merchants, crushers, cooperatives, and manufacturers.

Prior to his election, Bruce was serving as chairman of the National Cotton Council's Farm Program and Economic Policy Program Committee. He has also served as chairman of the organization's Technical Committee and Producer Steering Committee.

A longtime cotton producer, Bruce is a partner in Brumfield Plantation and FTB Farms. While his farming operation deals primarily in cotton production, he also produces soybeans, catfish, and wheat.

Bruce is a past president of Delta Council, having served from 1981 to 1982. The following year, he served as chairman of the Delta Council Executive Committee, comprised of all the past presidents of Delta Council. He currently serves as vice-chairman of the Delta Council Farm Policy Committee.

In addition, he is past president of the Mississippi Cattlemen's Association and serves on the boards of directors of Staplcotn; People's Bank of Indianola; Delta Pride Catfish and Delta Western, Inc. of Indianola; Delta Industries in Jackson; Mississippi Chemical Corp. in Yazoo City; and Bell, Inc. of Inverness. He is also vice-president and a board member of Duncan Gin, Inc. in Inverness.

A graduate of Mississippi State University, he received a bachelor of science degree in animal science. He and his wife, the former Margaret Harris Swayze, have four sons: Bruce, Jr., Harris, Frank, and Hardy. They have two grandsons, Parker and Swayze, and two granddaughters, Meredith and Alexandria.

As we address the numerous challenges for U.S. agriculture and prepare for the 1995 Farm Bill, it is very reassuring that someone of Bruce's outstanding abilities and talents will be providing leadership for the National Cotton Council.•

## SIMON/PRYOR/BOND AMENDMENT REGARDING IRS

• Mr. GRASSLEY. Mr. President as the ranking Republican on the Finance Subcommittee that has oversight of the IRS, I have expressed reservations about the Department of Treasury's proposal for additional IRS, agents.

However, I believe the compromise that Senator PRYOR, who is the Chairman of the IRS Oversight Subcommittee, has negotiated with Senators SIMON and BOND alleviates many of my concerns.

My first point is that this proposal should be on-budget. Placing these new agents off-budget is furthering a bad precedent.

Along with my budgetary concerns, I am concerned about the merits and need for an increase in IRS agents.

The IRS has seen a personnel increase of nearly 33 percent since 1982 from 80,000 to approximately 120,000. This is a bigger increase than any other agency or department except the Department of Defense.

Now the IRS wants a further increase in personnel. The agency claims that more revenues can be had. I would suggest that the IRS should give greater consideration to realizing these additional revenues through a reallocation of IRS priorities for auditing. There has been no independent review of the IRS's claims for increased revenues by increasing agents.

It should be noted that the IRS is proposing a 4 percent increase in staff that will at best only increase revenues by .001 percent over five years.

The compromise agreed to goes some way in alleviating my concerns. The amendment will require CBO to verify that the additional IRS agents will, at least, raise more revenue than they cost.

More importantly, the amendment requires that the new taxpayers bill of rights II must be law before funds are made available in fiscal year 1996. I worked closely with the Senator from Arkansas in passing the original taxpayers bill of rights. I look forward to continuing our work on the new bill this year. This legislation will provide further protection and fair treatment of taxpayers.

I congratulate my colleagues Senators. PRYOR, SIMON, and BOND for their well-intentioned efforts and look forward to working closely with them on this matter during conference.•

The PRESIDENT pro tempore. The Chair would inquire whether or not there are further requests in light of the order previously entered?

Mr. FORD. Mr. President, that completes our agenda at the moment. I believe the hour of 11 o'clock has arrived. We are going to recess for a few minutes.

### ORDER OF PROCEDURE

Mr. CRAIG. Mr. President, prior to recess, could I make a brief statement in relation to the proceedings of the evening?

The PRESIDENT pro tempore. Is there objection? How much time would the Senator require?

Mr. CRAIG. I would require about 3 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The Senator will proceed for 3 minutes.

## THE PROCEEDINGS OF THE EVENING

Mr. CRAIG. Mr. President, I know many Senators are being inconvenienced tonight by having to come back to vote on invoking cloture on the conference report to H.R. 1804. However, I want Senators to know that Senator HELMS—starting about 3 p.m. today—offered to forgo the need for the cloture vote tonight and allow a vote on final passage of this conference report if those on the other side would agree to a unanimous consent agreement to postpone the stalemate on the issue of school prayer a month or so from now until the Senate takes up H.R. 6, the Elementary and Secondary Education Reauthorization Act, or its Senate companion, S. 1513.

Senator HELMS proposed to limit amendments to H.R. 6 on the issue of school prayer to a single unamenable first degree amendment for each side. Senator HELMS would be limited to offering the language of the Helms-Lott school prayer amendment and his opponents would be limited to offering either the language from the Danforth or Levin amendments adopted by the Senate on Feb. 8, or the Williams school prayer language that was substituted for the Helms-Lott language in this conference report. The Helms-Lott amendment would have been voted on first.

The other side refused to accept this UC proposal—and the opportunity to avoid Senators having to come back for this vote—because they wanted to be able to come up with new language on the issue of school prayer that no one has seen yet, and because they did not want the Helms-Lott language to be voted on first.

Had the other side been willing to accept the UC offered by Senator HELMS earlier today, the school prayer debate would have been frozen exactly where it is on this bill and transferred to the debate on H.R. 6, and this conference report could have been passed so that Senators would not have had to come back at all tonight to vote on cloture. They could have stayed home.

I do not understand why the other side would not agree to postpone the school prayer debate in this way until the Senate takes up H.R. 6. So I just wanted to note that it is in my opinion the other side that ultimately forced this debate in its unwillingness to accept the unanimous consent that was offered by Senator HELMS this evening.

Let me also ask unanimous consent that the text of the unanimous-consent, as it was presented, become a part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I ask unanimous consent that when the Senate considers the Elementary and Secondary Education Bill, S. 1513, or its House companion, H.R. 6, that the only amendments or motions dealing with the subject of prayer in schools be a first degree amendment to be offered by Senator HELMS, which is the exact language as adopted on H.R. 1804, in the Senate on February 3, and one first-degree amendment consisting of the exact language of the Levin amendment adopted by the Senate February 8, or the exact language of the Danforth amendment adopted by the Senate on February 8, or the exact language of the Williams amendment offered on the House floor during consideration of H.R. 6, to be offered by Senator KENNEDY, that no amendments be in order to either amendment and that no tabling motions be in order with respect to either amendment and that a rollcall vote occur first on the Helms amendment.

I yield the remainder of my time.

## RECESS UNTIL SATURDAY, MARCH 26, 1994, AT 12:01 A.M.

The PRESIDENT pro tempore. Under the previous order, the Senate will stand in recess until the hour of 12:01 a.m., Saturday March 26.

Thereupon, the Senate, at 11:03 p.m., recessed until Saturday, March 26, 1994, at 12:01 a.m.; whereupon, the Senate reconvened when called to order by the Presiding Officer (Ms. MIKULSKI).

## GOALS 2000: EDUCATE AMERICA—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

## CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring a close to the debate on the Conference Report accompanying H.R. 1804, Goals 2000: Educate America.

George Mitchell, Barbara Mikulski, David Pryor, Carl Levin, Edward M. Kennedy, Dennis DeConcini, Jeff Bingaman, Patrick Leahy, Paul Wellstone, Daniel K. Akaka, Wendell Ford, Harris Wofford, Paul Simon, Christopher Dodd, J. Lieberman, John F. Kerry, Dianne Feinstein, John Glenn.

## CALL OF THE ROLL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[Quorum No. 1]

Boxer
Burns
Byrd
Chafee
Cochran
Dorgan
Durenberger
Feingold
Feinstein
Ford
Grassley
Hatch
Hatfield
Inouye
Kempthorne
Kennedy
Kerrey
Leahy
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Reid
Rockefeller
Sarbanes
Sasser
Shelby
Thurmond
Wellstone

The PRESIDING OFFICER. A quorum is not present.

The clerk will call the names of the absent Senators.

The legislative clerk resumed the call of the roll.

Mr. MITCHELL. Madam President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine. The yeas and nays have been ordered and the clerk will call the roll.

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Connecticut [Mr. LIEBERMAN], are necessarily absent.

Mr. DOLE. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Maine [Mr. COHEN], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Texas [Mr. GRAMM], the Senator from North Carolina [Mr. HELMS], the Senator from Mississippi [Mr. LOTT], the Senator from Arizona [Mr. MCCAIN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Wyoming [Mr. SIMPSON], the Senator from New Hampshire [Mr. SMITH], the Senator from Alaska [Mr. STEVENS], the Senator from Wyoming [Mr. WALLOP], and the Senator from New Hampshire [Mr. GREGG], are necessarily absent.

The result was announced—yeas 75, nays 9, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—75

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd

Campbell
Chafee
Cochran
Conrad
Coverdell
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Hutchison
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lugar
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Specter
Thurmond
Warner
Wellstone
Wofford

NAYS—9

Bond
Brown
Coats
Craig
Kempthorne
Mack
McConnell
Nickles
Pressler

NOT VOTING—16

Bennett
Cohen
Faircloth
Gramm
Gregg
Helms
Hollings
Johnston
Lieberman
Lott
McCain
Murkowski
Simpson
Smith
Stevens
Wallop

So the motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

Mr. DOLE. Madam President, the American inventor, Charles Kettering, once said that "if you want to kill any idea in the world today, get a committee working on it." Unfortunately, those words still ring true today, and help explain why Goals 2000 cannot bring needed education reform.

Like many Americans, I am concerned about the quality of education and believe that improvement must take place. The Goals 2000 measure could have been strengthened by providing families with a greater choice of educational opportunities, by slashing bloated bureaucracies that take educational dollars way from classrooms, and by freeing schools from excessive Federal mandates so that teachers can concentrate on improving academics.

With that said, it is proper for Congress to set high educational goals and standards for American students. But the real work should be left to the dedicated community members, teachers, and parents. They know best how to accomplish these goals. If Congress usurps local control through mandates, which Goals 2000 does, I am afraid history will tell us we do more harm than good.

KEY PROBLEMS WITH GOALS 2000

Impact of Goals 2000 will be negligible. Some say that Goals 2000's $400 million Block Grant Program will provide leverage for needed reform. Now that's a lot of money. But let's face it, this amount represents less than one-half of one percent of State primary and secondary education budgets. If reform is so cheap, why hasn't increased education spending over the last decade improved academics?

Pay for what is due, before you start something new. For far too long, Congress has shirked its obligation to help educate disadvantaged youth. For instance, last Wednesday a few of my colleagues rightly pointed out that we have not made good on our commitment to cover 40 percent of the cost to educate children with disabilities. In effect, we short changed our Nation's schools by $8 billion this year.

But instead of getting our fiscal house in order, the Senate has gone on an education spending spree in the last year. And none of it was paid for. It is time to set our priorities and stick with them. If we don't, we will be forced to cannibalize the very programs that help disadvantaged students most.

Now don't get me wrong. I support spending money for education. But if we had kept our promises, schools would have had more resources to pay for needed reforms.

Fear that Goals 2000 will lead to Federal intrusion into local education policy making. Throughout this debate, it has been emphasized time and time again that Goals 2000 participation is voluntary. While this may be true, we all know that the House wanted to use the upcoming reauthorization of the Elementary and Secondary Education Act to force the States to participate in Goals 2000 or face more stringent requirements. And the States would have had to go along if they were to remain eligible for chapter 1 funding. Now that may not be a mandate in name, but it has the same effect.

Madam President, while the intend behind Goals 2000 was good, it will not bring reform. For schools to succeed, we must look beyond Washington to our hometowns, to our classrooms, and to our families. It is there that actions, not words, will bring about necessary reform.

Mr. DANFORTH. Madam President, I, too, rise to express my opposition to the conference report accompanying Goals 2000: Educate America Act.

I have been a strong supporter of education and of the Federal Government's efforts to improve the educational system of our country. I firmly believe that without a well-educated and well-trained work force, not only does our country jeopardize its competitiveness with other countries but also fails to fulfill the obligation to provide equal opportunity for all.

Like many of my colleagues, I am concerned that many of our Nation's youth leave school ill-prepared to become productive and self-sufficient citizens. Reform of our public education is essential. The question, however, is how such reform should proceed.

I support many provisions contained in this legislation and voted in favor of the Senate version of the bill. I especially favor the notion of setting high standards and expectations for our Nation's youth and our schools, without them we will be unable to realize our fullest potential.

I do not favor burdensome Federal bureaucracies which may serve to impinge on reform efforts rather than facilitate such endeavors. The creation of partnerships among the Federal Government, States, and local educational agencies to assist in this regard is laudable. The partnership must not be one in which Federal requirements stifle creativity or flexibility at the local level. These elements must be maintained.

I also share the concern voiced by many others with respect to the inclusion of opportunity-to-learn standards. The inclusion of such standards increases the likelihood of litigation with regard to school financing and equity issues. I do not share the view that increased spending will necessarily insure better performance and achievement on the part of students. The distribution of resources with regard to school financing is a matter of local concern and one in which the Federal Government should not be enmeshed.

For these reasons, I will vote in opposition to the conference report.

Mr. BURNS. Madam President, I rise today in opposition to the Goals 2000 conference report.

There are some very positive provisions in this bill—for example, technology in education, increased professional development.

But there are several reasons just as compelling why I cannot support this measure.

First, I have a real problem with the new Federal bureaucracies that are created in this bill.

These bureaucracies are charged with approving or disapproving content standards, certifying opportunity to learn standards and performance standards, and writing reports.

These bureaucracies will cost the taxpayers $3 million apiece in the first year alone, to operate.

I see from the conferenced bill that the National Education Standards and Improvement Council [NESIC] is not a bipartisan panel. The President appoints seven people at the suggestion of the Secretary of Education. Twelve others are nominees from the Speaker of the House, the Senate Majority Leader, and from the Goals Panel.

It is my reading of this language that there is no requirement for bipartisanship.

I also concur with the comments made by my colleague from Kansas, Senator KASSEBAUM, about the fine line between voluntary and mandatory.

The word voluntary appears in this bill many times. Voluntary performance standards, submitted voluntarily, voluntary content standards.

Yes, indeed—participating in Goals 2000 is voluntary. But then, so is participating in the National Highway

Program. I think there are a lot of parallels between these two programs.

States do not have to take money from the highway trust fund. But only States that voluntarily comply with the requirements from Congress can get the money.

My colleagues will remember the tussle that took place when the Government required speed limits of 55 miles per hour. States that didn't comply would lose their highway money. Guess who won?

I just know that bureaucracy is an animal that is hard to control. Given an inch, they'll take a mile.

Another area of concern to me is the focus on what goes in, rather than what comes out. I am speaking specifically of opportunity to learn [OTL] standards.

OTL standards are the inputs needed to give all students the chance to learn. On a generic level, I think people agree that students need certain inputs—a teacher, a classroom—to learn. But who defines these inputs?

Inputs could be extended to any number of areas, including school building standards, spending per pupil, or class size. In fact, I see on page 47 of the bill that the national OTL standards submitted to NESIC are to address how well the school's facilities provide opportunity to learn.

I am also disappointed that the conferees did not see fit to include the amendment to the bill that I proposed. This amendment said that nothing in the bill shall be construed to mandate any curriculum framework, instructional material, examination, assessment, or system of assessments for private, religious, or home schools.

There are some who say that this bill will not have any effect on home or private schools. I hope that that is indeed the case.

Montana is a State that is hospitable to those who choose to educate their children at home. In a rural State like mine, in fact, home schooling is sometimes the only practical option.

There are other places where the environment for home schools and religious schools is not so friendly. I just wanted the bill to say clearly that nothing in the bill would have any effect on these folks.

I support efforts to improve our country's schools. I just question the method in this bill. I personally question whether reform can occur simultaneously from the top down and the bottom up.

Reform efforts are being undertaken as we speak without Federal control or interference. I think we should encourage it as much as possible. But we need to trust parents and schools to work out their own solutions without the heavy hand of the Government.

I also must say that I have a real, serious problem with the way that my colleague from North Carolina's amendment to this bill was handled in the conference.

To me, it was crystal clear that the guidance from the House was to accept the Helms amendment. And the vote on the Helms amendment was 2 to 1 in favor.

Thank you, Madam President. I yield the floor.

Mr. SIMPSON. Madam President, I rise in opposition to the conference report to accompany Goals 2000: Educate America Act. I took a long hard look at the provisions of this most important piece of legislation, and I have concluded that the conferees, in coming up with their final product, have gone beyond the limits which the Senate imposed on the Federal Government's role in the traditional State and local authority over public education.

I supported the Senate version of Goals 2000 because I believed that the bill retained the extremely important element of local authority over the education of our children. I have always strongly supported the power and authority of State education administrations, local school boards and most importantly, parent's rights and responsibilities in the education of their children.

The conference report recites that the bill only has voluntary guidelines and standards to measure the quality, strength, and scope of our children's education. It says it encourages—but does not require—States to develop "State improvement plans," to "enhance" public education.

However, the conferees made a major departure from the Senate's attempt to eliminate mandates. Despite the recitation in the conference report, it is my view that the standards are effectively mandated on State plans. If the State plans do not conform to the Federal approach, States will not receive Federal funds to implement their strategies.

This reminds me of the controversy concerning highway funds and speed limits. We were told then that our States would receive no Federal highway funds unless the speed limits were reduced to 55 miles per hour. I opposed that policy. It may not appear to be a mandate—but it is the Federal Government saying: If you don't do something, you will lose your money. It is intrusive and violates the spirit of the traditional Federal respect for local education authorities.

I am further concerned that at the end of the day we will have spent scarce Federal dollars on collecting a warehouse full of State plans and no progress will be made in reforming our Nation's education system.

What education in our country primarily needs from the Federal Government is not increased "oversight" and intrusion, but encouragement and financial support for locally structured and developed strategies for improvement.

At the very center of this bill are the "goals," and it is important to know how they came to be. In 1989, former President George Bush called on all 50 Governors to work together to identify "goals" for the improvement of our Nation's public schools. Following that, six goals were identified. They were specifically intended to be general in scope in order to allow plenty of room for State and local initiative. I strongly support these goals and that policy.

The goals were intended to be national guidelines and benchmarks and not a foundation for additional unfunded mandates. It is so very important to keep in mind that the Senate version of this bill included absolutely no required compliance with these goals. However, the conference report requires States to establish and include in their State plans strategies for meeting the national education goals.

In the final analysis, what is this legislation all about? The Federal Government has come up with a fairly comprehensive list of what is wrong with the present system. Congress has allocated funds to help solve these problems. However, the funds will only be available to those States who abdicate their traditional role over public education decisions to the Federal bureaucracy in Washington.

That is what concerns me, and why I am going to follow the wealth of experience and great expertise in the education area possessed by Senator NANCY KASSEBAUM, our very distinguished ranking member of the Senate committee with jurisdiction over this bill. I agree with her that the conference report has gone too far. The Senate version of the bill was about as far as I could ever go.

Unfortunately, it is not unusual around here for House conference members to take the driver's seat in a legislative vehicle and steer it too far to the "left" for my tastes. That is what I believe has happened here.

However, I am surely not assessing blame for the conference report on Secretary Richard Riley. I have known him for 15 years. He is a fine man. I am always impressed with his competence, his integrity, and his bipartisan accessibility. But this is a situation on which people of good faith who truly do want to improve public education in America, can have reasonable differences. Senator KASSEBAUM, I, and others of my colleagues disagree with those who believe that this is not a mandate on local school authorities. I oppose the passage of the conference report.

Mr. COHEN. Madam President, I very much regret that I am prevented from casting my vote regarding the conference report to the Goals 2000: Educate America Act.

Early last month, I joined with 70 of my colleagues to support the Senate-passed version of the Goals 2000 legislation. At the time, I was pleased that the Senate substantially improved the legislation by adding provisions to ensure that the Federal Government would not usurp State control. Education has long been a State and local matter, and I believed that the Senate bill kept it that way.

Were I able to vote, I would support cloture so that we may vote on the conference report. I should note, however, that I am concerned about several aspects of the conference report. Unlike the Senate-passed version of the Goals 2000 legislation, the conference report creates a bigger role for the Federal Government. Because the conference report requires States desiring Goals 2000 money to develop content and performance standards, I am concerned that financially strapped States will be coerced on this matter. If this occurs, the Federal Government will be overstepping its grounds by requiring States to develop content and performance standards.

Notwithstanding these concerns, I continue to believe that it is important for us to set national education goals. I worry about the talk of America's schools and the growing perception that our schools are failing. The Goals 2000 legislation, while not perfect, will help lead our Nation's schools toward improvement.

With my colleagues, I will work to ensure that the Goals 2000 program maintains the traditional role of States and localities in the education arena. I will be watching the implementation of this legislation closely to safeguard against Federal over-reaching.

Mr. PELL. Madam President, it is my understanding that titles I, II, and III of the Goals 2000: Educate America Act are not intended to authorize the imposition of standards on institutions of higher education. I would like to ask the distinguished chairman of the Committee on Labor and Human Resources if he concurs in my interpretation.

Mr. KENNEDY. Madam President, the Senator from Rhode Island is correct. The first three titles of the Goals 2000: Educate America Act are not intended to authorize the imposition of standards on institutions of higher education.

Mr. PELL. I thank the chairman of the committee for clarifying this important matter.

Mr. HARKIN. Madam President, I am pleased to reaffirm my support for Goals 2000: Educate America Act as we consider this conference report. It is critical that the Senate take swift action to pass this conference report so that funds already appropriated can be used to help States and school districts begin the process of improving American education as outlined in this legislation. I urge my colleagues to vote for this report.

This legislation sets eight important education goals for our Nation; establishes voluntary, academic, and occupational standards to make U.S. workers competitive; and provides grants to States and schools districts to implement systemic reform. In addition, the bill calls for the development and adoption of voluntary opportunity to learn standards to ensure all students have a chance to reach the high academic and vocational standards. Participation in this program is voluntary and nothing in this legislation will undermine local and State control of our Nation's schools.

In my January statement, I spoke at length about the importance of making sure that all children start school ready to learn. This bill directs the national education goals panel to support the efforts of its early childhood groups to improve the methods of assessing the readiness of children for school.

The groups are developing a model that calls for valid and reliable data on children's readiness along five dimensions. They have also found that, because the new system they proposed differs substantially from previous assessment efforts, no instruments currently used meet all the needs of the new assessments system. They concluded that existing instruments would have to be substantially modified, and in some cases, new instruments developed. The proposed assessment system is to provide information regarding the collective state of young children that would help guide public policy and not to assess, provide information on, or make decisions regarding individual children or specific programs.

By supporting the work of the goal's panel groups to develop new assessments to meet the needs of its new system, we encourage the improvement of existing early childhood assessments, to meet those other purposes. By deleting references to "norm referenced tests" we wanted to assure that we were not suggesting that any particular assessment or assessment format currently in use may not be appropriate for certain purposes, or prejudging what forms of assessment will eventually prove most effective.

In addition, the legislation is clear that members of the National Education Standards and Improvement Council must meet certain standards to protect against a possible conflict of interest. It is my understanding that staff, consultants, and experts employed by NESIC are also subject to Government ethics requirements as executive branch officers or employees.

As chairman of the Subcommittee on Disability Policy, I would like to comment on the implications this legislation has for students with disabilities.

On July 26, 1990, the Americans with Disabilities Act [ADA] was signed into law. The ADA is an omnibus civil rights law that prohibits discrimination on the basis of disability by, among others, entities providing public and private preschool, elementary, and secondary education.

The ADA is premised on a system of values that forms the basis of our national disability policy. Under the ADA, disability is recognized as a natural part of the human experience that in no way diminishes the right of individuals to live independently, enjoy self-determination, make choices, contribute to society, pursue meaningful careers, and enjoy full inclusion and integration in all aspects of American society.

In short, the ADA established the basis for a national policy that focuses on the inclusion, independence, and empowerment of individuals with disabilities.

The ADA has provided the Nation with the impetus to reexamine how it is treating individuals with disabilities in all aspects of American life, including public education. At the same time, we are now in the process of reassessing our educational systems for all students. It is therefore critical to include students with disabilities in our nationwide effort to promote systemic educational reform.

Part B of the Individuals with Disabilities Education Act [IDEA] ensures all students with disabilities the right to a free appropriate public education based on the unique needs of the child. Placement decisions must be based on a child's individualized education program [IEP] in which appropriate services are described. To the maximum extent appropriate, children with disabilities must be educated with children who are not disabled. Special classes, separate schooling, or other alternatives for removing children with disabilities from regular educational environments should only occur when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

The promise of part B of IDEA is consistent with the precepts of the ADA. Reports issued by the U.S. Department of Education and others indicate that in certain respects the promises of part B of IDEA have been realized for many students with disabilities. For example, the number of preschool students receiving a free appropriate public education has increased from 266,000 to 433,000 since 1986.

In far too many other cases, however, the lack of or improper implementation has resulted in little progress. For example, data contained in the Department of Education's "Fourteenth Annual Report to Congress" indicate that little, if any, progress has been made in ensuring that children who can benefit from education in the regular class, with necessary supplementary aids and services, are in fact receiving such an education.

In far too many districts around the country, two separate educational systems have developed with little or no coordination—one system for regular or general education and a separate and distinct system for special education. This isolation and lack of coordination creates artificial barriers to achieving the promise of part B of the IDEA, the ADA and section 504 of the Rehabilitation Act of 1973.

I believe this legislation sends the clear and unequivocal message that the Goals 2000: Educate America Act is fully consistent with the ADA and implements the values and precepts of the ADA in the context of education reform. This legislation is fully consistent with and complements the spirit and intent of part B of IDEA and section 504 of the Rehabilitation Act of 1973.

Goals 2000: Educate America Act is expected to serve as a vehicle for making the promise of IDEA's part B a reality for all students with disabilities. Therefore, under this legislation, students with disabilities, including lesser known and newly emerging disabilities and students with significant and multiple disabilities, must be an integral part of all aspects of education reform. This includes the application of the national education goals and objectives, the establishment of national and State content, performance, and opportunity-to-learn standards and the use of assessments and assessment systems.

The exclusion of individuals with disabilities from any aspect of State or local education reform is unacceptable. This means that students with disabilities are entitled to the same high expectations, treatment, and leadership offered to their nondisabled peers.

An important part of this legislation is the development and adoption of assessments. The legislation calls for the certification of assessment systems that include other measures and requires assessments to provide accommodations and adaptations to enable full participation by all students.

An assessment system which does not rely on a single assessment is important for all students, but it is vital for students with disabilities. Likewise, the provision of appropriate accommodations or adaptations is important for all students, but is critical for students with disabilities.

There is evidence of considerable exclusion of students with disabilities from national and State data collection programs. Research conducted by the National Center for Education Outcomes at the University of Minnesota has found that 12 States currently include fewer than 10 percent of students with disabilities in their assessments while 21 States include fewer than half of these students. It is estimated that the National Assessment for Educational Progress excludes 50 percent of students with disabilities.

We know that students with disabilities can successfully be included in a system of assessments. For example, in the State of Kentucky 98 percent of all students participate in the regular assessment provided to nondisabled students and the remainder participate in alternative portfolio assessments which permit student to demonstrate their educational proficiency by other means, including real life activities such as communication with peers, using community supports, maintaining friendships with nondisabled peers, and demonstrating actual work experience.

It is also possible that accommodations may be required and should be provided. These accommodations may include such things as extended time limits, testing a student in a separate room, large print or braille versions of assessments, or use of a reader, scribe, sign language interpreter, or technology. Generally, a student should be provided the same accommodations in assessment that are provided in instruction.

It is critical to ensure that all students are part of a State assessment system and are included in assessment reports. The system must facilitate and in no way impede this participation.

Madam President, this is sound, progressive, legislation that will enhance the backbone of our society—the education of our children. I urge its speedy adoption.

Mr. HATFIELD. Madam President, I am pleased to add my voice in support of passage of the conference report to accompany S. 1150, the Goals 2000 legislation. While I share some of the reservations expressed by my colleagues regarding this bill, I believe in balance it represents an opportunity for States across this country to engage in systemic school reform. My State welcomes this challenge, actively supports Goals 2000, and looks forward to the opportunity to enhance their ongoing reform efforts with a Federal compliment.

This legislation includes two pieces of legislation that I have held near and dear to my heart for several years. The bill embraces a new National Education Goal—Goal Number Eight—focused on the involvement of parents and families in education. I was pleased to introduce legislation earlier this Congress, S. 1118, calling for increased participation by families in the education process. This goal sets the foundation for achieving the other National Education Goals and I, for one, will consider starting from the back of the list when reading the goals in priority order. Goal number eight should certainly be goal number one for most educators and their partners all across this country.

In addition, the conference report we are currently considering contains broad provisions for regulatory flexibility in education. These provisions will allow States, local education agencies and schools to seek waivers of Federal regulation so that they may ultimately spend more time in the classroom with our students. This has been a long-fought battle; I would like to take a moment to review the history of education flexibility in the Senate.

In January of 1991, this body voted 95 to 0 to support an amendment I offered to S. 2, the Neighborhood Schools Improvement Act, to establish a demonstration project in education regulatory flexibility. When S. 2 emerged from conference with the House however, it failed to reflect the true intent of my amendment, causing me to vote against the conference report. The conference report never emerged from the Congress.

I then turned to the appropriations process to do what I could to encourage regulatory flexibility. In 1992, language on education flexibility was included by the Senate Appropriations Committee in H.R. 5620, a supplemental appropriations bill providing disaster relief assistance to parts of the country devastated by disasters. Specific provisions were included in that act to allow the Secretary of Education to waive Federal regulations in a variety of education programs in those areas substantially affected by Hurricane Andrew, Hurricane Iniki and Typhoon Omar. In addition, in the 1993 Labor, HHS, Education Appropriations bill, the Senate included report language indicating our support for authorization efforts to enact ed-flex. The Committee directed the Secretary of Education to report on State initiatives in this area prior to the fiscal year 1994 appropriations hearings.

In 1993, I introduced S. 525, legislation to enlarge the scope of my amendment from S. 2 to establish broad flexibility authority. At the same time, the Clinton administration put forward Goals 2000 and included within it major components of S. 525. I held a field hearing of the Senate Appropriations Committee in Oregon on this issue and received testimony from many educators in my State who believe in the innovation which flexibility will afford their reform efforts. In addition, I joined Senators KENNEDY and KASSEBAUM in requesting a report by the General Accounting Office on the efforts in regulatory flexibility currently ongoing across the country.

This February, when S. 1150 came to the floor, I applauded the ed-flex provisions included in the legislation and joined with Senator DURENBERGER to establish an additional ed-flex demonstration program which would essentially grant six States the authority to waive Federal regulations in concert with waiving State regulations—all with the same goal of enhancing systemic reform efforts. The demonstration amendment, which I refer to as "ed-flex plus" passed the Senate by vote of 97–0. During conference with the House, this amendment survived nearly intact. The final language included in the conference report makes this demonstration, entitled the "Education Flexibility Partnership Act," permissive, rather than mandatory.

I had the opportunity to raise this issue on Tuesday of this week when Secretary of Education Richard Riley appeared before the Labor, HHS, Education Subcommittee of the Senate Appropriations Committee. I asked Secretary Riley to describe his level of support for the demonstration and to state for the public record his intentions in terms of its implementation. He told me and the other members of the subcommittee that he is fully supportive of the demonstration and will implement the program.

Finally, 3 years from when we started, our States will be given the opportunity to ask the Federal Government for relief from certain regulations. This is long-overdue and much anticipated by many States, including progressive havens of reform like my own State of Oregon. Our State Superintendent of Public Instruction, Norma Paulus, and her capable staff, Joyce Benjamin, have my unwavering support for their dedication to the vision of education flexibility and the personal attention they have given to this cause.

In addition to the provisions I have outlined, I am pleased that this legislation will support ongoing reform efforts in the States, rather than require new processes and plans. The bill contains language regarding preexisting State plans which permits the Secretary of Education to accept a preexisting State plan as a Goals 2000 reform plan. I worked with Senators KENNEDY and JEFFORDS on this language to ensure that maximum consideration will be given to preexisting State plans. Senator KENNEDY and I engaged in a colloquy on this issue during Senate consideration of S. 1150 and I refer my colleagues to that exchange.

The concerns I have related to this bill regard the compromise on Opportunity-To-Learn standards and the mandatory nature of content and performance standards. I believe all of these types of standards should be voluntary, however, because my State has already addressed most of these issues, I am not willing to oppose this legislation and stand in the way of the rest of Goals 2000 coming to bear in Oregon.

Orienting Federal involvement in education to system inputs rather than outcomes is a slippery slope for us as policymakers. We are bordering dangerously close to dictating educational approaches and environments in the States. We must observe caution in going any further down this path and I will be watching the development of Goals 2000 carefully in this regard to insure that it does not become overly intrusive into the traditional domain of the States in education.

At this point in time I would like to extend my gratitude to the members of the Labor Committee who worked with me on my priorities relating to Goals 2000. I am particularly grateful to Senators KENNEDY, KASSEBAUM, PELL, JEFFORDS, and DURENBERGER. I would also like to thank Ellen Guiney, Lisa Ross, David Evans, Pam Devitt and Susan Heegaard for their tireless efforts to work with my staff on this bill.

I urge the support of my colleagues for passage of this conference report.

Mr. CHAFEE. Madam President, the Goals 2000: Educate America Act is a very important step toward achieving the improvements in education that our Nations children deserve and for which we have been striving for a decade. We have spent far too long focusing on what is wrong with education. This bill encourages States, local education agencies, and individual schools to look at what is right in education and to use that as a model for improvement and reform.

One of the most troubling problems that has plagued many of our Nation's schools is violence. There are children who are literally afraid to go to school because of the presence of weapons on school grounds. Imagine trying to learn in an environment of fear. This bill takes steps to address this unacceptable situation. It includes the Safe Schools Act, as well as my amendment to expand one of the goals to read "By the year 2000, every school in the United States will be free of violence, drugs, and the presence of unauthorized firearms." This is an important step in the right direction.

The role of our schools has changed drastically in the past three decades, and schools have taken on extraordinary new burdens. Today, we are seeing youngsters with learning disabilities; youngsters who don't get enough to eat; youngsters born with a drug or fetal alcohol problem; youngsters from totally shattered families. As a society we expect that our schools will take in these children and help make their lives better through education, and many schools have met these expectations. Yet, we now have an element that makes our work even more difficult; and that element is guns.

Children of all ages, in every State across the Nation, have access to guns. When I was Governor in my State, the worst one might hear of at the schools was a fistfight. A gun incident, or shooting, was unheard of. Rhode Island is not a major urban area. Yet this year we have seen a dozen gun incidents in our schools.

What is the only route for school administrators to take? To ensure the safety of all who are in the school, administrators are forced to divert scarce funds from books to $4,000 metal detectors. In July 1992, 25 percent of the 45 largest school districts were using metal detectors; today, 69 percent are using them.

The Safe Schools amendment authorizes Federal grants to school districts to fight violence in their schools. The money may be used for planning strategies to prevent violence, conducting safety reviews, developing violence prevention activities, providing counseling for victims of violence, and even purchasing metal detectors and other security equipment. This is an important step toward ensuring our schools are safe.

The presence of guns in schools diminishes the work of educators across the country. This bill takes steps to ensure that our heavily burdened schools are free of guns and the violence that results.

I am also pleased to be here this morning to ensure passage of this important legislation because my State of Rhode Island is working very hard to develop the kind of education reform plan that this bill encourages.

The National Education Standards and Improvement Council will develop national opportunity-to-learn standards, content standards, and student performance standards and assessments, but it will be up; to the States to determine the content of their education reform plans and to decide what provisions will be implemented.

This bill takes a bold and positive approach by recognizing that every child has the ability to learn and by taking steps to assure that the tools are available to enable all children to reach their full potential. Setting high standards for teaching and learning and making sure that students have mastered the material presented to them is long overdue.

Earlier, I spoke about the new challenges that face our Nation's schools. As those challenges have increased, parental participation in education seems to have dropped off in many areas. Goals 2000 makes clear that parents play a key role in the education of their children. It seems to me that without parental involvement in education, there will be no real reforms and improvements. This legislation includes a goal that calls upon parents to become partners with their children's schools. Experience has taught us that children whose parents are actively involved in the educational process simply do better in school than children whose parents or families are disengaged.

This bill includes other important provisions related to parental involvement that I cosponsored: the Parents as Teachers Program [PAT] and the Home Instruction Program for Preschool Youngsters [HIPPY]. Both of these programs operate successfully in Rhode Island and across the Nation.

Their purpose is to ensure that all children start school on the right foot.

In sum, Madam President, the Goals 2000 legislation is right in line with reform efforts that are underway in Rhode Island and many other States. Passage of this legislation brings us one step closer to forging a new and constructive partnership between every school, school district, State, and the Federal Government. It is through this partnership that our children will receive the world class education they deserve.

Mr. DORGAN. Madam President, I rise to explain why I will vote for the budget for 1995 now before the Senate. I view this budget as a major achievement, but I will work to improve our financial picture still further. I'd like to let my colleagues know the stand I am taking and why I am taking it.

### CONTINUING DEFICIT REDUCTION

The most important thing to note about this budget resolution is that it continues the deficit reduction that President Clinton and Congress began last year. Those of us who voted for the Clinton deficit reduction plan—even though the plan was painful—can take pride in the fact that next year's deficit will be cut by nearly one half from the record deficit of 1992.

If you look at the deficit as a percentage of our economy, which is the most useful way of determining how large the deficit is, you find that we have cut the deficit in half in 3 years. The last administration to cut the deficit 3 years running was that of President Truman.

I do not mean to suggest that we can rest on our laurels. Next year's deficit—at $171 billion—is still too high. And I will mention later some of the further steps I think we can take. But we should remember that the 5-year deficits projected in January 1993 by the Congressional Budget Office have since shrunk by $548 billion. That is a cut of 37 percent. And this budget that we are now considering would make still more cuts.

### THE PRESIDENT'S BUDGET REQUEST

Most of these cuts were originally proposed by President Clinton, and I want to salute him for his continuing commitment to cut the deficit.

President Clinton's budget request, submitted to us in early February, contained a domestic discretionary spending freeze. Discretionary spending includes all Federal spending other than interest, Social Security, Medicaid and Medicare, food stamps, and civilian and military retirement. The administration budget did not even request increases to keep discretionary spending level with inflation.

The President proposed to eliminate 115 programs. He also proposed to cut hundreds of programs. And he suggested only one tax increase: on cigarettes, to pay for health care reform.

The President proposed to use some of these savings to make investments in transportation, education, technology, environmental, public health, and community policing programs. Head Start, WIC, worker retraining, and child immunizations all receive substantial increases under this budget. I think these are important investments in our country's future, and I believe they are wisely chosen.

### NORTH DAKOTA'S CONCERNS

The Senate Budget Committee has made some changes to the President's budget request. Some of these are very important to the people of North Dakota, so I would like to mention them.

Most importantly, the Budget Committee has gone on record to oppose drastic cuts to the Nation's fleet of B–52 bombers. This is a crucial matter. If the Congress accepts the proposed cut to the B–52 fleet, we will not have enough bombers to handle two regional conflicts. This is the standard for defense capabilities that the Defense Department set for itself in the Bottom Up Review. And the strategic mission of our bomber fleet would suffer as well. The proposed B–52 cut is another example of the Pentagon's tendency to retire weapons systems that still have useful service lives and are combat-proven. The B–1 is not fully operational, the B–2 is not yet online, and yet the administration has proposed B–52 cuts that contradict its own force structure guidelines.

Let me quote the sections of the Budget Committee's report that touch on this question.

The Committee is particularly concerned that the administration chose to recommend a reduction of 30 B–52H bombers when the B–52 is the only reliable and combat-proven long-range bomber in the inventory. The B–52 represents a cost-effective way to retain force structure, and the Committee strongly urges the administration to reassess its recommendation to cut the B–52 force.

I salute the Budget Committee for this statement about the importance of the B–52 bomber. This is my view too. As Congress considers the defense spending bills later this year, I will work to ensure that we not drastically cut the B–52 fleet.

In another area, the Budget Committee recommended restoring $520 million, or 70 percent, of the proposed cut to the Low Income Heating Energy Assistance Program. Everyone knows that North Dakota winters are among the most severe in the country. I want to stress that in North Dakota, this funding will save lives.

The Committee also restored $63 million in funding for Rural Electric Administration loans and loan guarantees. Ever since the 1930's, the REA has helped provide telephone service and electricity to rural America—a part of the country that otherwise might not get that service, and would not be able to afford it as easily.

So I want to acknowledge these efforts by the Budget Committee, and I particularly want to salute the Chairman of the Committee, Senator SASSER, for his fine efforts during the Committee's consideration of this budget.

### INDIAN AFFAIRS FUNDING

As a member of the Senate Indian Affairs Committee, I am deeply concerned at the cuts that this budget would still impose on Indian affairs funding. The budget before us would cut funding for the Indian Health Services by $247 million, or 12.7 percent, from last year's level. This is a drastic cut to a program that serves a population that is particularly at risk of certain health problems.

Even worse is the proposed cut in Indian Health Service personnel. Under this budget, the IHS would assume 49 percent of the personnel reductions at the Department of Health and Human Services in fiscal year 1995 and 83 percent of the Department's personnel reductions in 1996. When you consider that the IHS accounts for only 2 percent of the total Health and Human Services budget, you realize that these personnel cuts are unfairly skewed.

I look forward to working with my colleagues on the Indian Affairs Committee to correct this proposal as Congress considers this year's spending bills.

### FURTHER SPENDING CUTS

Last, I want to make further reductions in other Government spending in order to come closer to balancing the budget. In fact, I voted just last month for a balanced budget amendment, and I voted the month before that, during our rescissions debate, to make $43 billion in spending cuts over the next 5 years. So I think there is more deficit reduction to be done.

One particular area where we can cut further is foreign aid. I support the Clinton Administration's foreign aid reform efforts, but I am concerned that the foreign aid budget is still too driven by military aid considerations. I believe that this is something that Congress should scrutinize closely when we debate the foreign aid appropriations bill.

Second, as Chair of the Senate Governmental Affairs Committee's Special Task Force on Government Waste, I want to let my colleagues know that I will pursue a number of avenues to cut wasteful spending. These include a moratorium on Federal building projects, which is a step that Vice President GORE endorsed in his National Performance Review; a civilian facilities closure commission, which would operate like the base closing commission but would target wasteful civilian facilities; and a cut to overhead spending, which is the first place that a private business in financial difficulty would cut. I want to let my colleagues know that I will act on these issues on the Senate floor.

OVERALL, A GOOD BUDGET

In summary, let me just salute President Clinton and the Senator from Tennessee [Mr. SASSER] on their leadership in proposing this budget. It allows us to continue down the path of deficit reduction that we charted last year. This proposal cuts unnecessary spending, makes targeted investments in needed areas, and addresses many of the needs of my State.

As I have made clear, I do not view it as a perfect budget. In fact, I will work to change some of its recommendations. But on balance it is a good budget, and I will therefore vote to approve it.

I thank the Senator from Tennessee for his courtesy, and I yield the floor.

### VOTE

The PRESIDING OFFICER. The question now is, is it the sense of the Senate that debate on the conference report accompanying H.R. 1804, the Goals 2000: Educate America bill, shall be brought to a close?

The yeas and nays are required.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Connecticut [Mr. LIEBERMAN], are necessarily absent.

Mr. DOLE. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Maine [Mr. COHEN], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Texas [Mr. GRAMM], the Senator from North Carolina [Mr. HELMS], the Senator from Mississippi [Mr. LOTT], the Senator from Arizona [Mr. MCCAIN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Wyoming [Mr. SIMPSON], the Senator from New Hampshire [Mr. SMITH], the Senator from Alaska [Mr. STEVENS], the Senator from Wyoming [Mr. WALLOP], and the Senator from New Hampshire [Mr. GREGG] are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. BENNETT] and the Senator from Wyoming [Mr. SIMPSON] would each vote nay.

The yeas and nays resulted—yeas 62, nays 23, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—62

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Conrad
Danforth
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Specter
Wellstone
Wofford

NAYS—23

Brown
Burns
Coats
Cochran
Coverdell
Craig
D'Amato
Dole
Grassley
Hatch
Hutchison
Kassebaum
Kempthorne
Lugar
Mack
McConnell
Nickles
Packwood
Pressler
Roth
Shelby
Thurmond
Warner

NOT VOTING—15

Bennett
Cohen
Faircloth
Gramm
Gregg
Helms
Hollings
Lieberman
Lott
McCain
Murkowski
Simpson
Smith
Stevens
Wallop

The PRESIDING OFFICER. On this vote, the yeas are 62, the nays are 23. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. MITCHELL. Madam President, I am advised by the distinguished Republican leader that there has been a request for a rollcall vote on final passage of the conference report. Therefore, I request that we now proceed directly to a vote on final passage, and that this will be the last vote prior to the recess.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were offered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Connecticut [Mr. LIEBERMAN] are necessarily absent.

Mr. DOLE. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Maine [Mr. COHEN], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Texas [Mr. GRAMM], the Senator from North Carolina [Mr. HELMS], the Senator from Mississippi [Mr. LOTT], the Senator from Arizona [Mr. MCCAIN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Wyoming [Mr. SIMPSON], the Senator from New Hampshire [Mr. SMITH], the Senator from Alaska [Mr. STEVENS], the Senator from Wyoming [Mr. WALLOP], and the Senator from New Hampshire [Mr. GREGG] are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. BENNETT] and the Senator from Wyoming [Mr. SIMPSON] would each vote nay.

The result was announced—yeas 63, nays 22, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—63

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Campbell
Chafee
Conrad
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Specter
Wellstone
Wofford

NAYS—22

Brown
Burns
Byrd
Coats
Cochran
Coverdell
Craig
D'Amato
Danforth
Dole
Grassley
Hatch
Hutchison
Kassebaum
Kempthorne
Lugar
Mack
McConnell
Nickles
Pressler
Thurmond
Warner

NOT VOTING—15

Bennett
Cohen
Faircloth
Gramm
Gregg
Helms
Hollings
Lieberman
Lott
McCain
Murkowski
Simpson
Smith
Stevens
Wallop

So the conference report was agreed to.

Mr. MITCHELL. Madam President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

• Mr. HELMS. Madam President, if I had been present at the rollcall vote on passage of the conference report to accompany H.R. 1804, the Goals 2000 bill, I would have voted "no." This is not legislation that the American people would support if they were made aware of the implications of the provisions of H.R. 1804.•

### CORRECTING THE ENROLLMENT OF H.R. 1804

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of House concurrent resolution 230 now at the desk; that the concurrent resolution be deemed agreed to, and the motion to reconsider laid upon the table.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Without objection, it is so ordered.

So the concurrent resolution (H. Con. Res. 230) was deemed agreed to.

### THE CALIFORNIA DESERT PROTECTION BILL

Mr. MITCHELL. Madam President, I notified the distinguished Republican leader and other colleagues earlier this week of my intention to proceed upon our return to session following the Easter recess to S. 21, the California desert protection bill.

Regrettably, and most unfortunately, I was advised that there would be a Republican filibuster to the motion to proceed to that bill and it would be, once again, necessary to file a motion to end that filibuster.

Madam President, we have just completed action on three filibusters in less than 2 weeks. Now we are to confront another on the very first day back from the recess. As I said, I regard that as regrettable and most unfortunate.

## THE CALIFORNIA DESERT PROTECTION BILL

### MOTION TO PROCEED

Mr. MITCHELL. Madam President, it is my intention that we will return to session at 1 p.m. on Monday, April 11, and that at 2 p.m. on that day, we will begin debate on the California desert protection bill.

In order to put us in the position to do that, I now move to proceed to that bill, Calendar No. 248, S. 21.

## CLOTURE MOTION

Mr. MITCHELL. Madam President, I send a cloture motion on S. 21 to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the cloture motion.

The legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Motion to Proceed to the consideration of Calendar No. 248, S. 21, the California Desert Protection bill.

Dianne Feinstein, Byron L. Dorgan, Edward M. Kennedy, Claiborne Pell, Daniel K. Akaka, Paul Simon, Paul Wellstone, Carl Levin, Barbara Boxer, Herb Kohl, Howard M. Metzenbaum, Jeff Bingaman, J.J. Exon, Tom Daschle, Carol Moseley-Braun, Jim Sasser, Wendell Ford.

Mr. MITCHELL. Madam President, for the information of Senators then, we will return to session at 1 p.m. on Monday April 11. There will be a period for morning business for 1 hour on that day, and then at 2 p.m. we will resume consideration of the motion to proceed to the California desert protection bill.

There will be no rollcall votes on Monday, April 11. A vote on the cloture motion, that is the motion to end the filibuster on the motion to proceed to the bill, will occur on Tuesday, April 12, at a time which will be set, but I now expect that to occur Tuesday morning at approximately 10 a.m.

So Senators should be aware that at or about 10 a.m. on Tuesday, April 12, there will be a vote on the motion to end the filibuster on the motion to proceed to the California desert protection bill.

Madam President, I thank my colleagues for their cooperation, and I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIONAL MEN'S HEALTH WEEK

Mr. MITCHELL. Madam President, on behalf of Senator DOLE, I ask unanimous consent to proceed to Senate Joint Resolution 179 now at the desk introduced by Senator DOLE, and I ask for its immediate consideration. I further ask unanimous consent that the joint resolution be deemed read three times and passed and the motion to reconsider laid on the table and the preamble be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (S.J. Res. 179) was deemed read three times and passed.

The preamble was agreed to.

The joint resolution (S.J. Res 179), with its preamble, reads as follows:

### S.J. RES. 179

Whereas despite the advances in medical technology and research, men continue to live an average of 7 years less than women;

Whereas the likelihood that a man will develop prostate cancer is 1 in 11;

Whereas the number of men contacting prostate cancer will reach over 120,000 in 1993, with an expected one-third of the cases to die from the disease;

Whereas testicular cancer is one of the most common cancers in men aged 15-34, and when detected early, has an 87 percent survival rate;

Whereas the number of men contracting lung disease will reach over 100,000 in 1993, with an expected 85 percent of the cases to die from the disease;

Whereas the number of cases of colon cancer among men will reach over 80,000 in 1993; with nearly one-third of the cases to die from the disease;

Whereas the death rate for prostate cancer has grown at almost twice the death rate of breast cancer in the last five years;

Whereas African-American men in the United States have the highest incidence in the world of cancer of the prostate;

Whereas men are seven times as likely as women to be arrested for drunk driving and three times as likely to be alcoholics;

Whereas women visit the doctor 150 percent as often as men enabling them to detect health problems in their early stages;

Whereas significant numbers of male related health problems such as prostate cancer, testicular cancer, infertility, and colon cancer, could be detected and treated if men's awareness of these problems was more pervasive;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as Prostate Specific Antigen (PSA) exams, blood pressure screens, cholesterol screens, etc., in conjunction with clinical examination and self-testing for problems such as testicular cancer can result in the detection of many of these problems in their early stages and increases in the survival rates to nearly 100 percent;

Whereas many men are reluctant to visit their health center or physician for regular screening examinations of male related problems for a variety of reasons including fear, lack of information, and cost factors; and

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as a productive family member will be more likely to participate in health screenings: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That June 12 through 19, 1994, is designated as National Men's Health Week, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this week with appropriate programs and activities.

## PREVENTIVE HEALTH SERVICES AND HEALTH PROFESSIONS AMENDMENTS ACT OF 1993

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 327, S. 1569, a disadvantaged minority health improvement act of 1993.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (S. 1569) to amend the Public Health Service Act to establish, reauthorize and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

### S. 1569

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### *SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.*

*(a) SHORT TITLE.—This Act may be cited as the "Disadvantaged Minority Health Improvement Act of 1993".*

*(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or a repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).*

*(c) TABLE OF CONTENTS.—The table of contents is as follows:*

*Sec. 1. Short title; reference; table of contents.*
*Sec. 2. Findings.*

*TITLE I—HEALTH POLICY*

*Sec. 101. Office of Minority Health.*

*Sec. 102. Agency Offices of Minority Health.*
*Sec. 103. State Offices of Minority Health.*
*Sec. 104. Assistant Secretary of Health and Human Services for Civil Rights.*
*TITLE II—HEALTH SERVICES*
*Sec. 201. Community scholarship programs.*
*Sec. 202. Health services for residents of public housing.*
*Sec. 203. Issuance of regulations regarding language as impediment to receipt of services.*
*Sec. 204. Health services for Pacific Islanders.*
*TITLE III—HEALTH PROFESSIONS*
*Sec. 301. Loans for disadvantaged students.*
*Sec. 302. Cesar Chavez primary care scholarship program.*
*Sec. 303. Thurgood Marshall scholarship program.*
*Sec. 304. Loan repayments and fellowships regarding faculty positions at health professions schools.*
*Sec. 305. Centers of excellence.*
*Sec. 306. Educational assistance regarding undergraduates.*
*Sec. 307. Area health education centers.*
*TITLE IV—RESEARCH AND DATA COLLECTION*
*Sec. 401. Office of Research on Minority Health.*
*Sec. 402. National Center for Health Statistics.*
*Sec. 403. Activities of Agency for Health Care Policy and Research.*
*TITLE V—MISCELLANEOUS*
*Sec. 501. Revision and extension of program for State Offices of Rural Health.*
*Sec. 502. Technical corrections relating to health professions.*
*Sec. 503. Clinical traineeships.*
*Sec. 504. Demonstration project grants to States for alzheimer's disease.*
*Sec. 505. Medically underserved area study.*
*Sec. 506. Programs regarding birth defects.*
*TITLE VI—GENERAL PROVISIONS*
*Sec. 601. Effective date.*

### *SEC. 2. FINDINGS.*

*Section 1(b) of the Disadvantaged Minority Health Improvement Act of 1990 (42 U.S.C. 300u-6 note) is amended to read as follows—*

*"(b) FINDINGS.—Congress finds that—*

*"(1) the health status of individuals from racial and ethnic minorities in the United States is significantly lower than the health status of the general population and has not improved significantly since the issuance of the 1985 report entitled "Report of the Secretary's Task Force on Black and Minority Health";*

*"(2) racial and ethnic minorities are disproportionately represented among the poor;*

*"(3) racial and ethnic minorities suffer disproportionately high rates of cancer, heart disease, diabetes, substance abuse, acquired immune deficiency syndrome, and other diseases and disorders;*

*"(4) the incidence of infant mortality among African Americans is almost double that for the general population;*

*"(5) Mexican-American and Puerto Rican adults have diabetes rates twice that of non-Hispanic whites;*

*"(6) a third of American Indian deaths occur before the age of 45;*

*"(7) according to the 1990 Census, African Americans, Hispanics, American Indians, and Asian/Pacific Islanders constitute approximately 12.1 percent, 9 percent, 0.08 percent, and 2.9 percent, respectively, of the population of the United States;*

*"(8) minority health professionals have historically tended to practice in low-income areas, medically underserved areas, and to serve racial and ethnic minorities;*

*"(9) minority health professionals have historically tended to engage in the general practice of medicine and specialties providing primary care;*

*"(10) reports published in leading medical journals indicate that access to health care among minorities can be substantially improved by increasing the number of minority professionals;*

*"(11) diversity in the faculty and student body of health professions schools enhances the quality of education for all students attending the schools; and*

*"(12) health professionals need greater access to continuing medical education programs to enable such professionals to upgrade their skills (including linguistic and cultural competence skills) and improve the quality of medical care rendered in minority communities.".*

## *TITLE I—HEALTH POLICY*

### *SEC. 101. OFFICE OF MINORITY HEALTH.*

*Section 1707 (42 U.S.C. 300u-6) is amended by striking subsection (b) and all that follows and inserting the following:*

*"(b) DUTIES.—With respect to improving the health of racial and ethnic minorities, the Secretary, acting through the Deputy Assistant Secretary for Minority Health, shall carry out the following:*

*"(1) Establish short-range and long-range goals and objectives and coordinate all other activities within the Public Health Service that relate to disease prevention, health promotion, service delivery, and research concerning such individuals. The Director of the Centers for Disease Control and Prevention, the Administrator of the Health Resources and Services Administration, the Director of the Agency for Health Care Policy and Research, the Administrator of the Substance Abuse and Mental Health Services Administration and the Director of the National Institutes of Health shall consult with the Deputy Assistant Secretary for Minority Health to ensure the coordination of all activities within the Public Health Service as they relate to disease prevention, health promotion, service delivery, and research concerning such individuals.*

*"(2) Carry out the following types of activities by entering into interagency agreements with other agencies of the Public Health Service:*

*"(A) Support research, demonstrations and evaluations to test new and innovative models.*

*"(B) Increase knowledge and understanding of health risk factors.*

*"(C) Develop mechanisms that support better information dissemination, education, prevention, and service delivery to individuals from disadvantaged backgrounds, including racial and ethnic minorities.*

*"(3) Support a national minority health resource center to carry out the following:*

*"(A) Facilitate the exchange of information regarding matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care.*

*"(B) Facilitate access to such information.*

*"(C) Assist in the analysis of issues and problems relating to such matters.*

*"(D) Provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance).*

*"(4) Establish a national center that shall carry out programs to improve access to health care services for individuals with limited English proficiency by facilitating the removal of impediments to the receipt of health care that result from such limitation.*

*"(5) With respect to grants and contracts that are available under certain minority health programs, the Secretary shall ensure that the agencies of the Public Health Service—*

*"(A) inform entities, as appropriate, that the entities may be eligible for the awards;*

*"(B) provide technical assistance to such entities in the process of preparing and submitting applications for the awards in accordance with the policies of the Secretary regarding such application; and*

*"(C) inform populations, as appropriate, that members of the populations may be eligible to receive services or otherwise participate in the activities carried out with such awards.*

*"(6) Not later than September 1 of each year, the Deputy Assistant Secretary of Minority Health shall prepare and submit to the Secretary a report summarizing the activities of each Office of Minority Health within the Public Health Service, including the Office of Research on Minority Health at the National Institutes of Health.*

*"(c) ADVISORY COMMITTEE.—*

*"(1) IN GENERAL.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Health (in this subsection referred to as the 'Committee').*

*"(2) DUTIES.—The Committee shall provide advice to the Secretary on carrying out this section, including advice on the development of goals and specific program activities under subsection (b)(1) for each racial and ethnic group.*

*"(3) CHAIRPERSON.—The Deputy Assistant Secretary for Minority Health shall serve as the Chairperson of the Committee.*

*"(4) COMPOSITION.—The Committee shall be composed of no fewer than 12, and not more than 18 individuals, who are not officers or employees of the Federal Government. The Secretary shall appoint the members of the Committee from among individuals with expertise regarding issues of minority health. The membership of the Committee shall be equitably representative of the various racial and ethnic groups. The Secretary may appoint representatives from selected Federal agencies to serve as ex officio, non-voting members of the Committee.*

*"(5) TERMS.—Each member of the Committee shall serve for a term of 4 years, except that the Secretary shall initially appoint a portion of the members to terms of 1 year, 2 years, and 3 years.*

*"(6) VACANCIES.—If a vacancy occurs on the Committee, a new member shall be appointed by the Secretary within 90 days from the date that the vacancy occurs, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Committee.*

*"(7) COMPENSATION.—Members of the Committee who are officers or employees of the United States shall serve without compensation. Members of the Committee who are not officers or employees of the United States shall receive, for each day (including travel time) they are engaged in the performance of the functions of the Committee, compensation at rates that do not exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule under title 5, United States Code.*

*"(d) CERTAIN REQUIREMENTS REGARDING DUTIES.—*

*"(1) RECOMMENDATIONS REGARDING LANGUAGE AS IMPEDIMENT TO HEALTH CARE.—The Secretary, acting through the Director of the Office of Refugee Health, the Director of the Office of Civil Rights, and the Director of the Office of Minority Health of the Health Resources and Services Administration, shall make recommendations regarding activities under subsection (b)(4).*

*"(2) EQUITABLE ALLOCATION REGARDING ACTIVITIES.—In awarding grants or contracts under section 338A, 338B, 340A, 724, 737, 738, or 1707, the Secretary shall ensure that such awards are equitably allocated with respect to the various racial and ethnic populations.*

*"(3) CULTURAL COMPETENCY OF SERVICES.—The Secretary shall ensure that information and*

services provided pursuant to subsection (b) are provided in the language and cultural context that is most appropriate for the individuals for whom the information and services are intended.

"(4) PEER REVIEW.—The Secretary shall ensure that each application for a grant, contract or cooperative agreement under this section undergoes appropriate peer review.

"(e) REPORTS.—Not later than January 31 of fiscal year 1995 and of each second year thereafter, the Secretary shall submit to the Congress a report describing the activities carried out under this section during the preceding 2 fiscal years and evaluating the extent to which such activities have been effective in improving the health of racial and ethnic minorities.

"(f) GRANTS AND CONTRACTS REGARDING DUTIES.—

"(1) AUTHORITY.—In carrying out subsection (b), the Secretary may enter into grants and contracts with public and nonprofit private entities.

"(2) EVALUATION AND DISSEMINATION.—The Secretary shall, directly or through contracts with public and private entities, provide for evaluations of projects carried out with financial assistance provided under paragraph (1) during the preceding 2 fiscal years. The report shall be included in the report required under subsection (e) for the fiscal year involved.

"(g) DEFINITION.—As used in this section, the term 'racial and ethnic minority group' means Hispanics, Blacks, Asian Americans, Pacific Islanders, Native Americans, and Alaskan Natives. The term 'Hispanic' means individuals whose origin is Mexican, Puerto Rican, Cuban, Central or South American, or any other Spanish-speaking country, including Spain or the Caribbean Islands, and individuals identifying themselves as Hispanic, Latino, Spanish, or Spanish-American.

"(h) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $20,500,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(2) ALLOCATION OF FUNDS BY SECRETARY.—Of the amounts appropriated under paragraph (1) for a fiscal year in excess of $15,000,000, the Secretary shall make available not less than $3,000,000 for activities to improve access to health care services for individuals with limited English proficiency, including activities identified in subsection (b)(4).".

### SEC. 102. AGENCY OFFICES OF MINORITY HEALTH.

Title XVII (42 U.S.C. 300u et seq.) is amended by adding at the end the following new section:

### "SEC. 1709. AGENCY OFFICES OF MINORITY HEALTH.

"(a) IN GENERAL.—The Secretary shall ensure that an Office of Minority Health is operating at the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Administration, and the Agency for Health Care Policy and Research. Such Offices shall ensure that services and programs carried out within each such respective agency or office—

"(1) are equitably delivered with respect to racial and ethnic groups;

"(2) provide culturally and linguistically competent services; and

"(3) utilize racial and ethnic minority community-based organizations to deliver services.

"(b) REPORTS.—Each Office of Minority Health within the Public Health Service, including the Office of Research on Minority Health at the National Institutes of Health, shall submit a report, not later than May 1 of each year, to the Deputy Assistant Secretary for Minority Health (as provided for in section 1707(b)) describing the accomplishments or programs of the plan, the budget allocation and expenditures for, and the development and implementation of, such health programs targeting racial and ethnic minority populations. The Secretary shall ensure the participation and cooperation of each Agency in the development of the annual report.".

### SEC. 103. STATE OFFICES OF MINORITY HEALTH.

Title XVII (42 U.S.C. 300u et seq.), as amended by section 102, is further amended by adding at the end the following new section:

### "SEC. 1710. GRANTS TO STATES FOR OPERATION OF OFFICES OF MINORITY HEALTH.

"(a) IN GENERAL.—The Secretary, acting through the Deputy Assistant Secretary for Minority .Health (as provided for in section 1707), may make grants to States for the purpose of improving the health status in minority communities, through the operation of State offices of minority health established to monitor and facilitate the achievement of the Health Objectives for the Year 2000 as they affect minority populations.

"(b) ADMINISTRATION OF PROGRAM.—The Secretary may not make a grant to a State under subsection (a) unless such State agrees that the program carried out by the State with amounts received under the grant will be administered directly by a single State agency.

"(c) CERTAIN REQUIRED ACTIVITIES.—The Secretary may not make a grant to a State under subsection (a) unless such State agrees that activities carried out by an office operated under the grant received pursuant to such subsection will—

"(1) establish and maintain within the State a clearinghouse for collecting and disseminating information on—

"(A) minority health care issues;

"(B) research findings relating to minority health care; and

"(C) innovative approaches to the delivery of health care and social services in minority communities;

"(2) coordinate the activities carried out in the State that relate to minority health care, including providing coordination for the purpose of avoiding redundancy in such activities;

"(3) identify Federal and State programs regarding minority health, and providing technical assistance to public and nonprofit entities regarding participation in such program; and

"(4) develop additional Healthy People 2000 objectives for the State that are necessary to address the most prevalent morbidity, mortality and disability concerns for racial and ethnic minority groups in the State.

"(d) REQUIREMENT REGARDING ANNUAL BUDGET FOR THE OFFICE.—The Secretary may not make a grant to a State under subsection (a) unless such State agrees that, for any fiscal year for which the State receives such a grant, the office operated under such grant will be provided with an annual budget of not less than $75,000.

"(e) CERTAIN USES OF FUNDS.—

"(1) RESTRICTIONS.—The Secretary may not make a grant to a State under subsection (a) unless such State agrees that—

"(A) if research with respect to minority health is conducted pursuant to the grant, not more than 10 percent of the amount received under the grant will be expended for such research; and

"(B) amounts provided under the grant will not be expended—

"(i) to provide health care (including providing cash payments regarding such care);

"(ii) to conduct activities for which Federal funds are expended—

"(I) within the State to provide technical and other nonfinancial assistance under subsection (m) of section 340A;

"(II) under a memorandum of agreement entered into with the State under subsection (h) of such section; or

"(III) under a grant under section 388I;

"(iii) to purchase medical equipment, to purchase ambulances, aircraft, or other vehicles, or to purchase major communications equipment;

"(iv) to purchase or improve real property; or

"(v) to carry out any activity regarding a certificate of need.

"(2) AUTHORITIES.—Activities for which a State may expend amounts received under a grant under subsection (a) include—

"(A) paying the costs of establishing an office of minority health for purposes of subsection (a);

"(B) subject to paragraph (1)(B)(ii)(III), paying the costs of any activity carried out with respect to recruiting and retaining health professionals to serve in minority communities or underserved areas in the State; and

"(C) providing grants and contracts to public and nonprofit entities to carry out activities authorized in this section.

"(f) REPORTS.—The Secretary may not make a grant to a State under subsection (a) unless such State agrees—

"(1) to submit to the Secretary reports containing such information as the Secretary may require regarding activities carried out under this section by the State; and

"(2) to submit a report not later than January 10 of each fiscal year immediately following any fiscal year for which the State has received such a grant.

"(g) REIMBURSEMENT OF APPLICATION.—The Secretary may not make a grant to a State under subsection (a) unless an application for the grant is submitted to the Secretary and the application in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out such subsection.

"(h) NONCOMPLIANCE.—The Secretary may not make payments under subsection (a) to a State for any fiscal year subsequent to the first fiscal year of such payments unless the Secretary determines that, for the immediately preceding fiscal year, the State has complied with each of the agreements made by the State under this section.

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For purposes of making grants under subsection (a) there are authorized to be appropriated $3,000,000 for fiscal year 1995, $4,000,000 for fiscal year 1996, and $3,000,000 for fiscal year 1997.

"(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

"(j) TERMINATION OF PROGRAM.—No grant may be made under this section after the aggregate amounts appropriated under subsection (i)(1) are equal to $10,000,000.".

### SEC. 104. ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES FOR CIVIL RIGHTS.

(a) IN GENERAL.—Part A of title II (42 U.S.C. 202 et seq.), as amended by section 2010 of Public Law 103–43, is amended by adding at the end the following new section:

### "SEC. 229. ASSISTANT SECRETARY FOR CIVIL RIGHTS.

"(a) ESTABLISHMENT OF POSITION.—There shall be in the Department of Health and Human Services an Assistant Secretary for Civil Rights, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) RESPONSIBILITIES.—The Assistant Secretary shall perform such functions relating to civil rights as the Secretary may assign.".

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended, in the *item relating to Assistant Secretaries of Health and Human Services, by striking "(5)" and inserting "(6)".*

### *TITLE II—HEALTH SERVICES*

### *SEC. 201. COMMUNITY SCHOLARSHIP PROGRAMS.*

*Section 338L (42 U.S.C. 254t) is amended—*

*(1) in subsection (a), by striking "health manpower shortage areas" and inserting "a Federally-designated health professional shortage areas";*

*(2) in subsection (c)—*

*(A) by striking "health manpower shortage areas" and inserting "Federally-designated health professional shortage areas" in the matter preceding paragraph (1); and*

*(B) by striking "in the health manpower shortage areas in which the community organizations are located," and inserting "in a Federally-designated health professional shortage area that is served by the community organization awarding the scholarship," in paragraph (2);*

*(3) in subsection (e)(1)—*

*(A) by striking "health manpower shortage area" and inserting "a Federally-designated health professional shortage area"; and*

*(B) by striking "in which the community" and all that follows through "located";*

*(4) in subsection (k)(2), by striking "internal medicine" and all that follows through the end thereof and inserting "general internal medicine, general pediatrics, obstetrics and gynecology, dentistry, or mental health, that are provided by physicians or other health professionals."; and*

*(5) in subsection (l)(1), by striking "$5,000,000" and all that follows through "1993" and inserting "$1,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996".*

### *SEC. 202. HEALTH SERVICES FOR RESIDENTS OF PUBLIC HOUSING.*

*Section 340A(p)(1) (42 U.S.C. 256a(p)(1)) is amended—*

*(1) by striking "$35,000,000 for fiscal year 1991" and inserting "$12,000,000 for fiscal year 1994"; and*

*(2) by striking "1992 and 1993" and inserting "1995 and 1996".*

### *SEC. 203. ISSUANCE OF REGULATIONS REGARDING LANGUAGE AS IMPEDIMENT TO RECEIPT OF SERVICES.*

*(a) PROPOSED RULE.—Not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall issue a proposed rule regarding policies to reduce the extent to which having limited English proficiency constitutes a significant impediment to individuals in establishing the eligibility of the individuals for—*

*(1) participation in health programs under the Public Health Service Act;*

*(2) the receipt of services under such programs and under programs under titles XVIII and XIX of the Social Security Act; or*

*(3) participation in programs or activities otherwise receiving financial assistance from the Secretary or receiving services under such programs or activities.*

*(b) FINAL RULE.—*

*(1) IN GENERAL.—Not later than the expiration of the 1-year period beginning on the date of the enactment of this Act, the Secretary shall issue a final rule regarding the policies described in subsection (a).*

*(2) FAILURE TO ISSUE BY DATE CERTAIN.—If the Secretary fails to issue a final rule under paragraph (1) before the expiration of the period specified in such paragraph, the proposed rule issued under subsection (a) is upon such expiration deemed to be the final rule under paragraph (1) (and shall remain in effect until the Secretary issues a final rule under such paragraph).*

### *SEC. 204. HEALTH SERVICES FOR PACIFIC ISLANDERS.*

*Section 10 of the Disadvantaged Minority Health Improvement Act of 1990 (42 U.S.C. 254c-1) is amended—*

*(1) in subsection (b)—*

*(A) in paragraph (2)—*

*(i) by inserting ", substance abuse" after "availability of health"; and*

*(ii) by striking ", including improved health data systems";*

*(B) in paragraph (3)—*

*(i) by striking "manpower" and inserting "care providers"; and*

*(ii) by striking "by—" and all that follows through the end thereof and inserting a semicolon;*

*(C) by striking paragraphs (5) and (6);*

*(D) by redesignating paragraphs (7), and (8) as paragraphs (5) and (6), respectively;*

*(E) in paragraph (5) (as so redesignated), by striking "and" at the end thereof;*

*(F) in paragraph (6) (as so redesignated), by striking the period and inserting a semicolon; and*

*(G) by inserting after paragraph (6) (as so redesignated), the following new paragraphs:*

*"(7) to provide primary health care, preventive health care, and related training to American Samoan health care professionals; and*

*"(8) to improve access to health promotion and disease prevention services for rural American Samoa.";*

*(2) in subsection (f)—*

*(A) by striking "there is" and inserting "there are"; and*

*(B) by striking "$10,000,000" and all that follows through "1993" and inserting "$3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996"; and*

*(3) by adding at the end thereof the following new subsection:*

*"(g) STUDY AND REPORT.—*

*"(1) STUDY.—Not later than 180 days after the date of enactment of this subsection, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall enter into a contract with a public or nonprofit private entity for the conduct of a study to determine the effectiveness of projects funded under this section.*

*"(2) REPORT.—Not later than July 1, 1995, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the findings made with respect to the study conducted under paragraph (1).".*

### *TITLE III—HEALTH PROFESSIONS*

### *SEC. 301. LOANS FOR DISADVANTAGED STUDENTS.*

*Section 724(f)(1) (42 U.S.C. 292t(f)(1)) is amended—*

*(1) by striking "there is" and inserting "there are"; and*

*(2) by striking "$15,000,000 for fiscal year 1993" and inserting "$8,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996".*

### *SEC. 302. CESAR CHAVEZ PRIMARY CARE SCHOLARSHIP PROGRAM.*

*Section 736 (42 U.S.C. 293) is amended—*

*(1) by striking the section heading and inserting the following:*

***"SEC. 736. CESAR CHAVEZ PRIMARY CARE SCHOLARSHIP PROGRAM.***

*(2) in subsection (c)—*

*(A) by striking "there is" and inserting "there are"; and*

*(B) by striking "$11,000,000 for fiscal year 1993" and inserting "$10,500,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996".*

### *SEC. 303. THURGOOD MARSHALL SCHOLARSHIP PROGRAM.*

*Section 737 (42 U.S.C. 293a) is amended—*

*(1) by striking the section heading and inserting the following:*

***"SEC. 737. THURGOOD MARSHALL SCHOLARSHIP PROGRAM.";***

*(2) in subsection (a)—*

*(A) in paragraph (1), by inserting "(to be known as Thurgood Marshall Scholars)" after "providing scholarships to individuals"; and*

*(B) in paragraph (3), by inserting "schools offering programs for the training of physician assistants," after "public health,"; and*

*(3) in subsection (h), by striking paragraph (1) and inserting the following new paragraph:*

*"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $17,100,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".*

### *SEC. 304. LOAN REPAYMENTS AND FELLOWSHIPS REGARDING FACULTY POSITIONS AT HEALTH PROFESSIONS SCHOOLS.*

*Section 738 (42 U.S.C. 293b) is amended—*

*(1) in subsection (a)—*

*(A) in paragraph (2), by striking "disadvantaged backgrounds who—" and inserting "racial or ethnic groups that are underrepresented in the health professions who—"*

*(B) in paragraph (5)—*

*(i) by striking "; and" in subparagraph (A) and inserting a period;*

*(ii) by striking "unless—" and all that follows through "the individual involved" in subparagraph (A) and inserting "unless the individual involved"; and*

*(iii) striking subparagraph (B);*

*(C) by striking paragraph (6); and*

*(D) by redesignating paragraph (7) as paragraph (6); and*

*(2) in subsection (b)(2)(B), by striking "$30,000" and inserting "$50,000";*

*(3) in subsection (c)—*

*(A) by striking "there is" and inserting "there are"; and*

*(B) by striking "$4,000,000 for fiscal year 1993" and inserting "$1,100,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996".*

### *SEC. 305. CENTERS OF EXCELLENCE.*

*Section 739 (42 U.S.C. 293c) is amended—*

*(1) in subsection (b)—*

*(A) in paragraph (2), by inserting before the semicolon the following: "through collaboration with public and nonprofit private entities to carry out community-based programs to prepare students in secondary schools and institutions of higher education for attendance at the health professions school";*

*(B) in paragraph (4), by striking "and" at the end thereof;*

*(C) in paragraph (5), by striking the period and inserting "; and"; and*

*(D) by adding at the end thereof the following new paragraph:*

*"(6) to train the students of the school at community-based health facilities that provide health services to a significant number of minority individuals and that are located at a site remote from the main site of the teaching facilities of the school.";*

*(2) in subsection (e)—*

*(A) by striking the subsection heading and inserting "AUTHORITY REGARDING CONSORTIA.—";*

*(B) by striking paragraph (1) and inserting the following new paragraph:*

*"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) to any school of medicine, osteopathic medicine, dentistry, clinical psychology, or pharmacy that has in accord-*

*ance with paragraph (2) formed a consortium of schools.";*

*(C) in paragraph (2), by striking subparagraphs (A) through (D) and inserting the following new subparagraphs:*

*"(A) the consortium consists of—*

*"(i) the health professions school seeking the grant under subsection (a); and*

*"(ii) one or more schools of medicine, osteopathic medicine, dentistry, pharmacy, nursing, allied health, or public health, or graduate programs in mental health practice;*

*"(B) the schools of the consortium have entered into an agreement for the allocation of such grant among the schools; and*

*"(C) each of the schools agrees to expend the grant in accordance with this section."; and*

*(D) by adding at the end the following paragraph:*

*"(3) AUTHORITY FOR COLLECTIVELY MEETING RELEVANT REQUIREMENTS IN CERTAIN CASES.—With respect to meeting the conditions specified in subsection (c)(4) for Native American Centers of Excellence, the Secretary may make a grant to any school that has in accordance with paragraphs (1) and (2) formed a consortium of schools that meets such conditions (without regard to whether the schools of the consortium individually meet such conditions)."; and*

*(3) in subsection (i)—*

*(A) in paragraph (1), by striking "such sums as may be necessary for fiscal year 1993" and inserting "$25,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996"; and*

*(B) in paragraph (2)(C) by adding at the end the following: "Health professions schools described in subsection (c)(2)(A) shall be eligible for grants under this subparagraph in a fiscal year if the amount appropriated for the fiscal year under paragraph (1) is greater than $23,500,000. Such schools shall be eligible to apply only for grants made from the portion of such amount that exceeds $23,500,000.".*

### *SEC. 306. EDUCATIONAL ASSISTANCE REGARDING UNDERGRADUATES.*

*Section 740 (42 U.S.C. 293d) is amended—*

*(1) in subsection (a)(1), by adding at the end the following new sentence: "To be eligible for such a grant, a school shall have in place a program to assist individuals from disadvantaged backgrounds in gaining entry into a health professions school or completing the course of study at such a school.";*

*(2) in subsection (d)(1)—*

*(A) by striking "there is" and inserting "there are"; and*

*(B) by striking "1993" and inserting "1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996".*

*(3) in subsection (d)(2)(B), by adding at the end thereof the following new sentence: "Scholarship recipients under this section shall be known as 'Cesar Chavez Primary Care Scholars.".*

### *SEC. 307. AREA HEALTH EDUCATION CENTERS.*

*Section 746(d)(2)(D) (42 U.S.C. 293j(d)(2)(D)) is amended by inserting "and minority health" after "disease prevention".*

## *TITLE IV—RESEARCH AND DATA COLLECTION*

### *SEC. 401. OFFICE OF RESEARCH ON MINORITY HEALTH.*

*Section 404 (42 U.S.C. 283b), as added by section 151 of Public Law 103–43, is amended by adding at the end the following subsections:*

*"(c) PLAN.—The Director of the Office, shall collaborate with the Deputy Assistant Secretary for Minority Health (as provided for in section 1707), to develop and implement a plan for carrying out the duties required by subsection (b). The Director, in consultation with the Deputy Assistant Secretary for Minority Health, shall review the plan not less often than annually, and revise the plan as appropriate.*

*"(d) EQUITY REGARDING VARIOUS GROUPS.—The Director of the Office shall ensure that activities under subsection (b) address equitably all minority groups.*

*"(e) ADVISORY COMMITTEE.—*

*"(1) ESTABLISHMENT.—In carrying out subsection (b), the Secretary shall establish an advisory committee to be known as the Advisory Committee on Research on Minority Health (in this subsection referred to as the 'Advisory Committee').*

*"(2) COMPOSITION.—*

*"(A) VOTING AND NONVOTING MEMBERS.—The Advisory Committee shall be composed of voting members appointed in accordance with subparagraph (B) and the ex officio nonvoting members described in subparagraph (C).*

*"(B) VOTING MEMBERS.—The Advisory Committee shall include not fewer than 12, and not more than 18, voting members who are not officers or employees of the Federal Government. The Director of the Office shall appoint such members to the Advisory Committee from among physicians, practitioners, scientists, consumers and other health professionals, whose clinical practices, research specialization, or professional expertise includes a significant focus on research on minority health or on the barriers that minorities must overcome to participate in clinical trials. The membership of the Advisory Committee shall be equitably representative of the minority groups served by the Office.*

*"(C) EX OFFICIO NONVOTING MEMBERS.—The Deputy Assistant Secretary for Minority Health and the Directors of each of the national research entities shall serve as ex officio nonvoting members of the Advisory Committee (except that any of such Directors may designate an official of the institute involved to serve as such member of the Committee in lieu of the Director).*

*"(3) CHAIRPERSON.—The Director of the Office shall serve as the chairperson of the Advisory Committee.*

*"(4) DUTIES.—The Advisory Committee shall—*

*"(A) advise the Director of the Office on appropriate research activities to be undertaken by the national research institutes with respect to—*

*"(i) research on minority health;*

*"(ii) research on racial and ethnic differences in clinical drug trials, including responses to pharmacological drugs;*

*"(iii) research on racial and ethnic differences in disease etiology, course, and treatment; and*

*"(iv) research on minority health conditions which require a multidisciplinary approach;*

*"(B) report to the Director of the Office on such research;*

*"(C) provide recommendations to such Director regarding activities of the Office (including recommendations on priorities in carrying out research described in subparagraph (A)); and*

*"(D) assist in monitoring compliance with section 492B regarding the inclusion of minorities in clinical research.*

*"(5) BIENNIAL REPORT.—*

*"(A) PREPARATION.—The Advisory Committee shall prepare a biennial report describing the activities of the Committee, including findings made by the Committee regarding—*

*"(i) compliance with section 492B;*

*"(ii) the extent of expenditures made for research on minority health by the agencies of the National Institutes of Health; and*

*"(iii) the level of funding needed for such research.*

*"(B) SUBMISSION.—The report required in subparagraph (A) shall be submitted to the Director of the National Institutes of Health for inclusion in the report required in section 403.*

*"(f) REPRESENTATIVES OF MINORITIES AMONG RESEARCHERS.—The Secretary, acting through the Assistant Secretary for Personnel Administration and in collaboration with the Director of the Office, shall determine the extent to which minorities are represented among senior physicians and scientists of the national research institutes and among physicians and scientists conducting research with funds provided by such institutes, and as appropriate, carry out activities to increase the extent of such representation.*

*"(g) DEFINITIONS.—For purposes of this part:*

*"(1) MINORITY HEALTH CONDITIONS.—The term 'minority health conditions', with respect to individuals who are members of minority groups, means all diseases, disorders, and conditions (including with respect to mental health)—*

*"(A) unique to, more serious, or more prevalent in such individuals;*

*"(B) for which the factors of medical risk or types of medical intervention are different for such individuals, or for which it is unknown whether such factors or types are different for such individuals; or*

*"(C) with respect to which there has been insufficient research involving such individuals as subjects or insufficient data on such individuals.*

*"(2) RESEARCH ON MINORITY HEALTH.—The term 'research on minority health' means research on minority health conditions, including research on preventing such conditions.*

*"(3) MINORITY GROUPS.—The term 'minority groups' means Blacks, American Indians, Alaskan Natives, Asian/Pacific Islanders, and Hispanics, including subpopulations of such groups.".*

### *SEC. 402. NATIONAL CENTER FOR HEALTH STATISTICS.*

*(a) IN GENERAL.—Section 306 (42 U.S.C. 242k) is amended—*

*(1) in subsection (c), by striking "Committee on Human Resources" and inserting "Committee on Labor and Human Resources";*

*(2) in subsection (g), by striking "data which shall be published" and all that follows and inserting "data.";*

*(3) in subsection (k)(2)—*

*(A) in subparagraph (A)—*

*(i) by striking the subparagraph designation; and*

*(ii) by striking "Except as provided in subparagraph (B), members" and inserting "Members"; and*

*(B) by striking subparagraph (B);*

*(4) in subsection (l)—*

*(A) by striking paragraph (3);*

*(B) by redesignating paragraph (4) as paragraph (3); and*

*(C) in paragraph (3) (as so redesignated), by striking "paragraphs (1), (2), and (3)," and inserting "paragraphs (1) and (2),"; and*

*(5) in subsection (o)—*

*(A) in paragraph (1), by striking "1991 through 1993" and inserting "1994 through 1997"; and*

*(B) in paragraph (2), by striking "$5,000,000" and all that follows through "1993" and inserting "$1,100,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997".*

*(b) GENERAL AUTHORITY RESPECTING RESEARCH, EVALUATIONS, AND DEMONSTRATIONS.—Section 304 (42 U.S.C. 242b) is amended by striking subsection (d).*

*(c) GENERAL PROVISIONS RESPECTING EFFECTIVENESS, EFFICIENCY, AND QUALITY OF HEALTH SERVICES.—Section 308 (42 U.S.C. 242m) is amended—*

*(1) in subsection (a)—*

*(A) in paragraph (1)—*

*(i) by striking subparagraph (A); and*

*(ii) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively; and*

*(B) in paragraph (2), by striking "reports required by subparagraphs" and all that follows*

*through "Center" and inserting the following: "reports required in paragraph (1) shall be prepared through the National Center";*

*(2)(A) by striking subsection (c);*

*(B) by transferring paragraph (2) of subsection (g) from the current location of the paragraph;*

*(C) by redesignating such paragraph as subsection (c);*

*(D) by inserting subsection (c) (as so redesignated) after subsection (b); and*

*(E) by striking the remainder of subsection (g);*

*(3) in subsection (c) (as so redesignated)—*

*(A) by striking "shall (A) take" and inserting "shall take"; and*

*(B) by striking "and (B) publish" and inserting "and shall publish";*

*(4) in subsection (f), by striking "sections 3648" and all that follows and inserting "section 3324 of title 31, United States Code, and section 3709 of the Revised Statutes (41 U.S.C. 5)."; and*

*(5) by striking subsection (h).*

### SEC. 403. ACTIVITIES OF AGENCY FOR HEALTH CARE POLICY AND RESEARCH.

*Section 902(b) (42 U.S.C. 299a(b)) is amended to read as follows:*

*"(b) Requirements With Respect to Certain Populations.—In carrying out subsection (a), the Administrator shall undertake and support research, demonstration projects, and evaluations with respect to the health status of, and the delivery of health care to—*

*"(1) the populations of medically underserved urban or rural areas (including frontier areas); and*

*"(2) low-income groups, minority groups, and the elderly.".*

## TITLE V—MISCELLANEOUS

### SEC. 501. REVISION AND EXTENSION OF PROGRAM FOR STATE OFFICES OF RURAL HEALTH.

*(a) Matching Funds.—Section 338J(b) (42 U.S.C. 254r(b)) is amended to read as follows:*

*"(b) Requirement of Matching Funds.—*

*"(1) In general.—With respect to the costs to be incurred by a State in carrying out the purpose described in subsection (a), the Secretary may not make a grant under such subsection unless the State agrees to provide non-Federal contributions toward such costs, in cash, in an amount that is not less than $1 for each $1 of Federal funds provided in the grant.*

*"(2) Determination of amount contributed.—In determining the amount of non-Federal contributions in cash that a State has provided pursuant to paragraph (1), the Secretary may not include any amounts provided to the State by the Federal Government.".*

*(b) Authorization of Appropriations.—Section 338J(j)(1) (42 U.S.C. 254r(j)(1)) is amended—*

*(1) by striking "and" after "1992,"; and*

*(2) by inserting before the period the following: ", and $5,000,000 for each of the fiscal years 1994 through 1996".*

*(c) Termination of Program.—Section 338J(k) (42 U.S.C. 254r(k)) is amended by striking $10,000,000" and inserting "$20,000,000".*

### SEC. 502. TECHNICAL CORRECTIONS RELATING TO HEALTH PROFESSIONS.

*(a) Health Education Assistance Loan Deferment for Borrowers Providing Health Services to Indians.—*

*(1) In general.—Section 705(a)(2)(C) is amended by striking "and (x)" and inserting "(x) not in excess of three years, during which the borrower is providing health care services to Indians through an Indian health program (as defined in section 108(a)(2)(A) of the Indian Health Care Improvement Act (25 U.S.C. 1616a(a)(2)(A)); and (xi)".*

*(2) Conforming amendments.—Section 705(a)(2)(C) is further amended—*

*(A) in clause (xi) (as so redesignated) by striking "(ix)" and inserting "(x)"; and*

*(B) in the matter following such clause (xi), by striking "(x)" and inserting "(xi)".*

*(3) Effective date.—The amendments made by this subsection shall apply with respect to services provided on or after the first day of the third month that begins after the date of enactment of this Act.*

*(b) Maximum Student Loan Provision.—*

*(1) In general.—Section 722(a)(1) (42 U.S.C. 292r(a)(1)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking "the sum of" and all that follows through the end thereof and inserting "the cost of attendance (including tuition, other reasonable educational expenses, and reasonable living costs) for that year at the educational institution attended by the student (as determined by such educational institution).".*

*(2) Third and fourth years.—Section 722(a)(2) (42 U.S.C. 292r(a)(2)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking "the amount $2,500" and all that follows through "including such $2,500" and inserting "the amount of the loan may, in the case of the third or fourth year of a student at school of medicine or osteopathic medicine, be increased to the extent necessary".*

*(c) Requirement for Schools.—Section 723(b)(1) (42 U.S.C. 292s(b)(1)), as amended by section 2014(c)(2)(A)(ii) of Public Law 103-43 (107 Stat. 216), is amended by striking "3 years before" and inserting "4 years before".*

*(d) Service Requirement for Primary Care Loan Borrowers.—Section 723(a) (42 U.S.C. 292s(a)) is amended in subparagraph (B) of paragraph (1), by striking "through the date on which the loan is repaid in full" and inserting "for 5 years after completing the residency program".*

*(e) Preference and Required Information in Certain Programs.—*

*(1) Title vii.—Section 791 (42 U.S.C. 295j) is amended by adding at the end thereof the following subsection:*

*"(d) Exceptions.—*

*"(1) In general.—To permit new programs to compete equitably for funding under this section, those new programs that meet the criteria described in paragraph (3) shall qualify for a funding preference under this section.*

*"(2) Definition.—As used in this subsection, the term 'new program' means any program that has graduated less than three classes. Upon graduating at least three classes, a program shall have the capability to provide the information necessary to qualify the program for the general funding preferences described in subsection (a).*

*"(3) Criteria.—The criteria referred to in paragraph (1) are the following:*

*"(A) The mission statement of the program identifies a specific purpose of the program as being the preparation of health professionals to serve underserved populations.*

*"(B) The curriculum of the program includes content which will help to prepare practitioners to serve underserved populations.*

*"(C) Substantial clinical training experience is required under the program in medically underserved communities.*

*"(D) A minimum of 20 percent of the faculty of the program spend at least 50 percent of their time providing or supervising care in medically underserved communities.*

*"(E) The entire program or a substantial portion of the program is physically located in a medically underserved community.*

*"(F) Student assistance, which is linked to service in medically underserved communities following graduation, is available to the students in the program.*

*"(G) The program provides a placement mechanism for deploying graduates to medically underserved communities.".*

*(2) Title viii.—Section 860 (42 U.S.C. 298b-7) is amended by adding at the end thereof the following subsection:*

*"(f) Exceptions.—*

*"(1) In general.—To permit new programs to compete equitably for funding under this section, those new programs that meet the criteria described in paragraph (3) shall qualify for a funding preference under this section.*

*"(2) Definition.—As used in this subsection, the term 'new program' means any program that has graduated less than three classes. Upon graduating at least three classes, a program shall have the capability to provide the information necessary to qualify the program for the general funding preferences described in subsection (a).*

*"(3) Criteria.—The criteria referred to in paragraph (1) are the following:*

*"(A) The mission statement of the program identifies a specific purpose of the program as being the preparation of health professionals to serve underserved populations.*

*"(B) The curriculum of the program includes content which will help to prepare practitioners to serve underserved populations.*

*"(C) Substantial clinical training experience is required under the program in medically underserved communities.*

*"(D) A minimum of 20 percent of the faculty of the program spend at least 50 percent of their time providing or supervising care in medically underserved communities.*

*"(E) The entire program or a substantial portion of the program is physically located in a medically underserved community.*

*"(F) Student assistance, which is linked to service in medically underserved communities following graduation, is available to the students in the program.*

*"(G) The program provides a placement mechanism for deploying graduates to medically underserved communities.".*

*(f) Definitions.—Section 799(6) (42 U.S.C. 295p(6)) is amended—*

*(1) in subparagraph (B) by striking "; or" at the end thereof;*

*(2) in subparagraph (C) by striking the period and inserting a semicolon; and*

*(3) by adding at the end thereof the following:*

*"(D) ambulatory practice sites designated by State Governors as shortage areas or medically underserved communities for purposes of State scholarships or loan repayment or related programs; or*

*"(E) practices or facilities in which not less than 50 percent of the patients are recipients of aid under title XIX of the Social Security Act or eligible and uninsured.".*

*(g) Generally Applicable Modifications Regarding Obligated Service.—*

*(1) In general.—Section 795(a)(2) (42 U.S.C. 295n(a)(2)), is amended—*

*(A) in subparagraph (A), by striking "speciality in" and inserting "field of"; and*

*(B) in subparagraph (B), by striking "speciality" and inserting "field"; and*

*(2) Effective date.—Each amendment made by paragraph (1) shall take effect as if such subsection had been enacted immediately after the enactment of the Health Professions Education Extension Amendments of 1992.*

*(h) Recovery.—Part G of title VII (42 U.S.C. 295j et seq.) is amended by inserting after section 795, the following new section:*

### "SEC. 796. RECOVERY.

*"(a) In General.—If at any time within 20 years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under section 720(a) (as such section existed one day prior to the date of enactment of the Health Professions Education*

Extension Amendments of 1992 (Public Law 102-408)—

"(1)(A) in case of a facility which was an affiliated hospital or outpatient facility with respect to which funds have been paid under such section 720(a)(1), the owner of the facility ceases to be a public or other nonprofit agency that would have been qualified to file an application under section 605;

"(B) in case of a facility which was not an affiliated hospital or outpatient facility but was a facility with respect to which funds have been paid under paragraph (1) or (3) of such section 720(a), the owner of the facility ceases to be a public or nonprofit school, or

"(C) in case of a facility which was a facility with respect to which funds have been paid under such section 720(a)(2), the owner of the facility ceases to be a public or nonprofit entity,

"(2) the facility ceases to be used for the teaching or training purposes (or other purposes permitted under section 722 (as such section existed one day prior to the date of enactment of the Health Professions Education Extension Amendments of 1992 (Public Law 102-408)) for which it was constructed, or

"(3) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover from the owner of the facility the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

"(b) NOTICE.—The owner of a facility which ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or the owner of a facility the use of which changes as described in paragraph (2) or (3) of subsection (a), shall provide the Secretary written notice of such cessation or change of use within 10 days after the date on which such cessation or change of use occurs or within 30 days after the date of enactment of this subsection, whichever is later.

"(c) AMOUNT.—

"(1) BASE AMOUNT.—The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of the facility as the amount of the Federal participation bore to the cost of construction.

"(2) INTEREST.—

"(A) IN GENERAL.—The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of ninety-one-day Treasury bills auctioned during that period.

"(B) PERIOD.—The period referred to in subparagraph (A) is the period beginning—

"(i) if notice is provided as prescribed by subsection (b), 191 days after the date on which the owner of the facility ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or 191 days after the date on which the use of the facility changes as described in paragraph (2) or (3) of subsection (a), or

"(ii) if notice is not provided as prescribed by subsection (b), 11 days after the date on which such cessation or change of use occurs,

and ending on the date the amount the United States is entitled to recover is collected.

"(d) WAIVER.—The Secretary may waive the recovery rights of the United States under subsection (a)(2) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

"(e) LIEN.—The right of recovery of the United States under subsection (a) shall not, prior to judgment, constitute a lien on any facility.".

### SEC. 503. CLINICAL TRAINEESHIPS.

Section 303(d)(1) (42 U.S.C. 242a(d)(1)) is amended by inserting "counseling" after "family therapy,".

### SEC. 504. DEMONSTRATION PROJECT GRANTS TO STATES FOR ALZHEIMER'S DISEASE.

(a) IN GENERAL.—Section 398(a) (42 U.S.C. 280c–3(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "not less than 5, and not more than 15,";

(2) in paragraph (2)—

(A) by inserting after "disorders" the following: "who are living in single family homes or in congregate settings"; and

(B) by striking "and" at the end;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

"(3) to improve access for individuals with Alzheimer's disease or related disorders, particularly such individuals from ethnic, cultural, or language minorities and such individuals who are living in isolated rural areas, to services that—

"(A) are home-based or community-based long-term care services; and

"(B) exist on the date of enactment of this paragraph; and".

(b) DURATION.—Section 398A (42 U.S.C. 280c–4) is amended—

(1) in the title, by striking "LIMITATION ON";

(2) in subsection (a)—

(A) in the heading, by striking "LIMITATION ON"; and

(B) by striking "may not exceed" and inserting "may exceed"; and

(3) in subsection (b), in paragraphs (1)(C) and (2)(C), by inserting ", and any subsequent year," after "third year".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 398B(e) (42 U.S.C. 280c–5(e)) is amended by striking "and 1993" and inserting "through 1998".

### SEC. 505. MEDICALLY UNDERSERVED AREA STUDY.

(a) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study concerning the feasibility and desirability, of, and the criteria to be used for, combining the designations of "health professional shortage area" and "medically underserved area" into a single health professional shortage area designation.

(b) REQUIREMENTS.—As part of the study conducted under subsection (a), the Secretary of Health and Human Services, in considering the statutory and regulatory requirements necessary for the creation of a single health professional shortage area designation, shall—

(1) review and report on the application of current statutory and regulatory criteria used—

(A) in designating an area as a health professional shortage area;

(B) in designating an area as a medically underserved area; and

(C) by a State in the determination of the health professional shortage area designations of such State; and

(2) review the suggestions of public health and primary care experts.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report concerning the findings of the study conducted under subsection (a) together with the recommendations of the Secretary.

(d) RECOMMENDATIONS.—In making recommendations under subsection (c), the Secretary of Health and Human Services shall give special consideration to (and describe in the report) the unique impact of designation criteria on different rural and urban populations, and ethnic and racial minorities, including—

(1) rational service areas, and their application to frontier areas and inner-city communities;

(2) indicators of high medical need, including fertility rates, infant mortality rates, pediatric population, elderly population, poverty rates, and physician to population ratios; and

(3) indicators of insufficient service capacity, including language proficiency criteria for ethnic populations, annual patient visits per physician, waiting times for appointments, waiting times in a primary care physician office, excessive use of emergency facilities, low annual office visit rate, and demand on physicians in contiguous rural or urban areas.

### SEC. 506. PROGRAMS REGARDING BIRTH DEFECTS.

Section 317C of the Public Health Service Act (42 U.S.C. 247b-4), as added by section 306 of Public Law 102-531 (106 Stat. 3494), is amended to read as follows:

"PROGRAMS REGARDING BIRTH DEFECTS

"SEC. 317C. (a) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

"(1) to collect, analyze, and make available data on birth defects, including data on the causes of such defects and on the incidence and prevalence of such defects;

"(2) to provide information and education to the public on the prevention of such defects;

"(3) to operate centers for the conduct of applied epidemiologic research and study of such defects, and to improve the education, training, and clinical skills of health professionals with respect to the prevention of such defects; and

"(4) to carry out demonstration projects for the prevention of such defects.

"(b) NATIONAL CLEARINGHOUSE.—In carrying out subsection (a)(1), the Secretary shall establish and maintain a National Information Clearinghouse on Birth Defects to collect and disseminate to health professionals and the general public information on birth defects, including the prevention of such defects.

"(c) GRANTS AND CONTRACTS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities. Recipients of assistance under this subsection shall collect and analyze demographic data utilizing appropriate sources as determined by the Secretary.

"(2) SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.—

"(A) Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

"(B) With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"(3) APPLICATION FOR AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary deter-

*mines to be necessary to carry out the purposes for which the award is to be made.*

*"(d) BIENNIAL REPORT.—Not later than February 1 of fiscal year 1995 and of every second such year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report that, with respect to the preceding 2 fiscal years—*

*"(1) contains information regarding the incidence and prevalence of birth defects and the extent to which birth defects have contributed to the incidence and prevalence of infant mortality;*

*"(2) contains information under paragraph (1) that is specific to various racial and ethnic groups; and*

*"(3) contains an assessment of the extent to which each approach to preventing birth defects has been effective, including a description of effectiveness in relation to cost;*

*"(4) describes the activities carried out under this section; and*

*"(5) contains any recommendations of the Secretary regarding this section.*

*"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1997.".*

### *TITLE VI—GENERAL PROVISIONS*

***SEC. 601. EFFECTIVE DATE.***

*This Act and the amendments made by this Act shall take effect October 1, 1993, or upon the date of the enactment of this Act, whichever occurs later.*

AMENDMENT NO. 1605

(Purpose: To provide for a substitute amendment)

Mr. MITCHELL. Madam President, I ask unanimous consent that a substitute amendment in behalf of Senator KENNEDY be sent to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] for Mr. KENNEDY, proposes an amendment numbered 1605.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. KENNEDY. Madam President, I urge the Senate to support the Disadvantaged Minority Health Improvement Act of 1993. This legislation reauthorizes several vital health programs and establishes new initiatives for improving the health status of racial and ethnic minorities.

Despite impressive gains in scientific knowledge and the increased ability to diagnose, prevent and cure disease, too many minority citizens in America do not benefit from these advances. The Nation spends over $800 billion a year on health care, yet the health status of racial and ethnic minorities lags far behind the rest of the Nation. Today, African-Americans, Hispanics, Native Americans, and Asian Pacific Islanders are often in poorer health than typical citizens of Third World countries.

Because minorities are less likely to receive health care services, their children are at risk of being born prematurely or with physical disabilities or not being vaccinated against preventable diseases. Minority adults have a higher likelihood of dying from diseases that most physicians consider preventable.

The latest annual report card on the Nation's health shows that a number of serious health problems disproportionately affecting people of color have not improved or have become worse.

In 1990, Congress enacted the Disadvantaged Minority Health Improvement Act to reduce these barriers and the unnecessary diseases and deaths that disproportionately affecting minorities. The act established an Office of Minority Health in the Department of Health and Human Services to coordinate activities relating to health promotion, disease prevention, service delivery, and research involving racial and ethnic minorities. The act also established a loan and scholarship program to provide financial assistance to minority students pursuing careers as health professionals. In addition, the act strengthened and revised health service delivery programs for disadvantaged racial and ethnic minorities.

There is clearly a need for more research on minority health issues, better data collection on racial and ethnic minorities, and more effective programs to improve minorities access to health care, and train minority health professionals.

The pending legislation reauthorizes and revises activities of the Office of Minority Health. It supports the National Minority Health Resource Center, which disseminates information on health promotion, disease prevention, and preventive health services for racial and ethnic minorities.

This legislation also establishes a national center to address the problems facing individuals with limited English skills who are seeking health care services. The legislation also revises and extends the Health Careers Opportunity Program, the Faculty Development Loan Repayment Program, the Centers of Excellence Program and scholarship and loan programs for disadvantaged students. These programs will increase the number of minority students pursuing careers in medicine, dentistry, and clinical psychology by providing financial aid to students and grants to schools committed to training minority students.

In addition, the legislation codifies new Offices of Minority Health in four agencies—the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Administration, and the Agency for Health Care Policy and Research. These important offices will help ensure that disadvantaged minority groups have access to health promotion and disease prevention services provided by the Public Health Service.

In addition, the bill authorizes $3 million in grants to States to establish their own Offices of Minority Health. These offices will act as clearinghouses to collect and disseminate information, develop innovative methods of delivering health care and social services to minority communities, and coordinate State activities relating to health promotion and disease prevention.

Finally, the bill establishes an Advisory Committee on Research on Minority Health at the National Institutes of Health. The Committee will be composed of scientists, physicians and other providers with expertise in minority health research and in eliminating barriers to health care. The committee will analyze current research and design new research on all aspects of the relationships between disease and race and ethnicity, such as the onset of disease and responses to pharmaceutical drugs and other treatments.

We have begun to make worthwhile progress in this area in recent years, but much more remains to be done. This is bipartisan legislation, and I particularly commend Senator HATCH and his staff for their support and assistance in developing the measures to improve the health of minorities. I urge the Senate to approve it.

AMENDMENT NO. 1606

(Purpose: To prohibit an agency, or entity, that receives Federal assistance and is involved in adoption or foster care programs from delaying or denying the placement of a child based on the race, color, or national origin of the child or adoptive or foster parent or parents involved)

Mr. MITCHELL. Madam President, in behalf of Senator METZENBAUM, I send an amendment to the substitute and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] for Mr. METZENBAUM (for himself, Ms. MOSELEY-BRAUN, Mr. INOUYE, Mr. SIMON, Mrs. KASSEBAUM, and Mrs. FEINSTEIN) proposes an amendment numbered 1606.

At the appropriate place, insert the following new title:

TITLE —MULTIETHNIC PLACEMENT

**SECTION 01. SHORT TITLE.**

This Act may be cited as the "Multiethnic Placement Act of 1994".

**SEC. 02. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds that—

(1) nearly 500,000 children are in foster care in the United States;

(2) tens of thousands of children in foster care are waiting for adoption;

(3) 2 years and 8 months is the median length of time that children wait to be adopted;

(4) child welfare agencies should work to eliminate racial, ethnic, and national origin discrimination and bias in adoption and foster care recruitment, selection, and placement procedures; and

(5) active, creative, and diligent efforts are needed to recruit parents, from every race and culture, for children needing foster care or adoptive parents.

(b) PURPOSE.—It is the purpose of this Act to decrease the length of time that children wait to be adopted and to prevent discrimination in the placement of children on the basis of race, color, or national origin.

**SEC. 03. MULTIETHNIC PLACEMENTS.**

(a) ACTIVITIES.—

(1) PROHIBITION.—An agency, or entity, that receives Federal assistance and is involved in adoption or foster care placements may not—

(A) categorically deny to any person the opportunity to become an adoptive or a foster parent, solely on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved; or

(B) delay or deny the placement of a child for adoption or into foster care, or otherwise discriminate in making a placement decision, solely on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved.

(2) PERMISSIBLE CONSIDERATION.—An agency or entity to which paragraph (1) applies may consider the race, color, or national origin of a child as a factor in making a placement decision if such factor is relevant to the best interests of the child involved and is considered in conjunction with other factors.

(3) DEFINITION.—As used in this subsection the term "placement decision" means the decision to place, or to delay or deny the placement of, a child in a foster care or an adoptive home, and includes the decision of the agency or entity involved to seek the termination of birth parent rights or otherwise make a child legally available for adoptive placement.

(b) LIMITATION.—The Secretary of Health and Human Services shall not provide placement and administrative funds under section 474(a)(3) of the Social Security Act (42 U.S.C. 674(a)(3)) to an agency or entity described in subsection (a) that is not in compliance with subsection (a).

(c) EQUITABLE RELIEF.—Any individual who is aggrieved by an action in violation of subsection (a), taken by an agency or entity described in subsection (a), shall have the right to bring an action seeking relief in a United States district court of appropriate jurisdiction.

(d) CONSTRUCTION.—Nothing in this section shall be construed to affect the application of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

### MULTIETHNIC PLACEMENT ACT

Mr. **METZENBAUM**. Madam President, I introduced the Multiethnic Placement Act, S. 1224 with one goal in mind—encouraging transracial adoption when an appropriate same race placement is not available. I strongly believe that it is better for children to be adopted by parents of another race than not to be adopted at all. Policies that virtually prohibit multiethnic foster care and adoption are unconstitutional, harmful and must be stopped.

There has been an explosion in the number of children in the foster care system, from 276,000 in 1986 to 450,000 in 1992. The goal for these children is a loving and stable home. This goal can be achieved by placement in either an appropriate same race or interracial home. Although interracial foster and adoptive families may face a variety of problems that same race families do not, the evidence indicates that transracial adoption is often a positive experience for all involved.

Despite this evidence, formal and informal policies against multiethnic placements still persist. S. 1224 would prohibit any agency which receives Federal funds from denying a foster care or adoption placement solely on the basis of race, color, or national origin. For example, it would prohibit child welfare agencies from categorically denying anyone the opportunity to become an adoptive or foster parent on the basis of race, color, or national origin.

The bill would provide for injunctive and equitable relief and require HHS to withhold adoption assistance funds from any agency that violated the law. S. 1224 has the support of Senators CAROL MOSELEY-BRAUN, DANIEL INOUYE, DAN COATS, NANCY KASSEBAUM, PAUL SIMON, DIANNE FEINSTEIN, and DAVE DURENBERGER. It also enjoys the support of Marian Wright Edelman of the Children's Defense Fund, the Reverend Jesse Jackson of the National Rainbow Coalition, and the National Council for Adoption.

Although an appropriate transracial placement is often a positive experience, it is also true that a same race, language, or ethnic group placement can go a long way in helping children make the psychological, social, and cultural adjustment to their new family. Given the obvious benefits of same race placement, the Multiethnic Placement Act also makes it clear that race, color, or national origin can be a factor in making foster care and adoptive placements, if and only if: First, the consideration of these factors are in the child's best interest, and second, race, color, or national origin is considered along with other factors, such as age, sex, member of a sibling group, religion, disability, language, and whether the child has already bonded with the prospective parents.

This commonsense approach to the consideration of race in making foster care and adoption placements is in keeping with long standing Federal adoption legislation that encourages the recruitment of prospective parents of all races. Federal and State case law and HHS guidelines also specifically allow race to be one factor in making foster care and adoptive placements. In addition, every single major child welfare and adoption organization advocates the consideration of race as one of many factors in making out of home placements if such a consideration is in the child's best interests.

Many child welfare and adoption advocates also believe that the permanent placement of a child may be postponed, but not for an undue period of time, in order to affect a same race or ethnic group adoptive placement. They recognize that recruiting prospective parents of all races of children in need of homes requires time and effort.

I would prefer that no child be required to spend any extra time in foster care limbo in order to effectuate a same race placement. Ideally, appropriate prospective parents of all races should be waiting to care for a child the moment he or she needs an out of home placement. But given the difficulties in finding appropriate same race placements, S. 1224 was amended at an executive session of the U.S. Senate Committee on Labor and Human Resources, to state that agencies receiving Federal funds may not unduly delay in making foster care and adoptive placements on the basis of race, color, or national origin.

The amended version of the Multiethnic Placement Act also contains additional findings that stress the importance of eliminating racial, ethnic, and national origin discrimination and bias in adoption and foster care recruitment, selection, and placement procedures. Child welfare agencies are encouraged to use active, creative, and diligent efforts to recruit parents from every race and culture for children needing out of home placements. The amended bill was adopted by voice vote by the U.S. Senate Committee on Labor and Human Resources on October 6, 1993.

The lack of definition for the term "unduly delay" in S. 1224 has caused some concern among the foster care and adoption community. Some who otherwise support S. 1224, fear that the term "unduly" will not or cannot be defined in a manner consistent with the goals of the bill. In order to make it clear that appropriate out of home placements should be made as soon as possible, the latest version of S. 1224 has eliminated the term "unduly".

The passage and enactment of the Multiethnic Placement Act is my highest legislative priority of my remaining time in the Senate. I realize that this bill will not solve all the problems of the child welfare system. But S. 1224 can make a difference in lives of thousands of children who languish in foster care and temporary placements because of policies against transracial placements. I thank my Senate colleagues for their support of this legislation and will work hard for its passage in the House.

### THE MULTIETHNIC PLACEMENT ACT

Mr. **COATS**. As the Senator from Ohio knows, the goal of ending discrimination in adoption placements is one which we both share, as cosponsors of S. 1224, the Multiethnic Placement Act of 1993. I believe that this bill is an important step toward the goal of ending policies which categorically deny adoption placements on the basis of race, color or national origin.

Although the issue of transracial adoption is both controversial and complicated, you and I agree on certain basic principles. First, that it is generally preferable for children to be placed with families of their own ethnic origin when such homes are available and in the child's best interest. Second, that transracial placement is a positive and effective means of providing a child with a loving and permanent home, particularly when faced with the alternative of long-term foster care. Finally, that children should not be forced into prolonged temporary care when good, stable families are ready, willing, and able to adopt.

Mr. METZENBAUM. I have long been impressed by Senator COATS' dedication to helping children and protecting their best interests. I share his commitment to placing children in loving and permanent homes as quickly as possible. I also believe that transracial adoption should be encouraged when an appropriate same race placement is not available.

Mr. COATS. I am glad that Senator METZENBAUM and I are in agreement on this issue. I would like to ask for clarification of one section in the bill that states that a covered agency may consider race, color, or national origin as a factor in making placement decisions if it is relevant to the best interests of the child involved and is considered in conjunction with other factors. Does the Senator intend that this section allow the use of race, color, or national origin as a determining factor between two otherwise appropriate and available families, when to do so is in the best interests of the child? The reason I am asking this question is that the bill also prohibits denial of adoption based on race. This appear to be a contradiction.

Mr. METZENBAUM. Perhaps this could have been worked more clearly—but the intent is to allow race to be considered as one of many factors and to allow race to be the determinative factor between two otherwise appropriate and available families, if and only if the consideration of race is in the child's best interest.

Mr. COATS. So, I gather from the Senator's response that the primary concern of this bill is the child's best interest.

Mr. METZENBAUM. That is correct—and prolonged foster care is not in the child's best interest.

Mr. COATS. I agree—but does the Senator intend that other factors such as religion, language, and cultural identity be considered when determining the child's best interests?

Mr. METZENBAUM. Yes. Any factors which contribute to a child's development should be taken into consideration when making placement decisions and determining the child's best interest.

Mr. COATS. I thank the Senator for his response. S. 1224 also prohibits any delay in making an adoption placement. While I have expressed concern about the effect of this prohibition I have determined that it is the best legislative approach we can take at this time. I do, however, want to reiterate my concern that this not be perceived as an excuse for agencies not to aggressively recruit prospective adoptive parents. Agencies should, on an ongoing basis—consistently, creatively, and vigorously recruit and study families of every race and culture of children needing adoptive families.

Mr. METZENBAUM. The Senator is correct—and anyone who uses this bill as an excuse not to recruit will have gone against the very spirit we have intended here.

Mr. COATS. I thank the Senator.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 1606) was agreed to.

Mr. HATCH. Madam President, I rise in support of the Disadvantaged Minority Health Improvement Act of 1993, S. 1569, which I have cosponsored with my distinguished colleague, the chairman of the Labor and Human Resources Committee, Senator KENNEDY.

The Disadvantaged Minority Health Improvement Act has done much to improve the health and well being of minority communities since it was first enacted in 1990. The measure before us today will further enhance and improve upon the existing programs aimed at the delivery of health and human services in racial and ethnic minority communities.

As cited so aptly in the committee report, despite impressive gains in scientific knowledge and the increased ability to diagnose, prevent and cure diseases, many minority citizens in America still do not benefit from these advances. Minorities suffer disproportionately high rates of cancer, stroke, heart disease, diabetes, substance abuse, acquired immune deficiency syndrome, and other diseases and disorders.

The statistics are compelling and shocking. For instance, an African-American child is twice as likely to die in the first year of life as a white child. In addition, African-Americans die as a result of heart disease twice as often as Whites, and their life expectancy is 6 years fewer.

Hispanics are more likely than other Americans to contract certain cancers—stomach, esophagus, pancreas, cervix—as well as tuberculosis and diabetes. In addition, Hispanics have twice the percentage of AIDS cases, and three times the percentage of female and pediatric AIDS cases.

Among Native Americans, a large proportion of the population dies before the age of 45. Cirrhosis and diabetes are two chronic diseases that afflict Native Americans more frequently than other groups. Diabetes is now so prevalent that in many tribes more than 20 percent of the members have this disease.

With respect to Asian and Pacific Islander Americans, diseases normally preventable with appropriate health care service affect these groups at shocking rates. Hepatitis B is seventeen times more prevalent in Southeast Asian Americans than Whites. The incidence of tuberculosis is five times higher among Asians than it is among Whites. And, Hawaiian women have the highest incidence of breast cancer among all racial and ethnic groups.

Accordingly, I believe it is important to strengthen our Federal commitment to provide medical care and educational services to minorities as well as to train and upgrade the skills of minority health professionals in improving the quality of medical care provided in minority communities.

This legislation helps to correct the way we view health in minority communities by placing new priority on morbidity measures. In particular, the bill encourages the Secretary of Health and Human Resources to include morbidity measures in the Federal designation of Medically Underserved Areas [MUAs], and to launch a study on how to include morbidity measures under Federal MUA designations.

In addition to ensuring that Federal designations accurately reflect a community's health status, it is necessary to empower community-based organizations to meet the needs of the communities they serve.

In this area, I would like to applaud the work of the National Coalition of Hispanic Health and Human Services Organizations [COSSMHO] which has for over 20 years developed exemplary models for community-based delivery of health services in underserved Hispanic communities throughout the Nation.

Certainly, in Salt Lake City, the Institute for Human Resources Development, which has been part of and serving the needs of the Hispanic community for two decades, can make far better decisions on how to meet the needs of the community than can a federal agency.

To support the continued movement toward community-based programs, the bill establishes State Offices of Minority Health charged with ensuring the support and development of community-based initiatives in underserved racial and ethnic communities.

Hand-in-hand with the movement toward community-based programs, title IV of S. 1569 also contains several provisions to ensure that we have the necessary data on the health status of racial and ethnic minority communities.

This is something we spent a great deal of time in developing as the bill was drafted, and I think these are very important provisions. It is abundantly clear that we simply do not have adequate data on the health outcomes of minority populations. The committee found, for example, absence of comprehensive epidemiologic information on the Hispanic population. A review we conducted of 15 national data systems showed that most did not have useful data on Hispanics. The same is true for other populations, such as Asian-Americans.

Madam President, such a lack of good data hampers us in our ability to craft public health programs which respond to the needs of the disadvantaged communities, and thus precludes the Disadvantaged Minority Health Improvement Act from reaching its full potential.

Accordingly, we have directed the Secretary, when making grants, to give special consideration to existing minority community data analysis infrastructures, such as the Hispanic Health Research Consortium and the Asian and Pacific Islander American Health Forum. We also expect HHS to develop—and use—distinct, straightforward and consistent policies in all their data-gathering activities, including major health surveys and health studies, so that we have adequate information about the health problems affecting Hispanics and Asian-Americans.

It is important that HHS involve the National Institutes of Health, particularly the National Institute on Aging and the National Institute of Diabetes, Digestive and Kidney Diseases in this effort.

On one minor point, while I am not convinced that it is necessary to elevate the Director of the Office for Civil Rights to an Assistant Secretary position, I will defer to the administration's request for this organizational change.

On balance, S. 1569 is a significant step in addressing minority health issues and in enabling the Department of Health and Human Services to do a fair and equitable job in fulfilling the legislation's mandate.

I want to thank Senator KENNEDY and his staff for their leadership and diligent efforts in fashioning a solid piece of legislation which will go far in improving the health status of minority populations.

Madam President, I am pleased to be a cosponsor of the Kennedy-Hatch Disadvantaged Minority Health Improvement Act of 1993. I urge my colleagues in the Senate to support its passage.

Mr. COCHRAN. Madam President, I support S. 1569, the Preventive Health Services and Health Professions Amendments Act of 1993, which reauthorizes and revises programs to help improve the health of individuals from disadvantaged backgrounds. I commend my colleague from Massachusetts for this bill. It has broad support among those who are interested in rural health issues and problems.

I especially want to thank the Chairman for adding to his bill a title similar to S. 1082, my bill which reauthorizes the State Offices of Rural Health, first authorized in 1990. S. 1082 responds to growing health care provider shortages in rural America by providing matching grants for States to establish and maintain offices of rural health. When the national initiative began, there were only 9 State offices. Today there are 50.

It is important for each State to continue building its own infrastructure to facilitate coordinated approaches to solving rural health care problems. It is also important that these offices are not hampered with federal regulations, but are given maximum flexibility to meet the needs of each individual State.

Under the program, States decide how to organize these offices, whether within another agency, through an educational institution, or through a private contracting organization. However organized, the aim of these State Offices of Rural Health is the integration of State, Federal, and private sector activities and the development of innovative solutions for improving access to quality care in rural communities.

Activities of these offices also include examining rural health care delivery and recommending improvement in quality and cost effectiveness; assisting in the recruitment and retention of health professionals; providing technical assistance to attract more Federal, State, and foundation funding for rural health; and coordinating rural health interests and activities across the State.

This reauthorization will make one major change to the existing program. It will require only $1 in State matching funds for each Federal dollar. Currently a 3 to 1 match is required. However, the State's portion must be a cash contribution, rather than in-kind contributions. This will alleviate the confusion that has existed under the current program over what constitutes an appropriate State contribution.

Madam President, I am very pleased that the State Offices of Rural Health reauthorization could be included in this important legislation.

Mr. DURENBERGER. Madam President, I have a question for the distinguished sponsor of the Multiethnic Placement Act, Senator METZENBAUM, related to the placement practices of my home State. Minnesota has a policy, absent good cause to the contrary, of first attempting to place a child with relatives. If that is not workable, the State agency attempts to place the child with a family of the same racial or ethnic heritage. If that is not feasible, the final preference is for a family of different heritage that knows and appreciates the child's racial and ethnic heritage. The search for relatives or families of similar race and ethnicity must be completed within a short and specified time period.

Would the Multiethnic Placement Act prevent a State from implementing such a policy of preferences?

Mr. METZENBAUM. Consistent with the best interests of the child, the bill would not prevent such policies.

Mr. DURENBERGER. I thank my distinguished colleague.

AMENDMENT NO. 1607 TO AMENDMENT NO. 1605

(Purpose: To permit the Secretary of Health and Human Services to facilitate mutually requested voluntary reunions between adult adopted children, and their birth parents or adult adopted siblings, at no net expense to the Federal Government)

Mr. MITCHELL. Madam President, on behalf of Senator LEVIN and Senator KASSEBAUM, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for Mr. LEVIN and Mrs. KASSEBAUM, proposes an amendment numbered 1607 to amendment 1605.

Mr. MITCHELL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the end of the amendment, insert the following:

TITLE —VOLUNTARY MUTUAL REUNIONS

**SEC. . FACILITATION OF REUNIONS.**

The Secretary of Health and Human Services, in the discretion of the Secretary and at no net expense to the Federal Government, may use the facilities of the Department of Health and Human Services to facilitate the voluntary, mutually requested reunion of an adult adopted child who is 21 or older with—

(1) any birth parent of the adult child; or

(2) any adult adopted sibling, who is 21 or older, of the adult child,

if all such persons involved in any such reunion have, on their own initiative, expressed a desire for reunion.

Mr. LEVIN. Madam President, the amendment which I am offering with Senator KASSEBAUM is aimed at humanizing the process through which adult biological relatives separated by adoption, who are looking for each other, can make contact. Currently, for hundreds of thousands of persons seeking one another the process is often costly, cumbersome, and futile. Aside from the natural, human desire of many to know one's family roots and genetic heritage, there are other reasons many wish to to make contact with birth relatives. For instance, many of these individuals need to have access to information which may affect their own mental and physical health and influence their own family decisions.

My amendment would permit the Secretary of Health and Human Services, at no net expense to the Federal Government, to facilitate the voluntary, mutually requested reunions between adult adopted children 21 years of age and over, and their birth parents or adult adopted siblings 21 years of age and over.

I would like to make clear, Mr. President, that under this amendment, there could be no searching for one party at the request of another. All parties would have to, on their own, mutually and voluntarily seek one another.

Madam President, currently, over half the States provide for voluntary and mutual reunion facilitation. But even those systems are restricted, by nature, to the geographic boundaries of the State. Since we are a mobile society, that limitation reduces the utility of State-based networks. Adoptions are often started in one State but finalized in another. Additionally, the adult adoptee, birth parent, or sibling may be a resident of several different States during their lifetimes.

Madam President, the amendment does not mandate, but simply gives the Secretary the discretion to facilitate voluntary, mutual reunions, if she so chooses.

I urge my colleague to support this humane legislation.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 1607) was agreed to.

Mr. MITCHELL. Madam President, I ask unanimous consent that the substitute, as amended, be agreed to, the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the substitute amendment (No. 1605), as amended, was agreed to.

So the bill (S. 1569), as amended, was passed, as follows:

[The bill (S. 1569) will appear in a subsequent issue of the RECORD.]

## ORDERS FOR MONDAY, APRIL 11, 1994

Mr. MITCHELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 1 p.m. on Monday, April 11; and that when the Senate reconvenes on that day, the Journal of proceedings be deemed to have been approved to date, the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 2 p.m., with Senators permitted to speak therein for up to 10 minutes each; and that at 2 p.m., the Senate proceed to debate the motion to proceed to Calendar Order No. 248, S. 21, the California Desert Protection bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL MONDAY, APRIL 11, 1994, AT 1 P.M.

Mr. MITCHELL. Madam President, if there is no further business to come before the Senate today, I now move that the Senate stand adjourned until 1 p.m. on Monday, April 11, as provided for under the provisions of House Concurrent Resolution 232.

The motion was agreed to; and, at 1:17 a.m., the Senate adjourned until Monday, April 11, 1994, at 1 p.m.

## NOMINATIONS

Executive nominations received by the Senate March 25, 1994:

### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

KEVIN C. BRENNAN, OF CALIFORNIA
ROBERT S. CONNAN, OF PENNSYLVANIA
CHARLES A. FORD, OF VIRGINIA
DALE V. SLAGHT, OF NEW JERSEY

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JONATHAN M. BENSKY, OF WASHINGTON
TERENCE FLANNERY, OF VIRGINIA
LARON L. JENSEN, OF VIRGINIA
JOHN PETERS, OF FLORIDA

### DEPARTMENT OF THE TREASURY

PHILIP N. DIEHL, OF TEXAS, TO BE DIRECTOR OF THE MINT FOR A TERM OF 5 YEARS, VICE DAVID J. RYDER.

### IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

*To be general*

GEN. MICHAEL P.C. CARNS, [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

*To be lieutenant general*

LT. GEN. BRADLEY C. HOSMER, [redacted] U.S. AIR FORCE.
LT. GEN. THOMAS G. MCINERNEY, [redacted] U.S. AIR FORCE.
LT. GEN. ALEXANDER M. SLOAN, [redacted] U.S. AIR FORCE.

## CONFIRMATIONS

Executive nominations confirmed by the Senate March 25, 1994:

### THE JUDICIARY

RAFAEL DIAZ, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS.

### PEACE CORPS

CHARLES R. BAQUET III, OF MARYLAND, TO BE DEPUTY DIRECTOR OF THE PEACE CORPS.

### DEPARTMENT OF COMMERCE

CHARLES F. MEISSNER, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

SUSAN G. ESSERMAN, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

### DEPARTMENT OF DEFENSE

ROBERT F. HALE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

### DEPARTMENT OF STATE

JEANETTE W. HYDE, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BARBADOS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF DOMINICA, AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ST. LUCIA, AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ST. VINCENT AND THE GRENADINES.

JOSIAH HORTON BEEMAN, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NEW ZEALAND, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO WESTERN SAMOA.

DONALD M. BLINKEN, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HUNGARY.

MARCH FONG EU, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATED STATES OF MICRONESIA.

RICHARD DALE KAUZLARICH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AZERBAIJAN.

### U.S. INTERNATIONAL TRADE COMMISSION

LYNN M. BRAGG, OF MARYLAND, TO BE A MEMBER OF THE U.S. INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 2002.

### INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

THOMAS L. BALDINI, OF MICHIGAN, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA.

SUSAN BAYH, OF INDIANA, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA.

ALICE CHAMBERLIN, OF NEW HAMPSHIRE, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA.

### U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

HAROLD C. PACHIOS, OF MAINE, TO BE A MEMBER OF THE U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 1996.

LEWIS MANILOW, OF ILLINOIS, TO BE A MEMBER OF THE U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 1996.

### AFRICAN DEVELOPMENT FOUNDATION

JOHN F. HICKS, SR., AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 1997.

### INTERNATIONAL MONETARY FUND

BARRY S. NEWMAN, OF VIRGINIA, TO BE U.S. ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF 2 YEARS.

### EXPORT-IMPORT BANK OF THE UNITED STATES

MARIA LUISA MABILANGAN HALEY, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 20, 1995.

### FEDERAL EMERGENCY MANAGEMENT AGENCY

ELAINE A. MCREYNOLDS, OF TENNESSEE, TO BE FEDERAL INSURANCE ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

### THE JUDICIARY

MICHAEL J. DAVIS, OF MINNESOTA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MINNESOTA.

ANCER L. HAGGERTY, OF OREGON, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF OREGON.

FRANKLIN D. BURGESS, OF WASHINGTON, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON.

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

MICHAEL H. TRUJILLO, OF OREGON, TO BE DIRECTOR OF THE INDIAN HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOR A TERM OF 4 YEARS.

### DEPARTMENT OF JUSTICE

KENT BARRON ALEXANDER, OF GEORGIA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF GEORGIA FOR THE TERM OF 4 YEARS.

DAVID D. FREUDENTHAL, OF WYOMING, TO BE U.S. ATTORNEY FOR THE DISTRICT OF WYOMING FOR THE TERM OF 4 YEARS.

HERBERT LEE BROWN, OF NEVADA, TO BE U.S. MARSHAL FOR THE DISTRICT OF NEVADA FOR THE TERM OF 4 YEARS.

LAWSON CARY BITTICK, OF GEORGIA, TO BE U.S. MARSHAL FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF 4 YEARS.

FRANK JAMES ANDERSON, OF INDIANA, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF 4 YEARS.

NANNETTE HOLLY HEGERTY, OF WISCONSIN, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF WISCONSIN FOR THE TERM OF 4 YEARS.

RAYMOND GERARD GAGNON, OF NEW HAMPSHIRE, TO BE U.S. MARSHAL FOR THE DISTRICT OF NEW HAMPSHIRE FOR THE TERM OF 4 YEARS.

# SENATE—*Monday, April 11, 1994*

The Senate met at 1 p.m., and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The Senate will be led in prayer by the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson, please.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge him, and he shall direct thy paths.*—Proverbs 3:5,6.

Gracious God our Father, thank Thee for a safe return following a profitable recess. Thank Thee for the Senators' opportunity to meet face to face with constituents, to share their views on significant issues. Thank Thee for a renewed sense of the people's thinking. Thank Thee for family togetherness, reconciliation and recreation, rest and restoration of strength, and vision.

Now, Lord, the Senate confronts a backbreaking load of legislation on critical and potentially divisive issues with a national election approaching rapidly. Grant to Your servants the wisdom of Proverbs to look to God and trust Him for guidance.

And, mighty God, awaken the people to the fundamental reality of our political system—"a government of the people, by the people, and for the people." Help them take seriously their responsibility as citizens to inform their leaders of their views, to prepare themselves to vote, and then go to the polls in November.

Blessed Lord, cover the Senate with Your grace and guide the Senators in perfect wisdom and righteousness in their debate and decisions.

In His name who is the Way, the Truth, and the Life. Amen.

## RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the time of the two leaders has been reserved.

## MORNING BUSINESS

The PRESIDENT pro tempore. Also under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m., with Senators permitted to speak therein for not to exceed 10 minutes each.

The Chair, in his capacity as a Senator from West Virginia, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Republican leader is recognized.

Mr. DOLE. Mr. President, was leader time reserved?

The PRESIDENT pro tempore. Leader time has been reserved.

## CRIME LEGISLATION

Mr. DOLE. Mr. President, later this week, the House of Representatives will finally begin deliberations on anticrime legislation. As the House begins its work, the American people should ask themselves some important questions.

Will the House pass a bill that devotes sufficient resources to incarceration? Last year, the Senate adopted legislation that earmarked $6.5 billion for various forms of incarceration, including $3 billion to build and operate 10 new regional prisons for the most violent offenders. Will the House match this effort, recognizing that a violent criminal kept behind bars will not terrorize a single law-abiding citizen?

Will the House follow the Senate's lead and take steps to slam shut the revolving prison door by promoting truth-in-sentencing. When it comes to violent criminals, a 15-year sentence should mean just that—15 years. Not 5 years or 10 years. But the full sentence—no exceptions and no parole.

Will the House pass a bill that stops the endless appeals that clog the court system and do so much to erode public confidence in our system of justice? Or will the House make these appeals easier, allowing criminals to escape justice by taking advantage of yet more loopholes and more technicalities?

Will the House bill recognize that youthful offenders who commit a violent crime have forsaken their innocence and must be held accountable for their actions—as adults?

And perhaps most fundamentally, will the House pass a bill that properly views society as the victim of criminals, and not the other way around?

Today, President Clinton is out promoting the administration's crime bill, even though the administration has not drafted a crime bill, relying instead on Democrats and the Republicans in the Senate and House to do the legislative heavy lifting.

If the President really wants to make a difference in the crime debate this week, he would today—publicly and unequivocally—endorse the proposed House Republican amendment earmarking $10 billion for new prison construction and operation. Under this amendment, only those States that adopt the truth-in-sentencing and three-strikes-and-you're-out reforms would be eligible for the new prison money. Needless to say, this is one tough-on-crime proposal that lives up to its billing, and the President should get behind it.

Unfortunately, it is becoming increasingly clear that the administration's actions do not always match its tough rhetoric.

The President talks tough about locking up violent offenders. Yet the administration's 1995 budget actually slashes funding for Federal prison construction by 29 percent.

The President talks tough about helping law enforcement. Yet the administration's 1995 budget reduces law enforcement block grants by a staggering $500 million and eliminates more than 1,000 permanent positions in the FBI, the DEA, the Justice Department's Criminal Division, and the U.S. attorney's offices.

The President says that he wants to stiffen criminal penalties and supports three-strikes-and-you're-out. Yet his Attorney General has told Federal prosecutors they may ignore charging defendants with crimes carrying mandatory minimum sentences if, in their subjective view, these sentences would be unreasonable. This directive reverses the guidelines established by Attorney General Thornburgh, which required prosecutors to charge defendants with the most serious and readily provable offense.

So, the American people should ask the President: Does he mean three-strikes-and-you're-out? or three strikes-and-maybe-perhaps-you're-out—and only if the Justice Department lawyers think that life imprisonment is a reasonable sentence?

And let us look at the administration's so-called war on drugs. The President talks tough, yet funding for the Office of National Drug Control Policy is slashed by 94 percent, the Department of Justice cites phony constitutional concerns when opposing the death penalty for vicious drug kingpins, funding for drug interdiction is severely reduced, and the U.S. Surgeon General tours the country promoting the misguided idea of legalizing the very thing we are trying to stigmatize—the use of illegal drugs, particularly by our young people.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. President, the sad truth is that no community is safe in America today. And, unfortunately, no crime bill can guarantee security for the American people. While the Senate-passed crime bill is a small step in the war against crime, it is nonetheless a step in the right direction. And it passed this body by a vote of 94 to 4; totally bipartisan, as I hope it will be in the House. I do not think the House should do any less. The American people do not want gimmicks.

In fact, I met yesterday morning with an outstanding leader in my State, Bill Koch, who has undertaken an effort to help the Governor there, a Democrat Governor and Republican legislators. Everybody in Kansas is concerned about crime. They are doing a lot of focus groups, and a lot of surveys now to see what we can do in our small State to deal with some of the real problems that affect children, that affect senior citizens, that affect people of all ages.

I think one thing that certainly is clear is that we have to focus sometimes on the victims of crime, and not all the social engineers who want to continue to focus and excuse those who commit violent offenses.

The American people do not want gimmicks. They do not want false promises. But they do deserve the toughest crime bill possible, one that matches the tough rhetoric emanating from both sides of the aisle here in Congress, and from both ends of Pennsylvania Avenue.

I certainly hope that our colleagues on the House side are up to the challenge. I know it is going to be a difficult week for them this week and next week, because they are going to be on crime legislation.

I do hope—and I say it without any criticism—that they take a look at what happened on the Senate side. Nearly every amendment was adopted with bipartisan support. And again, the final bill itself passed by a vote of 94 to 4.

This Senator is not suggesting that there are not a few excesses in the Senate bill. Certainly, changes can be made in the conference report.

At least we can say that we have done it in the right way and in a bipartisan way, and that it is one that will actually make a difference in the lives of the American people.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## CRIME

Mr. HATCH. Mr. President, I am going to speak here today on the issue of crime and what we need to do.

Today, President Clinton and Attorney General Reno were at the Justice Department and delivered remarks to law enforcement officers about the need to get tough on crime. I am glad they did. At a similar event staged before law enforcement officers in Ohio, President Clinton talked tough about crime saying, "I care a lot about this problem." I believe he does.

Alluding to his years as State attorney general and Governor, the President went on to say:

> I know what it means to double the prison capacity of a State, and to sign laws toughening crimes, and to * * * add to the stock of police officers and to deal with all the problems that are facing them. I know this is a tough problem. I also know it is a complicated one. It's easy to demagog, easy to talk about, and quite another thing to do something that will make a fundamental difference in the lives of the people of this Country.

Ironically, despite his statements about the need to enhance our crime-fighting efforts, President Clinton delivered to Congress a budget that cuts Federal prison construction by nearly 30 percent, or a $78 million reduction, cuts Federal law enforcement personnel, and cuts existing grants to State law enforcement.

The President's budget does not reflect the rhetoric of enthusiastic support for crime control and the law enforcement that he has been espousing.

The fiscal year 1995 budget cuts 1,523 Department of Justice law enforcement agency positions. According to a Justice Department budget summary, the Federal Bureau of Investigation loses 847 positions; the Drug Enforcement Agency loses 355; the Department's Criminal Division loses 28; the Organized Crime Drug Enforcement Task Forces lose 150, and Federal prosecutors lose 143 positions.

Absent the fiscal year 1995 budget cuts there are still, without those budget cuts, 431 fewer FBI agents and 301 fewer DEA agents today than there were in 1992, at the end of the 1992 Presidential campaign.

At a time when violent crime and drug control are said to be national priorities, these cuts will reduce the effectiveness of Federal law enforcement, and the President's budget acknowledges this. The administration's own budget figures reveal that Federal prosecutors will be filing 527 fewer criminal cases in fiscal year 1995 than the year before. The Organized Crime Drug Enforcement Task Force Program, cut by over $12 million, will investigate, indict, and convict fewer criminals. Indeed, former Deputy Attorney General Philip Heymann confirmed this in a recent article he wrote for the Washington Post on February 27, 1994:

> With fewer Federal investigators and fewer Federal prosecutors in the years ahead, there will not be more Federal law enforcement, but less * * *.

These reductions will only add to an already lagging Federal anticrime effort under the Clinton administration. The Administrative Office of the U.S. Courts recently reported that in 1993, the number of criminal cases filed by Federal prosecutors decreased by over 3 percent. This was the first decrease in 10 years. The Administrative Office attributes this overall decrease in criminal filings to the Clinton Justice Department's significant reduction in drug prosecutions. Drug prosecutions in 1993 decreased by 7 percent, or 902 cases.

Existing State and local law enforcement block grants, which police have been counting on, are also cut by over $400 million in order to fund the crime bill's proposed police hiring program. The money to pay for the police hiring program was supposed to come from savings earned through personnel cuts, not from existing law enforcement grants. Senator GORTON and I succeeded in amending the budget resolution to restore funding for this program, and that was a valuable first step.

Ironically, when it suits the administration's purpose, they will defend the preservation of Federal prosecutors and law enforcement strength. In testifying against the balanced budget amendment, Attorney General Reno recently stated that preserving adequate funding for the FBI, DEA, and U.S. attorney's office are what "our Nation so desperately needs to fight crime aggressively." She went on to state that the effect of cuts on Federal law enforcement could be "catastrophic."

At this same hearing, Attorney General Reno discussed the importance of adequate staffing for the Justice Department. She said:

> I try, when I travel to different districts, to visit with the U.S. attorney's offices. I ask one question when I go to the offices to begin a discussion: If you were Attorney General of the United States, what would you do to improve the operation of this office? Consistently, they said we need more staff in the civil and criminal division.

There is a substantial increase in overall funding for the Department of Justice. Yet, instead of spending this money on Federal criminal law enforcement agencies, a bulk of this money goes to fund the Department's assorted civil agencies or branches. For example, the Department plans to bring more civil suits—450 more cases—and more antitrust suits, and 33 new positions are created. The Department plans to bring more environmental and natural resource cases—nearly 900 more cases, given an increase of 78 positions.

There is clearly a need for fiscal restraint. Recognizing the need to address the budget deficit, Attorney General Reno has expressed a willingness on behalf of Federal law enforcement agencies and prosecutors to do their part to regain control over our Nation's financial well-being. But, in a budget of $1.5 trillion, priorities can and must be met. We must ensure that the sacrifices we ask law enforcement to make do not impair the Government's ability to meet its obligations to our Nation's law-abiding citizens.

Cutting Federal law enforcement positions, prison construction, and existing law enforcement grants programs is an unwise choice, especially in light of our Nation's crime problem. It is also inconsistent with the President's stated drug strategy and the bravado we are hearing from the administration.

Mr. President, I have a couple of charts here that I would like to point to. This chart shows the Department of Justice law enforcement agency cuts. The President's fiscal year 1995 budget cuts 1,523 total positions, Justice law enforcement agency positions. According to the Justice Department, its own budget survey, the FBI would lose 847 positions; the Drug Enforcement Administration would lose 355; the Organized Crime and Drug Enforcement Task Forces will lose 150; U.S. attorneys will lose 143 positions; the Criminal Division will lose 28 positions between fiscal 1994 and 1995.

These are tremendous losses. With regard to cuts to FBI agents, the number of FBI agents end of the year onboard strength between 1980 and 1994, in 1990, as you can see, there were a little less than 8,000 positions. We gradually got them up through 1992 to a higher point, under Republican administrations. When Reagan took over, we were down here. When Bush left, it was right here. Under Republican administrations, the positions for the FBI reached a peak in fiscal year 1992 when there were 10,475 FBI agents. Beginning with the Clinton administration here, there currently are only 10,044 FBI agents. That is 431 fewer agents than there were in 1992.

The President's budget proposes additional cuts on top of that.

Finally, let us look at the DEA agents at the end of the year on-board strength between 1980 and 1994. When Reagan took over we were here. They gradually built the DEA up to the point where the Clinton administration took over. As a matter of fact, here again we see increase in agent strength during Republican administrations. The number of agents increased from 1,897 back here in 1980 to 3,702 in 1992. Under the current administration, there has been a cut in the number of DEA agents. Absent the fiscal year 1995 budget cuts, there are still 301 fewer DEA agents today than there were in 1992.

So Mr. President, I am really concerned about it because we are having more and more crime in our society, more and more pressures on the public, more and more pressures on our citizens' right to live freely and without criminal influence, and yet we are cutting back on some of the more important areas this country has.

Mr. President, my time is up, and I yield back any further time I have, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The point of no quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I will be proceeding in morning business.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

## ARIZONA STATE UNIVERSITY

Mr. DECONCINI. Mr. President, I want to enter into the RECORD a short statement and an editorial from the Arizona Republic, dated April 6, 1994, pointing out the exclusive advances and club that the Arizona State University has been enshrined in by becoming part of what is known as a circle of Research I schools. There are some 80-plus schools in the United States that reached this particular status of recognized research as well as academics.

Arizona State University has an outstanding faculty and facility and outstanding President Lattie Coor who has helped bring this about.

Our other university has reached this sometime in the past. Arizona State University is one of the few universities without a medical school or an agricultural college to reach this select group which puts them on a plateau with the more recognized universities, not that universities cannot be outstanding if they are not part of the Research I group. This puts them into a new sphere of influence and acceptance in the academic and research area, and I compliment the university and the president, Mr. Coor, and ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, Apr. 6, 1994]

### ASU EARNS RESEARCH I

Arizona State University's arrival in the exclusive circle of Research I schools is an accomplishment that resonates far beyond the walls of academia.

It's good news for ASU and Tempe.

No, that's not right . . . .

It's great news for ASU and the Valley.

No, that's not right, either . . .

It's fantastic news for ASU and Arizona.

Ah, that's more like it.

This is an achievement that puts ASU among only 88 schools nationwide—public or private—to have reached that coveted goal. It says that ASU's research programs are of sufficient renown and high caliber to attract at least $40 million in federal support.

Some schools do that the easy way with a medical school or college of agriculture. Those two programs traditionally attract big federal dollars. The University of Arizona has both. It has been a Research I facility since 1976.

ASU earned its new status the hard way, says President Lattie Coor.

"No university in the country has come further, faster," he said.

Everyone on ASU's campuses deserves to take a bow. But the university's fine academic accomplishments in business administration, solid-state sciences, engineering, computer sciences, urban and public programs, fine arts and law get an extra ovation. The Board of Regents' challenge to ASU to "develop nationally recognized programs" in those disciplines paid off handsomely.

And while we're giving credit . . .

Valley industry provided an important boost in ASU's rise. Businesses put up matching money, equipment and services to attract federal support, says Robert Barnhill, ASU vice president for research and strategic initiatives.

Those outside academia who helped ASU reach an enviable spot on the Carnegie Foundation for the Advancement of Teaching's "Research University I" list can share in the kudos now.

And reap the rewards later.

"Having a top research university . . . helps us enormously in marketing the region," says Ioanna Morfessis, president and chief executive officer of the Greater Phoenix Economic Council.

What you hear resounding from ASU is a sweet thing called success.

## IN SUPPORT OF SAM BROWN, NOMINEE FOR AMBASSADOR TO CSCE

Mr. DECONCINI. Mr. President, it has been nearly 5 months since President Clinton nominated Sam Brown to be U.S. Ambassador to the Conference on Security and Cooperation in Europe. And it has been 5 months since his hearing before the Foreign Relations Committee—5 months and still this body has failed to approve the nomination. Some may think the delay is needed to investigate Sam Brown's credentials. Mr. President, I think that is wrong. For more than 3 months after his hearing no questions were asked about his background. During the last 6 weeks Sam Brown has responded fully and completely to all the questions which have been raised regarding his background.

We know what we need to know about Sam Brown. Sam Brown is an energetic and articulate American with a deep commitment to public service. He has served as the statewide-elected treasurer of Colorado, and perhaps that is the problem, that because he was an elected official now that should hold him up from advancing into public service in another way and in a very important position.

In the Carter administration he was the Director of ACTION, the Federal

Agency in charge of the Peace Corps and a number of domestic volunteer programs, and on the board of the National Consumer Cooperative Bank. Both of these positions required Senate confirmation, which he secured.

Sam Brown is a man of dedication and integrity. He has earned the support of the President. And the President has a right to expect that his nominees will not undergo partisan sabotage. Blocking a Presidential nomination is a serious action which, of course, occurs here often, too often in my judgment. I have held up nominations when I had to have questions satisfied for myself, and then I would let them proceed and not participate in perpetuity preventing them from coming to the floor. I would vote against them or argue against the person.

This is the President's nominee. He has been through the process. The committee has approved it. And now he is here on the calendar for nearly 5 months. I say it is time to support him, and I hope the majority leader will move his nomination early next week.

Critics have charged that Sam Brown lacks the necessary experience to hold this position. Yet the CSCE is an evolving institution. Many of its initiatives reflect experience that can only be learned on the job. Believe me I know a little about at it having served on that Commission since 1980 and being the chairman now of the Congressional Commission on Security Cooperation.

Sam Brown has been spent months participating in extensive briefings at the State Department, the Defense Department, and the Central Intelligence Agency. He has the knowledge and the background of what the CSCE is all about. He has met with policymakers and others engaged in the CSCE process here in Washington and has spent much time discussing the challenges ahead for the United States with both career and noncareer former representatives to the CSCE from both parties—Warren Zimmermann, Richard Schifter, and Max Kampelman, just to mention a few. Sam Brown is fully briefed. And he brings to the task the drive and the convictions to represent the United States as Ambassador to the Commission on Security and Cooperation in Europe.

Frankly, Mr. President, holding up Sam Brown's confirmation does not serve the United States position in the CSCE well at all. With a major CSCE review conference and summit this winter, we need to have an Ambassador in Vienna laying the groundwork for U.S. policy positions now, not the day before the conference starts. We need to have someone who can continue the fine work done by the departing CSCE Ambassador, John Kornblum, someone who can work with our colleagues from other delegations, someone who can help assure that the United States comes to the Budapest review conference with a strong and coherent policy in hand. Previous noncareer CSCE Ambassadors, like Max Kampelman have honorably served Republicans and Democrats alike, without the benefit of Foreign Service or military experience. I am confident Sam Brown can do the same.

Mr. President, this is too critical and fundamental position to let go vacant. It is time that the Senate put aside any partisan problems as it relates to this nominee. And I urge my colleagues to vote for Sam Brown and urge the majority leader to bring his nomination to the floor.

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### REGISTRATION OF MASS MAILINGS

The filing date for 1994 first quarter mass mailings is April 25, 1994. If a Senator's office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Pubic Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office on (202) 224-0322.

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### 1994 APRIL QUARTERLY REPORTS

The mailing and filing date of the April quarterly report required by the Federal Election Campaign Act, as amended, is Friday, April 15, 1994. All principal campaign committees supporting Senate candidates in the 1994 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116. Senators may wish to advise your campaign committee personnel of this requirement.

The Public Records Office will be open from 8 a.m. until 9 p.m. on April 15, to receive these filings. In general, reports will be available the day after receipt. For further information, please do not hesitate to contact the Office of Public Records on (202) 224-0322.

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### TRIBUTE TO BEDFORD CASH

Mr. HEFLIN. Mr. President, the U.S. Forest Service mourned one of its own when Bedford Cash died suddenly on February 26. He was the district ranger for the Tuskegee National Forest near Tuskegee, AL. He was a native of Minden, LA.

Bedford Cash was a Forest Service employee for 21 years. He started his career with the agency in 1971 as a part-time summer student while attending Southern University in Baton Rouge. After graduating with a degree of agronomy in 1974, he began working in the Kisatchie National Forest as a soil scientist trainee. He spent 2 years there, and during that time served also as EEO counselor.

In 1976, he transferred to the Ozark St. Francis National Forest supervisor's office in Russellville, AR as a journeyman soil scientist. It was here he met and married his wife Jocelyn.

In 1980, Cash and his family moved to St. Anthony, ID to the Targhee National Forest. They were the only black family in the community and surrounding areas. While in this area, he also worked as a primary resource assistant in the Ashton Ranger District, with program responsibility in recreation, range, wildlife, wilderness, and special uses. It was here that he learned to snowmobile and ski as ways to manage winter recreation programs. He was given opportunities to explore areas of Yellowstone National Park that few will ever see.

His next assignment came as the recreation/lands/special use officer in the Cleveland National Forest, Descanso Ranger District. Here, his wife also became a Forest Service employee. In 1989, they came to the Tuskegee Ranger District, where Bedford was serving at the time of his death.

Many of his coworkers remember Cash as an energetic and dedicated member of the Forest Service family. He epitomized the mission of the Forest Service in every way.

I extend my sincere condolences to Bedford's wife Jocelyn and their entire family in the wake of their loss. Bedford was a special person who will be greatly missed.

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### IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, at the close of business on Friday, April 8, the Federal debt stood at $4,560,730,816,474.55, meaning that on a per capita basis, every man, woman and child in America owes $17,493.43 as his or her share of that debt.

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### REMEMBRANCE OF VICTOR P. RAYMOND, VA ASSISTANT SECRETARY FOR POLICY AND PLANNING

Mr. AKAKA. Mr. President, it is with great sadness that I note the death of Mr. Victor Raymond, Assistant Secretary for Policy and Planning in the Department of Veterans Affairs.

Victor, who passed away on Good Friday at the untimely age of 46, was one of the truly bright lights at the Department of Veterans Affairs. Since his confirmation as Assistant Secretary last year, he served as the Secretary's principal advisor on all long-term policy for the Department, especially health care policy—a role whose importance was heightened by the absence of an Under Secretary for Health. Earlier, as Acting Assistant Secretary, and the Department's chief liaison to the President's Health Care Reform Task Force, he distinguished himself as the intellectual force behind plans to make the Nation's largest health care system competitive with private health care providers.

Mr. President, few individuals have been so well-prepared to undertake the duties of the Assistant Secretary for Policy and Planning. Victor earned a doctorate from Johns Hopkins University and spent more than 14 years in Federal service working on health care policy issues, first at the Department of Health and Human Services, later at the National Center for Health Services Research, and still later as a staffer with the Senate and House Veterans' Affairs Committees. Just before joining VA, and his eventual nomination by President Clinton to the Assistant Secretary post, he served as Deputy Director of the Commission on the Future Structure of Veterans' Health Care. Victor distinguished himself in all of these positions by his unsurpassed knowledge of health care issues, an intimate knowledge of government processes, and a finely honed ability to work with people—a rare and potent combination.

But Victor's most important preparation for high office was his service in the military. Few were aware that this mild-mannered intellectual who reveled in public policy debates was also a former B-52 pilot who flew combat missions in Southeast Asia during the Vietnam conflict. This experience gave him first-hand knowledge of the battlefield sacrifices made by those who wear the uniform. The war brought him face to face with the health and readjustment problems encountered by returning war veterans, and certainly helped crystallize his resolve to help those who sacrificed so much in defense of our country.

As a member of the Senate Veterans' Affairs Committee, I was privileged to enjoy a fruitful relationship with Victor in his capacity as the executive branch's sole chief minority affairs officer. This unique position was established by Congress to ensure that the needs of minority and women veterans are properly considered in the provision of VA services and benefits. Although Victor was the second chief minority affairs officer to be so designated, he was the first to attempt to fully carry out the intent of the legislation.

Victor, who was of Native American ancestry, was among the first administration officials to recognize and accept the need for special consideration of the needs of Asians, Hispanics, African-Americans, native Americans, and other minorities as well as women in assessing VA policies and programs. He embraced his role as the Department's principal minority advocate by organizing a new office to focus exclusively on minority issues. Last week, only days after Victor's death, that office circulated final copies of the chief minority affairs officer's annual report, a compendium of statistics and departmental accomplishments in the minority arena which will serve as a primary resource document for all future minority-related undertakings.

Mr. President, I believe that the energy and commitment Victor Raymond brought to minority issues will be recognized as one of his most important legacies. Women veterans and veterans of color everywhere will one day have reason to be grateful to a man who did everything possible to ensure that every veteran, without regard to race or gender, receives appropriate and equitable treatment.

Mr. President, Victor Raymond's death was nothing less than tragic. He was a gifted man who was doing the right job at the right moment. Fate struck him down in the prime of life, and the Nation will be the poorer for it. All of us who were closely involved in veterans issues will miss him deeply. My heart goes out to his family and loved ones in their hour of grief.

## DISCOVERY OF A MADAGASCAR SERPENT EAGLE BY THE PEREGRINE FUND

Mr. CRAIG. Mr. President, I rise today to bring to the attention of my colleagues something that occurred recently in Madagascar. The first capture and release of a Madagascar serpent-eagle—Eutriorchis astur—in 63 years was confirmed recently by the Peregrine Fund, a nonprofit conservation organization based in Boise, ID. Biologists were also able to take the first live photographs ever of this rarest of species.

The first confirmed sighting occurred on November 2, 1993, at the edge of some of Madagascar's last remaining rainforest by Peregrine Fund biologists Russell Thorstrom, Victor Baba, and Barthelemy Damary. They had established a camp at a bird inventory site in northeastern Madagascar when Mr. Thorstrom discovered the eagle not far from the camp.

Although Mr. Thorstrom and his colleagues saw this serpent-eagle several times over the next few days, they were unable to photograph it during this trip. Returning to the area 3 weeks later with traps and radio gear, they discovered the forest was being destroyed by slash-and-burn farmers and the eagle was not found.

Subsequently, on January 14, 1994, on the west side of the peninsula, Malagasy field biologists trained by the Peregrine Fund trapped a Madagascar serpent-eagle. Before it was released, a band was placed on the bird and careful measurements and photographs were taken. These photographs were used to confirm the identity of the bird.

I would like to congratulate Rick Watson, Russell Thorstrom, Victor Baba, Barthelemy Damary, Martin Baba, and others from the Peregrine Fund who were involved.

Mr. KEMPTHORNE. Mr. President, I would also like to add my congratulations to the Peregrine Fund for this accomplishment. The Peregrine Fund is best known for their efforts to recover the Peregrine falcon. Very few people know that this is an international conservation organization which has worked in over 30 countries around the world. They discovery of the Madagascar serpent-eagle is an excellent milestone for this organization.

Madagascar is one of the world's top 10 conservation priorities. Three of the world's most endangered birds of prey exist there. The Peregrine Fund has been working in Madagascar since 1990 to conserve these species and their wetland and rainforest habitats. For the first time since 1930, when early explorers shot the last specimen of the Madagascar serpent-eagle, Peregrine Fund biologists have captured and released for study this very rare eagle.

Mr. CRAIG. A brief side note about Boise State University's involvement with the Peregrine Fund. Very few people know that Boise State University is the only university in the world where one can obtain a master's degree in raptor biology. Russell Thorstrom, the biologist who saw the eagle, received this degree in 1993. This important work is supported by the Liz Claiborne Foundation, Environment Now, the John D. and Catherine T. MacArthur Foundation, and U.S. Agency for International Development. I congratulate the sponsors, the Peregrine Fund and these fine scientists for their discovery and important conservation work.

## CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is now closed under the order.

## CALIFORNIA DESERT PROTECTION ACT OF 1993

### MOTION TO PROCEED

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of the motion to proceed to S. 21, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to consideration of Calendar 248, S. 21, a bill to designate certain lands in the California desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

The Senate proceeded to consider the motion to proceed.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER (Mr. DORGAN). The Chair recognizes the Senator from Wyoming.

Mr. WALLOP. I thank the Chair.

Mr. President, the majority leader, for reasons best known to himself, has already framed this debate as another Republican filibuster. I have no idea where he received his information or how he arrived at such a conclusion. Obviously, they do not either, because there have now been inquiries as to whether or not we could vitiate the vote. I never asked for a vote and, as far as this Senator is concerned, there is no reason not to vitiate it, because there never was a threat of a filibuster. I am unaware of any Senator on this side who was intending to filibuster the motion to proceed.

It is true that I had a hold on the bill. I did so only to ensure that I and other Members on this side of the aisle had some notification and time to prepare their respective amendments and to make certain that we all knew what other amendments may be offered. Had I been afforded the courtesy of an inquiry as to my intentions, I would have been more than pleased to respond and would have explained that, while I have concerns about the legislation—and they are genuine—it is not my intention to filibuster this bill.

It is, however, Mr. President, my intention to amend it and to not agree to any time limitations until we know the universe of amendments about to be placed on the bill. That is fairly standard practice. The supposition that protecting the rights of Members as well as our committee rights constitutes a filibuster is dead wrong.

Mr. President, the debate on the status of the lands in the California Desert has been with the Committee on Energy and Natural Resources for many years.

Clearly, the Senate elections in California redefined and, to some degree, clarified the debate on this contentious issue. Conventional wisdom and agreeable custom would suggest that because the two Senators from California now agree on this legislation, the rest of us should simply pass the bill and go on about other matters.

We have long, and I have long, respected the prerogatives of two Senators from a State that have the predominant control over public land matters within their State. And this is a tradition that should, by all means, carry great weight in this body. After all, those Senators are accountable to the people who are most affected by "our," as is often the want of the people elsewhere to say, public lands decisions, and their opinions are important.

But, Mr. President, it is also prudent, before we approve any public lands legislation, to ask ourselves two equally important questions. First, does this legislation have a significant impact on areas outside the State of California and, if so, what are they and what are the views of the Senators from those States?

Second, does the legislation set important precedents that will influence subsequent legislation in other States?

If the answer to either of these questions is yes, then the Senate is entitled to, indeed obligated to, decide independently whether the threat to those lands, in this case the California Desert, is so great that we should proceed anyway or if we should amend the legislation in order to minimize the significant impacts on areas outside the State of California.

Mr. President, let me first say that any objective study of this issue would reveal that the Park System, the National Park System, the Park System that is the envy of the world, the Park System to which all Senators from every State pay great and legitimate attention, that Park System will suffer, and suffer greatly should this legislation be enacted. The impact of S. 21 on the integrity of the National Park System is, make no mistake, substantial.

Systemwide, throughout the National Park System, the Park Service has been deferring maintenance for so long that now entire road, sewage, and water systems in many of our parks need to be replaced. The cost, Mr. President, just to bring the road system in Yellowstone National Park up to standard—not improve the roads, not improve their carrying capacity, just to bring them back—is over $300 million.

The General Accounting Office has adequately documented the state of the park employee housing in more than one report. In short, Mr. President, through the actions of Congress and the lack of care, we have become slum landlords to the employees of the National Park System.

I would say to the Senate that our priorities are in disarray. I cannot fathom how we can imagine adding a new park of this magnitude to the system when, in the Senator's own State, we still have a ranger living in a cargo container in the Channel Islands National Park and who, when he comes to Santa Barbara, cannot afford to live there, and lives in the back of his car.

We have substandard housing in every single national park in America where housing is provided.

If Congress were to make a wise choice today and demand that there would be no new additions to the Park System until housing was repaired and replaced and the maintenance backlog was adequately addressed, it would be literally decades, with expenditures in the billions of dollars, before we would consider adding even one additional unit to the System.

Most Americans are very proud of the National Park System. They love it and they visit it and they utilize it and they bring friends from abroad to it. But most Americans do not really know what it consists of and do not really know the state of disrepair into which we have allowed it to lapse.

Today, it is composed of 367 areas, encompassing more than 80 million acres in 49 States, the District of Columbia, the islands of Guam, Saipan, American Samoa, and the Virgin Islands.

Mr. President, today I will speak to two of the amendments which I intend to offer tomorrow or at some such time as it becomes appropriate. One of the amendments will direct the Bureau of Land Management to continue to manage the East Mojave as a national monument. This is not without precedent. It is within the budget already of the Bureau of Land Management.

My second amendment will provide for the continuation of law enforcement activities in a critical area along the United States-Mexico border.

Our Government has already spent over $8 million and thousands and thousands of manhours developing a comprehensive desert management plan, which was composed of the thought processes of environmentalists in the Bureau of Land Management and others in the State of California. The plan won rave reviews just 12 years ago when it passed, when it was put into place and implemented. The plan is in place today and working well under the direction of the Bureau of Land Management and its multiple-use program.

Unfortunately, a very small, but very vocal, group of individuals has alleged that the BLM has mismanaged the desert. Nothing could be further from the truth.

There is a double standard of the worst sort in play by these groups. When resource damage is found on BLM lands is characterized as bad management. When the same sort of resource damage occurs in a unit of the National Park Service it is excused as lack of funds.

The sponsor of this legislation, my friend, Senator FEINSTEIN, from California, was kind enough to share several lovely photographs of the California desert with me. These photographs of areas currently managed by the Bureau of Land Management only reinforce my belief that the men and women working for the BLM are doing an excellent job in the area of resource management. The photographs offer compelling evidence that a change in management is not required to protect the California Desert.

The BLM is and can continue to be perfectly capable of operating the East Mojave Scenic Area as a national monument.

One of my amendments will address this very issue. The bill as currently drafted would direct the National Park Service to manage the East Mojave Scenic Area as a national park.

S. 21 creates the Mojave National Park and expands the boundaries of Death Valley National Monument and Joshua Tree National Monument. Hear these words: "It increases the National Park System by approximately 4 million acres."

Put in simple terms, this is the equivalent of adding two new Yellowstone National Parks to the System. And we will pay for it by taking something away from each of the other 367 units of the National Park System.

Somewhere along the line every park in every Senator's State is going to suffer because of a diminished amount of resource available to it, if we put these into the National Park System.

Mr. President, the only way to operate the proposed Mojave National Park is to take something away from existing parks. Prior to last summer—and mark my words, we will hear it again this summer—we all had the opportunity to read newspaper reports and editorials and to view television programs which explained that visitors centers in our parks would be opening later and closing earlier. Certain trails, campgrounds, and other facilities would be closed to park visitors. Interpretive programs would be curtailed and several vital and needed maintenance projects would be deferred as cost-savings measures.

Simply put, the National Park Service and system is out of money. There cannot be a clearer statement of what is going on than that. And those who have looked at the budget and voted on it and other things, would be wise to note that there is no new source of revenue to pay for the costs of managing, maintaining, developing, or purchasing lands within the proposed new Mojave National Park. Our colleagues on the Interior Appropriations, for example, including the distinguished chairman of this committee, increased the operations account to the National Park Service for fiscal year 1994 by 9 percent above the 1993 level in an effort to improve conditions of the existing parks. However, park personnel know that even that is not enough for them to keep up with just the recent increases in pay and retirement costs for employees, or to make up for the across-the-board decreases, maintenance deferrals, and cutbacks in seasonal personnel. It will not take care of pay increases and retirement costs. So the Park System is declining and we in the Congress continue, annually, for whatever reasons, without a thought, to continue to add to the decline of the National Park System.

While all of us are saying what a wonderful thing—everybody pays lip service to it. Senators ask to have parks put in in the last days of a session so they can assure their reelection. All of us think the National Park Service and the National Park System is something worthy of America. But we do not pay for it. We do not buy the land from Americans. We are allowing the infrastructure to degrade. We are executing takings. And we are allowing the condition of these parks to degrade significantly.

Funds that have been appropriated, including that 9 percent increase, have had to be absorbed from existing areas to finance the 27 new areas that the Congress added to the system during the last 5 congressional sessions. Think of it, 27 new areas in the last 5 sessions, without any increase in personnel, or operating funds.

Within the National Park Service, under the Clinton administration, an estimated 3,700 positions will be eliminated over the next 5 years. So, not only are we in this instance asking to add a park the size of two new Yellowstones, but we are doing it in the face of knowing that there are 3,700 personnel fewer going to be in the System when it is over. It is not responsible, especially when this park area, this so-called area of consideration, has been, is now in the management of the Bureau of Land Management, under a desert management plan that, just a few years ago, was being widely praised as the model of management and the model of an arrangement between the environmental community and the operating community.

In addition, this summer in each of our States we will witness additional facility closures, elimination of additional interpretive and visitor service programs, maintenance projects will be deferred within the existing parks. Hundreds of temporary and seasonal personnel will not be hired this summer—all to the detriment of park visitors.

All of this will occur before we add the Mojave to the already ever-burdened System. Remember, the budget targets are set for the next 5 years. There is no possibility to keep up with existing obligations, let alone fund this massive proposal.

There are 20 national park units within the State of California with 22,192 acres of authorized but unacquired lands—22,000 acres of private citizens' lands that has been authorized by Congress to be national parks but which this Congress and the preceding ones will not pay those Americans for. We execute takings in this Congress with the blithe supposition that, somehow or another, nobody will notice. And, after all, if it is for a national park we ought to be able to take it out of the hides of Americans. They ought to be grateful to have it stolen from them—because that is what we have done. So you have 22,000 acres now in the State of California—let alone the hundreds of thousands of acres that exist around the rest of America—that belong to private American citizens which this Congress will not pay for. And the preceding Congresses have not paid for.

Estimates vary, but land acquisition for Santa Monica Mountains National Recreation Area, alone, has been estimated at $500 million and is climbing everyday.

To put this in national perspective, Congress appropriates between $80 to $100 million a year for land acquisition throughout the entire National Park System to deal with a backlog of unacquired lands which is in the multiple billions of dollars. Some of us have been using the figure of $2 billion since I came here.

We have added substantial acreage since that time, and the cost of land has not declined in that time. So the figure has to be well in excess of $5 billion, and it is so much that the National Park Service, despite the law, refuses to provide the information to the Senate.

Mr. President, in addition to this park, Congress has directed that the Presidio in San Francisco will become a national park when the Sixth Army turns it over to the National Park Service to operate. The operation budget there will be an additional $60 million. Just operations; not to bring it up. You saw the television program the other day showing that it was going to cost hundreds of millions of dollars to bring the infrastructure back up to standard. But $60 million a year to operate that park; 60 million bucks. That is more than it costs us to operate Yellowstone, Yosemite, Glacier, Great Smokeys, Blue Ridge—all of these parks together—for the one little one at the Presidio. Now you are talking about putting in a national park that is approximately the size of two Yellowstones to a system that is overburdened and unable to live with the obligations that Congress continually thrusts upon it.

In addition to that, additional legislation introduced by Members of the California delegation before this Congress includes the Bodie Bowl Protection Act for 6,000 new acres; another 40,000 acres at Point Reyes National Seashore, and God only knows the cost of those two acquisitions or where that money will come from.

I do not know how to gain the attention of the Senate or the Congress, but we desperately need to deal with this reality. There is no money for this proposal without taking it from existing parks in other States, including the State of California.

So my first amendment would leave the management of the Mojave area under the Bureau of Land Management as it is now. It would create a national monument, a land status similar to Death Valley National Monument, before we will have changed it to a national park under this legislation.

This is not about not protecting the desert. The desert is today protected, and we can enhance and add to that protection. But we do not have to do it at the cost of the degradation of the National Park Service. That is what the choice is going to be for Senators.

The only difference when you visit Death Valley National Park after this legislation is enacted versus Death Valley National Monument before it was enacted is that you will see the men and women dressed in gray and green uniforms, if there are any of them left; while on the Mojave National Monument, the men and women would be wearing brown and tan uniforms. I am serious. That is going to be the distinction. We have the ability to write in protections if we do not feel they are adequate, but we do not have any sense of responsibility if we add this to the National Park System.

By amending the legislation and leaving the Mojave under the management of the Bureau of Land Management, we would be helping to maintain the integrity of the National Park System rather than participating in its eventual destruction.

In so doing, we would also enhance the integrity of the Bureau of Land Management by allowing them to manage a national monument just as we did with the Forest Service when we and this Congress established the Mount St. Helens National Volcanic Monument. Nobody has suggested that the Forest Service has badly managed that. Nobody, to date, has suggested that the Bureau of Land Management is incapable of managing a national monument.

For a moment, let me address one other issue that I will attempt to repair by amendment tomorrow, and that concerns the designation of Jacumba Coyote Mountains and Fish Creek Mountains as wilderness areas.

These are three areas of the California Desert where illegal immigration and drug activities abound. The Senator from California is expected to offer an amendment which would allow law enforcement agencies to have aerial or motor vehicle access to these three wilderness areas in hot pursuit, in search and rescue operations, or other emergency response situations. However, all of these responses must be in accordance with the provisions of the Wilderness Act, which prohibits them.

The Wilderness Act states, in part—let me quote it:

> There shall be no permanent road within any wilderness area designated by this act and, except as necessary to meet minimum requirements for the administration of the area for the purposes of this act, including measures required in emergencies involving the health and safety of the persons within the area, there shall be no temporary road, no use of motor vehicles, motorized equipment, motor boats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

Mr. President, the provisions of the Wilderness Act are specific and clear. There is no motor vehicle access. Even a helicopter will never land on wilderness except in emergency situations. The Senate will have a clear choice: Either we are serious about turning the tide of illegal immigration and stemming the flow of illegal drugs into this country out of Mexico or we are not serious. We cannot play games by authorizing things in accordance with the provisions of the Wilderness Act which the Wilderness Act prohibits. That is a game the public may listen to for the moment, but not for long.

These three areas represent a major sieve through which illegal immigration and drug transportation flow, and it is not always the case of hot pursuit, search and rescue, or other emergency responses. It is a 24-hour-a-day presence by various law enforcement personnel, Federal and State. It is an area of major, ongoing activity 24 hours a day. In addition to the regular patrol through these areas, there exists various on-the-ground sensor units, and other detection devices which require continued maintenance, rehabilitation, and upgrading, and which would not be permitted to be there anyway if they are made wilderness.

This is a unique area along the border, and it requires the full time and attention of law enforcement officials. It requires more than hot pursuit limitation. The amendment which I will offer tomorrow will leave the areas as wilderness, but it allows for ongoing law enforcement activities to continue uninterrupted.

Let me say again, this is not a quarrel between the California Senators and me about protecting the desert. I assure the Senators of that. It is a quarrel about protecting the National Park System and the National Park Service, and it is a quarrel about the integrity of the law enforcement activities for illegal immigration and drugs that are coming into this country.

It is not my intent to stand in the way and stop this bill, but it is my intent to try in every way I know to defend the National Park Service from the Congress, which continues to pile obligations on it without in any way intending to provide them with resources to deal with those obligations.

Mr. President, I yield the floor.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana.

## MEASURES PLACED ON THE CALENDAR, EN BLOC

Mr. JOHNSTON. Mr. President, I ask unanimous consent that it be in order for the six measures now listed under "Bills and Joint Resolutions" and read the first time be deemed to have received their second reading en bloc and placed on the calendar, as provided under rule XIV, paragraph 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CALIFORNIA DESERT PROTECTION ACT OF 1993

### MOTION TO PROCEED

The Senate continued with the consideration of the motion.

### PRIVILEGE OF THE FLOOR

Mr. JOHNSTON. Mr. President, I ask unanimous consent that Ms. Susan McGill, a congressional fellow from the National Park Service, who is currently on the staff of the Committee on Energy and Natural Resources, be accorded the privilege of the floor during the consideration of S. 21, including any votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Will the Senator yield for a brief unanimous consent request?

Mr. JOHNSTON. Of course.

### PRIVILEGE OF THE FLOOR

Mr. WALLOP. I ask unanimous consent that privileges of the floor be granted to the following members of our staff: Jim Beirne, Jim O'Toole, Kelly Fischer, Jim Tate, Marian Marshall, Carol Craft, Gerry Hardy, and Camille Heninger, during pendency of S. 21.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. I thank the Chair. I thank the Senator.

Mr. JOHNSTON. Mr. President, S. 21 is one of the most significant pieces of environmental legislation that will be considered by the 103d Congress.

The California Desert contains some of America's most spectacular, diverse, unique, and fragile landscapes which deserve the high level of protection that the wilderness and park designations contained in S. 21 afford.

As reported from the Committee on Energy and Natural Resources, S. 21 would designate approximately 7.74 million acres of the Bureau of Land Management, Forest Service, and National Park Service lands in the California Desert as wilderness; it would add approximately 1.5 million acres to the existing Joshua Tree and Death Valley National Monuments and redesignate these areas as national parks; and it would establish a 1.2 million acre Mojave National Park.

At the same time, the bill would provide for continued use of the area by the military, ensure that sufficient lands remain available for off-road vehicle enthusiasts, sportsmen, miners, and others who want to use the desert for a variety of purposes.

S. 21 was reported from the Energy and Natural Resources Committee last fall by a bipartisan vote of 13 to 7. The bill has been before our committee and the Senate since 1986, and a total of 10 hearings have been held by the respective House and Senate subcommittees, both here and in California. In the past, the committee was unable to report a California Desert bill because the two Senators from California were never able to reach a consensus. Now, after 8 years, the two Senators from California have come together and are supporting a measure, this measure, to designate wilderness and units of the national park system in their State.

Mr. President, since I became chairman of the committee, I have done my best to accommodate two Senators from a State when they have been able to reach an agreement on a park or wilderness bill, especially with regard to the designation of areas and boundaries. I think this is generally a good rule to follow, and based on statements made in the Chamber and in committee, I know that most of my colleagues also share this view.

In this regard, Mr. President, I wish to commend the Senator from California [Mrs. FEINSTEIN] for her efforts in bringing this bill to the floor today, for the tremendous amount of highly skilled work which she has done in putting the provisions of this bill together and being able to pass it successfully through our committee by, as I say, a vote of 13 to 7. Since her election to the Senate, she has made this bill one of her top priorities. She has worked tirelessly on this bill, and, Mr. President, the results both of the structure of the bill and its political success through the committee and in the Chamber are the fruits of that very excellent and arduous work which she has put in on this bill.

Prior to the committee's consideration of this bill, she developed a comprehensive package of amendments which were, for the most part, included in the committee reported bill. These amendments were in addition to changes she has already made in S. 21 when compared with earlier versions. All of these modifications were offered in an effort to accommodate a variety of interests and deal with the issues in a positive and responsive manner. It is my understanding that during the course of debate on this bill, she will offer additional amendments to address still more specific concerns that others have raised with the bill.

Throughout this process, Senator FEINSTEIN has listened to those who have had problems with the bill and tried her best to solve them. To be sure, not every amendment has been accommodated in every single instance, in every single detail, but the California Desert bill that we have before us today and that will be brought up for consideration tomorrow is largely, as a result of her efforts, a reasonable and balanced bill that protects key parts of the California Desert but recognizes other legitimate interests.

Mr. President, the time has come to resolve this issue. The bill before us today is supported by the two California Senators, the administration, and millions of people in the State of California and around the Nation.

I think this is a good bill. It is a controversial bill. But the efforts of the Senator from California have gone a long way toward dealing with much of that controversy. I think it is broadly supported. This bill deserves to be passed, and along with it my commendations to the Senator from California [Mrs. FEINSTEIN].

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana yields the floor. Who seeks recognition?

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California [Mrs. FEINSTEIN].

Mrs. FEINSTEIN. I thank the Chair. I thank the Senator from Louisiana for his comments and particularly to thank him and thank the committee staff for all the work that has been done. This has not been an easy bill. It has taken a long, long time and a great many people have worked very hard, not the least of which is the young woman sitting on my left, Kathy Lacey, who has been my major staff person on this bill and was before.

Mr. President, I would like to dedicate my remarks today to a wonderful Californian. His name is Frank Wells. He was the president of the Disney Corp. He was killed last weekend in a helicopter crash, a skiing trip on which, just at the last moment, my husband had decided not to accompany him and therefore did not happen to board that aircraft.

Mr. Wells was a great supporter of this desert bill. He was scheduled to join me and visit the desert on December 18 but, unfortunately, that trip had to be canceled because of weather and other things, and we were not able to go. I know of his strong support, and so I would like to dedicate these comments to him this afternoon.

Mr. President, many Americans think of desert, as in the Sahara, hundreds of miles of bare sand, shifting dunes in the wind, barren horizons, often a mirage with unrelenting heat and an absence of water that makes it foreboding territory.

But the California Desert is different. Mountains, volcanoes, streams, lakes, petroglyphs, sheep, deer, tortoise, and incredible flowers, some of the most beautiful flowers, make 25 million acres of California Desert really unprecedented anywhere in America.

I rise to support S. 21, the California Desert Protection Act. As the chairman from Louisiana said, both Senator BOXER and I support this legislation. And I am very pleased to say that as of today, we have 47 cosponsors of this legislation in this body.

Shortly after I was elected—and I had campaigned on passage of a desert bill—Senator Cranston called and asked if I would take over sponsorship of the desert bill, and I said "I will take a look at it" and, "yes, I believe I will." I proceeded to take a look at it, find out what the problems were, talk with people, and offer amendments to that bill. I wanted to pass a desert bill that was tailored to fit the needs of the people who live and work in the desert. I wanted to protect existing jobs, so a bottom line became for me no jobs would be lost; rather, jobs would be gained. I wanted to provide for the interests and concerns of private property owners, and in fact no private property will be taken by this bill.

Since introducing the desert bill more than a year ago, I have set about to analyze all the issues involved in the legislation and to really make great efforts to consult with local governmental officials, law enforcement agencies, the military, mining companies, off-road vehicle user groups, property owners, hunters, ranchers, and others interested in this bill.

My staff and I have spent literally hundreds of hours meeting with more than 60 different organizations and businesses in an effort to resolve concerns about the desert bill. I sat down with my staff and considered the requests for change. We went over it amendment by amendment—maps, pictures, pro and con. As a result, the bill before the Senate today is far different from earlier California Desert protection legislation.

More than 50 amendments, as the chairman said, have been made. The area included in the bill has been reduced by about 1 million acres. The bill protects 6.37 million acres now managed by the Bureau of Land Management.

In addition, the Death Valley National Monument is currently 2,067,793 acres. It has these lines around it. We would change it to a national park, and we would add the surrounding area to that park for good reasons.

The Joshua Tree Monument today is 559,959 acres, and this land, as well as the area around it, would become a national park. The new national park, and the centerpiece of the bill, albeit the most controversial part of the bill, is the East Mojave.

I believe this is a balanced bill, a bill which will protect important desert resources and at the same time allow existing activities to continue and future needs to be met.

This bill has had many hearings. It had 2 days of hearings in 1987, a hearing in 1989, 3 days in 1992, and 2 days in 1993. In 1991, a bill passed the House, authored by Congressman Mel Levine. Congressman RICK LEHMAN and cosponsor GEORGE MILLER are prepared to move with similar legislation in the House of Representatives.

This bill is supported by the Southern California Association of Governments, known as SCAG, which includes Los Angeles, Riverside, Orange, Ventura, San Bernardino, and Imperial County. It is supported by 16 boards of supervisors representing 16 counties, 36 city councils representing 36 cities, including 8 of the largest cities in California—San Diego, Los Angeles, San Francisco, and so on.

Five newspapers outside California, including USA Today, support this legislation, and 15 California newspapers have endorsed this bill. It is supported by 118 conservation groups, including the Sierra Club, the Wilderness Society, the National Parks and Conservation Association, the Garden Club of America, the National Audubon Society, Friends of The Earth, the National Resources Defense Council [NRDC], and the Fund for Animals.

In terms of public support, in my State this bill is supported strongly. These are polls that go back to 1991, 1992, and 1993. They are not my polls. They are California field polls, public interest polls that have been done.

In 1992, it showed that park status for the East Mojave was supported by 70 percent of the people, including people in that area.

In 1993 to test hunting—because it became known that there are some that would want this reduced to a monument status so that hunting could be allowed—a poll was done. And the finding was that 75 percent of those Californians questioned supported creating the Mojave National Park with no hunting; 75 percent by independent poll, a February 1993 field poll. So we believe there is a strong support.

What is everybody supporting, and why? The California Desert contains some of the most incredible scenic, natural, cultural, historic, archaeological, and recreational resources in the Nation. As I said, it comprises 25 million total acres, and the desert is incredibly diverse—sand dunes, extinct volcanoes, 90 mountain ranges, the world's largest Joshua tree forest, over 100,000 archaeological sites. These varied land forms provide habitats rich in biological diversity with more than 760 different wildlife species.

There are many unexpected features in the desert such as waterfalls. Here you have Darwin Falls in the Death Valley National Park, soon to be a national park. You have seasonal lakes and wetlands; sunrise at Saline Lake in the Death Valley National Park.

You have cinder cones and other volcanic features. This is a volcanic wash in Death Valley National Park.

You have mountains over 8,000 feet in the desert. Here are the Inyo Mountains in the Inyo Mountain Wilderness area. You have sand dunes over 700 feet, taller than the Washington Monument. It is perhaps one picture that does look like the Sahara Desert.

At this time of the year the desert is blanketed with the most incredible profusion of wildflowers. I mean, it is truly amazing—the colors of a sunset, the sky, the mountains. The flowers are not replicated anywhere else on Earth.

Even at other times of the year, there is an abundance of flora and fauna, such as the Barrel Cactus gardens. There is the Kingston Range Wilderness Area; the desert willow from Eagle Mountain; the Joshua Tree National Park; desert chicory from Death Valley National Park; catchfly flowers. Look at that beautiful blossom.

The Golden Eagle frequents the California Desert. Bighorned sheep frequent the California Desert. And the endangered Desert Tortoise has a major habitat in the California Desert.

There are important cultural and scientific resources such as ancient petroglyphs. These are petroglyphics in the rock done by ancient Indians, some of which it is believed go back 100 million years. There are historic homesteads.

This is Lanfair Valley, the Mojave National Park is here, and dinosaur tracks. The last remaining dinosaur tracks in California are preserved in a place called the Jurassic Sand Dune. It is approximately 180 million years old. It is actually right outside the boundaries of the Mojave park. But we have language in the bill to protect this.

These tracks are from three species of bipedal, two-legged, dinosaurs the size of ostrichs. They occur with tracks of quadrupedal, four-legged, reptiles that may have been their prey. And efforts to manage and preserve this unique relic is really done jointly by the mining industry, the Bureau of Land Management, the San Bernadino California Museum paleontologists.

The scientific and educational value of the desert is immense. I have seen firsthand how inordinately fragile the California Desert is.

Unlike the Sahara, tracks from off-road vehicles in the desert do not disappear. Year in, year out, if you take an off-road vehicle over desert land, the tracks never go away. They remain for all time.

So our desert resources deserve protection as part of our National Park System and National Wilderness System where they can be managed so people can enjoy them without destroying them and protect them for our children and our children's children.

The desert bill reported by the Senate Energy and Natural Resources Committee before us today adds 6.37 million acres of the 25 million acres of California Desert. It will create three new national parks—Death Valley, Joshua Tree and Mojave. Specifically, it designates 3.7 million acres of land as BLM wilderness. This is one area, the Picacho Peaks wilderness area. The bill adds 1.3 million acres to Death Valley National Monument and redesignates the area a national park. It adds 234,000 acres to Joshua Tree National Monument and redesignates the area as a national park. And it establishes a 1.2 million-acre Mojave National Park. It designates national park wilderness for Death Valley, Joshua Tree, and the Mojave.

These are some of the incredible pictures. This one is looking toward Clark Mountain in the Mojave National Park. This is Castle Peak, again, in the East Mojave National Park. Look at that peak; it is incredible. This one is the Panamint Dunes and Telescope Peak in Death Valley National Park. This is Last Chance Canyon. This is part of 20,500 acres of BLM land which will be transferred to the State of California for the addition of Red Rock Canyon State Park.

The bill would designate a 2,040-acre desert lily sanctuary. As you can see, that very fragile desert flower is blooming in the middle of the sand with the mountains behind it.

The proposed Mojave National Park has been called the centerpiece of the Desert Protection Act, and it has been the center of controversy. This area contains mountain ranges, as you can see. Look at that mountain range—dry lakes, cinder cones, badlands, innumerable washes, mesas, buttes, lava beds, caves. It is one of California's most complex sand dune systems and has a number of alluvial fans. Because it is at the junction of three major desert ecosystems—the Sonoran, Mojave, and the Great Basin—its biological resources are extremely varied.

(Mrs. MURRAY assumed the chair.)

Mrs. FEINSTEIN. As far back as 1979, the Bureau of Land Management staff report found:

> In all the California Desert, there is no finer grouping of different wildlife habitats. Many observers feel that the East Mojave embodies the finest scenery in the California Desert.

In 1987, an evaluation by the Western Regional Office of the National Park Service concluded that the East Mojave meets all criteria for inclusion in the National Park System. It has, one, national significance; two, suitability and feasibility; and, three, management. The Park Service found that the Mojave "contains a rich array of highly significant natural and cultural resources. It would be difficult to find an area of similar size with so many outstanding sites."

The Park Service concluded that the "overall quality of the area and the multiple resource attractions are sufficient to meet the significant standards for new units." It recommended that the East Mojave be added to the National Park System.

The National Park Service and the Department of the Interior wholeheartedly support the establishment of the Mojave National Park as part of the Desert Protection Act.

Roger Kennedy, Director of the National Park Service, has said:

> This remarkable place is of unquestionable significance—biologically, culturally, recreationally, scenically, and scientifically. National park designation would preserve the resources of the Mojave as no other protective public land status can.
>
> The Mojave National Park unquestionably merits national park status. The proposed area is a combination of haunting and harsh beauty that compares favorably in drama, distinction, and character to any great area of the National Park System. It contains a nationally significant diversity of biological, geological, and ecological resources, including California's most complex dune system, lava beds, mountain ranges, playas, and areas that range in elevation from 2,000 to 7,000 feet in a relatively compact area. The resources of the proposed Mojave National Park meet the high standards required for a national park.

So we have everybody, past and present, from the National Park Service supporting this bill. The California Desert Protection Act protects these nationally significant resources. It also recognizes other important uses of the desert lands.

The bill provides reasonable vehicle access to wilderness areas. More than 33,000 miles of roads and primitive routes are unaffected by the bill, including more than 18,000 miles of primitive, unmaintained dirt routes. This bill permits all active mines to continue. It protects valid mining claims. It allows livestock grazing to continue in wilderness areas. I will later introduce an amendment to allow it to continue in perpetuity in the parks subject to park regulation. I am convinced, based on my own eyes' observation, that this can be accomplished. It maintains hunting opportunities on approximately 10 million acres of public land. It provides for land exchanges for the Federal Government to acquire 250,000 acres of land owned by the State of California. It recognizes the importance of military testing, training and research activities conducted in the California Desert. It allows for continued military use of several existing bases, and it does not restrict or preclude low-level overflights of military aircraft.

When legislation was discussed by the Senate committee, I proposed more than 50 amendments to allow existing activities to continue and to meet future needs. Since the bill was originally introduced, as I said, more than 1 million acres have been dropped from the park and wilderness designations, making these lands available for a variety of uses.

The amendments already incorporated into this bill include 13 amendments to provide for off-road vehicle access in 14 wilderness areas and to remove the entire 61,630-acre South Algodones Dunes from the bill to allow for vehicle use; 11 amendments to modify the boundaries of the parks and wilderness areas to eliminate potential mining conflicts and areas of high mineral potential, which will protect jobs; 15 amendments to remove communication sites, power lines, and other utilities from the parks and wilderness areas and ensure their continued use; six amendments to ensure the ability of the military to conduct and expand its use of lands in the California Desert; and two amendments to provide for continued use of existing road maintenance sites used by the California Department of Transportation; bill language clarifying State jurisdiction over fish and wildlife activities to maintain and support fish and wildlife populations and their habitats; bill language has been added clarifying that ongoing law enforcement will be maintained in wilderness areas along the United States-Mexico border; bill language has been added clarifying that there is no effect on the operation of dams on the Colorado River or on any compacts relating to waters of the Colorado River; 14 amendments have been made to improve manageability of wilderness areas, delete private property, and correct mapping errors; and bill language has been added to protect the only known dinosaur tracks in California, or in America.

As a result of all the changes, organizations that had previously opposed desert legislation have withdrawn their opposition. This includes the American Motorcycle Association, U.S. Borax, Viceroy Gold Corp., Unical, and the North American Chemical Co., among others.

There is one amendment narrowly adopted by the Senate Energy and Natural Resources Committee which I do not support. This is the Lanfair Valley amendment. The committee excluded 276,000 acres.

Let me just point out a little bit about how the land is concentrated in Lanfair Valley. There is a concentration of private inholdings in Lanfair Valley. Let me point out for the Record what the land distribution is in Lanfair Valley. Federal land in Lanfair Valley in the East Mojave, this whole square, has been exempted. Seventy-four percent of this land is already public land. Most of it is owned by the Bureau of Land Management, specifically 203,000 acres. Catellas owns about 10 percent, 26,000 acres. Private owners own 14 percent, or 40,000 acres. And the State owns 2 percent or 7,000 acres. That totals 276,000 acres.

Now, let me tell you about the private land. My staff in California went to the San Bernardino County Assessor's Office and obtained information on every single parcel of property in the Lanfair Valley. According to the San Bernardino County Assessor's reference books, there are less than 20 structures on the private lands in Lanfair Valley. Property taxes are currently being paid on only 10 single family residences, 3 mobile homes, and 5 miscellaneous structure-like cabins in that private ownership in Lanfair.

Some of the property owners in Lanfair Valley want to have their lands included in the Mojave National Park. Mr. Gary Overson, a rancher, writes me:

> I own the Kessler Springs and O.X. Ranch, which consists of my deeded land, approximately 4700 acres, railroad and State leases and BLM land. Lanfair Valley lies in the heart of the O.X. Ranch * * * From my point of view Lanfair Valley should be included in the proposed park.

Another property owner, Mrs. Ruey Guirado writes me:

> I own 160 acres of undeveloped land in the Lanfair Valley, and I am writing to you to express my approval of the proposed Mojave National Park. I will be pleased to have my property included in the new park, as Park Service stewardship of the land will be a great improvement over existing Bureau of Land Management control.

The amendment excluded much more than the private land because 74 percent of the land is already owned by the Federal Government and there is an acquisition program already approved going on to acquire more.

By removing these lands, the amendment excluded some of the most significant scenic, cultural, and biological resources. Effectively this cuts the heart out of the East Mojave Park. Let me show you what it excludes.

Lanfair Valley contains cactus gardens, desert grasslands, great basin sage habitat, coastal chaparral, pinion and juniper forests, relic firs, a perennial stream, the historic Mojave Trail, Rebirth Rock, U.S. cavalry posts, Native American petroglyphs; Caruthers Canyon, wilderness areas, campgrounds, and habitat for bighorn sheep, desert tortoise, and deer.

Let me describe a few key areas and illustrate them with pictures.

Caruthers Canyon here is one of the most scenic areas in the Mojave. Situated on the southern face of the New York Mountains, Caruthers Canyon was one of the highest priorities for land acquisition by the Bureau of Land Management and was just recently acquired. Now it will be taken out.

The New York Mountains are home to a rich diversity of unusual desert flora, including species normally associated with the coast such as canyon oaks, manzanita and silk tassel. Nearly 300 plant species are found in Caruthers Canyon and Keystone Canyons alone. This scenic mountain range also provides habitat for muledeer, bighorn sheep, and other wildlife. Because of its spectacular scenery and its isolation, Caruthers Canyon is a popular destination for hikers and campers.

Let us talk for a minute about Rock Springs. Rock Springs is at the transition of the Great Mojave sage and Joshua-tree forests. There is a historic water source here used by native Americans and early explorers and today helping sustain desert wildlife. There are also petroglyphs here, as well as the remains of an 1850's Army camp and rock corrals.

Woods Wash. Woods Wash is a famous site in the heart of the Woods Mountains with petroglyphs of strikingly dense and elaborate patterns. The petroglyphs are more than 1,000 years old. We do not know much about the Indians who did them, but archeologists believe this was a religious site. The art is linked with our most distant past. This area was purchased by the Bureau of Land Management in 1992.

Table Mountain, a high flat-topped mesa, with pinion forests on top, is an unusual landform in California. Situated in the center of the proposed park, the mountain anchors the East Mojave. It is the dominant feature of the Mojave landscape and can be seen from 40 miles away.

Located at the mouth of the Piute Gorge are the remains of Fort Piute, a U.S. Army fort built in 1859. This outpost was built to protect the wagon trains on the government road from Prescott, AZ, into California. Some of the rocks used to construct the fort are covered with Native American petroglyphs and hundreds of petroglyphs can be seen along a 2-mile stretch of the historic Old Mojave Road leaving the fort. Henry Robert served as the commanding officer at Fort Piute, and when he retired, guess what he wrote: Roberts Rules of Order.

Rebirth Rock is a significant archeological and Chemehuevi Indian ceremonial site. It is believed to have inspired a Native American legend on the origin of man. The large volcanic rock has a natural hole and is surrounded by petroglyphs and pictographs on the perimeter. It is hard to see on the photograph here, but they are there.

The Lanfair Valley exclusion goes far beyond that which is necessary to exclude the private land. It affects the National Park Service ability to properly manage and protect the entire bioregional resource. As the superintendent of Joshua Tree National Monument has pointed out:

> The loss of areas such as Caruthers Canyon in the New York mountains, the Mid Hills of the Providence Mountains, and many significant areas of the Piute Mountains represent severe blows to the biological integrity of the new park. If the intent is to remove significant private lands, many of the areas within this large tract do not deserve to be eliminated. In fact, their loss would cut deeply into the resources that will be important in the future for meaningful management of the natural systems. A more careful approach to delineating the area for removal must include a review of the resources before final designation.

At the appropriate time, I will offer an amendment to restore at least the Federal lands in Lanfair Valley to Mojave National Park.

Now let me speak for a moment about the cost of the bill.

The Congressional Budget Office has estimated that enactment of the bill will result in additional administrative and construction costs to the Federal Government totaling $36 million over the next 5 years. This averages $7 million annually.

Additional funding is going to be required to provide adequate protection for the Federal lands in the California Desert—protection which they merit and deserve, protection which Californians want. Moreover, the existing Bureau of Land Management plan for the California Desert identifies additional management needs.

The establishment of the Mojave National Park, additions to Death Valley and Joshua Tree, and designation of BLM wilderness provide an opportunity to manage the California Desert as an ecosystem and maximize cooperative management of these areas while keeping cost to a minimum. The National Park Service and BLM have already completed a study that identifies strategies for minimizing the expense of managing the lands added to the National Park System. These strategies include using existing resources and sharing BLM facilities and personnel during a transition period of 1 to 2 years, whereby we could keep costs down to next to nothing.

Now, let me speak for a moment of the economic benefits of creating national parks.

Virtually every national park established in the United States has been shown to increase tourism and raise the visibility of the natural attractions there. The three national parks created by this bill will have economic benefits as well.

According to the National Park Service, in 1992, Death Valley and Joshua Tree provided $115 million in sales to the area, $11 million in tax revenues, and 2,000 jobs in the regions. The Park Service projects the new Mojave National Park will result in sales from $59 to $99 million—and I think you would have to take the $55 million based on these numbers—and tax revenues from tourist expenditures of $2.7 million to $16.5 million and create from 1,100 to 2,000 new jobs.

Madam President, I am also pleased to state that there is a Portland, OR, newspaper up your way that has also come out today in support of this legislation.

I have visited the California Desert many times, beginning in the 1960's, where I spent weekends in parts of this desert. It is an unparalleled and fragile piece of Americana, so fragile that it can easily be destroyed.

This bill seeks to protect that in a prudent way without taking anyone's public property. It enables an individual, if you have a residential piece of property in this area, to develop it, subject to its appropriateness as part of a national park, which means you can build a home; and if you have a home, you can add an extension to it. Obviously, you cannot build a 30-story highrise in the middle of a desert, but I think that is understandable.

It protects every known active mine, every valid existing mining claim.

We have made a dozen amendments to add for more use of off-road vehicle users. We have tried very hard to satisfy the concerns of people who live in the desert without hurting the environmental impact of this legislation.

I believe it is good legislation. I believe its time has come.

I will make additional amendments to the bill at the appropriate time tomorrow.

I thank you, Madam President.

I yield the floor.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Madam President, again, I say to the Senator from California, I have no quarrel with the idea of protecting the desert. I happen to believe that it can and ought to be protected in another way, because the Desert Protection Act ought not to be the National Park Assassination Act.

The figures which the Senator cited of the cost of management and other things are low, but they come from a budget that is already under severe distress and cannot manage but what it has. The figures that she cited for the creation of jobs did not happen at Redwoods, by any stretch of the imagination. In fact, the area suffered from having it designated there.

So this is not a question about whether or not we ought to protect the desert. This is a question as to how do we hold onto the fabric of the National Park Service, which serves all Americans in every State and in the territories as well.

You cannot continue to heap burdens on this camel's back called the National Park Service and expect it to continue to provide quality maintenance and protection of these areas.

Part of the problem is going to be that as you take what will ultimately be 12 million acres between wilderness areas, national parks, and tortoise habitat—I am informed that it is 8 million acres of park and wilderness and 3 million acres of tortoise and native habitat. That is 11 million acres. There will be fewer than 2 million acres left for the normal pursuits of Americans.

Where that comes into environmental irresponsibility is that nobody will have done anything about diminishing the public's desire to see and recreate and participate in the desert. So all of a sudden, what you have is the same number of people who now use the desert collapsed into a little over 1.5 million to 2 million acres. You will see degradation of that desert necessarily. It cannot be. Otherwise, we will have that which is not designated park and wilderness denied to Americans because they are abusing it or hurting it otherwise.

So there is a way to protect this and there is a way to save the National

Park Service System. And, Madam President, it behooves Congress to pay close mind to both of those. The only way to protect the world is not to create national parks.

If you want to see real degradation in rangeland, go to Yellowstone National Park. It is not the fault of the Park Service. It is part of the management programs that have been thrust upon it that do not allow it to control elk and buffalo and other kinds of things. But there, the ranges are being destructed.

If you want to see degradation of habitat and resources, take a look at what wild burros are doing in the Grand Canyon. The only way to provide protection is not by national park status.

This thing, this wonderful area—and I have no quarrel with the Senator's characterization of it—this wonderful area can be protected, ought to be protected; but so too should the National Park Service systems.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Madam President, inasmuch as neither side anticipates a speaker any time in the next several minutes, I ask it be in order that I proceed as if in morning business with the understanding that when a speaker on the pending business arrives, I will suspend and resume after he or she has finished.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## WHY CAN'T THE VOICE OF THE PEOPLE BE HEARD ON PRAYER IN SCHOOLS?

Mr. HELMS. Madam President, during the final 2 or 3 days prior to the Senate's Easter recess, the distinguished majority leader, Mr. MITCHELL, and Senator KENNEDY, conducted another one of those—I am not sure what you call it but I am going to call it a filibuster for the lack of a better descriptive word. They were careful to blame others for delaying the Senate when in fact it was they who were holding up the Senate's work.

The record will show it was the majority leader, at the urging of Senator KENNEDY, who delayed the departure of Senators for the Easter recess—a recess, mind you, that had been scheduled and announced early in the year by the majority leader, and a recess for which most Senators had made travel plans on the assumption that the majority leader would not keep the Senate in session in anything resembling a power grab unbecoming to the Senate.

Madam President, the record should be made clear on what happened in the hope—perhaps a vain hope—that the majority leader will not again allow this injustice to his fellow Senators.

It was the school prayer amendment offered by Senator LOTT of Mississippi, and me, that started it all. The Senate on February 3, 1994, overwhelmingly approved 75 to 22, the following language now referred to in the media as the Helms amendment, which I emphasize was cosponsored by the able Senator from Mississippi [Mr. LOTT].

Here is what the amendment said, and it was approved by the Senate on a rollcall vote of 75 to 22:

> No funds made available through the Department of Education under this act, or any other act, shall be available to any state or local educational agency which has a policy of denying or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any state nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally-protected prayer in such public schools.

That, Mr. President, was the language approved by the Senate on February 3, 1994, by a lopsided vote.

I might add, Madam President, that Senator KENNEDY has never to my knowledge failed to resist all school prayer legislation, whether offered by me or any other Senator. It apparently does not matter to the Senator from Massachusetts that the vast majority of his colleagues disagree with him. It does not matter apparently, that 75 to 80 percent of the American people, in poll after poll, disagree with the Senator and with the ACLU. The American people want—in fact, they are demanding—a restoration of moral and spiritual principles in America.

But the able Senator from Massachusetts apparently—apparently—believes that he is wiser than the overwhelming majority of his colleagues in the Senate, and that he knows better than the overwhelming majority of members of the House of Representatives, and that he knows better than 75 to 80 percent of the American people.

He obviously has vowed that there will be no return to school prayer in America, and using the majority leader's powerful leverage just before Easter, Senator KENNEDY had his way in a spectacle, riding roughshod over the will of the U.S. Senate, the House of Representatives—and the will of 75 to 80 percent of the American people.

All that is bad enough. But some astonishing statements attributed to the Senator from Massachusetts by individuals in the news media were clearly intended to blame the able Senator from Mississippi and this Senator from North Carolina, and Republicans in general, for the delay in the Senate recess for Easter and Passover.

Now the Senator from Massachusetts is bound to know that this was absolutely not so. I acknowledge that I opposed the so-called Goals 2000 bill—S. 1150/H.R. 1804—to which the Helms-Lott school prayer amendment was added by a vote of 75 to 22 on February 3, 1994.

But the record will show, and I will demonstrate this to be the case momentarily, that I repeatedly offered the majority leader and Senator KENNEDY an agreement that would have enabled there to be a final passage vote on the conference report to H.R. 1804, the Goals 2000 bill long before Senators were forced to stay past midnight on March 25 for a cloture vote.

All that, Madam President, just to defeat the Helms-Lott school prayer amendment.

As I indicated earlier, Senator KENNEDY is reported to have made some astonishing declarations to the media, perhaps in an effort to cover his tracks when he deliberately and calculatedly overrode the will of the Senate, the House and the American people.

He told one reporter in effect that Helms wanted to kill the Goals 2000 conference report because he said it contained restrictions on smoking in schools.

That was absolutely without foundation.

I do not know of anybody—anybody—who opposes restrictions on smoking in school. Certainly, I do not and never have. As a matter of fact, students were not allowed to smoke in school when I came along.

Senator KENNEDY also reportedly described the Helms-Lott school prayer amendment as some sort of Republican plot to frustrate President Clinton's agenda, a statement too absurd to dignify with a response. And besides, Madam President, Mr. Clinton is doing a fair job himself at frustrating his own agenda.

But to pin the tail on the donkey and to illustrate that it was Senator KENNEDY who needlessly kept Senators in session until after midnight on March 25, I will refer the Chair to page 6188 of the CONGRESSIONAL RECORD of March 23, 1994, and I will ask the Chair if the following unanimous-consent request was propounded. Let me quote the request:

> Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 230, to correct the enrollment of the conference report to accompany H.R. 1804; and that it be in order for the Senator from North Carolina [Mr. HELMS] to modify the resolution with the text of amendment No. 1382; and that there be then 30 minutes to be equally divided in the usual form; and that upon the use or yielding back of time, the Senate, without any intervening action or debate, vote on the concurrent resolution.
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> I further ask unanimous consent that once the Senate has adopted the concurrent resolution, as modified, and immediately upon the receipt of the House message that the House has agreed to House Concurrent Reso-

> lution 230, without further modification, the conference report to accompany H.R. 1804 be deemed agreed to and the motion to reconsider be laid upon the table.
>
> I further ask unanimous consent that if the Senate does not receive the House message re: action on the concurrent resolution, prior to the end of business on Friday, March 25, or receives the message that the House has further modified the concurrent resolution, that the conference report then become the pending business on Monday, April 11, and that following 1 hour of debate, a cloture vote occur on the conference report under the provisions of rule 22.
>
> Further, I ask unanimous consent that immediately following the disposition of the concurrent resolution, the Senate resume consideration of the budget resolution.

Madam President, does that unanimous consent language appear on page 6188 of the RECORD of March 23, 1994?

The PRESIDING OFFICER. The RECORD appears to show that.

Mr. HELMS. I thank the Chair.

Madam President, who propounded that unanimous-consent request, according to the RECORD?

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Madam President, was that unanimous-consent request that I just referred to objected to?

The PRESIDING OFFICER. Yes, it was.

Mr. HELMS. Madam President, may I ask whom the RECORD identifies as having objected to the unanimous-consent request?

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KENNEDY].

Mr. HELMS. I thank the Chair.

Madam President, let me again read that unanimous-consent request, made by this Senator from North Carolina, on the evening of March 23, 1994. As I have already indicated, it appears on page 6188 of the CONGRESSIONAL RECORD, and my exact words were:

> Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 230, to correct the enrollment of the conference report to accompany H.R. 1804; and that it be in order for the Senator from North Carolina [Mr. HELMS] to modify the resolution with the text of amendment No. 1382: and that there be then 30 minutes to be equally divided in the usual form; and that upon the use or yielding back of time, the Senate, without any intervening action or debate, vote on the concurrent resolution.
>
> I further ask unanimous consent that once the Senate has adopted the concurrent resolution, as modified, and immediately upon the receipt of the House message that the House has agreed to House Concurrent Resolution 230, without further modification, the conference report to accompany H.R. 1804 be deemed agreed to and the motion to reconsider be laid upon the table.
>
> I further ask unanimous consent that if the Senate does not receive the House message re: action on the concurrent resolution, prior to the end of business on Friday, March 25, or receives the message that the House has further modified the concurrent resolution that the conference report then become the pending business on Monday, April 11, and that following 1 hour of debate, a cloture vote occur on the conference report, under the provisions of rule 22.
>
> Further, I ask unanimous consent that immediately following the disposition of the concurrent resolution, the Senate resume consideration of the budget resolution.

The point is this: All of this badgering, calling back Senators, holding up Senators, for a cloture vote right after midnight on Friday, March 25, came to pass after this unanimous-consent request that has just been read—read twice in the RECORD—was rejected.

Then this Senator, and others on this side of the aisle, tried again to make it possible for the Senate to go home as the majority leader had pledged early in the year.

But, no, the scheme around this place is to back the Senate into a recess or an adjournment and say: "You don't get to go home unless you pass this exactly as we want it. We're not going to give you any vote on it. You have to pass it like we want it,"—like Mr. KENNEDY from Massachusetts wants it. You know, the one who runs the U.S. Senate.

In any case, at about 3 o'clock on the afternoon of March 25, several of us offered to the majority leader and to the Senator from Massachusetts another proposed unanimous-consent agreement which, if it had been accepted, would have permitted Senators to leave for the Easter recess long before suppertime.

The Senator from Idaho [Mr. CRAIG] had the text of this proposed agreement placed in the RECORD for that day. It is on page 6982, and let me read it. This is what I proposed to Senator KENNEDY. This is what I proposed to the majority leader.

The language read as follows:

> I ask unanimous consent that when the Senate considers the Elementary and Secondary Education bill, S. 1513, or its House companion, H.R. 6, that the only amendments or motions dealing with the subject of prayer in schools be a first degree amendment to be offered by Senator HELMS.

You remember, he is the guy who offered the original amendment that was passed overwhelmingly by the Senate and by the House of Representatives at the request of 75 to 80 percent of the American people. Let me pick up:

> a first degree amendment to be offered by Senator HELMS, which is the exact language as adopted on H.R. 1804, in the Senate on February 3, and one first degree amendment consisting of the exact language of the Levin amendment adopted by the Senate February 8, or the exact language of the Danforth amendment adopted by the Senate on February 8, or the exact language of the Williams amendment offered on the House floor during consideration of H.R. 6, to be offered by Senator KENNEDY.

Let me parenthetically point out that what I was offering was to let us have Senator HELMS' amendment voted on and let us have Senator KENNEDY's amendment voted on and stop all this tomfoolery.

I further added:

> that no amendments be in order to either amendment and that no tabling motions be in order with respect to either amendment and that a rollcall vote occur first on the Helms amendment.

Madam President, what do you know? This proposed unanimous-consent request which, as I have said, would have avoided the need for the Senate to stay in past midnight on March 25, was rejected, as was the agreement proposed on March 23.

See, they were going to have it their way or the Senate would just stay in session and we would have cloture vote and cloture vote and cloture vote. And it was said right there by the majority leader that that is exactly what would happen. The threat went out.

In any case, the RECORD clearly shows that it was the Senator from Massachusetts who delayed the recess of the Senate because he did not want the Helms-Lott school prayer amendment in the bill. The Senate had voted it in. The House voted twice in favor of it. But no, no, that was not good enough. Senator KENNEDY did not like it, so it did not get in, and I will explain in just a minute how this occurred.

All of this just went by like a ship at night, as far as the news media were concerned. The Associated Press did not touch it. And the Associated Press was told about it—what was going on. But the news media accounts made it appear that the Republicans and JESSE HELMS and Senator LOTT were delaying the Senate when it was not so.

The RECORD clearly shows, I reiterate, that it was the Senator from Massachusetts who delayed the recess of the Senate, and it was the Senator from Massachusetts who totally disregarded and reversed the will and wishes of the U.S. Senate, the U.S. House of Representatives, and 75 to 80 percent of the American people, as reflected in poll after poll of public opinion.

Madam President, so much for this unpleasant little legislative power play.

But before I conclude, a bit of legislative history may be in order. About 2 months ago, on February 3, Senator LOTT and I came to the floor and beseeched Senators to make clear to the American people that there is a constitutional right to pray in school.

I displayed a chart, right here. C-SPAN carried it. The chart identified the Senate's telephone number and I suggested that interested Americans might want to call their Senators if they were in favor of the Helms-Lott amendment—or if they were opposed to it. I thought they ought to get involved in this one way or another.

Madam President, did they ever get involved! The staff in office after office said, "What in the heck is going on? Our switchboard is overloaded with people saying, 'We want the Helms-Lott prayer amendment.'"

Shortly thereafter, the Senate voted, as I have said two or three times earlier, 75 to 22 to approve the Helms-Lott school prayer amendment. And that was February 3, I reiterate for emphasis.

Twenty days later, the House of Representatives responded overwhelmingly when Congressman DUNCAN of Tennessee offered a motion to instruct the House of Representatives conferees to that Goals 2000 bill to accept the Helms-Lott school prayer language. On February 23, that vote in favor of the Helms-Lott school prayer amendment in the House of Representatives was 367 to 55.

How do you like them apples? But it did not mean a thing to Senator KENNEDY, not a thing. "Ha, ha, ha," he said. "We will take care of that when it gets to conference."

Overwhelming votes in both Houses of Congress supported the Helms-Lott school prayer amendment. And in supporting this amendment the Members of these two bodies were reflecting, as I have said over and over again today, the wishes of 75 to 80 percent of the American people who want school prayer restored to their schools.

But despite this overwhelming support, this provision was dropped in the conference by the House and Senate conferees. The Senate conferees were headed by, guess who? Mr. KENNEDY of Massachusetts. The provision was dropped and then replaced with meaningless language. And this was done with a nod and a wink: See, we have done it again to old HELMS. We took his amendment out. We took Trent Lott's amendment out. Chuckle, chuckle, chuckle.

According to some who were present at the time, the conference spent less than 60 seconds, less than a minute on the school prayer issue—and that was the last 60 seconds of the conference on the Goals 2000 bill. A deal had obviously been cut by Senator KENNEDY and Congressman FORD.

We have testimony by a number of staff members, representing a number of Senators, who agree that Senators KENNEDY, KASSEBAUM, PELL, and JEFFORDS were preparing to leave the final session of the House-Senate conference when Senator KENNEDY sort of casually asked Representative WILLIAM FORD, who is chairman of the House Education and Labor Committee, if there were any other issues to be taken up.

By obvious prearrangement, Representative FORD said, "Yes, the school prayer issue remains." and Senator KENNEDY then asked if there was a proposal in that regard. And Mr. FORD said, "Yes."

See, this is a one-act play. Mr. FORD said, "Yes." He and Representative KILDEE had substitute language authored by Representative PAT WILLIAMS.

Well, what do you know? Senator KENNEDY's concluding line in this one-act play was to the effect that this was fine with him, and he left. Everybody left, as a matter of fact. There was not a vote by the conferees on the school prayer issue or, for that matter, on the passage of the conference report itself. If the transcript says that there was, somebody doctored it.

This is not the first time, Madam President, that this sort of power assumption has occurred. For instance, in June 1990, the Senator from Massachusetts single-handedly dropped an amendment, in the House-Senate conference on the Americans With Disabilities Act, which would have exempted restaurants from being required—being forced by the Federal Government—to hire in their kitchens, foodhandlers who tested positive for HIV virus. The Senator prevented that provision from becoming law despite substantial votes in both the House and Senate in favor of the amendment. Senator KENNEDY is recorded as having assured the conferees that the Senate vote was basically meaningless.

Madam President, I ask unanimous consent that an article in this regard be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Madam President, the Goals 2000 conferees dropped the Helms-Lott school prayer amendment. But on March 21, 1994, the House of Representatives again overwhelmingly voted to approve the precise language of the Helms-Lott prayer amendment by a vote of 345 to 64. The House specifically rejected Representative WILLIAMS' language 239–171 as part of H.R. 6, the Elementary and Secondary Education Reauthorization Act.

All of this was ignored by the great news media, and I come from the news media.

But in doing so the House of Representatives reconfirmed what I have already described as a prearrangement between Mr. KENNEDY, Mr. WILLIAMS, and others that led to the will of the Senate and the House of Representatives and the American people being deliberately scuttled.

Madam President, the November 1992 issue of Reader's Digest contained an article by Eugene H. Methvin, who noted that 75 percent of Americans at that time supported school prayer. The title of the article included a question, "Why can't the voice of the people be heard on prayer in schools?"

Why, indeed, Madam President, why, indeed? He is not here now, but the Senator from Massachusetts is why. The American people should now know the answer to that question.

Small wonder that Congress is held in such low esteem when the votes of a majority, a vast majority of Senators and a vast majority of the House of Representatives, are rendered meaningless by two or three House-Senate conferees. I rest my case, and I yield the floor.

EXHIBIT 1

[From the Washington Post, June 26, 1990]

PROVISION ON AIDS WORKERS SCRAPPED—CONFEREES ON DISABILITY LEGISLATION BAR TRANSFERS OF FOOD HANDLERS

(By Helen Dewar)

A proposal to allow employers to transfer workers with AIDS out of food-handling jobs was killed yesterday by House-Senate conferees even though the provision had been approved by majorities of both houses for inclusion in sweeping legislation to protect the disabled from discrimination.

It is rare for a conference committee to defy majority votes of both houses, and the conferees' action could lead to another row over the food handlers issue when the bill goes back to the House and Senate for final approval, probably later this week.

The legislation, which would guarantee employment, public access and other rights to the disabled, was approved by the Senate last year without the food handlers provision. But after the House voted 199 to 187 to add the provision to its version of the legislation this year, the Senate took the unusual step of voted 53 to 40 to approve a proposal from Sen. Jesse Helms (R–NC) to instruct its conferees to go along with the House language.

Such instructions are nonbinding, and Senate Labor and Human Resources Committee Chairman Edward M. Kennedy (D–Mass), a principal backer of the legislation and foe of the food handlers provision told the conferees that he regarded the Senate vote on the issue as "basically meaningless." Kennedy asked the House conferees to drop the proposal, and they did by a vote of 12 to 10 over protests from Rep. Steve Bartlett (R–Tex.) that such a move could jeopardize passage of the bill. "We would slow down and perhaps kill the bill for this session if we go against a majority of both houses," Bartlett said.

The conferees' agreement is scheduled to go first to the Senate, where proponents of the food handlers provision could force a vote on the issue. The House could then accept or reject the measure as approved by the Senate.

The provision allows job transfers for food handlers, who have communicable diseases, such as AIDS, even if the disease is not transmitted in food, and requires employers to make "reasonable accommodation" for alternative employment.

Proponents of the provision said many restaurants would lose customers and could be forced out of business if AIDS patients cannot be prevented from handling food.

## CALIFORNIA DESERT PROTECTION ACT OF 1993

### MOTION TO PROCEED

The Senate continued to consider the motion.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, I have come to the floor to speak very briefly on the California Desert Protection Act. I almost feel as though this is my legislation because it comes out of my subcommittee, the Energy Committee, and, if I am not mistaken, we held our first hearing on this bill in 1987. There were 2 days of hearings to a packed committee room on a very hot day. We had at least one, and maybe two other hearings since then. They were lengthy hearings.

Since I have been chairman of the Subcommittee on Public Lands, National Parks and Forests since 1987, I think this legislation—with the possible exception of the mine law reform bill—has easily taken more time and generated more controversy than any other legislation that has come before this subcommittee.

S. 21, the bill now under consideration, marks the fourth consecutive Congress that we have considered this bill, or one similar to it. We have had literally tens of thousands of cards and letters from people—mostly in California but also throughout the country—expressing their views on both sides of the issue. Any time you are setting aside 3.7 million acres for national parks and wilderness, you are going to create a firestorm.

This particular bill by Senator FEINSTEIN has not generated quite as much heat as those previous. The previous bills were never even reported out of committee. And the reason they were not is because we could never get both California Senators on track. Senator Wilson, now Governor Wilson, was always adamantly opposed to the bill. Senator Cranston, the chief architect and mover of it, was never able to overcome Senator Wilson's objection.

But now both California Senators, Senators FEINSTEIN and BOXER have both introduced this legislation, and that is the reason we have been able to get it out of committee and onto the floor for consideration. I would like to commend Senator FEINSTEIN for all of her efforts in trying to address the many controversial issues that have come up with this bill.

Last year the committee held 2 days of hearings, and I think Senator FEINSTEIN was there every minute. Before we marked the bill up, she had a number of changes, trying to address the legitimate concerns of her constituents in California for which she is to be commended. Since we marked up the bill, she has continued to work on some boundary modifications, and other amendments in an effort to address even more concerns. Nobody can ever accuse Senator FEINSTEIN of bad faith, because nobody has ever worked harder than she has, not only to pass this bill but also to do it in a way that would accommodate as many people as possible.

I think this is a good bill. It provides protection for one of the most fragile areas of the United States. The 3.75 million acres to which I alluded a moment ago is BLM wilderness expansions to Death Valley and Joshua Tree National Monuments, and redesignation of both areas; that is, Death Valley and Joshua Tree National Monuments. It redesignates them national parks. And it designates a new national park, the Mojave National Park.

One of the few aspects with S. 21 that I am highly disappointed in concerns the boundary adjustments made by the committee to the Mojave National Park and to some of the wilderness areas. Against the wishes of the two California Senators, the committee decided to delete 290,000 acres of what is called Lanfair Valley from the bill, and to delete our cherry stem—that is, exclude a short stem area—for certain four-wheel-drive trails within four of the wilderness areas. I am not an expert on the specific characteristics of these areas, nor is any other Member of the Senate other than the two California Senators.

While I think this is a very good bill, Madam President, it has taken 7 years to bring it to the floor. Just a few weeks ago, the Senate overwhelmingly passed legislation that I sponsored to reform the concessions policies of the National Park Service. That bill took 15 years. I held the first hearing on that in 1978.

So, compared to that bill, this bill is on a fast track. I do not know what it is about the bills that come before my subcommittee, they always take forever. Maybe it is a lack of leadership, but they take forever to get to the floor and get them passed. Everybody in the U.S. Senate knew that our concessions policy was an abomination. Everybody knew that the leasing of lands of the Federal Government for oil and gas for $1 an acre was an abomination. Everybody knows the mining laws of this country are an absolute abomination. Yet it takes years and years to do things. And once you get them done, not one Member of the Senate would ever stand still for undoing them. So it is in the California desert bill. It protects an area that badly needs to be protected.

I again salute the Senators from California. I want to say I do not know what amendments are going to be offered. There are going to be several. But I am informed, happily, that there will not be a filibuster. So, presumably, Senator FEINSTEIN will be able to finish this bill sometime this week. I know that is going to be a red letter day for her, and it certainly is for me, to know that I will never have to hold another hearing on this bill.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I rise in opposition to S. 21, the California desert protection bill. I think it is important that we recognize the realities of what legislation such as this will do to the California desert. I think it is noteworthy that we also recognize the management expertise shown by the Bureau of Land Management that has managed this area for many years. The area has been open to multiple use, and now we face a restriction that will classify these lands resulting in the loss of their high resource values and values for citizens' recreation use.

I think it is the reality, if we were to reflect on whether this bill is needed or not, to recognize that we already have a desert plan, a workable management plan under the BLM that was developed with the input of desert user groups and the public. The BLM spent some $8 million developing this desert plan. The plan is now guiding the management of the desert and it is a plan that is working.

This bill would designate areas of the desert as national parks that are really not national park caliber. It will create new national park acreage equal to nearly two Yellowstones. But it is rather interesting, like so many things we do around here, there is no provision for authorizing any new funding. Funding would have to come from the already overburdened National Park Service budget. This is a particular concern of mine because I bear the responsibility as ranking member of the Senate subcommittee with jurisdiction over the National Park System. We simply do not have the funds to oversee the responsibilities we have now, and this bill would include a huge addition.

The bill would create national park and wilderness units that would contain a total of about 700,000 acres of private inholdings. This is something that is far too often overlooked. There are no provisions in the bill to address the acquisition of these inholdings. The bill is simply silent.

Many of the wilderness areas proposed for designation contain greater than 50 percent private inholdings. So we are going to have to go out and buy this private property. That may sound like something we could address in a relatively simple appropriations process. But recognizing there is already a backlog of national park inholdings amounting to $8 billion, Mr. President, we have already, over an extended period of time, acquired inholdings, but we have not paid for them.

This bill would add 700,000 more acres to the unfunded backlog. It is estimated it is going to take 20 years just to fund the existing inholdings. So how are we, with the authorization of 700,000 acres, affecting this backlog? How will it affect the acquisition of inholdings and proposed park expansion in other States?

The Department of the Interior has underestimated the cost of implementation of this legislation, in the opinion of the Senator from Alaska. It will cost $40 million to $70 million in the first 3 years, and there is no estimate of the cost of acquiring the inholdings. But there is an estimate that it could approach $1 billion. We already have $8 billion in backlog and we are talking about another $1 billion.

Now, I know the Senator from California has worked very hard on this bill, and I know that her intentions with regard to creating this area have a real ideology in the sense of setting up this area in its wilderness capacity, which a portion of this legislation would authorize. But I think it is important to recognize that this bill also would close millions of acres of the California desert from mining exploration and development. There are a lot of resources there. We know it is an area of world class mineral potential.

California Gov. Pete Wilson wrote a letter in opposition to the bill for the "unfavorable impact on the California economy, both now and in the future."

The bill, in my opinion, ignores the changing economics of the mineral industry and the relationship of that industry to the future validity of existing mining claims.

Finally, the bill closes hundreds of miles of roads, trails, and ways that provide access to inholders and opportunities for motorized recreation in the California desert. Without roads, access is limited to the distance a person can walk or ride a horse when carrying all necessary water. That is a requirement in the desert. Let me assure my colleagues that this would be a very limited access for potential visitors.

So what we are doing here is setting up these areas for people who can afford to hire, if you will, a guide to take them on a wilderness experience because you just do not walk off in the desert for a wilderness experience without considerable planning to allow you to enjoy your wilderness experience.

Why have so many wilderness areas been proposed for designation that include roads? Well, because in this case the definition of a road as used in this bill does not include those roads created and maintained simply by the repeated passage of vehicles. The desert has many areas where that is all that is needed to create a road. Dragging the blade of a Caterpillar or grading a road would be the worst thing that could be done. But these are not true wilderness areas, Mr. President. Many of the areas are crisscrossed with old roads; some of the structures are still there, old rights of way, old train tracks, and they contain huge amounts of inholdings. Some have even been used for military tank training.

These roads are used by families on picnics, camping, by rockhounds, archeologists, geologists, folks driving out to look at ghost towns, and these are legitimate and important uses of the desert. These are activities that can be conducted safely in the desert and would be under continued BLM oversight.

Well, let me tell you, Mr. President, in closing, we have a tradition around here of respecting the wishes of a united Senate delegation on Federal land designations within the State. It does not necessarily apply to my State of Alaska, but that is neither here nor there. It should. And that tradition is subject to the caveat that the land designation has no impact outside the State.

But I would strongly suggest this bill will have in fact a very profound impact outside the State of California. The possible expenditure of billions of dollars of Federal taxpayers' money will affect the rest of the United States. It will severely compromise the maintenance and management of the 367 other units of the National Park Service, and it will set back the acquisition of inholdings already authorized in other States by many, many years.

As I said, at current funding rates, it is going to take over 20 years and several billion dollars to purchase existing inholdings.

It sets a bad national precedent that the Federal Government will trample on the private property rights of Federal inholders by authorizing restrictive Federal land classifications which includes private inholdings, yet includes no provision to address the acquisition of these inholders.

Mr. President, is it not ironic that we go ahead and initiate authorizations and no appropriations? And that is just what we are talking about here. In S. 21, we are talking about taking a huge area of the desert, and making it into national parks, taking areas that have been classified for multiple use, and putting them into wilderness designation. It all sounds very, very fine, but we are making no provision to pay for it.

Mr. President, I would like to see this body reflect on its obligation to not mislead the American people by suggesting that we can create in the California Desert Protection Act a new park and new wildernesses. Reality dictates, Mr. President, we are talking about acquisition of huge amounts of private land, and we are not meeting the responsibility of figuring out how to pay for it.

As a consequence, Mr. President, as I indicated, I must oppose the legislation. I would hope that my colleagues will recognize that pursuing this legislation and supporting it as it is laid down is really unrealistic in the sense of meeting the obligation of providing for those inholders who are going to be waiting a long, long time for an appropriation to take care of their particular interest. They are entitled to better than that from this body.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask that I be recognized to make additional remarks on Senate bill, S. 21, the California Desert Protection Act.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Mr. President, I note from concerns that have been raised by the Senator from Alaska, and most probably by others, that the question of the economics of this bill is causing some concern. I thought I might add to the RECORD this letter. Mr. President, this is a letter from the Secretary of the Interior dated April 11. May I read it?

It reads:

> This historic opportunity to provide environmental protection to the California Desert is not to be missed simply because we are operating in an era of fiscal constraint. The Department has the fiscal and personnel resources to make this bill work. Assuming FY 1995 is the transition year, the Department can implement the bill within its existing FY 1995 budget request now pending before the Congress. I have approved a proposal developed by the Bureau of Land Management (BLM) and the National Park Service (NPS) to manage desert resources cooperatively, sharing facilities and equipment. Claims about excessive implementation costs of the bill are exaggerated and ignore the long term savings that will accrue because of this implementation strategy.
>
> As you know, the Congressional Budget Office (CBO) estimated the long term operational costs and land acquisition costs for S. 21. CBO estimated land acquisition costs at $100–300 million. However, as their report states, "CBO cannot estimate the budgetary impact of these land acquisition activities with any certainty." There are several important points to consider.
>
> First of all, these lands were already targeted for acquisition in BLM's protection plans for the California Desert. The land acquisition envisioned in S. 21 is less than that originally planned by the BLM. Thus, these acquisition costs are now new; in fact, the potential cost to the Federal treasury will be less.

The point I am going to make is that according to the Secretary of the Interior the cost of this bill will be less than costs incurred without the bill by BLM acquisition. Let me go on and explain and quote from the letter again.

> Second, land acquisition costs are discretionary to the extent that they can be spread over a long period of time. For instance, whenever any new unit of the NPS is created there are land acquisition costs which are requested and funded as budget limitations permit.

Third, let's put these estimates into prospective: In the 1995 budget alone, the four land managing agencies of the Federal Government (BLM, FWS, NPS, and USFS) requested $257 million for high priority land acquisition projects. Even at $15 million a year for the California Desert, that is less than 6 percent of the annual Federal budget request. That is very realistic to protect this spectacular natural resource.

In terms of operational costs, CBO estimates that costs will range between $6 to $9 million annually for five years. The Department estimates these costs between $5.8 and $7.4 million. Our estimates are based on BLM's actual experiences with the Arizona wilderness. It is important to note that these are optimal estimates for a five year period; we certainly have the option to work with Congress to phase them in over a longer period of time.

I anticipate that the Department of the Interior will be able to fully implement S. 21, and will do so more efficiently and in a more cost effective manner than ever before by managing the California Desert as one ecosystem. Enactment of S. 21 will assist us in introducing a new standard for public lands management that will benefit us all in many ways. I appreciate your leadership in securing passage of this important legislation.

Sincerely,

BRUCE BABBITT.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,
*Washington, DC, April 11, 1994.*

Hon. DIANNE FEINSTEIN,
*U.S. Senate, Washington, DC.*

DEAR SENATOR FEINSTEIN: As the California Desert Protection Act (S. 21) comes to the Senate floor today, I want to commend you on your tireless efforts to pass this legislation. If enacted into law, this bill assure protection of the valuable desert wilderness ecosystem.

This historic opportunity to provide environmental protection to the California Desert is not to be missed simply because we are operating in an era of fiscal constraint. The Department has the fiscal and personnel resources to make this bill work. Assuming FY 1995 is the transition year, the Department can implement the bill within its existing FY 1995 budget request now pending before the Congress. I have approved a proposal developed by the Bureau of Land Management (BLM) and the National Park Service (NPS) to manage desert resources cooperatively, sharing facilities and equipment. Claims about excessive implementation costs of the bill are exaggerated and ignore the long term savings that will accrue because of this implementation strategy.

As you know, the Congressional Budget Office (CBO) estimated the long term operational costs and land acquisition costs for S. 21. CBO estimated land acquisition costs of $100–300 million. However, as their report states, "CBO cannot estimate the budgetary impact of these land acquisition activities with any certainty." There are several important points to consider.

First of all, these lands were already targeted for acquisition in BLM's protection plans for the California Desert. The land acquisition envisioned in S. 21 is less than that originally planned by the BLM. Thus, these acquisition costs are not new; in fact, the potential cost to the Federal treasury will be less.

Second, land acquisition costs are discretionary to the extent that they can be spread over a long period of time. For instance, whenever any new unit of the NPS is created there are land acquisition costs which are requested and funded as budget limitations permit.

Third, let's put these estimates into perspective: in the 1995 budget alone, the four land managing agencies of the Federal government (BLM, FWS, NPS, and USFS) requested $257 million for high priority land acquisition projects. Even at $15 million a year for the California Desert, that is less than 6 per cent of the annual Federal budget request. That is very realistic to protect this spectacular natural resource.

In terms of operational costs, CBO estimates that costs will range between $6 to $9 million annually for five years. The Department estimates these costs between $5.8 and $7.4 million. Our estimates are based on BLM's actual experiences with the Arizona wilderness. It is important to note that these are optimal estimates for a five year period; we certainly have the option to work with Congress to phase them in over a longer period of time.

I anticipate that the Department of the Interior will be able to fully implement S. 21, and will do so more efficiently and in a more cost effective manner than ever before by managing the California Desert as one ecosystem. Enactment of S. 21 will assist us in introducing a new standard for public lands management that will benefit us all in many ways. I appreciate your leadership in securing passage of this important legislation.

Sincerely,

BRUCE BABBITT.

Mrs. FEINSTEIN. Mr. President, I would like this opportunity to clear up some concerns about mining that I believe are really misperceptions. Let me go over them once again. Let me give you the correct facts.

This bill excludes all producing mines. The bill recognizes valid existing mining claims. There are 14 minerals considered strategic by the Office of Technology Assessment. There are no known mineral resources anywhere in California desert areas designated by the bill of these 14 minerals. The 14 minerals identified by the Office of Technology Assessment as having strategic value are chromium, cobalt, manganese, platinum, bauxite/aluminum, beryllium, columbium, diamond (industrial), graphite (natural), rutile, tantalum, tin, titanium sponge, and vanadium. None of these minerals is produced in the California Desert.

When the committee marked up the desert bill, I proposed 11 amendments to modify boundaries of the parks and wilderness areas to eliminate potential mining conflicts and areas of high mineral potential. As a result of the changes in the bill, mining companies that opposed earlier versions of the desert bill have withdrawn their objections. This includes Viceroy Gold Corp., U.S. Borax, Unocal, North American Chemical Co., and Canyon Resources.

I do this to set the record straight. All existing mines are protected. All valid existing mining claims are protected. As a result of the amendments we have made, information provided by the California Department of Mines and Geology indicates that no mines are within the legislation's wilderness proposals, and only 5 of the over 400 mines in the 5 desert counties are within park additions or expansions. The BLM expected three of these to end operations during 1993, regardless of action on the California Desert Protection Act. The remaining two mines are likely to have valid rights, which will allow them to continue to operate.

So I hope we have set the mining myth straight. I have worked very hard to see that no jobs are lost from existing mining operations, and I believe we have achieved this in S. 21.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The junior Senator from California [Mrs. BOXER] is recognized.

Mrs. BOXER. Mr. President, I am so pleased to join the senior Senator, Senator FEINSTEIN, in strong support of her bill, the California Desert Protection Act. I am very proud to be her original cosponsor on this legislation.

Mr. President, when we pass this bill, we will protect the California Desert and prove once and for all that strong environmental policy makes good economic sense. Recently, Mr. President—and I am sure you will remember—Senator FEINSTEIN and I stood on the floor of the U.S. Senate and we asked our colleagues for help. We asked them to look at photographs and scenes of the California earthquake. We wanted them to help us rebuild our State and repair the damage the earthquake left in its wake.

I want to take this opportunity to again thank all of our colleagues who overwhelmingly supported quick assistance to our State. We are rebuilding and we are coming back, and many people owe a great debt of thanks to the U.S. Senate, to this administration, and to all those on both sides of the aisle who joined hands to help us.

Well, Mr. President, today I have brought along some very different pictures. I know Senator FEINSTEIN has shown some beautiful ones, as well. But we are going to show another kind of power of nature—its power to inspire, to provide recreation. You do not have to be a scientist, a geologist, or even an environmentalist to appreciate the beauty of our natural resources. All you need to do is open your eyes.

Many of us have had the good fortune to visit Yosemite, Shenandoah, and the Everglades. Millions of Americans have stared across beautiful mountaintops, and artists have captured their beauty for the benefit of future generations.

The relationship between nature and the people of this Nation is certainly a two-way street.

Just as we need the U.S. Senate to step in after a flood or a devastating earthquake or fire, it is our responsibility to protect and preserve and defend nature's most splendid gifts today so that we never have to mourn their destruction.

California's unique and precious resources belong to this entire Nation. The people know it, and they come there in droves to see the ocean and mountains, the wetlands, the plains, the rivers, and the deserts. Let us look at some of those resources, Mr. President.

Here is a photograph taken of Yosemite, the soaring, snow-capped mountains that so many millions of Americans enjoy. The incomparable rivers here at Nevada Falls and the Merced River. We must also protect the rivers for all time. The magnificent wetlands that we are losing at such a terrible rate, Mr. President—we have lost 50 percent of them in this country, and 90 percent of them in California—another wonder of nature.

Here is the ocean. I was very pleased to see that the State legislature in California passed an Ocean Protection Act which would protect the first 3 miles, from the coast out into the ocean, not allowing any oil rigs or destructive activities on that coast within that first 3 miles. We must protect the ocean. Here is another view of the power of nature.

Finally, thanks to my colleague and all of the work that has gone into the Desert Act, we have a picture of an oasis at the Mojave, an underwater spring that makes this incomparable and very fragile.

This is a photograph of the Lanfair Valley—my colleague is working hard on that particular area—where we can see the ponds that come up. There is hardly any water. It is extraordinary to see this. Here are the badlands, and here are the palm trees.

So, Mr. President, a picture is worth a lot of words, but I am a Senator, so I have a few more. Just 3 days ago, I stood in awe of the California desert environment. I am a little person as it is; I barely reach 5 feet. I stood among those cliffs of the desert, and I really felt the power and the spirit of nature. It is an unbelievable feeling, surrounded by these soaring mountain ranges marked by literally millions of years of evolution. It really is a transforming experience, Mr. President, to be that close to raw nature. And again it is our responsibility to preserve nature as it is so we can understand just who we are.

After 8 years of hard work, very hard work, first by Senator Alan Cranston, and now by my talented and hardworking colleague, Senator DIANNE FEINSTEIN, we finally have an opportunity to pass meaningful desert protection.

I want to say that I remember when a young legislative assistant named Kathy Files was working night and day for Senator Cranston. Now she has a different name. So many years have gone past. She is Kathy Lacey, and she has worked for Senator FEINSTEIN and for Senator Cranston before that. And I say for Senator FEINSTEIN and for this Senator and for all those who worked so hard, and especially for Kathy, I hope we can pass this before she is retired and before many of us are in the nursing home or are a part of history.

Eight years is much too long when you are talking about a resource as fragile as the desert. Eight years is much too long in a State that depends upon its natural resources to increase tourism and strengthen the economy. And it is too long in a State that counts on these unique ecosystems to give us beauty, recreation, and solitude.

So today we have an incredible opportunity, today, tomorrow and the few days after that. With our vote, the National Park Service estimates that California can bring in an estimated $200 million in revenues, create up to 2,000 new jobs, and add almost 3 million acres to the National Park System.

With just one vote, we can protect these soaring mountain ranges you saw, the volcanic spires, the cactus gardens, bighorn sheep, desert tortoises, golden eagles, and spectacular dune systems. With just one vote, we can preserve a wealth of cultural and historic sites—from our 12,000 archeological sites to our 1,500 historic sites and from our prehistoric pictographs, petroglyphs, and rock shelters to the ghost towns and historic military outposts from the more recent past. And, perhaps more important than anything else, we can offer real leadership by looking down the timeless road before us and creating something permanent and beautiful for all those who follow.

The legislation will create a beautiful Mojave National Park on the 1.9 million acres of desert land lying east of Barstow. People from every region of our Nation will travel to this park to see the spectacular mountain ranges, sand dunes that stand 600 feet tall, the world's largest Joshua-tree forest, archeological sites and more than 300 animal species, including the endangered desert tortoise and the desert bighorn sheep. They will come to this beautiful park, and they will have an incredible experience and they will help our State of California because, along with the increase in tourism, healthy, good tourism, that will create jobs that are sorely needed—respected jobs and permanent jobs.

This legislation will increase the prestige and protection and revenue of the Death Valley and Joshua Tree National Monuments by redesignating both of them as national parks.

Currently, the Death Valley Monument provides 885 jobs and generates roughly $57 million in tourist and tax income. When we redesignate it as a national park, we will be protecting a total of 3.4 million acres of land and increasing our ability to attract more tourists.

It will be the same with the Joshua Tree National Park. Currently, the monument provides 1,140 jobs and generates approximately $58 million in tourist and tax revenue. This legislation will help build on these successes by creating a national park that protects a total of 784,000 acres of land.

Mr. President, my colleague deserves a tremendous amount of credit.

This legislation strikes the critical balance between protecting our fragile desert ecosystems, creating economic growth, and preserving the legitimate uses of our public and our private lands. Listen to the San Diego Union Tribune. Now they are very often critical when we try to overreach when it comes to the environment. This is what they say that this bill achieves a "balance between environmental and economic concerns." The San Bernardino Sun agreed, explaining that the bill not only protects natural habitat, but "also aims to protect jobs."

So, Mr. President, this bill is fair, it strikes that critical balance, and it makes sense. And that is why polls show that over three-quarters of all Californians want the desert protected and why conservation groups across the Nation, including the Sierra Club, the Wilderness Society, and the National Audobon Society all support this bill; and it is why city and county governments throughout California have endorsed this important piece of legislation—from Los Angeles to San Diego and from Sacramento to San Francisco.

Mr. President, it is rare to have that kind of broad support, and yet Senator FEINSTEIN has gotten that kind of support for this bill.

Now, unfortunately, we will always hear those who will try to distort and misrepresent the Desert Protection Act. For example, the National Rifle Association claims this bill hurts hunters by not allowing them to practice their sport in the newly created Mojave National Park. What they fail to mention is that this is standard policy. The National Park Service prohibits hunting in all but 1 of its 51 national parks. And with good reason. Hunting threatens visitor safety, creates both real and de facto exclusions for visitors, and inevitably leads to fearful tourists avoiding the area entirely. This bill does not eliminate hunting in the desert. Let me repeat. This bill does not eliminate hunting in the desert. They will still have free range in nearly 10 million acres of Federal desert land and several million acres of State and private land—10 million acres of Federal land on which hunting will still be permitted.

Finally, the NRA fails to mention something that the hunters of the region have known for years: hunting in the East Mojave area is just not that good. Each year, only 20 to 30 deer and 5 bighorn sheep are taken by hunters in that entire area. This means that, each year, more deer are killed by cars on the George Washington Parkway than the entire East Mojave.

The NRA is out of touch with the people of California and even with the group they claim to represent: the hunters. A 1993 field poll found that 70 percent of all desert residents and two-thirds of all desert households with hunters support barring hunting from the proposed Mojave National Park.

Then, there are those who will say that this legislation will hurt the recreational vehicle users. I know how they feel. I had community meetings all over the State, and they came to all my meetings dressed in orange and that symbolized they were bike riders and they were opposed to this bill.

Let me just say almost 500,000 acres of public land—an area 10 times the size of Washington, DC—will remain open for trail bikes, for all-terrain vehicles and for other types of off-road vehicles.

So, Mr. President, when you hear those arguments about hunting and riding motorbikes, please know that Senator FEINSTEIN has a bill here that really responds to their needs.

Next, there are those who will argue that this legislation will weaken private property rights. Nothing could be further from the truth. This bill simply creates national park and wilderness areas out of already existing Federal lands. Private land within those boundaries will remain in private hands. The owners can sell the land to the Government if they want to, or they can use it in any way that does not damage the surrounding Federal land.

Finally, there are some who will argue this bill will cost California jobs. And as I have said continually through my statement, on the contrary, this bill will create jobs because of the increased tourism, and it will help shatter a myth—the myth that says you cannot have a healthy environment and a strong economy.

This bill will protect current mining claims, as Senator FEINSTEIN has painstakingly explained, will allow all existing mining operations to continue. So we are looking at a bill again that has been very well thought out. It just does not come to us out of the air. It has been worked on for 8 long years, and Senator FEINSTEIN knew what she had to do to preserve the desert and yet respond to the needs of her constituents and mine in California, who have come to our meetings, who have spoken to us at length, and have written us letters and asked us to respond.

So, Mr. President, I again want to commend my colleague to piece together this legislation was really a very difficult job and we should act on it now.

When we pass this Desert Protection Act, we will give a healthy shot of adrenalin to the environment and the California economy, and we will preserve our desert for all Americans from every State in the Union and for all the world for generations to come.

I urge my colleagues to support this important legislation and to oppose all weakening amendments. Let it be said of this Senate that in 1994 we finally stepped up to the plate and preserved the California desert for all times.

Thank you very much, Mr. President, and I yield the floor.

The PRESIDING OFFICER. The senior Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank my friend and colleague, the Senator from California, for those remarks and that very strong statement.

I would also like to point out that her support has been there from the very beginning. It has been true, it has been steadfast, it has been consistent. She has been my primary cosponsor.

I am fully aware of the fact that, as the chairman of the committee, the distinguished Senator from Louisiana, pointed out and the chairman of the subcommittee, the Senator from Arkansas, pointed out, this bill would not be where it is today if it were not for the support of both of the Senators of the State. And so for this kind of assistance and support, I say to the Senator thank you very much.

Mrs. BOXER. Mr. President, I would like to respond to my colleague.

Of course, this was a great pleasure to work with her on this bill. We will not rest until it becomes law. It has a lot of hurdles yet ahead.

But I think we told the people of California very clearly that it would make a difference when the California Senators can work as a team, and I think nowhere could we show this more than on this bill. We also showed it on the earthquake bill, and we will have other opportunities to show it as well.

But I say to my colleague, it has been an honor and a privilege and we will certainly celebrate when this bill becomes law.

I yield the floor.

## APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C 276h–276k, as amended, appoints the Senator from Georgia [Mr. COVERDELL] as vice chairman of the Senate delegation to the Mexico-United States Interparliamentary Group during the second session of the 103d Congress, vice the Senator from Texas [Mr. GRAMM].

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PREVENTIVE HEALTH SERVICES AND HEALTH PROFESSIONS AMENDMENTS ACT OF 1993

The text of S. 1569, an act to amend the Public Health Service Act to establish, reauthorize, and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes, as passed by the Senate on March 26, 1994, is as follows:

S. 1569

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Disadvantaged Minority Health Improvement Act of 1994".

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or a repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

(c) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; reference; table of contents.
Sec. 2. Findings.

TITLE I—HEALTH POLICY

Sec. 101. Office of Minority Health.
Sec. 102. Agency Offices of Minority Health.
Sec. 103. State Offices of Minority Health.
Sec. 104. Assistant Secretary of Health and Human Services for Civil Rights.

TITLE II—HEALTH SERVICES

Sec. 201. Health services for residents of public housing.
Sec. 202. Issuance of regulations regarding language as impediment to receipt of services.
Sec. 203. Health services for Pacific Islanders.

TITLE III—HEALTH PROFESSIONS

Sec. 301. Loans for disadvantaged students.
Sec. 302. Cesar Chavez primary care scholarship program.
Sec. 303. Thurgood Marshall scholarship program.
Sec. 304. Loan repayments and fellowships regarding faculty positions at health professions schools.
Sec. 305. Centers of excellence.
Sec. 306. Educational assistance regarding undergraduates.
Sec. 307. Area health education centers.

TITLE IV—RESEARCH AND DATA COLLECTION

Sec. 401. Office of Research on Minority Health.

Sec. 402. Activities of Agency for Health Care Policy and Research.
Sec. 403. Data collection by National Center for Health Statistics.
TITLE V—MISCELLANEOUS
Sec. 501. Revision and extension of program for State Offices of Rural Health.
Sec. 502. Technical corrections relating to health professions.
Sec. 503. Clinical traineeships.
Sec. 504. Demonstration project grants to States for Alzheimer's disease.
Sec. 505. Medically underserved area study.
Sec. 506. Programs regarding birth defects.
Sec. 507. Demonstration projects regarding diabetic-retinopathy.
Sec. 508. Mexican Border State Analytical Laboratories.
Sec. 509. Construction of regional centers for research on primates.
TITLE VI—MULTIETHNIC PLACEMENT
Sec. 601. Short title.
Sec. 602. Findings and purpose.
Sec. 603. Multiethnic placements.
TITLE VII—VOLUNTARY MUTUAL REUNIONS
Sec. 701. Facilitation of reunions.
TITLE VIII—GENERAL PROVISIONS
Sec. 801. Effective date.

### SEC. 2. FINDINGS.

Section 1(b) of the Disadvantaged Minority Health Improvement Act of 1990 (42 U.S.C. 300u-6 note) is amended to read as follows—

"(b) Findings.—Congress finds that—

"(1) the health status of individuals from racial and ethnic minorities in the United States is significantly lower than the health status of the general population and has not improved significantly since the issuance of the 1985 report entitled "Report of the Secretary's Task Force on Black and Minority Health";

"(2) racial and ethnic minorities are disproportionately represented among the poor;

"(3) racial and ethnic minorities suffer disproportionately high rates of cancer, heart disease, diabetes, substance abuse, acquired immune deficiency syndrome, and other diseases and disorders;

"(4) the incidence of infant mortality among African Americans is almost double that for the general population;

"(5) Mexican-American and Puerto Rican adults have diabetes rates twice that of non-Hispanic whites;

"(6) a third of American Indian deaths occur before the age of 45;

"(7) according to the 1990 Census, African Americans, Hispanics, American Indians, and Asian/Pacific Islanders constitute approximately 12.1 percent, 9 percent, 0.08 percent, and 2.9 percent, respectively, of the population of the United States;

"(8) minority health professionals have historically tended to practice in low-income areas, medically underserved areas, and to serve racial and ethnic minorities;

"(9) minority health professionals have historically tended to engage in the general practice of medicine and specialties providing primary care;

"(10) reports published in leading medical journals indicate that access to health care among minorities can be substantially improved by increasing the number of minority professionals;

"(11) diversity in the faculty and student body of health professions schools enhances the quality of education for all students attending the schools; and

"(12) health professionals need greater access to continuing medical education programs to enable such professionals to upgrade their skills (including linguistic and cultural competence skills) and improve the quality of medical care rendered in minority communities.".

## TITLE I—HEALTH POLICY

### SEC. 101. OFFICE OF MINORITY HEALTH.

Section 1707 (42 U.S.C. 300u-6) is amended by striking subsection (b) and all that follows and inserting the following:

"(b) Duties.—With respect to improving the health of racial and ethnic minorities, the Secretary, acting through the Deputy Assistant Secretary for Minority Health, shall carry out the following:

"(1) Establish short-range and long-range goals and objectives and coordinate all other activities within the Public Health Service that relate to disease prevention, health promotion, service delivery, and research concerning such individuals. The Director of the Centers for Disease Control and Prevention, the Administrator of the Health Resources and Services Administration, the Director of the Agency for Health Care Policy and Research, the Administrator of the Substance Abuse and Mental Health Services Administration and the Director of the National Institutes of Health shall consult with the Deputy Assistant Secretary for Minority Health to ensure the coordination of all activities within the Public Health Service as they relate to disease prevention, health promotion, service delivery, and research concerning such individuals.

"(2) Carry out the following types of activities by entering into interagency agreements with other agencies of the Public Health Service:

"(A) Support research, demonstrations and evaluations to test new and innovative models.

"(B) Increase knowledge and understanding of health risk factors.

"(C) Develop mechanisms that support better information dissemination, education, prevention, and service delivery to individuals from disadvantaged backgrounds, including racial and ethnic minorities.

"(3) Support a national minority health resource center to carry out the following:

"(A) Facilitate the exchange of information regarding matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care.

"(B) Facilitate access to such information.

"(C) Assist in the analysis of issues and problems relating to such matters.

"(D) Provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance).

"(4) Establish a national center that shall carry out programs to improve access to health care services for individuals with limited English proficiency by facilitating the removal of impediments to the receipt of health care that result from such limitation.

"(5) With respect to grants and contracts that are available under certain minority health programs, the Secretary shall ensure that the agencies of the Public Health Service—

"(A) inform entities, as appropriate, that the entities may be eligible for the awards;

"(B) provide technical assistance to such entities in the process of preparing and submitting applications for the awards in accordance with the policies of the Secretary regarding such application; and

"(C) inform populations, as appropriate, that members of the populations may be eligible to receive services or otherwise participate in the activities carried out with such awards.

"(6) Not later than September 1 of each year, the Deputy Assistant Secretary of Minority Health shall prepare and submit to the Secretary a report summarizing the activities of each Office of Minority Health within the Public Health Service, including the Office of Research on Minority Health at the National Institutes of Health.

"(c) Advisory Committee.—

"(1) In general.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Health (in this subsection referred to as the 'Committee').

"(2) Duties.—The Committee shall provide advice to the Secretary on carrying out this section, including advice on the development of goals and specific program activities under subsection (b)(1) for each racial and ethnic group.

"(3) Chairperson.—The Deputy Assistant Secretary for Minority Health shall serve as the Chairperson of the Committee.

"(4) Composition.—The Committee shall be composed of no fewer than 12, and not more than 18 individuals, who are not officers or employees of the Federal Government. The Secretary shall appoint the members of the Committee from among individuals with expertise regarding issues of minority health. The membership of the Committee shall be equitably representative of the various racial and ethnic groups. The Secretary may appoint representatives from selected Federal agencies to serve as ex officio, non-voting members of the Committee.

"(5) Terms.—Each member of the Committee shall serve for a term of 4 years, except that the Secretary shall initially appoint a portion of the members to terms of 1 year, 2 years, and 3 years.

"(6) Vacancies.—If a vacancy occurs on the Committee, a new member shall be appointed by the Secretary within 90 days from the date that the vacancy occurs, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Committee.

"(7) Compensation.—Members of the Committee who are officers or employees of the United States shall serve without compensation. Members of the Committee who are not officers or employees of the United States shall receive, for each day (including travel time) they are engaged in the performance of the functions of the Committee, compensation at rates that do not exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule under title 5, United States Code.

"(d) Certain Requirements Regarding Duties.—

"(1) Recommendations regarding language as impediment to health care.—The Secretary, acting through the Director of the Office of Refugee Health, the Director of the Office of Civil Rights, and the Director of the Office of Minority Health of the Health Resources and Services Administration, shall make recommendations regarding activities under subsection (b)(4).

"(2) Equitable allocation regarding activities.—In awarding grants or contracts under section 338A, 338B, 340A, 724, 737, 738, or 1707, the Secretary shall ensure that such awards are equitably allocated with respect to the various racial and ethnic populations.

"(3) Cultural competency of services.—The Secretary shall ensure that information and services provided pursuant to subsection

(b) are provided in the language and cultural context that is most appropriate for the individuals for whom the information and services are intended.

"(4) PEER REVIEW.—The Secretary shall ensure that each application for a grant, contract or cooperative agreement under this section undergoes appropriate peer review.

"(e) REPORTS.—Not later than January 31 of fiscal year 1995 and of each second year thereafter, the Secretary shall submit to the Congress a report describing the activities carried out under this section during the preceding 2 fiscal years and evaluating the extent to which such activities have been effective in improving the health of racial and ethnic minorities.

"(f) GRANTS AND CONTRACTS REGARDING DUTIES.—

"(1) AUTHORITY.—In carrying out subsection (b), the Secretary may enter into grants and contracts with public and nonprofit private entities.

"(2) EVALUATION AND DISSEMINATION.—The Secretary shall, directly or through contracts with public and private entities, provide for evaluations of projects carried out with financial assistance provided under paragraph (1) during the preceding 2 fiscal years. The report shall be included in the report required under subsection (e) for the fiscal year involved.

"(g) DEFINITION.—As used in this section, the term 'racial and ethnic minority group' means Hispanics, Blacks, Asian Americans, Pacific Islanders, Native Americans, and Alaskan Natives. The term 'Hispanic' means individuals whose origin is Mexican, Puerto Rican, Cuban, Central or South American, or any other Spanish-speaking country, including Spain or the Caribbean Islands, and individuals identifying themselves as Hispanic, Latino, Spanish, or Spanish-American.

"(h) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $20,500,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(2) ALLOCATION OF FUNDS BY SECRETARY.—Of the amounts appropriated under paragraph (1) for a fiscal year in excess of $15,000,000, the Secretary shall make available not less than $3,000,000 for activities to improve access to health care services for individuals with limited English proficiency, including activities identified in subsection (b)(4).".

**SEC. 102. AGENCY OFFICES OF MINORITY HEALTH.**

Title XVII (42 U.S.C. 300u et seq.) is amended by adding at the end the following new section:

**"SEC. 1709. AGENCY OFFICES OF MINORITY HEALTH.**

"(a) IN GENERAL.—The Secretary shall ensure that an Office of Minority Health is operating at the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Administration, and the Agency for Health Care Policy and Research. Such Offices shall ensure that services and programs carried out within each such respective agency or office—

"(1) are equitably delivered with respect to racial and ethnic groups;

"(2) provide culturally and linguistically competent services; and

"(3) utilize racial and ethnic minority community-based organizations to deliver services.

"(b) REPORTS.—Each Office of Minority Health within the Public Health Service, including the Office of Research on Minority Health at the National Institutes of Health, shall submit a report, not later than May 1 of each year, to the Deputy Assistant Secretary for Minority Health (as provided for in section 1707(b)) describing the accomplishments or programs of the plan, the budget allocation and expenditures for, and the development and implementation of, such health programs targeting racial and ethnic minority populations. The Secretary shall ensure the participation and cooperation of each Agency in the development of the annual report.".

**SEC. 103. STATE OFFICES OF MINORITY HEALTH.**

Title XVII (42 U.S.C. 300u et seq.), as amended by section 102, is further amended by adding at the end the following new section:

**"SEC. 1710. GRANTS TO STATES FOR OPERATION OF OFFICES OF MINORITY HEALTH.**

"(a) IN GENERAL.—The Secretary, acting through the Deputy Assistant Secretary for Minority Health (as provided for in section 1707), may make grants to States for the purpose of improving the health status in minority communities, through the operation of State offices of minority health established to monitor and facilitate the achievement of the Health Objectives for the Year 2000 as they affect minority populations.

"(b) ADMINISTRATION OF PROGRAM.—The Secretary may not make a grant to a State under subsection (a) unless such State agrees that the program carried out by the State with amounts received under the grant will be administered directly by a single State agency.

"(c) CERTAIN REQUIRED ACTIVITIES.—The Secretary may not make a grant to a State under subsection (a) unless such State agrees that activities carried out by an office operated under the grant received pursuant to such subsection will—

"(1) establish and maintain within the State a clearinghouse for collecting and disseminating information on—

"(A) minority health care issues;

"(B) research findings relating to minority health care; and

"(C) innovative approaches to the delivery of health care and social services in minority communities;

"(2) coordinate the activities carried out in the State that relate to minority health care, including providing coordination for the purpose of avoiding redundancy in such activities;

"(3) identify Federal and State programs regarding minority health, and providing technical assistance to public and nonprofit entities regarding participation in such program; and

"(4) develop additional Healthy People 2000 objectives for the State that are necessary to address the most prevalent morbidity, mortality and disability concerns for racial and ethnic minority groups in the State.

"(d) REQUIREMENT REGARDING ANNUAL BUDGET FOR THE OFFICE.—The Secretary may not make a grant to a State under subsection (a) unless such State agrees that, for any fiscal year for which the State receives such a grant, the office operated under such grant will be provided with an annual budget of not less than $75,000.

"(e) CERTAIN USES OF FUNDS.—

"(1) RESTRICTIONS.—The Secretary may not make a grant to a State under subsection (a) unless such State agrees that—

"(A) if research with respect to minority health is conducted pursuant to the grant, not more than 10 percent of the amount received under the grant will be expended for such research; and

"(B) amounts provided under the grant will not be expended—

"(i) to provide health care (including providing cash payments regarding such care);

"(ii) to conduct activities for which Federal funds are expended—

"(I) within the State to provide technical and other nonfinancial assistance under subsection (m) of section 340A;

"(II) under a memorandum of agreement entered into with the State under subsection (h) of such section; or

"(III) under a grant under section 388I;

"(iii) to purchase medical equipment, to purchase ambulances, aircraft, or other vehicles, or to purchase major communications equipment;

"(iv) to purchase or improve real property; or

"(v) to carry out any activity regarding a certificate of need.

"(2) AUTHORITIES.—Activities for which a State may expend amounts received under a grant under subsection (a) include—

"(A) paying the costs of establishing an office of minority health for purposes of subsection (a);

"(B) subject to paragraph (1)(B)(ii)(III), paying the costs of any activity carried out with respect to recruiting and retaining health professionals to serve in minority communities or underserved areas in the State; and

"(C) providing grants and contracts to public and nonprofit entities to carry out activities authorized in this section.

"(f) REPORTS.—The Secretary may not make a grant to a State under subsection (a) unless such State agrees—

"(1) to submit to the Secretary reports containing such information as the Secretary may require regarding activities carried out under this section by the State; and

"(2) to submit a report not later than January 10 of each fiscal year immediately following any fiscal year for which the State has received such a grant.

"(g) REIMBURSEMENT OF APPLICATION.—The Secretary may not make a grant to a State under subsection (a) unless an application for the grant is submitted to the Secretary and the application in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out such subsection.

"(h) NONCOMPLIANCE.—The Secretary may not make payments under subsection (a) to a State for any fiscal year subsequent to the first fiscal year of such payments unless the Secretary determines that, for the immediately preceding fiscal year, the State has complied with each of the agreements made by the State under this section.

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For purposes of making grants under subsection (a) there are authorized to be appropriated $3,000,000 for fiscal year 1995, $4,000,000 for fiscal year 1996, and $3,000,000 for fiscal year 1997.

"(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

"(j) TERMINATION OF PROGRAM.—No grant may be made under this section after the aggregate amounts appropriated under subsection (i)(1) are equal to $10,000,000.".

**SEC. 104. ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES FOR CIVIL RIGHTS.**

(a) IN GENERAL.—Part A of title II (42 U.S.C. 202 et seq.), as amended by section 2010 of Public Law 103-43, is amended by adding at the end the following new section:

### "SEC. 229. ASSISTANT SECRETARY FOR CIVIL RIGHTS.

"(a) ESTABLISHMENT OF POSITION.—There shall be in the Department of Health and Human Services an Assistant Secretary for Civil Rights, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) RESPONSIBILITIES.—The Assistant Secretary shall perform such functions relating to civil rights as the Secretary may assign.".

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended, in the item relating to Assistant Secretaries of Health and Human Services, by striking "(5)" and inserting "(6)".

## TITLE II—HEALTH SERVICES

### SEC. 201. HEALTH SERVICES FOR RESIDENTS OF PUBLIC HOUSING.

Section 340A(p)(1) (42 U.S.C. 256a(p)(1)) is amended—

(1) by striking "$35,000,000 for fiscal year 1991" and inserting "$12,000,000 for fiscal year 1994"; and

(2) by striking "1992 and 1993" and inserting "1995 and 1996".

### SEC. 202. ISSUANCE OF REGULATIONS REGARDING LANGUAGE AS IMPEDIMENT TO RECEIPT OF SERVICES.

(a) PROPOSED RULE.—Not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall issue a proposed rule regarding policies to reduce the extent to which having limited English proficiency constitutes a significant impediment to individuals in establishing the eligibility of the individuals for—

(1) participation in health programs under the Public Health Service Act;

(2) the receipt of services under such programs and under programs under titles XVIII and XIX of the Social Security Act; or

(3) participation in programs or activities otherwise receiving financial assistance from the Secretary or receiving services under such programs or activities.

(b) FINAL RULE.—

(1) IN GENERAL.—Not later than the expiration of the 1-year period beginning on the date of the enactment of this Act, the Secretary shall issue a final rule regarding the policies described in subsection (a).

(2) FAILURE TO ISSUE BY DATE CERTAIN.—If the Secretary fails to issue a final rule under paragraph (1) before the expiration of the period specified in such paragraph, the proposed rule issued under subsection (a) is upon such expiration deemed to be the final rule under paragraph (1) (and shall remain in effect until the Secretary issues a final rule under such paragraph).

### SEC. 203. HEALTH SERVICES FOR PACIFIC ISLANDERS.

Section 10 of the Disadvantaged Minority Health Improvement Act of 1990 (42 U.S.C. 254c–1) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting ", substance abuse" after "availability of health"; and

(ii) by striking ", including improved health data systems";

(B) in paragraph (3)—

(i) by striking "manpower" and inserting "care providers"; and

(ii) by striking "by—" and all that follows through the end thereof and inserting a semicolon;

(C) by striking paragraphs (5) and (6);

(D) by redesignating paragraphs (7), and (8) as paragraphs (5) and (6), respectively;

(E) in paragraph (5) (as so redesignated), by striking "and" at the end thereof;

(F) in paragraph (6) (as so redesignated), by striking the period and inserting a semicolon; and

(G) by inserting after paragraph (6) (as so redesignated), the following new paragraphs:

"(7) to provide primary health care, preventive health care, and related training to American Samoan health care professionals; and

"(8) to improve access to health promotion and disease prevention services for rural American Samoa.";

(2) in subsection (f)—

(A) by striking "there is" and inserting "there are"; and

(B) by striking "$10,000,000" and all that follows through "1993" and inserting "$5,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996"; and

(3) by adding at the end thereof the following new subsection:

"(g) STUDY AND REPORT.—

"(1) STUDY.—Not later than 180 days after the date of enactment of this subsection, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall enter into a contract with a public or nonprofit private entity for the conduct of a study to determine the effectiveness of projects funded under this section.

"(2) REPORT.—Not later than July 1, 1995, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the findings made with respect to the study conducted under paragraph (1).".

## TITLE III—HEALTH PROFESSIONS

### SEC. 301. LOANS FOR DISADVANTAGED STUDENTS.

Section 724(f)(1) (42 U.S.C. 292t(f)(1)) is amended—

(1) by striking "there is" and inserting "there are"; and

(2) by striking "$15,000,000 for fiscal year 1993" and inserting "$8,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996".

### SEC. 302. CESAR CHAVEZ PRIMARY CARE SCHOLARSHIP PROGRAM.

Section 736 (42 U.S.C. 293) is amended—

(1) by striking the section heading and inserting the following:

### "SEC. 736. CESAR CHAVEZ PRIMARY CARE SCHOLARSHIP PROGRAM.";

(2) in subsection (c)—

(A) by striking "there is" and inserting "there are"; and

(B) by striking "$11,000,000 for fiscal year 1993" and inserting "$10,500,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996".

### SEC. 303. THURGOOD MARSHALL SCHOLARSHIP PROGRAM.

Section 737 (42 U.S.C. 293a) is amended—

(1) by striking the section heading and inserting the following:

### "SEC. 737. THURGOOD MARSHALL SCHOLARSHIP PROGRAM.";

(2) in subsection (a)—

(A) in paragraph (1), by inserting "(to be known as Thurgood Marshall Scholars)" after "providing scholarships to individuals"; and

(B) in paragraph (3), by inserting "schools offering programs for the training of physician assistants," after "public health,"; and

(3) in subsection (h), by striking paragraph (1) and inserting the following new paragraph:

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $17,100,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

### SEC. 304. LOAN REPAYMENTS AND FELLOWSHIPS REGARDING FACULTY POSITIONS AT HEALTH PROFESSIONS SCHOOLS.

Section 738 (42 U.S.C. 293b) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "disadvantaged backgrounds who—" and inserting "racial or ethnic groups that are under-represented in the health professions who—"

(B) in paragraph (5)—

(i) by striking "; and" in subparagraph (A) and inserting a period;

(ii) by striking "unless—" and all that follows through "the individual involved" in subparagraph (A) and inserting "unless the individual involved"; and

(iii) striking subparagraph (B);

(C) by striking paragraph (6); and

(D) by redesignating paragraph (7) as paragraph (6); and

(2) in subsection (b)(2)(B), by striking "$30,000" and inserting "$50,000";

(3) in subsection (c)—

(A) by striking "there is" and inserting "there are"; and

(B) by striking "$4,000,000 for fiscal year 1993" and inserting "$1,100,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996".

### SEC. 305. CENTERS OF EXCELLENCE.

Section 739 (42 U.S.C. 293c) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by inserting before the semicolon the following: "through collaboration with public and nonprofit private entities to carry out community-based programs to prepare students in secondary schools and institutions of higher education for attendance at the health professions school";

(B) in paragraph (4), by striking "and" at the end thereof;

(C) in paragraph (5), by striking the period and inserting "; and"; and

(D) by adding at the end thereof the following new paragraph:

"(6) to train the students of the school at community-based health facilities that provide health services to a significant number of minority individuals and that are located at a site remote from the main site of the teaching facilities of the school.";

(2) in subsection (e)—

(A) by striking the subsection heading and inserting "AUTHORITY REGARDING CONSORTIA.—";

(B) by striking paragraph (1) and inserting the following new paragraph:

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) to any school of medicine, osteopathic medicine, dentistry, clinical psychology, or pharmacy that has in accordance with paragraph (2) formed a consortium of schools.";

(C) in paragraph (2), by striking subparagraphs (A) through (D) and inserting the following new subparagraphs:

"(A) the consortium consists of—

"(i) the health professions school seeking the grant under subsection (a); and

"(ii) one or more schools of medicine, osteopathic medicine, dentistry, pharmacy, nursing, allied health, or public health, or graduate programs in mental health practice;

"(B) the schools of the consortium have entered into an agreement for the allocation of such grant among the schools; and

"(C) each of the schools agrees to expend the grant in accordance with this section."; and

(D) by adding at the end the following paragraph:

"(3) AUTHORITY FOR COLLECTIVELY MEETING RELEVANT REQUIREMENTS IN CERTAIN CASES.—With respect to meeting the conditions specified in subsection (c)(4) for Native American Centers of Excellence, the Secretary may make a grant to any school that has in accordance with paragraphs (1) and (2) formed a consortium of schools that meets such conditions (without regard to whether the schools of the consortium individually meet such conditions)."; and

(3) in subsection (i)—

(A) in paragraph (1), by striking "such sums as may be necessary for fiscal year 1993" and inserting "$25,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996"; and

(B) in paragraph (2)(C) by adding at the end the following: "Health professions schools described in subsection (c)(2)(A) shall be eligible for grants under this subparagraph in a fiscal year if the amount appropriated for the fiscal year under paragraph (1) is greater than $23,500,000. Such schools shall be eligible to apply only for grants made from the portion of such amount that exceeds $23,500,000.".

### SEC. 306. EDUCATIONAL ASSISTANCE REGARDING UNDERGRADUATES.

Section 740 (42 U.S.C. 293d) is amended—

(1) in subsection (a)(1), by adding at the end the following new sentence: "To be eligible for such a grant, a school shall have in place a program to assist individuals from disadvantaged backgrounds in gaining entry into a health professions school or completing the course of study at such a school.";

(2) in subsection (d)(1)—

(A) by striking "there is" and inserting "there are"; and

(B) by striking "1993" and inserting "1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996".

(3) in subsection (d)(2)(B), by adding at the end thereof the following new sentence: "Scholarship recipients under this section shall be known as 'Cesar Chavez Primary Care Scholars'.".

### SEC. 307. AREA HEALTH EDUCATION CENTERS.

Section 746(d)(2)(D) (42 U.S.C. 293j(d)(2)(D)) is amended by inserting "and minority health" after "disease prevention".

## TITLE IV—RESEARCH AND DATA COLLECTION

### SEC. 401. OFFICE OF RESEARCH ON MINORITY HEALTH.

Section 404 (42 U.S.C. 283b), as added by section 151 of Public Law 103–43, is amended by adding at the end the following subsections:

"(c) PLAN.—The Director of the Office, shall collaborate with the Deputy Assistant Secretary for Minority Health (as provided for in section 1707), to develop and implement a plan for carrying out the duties required by subsection (b). The Director, in consultation with the Deputy Assistant Secretary for Minority Health, shall review the plan not less often than annually, and revise the plan as appropriate.

"(d) EQUITY REGARDING VARIOUS GROUPS.—The Director of the Office shall ensure that activities under subsection (b) address equitably all minority groups.

"(e) ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT.—In carrying out subsection (b), the Secretary shall establish an advisory committee to be known as the Advisory Committee on Research on Minority Health (in this subsection referred to as the 'Advisory Committee').

"(2) COMPOSITION.—

"(A) VOTING AND NONVOTING MEMBERS.—The Advisory Committee shall be composed of voting members appointed in accordance with subparagraph (B) and the ex officio nonvoting members described in subparagraph (C).

"(B) VOTING MEMBERS.—The Advisory Committee shall include not fewer than 12, and not more than 18, voting members who are not officers or employees of the Federal Government. The Director of the Office shall appoint such members to the Advisory Committee from among physicians, practitioners, scientists, consumers and other health professionals, whose clinical practices, research specialization, or professional expertise includes a significant focus on research on minority health or on the barriers that minorities must overcome to participate in clinical trials. The membership of the Advisory Committee shall be equitably representative of the minority groups served by the Office.

"(C) EX OFFICIO NONVOTING MEMBERS.—The Deputy Assistant Secretary for Minority Health and the Directors of each of the national research entities shall serve as ex officio nonvoting members of the Advisory Committee (except that any of such Directors may designate an official of the institute involved to serve as such member of the Committee in lieu of the Director).

"(3) CHAIRPERSON.—The Director of the Office shall serve as the chairperson of the Advisory Committee.

"(4) DUTIES.—The Advisory Committee shall—

"(A) advise the Director of the Office on appropriate research activities to be undertaken by the national research institutes with respect to—

"(i) research on minority health;

"(ii) research on racial and ethnic differences in clinical drug trials, including responses to pharmacological drugs;

"(iii) research on racial and ethnic differences in disease etiology, course, and treatment; and

"(iv) research on minority health conditions which require a multidisciplinary approach;

"(B) report to the Director of the Office on such research;

"(C) provide recommendations to such Director regarding activities of the Office (including recommendations on priorities in carrying out research described in subparagraph (A)); and

"(D) assist in monitoring compliance with section 492B regarding the inclusion of minorities in clinical research.

"(5) BIENNIAL REPORT.—

"(A) PREPARATION.—The Advisory Committee shall prepare a biennial report describing the activities of the Committee, including findings made by the Committee regarding—

"(i) compliance with section 492B;

"(ii) the extent of expenditures made for research on minority health by the agencies of the National Institutes of Health; and

"(iii) the level of funding needed for such research.

"(B) SUBMISSION.—The report required in subparagraph (A) shall be submitted to the Director of the National Institutes of Health for inclusion in the report required in section 403.

"(f) REPRESENTATIVES OF MINORITIES AMONG RESEARCHERS.—The Secretary, acting through the Assistant Secretary for Personnel Administration and in collaboration with the Director of the Office, shall determine the extent to which minorities are represented among senior physicians and scientists of the national research institutes and among physicians and scientists conducting research with funds provided by such institutes, and as appropriate, carry out activities to increase the extent of such representation.

"(g) DEFINITIONS.—For purposes of this part:

"(1) MINORITY HEALTH CONDITIONS.—The term 'minority health conditions', with respect to individuals who are members of minority groups, means all diseases, disorders, and conditions (including with respect to mental health)—

"(A) unique to, more serious, or more prevalent in such individuals;

"(B) for which the factors of medical risk or types of medical intervention are different for such individuals, or for which it is unknown whether such factors or types are different for such individuals; or

"(C) with respect to which there has been insufficient research involving such individuals as subjects or insufficient data on such individuals.

"(2) RESEARCH ON MINORITY HEALTH.—The term 'research on minority health' means research on minority health conditions, including research on preventing such conditions.

"(3) MINORITY GROUPS.—The term 'minority groups' means Blacks, American Indians, Alaskan Natives, Asian/Pacific Islanders, and Hispanics, including subpopulations of such groups.".

### SEC. 402. ACTIVITIES OF AGENCY FOR HEALTH CARE POLICY AND RESEARCH.

Section 902(b) (42 U.S.C. 299a(b)) is amended to read as follows:

"(b) REQUIREMENTS WITH RESPECT TO CERTAIN POPULATIONS.—In carrying out subsection (a), the Administrator shall undertake and support research, demonstration projects, and evaluations with respect to the health status of, and the delivery of health care to—

"(1) the populations of medically underserved urban or rural areas (including frontier areas); and

"(2) low-income groups, minority groups, and the elderly.".

### SEC. 403. DATA COLLECTION BY NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306(n) of the Public Health Service Act (42 U.S.C. 242k(n)), as redesignated by section 501(a)(5)(B) of Public Law 103–183 (107 Stat. 2237), is amended to read as follows:

"(n)(1) For health statistical and epidemiological activities undertaken or supported under this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(2) Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall obligate not more than an aggregate $5,000,000 for carrying out subsections (h), (l), and (m) with respect to particular racial and ethnic population groups, except that not more than $100,000 may be expended in the aggregate for the administration of activities under subsection (m) and for activities described in paragraph (2) of such subsection.".

## TITLE V—MISCELLANEOUS

### SEC. 501. REVISION AND EXTENSION OF PROGRAM FOR STATE OFFICES OF RURAL HEALTH.

(a) MATCHING FUNDS.—Section 338J(b) (42 U.S.C. 254r(b)) is amended to read as follows:

"(b) REQUIREMENT OF MATCHING FUNDS.—

"(1) IN GENERAL.—With respect to the costs to be incurred by a State in carrying out the purpose described in subsection (a), the Secretary may not make a grant under such subsection unless the State agrees to provide non-Federal contributions toward such costs, in cash, in an amount that is not less than $1 for each $1 of Federal funds provided in the grant.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—In determining the amount of non-Federal contributions in cash that a State has provided pursuant to paragraph (1), the Secretary may not include any amounts provided to the State by the Federal Government.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 338J(j)(1) (42 U.S.C. 254r(j)(1)) is amended—

(1) by striking "and" after "1992,"; and

(2) by inserting before the period the following: ", and $5,000,000 for each of the fiscal years 1994 through 1996".

(c) TERMINATION OF PROGRAM.—Section 338J(k) (42 U.S.C. 254r(k)) is amended by striking $10,000,000" and inserting ' $20,000,000".

**SEC. 502. TECHNICAL CORRECTIONS RELATING TO HEALTH PROFESSIONS.**

(a) HEALTH EDUCATION ASSISTANCE LOAN DEFERMENT FOR BORROWERS PROVIDING HEALTH SERVICES TO INDIANS.—

(1) IN GENERAL.—Section 705(a)(2)(C) is amended by striking "and (x)" and inserting "(x) not in excess of three years, during which the borrower is providing health care services to Indians through an Indian health program (as defined in section 108(a)(2)(A) of the Indian Health Care Improvement Act (25 U.S.C. 1616a(a)(2)(A)); and (xi)".

(2) CONFORMING AMENDMENTS.—Section 705(a)(2)(C) is further amended—

(A) in clause (xi) (as so redesignated) by striking "(ix)" and inserting "(x)"; and

(B) in the matter following such clause (xi), by striking "(x)" and inserting "(xi)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to services provided on or after the first day of the third month that begins after the date of enactment of this Act.

(b) MAXIMUM STUDENT LOAN PROVISION.—

(1) IN GENERAL.—Section 722(a)(1) (42 U.S.C. 292r(a)(1)), as amended by section 2014(b)(1) of Public Law 103-43, is amended by striking "the sum of" and all that follows through the end thereof and inserting "the cost of attendance (including tuition, other reasonable educational expenses, and reasonable living costs) for that year at the educational institution attended by the student (as determined by such educational institution).".

(2) THIRD AND FOURTH YEARS.—Section 722(a)(2) (42 U.S.C. 292r(a)(2)), as amended by section 2014(b)(1) of Public Law 103-43, is amended by striking "the amount $2,500" and all that follows through "including such $2,500" and inserting "the amount of the loan may, in the case of the third or fourth year of a student at school of medicine or osteopathic medicine, be increased to the extent necessary".

(c) REQUIREMENT FOR SCHOOLS.—Section 723(b)(1) (42 U.S.C. 292s(b)(1)), as amended by section 2014(c)(2)(A)(ii) of Public Law 103-43 (107 Stat. 216), is amended by striking "3 years before" and inserting "4 years before".

(d) SERVICE REQUIREMENT FOR PRIMARY CARE LOAN BORROWERS.—Section 723(a) (42 U.S.C. 292s(a)) is amended in subparagraph (B) of paragraph (1), by striking "through the date on which the loan is repaid in full" and inserting "for 5 years after completing the residency program".

(e) PREFERENCE AND REQUIRED INFORMATION IN CERTAIN PROGRAMS.—

(1) TITLE VII.—Section 791 (42 U.S.C. 295j) is amended by adding at the end thereof the following subsection:

"(d) EXCEPTIONS.—

"(1) IN GENERAL.—To permit new programs to compete equitably for funding under this section, those new programs that meet the criteria described in paragraph (3) shall qualify for a funding preference under this section.

"(2) DEFINITION.—As used in this subsection, the term 'new program' means any program that has graduated less than three classes. Upon graduating at least three classes, a program shall have the capability to provide the information necessary to qualify the program for the general funding preferences described in subsection (a).

"(3) CRITERIA.—The criteria referred to in paragraph (1) are the following:

"(A) The mission statement of the program identifies a specific purpose of the program as being the preparation of health professionals to serve underserved populations.

"(B) The curriculum of the program includes content which will help to prepare practitioners to serve underserved populations.

"(C) Substantial clinical training experience is required under the program in medically underserved communities.

"(D) A minimum of 20 percent of the faculty of the program spend at least 50 percent of their time providing or supervising care in medically underserved communities.

"(E) The entire program or a substantial portion of the program is physically located in a medically underserved community.

"(F) Student assistance, which is linked to service in medically underserved communities following graduation, is available to the students in the program.

"(G) The program provides a placement mechanism for deploying graduates to medically underserved communities.".

(2) TITLE VIII.—Section 860 (42 U.S.C. 298b-7) is amended by adding at the end thereof the following subsection:

"(f) EXCEPTIONS.—

"(1) IN GENERAL.—To permit new programs to compete equitably for funding under this section, those new programs that meet the criteria described in paragraph (3) shall qualify for a funding preference under this section.

"(2) DEFINITION.—As used in this subsection, the term 'new program' means any program that has graduated less than three classes. Upon graduating at least three classes, a program shall have the capability to provide the information necessary to qualify the program for the general funding preferences described in subsection (a).

"(3) CRITERIA.—The criteria referred to in paragraph (1) are the following:

"(A) The mission statement of the program identifies a specific purpose of the program as being the preparation of health professionals to serve underserved populations.

"(B) The curriculum of the program includes content which will help to prepare practitioners to serve underserved populations.

"(C) Substantial clinical training experience is required under the program in medically underserved communities.

"(D) A minimum of 20 percent of the faculty of the program spend at least 50 percent of their time providing or supervising care in medically underserved communities.

"(E) The entire program or a substantial portion of the program is physically located in a medically underserved community.

"(F) Student assistance, which is linked to service in medically underserved communities following graduation, is available to the students in the program.

"(G) The program provides a placement mechanism for deploying graduates to medically underserved communities.".

(f) DEFINITIONS.—Section 799(6) (42 U.S.C. 295p(6)) is amended—

(1) in subparagraph (B) by striking "; or" at the end thereof;

(2) in subparagraph (C) by striking the period and inserting a semicolon; and

(3) by adding at the end thereof the following:

"(D) ambulatory practice sites designated by State Governors as shortage areas or medically underserved communities for purposes of State scholarships or loan repayment or related programs; or

"(E) practices or facilities in which not less than 50 percent of the patients are recipients of aid under title XIX of the Social Security Act or eligible and uninsured.".

(g) GENERALLY APPLICABLE MODIFICATIONS REGARDING OBLIGATED SERVICE.—

(1) IN GENERAL.—Section 795(a)(2) (42 U.S.C. 295n(a)(2)), is amended—

(A) in subparagraph (A), by striking "speciality in" and inserting "field of"; and

(B) in subparagraph (B), by striking "speciality" and inserting "field"; and

(2) EFFECTIVE DATE.—Each amendment made by paragraph (1) shall take effect as if such subsection had been enacted immediately after the enactment of the Health Professions Education Extension Amendments of 1992.

(h) RECOVERY.—Part G of title VII (42 U.S.C. 295j et seq.) is amended by inserting after section 795, the following new section:

**"SEC. 796. RECOVERY.**

"(a) IN GENERAL.—If at any time within 20 years (or within such shorter period as the Secretary may prescribe by regulation for an interim facility) after the completion of construction of a facility with respect to which funds have been paid under section 720(a) (as such section existed one day prior to the date of enactment of the Health Professions Education Extension Amendments of 1992 (Public Law 102-408)—

"(1)(A) in case of a facility which was an affiliated hospital or outpatient facility with respect to which funds have been paid under such section 720(a)(1), the owner of the facility ceases to be a public or other nonprofit agency that would have been qualified to file an application under section 605;

"(B) in case of a facility which was not an affiliated hospital or outpatient facility but was a facility with respect to which funds have been paid under paragraph (1) or (3) of such section 720(a), the owner of the facility ceases to be a public or nonprofit school, or

"(C) in case of a facility which was a facility with respect to which funds have been paid under such section 720(a)(2), the owner of the facility ceases to be a public or nonprofit entity,

"(2) the facility ceases to be used for the teaching or training purposes (or other purposes permitted under section 722 (as such section existed one day prior to the date of enactment of the Health Professions Education Extension Amendments of 1992 (Public Law 102-408)) for which it was constructed, or

"(3) the facility is used for sectarian instruction or as a place for religious worship, the United States shall be entitled to recover from the owner of the facility the base amount prescribed by subsection (c)(1) plus the interest (if any) prescribed by subsection (c)(2).

"(b) NOTICE.—The owner of a facility which ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or the owner of a facility the use of which changes as described in paragraph (2) or (3) of subsection (a), shall provide the Secretary written notice of such cessation or change of use within 10 days after the date on which such cessation or change of use occurs or within 30 days after the date of enactment of this subsection, whichever is later.

"(c) Amount.—

"(1) Base amount.—The base amount that the United States is entitled to recover under subsection (a) is the amount bearing the same ratio to the then value (as determined by the agreement of the parties or in an action brought in the district court of the United States for the district in which the facility is situated) of the facility as the amount of the Federal participation bore to the cost of construction.

"(2) Interest.—

"(A) In general.—The interest that the United States is entitled to recover under subsection (a) is the interest for the period (if any) described in subparagraph (B) at a rate (determined by the Secretary) based on the average of the bond equivalent rates of ninety-one-day Treasury bills auctioned during that period.

"(B) Period.—The period referred to in subparagraph (A) is the period beginning—

"(i) if notice is provided as prescribed by subsection (b), 191 days after the date on which the owner of the facility ceases to be a public or nonprofit agency, school, or entity as described in subparagraph (A), (B), or (C) of subsection (a)(1), as the case may be, or 191 days after the date on which the use of the facility changes as described in paragraph (2) or (3) of subsection (a), or

"(ii) if notice is not provided as prescribed by subsection (b), 11 days after the date on which such cessation or change of use occurs,

and ending on the date the amount the United States is entitled to recover is collected.

"(d) Waiver.—The Secretary may waive the recovery rights of the United States under subsection (a)(2) with respect to a facility (under such conditions as the Secretary may establish by regulation) if the Secretary determines that there is good cause for waiving such rights.

"(e) Lien.—The right of recovery of the United States under subsection (a) shall not, prior to judgment, constitute a lien on any facility.".

### SEC. 503. CLINICAL TRAINEESHIPS.

Section 303(d)(1) (42 U.S.C. 242a(d)(1)) is amended by inserting "counseling" after "family therapy,".

### SEC. 504. DEMONSTRATION PROJECT GRANTS TO STATES FOR ALZHEIMER'S DISEASE.

(a) In General.—Section 398(a) (42 U.S.C. 280c–3(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "not less than 5, and not more than 15,";

(2) in paragraph (2)—

(A) by inserting after "disorders" the following: "who are living in single family homes or in congregate settings"; and

(B) by striking "and" at the end;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

"(3) to improve access for individuals with Alzheimer's disease or related disorders, particularly such individuals from ethnic, cultural, or language minorities and such individuals who are living in isolated rural areas, to services that—

"(A) are home-based or community-based long-term care services; and

"(B) exist on the date of enactment of this paragraph; and".

(b) Duration.—Section 398A (42 U.S.C. 280c–4) is amended—

(1) in the title, by striking "**LIMITATION ON**";

(2) in subsection (a)—

(A) in the heading, by striking "Limitation on"; and

(B) by striking "may not exceed" and inserting "may exceed"; and

(3) in subsection (b), in paragraphs (1)(C) and (2)(C), by inserting ", and any subsequent year," after "third year".

(c) Authorization of Appropriations.—Section 398B(e) (42 U.S.C. 280c–5(e)) is amended by striking "and 1993" and inserting "through 1998".

### SEC. 505. MEDICALLY UNDERSERVED AREA STUDY.

(a) In General.—The Secretary of Health and Human Services shall conduct a study concerning the feasibility and desirability of, and the criteria to be used for, combining the designations of "health professional shortage area" and "medically underserved area" into a single health professional shortage area designation.

(b) Requirements.—As part of the study conducted under subsection (a), the Secretary of Health and Human Services, in considering the statutory and regulatory requirements necessary for the creation of a single health professional shortage area designation, shall—

(1) review and report on the application of current statutory and regulatory criteria used—

(A) in designating an area as a health professional shortage area;

(B) in designating an area as a medically underserved area; and

(C) by a State in the determination of the health professional shortage area designations of such State; and

(2) review the suggestions of public health and primary care experts.

(c) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report concerning the findings of the study conducted under subsection (a) together with the recommendations of the Secretary.

(d) Recommendations.—In making recommendations under subsection (c), the Secretary of Health and Human Services shall give special consideration to (and describe in the report) the unique impact of designation criteria on different rural and urban populations, and ethnic and racial minorities, including—

(1) rational service areas, and their application to frontier areas and inner-city communities;

(2) indicators of high medical need, including fertility rates, infant mortality rates, pediatric population, elderly population, poverty rates, and physician to population ratios; and

(3) indicators of insufficient service capacity, including language proficiency criteria for ethnic populations, annual patient visits per physician, waiting times for appointments, waiting times in a primary care physician office, excessive use of emergency facilities, low annual office visit rate, and demand on physicians in contiguous rural or urban areas.

### SEC. 506. PROGRAMS REGARDING BIRTH DEFECTS.

Section 317C of the Public Health Service Act (42 U.S.C. 247b–4), as added by section 306 of Public Law 102–531 (106 Stat. 3494), is amended to read as follows:

"PROGRAMS REGARDING BIRTH DEFECTS

"Sec. 317C. (a) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

"(1) to collect, analyze, and make available data on birth defects, including data on the causes of such defects and on the incidence and prevalence of such defects;

"(2) to provide information and education to the public on the prevention of such defects;

"(3) to operate centers for the conduct of applied epidemiologic research and study of such defects, and to improve the education, training, and clinical skills of health professionals with respect to the prevention of such defects; and

"(4) to carry out demonstration projects for the prevention of such defects.

"(b) National Clearinghouse.—In carrying out subsection (a)(1), the Secretary shall establish and maintain a National Information Clearinghouse on Birth Defects to collect and disseminate to health professionals and the general public information on birth defects, including the prevention of such defects.

"(c) Grants and Contracts.—

"(1) In general.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities. Recipients of assistance under this subsection shall collect and analyze demographic data utilizing appropriate sources as determined by the Secretary.

"(2) Supplies and services in lieu of award funds.—

"(A) Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

"(B) With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"(3) Application for award.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the award is to be made.

"(d) Biennial Report.—Not later than February 1 of fiscal year 1995 and of every second such year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report that, with respect to the preceding 2 fiscal years—

"(1) contains information regarding the incidence and prevalence of birth defects and the extent to which birth defects have contributed to the incidence and prevalence of infant mortality;

"(2) contains information under paragraph (1) that is specific to various racial and ethnic groups; and

"(3) contains an assessment of the extent to which each approach to preventing birth defects has been effective, including a description of effectiveness in relation to cost;

"(4) describes the activities carried out under this section; and

"(5) contains any recommendations of the Secretary regarding this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1997.".

### SEC. 507. DEMONSTRATION PROJECTS REGARDING DIABETIC-RETINOPATHY.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Eye Institute and in consultation with the Director of the Centers for Disease Control and Prevention, may make grants to public and nonprofit private entities for demonstration projects to serve the populations specified in subsection (b) by carrying out, with respect to the eye disorder known as diabetic retinopathy, all activities regarding information, dissemination, early detection, education, and prevention.

(b) RELEVANT POPULATIONS.—The populations referred to in subsection (a) are minority populations that have diabetes mellitus.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $1,000,000 for each of the fiscal years 1995 through 1997.

### SEC. 508. MEXICAN BORDER STATE ANALYTICAL LABORATORIES.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, may make grants to eligible entities to establish and operate State laboratories to analyze human, wildlife, air, water, and soil samples. The laboratories shall serve the border region.

(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under subsection (a), an entity shall be a State that borders Mexico.

(c) APPLICATIONS REQUIREMENTS.—No grant may be made under subsection (a) unless an application has been submitted to and approved by the Secretary of Health and Human Services.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1997.

### SEC. 509. CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES.

Section 481B of the Public Health Service Act (42 U.S.C. 287a-3), as added by section 1503 of Public Law 103-43 (107 Stat. 178), is amended to read as follows:

"CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES

"SEC. 481B. With respect to activities carried out by the National Center for Research Resources to support regional centers for research on primates, the Director of NIH may, for each of the fiscal years 1994 through 1996, reserve from the amounts appropriated under section 481A(h) not more than $3,000,000 for the purpose of making awards of grants and contracts to public and nonprofit private entities to construct, renovate, or otherwise improve such regional centers. The reservation of such amounts for any fiscal year is subject to the availability of qualified applicants for such awards.".

## TITLE VI—MULTIETHNIC PLACEMENT

### SEC. 601. SHORT TITLE.

This title may be cited as the "Multiethnic Placement Act of 1994".

### SEC. 602. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) nearly 500,000 children are in foster care in the United States;

(2) tens of thousands of children in foster care are waiting for adoption;

(3) 2 years and 8 months is the median length of time that children wait to be adopted;

(4) child welfare agencies should work to eliminate racial, ethnic, and national origin discrimination and bias in adoption and foster care recruitment, selection, and placement procedures; and

(5) active, creative, and diligent efforts are needed to recruit parents, from every race and culture, for children needing foster care or adoptive parents.

(b) PURPOSE.—It is the purpose of this Act to decrease the length of time that children wait to be adopted and to prevent discrimination in the placement of children on the basis of race, color, or national origin.

### SEC. 603. MULTIETHNIC PLACEMENTS.

(a) ACTIVITIES.—

(1) PROHIBITION.—An agency, or entity, that receives Federal assistance and is involved in adoption or foster care placements may not—

(A) categorically deny to any person the opportunity to become an adoptive or a foster parent, solely on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved; or

(B) delay or deny the placement of a child for adoption or into foster care, or otherwise discriminate in making a placement decision, solely on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved.

(2) PERMISSIBLE CONSIDERATION.—An agency or entity to which paragraph (1) applies may consider the race, color, or national origin of a child as a factor in making a placement decision if such factor is relevant to the best interests of the child involved and is considered in conjunction with other factors.

(3) DEFINITION.—As used in this subsection, the term "placement decision" means the decision to place, or to delay or deny the placement of, a child in a foster care or an adoptive home, and includes the decision of the agency or entity involved to seek the termination of birth parent rights or otherwise make a child legally available for adoptive placement.

(b) LIMITATION.—The Secretary of Health and Human Services shall not provide placement and administrative funds under section 474(a)(3) of the Social Security Act (42 U.S.C. 674(a)(3)) to an agency or entity described in subsection (a) that is not in compliance with subsection (a).

(c) EQUITABLE RELIEF.—Any individual who is aggrieved by an action in violation of subsection (a), taken by an agency or entity described in subsection (a), shall have the right to bring an action seeking relief in a United States district court of appropriate jurisdiction.

(d) CONSTRUCTION.—Nothing in this section shall be construed to affect the application of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

## TITLE VII—VOLUNTARY MUTUAL REUNIONS

### SEC. 701. FACILITATION OF REUNIONS.

The Secretary of Health and Human Services, in the discretion of the Secretary and at no net expense to the Federal Government, may use the facilities of the Department of Health and Human Services to facilitate the voluntary, mutually requested reunion of an adult adopted child who is 21 or older with—

(1) any birth parent of the adult child; or

(2) any adult adopted sibling, who is 21 or older, of the adult child,

if all such persons involved in any such reunion have, on their own initiative, expressed a desire for a reunion.

## TITLE VIII—GENERAL PROVISIONS

### SEC. 801. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect October 1, 1993, or upon the date of the enactment of this Act, whichever occurs later.

## MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of January 5, 1993, the Secretary of the Senate, on March 28, 1994, during the adjournment of the Senate received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 1804. An act to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable education opportunities and high levels of educational Achievement for all students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications and for other purposes.

S. 476. An act to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, and for other purposes.

S. 1299. An act to amend section 203 of the Housing and Community Development Amendments of 1978 to provide for the disposition of multifamily properties owned by the Secretary of Housing and Urban Development, to provide for other reforms in programs administered by the Secretary, and to make certain technical amendments, and for other purposes.

Under the authority of the order of January 5, 1993, the Secretary of the Senate, on March 30, 1994, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the Speaker has signed the following enrolled bill:

H.R. 4122. An act to temporarily extend certain provisions of the Marine Mammal Protection Act.

## ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED DURING ADJOURNMENT

Under the authority of the order of January 5, 1993, the followed enrolled bill was signed by the President pro tempore (Mr. BYRD) on March 28, 1994, during the adjournment of the Senate:

H.R. 1804. An act to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable education opportunities and high levels of educational Achievement for all students; to provide a framework for reauthorization and adoption of a voluntary national system of skill standards and certifications and for other purposes.

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S. 1299. An act to amend section 203 of the Housing and Community Development Amendments of 1978 to provide for the disposition of multifamily properties owned by the Secretary of Housing and Urban Development, to provide for other reforms in programs administered by the Secretary, and to make certain technical amendments, and for other purposes.

H.R. 4122. An act to temporarily extend certain provisions of the Marine Mammal Protection Act.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MEASURES PLACED ON THE CALENDAR

The following bills were read the second time and placed on the calendar:

S. 1865. An act to amend title XIX of the Social Security Act to promote demonstrations by States of alternative methods of more efficiently delivering health care services through community health authorities.

S. 1951. An act to establish a comprehensive system of reemployment services, training and income support for permanently laid off workers, to facilitate the establishment of one-stop career centers to serve as a common point of access to employment, education and training information and services, to develop an effective national labor market information system, and for other purposes.

S. 1944. An act to increase and extend criminal and other penalties for health care fraud and abuse, and for other purposes.

S. 1964. An act to establish a comprehensive system of reemployment services and retraining for permanently laid off workers, to facilitate the establishment of one-stop career centers to serve as a common point of access to employment, education and training information and services, to develop an effective national labor market information system, and for other purposes.

S. 1969. An act to amend the Worker Adjustment and Retraining Notification Act to minimize the adverse effects of employment dislocation, and for other purposes.

S. 1996. An act to amend title XVIII of the Social Security Act to provide Medicare beneficiaries a choice among health plans, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2418. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, a report relative to vulnerability assessments; to the Committee on Commerce, Science and Transportation.

EC-2419. A communication from the Secretary of Commerce, transmitting, a draft of proposed legislation to amend the statutory authority of the commissioned corps of the National Oceanic and Atmospheric Administration; to the Committee on Commerce, Science and Transportation.

EC-2420. A communication from the Deputy Associate Director for Compliance, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notification of refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2421. A communication from the Deputy Associate Director for Compliance, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notification of refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2422. A communication from the Chairman of the Advisory Council on Historic Preservation, transmitting, pursuant to law, the report of the Council for 1993; to the Committee on Energy and Natural Resources.

EC-2423. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation to establish a Heritage Partnership Program to assist in the conservation and interpretation of certain outstanding natural, cultural, historic, and scenic resources that are the source of values important to the people of the United States, that contribute to the quality of life for residents and visitors, and that provide outstanding educational and recreational opportunities for this and future generations; to the Committee on Energy and Natural Resources.

EC-2424. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department's annual report on energy management and conservation programs for fiscal year 1992; to the Committee on Energy and Natural Resources.

EC-2425. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's annual report relative to the national maximum speed limit for fiscal year 1992; to the Committee on Environment and Public Works.

EC-2426. A communication from the Director of the Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, a notice of delay of the submission of a report relative to management plans for nuclear fuel and radioactive waste; to the Committee on Environment and Public Works.

EC-2427. A communication from the Senior Vice President, Communications, Tennessee Valley Authority, transmitting, pursuant to law, the statistical summaries of the Authority for fiscal year 1993; to the Committee on Environment and Public Works.

EC-2428. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the fiscal year 1995 Public Buildings Service Capital Improvement Program; to the Committee on Environment and Public Works.

EC-2429. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report relative to the operation of the Special Defense Acquisition Fund for fiscal year 1993; to the Committee on Foreign Relations.

EC-2430. A communication from the Director of the United States Arms Control and Disarmament Agency, transmitting, pursuant to law, a report relative to the Chemical Weapons Convention; to the Committee on Foreign Relations.

EC-2431. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D. C. Act 10-209; to the Committee on Governmental Affairs.

EC-2432. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, a correction to Attachment A to Order No. 1007; to the Committee on Governmental Affairs.

EC-2433. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D. C. Act 10-208; to the Committee on Governmental Affairs.

EC-2434. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D. C. Act 10-210; to the Committee on Governmental Affairs.

EC-2435. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D. C. Act 10-212; to the Committee on Governmental Affairs.

EC-2436. A communication from the Executive Director of the National Capital Planning Commission, transmitting, pursuant to law, a report relative to compliance with the Inspector General Act; to the Committee on Governmental Affairs.

EC-2437. A communication from the Comptroller General, transmitting, pursuant to law, a list of General Accounting Office reports for February 1994; to the Committee on Governmental Affairs.

EC-2438. A communication from the Secretary of the Naval Sea Cadet Corps, transmitting, pursuant to law, the annual report of the Corps for 1993; to the Committee on the Judiciary.

EC-2439. A communication from the Acting Director of the Selective Service, transmitting, pursuant to law, a report relative to requests made under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2440. A communication from the Director of the Federal Judicial Center, transmitting, pursuant to law, the annual report of the center for calendar year 1993; to the Committee on the Judiciary.

EC-2441. A communication from the Assistant Vice President for Government and Public Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, a report relative to requests for information under the Freedom of Information Act for fiscal year 1993; to the Committee on the Judiciary.

EC-2442. A communication from the Director of the Office of Science and Technology Policy, Executive Office of the President, transmitting, pursuant to law, a report relative to requests made under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2443. A communication from the General Manager of the Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, a report relative to requests made under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2444. A communication from the Senior Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting, pursuant to law, a report relative to requests made under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2445. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to requests made under the Freedom of Information Act for calendar year 1993; to the Committee on the Judiciary.

EC-2446. A communication from the Secretary of Veterans Affairs and the Secretary of Defense, transmitting, pursuant to law, a report relative to health resources sharing; to the Committee on Veterans Affairs.

EC-2447. A communication from the President of the United States, transmitting, pursuant to law, a report relative to Iraq's compliance with the resolutions adopted by the U.N. Security Council; to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

Under the authority of the order of the Senate of March 22, 1994, the following reports of committees were submitted on April 5, 1994:

By Mr. MOYNIHAN, from the Committee on Finance, with amendments and an amendment to the title:

S. 1814. A bill to amend the Internal Revenue Code of 1986 to provide that a taxpayer may elect to include in income crop insurance proceeds and disaster payments in the year of the disaster or in the following year (Rept. No. 103-244).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 859. A bill to reduce the restrictions on lands conveyed by deed under the Act of June 8, 1926 (Rept. No. 103-245).

H.R. 1305. A bill to make boundary adjustments and other miscellaneous changes to authorities and programs of the National Park Service (Rept. No. 103-246).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

H.R. 2947. A bill to extend for an additional 2 years the authorization of the Black Revolutionary War Patriots Foundation to establish a memorial (Rept. No. 103-247).

The following report was submitted on April 11, 1994:

S. 318. A bill to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources in deep water on the Outer Continental Shelf in the Gulf of Mexico, and for other purposes (Rept. No. 103-248).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WOFFORD:

S. 2007. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the end of World War II and General George C. Marshall's service therein; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRAMM (for himself and Mrs. HUTCHISON):

S. 2008. A bill to designate the Federal building and United States courthouse located at 100 East Houston Street in Marshall, Texas, as the "Sam B. Hall, Jr. Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. HARKIN (for himself, Mr. BOND, and Mr. STEVENS):

S. 2009. A bill to amend title IV of the Social Security Act by reforming the aid to families with dependent children program, and for other purposes; to the Committee on Finance.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WOFFORD:

S. 2007. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the end of World War II and Gen. George C. Marshall's service therein; to the Committee on Banking, Housing, and Urban Affairs.

### GEORGE C. MARSHALL COMMEMORATIVE COIN ACT OF 1994

• Mr. WOFFORD. Mr. President, this year we are marking the 50th anniversary of many critical events of World War II. As we honor the heroes of World War II, none are more deserving than George C. Marshall, a Pennsylvanian, who commanded over 8 million soldiers in the U.S. Armed Forces and led the allies in 1944. He chose some of the most highly regarded officers of the war in Eisenhower, Bradley, Ridgeway, Stillwell, Patton, and Gavin.

On this day, April 11th, 48 years ago, General Marshall received permanent Five Star General rank, and with that honor, he earned the title of General of the Army. But Marshall was more than a leader of the Armed Forces. After the war, President Truman appointed him Secretary of State. In this role, he developed a comprehensive economic plan to assist war-torn Europe. The Marshall plan earned the General the Nobel Peace Prize in 1953. He is still the only professional soldier ever so honored.

To commemorate World War II and General Marshall's legacy, I introduce the George C. Marshall Coin Act of 1994. This bill will authorize the minting of a coin in honor of General Marshall, and the proceeds would be used for the construction of the George C. Marshall Memorial and Visitors Center in Uniontown, PA, his boyhood home. The Marshall Center will become a destination for students, scholars, and visitors interested in learning more about the General's formative years, his leading role in organizing the Civilian Conservation Corps in the 1930's, his experiences in World War II, and all his extraordinary accomplishments.

President Truman once said of Marshall that "his standards of character, conduct, and efficiency inspired the entire army, nation, and the world." We owe it to our children to educate them not only of the horrors of World War II, but also of its heroes.

I urge my colleagues to support this bill, and I ask unanimous consent that the full text of the bill be placed in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2007

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "George C. Marshall Commemorative Coin Act of 1994".

**SEC. 2. COIN SPECIFICATIONS.**

(a) $1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 $1 coins, which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins issued under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, the coins minted under this Act shall be considered to be numismatic items.

**SEC. 3. SOURCES OF BULLION.**

The Secretary shall obtain silver for minting coins under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

**SEC. 4. DESIGN OF COINS.**

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall have the likeness of George C. Marshall on the obverse side of such coins.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "1995"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Friends of George C. Marshall and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

**SEC. 5. ISSUANCE OF COINS.**

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 1995.

(d) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this Act after December 31, 1995.

**SEC. 6. SALE OF COINS.**

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales shall include a surcharge of $7 per coin.

**SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.**

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

**SEC. 8. DISTRIBUTION OF SURCHARGES.**

(a) IN GENERAL.—All surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Friends of George C. Marshall to be used solely for the construction of the George C. Marshall Memorial and Visitor Center in Uniontown, Pennsylvania.

(b) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Friends of George C. Marshall as may be related to the expenditures of amounts paid under subsection (a).

**SEC. 9. FINANCIAL ASSURANCES.**

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.•

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By Mr. HARKIN (for himself, Mr. BOND and Mr. STEVENS):

S. 2009. A bill to amend title IV of the Social Security Act by reforming the Aid to Families With Dependent Children Program, and for other purposes.

### WELFARE TO SELF-SUFFICIENCY ACT OF 1994

• Mr. HARKIN. Mr. President, today my distinguished colleague from Missouri, KIT BOND and I are introducing the first bipartisan plan to reform welfare—the Welfare to Self-Sufficiency Act.

Mr. President, our welfare system is failing the people it was designed to help and it is failing the American taxpayers. It must be fundamentally overhauled.

I would like to begin with a simple definition of welfare from the Random House Dictionary. Welfare is "the good fortune, health, happiness, prosperity, etc. of a person, group or organization."

This simple definition effectively demonstrates just how badly broken our welfare system really is. I do not believe there is anyone who believes that our welfare programs promote the good fortune, health, happiness, and prosperity of the recipients. So it seems that the real question is, How did we get so far off the track?

As many of my colleagues know, our current welfare system had its beginning in the 1930's with the creation of aid to dependent children. Policymakers believed that children would be happier and more prosperous if left in their own homes rather than being sent off to an institution. At that time, the death of the father usually created the need for public assistance.

Well, times have certainly changed. Now, most families receiving AFDC are still headed by single parents. However, most of the parents are unmarried, not widowed. Incredible societal changes have created this significant shift.

Not too long ago, a high school dropout could get a high-paying factory job, that would more than meet the needs of the family. In the 1990's this is no longer true. A worker needs to be better educated and more skilled in order to provide a decent income for the family.

And finally, most families today need two incomes in order to survive. In few families is one income sufficient.

These changes have created the need for a vastly different kind of welfare system—one that does not keep parents at home, but prepares and supports working families. These changes require a system that provides financial support for children from both parents—even if the parents are divorced or were never married. We now view welfare as a safety net. That's wrong. A net binds and traps. And that's exactly how people on welfare feel—trapped by the safety net.

Trapped by a system that does not reward work and encourages dependence. Trapped in a cycle of poverty that is virtually impossible to escape. Trapped in programs that are more interested in filling out forms than helping people find jobs and become self-sufficient.

The first positive contribution we can make to this debate is to stop referring to welfare as a safety net. On many occasions, I have described what I believe welfare should be—a ladder, or ramp of opportunity; a program that helps people help themselves and supports them along the way; a system that empowers people and rewards initiative; a plan that does not judge and punish families.

I have talked with a lot of families on welfare. I have also visited with a lot of welfare caseworkers. I have talked with policymakers and concerned citizens. This is what I have learned.

Familes on AFDC love their children and want to make their lives better. Most hate being on welfare. They want to get off of welfare and they want to do it now. They want to be self-sufficient and they desperately want to work. They don't want to wait—they want to work right now.

Social workers believe they spend too much time filling out forms and too little time helping people. The focus on error rates instead of graduation rates and job placements.

Policymakers and concerned citizens are troubled by escalating poverty rates, increases AFDC caseloads, and rising costs. Everyone is concerned about the impact on children and everyone agrees that we must reform the welfare system.

Mr. President, there are over 9 million children on welfare—that is more than three times the number of people that live in the entire state of Iowa. Without reform, these children will languish on the welfare rolls and may likely end up on welfare as adults. Welfare reform must focus on breaking this cycle and the legislation we are introducing will do just that.

The Welfare to Self-Sufficiency Act provides welfare recipients with the support and skills they need to become self-sufficient and move off of welfare. The bill provides incentives to encourage families to work and save and demands welfare recipients take responsibility for their families by requiring them to sign a binding contract, tailored to their specific situation. This contract outlines the steps an individual family will take to reach self-sufficiency and states when welfare benefits will end.

This is a very important point and one that I would like to stress. These are individual agreements based on the unique circumstances of the family. This is not one-size-fits-all welfare reform.

The contract, or Family Investment Agreement, is a two-way street. If a contract specifies that the State will provide education, training or child care, then the State must provide those services. The same would apply to a family that needed assistance to improve parenting skills or other temporary community services. Failure to do so will nullify the contract. The State would be unable to reduce benefits for the family in that situation.

Likewise, failure by the recipient to live up the terms of the agreement will result in default, leading to reduction and termination of welfare benefits. The bill allows renegotiation of the agreement to deal with significant changes in family circumstances and provides appeal procedures. Further, an inquiry will be made by a third party prior to benefit termination to make sure the children will be protected.

The plan is based on a simple premise—Government is a contract. The Government has a responsibility to offer a hand up, and individuals have a responsibility to grab onto it.

Mr. President, this is a realistic and responsible welfare reform plan. It focuses on establishing the framework to help make families self-sufficient and I believe this program will help break the welfare cycle for many families by providing incentives to work and save.

I am deeply troubled by the fact that so families are forced to return to the welfare rolls. Many point to the fact that most families that are off of welfare are on the program for less than 2 years to justify a 2-year time limit on benefits. This argument ignores the fact that many of the families will return after a short period of employment or that for others, it is just a return visit to the welfare system.

Therefore, welfare reform must focus not only on getting people off the welfare rolls, but also on how we keep families off—permanently.

Our legislation has a number of other provisions that I would also like to discuss.

You might remember that in his State of the Union speech President Clinton proclaimed, "Governments don't raise children; parents do."

The President was right; too often, only one parent does the raising—while the other one does the running away. In fact, at least $5 billion in court-ordered child support goes uncollected every year. There is over $560 million in delinquent child support owed to Iowa children.

That's not fair to those kids or to the custodial parents. We need a little realism and responsibility when it comes to child support.

This legislation would turn the collection of some past due child support over to the IRS. States would refer some of the hardest to collect cases to that Federal agency. Cases in which less than 50 percent of the court-ordered support has been collected within the past year would be referred to the IRS for collection. That means people can still run from State to State—but they can no longer hide. They can't hide from the police. They can't hide from their kids. And they can't hide from their responsibility.

We should not ignore the impact that good old public pressure can have on making people pay their debts. In Iowa, under the leadership of Attorney General Bonnie Campbell, an innovative program in which wanted posters picturing deadbeat parents have been released has been very successful. Since this program began, collection of child support in Iowa has increased by 16 percent.

Recently, the Iowa Child Support Recovery Unit made the list available of individuals who did not pay child support during November, December, or January. The unit's hotline has been ringing off the hook with people calling in with information that will help locate more of the noncustodial parents who are delinquent on their child support obligations.

In our legislation, we apply this successful program nationally by giving States the authority to make the names and locations of deadbeat parents available for publication.

The legislation also authorizes a wage supplementation demonstration program to aid welfare recipients in obtaining self-sufficient employment. For newly created jobs, the value of the AFDC grant and food stamps will supplement the earnings of a welfare recipient for up to 48 months.

If there is one thing we know about welfare, its that it is not working. We need to test some new ideas to see if there is a better way of helping achieve the goal of making welfare families self-sufficient.

Kansas City, MO is trying to create some new jobs for welfare recipients. This is a serious problem in many areas. Kansas City officials would like to implement a wage supplementation program under which employers would be required to pay workers at least the base minimum wage. To provide an incentive for welfare recipients to take these jobs, the value of the recipients AFDC grant and food stamps would be paid, in cash, as a wage supplement. This effectively creates a job that pays far in excess of $4.25 and may allow the family to become self-sufficient. They believe this can be a powerful incentive for welfare recipients to join the work force and work their way off of welfare. I believe it is a program that should be tested.

To address any concerns that such a program could displace other workers, Senator BOND and I worked together to include language in the bill that makes it clear that these must be new jobs and that no worker can be displaced. We also added language to strengthen the grievance procedure and require union concurrence.

While the wage supplementation demonstration would allow the testing of cashing out food stamps benefits if certain condition are met, I want to make it very clear that I will strongly oppose any efforts to reduce support for this vital program and this provision should not be taken as an indication that I support the total cash-out of food stamp benefits. The Food Stamp Program clearly is an example of a program that works. There is no question about that. However, I do believe there is always a benefit in trying to see if there are ways good programs might be improved. Our legislation includes a provision to study the impact of the program, which should include any impact on the nutrition of the families involved.

I have seen some remarkable things happen with an Iowa program, sponsored by the Institute for Social and Economic Development. This program trains AFDC recipients and helps them start small businesses. Iowans are starting small companies called microenterprises with the help of a little training and technical assistance. And they are succeeding. We all know the risks associated with starting a new business. Only 20 percent survive longer than 6 months. However, businesses started with the help of ISED break that mold and succeed. Since 1988, 75 percent of businesses started with the guidance and assistance of ISED are still operating. I was so impressed with this program that the Welfare to Self-Sufficiency Act contains a number of provisions designed to expand it nationwide.

As my distinguished colleague and undisputed leader on welfare reform in the Senate, PAT MOYNIHAN, has long pointed out, a significant contributor to the current welfare system has been the steady increase in the birth rate to teenagers. It has risen for 5 straight years beginning in 1986. A study by the Center for Population Options estimates that if all births to teens in 1992 had been delayed until the mother was in her twenties, taxpayers could have saved $13 billion.

Title X family planning services have proven effective in reducing unintended pregnancies; therefore, the Welfare to Self-Sufficiency Act includes an additional $100 million for this program to reduce teen pregnancy. This investment will be cost effective. For every $1 spent on family planning services, the taxpayer saves $4.40 to support an unintended pregnancy and birth.

Our legislation also seeks to better ensure that poor children have a healthy start in life. The bill creates incentives for AFDC parents to have their children receive appropriate preventive health care, including timely immunization.

Finally, the legislation increases the authorization of funding the JOBS program to $3 billion in 1999 and reduces the required State match to enable participation by more families.

While paying for comprehensive welfare reform will not be easy, we are committed to assuring that the cost of our legislation is fully offset. As soon as we receive an estimate from the Congressional Budget Office on the cost of this bill, we will include offsets in our proposal. We have preliminarily identified savings from two changes to be targeted for our proposed plan. First, we should reform and control the rate of growth in Federal payments for the administration of AFDC, food stamps, and Medicaid. Second, we should require that the income and resources of the sponsors of noncitizens be counted in determining the eligibility of those noncitizens for major means tested Federal benefit programs.

Mr. President, welfare reform cannot occur in a vacuum. We must also continue working on a host of other issues.

Last year we took one important step to assist many welfare families in becoming self-sufficient with the expansion of the earned income tax credit. When fully phased in, the expansion will mean more money in the pockets of many workers. This can mean a 40-cent pay raise for each dollar earned.

We need to get the word out about the earned income tax credit. I frequently ask Nowans if they know about this program and the benefits it could provide for their families. Unfortunately, few are aware of it.

We need to spread the word and to also get more people to ask their employers for advance payments rather than waiting for a refund at the end of the year.

We must also reform our health care system and provide universal coverage for all Americans. That way, uninsured families will not be forced to stay on welfare in order to provide health insurance for their families.

But most importantly, we must create jobs. Jobs that will pay enough money so the families can be self-sufficient. Unfortunately, in recent years, the trend has been in the opposite direction. We must redouble our efforts to create high-skilled, high-wage jobs so all families can participate in the American dream.

The minimum wage has simply not kept pace with inflation. Full-time, full-year earnings now fall well below the annual poverty rate for most families. We must continue our efforts to increase the minimum wage so that it truly provides an income sufficient for a family to meet its most basic needs without public assistance.

Mr. President, I'm concerned that a 2-year limit on the welfare rolls will actually become a 2-year minimum. If people aren't encouraged, or in some cases required, to help themselves, many simply will not.

The fact is, many families don't need to be on welfare for 2 more years—with the proper assistance they can start moving into the job market within months.

This plan requires responsibility from day one, not year two. It's realistic, and it's responsible.

This is a plan that will work and this is why I'm so sure: I know a lot of people who are doing it right now in my home State of Iowa.

Since the work incentives went into effect in Iowa on October 1, the number of welfare recipients with jobs has increased from 18 percent when the program started to 27.2 percent at the end of March. Now, that is what I call making work pay. It is paying off for former welfare recipients who now have jobs and it is paying off for taxpayers as well. Since more families getting more of the income from work rather than the Government, the cost per welfare grant is also down. It has declined almost $19 per household, or 5 percent, since last September.

Americans caught up in the system should not have to wait for 2 more years to move from welfare into the work force. Taxpayers shouldn't have to foot the bills for 2 more years. We all want to end welfare as we know it, and our plan would start doing it on day one, not year two.

Mr. President, I began with a definition of welfare from the Random House dictionary. I will close with another definition. Welfare Work is "the efforts or programs of an agency, community, business organization, et cetera, to improve living conditions, increase job opportunities, secure hospitalization, and the like for needy persons within its jurisdiction."

Mr. President, this definition should serve as the guiding principle for welfare reform. I believe the Welfare to Self Sufficiency Act meet this principle. Our legislation will improve the living conditions and increase job opportunities for people on welfare.

I urge my colleagues to examine the Harkin-Bond plan and join us in this sensible bipartisan approach. I look forward to working with the Clinton administration and with my Senate colleagues as we work toward enactment of bipartisan welfare reform.

Mr. President, I ask unanimous consent that a summary and section-by-section analysis of the legislation appear in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

### Summary of the Welfare to Self-Sufficiency Act of 1994—A Bipartisan Approach to Welfare Reform

The Welfare to Self-Sufficiency Act of 1994 reforms welfare to help families receiving Aid to Families with Dependent Children benefits become self-sufficient. It provides welfare recipients with the support and skills they need to become self-sufficient and move off of welfare. It also demands that welfare recipients take responsibility for their families by requiring them to sign a binding contract which specifies when welfare benefits will end.

The centerpiece of the legislation is the authorization of the Family Investment Program. Families receiving or applying for AFDC will be required to negotiate and sign Family Investment Agreements. This agreement is a contract between the state and family which will outline the steps each individual family will take to become self-sufficient and move off of welfare. Unlike other proposals which set a one-size-fits-all two year time limit, this plan provides for time limits that will vary from family to family based on the unique circumstances of each family. Failure to comply with the contract would result in termination of benefits.

The bill provides incentives for families to work and save. The legislation encourages AFDC families to work by allowing them to keep more of their earned income and encourages them to save by raising resource limits.

The disregard for child care expenses remains the same. $200 for each child under age 2 and $175 for each child over the age of 2.

The disregard for work expenses is increased from $90 to 20% of gross earnings.

Under current law, an individual has a 12 month work transition period. During the first 4 months, $30 plus ⅓ of gross earnings are disregarded. For the following 8 months $30 is disregarded. The Family Investment Program disregards 50% of gross earnings until a family has reached self-sufficiency.

To encourage work by teen-age members of the household, the wages of teen-age children will be disregarded also.

The resource limitation for families applying for AFDC is increased from $1000 to $2000. To encourage saving by AFDC families, the resource limitation for recipients already on public assistance is increased from $1000 to $5000. The equity value of a car is increased from $1500 to $3000.

Families are also encouraged to save and plan for long-term expenses such as starting a small business, buying a first home or for job training or education programs. Families can save up to $10,000 for these purposes. Training programs for small business development are also included.

Further, to encourage work, states will also be given the option to implement wage supplementation programs in which the value of the AFDC grant and food stamp benefits is added to supplement the minimum wage of the worker.

Families who refuse to negotiate and sign a contract or fail to meet the obligations outlined in the individual agreement will enter a limited benefit plan that will lead to the termination of welfare benefits. Families will continue to receive full benefits for three months, for the next three months the benefit will be reduced so that payment is made for the children only and benefits will cease at the end of this six month period.

Many families are forced onto the welfare rolls when an absent parent refuses to meet child support obligations. At the present time, only one-third of court ordered child support is paid. This bill strengthens child support enforcement by referring collection of certain delinquent child support orders to the Internal Revenue Service. Cases in which less than 50% of the child support was collected during the preceding 12 months would be referred to the IRS. To encourage additional collection, the bill allows states to make the names available of deadbeat parents for publication by the news media.

Other provisions of the bill include:

An additional $100 million for family planning programs to reduce the number of teenage pregnancies.

To make children healthier, the bill requires AFDC parents to have their children receive appropriate preventive health care, including timely immunization.

Increases the authorization of funding the JOBS program and reduces the state match.

The program will be financed from savings in two areas. First, by reforming and controlling the rate of growth in federal payments for the administration of AFDC, Food Stamps and Medicaid. Second, we will require that the income and resources of the sponsors of noncitizens be counted in determining the eligibility of those noncitizens for certain means tested federal benefits programs.

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WELFARE TO SELF-SUFFICIENCY ACT OF 1994

SECTION-BY-SECTION SUMMARY

The Welfare to Self-Sufficiency Act of 1994 reforms welfare to help families receiving Aid to Families with Dependent Children benefits become self-sufficient. The legislation authorizes the Family Investment Program in which AFDC applicants and recipients will be required to negotiate and sign contracts which outline the steps each individual family will take to become self-sufficient and move off of welfare. The bill provides incentives for families to work and save by increasing limitations on assets and earned income, including income earned by dependent teen-age children. Unlike other proposals which set a one-size-fits-all two year time limit, this plan provides for time limits that will vary from family to family based on the unique circumstances of each family. Failure to comply with the contract would result in termination of benefits.

The legislation also authorizes a wage supplementation demonstration program to aid welfare recipients in obtaining self-sufficient employment. For newly created jobs, the value of the AFDC grant and Food Stamps will supplement the earnings of a welfare recipient for up to 48 months. The employer is required to pay at least the minimum wage. The legislation includes provisions to ensure that no worker be displaced by the projects.

In addition, the bill strengthens child support enforcement by referring collection of certain delinquent child support orders to the Internal Revenue Service. Cases in which less than 50% of the child support was collected during the preceding 12 months would be referred to the IRS. Further, to encourage additional collection, the bill allows states to make the names available of deadbeat parents for publication by the news media.

The legislation also provides an additional $100 million for family planning programs and requires AFDC parents to have their children receive appropriate preventive health care, including timely immunization. Finally, the legislation increases authorization in funding the JOBS program and reduces the state match.

TITLE I—FAMILY INVESTMENT AGREEMENT AND OTHER WELFARE REFORM

Section 101—Family Investment Program.

Section 101(a) Provides that states have in effect a family investment program.

Section 101(b) Family investment program is defined as a program in which the state agency negotiates a family investment agreement and offers a limited benefit in lieu of such agreement.

An agreement shall be entered into by each adult member of a household receiving AFDC benefits unless the individual is the parent of a child under the age of 6 months; employed for 30 or more hours per week; is ill, incapacitated, or of advanced age; or is needed in the home because of the illness or incapacity of another member of the household.

Any correspondence with program participants shall be in a format that is easily understandable to the individual; shall be understandable to individuals who are not English language speakers and the employees of the State agency are readily available to assist individuals in the completion of any documents required.

The state agency shall establish a procedure for the resolution of disputes which includes an opportunity for a hearing and provide a family the option of entering into a limited benefit plan in lieu of a family investment agreement.

The state agency shall phase in the implementation of the family investment program. A minimum of non-exempt families would be required to participate—10 percent in FY 1995; 15 percent in FY 1996; 20 percent in FY 1997; 30 percent in FY 1998; 40 percent in FY 1999; 60 percent in FY 2000; 70 percent in FY 2001 and 90 percent in FY 2002.

Section 101(c) Family investment agreement is defined. A contract that outlines the steps a family will take to become self-sufficient. Contains a negotiated time-limited period of eligibility for AFDC benefits that is consistent with the unique circumstances of the family.

Non-exempt individuals are required to participate in one or more of the following activities: full-time or part-time employment; job search activities; JOBS program; education or training program; unpaid community service; work experience placement; high school completion for individuals under the age of 20 or any arrangement to strengthen the individual's parenting skills if the individual participates in one of the preceding options.

Unpaid community service shall only be included as part of a plan to improve the employability of the individual and lead to self-sufficiency. Unpaid community service shall meet the same requirements of the community work experience program and shall not lead to the displacement of any worker. An individual's participation in unpaid community service shall not exceed 3 months.

Any member of the household entering into a family investment agreement shall receive the supplemental services required to attain self-sufficiency, including health care, transportation, child care, education or training.

The state agency shall provide other services that may be required to help an individual reach self-sufficiency including substance abuse treatment, programs to strengthen the parenting skills and assure family stability, programs that lead to the improved school readiness for preschool children and on-grade performance for school age children or other social services.

The state agency shall provide the family with support and case management in the creation, monitoring and adaptation of the family investment agreement.

The state agency shall renegotiate the Family Investment Agreement to reflect substantial changes in family circumstances or at the conclusion of the agreement if the family has made a good faith effort to comply with the terms of the agreement but was unable to reach self-sufficiency because of factors outside the control of the family.

Provides that the family will enter into a limited benefit plan if an individual fails to comply with the agreement and provides that the agreement shall be invalid if the state agency fails to comply with the terms of the agreement.

Limited benefit plan is defined. The failure of an individual to comply with the Family Investment Agreement will lead to the termination of AFDC benefits. A family will receive 3 months of full benefits followed by 3 months in which benefits are paid for the children only. The family will then be ineligible for benefits for a period of 6 months.

During the duration of a limited benefit plan, a third-party counselor shall inquire about the well being of the dependent children. This inquiry is to make sure appropriate arrangements are being made to meet the needs of the children when AFDC benefits are terminated.

Provides a 45 day reconsideration period for families on a limited benefit plan.

Section 101(d) The Secretaries of Health and Human Services, Labor and Education shall ensure appropriate coordination in the planning, development and operations of programs related to improving the self-sufficiency of AFDC beneficiaries.

Section 101(e) The amendments made in this section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

Section 102—Work Incentives.

The bill seeks to help families become economically self-sufficient by encouraging work and savings. To encourage work, the bill gives states the option to increase the disregards for earned income and increase the resource limitations for families. States may implement the incentives on a statewide basis or in a defined area of the state.

Section 102(a) Provides an option to change the disregard for work expenses to the first $90 or 20% of earned income (whichever is greater).

Section 102(b) Provides an option to change the earned income disregard to 50% of earned income and eliminate the time limitation.

The state agency shall not disregard the earned income of an individual if such individual's employment was terminated without good cause or the individual refused to accept employment without good cause.

Section 102(c) Provides an option to disregard the first 4 months of earned income for a new employee if the individual earned less than $1200 in the preceding 12 months and shall not consider the payment erroneous if the state relied on the best information available in determining eligibility.

Section 102(d) For new applicants, the state agency may consider the loss of income from the first month income is lost if the termination was for just cause.

Section 102(e) Provides an option to disregard interest income.

Section 102(f) Provides an option to disregard income and resources, up to $10,000, that are placed in a qualified asset account for long term expenses such as education and training, self-employment or purchase of a home.

Section 102(g) Provides an option to disregard income and resources related to establishment of a microenterprise. Includes microenterprise training and activities in the JOBS program. Microenterprise is a commercial enterprise which has 5 or fewer employees.

Section 102(h) Extends the period for transitional child care benefits to 24 months.

Section 102(i) The amendments made in this section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

Section 103—Optional State disregard of dependent child's income.

Section 103(a) At the option of the state, the state agency shall disregard all or any part of the earned income of a dependent child.

Section 103(b) The amendments made in this section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

Section 104—Family stability.

Section 104(a) Extends earned income and child care disregard to non-recipient stepparents.

Section 104(b) For two parent families, eliminates the primary wage earner provision; the work history requirement and the 100 hour rule

Section 104(c) Provides the option to increase the asset limitation up to $2000 for applicant families and up to $5000 for recipient families.

Section 104(d) provides the option to increase the equity disregard for automobiles up to $3000.

Section 104(e) the amendments made in this section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

Section 105—Work requirements for unemployed parents.

Section 105(a) Eliminates the limitation that requires participation of only one parent in the work component of the JOBS program.

Section 105(b) A state may condition continued eligibility of AFDC for unemployed parents upon the participation of both parents in the program which shall include job search activities, counseling, and training services.

Section 105(c) The amendments made in this section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

Section 106—JOBS program.

Section 106(a) Eliminates the total exemption for required JOBS participation by pregnant individuals.

Section 106(b) Removes the limitation on length of job search program.

Section 106(c) Provides protection for existing workers regarding placements in wage supplementation projects, unpaid community service work programs and community work experience programs. The individuals shall not perform any services or duties or engage in activities that will supplant the hiring of employed workers; are services, duties or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or other applicable personnel procedures or had been performed by or assigned to an employee who is subject to a reduction in force or has recall rights.

No work assignment shall be made until the State agency has obtained the written concurrence of any local labor organization representing employees of the employer.

Section 106(d) The state shall establish and maintain a grievance procedure for resolving complaints. Except for a grievance that alleges fraud or criminal activity, a grievance shall be made not later than one year after the date of the alleged occurrence that is the subject of the grievance.

A hearing shall be conducted within 30 days and a decision shall be made not later than 60 days after the filing of the grievance. In the event the decision is adverse to the party who filed the grievance, or if no decision has been made within the 60 day period, the party shall be permitted to submit the grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties. If the parties cannot agree to an arbitrator, the Governor shall appoint one within 15 days.

An arbitration proceeding shall be held not later than 45 days after the request for such action. A decision shall be made not later than 30 days after the date the arbitration proceeding begins.

The cost of the arbitration shall be divided evenly between the two parties except if the employee or the employee's representative prevails, the state agency shall pay the total cost of the proceeding.

Remedies would include the prohibition of the work assignment; reinstatement of the displaced employee to the position held prior to displacement; payment of lost wages and benefits to the displaced employee; and other relief as is necessary to make the displaced employee whole. Suits to enforce arbitration awards may be brought in district court.

Section 106(e) the amendments made in this section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

Section 107—Increased Payments to States.

Section 107(a) Reduces the state matching requirements in the JOBS for expenditures over the FY 94 level.

Section 107(b) Increases the authorization for JOBS. $1.5 billion in FY 1995; $2 billion in FY 1996; $2.5 billion in FY 1997; $3 billion in FY 1998 and $3.5 billion in FY 1999.

Section 107(c) Reduces the state matching requirements for the AFDC child care program.

Section 108—Assessment, monitoring, and evaluation.

Section 108(a) In order to increase the percentage of families moving from welfare to self-sufficiency, allows states to conduct an assessment to determine the barriers that AFDC families face in becoming self sufficient; the capacity of the state to provide employment opportunities for AFDC families; and the number and skills of workers needed to develop Family Investment Agreements. Allows states to establish a system to monitor and evaluate the economic gains related to employment by AFDC families as well as the impact on the children.

Section 108(b) The amendments made in this section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

Section 109—Timely preventive health care for children.

Section 109(a) Requires parents to provide timely preventive health care for their children. Families would receive a bonus payment upon receipt of the verification that each child under the age of 6 has been immunized and received well-baby and well-child care in accordance with the guidelines issued by the Surgeon General. Aid shall be reduced if such verification is not provided. The Secretary shall determine the amount of the bonus or deduction. This provision shall not apply if the state agency provides the Secretary with adequate certification that the services are not available in the area in which the family resides.

Section 109(b) The amendments made in this section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

Section 110—Wage supplementation demonstration projects.

Section 110(a) The Secretary shall establish wage supplementation demonstration projects for certain individuals eligible for AFDC to provide an incentive to work.

Section 110(b) An eligible individual would be employed by a participating employer. The state shall make monthly incentive payments to the eligible individual for each month of employment. The incentive payment would be an amount equal to the AFDC and food stamps that would otherwise be payable to the individual and the incentive payment would be in lieu of such benefits.

An eligible individual shall participate for the lesser of 48 months or the length of employment by the participating employer. The state will establish a limitation on income for eligible individuals.

Wages paid to the individuals shall be treated as earned income. Participants shall remain eligible for AFDC and food stamps for the duration of their participation in this program. Participating individuals shall remain eligible notwithstanding the receipt of child support payments. Wages paid to an eligible individual by the participating employer shall not be taken into account in determining assistance for federal housing programs.

Eligible individual means an individual eligible for AFDC. Participating employer means an employer certifying the gross wages will be the product of applicable minimum wage and the hours worked. The employer shall not receive a wage subsidy under any other provision of federal law. The eligible individual receives the same employer-provided benefits (with the exception of health care benefits, which are provided by Medicaid). The employer shall submit a monthly certification report.

The demonstration project shall not last longer than 5 years.

The state will submit an application to the Secretary which includes an explanation of the plan for evaluating the project. A state shall begin a demonstration upon approval by the Secretary or within 60 days of the application unless the proposal is denied by the Secretary. A state shall issue a public notice when the application is submitted which contains a description of the project and allow any interested party to comment to the state or to the Secretary within 30 days.

Each state conducting a demonstration project shall submit an annual and final evaluation that determines the success of moving people from welfare dependence to self-sufficiency.

The portion of the monthly AFDC benefit shall be considered as expenditures under the state plan. The expenses incurred by the state for administration shall be considered expenditures by the state for administrative costs in operating a program under Part F of the Social Security Act. The portion of the monthly payments to a participant in the project that is attributable to the cash value of food stamp benefits shall be considered expenditures under the food stamp program.

Funds for the activities covered by the demonstration project shall supplement and shall not supplant funds.

Section 111—Increase in authorizations of Public Health Service title X planning grants.

Section 111 Increases authorization by $100 million for Title X family planning services under the Public Health Service Act.

Section 112—Delay in Certain Effective Dates.

Section 112 Provides a special rule for states that require state legislation to enact the provisions of the bill.

Title II—Improvements in the Collection of Child Support

Section 201—Transmission and submission of certain child support orders to the IRS.

Section 201 Establish procedures which require any state court or administrative agency to transmit a copy of any child support order to the IRS upon completion of a 12 month period during which less than 50% of the court-ordered child support has been paid.

Any individual with a right to child support assigns the right to collect the support unless the individual rescinds the assignment. The assignment may be revived at any time.

Section 202—Collection of child support by the Internal Revenue Service.

Section 202(a) The Secretary shall establish a program to collect child support orders. The program shall provide for wage withholding and estimated tax payments.

Payment of the entire child support obligation is required within the taxable year. If an individual fails to pay the full amount required, the Secretary is authorized to assess and collect the unpaid amount.

Child support is dispersed to the individual specified in the child support order as quickly as possible. Authorizes payment of penalties and interest collected to such individual.

Section 202(b) The Secretary shall submit an estimate of the additional cost of administering the program within one year of enactment.

Section 202(c) Clerical amendment.

Section 203—Publication of delinquent child support obligers.

Section 203 At the option of the state, provide that for any case in which no payment has been made within a preceding 3-month period, the state make available for publication a listing of all such orders by name of the obligor, the verified city and state address, and any other information deemed appropriate.

Section 204—Effective date.

Section 204(a) The amendments made in this section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

Section 204(b) Provides a special rule for states that require state legislation to enact the provisions of this section.•

• Mr. BOND. Mr. President, in the last 2 or 3 months the debate over welfare reform ideas has taken place largely in the editorial pages. Earlier today the Labor/HHS/Education Appropriations Subcommittee held a hearing to kick off the congressional debate in earnest. Several bills have been introduced recently; several other bills are in the works right now. The administration has a working group; there is a House Republican plan and a Senate Republican plan. Today Senator HARKIN and I will introduce the first bipartisan welfare reform plan. Its centerpiece is a binding contract between a welfare recipient and the State from day one outlining how and when the recipient will leave the welfare rolls and become self-sufficient. I believe our plan has a number of strengths in comparison with other approaches now being proposed.

First, the philosophy behind the family investment agreement, or family self-sufficiency pact as it is called in Missouri, truly breaks new ground. For the past 30 years, government has said "If you meet our income guidelines, you are entitled to aid, for years if necessary." The Harkin/Bond approach says "government has a responsibility to provide for those in need; however, those in need also have a responsibility to work toward self-sufficiency." I believe this philosophy, implemented through the family investment agreements, has real potential in getting large numbers of people to move off the system and into self-sufficiency.

Our bill, based on what our respective States are already doing or propose, is based on an individualized and binding contract between welfare recipients and the State. Each contract is tailored to the individual, unique needs and circumstances of the recipient. It requires recipients to take responsibility for their families and outlines specific steps that each welfare recipient will take to move off of welfare. The contract states clearly when welfare benefits will end. If a recipient fails to live up to the terms of the agreement at any time, benefits will be reduced and ultimately terminated.

The contract also obligates the State to live up to its side of the agreement, based on the individual's specific needs, by providing education, training, or child care. If a State fails in its responsibilities, the contract is nullified and the family's benefits may not be reduced or eliminated.

The Harkin/Bond plan differs from other welfare reform proposals in other key ways. The flexible and individual approach will move recipients off welfare before 2 years, which is the time limit for welfare benefits set in most proposals. Also, our proposal does not rely on creating costly and inefficient public sector jobs, but focuses on moving individuals into permanent jobs in the private sector.

Our bill also makes it easier for young women with children to move off the rolls through work. One of the biggest criticisms I have heard of the present system is that it penalizes work. Women who are able to find part- or full-time jobs are not able to keep very much of what they earn, nor are they able to save it, nor are they able to keep their Medicaid and child-care benefits for long once they start working. Our bill will allow States to experiment with a number of disincentives to work. States will have the option to allow recipients to keep more of what they earn, and to begin to accumulate assets. We also permit welfare families to save money for education or home purchasing purposes. Finally, recognizing that child care is a costly impediment to self-sufficiency, we will extend the transitional child-care benefits from 12 months to 2 years. The current system also penalizes marriage. Our approach will eliminate some disincentives to marriage by making it easier for two-parent families to qualify for benefits.

Our bill represents real welfare reform. We do not propose to go outside the existing system for cost savings. We plan to pay for our bill by reforming the administrative cost reimbursement system for AFDC, food stamps, and Medicaid. And we will require that the income and resources of the sponsors of legal aliens be counted in determining the eligibility of those persons for AFDC and other means tested Federal benefit programs. We will not increase taxes, nor cut discretionary spending to pay for this program. We pay for our ideas by trimming the excesses of the current system.

Later this week I will have more to say about our particular approach and why it makes sense. I urge other Senators to take a look at our bill, and look forward to working with Members on both sides of the aisle as we begin to tackle this topic.•

## ADDITIONAL COSPONSORS

S. 21

At the request of Mrs. FEINSTEIN, the names of the Senator from Montana [Mr. BAUCUS] and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 21, a bill to designate certain lands in the California Desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

S. 88

At the request of Mr. LUGAR, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 88, a bill to amend the National School Lunch Act to remove the requirement that schools participating in the school lunch program offer students specific types of fluid milk, and for other purposes.

S. 155

At the request of Mr. DASCHLE, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 155, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company.

S. 1037

At the request of Mrs. MURRAY, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 1037, a bill to amend the Civil Rights Act of 1991 with respect to the application of such Act.

S. 1208

At the request of Mr. WOFFORD, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1208, a bill to authorize the minting of coins to commemorate the historic buildings in which the Constitution of the United States was written.

S. 1355

At the request of Mr. HEFLIN, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1355, a bill to amend chapter 91 of title 28, United States Code, to provide that the U.S. Court of Federal Claims may have jurisdiction over certain pending claims, and for other purposes.

S. 1406

At the request of Mr. KERREY, the name of the Senator from Idaho [Mr.

KEMPTHORNE] was added as a cosponsor of S. 1406, a bill to amend the Plant Variety Protection Act to make such act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes.

### S. 1450

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1450, a bill respecting the relationship between the workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act.

### S. 1690

At the request of Mr. PRYOR, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 1690, a bill to amend the Internal Revenue Code of 1986 to reform the rules regarding subchapter S corporations.

### S. 1782

At the request of Mr. LEAHY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1782, a bill to amend title 5, United States Code, to provide for public access to information in an electronic format, to amend the Freedom of Information Act, and for other purposes.

### S. 1806

At the request of Mr. NICKLES, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1806, a bill to rescind the fee required for the use of public recreation areas at lakes and reservoirs under the jurisdiction of the Army Corps of Engineers, and for other purposes.

### S. 1830

At the request of Mrs. FEINSTEIN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1830, a bill to authorize funding for the small business defense conversion program of the Small Business Administration, and for other purposes.

### S. 1836

At the request of Mr. DOLE, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 1836, a bill for the relief of John Mitchell.

### S. 1852

At the request of Mr. KENNEDY, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from California [Mrs. BOXER], the Senator from Vermont [Mr. LEAHY], the Senator from Ohio [Mr. GLENN], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 1852, a bill to amend the Head Start Act to extend authorizations of appropriations for programs under that act, to strengthen provisions designed to provide quality assurance and improvement, to provide for orderly and appropriate expansion of such programs, and for other purposes.

### S. 1955

At the request of Mr. LOTT, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 1955, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to reform the budget process, and for other purposes.

### S. 1974

At the request of Mr. ROCKEFELLER, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1974, a bill to authorize the Secretary of Veterans Affairs to conduct pilot programs in order to evaluate the feasibility of the participation of the Department of Veterans Affairs health care system in the health care systems of States that have enacted health care reform.

### S. 1979

At the request of Mrs. MURRAY, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 1979, a bill to require employers to post, and to provide to employees individually, information relating to sexual harassment that violates title VII of the Civil Rights Act of 1964, and for other purposes.

### S. 2006

At the request of Mr. DOLE, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 2006, a bill to require Federal agencies to prepare private property taking impact analyses, and for other purposes.

### SENATE JOINT RESOLUTION 146

At the request of Mr. WOFFORD, the names of the Senator from Colorado [Mr. BROWN], the Senator from Tennessee [Mr. SASSER], the Senator from Arizona [Mr. DECONCINI], the Senator from South Carolina [Mr. THURMOND], the Senator from Massachusetts [Mr. KERRY], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint Resolution 146, a joint resolution designating May 1, 1994, through May 7, 1994, as "National Walking Week."

### SENATE JOINT RESOLUTION 158

At the request of Mr. WOFFORD, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 158, a joint resolution to designate both the month of August 1994 and the month of August 1995 as "National Slovak American Heritage Month."

### SENATE JOINT RESOLUTION 176

At the request of Mr. PRYOR, the names of the Senator from Ohio [Mr. GLENN] and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 176, a joint resolution to designate the month of May 1994 as "Older Americans Month."

### SENATE CONCURRENT RESOLUTION 55

At the request of Mr. LIEBERMAN, the names of the Senator from Colorado [Mr. BROWN], the Senator from New York [Mr. D'AMATO], and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Concurrent Resolution 55, a concurrent resolution expressing the sense of the Congress with respect to Taiwan's membership in the United Nations and other international organizations.

### SENATE CONCURRENT RESOLUTION 61

At the request of Mr. WOFFORD, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of Senate Concurrent Resolution 61, a concurrent resolution expressing the sense of the Congress in support of the President's actions to reduce the trade imbalance with Japan.

## NOTICES OF HEARINGS

### SPECIAL COMMITTEE ON AGING

Mr. PRYOR. Mr. President, I would like to announce for the public that the Special Committee on Aging has scheduled a hearing entitled, "Health Care Reform: The Long-Term Care Factor" to examine the importance of long-term Care as a component of national health care reform.

The hearing will take place on Tuesday, April 12, 1994, beginning at 9:30 a.m. in room 216 of the Hart Senate Office Building in Washington, DC.

For further information please contact Theresa Forster, staff director at (202) 224-5364.

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing on the oversight of the disaster assistance programs. The hearing will be held on Wednesday, April 13, 1994 at 10 a.m. in SR-332.

For further information, please contact Christine Sarcone at 224-2035.

### COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a markup on Wednesday, April 13, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 1216, Crow Settlement Act; S. 1526, Fish and Wildlife Resources Management; S. 720, Indian Lands Open Dump Clean-Up Act; S. 1066, a bill to provide Federal recognition for the Pokagan Band of Potawatomi Indians; S. 1357, a bill to provide Federal recognition for Little Traverse Bay Band of Odawa Indians and the Little River Band of Ottawa Indians; H.R. 734, act to provide for the extension of certain Federal benefits, services and assistance to the Pascua Yaqui Indians of Arizona; and for other purposes, to be followed immediately by an oversight hearing on the President's fiscal year 1995 budget request for the Bureau of Indian Affairs.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251

### COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on interstate sales tax collection. The hearing will be held on Wednesday, April 13, 1994, at 2 p.m., in room 428A of the Russell Senate Office Building. For further information, please call Stan Fendley, tax counsel for the Small Business Committee at 224-5175.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the recent failure of a natural gas pipeline in New Jersey and current policies regarding pipeline rights of way in congested urban areas.

The hearing will take place on Tuesday, April 19, 1994, as 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Patricia Temple.

For further information, please contact Patricia Temple of the committee staff at (202) 224-4756.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, April 20, 1994, beginning at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the Department of the Interior's proposed rule to amend the Department's regulations concerning livestock grazing. Secretary Babbitt has been invited to testify at this hearing. Additionally, the Secretary has been asked to comment on two other grazing-related measures pending before the committee: S. 1326, a bill to establish a forage fee formula on lands under the jurisdiction of the Department of Agriculture and the Department of the Interior, and S. 896, a bill to amend the Federal Land Policy and Management Act of 1976 to promote ecologically healthy and biologically diverse ecosystems on rangelands used for domestic livestock grazing.

For further information regarding the hearing, please contact Tom Williams of the committee staff at (202) 224-7145.

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing on the GATT Agreement. The hearing will be held on Wednesday, April 20, 1994 at 10 a.m. in SD-562. Secretary Espy and Ambassador Kantor will testify.

For further information, please contact Pat Westhoff at 224-5207.

### COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding an oversight hearing on Wednesday, April 20, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building on the regulation of gaming.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

### SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place on Thursday, April 21, 1994, beginning at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills pending before the subcommittee:

S. 1509, to transfer a parcel of land to the Taos Pueblo Indians of New Mexico;

S. 1897, the Santa Fe National Forest Boundary Adjustment Act of 1994;

S. 1975 and H.R. 2921, to establish a grant program to restore and preserve historic buildings at historically black colleges and universities, and for other purposes;

S. 1980, the Cane River Creole National Historical Park and National Heritage Area Act; and

S. 1919, the Rio Puerco Watershed Act of 1994.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact Kira Finkle of the subcommittee staff at (202) 224-7933.

### SUBCOMMITTEE ON AGRICULTURAL RESEARCH, CONSERVATION, FORESTRY AND GENERAL LEGISLATION

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research, Conservation, Forestry and General Legislation will hold a hearing on new management directives for the U.S. Forest Service. The hearing will be held on Thursday, April 21, 1994 at 2:30 p.m. in SD-628.

For further information, please contact Maureen O'Brien at 224-2321.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Aging be authorized to meet for a hearing on long-term care, during the session on the Senate on April 11, 1994, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

### FRIENDS AWARE PROGRAM OF CUMBERLAND COUNTY

• Mr. SARBANES. Mr. President, I rise today to pay tribute to the Friends Aware Program of Cumberland County, an organization that for 40 years has been dedicated to promoting the worth and dignity of its community's mentally retarded citizens.

Cumberland—Friends Aware Industries [FAI] has been providing training, employment, and residential services to individuals with developmental disabilities since 1954. FAI uses the unique approach of selecting mentally retarded trainees from the Developmental Disabilities Administration, teaching them viable work skills, and then affording each individual client an employment opportunity which best suits his or her talents and abilities. By providing a wide range of local employers with specialized, enthusiastic personnel assistance, Friends Aware has changed the public's attitude about persons with mental retardation, while instilling in each of its workers a newfound sense of pride, responsibility, and self-esteem.

Because of the dedicated commitment by its founders, employees and clients, Friends Aware Industries has grown steadily and substantially in recent years and presently holds contracts with over 60 businesses in the Cumberland County area. To date, FAI has over 100 nondisabled staff members and 108 mentally disabled clients.

Mr. President, I would like to commend everyone involved in Friends Aware's extraordinary efforts over the past 40 years including John and Margaret Long, who have dedicated untold hours to the organization. Service programs like this one, which allow each member of the community to contribute his or her own special talents, are essential to the diversification of our work force. Friends Aware has ensured that diligent, eager persons with varying skill levels will be integrated into their community's daily work routine as contributing, hard-working citizens, regardless of their developmental disabilities.•

## NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

• Mr. BRYAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Corine Larson, a member of the staff of Senator BENNETT, to participate in a program in Taiwan sponsored by the Tamkang University from March 28 through April 4, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Larson in this program.

The select committee received notification under rule 35 for William Triplett, a member of the staff of Senator BENNETT, to participate in a program in Taiwan sponsored by the Tamkang University from March 26–31, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Triplett in this program.

The select committee received notification under rule 35 for Richard Cresanti, a member of the staff of Senator BENNETT, to participate in a program in China sponsored by the Chinese People's Institute for Foreign Affairs, from March 28 through April 8, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Cresanti in this program.

The select committee received notification under rule 35 for Jennifer Rhodes, a staff member of the Senate Small Business Committee for Senator BUMPERS, to participate in a program in Korea sponsored by the A-san Foundation from March 26 through April 2, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Rhodes in this program.

The select committee received notification under rule 35 for Patrick A. Rogers, a member of the staff of Senator CHAFEE, to participate in a program in Taiwan sponsored by the Tamkang University from March 29 through April 4, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Rogers in this program.

The select committee received notification under rule 35 for Thomas Mahr, a member of the staff of Senator CONRAD, to participate in a program in Hong Kong and southern China sponsored by the Hong Kong Chamber of Commerce from March 27 through April 3, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Mahr in this program.

The select committee received notification under rule 35 for Roberta Schorr, a member of the staff of Senator DECONCINI, to participate in a program in Peru sponsored by the Catholic University of Peru from February 16–20, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Schorr in this program.

The select committee received notification under rule 35 for Christopher McLean, a member of the staff of Senator EXON, to participate in a program in Japan sponsored by the Japanese Ministry of Foreign Affairs from March 28 through April 5, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. McLean in this program.

The select committee received notification under rule 35 for Sam Spina, a member of the staff of Senator GORTON, to participate in a program in Japan sponsored by the Japanese Ministry of Foreign Affairs from March 28 through April 6, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Spina in this program.

The select committee received notification under rule 35 for Vasiliki Alexopoulos, a member of the staff of Senator GREGG, to participate in a program in Korea sponsored by the A-san Foundation from March 26 through April 2, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Alexopoulos in this program.

The select committee received notification under rule 35 for Matthew Lane, a member of the staff of Senator GREGG, to participate in a program in Taiwan sponsored by the Soochow University from April 2–9, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Lane in this program.

The select committee received notification under rule 35 for Martha Austin, a member of the staff of Senator GREGG, to participate in a program in Hong Kong and Southern China sponsored by the Hong Kong Chamber of Commerce from March 27 through April 3, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Austin in this program.

The select committee received notification under rule 35 for Brett Francis, a member of the staff of Senator HATCH, to participate in a program in Taiwan sponsored by Tamkang University, from March 28 through April 4, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Francis in this program.

The select committee received notification under rule 35 for Mary Irace, a member of the staff of Representative OBEY, to participate in a program in Hong Kong sponsored by the Hong Kong Chamber of Commerce from March 27 through April 3, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Irace in this program.

The select committee received notification under rule 35 for Cheryl Bruner, a member of the staff of Senator ROCKEFELLER, to participate in a program in Hong Kong and Southern China sponsored by the Hong Kong Chamber of Commerce from March 27 through April 4, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Bruner in this program.

The select committee received notification under rule 35 for Alex Flint, a member of the staff of Senator DOMENICI, to participate in a program in England and France sponsored by the British Nuclear Fuels from April 4–9, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Alex Flint in this program.

The select committee received notification under rule 35 for Deanna Tanner Okun, a member of the staff of Senator MURKOWSKI, to participate in a program in Hong Kong and China sponsored by the Hong Kong Chamber of Commerce from March 27 through April 3, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Okun in this program.

The select committee received notification under rule 35 for Peter Cleveland, a member of the staff of Senator ROBB, to participate in a program in Hong Kong and China sponsored by the Hong Kong Chamber of Commerce from March 26 through April 3, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Cleveland in this program.

The select committee received notification under rule 35 for Matthew Prince, a member of the staff of Senator JOHNSTON, to participate in a program in Taiwan sponsored by the Soochow University from April 2–9, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Prince in this program.•

## THE TERRAPINS' GREAT SEASON

• Mr. SARBANES. Mr. President, I rise today to congratulate the men's basketball team from the University of Maryland on their outstanding 1993–94 season.

These talented, young collegians worked hard all year long to accomplish what only a few thought possible. A gutsy and tenacious team, they inspired many fans en route to winning 18 games and a spot in the NCAA basketball tournament's Sweet 16.

Maryland started a group of freshman and sophomores, including the winner of the National Freshman of the Year Award, center Joe Smith. Prognosticators labeled the Terrapins a seventh or eighth place team in the nine-team Atlantic Coast Conference, but the players knew better and, by season's end, had raced to the fourth best record in the ACC. They consistently challenged the premiere teams in the country and were frequently ranked in the top 25. Once in the NCAA tournament, the team raised its level of play another notch and demonstrated real talent and team spirit in an opening round win against St. Louis and again in a convincing upset over Massachusetts. Their final game was against an experienced Michigan team. In this matchup, the Terps trailed most of the night, and seemed on the verge of defeat, midway through the second half, they began one of their characteristic rallies. The team showed resilience and determination during this impressive comeback and fell just short of advancing to the next round.

The Maryland basketball program is one with a proud and winning tradition, and the success of this year's team is reminiscent of the great Maryland teams that have competed at Cole Field House in the past. Just mention the names of a few former Maryland Terrapin stars, such greats as Tom McMillen, John Lucas, and Len Elmore come to mind, and fans quickly conjure up images of many classic college basketball games.

At the same time, this season also signified the end of a frustrating and painful period for Maryland. The proud basketball program was sent reeling with the death of Len Bias in 1986 and further torn apart after NCAA sanctions were imposed for violations under their former coach. Faced with penalties that kept the team off live television for a year and left them ineligible for the NCAA tournament for 2 years, the Maryland basketball program was in chaos. The guidance of an effective leader was needed to restore the program to its past greatness. The university looked to former player Gary Williams to fill this role.

Since returning to his alma mater in 1989, Coach Williams has responded well to this challenge and deserves much praise for his efforts. He has overcome recruiting difficulties and low morale to bring Maryland basketball back to its winning ways. The coach and his team also face a bright future after reaching the Sweet 16 this year with no seniors and only one junior among the top nine players. But today, on behalf of all Maryland fans, I congratulate the Maryland Terrapins for this year's significant accomplishments.•

## DROP THE CHOP! INDIAN NICKNAMES JUST AREN'T RIGHT

• Mr. SIMON. Mr. President, no native American journalist has made a greater impact on the Nation than Tim Giago, whose newspaper has chronicled what is happening in the American Indian community.

One of the last vestiges of racism in the United States is our use of Indian nicknames for athletic teams.

There is a great deal of subtle and not so subtle racism in the United States, but nothing else as blatant as that.

For that reason, some years ago I took a stand in opposition to the American Indians as athletic mascots by the University of Illinois. It is not the most popular stand I have ever taken, I can assure you.

But recently, Tim Giago, had an item in the New York Times explaining why we should discontinue this practice.

I ask to insert his article at the end of my remarks. Let me, at the same time, commend our colleague, Senator BEN NIGHTHORSE CAMPBELL, for his efforts in this field. I am pleased to cosponsor his legislation regarding the use of Redskins for the Washington professional football team.

One of these days, I hope we will mature to the point that we will discontinue this offensive practice.

The article follows:

### DROP THE CHOP! INDIAN NICKNAMES JUST AREN'T RIGHT

(By Tim Giago)

The radio and television personality Larry King once wrote: "The best way to measure a team's nickname is to ask yourself: 'Would you name it that if it were just starting out?' In other words, would you call a team the Redskins or the Redmen? Hardly. So change it now—only because it's right."

In fact, some teams are changing their nicknames, including two prominent teams making news in this month of basketball frenzy—St. John's (Redmen) and Marquette (Warriors). Both are in the process of changing nicknames, and presumably mascots. Nevertheless, long after March Madness had ended, the nation will still be watching the Indians, the Braves, the Chiefs and the Redskins.

Is this right?

Those of us who have ventured into the turbulent waters of questioning the use of American Indians as mascots for America's fun and games have discovered hell hath no fury like that of a fanatic sports fan. When I wrote an article for Newsweek magazine the week of the Super Bowl held in Minneapolis featuring the Washington Redskins, the editor chose the unfortunate headline, "I hope the Redskins lose." The intent of the column was to educate white and black America to the way Indians feel about being used as mascots.

#### NOT THE SAME THING

In the aftermath, I received some of the worst hate letters I have ever received. The mildest insult was that I was trying to be politically correct. No! I was trying to be racially correct, and there's a big difference.

"It's a tradition" or "it's honoring us" are no longer valid arguments. Comparisons to the use of Steelers, Cowboys or Packers as good reasons to use Indians as mascots insults our intelligence. Steelers, Cowboys and Packers are not an ethnic minority.

The biggest argument is: What about the Minnesota Vikings or the Irish of Notre Dame? When is the last time you saw a genuine Viking? They are historical references that no longer exist. Indians do. The Irish were named from within by the early Irish priests and bishops. Although Notre Dame is a Catholic university, you do not see students using the Pope as a mascot nor do you see the fans in the stands attempting to imitate the worst characteristics of the Irish.

"Redskins" is a word that should remind every American there was a time in our history when America paid bounties for human beings. There was a going rate for the scalps or hides of Indian men, women and children. These "redskins" trophies could be sold to most frontier trading posts. Along with coon skins, beaver skins and bear skins, the selling of "redskins" was also profitable.

On a recent radio talk show, I spoke with a young lady who had been a cheerleader for a team called the "Indians." She said, "When I put on my feathers and war paint, donned my buckskins and beads, I felt I was honoring Indians." I asked her, "If your team was called the African-Americans and you painted your face black, put on an Afro wig and donned a dashiki and then danced around singing songs and making noises you thought to be African, would you be honoring blacks?" Her answer was "No! Of course not! That would be insulting to them." End of discussion.

Go to a Kansas City Chiefs football game or to an Atlanta Braves baseball game and watch the fans instead of the game. You will see everything Indians hold sacred insulted. The tomahawk chops mean "kill them." The smirking faces painted in Dayglo colors tell us that our spiritual application of paint is fair game for sports fans. The turkey feathers protruding from their heads insult another spiritual practice of most Plains Indians. The eagle feather is sacred. It is given to the recipient in a religious ceremony, usually to honor, to thank, or to bless.

Suppose the New Orleans Saints used real saints as mascots, or used the crucifix to do the "chop," or wore colorful religious attire in the stands? Suppose Kansas City changed its name to the Kansas City Jews, Kansas City Blackskins or Kansas City Latinos? This simply would not happen, you say? Then, why is it all right to use American Indians as mascots and to insult our way of life and our religion in the process?

There are those who realize that Indians are politically and numerically weak, and they try to help. The Portland Oregonian will not allow words considered to be racist, such as Redskin, to be used in the newspaper. The Minneapolis Star Tribune recently dropped the use of all Indian nicknames. A couple of radio stations, including one in Washington, will not use words they consider to be racially insulting on the air. A number of high schools and colleges have dropped mascots that insulted Indians.

As American Indians find the formats to air their grievances realistically and intelligently, a number of white and black Americans are listening. They are allowing us to present our viewpoint. They are seeing things through our eyes.

Even when they hear the other tired arguments that Indians have more important things to worry about or that there are some Indians who don't mind, they have come to understand that the vast majority of Indians do take exception to being used as mascots. Two hundred years of tradition does not make using Indians as mascots right.

How does one measure self-respect and self-esteem? When Rosa Parks refused to move to the back of the bus, did it help the black economy or solve all of their problems? No. But it gave blacks a small victory in restoring self-respect and self-esteem.

LOST TO ASSIMILATION

Simply put, Indians are human beings, not mascots.

The media will always find those Indians who don't mind being mascots. Most of them have been totally assimilated into the mainstream. They have lost their language, culture and traditions. In other words, they have become Americanized. They are in dire need of learning about their traditional values and we are attempting to educate them.

With more news people lending their voices to continued Indian efforts to be heard, we believe the battle will be won. Perhaps we will never educate the Jack Kent Cookes or the Ted Turners, but we will take the small victories as they come.

As Larry King said, ". . . only because it's right."•

## THE 95TH BIRTHDAY OF THE U.S. COAST GUARD

• **Mr. SARBANES.** Mr. President, I rise today to pay tribute to the U.S. Coast Guard Shipyard at Curtis Bay and the World War II veterans and civilians who built and served on the Coast Guard cutters, *Mendota* and *Pontchartrain*, two of the largest cutters ever built in the Curtis Bay Yard.

On Monday, April 25, 1994, the U.S. Coast Guard Yard will celebrate its 95th birthday along with the 50th Anniversary of the launching of the *Mendota* and the *Pontchartrain*. I would like to take this opportunity to honor the home front civilian craftsmen who built these great vessels and the original Coast Guard crew members who guided the cutters during the Second World War.

The home front and industrial production theme of this special event will be a first of its kind World War II commemoration in the United States. This event will honor civilians who served in the war effort on the homefront, alongside our brave men and women who served in uniform. This will be a well deserved tribute to the contribution of the shipbuilders at Curtis Bay and our World War II Coast Guard veterans.•

## PARKER CITY, IN, 100 YEARS OLD

• **Mr. LUGAR.** Mr. President, I am pleased to announce that Parker City, IN, will celebrate its 100th anniversary of incorporation on July 13–16, 1994. Many activities are planned for the 4 day celebration, including a parade on July 16, 1994.

Parker City, formerly known as Morristown, was originally established in November 1851. Located in Randolph County, Parker City is situated in the central-eastern part of Indiana. In 1852 the first passenger train went through the town. The Methodist church was built in 1872, although a congregation had been in existence since 1851. In 1892, the first natural gas well was drilled, playing a large role in the development of the town.

Eventually, in 1891 the name was changed to Parker because there was another Morristown in Indiana. Finally, Parker was incorporated as a town in 1894. Officially, Parker became Parker City in 1975, because that was the name used by the railroad.

Parker City has many things to be proud of including its churches, factory, fire department, service organizations, homes, and places of business. But most of all it can boast about its Hoosier hospitality. With a population of approximately 1,200, the city provides a friendly atmosphere to visitors and newcomers.

I ask my colleagues to join me in saluting Parker City and its citizenry on this happy occasion.•

## MEASURE INDEFINITELY POSTPONED—S. 1535

**Mrs. FEINSTEIN.** Mr. President, I ask unanimous consent that Calendar Order No. 362, S. 1535, be indefinitely postponed.

The **PRESIDING OFFICER.** Is there objection? Hearing none, it is so ordered.

## ORDERS FOR TOMORROW

**Mrs. FEINSTEIN.** Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Tuesday, April 12; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that the cloture vote be vitiated; that, at 10 a.m., the Senate proceed to the consideration of Calendar Order No. 248, S. 21, the California Desert Protection Act of 1993; and that on Tuesday, April 12, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conferences.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

## RECESS UNTIL TOMORROW AT 10 A.M.

**Mrs. FEINSTEIN.** Mr. President, if there is no further business to come before the Senate today, and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 5:36 p.m., recessed until Tuesday, April 12, 1994, at 10 a.m..

## NOMINATIONS

Executive nominations received by the Senate on April 11, 1994:

### DEPARTMENT OF STATE

CAROL JONES CARMODY, OF LOUISIANA, FOR THE RANK OF MINISTER DURING HER TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE COUNCIL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.

PETER R. CHAVEAS, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALAWI.

MYLES ROBERT RENE FRECHETTE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COLOMBIA.

DONNA JEAN HRINAK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DOMINICAN REPUBLIC.

JOSEPH EDWARD LAKE, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICAN TO THE REPUBLIC OF ALBANIA.

JOHNNY YOUNG, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICAN TO THE REPUBLIC OF TOGO.

### NATIONAL COUNCIL ON DISABILITY

BONNIE O'DAY, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1995, VICE GEORGE H. OBERLE, JR., TERM EXPIRED.

### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

LEO J. O'DONOVAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1998, VICE DAVID N. BAKER, TERM EXPIRED.

JUDITH O. RUBIN, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1998, VICE SALLY BRAYLEY BLISS, TERM EXPIRED.

### SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

RHONDA REID WINSTON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR A TERM OF 15 YEARS, VICE PETER HENRY WOLF, TERM EXPIRED.

### IN THE COAST GUARD

THE FOLLOWING-NAMED OFFICER OF THE U.S. COAST GUARD FOR PERMANENT APPOINTMENT AS A LIEUTENANT COMMANDER TO THE PERMANENT COMMISSIONED TEACHING STAFF AT THE COAST GUARD ACADEMY:

STEPHEN E. FLYNN

THE FOLLOWING-NAMED OFFICER OF THE U.S. COAST GUARD FOR PERMANENT COMMISSION IN THE GRADE OF LIEUTENANT IN THE REGULAR COAST GUARD:

MARYANN P. SMID

## IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

### *To be captain*

STEPHEN H. MANZO
GEORGE W. JAMERSON
PATRICK L. WEHLING, JR.
ROBERT K. NORRIS
GERALD W. STANLEY
ALAN D. ANDERSON
CHRISTOPHER B. LAWRENCE
HAROLD B. ARNOLD
FRANK B. ARBUSTO, JR.
RICHARD W. PERMENTER
RICHARD P. FLOYD
THEODORE C. KAISER
JON M. BARNHILL
DONALD D. WINTER
DIRK R. TAYLOR
KURT X. GORES
ANDREW A. ARMSTRONG III
PAMELA R. CHELGREN-KOTERBA
TERRY M. LAYDON
EDWARD B. CHRISTMAN
DENNIS J. SIGRIST
THOMAS L. MEYER
ROBERT J. PAWLOWSKI
DOUGLAS G. HENNICK
DAVID C. MCCONAGHY

### *To be commander*

VIRGINIA E. NEWELL
ERIC S. DAVIS
ROGER L. PARSONS
DONALD R. RICE
WARREN T. DEWHURST
CHARLES D. MASON
MICHAEL R. JOHNSON
GERALD E. WHEATON
PATRICK J. RUTTEN
DAVID H. MINKEL
SUSAN J. LUDWIG
GARY M. BARONE
LEWIS D. CONSIGLIERI
CHARLES B. GREENAWALT
JOHN T. MOAKLEY
JOHN D. WILDER
JOHN F. NOVARO
NEAL G. MILLETT
MICHAEL E. HENDERSON
MARK P. KOEHN
NICHOLAS E. PERUGINI
JOHN C. BORTNIAK
CHARLES B. GROSS
BRIAN P. HAYDEN
DEREK C. SUTTON
JOHN C. CLARY III
MILES M. CROOM
LEEANNE ROBERTS
JOHN W. BLACKWELL
MARK S. FINKE
ROBERT X. MCCANN, JR.
TIMOTHY D. RULON
SAMUEL P. DE BOW, JR.
JAMES M. HERKELRATH
MICHAEL K. MALLETTE
ELIZABETH A. WHITE
BRUCE F. HILLARD
PETER M. CONNORS
V. DALE ROSS

### *To be lieutenant commander*

STEPHEN A. KOZAK
JOHN T. LAMKIN
RAY T. HUDDLESTON, JR.
ILENE BYRON
RICHARD B. KOEHLER
JAMES E. WADDELL, JR.
THOMAS G. CALLAHAN
STEVEN A. THOMPSON
WILLIAM E. SITES
DANIEL E. CLEMENTS
GEORGE A. GALASSO
NANCY L. CREWS
KENNETH W. BARTON
JOHN W. HUMPHREY, JR.
MARK P. ABLONDI
DUANE A. TIMMONS
JOHN E. LOWELL, JR.
DAVID M. MATTENS
TIMOTHY J. CLANCY
DAVID W. MOELLER
GREGG LAMONTAGNE
LEE M. COHEN
MARK H. PICKETT
PHILIP R. KENNEDY
CHRISTOPHER A. MEBANE
SCOTT E. KUESTER
DAVID A. COLE
THOMAS A. NIICHEL
MICHAEL B. BROWN
EMILY BEARD
MICHAEL S. ABBOTT
WADE J. BLAKE
TODD C. STILES
BRIAN K. TAGGART
MICHAEL S. GALLAGHER
MARY T. FORAN
ROBERT W. POSTON
KRISTIE L. MILLER
PAUL L. SCHATTGEN
DANA S. WILKES
TIMOTHY C. O'MARA
EUGENE A. RICE
DAVID S. SAVAGE
STEVEN P. LABOSSIERE
JOHN M. STEGER
THOMAS R. WADDINGTON
ANDREW L. BEAVER
EDWARD R. CASSANO
JASON H. MADDOX
ALLISON J. VEISHLOW
MICHELE G. BULLOCK
DAVID K. ZIMMERMAN
GERD F. GLANG
RAYMOND C. SLAGLE
BRENT M. BERNARD
CHRISTOPHER S. MOORE
STACY L. BIRK-RISHEIM
ANGELA M. DOUGHERTY

### *To be lieutenant*

WILTIE A. CRESWELL III
MATTHEW H. PICKETT
CHRISTOPHER A. BEAVERSON
BRIAN J. LAKE
CARL R. GROENEVELD
GUY T. NOLL
JOSEPH S. MCDOWELL
ROBERT S. PAPE
JAMES R. MEIGS
DAVID O. NEANDER
WESLEY G. KITT
JOE A. INTERMILL III
DOUGLAS R. SCHLEIGER
TODD L. BERGGREN
THOMAS E. STRONG
KEVIN N. HARBISON
RICHARD A. FLETCHER
MICHAEL S. DEVANY
JACK G. CLAYTON
CHERYL L. CALLAHAN
JULIA N. NEANDER
JEFFREY K. BROWN
SCOTT S. STOLZ
MARK W. HULSBECK
ANDREA M. HRUSOVSKY-KLEIN
ERIC P. NELSON
TORSTEN DUFFY
BARBARA E. SCHLEIGER
TIMOTHY C. TREMBLEY
DONALD W. HAINES
TAMARA J. STANLEY
JAMES A. BUNN II
CHRISTIAN MEINIG
MATTHEW P. EAGLETON
DALE H. TYSOR
TIMOTHY S. HALSEY
PETER C. STAUFFER
FRANCIS W. NOWADLY
JULIE A. ROUTT
JAMES D. RATHBUN

### *To be lieutenant (junior grade)*

DAVID K. SIMMONS
STEVEN A. LEMKE
DOUGLAS G. LOGAN
CHRISTOPHER J. WARD
MICHAEL J. HOSHLYK
DENISE J. GRUCCIO
RALPH R. ROGERS
MICHELE A. FINN
MATTHEW J. WINGATE
CYNTHIA M. RUHSAM
PHILIP A. GRUCCIO
MARK P. MORAN
BARRY K. CHOY
MICHAEL D. FRANCISCO
KIMBERLY R. CLEARY
PAMELA K. HAINES
WILBUR R. RADFORD, JR.

### *To be ensign*

MICHAEL WILLAMSON
WENDY S. HOWELL
JOHN K. LONGENECKER
RICHARD T. BRENNAN
MICHELE E. MCCLURE
GEORGE J. KONOVAL
NEIL D. WESTON
JACK L. RILEY
JASON J. MORENZ
MICHAEL L. HOPKINS
JENNIFER A. YOUNG
DEDE L. PITTS
DAVID M. BERNHART
DANIEL S. MORRIS, JR.
WILLIAM T. COBB III
THOMAS A. GANSHEIMER
JOSEPH A. PICA
GREGORY G. GLOVER
KEITH W. ROBERTS
MICHAEL P. SORACCO
NAN O. SILVERMAN
JOHN D. GRAHAM
MARK L. STIFELMAN
KENNETH A. PAVELLE
SUZANNE M. RUSSELL
JONATHAN G. WENDLAND
ALEXANDRA R. VON SAUNDER
APRIL R. CARON
JOHN T. CASKEY
SYMEON S. COLOVOS
CECILE R. DANIELS
PHILIP G. HALL
TODD A. HAUPT
GREGORY B. JOHNSON
HARRY S. KINDLE III
LAWRENCE T. KREPP
THOMAS E. MARTIN
JASON C. MASTERS
BRIAN W. PARKER
SCOTT M. SHAULIS
RANDAL S. STOCKING
JON D. SWALLOW
TERIANN WHITINGTON
STEPHEN R. WILLIAMS
PAUL R. WISNIEWSKI
MICHELLE P. ZIPPERER
MONICA J. DANIELS
CHRISTOPHER A. KOCH
TODD A. BRIDGEMAN
MARK A. WETZLER
NATHAN L. HILL
ROBERT A. KAMPHAUS
JONATHON A. MANN
ALAYNE DONLON
ADAM D. DUNBAR
STACY M. MAENNER
ERIC W. ORT
SHEPARD M. SMITH
EDWARD J. VAN DEN AMEELE
DEBORA R. BARR
ERIC W. BERKOWITZ
LAWRENCE P. CHICCHELLY, JR.

## IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

### *To be lieutenant general*

LT. GEN. MICHAEL A. NELSON, [redacted] U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE OF MAJOR GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

### *To be major general*

BRIG. GEN. CHARLES H. ROADMAN II [redacted] REGULAR AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8351, AND 8374, TITLE 10, UNITED STATES CODE:

### *To be brigadier general*

COL. WILLIAM M. GUY, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8351, AND 8374, TITLE 10, UNITED STATES CODE:

### *To be brigadier general*

COL. PAUL A. WEAVER, JR. [redacted] AIR NATIONAL GUARD OF THE UNITED STATES

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

### *To be brigadier general*

COL. MICHAEL K. WYRICK, [redacted] REGULAR AIR FORCE

## IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

### *To be lieutenant general*

LT. GEN. ALONZO E. SHORT, JR. [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

### *To be lieutenant general*

LT. GEN. SAMUEL N. WAKEFIELD [redacted] U.S. ARMY

## IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

### *To be vice admiral*

VICE ADM. JERRY L. UNRUH [redacted] U.S. NAVY

## IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE OFFICER BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

### MEDICAL CORPS

### *To be major*

CATHY J. SCHOORENS, [redacted]

## IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTION 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

### LINE OF THE AIR FORCE

### *To be lieutenant colonel*

MAJ. ROBERT A. BAKER [redacted], 8 JAN 94
MAJ. BARTHOLOMEW G. HILL, [redacted] 4 FEB 94
MAJ. TERRY L. BUTLER [redacted], 25 JAN 94
MAJ. DONALD E. FICK [redacted], 25 JAN 94
MAJ. TONY O. FLORES, JR. [redacted], 9 JAN 94
MAJ. JAMES F. HOLLER [redacted], 19 JAN 94
MAJ. MARTIN G. KLEIN [redacted], 17 DEC 93
MAJ. THOMAS M. MCCOWN, [redacted] 25 JAN 94
MAJ. ROGER L. NYE [redacted] 4 JAN 94
MAJ. DOUGLAS J. PETERSON [redacted], 9 JAN 94
MAJ. BENJAMIN J. SPRAGGINS [redacted], 8 JAN 94
MAJ. LAWRENCE A. THOMAS [redacted], 13 JAN 94

### JUDGE ADVOCATE GENERALS DEPARTMENT

MAJ. MARCIA BACHMAN, [redacted] 8 JAN 94
MAJ. STEPHEN J. DUNN [redacted], 9 JAN 94
MAJ. FRANCIS A. TURLEY [redacted], 19 JAN 94

### MEDICAL CORPS

MAJ. JAY D. JOHNSON [redacted], 8 JAN 94
MAJ. JOHN R. OLENYN [redacted], 14 AUG 93

### NURSE CORPS

MAJ. SHEREE M. ETTER [redacted], 8 JAN 94

### DENTAL CORPS

MAJ. BRADLEY M. KASSON [redacted] 8 JAN 94

## IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTION 307, TITLE 32, UNITED STATES CODE, AND SECTIONS 8363 AND 593, TITLE 10, UNITED STATES CODE.

### LINE OF THE AIR FORCE

### *To be colonel*

CHARLES E. AMOS [redacted]
PEDRO J. APONTE, [redacted]
WILLIAM G. BADER [redacted]
BARRY W. BEARD [redacted]
WILLIAM M. CAMPENNI [redacted]
FERDINAND J. CHABOT [redacted]
JAMES A. CONING [redacted]
JAMES E. CUNNINGHAM [redacted]
PATRICIA L. DOLEZAL [redacted]
STEVEN R. DOOHEN [redacted]
GEORGE O. EDWARDS [redacted]
EDWIN W. FISHER [redacted]
JAMES C. FOREMAN [redacted]
WILLIAM B. FOULOIS [redacted]
JOSE L. FOURNIER [redacted]
FRANCIS A. GALLELA [redacted]
WILLIAM H. HALL [redacted]
MICHAEL L. HARDEN [redacted]
DONALD J. HENGESH [redacted]
DOUGLAS E. HENNEMAN [redacted]
JAMES M. HERRON [redacted]
JAN C. HOFFMASTER [redacted]
GERALD J. JULIAN [redacted]
PETER W. KELLY [redacted]
STEPHEN F. KRAMARICH [redacted]
EARL T. KUHN, JR. [redacted]
DONALD J. KUNZWEILER [redacted]
JOSEPH F. LADRIGAN, JR. [redacted]
TERRENCE W. LAZAR [redacted]
JOHN A. LOVE [redacted]
WILLIAM J. LUTZ [redacted]
HERMAN W. MCALLESTER, JR. [redacted]
EDWARD B. MCCABE, JR. [redacted]
ELMER E. MCVAY [redacted]
JOHN W. NEWMAN [redacted]
STEVEN T. OKA [redacted]
JOHN H. OLDFIELD, JR. [redacted]
JAMES C. PERKINSON [redacted]
JOHN L. POTTS [redacted]
JOHN L. POWERS [redacted]
STANLEY L. PRUETT [redacted]
BRENT J. RICHARDSON [redacted]
MARY D. RIELLEY [redacted]
ANTHONY H. SCHEULLER [redacted]
JOHN C. SCHNELL [redacted]

STEPHEN L. SCHWAB [redacted]
CONRAD L. SLATE [redacted]
ALLEN J. SMITH [redacted]
BENTON M. SMITH [redacted]
ROBERT C. STACK [redacted]
EDWARD N. STEVENS [redacted]
EDWARD K. THODE, JR. [redacted]
MERLE S. THOMAS [redacted]
DAVID L. THOMPSON [redacted]
JUDY L. TROYER [redacted]
GEORGE T. TUTT [redacted]
DOMENIC S. VACCA [redacted]
RICHARD P. WENGER [redacted]
CHARLES J. WOLF [redacted]

### DENTAL CORPS

*To be colonel*

EDWARD H. GREENE II [redacted]
RONALD S. TOURIGNY [redacted]
KENNETH D. TRICINELLA [redacted]

### JUDGE ADVOCATE

*To be colonel*

JANET S. BELL [redacted]
JOHN T. FLYNN [redacted]
LAWRANCE L. PAULSON [redacted]
JAMES E. WILSON [redacted]

### MEDICAL CORPS

*To be colonel*

DANIEL E. COLEMAN [redacted]
SONYA M. JOHNS [redacted]
JAMES E. JONES, JR. [redacted]
CAROLYN G. NEWTON [redacted]
CALVIN A. SCHULER [redacted]

### NURSE CORPS

*To be colonel*

MARJORIE S. PAULSON [redacted]

### IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTION 307, TITLE 32, UNITED STATES CODE, AND SECTIONS 8363 AND 593, TITLE 10, UNITED STATES CODE.

### LINE OF THE AIR FORCE

*To be colonel*

JACK S. ARNOLD [redacted]
JOHN D. BALLARD [redacted]
JAMES R. BARTELMA [redacted]
SIMEON D. BATEMAN III [redacted]
ROBERT D. BEASLEY [redacted]
JOHN D. BIDELMAN [redacted]
DICK BURNEY [redacted]
MYRON B. CARPENTER, JR. [redacted]
KENNETH R. CLARK [redacted]
DONALD H. CLOBES [redacted]
DANNY J. COKER [redacted]
JAMES B. CRAWFORD III [redacted]
MICHAEL A. CUSHMAN [redacted]
JAMES H. DAVIS [redacted]
JOHN A. DENNIS, JR. [redacted]
RONALD D. DURKES [redacted]
MALCOLM C. EMERICK [redacted]
PASCHAL A. ENGLISH, JR. [redacted]
CARL C. FIRKINS [redacted]
GARFIELD J. FRICKE [redacted]
HENRY C. FRISBY [redacted]
MICHAEL R. GAAN [redacted]
STEVEN L. GILBERTSON [redacted]
MICHAEL L. GREEN [redacted]
WILLIAM D. GREENE [redacted]
ROBERT H. HARMON [redacted]
JOHN P. HUGHES [redacted]
DANIEL JAMES III [redacted]
EDWARD R. JAYNE II [redacted]
CHARLES J. JOHNSON, JR. [redacted]
ROBERT L. KAY [redacted]
GEORGE M. KELLY [redacted]
GLEN A. KNABLE [redacted]
RICHARD C. KOWALSKI [redacted]
DUANE L. KRATZ [redacted]
FRANK E. LANDIS, JR. [redacted]
JAMES P. LANE [redacted]
RICHARD H. LEAVY [redacted]
CARMEN J. LEONELLI [redacted]
ALBERT E. LERBERG III [redacted]
THOMAS J. LIEN [redacted]
RICHARD O. LILLIE [redacted]
JAMES D. LINDSEY [redacted]
THOMAS P. MAGUIRE, JR. [redacted]
CLARK W. MARTIN [redacted]
JAMES W. MCKINNEY [redacted]
STANLEY E. MEHRHOFF [redacted]
JEFFREY A. METIUS [redacted]
THOMAS R. MORGAN, JR. [redacted]
GIRARD F. NARDONE II [redacted]
WILLIAM E. NESBIT [redacted]
THOMAS J. OBRIEN [redacted]
LARRY D. PACE [redacted]
ALAN L. PAIGE [redacted]
JOHN S. PAYNE [redacted]
WALLACE F. PICKARD, JR. [redacted]
DARRELL W. PREECE [redacted]
ROBERT H. PURPLE [redacted]
CURRAN A. ROBINSON [redacted]
LYNN K. ROBINSON [redacted]
ROBERT D. RODEKOHR [redacted]
JOAQUIN J. ROVIRA [redacted]
THERON J. ROYER [redacted]
RONALD W. RUBIN [redacted]
JAMES P. RYAN [redacted]
JOHN S. SANSOM [redacted]
JOHN K. SCOTT [redacted]
KERRY L. SHARP [redacted]
DOUGLAS C. SHELTON, JR. [redacted]
VINCENT J. SHIBAN [redacted]
JAMES M. SKIFF [redacted]
ROBERT J. SPERMO [redacted]
RICHARD F. SUTHERLAND [redacted]
LLOYD B. SYDNEY [redacted]
REX W. TANBERG, JR. [redacted]
WALTER T. THILLY [redacted]
JULIUS J. THURN [redacted]
LARRY T. TRIPP [redacted]
RONALD A. TURNER [redacted]
CHARLES H. VAUGHN [redacted]
MANUEL A. WALLACE [redacted]
VAN P. WILLIAMS, JR. [redacted]

### CHAPLAIN CORPS

*To be colonel*

FRANK A. MITOLO [redacted]
DAVID F. SHOELL [redacted]

### DENTAL CORPS

*To be colonel*

BUFORD O. GILBERT, JR. [redacted]
STEPHEN C. GLADWIN III [redacted]

### JUDGE ADVOCATE

*To be colonel*

JOHN W. DWYER [redacted]
LYMAN L. FRICK, JR. [redacted]
THEODORE C. JARVI [redacted]
JAMES W. PEACO, JR. [redacted]
JOSEPH F. SPEELMAN [redacted]
SIDNEY E. WURZBURG [redacted]

### MEDICAL SERVICE CORPS

*To be colonel*

CHARLES O. BRUCE III [redacted]
LORENZO, CABRERA [redacted]
WAYNE C. COLE [redacted]
RICHARD F. DIETRICK [redacted]
ROBERT M. GALLAGHER [redacted]
PAUL Y. NESKOW [redacted]
DEAN L. WINSLOW [redacted]

### BIOMEDICAL SCIENCES CORPS

*To be colonel*

DONALD L. NOAH [redacted]

# EXTENSIONS OF REMARKS

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 12, 1994, may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### APRIL 13

9:30 a.m.

Armed Services
Military Readiness and Infrastructure Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense, and the future years defense program, focusing on logistics and ammunition programs.

SR-232A

Armed Services
Coalition Defense and Reinforcing Forces Subcommittee

To resume hearings on proposed legislation to authorize funds for fiscal year 1995 for the Department of Defense, and the future years defense program, focusing on policy and plans for multinational peace operations.

SR-222

Labor and Human Resources

Business meeting, to mark up S. 1995, to authorize funds for migrant, community and homeless health center programs of the Public Health Service Act, S. 2000, to authorize funds for fiscal years 1995 through 1998 to carry out the Head Start Act and the Community Services Block Grant Act, and H.R. 1036, to revise the Employee Retirement Income Security Act of 1974 to provide that such Act does not preempt certain State laws, and to consider pending nominations.

SD-430

Indian Affairs

Business meeting, to mark up S. 1216, to resolve the 107th Meridian boundary dispute between the Crow Indian Tribe, the Northern Cheyenne Indian Tribe, and the United States and various other issues pertaining to the Crow Indian Reservation, S. 1526, to improve the management of Indian fish and wildlife and gathering resources, and S. 720, to clean up open dumps on Indian lands; to be followed by a hearing on proposed budget estimates for fiscal year 1995 for the Bureau of Indian Affairs.

SR-485

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold oversight hearings on disaster assistance programs.

SR-332

Appropriations
Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Energy, focusing on fossil energy and clean coal programs.

SD-116

Appropriations
Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Coast Guard, Department of Transportation.

SD-138

Banking, Housing, and Urban Affairs

To hold oversight hearings on Government Sponsored Enterprises housing goals.

SD-538

Commerce, Science, and Transportation
Surface Transportation Subcommittee

To hold hearings on S. 2002, to authorize funds for the National Railroad Passenger Corporation, and S. 1942, to authorize funds for the local rail freight assistance program.

SR-253

Foreign Relations

To resume hearings on the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature and signed by the United States at Paris on January 13, 1993 (Treaty Doc. 103-21).

SD-419

2:00 p.m.

Foreign Relations

To hold hearings on the nomination of Charles H. Twining, of Maryland, to be Ambassador to Cambodia.

SD-419

Small Business

To hold hearings to examine interstate sales tax collection.

SR-428A

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Arnold Gregory Holz, of Maryland, to be Chief Financial Officer, National Aeronautics and Space Administration.

SR-253

Judiciary

To hold hearings on S. 774, to authorize funds for the Martin Luther King, Jr. Federal Holiday Commission, extend such Commission, and establish a national Service Day to promote community service.

SD-226

3:15 p.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for the National Science Foundation.

SR-253

### APRIL 14

9:30 a.m.

Armed Services

To hold hearings on the nomination of Adm. Jeremy M. Boorda, USN, to be Chief of Naval Operations.

SR-222

Energy and Natural Resources

To hold hearings on the operating and economic environment of the domestic natural gas and oil industry.

SD-366

Environment and Public Works
Clean Air and Nuclear Regulation Subcommittee

To hold hearings to examine implementation of the Administration's Climate Change Action Plan and issues associated with adapting to changing circumstances which may result from potential climate change.

SD-406

10:00 a.m.

Appropriations
Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on health services and infrastructure.

SD-192

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Bureau of Investigation, and the Drug Enforcement Administration, both of the Department of Justice.

S-146, Capitol

Finance

To resume hearings to examine health care reform issues, focusing on the effect on academic health centers.

SD-215

Foreign Relations

To hold hearings on the nomination of Melvyn Levitsky, of Maryland, to be Ambassador to the Federative Republic of Brazil.

SD-419

Labor and Human Resources
Education, Arts and Humanities Subcommittee

To resume hearings on S. 1513, authorizing funds for programs of the Elementary and Secondary Education Act of 1065.

SD-628

Labor and Human Resources
Aging Subcommittee

To resume hearings to examine long-term health care reform issues.

SD-430

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

11:15 a.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

2:00 p.m.
Armed Services
Nuclear Deterrence, Arms Control, and Defense Intelligence Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense, and the future years defense program, focusing on chemical demilitarization.
SR-222

2:30 p.m.
Veterans' Affairs
Business meeting, to consider pending calendar business.
SR-414

Select on Intelligence
To resume closed hearings on intelligence matters.
SH-219

3:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research, Conservation, Forestry and General Legislation Subcommittee
To hold hearings on issues relating to ecosystem management.
SR-332

APRIL 18

2:00 p.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for Science and Education, Agricultural Research Service, Cooperative State Research Service, Extension Service, and Alternative Agricultural Research and Commercialization, all of the Department of Agriculture.
SD-138

Armed Services
Coalition Defense and Reinforcing Forces Subcommittee
Military Readiness and Infrastructure Subcommittee
To hold joint hearings to review the implementation in the Department of Defense of the lessons learned from the Persian Gulf conflict.
SR-232A

APRIL 19

9:30 a.m.
Governmental Affairs
To resume hearings to examine the impact of unfunded Federal mandates on how State and local governments provide programs, services, and activities, and on related measures including S. 563, S. 648, S. 993, and S. 1604.
SD-342

Rules and Administration
To resume hearings on S. 1824, to improve the operations of the legislative branch of the Federal Branch, focusing on Subtitle A, Parts I and II of Title III, relating to Congressional biennial budgeting and additional budget process changes.
SR-301

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on strategic programs.
SD-192

Armed Services
Regional Defense and Contingency Forces Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and the future years defense program, focusing on C-17 settlement and strategic mobility issues.
SR-222

2:30 p.m.
Armed Services
Nuclear Deterrence, Arms Control, and Defense Intelligence Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense, and the future years defense program, focusing on the Department of Energy's environmental restoration and waste management programs.
SR-222

Veterans' Affairs
To hold hearings to examine proposals to finance veterans health care reform.
SR-418

APRIL 20

9:30 a.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense, and to review the future years defense program, focusing on the unified commands military strategy and operational requirements.
SR-222

Indian Affairs
To hold oversight hearings on the regulation of Indian gaming.
SR-485

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on issues relating to the General Agreement on Tariffs and Trade (GATT).
SD-562

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of the Treasury, and the United States Postal Service.
SD-116

APRIL 21

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on intelligence programs.
S-407, Capitol

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Housing and Urban Development.
SD-106

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Fish and Wildlife Service, Department of the Interior.
S-128, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Securities and Exchange Commission, and the Federal Communications Commission.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Aviation Administration, Department of Transportation.
SD-138

Commerce, Science, and Transportation
To hold hearings on the nominations of Ricardo Martinez, of Louisiana, to be Administrator, National Highway Traffic Safety Administration, Department of Transportation, and Carrye Burley Brown, of the District of Columbia, to be Administrator, United States Fire Administration, Federal Emergency Management Agency.
SR-253

2:30 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research, Conservation, Forestry and General Legislation Subcommittee
To hold hearings to review new management directives for the U.S. Forest Service.
SD-628

APRIL 22

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine waste, fraud, and abuse in the health care industry.
SD-192

APRIL 25

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1945, to authorize funds for fiscal year 1995 for certain maritime programs of the Department of Transportation.
SR-253

2:00 p.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for International Affairs and Commodity Programs, Natural Resources and Environment, Agricultural Stabilization and Conservation Service, Foreign Agriculture Service, Soil Conservation Service, and Federal Crop Insurance Corporation, all of the Department of Agriculture.
SD-138

APRIL 26

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on National Foreign Intelligence Programs (NFIP) and Tactical Intelligence and Related Activities (TIARA).
S-407, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Office of Justice Programs, and the Immigration and Naturalization Service, both of the Department of Justice.
S-146, Capitol

### APRIL 27

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 1350, to provide for an expanded Federal program of hazards mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions.
SR-253

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Transit Administration, Department of Transportation, and the Washington Metro Transit Authority.
SD-138

### APRIL 28

9:30 a.m.
Rules and Administration
To resume hearings on S. 1824, to improve the operations of the legislative branch of the Federal Branch, focusing on Subtitle A, Parts I and II of Title III, relating to Congressional biennial budgeting and additional budget process changes.
SR-301

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Environmental Protection Agency, and the Council on Environmental Quality.
SD-106

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Information Agency.
S-146, Capitol

2:30 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Bureau of Indian Affairs, Department of the Interior.
SD-116

### MAY 3

9:30 a.m.
Energy and Natural Resources
To hold hearings on Boron-Neutron Cancer Therapy.
SD-366

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for Food and Consumer Services, Food and Nutrition Service, and Human Nutrition Information Service, all of the Department of Agriculture.
SD-138

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on defense conversion programs.
SD-192

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to review the implementation of the Central Valley Project Improvement Act (Title 34 of P.L. 102-575) and the coordination of the program with other Federal protection and restoration efforts in the San Francisco Bay/Sacramento-San Joaquin Delta.
SD-366

### MAY 5

9:30 a.m.
Rules and Administration
To resume hearings on S. 1824, to improve the operations of the legislative branch of the Federal Branch, focusing on title III, subtitle B (Staffing, Administration, and Support Agencies), and subtitle C (Abolishing the Joint Committees).
SR-301

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Legal Services Corporation.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the National Transportation Safety Board, and the National Highway Traffic Safety Administration, Department of Transportation.
SD-138

### MAY 10

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Commodity Futures Trading Commission, the Farm Credit Administraion, and the Food and Drug Administration, Department of Health and Human Services.
SD-138

### MAY 11

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the National Park Service, Department of the Interior.
S-128, Capitol

### MAY 12

9:30 a.m.
Rules and Administration
To hold hearings on proposed legislation authorizing funds for fiscal year 1995 for the Federal Election Commission.
SR-301

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Corporation for National and Community Service.
SD-106

### MAY 17

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on the Pacific Rim, NATO, and peacekeeping programs.
SD-192

### MAY 19

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Veteran's Affairs, and the Selective Service System.
SD-106

### MAY 20

9:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Veteran's Affairs and Housing and Urban Development, and independent agencies.
SD-138

### MAY 25

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of the Interior.
S-128, Capitol

### MAY 26

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the National Aeronautics and Space Administration.
SD-106

### JUNE 8

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings proposed budget estimates for fiscal year 1995 for the Department of Energy.
S-128, Capitol

JULY 19

10:00 a.m.
Appropriations
Defense Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense.
SD-192

## CANCELLATIONS

APRIL 12

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on classified programs.
S-407, Capitol

APRIL 14

9:30 a.m.
Governmental Affairs
To hold hearings to examine Environmental Protection Agency financial and contract management activities.
SD-342

## POSTPONEMENTS

APRIL 13

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on dangerous exposures in the Persian Gulf War.
SH-216

# SENATE—*Tuesday, April 12, 1994*

*(Legislative day of Monday, April 11, 1994)*

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

Mr. BYRD. The Senate will be led in prayer by the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson, please.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*For my people have committed two evils; they have forsaken me, the fountain of living waters, and hewed them out cisterns, broken cisterns, that can hold no water.*—Jeremiah 2:13.

Eternal God of truth and justice, help us to hear these words which You have spoken through Jeremiah, Your prophet. Help us comprehend the terrible consequences when we forsake Thee. G.K. Chesterton has said, "When we do not believe in God, the problem is not that we believe in nothing, but that we believe anything." Help us understand the disorientation when there is no God reference in our lives—no transcendent reality which gives meaning to life. Deliver us from the moral and ethical anarchy which is inevitable when we abandon the absolute. Move us to consider the profound question engraved on the wall of the Jefferson Memorial: "Can the liberties of a nation be secure when we have removed from the hearts of the people the belief that those liberties are the gift of God?"

Save us, patient Father, from our propensity to rebellious indifference toward Thee.

In the name of our Lord and for the healing of the Nation, we pray. Amen.

## RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## CALIFORNIA DESERT PROTECTION ACT OF 1993

The PRESIDENT pro tempore. Also under the previous order, the Senate will proceed to the consideration of S. 21, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 21) to designate certain lands in the California desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "California Desert Protection Act of 1993".

### SEC. 2. FINDINGS AND POLICY.

(a) The Congress finds and declares that—

(1) the federally owned desert lands of southern California constitute a public wildland resource of extraordinary and inestimable value for this and future generations;

(2) these desert wildlands display unique scenic, historical, archeological, environmental, ecological, wildlife, cultural, scientific, educational, and recreational values used and enjoyed by millions of Americans for hiking and camping, scientific study and scenic appreciation;

(3) the public land resources of the California desert now face and are increasingly threatened by adverse pressures which would impair, dilute, and destroy their public and natural values;

(4) the California desert, embracing wilderness lands, units of the National Park System, other Federal lands, State parks and other State lands, and private lands, constitutes a cohesive unit posing unique and difficult resource protection and management challenges;

(5) through designation of national monuments by Presidential proclamation, through enactment of general public land statutes (including section 601 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 43 U.S.C. 1701 et seq.) and through interim administrative actions, the Federal government has begun the process of appropriately providing for protection of the significant resources of the public lands in the California desert; and

(6) statutory land unit designations are needed to afford the full protection which the resources and public land values of the California desert merit.

(b) In order to secure for the American people of this and future generations an enduring heritage of wilderness, national parks, and public land values in the California desert, it is hereby declared to be the policy of the Congress that—

(1) appropriate public lands in the California desert shall be included within the National Park System and the National Wilderness Preservation System, in order to—

(A) preserve unrivaled scenic, geologic, and wildlife values associated with these unique natural landscapes;

(B) perpetuate in their natural state significant and diverse ecosystems of the California desert;

(C) protect and preserve historical and cultural values of the California desert associated with ancient Indian cultures, patterns of western exploration and settlement, and sites exemplifying the mining, ranching and railroading history of the Old West;

(D) provide opportunities for compatible outdoor public recreation, protect and interpret ecological and geological features and historic, paleontological, and archeological sites, maintain wilderness resource values, and promote public understanding and appreciation of the California desert; and

(E) retain and enhance opportunities for scientific research in undisturbed ecosystems.

## TITLE I—DESIGNATION OF WILDERNESS AREAS TO BE ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT

### SEC. 101. FINDINGS.

The Congress finds and declares that—

(1) wilderness is a distinguishing characteristic of the public lands in the California desert, one which affords an unrivaled opportunity for experiencing vast areas of the Old West essentially unaltered by man's activities, and which merits preservation for the benefit of present and future generations;

(2) the wilderness values of desert lands are increasingly threatened by and especially vulnerable to impairment, alteration, and destruction by activities and intrusions associated with incompatible use and development; and

(3) preservation of desert wilderness necessarily requires the highest forms of protective designation and management.

### SEC. 102. DESIGNATION OF WILDERNESS.

In furtherance of the purpose of the Wilderness Act (78 Stat. 890, 16 U.S.C. 1131 et seq.), and sections 601 and 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1701 et seq.), the following lands in the State of California, as generally depicted on maps referenced herein, are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred and ninety acres, as generally depicted on a map entitled "Argus Range Wilderness—Proposed 1", dated May 1991, and two maps entitled "Argus Range Wilderness—Proposed 2" and "Argus Range Wilderness—Proposed 3" dated January 1989, and which shall be known as the Argus Range Wilderness.

(2) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately ten thousand three hundred and eighty acres, as generally depicted on a map entitled "Bigelow Cholla Garden Wilderness—Proposed", dated July 1993, and which shall be known as the Bigelow Cholla Garden Wilderness.

(3) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, and within the San Bernardino National Forest, which comprise approximately thirty-nine thousand one hundred and eighty-five acres, as generally depicted on a map entitled "Bighorn Mountain Wilderness—Proposed", dated July 1993, and which shall be known as the Bighorn Mountain Wilderness.

(4) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which

comprise approximately forty-seven thousand five hundred and seventy acres, as generally depicted on a map entitled "Big Maria Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Big Maria Mountains Wilderness.

(5) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirteen thousand nine hundred and forty acres, as generally depicted on a map entitled "Black Mountain Wilderness—Proposed", dated July 1993, and which shall be known as the Black Mountain Wilderness.

(6) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately nine thousand five hundred and twenty acres, as generally depicted on a map entitled "Bright Star Wilderness—Proposed", dated October 1993, and which shall be known as the Bright Star Wilderness.

(7) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-eight thousand five hundred and fifteen acres, as generally depicted on two maps entitled "Bristol Mountains Wilderness—Proposed 1", and "Bristol Mountains Wilderness—Proposed 2", dated September 1991, and which shall be known as Bristol Mountains Wilderness.

(8) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-nine thousand seven hundred and forty acres, as generally depicted on a map entitled "Cadiz Dunes Wilderness—Proposed", dated July 1993, and which shall be known as the Cadiz Dunes Wilderness.

(9) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty-four thousand four hundred acres, as generally depicted on a map entitled "Cady Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Cady Mountains Wilderness.

(10) Certain lands in the California Desert Conservation Area and Eastern San Diego County, of the Bureau of Land Management, which comprise approximately fifteen thousand seven hundred acres, as generally depicted on a map entitled "Carrizo Gorge Wilderness—Proposed", dated February 1986, and which shall be known as the Carrizo Gorge Wilderness.

(11) Certain lands in the California Desert Conservation Area and Yuma District, of the Bureau of Land Management, which comprise approximately sixty-four thousand three hundred and twenty acres, as generally depicted on a map entitled "Chemehuevi Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Chemehuevi Mountains Wilderness.

(12) Certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirteen thousand seven hundred acres, as generally depicted on two maps entitled "Chimney Park Wilderness—Proposed 1" and "Chimney Peak Wilderness—Proposed 2", dated May 1991, and which shall be known as the Chimney Peak Wilderness.

(13) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty thousand seven hundred and seventy acres, as generally depicted on two maps entitled "Chuckwalla Mountains Wilderness—Proposed 1" and "Chuckwalla Mountains Wilderness—Proposed 2", dated July 1992, and which shall be known as the Chuckwalla Mountains Wilderness.

(14) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise thirty-three thousand nine hundred and eighty acres, as generally depicted on a map entitled "Cleghorn Lakes Wilderness—Proposed", dated July 1993, and which shall be known as the Cleghorn Lakes Wilderness. The Secretary may, pursuant to an application filed by the Department of Defense, grant a right-of-way for, and authorize construction of, a road within the area depicted as "nonwilderness road corridor" on such map.

(15) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-six thousand acres, as generally depicted on a map entitled "Clipper Mountain Wilderness—Proposed", dated July 1993, and which shall be known as Clipper Mountain Wilderness.

(16) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty thousand five hundred and twenty acres, as generally depicted on a map entitled "Coso Range Wilderness—Proposed", dated May 1991, and which shall be known as Coso Range Wilderness.

(17) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventeen thousand acres, as generally depicted on a map entitled "Coyote Mountains Wilderness—Proposed", dated July 1993, and which shall be known as Coyote Mountains Wilderness.

(18) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eight thousand six hundred acres, as generally depicted on a map entitled "Darwin Falls Wilderness—Proposed", dated May 1991, and which shall be known as Darwin Falls Wilderness.

(19) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-eight thousand eight hundred and fifty acres, as generally depicted on a map entitled "Dead Mountains Wilderness—Proposed", dated October 1991, and which shall be known as Dead Mountains Wilderness.

(20) Certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirty-six thousand three hundred acres, as generally depicted on two maps entitled "Domeland Wilderness Additions—Proposed 1" and "Domeland Wilderness Additions—Proposed 2", and which are hereby incorporated in, and which shall be deemed to be a part of, the Domeland Wilderness as designated by Public Laws 93-632 and 98-425.

(21) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-three thousand seven hundred and eighty acres, as generally depicted on a map entitled "El Paso Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the El Paso Mountains Wilderness.

(22) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-five thousand nine hundred and forty acres, as generally depicted on a map entitled "Fish Creek Mountains Wilderness—Proposed", dated July 1993, and which shall be known as Fish Creek Mountains Wilderness.

(23) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-eight thousand one hundred and ten acres, as generally depicted on a map entitled "Funeral Mountains Wilderness—Proposed", dated May 1991, and which shall be known as Funeral Mountains Wilderness.

(24) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-seven thousand seven hundred acres, as generally depicted on a map entitled "Golden Valley Wilderness—Proposed", dated February 1986, and which shall be known as Golden Valley Wilderness.

(25) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-one thousand six hundred and ninety-five acres, as generally depicted on a map entitled "Grass Valley Wilderness—Proposed", dated July 1993, and which shall be known as the Grass Valley Wilderness.

(26) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eight thousand eight hundred acres, as generally depicted on a map entitled "Great Falls Basin Wilderness—Proposed", dated February 1986, and which shall be known as the Great Falls Basin Wilderness.

(27) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand two hundred and forty acres, as generally depicted on a map entitled "Hollow Hills Wilderness—Proposed", dated May 1991, and which shall be known as the Hollow Hills Wilderness.

(28) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-six thousand four hundred and sixty acres, as generally depicted on a map entitled "Ibex Wilderness—Proposed", dated May 1991, and which shall be known as the Ibex Wilderness.

(29) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand eight hundred and fifty-five acres, as generally depicted on a map entitled "Indian Pass Wilderness—Proposed", dated July 1993, and which shall be known as the Indian Pass Wilderness.

(30) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, and within the Inyo National Forest, which comprise approximately two hundred and five thousand and twenty acres, as generally depicted on three maps entitled "Inyo Mountains Wilderness—Proposed 1", "Inyo Mountains Wilderness—Proposed 2", "Inyo Mountains Wilderness—Proposed 3", dated May 1991, and which shall be known as the Inyo Mountains Wilderness.

(31) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand six hundred and seventy acres, as generally depicted on a map entitled "Jacumba Wilderness—Proposed", dated July 1993, and which shall be known as the Jacumba Wilderness.

(32) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred and twenty-nine thousand five hundred and eighty acres, as generally depicted on a map entitled "Kelso Dunes Wilderness—Proposed 1", dated October 1991, a map entitled "Kelso Dunes Wilderness—Proposed 2", dated May 1991, and a map entitled "Kelso Dunes Wilderness—Proposed 3",

dated September 1991, and which shall be known as the Kelso Dunes Wilderness.

(33) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, and the Sequoia National Forest, which comprise approximately eighty-eight thousand two hundred and ninety acres, as generally depicted on a map entitled "Kiavah Wilderness—Proposed 1", dated February 1986, and a map entitled "Kiavah Wilderness—Proposed 2", dated October 1993, and which shall be known as the Kiavah Wilderness.

(34) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred nine thousand, six hundred and eight acres, as generally depicted on four maps entitled "Kingston Range Wilderness—Proposed 1", "Kingston Range Wilderness—Proposed 2", "Kingston Range Wilderness—Proposed 3", "Kingston Range Wilderness—Proposed 4", dated July 1993, and which shall be known as the Kingston Range Wilderness.

(35) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-nine thousand eight hundred and eighty acres, as generally depicted on a map entitled "Little Chuckwalla Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Little Chuckwalla Mountains Wilderness.

(36) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately thirty-three thousand six hundred acres, as generally depicted on a map entitled "Little Picacho Wilderness—Proposed", dated July 1993, and which shall be known as the Little Picacho Wilderness.

(37) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand three hundred and sixty acres, as generally depicted on a map entitled "Malpais Mesa Wilderness—Proposed", dated September 1991, and which shall be known as the Malpais Mesa Wilderness.

(38) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand one hundred and five acres, as generally depicted on a map entitled "Manly Peak Wilderness—Proposed", dated October 1991, and which shall be known as the Manly Peak Wilderness.

(39) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-four thousand two hundred acres, as generally depicted on a map entitled "Mecca Hills Wilderness—Proposed", dated July 1993, and which shall be known as the Mecca Hills Wilderness.

(40) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-seven thousand three hundred and thirty acres, as generally depicted on a map entitled "Mesquite Wilderness—Proposed", dated May 1991, and which shall be known as the Mesquite Wilderness.

(41) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand nine hundred acres, as generally depicted on a map entitled "Newberry Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Newberry Mountains Wilderness.

(42) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred ten thousand eight hundred and sixty acres, as generally depicted on a map entitled "Nopah Range Wilderness—Proposed", dated July 1993, and which shall be known as the Nopah Range Wilderness.

(43) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand two hundred and forty acres, as generally depicted on a map entitled "North Algodones Dunes Wilderness—Proposed", dated October 1991, and which shall be known as the North Algodones Dunes Wilderness.

(44) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-five thousand five hundred and forty acres, as generally depicted on a map entitled "North Mesquite Mountains Wilderness—Proposed", dated May 1991, and which shall be known as the North Mesquite Mountains Wilderness.

(45) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-six thousand and twenty acres, as generally depicted on a map entitled "Old Woman Mountains Wilderness—Proposed 1", dated July 1993 and a map entitled "Old Woman Mountains Wilderness—Proposed 2", dated July 1993, and which shall be known as the Old Woman Mountains Wilderness.

(46) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand seven hundred and thirty-five acres, as generally depicted on a map entitled "Orocopia Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Orocopia Mountains Wilderness.

(47) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately seventy-four thousand six hundred and forty acres, as generally depicted on a map entitled "Owens Peak Wilderness—Proposed 1", dated February 1986, and two maps entitled "Owens Peak Wilderness—Proposed 2" and "Owens Peak Wilderness—Proposed 3", dated May 1991, and which shall be known as the Owens Peak Wilderness.

(48) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred acres, as generally depicted on a map entitled "Pahrump Valley Wilderness—Proposed", dated February 1986, and which shall be known as the Pahrump Valley Wilderness.

(49) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred seventy thousand six hundred and twenty-nine acres, as generally depicted on a map entitled "Palen/McCoy Wilderness—Proposed 1", dated July 1993, and a map entitled "Palen/McCoy Wilderness—Proposed 2", dated July 1993, and which shall be known as the Palen/McCoy Wilderness.

(50) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand three hundred and ten acres, as generally depicted on a map entitled "Palo Verde Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Palo Verde Mountains Wilderness.

(51) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand seven hundred acres, as generally depicted on a map entitled "Picacho Peak Wilderness—Proposed", dated May 1991, and which shall be known as the Picacho Peak Wilderness.

(52) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-two thousand five hundred and seventy-five acres, as generally depicted on a map entitled "Piper Mountain Wilderness—Proposed", dated October 1993, and which shall be known as the Piper Mountain Wilderness.

(53) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-six thousand eight hundred and forty acres, as generally depicted on a map entitled "Piute Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Piute Mountains Wilderness.

(54) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-eight thousand eight hundred and sixty-eight acres, as generally depicted on a map entitled "Resting Spring Range Wilderness—Proposed", dated May 1991, and which shall be known as the Resting Spring Range Wilderness.

(55) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand eight hundred and twenty acres, as generally depicted on a map entitled "Rice Valley Wilderness—Proposed", dated May 1991, and which shall be known as the Rice Valley Wilderness.

(56) Certain lands in the California Desert Conservation area and the Yuma District, of the Bureau of Land Management, which comprise approximately twenty-two thousand three hundred eighty acres, as generally depicted on a map entitled "Riverside Mountains Wilderness—Proposed", dated May 1991, and which shall be known as the Riverside Mountains Wilderness.

(57) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-one thousand three hundred acres, as generally depicted on a map entitled "Rodman Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Rodman Mountains Wilderness.

(58) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately fifty-one thousand nine hundred acres, as generally depicted on two maps entitled "Sacatar Trail Wilderness—Proposed 1" and "Sacatar Trail Wilderness—Proposed 2", dated May 1991, and which shall be known as the Sacatar Trail Wilderness.

(59) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one thousand four hundred and forty acres, as generally depicted on a map entitled "Saddle Peak Hills Wilderness—Proposed", dated July 1993, and which shall be known as the Saddle Peak Hills Wilderness.

(60) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-seven thousand nine hundred and eighty acres, as generally depicted on a map entitled "San Gorgonio Wilderness Additions—Proposed", dated July 1993, and which are hereby incorporated in, and which shall be deemed to be a part of, the San Gorgonio

Wilderness as designated by Public Laws 88-577 and 98-425.

(61) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-four thousand seven hundred and sixty acres, as generally depicted on a map entitled "Santa Rosa Wilderness Additions—Proposed", dated July 1993, and which are hereby incorporated in, and which shall be deemed to be a part of, the Santa Rosa Wilderness designated by Public Law 98-425.

(62) Certain lands in the California Desert District, of the Bureau of Land Management, which comprise approximately thirty-five thousand and eighty acres, as generally depicted on a map entitled "Sawtooth Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Sawtooth Mountains Wilderness.

(63) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred seventy-four thousand eight hundred acres, as generally depicted on two maps entitled "Sheephole Valley Wilderness—Proposed 1", dated July 1993, and "Sheephole Valley Wilderness—Proposed 2", dated July 1993, and which shall be known as the Sheephole Valley Wilderness.

(64) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand seven hundred and eighty acres, as generally depicted on a map entitled "South Nopah Range Wilderness—Proposed", dated February 1986, and which shall be known as the South Nopah Range Wilderness.

(65) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand and fifty acres, as generally depicted on a map entitled "Stateline Wilderness—Proposed", dated May 1991, and which shall be known as the Stateline Wilderness.

(66) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty-one thousand six hundred acres, as generally depicted on a map entitled "Stepladder Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Stepladder Mountains Wilderness.

(67) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-nine thousand one hundred and eighty acres, as generally depicted on a map entitled "Surprise Canyon Wilderness—Proposed", dated September 1991, and which shall be known as the Surprise Canyon Wilderness.

(68) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventeen thousand eight hundred and twenty acres, as generally depicted on a map entitled "Sylvania Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Sylvania Mountains Wilderness.

(69) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-one thousand one hundred and sixty acres, as generally depicted on a map entitled "Trilobite Wilderness—Proposed", dated July 1993, and which shall be known as the Trilobite Wilderness.

(70) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-four thousand five hundred acres, as generally depicted on a map entitled "Turtle Mountains Wilderness—Proposed 1", dated February 1986 and a map entitled "Turtle Mountains Wilderness—Proposed 2", dated May 1991, and which shall be known as the Turtle Mountains Wilderness.

(71) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately seventy-seven thousand five hundred and twenty acres, as generally depicted on a map entitled "Whipple Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Whipple Mountains Wilderness.

### SEC. 103. ADMINISTRATION OF WILDERNESS AREAS.

(a) MANAGEMENT.—Subject to valid existing rights, each wilderness area designated under section 102 shall be administered by the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") or the Secretary of Agriculture, as appropriate, in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

(b) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of section 102, the Secretary concerned shall file a map and legal description for each wilderness area designated under this title with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Each such map and description shall have the same force and effect as if included in this title, except that the Secretary or the Secretary of Agriculture, as appropriate, may correct clerical and typographical errors in each such legal description and map. Each such map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management, Department of the Interior, or the Chief of the Forest Service, Department of Agriculture, as appropriate.

(c) LIVESTOCK.—Within the wilderness areas designated under section 102, the grazing of livestock, where established prior to the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 101(f) of Public Law 101-628.

(d) NO BUFFER ZONES.—The Congress does not intend for the designation of wilderness areas in section 102 of this Act to lead to the creation of protective perimeters or buffer zones around any such wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(e) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act, nothing in this title shall be construed as affecting the jurisdiction of the State of California with respect to wildlife and fish on the public lands located in that State.

(f) WILDLIFE MANAGEMENT.—In furtherance of the purposes of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by this title, where consistent with relevant wilderness management plans, in accordance with appropriate policies and guidelines, as set forth in section 101(h) of Public Law 101-628.

(g) LAW ENFORCEMENT BORDER ACTIVITIES.—(1) Nothing in this title, including the designation as wilderness of lands within the Jacumba Wilderness, Coyote Mountains Wilderness, and Fish Creek Mountains Wilderness designated in section 102 of this Act, shall be construed as—

(A) precluding or otherwise affecting continued border operations by the Immigration and Naturalization Service, the Drug Enforcement Administration, or the United States Customs Service within such wilderness areas, in accordance with any applicable interagency agreements in effect on the date of enactment of this Act; or

(B) precluding the Attorney General of the United States or the Secretary of the Treasury from entering into new or renewed agreements with the Secretary concerning Immigration and Naturalization Service, Drug Enforcement Administration, or United States Custom Service border operations within such wilderness areas, consistent with management of the wilderness areas for the purpose for which such wilderness areas were established, and in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2)(A) Within six months after the date of enactment of this title, the Secretary, in consultation with the Secretary of the Treasury and the Attorney General of the United States, shall review all regulations and policies relating to law enforcement activities within the wilderness areas referred to in paragraph (1) to ensure that such regulations provide Federal law enforcement agencies with adequate authority to engage in law enforcement activities within such wilderness areas.

(B) Upon completion of the review referred to in subparagraph (A), the Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives on the adequacy of existing authority for Federal law enforcement agencies to engage in law enforcement activities within such wilderness areas.

### SEC. 104. WILDERNESS REVIEW.

(a) IN GENERAL.—Except as provided in subsection (b), the Congress hereby finds and directs that lands in the California Desert Conservation Area, of the Bureau of Land Management, not designated as wilderness or wilderness study areas by this Act have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1701 et seq.), and are no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act of 1976 pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

(b) AREAS NOT RELEASED.—The following areas shall continue to be subject to the requirements of section 603(c) of the Federal Land Policy and Management Act of 1976, pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness—

(1) certain lands which comprise approximately sixty-one thousand three hundred and twenty, as generally depicted on a map entitled "Avawatz Mountains Wilderness—Proposed", dated May 1991;

(2) certain lands which comprise approximately thirty-nine thousand seven hundred and fifty acres, as generally depicted on a map entitled "Kingston Range Wilderness—Proposed 4", dated July 1993;

(3) certain lands which comprise approximately eighty thousand four hundred and thirty acres, as generally depicted on two maps entitled "Soda Mountains Wilderness—Proposed 1", dated May 1991, and "Soda Mountains Wilderness—Proposed 2", dated January 1989; and

(4) certain lands which compromise approximately twenty-three thousand two hundred and fifty acres, as generally depicted on a map entitled "South Avawatz Mountains—Proposed", dated May 1991.

(c) WITHDRAWAL.—Subject to valid existing rights, the Federal lands referred to in subsection (b) are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

### SEC. 105. DESIGNATION OF WILDERNESS STUDY AREA.

In furtherance of the provisions of the Wilderness Act, certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eleven thousand two hundred acres as generally depicted on a map entitled "White Mountains Wilderness Study Area—Proposed", dated May 1991, are hereby designated as the White Mountains Wilderness Study Area and shall be administered by the Secretary in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

### SEC. 106. SUITABILITY REPORT.

The Secretary is required, ten years after the date of enactment of this Act, to report to Congress on current and planned exploration, development or mining activities on, and suitability for future wilderness designation of, the lands as generally depicted on maps entitled "Surprise Canyon Wilderness—Proposed", "Middle Park Canyon Wilderness—Proposed", and "Death Valley National Park Boundary and Wilderness 15", dated September 1991 and a map entitled "Manly Peak Wilderness—Proposed", dated October 1991.

### SEC. 107. DESERT LILY SANCTUARY.

(a) DESIGNATION.—There is hereby established the Desert Lily Sanctuary within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately two thousand forty acres, as generally depicted on a map entitled "Desert Lily Sanctuary", dated February 1986. The Secretary shall administer the area to provide maximum protection to the desert lily.

(b) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the Desert Lily Sanctuary are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

### SEC. 108. DINOSAUR TRACKWAY AREA OF CRITICAL ENVIRONMENTAL CONCERN.

(a) DESIGNATION.—There is hereby established the Dinosaur Trackway Area of Critical Environmental Concern within the California Desert Conservation Area, of the Bureau of Land Management, comprising approximately five hundred and ninety acres as generally depicted on a map entitled "Dinosaur Trackway Area of Critical Environmental Concern", dated July 1993. The Secretary shall administer the area to preserve the paleontological resources within the area.

(b) WITHDRAWAL.—Subject to valid existing rights, the Federal lands within and adjacent to the Dinosaur Trackway Area of Critical Environmental Concern, as generally depicted on a map entitled "Dinosaur Trackway Mineral Withdrawal Area", dated July 1993, are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

## TITLE II—DESIGNATION OF WILDERNESS AREAS TO BE ADMINISTERED BY THE UNITED STATES FISH AND WILDLIFE SERVICE

### SEC. 201. DESIGNATION AND MANAGEMENT.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act, the following lands are hereby designated as wilderness and therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Havasu National Wildlife Refuge, California, which comprise approximately three thousand one hundred and ninety-five acres, as generally depicted on a map entitled "Havasu Wilderness—Proposed", and dated October 1991, and which shall be known as the Havasu Wilderness.

(2) Certain lands in the Imperial National Wildlife Refuge, California, which comprise approximately five thousand eight hundred and thirty-six acres, as generally depicted on two maps entitled "Imperial Refuge Wilderness—Proposed 1" and "Imperial Refuge Wilderness—Proposed 2", and dated October 1991, and which shall be known as the Imperial Refuge Wilderness.

(b) MANAGEMENT.—Subject to valid existing rights, the wilderness areas designated under this title shall be administered by the Secretary in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of enactment of this Act.

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after enactment of this title, the Secretary shall file a map and a legal description of each wilderness area designated under this section with the Committees on Energy and Natural Resources and Environment and Public Works of the United States Senate and Natural Resources and Merchant Marine and Fisheries of the United States House of Representatives. Such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Director, United States Fish and Wildlife Service, Department of the Interior.

### SEC. 202. NO EFFECT ON COLORADO RIVER DAMS.

Nothing in this title shall be construed to affect the operation of federally owned dams located on the Colorado River in the Lower Basin.

### SEC. 203. NO EFFECT ON UPPER BASIN.

Nothing in this Act shall amend, construe, supersede, or preempt any State law, Federal law, interstate compact, or international treaty pertaining to the Colorado River (including its tributaries) in the Upper Basin, including, but not limited to the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quality of those rivers.

### SEC. 204. COLORADO RIVER.

With respect to the Havasu and Imperial wilderness areas designated by subsection 201(a) of this title, no rights to water of the Colorado River are reserved, either expressly, impliedly, or otherwise.

## TITLE III—DEATH VALLEY NATIONAL PARK

### SEC. 301. FINDINGS.

The Congress hereby finds that—

(1) proclamations by Presidents Herbert Hoover in 1933 and Franklin Roosevelt in 1937 established and expanded the Death Valley National Monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained;

(2) Death Valley National Monument is today recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the monument boundaries established in the 1930's exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, geological, archeological, paleontological, cultural, historical ad wilderness values;

(4) Death Valley National Monument should be substantially enlarged by the addition of all contiguous Federal lands of national park caliber and afforded full recognition and statutory protection as a National Park; and

(5) the wilderness within Death Valley should receive maximum statutory protection by designation pursuant to the Wilderness Act.

### SEC. 302. ESTABLISHMENT OF DEATH VALLEY NATIONAL PARK.

There is hereby established the Death Valley National Park, (hereinafter in this title referred to as the "park") as generally depicted on twenty-three maps entitled "Death Valley National Park Boundary and Wilderness—Proposed", numbered in the title one through twenty-three, and dated July 1993 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior. The Death Valley National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Death Valley National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

### SEC. 303. TRANSFER AND ADMINISTRATION OF LANDS.

Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted in the maps described in section 302 of this title, without consideration, to the administrative jurisdiction of the National Park Service for administration as part of the National Park System, and the boundary of the park shall be adjusted accordingly. The Secretary shall administer the areas added to the park by this title in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4).

### SEC. 304. MAPS AND LEGAL DESCRIPTION.

Within six months after the enactment of this title, the Secretary shall file maps and a legal description of the park designated under this title with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 302. The maps and legal description shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior.

### SEC. 305. WITHDRAWAL.

Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

### SEC. 306. GRAZING.

(a) IN GENERAL.—The privilege of grazing domestic livestock on lands within the park may continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations, by those persons holding permits for such grazing on July 1, 1991. Upon the expiration of such permits the Secretary may issue to such persons new permits for such grazing, subject to applicable laws and National Park Service regulations, but all grazing of livestock on such lands shall cease on July 1, 2018.

(b) SALE OF PROPERTY.—If a person holding a grazing permit referred to in subsection (a) informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which such permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the park, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the park and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.

## TITLE IV—JOSHUA TREE NATIONAL PARK

### SEC. 401. FINDINGS.

The Congress hereby finds that—

(1) a proclamation by President Franklin Roosevelt in 1936 established Joshua Tree National Monument to protect various objects of historical and scientific interest;

(2) Joshua Tree National Monument today is recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the monument boundaries as modified in 1950 and 1961 exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, archeological, paleontological, cultural, historical, and wilderness values;

(4) Joshua Tree National Monument should be enlarged by the addition of contiguous Federal lands of national park caliber, and afforded full recognition and statutory protection as a national park; and

(5) the nondesignated wilderness within Joshua Tree should receive statutory protection by designation pursuant to the Wilderness Act.

### SEC. 402. ESTABLISHMENT OF JOSHUA TREE NATIONAL PARK.

There is hereby established the Joshua Tree National Park, (hereinafter in this section referred to as the "park"), as generally depicted on a map entitled "Joshua Tree National Park Boundary—Proposed", dated May 1991, and four maps entitled "Joshua Tree National Park Boundary and Wilderness", numbered in the title one through four, and dated October 1991 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior. The Joshua Tree National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Joshua Tree National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

### SEC. 403. TRANSFER AND ADMINISTRATION OF LANDS.

Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 402 of this title, without consideration, to the administrative jurisdiction of the National Park Service for administration as part of the National Park System. The boundaries of the park shall be adjusted accordingly. The Secretary shall administer the areas added to the park by this title in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4).

### SEC. 404. MAPS AND LEGAL DESCRIPTION.

Within six months after the date of enactment of this title, the Secretary shall file maps and legal description of the park with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and maps. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

### SEC. 405. WITHDRAWAL.

Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

### SEC. 406. UTILITY RIGHTS-OF-WAY.

Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation maintenance, repair, and replacement activities in such right-of-way, issued, granted, or permitted to the Metropolitan Water District pursuant to the Boulder Canyon Project Act (43 U.S.C. 617–619b), which is located on lands included in the Joshua Tree National Park, but outside lands designated as wilderness under section 601(2). Such activities shall be conducted in a manner which will minimize the impact on park resources. Nothing in this title shall have the effect of terminating the fee title to lands or customary operation, maintenance, repair, and replacement activities on or under such lands granted to the Metropolitan Water District pursuant to the Act on June 18, 1932 (47 Stat. 324), which are located on lands included in the Joshua Tree National Park, but outside lands designated as wilderness under section 601(2). Such activities shall be conducted in a manner which will minimize the impact on park resources. The Secretary shall prepare within one hundred and eighty days after the date of enactment of this Act, in consultation with the Metropolitan Water District, plans for emergency access by the Metropolitan Water District to its lands and rights-of-way.

## TITLE V—MOJAVE NATIONAL PARK

### SEC. 501. FINDINGS.

The Congress hereby finds that—

(1) Death Valley and Joshua Tree National Parks, as established by this Act, protect unique and superlative desert resources, but do not embrace the particular ecosystems and transitional desert type found in the Mojave Desert area lying between them on public lands now afforded only impermanent administrative designation as a national scenic area;

(2) the Mojave desert possesses outstanding natural, cultural, historical, and recreational values meriting statutory designation and recognition as a unit of the National Park System;

(3) portions of the Mojave desert should be afforded full recognition and statutory protection as a National Park;

(4) the wilderness within the Mojave desert should receive maximum statutory protection by designation pursuant to the Wilderness Act; and

(5) the Mojave desert area provides an outstanding opportunity to develop services, programs, accommodations and facilities to ensure the use and enjoyment of the area by individuals with disabilities, consistent with section 504 of the Rehabilitation Act of 1973, Public Law 101–336, the Americans With Disabilities Act of 1990 (42 U.S.C. 12101), and other appropriate laws and regulations.

### SEC. 502. ESTABLISHMENT OF MOJAVE NATIONAL PARK.

There is hereby established the Mojave National Park, (hereinafter in this title referred to as the "park") comprising approximately one million one hundred eighty-one thousand five hundred and twenty acres, as generally depicted on a map entitled "Mojave National Park Boundary—Proposed", dated October 1993, which shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior.

### SEC. 503. TRANSFER OF LANDS.

Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 502 of this title, without consideration, to the administrative jurisdiction of the National Park Service.

### SEC. 504. MAPS AND LEGAL DESCRIPTION.

Within six months after the date of enactment of this title, the Secretary shall file maps and a legal description of the park with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Such maps and legal descriptions shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal descriptions and maps. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

### SEC. 505. ABOLISHMENT OF SCENIC AREA.

The East Mojave Scenic Area, designated on January 13, 1981 (46 FR 3994), and modified on August 9, 1983 (48 FR 36210), is hereby abolished.

### SEC. 506. ADMINISTRATION OF PARK.

The Secretary shall administer the park in accordance with this title and with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4).

### SEC. 507. WITHDRAWAL.

Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

### SEC. 508. REGULATION OF MINING.

Subject to valid existing rights, all mining claims located within the park shall be subject to all applicable laws and regulations applicable to mining within units of the National Park System, including the Mining in the Parks Act (16 U.S.C. 1901 et seq.), and any patent issued after the date of enactment of this title shall convey title only to the minerals together with the right to use the surface of lands for mining purposes, subject to such laws and regulations.

### SEC. 509. GRAZING.

(a) In General.—The privilege of grazing domestic livestock on lands within the park may continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations, by those persons holding permits for such grazing on July 1, 1991. Upon the expiration of such permits the Secretary, acting through the Director of the National Park Service, may issue to such persons new permits for such grazing, subject to applicable laws and National Park Service regulations, but all grazing of such livestock on such lands shall cease on July 1, 2018.

(b) Offers to Sell.—If a person holding a grazing permit referred to in subsection (a) informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which the permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the park, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the park and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.

### SEC. 510. UTILITY RIGHTS OF WAY.

(a)(1) Nothing in this title shall have the effect of terminating any validly issued rights-of-way or customary operation, maintenance, repair, and replacement activities in such rights-of-way, issued, granted, or permitted to Southern California Edison Company, its successors or assigns, which is located on lands included in the Mojave National Park, but outside lands designated as wilderness under section 601(3). Such activities shall be conducted in a manner which will minimize the impact on park resources.

(2) Nothing in this title shall have the effect of prohibiting the upgrading of an existing electrical transmission line for the purpose of increasing the capacity of such transmission line in the Southern California Edison Company validly issued Eldorado-Lugo Transmission Line right-of-way and Mojave-Lugo Transmission Line right-of-way, or in a right-of-way if issued, granted, or permitted by the Secretary adjacent to the existing Mojave-Lugo Transmission Line right-of-way (hereafter in this section referred to as "adjacent right-of-way"), including construction of a replacement transmission line: *Provided*, That—

(A) in the Eldorado-Lugo Transmission Line rights-of-way (hereafter in this section referred to as the "Eldorado-Lugo right-of-way") at no time shall there be more than 3 electrical transmission lines,

(B) in the Mojave-Lugo Transmission Line right-of-way (hereafter in this section referred to as the "Mojave right-of-way") and adjacent right-of-way, removal of the existing electrical transmission line and reclamation of the site shall be completed no later than three years after the date on which construction of the upgraded transmission line begins, after which time there may be only one electrical transmission line in the lands encompassed by Mojave right-of-way and adjacent right-of-way,

(C) if there are no more than two electrical transmission lines in the Eldorado rights-of-way, two electrical transmission lines in the lands encompassed by the Mojave right-of-way and adjacent right-of-way may be allowed,

(D) in the Eldorado rights-of-way and Mojave right-of-way no additional land shall be issued, granted, or permitted for such upgrade unless an addition would reduce the impacts to park resources,

(E) no more than three hundred and fifty feet of additional land shall be issued, granted, or permitted for an adjacent right-of-way to the south of the Mojave right-of-way unless a greater addition would reduce the impacts to park resources, and

(F) such upgrade activities, including helicopter aided construction, shall be conducted in a manner which will minimize the impact on park resources.

(3) The Secretary shall prepare within one hundred and eighty days after the date of enactment of this title, in consultation with the Southern California Edison Company, plans for emergency access by the Southern California Edison Company to its rights-of-way.

(b)(1) Nothing in this title shall have the effect of terminating any validly issued right-of-way, or customary operation, maintenance, repair, and replacement activities in such right-of-way; prohibiting the upgrading of and construction on existing facilities in such right-of-way for the purpose of increasing the capacity of the existing pipeline; or prohibiting the renewal of such right-of-way; issued, granted, or permitted to the Southern California Gas Company, its successors or assigns, which is located on lands included in the Mojave National Park, but outside lands designated as wilderness under section 601(3). Such activities shall be conducted in a manner which will minimize the impact on park resources.

(2) The Secretary shall prepare within one hundred and eighty days after the date of enactment of this title, in consultation with the Southern California Gas Company, plans for emergency access by the Southern California Gas Company to its rights-of-way.

(c) Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities of existing facilities issued, granted, or permitted for communications cables or lines, which are located on lands included in the Mojave National Park, but outside lands designated as wilderness under section 601(3). Such activities shall be conducted in a manner which will minimize the impact on park resources.

(d) Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities of existing facilities issued, granted, or permitted to Molybdenum Corporation of America; Molycorp, Incorporated; or Union Oil Company of California (d/b/a Unocal Corporation); or its successors or assigns, or prohibiting renewal of such right-of-way, which is located on lands included in the Mojave National Park, but outside lands designated as wilderness under section 601(3). Such activities shall be conducted in a manner which will minimize the impact on park resources.

### SEC. 511. GENERAL MANAGEMENT PLAN.

(a) In General.—Within three years of the date of enactment of this title, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives a detailed and comprehensive management plan for the park.

(b) Kelso Depot.—Such plan shall place emphasis on historical and cultural sites and ecological and wilderness values within the boundaries of the park, and shall evaluate the feasibility of using the Kelso Depot and existing railroad corridor to provide public access to and a facility for special interpretive, educational, and scientific programs within the park.

(c) Needs of Individuals With Disabilities.—Such plan shall specifically address the needs of individuals with disabilities in the design of services, programs, accommodations and facilities consistent with section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101), and other appropriate laws and regulations.

### SEC. 512. GRANITE MOUNTAINS NATURAL RESERVE.

(a) Establishment.—There is hereby designated the Granite Mountains Natural Reserve within the park comprising approximately nine thousand acres as generally depicted on a map entitled "Mojave National Park Boundary and Wilderness—Proposed 6", dated May 1991.

(b) Cooperative Management Agreement.—Upon enactment of this title, the Secretary shall enter into a cooperative management agreement with the University of California for the purposes of managing the lands within the Granite Mountains Natural Reserve. Such cooperative agreement shall ensure continuation of arid lands research and educational activities of the University of California, consistent with the provisions of this title and laws generally applicable to units of the National Park System.

### SEC. 513. SODA SPRINGS DESERT STUDY CENTER.

Upon enactment of this title, the Secretary shall enter into a cooperative management agreement with California State University for the purposes of managing facilities at the Soda Springs Desert Study Center. Such cooperative agreement shall ensure continuation of the desert research and educational activities of California State University, consistent with the provisions of this title and laws generally applicable to units of the National Park System.

### SEC. 514. CONSTRUCTION OF VISITOR CENTER.

The Secretary is authorized to construct a visitor center in the park for the purpose of providing information through appropriate displays, printed material, and other interpretive programs, about the resources of the park.

### SEC. 515. ACQUISITION OF LANDS

IN GENERAL.—The Secretary is authorized to acquire all lands and interests therein within the boundary of the park by donation, purchase, or exchange, except that—

(1) any lands or interests therein within the boundary of the park which are owned by the State of California, or any political subdivision thereof, may be acquired only by donation or exchange except for lands managed by California State Lands Commission; and

(2) lands or interests therein within the boundary of the park which are not owned by the State of California or any political subdivision thereof may be acquired only with the consent of the owner thereof unless the Secretary determines, after written notice to the owner and after opportunity for comment, that the property is being developed, or proposed to be developed, in a manner which is detrimental to the integrity of the park or which is otherwise incompatible with the purposes of this title.

### SEC. 516. SUITABILITY REPORT.

The Secretary is required, twenty years after the date of enactment of this title, to report to Congress on current and planned exploration, development or mining activities on, and suitability for future park designation of, the lands as generally depicted on a map entitled "Mojave National Park Study Area— Proposed", dated July 1992.

## TITLE VI—NATIONAL PARK WILDERNESS

### SEC. 601. DESIGNATION OF WILDERNESS.

(a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1311 et seq.), the following lands within the units of the National Park System designated by this Act are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) Death Valley National Park Wilderness, comprising approximately three million one hundred fifty-eight thousand thirty-eight acres, as generally depicted on twenty-three maps entitled "Death Valley National Park Boundary and Wilderness", numbered in the title one through twenty-three, and dated October 1993 or prior, and three maps entitled "Death Valley National Park Wilderness", numbered in the title one through three, and dated July 1993 or prior, and which shall be known as the Death Valley Wilderness.

(2) Joshua Tree National Park Wilderness Additions, comprising approximately one hundred thirty-one thousand seven hundred and eighty acres, as generally depicted on four maps entitled "Joshua Tree National Park Boundary and Wilderness—Proposed", numbered in the title one through four, and dated October 1991 or prior, and which are hereby incorporated in, and which shall be deemed to be a part of the Joshua Tree Wilderness as designated by Public Law 94-567.

(3) Mojave National Park Wilderness, comprising approximately six hundred ninety-five thousand two hundred and sixteen acres, as generally depicted on ten maps entitled "Mojave National Park Boundary and Wilderness—Proposed", numbered in the title one through ten, and dated July 1993 or prior, and seven maps entitled "Mojave National Park Wilderness—Proposed", numbered in the title one through seven, and dated July 1993 or prior, and which shall be known as the Mojave Wilderness.

(b) POTENTIAL WILDERNESS.—Upon cessation of all uses prohibited by the Wilderness Act and publication by the Secretary in the Federal Register of notice of such cessation, potential wilderness, comprising approximately six thousand eight hundred and forty acres, as described in "1988 Death Valley National Monument Draft General Management Plan Draft Environmental Impact Statement" (hereafter in this title referred to as "Draft Plan") and as generally depicted on map in the Draft Plan entitled "Wilderness Plan Death Valley National Monument", dated January 1988, and which shall be deemed to be a part of the Death Valley Wilderness as designated in paragraph (1). Lands identified in the Draft Plan as potential wilderness shall be managed by the Secretary insofar as practicable as wilderness until such time as said lands are designated as wilderness.

### SEC. 602. FILING OF MAPS AND DESCRIPTIONS.

Maps and a legal description of the boundaries of the areas designated in section 601 of this title shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior. As soon as practicable after the date of enactment of this title takes effect, maps and legal descriptions of the wilderness areas shall be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives, and such maps and legal descriptions shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such maps and legal descriptions.

### SEC. 603. ADMINISTRATION OF WILDERNESS AREAS.

The areas designated by section 601 of this title as wilderness shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act governing areas designated by that title as wilderness, except that any reference in such provision to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title, and where appropriate, and reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

## TITLE VII—MISCELLANEOUS PROVISIONS

### SEC. 701. TRANSFER OF LANDS TO RED ROCK CANYON STATE PARK.

Upon enactment of this title, the Secretary shall transfer to the State of California certain lands within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately twenty thousand five hundred acres, as generally depicted on two maps entitled "Red Rock Canyon State Park Additions 1" and "Red Rock Canyon State Park Additions 2", dated May 1991, for inclusion in the State of California Park System. Should the State of California cease to manage these lands as part of the State Park System, ownership of the lands shall revert to the Department of the Interior to be managed as part of California Desert Conservation Area to provide maximum protection for the area's scenic and scientific values.

### SEC. 702. LAND TENURE ADJUSTMENTS.

In preparing land tenure adjustment decisions with the California Desert Conservation Area, of the Bureau of Land Management, the Secretary shall give priority to consolidating Federal ownership within the national park units and wilderness areas designated by this Act.

### SEC. 703. LAND DISPOSAL.

Except as provided in section 406, none of the lands within the boundaries of the wilderness or park areas designated under this Act shall be granted to or otherwise made available for use by the Metropolitan Water District or any other agencies or persons pursuant to the Boulder Canyon Project Act (43 U.S.C. 617-619b) or any similar acts.

### SEC. 704. MANAGEMENT OF NEWLY ACQUIRED LANDS.

Any lands within the boundaries of a wilderness area designated under this Act which are acquired by the Federal Government, shall become part of the wilderness area within which they are located and shall be managed in accordance with all the provisions of this Act and other laws applicable to such wilderness area.

### SEC. 705. NATIVE AMERICAN USES AND INTERESTS.

(a) ACCESS.—In recognition of the past use of the parks and wilderness areas designed under this Act by Indian people for traditional cultural and religious purposes, the Secretary shall ensure access to such parks and wilderness areas by Indian people for such traditional cultural and religious purposes. In implementing this section, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of park or wilderness in order to protect the privacy of traditional cultural and religious activities in such areas by Indian people. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95-341 (42 U.S.C. 1996) commonly referred to as the "American Indian Religious Freedom Act", and with respect to areas designated as wilderness, the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131).

(b) COOK INLET REGIONAL CORPORATION.—Section 12 of the Act of January 2, 1976 (Public Law 94-204; 38 U.S.C. 1611 note), as amended, is further amended—

(1) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively;

(2) by inserting after subsection (b) the following new subsection:

"(c) The Native landowner shall be required to determine the fair value of subsurface interests conveyed to it pursuant to subsection (b) shall be the appraisal methodology customarily used by the Minerals Management Service for valuing similar interests (such as discounted cash flow based methodology). The fair value of any subsurface interests in land determined by a qualified independent appraiser designated by the Region utilizing the methodology described above shall be binding for all purposes, except for Federal income tax matters, and provided that this exception shall create no inference that the determination is not appropriate for establishing fair value in such matters."; and

(3) in paragraph (9) of subsection (b), by striking "section 12(h)" and inserting in lieu thereof "section 12(i)".

### SEC. 706. FEDERAL RESERVE WATER RIGHTS.

(a) Except as otherwise provided in section 204, with respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved water rights shall be the date of enactment of this Act.

(b) The Secretary and all other officers of the United States shall take all steps necessary to protect the rights reserved by this section, including the filing by the Secretary of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of California in which the United States is or may be joined in accordance with section 208 of the Act of July 10, 1952 (66 Stat. 560, 44 U.S.C. 666), commonly referred to as the McCarran Amendment.

(c) Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of California on or before the date of enactment of this Act.

(d) The Federal water rights reserved by this Act are specific to the wilderness area located in the State of California designated under this Act. Nothing in this Act related to the reserved Federal water rights shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made thereto.

### SEC. 707. CALIFORNIA STATE SCHOOL LANDS.

(a) NEGOTIATIONS TO EXCHANGE.—Upon request of the California State Lands Commission (hereinafter in this section referred to as the "Commission"), the Secretary shall enter into negotiations for an agreement to exchange Federal lands or interests therein on the list referred to in subsection (b) (2) for California State School lands or interests therein which are located within the boundaries of one or more of the wilderness areas or park units designated by this Act (hereinafter in this section referred to as "State School lands."). The Secretary shall negotiate in good faith to reach a land exchange agreement consistent with the requirements of section 206 of the Federal Land Policy and Management Act of 1976.

(b) PREPARATION OF LIST.—Within six months after the date of enactment of this Act, the Secretary shall send to the Commission and to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives a list of the following:

(1) State School lands or interests therein (including mineral interests) which are located within the boundaries of the wilderness areas or park units designated by this Act.

(2) Lands within the State of California under the jurisdiction of the Secretary that the Secretary determines to be suitable for disposal for exchange, identified in the following priority—

(A) lands with mineral interests, including geothermal, which have the potential for commercial development but which are not currently under mineral lease or producing Federal mineral revenues;

(B) Federal claims in California managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project; and

(C) any public lands in California that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, has determined to be suitable for disposal through exchange.

(3) Any other Federal land, or interest therein, within the State of California which is or becomes surplus to the needs of the Federal Government.

(4) The Secretary shall maintain such list and shall annually transmit such list to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives until all of the State School lands identified in paragraph (1) have been acquired.

(c) DISPOSAL OF SURPLUS FEDERAL PROPERTY.—(1) Effective upon the date of enactment of this Act and until all State School lands identified in paragraph (b)(1) of this section are acquired, no Federal lands or interests therein within the State of California may be disposed of from Federal ownership unless—

(A) the Secretary is notified of the availability of such lands or interest therein;

(B) the Secretary has notified the Commission of the availability of such lands or interests therein for exchange; and

(C) the Commission has not notified the Secretary within six months that it wishes to consider entering into an exchange for such lands or interests therein.

(2) If the Commission notifies the Secretary that it wishes to consider an exchange for such lands or interests therein, the Secretary shall attempt to conclude such exchange in accordance with the provisions of this section as quickly as possible.

(3) If an agreement is reached and executed with the Commission, then upon notice to the head of the agency having administrative jurisdiction over such lands or interests therein, the Secretary shall be vested with administrative jurisdiction over such lands or interests therein for the purpose of concluding such exchange.

(4) Upon the acquisition of all State School lands or upon notice by the Commission to the Secretary that it no longer has an interest in such lands or interests therein, such lands or interests shall be released to the agency that originally had jurisdiction over such lands or interests for disposal in accordance with the laws otherwise applicable to such lands or interests.

(d) NO EFFECT ON MILITARY BASE CLOSURES.—The provisions of this section shall not apply to the disposal of property under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 102 Stat. 2627; 10 U.S.C. 2687 note) or the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510; 104 Stat. 1808; 10 U.S.C. 2687 note).

## TITLE VIII—MILITARY LANDS AND OVERFLIGHTS

### SEC. 801. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "California Military Lands Withdrawal and Overflights Act of 1993".

(b) FINDINGS.—The Congress finds that—

(1) military aircraft testing and training activities as well as demilitarization activities in California are an important part of the national defense system of the United States, and are essential in order to secure for the American people of this and future generations an enduring and viable national defense system;

(2) the National Parks and wilderness areas designated by this Act lie within a region critical to providing training, research, and development for the Armed Forces of the United States and its allies;

(3) there is a lack of alternative sites available for these military training, testing, and research activities;

(4) continued use of the lands and airspace in the California desert region is essential for military purposes; and

(5) contination of these military activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.

### SEC. 802. MILITARY OVERFLIGHTS.

(a) OVERFLIGHTS.—Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units) designated by this Act, shall restrict or preclude low-level overflights of military aircraft over such units, including military overflights that can be seen or heard within such units.

(b) SPECIAL AIRSPACE.—Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units) designated by this Act, shall restrict or preclude the designation of new units of special airspace or the use or establishment of military flight training routes over such new park or wilderness units.

(c) NO EFFECT ON OTHER LAWS.—Nothing in this section shall be construed to modify, expand, or diminish any authority under other Federal law.

### SEC. 803. WITHDRAWALS.

(a) CHINA LAKE.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) use as a research, development, test, and evaluation laboratory;

(B) use as a range for air warfare weapons and weapon systems;

(C) use as a high hazard training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support;

(D) geothermal leasing and development and related power production activities; and

(E) subject to the requirements of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands located within the boundaries of the China Lake Naval Weapons Center, comprising approximately one million one hundred thousand acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal—Proposed", dated January 1985.

(b) CHOCOLATE MOUNTAIN.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) testing and training for aerial bombing, missile firing, tactical maneuvering and air support; and

(B) subject to the provisions of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately two hundred twenty-six thousand seven hundred and eleven acres in Imperial County, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Proposed—Withdrawal" dated July 1993.

### SEC. 804. MAPS AND LEGAL DESCRIPTIONS.

(a) PUBLICATION AND FILING REQUIREMENT.—As soon as practicable after the date of enactment of this title, the Secretary shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Natural Resources of the United States House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if they were included in this title except that the Secretary may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the appropriate offices of the Bureau of Land Management; the office of the commander of the Naval Weapons Center, China Lake, California; the office of the commanding officer, Marine Corps Air Station, Yuma, Arizona; and the Office of the Secretary of Defense, Washington, District of Columbia.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary for the cost of implementing this section.

### SEC. 805. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—(1) Except as provided in subsection (g), during the period of the withdrawal the Secretary shall manage the lands withdrawn under section 802 of this title pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this title.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn under section 802 may be managed in a manner permitting—

(A) the continuation of grazing pursuant to applicable law and Executive orders were permitted on the date of enactment of this title;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation (but only on lands withdrawn by section 802(a) (relating to China Lake));

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities; and

(F) geothermal leasing and development and related power production activities on the lands withdrawn under section 802(a) (relating to China Lake).

(3)(A) All nonmilitary use of such lands, including the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this title.

(B) The Secretary may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the Navy.

(b) CLOSURE TO PUBLIC.—(1) If the Secretary of the Navy determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this title, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the Navy determines are required to carry out this subsection.

(3) Before and during any closure under this subsection, the Secretary of the Navy shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) MANAGEMENT PLAN.—The Secretary (after consultation with the Secretary of the Navy) shall develop a plan for the management of each area withdrawn under section 802 of this title during the period of such withdrawal. Each plan shall—

(1) be consistent with applicable law;

(2) be subject to conditions and restrictions specified in subsection (a)(3);

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such area; and

(4) be developed not later than three years after the date of enactment of this title.

(d) BRUSH AND RANGE FIRES.—The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn under section 802 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary and the Secretary of the Navy shall (with respect to each land withdrawal under section 802 of this title) enter into a memorandum of understanding to implement the management plan developed under subsection (c). Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn under section 802 if requested by the Secretary of the Navy.

(2) The duration of any such memorandum shall be the same as the period of the withdrawal of the lands under section 802.

(f) ADDITIONAL MILITARY USES.—Lands withdrawn under section 802 of this title may be used for defense-related uses other than those specified in such section. The Secretary of Defense shall promptly notify the Secretary in the event that the lands withdrawn by this title will be used for defense-related purposes other than those specified in section 802. Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the withdrawn land or portions thereof.

(g) MANAGEMENT OF CHINA LAKE.—(1) The Secretary may assign the management responsibility for the lands withdrawn under section 802(a) to the Secretary of the Navy who shall manage such lands, and issue leases, easements, rights-of-way, and other authorizations, in accordance with this title and cooperative management arrangements between the Secretary and the Secretary of the Navy: *Provided*, That nothing in this subsection shall affect geothermal leases issued by the Secretary prior to the date of enactment of this title, or the responsibility of the Secretary to administer and manage such leases, consistent with the provisions of this section. In the case that the Secretary assigns such management responsibility to the Secretary of the Navy before the development of the management plan under subsection (c), the Secretary of the Navy (after consultation with the Secretary) shall develop such management plan.

(2) The Secretary shall be responsible for the issuance of any lease, easement, right-of-way, and other authorization with respect to any activity which involves both the lands withdrawn under section 802(a) and any other lands. Any such authorization shall be issued only with the consent of the Secretary of the Navy and, to the extent that such activity involves lands withdrawn under section 802(a), shall be subject to such conditions as the Secretary of the Navy may prescribe.

(3) The Secretary of the Navy shall prepare and submit to the Secretary an annual report on the status of the natural and cultural resources and values of the lands withdrawn under section 802(a). The Secretary shall transmit such report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.

(4) The Secretary of the Navy shall be responsible for the management of wild horses and burros located on the lands withdrawn under section 802(a) and may utilize helicopters and motorized vehicles for such purposes. Such management shall be in accordance with laws applicable to such management on public lands and with an appropriate memorandum of understanding between the Secretary and the Secretary of the Navy.

(5) Neither this title nor any other provision of law shall be construed to prohibit the Secretary from issuing and administering any lease for the development and utilization of geothermal steam and associated geothermal resources on the lands withdrawn under section 802(a) pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other applicable law, but no such lease shall be issued without the concurrence of the Secretary of the Navy.

(6) This title shall not affect the geothermal exploration and development authority of the Secretary of the Navy under section 2689 of title 10, United States Code, except that the Secretary of the Navy shall obtain the concurrence of the Secretary before taking action under that section with

respect to the lands withdrawn under section 802(a).

(7) Upon the expiration of the withdrawal or relinquishment of China Lake, Navy contracts for the development of geothermal resources at China Lake then in effect (as amended or renewed by the Navy after the date of enactment of this title) shall remain in effect: Provided, That the Secretary, with the consent of the Secretary of the Navy, may offer to substitute a standard geothermal lease for any such contract.

### SEC. 806. DURATION OF WITHDRAWALS.

(a) DURATION.—The withdrawals and reservations established by this title shall terminate twenty-five years after the date of enactment of this title.

(b) DRAFT ENVIRONMENTAL IMPACT STATEMENT.—No later than twenty-two years after the date of enactment of this title, the Secretary of the Navy shall publish a draft environmental impact statement concerning continued or renewed withdrawal of any portion of the lands withdrawn by this title for which that Secretary intends to seek such continued or renewed withdrawal. Such draft environmental impact statement shall be consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to such a draft environmental impact statement. Prior to the termination date specified in subsection (a), the Secretary of the Navy shall hold a public hearing on any draft environmental impact statement published pursuant to this section. Such hearing shall be held in the State of California in order to receive public comments on the alternatives and other matters included in such draft environmental impact statement.

(c) EXTENSIONS OR RENEWALS.—The withdrawals established by this title may not be extended or renewed except by an Act or joint resolution of Congress.

### SEC. 807. ONGOING DECONTAMINATION.

(a) PROGRAM.—Throughout the duration of the withdrawals made by this title, the Secretary of the Navy, to the extent funds are made available, shall maintain a program of decontamination of lands withdrawn by this title at least at the level of decontamination activities performed on such lands in fiscal year 1986.

(b) REPORTS.—At the same time as the President transmits to the Congress the President's proposed budget for the first fiscal year beginning after the date of enactment of this title and for each subsequent fiscal year, the Secretary of the Navy shall transmit to the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the United States Senate and to the Committees on Appropriations, Armed Services, and Natural Resources of the United States House of Representatives a description of the decontamination efforts undertaken during the previous fiscal year on such lands and the decontamination activities proposed for such lands during the next fiscal year including—

(1) amounts appropriated and obligated or expended for decontamination of such lands;

(2) the methods used to decontaminate such lands;

(3) amount and types of contaminants removed from such lands;

(4) estimated types and amounts of residual contamination on such lands; and

(5) an estimate of the costs for full contamination of such lands and the estimate of the time to complete such decontamination.

### SEC. 808. REQUIREMENTS FOR RENEWAL.

(a) NOTICE AND FILING.—(1) No later than three years prior to the termination of the withdrawal and reservation established by this title, the Secretary of the Navy shall advise the Secretary as to whether or not the Secretary of the Navy will have a continuing military need for any of the lands withdrawn under section 802 after the termination date of such withdrawal and reservation.

(2) If the Secretary of the Navy concludes that there will be a continuing military need for any of such lands after the termination date, the Secretary of the Navy shall file an application for extension of the withdrawal and reservation of such needed lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals of lands for military uses.

(3) If, during the period of withdrawal and reservation, the Secretary of the Navy decides to relinquish all or any of the lands withdrawn and reserved by this title, the Secretary of the Navy shall file a notice of intention to relinquish with the Secretary.

(b) CONTAMINATION.—(1) Before transmitting a notice of intention to relinquish pursuant to subsection (a), the Secretary of Defense, acting through the Department of the Navy, shall prepare a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of such determination shall be transmitted with the notice of intention to relinquish.

(3) Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

(c) DECONTAMINATION.—If any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is contaminated, and the Secretary, in consultation with the Secretary of the Navy, determines that decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land) and that upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws, the Secretary of the Navy shall decontaminate the land to the extent that funds are appropriated for such purpose.

(d) ALTERNATIVES.—If the Secretary, after consultation with the Secretary of the Navy, concludes that decontamination of any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is not practicable or economically feasible, or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws, or if Congress does not appropriate a sufficient amount of funds for the decontamination of such land, the Secretary shall not be required to accept the land proposed for relinquishment.

(e) STATUS OF CONTAMINATED LANDS.—If, because of their contaminated state, the Secretary declines to accept jurisdiction over lands withdrawn by this title which have been proposed for relinquishment, or if at the expiration of the withdrawal made by this title the Secretary determines that some of the lands withdrawn by this title are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the Navy shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Navy shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the Navy shall report to the Secretary and to the Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(f) REVOCATION AUTHORITY.—Notwithstanding any other provision of law, the Secretary, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), is authorized to revoke the withdrawal and reservation established by this title as it applies to such lands. Should the decision be made to revoke the withdrawal and reservation, the Secretary shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary; and

(3) state the date upon which the lands will be opened to the operation of some or all of the public lands law, including the mining laws.

### SEC. 809. DELEGABILITY.

(a) DEPARTMENT OF DEFENSE.—The functions of the Secretary of Defense or the Secretary of the Navy under this title may be delegated.

(b) DEPARTMENT OF THE INTERIOR.—The functions of the Secretary under this title may be delegated, except that an order described in section 807(f) may be approved and signed only by the Secretary, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

### SEC. 810. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn by this title shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

### SEC. 811. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injury or damage to persons or property suffered in the course of any geothermal leasing or other authorized nonmilitary activity conducted on lands described in section 802 of this title.

### SEC. 812. EL CENTRO RANGES.

The Secretary is authorized to permit the Secretary of the Navy to use until January 1, 1997, the approximately forty-four thousand eight hundred and seventy acres of public lands in Imperial County, California, known as the East Mesa and West Mesa ranges, in accordance with the Memorandum of Understanding dated June 29, 1987, between the Bureau of Land Management, the Bureau of Reclamation, and the Department of the Navy. All military uses of such lands shall cease on January 1, 1997, unless authorized by a subsequent Act of Congress.

## TITLE IX—AUTHORIZATION OF APPROPRIATIONS

### SEC. 901. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The PRESIDENT pro tempore. The Chair, in his capacity as a Senator from the State of West Virginia, observes that no quorum is present.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDENT pro tempore. How much time would the Senator require?

Mr. PRESSLER. For 5 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection. The Senator from South Dakota [Mr. PRESSLER] is recognized for 5 minutes to speak as if in morning business.

## CONSTITUENTS' VIEWS

Mr. PRESSLER. Mr. President, last week I had one of the best experiences that a U.S. Senator has. I went home to see my constituents. I know the occupant of the chair is a great historian of the Senate. He well knows that we come and go here fairly quickly. However, it is a job that brings us back among our constituents frequently.

I know South Dakota may seem far afield to some, but the issues of concern to my State are of concern to the Nation. During my visit, I held health care meetings; I went riding with the Harding County Riding Association, real ranchers; I went to a sale barn, in Lemmon, SD, and saw beef cattle selling for $90 a hundredweight; I held my 20th Annual Senior Citizens Seminar, I held a joint discussion with my colleagues, Senator DASCHLE and Congressman JOHNSON, on statewide television, about issues facing the United States; I took part in an event honoring one of my professors from the University of South Dakota; I visited hospitals to discuss health care reform. The mood of our people in South Dakota is, generally speaking, good. We have a prosperous State at this moment, but there are many problems.

I tended to conclude from my visits with constituents that some sort of bipartisan compromise will be needed in the health care area. There is a divergence of views. The general thinking in my State is to take care of that 20 percent of Americans who have a problem, and to try to preserve the best parts of our present system.

In terms of agriculture, there is great concern about trade and lost income to farmers due to the fact that Canada is dumping its wheat into South Dakota and other States. Our small businessmen are concerned about Government regulation and the fact that subchapter S corporations are paying a higher rate of taxation than are large corporations.

Telecommunications—it is interesting that many towns I visited wanted an updated digital switch. This is my 20th year in Congress, and many things have changed since I first came to Congress. I find it fascinating when the mayors and city councilmen ask help to get fiber optics into our towns; help to get an upgraded digital switch; to be sure if the telephone companies are sold we are assured that certain telecommunications services will be provided to the local community. This is new in the last 5 or 6 years. They want to be on the information highway.

Our State has many businesses locating in South Dakota, moving there from California or elsewhere, because we are at the center of the Nation—including Citibank, with their credit card operations, and many other businesses. And we welcome them.

I spoke to several of our students who are concerned about the job market in the United States, and about whether their skills will be appreciated and needed. I assured them that they will be, especially in the prosperous Midwest and Rocky Mountain States.

Mr. President, I plan to provide additional views to some of my committee chairmen about congressional action I think we need. For example, South Dakota is facing many problems regarding air service. Major airlines want only to serve the larger hubs and are not interested in serving many smaller areas. While the Minneapolis and Denver airports are doing well, jet service is being reduced at South Dakota's airports in Rapid City and Sioux Falls. This trend in service reduction must be addressed. Therefore, I will be submitting some recommendations to the chairman of the Senate Commerce, Science, and Transportation Committee regarding initiatives to improve air service to smaller cities and rural areas.

In the area of surface transportation, I talked with railroad officials about the important role short line railroads play in South Dakota's transportation system. I also spoke with some of our Indian people about their concerns with the Indian Health Service and care for fetal alcohol syndrome disease.

Mr. President, I wanted to report to the Senate on my State travels during the Easter recess. I visited with my constituents. I listened mostly, but I also reported on congressional actions. Perhaps in no other job in the world does one go from Washington, DC, to horseback riding with a group of ranchers in Harding County, SD, near the Montana border, to a sale barn in Lemmon, SD, to hospitals, and to universities across the State, listening and talking about many varied subjects from telecommunications to aviation, to agriculture and health care. It is a privilege to represent South Dakota here in the Senate.

## CALIFORNIA DESERT PROTECTION ACT OF 1993

The Senate continued with the consideration of the bill.

The PRESIDENT pro tempore. Who seeks recognition?

Mr. JOHNSTON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Louisiana [Mr. JOHNSTON].

Mr. JOHNSTON. Mr. President, first of all, what is the pending business?

The PRESIDENT pro tempore. S. 21.

### AMENDMENTS NOS. 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, AND 1619

Mr. JOHNSTON. Mr. President, S. 21 is the California desert park bill. I can announce to my colleagues that we have made some progress overnight, having worked out a collection of amendments by agreement.

So, therefore, Mr. President, at this time, I send a group of amendments to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDENT pro tempore. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes amendments numbered 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, and 1619, en bloc.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments are as follows:

### AMENDMENT NO. 1608

(Purpose: To delete the Great Falls Basin Wilderness designation and retain the area in wilderness study status)

1. On page 101, beginning on line 11, strike all through line 17 and renumber succeeding paragraphs accordingly.

2. On page 121, after line 6, add a new paragraph:

"(6) certain lands which comprise approximately eight thousand eight hundred acres, as generally depicted on a map entitled 'Great Falls Basin Wilderness—Proposed', dated February 1986."

### AMENDMENT NO. 1609

(Purpose: To amend the boundary of Owens Peak wilderness to delete 580 acres)

On page 108, beginning on line 1, strike paragraph (47) in its entirety and insert in lieu thereof the following:

"(47) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately seventy-four thousand and sixty acres, as generally depicted on a map entitled 'Owens Peak Wilderness—Proposed 1', dated February 1986, a map entitled 'Owens Peak Wilderness—Proposed 2', dated March 1994, and a map entitled 'Owens Peak Wilderness—Proposed 3', dated May 1991, and which shall be known as the Owens Peak Wilderness."

### AMENDMENT NO. 1610

(Purpose: To amend the boundary of the Santa Rosa Wilderness to allow for the construction of a road to provide access to private property)

On page 112, beginning on line 12, strike paragraph (61) in its entirety and in lieu thereof the following:

"(61) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-four thousand three hundred and forty acres, as generally depicted on a map entitled 'Santa Rosa Wilderness Additions—Proposed', dated March 1994, and which are hereby incorporated in, and which shall be deemed to be part of, the Santa Rosa Wilderness designated by Public Law 98-425."

AMENDMENT NO. 1611

(Purpose: Technical amendment to retain portions of Owlshead wilderness study area as wilderness study area)

On page 121, after line 6, insert a new paragraph as follows:

"(5) certain lands which comprise approximately seventeen thousand two hundred and eighty acres, as generally depicted on a map entitled "Death Valley National Park Boundary and Wilderness 17—Proposed", dated July 1993."

AMENDMENT NO. 1612

(Purpose: To amend the boundary of the Mojave National Park Wilderness to exclude a road to mining claims)

On page 147, beginning on line 11, strike paragraph (3) in its entirety and insert in lieu thereof the following:

"(3) Mojave National Park Wilderness, comprising approximately six hundred ninety-five thousand two hundred acres, as generally depicted on ten maps entitled "Mojave National Park Boundary and Wilderness—Proposed", and numbered in the title one through ten, and dated March 1994 or prior, and seven maps entitled "Mojave National Park Wilderness—Proposed", numbered in the title one through seven, and dated March 1994 or prior, and which shall be known as the Mojave Wilderness."

AMENDMENT NO. 1613

(Purpose: To delete the Cady Mountains wilderness designation and retain the area in wilderness study status)

1. On page 96, after line 2, delete paragraph (9) in its entirety and renumber the succeeding paragraphs accordingly.

2. On page 121, after line 6, insert the following new paragraph:

"(7) certain lands which comprise approximately eighty-four thousand four hundred acres, as generally depicted on a map entitled 'Cady Mountains Wilderness—Proposed', dated July 1993.".

AMENDMENT NO. 1614

(Purpose: To permit grazing to continue in the Mojave National Park)

1. On page 138, line 6, strike "may" and insert "shall".

2. On page 138, line 8, strike "regulations," and all that follows through line 15 and insert in lieu thereof, "regulations.".

AMENDMENT NO. 1615

(Purpose: To permit grazing to continue in Death Valley National Park)

1. On page 129, line 19, strike "may" and insert "shall".

2. On page 129, line 21, strike "regulations," and all that follows through page 130, line 2, and insert in lieu thereof, "regulations.".

AMENDMENT NO. 1616

(Purpose: To establish the Mojave National Park Advisory Commission)

On page 146, after line 7, add a new section as follows:

**SEC. 517. ADVISORY COMMISSION.**

(a) There is hereby established the Mojave National Park Advisory Commission (hereinafter in this section referred to as the "Advisory Commission").

(b) The Advisory Commission shall be composed of fifteen members appointed by the Secretary for terms of three years each.

(c) Any vacancy in the Advisory Commission shall be filled in the same manner in which the original appointment was made.

(d) Members of the Advisory Commission shall serve without compensation as such, but the Secretary may pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this Act.

(e) The Secretary, or his designee, shall from time to time, but at least annually, meet and consult with the Advisory Commission on general policies and specific matters related to planning, administration and development affecting the park.

(f) The Advisory Commission shall act and advise by affirmative vote of the majority of the members thereof.

(g) The Advisory Commission shall cease to exist ten years after the enactment of this Act.

AMENDMENT NO. 1617

(Purpose: To clarify that Immigration and Naturalization Service, Drug Enforcement Administration, U.S. Customs Service, and State and local law enforcement activities may continue within the Coyote, Fish Creek Mountains, and Jacumba wilderness areas)

Mr. JOHNSTON offered amendment No. 1617 for Mrs. FEINSTEIN, for herself and Mr. WALLOP.

On page 118, beginning on line 5, revise section 103(g) to read as follows:

(g) LAW ENFORCEMENT BORDER ACTIVITIES.—Nothing in this Act, including the designation as wilderness of lands within the Coyote, Fish Creek Mountains, and Jacumba wilderness areas designated in section 102 of this Act, the Wilderness Act, or other land management laws generally applicable to such areas, shall restrict or preclude continued border operations within such areas, including the use of motor vehicles and aircraft by the Immigration and Naturalization Service, the Drug Enforcement Administration, the United States Customs Service, or State and local law enforcement agencies in such manner and subject to such restrictions as may be determined by the Attorney General of the United States, in consultation with the Secretary.

AMENDMENT NO. 1618

(Purpose: To ensure access to private property)

On page 157, after line 8, insert the following new section:

**"SEC. 708. ACCESS TO PRIVATE PROPERTY.**

The Secretary shall provide adequate access to nonfederally owned land or interests in land within the boundaries of the conservation units and wilderness areas designated by this Act which will provide the owner of such land or interest the reasonable use and enjoyment thereof.

AMENDMENT NO. 1619

(Purpose: To make technical corrections to section 705 to clarify that the section does not affect Federal tax policy)

Mr. JOHNSTON offered amendment No. 1619 for Mr. AKAKA.

The amendment is as follows:

On page 152, line 1, strike "shall be" and insert in lieu thereof, "utilizing".

2. On page 152, line 8, strike "income".

3. On page 152, lines 9 and 10, strike the words "that the determination is not appropriate" and insert in lieu thereof, "about the appropriate methodology".

The PRESIDENT pro tempore. Is there objection to the consideration of the amendments en bloc? There is no objection. They will be considered en bloc.

Mr. JOHNSTON. Mr. President, these amendments are as follows:

First of all, there are boundary modifications as follows: We delete the Great Falls Wilderness designation and retain that area in wilderness study status.

The second amendment modifies the boundaries of the Owens Peak Wilderness to delete 580 acres.

The third amendment modifies the boundaries of the Santa Rosa Wilderness to delete 320 acres.

The fourth amendment retains the portions of the Owlshead and Avawatz areas in wilderness study status.

The fifth amendment modifies the boundaries of the Mojave National Park Wilderness to delete 16 acres for an access road.

The sixth amendment deletes the Cady Mountains Wilderness designation and retains that area in a wilderness study status.

The seventh amendment clarifies that grazing shall be allowed to continue within the Mojave National Park.

The eighth amendment clarifies that grazing shall be allowed to continue within the areas added to the Death Valley National Park.

The ninth amendment establishes the Mojave National Park Advisory Commission.

The 10th amendment provides and clarifies that the Immigration and Naturalization Service, the Drug Enforcement Administration, the U.S. Customs Service, and State and local law enforcement activities may continue within the Coyote, the Fish Creek Mountains, and the Jacumba Wilderness areas.

The 11th amendment clarifies that the owners of private property within wilderness and park areas designated by S. 21 shall be provided with reasonable access to their properties.

And the 12th amendment, which was suggested by Senator AKAKA, is a technical amendment to clarify that a provision in the committee-reported bill does not affect Federal tax policy. I might add that amendment has been cleared also with the Finance Committee, which is in agreement with that amendment.

So, Mr. President, I offer these amendments en bloc.

Mr. WALLOP addressed the Chair.

The PRESIDENT pro tempore. The Senator from Wyoming [Mr. WALLOP].

Mr. WALLOP. Mr. President, let me express my thanks to the Senator from California and her staff for accommodating us in conversations last evening on some of the less vexing, but, nonetheless, significant portions of this bill. I appreciate a willingness to listen to these things from a public lands management standpoint.

There are two little statements that I wish to make. One is on the sixth amendment. I just want to say that I am very happy that the Senator from California has agreed to drop the Cady Mountains area from the wilderness designation. Doing so will allow the Hidden Valley residual repository to continue to seek regulatory approval. While it does not guarantee—and I stress that I understand that it does not guarantee—that the repository proposal can go forward, it leaves the project in the same situation that it is in today. I thank Senator FEINSTEIN for accommodating this concern.

On the issue of access to non-Federal property, I again want to commend the Senator from California for accommodating a concern regarding access to the private property of Americans. My amendment seeks to give some assurance that private property owners will have adequate access to their property, whether they are awaiting acquisition by appropriate Federal authorities or, should they desire, to remain an inholder.

My amendment assures that not only will access be provided, but it will also be adequate for the reasonable use and enjoyment of that owner's property. We do not intend that access be constrained to unicycles. It is adequate access for the use and enjoyment of the property, and it is my understanding that the amendment is acceptable to the Senator from California and the chairman. I am very grateful to both of them for it.

On the grazing amendment, I again say thank you. I think it was within the Senator's original intent that grazing be allowed. Our experience with the National Park Service has been something different than one might imagine, and they have used authorizations in the past primarily as authorizing them to do what they wish rather than what the sense of the Congress seems to have been. So instead of authorizing the Secretary to allow grazing, this one directs the Secretary to allow grazing, subject to applicable laws and National Park Service regulations.

I do not have a great deal of confidence that the Department of the Interior, even with this, will honor your intention to allow grazing to continue in Death Valley and East Mojave, but I believe that the change to "shall" should give the message that it is our intent on both sides of this issue and within the Congress that grazing does continue in these two areas. I thank you very much for that as well.

With regard to the advisory commission, the Senator from California has proposed this amendment to establish an advisory commission for the next 10 years to advise the Secretary on planning, development and administration of the Mojave National Park.

I had been concerned about the specific composition of the commission.

I wanted to assure that the commission would have representatives of local economic interests—mining, grazing or other user groups, including representatives of the communities surrounding and within the desert. In this way, the proposed advisory commission would be very similar to that in the California Desert plan which was established in 1976. That plan had an advisory commission which was carefully crafted to include local interests.

I wish to ask, if the Senator would indulge me, through the Chair, is it the intention of this language that the commission be a similar composition to that in the California Desert plan to provide public input?

Mrs. FEINSTEIN. Mr. President, the Senator is correct. That is the intention.

Mr. WALLOP. I thank the Senator very much.

With regard to two wilderness study areas, Owlshead Mountain and Avawatz, bordering the Fort Irwin National Training Center on the north and east, it is so, that after considering several options over the last few years, the U.S. Army has concluded that they have a need to expand the national training center to the north and east.

It is my understanding it is the Senator's intent to allow these two areas to remain in BLM wilderness study status with the idea that someday we may have the opportunity to consider legislation to allow the Army to expand in this direction.

Does that understanding comport with the ideas of the Senator from California?

Mrs. FEINSTEIN. I say to the Senator from Wyoming, my understanding of the amendment is that this amendment does not preclude the Department of Defense review of expansion of Fort Irwin or the future expansion or future designation of wilderness. It is meant, as I understand it, to be neutral in this regard.

Mr. WALLOP. That is my understanding of this as well.

Last, Mr. President, I very much wish to thank the Senator from California for accepting the law enforcement provisions. I think it is in all of our intent that we do not provide a pipeline in the interstate highway system out of Mexico through which illegal immigrants and drug traffickers could operate, but the law enforcement people could not. I think that was her intention. I think it is now clear that it does not, and I thank her for that.

I wish to insert three letters into the RECORD at this time, one from Mr. Ray Johnson, executive director of the Office of Criminal Justice Planning in the Office of the Governor in California, one from the U.S. Border Patrol to Congressman VENTO, and one from the attorney general of California, Mr. Lungren, to me. I ask unanimous consent to do so.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OFFICE OF CRIMINAL JUSTICE PLANNING, OFFICE OF THE DIRECTOR,
*Sacramento, CA, July 14, 1993.*

Hon. DIANNE FEINSTEIN,
*U.S. Senate, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR FEINSTEIN: I want to take this opportunity to express grave concerns about what I presume would be an unintended side effect of your Desert Protection Act, S. 21. My concerns center around the provisions of the bill which would place certain areas of land in California under the Wilderness Protection Act and thereby render those areas inaccessible to immediate motorized access. In its present form, I am afraid that the bill would do severe damage to law enforcement's attempts to wage a successful war against the drug cartels which are funneling illegal drugs across our state's borders, both on the southern border with Mexico and on the eastern border with Nevada and Arizona. As you are aware, at present we are having a difficult enough time dealing with the constant flow of narcotics coming across our borders. Any attempt to restrict law enforcement's capabilities to pursue drug traffickers in these areas would be disastrous.

The nature of the war on drugs is such that we could not effectively operate under the constraints of either having no access to certain areas or of having to first obtain permission from some Park Service official to gain access for purposes of pursuit. We have heard that there has been some discussion about providing some kind of limited corridor through the intended wilderness areas. As a practical matter, that concept will simply not work. The drug smugglers we are dealing with are extremely clever and resourceful; they would understand very quickly the logistical benefits which S. 21 will currently provide for their illicit activities. We have enough to deal with without providing them with what would constitute a "safe haven", a haven of which they would take full advantage.

There would seem to be a very simple solution to this problem. We would appreciate your placing an amendment in the bill which would simply provide an exemption from the provisions of S. 21 for all law enforcement officials at the local, state, and federal levels. This would allow these agencies to continue to be able to effectively fight the war on drugs as well as allow access for emergency search and rescue operations. This amendment would not have any significant effect upon the environmental purposes for which the bill was designed. Failure to enact this amendment would seriously jeopardize antidrug activities.

Thank you for your consideration of this request. Please feel free to call me at 916-324-9140 if you have any questions or if we can provide any further information.

Sincerely,

RAY JOHNSON,
*Executive Director.*

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U.S. BORDER PATROL, IMMIGRATION AND NATURALIZATION SERVICE,
*El Centro, CA, June 15, 1993.*

Hon. BRUCE VENTO,
*Chairman, Subcommittee on National Parks, Forests, and Public Lands, Washington, DC.*

DEAR CONGRESSMAN VENTO: I would like to take this opportunity to provide you with information which sets forth the El Centro Sector's concerns regarding Senate Bill S. 21, especially in the areas of general law enforcement, drug interdiction, and search and rescue.

In the way of a little background, the El Centro Sector of the United States Border Patrol has responsibility for approximately 72 miles of international border between the United States and Mexico, the southern boundary of Imperial County. We have stations in Calexico, El Centro, Indio and Riverside, California and our area of responsibility extends into most of Riverside and some of San Bernardino Counties as well.

In Fiscal Year 1991, we arrested 30,450 deportable aliens and seized a little over 11 million dollars in narcotics (wholesale value). In Fiscal Year 1992, we arrested 29,852 deportable aliens and seized 164.4 million dollars in narcotics. As of May 1993, we have arrested 15,932 deportable aliens and seized an all time record of 519.6 million dollars in narcotics. Again, I stress this is a wholesale value. I can't begin to imagine how many youngsters on the street this amount of drugs would supply. You may have noticed the decrease in arrests between Fiscal Year 1991 and Fiscal Year 1992, this was not because there was a lesser number of people entering the country illegally, but because we had fewer officers with which to do our job, which brings us to the potentially disastrous situation with S. 21.

We are concerned about all the proposed areas in Imperial County, however, we are especially concerned about the proposed Jacumba Wilderness area and the Fish Creek area. As you know, a wilderness designation means no motorized vehicles, only foot traffic or horseback. This would make an already difficult job almost impossible in view of the desolation and summertime temperatures of the areas in question. This, along with a short response time mandated by the close proximity of Highway 98 and Interstate 8 to the proposed Jacumba Wilderness area; which is utilized by smugglers to pick up their loads both aliens and narcotics, demands that our officers be allowed to utilize motorized vehicles for operations in these areas. Within the proposed Jacumba Wilderness area is an area know as Davies Valley. There is a road through this area which runs from the Mexicali/Tijuana Highway in Mexico, all the way to Highway 98 near Ocotillo, California. This Highway has been a major thoroughfare for smugglers for years and speaking from experience I can safely state that closing this area will not stop a smuggler from utilizing what would be left of the road to make good his entry into the United States. They will simply ignore the fact that motorized vehicles are not allowed. There are also five (5) other well documented smuggling corridors through the proposed Jacumba area. On one of these corridors, an existing road on the east edge of the Jacumba area, we seized 1277 pounds of cocaine valued at $41,000,000.00 during January of this year. A few months prior to that, we seized 427 pounds of marijuana worth $600,000.00. This seizure was made near Interstate 8, right square in the middle of the proposed Jacumba area. Thus far, in 1993, we have accounted for 197 entries made by people on foot and 19 vehicle entries in our west desert which includes the proposed Jacumba and Fish Creek areas. In 1992, there were 776 human entries and 18 vehicles entering through this same area.

We are in the Jacumba and Fish Creek areas almost daily with either 4 x 4 vehicles or aircraft. The purpose being to detect the illegal entry of aliens and drug smugglers. We do this by looking for tracks of both people and vehicles and by utilizing electronic detection devices which have to be checked and serviced on a regular basis. You can see that if we could not utilize low flying aircraft or had to walk into these areas or even utilize horses, the cost in manpower and response time would be increased to the point that we would probably just have to ignore the activity in these areas and hope that we could make the apprehension after the smuggler reached the highway. This, in turn, puts our operations in a different legal arena, subjecting our arrests to different court decisions and in general making a successful prosecution more difficult. In simple terms the creation of the Jacumba Wilderness area will only create a no-mans land between the Mexican border and Interstate 8 and Highway 98 where an illegal alien or smuggler will be free to roam at will or hide on United States soil until conditions are right for them to safely make their way further into the United States.

There is also a safety factor involved for our officers as well as numerous rescue operations of people caught in this desolate terrain without proper food and water, as is often the case. We did not keep statistics on the number of deaths occurring in the desert prior to 1985. At that time with the cooperation of the Mexican officials we attempted to educate the potential entrant(s) as to the dangers of attempting to cross into the United States through the deserts. We also altered our operations to ensure timely responses to any indicated traffic through the desert. The proposed Jacumba and Fish Creek wilderness areas have proven to be the most popular for use by aliens entering and attempting to walk around our Highway 86 traffic check operation. Since 1985 there have been 31 deaths in these desert areas. Our officers have rescued 81 people that would have died had our officers not rescued them when they did. These people were already dehydrated and in bad shape. During this same time frame, we made about 900 other apprehensions, all of which had the same potential for disaster. I might add that a number of these rescues were made by our pilots who located the people and were able to land and administer first aid until a mobile unit arrived.

We understand that someone had proposed to change the language of the bill to give us access to a 60 or 100 foot strip along the border. I, think, you can see from earlier discussions in this letter how in reality this would be of only very limited benefit. For a successful interdiction program we must have total and unlimited access to these areas. We gave gone on record stating that we will assist any law enforcement agency in enforcing whatever restrictions are finally arrived at for these areas. We feel that our presence will enhance and help to ensure the safety of the public that will be utilizing these areas. We must have motorized access to these areas to perform our duties and ensure the integrity of our borders.

I hope this information will be of help to you. If we can provide anything more we will be pleased to do so.

Sincerely,

MANUEL CAZARES, JR.,
*Deputy Chief Patrol Agent.*

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STATE OF CALIFORNIA,
OFFICE OF THE ATTORNEY GENERAL,
*Sacramento, CA, April 11, 1994.*

Hon. MALCOLM WALLOP,
*U.S. Senate,*
*Washington, DC.*

Re: S. 21, California Desert Protection Act.

DEAR SENATOR WALLOP: In response to your request, I am writing to voice my support for your proposed amendment to S. 21, the California Desert Protection Act, which provides for unimpeded law enforcement activities by local, state and federal law enforcement agencies within this proposed wilderness area.

The current language of S. 21 only allows the Immigration and Naturalization Service, the Drug Enforcement Administration, or the United States Custom Service, all federal law enforcement agencies, to continue to perform "border operations" within the proposed wilderness areas, subject to interagency agreements; and then only consistent with the management of the wilderness areas for the purpose for which such wilderness areas were established. These policies preclude aerial or motor vehicle access within wilderness areas. Under this language, state and local law enforcement agencies, including our bureau of Narcotics Enforcement, would be completely excluded from pursuing criminals that enter the proposed wilderness area. In fact, the language appears to offer a safe haven for criminal activity.

We have carefully analyzed Senator Feinstein's amendment and preferable is your amendment which specifically allows the use of vehicles traditionally used by both federal, state and local law enforcement agencies during the course and scope of their law enforcement activities within such wilderness areas. it is particularly critical given the proximity of the International border, and its well publicized illegal immigration and drug smuggling problem, to these proposed wilderness areas. As Attorney General of the State of California, I strongly urge the Senate to adopt you amendment.

Sincerely,

DANIEL E. LUNGREN,
*Attorney General.*

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Mr. WALLOP. Now, Mr. President, I am prepared to embrace these amendments en bloc, again with my thanks to the Senator and her staff.

The PRESIDENT pro tempore. The question is on adoption of the amendments en bloc.

The amendments (Nos. 1608–1619) were agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I understand now that we will be ready to take up a Wallop amendment which would redesignate the Mojave National Park as a BLM national monument. I might say to my colleagues that this is really the most important amendment probably to be considered among all of these. It will take some debate. I understand the Senator from Wyoming believes it will take at least until after lunch. I am wondering whether we could set a time certain after lunch for a vote on that amendment.

Mr. WALLOP. Mr. President, I say to the Senator that it would be my intention to arrive at that. I am not quite certain at this moment in time what time certain, but it will not be long after the two parties return from their annual weekly luncheons.

Mr. JOHNSTON. That is fine.

Mr. WALLOP addressed the Chair.

The PRESIDENT pro tempore. The Senator from Wyoming.

Mr. WALLOP. For the moment, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

Mr. JOHNSTON. Madam President, with the concurrence of the Senator from California, I would be prepared to offer a unanimous-consent request that the Wallop amendment redesignating the Mojave National Park as a BLM national monument, when offered, if offered, would be considered for a vote at 2:45 or 2:46, and that the time between 2:30 and 2:46 be equally divided between the Senator from California and the Senator from Wyoming.

If that is suitable, I will be prepared to offer that unanimous consent request.

Mrs. FEINSTEIN. Madam President, the Senator from Louisiana, as I understand it, would ask that there be 16 minutes equally divided, 8 minutes on each side, to discuss this question?

Mr. JOHNSTON. Madam President, I understand that we come back in at 2:15 and not at 2:30. So I would still ask that the vote occur at 2:45 and that the 30 minutes between 2:15 and 2:46 be equally divided between the Senator from California and the Senator from Wyoming.

Mrs. FEINSTEIN. The only reason I ask this question is this is a pivotal amendment. You cannot be for S. 21, in my view, and support this amendment. So I want to make as cogent and passionate a case against the amendment as I possibly can, and it may very well take more than 15 minutes.

Mr. JOHNSTON. Madam President, if we could have between now and 12:30, and then come back——

Mrs. FEINSTEIN. That is excellent; that is fine with me. I did not realize that. So the discussion will take place from now until the recess at noon.

Mr. JOHNSTON. That is right, and then come back with another 30 minutes.

Mrs. FEINSTEIN. That is acceptable. Thank you very much.

Mr. WALLOP. Reserving the right to object, and I shall not, this is in the usual form. That would include the second-degree amendment.

Mr. JOHNSTON. I do not think the usual form would necessarily preclude it. Would the Senator like to preclude them?

All right.

### ORDER OF PROCEDURE

Mr. JOHNSTON. Madam President, I would therefore ask unanimous consent that the Wallop amendment redesignating the Mojave National Park as a BLM national monument, when offered, if offered, be voted on without second-degree amendments, unless agreed to by both the Senator from California and the Senator from Wyoming; that that amendment be voted on at 2:45 p.m.; and that the time between 2:15 and 2:45 be equally divided between the Senator from California and the Senator from Wyoming.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WALLOP. Madam President, I would like just for the moment to ask the indulgence of the Senator from California. The sitting Governor of my State has announced yesterday that he would be the Democratic nominee for Senator to replace me.

I have a press conference that is scheduled at 2:15 with the Wyoming press unrelated to the California Desert Protection Act, if the Senator will be kind enough to try to indulge me and take some of her time at least in the beginning of that 2:15 p.m. time.

Mrs. FEINSTEIN. I will be most happy to, I say to the Senator from Wyoming.

Mr. WALLOP. I appreciate that.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

### AMENDMENT NO. 1620

Mr. WALLOP. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP] proposes an amendment numbered 1620.

Mr. WALLOP. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Redesignate Mojave National Park a Mojave National Monument.

Page 134, line 17 delete "**PARK** and insert "**MONUMENT**"

Page 135, lines 5-6, delete "unit of the National Park System;" and insert in lieu thereof "National Monument;".

Page 135, line 9, delete "Park;" and insert in lieu thereof "Monument;"

Page 135, line 21 delete "**PARK** and insert in lieu thereof "**MONUMENT.**"

Page 135, line 22 delete "Park," and insert in lieu thereof "Monument,"

Page 135, line 23, delete "park and insert in lieu thereof "monument"

Page 136, line 4, delete "National Park Service" and insert in lieu thereof "Bureau of Land Management"

Page 136, beginning on line 5, delete section 503 and renumber succeeding sections accordingly.

Page 136, line 14 delete "park and insert in lieu thereof "monument"

Page 136, line 22 delete "National Park Service and insert in lieu thereof "Bureau of Land Management"

Page 137, line 5, delete "**PARK.**" and insert in lieu thereof "**MONUMENT.**"

Page 137, beginning on line 7, delete all after "law" through the end of section 506 and insert in lieu thereof "law otherwise applicable to such lands including, but not limited to, the provisions of the Federal Land Policy and Management Act (90 Stat. 2743) as amended."

Page 137, line 14, delete "park" and insert in lieu thereof "monument"

Page 137, line 22, delete "park" and insert in lieu thereof "monument"

Page 138, beginning on line 5, revise subsection (a) of section 509 to read as follows: "(a) Within the monument, the Secretary shall permit the grazing of domestic livestock to continue, subject to applicable laws, at no more than the current level."

Page 138, line 23, delete "park" and insert in lieu thereof "monument"

Page 138, line 25, delete "park" and insert in lieu thereof "monument"

Page 139, line 12, delete "park" and insert in lieu thereof "monument"

Page 139, line 14, delete "park" and insert in lieu thereof "monument"

Page 140, line 23, delete "park" and insert in lieu thereof "monument"

Page 141, line 3, delete "park" and insert in lieu thereof "monument"

Page 141, line 6, delete "park" and insert in lieu thereof "monument"

Page 141, line 21, delete "park" and insert in lieu thereof "monument"

Page 141, line 24, delete "park" and insert in lieu thereof "monument"

Page 142, line 11, delete "park" and insert in lieu thereof "monument"

Page 142, line 14, delete "park" and insert in lieu thereof "monument"

Page 142, line 23, delete "park" and insert in lieu thereof "monument"

Page 143, line 2, delete "park" and insert in lieu thereof "monument"

Page 143, line 9, delete "park" and insert in lieu thereof "monument"

Page 143, line 12, delete "park" and insert in lieu thereof "monument"

Page 143, line 16, delete "park" and insert in lieu thereof "monument"

Page 144, line 3, delete "park" and insert in lieu thereof "monument"

Page 144, line 15, delete "units of the National Park System" and insert in lieu thereof "such lands"

Page 144, line 24, delete "units of the National Park System" and insert in lieu thereof "such lands".

Page 145, line 3, delete "park" and insert in lieu thereof "monument"

Page 145, line 5, delete "park" and insert in lieu thereof "monument"

Page 145, line 9, delete "park" and insert in lieu thereof "monument"

Page 145, line 11, delete "park" and insert in lieu thereof "monument"

Page 145, line 17, delete "park" and insert in lieu thereof "monument"

Page 145, line 24, delete "park" and insert in lieu thereof "monument"

Page 146, line 5, delete "park" and insert in lieu thereof "monument"

Page 147, line 11, delete "park" and insert in lieu thereof "Monument".

Mr. WALLOP. Madam President, this California Desert Protection Act is not questioned in the Senate, so far as this Senator is concerned, and insofar as other Senators I know are concerned, as to whether or not the desert should be protected. It is rather a question of: Through what means and by what agency?

The Senator from Wyoming is not picking on California by questioning the designation of a piece of territory in that State for national park status. I have been raising this same issue with the Senate with increasing intensity and frequency over the last 12 years.

It is safe to say that the Congress of the United States has an enormous appetite for parks. But it has no stomach at all for paying for them; neither for paying for the operation of them, nor for the acquisition of them, nor the maintenance of them.

The Secretary, while we speak, is on a tour of the National Park System of America. In that tour, he says that he is off to inspect the degradation of the parks.

Why would a nation which has the world's finest National Park System, the envy of the world, allow its parks to lapse into a state of degradation? It is because politically, parks are the sexiest thing going. It is because everybody wants a national park, and nothing will do for the supreme geology of the land but to give it the status of "national park."

But we have done nothing, Madam President, to maintain the National Park System.

I said yesterday that there is a 9-percent increase in the budget of the National Park Service for this coming fiscal year; more generous than some agencies are going to get. But guess what? That increase does not pay for normal salary and retirement benefit increases that are scheduled within the Park Service.

So even just to maintain salary and retirement benefits, the National Park Service is going to have to take money out of the operation and maintenance of the parks. To be sure, the Secretary and the Director have said that the National Park Service could afford these things. But in the same breath, in testifying on other parks costing far less, they said they could not be afforded.

If you look at the 5-year budget plan of the President of the United States, and Mr. GORE's "reinventing Government," there are 3,700 positions scheduled to be taken out of the National Park Service over the next 5 years. But does that slow Congress in its headlong rush to establish new parks and new obligations? Certainly not. This California Desert Protection Act is the "National Park Service Degradation Act" in disguise—not just with this park, but with all of the other parks that are going on.

It is not as though people in the land management business have not recognized for a long time that the California desert is a special place. Over the years, the Federal Government has spent millions and millions of dollars and thousands and thousands of manhours developing a comprehensive desert management plan. That plan is in place. That plan is working well under the direction of the Bureau of Land Management and its multiple-use program.

Under the provisions of S. 21, along with the acreage set aside for desert tortoise critical habitat, there can only be significantly less multiple use, and in its place a significant number of large areas that are set aside for other restricted uses. But keep in mind that the desert management plan that is in place was concocted by the Federal land managing agencies, and the environmental groups who praised it widely when they endorsed it and embraced it. It has not changed.

You will see, as you have seen yesterday, extraordinarily beautiful pictures of this extraordinarily beautiful piece of land. You cannot claim in the same mouth that on the one side it is being badly managed, and on the other side, that it contains this beauty. It is not a possible thing to do. It defies the logic of the ordinary mind to say that because it is beautiful, it cannot be entrusted to those who have kept it that way.

Why do I argue this? Because it is now and has been within the budget of the Bureau of Land Management. It can have virtually the same status as "national monument" as it has as "national park" but yet stay within the budget of an agency that is already budgeted to maintain it. But there is not a park in the State of Washington, in the State of Louisiana, in the State of Wyoming, or any other State that has one; or any other territory that has one, whose citizens will not pay to have this park come on line. And they will pay by having the parks in their State have shorter hours, curtailed interpretive programs, curtailed park services and, most specifically, curtailed overdue maintenance.

Just to put some perspective on this, Yellowstone National Park in my State of Wyoming, the oldest park in the world, just to bring its roads up to standard condition, not to improve them, not to expand them, but just to put them where they ought to be for the traveling public, is estimated at in excess of $300 million. That gets put off, Madam President, for well into the next century by actions such as this. I will say to my friends that this is not the only park designation I am going to confront that comes before this Congress this year. But I particularly confront this one which falls within the budget of another agency that is doing a darned good job of protecting it, as will be witnessed by the extraordinarily beautiful pictures the Senator from California will bring to the attention of the Senate in a while. Its fragility is not damaged by the color of the uniform of the people managing it. Its fragility is not protected by the color of the uniform of the people managing it.

As you look around America, especially in the great western parks, by and large, the condition of the land within the parks is nothing like as adequate as the condition of the land outside the parks, partly because of the constraints of operation under which the National Park Service operates. You take the rangeland in Yellowstone National Park, and it is in a state of considerable degradation. There are too many elements working around there—buffalo, elk, and other things—and the rangeland is damaged inside that park. They cannot be hunted or controlled, and the land continues to subside in its level of condition.

If anybody wants to look at the condition of fragile desert, have them go to the Grand Canyon and see what uncontrolled feral—not "wild" burros—are doing to that desert environment. So it is not ipso facto that moving it out of the Bureau of Land Management and into the hands of the National Park Service you are going to get this upgraded enlightenment and capability to protect a land that all of us agree needs to be and should be protected.

Under the provisions of S. 21, there is acreage set aside for parks and acreage set aside for wilderness. One of the things that we have not paid attention to, because Congress is nifty at navel gazing, is the fact that under the Endangered Species Act, you have another area and level of protection that takes place in the California desert now, and that is called the desert tortoise critical habitat. It is the truth, if you want to look at management of public lands—and most people do not; they just want to hear nice tales about green dreams. But if you want to look at the management of public lands, one of the things you have to look at is what people—Americans, good solid, honest Americans—want to do on that land, and the number of them that want to do it.

The desert is a big place for Americans' recreation. There are approximately 12 million acres in the California desert. There are approximately 8 million acres under this bill that go into park and wilderness areas. There are approximately 3 million acres that are for tortoises.

This is S. 21. All the light brown areas are new parks, wilderness areas, that are established by this legislation. This is the area down here along the Mexican border where the Senator so kindly allowed us back into the business of law enforcement. But look at this. This is S. 21. The desert is essentially this area here going over to the Nevada-California border, 12 million acres.

These dark brown areas are critical habitat for the desert tortoise. Those, when superimposed upon the areas of

S. 21, leave just slightly fewer than a million acres for Americans in their numbers to have multiple use on. And what that means is that 1 million acres will bear the brunt of use that approximately 6 or 7 million acres now are taking. So use will be concentrated heavily and starkly on that 1 million acres. Make no mistake about it, there is going to be an environmental consequence of that.

Mr. JOHNSTON. If the Senator will yield for a question, this issue of the desert tortoise is a very interesting one. It seems to me—and this is sort of unrelated to the park—but I am wondering, in the thousands upon thousands of square miles of desert in the American Southwest, why would there be an endangerment of the desert tortoise?

Mr. WALLOP. Some would argue that it is not. But they have been unable to persuade the Fish and Wildlife Service and they have declared these to be critical habitats and, therefore, have curtailed virtually all uses in those lands.

So what happens now is this is one of the consequences, Madam President, of wilderness designation. One of the things that happened is that wilderness designation has concentrated the use in forests in America where there are no longer any areas where there are limbs for campfires or other kinds of things.

We do nothing about taking away Americans' desire to enjoy the bounteous gifts of God in the deserts or the forest, or the mountains of this country.

What worries me is that the use of these lands is going to become starkly concentrated. But, in effect, Madam President, this is only one of my areas of concern.

My biggest area of concern is what we are doing to the National Park Service. Can we not get the attention of the Senate, which over the last 6 years has put in 22 new parks and paid for none of them? Can we not get the attention of a Congress that continues to lay down park after park after park without doing anything to establish a new ability of the National Park Service to deal with its obligations?

In the Senator's own State, I made mention yesterday of the Channel Islands which have still to be paid for while being operated as a park. The Park Service has so little money that the ranger in charge of Santa Cruz Island lives in an abandoned refrigerator shipping container.

There are, I am told, serious problems to that habitat with wild goats and pigs.

We saw yesterday a variety of statements as to the economic benefits that come with national park designation. In the Senator's home State, I hope she will take time to see what happened when Redwoods Park was established and what happened to the surrounding communities there. The economic benefit was, in fact, significant economic harm. None of the projections of the Park Service came true in those instances.

Americans rightly care for the natural gifts of the landscape of this great country. Again, I say that this is not a question or an argument as to whether or not this land is worthy of protection. But to select parks solely on the basis that there is a political sophistication in the National Park Service that does not exist within the Bureau of Land Management is a mistake, a big mistake. It has significant "green appeal," I know. But at the same time we have an obligation to concentrate on the consequences to the National Park Service. We do not live in a little set series of glass bottles of formaldehyde on the shelf that we can take each of these votes and actions in isolation and hold no accountability whatsoever for the consequences of those actions.

The consequence of this action is a tax on every park in America, a tax on their maintenance budget, a tax on their operational hours, a tax on their interpretive efforts.

If it were the only way, then we would have an obligation at the same time, I think, to provide for the funding of them. But we all know we cannot do that because of the budget circumstances that exist today.

We all know that we will not do that. Because we have seen we have not done it in the 22 other parks, of which I have spoken, over the last 6 years. And we all know that you get a lot of credit for voting for a park and someone in the administration or the previous administration or somewhere down the road will get a lot of blame because the parks are in bad condition.

I am stating today that the parks are in bad condition not because of a variety of Secretaries of the Interior or Presidents of the United States but because of the actions of Congress which continues to add parks to the system, obligations to the service, without resources in any way.

And again we have in place a management structure that properly drafted—and this amendment properly drafts national monument status—provides the same level of protection without degrading the National Park Service.

The impact of S. 21 on the integrity of the National Park System is substantial. We will have to transfer funds. Clearly we are going to have to transfer personnel.

Is anybody going to explain to me how we are going to continue to provide adequate personnel in the national parks when we take 3,700 personnel out of the system over the next 5 years and add parks to it at the same time? Can anybody explain to me the logic in that? How are we going to get it? Where are the people going to come from? From the sky? Are we going to have forced transfer of personnel out the Bureau of Land Management in order to operate the park? Is there not some way to be more efficient?

The answer is "yes." Leave it under the Bureau of Land Management and leave it under a budget that already accommodates it.

This congressional appetite for new parks is astonishing, even understandable. But what we are doing in this Congress is taking the very best national park system in the world, the model by which all our countries try to run and devise their system of parks, we are trying to kill it with a thousand hugs. We love it so much that we just add little obligations to it and we add little things.

We are at this moment trying very hard to get the administration and others just to provide some money for ranger housing, and the Park Service has testified that the status of ranger housing is unbelievably deplorable, and a service which had taken pride in its longevity of personnel is now beginning to lose young rangers and finding it difficult to attract them because we, Congress, will not fund the Park Service, even ranger housing.

The budget for the parks have increased over the past decade but not in real terms. They are subsiding underneath the rate of inflation.

At Yellowstone, for example, the budget has increased by less than $10,000 in real money between 1980 and 1990, according not to some redneck report of the Senator from Wyoming but according to the Wilderness Society. The budget of the great first national park of America increased by $10,000. During that same period, the numbers of annual visitors shot up by nearly 1 million. One million people a year more are going into that park which over a decade has had an increase in its budget of $10,000.

Is that stewardship? Is that sense?

We have deferred maintenance for so long that there is not now a park in America that does not have road repair requirements, sewerage requirements, water requirements, electrical systems that need entirely to be replaced. A lot of them were built back at the turn of the century. They are going down, and all of a sudden we are taking $125 million out of the National Park Service budget over the next 5 years to put it in S. 21.

We have become model slumlords. We have become protectors of the degraded public lands, and the priorities of this Congress and the ones that have preceded it, both sides of the aisle—I make no claim this is a Democratic or Republican thing; I have been arguing this right along—they are in absolute disarray.

Madam President, prior to last summer, each of us had the opportunity to read newspaper reports and editorials and to view television programs which explained that the visitor centers in our parks would be opening later and closing earlier. A lot of us had the opportunity to respond to constituents who found that a travesty.

It is not about having been responsible. It is about having been irresponsible.

Throughout the park system last summer, a number of campgrounds were closed—not their hours curtailed, but closed— and many of the others operated for shorter periods of time. Fewer entrance stations were staffed.

That was another big trick the Congress played on the National Park System. We raised visitor fees so that the parks collecting them could have 50 percent of those fees dedicated to their park operations and the Park Service would get the other 50 percent. But the Appropriations Committee raided that, took it away, and now the parks cannot afford to man the entrance stations because the rangers are needed for the safety of the public elsewhere. So we are losing money in the National Park System by what we do here in our little glass bottle.

There are no consequences to this act except protection of the California Desert.

That is simply not the case. If it were the case that this is the only way in which the desert could be protected, this would probably be worth doing anyway. We would have a responsibility to Americans to figure out a way to pay for it. But we are not going to do either of those.

There is another way to protect it, and that is national monument status. There were fewer patrol rangers protecting visitors from crime and assisting with automobile problems. And crime in the parks went up last year, Madam President.

At beaches, the number of lifeguards was cut. There were fewer ranger-led nature walks, evening programs, and educational activities. Critical trail maintenance continued to be deferred, causing a hazard to the public that wishes to get out of the populated centers in the national parks.

Maintenance of buildings, vehicle fleets, roads, and other parts of the infrastructure were cut back and deferred until another day.

To meet basic day-to-day needs, many parks saw no alternative but to divert funds from needed and important cultural and natural resource projects and research. Research in the national parks went down and will go down further.

Mr. President, I ask unanimous consent to have printed in the RECORD several excerpts regarding just some of the budgetary problems that are encountered from a random selection of parks. These are taken from the 1993 report by the Wilderness Society, entitled "Shortchanging the National Parks."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## SHORTCHANGING THE NATIONAL PARKS

### ACADIA NATIONAL PARK

(Maine)

Established in 1916 (as Sieur de Monts National Monument), Acadia was the first national park east of the Mississippi and remains the only one of the 51 full-fledged national parks that is located in the Northeast. This 40,000-acre unit, best known for its rugged coastline, includes Cadillac Mountain, the highest point on the Eastern Seaboard, and provides habitat for some 275 bird species. The park also encompasses Isle au Haut. Much of Acadia's land was bequeathed by John D. Rockefeller, Jr.

*Visitors.*—1992: 2,382,113 (1982 figure not provided here as means of comparison because of a major change in the computing method).

*Budget impacts.*—The number of seasonal employees has been reduced from 150 to 144 since last summer. Because there will be two fewer patrol officers, response time will be slower. One of the park's museums will be open only five days a week instead of the usual seven. To keep the interpretive programs from being scaled back during the summer months, nothing is being offered in May. During the peak season, all programs will be offered less frequently than in the past.

The park lacks the money to deal with breakdowns of sewage facilities and has brought in portable toilets in some areas as a stop-gap measure. The replacement of the sewage system at Bear Brook Pond picnic area has been deferred. Trail maintenance, however, has improved in recent years and progress is being made on the backlog of work. Help has come from a variety of sources.

Acadia was slated to receive $631,000 from the economic stimulus legislation. The money would have enabled the park to maintain its seasonal ranger staff and its interpretive program at 1992 levels, tackle sewage system problems, step up efforts to help endangered species, and undertake other projects that have been put off in recent years.

Phone: 207–288–5456.

### BIG BEND NATIONAL PARK

(Texas)

Named for a big bend in the Rio Grande River, 118 miles of which lie in this 801,000-acre park, Big Bend sits on the Mexican border. In fact, the park manages 13 percent of the border. Big Bend features dramatic canyons, desert, the Chisos Mountains, and some 400 bird species. Established in 1935, Big Bend was designated a Biosphere Reserve in 1976.

*Visitors.*—1982: 180,144, 1992: 294,535.

*Budget impacts.*—The interpretation program has been scaled back again. Four years ago, for example, Big Bend offered four or five evening programs a week at each of two amphitheaters. This summer, only one of the facilities will operate, providing six evening programs a week. There used to be two or three nature walks a day, but this summer the park expects to offer only one or two. In contrast, Big Bend has managed to step up its outreach to local schools and communities, including some in Mexico.

While the Panther Junction Visitor Center will operate as it has in the past, three other centers (Rio Grande Village, Persimmon Gap, and Chisos Basin) will close or will be open only intermittently this summer.

Funding for trail maintenance has failed to keep up with the need. Work focuses on the most heavily used trails, which, unfortunately, tends to lead to even more use of them and less use of the trails in more remote areas. A number of the trailheads have become difficult to find.

There will be no fee collection this summer at the park's three campgrounds, and fewer rest rooms at these sites will be open. Grounds maintenance will be reduced, as well.

Larger than Rhode Island, the park faces major law enforcement challenges, including drug interdiction. Big Bend has experienced sniping along the river and a double homicide. With a staff of eight law enforcement rangers, Big Bend can muster only four at a time. Seasonal law enforcement hiring has been "severely reduced."

Superintendent Robert L. Arnberger said that numerous maintenance projects involving roads, buildings, and housing were being deferred in order to meet day-to-day needs. To save money, he has not filled some maintenance positions.

Phone: 915–477–2251.

### CAPE HATTERAS NATIONAL SEASHORE

(North Carolina)

Cape Hatteras was the first of the ten national seashores. Located along the Outer Banks, this park is a narrow, 70-mile-long strand that offers first-rate beaches, a variety of wildlife, and historic Cape Hatteras Lighthouse, at 208 feet the tallest in the country. The lighthouse overlooks what sailors have called "the Graveyard of the Atlantic."

*Visitors.*—1982: 1,698,543, 1992: 2,047,103.

*Budget impacts.*—The park's managers have had to cut services broadly. Wherever possible, they have tried to maintain their programs at past levels during the busiest periods.

Instead of offering three protected beaches, each with a four-lifeguard staff, Cape Hatteras will have lifeguards at only one of those beaches, Ocracoke Island. Swimming is allowed at the rest of this national seashore, but strong littoral currents, rip currents, and shifting sand create inherent risks.

One of the five campgrounds, 90-site Salvo, will be closed the entire summer. Three of the other four close on Labor Day, instead of in October or November. Campground fees have risen from $8 to $11.

The interpretive schedule had to be scaled back from 250 guided programs a week to 150. Only because they were able to recruit volunteers will the Park Service be able to provide tours of 123-year-old Cape Hatteras Lighthouse. Two of the main visitor centers, at Bodie and Ocracoke Islands, will be open only five days a week rather than the usual seven.

There will not be a reduction in the number of law enforcement positions, but hours will be cut back. The maintenance staff will shrink from 52 a year ago to 48.

Phone: 919–473–2111.

### CUYAHOGA VALLEY NATIONAL RECREATION AREA

(Ohio)

Established in 1975, this park links Cleveland and Akron, protecting the meadows, wooded hillsides, and trails of the river valley. Congress authorized this 20-mile-long narrow NRA to grow to 32,400 acres, and right now about half that is owned by the National Park Service. Features include Cuyahoga Valley Line Railroad, remnants of the Ohio and Erie Canal, and the Hale Farm and Village, representing rural Midwestern life during the 19th century. Cuyahoga Valley attracts a wide variety of birds.

*Visitors.*—1982: 717,815, 1992: 1,430,382.

*Budget impacts.*—With costs and visitation growing rapidly, Cuyahoga Valley has had to scale back its operations in a number of areas to stay within budget. The park staff now employs ten fewer people than it used to: "When a permanent position becomes open, in many cases we do not fill it due to a lack of funds," said Superintendent John Debo. Among those left vacant: a wildlife biologist and a GIS specialist.

Trail maintenance is falling behind. "We're down to bare bones on our foot and equestrian paths," Debo said. Upkeep on historic structures is being deferred, too.

Two or three positions have been cut from the interpretive program, so there are fewer rangers at park facilities to talk to visitors.

Nor can the park provide the law enforcement coverage it would like. From 11 p.m. to 8 a.m. there is no one on duty, and arson has been a problem during those hours.

Cuyahoga Valley NRA is slated to absorb the Ohio Toe Path Trail, which will stretch resources and staff even more.

Phone: 216–650–4636.

### GLACIER NATIONAL PARK

### (Montana)

Covering more than one million acres on the Canadian border, Glacier is the U.S. portion of Waterton-Glacier International Peace Park. The popular park features nearly 50 glaciers, 200 lakes, rugged peaks, forests, waterfalls, and meadows rich in wildflowers. Among the wildlife are grizzlies, bighorn sheep, and moose. Glacier was our eighth national park, established in 1910, and it is one of the world's Biosphere Reserves.

*Visitors.*—1982: 1,666,114, 1992: 2,199,767.

*Budget impacts.*—Glacier is a "hot" park. Between 1986 and 1992 visitation increased by nearly 40 percent, and the latest survey by the American Automobile Association indicated that its popularity is continuing to climb rapidly. The result is an even greater strain on limited funds.

Campgrounds are opening a week or two later and will be closed September 7, which is two or three weeks earlier than usual. The park has had to cut maintenance significantly. For example, trail maintenance is only "marginal," according to Superintendent Gil Lusk. That is a special concern at Glacier, home to the Lower 48's most viable grizzly bear population. Bears are most likely to take on humans when they are surprised, and poorly maintained trails generally limit visibility and thus increase the likelihood that a hiker will suddenly encounter a grizzly. Some of the trails have had to be closed off to visitors.

Interpretive programs are being offered less frequently, despite the swelling visitation. At the Canadian border, hikes and tours have been eliminated. Instead, there are brochure racks.

Altogether, Glacier will have 250 to 270 seasonals, about the same number as last summer, but they will work fewer weeks. In the mid-1980s there were 330 to 350. Those figures somewhat overstate the drop off because the growing popularity of the shoulder seasons has forced the park to convert some seasonal positions to permanent status. Even with that conversion, however, the number of permanent rangers has remained roughly the same.

Staffing at entrance stations has been cut considerably. The Glacier station will not be open at all. Those that are open will be staffed only nine hours a day this summer.

Other signs of the budget times are reduced training for employees and deferment of vehicle replacement, which has created a $1 million backlog. The average vehicle is 14 years old. Lusk has tried hard not to let everyday needs completely undermine the science and resource management budgets. "It gets tiring," said Lusk of the cuts he has had to make over the past five or six years. Glacier was to have received $1.7 million under the economic stimulus package.

Phone: 406–888–5441.

### GREAT SMOKY MOUNTAINS NATIONAL PARK

### (Tennessee, North Carolina)

Encompassing one of the oldest uplands on Earth, this park is extraordinarily diverse. Northern and southern forest types meet here, and the park has 130 tree species, more than can be found in all of northern Europe. The park also sustains the greatest acreage of old-growth forest in the East. Now a World Heritage Site, Great Smoky Mountains provides habitat for bobcats, black bear, and more salamander species than any other place in the world. Seventy miles of the Appalachian Trail run through the park, which was created by Congress in 1926.

*Visitors.*—1982: 8,177,869, 1992: 8,931,690.

*Budget impacts.*—The backcountry trail system continues to deteriorate. Ten years ago there were two trail maintenance crews, each with ten to 12 people. Today the two crews are down to four people each. To help compensate, the park has found volunteers to do some of the light maintenance. Volunteers also are being plugged in to the visitor center staff to keep it operating the usual hours.

Besides reliance on unpaid help, the park has tried to maintain services by skimping on programs that are less visible. "Today you won't see a ranger in the backcountry," said a park spokesman. There are a few out there, but only rarely will visitors encounter them.

Perhaps the largest cutback has been in the campaign to control the wild boars, brought into the area from Germany in the 1920s for sport hunting. These pigs have multiplied and are uprooting wildflowers and rare plants. Spending on hog hunters has been slashed by two-thirds. By this time a year ago, 200 pigs had been eliminated, but this year the tally is just 120. "This will cause big trouble next year if we don't get more money," said the spokesman.

Great Smoky Mountains was hit hard by the March blizzard and is hoping to receive funds to clean up the damage. If the money is not provided, park managers may have to move dollars from the budgets for seasonal rangers and other programs to pay for the cleanup.

Phone: 615–436–1200.

### HOT SPRINGS NATIONAL PARK

### (Arkansas)

Considered a sacred place by the Indians, and first set aside by the Federal Government as Hot Springs Reservation in 1832, this unique national park covers 4,836 acres in the resort town of Hot Springs. There are 47 thermal springs, with the water at 143 degrees all year. The park also features eight historic bathhouses, undisturbed woods, and 24 miles of trails.

*Visitors.*—1982: 1,015,580, 1992: 1,504,073.

*Budget impacts.*—Funds are so limited at Hot Springs that the seasonal staff of 28 has been cut by 50 percent. The 14 who were hired may be let go before the end of the summer. The park is trying to bridge the gap with volunteers, who give thermal tours, work at the information desk, help with repairs, and provide other services.

There are basically only "two and three-quarters" staff positions assigned to building repair. "They simply can't do all the work," said Superintendent Roger Giddings. Six of the famous bathhouses need major rehabilitation, but Hot Springs can afford to do only minimal work on them. Leaking roofs on two of the bathhouses and uncontained basement spring waters have led to significant structural damage. Altogether, the park has more than 100 historic structures. The hot springs water collection and distribution system needs continuing maintenance and repair. "This is an old, old park," said Giddings. "We have many projects to do."

The trails also are suffering from a lack of maintenance. Landslides and erosion resulting from a 1990 rain storm and subsequent heavy rains have caused damage that has yet to be repaired in some areas.

Hot Springs has been able to maintain its law enforcement staffing levels, but Giddings does not consider those levels adequate. "We are dealing with the concerns of a city. We don't have round-the-clock enforcement, and only one person patrols at critical times," he said.

The park had hoped for help from the economic stimulus bill. Giddings planned to hire 70 to 90 seasonals and mount a major rehabilitation effort. "We would have done a ton of work on the trails, buildings, landscaped grounds, utility system, and scenic drives," he said.

Phone: 501–624–3383.

### INDIANA DUNES NATIONAL LAKESHORE

### (Indiana)

"The Dunes are to the Midwest what the Grand Canyon is to Arizona and Yosemite is to California," Carl Sandburg once wrote. "They constitute a signature of time and eternity." Authorized by Congress in 1966, Indiana Dunes National Lakeshore lies along the southern shore of Lake Michigan between Gary and Michigan City. The unit includes dunes that rise 180 feet above the lake, sandy beaches, marshes, prairie remnants, and historic buildings. The park provides habitat for more than 220 species of birds. A major goal of Indiana Dunes is environmental education, and the park hosts some 70,000 school children a year.

*Visitors.*—1982: 1,066,573, 1992: 1,973,098.

*Budget impacts.*—The main cutback has been in law enforcement. Last summer there were ten law enforcement officers, but this year the park will try to make do with seven. To compensate for the loss, they vow to "work harder." Naturally, they will have to concentrate on the high-priority needs, described as "life-and-death situations and cases involving serious property damage." Last summer there were five ranger assistants, who focus on traffic control; this year there will be two. Creating even more of a strain on these employees will be the operation of a 79-unit campground, which opened at the end of last summer.

Indiana Dunes also will save money by reducing the hours of the Paul H. Douglas Center for Environmental Education. Other centers for visitors will not be affected, however.

Park Superintendent Dale Engquist said that Indiana Dunes came very close to having to close one of the beaches this summer so that a lifeguard could be put somewhere else. The park contracts out the lifeguarding and has had to absorb increases in the contract price.

A major budgetary challenge for Indiana Dunes has been the addition of new land and facilities, like the campground. For Fiscal Year 1994, the park has requested an additional $100,000 to cover at least part of the expenses. If that money comes through, along with the 7 percent across-the-board increase requested by the National Park Service, "we hope it will get us back to the point where we were five or six years ago," said Engquist.

Phone: 219-926-7561.

### MAMMOTH CAVE NATIONAL PARK

(Kentucky)

This park contains the world's longest recorded cave system. More than 330 miles have been mapped, and underground streams are still at work, extending the network. Discovered by settlers in the late 18th century, the caves became famous as a place for actors and singers to perform. This 52,000-acre park is located roughly halfway between Louisville and Nashville and also contains picturesque river valleys and some of the hilly country north of the Green River. Mammoth Cave National Park was authorized by Congress in 1926, fully established in 1941, and designated a World Heritage Site in 1981 and a Man and the Biosphere Reserve in 1990.

*Visitors.*—1982: 1,526,676, 1992: 2,392,858.

*Budget impacts.*—A year ago the park had 60 seasonal rangers, but this summer there will be only 40 or so. One consequence will be a cutback in the number of above-ground tours. One of the most popular, the Echo Hill River tour, will not be offered at all. These options are considered important in part because the park likes to be able to provide an organized activity for the many visitors who are beyond the carrying capacity (2,800 people a day) of the guided cave tours.

Though there were campground closures during the winter, Mammoth Cave expects to have all campgrounds open as usual during the summer.

The summer seasonal maintenance staff has shrunk from eight to five persons, forcing the park to do routine maintenance at longer intervals.

Phone: 502-758-2251.

### NORTH CASCADES NATIONAL PARK

(Washington)

Now celebrating its 25th anniversary, this northwestern Washington park protects what some call "the American Alps." The 505,000-acre park contains three units, including Lake Chelan and Ross Lake National Recreation Areas. North Cascades features not only jagged mountain peaks but hanging glaciers, waterfalls, and lush forests. Wildlife includes the black bear, wolverine, cougar, and moose.

*Visitors.*—1982: 395,476. (Because of a change in the tabulation method, there is no comparable figure for 1982.)

*Budget impacts.*—"All areas have been cut," Superintendent Bill Paleck reported. There will be fewer rangers at Ross Lake. For the first time in many years, no ranger will be stationed at Copper Ridge or Lightning Creek, two backcountry areas.

The interpretive programs are down to bare bones. Last summer there were evening activities five nights a week; this summer there won't be any, unless the rangers volunteer. The daytime programs have been eliminated at Hozomeen campground and reduced at Colonial and Newhalem campgrounds.

Only one of the campgrounds has opened, although others are expected to open soon. The park will have to cut back on bathroom cleanup and trash collection. The pit toilets at Ross Lake may not be cleaned at all this summer.

Trail maintenance has been deferred, with most of the work concentrated on the most heavily used areas. "If we have to continue maintaining trails the way we are now, very soon a decision will have to be made to close some or let them deteriorate," said Paleck. "In the backcountry, if you don't brush a trail, it's lost in a few years."

The park also plans to reduce visitor center staffing and control of invasive plants. Paleck estimates that North Cascades needs an additional $1.4 million "to do what we should be doing."

Phone: 206-856-5700.

### OLYMPIC NATIONAL PARK

(Washington)

Olympic National Park contains active glaciers, 50 miles of coastline, mountains, alpine meadows, and the finest remnant of Pacific Northwest rain forest. Among the wildlife are Roosevelt elk, cougars, black-tailed deer, and spotted owls. Established in 1938, Olympic has been designated both a Biosphere Reserve and a World Heritage Site.

*Visitors.*—1982: 2,478,739, 1992: 3,030,195.

*Budget impacts.*—Last December, the park's managers found they would have to slice more than $400,000 from the balance of the fiscal year's spending plans to stay within the $6.5 million budget. They spread the cuts as widely as they could. Maintenance funding for the more than 600 miles of trails was reduced $80,000. The remaining amount will allow work on two front-country trails that receive the most use and one trail running across the park. "In the long run, this deferred maintenance will cost us more," said Assistant Superintendent Roger Rudolph.

The interpretation program will be running $22,000 short. As a result, there will be fewer nature walks and campfire programs. For example the program at the Fairholm amphitheater, which averaged 120 people a night, will be conducted on wheeknights this number. There will be fewer rangers stationed at busy spots to field questions. At Hurricane Ridge, for instance, there will not be a uniformed person to guide interaction between visitors and black-tailed deer, whose sudden hoof strikes can hurt.

Currently, seven percent of the park's budget is devoted to interpretation, a sum that Rudolph calls "an absolute embarrassment." About half of the public contact stations are not staffed. Those that are depend mostly on volunteers. There will be 24 seasonal interpretive rangers this summer, compared to 34 just a few years ago. To save money, Olympic will start some of those 24 later and end their employment earlier.

Backcountry rangers number only 12, compared to the 16 that the park believes are needed. Again, volunteers are being used to help compensate. The seasonals will start June 5, instead of May 23, and finish up in late August, instead of September.

During the height of the summer season, the 17 campgrounds should offer the same services they did a year ago. In the shoulder seasons, however, Olympic is now cutting the number of sites and reducing sewer and water service. Olympic will pare its expenses by about $100,000 by slashing fee collection at entrances and campgrounds. Of the four entry stations, only Heart O'the Hills (providing access to Hurricane Ridge) will be in operation. The park staff considers the booths an important way to inform visitors and to deter those who come to Olympic to break into cars.

The number of people working on natural resource management at Olympic is "woefully inadequate," Rudolph said.

Phone: 206-452-4501.

### ROCKY MOUNTAIN NATIONAL PARK

(Colorado)

Located on the Front Range of the Rockies and only 65 miles from downtown Denver, this popular park contains 59 peaks at least 12,000 feet high, including Longs Peak. Established in 1915 as the ninth national park, Rocky Mountain provide habitat for bighorn sheep, elk, golden eagles, and other species. Famous Trail Ridge Road takes motorists to the highest point (12,183 feet) that a car can reach in the national parks.

*Visitors.*—1982: 2,578,902, 1992: 2,942,743.

*Budget impacts.*—There will be only 60 interpretive programs a week this simmer, compared to 100 a year ago. The Lily Lake Visitor Center, operated jointly with the U.S. Forest Service, will not open until June 1, instead of May 1. It will close Labor Day, rather than October 15.

The hours of operation at the entrance stations will be reduced. The east-side hours will be 9 a.m. to 6 p.m., in contrast to 7 a.m. to 8 p.m. last summer. The west-side hours will be 8 a.m. to 5 p.m., versus 7 a.m. to 11 p.m. in 1992. Not only does this reduce revenue, but it precludes many visitors from getting the information they need upon arrival at Rocky Mountain.

The east side will have two fewer seasonal law enforcement positions, while the west side will have three fewer.

Upkeep of Rocky Mountain's 355 miles of trails has lagged due to lack of staff. There are more than 40,000 horse rides a year on these trails, increasing the need for maintenance.

The park had hoped to hire five seasonal people to rehabilitate the rock walls along Trail Ridge Road, build by the Civilian Conservation Corps. But the money to hire them is not available, so the work will be put off. Other infrastructure projects left unfunded were the widening and upgrading of road shoulders and the reroofing of the Alpine Visitor Center.

Rocky Mountain had hoped to receive enough money from the stimulus package to hire 30 seasonal employees. That would have restored staff levels to the more adequate levels of two or three years ago.

Phone: 303-586-2371.

### SHENANDOAH NATIONAL PARK

(Virginia)

This park is located along the Blue Ridge Mountains and offers beautiful views of the Shenandoah Valley and the Piedmont. In 1936, when Franklin D. Roosevelt dedicated Shenandoah (meaning "Daughter of the Stars"), it was the beginning of an experiment to determine whether an overused area be returned to its natural condition. Today 95 percent of the park is forested, and there have been major comebacks by the turkey, black bear, deer, and bobcat. Thirty-five warbler species have been seen in Shenandoah, which contains 105-mile-long Skyline Drive.

*Visitors.*—1982: 1,751,972, 1992: 1,850,000.

*Budget impacts.*—Shenandoah made headlines in December with its proposed closing of portions of Skyline Drive. That plan was shelved, but the episode indicates the seriousness of the park's budget squeeze. The staff cutbacks may be the most extreme in the national park system. Forty positions were either eliminated or will be left vacant until the end of this fiscal year. The positions include assistant superintendent, district ranger, two sub-district rangers, interpretive rangers, and a fire management official. This summer there will be only 20 seasonal rangers, compared to 28 a year ago, and they began work in mid-May rather than March. Since 1989, said Chief Ranger Larry Hakel, the ranger staff has been reduced by 50 percent since 1989.

The staff shortage has forced the closure of two campgrounds: Mathews Arm and Dundo (used by groups). Big Meadow family campground has just opened, almost three months later than usual.

There was no interpretive program at all this spring so that the summer program could be retained. The final summer schedule is not yet ready, but even with help from volunteers, it will have to be scaled back. All visitor centers are open fewer hours, and the North End center opened a month late. Entrance stations, where visitors get much of their information, have been open a maximum of five days a week, but the park hopes to have them open every day during the peak season.

Dealing with law enforcement duties and searches has become more of a challenge than ever. "We're having difficulty with the day-to-day stuff," said Hakel. "We've had some major auto accidents and searches this year."

Two big March storms had a major impact on the trails, many of which remain too covered with debris to be usable. The maintenance crews have concentrated on clearing Skyline Drive and the most heavily used trails. Those storms made an already difficult fiscal situation even worse. Skyline Drive cleanup cost $250,000.

Normally Shenandoah replaces five to ten vehicles a year, but this year only one has bee replaced, and the backlog adds up to $2.6 million.

Phone: 703-999-2243.

### SLEEPING BEAR DUNES NATIONAL LAKESHORE

(Michigan)

This park protects 31.5 miles of Lake Michigan shoreline, as well as North and South Manitou Islands. The most striking features are enormous sand dunes. Authorized in 1970, Sleeping Bear Dunes also features beaches, rugged bluffs towering as high as 480 feet above Lake Michigan, dense forests, and inland lakes. The park is in the northwest portion of Michigan's lower peninsula, near Traverse City.

*Visitors.*—1982: 664,945, 1992: 1,237,181.

*Budgets impacts.*—All maintenance of Sleeping Bear Dunes' 100-mile trail network has been eliminated. "We have no one to maintain them," explained Superintendent Ivan Miller. Having cut six maintenance positions this year, the park also has had to defer maintenance and cleaning of new facilities, including a boat launch, campground, and picnic areas.

Nor can the park clean up hazardous waste on lands that have been added to Sleeping Bear Dunes in recent years. The main concerns stem from underground storage tanks. Other budget casualties were non-mandatory training, purchases of supplies and materials, and backcountry patrols.

Shortchanging these activities enabled Sleeping Bear Dunes to hold the line in other areas.

Phone: 616-326-5134.

### YELLOWSTONE NATIONAL PARK

(Wyoming, Montana, Idaho)

The world's first national park, established in 1872, Yellowstone is the largest in the Lower 48 (2.2 million acres). Home to the world's greatest geyser system, which includes Old Faithful, Yellowstone provides habitat for grizzlies, elk, trumpeter swans, bison, and many other species. It has been designated both a Biosphere Reserve and a World Heritage Site.

*Visitors.*—1982: 2,368,897, 1992: 3,144,405.

*Budget impacts.*—Yellowstone has been forced to cut its seasonal staff dramatically in recent years, despite a surge in visitation. In 1988 there were 136 seasonal rangers; this summer there will be just 73. The impact is even greater than those numbers suggest, said Chief Ranger Dan Sholley, because most seasonals are working for a shorter period, generally June 20 to September 7. "The visitor parking lots are already full here," Sholley said on the third Friday in May. Moreover, he explained, because these employees' total earnings will shrink, many of the veterans are not returning.

One of the key responsibilities of Yellowstone's rangers is patrol of 2200 frontcountry campground sites each night to make sure food is stored properly so that grizzlies are not attracted. Because cuts cannot be made in this coverage, reductions must be focused elsewhere.

Though final schedules are not ready, the interpretive staff expects to scale back on a wide range of ranger-led activities, including nature walks, evening campfire talks, workshops, and demonstrations. Visitor centers will tend to shut down an hour or two earlier. Entrance stations will not be staffed until May 29. Only two years ago the north entrance was staffed nearly year-round. Daily hours at these spots will be more limited.

Law enforcement staff will be stretched even more than in the past. Responding to emergencies will leave rangers little time to help visitors who run out of gas, lock their keys in the car, or need jump starts. A spokesman said, "People may have to call someone from outside the park." That is a daunting prospect given Yellowstone's large size. Also cut back is maintenance of trails, roads, and vehicle fleet. "We're running 100,000 miles on our patrol cars," said Sholley. "The wheels are rolling off them, literally."

Phone: 307-344-2013.

### YOSEMITE NATIONAL PARK

(California)

"I know of no single wonder of Nature on earth which can claim a superiority over the Yosemite." Horace Greeley said in 1859. El Capitan, Half Dome, Bridalveil Falls, giant sequoias, and Yosemite's other great features led to its 1890 designation as the third national park and attract nearly four million visitors a year. Yosemite is at a pivotal point in its history as debate continues over: (1) which firm should succeed the Curry Company as the concessioner October 1 and (2) how to ease the congestion that is choking Yosemite Valley.

*Visitors.*—1982: 2,506,241, 1992: 3,957,642.

*Budget impacts.*—Various steps have been taken, or are planned, to deal with the budget crunch at Yosemite. Campgrounds at Bridalveil Creek and Yosemite Creek will be closed all summer. Combined, they contain 185 of the 1,928 conventional (or "family") campsites available in the park. Bridalveil also has one of Yosemite's horse camps and group campgrounds. Hodgdon Meadow campground, which normally operates year-round, will not open until July 2. It has 105 standard sites and four group sites, giving it a total capacity of 750 people.

Hours at entrance stations will have to be reduced because there are fewer rangers to staff them. For example, at the Big Oak Flat entrance on Route 120 along the park's west side, the number of patrol rangers has dropped from ten a year ago to seven, while the number of fee collectors has declined from 16 to eight.

Nature walks, evening talks, and other parts of the interpretive program are likely to be scaled back, but the schedules are still being drawn up.

The combined impact of too much snow and too little money has slowed the clearing of Tioga Road, an east-west road across the heart of Yosemite and the route to Tuolumne Meadows. There is only one crew working, instead of two, so the park predicts Tioga Road will not open until mid-June. The late opening is forcing even more of the visitors into congested Yosemite Valley, and on both May 22 and 23 the park halted traffic into the park for three hours. This was the first time in the park's history—except during a natural emergency—that such action had to be taken. The staff may have to seal off entrances on other weekends this summer, for up to five hours at a time.

Crime at Yosemite, as at most parks, has risen. The park's 1992 police blotter included five reported rapes. There were 836 arrests, up from 794 the year before, and 742 motor vehicle accidents. But the budget squeeze has forced a reduction in law enforcement staff. A year ago there were 16 permanent rangers and 10 seasonals on the job; this year there will be ten permanent and 9 seasonal rangers. The result will be thinner coverage.

Phone: 209-372-0248.

### ZION NATIONAL PARK

(Utah)

Part of the Southwest's famous Canyon Country, Zion National Park protects the geologic wonders of the Mesozoic period, spanning the time between the geology preserved in Grand Canyon and in Bryce Canyon National Parks. Featuring brilliantly colored rocks and hanging gardens in the cliffs, this 147,000-acre park provides habitat for 250 bird species and a variety of mammals, including bobcats and gray fox. Zion was made a national park in 1919.

*Visitors.*—1982: 1,246,290, 1992: 2,390,626.

*Budget impacts.*—Despite Zion's rapidly growing popularity, the visitor center did not begin operating 12 hours a day until May 16. There has been enough demand to justify longer hours since March 1. "The visitor center is a basic responsibility," said Denny Davies, Chief of Interpretation and Visitor Services, but the park simply lacked the funds to run longer hours.

Trail maintenance has become a major concern. Three maintenance positions have gone unfilled this year, exacerbating an already serious problem. Rocks, water, and other natural forces degrade the trails, as do people taking short cuts. "Ten years ago you would have seen a lot less litter, a lot less wear and tear on the trails, and less damage to the resources," Davies said.

"Trails are really hammered in the backcountry," said Davies. Even in the frontcountry, maintenance has not kept pace. One mile-long trail was hiked by some 700,000 people last year.

Zion also has been unable to maintain fences needed to prevent livestock from grazing in the park and damaging resources.

The park expects visitation to continue its rapid growth. Last month there were 25 percent more visitors than there were the previous April. Most of the increase is coming during the shoulder seasons.

Phone: 801-772-3256.

Mr. WALLOP. Mr. President, it is not often that the Wilderness Society and the Senator from Wyoming are on the same side of an issue. It may be that they would even change their side of the issue if they knew I was going to insert their impacts.

But in the majority leader's park in Maine, Acadia—which I, incidentally, helped the majority leader expand a few years back—it was slated to receive $631,000 from the economic stimulus legislation. The money would have enabled the park to maintain seasonal ranger staff and its interpretive program at 1992 levels, tackle sewage problems, step up efforts to help endangered species, and undertake other projects that have been put off in recent years. It did not happen.

We have Acadia in Maine; Big Bend in Texas; Cape Hatteras National Seashore in North Carolina; Cuyahoga Valley in Ohio; Glacier National Park in Montana; Great Smokey Mountains in Tennessee, the Presiding Officer's State; Hot Springs in Arkansas, the President's home State; Indiana Dunes in Indiana; Mammoth Cave in Kentucky; North Cascades National Park in Washington State; Olympic National Park in Washington State; Rocky Mountain National Park in Colorado; Shenandoah in Virginia; Sleeping Bear Dunes in Michigan; Yellowstone in Wyoming, Montana, and Idaho; Yosemite in California, and Zion National Park in Utah.

This is a limited number, and that is what I have asked to have printed in the RECORD.

Mr. President, with or without this park, this summer we will observe additional closures, program curtailment, and maintenance deferral, along with cuts in seasonal and temporary personnel.

This Congress and this administration must be, but are on the way not to be, responsible for protecting the existing park and service programs—we missed being this level of responsible—before we add more unfunded burdens to a system that is clearly at a breaking point.

One of the great issues in America today is unfunded mandates. What we are doing to the local communities is heaping obligations on them that we in Congress are unwilling to fund. Guess what we are doing right here? This is, make no mistake about it, an unfunded mandate on the National Park System—unfunded with personnel, unfunded with resources, except those that have to be taken from other parks in order to make it take place.

Someday, somewhere along the line, somebody will be responsible and take the initiative, and I suggest to you that it should be this Congress. No one else is going to stand up for a system that calls out for help and assistance, in a system that is so bogged down that it cannot even report to the Energy Committee its prioritization of lands authorized nor any ideas as to how much it might cost; their excuse being that how much it might cost depends on how long in the future you defer it, and they cannot tell how much more it would cost in 10 years than they would today because they have no intention of doing it today. Where else but Congress is that going to come from?

And, again, it is not a tradeoff between protecting the desert or failing to. It is a tradeoff between protecting the National Park Service or failing to.

My guess is we certainly cannot count on this administration. I was appalled and nearly became despondent when I heard of the recent comments of the Secretary of the Interior the other day. He already has another park waiting in the wings.

According to an associated news report, after what he described as a spectacular helicopter survey of the coast north of San Francisco, Interior Secretary told a cheering crowd he would lobby Congress to preserve its beauty.

"I surrendered" Babbitt told a group of environmentalists and area residents. "As we move to the end of the 20th century, it is not enough to just set aside a few million acres. We've learned that everything relates to everything," he said.

He has not learned everything relates to everything. Something relates to the health of the National Park Service.

But what this supposedly responsible Cabinet member is talking about is adding another 40,000 acres to Point Reyes National Seashore. It would run from just about Bolinas in Marin County, 20 miles north to Bodega Harbor in Sonoma County. The junior Senator from California has already introduced similar legislation to accomplish the same initiative. Do you have any idea what the taxpayers could end up paying for this property?

We spoke with the tax assessors office in Marin County. Given a point in time when the lands become developable, $100,000 per acre is well within the ball park.

That is $4 billion. If you took the average of funds allocated to the National Park Service from the Land and Water Conservation fund, say $100,000,000 per year, it would take 40 years to purchase this acreage. That is assuming there is zero inflation. If there is 1 percent inflation on these California lands, it will take 110 years; 2 percent inflation will take 1,000 years. At 2½ percent, it will never get funded. And of course in the interim, no other lands could be acquired including the more than half a million acres in the State and private lands within the California Desert. Even if you only purchased easement and development rights the price tag would still be 90 percent of the total cost of acquisition.

The case is not between protecting the deserts and failing to protect them. The case is looking after the National Park System.

This creation of new parks and expanding existing ones just has to stop. It is like a shark feeding frenzy. The problem is there is no fresh meat—so we are literally eating ourselves alive. We are eating alive what Americans have grown to trust us to protect.

Mr. President, funds and personnel have already had to be absorbed from existing areas to finance the 27 new areas that the Congress has added to the System during the last five congressional sessions.

I said before that within the National Park Service, an estimated 3,700 positions will be eliminated over the next 5 years under President Clinton's proposal to reinvent Government.

We face a backlog of deferred but needed rehabilitation projects in the billions of dollars.

The backlog of authorized but unacquired park service lands is in the billions of dollars.

We cannot afford to operate and maintain what we are already responsible for.

We have just said let it go downhill, let Americans, whose property has been condemned to parks, bear the brunt of it. Let all our park system that exists today bear the brunt of it and decline in quality and decline in maintenance and decline in personnel and decline in hours of operations.

My amendment Mr. President, would retain the management of the East Mojave National Scenic Area with the Bureau of Land Management and upgrade the land status from a scenic area to that of a national monument.

There are opponents who say this is only a name change, it does little else. I encourage Members to read the amendment.

My amendment contains the identical findings, directions, and provisions that are currently in S. 21. The only difference is it will be a BLM national monument and not an "NPS" park.

The only other difference is it will fall within an agency whose authorization already contemplates it. It will not be a tax on the National Park System.

The BLM is already in place. Its personnel are in place. It makes very little sense to change management just for the sake of change and to the detriment of other Park Service sites.

Mr. President, at the committee's last business meeting, I had no alternative but to oppose my chairman in his quest for a new park in New Orleans. The rationale for creating that park had more than sufficient significance and merit.

I do not enjoy opposing the chairman, Senator JOHNSTON. We have a good history of friendship, of working together on tough issues and of reaching compromise and consensus on a number of complex issues. So this is not an argument between myself and the Senator from California. This is an argument between myself and the Congress for the life of the National Park

Service. There is no means by which the Senator can suggest we will be able to add additional funds. She knows that. I know that. Congress knows that. The funds will come out of the hide of the existing park structure and system.

I felt compelled to oppose the chairman because the Director of the Park Service testified at a hearing on the matter that he did not oppose it, he just could not afford it.

Mr. President, I submit that if we cannot afford a new park costing a few million dollars, we unfortunately cannot afford a new Mojave Park for $125 million.

The National Park Service System is much too valuable a worldwide resource to have us dismantle existing parks in order to create new areas.

I urge my colleagues to join with me in responsible action and sensible legislation. By voting for this amendment this Mojave will be fully protected by the Bureau of Land Management as a national monument.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I commend the Senator from Wyoming for a very powerful statement on the subject of the starvation, from a budgetary standpoint, of the national parks. He is surely, surely correct on that issue. Mr. President, I hope all of my colleagues, and the people in the executive branch, will listen to his very strong plea on what we have done to the National Park Service, because we are starving the National Park Service. And whatever happens to this bill, the National Park Service on today's budgetary timeline is due to be starved. This bill is not going to, really, add very much to that one way or the other. What the Congress needs to do is respond and more generously fund the National Park Service, because little by little it is in fact being starved.

I submit to my colleagues that at less than one-tenth of 1 percent of the Federal budget, the National Park Service is hardly contributing to the Federal deficit. If you put it to the American people, "do we want to adequately fund the National Park Service," I believe in overwhelming numbers they would say yes, we want to fund the National Park Service. They do not have any doubt about that. That is one reason why I proposed legislation which would grant to the National Park Service additional funds for acquisition of parks way beyond just this individual park—way beyond that.

I hope we will be able to bring to the attention of Senators and of Members of Congress, that the National Park Service is in bad shape.

The reason we have these huge deficits is not this less than one-tenth of 1 percent for the National Park Service. It is—and we all know it—because of entitlements. If the American public wants entitlements increased they need to face up to that. But I can tell you, Mr. President, the American public does not want to starve—from a budgetary standpoint—the National Park Service and see our lands that are the jewels of the Park Service, through mismanagement, through lack of management, through lack of funds, deteriorate and not be properly taken care of.

I favor the bill as reported by the Energy Committee, reported on a bipartisan vote of 13 to 7. I hesitantly oppose my colleague from Wyoming on this particular amendment because, really, this amendment, indeed this bill, does not contribute that much to the question of cost of the National Park Service. If we look at the total number of acres affected by this bill, some 6.3 million acres, it is almost breathtaking in its scope. If you look no further than that you can say, "How can we afford 6.3 million acres to add to the Federal management, wilderness and park areas?"

Mr. President, the real question is: How much of that 6.3 million acres is not now owned by the Federal or State government? The answer is that only 6.3 percent of this total area is not presently owned by the Federal or State government.

So the additional burden for the Federal Government is—I will not say slight—but not a huge amount. Most of this is already owned by Government.

I appreciate what my colleague says about the question of whether it ought to be in one Federal budget or another Federal budget. We can fix that, Mr. President. We can just transfer those funds from the Fish and Wildlife Service, from the Department of Interior or BLM, to the National Park Service. They are all Federal dollars. So that argument is one that is easily fixable.

Granted what he says about the National Park Service, we can fix the argument about who gets the money to manage these properties.

The incremental amount will not make that much difference in this Federal budget. I can tell you, Mr. President, it will simply not. There is a longstanding tradition in the Senate and in our committee—very, very seldom breached—which is that if the two Senators from a State are in favor of a bill relating to a national park, we almost always endorse that bill and go along with those two Senators. That is the case in this instance. Both Senators strongly support this bill, and both Senators strongly support the designation of East Mojave as a national park.

I say that is very, very seldom breached. So let us look behind the fact that both Senators are for this.

Is it a good idea? Mr. President, I can tell you we have had over 10 committee hearings, both here and in California, over a period of 8 years. This is the most thoroughly considered bill that we have almost ever had. I guess there have been some others that have had this many hearings, but not many. Everything there is to be known and developed in committee hearings we have developed in this case. The record is very clear.

BLM has recognized the special characteristics of this area by designating it administratively as the East Mojave National Scenic Area. That was not done under this administration. That was done under previous administrations.

In 1979, a BLM staff report to the Park Service concluded that "cultural and natural resource values of the East Mojave study area are so diverse and outstanding that the area readily qualifies for national park or monument status."

In 1987—I guess that was during the Bush administration—after reviewing the Mojave National Park proposal, the professional staff of the Western Regional Office of the National Park Service reported that the area met the required criteria specified in the National Park Service management policies and recommended that the area would be "a worthy and valuable addition to the National Park System."

Our present Director of the National Park Service, Roger Kennedy, stated "that the Mojave National Park unquestionably merits national park status. The resources of the proposed Mojave National Park meet the high standards required for a national park. This remarkable place is of unquestionable significance biologically, culturally, recreationally, scenically, and scientifically."

Secretary Babbitt testified for this park as a "very special addition to the National Park System."

I will not go into the beauty of the park, which is considerable, because, frankly, my colleagues from California do that so well, and they have those wonderful pictures which tell such a complete story about this area.

Let me simply say that this land, for the most part, is governmentally owned. The whole thing needs to be put together. Some of this land is owned by a company called Catellus, which is the successor in interest to the Santa Fe Railroad.

As my colleagues know, there was a checkerboard pattern of ownership by railroads in the West owing to legislation passed in the 19th century which granted to the railroads sections of land which are interspersed throughout the whole area.

From a management standpoint, we need to acquire some of that 6 percent that is the privately owned land in order, from a management standpoint, not to have the checkerboard—in some instances, to grant access; in other instances to grant wildlife passageways—so that we can string this parkland together and this wilderness area together in a way that it can be properly managed for the wildlife, for the cultural and the environmental values, and for the good of those thousands upon thousands, tens of thousands of people, who will be using the park.

It makes sense, Mr. President. It is not a great addition to the Federal budget, and we can fix the question of who ought to have the budgetary drain, whether it ought to be the Park Service or the Department of Interior budget or BLM budget, by simply transferring the money from BLM, which presently has the largest budgetary drain for the management of this area, to the National Park Service.

The park makes sense. The amendment of my friend from Wyoming does not make sense. I hope we will, however, listen to the main thrust of his argument, which is that we are starving the National Park Service from a fiscal standpoint. I hope when we get around to the appropriations process that we will listen in the Senate and do more justice to the National Park Service because, as the Senator so well points out, it does not make any sense to have ill-housed, ill-managed national parks which are underfunded and, therefore, not available to the extent they ought to be to the American public.

So, Mr. President, I reluctantly oppose the amendment of my friend from Wyoming and support the position of the Senators from California.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, may I thank the Senator from Louisiana and the committee chair for his comments. I would like to comment on this amendment. Let me begin by saying that the bill, as introduced, for the 1.2 million acres that are East Mojave, would make it a national park. Not to do so is antithetical toward the intent of this bill.

This national park is the centerpiece of this bill, and to make it a BLM monument is, in fact, a bill killer in the eyes of this author. The people of California do not want this. Both Senators from California do not want this.

This amendment was proposed in the committee. It was defeated in the committee. It was defeated by the votes of Senators JOHNSTON, FORD, BUMPERS, AKAKA, BRADLEY, BINGAMAN, WELLSTONE, MATHEWS, CAMPBELL, and DORGAN, and I am hopeful that it will be defeated this afternoon by a vote of this body, as well.

Let me say that the people of California, 70 percent of the people living in the desert counties, support park status for the Mojave. This was a Field Institute poll done in 1992. A full sample of 1,300 people showed 70 percent support for park status for the Mojave.

Then the question of a BLM monument status began to emerge. The reasons it began to emerge were twofold, and let us talk right about basics: One was mining interests wanted it; and, two, hunting interests wanted it. So the Field Institute went back into the field and did another poll in California.

They found that 75 percent of those Californians questioned supported creating the Mojave National Park with no hunting. That clearly was aimed to see if BLM monument status was acceptable to the people of California. The answer clearly is no; 75 percent of the people want no hunting.

Now, let us look a little bit behind the rationale. Only 1.5 percent of Californians hunt in the State. This percentage is lower than all other States except Hawaii and Rhode Island. Virtually every other State has a much higher percentage of its population that hunts. California hunters have access to more than 60 percent of the State's land area—60 percent of a huge State is available for hunting. This includes 20.4 million acres in 21 national forests, 17.1 million acres of BLM land, and nearly 3 million acres of Department of Defense lands.

S. 21 would still allow hunters access to approximately 10 million acres of BLM land in the desert region.

If we could put that other chart up again, all throughout this desert, all through here—here is Los Angeles, San Bernardino, Barstow, the Joshua Tree, Death Valley up here and East Mojave here. All around this area hunting is permitted, and there is 10 million remaining desert acres where hunting is permitted.

Californians as well as people from other States are far more likely to visit the Mojave to hike, to camp, and to enjoy the scenery and wildlife than to hunt. That is one of the reasons for wanting to make this a national park, so people can visit the area without fearing a bullet.

In 1991, only 9,000 out-of-State visitors came to California to hunt anywhere in the State. In contrast, 640,000 people visited California for the primary purpose of wildlife viewing, according to the U.S. Fish and Wildlife Service.

California is one of the top three States in the Nation for out-of-State trips for the purpose of wildlife viewing. That is one of the reasons both Senator BOXER and I feel so strongly about the national park status.

Hunting animals such as bighorn sheep and deer make people wary of humans and thus diminishes viewing opportunities for the public even during a nonhunting season.

The amount of hunting in California also has declined significantly over the past two decades. According to U.S. Fish and Wildlife, 446,000 people hunted in California in 1991. This is nearly a 50 percent decline over the last 20 years.

Let us put the hunting aspect of this to rest. The people do not want it, the committee voted against it, the two United States Senators are opposed to it, and it is clear that there is strong support for an East Mojave National Park.

Let me talk for a moment on the arguments of cost that have been raised. The Senator from Wyoming pointed out that the National Park Service had taken a loss of about 3,700 people. I am informed by the Park Service that this is in error; that 3,700 people have been reassigned from central offices to the parks, not out of the agency. In other words, they are being taken out of the central office and put into park areas.

Mr. WALLOP. Will the Senator yield for a correction?

Mrs. FEINSTEIN. Yes, I certainly will.

Mr. WALLOP. I did not say 3,700 people had been taken out. I said if you look at budget projections, it is 3,700 people. Personnel by which the National Park Service will be reduced over the next 5 years. I did not say they had been.

What has taken place in this year is that 401 people have been removed from the National Park Service and put into the Office of the Secretary. But the 3,700 personnel is a projection under the President's Reinvention of Government. I did not claim it had taken place.

Mrs. FEINSTEIN. I thank the Senator very much.

I trust then the Senator would not disagree that 3,700 people are being reassigned from central offices to the parks so the national parks will have 3,700 people added to them.

I also want to say that comments were made about the Redwood National Park and the fact that there was an economic loss when that park came into being. I would like to point out that when that park came into being, there was a legislative taking of about 47,000 acres of land immediately. That threw people out of jobs. There is no legislative taking of land with this bill. No jobs will be lost with this bill.

I also would like to correct the comments on the desert tortoise, at least indicate my understanding.

There may need to be some mitigation, but activities can occur even in land where the desert tortoise is in danger. Let me give you one example. The Viceroy Gold Corp. received approval of a plan to operate to mine and today has an active gold mine in desert tortoise habitat. Mitigation, in fact, was provided. So what is increasingly happening is when there are problems, people are getting together and trying to solve those problems by providing mitigation.

If I might, let me move now to the cost argument. Yesterday, I read into the RECORD a letter by Secretary Babbitt, which was dated April 11, and indicated how the Secretary and Interior would fund this bill.

The Secretary's letter, I would like to restress, points this out, and let me quote:

> These lands—

And we are referring to lands that would require acquisition.

> were already targeted for acquisition in BLM's protection lands for the California Desert. The land acquisition envisioned in Senate bill 21 is less than that planned by the BLM. These acquisition costs are not new. In fact, the potential cost to the Federal Treasury will actually be less.

And then he goes on to spell out these lands. He points out that land acquisition costs are discretionary, to the extent they may be spread over a long period of time. He states that in the 1995 budget alone the four land managing agencies of the Federal Government requested $257 million for high priority land acquisition projects. Even at $15 million a year for the California Desert, that is less than 6 percent of the annual Federal budget request. He believes it is realistic to protect this natural resource. In operational costs, it is believed that they will be able to be met because the plan for meeting them is simply to transfer existing BLM people into the area. I have visited places—for example, there is a beautiful Kelso Railway Station in the heart of the desert that could be used for a headquarters with very little cost. It is vacant. It has been remodeled. It is kind of in the middle of nowhere, but it could be utilized. It is in a very major central area of the California Desert.

The other point that is aimed at is to permit mining in some of these areas. As I pointed out yesterday, there are none of the 14 designated strategic minerals within any of these desert areas. There are other mining aspirations. There are mining claims. All active mines are protected. All mines that have been approved to proceed and mine will be able to do so. And so I believe that the heart of this amendment is aimed to permit mining and to permit hunting within what is a beautiful resource. Let me just once again stress——

Mr. WALLOP. Will the Senator yield for a clarification?

Mrs. FEINSTEIN. Yes.

Mr. WALLOP. Is the Senator aware that my amendment adopts all her findings and, therefore, the mining issue, to the extent it exists, exists in yours as well as mine? We do not permit mining, just valid existing rights, which yours does. So mining is really a bogus issue, I say.

Mrs. FEINSTEIN. I appreciate that. But you would permit hunting; is that not correct?

Mr. WALLOP. I would. But there is no reason it has to be. They hunt in the Grand Teton National Park. It does not stop anything from going on there. Hunting can be eliminated under that status, as well. It is not an issue between hunting and mining. Our issues of protection are not all that different.

Mrs. FEINSTEIN. I am happy to hear that. Nonetheless, the people that have worked so hard for this bill for so many years believe that the National Park Service is a much better, well equipped, understanding unit to be able to protect and preserve the beautiful resources of the area.

Let me show you for a moment what some of those resources are. You have here Castle Peak, which is a very unique peak in the Mojave National Park. You have an unusual dune, Kelso Dunes, which is near the town of Kelso, where actually the headquarters could be in the Mojave National Washing. You have a pinyon forest in winter. You have the largest Joshua tree forest anywhere in the Mojave National Park. You also have an unusual soda lake in this national park.

The park will be just an incredible place. There will be mountain ranges, dry lakes, cinder cones, badlands, washes, mesas, buttes, lava beds, caves and, as we said, one of the most complex sand dune systems anywhere. One of the reasons why East Mojave is so significant is because it is at the junction of three of the major desert ecosystems, the Sonoran, the Mojave, and the Great Basin. So its biological resources are extremely varied.

I want to point out that in 1979 the Bureau of Land Management staff report found that there was no finer grouping anywhere of wildlife habitats, and that the East Mojave embodies the finest scenery in the entire California desert.

In 1987 the National Park Service concluded that the East Mojave meets all of the criteria for inclusion in the national park: national significance, suitability, feasibility, management. It was recommended that the East Mojave be added to the national park.

May I indicate that the President supports the East Mojave as a national park. The Secretary of the Interior supports the East Mojave as a national park. Both California Senators support the East Mojave as a national park. And a dominant majority—three quarters of Californians polled 1 year ago—support the East Mojave as a national park.

It would seem to me that if you combine this with the present Director of the National Park Service, Roger Kennedy, who believes that these natural resources can best be protected by national park, and if you believe what the Secretary of the Interior has said in his letter to me dated yesterday, that by transferring BLM resources to the National Park Service and by utilizing the present program of land acquisition already scheduled for this area, we can minimize these costs substantially. I believe you will have a cost-effective national park that will be truly unique.

If this amendment is defeated, it is my intention to also move to put the public lands of Lanfair Valley, one of the most pristine areas of the East Mojave, back into the bill. So I am hopeful that this amendment in fact will be defeated.

In summary, this amendment, for everyone who has worked so long, is a killer amendment for the bill. It strikes at the heart of the bill, which is the creation of a new national park. I recognize that the Senator from Wyoming does not believe new national parks should be created. But let me speak as a Californian. Californians are huge taxpayers to the Federal Government. One of the things that my people believe the Federal Government does well is run national parks, such as Yosemite, the Point Reyes National Seashore, the Golden Gate National Recreation Area. I am a native Californian, and I saw the Golden Gate national recreation area before it became a national park. It is incredibly improved as a product of the National Park Service. It is so widely utilized by people.

California has become a dead State. You have people who do not have personal gardens, and they do not have the ability to partake in an outdoor experience. So, increasingly, trips to national parks are the be-all and end-all. Yosemite is lined up for sometimes years ahead of time to get into campgrounds to be able to camp. These are the treasures that we create and that we protect for the future.

What I have been trying to say here is that in this centerpiece of the bill, there are areas that are so fragile: 90 cinder cones, volcanoes below ground and with peaks above the ground, magnificent flowers, the big-horned sheep, the desert tortoise, wild burros running; and individual volunteers bring water guzzlers and put them out there to be able to water the animals. It is just an incredible place. If you have been there in the morning when the Sun is rising, or in the evening when the Sun is setting and you see the table top mountains in the distance, when you look out at the Joshua trees, the pinyons, when you see the mystique that is the California desert, I really believe and intend to follow that this will be a revenue money maker for the Park Service. I believe people will come, they will sample, they will utilize, they will be discrete, and these incredible resources will be protected for all time.

Mr. President, I urge that this amendment be defeated so that S. 21 can proceed as it was intended; that a great new national park known as the East Mojave be created for our children and our grandchildren to use and to adore.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CAMPBELL. Mr. President, I had not planned on speaking to S. 21 today, but in coming by the floor and listening to the debate, I thought I would enter a couple of comments. I am not an original cosponsor of S. 21, basically because I wanted to give it much study. It has been debated here in the Congress for I guess about 10 years, off and on, before Senator FEINSTEIN provided the leadership to get it this far this year.

But having been born and raised in California and having spent many years there, I still am vitally interested in what happens in that State. I recognize that, in many instances, whatever happens to California sooner or later happens to the rest of this country.

I find myself in very reluctant opposition to the amendment of my friend from Wyoming. He has been a terrific leader in the American West, and we have worked on many issues together. On this particular one I will reluctantly oppose his amendment.

I had a great many questions and reservations and found, through a number of meetings with my colleague, Senator FEINSTEIN from California, that she was very willing to listen to all of my concerns. They basically were in two areas.

One was the concern of what will happen to the many small communities around this massive area that will be put into the park system if there were a decline of tourism and people were locked off from the use of those public lands.

The other concern was that many have used the areas in there for 45 or 50 years, and I was concerned about what the effect would be on mining, offroad recreation, grazing permits, and somewhat on hunting, too.

I found in every instance in working with Senator FEINSTEIN that she was willing to moderate the bill and willing to take considerations into the process.

For example, in the original bill there were no areas that I could find that were going to be grandfathered in for offroad-vehicle use, and many of the small towns, they tell me, that are around this area, around the new park area, are dependent on those offroad-vehicle users for weekend sales in grocery stores and camping goods, and so on.

But Senator FEINSTEIN was good enough to grandfather in a number of areas, 16 different areas comprising about 500,000 acres, to continue to be used for these offroad-vehicle people. One of them, the Algodones Dunes area, was 45,000 acres in itself. She also grandfathered in a number of what are called corridors so people can go from area to area without loading up and going back out on public highways and thereby causing a traffic hazard to go from one to the other.

Surely, if we can find money for other very needy worthwhile things that we have in the mix, we can find money for this. I am just as concerned as my colleague from Wyoming that we are not doing a good enough job with the Park Service, and I understand that people want us to curtail spending. But, my gosh, we not very long ago found $50 million for Russia to help in their economic development. If we can do that, certainly we will be able to find money to enhance our park system to be used by millions of Americans in the future.

I have never really been known as a flaming environmentalist, as my colleagues know, but very frankly I think this bill is good business. Everyone knows the economy of California is suffering. One of the real bright spots in that State is tourism, and I think this could go a long way in helping tourism.

I wanted to stand in support of my friend and colleague from California, and I reluctantly oppose the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, let me take this opportunity to thank my friend from Colorado, Senator CAMPBELL, for his comments. I know that he worked closely with Senator FEINSTEIN. He has been a very positive force in developing a bill that can get through this Senate.

I was very honored to be able to address this issue of the bill last evening following Senator FEINSTEIN's remarks, praising her for the efforts that she has put forth on an 8-year odyssey to make this bill law. Eight years is a very long time to wait, I say to my friends, when we have such a fragile environment to protect.

I know that the good Senator from Wyoming is opposing the national park designation because he believes it is not the right thing to do for the country, and I totally and completely respect his right to disagree with the two Senators from California.

But I really have to say, if you step back and give this issue the long view, I think you would agree with Senator FEINSTEIN and with me that if we really want to protect the desert for all time, if we really want to make sure it is there for future generations from all over the world to come and see and behold, Senator FEINSTEIN's approach is the right approach, and I have been most proud to be her teammate in this fight.

I understand that the Senator from Wyoming is offering this amendment because he feels that the Bureau of Land Management can run this area just fine. He asserts that, look, it is so beautiful now; they have been manning it all these years; let us leave well enough alone.

We want to have a national park, I say to my friend, because it makes sense to have a national park for the East Mojave scenic area, for the Death Valley area, for the Joshua tree area. When you upgrade to a national park, I say to my friend, it is a very important act. The land will be preserved better in the long run.

As my colleague has stated, the funding is there now with the BLM, and it will merely be transferred to the National Park Service. It is all within the Interior Department. As a matter of fact, I would assert to my friend that, if you follow his lead in this amendment and not allow the desert to become a park but to remain within the BLM, it will cost more. It will cost more to maintain that area because, under BLM control, hunting would be allowed and, as my friend knows, when you allow hunting, it takes more intensive management in many ways than when you do not.

We know that the Park Service has been set up to provide services that people need in an area as magnificent as the desert. I showed some photos yesterday, and Senator FEINSTEIN showed some magnificent photos today, and as I said yesterday, just on Friday I had the thrill of being in the desert country in the park area, and it is a humbling, ennobling experience to stand in these unbelievable areas. I know the Senator from Wyoming agrees with that. He is, after all, a man from the land. It is an awesome thing, indeed.

So when you have that kind of a gift from God, which I call it, I think you need to do the most you can do to assure that it stays preserved. And when the Park Service has it, they know how to do interpretive services and visitor services, and it is their role to preserve natural resources. And, I say to my friend, the Bureau of Land Management has a function, really, to develop resources. Yes, they do a good job in protecting them, but their ultimate objective is the development of resources, not conservation. That is the Park Service, and the Park Service has a trust to open up these lands to all the people for their enjoyment.

As we look out into future years when we are no longer here—we know that our country is growing and developing—it seems to me it is our very grave responsibility to leave environments behind that are untouched so that our grandchildren and our great grandchildren and their children can say: You know, back then at the end of that 20th century that U.S. Senate and House of Representatives saw fit to preserve this for us.

Mr. President, yesterday there was an editorial in USA Today. I ask unanimous consent to print it in the RECORD at this time.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### PRESERVE MORE PUBLIC LAND—DON'T BE SHORTSIGHTED, SENSITIVE LAND SHOULD BE PROTECTED FOR FUTURE GENERATIONS

> Even in the blast and heat of high summer, the deserts of southern California percolate with beauty and life. Amid the scarps and dunes and cinder cones and lava flows, there are forests of Joshua tree and cacti. Lizards bask and snakes creep. Bighorn sheep and desert tortoise prowl beneath ancient creosote rings and petroglyphs.
>
> So what gives in Congress?
>
> Tuesday, the U.S. Senate will be asked to break a filibuster over the California Desert Protection Act, which would fold millions of acres into three new national parks and wilderness areas. Despite the region's fragile beauty and ecological significance, the vote's outcome is uncertain.
>
> This fight has been going on for eight years now—mostly because some lawmakers oppose restricting use of public land that isn't already in the park system. It's an old debate. How much land should be set aside for preservation? How much for economic development?
>
> The argument reaches far beyond the California outback. Scores of pending bills would create or expand wilderness areas and wildlife refuges across the country. In each case, there are sticky local issues—grazing rights here, mineral rights there, water rights thither, hunting rights yonder.
>
> Yet these very pressures argue for the new parks in California and expanded protections elsewhere.
>
> One reason is just practical: Attendance in the parks continues to set records.
>
> Another is ecological: In remote public lands outside the parks, the lack of restrictions poses a plain threat. The desert tortoise, for example, is threatened in part by grazing policies and off-road motoring.
>
> Now, you may not think much of a lowly tortoise. But its plight is symptomatic of the gradual erosion of environmental integrity that is taking place in many places around the nation. The desert would be less splendid without the tortoise, just as Yellowstone Park would without the bison.
>
> Moreover, broadening federal protection of the nation's scenic and environmental legacy need not be a budget-buster.
>
> A $10 billion acquisition fund, financed by offshore oil development, sits largely untouched. Many expansions are gradual and rely on swaps rather than purchases.
>
> Beyond that, national parks are good business. They attract tourists and boost economies wherever they are situated. In part, that's why most Californians, including both senators from that state, favor the desert parks.
>
> When public interest comes into conflict with the desires of miners, ranchers, woodcutters and other land-abuse lobbies, there's really no choice. Expand the protections of park and wilderness. In California, as elsewhere, that's the smart investment.

Mrs. BOXER. Mr. President, I would like to quote from that USA Today editorial because I think it really, in a very succinct way, sums up this whole argument, and I would agree with my friend and leader on this issue, Senator FEINSTEIN, that this is a killer amendment that we are facing here from the Senator from Wyoming.

I hope that he perhaps can listen to the words of this editorial. It is entitled "Preserve More Public Land—Don't Be Shortsighted. Sensitive Land Should Be Protected for Future Generations."

> Even in the blast and heat of high summer, the deserts of southern California percolate with beauty and life. Amid the scarps and dunes and cinder cones and lava flows, there are forests of Joshua tree and cacti. Lizards bask and snakes creep. Bighorn sheep and desert tortoise prowl beneath ancient creosote rings and petroglyphs.

And then they ask the question:

> So what gives in Congress?

And they talk about a possible filibuster of this bill.

> This fight has been going on for eight years now—mostly because some lawmakers oppose restricting use of public land that isn't already in the park system. It's an old debate. How much land should be set aside for preservation? How much for economic development.
>
> The argument reaches far beyond the California outback. Scores of pending bills would create or expand wilderness areas and wildlife refuges across the country. In each case, there are sticky local issues—grazing rights here, mineral rights there, water rights thither, hunting rights yonder.
>
> Yet these very pressures argue for the new parks in California and expanded protections elsewhere.
>
> One reason is just practical: Attendance in the parks continues to set records.

Now, Mr. President, this is an important point. Yes, the parks are under heavy pressure because people love national parks. Does that mean that we stop supporting them and creating them? We do a lot of things with our tax dollars where there is a lot of controversy. There is not much controversy about creating parks. People in this country pride themselves on our parks.

> Another is ecological: In remote public lands outside the parks, the lack of restrictions poses a plain threat. The desert tortoise, for example, is threatened in part by grazing policies and off-road monitoring.
>
> Now, you may not think much of a lowly tortoise. But its plight is symptomatic of the gradual erosion of environmental integrity that is taking place in many places around the nation. The desert would be less splendid without the tortoise, just as Yellowstone Park would be without the bison.

And I think this is an important point, Mr. President. When we talk about species such as these, it is about all of life, it is not just about the one species. It is about our obligation to preserve and protect what God created. It is almost a spiritual thing, it seems to me.

> Moreover, broadening Federal protection of the Nation's scenic and environmental legacy need not be a budget-buster.

And then USA Today makes a very good point—

> A $10 billion acquisition fund, financed by offshore oil development sits largely untouched.

That is a good point. We have a fund meant for park expansion, but because of the deficit it just sits there untouched. That is another debate for another day. But I think that is unfair, Mr. President, because I do want to see more parks created and I do want to see existing parks better taken care of and there is money available which sits in a trust fund because of the deficit.

> Beyond that, national parks are good business. They attract tourists and boost economies wherever they are situated. In part, that is why most Californians, including both Senators from that State, favor the desert parks.

I want to make this point, Mr. President. For years, we had Senators in this Chamber who fought each other on this bill. When that happens, it is very difficult to get anything passed.

But I say to my colleagues today that both Senators are behind this bill. When we ran for office—it was an unusual situation; we ran in the same year and were elected on the same day—each of us was asked how we felt about the desert bill and each of us said that when we get to the U.S. Senate, one of us will introduce that bill and the other of us will support that bill, and we will do everything we can as a team to get it through.

So USA Today makes that point. They conclude and say:

> Expand the protection of parks and wilderness. In California and elsewhere, that's the smart investment.

Mr. President, they call it an investment, and that is what it is. It is an investment in our future. It is an investment in our environment, and it is not only an investment, but it is a responsibility, really a solemn responsibility for us.

Once in awhile an opportunity comes along like this one to preserve something as beautiful as the California desert for all time and for all people, and this is the moment. I urge my colleagues to strongly oppose the Wallop amendment which will destroy this bill, and please make S. 21 the law of the land.

I yield the floor.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Wyoming.

Mr. WALLOP. Mr. President, I would say to my friend from California that there is not $10 billion in the Land and Water Conservation Fund that is not being spent because of deficit reduction. That is only a trust fund in the congressional sense. All of America does not realize what that is, but that is a fancy name we put on things that are paper transactions. It is a fund, the money for which has always had to be appropriated. It is a bookkeeping thing. But it was never a fund, it is not now a fund, and it will not in the future be a fund. It has always been appropriated. And Congress did not appropriate even in palmier days when we thought nothing of budget deficits.

Mrs. BOXER. Will the Senator yield for me to respond briefly?

Mr. WALLOP. I yield for that purpose without losing my right to the floor.

Mrs. BOXER. I thank the Senator for his generosity.

I would just make the point that this is certainly a matter of controversy, but I have been on the Budget Committee both in the House and now in the U.S. Senate and there is a fund. It is not treated like a fund, and there is an argument about it, that is clear. Some of us think it should be treated as a fund, and others feel it should just stay in and offset the deficit.

Yes, it is an accounting procedure. But when those taxes were laid on, they were laid on for a specific purpose of acquisition.

So the Senator and I have a disagreement on how this fund is viewed. Obviously, USA Today agrees with this Senator in terms of the way they interpret it. It is a debate, however, for another day.

But I read that out of USA Today because they are of the view that there is a fund there and literally can and should be used to expand acquisition.

I know the Senator from Louisiana, from time to time, presses that issue, and I happen to agree with him that we ought to spend for park acquisition.

I thank the Senator.

Mr. WALLOP. Mr. President, I would just say that USA Today is as confused by the budget process of Congress as are most Americans. They are dead wrong. There is not a little drawer down in Treasury inside of which lies land and conservation funds waiting for us to come and play with them. It does not exist. It has never existed from the first day that that took place.

Mr. President, the Secretary of Interior and I do not get along on a lot of issues, and this one would be different if I did not get along with him either. But he has, for whatever reasons, chosen to ignore the studies of his own department as to how much this would cost; his own study produced in 1993 in the month of October, in which they state that this is going to cost $125 million over 5 years, without including any construction, without including any development, without including any housing, without including any facilities, just for operations.

Mr. President, I ask unanimous consent that I be permitted to have printed certain conclusions from this report in the RECORD. It is too long to have printed in the RECORD in its entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## THE CALIFORNIA DESERT IN TRANSITION: THE OPPORTUNITY FOR BIOREGIONAL MANAGEMENT

### EXECUTIVE SUMMARY

### *Background*

The proposed California Desert Protection Act calls for 4 million acres of Bureau of Land Management (BLM) wilderness, a new Mojave National Park created from BLM land now designated as the East Mojave National Scenic Area, and the expansion of Joshua Tree and Death Valley National Monuments and their redesignation as national parks. The California Desert Transition Work Group was established by the secretary of the interior to effect a smooth and orderly transition of responsibilities and to identify opportunities for cost efficiencies in the event the legislation is enacted.

### *Opportunities for cooperation*

Pasage of the California Desert Protection Act will offer an opportunity for the National Park Service (NPS) and the BLM to completely rethink how they manage resources in the California desert. A bioregional management strategy can be developed to manage resources across agency boundaries. A Transition Management Team, comprised of both agencies, can be established to further refine the recommendations and begin the planning necessary to effect the bioregional management concept. This team can explore options to combine planning efforts for the integration of BLM's California Desert Plan with the park General Management Plans and management options including a single ecosystem manager for all departmental programs. Together, the two agencies' different but complementary management policies and mandates can protect sensitive desert resources and provide opportunities for sustainable economic development in the region.

The work group identified a number of issues that will be important to the two agencies if legislation is enacted. These issues range from how best to manage wilderness and similar resource issues, to how to most efficiently transfer public use facilities and inform the public of new changes.

The cost of accomplishing this transition can be reduced if the joint management efficiencies identified in the report are adopted. In the first full fiscal year following enactment, BLM will need $9 million to adjust to new management objectives on the 71 wilderness areas the bill will establish. During that year, Mojave National Park and the additions to Death Valley and Joshua Tree will cost $2 million for operations and $1.3 million for planning. At the fully operational level with full staff, which will be a minimum of several years following establishment, the Mojave National Park operational budget is estimated to be $3.3 million. BLM will continue to need $4.3 million annually for wilderness management. The greatest cost will be for land exchanges (estimated by BLM to be $40 million) and for acquisition of private lands in wilderness (in excess of $100 million) and Mojave National Park ($30 million), which will be spread over five or more years.

While the work group identified areas in which cooperation can lessen short-term expenses and ease a transition in management from one agency to the other, the real accomplishment has been the recognition that BLM and NPS can reinvent the way desert lands and resources are managed. The potential long-term benefits of fiscal savings and enhancement of the regional economy, coupled with the protection of a fragile desert ecosystem, are inestimable.

### RECOMMENDATIONS

The California desert is a magnificent resource worthy of protection. If legislation is enacted we recommend the following to not only ease the transition of resources from one agency to another, but also to act as a catalyst for instituting a broader, interagency management regime.

BLM and NPS should develop a bioregional management strategy without regard to agency boundaries that maximizes protection of sensitive desert resources and minimizes duplication of effort. Further, such a strategy can include other state and federal agencies under existing statewide agreements for bioregional management to which BLM and NPS are already party.

The Department of the Interior should make a monetary commitment to implementation of the legislation at least through the first full fiscal year of operation, and to add the new areas to the department's budget request for operations, management and research. One source for new funds is savings that may result from the recommendations from the National Performance Review.

The NPS Western Region and the BLM California State Office should be directed to establish an interagency transition management team to manage the transition and any further refinement of this plan.

The initial management teams for both agencies should be comprised of individuals knowledgeable of the resources and sensitive to area issues, since first impressions of the public are critical.

### *Recommendations specific to the National Park Service*

Once it appears passage of S. 21 is assured, the Mojave National Park staff should be identified and readied to mobilize on short notice to establish an immediate management presence in the new park.

For continuity, the Mojave National Park staff should be comprised of permanent employees identified or reassignment in advance. We believe using special events or all-risk management terms who would only be available for a few weeks at most is unwise, except for perhaps in initial protection roles until permanent staff arrive.

The initial Mojave National Park headquarters should be located in Baker, California because of its proximity to the primary resource and the presence of existing visitor services and facilities.

### *Recommendations specific to the Bureau of Land Management*

BLM should reevaluate the organization, staffing and funding based on changing management objectives for public lands in the California desert.

BLM should reevaluate existing agreements and relationships with other agencies within the desert to determine their effectiveness based on new landownership patterns.

BLM should take action to become a leader in the management of arid land wilderness.

The following report provides significant detail on the above recommendations.

S. 21 COST PROJECTIONS

[All figures in millions]

| Agency and management responsibilities | Transition year[1] | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 |
|---|---|---|---|---|---|---|---|
| BLM: | | | | | | | |
| Wilderness management | .......... | 5.4 | 5.8 | 4.9 | 4.8 | 4.3 | 4.3 |

S. 21 COST PROJECTIONS—Continued

[All figures in millions]

| Agency and management responsibilities | Transition year[1] | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 |
|---|---|---|---|---|---|---|---|
| Wilderness and park Boundary survey |  | 4 | 4 | 4 | 4 | [2]3.6 |  |
| Land acquisition |  | 5 | 5 | 5 | 5 | 5 | 5 |
| Land exchange (includes NPS) |  | Not determined ($40 million total) |  |  |  |  |  |
| Update desert plan[3] |  | 0.5 | 0.3 | 0.2 |  |  |  |
| NPS: |  |  |  |  |  |  |  |
| Mojave | 0.5 | (5) | (5) | (5) | (5) | (5) | (5) |
| Joshua Tree | 0.05 | (6) | (6) | (6) | (6) | (6) | (6) |
| Death Valley | 0.08 | (7) | (7) | (7) | (7) | (7) | (7) |
| Reimbursables (Except fire) |  | Built into above |  |  |  |  |  |
| General management plans[3] [4] |  | 0.5 | 0.4 | [2]0.4 |  |  |  |
| Land acquisition |  | 5 | 5 | 5 | 5 | 5 | [2]5 |
| Minerals management |  | 0.7 | 0.7 | 0.7 | 0.5 | 0.5 | 0.3 |

[1] From existing funds.
[2] Ends this year.
[3] Construction costs not included (dependent on planning).
[4] Planning coordinated between both agencies.
[5] From $1.9 million to $3.3 million.
[6] To $0.3 million.
[7] To $1.1 million.

MANAGING THE TRANSITION

The work group made several assumptions in order to insure continuity and make the report useful regardless of the final version of the legislation:

The analysis is based on S. 21 legislation as introduced in the current session.

We assumed there would be no additional funding for the transition year (the fiscal year in which the legislation may be enacted).

We assumed a transfer of the East Mojave National Scenic Area to the National Park Service and the additions to Death Valley and Joshua Tree National Monuments.

Both agencies have a high level of specialized skills available to address the issues.

There are some actions that will require immediate attention, while others can be phased in over time.

There are numerous joint actions that can result in cost efficiencies.

There are opportunities for a short-term transition which, if managed jointly, can establish a foundation for long-term cooperative management of desert resources across unit boundaries.

The transition management strategy identifies in detail the various actions needed to resolve the most important issues. These issues were identified through meetings between the transition work group and the field staffs of both agencies, plus meetings between the two monument staffs and the BLM Desert District and resource area managers. The issues are grouped into the following categories:

Visitor services,

Wilderness management,

Visitor and resource protection (includes special uses),

Rights-of-way (includes roads claimed under RS 2477),

Grazing,

Hunting,

Mining,

Water rights (includes availability),

Fire management,

Wild horses and burros,

Land protection (includes acquisition and exchanges),

Cultural resources,

Facility management,

Natural resources (includes wildlife and endangered species), and

Solid waste management (includes hazardous materials).

The action items needed to ensure a smooth transition regarding these issues are divided into three phases:

A "transition year" in which it is assumed both agencies would work within existing budgets;

A first full *fiscal* year of operation, noted as "first full year," in which budget adjustments would be needed; and

A "full operation" phase, in which the areas are assumed to be completely staffed and functioning, but will require full funding. This would be a minimum of at least three years (and possibly more) beyond establishment, which would be the earliest that budget increases can be added as a result of each agency's normal budget cycle.

Immediately upon designation the agencies must establish a management presence in the new areas. Law enforcement personnel must be detailed to areas of greatest need. Signs must identify the new status at key entry locations. The public needs to be informed of the changes in the new law. Administrative facilities must be secured and staffing begun. Many of these items can be initiated using this document as a guide in order to minimize costs, transition problems, and public confusion.

A considerable number of skilled individuals in both agencies are available to help ease the transition and carry it out with fiscal and management efficiencies. BLM has for example, indicated some of their maintenance staff in the Mojave might be interested in lateral transfers to the National Park Service.

What follows are the details of the transition in an issue-by-issue format. Where the work group has identified opportunities for management efficiencies and cost savings through joint management or adaptive use of existing resources the items have been listed in bold type.

Mr. WALLOP. Mr. President, so $125 million is a lot more than the Secretary says is needed.

And I have found with the Secretary that times are fluid; that he can say whatever is necessary to be said to achieve whatever result is necessary to achieve without regard to the studies of his own department.

Mr. President, let me lay to rest some issues. I would say to both Senators from California, inasmuch as they are here, that they are dead wrong about my intentions on hunting and mining. I think they have a point. A ban on hunting is not included in the amendment, as drafted, but that would clearly be easily done. So it is not an issue.

And neither is the mining issue, because my findings are precisely the findings of S. 21. BLM does not operate for the purpose of doing anything except what it is charged with doing. And under the provisions of national monument status, they would have to manage it essentially as the Park Service will manage it but for a couple of things.

Talk about transferring resources from the BLM, the Secretary is not God. The Secretary requires the actions of Congress. He cannot just, willy-nilly, flip the funds around among line items in the Department of the Interior. And he will find some who are on the Appropriations Committee who object to taking money from the BLM and transferring it. He cannot do it unless Congress does it. I would be for doing it, make no mistake about it, but this is not just some dinky little paper transaction of shifting resources around within the Department of Interior. It has to have congressional approval.

One of the Senators from California said trips to the national park are the be-all and end-all. Trips to the national park are important. But not to go and see a sign at the entrance that says "National Park." It is to go and see what is inside it, and that does not change with monument status or park status. It is not a more pleasurable experience to see the desert because the sign when you go in has National Park Service written on it instead of Bureau of Land Management.

If the desert means anything, and surely it does to this Senator, it means what it means because of what it is and not because of some status or symbolism that Congress bestows upon it. If we are serious about protecting this land, we ought to provide the protection through the agency which has the resources to do it.

One of the California Senators was talking about water guzzlers and how that makes it so charming and attractive for the visitors to see wildlife. Under national park status, the water guzzlers go because they are not natural and the management proposals and schemes of the National Park Service are that only things natural are allowed. Guzzlers are not natural. They are enchanting, they are delightful, but they go. So make no mistake about it.

Come back for a minute to the status of a piece of land. When Mount St. Helens blew up, the Senator from Washington established Mount St. Helens National Monument. It is my guess that the people of Washington and the people of America who have visited there are not crushed because it is not a national park. They would not divine some mystical, different kind of management scheme because it is a national monument. The question goes back to accountability. I make the argument once again. It is not an argument between the California Senators and the Senator from Wyoming about protecting the desert. That is a given in either amendment. That is a requirement in either amendment. The difference lies in whether we are going to continue to confound ourselves and say it is so sexy to be a park that we are willing to add to the burdens of an overburdened agency, the National Park Service, which does not have the money for adequate maintenance, for adequate personnel, and for adequate acquisition.

I do not know where this 3,700 figure comes from but I would say to the Senator, I will not argue with her, but it is different information than we have. They are transferring people out of the National Park Service into the Office of the Secretary and not into the field. In this current budget, that is the case—404 people removed from the rolls of the employees of the National Park Service, 301 of whom go into the Office of the Secretary of the Interior.

Mr. President, the Senator from California believes that tourism dollars will flow from the new proposed Mojave Park.

I have reviewed the Park Service estimates and although interesting, I feel they lack any basis in fact or reality.

As an example, the same type of forecast was projected for Redwoods National Park. Park advocates insisted that waves of tourists attracted to the newer, bigger park would more than compensate for the lost jobs in the woods and mills.

In fact, tourists have never arrived in anything like the promised numbers. Far from the projected million and a half, tourist visits last year were estimated at 388,000—in a year when Yosemite, about 700 miles to the south was visited by well over 3 million.

Redwoods National Park, like the proposed Mojave is not a destination park. You drive through it to get somewhere else.

In the Mojave, tourism dollars will never compensate for the economic losses brought about by this desert lock down, if past experience is any judge.

Mr. President, I ask unanimous consent that an October 24, 1993, Sacramento Bee article be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### THIS TIME REDWOOD TREES WON

(By Edwin Kiester, Jr.)

The trees are house-tall now, reaching toward the 350-foot heights they may eventually attain. On once cutover slopes below the Tall Trees Overlook in Redwood National Park on the North Coast, the young redwoods now march downhill, to the bend in Redwood Creek where the world's tallest trees rise out of the mist. Green stripes of grasses and hardwoods mark where old logging roads have been bulldozed and the hill graded back to its natural contours. In the rushing waters below, salmon and steelhead trout can again head upstream to spawn.

Art Eck, deputy superintendent of the park, looks about him approvingly. The overlook's display of before-and-after photographs contrasts the scene with the hillside as it looked a few years ago: an ugly battlefield of stumps, slash and chewed-up earth crisscrossed by the gashes of roads and skid trails. Now thanks to the restoration effort, the forest is returning to its past appearance, before the saws and axes came. "The land is healing," Eck says proudly. "But, of course, some scars still show."

Yes, the scars of Redwood National Park do show, and not only on the greening hillsides above Redwood Creek. Twenty-five years after the establishment of the nation's first billion-dollar national park, 15 years after an expansion more than doubled its size, the trees are coming back, but the painful wounds left by a bitter battle over the park formation remain raw in the lives of the people.

Loggers and former loggers, businessmen selling to loggers, and local officials of California's two northernmost coastal counties insist that establishing the park with 78,000 acres of prime timberland triggered a downward economic spiral that stole good-paying jobs, savaged the timber industry and sentenced the area to chronic hard times and heartbreak: "We are fast becoming the Appalachia of the West," one ex-logger maintains.

Environmentalists and champions who fought for the park maintain that the jobs would have been lost within a few years anyway, whereas the park saved magnificent and irreplaceable trees for generations to come. "The redwoods," says Lucille Vinyard, the Sierra Club's energetic North Coast representative, "are the pride of the nation."

John Dewitt of the Save-the-Redwoods League, which has spent $75 million in 75 years to preserve ancient trees, is uncharacteristically emphatic about who is at fault in the argument. "Thousands of people are now being laid off in the computer industry in the Western United States because they just happened to have the misfortune of working on defense projects. Timber workers have had a habit of acting as crybabies for the last 100 years, anytime anything interfered with the simple task of cutting down trees. They lost jobs, but the taxpayers compensated them handsomely for it. People are tired of listening to their complaints."

To which Chris Rowney, resource manager for the timber company Louisiana-Pacific, replies, "The park cost 2,500 jobs. I know, the defense industry is laying off 70,000 workers. But for those 2,500 up here, and their families, the jobs were just as important as they are for defense workers. Losing them was just as painful."

At a time when much of the country is suffering lost jobs, layoffs and recession, and the spotted owl showdown has brought timbering in the Pacific Northwest almost to a standstill, it is difficult to picture how much a park dedication in 1968 may have contributed to a moribund local economy in 1993. At first glance, California's beautiful and lonely North Coast, with its thick forests, rich pastureland, hidden valleys and spectacular surf-pounded beaches scarcely looks like a hardship case. Yet both the economic statistics and the mood in Humboldt and Del Norte Counties are grim.

In Del Norte County, between 14 percent and 16 percent of the 9,600-person work force was unemployed in 1992. At $22,917, Del Norte's average household income stood 56th among 58 California counties. In adjoining Humboldt County, the fastest-growing source of local income comes from transfer payments, such as welfare and Social Security. Inflation-adjusted household income in 1991 was lower than five years before, and 25 percent lower than the California average.

Federal, state and local government payrolls—highlighted by the new Pelican Bay maximum-security prison in Del Norte County and Humboldt State University in Humboldt—have replaced forest products as the major employer. Del Norte, which once resounded to the whine of 52 sawmills, is down to its last mill, the Miller Redwood Company, which last fall reduced operations to a single shift and now employs fewer than 125 people. During the 1992–93 rainy season, one of two remaining pulp mills in Humboldt County shut down, throwing another 262 persons out of work.

Drive along U.S. Highway 101 through the once thriving community of Orick and you see economic distress at its absolute worst. Set in a lush valley and surrounded by parklands, the little logging town was pictured by park proponents as a potential tourist mecca, sure to profit from hordes of visitors who would flock to the nearby park. "They said we were going to have so many people up here in 10 years that this little town wouldn't be able to handle them," recalls Pat Dorsey, a former county supervisor and owner of the town's social center, the Lumberjack Lounge. "Well, the park hasn't brought in a penny of business."

Meanwhile, all but one of the town's sawmills closed. Population dropped from 1,500 to about 600—"and most of them are on welfare," Dorsey says. No tourist facilities were opened. In a final twist of irony, the park's visitor center was constructed on the site of one of the closed mills.

From the Lumberjack Lounge's front door, Dorsey, now a grizzled 83, looks out on sagging, paint-peeling houses and shops peddling redwood sculpture. "People call it 'the chain-saw massacre,'" Dorsey says. Even the Western Ancient Forest Campaign's director Jim Owens acknowledges, "The town was just left to wither and die."

Yet continue a few miles north and you can appreciate all the glory and magnificence of the great trees for which the original battles were waged. Bald Hills Road leads past Orick's last sawmill, then climbs steeply uphill to Lady Bird Johnson Grove. An easy foot trail winds among giants hundreds of years old, many as tall as a 20-story building and bigger in diameter than an oversize banquet table. Sunlight filters softly through the lattice-work of boughs overhead, dappling the forest floor below. The atmosphere is hushed; evergreen needles muffle every footfall. The grove has all the feeling of a Gothic cathedral, with pillars soaring to a vaulted ceiling. You half expect to hear the Angelus.

Beyond the grove, you reach the park of tomorrow—the National Park Service's proud restoration project. Rehabilitation has removed 180 miles of logging roads and skid trails, planted 684,363 trees and returned 26,330 acres to their natural state. Removal of logging debris and sediment has brought fish back to the streams, and wildlife to the woods and grasslands.

The results to date are impressive. John A. Campbell, CEO of Pacific Lumber and one of the environmentalists' favorite villains, says admiringly, "Eventually, that's going to be a magnificent stand of timber up there." The project attracts foresters and environmentalists from all over the world. The park has been designated a World Heritage Site and an International Biosphere Reserve.

One criticism is undisputed: Redwood National Park is almost invisible to visitors. Highway signs welcome you to "Redwood National and State Parks," but, says John Dewitt, "Redwood National Park is like a ring without the setting." The real "gems"—"the finest redwoods that ever existed," Dewitt calls them—are in Prairie Creek Redwoods, Del Norte Redwoods and Jedediah Smith Redwoods state parks.

The state parks are also more easily accessible from Highway 101, so few sightseers venture beyond them, preferring to meander among the giant trees of the state park groves and to admire the herds of Roosevelt elk.

Assembling the national park in two stages 10 years apart prolonged the acrimony. The post-World War II building boom fueled a huge demand for redwood decks, paneling and picnic tables. By the 1960s, even locals became alarmed at the speed with which the ancient forests were disappearing. "Arcata Redwood was clear-cutting right down to Highway 101, near Prairie Creek (State Park)," recalls Lucille Vinyard, who promptly became an environmentalist activist. "It was hideous," she says.

In 1963, a National Geographic Society team discovered what it proclaimed the tallest tree in the world, measuring 367.8 feet, on timber-company land along Redwood Creek. The environmentalist movement, just beginning to gain strength, raised a cry to protect the tall tree and its neighboring giants, as well as additional old-growth redwoods, before it was too late.

Over the next five years, half a dozen proposals were made to carve a new national park out of old-growth redwood forests. Congress compromised on a park of 30,000 acres plus the state land and incorporating Tall Trees Grove. The final price paid to timber companies was $210 million. Some federal land was swapped for private old-growth timber.

Instead of dying, the controversy worsened. As timber companies continued to clearcut the hillsides above Tall Trees, environmentalists protested that erosion, landslides and logging debris were threatening Tall Trees and choking the streams, and lobbied Congress to vastly expand park borders.

The timber people erupted. Expansion, they argued, would remove some of the region's best timberland from production and take it off the tax rolls, with devastating effects on the timber industry, the local economy and local government—not to mention that it would throw large numbers of loggers out of work. In the end, however, a park expansion bill was passed by Congress and signed by President Jimmy Carter, adding another 48,000 acres to the park and establishing a 30,000-acre protection zone upstream from the big trees.

To placate the anguished locals, Congress sprinkled the bill with sweeteners. The U.S. Forest Service was directed to study increasing the timber harvest in nearby national forests to keep loggers at work. A revolving fund was set up to develop new businesses; federal funds underwrote a marina and an improved airport. The two counties were given compensating payments to make up for loss of taxes. A new freeway bypass was to be built around Prairie Creek Redwoods State Park, to divert heavy highway traffic from "Blood Alley" where rubbernecking tourists and speeding logging trucks shared a road through redwood groves, and thus create construction jobs. The Park Service was directed to give priority to displaced timber workers in hiring.

The centerpiece of the bill was the Redwood Employees Protection Program (REPP), set up to ease the financial pain for workers whose jobs were taken away. Under a complicated formula that kept lawyers busy for 10 years, displaced workers could receive severance pay, weekly benefits about equal to their paychecks, a combination of both or a retirement program.

"Short-service" workers who had spent five years or less in the industry received only severance packages.

Undeniably, REPP poured money into the troubled economy—lots of money. At its height in 1980, REPP was paying out $250,000 a week in Humboldt County alone, making it by far the county's largest payroll. But even though young workers received nice nest eggs, and older ones a paycheck as large as if they were still working, many weren't happy about it—and they still aren't.

Charles Rankin, who worked for Arcata Redwood, was one of those immediately affected by the park expansion. Now a sprightly 75, Rankin was 59 then and had worked in the woods since he was 15. He had become a "faller," a chain-saw specialist who could expertly drop 300-foot trees precisly on a given spot with minimal damage to the valuable timber—one of the most skilled, dangerous and therefore highest-paid jobs in the industry. When the park expansion took Arcata's old-growth forests near Redwood Creek, Rankin found himself out of a job.

"Arcata offered to send me to their land up by Klamath," he says, mentioning a town some 60 miles north of his home in Eureka. "That would have meant two hours' drive each way, a lot of it over logging roads and through the tourist traffic in the state parks." Rankin took his benefit check until he was 62, then "severanced out." He has held a few part-time jobs since, but has resigned himself to puttering around the house and playing seven-handicap golf.

Another former logger, who spoke on condition of anonymity, still spits out the word "park" angrily. "I went down to the unemployment office and they suggested I should go into retraining," he says bitterly. "They said, take a two-year course in computers. And then what would I have done? Hell, there probably weren't 10 computers in all of Humboldt County."

After nine years of litigation, the federal government paid out $688 million to three timber companies for land taken in the expansion. Interest and payments to small landowners drove the final purchase price above $1 billion—three times the original estimate. Depending on whose figures you accept, the total bill for Redwood National Park was somewhere upwards of $1.4 billion.

As for benefits to the local economy, only a few displaced loggers joined the Park Service payroll, which today amounts to just over 170 employees. The freeway bypass contract went to a San Diego firm, which imported its own work crews. The increased cut in the national forests never materialized, and in fact quotas have dropped steadily, from 144 million board feet in 1985 to less than 11 million in 1993.

Tourism has been the biggest disappointment, however. In the rosy scenario of the 1970s, the timber industry cutbacks were only to be a period of adjustment ushering in a new flood of tourism prosperity. Park advocates insisted that waves of tourists attracted to the newer, bigger park would more than compensate for the lost jobs in the woods and mills. Arthur D. Little, a management consulting firm, predicted a gain of 1.6 million visitors by 1983, and a total of 950,000 visitor-days above the numbers recorded by the state parks.

In fact, tourists have never arrived in anything like the promised numbers. Far from the projected million and a half tree lovers a year, tourist visits last year were estimated at 388,000—in a year when Yosemite, about 700 miles to the south, was overrun by well over three million.

The average visitor spends less than 50 minutes in the park. "What they get are park-and-pee visitors," sniffs John Miles of the Natural Resources Management Corporation, and adviser on several early park proposals. "People stop, look up at the trees, go to the bathroom and drive on." Visitation is not helped by the park's lack of facilities. It has no tourist lodging and no drive-in campgrounds. Campsites can be reached only by strenuous backpacking.

Although Humboldt County tourism has gradually inched upward and is now the county's fifth-largest industry, the park is not the primary lure. The big tourist draw is Eureka's restored Old Town and the gingerbread mansions of the timber barons, souvenirs of the conservation-be-damned, cut-and-run logging days of a hundred years ago.

Tourism has created a few jobs, but even Jim Owens acknowledges, "It's hard to convince a man who made $15 or $20 an hour in a sawmill that he'll be better off working at Burger King." The average Humboldt County timber worker last earned $21,300. The average motel employee received $11,500.

As if the downturn in the timber industry weren't enough, the two counties have been hurt by a decline in what was once the second-biggest money earner—fishing. "Commercial salmon is all but dead around here," John Pritchett says. Sport fishing, which used to attract hundreds of vacationing fishermen, has declined precipitously too. Offshore salmon are in dramatically short supply and severe restrictions have been placed on fishing. Environmentalists and commercial fishermen say the two problems are interrelated: Fish can't get upstream to spawn because the streams are clogged with logging debris, so their numbers are dwindling.

The two counties have been further victimized by the go-go business atmosphere of the 1980s. All three of the major companies in the park expansion—Simpson Timber, Arcata Redwood (now part of Simpson) and Louisiana-Pacific—have gone through mergers, buyouts and privatizations that have resulted in consolidation and closing of mills. Louisiana-Pacific alone closed nine mills in five years (although officials say the closings were partly caused by logging restrictions).

Pacific Lumber, which was not affected either by the original park or the expansion, owns the largest stand of old-growth redwoods still in private hands. It was taken over in a hostile action by the corporate raider Charles Hurwitz and his Maxxam Corporation. The new owners speeded up cutting of old-growth, ostensibly to make up for undercutting in the past. They insisted they were benefiting the troubled economy too by providing more jobs. Environmentalists saw a different reason. They said cutting was increased to raise money to bail out Hurwitz' failed savings and loan institution.

Not much of the $889 million the first three companies received for their redwood holdings found its way into the local economy. A few smaller local mills were bought up, and Louisiana-Pacific opened one new (now closed) automated mill. Instead, investment went to other parts of the country and Mexico. Company spokespersons insist that between the park expansion reducing the redwood supply, and the spotted owl controversy shutting down the national forests, California was not the soundest place to invest. John Cumming, an attorney who handled many of the severance cases, and John Dewitt of the Save-the-Redwoods League, contend, however, that the companies pitted their workers against the environmentalists, then took the money and left the workers high and dry.

To local residents, their plight can be explained as a simple matter of numbers. The 150,000 people of Humboldt and Del Norte Counties comprise less than one-half of 1 percent of California's 30 million population.

"You have to understand," says John Dewitt "that this area was truly America's last frontier. Until the late '30s, they were almost completely cut off. There wasn't even a decent connecting highway. It was really the last hurrah of Western migration and exploitation of resources. They had to whack down forests to get enough sunshine to settle and survive, and they think anyone from the outside doesn't understand their hardships. There's a real us-versus-them mentality.

The area's isolation has also hampered attempts to revive the economy by attracting new nontimber businesses. By the coastal highway, half of it frenetic two-lane, the nearest big cities of San Francisco and Portland are eight hours away. The route east, through the Coast Range to California's Central Valley, switches back 150 times in 50 miles. The only connecting railroad is subject to frequent washouts, and airline service is limited.

Most of all, locals resent their image as rednecks who want to chop down every last tree and turn it into bookends. Loggers say they love the outdoors, and spend every possible minute among the trees, fishing, hunting and camping; indeed, they say they know the forests better than anyone.

The $115-million highway bypass, which was finally opened in 1992, was an ecological disaster, locals contend. Sixteen old-growth redwoods—the very trees the highway was built to save—were cleared from the state park's right-of-way. Streams were rechanneled, disturbing fish migration, and winter rains washed out excavation and caused landslides.

Feelings about the park have been unusually intense because redwood-growing land, as opposed to that of Douglas fir and other species, is sharply limited. In the United States redwoods grow only in a very narrow 500-mile-long strip of coastal California and extreme southwestern Oregon, nurtured by heavy winter rains and by drip from the fogs that shroud the coast in summer.

Gary Rynearson of the Natural Resources Management Corporation adds, "People want to lock up the forests and expect them to stay just as they are. But forests don't stay just as they are. They are always changing. Trees blow down, they are struck by lightning, they topple over from old age. In 1991 the Dyersville Giant, one of the most famous trees up here, fell over. It took several other trees with it. Young shoots will sprout up where those fell, and we will have a forest mosaic—young trees and older trees together. That's the life cycle of the forest."

But others maintain that the area's future lies in preserving trees, not cutting them. Laminated-wood technology makes the monster redwood beams and girders of the past obsolete. Steel, plastics and composite materials are taking the place of wood. According to this point of view, trying to keep the timber industry afloat is like subsidizing the buggy whip industry. The big trees are the North Coast's greatest asset—but as an attraction. If they are cut, the area will have neither timber workers nor tourists.

"Our interest is in protecting the antiquity of these forests and their uniqueness as an object that came down from 160 million years of evolution to the present time," John Dewitt says. "It's an approach quite different from the economic approach. But we think beauty, esthetic value, uniqueness and environmental quality are important."

For all the bitter words, there are a few encouraging signs that the old animosities may be subsiding and the sides coming together. The Save-the-Redwoods League is attempting to serve as a bridge between the groups. "Of course, the definition of a bridge is something everybody walks on," Dewitt says. "But I think the idea is getting across that the objective is to solve a problem, not win a debate."

Some loggers have also come around. Earl Roberts is a former faller and logging contractor who now works for the Park Service. "A lot of my friends are bitter," Roberts says. "I tell 'em, the world changes and we have to change with it. The timber industry is dying. There aren't enough trees to be cutting at the rate we've been cutting. We've been using our resources must too fast. Anybody who's been around timber knows better."

The park's current superintendent, Bill Ehorn, hopes he can build up Redwood Park's appeal. Recently, Ehorn distributed a solicitation to investors for a 75- to 100-bed lodge and conference center. "One of the problems here is that the park has no center," he says. "People never feel they have arrived." Having a comfortable place within walking distance of the trees would also attract groups and persuade visitors to lengthen their stays.

Ehorn explains: "I tell people here frankly, "Look, the park's been here 25 years, and it isn't going to go away. The timber industry will never be the same again, fishing is hurting, what is there for the future except tourism? The sooner we work together, the more we market together, the better off everyone will be. If we put the past behind us and cooperate, we can make Redwood Park a win-win situation.' "

Driving home past the decaying houses of Orick, and commiserating with the former loggers at the Lumberjack Lounge, however, it is not easy to see a rosy future. One can only conclude that, for the unhappy neighbors of Redwood National Park, a winning situation cannot arrive one moment too soon.

Mr. WALLOP. The article describes some of the good resource work that has been accomplished by the Park Service and it goes into some detail on how and why tourism never materialized.

There is a lot of similarity between Redwoods and the proposed Mojave. I believe that the Senator from California will find that the Mojave projected tourism figures will never materialize.

So as I understand it—I do not know how long the majority leader or others wish to go on; I assume until around 12:30. I will reserve my remaining arguments until that time. But let me conclude with this, again. It is important to understand this is not an argument about preserving the desert. It is very important to understand that. Either status protects it. One status violates the condition of the National Park Service substantially and, not withstanding the willy-nilly comments of the Secretary, who does not believe in the Congress, he cannot transfer this money. He must have the authorization of Congress to do that. He has, of course, in other instances, made the statement if Congress wants to authorize him to do what he does, well and good; but if they did not, he would just go do it anyway. But in this instance, he cannot.

So make no mistake about it, we are arguing about taxing the rest of America's parks and parkland in order to establish a park that could serve the public as well as a national monument. It is not a question of whether or not it is to be protected.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask that I be recognized for the purpose of additional comments on S. 21.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. FEINSTEIN. Mr. President, on the issue of cost, I would like to make these points.

Opponents of the bill argue that designation of a national park will adversely affect the ability of the Park Service to operate and fund other parks in the National Park System. In fact, the 1995 budget, I am told, reflects a shift begun last year to meet increasing operational needs of the National Park Service. The request of $1.45 billion is unchanged from 1994. It includes, however, a $65.5 million increase in operational funding that offsets decreases in National Park Service construction and acquisition budgets.

In addition, the 1995 budget includes an across-the-board 2-percent increase for all park units.

So the point is that within this park budget, there is additional flexibility and additional ability to provide service. As I said earlier, about 3,700 people, according to the National Park Service, are being moved out of central offices into the parks. That also will add to park management and supervision.

The other point I want to make is that the Mojave will be primarily managed for primitive and wilderness-related experiences and values so that neither its staffing nor management will be as great as parks where other kinds of activities are permitted.

You cannot compare the East Mojave with Yosemite, and you cannot compare it with the Golden Gate National Recreation Area, which are much more intensively managed because of the types of resources they have, the types of ingress and egress to the facilities, and the numbers of people that go through those facilities.

Also, according to Interior, they have already begun to plan a transition from BLM to National Park Service management. They hope that this transition will serve as a model for future changes in management between bureaus. Budgets, staffing needs and planning for other needs, including office space and patrols have already begun within the confines of existing budgets.

They also, as I said, believe that planning for cooperative management with the State of California will further reduce the need for any new staff; that cooperative agreements with State agencies, including the Department of Natural Resources, will enable optimizing the use of both Federal and State employees.

I wanted to make those clarifying points. I thank you, Mr. President, and yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California [Mrs. BOXER].

Mrs. BOXER. Mr. President, the Senator from Wyoming addressed the issue of the land and water conservation fund. He stood up and said—and I am paraphrasing—there is no fund and there is no surplus, notwithstanding the comments I have made.

I ask unanimous consent to print in the RECORD a copy of the Land and Water Conservation Fund Act of 1965.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### LAND AND WATER CONSERVATION FUND ACT OF 1965[1]—PART I—PARKS AND RECREATION

An act to establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people, and for other purposes.

*Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled,*

### TITLE I—LAND AND WATER CONSERVATION PROVISIONS

#### *Short title and statement of purposes*

SECTION 1. (a) CITATION: EFFECTIVE DATE.—This Act may be cited as the "Land and Water Conservation Fund Act of 1965" and shall become effective on January 1, 1965.

(b) PURPOSES.—The purposes of this Act are to assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations and visitors who are lawfully present within the boundaries of the United States of America such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities and (2) providing funds for the Federal acquisition and development of certain lands and other areas.

#### *Certain revenues placed in separate fund*

SEC. 2. SEPARATE FUNDS.—During the period ending September 30, 2015, there shall be covered into the land and water conservation fund in the Treasury of the United States, which fund is hereby established and is hereinafter referred to as the "fund," the following revenues and collections:

(a) SURPLUS PROPERTY SALES.—All proceeds (except so much thereof as may be otherwise obligated, credited, or paid under authority of those provisions of law set forth in section 485(b)(e),[2] title 40, United States Code, or the Independent Offices Appropriation Act, 1963 (76 Stat. 725) or in any later appropriation Act) hereafter received from any disposal of surplus real property and related personal property under the Federal Property and Administrative Services Act of 1949, as amended, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this Act shall affect existing laws or regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions.

(b) MOTORBOAT FUELS TAX.—The amounts provided for in section 201 of this Act.

(c)(1) OTHER REVENUES.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to this section, as amended, there are authorized to be appropriated annually to the fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the fund not less than $300,000,000 for fiscal year 1977, and $900,000,000 for fiscal year 1978 and for each fiscal year thereafter through September 30, 2015.

(2) To the extent that any such sums so appropriated are not sufficient to make the total annual income of the fund equivalent to the amounts provided in clause (1), an amount sufficient to cover the remainder thereof shall be credited to the fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.) *Provided*, That notwithstanding the provisions of section 3 of this Act, moneys covered into the fund under this paragraph shall remain in the fund until appropriated by the Congress to carry out the purpose of this Act.

SEC. 3. APPROPRIATIONS.—Moneys covered into the fund shall be available for expenditure for the purposes of this Act only when appropriated therefor. Such appropriations may be made without fiscal-year limitation. Moneys made available for obligation or expenditure from the fund or from the special account established under section 4(i)(1) may be obligated or expended only as provided in this Act.

#### *Admission and Use Fees; Establishment and Regulations*

SEC. 4. (a) ADMISSION FEES.[3]—Entrance or admission fees shall be charged only at designated units of the National Park System administered by the Department of the Interior and National Recreation Areas administered by the Department of Agriculture. No admission fees of any kind shall be charged or imposed for entrance into any other federally owned areas which are operated and maintained by a Federal agency and used for outdoor recreation purposes.

(1)(A) For admission into any such designated area, an annual admission permit (to be known as the Golden Eagle Passport) shall be available, for a fee of not more than $25. The permittee and any person accompanying him in a single, private noncommercial vehicle or alternatively, the permittee and his spouse, children, and parents accompanying him where entry to the area is by any means other than private, noncommercial vehicle, shall be entitled to general admission into any area designated pursuant to this subsection. The annual permit shall be valid during the calendar year for which the annual fee is paid. The annual permit shall not authorize any uses for which additional fees are charged pursuant to subsections (b) and (c) of this section. The annual permit shall be nontransferable and the unlawful use thereof shall be punishable in accordance with regulations established pursuant to subsection (e). The annual permit shall be available for purchase at any such designated area.

(B) For admission into a specific designated unit of the National Park System, or into several specific units located in a particular geographic area, the Secretary is authorized to make available an annual admission permit for a reasonable fee. The fee shall not exceed $15 regardless of how many units of the park system are covered. The permit shall convey the privileges of, and shall be subject to the same terms and conditions as, the Golden Eagle Passport, except that it shall be valid only for admission into the specific unit or units of the National Park System indicated at the time of purchase.

(2) Reasonable admission fees for a single visit at any designated area shall be established by the administering Secretary for persons who choose not to purchase the annual permit. A "single visit" means more or less continuous stay within a designated area. Payment of a single visit admission fee shall authorize exits from and reentries to a single designated area for a period of from one to fifteen days, such period to be defined for each designated area by the administering Secretary based upon a determination of the period of time reasonably and ordinarily necessary for such a single visit.

FOOTNOTES

[1] The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*-4—460*l*-11), as set forth herein, consists of Public Law 88-578 (Sept. 3, 1964) and amendments thereto.

[2] The reference in the text is set forth as it appears in the original public law. The reference was probably intended to refer to subsections (b) through (e) of section 485.

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Footnotes at end of Act.

[3] Section 402 of the Act of October 12, 1979 (16 U.S.C. 4601–4665) provided as follows:

"SEC. 402. Notwithstanding any other provision of law, the Secretary shall not charge any entrance or admission fee in excess of the amounts which were in effect as of January 1, 1979, or charge said fees at any unit of the National Park System where such fees were not in effect as of such date, nor shall the Secretary charge after the date of enactment of this section, user fees for transportation services and facilities in Mount McKinley National Park, Alaska."

Public Law 99-591 contained the following: *Provided further*, That to advance the mission of the National Park Service, for a period of time not to extend beyond fiscal year 1987, the Secretary of the Interior is authorized to charge park entrance fees for all units of the National Park System, except as provided herein, of an amount not to exceed $3 for a single visit permit as defined in 36 CFR 71.7(b)(2) and of an amount not to exceed $5 for a single visit permit as defined in 36 CFR 71.7(b)(1): *Provided further*, That the cost of a Golden Eagle Passport as defined in 36 CFR 71.5 is increased to a reasonable fee but not to exceed $25 until September 30, 1987: *Provided further*, That for units of the National Park System where entrance fees are charged the Secretary shall establish an annual admission permit for each individual park unit for a reasonable fee but not to exceed $15, and that purchase of such annual admission permit for a unit of the National Park System shall relieve the requirement for payment of single visit permits as defined in 36 CFR 71.7(b): *Provided further*, That all funds derived from National Park Service entrance fees during fiscal year 1987 and all funds collected during fiscal year 1987 under subsections (a), (b), and (c) of section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–6a), shall be transferred to the General Fund of the Treasury of the United States: *Provided further*, That notwithstanding any other provision of this Act, no admission fee may be charged at any unit of the National Park System which provides significant outdoor recreation opportunities in an urban environment and to which access is publicly available at multiple locations, nor shall an admission fee be charged at any unit of the National Park System which has a current, specific statutory exemption: *Provided further*, That where entrance fees are established on a per person basis, children 12 and under shall be exempt from the fees: *Provided further*, That if permanent statutory language is enacted during fiscal year 1987 establishing National Park System entrance fees, the provisions of that language shall supersede the fee provisions contained in this Act: *Provided further*, That of the funds provided under this head, $15,000,000 shall be distributed to units of the National Park System, to be available for resource protection, research, interpretation, and maintenance activities related to resource protection, to be distributed in the following manner: 50 percent shall be provided to all units of the System based on each unit's proportion of park operating expenses, and 50 percent shall be provided to units with entrance fees based on each collecting unit's proportion of total entrance fee collections.

Mrs. BOXER. Mr. President, I would like to read in part section 1:

> This act may be cited as the "Land and Water Conservation Fund Act of 1965" and shall become effective on January 1, 1965.

Mr. President, this act is still the law of the land.

> The purposes of this act are to assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations and visitors who are lawfully present within the boundaries of the United States of America such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities and (2) providing funds for the Federal acquisition and development of certain lands and other areas.

Now it talks about certain revenues placed in a separate fund.

Section 2, entitled "Separate Fund":

> During the period ending September 30, 2015, there shall be covered into the land and water conservation fund in the Treasury of the United States, which fund is hereby established and is hereinafter referred to as the "fund", the following revenues * * *

Mr. President, it places inside that fund revenues from surplus property sales, from motorboat fuels tax and other revenues, including Outer Continental Shelf lands revenues.

Then in section 3 it says:

> Appropriations.—Moneys covered into the fund shall be available for expenditure for the purposes of this act only when appropriated therefor.

We understand that. I understand that the funds have to be appropriated, but the truth of the matter is, there are billions of dollars that have not been spent for this purpose. People can stand up here and say it is just a matter of bookkeeping all they want. But the fact is, there is a law of this land setting up this fund. If we wanted to, Mr. President, we could appropriate those funds.

I would like to say for the record that I support higher appropriations for this fund because we do a lot of things around here that do not last as long and do not make as positive a contribution as when we maintain and operate our parks in the right way. I agree with the Senator from Wyoming, we certainly have to do that; and, yes, when we expand our parks.

I have been going back into the RECORD, and I found a very interesting part of the CONGRESSIONAL RECORD from the year 1940 in which a Senator from Nevada at that time objected to the creation of Kings Canyon National Park, a park that is near Yosemite, very similar arguments to the Senator from Wyoming.

His argument was, the Forest Service does a better job than the Park Service. Let us leave this park with the Forest Service. This is Senator Pittman in 1940:

> So far as I have observed, the Forest Service is as great a conservation organization as we have in this Government. It has done more to preserve the forest, the watersheds than any other agency. It has done more toward scientific reforestation than the Park Service could ever do, because the Park Service does not contain a scientific organization capable of handling the problem.

And he bemoans the fact that we keep creating these parks. This is 1940. If there had been a majority of Senator Pittmans, there are a lot of parks we would not have today and a lot of people would not have the joyous experiences that they have in our Nation's parks.

If there are a majority of Senator WALLOPS today, and there may be—and I pray not—we are not going to have a national park at the East Mojave, which would be a very sad day, indeed, because as surely as it seems a long time ago, 1940, there will be someone on this floor in a few years, and a few years after that saying, "Gee, look what Senator WALLOP said about how we could have kept this in BLM hands, and look what those Senators from California said, that it should be in the National Park Service," because that is a statement for all times. That is a status for all times. It elevates the beauty of this area that the Senator from Wyoming agrees with us exists and wants to preserve.

So I say to my friend, I hope he would withdraw this amendment. Of course, he is going to press it. But I think we need to have some vision. And when we look back in history, here it is 1940, we see Senators in the past who said we have too many national parks; why do we need all these parks? We do not need any more parks. No one wants any more parks. And yet because of the vision of this Senate and the House and Presidents of both political parties, we have created national parks for all times, so that our children can enjoy them, our grandchildren, and after that.

That is what it really is all about. When we are here in the moment, we get caught up in the debates of the moment. But what an opportunity we have today to stand up for the beauty of this incomparable area, to place it into the hands of those who are the right ones to protect it for all time. The National Park Service is going to run this park for the people, the people who want to preserve it, the people who want to use it, the people who will visit it. And that is what we should be doing.

So, again, I urge all of my colleagues to please support the two Senators from California. Please do that and show the vision that we are asking you to show so we have a national park for all times.

I yield the floor.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I would urge the Senator from California to go as well and get the copies of the airport trust fund and the highway trust fund and the Social Security trust fund and all the other trust funds that are around. These are not—and her own language says precisely that—these are not what the public thinks of when it thinks of "trust fund."

I believe I quote correctly when the Senator says, "that we must appropriate more to it. That is the only time in which money exists in the funds." It does not. And we fool ourselves and Americans by telling them that this is anything more than an accounting gimmick which is designed to do just precisely that, to persuade Americans that there is a little door somewhere down in Treasury and we can go in it and we can build airports, and we can go in it and we can build highways, and we can go in it and we can build parks.

It does not work that way. Many of us wish that it would, but it has not and it will not. And the Appropriations Committee will not allow it to, for starters, because that is an infringement on their authority.

So when we say these things, it sounds as lovely as the title, but I would say to my friend from California as well that a national monument is just as permanent as a national park. There is no distinction except the sign on the door when you walk in. If the land on the inside is worthy of protection, the land on the inside is and whoever has it will be bound by the requirements of the act. We do not differ one from the other.

It is, again, a question of whether there can be willy-nilly, sort of flipping around of personnel by the Secretary. He cannot.

The announced statement of the senior Senator from California was that there is a 2 percent increase, which is what the figure of $65 million amounts to. I would point out to Americans that the cost of living last year was somewhere around 4 percent, so we are in decline notwithstanding the increase. That is the point the Senator from Wyoming has been trying to make from the very beginning: Where do we go to be responsible in this?

One, we go to the protection of the desert, no question, no argument, no difference. Then the thing is what do you do about the National Park Service? Do we add to its burdens in order to sustain the political reputations of folks or do we operate responsibly within the structure that we know exists and give it to the people who now responsibly manage it and give them new management instructions, the one side of which does not differ from the other.

My belief is that the responsible way to go is to leave it in the hands of an agency, the funding of which is already authorized and whose personnel are already in place and on the ground. But I would say again that the Secretary's own figures show that this is a $125 million additional cost just in operations over the next 5 years. That is his own study. I would say to the Senator, I entered in the Record the study of October 1993 conducted by the Department of the Interior, Mr. Babbitt, and the National Park Service. He can deny that that is how much it is going to cost, but that is what his study tells him it is going to cost.

Mr. President, I yield the floor.

## RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having come and passed, the Senate will be in recess until the hour of 2:15 p.m.

Thereupon, at 12:35 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mrs. Boxer).

The PRESIDING OFFICER. The pending question is amendment No. 1620. The time between now and 2:45 p.m. is equally divided and controlled by the Senators from Wyoming and California.

Mr. PELL. Madam President, I ask unanimous consent that I be permitted to speak for 3 minutes, the time not being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

## GREEK GOVERNMENT'S MISTREATMENT OF FORMER KING CONSTANTINE

Mr. PELL. Madam President, I have long been an admirer of Greece and the democratic values that America shares with that country. It is, therefore, with great disappointment that I recently learned that the present Government of Greece has introduced legislation confiscating property owned by King Constantine and stripping him and his family of their Greek citizenship. This is a clear violation of human rights, and I urge the Government of Greece to reconsider its actions.

King Constantine is a Greek patriot in the finest sense of the word. He and his father and grandfather were all born in Greece, and King Constantine is rightfully indignant at having his Greek heritage challenged. Although King Constantine was ousted as Greece's monarch in 1967, he has never done or said anything that would undermine Greek interests. He has always placed Greece's interests over personal ambition. That is why it is so hard to understand why the Greek Government would take such vindictive action against him. Common decency and fair play call for withdrawing the unfair legislation directed against King Constantine.

Madam President, today in London, King Constantine held a press conference to denounce the actions of the Greek Government and to set forth his reasons for opposing the Government's legislation.

I ask unanimous consent that the full text of King Constantine's statement as well as the draft legislation directed against him be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

### HMK'S TEXT FOR THE WORLD PRESS CONFERENCE—TUESDAY, APRIL 12, 1994

Ladies and Gentlemen: I appreciate the time you have taken to be with me today. As you know, last week the Prime Minister of Greece, Andreas Papandreou, said he was planning to put a bill through Parliament aimed at confiscating my property and depriving me and my entire family of Greek citizenship, and making us persona non grata in our homeland.

I did not respond immediately because the severity of what he was trying to attempt made it important for me to discuss his actions with constitutional and legal experts. Their opinions have underlined what would have been my immediate response. So today I will give you my response and a similar reply has been issued on my behalf in Greece.

I regard the Prime Minister's decision as contrary to the Greek Constitution and as being in complete opposition to the European Convention for the protection of Human Rights and the rules of international law, against the principles of the European Union and common sense.

I regret the decision on the confiscation of our property not because any great wealth is involved, but because, as many of you know, we donated the greater part of our property to the Greek people. The value of the property was much higher than the taxes owed. This proposed confiscation is even more surprising to me because I negotiated in good faith with the Andreas Papandreou government from 1984 to 1988 until the Prime Minister became ill, and later with the Conservative government from 1991 to 1992. You will have received a copy of the terms of that agreement when you arrived.

What concerns us is that Democratic states do not practice confiscation lest they appear to be governing under arbitrary rule. I can only surmise that the Prime Minister is using this whole issue to divert attention away from tax legislation he is presently proposing and other major problems he faces.

My family and I will bear this new injustice with patience, as we have done with others in the past. It is of little significance in comparison to difficulties facing the Greek people. But we will never accept the questioning of our Greek heritage.

I shall fight to retain our Greek nationality by every lawful means at both the international and domestic level. I would also like to issue a reminder that depriving people of their citizenship has always been one of the first measures taken by every totalitarian regime against its opponents, and the deprivation of the protection of the courts is a measure unthinkable under the modern rule of law.

The contents of the draft law on deprivation of nationality are not only contrary to the legislation in force in our country and European law, but are in conflict with the recent history of Greece.

In 1863 my great grandfather was unanimously elected King of the Hellenes by the National Assembly with the title of King George I. He reigned for 50 years and set the seal on Thessaloniki becoming Greek with the sacrifice of his life. My grandfather who was born in Greece had the honour to lead our heroic forces in the liberation of Epirus and Macedonia. My uncle, Alexander I, born in Greece, was on the throne when Thrace was liberated and my uncle George II, also born in Greece, was the King when the brave Greek people humbled the Axis and liberated, for a short time, Northern Epirus and Western Macedonia. And my father, also born in Greece, had the happiness of seeing in his time the unification of the Dodecanese and the successful halting of the Slav aggression in Macedonia and the safeguarding of the territorial integrity of Greece which helped give birth to the Truman doctrine. And all of them served in the Greek armed forces.

It is becoming more and more obvious that the Prime Minister does not like me. That is certainly his privilege. But to say that my family and I are not Greek goes beyond the question of personal likes and dislikes. All my children have attended a Greek school which my wife and I helped to found. My wife and elder children speak fluent Greek. I am Greek. My wife is Greek. My children are Greek. And nothing the Prime Minister says can ever change this.

Since I left my country I have made it a policy not to make any political statements that referred to Greek parties or Greek politicians. And in 27 years since I departed I have only returned twice, the first time for my mother's funeral, and last summer when I had the opportunity to bring all five children to see their homeland. I have never sanctioned any political party or organization being started in Greece on my behalf. It is very difficult for me to understand how the Prime Minister sees me as a threat to the stability of Greece. I feel Greece is far stronger than that.

I also feel now, after following with mounting apprehension the developments in our country over the last months, that it is time that I should voice my concerns. This is something I have avoided doing lest it be thought that I was exacerbating a highly charged atmosphere. This is the right of any citizen in a democratic society and should not put his passport at risk.

Now I cannot, nor do I believe I have the right, to conceal my fears that my country is facing the gravest problems and dangers and that, while Greek society is passing through the most acute social, political and indeed moral crisis, a systematic effort is being made by the government to mislead public opinion by, for example, making an issue of my citizenship.

There are far more vital issues. I follow anxiously the violation of the rights of the Greek minority in Northern Epirus. Regarding Macedonia, all Greeks believe the Skopje government should recognize the Greek minority—Greek-speaking, Vlach-speaking and even Slav-speaking people who live neglected by the government of Skopje. But because of wrong handling, the Greek government has allowed the serious dispute between Greece and the government of Skopje to become between Greece and the European Union.

The Greek people are by nature peace-loving and by tradition peacemakers. I am sure that any of you who have visited my country will have found that to be true. But Greeks do have a full awareness of their national tradition and the dangerous turn which affairs in the Balkans could take.

If this is not sufficiently appreciated it is due to the inability to have their case properly presented to the international community.

This year is the 20th anniversary of the occupation of almost half of Cyprus. In Constantinople the Ecumenical Patriarchate is under threat, and on the islands of Imvris and Tenedos the last traces of Greek presence are being wiped out. And in the face of these provocations and threats it is unfortunate that we confine ourselves to initiatives which are purely for domestic consumption.

Even more important, the Greek economy is passing through a phase of great and prolonged recession. The domestic product remains at a standstill, if not on the decline, and unemployment is spiralling, affecting chiefly the young who have the most to lose.

In these adverse circumstances which are so difficult for the Nation, the government has chosen to spend its energy on an unprovoked attack on me and my family in order to shift the attention from problems that have not been solved. They seem to see me as a greater threat than a deteriorating economy and a growing political crisis.

This being the case, I feel it is my duty to assure the sovereign Greek people that I will always remain unflinchingly and immovably on the side of my beloved homeland.

Thank you.

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### BILL

Settlement of questions pertaining to the expropriated property of the deposed royal family of Greece.

#### ARTICLE 1

1. Law 2086/1992 "Ratification of the contract entered by and between the Greek State and former King Constantine, drawn up by Deed no 10573/1992 of Notary public of Athens, Styliani Hatzjiara-Leli" (A172) is abolished from the date it came into force.

2. Deed no. 10573/3.6.92 of Notary public of Athens, Styliani Hatjiara-Leli is invalidated from the date of its signing.

3. Any legal issues arising from law 2086/1992 and Deed no. 10573/3.6.1992 of Notary public of Athens Styliani Hatjiara-Leli are hereby waived from the time of their occurrence.

#### ARTICLE 2

1. The Greek State becomes the owner, user and possessor of the movable and immovable property of the deposed King Constantine Glugsburg, and of the members of his family, as described in LD 225/1973 "Re expropriation of movable and immovable property of former King and of members of the royal family", (A278), which remained in force under articles 1 and 2 of the Constituent Act 1/1.8.1974 (A213), and the outcome of the Referendum of 8 December 1974 which was in favor of Uncrowned Republic, incorporated in the provisions of article 1 of the prevailing Constitution of the country, and in the tables attached to aforesaid decree, regarding the expropriated movable items and sketches of expropriated real estates.

This property also includes items which were directly or indirectly referred to in Law 2086/1992 and the contract ratified by said law.

2. All the assignments of property and deeds or acts of concession of movable or immovable items from the Greek State to the Kings of Greece and members of their royal family, pertaining to the property of preceding paragraph are by right revoked.

3. Reference of said law is made in the books of transfers and mortgages either by the appropriate authorities or on the request of the Minister of Finance or the Chairman of the Committee which is formed in accordance with the provisions of article 3 of following article.

#### ARTICLE 3

1. A seven-member Committee is formed, composed of:

a. One member of the Legal Council of the State, as Chairman.

b. One assessor of the Auditors Council as Vice Chairman.

c. One representative of the Ministers of Presidency of the Government, Interior, Finance, Agriculture and Culture.

2. The composition of aforesaid Committee is made by decision of the Minister of Finance. By decisions of the same Minister replacements, substitutions or supplementation of members of the committee are made.

3. The aforesaid Committee acts as representative and for the account of the Greek state on matters and competencies entrusted to it by this law.

4. The objective of the committee is: a. The inventory of items referred to in paragraph 1 of article 2 of this law, and the claiming of the items which are not controlled, supervised or safeguarded by the State. b. To proceed with any necessary action pertaining to the administration and management of said items. c. To deliver the aforesaid items to the public services, legal entities or enterprises referred to in paragraph 1 and 4 of article 4 of this law, and d. To deal with any function or activity that may be assigned to it by decision of the Minister of Finance that is relevant to the items in question.

5. Matters pertaining to the operation of the aforesaid Committee as well as any other detail which is regarded necessary for the application of the provisions of this article are defined by decisions of the Minister of Finance.

#### ARTICLE 4

1. The Committee formed according to preceding article, will deliver the ownership or use or simply the management and administration of the items referred to in paragraph 1 of article 2 of this law, to the public services, legal entities of public law, legal entities of private law of public sector, public enterprises, organizations of local administration of any degree, enterprises directly or indirectly controlled by the State, irrespective of their legal form, determined by Presidential Decree which is promulgated by proposal of the Ministers of Finance, Culture and of the Minister in charge occasionally. The same Presidential Decree will determine any other detail which may deem essential for the application of this provision.

2. The real estate MON REPOS which is in Kerkyra becomes the ownership of the Municipality of Kerkyra. The villa in the estate shall be used as a museum or as a space where cultural events can be held—primarily displays, concerts, lectures—or other such causes, which are in harmony with the character and nature of the estate as an archaeological and historical monument, as specified in the decision of the Minister of Culture.

A Presidential Decree which is issued by proposal of the Ministers of Finance, Interior and Culture, adjudicated by the Municipal Council of the Municipality of Corfu, will define matters pertaining to the maintenance, management and operation of the estate, the villa and any other installation, and appurtenances of the estate, with special care given to the archaeological research and the development of the area as archaeological and cultural monument, and any other detail which is deemed essential for the application of this provision.

3. The estates of Dekelia (Tatoi) of Attika and Polydendri Aghia of Larissa, are now governed and administered by the Ministry of Agriculture which will conduct these jurisdictions in accordance with the prevailing provisions.

A joint decision of the Ministers of Agriculture and Culture will determine the historical monuments which exist in these estates. The Ministry of Culture will be in charge of their maintenance, management and operation.

A Presidential Decree to be issued on the proposal of the Minister of Agriculture will determine the specific purposes which are served by the buildings in the estate, structures of any kind and particular spaces, except the aforesaid historical monuments and other areas, the parties or party who will undertake the management, administration and use of these structures and any other detail which is deemed essential for the application of this provision.

4. By Presidential Decrees to be issued on the proposal of the Ministerial Council, parts

of these estates referred to in paragraph 1 of article 2 of this law may be transferred to foundations for the erection, within the framework of their activities, medical units or medical research centers, provided this is in harmony with the forestal appearance of the estates, and the need to preserve their cultural features.

Presidential Decrees to be issued on the proposal of the Ministers of Finance, Agriculture, Health and Welfare and Social Insurances and Culture, will ratify contracts entered by and between the Greek State and the aforesaid foundations, for the transfer of parts of aforesaid estates. Amendments of founding acts or by-laws of the aforesaid organizations or foundations are also ratified by the aforementioned presidential decrees.

ARTICLE 5

1. Inheritance taxes, real estate taxes and extraordinary contributions which have been assessed in any manner, plus any other increments, penalties, stamp taxes, expenses for administrative execution, and amounts assessed in favor of third parties, that concern the estates or movable items referred to in paragraph 1 of article 2 of this law are written off.

Income taxes, with all relative additional payments and fines, are also written off so long as the course of income was the cultivation, lease or other such use of the estates.

The acts of Public Economic Services (tax services) or taxes of fiscal nature are revoked ipse jure.

Any court hearing pending before the regular administrative courts or the Council of the State having as subject matter the aforesaid taxes with additional payments or penalties and other surcharges are abolished—cancelled.

Any amount paid by the parties involved—obligors—for the aforesaid reasons—taxes—with additional payments and penalties or other surcharges may be sought for.

The Greek State may oppose any off setting of any overdue claim that it may have against these parties for any reason whatsoever.

An overdue claim of the State, which precludes the seeking of the aforesaid amounts, is the demand for the proper return of the movable items of paragraph 1 article 2 of this law that were removed from the deposed king or members of the family. In the same intact condition that were before they were removed.

2. Leases that were concluded with any lessee concerning real estates referred to in paragraph 1 of article 2 of this law will continue to exist between the lessee and the Greek State.

The Greek State may rescind at no cost these leases, if such a thing is warranted for the protection or projection of the historical and monumental, archaeological, forestal or otherwise character of the estate under lease.

3. Real or personal contracts excepting leases referred to in previous paragraph, concerning estates or movable items of paragraph 1 of article 2 of this law are invalidated from the date of their conclusion. The relative entries in the books of transfers and mortgages are automatically deleted, or on the request of the Minister of Finance and or the Chairman of the Committee as per article 3 of this law.

ARTICLE 6

1. The items which are referred in article 2 of this law, that escaped in any way the supervision and safekeeping of the State, especially those that present historical interest or archaeological value, or works of arts, will be sought after in accordance with standing regulations.

2. The State may institute proceedings against any third party, who has contributed by fraud or negligence in the smuggling of the aforesaid movable items.

3. The Courts, the Investigating and Prosecuting Authorities of Athens are the competent authorities to pass judgement on applications for injunctions, or civil actions, and to investigate the penal responsibilities concerning aforesaid property.

4. Legal means brought before any court shall be rejected and not admitted, if the litigant party utilizes for purposes of his identity old titles of nobility or the name of his political rank that he held, even with the indication former, ex or such other insignia.

5. Constantine Glugsburg and members of his family, as same is defined by the relevant legislation is considered as never having acquired the greek citizenship. In any case the King and his family have ipso jure deprived themselves of the Greek citizenship by the results of the Referendum of 8 December 1974 which was in favor of the Uncrowned Republic, as this was incorporated in the provisions of article I of the prevailing Constitution of the Country.

Passports, travel documents and similar instruments that were given to them are considered null and void since the reason of their acquisition was the status of Greek citizen.

ARTICLE 7

1. Any provision of law of regulating act which is contrary to the provisions of this law is abolished.

2. This law comes into force and effect as of its publication in the Government Gazette.

Athens, March 1994.

Mr. PELL. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. If there is no objection, time will be charged equally.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CALIFORNIA DESERT PROTECTION ACT OF 1993

### PRIVILEGE OF THE FLOOR

Mrs. FEINSTEIN. Madam President, I ask unanimous consent to grant floor privileges to Judy Lee and Joe Jackson for the purposes of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent to add JOHN GLENN as a cosponsor of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, that would raise our cosponsors of this legislation to 48.

The issue before the Senate to be voted on very shortly is whether this area, the centerpiece of the bill, the East Mojave—hopefully, national park—will be able to become a national park or will become a BLM monument.

It is my very strong view, and I know you share this view, Madam President, that the bill will not be complete unless the East Mojave is in fact a national park. There are reasons.

First of all, the Mojave qualifies as a national park. The Department of the Interior evaluated the Mojave in 1979 and in 1987, and I quoted from officials of the Interior Department both in 1979 and 1987 where they found that the Mojave should be added to the National Park System based on the sensitivity of the area, based upon the resources of the area, and based on the fact that it is a point of confluence between three major ecosystems.

This administration supports park status of the Mojave. That means the President supports park status and the Secretary of the Interior supports park status. In addition, the Committee supports park status and rejected an amendment to turn it into a BLM monument.

Californians, as I have now pointed out three times, support park status for the Mojave. By independent poll, 75 percent of those polled said they would favor the Mojave National Park without hunting. The BLM monument status would provide a lesser level of protection.

And let me say it really is a question of mission. The mission of the National Park Service is to run a national park, to have a coordinated approach to see that the park is protected and that the resources are managed for public understanding and enjoyment. There would be a visitor center. The mission of the Bureau of Land Management is a totally different mission. Its protective status is less.

The points I have tried to make with all of the charts that I showed yesterday—the beautiful and tender flowers, the Joshua trees, the pinion trees, the wild animals—is that all of those things are sensitive resources. All of us who support park status for the Mojave—the 9 major environmental organizations, the 36 cities, the 18 counties, the 15 major newspapers who have editorialized in support of this legislation—we all believe the mission of the National Park Service is much more conducive to managing the resources in this area than is the mission of the Bureau of Land Management.

The distinguished Senator from Wyoming, and I respect the Senator, and he has been here for a long time and has had a great deal of experience with parks, certainly more so than I have nationally, although I would like to believe I have more experience in California than the Senator from Wyoming, has stated that he retains the mineral withdrawal for the Mojave subject to valid existing claims. However, it must be pointed out that BLM regulation of mining of valid existing mining claims would not be as stringent as under the National Park Service. Large open pit mines could occur, and this would scar this very sensitive landscape and destroy scenic vistas. The original Cranston legislation did not do this, but my amendments specifically protect every active mine and every mine that has secured approval to mine. Those are protected by the legislation.

So I contend that if we want to protect the Mojave, the best agency to provide that protection is in fact the National Park Service. The BLM has the mission to manage for multiple use, many different uses. The Park Service's mission is protection of resources for the enjoyment of future generations, and that is where a Mojave national park would play a role. Sensitive resources, tender resources, resources subject to oblivion could be protected for our children and our grandchildren.

Thank you very much, Madam President.

I yield the floor.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from Wyoming.

Mr. WALLOP. Madam President, what is the time status?

The PRESIDING OFFICER. There are 11 minutes and 28 seconds for the proponent; 5 minutes and 20 seconds for the opponents.

Senator WALLOP has 11 minutes.

Mr. WALLOP. Madam President, there are a couple of things that need to be said. I again stress that the argument between ourselves and the Senators from California and others is not about whether the desert should be protected. That must be nothing but a shibboleth, to suggest otherwise.

It has been, from the beginning, my purpose, my statement, that we have followed precisely the devices and the desires of the Senator from California by using her language; our findings are her findings; her findings are our findings. So it is not a question of whether or not it should be protected.

Now, the National Park Service manages other things besides parks. They manage national seashores, national monuments, national historic sites, scenic areas, and in their mind, there is no distinction between the management requirements of one over the other depending upon its title.

So the point that the Senator from Wyoming has been trying to make is that that desert, which all of us agree deserves protection, in the East Mojave is not going to have a rosy light shining on it if the Park Service manages it and a yellow light shining on it if the BLM manages it.

The Senator was speaking of the mission of the BLM. The mission of BLM or any other land managing agency is to do what Congress tells it to do. And in this instance, we would be telling it how to manage it.

The question is, and it goes back—and I will state it again and again and again and again—to whether or not we, for our own political reasons, are willing to jeopardize the rest of America's National Park System in order to add one new national park to it just for the name "park"; or whether or not our purpose is sincere, within the budget constraints that exist in America, in protecting a piece of ground that all of us say, yes, deserves protection.

There is an agency under whose budget auspices this now falls, whose personnel are now experienced with it and trained on it, who have managed it to the extent that those pictures can be taken. There is an agency which has the money to do this.

There is another agency in which the money does not exist, and the money is going to have to be taken out of Yellowstone Park, Yosemite Park, Point Reyes, Redwoods, Glacier, Great Smoky Mountains, Shenandoah, Indiana Dunes, and all the rest of the National Parks in the 49 States and the territories. There is no money, Madam President.

And the Secretary of the Interior, notwithstanding, is not capable of willy-nilly transferring funds within his agency. That is an authorization that this Congress must do, that this Appropriations Committee must allow. It has not, and there is no reason to suppose that they might, because traditionally they have not and have refused to.

So what you have here is not an argument over the value of the desert or the experience in the desert, but an argument over whether or not, for political reasons, we pry loose resources from the rest of America's national parks to take care of a new park, the protection of which would be assured, notwithstanding if we were to allow it to remain in the hands of the BLM as a national monument.

The sign on the gate makes no difference to the extent of the experience inside the gate.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP. Madam President, I suggest the absence of a quorum, with the time to be equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. JOHNSTON. Will the Senator yield me 2 minutes?

Mrs. FEINSTEIN. Madam President, I yield 2 minutes to the Senator.

Mr. JOHNSTON. Madam President, I rise in strong support of the bill and in opposition, reluctant opposition, to the amendment of my friend from Wyoming.

As I said this morning, his point, which is that the National Park Service is underfunded at this time, is a very appropriate and valid point. I expect to support him in every arena on increasing the resources for the National Park Service, which make up collectively less than one-tenth of 1 percent of the budget. And I believe the American public would support adequate funding for the National Park Service, and I am with him on that issue.

But, Madam President, adding this park and these wildlife areas, some 94 percent of which are already in public ownership, is not going to burden the National Park Service. It is simply something that not only can be done within present resources, it should be done.

Every Secretary, every public official in America today who has examined this park says, yes, it is appropriate; it is needed; it is vital to make a national park out of the California desert.

Madam President, I hope all Senators will join together not only in support of this bill, but to kill this amendment. But, in killing this amendment, I hope we will join with the Senator from Wyoming in giving in later arenas, in later times, support for the National Park Service to maintain the great park system which we have in this country.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

Mrs. FEINSTEIN. Madam President, I suggest the absence of a quorum.

Mr. WALLOP. Madam President, if the Senator will withhold. I thought she had wanted to speak further, and she probably does.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Madam President, let me talk just a couple of minutes about the studies. There is a lot of wingding that goes on around this thing. The two studies mentioned in 1979 and 1987 have no management review. They are not traditional studies that the Park Service does when asked to study the qualifications of a given area. That much is true.

They were what the Park Service calls sort of quick and dirty. The poll that the Senator quoted, that 75 percent of the people in California favored a park, is not what the question was in the Field poll. The Field poll asked: "Did the desert deserve protection?" Seventy-five percent of the people said, "Yes, the desert deserves protection." They did not ask if it ought to have park status. The Field poll question was about whether or not the desert deserves protection.

I am not quarreling with those 75 percent of Californians who say that the desert deserves protection. But the fact of it was that they were not asked the question about park status.

At any rate, I say to my friend from Louisiana, who says this is not going to burden the Park Service, the Secretary's own report says that it burdens it to the tune of $125 million, short of spending for construction, short of the design of programs and everything else. Just for maintenance, $125 million over the next 5 years; that is what Secretary Babbitt's Department of the Interior says. Madam President, it is going to burden the Park Service. It is not going to undo the Senator from Wyoming if it goes into a park; it is going to undo the Park Service. That is the point.

The question again arises not over whether or not the desert should be protected. The question arises under whose auspices that protection should take place and how do we protect the National Park Service from the willy-nilly raid of Members of Congress from both parties who believe the only living sign of commitment happens to be a NPS sign on the gate instead of a national monument sign on the gate. The protection of the land within those boundaries and inside the gate will not be distinguishable one from the other. What will be distinguishable, one from the other, is whether or not the National Park Service has the resources, manpower resources and financial resources, to undertake the willy-nilly obligations we continue to heap upon it.

Madam President, I yield back the remainder of my time.

Mr. JOHNSTON. Will the Senator yield me 1 minute?

Mrs. FEINSTEIN. The Senator will yield.

Mr. JOHNSTON. Madam President, simply to reply to the statement of my friend that it would cost $125 million to administer this by the National Park Service, I think that figure is correct. It is a 5-year figure. The thing that was not mentioned, however, is the fact that the majority of that is BLM activities which would have to be carried on anyway. The figures we have are that the additional funding needed to manage the Mojave, which is the national park part of this, is, for 1995, $911,000; $1.8 million for 1996; $2 million for 1997; or a 6-year total of $13 million. While it is a sizable amount of money, the management of the total system, which is some 6.3 million acres, most of that is a cost that is already incurred because it is already BLM land, as I mentioned. Some 94 percent of this is already owned, most of that, by the Federal Government, in part by the State government. So it is already being managed.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from California has 2 minutes remaining.

Mrs. FEINSTEIN. Madam President, I will not use the 2 minutes. Just to summarize, I ask my colleagues to vote "no" on this amendment. A vote "no" on the amendment would say S. 21 will go ahead, create the East Mojave as a national park. As a rationale, I point out, by actual poll and question asked, 70 percent of the people living in the desert counties support park status for the Mojave and 75 percent of the people statewide support the Mojave National Park.

With respect to the cost, as Senator JOHNSTON has just said, we believe and the Department of the Interior confirms that they can handle that cost. The two Senators from the State, for the first time in 8 years, are together on this question. The committee voted on this question and approved park status for the Mojave. The President supports the park status; the Secretary of the Interior supports the park status; and the head of the National Park Service has said that this area is totally meritorious and deserving of park status. The question is one of mission. The mission should be that of the National Park Service, not the Bureau of Land Management.

I thank very much both the committee chairman and ranking member for their very civil discourse on this subject. I yield the floor.

Mr. JOHNSTON. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on amendment 1620 offered by the Senator from Wyoming [Mr. WALLOP]. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND] and the Senator from Indiana [Mr. COATS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 35, nays 62, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—35

Bennett
Brown
Burns
Byrd
Cochran
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gramm
Grassley
Hatch
Hatfield
Helms
Hutchison
Kassebaum
Kempthorne
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NAYS—62

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Campbell
Chafee
Cohen
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gregg
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Specter
Wellstone
Wofford

NOT VOTING—3

Bond
Coats
Shelby

So the amendment (No. 1620) was rejected.

Mrs. FEINSTEIN. Madam President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METZENBAUM. Madam President, I rise today in support of the legislation before the Senate.

This is an issue that the full Senate has waited to consider for a number of years.

With the diligence and perseverance of the Senators from California, Senator FEINSTEIN and Senator BOXER, the full Senate now has the opportunity to consider this bill.

I commend my colleagues from California and thank them for their hard work in bringing this important bill before the Senate.

However, I feel it is only appropriate that we also pay tribute to our former colleague from California who introduced legislation on this issue back in the 99th Congress.

Almost 10 years ago, Senator Alan Cranston recognized the need to provide greater protection for the California desert.

Interior Secretary Watt had shown great reluctance to protect the fragile desert ecosystem from the harms of commercial activities, hunting, and off-road vehicle use.

Working with a number of conservation groups, Senator Cranston drafted legislation, S. 2061, to place 9.4 million acres of the southern California desert under the protection of the National Park Service.

Needless to say, this was a controversial bill.

Numerous interest groups ranging from off-road vehicle enthusiasts to the National Public Lands Advisory Council opposed this bill.

After reelection in 1986, Senator Cranston reintroduced the California Desert Protection Act, S. 7, in 100th Congress.

Judging from the bill number alone, it is clear that this legislation was a high priority for the Senator from California. However, the opponents of this bill mounted a campaign to defeat it. Mining interests charged that the bill was ill conceived. The Department of the Interior officials testified in opposition to the bill.

At the end of the 100th Congress, S. 7 was not enacted. However, our former colleague from California would not back down.

In the 101st Congress, the California Desert Protection Act was reintroduced as S. 11. This time around the opponents of this bill changed tactics. They alleged that Senator Cranston was trying to play politics with our national defense and our natural resources.

This time defense Secretary Cheney weighed in, complaining about the impact of the legislation on military overflights.

At the end of the 101st Congress, S. 11 was still in committee.

So, after three Congresses, and a variety of campaigns to kill the California Desert Protection Act, some might consider the issue dead.

Why bother reintroducing it?

This bill was a clear casualty of the gridlock that had consumed the legislative process under the Reagan and Bush administrations.

And yet, when the Senate reconvened for the 102d Congress, Senator Cranston introduced S. 21, the California Desert Protection Act.

He was undaunted by the past inaction on his bill and remained committed to providing greater protection for the fragile desert ecosystem in his State.

It was apparent that he would not back down in the face of opposition from a number of interest groups, and yet, he remained willing to negotiate a compromise and address legitimate concerns with the bill.

Unfortunately, a compromise could not be reached before our former colleague retired.

S. 21, as introduced in the 102d Congress, was not reported out of committee.

Fortunately, the fight for the protection of the California desert resumed in the 103d Congress.

Senator FEINSTEIN introduced the California Desert Protection Act, S. 21, the bill we are considering today.

Senator FEINSTEIN deserves a tremendous amount of credit for her efforts in moving this legislation along.

She has negotiated among various affected groups and so far has prevailed in the face of opposition posed by interest groups such as the National Rifle Association.

While both Senators FEINSTEIN and BOXER have helped bring this bill before the full Senate, undoubtedly, the debate on this issue today has been shaped by previous debates in the Energy and Natural Resources Committee in prior Congresses.

This is a bill that has been pending in the Senate since 1986 because former Senator Alan Cranston recognized an intrinsic value to protecting the California desert.

He knew that mining, grazing, and other interests would oppose his efforts, yet he had a vision for the California desert that transcended the immediate financial gain from exploiting the natural resources in the area.

When he introduced the first version of his California Desert Protection Act on February 6, 1986, he stated that his legislation would provide permanent, lasting protection for the beauty and wildness of the California desert.

Moreover, he stated that "Our goal has been to establish in law the most appropriate pattern of protection to assure that all Californians and visitors to the desert will have the full value of these lands."

Although it is over 8 years later, I am pleased that the Senate now has the opportunity to take one step closer to accomplishing that goal.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I ask unanimous consent that Gary Ziehe of my staff be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Madam President, we are trying to get this bill ready for final passage. We have a number of amendments to deal with, but we would like to get a unanimous consent agreement so as to deal with all of those amendments. If I may state to Senators the amendments we have heard about until now, so that when we eventually propound our unanimous consent request, we would include these amendments. I hope some of these amendments will go away. I am asking all Senators at this point to let us know if they have an amendment.

The amendments we know about at this time are an Inouye amendment with respect to the Timbisha Shoshone Tribe, which has been agreed to; a Feinstein amendment to allow construction of single family homes within the Mojave National Park; a Wallop second-degree amendment to the Feinstein amendment to apply that provision to all parks nationwide; a Feinstein amendment to restore all Federal lands within the Lanfair Valley to the Mojave National Park; a Wallop second-degree amendment to that; a Bennett amendment to require that 90 percent of private lands within the wilderness in park units be acquired within 10 years or else the authority to designate such areas would expire—that would be without a second-degree amendment; a Craig amendment to exclude 1,920 acres of the Pleuss-Stauffer mining claims from the Mojave National Park; two Brown amendments—one on trails and one on fees; three Murkowski amendments—one on hunting, one on access to the park lands, and one on private property; a Hatfield amendment on PILT, that is, payment in lieu of taxes; a Hatch amendment on law enforcement; and a Johnston amendment with respect to the Delta bill already passed the Senate.

Madam President, those are all of the amendments that I have been told might possibly be offered. I think most of those will not be offered.

Mr. WARNER addressed the Chair.

Mr. JOHNSTON. I am asking Senators to let us know as quickly as possible about their amendments so that we might wind this bill up this evening, hopefully early this evening.

Mr. WARNER. Mr. President, if the Senator will yield.

Mr. JOHNSTON. Excuse me. I did have a Warner amendment as well.

Mr. WARNER. I thank the distinguished Senator. To inform the Senate of the subject matter, it is to create again parks legislation with reference to a series of Civil War battlefields in the Commonwealth of Virginia.

Mr. JOHNSTON. Have these already been passed in the Senate?

Mr. WARNER. They have not. This is a new concept, a new piece of legislation which my colleague, Senator ROBB, and I are offering to the Senate. It has had a hearing in the committee, very brief hearing, and it is ready to proceed.

Mr. JOHNSTON. All right. And that is one Warner amendment?

Mr. WARNER. That is correct. I think it should be designated Warner-Robb amendment.

Mr. JOHNSTON. Warner-Robb amendment.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Wyoming.

Mr. WALLOP. Madam President, the Senator from Oregon has informed me that the PILT amendment will not occur.

Mr. JOHNSTON. There is one down.

Mr. WALLOP. The Lanfair amendment, if offered by the Senator from California, who said that I would potentially have a second-degree amendment, and that should be more properly phrased "second degree" or "substitute."

Mr. JOHNSTON. Second degree or substitute. If that is offered.

Mr. WALLOP. Yes. At this moment, I have no way of knowing of any others.

I urge my colleagues to tell me if there are others and, if so, what they might be. I state to my friend that that does not sound like it arrives before the correspondents' dinner this evening, but perhaps by early tomorrow.

Mr. JOHNSTON. I say to my friend that I expect most of these to go away. Regarding the two principal amendments, the Bennett and the Craig amendments, I will shortly ask unanimous consent to limit each of those to 1 hour of debate equally divided, and it is my guess that they can probably finish faster than that. I think most of these will probably go away or will be dealt with by agreement. At least that is my hope.

AMENDMENT NO. 1621

(Purpose: To protect Indian tribal lands, and for other purposes)

Mr. JOHNSTON. Madam President, I send an amendment to the desk on behalf of Senator INOUYE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for Mr. INOUYE, proposes an amendment numbered 1621.

Mr. JOHNSTON. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 152, between lines 14 and 15, insert the following:

(c) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Timbisha Shoshone Tribe and relevant Federal agencies, shall conduct a study, subject to the availability of appropriations, to identify lands suitable for a reservation for the Timbisha Shoshone Tribe that are located within the Tribe's aboriginal homeland area within and outside the boundaries of the Death Valley National Monument and the Death Valley National Park, as described in title III of the California Desert Protection Act of 1993.

(2) REPORT.—Not later than 1 year after the date of enactment of the California Desert Protection Act of 1993, the Secretary shall submit a report to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives on the results of the study conducted under paragraph (1).

Section 707(b)(3) on page 155 is amended to read as follows: "(3) Any other Federal land, or interest therein, within the State of California, which is or becomes surplus to the needs of the Federal Government. *The Secretary may exclude, in his discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.*"

Mr. JOHNSTON. Madam President, this is an amendment submitted on behalf of the Senator from Hawaii [Mr. INOUYE] who is chairman of the Indian Affairs Committee. This deals with a study concerning the Timbisha Shoshone tribe, and it has been cleared.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 1621) was agreed to.

Mr. JOHNSTON. Madam President, I move to reconsider the vote.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1622

(Purpose: To direct the Secretary of the Interior to undertake initiatives to address certain needs in the Lower Mississippi Delta Region, and for other purposes)

Mr. JOHNSTON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 1622.

Mr. JOHNSTON. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. JOHNSTON. Madam President, this amendment amends this bill to include portions of a bill already passed by the Senate, reported out of the Energy and Natural Resources Committee, and passed on the floor of the Senate by unanimous consent earlier, dealing with the Delta Commission. What it does, in effect, is take that part of the bill that relates to the Department of the Interior over which our sister committee on the other side—that is the Natural Resources Committee—has jurisdiction and includes as part of this bill. That has been cleared.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 1622) was agreed to.

Mr. JOHNSTON. Madam President, I move to reconsider the vote.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Madam President, there are two amendments previously referred to, a Bennett amendment and a Craig amendment. In both instances, we have agreed to have 1 hour of debate, equally divided, with no second-degree amendments in order and the first amendment to be the Bennett amendment and the second in order to be the Craig amendment.

If I have correctly stated that, I ask unanimous consent that the Bennett amendment pertaining to a requirement for 90 percent of private lands to be acquired, have 1 hour of debate equally divided between Senator BENNETT and Senator FEINSTEIN, with no second-degree amendments in order, to be followed immediately, without intervening business, by the Craig amendment relative to the exclusion of 1,920 acres of the Pleuss-Stauffer mining claims, also to be considered under a 1-hour time agreement, equally divided between Senator CRAIG and Senator FEINSTEIN, with no second-degree amendments in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1617, AS MODIFIED

Mr. WALLOP. Madam President, I ask unanimous consent that Senator HATCH be added as a cosponsor to amendment No. 1617 offered by the Senator from California [Mrs. FEINSTEIN] and myself this morning and that the amendment be modified with the following language, which I will now send to the desk. This language is technical in nature and has been agreed to by the committee staffs on both sides.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 1617), as modified, is as follows:

On page 118, beginning on line 5, revise section 103(g) to read as follows:

(g) LAW ENFORCEMENT BORDER ACTIVITIES.—Nothing in this Act, including the designation as wilderness of lands within the Coyote, Fish Creek Mountains, and Jacumba wilderness areas designated in section 102 of this Act, the Wilderness Act, or other land management laws generally applicable to such areas, shall restrict or preclude continued law enforcement and border operations within such areas, including the use of motor vehicles and aircraft by the Immigration and Naturalization Service, the Drug Enforcement Administration, the United States Customs Service, or State and local law enforcement agencies in such manner and subject to such restrictions as may be determined by the Attorney General of the United States or Secretary of the Treasury, as appropriate, in consultation with the Secretary.

Mr. HATCH. Madam President, I rise to urge my colleagues to support the Wallop-Hatch amendment to the California Desert Protection Act of 1993. We believe the bill fails to adequately address the legitimate needs of Federal and State law enforcement. In short, the bill could unduly hamper significant law enforcement activities in the desert and along the border. It could enhance the flow of illegal drugs and aliens into the United States by subjecting Federal law enforcement activities to the approval of the Secretary of the Interior.

I am concerned about the potential conflict which may arise between the duties of the Immigration and Nationalization Service [INS], the Drug Enforcement Administration [DEA], and the Customs Service [Customs] and the designation of certain lands in the desert as wilderness. In order for these Federal law enforcement agencies to perform their congressionally mandated duties and complete their mission in a responsible manner, they need unlimited access to lands protected by this bill. A wilderness designation significantly restricts the use of motorized vehicles and aircraft. Such a designation only allows foot traffic or horseback. As the Department of Justice wrote in its letter to the Energy Committee—

> [Wilderness designation] would make an already difficult job almost impossible in view of the desolation and summertime temperatures of the areas in question. In light of the short response time mandated by the close proximity to major highways to one of the areas used by smugglers to pick up their loads, both aliens and narcotics, our officers need to use motorized vehicles for operations in these areas.—Department of Justice, Office of Legislative Affairs, Letter to Hon. J. Bennett Johnston, August 4, 1993.

In an effort to address the needs of law enforcement, the bill permits continued border operations by the INS, DEA, or Customs within the desert area provided they are in accordance with existing interagency agreements. However, should Customs and DEA want to modify or amend their activities or agreements, the bill requires the approval of the Secretary of the Interior. I believe this is inappropriate. The potential exists for significant conflict between law enforcement agencies and the Department of the Interior. Requiring the acquiescence of the Interior Department before any new or amended law enforcement activities take place could unduly hamper our law enforcement activities.

The southwest border is a major transshipment point for illicit narcotics. According to the Customs Service, tons of marijuana and cocaine are seized each year as a result of law enforcement activities along the border. According to the INS, over several thousand illegal aliens are captured each year along the southwest border. Congress must not irresponsibly compromise the success these agencies enjoy in the name of wilderness protection.

The Wallop-Hatch amendment removes Interior's veto authority over law enforcement activities. It ensures law enforcement agencies will retain needed authority to determine applicable law enforcement policies within the wilderness area.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

AMENDMENT NO. 1623

(Purpose: To provide that certain designations will not occur until substantially all inholdings have been acquired by the Federal Government)

Mr. BENNETT. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. BENNETT] proposes an amendment numbered 1623.

Mr. BENNETT. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill insert the following new section 902:

**SEC. 902. AUTHORITY TO DESIGNATE AREAS.**

(a) The designation of Joshua tree National Park, Mojave National Park, the expansion and designation of Death Valley National Park, and the designation of any area as Wilderness or its retention under this Act, together with any other provisions of this Act or any other Act, to the extent they are applicable to each such area as a result of the passage of this Act, shall not take effect until the Secretary has required not less than 90 percent of the private lands within the exterior boundaries of such area (referred to as "inholdings" for the purpose of this section) and has placed a notice in the federal register to that effect. If, subsequent to having received notification as provided under subsection (b), any owner notifies the Secretary in writing that he does not wish to be acquired his land shall not be considered to be an inholding for the purposes of this section. If acquisition and notice has not been made within ten years from the date of enactment of this Act with respect to any of the areas referred to in this section, the designation of such area and the application of any other provisions of this Act or any other Act, to the extent they are applicable as a result of the designation of the area by this Act, to such area shall expire and such area shall be administered thereafter under the laws applicable to such area in the absence of this legislation.

(b) As soon as practicable after the date of enactment of this Act, the Secretary shall ascertain the ownership of each inholding and shall notify the owner thereof in writing of the passage of this Act and the effect of the proposed designation on continued use of such parcel, including, but not limited to, any limitations or restrictions on access to such parcel across federal lands. The notice shall be specific and detailed with respect to any limitations or restrictions which the Secretary would impose or enforce upon the formal designation of the area, including, but not limited to, construction of facilities or the operation of the inholding for commercial activities.

Mr. BENNETT. Madam President, this amendment deals with an issue of basic fairness. The Federal Government has, for years, acquired lands for the purpose of national parks, national monuments, wilderness areas, other national park uses and national land uses, which lands surround private lands that have come to be known as inholdings. That is, lands that are held by private individuals inside lands that are owned by the Federal Government.

Obviously, these inholdings are of little or no economic use to the individuals who have them most of the time. I suppose there are some situations where an inholding can be considered of some value. But, overwhelmingly, the majority of these inholdings are robbed of their economic value and, many times, of their recreation or scenic value, simply because they are completely surrounded by Federal lands.

The Federal Government has embarked on a program to acquire these inholdings, and we have seen as park after park has been created, as wilderness area after wilderness area has been created, Federal promises to acquire these inholdings and pay fair market value for them. The Constitution requires nothing less. If you take land for a public purpose, under the Constitution, you have to pay for it.

The fact of the matter is, however, that the Federal Government has not paid for these lands. The promise has been made, but it has not been fulfilled. Again and again, the Federal Government says, well, we will pay for it next year, or a name that I have turned into a verb, the Federal Government has decided to Scarlett O'Hara this problem—think about it tomorrow.

Well, we are doing the same thing with S. 21. We are acquiring lands that would create inholdings. And we promise, eventually, to pay for them. I think it is time to put a little teeth in that promise. In the committee, I proposed an amendment that said that we cannot call this a national park until these inholdings are paid for, and I put on a time limit of 5 years, saying the Federal Government has 5 years in which to acquire these inholdings and pay people their fair market value, or it cannot call this a national park.

I think that is enough of a spur to get this done.

I was told: No. You are being unreasonable. The Federal Government cannot move that far. Please withdraw your amendment.

I did. And I come to the floor today with this amendment that says not 5 years but 10, not 100 percent, not all of the inholdings but 90 percent. That means the small landholder who would hold up the whole process by holding out his little farm house is now ruled out of his command situation that he would have if we called for 100 percent.

So, I believe the bill meets the objections that were raised in committee. I think it qualifies for consideration on the floor, and I think, as I said at the outset, it is a matter of basic fairness.

Ten years is sufficient time for the Federal Government to inventory and purchase these lands. In many cases they will not have to purchase them outright. Land swaps are available, and the Federal Government could say to an inholder: We will trade you X number of acres over here of BLM land or other Federal land for your lands. And as a result we will not have to come up with any cash.

But one way or another, within a 10-year period, the Federal Government will have to make good its word and meet its constitutional responsibility to pay for that which it takes or this particular area will lose its designation as a national park.

That is not catastrophic, Madam President. That really will not change the way these lands are managed. As the senior Senator from California has made clear, most of these lands are under Federal control right now. So they would stay under the Federal control they are currently under. They would simply no longer be designated a national park.

Mr. JOHNSTON. Madam President, will the Senator yield for a question?

Mr. BENNETT. I am happy to yield.

Mr. JOHNSTON. I preface the question by saying the Senator from Utah has been a star on the committee giving leadership in so many areas and we consider him to be not only a very capable Senator but our best business adviser on the committee, someone who has real business experience.

In the spirit of someone who has real business experience, I want to ask him what he thinks is the effect of this amendment on the Catellus Corp. where there are some 430,000 acres of inholdings that is in East Mojave of which some 300,000 acres are owned by Catellus. If we adopted the amendment of the Senator from Utah and there was a requirement that in effect the national park would go into effect only if you acquired 90 percent of the inholdings, then what is the Senator's judgment. The first question is, would that constitute, in effect, a veto power to Catellus?

Mr. BENNETT. In my opinion that would not constitute a veto power. Even though Catellus is large, they have not abdicated their constitutional rights to be compensated for that which constitutes a taking. I know there will be argument they still own the land but they cannot use it if it is in the park designation.

I yield further to the distinguished chairman.

Mr. JOHNSTON. My question is if in order to have a national park you must acquire 90 percent of the private lands and if almost two-thirds of the private lands are owned by one corporation, could not that corporation by withholding its consent to sell, keeping in mind there is no eminent domain authority here, by refusing the consent to sell would they not then have a veto over the whole National Park System designation?

Mr. BENNETT. Madam President, I agree that under one set of circumstances it would appear that they would have a veto. Congress continues to meet. If they would refuse to sell, I believe we could sit down then and draw up a national park that could exclude those inholdings in such a fashion as to allow the park to proceed in a proper fashion. I do not have any indications that they would be that recalcitrant with respect to this particular piece of land.

Mr. JOHNSTON. I ask the Senator a second question and maybe even a more salient question which is, as a businessman if the Senator from Utah was in the position of the Catellus Corp., keeping in mind they would have this ability to veto this national park, which in turn is supported by 70 or 75 percent of the people of California, does the Senator from Utah not agree with me that it would considerably enhance their ability to negotiate with the Federal Government over the price of the land which would be essential to make this national park? Would he agree with that?

Mr. WALLOP. Madam President, if the Senator will yield to me for a second, I ask unanimous consent that—

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. BENNETT. Let me respond briefly.

Mr. WALLOP. I want to get the time equally divided here because the time is being run by the other side.

Mr. BENNETT. I see. I thank the Senator.

Let me respond very quickly to my chairman. I believe in national parks. I believe that the national park designation is a better designation, frankly, than the wilderness designation because it allows people into it while the wilderness designation usually does not.

I think that the two Senators from California have worked very hard to create a logical solution here. I may not agree with their ultimate decision, but I believe they have acted in good faith.

At the same time, I still believe in private property rights, and I believe that people who own private property, even private property that is surrounded by land the Government covets for a national park, should not be treated in a cavalier fashion even if they are large and by virtue of their large land holdings have a degree of advantage thereby. I believe that we have to recognize some basic fundamental rights that people have, and I know from personal experience that many members of the Interior Department who administer Federal lands in which there are inholdings regardless of their size treat those inholdings as Federal land and as the private fiefdoms of the Federal bureaucrats. And the only way I can see to see to it that that does not happen with this land is to offer the amendment I have offered.

I yield further to the chairman.

Mr. JOHNSTON. I understand the Senator's answer to be yes, that he does agree with me that this would enhance the bargaining power of Catellus if the amendment of the Senator from Utah passes.

Mr. BENNETT. I think that is self-evident, Madam President.

Mr. JOHNSTON. I thank the Senator.

Mr. BENNETT. And I say I do not find any heartburn in that.

Mr. WALLOP. Madam President, will the Senator yield me 30 seconds?

Mr. BENNETT. I am happy to yield to the distinguished ranking member.

Mr. WALLOP. I say the other side of that coin to the chairman of the committee is Secretary Babbitt who had said that he would force them to accept whatever offer he makes or remain inholdings forever. The other side of that coin is the arrogant abuse of the power not to pay a fair market value.

What we are trying to get at here is directly the basis of what the Senator from Utah is trying to say.

Mr. BENNETT. Madam President, I am reminded by my staff also that my amendment deals with this issue on an area-by-area basis. Therefore, there are areas where there are no Catellus holdings at all, and indeed if a large Catellus holding in one area held up the designation there, it would not affect the designation in other areas.

I do not believe that this amendment would be one, as it has been characterized, that it would gut the bill. I think, to the contrary, it would establish some public confidence in the Federal Government's stability in terms of its promises.

The amendment, I believe, provides the Government with the incentive to offer fair prices because there is a time limit on it.

We all know the experience of having a seller who is in some distress and a buyer who is perfectly willing to wait him out, and that is the circumstance we are in with respect to inholdings all across the country. I do not want that situation to occur here.

I want the Federal Government to have incentive to offer a fair price, if not to Catellus, who has a degree of leverage, to every inholder that is there.

Madam President, there are billions of dollars of private lands across the country that the Department of the Interior has promised to purchase. Many of these landowners have been waiting for years to have the Government pay for the land that they have agreed to purchase. But there is no spur anywhere to get the Federal Government to act. I am trying to use this bill as a device to create such a spur because I think our citizens deserve it.

I reserve the remainder of my time in response to whatever arguments may come forth.

Mr. JOHNSTON. Madam President, I make an inquiry. I think the Senator's amendment has not yet been offered. Is the time nevertheless running on that?

The PRESIDING OFFICER. The Senator did offer his amendment.

Mr. JOHNSTON. It has been offered?

Mr. BENNETT. Yes.

Mr. JOHNSTON. I thank the Senator. Will the Senator from California yield me 2 minutes?

Mrs. FEINSTEIN. Certainly.

Mr. JOHNSTON. Madam President, I share the concern of the Senator from Utah for private property rights and may in another context and on another bill join with him in that concern.

However, Madam President, this would be a particularly harmful amendment. First of all, it would grant superior bargaining power to the inholders. If they knew that in order to designate the park the Department of the Interior would have to acquire 90 percent of the private lands within the area, then the withholding of that which it takes to achieve 90 percent would defeat the whole park, thereby increasing their bargaining power immensely. That is the first thing, and that is just bad business.

Second, Madam President, it would put these inholdings ahead of all other inholdings all over the country.

I would like to get more money for inholdings and more money for park land. I put in a bill which substantially increased that level, up to $1 billion a year. I think we ought to have that amount of funding. But we do have limited resources for acquisition of inholdings.

Suppose we have another threatened area where they are getting ready to build a big subdivision within an inholding. And suppose it is the considered judgment of Congress that we needed to acquire such a piece of property. I have in mind, for example, the Virgin Islands National Park, where they have a couple of areas down there where they are getting ready to build subdivisions.

Does that mean that we would have to acquire this particular property before any other, that we put these inholders at the head of the list? It does mean that, Madam President. And I do not think it would be the intent of this body to put these inholdings ahead of all others in the National Park Service.

I think we ought to deal fairly with these people. I think, frankly, that many of them would like to sell their property to the National Park Service, because it is very hard to get access to many of these areas. That is my guess.

But the Constitution, first of all, protects these people. No private property can be taken for public purposes without just compensation. Moreover, the inholdings are not affected, in the sense that you could continue to do on these inholdings most anything you want to do, and that would be proper to do, from the building of homes or whatever, until and unless they are acquired.

So, Madam President, I think this would be a particularly bad amendment. Not only would it be bad, it would defeat the purpose of this bill, but it would also be just a terrible precedent for other parks that have already been created around the country.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 26 minutes and 45 seconds remaining.

Mrs. FEINSTEIN. Thank you, Madam President

Madam President, I rise to oppose the amendment.

I must say, I hate to oppose the Senator from Utah. He has been very decent on this bill. He helped us get it out of committee and I very much appreciate that support and the counsel and advice he has provided.

Nonetheless, in a sense, what this amendment would do is strip Congress of its authority to designate national parks and wilderness areas proposed in this bill, and it would give individuals owning lands in the bill veto power over both the Congress and the President.

Essentially what it does is subject the fate of millions of acres of park lands and wilderness to a small minority of individuals who refuse to sell or delay the acquisition process beyond 10 years.

This bill has no legislative taking of private property. I, too, believe in private property rights. In 9 years as mayor of San Francisco, despite all of the importuning, I never, ever used the right of eminent domain, because I basically, philosophically, believe that there should be a willing seller and a willing buyer.

However, the failure here to acquire as little as 10 percent of the inholdings would nullify park or wilderness designations and wilderness study areas.

I think this amendment would also set a very dangerous precedent. In the 121-year history of national parks, Congress has never made the designation of parks or wilderness areas contingent upon the acquisition of inholdings.

Let me give you a scenario that could occur if the Bennett amendment is adopted as part of S. 21 and passed by Congress and signed by the President.

The act designates a wilderness area of approximately 52,000 acres. This includes 30 acres of private land out of 52,000, less than one-tenth of 1 percent of the area.

The model for this example is the proposed Sacatar Trail Wilderness. At the end of 10 years, the Department of the Interior has completed acquisition of 26 of the 30 acres—87 percent—of private land. But the Bennett provision is in place and would require acquisition of 90 percent of the land owned by willing sellers. The congressional designation of the 52,000-acre wilderness would not go into effect, even though all but 4 acres would belong to the public and even though considerable effort had gone into acquiring 26 acres of the 30 acres. Clearly, one of the very real problems is that the existence of the park beyond 10 years is tied to the acquisition of lands from owners who are willing sellers.

If you put a time limit on it, virtually all—and I believe all—owners may be willing to sell at some price. The fact is, that very few would be willing to sell at fair market value. They would instinctively know that there would be no such thing as fair market value. The roof could be the basement because, in fact, they would have control. They would be able to sink a whole designation if they refused to sell.

So I really think that it is an amendment that would give unusual power to one small inholder who quite possibly could either hold up an entire park or wilderness designation for a very high amount of money. I do not believe we would want to give that right to any single individual anywhere in the United States.

It is also my belief that there would be very few national parks in the history of this country if such an amendment had been in place. As a matter of fact, I do not believe there would be any parks at all on the east coast if this amendment had been in place.

So I agree with the chairman of the committee, Madam President, that this amendment should be rejected.

Thank you very much.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Madam President, I appreciate the comments by the distinguished Senator from California and I repeat my admiration to her for her work on this bill.

I must, however, disagree with her comments about history. In the early days of the national parks, no national park was created until all inholdings had been acquired. The legislation was not brought to the floor of the Congress until such action had been taken.

I am told a historic example of that, among others—she referred to the east coast—is the Everglades National Park was created after 100 percent of the inholdings had been acquired. That was the pattern in national parks historically through the 1920's and 1930's when the park system was growing.

We changed the pattern as a Nation. In the 1950's and 1960's, the pattern was the national parks would be authorized and then in the authorizing language it would say, "contingent upon acquiring all of the inholdings." So that the parks were authorized in advance of the acquisition, but it did not become effective until 100 percent of the inholdings had been acquired.

If we are going to take the historical argument, Madam President, my amendment is in the historical pattern and it is the pattern we have followed in the last 15 or 20 years that violates this. My amendment goes back to the historical precedent that was set when the National Park Service was created.

So, I thank the Senator from California for raising the issue of history but I call her attention to the comments in my minority views in the report from the committee that lists all of the national parks that historically were not acquired until the inholdings had, in fact, been picked up by the Federal Government. I am in the proper, I believe, historical perspective of taking us to where we historically have been as a Nation rather than moving in a new direction.

Madam President, I am happy to yield such time as he may require to the distinguished ranking minority member of the committee, Senator WALLOP.

Mr. WALLOP. Madam President, there is something really important in play here. Senators should be aware of it.

The Senator from Louisiana, the able chairman of the committee, was talking about that hammer that is put in the hand of the landholder. The other side of that coin is: Do you wish the Government to have the hammer over the citizen? Who is serving whom in this Government? Is the citizen responsible to his Government or is the Government responsible to the citizen?

The reason that point becomes so compelling is because Secretary Babbitt, on this bill, talking about Catellus, said that he could force them to accept whatever offer he makes or allow them to remain in inholdings forever. That is an arrogance of Government that this country should tolerate at no level. It is not a question of whether it is a big corporation or a small individual, no one should tolerate that kind of behavior from a Government. And that is not a philosophy which Congress should endorse, though we have, I grant you, in the past. This Congress, both parties, have become more and more statist; have given more and more power to Government, more and more often seeking to satisfy the convenience of governing rather than service to the governed.

Under this amendment, the Department will have 10 years to acquire at least 90 percent of the private inholdings which we want to be acquired. If the areas are not important enough for that to happen, then the authority to designate them will lapse. That is not a big and threatening event. There is no threat to any Federal lands posed by this amendment. The desert is already being managed in an exceptional manner and Secretary Babbitt does not need any additional authority to protect and preserve it. The massive intrusions on private property posed by the legislation—even though I grant the Senator there is no taking that is implicit here, the fact of it is that people cannot function with their property when it is surrounded by the Government. The Government has the last say. If they do not want to pay you, you do not get paid. All over America we are doing this. At some point in time maybe citizens serving in this Chamber will recognize that citizens outside of this Chamber have a right to property as part of this democracy.

It is a very important point that is being made here. If we cannot deal honestly and fairly with the citizens of America who own property, then we cannot deal honestly and fairly with the citizens of America in any other dimension of governing, whether in the taxation of them or the health care of them or any other kinds of thing. If we cannot say to people that if your property is in the interest of all Americans and that all Americans have an obligation to acquire it and that we will do this fairly and openly, then we do not deserve to be Members of the U.S. Senate. It is very simple. Democracy is pinioned upon property, and property is pinioned upon fairness in treatment of the Government.

The question goes back to who should hold the hammer? The Secretary of the Interior or the citizen? Have we come to the point that our trust in Government is so implicit that one man can say these people can take my price or remain inholdings forever? Or are we still at the point where we say this Government is actively seeking to serve the people that it says it wishes to represent?

I thank the Senator from Utah.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Utah has 9 minutes and 45 seconds.

The Senator from California has 21 minutes and 53 seconds.

Mr. BENNETT. I thank the Chair.

Mr. JOHNSTON. Will the Senator yield me 2 minutes?

Mrs. FEINSTEIN. I will be happy to, Mr. Chairman.

Mr. JOHNSTON. Madam President, with respect to the statement that the Secretary of the Interior, Mr. Babbitt, was described as making to the effect that if they do not sell to us at the price we want, then we will let them remain in inholding forever, the context of the statement—and the statement, as I understand it, was in questioning before the committee. Mr. Babbitt was asked whether or not the Catellus Corp., which owns about 300,000 acres within the areas designated by S. 21, would be likely to accept a land exchange with the Department of the Interior which would give Catellus some other good land which they could use. And I think what the Secretary said, and what he meant, was that they were likely to accept a fair deal because as an inholder they were not likely to be able to use that land as well as they could the land for which they would exchange for, in other words, lands outside the park.

The key here is that Catellus is now an inholder within the BLM lands. If this bill passes they would be an inholder in national park land, still surrounded on all sides by Federal property. So if they wanted to build a subdivision and build a road to the subdivision, then they could be frustrated in that demand by the fact that they are a BLM inholder just as surely as if they were a national park inholder.

There was no intent of the Secretary of the Interior to, in effect, be abusive in this power of acquisition. To the contrary, I think the whole sense of what the Secretary was saying is Catellus would be much better off being within a national park and with an exchange of land than they are today. In effect, he was saying that Catellus would be in no position to make exorbitant and extravagant demands on the National Park Service.

There is only one way that Catellus would have the ability to make extravagant and disproportionate demands on the National Park Service and that is if the amendment of the Senator from Utah is agreed to. Then you would have no national park unless they agreed. So you could acquire all the other land, all the other inholdings, spend millions of dollars on them, and then come to Catellus and, on bended knee, say, will you accept? And they would have the authority, the power to prevent this national park from being designated simply by withholding a fair price.

It would give them an enormous power to negotiate an extraordinary, extravagant, disproportionate, and improper price because it would give them a veto over this national park and, in fact, it would put this national park and the inholders ahead of every other national park inholder in the whole country. In all of the 50 States and the territories, they would be No. 1. That would be an extraordinarily bad thing to do, Madam President, and I hope we will defeat the amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, in response to the distinguished Senator from Utah, in trying to understand this problem a little bit more cogently, I would like to read into the RECORD a portion of a memorandum from Mr. Will Kriz, the chief land acquisition officer of the National Park Service, and I quote:

> Had a provision such as the Bennett amendment been included in acts creating other park units, there would be no National Park System as we know it today. The few park units that would exist today are the national monuments that were declared on Public Lands pursuant to the Antiquities Act, national parks such as Great Smoky and Shenandoah that were acquired by States and donated to the Federal Government and small units, such as presidential birthplaces, where the essential lands were donated to the Government by the owners. Most other park units contained private land to a small or large extent, but acquisition of a significant amount of that private land was essential to the optimum existence of

> the unit. Had the acquisition of those lands been dependent on an indication of the owners' willingness to sell in advance of some 10-year-hence drop-dead date, the parks simply could not have been established.

I would point out that even in the Everglades situation, it is my understanding that 110,000 acres were added to the Everglades Park in 1987. Those lands were not purchased up front.

Madam President, I believe that this amendment on this bill would really set an ominous tone for national parks in the future. I do not really understand why it is on this bill because this national park and the wilderness areas are very different from other national parks. They are, for the most part, wild. They are remote. They have incredible natural resources, as I have pointed out. The flowers, the big horn sheep, the golden eagles, the burros, the desert tortoises, the deer, the lava beds, the table-top mountains, the hundreds of petroglyphs that go back thousands of years, dinosaur tracks—all of those things make this area unique. It is not in a dense urban area. It is not in an area where there are a lot of private inholdings.

There is one area which we looked into that the Senator might be interested in, which was exempted by the bill, called Lanfair Valley, which is right here on the map. I would like to share with the Senator what we found when we went to the San Bernardino County assessor's office for information on this nearly 300,000 acres.

According to the San Bernardino assessor's reference books, there are less than 20 structures on the private lands in all of Lanfair Valley. Property taxes are being paid on only 10 single-family residences, 3 mobile homes and 5 miscellaneous structure-like cabins. This is just one small part of the desert, but you can see how really "unbuilt" the areas are.

Now it is true, there are some large inholdings owned by Catellus. What the chairman said is absolutely correct, but I have been through most of those areas and you will not find major subdivisions or big estates. Probably the largest private inholdings, aside from Catellus, would be some of the ranches in the area. We have, by prior unanimous consent agreement, provided that those ranches be able to continue their grazing in perpetuity, subject to appropriate regulation by the Park Service. But, nonetheless, those are probably the largest single inholdings where there is grazing on both public and private land.

I must say, I find this a very difficult amendment because I believe it would end up killing the bill. I have no doubt that even in this area where you have just 20 buildings, you could find someone who would say, "Aha, I'm not going to sell. I'm going to hold out," and then the whole area is jeopardized because of it; the price is the limit. I do not look at that as the private individual or the Government giving preference to one or the other. I think it creates an unfair situation where you give one individual unusual bargaining power that is not afforded, really, to a single individual in any other piece of legislation that has produced wilderness or national park designation.

So I believe very strongly that this amendment, respectfully, should be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Madam President, my friends on the other side of this argument raise a series of important points that need to be responded to. I will leave Mr. Kriz to his examination of history and be satisfied with my own. We, obviously, disagree as to what the past history of national parks has been. I believe, as I stated earlier, that the past history was that you acquired inholdings first and the park later, and it has only been in the last 20 years that we have strayed away from that view.

However, let us go to some of the more important issues that have been raised.

The distinguished chairman, Mr. JOHNSTON, talked about putting these inholdings ahead of all others. He said that would be unfair to the others, and I agree with him.

The Senator from California says, Why is this on this bill? It really is not that relevant to this bill, and I agree with her. But the distinguished chairman said something else, too, that I agree with. He said, "I'd like more money to pay for the inholdings. I'd like to see the inholdings get taken care of across the country." And I agree with that, and that is why this amendment is being offered and that is why it is being offered to this bill.

It is being offered to this bill because this is the only vehicle we can find at this point and it is being offered to put these people first because that is the only hammer we can find to deal with the issue of inholdings. The attitude of inholdings on the part of the Federal administrators of land has been to treat them as if they were Federal land and to postpone forever the issue of trying to pay for them.

At some point, the Congress has to stand up and say "forever has finally come." At some point we have to start doing the right thing. So if not this bill, which bill? If not putting these people first, which people do we put first? Where do we start? I decided to start here because the matter of simple fairness says we have to get this done.

Reference has been made to Secretary Babbitt's statement. There have been quotations about it both ways. I would like to quote from the hearings verbatim what Secretary Babbitt did say with respect to this matter. And I quote:

> One way to do trades on a predictably equal value basis is to look at the rest of the BLM base outside of these areas and say to Catellus: We would like to block you up; the lands are roughly of equal value, and if you do not want to do it we would be happy to let these inholdings just sit in this area as inholdings forever.

That is exactly what Secretary Babbitt said, not paraphrasing one way or the other.

In my own State of Utah, we have seen examples where people have been trying to get some relief from the pressure of inholdings, and again and again, they run into the bureaucratic attitude that says: We do not have to listen to you; we do not have to pay you, and we have the right to deal with your land as if it was our land, and we are going to act in that fashion.

I believe somewhere, the elected representatives of the people have to say to those bureaucrats: This is not your land, it is our land; you have promised to buy it from us; you have made a deal with us. The time has come for you to live up to your obligations.

And if there is no other vehicle for me to get that point across than this one, I am going to take this one because it is the vehicle available. I thank the Chair.

(Mr. JOHNSTON assumed the chair.)

Mrs. BOXER. Mr. President, I wonder if the senior Senator from California would yield me 4 minutes at this time.

Mrs. FEINSTEIN. If I might inquire, Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from California has 11 minutes 39 seconds.

Mrs. FEINSTEIN. I will be happy to yield 5 minutes to the Senator from California.

Mrs. BOXER. Mr. President, I want to thank my colleague, my friend, our leader on this very important issue, to give this desert the protection that it deserves.

I want to speak very strongly against the amendment of a Senator for whom I have a tremendous amount of respect. I do understand why he would offer it at this time. What the Senator is saying is, he does not like the way the Federal Government goes about buying these national parks. He wants to change things, and he is going to start with the Desert Act. I totally understand that.

I have to say to the Senator that I served in the House of Representatives for 10 years. I was very fortunate that right before I got my seat in the House, the House and the Senate passed the Golden Gate National Recreation Area, which is a unit of the National Park System, and the Point Reyes National Seashore and there were significant inholdings in those areas. As the Member of Congress from that district, I set about to get the funding for those parks, and we have done very well, but it has taken a while to do it.

I say to my friend I share his concern that we should move faster. I am very pleased to support the chairman's bill that would allow us to go further into the land and water conservation fund and have more funds available for parks and make acquisitions more quickly.

But I wish to make a point to my friend. In the law, it is very clear that if there is hardship, you can move forward with acquisition. In the law, it is very clear that you have to have a fair appraisal of the land. I say to my friend that over all that period of time there was great excitement in my district about these parks, which attract millions and millions of visitors, and we always had the cooperation of the inholders, the landholders within the park. If they had a problem and they wanted to get out sooner, we were able to move forward if there was hardship involved.

Most of the time they were happy because they were able to continue their farming, continue their work on the property as long as it did not interfere with the activities of the park.

So I think the Senator makes a very good point. I think he is raising, if you will, a red flag and saying to us, listen, Members of the Senate, we really owe it to these people to come in and buy them out.

I do not have any problem with that. But I say to my friend, if this passes today, the first thing you will be doing is giving one property owner, really, a way to blackmail the Park Service, because imagine, as the Senator from Louisiana, the chairman, has stated, what would happen when everyone knew that that particular landholder could actually destroy the park, just bring it down, if he did not get the price he wanted.

So I think it is bad public policy to go that way. I have here a list I have received from the Park Service, I say to my friend, of the various national parks and the inholdings still left in many of these. I have to tell you there is even one in Utah. Golden Spike is one where there are still inholdings, and I do not know that the Senator would want to take away the national park designation. I doubt it. Perhaps he could add to this debate on that. But there is the Valley Forge area, there is the George Washington Birthplace National Monument, there is more land still in the Golden Gate——

Mr. BENNETT. Will the Senator yield for a clarification?

Mrs. BOXER. Absolutely.

Mr. BENNETT. This amendment would not take away the national park designation of any other park.

Mrs. BOXER. I totally understand. What I am saying to the Senator, it would take the designation away from this park if in a certain number of years all the inholdings had not been bought. And I am just suggesting to the Senator, since he is willing to do it to this park in California, what if I got up and offered an amendment on a park in Utah? I think the Senator might object.

So I am just suggesting to the Senator that when you move an amendment like this on a bill that is definitely concentrated on this park, no other park, not a park in Utah, I understand, I still think it is important for us to note that there are other inholdings all across the country, including one in Utah and in California and other places. If it is good for one park, one might reach the conclusion that it might be the Senator's intention to move for other parks if, in fact, he thinks it is good for this park.

I know he is not singling out the desert. I know that. I know he has been most helpful in helping us get to this point. So I just wanted to say as someone with a lot of experience, fortunately, for me, in representing national parks and seeing them come together——

The PRESIDING OFFICER (Mr. WELLSTONE). The time has expired.

Mrs. BOXER. I ask unanimous consent for 30 additional seconds.

Mrs. FEINSTEIN. One additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank my friend for yielding me 1 additional minute. We all bring to the table our experiences, and I wish to say to my friend from Utah I share his view that we need to move as quickly as we can with fair appraisals and not let people twist in the wind when they are placed in a park.

On the other hand, I do not want to see us give one property owner undue leverage and be able to, if you will, extort us as we put this park together. I certainly do not want to pass anything in this Chamber that would jeopardize this national park for future generations. I do not want to be here and have my friend, Senator FEINSTEIN, after all this work, and Senator Cranston before her, and all of us who have worked so hard for this moment, have to wait for 10 years to see if we really get a national park. I just do not think it makes too much sense for us to go that route.

So it is with great respect that I will oppose this amendment. I urge my colleagues to vote "no" on this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. FEINSTEIN. Mr. President, I yield the remainder of my time and call for the yeas and nays.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator yields back the remainder of her time.

Is there a sufficient second?

Mr. BENNETT. Mr. President, how much time do I have remaining?

Mrs. FEINSTEIN. I am sorry. I beg your pardon. I thought the Senator's time had expired. If it has not, I will withdraw my——

The PRESIDING OFFICER. The Senator has 5 minutes 28 seconds. But the regular order would be to ascertain whether there is a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

Mr. MURKOWSKI and Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. BENNETT. I have concluded my arguments. The Senator from Alaska would like some time. Therefore, rather than yielding back the remainder of my time, I would yield my time to the Senator from Alaska. And I thank the Senator from California for her courtesy.

The PRESIDING OFFICER. The Senator from Alaska has up to 5 minutes.

Mr. MURKOWSKI. I thank the Chair, and I thank my friend from Utah, who is the author of the pending amendment.

This body has heard some very compelling arguments that obviously address the manner in which the California desert should be managed from the standpoint of the interests of the sponsors of the legislation before this body.

Mr. JOHNSTON. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. MURKOWSKI. Yes.

Mr. JOHNSTON. Mr. President, we have the Bennett amendment on which time will soon expire, on which the yeas and nays have been ordered, to be followed by the Craig amendment, on which there is a 1-hour time limitation. Senator BENNETT has stated he is willing to have the vote stacked for the convenience of our colleagues. If there is no opposition, I ask that the vote on the Bennett amendment and the Craig amendment occur at the conclusion of the debate on the Craig amendment.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Mr. President, let me advise the floor manager that we have no assurance at this time on this side as to the actual intention of the Senator from Idaho with regard to the Craig amendment.

Mr. JOHNSTON. We already have unanimous consent that he has 1 hour reserved.

Mr. MURKOWSKI. That is correct. But I wanted the RECORD to note that he is not committed at this time with regard to his intention to bring up that amendment.

Mr. President, I ask that I might continue.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MURKOWSKI. So, Mr. President, the point I want to make in defense of the Senator from Utah, who has brought to bear, I think, a crucial responsibility that we all share, is the recognition that we are creating a liability as a consequence of the anticipated passage of S. 21.

The PRESIDING OFFICER. When the Chair asked whether there was any objection to the unanimous consent request of the Senator from Louisiana, the Senator from Alaska reserved the right to object and then spoke. The Chair was not sure whether the Senator was objecting.

Mr. MURKOWSKI. No. I have no objection.

The PRESIDING OFFICER. Without objection, the unanimous-consent request is granted.

Mr. MURKOWSKI. Mr. President, I wonder if my time may start now.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Regarding the amendment offered by Senator BENNETT concerning the backlog of land acquisitions facing the Department of the Interior, this amendment is not only responsible in its effort to address a responsibility that we all share, but it is critical from the standpoint of Federal land management and from the standpoint of simple fairness to private property owners that are going to be affected by this legislation.

I really do not think those that are critical of the amendment offered by Senator BENNETT have reflected adequately on what this does. Let me speak as the junior Senator from Alaska, who has personally experienced the injustice done to inholders by this process. My State of Alaska has been a State now for 35 years. In all of the efforts to address fairness to the inholders in my State, there has only been one inholder that has seen remuneration by the Federal Government for the inholding that was taken by the Federal Government.

Mr. President, there are hundreds of inholders in Alaska that are still waiting for the Federal Government to step up and provide them with a fair settlement. In the meantime, their land is tied up. It is impossible to borrow on it; it is impossible to develop. What the Senator from Alaska understands is that the backlog, currently, of inholders waiting for adjudication by the Federal Government exceeds several billions of dollars. What we are doing here today is suggesting that the Federal Government acknowledge, through this authorization, another billion dollars of liability that the Federal Government would have to put somewhere out there behind the other billions of dollars that are due property holders, inholders that have not been paid. The justice of that just escapes the Senator from Alaska.

This is what Senator BENNETT is trying to get at in his amendment. It is not an original idea, but his purpose is to recognize that for most of this century, the approach of the Federal Government when they were designating conservation units, which included private inholdings, and when we established the National Park System, such as the Everglades or Big Ben, we delayed the actual designation of the area until the Secretary had acquired all of the private inholdings. We did that in fairness to the landowners and also because we recognized that the Federal Government needed to require the inholder to properly manage the area for the purposes for which we were designating it. We are not addressing that adequately in this debate, other than by the Senator from Utah in his sense to try to drive some responsibility as we address the disposition of S. 21.

In the late 1960's and early 1970's, areas such as the Boston National Historic Parks, Sleeping Bear Dunes, and others were delayed. They were delayed, Mr. President, until the Secretary had acquired sufficient lands to properly manage the units. Our emphasis had begun to shift away from this fairness to the landowner and was directed at what was necessary for effective management. We have developed for the landowners what is known as the Cape Cod formula, which allows the owners to retain the right of use and occupancy during their lifetimes.

Those considerations now have been abandoned in a rush to designate any proposal which any person manages to introduce. We now measure our success in how many acres we add—and we really do, Mr. President. That is why this legislation is going to pass, because we measure our success in how many acres we add and how many new units we designate, not in terms of what we are doing to the National Park System or, importantly, the affected landowners. We are just saying we are going to authorize this, but we are not saying that we have the responsibility of determining how we are going to appropriate to pay for it. That is what I find unacceptable about the bill that is before us.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MURKOWSKI. I ask unanimous consent that I may be allowed another 3 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, wilderness is another measure which has lost any sense of judgment. It is now only a function, again, of acreage, and it is a function of press releases in the media. We do not worry about whether there is any "wilderness" character at all. Much of this is not in the minds of those who judge wilderness in the state of a natural wilderness area. We have seen this. We have seen checkerboarded lands without the possibility of a wilderness experience, unless we use the heavy hand of the Federal Government to make life unbearable for the inholders at the same time, and that is not fair.

As I said before, I can testify what the heavy hand of the Federal Government has done to my constituents in Alaska. During the hearing before the committee, the Secretary described his approach to dealing with land exchange for the extensive holdings of the Catellus Corp.. We recall that. His precise words were:

> If you do not want to do it, we would be happy to let these inholdings just sit in these areas as inholdings forever.

Is that a responsible statement for the Secretary of the Interior to make? In other words, you either take our offer, or you can rot. I do not think it is fair. It is not the way the Federal Government should deal with the citizens of this country.

Finally, Senator BENNETT's amendment brings a measure of sanity to a process that has run amok, and his amendment would allow every one of the proposed designations to go forward if—and only if—the Federal Government has a will to carry out the legislation, only if we are willing to acquire 90 percent of the private lands which the owners want to sell within a unit that will be designated. If there is no will to acquire the lands, either because of funding limitations or because there has never been a real Federal interest in the lands in the first place, the area will not be designated.

Finally, I think we should consider seriously placing this type of sunset amendment on all park measures. It is simply irresponsible to keep designated areas that do not have the slightest qualification to be considered as a unit of the National Park System.

So I congratulate the Senator from Utah. His proposal, I think, mirrors the way the Congress should do business. I support the amendment and urge my colleagues to do so.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, I believe this now constitutes the end of debate on the Bennett amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSTON. Under the unanimous-consent agreement, we have 1 hour now on the Craig amendment. I understand that Senator CRAIG may use substantially less than the 1 hour. So I want to tell our colleagues that a vote is likely to occur in much less than an hour. If Senators are counting on a full hour, they should be disabused of that thought because I am hoping that we can go to a vote very soon.

Mr. President, we are making great progress on the number of amendments. There are two Feinstein amendments which may or may not be offered and second-degree amendments to those.

Other than those, the principal amendments remaining if they are going to be offered are: Senator BROWN has two amendments on trails and on fees. Senator MURKOWSKI has three amendments on hunting, access, and private property. We have a placeholder for Senator METZENBAUM. I am advised that that may not require a vote. Senator WARNER has a placeholder, and that may not require a vote.

So, in effect, Mr. President, the two Senators who will have amendments are Senator MURKOWSKI and Senator BROWN.

I ask Senator MURKOWSKI if he knows at this time whether he will have the amendment and, if so, if he is willing to enter into a time agreement at this time or will he be.

Mr. MURKOWSKI. Mr. President, I would like to confer. I have yet to see whether Senator CRAIG is coming to the floor, but it is my understanding that he would, and I believe Senator BROWN's amendment may be subject to a question as of yet to allow us a little time. I am sure we can resolve this very soon.

Mr. JOHNSTON. Mr. President, I hope we can confect a hotline to send out right after this vote whereby we could get a unanimous consent which would have all the amendments in order which are to be offered and, if possible, get time agreements on those amendments. If so, we could finish up tonight, depending on what Senator MURKOWSKI and Senator BROWN wish to do, and, if not, we ought to be able to finish up at a reasonable time tomorrow.

I would ask, particularly Senator BROWN and Senator MURKOWSKI, during the debate on the Craig amendment and during the vote on the BENNETT amendment to determine whether they will need a placeholder, and the same is true of Senator METZENBAUM and Senator WARNER.

As I understand it, Senator FEINSTEIN has a minor boundary modification. Is that amendment ready to go and has that been cleared?

Mrs. FEINSTEIN. Yes, it is.

Mr. JOHNSTON. Mr. President, if the Senator is ready, we would like to do that at this time while we are waiting for Senator CRAIG. Is the Senator ready on that?

Mrs. FEINSTEIN. We need a moment more on this amendment.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PLUESS-STAUFER CLAIMS

Mr. CRAIG. Mr. President, it was my intent at this time to offer an amendment to the California desert wilderness bill as we debate it here today on the floor, S. 21. But because I had hoped that this would be an amendment that would pass and attempted to acquire the cooperation with the Senator from California and have not been able to do so, it is not my intent to offer this amendment at this time but for a few moments this afternoon, prior to pulling the amendment, to discuss the essence of it and the importance of this legislation and the kind of impact that I believe it would have on wilderness, the California Desert, and the existing operations of this marvelous piece of public property in our Nation.

Mr. President, I rise to discuss an amendment in behalf of Pluess-Staufer of California—a calcium carbonate company with claim holdings in the Lanfair Valley section of the California desert.

The purpose of this amendment is very straightforward—it would extend the Lanfair Valley exclusion to three more sections, sections containing approximately 35 placer claims and 10 millsite claims of the Pluess-Staufer holdings. While this additional exclusion would comprise 1,920 acres, it is very small in comparison to the 8 million acres of new parks and wilderness areas contained in S. 21. Yet these three sections contain the purest of what are very rare deposits of calcium carbonate. I am told there are more gold mines in California than there are calcium carbonate deposits in the entire North American continent.

This commodity is very unique and very rare; it takes quite a few geological occurrences, including volcanic activity, to make it pure and, yes, even edible in the form of antacids and calcium supplements. Calcium carbonate can also be used as whiting—a nontoxic filler and extender used in a large number of products—ranging from carpet backing, plastics, PVC pipe, paint, paper, and other building products. It is much stronger and more durable for construction purposes than limestone—a fact that should not go unnoticed by the Senator from California, particularly given the need to replace billions of dollars worth of homes and office buildings in the aftermath of the recent earthquakes in her home State.

But more importantly, Mr. President, this deposit has an estimated mineral value of approximately $6.2 billion and a mine life of more than 100 years. Once this operation has been permitted, over 400 high-paying jobs will be created in the Lanfair Valley area.

This amendment does not provide Pluess-Staufer an automatic right to mine; it simply allows them to seek permission to mine the claims that the company has spent nearly $500,000 to develop. I should also point out that just across the valley from the Pluess-Staufer operation is another mine—the Viceroy Gold Mine—which I commend the Senator for carving out of the proposed East Mojave National Park. While the Viceroy mine is operational, Pluess-Staufer is not; it simply asks to be given the same treatment, to be taken out of the proposed park and have an opportunity to become operational.

In her remarks to the Senate yesterday, the senior Senator from California said that she had addressed all the mining industry concerns. But as I have pointed out, that is not strictly the case. In fact, several months ago, the California Desert Institute asked the Senator to exclude roughly 600,000 acres of mining claims from the proposed park and wilderness designations contained in this legislation. Regrettably, for the most part, the Senator could not accommodate that request.

My amendment would exclude a very small part of that suggested acreage from S. 21 and salvage some extremely valuable calcium carbonate deposits. This amendment is one of fairness and common sense. It will create, and keep, jobs in California and produce a much needed commodity for a variety of important industries nationwide.

Mr. President, it was my intent to offer an amendment that would have exempted 35 placer claims and 10 millsite claims of Pluess-Staufer Co. holdings, or about 1,900 acres out of this some 8 million acres of public land that I thought were important for the future of our country.

I say that although you and I might not understand the importance of a calcium carbonate deposit. Clearly, the land that I am talking about that the Senator from California refuses to exempt from wilderness classification would involve about 6.2 million dollars' worth of potential assets, some 100 years of mine life, and over 400 high-paying private jobs if this property were allowed to go forward for development.

Well, I also understand that this is in California and, although it is public land, we worked very closely in the committee on which I serve, the Energy and Natural Resources Committee to try to resolve this issue. And I must say, in all fairness, that the Senator from California was very cooperative in making a lot of the changes that many of us felt was necessary to make on some of these important issues.

I have now three times been to the California desert. I have had the privilege to see much of this marvelous property. And I must say, in all fairness, that as the Bureau of Land Management through the decade of the 1970's brought all of the interests of California together to strive for a responsible management plan, there was at that time a phenomenal give and take recognizing both the mineral assets and resources of that public land, while at the same time recognizing the importance of some, if not major portions of it, for environmental protection. And out of that was a tremendous public process which resulted in a lot of the protection that is already in existence today and that I thought was a reasonable approach toward the management of these lands.

In fact, when I was in the House, I worked very closely with the Congressman whose district largely embodies the California desert area, Congressman JERRY LEWIS. It was our intent at that time to take the BLM management plan and the wilderness recommendations of that plan and put it into place.

But the bottom line was, that was not good enough for urban California. For some reason, they got caught up in the mystique that you could just spread the boundaries, protect the land, and somehow the future would be better. Well, we all know that is not quite the case. The future will not change because the desert today is substantially protected.

But what will change in the future is the opportunity to use some of the phenomenal mineral resources of what many geologists would call the last great treasure house of America. Public land mineral resource is now being locked away in S. 21. That is a disappointment. Because, while it remains inside the boundaries of the State of California and it can clearly be argued to be a California resource, it is a national resource both from the standpoint of protecting this beautiful desert or portions of it or the environment and, for environmental reasons, for future generations. You and I agree on that.

But I think what we also agree on is that we have enough foresight that we do not lock away the resources from which our industrial base will have to continue to operate on for all of the years to come.

The Los Angeles basin yesterday touted the miraculous recovery that it is experiencing coming out of a major earthquake that devastated the Los Angeles area. Much of the aggregate that is rebuilding the Santa Monica Freeway flowed from the desert of California. It did not come from Los Angeles County. It came from outside the area. It was the wealth and the resource of the desert that rebuilt the devastated Los Angeles basin from this earthquake.

What about the next earthquake and the next one that will ultimately come in an area as geologically unstable as that whole region of the Pacific coastline? That is of concern today.

That is why I, serving as the ranking Republican on the Mining Subcommittee, worked very closely with the Senator from California, Senator FEINSTEIN, to assure that many of these properties, for purposes of future use beyond just the environmental protection purposes, would be saved. Many of them were, and I thank her for that kind of foresight.

But I was disappointed that she could not agree that in this particular area the great opportunity of 400 jobs would simply be walked away from; a 1,900-acre area out of an 8 million-acre complex of parks and protected lands and preserves and reserves all in the name of the environment, all in the name of the unique wildlife resource that comes in the desert of our southwestern part of the United States.

Well, that is the bottom line. That is part of the debate. It is an important ongoing question.

I know the Senator has the votes to pass her wilderness bill, and I congratulate her for the tremendous effort she has put forward in this. Because, in all fairness, I will tell you she has worked very hard to educate and to better understand the issues of the California Desert.

Many of us had worked with this piece of legislation for over a decade now, trying to resolve some of these disputes. But I will tell you that not all has been resolved. And, of course, not all can be perfect when one attempts to make compromises between what will and will not be used or protected in our public land resources.

I have before me and would like to make a part of the RECORD a variety of responses from tremendous groups of Californians. I ask unanimous consent that this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CALIFORNIA OUTDOOR
RECREATION LEAGUE, INC.,
*Newberry Springs, CA, April 7, 1994.*

Re S–21 the California Desert Protection Act.

Hon. LARRY CRAIG.

DEAR SENATOR: Certainly, there is not a senator from any of the other forty-nine states who would do to your state and your constituents that which you are asked to do to California and our residents. That is, vote "aye" on S–21, The California Desert Preservation Act. This will take 8.3 million acres of the nation's most mineralized area out of any present and future mineral extraction potential. The fifty amendments are a farce, a smoke screen, and 8.3 million acres is true.

I have no mining interests but I do have an avid interest in the well being of our San Bernardino County, the state and nation.

According to the U.S. Bureau of Mines there are 701 existing mine sites in only the 1.5 million acres listed for the East Mojave National Park. There are many more throughout the desert. It is also a fact that any one of our frequent windstorms and flash floods, in summer, moves more desert lands in an hours than all of the land disturbed by mining in the last hundred years. (We had such a sand storm yesterday, April 6th., enough to take the paint off an auto in minutes.)

We, who live here, have long recommended 1.5 to 2 million acres of appropriate land be put into wilderness, the remainder does not qualify for wilderness designation. There are power lines, railroads, pipeline corridors, and ranches in the valleys, as well as the many mineral deposits. There is one eighty mile by approximately one mile strip of deposits that indicate Rare Earths running directly across the strip of deposits that indicate Rare Earths running directly across the 1.5 million acre proposed National Park. (See enclosure for its uses.)

Furthermore, the National Park Department should not be put upon for the outlandish cost to develop such harsh and dangerous lands. Taking out the mines and putting in usable roads, alone, would be prohibitive. At my location, temperatures range from 14° to 124°. The record for Death Valley is 134°. This is not a hospitable climate for tourists.

In addition to the Rare Earths, with it's many new uses, there are forty-five minerals currently available. Much of California's economy and employment comes from the building materials, such as cinder for blocks, dolomite, cement, limestone, sand and gravel. Please consider the economic disaster when these commodities are no longer domestically available.

Do not let the uninformed urban environmentalists, whom have rarely seen the desert, make the decision for you. Very few have ever visited our desert. If they had we would have seen them.

I do not wish history to be able to look back and blame the 1994 U.S. Congress as the body who hindered the well being of our great nation.

Please vote "no" on S–21.

The bulk of the 8.3 million acres to be closed to multiple use by S–21 is in San Bernardino County. This means total disaster to jobs and economic stability. As a fellow Republican please vote "No." My deepest gratitude to you.

Thank you.

HILDAMAE VOGHT.

See enclosures.

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[From the Land Rights, Gloversville (NY), November 1993]

### ECONOMIC IMPORTANCE OF EAST MOJAVE DESERT'S INDUSTRIAL MINERALS IN EVERYDAY LIFE

(By Hildamae Voght)

Minerals, the basis of our everyday life, come from the earth. Mineral deposits are found where they exist, not where we want them to be. They are usually found in treeless, rough terrain, with harsh torrid temperature, and so it is on the California Desert. It is one of the most mineralized areas of the world, a fact widely accepted by professional engineers and geologists.

Eighty-one mineral commodities are mined, have been mined, or have the potential to be mined here. According to the U.S. Bureau of Mines, 34 separate mineral commodities are currently produced from the California Desert. California ranks second in the nation with an annual production of nonfuel minerals with an estimated value of $2.839 billion in 1989. California led all states in the production of borate, portland cement, diatomite, calcined gypsum, construction sand, cinder, and gravel, tungsten, yttrium and rare earths. California ranked second in the production of natural calcium, chloride, feldspar, gemstones, industrial sand and gravel, sodium compounds, mercury, magnesium compounds and gold. Production of sodium borate and calcium borate from the California Desert during 1989 accounted for 100 percent of the U.S. production and rare earths 97 percent.

And all this happens on only 9.7 million acres of the 25 million acres of the California Desert. However, 8.3 million acres of the 9.7

million acres would be closed to any industrial use by the proposed California Desert Protection Act, Senate bill, S. 21 and House bill, H.R. 518.

The urbanites, who carry the votes, and the legislators, who pass the laws, do not realize that of the 25 million acres, the military has 3.1 million acres and are petitioning for expansion; 7.4 million acres are in private holdings, cities, communities, homes, and industry; and 4.8 million acres are contained in Death Valley and Joshua Tree National Monuments and in State Parks, leaving only 9.7 million acres of the highly mineralized lands for the needed products.

Today, we tend to think Tums, toothpaste and cosmetics come from the drug store, sidewalks and house foundations from cement trucks and watches from Japan. According to the Bureau of Mines, each American uses approximately 40,000 pounds of new materials each year. You say, "Oh, that can't be." You step out of bed onto the carpet (calcium carbonate limestone is used in the carpet backing). You go into a ceramic bathroom, with tile floor (clays and other minerals), faucets of metal are kept shiny with cleansers (silica, pumice, diatomite, feldspar, and limestone). You use toothpaste (calcium carbonate/limestone/sodium carbonate), powder (talcum), other minerals. How about the dishes and glassware you use for breakfast? Clay, sand, and potash. You glance at your gold watch to see if you have time to read the morning news. Think about the metals used to bring that paper to your yard. Maybe you stop to change the kitty litter; it takes six minerals. You step out onto the cement driveway to get into your car. There, you really are into metals and perhaps it has a heavy plastic body. That takes much boron to give it tensile strength needed to be sturdy. Borates are found in only two areas in the world—a small supply in Turkey and throughout California's Mojave Desert. Boron has hundreds of other valuable uses.

Are you beginning to get the picture? Most people pass their days with no thought of the role mining plays in their lives. They know where to buy things they need but seldom consider the origins. It even takes minerals to fertilize the fields that grow the vegetables we eat. Organic grown vegetables do best in a mineralized soil. Without minerals we could not till our soil, build our machines, supply our energy, transport our goods or maintain our everyday life beyond the primitive.

It all starts with a hole in the ground. We are in trouble if we forget that, and we cannot dig minerals except where they are in the earth. California's East Mojave Desert is where there are some 81 known minerals, and who knows how many yet undiscovered ones?

Mining is just one economic product of the desert and it is being rigidly regulated with mandatory reclamation laws. Also don't believe the story that miners may own federal lands for $2.50 an acre. Very few acres are patented today. Most are leased and development of a mine runs into thousands and often millions of dollars, plus several years to get all of the permits and mitigation in place.

Senate bill S. 21 by California's U.S. Senator Dianne Feinstein, and the House companion bill H.R. 518 by Representatives Richard Lehman and George Miller, call for 8.3 million of the 9.7 million acres of mineralized East Mojave lands to become national parks and wilderness lands. As a result of the proposal, the acreage would be off the state tax rolls, and the creation of jobs would be halted.

While the bulk of the desert lands are bare rough mineral laden terrain, there are grassy valleys in between where some sixteen ranching families homesteaded five generations ago. These are the true stewards of the East Mojave. Over the years, the Taylor Grazing Act has allowed ranchers to develop water use on the federally leased rangeland. These ranchers have developed hundreds of miles of pipelines to transport water for their stock and wildlife alike. The proliferation of the Big Horn Sheep on the rangelands is evidence of these efforts. If ranching is forced out in twenty-five years, as S. 21 contemplates, wildlife will deteriorate as it has in Death Valley and Joshua Tree National Monuments on either side of the East Mojave.

S. 21 would also adversely affect existing recreational uses. Recreation is a third major use of the California Desert. Only one hundred and fifty miles from Los Angeles and Orange County the area is an outlet for families seeking weekend recreation away from the crowded city. Then there are the sand dunes, 500,000 acres (2 percent of the desert) that are open for the off-road users. Much of the economy of the desert cities along I–15 and I–40 depend upon this trade.

There is a basic fallacy being perpetrated by supporters of S. 21—namely that the Desert is a "fragile" ecosystem. However, the Desert is not "fragile." It is tough. The cloud bursts of summer and the sandstorms throughout the years move more of the landscape than all of the mining that has ever occurred in the East Mojave. Given the significant adverse effect S. 21 will have on the nation's mineral production, wildlife, and current recreation patterns, we ask our national legislators to come see for themselves before making any decisions for the area.

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### The Lanthanides in Your Life—Mined at Molycorp Inc.'s Mountain Pass Plant, Mountain Pass, CA

Exemplified by these 46 products—rare earths:

1. X-ray image intensification (La and Gd phosphors).
2. Colored glassware (Nd/Se pinks and reds, Pr greens, Ce/Ti yellows).
3. Melting crucibles (Y-stabilized silicon nitride).
4. Automobile wheel spider and rim (Re-silicide treated steel).
5. Styrofoam items (Ce in styrene production catalysts).
6. Bathroom tile (Pr provides the yellow).
7. Cigarette lighter flints (⅔ re metal: ⅓ iron).
8. Color TV (The red is Eu-activated Y-oxysulfide).
9. Blood sample tubes and ampoules (Ce glass blocks ultraviolet).
10. Rocket nose cone ($Si_3N_4$ heat-stabilized with $Y_2O_3$).
11. Microwave waveguides (Y-iron, Y-aluminum and Y/Al-Gd garnets).
12. Hydrogen storage systems ($LaNi_5$ is the reversible "sponge").
13. Clear container glass (Decolorized by the cerium process).
14. Gasoline by cat cracking (Zeolite catalysts are La/Ce activated).
15. TV faceplates (Ce in glass prevents browning).
16. The new 3-prime fluorescents ($Eu^{+2}$ & $Eu^{+3}$ phosphors for blue and red).
17. Corn-growing fertilizers (Ce in shift catalysts for ammonia process).
18. Exhaust gas catalysts (Ce stabilizes gamma-alumina beads).
19. Camshaft and follower (High strength re-nodularized cast iron).
20. Electrical capacitors (Nd controls temperature coefficient).
21. Precision laser rod (Of $Y_5Al_6O_{12}$ crystal—YAG).
22. Silicon nitride grinding media (Y in mix for strength and hardness).
23. Watt-saving screw-in fluorescent lamp (Eu and Tb phosphors).
24. Welder's mask with eye-protecting glass (Both Pr and Nd needed).
25. Flat, enlarging and inverting fiber-optics windows (Hi-index la glass).
26. Drive motor of tape deck (Powerful $SmCo_5$ magnet armature).
27. Fastest glass polishing compound ($CeO_2$).
28. Ophthalmic glasses (High index la glass, Ce polished).
29. Optical lenses and prisms (Low dispersion in high-index la glass).
30. Photographic filters (Nd, Pr and Er tinted; Ce to block UV).
31. Miniaturized walkman earphone speakers (Sm-cobalt magnets).
32. Simulated diamonds (Y-stablized cubic zirconia; also YAG).
33. Glass laser rod (Nd is the optimum energized Ion).
34. Window for space and furnace sighting (Ce versus UV: Hollow versus IR).
35. Ceramic turbine impeller (Y-stablized silson nitride, HIP formed).
36. Automobile crankshaft (Of ductile iron, necessarily Re/Mg treated).
37. Transformer oil-level gage glass (Ce-glass stops UV degradation).
38. Rare earth silicide (As added to linepipe and oil-country steels).
39. Single-crystal boule before slicing (Y-orthoaluminate electronic devices).
40. Engine combustion control $O_2$ sensor (Y-stablized $ZrO_2$ with Pt electrodes).
41. Railroad and airport signal lenses (Nd and Pr colored glasses).
42. Bubble-memory crystal substrates (With Gd/Ga boule before cutting).
43. False teeth (Eu gives that slight iridescence to make them "natural").
44. Motor armature and stator without windings (Re/Co permanent magnets).
45. Aerospace turbine blades (Protected by FeCrA/Y coatings).
46. Line printer mechanism (Potted $SmCo_5$ magnets drive the type line).

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Western Building
Material Association,
*Olympia, WA, April 8, 1994.*

Hon. Larry E. Craig,
*U.S. Senate,*
*Washington, DC.*

Dear Senator Craig: On Tuesday, April 12, 1994, the Senate will be voting on the California Desert Bill (S–21). S–21 would be the largest withdrawal of Federal land in history in the lower 48 states. It will involve the invasion of millions of dollars of private land and private rights.

There is a reported cost of $300 million to the Federal government. With President Clinton talking savings in government, where will these dollars come from?

The continuing trend and the amount of property being taken from private ownership and the tax rolls is of mounting concern. This bill appears to be another case of the government being unwisely influenced by special interest group pressure.

We would be interested in your position on S–21. We urge you to vote NO on S–21.

Sincerely,

Mary E. Murphy,
*Executive Director.*

California Mining Association,
*Sacramento, CA, April 8, 1994.*

Re: S. 21 (Feinstein)—Oppose.

Hon. Larry Craig,
*Washington, DC.*

Dear Senator Craig: The California Mining Association (CMA) continues to oppose S.21 and appreciates your efforts to this extent. Senator Feinstein has indicated that she has satisfied the mining industry by the amendments she has proposed to S.21 and that the bill will not cost jobs.

This is not true. Senator Feinstein has placated a few in mining and has reduced the impact on current jobs. She has not, however, reduced the long range impact of jobs in California or potential jobs from mineral exploration in the California desert.

Within 20 years there will be few, if any, active mines in the desert. Senator Feinstein has not taken the role of a representative who is sensitive to an entire industry. S.21 has had no substantial changes since its introduction. The result of its passage will be to close the desert to mining, an industry so vital to the economic stability of the state and the nation.

CMA commends you for your efforts to oppose provisions of S.21 and we respectfully request your continued opposition to the bill.

Sincerely,

Carolyn Clark,
*President.*

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Smith's Ranch,
*Twentynine Palms, CA, April 8, 1994.*

Dear Senator: We are begging you: Oppose S. 21 and its companion H.R. 518. We are told by government employees of every agency that this is a "done-deal". California's two rookie Senators Feinstein and Boxer refuse to enter the California desert and hear us.

The California Desert Conservation Act is working. Bureau of Land Management multiple-use is working.

S. 21 blatantly ignores criteria and legal definitions of true "Wilderness". Our county—our state—this nation cannot afford such a massive closure.

Please, please, stop this waste. We are fourth-generation Californians, we know our desert. S. 21 must be stopped. Joshua Tree National Monument deserves national park status, but certainly not at the cost of the entire East Mojave Desert.

If a filibuster is our only defense, so be it. Please show this nation the power which rests in our nation's Capital. We are on our knees begging. Stop S. 21.

David and Pat Smith, Mike and Patty Smith, Bill and Vi Klink, Dana and Richard Casey, Kelsey Smith, Billy Smith, Samantha Casey, Andrew Casey.

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Santa Barbara, CA,
*April 10, 1994.*

Re: S. 21, the California Desert Protection Act.

Hon. Larry E. Craig.

Dear Senator Craig: Thank you for your opposition to this bill. I heard on one of the Sunday political talk shows that western senators are likely to filibuster this bill. I hope so. I am an amateur geologist and a taxpaying California Republican who has lived the last 30 years of my life in Santa Barbara, Ca. and spent most of my free time exploring our beautiful desert. I am all for preserving it—but this bill is a lockout. My husband and many of my friends are totally frustrated with our California Senators Feinstein and Boxer. We have appealed to them regarding the Desert Bill; however, all appeals are totally ignored.

We feel the bill in its present form will further damage our already crippled economy by eliminating businesses and jobs that have been operating for years in the desert with no ecological damage.

Thank you for your hard work on our behalf. Our country desperately needs people like you in the government, especially during these times.

Yours truly,

Nancy K. Ulmer.

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Twentynine Palms, CA,
*April 11, 1994.*

Immediate Attention on Senate Bill S. 21

Dear Senator: The desert cities remain steadfast in their opposition to Senate bill S. 21. Please see the poll results from the Desert Heartland in San Bernardino County.

Please join with the full Republican delegation in opposition to this unacceptable expenditure. We are requesting a filibuster to kill this bill in this Congress.

Major issues of contention include:

1. The taking of over 500,000 acres of private property and the associated loss of property tax to fund public education and health and safety services.

2. The creation of 6.37 million acres of new wilderness despite studies demonstrating over half the proposed areas are non suitable under existing federal guidelines.

3. Ignoring the public hearings and opposition from the desert communities in favor of the radical special interests of the Sierra Club, Wilderness Society, and Earth First.

4. Wasteful deficit spending in the billions to acquire the private property and keep people out of areas where the routes and trails date back to California's earliest history.

5. The loss of jobs in mining, ranching, and recreation industries affecting the economy of the whole State of California.

6. Senator Feinstein wants this Bill in her re-election resume despite the actual consequences to our desert communities.

Jim Bagley,
*Mayor Pro Tem.*

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Lone Valley Mining District,
*Lucerne Valley, CA, April 1, 1994.*

Subject: California Desert S–21. Loss of 500 Jobs or more for 100 years—Smart Ranch Carbonate Deposit, Proposed Big Horn Mountain Wilderness in San Bernardino Mountains, San Bernardino National Forest (former Granite Peak RARE II area 12,500 acres excluded from 1983 Cranston-Wilson Forest Service Wilderness Act)

Hon. Senator Diane Feinstein,
Hon. Senator Barbara Boxer,
*U.S. Senate,*
*Washington, DC.*

Dear Senators Feinstein and Boxer: As you may be aware S–21 / HR 518 includes about 140,000 acres of National Forest adjacent to the California Desert Conservation Area. All of these "RARE II Areas" were found unsuitable by Senators Cranston and Wilson in the RARE II process in the early 1980's because of cabins, roads, mines, and other impacts of man and because of high mineral potential in some RARE II areas.

In S–21 / HR 518 the 12,500 acre Granite Peak RARE II was lumped with the adjacent BLM Big Horn Mtn. WSA which comprises most of the Ruby Mining District in the NE San Bernardino Mountains outside the San Bernardino Mountains. The Ruby Mining District has been an area of small scale gold mining for more than 100 years. It is roaded with many RS 2477 or class 4 and 5 U.S. Geological Survey Roads as are portions of the Granite Peak RARE II Area, now included in the S–21 / HR 518 "Big Horn Mountain" proposed wilderness.

Your California "Desert" bill proposes to make wilderness out of about 50% or more of one of the more important carbonate deposits that is currently under small scale operation, but is the most important reserve for the existing carbonate rock producers in the adjoining Lucerne Valley Limestone producing District, the largest supplier in the Western U.S.A. The "Smart Ranch Limestone Deposit" has been classified by the State of California (1989) for mineral extraction. It is a major mineral deposit granted protection from incompatible land use by the State of California (1989) for the benefit of society. This deposit is at least as important as the one in the New York Mountains (Pluess-Staufer) mentioned by Governor Pete Wilson in the accompanying letter (attached) to Senator Feinstein. In fact, it is probably more important because it is about 150 miles closer to the 'California' Market area, saving about $10/ton in transportation costs for many millions of tons of valuable mineral commodities.

The State Report Mineral Classification of the Smart Ranch Limestone Deposit of 1989 was approved after thorough field examination by the State Geologist and a year-long public hearing process. The U.S. Geological Survey Studies in the area indicate it may be three thousand feet deep. It's reserves will extend the life of The Lucerne Valley Limestone District for many years. This is significant because this district produces about $200 million dollars in finished products each year and sustains thousands of jobs in California in addition to local jobs in mining, processing and transportation.

Senators, the simplest solution to this problem with S–21 / HR 518 is to exclude The "Granite Peak RARE II Area" and the San Bernardino National Forest proposed Wilderness from the "Desert Bill." California cannot afford to have more of its industrial job base destroyed. Your assistance in resolving this economic loss would be greatly appreciated.

Most sincerely,

Lori White,
*Coordinator for Governmental Affairs.*

Enclosures: Mineral Classification, Smart Ranch Limestone Deposit. OF 89–12, State Board of Mines and Geology, Sacramento (Summary & Map)

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[From the California Department of Conservation, Division of Mines and Geology; DMG Open-File Report 89–12]

## MINERAL LAND CLASSIFICATION OF THE SMART RANCH LIMESTONE PROPERTY, BIG BEAR CITY AND RATTLESNAKE CANYON QUADRANGLES, SAN BERNARDINO, COUNTY, CA, FOR HIGH-GRADE AND CEMENT-GRADE LIMESTONE

Note: This deposit meets the state's minimum value for classification with the top two (2) inches of the deposit. The U.S. Geological survey estimates it's up to 2,000+ ft, deep!

### EXECUTIVE SUMMARY

In response to a petition submitted under the provisions of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Geologist has investigated and subsequently classified portions of the Big Bear City and Rattlesnake Canyon quadrangles, San Bernardino County, for both high-grade limestone and cement-grade limestone resources. The property, referred to as the

Smart Ranch Limestone Property, is currently under claim by members of the Fife family, represented by Donald L. Fife.

This study is an evaluation of the high-grade and cement-grade limestone potential of the 5,3000-acre Smart Ranch Limestone Property based upon data provided by the petitioner, Donald L. Fife. The date was analyzed and confirmed by means of a two-day field examination of the property in December, 1988 and April, 1989. This report explains the classification of the property and presents the conclusions reached in this study. It is intended for use by the State Mining and Geology Board (Board), the petitioner, and the lead agencies who have decision-making authority in the area.

For a mineral deposit to be considered significant and therefore eligible for classification as MRZ-2, it must meet criteria established by the Board for material quality, marketability, and economic value. The significance of the resources was determined by evaluating the quality of the deposit and its suitability as a marketable commodity, and by calculating the available volume, tonnage, and value of both the high-grade and cement-grade limestone resources contained within the property. Data necessary to evaluate the property were compiled from geologic literature, proprietary files, and limited field study by Division of Mines and Geology (DMG) staff.

It is concluded that:

High-grade and cement-grade limestone resources occur in the study area.

Part of the deposit classified as MRZ-2 for high-grade limestone contains resources that meet the published specifications for use as limestone whiting.

Part of the deposit classified as MRZ-2 for cement-grade limestone contains resources that meet the published standards for use in cement.

Limestone resources within the Smart Ranch Limestone Property exceed the minimum threshold value of 1 million 1978 dollars (approximately 1,740,000 1987 dollars) established by the Board for both high-grade and cement-grade limestone.

The Smart Ranch Limestone Property has been classified as MRZ-2 for high-grade limestone and MRZ-2 for cement-grade limestone as shown on Plate 1.

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[From the California Mining Journal, September, 1989]

### HUGE WOLLASTONITE DEPOSIT JEOPARDIZED BY DESERT CLOSURE BILL

FAWNSKIN, CA.—The National Association of Mining Districts (NAMD) has advised the House Committee on Interior and Insular Affairs, Subcommittee on National Parks and Public Lands, of yet more problems with HR. 780 (Levine companion bill to Cranston Desert Bill S.11).

NAMD points out that this bill encompasses dozens of existing mining districts with mining potential and proven reserves, one of the most obvious being the world class Hunter Mountain Wollastonite deposit. It was first discovered by a small miner-prospector in the late 1950s. The deposit has been drilled and millions of tons of this valuable non-metallic energy conserving mineral are proven and reserves are shown in reports by the California Division of Mines and Geology, according to NAMD.

The Hunter Mountain Wollastonite deposit is in the early stages of development with enough production to prove its economic value, said the NAMD report. The association went on to say that while this mineral commodity may not have the romance of gold, silver, or base metals that were the prime interest in this mining district in the past, wollastonite plays an exceptionally important role in conserving energy. Wollastonite significantly lowers the fuel consumption for firing certain ceramics and related products. In paints and plastics it also saves resin feed stocks derived from crude oil by replacing them in significant amounts. Not only does wollastonite conserve a strategic commodity—crude oil, says NAMD—but it is one of the few safe substitutes for asbestos in many industrial products.

HR. 780 would lock up more than 8.5 million acres in the Mojave Desert in the southwestern United States, primarily in California. HR. 780 would vastly increase the geological area designated as "Wilderness" and National Parks, and would remove over 13,000 square miles from present or future productive use. The area involved is larger than the states of Maryland, Delaware and the District of Columbia.

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### GEOLOGY AND MINERAL WEALTH OF THE CALIFORNIA DESERT

(By Donald L. Fife and Arthur R. Brown)

[From the South Coast Geological Society, Santa Ana, CA, Oct. 11–12, 1980]

#### FORWARD

The California Desert is a vast region that includes all of southeastern California from Owens Valley on the north to Imperial Valley on the south; from Antelope Valley on the west to Death Valley on the east. The boundaries of the Desert, drawn arbitrarily in places, encompass 25 or 30 percent of California—an area equal in size to the State of Ohio or Pennsylvania.

This area was selected by the South Coast Geological Society for its 1980 project to focus on the diverse geology and to document some of the California Desert's tremendous mineral wealth. The South Coast Geological Society is a nonprofit independent organization of more than 100 earth scientists in Southern California. This volume has been produced and published by the volunteer efforts of numerous geologists and others interested in the Desert. The papers in this volume represent many thousands of hours of work from individuals, private corporations, academic institutions and local, state and federal governments.

A study released September 30, 1980 by the Bureau of Land Management listing the "known in-place value" of 25 selected energy and mineral commodities valued them at greater than $600 BILLION in 1978 dollars for a portion of the desert. It is obvious that the total mineral wealth of the California Desert far exceeds one TRILLION 1980 DOLLARS.

The difficulty of the task of "inventorying" mineral potential of such a large and diverse area is not generally appreciated by the layman. The objective of making a "real inventory" is so monumental that no organization has the time nor the financial resources to complete an accurate inventory. An undertaking of this magnitude may not even be feasible over such a vast region as the California Desert. The very words "exploration" and "discovery" allude to the complexities of geology and mineral economics.

In 1920 uranium was a curiosity, not an economically valuable element; in 1940 europium and cerium had few or no commercial uses, nor did zeolites prior to 1960; and in 1970 aggregate producers would not have considered deposits with 20 percent waste. However, deposits of these commodities are now economic in the proper context. Uranium exploration now abounds in the California Desert, and on the Southern California urban fringe, aggregates are profitably mined with up to 50 percent waste!

This volume is intended to bring to the reader a perspective on one of the most diverse and complex geologic regions in the United States. The greatest land use decision in the history of the State of California is being considered with little understanding by the general public of the importance to the economic well-being of the nation.

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### MINERAL RESOURCES OF THE CALIFORNIA DESERT AND THEIR SIGNIFICANCE TO CALIFORNIA'S ECONOMY[1]

(By Shirley C. Anderson)

#### ABSTRACT

The California desert is one of the most important mineral repositories in the world. Currently over $1.3 billion of minerals are produced from the desert annually, from over 25 different minerals. The importance of desert minerals to California's economy is demonstrated by descriptions of the current uses and trends in cement, boron, rare-earth minerals, saline minerals, gypsum and gold.

Mining jobs affect the region directly and indirectly. Direct effects include providing mining wages, mining equipment, sales, transportation and other services sold to the mining industry. Indirect effects include wages and salaries in industries in which mining products are used to manufacture other goods and services.

The California desert mining industry directly and indirectly supports 17,276 people in the five-county area of Imperial, Inyo, Kern, Riverside and San Bernardino. It employs 20,354 people in Southern California.

Each $1 million in mineral production (current desert production is $1.3 billion) directly accounts for 12.8 jobs in the five-county area; 15.1 jobs in the greater Southern California region.

Value added, which reflects direct effects on regional employment and the production of materials, equipment, and services supported by that employment, accounts for $754,799 per $1 million production in the five-county region ($981.2 million total) and $898,422 per $1 million production in the Southern California area ($1.1 billion total).

Within the five-county region, every $1 million of minerals production annually accounts for $26,439.04 ($34.3 million total in local taxes and $41,877.18 ($54.4 million total) in state taxes. For the greater Southern California region, each $1 million in production accounts for $28,854.39 ($37.5 million total) in local taxes and $47,182.85 ($61.3 million total) in state taxes.

Precluding resource development from this mineral rich area, as would occur under the California Desert Protection Act, is not necessary. Mining companies are able to meet and exceed stringent environmental regulations in order to produce materials needed by our society, while providing a strong economic base to the desert region.

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[From the Orange County Register, Apr. 9, 1994]

### FEINSTEIN ANNOUNCES SENATE REELECTION BID

U.S. Sen. Dianne Feinstein formally launched her re-election campaign Friday in

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[1] Data for this report were gathered during the later half of 1987. The author gratefully acknowledges the assistance of the members of the California Mining Association in providing the desert mining data base necessary for this study. Also the information contributed by many geologists, in particular staff members of the California Division of Mines and Geology, is greatly appreciated.

San Francisco, promising "to devote my next six years to creating jobs and eradicating violence."

The 60-year-old freshman senator told a rally of about 300 supporters that during her first 17 months in office she has proven she can make a difference in the Senate. She cited her efforts to ban assault weapons and enact a California Desert Wilderness Act as her major achievements.

LONE VALLEY MINING DISTRICT,
*Lucerne Valley, CA, April 2, 1994.*

Re: S-2 "Big Horn Mountain Wilderness in San Bernardino N.F. 12,500 acres.

Attn: J. Mark Eaton, et al.

Subject: Request for GAO Audit and Investigation for Misappropriation of Funds, Abuse of Discretion, and Probable Criminal Actions, Staff of the San Bernardino National Forest, Big Bear Ranger District 1990–1993.

Hon. JESSE HELMS,
*Agricultural Committee, SD-403 Dirksen Building, Washington, DC.*

DEAR SENATOR HELMS: This is a request to investigate a series of events that have occurred in the San Bernardino National Forest over the past few years. The attached criminal complaint, newspaper articles and photographs outline what appears to be illegal use of funds and abuse of discretion, costing the taxpayers perhaps $100–$200,000 in wasted funds.

The individuals associated with these actions appear to be Supervisor Gene Zimmerman, former District Ranger Rebecca Aus, Minerals Officer George Kenline and others. It is my understanding that the SBNF archeologist was sent into Horse Thief Flats by Ranger Rebecca Aus with a bulldozer to bury the evidence (debris) of the historic rock cabin blown to "kingdom come" by the U.S. Marines in September 1991. From the observations of myself and others, the September 1991 incident included not only blowing up the historic cabin but detonating high explosives in the nearby sensitive raparian habitats of Arraster Creek and the miners root cellar (alleged "WWII ammo bunker") at the Horse Thief Spring. This was followed up with four (4) high explosive charges that "bombed out" Forest Service Road 3N03A and started dozens of small forest fires on my family's mining claims.

The cost of these activities and the resulting fire suppression activities probably cost the taxpayers $100–$200,000 dollars. Fire suppression activities took 4 to 5 hours according to the U.S. Forest Service and California Division of Forestry Fire dispatchers logs (attached). According to the San Bernardino National Forest geologist burying the fragmented remains of the historic cabin (the evidence,) rebuilding Road 3N03A and dragging junk cars onto our Smart Ranch Limestone quarry staging area cost another $40–$50,000 dollars.

In addition, our roads are being blocked and destroyed along 3N03 apparently using misappropriated state "Green Sticker" OHV funds (see attached complaint to State of California).

Your assistance in this matter would be greatly appreciated. Not only are the taxpayers' funds being used questionably; our small family mining business is losing thousands of dollars per month and is being destroyed.

Most sincerely,
DONALD L. FIFE,
*Certified Professional Geologist, AIPG #4735.*

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CERTIFIED MAIL,
*January 12, 1993.*

Subject: Copy of letter sent to Mr. David C. Scheper, Chief of the Criminal Complaints Division, U.S. Department of Justice.

LEON SNEED,
*Inspector General, USDA, 14th Street & Independence Ave. SW., Washington, DC.*

GENTLEMEN: Enclosed is a copy of a letter sent to the U.S. Department of Justice. This letter documents what appears to be a serious illegal act or acts by employees of the federal government, in the San Bernardino National Forest.

Sincerely yours,
LARIE K. RICHARDSON,
*General manager, Right Star Inc.*

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CERTIFIED MAIL,
*January 9, 1992.*

Subject: Falsification of Official Document (Back dated USFS letter "10/10/90") to deny approval of an Operating and Reclamation Plan for an existing mine by the staff of San Bernardino National Forest.

Mr. DAVID C. SCHEPER,
*Chief, Criminal Complaints Division, Department of Justice, Los Angeles, CA.*

GENTLEMEN: This is a citizens' request for investigation into what appears to be a serious illegal act or acts on the part of several employees of the federal government, in the San Bernardino National Forest, (1824 S. Commercenter Drive, San Bernardino, CA).

BACKGROUND STATEMENT FOR COMPLAINT

On or about April 10, 1990 the undersigned Donald L. Fife, representing the Fife family owners, and Larie Richardson, representing Right Star Inc. met Rangers Rebecca Aus and George Kenline at the existing Smart Ranch Limestone quarry at the west end of Lone Valley. The purpose of this meeting to discuss our plans for submitting an operating and reclamation plan for producing highgrade limestone from the quarry periodically mined since 1949. Two major government projects adjoin the quarry (The Dobie Landfill, and the Lone Valley Off Highway Vehicle (OHV) trail system). These projects were recently approved with an Environmental Assessment (E.A.) We were told it would take about 3–4 months to get a permit to produce limestone and this led us to believe we would be producing from this existing quarry by August 1990. It is now approaching three years; far in excess of reason to reactivate an existing mine using inplace infrastructure.

A very complete "Operating and Reclamation Plan" for an estimated maximum 40,000 tons of limestone/year was prepared by Larie Richardson and Donald Fife, working with U.S. Forest Service specialists in geology, biology, archeology, planning, hydrology, etc.

This plan was submitted to the U.S. Forest Service, Big Bear Ranger District on or about July 15, 1990. Under National Environmental Policy Act standards (NEPA), the Forest Service has thirty days to review the plan. If the Forest Service does not respond, the plan is automatically approved. We didn't expect any problem as we were told by USFS that "this was one of the most complete and professional plans that has ever been submitted to the Big Bear Ranger District." Only a few minor items were questioned by U.S. Forest Service staff.

The Operation and Reclamation Plan was revised to respond to Forest Service staff questions. This revision was sent by Certified Mail to the Big Bear Ranger District, and was received on or about August 22, 1990, triggering a NEPA 60-day review period which would expire on October 21, 1990.

October 21, 1990 came and went without any notice or objection from the USFS, and according to NEPA regulations, our revised plan was thus automatically approved. Upon checking with Larie Richardson to make sure there was no legal notice received by him or Right Star, Inc. by the deadline, Mr. Fife called Mr. Buster Lamoure, our permitting consultant in Montana. Prior to his retirement, Mr. Lamoure was Chief of Land and Minerals for the USFS in Washington DC and he is an expert on federal permitting regulations. Mr. Lamoure requested Mr. Fife arrange a field meeting at the Smart Ranch Limestone quarry with Charles Irby, Forest Supervisor, and Rebecca Aus, District Ranger, the persons responsible for the reclamation plan approval.

After several unsuccessful attempts to reach Ranger Aus or her assistant Ranger George Kenline in the Big Bear Ranger District, Mr. Fife was successful in reaching Ranger Ernie Dierking, Land and Minerals Officer in The San Bernardino N.F. Headquarters in San Bernardino. Mr. Dierking set up a meeting at the Smart Ranch quarry on November 1, 1990 with staff of the Big Bear Ranger District, the San Bernardino N.F. Headquarters, representatives of Right Star Inc. and the Fife family as suggested by Buster Lamoure and requested by Mr. Fife.

On the morning of November 1, 1990, Messrs. Ernie Dierking and George Kenline, staff of the San Bernardino National Forest, met with Messrs. Larie Richardson and John Klinge of Right Star Inc., Mr. Buster Lamoure, consultant to Right Star and Messrs. Donald Fife and consultant Dick Brown, representing the owners. To our great surprise, on November 1, 1990, Mr. George Kenline hand-delivered to Mr. Larie Richardson a letter (Certified Mail R.R.R. #P 104 794 594) dated October 10, 1990 (See exhibit A) regarding the Operating and Reclamation Plan submitted on August 22, 1990. This letter dated October 10, 1990 was never received by Right Star or Fife until the field meeting of November 1, 1990 . . . which was more than a week past the legal deadline. This Forest Service letter denied approval of our operating and reclamation plan for a maximum of 40,000 tons per year, and required a costly and time consuming Environmental Impact Statement (EIS). Under NEPA regulations, the permit was *automatically approved* since the Big Bear Ranger District had not denied our revised plan by October 21, 1990.

We are now in our third year of attempting to permit an already existing mine; thousands of additional dollars have been paid directly to the USFS to speed up the EIS because they claimed they didn't have staff to do the EIS in a timely fashion. The Big Bear Ranger District said if Right Star paid the USFS, staff would work on the project on an overtime basis or extra staff would be put on the EIS project.

It seems that everything has been done to misinform the public about this project and to make it controversial, such as: (1) Suppressing the fact that this is an existing quarry periodically operating since 1949; (2) misinforming the press that the proposed operation was for 200,000 tons/year rather than the actual maximum of 40,000 tons/year; (3) illegally blasting historic structures and a public access road (3N03A) out of existence in the proposed adjoining Big Horn Wilderness area in order to qualify portions of the Smart Ranch Limestone deposit as a roadless wilderness; (4) dumping junk cars in our quarry staging area to give us a bad public image; and (5) targeting Right Star and other limestone producers with biased studies alleging that several specific plants are endangered and were "limestone endemic," growing only on limestone, when the *only* areas they looked at were on the 5% of the National Forest underlain by limestone. In one field season, an independent Botanist working in the field found most of the five allegedly endangered plants growing on other soil/rock types such as dolomite, scarn, schist, quartzite and granite that make up about 80% of the San Bernardino National Forest! *Now the Big Bear Ranger District refuses to process our applications because they are waiting for the newly alleged endangered limestone plants to be listed as "rare and endangered,"* based on their biased information.

The October 10, 1990 letter (exhibit A) denying our permit appears to be falsified (backdated) with specific intent of denying us of our Constitutional, Civil and Property Rights to use our property. The content of the October 10, 1990, letter itself is incriminating—the last paragraph states; "The next meeting with you is scheduled for November 1, 1990 at the mine site." *This November 1, 1990 meeting was not even conceived until after the October 21, 1990 deadline; and it was at the specific suggestion of Buster Lamoure to Donald Fife that he arrange the meeting on November 1, 1990 at that location which was accomplished via Ranger Ernie Dierking in the San Bernardino National Forest headquarters.*

Mr. CRAIG. The National Association of Mining Districts, a group that I worked very closely with in California; the mining interests that employ thousands and thousands of people in the desert.

But another group that really went unspoken to in a lot of this was the California Outdoor Recreation League, off-road vehicle people.

When we were in Palm Springs several years ago holding hearings, we met with thousands of these people who pour out of the urban areas of the Los Angeles basin into the deserts of California on a weekend basis to recreate on their RV's and get out into the countryside. Much of this land has now been taken off limits to that kind of recreation. And that is a disappointment, because public land and public land resources, while we ought to protect them, also ought to be able to be utilized by people instead of telling the American public "No, that is off limits. You can't touch it."

Well, let me tell you there is an awful large part of the California desert that in the middle of the summer you just cannot walk out into. You do not walk out into 100-plus degree temperatures, but you do ride out into it on four-wheel drive vehicles, or RV's, or those kinds of recreational type facilities. Much of that is denied and, of course, in a wilderness area, all motorized vehicles are denied.

That is part of the debate. This issue has been thoroughly debated. I will not ask my amendment be read and placed before the Senate for consideration. I am disappointed that we could not have made a few other adjustments that really would have accommodated jobs, the kind of jobs we are talking about here, some 400 jobs that would have put a lot of high-paying salaries into some of those rural communities in the California Desert. But that is not the will of the Senator from California today.

But I do in all respect appreciate the kind of work she has put in to accommodate many of the broad interests, as we deal with this issue. Having said that, Mr. President, and having asked all of this be printed in the RECORD, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, I think we are about to get everything worked out. There is one minor boundary modification amendment which is left to be done. It has been cleared. Am I correct, that the boundary modification has been cleared?

Mr. CRAIG. The Senator is correct. It has been cleared by the minority.

Mr. JOHNSTON. In that case, I ask it be in order for the Senator from California to offer a minor boundary modification amendment prior to the vote on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 1624

(Purpose: To amend the boundary of the Mojave National Park to exclude approximately 170 acres of private land at Nipton and Goffs on the park boundary)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 1624.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 135, line 22, strike all through page 136, line 4 and insert in lieu thereof

"There is hereby established the Mojave National Park, (hereinafter in this title referred to as the "park") comprising approximately one million one hundred eighty-one thousand three hundred and fifty acres, as generally depicted on a map entitled "Mojave National Park Boudnary—Proposed", dated March 1994, which shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior."

Mrs. FEINSTEIN. Mr. President, this is a technical amendment. It amends the boundary of the Mojave National Park to exclude approximately 170 acres of private land, at Nipton and Goffs, in those two locations. The private lands have some improvements on them; they are located on the Mojave park boundary; and the private property owners do not wish to sell their land to the Federal Government.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1624) was agreed to.

Mr. WALLOP. Mr. President, I move to reconsider the vote.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### AMENDMENT NO. 1623

Mr. JOHNSTON. Mr. President, I think we now go to the Bennett amendment, to vote on it. We are in hopes this constitutes all the amendments. We will see as Senators show up on the floor. There may be some conversation prior to final passage. There may be a vote or two. But we are in hopes this is final and we put Senators on notice, if they have further business on this bill, to let us know. Otherwise, we will be going rapidly toward final passage.

Mr. WALLOP. Mr. President, have the yeas and nays been ordered on the Bennett amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. WALLOP. I thank the Chair.

### VOTE ON AMENDMENT NO. 1623

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND] is necessarily absent.

The PRESIDING OFFICER (Mr. AKAKA). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 34, nays 64, as follows:

[Rollcall Vote No. 88 Leg.]

### YEAS—34

Bennett
Brown
Burns
Coats
Cochran
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Faircloth
Gorton
Gramm
Grassley
Hatch
Hatfield
Helms
Hutchison
Kempthorne
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

### NAYS—64

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Conrad
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Gregg
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth

Sarbanes
Sasser
Simon
Specter
Wellstone
Wofford

NOT VOTING—2

Bond
Shelby

So the amendment (No. 1623) was rejected.

Mr. WALLOP. Mr. President, I move to reconsider the vote.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, as I understand it, there are only two amendments that are still viable, one by the Senator from Virginia, Mr. WARNER, and one possible amendment by Senator MURKOWSKI, and also an amendment with which we will agree by Senator BROWN. I wonder if we would be ready for a unanimous-consent request that only those three amendments be in order.

Mr. WALLOP. Has the Senator received information from Senator HATFIELD? I would be willing to enter into the consent, but I would reserve that place for him. We know the circumstances under which——

Mr. JOHNSTON. All right. Therefore, I ask unanimous consent that the only amendments in order would be an amendment by Senator BROWN with respect to park fees, by Senator MURKOWSKI with respect to hunting, by Senator WARNER with respect to national parks, Civil War national parks, a Johnston amendment, which would be a place holder amendment, and a Hatfield amendment which would be a payments-in-lieu-of-taxes amendment.

Mr. WALLOP. I have not been informed by the Senator from Arizona that he has withdrawn his amendment.

Mr. JOHNSTON. With only relevant second-degree amendments.

Mr. WALLOP. Yes. But I would say again that I have——

Mr. JOHNSTON. Relevant to the amendment to which it is offered.

Mr. WALLOP. Yes. But I have not been informed by the Senator from Arizona [Mr. McCAIN], that he has withdrawn his amendment on overflights.

Mr. JOHNSTON. I was not advised of that, but I would ask that we put in a McCain amendment on overflights under the same conditions of no second degree—only second degrees which are relevant to the amendment to which they are offered.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. BUMPERS. Mr. President, I understood that the Senator from Virginia wanted to offer an amendment. Is that correct?

Mr. JOHNSTON. Yes.

Mr. WARNER. Yes, that is correct.

Mr. BUMPERS. Is it in the agreement?

Mr. WARNER. Yes, it is in the agreement. But I thank my distinguished colleague from Arkansas.

The PRESIDING OFFICER. Is there objection? The Senator from Alaska.

Mr. MURKOWSKI. I would defer to the Senator from Wyoming.

The PRESIDING OFFICER. There being no objection, the unanimous-consent request is agreed to.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. It is my understanding the Senator from Alaska wishes to proceed, but I would like to make one observation.

On the vote just taken, the Senate has come down squarely on the side of giving the Government the biggest hammer in dealing with people. The argument was who should have the biggest hammer when it comes to the acquisition of private property: Is it the obligation of this Congress to see to it that the Government is operated for the convenience of the Government or is it the obligation to see to it that it is operated for the convenience and service of the people.

We came down this time on the side of the Government. I regret that. But I think the Senate will be advised that there will be more than one opportunity to see to it we make a statement that the private property right of the citizens of this country is a very significant right that ought not to be so casually dismissed.

I yield to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I thank the Chair. I thank my colleagues.

Mr. President, I was prepared to offer an amendment concerning private property rights relative to the application of S. 21 and what it does and how it threatens private property.

On the other hand, there may be a better opportunity and a more opportune time to bring that issue before this body.

I had also given some thought to offering an amendment with regard to access and to ensure inholders of the right to have egress and exit into their own lands. But I am convinced that there is another opportunity that might be better directed toward addressing that injustice.

However, with regard to S. 21, the California Desert Protection Act, there is one segment that I feel very strongly about. That is title V because title V of the bill and the creation of the Mojave National Park creates a reality that I do not think has been considered adequately by the sponsors of the legislation, because it would dictate that all hunting—Mr. President, all hunting—would be prohibited despite the fact that the East Mojave is and has been a traditional area for hunting, managed by the State of California Department of Fish and Game, and I might say managed quite effectively.

The National Park designation would also prohibit a number of wildlife enhancement programs in the area. I intend to go into these in some detail because these very activities have helped create what has become an extraordinary set of wildlife values that this bill jeopardizes by its very nature.

In effect, this body is being sold a bill of goods. As it stands now, this bill is an absolute catastrophe, an absolute disaster, for wildlife in the East Mojave Desert. Some of you would ask why, when we are talking about creating a wilderness, are we also talking about creating a park? Well, Mr. President, designating this area as a park—with a large area designated as wilderness—prohibits the enhancement programs and the active management which has been so efficiently performed under the State department of fish and game in California.

Designating this area as a park prohibits habitat enhancement activities. But these are precisely the activities that have led to the abundant wildlife populations now being used to justify the designation as a park.

I would venture to say that 90 percent of my colleagues are not aware of what the terminology means to the maintenance of the natural wildlife in the area. In a park which includes wilderness —and in the case of S. 21 we have what we call park wilderness—there is no hunting, but there also is no feeding. No feeding. You cannot bring in feed during a time of severe drought or a time of severe winter. No enhancement of any kind is going to be allowed in this area.

What does that mean? Healthy wildlife populations in the desert environment require active and not passive management. But this legislation allows no management because there will not be any access into the area. We really have to gain access to the East Mojave to restore its habitat.

We have seen evidence over the years that the natural areas containing water have been damaged by the wild burros and the salt cedar, a nonnative plant that consumes considerable water. But with access to the area by the BLM—and working with the State department of fish and game, working with private organizations, off-highway vehicle clubs, environmental groups, private landholders, and hunting clubs—we have restored those areas, those natural springs, and we have built numerous rain catchment basins or guzzlers, as they are called. These water sources are vital to all wildlife in the desert—all wildlife: deer, bighorn sheep, quail, chukar partridge, you name it.

There are 771 such water sites for wildlife in San Bernardino County. And their periodic repair requires heavy bags of cement and equipment that cannot be carried in on foot. Much of this effort has come from volunteers and private donations. Mr. President, all this will be limited to what you can haul in on your back. For all practical purposes, it will simply be eliminated.

Mr. President, look at some of the wildlife benefits that we have seen. We have seen the growth of the bighorn sheep as a consequence of management, management that has been dependent on access. We have been able, through utilization of vehicles and helicopters, to make the range bloom. The bighorn sheep has been a real success story in California. Now we are talking about sealing off this vast region. Mr. President, the spirit of conservation is being dampened severely by closing off this huge area of the East Mojave as a consequence of this proposed legislation.

So the implications are significant for wildlife populations. And I think they support my contention that this bill, as far as wildlife is concerned, is an absolute disaster.

I said about 1½ million acres of East Mojave is home to the desert bighorn sheep. The sensible thing to do and the right thing to do for the wildlife was to separate certain areas of the eastern Mojave and designate them as national park preserves. This would have allowed traditional activities on behalf of the wildlife to continue. While this would also allow hunting, that is not the main point. The health and wellbeing of the local wildlife populations is the issue here.

Mark my words, Mr. President. Californians associated with management and Californians who appreciated the growth of these wildlife populations are going to rue the day that this body adopted the restrictive access provisions in S. 21. The variety, the abundance of wildlife in this area has been directly attributed to the interests of sports people and those having access and those who have built and maintained the guzzlers. The guzzlers are the water catchments that benefit the varieties of wildlife.

Altogether, as I have said previously in my reference, there has been a lot of money spent—tens of thousands of dollars, and uncounted volunteer manhours by various groups to reopen these springs. In 1992 alone over $8,000 and some 19,000 manhours of labor were donated to ensure the welfare of the East Mojave wildlife.

These efforts of enhancement, Mr. President, will be abandoned. They will be lost. So those who commit to game management based on sound science and technology will have no access into the area. Many of the animals, obviously, will have to rely on the springs' natural state. That cannot be improved upon under the bill. Indeed, if the water supplies begin to dwindle, game herds also will dwindle because no one can have access into these areas to provide for the necessities.

According to the State of California—and I would refer specifically to a letter that we have from Mr. Boyd Gibbons with regard to his concern over this legislation—the animals will suffer if this area is made into a national park.

Mr. President, I further note that last year when the issue was before the Energy Committee, Mr. Gibbons, who is director of the California Department of Fish and Game, wrote the following:

> We have to gain access to the East Mojave to restore its habitat.
>
> Because of our active involvement in the East Mojave, the desert bighorn sheep has come back from its low levels of the early 1900's to the viable populations that Californians enjoy today.
>
> The bighorn sheep population in the Old Dad Mountains, near Baker in San Bernardino County, is a source stock for reestablishing sheep populations elsewhere in their historic range. From this productive herd, we have captured and relocated more than 200 bighorn sheep safely, efficiently, and with minimum disturbance to the desert, because we've been able to use vehicles and helicopters.

Mr. President, this spirit of sensible, practical, professional wildlife game management will be lost if this bill is passed. The spirit of conservation, as I have said, must not be dampened by closing off the East Mojave to hunting. One would ask an obvious question, and I am sure it moves some of my colleagues: Why is hunting important to the "spirit of conservation"? Those are the words of the California State wildlife director. There are two answers: First, the hunters have a major and significant interest in wildlife conservation. It is that interest that has led to the donation of time and money—both in vast quantities—to the rehabilitation and the health of all wildlife in the East Mojave. Repeating that, it is "all wildlife." There is no species in the East Mojave that has not benefited from professional game management and access for water-source rehabilitation.

The second question is perhaps economic, but the reality is that hunters pay for licenses and tags, and with today's tight budget, that is an important factor for fish and game managers everywhere. In this case, money from a nonrefundable application fee for bighorn sheep tags goes straight back into bighorn sheep research, management, and improvement of the area.

So the designation of the East Mojave as a national park preserve is the appropriate action by this body. As a national park preserve, the Park Service would have had jurisdiction but not the dictatorial power it has under this bill, and the real interests of wildlife populations would be protected. We have in Alaska some park preserves where hunting is allowed, and we know that in these areas you have the capability of professional game management, the utilization of the research and real benefits to the resource itself. I offered an amendment in committee, and it was rejected almost on a straight party line. I think the vote was 9-11. I was very much inclined to offer a specific hunting amendment today on this bill. But what is important is the welfare of the resource, and I am hopeful that the other body, the House, is prepared to address this matter and to make these changes. So I do not intend to offer the amendment today.

But the Members of this body would be well advised to take the time to think deeply about this matter. The spirit of conservation rests with those willing to put their time and money into ensuring that wildlife thrives and repopulates.

It does not lie with those who really enjoy feeling environmentally "aware," but who in their narrow-minded desire to raise preservation for preservation's sake to the level of a religion, are willing to watch wildlife populations degraded by lack of attention and management.

I am reminded of John James Audubon, who himself was an avid hunter. I suggest that he would be shocked at how skewed our perception of conservation has become and appalled at what we are doing in this restrictive legislation. In the opinion of the Senator from Alaska, it is a travesty, and in an all-too-real sense, it is a crime against sensible, science-based natural resource management. I can only hope that the House is perceptive enough to address it more realistically.

On the other hand, I commend the Senator from California for the manner in which she has been open to constructive changes in this legislation. Unfortunately, our minds have not been able to mesh on the merits of professional game management in the Mojave, with regard to the extraordinary game resources that are there and the tremendous record that the State of California has had in enhancing and managing those game resources.

So I commend the Senator on the overall effort, but I stand my ground on the concern over the game resources that are going to be, I think, substantially reduced as a consequence of this. I speak today for the desert bighorn sheep, and I conclude my remarks.

I thank the Chair and yield the floor.

### AMENDMENT NO. 1625

(Purpose: To establish the Shenandoah Valley National Battlefields and Commission in the Commonwealth of Virginia, and for other purposes)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

This is known as the Shenandoah Valley Battlefield Partnership Act of 1994.

The PRESIDING OFFICER (Mr. WOFFORD). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. ROBB, proposes an amendment numbered 1625.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. WARNER. Mr. President, I want to be very brief, because I have had the cooperation, procedurally, from the two managers, and I see the distinguished Senator from Arkansas, who is the chairman of the subcommittee within which the jurisdiction rests for this proposed piece of legislation. The Senator from Arkansas and I have taken the floor many times in this Chamber to discuss certain historical facts relating to the Civil War, and I hope that we will have a few minutes this afternoon to address this very important amendment.

This amendment applies to eight pieces of land, battlefields in the valley of Virginia, fought over by two famous military figures in American history—Gen. Stonewall Jackson, one of the most revered men in the State of Virginia, and Gen. Philip Sheridan. These are eight pieces of ground, hallowed ground, ground which is visited each year by literally hundreds of thousands of Americans and other visitors of this country, your constituents, my constituents. Indeed, I had not seen one or more of these battlefields myself until over the past 2 years. I had the opportunity to visit it while we were putting this legislation together. Senator ROBB is a cosponsor with me. My staff assistant, Ann Loomis, and I, and others from the Park Service, historians, have traveled every one of these battlefields. It is fascinating. I urge my colleagues, given the time some day, to go learn for themselves about this piece of history in the 1860's.

But it is eight pieces of ground that are going to be donated to the United States of America, to the people of this country, or in some manner integrated into this national park in such a way it does not require the taxpayers to spend the money.

Several of these pieces of ground have been held in the same family since that epic struggle. Those families want to continue, but they want to share this property with citizens all across this Nation.

This is a unique piece of legislation. Yes, it is a national park, but it is a national park created in cooperation with landowners donating the property or otherwise acceding to certain provisions which enable it to be shared with visitors in partnership with the local communities anxious to preserve this ground against further encroachment from sprawling growth of small towns and large towns in the local area. That is why we call it a partnership, and I think you will find, I say to my colleagues with all due respect, that this can serve as a model for the future to hold down the costs associated with the creation of national parks.

The distinguished Senator from Wyoming, the ranking member on this committee, is very concerned and properly so. I supported him earlier today in his amendment to hold down the costs associated with national parks, and I hope that he and other Senators would look at the uniqueness of this bill and consider it on its merits and also as a model piece of legislation to guide other Senators and Members of Congress as they desire to create parks in their own community.

The Shenandoah Valley National Battlefields Partnership Act is the product of an in-depth study by the National Park Service which was authorized by the Congress in 1990.

In the draft report issued in 1991, the Park Service conducted field surveys of 15 battlefields in the valley and concluded in their analysis that because of their size and unprotected status, the battlefields of the Shenandoah Valley were its most important, most neglected, and most threatened resource.

Mr. President, throughout my service in this body, I have been actively involved in the preservation of several Civil War battlefields in Virginia. One of my first legislative initiatives was to sponsor legislation in 1980 to expand the boundaries of the Manassas National Battlefield Park by 1,522 acres. While some battlefield preservation efforts in Virginia have been accomplished by a consensus of support from local governments, the preservation community and the Federal Government, other battlefield issues have involved a great deal of acrimony.

I am pleased today that I bring to the Senate legislation which represents a significant investment of time, understanding, and accommodation by preservation groups and local governments which has resulted in legislation to protect and preserve these treasures of our American heritage.

Each party interested in fostering the protection of the Shenandoah Valley battlefields has worked for the past year to craft a consensus proposal that recognizes the limits on the Federal Government's resources to acquire substantial acreage in the valley and balances the needs of property owners and local governments to provide for their economic future.

The Shenandoah Valley National Battlefields Partnership Act can be, I believe, a responsible method of preserving unprotected, yet significant Civil War sites.

While authorizing limited Federal acquisition of eight battlefields in the valley, the core of this legislation is to foster and encourage an atmosphere of cooperation between the Federal Government, State and local governments, property owners, and preservation groups who currently own some of this historic property.

Local governments will benefit from, and have endorsed, the creation of a new national park within their jurisdictions because they recognize that the Park Service can provide technical assistance about the location of Civil War engagements. This assistance will allow local governments to plan appropriately for new growth and development within their borders.

Mr. President, specifically, my legislation establishes the Shenandoah Valley National Battlefields consisting of the boundaries of 1,140 acres of 8 battlefields throughout the valley.

They include Stonewall Jackson's Valley Campaign of 1862 of the battles of McDowell, Cross Keys, and Port Republic; the Gettysburg Campaign in 1863 marked by the Second Battle of Winchester; the Lynchburg Campaign of 1864 at the Battle of New Market; and Union General Sheridan's Valley Campaign of 1864 of the battles of Fishers Hill, Toms Brook, and Cedar Creek.

As the Park Service's draft report identified more than 33,000 acres as core battlefield engagement areas, I propose the creation of the Shenandoah Valley National Battlefields Commission to make recommendations on which of these core areas should be added to the battlefields.

These recommendations will be developed as the Commission discharges its duties of preparing a heritage plan with the assistance of the Park Service and active public involvement. The heritage plan must be approved by the Secretary of the Interior and transmitted to the Congress for approval. The heritage plan will identify the final boundaries of the battlefields and identify which areas are part of the core engagement areas and which areas contributed in a significant way to the historical events that occurred in the valley from 1862 to 1864.

Mr. President, there is no question about the value of these properties. They are essentially undisturbed and continue to tell an important story of the military strategy employed during the battles of Thomas J. "Stonewall" Jackson's valley campaign of 1862 and the battles associated with Union Gen. Philip Sheridan's "Burning" of the Shenandoah Valley in 1864.

Approximately one-third of the recorded events of the Civil War occurred in Virginia. Dyer's "Compendium of the War of the Rebellion" records 297 incidents of armed conflict in the Shenandoah Valley during the Civil War: 6 battles, 18 engagements, 21 actions, and 252 skirmishes. The Shenandoah Valley—referred to as the "Granary of Virginia"—was the richest agricultural region in Virginia, providing provisions to the Confederate forces. In addition, the Confederates used the valley as a natural corridor for invading or threatening invasion of the North, while the Union forces realized the importance of denying the valley's use to the Confederacy.

One of the most brilliant and most studied military campaigns in history was Stonewall Jackson's Valley Campaign of 1862. During this campaign, Jackson's army of 17,000 men defeated 3 Northern armies with a combined strength of 33,000 in a single month, winning 5 battles: McDowell, Front Royal, Winchester, Cross Keys, and Port Republic. Most importantly, Jackson's valley campaign created a strategic diversion to draw strength from the Federals' advance on Richmond. It was Robert E. Lee who unleashed Jackson in the valley. Lee realized the importance of creating a diversion in the valley to keep Union troops from moving toward Richmond.

Jackson's performance during the 1862 valley campaign had transformed this southern, VMI professor into a military legend. As James McPherson recounts in "Battle Cry of Freedom":

> Jackson's victories in the Valley created an aura of invincibility around him and his foot cavalry. They furthered the southern tradition of victory in the Virginia theater that had begun at Manassas * * * Stonewall became larger than life in the eyes of many northerners; he had gotten the drop on them psychologically, and kept it until his death a year later.

Confederate advances preceding August 1864—including Jubal Early's victories at the Battle of Cool Springs and the Second Battle of Kernstown—led Lt. Gen. Ulysses S. Grant to instruct Gen. Philip H. Sheridan to put an end to the Confederate threat to the lower Shenandoah Valley. In October 1864, Sheridan introduced the concept of total warfare to the Shenandoah Valley—later to be referred to as "The Burning" or "Red October."

In Sheridan's own words he described his actions in the fall of 1864 in this way:

> I have destroyed over 2,000 barns, filled with wheat, hay, and farming implements; over 70 mills, filled with flour and wheat * * * When this is completed, the Valley from Winchester up to Staunton, ninety-two miles, will have but little in it for man or beast.

Even with the incredible devastation wrought by Sheridan during the Battle of the Opequon, the Battle of Fishers Hill, and the Battle of Tom's Brook, the Confederates refused to surrender the valley, even successfully pulling off a surprise attack on Union forces at Cedar Creek.

However, Sheridan counterattacked, and as James McPherson states in "Battle Cry":

> Within a few hours Sheridan had converted the battle of Cedar Creek from a humiliating defeat into one of the more decisive Union victories of the war.

With the Confederate threat in the Valley eliminated, Sheridan moved on to Petersburg to participate in the final campaign of the Civil War in Virginia.

The events which occurred in the Shenandoah Valley during the Civil War deserve a permanent place in history, just as Manassas, Gettysburg, and Antietam. As stated in the National Park Service's 1991 draft study of the civil war sites in the valley:

> Few regions in the United States have experienced the horrors of systematic destruction, and the memories are still close to the surface for many long-time valley residents. Family histories are filled with stories that relate to the hardships of that time. It took a generation to repair the savages of "The Burning" and another generation before life in the Valley returned to its pre-war condition. There can be found there today a fierce pride in ancestors who survived the war and who struggled to rebuild all that was lost.
>
> The history of the Civil War in the Shenandoah Valley bears witness to the devastation and waste of warfare, but more importantly, it underscores the irrepressible human will to survive, to rebuild, to carry on. The historic events and the human players of the Valley—heroic and the tragic alike—have contributed significantly to the texture of our American cultural heritage.

Mr. President, I am confident that these battlefields will make a very positive contribution to the Park Service's preservation of this tragic chapter in our American history. These lands are important to our understanding of the events that occurred from 1862 to 1864 when the momentum and tide of the Confederacy's struggle turned and the Union forces began to take hold.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I, first of all, express my sincere admiration and respect to the distinguished Senator from Virginia for having labored in the vineyards for a very long time in an effort to get the Shenandoah Valley battlefields the national designation they deserve.

I am on the advisory council to the Association for the Preservation of Civil War Sites, which is based in Fredericksburg. They have been very interested in this legislation. Every Civil War buff is interested in this legislation.

As chairman of the subcommittee that is considering this bill, I can tell you that we are working as diligently as we can to draft language that will accomplish precisely what the Senator wants.

There are a lot of interests to be accommodated, but any time you can get local governments, private individuals, and the Federal Government all involved in protecting an area that badly needs to be preserved, the language has to be drafted very carefully.

I am hoping that the Senator's staff and the subcommittee staff will have this bill in final draft form. I hope they will have the language in final draft form by the time we go to the next markup in the full committee.

I have to say with all candor to the distinguished Senator from Virginia he is much more likely to find opposition on his side of the aisle than he is on this side. But having said that, I think the bill has tremendous merit. It is certainly at the present time my intention to support the bill very strongly.

When the Senator asked me about offering the amendment on the California Desert Protection Act, I appealed to his good nature to offer it and perhaps not go to a vote on it at this time with the knowledge that I am going to do everything I can to assist him in passing this bill.

The chairman of the committee is seated on the floor, and I know he shares my hope that we go to markup on this just as soon as we can get the amendment drafted.

I want to make my commitment to the Senator from Virginia now if he would be willing to postpone action on this amendment until we can draft the amendment to his bill, then I will do everything I can to accommodate him.

Mr. WARNER. Mr. President, I thank my good friend and colleague, the Senator from Arkansas, and I would just like to engage in a brief colloquy on several technical changes.

I feel that this bill indeed does need some drafting because this is a bit of an innovation to ask landowners to make the land available for public inspection and to assume associated risk with tort liabilities with visitors coming on, and that is an important provision of the bill we have to work out, and that to me is one of the reasons why this delay would be in the interest of getting a bill that can meet that requirement as well as others. That is visitor access.

This land, I stress, some of it will remain in private ownership, private ownership, which is unique, am I not correct, in the formation of a public park like this?

Mr. BUMPERS. It is always the thorniest issue we have to deal with, I say to the Senator.

Mr. WARNER. I thank my good friend.

I wish to inform the managers at this time I will ask that the amendment be withdrawn, and I accept the assurances of my distinguished colleague from Arkansas and the managers of this bill that we will proceed to fair consideration in the forthcoming markup and we will once again address this matter on the floor of the Senate.

I would just hope my friend from Arkansas would further make the commitment that perhaps the debate on the final bill could take place in the hours of 1 to 3 in the morning as we did the Manassas bill and kept up about a third of America on C-SPAN watching us on battle engagements that the two of us and other Senators joined in during the course of that historic moment. I remember it very well.

I also remember my position lost and that the Senator from Arkansas won.

Mr. BUMPERS. As I have said, and this sounds a little self-serving, but I say it again, in the 19-plus years I have been in the Senate, that is the only time, about 9 o'clock that evening, on the Manassas battlefield bill that Senators have actually walked into this Chamber—this in a way is a terrible admission—have walked into the Chamber, sat in their seats, not having a clue as to what that bill was about, and sat at rather rapt attention for about 2 or 3 hours while the Senator from Virginia and I gave them little Civil War battlefield lessons on the battles of Manassas. And I think they voted that night based on what they heard in the debate and not by weighing their mail or telephone calls or anything else.

I thought it was one of the healthiest moments I ever witnessed. Actually I won. So I feel that way. I feel it was a healthy thing for the country, especially the U.S. Senate.

Mr. WARNER. Mr. President, I acknowledge the win by the distinguished colleague from Arkansas but in a way Virginia won because there is a magnificent addition to a park that has been in existence for many years, preserving the history of the first and second battlefields of Manassas, and while in the early 1980's I was successful in persuading the Senate to add a large section to it, it was the legislation that the Senator from Arkansas and I worked on that made a third important addition to that historic park, and I would hope that we would have a similar, although less contentious this time, debate on this matter.

Mr. BUMPERS. If I could make one observation to show the Senator my good faith, I was also an author of a bill to establish the Civil War Battlefield Sites Advisory Commission. As the Senator knows, James McPherson and others of his stature were on that. They studied all the battlefields of the Civil War and came back to Congress and presented us with the battlefields that they thought were most important from an historical standpoint, the battlefields that were most threatened by development or encroachment.

I am more or less committed to that Commission because it was my legislation and in the future it is my intention to only champion those sites that they very studiously selected as the sites most in need of preservation. While portions of the Senator's bill, may be at slight variance with the Commission's report, I am willing to work with the Senator to accommodate his concerns.

Mr. WARNER. Mr. President, I thank my distinguished colleague and I thank the managers.

I would like the RECORD to reflect that the Park Service did a study of this area in 1990 and there the Park Service recommends the incorporation of the sites I referred to in this amendment.

Mr. ROBB. Mr. President, I rise today as an original cosponsor and strong supporter of the amendment offered by my senior colleague from Virginia, Senator WARNER, to help preserve for future generations the many significant Civil War battlefields in the Shenandoah Valley of Virginia. The amendment would create a new national park in Virginia and establish a commission, made up of local landowners and historians, to devise a plan for further preservation in the Valley.

Virginia is filled with many places that summon images of the Civil War; but few places can evoke a sense of truly being there like Virginia's Shenandoah Valley. I do not think there is any doubt that the Shenandoah Valley is rich in Civil War history—it is the site of both Gen. "Stonewall" Jackson's 1862 valley campaign and General Sheridan's 1864 Union campaign. In fact, a visitor to the area in 1994 would see the same view Stonewall Jackson had over 130 years ago. While rich in history, this area is also rich in controversy, spurring a complex public debate between preservationists and private property owners. Despite all of this present conflict, agreement has been reached with this piece of legislation and I am pleased to point out that this amendment before us today is a result of cooperation and compromise.

It is the product of a grassroots effort by preservationists, local government officials, local residents, and private property owners, who came together to find a way to preserve our national heritage without unduly infringing on the rights of property owners. It is not often that you find a legislative effort that enjoys such a wide range of participants and supporters. This bill encourages cooperative agreements between the Federal Government and private individuals. This is the bill's strength and its backbone. This bill is indeed about partnership and is named accordingly.

It is time to complete work on this legislation. A great part of Virginia's cultural and historical heritage hangs in the balance. We can look to Stonewall Jackson himself for guidance: "If this valley is lost, Virginia is lost." This is as true today as it was in 1862. I urge the committee to move to this bill quickly and act on this legislation before the opportunity is lost.

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

So the amendment (No. 1625) was withdrawn.

The PRESIDING OFFICER. The Senator from Louisiana.

### AMENDMENT NO. 1626

(Purpose: To establish the New Orleans Jazz National Historical Park in the State of Louisiana)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration. I ask that the amendment be inserted at the end of the bill.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for himself, Mr. BREAUX, Ms. MOSELEY-BRAUN, and Mr. COCHRAN, proposes amendment numbered 1626.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, insert the following new title:

*TITLE ——*

***SECTION 1. SHORT TITLE.***

*This title may be cited as the "New Orleans Jazz National Historical Park Act of 1994".*

***SEC. . FINDINGS AND PURPOSE.***

*(a) FINDINGS.—The Congress finds that:*

*(1) Jazz is the United States' most widely recognized indigenous music and art form. Congress previously recognized jazz in 1987 through Senate Concurrent Resolution 57 as a rare and valuable national treasure of international importance.*

*(2) The city of New Orleans is widely recognized as the birthplace of jazz. In and around this city, cultural and musical elements blended to form the unique American music that is known as New Orleans jazz, which is an expression of the cultural diversity of the lower Mississippi Delta Region.*

*(3) Jean Lafitte National Historical Park and Preserve was established to commemorate the cultural diversity of the lower Mississippi Delta Region including a range of cultural expressions like jazz.*

*(b) PURPOSE.—In furtherance of the need to recognize the value and importance of jazz, it is the purpose of this Act to establish a New Orleans Jazz National Historical Park to preserve the origins, early history, development and progression of jazz; provide visitors with opportunities to experience the sights, sounds, and places where jazz evolved; and implement innovative ways of establishing jazz educational partnerships that will help to ensure that jazz continues as a vital element of the culture of New Orleans and our Nation.*

***SEC. . ESTABLISHMENT.***

*(a) IN GENERAL.—In order to assist in the preservation, education, and interpretation of jazz as it has evolved in New Orleans, and to provide technical assistance to a broad range of organizations involved with jazz music and its history, there is hereby established the New Orleans Jazz National Historical Park (hereinafter referred to as the "historical park"). The historical park shall be administered in conjunction with the Jean Lafitte National Historical Park and Preserve, which was established to preserve and interpret the cultural and natural resources of the lower Mississippi Delta Region.*

*(b) AREA INCLUDED.—The historical park shall consist of lands and interests therein as follows:*

*(1) Lands which the Secretary of the Interior (hereinafter referred to as "the Secretary") may designate for an interpretive visitor center complex.*

*(2) Sites that are the subject of cooperative agreements with the National Park Service for the purposes of interpretive demonstrations and programs associated with the purposes of this title.*

*(3)(A) Sites designated by the Secretary as provided in subparagraph (B).*

*(B)(i) No later than 18 months after the date of enactment of this Act, the Secretary is directed to complete a national historic landmark evaluation of sites associated with jazz in and around New Orleans as identified in the document entitled "New Orleans Jazz Special Resource Study", prepared by the National Park Service pursuant to Public Law 101–499. In undertaking the evaluation, the Secretary shall, to the extent practicable, utilize existing information relating to such sites.*

*(ii) If any of the sites evaluated are found to meet the standards of the National Historic Landmark program and National Park Service tests of suitability and feasibility, and offer outstanding opportunities to further the purposes of this title, the Secretary may designate such sites as part of the historical park, following consultation with the owners of such sites, the city of New Orleans, the Smithsonian Institution, and the New Orleans Jazz Commission, and notification to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.*

### SEC. . ADMINISTRATION.

*(a)(1) In General.—The Secretary shall administer the historical park in accordance with this title and with provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467). The Secretary shall manage the historical park in such a manner as will preserve and perpetuate knowledge and understanding of the history of jazz and its continued evolution as a true American art form.*

*(2) To minimize operational costs associated with the management and administration of the historical park and to avoid duplication of effort, the Secretary shall, to the maximum extent practicable, utilize the facilities, administrative staff and other services of the Jean Lafitte National Historical Park and Preserve.*

*(b) Donations.—The Secretary may accept and retain donations of funds, property, or services from individuals, foundations, corporations, or other public entities for the purposes of providing services, programs, and facilities that further the purposes of this title.*

*(c) Interpretive Center.—The Secretary is authorized to construct, operate, and maintain an interpretive center in the historical park on lands identified by the Secretary pursuant to section 3(b)(1). Programs at the center shall include, but need not be limited to, live jazz interpretive and educational programs, and shall provide visitors with information about jazz-related programs, performances, and opportunities.*

*(d) Jazz Heritage Districts.—The Secretary may provide technical assistance to the city of New Orleans and other appropriate entities for the designation of certain areas in and around New Orleans as jazz heritage districts. Such districts shall include those areas with an exceptional concentration of jazz historical sites and established community traditions of jazz street parades.*

*(e) Cooperative Agreements, Grants and Technical Assistance.—In furtherance of the purposes of this title—*

*(1) the Secretary, after consultation with the New Orleans Jazz Commission established pursuant to section 7, is authorized to enter into cooperative agreements with owners of properties that are designated pursuant to section 3(b)(3) which provide outstanding educational and interpretive opportunities relating to the evolution of jazz in New Orleans. The Secretary may assist in rehabilitating, restoring, marking, and interpreting and may provide technical assistance for the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions that the National Park Service will have reasonable rights of access for operational and visitor use needs, that rehabilitation and restoration will meet the Secretary's standards for rehabilitation of historic buildings, and that specify the roles and responsibilities of the Secretary for each site or structure;*

*(2) the Secretary is authorized to enter into cooperative agreements with the city of New Orleans, the State of Louisiana, and other appropriate public and private organizations under which the other parties to the agreement may contribute to the acquisition, construction, operation, and maintenance of the interpretive center and to the operation of educational and interpretive programs to further the purposes of this title; and*

*(3) the Secretary, in consultation with the New Orleans Jazz Commission, is authorized to provide grants or technical assistance to public and private organizations.*

*(f) Jazz Educational Programs.—The Secretary shall, in the administration of the historical park, promote a broad range of educational activities relating to jazz and its history. The Secretary shall cooperate with schools, universities, and organizations supporting jazz education to develop educational programs that provide expanded public understanding of jazz and enhanced opportunities for public appreciation. The Secretary may assist appropriate entities in the development of an information base including archival material, audiovisual records, and objects that relate to the history of jazz.*

### SEC. . ACQUISITION OF PROPERTY.

*(a) General Authority.—The Secretary may acquire lands and interests therein within the sites designated pursuant to section 3(b)(1) and (3) by donation or purchase with donated or appropriated funds or long term lease: Provided, That sites designated pursuant to section 3(b)(3) shall only be acquired with the consent of the owner thereof.*

*(b) State and Local Properties.—Lands and interests in lands which are owned by the State of Louisiana, or any political subdivision thereof, may be acquired only by donation.*

### SEC. . GENERAL MANAGEMENT PLAN.

*Within 3 years after the date funds are made available therefor and concurrent with the national landmark study referenced in section 3(b)(3), the Secretary, in consultation with the New Orleans Jazz Commission, shall prepare a general management plan for the historical park. The plan shall include, but need not be limited to—*

*(1) a visitor use plan indicating programs and facilities associated with park programs that will be made available to the public;*

*(2) preservation and use plans for any structures and sites that are identified through the historic landmark study for inclusion within the historical park;*

*(3) the location and associated cost of public facilities that are proposed for inclusion within the historical park, including a visitor center;*

*(4) identification of programs that the Secretary will implement or be associated with through cooperative agreements with other groups and organizations;*

*(5) a transportation plan that addresses visitor use access needs to sites, facilities, and programs central to the purpose of the historical park;*

*(6) plans for the implementation of an archival system for materials, objects, and items of importance relating to the history of jazz; and*

*(7) guidelines for the application of cooperative agreements that will be used to assist in the management of historical park facilities and programs.*

### SEC. . ESTABLISHMENT OF THE NEW ORLEANS JAZZ COMMISSION.

*(a) Establishment.—To assist in implementing the purposes of this title and the document entitled "New Orleans Jazz Special Resource Study", there is established the New Orleans Jazz Commission (hereinafter referred to as the "Commission").*

*(b) Membership.—The Commission shall consist of 17 members to be appointed no later than 6 months after the date of enactment of this Act. The Commission shall be appointed by the Secretary as follows:*

*(1) One member from recommendations submitted by the Mayor of New Orleans.*

*(2) Two members who have recognized expertise in music education programs that emphasize jazz.*

*(3) One member, with experience in and knowledge of tourism in the greater New Orleans area, from recommendations submitted by local businesses.*

*(4) One member from recommendations submitted by the Board of the New Orleans Jazz and Heritage Foundation.*

*(5) One member, with experience in and knowledge of historic preservation within the New Orleans area.*

*(6) Two members, one from recommendations submitted by the Secretary of the Smithsonian Institution and one member from recommendations submitted by the Chairman of the National Endowment of the Arts, who are recognized musicians with knowledge and experience in the development of jazz in New Orleans.*

*(7) Two members, one from recommendations submitted by the Secretary of the Smithsonian Institution and one member from recommendations submitted by the Director of the Louisiana State Museum with recognized expertise in the interpretation of jazz history or traditions related to jazz in New Orleans.*

*(8) Two members who represent local neighborhood groups or other local associations; from recommendations submitted by the Mayor of New Orleans.*

*(9) One member representing local mutual aid and benevolent societies as well as local social and pleasure clubs, from recommendations submitted by the Board of the New Orleans Jazz and Heritage Foundation.*

*(10) One member from recommendations submitted by the Governor of the State of Louisiana, who shall be a member of the Louisiana State Music Commission.*

*(11) One member representing the New Orleans Jazz Club from recommendations submitted by the club.*

*(12) One member who is a recognized local expert on the history, development and progression of jazz in New Orleans and is familiar with existing archival materials from recommendations submitted by the Librarian of Congress.*

*(13) The Director of the National Park Service, or the Director's designee, ex officio.*

*(c) Duties of the Commission.—The Commission shall—*

*(1) advise the Secretary in the preparation of the general management plan for the historical park; assist in public discussions of planning proposals; and assist the National Park Service in working with individuals, groups, and organizations including economic and business interests in determining programs in which the Secretary should participate through cooperative agreement;*

*(2) in consultation and cooperation with the Secretary, develop partnerships with educational groups, schools, universities, and other groups to furtherance of the purposes of this Act;*

*(3) in consultation and cooperation with the Secretary, develop partnerships with city-wide organizations, and raise and disperse funds for programs that assist mutual aid and benevolent societies, social and pleasure clubs and other traditional groups in encouraging the continuation of and enhancement of jazz cultural traditions;*

*(4) acquire or lease property for jazz education, and advise on hiring brass bands and musical groups to participate in education programs and help train young musicians;*

*(5) in consultation and cooperation with the Secretary, provide recommendations for the location of the visitor center and other interpretive sites;*

*(6) assist the Secretary in providing funds to support research on the origins and early history of jazz in New Orleans; and*

*(7) notwithstanding any other provision of law, seek and accept donations of funds, property, or services from individuals, foundations, corporations, or other public or private entities and expend and use the same for the purposes of providing services, programs, and facilities for jazz education, or assisting in the rehabilitation and restoration of structures identified in the national historic landmark study referenced in section 3(b)(3) as having outstanding significance to the history of jazz in New Orleans.*

*(d) APPOINTMENT.—Members of the Commission shall be appointed for staggered terms of 3 years, as designated by the Secretary at the time of the initial appointment.*

*(e) CHAIRMAN.—The Commission shall elect a chairman from among its members. The term of the chairman shall be for 3 years.*

*(f) TERMS.—Any member of the Commission appointed by the Secretary for a 3-year term may serve after the expiration of his or her term until a successor is appointed. Any vacancy shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor was appointed.*

*(g) PER DIEM EXPENSES.—Members of the Commission shall serve without compensation. Members shall be entitled to travel expenses under section 5703, title 5, United States Code, when engaged in Commission business, including per diem in lieu of subsistence in the same manner as persons employed intermittently.*

*(h) ADMINISTRATIVE SUPPORT.—The Secretary shall provide the Commission with assistance in obtaining such personnel, equipment, and facilities as may be needed by the Commission to carry out its duties.*

*(i) ANNUAL REPORT.—The Commission shall submit an annual report to the Secretary identifying its expenses and income and the entities to which any grants or technical assistance were made during the year for which the report is made.*

***SEC. . AUTHORIZATION OF APPROPRIATIONS.***

*There is authorized to be appropriated such sums as may be necessary to carry out this title.*

Mr. JOHNSTON. Mr. President, this amendment adds a new title at the end of S. 21. The amendment incorporates the text of a bill which has been reported out of the Energy and Natural Resources Committee overwhelmingly and awaits passage here. I know of no objection to its consideration on the floor of the Senate.

What the amendment does is create the New Orleans Jazz National Historical Park, the cost of which would be $1 million a year or less.

Mr. President, jazz is a uniquely American art form and New Orleans likes to think of itself as the cradle of jazz. What this bill would do would be to propagate jazz in the country by having an archive for jazz, education for jazz, particularly in the Dixieland jazz epitomized by Louis Armstrong, who is perhaps the best known New Orleanian who engaged in jazz, as well as the performance of jazz.

We do not have in mind the acquisition of private property. Rather, it will be through cooperative agreements and using in some respects leased land, in other respects using existing buildings.

Mr. President, this park has now been studied by the National Park Service, and this amendment incorporates the results and recommendations of the study.

This amendment will, in fact, preserve and propagate jazz as practiced in the city of New Orleans. It would be administered in coordination with the Jean Lafitte National Park and Preserve, and we believe it would be one of the jewels in the crown, to be sure a small one and an inexpensive one, but a very important one, because it would preserve this uniquely American art form.

I ask for favorable consideration of the amendment.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I oppose this amendment, though I will not call for a vote on it.

This is an amendment that is the reflection of dozens of other amendments over the years and is the point I was trying to make in the morning hour. We add and we add to this poor benighted agency we call the National Park Service and we are killing it with a thousand hooks.

It is not that I have an objection to a jazz park. It is not that I had an objection to a Mojave Park. It is that I cannot understand how people who feel responsible can add to this burden and continue and continue and continue. When comes the final straw?

A few years back, we put in the house of the famous Mexican painter, Georgia O'Keeffe. After awhile, we had to take it back. A little while ago, we had the orchestra leader Lawrence Welk's dwelling.

Mr. President, the Park Service and America's concept of parks has been so good that all of us somehow or another seek to satisfy a constituent by making yet another park. One of the worst that we have done is in the State of the occupant of the Chair, and I regret to say it, is Steam Town. It costs millions of dollars to the National Park Service to create an entity that is not worthy of being called a national park.

That is not to say that I do not believe that a jazz park is contrary to the interests of the National Park Service, although the Director said that he could not afford it when he testified about it.

But, I say to my colleagues that we might just as well pile them all in there and then someday we will have a National Park Service that can no longer function and we will have then the opportunity perhaps to get the Secretary of Interior, who refuses to prioritize, the Director of the Park Service, who refuses to give us the issue that has been directed of him about which parks and which park properties we should keep and which are the priorities in which we should acquire them. They refuse to do that. Why? Because it is political.

Everybody in here has put a park on because it is in his own direct political interest and by prioritizing, the National Park System is going to have to say, "Yes, I want the Senator from Louisiana's park but not the Senator from Wyoming's park." And no matter how it comes to that decision, he is going to be found hateful by somebody, so they refuse to do it.

The Director of the National Park Service and the Secretary of Interior are allowing the park system to degrade in this country before our very eyes. We are doing it again.

I will not stand in the way of this amendment, but I say to the Senate that I will raise this question on park after park and issue after issue until we come to grips with the fact that this marvelous entity we have created called a National Park Service is being killed by the very people who praise it every day.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment

The amendment (No. 1626) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### WILDLIFE MANAGEMENT IN CALIFORNIA DESERT

Mrs. FEINSTEIN. Mr. President, there has been active public participation in installation and maintenance of wildlife watering devices in many of the Bureau of Land Management wilderness areas designated under this bill.

In recognition of these activities, the desert bill includes language clarifying State jurisdiction over fish and wildlife and allowing management activities to maintain and support fish and wildlife populations and their habits. This language is identical to language in the recent enacted Arizona Desert Wilderness Act.

It is my understanding that this language gives the Bureau of Land Management the discretion to allow the use of motorized vehicles in wilderness areas on a case by case basis to maintain these wildlife watering devices, commonly referred to as guzzlers. The vehicles are used to transport pipes and other necessary equipment.

As the sponsor of S. 21, it is my intent that the Bureau of Land Management utilize the authority provided in this bill and continue to work with the public in the continued maintenance of these devices and use motorized vehicles when appropriate.

I would like to ask the manager of the bill if he concurs on this matter.

Mr. JOHNSTON. I agree with the Senator from California.

Mrs. FEINSTEIN. I thank the Senator.

Mr. President, there also have been longstanding events such as organized horseback rides that have taken place in some wilderness areas and park units designated under S. 21. For example, Equestrian Trails, Inc., has an annual horseback ride through Death Valley National Monument. I understand the National Park Service and Bureau of Land Management have worked cooperatively with the sponsors of the event. It is my intent that this cooperative relationship continue within the units of the National Park System and wilderness areas designated under the desert bill.

I would like to ask the manager of the bill if he agrees that these events may continue in the areas designated under S. 21.

Mr. JOHNSTON. I agree with the Senator from California.

Mr. MCCAIN. I would like to take this opportunity to ask Senator JOHNSTON and Senator WALLOP a question regarding the section of the California Desert Protection Act dealing with military overflights.

Mr. JOHNSTON. I would be pleased to respond to the Senator.

Mr. MCCAIN. The Committee has recognized the importance of low-level military flight training exercises that take place in desert regions of Arizona and California, that continuation of these activities is critical to national defense and that they are not incompatible with the protection of areas designated as wilderness.

In this bill, as in the Arizona Wilderness bill, the ability of the military to conduct these essential flight training exercises is protected. However, the language in the California bill is not identical to the language in Public Law 101-628.

Would the chairman agree that the language in the Arizona bill is consistent with and is as protective of overflight activities as the pending legislation? Isn't it the intent of the committee that training exercises, whether conducted in Arizona or California, shall not be restricted or precluded by the Arizona Desert Wilderness Act, the California Desert Protection Act, nor the Wilderness Act?

Mr. JOHNSTON. Mr. President, I agree with the Senator. We do not intend for the designation of wilderness to infringe on the ability of the military to conduct exercises above designated wilderness land in Arizona or California.

Mr. WALLOP. I agree. The committee recognizes the importance of these exercises, that they are not incompatible with designated wilderness and that they will be permitted to continue.

Mr. MCCAIN. Mr. President, I thank the distinguished chairman and the distinguished ranking Republican for his courtesy and his response to my inquiry.

### MINING OPERATIONS

Mr. CRAIG. Mr. President, I wish to take a moment to commend the senior Senator from California for her efforts to exclude from the park and wilderness boundaries of this legislation several sizeable and important mining operations. I know that she went to great lengths to do so and I am grateful for her willingness to accommodate the mining industry to the extent she could and I am sure they do as well. These mineral operations—gold, borates, and so forth—provide well-paying jobs and are vital to the economic prosperity of the California desert area. But, Mr. President, there is still one troubling aspect about these exclusions I would like to raise with the senior Senator and that is the issue of suitability.

Because these mining operations are adjacent to park and wilderness boundaries, I believe they may encounter some access problems or other problems associated with mining and mineral exploration activities. I sincerely hope that is not the case, and I will remain optimistic that this is not the case.

But as the Senator from California may be aware, there are also efforts being made by this administration to put certain areas off limits to natural resource development simply because of their close proximity to a park or wilderness boundary. Similar language is found in H.R. 322, the House version of mining law reform and we may soon be in conference with the House on that issue.

It is my hope that the senior Senator from California would not only oppose any mining law reform bill which contains a suitability provision, but that she would oppose future efforts, regulatory or otherwise, that would jeopardize the exclusions for mining operations she has made in this desert protection legislation. I do not think for a moment that it would be the Senator's desire to allow that to happen, but I wonder if she would be willing to comment on this particular subject.

Mrs. FEINSTEIN. Mr. President, I appreciate the concerns of the Senator from Idaho. I am sure he can appreciate the fact that I am very reluctant to take a position on a bill which has not yet been finalized. I realize that the mining industry plays an important role in the economy of my State. I made numerous boundary adjustments to accommodate their concerns and did so in a good faith effort to not preclude further development. I would say to the Senator from Idaho that I will make every effort to ensure that the exclusions I have made are retained in any final California Desert Protection bill.

Mr. CRAIG. I thank the senior Senator from California for her clarification.

Mr. SIMPSON. Mr. President, I will join with my colleague, the senior Senator from Wyoming [Mr. WALLOP], to vote against this legislation. I believe that designating this particular area of land in California as a "wilderness" is a major departure from tradition. "Wilderness" has a unique meaning: it is an area that has remained nearly untouched by man and is valuable because of its unique and pristine quality—being "untouched" by human activity. That is not to say that there can be no record of human presence, only that such a presence did not alter or otherwise change the fundamental character of the wild country.

From what I have heard in this debate, most of the land which is now to be designated as wilderness does not fit that basic, fundamental, criteria.

Despite receiving negative ratings from some of the more vocal environmental groups, my voting record shows that I have always supported legislation to protect our country's true wilderness resources. Wilderness land is one of the great treasures which our generation must protect for future generations. However, I do not believe that we should continually search for new areas which really do not fit with the traditional wilderness designation.

It is clear from the debate that this area for which "wilderness" designation is being sought has been extensively managed for multiple use. Many of the local communities depend on the multiple use and recreational opportunities currently available on these lands.

I share the concerns expressed by my colleague from Wyoming that once the National Park Service gains control of all of these lands, we will see a severe restriction of recreational use. Indeed, if our experience in Wyoming is any guide, we will soon see efforts to permanently "lock up" vast areas from all but a select few.

It is also true that for much of this area, land management policies will not be changed. The BLM already manages much of this land as wilderness.

So, then, this legislation becomes nothing more than a "land grab" between two Federal agencies. Tragically, however, that will result in even greater cutbacks in services and funding for our existing national parks. Senator WALLOP has been very clear on that critical point. In short, Mr. President, I would refer to the old saying in the west; "If it ain't broke, don't fix it." Current management of the Mojave Desert appears to work well—it "ain't broke." I fear that this "fix" will cause more harm than good—the already strapped funding for existing parks will suffer. Furthermore, land will be closed off to multiple use. Innocent people will suffer economically and will lose access to a recreational resource. I urge my colleagues to vote against this bill.

Mr. CRAIG. Mr. President, before we close debate on this legislation, I want to say a few words about the reserved water language which is in the measure. I will reluctantly defer to my colleagues from California on the bill because it concerns their State, and they will have to explain to their constituents what they have done. I certainly expect they will extend the same courtesy to me when we take up legislation which affects my State of Idaho.

Although once again we are passing legislation which says the reserved water rights language is not a precedent, it is becoming abundantly clear that the misguided language from the Arizona Wilderness legislation is a prerequisite for having wilderness legislation enacted. The committee did not even allow us to pass an amendment which would have cleaned up an erroneous characterization of the McCarran amendment.

What particularly concerns me is the continuing laissez-faire approach which the Energy Committee takes with respect to water. I am troubled that the committee won't ask simple questions about whether any water is needed, if water is needed then how much, and whether it is absolutely essential to preempt State law. I'm also concerned that the committee ignores questions concerning how much this legislation will cost, how many additional personnel will be required, or what the annual costs of management will be.

That attitude is especially perplexing when we are dealing with Southern California. For the past two Congresses, every critically needed reclamation bill has been held hostage to legislation dealing with the Central Valley project. The effect of that legislation, and the implementation by the Department of the Interior, will be to put even more pressure on Southern California to find additional water supplies. I suppose they will look to the Colorado, but I do not understand why California would choose to enact a broad and undefined reservation of water given, California's water law.

California has a mix of appropriation and riparian doctrines for surface waters. The Federal Government holds riparian rights under State law. The reserved rights doctrine, as my colleagues know, is an appurtenancy doctrine, and therefore, the Federal Government already holds riparian rights under State law.

The Federal Government also holds groundwater rights under California law. Has anyone asked why those correlative rights as well as the riparian rights are not adequate? Has anyone asked what the effect of the reserved rights language will be on the desert communities? Perhaps some just don't want to know the answer.

Mr. President, I also find it perplexing that the California delegation would seek to override California's public trust doctrine. What possible need is there for the California delegation to embrace the Arizona Wilderness language and override California law? Why should they negate the public trust doctrine? The answer to me seems simple. If they didn't we would not be debating this legislation.

Mr. President, I will not offer any amendments because I do believe that this is a local decision which only affects California. I wish the delegation had taken a different approach or at least had proposed their own language crafted to address California's water law rather than blindly adopting the Arizona language and reaffirming the policy that only language which passes the litmus test is allowed to be brought up. I attended the field hearing on this bill and it was abundantly clear that the delegation could have responsibly addressed the needs of each area within the context of California water law. They chose not to, but because the Senators agree, they should be allowed to live by their decision.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that it be in order to consider an amendment by the Senator from California [Mrs. FEINSTEIN] to ensure private property owners be allowed to build or improve residences on private land within the Mojave National Park. This, I believe, has been worked out on both sides.

Mr. WALLOP. It has. But before we take a vote on it, I would like to make an observation about it.

Mr. JOHNSTON. I ask unanimous consent that it be in order to consider the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1627

(Purpose: To ensure private property owners be allowed to build or improve residences on private land within the Mojave National Park)

Mr. JOHNSTON. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for Mrs. FEINSTEIN, proposes an amendment numbered 1627.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 145, line 25 strike "title." and add "title: *Provided, however*, That the construction, modification, repair, improvement, or replacement of a single-family residence shall not be determined to be detrimental to the integrity of the park or incompatible with the purposes of this title."

Mr. WALLOP. Mr. President, it had been my intention, and I have assured the Senator from California that I would not exercise that intention, of second-degreeing this amendment. She makes a compelling argument in favor of allowing owners of single-family residences in the proposed Mojave National Park to occupy private land, to construct, modify, replace or improve those residences.

Now the backlog of authorized but unacquired lands within our National Park System is absolutely staggering and many of these lands are occupied by single family dwellings. And there is no way in our lifetime that this service will be able to properly compensate those owners of private property who, in many cases through no fault of their own, landed in the middle of a park.

In the interim, they are paying taxes. They cannot sell their house because the Park Service will eventually buy it, or so they say. They cannot improve their house because the Park Service views it as incompatible with the purposes of the park. They cannot reconstruct it if it burns down. They cannot add a garage. They cannot add a room or a deck unless they want the property to be condemned. They cannot get the price they wish without going to court and seeing the Government's deep pockets run them up a legal bill that takes anything that they might get extra out of the process of administration.

These people throughout the rest of America are left in limbo, and no relief is in sight short of an amendment similar to that of the Senator from California which provides the residents of Mojave with some relief. They are special residents. They are constituents of the Senator from California. But I have constituents, and all of us, I believe, who have parks in our States have constituents whose property is trapped, whose rights are confounded by a Federal Government whose arrogance is unbounded in its willingness to abuse the property and feelings of good and ordinary Americans.

This is a good amendment. I support it. I wish somehow or other we could find the way to extend the same privileges to other Americans. We in this Congress, and in those that have preceded us and I daresay in those that are coming, find it in our hearts absolutely simple to trample the rights of good and ordinary citizens of this country in the name of protecting property for future generations.

Mr. CRAIG. Will the Senator yield?

Mr. WALLOP. I will be happy to yield.

Mr. CRAIG. Mr. President, let me express my agreement with the expressions of the Senator from Wyoming that this is an excellent amendment. But I hope it is a reflection of the sentiment of the Senate that public policy well ought to recognize the right of private property owners and inholders in the ability for them to utilize in responsible ways their property instead of the very dictatorial way that we have allowed to go forward.

We have records replete with horror stories of Federal bureaucrats operating in very, very heavy-handed ways as it relates to the right of the private property owner effectively and responsibly, within the context of scenic values and all of those kinds of things, to manage their property, to do what this amendment allows to be done in a responsible way. I hope if I were to come with a similar amendment in behalf of the citizens of Idaho, who find themselves locked in these kinds of circumstances —and in several instances it has occurred and I have had to go to the issue and to the agency and ask them to back away from the little black book that some of their folks on the ground use to play this "I am more powerful than thee on your private land" attitude—I hope this will be a reflection of a growing sentiment in the U.S. Congress that private property owners have legitimate and responsible rights under our Constitution. If we will not pay, if we will not reimburse through scenic easement and other types of easement that would somehow keep whole the private property owner, I hope that we would recognize the importance of this kind of legislation as being our sentiment in public policy.

I thank the Senator for yielding.

Mr. WALLOP. Mr. President, I will not continue this except to say one of the experiences I have had since I have been on the Energy and Natural Resources Committee was meeting a gentleman in Kentucky, in a national park, who had an inholding that he could not get the National Park Service to acquire. It was his family's only resource. He, unfortunately, was stricken with cancer. He had no means of getting from the Government what was his entitlement. So we had to suggest to him he hire bulldozers to begin to bulldoze a property which he adored in order to gain the attention of the Government so they would pay him for his property.

I say to the Senator from California, this ought to be a precedent. It ought not to be one that is forgotten once the residents of East Mojave are taken care of. We are doing bad things to Americans, and we better realize it. The backlog is growing, and our ability or desire to take care of it is diminishing.

Mr. President, as I spoke I would have offered an amendment to extend the same privileges offered to California residents to other residents in parks in other States.

It is a fair and equitable way to deal with all private property owners in parks and should alleviate the taking of rights without compensation issue to some degree.

As I considered this issue, I could not help but think how I would feel about residents in Yellowstone and Teton Parks—in my own State of Wyoming, building onto their properties. I really would not care much for it. But I also do not care much for those residents being deprived of their rights as property owners.

But then, Yellowstone and Teton do not have the massive inholding problems that are evident here in the East Mojave. Yellowstone and Teton, or for that matter Yosemite are without question the type of areas that have unrivaled park values.

No one would question their qualifications to be included in the U.S. National Park System.

But many people have questioned the qualifications of the East Mojave to be included in the U.S. National Park System.

The only thing that has made this area of desert with its historic structures and its remote canyons seem like park material is the fine management of the area by the Bureau of Land Management.

If there is something wrong with the idea that we should extend the right of owners of inholdings in the East Mojave area to all inholders in all parks in the system, then maybe there is really something wrong with the quality of the East Mojave area.

Maybe East Mojave is not up to the standards we have set for National Parks like Yellowstone, Grand Teton, Yosemite, Kings Canyon, or Sequoia National Parks.

I ask my colleagues to either approve my amendment to extend this right to all parks in the system, or to reject both my amendment and the amendment giving this right to landowners in the Mojave.

When we get to the subject of approving East Mojave as a national park, I plan to submit an amendment which will recognize the good condition of this diverse area of multiple uses by allowing the Bureau of Land Management to continue to operate the area as a national monument.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1627) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, we are now prepared, I think, to accept the Brown amendment, which I trust will be the final amendment. Do we know about Senator HATFIELD?

Mr. WALLOP. We still have no word from the Senator from Oregon, and I am not certain whether or not we have accepted the colloquy from the Senator from Arizona.

Mr. JOHNSTON. I believe the colloquy from the Senator from Arizona has been worked out. We have agreed to it. It is just being typed up.

Mr. WALLOP. I would say about that colloquy, that the reason we have it is because we failed to act appropriately on it when we did it in the first place. Again, dealing with these public land issues, what happened was we chose to duck the issue sufficiently so that we are now faced with a colloquy, trying to bring the Arizona wilderness areas into the same kind of circumstance that would be the case that we had if the California Desert plan passes. It is a lesson, again, that we ought to do the whole job the first time, because we knew that what has happened was going to happen and it need not have.

The colloquy basically says we had it in mind to treat those lands the same way that the Senator from California has to treat the lands in her State. We accept the colloquy as well.

But I still say to my friend I will try to find out what the circumstance of Senator HATFIELD is while Senator BROWN offers his amendment.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1628

(Purpose: To direct the Secretary to study and make recommendations regarding fees set by Federal facilities managers)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 1628.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

**SEC. . FEDERAL FACILITIES FEE EQUITY.**

(a) POLICY STATEMENT. It is the intent of Congress that entrance, tourism or recreational use fees for use of federal lands and facilities not discriminate against any state or any region of the country.

(b) FEE STUDY.—The Secretary of the Interior, in cooperation with other affected agencies, shall prepare and submit a report to the Appropriate Committee of the House of Representatives and the Senate Committee on Energy and Natural Resources of the United States Senate and any other relevant committees by May 1, 1996, which shall—

(1) identify all federal lands and facilities that provide recreational or tourism use; and

(2) analyze by state and region any fees charged for entrance, recreational or tourism use, if any, on federal lands or facilities in a state or region, individually and collectively.

(c) RECOMMENDATIONS.—Following completion of the report in (b), the Secretary of the Interior, in cooperation with other affected agencies, shall prepare and submit a report to the Appropriate Committees of the House and the Energy and Natural Resource Committee of the United States Senate and any other relevant committees by May 1, 1997, which shall contain recommendations, which the Secretary deems appropriate for implementing the congressional intent outlined in (a).

Mr. BROWN. Mr. President, the amendment involves three parts. One is a simple statement of policy. It is to suggest there should not be discrimination in the kind of fees we levy across this country; discrimination among the States and discrimination between the various regions of the country. In other words, we ought to be working toward a uniform policy that affects the Nation fairly and evenhandedly.

Second, it calls for a study of the fees we charge for entrance to public facilities, whether they involve tourism or other public facilities.

Third, it calls for recommendations to achieve the policy statement that is for evenhandedness and fair treatment. It relates specifically to this bill because it is not beyond the realm of possibility that fees will relate, but its ramifications are broader than that. I think it moves us toward a position of equity for the whole Nation.

My understanding is both sides have agreed to this and signed off on it. I yield the floor.

Mr. JOHNSTON. Mr. President, we accept this amendment. We think it is good. We are glad to accept it at this point.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1628) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote.

Mr. BROWN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, while we wait to hear from the Senator from Oregon [Mr. HATFIELD], I want to express my appreciation to several members of the staff who have worked particularly hard on this legislation.

Kathy Files Lacey, of Senator FEINSTEIN's staff, was formerly a member of Alan Cranston's staff and has literally spent thousands of hours working on this legislation. She knows it inside out, is a great resource, has a great institutional memory, and has been invaluable in the passage of this legislation.

I also want to recognize the work of David Brooks, Tom Williams, Mike Harvey, Jason Dilg, Diane Balamoti, and Susan McGill of the Energy Committee majority staff; and on the minority side, Gary Ellsworth, Jim Beirne, Jim O'Toole, Jim Tate, Marian Marshall, and Kelly Fischer, who have done particularly good work. All of those staff members have.

When a bill is passed in 1 day, sometimes it is easy to think it was an easy task to get it through. But these staffers who worked hard on it, as well as Senator FEINSTEIN particularly, know this bill is a monumental task, one of the most complicated, one of the most difficult, involving more interests, more people, more groups, more controversy, more difficulty than most bills that ever see the light of day on the floor of the Senate.

So my hat is off to these staffers, first of all, and most especially to Senator FEINSTEIN who has worked very, very hard on this bill.

Let me also, Mr. President, commend the ranking minority member, my dear friend, Senator WALLOP from Wyoming, who, in his persuasive and reasoned way, I hope has brought the attention of the Senate to a very important issue, which is the issue of the underfunding of the National Park Service. At less than one-tenth of 1 percent of the Federal budget, it is hardly a contributor to the Federal deficit, and we should not hold hostage this very small and very important part of the budget because entitlements are going up. We really ought to find a way adequately to fund it.

If we just went to one-tenth of 1 percent of the budget, we would probably take care of the National Park Service's needs. We are at substantially less than one-tenth of 1 percent.

So I know the Senator from Wyoming will continue to work for adequate funding for the National Park Service, and I will be at his side, and the distinguished Senator from West Virginia [Mr. BYRD], in whose subcommittee this lies. We will use all of our best efforts to persuade them and other Members of the Senate that this, in fact, is something the Senate ought to do.

I also thank the Senator from Wyoming for being so reasonable, along with the Senator from California [Mrs. FEINSTEIN], in working out amendments. The way legislation gets to be good legislation is by this cooperative effort on behalf of both the majority and the minority.

While there are deeply held differences about the bill, there was never any obstruction. There was never any debate other than constructive debate on this bill. So I think both sides, particularly Senator FEINSTEIN and Senator BOXER, but also Senator WALLOP, Senator CRAIG, Senator BENNETT, and others, who worked on this deserve a lot of credit for making, in my judgment, the bill better and for allowing it to go through, for allowing the Senate to work its will on this bill.

Mr. President, my commendations to all of those people.

At this point, I yield the floor, and I hope we will find out soon whether we are ready for third reading.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Wyoming.

Mr. WALLOP. Mr. President, I say to my friend, we are not. There is still a possibility that Senator HATFIELD will offer his PILT amendment yet tonight. They are trying to work it out. They are close to having it worked out, but it is not worked out, and it is his intention to offer it if it is not.

Let me say to the Senator from California that she has been fair and square with me on these issues. I felt deeply about them, still do, and intend to vote against this bill. But it has not been because she has not been a very square shooter in the dealings which we have had, both through the committee and through our staffs personally, and I thank her for that.

I say to my friend from Louisiana that I echo the praise and thanks to his staff and my staff that he issued. There is no sense in going through their names one by one again, but they are unique, I think, perhaps amongst Senate staffs for their ability to work constructively together. As Senator JOHNSTON pointed out, they do not agree on a number of things, but they do agree on not allowing that to stand in the way of constructive progress.

We have had some remarkable disagreements which have been resolved and some which have been resolved by others, those sitting in the Senate on one side or the other. But they have never allowed that to get in the way of the professional relationship on both sides.

I particularly thank the staff of the Senator from Louisiana for keeping that arrangement with my staff. They feel it, they work on it, and they are professionals completely. My thanks to everybody.

I had clearly wished that the amendments had turned out a different way, but that is why we are here. This is an arena and not a stage. What we have done is indulged in the combat of ideas. The Senate has spoken, and I am perfectly willing to accept that. I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, thank you very much. I would like to respond to those comments by saying that I think this has been an exercise, really, in government at its finest: The ability to work with talented people of differing points of view to achieve something.

To begin with, I want to say, particularly to the committee chairman, whose help and advice has been unparalleled all the way through this, that I am just very grateful for all that he has done to have been of help to me. It has been very, very meaningful.

The Senator from Wyoming, the ranking member of the committee, although we have not always agreed on this issue, I want to say to him that I have developed a very real liking and a very real respect. I want to thank him for that. I do agree, I think our dealings have been aboveboard and honest. He has been a square shooter with me, and I respect that very, very much.

Mr. President, I say to Senator JOHNSTON that I am very grateful to him for recognizing Kathy Lacey. I should tell the Senator from Louisiana that my nickname for her is "Britannica" because as much as an encyclopedia, she retains facts and figures in a way that I have never thought possible. Her work on this bill, I am sure, has put some circles under her eyes, but I hope she feels they are worthwhile; that we have delivered, in fact, a good bill to the House of Representatives.

I would also like to thank Senator BUMPERS, chairman of the subcommittee. Without his help, the bill would not have gotten the push it needed to move ahead.

And I would like to particularly thank two people on each side of the aisle. One of them is Senator NIGHTHORSE CAMPBELL whose vote was vital. We sat down and we worked out his problems. And also Senator HATFIELD, whose vote at a critical time was very vital. I am very grateful for his support. He keeps his word and he keeps his commitment. That, to me, is the sign of a real class act.

I would also like to thank what are now 49 cosponsors of the bill. They have listened, they have asked questions, they have studied, and they have come forward and helped.

Last, but far from least, my colleague and friend, Senator BOXER, who, when I approached her and said I was going to do this, would she be the primary cosponsor, she said of course. She was there in the beginning with an energy and a spirit and absolute consistency. It is clear from everything I know about this body and particularly about the 7- to 8-year history of the bill, that unless both Senators from the State were in agreement, this bill would not be where it is today.

So I thank her as well.

Mr. President, I thank the chairman and the ranking member. I yield the floor.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Could the Chair tell me the parliamentary matter before this body?

The PRESIDING OFFICER. S. 21 is pending.

Mr. REID. I thank the Chair.

Mr. President, there have been many statements made on this floor the last couple of days about the area that this legislation encompasses.

Now, I have been, of course, to Death Valley. As you know, the entryway that carries most of the people to Death Valley is in Nevada, and I know a lot about Death Valley. I know a little bit about the Joshua Tree Monument, this area through here. But I would venture a bet to anyone in this body that I know more about this area than anybody in the Senate and probably in the City of Washington. I was born and raised right over the border in a little place called Searchlight, NV. Mr. President, I can remember as a little boy my father gathering up the four children, the Reid boys. It did not happen often, but he said, "We are going to go to Paiute Springs."

In this very arid area there is very little water. Where I was born and raised, we did not have trees. There was no water. Once in a while somebody would try to grow a tree. It would not live very long because there was simply a lack of water.

But Paiute Springs is a remarkable place. It is a place that used to be a cavalry outpost called Fort Paiute. When we went there as boys, it still had the walls up. You could walk where the cavalry was actually there. It was an area that was built to protect the mail routes, U.S. mail, from particularly the native Americans.

We would go there, Mr. President. It was a washout of this very dark volcanic rock. In a place where there should not be water, water gushed out of the side of this mountain. It washed down through what we called the gully, and there were lots of birds. This was one of the rare places where there were lots of birds.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. REID. Certainly.

Mr. JOHNSTON. If the Senator would allow me to make a unanimous-consent request, then go to third reading, then again to be recognized?

Mr. REID. That is fine with the Senator from Nevada.

## PAYMENT IN LIEU OF TAXES ACT

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, may at any time turn to the consideration of Calendar Order No. 375, S. 455, a bill relating to payments in lieu of taxes; that, when the Senate considers the bill, the committee amendments be immediately agreed to; that the only floor amendment in order be an amendment by Senator JOHNSTON or his designee correcting a reference to the effective date; that there be 2 hours equally divided for debate on the bill, including Senator JOHNSTON's amendment, with Senators WALLOP or HATFIELD controlling the time for the proponents and Senator BYRD or his designee controlling the time for the opponents; that no motion to recommit be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CALIFORNIA DESERT PROTECTION ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. JOHNSTON. Mr. President, I think we are ready for third reading at this point.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

### ORDER OF PROCEDURE

Mr. JOHNSTON. Mr. President, I ask unanimous consent that a vote on final passage of this bill occur at 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. JOHNSTON. Mr. President, there will be additional debate on the bill with Senator REID finishing his statement. I appreciate his allowing me to interject. Also, Senator BYRD will have a statement.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, this was a unique place, Paiute Springs. You could throw a rock down in the gully where the trees were, and it would sound like an airplane taking off because there were so many birds.

Well, I pictured in my mind all the time I was away going to school this paradise in the desert, Paiute Springs.

I used to tell my wife about it. She did not really believe it, I think, because she had just been to Searchlight and saw what an arid, remote place that was. So after we had been married and I had been to school and we had a couple of children, I decided to return to the place of my youth, Paiute Springs, Fort Paiute.

We traveled there with anticipation, my wife in a sense of nonbelief, I am sure. We came to Paiute Springs. Mr. President, it was not there anymore. All the rock walls had been taken down by people coming there to look at it, I guess. This wash, this stream was not like it used to be. The trees were down. It had just been destroyed.

Mr. President, that is one reason, if not the primary reason, I have been concerned about the environmental degradation. This happened to Paiute Springs.

In the Senate bill, the word "Paiute" was taken from the bill. That is the white area here. It is not in the bill. It is in the House bill. I hope in the conference it will be restored. I wish I were on the conference. I hope the conferees will capitulate and concede to the wishes of the House, because if there is any place in here that should be part of this national park, it should be Paiute Springs. It is a wonderful place of nature that needs to be protected. One of the things that I am disappointed in is that it is not in the bill.

I am not going to dwell on Paiute Springs, Mr. President, other than repeat that it should be in the final version of this bill. This whole area is wonderful. The New York Mountains—I can picture in my mind's eye the New York Mountains. I could see them from where I was raised. I could see it when they were called the New York Mountains because you look out there and it looks like the Empire State Building, a beautiful place maybe 9 or 10 miles from where I was born. That is what the New York Mountains are all about. It is a picturesque place.

I have heard a lot of talk on this bill about hunting. There is nothing to hunt. You could shoot a jack rabbit, you could shoot a cottontail in some of the areas near Paiute Springs where the water gathers there. There will be some dove and some quail. But the desert is, generally speaking, quite a sparsely populated area for animals. There are no deer. I have never seen a deer. All the time I have been in Nevada I have never seen a deer in this part of the State.

There are mountain sheep, but I have never seen one. I have never seen one. I have been in these hills a lot.

All the time I have been in Nevada I have seen one wildcat even though they are there. But they are stealthy. You just do not see much of them.

We do not need to dwell on the hunting. There are lots of other places in Nevada to hunt. In Nevada we have over a dozen wilderness areas. California has lots of places to hunt. This arid area need not be hunted.

So I would say that I am very grateful to the Senator from California, Senator FEINSTEIN, for the tremendous work that she has done on this legislation. The people of the State of California should recognize even though we are spending a few hours of debate on this bill what a remarkable job she has done. She has been in the Senate not even 2 years. On a comparable bill in Nevada I spent 5 years trying to get that passed to get a national park created and my wilderness areas created.

She has done remarkable work and is to be commended. The people of the State of California—if the Senator never does another thing legislatively in this body, she should be forever patted on the back. Forever she will always be remembered for this legislation. What she has done is exciting.

Mr. President, I have been to Yellowstone and to the national parks around the country. I am ill at ease, frankly, near pine trees and lots of water and green things. But here, this is home. This is where a national park should be. I would compare the beauty of this area to Yellowstone, to Yosemite, to the Grand Canyon. There is no place on the Earth that has better scenery than this. To walk out as a little boy—we would go into where the legislation of the Senator from California created this park. We would go out with my brother, who was a mining engineer, and "geos." We would walk, break open these rocks, these volcanic rocks and these beautiful crystalline formations. Now you pay for one of those hundreds, if not thousands, of dollars. For us, they were just there.

This area is as unique as any place in the world. People that think the desert is ugly because there is not a lot of wildlife or a lot of greenery do not appreciate nature.

I recognize I am bragging about California, but I really claim this as being part of Nevada anyway.

Mr. President, we talk about endangered species. Here is how it goes: Hawaii, Florida, and Nevada. We have the third largest number of endangered species any place in the United States even though we do not have a lot of rivers and lakes and grass.

So this bill is a compromise, and I recognize that. I hope, I repeat, that in the Lanfair Valley area, except for the private holdings, that we can at least look closely at Paiute Springs.

This is a compromise, and I understand that. I again compliment the Senator, who is in the Chamber, Senator FEINSTEIN, and Senator BOXER, for their work on this.

This bill, as has been indicated, has management for 6.3 million acres of Federal land in southern California. Only 6.3 percent of this acreage is not Federal land. There has been a great deal of talk about alleviating the problems that we anticipate with the non-Federal lands. This protects important historical and cultural sites. I have only mentioned a few. It protects an environmentally sensitive land. There is no land more environmentally sensitive than this arid desert. If you drive a vehicle across some of this land, the tracks can be seen decades from the time you first drove the vehicle across it. With Las Vegas now having over a million people, they flock to areas like this, and these areas need protection.

Under this bill, there is a provision for multiple use of the Mojave Desert, and that is the way it should be. Under this bill, no currently maintained roads used for touring and sightseeing will be closed. One of the bugaboos people talk about is: Do not do this; you are going to close a lot of roads. I repeat, no currently maintained roads used for touring or sightseeing will be closed.

Some 30,000 miles of paved and dirt roads will remain open for use. Ten million acres of Federal public land will remain open as BLM wilderness under this act. Grazing will continue for 25 years. Off-road vehicle use will be allowed in 14 of the wilderness areas. It ensures the military continued access to California desert lands. Tourism and business opportunities will be created, Mr. President.

When I was working so hard on my Forest Service wilderness in Nevada, we came to the realization that an elk hunter coming to Nevada spends an average of $3,500 in Nevada. This legislation is going to do a lot for economic development for the State of California, and also for the State of Nevada. Why? Because, as we have learned from the Great Basin National Park, which was the last national park created before this legislation came into effect, it does a lot for economic development. It puts a new area on the map of our National Park System. We have a group of people who travel every year to the national parks. This will be placed on the map, and there will be people coming, just like they come to the Great Basin National Park in Nevada.

It allows for continued development of modern mining operations in the California and Nevada deserts, employing hundreds and hundreds of people. I appreciate some difficult negotiations that I had with Senator Cranston, and thereafter with Senator FEINSTEIN. But I think the negotiations paid off in making this a better bill. This bill helped create one of the world's—I would not say one of them; I would say the world's—foremost environmentally sensitive mining operation, the Viceroy Gold Castle Mountain project. The Senator from California is assured that she can look the world over and she will not find a more environmentally sensitive mining operation than Viceroy Gold. Viceroy has spent tens of millions of dollars in developing and implementing its environmental programs.

For example, Mr. President—and this again is an area where this mine headquarters is located, where the main mine is—there is an old mine that my dad pointed out to me years ago called The Big Chief. The Big Chief has now been taken because that is where some of the rich ore was, and you cannot find where it was anymore because they have done a pit operation. But they have done wonderful work here. They have done a weed vegetation program. As soon as the mining process started, the trees that they pulled up so they could do their mining, they had to move and keep alive, and they have replanted them. You could go to the desert right through here, and you will find hundreds and hundreds of Joshua and Yucca trees that have been replanted. The purpose of that is when they complete the mining operation, they move the trees back.

Additionally, the heat bleach process is one of the rare areas in any of these mining properties in Nevada and the West that does not create ponds that might otherwise be harmful to migratory birds. They are covered. This mining operation is truly an example other companies should follow.

Mr. President, one of the things this mining company did is, right over the California border in Nevada, 7 miles from where I was born, is the famous "Rex Bell/Clara Bow Ranch." Clara Bow, whom most everybody in this Chamber will know, is the most famous movie actress of all time, in the sense that she received more fan mail than anybody in the history of movies. Even though there were far less people in the 1920's and early 1930's, she received more fan mail than any of them, whoever the big stars are today. She wanted to get away from the movie business and she wanted to find a paradise, and she found it in Nevada, in the middle of a Joshua forest.

What the mining company has done is purchased that mine, the whole area, and they have restored that unique ranch to the way it was when Rex Bell and Clara Bow built it in the early 1930's. I invite my friend from California to come there sometime and see the product of her work. This would not have happened had it not been for this legislation. At nighttime on this beautiful ranch, you would think you were in the middle of a pine forest. This is part of the most densely populated Joshua forest in the world. At nighttime, you cannot tell what these trees are. It is unique and beautiful. It has been restored to the way it was by the mining company. It is on the historical register. They also use it for the headquarters of the mining operation, where they have the corporate board meetings and things of that nature.

So, I repeat, the Viceroy Gold Castle Mountain project is truly an example for other companies to follow. The company developed these procedures anticipating that this California Desert Protection Act would pass—and it will, within the foreseeable future.

Finally, this bill has focused our attention on the fact that the desert is a fragile and diverse environment. I repeat, the beauty of the desert is not surpassed by anyplace in the world. The vistas are breathtaking. The desert is truly a land of many uses—conservation, natural resource development, and recreation. It accommodates multiple uses of the California desert, while protecting this desert for generations to come.

There are other pieces of legislation that I have been interested in, but there are no pieces of legislation that I feel more strongly about than protecting this desert that is next door to my home.

I repeat here for the third time on this Senate floor how grateful I am to the Senator from California for the back-breaking work that she has gone through to make this legislation become a reality. The people of the State of California and the people of Nevada will not be able to repay the legislative genius of being able to get this bill through the Senate and out of conference in the House, as I know it will come.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERRY). Without objection, it is so ordered.

## MORNING BUSINESS

## THE CLINTON ADMINISTRATION'S EFFORTS TO ACHIEVE A COMPREHENSIVE TEST BAN TREATY

Mr. MITCHELL. Mr. President, in 1992, I joined other Senators in authoring an amendment that requires the administration to seek to achieve a comprehensive test ban [CTB] treaty by September 1996. This amendment, adopted by the Senate and enacted into law, was a clear declaration that the American people desire an end to the threat of nuclear war.

I would like to take this opportunity to commend the Clinton administration on its efforts to achieve the goal set forth in our amendment. Since coming into office, President Clinton has twice extended the nuclear testing moratorium established by the legislation, and rightly condemned a test conducted by China last October. The President and his administration are now taking steps to ensure that progress can be made this year on the CTB treaty. The President's message to this year's opening session of the Conference on Disarmament was a clear statement of U.S. commitment to swift negotiation of the treaty. John Holum, Director of the U.S. Arms Control and Disarmament Agency, has translated this commitment into actions intended to promote the achievement of the treaty without delay.

Mr. President, progress on the CTB treaty is critical both in its own right and in order to enhance the prospects for an indefinite extension of the Non-Proliferation Treaty in 1995. I commend President Clinton and Director Holum for their efforts to date to obtain swift completion of the CTB treaty, and urge them to continue in this leadership role. I ask unanimous consent to include in the CONGRESSIONAL RECORD with my statement an article written by Director Holum that appeared recently in the Christian Science Monitor. This article outlines both the administration's commitment to the CTB treaty and actions being taken to achieve this goal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Mar. 30, 1994]

### UNITED STATES STANDS COMMITTED TO NUCLEAR TEST BAN

(By John D. Holum)

President Clinton underscored on March 15 America's commitment to negotiating a global ban on nuclear testing: He told Congress that the United States will continue its current moratorium on testing through September 1995. The decision demonstrated bold American leadership that will give new impetus to the international talks on a Comprehensive Test Ban (CTB) in Geneva. The first round ends on March 31, with encouraging progress thus far.

Achieving a CTB is critical to this administration's arms control and nonproliferation strategy. A permanent ban on testing will lower international tensions and provide new insurance against an arms race between the nuclear powers. As importantly, it will stem nuclear proliferation by discouraging other nations from developing their own nuclear arsenals. Continuing the moratorium creates the most conducive atmosphere for negotiating a CTB, and it puts the US in the best possible position to urge indefinite extension of the Non-Proliferation Treaty in 1995.

Nonnuclear-weapons states that must vote on extension of the NPT have often questioned the seriousness of the nuclear powers in curbing their own nuclear-weapons programs. Extending the moratorium and working diligently for the CTB agreement is the best demonstration of that seriousness.

Mr. Clinton's decision was premised on a fundamental assessment of the US nuclear arsenal by the Pentagon and Department of Energy. They affirmed that our nuclear weapons are safe and reliable—fully able to provide the strategic deterrence on which the security of our nation depends. While additional tests could conceivably help prepare for a test ban—by providing further improvements in safety and reliability—the president believes that any benefits derived from testing are outweighed by the negative impact on our nonproliferation goals.

He also based his decision on the fact that Russia, Britain, and France have not carried out any nuclear tests since the moratorium went into effect. Only China has exploded a nuclear device during this time.

After the Chinese test, the US protested vigorously to the Chinese government but decided that the test was not sufficient grounds for breaking the US moratorium. The US continues to press China hard to join the moratorium in order to further the CTB negotiations and advance global nuclear nonproliferation.

On Jan. 25, I delivered a strong message from Clinton to the opening session of the Conference on Disarmament in Geneva, where delegates from many countries are now negotiating a CTB. The president emphasized that there is no more important an issue for the conference "than the negotiation of a comprehensive and verifiable ban on nuclear explosions."

He said that a CTB "reflects our common desire to take decisive action that will support and supplement the global nuclear nonproliferation regime and will further constrain the acquisition and development of nuclear weapons."

In the nine weeks since bringing the president's message, delegates at the Geneva Conference have made real progress. They are striving within working groups to address difficult verification and legal issues. They are evaluating technologies to help monitor a test ban, including a network of seismic stations, atmospheric radioactivity detectors, and on-site inspections.

The US delegation in Geneva, led by Amb. Stephen Ledogar, will surely encounter obstacles in the negotiating that lies ahead. But we intend to push as hard as possible to resolve contentious issues and prevent them from blocking the path toward a CTB.

Each of the nuclear powers has committed itself to achieving a comprehensive ban on nuclear testing—and many other nations are willing to follow the lead. We must not squander this unprecedented opportunity by failing to assert US leadership or weakly pursuing US arms control and nonproliferation goals. We must rededicate ourselves to the task of achieving a CTB.

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## BUDGET SCOREKEEPING REPORT

Mr. SASSER. Mr. President, I hereby submit to the Senate the Budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through March 25, 1994. The estimates on budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $4.8 billion in budget authority and $1.1 billion in outlays. Current level is $0.1 billion above the revenue floor in 1994 and below by $30.3 billion over the 5 years, 1994–98. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $311.7 billion, $1.1 billion below the maximum deficit amount for 1994 of $312.8 billion.

Since the last report dated March 22, 1994, Congresses approved and the President signed the Federal Workforce Restructuring Act (Public Law 103-226). Congress has also approved for the President's signature the Housing and Community Development Act (S. 1299). These actions changed the current level of budget authority and outlays.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC April, 11, 1994.*

Hon. JIM SASSER,
*Chairman, Committee on the Budget,*
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the 1994 budget and is current through March 25, 1994. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 64). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated March 21, 1994, Congress approved and the President signed the Federal Workforce Restructuring Act (P.L. 103-226). Congress has also approved for the President's signature the Housing and Community Development Act (S. 1299). These actions changed the current level of budget authority and outlays.

Sincerely,
JAMES L. BLUM
(For Robert D. Reischauer, Director).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1994, 103D CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS MARCH 25, 1994

[In billions of dollars]

| | Budget resolution (H.Con.Res. 64) [1] | Current level [2] | Curremt level over/ under resolution |
|---|---|---|---|
| On-budget: | | | |
| Budget Authority | 1,223.2 | 1,218.5 | −4.8 |
| Outlays | 1,218.1 | 1,217.1 | −1.1 |
| Revenues: | | | |
| 1994 | 905.3 | 905.4 | 0.1 |
| 1994–1998 | 5,153.1 | 5,122.8 | −30.3 |
| Maximum Deficit Amount | 312.8 | 311.7 | −1.1 |
| Debt Subject to Limit | 4,731.9 | 4,474.0 | −257.9 |
| Off-budget: | | | |
| Social Security Outlays: | | | |
| 1994 | 274.8 | 274.8 | (3) |
| 1994–1998 | 1,486.5 | 1,486.5 | (3) |
| Social Security Revenues: | | | |
| 1994 | 336.3 | 335.2 | −1.1 |
| 1994–1998 | 1,872.0 | 1,871.4 | −0.6 |

[1] Reflects revised allocation under section 9(g) of H.Con.Res. 64 for the Deficit-Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50 million.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1994, AS OF CLOSE OF BUSINESS MARCH 25, 1994

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| ENACTED IN PREVIOUS SESSIONS | | | |
| Revenues | | | 905,429 |
| Permanents and other spending legislation [1] | 721,182 | 694,713 | |
| Appropriation legislation | 742,749 | 758,885 | |
| Offsetting receipts | (237,226) | (237,226) | |
| Total previously enacted | 1,226,705 | 1,216,372 | 905,429 |
| ENACTED THIS SESSION | | | |
| Emergency Supplemental Appropriations, FY 1994 (P.L. 103–211) | (2,286) | (248) | |
| Federal Workforce Restructuring Act (P.L. 103–226) | 48 | 48 | |
| Offsetting receipts | (38) | (38) | |
| Total enacted this session | (2,276) | (238) | |
| PENDING SIGNATURE | | | |
| Housing and Community Development Act (S. 1299) | (410) | (410) | |
| ENTITLEMENTS AND MANDATORIES | | | |
| Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted [2] | (5,562) | 1,326 | |
| Total Current Level [3, 4] | 1,216,171 | 1,216,803 | 905,429 |
| Total Budget Resolution | 1,216,171 | 1,216,803 | 905,429 |
| Amount remaining: | | | |
| Under Budget Resolution | 7,078 | 1,346 | |
| Over Budget Resolution | | | 80 |

[1] Includes budget committee estimate of $2.4 billion in outlay savings for FCC spectrum license fees.

[2] Includes changes to baseline estimates of appropriated mandatories due to enactment of P.L. 103–66.

[3] In accordance with the Budget Enforcement Act, the total does not include $13,816 million in budget authority and $8,958 million in outlays in emergency funding.

[4] At the request of Committee staff, current level does not include scoring of section 601 of P.L. 102–391.

Note.—Numbers in parentheses are negative. Detail may not add due to rounding.

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## RETIREMENT OF ROBERT J. "BOB" TOWLES

Mr. DECONCINI. Mr. President, I rise today to recognize the outstanding contributions of Mr. Robert J. "Bob" Towles, Director of the Lower Colorado Region of the Bureau of Reclamation, who retired on April 1, 1994, after more than 49 years of Federal service.

Bob Towles began his career with the Bureau of Reclamation in 1944 as a surveyor in California. During the latter part of World War II, he served in combat in the European theater during an 18-month tour with the U.S. Army.

In 1953, he graduated from the University of Arizona with a bachelor of science degree in civil engineering. While attending the university, he was an engineering aide for the Bureau. He worked on several Reclamation water management projects in California until 1972, when he was selected as the project construction engineer for the Palmetto Bend water supply project in Texas.

From 1981 to 1983, Bob was the Assistant Regional Director for the Southwest region, headquartered in Amarillo, TX. He moved to Denver in 1983 to become Deputy Assistant Commissioner of engineering and research.

Bob returned to the field in May of 1986, when he was named manager for the Bureau's Arizona Projects Office in Phoenix. There he managed construction and operation activities for the Central Arizona Project, as well as Safety of Dams activities and Reclamation involvement in Indian water rights settlement.

Bob Towles was named Director of the Lower Colorado Region in May of 1991. The 1400-employee region oversees the last 688 miles of the Colorado River and maintains the largest program within the Bureau of Reclamation.

A registered professional engineer in Texas, Bob has received numerous awards and honors during his career, including the Department of the Interior Meritorious Service and Distinguished Service awards.

Bob has been a valuable asset to the Bureau of Reclamation and the Lower Colorado District. He will be missed tremendously. I ask that my colleagues join me in thanking Bob for his outstanding service to the Bureau and the country, and in wishing him and his lovely wife Gladys the best in his retirement.

## WOMEN'S HISTORY MONTH

Mr. KERRY. Mr. President, March is Women's History Month, and March 8 was the United Nations International Women's Day.

This is a time to reflect on the past. While women's history does not begin with the women's movement, nor did the women movement begin in the near past, it is toward this movement that our attention cannot help but be drawn. Beginning most consistently at the turn of the century with the struggle for the vote, the women's movement has lurched forward to become one of the greatest sociological achievements in the history of the human race.

During the 20th century this planet, which had seen since the dawn of humankind, thousands of political upheavals, civil wars, and armed conquerings, witnessed the beginning of the organized emancipation of over half the human race. Remarkably, even with more participants than any other in history, this revolution has been one of the least violent and least bloody. But it was hard fought. And it is not over.

This month is a time to take stock of the present.

Women today exercise rights that have been systematically denied them except in small pockets of history and geography. Large numbers of women have reached positions of power and influence in every area of human endeavor in much of the world.

In this country, the forces that contest women's progress are for the most part no longer formally organized. Most forces against women have moved underground and subconscious, and have ceased to be based on gender, instead reflecting the ugly politics of people with power being threatened by people who are taking it. Today's epidemic of misogyny, discrimination in the workplace, and violence against women doesn't represent bigotry as much as it does a last ditch, cruel attempt by weak and frightened men to keep women in their place.

These new battles require fresh weapons; stronger enforcement of laws against violence and discrimination; greater protection of the right to choose to be a parent; better health care and more child care; efforts to eliminate gender-based pay differences; and more representation of women in the upper echelons of business, community leadership, and government.

On this note, we look to the future. What the human world must continually learn is that a pluralistic society gains strength from diversity. Women deserve greater representation in business and government not only because of what these positions will do for women, but because of what women can do for civilization in its entirety. Every aspect of society can benefit from a larger share of the collective talents and abilities of women. Men and women who attempt to slow the progress of women are not only wrong, they are foolish, for they deprive themselves and all humankind of the ability to realize our fullest potentials.

It is appropriate for us to remember this month the ideal that most inspired suffragettes 100-odd years ago, and fight for women's progress not just for the benefit of women and not just for the benefit of men: We must fight for women's progress because it is just.

We also cannot forget what goes on beyond the comfortable boundaries of industrialization. The women's revolution has yet to reach—much less improve—parts of the world. In some less developed nations, women are still defined as property; denied education and employment opportunities; shacked, maimed, and even murdered by cultural sexual practice and suffocating social roles; refused pregnancy choices; and exposed without protection to AIDS. In some countries, if a baby girl is not killed by her parents because of her gender, she faces a short and horrible future altogether different than her brother will experience.

Mr. President, the women's movement must not pause at the edge of the industrialized frontier. Not only must developed nations lead by example, we must constantly support the proliferation of human rights and equality in every corner of the world. During Women's History Month, we should be proud of what has been accomplished, but we must be aware of what is yet to be done. We must be hold, stubborn, and ambitious in our pursuit of a future that is better and more just for the entire world.

Thank you, Mr. President, I yield the floor.

## TRIBUTE TO THOMAS C. KOMAREK

Mr. HARKIN. Mr. President, I rise today to pay tribute to Thomas C. Komarek, the Assistant Secretary for Administration and Management and Acting Chief Financial Officer at the U.S. Department of Labor, who is retiring April 29, 1994, after more than 30 years of distinguished career Federal service.

A graduate of Dartmouth College, with an MBA from Northeastern University, Mr. Komarek began his career at the Department of Labor in the Boston Regional Office of the Employment and Training Administration [ETA] in 1971. Early on, he demonstrated a natural leadership ability and held several positions of increasing responsibility ultimately becoming the comptroller for ETA. In November 1983, Mr. Komarek was appointed to the position of Assistant Secretary for Administration and Management and has held that position continuously since that time. He has served six Secretaries of Labor—a true test of skill, competence, and dedication to the Department of Labor. Each Secretary has praised him for the excellence of his work.

As Assistant Secretary for Administration and Management and Acting Chief Financial Officer, Mr. Komarek has served as the principal budget advisor for the Department of Labor and has appeared before the Senate Labor, Health and Human Services and Education Appropriations Subcommittee with each of the six Secretaries, assisting in the defense of the Department's budget request. Mr. Komarek has appeared before this subcommittee each year since 1981, facing a total of four subcommittee chairmen; his last appearance was less than a month ago accompanying Secretary Robert Reich. Few Federal officials—career or political—can make that claim. Mr. Komarek has always proved to be an excellent advocate for the budget request pending before the subcommittee.

Mr. Komarek has had an outstanding career at the Department of Labor. The members and staff of the subcommittee would like to congratulate Mr. Komarek on a job well done and offer him best wishes in his retirement. We will miss him.

## HOMICIDES BY GUNSHOT IN NEW YORK CITY

Mr. MOYNIHAN. Mr. President, I rise today to announce to my Senate colleagues, as has been my custom each week during this session of the 103d Congress, that during the last 3 weeks, 60 people were killed by gunshots in New York City, bringing the 1994 total to 304.

## TRIBUTE TO CHARLES E. SEAGRAVE

Mr. SASSER. Mr. President, on April 15, the Congress will lose a valued resource because that day marks the retirement of Charles E. Seagrave of the Congressional Budget Office. For more than 15 years, Chuck has been the chief of the human resources cost estimating unit at CBO and responsible for the budget estimates provided to our committee and the others of the Congress that deal with topics ranging from Social Security and Medicare, to education and training, to welfare. I am sure my good friend the Senator from New Mexico [Mr. DOMENICI], would agree with me on this, that this is a tremendous responsibility that Chuck has fulfilled with dedication and excellence. It was with Chuck's efforts that the Budget Committee and others were able to navigate the minefields of Social Security reform, Medicare reimbursement changes, unemployment compensation benefit extensions, and the annual budget resolutions and reconciliation acts. When we needed help with budget figures, regardless of the hour of the day or day of the week, we were always able to rely on Chuck and his staff to supply us with the information we required.

It is important to recognize the devotion of Americans like Chuck Seagrave who have given so much of themselves for the public good. We hope and trust that Chuck will enjoy his well-earned retirement. While Chuck will be missed, his service to this body will not soon be forgotten.

Mr. DOMENICI. I want to join with the chairman of the Budget Committee, Senator SASSER, in extending my congratulations to Charles E. Seagrave on his retirement from the Congressional Budget Office.

When the Congressional Budget and Impoundment Act was signed into law 20 years ago this year, Congress had the good sense to establish the independent Congressional Budget Office [CBO] as its budget research arm. We have continued to rely on CBO and indeed continue to stretch their resources to the limit by asking that they do more and more with less and less.

I am a supporter of CBO and their work. I have not always agreed with their analyses but I have always respected their work and indeed have agreed more often than I have disagreed. CBO's work remains professional and of the highest quality.

But people make up organizations. And the only reason CBO is able to do such a superb job is through the committee, dedication, and hard work of people at CBO like Chuck Seagrave. His name may not have made the headlines these last many years, but those of us who understand this process, know it could not have survived 20 years without people like Chuck.

Chuck has headed the human resources cost estimating unit for almost the entire existence of CBO and thus has been an instrumental part of building CBO's well deserved reputation for excellence in public service. This is the unit at CBO that has had to develop some of the most important estimates of legislation related to health care, welfare, employment, veterans and education programs—clearly some of the most controversial and complicated cost estimates anybody could be expected to produce. But they have been produced under Chuck's leadership, they have been used, and they have affected the course of policy. In total, I am sure they have affected the course of policy in a positive manner.

I have no doubt that we are going to miss Chuck's invaluable experience, patience, and good judgment. He should not leave, however, without it being known, that he is leaving with the respect and admiration of this Senator, and many others for a job well done.

Thank you Chuck for your service to CBO, to tne Congress, and to the country. I wish you and your family all the best in the years ahead as you return to your home State of Wyoming.

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## COOPERATION IN THE MIDDLE EAST

Mr. PELL. Mr. President, the recent massacre at Hebron has injected a hard dose of reality into the Middle East peace process. Despite the euphoria that surrounded the signing of the Declaration of Principles between Israel and the PLO last September, it is evident that old divisions remain and there will be continued episodes of violence. Meanwhile, beyond the Israeli-Palestinian conflict, the deteriorating economic situation in many Middle Eastern countries has led to growing despair and disturbing manifestations of political extremism.

All of us hope that the Israeli and Palestinian leadership will return to the peace table; indeed, with the help of the United States, they appear to be moving in that direction. But even if they succeed in implementing the Declaration of Principles, there are still many issues to be dealt with in order to bring true peace and stability to the region.

One of those issues, of course, is economic development. In this connection, I would like to call to the attention of my colleagues an article by Mr. M. Shafik Gabr that appeared in Business Monthly entitled "The Time Is Now: Regional Cooperation in the Middle East." Mr. Gabr, the executive vice president of the American Chamber of Commerce in Egypt, calls for an intraregional trade and economic cooperation structure in the Middle East which would lead to greater prosperity and cooperation in the region through expanded trade links.

I think Mr. Gabr's article makes an important contribution to understanding a difficult and complex issue, and I commend the article to my colleagues. I ask unanimous consent that it be entered into the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### THE TIME IS NOW—REGIONAL COOPERATION IN THE MIDDLE EAST

(By Mr. Shafik Gabr)

The historical events the world is now witnessing will dramatically change the landscape and character of the Middle East. It remains to be seen, however, whether these changes will be positive and dynamic or negative and static.

For decades, the Middle East has suffered from wars, instability, and mistrust, depriving its people of achieving their true potential. Today, one can say with confidence that stability and comprehensive peace are no longer distant dreams. Comprehensive peace is not merely the absence of conflicts, but also a concept that emphasizes the economic empowerment of the people through political stability. Now is the perfect opportunity to build on the dramatic breakthroughs in the peace process, and vigorously advance the cause of economic cooperation, which is a common interest and a common purpose among nations of the Middle East.

#### NEED FOR IMMEDIATE PROGRESS SO THAT POLITICAL PEACE PAYS ECONOMIC DIVIDENDS—IRTEC

A proposal would be the establishment of an intra-regional trade and economic cooperation (IRTEC) structure in the Middle East, with the main goal of bringing economic betterment to the people of the region. Establishing such an economic structure in the Middle East does not mean that this region should become self-sufficient and isolate itself from world markets. On the contrary, the region should be fully integrated into the world economy, but from the vantage point of strength from within first.

#### GLOBAL

The present economic trend in the world is one of intra-regional trade and economic cooperation, with varying degrees from one region to the next. The European Community (EC) is well on its way toward economic union. While this process has faced many obstacles, the determination of the EC to move toward its ultimate goal has prevailed. The United States, Canada, and Mexico have successfully negotiated and ratified the North American Free Trade Agreement (NAFTA) for implementation in January 1994. In the Pacific Rim, Asian nations have increased trade among themselves and are considering numerous plans for advancing the cause of intra-regional cooperation.

#### MIDDLE EAST REGION

Unfortunately, this current global trend has not yet spread to our region, Intra-regional trade among the nations of the Middle East during the late 80s amounted to a meager 10 percent of their total exports. In comparison, intra-regional trade of EC countries during the same period was 66 percent of their total exports; and for developing countries it was 33 percent of their total exports.

There have been prior attempts to encourage economic cooperation among some countries of the region. During the 80s three regional economic blocs were formed in the Arab World; the Arab Cooperation Council (ACC), which was dismantled following the

Iraqi invasion of Kuwait; the Maghreb Economic Union (MEU), which it seen by many as an open channel through which member countries maintain a dialogue to resolve their political differences; and the Gulf Cooperation Council (GCC), which has had limited success in furthering economic cooperation by establishing a customs union. While in principle this customs union was a positive step toward free trade, in reality it did not benefit the GCC states much, since their economies remain dominated by oil.

There is a tremendous potential for economic development and growth in the Middle East. All the ingredients required for that growth and cooperation exist, such as skilled human resources; a solid investment base with a combined GDP of $400 billion; a relatively modern infrastructure; a modestly diversified industrial base, ranging from labor intensive and low cost in Egypt, to hitech in Israel; proximity to Europe, Asia, and Africa; and the potential size of the Middle East market—given that its population is as large as the European, North American, or South American markets.

### OBSTACLES TO IRTEC

One must recognize the national and regional challenges facing the prospect of Middle East intra-regional trade.

On the national level, while each nation has a distinct economic situation, there are common problems confronting them all. These include large and inefficient public sectors; tight government control of monetary systems; complex bureaucracies; and government intervention in and distortion of the marketplace. These negative aspects are the remaining legacies of the Import-Substitution (Inward-Looking) policies widely subscribed to by nations of the region during the 50s and 60s.

On the regional level, obstacles to intra-regional trade and economic cooperation include political, ideological, economic and sometimes even personal reasons. These include: competition for scarce natural resources, most importantly water; the existence of trade barriers and quotas: the practice of boycotting other members in the region; uneven growth and distribution of wealth; territorial disputes; and a lack of trust coupled with deep suspicions of others' motives. These obstacles will make difficult any attempt to develop a structure for regional cooperation.

### MEETING THE CHALLENGE OF CREATING IRTEC

Following are three propositions that will promote intra-regional trade and economic cooperation. But first one must emphasize the need for a common denominator, without which these propositions would not work. That denominator is enhancing and reinforcing a stable political environment in the region through greater democratization, trust, and realistic expectations, since if expectations are not realized the peace will be a static one, at best.

The propositions are: 1. Developing a Middle Eastern Financial Institution and reforming the banking sector:

A Middle Eastern Financial Institution modeled on the principles of the Asian Development Bank must be created. The priorities of such an institution would be to identify and finance regional projects and trade, in addition to emphasizing and promoting economic cooperation. A second crucial issue in the financial realm is reforming the banking sector, so that 90 percent of the region's wealth does not end up elsewhere.

2. The creation of a Middle Eastern Economic Commission (MEEC):

This proposal is the key to this process. The MEEC will be the mechanism for promoting intra-regional trade and economic cooperation and also for solving disputes rapidly and peacefully with a win/win philosophy. The commission should consist of both government and business representatives of countries that are at peace.

This commission should also concentrate on:

Developing the region's infrastructure: It is essential to develop the administrative and legal structures of the region as much as the actual physical infrastructure. Infrastructure linkages among the nations at peace are crucial, and the MEEC can help to create these.

Assisting government in reforming their economic structures: An intra-regional structure will operate much more efficiently if the internal economic structures of the nations are not encumbered by distortions in the marketplace, large budget deficits, high inflation, and bureaucratic burdens. The commission must assist governments to liberalize their economies and adopt productive free market policies.

The transfer of labor, investment, technology, and energy on the basis of comparative advantage: The commission must work with all the peace partners so that the deregulated movement of labor, investment, technology, and energy becomes reality, allowing the principles of comparative advantage and highest rate of return to take precedence for the benefit of all.

Bureaucratic Burdens, Trade Barriers, and Most Favored Nation (MFN) Status: On trade, Egypt should move first to MFN status. Egypt has taken great strides in liberalizing its trade policy by removing quotas, non-tariff barriers and reducing its custom levels as per the IMF/World Bank guidelines.

Competition for scarce natural resources, especially water: This perhaps is the most crucial issue facing the Middle East today, after peace negotiations. Unless a system to share and manage water resources in a fair and beneficial manner is developed, the next conflict in our region might be just around the corner. The commission must work with all parties to the peace process to establish a mechanism to quickly resolve short-term disputes over water rights, otherwise this issue could become a major threat to regional stability.

3. Establishing a Middle Eastern Business Development Center (MEBDC):

The MEBDC would be a non-governmental, not-for-profit organization. This center would be composed of businessmen and professionals from countries at peace. The MEBDC could start with branches in Egypt, Israel, Jordan, Turkey and Palestine. It would bring interaction between businessmen of the region, and emphasize opportunities for medium and small businesses, which are the backbones of all the economies in the region.

The MEBDC would have three components: Information Component—developing data banks necessary for trade and investment cooperation; Investment Advisory Services—bring together investors and entrepreneurs from different nations in joint ventures, and providing commercial arbitration services; and a Research Component—sponsoring economic, environmental, and scientific studies as well as holding seminars and workshops to promote sound economic development in the Middle East.

All the above components will promote entrepreneurship. And one must not forget that individual investors and risk-takers are the backbone and job creators of major economies, like that of the United States, Egypt and Israel; Cornerstones to Peace and Prosperity: Having made these three propositions, the catalyst and engine of growth for IRTEC are Egypt and Israel, with U.S. engagement, political support and economic assistance. For Egypt and Israel to succeed they must develop confidence-building measures in the economic field between themselves and other peace partners.

The economic reforms these two countries have implemented in the past few years have produced some positive results; in Egypt, the exchange rate was unified, with a stable conversion rate, inflation was brought down from over 30 percent to about 10 percent, the budget deficit was reduced approximately from 30 percent to only 3 percent, and the Central Bank's reserves are up to $15 billion from $1.2 billion in 1990. Israel's galloping inflation rates of the mid 80s were reduced, and some reforms to its banking sector were introduced.

Yet Egypt and Israel still need more internal economic reforms to remove impediments to their ability to execute their leadership roles. In Egypt's case, it is important to speed up the pace of privatization; to have the economic macro-reform gains trickle down to the micro level and benefit the ordinary citizen; and to reduce the complex bureaucracies.

As for Israel, its foreign trade and investment policies must be liberalized, especially the protectionist elements of its agricultural policies; there should be more openness and less censorship; monetary policy must be liberalized and reformed; and inflation should be reduced.

As Egypt and Israel continue their economic reforms, they must draw other nations of the region into the peace process, including Iran, Iraq, Syria, Yemen, and Libya. One must keep in mind that IRTEC's structure would not be a static or zero-sum concept, but that the size of the pie (market) will increase, and it will be a win/win situation.

Lastly, two specific areas of immediate promise in this respect are tourism and infrastructure development. In the past few years tourism has become one of the largest and most profitable industries in the world. The Middle East is rich in its history, culture, and natural wonders. A regional tourism industry can be built to benefit everyone on two fronts. On the one hand, this industry will tremendously increase interaction among the people of the region and create jobs within an entire service industry. On the other, the potential revenue is enormous and could help finance the creation of an intra-regional trade and economic cooperation structure.

The second area of immediate promise exists in linking and developing the infrastructure of the region. Communications systems must be modified to become compatible. Roads and railways linking the region must be improved, along with a new network of roads to link the major urban and industrial centers.

The task ahead is complex. No one should underestimate the difficulties that will be faced in trying to reform the character of the Middle East. But the potential economic and political rewards for the people are tremendous.

The positive developments in the Peace Process offer us the unique opportunity to envision a peaceful and prosperous Middle East in which the fruits of trust can be harvested tomorrow by planting the seeds of economic cooperation today.

## TRIBUTE TO JOHN B. MAHAFFEY

Mr. BOND. Mr. President, I rise today to urge my colleagues in the U.S. Senate to join me in paying tribute to a remarkable man who is being awarded the 1994 Army Engineer Association Gold de Fleury Medal by the U.S. Army Engineer Center and Fort Leonard Wood. I am speaking of Mr. John B. Mahaffey of Springfield, MO.

John has served as a civilian aide to the Secretary of the Army for 16 years. He provides advice to the Army leadership on public attitudes toward the Army and acts as an ambassador in providing understanding and cooperation between the civilian community and the Army. He is also the chairman and chief executive officer of Mahaffey Enterprises.

The Gold de Fleury Medal is awarded each year to an individual who exemplifies boldness, courage and commitment to a strong national defense. The medal commemorates the intrepid behavior of Capt. Francois Louis Teisseidre de Fleury while he served in the Continental Army in 1779.

In addition to this prestigious honor, John has also been a three-time recipient of the Department of the Army Outstanding Civilian Service Award. His hard work and dedication is truly honorable and deserving of special recognition.

Mr. President, I would like to extend my sincere congratulations to Mr. John B. Mahaffey for his years of service, loyalty, and commitment to the U.S. Army and civilian community. I am honored to have had the opportunity to recognize his accomplishments and my very best wishes for continued success, health, and happiness.

## IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,561,843,058,631.29 as of the close of business yesterday, Monday, April 11. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,497.70.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORT ON THE PANAMA CANAL COMMISSION—MESSAGE FROM THE PRESIDENT—PM 99

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

*To the Congress of the United States:*

As required by section 3522 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 22 U.S.C. 3611 note), I transmit herewith the recommendations for changes to the Panama Canal Commission. I have determined that the adoption of these recommendations would facilitate and encourage the operation of the Canal through an autonomous entity under the Government of Panama after the transfer of the waterway on December 31, 1999, pursuant to the Panama Canal Treaty of 1977 and related agreements.

In accordance with the law cited above, an extensive study of the governance and financial management structure of the Panama Canal Commission was conducted. The study and its recommendations were then considered and discussed among representatives of the Departments of State, Defense, the Treasury, Commerce, Transportation, and Justice, as well as the Panama Canal Commission. The study, and the process that followed it, formed the basis for my recommendations, which are contained in the attached document.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 12, 1994.*

## REPORT ON THE NATIONAL EMERGENCY WITH ANGOLA—MESSAGE FROM THE PRESIDENT—PM 100

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

I hereby report to the Congress on the developments since September 26, 1993, concerning the national emergency with respect to Angola that was declared in Executive Order No. 12865 of that date. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 29, 1993, I declared a national emergency with respect to Angola, invoking the authority, inter alia, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution No. 864, dated September 15, 1993, the order prohibits the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircrafts, of arms and related material of all types, including weapons and ammunition, military vehicles, equipment and spares parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibits such sale or supply to the National Union for the Total Independence of Angola ("UNITA"). United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions including the promulgation of rules and regulations, as may be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control ("FAC") issued the UNITA (Angola) Sanctions Regulations (the "Regulations") (58 *Fed. Reg.* 64904) to implement the President's declaration of a national emergency and imposition of sanctions against UNITA. A copy of the Regulations is attached for reference.

The Regulations prohibit the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, or arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any United States persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in the Executive order. Also prohibited are transactions by United States persons, or involving the use of U.S.-registered vessels or aircraft relating to transportation to Angola or to UNITA of goods the exportation of which is prohibited.

The Government of Angola has initially designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: Airports: Luanda, and Katumbela, Benguela Province; Ports: Luanda, Lobito, Benguela Province, and Namibe, Namibe Province; and Entry Points: Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State/or Commerce.

2. The expenses incurred by the Federal Government in the 6-month period from September 26, 1993, through March 25, 1994, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to UNITA are reported at about $85,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the FAC, the U.S. Customs Service, the Office of the Assistant Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Bureau of Economic and Business Affairs and the Office of the Legal Adviser).

I shall continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 12, 1994.*

## MESSAGES FROM THE HOUSE

At 3:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House insists upon its amendment to the bill (S. 349) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. BRYANT, Mr. GLICKMAN, Mr. FRANK of Massachusetts, Mr. FISH and Mr. GEKAS as manager of the conference on the part of the House.

The message also announced that the Speaker makes the following change in the appointment of conferees in the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 349) entitled "An Act to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes": Mr. SYNAR is appointed in lieu of Mr. FRANK of Massachusetts.

The message further announced that pursuant to the provisions of section 5(b)(1) of Public Law 102-521, the minority leader appoints the following individuals from private life to serve on the Commission on Child and Family Welfare on the part of the House: Carol Statuto Bevan of Derwood, MD; and James G. Sherman of Peoria, IL.

The message also announced that pursuant to the provisions of section 303 of Public Law 102-164 and the order of the House of Thursday, March 24, 1994 authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on April 1, 1994 did appoint the following individual from private life to the Advisory Council on Unemployment Compensation on the part of the House to fill the existing vacancy thereon: Ms. Ann Q. Duncan of Cary, NC.

The message further announced that the House has agreed to the following resolution:

H. Res. 400. A resolution relative to the death of the Honorable William H. Natcher, a Representative from the Commonwealth of Kentucky.

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At 5:23 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1206. An Act to redesignate the Federal building located at 380 Trapelo Road in Waltham, Massachusetts, as the "Frederick C. Murphy Federal Center."

## MEASURES PLACED ON THE CALENDAR

The following bill was discharged from the Committee on the Judiciary on April 11, 1994 and placed on the calendar:

S. 687. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2448. A communication from the Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of the number of applications for conditional registration under the Federal Insecticide, Fungicide, and Rodenticide Act for fiscal year 1993; to the Committee on Agriculture, Nutrition and Forestry.

EC-2449. A communication from the President of the United States, transmitting, pursuant to law, the report on trade by the People's Republic of China and Taiwan; to the Committee on Commerce, Science and Transportation.

EC-2450. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of activities relating to the Deepwater Port Act of 1974 for fiscal year 1993; referred jointly, pursuant to 33 U.S.C. 1519, to the Committee on Commerce, Science, and Transportation, Energy and Natural Resources, and to the Committee on Environment and Public Works.

EC-2451. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report of proposed rescissions of budget authority for fiscal year 1994; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Commerce, Science, and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Environment and Public Works, to the Committee on Foreign Relations, to the Committee on Governmental Affairs, to the Committee on the Judiciary, and to the Committee on Small Business.

EC-2452. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report of proposed rescissions of budget authority for fiscal year 1994; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Commerce, Science, and Transportation, to the to the Committee on Energy and Natural Resources, to the Committee on Environment and Public Works, to the Committee on Finance, to the Committee on Foreign Relations, and to the Committee on Governmental Affairs.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-432. A resolution adopted by the House of the Legislature of the Commonwealth of Puerto Rico relative to Citizenship Day in Puerto Rico; ordered to lie on the table.

POM-433. A concurrent resolution adopted by the General Assembly of the State of Indiana; to the Committee on Commerce, Science, and Transportation.

"HOUSE CONCURRENT RESOLUTION 25

"Whereas, the loss of commuter service to medium-sized cities like Terre Haute will inhibit future economic growth; and

"Whereas, in university towns, like Terre Haute, students are left unable to make their connecting flights home; and

"Whereas, with the loss of this commuter service, people are forced to absorb the cost, in both time and money, of traveling to the nearest available major airport; and

"Whereas, in today's fast-paced society, the loss of time is perhaps a greater hindrance than the monetary. Now, therefore,

"*Be It Resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

"Section 1. That the General Assembly of the State of Indiana strongly urges Congress to act to restore the essential air service program to cities such as Terre Haute.

"Section 2. That the Principal Clerk of the House of Representatives shall transmit copies of this Resolution to the presiding officers and to the majority and minority leaders of both houses of Congress; each member of the Indiana Congressional delegation, and to the Secretary of the United States Department of Transportation."

POM-434. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Energy and Natural Resources.

"HOUSE CONCURRENT MEMORIAL 2005

"Whereas, the economy, health and general welfare of the people and the state of Arizona depend upon a secure and stable supply of water; and

"Whereas, to help secure that supply of water, the United States Congress did authorize the construction of the Central Arizona Project to bring water from the Colorado River to the heavily populated areas of central Arizona in the Colorado River Basin Project Act of 1968 (P.L. 90-537; 82 Stat. 885; 43 United States Code section 1501 et seq.); and

"Whereas, the users of the water in Arizona delivered through the Central Arizona Project are required to pay operation, maintenance and replacement costs associated with the operation of the Project in order to maintain financial stability; and

"Whereas, the users of the water in Arizona who have been allocated a supply of water made available through the Central Arizona Project are required to pay the operation, maintenance and replacement costs associated with their allocations even when they do not use their allocations in order to keep the Project financially stable; and

"Whereas, a substantial quantity of water made available through the Central Arizona Project has been allocated to various uses by the United States federal government; and

"Whereas, federal uses include, but are not limited to, providing for public outdoor recreation facilities, improving conditions for fish and wildlife and delivery of water to Arizona Indian communities.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

"1. That the President of the United States instruct the Department of the Interior to seek an appropriation from the United States Congress for the purpose of paying operation, maintenance and replacement costs associated with federal uses of Central Arizona Project water, including costs accrued and associated with federal allocations which may not be in use.

"2. That United States Congress authorize funding to pay for operation, maintenance and replacement costs associated with federal uses of Central Arizona Project water, including costs accrued and associated with federal allocations which may not be in use.

"3. That the Secretary of State of the State of Arizona transmit copies of this Concurrent Memorial to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and to each Member of the Arizona Congressional Delegation."

POM-435. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Foreign Relations.

"HOUSE RESOLUTION NO. 244

"Whereas, Linda Ann Veno, an American wife and mother, as well as other Pennsylvanians, witnessed first-hand the atrocities endured by innocent men, women and children in Bosnia, Hercegovina; and

"Whereas, upon delivering much-needed medical supplies and humanitarian aid to Bosnia, these courageous Pennsylvanians discovered the complete disrespect for human life suffered by Bosnian citizens regardless of their religion or ethnicity; and

"Whereas, Croatian and Moslem children between the ages of 8 and 13 were playing together near the Mir (Peace) Hospital in Mostar when an artillery shell killed six of them and maimed three of them; and

"Whereas, families are being separated, lives are being destroyed, neighbors are fighting neighbors and children are left dying in the streets; and

"Whereas, the genocide in this part of our world is reminiscent of a time in world history when America's eyes and ears could not see or hear human suffering; and

"Whereas, when America discovered the Holocaust, it vowed to never again allow the systematic destruction of people; and

"Whereas, Bosnia needs America's eyes, ears and hearts to be opened to the truth of its plight; and

"Whereas, moved by her experience in Bosnia and recognizing the need to end the war, Mrs. Veno, upon her return to Pennsylvania, established the Mother's Love Foundation to raise the level of consciousness of Americans to the plight of Bosnians and to raise funds for airlifting needy children to the United States to receive medical care and for building facilities in Bosnia to care for orphaned children there; therefore be it

"*Resolved*, That the House of Representatives of the Commonwealth of Pennsylvania commend Linda Ann Veno for her courageous work and for establishing the Mother's Love Foundation; and be it further

"*Resolved*, That the House of Representatives memorialize Congress to seriously consider the increasing inhumanity of the current situation in Bosnia, Hercegovina; and be it further

"*Resolved*, That the House of Representatives memorialize the Senate Foreign Relations Committee and the House Foreign Affairs Committee in Congress to hold open general hearings regarding the plight of the men, women and children caught in the war in Bosnia; and be it further

"*Resolved*, That copies of this resolution be transmitted to the presiding officers of each house of Congress; to the members of the Senate Foreign Relations Committee; to the members of the House Foreign Affairs Committee; to floor leaders of each house of Congress; to each member of Congress from Pennsylvania; to the Secretary of State, the Honorable Warren Christopher; and to the President, the Honorable William Jefferson Clinton."

POM-436. A resolution adopted by the Disabled American Veterans Department of California's Claims and Service Commission relative to the Department of Veterans Affairs Compensation and Pension Service; to the Committee on Veterans Affairs.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. KASSEBAUM (for herself, Mr. DODD, Mr. HATCH, and Mr. SIMON):

S. 2010. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow for additional deferred effective dates for approval of applications under the new drugs provisions, and for other purposes; to the Committee on Labor and Human Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. Res. 199. A resolution recognizing and honoring the activities of the United States Coast Guard Yard in Curtis Bay, Maryland, and the service of members and civilian employees of the Coast Guard during World War II; to the Committee on Commerce, Science, and Transportation.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. KASSEBAUM (for herself, Mr. DODD, Mr. HATCH, and Mr. SIMON):

S. 2010. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow for additional deferred effective dates for approval of applications under the new drugs provisions, and for other purposes; to the Committee on Labor and Human Resources.

### BETTER PHARMACEUTICALS FOR CHILDREN ACT

• Mrs. KASSEBAUM. Mr. President, today, together with Senators DODD, HATCH, and SIMON, I am introducing the Better Pharmaceuticals for Children Act. This legislation provides a strong incentive for pharmaceutical companies to conduct pediatric trials for drugs which are developed primarily for adults. It establishes a 6-month market exclusivity for pharmaceuticals for which pediatric studies are conducted at the request of the Secretary of Health and Human Services.

This incentive to conduct pediatric studies is sorely needed. Currently, fewer than 30 percent of the prescription medications on the U.S. market are approved for use by pediatric populations and labeled for pediatric use. Pediatricians using drugs developed with adults in mind but which may also be effective in children or be the only option for treating the same diseases or illnesses in children must estimate dosages from dosages found safe and effective in adults. Such estimates are uncertain because children, and particularly those under 2 years of age, often metabolize drugs differently than do adults. Further, some drugs can be less safe in children than in adults even when appropriate doses are used.

For these reasons, pediatricians have long had an active interest in promoting clinical trials of drugs in infants and children so that the drugs can be labeled for use by these age groups. However, there is little incentive for drug sponsors to voluntarily perform studies for medications which they intend to market for adults and whose use in treating children is expected to generate little additional revenue. Such studies would place a significant additional burden on an already costly and lengthy research, development, and approval process.

I urge my colleagues to cosponsor the Better Pharmaceuticals for Children Act.

Mr. President, I ask for unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 2010

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Better Pharmaceuticals for Children Act".

**SEC. 2. PEDIATRIC STUDIES MARKETING EXCLUSIVITY.**

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 501 et seq.) is amended by inserting after section 505 the following new section:

"PEDIATRIC STUDIES FOR NEW DRUG APPLICATIONS

"SEC. 505A. (a) If an application submitted under section 505(b)(1) is approved on or after the date of enactment of this section, and such application includes reports of pediatric studies described and requested in subsection (c), and such studies are completed and the reports thereof submitted in accordance with subsection (c)(2) or completed and the reports thereof accepted in accordance with subsection (c)(3), the Secretary may not make the approval of an application submitted under section 505(b)(2) or section 505(j) which refers to the drug for which the section 505(b)(1) approval is granted effective prior to the expiration of 6 months from the earliest date on which the approval of such application for the drug under section 505(b)(2) or section 505(j), respectively, could otherwise be made effective under the applicable provisions of this chapter.

"(b) If the Secretary makes a written request for pediatric studies described in subsection (c) to the holder of an approval under section 505(b)(1) for a drug, and such studies are completed and the reports thereof submitted in accordance with subsection (c)(2) or completed and the reports thereof accepted in accordance with subsection (c)(3), the Secretary may not make the approval of an application submitted under section 505(b)(2) or section 505(j) which refers to the drug subject to the section 505(b)(1) approval effective prior to the expiration of 6 months from the earliest date on which an approval of such application under section 505(b)(2) or section 505(j), respectively, could otherwise be made effective under the applicable provisions of this chapter. Nothing in this subsection shall affect the ability of the Secretary to make effective a section 505(b)(2) or section 505(j) approval for a subject drug if such approval is proper under such subsection and is made effective prior to the submission of the reports of pediatric studies described in subsection (c).

"(c)(1) The Secretary may, pursuant to a written request for studies after consultation with the sponsor of an application or holder of an approval for a drug under section 505(b)(1), agree with the sponsor or holder for the conduct of pediatrics studies for such drug.

"(2) If the sponsor or holder and the Secretary agree upon written protocols for such studies, the studies requirement of subsection (a) or (b) is satisfied upon the completion of the studies in accordance with the protocols and the submission of the reports thereof to the Secretary. Within 60 days after the submission of the report of the studies, the Secretary shall determine if such studies were or were not conducted in accordance with the written protocols and reported in accordance with the Secretary's requirement for filing and so notify the sponsor or holder.

"(3) If the sponsor or holder the Secretary have not agreed in writing on the protocols for the studies, the studies requirement of subsection (a) or (b) is satisfied when such studies have been completed and the reports accepted by the Secretary. Within 90 days after the submission of the reports of the studies, the Secretary shall accept or reject such reports and so notify the sponsor or holder. The Secretary's only responsibility in accepting or rejecting the reports shall be to determine, within 90 days, that the studies fairly respond to the written request, that such studies have been conducted in accordance with commonly accepted scientific principles and protocols, and that such studies have been reported in accordance with the Secretary's requirements for filing.

"(4) As used in this section, 'pediatric studies' or 'studies' means at least 1 human clinical investigation in a population of adolescent age or younger. At the Secretary's discretion, pharmacokinetic studies may considered as clinical investigations.

"(d) If the Secretary determines that an approval of an application under section 505(b)(2) or section 505(j) for a drug may be made effective after submission of reports of pediatric studies under this section but before the Secretary has determined whether the requirements of subsection (c) have been satisfied, the Secretary may delay the effective date of any approval under section 505(b)(2) or section 505(j), respectively, until the determination under subsection (c) is made, but such delay shall not exceed 90 days. In the event that the requirements of this section are satisfied, the 6-month period referred to in subsection (a) or (b) shall be deemed to have begun on the date an approval of an application under section 505(b)(2) or section 505(j), respectively, would have been permitted absent action under this subsection.

"(e) The Secretary shall publish notice of any determination that the requirements of subsection (c)(2) or (c)(3) have been met and that approvals for the drug will be subject to deferred effective dates under this section.".•

## ADDITIONAL COSPONSORS

### S. 21

At the request of Mrs. FEINSTEIN, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 21, a bill to designate certain lands in the California Desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

### S. 455

At the request of Mr. HATFIELD, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

### S. 774

At the request of Mr. WOFFORD, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 774, a bill to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, extend such Commission, establish a national Service Day to promote community service, and for other purposes.

### S. 1208

At the request of Mr. WOFFORD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1208, a bill to authorize the minting of coins to commemorate the historic buildings in which the Constitution of the United States was written.

### S. 1376

At the request of Mr. WOFFORD, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 1376, a bill to repeal the Helium Act, to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, and for other purposes.

### S. 1439

At the request of Mr. LIEBERMAN, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1439, a bill to provide for the application of certain employment protection laws to the Congress, and for other purposes.

### S. 1669

At the request of Mrs. HUTCHISON, the names of the Senator from Missouri [Mr. DANFORTH] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 1669, a bill to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction.

### S. 1805

At the request of Mr. WARNER, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

### S. 1836

At the request of Mr. DOLE, the names of the Senator from Tennessee

[Mr. MATHEWS] and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 1836, a bill for the relief of John Mitchell.

S. 1865

At the request of Mr. MCCAIN, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 1865, a bill to amend title XIX of the Social Security Act to promote demonstrations by States of alternative methods of more efficiently delivering health care services through community health authorities.

S. 1889

At the request of Mr. CHAFEE, the names of the Senator from Ohio [Mr. GLENN] and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of S. 1889, a bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services.

S. 1933

At the request of Mr. MCCAIN, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 1933, a bill to repeal the Medicare and Medicaid Coverage Data Bank, and for other purposes.

S. 1994

At the request of Mr. SMITH, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1994, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to make comprehensive improvements in provisions relating to liability, State implementation, remedy selection, and funding, and for other purposes.

SENATE JOINT RESOLUTION 146

At the request of Mr. WOFFORD, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Joint Resolution 146, a joint resolution designating May 1, 1994, through May 7, 1994, as "National Walking Week."

SENATE JOINT RESOLUTION 172

At the request of Mr. DOLE, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Ohio [Mr. METZENBAUM], the Senator from Michigan [Mr. LEVIN], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Virginia [Mr. ROBB], the Senator from Rhode Island [Mr. PELL], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 172, a joint resolution designating May 30, 1994, through June 6, 1994, as a "Time for the National Observance of the Fiftieth Anniversary of World War II."

SENATE JOINT RESOLUTION 174

At the request of Mr. BIDEN, the names of the Senator from Illinois [Mr. SIMON], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Hawaii [Mr. AKAKA], the Senator from South Carolina [Mr. THURMOND], the Senator from Delaware [Mr. ROTH], the Senator from Washington [Mr. GORTON], the Senator from Nevada [Mr. BRYAN], the Senator from North Dakota [Mr. CONRAD], the Senator from Vermont [Mr. LEAHY], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 174, a joint resolution designating April 24 through April 30, 1994 as "National Crime Victims' Rights Week."

SENATE JOINT RESOLUTION 176

At the request of Mr. PRYOR, the names of the Senator from Michigan [Mr. LEVIN], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Joint Resolution 176, a joint resolution to designate the month of May 1994 as "Older Americans Month."

## SENATE RESOLUTION 199—RELATIVE TO THE COAST GUARD YARD IN CURTIS BAY, MD

Ms. MIKULSKI (for herself and Mr. SARBANES) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 199

Whereas for 95 years, the United States Coast Guard Yard located in Curtis Bay, Maryland, has built a reputation for expert construction and repair of small boats, medium size cutters and buoy tenders, and large cutters;

Whereas through World War I, World War II, the Korean War, and the Vietnam era, the United States Coast Guard Yard has been the primary shipyard for the shipbuilding and repair activities of the Coast Guard;

Whereas employees of the United States Coast Guard Yard have earned numerous honors and awards for their service with the yard, including a Coast Guard Unit Commendation Medal for exceptionally meritorious service, the First Annual Commandant's Quality Award, and, most recently, the 1994 Department of Transportation Secretary's Annual Quality Award;

Whereas the history of the United States Coast Guard Yard reflects a spirit and dedication that is indicative of the "can do" attitude of the Coast Guard and of the employees of the yard;

Whereas the Coast Guard cutters U.S.C.G.C. *Mendota* and U.S.C.G.C. *Pontchartrain* were launched from the United States Coast Guard Yard in 1944;

Whereas the cutters U.S.C.G.C. *Mendota* U.S.C.G.C. *Pontchartrain* were the largest cutters launched from the United States Coast Yard during World War II;

Whereas on April 25, 1994, the United States Coast Guard Yard will sponsor the Coast Guard National World War II Commemoration Celebration the theme of which celebration will be "The home Front and Industrial Production"; and

Whereas on that date, the family and friends of employees of the United States Coast Guard Yard will gather to celebrate and honor the successes, sacrifices, and dedication of veterans and former civilian employees of the Coast Guard: Now, therefore, be it

*Resolved*, That the Senate recognize and honor—

(1) the service of former members and civilian employees who served aboard the Coast Guard cutters U.S.C.G.C. *Mendota* and U.S.C.G.C. *Pontchartrain* during World War II; and

(2) the contributions made by the past and present employees of the United States Coast Guard Yard located in Curtis Bay, Maryland, to the successful discharge by the Coast Guard of its many duties.

Ms. MIKULSKI. Mr. President, I stand today for myself and Senator SARBANES to submit a resolution to honor the employees of the Curtis Bay Coast Guard Yard and the World War II veterans and civilian employees who served on the Coast Guard Cutters the *Mendota* and *Pontchartrain*, the largest ships built at this yard during that war.

The Coast Guard Yard in Curtis Bay, MD is preparing for its 95th anniversary. This event has even more significance, because the yard is also commemorating the 50th anniversary of the launching of the Coast Guard cutters *Mendota* and *Pontchartrain*.

Through two World Wars, the Korean war and the Vietnam war, Curtis Bay has been the yard for the Coast Guard's shipbuilding and repair activities. This facility has consistently provided cost effective and high quality work for this Nation.

The Coast Guard Yard is also more than just a facility, it is an integral part of the Curtis Bay community. Three generations have worked at the yard, and have built a tradition of quality and a unique relationship between the civilian and military personnel. It is that relationship, a relationship that allowed the yard to successfully launch the *Mendota* and *Pontchartrain*, that the resolution I am introducing truly honors.

## AMENDMENTS SUBMITTED

## CALIFORNIA DESERT PROTECTION ACT

### JOHNSTON AMENDMENTS NOS. 1608–1612

Mr. JOHNSTON proposed five amendments to the bill (S. 21) to designate certain lands in the California Desert as wilderness, to establish Death Valley, Joshue Tree, and Mojave National Parks, and for other purposes; as follows:

AMENDMENT NO. 1608

1. On page 101, beginning on line 11, strike all through line 17 and renumber succeeding paragraphs accordingly.

2. On page 121, after line 6, add a new paragraph:

"(6) certain lands which comprise approximately eight thousand eight hundred acres, as generally depicted on a map entitled "Great Falls Basin Wilderness—Proposed", dated February 1986."

AMENDMENT NO. 1609

On page 108, beginning on line 1, strike paragraph (47) in its entirety and insert in lieu thereof the following:

"(47) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately seventy-four thousand and sixty acres, as generally depicted on a map entitled "Owens Peak Wilderness—Proposed 1", dated February 1986, a map entitled "Owens Peak Wilderness—Proposed 2", dated March 1994, and a map entitled "Owens Peak Wilderness—Proposed 3", dated May 1991, and which shall be known as the Owens Peak Wilderness."

AMENDMENT NO. 1610

On page 112, beginning on line 12, strike paragraph (61) in its entirety and in lieu thereof the following:

"(61) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-four thousand three hundred and forty acres, as generally depicted on a map entitled "Santa Rosa Wilderness Additions—Proposed", dated March 1994, and which are hereby incorporated in, and which shall be deemed to be part of, the Santa Rosa Wilderness designated by Public Law 98-425."

AMENDMENT NO. 1611

On page 121, after line 6, insert a new paragraph as follows:

"(5) certain lands which comprise approximately seventeen thousand two hundred and eighty acres, as generally depicted on a map entitled "Death Valley National Park Boundary and Wilderness 17—Proposed", dated July 1993."

AMENDMENT NO. 1612

On page 147, beginning on line 11, strike paragraph (3) in its entirety and insert in lieu thereof the following:

"(3) Mojave National Park Wilderness, comprising approximately six hundred ninety-five thousand two hundred acres, as generally depicted on ten maps entitled "Mojave National Park Boundary and Wilderness—Proposed", and numbered in the title one through ten, and dated March 1994 or prior, and seven maps entitled "Mojave National Park Wilderness—Proposed", numbered in the title one through seven, and dated March 1994 or prior, and which shall be known as the Mojave Wilderness."

## FEINSTEIN AMENDMENT NO. 1613

**Mr. JOHNSTON (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 21, supra; as follows:**

On page 96, after line 2, delete paragraph (9) in its entirety and renumber the succeeding paragraphs accordingly.

On page 121, after line 6, insert the following new paragraph:

"(7) certain lands which comprise approximately eighty-four thousand four hundred acres, as generally depicted on a map entitled 'Cady Mountains Wilderness—Proposed', dated July 1993.".

## JOHNSTON AMENDMENTS NOS. 1614–1616

**Mr. JOHNSTON proposed three amendments to the bill S. 21, supra; as follows:**

AMENDMENT NO. 1614

On page 138, line 6, strike "may" and insert "shall".

On page 138, line 8, strike "regulations," and all that follows through line 15 and insert in lieu thereof, "regulations.".

AMENDMENT NO. 1615

On page 129, line 19, strike "may" and insert "shall".

On page 129, line 21, strike "regulations," and all that follows through page 130, line 2, and insert in lieu thereof, "regulations.".

AMENDMENT NO. 1616

On page 146, after line 7, add a new section as follows:

**SEC. 517. ADVISORY COMMISSION.**

(a) There is hereby established the Mojave National Park Advisory Commission (hereinafter in this section referred to as the "Advisory Commission").

(b) The Advisory Commission shall be composed of fifteen members appointed by the Secretary for terms of three years each.

(c) Any vacancy in the Advisory Commission shall be filled in the same manner in which the original appointment was made.

(d) Members of the Advisory Commission shall serve without compensation as such, but the Secretary may pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this Act.

(e) The Secretary, or his designee, shall from time to time, but at least annually, meet and consult with the Advisory Commission on general policies and specific matters related to planning, administration and development affecting the park.

(f) The Advisory Commission shall act and advise by affirmative vote of the majority of the members thereof.

(g) The Advisory Commission shall cease to exist ten years after the enactment of this Act.

## FEINSTEIN (AND OTHERS) AMENDMENT NO. 1617

**Mr. JOHNSTON (for Mrs. FEINSTEIN for herself, Mr. WALLOP, and Mr. HATCH) proposed an amendment to the bill S. 21, supra; as follows:**

On page 118, beginning on line 5, revise section 103(g) to read as follows:

(g) LAW ENFORCEMENT BORDER ACTIVITIES.—Nothing in this Act, including the designation as wilderness of lands within the Coyote, Fish Creek Mountains, and Jacumba wilderness areas designated in section 102 of this Act, the Wilderness Act, or other land management laws generally applicable to such areas, shall restrict or preclude continued border operations within such areas, including the use of motor vehicles and aircraft by the Immigration and Naturalization Service, the Drug Enforcement Administration, the United States Customs Service, or State and local law enforcement agencies in such manner and subject to such restrictions as may be determined by the Attorney General of the United States, in consultation with the Secretary.

## JOHNSTON AMENDMENT NO. 1618

**Mr. JOHNSTON proposed an amendment to the bill S. 21, supra; as follows:**

On page 157, after line 8, insert the following new section:

**"SEC. 708. ACCESS TO PRIVATE PROPERTY.**

The Secretary shall provide adequate access to nonfederally owned land or interests in land within the boundaries of the conservation units and wilderness areas designated by this Act which will provide the owner of such land or interest the reasonable use and enjoyment thereof.

## AKAKA AMENDMENT NO. 1619

**Mr. JOHNSTON (for Mr. AKAKA) proposed an amendment to the bill S. 21, supra; as follows:**

On page 152, line 1, strike "shall be" and insert in lieu thereof, "utilizing".

On page 152, line 8, strike "income".

On page 152, lines 9 and 10, strike the words "that the determination is not appropriate" and insert in lieu thereof, "about the appropriate methodology".

## WALLOP AMENDMENT NO. 1620

**Mr. WALLOP proposed an amendment to the bill S. 21, supra; as follows:**

Redesignate Mojave National Park a Mojave National Monument.

Page 134, line 17 delete "**PARK** and insert "**MONUMENT**"

Page 135, lines 5-6, delete "unit of the National Park System;" and insert in lieu thereof "National Monument;".

Page 135, line 9, delete "Park;" and insert in lieu thereof "Monument;"

Page 135, line 21 delete "**PARK** and insert in lieu thereof "**MONUMENT.**"

Page 135, line 22 delete "Park," and insert in lieu thereof "Monument,"

Page 135, line 23, delete "park and insert in lieu thereof "monument"

Page 136, line 4, delete "National Park Service" and insert in lieu thereof "Bureau of Land Management"

Page 136, beginning on line 5, delete section 503 and renumber succeeding sections accordingly.

Page 136, line 14 delete "park and insert in lieu thereof "monument"

Page 136, line 22 delete "National Park Service and insert in lieu thereof "Bureau of Land Management"

Page 137, line 5, delete "**PARK.**" and insert in lieu thereof "**MONUMENT.**"

Page 137, beginning on line 7, delete all after "law" through the end of section 506 and insert in lieu thereof "law otherwise applicable to such lands including, but not limited to, the provisions of the Federal Land Policy and Management Act (90 Stat. 2743) as amended."

Page 137, line 14, delete "park" and insert in lieu thereof "monument"

Page 137, line 22, delete "park" and insert in lieu thereof "monument"

Page 138, beginning on line 5, revise subsection (a) of section 509 to read as follows: "(a) Within the monument, the Secretary shall permit the grazing of domestic livestock to continue, subject to applicable laws, at no more than the current level."

Page 138, line 23, delete "park" and insert in lieu thereof "monument"

Page 138, line 25, delete "park" and insert in lieu thereof "monument"

Page 139, line 12, delete "park" and insert in lieu thereof "monument"

Page 139, line 14, delete "park" and insert in lieu thereof "monument"

Page 140, line 23, delete "park" and insert in lieu thereof "monument"

Page 141, line 3, delete "park" and insert in lieu thereof "monument"

Page 141, line 6, delete "park" and insert in lieu thereof "monument"

Page 141, line 21, delete "park" and insert in lieu thereof "monument"

Page 141, line 24, delete "park" and insert in lieu thereof "monument"

Page 142, line 11, delete "park" and insert in lieu thereof "monument"

Page 142, line 14, delete "park" and insert in lieu thereof "monument"

Page 142, line 23, delete "park" and insert in lieu thereof "monument"

Page 143, line 2, delete "park" and insert in lieu thereof "monument"

Page 143, line 9, delete "park" and insert in lieu thereof "monument"

Page 143, line 12, delete "park" and insert in lieu thereof "monument"

Page 143, line 16, delete "park" and insert in lieu thereof "monument"

Page 144, line 3, delete "park" and insert in lieu thereof "monument"

Page 144, line 15, delete "units of the National Park System" and insert in lieu thereof "such lands"

Page 144, line 24, delete "units of the National Park System" and insert in lieu thereof "such lands".

Page 145, line 3, delete "park" and insert in lieu thereof "monument"

Page 145, line 5, delete "park" and insert in lieu thereof "monument"

Page 145, line 9, delete "park" and insert in lieu thereof "monument"

Page 145, line 11, delete "park" and insert in lieu thereof "monument"

Page 145, line 17, delete "park" and insert in lieu thereof "monument"

Page 145, line 24, delete "park" and insert in lieu thereof "monument"

Page 146, line 5, delete "park" and insert in lieu thereof "monument"

Page 147, line 11, delete "park" and insert in lieu thereof "Monument".

## INOUYE AMENDMENT NO. 1621

Mr. JOHNSTON (for Mr. INOUYE) proposed an amendment to the bill S. 21, supra; as follows:

On page 152, between lines 14 and 15, insert the following:

(c) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Timbisha Shoshone Tribe and relevant Federal agencies shall conduct a study subject to the availability of appropriations to identify lands suitable for a reservation for the Timbisha Shoshone Tribe that are located within the Tribe's aboriginal homeland area within and outside the boundaries of the Death Valley National Monument and the Death Valley National Park, as described in title III of the California Desert Protection Act of 1993.

(2) REPORT.—Not later than 1 year after the date of enactment of the California Desert Protection Act of 1993, the Secretary shall submit a report to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives on the results of the study conducted under paragraph (1).

Section 707(b)(3) on page 155 is amended to read as follows: "(3) Any other Federal land, or interest therein, within the State of California, which is or becomes surplus to the needs of the Federal Government. The Secretary may exclude, in his discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California."

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## JOHNSTON AMENDMENT NO. 1622

Mr. JOHNSTON proposed an amendment to the bill S. 21, supra; as follows:

On page 176, after line 18, insert the following new title IX and redesignate the existing Title IX as Title X and section 901 as 1001:

### TITLE IX—INITIATIVES PERTAINING TO THE LOWER MISSISSIPPI DELTA REGION.

SEC. 901. FINDINGS.—(a) The Congress finds that—

(1) in 1988, Congress enacted P.L. 100-460, establishing the Lower Mississippi Delta Development Commission, to assess the needs, problems, and opportunities of people living in the Lower Mississippi Delta Region that includes 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee;

(2) the Commission conducted a thorough investigation to assess these needs, problems, and opportunities, and held several public hearings throughout the Delta Region;

(3) on the basis of these investigations, the Commission issued the Delta Initiatives Report, which included recommendations on natural resource protection, historic preservation, and the enhancement of educational and other opportunities for Delta residents;

(4) the Delta Initiatives Report recommended:

(A) designating the Great River Road as a scenic byway, and designating other hiking and motorized trails throughout the Delta Region;

(B) that the Federal government identify sites and structures of historic and prehistoric importance throughout the Delta Region;

(C) the further study of potential new units of the National Park System within the Delta Region; and

(D) that Federal agencies target more monies in selected areas to institutions of higher education in the Delta Region, especially Historically Black Colleges and Universities.

SEC. 902. DEFINITIONS.—As used in this Act, the term—

(1) "Commission" means the Lower Mississippi Delta Development Commission established pursuant to P.L. 100-460;

(2) "Delta Initiatives Report" means the May 14, 1990 Final Report of the Commission entitled "The Delta Initiatives: Realizing the Dream . . . Fulfilling the Potential";

(3) "Delta Region" means the Lower Mississippi Delta Region including the 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, as defined in the Delta Initiatives Report, except that, for any State for which the Delta Region as defined in such report comprises more than half of the geographic area of such State, the entire State shall be considered part of the Delta Region for purposes of this Act;

(4) "Historically Black College or University" means a college or university that would be considered a "part B institution" by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)); and

(5) "minority college or university" means a Historically Black College or University that would be considered a "part B institution" by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or a "minority institution" as that term is defined in section 1046 of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3)).

SEC. 903. DEFINITIONS.—As used in this title, the term—

(1) "Department" means the United States Department of the Interior, unless otherwise specifically stated; and

(2) "Secretary" means the Secretary of the Interior, unless otherwise specifically stated.

SEC. 904. NATURAL RESOURCES AND ENVIRONMENTAL EDUCATIONAL INITIATIVES.—(a) OFFICE OF EDUCATION.—(1) There shall be established within the Department an Office of Education to encourage, support, and coordinate education programs of the Department at the elementary, secondary, college and university, and graduate levels.

(2) The goals of the Office of Education shall be to:

(A) enhance the quality of education in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects;

(B) establish initiatives at minority colleges or universities;

(C) encourage the consideration of careers in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects;

(D) enhance teacher development and recruitment;

(E) increase research opportunities for teachers and students;

(F) enhance curriculum development; and

(G) improve laboratory instrumentation and equipment through purchase, loan, or other transfer mechanisms.

(b) DUTIES.—The duties of the Secretary, through the Office of Education, shall be to:

(1) coordinate the educational programs within the Department, including implementation of programs established under this title, in order to ensure the goals of the Office of Education are met; and

(2) inventory existing education programs within the Department.

(c) The Secretary shall report to Congress, within one year after the date of the enactment of this Act and annually thereafter, on an inventory of existing education programs of the Department, the status of such programs, and progress toward meeting the goals of the Office of Education as established in this Act.

(d) MINORITY COLLEGE AND UNIVERSITY INITIATIVE.—(1) Within one year after the date of the enactment of this Act, and annually thereafter, the Secretary, through the Office of Education, shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the United States House of Representatives a report identifying opportunities for minority colleges or universities to participate in programs and activities carried out by the Department. The Secretary, through the Office of Education, shall consult with representatives of minority colleges or universities in preparing the report. Such report shall—

(A) describe ongoing education and training programs carried out by the Department with respect to, or in conjunction with, minority colleges or universities in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects;

(B) describe ongoing research, development or demonstration programs involving the Department and minority colleges or universities;

(C) describe funding levels for the programs referred to in subparagraphs (A) and (B);

(D) include specific proposals and recommendations for providing assistance to minority colleges and universities to enter into memoranda of understanding and other appropriate forms of agreement with the Department in order to plan and develop programs to foster greater involvement of these schools in the contract, research, education, training, and recruitment activities of the Department;

(E) address the need for, and potential role of, the Department in providing minority colleges or universities with the following:

(i) increased research opportunities for faculty and students;

(ii) assistance in faculty development and recruitment;

(iii) curriculum enhancement and development; and

(iv) improved laboratory instrumentation and equipment, through purchase, loan, or other transfer mechanisms;

(F) address the need for, and potential role of, the Department in providing financial and technical assistance for the development of infrastructure facilities, including buildings and laboratory facilities, at minority colleges or universities; and

(G) include specific proposals and recommendations, together with estimates of necessary funding levels, for initiatives to be carried out by the Department in order to assist minority colleges or universities in providing education and training in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects.

(2) The Secretary, through the Office of Education, shall encourage memoranda of understanding and other appropriate forms of agreement between the Department and minority colleges or universities directed at jointly planning and developing programs to foster greater involvement of minority colleges or universities in the research, education, training, and recruitment activities of the Department.

(e) SCHOLARSHIP PROGRAM.—The Secretary, through the Office of Education, shall establish a scholarship program for students pursuing undergraduate or graduate degrees in natural resource and environmental related fields including, but not limited to: biology, wildlife biology, forestry, botany, horticulture, historic preservation, cultural resource management, archeology, anthropology, aquaculture, geology, engineering, the environment, the sciences, and ecology at minority colleges and universities in the Delta Region. The scholarship program shall include tuition assistance. Recipients of such scholarships shall be students deemed by the Secretary to have demonstrated (1) a need for such assistance; and (2) academic potential in the particular area of study.

(f) PRE-COLLEGE EDUCATION.—The Secretary, through the Office of Education, shall undertake activities to encourage pre-college education programs in subjects relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects, for students in the Delta Region. Such activities shall include, but not be limited to, the following:

(1) cooperation with, and assistance to, State departments of education and local school districts in the Delta Region to develop and carry out after school and summer education programs for elementary, middle, and secondary school students;

(2) cooperation with, and assistance to, institutions of higher education in the Delta Region to develop and carry out pre-college education programs for elementary, middle, and secondary school students;

(3) cooperation with, and assistance to, State departments of education and local school districts in the Delta Region in the development and use of curriculum and educational materials; and

(4) the establishment of education programs for elementary, middle, and secondary school teachers in the Delta Region at research facilities of the Department.

(g) VOLUNTEER PROGRAM.—The Secretary, through the Office of Education, shall establish and carry out a program to encourage the involvement on a voluntary basis of qualified employees of the Department in educational enrichment programs relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects, in cooperation with State departments of education and local school districts in the Delta Region.

(h) WOMEN AND MINORITIES IN THE SCIENCES.—The Secretary, through the Office of Education, shall establish a Center for Excellence in the Sciences at Alcorn State in Lorman, Mississippi, in cooperation with Southern University in Baton Rouge, Louisiana, and the University of Arkansas at Pine Bluff, Arkansas, and other minority colleges or universities for purposes of encouraging women and minority students in the Delta Region to study and pursue careers in the sciences. The Center shall enter into cooperative agreements with Southern University in Baton Rouge, Louisiana, and the University of Arkansas at Pine Bluff, Arkansas, and other minority colleges and universities in the Delta Region, to carry out affiliated programs and coordinate programs activities at such colleges and universities. The Secretary is authorized to provide grants and other forms of financial assistance to the Center.

(i) CENTER FOR AQUACULTURE STUDIES.—The Secretary through the Office of Education, shall establish a Center for Aquaculture Studies at the University of Arkansas at Pine Bluff, Arkansas, in cooperation with Southern University in Baton Rouge, Louisiana, and Alcorn State in Lorman, Mississippi, and other minority colleges or universities for purposes of encouraging women and minority students in the Delta Region to study and pursue careers in the field of aquaculture. The Center shall enter into cooperative agreements with Southern University in Baton Rouge, Louisiana, and Alcorn State in Lorman, Mississippi, and other minority colleges or universities in the Delta Region to carry out affiliated programs and coordinate program activities at such colleges or universities.

(j) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary, through the Office of Education, shall ensure that the programs authorized in this section are coordinated with, and complimentary to, educational assistance programs administered by other Federal agencies. These agencies include, but are not limited to, the Department of Energy, the Department of Agriculture, the Department of Education, the Department of Defense, the National Science Foundation, and the National Aeronautics and Space Administration.

SEC. 905. LOWER MISSISSIPPI DELTA REGION HERITAGE STUDY.—(a) IN GENERAL.—The Secretary, in consultation with the States of the Delta Region, the Lower Mississippi Delta Development Center, and other appropriate Delta Region institutions, is directed to prepare and transmit to the Congress within three years after the date of the enactment of this Act, a study of significant natural, recreational, historical or prehistorical, and cultural lands, waters, sites, and structures located within the Delta Region. This study shall take into consideration the research and inventory of resources conducted by the Mississippi River Heritage Corridor Study Commission.

(b) TRANSPORTATION ROUTES.—(1) The study shall include recommendations on appropriate designation and interpretation of historically significant roads, trails, byways, waterways, or other routes within the Delta Region.

(2) In order to provide for public appreciation, education, understanding, interpretation, and enjoyment of the significant sites identified pursuant to subsection (a), which are accessible by public roads, the Secretary shall recommend in the study vehicular tour routes along existing public roads linking such sites within the Delta Region.

(3) Such recommendations shall include an analysis of designating the Great River Road (as depicted on the map entitled "Proposed Delta Transportation Network" on pages 102–103 of the Delta Initiatives Report) and other sections of the Great River Road between Baton Rouge and New Orleans, Louisiana and an analysis of designating that portion of the Old Antonio Road and the Louisiana Natchez Trace which extends generally along Highway 84 from Vidalia, Louisiana, to Clarence, Louisiana, and Louisiana Highway 6 from Clarence, Louisiana, to the Toledo Bend Reservoir, Louisiana, as a National Scenic Byway, or as a component of the National Trails System, or such other designation as the Secretary deems appropriate.

(4) The Secretary shall also recommend in the study an appropriate route along existing public roads to commemorate the importance of timber production and trade to the economic development of the Delta Region in the early twentieth century, and to highlight the continuing importance of timber production and trade to the economic life of the Delta Region. Recommendations shall include an analysis of designating that portion of US 165 which extends from Alexandria, Louisiana, to Monroe, Louisiana, as a National Scenic Byway, or as a component of the National Trails System, or such other designation as the Secretary deems appropriate.

(5) The study shall also include a comprehensive recreation, interpretive, and visitor use plan for the routes described in the above paragraphs, including bicycle and hiking paths, and make specific recommendations for the acquisition and construction or related interpretive and visitor information facilities at selected sites along such routes.

(6) The Secretary is authorized to make grants to States for work necessary to stabilize, maintain, and widen public roads to allow for adequate access to the nationally significant sites and structures identified by the study, to allow for proper use of the vehicular tour route, trails, byways, including the routes defined in paragraphs (3) and (4) or other public roads within the Delta Region and to implement the comprehensive recreation, interpretive, and visitor use plan required in paragraph (5).

(c) LISTING.—On the basis of the study, and in consultation with the National Trust for Historic Preservation, the Secretary shall inventory significant structures and sites in the Delta Region. The Secretary shall further recommend and encourage cooperative preservation and economic development efforts such as the establishment of preservation districts linking groups of contiguous counties or parishes, especially those that lie along the aforementioned designated routes. The Secretary shall prepare a list of the sites and structures for possible inclusion by the National Park Service as National Historic Landmarks or such other designation as the Secretary deems appropriate.

SEC. 906. DELTA REGION HERITAGE CORRIDORS AND HERITAGE AND CULTURAL CENTERS.—(a) FINDINGS.—The Congress finds that—

(1) in 1990, the Congress authorized the Institute of Museum Services to prepare a report assessing the needs of small, emerging, minority, and rural museums in order to identify the resources such museums needed to meet their educational mission, to identify the areas of museum operation in which the needs were greatest, and to make recommendations on how these needs could best be met;

(2) the Institute of Museum Services undertook a comprehensive eighteen month study of such needs with the assistance of two advisory groups, surveyed 524 museums from throughout the Nation, held discussion groups in which representatives of 25 museum groups participated, and conducted case studies of 12 museum facilities around the Nation;

(3) on the basis of this assessment, the Institute of Museum Services issued a report in September, 1992, entitled, "National Needs Assessment of Small, Emerging, Minority and Rural Museums in the United States" (hereinafter "National Needs Assessment") which found that small, emerging, minority, and rural museums provide valuable educational and cultural resources for their communities and contain a reservoir of the Nation's material, cultural and historical heritage, but due to inadequate resources are unable to meet their full potential or the demands of the surrounding communities;

(4) the needs of these institutions are not being met through existing Federal programs;

(5) fewer than half of the participants in the survey had applied for Federal assistance in the past two years and that many small, emerging, minority and rural museums believe existing Federal programs do not meet their needs;

(6) based on the National Needs Assessment, that funding agencies should increase support available to small, emerging, minority, and rural museums and make specific recommendations for increasing technical assistance in order to identify such institutions and provide assistance to facilitate their participation in Federal programs;

(7) the Delta Initiatives Report made specific recommendations for the creation and development of centers for the preservation of the cultural, historical, and literary heritage of the Delta Region, including recommendations for the establishment of a Delta Region Native American Heritage and Cultural Center and a Delta Region African American Heritage and Cultural Center with additional satellite centers or museums linked throughout the Delta Region;

(8) the Delta Initiatives Report stated that new ways of coordinating, preserving, and promoting the Delta Region's literature, art, and music should be establishing including the creation of a network to promote the Delta Region's literary, artistic, and musical heritage; and

(9) wholesale destruction and attrition of archeological sites and structures has eliminated a significant portion of Native American heritage as well as the interpretive potential of the Delta Region's parks and museums. Furthermore, site and structure destruction is so severe that an ambitious program of site and structure acquisition in the Delta Region is necessary.

(b) GENERAL.—The Secretary, in consultation with the States of the Delta Region, the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the Director of the Smithsonian Institution, the Lower Mississippi Delta Development Center, Historically Black Colleges and Universities, and appropriate African American, Native American and other relevant institutions or organizations in the Delta Region, is further directed to prepare and transmit to the Congress a plan outlining specific recommendations, including recommendations for necessary funding, for the establishment of a Delta Region Native American Heritage Corridor and Heritage and Cultural Center and a Delta Region African American Heritage Corridor and Heritage and Cultural Center with a network of satellite or cooperative units.

(c) DELTA REGION NATIVE AMERICAN HERITAGE CORRIDOR AND CULTURAL CENTER.—(1) The plan referred to in subsection (b) of this section shall include recommendations for establishing a network of parks, museums, and other centers to interpret Native American culture and heritage in the Delta Region, including a ten year development strategy for such a network.

(2) Such plan shall include specific proposals for the development of a Native American Heritage Corridor and Heritage and Cultural Center in the Delta Region, along with recommendations for the appropriate Federal role in such a center including matching grants, technical and interpretive assistance.

(3) Such plan shall be conducted in consultation with tribal leaders in the Delta Region.

(4) Such plan shall also include specific proposals for educational and training assistance for Delta Region Native Americans to carry out the recommendations provided in the study.

(d) DELTA REGION AFRICAN AMERICAN HERITAGE CORRIDOR AND HERITAGE AND CULTURAL CENTER.—(1) The plan referred to in subsection (b) of this section shall include recommendations for establishing a heritage corridor or trail system, consisting of one or two major north-south routes and several east-west-spur loops to preserve, interpret and commemorate the African American heritage and culture in the Delta Region during all significant historical periods.

(2) Such plan shall make specific recommendations for representing all forms of expensive culture including the musical, folklore, literary, artistic, scientific, historical, educational, and political contributions and accomplishments of African Americans in the Delta Region.

(3) Such plan shall make specific recommendations for implementing the findings of the Delta Initiatives Report with respect to establishing an African American heritage Corridor and Heritage and Cultural Center and related satellite museums in the Delta Region, together with specific funding levels necessary to carry out these recommendations and shall also include recommendations for improving access of small, emerging, minority or rural museums to technical and financial assistance.

(4) Such plan shall be conducted in consultation with institutions of higher education in the Delta Region with expertise in African American studies, Southern studies, archeology, anthropology, history and other relevant fields.

(5) Such plan shall make specific recommendations for improving educational programs offered by existing cultural facilities and museums as well as establishing new outreach programs for elementary, middle and secondary schools, including summer programs for youth in the Delta Region.

(e)(1) In furtherance of the purposes of this section, the Secretary is authorized to make planning grants to State Humanities Councils in the Delta Region to assist small, emerging, minority and rural museums selected on a financial needs basis in the development of a comprehensive long term plan for these institutions. The Secretary is also authorized to make implementation grants to State Humanities Councils in the Delta Region who, in consultations with State museum Associations, shall make grants to small, emerging, minority or rural museums for the purpose of carrying out an approved plan for training personnel, improving exhibits or other steps necessary to assure the integrity of collections in their facilities, for educational outreach programs, or for other activities the Secretary deems appropriate including the promotion of tourism in the region. Such institutions shall be selected competitively and on the basis of demonstrated financial need. The Secretary is also authorized to make grants to State Humanities Councils to update, simplify and coordinate the respective State Works Progress Administration guides and to develop a single comprehensive guide for the Delta Region.

(2) The Secretary is authorized to provide grants and other appropriate technical assistance to State Humanities Councils, State museum Associations, and State Arts Councils in the Delta Region for the purpose of assessing the needs of such institutions. Such grants may be used by these institutions to undertake such an assessment and to provide other technical, administrative and planning assistance to small, emerging, minority or rural institutions seeking to preserve the Delta Region's literary, artistic, and musical heritage.

(f) MUSIC HERITAGE PROGRAM.—(1) The plan referred to in subsection (b) of this section shall include recommendations for establishing a Music Heritage Program, with specific emphasis on the Mississippi Delta Blues. The plan shall include specific recommendations for developing a network of heritage sites, structures, small museums, and festivals in the Delta Region.

(2) The plan shall include an economic strategy for the promotion of the Delta Region's music, through the participation of musicians, festival developers, museum operators, universities, and other relevant individuals and organizations.

(g) COMPLETION DATE.—The plan authorized in this section shall be completed not later than three years after the date funds are made available for such plan.

SEC. 907.—HISTORIC AND PREHISTORIC STRUCTURES AND SITES SURVEY.—(a) ASSISTANCE.—The Secretary is authorized to provide technical and financial assistance to Historically Black Colleges and Universities to undertake a comprehensive survey of historic and prehistoric structures and sites located on their campuses, including recommendations as to the inclusion of appropriate structures and sites on the National Register of Historic Places, designation as National Historic Landmarks, or other appropriate designation as determined by the Secretary. The Secretary shall also make specific proposals and recommendations, together with estimates of necessary funding levels, for a Comprehensive Plan to be carried out by the Department to assist Historically Black Colleges and Universities in the preservation and interpretation of such sites and structures.

(b) GRANTS.—In furtherance of the purposes of this section, the Secretary is authorized to provide technical and financial assistance to Historically Black Colleges and Universities for stabilization, preservation and interpretation of such sites and structures.

SEC. 908. DELTA ANTIQUITIES SURVEY.—(a) GENERAL.—(1) The Secretary is directed to prepare and transmit to the Congress, in cooperation with the States of the Delta Region, State Archaeological Surveys and Regional Archeological Centers, a study of the feasibility of establishing a Delta Antiquities Trail or Delta Antiquities Heritage Corridor in the Delta Region.

(2) Such study shall, to the extent practicable, use nonintrusive methods of identifying, surveying, inventorying, and stabilizing ancient archeological sites and structures.

(3) In undertaking this study, the Secretary is directed to enter into cooperative agreements with the States of the Delta Region, the State Archeological Surveys, and Regional Archeological Centers located in Delta Region institutions of higher education for on-site activities including surveys, inventories, and stabilization and other activities which the Secretary deems appropriate.

(4) In addition to the over 100 known ancient archeological sites located in the Delta Region including Watson's Brake, Frenchman's Bend, Hedgepeth, Monte Sano, Banana Bayou, Hornsby, Parkin, Toltec, Menard-Hodges, Eaker, Blytheville Mound, Nodena, Taylor Mounds, DeSoto Mound and others, such study shall also employ every practical means possible, including assistance from the National Aeronautics and Space Administration, the Forest Service and Soil Conservation Service of the Department of Agriculture, the Army Corps of Engineers of the Department of Defense, and other appropriate Federal agencies, to locate and confirm the existence of a site known as Balbansha in southern Louisiana and a site known as Autiamque in Arkansas. The heads of these Federal agencies shall cooperate with the Secretary as the Secretary requires on a non-reimbursable basis.

(b) In furtherance of the purposes of this section, the Secretary is authorized to provide technical assistance and grants to private landowners for necessary stabilization activities of identified sites and for preparing recommendations for designating such sites as National Landmarks or other appropriate designations as the Secretary, with the concurrence of the landowners, determines to be appropriate.

(c) The Secretary is authorized to enter into cooperative agreements with the States, State Archeological Surveys, and Regional Archeological Centers of the Delta Region to develop a ten-year plan for the stabilization, preservation and interpretation of those sites and structures as may be identified by the Secretary.

SEC. 909. HISTORIC AND ARCHEOLOGICAL RESOURCES PROGRAM.—(a) PROGRAM.—The Secretary shall conduct a comprehensive program for the research, interpretation, and preservation of significant historic and archeological resources in the Delta Region.

(b) ELEMENTS OF THE PROGRAM.—The program shall include, but not be limited to:

(1) identification of research projects related to historic and archeological resources in the Delta Region and a proposal for the regular publication of related research materials and publications;

(2) the development of a survey program to investigate, inventory and further evaluate known historic and archeological sites and structures and identify those sites and structures that require additional study;

(3) identification of a core system of interpretive sites and structures that would provide a comprehensive overview of historic and archeological resources of the Delta Region;

(4) preparation of educational materials to interpret the historical and archeological resources of the Delta Region;

(5) preparation of surveys and archeological and historical investigations of sites, structures, and artifacts relating to the Delta Region, including the preparation of reports, maps, and other related activities.

(c) GRANTS AND TECHNICAL ASSISTANCE.—(1) The Secretary is authorized to award grants to qualified tribal, governmental and nongovernmental entities and individuals to assist the Secretary in carrying out those elements of the program which the Secretary deems appropriate.

(2) The Secretary is further authorized to award grants and provide other types of technical and financial assistance to such entities and individuals to conserve and protect historic and archeological sites and structures in the Delta Region identified in the program prepared pursuant to this section.

(d) The Secretary shall establish a national demonstration project for the conservation and curation of the archeological records and collections of Federal and State management agencies in the Delta Region.

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## BENNETT AMENDMENT NO. 1623

**Mr. BENNETT proposed an amendment to the bill S. 21, supra; as follows:**

At the end of the bill insert the following new section 902:

**"SEC. 902. AUTHORITY TO DESIGNATE AREAS.**

(a) The designation of Joshua Tree National Park, Mojave National Park, the expansion and designation of Death Valley National Park, and the designation of any area as Wilderness or its retention under this Act, together with any other provisions of this Act or any other Act, to the extent they are applicable to each such area as a result of the passage of this Act, shall not take effect until the Secretary has acquired not less than 90 percent of the private lands within the exterior boundaries of such area (referred to as "inholding" for the purpose of this section) and has placed a notice in the federal register to that effect. If, subsequent to having received notification as provided under subsection (b), any owner notifies the Secretary in writing that he does not wish to be acquired his land shall not be considered to be an inholding for the purposes of this section. If acquisition and notice has not been made within ten years from the date of enactment of this Act with respect to any of the areas referred to in this section, the designation of such area and the application of any other provisions of this Act or any other Act, to the extent they are applicable as a result of the designation of the area by this Act, to such area shall expire and such area shall be administered thereafter under the laws applicable to such area in the absence of this legislation.

(b) As soon as practicable after the date of enactment of this Act, the Secretary shall ascertain the ownership of each inholding and shall notify the owner thereof in writing of the passage of this Act and the effect of the proposed designation on continued use of such parcel, including, but not limited to, any limitations or restrictions on access to such parcel across federal lands. The notice shall be specific and detailed with respect to any limitations or restrictions which the Secretary would impose or enforce upon the formal designation of the area, including, but not limited to, construction of facilities or the operation of the inholding for commercial activities.

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## FEINSTEIN AMENDMENT NO. 1624

**Mrs. FEINSTEIN proposed an amendment to the bill S. 21, supra; as follows:**

On page 135, line 22, strike all through page 136, line 4 and insert in lieu thereof.

"There is hereby established the Mojave National Park, (hereinafter in this title referred to as the "park") comprising approximately one million one hundred eighty-one thousand three hundred and fifty acres, as generally depicted on a map entitled "Mojave National Park Boundary—Proposed", dated March 1994, which shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior."

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## WARNER (AND ROBB) AMENDMENT NO. 1625

**Mr. WARNER (for himself and Mr. ROBB) proposed an amendment to the bill S. 21, supra; as follows:**

At the appropriate place, insert the following new title:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Shenandoah Valley National Battlefields Partnership Act of 1994".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) there are situated in the Shenandoah Valley in the Commonwealth of Virginia the sites of Civil War battles;

(2) certain sites, battlefields, structures, and districts in the Shenandoah Valley are collectively of national significance in the history of the American Civil War;

(3) the National Park Service has assessed the suitability and feasibility of recognizing Shenandoah Valley battlefield sites and affiliating these sites with the National Park System, and has found that these sites possess national significance and a high degree of historical integrity;

(4) the preservation and interpretation of these sites, battlefields, structures, and districts can make a vital contribution to the understanding of the heritage of the United States;

(5) the goal of preserving Civil War sites within a regional framework is to promote cooperation among local property owners and Federal, State, and local government entities that seek to promote the preservation of sites and places significant to the history of the Nation; and

(6) partnerships between Federal, State, and local governments and their regional entities, and the private sector—

(A) offer the most effective opportunities for the enhancement and management of the Civil War battlefields and related sites in the Shenandoah Valley; and

(B) are best fostered through establishment of a regionwide Commission.

**SEC. 3. PURPOSES.**

The purposes of this Act are to—

(1) preserve, conserve, and interpret the legacy of the Civil War in the Shenandoah Valley of Virginia;

(2) recognize and interpret important events and geographic locations in the conduct of the Civil War in the Shenandoah Val-

ley of Virginia, including those battlefields associated with the Thomas J. (Stonewall) Jackson Campaign of 1862 and the decisive campaigns of 1864;

(3) recognize and interpret the effect of war on the civilian population of the Valley during the war and the postwar reconstruction period;

(4) create partnerships among Federal, State, and local governments and their regional entities, and the private sector to preserve, conserve, enhance, and interpret the nationally significant battlefields and related sites associated with the Civil War in the Shenandoah Valley; and

(5) establish and maintain a geographic database and information system that can be used to locate, track, and cross reference significant historical and cultural properties, structures, and markers.

**SEC. 4. DEFINITIONS.**

For the purposes of this Act:

(1) BATTLEFIELDS.—The term "Battlefields" means the Shenandoah Valley National Battlefields established under section 101.

(2) COMMISSION.—The term "Commission" means the Shenandoah Valley National Battlefields Commission established under title II.

(3) CONTRIBUTING AREAS.—The term "contributing areas" means those areas identified in the National Park Service study, "Civil War Sites in the Shenandoah Valley of Virginia", that encompass all important components of a conflict that provide a strategic context and geographic setting for understanding the conflict.

(4) HERITAGE PLAN.—The term "Heritage Plan" means the Shenandoah Valley National Heritage Plan approved pursuant to section 102.

(5) HISTORIC CORE.—The term "historic core" means areas identified in the National Park Service study, "Civil War Sites in the Shenandoah Valley of Virginia", containing sites of confrontation deployment, heaviest fighting, and most severe casualties.

(6) MAJOR INTERPRETATIVE FACILITY.—The term "major interpretative facility" means a year-round staffed facility that may serve as the headquarters for the Commission, provides an orientation to the Battlefields, and, through interpretive exhibits and media, communicates to the public the story of the Civil War in the Shenandoah Valley of Virginia.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

## TITLE I—SHENANDOAH VALLEY NATIONAL BATTLEFIELDS

**SEC. 101. ESTABLISHMENT OF THE SHENANDOAH VALLEY NATIONAL BATTLEFIELDS.**

(a) ESTABLISHMENT.—To carry out the purpose of this Act, there is established the Shenandoah Valley National Battlefields.

(b) BOUNDARIES.—

(1) IN GENERAL.—The Battlefields shall consist of approximately 1,140 acres as generally depicted on the map entitled "Shenandoah Valley National Battlefields", numbered ________ and dated ______________, located in the counties of Frederick, Highland, Rockingham, Shenandoah, and in the city of Winchester, Virginia.

(2) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the offices of the Commission and in the offices of the National Park Service.

(3) REVISIONS.—The Secretary may, with the advice of the Commission and following an opportunity for public comment and timely notice to the Committee on Energy and Natural Resources of the Senate and to the Committee on Natural Resources of the House of Representatives, make minor revisions to the boundaries of the Battlefields. Any revision shall take effect upon publication by the Secretary in the Federal Register of a revised boundary map or other description.

(c) ADMINISTRATION.—The Secretary, acting through the Director of the National Park Service, shall manage the Battlefields in accordance with this Act and the provisions of law generally applicable to the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (49 Stat. 666). The Secretary shall protect, manage, and administer the Battlefields for the purposes of preserving and interpreting the cultural and natural resources of the historic site and providing for the public understanding and appreciation of the Battlefields in such a manner as to perpetuate these qualities and values for future generations.

(d) ACQUISITION.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary is authorized to acquire lands and interests in lands with the consent of the landowner—

(A) within the Battlefields, by donation, purchase with donated or appropriated funds, or exchange, only with the consent of the landowners; and

(B) within the boundaries of the contributing areas, by donation or exchange pursuant to the Heritage Plan.

(2) LIMITATIONS ON AUTHORITY.—

(A) STATE OR LOCAL LAND.—Lands, and interests in lands, within the Battlefields or contributing areas, that are owned by a State, county, or municipal entity, or any political subdivision of the entity, may be acquired only by donation or exchange.

(B) CONDEMNED LAND.—The Secretary may not accept lands acquired by the State through condemnation.

**SEC. 102. ESTABLISHMENT OF THE SHENANDOAH VALLEY NATIONAL BATTLEFIELDS HERITAGE PLAN.**

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, with the advice of the Commission, shall transmit to Congress for approval a Shenandoah Valley National Battlefields Heritage Plan that meets the requirements of subsection (c).

(b) PREPARATION AND APPROVAL OF THE HERITAGE PLAN.—

(1) SUBMISSION OF DRAFT HERITAGE PLAN TO THE SECRETARY.—Not later than 2 years after the date on which the Commission conducts the first meeting of the Commission, the Commission shall submit to the Secretary a draft Shenandoah Valley National Battlefields Heritage Plan that meets the requirements of subsection (c).

(2) PUBLIC REVIEW OF DRAFT HERITAGE PLAN.—Prior to submitting the draft Heritage Plan to the Secretary, the Commission shall ensure that—

(A) the State and any political subdivision of the State that would be affected by the Heritage Plan receives notice of the draft Heritage Plan;

(B) adequate notice of the draft Heritage Plan is given by publication in the area of the Battlefields; and

(C) a public hearing is conducted by the Commission with respect to the draft Heritage Plan.

(3) REVIEW OF DRAFT HERITAGE PLAN BY THE SECRETARY.—The Secretary shall review the draft Heritage Plan, and, not later than 90 days after the date on which the draft Heritage Plan is submitted to the Secretary, shall—

(A) approve the plan and submit the Plan to Congress for approval; or

(B) reject the plan and submit suggestions for modifications to the Commission.

(c) SPECIFIC PROVISIONS.—The Heritage Plan shall include—

(1) a description of the final boundaries of the Battlefields, including the areas identified as contributing areas and historic core areas, giving special consideration to lands containing the locations of the battles of Cool Spring, First and Second Kernstown, and Opequon (Third Winchester);

(2) a description of appropriate protection, management, uses, and development of the Battlefields consistent with the purposes of this Act;

(3) the information described in section 12(b) of Public Law 91-383 (16 U.S.C. 1a-7(b));

(4) identification of partnerships between the Secretary and other Federal, State, and local governments and regional entities, and the private sector, for the management of the Battlefields and contributing areas;

(5) proposed locations for visitor contact and major interpretive facilities, including one interpretive facility in the upper valley and the lower valley vicinities;

(6) plans for implementing a continuing program of interpretation and visitor education concerning the resources and values of the Battlefields and contributing areas;

(7) plans for a uniform valley-wide historical marker and wayside exhibit program, including a provision for marking, with the consent of the owner, historic structures and properties contained in the areas identified in section 101(b) that contribute to the understanding of the Civil War of the Shenandoah Valley;

(8) plans for the management of natural and cultural resources of the Battlefields and contributing areas, with particular emphasis on the preservation of historic landscapes and scenes, including a reassessment of the historic integrity of lands within Battlefields every 5 years, or otherwise, as considered necessary by the Commission; and

(9) proposals for future operation of concessions for the Battlefields by locally owned businesses, certification of Battlefields guides, and a Battlefields-wide interpretive training program.

**SEC. 103. PARTNERSHIPS AND COOPERATIVE AGREEMENTS.**

(a) IN GENERAL.—

(1) AGREEMENTS.—The Secretary may establish partnerships and enter into cooperative agreements relating to planning, development, use, management, and interpretation of properties within the Battlefields and contributing areas with other Federal agencies, State and local subdivisions, and private persons to advance the purposes of this Act.

(2) HISTORIC MONUMENTS.—Secretary may enter into agreements with the owners of property in the Battlefields and contributing areas on which historic monuments and tablets commemorating the battles have been erected.

(b) MAINTENANCE.—The Secretary may make funds available for the maintenance, protection, and interpretation of the monuments and tablets pursuant to the agreements.

(c) RESTORATION OF PROPERTIES.—Notwithstanding any other provision of law, the Secretary may restore and rehabilitate property within the Battlefields and contributing areas pursuant to partnerships and cooperative agreements without regard to whether title to the property vests with the United States.

(d) Interim Authority.—During the period the Heritage Plan is being prepared, the Secretary may enter into agreements described in subsection (a) to advance the purposes of this Act.

**SEC. 104. GRANT PROGRAM.**

(a) In General.—Within the Battlefields and contributing areas, the Secretary may award grants to property owners and governmental entities and provide technical assistance, information, and advice to promote the use of natural and cultural resources to conserve and maintain the historic character of the area.

(b) Planning Costs.—

(1) In general.—Subject to paragraph (2) and subsection (d), the Secretary, with the advice of the Commission, may award a grant to a State or local government, or regional planning entity that has jurisdiction over the Battlefields or contributing areas, for the development of comprehensive plans and land use guidelines, regulations, and ordinances that are consistent with conserving the historic character of the area.

(2) Grant conditions.—The Secretary may award a grant under this subsection only upon—

(A) submission by the local government or regional planning entity of a comprehensive plan, prepared in consultation with the Commission, for the implementation of a strategy designed to protect the historic character of the area; and

(B) approval of the strategy by the Secretary.

(3) Award.—An award under this subsection shall be in an amount not to exceed 90 percent of the planning cost incurred by the entity.

(c) Implementation grants.—

(1) In general.—Subject to subsection (d), the Secretary may award a grant to a State or local government, or regional entity to implement a protection plan or strategy approved by the Secretary under subsection (b)(2).

(2) Suspension of grants.—The Secretary, after consulting with the Commission, may suspend the provision of grants under this subsection if the Secretary has withdrawn approval of the protection plan or strategy.

(3) Review.—

(A) In general.—The Commission shall conduct a regular review of approved protection plans and strategies for the purpose of ensuring that the protection plans and strategies continue to meet the requirements of subsection (a).

(B) Recommendation.—If the Commission finds that a protection plan or strategy or the implementation of a protection plan or strategy is no longer in accordance with the purposes of this Act, after consultation with the affected governmental entity, the Commission may recommend that the Secretary withdraw approval of the protection plan or strategy.

(d) Additional Conditions.—The Secretary may require such terms and conditions as the Secretary determines are necessary to carry out this Act.

## TITLE II—SHENANDOAH VALLEY NATIONAL BATTLEFIELDS COMMISSION

**SEC. 201. ESTABLISHMENT; ADMINISTRATION OF THE COMMISSION.**

(a) Establishment.—There is established the Shenandoah Valley National Battlefields Commission.

(b) Membership.—The Commission shall be composed of the following members:

(1) 12 members appointed by the Secretary from recommendations made by appropriate local governing bodies, of whom—

(A) 2 members shall represent each of the areas in the historic core, including 1 member who is a property owner in the historic core;

(B) 1 member shall be a member of a chamber of commerce from a county in which part of the historic core is located; and

(C) 1 member shall be a business leader from a county in which part of the historic core is located.

(2) The executive director of the Lord Fairfax Planning District Commission.

(3) The executive director of the Central Shenandoah Planning District Commission.

(4) 2 members who have demonstrated expertise in historic preservation, appointed by the Secretary.

(5) 2 members who are recognized historians with expertise in Civil War history, appointed by the Secretary.

(6) The executive director or designee from each of the following nonprofit entities that own property within the Battlefields:

(A) The National Trust for Historic Preservation/Belle Grove Incorporated.

(B) The Cedar Creek Battlefield Foundation.

(C) The New Market Battlefield Park.

(D) The Association for the Preservation of Civil War Sites.

(E) The Lee Jackson Foundation.

(F) The Stonewall Brigade Foundation.

(G) The Society of Port Republic Preservationists.

(H) Preservation of Historic Winchester.

(7) The Governor of Virginia, or a designee of the Governor, to serve as an ex officio member of the Commission.

(8) The Director of the National Park Service, or a designee of the Director, to serve as an ex officio member of the Commission.

(c) Operations.—

(1) Appointments.—Members of the Commission shall be appointed for staggered terms of 3 years, as designated by the Secretary at the time of the initial appointment. Any member of the Commission appointed for a definite term may serve after the expiration of the term until the successor of the member is appointed.

(2) Election of officers.—The Commission shall elect one of the members of the Commission as Chairperson and one as Vice Chairperson. Terms of the Chairperson and Vice Chairperson shall be 2 years. The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.

(3) Vacancy.—Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made, except that the Secretary, if responsible for the appointment, shall fill any vacancy within 30 days after the vacancy occurs.

(4) Quorum.—Eleven members of the Commission shall constitute a quorum.

(5) Meetings.—

(A) In general.—The Commission shall meet not less than quarterly, or at the call of the Chairperson or a majority of the members of the Commission. Notice of meetings and agendas shall be published in local newspapers that have a distribution throughout the Shenandoah Valley. Commission meetings shall be held at various locations throughout the Valley and in a manner that ensures adequate public participation.

(B) Subpoenas.—The Commission may not issue subpoenas or exercise any subpoena authority.

(6) Expenses.—Members of the Commission shall serve without compensation, but the Secretary may reimburse members for expenses reasonably incurred in carrying out the responsibilities of the members under this Act.

(7) Administrative support services.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(8) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(9) Gifts.—

(A) In general.—The Commission may, for purposes of carrying out the duties of the Commission, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source.

(B) Gifts.—For the purposes of section 170(c) of the Internal Revenue Code of 1954, any gift to the Commission shall be deemed to be a gift to the United States.

(d) Staff.—

(1) Director.—The Commission shall have a Director who shall be appointed by the Commission and who shall be paid at a rate not to exceed the maximum rate of basic pay for level GS–14 of the General Schedule.

(2) Staff.—The Commission may appoint such additional staff as the Commission considers appropriate and may pay the staff at rates not to exceed the minimum rate of basic pay for level GS–14 of the General Schedule. The staff may include specialists in areas such as interpretation, historic preservation, recreation, conservation, financing, and fundraising.

(3) Appointments; compensation.—Except as otherwise provided in this subsection, the Director and staff—

(A) shall be appointed by the Secretary; and

(B) shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) Other agencies.—Upon request of the Commission, the head of any Federal agency may detail to the Commission on a reimbursable basis, personnel of the agency to assist the Commission in carrying out the duties of the Commission under section 202.

**SEC. 202. DUTIES OF THE COMMISSION.**

(a) Duties.—The Commission shall—

(1) develop the Heritage Plan in consultation with the National Park Service;

(2) assist the State, any political subdivision of the State, or any nonprofit organization in the implementation, coordination, protection, promotion, and management of the Battlefields resources in the Shenandoah Valley of Virginia;

(3) in providing assistance, in no way infringe upon the authorities and policies of the State or any political subdivision of the State concerning the management of the Battlefields and contributing areas property;

(4) take appropriate action to encourage heritage preservation within the Battlefields and contributing areas by landowners, local governments, organizations, and businesses; and

(5) cooperate to promote appropriate levels of heritage tourism in the Shenandoah Valley of Virginia that are compatible with resource protection.

(b) Major Interpretative Facility.—

(1) Purchase or lease.—The Commission is authorized with the assistance of the General Services Administration to purchase or lease a facility within the Battlefields to serve as a headquarters and interpretative facility.

(2) Funding.—Any funds made available for the lease or purchase of an interpretative facility may be authorized from the Federal Building Fund.

### TITLE III—AUTHORIZATION OF APPROPRIATIONS

**SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION.—There are authorized to be appropriated—

(1) such sums as are necessary to carry out title I; and

(2) $250,000 to carry out title II.

(b) AVAILABILITY OF FUNDS.—Sums made available under subsection (a) shall remain available until expended.

## JOHNSTON (AND OTHERS) AMENDMENT NO. 1626

Mr. JOHNSTON (for himself, Mr. BREAUX, Ms. MOSELEY-BRAUN, and Mr. COCHRAN) proposed an amendment to the bill S. 21, supra; as follows:

At the end of the bill, insert the following new title:

*TITLE —*

***SECTION 1. SHORT TITLE.***

*This title may be cited as the "New Orleans Jazz National Historical Park Act of 1994".*

***SEC. . FINDINGS AND PURPOSE.***

*(a) FINDINGS.—The Congress finds that:*

*(1) Jazz is the United States' most widely recognized indigenous music and art form. Congress previously recognized jazz in 1987 through Senate Concurrent Resolution 57 as a rare and valuable national treasure of international importance.*

*(2) The city of New Orleans is widely recognized as the birthplace of jazz. In and around this city, cultural and musical elements blended to form the unique American music that is known as New Orleans jazz, which is an expression of the cultural diversity of the lower Mississippi Delta Region.*

*(3) Jean Lafitte National Historical Park and Preserve was established to commemorate the cultural diversity of the lower Mississippi Delta Region including a range of cultural expressions like jazz.*

*(b) PURPOSE.—In furtherance of the need to recognize the value and importance of jazz, it is the purpose of this Act to establish a New Orleans Jazz National Historical Park to preserve the origins, early history, development and progression of jazz; provide visitors with opportunities to experience the sights, sounds, and places where jazz evolved; and implement innovative ways of establishing jazz educational partnerships that will help to ensure that jazz continues as a vital element of the culture of New Orleans and our Nation.*

***SEC. . ESTABLISHMENT.***

*(a) IN GENERAL.—In order to assist in the preservation, education, and interpretation of jazz as it has evolved in New Orleans, and to provide technical assistance to a broad range of organizations involved with jazz music and its history, there is hereby established the New Orleans Jazz National Historical Park (hereinafter referred to as the "historical park"). The historical park shall be administered in conjunction with the Jean Lafitte National Historical Park and Preserve, which was established to preserve and interpret the cultural and natural resources of the lower Mississippi Delta Region.*

*(b) AREA INCLUDED.—The historical park shall consist of lands and interests therein as follows:*

*(1) Lands which the Secretary of the Interior (hereinafter referred to as "the Secretary") may designate for an interpretive visitor center complex.*

*(2) Sites that are the subject of cooperative agreements with the National Park Service for the purposes of interpretive demonstrations and programs associated with the purposes of this title.*

*(3)(A) Sites designated by the Secretary as provided in subparagraph (B).*

*(B)(i) No later than 18 months after the date of enactment of this Act, the Secretary is directed to complete a national historic landmark evaluation of sites associated with jazz in and around New Orleans as identified in the document entitled "New Orleans Jazz Special Resource Study", prepared by the National Park Service pursuant to Public Law 101–499. In undertaking the evaluation, the Secretary shall, to the extent practicable, utilize existing information relating to such sites.*

*(ii) If any of the sites evaluated are found to meet the standards of the National Historic Landmark program and National Park Service tests of suitability and feasibility, and offer outstanding opportunities to further the purposes of this title, the Secretary may designate such sites as part of the historical park, following consultation with the owners of such sites, the city of New Orleans, the Smithsonian Institution, and the New Orleans Jazz Commission, and notification to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.*

***SEC. . ADMINISTRATION.***

*(a)(1) IN GENERAL.—The Secretary shall administer the historical park in accordance with this title and with provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467). The Secretary shall manage the historical park in such a manner as will preserve and perpetuate knowledge and understanding of the history of jazz and its continued evolution as a true American art form.*

*(2) To minimize operational costs associated with the management and administration of the historical park and to avoid duplication of effort, the Secretary shall, to the maximum extent practicable, utilize the facilities, administrative staff and other services of the Jean Lafitte National Historical Park and Preserve.*

*(b) DONATIONS.—The Secretary may accept and retain donations of funds, property, or services from individuals, foundations, corporations, or other public entities for the purposes of providing services, programs, and facilities that further the purposes of this title.*

*(c) INTERPRETIVE CENTER.—The Secretary is authorized to construct, operate, and maintain an interpretive center in the historical park on lands identified by the Secretary pursuant to section 3(b)(1). Programs at the center shall include, but need not be limited to, live jazz interpretive and educational programs, and shall provide visitors with information about jazz-related programs, performances, and opportunities.*

*(d) JAZZ HERITAGE DISTRICTS.—The Secretary may provide technical assistance to the city of New Orleans and other appropriate entities for the designation of certain areas in and around New Orleans as jazz heritage districts. Such districts shall include those areas with an exceptional concentration of jazz historical sites and established community traditions of jazz street parades.*

*(e) COOPERATIVE AGREEMENTS, GRANTS AND TECHNICAL ASSISTANCE.—In furtherance of the purposes of this title—*

*(1) the Secretary, after consultation with the New Orleans Jazz Commission established pursuant to section 7, is authorized to enter into cooperative agreements with owners of properties that are designated pursuant to section 3(b)(3) which provide outstanding educational and interpretive opportunities relating to the evolution of jazz in New Orleans. The Secretary may assist in rehabilitating, restoring, marking, and interpreting and may provide technical assistance for the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions that the National Park Service will have reasonable rights of access for operational and visitor use needs, that rehabilitation and restoration will meet the Secretary's standards for rehabilitation of historic buildings, and that specify the roles and responsibilities of the Secretary for each site or structure;*

*(2) the Secretary is authorized to enter into cooperative agreements with the city of New Orleans, the State of Louisiana, and other appropriate public and private organizations under which the other parties to the agreement may contribute to the acquisition, construction, operation, and maintenance of the interpretive center and to the operation of educational and interpretive programs to further the purposes of this title; and*

*(3) the Secretary, in consultation with the New Orleans Jazz Commission, is authorized to provide grants or technical assistance to public and private organizations.*

*(f) JAZZ EDUCATIONAL PROGRAMS.—The Secretary shall, in the administration of the historical park, promote a broad range of educational activities relating to jazz and its history. The Secretary shall cooperate with schools, universities, and organizations supporting jazz education to develop educational programs that provide expanded public understanding of jazz and enhanced opportunities for public appreciation. The Secretary may assist appropriate entities in the development of an information base including archival material, audiovisual records, and objects that relate to the history of jazz.*

***SEC. . ACQUISITION OF PROPERTY.***

*(a) GENERAL AUTHORITY.—The Secretary may acquire lands and interests therein within the sites designated pursuant to section 3(b)(1) and (3) by donation or purchase with donated or appropriated funds or long term lease: Provided, That sites designated pursuant to section 3(b)(3) shall only be acquired with the consent of the owner thereof.*

*(b) STATE AND LOCAL PROPERTIES.—Lands and interests in lands which are owned by the State of Louisiana, or any political subdivision thereof, may be acquired only by donation.*

***SEC. . GENERAL MANAGEMENT PLAN.***

*Within 3 years after the date funds are made available therefor and concurrent with the national landmark study referenced in section 3(b)(3), the Secretary, in consultation with the New Orleans Jazz Commission, shall prepare a general management plan for the historical park. The plan shall include, but need not be limited to—*

*(1) a visitor use plan indicating programs and facilities associated with park programs that will be made available to the public;*

*(2) preservation and use plans for any structures and sites that are identified through the historic landmark study for inclusion within the historical park;*

*(3) the location and associated cost of public facilities that are proposed for inclusion within the historical park, including a visitor center;*

*(4) identification of programs that the Secretary will implement or be associated with through cooperative agreements with other groups and organizations;*

*(5) a transportation plan that addresses visitor use access needs to sites, facilities, and programs central to the purpose of the historical park;*

*(6) plans for the implementation of an archival system for materials, objects, and items of importance relating to the history of jazz; and*

*(7) guidelines for the application of cooperative agreements that will be used to assist in the management of historical park facilities and programs.*

### *SEC. . ESTABLISHMENT OF THE NEW ORLEANS JAZZ COMMISSION.*

*(a) ESTABLISHMENT.—To assist in implementing the purposes of this title and the document entitled "New Orleans Jazz Special Resource Study", there is established the New Orleans Jazz Commission (hereinafter referred to as the "Commission").*

*(b) MEMBERSHIP.—The Commission shall consist of 17 members to be appointed no later than 6 months after the date of enactment of this Act. The Commission shall be appointed by the Secretary as follows:*

*(1) One member from recommendations submitted by the Mayor of New Orleans.*

*(2) Two members who have recognized expertise in music education programs that emphasize jazz.*

*(3) One member, with experience in and knowledge of tourism in the greater New Orleans area, from recommendations submitted by local businesses.*

*(4) One member from recommendations submitted by the Board of the New Orleans Jazz and Heritage Foundation.*

*(5) One member, with experience in and knowledge of historic preservation within the New Orleans area.*

*(6) Two members, one from recommendations submitted by the Secretary of the Smithsonian Institution and one member from recommendations submitted by the Chairman of the National Endowment of the Arts, who are recognized musicians with knowledge and experience in the development of jazz in New Orleans.*

*(7) Two members, one from recommendations submitted by the Secretary of the Smithsonian Institution and one member from recommendations submitted by the Director of the Louisiana State Museum with recognized expertise in the interpretation of jazz history or traditions related to jazz in New Orleans.*

*(8) Two members who represent local neighborhood groups or other local associations; from recommendations submitted by the Mayor of New Orleans.*

*(9) One member representing local mutual aid and benevolent societies as well as local social and pleasure clubs, from recommendations submitted by the Board of the New Orleans Jazz and Heritage Foundation.*

*(10) One member from recommendations submitted by the Governor of the State of Louisiana, who shall be a member of the Louisiana State Music Commission.*

*(11) One member representing the New Orleans Jazz Club from recommendations submitted by the club.*

*(12) One member who is a recognized local expert on the history, development and progression of jazz in New Orleans and is familiar with existing archival materials from recommendations submitted by the Librarian of Congress.*

*(13) The Director of the National Park Service, or the Director's designee, ex officio.*

*(c) DUTIES OF THE COMMISSION.—The Commission shall—*

*(1) advise the Secretary in the preparation of the general management plan for the historical park; assist in public discussions of planning proposals; and assist the National Park Service in working with individuals, groups, and organizations including economic and business interests in determining programs in which the Secretary should participate through cooperative agreement;*

*(2) in consultation and cooperation with the Secretary, develop partnerships with educational groups, schools, universities, and other groups to furtherance of the purposes of this Act;*

*(3) in consultation and cooperation with the Secretary, develop partnerships with city-wide organizations, and raise and disperse funds for programs that assist mutual aid and benevolent societies, social and pleasure clubs and other traditional groups in encouraging the continuation of and enhancement of jazz cultural traditions;*

*(4) acquire or lease property for jazz education, and advise on hiring brass bands and musical groups to participate in education programs and help train young musicians;*

*(5) in consultation and cooperation with the Secretary, provide recommendations for the location of the visitor center and other interpretive sites;*

*(6) assist the Secretary in providing funds to support research on the origins and early history of jazz in New Orleans; and*

*(7) notwithstanding any other provision of law, seek and accept donations of funds, property, or services from individuals, foundations, corporations, or other public or private entities and expend and use the same for the purposes of providing services, programs, and facilities for jazz education, or assisting in the rehabilitation and restoration of structures identified in the national historic landmark study referenced in section 3(b)(3) as having outstanding significance to the history of jazz in New Orleans.*

*(d) APPOINTMENT.—Members of the Commission shall be appointed for staggered terms of 3 years, as designated by the Secretary at the time of the initial appointment.*

*(e) CHAIRMAN.—The Commission shall elect a chairman from among its members. The term of the chairman shall be for 3 years.*

*(f) TERMS.—Any member of the Commission appointed by the Secretary for a 3-year term may serve after the expiration of his or her term until a successor is appointed. Any vacancy shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor was appointed.*

*(g) PER DIEM EXPENSES.—Members of the Commission shall serve without compensation. Members shall be entitled to travel expenses under section 5703, title 5, United States Code, when engaged in Commission business, including per diem in lieu of subsistence in the same manner as persons employed intermittently.*

*(h) ADMINISTRATIVE SUPPORT.—The Secretary shall provide the Commission with assistance in obtaining such personnel, equipment, and facilities as may be needed by the Commission to carry out its duties.*

*(i) ANNUAL REPORT.—The Commission shall submit an annual report to the Secretary identifying its expenses and income and the entities to which any grants or technical assistance were made during the year for which the report is made.*

### *SEC. . AUTHORIZATION OF APPROPRIATIONS.*

*There is authorized to be appropriated such sums as may be necessary to carry out this title.*

## FEINSTEIN AMENDMENT NO. 1627

Mr. JOHNSTON (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 21, supra; as follows:

On page 145, line 25 strike "title." and add "title: Provided, however, that the construction, modification, repair, improvement, or replacement of a single-family residence shall not be determined to be detrimental to the integrity of the park or incompatible with the purposes of this title."

## BROWN AMENDMENT NO. 1628

Mr. BROWN proposed an amendment to the bill S. 21, supra; as follows:

At the appropriate place, insert the following new section:

### SEC. . FEDERAL FACILITIES FEE EQUITY.

(a) POLICY STATEMENT. It is the intent of Congress that entrance, tourism or recreational use fees for use of federal lands and facilities not discriminate against any state or any region of the country.

(b) FEE STUDY.—The Secretary of the Interior, in cooperation with other affected agencies, shall prepare and submit a report to the Appropriate Committee of the House of Representatives and the Senate Committee on Energy and Natural Resources of the United States Senate and any other relevant committees by May 1, 1996, which shall—

(1) identify all federal lands and facilities that provide recreational or tourism use; and

(2) analyze by state and region any fees charged for entrance, recreational or tourism use, if any, on federal lands or facilities in a state or region, individually and collectively.

(c) RECOMMENDATIONS.—Following completion of the report in (b), the Secretary of the Interior, in cooperation with other affected agencies, shall prepare and submit a report to the appropriate Committees of the House and the Energy and Natural Resource Committee of the United States Senate and any other relevant committees by May 1, 1997, which shall contain recommendations which the Secretary deems appropriate for implementing the congressional intent outlined in (a).

## NOTICES OF HEARING

### COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., in SR–301, Russell Senate Office Building, on Thursday, May 5, 1994. The committee will hold a hearing to receive testimony on title III, subtitles B and C of S. 1824, the Legislative Reorganization Act of 1994. These sections of the bill include proposals for authorizing appropriations for certain congressional support agencies and for abolishing the joint committees.

Senators who wish to appear as a witness or to submit a statement for the record should have their staffs contact Jack Sousa of the Rules Committee staff. Individuals and organizations wishing to submit a statement for the record are requested to contact Mr. Sousa. He can be reached at 202–224–5648.

### COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, May 12, 1994, at 9:30 a.m., in SR–301, Russell Senate Office Building, to receive testimony from the members of the Federal Election Commission on their fiscal year 1995 budget authorization request.

For further information on this authorization hearing, please contact Jack Sousa, chief counsel of the Rules Committee, on 202–224–5647.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, April 12, 1994, at 4 p.m. in open session, to consider the nomination of Adm. Frank B. Kelso II, USN to retire in grade.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, April 12, 1994, at 10 a.m., to hear testimony on the subject of Medicare issues in health care reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Tuesday, April 12, at 9:30 a.m. for a hearing on DOD Financial Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, April 12, 1994, at 10 a.m. to hold a hearing on the Biological Diversity Convention—Treaty Doc. 103–20.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 12, 1994 at 2 p.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Education, Arts and Humanities be authorized to meet for a hearing on ESEA: School Libraries, and Family Literacy, during the session of the Senate on April 12, 1994, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON SMALL BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Tuesday, April 12, 1994, at 2:30 p.m. the committee will hold a full committee hearing on the President's nomination of Jere Glover to be the chief counsel for advocacy for the Small Business Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, April 12, 1994, at 4 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON REGIONAL DEFENSE AND CONTINGENCY FORCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Regional Defense and Contingency Forces of the Committee on Armed Services be authorized to meet on Tuesday, April 12, 1994, at 10 a.m., in open session, to receive testimony on Marine Corps investment in review of the defense authorization request for fiscal year 1995 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON SUPERFUND, RECYCLING AND SOLID WASTE MANAGEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Recycling and Solid Waste Management, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, April 12, beginning at 10 a.m., to conduct a hearing on the Superfund liability scheme.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON WATER AND POWER

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., April 12, 1994, to receive testimony from Federal agencies on their respective roles in addressing the contemporary needs and management of the Newlands project in Nevada. This hearing will serve as a followup to a subcommittee field hearing held in Reno, NV, on December 11, 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## EXECUTIVE SESSION

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## EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the nomination of Linda Joan Morgan to be a member of the Interstate Commerce Commission, Calendar item No. 717. I further ask unanimous consent that the nominee be confirmed, that any statements appear in the RECORD as if read, that upon confirmation, the motion to reconsider be laid upon the table, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominee considered and confirmed is as follows:

### INTERSTATE COMMERCE COMMISSION

Linda Joan Morgan, of Maryland, to be a member of the Interstate Commerce Commission for a term expiring December 31, 1998.

Mr. HOLLINGS. Mr. President, as chairman of the Committee on Commerce, Science, and Transportation, I am pleased that the Senate has confirmed the nomination of Linda J. Morgan to be a Commissioner on the Interstate Commerce Commission [ICC].

The ICC is an independent agency composed of five Commissioners, who are responsible for the regulation of surface transportation issues. The term for which Ms. Morgan has been nominated will expire December 31, 1998.

Linda has assisted me and other members of the Senate Commerce Committee extremely well for 15 years. She served for 8 years as counsel on the Surface Transportation Subcommittee, which often considers matters related to the ICC as well as economic and safety matters in surface transportation. For the last 7 years, she has been the general counsel for the full committee, where she involved herself further with legislative initiatives pertaining to significant surface transportation issues. Linda's efforts have contributed to the passage and oversight of the Staggers Rail Act of 1980, the Motor Carrier Act of 1980, the Bus Regulatory Reform Act of 1982, the Negotiated Rates Act of 1993, and a host of other important commerce-related enactments.

The Commerce Committee has oversight over transportation regulation and policy, and understands the difficult issues the ICC often faces. The ICC must determine reasonable shipping rates in disputes between shippers and motor carriers; assist parties affected by railroad mergers, sales, construction, and abandonments; and balance free market competition in the transportation industry with the public need for quality service at reasonable prices in rural as well as metropolitan areas of the country. These tasks require a clear understanding of the surface transportation industry and regulatory policies. Therefore, I am delighted to support Linda's nomination, for she has an impressive combination of qualifications and experience.

The Commerce Committee's loss is the ICC's gain. The ICC will gain a knowledgeable, objective, and well-qualified Commissioner with special expertise in surface transportation issues. She is known throughout the Commerce Committee for her integrity and nonpartisan advice. For my part, I will miss her counsel and attentiveness to the Commerce Committee's responsibilities.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

## THE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of Calendar Nos. 372, 396, 399, and 401; that the committee amendments, where appropriate, be agreed to en bloc; that the bills be read a third time and passed; that the title amendment, where appropriate, be agreed to; that the motions to reconsider en bloc be laid upon the table; and that any statements relating to the above items appear individually in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NEW ORLEANS JAZZ NATIONAL HISTORICAL PARK ACT

The Senate proceeded to consider the bill (S. 1586) to establish the New Orleans Jazz National Historical Park in the State of Louisiana, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following.

### *SECTION 1. SHORT TITLE.*

*This Act may be cited as the "New Orleans Jazz National Historical Park Act of 1994".*

### *SEC. 2. FINDINGS AND PURPOSE.*

*(a) FINDINGS.—The Congress finds that:*

*(1) Jazz is the United States' most widely recognized indigenous music and art form. Congress previously recognized jazz in 1987 through Senate Concurrent Resolution 57 as a rare and valuable national treasure of international importance.*

*(2) The city of New Orleans is widely recognized as the birthplace of jazz. In and around this city, cultural and musical elements blended to form the unique American music that is known as New Orleans jazz, which is an expression of the cultural diversity of the lower Mississippi Delta Region.*

*(3) Jean Lafitte National Historical Park and Preserve was established to commemorate the cultural diversity of the lower Mississippi Delta Region including a range of cultural expressions like jazz.*

*(b) PURPOSE.—In furtherance of the need to recognize the value and importance of jazz, it is the purpose of this Act to establish a New Orleans Jazz National Historical Park to preserve the origins, early history, development and progression of jazz; provide visitors with opportunities to experience the sights, sounds, and places where jazz evolved; and implement innovative ways of establishing jazz educational partnerships that will help to ensure that jazz continues as a vital element of the culture of New Orleans and our Nation.*

### *SEC. 3. ESTABLISHMENT.*

*(a) IN GENERAL.—In order to assist in the preservation, education, and interpretation of jazz as it has evolved in New Orleans, and to provide technical assistance to a broad range of organizations involved with jazz music and its history, there is hereby established the New Orleans Jazz National Historical Park (hereinafter referred to as the "historical park"). The historical park shall be administered in conjunction with the Jean Lafitte National Historical Park and Preserve, which was established to preserve and interpret the cultural and natural resources of the lower Mississippi Delta Region.*

*(b) AREA INCLUDED.—The historical park shall consist of lands and interests therein as follows:*

*(1) Lands which the Secretary of the Interior (hereinafter referred to as "the Secretary") may designate for an interpretive visitor center complex.*

*(2) Sites that are the subject of cooperative agreements with the National Park Service for the purposes of interpretive demonstrations and programs associated with the purposes of this Act.*

*(3)(A) Sites designated by the Secretary as provided in subparagraph (B).*

*(B)(i) No later than 18 months after the date of enactment of this Act, the Secretary is directed to complete a national historic landmark evaluation of sites associated with jazz in and around New Orleans as identified in the document entitled "New Orleans Jazz Special Resource Study", prepared by the National Park Service pursuant to Public Law 101–499. In undertaking the evaluation, the Secretary shall, to the extent practicable, utilize existing information relating to such sites.*

*(ii) If any of the sites evaluated are found to meet the standards of the National Historic Landmark program and National Park Service tests of suitability and feasibility, and offer outstanding opportunities to further the purposes of this Act, the Secretary may designate such sites as part of the historical park, following consultation with the owners of such sites, the city of New Orleans, the Smithsonian Institution, and the New Orleans Jazz Commission, and notification to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.*

### *SEC. 4. ADMINISTRATION.*

*(a)(1) IN GENERAL.—The Secretary shall administer the historical park in accordance with this Act and with provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467). The Secretary shall manage the historical park in such a manner as will preserve and perpetuate knowledge and understanding of the history of jazz and its continued evolution as a true American art form.*

*(2) To minimize operational costs associated with the management and administration of the historical park and to avoid duplication of effort, the Secretary shall, to the maximum extent practicable, utilize the facilities, administrative staff and other services of the Jean Lafitte National Historical Park and Preserve.*

*(b) DONATIONS.—The Secretary may accept and retain donations of funds, property, or services from individuals, foundations, corporations, or other public entities for the purposes of providing services, programs, and facilities that further the purposes of this Act.*

*(c) INTERPRETIVE CENTER.—The Secretary is authorized to construct, operate, and maintain an interpretive center in the historical park on lands identified by the Secretary pursuant to section 3(b)(1). Programs at the center shall include, but need not be limited to, live jazz interpretive and educational programs, and shall provide visitors with information about jazz-related programs, performances, and opportunities.*

*(d) JAZZ HERITAGE DISTRICTS.—The Secretary may provide technical assistance to the city of New Orleans and other appropriate entities for the designation of certain areas in and around New Orleans as jazz heritage districts. Such districts shall include those areas with an exceptional concentration of jazz historical sites and established community traditions of jazz street parades.*

*(e) COOPERATIVE AGREEMENTS, GRANTS AND TECHNICAL ASSISTANCE.—In furtherance of the purposes of this Act—*

*(1) the Secretary, after consultation with the New Orleans Jazz Commission established pursuant to section 7, is authorized to enter into cooperative agreements with owners of properties that are designated pursuant to section 3(b)(3) which provide outstanding educational and interpretive opportunities relating to the evolution of jazz in New Orleans. The Secretary may assist in rehabilitating, restoring, marking, and interpreting and may provide technical assistance for the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions that the National Park Service will have reasonable rights of access for operational and visitor use needs, that rehabilitation and restoration will meet the Secretary's standards for rehabilitation of historic buildings, and that specify the roles and responsibilities of the Secretary for each site or structure;*

*(2) the Secretary is authorized to enter into cooperative agreements with the city of New Orleans, the State of Louisiana, and other appropriate public and private organizations under which the other parties to the agreement may contribute to the acquisition, construction, operation, and maintenance of the interpretive center and to the operation of educational and interpretive programs to further the purposes of this Act; and*

*(3) the Secretary, in consultation with the New Orleans Jazz Commission, is authorized to provide grants or technical assistance to public and private organizations.*

*(f) JAZZ EDUCATIONAL PROGRAMS.—The Secretary shall, in the administration of the historical park, promote a broad range of educational activities relating to jazz and its history. The Secretary shall cooperate with schools, universities, and organizations supporting jazz education to develop educational programs that provide expanded public understanding of jazz and enhanced opportunities for public appreciation. The Secretary may assist appropriate entities in the development of an information base including archival material, audiovisual records, and objects that relate to the history of jazz.*

### *SEC. 5. ACQUISITION OF PROPERTY.*

*(a) GENERAL AUTHORITY.—The Secretary may acquire lands and interests therein within the sites designated pursuant to section 3(b)(1) and (3) by donation or purchase with donated or appropriated funds or long term lease: Provided, That sites designated pursuant to section 3(b)(3) shall only be acquired with the consent of the owner thereof.*

*(b) STATE AND LOCAL PROPERTIES.—Lands and interests in lands which are owned by the State of Louisiana, or any political subdivision thereof, may be acquired only by donation.*

### *SEC. 6. GENERAL MANAGEMENT PLAN.*

*Within 3 years after the date funds are made available therefor and concurrent with the national landmark study referenced in section 3(b)(3), the Secretary, in consultation with the*

*New Orleans Jazz Commission, shall prepare a general management plan for the historical park. The plan shall include, but need not be limited to—*

*(1) a visitor use plan indicating programs and facilities associated with park programs that will be made available to the public;*

*(2) preservation and use plans for any structures and sites that are identified through the historic landmark study for inclusion within the historical park;*

*(3) the location and associated cost of public facilities that are proposed for inclusion within the historical park, including a visitor center;*

*(4) identification of programs that the Secretary will implement or be associated with through cooperative agreements with other groups and organizations;*

*(5) a transportation plan that addresses visitor use access needs to sites, facilities, and programs central to the purpose of the historical park;*

*(6) plans for the implementation of an archival system for materials, objects, and items of importance relating to the history of jazz; and*

*(7) guidelines for the application of cooperative agreements that will be used to assist in the management of historical park facilities and programs.*

### *SEC. 7. ESTABLISHMENT OF THE NEW ORLEANS JAZZ COMMISSION.*

*(a) ESTABLISHMENT.—To assist in implementing the purposes of this Act and the document entitled "New Orleans Jazz Special Resource Study", there is established the New Orleans Jazz Commission (hereinafter referred to as the "Commission").*

*(b) MEMBERSHIP.—The Commission shall consist of 17 members to be appointed no later than 6 months after the date of enactment of this Act. The Commission shall be appointed by the Secretary as follows:*

*(1) One member from recommendations submitted by the Mayor of New Orleans.*

*(2) Two members who have recognized expertise in music education programs that emphasize jazz.*

*(3) One member, with experience in and knowledge of tourism in the greater New Orleans area, from recommendations submitted by local businesses.*

*(4) One member from recommendations submitted by the Board of the New Orleans Jazz and Heritage Foundation.*

*(5) One member, with experience in and knowledge of historic preservation within the New Orleans area.*

*(6) Two members, one from recommendations submitted by the Secretary of the Smithsonian Institution and one member from recommendations submitted by the Chairman of the National Endowment of the Arts, who are recognized musicians with knowledge and experience in the development of jazz in New Orleans.*

*(7) Two members, one from recommendations submitted by the Secretary of the Smithsonian Institution and one member from recommendations submitted by the Director of the Louisiana State Museum with recognized expertise in the interpretation of jazz history or traditions related to jazz in New Orleans.*

*(8) Two members who represent local neighborhood groups or other local associations; from recommendations submitted by the Mayor of New Orleans.*

*(9) One member representing local mutual aid and benevolent societies as well as local social and pleasure clubs, from recommendations submitted by the Board of the New Orleans Jazz and Heritage Foundation.*

*(10) One member from recommendations submitted by the Governor of the State of Louisiana, who shall be a member of the Louisiana State Music Commission.*

*(11) One member representing the New Orleans Jazz Club from recommendations submitted by the club.*

*(12) One member who is a recognized local expert on the history, development and progression of jazz in New Orleans and is familiar with existing archival materials from recommendations submitted by the Librarian of Congress.*

*(13) The Director of the National Park Service, or the Director's designee, ex officio.*

*(c) DUTIES OF THE COMMISSION.—The Commission shall—*

*(1) advise the Secretary in the preparation of the general management plan for the historical park; assist in public discussions of planning proposals; and assist the National Park Service in working with individuals, groups, and organizations including economic and business interests in determining programs in which the Secretary should participate through cooperative agreement;*

*(2) in consultation and cooperation with the Secretary, develop partnerships with educational groups, schools, universities, and other groups to furtherance of the purposes of this Act;*

*(3) in consultation and cooperation with the Secretary, develop partnerships with city-wide organizations, and raise and disperse funds for programs that assist mutual aid and benevolent societies, social and pleasure clubs and other traditional groups in encouraging the continuation of and enhancement of jazz cultural traditions;*

*(4) acquire or lease property for jazz education, and advise on hiring brass bands and musical groups to participate in education programs and help train young musicians;*

*(5) in consultation and cooperation with the Secretary, provide recommendations for the location of the visitor center and other interpretive sites;*

*(6) assist the Secretary in providing funds to support research on the origins and early history of jazz in New Orleans; and*

*(7) notwithstanding any other provision of law, seek and accept donations of funds, property, or services from individuals, foundations, corporations, or other public or private entities and expend and use the same for the purposes of providing services, programs, and facilities for jazz education, or assisting in the rehabilitation and restoration of structures identified in the national historic landmark study referenced in section 3(b)(3) as having outstanding significance to the history of jazz in New Orleans.*

*(d) APPOINTMENT.—Members of the Commission shall be appointed for staggered terms of 3 years, as designated by the Secretary at the time of the initial appointment.*

*(e) CHAIRMAN.—The Commission shall elect a chairman from among its members. The term of the chairman shall be for 3 years.*

*(f) TERMS.—Any member of the Commission appointed by the Secretary for a 3-year term may serve after the expiration of his or her term until a successor is appointed. Any vacancy shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor was appointed.*

*(g) PER DIEM EXPENSES.—Members of the Commission shall serve without compensation. Members shall be entitled to travel expenses under section 5703, title 5, United States Code, when engaged in Commission business, including per diem in lieu of subsistence in the same manner as persons employed intermittently.*

*(h) ADMINISTRATIVE SUPPORT.—The Secretary shall provide the Commission with assistance in obtaining such personnel, equipment, and facilities as may be needed by the Commission to carry out its duties.*

*(i) ANNUAL REPORT.—The Commission shall submit an annual report to the Secretary identifying its expenses and income and the entities to which any grants or technical assistance were made during the year for which the report is made.*

### *SEC. 8. AUTHORIZATION OF APPROPRIATIONS.*

*There is authorized to be appropriated such sums as may be necessary to carry out this Act.*

So the bill (S. 1586), as amended, was passed; as follows:

S. 1586

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "New Orleans Jazz National Historical Park Act of 1994".

### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that:

(1) Jazz is the United States' most widely recognized indigenous music and art form. Congress previously recognized jazz in 1987 through Senate Concurrent Resolution 57 as a rare and valuable national treasure of international importance.

(2) The city of New Orleans is widely recognized as the birthplace of jazz. In and around this city, cultural and musical elements blended to form the unique American music that is known as New Orleans jazz, which is an expression of the cultural diversity of the lower Mississippi Delta Region.

(3) Jean Lafitte National Historical Park and Preserve was established to commemorate the cultural diversity of the lower Mississippi Delta Region including a range of cultural expressions like jazz.

(b) PURPOSE.—In furtherance of the need to recognize the value and importance of jazz, it is the purpose of this Act to establish a New Orleans Jazz National Historical Park to preserve the origins, early history, development and progression of jazz; provide visitors with opportunities to experience the sights, sounds, and places where jazz evolved; and implement innovative ways of establishing jazz educational partnerships that will help to ensure that jazz continues as a vital element of the culture of New Orleans and our Nation.

### SEC. 3. ESTABLISHMENT.

(a) IN GENERAL.—In order to assist in the preservation, education, and interpretation of jazz as it has evolved in New Orleans, and to provide technical assistance to a broad range of organizations involved with jazz music and its history, there is hereby established the New Orleans Jazz National Historical Park (hereinafter referred to as the "historical park"). The historical park shall be administered in conjunction with the Jean Lafitte National Historical Park and Preserve, which was established to preserve and interpret the cultural and natural resources of the lower Mississippi Delta Region.

(b) AREA INCLUDED.—The historical park shall consist of lands and interests therein as follows:

(1) Lands which the Secretary of the Interior (hereinafter referred to as "the Secretary") may designate for an interpretive visitor center complex.

(2) Sites that are the subject of cooperative agreements with the National Park Service for the purposes of interpretive demonstrations and programs associated with the purposes of this Act.

(3)(A) Sites designated by the Secretary as provided in subparagraph (B).

(B)(i) No later than 18 months after the date of enactment of this Act, the Secretary is directed to complete a national historic landmark evaluation of sites associated with jazz in and around New Orleans as identified in the document entitled "New Orleans Jazz Special Resource Study", prepared by the National Park Service pursuant to Public Law 101-499. In undertaking the evaluation, the Secretary shall, to the extent practicable, utilize existing information relating to such sites.

(ii) If any of the sites evaluated are found to meet the standards of the National Historic Landmark program and National Park Service tests of suitability and feasibility, and offer outstanding opportunities to further the purposes of this Act, the Secretary may designate such sites as part of the historical park, following consultation with the owners of such sites, the city of New Orleans, the Smithsonian Institution, and the New Orleans Jazz Commission, and notification to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.

### SEC. 4. ADMINISTRATION.

(a)(1) IN GENERAL.—The Secretary shall administer the historical park in accordance with this Act and with provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467). The Secretary shall manage the historical park in such a manner as will preserve and perpetuate knowledge and understanding of the history of jazz and its continued evolution as a true American art form.

(2) To minimize operational costs associated with the management and administration of the historical park and to avoid duplication of effort, the Secretary shall, to the maximum extent practicable, utilize the facilities, administrative staff and other services of the Jean Lafitte National Historical Park and Preserve.

(b) DONATIONS.—The Secretary may accept and retain donations of funds, property, or services from individuals, foundations, corporations, or other public entities for the purposes of providing services, programs, and facilities that further the purposes of this Act.

(c) INTERPRETIVE CENTER.—The Secretary is authorized to construct, operate, and maintain an interpretive center in the historical park on lands identified by the Secretary pursuant to section 3(b)(1). Programs at the center shall include, but need not be limited to, live jazz interpretive and educational programs, and shall provide visitors with information about jazz-related programs, performances, and opportunities.

(d) JAZZ HERITAGE DISTRICTS.—The Secretary may provide technical assistance to the city of New Orleans and other appropriate entities for the designation of certain areas in and around New Orleans as jazz heritage districts. Such districts shall include those areas with an exceptional concentration of jazz historical sites and established community traditions of jazz street parades.

(e) COOPERATIVE AGREEMENTS, GRANTS AND TECHNICAL ASSISTANCE.—In furtherance of the purposes of this Act—

(1) the Secretary, after consultation with the New Orleans Jazz Commission established pursuant to section 7, is authorized to enter into cooperative agreements with owners of properties that are designated pursuant to section 3(b)(3) which provide outstanding educational and interpretive opportunities relating to the evolution of jazz in New Orleans. The Secretary may assist in rehabilitating, restoring, marking, and interpreting and may provide technical assistance for the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions that the National Park Service will have reasonable rights of access for operational and visitor use needs, that rehabilitation and restoration will meet the Secretary's standards for rehabilitation of historic buildings, and that specify the roles and responsibilities of the Secretary for each site or structure;

(2) the Secretary is authorized to enter into cooperative agreements with the city of New Orleans, the State of Louisiana, and other appropriate public and private organizations under which the other parties to the agreement may contribute to the acquisition, construction, operation, and maintenance of the interpretive center and to the operation of educational and interpretive programs to further the purposes of this Act; and

(3) the Secretary, in consultation with the New Orleans Jazz Commission, is authorized to provide grants or technical assistance to public and private organizations.

(f) JAZZ EDUCATIONAL PROGRAMS.—The Secretary shall, in the administration of the historical park, promote a broad range of educational activities relating to jazz and its history. The Secretary shall cooperate with schools, universities, and organizations supporting jazz education to develop educational programs that provide expanded public understanding of jazz and enhanced opportunities for public appreciation. The Secretary may assist appropriate entities in the development of an information base including archival material, audiovisual records, and objects that relate to the history of jazz.

### SEC. 5. ACQUISITION OF PROPERTY.

(a) GENERAL AUTHORITY.—The Secretary may acquire lands and interests therein within the sites designated pursuant to section 3(b)(1) and (3) by donation or purchase with donated or appropriated funds or long term lease: *Provided*, That sites designated pursuant to section 3(b)(3) shall only be acquired with the consent of the owner thereof.

(b) STATE AND LOCAL PROPERTIES.—Lands and interests in lands which are owned by the State of Louisiana, or any political subdivision thereof, may be acquired only by donation.

### SEC. 6. GENERAL MANAGEMENT PLAN.

Within 3 years after the date funds are made available therefor and concurrent with the national landmark study referenced in section 3(b)(3), the Secretary, in consultation with the New Orleans Jazz Commission, shall prepare a general management plan for the historical park. The plan shall include, but need not be limited to—

(1) a visitor use plan indicating programs and facilities associated with park programs that will be made available to the public;

(2) preservation and use plans for any structures and sites that are identified through the historic landmark study for inclusion within the historical park;

(3) the location and associated cost of public facilities that are proposed for inclusion within the historical park, including a visitor center;

(4) identification of programs that the Secretary will implement or be associated with through cooperative agreements with other groups and organizations;

(5) a transportation plan that addresses visitor use access needs to sites, facilities, and programs central to the purpose of the historical park;

(6) plans for the implementation of an archival system for materials, objects, and items of importance relating to the history of jazz; and

(7) guidelines for the application of cooperative agreements that will be used to assist in the management of historical park facilities and programs.

### SEC. 7. ESTABLISHMENT OF THE NEW ORLEANS JAZZ COMMISSION.

(a) ESTABLISHMENT.—To assist in implementing the purposes of this Act and the document entitled "New Orleans Jazz Special Resource Study", there is established the New Orleans Jazz Commission (hereinafter referred to as the "Commission").

(b) MEMBERSHIP.—The Commission shall consist of 17 members to be appointed no later than 6 months after the date of enactment of this Act. The Commission shall be appointed by the Secretary as follows:

(1) One member from recommendations submitted by the Mayor of New Orleans.

(2) Two members who have recognized expertise in music education programs that emphasize jazz.

(3) One member, with experience in and knowledge of tourism in the greater New Orleans area, from recommendations submitted by local businesses.

(4) One member from recommendations submitted by the Board of the New Orleans Jazz and Heritage Foundation.

(5) One member, with experience in and knowledge of historic preservation within the New Orleans area.

(6) Two members, one from recommendations submitted by the Secretary of the Smithsonian Institution and one member from recommendations submitted by the Chairman of the National Endowment of the Arts, who are recognized musicians with knowledge and experience in the development of jazz in New Orleans.

(7) Two members, one from recommendations submitted by the Secretary of the Smithsonian Institution and one member from recommendations submitted by the Director of the Louisiana State Museum with recognized expertise in the interpretation of jazz history or traditions related to jazz in New Orleans.

(8) Two members who represent local neighborhood groups or other local associations; from recommendations submitted by the Mayor of New Orleans.

(9) One member representing local mutual aid and benevolent societies as well as local social and pleasure clubs, from recommendations submitted by the Board of the New Orleans Jazz and Heritage Foundation.

(10) One member from recommendations submitted by the Governor of the State of Louisiana, who shall be a member of the Louisiana State Music Commission.

(11) One member representing the New Orleans Jazz Club from recommendations submitted by the club.

(12) One member who is a recognized local expert on the history, development and progression of jazz in New Orleans and is familiar with existing archival materials from recommendations submitted by the Librarian of Congress.

(13) The Director of the National Park Service, or the Director's designee, ex officio.

(c) DUTIES OF THE COMMISSION.—The Commission shall—

(1) advise the Secretary in the preparation of the general management plan for the historical park; assist in public discussions of planning proposals; and assist the National Park Service in working with individuals,

groups, and organizations including economic and business interests in determining programs in which the Secretary should participate through cooperative agreement;

(2) in consultation and cooperation with the Secretary, develop partnerships with educational groups, schools, universities, and other groups to furtherance of the purposes of this Act;

(3) in consultation and cooperation with the Secretary, develop partnerships with city-wide organizations, and raise and disperse funds for programs that assist mutual aid and benevolent societies, social and pleasure clubs and other traditional groups in encouraging the continuation of and enhancement of jazz cultural traditions;

(4) acquire or lease property for jazz education, and advise on hiring brass bands and musical groups to participate in education programs and help train young musicians;

(5) in consultation and cooperation with the Secretary, provide recommendations for the location of the visitor center and other interpretive sites;

(6) assist the Secretary in providing funds to support research on the origins and early history of jazz in New Orleans; and

(7) notwithstanding any other provision of law, seek and accept donations of funds, property, or services from individuals, foundations, corporations, or other public or private entities and expend and use the same for the purposes of providing services, programs, and facilities for jazz education, or assisting in the rehabilitation and restoration of structures identified in the national historic landmark study referenced in section 3(b)(3) as having outstanding significance to the history of jazz in New Orleans.

(d) APPOINTMENT.—Members of the Commission shall be appointed for staggered terms of 3 years, as designated by the Secretary at the time of the initial appointment.

(e) CHAIRMAN.—The Commission shall elect a chairman from among its members. The term of the chairman shall be for 3 years.

(f) TERMS.—Any member of the Commission appointed by the Secretary for a 3-year term may serve after the expiration of his or her term until a successor is appointed. Any vacancy shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor was appointed.

(g) PER DIEM EXPENSES.—Members of the Commission shall serve without compensation. Members shall be entitled to travel expenses under section 5703, title 5, United States Code, when engaged in Commission business, including per diem in lieu of subsistence in the same manner as persons employed intermittently.

(h) ADMINISTRATIVE SUPPORT.—The Secretary shall provide the Commission with assistance in obtaining such personnel, equipment, and facilities as may be needed by the Commission to carry out its duties.

(i) ANNUAL REPORT.—The Commission shall submit an annual report to the Secretary identifying its expenses and income and the entities to which any grants or technical assistance were made during the year for which the report is made.

**SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

## CLEAR CREEK COUNTY, COLORADO, PUBLIC LANDS TRANSFER ACT OF 1993

The Senate proceeded to consider the bill (H.R. 1134) to provide for the transfer of certain public lands located in Clear Creek County, CO, to the United States Forest Service, the State of Colorado, and certain local governments in the State of Colorado, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 1134

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Clear Creek County, Colorado, Public Lands Transfer Act of 1993".

**SEC. 2. TRANSFER OF PUBLIC LANDS.**

The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall transfer in accordance with this Act the approximately 14,000 acres of public lands generally depicted on a map entitled "Clear Creek County, Colorado, Public Lands Transfer—Proposed", and dated May 1993, to the Secretary of Agriculture, the State of Colorado, and certain political subdivisions of the State of Colorado, as indicated in sections 3, 4, and 5. Conveyances made pursuant to this Act shall be made without conducting new surveys.

**SEC. 3. LAND TRANSFER TO FOREST SERVICE.**

(a) TRANSFER.—Subject to valid existing rights, administrative jurisdiction to the approximately 3,400 acres of the public lands described as "Part I Lands" on the map referred to in section 2 is hereby transferred to the Secretary of Agriculture. Such lands are added to and shall be administered as part of the Arapaho National Forest in accordance with the laws and regulations pertaining to the National Forest System and the Arapaho National Forest.

(b) ADMINISTRATIVE PROVISIONS.—**[**(1)**]** *(1) The boundaries of the Arapaho National Forest are hereby modified as shown on the map referred to in section 2.* For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 903, as amended; 16 U.S.C. 4601–9) the boundaries of the Arapaho National Forest as modified by this section shall be treated as if they were the boundaries of such forest on January 1, 1965.

(2) Nothing in this section shall affect valid existing rights, or interests in existing land use authorizations, except that any such right or authorization shall be administered by the Forest Service in accordance with this section and other applicable laws. Reissuance of any such authorization shall be in accordance with laws applicable to the National Forest System and regulations of the Secretary of Agriculture, except that the change in administrative jurisdiction shall not constitute in itself a ground to deny renewal or reissuance of any such authorization.

**SEC. 4. LAND TRANSFERS TO STATE OF COLORADO AND TO CLEAR CREEK COUNTY AND TOWNS OF SILVER PLUME AND GEORGETOWN, COLORADO.**

(a) TRANSFER.—Subject to section 6 and valid existing rights, the Secretary shall transfer, without consideration, all right, title, and interest, both surface and subsurface, of the United States in and to the approximately 3,200 acres of public lands described as "Part II Lands" on the map referred to in section 2, excluding any such lands within the corporate boundaries of the towns of Georgetown or Silver Plume, Colorado, as of January 1, 1993, as follows:

(1) Approximately 600 acres of such lands to the town of Silver Plume, Colorado, as so indicated on such map.

(2) Approximately 800 acres of such lands to the town of Georgetown, Colorado, as so indicated on such map.

(3) Approximately 600 acres of such lands to the County of Clear Creek, Colorado, as so indicated on such map.

(4) Approximately 1,200 acres of such lands to the State of Colorado, as so indicated on such map.

(b) MANAGEMENT AND REVERSION.—

(1) The lands transferred under this section shall be managed in accordance with the cooperative management agreement among the Colorado Division of Wildlife, the Colorado State Historical Society, the town of Silver Plume, the town of Georgetown, and the County of Clear Creek, which is dated January 1989; the stipulations related to the preservation of artifacts contained in the Bureau of Land Management's cultural resource survey pertaining to such lands; and the terms of the applications filed with the Secretary for the disposal of such lands under the Act of June 14, 1926 (43 U.S.C. 869 et seq.; hereafter in this Act referred to as the "Recreation and Public Purposes Act"), except that other uses of the lands may be made with the approval of the Secretary.

(2)(A) Title to lands conveyed by the Secretary under this section may not be transferred by the grantee or its successor except, with the consent of the Secretary, to a transferee which would be a qualified grantee under section 2(a) or (c) of the Recreation and Public Purposes Act (43 U.S.C. 869–1(a), (c)).

(B) The provisions of paragraph (3) of this subsection shall apply if at any time after such conveyance—

(i) the grantee or its successor attempts to transfer to any other party title to or control over any portion of the lands conveyed to such grantee under this section, except as provided in subparagraph (A), or

(ii) such lands or any portion thereof are devoted to a use inconsistent with this subsection.

(3) In case of occurrence of an event described in paragraph (2)(B) of this subsection, the grantee of the relevant lands shall be liable to pay to the Secretary of the Interior, on behalf of the United States, the fair market value of all lands conveyed to such grantee under this section, together with any improvements thereon, as of the date of such occurrence. All sums paid to the Secretary of the Interior under this paragraph shall be retained by the Secretary and subject to appropriation, used for management of the public lands pursuant to the Federal Land Policy and Management Act of 1976.

**SEC. 5. LAND TRANSFER TO CLEAR CREEK COUNTY, COLORADO.**

(a) IN GENERAL.—Subject to subsection (b), section 6, and valid existing rights, the Secretary shall transfer, without consideration, all right, title, and interest, both surface and subsurface, of the United States in and to the approximately 7,400 acres of public lands described as "Parts III Lands" on the map referred to in **[**section 202,**]** *section 2,* along with any public lands on that map within the corporate boundaries of the towns of Georgetown or Silver Plume, Colorado as of January 1, 1993 to Clear Creek County, Colorado (hereinafter in this section referred to as the "County").

(b) Terms and Conditions.—The lands referred to in subsection (a) may not be transferred to the County until—

(1) it is shown to the satisfaction of the Secretary that the county has adopted comprehensive land use plans and zoning regulations applicable to the area in which the lands are located;

(2) the Secretary finds that such plans and regulations are consistent with proper management of any adjacent lands owned by the United States; and

(3)(A) the Secretary and the County have reached an agreement—

(i) concerning the steps, including but not limited to the use of appraisals (and the methodology thereof) and the use of competitive bids or other sales methods, that the County will take to ensure that so far as possible any sales of the lands by the County will be for fair market value; and

(ii) under which the County will provide the Secretary with an annual accounting of all receipts and expenditures with regard to such lands after their transfer to the County, and that on the date that is 10 years after the date of enactment of this Act, or at such earlier date as the County may elect, the County will pay to the United States an amount the Secretary determines to be equal to the County's total net receipts from the sale of some or all of such lands;

and, in addition,

(B) the Secretary has also agreed that in determining the amounts to be paid by the County pursuant to this paragraph, the Secretary will allow the County to deduct from the gross receipts from the sale of the lands all ordinary and necessary costs incurred by the County, including—

(i) expenses for necessary surveying, mapping, and other site characterization, and appraisals;

(ii) historical preservation and environmental protection; and

(iii) reasonable overhead, including staffing and administrative costs.

(c) Unsold Lands.—(1) The County may transfer some or all of the lands referred to in subsection (a) to an entity that would be a qualified grantee under section 2(a) or 2(c) of the Recreation and Public Purposes Act (43 U.S.C. 869-1 (a), (c)). [Any lands so transferred shall after such transfer be held by the recipient thereof under the same terms and conditions as if transferred to such recipient by the United States under such Act.] *Any lands so transferred shall be held by the recipient thereof under the same terms and conditions as if transferred by the United States under such Act,* except that such terms and conditions shall also apply to the mineral estate in such lands.

(2) Any of the lands referred to in subsection (a) which remain in County ownership on the date 10 years after the date of enactment of this Act, or regarding which the County has prior to such date notified the Secretary that the County intends to retain ownership, shall be retained by the County under the same terms and conditions as if transferred to the County on such date or on the date of such notification (whichever first occurs) by the United States under the Recreation and Public Purposes Act, except that such terms and conditions shall also apply to the mineral estate in such lands.

**SEC. 6. MINERALS.**

(a) Withdrawal From [Mining] *Mineral* Entry.—Subject to valid existing rights, the public lands referred to in sections 4 and 5 are hereby withdrawn from all forms of entry under the general mining laws and mineral leasing laws of the United States and shall not be—

(1) open to the location of mining and mill site claims under the general mining laws of the United States;

(2) subject to any lease under the Mineral Leasing Act (30 U.S.C. 181 and following) or the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following); or

(3) available for disposal of mineral materials under the Act of July 31, 1947, commonly know as the Materials Act of 1947 (30 U.S.C. 601 and following).

[(b) Valid Existing Rights.—As used in this section, the term "valid existing rights" in reference to the general mining laws means that a mining claim was properly located and maintained under the general mining laws prior to the date of enactment of this Act, was supported by a discovery of a valuable mineral deposit within the meaning of the general mining law on the date of enactment of this Act, and that such claim continues to be valid.

(c) Limitation on Patent Issuance.—

(1) No patent shall be issued by the United States for any mining or mill site claim located under the general mining laws within the public lands referred to in sections 4 and 5 unless an application for such patent was filed with the Secretary of the Interior on or before the date of enactment of this Act and such application has been prosecuted with due diligence after its filing.

(2) Except as provided in paragraph (1), nothing in this Act shall be construed as precluding issuance of a patent to the holder of any mining or mill site claim if such holder would have been entitled for such issuance but for enactment of this Act.]

*(b) Limitation on Patent Issuance.—Subject to valid existing rights, no patent shall be issued after the date of enactment of this Act for any mining or mill site claim located under the general mining laws within the public lands referred to in sections 4 and 5.*

**SEC. 7. MISCELLANEOUS PROVISIONS.**

(a) Inspections.—Notwithstanding any other provision of law, neither the Secretary nor any other officer or agent of the United States shall be required to inspect any of the public lands described in this [title] *Act* or to inform Clear Creek County or any member of the public regarding the condition of such lands with regard to the presence or absence of any hazardous substances or otherwise.

(b) Liability.—Notwithstanding any other provision of law, the United States shall have no responsibility or liability with respect to any hazardous wastes or other substances placed on any of the lands covered by this [title] *Act* after their transfer to the ownership of another party, but nothing in this [title] *Act* shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition [of such lands on the date of enactment of this Act.] *of such lands on the date of their transfer to the ownership of another party.*

[(c) Boundaries.—The boundaries of the Arapaho National Forest are hereby modified as shown on the map referred to in section 2. For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of such National Forest, as so modified, shall be considered to be the boundaries of such National Forest as of January 1, 1965.]

[(d)] *(c)* Accounting.—For purposes of the distribution of receipts, any funds paid to the United States by the County pursuant to an agreement described in section 5(b)(3) shall be deemed to be receipts from the sale of public lands, but shall be specifically accounted for in documents submitted to justify proposed appropriations for the Bureau of Land Management.

Amend the title so as to read: "An Act to provide for the transfer of certain public lands located in Clear Creek County, Colorado, to the Forest Service, the State of Colorado, and certain local governments in the State of Colorado, and for other purposes.".

So the bill (H.R. 1134), as amended, was passed.

## LANDS CONVEYANCE LEGISLATION

The Senate proceeded to consider the bill (S. 859) to reduce the restrictions on lands conveyed by deed under the act of June 8, 1926, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following:

That section 2 of the Act of June 8, 1926 (ch. 498; 44 Stat. 708), is amended by—

(a) inserting "(a)" before "The conveyance";

(b) striking "States." at the end of the first sentence and inserting in lieu thereof "States, except that such restrictions on conveyances and uses shall not apply to those lands upon which communication facilities were located as of January 1, 1993."; and

(c) adding at the end thereof the following new subsections:

"(b) Reasonable access for the repair, maintenance, or improvement of the communication facilities referred to in subsection (a) shall be allowed: *Provided,* That the granting of such access shall not be construed to require the Forest Service to upgrade the condition of the access route beyond the condition as of the date of enactment of the Act.

"(c) Recreational activities on the lands identified in section 1, totaling approximately one thousand four hundred and forty acres, may be allowed so long as such recreational use is consistent both with the protection of the watershed and water supply system of the city and with the management objectives for adjacent National Forest System lands.".

Mr. HATCH. Mr. President, I am pleased to rise in strong support of S. 859, a bill introduced last April by myself and my colleague, Senator Bennett, to permit the city of Kaysville, UT, to lease certain patented lands for communications purposes.

Similar legislation was introduced in the 102d Congress, but was not adopted because controversial language, which had nothing to do with the underlying subject matter of the bill, was added by the House and eventually doomed the bill.

The purpose of S. 859 is simple. Sixty-eight years ago, in 1926, Kaysville City was granted a patent to Federal lands located on Kaysville Peak in order to provide protection to the city's watershed. Kaysville Peak is one of several peaks in the Wasatch Mountain Range that forms the eastern boundary of Davis County, UT, where Kaysville City is located. The 1926 act prohibited the use of the property on the peak, located in the Wasatch-Cache National Forest at an elevation of 9,381 feet above sea level, for any purpose other than watershed protection. Any prohibited use would cause the lands to revert back to the Federal Government.

In 1978, a communication relay station was constructed on the patented land located on the peak, technically violating the parameters of the 1926 patent act. When the patent was executed, communications stations on mountain peaks were very rare. Today, they are very common and essential to enhancing the communications link between the various local departments and city vehicles. The Kaysville Peak station, operated by a private company, is no different and provides similar functions. It is primarily used for the daily operations of the Davis County School District's buses. Without this capability, there would be no direct communications link between individual school buses and the district's administrative offices to ensure the proper daily operation of the buses.

The Bureau of Land Management indicated in 1989, that there was no administrative relief available for this situation, which is why this legislation is necessary. S. 859 will correct this technicality by amending the 1926 act to permit the communication relay station to remain on the site in a manner consistent with watershed protection, which is the goal of the original act. Since there is no degradation to Kaysville City's watershed by having the station located on Kaysville Peak, this modification to the 1926 act is justified and warranted.

During consideration of the bill by the Senate Energy and Natural Resources Committee, an amendment was adopted to address concerns raised by the Forest Service regarding unauthorized uses of the lands in question. This amendment will permit reasonable access for the repair, maintenance, or improvement of the communications facility without requiring the Forest Service to upgrade the condition of the access route. Also, recreational activities on these lands are authorized so long as they are consistent with protection of the city's watershed and water supply system, as well as the management objectives of the adjacent National Forest System lands. I am pleased the committee was able to achieve this accommodation with city officials, who support the legislation as constituted.

I want to thank Senators JOHNSTON, WALLOP, and BUMPERS for their assistance in moving this measure through the legislative process. Although a small and brief legislative proposal, it is vitally important to the citizens of Kaysville, UT.

Mr. President, I urge my colleagues to support adoption of this measure.

So the bill (S. 859), as amended, was passed as follows:

S. 859

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 2 of the Act of June 8, 1926 (ch. 498; 44 Stat. 708), is amended by—

(a) inserting "(a)" before "The conveyance";

(b) striking "States." at the end of the first sentence and inserting in lieu thereof "States, except that such restrictions on conveyances and uses shall not apply to those lands upon which communication facilities were located as of January 1, 1993."; and

(c) adding at the end thereof the following new subsections:

"(b) Reasonable access for the repair, maintenance, or improvement of the communication facilities referred to in subsection (a) shall be allowed: *Provided*, That the granting of such access shall not be construed to require the Forest Service to upgrade the condition of the access route beyond the condition as of the date of enactment of the Act.

"(c) Recreational activities on the lands identified in section 1, totaling approximately one thousand four hundred and forty acres, may be allowed so long as such recreational use is consistent both with the protection of the watershed and water supply system of the city and with the management objectives for adjacent National Forest System lands.".

## COMMEMORATIVE WORKS ACT

The Senate proceeded to consider the bill (H.R. 2947) to amend the Commemorative Works Act, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2947

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF LEGISLATIVE AUTHORITY FOR MEMORIAL ESTABLISHMENT.**

(a) IN GENERAL.—The legislative authority for each of the following groups to establish a commemorative work (as defined by Public Law 99–652, as amended) shall expire at the end of the 10-year period beginning on the date of enactment of such authority for the respective commemorative work, notwithstanding the time period limitation specified in section 10(b) of that Public Law:

(1) The Black Revolutionary War Patriots Foundation.

(2) The Women in Military Service for America Memorial Foundation.

(3) The National Peace Garden.

(b) NAME CHANGE.—(1) The Congress finds that the Peace Garden Project, Incorporated, has changed its name to the National Peace Garden.

(2) Any reference in a law, map, regulation, document, paper, or other record of the United States to the entity referred to in paragraph (1) shall be deemed to be a reference to the National Peace Garden.

**SEC. 2. COMMEMORATIVE WORKS ACT AMENDMENTS.**

(a) DEFINITIONS.—(1) Section 2(c) of the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes" (40 U.S.C. 1002(c)) is amended—

(A) by inserting "plaque, inscription," after "memorial,";

(B) by striking out "a person" and inserting in lieu thereof "an individual"; and

(C) by inserting "American" before "history".

(2) Section 2(d) of such Act (40 U.S.C. 1002(d)) is amended by striking "an individual, group or organization" and inserting "a public agency, and an individual, group or organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and which is".

(b) AUTHORIZATION.—Section 3 of such Act (40 U.S.C. 1003) is amended as follows:

(1) In subsection (a), by inserting "on Federal lands referred to in section 1(d)" after "established".

(2) By redesignating subsection (b) as subsection (d) and inserting after subsection (a) the following new subsections:

"(b) A military commemorative work may be authorized only to commemorate a war or similar major military conflict or to commemorate any branch of the Armed Forces. No commemorative work commemorating a lesser conflict or a unit of an Armed Force shall be authorized. Commemorative works to a war or similar major military conflict shall not be authorized until at least 10 years after the officially designated end of the event.

"(c) A commemorative work commemorating an event, individual, or group of individuals, other than a military commemorative work as described in subsection (b) of this section, shall not be authorized until after the 25th anniversary of the event, death of the individual, or death of the last surviving member of the group.".

(c) SPECIFIC CONDITIONS APPLICABLE TO AREAS I AND II.—Section 6 of such Act (40 U.S.C 1006) is amended to read as follows:

"SPECIFIC CONDITIONS APPLICABLE TO AREA I AND AREA II

"SEC. 6. (a) AREA I.—The Secretary or Administrator (as appropriate) may, after seeking the advice of the National Capital Memorial Commission, recommend the location of a commemorative work in Area I only if the Secretary or Administrator (as appropriate) determines that the subject of the commemorative work is of preeminent historical and lasting significance to the Nation. The Secretary or Administrator (as appropriate) shall notify the National Capital Memorial Commission and the committees of Congress specified in section 3(b) of the recommendation by the Secretary or Administrator (as appropriate) that a commemorative work should be located in Area I. The location of a commemorative work in Area I shall be deemed not authorized, unless, not later than 150 calendar days after such notification, the recommendation is approved by law.

"(b) AREA II.—Commemorative works of subjects of lasting historical significance to the American people may be located in Area II.".

(d) SITE AND DESIGN APPROVAL.—Section 7 of such Act (40 U.S.C. 1007) is amended—

(1) in the matter preceding paragraph (1) of subsection (a), by striking out "commencing

construction of the commemorative work" and inserting in lieu thereof "requesting the permit for the constructing of the commemorative work";

(2) in paragraph (1) of subsection (a)—

(A) by inserting "the selection of alternative sites and designs for" after "regarding"; and

(B) by striking out the second sentence;

(3) in paragraph (2) of subsection (a), by striking out "and the Secretary or Administrator (as appropriate)"; and

(4) in the matter preceding paragraph (1) of subsection (b), by inserting "(but not limited by)" after "guided by".

(e) CRITERIA FOR ISSUANCE OF CONSTRUCTION PERMIT.—(1) Section 8(a)(3) of such Act (40 U.S.C. 1008(a)(3)) is amended by striking out "contracts for construction and drawings" and inserting in lieu thereof "contract documents for construction".

(2) Section 8 of such Act (40 U.S.C. 1008) is amended by adding at the end the following:

"(c)(1) The Secretary or the Administrator *(as appropriate)* may suspend any activity under the authority of this Act with respect to the establishment of a commemorative work if the *Secretary or Administrator determines the fundraising efforts with respect to the commemorative work have misrepresented an affiliation with the commemorative work or the United States.*

[Secretary or Administrator determines that—

"(A) fundraising efforts with respect to the commemorative work have misrepresented an affiliation with the commemorative work or the United States; or

"(B) the percentage of funds raised that is disbursed for administrative expenses and fundraising fees is unreasonable or excessive or otherwise violates fund raising standards established by the Secretary or Administrator.]

"(2) The person shall be required to submit to the Secretary or Administrator an annual report of [operations prepared] *operations, including financial statements audited* by an independent certified public accountant, paid for by the person authorized to construct the commemorative work.

["(3) The person authorized to construct a commemorative work shall require in all fundraising contracts that the fundraiser make its books and records with respect to the commemorative work fully available to the Secretary or Administrator and the Comptroller General of the United States for a period of not less than five years after the establishment of the commemorative work.".]

(f) TEMPORARY SITE DESIGNATION.—Section 9(a) of such Act (40 U.S.C. 1009(a)) is amended by striking out "he may designate such a site on lands administered by him" and inserting in lieu thereof "a site may be designated on lands administered by the Secretary".

(g) MISCELLANEOUS PROVISIONS.[—(1) Section] *Section* 10(d) of such Act (40 U.S.C. 1010(d)) is amended to read as follows:

"(d) The Secretary and the Administrator shall develop appropriate regulations or standards to carry out this Act.".

[(2) Section 10(c) of such Act (40 U.S.C. 1010c)) is amended to read as follows:

"(c) This Act shall apply to all commemorative works authorized by Congress before, on, or after the date of enactment of this subsection.".]

(h) SHORT TITLE.—Such Act is amended by adding at the end the following new section:

"SHORT TITLE

"SEC. 11. This Act may be cited as the 'Commemorative Works Act'.".

So the bill (H.R. 2947), as amended, was passed.

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## FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT OF 1993

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on (S. 636), a bill to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 636) entitled "An Act to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Freedom of Access to Clinic Entrances Act of 1993".

**SEC. 2. FREEDOM OF ACCESS TO REPRODUCTIVE HEALTH SERVICES.**

Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

**"§ 248. Blocking access to reproductive health services**

"(a) PROHIBITED ACTIVITIES.—Whoever—

"(1) by force, threat of force, or physical obstruction, intentionally injures, intimidates, or interferes with any person, or attempts to do so, because that person or any other person or class of persons is obtaining or providing reproductive health services; or

"(2) intentionally damages or destroys the property of a facility, or attempts to do so, because that facility provides reproductive health services;

shall be punished as provided in subsection (b) of this section and also be subject to the civil remedy provided in subsection (c) of this section, except that a parent or legal guardian of a minor shall not be subject to any penalties or civil remedies under this section for such activities insofar as they are directed exclusively at that minor.

"(b) PENALTIES.—Whoever violates subsection (a) of this section shall—

"(1) in the case of a first offense, be fined under this title or imprisoned not more than 1 year, or both; and

"(2) in the case of a second or subsequent offense after a prior conviction under this section, be fined under this title or imprisoned not more than 3 years, or both;

except that, if bodily injury results, the length of imprisonment shall be not more than 10 years, and if death results, it shall be for any term of years or for life.

"(c) CIVIL ACTIONS.—

"(1) RIGHT OF ACTION GENERALLY.—Any person who is aggrieved by a violation of subsection (a) of this section may in a civil action obtain relief under this subsection.

"(2) ACTION BY ATTORNEY GENERAL.—If the attorney general has reasonable cause to believe that any person, or group of persons, is aggrieved by a violation of subsection (a) of this section, the attorney general may in a civil action obtain relief under this subsection.

"(3) ACTIONS BY STATE ATTORNEYS GENERAL.—If any attorney general of a State has reasonable cause to believe that any person or group of persons is aggrieved by a violation of subsection (a) of this section, that attorney general may in a civil action obtain relief under this subsection.

"(4) RELIEF.—In any action under this subsection, the court may award any appropriate relief, including temporary, preliminary or permanent injunctive relief, and compensatory and punitive damages for each person aggrieved by the violation. With respect to compensatory damages, the aggrieved person may elect, at any time before the rendering of final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of $5,000 per violation. The court may award to the prevailing party, other than the United States, reasonable fees for attorneys and expert witnesses.

"(d) RULES OF CONSTRUCTION.—(1) Nothing in this section shall be construed to prohibit any expensive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the first article of amendment to the Constitution.

"(2) Nothing in this section shall be construed to interfere with the authority of States to enforce State or local laws regulating the provision of reproductive health services.

"(e) NON-PREEMPTION.—Congress does not intend this section to provide the exclusive remedies with respect to the conduct prohibited by it, nor to preempt the legislation of the States that may provide such remedies.

"(f) DEFINITIONS.—As used in this section, the following definitions apply:

"(1) REPRODUCTIVE HEALTH SERVICES.—The term 'reproductive health services' means reproductive health services provided in a hospital, clinic, physician's office, or other facility, and includes medical, surgical, counselling or referral services relating to the human reproductive system.

"(2) FACILITY.—The term 'facility' includes the building or structure in which the facility is located.

"(3) PHYSICAL OBSTRUCTION.—The term 'physical obstruction' means rendering impassable ingress to or egress from a facility that provides reproductive health services, or rendering passage to or from such facility unreasonably difficult.

"(4) STATE.—The term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"(5) INTIMIDATE.—The term 'intimidate' means to place a person in reasonable apprehension of bodily harm to himself or herself or to another.".

**SEC. 3. EFFECTIVE DATE.**

This Act takes effect on the date of the enactment of this Act, and shall apply only with respect to conduct occurring on or after such date.

**SEC. 4. CLERICAL AMENDMENT.**

The table of sections at the beginning of chapter 13 of title 18, United States Code, is amended by adding at the end the following new item:

"248. Blocking access to reproductive health services.".

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate disagree to the House amendments and agree to the request for a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. KERRY) appointed the following conferees on the part of the Senate: Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. SIMON, Ms. MIKULSKI, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. COATS, and Mr. HATCH.

## ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:30 a.m. on Wednesday, April 13; that, following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business not to extend beyond 9:45 a.m. with Senators permitted to speak therein for up to 5 minutes each, with Senator LIEBERMAN recognized for up to 5 minutes; that at 9:45 a.m. the Senate resume consideration of S. 21, with the time until 10 a.m. under the control of Senator BYRD; that at 10 a.m., without any intervening action, the Senate vote on final passage of the bill as provided for under a previous unanimous-consent agreement; further, that upon disposition of S. 21, the Senate then proceed to the consideration of Calendar No. 375, S. 455, a bill relating to payments in lieu of taxes under the authority and limitations granted in a previous unanimous-consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, there are a number of nominations pending on the Executive Calendar, some of which have been pending for some time. We have been attempting to obtain approval from our Republican colleagues to proceed to these nominations, and I have been advised by the Republican leader, through his staff, that our Republican colleagues will not agree to permit a vote to occur on two of the pending nominations, which we had hoped to have cleared. That is to say, the Republicans will filibuster these nominations if presented and, therefore, it requires a motion to invoke cloture to end the filibuster in order to bring these to a vote.

Under the circumstances, I have no alternative but to do so with respect to two of the nominations at this time.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to Executive Calendar item No. 785, the nomination of Sam W. Brown, Jr. for the rank of Ambassador during his tenure of service as Head of Delegation to the Conference on Security and Cooperation in Europe.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

Nomination of the Department of State of Sam W. Brown, Jr. of California for the rank of Ambassador.

## CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion on the Brown nomination to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the motion.

The bill clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 785, the Nomination of Sam W. Brown, for the rank of Ambassador during his tenure of service as Head of Delegation to the Conference on Security and Cooperation in Europe:

Claiborne Pell, Daniel K. Akaka, Edward M. Kennedy, Paul Simon, Paul Wellstone, Carl Levin, Barbara Boxer, Herb Kohl, Jeff Bingaman, Howard M. Metzenbaum, J.J. Exon, Tom Daschle, Carol Moseley-Braun, Jim Sasser, Wendell Ford, George Mitchell.

Mr. MITCHELL. Mr. President, we confront the same situation with respect to the nomination of Rosemary Barkett to be U.S. Circuit Judge for the 11th Circuit. That is to say, we have been advised by our Republican colleagues that they will filibuster this nomination and will not agree to a vote on it, and therefore it is necessary to file a motion to invoke cloture to end the filibuster and to permit a vote to occur.

## THE JUDICIARY

Mr. MITCHELL. Mr. President, having no alternative, I first ask unanimous-consent that the Senate proceed to Executive Calendar item No. 777, the nomination of Rosemary Barkett to be U.S. Circuit Judge for the 11th Circuit.

The PRESIDING OFFICER. Without objection, the nomination will be stated.

The assistant legislative clerk read the nomination of Rosemary Barkett, of Florida, to be U.S. Circuit Judge for the 11th Circuit.

## CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk and ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 777, the Nomination of Rosemary Barkett, to be a U.S. Circuit Judge for the Eleventh Circuit:

Claiborne Pell, Daniel K. Akaka, Edward M. Kennedy, Paul Simon, Paul Wellstone, Carl Levin, Barbara Boxer, Herb Kohl, Jeff Bingaman, Howard M. Metzenbaum, J.J. Exon, Tom Daschle, Carol Moseley-Braun, Jim Sasser, Wendell Ford, George Mitchell.

### ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, my hope is that we can reach time agreements on consideration of these nominees prior to the time that cloture votes are scheduled under the rules on Thursday so that cloture can be vitiated.

I want to make clear that we are compelled to file cloture because we have been informed by our Republican colleagues that they will not provide any such time agreement and, therefore, there is no way of knowing if or when we would be able to get to a vote and complete action on the measures.

We are continuing to work on that, and I hope we can get some agreements to that effect so that it will not be necessary to have the cloture vote, and the cloture can be vitiated.

I will inform the Senate of our progress in that regard during the day tomorrow.

Under the Senate rules, if we do not reach an agreement, then cloture votes on the Brown and Barkett nominations will occur on Thursday morning, either in the absence of any agreement to the contrary, 1 hour after the Senate convenes, or at a specific time pursuant to an agreement if one is reached.

### DEPARTMENT OF DEFENSE

Mr. MITCHELL. Mr. President, there is an additional nomination which we had hoped we could complete action on this evening, and that is Executive Calendar item No. 747, the nomination of Rodney A. Coleman to be an Assistant Secretary of the Air Force.

We have been advised through staff by the Republican leader that it will not be necessary to file cloture on that nomination, and that we will be notified by tomorrow noon as to whether or not debate will be required and, if so, for what time period, and whether or not a formal rollcall vote will be required on the Coleman nomination. I appreciate the cooperation of our colleagues in that regard.

We expect, therefore, to act on that nomination tomorrow, with time for debate, if requested, to which I will, of course, readily agree; and to a rollcall vote, if requested, to which I will also readily agree.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate stand in recess, as under the previous order.

There being no objection, the Senate, at 7:49 p.m., recessed until Wednesday, April 13, 1994, at 9:30 a.m.

## NOMINATIONS

### Executive nominations received by the Senate April 12, 1994:

#### DEPARTMENT OF STATE

IRVIN HICKS, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ETHIOPIA.

TIMOTHY A. CHORBA, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SINGAPORE.

#### INTER-AMERICAN FOUNDATION

MARIA OTERO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 1994, VICE VICTOR BLANCO, RESIGNED.

MARIA OTERO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2000. (REAPPOINTMENT.)

#### DEFENSE NUCLEAR FACILITIES SAFETY BOARD

A.J. EGGENBERGER, OF MONTANA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 1998. (REAPPOINTMENT.)

HERBERT KOUTS, OF NEW YORK, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 1997. (REAPPOINTMENT.)

#### DEPARTMENT OF JUSTICE

JAN M. CHAIKEN, OF MASSACHUSETTS, TO BE DIRECTOR OF THE BUREAU OF JUSTICE STATISTICS, VICE STEVEN D. DILLINGHAM, RESIGNED.

GREGORY MONETA SLEET, OF DELAWARE, TO BE U.S. ATTORNEY FOR THE DISTRICT OF DELAWARE FOR THE TERM OF 4 YEARS, VICE WILLIAM C. CARPENTER, JR., RESIGNED.

CHARLES REDDING PITT, OF ALABAMA, TO BE U.S. ATTORNEY FOR THE MIDDLE DISTRICT OF ALABAMA FOR THE TERM OF 4 YEARS, VICE JAMES E. WILSON.

FAITH S. HOCHBERG, OF NEW JERSEY, TO BE U.S. ATTORNEY FOR THE DISTRICT OF NEW JERSEY FOR THE TERM OF 4 YEARS, VICE MICHAEL CHERTOFF.

#### DEPARTMENT OF THE TREASURY

VALERIE LAU, OF CALIFORNIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE TREASURY, VICE DONALD E. KIRKENDALL, RESIGNED.

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

PATRICIA ANN BROWN, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1996, VICE JAMES NOWELL WOOD, TERM EXPIRED.

IRA RONALD FELDMAN, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1998, VICE HARVEY LICHTENSTEIN, TERM EXPIRED.

BARBARA WALLACE GROSSMAN, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1998, VICE ARTHUR MITCHELL, TERM EXPIRED.

## CONFIRMATION

### Executive nomination confirmed by the Senate April 12, 1994:

#### INTERSTATE COMMERCE COMMISSION

LINDA JOAN MORGAN, OF MARYLAND, TO BE A MEMBER OF THE INTERSTATE COMMERCE COMMISSION FOR A TERM EXPIRING DECEMBER 31, 1998.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

# HOUSE OF REPRESENTATIVES—*Tuesday, April 12, 1994*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, gracious God, for those people who are in need of the healing that Your spirit does give and who lift their voices to You for fortitude and strength. We remember with gratitude those in the medical community whose lives are dedicated to healing and helping that they will have the skills to nurture those who are sick and encourage people with any special need. To You, O God, who created us and breathed into us the very breath of life, we pray that Your hands will support each person in their concern and that Your faith and hope and love will be their constant companion. May Your peace, O God, that passes all understanding be with all Your people, this day and every day, we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MAZZOLI. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MAZZOLI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this motion will be postponed.

The point of order of no quorum is considered withdrawn.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Hampshire [Mr. ZELIFF] come forward and lead the House in the Pledge of Allegiance?

Mr. ZELIFF led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and a concurrent resolution of the House of the following titles:

H.R. 2559. An act to designate the Federal building located at 601 East 12th Street in Kansas City, Missouri, as the "Richard Bolling Federal Building."

H.R. 2659. An act to amend the Public Health Service Act to revise and extend programs relating to the transplantation of organs and of bone marrow.

H. Con. Res. 218. Concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal years 1995, 1996, 1997, 1998, and 1999.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2659) "An Act to amend the Public Health Service Act to revise and extend programs relating to the transportation of organs and of bone marrow," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mrs. KASSEBAUM, and Mr. JEFFORDS to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the resolution (H. Con. Res. 218) "Concurrent resolution setting forth the congressional budget for the United States Government for the fiscal years 1995, 1996, 1997, 1998, and 1999," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SASSER, Mr. HOLLINGS, Mr. JOHNSTON, Mr. DOMENICI, and Mr. GRASSLEY, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1226. An act to amend title 38, United States Code, to provide for the organization and administration of the Readjustment Counseling Service, to improve eligibility for readjustment counseling and related counseling and for other purposes;

S. 1402. An act to convey a certain parcel of public land to the county of Twin Falls, Idaho, for use as a landfill, and for other purposes;

S. 1512. An act to amend title 38, United States Code, to require the establishment in the Department of Veterans Affairs of mental illness research, education, and clinical centers, and for other purposes;

S. 1546. An act to amend title 38, United States Code, to revise certain administrative provisions relating to the United States Court of Veterans Appeals, and for other purposes;

S. 1930. An act to amend the Consolidated Farm and Rural Development Act to improve the administration of claims and obligations of the Farmers Home Administration, and for other purposes;

S. 2004. An act to extend until July 1, 1998, the exemption from ineligibility based on a high default rate for certain institutions of higher education;

S. 2005. An act to make certain technical corrections, and for other purposes, and

S.J. Res. 179. Joint resolution, to designate the week of June 12 through 19, 1994, as "National Men's Health Week."

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 1534) "An Act to amend title 38, United States Code, to repeal a requirement that the Under Secretary for Health in the Department of Veterans Affairs be a doctor of medicine" with amendments.

The message also announced that pursuant to section 9355(a), of title 10, United States Code, the Chair, on behalf of the Vice President, appoints Mr. EXON from the Committee on Armed Services; Mr. HOLLINGS from the Committee on Appropriations; Mr. BURNS from the Committee on Appropriations; and Mr. KEMPTHORNE, at Large; to the Board of Visitors of the United States Air Force Academy.

The message also announced that pursuant to section 4355(a), of title 10, United States Code, the Chair, on behalf of the Vice President, appoints Mr. REID from the Committee on Appropriations; Mr. SHELBY from the Committee on Armed Services; Mr. COCHRAN from the Committee on Appropriations; and Mr. PRESSLER, at Large; to the Board of Visitors of the United States Military Academy.

The message also announced that pursuant to section 6968(a), of title 10, United States Code, the Chair, on behalf of the Vice President, appoints Ms. MIKULSKI from the Committee on Appropriations; Mr. SARBANES, at Large; Mr. HATFIELD from the Committee on Appropriations; and Mr. MCCAIN from the Committee on Armed Services; to the Board of Visitors of the United States Naval Academy.

The message also announced that pursuant to sections 276h–276k, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. COVERDELL, as Vice Chairman of the Senate Delegation to the Mexico-United States Interparliamentary Group during the second session of the 103d Congress, vice Mr. GRAMM.

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
*Washington, DC, April 7, 1994.*

Hon. THOMAS S. FOLEY,
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate on Friday, March 25, 1994 at 11:50 a.m.: That the Senate passed without amendment H.J. Res. 329; agreed to the Conference Report and receded from its disagreement to the House amendment to the title on S. 1284; and agreed to the House amendment to S. 1913.

On Friday, March 28, 1994 (1) at 10:20 a.m. that the Senate passed without amendment H.R. 4122 and H. Con. Res. 230; that the Senate agreed to the House amendments to S. 476 and S. 1299; and (2) at 3:14 p.m. that the Senate agreed to the Conference Report on H.R. 1804.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
*Clerk.*

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills and joint resolution on Friday, March 25, 1994:

H.R. 3345, to provide temporary authority to Government agencies relating to voluntary separation incentive payments, and for other purposes.

S. 1284, to amend the Developmental Disabilities Assistance and Bill of Rights Act to modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individuals' rights, university affiliated programs, and projects of national significance, and for other purposes.

S. 1913, to extend certain compliance dates for pesticide safety training and labeling requirements.

H.J. Res. 329, designating March 23, 1994, as "Education and Sharing Day, U.S.A."

And the Speaker signed the following enrolled bill on Monday, March 28, 1994:

H.R. 1804, to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building and systemic changes needed to ensure equitable education opportunities and high levels of educational achievement for all students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

And the Speaker signed the following enrolled bills on Wednesday, March 30, 1994:

H.R. 4122, to temporarily extend certain provisions of the Marine Mammal Protection Act.

S. 476, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, and for other purposes.

S. 1299, to amend section 203 of the Housing and Community Development Amendments of 1978 to provide for the disposition of multifamily properties owned by the Secretary of Housing and Urban Development, to provide for other reforms in programs administered by the Secretary, and to make certain technical amendments, and for other purposes.

## APPOINTMENT OF EMPLOYEE TO REVIEW PANEL OF OFFICE OF FAIR EMPLOYMENT PRACTICES

The SPEAKER laid before the House the following communication from the Republican leader of the House of Representatives:

HOUSE OF REPRESENTATIVES,
*Washington, DC, March 30, 1994.*

Hon. THOMAS S. FOLEY,
*Speaker of the House, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to Section 7(2) of House Rule LI, I hereby appoint the following employee of the House to the Review Panel of the Office of Fair Employment Practices for the 103rd Congress:

Ms. Karen Buttaro of the Office of the House Republican Leader.

Sincerely yours,
BOB MICHEL,
*Republican Leader.*

## APPOINTMENT OF INDIVIDUALS TO COMMISSION ON CHILD AND FAMILY WELFARE

The SPEAKER laid before the House the following communication from the Republican leader of the House of Representatives:

HOUSE OF REPRESENTATIVES,
*Washington, DC, March 30, 1994.*

Hon. THOMAS S. FOLEY,
*Speaker of the House, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the provisions of Section 5(b)(1) of Public Law 102-521, I hereby appoint the following individuals to serve on the Commission on Child and Family Welfare:

Carol Statuto Bevan of Derwood, Maryland and James G. Sherman of Peoria, Illinois.

Sincerely,
BOB MICHEL,
*Republican Leader.*

## COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read, and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
*Washington, DC, March 23, 1994.*

Hon. THOMAS S. FOLEY,
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, I am transmitting herewith the resolutions (originals plus one copy) approved today by the Committee on Public Works and Transportation.

Sincerely yours,
NORMAN Y. MINETA
*Chairman.*

## APPOINTMENT AS MEMBER OF ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION

The SPEAKER. Pursuant to the provisions of section 303 of Public Law 102-164 and the order of the House of Thursday, March 24, 1994, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on April 1, 1994, did appoint the following Member to the Advisory Council on Unemployment Compensation on the part of the House to fill the existing vacancy thereon:

Ms. Ann Q. Duncan of Cary, NC.

## APPOINTMENT OF GENERAL COUNSEL TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. The Chair announces that pursuant to clause 11 of rule I he has appointed Thomas J. Spulak as general counsel to the House of Representatives, effective April 4, 1994.

## ELECTION OF CHAIRMAN OF COMMITTEE ON APPROPRIATIONS

Mr. HOYER. Mr. Speaker, I offer a privileged resolution (H. Res. 399) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 399

*Resolved*, That Representative OBEY of Wisconsin is hereby elected Chairman of the Committee on Appropriations.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## THE LATE HON. WILLIAM H. NATCHER

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, it is my sad duty to officially report to the House the passing of our dear friend and esteemed former colleague, Congressman William H. Natcher, the chairman of our Committee on Appropriations.

Bill died during the recess period, on March 29, in his 84th year. We who served with him, in my case for 24 years, in the delegation, we knew him to be what everyone knew him to be, an esteemed gentleman, a courtly man, a master of the legislative process of the House, and a devoted American and devoted father/husband/grandfather.

When we had the memorial service at the Eastwood Baptist Church in Bowling Green on the 6th of April and when we who were in the congregation—and I thank my colleagues who could attend with us—when we heard the statements rendered by the pastor of the church, Dr. Bridges, by our esteemed Speaker, Mr. FOLEY, by the President of the United States and by a longtime family friend and boyhood pal of Bill's, only then did even I, who had known him for a long time, realize the full dimension of this human being, the full breadth and the full depth of him as a human being.

It is because of that giant reach of this man that his death and his passing leave a tremendous void here in this House and, of course for us in the Kentucky delegation, a particular void.

So, in order to help fill that void, we will have a special order, which will be promulgated and noticed to all the Members who wish to take part in order that we, each of us, might be able to put in the RECORD our feelings about this great individual. But suffice it today to say that his like will not soon pass our way again.

### EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF HON. WILLIAM H. NATCHER, REPRESENTATIVE FROM THE COMMONWEALTH OF KENTUCKY

Mr. MAZZOLI. Mr. Speaker, I offer a privileged resolution (H. Res. 400) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 400

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable William H. Natcher, a Representative from the Commonwealth of Kentucky.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the decreased.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### VENISON CHILI DAY IS HERE AGAIN

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, I rise with a light heart and a blithe spirit. Tomorrow, the angels will sing and all the Earth will rejoice, for tomorrow I will once again offer my colleagues a repast fit for the Heavens.

For probably the last time in my 30-year tenure in this august body, I am delighted to announce that—because you demanded it—Venison Chili Day is here again.

On tomorrow, Wednesday, April 13, in the Democratic and Republican Cloakrooms and in the Private Dining Room, Members can enjoy a bowl of this delightful treat. Room HC–8 in the Capitol will be open for staff, and the press.

Mr. Speaker, for over 25 years, I have served 2, 3, or 4-alarm chili to my colleagues in the House. This serving will only be 2-alarm in deference to my Northern friends who may not be quite stout enough to handle a succulent bowl of authentic "Texas Red."

Mr. Speaker, let me assure you that, unlike some concoctions of ill mixture which are merely called chili, this is true pickle chili, meaning that there will be no beans in it. It is made of only the best ingredients, including prime venison from central and south Texas.

So, to all those poor, sad souls who are not blessed to hail from the Lone Star State, take heart: We have brought a little bit of Texas to the Potomac. Chili Day, 1994, my final one, is tomorrow.

### INDEPENDENCE OF ROBERT B. FISKE, JR.

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, on February 24, I announced to the Members of the House that I had authorized the Republican staff of the Committee on Government Operations to conduct a thorough review of the investigation into the death of White House aide Vincent W. Foster to determine if there had been any improper manipulation of the investigation by the White House or others. In addition to our interviews with several individuals who were at the scene of Mr. Foster's death, I have recently examined the U.S. Park Police's autopsy and ballistics reports. It is fair to say that I found no surprises in these reports, but I will reserve judgment for now and report to the House when the special counsel advises me that it would not compromise his efforts.

I have taken to the floor this morning, however, to commend the independent counsel, Mr. Fiske, for working in a cooperative way with my office in providing us with the opportunity to review vital police records currently in his custody. I am confident that the independent counsel recognizes the vital role Congress plays in overseeing the activities of the executive branch.

Throughout my dealings with Bob Fiske, Mr. Speaker, I have found him to be a man of courage, integrity, and total professionalism. I have been impressed with his independence and commitment to his duties. Whatever the outcome of his investigations, I am certain that it will reflect the efforts of an individual committed to discovering and reporting the truth.

### CANING IS EXCESSIVE, BUT SINGAPORE HAS LITTLE, IF ANY, CRIME

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, America is up in arms over the cruel and unusual sentence imposed on an American teenager in Singapore: Caning. It is painful, it is bloody, it is a whipping of the buttocks.

The crime: The American teen spray painted several cars, spray painted several cars.

Now the punishment in Singapore for spray painting cars is, in fact, caning for everybody.

Now if this would have been an American teen in our country, in any city, he would have gotten, in fact, a token fine and a stern lecture, and I do not mean from Howard Stern.

Without a doubt caning is excessive. The truth is Singapore has little, if any, crime, and most of America is Dodge City, my colleagues. Evidently America treats its criminals with kid gloves. Singapore takes the glove off.

Mr. Speaker, I say to my colleagues, "Congress, if you think Amnesty International is going to stop the crime problem in America, you're smoking dope like a lot of kids in our streets."

This is excessive, but I think we are a little too lax, my colleagues.

### THE PEOPLE OF WYOMING WANT LESS FEDERAL INTRUSION IN THEIR LIVES

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Mr. Speaker, I just spent 2 great weeks in Wyoming, as most of my colleagues have, not in Wyoming, but in their districts. I have been to places like Sundance, and Pinedale, and Albin, as well as Casper and Cheyenne, and I would like to share with my colleagues some of the renewed vision that I have of what we believe in Wyoming. Some of it has to do with crime. Interestingly enough, even that far from the inner city there is a great concern about crime. But people in Wyoming do not want us to criminalize the Federal system. There ought to be cooperation. We want to be tougher. We need to implement the criminal system. We need to have tougher penalties. We do not need to be directed by the Federal Government. It was also very clear that the people in my State do not think that gun control is going to control criminals.

Health care: Health care is very important to us in Wyoming, and people feel they need fundamental change, as I do, but they do not want a bureaucratic health care delivery program. They do not want a government-run program such as the Clinton program.

In general, Mr. Speaker, people feel as if there is too much government, too much taxes, and too much cost, and too much intrusion into their lives. We believe people can make some decisions for themselves. The Congress is a bit like a man with a hammer. Every problem is a nail. Not everything needs a Federal decision.

## CONGRATULATIONS, SHORIANS

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, of all the great basketball finishes we have seen the past few weeks, none was more exciting than the Michigan Class B Boys Basketball Championship.

The lead seesawed back and forth between Macomb County's Lake Shore Shorians and the East Grand Rapids Pioneers.

With 5 seconds left, East Grand Rapids went up by one.

But with two ticks left on the clock Lake Shore's Travis Conlan took the inbounds pass, slid down the baseline, and put up an off-balance shot from the behind the backboard that rolled around the rim and dropped through—setting off bedlam in Macomb County.

I want to congratulate Coach Greg Esler and Lake Shore High for winning the first boys basketball State title in Macomb County history.

The Shorians finished with a perfect 28-to-0 record and capped a 2-year record of 54-to-1.

I think I speak for Macomb County when I say "Congratulations, Shorians. We're all proud of you."

## SHOULD THE AMERICAN PEOPLE TRUST THE MAJORITY PARTY'S ANTICRIME PACKAGE?

(Mr. HORN asked and was given permission to address the House for 1 minute.)

Mr. HORN. Mr. Speaker, the No. 1 issue facing the Nation today, as each of us knows, is crime. In a recent public opinion poll in the city of Long Beach the voters were asked: "What concerns you the most?"

The first eight issues were some version of crime: Violence in the schools, illegal aliens, that one cannot walk out in the streets at night. The ninth was health care.

Mr. Speaker, I care a lot about health care, and so do most of my colleagues. Only 2 percent of the people said this is the most serious problem.

My colleagues will recall that a lot of us got on our feet on both sides of the aisle when the President of the United States came before us and addressed us on the State of the Union and talked about what needed to be done on crime. We thought he was talking about the bill being offered by the gentleman from Florida [Mr. MCCOLLUM] on the Republican side of the aisle, the only solid bill before the House that actually deals with the problem. But, no, the President was not. He had no bill here. Neither did his party. His party now has a bill here, and it is a pretty sad bill.

Mr. Speaker, should the American people really trust the administration, or the majority party, to come up with a tough anticrime package? The fact is they should not. The majority's answer to crime is to weaken the current law when it comes to the death penalty, and instead of clearing obstacles so we can have swift justice, they will prolong for years the legal roadblocks all the way.

Mr. Speaker, it is time for a change.

Instead of including the death penalty and appropriate procedures for drug kingpins, the Democrats on the Judiciary Committee failed to include the court-required procedures in the bill which means such a death penalty is null and void.

Mr. Speaker, it is time for a change.

Instead of including a truth in sentencing criterion which would condition Federal aid to construct State prisons, the Democrats on the Judiciary Committee rejected that approach. In 1990, court ordered confinement for violent crimes averaged 7.8 years, but the felons only served 3.1, years on the average. Republicans wanted their felons to serve 85 percent of their State time.

Mr. Speaker, it is time for a change.

When it comes to the No. 1 issue facing the country, the majority does not measure up. It is time for the minority to become the new majority. After 40 years of one-party rule, it is time for a change.

□ 1220

## HEAVY OPPOSITION FROM NRA TO CRIME LEGISLATION

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, the debate on the crime bill begins tomorrow in this House, but the national debate has already begun, and unfortunately the National Rifle Association is at it again. The NRA is sinking to the cheap shot, the smear, the big lie. I am specifically talking about this ad sponsored by the National Rifle Association.

The purposes of this full-page NRA ad, $70,000, are clear. The NRA wants to frighten the American people with the lies in this ad. The NRA wants to bully the Members of Congress with lies.

Let us be clear, the NRA ad is not about the crime bill. They have not spoken to me, the chairman of the Subcommittee on Crime, once on this issue. The truth is that our crime bill already contains an unprecedented array of tough punishment measures. Our crime bill hits violent criminals with a ton of bricks, but our crime bill is also smart, which NRA is definitely not.

Our crime bill cuts violent crime off at the roots. It protects America's children from drugs and guns and violent crime. It gives them hope.

The NRA ad is really not about gun control. It is about the ban on deadly military style assault weapons that we are going to be considering in the weeks to come. It is about a comprehensive attack on gun runners who sell thousands of guns to criminals, the subject of a bill I am introducing next week.

Mr. Speaker, I say to my colleagues that if they want to stop violent crime it should not be this ad they heed. To really attack crime, we must first, pass the crime bill now; second, pass the assault weapons ban; and third, pass the Schumer-Bradley gun bill. Let us not be intimidated by NRA's big lies.

Mr. Speaker, I say to the Members, let us stand up for reason. Support our crime bill.

## CONGRESS MUST STEP UP TO THE PLATE ON BOSNIA

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, I have maintained that United States Forces should not be committed to Bosnia, unless there is a mission with clear goals and objectives.

Over the past few weeks, United States military involvement has escalated, to the point that United States planes and bombs are making their mark on the troubled Bosnia/Serb political landscape.

Congress must debate our future military role in this region, because the Constitution mandates that Congress raise and provide for our national defense.

Yet, should our Nation's military personnel and assets, provided by the sweat and toil of our citizens, become a bargaining chip to reconcile ethnic and religious hatreds that have plagued this region for centuries?

For too long, Congress justified not debating this question because of the President's role as our foreign policy leader. But, supporting our President should not mean blind or deaf justification.

I call on the House Foreign Affairs Committee to bring to the floor a resolution, and for the leadership in this body to allow for open debate, on the future involvement of our military in Bosnia.

## A SALUTE TO FORT BENNING

(Mr. BISHOP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BISHOP. Mr. Speaker, I rise to salute the military installation in Fort Benning, GA, which was chosen by the Pentagon as this year's recipient of the coveted Commander in Chief's Award. The Commander in Chief's Award honors an installation from each military branch that stands out prominently above all other American military bases worldwide, and is considered to be the top honor for American military bases throughout the free world.

Fort Benning—home of the infantry—established in 1918 the famed U.S. Army Infantry School and is now home to the most influential infantry center in the world. We in Georgia have always known it was the best, and now this award allows the world to know that Fort Benning is the leader in the protection of democracy.

The Commander in Chief's Award shows that when the Pentagon needs the best of the best, it calls in the infantry from Fort Benning, GA.

This award reflects the unparalleled teamwork, training, and esprit de corps of every soldier, civilian, and family member that makes Fort Benning the best Army base in the world and also part of a great community—the tri-cities community of Fort Benning, Columbus, and Phenix City, AL.

I congratulate Gen. Jerry White and all of the soldiers at Fort Benning on receiving the award and making all of us in southwest Georgia and America so proud.

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## TAXGATE

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, according to news reports, the President and the First Lady paid back over $14,000 in back taxes, interest, and penalties owed to the Federal Government since 1980.

Apparently, during the so-called decade of greed, the Clintons were more greedy then they first admitted.

It's appropriate that we learn of taxgate during tax week. All over the country, the American people are preparing their tax returns, and finding ways to pay the Clinton tax increases.

Most Americans made their money the old-fashioned way, through hard work and dedication. Many small-business owners have scrimped and saved, cut costs, and layed off workers, all to pay for the President's higher taxes.

And now we find the Clinton's themselves didn't pay all of their taxes on a suspicious commodities deal that netted them $100,000 during the decade of greed.

The lesson here is simple: The President is very good at raising your taxes but forgot to pay his own.

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## SUPPORT URGED FOR TRUTH IN SENTENCING

(Ms. SCHENK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHENK. Mr. Speaker, today the Rules Committee will meet to decide which amendments to the crime bill will be made in order. While the committee has heard testimony about many worthy amendments, I want to emphasize the importance of one in particular—truth in sentencing.

Like most other Members, I spent the past 2 weeks meeting with my constituents and listening to their concerns. And the one issue that was repeatedly mentioned as the most pressing problem facing our Nation today was not health care, or the economy—it was crime. The American public is scared and they want Congress to enact a crime bill that encourages truth in sentencing. Their message was clear: more prison time for rapists and murders, less prison time for nonviolent offenders.

In California, inmates can cut their prison sentences in half with credits for good behavior or for working in prison. That means that murderers spend an average of 14 years in prison, rapists an average of 4 years, and child molesters and average of 3 years. That is right, the average child molester in California spends only 3 years in prison—the psychological damage they inflict on the child lasts a lifetime.

A truth in sentencing law will change this by conditioning Federal funds for prison construction on State laws requiring that violent criminals serve at least 85 percent of their time.

I urge colleagues on the Rules Committee to adopt a rule that will allow us to consider a smart, sensible truth-in-sentencing amendment.

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## I FORGOT

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, watching Bill and Hillary explain their finances reminds me of an old Steve Martin routine in which he explains how to make $1 million without paying taxes.

First, he says, get $1 million. Then, when the IRS comes to ask why you have not paid your taxes, remember two simple words.

I forgot.

I forgot I had $1 million. I forgot that the laws of the United States require us to pay taxes. I forgot we had laws.

Hillary forgot she made money in the commodities market. Then she forgot to pay taxes on the profit. Meanwhile, Bill forgot he bought his mother a house. Collectively, they forgot all about their wheeling-dealing ways when it came time to criticize Republicans for greed.

Yes, you cannot condemn the Clintons for their shortcomings, because, whatever it is that they did, they did not do it intentionally—they simply forgot.

Now apparently, Bill has forgotten he is President of the United States. That explains why he is still out campaigning instead of dealing with the day-to-day work that goes with the job. My advice to Bill is that he better start remembering. Otherwise, come November, the voters won't forget.

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## THE EXCITING TRANSITION IN SOUTH AFRICA

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, this great Nation is one of the few nations on the planet that is dedicated to the fact that everyone, all races and religions, can live together in diversity peacefully. We really did adopt Dr. Martin Luther King's warning during the civil rights days, that "Either we will learn to live as brothers and sisters or we will perish as fools."

Now we are seeing in South Africa another country going from the horrible, horrible background of racial apartheid of trying to move to racial diversity. It is the most exciting thing in the world to see Africans and young Americans wall to wall over there working with the millions of people who are out there trying to make this election process work.

Of course, there are many who prefer bullets to ballots. But it is our great past that says ballots are better. I think what we want to say to the people of South Africa is that no one is going to assess guilt for the past, but we are going to hold everyone accountable for and responsible to the future. That country has a tremendous future in front of it, and let us hope that the elections go on peacefully on April 27.

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□ 1230

## SPENDING CUTS ARE HERE AT LAST

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, as April 15 approaches, the American people are crying out for lower taxes. We all know that lower taxes come from lower spending.

Mr. Speaker, spending cuts are coming.

This week we will have the chance to vote for $26 billion in additional spending cuts when we vote to instruct the budget conferees. The House must vote for this important effort to show the Senate we mean business about spending cuts.

But, Mr. Speaker, that is not the only chance this House has to cut spending.

The bipartisan A-Z spending cuts plan now has 221 cosponsors—more than half the House. The Wall Street Journal says if A-Z succeeds, "Congress may never be quite the same again."

I agree. A-Z will finally give Members of this House a chance to make real votes on real spending cuts. A-Z would make Congress accountable to the people.

The Boston Herald says "for once Congress will be forced to judge each program by itself."

But perhaps a newspaper in my own district put it best when it said simply: "Right on!"

Mr. Speaker, spending cuts are here at last. Vote "yes" on $26 billion cuts now, and vote "yes" on A-Z later.

## SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

## TRIBUTE TO THE HONORABLE WILLIAM H. NATCHER

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, I come to the well today to pay my respects to our recently departed colleague, WILLIAM NATCHER of Kentucky. Throughout his long and distinguished career, he was an example of public service at its best. In over 40 years of service, he never missed a vote until his final illness. As a powerful appropriations cardinal, he abhorred pork barrel earmarks, he attempted to restrict funding to only those programs and projects which were duly authorized, and he consistently brought his legislation to the House floor under an open rule allowing for free and fair debate. He served his State and his Nation with distinction. His memory will live on as an example to us all.

## FRIDAY THE 15TH

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, Friday the 13th has always been considered a day of bad luck by the superstitious. In fact, there was a series of bad movies based on that premise.

This Friday, however, is a day of bad luck for everyone, and that is no superstition. It may not be Friday the 13th, but to the American taxpayer it's still a day of bone-chilling horror.

This April 15, the first round of the Clinton taxes are due. While the IRS is not made up of crazed serial killers, it is under orders from the President and the Democratic majority to collect the largest tax increase in history. And this forced collection may kill our economic recovery.

Mr. Speaker, Friday the 13th movies were far-fetched horror fantasies meant to entertain and scare moviegoers.

The President's Friday the 15th fiasco is a real life tragedy which will hurt the economic growth, punish middle class business owners and cause future job losses.

## A NEW DEMOCRAT BUT THE SAME OLD STORY

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, President Clinton is seriously considering appointing Senator GEORGE MITCHELL to the Supreme Court.

This is the same President who asked for votes because he was a new Democrat, and this is the same Senator who has a 94-percent liberal voting record.

The President calls himself a new Democrat but once again it is the same old story: a liberal answer for every question. And in this case a liberal answer for years to come.

Not only does the President want a liberal on the Court, he is willing to go to any length to get one, even to the point of having to circumvent the Constitution.

Amendment 1 of the Constitution prevents an individual from being appointed to the Supreme Court if he or she has voted to raise the Supreme Court members' salaries, as Senator MITCHELL has done.

This same provision prevented President Reagan from appointing Senator ORRIN HATCH to the Court over 10 years ago.

And this is another example of what the President promises being different from what he delivers.

How many times are we going to hear different stories about political philosophy, taxes, and financial dealings?

It is getting so bad, we do not know whom to trust or whom to believe in this administration.

## CRIME A MAJOR CONCERN TO CONSTITUENTS

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, over our Easter break I had the occasion to talk to constituents and others about the issues that are of concern to them in America. I had an occasion to spend several hours with a couple from Youngstown, OH, Lou and Christy Lyras, who expressed to me their concern about crime, carjackings in Youngstown, and gang violence that is increasing. Lou, a physician in an emergency room at a hospital in Youngstown, talked about gunshot wounds in those who come to the hospital.

The reason I relate this experience to all of you, a story that you have heard from many of your constituents, is this: It was the fear in their voice, the fear in their minds about living in American and the crime that is rampant in our neighborhoods. They do not live in an inner-city neighborhood, they live in the suburbs, and they are afraid. And their message to me and the message from my constituents to you, my colleagues, is that the American people want to feel safe. They want something done about crime. They want swift and sure punishment for those who are wreaking havoc on our society.

## NO UNFUNDED MANDATES ON CRIME BILL

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, as we debate the crime bill this week, I ask my colleagues to consider the views of Sharpe James, mayor of Newark, NJ. According to Mayor James, the average U.S. municipality spends about 11 percent of its budget on public safety, and 11 percent on unfunded Federal mandates. He said;

> The crime bill says we'll give you 100,000 police officers. If they were to remove the burden of unfunded federal mandates, they wouldn't have to give us the officers. We could hire them ourselves.

When will this Congress start to heed the real life experiences of the people who must obey our dictates?

When will this Congress realize that one-size-fits-all regulations, handcuff States and municipalities, thereby robbing them of their capacity to spend their tax dollars as local taxpayers see fit?

Promising 100,000 new police officers to U.S. cities is a feel good measure that doesn't address the core problem: Unfunded Federal mandates take away everyone's ability to establish priorities. The needs of States, cities, and families play second fiddle to the often arbitrary rules handed down by Congress and the bureaucracy.

Mr. Speaker, it is time for Congress to step up to the plate and make the tough decisions. If this Congress wants to mandate certain actions, it should provide the necessary funding, if not, it should leave those decisions to local officials.

## BOSTON TAXPAYERS' TEA PARTY

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, there will be a taxpayers' tea party on April 15, this Friday, in Boston. It will partly be in honor of a new book called "Taxpayers Tea Party" by one of my constituents, Sharon Cooper, and Chuck Asay of the Colorado Springs Newspaper. It has an introduction by Rush Limbaugh.

I want to recommend "Taxpayers' Tea Party" to all my colleagues, because it is about term limits in a lot shorter timeframe. It is essentially a story about people who are mad over last year's tax increase and decided to get even by spending an amount equal to the tax increase as an independent expenditure against folks who voted to raise their taxes.

I think all of my colleagues will find "Taxpayers' Tea Party" an interesting book. I think this Friday across the country as people pay their taxes, they will be thinking about a taxpayers' tea party, and a number of us will be in Boston with Sharon Cooper talking about the concept of a taxpayers' tea party.

☐ 1240

## REDUCING THE DEFICIT

(Mr. ALLARD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ALLARD. Mr. Speaker, this week the House will have the chance to cut $26 billion in spending.

Once again the American people will find out who really wants to cut the deficit and who just wants to talk about the deficit.

The Penny-Kasich-Stenholm motion to instruct will be an excellent chance for constituents to determine whether their Congressman should be retained or replaced in November.

A vote for this motion will be a vote to cut the deficit by $26 billion, a vote against the motion will be a vote to add $26 billion to the deficit.

Last month Congress rejected the balanced budget amendment. Many of the opponents said, "We don't need a constitutional amendment, we can just cut spending." Well here is the test, $26 billion more, or $26 billion less. I vote for less.

## THE CLINTON ADMINISTRATION ON BURMA

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, as seldom as this happens, I would like to rise today to compliment the Clinton administration from this side of the aisle. The compliment I would like to give the Clinton administration is recently acknowledged that the Clinton administration will be having a tough policy toward the Government of Burma, the dictatorship of Burma, rather than a conciliatory approach to this dictatorship.

The word is out that instead of trying to cooperate with this group of gangsters that are strangling the life out of their own people that this administration has instead chosen to be tough with these people who are in control and say, instead, the United States is for freedom. We are on the side of the people instead of the side of the dictatorship.

There have been many in this town who have been asking for cooperation with the dictatorship in Burma especially over drug eradication. There are many drug lords in the northern part of Burma.

What the people of Burma know and what many people who are opposed to the dictatorship know is that the government is working hand-in-hand with the drug lords. We need to be struggling against those drug lords, and that means taking a firm stand for democracy, because when the people are in charge of the government, they will get rid of the drug lords in Burma.

I commend the Clinton administration for this stand for democracy and freedom in Southeast Asia.

## THE MICHEL-LOTT AFFORDABLE HEALTH CARE NOW BILL

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, every time someone from the other side of the isle takes the floor to discuss health care, they accuse the Republicans of having no health care plan of our own.

This is just not true.

The Michel-Lott affordable health care now bill was introduced before the Clinton plan and has the most cosponsors of any health proposal.

Our bill fixes what's wrong and keeps what's right with our health care system.

It is a commonsense solution that creates a health insurance system that is private, portable, and affordable.

Mr. Speaker, we do not have to build a new bureaucracy. The Michel-Lott bill can be enacted now, and we can start to help people now.

Let us not wait years for the implied results of the Government-run Clinton health care plan.

## AIR STRIKES IN BOSNIA

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, it is inconceivable to me that this country could commit U.S. forces, men and women, on an air strike and not know anything about it until after the fact.

I watched the Secretary of Defense last night being interviewed where our Secretary of Defense nor the Commander in Chief, President Clinton, knew about the Bosnian air strike until after the fact.

The excuse was that they signed a pact with the United Nations so that those strikes could take place. It is inconceivable, as a former military guy, that our country could commit our troops without our Government even knowing about it, not just Russia, not just France, but the United States.

Remember who got us into Vietnam, Mr. Speaker. Let us not make the same mistake twice.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 4 p.m. today.

## SUSPENDING DUTY ON PERSONAL EFFECTS OF PARTICIPANTS IN CERTAIN INTERNATIONAL ATHLETIC EVENTS

Mr. ROSTENKOWSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4066) to suspend temporarily the duty on the personal effects of participants in, and certain other individuals associated with, the 1994 World Cup Soccer Games, the 1994 World Rowing Championships, the 1995 Special Olympics World Games, the 1996 Summer Olympics, and the 1996 Paralympics, as amended.

The Clerk read as follows:

H.R. 4066

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TEMPORARY DUTY SUSPENSION FOR PERSONAL EFFECTS OF PARTICIPANTS IN CERTAIN WORLD ATHLETIC EVENTS.**

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

| | | | | | |
|---|---|---|---|---|---|
| "9902.98.04 | Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of , or accredited members of delegations to, the 1994 FIFA World Cup Games, the 1994 World Rowing Championships, the 1995 Special Olympics World Games, the XXVI Summer Olympiad, and the 1996 Atlanta Paralympic Games, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with the foregoing events by or on behalf of the foregoing persons or the organizing committees of such events; articles to be used in exhibitions depicting the culture of a country participating in any such event; and, if consistent with the foregoing, such other articles as the Secretary of the Treasury may allow | Free | No change | Free | On or before 11/30/96". |

(b) TAXES AND FEES NOT TO APPLY.—The articles described in heading 9902.98.04 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall be free of taxes and fees which may be otherwise applicable.

**SEC. 2. EFFECTIVE DATE.**

(a) GENERAL RULE.—The amendment made by this Act applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request (which includes sufficient information to identify and locate the entry) filed with the Customs Service on or before the date that is 180 days after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article described in heading 9902.98.04 of the Harmonized Tariff Schedule of the United States (as added by section 1) that occurred—

(1) after December 31, 1993, and before the date which is 15 days after the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendment made by section 1 applied to such entry or withdrawal.

shall be liquidated or reliquidated as though such amendment applied to such entry or withdrawal.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. CRANE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4066, as amended.

The events covered by this bill are the World Cup soccer games starting in Chicago in June 1994, to be held in nine venues throughout the United States; the 1994 World Rowing Championships in Indianapolis in September 1994; the Special Olympics world games in New Haven, CT, in July 1995; the Summer Olympics in Atlanta in 1996; and the 1996 Atlanta Paralympic games.

Thousands of athletes and officials from hundreds of countries will be bringing in equipment and materials for these events and for related cultural exhibitions. H.R. 4066 will greatly assist these events by eliminating a requirement to post bond for temporary entry that might otherwise be necessary in some cases. Most other countries provide this service for major international sporting events. The Congress enacted similar legislation for the 1984 Summer Olympics, the 1990 Goodwill games, and the 1993 World University games.

We have amended the bill to make clear that the duty exemption only applies to articles not intended for sale or distribution to the public.

The Congressional Budget Office estimates that H.R. 4066 will cause no change in Federal Government receipts.

This bill has widespread support on both sides of the aisle. I strongly urge my colleagues to pass this noncontroversial measure quickly so that it may be enacted in time to benefit the World Cup soccer games and other events to be held in the coming months.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4066, a bill to suspend the duty on personal effects and equipment of athletes entering the United States in order to participate in five international sporting events: The 1994 World Cup soccer games, the World Rowing Championships, the Special Olympics world games, the 1996 Summer Olympics, and the 1996 Paralympics.

This bill will cause no change in revenue receipts since the articles it affects would ordinarily enter duty free under exemptions contained in current law. By simplifying entry procedures for athletes, and making it unnecessary for them to post bond for the importation of their sports equipment, H.R. 4066 is a concrete expression of our goodwill, friendship, and support for these games.

The impact that these athletic tournaments have on the host regions, and on the individuals involved, their friends, and the families who come to cheer them on, is exciting and uplifting. Staffed by tens of thousands of volunteers and professionals dedicated to the advancement of athletics in this country, each of these five events will be celebrated in its own right.

I am pleased, however, that we could reach agreement to act expeditiously on this legislation, because it is especially important to the smooth operation of the 1994 World Soccer Cup, which will be played in my State of Illinois, and eight other States, beginning on June 17. Currently undergoing a major renovation, Chicago's Soldier Field stadium will host the opening match between the defending German champions and the Bolivian team.

Studies indicate that the 1994 World Soccer Cup will generate upwards of $4 billion in economic activity due to associated expenditures on hotels, restaurants, and shopping by those traveling in the United States to attend. Estimates are that more than $230 million will flow directly into the Chicago area as a result of the matches being held there.

One hundred and forty-one nations have entered the 1994 World Cup. It is expected that 22 teams will qualify to compete in the United States. This is the world's largest single-sport event, and the trophy is more coveted worldwide than prizes from any other athletic contest. In our country, soccer vies with football, basketball, and baseball for attention, but it is important to remember how popular the sport of soccer is in other cultures. For example, more than one billion people watched the 1990 World Cup final on television, three times as many people as watched the 1969 landing on the moon. Approximately 31.2 billion people are expected to view at least one of the 1994 World Cup Soccer matches on TV this summer.

The other events covered by H.R. 4066, such as the World Rowing Championships and the 1996 Summer Olympics, are meritorious as well. I urge favorable approval to this legislation because it is a symbol of our support, hospitality, and commitment to those who came to the United States to participate in these important athletic events.

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Mr. Speaker, I reserve the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Speaker, I support this legislation and express my gratitude to the gentlemen from Illinois for their work on this bill.

This year Indianapolis, which claims to be the world capital of amateur sports, and may be, at that, was happy to host the Pan American Games a few years ago in the 1980's. Now we shall be happy to host the world championship rowing games. They are in Indianapolis.

Some of my friends asked me if I thought I had enough pull in Congress to arrange to make the equipment that they bring in for this contest duty-free, so I went to Washington and floated the idea with the gentlemen from Illinois, Mr. ROSTENKOWSKI and Mr. CRANE, and other members of the Committee on Ways and Means, and today the bill has surfaced.

I am very grateful to my colleagues for assisting in this effort. I think it is probably about as good a diplomatic thing as we can do to show comity among nations and to encourage nations to compete on the athletic field, instead of competing for how efficiently they can slaughter each other.

Mr. HAMILTON. Mr. Speaker, I rise today in support of H.R. 4066, a bill which would grant duty waiver to five international athletic events to be held in the United States over the next 2 years. One of these events, the 1994 World Rowing Championships, will be held in Indianapolis, IN, this September.

This will be an exciting event for the city of Indianapolis and my home State of Indiana. It marks the first time that the World Rowing Championships will be held in this country. For 7 days the world's best men and women rowers will be competing at the Eagle Creek Reservoir in 23 different events. More than 1,000 athletes from around the world are scheduled to participate.

U.S. teams have had increasing success in recent World Championship competitions. Rowing enjoys a rich tradition in this country and our athletes continue to perform with distinction. This year's events will be very competitive as crews begin preparations for the 1996 Summer Olympics.

Event organizers expect more than 250,000 spectators to come to Indianapolis for the competition. The city has become a mecca for amateur sports, and visitors will enjoy the state-of-the-art facilities as well as our famous Hoosier hospitality.

USRowing is headquartered in Indianapolis. The organization has worked hard to bring this exciting event to the United States. I am pleased to be associated with its success. I join the rest of my Indiana colleagues in wishing all the athletes well.

Mr. BURTON of Indiana. Mr. Speaker, I would like to join my colleagues in supporting H.R. 4066, legislation which will grant duty waiver for several sports events, including the 1994 World Rowing Championships.

From September 11–18, Indianapolis, IN will host the World Rowing Championships—the first time ever the event has been held in the United States. Over 1,000 men and women from more than 40 countries will be competing.

Top rowers from every continent will assemble on Eagle Creek Reservoir, which is the only internationally certified racing course in the United States, to compete in 23 events.

This legislation will enable competing teams to enter the United States without having to post bond on the racing equipment they will be bringing into the country. Racing shells, measuring more than 60 feet for 8-man crews, are worth more then $15,000 each without oars. Eliminating this expense and some of the associated redtape, lifts an enormous burden from all the teams, especially from less well off nations where the travel and shipping costs alone pose a considerable hurdle.

I commend the Ways and Means Committee for acting so expeditiously on this legislation which is an important courtesy to the competing athletes.

I also commend the organizers at USRowing for bringing this exciting event to Indianapolis. Amateur sports have played a major role in the revitalization of Indianapolis and I look forward to welcoming visitors from around the world to the world Championships in September.

Mrs. KENNELLY. Mr. Speaker, today the House considers important legislation, H.R. 4066, which would temporarily suspend duty on the personal effects of athletes participating in five international sporting competitions: the 1994 World Cup soccer games, the 1994 World Rowing Championships, the 1996 Summer Olympiad, the 1996 Paralympics, and the 1995 Special Olympics World Games.

These last games are very close to my heart. Not only will they be held in my home State of Connecticut, but they represent a unique effort in the world of sports. The Special Olympics offer the opportunity to participate in Olympic-level competition against the best in the world—and to display to a global audience the extraordinary gifts of the competitors.

The 1995 Special Olympics World Games are expected to be the largest sport event of 1995, and the largest sporting event ever held in Connecticut. For 9 days in July 1995, this small State will grow in size and spirit as the world joins us to witness the courage and achievement of Special Olympians from around the globe. Over 6,000 athletes from more than 125 countries will participate in events from aquatics to volleyball. In addition, large numbers of international visitors are expected to travel to the United States in connection with the games.

About half of the 6,700 athletes will come from overseas, as will half the coaches. They will bring with them family members, officials, delegation heads, dignitaries, and media. Together with U.S. representation, more than half a million people are expected to attend the games.

The Special Olympics has evolved into an international movement—one that transcends nationalities, political philosophy, gender, age, race, and disability. At a time when in our history when civil conflict divides so many nations, these competitions celebrate sportsmanship and cooperation. The Special Olympics truly demonstrate the strength of the human spirit and the joy and pride of accomplishment.

For Special Olympics athletes and for those participating in the other events, suspension of duties relieves what could be a heavy financial burden. Duties on uniforms and equipment, which are often donated, could all but bankrupt some teams, particularly those from developing countries. Beyond that, suspension of duties on these goods is also a way to demonstrate the warm welcome extended to foreign competitors by the U.S. Government, and the good will extended by the American public.

One final note: I am very pleased that, by offering Special Olympians the same treatment afforded other athletes, we are complying with both the letter and the spirit of the Americans With Disabilities Act. In the eyes of this committee, and in the eyes of the Commissioner of Customs, there will be no difference between disabled and nondisabled competitors. They are all athletes. I believe this is an important precedent to set.

I thank Chairman ROSTENKOWSKI, Chairman GIBBONS and the Committee on Ways and Means for moving expeditiously on this bill and I urge my colleagues to support H.R. 4066.

Mr. REYNOLDS. Mr. Speaker, I rise in strong support of enactment of H.R. 4066, introduced by Chairman ROSTENKOWSKI, and to which I am an original cosponsor.

H.R. 4066 would suspend duty on the personal effects of participants in international sporting events.

Mr. Speaker, the World Cup is coming to Chicago this June. I introduced legislation to suspend the duty on the personal effects of participants in the World Cup. That legislation has been incorporated into H.R. 4066.

The World Cup is the single largest sporting event in the world. Chicago, and eight other metropolitan areas are hosting it for the first time. The Department of Commerce estimates the revenue impact of the games to the Nation will be a staggering $4 billion. In addition, we expect a total of 1.5 million international visitors to visit our shores for the games. Needless to say, the World Cup will be a tremendous boost for the economy of the United States in general, and Chicago in particular.

Hosting the World Cup is a great opportunity for Chicago and the Nation. For soccer fans, and those who will see world class level soccer in the United States for the first time, it promises to be an exciting tournament.

I thank the chairman for his efforts to enact this legislation. Similar legislation has been enacted in the past for the 1984 summer Olympics in Los Angeles, as well as the World University games and the Pan-American games.

The Congressional Budget Office estimates that this bill would cause no change in Federal Government receipts. This bill merely simplifies the entry procedure and avoids the necessity of posting bonds.

I urge my colleagues' support for passage of H.R. 4066.

Mr. SHARP. Mr. Speaker, I rise today to call special attention to H.R. 4066, legislation which would suspend temporarily the duty on the personal effects of participants in the 1994 World Rowing Championships that are being held at Eagle Creek Reservoir in Indianapolis, IN, from September 11 to 18.

This event marks the first time the world rowing championships have been held in the United States and I am proud to have the Hoosier State hosting this historic event. The championships evolved from the European championships which were first held in 1893 and have occurred every year since. Competing will be more than 1,000 athletes—both men and women—from more than 40 countries.

Rowing has a long history in America. Watermen carrying cargo in the New York Harbor used to race for prestige; the fresh produce carriers versus the carriers of the dry goods. It quickly caught on as a great spectator sport. And the tradition continues today as the "Head of the Charles" now attracts over 250,000 spectators.

It is my pleasure to support this legislation which has become part of an omnibus sports event duty free bill. Although this bill includes other highly respectable amateur competitions being held in the United States this decade, it is particularly important to rowing because of the expensive equipment it requires. Waiving the bond requirement for the equipment relieves the competing teams of an unnecessary expense and eases their entry into the United States.

Again, I would like to express my excitement over the 1994 World Rowing Championships and invite all my colleagues, rowers and nonrowers, to visit the beautiful city of Indianapolis and become spectators to this event.

Mr. MYERS of Indiana. Mr. Speaker, I would like to join my colleagues by adding my support for H.R. 4066, which would establish a duty waiver for the 1994 World Rowing Championships in Indianapolis.

This year, the United States will host the rowing championship for the first time in the event's history. From all over the world, more than 1,000 male and female athletes will compete on Eagle Creek Reservoir in Indianapolis on September 11–18, 1994. Like the other world-class athletes who have competed in events in Indianapolis, they will enjoy the contemporary facilities and generous hospitality that has made Indianapolis one of America's premier sports cities.

Competitive rowing in America dates back to the 1800's and has grown nationwide in recent years with numerous competitive rivalries. In addition to being the home of the United States Rowing Association, Indianapolis also boasts numerous school and collegiate rowing programs that are among the finest in the Nation.

More than 250,000 fans are expected to watch the race on Eagle Creek Reservoir, which is part of the largest city-owned park in America. Twenty-three events will be featured, from single shells to eight-man crews.

This legislation, in addition to smoothing the entry process for the athletes and their equipment, will waive the requirement that visiting teams post bond on the boats and oars they bring with them. This will be of great assistance to the visiting crews, many of whom come from countries that already are overwhelmed by the cost of travel to and lodging in the United States

I invite you to come to Eagle Creek Reservoir in Indianapolis in September to see the fastest men and women rowers in the world.

Mr. CRANE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the bill, H.R. 4066, as amended.

The question was taken.

Mr. ROSTENKOWSKI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

## BYRON WHITE UNITED STATES COURTHOUSE

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3693) to designate the U.S. courthouse under construction in Denver, CO, as the "Byron White United States Courthouse."

The Clerk read as follows:

H.R. 3693

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The United States courthouse being constructed through renovation of the old post office building in Denver, Colorado, shall be known and designated as the "Byron White United States Courthouse".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the courthouse referred to in section 1 shall be deemed to be a reference to the "Byron White United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, President John F. Kennedy appointed Judge Byron R. White to the U.S. Supreme Court in 1962. His distinguished service on the Court continued over three decades, until 1993. Justice White was the only native son of Colorado to serve on the Supreme Court. Not only was he an outstanding scholar, he was also a highly skilled athlete. Justice White was revered for his detailed knowledge of the U.S. Constitution, and for his balanced approach to many of the the sensitive and controversial issues of the 1960's. Justice White is an exemplary jurist, skilled author, and outstanding lawyer, Consequently, it is a fitting and appropriate honor that this United States courthouse be named after Judge White.

This bill has my enthusiastic support, and the bipartisan support of the committee. I urge adoption of H.R. 3693.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all I want to thank my good friend, the gentleman from Ohio [Mr. TRAFICANT] for the very kind and bipartisan way in which he conducts the business of this subcommittee. He certainly, I think, has been an outstanding chairman of this subcommittee, and it is a pleasure to work with him on this and on so much other legislation which comes before this House.

Mr. Speaker, I am pleased to support the naming of the Federal courthouse being constructed in Denver, CO in honor of Associate Justice of the U.S. Supreme Court the Honorable Byron White.

Justice White, until his retirement from the Court in 1993, served our Nation with great distinction as a member of the U.S. Supreme Court.

Prior to his nomination to the Supreme Court by President Kennedy, Justice White practiced law for 15 years in Denver, CO. From 1961–1962 Mr. White was Deputy Attorney General at the U.S. Department of Justice.

Justice White graduated from Yale Law School and attended Oxford University as a Rhodes scholar.

Many people remember Justice White as "Whizzer" White as an All-American halfback at the University of Colorado and a professional football player with the Pittsburgh Steelers and the Detroit Lions.

I join the sponsor of this legislation, Congressman SCHAEFER, in urging the passage of H.R. 3693.

Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Speaker, I thank my good friend's, the gentleman from Ohio [Mr. TRAFICANT] and the gentleman from Tennessee [Mr. DUNCAN].

Mr. Speaker, I, along my colleague from Colorado SCOTT MCINNIS, rise in strong support of H.R. 3693, legislation that would name the new Federal courthouse in Denver, CO, after Supreme Court Justice Byron White, who after 31 years of distinguished service, retired from the Court in July 1993.

Justice White is a native Coloradan and the only citizen of our State to serve on the U.S. Supreme Court. As a representative of our State, we could of asked for no better—for, throughout his life, Byron White has exemplified excellence in every endeavor he has undertaken.

He excelled in academics, attending the University of Colorado, obtaining a Rhodes scholarship to Oxford and attending Yale Law School. He also made his homestate proud by leading the University of Colorado football team as an All-American athlete to the Cotton Bowl. He then went on to play in the National Football League for the Pittsburgh Pirates, now the Steelers, and the Detroit Lions. He eventually was inducted into the National Football Foundation Hall of Fame.

During World War II, he served his country as a naval intelligence officer. He earned two Bronze Stars and a Presidential Unit Citation.

After attending Yale Law School, he started is legal career as a clerk for then-U.S. Supreme Court Chief Justice Fred Vinson, before returning to practice law at a prestigious Denver firm.

He began his involvement in politics working for John F. Kennedy's Presidential campaign and then served as his Deputy Attorney General. Kennedy nominated White to the Court in early 1962. The Senate Judiciary Committee questioned White for 15 minutes and confirmed by a voice vote later that same day, April 11, 1962.

Throughout his service on the Court he remained true to his western origins and self-reliant nature. Lawyers arguing cases were often asked yes-or-no questions and Justice White expected yes-or-no answers. Through witnessing some of the most divisive and emotional cases in this Nation's history, Justice White remained a strong voice of reason, true to his vision of the Constitution.

Mr. Speaker, Justice White has served his country well and his distinguished service has made his homestate proud. I ask my colleagues to join me today in honoring Justice White by designating the new Federal courthouse in Denver, CO, the "Byron White Federal Courthouse."

Mr. MINETA. Mr. Speaker, I rise in support of H.R. 3693 to designate the U.S. Courthouse under construction in Denver as the "Byron White United States Courthouse."

Byron White was born in Fort Collins, CO, in 1917. He attended high school in Wellington, CO, from which he graduated valedictorian. He was a varsity football player and student body president at the University of Colorado, where he earned his bachelor's degree. In 1946, he earned his L.L.B. from Yale Law School.

Byron White distinguished himself as a professional athlete, Rhodes Scholar, naval officer, deputy attorney general, and most notably, as a Justice on the U.S. Supreme Court. He will be remembered on the Court for his great skill in oral argument. During his tenure on the Supreme Court, Justice White ruled on issues such as Miranda, affirmative action, and school desecration.

Because of Justice White's great service to his country, I urge adoption of H.R. 3693 to designate the U.S. Courthouse under construction in Denver as the "Byron White United States Courthouse."

☐ 1300

Mr. DUNCAN. Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I want to associate myself with the remarks of the previous speaker and commend the gentleman from Tennessee [Mr. DUNCAN] for his work on the committee.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question in on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 3693.

The question was taken.

Mr. TRAFICANT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

## GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## EDWARD J. SCHWARTZ COURTHOUSE AND FEDERAL BUILDING

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3770) to designate the U.S. courthouse located at 940 Front Street in San Diego, CA, and the Federal building attached to the courthouse as the "Edward J. Schwartz Courthouse and Federal Building."

The Clerk read as follows:

H.R. 3770

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The United States courthouse located at 940 Front Street in San Diego, California, and the Federal building attached to the courthouse shall be known and designated as the "Edward J. Schwartz Courthouse and Federal Building".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the courthouse and Federal building referred to in section 1 shall be deemed to be a reference to the "Edward J. Schwartz Courthouse and Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, This legislation will honor Judge Edward J. Schwartz for his long and distinguished judicial career. He began his legal career as a jurist in 1959 with an appointment to the municipal bench by Governor Pat Brown. Judge Schwartz was appointed to the Federal bench in 1968 by President Johnson, becoming the first judge in the newly created District of Southern California. He was the district's chief judge for 13 years and now even at age 81, Judge Schwartz still tries cases.

Judge Schwartz is beloved by the San Diego legal community, having served for decades with dignity and distinction. I urge adoption of H.R. 3770 and I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support the naming of the U.S. courthouse in San Diego, CA, in honor of Federal District Judge Edward J. Schwartz.

Judge Schwartz was appointed Federal district judge in 1968 and served with great distinction as chief judge for the southern district of California from 1969 to 1982.

Judge Schwartz received his law degree from San Francisco Law School. Judge Schwartz has received numerous awards in recognition of his distinguished legal career.

At age 81, Judge Schwartz still carries a full case load, in one of the busiest judicial districts in the United States.

It is fitting that this courthouse be named after Judge Schwartz since many regard him as the primary force behind the building of this facility.

I am proud to join the sponsor of this legislation, Congresswoman SCHENK, urging the passage of H.R. 3770.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. SCHENK], who is the sponsor of this naming bill.

Ms. SCHENK. Mr. Speaker, I thank the gentleman for yielding this time.

Mr. Speaker, I also want to take a moment to thank Chairman TRAFICANT and Chairman MINETA for their efforts to move this bill expeditiously.

Mr. Speaker, it is my great privilege to rise in support of H.R. 3770, which will name the San Diego Federal Courthouse, the "Edward J. Schwartz Courthouse and Federal Building."

Judge Schwartz is truly a legend in the San Diego legal community. He began his long and distinguished career as a jurist in 1959 when one of California's greatest Governors, Pat Brown, appointed him to the municipal court bench.

In 1968, when the U.S. Senate confirmed President Johnson's nomination of Judge Schwartz to the Federal bench, he became the first judge appointed to the district court for the southern district of California.

From 1969 until 1982, Judge Schwartz served as chief judge for the southern district. At the time he was appointed chief judge, the district court occupied a very old and dilapidated post office building where I was sworn in as a new lawyer many years ago. Judge

Schwartz led the campaign to build an appropriate Federal courthouse and Federal building in San Diego.

But his involvement with the new courthouse did not end securing Federal funding. Judge Schwartz was so committed to this project that he actually supervised the planning and construction of the building. Many in the San Diego legal community believe that the current courthouse is a testament to the initiative, dedication, and tenacity of Judge Schwartz.

For 13 years, Judge Schwartz guided the district court with dignity, grace, loyalty to the court and loyalty to the judicial branch of government. Under his leadership, the southern district grew from a small satellite of Los Angeles to one of the busiest judicial districts in the country.

Judge Schwartz has devoted his life to the court, to San Diego, and to his country. Remarkably, at age 81 he still continues to try cases. He is a fair, thoughtful and respected jurist and I believe that naming the courthouse after him would be a very fitting way to honor his many years of distinguished public service. My efforts to name the courthouse after Judge Schwartz are supported by the San Diego Federal Bench, by the San Diego Chapter of the Federal Bar Association, and indeed by the entire legal community.

Once again, I thank the gentleman for helping bring this bill to the floor.

Mr. DUNCAN. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I am pleased to rise in strong support of H.R. 3770. This legislation designates the U.S. courthouse and Federal building in San Diego as the "Edward J. Schwartz Courthouse and Federal Building." This designation honors a pillar of the San Diego community and recognizes the important contributions that Judge Schwartz has made to the legal community in the State of California.

Judge Schwartz began his distinguished career on the bench in 1959, when the Governor of California, Pat Brown, first appointed him to the municipal court bench. Judge Schwartz is revered by members in the legal community for his commanding knowledge of the law. In 1968, he was nominated by President Johnson to the Federal bench. Following his confirmation by the U.S. Senate, he continued to serve the California legal community.

In fact, Judge Schwartz, who recently celebrated his 81st birthday, still tries cases today. He has selflessly served both the citizens of California and the Federal Government for over 35 years.

H.R. 3770 is a most appropriate way to recognize the contributions of an outstanding jurist.

Mr. Speaker, again I rise in support of this legislation, and I strongly urge my distinguished colleagues to join me in recognizing the significant contributions of Judge Edward J. Schwartz to San Diego, CA, and the legal profession.

Mr. MINETA. Mr. Speaker, I rise in support of H.R. 3770 to designate the U.S. courthouse at 940 Front Street in San Diego, CA and the Federal building attached to the courthouse as the "Edward J. Schwartz Courthouse and Federal Building."

Edward Schwartz was raised in San Diego, graduated from University of California at Berkeley and San Francisco Law School. He served as a lieutenant commander in the Second World War and graduated from the Naval War College in 1943.

In 1968 President Lyndon Johnson appointed him to the U.S. District Court for the Southern District of California. Judge Schwartz served as chief judge on the court from 1969 to 1982. At that time, he assumed senior status and, at the age of 81, continues to hear cases.

Because of Edward Schwartz's distinguished career as a Federal judge, I urge adoption of H.R. 3770 to designate the U.S. courthouse and attached Federal building in San Diego as the "Edward J. Schwartz Courthouse and Federal Building."

□ 1310

Mr. DUNCAN. Mr. Speaker, I urge passage of this bill, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I urge adoption of H.R. 3770, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and press the bill, H.R. 3770.

The question was taken.

Mr. TRAFICANT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

## GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3770, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## FREDERICK C. MURPHY FEDERAL CENTER

Mr. TRAFICANT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1206) to redesignate the Federal building located at 380 Trapelo Road in Waltham, MA, as the "Frederick C. Murphy Federal Center."

The Clerk read as follows:

S. 1206

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REDESIGNATION.**

The Federal building located at 380 Trapelo Road in Waltham, Massachusetts, and known as the Waltham Federal Center, shall be known and designated as the "Frederick C. Murphy Federal Center."

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Frederick C. Murphy Federal Center."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation will honor Frederick C. Murphy, a genuine American hero in World War II. Frederick Murphy, an Army medic, was tragically killed on March 8, 1945, during a battle on the Siegfried line in Germany while valiantly helping his fellow soldiers who were wounded. At the time of his heroic actions he himself was mortally wounded. He was posthumously awarded the Congressional Medal of Honor for his extraordinary courage.

Mr. Speaker, several of my constituents served with Pfc. Murphy in the 65th Infantry Division and they can attest to his bravery and courage. Those constituents are:

James Shook of Youngstown; D.K. Majors of Youngstown, Rudolph Benetsky of Youngstown, Robert Jones of Youngstown, Frank Smith of Youngstown, James Marmagine of Austintown, and James Goldner of North Jackson.

Frederick C. Murphy's great courage, personal valor, and disregard for himself in face of great danger is an example to all of us. It is fitting and proper to name this Federal building at 380 Trapelo Rd. in Waltham, MA, after Mr. Murphy.

This bill has broad bipartisan support at the subcommittee and full committee levels. I urge adoption of S. 1206.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support the naming of the Federal building in Waltham, MA, as the "Frederick C. Murphy Federal Center."

Mr. Murphy, a native of Massachusetts, is a distinguished American who has been honored with one of this Nation's most prestigious awards, the

Congressional Medal of Honor. This honor was bestowed on Mr. Murphy for heroic acts during World War II.

We often honor our fellow Americans for various reasons. But those who answer the call to duty and risk their lives on the battlefield to preserve the liberties and freedoms we enjoy in this Nation are special to all of us.

The naming of the Federal building in Waltham, MA, is one more way we can honor Mr. Murphy and his family for the sacrifice he made on behalf of all Americans. I am proud to urge my fellow Members to support the naming of the Federal building in Waltham, MA, after an outstanding American, Mr. Frederick C. Murphy.

I join the sponsor of this legislation, Congressman MARKEY in recommending passage of S. 1206.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MARKEY], the sponsor of this bill, and the subcommittee chairman from the Committee on Energy and Commerce.

Mr. MARKEY. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to an American hero. I want to thank Chairman MINETA and Chairman TRAFICANT for ensuring this legislation's swift movement through the House.

Next Monday in Massachusetts is Patriot's Day. A day in which we honor those brave Americans who valiantly rose to create and defend the United States. A day in which we remember the Minutemen of Lexington and Concord, Paul Revere's ride and all the brave men and women who have defended America's freedom. It is also the day we will honor Pfc. Frederick C. Murphy.

I am here today as the author of this bill, bipartisan legislation that honors Pfc. Frederick C. Murphy by rededicating 380 Trapelo Road in Waltham, MA as the "Frederick C. Murphy Federal Center."

Frederick Murphy is certainly a most deserving recipient of this honor. He was a man of singular devotion to his country, who on March 18, 1945 on the Siegfried Line in Saarlautern, Germany, sacrificed his life so that his fellow soldiers could survive and our Nation's freedom could continue to endure.

As a young man, Murphy answered his country's call to service by enlisting in the U.S. Army. He became an aid man in the "E" Company of the 259th Infantry of the 65th Infantry Division. Murphy landed in the European theater in June 1944 and served meritoriously until the time of his death in March 1945.

According to his comrades, Murphy was a man who exemplified courage and the dawn attack at the Siegfried Line on March 18, 1945 provides the ultimate example of his patriotism. As he crossed the battlefield on that fateful day, Murphy was struck by an enemy bullet. Refusing to withdraw from the battle, the young private continued to attend to his duties as a medic. He moved across the battlefield, under extremely heavy gunfire and in dire pain, yet continued to attend to those who were more seriously wounded. The field was strewn with mines and as he struggled forward he stepped on an antipersonnel mine. After the mine ripped his foot from his body, Murphy did the unthinkable, he continued to assist other wounded soldiers. Pressing on despite heavy blood loss, Murphy moved from man to man. When his strength finally gave, he shouted instructions to those who he could not reach. However, the cries of his fellow soldiers were too much to bear and he drew upon his indomitable courage and continued toward them. As he crawled forward he crossed another mine that ended his life. Pvt. Frederick C. Murphy was an American hero. His selfless desire to save the lives of fellow Americans cost him his own life.

I believe that this fallen hero deserves this tribute. By renaming the Federal property in Waltham the "Murphy Federal Center," I believe an appropriate tribute will be paid. This bill has already passed the Senate and is awaiting House passage. I am proud to present this honor for a man who I can truly call an American patriot.

Mr. Speaker, I urge my colleagues to join me in support of this legislation by passing S. 1206 and giving this American hero the dedication he so richly deserves.

Mr. MINETA. Mr. Speaker, I rise in support of S. 1206 to redesignate the Federal building located at 380 Trapelo Road in Waltham, MA as the "Frederick C. Murphy Federal Center."

Frederick Murphy was born in Boston, MA as the First World War was concluding. As a young man, he enlisted in the U.S. Army as a medical aid. During World War II, in June 1944, he landed in the European theater and courageously served his country and fellow soldiers.

After being wounded in the shoulder on March 18, 1945, Private First Class Murphy refused to withdraw from battle to treat his wound and continued to administer first aid to his injured comrades. He then lost his foot when he stepped on an antipersonnel mine but remained on sight to offer medical assistance to his injured comrades. He continued providing assistance until he crawled across another mine which killed him.

PFC Murphy was posthumously awarded the Congressional Medal of Honor for his extraordinary act of personal valdor, above and beyond the call of duty.

The sacrifice of his life for his country and fellow soldiers exemplifies American patriotism and courage and I urge adoption of S. 1206 to name the Federal building in Waltham, MA as the "Frederick C. Murphy Federal Center."

Mr. TRAFICANT. Mr. Speaker, this bill has broad bipartisan support.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the Senate bill, S. 1206.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1206, the Senate bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

□ 1320

## GREAT FALLS PRESERVATION AND REDEVELOPMENT ACT OF 1994

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3498) to establish the Great Falls Historic District, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3498

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Great Falls Preservation and Redevelopment Act of 1994".*

***SEC. 2. FINDINGS.***

*The Congress finds that—*

*(1) the Great Falls Historic District in the State of New Jersey is an area of historical significance as an early site of planned industrial development, and has remained largely intact, including architecturally significant structures;*

*(2) the Great Falls Historic District is listed on the National Register of Historic Places and has been designated a National Historic Landmark;*

*(3) the Great Falls Historic District is within a half hour drive of New York City, and within two hours of Philadelphia, Hartford, New Haven, and Wilmington;*

*(4) the District was originally established by the Society of Useful Manufactures, an organization whose leaders included a number of historically renowned individuals, including Alexander Hamilton; and*

*(5) the Great Falls Historic District has been the subject of a number of studies which have shown that the District possesses a combination of historic significance and natural beauty worthy of and uniquely situated for preservation and redevelopment.*

***SEC. 3. PURPOSE.***

*The purpose of this Act is to preserve and interpret for the educational and inspirational benefit of the public, the contribution to our national heritage of certain historic and cultural lands, waterways and edifices of the Great Falls*

*Historic District with emphasis on harnessing this unique urban environment for its educational and recreational value, as well as to enhance economic and cultural redevelopment within the District.*

***SEC. 4. GREAT FALLS HISTORIC DISTRICT.***

*(a) ESTABLISHMENT.—There is hereby established in the city of Paterson in the county of Passaic in the State of New Jersey the Great Falls Historic District.*

*(b) BOUNDARIES.—The boundaries of the District shall be the boundaries as specified for the Great Falls Historic District listed on the National Register of Historic Places.*

***SEC. 5. ADMINISTRATION.***

*(a) IN GENERAL.—The Secretary is authorized to enter into cooperative agreements in accordance with this Act. In expending moneys appropriated pursuant to this Act, the Secretary may make grants to and enter into cooperative agreements with State or local government agencies or nonprofit entities for each of the following:*

*(1) The preparation of a plan for the development of historic, architectural, natural, cultural, and interpretive resources within the District. The plan shall include each of the following:*

*(A) An evaluation of—*

*(i) the existing condition of historic and architectural resources; and*

*(ii) the environmental and flood hazard conditions within the District.*

*(B) Recommendations for—*

*(i) rehabilitating, reconstructing, and adaptively reusing such historic and architectural resources;*

*(ii) preserving viewsheds, focal points, and streetscapes;*

*(iii) establishing gateways to the District;*

*(iv) establishing and maintaining parks and public spaces;*

*(v) restoring, improving, and developing raceways and adjacent areas;*

*(vi) developing public parking areas;*

*(vii) improving pedestrian and vehicular circulation within the District;*

*(viii) improving security within the District, with an emphasis on preserving historically significant structures from arson; and*

*(ix) establishing a visitor's center.*

*(2) Implementation of projects approved by the Secretary pursuant to the Plan.*

*(b) RESTORATION, MAINTENANCE, AND INTERPRETATION.—The Secretary may enter into cooperative agreements with the owners of properties within the District of historical or cultural significance as determined by the Secretary, pursuant to which the Secretary may mark, interpret, improve, restore, and provide technical assistance with respect to the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions that the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes, and that no changes or alterations shall be made in the property except by mutual agreement.*

*(c) CAPITAL PROJECTS.—(1) Application for funds for capital projects and improvements under this Act shall be submitted to the Secretary and shall include a description of how the project proposed to be funded will further the purposes of the District.*

*(2) In making such funds available, the Secretary shall give consideration to projects which provide a greater leverage of Federal funds. Any payment made shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States of reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.*

***SEC. 6. DEFINITIONS.***

*As used in this Act—*

*(1) The term "District" means the Great Falls Historic District established by section 4.*

*(2) The term "Secretary" means the Secretary of the Interior.*

***SEC. 7. AUTHORIZATION OF APPROPRIATIONS.***

*There is authorized to be appropriated to the Secretary to carry out this Act not more than—*

*(1) $3,000,000 for capital projects;*

*(2) $250,000 for planning; and*

*(3) $50,000 for technical assistance.*

*Funds made available pursuant to paragraphs (1) and (2) shall not exceed 50 percent of the total costs of the project to be funded. The authority to expend funds under this Act shall expire 5 years from the date of enactment.*

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

### GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 3498.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3498, which establishes the Great Falls Historic District in Paterson, NJ was introduced by congressman HERB KLEIN on November 10, 1993, and was favorably reported to the House of Representatives by the Committee on Natural Resources on March 23, 1994.

Paterson, NJ, near the Great Falls of the Passaic River, was one of the country's first manufacturing centers. Impressed by the potential of the Great Falls as an energy source, and committed to demonstrating the profitability of manufacturing in America rather than depending on foreign goods, Alexander Hamilton had founded the Society of Useful Manufacturers [SUM] in 1791 to implement planning and growth in Paterson, NJ. With the simultaneous development of the raceway system to harness the river's power, Paterson became an early site of industrial development, generating such products as the Colt revolver, the Rogers steam locomotive, Wright Aeronautic engines and the first practical submarine.

In fiscal year 1992, $4.2 million was appropriated through the National Park Service construction budget for Paterson, NJ's Great Falls Historic District. While the Great Falls Historic District is listed on the National Register of Historic Places, and has been designated a national historic landmark, this area is neither a unit nor an affiliated area of the National Park System; further appropriations require specific authorization.

H.R. 3498, as reported by the committee, establishes the Great Falls Historic District and authorizes the Secretary to enter into cooperative agreements and to make grants to State, local or non-profit entities for the evaluation of the District's resources, the development of recommendations for their preservation, and the implementation of such recommendations. The amendment limits future appropriations to $3 million for development, $250,000 for planning and $50,000 for technical assistance. Both planning and development projects require a 50 percent match for Federal funds.

As most of my colleagues know, I am committed to enacting legislation addressing these types of geographically and thematically united areas, which include significant resources worthy of preservation and conservation, but are not appropriate for designation as units of the National Park Service. Given the increasing number of such proposals, I believe we must establish a consistent, effective process by which they are evaluated and designated, so that scarce National Park Service dollars are used effectively to only fund authorized, worthy projects.

In this instance, funds have already been appropriated and expended, and plans have already been drafted for further National Park Service involvement. At this point, I believe we must establish clear authority and limits on further funding for these areas so that the National Park Service budget does not become increasingly burdened by open-ended appropriations for areas which are not owned or operated by the National Park Service. I believe the bill, as amended, provides for appropriated assistance to Paterson while limiting further National Park Service involvement, and I urge my colleagues' support.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 3498. The Great Falls Historical District in Paterson, NJ, is an area of national historical importance and that is the very reason the area is already designated as a National Historic Landmark District. At the subcommittee hearing on November 16, 1993 the Park Service testimony stated:

> We recommend against the enactment of either H.R. 1104 or the proposed substitute (H.R. 3498). The National Park Service is already fulfilling an appropriate preservation assistance role in the historic district of Paterson * * *. It is important to point out first that the Great Falls Historic District has already been federally designated.

Mr. Speaker, H.R. 3498 simply represents a vehicle for channeling even more Federal dollars to this area. As the Park Service testified, we are already spending Federal dollars in this area through the Park Service and they are fulfilling an appropriated preservation role in Paterson. The Park Service simply cannot afford further mandates that will stretch their resources even thinner.

I appreciate Chairman VENTO's efforts to fix this legislation and I agree with many of his ideas. However, the $3 million authorized for capital projects is excessive and some of the authorities granted the Park Service go too far. We already have approximately 2,000 National Historic Landmarks and we cannot afford to increase the funding and the presence by the National Park Service at each of these sites. Local areas of historic or natural interest simply need to start looking for local input and local dollars. The Park Service has already been providing assistance to the Paterson area since 1976 and there is no need to increase that presence.

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. KLEIN], the principal sponsor of the bill whom I have already commended for this good work.

Mr. KLEIN. Mr. Speaker, it is my sincere honor to represent the Eighth District of New Jersey, which is home to one of the truly unique areas in our great Nation. There are many areas of natural beauty throughout the United States, and many areas of unique cultural significance. But no single area brings together these two characteristics as splendidly as does the Great Falls District of Paterson, NJ.

In 1791, Alexander Hamilton and others founded an industrial venture known as the Society for the Establishment of Useful Manufactures [SUM]. This society was the practical embodiment of the theory Hamilton espoused in his Report on Manufactures, that the establishment of American industries was the best way to fortify American independence. Under Hamilton's guidance, the SUM acquired land surrounding the Great Falls of the Passaic River in order to supply power to various mills and factories through a 2½-mile system of raceways. Much of the original raceway is still standing, but in extreme disrepair.

As for natural beauty, the appeal of the Great Falls is obvious. Where else in urban America can one find a waterfall of such magnitude? For those who do not know, the Great Falls is the second largest waterfall east of the Mississippi. The Great Falls is a magnificent sight which, unfortunately, is an underpublicized and underutilized scenic resource.

The preservation of the area's heritage and natural beauty have the potential to stimulate a larger economic recovery in this economically hard-hit region. This bill would not only give the Great Falls district the appropriate national recognition, it would provide for the significant historic restoration and capital improvements needed to make the area a magnet for tourism and stimulate the local economy. Past studies have shown that redevelopment of the Great Falls would serve as a linchpin to a larger revitalization plan. Although it is included in the National Register of Historic Places, this is hardly sufficient for an area as unique and notable as the Great Falls.

H.R. 3498 does not ask the Park Service to be responsible for the entire redevelopment of Paterson. This bill will provide the funds needed to carry out the specialized assistance that is needed to protect and preserve the unique structures and waterways of the Great Falls. Areas of great need, such as the middle and lower raceway, surface demolition and cleanup of ATP site, and restoration of other historic properties like the Ronitix Complex, Hamilton Mill, and Sandoz Complex, require resources that cannot be mustered solely on the local or State level.

H.R. 3498 has been carefully crafted to conform to the concerns of the Natural Resources Committee and the National Park Service. It has the support of the Clinton administration, the entire New Jersey congressional delegation, the city of Paterson, the Port Authority of New York and New Jersey, and the Paterson Historical Society.

Let me conclude by thanking Chairman VENTO and Chairman MILLER, for their consideration. I also want to thank the staff for their assistance in perfecting this legislation. Their guidance has been indispensable in creating a quality piece of legislation. Also, I want to thank the many people in the National Parks Service, both in Washington and in the regional office in Philadelphia, for their advice in how best to proceed with the work that needs to be done, and I look forward to working with them in the future to ensure that this unique national resource is preserved for future generations.

□ 1330

Mr. Speaker, I urge support for H.R. 3498.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time. I urge support for this measure, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 3498, as amended.

The question was taken.

Mr. DUNCAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion and on H.R. 3770 will be postponed until tomorrow.

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## WHEELING NATIONAL HERITAGE AREA ACT OF 1994

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2843) to establish the Wheeling National Heritage Area in the State of West Virginia, and for other purposes, as amended.

The Clerk read as follows:

*H.R. 2843*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Wheeling National Heritage Area Act of 1994".*

***SEC. 2. FINDINGS AND PURPOSES.***

*(a) FINDINGS.—Congress finds that:*

*(1) The community of Wheeling, West Virginia, and vicinity, possess important historical, cultural, and natural resources, representing major heritage themes of transportation and commerce and industry and Victorian culture in the United States.*

*(2) The City of Wheeling played an important part in the settlement of this country by serving as the western terminus of the National Road in the early 1800's, by serving as one of the few major inland ports in the nineteenth century, by hosting the establishment of the Restored State of Virginia, and later the State of West Virginia during the Civil War years and serving as the first capital of the new State of West Virginia, through the development and maintenance of many industries crucial to the Nation's expansion, including iron and steel, and textile manufacturing facilities, boat building facilities, glass manufacturing facilities, stogie and chewing tobacco manufacturing facilities, many of which are industries that continue to play an important role in the Nation's economy.*

*(3) The City of Wheeling has retained its national heritage themes with the designations of the old custom house, now Independence Hall, as a National Historic Landmark; with the designation of the historic suspension bridge as a National Historic Landmark; with five historic districts, and many individual properties in the Wheeling area listed or eligible for nomination to the National Register of Historic Places.*

*(4) The heritage themes and number and diversity of Wheeling's remaining resources should be appropriately retained, enhanced, and interpreted for the education, benefit, and inspiration of the people of the United States.*

*(b) PURPOSES.—The purposes of this Act are to:*

*(1) Recognize the importance of the history and development of the Wheeling area in the cultural heritage of the Nation.*

*(2) Provide a framework to assist the City of Wheeling and other public and private entities and individuals in the appropriate preservation, enhancement, and interpretation of resources in the Wheeling area emblematic of Wheeling's contributions to that cultural heritage.*

*(3) Allow for limited Federal, State and local capital contributions for planning and infrastructure investments to create the Wheeling National Heritage Area, in partnership with the State of West Virginia and the City of Wheeling, West Virginia and its designees; and to provide for an economically self-sustaining National Heritage Area not dependent on Federal assist-*

*ance beyond the initial years necessary to establish the National Heritage Area.*

### *SEC. 3. DEFINITION.*

*As used in this Act, the term "Plan" refers to the Plan for the Wheeling National Heritage Area, prepared for the Wheeling National Heritage Area Task Force, the City of Wheeling, and the National Park Service, published in Augusst 1992, which Plan includes—*

*(1) an inventory of the natural and cultural resources in the City of Wheeling;*

*(2) criteria for preserving and interpreting significant natural and historic resources;*

*(3) a strategy for the conservation, preservation, and reuse of the historical and cultural resources in the City of Wheeling and the region; and*

*(4) an implementation agenda by which the State of West Virginia and local governments can program their resources as well as a complete description of the management entity responsible for implementing the Plan.*

### *SEC. 4. DESIGNATION OF NATIONAL HERITAGE AREA.*

*In furtherance of the purpose of this Act, there is hereby established the Wheeling National Heritage area in the State of West Virginia (hereinafter referred to as the "Area"). The Area shall include those lands and waters within the boundary generally depicted on the map entitled, "Boundary Map, Wheeling National Heritage Area, West Virginia", which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, and in Wheeling, West Virginia.*

### *SEC. 5. DUTIES OF THE SECRETARY.*

*(a) PURPOSE.—To carry out the purposes of this Act, the Secretary of the Interior shall—*

*(1) assist appropriate local entities in the development of interpretive and educational materials as specified in the Plan or subsequent planning efforts (for example, the interpretive master plan); and*

*(2) provide funds for capital improvements to projects and initial operating assistance consistent with the Plan.*

*(b) TECHNICAL ASSISTANCE.—The Secretary shall, as outlined in the Plan, provide technical assistance to appropriate local entities in the preparation of any plans or studies pursuant to the Plan.*

*(c) CAPITAL PROJECTS.—(1) Application for funds for capital projects and improvements under this Act shall be submitted to the Secretary and shall include a description of how the project proposed to be funded will further the purposes of the Area.*

*(2) In making such funds available, the Secretary shall give consideration to projects which provide a greater leverage of Federal funds. Any payment made shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States of reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.*

### *SEC. 6. DUTIES OF OTHER FEDERAL ENTITIES.*

*Any Federal department, agency or other entity conducting or supporting activities directly affecting the Area shall—*

*(1) consult with the Secretary of the Interior with respect to such activities;*

*(2) cooperate with the Secretary of the Interior in carrying out its duties under this Act and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and*

*(3) to the maximum extent practicable, conduct or support such activities in a manner which the Secretary of the Interior determines will not have an adverse affect on the Area.*

### *SEC. 7. AUTHORIZATION OF APPROPRIATIONS.*

*There is authorized to be appropriated to the Secretary of the Interior to carry out this Act not more then—*

*(1) $5,000,000 for capital projects;*

*(2) $1,000,000 for planning and studies; and*

*(3) $500,000 for technical assistance.*

*Funds made available pursuant to paragraphs (1) and (2) shall not exceed 50 percent of the total costs of the project to be funded.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. ALLARD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the measure now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2843, establishes the Wheeling National Heritage Area in the State of West Virginia. This bill was introduced by Representative MOLLOHAN on August 3, 1993, and was favorably reported to the House of Representatives by the Committee on Natural Resources on March 23, 1994.

Wheeling, WV became a center of transportation and industry in the first half of the 19th century. Serving as the western terminus of the National Road in the early 1800's as well as one of the few major inland ports, Wheeling was home to developing industries such as coal, iron and steel, tobacco, glass, china and tile, and boat building. The resources remaining in Wheeling illustrate and interpret transportation and industrial themes in our Nation's development, and the National Park Service has testified to their national significance and the need to preserve them.

Since enactment of Public Law 100-121, the fiscal year 1990 Interior and Related Agencies Appropriations Act, which appropriated $175,000 for a study, the National Park Service has been working with the city of Wheeling and the State of West Virginia to evaluate the city's resources and develop a plan for their preservation, promotion, interpretation, and development. By August of 1992 a plan which calls for the establishment of the Wheeling National Heritage Area had been developed. For the past several years funds have been appropriated for the Wheeling projects, and as Members may know, I continue to be concerned about such unauthorized appropriations which are expended without specific congressional policy on how they should be used. As a result of my concerns, supporters of the Wheeling project agreed to seek the necessary authorization.

H.R. 2843, as reported by the committee, establishes the Wheeling National Heritage Area, and authorizes the Secretary to enter into cooperative agreements and make grants to the appropriate local entity for capital projects, planning, and technical assistance. Federal funding is limited to $5 million for capital projects, $1 million for planning, and $500,000 for technical assistance. These amounts are sufficient to only fund those appropriate projects and planning recommended by the plan that should have the involvement of the National Park Service.

As many of my colleagues know, I have been working for some time to establish a more effective process by which to recognize the important resources contained in so-called heritage areas while limiting Federal involvement in their development and operation. I recognize the merits of establishing national heritage areas, geographically and thematically unified areas with a diversity of resources under predominantly private ownership which facilitate a variety of uses and activities. Such areas, while important nationally, do not meet the criteria for inclusion as units of the National Park System, and are probably best managed in a true Federal partnership with State and local governments and private entities. These are dynamic, thriving communities, which with the limited assistance of Fedeal agencies, such as the National Park Service, will maintain an appropriate balance between preservation and growth.

While a more comprehensive approach to such areas is being developed, I believe that minimum requirements for their establishment include the development of a management plan, secretarial approval of projects identified by the plan, limited Federal assistance in the form of matching grants to implement the recommendations contained in the plan, and protections for the Federal investment made in the area. The authorities granted the Secretary in the Wheeling National Heritage Area Act of 1994 incorporate these fundamental principles.

There are an increasing number of proposals for designating national heritage areas. In this instance, funds have already been appropriated and expended, and plans have already been drafted for further National Park Service involvement. The legislation before us would revise those plans and place appropriate limits on NPS involvement. The funds authorized by this legislation will provide for appropriate assistance to Wheeling while limiting future expenditures to levels anticipated for other national heritage areas.

I believe this legislation assures that the current and future Federal investment will be used appropriately, and I urge my colleagues' support.

Mr. Speaker, I reserve the balance of my time.

Mr. ALLARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, although I commend Chairman VENTO for some significant improvements in H.R. 2843, I am forced to strongly oppose it.

By the end of this fiscal year, the National Park Service will have spent $10 million of unauthorized funds at Wheeling and on property not owned by the Federal Government. This bill attempts to authorize the Wheeling National Heritage Area as an official unit of the National Park Service with $6.5 million in spending—an amount which is above and beyond the $10 million already spent there.

Because this legislation cannot be considered in a vacuum, let us examine some matters relevant to this debate. The guide for Federal, State, and local protection efforts to Wheeling is the Wheeling National Heritage Area plan of August 1992 for which the National Park Service was the official consultant. This plan recommends $28 million in National Park Service spending between 1990 and 2000. National Park Service Director Roger Kennedy has endorsed the $28 million figure as an authorization ceiling in a letter to Congressman HANSEN.

During this 10 year period, the plan also recommends $17.5 million in Federal spending outside the committee's jurisdiction—$8.5 million for an intermodal transportation center funded by the Federal Transit Administration and $9.0 million for the Wheeling Heritage Port funded by the Army Corps of Engineers.

Unfortunately, section 5 of H.R. 2843 requires that Federal funds for capital improvements and technical assistance at Wheeling be provided pursuant to this plan. If this bill is enacted, the West Virginia congressional delegation will surely use this language as a reason to convince future Congresses to provide the balance of the $45 million envisioned in the plan.

It is important to remember that the National Park Service has a total shortfall at existing park units estimated at between $7.4 billion and $9.4 billion. An "on the ground" illustration of this shortfall is at Yosemite National Park, where $5 million is needed to repair an electrical system that the Park Service says poses a "severe safety issue."

In West Virginia alone, the National Park Service has identified a shortfall of over $25 million in land acquisition for existing park units. We believe these shortfalls in West Virginia should be eliminated before pouring millions more into Wheeling on lands not owned by the Federal Government.

I agree with National Park Service Director Roger Kennedy on this matter when he recently stated, "The condition of the places is in many instances genuinely desperate and disgusting. The physical conditions of the plant is in rotten shape. The working conditions of the professional staff are a national disgrace."

In summary, enactment of H.R. 2843 in its current form will give future Congresses a green light to pour millions more into the Wheeling site where $45 million in Federal funding is planned by the end of the decade. This funding will come from existing park units—many of which have significant funding shortfalls that affect resource protection and the quality of visitor services.

I urge my colleagues to oppose H.R. 2843.

□ 1340

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the principal sponsor in the House, the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Speaker, I would first like to thank Chairman VENTO for his leadership in bringing H.R. 2843 to the floor of the House today. I sincerely appreciate your work on this important legislation, which would establish the Wheeling National Heritage Area in the State of West Virginia.

I would also like to thank my colleague from West Virginia and member of the subcommittee, NICK RAHALL, for his assistance throughout the committee's consideration of the bill.

The city of Wheeling played a critical role in our Nation's industrial and transportation history. Wheeling grew to national importance in the 19th century as the western terminus of the national road. When the Wheeling suspension bridge was completed in 1849, Wheeling became the gateway to the West. As such, the city became a center of trade and industry.

The city played a significant role in the Civil War's prounion movement and in the creation of our Nation's 35th State. When West Virginia seceded from Virginia in 1863, Wheeling became the first State capital.

Wheeling continued its predominance in the region into the 20th century due to its significance in America's basic industries—coal mining, iron and steel making, glass manufacturing, and chemical production, to name a few.

Of course, with such a significant industrial base, Wheeling was ripe to play a formidable role in the development of organized labor in the late 19th and early 20th centuries—a movement of global significance for workers' rights.

The citizens of Wheeling appreciate the significance of this multifaceted past and they have been working with the State of West Virginia and the National Park Service for several years to develop a plan to address the interpretive themes of the initiative, project management, and financing. Their work forms the basis for the legislation that I bring to you here today.

Chairman VENTO and the membership of the Subcommittee on National Parks, Forests, and Public Lands offered their expertise in shaping the legislation throughout the authorization process. I appreciate their valuable contributions to this bill.

H.R. 2843 will enable the city, the State, and the National Park Service to continue their progress on this initiative. I am confident that the Members of this body will be very proud of the product of this legislation and I urge your favorable vote on the bill.

Mr. Speaker, I might add in closing, I think the legislation is significant, as Chairman VENTO alluded to. National heritage areas are an evolving concept in the National Park Service, and a lot of good solid substantive preliminary work has been done to shape this legislation, to take into consideration all of the aspirations of developing such areas, along with the concerns associated with them.

The legislation proposed here minimizes the Federal financial role and maximizes State and local participation. It allows the Federal Government to recognize, and it is a balance, allowing the Federal Government to recognize the importance of heritage areas, allowing the Federal Government to provide some sustenance, counsel, advice, and at the same time providing a very real limit on that role, and inviting the kind of partnership that I think in the future will make heritage areas successful.

I am especially proud of the committee for its contribution and recommendations in shaping the legislation as it moved forward, I think it is an excellent product, and I urge its adoption.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I refer to the Congressional Budget Office cost estimate of this bill of March 25, 1994, which is addressed to the committee and my ranking minority member, so it is in the purview part of the committee report. It points out indeed the number of dollars authorized in appropriation estimated outlays is, as was stated, $6.5 million between 1995 and 1998, if indeed the money is appropriated by the Committee on Appropriations.

Mr. Speaker, I want specifically to call my colleague's attention to that, because there is apparently a plan out that was proposed that stated some $28 million. But this is what is in the legislation. This is what the Congressional Budget Office has said would be the case. This is the case.

So I want to underline that, because I think that when we have these differences of opinion on issues, they ought to be based on what the facts are, and not what is in some letter some place that came from some place.

Furthermore, in terms of the committee report and the language of the bill, the committee has stated it is aware of the increasing number of proposals to designate national heritage areas. Of course the gentleman from Colorado [Mr. ALLARD] is well aware of that as a member of the committee.

In the case of the Wheeling National Heritage Area, funds have already been appropriated and expended. In fact, some $10 million have been appropriated and expended right now in Wheeling without any authorizing legislation.

So this legislation should be looked at as a limitation and really a savings in terms of what has been expended and what is proposed, as opposed to the business as usual that has occurred in the past without any authorization, any certainty as to what the policy path will be with regards to Federal funds.

The involvement of the National Park Service, and I would continue to quote, "The plans have already been drafted for the further National Park Service involvement," as the gentleman stated. We limit that to the $6.5 million in this bill. The involvement shall, notwithstanding such previous plans, be limited to that provided in this act. It is the committee's intention for Wheeling and other such areas that, following the planning and start-up phases, these areas will become self-operating with direct Federal involvement phased out.

The funds authorized by this section 7 will provide for appropriate assistance to Wheeling, while limiting future expenditures to levels anticipated for other national heritage areas.

Mr. Speaker, we have numerous proposals like this that are going to be considered by the committee, and we have worked with some members of the minority on proposals like on the Great Falls proposal that there has been some tacit agreement on. I understand the gentleman's concerns with regards to the overall Park Service budget. We may differ with regard to what the backlog or outlay is. If the gentleman wanted to purchase all the in-holdings, if he wanted to repair every road, replace every piece of housing within a park, which I would suggest to the gentleman is not appropriate and that the road money doesn't actually come from Park Service budget, which makes up a substantial amount of this, it comes from highway funding.

So the point is it does not directly in a sense compete. But we have got a problem with the park funding, we have got a problem with unauthorized activities going on, and trying to defeat or negate efforts that limit these particular proposals I would suggest is in a real sense counterproductive. I would hope the gentleman would hear what I am saying in terms of this particular issue.

Mr. Speaker, I reserve the balance of my time.

Mr. ALLARD. Mr. Speaker, I would just like to respond to the gentleman from Minnesota and say that, first of all, I do appreciate the fact that the gentleman is making an attempt to authorize in the past what has been unauthorized expenditures for this particular project.

There are two points that I did want to make. First of all, it is a matter of priorities within the Park Service. We do have a lot of needs out there that have been identified to us. We have $7.2 or $9.2 billion dollars in needs.

□ 1350

I think there needs to be serious consideration before we move on to something like this which may very well be appropriate, but my point at this time is that we do have some real needs already in the National Park Service and that we do have to be aware of the fact that we do spend more than what we take in as far as the budget is concerned.

The other thing that I would point out is that there is no specific sunset provision in the piece of legislation, and I would be more comfortable if there were.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Just briefly, I agree with the gentleman in terms of the sunset, but the fact is that that is limited by dollars in terms of authorization. Sunsets or limitations in authorizations only mean something to appropriators that pay attention to them. I would suggest they will hopefully pay attention to what we have done here in terms of limitation, but that is, as the gentleman knows, one of the issues I have been working on, the Great Falls legislation, there is a specific sunset. That is an issue that we would be certainly willing to work with the gentleman on as we deal with further measures.

I would further state, I want to make it clear that I do not accept, and I think that we really need to come to a common understanding as to what the backlog figures are for the National Park Service in terms of roads, in terms of land water conservation moneys for purchase of inholdings and the other types of expenditures, there is a backlog. That we can agree on. It is likely billions of dollars. That we can agree on.

Whether it is 7.3 to 9, I think is another matter that we cannot agree upon. I have seen the figure floated around repeatedly without any specific definition to the figure. I think that we would all be better off working from common knowledge. We are all entitled to our own opinions, but I think we should be working from common facts in terms of that issue.

The gentleman, along with the Secretary of the Interior, I might say, have quoted this particular figure. So the gentleman puts himself in very good company in his figure but one, I think, that is not, is not, I would repeat, a helpful reference in terms of understanding the magnitude of the problems that we face.

Mr. ALLARD. Mr. Speaker, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Colorado.

Mr. ALLARD. Mr. Speaker, it is company that I am not always entirely comfortable with, as the gentleman might imagine. But I accept his points. They are well taken.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2843, as amended.

The question was taken.

Mr. ALLARD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. RAHALL. Mr. Speaker, H.R. 2843 would establish a Wheeling National Heritage Area in the State of West Virginia.

This bill, sponsored by Representative ALAN MOLLOHAN in the House, and West Virginia's senior Senator, ROBERT C. BYRD, in the other body, is based on a final concept plan prepared by the National Park Service with input from the citizens of Wheeling.

The purpose of this measure is to preserve and promote for the benefit of the general public the numerous and outstanding cultural and historical resource values in the Wheeling area.

Mr. Speaker, Congress on several occasions has established national heritage corridors, usually along a riverway. Unlike a full-blown unit of the National Park System, heritage corridors offer a larger opportunity for local management. They are also a step up from simply having a site or number of sites listed on the National Register of Historic Places.

The heritage area concept is based on these heritage corridors: emphasis on local management and a limited amount of Federal assistance. In return for this relatively small amount of Federal assistance, the public as a whole benefits through the preservation of historic and cultural resources that might otherwise be allowed to perish.

I commend this bill to the House and urge its adoption.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed until tomorrow.

## STUDENT LOAN INELIGIBILITY FOR CERTAIN INSTITUTIONS OF HIGHER EDUCATION

Mr. FORD of Michigan. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2004) to extend until July 1, 1998, the exemption from ineligibility based on a high default rate for certain institutions of higher education.

The Clerk read as follows:

S. 2004

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION.**

The matter preceding clause (i) of section 435(a)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1085(a)(2)(C)) is amended by striking "July 1, 1994" and inserting "July 1, 1998".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan [Mr. FORD] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2004 is designed to extend the existing exemption from the default triggers for Historically Black Colleges and Universities [HBCU's] and tribally controlled community colleges. Without this extension the triggers would force the cut off of institutional eligibility for Federal Family Education Loan programs. The bill was passed by unanimous consent by the Senate on March 25 of this year.

This extension would shift the expiration date for the exemption from July 1, 1994, to July 1, 1998. This change would realign the expiration of this provision with the scheduled reauthorization of the Higher Education Act of 1965.

The legislation would also allow HBCU institutions to proceed with their current effort to take control of their financial management and default situations with an aggressive federally assisted internal review and training program.

This legislation is the companion piece to H.R. 4025, which was introduced by Representative SCOTT of Virginia. He is a new and valued member of the Committee on Education and Labor and I applaud his active role in the development and support of this important measure.

I ask the House to support the passage of this bill so that the students who attend these institutions will continue to have access to the assistance provided under the authority of title IV of the Higher Education Act of 1965. The particularly high-risk populations that the HBCU's and the tribally controlled community colleges successfully reach out to are deserving of the extension of this exemption. It is critical for this extension to be done in a timely manner in order to avoid the unnecessary disruptions which would occur if no extension were agreed to. The current estimate is that at least 33 of the 105 HBCU's would lose eligibility and a similar percentage of the tribally controlled community colleges would be affected.

The legislation before us today is a clean extension of this authority. No extraneous amendments have been attached by the other body and we do not seek to add any. This exemption has been in the law since the creation of the default triggers during the Budget Reconciliation process in 1990. There is broad, bipartisan agreement in both Houses as to the merit of its extension.

I ask that the House agree to this measure and send it to the President for his immediate consideration.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

S. 2004, which passed the other body by voice vote, would extend the current exemption from elimination from the Federal Student Loan Program, for historically black colleges and universities, tribally controlled community colleges, and Navajo community colleges, for 4 additional years.

Without this extension the current exemption, which was granted to these institutions in the Omnibus Budget Reconciliation Act of 1990, will expire on July 1st of this year.

There are now 104 Historically Black Colleges and Universities and 9 tribally controlled community colleges. Without this extension about a third of these institutions may lose their eligibility for participation in the Federal Student Loan Program.

This bill, as passed by the other body, is a clean bill. It does not affect any other higher education amendments.

Mr. Speaker, I reserve the balance of my time.

Mr. FORD of Michigan. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia [Mr. SCOTT], a member of the committee.

Mr. SCOTT. Mr. Speaker, I am pleased to rise in support of S. 2004, a bill to extend the exemption currently granted to historically black colleges and universities, tribally controlled colleges, and Navajo community colleges, from ineligibility for the Federal Family Education Loan Program.

On July 1, 1994, the present exemption from this program will expire. At the current default trigger of 25 percent, as many as one-third on the Nation's historically black colleges, and many of the Native American colleges, will be excluded from the FFELP. If these schools cannot participate in the loan program, many of the students that these schools serve will be denied a primary source of financial aid, one that helps pay the fare to a better way of life. It goes without saying, Mr. Speaker, that such action will also have devastating repercussions for the schools: many will have to close, limiting the options of many students who wish to attain a college degree.

Mr. Speaker, the institutions that are currently exempted from the FFELP default trigger have served lower income and minority students for generations. The mission of these schools is to grant opportunities to those who have the least. Ironically, it is for this very reason that many of these institutions find themselves struggling to help students to improve upon their loan repayment performance. These students often have greater debts and more pressing family financial obligations than middle- or higher-income students; they therefore must work hard to meet student loan obligations and address other financial burdens. But these students should not be denied a chance to succeed, even though their odds are longer than most.

Mr. Speaker, these institutions have demonstrated, to their credit, that when disadvantaged students are given an opportunity, most will succeed brilliantly. In many States, for example, over half of the States' African-American doctors, lawyers, and other professionals are graduates of historically black colleges. It therefore makes little sense to limit financial aid and hinder these promising and talented students from achieving their full potential.

Mr. Speaker, the minority-serving institutions that are exempted from the loan default trigger are not seeking a free ride for their students. These institutions, and their student financial aid officers, are working hard to improve student loan repayments. Through an innovative program of self-help workshops, financial aid management seminars, and financial counseling, many of these schools are already seeing reductions in default rates.

□ 1400

It is clear, however, that in addition to extending the exemption, criteria for exclusion from the FFELP must eventually be changed. It is inherently unfair to compare the default rates of schools that enroll primarily lower-income students with those that enroll primarily middle- and upper-income students. I would encourage my colleagues to work with me in the future to develop new legislation that would take into account a range of other factors that will more accurately attack the problem of loan mismanagement, fraud, and abuse.

Mr. Speaker, I would like to commend Senator BUMPERS and his colleagues who supported S. 2004, and I would like to commend the gentleman from Michigan [Mr. FORD], chairman of the Committee on Education and Labor, for having the bill considered in an expedited manner so it can be considered prior to the July 1st deadline.

Mr. Speaker, I urge my colleagues to act affirmatively and vote to extend this exemption so those institutions may continue the tradition of providing opportunities where few might otherwise exist.

Mr. PETRI. Mr. Speaker, I yield 5 minutes to the hard-working gentleman from Ohio [Mr. BOEHNER], a member of the Committee on Education and Labor.

Mr. BOEHNER. Mr. Speaker and my colleagues, I rise today somewhat reluctantly to oppose this legislation.

Mr. Speaker, this exemption that was put in the law of years ago gave historically black colleges and other colleges in a narrow area on Indian reservations time to bring their default rates into line with the requirements that we imposed on all colleges, universities, and others who qualify under the college loan program.

Here we are today, wanting to continue that exemption for an additional 4 years. I rise reluctantly because I understand that these colleges and universities do in fact serve perhaps a predominantly larger portion of disadvantaged students, but there are a lot of universities, colleges, and other schools that are involved in these programs that serve disadvantaged students.

The law in America is rather clear. We support and the law states emphatically that it should be about opportunity for all. What is happening here is that we are giving another small group of Americans, a small group of the universities in America, an opportunity here, an advantage that other colleges and universities and schools that qualify under these programs are not getting. I, as a Member of this body, feel compelled to rise today and oppose this legislation, and reiterate that what we want to stand for in this body is, again, equal opportunity for all, special privileges for none.

Mr. FORD of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. KILDEE], chairman of the Subcommittee on Elementary, Secondary, and Vocational Education of the Committee on Education and Labor, for a colloquy.

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to engage the gentleman from Michigan [Mr. FORD] in a colloquy to discuss the Department of Education's interpretation of congressional intent on the Higher Education Act's title IV institutional eligibility appeals based on mitigating circumstances.

It is my understanding, Mr. Speaker, that since 1987, when the basis for appealing defaults was changed, no school has successfully appealed title IV eligibility through the mitigating circumstances process.

Mr. Speaker, I am deeply concerned that many of these schools, which in many cases serve the same at-risk population as the HBCU's, are not receiving fair treatment by the Department of Education.

I believe the current standards need to be reviewed to ensure that they are reasonable standards for schools to meet. My primary concern is that no school can meet the Department's regulation.

I believe it was Congress intent that the Department of Education establish regulations that would allow some schools to meet the criteria.

Mr. Speaker, I would ask the gentleman from Michigan [Mr. FORD] to join me in calling on the Department of Education to review these regulations to ensure they are fair and reasonable, and report their findings back to the House Education and Labor Committee.

Mr. FORD of Michigan. Will the gentleman yield?

Mr. KILDEE. Yes, I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Speaker, I would say to the gentleman that I know he has expressed his concerns on this to me on more than one occasion. I share those concerns. I would be pleased to join the gentleman in requesting that the department review these regulations to ensure their fairness.

I would like to remind the Members that this was a bone of contention between our committee and the previous administration under Lamar Alexander, who was enamored of the idea of automatic cutoffs for student aid because of loan defaults. We tried without success to convince him that the diversity we had in institutions and the types of institutions that drew a population that were predictably going to have trouble paying loans back was such that a rigid, one-size-fits-all program would not work.

The cutoff that we have been talking about was not put in the legislation by the committee, it was put in by excited people out here on the floor, who waved around the bloody banner of student loan defaults, suggesting that students who could pay their loans were not paying them back, and that is how it got into the legislation. However, the regulations the gentleman is talking about were written by the same Department of Education that advocated a rigid cutoff with no exceptions from the very beginning.

Mr. Speaker, I will urge Secretary Reilly to use the power that he has to rewrite those regulations so that they make some sense.

Mr. KILDEE. I thank the gentleman.

Mr. FORD of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Montana [Mr. WILLIAMS], chairman of the subcommittee.

Mr. WILLIAMS. Mr. Speaker, I am in support of this legislation. I sponsored the original waiver for tribal colleges and historic black colleges. We did that in the 1990 budget reconciliation bill, and it is important that my colleagues understand that we placed the student default rate cutoff at that time at 35 percent.

We thought that was a fairly tough measure, Mr. Speaker, but it was driven more by budgetary reasons than it was, in my opinion, by sound public policy. Nonetheless, I sponsored it. I think we all have to ask ourselves whether default rates are an adequate measure of whether a school is doing a good job, or are default rates a measure of whether or not a student comes out of college and gets a job and has a salary and therefore can pay their loan back.

I question that this is the right kind of mechanism to use in any event. However, we have a budget deficit and we are trying to cut costs, we are trying to make sure we spend less money on defaults and more money actually for the students, so we put this cutoff at 35 percent.

We adopted that as the rate to save some money. In doing so, Mr. Speaker, I believe that tribal colleges and historic black colleges should be given some additional time to get their student loan program in order, and so we set the 35 percent student default cutoff rate. The Senate agreed with us on my proposal.

Now, Mr. Speaker, through other legislation we have reduced that cutoff rate to 25 percent, so what has happened, schools that have been fighting their way to get down to 35 percent, and they are doing a wonderful job at getting down, are now suddenly faced with 25 percent.

When I say they are doing a wonderful job, let me be a little more specific than that. Let me tell about a tribally controlled college out in Montana called the Salish Kootenai College.

They had a 49.6 percent default rate back when we were first trying to get these things under control. They had 87 borrowers in default, and the college's president, a wonderful fellow who was at one time designated Indian Educator of the Year in America, and his great staff have been working ever since the Williams cutoff rate went into effect. They have reduced their default rate from almost 50 percent down to about 27 percent.

□ 1410

And they are really doing great things to get this default rate down and they got it below the 35 percent we required. Now, bang, we are down to 25 percent. They are going to get cut off. Those Indian kids are not going to have these college student loans they thought and the president of the college and the staff thought they could have under the law.

So, the question is are we going to penalize them now inadvertently for what they have already been able to achieve or are we going to reward them. And this legislation today says let us reward them by extending a waiver for tribal colleges and historically black colleges, but let us only do it through the life of the Higher Education Act, just that far. And that will give us all a chance to review how the provisions are working to allow these educators to continue to work to try to get these default rates down, to track these young people that come out of school better to help them get jobs.

It will also tell the students themselves how sincere we are about them paying back this money.

Let us not punish the schools for the success they have made. Historically black colleges and the tribally controlled community colleges are doing a good job since we put in the new default rate cutoff. They are really trying hard. They are getting there, but suddenly the rules have changed. Instead of a 35 percent default rate cutoff like we told them, it has gone down to 25, and I am just saying let us not penalize them for that. They were operating under a different set of rules. Let us give them a little more time to continue the good work they were doing and still allow the students that choose to go to those schools, almost exclusively Americans who are important and critical and vital minority students. Let us allow those students to continue to get those loans as their advisors and their parents and the staff work with them on trying to reduce these default rates.

I want to say to my friend, the chairman of the Education and Labor Committee, that there is nobody in this Chamber or I guess listening to us that has worked harder, been more of a legislative student or has a better understanding of the Higher Education Act, and the importance of it to the students of this country and to the future than BILL FORD, and I have been more than pleased to serve as chairman of the Subcommittee on Postsecondary Education and try to follow in the great tracks that BILL FORD has made during his years as chairman of that subcommittee. If I may go out of the rules a little bit and refer to the gentleman as BILL, which I do when we are off the floor, I want you to know, BILL, how much this country owes to you and the work you have done for higher education in this country. The gentleman has been a class act and an example for all of the Members of Congress that will follow. And you have our thanks, Mr. Chairman.

Mr. PETRI. Mr. Speaker, I yield 7 minutes to our colleague, the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, I thank my good friend from Wisconsin for yielding the time.

Mr. Speaker, I refer to the comments made by the gentleman from Montana [Mr. WILLIAMS], with regard to extending this exemption. The exemption was put into the 1990 act to give historically black colleges and tribal colleges extra time to meet those regulations.

I guess the question I have for the gentleman from Montana [Mr. WILLIAMS], since he brought this up, is what justification exists that we should grant this exemption for these colleges and not many other colleges, universities and schools that provide education to minority students, that may have already been eliminated from the program because their default rate was too high.

Second, what is being done by these colleges and universities to improve their default rate? I would think that if we are going to bring such a bill to the floor to extend this exemption for another 4 years there would be some evidence given as to why more time is needed, what progress has been made and what steps are being taken, and what about the students who do go to universities, colleges, private schools that are disadvantaged students who have already been eliminated from programs because their colleges did not meet the default rates and have been eliminated from the program?

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. BOEHNER. I am happy to yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Speaker, I guess the logical result of the gentleman's question is that we should support doing this for every school and every student. Does the gentleman support that as a antidote to the difficulties he sees here?

Mr. BOEHNER. What I am trying to find out is why we should treat this group of colleges and universities differently than we have treated a lot of others, many who have been eliminated from the program.

Mr. WILLIAMS. As I said when I sponsored this amendment, we had an administration that believed a cutoff rate was the appropriate thing to do. I thought it would reduce the deficit, potentially at least I thought it would save us some dollars. But I was not sure it was good public policy.

I knew it was bad public policy for colleges who because of the history of the type of student, particularly the income level of the students they treat we could identify them as simply not able to meet these default rates.

Now I fought in committee and in that conference committee against doing it at all to any school. But as long as we were going to do it, I took the best of a bad deal and tried to improve on it by at least protecting young Americans of color from the worst of what would happen to them.

Now the bad thing that is going to happen to them is inadvertent. I do not think anybody intended it. And now I am trying to protect them against having that inadvertent thing happen to them, which is going from 25 to 35 percent.

Mr. BOEHNER. Mr. Speaker, I appreciate the gentleman from Wisconsin yielding more time, and maybe the chairman of the committee could help answer the questions that I have outlined to the gentleman from Montana [Mr. WILLIAMS] about what these colleges and universities are doing to improve their default rate, and the justification for continuing this exemption that has been in effect for, will be in effect for 4 years. What have they done and why do we need to continue it?

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield?

Mr. BOEHNER. I am happy to yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Speaker, I thank the gentleman for yielding. If the gentleman was on the floor, and I believe he was, when I engaged in a colloquy with the gentleman from Michigan [Mr. KILDEE], we discussed specifically what we expect the administration to do. The previous administration believed that an arbitrary set of numbers told you something. We never have believed that it told you anything because it totally ignores the type of students that you are dealing with.

I have been at this long enough so that I can look at the makeup by race and economic characteristics on the census and tell the gentleman the default rate of a school before you tell me what they teach, whether it is a trade school or medical school or anything else. There is a stronger correlation between being poor when you go to college and not being able to pay your loan than there is between where you finish with respect to your peers in school. If you go to college from a poor family and an impoverished background, a culturally and economically disadvantaged student will do better than one that does not go to college but he will never do as well as your child and mine, given the same opportunities, because he will never get the same opportunities. There are exceptions of course that prove the rule.

By and large, they do not get a shot at the good jobs when they get out of college and they do not have an uncle's law firm to go into or daddy's company to go to work for. They have to start right at the bottom of the barrel and they are unable to pay the loans back.

Mr. BOEHNER. Reclaiming my time, I understand what the chairman is saying, but neither of the questions that I have posed to the gentleman from Michigan, the chairman of the committee, nor to the gentleman from Montana [Mr. WILLIAMS], have really been answered in terms of why we should continue the exemption and what specific actions have been taken and what specific actions are going to the taken over the next 4 years to justify the continuation of this.

Now I might say to the gentleman from Michigan that I have 11 brothers and sisters; I have worked my way through college, as I suspect the chairman of this committee has worked his way through college. And it really has very little bearing on the institution itself.

Part of the problem here and the reason I raise this question is because the way the program is set up, the universities get to check the possibility of repayment as a student gets into the program. But once that student is out of the university, the university's ability to bring that default rate down is almost nonexistent.

□ 1420

The real problem with the program is that we have got to redesign the program to put the universities in a stronger role so that they can have some assurance, some guarantee, over their future in trying to control their own default rate. And today I would suggest to the gentleman from Michigan that the universities' and colleges' hands are being tied in their ability to reduce their own default rates.

Mr. FORD of Michigan. Mr. Speaker, I yield myself 1 minute just to say to the gentleman that the staff is reminding me that the gentleman voted against the direct lending program that we passed through this Congress that will save the taxpayers a lot of money and will guarantee that loans are available to every student no matter where they go to school. The gentleman did not choose to support that legislation because the previous administration opposed it, and he is still in gear with the previous administration and cannot shift.

When that program is fully implemented in 1999, this problem will take care of itself.

Mr. BOEHNER. Mr. Speaker, will the gentleman yield?

Mr. FORD of Michigan. I am happy to yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Speaker, the gentleman is correct. I voted against the direct lending program because I am concerned that we are going to end up with higher default rates under that program than we have gotten under this program, and to extend this exemption for another 5 years, I think, is unwarranted, nor has there been any evidence given on this floor as to why it should continue.

Mr. FORD of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I rise today to express my strong support for extending the College Loan Default Exemption Act.

I am pleased this legislation includes extending the college loan default exemption to tribally controlled Indian community colleges. Default rate limitations were originally included in the 1990 Omnibus Budget Reconciliation Act to put an end to student loan abuses by a few private trade schools.

The loan default limitation inadvertently excluded historically black colleges and universities and tribally controlled Indian community colleges, particularly those on the Navajo Reservation, Navajo Community College.

Although tribally controlled Indian community colleges have significantly decreased their default rates since 1990, they need additional time to implement administrative reforms and establish special peer counseling systems designed to reduce fault rates.

Mr. Speaker, I firmly believe that this bill will give tribally controlled community colleges the time and structure that they need to design and implement programs that would lower their loan default rates and not deprive any native American student from the Federal aid that they need to further their education.

Mr. FORD of Michigan. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to thank the minority on the Committee on Education and Labor for their cooperation in getting this bill swiftly to the floor so that we could meet the deadline that is so important to the schools involved and just state for the record that for those who think that the default rate is going to be worse in the future, they ought to look to the Republican who is on the floor handling this bill now for their side. Because we supported his idea of having Internal Revenue collect the loans from people who make loans from the Government in the future on a direct loan program.

If you think that you do not have to pay taxes you owe to the Federal Government through IRS, then you will not have to pay your direct loan either, and they are going to treat you the same way if you do not pay.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Michigan [Mr. FORD] that the House suspend the rules and pass the Senate bill, S. 2004.

The question was taken.

Mr. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed until tomorrow.

## GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on S. 2004, the Senate bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## COMMUNICATION FROM THE HONORABLE DAN BURTON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable DAN BURTON, Member of Congress:

HOUSE OF REPRESENTATIVES,
*Washington, DC, March 16, 1994.*

Hon. THOMAS S. FOLEY,
*Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a staffer in my office has been served with a subpoena issued by the State of Indiana, Hamilton County Superior Circuit Court in connection with a civil case involving some constituent casework.

After consultation with the General Counsel, I will determine if compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

DAN BURTON,
*Member of Congress.*

## COMMUNICATION FROM THE HONORABLE SAM FARR, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable SAM FARR, Member of Congress:

HOUSE OF REPRESENTATIVES,
*Washington, DC, March 29, 1994.*

Hon. THOMAS S. FOLEY,
*Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a staffer in my office has been served with a subpoena issued by the United States Court of International Trade in connection with a civil case.

After consultation with the General Counsel, I will determine if compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

SAM FARR,
*Member of Congress.*

## COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on House Administration:

COMMITTEE ON HOUSE ADMINISTRATION,
*Washington, DC, April 5, 1994.*
Hon. THOMAS S. FOLEY,
*Speaker, House of Representatives, U.S. Capitol, Washington, DC.*

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L (50) of the Rules of the House, that two employees of the Committee on House Administration have been served with a subpoena issued by the U.S. District Court for the District of Columbia.

After consultation with the General Counsel, I will determined if compliance with the subpoena is consistent with the privilege and precedent of the House.

With my very best wishes,

Sincerely,
CHARLIE ROSE,
*Chairman.*

## COMMUNICATION FROM ACTING DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following communication from the Acting Director, Non-Legislative and Financial Services, House of Representatives:

HOUSE OF REPRESENTATIVES, NON-LEGISLATIVE AND FINANCIAL SERVICES,
*Washington, DC, April 7, 1994.*
Hon. THOMAS S. FOLEY,
*Speaker, House of Representatives, U.S. Capitol, Washington, DC.*

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule L (50) of the Rules of the House of that the Office of Finance has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
RANDALL B. MEDLOCK,
*Acting Director.*

## COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

HOUSE OF REPRESENTATIVES,
*Washington, DC, April 11, 1994.*
Re subpoena—Superior Court of the District of Columbia M 4009-94 (criminal).
Hon. THOMAS S. FOLEY,
*Speaker, House of Representatives, The Capitol, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to House Rule L (50), please be advised that Officer David Hamlett, a House employee, has received a subpoena to appear as a witness in the above referenced matter. I have attached a copy of the subpoena for your information.

If you have any questions or need additional information, please do not hesitate to contact me.

Thank you for your continued cooperation.

Sincerely,
WERNER W. BRANDT,
*Sergeant at Arms.*

## REPORT CONCERNING NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

I hereby report to the Congress on the developments since September 26, 1993, concerning the national emergency with respect to Angola that was declared in Executive Order No. 12865 of that date. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to Angola, invoking the authority, inter alia, of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and the Untied Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution No. 864, dated September 15, 1993, the order prohibits the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibits such sale or supply to the National Union for the Total Independence of Angola ("UNITA"). United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions including the promulgation of rules and regulations, as may be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control ("FAC") issued the UNITA (Angola) Sanctions Regulations (the "Regulations") (58 Fed. Reg. 64904) to implement the President's declaration of a national emergency and imposition of sanctions against UNITA. A copy of the Regulations is attached for reference.

The Regulations prohibit the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any United States persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in the Executive order. Also prohibited are transactions by United States persons, or involving the use of U.S.-registered vessels or aircraft relating to transportation to Angola or to UNITA of goods the exportation of which is prohibited.

The Government of Angola has initially designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: Airports: Luanda, and Katumbela, Benguela Province; Ports: Luanda, Lobito, Benguela Province, and Namibe, Namibe Province; and Entry Points: Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

2. The expenses incurred by the Federal Government in the 6-month period from September 26, 1993, through March 25, 1994, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to UNITA are reported at about $85,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the FAC, the U.S. Customs Service, the Office of the Assistant Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Bureau of Economic and Business Affairs and the Office of the Legal Adviser).

I shall continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.
THE WHITE HOUSE, *April 12, 1994.*

## RECOMMENDATIONS FOR CHANGES TO THE PANAMA CANAL COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

*To the Congress of the United States:*

As required by section 3522 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 22 U.S.C. 3611 note), I transmit herewith the recommendations for changes to the Panama Canal Commission. I have determined that the adoption of these recommendations would facilitate and encourage the operation of the Canal through an autonomous entity under the Government of Panama after the transfer of the waterway on December 31, 1999, pursuant to the Panama Canal Treaty of 1977 and related agreements.

In accordance with the law cited above, an extensive study of the governance and financial management structure of the Panama Canal Commission was conducted. The study and its recommendations were then considered and discussed among representatives of the Departments of State, Defense, the Treasury, Commerce, Transportation, and Justice, as well as the Panama Canal Commission. The study, and the process that followed it, formed the basis for my recommendations, which are contained in the attached document.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 12, 1994.*

## TRAGEDY IN ANGOLA

(Mr. EMERSON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous matter.)

Mr. EMERSON. Mr. Speaker, the chairman of the House Hunger Caucus, our distinguished colleague, the gentleman from Ohio [Mr. HALL], has just returned from a factfinding mission to Angola. This morning, Chairman HALL reported to the Hunger Caucus and shared some very troubling observations about the plight of that land. He has written a brief piece, the Paradox of Suffering in Angola, which appeared in today's Christian Science Monitor. It is a trenchant summary of his experiences and observations, and I commend it to the reading and to the consideration of all of our colleagues.

The article referred to is as follows:

[From the Christian Science Monitor, Apr. 12, 1994]

### PARADOX OF SUFFERING IN ANGOLA

(By Tony P. Hall)

As civil war approaches its third decade in Angola, a generation of children has been lost. No matter how many sites I visit to urge solutions to humanitarian disasters, it is the images of hungry children that haunt me the most.

In Angola, the paradox of starving and malnourished children is especially insane. Angola is a green and fertile nation with thousands of miles of temperate Atlantic shoreline and has a vast supply of oil and diamonds. River valleys and rich savannas are made even more valuable by a relatively low population and density rate. There are no desert droughts in Angola. The nation is free of the geographical calamities affecting Somalia and Sudan.

It is Angola's leaders who perpetuate the senseless tragedy affecting its 3.3 million people.

I took the Congressional Hunger Caucus and my new nongovernmental organization (NGO), the Congressional Hunger Center, to Angola because of reports from the United States State Department that hundreds were perishing daily from hunger and disease. Thousands of malnourished orphans were scavenging for food in city trash heaps and across mine-infested grain fields. I read of children scooping up handfuls of dirt tinged with powdered milk that had sifted from sacks of relief food.

I found scenes like these in Angola—and something more. Amid the jammed refugee camps, the dusty therapeutic feeding centers, and the putrid marketplaces, I found well equipped and healthy soldiers from both sides of the civil war who were seemingly unmoved by the misery at their feet.

Even more disturbing than this spectacle is the disgraceful example of personal comfort set by the leaders that the militiamen esteem. A palace-ensconced president and temperamental ministers, preoccupied with political positioning and perpetuating war, bring pain and injustice to their people. Years of destructive conflict in Angola have caused massive displacement, disrupted agricultural production, destroyed infrastructure, and paralyzed the economy.

Food aid is necessary in Angola, and the international NGOs and multilateral organizations that work there are truly angels of mercy. But this temporary help is not the lasting answer for Angola. Serious international pressure must be leveled on the rulers who ignore cease-fire agreements and continually dash Angola's hope for normalcy. Their jockeying for power, land, oil, and diamonds while children receive inadequate health care, lack basic education, and even starve, is inexcusable.

The leaders are greedy; further they have enabled the purveyance of weapons—including land mines. Universal condemnation of their actions is essential to ending hunger in Angola.

The bright news from Angola is the cooperation exhibited by dozens of dedicated NGOs and various offices of the United Nations. Honorable mentions are due to World Vision, the International Committee for the Red Cross, Doctors Without Borders, Concern, Catholic Relief Services, and the Office of Foreign Disaster Assistance.

I also was impressed by the relatively new UN Department of Humanitarian Affairs, which is responsible for the overall coordination of humanitarian relief to people subsisting under the eyes of warring factions. The World Food Program has proved invaluable in supporting and delivering relief in Angola, and the NGOs have been exemplary in distributing life-saving commodities.

There appears now to be only one obstacle preventing Angola from moving from relief to rehabilitation—Angola's leaders.

## THE NEW WORLD ORDER CAN ONLY BE ACHIEVED THROUGH THE ACTIONS OF A UNITED INTERNATIONAL COMMUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, on Sunday and again yesterday, selective airstrikes were launched by NATO, responding to a request by the United Nations to act against those besieging Gorazde and endangering the lives of U.N. personnel, in addition to tens of thousands of civilians. I believe most of us, and I know I, fully support that effort.

Since the beginning of the conflict in Bosnia, it has been clear that Serb militants would only respond to the credible threat of force. They have, in my opinion, cynically flouted international principles and used the negotiating table to gain militarily on the ground.

They feel they do not have to pay a price for aggression and, yes, even atrocities, which amount, in many respects, to genocide.

This NATO action, I believe, is measured, limited, and necessary. We have threatened in the past and urged the aggressors and all others to cease the hostilities and come to the negotiating table. For too long, however, Serb militants have ignored the West, the United Nations and international law, all in pursuit of the greater gain.

Recent actions by the Serbian militants are a test of whether the international community is prepared to take further measures to ensure that U.N. resolutions and principles are upheld. If the militants do not cease, and if they act against U.N. forces anywhere in Bosnia, the international community should continue to respond resolutely.

We should reiterate, Mr. Speaker, our call for the Bosnian Serbs to withdraw, to withdraw from all areas surrounding all United Nations designated safe havens, just as they have done for Sarajevo.

Mr. Speaker, a former President of the United States, George Bush, after a meeting with the then-president of the Soviet Union, Mikhail Gorbachev, said that we had entered into a new world order. Let us all hope that that observation was correct, but let us also recognize, if there is to be a new world order, it will only be accomplished through the actions of a united international community committed to the objective that it will not allow or countenance either the commission of atrocities and violations of international law or the accretion of land or assets through armed aggression. It is armed aggression down through the centuries that has led to the loss of life of millions of innocents, of millions of citizens, who, caught up by fate in a conflict not of their making, lost their lives, their property, their children and their futures.

I congratulate our President. I congratulate the United Nations. It is essential that the international community say in this instance to the Serbs, but in other instances to other aggressors:

"That is not part of the new world order."

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## THE CONTINUING TRAGEDY IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and there being no designee of the minority leader, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes as the designee of the majority leader.

Mr. BONIOR. Mr. Speaker, I rise tonight to talk about a place where 120,000 children under the age of 5 have died since 1990.

A place where 390,000 civilians have died in the past 4 years alone.

They have not died as a result of civil war, or ethnic conflict, or ethnic cleansing.

They have died because of malign neglect, because of brutal oppression at the hands of a dictator trying to bleed into extinction the very people he rules, and because of an international community that has turned a blind eye to their plight.

Mr. Speaker, it is a place where parents hover over cribs, watching children go hungry for want of a few cents worth of powdered milk.

A place where mothers see their babies scream in agony because operations must be performed without anesthesia.

A place where diabetics lapse into comas because there is no insulin.

It is a place where once-intact sewage and electrical systems remain in a shambles, and as a result, thousands of innocent people face outbreaks of typhoid and cholera, starvation, and death.

It is a place where millions of people struggle every day just to find the basics of life: food, water, medicine, and fuel.

And, as always, the ones who suffer the most are those who can afford it the least: the very young, the disabled, and the very old.

Mr. Speaker, it is a human tragedy of unspeakable proportions, and it is happening in a place we all know very well.

A place that was the focus of international attention 3 years ago, and a place we cannot turn a blind eye to today.

If you have not guessed by now, Mr. Speaker, this place—this country—is the country of Iraq.

And 3 years after our troops left the region.

Three years after CNN and all the foreign correspondents turned their attention elsewhere.

Three years after international sanctions on food and medicine were levied on the people of Iraq—the aftermath of the Gulf War for the people of Iraq in many ways is more tragic than the war itself.

Mr. Speaker, I have met the brothers and sisters, relatives and friends of some of the people suffering in Iraq today; they are members of the Chaldean-American community in Michigan.

The Chaldeans are Iraqi Christians—and the community in Michigan is the largest in the United States.

The Chaldean community in Michigan has been tireless in its efforts to provide humanitarian relief, and it has been unmatched in its commitment to ending the suffering of the people of Iraq, and I think we can all draw inspiration from their ongoing efforts.

But much, much more needs to be done.

Not long ago, one member of this community, an Iraqi-American doctor named Dr. Nathima Atchoo—who still has relatives living in Iraq—told me about her two trips back to Iraq to help alleviate the suffering.

She tells horror stories of hospitals where there is no medicine, and no cotton—where many children are sent home from hospital beds because the doctors can do nothing to treat them.

She says that the greatest gift you can give to people in Iraq today is aspirin or Tylenol, because there is none to be found.

Thousands of patients with heart conditions are dying today because the heart valves they ordered before the war are sitting in warehouses, because Iraqi assets meant to pay for them have been frozen since 1991.

On her last trip, Dr. Atchoo saw an 8-year-old lying in a coma because there was no insulin. His father offered to sell the clothes off his back to get insulin to save his son.

While she was at the hospital, the doctor offered a can of milk to a mother with a sick child in the hospital. But the mother would not give the milk to the child. She said that this child was going to die and she would give the milk to another child at home who had a chance of living.

Mr. Speaker, no mother should be forced to decide which child she is going to save in a world rich enough to save both.

But this is the reality in Iraq today. In many families in Iraq today, each child eats breakfast just 1 day a week, so the other children can eat breakfast other days of the week.

The hospitals are full of children with leukemia who got sick during the war.

Raw sewage flows into the Tigris River, but people still drink from it, because it's the only water they have.

And in a country that once revered the young, today, young girls are forced to sell their bodies to feed their families.

This is the sad reality in Iraq today.

Mr. Speaker, during the gulf war, we were told time and time again that we did not wage war against the civilian population of Iraq; we were told we waged war against the Baghdad regime.

And when we levied the international sanctions on food and medicine, we were told that it was to punish Saddam Hussein, not the people of Iraq.

But 3 years later, Saddam Hussein is still living in the lap of luxury. He gets all the food and water he needs from other countries, and if family members of the Baghdad regime get sick, they are treated in the best hospitals in the world.

But the civilian population in Iraq continues to starve, and bleed, and die—with no end in sight.

It makes you wonder why the people of Iraq haven't risen up to overthrow Saddam. But as one doctor said to me not long ago: "When you have to spend the whole day searching for food so your children don't starve, you don't have time to think about overthrowing the government."

The continuing tragedy in Iraq has reminded us once again that Saddam Hussein is one of the most barbaric and heinous dictators this world has ever seen.

Saddam Hussein—and Saddam Hussein alone—must be held responsible for the continued suffering of his people.

To its credit, the United Nations passed two resolutions to temporarily let the sale of oil go forward to allow Iraq to buy food, medicine, and other humanitarian items, under the watchful eye of the United Nations.

But to his eternal shame, the Baghdad despot has refused to implement those resolutions, so the civilian population in Iraq continues to suffer.

At this point, Mr. Speaker, we must ask ourselves one simple question: Do these two U.N. resolutions let us off the hook for the continued suffering of the people of Iraq?

Do they allow us to throw up our hands, turn a blind eye, point a finger at Saddam, and say we tried?

Or do we have a continuing responsibility as a compassionate nation to do all we can to provide humanitarian relief to the mothers and children who are starving and dying?

Mr. Speaker, I understand that there are difficult diplomatic and strategic issues that must be taken into consideration.

But when the people of Bosnia needed food, we sent in airdrops to feed them.

When the people of Somalia were starving in the streets, we went in to provide humanitarian relief to feed the hungry.

When the people of Russia were standing in bread lines, we did all we could to get them grain and other foodstuffs.

And as Iraq continues to starve and bleed, I believe the international community has a continuing responsibility to help these people even when Saddam Hussein will not.

Anything less is simply a cop-out.

Ant the fact is, Mr. Speaker, we do not have to send in troops to do it.

Right now, there are $1.2 billion in Iraqi assets frozen in United States banks—money from oil payments in Iraqi bank accounts when it invaded Kuwait.

Mr. Speaker, as a first step, if we use just some of those frozen assets to provide medicine—or food—to the people of Iraq, it will make a world of difference.

There are independent organizations in place right now—nongovernmental organizations like UNICEF, and the World Health Organization, and the Chaldean community, and Red Crescent, as well as other Muslim relief organizations—who are administering some relief to the people of Iraq as we speak.

But their combined efforts meet less than 5 percent of the needs of the Iraqi people.

Changing U.S. policy to allow these frozen assets to purchase medicine —and food?—to be distributed by these organizations, would help reduce the horrible suffering today in Iraq.

And what could be more galling to Saddam Hussein than the money he sees as his and for his use alone go to the people he continues to oppress.

Mr. Speaker, what could be more in line with the point that President Bush made time and time again: that we did not wage war against the civilian population of Iraq.

They were not our enemy.

And now, there are concrete steps we can and must take to save the lives of people caught up in a war that was none of their doing, and which none of them wanted.

Mr. Speaker, America is a compassionate country.

The starving children whose fathers beg for food, the women who—as I stand here tonight—must undergo childbirth without anesthesia, those dying in hospitals because the pharmacies have run out of medicine that costs a few cents a dose, we cannot turn our backs on them.

We have a moral imperative to act.

And we must do all we can to help.

Saddam Hussein may do nothing to help his own suffering people.

But we are a better nation than that.

And I don't believe that we, in good conscience, can stand by and do nothing.

It is time to act, and act now.

□ 1440

Mr. BILBRAY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to my friend, the gentleman from Nevada.

Mr. BILBRAY. Mr. Speaker, I agree with what the gentleman stated and the fact is that the suffering of the Iraqi people is the direct result of the callousness of their dictator. We also have the problem in Kurdistan, Iraqi Kurdistan, where the embargo that we placed against Iraq is being enforced by the United Nations against the Iraqi Kurds, the people that are being protected by us north of the 36th parallel, and I think it is a shame that we do not lift the embargo to those people in that area that have certainly suffered the most along with the Shiites in the south from the oppression of this brutal regime.

Mr. Speaker, even over the last decade, he has gassed with nerve gas and mustard gas huge portions of that population. The Kurds can be self-sustaining, they certainly are not asking for independence from Iraq, but they are certainly asking for the help that we give them, that we lift the embargo to allow them to sustain themselves during this time of crisis.

Mr. Speaker, I commend the gentleman for bringing this to the President's attention and hopefully in the next bipartisan meeting, the gentleman will bring up the plight of the Kurds also who need desperately our help there in Iraq.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his contribution, and let me assure him that I will in fact discuss the issue in its totality. We will make the case for that, that for those who are suffering because of lack of medicine and other basic essentials, we find ways through the efforts of humanitarian and religious organizations to get them the aid so they can sustain themselves and so they can in fact have the wherewithal when and if the time arises, to take their political place in opposition to Saddam Hussein in a strong way.

Mr. BILBRAY. Mr. Speaker, I thank the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I thank the gentleman from Nevada, and I yield back the balance of my time.

□ 1450

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the House stands in recess until 4 p.m.

The House is now in recess.

Accordingly (at 2 o'clock and 50 minutes p.m.), the House stood in recess until 4 p.m.

□ 1600

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PRICE of North Carolina) at 4 o'clock and 2 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4066, by the yeas and nays; and a 5-minute vote on H.R. 3693.

The Chair will reduce to 5 minutes the time for the second electronic vote.

## SUSPENDING DUTY ON PERSONAL EFFECTS OF PARTICIPANTS IN CERTAIN INTERNATIONAL ATHLETIC EVENTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4066, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the bill, H.R. 4066, as amended, on which the yeas and nays are ordered.

### PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, there have been several votes ordered as I understand it on the suspension bills.

Is it my understanding the Chair is only going to put the question on two of those and, therefore, the Members would only be expected to have two votes this afternoon?

The SPEAKER pro tempore. The Chair earlier announced that the rest of the votes are being postponed until tomorrow. The gentleman is correct. The Chair expects only two votes.

Mr. WALKER. So we expect to have several votes tomorrow on suspension bills?

The SPEAKER pro tempore. The gentleman is correct. There is a possibility of a Journal vote after these two votes.

Mr. WALKER. I thank the Chair.

The SPEAKER pro tempore. The Chair will clarify the situation. There will be two 15-minute votes. There will not be a 5-minute vote. There will be two votes.

The question now is, Will the House suspend the rules and pass the bill, H.R. 4066, as amended?

The vote was taken by electronic device, and there were—yeas 406, nays 1, not voting 25, as follows:

[Roll No. 96]

YEAS—406

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey

Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NAYS—1

Taylor (MS)

NOT VOTING—25

Bentley
Berman
Blackwell
Clinger
DeFazio
Fish
Ford (TN)
Frank (MA)
Furse
Gallegly
Gallo
Gephardt
Grandy
Hamburg
Hutchinson
Mink
Ridge
Roukema
Roybal-Allard
Schiff
Smith (OR)
Washington
Whitten
Wise
Zeliff

□ 1627

Mr. BROWN of Ohio and Mr. CANADY changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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□ 1630

## BYRON WHITE UNITED STATES COURTHOUSE

The SPEAKER pro tempore (Mr. FARR of California). The pending business is the question of suspending the rules and passing the bill, H.R. 3693.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 3693, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 24, as follows:

[Roll No. 97]

YEAS—408

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton

Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NOT VOTING—24

Bentley
Blackwell
Clinger
DeFazio
Fish
Ford (TN)
Frank (MA)
Furse
Gallegly
Gallo
Gephardt
Grandy
Hutchinson
Mink
Ridge
Roukema
Roybal-Allard
Schiff
Smith (OR)
Thomas (WY)
Washington
Whitten
Wise
Zeliff

☐ 1647

Mr. LEWIS of California changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mrs. ROUKEMA. Mr. Speaker, due to urgent family business, I was absent from the House on April 12 and was unable to cast the following votes. Had I been present, I would have voted as follows:

Rollcall 96, to suspend the rules and pass H.R. 4066, duty suspension/certain athletic events: "yea."

Rollcall 97, to suspend the rules and pass H.R. 3693, Bryon White U.S. Courthouse: "yea."

## THE JOURNAL

The SPEAKER pro tempore (Mr. FARR of California). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule I, the Journal stands approved.

## REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4092, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-474) on the resolution (H. Res. 401) providing for further consideration of the bill (H.R. 4092) to control and prevent crime, which was referred to the House Calendar and ordered to be printed.

## ANNOUNCEMENT OF APPOINTMENT OF MEMBERS TO ATTEND FUNERAL OF THE LATE HONORABLE WILLIAM H. NATCHER

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, March 24, 1994, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker, on Wednesday, April 6, 1994, did appoint the following Members to attend the funeral of the late Honorable WILLIAM H. NATCHER:

Messrs.: MAZZOLI of Kentucky, FOLEY of Washington, BONIOR of Michigan, ROGERS of Kentucky, BUNNING of Kentucky, BAESLER of Kentucky, BARLOW of Kentucky, SMITH of Iowa, McDADE of Pennsylvania, FORD of Michigan, BEVILL of Alabama, MONTGOMERY of Mississippi, STOKES of Ohio, OBEY of Wisconsin, YOUNG of Florida, MURTHA of Pennsylvania, GOODLING of Pennsylvania, DIXON of California, COLEMAN of Texas, MOLLOHAN of West Virginia, DARDEN of Georgia, CLEMENT of Tennessee, PETERSON of Florida, OLVER of Massachusetts, and KLEIN of New Jersey.

☐ 1650

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FARR of California). Under the Speaker's announced policy of February 11, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## INTRODUCTION OF LEGISLATION TO AMEND BUDGET RULES AS THEY APPLY TO TRADE AGREEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. EWING] is recognized for 5 minutes.

Mr. EWING. Mr. Speaker, today I am introducing legislation to amend the budget rules as they apply to trade agreements so that a more accurate accounting of revenue collected by the Federal Government may be used to offset lost revenues resulting from the lowering of tariffs in trade legislation. Most importantly, this bill will ensure that trade agreements which lower tariffs will not be used as an opportunity to raise taxes on the American people.

The current budget pay-as-you-go [PAYGO] rules require that any lost revenue to the Federal Government due to reduced tariff rates be offset by higher taxes or spending cuts. While I support the PAYGO process because it helps keep the deficit from growing even larger than it already is, I believe that trade agreements represent one situation where the PAYGO rules clearly do not make sense and are counterproductive.

There is a broad consensus among the economic community that trade agreements which lower tariffs among trading partners generate economic activity which in turn leads to more taxable income to the Federal Government. During the debate over the North American Free-Trade Agreement [NAFTA], it was discovered that the NAFTA would result in over $2 billion of lost tariff revenues over 5 years which had to be paid for through spending cuts or new taxes under the budget rules. I fought with many of my colleagues to keep taxes out of the NAFTA, and we were able to have most of them removed from the implementing legislation. However, this became a bitter debate which caused many supporters of NAFTA to reconsider their position because of the tax increases originally proposed by the Clinton administration. This was a frustrating exercise because we all knew that through economic growth, expected under the NAFTA to be more than $100 billion over 5 years, the NAFTA would bring in much more tax revenue to the Government than what would be lost through lower tariff rates. The PAYGO rules do not make sense in the case of trade agreements, and I believe that we should be flexible enough to recognize this fact and modify our way of treating these agreements.

Late this year, the House is expected to take up legislation to implement the Uruguay round of the General Agreement on Tariffs and Trade [GATT]. As a result of this agreement, tariff levels around the world will be reduced over time increasing international trade and economic growth among the participating countries. However, as with the NAFTA, under current budget rules there is going to be lost tariff revenues to the Federal Government on the order of $13 billion over 5 years which will have to be offset as part of GATT's implementation. My preference would be to pay for these trade agreements with spending cuts, but the reality of the situation is such that an increase in taxes may once again be introduced to provide for the offset unless the budget rules are changed. The GATT should not be used as a reason to raise taxes when in reality there will be a total revenue increase, not a decrease, as a result of the agreement.

U.S. Trade Representative Mickey Kantor told the House Ways and Means Committee earlier this year that he expects the GATT to generate tax revenue sufficient to cover the expected reduction in revenues due to lower tariff revenues. It is expected that GATT will result in $7 to $21 billion in additional economic activity in the first year after enactment and increase to $100 to $200 billion per year once fully implemented. This increased economic activity will result in billions of dollars of tax revenue to the Federal Government each year. However, the paygo rules do not allow these increased revenues to be used to offset the tariff losses. Understandably, Mr. Kantor also stated that he finds it frustrating dealing with the budget rules as they apply to trade agreements.

Raising taxes to support a bill which will naturally increase revenues and lower the deficit makes little sense. I want to make it clear that this legislation only changes the paygo rules as they apply to trade agreements and that the increased revenue to the Government through increased economic activity is only to be used to offset lost tariff revenue. If the offset is determined to be insufficient to cover the lost tariff revenues, the difference would still have to be paid for through spending cuts or taxes.

Mr. Speaker, I urge all of my colleagues to join me in changing the paygo rules so that trade agreements will no longer be used as a reason to raise taxes. I urge my colleagues to join me by cosponsoring this legislation.

## STRATEGY FOR IMPROVING INTERNATIONAL FINANCIAL REGULATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, the world's financial system is growing ever larger and more complex. New communications technology, exotic financial instruments, the growing number of global corporations, and a worldwide recognition of the benefits of free markets have resulted in a much more integrated world financial system.

Because of our standing as the world's largest economy, trader and capital market, the United States holds an influential position in the world financial system. Our influence is further enhanced by the fact that the dollar is the currency of choice in global trade and investment transactions. But our status in the world's financial system also raises questions about our ability to protect our currency and to maintain our financial leadership.

The United States should lead the world's financial system in a direction that will promote stability and foster efficient growth. One way to help maintain our position is to champion efforts aimed at stabilizing the world financial system. As part of that effort I have developed a five part strategy for dealing with several pressing domestic and international financial issues that affect the stability of the United States and world financial system.

Instead of waiting for catastrophe to strike, we should show American financial leadership and take a proactive stance in solving these problems. My five-part strategy for enhancing stability and efficiency calls for a combination of legislation, hearings, studies and a commission that will help to pinpoints the problem and develop solutions for congressional action.

Part one of the strategy, which I am implementing today, involves the introduction of derivatives legislation. Over the past year there has been a great deal of regulatory action, here and abroad, on the issue of derivatives, but more needs to be done. The United States must improve domestic oversight, and at the same time, take a leadership role in getting the international community to deal with this problem. My derivatives legislation enhances domestic oversight of derivatives and it encourages greater international oversight. I will provide a more detailed explanation of the legislation later in this statement.

Part two of the strategy involves a hearing on banking system exposure to hedge funds. I have already announced that the Banking Committee will hold a hearing on this issue on Wednesday, April 13. This issue strikes at the heart of our banking system's role in promoting excess speculation.

Hedge funds receive billions in loans from banks and are a major purchaser of bank derivative products. Hedge funds are increasingly blamed for causing volatility in the financial markets and there is a growing chorus of legislators calling for expanded regulation of hedge funds.

In order to protect the banking system, we must learn more about hedge funds. Like derivatives, there is a dearth of information on hedge funds, and for that reason, the Committee must consider whether legislation is needed to shed light on these issues.

It is also important to explore the similarities between bank trading accounts and hedge funds. Currently, banks operate multi-billion dollar trading accounts that dwarf the financial resources of the hedge funds. We must learn how bank trading accounts affect the safety and soundness of individual banks and the stability of our financial system.

Part three of the strategy calls for the establishment of a blue ribbon commission to provide the world's major financial centers with recommendations for improving regulatory coordination related to financial issues. As the world's largest economy and most open capital market, it is imperative that the United States be the world's leader in promoting sound financial regulation and the Commission is a good vehicle to exemplify our leadership role.

Part four will encompass amending the Humphrey-Hawkins Act reporting requirements by requiring greater disclosure of United States international financial policies. The Secretary of the Treasury and the Federal Reserve Chairman will appear together before the House and Senate Banking Committees to report on both domestic monetary policy and international financial policy, and how each set of policies affects the other.

The Humphrey-Hawkins Act was passed at a time when international financial issues were not a front-burner issue for our economy. The Congress and the public need and deserve more in-depth analysis of how international financial issues affect United States economic policy-making and I will introduce legislation in the next several weeks to achieve that goal.

Part five will consist of a series of studies on various international financial issues. One of the studies will examine the long-term prospects of the dollar. To maintain the preeminence of our currency, we must fully understand what factors affect its value. The United States now has the luxury of paying its debts in dollars. If our currency were to falter, the United States could be plunged into economic chaos. We could be forced to pay our overseas creditors in Japanese yen or German deutsche marks. In addition, the goods we purchase from abroad would have to be paid for with a foreign currency, not the dollar.

At stake is our financial livelihood, yet academics and government officials alike have shown little interest in focusing on this issue. I will ask for a study of this issue and ask for recommendations that can be implemented to preserve our currency's standing.

Another study will require the Federal Reserve to investigate and report to Congress on the international flow of the United States currency. Currently over half of our currency is exported to foreign lands and the Federal Reserve has little knowledge of where it ends up. We need to know why the massive exodus of dollars occurs and what implications it has for our financial future.

The rest of this statement will focus on the derivatives legislation that I have introduced today. Over the next several weeks I will introduce legislation and send letters to implement the other measures I mentioned.

### NEED FOR DERIVATIVES LEGISLATION

There are many risks associated with derivatives, but the major concerns of the Banking Committee are the systemic risk they pose, and the protection of the taxpayer-backed deposit insurance funds. The bank regulators have assured us that market participants are well managed and that the markets are well organized. But it is the role of the Congress to ensure that the regulators have not erred in their assessment.

Although the bank, thrift and securities regulatory agencies have all begun to realize the risks of derivatives and have taken a number of steps to improve regulation and supervision of derivatives dealers and active end-users, these steps are often lacking in coordination and can be enhanced.

I can think of at least five arguments why there is a need to enhance the actions of the regulators by passing a derivatives law. First, by passing a law on derivatives issues, the enforcement powers of the regulatory agencies are increased. Currently, the regulators must go through an arduous process to show that a banking practice or activity impairs the safety and soundness of an insured depository institution in order to bring about an enforcement action. My bill will make actions such as improper management or false disclosures related to derivatives a direct violation of the law. Greater enforcement powers mean that the regulators can act more swiftly to stop miscreants.

A second benefit of legislation would be the standardization of regulation and supervision of bank derivative activities. Today, each regulator takes a different approach to supervising derivative activities. This creates an environment of regulator shopping that can only culminate in a race to the bottom of the regulatory barrel. Standardizing regulation and supervision will increase efficiency and improve the system.

The third benefit would be greater reporting of derivative activities. The Banking Committee's jurisdiction is limited—we cannot require greater disclosure by securities firms, commodities traders, etc. However, as banks report additional information about their derivatives activities, other dealers and active end-users will be forced to follow because ratings agencies and other major users of financial information will demand matching disclosure. One goal of my bill is to make the banking industry the leader in providing greater disclosure and understanding of the effects of derivatives.

We are still learning how derivatives affect the financial condition of individuals banks and the stability of our financial system. Industry trade groups are to be commended for their efforts to bring about a greater understanding of derivative activities, but we cannot rely solely on their suggestions. Another benefit of my legislation is that it keeps the regulators focused on the safety and soundness aspects of derivatives and it provides them with new tools so they can gain a better understanding of the workings of derivatives.

Finally, my legislation enhances congressional oversight of derivatives activities. Derivatives are a complex financial issue and additional reporting will benefit both the Congress and the public.

I will now focus more on the specifics of the legislation and explain the need for each major initiative within the bill. The legislation can be broken down into three major segments: 1) enhanced supervision and disclosure, 2) greater international regulatory cooperation, and 3) a study on speculation.

### ENHANCED SUPERVISION AND DISCLOSURE

The first part of the legislation provides for greater disclosure of bank derivatives activities and gives bank regulators greater supervisory and enforcement tools to ensure that those activities are carried out in a safe and sound manner.

Over the past several years there have been numerous industry, government and academic reports on derivatives. One universal recommendation of those studies is to improve public disclosure of derivative activities. Due to a lack of adequate disclosure, regulators and investors alike are nervous about individual firm and systemic risks associated with derivative products. Increased disclosure will result in a greater understanding of those risks.

Many efforts are now underway to enhance disclosure. Derivative industry trade groups, the bank and securities regulators as well as the accounting standards setting body, FASB, are all engaged in efforts to require greater disclosure. The bank regulatory agencies recently issued a joint statement on disclosure which stated,

> The banking agencies believe that current Call Report requirements for off-balance sheet (derivative) contracts need to be improved to provide better information on the nature and extent of these activities and the risk exposures of individual banks and the banking system.

A banking industry trade group, called the Group of Thirty, in their report, "Derivatives: Practices and Principles" echoes this sentiment:

> Financial statements of dealers and end-users should contain sufficient information about their use of derivatives to provide an understanding of the purposes for which transactions are undertaken, the extent of the transactions, the degree of risk involved, and how the transactions have been accounted for.

Unfortunately, given the splintered regulatory structure that exists in the United States and around the globe, these efforts to increase disclosure are not well coordinated. My bill will put the banking industry in a leadership position by requiring prudential disclosure.

### CONFIDENTIAL EMERGENCY REPORTING

In addition to greater public disclosure, my bill requires the bank regulators to establish emergency reporting procedures to obtain information from banks that are derivative dealers and active end-users of derivatives. One of the most worrisome aspects of derivatives is the uncertainty about their effect on market stability. There is a fear among many policymakers that a catastrophic shock to the financial system could be caused, or at least aggravated, by derivatives.

My emergency reporting provision is necessary because it provides the regulators with immediate access to information on bank derivatives activities during times of emergency or great turmoil. To illustrate, consider the fact that banks file their Call Reports on a quarterly basis. In the world of derivatives, 3 months can be an eternity, especially in an environment of market turmoil. The value of a derivatives book changes hourly, sometimes drastically, which could result in a rapid worsening of the financial condition of a bank derivatives dealer or active end-user.

To properly gauge how rapid changes in a bank's derivatives book is affecting its financial situation, the regulators need to establish an authoritative means of obtaining the information necessary to make such determinations. While the bank regulators could ask for, and most likely receive the information, the legislation goes a step further by requiring the reporting mechanism to be established and functioning within 1 year.

### INCREASED QUALITATIVE DISCLOSURE

In addition to requiring a greater amount of quantitative information on derivatives, my legislation also requires the bank regulators to encourage depository institutions to disclose qualitative information about their derivatives activities. These provisions will require depository institutions to provide a description of the nature of their derivative holdings, their overall operating and investment strategies, and the methods they use to value their derivatives holdings.

Regarding the need to increase disclosure of qualitative information about derivatives, the Financial Accounting Standards Board recently stated:

> . . . one factor contributing to confusion and concern has been inadequate explanation of the reasons companies have entered into various types of financial instruments. A narrative description of derivatives would be helpful.

Many banks are finding out that stockholders are also demanding greater qualitative disclosure. A recent press article revealed that the stock price of BankOne in Ohio was hurt by the bank's inability to properly explain its derivatives strategy. Other banks, like Banker's Trust, have experienced similar problems. Increased qualitative disclosure will add to the public's understanding of derivatives and it will also foster greater disclosure on nonbank derivatives activities as investors demand similar disclosure from nonbank users and dealers of derivatives.

### REGULATORY COOPERATION

One of the most troublesome aspects of our current financial system is the fragmented bank regulatory structure. I have introduced legislation to consolidate the bank regulatory agencies, but its future is uncertain. In the meantime, the fragmented approach to regulating and supervising derivatives serves as a prime example of the problems with our current regulatory structure.

The degree of cooperation among the regulators runs from hot to tepid to cold depending on the issue. With derivatives, each regulator has its own ideas and pursues them jealously. For example, the regulators couldn't even work together to complete the simple task of coordinating their responses to the Committee's questions before the derivatives hearing. The Federal Reserve refused to work with the OCC and other regulators.

Other examples are more critical and show a clear need to mandate that the regulators develop uniform policies. For example, each has adopted a different approach to supervision. The regulator of national banks, the Office of the Comptroller of the Currency [OCC], has issued guidelines on how to conduct derivative activities in a safe and sound manner independently. The OCC is well ahead of the Federal Reserve, which regulates bank holding companies.

Another important example of differences in approach is speculation. The Office of Thrift Supervision [OTS], which is part of the Treasury Department, has a policy of prohibiting speculation with derivatives, while the OCC, another Treasury Department agency, does not discourage speculation, and in fact, says it is impossible to measure.

These examples show that the bank regulatory agencies, left to themselves, would not commit to a partnership to tackle the derivatives dilemma. They cooperate in some aspects, but certainly not all. My legislation would require the bank regulatory agencies to develop uniform definitions, reporting requirements, capital standards and supervisory policies with respect to the derivative activities of insured depository institutions.

The National Credit Union Administration is not exempt from this mandate. It is time the Congress started to make sure that credit unions are not exempt from the safety and soundness requirements that apply to other insured depositories.

Another initiative aimed at forcing greater regulatory cooperation requires the Secretary of the Treasury to include the Chairman of the Federal Deposit Insurance Corporation [FDIC] and the Comptroller of the Currency as principals on any interagency task force or working group dealing with issues related to dervative financial instruments. This section was included because these two agencies, which have major jurisdiction over derivative activities, were excluded as principals from the President's Working Group on Financial Markets.

The President's Working Group is charged with developing plans, including legislative changes, to ensure proper regulation of derivatives. It is inexplicable that two of the major regulatory agencies with jurisdiction over derivatives would not be permitted to vote on changes in administration policy. Excluding the FDIC and OCC from voting on policy changes dealing with derivatives is a dangerous precedent that will not be tolerated in the future.

### SENIOR MANAGEMENT/BOARD OF DIRECTORS

My legislation would also establish standards of conduct for boards of directors and senior management at banks that engage in derivatives activities. It is imperative that boards of directors and senior management understand the risks posed by derivatives and that they establish proper management controls to handle those risks.

The GAO recently released a report that I requested on the role officers and directors play in the failure of depository institutions. The report revealed some worrisome statistics. The report states:

> GAO found . . . insider problems as one of the major causes of failure in 26 percent of the banks (it investigated). In both open and closed banks, GAO found a strong association between these insider violations and the larger problems of poor administration by bank management and inadequate oversight by bank boards of directors.

Another revealing finding states:

> GAO further found that bank examiners often failed to adequately communicate to bank boards and management the potential seriousness of problems and violations; as a result, the problems went uncorrected and became more serious.

Given the magnitude of potential problems associated with derivatives activities at banks, it is essential that we do not overlook the role played by the boards of directors and the senior management. By codifying their responsibilities, senior management will pay greater attention to derivatives risks and the bank regulators will have a stronger means of securing that outcome.

### GROUP OF TEN [G–10]

The second major segment of the derivatives bill deals with an increasingly important aspect of banking system safety and soundness issues—international regulatory cooperation. Two inevitable trends, the integration of capital markets and the growing cross-border activities of market participants, mandate the need for greater international regulatory cooperation.

Today all markets are linked and firms conduct derivatives activities in many different markets around the globe. Yet each market has its own rules, making some firms to a myriad of different regulatory and supervisory regimes. The result is inefficiency and ultimately, greater risks to the stability of the world's financial system.

My goal is to focus attention on greater regulatory coordination of derivative products. A recent CRS report on derivatives supports my position:

> Capital markets around the globe have become so interdependent that there is a possible series of disruptive events which has the formidable potential of rapid transmittal, placing the entire financial structure at risk of severe distribution or even failure. Authorities recognize this interdependence, but in spite of the perceived danger of systemic risk, central banks and other regulators have been slow to move preventative measures beyond the talking stage. Even a methodical and unambiguous international system for coordinating regulatory efforts would be a mark of progress.

While efforts to enhance international cooperation of derivatives activities exist, these efforts are fragmented and inefficient. The recently released Appendix III of the Group of 30 report on derivatives entitled, "Survey of Industry Practice" shows that there are still wide disparities in the management of derivatives activities among international banks and other derivatives dealers. This fact clearly points to need to establish a mechanism to standardize industry practices and industry oversight so as to protect the world's financial system.

I address this issue in my derivatives bill by directing the Secretary of the Treasury to convene a meeting of the Group of Ten [G–10] ministers and governors to develop a plan for a study to examine the adequacy of the international regulation and supervision of derivative products.

In 1993, the G–10 undertook a similar initiative to the one I am proposing when it conducted a study and issued a report to the G–10 finance ministers and central bank governors on the turbulence in the foreign exchange markets. The illiminating study was called, "International Capital Movements and Foreign Exchange Markets," and like I am suggesting for the derivatives effort, the report was conducted by the G–10 with the help of the IMF, OECD and the BIS.

There are several goals of the G–10 initiative. First, the United States must take a leadership role in fostering a greater understanding of how derivative activities impact the stability of the world's financial system. Being the world's financial and trade leader, the United States has the most to lose in the event of a capital market meltdown.

Next, the United States should lead the way in examining the adequacy of international regulations and supervision of derivative activities and developing new, more inclusive mechanisms to promote coordination.

I also believe the G–10 should study the possibility of establishing a single body to oversee global derivatives activity. Establishing a single body to coordinate derivatives oversight does not mean that the United States would have to lower its standards to those of other countries. The United States should strive to have its approach adopted on the merits—if United States regulatory ideas are superior we must see that they prevail. The vast majority of foreign regulators support greater disclosure and other regulations so there is a large common ground for approaches to regulating and supervising derivatives.

We need to preserve the best aspects of our regulatory regime, and where necessary, we should not be afraid to adopt useful regulatory and supervisory initiatives of other nations. At a minimum, we need to have a better handle on how derivatives are regulated internationally, the systemic risks, and the means to improve our regulatory regimes to foster stability.

### STUDY ON SPECULATION, DERIVATIVES TAX & MARGIN REQUIREMENTS

Another concern I have about bank derivatives activities is their use for excess speculation. When properly used derivatives products serve many useful purposes by diversifying risks and increasing the efficiency of our financial markets and the profitability of banks. But the Congress did not create banks to act like casinos where taxpayer-backed resources are gambled as derivative products in the financial markets.

I am not the only legislator who has concerns about this issue. The European Parliament recently issued a decree in which it expressed grave concerns about the role speculation plays in the foreign exchange markets. The Parliament asked the European union to study the issue of how to deal with speculators, including the feasibility of imposing a tax on speculative transactions.

Given the vague and inadequate answers I received on the topic of speculation during the Committee's October 1993 hearing on derivatives, I believe the bank regulators have not adequately addressed this issue. The regulators may even be promoting speculation by failing to address the issue of excess speculation taking place at banks.

I am calling for a full study of the magnitude of speculation at the banks and asking for recommendations to curb excess speculation. One way to curb excess speculation would be to impose a tax or fee on derivatives transactions. Along these lines, I will ask the GAO to study the feasibility of imposing a tax or fee on derivative products used for speculative purposes.

In October 1993 the GAO issued a report entitled, "Futures Markets: A Futures Transaction Fee is Administratively Feasible." This report and a preliminary version of the report both discussed the issue of imposing a transactions fee on futures contracts. I am asking the GAO to expand this work by evaluating the feasibility of imposing such a fee on all derivatives transactions conducted for speculative purposes.

I am also asking the GAO to study the OTC derivatives market and to evaluate the feasibility of imposing margin requirements on those products. Since a great deal of bank derivative transactions occur off organized exchanges, margin requirements are not required. Before gauging the feasibility of curbing speculation in the OTC market, the GAO will have to tell us more about how the OTC market functions and how it is regulated.

### CONCLUSIONS

There are a plethora of pressing international financial issues facing the Banking Committee. I have developed a five-part strategy to deal with these issues, and I have begun implementing my strategy today with the introduction of the derivatives bill. Tomorrow, the second part of the strategy will be implemented as the Committee hosts a hearing on the banking system-hedge fund relationship. Over the next several weeks I will introduce additional legislation and request several studies to implement the remainder of the strategy, and from time to time, I will take the floor to update my colleagues on the progress of the Committee.

### H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Derivatives Safety and Soundness Act of 1994".

### SEC. 2. DISCLOSURE OF AMOUNTS, NATURE, AND TERMS OF DERIVATIVE FINANCIAL INSTRUMENTS IN DEPOSITORY INSTITUTION CALL REPORTS.

(a) INSURED DEPOSITORY INSTITUTIONS.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

### "SEC. 44. DISCLOSURE REQUIREMENTS FOR DERIVATIVE FINANCIAL INSTRUMENTS.

"(a) INFORMATION REQUIRED TO BE INCLUDED IN CALL REPORTS.—Any report of condition made by any insured depository institution in accordance with section 7(a) with respect to any period beginning after December 31, 1994 shall include the following information:

"(1) QUANTITATIVE INFORMATION WITH RESPECT TO ALL DERIVATIVE FINANCIAL INSTRUMENTS.—

"(A) GROSS NOTIONAL AND FAIR VALUE.—The gross notional value and the gross fair value of any holding, position, or other interest of the institution in any derivative financial instrument.

"(B) REVENUE, GAINS AND LOSSES.—All revenue, gains, and losses of the institution attributable to any holding, position, or other interest of the institution in any derivative financial instrument.

"(C) EXPOSURE UNDER BILATERAL NETTING CONTRACT.—The net current credit exposure of the institution under legally enforceable bilateral arrangements with respect to any holding, position, or other interest of the institution in any derivative financial instrument.

"(2) TERMS TO MATURITY.—Information on the remaining term to maturity of any holding, position, or other interest of the institution in any derivative financial instrument.

"(3) QUANTITATIVE INFORMATION WITH RESPECT TO DERIVATIVE FINANCIAL INSTRUMENTS HELD FOR TRADING PURPOSES.—

"(A) AVERAGE FAIR VALUE BALANCES.—The average maximum and minimum fair value balances of the insured depository institution during the period covered by the report with respect to any holding, position, or other interest of the institution in any derivative financial instrument which is acquired or taken by the institution for trading purposes.

"(B) REVENUE, GAINS AND LOSSES.—All revenue, gains, and losses of the institution attributable to trading account operations involving any holding, position, or other interest of the institution in any derivative financial instrument.

"(b) REQUIREMENTS APPLICABLE TO REPORTING UNDER SUBSECTION (a).—

"(1) SEPARATE REPORTING FOR EXCHANGE AND OTC TRADING.—To the maximum extent possible, information reported pursuant to paragraphs (1) and (2) of subsection (a) with respect to transactions which are conducted on an exchange, and the holdings, positions, or other interests in derivative financial instruments which are the subjects of such transactions, shall be provided separately from information relating to transactions which are conducted over the counter, and the holdings, positions, or other interests in derivative financial instruments which are the subjects of such transactions.

"(2) EXEMPTION BY AGENCY PROHIBITED.—A Federal banking agency may not—

"(A) exempt any insured depository institution from the requirements of subsection (a); or

"(B) allow any exception to any such requirement with respect to any insured depository institution,

unless the agency determines that such exemption or exception is in the public interest and submits a written notice of such determination and a detailed description of the reasons for the determination to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate at least 30 days before the effective date of the exemption or exception.

"(c) QUALITATIVE REPORTING REQUIREMENTS.—The Federal banking agencies shall take such action as may be appropriate to encourage insured depository institutions to publicly report the following information with such frequency as the agencies determine to be appropriate:

"(1) NATURE OF DERIVATIVE FINANCIAL INSTRUMENTS.—A description of—

"(A) the purposes for which any holding, position, or other interest of the institution in any derivative financial instrument has been acquired or taken by the institution during the period since the prior report, including the specific objectives of the institution;

"(B) the overall operating and investment strategies of the institution which provide the context for acquiring or taking any such holding, position, or other interest in any derivative financial instrument; and

"(C) the manner in which the institution acquires or takes a holding, position, or other interest in a derivative financial instrument in furtherance of the purposes and objectives for such activities.

"(2) ACCOUNTING POLICIES AND METHODOLOGY FOR DETERMINING FAIR VALUE AND OTHER AMOUNTS.—A description of the accounting policy and principles and the methodologies used by the institution to determine—

"(A) the fair value of the various types of holdings, positions, and other interests of the institution in derivative financial instruments; and

"(B) any other amount required to be reported under subsection (a) with respect to any such holding, position, or other interest.

"(d) CONFIDENTIAL EMERGENCY MANAGEMENT REPORTING.—

"(1) IN GENERAL.—Before the end of the 1-year period beginning on the date of the enactment of the Derivatives Safety and Soundness Act of 1994, the Federal banking agencies shall develop the means to obtain, on a nightly basis, all necessary information from any insured depository institution, or any affiliate of any such institution, which is a dealer in derivative financial instruments or is an active end-user relating to any activity of such institution or affiliate which involves derivative financial instruments or any holding, position, or other interest in a derivative financial instrument if the agency determines that the agency needs such information as a result of adverse market conditions or other emergency situation (as defined by the agency).

"(2) ACCESSIBILITY OF INFORMATION.—Each insured depository institution referred to in paragraph (1) shall—

"(A) obtain such information and make and keep such records as the appropriate Federal banking agency may require by regulation for purposes of such paragraph; and

"(B) promptly provide to the agency any information requested by the agency pursuant to such paragraph.

"(3) CONFIDENTIALITY OF INFORMATION PROVIDED.—No information provided to or obtained by a Federal banking agency pursuant to paragraph (1) with respect to any insured depository institution or any affiliate of any such institution may be provided to any person or entity other than another Federal regulatory agency with jurisdiction over the insured depository institution or affiliate without the prior written approval of the agency.

"(e) ADMINISTRATIVE PROVISIONS.—

"(1) ENHANCED REGULATORY COOPERATION.—The Federal banking agencies and the National Credit Union Administration Board shall jointly develop uniform definitions, reporting requirements, capital standards, and examination guidelines and procedures with respect to activities of insured depository institutions and insured credit unions which involve derivative financial instruments or to any holding, position, or other interest of any such institution or credit union in any such instrument.

"(2) STANDARDIZED METHODOLOGIES FOR ESTIMATING FAIR VALUES.—The Federal banking agencies and the National Credit Union Administration Board shall jointly take such action as may be appropriate to encourage insured depository institutions and insured credit unions to develop standard methodologies and assumptions which may be used in estimating the fair value of any holding, position, or other interest of any such institution in any derivative financial instrument for use in preparing reports of condition.

"(3) ACCOUNTING STANDARDS.—The Federal banking agencies and the National Credit Union Administration Board, in consultation with the Financial Accounting Standards Board, shall develop and implement accounting standards for derivative financial instruments which are uniformly applicable to insured depository institutions and insured credit unions.

"(4) INCLUSION OF FDIC AND OCC AS PRINCIPALS IN INTERAGENCY TASK FORCE.—The Secretary of the Treasury shall include the Chairperson of the Federal Deposit Insurance Corporation and the Comptroller of the Currency as principals on any interagency task force or working group dealing with issues relating to derivative financial institutions.

"(f) REQUIREMENTS RELATING TO DIRECTORS AND SENIOR EXECUTIVE OFFICERS.—

"(1) EFFECTIVE MANAGEMENT OVERSIGHT.—No insured depository institution may engage in activities involving derivative financial instruments without a management plan which ensures that such activities are—

"(A) conducted with appropriate direct oversight of the directors and the senior executive officers (as defined pursuant to section 32(f) of the institution;

"(B) conducted in a safe and sound manner; and

"(C) consistent with the overall risk management philosophy and the business strategy of the management of the institution.

"(2) REQUIREMENT FOR DIRECTORS.—No insured depository institution may act as a dealer in derivative financial instruments or as an active end-user unless a sufficient number of the directors of such institution are familiar with the risks associated with each holding, position, or other interest of the institution in any derivative financial instrument and the total current credit exposure of the institution with respect to the holdings, positions, and other interests of the institution in derivative financial instruments and activities of the institution relating to such holdings, positions, and other interests.

"(3) ENFORCEMENT.—In the case of the failure of any insured depository institution to comply with the requirements of this subsection, the appropriate Federal banking agency shall, in addition to such other enforcement action the agency may determine to be appropriate—

"(A) treat the failure as an unsafe or unsound practice in conducting the business of the institution;

"(B) issue a notice under section 8(e) to the chairperson of the board of directors of the institution, and any other director of the institution the agency determines to be appropriate, of the agency's intention to remove the chairperson or other director from office; and

"(C) assess a civil penalty under section 8(i)(2) on any appropriate institution-affiliated party.

"(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) ACTIVE END-USER.—

"(A) IN GENERAL.—The term 'active end-user' means any insured depository institution or any affiliate of any insured depository institution which buys or sells high volumes of derivative financial instruments, or conducts transactions in a wide variety of derivative financial instruments, in order to manage the exposure of the institution or affiliate to individual or multiple market factors.

"(B) OTHER TERMS.—The terms "high volumes" and "wide variety of transactions", as used in subparagraph (A), shall have the meanings prescribed for such terms by the appropriate Federal banking agency by regulation.

"(2) DERIVATIVE FINANCIAL INSTRUMENT.—The term 'derivative financial instrument' means—

"(A) an instrument the value of which is derived from the value of other assets, interest or currency exchange rates, or indexes, including qualified financial contracts (as defined in section 11(e)(8)); and

"(B) any other instrument which an appropriate Federal banking agency determines, by regulation or order, to be a derivative financial instrument for purposes of this section.".

(b) INSURED CREDIT UNIONS.—Section 202(a) of the Federal Credit Union Act (12 U.S.C. 1782(a)) is amended by adding at the end the following new paragraph:

"(8) DERIVATIVE FINANCIAL INSTRUMENTS.—

"(A) IN GENERAL.—The reports of condition made by insured credit unions under this section shall include all the information with respect to derivative financial instruments which are required, under section 44 of the Federal Deposit Insurance Act, to be included in reports of condition made by insured depository institutions (as defined in section 3 of such Act).

"(B) APPLICABILITY OF SECTION 44 OF THE FEDERAL DEPOSIT INSURANCE ACT.—Section 44 of the Federal Deposit Insurance Act shall apply with respect to insured credit unions and the Board in the same manner such section applies to insured depository institutions and Federal banking agencies (as such terms are defined in section 3 of such Act) and shall be enforceable by the Board with respect to insured credit unions under this Act."

### SEC. 3. STUDY OF INTERNATIONAL REGULATION AND SUPERVISION OF DERIVATIVE FINANCIAL INSTRUMENTS.

(a) IN GENERAL.—Before the end of the 30-day period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall request a meeting with the appropriate representatives of the other major industrialized countries to plan a study to examine the adequacy of the international regulation and supervision of derivative financial instruments (as defined in section 44(f)(2) of the Federal Deposit Insurance Act).

(b) GOALS OF STUDY.—The goals of the study as proposed by the Secretary of the Treasury shall be as follows:

(1) To foster a greater understanding of the manner in which derivative financial instruments affect the stability of the world's financial systems and markets.

(2) To examine the adequacy of international regulation and supervision of derivative financial activities.

(3) To make recommendations for improving the international regulation and supervision of derivative financial activities.

(4) To foster greater cooperation between all regulatory agencies with jurisdiction over derivative financial activities.

(5) To make recommendations for action by the financial regulators in the respective countries that would facilitate the safe and sound conduct of entities involved in derivative financial activities.

(6) To evaluate the feasibility of establishing a single governing body to regulate international derivative financial activities.

(c) ISSUES TO STUDY.—The Secretary of the Treasury shall propose that the study include the following factors:

(1) Identification of the manner in which derivative financial instruments affect the stability of the world's financial systems and markets.

(2) Identification of the various regulatory entities and mechanisms that are used to regulate and supervise derivative financial activities around the world.

(3) Analysis of the adequacy of the cooperation between the various regulatory entities and mechanisms referred to in paragraph (2).

(4) Identification of problems that inhibit the safe and sound conduct of world-wide derivative financial activities.

(5) Analysis of the extent to which derivative financial activities in countries other than the major industrialized countries affect the safety and soundness of the world's financial systems and markets.

(6) Identification of uniform accounting and public reporting standards for derivative financial instruments.

(7) Evaluation of the feasibility of establishing a single governing body to regulate international derivative financial activities.

(d) UTILIZATION OF INFORMATION AND RESOURCES.—The Secretary of the Treasury shall propose that, in conducting the study under this section, the major industrialized countries should—

(1) gather information from a wide variety of sources including government agencies, central banks, market participants, and the consumers of the derivative financial instruments; and

(2) to the extent feasible, obtain and use information from the International Monetary Fund, the Bank for International Settlements, and other multilateral organizations.

### SEC. 4. GAO STUDY OF SPECULATION, TRANSACTION TAXES, AND MARGIN REQUIREMENTS WITH RESPECT TO DERIVATIVE FINANCIAL INSTRUMENTS.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the speculative uses of derivative financial instruments (as defined in section 44 of the Federal Deposit Insurance Act) and the feasibility of imposing taxes and margin requirements on speculative transactions involving derivative financial instruments.

(2) REPORT.—The Comptroller General shall submit a report on the study conducted pursuant to paragraph (1) to the Congress before the end of the 18-month period beginning on the date of the enactment of this Act.

(b) ISSUES INVOLVING SPECULATIVE TRANSACTIONS INVOLVING DERIVATIVE FINANCIAL INSTRUMENTS.—In conducting the study under subsection (a)(1), the Comptroller General shall—

(1) define the term "speculation" as such term is used in connection with derivative financial instruments;

(2) determine the extent to which depository institutions, including credit unions, use holdings, positions, and other interests in derivative financial instruments to engage in speculation for the institution's own trading account; and

(3) determine the extent to which depository institutions, including credit unions, sell holdings, positions, or other interests in derivative financial instruments to—

(A) speculators such as hedge funds; or

(B) consumers of such financial instruments who are engaged in the use of such holdings, positions, or other interests in derivative financial instruments for purposes other than hedging against risks.

(c) ISSUES INVOLVING TRANSACTION TAXES AND FEES.—In conducting the study under subsection (a)(1), the Comptroller General shall—

(1) determine the extent to which any holding, position, or other interest in a derivative financial instrument is subject to Federal or State transaction tax or fee, the entity imposing the tax or fee, the purpose of the tax or fee, and the amount of annual revenue derived from the tax or fee;

(2) evaluate the feasibility of imposing a tax or fee on the acquisition or taking of a holding, position, or other interest in a derivative financial instrument for speculative purposes and estimate the annual revenue which would result from such a tax or fee; and

(3) evaluate the competitive impact of the imposition of a tax or fee described in paragraph (2).

(d) ISSUES INVOLVING MARGIN REQUIREMENTS.—In conducting the study under subsection (a)(1), the Comptroller General shall—

(1) determine which holdings, position, or other interests in a derivative financial instrument are subject to margin requirements and the amount and purpose of the margin requirement;

(2) determine the extent to which the transactions of insured depository institutions which involve a holding, position, or other interest in a derivative financial instrument are conducted over the counter and evaluate the feasibility of imposing margin requirements on such transactions;

(3) evaluate the feasibility of imposing margin requirements on any holding, position, or other interest in a derivative financial instrument which was acquired or taken for speculative purposes; and

(4) evaluate the competitive impact of imposing margin requirements on any holding, position, or other interest in a derivative financial instrument which was acquired or taken for speculative purposes.

(e) ACCESS TO INFORMATION.—The head of any department or agency of the Federal Government and any insured depository institution shall provide, upon the request of the Comptroller General, such information to the General Accounting Office as the Comptroller General may determine to be appropriate for purposes of carrying out the study required under this section.

## SECTION-BY-SECTION SUMMARY OF H.R. XXXX: THE "DERIVATIVES SAFETY AND SOUNDNESS ACT OF 1994"

### SECTION 1. SHORT TITLE

This Act may be cited as the "Derivatives Safety and Soundness Act of 1994."

### SECTION 2. DISCLOSURE OF AMOUNTS, NATURE, AND TERMS OF DERIVATIVE FINANCIAL INSTRUMENTS IN DEPOSITORY INSTITUTION CALL REPORTS

The Federal Deposit Insurance Act (12 U.S.C. 1811) details the information that insured depository institutions must submit in their quarterly call reports to the federal banking agencies. Section 2(a) amends this Act by adding a new Section 44 that describes qualitative and quantitative information on derivatives contracts to be included in the call reports and the responsibilities of the boards of directors of insured depository institutions.

### SECTION 44. DISCLOSURE REQUIREMENTS FOR DERIVATIVE FINANCIAL INSTRUMENTS

Section 44(a) lists the derivative contract information to be included in the call reports submitted after December 31, 1994.

Section 44(a)(1) lists the quantitative information covering all derivative contracts to be included in the call reports. This includes aggregate and disaggregate information of gross notional and fair value, revenue gains and losses, and net credit exposures under bilateral netting contracts.

Section 44(a)(2) requires reporting on remaining terms to maturity on any derivative contract.

Section 44(a)(3) requires reporting on the information covering derivative contracts held in trading accounts to be included in the call reports. This section requires revenue and maximum and minimum gains and losses, and maximum and minimum fair value balances.

Section 44(b) separates the above reporting between exchange and over-the-counter traded derivatives to the maximum extent possible. A federal banking agency may exempt institutions from the above requirements if it is in the public interest. Exemption requires a written, detailed notice submitted to the House and Senate Banking Committees 30 days before the effective date of the exemption.

Section 44(c) requires the federal banking agencies to encourage insured depository institutions to explain their derivative investment strategies, how they fit into the overall institution risk plans and how the institution acquires the derivative contracts. Institutions are also encouraged to describe the accounting methods they use to value their derivatives contracts.

Section 44(d) requires the federal banking agencies, within one year of enactment, to set up a system where they can obtain nightly information on an institutions derivatives exposure. This section requires insured depository institutions to provide the above information and insures that this information will be available to federal regulatory agencies but will be treated in a confidential manner.

Section 44(e) requires federal banking and credit union agencies to develop uniform definitions, reporting requirements, capital standards and reporting guidelines for derivative products and to coordinate with accounting standards boards to develop accounting standards for derivative products. This section requires the same agencies to encourage insured depository institutions to develop standard methods of valuing derivatives. This section also mandates the inclusion of the FDIC and the OCC at interagency derivative task force meetings.

Section 44(f) requires insured depository institutions that are dealers or end-users of derivatives to have a management plan which ensures that derivatives activities are conducted with oversight of the chairperson and boards of directors, are conducted in a safe and sound manner and are consistent with the institutions risk management policy. A sufficient number of directors must be familiar with risk resulting from the institution's derivative contracts. Failure to provide such a plan would not be consistent with operating in a safe and sound manner and allows the federal banking agencies to issue a notice to remove the chairperson or director and assess a civil penalty.

Section 44(g) contains the definitions of the following terms: active end-user, and derivative financial instrument.

Section (2)(b) amends Section 202(a) of the Federal Credit Union Act by extending the above reporting requirements to credit unions.

### SECTION 3. STUDY OF INTERNATIONAL REGULATION AND SUPERVISION OF DERIVATIVE FINANCIAL PRODUCTS

Section 3 requires the Secretary of the Treasury, within thirty days from enactment, to plan a study to examine international regulation and supervision of derivative financial instruments. The goal of the study is to improve international derivative reporting and regulation while minimizing the disruptions that derivatives can cause to the global financial system and markets. The Secretary shall identify the manner that derivatives affect the stability of international financial systems and markets and study the feasibility of establishing a single international body to regulate derivative activities.

### SECTION 4. GENERAL ACCOUNTING OFFICE STUDY OF SPECULATION, TRANSACTION TAXES, AND MARGIN REQUIREMENTS WITH RESPECT TO DERIVATIVE CONTRACTS

Section 4 requires the GAO to study the speculative uses of derivatives and the feasibility of taxes and margin requirements to curb speculation. The GAO will define speculation and determine if and how much dispository institutions are speculating with derivative contracts. The GAO will also determine the extent to which derivative contracts are currently subject to transaction taxes and how establishing such a tax would affect speculation. This study will estimate the annual revenue resulting from such a tax.

The GAO will determine which derivative contracts are subject to margin requirements. The study would also evaluate the feasibility of extending margin requirements to all derivative contracts and how this would effect speculation of derivative contracts.

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□ 1710

## LESSONS FROM A VISIT TO RUSSIA

The SPEAKER pro tempore (Mr. FARR of California). Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I am going to talk this evening about renewing American civilization, lessons from a visit to Russia. I want to share with my colleagues that, led by the gentleman from Missouri [Mr. GEPHARDT] and the gentleman from Illinois [Mr. MICHEL], a group of us just spent 6 days in Russia. We visited Moscow, St. Petersburg and Petrozavodsk, and it was a very, very useful 6 days. The thing which, I guess, most struck me is how much we Americans have to learn. As my colleagues know, we tend to go to places like Russia, and we are going to teach them how to be a democracy. We are going to talk to them about what they need to do. We are going to suggest to them what they should do about economic growth, about creating jobs, about solving their problems.

□ 1720

Yet I found that as we talked to people, I was learning an awful lot of lessons about what we need to do. And I guess it was first brought home to me, it took several days for this to sink in, because this was our second visit in a year, and we had been there last year at about Easter. When you first arrive in Moscow, you are so struck by the differences, and by the physical differences, by the differences in attitudes, by the differences in language.

Then you begin to listen to what people worry about. For example, the top two issues in Russia everywhere we went, with every group we talked to, were taxes and crime.

Now, when I go to town hall meetings, taxes are often one of the top issues in the United States. When we sat down to compare notes, Russians would talk about bureaucracy, and they sounded an awful lot like American small businessmen or like doctors or people who were dealing with their local, State or Federal Government.

We went to a defense conversion plant in St. Petersburg. It was one of the places where I first began to realize how similar our concerns were. I discovered that people were worried about shrinking the defense budget, laying people off, and where were the changes going to be.

Then as I listened to our dialog, I began to realize that many of the mistakes we are making in the United States we are now encouraging the Russians to make in Russia, and that many of the weaknesses that we have in dealing with the future are weaknesses that they are going to have.

Now, they have much bigger problems than we do. They have no real tradition of democracy. They have no tradition of private property of rule of law. They have no experience of entrepreneurial free enterprise. They have no habits of a work ethic that makes sense.

Yet I would suggest that the three great facts which are going to change America are the same three major facts that are going to change Russia.

The first is that we are both going to go through an information revolution on a grand scale, what Alvin Topper describes as the third great wave of change in human history. You can see it in Russia just as much as you can see it in the United States.

The second is we are both tied into the world market. We are going to create jobs in the future competing not just inside our own country, but competing across the world. And we are going to have to create jobs that are good jobs and are value creating jobs by being able to compete with Singapore and China, with Stuttgart and with Thailand, and that is going to be a big change.

The third great change is that both in Russia and in America, the welfare state has failed. The big difference is that in Russia the welfare state was a lot bigger, so its failure is a lot more painful. But the objective fact is that the economic redistribution, bureaucratic model, of making people clients and then taking care of them, has clearly failed in Russia, just as it has failed in the United States.

Now, the reason I think we have to be a little thoughtful and a little cautious in dealing with the Russians and in giving them too much advice is we ought to be a little humbled by our own failures. It is a fact that American Indian reservations have about as many human tragedies and impediments to productivity as any place in the world, and that our efforts to help native Americans who decide to stay on the reservation have been, generally speaking, a pretty dismal failure.

It is a fact that in many of our inner cities, we have almost no capacity to teach people the work ethic entrepreneurship and how to create jobs, and we ought to be a little careful before we condemn the Russian failure for the same situation.

It is a fact that in places like West Virginia, where there has been a two or three generation long period of families that are on welfare, that we do not know very well how to encourage job creation and productivity and entrepreneurship. So again we ought to be a little careful about our assumptions about Russia.

It is also a fact that the defense conversion projects in southern California are in many ways just as much a boondoggle and lack effectiveness and lack job creation, just as many of the defense conversion projects in Russia do.

Finally, it is a fact that we are in the same boat in terms of inventing the 21st century, that the information revolution, which is going all throughout Russia, is an information revolution which is going all throughout the United States.

I was very struck, for example, a very minor, very human illustration, the last night we were in Russia, each member of the delegation, there were nine of us, was invited to go to a private home. The home that I went to had a young 6-year-old named Nicholas, and Nicholas had a Bart Simpson towel and a Bart Simpson hair shampoo, and I chatted briefly. He watches the Simpsons on Russian television, they are translated into Russian. I looked at the shampoo. I was just curious. I was fascinated to be here in the middle of St. Petersburg looking at a beach towel-size towel of the Simpsons, and the shampoo was made in Germany.

So here was a young Russian in the middle of a transition watching what I have to say is not one of our most eloquent or intellectual shows, but attracted to the Simpsons, identifying with America, and buying a German product based on an American character shown on Russian television. I thought, it sort of all began to come together in one place.

We talked about crime a lot. The Russians have two kinds of crime, one that we have in tragically large amounts, and one we have much less of. The one is violent crime, which they have to a growing degree with the collapse of the dictatorship. But the other, which the Russians are very worried about, is what they call the Mafia. This is not a reference to Sicily or Italian crime lores in Chicago or New York, but rather the use of the word which has become a Russian word to describe local people, someone who used to be in the KGB, who run local protection services all over Russia, where they literally show up at your store or business and suggest to you you are either going to pay them or something bad is going to happen to you. Recently, for example, the owner of a restaurant in St. Petersburg was killed for not paying protection money. So there is a very large level of concern about crime.

You can see organized crime being a tax on creating jobs. You set up a small business. You are trying to save money so you can hire more people. The local criminal comes by and takes 20 percent out of your wallet.

What was fascinating was among Russians there was a belief that the Mafia was less dangerous than the tax commission; that the government wanted to take more of your money, and that the government was more dangerous and killed more jobs than did organized crime.

So as we listened to Russian after Russian complaining about taxes—and some of the Russian taxes are truly grotesque—they just announced a 23-percent tax on investment. So if you want to invest $100,000 in Russia in order to create jobs, you have to pay $23,000 of it to the Russian Government before you can invest any of it in Russia, which is such a disincentive that unless it is repealed, it is going to dramatically slow down and maybe stop foreign investment.

Yet this tradition of a large government with a large tax structure with a big bureaucracy is not one that we can necessarily assume is only Russian. I thought of some of our own fights in this country over high taxes, redtape, regulations, and paperwork.

One of the Russians wanted to open up a cranberry farm in a bog which the Russian Government thought was so useless they were going to let him grow cranberries in it. It occurred to me under our Wetlands Act, he probably would have to spend 3 to 6 years dealing with our bureaucracy before he could even get permission to consider using it. And if they found a snail or a turtle or a small fish or something else that might in some way be endangered by his cranberries, that our bureaucracy in terms of that particular bog might actually be worse than the Russian bureaucracy.

So I found as we went on this trip an awful lot of things in common. The sense of a common future, a common destiny, was compounded for me by watching CNN, because everywhere we went in Russia, you could get CNN. Of course, representing Atlanta, it was sort of interesting to me to be there and to watch the Atlanta newsroom, which I have been in many times and see the newsroom in Moscow, St. Petersburg, Petrozavodsk. And in looking at the CNN coverage, we happened to be in Russia, which was having its government instability at a time when the Italians are having their government instability, and their newly elected parliament is having a hard time forming a stable government. That instability was caused by a massive Italian corruption scandal which led virtually to the entire political elite to be knocked out of politics, and many of them are probably going to go to jail.

At the very middle of this instability, we were watching what happened with Prime Minister Hosokawa, who resigned as the Prime Minister of Japan because of a corruption scandal involving some things he had done back in the early 1980's.

□ 1730

Of course, in the middle of all that we are watching the various news reports on CNN and the International Herald Tribune and the International USA Today. USA Today now has an international edition, which it did not have, to the best of my knowledge, a year ago. And you could also get it as well as the Wall Street Journal. In all three of those we were reading about the problems of Whitewater and the questions being raised about American political leadership. You had this common sense that all across the modern industrial world the working, tax-paying middle class voters are unhappy. They are unhappy in Russia. They are unhappy in Italy. They are unhappy in France. They are unhappy in Britain. They are unhappy in Canada. They are unhappy in Japan, and they are unhappy in the United States.

I came back home to see two recent polls. One was done by the Princeton group and said that 77 percent of the American people think that things are not going the way they should be. Another poll taken about the same week by Dick Wirthlin and the Wirthlin group said that 62 percent of all Americans thought America was on the wrong track. And I could not help but reflect on what I hear in my townhall meetings in Roswell and in Marietta and what I had been hearing while I was traveling throughout Russia, because they are very similar.

First of all, people want a chance to create jobs, to create wealth, to have the income left after taxes that they can pursue a decent life. And people, whether in America or in Russia, in Italy or Japan, do not think they are getting a very good buy out of their Government. That is, I think, being compounded by the changes that are occurring in Alvin Toffler's "Third Wave of Change," this concept of an information revolution. Because what is happening is, people are discovering, in the private sector, whether it is buying a microwave oven or a cellular telephone or it is getting cable television or buying a videotape recorder, that in the private sector that there are more and more goods and services being offered. And you have a greater range of choice.

You can have, for example, a bank card and you can go and you can get the money almost all over the world with a plastic card. And you can get it 24 hours a day by showing up and putting in your card and the bank will give you money. And so people have more services, more choices, more goods in the private sector. But then everywhere in the world, when they turn to government, the bureaucracy is slower. It is more expensive. It is more arrogant. Instead of being user friendly, as businesses increasingly are, open 7 days a week, in many cases open 24 hours a day, government is still 9 to 5 or 9 to 4. Government still operates with coffeebreaks in a sense of "You are not our customer, you are our client, wait in line, we will get around to taking care of you when we want to."

So that you have, in the private sector, tremendous pressure that you could call up and you could today, anybody who is listening to me, could call up as a test to an airline. You get a little impatient if there are a lot of calls because you might have to wait 2, 3, 4 minutes to get somebody. At that point you could say, I want to travel from Atlanta to New York on the third Sunday in May and I want to sit in an aisle seat. In about 409 seconds they would tell you, fine. You are now on flight such and such at such and such a time. You have 23-C, and it will cost you this amount of money. All that done when you are sitting at your home, 24 hours a day.

Then you are a veteran and you call the Government. You say, gee, I would like to get my records.

I just had a veteran that came in to see me today for whom this was a real human problem. He had been told in Atlanta that they could not take care of him because he had to go to St. Louis where his records were. He literally went to St. Louis physically and was told in St. Louis, no, his records are not in St. Louis. They were in Maryland. He came to Washington to go to the Maryland suburbs, went out and was told, no, they must be in St. Louis.

He came to me in despair and said, "Can't you try to get the Government, I have now made two trips to go to two different bureaucracies who are giving me contradictory information."

I think this is the gap between what happens in the private sector. If you buy a computer software in the private sector, you actually get computer software. If you pay your taxes or get education in the public sector, you may or may not get any education. That is the kind of gap we have.

So I would suggest to people, the next time you go into a McDonald's or a Wendy's or a Burger King or a Pizza Hut or any large chain like that look at the services you get. Look at what you pay for it. And then walk into a government agency. Walk in to get your driver's license or your license tags to pay your property tax, to register to vote, any government service. Look at the difference in the rhythm and the attitude and the style. Look at the difference as people, in terms of speed of information and speed of service and quality of service, and you can begin to understand why people are restive about government.

I think there are two or three deeper pieces to this. People do not just think government is a bad buy. People almost everywhere in the world think that the bigger bureaucracy has gotten, the more arrogant it has gotten. The more out of touch with them it has gotten. The more frustrating it is. And so you have not just this passive sense of, gee, down at city hall or over in the State government or up in the Federal Government, government is not doing its job. You have a deeper sense that not only is government no doing its job very well but it is interfering in my life.

The complaints I heard in Russia were remarkably like the complaints I hear in Georgia, about government interference, about bureaucrats telling us what to do, about too much redtape and about them trying to control our lives.

And I think that is compounded everywhere in the world by the sense that is, I believe, universal that we have to come to grips with in the Congress, that somehow politicians, elected officials are getting a special deal.

Every Member of Congress knows what I am talking about. You go back home. People automatically assume that you re doing very well.

I read a fascinating article by Chris Matthews, the former press secretary for Speaker Tip O'Neill, who is now a columnist for the San Francisco newspaper, who I think is a very interesting columnist. Matthews sat in on several focus groups where people had been asked, imagine that you have been invited to dinner by your Congressman. What would it be like.

And people had said, well, they assume they would go to some very, very expensive house where everybody would be dressed in tuxedos and where they would have livery servants who would deliver food and the food they would deliver for dinner that night would, in fact, be so elaborate and such gourmet food that probably the average American voter could not even tell you the names of the food that their Congressman would be serving.

This is not true, by the way, for, I would say, 85 or 90 percent of the Congressmen tend to be middle class, tend to live in fairly small houses or rent apartments and certainly are a long way from having servants who provide food.

But Chris Matthews' point was that the average American now feels so alienated from their government, their elected officials, they feel such a distance from the life that they think that Congressman and Senator and Presidents and Vice Presidents have and the life that they have that their level of anger is sort of permanent. Their level of alienation is increasing.

I think it is important to recognize the two levels. First of all, this is exactly the same attitude that is growing in the middle class of Italy, France, Germany, Russia, Japan, Canada, England. And, therefore, we ought to look at the notion that maybe this is a universal phenomenon. Maybe this is not just about America but maybe, as part of this third wave of change that Al Toffler writes about, you are actually seeing the information revolution create a new standard for participation and create a new standard for relationships. And frankly, we in public life do not know how to answer it. We do not know how to answer it whether we are Russian-elected officials or Italian-elected officials or American-elected officials. And it is a very, very big challenge.

So I would say that not only do you have the problem of people who are upset about government not being a good buy, not only do you have the problem of people who are upset because the bureaucracies are increasingly isolated and arrogant and increasingly act in dictatorial ways, you also have the problem that people virtually everywhere in the industrial world are increasingly alienated from their governments and that this is a worldwide phenomenon.

□ 1740

It is a worldwide problem, which is weakening the structure of authority and weakening our ability to have healthy self-government everywhere on the planet.

I think all of this is then compounded. By itself these would be, frankly, pretty big problems. I think they are then compounded by two other difficulties, the difficulty of creating jobs in the world market, and the difficulty of replacing the welfare state now that it has failed. Let me talk briefly about each of those.

Listening to Russians try to explain the kind of jobs they wanted to create was fascinating in part, because in many ways, if we look at the Toffler model of what he describes as the first wave of change, which was from hunting and gathering to agriculture, the second wave of change, which was from agriculture to the industrial revolution, and now the third wave of change, which is from the industrial revolution to an information revolution, that much of what the Russians want to do is somehow go back to the industrial revolution, that they are trying to find a way to rebuild the system that has been there, rather than looking at the system that is coming in the future.

I will give two or three examples of the scale of what we are describing.

First of all, there is a tremendous focus on trying to convert very big, very old factories, some of which employ 10,000, 15,000, 20,000 people, a few of which employed 40,000, 60,000, 80,000 people, and trying to get them to convert. And yet what was happening was exactly as every American has experienced as they begin to convert.

If we had, let us say, a steelmaking area that employed 1,000 people, if you moved into modern American, or Austrian, or Japanese, or Swedish, or German systems, all of a sudden you cut 80 percent of those workers out and you increase production; that the new information age computerized systems are so powerful that actually the faster they were converting, the more people they were laying off, so their choice was do not convert and you are all going to go broke, or do convert and maybe as many as 80 percent to 90 percent are going to be laid off anyway, so even success meant downsizing.

In fact, we have learned painfully in America that that is exactly what is happening to manufacturing. The most successful manufacturing companies are consistently downsizing as they use computers better, they use automation better, they use Demmings' concept of quality to build a systems approach with continuous improvement every day. All these things mean that fewer and fewer people produce more and more goods and services, so that the manufacturing sector, in terms of value-added, is actually about as big as it was in 1980, but in terms of employment is substantially smaller, because each person is having a tremendous increase in their productivity.

That actually means that the faster you convert, the more people you lay off, the better off you are and the more likely you are to be successful. But if you think about it for a second, if you are the local political leadership and you get told, "Gee, we can do a really great job, this factory could drop from 40,000 to 8,000 in the next year," and that would leave 32,000 people on the street, you would not necessarily think that was a success.

Yet in the industrial area, that is the only way to compete in the world market, is to downsize, modernize, use quality approaches, and get more and more productivity per person.

What it leads you to, though, is the sudden realization that you had better find a way to grow brand new jobs for those 32,000 people; that the trick here is not how do I prop them up and subsidize them at old jobs, it is not how do I keep them making jet fighter planes that are obsolescent, it is not how do I get them pushing paper around or how do I get them to show up at work and walk around not doing anything; that precisely part of this third wave information revolution is how do I suddenly explode the number of small businesses that are brand new, that are going to grow up and that are going to become the giant businesses of 20 years from now.

It is very important to recognize the differences between a small business that is going to be permanently small, say a one- or two-person shoe repair store where neither person wants to grow any bigger, they are quite happy earning a decent living, all they what to do is show up 40 hours a weak, run their little shoe repair shop and make a nice living. That is a classic small business.

What we have to recognize is that in the age of the information revolution, of the third wave of change, that we are actually faced with the need for baby businesses. Now, baby businesses are very much like small businesses when they start. They do not have much money, they may be one or two or three people, they may operate in the basement of somebody's house, they are not very impressive, and yet 10 years later they are Apple Computer or they are Microsoft.

Suddenly, last year Microsoft passed IBM in total capitalization on the stock exchange. Now, that was inconceivable 50 years ago. How could this company, led by Bill Gates, who is a college dropout, possibly grow that big? Yet a decade earlier the miracle story of Apple Computer, led by Steve Jobs, a college dropout.

Most of the best hackers in America today are college dropouts, and yet they are brilliant people, each pursuing the technology and the information system on their own, each out there trying to create a better future.

Suddenly you have to say, "Wait a second, maybe a bureaucracy in Moscow could have some relationship with a large defense contractor in St. Petersburg." That is a big enough company, you can see it from Moscow.

But if what you need are—I'm going to stay with my example of 32,000 people on the street. If the first year the average small business is going to hire no more than five people, that means you had better create 6,400 small businesses in order to have enough jobs to absorb all the people who are being laid off as the defense plant downsizes and modernizes and becomes competitive in the world market.

Now, in order to have 6,400 people, brand new small businesses, that is, in order to employ everybody, that means that you have to have a tremendous explosion of entrepreneurship. Yet, to have the explosion of entrepreneurship, three things have to happen that the classic welfare state approach cripples and blocks.

First, you have got to create an entrepreneurial spirit. Second, you have to drastically cut taxes. Third, you have to eliminate most of the regulatory bureaucracy. Let me talk about all three.

You have to find a way to encourage people to go out to take the risk of starting a business on their own, to have the courage to take their family savings and maybe the savings of their friends and neighbors, to put those into doing something, to work extra hard, to maybe work at a regular job fulltime and then in the evenings worked at a part-time job. Whatever it is, you have to have this commitment which is at the heart of creating jobs.

It is the commitment which we do not seem to understand how to create in American Indian reservations, it is the commitment we do not understand how to create in the inner city, and it is the commitment which we do not seem to be able to understand how to create in long-term welfare areas like most of West Virginia.

So we frankly are not in a very good position to say to the Russians, "Here is how you do it." We can tell them they have to do it, we can tell them it is tremendously important, we can tell them "Look at Silicon Valley, look at the north Atlanta area, between Norcross and Roswell and Marietta," we can tell them, "Look at the Research Triangle area," we can tell them, "Go look at all the successful entrepreneurs who have made America great."

The truth is we do not know today how to encourage the entrepreneurial spirit. Frankly, when you hear American politicians attacking the successful, when you hear American politicians attacking business, when you hear American politicians making fund of and deriding and talking about a decade of greed for a period which was in fact a decade of job creation, you sort of wonder if maybe a lot of American politicians are not forgetting about the spirit of entrepreneurship.

The second problem we have is, even if we get people sort of interested in starting their own business—and I had dinner with several entrepreneurs in Russia who are right at the starting point, they have 4, 5, 10 people who work for them they are barely making ends meet, they are just beginning to grow, they are just beginning to have a chance to create a little wealth, they are excited by the prospects of the future. And yet their biggest threat is taxes, because it is the nature of every bureaucracy to cut a deal with the big boys, to take care of the very rich, and then to soak small business and soak the working middle class. That is what is happening in America, and that is what is happening in Russia.

For example, imagine that instead of having given Donald Trump all of the tax breaks that New York City gave him over the last 15 years, that that number of dollars had been given to small businesses that were startup, baby businesses that were the job future of New York, that were going to hire Hispanic and black and Asian and women employees, and have Hispanic and black and Asian and women owners, imagine the difference in incentives.

What happened? In New York City taxes were raised on the small businesses in order to allow the city to give a tax break to a multi-multimillionaire. The same thing happens in Russia. The bureaucracy takes care of its friends at the defense industry. That means they need a lot more money. They get that money by soaking small business and soaking baby businesses and killing the jobs of the future.

In order to prop up and subsidize the old, decaying jobs of the big, heavy industries, they are raising taxes on the very entrepreneurs and the very small businesses that are the future job creators who are going to absorb those currently subsidized people when they leave.

What happens when you do that is tragic. You can never fully convert the people you are subsidizing over here in the old business, and there are no new jobs being created over here by the baby businesses, and so eventually the defense industry collapses and those people go into permanent, long-term unemployment, and you have created a new generation on welfare reform, which gets me to the third problem.

First, remember, you have to create entrepreneurship. You have to encourage people to go out and get started. You have to encourage them to create new baby businesses. You have to encourage them to create jobs.

Second, you have to cut taxes on small business and cut red tape on small business so it has the incentive to go out and has the resources to go out. After all, if you do not leave money in a small business' pocket, it cannot invest in the next job. If you don't leave money in the small businesswoman's pocket, she cannot go out with an incentive to create another generation of opportunity for more people.

□ 1750

But the third problem is bureaucracy. Big businesses can hire lawyers and they can hire accountants and they can hire clerks and big businesses fill out all the paperwork and that just becomes a part of doing business. But if you are a baby business, if you are brand-new, if you are out there working 6 days a week, 12 to 15 hours a day trying to find customers, trying to get things done, trying to market your product and you are right at the breaking point, you are just barely making enough money to grow and to get along and now along comes the government with all sorts of red tape you have to fill out on Sundays and in the evenings, along comes the government and says, "Now if you want this to happen, take a half-day off of work, show up at city hall, wait in line, and maybe eventually we will get around to taking care of you."

Well, the fact is that the bureaucracy and the red tape and the domination by lawyers and politicians simply drives people underground. I was told again and again in Russia by business people, "We frankly lie to the government." We did not meet a single person who paid all their taxes. They would tell us in private, "Look, we all cheat, we all know you'd be crazy to pay the Russian Government all its taxes, we know it's impossible to stay in business if you pay them everything they're asking for. And so we simply hide." And it was very, very frightening in a sense because it is what we're seeing happening in some of America's biggest cities where people increasingly shelter their income, increasingly underreport and there is a very real danger of what has been the most successful voluntary tax system in the world breaking down.

And yet it is the nature of a large bureaucracy and the nature of a big central government to gradually impose more red tape, more taxes, more controls, more bureaucracy, and it is the nature of individual people, then, to hide more and more of their life and report less and less, to see the government as an adversary and a threat rather than as a partner and as a helper. And I think that this is a worldwide phenomena.

Notice what I said earlier. The thing that was the most fascinating about being in Russia was how similar our problems are. Theirs are more acute, they have more pain, they have more difficulty. Their welfare state is bigger. Their bureaucracy is bigger. Their taxes are even dumber. But the underlying attitude when I would talk to a working man or woman, to somebody in business who had a small business, the attitudes and concerns were exactly the same. Then when one talks to people in Italy, Canada, in Japan, or France, their attitudes are the same. You have to start saying to yourself, maybe there is something to this concept of Toffler's Third Wave of Change and an information revolution which is sweeping all across the world and which is putting all of us under tremendous pressure to change our political approach, to change our standard of ethics, to change the way we do business, to rethink the bureaucracies from the ground up and to rethink the tax codes. And what makes this particularly important is the function of the world market coming on top of the third wave information revolution. Because what the world market says is, that if Russia raises taxes too much, businesses just won't invest in Russia. They will go to Singapore or to China. They will go to Mexico or to Japan. If Russia has too much red tape and too much regulation, businesses just will not build the next factory in Russia. They will build them in Finland, or in Poland, or in India, or in the United States.

Well, the same thing is true here in America and what we have got to realize is that the very lessons we are trying to teach the Russians are lessons that we need to be in a position to teach ourselves.

Now, I first got interested in this not in dealing with Russia but in dealing with Somalia. When the United States sent forces to Mogadishu, the capital of Somalia, in December of 1992, I met with a good friend Owen Roberts in Tampa, FL, and we were doing long-range planning. He said:

> The tragedy is, we don't know how to teach people in Somalia how to govern themselves. We don't know how to teach them how to be productive, we don't know how to teach them the importance of the rule of law and of private property and of free elections. We don't know how to teach them how to be entrepreneurs, to create baby businesses and to create the wealth of the future. We don't understand how to teach the people of Somalia about the world market and about the information revolution that is creating a third wave of change through our lives.

And as we got to talking about it, I realized that Owen Roberts was right. And, of course, if you watch what is happening in Somalia, if you watch the enormous human tragedy in Burundi which is going on right now, if you look at what is happening in Haiti, you have to be very humbled as an American to realize that 218 years after the Declaration of Independence, we really do not know how to teach people what we believe. That we have lost our nerve and our willingness to say what we said so clearly in 1776. Remember that the Declaration of Independence said:

> We hold these truths to be self-evident, that all men are created equal and that they are endowed by their creator with certain unalienable rights, among which are life, liberty and the pursuit of happiness.

And behind that simple quote is a whole body of theory, a whole way of life, things which have grown up from the Magna Carta in Britain up through the American colonial experience where American colonial governments with colonial legislatures had practiced the rule of law and free elections and free speech, where the rights of private property and the rights of entrepreneurship and commercial behavior and the rise of the free market had grown steadily.

I think it is no accident that Adam Smith's great work, the Wealth of Nations, came out the same year as the Declaration of Independence in 1776. Nor is it any accident that Smith's work on economics, the Wealth of Nations, is based on his earlier book which is on moral sentiments and talks about the nature and importance of human beings as moral creatures and creatures of conscience. And clearly Smith saw the whole structure of economics as occurring within a framework of morality and ethics which is at the core of the Founding Father's sense of virtue, a Roman concept which they saw themselves bring into the modern world.

In this framework, we need to reestablish both for ourselves here at home and in our ability to work around the world our commitment to the basic core values of American civilization. Not because they are American. I am a patriot and I love my country. But I do not think that the primary value of the Declaration of Independence was that it was written in Philadelphia by a group of European descendants living on the eastern part of the North American Continent. I think the great value of the Declaration of Independence is that it is a universal document. It does not say all Americans, it says all men. And, of course, that is a usage for their generation which today would mean men and women. It would say today probably all people. They did not say that this was something that applied only to North Americans. They said, "We hold these truths to be self-evident." That is so obvious, so logical, so clear you did not have to argue them. They would be self-evident and every person would understand them. They did not say that we Americans have a handful of technical legalities. They said that we are endowed by our creator. That is, that God was giving us certain unalienable rights, among which were life, liberty, and the pursuit of happiness, and in the first draft Jefferson had written the pursuit of property because he thought if one did not have property rights and did not have the right to have your home as your castle and the right to own things and protection from the government taking things away from you, you did not have rights.

Now, that core motto which the Founding Fathers developed and which evolved over the following 11 years into the Constitution of the United States, that model is, I believe, a model the world can study and as it developed over the following 200 years, it became a model which allowed more people from more backgrounds to pursue happiness than ever in American history. That is, it was a model which allowed people of African and Asian, European, Native American, Indian, Latin American descent, all to work together. More people have sought happiness in

America and from more ethnic backgrounds than ever in the history of the human race.

☐ 1800

I want to report to my colleagues that I think the problems we face here at home are less acute but exactly parallel to the problems facing our friends in the industrial world around the planet. Like the Japanese and the Italians, we have a problem in the ethical structure of our politics, and we need to rethink from the ground up how in the information age we should perform as a self-governing free society and what the standards should be.

I think all of us are in the middle of a mess in trying to sort out what our ethical principles should be. I think that, like all of our friends in the industrial world, we have to adjust to a world market, a true world market in which not only our CNN and Coca-Cola are worldwide but so are all the standards of competition, and a true world market means the price of labor will be established in south China, and if we want to have a higher standard of living than the Chinese, we are going to have to be more productive, more creative, more entrepreneurial in order to have the highest value-added jobs in the world with the highest take-home pay and greatest job security. That is going to mean very dramatic changes, changes that affect litigation, taxation, and regulation, changes that require us to rethink almost everything about how America functions, because we have not had to be in this kind of competitive world market since before World War II.

In addition, we have to face the fact that the welfare state has failed everywhere on the planet. The bureaucratic model of economic income redistribution, it is said, we will take from this group over here, we will transform it through a bureaucracy, we will hand it out to this group over here, and that has just failed. It has created much more red tape. It has trapped people. It reduced citizens to client status. And it meant that people, instead of getting stronger and more daring and more courageous and more entrepreneurial, people became weaker, and they became more victim-oriented, and they became more helpless, and they became trapped in the very bureaucracy which claimed it was going to try to help them.

And so we have to, here at home, I think, think through seriously how we replace that particular system. The concepts of the principles of American civilization, the principles which I would define basically as being five: First, personal strength, because without personal strength you do not have any ability to be effective. You cannot be a free citizen. You cannot open up a business. You cannot keep a job. You cannot raise a family. So personal strength, I think, is the keystone on which all the rest of American civilization is based.

Second is the concept of entrepreneurial free enterprise, the spirit of cutting through red tape, getting the job done, accomplishing something, and the spirit of entrepreneurship that is very aware that the marketplace matters, and it goes out to create new jobs and new services and new goods and new products and creates a better future by having creativity and energy.

The third principle would be the principle of the spirit of invention and discovery, the notion that we can create a better future because as humans we have minds that allow us to be creative, that allow us to go out and discover about nature, and go out and invent a better future mechanically. We take this kind of spirit of invention and discovery and we create consistently a better future.

The fourth principle, I think, is Edwards Deming's concept of quality, what he called a system of profound knowledge. Deming is the man who taught the Japanese the concept of quality. He later brought it to places like Ford Motor Co. It is a very powerful transforming experience to work in a quality-oriented environment, one which knows that the customer determines value, but the producer creates value, one which knows you get real improvement a little bit every day through continuous improvement with little changes every day, something which is legally impossible in our bureaucratic, legal, lawyer-dominated governmental structures of today.

So I think if you take those four concepts, personal strength, entrepreneurial free enterprise, the spirit of invention and discovery and quality as defined by Deming, and then you cap them off with the lessons of American history, when we really wanted to create jobs, how did we do it? When we really wanted to help people get ahead in life, how did we do it? When we really wanted to lock up criminals and have safe streets, how did we do it?

If America has been historically the most successful society in history, then maybe the correct thing for us to do is to look at the lessons of American history and ask ourselves: What did the Founding Fathers know? How did they apply it? Over the years how did other people like Thomas Edison, the Wright Brothers, Henry Ford, Theodore Roosevelt, Abraham Lincoln, how did they apply these ideas? How did they create a better future? And what can we learn from them?

I think we can learn some very powerful principles of replacing the welfare state with a system that is volunteer-oriented, incentive-oriented, decentralized, and really rebuild the family structure, the community structure, the local controls that were at the heart of the creativity of the American system prior to the rise of the welfare state.

Now, I believe by taking those principles we can teach ourselves a lot that can help us frankly dramatically improve the quality of life on Indian reservations, dramatically have a revival of our inner cities, and bring to our rural impoverished areas new opportunities in the information age when anybody anywhere can have a chance to have a good education, good health care, and earn a good living, because electronics makes it less of a handicap to live in rural areas, if we are clever and creative about how we bring that information revolution to everyone everywhere in America.

I have tried to outline all of this, I say to my colleagues, in a course called "Renewing American Civilization," which was offered winter quarter at Reinhardt College in Georgia. That course is available on cable television, on National Empowerment Television. The course, which is 20-hours long, ten 2-hour segments, which lay out the principles of American civilization, the course is available on National Empowerment Television, which is a satellite channel every Wednesday from 1 to 3 Eastern Time and will be shown all year, so it will be shown a total of five times this year. The course is also available in audiotape and videotape form, and any of my colleagues or their staffs or any of their constituents who would be interested, you can learn more about that by calling 1-800-TORENEW, which is an 800 number that was set up to allow people to learn more about the course.

The reason I taught a 20-hour course in Renewing American Civilization is I think the core of our problems in America today and the core of the problems both in the industrial world that is under stress, Russia, Italy, Japan, France, Germany, Britain, and Canada, and also, frankly, in the world that has not quite industrialized, places like Somalia, Haiti, and Burundi, I think the crisis is not money. I think the crisis is intellectual. I think the great problem is we have had the wrong model. We keep trying to have a bureaucratic big system, big corporation, big redtape, command economy role which is just wrong.

We have to replace that model by going back to the America that de Tocqueville described in his great book on democracy in America. De Tocqueville understood America's genius was in voluntarism. It is in Kiwanis Club, Business and Professional Women, Girl Scouts, Boy Scouts, the YMCA, the YWCA, all the different kinds of voluntary groups that spring up in America and that launch their own new ideas and new approaches and new creativity.

My suggestion to my colleagues, as we look at trying to help Russia, is that unless we thoroughly ground ourselves in the principles of American civilization, unless we have studied how we are prepared to replace our welfare state, unless we have studied how we are going to replace our bureaucracy with a system that makes sense in the information age, unless we have looked at the requirements of the world market and we are prepared to create a competitive America where we change the regulation, the litigation, and the taxation which are crippling us today, until we are sure that we in fact have a firm grip on how to create the jobs of the future, create the wealth of the future, create the opportunities of the future, I think we should be a little cautious about telling the Russians to rush in and rebuild and reinvent our welfare system.

It seems to me we ought to focus on how to create small businesses, how do you create baby businesses, how do you encourage those baby businesses to grow, how do you use electronic information systems to replace bureaucracy, how do you decentralize so people at the most local level possible are making the decision, how do you allow people to pursue happiness on their own rather than having the bureaucracy define happiness for them? I think these are very profound questions. I think they are at the heart of where we are today as a country.

We have had a remarkable two centuries. We have gone an amazing distance.

When you are in Russia and you look back on America and you see us almost everywhere in blue jeans, in music, on television, in commercial products, in the positive warm way in which people talk about America, people who have not visited tell you how much they want to, you feel great pride in America.

And yet we face very real problems. For all the crime in Russia, the murder rate in Washington, DC, is greater than the murder rate in any city in Russia. The murder rate in New York is greater than the murder rate in any city in Russia. The crisis of poverty in America, of poor children trapped in neighborhoods surrounded by violence, no prenatal care, living in government-run housing, and it is astonishing. Russian public housing owned by the government resembles American public housing owned by the government, because when the government owns things, people do not take care of them as well. They are not as pretty, and they do not have personalities, and they are large, bland, grey concrete boxes.

□ 1810

And walking into a Russian public housing building was like walking into an American public housing building. It was astonishing to see what the absence of private property, the absence of ownership, the absence of pride, the absence of a sense that, "This is mine, it is my castle, and I will take care of it." It did the same things in Russia that it does in America.

So I simply want to suggest to my colleagues that all of us should study principles of American civilization, all of us should relearn the lessons that used to work in America; that we have an obligation not only to tell the Russians or the Somalians how they should in fact change their country; we have an obligation to bring, here at home, the same lessons to ourselves and to recognize that we need enormous changes in America if we are going to compete in the 21st century.

We need enormous changes in America if we are going to be safe from violent crime, we need enormous changes if we are going to have a small, centralized, user-friendly government that actually cares about its citizens and operates in a nonbureaucratic model. All of those things are possible, all of those things can be created using the principles of Alvin Toffler's "Third Wave of Change." All of those things are made necessary by the world market because if we do not change, we are going to lose jobs and lose income and become a lot poorer in the next 25 years.

And I would argue that all those things are morally necessary because they are what make us Americans; that America can be proud that we really do believe that all people are endowed by their Creator with certain inalienable rights and that we in fact have an obligation to try to redesign American Government, to try to replace the welfare state, and to try to create an opportunity society in which every person has an opportunity, actually, to live out life to its fullest, to be a citizen, not a client, to create a baby business, to pursue happiness, to create wealth, and to have a sense that their property is theirs and that their government, frankly, is their servant and not their master.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. BENTLEY (at the request of Mr. MICHEL) for today on account of a death in the family.

Mr. FISH (at the request of Mr. MICHEL) for today on account of illness.

Mr. GALLO (at the request of Mr. MICHEL) for the week on account of medical reasons.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. BOEHNER) to revise and extend his remarks and include extraneous material:)

Mr. EWING, for 5 minutes each day, on April 13 and 14.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

(The following Member (at the request of Mr. REED) to revise and extend her remarks and include extraneous material:)

Mrs. COLLINS of Illinois, today, for 5 minutes.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HOYER) and to include extraneous matter:)

Mr. MONTGOMERY in two instances.
Mrs. MALONEY.
Mr. LANTOS in two instances.
Mr. BONIOR.
Mr. REED in four instances.
Mr. LIPINSKI.
Mr. ACKERMAN.
Mr. SKELTON in two instances.
Mr. DELLUMS.
Mr. HALL of Ohio.
Mr. FAZIO.
Mr. TRAFICANT.
Mr. PAYNE of New Jersey.
Mr. VISCLOSKY in two instances.
Mr. CHAPMAN.
Mr. STARK in three instances.
Mr. BRYANT.
Mr. SERRANO.
Mr. WAXMAN.
Mr. MAZZOLI in three instances.
Mr. COYNE.
Ms. NORTON.
Mr. KLECZKA.
Mrs. MEEK of Florida.

(The following Members (at the request of Mr. BOEHNER) and to include extraneous matter:)

Mr. TALENT in two instances.
Mr. WELDON.
Mr. TAYLOR of North Carolina.
Mr. SHAW.
Mr. DUNCAN.
Mr. MACHTLEY.
Mr. MICHEL.
Mr. LEWIS of California.

(The following Members (at the request of Mr. REED) and to include extraneous matter:)

Mr. THOMAS of Wyoming.
Mr. SANDERS.
Mr. MORAN.
Mr. KLEIN in four instances.
Mr. HOKE.
Mr. GILMAN.
Mr. MANN in two instances.
Mr. BOEHNER.
Mr. OLVER.
Mr. HOCHBRUECKNER.
Mrs. JOHNSON of Connecticut.
Mr. CARDIN.
Mr. BECERRA.
Mr. HAMILTON.
Mr. MCINNIS.

Mr. HAMILTON.

Mr. MAZZOLI.

Mr. BURTON of Indiana.

(The following Members (at the request of Mr. GINGRICH) and to include extraneous matter:)

Mr. JOHNSON of South Dakota.

Mr. COX.

Mr. CLAY.

## SENATE BILLS AND A JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1226. An act to amend title 38, United States Code, to provide for the organization and administration of the Readjustment Counseling Service, to improve eligibility for readjustment counseling and related counseling and for other purposes; to the Committee on Veterans' Affairs.

S. 1546. An act to amend title 38, United States Code, to revise certain administrative provisions relating to the United States Court of Veterans Appeals, and for other purposes; to the Committee on Veterans' Affairs.

S. 1402. An act to convey a certain parcel of public land to the county of Twin Falls, Idaho, for use as a landfill, and for other purposes; to the Committee on Natural Resources.

S. 1512. An act to amend title 38, United States Code, to require the establishment in the Department of Veterans Affairs of mental illness research, education, and clinical centers, and for other purposes; to the Committee on Veterans' Affairs.

S. 1930. An act to amend the Consolidated Farm and Rural Development Act to improve the administration of claims and obligations of the Farmers Home Administration, and for other purposes; to the Committee on Agriculture.

S. 2005. An act to make certain technical corrections, and for other purposes; to the Committee on Agriculture.

S.J. Res. 179. Joint resolution to designate the week of June 12 through 19, 1994, as "National Men's Health Week"; to the Committee on Post Office and Civil Service.

## ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1804. An act to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable education opportunities and high levels of educational achievement for all students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

H.R. 3345. An act to provide temporary authority to Government agencies relating to voluntary separation incentive payments, and for other purposes.

H.R. 4122. An act to temporarily extend certain provisions of the Marine Mammal Protection Act.

H.J. Res. 329. Joint Resolution designating March 23, 1994, as "Education and Sharing Day, U.S.A."

## SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1913. An act to extend certain compliance dates for pesticide safety training and labeling requirements.

S. 1299. An act to amend section 203 of the Housing and Community Development Amendments of 1978 to provide for the disposition of multifamily properties owed by the Secretary of Housing and Urban Development, to provide for other reforms in programs administered by the Secretary, and to make certain technical amendments, and for other purposes.

S. 1284. An act to amend the Developmental Disabilities Assistance and Bill of Rights Act to modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes.

S. 476. An act to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, and for other purposes.

## BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles.

On March 25, 1995:

H.J. Res. 329. Joint resolution designating March 23, 1994, as "Education and Sharing Day, U.S.A."

H.R. 3345. An act to provide temporary authority to Government agencies relating to voluntary separation incentive payments, and for other purposes.

On March 28, 1994:

H.R. 1804. An act to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable education opportunities and high levels of educational achievement for all students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

On March 30, 1994:

H.R. 4122. An act to temporarily extend certain provisions of the Marine Mammal Protection Act.

## ADJOURNMENT

Mr. GINGRICH. Mr. Speaker, pursuant to House Resolution 400, I move that the House do now adjourn in memory of the late Honorable WILLIAM H. NATCHER.

The motion was agreed to; accordingly (at 6 o'clock and 13 minutes p.m.), pursuant to House Resolution 400, the House adjourned until tomorrow, Wednesday, April 13, 1994, at 2 p.m., in memory of the late Honorable WILLIAM H. NATCHER of Kentucky.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2868. A letter from the Administrator, Environmental Protection Agency, transmitting the annual report on conditional registration of pesticides during fiscal year 1993, pursuant to 7 U.S.C. 136w-4; to the Committee on Agriculture.

2869. A communication from the President of the United States, transmitting his notification making available appropriations of $12,253,000 in budget authority for the Emergency pest suppression fund of the Forest Service in the Department of Agriculture, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103–228); to the Committee on Appropriations and ordered to be printed.

2870. A letter from the Comptroller General, the General Accounting Office, transmitting review of budget authority that was proposed for rescission by the President in his fourth special impoundment message for fiscal year 1994, pursuant to 2 U.S.C. 685 (H. Doc. No. 103–234); to the Committee on Appropriations and ordered to be printed.

2871. A letter from the Comptroller of the Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred at the New York District, Army Corps of Engineers, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2872. A letter from the Comptroller of the Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred at the Los Angeles District, Army Corps of Engineering, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2873. A letter from the Comptroller of the Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Naval Supply Center, Norfolk, VA, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2874. A letter from the Secretary, Department of the Navy, transmitting the updated National Defense Sealift Fund Obligation Report for fiscal year 1993, pursuant to Public Law 102–484, section 1024(d) Stat. 2489); to the Committee on Armed Services.

2875. A letter from the Principal Deputy Under Secretary for Acquisition and Technology, Department of Defense, transmitting Selected Acquisition Reports (SARS) for the quarter ending December 31, 1993, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

2876. A letter from the Secretary of the Army, transmitting notification that certain major defense acquisition programs have breached the unit cost by more than 15 and 25 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

2877. A letter from the Secretary of Defense, transmitting plan for alternative assessment of the survivability of the C–17A aircraft, pursuant to 10 U.S.C. 2366; to the Committee on Armed Services.

2878. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the 1993 annual report of the Council; to the Committee on Banking, Finance and Urban Affairs.

2879. A letter from the Resolution Trust Corporation, transmitting a list of property that is covered by the Corporation as of September 30, 1993, pursuant to Public Law 101-591, section 10(a)(1) (104 Stat. 2939); to the Committee on Banking, Finance and Urban Affairs.

2880. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-219, "Capital Review and Debt Affordability Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

2881. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-217, "Anacostia Bible Church and Anacostia Bible Church Christian School Equitable Real Property Tax Relief Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

2882. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-214, "Alcoholic Beverage Control Act and Rules Reform Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

2883. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-215, "Latin American Youth Center Equitable Real Property Tax Relief Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

2884. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-216, "Community of Christ Church Equitable Real Property Tax Relief Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

2885. A letter from the Mayor, District of Columbia, transmitting the actuaries review of benefit changes to the police officers and firefighters retirement programs, pursuant to D.C. Code, section 1-722(d)(1); to the Committee on the District of Columbia.

2886. A letter from the District of Columbia Retirement Board, transmitting the financial disclosure statement of a board member, pursuant to D.C. Code, section 1-732, 1-734(a)(1)(A); to the Committee on the District of Columbia.

2887. A letter from the Secretary, Department of Health and Human Services, transmitting summaries of results of activities carried out under the Head Start Act, pursuant to 42 U.S.C. 9845(d); to the Committee on Education and Labor.

2888. A letter from the Acting Chairperson, National Council on Disability, transmitting the Council's annual report on disability for fiscal year 1993, pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and Labor.

2889. A letter from the Acting Chief Financial Officer, Department of Energy, transmitting uncosted obligation balances of the Department, pursuant to Public Law 102-486, section 2307 (106 Stat. 3096); to the Committee on Energy and Commerce.

2890. A letter from the Secretary, Department of Energy, transmitting the annual report of actions under the Powerplant and Industrial Fuel Use Act of 1978 during calendar year 1993, pursuant to 42 U.S.C. 8482; to the Committee on Energy and Commerce.

2891. A letter from the Secretary, Federal Trade Commission, transmitting the report to Congress for 1991 pursuant to the Federal Cigarette Labeling and Advertising Act, pursuant to 15 U.S.C. 1337(b); to the Committee on Energy and Commerce.

2892. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Greece for defense articles and services (Transmittal No. 94-18), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2893. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 94-22), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2894. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 94-18; Eligibility of Albania, Bulgaria, Estonia, Latvia, Lithuania, and Romania to be Furnished Defense Articles and Services under the Foreign Assistance Act and the Arms Export Control Act, pursuant to 22 U.S.C. 2311(a) and 22 U.S.C. 2753(a)(1); to the Committee on Foreign Affairs.

2895. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 1994 International Narcotics Control Strategy Report, pursuant to 22 U.S.C. 2291(b)(2); to the Committee on Foreign Affairs.

2896. Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's determination regarding certification of the 26 major illicit narcotics producing and transit countries, pursuant to 22 U.S.C. 2291; to the Committee on Foreign Affairs.

2897. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting justification for drawdown under section 552 of the FAA to support the establishment of the Palestinian police force, pursuant to Sec. 552(c)(2) of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

2898. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the United Nations Security Counsel, pursuant to Public Law 102-1, section 3 (105 Stat. 4) (H. Doc. No. 103-227); to the Committee on Foreign Affairs and ordered to be printed.

2899. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to U.S.C. 112b(a); to the Committee on Foreign Affairs.

2900. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2901. A letter from the Director, Office of Management and Budget, transmitting his certification that the amounts appropriated for the Board for International Broadcasting for grants to Radio Free Europe/Radio Liberty, Inc. are less than the amount necessary to maintain the budgeted level of operation because of exchange rate losses in the first quarter of fiscal year 1994, pursuant to 22 U.S.C. 2877; to the Committee on Foreign Affairs.

2902. A communication from the President of the United States, transmitting the 1993 Annual Report of the U.S. Arms Control and Disarmament Agency, pursuant to 22 U.S.C. 2590; to the Committee on Foreign Affairs.

2903. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of H.R. 1804, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

2904. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1999 resulting from passage of S. 1926, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

2905. A letter from the Chairman, Federal Communications Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2906. A letter from the Federal Housing Finance Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1993, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2907. A letter from the Administrator, General Services Administration, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2908. A letter from the President, National Endowment for Democracy, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2909. A letter from the Chairman, National Transportation Safety Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2910. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2911. A letter from the Rural Telephone Bank, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1993, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2912. A letter from the Director of Operations and Finance, The American Battle Monuments Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2913. A letter from the Acting Chairman, U.S. Nuclear Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1993, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2914. A letter from the Deputy Director, U.S. Trade and Development Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2915. A letter from the Attorney General, Department of Justice, transmitting a copy of the annual report of the Attorney General for fiscal year 1993, pursuant to 28 U.S.C. 522; to the Committee on the Judiciary.

2916. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting a draft of proposed legislation to ensure continued law enforcement electronic surveillance access to the content of wire and electronic communications and call setup information when authorized by law, to improve communications privacy protection, and for other purposes; to the Committee on the Judiciary.

2917. A letter from the Administrator, General Services Administration, transmitting an informational copy of the alteration prospectus for the Social Security Administration Great Lakes Program in Chicago, IL, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

2918. A letter from the Secretary, Department of Energy, transmitting a report entitled, "Electric and Hybrid Vehicle Research and Development Program Plan," pursuant to Public Law 102-486, section 2025(b)(4) (106 Stat. 3063); to the Committee on Science, Space, and Technology.

2919. A letter from the Board of Trustees, Federal Hospital Insurance Trust Fund, transmitting notification that the HI trust fund is expected to be exhausted in 2001, pursuant to section 709 of the Social Security Act; to the Committee on Ways and Means.

2920. A letter from the Board of Trustees, Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, transmitting the tax rate allocations for the DI trust fund, pursuant to section 709 of the Social Security Act; to the Committee on Ways and Means.

2921. A letter from the Board of Trustees, Federal Hospital Insurance Trust Fund, transmitting the 1994 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund, pursuant to section 1817(b) of the Social Security Act, as amended (H. Doc. No. 103-230); to the Committee on Ways and Means and ordered to be printed.

2922. A letter from the Board of Trustees, Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, transmitting the 1994 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, pursuant to section 201(c)(2) of the Social Security Act, as amended (H. Doc. No. 103-231); to the Committee on Ways and Means and ordered to be printed.

2923. A letter from the Acting Director, Office of Thrift Supervision, transmitting the Office of Thrift Supervision's 1993 Annual Consumer Report to Congress, pursuant to Public Law 101-73, section 301 (103 Stat. 279); jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

2924. A letter from the Secretary, Department of Energy, transmitting the fourth annual report for the Demonstration and Commercial Application of Renewable Energy and Energy Efficiency Technologies Program, pursuant to 42 U.S.C. 12006(a); jointly, to the Committee on Energy and Commerce and Science, Space, and Technology.

2925. A letter from the Director, Office of Government Ethics, transmitting the Office's third biennial report to the Congress, pursuant to the Public Law 95-452, section 408 (102 Stat. 3032); jointly, to the Committees on the Judiciary and Post Office and Civil Service.

2926. A letter from the Board of Trustees, Federal Supplementary Medical Insurance Trust Fund, transmitting the 1994 Annual Report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, pursuant to section 1841(b) of the Social Security Act, as amended; jointly, to the Committees on Ways and Means and Energy and Commerce, and ordered to be printed.

2927. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting on behalf of the President, the annual report on the Panama Canal Treaties, fiscal year 1993, pursuant to 22 U.S.C. 3871; jointly, to the Committees on Merchant Marine and Fisheries, Foreign Affairs, the Judiciary, and Post Office and Civil Service.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:**

*[Pursuant to the order of the House on March 24, 1994, the following reports were filed on March 25, 1994]*

Mr. BROOKS: Committee on the Judiciary. H.R. 1120. A bill to amend title 18, United States Code, to strengthen the Federal prohibitions against assaulting children; with an amendment (Rept. 103-461). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 3968. A bill to provide grants to States to assist in the incarceration of violent repeat offenders and to manage the problems associated with overcapacity in correctional facilities and programs and to support comprehensive programs that will reduce the rate of recidivism; with an amendment (Rept. 103-462). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 3981. A bill to provide mandatory life imprisonment for persons convicted of a third violent felony; with an amendment (Rept. 103-463). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 4030. A bill to assist victims of crime (Rept. 103-464, Pt. 1). Ordered to be printed.

Mr. BROOKS: Committee on the Judiciary. H.R. 4031. A bill to provide for the prosecution as adults of juveniles 13 years old or older for certain crimes of violence; with an amendment (Rept. 103-465). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 4032. A bill to provide the penalty of death for certain crimes; with an amendment (Rept. 103-466). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 4035. A bill to establish constitutional procedures for the imposition of the death penalty; with an amendment (Rept. 103-467). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 665. A bill to amend title 18, United States Code, to provide that fraud against insurance companies will be subject to strong Federal criminal and civil penalties; with an amendment (Rept. 103-468). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 3993. A bill to amend title 18, United States Code, with respect to the sexual exploitation of children (Rept. 103-469). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 4018. A bill to revise habeas corpus proceedings (Rept. 103-470). Referred to the Committee of the Whole House on the State of the Union.

*[Submitted April 12, 1994]*

Mr. MILLER of California: Committee on Natural Resources. H.R. 2843. A bill to establish the Wheeling National Heritage Area in the State of West Virginia, and for other purposes; with an amendment (Rept. 103-471). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 3498. A bill to establish the Great Falls Historic District, and for other purposes; with an amendment (Rept. 103-472). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROWN of California: Committee on Science, Space, and Technology. H.R. 3476. A bill to amend the National Science and Technology Policy, Organization, and Priorities Act of 1976, and for other purposes; with an amendment (Rept. 103-473). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 401. Resolution providing for further consideration of the bill (H.R. 4092) to control and prevent crime (Rept. 103-474). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

**Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:**

By Mr. BEREUTER:

H.R. 4165. A bill to amend the United States Housing Act of 1937 to authorize the Secretary of Housing and Urban Development to enter into contracts with high-performing public housing agencies to provide for the development of public housing in a manner that eliminates time-consuming interim review procedures otherwise required; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BLILEY (for himself, Mr. ROHRABACHER, Mr. SAXTON, and Mr. BALLENGER):

H.R. 4166. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to revise and reauthorize the use of a formula based on adjusted District General Fund revenues as the basis for determining the amount of the annual Federal payment to the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. CARDIN:

H.R. 4167. A bill to amend title XVIII of the Social Security Act to provide for coverage of colorectal screening under part B of the Medicare program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. FRANK of Massachusetts:

H.R. 4168. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of accelerated death benefits under life insurance contracts; to the Committee on Ways and Means.

By Mr. MACHTLEY:

H.R. 4169. A bill to amend title I of the Housing and Community Development Act of 1974 to provide that activities to bring structures and sites into compliance with building, health and safety, and environmental laws and ordinances shall be activities eligible for assistance under such title; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GONZALEZ:

H.R. 4170. A bill to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to require insured depository institutions to include information on derivative financial instruments in reports of condition, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MACHTLEY (for himself and Mrs. Meyers of Kansas):

H.R. 4171. A bill to require modification of the Federal acquisition regulation to provide for timely payment of subcontractors and suppliers performing on contracts awarded by the United States, and for other purposes; to the Committee on Government Operations.

By Mr. MACHTLEY:

H.R. 4172. A bill to amend the Small Business Act to increase authorization levels for the small business development center program; to the Committee on Small Business.

H.R. 4173. A bill to amend the Small Business Act to provide for expanded participation in the microloan demonstration program; to the Committee on Small Business.

H.R. 4174. A bill to amend the Small Business Act to authorize appropriations for deferred participation loans to small business concerns detrimentally affected by defense reductions, and for other purposes; to the Committee on Small Business.

H.R. 4175. A bill to amend the Small Business Act to provide financial assistance to small businesses operating in urban empowerment zones and enterprise communities and to amend the Internal Revenue Code of 1986 to allow individuals an exclusion for capital gain from new investments in those small businesses; jointly, to the Committees on Small Business and Ways and Means.

By Mr. MAZZOLI (by request):

H.R. 4176. A bill to amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1995 and 1996; to the Committee on the Judiciary.

By Mr. PALLONE:

H.R. 4177. A bill to designate the Post Office building located at 1601 Highway 35 in Middletown, NJ, as the "Candace White United States Post Office"; to the Committee on Post Office and Civil Service.

By Mr. SMITH of Texas (for himself, Mr. Kasich, Mr. Cox, and Mr. Franks of New Jersey):

H.R. 4178. A bill to amend the Federal Credit Reform Act of 1990 to include administrative costs in the estimated long-term costs to the Government of direct loans and loan guarantees and to systematically reduce the Federal credit subsidy rate, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. STUPAK:

H.R. 4179. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact Police Officers' Bills of Rights, to provide standards and protections for the conduct of internal police investigations, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMAS of Wyoming (for himself, Mr. Richardson, Mr. Young of Alaska, and Mr. Boehlert):

H.R. 4180. A bill to prohibit the withdrawal of acknowledgement or recognition of an Indian tribe or Alaska Native group or of the leaders of an Indian tribe or Alaska Native group, absent an Act of Congress; to the Committee on Natural Resources.

By Mr. WHEAT:

H.R. 4181. A bill to prohibit an agency, or entity, that receives Federal assistance and is involved in adoption or foster care programs from delaying or denying the placement of a child based on the race, color, or national origin of the child or adoptive or foster parent or parents involved, and for other purposes; to the Committee on Ways and Means.

By Mr. MORAN (for himself, Ms. Roybal-Allard, Mr. Klein, and Mr. Waxman):

H.J. Res. 350. Joint resolution designating April 1994 as "National Buy Recycled Materials and Products Month"; to the Committee on Post Office and Civil Service.

By Mr. HOYER:

H. Res. 399. Resolution electing Representative Obey as Chairman of the Committee on Appropriations; considered and agreed to.

By Mr. MAZZOLI:

H. Res. 400. Resolution expressing the condolences of the House on the death of Representative William H. Natcher; considered and agreed to.

By Mr. HASTERT (for himself and Mr. Goss):

H. Res. 402. Resolution providing for the consideration of the bill (H.R. 300) to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Rules.

By Mr. LaROCCO:

H. Res. 403. Resolution requesting the President to designate April 1994 as "National Savings Month"; to the Committee on Post Office and Civil Service.

By Mr. ZELIFF (for himself and Mr. Andrews of New Jersey):

H. Res. 404. Resolution providing for the consideration of the bill (H.R. 3266) to provide for automatic downward adjustments in the discretionary spending limits for fiscal year 1994 set forth in the Congressional Budget Act of 1974 equal to the amount of rescissions contained in this Act; to the Committee on Rules.

## MEMORIALS

**Under clause 4 of rule XXII, memorials were presented and referred as follows:**

325. By the SPEAKER: Memorial of the General Assembly of the State of New Jersey, relative to extending daylight saving time until after the annual general election day; to the Committee on Energy and Commerce.

326. Also, memorial of the Senate of the State of Wyoming, relative to the Oil Pollution Act of 1990; jointly, to the Committees on Public Works and Transportation, Natural Resources, and Merchant Marine and Fisheries.

## ADDITIONAL SPONSORS

**Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:**

H.R. 35: Mr. Baker of California.

H.R. 56: Ms. Pelosi.

H.R. 112: Mr. Hutchinson.

H.R. 115: Ms. DeLauro and Mr. Mineta.

H.R. 163: Mr. Hutchinson.

H.R. 300: Mr. Archer, Mr. Calvert, Mr. Regula, Mr. Hoekstra, Mr. Ramstad, Mr. Ewing, Ms. Brown of Florida, and Mr. Frank of Massachusetts.

H.R. 301: Mr. Hutchinson.

H.R. 302: Mr. Sensenbrenner.

H.R. 306: Mr. Calvert.

H.R. 323: Mr. Kolbe.

H.R. 411: Mr. Rahall.

H.R. 476: Mr. Engel.

H.R. 657: Mr. Hutchinson.

H.R. 702: Mr. Lantos, Mr. Hastert, Mr. DeFazio, Mr. Kopetski, Mr. Machtley, Mr. Barton of Texas, Mr. Coleman, Mr. McDermott, Mr. Chapman, MR. Quinn, Mr. Foglietta, Mr. Clement, and Mr. Livingston, H.R. 746: Ms. Margolies-Mezvinsky.

H.R. 896: Mr. Hutchinson.

H.R. 911: Mr. Boehlert, Mr. Brown of California, and Mr. Saxton,

H.R. 998: Mr. Hutchinson.

H.R. 1012: Mr. Pastor.

H.R. 1055: Mr. Wynn, Mr. Diaz-Balart, and Mr. Bishop.

H.R. 1072: Mr. Bonior and Mr. Blackwell.

H.R. 1080: Mr. Hutchinson.

H.R. 1110: Mr. Solomon, Mr. Jefferson, and Mr. Baker of Louisiana.

H.R. 1123: Mr. Franks of New Jersey.

H.R. 1128: Mr. Hutchinson.

H.R. 1130: Mr. Hutchinson.

H.R. 1155: Mr. Volkmer.

H.R. 1168: Mr. Laughlin, Mr. Hancock, Mr. Carr, and Ms. Ros-Lehtinen.

H.R. 1231: Mr. Stupak, Mr. Kreidler, Mr. Durbin, Mr. Ackerman, Mr. Gordon, Mr. Young of Alaska, Mr. Bonior, Mr. Kopetski, Mr. Oberstar, Mr. Neal of Massachusetts, and Mr. Kildee.

H.R. 1277: Mr. Holden.

H.R. 1295: Mr. Frank of Massachusetts.

H.R. 1309: Mr. Royce, Mr. Saxton, Mr. Bachus of Alabama, Mr. Istook, Mr. Torricelli, Mr. Barton of Texas, Mr. Zimmer, Mr. Franks of New Jersey, Mr. Inhofe, Mr. Bereuter, and Mr. Hutchinson.

H.R. 1374: Mr. Roemer, Ms. Norton, and Mr. Hughes.

H.R. 1375: Mr. Sanders and Mr. Peterson of Minnesota.

H.R. 1402: Mrs. Maloney.

H.R. 1439: Ms. Brown of Florida.

H.R. 1482: Mr. Hutchinson.

H.R. 1483: Mr. Hutchinson.

H.R. 1484: Mr. Hutchinson.

H.R. 1487: Mr. Goss.

H.R. 1517: Mr. Gene Green of Texas.

H.R. 1552: Mr. Wyden and Mr. Hutchinson.

H.R. 1620: Mr. Hutchinson.

H.R. 1671: Mr. Andrews of Maine, Mr. Ackerman, and Mr. Hughes.

H.R. 1719: Mr. Lipinski, Mr. Emerson, Mr. Hochbrueckner, Mr. Machtley, Mr. Swett, Mr. DeFazio, Mr. Castle, Mr. McDermott, Mr. Baker of Louisiana, and Mr. Gutierrez.

H.R. 1747: Mr. Emerson.

H.R. 1818: Mr. Gutierrez.

H.R. 1852: Mr. Hutchinson.

H.R. 1853: Mr. Hutchinson.

H.R. 1855: Mr. Hutchinson.

H.R. 1857: Mr. Hutchinson.

H.R. 1860: Mr. Hutchinson.

H.R. 1881: Mr. Barrett of Wisconsin.

H.R. 1900: Ms. McKinney.

H.R. 1905: Mr. Lipinski.

H.R. 1906: Mr. Oberstar, Miss Collins of Michigan, Mr. Lipinski, Mr. Foglietta, Mr. Shays, Mrs. Unsoeld, and Mr. Moran.

H.R. 1910. Mr. Gordon.

H.R. 1989: Mr. Crapo, Mr. Armey, and Mr. McCrery.

H.R. 2012: Mr. Oxley, Mr. Packard, Mr. Petri, Mr. Pombo, Mr. Rogers, Mr. Saxton, Mr. Skeen, Mr. Smith of New Jersey, Ms. Snowe, Mr. Stump, Mr. Taylor of North Carolina, Mr. Thomas of Wyoming, Mrs.

VUCANOVICH, Mr. WALKER, Mr. ZIMMER, Mr. EVANS, Mr. EDWARDS of California, Mr. FILNER, Mr. MACHTLEY, Mr. ALLARD, Mr. ARMEY, Mr. BAKER of California, Mr. BARRETT of Nebraska, Mr. BEREUTER, Mr. BLILEY, Mr. BOEHNER, Mr. GILLMOR, Mr. CLINGER, Mr. COBLE, Mr. COLLINS of Georgia, Mr. COMBEST, Mr. CUNNINGHAM, Mr. DELAY, Mr. DOOLITTLE, Ms. DUNN, Mr. EMERSON, Mr. EVERETT, Mr. EWING, Mr. HANSEN, Mr. HEFLEY, Mr. INHOFE, Mrs. JOHNSON of Connecticut, Mr. LEWIS of California, Mr. LEVY, Mr. LIGHTFOOT, Mr. MANZULLO, Mr. MCCOLLUM, and Mrs. MORELLA.

H.R. 2032: Mr. ENGEL.

H.R. 2059: Mr. HUTCHINSON.

H.R. 2092: Mr. BILBRAY and Mr. DEFAZIO.

H.R. 2175: Mr. HAMBURG.

H.R. 2199: Mr. VENTO and Mr. WYNN.

H.R. 2258: Mr. FROST, Mr. EDWARDS of California, and Ms. FURSE.

H.R. 2326: Mr. BILBRAY, Mr. MCCRERY, Mr. LIVINGSTON, Mr. DEAL, Mr. BACHUS of Alabama, Mr. SABO, Mr. HUTCHINSON, and Mr. DORNAN.

H.R. 2420: Mr. INSLEE, Mr. OBERSTAR, Mr. ANDREWS of New Jersey, and Mr. EDWARDS of California.

H.R. 2443: Mr. LEVIN, Mr. RICHARDSON, Mr. SKEEN, Mr. KOLBE, and Mr. POMEROY.

H.R. 2554: Mr. FRANKS of New Jersey.

H.R. 2640: Mr. BAKER of Louisiana.

H.R. 2671: Mr. BAKER of Louisiana.

H.R. 2721: Mr. BROWN of California.

H.R. 2832: Mr. BARRETT of Wisconsin and Mr. LIPINSKI.

H.R. 2898: Ms. VELAZQUEZ.

H.R. 2910: Mr. BARCIA of Michigan, Mr. COBLE, Mr. FIELDS of Texas, Mr. ROBERTS, and Mr. SANTORUM.

H.R. 2929: Mr. GLICKMAN, Mr. POSHARD, and Mr. HALL of Texas.

H.R. 3021: Mrs. ROUKEMA.

H.R. 3026: Mr. EVANS and Mr. FOGLIETTA.

H.R. 3031: Mr. STUMP, Mr. BALLENGER, Mr. SKEEN, Mr. NEAL of North Carolina, Mr. BARTLETT of Maryland, Mr. CALVERT, and Mr. LEVY.

H.R. 3064: Mr. MCDADE and Mr. BLACKWELL.

H.R. 3075: Mr. SHAYS.

H.R. 3109: Mr. ENGEL.

H.R. 3128: Ms. VELAZQUEZ and Mr. GUTIERREZ.

H.R. 3179: Mr. BAKER of Louisiana, Mr. ANDREWS of New Jersey, Mr. ROHRABACHER, and Mr. LIVINGSTON.

H.R. 3261: Mr. CRANE.

H.R. 3266: Mr. BROWDER, Mr. JACOBS, Mr. BACCHUS of Florida, Mr. BILBRAY, Mr. REGULA, Mr. ARCHER, Mr. STUPAK, Mr. SLATTERY, Mrs. LLOYD, Mr. QUILLEN, Mr. HAYES, Mr. DEFAZIO, Mr. JOHNSON of South Dakota, Mr. BEREUTER, and Ms. ENGLISH of Arizona.

H.R. 3288: Mr. MONTGOMERY and Mr. KINGSTON.

H.R. 3293: Mr. BUNNING, Mr. FILNER, Mr. KIM, Mr. ZELIFF, Ms. DUNN, Mr. SMITH of Michigan, and Mr. ENGEL.

H.R. 3305: Mr. DIXON and Mr. JACOBS.

H.R. 3320: Mr. HOLDEN.

H.R. 3324: Mr. WYDEN and Mr. MILLER of California.

H.R. 3328: Mr. SARPALIUS and Mr. HAMBURG.

H.R. 3347: Ms. BROWN of Florida, Mr. JOHNSTON of Florida, Mr. SERRANO, and Mr. FRANK of Massachusetts.

H.R. 3363: Ms. KAPTUR.

H.R. 3367: Mr. PETERSON of Minnesota, Mr. ZELIFF, Mr. LIVINGSTON, Mr. HUTTO, and Mr. POMBO.

H.R. 3372: Mr. MICA.

H.R. 3397: Mr. SMITH of New Jersey, Mr. CLYBURN, and Mr. APPLEGATE.

H.R. 3490: Mr. ABERCROMBIE, Mr. SMITH of New Jersey, Ms. SNOWE, Mr. TAUZIN, and Mr. WILLIAMS.

H.R. 3507: Mr. SENSENBRENNER and Mrs. THURMAN.

H.R. 3546: Mr. SLATTERY, Mr. MOORHEAD, Mrs. MEYERS of Kansas, Mrs. JOHNSON of Connecticut, Mr. FIELDS of Texas, and Mr. PAXON.

H.R. 3564: Mr. LEWIS of Georgia.

H.R. 3572: Mr. FROST and Mr. TOWNS.

H.R. 3574: Mr. FROST, Mr. EDWARDS of California, and Ms. FURSE.

H.R. 3584: Ms. FURSE, Mr. ROTH, and Mr. SAXTON.

H.R. 3611: Mr. MARTINEZ and Mr. LEWIS of California.

H.R. 3626: Mr. BLUTE and Mr. GILMAN.

H.R. 3630: Mr. FROST and Mr. ANDREWS of Texas.

H.R. 3642: Mr. ACKERMAN, Mr. CLEMENT, Mr. DEFAZIO, Ms. DELAURO, Mr. DE LUGO, Mr. FOGLIETTA, Mr. GILMAN, Mr. SAM JOHNSON, Mr. MCHUGH, and Mr. PORTMAN.

H.R. 3656: Mr. NADLER, Mr. GUTIERREZ, Mr. COOPER, Mr. ENGEL, Mr. HALL of Ohio, Ms. SCHENK, and Mr. BACHUS of Alabama.

H.R. 3660: Mr. ROBERTS, Mr. SOLOMON, Mr. SLATTERY, Mr. FAWELL, Mr. COLEMAN, and Mr. COBLE.

H.R. 3663: Ms. KAPTUR, Mr. MILLER of California, Mr. GEJDENSON, Ms. LOWEY, and Mr. GUTIERREZ.

H.R. 3678: Mr. MCMILLAN.

H.R. 3694: Mr. FOGLIETTA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANK of Massachusetts, Mr. JOHNSON of South Dakota, Mr. TOWNS, and Mr. FROST.

H.R. 3727: Mr. MICHEL and Mr. SCHUMER.

H.R. 3787: Mr. PORTMAN and Mr. ZELIFF.

H.R. 3794: Mr. PENNY.

H.R. 3843: Mr. TRAFICANT, Mr. POSHARD, and Mr. PICKETT.

H.R. 3844: Mr. TRAFICANT and Mr. PICKETT.

H.R. 3845: Mr. LEWIS of Georgia, Mr. MILLER of California, and Mr. STARK.

H.R. 3846: Ms. SLAUGHTER, Mr. ROYCE, Mr. KYL, Mr. KING, Mr. MCHUGH, Ms. MOLINARI, Mr. TORRICELLI, Mr. SMITH of New Jersey, Mr. GOODLING, Mr. PORTER, Ms. ROS-LEHTINEN, Mr. HINCHEY, Mr. GALLO, Mr. TORKILDSEN, Ms. SHEPHERD, Mr. KNOLLENBERG, Mr. HUTCHINSON, Mr. MACHTLEY, Mr. MEEHAN, Mr. WYNN, and Mr. LEVY.

H.R. 3862: Mr. CALVERT.

H.R. 3866: Mr. NADLER, Mr. JOHNSTON of Florida, Mr. MOLLOHAN, Ms. CANTWELL, Ms. ENGLISH of Arizona, Mr. PRICE of North Carolina, Ms. COLLINS of Michigan, Mr. THOMPSON, Mr. BARLOW, Ms. KAPTUR, Mr. GILMAN, Ms. DELAURO, Mr. SCOTT, Mr. MURPHY, Mr. HEFNER, Ms. WOOLSEY, Mr. WHEAT, and Mr. COPPERSMITH.

H.R. 3870: Mr. ROMERO-BARCELÓ and Mr. GUTIERREZ.

H.R. 3871: Mr. EHLERS, Mr. BARTON of Texas, and Mr. BAKER of Louisiana.

H.R. 3873: Ms. COLLINS of Michigan and Ms. PELOSI.

H.R. 3900: Mr. DEAL, Mrs. MALONEY, Mr. ROMERO-BARCELÓ, Mr. SCOTT, Mr. STARK, Mr. STUPAK, Mr. TAYLOR of Mississippi, Mr. VENTO, Mr. WISE, and Ms. WOOLSEY.

H.R. 3916: Mr. SOLOMON.

H.R. 3926: Mr. MACHTLEY, Mr. FRANK of Massachusetts, Mr. HOLDEN, Mr. SHAYS, Mr. RIDGE, Mr. TRAFICANT, Mr. MCHUGH, Mr. BLACKWELL, and Mr. GUTIERREZ.

H.R. 3939: Mr. KREIDLER.

H.R. 3941: Mr. SAXTON.

H.R. 3943: Mr. FAWELL, Mr. JOHNSTON of Florida, and Mr. LIVINGSTON.

H.R. 3949: Mr. BLILEY, Mr. WOLF, and Mr. FALEOMAVAEGA.

H.R. 3955: Mr. BISHOP and Mr. BUNNING.

H.R. 3966: Mrs. THURMAN.

H.R. 3994: Mr. SAXTON.

H.R. 3999: Mr. GUTIERREZ.

H.R. 4002: Mr. BARLOW.

H.R. 4013: Ms. BROWN of Florida, Mr. SANDERS, Mr. STEARNS, Mr. HUTCHINSON, Mr. BILIRAKIS, Mr. EVERETT, Mr. QUINN, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.

H.R. 4024: Mr. THOMPSON, Mr. UNDERWOOD, Mr. MCDERMOTT, Mr. MILLER of California, and Mr. OBERSTAR.

H.R. 4025: Mr. BREWSTER, Mr. COOPER, Mr. CONYERS, Mr. MAZZOLI, Ms. COLLINS of Michigan, Mr. BISHOP, Mr. CLEMENT, and Mr. RUSH.

H.R. 4027: Mr. MATSUI, Mr. EMERSON, Mrs. FOWLER, Mr. ROYCE, Mr. LIVINGSTON, Mr. BAKER of Louisiana, Mr. GUNDERSON, and Mr. HERGER.

H.R. 4051: Mr. VENTO, Mrs. MINK of Hawaii, Ms. LOWEY, Mr. LEWIS of Georgia, Ms. COLLINS of Michigan, Mr. MILLER of California, Mr. GENE GREEN of Texas, Mrs. SCHROEDER, Mr. FARR, Mr. THOMPSON, Mr. OWENS, Mr. ROMERO-BARCELÓ, Mr. HINCHEY, and Mr. FROST.

H.R. 4057: Mr. COX, Mr. GOSS, Mr. SOLOMON, and Mr. GOODLATTE.

H.R. 4078: Mr. CASTLE, Mr. PETRI, and Mr. FRANKS of New Jersey.

H.R. 4100: Mr. PENNY, Mr. FRANK of Massachusetts, Mr. JOHNSTON of Florida, Mr. GILCHREST, Mr. ZELIFF, Mr. RAMSTAD, Mr. DEFAZIO, and Mr. WAXMAN.

H.R. 4116: Mr. LIPINSKI, Mr. FLAKE, Ms. NORTON, Mr. FROST, Mr. SISISKY, Mr. FILNER, and Mr. WAXMAN.

H.R. 4124: Mr. BISHOP.

H.R. 4139: Mrs. THURMAN.

H.R. 4148: Mr. FOGLIETTA, Mr. STUDDS, Mr. ACKERMAN, Mr. MILLER of California, Ms. VELÁZQUEZ, Ms. PELOSI, Mr. LANTOS, and Mr. FRANK of Massachusetts.

H.J. Res. 90: Mr. LEVY, Mr. SUNDQUIST, Mr. WYNN, Mr. VOLKMER, Mr. YATES, Mrs. VUCANOVICH, Mr. STEARNS, Mr. UNDERWOOD, Mr. WYDEN, Mr. QUINN, Mr. SHUSTER, Mr. BERMAN, Mr. MILLER of California, Ms. VELÁZQUEZ, and Mr. SARPALIUS.

H.J. Res. 122: Mrs. THURMAN.

H.J. Res. 209: Mr. QUINN, Mr. SKEEN, Mr. MFUME, Mr. OLVER, Mr. TOWNS, Mr. WHITTEN, Mr. BILIRAKIS, Mr. CLEMENT, Mr. MURPHY, Mr. MARKEY, Mr. YATES, Mr. HAYES, Mr. HEFNER, Mr. KING, Mr. KASICH, and Mr. GORDON.

H.J. Res. 253: Mr. VENTO, Mr. BONIOR, Mr. GLICKMAN, Mr. JEFFERSON, Mr. REYNOLDS, Mr. KLUG, Mr. HUTCHINSON, Mr. EDWARDS of Texas, Mr. SARPALIUS, Mr. STUPAK, Mr. FROST, Mr. PAYNE of Virginia, Mrs. CLAYTON, Mr. SCHUMER, Mr. OWENS, Mr. MURTHA, Mr. MURPHY, Mr. SPENCE, Mr. FORD of Tennessee, Mr. TANNER, Mr. UNDERWOOD, Mr. TALENT, Mr. MANN, Mr. KLECZKA, Mr. MAZZOLI, Mr. HEFNER, Ms. VELÁZQUEZ, Mr. BLILEY, Mr. MCHUGH, Mr. MCNULTY, Mr. SAXTON, and Mr. HOAGLAND.

H.J. Res. 266: Mr. BARRETT of Wisconsin.

H.J. Res. 276: Mr. VALENTINE, Mr. BATEMAN, Mr. SKEEN, Mr. SISISKY, Mr. RICHARDSON, Mr. LIPINSKI, Mr. BONIOR, Mr. BAKER of California, Mr. LANTOS, Mr. MCDERMOTT, Ms. CANTWELL, Mrs. MEEK of Florida, Mr. FAWELL, Mr. KLUG, Mr. HEFNER, Mr. STARK, Mr. WYNN, Mr. OLVER, Mr. ROHRABACHER, Mr. BACCHUS of Florida, Mr. LEVY, Mr. FROST, Mr. PASTOR, Ms. NORTON, Mr. PAYNE of New Jersey, Mr. WALSH, Mr. GONZALEZ, Mr. CALLAHAN, Mr. EVANS, and Mr. FRANK of Massachusetts.

H.J. Res. 286: Mr. ANDREWS of Maine, Mr. BACCHUS of Florida, Mr. BISHOP, Mr.

Browder, Mr. Cox, Mr. de Lugo, Mr. Filner, Mr. Fingerhut, Mr. Fish, Mr. Ford of Michigan, Mr. Gonzalez, Mr. Hastings, Mrs. Kennelly, Mr. Kildee, Mr. Lewis of California, Mr. Lewis of Florida, Ms. Long, Mrs. Maloney, Mr. Mineta, Mr. Pallone, Mr. Sarpalius, Mr. Sisisky, Mr. Sundquist, Mr. Tejeda, Mr. Torkildsen, Mr. Traficant, and Mrs. Unsoeld.

H.J. Res. 297: Mr. Gene Green of Texas, Mr. Frost, Mr. Walsh, Mr. Owens, Mr. Evans, and Mr. Hefner.

H.J. Res. 302: Mr. Wyden, Mr. Kopetski, Mr. Hamburg, Mr. Quinn, Mr. Boehlert, Mrs. Thurman, Mr. Matsui, Mr. Yates, Mr. Porter, Mr. Neal of Massachusetts, Mr. Frank of Massachusetts, Ms. Shepherd, and Mr. Kleczka.

H.J. Res. 303: Mr. Hansen, Mr. Andrews of Texas, Mrs. Maloney, Mr. Swift, Mr. Beilenson, Mrs. Unsoeld, Mr. Meehan, Mr. Deal, Ms. Kaptur, Mr. Franks of Connecticut, Mr. Mazzoli, Mr. Gordon, Mr. Camp, Mr. Pickett, Mr. Upton, Mr. Carr, Mr. Condit, Mr. Valentine, Mr. Miller of California, Mr. Price of North Carolina, Mr. Gene Green of Texas, Mr. Shays, Mr. Brooks, Mr. Hall of Ohio, Mr. Darden, Mr. Gonzalez, Mr. Saxton, Mr. LaRocco, Mr. Doolittle, Mr. Chapman, Mr. Murphy, Mr. Hutchinson, and Mr. Reynolds.

H.J. Res. 305: Mr. Johnson of South Dakota, Mr. Vento, Ms. Waters, Mr. Pete Geren of Texas, Mr. Hoyer, Mr. Klug, Mr. Ford of Tennessee, Mr. Murphy, Mr. Berman, Mr. Dellums, Mr. Applegate, and Mr. Reed.

H.J. Res. 315: Mr. Ackerman, Mr. Andrews of New Jersey, Mr. Applegate, Mr. Archer, Mr. Bacchus of Florida, Mr. Bateman, Mrs. Bentley, Mr. Bevill, Mr. Bilbray, Mr. Bilirakis, Mr. Bishop, Mr. Bliley, Mr. Boehlert, Mr. Bonior, Mr. Borski, Mr. Brewster, Ms. Brown of Florida, Mr. Brown of California, Mr. Burton of Indiana, Mr. Buyer, Ms. Byrne, Mr. Cardin, Mr. Castle, Mr. Chapman, Mr. Clay, Mr. Clyburn, Mr. Coble, Ms. Collins of Michigan, Mrs. Collins of Illinois, Mr. Cooper, Mr. Coyne, Mr. Cramer, Ms. DeLauro, Mr. Dellums, Mr. Dingell, Mr. Dixon, Mr. Dornan, Mr. Faleomavaega, Mr. Fields of Texas, Mr. Fish, Mr. Ford of Tennessee, Mr. Frost, Mr. Gilman, Mr. Hamilton, Mr. Hilliard, Mr. Hochbrueckner, Mr. Horn, Mr. Hughes, Mr. Hutto, Mr. Jacobs, Mr. Johnson of Georgia, Mr. Klein, Mr. LaRocco, Mr. Lewis of Florida, Mr. Levy, Mr. Livingston, Mr. McCollum, Mrs. Meek of Florida, Mr. Miller of Florida, Mr. Montgomery, Mrs. Morella, Mr. Pastor, Mr. Poshard, Mr. Rangel, Mr. Regula, Mr. Sangmeister, Mr. Sharp, Mr. Smith of Iowa, Mr. Solomon, Mr. Stokes, Mr. Stump, Mr. Sundquist, Mr. Thomas of Wyoming, Mrs. Thurman, Mr. Torkildsen, Mr. Towns, Mr. Walsh, Mr. Wilson, Mr. Wolf, and Mr. Young of Alaska.

H.J. Res. 320: Mr. Shays, Mr. Skelton, Mr. Schumer, Mr. Filner, Mr. Sisisky, Mr. Wolf, Mr. Walsh, Mr. Wilson, Mr. Montgomery, and Mr. Hefner.

H.J. Res. 326: Mr. Mineta.

H.J. Res. 327: Mr. Boehner, Mr. Dellums, Mr. Hansen, Mr. Johnson of South Dakota, Mr. Martinez, Mr. Peterson of Florida, Ms. Slaughter, Mr. Sawyer, Mr. Towns, Mr. Waxman, Mr. Wynn, Mr. Yates, and Mr. Quillen.

H.J. Res. 334: Mr. Applegate, Mr. Barrett of Wisconsin, Mr. Bilbray, Mr. Bonior, Mr. Calvert, Mr. Dixon, Mr. Engel, Mr. Filner, Mr. Frost, Mr. Gutierrez, Mr. Hall of Ohio, Ms. Eddie Bernice Johnson of Texas, Mr. Kasich, Mr. Klein, Mr. Kreidler, Mr. Lantos, Mr. Levy, Mr. Lewis of Georgia, Mr. Lipinski, Mr. Martinez, Mr. McDermott, Mr. Moakley, Mrs. Morella, Ms. Norton, Mr. Payne of New Jersey, Ms. Pelosi, Mr. Towns, and Mr. Walsh.

H.J. Res. 335: Mr. Hughes, Mrs. Roukema, Mr. Ackerman, Mr. Dellums, Mr. Engel, Mr. Bateman, Mr. Washington, Mr. Schiff, Mr. Serrano, Mr. Klein, MR. Gilman, Mr. Hoke, Mrs. Meek of Florida, Mr. Frost, Mr. Barrett of Wisconsin, Mr. Thomas of Wyoming, Mr. Herger, Mr. Gunderson, Mr. Smith of New Jersey, Mr. Ravenel, Mr. McCrery, Mr. Oxley, Mr. Duncan, Mr. Knollenberg, Mr. Shaw, Mr. Paxon, Mr. Durbin, Mr. Levy, Mr. Rohrabacher, Mr. Inhofe, and Mr. Blute.

H.J. Res. 338: Mr. McNulty, Mr. Hutchinson, Mr. Mann, Mr. Moorhead, Mr. Shays, Mr. Crapo, Mr. Skeen, Mr. Wise, Mr. Slattery, Mr. Clement, Mr. Spratt, Mr. Weldon, and Mr. Martinez.

H.J. Res. 342: Mr. Sawyer, Mr. Mann, Mr. Smith of Texas, Mr. Oxley, Mr. Holden, Mr. Romero-Barcelo, Mr. Shays, Mr. Dellums, Mr. Skeen, Mr. Stump, and Mr. McCollum.

H. Con. Res. 127: Mr. Sabo, Mr. Dornan, Mr. Gunderson, and Mrs. Lowey.

H. Con. Res. 147: Mr. Kildee and Mr. Fields of Louisiana.

H. Con. Res. 166: Mr. Kyl, Mr. Zeliff, and Ms. Brown of Florida.

H. Con. Res. 186: Ms. Furse.

H. Con. Res. 188: Mr. Markey, Mr. Gilman, Mr. Oberstar, Mr. Washington, Mr. Fazio, Mr. Beilenson, Ms. Eshoo, Mr. Roybal-Allard, Mr. Fingerhut, Mr. Meehan, Mr. Hinchey, Mr. Abercrombie, Mr. Dixon, Mr. Deal, Mr. Price of North Carolina, Mr. Hamilton, Ms. Velazquez, Mr. Wheat, Mr. Peterson of Minnesota, Mr. Vento, Mr. Berman, Mr. Miller of California, Mr. Filner, Mr. Coppersmith, Mr. Jacobs, Mr. Stark, Mr. Engel, Mr. McNulty, Mr. Matsui, Mr. Martinez, and Mr. Blackwell.

H. Con. Res. 195: Mrs. Thurman.

H. Con. Res. 227: Mr. Kingston and Mr. Crane.

H. Res. 165: Mr. Bereuter.

H. Res. 191: Mr. Hutchinson.

H. Res. 247: Mr. Hayes.

H. Res. 255: Mr. Emerson and Mr. Mazzoli.

H. Res. 270: Mr. Gilchrest and Mr. Porter.

H. Res. 329: Mr. Frost, Mr. Walsh, Mr. Lipinski, Mr. Dixon, Ms. Eshoo, Ms. DeLauro, Mr. McCloskey, Mr. Faleomavaega, Mr. Meehan, Mr. Jefferson, Mr. Nadler, Mr. Wilson, Mr. Boehlert, Mr. Studds, Mr. Dellums, Mr. Bilbray, Mr. Bishop, Mr. Blackwell, Mr. Neal of Massachusetts, Mr. de Lugo, Mr. Evans, Mr. Hamilton, Mr. Hastings, Ms. Lowey, Mrs. Lloyd, Mr. Brown of Ohio, Mr. Cardin, Mr. Hamburg, Mr. Clement, Mr. Coleman, Ms. Brown of Florida, Mr. Neal of North Carolina, Mr. Parker, Mr. Payne of New Jersey, Mr. Poshard, Mr. Gene Green of Texas, Mr. LaFalce, Mr. Rangel, Mr. Hilliard, Ms. Norton, Mr. Pickle, Mr. Manton, Mr. Conyers, Mr. Olver, Mr. Coyne, Mr. Synar, Mr. Slattery, Mr. Hoyer, Mr. Rahall, Mr. Murphy, Mr. Swift, Mr. Foglietta, Mr. Abercrombie, Mr. Sabo, Mr. King, Mr. Filner, Mr. Pastor, Mr. Torkildsen, Mr. McDermott, Ms. Furse, Mr. Owens, Mr. Kennedy, Mr. Sawyer, Mr. Kopetski, Mr. Markey, Mr. Hochbrueckner, Mr. Montgomery, Mr. Sisisky, Mr. Fields of Louisiana, Mr. Torres, Mr. Kleczka, Mr. Romero-Barcelo, Mr. Traficant, Mr. Thornton, Mr. Hutto, Mr. Gonzalez, Mr. Bacchus of Florida, Mr. Hughes, Mrs. Maloney, Mr. Bryant, Ms. Pelosi, Ms. Byrne, and Mr. Holden.

H. Res. 362: Mr. Zeliff.

H. Res. 381: Mr. Bartlett of Maryland, Mr. Weldon, Mr. Rohrabacher, and Mr. Sensenbrenner.

H. Res. 390: Mr. Penny.

# EXTENSIONS OF REMARKS

## TRIBUTE TO STEVEN L. HILL, JR.

**HON. IKE SKELTON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. SKELTON. Mr. Speaker, I wish to recognize an outstanding Missourian, Steven L. Hill, Jr., who was sworn in March 18, 1994 as U.S. attorney, western district of Missouri. Mr. Hill was sworn in by Judge Joseph Stevens. His comments that day reflect the type of service we can expect from his tenure. I enter Mr. Hill's remarks on the occasion of his oath of office:

May it please the court.

Judge Stevens, let me begin by thanking you and the members of the court for making these facilities available today. My family—Marianne, Mattie, Taylor and I—want to thank each of you for coming and joining us on this special day. Ike and David, your overly kind words remind me of Adali Stevenson's admonition about praise—he said praise is like perfume—all right to smell as long as you don't swallow it.

Among various friends here today, let me recognize those from the law firm of Smith, Gill, Fisher and Butts and the men and women of the U.S. Attorneys Office. I have found both of these groups to personify the very best of qualities in the legal profession.

A special thank you to the Skeltons; Susie and Ike. Long before Ike befriended me, Susie and my mother were friends at college. As for Ike, I know I would not be here today as your U.S. Attorney without him speaking up on my behalf. I also know that I would not have made it through the days following my father's and younger brother's deaths without Ike's friendship and support.

Two other friends from that summer, local lawyer Matt Keenan and a New Yorker named Jimmy O'Connor, are also here today and have always been there for me. They join numerous friends from law school by whom I have been most blessed.

Let me say thank you to my friend and former partner David Oliver for his generous introduction. So many people have asked what has been the most difficult aspect of my shift from private practice to the Department of Justice. For a while I could not put my finger on it, but I now realize I miss very much wandering down the hallway and talking with David about a case or issue of mutual interest. He is a lawyer's lawyer who long ago made the commitment to public service and is a role model for all of us.

You must know this is a special day for my family. My mother, brother and I are so proud to be back in the Department of Justice family.

We gather today to observe a formal change of leadership in the United States Attorney's Office and a renewal of our commitment to the prinicples of justice. Some 60 years ago, Justice Sutherland summed up the terms of that commitment when he wrote the United States Attorney's interest in a criminal prosecution is not that the United States win the case, but that justice shall be done.

That role, and our commitment to a higher purpose, faces perhaps its greatest challenges in times of violence. At another violent time in our history Abraham Lincoln warned that a house divided against itself cannot stand. Lincoln knew firsthand the challenge facing a nation whose citizens had rejected anything short of violence to resolve their differences. Lincoln's response was to challenge the country to find a higher purpose that one day might unite its people.

Today, our house—our nation—once again stands divided over crime. And once again, it is incumbent upon us to find a higher purpose in answering this challenge.

Fortunately, some still believe that our country, our neighborhoods, our schools and our people live in a nation of laws.

Unfortunately, an ever-growing number of people have come to believe and to act as though ours is a nation of individuals, of men and women free to live outside the law without consequence.

There are countless tragic examples of our society's rejection of its laws, but the most troubling aspect to me—and what I hope is the most troubling to all of you—is the combination of guns and young people. Growing numbers of children—boys and girls too young to drive—carry firearms because they believe they can only be safe with them.

Countless studies demonstrate we are not simply presented with the problem that our society encourages young people that guns and violence are acceptable. No instead it is far worse. Young people are regularly presented with the notion that it is acceptable to use that gun they are carrying. This willingness to use guns has had the most unfortunate consequences. Today, persons under 18 are 244 percent more likely to be killed by guns than they were in 1986.

A review of last year's crime statistics for this city alone, particularly the numbers reflecting violent crime, demonstrates that if you are young, African American and male, you stand a disproportionate chance of being the victim of a violent crime.

Across this district, from its major cities to its small rural towns, our violent crime problem is multiplied each day by individual tragedies. This problem will only get worse until all of us choose to accept the premise that childhood violence is a real problem that is everyone's responsibility. It is tempting, but it would be wrong to trace all of the problems of our youth to one individual, one policy or one administration. Our challenge is deeper and broader.

Although the government cannot raise every child, it should be our commitment here and now that we as a people will do anything necessary to protect our children. Before we are able to honestly confront violence in our streets and homes, we must acknowledge that no person in our society is safe if we cannot protect our children, the most innocent among us.

Ask yourself: If the numbers show that you were more likely than anyone around you to become a victim of a violent crime, perhaps even a murder, would there be any reason for you to believe ours is a nation of laws? It is this basic agreement to honor and respect the laws that ends up being rejected because the laws are seen as having failed their fundamental purpose: to protect those who cannot protect themselves.

It is not plausible, much less believable to suggest these young people believe ours is a nation of laws. We can do better, and we must do better, for our young.

If we sense that our ability to protect our children is hopelessly slipping away, we will eventually come to question the very usefulness of our laws and the value of those of us who are given the awesome responsibility of enforcing them.

Your friends and neighbors, fearful of the stranger and the darkness, do not believe ours is a nation of laws.

This lawlessness, of course, is not limited to violent crime. Growing numbers of individuals and companies pollute the air we breathe, the water we drink and the soil we call our own. Most often victimized are the areas we call our poorest because they figure they are safe to violate those areas.

More and more, these polluters are heard to say, "Well, if we get caught, it's just a cost of doing business, and we'll pay." Those who live in our poorest neighborhoods, the neighborhoods where polluters feel free to dump whatever they please, do not believe ours is a nation of laws. We can do better.

Nothing has robbed the public of its faith in the system so completely as the notion that there is a different standard for public officials and those with access to tax dollars. We will prosecute those who violate these sacred trusts.

Having set out these challenges we face, it is clear the primary duty of the United States Attorney is to foster the public's confidence in its justice system. As we carry out our duties, we should ask ourselves what we must to do to restore the belief of every person that the justice system is accessible, fair and just.

First and foremost we have set out cardinal tenets from which we never depart, regardless of circumstances. Our first tenet is that we approach every matter—whether it is an investigation, indictment or sentencing—by asking ourselves: What is the right thing to do?

A second tenet is that we must do what is necessary to bring justice to society; and not simply what brings attention to ourselves.

In setting forth what we will do in the Department of Justice and the U.S. Attorney's Office, we must also ask the question: Why does it have to be this way?

Why is it acceptable that our young people feel their world is so unsafe that they must carry guns and plan their funerals?

We will provide leadership that specifically addresses violent crime, particularly those acts involving our youngest citizens. We will provide leadership in aggressively prosecuting those who pollute our environment and defraud our health care system.

Why is it acceptable that our most disadvantaged neighbors are most often the ones victimized by pollution and health care fraud? We will not turn our heads and accept these conditions simply because things were this way before our turn came to lead.

That these problems are hard is not an acceptable reason to ignore them. To the contrary, that these problems are hard gives us every reason to start here, now, today, to address them.

Some words of recent history still have use for us today; clearly Robert Kennedy's words

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

still do. At a speech to South African college students in 1966, Kennedy said: "Each time a man stands up for an ideal or sets to improve the lot of others, or strikes out against injustice, he sends forth a ripple of hope."

Kennedy's words are appropriate for each of us, particularly if we remember that so very many of our contemporary problems can be overcome one child at a time, one family at a time, one block at a time, one city at a time.

It is not enough to say we will aggressively prosecute without calling for increased investment in children's futures. We can do better. We don't accept a 50 percent success rate from our restaurants and there is no reason to accept the same rate of failure in our schools.

At a recent gathering of area young people, one of the recurring themes was the need for after-school activities in a safe and secure location. We have started in the right direction with the Justice Department's Safe Haven Program. Combining a myriad of services and activities, including conflict resolution education, we will give our young people a safer alternative to the troubled streets.

Our communities must increase their support for the proven successes of such local/federal partnerships as the gang task force, the fugitive task force, and southwest Missouri's COMET Drug Task Force and Jasper County Drug Task Force.

These joint efforts, and others like them, are making a difference and we need to continue our support for them.

We need to build on the successful components of these partnerships and encourage the coordination of early education programs like Head Start, Parents As First Teachers and conflict resolution programs for our young people.

We will continue our efforts at the U.S. Attorney's Office to build teams of local and federal law enforcement officers attacking health care fraud and environmental crimes.

We will not accept crime in even our cities' poorest neighborhoods. We will give public housing residents the opportunity to organize themselves to eliminate guns and drugs and reclaim their neighborhoods from gangs. Our Weed and Seed program will take a new step by offering individual neighborhoods the opportunity to chart their own courses by participating in grant programs.

In determining the success of our efforts, we will not look to the news headlines as our barometer of progress. The proper judgment of success was provided by John Kennedy, months before he took office as President. Kennedy set out the following standards, which I paraphrase here only slightly:

First, were we truly people of courage—with the courage to stand up to one's enemies—and the courage to stand up, when necessary, to one's own associates—the courage to resist public pressure as well as private greed?

Secondly, were we truly people of judgment—with perceptive judgment of the future as well as the past—of our own mistakes as well as the mistakes of others—with enough wisdom to know what we did not know, and enough candor to admit it?

Third, were we truly people of integrity—people who never ran out on either the principles in which we believed or the people who believed in us—people whom neither financial gain nor political ambition could ever divert from the fulfillment of our sacred trust?

Finally, were we truly people of dedication—with an honor mortgaged to no single individual or group, and compromised by no private obligation or aim, but devoted solely to serving the public good and the national interest?

By these standards—courage, judgment, integrity and dedication—we will work to restore the faith of all people in their justice system, so help me God.

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## IN HONOR OF BUD CRITZER, GENERAL MANAGER OF HAYWARD'S PARK DISTRICT

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. STARK. Mr. Speaker, I would like to take a moment to honor and congratulate L.A. Bud Critzer who has recently announced his retirement from the Hayward Area Recreation and Park District [HARD] after 35 years of dedicated service. Bud's vision and hard work will be missed. He helped launch and maintain many of the parks located in the East Bay.

Bud became general manager of HARD in 1968. His colleagues know him as someone who has always been committed to a diverse recreation area. The best-known sites which Bud helped develop are Sulphur Creek Nature Center, Hayward Shoreline Interpretive Center, Mount Eden Park, and Kenneth C. Aitken Senior and Community Center.

When Bud has spare time, he likes to fly and participate in local rodeos. Bud has also been very involved in organizations including the Kiwanis Club, the Chamber of Commerce, the YMCA and Pop Warner football.

The board of directors of the park district will honor Bud at a dinner on May 21, 1994. I would like to thank Bud for his service and work to protect the environment. The facilities which he helped develop will continue to be enjoyed by one and all for years to come.

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## HUGH CLELAND: A LONG ISLANDER WHO HAS MADE A DIFFERENCE

### HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. HOCHBRUECKNER. Mr. Speaker, I rise to pay tribute to Hugh Cleland, an outstanding American and Long Island resident who is being recognized for his many efforts to improve his community.

On March 19, 1994, the Long Island Progressive Coalition honored one of its founders with its award of A Long Islander Who Has Made a Difference. Hugh Cleland, professor emeritus at the State University of New York at Stony Brook, has enjoyed a career as a teacher, an outstanding historian, and an expert on the 1920's and 1930's in the field of the American labor movement. He is known to be a dedicated and innovative teacher, photographer, humorist, writer, speaker, and a caring husband, father, neighbor, and friend.

As a professor, his clear, well-crafted lectures and personal magnetism have encouraged many students to pursue studies in the field of history. He has led his students into the neighboring community and gently nudged them to become involved in improving their world. Hugh received a Special Recognition Award from the Stony Brook Alumni Association "for years of unselfish and professional service to the university and its alumni." He also received the university's Chancellors' Award for Excellence in Teaching.

Born in Marion, OH, Hugh Cleland grew up in Akron, where he went to school and where, after a stint in the Army, he worked in an automobile factory for a year. He received his bachelor of arts from West Virginia University, a master of arts from the University of Pittsburgh, and a doctorate of philosophy from Case Western Reserve.

Hugh is recognized by his unusual array of hats, and the many phillosophic, political, and humorous pins he regularly sports on his jacket. The anecdotes and jokes with which he greets his students, friends, and anyone who will listen are as much a part of him as his warm smile and pleasant demeanor. The Three Village and the Long Island community is fortunate to have Hugh Cleland as an active participant working to make needed changes. He has the gift of helping us see ourselves as we are without offending us. We look forward to his frequent letters to the editor that often point out our inconsistencies.

Hugh Cleland's concern for the less fortunate and his inclination to help others is shared by those closest to him. His wife of 44 years, Celia, is an active community leader and a longtime advocate of housing for the poor. Their daughters Jane and Laura both chose careers that reflect their parents' concern for people.

A longtime active leader in the Democratic Party, Hugh Cleland has been a committeeman, zone leader, and general party organizer. He brought into the Democratic organization a long list of active workers and candidates for office and then helped get them elected.

Hugh Cleland's most recent efforts have been as a leader and lobbyist in support of legislation to establish a single-payer health care plan. He can be found at coalition meetings, meetings with his Congressman, dinner parties, and just about anywhere he can persuade the uninformed that the McDermott-Wellstone single-payer health care bill is the best answer to America's health care problem.

Mr. Speaker, I am confident that Hugh Cleland will continue for many more years to make a difference every day, in every way. If you are lucky, he will call on you to join with him. I congratulate Hugh Cleland on his dedication and his many contributions, and I am proud to call him my friend.

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## TRIBUTE TO DR. VICTOR PAUL RAYMOND

### HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. MONTGOMERY. Mr. Speaker, on April 1, the VA, the health care community and the Nation lost an exceptionally bright, intuitive and energetic young man who, in recent years had dedicated his heart and soul to improving the delivery of health care to Americans and America's veterans in particular.

Dr. Victor Paul Raymond. His is not a name that most citizens outside of the Washington Beltway will recognize, but it is this name and the dedication, insight and innovation of its bearer that will forever be linked to improved health care for veterans. As a trusted advisor to First Lady Hillary Rodham Clinton and the President's task force on health care reform, Vic played an instrumental role in preparing the blueprint for the new era of health care we are about to enter.

I came to know Vic Raymond in his years as a professional staff member and staff director of the Hospitals and Health Care Subcommittee on the Veterans' Affairs Committee. He honed his expertise in health care in this and professionally related positions with the U.S. Senate, the Department of Health and Human Services, and the Department of Veterans Affairs, where he served as assistant secretary of policy and planning until his death at age 46. With his background as a combat pilot in the Vietnam war, Vic brought to the health care arena a necessary sensitivity to the concerns of veterans and their families. Through his education and work in such diverse fields as economics, public health, and operations research, he brought the necessary intellectual tools demanded by such a challenging task as health care reform. His skillful use of these tools is convincingly evident in a number of public laws and policies that broadened and strengthened the delivery of quality health care to veterans.

A remarkable government career is not unique. Many individuals excel at public service. But Vic Raymond stood with few others in his motivation, his wisdom, his abilities, his focus, and in his desire to make health care a more accessible and less cumbersome process. Perhaps his greatest legacy, however, is the circle of family, friends and acquaintances who are today something much less because of his absence, yet something much better because of his presence.

He was a talented and gracious gentleman, and he will be missed.

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## TRIBUTE TO SISTER RENE DONOHUE

### HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to Sister Rene Donohue of St. Philip the Apostle School of Clifton, NJ, who has been awarded 1 of 12 Distinguished Principal Awards presented by the department of elementary schools of the National Catholic Educational Association.

Sister Rene was nominated by Frank Petruccelli, the Paterson diocesan superintendent of schools.

Not only has Sister Rene served in several Catholic schools in New Jersey for the past 21 years, but she also has been the principal of St. Philip the Apostle School in Clifton since 1979.

The NCEA has commended Sister Rene for having "initiated numerous innovative programs which have provided the students with the experience and opportunities to enhance their established curriculum especially in science, library, and the fine arts areas."

During her tenure Sister Rene has established a school-within-a-school program which helps students who need additional help become academically successful. She has also created a program known as kaleidoscope for the students who are gifted and talented.

I am sure that St. Philip the Apostle is proud of her, and it is with great pleasure that I ask my colleagues to join me in wishing Sister Rene continued success.

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## TRIBUTE TO NORTHWEST INDIANA HISPANIC COORDINATING COUNCIL

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. VISCLOSKY. Mr. Speaker, I rise today to commend the efforts of the Northwest Indiana Hispanic Coordinating Council for their numerous contributions to Northwest Indiana. The Hispanic Coordinating Council celebrated their sixth annual recognition banquet, which was held on April 9, 1994.

Founded on November 15, 1988, the Hispanic Coordinating Council is composed of leaders from over 40 different Hispanic organizations. These individuals have committed themselves to improving the quality of life for the Hispanic residents of Northwest Indiana. Council president and cofounder, Benjamin T. Luna, has been instrumental in providing the Hispanic community with motivation and opportunities for excellence.

On behalf of 40 Hispanic agencies, organizations, and businesses, the Coordinating Council presented honors to 48 top Hispanic athletes and scholars, representing 25 high schools throughout Northwest Indiana. The Council also presented their annual recognition awards to the deserving organizations and individuals.

Those students who received awards for outstanding athletic achievement include: Jason Allande, Crown Point High School; Osbardo Franco, Morton Sr. High School; Jesse Rodriguez, Edison High School Lake Station; Raymond Lucero, Merrillville High School; Linda Montalvo, Highland High School; Gerard Rodriguez, Bishop Noll; Dana Navarro, Griffith High School; Cesar Flores, Whiting High School; Elizabeth Piunti, River Forest High School; Chris Hernandez, Lake Central High School; David Maldonado, East Chicago Central High School; Oteniel Cruz, Hammond High School; Raul Martinez, Andrean High School; Rolando Soto, Portage High School; and Arturo Corral, Wirt High School.

Students who received honors for outstanding academic achievement include; Gina Covarrubias, Griffith High School; Marcella Romero, Clark High School; Jovette Barrera, Whiting High School; Sudryana Lopez, River Forest High School; Anne Vela, Lake Central High School; Meguel Paz, Esperanza Soto, East Chicago Central High School; Eric Osborne, Hammond High School; Joel Rivas, Andrean High School; Claudia Gutierrez, Raquel Avila, Lew Wallace High School; Pedro Claudio, Portage High School; Lauren Torres, Thornton Fractional South High School; Adriana Aleman, Morton Sr. High School; Susana Cuevas, Aisha Ceballos, Emerson School for the Visual and Performing Arts; Matthew Saltanovitz, Munster High School; Monica Silvas, Gavit High School; Ramon Marquez, Edwin Ramirez, Horace Mann High School; Monica Moss, Edison High School Lake Station; Wanda Olvera, Merrillville High School; David Flores, Michael Rivera, Highland High School; Amanda Rodriguez, Jason Torres, and Mario Gonzalez, Chesterton High School.

Alex Amezcua from Clark High School, Ramsey Ragaldo from Calumet High School, Linda Ehrlich from Wheeler High School, and Matt Perez from Gavit High School received honors for outstanding athletic and academic achievement. Maria Connie Rodriguez received honors for outstanding achievement.

The coordinating Council also presented the Outstanding Family Award to Evencio and Oliva Cruz of East Chicago. The outstanding Hispanic family was carefully selected from among many qualified families on the basis of their unity and their dedication to one another's successes. The Reverend Father Thomas W. Florek, S.J., of the Hispanic Catholic Center, received the Community Service Award. Victoria Candelaria, president of East Chicago Local 511, American Federation of Teachers, received the Labor Award. The President's Award went to the Sociedad Mutualista Mexico. The Corporate Community Service Award was presented to NIPSCO Industries, while the Puerto Rican Parade Committee received the Organizational Community Service Award. Roberto Vasquez has the distinction of receiving the first annual Cesar Chavez Award, in honor of the late charismatic president and founder of the United Farmworkers.

Mr. Speaker, I ask you and my colleagues to join me in applauding all of the award recipients chosen by the Hispanic Coordinating Council. I feel that all of the participants in the sixth annual recognition banquet were most deserving of the honors bestowed upon them, and it is my privilege to commend all of them on their achievements.

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## VIRGIL CARRITHERS, A GREAT AMERICAN

### HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. MAZZOLI. Mr. Speaker, in March, this Nation lost a truly great American and I lost a longtime and valued friend: Capt. Virgil Carrithers.

Virgil served in the U.S. Army during World War I and later he remained in the service of his Nation as a captain in the Army Reserve. He was active in many organizations in the Louisville and Jefferson County area, among them: the American Legion Jefferson Post 15;

the Civilian Conservation Corps; the Kentucky Active Militia; the Kentucky Historical Society; the Retired Officers Association and the Military Order of World Wars.

But, more than anything else, Captain Carrithers loved, revered, and promoted love and reverence for the American flag and the values it represents. He always called himself a working advocate to preserve and protect the flag. But, he was much more than that. He was a proponent of Americanism and one who ardently believed that his nation, the United States of America, was the best country in the world. He took this message all across Louisville, Jefferson County, and Kentucky to schools, church groups, and civic organizations. And, he never missed an opportunity to promote, defend, and describe the flag.

To his beloved and beautiful widow, Edith, to his daughter, Betty Risk, his three grandchildren and four great-grandchildren, I extend my condolences and deepest sympathies on the death of a great American.

## TRIBUTE TO THE LAKE TO RIVER GIRL SCOUT COUNCIL

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to an organization and its members in my 17th Congressional District. The Lake to River Girl Scout Council was formed by the merger of several small councils on January 1, 1965. Since its inception, the Lake to River Girl Scout Council has developed self-awareness, social development, community service, fun and friendship in young women in Ashtabula, Trumbull, Mahoning, and Columbiana Counties.

Girl Scouting is a movement that gives girls from all segments of American life a chance to develop their potential, to make friends, and to become a vital part of their community. Based on ethical values, it opens up a world of opportunity for girls, working in partnership with adult volunteers. Its sole focus is to meet the special needs of girls.

I am very pleased to announce that the following girls have received the highest recognition in Girl Scouting, the Girl Scout Gold: Casey Brown, Kristin Saczalski, Mindy Howard, Emily Reel, Megan Smith, Melissa Epp, Meghan Marrie, Erica Maffitt, Sesha Gates, Kathy Gallo, Victoria Minkler, Samantha Feld, Chandra Walker, Julie Swindler, Jeneen Gregory, Danette Wasko, and Terri Elliott.

To receive the Girl Scout Gold, the girls must work in four separate areas: careers, individual interests, leadership development, and community service.

I join the citizens in my district in saluting these fine young women in their outstanding achievements. May God bless them with health, happiness, and continued success in their future endeavors.

## TRIBUTE TO EDISON OSIRIS SANTANA

### HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Edison Osiris Santana of Troop 1 in Providence, RI, and he is honored this week for this noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man had distinguished himself in accordance with these criteria.

For his Eagle Scout project, Edison cleared the land and built a garden at the Washington Park United Methodist Church in Providence.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Edison Osiris Santana. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Edison Osiris Santana will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

## TRIBUTE TO HENRY W. CLEVER, JR., M.D.

### HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. TALENT. Mr. Speaker, I would like to take this opportunity to congratulate and recognize Henry W. Clever, Jr., M.D., on his selection as Outstanding Citizen of the Year by Youth in Need at the seventh annual celebration of Youth in St. Charles County.

The Outstanding Citizen of the Year Award recognizes Dr. Clever's many years of service and commitment to the children and youth of St. Charles County. Dr. Clever's assistance to the children and youth of Youth in Need is only one of the myriad of organizations that has benefited from his dedication and concern for others.

Dr. Clever has long been recognized for his generosity and service, broad-based community involvement, and leadership in organizations to help ensure the continued growth and vitality of the St. Charles area. Dr. Clever certainly merits this award for his continued work with children and youth.

I would ask my fellow Members of the House of Representatives to join with me in congratulating Henry Clever, M.D.

## REDUCING VIOLENCE ON TV

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. STARK. Mr. Speaker, the Alameda County Board of Education and the Superintendent of Schools recently adopted the following resolution endorsing an entertainment media violence code to limit gratuitous violence and glamorization of violent lifestyles dramatized on television. The board and superintendent cite the findings of numerous studies, which show that children are vulnerable to and negatively affected by violence they see on television, as reason for passing the resolution.

The following is a copy of the resolution. I would like to commend the Alameda County Board of Education and the Superintendent of Schools for their work on this important matter. I am hopeful that government—both Federal and local—can work with the entertainment industry to reduce the amount of violence to which our children are exposed.

ALAMEDA COUNTY BOARD OF EDUCATION AND ALAMEDA COUNTY SUPERINTENDENT OF SCHOOLS—JOINT RESOLUTION NO. 1304

Whereas, concern about the "epidemic of violence" from which our nation, our state, and our schools suffer, has been a growing concern in our community; and

Whereas, the violence that actually occurs in our communities and gratuitous violence dramatized in the media negatively affects our children's emotional development and readiness to learn; and

Whereas, although there is no single cause for the devaluation of human life, personal safety, and respect for property that we are witnessing, there is a need to state that increasing violence is not acceptable; and

Whereas, numerous studies tell us that all people, especially children and teenagers, are affected by the gratuitous violence they see depicted on television and videos and become more likely to act violently themselves or become desensitized to the pain inflicted on victims; therefore be it

*Resolved* That the Alameda County Board of Education and the Alameda County Superinendent of Schools endorse the proposal for broadcasters' to limit violence on television set forth in the Citizens Task Force on TV Violence.

Passed and Adopted this 22nd day of February 1994.

RECOMMENDATIONS BY THE CITIZENS TASK FORCE ON TV VIOLENCE

Entertainment Media Violence Code. An Entertainment Media Violence Code, largely voluntary in nature, should be adopted and should be based upon the code adopted by the Canadian Radio and Telecommunications Commission and the Canadian Association of Broadcasters, provided that the code would include a "safe harbor" rule—to the effect that gratuitous dramatized violence not be programmed during the hours of 6 a.m. to 10 p.m.—which could be enforced through appropriate action by the Federal Communications Commission (FCC).

Parent Empowerment. Parents should have the ability to exercise greater control over the viewing of violent programs by children through installation of mechanical/electronic devices to block out programming that is identified as violent, broadcast of viewer warnings, and development and implementation of a violence rating system.

FCC Hearings. The FCC should hold hearings on possible voluntary and regulatory solutions to television violence.

Children's Television Act. The federal Children's Television Act should be strengthened and enforced to increase beneficial programming for children and to educate the public about the effects of violence generally, and media violence in particular.

Violent Television Programs in Prisons. The viewing of violent television programs in prisons should be ended immediately.

White House Conference on Violence. A White House Conference on Violence should be called to focus on the causes of the nation's epidemic of violence, including media violence, with the representatives of both the entertainment industry and 100 of the nation's leading advertisers being invited.

Television Industry Discussions. Television industry discussions to identify, control, and reduce violent programming should be continued through an extension of the current antitrust exemption set forth in the Television Program Improvement Act.

## SUFFOLK COUNTY COMMUNITY COLLEGE: EXCELLENCE IN EDUCATION

### HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. HOCHBRUECKNER. Mr. Speaker, with great pleasure I commend Suffolk County Community College for its commitment to excellence in the education of residents of Long Island, NY.

The month of April, 1994 is National Community College Month. During this month, Suffolk County Community College and other community colleges throughout the Nation will be recognized for the wonderful educational services they provide for their communities. Nationally, 50 percent of all first-time students enrolled at institutions of higher education attend community colleges. Community colleges offer services and programs to all types of students, whether they be full-time students, full-time workers or parents returning to school, or college graduates taking extension courses.

Suffolk County Community College has a proud tradition on Long Island because of its low-cost, its convenient locations, and its quality curriculum. The college produces well-educated and skilled graduates who competently assume positions in the work force, and who positively contribute to the Long Island economy.

Suffolk County Community College is also dedicated to being a good neighbor and contributor to the enrichment of Long Island communities through public service activities, including workshops and community forums for residents.

Mr. Speaker, I commend Suffolk County Community College during National Community College month for its dedication and commitment to providing Long Islanders quality educational programs.

## EXEMPLARY HEALTH CARE THE HALLMARK OF VA NURSES—"MY NURSE IS TAKING GOOD CARE OF ME"

### HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. MONTGOMERY. Mr. Speaker, during the nearly 26 years I have been a member of the U.S. House Committee on Veterans' Affairs, I have had the opportunity to visit a number of VA hospitals, and it is rare that I do not hear the above declaration or some variation from a patient, his or her family, or acquaintances. Based on this experience and other observations and opportunities during my travels and work here in Washington, I know I am accurate when I say that nurses are the heartbeat of not only the VA health care system but health care in general in America.

Nurses are widely recognized for being dedicated, even among those who have had only cursory contacts with medical facilities. They have to be dedicated, especially when they are called upon to provide quality health care in a dramatic, always demanding environment of long hours, critical decisions, and—too often in the VA system—inadequate resources. Still somehow, they always manage to give health care the devotion, the human touch, the sensitivity and compassion that patients, and especially veterans, deserve. While the profession finds its genesis in medicine, some have carried nursing to the level of art. VA is fortunate to have in its nursing service a wealth of such caregivers.

Mr. Speaker, on behalf of the Committee on Veterans' Affairs of the House of Representatives, and as we observe National Nurses Week beginning May 6, I want to thank the nurses throughout the VA health care system for their hard work, their high standards, their exceptional fortitude, and the steady, comforting hand with which they care for our veterans.

## TRIBUTE TO MARGE LORDI AND ISABEL WITTLINGER

### HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. KLEIN. Mr. Speaker, I rise today to pay special tribute to Marge Lordi, president of the Friends of the Bellevill Public Library and Information Center, and Isabel Wittlinger, the former president. These women will be awarded the Distinguished Service Award during National Library Week on Thursday, April 21, 1994, by the Belleville Public Library.

The Distinguished Service Award is given yearly to people who have made the greatest contributions to the library. It is awarded at an appropriate time, National Library Week, which occurs from April 17 to 23. This year's theme is "Libraries Change Lives."

As president of the Friends of the Belleville Public Library, Ms. Lordi has exhibited excellent leadership skills, and developed strong public support for the library. She has also helped sponsor many library cultural programs, as well as organize fundraising programs for the library.

Ms. Isabel Wittlinger, as past president of the Friends of the Belleville Public Library and Information Center, has not only sponsored many cultural programs, but has also taught classes and provided many exhibits to the library herself.

The Belleville Public Library has benefited from their time and service. It is with great pleasure that I join with my colleagues in wishing them continued success.

## THE AMERICAN LEGION CELEBRATES 75 YEARS

### HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. MAZZOLI. Mr. Speaker, the American Legion is celebrating a special anniversary this year: 75 years of service to the men and women who served our country and its colors, often at personal risk and sacrifice.

The American Legion was born out of comon experiences shared by the many men and women who served the United States in World War I. The first meeting was held in Paris, France, in March 1919, and soon after that initial meeting, Congress granted the American Legion its charter.

The Legion is first and foremost a patriotic, mutual-help, and community-service oriented organization whose primary goal is to be a support vehicle for veterans and their families.

While fewer than seven of the original members of the American Legion who met in Paris remain alive today, membership has grown to well over 3.1 million Legionnaires, including those from World War II, Korea, Vietnam, Lebanon, Grenada, Panama, and Desert Storm.

Legionnaires live in all the cities, towns, and townships of our Nation. In my hometown of Louisville and Jefferson County there are 10 separate American Legion posts—including Post 220, of which I am a member—with a total membership of nearly 5,000 under the leadership of Department Commander Jim Terrell.

In the past 75 years, the Legion has made important contributions to the Nation's service people, including: authorship of the original G.I. Bill of Rights in 1944; sponsorship and support to over 2,500 Boy Scout units across the Nation; sponsorship of the National High School Oratorical Contest which helps young people gain a better understanding of the U.S.

Constitution and their responsibilities as citizens; and the American Legion's Child Welfare Foundation, created in 1954, which awards grants to nonprofit organizations dedicated to solving social and health problems of children.

The American Legion is devoted to voluntarism. And, last year alone, it is estimated the Legionnaires gave nearly 2.8 million hours of their time in volunteer service to their communities. The selfless dedication on the part of the men and women who are proud to be called Legionnaires add a special quality to my community and to communities all across this Nation.

I salute all the men and women of the American Legion for their service to the Nation and for their devotion to making America greater and more just. I salute the American Legion on 75 years of outstanding service.

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## TRIBUTE TO LOKAHI DELOVIO

### HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Lokahi Delovio of Troop 17 in Crompton, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Lokahi washed and painted the walls in his parish church hall.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Lokahi Delovio. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Lokahi Delovio will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

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## KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. TRAFICANT. Mr. Speaker, as part of my continuing efforts to bring to light all the facts in the case of former Immigration and Naturalization Service agent Joseph Occhipinti, I submit into the RECORD a sworn affidavit made out by one Harry Hildebrandt:

STATE OF NEW JERSEY, COUNTY OF SUSSEX

Harry Hildebrant, being duly sworn, deposes and says:

1. I reside at 34 Hillsdale Drive, Sussex, New Jersey.

2. I am supplying this Affidavit at the request of Joseph Occhipinti. I am giving this Affidavit freely and voluntarily.

3. I was previously employed by the New York City Police Department as a Detective assigned to the Manhattan North Homicide Squad. I am now retired.

4. While employed by the New York City Police Department, I met Joseph Occhipinti, who was then employed by the Immigration and Naturalization Service.

5. During the course of our respective duties, I worked with Joseph Occhipinti on the Michael Hoban police homicide investigation. Mr. Occhipinti's work on this investigation was thorough and helpful. He was a contributing factor toward the resolution of this police homicide.

6. During the course of our official duties, I also supplied Mr. Occhipinti with information concerning various bodegas located in the Washington Heights area of Manhattan. Many of these bodegas had a relationship to the Then Cartel. It is my understanding that this information and other information concerning the Then Cartel that I gave to Mr. Occhipinti was the genesis of Project Bodega.

7. Prior to Mr. Occhipinti's trial, I was interviewed several times by Assistant U.S. Attorney Jeh Johnson. During these interviews, I advised AUSA Johnson that I had provided Mr. Occhipinti with the information concerning several bodegas. However, AUSA Johnson never seemed interested in what I had to say and, in fact, seemed negative toward the information.

8. During my interview with AUSA Johnson, he suggested that I not speak to the Occhipinti defense team. AUSA Johnson advised me that the Occhipinti defense team was using trickery and could very well be taping conversations.

Sworn to before me this 12th day of March 1994.

Susan M. Kinney, Notary Public of New Jersey.

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## TRIBUTE TO DOZIER T. AND MATTIE H. ALLEN

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. VISCLOSKY. Mr. Speaker, I rise today to pay tribute to dear friends from my district, Dozier T. and Mattie H. Allen, who on April 10 celebrated their 65th wedding anniversary.

At a time when many families lack cohesion and unity, Dozier and Mattie truly deserve to be recognized as a model for the preservation of family values, and for their lifetime commitment to one another. The Allen's have actively contributed to community life in Gary, participating in social, civil, and religious affairs on a regular basis.

Upon completion of his studies at Alabama A & M College in Huntsville, AL in 1920, Dozier relocated to Gary, IN. He began his extraordinary career at U.S. Steel, and after 5 years, went on to become the first African-American business owner in the city of Gary when he opened the Allen service station. The Allen service station weathered many storms throughout the years, the most devastating being the Great Depression. The survival instinct prevailing, the Allen service station remains one of few businesses to have endured that tumultuous era.

A shining example for his fellow men, Dozier was a cofounder, charter member, and the first president of the South Side Businessmen Association, which was the first Black business organization in Gary, IN. He has held memberships in the Gary chapter of the NAACP, the Masons, the Odd Fellows, the American Woodmen, the Gary Gasoline Retailer's Association, and the Salt Creek Protective Association. Ordained as a full deacon of the First Baptist church of Gary in 1945, Dozier continued to serve as chairman of the board of deacons throughout his 57 year patronage of the church.

Mrs. Mattie J. Allen attended Alabama State College and Tuskegee Institute in Montgomery, AL before joining her husband as his business manager and bookkeeper. A strong community leader, Mattie has held memberships in the Gary League of Women Voters, the Gary chapter of the NAACP, and remains the oldest active member of the Colored Women's Federated Club. She has also served as a board member of the Gary Urban League, president of the Modern Priscilla Club of Gary, and treasurer of the Northern Star District.

Mr. Speaker, I ask you and my colleagues to join me in my congratulations to Dozier and Mattie Allen for their commitment to each other and those around them. At the age of 93, they are a fine example of what is good and right. I am honored to know Dozier and Mattie, and their two very successful sons Dozier T. Allen, Jr., and Paris M. Allen, and I wish them the greatest happiness for their years to come.

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## IRISH AMERICAN SOCIETY OF THE ORANGES HONOR RUANE AND LYNCH

### HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. KLEIN. Mr. Speaker, I rise today to pay special tribute to Patricia Ruane and Jerry Lynch who have been chosen by the Irish-American Society of the Oranges as the recipients of the society's Distinguished Service Award.

Patricia and her family live in Bloomfield, NJ and are active parishioners of St. Thomas the Apostle. In 1972, she was the deputy grand marshall of the Newark St. Patrick's Day parade.

In 1981, Pat and her husband, Robert, became involved in Project Children, an organization bringing Catholic and Protestant children from northern Ireland for 6 weeks in America. They have hosted 11 children altogether.

In 1992, she was honored by the Ancient Order of the Hibernians Division No. 9 Montclair.

Pat is a member of many Irish-American organizations, including the Irish-American Society of the Oranges, the McLoughlin Association, the McGovern Association, the L.A.A.O.H. Division No. 9 Montclair, and is presently the secretary of the Peter Smith School of Irish Dancing Parents Association. She is a strong promoter of Irish dancing, and both of her daughters compete competitively.

Jerry Lynch's Irish roots are in County Cork. In 1973, Jerry founded the Belmar St. Patrick's Day parade with the help of his family and friends. This parade has grown to be one of the largest in the State of New Jersey. He remains active on the parade committee to this day, and currently serves as its chairman.

Jerry is also the founder and standard bearer of the Jerry Lynch social and civic club. This organization began many Irish-American activities in the New Jersey shore area. Jerry is currently the president of the Belmar Kiwanis Club. Other endeavors include his membership in the Irish-American Society of the Oranges, the Knights of Columbus, the Belmar Elks, and the Friendly Sons of the Shillelagh in Belmar.

The Irish-American Society of the Oranges is very proud of these two individuals, and it is with great pleasure that I ask my colleagues to join me in wishing them continued success.

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## WILLIAM TAFEL, JR., "PROFILE IN COURAGE"

### HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. MAZZOLI. Mr. Speaker, Mr. Bill Tafel, Jr., is a very courageous man who lives and works in my hometown of Louisville and Jefferson County, KY. He is the son of Bill Tafel, Sr., a longtime personal friend, and is a worthy bearer of the family's excellent reputation in our community.

Bill, Jr. is 36 years old, married to Rebecca Tafel, and the father of three children. He is a stockbroker and, in the spring of 1993, he was diagnosed with leukemia. He returned home to Kentucky recently, after spending nearly 4 months in Seattle, WA, receiving bone marrow transplant treatments.

The odds against finding an exact match for a transplant are very high. Each of the six antigens—a protein or carbohydrate substance which, when introduced into the body, stimulates the production of an antibody—must match exactly or the transplanted bone marrow is rejected. Such odds would be cause for despair, but not for Bill and his family.

Bill began to research his disease and he began a crusade to increase the number of potential bone marrow donors. And, as many people from Kentucky and Washington, DC, found out, Bill can be a very persuasive fellow.

Bill was one of the lucky ones when he received that long-awaited phone call that an international registry had located a donor in France. So far, the treatment has been successful. According to Bill, however, the best treatment for him was the positive attitude he has maintained throughout this trail.

A lesson we could all learn from Bill Tafel and those like him is not to allow oneself to become frustrated by the task ahead, and, to redirect all energies to those things which can be altered and controlled and ignore the rest.

I ask my colleagues to join me in saluting William Tafel, Jr. for his efforts to raise public awareness of the need of bone marrow donors. I pray that perhaps sometime in the future we will no longer need to worry about maintaining such a list. But, until then, Bill and his family are to be admired and honored for their work.

Mr. Speaker, I ask that articles from the Louisville Courier-Journal, describing this remarkable man, his equally remarkable wife and family, and their journey together through illness and into the light be included at this point:

[From the Courier-Journal, Nov. 21, 1993]

MARROW CRUSADER GETS HIS TRANSPLANT

Bill Tafel, a Louisville stockbroker who has been on a crusade to boost participation in a national registry of potential bone-marrow donors, received his own marrow transplant yesterday at Fred Hutchinson Cancer Research Center in Seattle.

Tafel's wife, Rebecca, said her husband was resting comfortably and watching football yesterday after receiving an overnight blood transfusion. She said he will be in the hospital for several more weeks and will remain in Seattle for about four months so doctors can monitor his progress.

Bone marrow is a spongy tissue found inside bones. In a bone-marrow transplant, the patient's diseased marrow is destroyed with heavy does of chemotherapy and radiation and healthy marrow is infused into the patient's bloodstream. If successful, the new bone marrow migrates to the cavities of the large bones, grafts and begins producing normal blood cells.

Tafel, 36, who was diagnosed with leukemia last spring, received bone marrow from a woman in France who was located through an international donor registry. When he found a match several months ago, Tafel had been busy working to register more potential donors after learning that none of the 900,000 people on a national registry of potential marrow donors matched his type. The odds are long for a marrow match—each of six antigens must match precisely or the body will reject the donated marrow.

Tafel began researching the donor process and learned that American Red Cross blood centers determine the bone-marrow type of people who donate platelets. Platelets, a blood component used to help patients' blood clot during operations, are sometimes used in marrow transplants. But for privacy reasons, those names and marrow types aren't always shared with the National Marrow Donor Program, which operates the national registry.

Tafel persuaded Red Cross centers, including the one in Louisville, to ask platelet donors if they would consider having their name and type placed on the marrow registry. He also has sought cooperation from labs around the country that analyze blood and determine marrow type for such things as paternity suits.

For information on registering as a donor, call (502) 588-8019.

[From the Courier-Journal, July 18, 1993]

LEUKEMIA VICTIM HELPS EVEN ODDS OF FINDING DONORS

(By Patrick Howington)

If you've ever thought one person can't make a difference, or things were so bad you might as well give up, you should meet Bill Tafel.

Diagnosed with leukemia this spring at age 35, Tafel, a Louisville stockbroker, needs a bone-marrow transplant to stay alive. But none of his relatives has a close enough marrow type to be a donor.

In fact, almost 900,000 people on a national registry of potential donor, none is a good match. Finding a matching bone-marrow type, Tafel learned, is like coming up with a winning Powerball number—each of six antigens must match precisely, or the body will reject the donated marrow.

Faced with such odds, Tafel might have sunk into despair. But despair didn't seem the best option to a man with a wife, two children and a baby on the way.

Instead, after a round of high-intensity chemotherapy that cost him his hair and kept him in the hospital for three weeks, Tafel went home, got back into shape, resumed playing tennis—and started researching his disease.

He soon realized he could help himself, and others, by registering more people as potential marrow donors.

One thing he learned was that American Red Cross blood centers determine the bone-marrow type of people who donate platelets. That's because platelets, a blood component used to help patients' blood clot during operations, are sometimes used in marrow transplants. But for privacy reasons, those names and marrow types aren't always shared with the national marrow registry.

The roughly 50 Red Cross centers that also serve as centers for the marrow registry, platelet donors are routinely asked if they will consider having their name and type placed on the marrow registry, but at about 17 other centers, including Louisville's that doesn't happen. There are reasons for that. The Red Cross' mission is to ensure a safe and adequate blood supply, not to facilitate bone-marrow donations. Donors of blood products are guaranteed confidentiality.

And Red Cross platelet donors have already agreed to make a considerable sacrifice of time. They sit in a chair for about an hour and a half, a needle in each arm. Asking them to also consider having marrow extracted from their hip could make some donors feel imposed on.

Also, the number of potential new marrow donors in the Red Cross' platelet-donor pool was relatively small—there were 1,000 or fewer in Louisville, for example.

But to Tafel, the effort would be worthwhile if it yielded a match to save one life, even if it weren't his.

Over the next few weeks, officials in Louisville and Washington, D.C., learned Bill Tafel can be a persuasive fellow.

He began calling everyone he thought could help increase the donor pool—from corporate officials who might donate money to pay for typing to Elizabeth Dole, the former labor secretary who is president of the American Red Cross.

On a Memorial Day weekend visit to Washington, he kept calling Dole's office until he persuaded her appointments secretary to grant him an interview.

The secretary arranged for Tafel to ride with Dole in a limousine taking her to the airport. When Dole got in, she was confronted with an earnest young man with a shaved head in the wake of chemotherapy.

As they drove—the trip lengthened when the driver fortuitously missed a turn—Tafel explained his vision of getting Red Cross centers to share the names and marrow types of platelet donors.

Dole told Tafel she would have an aide send letters urging Red Cross centers to ask platelet donors to consider going on the marrow registry, Tafel said. She also put him in touch with top officials of the National Marrow Donor Program.

It's "such a wonderful idea," she said in an interview later. "It's self-evident that it can help."

In Louisville, Tafel pitched his case to Dr. David Jenkins, principal officer for the American Red Cross Blood Services' Louisville region. Jenkins agreed to send letters to platelet donors, asking if they want to be listed on the national registry—even though Red Cross officials had rejected that step before.

Why did Jenkins agree now? Because Tafel is "very persuasive."

Knowing that the national registry had failed to find a match for Tafel "just re-emphasized the need to get as many people as possible" on the registry, Jenkins said.

The Red Cross will start sending letters to its platelet donors this week.

Now Tafel is ready for the next step—to ask other Red Cross centers to do what Louisville's did.

It's hard to gauge what good will come of Tafel's zeal. "We're real excited" about the Red Cross letters, said Dr. Leonard Sender, medical director of the national marrow program's donor center at the University of Louisville's James Graham Brown Cancer Center. The center has registered about 700 people since starting two years ago. "We need more people," Sender said.

Meanwhile, Tafel recently learned that a search by an international registry located a woman in France whose bone marrow is a six-for-six antigen match with his.

He is trying not to get too excited about that. Her blood is being sent to the United States for further analysis, which could determine she's not an ideal match after all.

But Tafel has already reaped some rewards from his work. He simply feels good about it.

"The best treatment is one's positive attitude," he said. "Instead of acting frustrated, it's just a matter of directing energies in the best way possible.

"Let's just say that I've enjoyed it. It's been fun."

For information on registering as a possible marrow donor, call (502) 588-8049.

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## WALLET BIOPSY: ANOTHER REASON FOR NATIONAL HEALTH CARE REFORM

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. STARK. Mr. Speaker, here is just another example of why we have been striving for health care reform. I received a letter from a young man, Gerard Oorthuys, in San Jose, CA, about his experience with our current health care system. In January of this year he was diagnosed with a defective aortic valve and an aortic aneurysm. Cardiologists at Stanford Medical Center told him that he needed surgery as soon as possible, for his condition was very advanced. However, when it was discovered that his student health insurance's major medical portion of the policy had a $20,000 limit and would be unable to cover the entire bill, he was referred to county hospital. Here, he was told that he would have to wait a 90-day hold period because of the county's financial difficulties. After more tests and much stress, Mr. Oorthuy's condition was listed as emergent, the 90-day waiting period was waived and surgery was scheduled, 2 months after Stanford's initial evaluation and 4 months after the condition was discovered.

Mr. Speaker, yesterday this man was happy and healthy and tomorrow he will be financially devastated and most likely uninsurable. We should enact a health plan that does not allow this situation to occur. Cost-share for inpatient care and preexisting condition clauses need to be eliminated in a reformed system.

The attached is a portion of his letter explaining his situation.

> I have no assurance I will be able to find additional health insurance. The student health policy I have will be far past its maximum coverage for this valve-aorta incident. It is unlikely I will find health insurance at any cost, let alone at a cost affordable to us. Additionally, any policy will likely include waivers, exclusions, or waiting periods for existing conditions. If I have post-surgical complications I will have no insurance coverage for those complications.
>
> In the past several weeks I have been introduced to the best and the worst of American medicine: from the skills of medical practitioners and the phenomenal scope of life-saving treatments to the withholding of treatment, even diagnostic procedures, for the lack of ability to pay * * * My hope and dreams * * * are tied to my receiving timely care. I very much appreciate your sense of urgency regarding health care reform. For some of us, in fact millions of us, there does indeed exist a health care crisis.

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## TRIBUTE TO DOYLE DELOVIO

### HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Doyle Delovio of Troop 17 in Crompton, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Doyle washed the cinder block walls in St. Mary's Church.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Doyle Delovio. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Doyle Delovio will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

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## TRIBUTE TO ROWLES HOMES

### HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. TALENT. Mr. Speaker, I would like to take this opportunity to congratulate and recognize Rowles Homes. Recently, the National Association of Homebuilders named Rowles Homes as one of the top eight homebuilders in the country. Lawrence E. Rowles, president, accepted the Silver Medalist Award in the mid-sized builder category for the organization's annual Builder's Spotlight competition.

Larry, Jim, and Phil Rowles started Rowles Homes over 3 years ago. In just over 3 years Rowles Homes has expanded into a successful, market-leading homebuilding company, with 88 homes closed in 1993 alone. Rowles concentrates on applying innovative marketing techniques, low costs, and competitive pricing to its housing investments.

I am impressed that Rowles Homes considerable success in just over 3 years occurs while providing St. Louis residents with affordable, high-quality housing. Rowles' innovative sweat equity program serves as an example of good business practice and civic responsibility. In order to make Rowles' homes more affordable, the company instituted a sweat equity program whereby a buyer receives a 3 percent credit toward the price of their home in exchange for painting their interiors and seeding their backyards.

In short, I am proud to congratulate Rowles Homes for their recent award from the National Association of Homebuilders. Rowles Homes certainly deserves this award for their past and future achievements in homebuilding.

I would ask my fellow Members of the House of Representatives to join with me in congratulating Rowles Homes.

## TRIBUTE TO JOSEPH POLIMENI

### HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to Mr. Joseph Polimeni, a fourth generation carpenter who joined the United Brotherhood of Carpenters & Joiners of America 48 years ago in 1946.

Mr. Polimeni began his apprenticeship in 1946, and rose to become general carpenter foreman and construction superintendent. He also worked as millwright foreman. On one project, he was general carpenter foreman of over 200 carpenters.

Mr. Polimeni was secretary of the original pension study committee formed in 1955 which was the forerunner of the Essex County pension fund. In 1947, he became recording secretary and business representative until his retirement on January 1, 1994. Later, he became secretary treasurer of the former Essex County District Council of Carpenters & Millwrights.

Mr. Polimeni served as board member of the Fourth District of the New Jersey State Council of Carpenters for the past 18 years. He was trustee of the New Jersey State Carpenters Apprentice Fund and a member of the Essex County Board of Business Representatives.

Mr. Polimeni contributed in other ways. He served as chairman of the health and welfare committee at the general convention in San Francisco in 1970 and reported to the general convention. He was on a total of three general convention committees.

I am told that his main concern was service to the membership. This must be true because of his repeated reelections. Local 1342 has benefited from the service of Mr. Polimeni, and for all of his hard work I join with my colleagues in commending him.

## NATIONAL BUY RECYCLED MATERIALS AND PRODUCTS MONTH

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. MORAN. Mr. Speaker, in commemoration of Earth Day, which we will celebrate on April 22, I am introducing legislation designating April as "National Buy Recycled Materials and Products Month." I urge my colleagues to cosponsor this important legislation and support the creation of markets for recycled materials.

In the last decade the Federal Government, along with State and local governments, has made great strides toward increasing recycling levels. Today, one-third of all Americans participate in curbside recycling programs and many businesses have instituted officewide recycling programs, resulting in an overall recycling rate of approximately 17 percent. However, as collections of recyclable materials have increased, market prices for those materials have dropped and are expected to remain low until new capacity to use the materials comes on line.

In order to ensure that there is an adequate market for recycled materials and a demand for products made from recycled materials, businesses must be given incentives to manufacture products made with recycled materials and consumers should be encouraged to purchase products that are manufactured or packaged with recycled materials. Both of these goals should be encouraged in order to maintain the economic incentive to recycle at the Federal, State, and local levels.

These goals are consistent with President Clinton's Executive order issued in October of 1993 which stated that the use of recycled and environmentally preferable products and services can spur private sector development of new technologies and use of such products, thereby creating business and employment opportunities and enhancing regional and local economies and the national economy.

As we continue the transition from a large defense industrial base to an era of dual-use technologies, we will need to find new environmental applications for old technologies. Facilitating markets for environmentally preferable and recycled products and services will help spur the creation of these new technologies and ensure the success of recycling programs we have worked so hard to create. Please join me in urging the creation of markets for recycled materials by cosponsoring the "National Buy Recycled Materials and Products Month."

## TRIBUTE TO MAYOR CHESTER GROBSCHMIDT

### HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. KLECZKA. Mr. Speaker, I rise today to pay tribute to Chester Grobschmidt, mayor of the city of South Milwaukee, on his retirement from public service.

I have had the good fortune of personally knowing and working with Chet Grobschmidt because the citizens of South Milwaukee have seen fit to elect him to the office of mayor for the past 28 years. Prior to his election as mayor, he served for 9 years in the office of alderman. In both offices, he has served with distinction and honor.

Harry Truman once said that he studied the lives of great people and the ones who got to the top did so by doing the jobs they had in hand, with all their energy and enthusiasm and hard work. Certainly Mayor Grobschmidt's 37 years as a dedicated public servant are an indication of the truth of those words and of the esteem with which his fellow citizens hold him.

I ask my colleagues to join me in recognizing his remarkable contribution to the citizens of the city of South Milwaukee, to the State of Wisconsin and indeed, to our Nation. We wish him a healthy, happy retirement.

## TRIBUTE TO PATRICK C. STEPHENSON

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. SKELTON. Mr. Speaker, I wish to pay tribute to an outstanding Missourian from my hometown of Lexington, Patrick C. Stephenson, Sr., who recently passed away.

Mr. Stephenson owned Pat's Boats and Motors in Lexington from 1964 until his retirement in 1971. He was also an active member of the Lexington community, serving the city council for 24 years, beginning his service in 1940. Mr. Stephenson was also a member of American War Dads and an elder of his church.

He is survived by his wife Florence, sons Patrick, Jr., Donald, and Meredith; a sister, Rebecca; 7 grandchildren, 14 great-grandchildren, and 3 great-great-grandchildren.

Pat Stephenson was a highly respected community leader who will be long remembered by his family and friends. I bid a fond farewell to a good friend.

## TRIBUTE TO GREGORY WILLIAM LATZ

### HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Gregory William Latz of Troop 2 in Misquamicut, RI and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as Citizenship in the Community, Citizenship in the Nation, Citizenship in the World, Safety, Environmental Science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Gregory developed, arranged and coordinated the food donations, preparation, and catering of a buffet supper in honor of the 75th anniversary of the Westerly Ambulance Corps.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Gregory William Latz. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Gregory William Latz will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

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## MONTGOMERY COUNTY COMMUNITY ACTION AGENCY

### HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. HALL of Ohio. Mr. Speaker, I rise to pay tribute to the Montgomery County Community Action Agency [MCCAA], which is celebrating 25 years of service for the Montgomery County community.

MCCAA began during President Lyndon B. Johnson's war on poverty. Their primary mission is to help people become self-sufficient. During their 25 years of service, MCCAA has helped many people break the welfare cycle through various transition programs, such as Head Start, job placement, transitional housing, child care, and Home Energy Assistance Program. During the years, the number of services MCCAA provides has expanded, and they have dedicated considerable time and resources to the needs of the poor in our area, as well as to the Dayton community.

I am very supportive of reforming our present welfare system. The present system can trap people on welfare and penalizes those who want to work. I support an antipoverty strategy that helps people who want to help themselves. MCCAA has played, and will continue to play, an important role in this respect by helping people become productive citizens.

I offer my congratulations to MCCAA and my thanks for their 25 years of community service to the Dayton area.

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## THE NEED FOR A NATIONAL FAMILY DAY

### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. SANDERS. Mr. Speaker, I would like to submit the following for the CONGRESSIONAL RECORD. Sarah Watts, a 13-year-old constituent from Bethel, VT, sent this letter to my office.

The letter talks about the need for a National Family Day, in which families can take pride being a family. Too often, we take our families for granted and really don't appreciate how important they are. To my mind, a National Family Day would do just that.

BETHEL, VT.

DEAR SENATOR SANDERS: My name is Sarah Watts. I'm 13 years old and in 8th grade. Well, my reasons of writing to you is not because I have to for a class project. You see, I have been thinking that since the whole focus is on families that maybe we could have a Family Day. My purpose for Family Day is because it might help some families become closer, and then maybe after a few years the family members could trust each other a little more.

I was hoping that if we did have Family Day it could be on October 21st, or the closest Sunday. My reasons for that is because October 21st is my birthday, and even if you don't like the idea, I'm still going to declare that day a Family Day in my family. One other reason is that it's in the fall when not a lot is going on.

My idea of Family Day would be going out and spend time with your family. You all go out and do one thing that each member wants to do (as long as it's not to extreme). In the case of a broken family the child (children) stay at one house until 12:30 pm, and then that parent drops the child (children) at the other house.

I know that some families won't want to participate on Family Day, but I think most families will if they at least spend sometime together once in a while.

My family consists on my mom, dad, and I. While I'm well aware that you have many other things on your mind, I hope that you could take this into consideration. Thank you so very much for listening.

Sincerely,

SARAH WATTS.

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## IN HONOR OF THE 1994 NEW YORK JEWISH SPORTS HALL OF FAME INDUCTEES

### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. ACKERMAN. Mr. Speaker, I rise today with great pride to congratulate the 1994 inductees to the New York Jewish Sports Hall of Fame.

The New York Jewish Sports Hall of Fame honors Jewish men and women who have distinguished themselves in the field of sports. The objective of the hall is to foster Jewish identity through athletics and to honor the inductees for their outstanding achievement.

The induction ceremonies will be held at the Suffolk Y Jewish Community Center on Sunday, April 24, 1994. The inductees for 1994 are Gary Bettman, Larry Brown, Marty Glickman, Art Shamsky, Sid Tannenbaum, and Jay Fiedler.

Gary Bettman, the commissioner of the National Hockey League, is very much responsible for helping to build the NHL into one of the major sports attractions. Before his service with the NHL, he was the attorney for the National Basketball Association.

Art Shamsky was a major league baseball player from 1964 to 1972. In his years as a major leaguer, he played for both the New York Mets, where he was an important member of the 1969 world champion team, and for the Cincinnati Reds. He was a first baseman and an outfielder, and had a lifetime batting average of .253.

Marty Glickman is another legend in the sports world. He was a broadcaster for the New York Giants, Jets, Knicks, the Brooklyn Dodgers, and he also covered the New York Yankees pregame show and the "Sports Extra" broadcast on channel 5 in New York. As a member of the Basketball Hall of Fame, city, State, and national sprint champion, and a sprinter on the 1936 U.S. Olympic team, in Berlin, he is also a coholder of the 400 yard relay records with fellow relay teammates Jesse Owens, Ralph Metcalfe, and Frank Wyckoff.

Larry Brown is another great contributor who was a 3 time All-Star in the American Basketball Association. He has coached National Basketball Association teams for 20 full seasons, and has brought his players a .500 record or better 19 times. Currently, he is coaching the Indiana Pacers. In just seven seasons as a college basketball coach, his teams made three trips to the NCAA Final Four tournament, and participated all seven seasons. His 1987–88 Kansas Jayhawks won the NCAA tournament to become the national champions.

Sid Tanenbaum was also a star basketball player as well as a leading scorer for New York University. He lead NYU to the NCAA finals in 1945 and was voted best player in the New York metropolitan area. He was an All-American, and played professionally with the New York Knicks and Baltimore Bullets.

The final sports figure, Jay Fiedler, was a quarterback for Dartmouth University where he made first team All-Ivy 2 years in a row. He holds 12 school football records and 3 Ivy League records, and he was the 1992 Ivy League Player of the Year. Additionally, he was recognized for outstanding athletic performance in football, basketball, and track at Oceanside High School. Mr. Fiedler is currently being honored as the Outstanding Male Jewish Scholastic Athlete for the Year.

Mr. Speaker, I am proud to stand here today to honor these incredible athletes who have exhibited such talent, endurance, and coaching skills. Each of them have challenged themselves, and have achieved excellence as a result of their determination and sportsmanship.

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## TRIBUTE TO JUDGE MEREDITH C. TAYLOR

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Los Angeles Superior Court Judge Meredith C. Taylor, who on April 7 received the 1994 Judge of the Year Award by the San Fernando Valley Bar Association. Judge Taylor is the first woman to ever receive this prestigious honor.

Judge Taylor is an inspiration to any person—man or woman—determined to pursue their dreams. She got married soon after graduating from high school, worked to put her husband through school, and had children. It seemed at the time as if she were destined for a career in the home.

But Judge Taylor, in fact, had other ideas. With the active encouragement of her husband, Richard, she started taking classes at California State University, Northridge, in her spare time. After 8 years, she received her degree. From there she went immediately into law school. This was one wife and mother on the fast track.

By 1975 Judge Taylor had passed the bar. Her first job was with the Small Business Administration; from there she went into private practice. In 1984 she became president of California Women Lawyers, which lobbies the Governor for more appointments of women. George Deukmejian, Governor at the time, got the message. On July 11, 1985, he appointed Meredith Taylor to the Los Angeles Municipal Court.

In May 1987, she joined the Los Angeles Superior Court, where she hears cases of child abuse and neglect in dependency court. Her busy professional life includes involvement with a number of organizations and associations. Among these are the Federal Bar Association and the National Association of Women Judges.

I ask my colleagues to join me in honoring Superior Court Judge Meredith Taylor, a woman of boundless energy and intelligence. I am also proud to note that she graduated from my alma mater, Hamilton High School in Los Angeles.

## CONGRATULATING MARTIEY MILLER, RADIO SALESPERSON OF THE YEAR

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. McINNIS. Mr. Speaker, I rise to day to recognize an outstanding Coloradan, Martiey Miller, who was recently named radio salesperson of the year by the National Association of Broadcasters.

Martiey has been a member of KEKB's staff in Grand Junction, CO, for the past 8 years, and she most decidedly deserves this high honor.

In winning this award, Martiey's unique skills prevailed over her competitors from the larger markets in New York and Los Angeles. That's not surprising, however, because Martiey's talents go far beyond excellent salesmanship.

In addition to her job, which brings with it the handicap of being married to the station's news director, Steve Heller, she is also very dedicated to her community.

She has chaired the Chamber of Commerce there for the past 2 years. She serves on the board of directors of the Kiwanis Club, and chairs their biggest fundraiser of the year.

She is very active in her church, where she is a soloist in the choir, and she is also active as a parent at Tope Elementary, where her daughter Michelle attends.

Mr. Speaker, Martiey is a role model in her community and epitomizes leadership and loyalty, not only in her job, but in her church, school, and family as well. I know my colleagues will join me in congratulating Martiey on her accomplishments.

## COMMEMORATION OF NATIONAL LIBRARY WEEK

### HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is with great enthusiasm that I rise to pay tribute to those who have met the enemy of illiteracy head-on. On this, the 36th anniversary of National Library Week, I would like to convey special thanks to all who have shown a deep commitment to the advancement of libraries across America. With their dedication, the battle against illiteracy will continue and, one day, will be won.

To me and many of my colleagues, libraries represent a vital bloodline in educating our constituents. In my home State of Connecticut and across the country, National Library Week is heralded as an enduring symbol of resolution; to keep America moving forward by offering the resources important to continuing education. Libraries play a key role in promoting literacy and their programs provide a much needed community service to those who do not have access to the information and resources they need as parents, citizens, and productive workers. In close partnership with schools, libraries provide primary educational resources, helping to craft the young minds that will shape our future. Literacy is, after all, the business of libraries and in order for us to remain competitive in our ever-expanding global marketplace, we must remain steadfast in our commitment to learning and to libraries and the communities they serve.

## TRIBUTE TO LONI HANCOCK

### HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. DELLUMS. Mr. Speaker, I rise today to pay tribute to Loni Hancock, who was honored on April 10 by the National Women's Political Caucus of Alameda North. I believe that Loni's career of dedicated public service should be an inspiration to those who would try to serve their community and to improve the quality of life for all.

Loni recently resigned as mayor of the city of Berkeley in order to take the position of regional representative to the U.S. Secretary of Education—region 9. With this, she returns to the Federal service that she so ably undertook as the regional director of Action during President Carter's administration. Her tenure at Action was marked by innovation, an attention to grassroots and community-focused voluntarism, and a deep commitment to the betterment of our communities and especially our youth.

Now, as regional representative she can reengage her considerable talent and energy on behalf of the Federal Government effort to improve education and to offer our children hope for the future.

Her experiences as mayor—working constructively with the administration of the University of California at Berkeley on long-term planning, developing a revitalization of downtown and neighborhood commercial areas, seeking and successfully implementing affordable housing strategies, developing a community campaign against drug abuse, creating school-lined programs on health and job services, and developing a comprehensive strategy for at-risk youth—will serve her well in her new responsibilities. Her accomplishments during her tenure as mayor are sufficient for any person to be proud for a lifetime, but for Loni they seem only a beginning and a prelude to her new responsibilities.

Loni also brings to her job the skills that she learned as executive director of the Shalan Foundation, from which she funded projects to achieve economic policies that increase social justice and environmental balance.

Most importantly, perhaps, she also brings to her work her commitment to activism and leadership in the community. Loni will never be far from the neighborhood and civic activism that led directly to her successful candidacy for the Berkeley City Council in 1971.

I am pleased to have served alongside Loni during her early career—as a member of the Berkeley City Council, her foundation directorship, her role at Action, and, finally, her job as mayor. I believe that her life and her public service stand as exemplars of selfless dedication to the common good. I very much look forward to working with her in her new responsibilities and know that the Nation will be better served by her association with the Federal Government.

## NORTH CATHOLIC TROJANETTES BASKETBALL TEAM WIN SECOND CONSECUTIVE STATE CHAMPIONSHIP TITLE

### HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. COYNE. Mr. Speaker, today I want to recognize the outstanding athletic accomplishments of the North Catholic Trojanettes basketball team which has won its second straight Pennsylvania AAA State championship title at the Hershey Park Arena.

The young women of this team have a right to be proud of their 61–22 point victory over Bishop Hoban of Wilkes-Barre at the State finals. This winning game marked the completion of a season of remarkable athletic excellence which included 25 consecutive winning games. I know that the seniors who are graduating from North Catholic will remember with pride their opportunity to wear the red and gold of the Trojanettes. I am also confident that returning members of the Trojanettes are looking forward to another winning season under the leadership of Trojanettes head coach Don Barth.

All of the young women on this team have demonstrated a commitment to the sport of basketball and the principle of team spirit. I want to commend the members of the Trojanettes basketball team for their athletic accomplishments and personnel dedication to performing to the best of their abilities. I believe it is fitting for the U.S. House of Representatives to have this opportunity to reflect on the example set by the Trojanettes for the young people of our Nation.

North Catholic High has continued its proud tradition of victorious women's basketball teams this year when the Trojanettes claimed their second consecutive Pennsylvania AAA State championship title. This is, in fact, the sixth State championship title won by the North Catholic Trojanettes since 1980. The Trojanettes have also won 122 consecutive section 6 games since 1980 and have been to the WPIAL championship every year since 1980 where they have won nine times. The North Catholic Trojanettes have compiled a 60–3 record for the past 2 years and have won at least 20 games every season since 1980.

Special commendation must be made to Trojanettes head coach Don Barth who has led the North Catholic Trojanettes basketball program for 22 years. Don Barth is the most successful coach at PIAA girls' history and has a record of 541–79 at North Catholic. His lifetime coaching record is 729–129. Don Barth, who recently retired from a 20-year career as a city of Pittsburgh police officer, has demonstrated a remarkable ability to motivate the young women at North Catholic who aspire to be part of the Trojanettes team. He has kept the members of the Trojanettes focused on mastering the skills of team cooperation and personal commitment.

Don Barth has succeeded in teaching lessons that will help these young women excel in whatever activity they may pursue in the future. In this effort, he has been able to rely upon an outstanding assistant coaching staff consisting of Dave Lyons, Bob Darkey, and Frank Windisch.

The success of the North Catholic Trojanettes also reflects well on the quality of the overall educational program available at North Catholic High School. The members of the Trojanettes attend North Catholic High not simply to play basketball but because they know that they will receive a first-rate education. Head coach Don Barth and the Trojanettes have benefited from the support of principal James C. Zahren and Catholic High athletic director Leon W. Kosakowski. Finally, the Trojanettes have benefited from the strong backing of parents and local community members who have supported generously the fundraising campaigns that have financed much of the North Catholic High basketball program.

Mr. Speaker, I want to again salute the members of the North Catholic High Trojanettes and head coach Don Barth. I want to wish all of the Trojanettes the best as they pursue their education at North Catholic and beyond and I want to congratulate them for winning a second consecutive Pennsylvania State championship title.

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## FOUNDATION FOR SENIOR CITIZENS' SERVICES, INC.

### HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mrs. MEEK of Florida. Mr. Speaker, the North Miami Foundation for Senior Citizens' Services, Inc., will be celebrating 20 years of community service on Wednesday, April 20, 1994.

For two decades, the needs of the elderly in North Dade have been the top priority of the committed volunteers of the North Miami Foundation. Their caring staff provides, among other services, home delivered meals, nutrition education, transportation, and chore service to individuals over 60 years of age who are eligible for assistance. Such free programs are designed to promote independence among the recipients, and they have been enormously successful.

In 1993, foundation volunteers provided over 85,960 hours of service. Special projects include over 5,500 handmade holiday and birthday cards, 1,210 holiday food basket meals, and 12 senior citizen homes repaired and painted.

I am sure that my colleagues will join me in thanking the North Miami Foundation for the invaluable services they provide. In the hearts of those they assist, their efforts are immeasurable.

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## THE COLON CANCER SCREENING AND PREVENTION ACT

### HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. CARDIN. Mr. Speaker, today I am introducing the Colon Cancer Screening and Prevention Act. This legislation would enhance the early detection and treatment of colorectal cancer—the second most frequent type of cancer in America.

Each year there are 160,000 new cases of colorectal cancer reported. Furthermore, each year colorectal cancer claims 57,000 lives—more than either breast or prostate cancer. The death rate from a diagnosis of colorectal cancer is approaching a devastating 60 percent, yet Medicare does not provide coverage for colorectal cancer screening and preventive services.

Outcome research has recently shown decreases in mortality rates attributable to prompt and preventive colorectal screening measures. The evidence from these studies was not yet available when the OTA published a 1990 report on the costs/benefits of colorectal screening. Colorectal cancer screening measures have come of age. We can no longer ignore the advancement of this preventive service for the elderly. In recent years preventive services such as screening mammography and flu shots have been added to Medicare. This is the next logical step in expanding Medicare's preventive services.

This legislation delegates authority to the Secretary to define those individuals who are at high risk for colorectal cancer, allowing for expert consideration of recent advances in prevention research. The Colon Cancer Screening and Prevention Act provides a specific example of what may be considered a high risk individual for colon cancer, therefore, providing additional clarity of those possibly eligible for cancer screening services.

This legislation provides a strategy for decreasing cancer deaths. Specifically, Medicare recipients would be eligible for—

A fecal occult blood test [FOBT] which is an inexpensive noninvasive screening test that checks for blood in stool. The average cost of the test is $5 and it would be available on an annual basis. This quick and efficient test allows for the detection of cancer in early and still curable stages.

A flexible sigmoidoscopy exam allows for inspection of the lower part of the colon within which 50 to 60 percent of polyps and cancers occur. This exam would be available no more than every 4 years.

A colonoscopy exam allows for the inspection of the entire colon and has the advantage of allowing biopsy and removal of highly suspicious polyps which are the precursors to almost all colon cancers. This exam would be available no more than every 2 years.

Only those individuals who are determined by the Secretary to be at high risk for colon cancer, are eligible for the more invasive colonoscopy.

High risk criteria, as a stated in the bill, includes prior experience of cancer or digestive diseases, Crohn's disease, ulcerative colitis, and inflammatory bowel disease, highly suspicious polyps, significant family history of colon cancer, or presence of a gene marker for colon cancer.

Endorsement for this legislation has been received by multiple patient groups such as the Crohn's Colitis Foundation, the Digestive Disease National Coalition, and the United Ostomy Association. Support for this legislation is also given by well respected professional associations such as the American College of Gastroenterologists and the American Gastroenterological Association.

With the national focus on preventive services, we can no longer afford to ignore the advancement in colorectal screening services for the elderly. President Clinton's Health Security Act provides for the inclusion of colorectal screening in the standard benefit package—an example of what is to come. This legislation provides Medicare recipients with the urgently needed services to detect and prevent colorectal cancer without being overly aggressive.

I look forward to the constructive comments and suggestions of my colleagues and other interested parties regarding this legislation. I urge my colleagues to join me in cosponsoring the Colon Cancer Screening and Prevention Act.

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## PASSPORT RESTRICTION TO LEBANON

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. HAMILTON. Mr. Speaker, I wish to draw to the attention of my colleagues my recent correspondence with the Department of State on the subject of the restriction of the use of United States passports for travel to Lebanon. I wrote the Department to express my belief that the time has come to replace the ban on travel to Lebanon with a travel advisory. The Department's letter explains the administration's February decision to extend the travel ban for 6 months. I am aware that many of my colleagues conveyed their feelings on this subject to the administration in the weeks immediately preceding this decision. I hope my colleagues find this correspondence of interest.

CONGRESS OF THE UNITED STATES,
HOUSE COMMITTEE ON FOREIGN AFFAIRS,
*Washington, DC, February 10, 1994.*
Hon. WARREN M. CHRISTOPHER,
*Secretary of State, Department of State, Washington, DC.*

DEAR MR. SECRETARY: I write to urge you to modify the current travel ban to Lebanon and replace the blanket ban with a travel advisory. Such a change in policy would modify the current harsh, but not fully observed, restrictions on the use of United States passports for travel to Lebanon.

There are still many serious dangers in Lebanon, and the security situation there, while improving, can and should improve further for unrestricted travel of Americans to the country. But I think we can agree that the situation today is different than it was in 1987 when the ban was initiated. Last year, it is estimated that some 40,000 American citizens traveled to Lebanon despite the ban.

I consider modification of the current ban to be an appropriate step, given the changed circumstances and the steps Lebanon has taken to enhance security. It would also send an important political message that we are committed to helping the Lebanese people move forward from civil war to reconstruction. I do not feel that at this time it is warranted to be more restrictive on travel by Americans to Lebanon than we are on travel to such countries as North Korea, Algeria, Somalia, Colombia, or Bosnia where we have only travel advisories.

I appreciate your consideration of this matter and look forward to hearing from you as to the results of your review of this situation.

Sincerely yours,
LEE H. HAMILTON,
*Chairman.*

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UNITED STATES DEPARTMENT OF STATE,
*Washington, DC, March 25, 1994.*
Hon. LEE H. HAMILTON,
*Chairman, Committee on Foreign Affairs, House of Representatives.*

DEAR MR. CHAIRMAN: I am responding on behalf of the Secretary to your February 10 letter requesting removal of the restriction on the use of United States passports for travel to Lebanon.

While Lebanon has taken significant strides toward reestablishing stability, and the United States should do what it can to support the efforts of the Lebanese government, the safety of American citizens in that country must remain our paramount concern. There has been a pattern of targeting Americans in Lebanon for a long period of time. While Lebanon appears now to be a safer place for its own citizens, and the citizens of many other countries, this is not the case for Americans. The Department continues to receive credible evidence that Americans are still being specifically targeted in Lebanon by Hizballah and other groups hostile to the United States. While the Lebanese government continues to expand its control throughout the country, it does not have control of militia groups such as Hizballah. These groups have freedom of movement throughout Lebanon and are active, armed, and hostile to American interests generally, and to American citizens specifically.

This specific targeting of American citizens makes Lebanon's situation unique. The other countries mentioned in your letter have a generalized level of violence directed at their own citizens, or foreigners in general. Further, because of the situation in Lebanon the American Embassy still is not yet fully staffed, and personnel there remain under exceptionally tight security. Normal consular assistance to Americans traveling to or residing in Lebanon is still not possible at this time.

For these reasons, the Secretary has decided to extend the restriction on the use of the U.S. passport for travel to Lebanon. However, this extension is for six months only rather than for one year. During this period, the Department will continue to monitor carefully the security situation to determine what, if any, further steps can be taken regarding modification of the passport restriction.

I hope this information satisfactorily explains the Secretary's recent decision to extend the passport restriction for a six-month period. Please do not hesitate to contact me if you have additional questions.

Sincerely,
WENDY R. SHERMAN,
*Assistant Secretary, Legislative Affairs.*

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## LOS ANGELES GAY AND LESBIAN PRIDE CELEBRATION

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. WAXMAN. Mr. Speaker, I would like to bring to the attention of my colleagues the 24th annual Los Angeles Gay and Lesbian Pride Celebration, which will be held on June 12, 1994.

The theme of this year's parade, "Stonewall 25—a Global Celebration," marks the historic Stonewall Rebellion that ignited the gay liberation movement 25 years ago in Greenwich Village. Christopher Street West, an organization that reflects the values that led to this uprising, is the sponsor of the Los Angeles Gay and Lesbian Pride Celebration. Five-hundred thousand individuals are expected to participate.

As a strong supporter of equal rights for all Americans and the sponsor of H.R. 431, which would prohibit discrimination against gays and lesbians, I pledge to continue to do all I can to eliminate discrimination based on sexual orientation.

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## IN CELEBRATION OF GREEK INDEPENDENCE DAY

### HON. MARTIN R. HOKE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. HOKE. Mr. Speaker, I rise today, March 25, to commemorate Greek Independence Day. I am pleased to join the many Greek-Americans in the 10th Congressional District of Ohio and the Greater Cleveland area in observing for the eighth consecutive year here in Congress the rich and vibrant United States-Hellenic relationship.

We know from our history lessons that modern democracy has its roots in the Athenian system of government of the first millennium B.C. It was her citizens' full participation in government that made the city of Athens, and Greece as a whole, the envy of the ancient world. The Greek model of democratic government, in which power rests in the hands of the citizens and not a single individual, is the underlying principle that has guided our country for more than 200 years.

In the 19th century, after many hundreds of years of foreign occupation, the Greek people rose up and successfully won their independence from the Ottoman Empire. Today, March 25, we celebrate their successful struggle for democracy—and a continuing legacy of 173 years of democracy.

The link between Greece and the United States is not limited to a similar model of governance. Greek-Americans have made significant contributions to our way of life in the fields of government, entertainment, education, medicine, religion, and so many others. From Maria Callas, opera singer, to George Papanicolaou, inventor of the Pap smear test, to Pete Sampras, tennis champion, Greek-Americans have played an important role in our society.

Unfortunately, a cloud still hangs over the relationship between Greece and Turkey over the country of Cyprus. While America's commitment to peace in Cyprus remains as strong as ever, it is sad to note that peace talks between Greece and Turkey have stalled. Both United States and Untied Nations officials have publicly complained of Turkish intransigence and lack of goodwill in these talks. Thousands of Greek and Turkish troops stand armed at opposite ends of the island nation, resulting in the creation of two separate countries on an island of 3,500 square miles—an area roughly the size of Connecticut.

In addition, we should also be concerned with recent developments in the former Yugoslavia. The emergence of the self-proclaimed Yugoslav Republic of Macedonia has served to heighten instability in the Balkans. It is my sincere hope that we will soon see an end to this and the many other ethnic conflicts that have torn apart the Balkan region.

Mr. Speaker, I am pleased to see that President Clinton and the Congress are properly commemorating the important role of Greece and her people in the United States today. It is very important for them to know that we share their sense of pride in their achievements and contributions to our cultural and intellectual life of this country.

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## HONORING STATE SENATOR TED GRAY

### HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. BOEHNER. Mr. Speaker, I am pleased to rise today to recognize the contributions and achievements of State Senator Ted Gray. As dean of the Ohio General Assembly, Senator Gray has set an unprecedented record of service of 43 years in the Ohio Senate. He is unequaled in his knowledge of State government and unsurpassed in his dedication to the furtherance of the legislative process.

When Ted Gray first ran for the Ohio Senate in 1950, he promised to inject new blood into the State's political system. At age 23, he began a political career few will be able to match, proving that politics is indeed the art of the possible.

Gray's career is best remembered by his mastery of the legislative process. This, along with his tremendous negotiating skills made Gray a potent force in the legislative process. He was recognized for his skills and leadership ability by being elected president pro tem and majority leader of the Ohio Senate in 1965 at the age of 37, making him the youngest leader in Ohio Senate history.

During Ted Gray's leadership tenure, he possessed the gift of cooperation and the art of compromise. A fair and honorable leader, he embodied the kind of leadership that is so often missing in this House today.

As dean of the Ohio Senate, Gray was often involved with major issues to help iron out conflicts and work out compromises. He always maintained that the legislative process of a democracy is still the best form of government, even though building a consensus can be laborious and is not as fast as the public would like.

Ted Gray served with honor throughout his 43 years in the Ohio Senate. He has earned the respect and admiration of those who have had the pleasure to know him. It is with great pleasure that I honor before the House of Representatives, State Senator Ted Gray, for his dedicated service and leadership to Ohio.

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## A WOMAN BEFORE HER TIME

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. PAYNE of New Jersey. Mr. Speaker, it gives me great pleasure to call to the attention of my colleagues the 90th birthday celebration this weekend of one of my constituents, Marshanna White Crews. Born in Cottondale, FL, on April 17, 1904, Mrs. Crews moved to Newark, NJ, in 1928 at age 24. She moved to Newark to join her eldest sister, Indiana, and four brothers who had already chosen Newark as their home. Marshanna and Indiana having learned to sew from their mother, became expert seamstresses and were able to secure work in a dress factory in Newark at a time when few shops were hiring colored girls. One of her coworkers introduced Marshanna to her brother, Asa Crews, and they were married in 1933 after a 4-year courtship. Their marriage produced four children, Asa, Jr., Shirley, Donald, and Mary and lasted for 58 years until his death.

Marshanna continued to work after her marriage, but took an annual 2-month leave to take her children to her hometown of Cottondale for the summer. Each year her boss told her she would be fired if she did not return in 2 weeks and each year he rehired her in the same capacity, until her retirement in 1960. Mrs. Crews was utilizing the family medical leave, years before its enactment.

Mrs. Crews has been an active participant in the lives of her children and six grandchildren, Donna Crews, Janine Kornegay, Michael Kornegay, Nina Crews, Amy Crews, and Malcolm Crews. She attended school functions and recitals, she sewed prom gowns, graduation dresses, gowns for bridesmaids, and brides. Her home is and has been the center of family life. All holidays are family gatherings, with the traditional Christmas dinner bringing all of her family, children, grandchildren, and great-grandchild, Mariah Crews home for the holidays. Mrs. Crews is also an active member of the Baldwin Avenue Block Association of Newark.

Mr. Speaker, I ask my colleagues to join me in saluting Mrs. Marshanna White Crews on her 90th birthday. It is my hope that I will be as active a member of the over-90 generation as she is now.

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## NATIONAL CHAMPIONS: TRINITY VALLEY COMMUNITY COLLEGE LADY CARDINALS

### HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. BRYANT. Mr. Speaker, it is with great pride that I rise today to applaud the efforts of the Trinity Valley Community College Lady Cardinals basketball team.

In winning the National Junior College Athletic Association [NJCAA] National Championship, the Lady Cards became the first team in the tournament's 20-year history to score more than 100 points in each of its four postseason games, scoring a total of 413.

This year marked the fourth appearance by the Lady Cards at the national tournament and their first title. They are three-time Texas Eastern Conference champions and this year added Region XIV and NJCAA National Championships to their honors.

I hope my colleagues will join me in congratulating the outstanding athletic efforts and tremendous victory of the Lady Cards. The Lady Cardinals demonstrated strong persistence, ability, and dedication in avenging their only loss during the regular season, to Western Arkansas Junior College, by beating Western Arkansas in the championship game of the tournament.

Coach Kurt Budke, who was named NJCAA National Tournament Outstanding Coach, and his players are to be commended for their accomplishments.

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## TRIBUTE TO COL. DAWN R. JOHNSON

### HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. FAZIO. Mr. Speaker, I rise to pay tribute to Col. Dawn R. Johnson, who retires today after 30 years of dedicated service to the U.S. Air Force. For the past 4 years, Colonel Johnson has been serving as the Chief, Nursing Services, of the 652d Medical Group at the Sacramento Air Logistics Center, McClellan Air Force Base, Sacramento, CA, the largest Federal employer in northern California. She skillfully guided the delivery of nursing care during the integration of two medical facilities operating from separate locations under the guidance of two distinctly different operating commands.

Originally from Columbia Cross Roads, PA, Colonel Johnson graduated from Troy High School in 1960. She obtained her diploma in nursing from Robert Packer Hospital School of Nursing, Sayre, PA, in 1963. She entered the U.S. Air Force in May 1964. Continuing her education, she graduated with honors while earning a bachelor of science degree in social psychology at Park College, Parkville, MO, in 1985. Colonel Johnson's professional military education includes completion of Air Command and Staff College.

Her first assignment was as a general duty staff nurse at Cannon AFB, NM. In 1966, she transferred to the orthopedic unit, Clark Air Base, Republic of the Philippines, where she cared for hundreds of American and Vietnam battle casualties. Following her stateside return in 1967, she was assigned to Maxwell AFB, AL, with a follow-on assignment to Philadelphia as a nurse recruitment officer for the 3502d Group. Colonel Johnson was again called to support combat operations during the Vietnam conflict. She first served as a flight nurse with the 10th Aeromedical Evacuation Group, Travis Air Force Base, CA. While assigned to the 10th AEG, she participated as an aeromedical evacuation crewmember during Operation Homecoming—the airlift of U.S. prisoners of war from North Vietnam. She later represented the flight nurses of that heroic mission for the presentation of the McKay Trophy. Following this flying assignment, she served as charge nurse, emergency room and outpatient clinics on a remote assignment to Udarn, Thailand. From there, her next assignment was at the U.S. Air Force Medical Center Scott, Scott Air Force Base, IL, where she was charge nurse of the orthopedic and ear, nose and throat unit, surgical nursing coordinator, and chief nurse of the 100 bed aeromedical staging facility. Following that assignment, she became chief nurse at the U.S. Air Force Hospital, Tinker AFB, OK, in 1980, with a subsequent assignment as chief nurse, U.S. Regional Hospital March, March AFB, CA, in 1985. While at March, Colonel Johnson formulated, in conjunction with the civilian community, training programs and contingency plans for the airlift of casualties in the event of a natural disaster. In 1987, she served as deputy chief, division of nursing at Wilford Hall Medical Center, Lackland AFB, TX. In this capacity, she was a key player in the reception and triage of casualties form Panama during Operation Just Cause. Since 1990, she has been in Sacramento, CA, and is currently serving as the first chief, nursing services of the 652d Medical Group.

While assigned to Sacramento, she served as chief, nursing services, 323d Medical Group during the difficult drawdown phase of Mather AFB, CA. During this time, she masterfully orchestrated the first-ever integration of two medical facilities from different commands, thus establishing a blueprint for use throughout the Air Force. The 323d Medical Group, Mather AFB, CA, combined with the USAF Clinic McClellan, McClellan AFB, California to form the 652d Medical Group, McClellan AFB, CA. Her experience, leadership, and professionalism led to her selection as the first chief, nursing services of the 652d. Despite facing a multitude of issues related to the integration, she also provided a major contingent of nursing service personnel to the war effort in Southwest Asia. Despite this major obstacle, integration was successfully accomplished with an emphasis on quality care to our customers.

Through her impressive career, Colonel Johnson received several awards and decorations, including the Meritorious Service Medical with four oak leaf clusters, the Air Force Commendation Medal with one oak leaf cluster, and the National Defense Service Medal with star.

The extraordinary leadership, compassion, and dedication of Col. Dawn R. Johnson, supported by her husband, CMSgt (Ret) Howard Johnson of Sacramento, CA, and their daughter Carrie, culminates a distinguished career in the service of her country and reflect great credit upon herself and the U.S. Air Force.

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## WESTERLY SCHOOL HONORED

### HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. MACHTLEY. Mr. Speaker, today I would like my colleagues to join me in recognizing the Westerly School Department in Westerly, RI, for having been selected as one of nine school districts from across the country to participate in a national education forum here in Washington.

The forum will focus on the concept of inclusion, which involves the educating of special education students in a regular education classroom. The Westerly School Department has made great strides in collaborative teaching arrangements whereby a special education and a regular education teacher work together in the same classroom to meet the needs of all the students. Because of its initiative and success, the Westerly School Department has been chosen for this prestigious honor.

The Westerly School Department should be congratulated on its implementation of inclusive school strategies. Teachers and administrators from all over can learn from the success we have seen in Westerly.

I know I speak for the people of Rhode Island, the parents, the students, and the taxpayers, in expressing my deep pride and appreciation of the Westerly School Department and its effort to provide a quality education that meets the needs of all students.

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## TRIBUTE TO MILDRED N. SMITH FOR HER 30 YEARS OF DEDICATED SERVICE TO THE CITY OF HOLYOKE

### HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. OLVER. Mr. Speaker, I rise today to pay tribute to my constituent, Mrs. Mildred N. Smith of Holyoke, MA, in honor of here retirement after 30 years of service to the city of Holyoke.

Mrs. Smith served the city of Holyoke for 2 years on the board of health and the last 28 years at the Holyoke Geriatric Authority. She retired on April 9, 1994.

Millie and her husband Francis E. Smith will mark their 50th wedding anniversary this year. Millie and Frank are the parents of Earle, Roxanne, the late Francis and Kevin. They have four grandchildren.

Millie enjoys bingo, traveling, knitting, and fancies herself to be somewhat of a card shark.

On April 8, 1994, a surprise retirement party was held at the Yankee Pedlar Inn in honor of Mildred Smith. Her family, friends, and coworkers were with her to share in this joyous occasion. Millie received much deserved praise and recognition.

Mr. Speaker, I would ask that you and my colleagues rise today and pay tribute to Mrs. Mildred N. Smith for her 30 years of dedicated service to the city of Holyoke, MA.

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## CROATIAN-BOSNIAN AGREEMENT

### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize the signing of the Croatian-Bosnian agreement on March 1. With the successful implementation of ceasefires in Bosnian territory under Croatian and Muslim control, there is renewed hope for future peace in Bosnia-Hercegovina and neighboring Croatia. The restored alliance between Bosnian Croatians and Moslems allows the governments of Bosnia and Croatia and the international community to refocus on the true culprit in this genocidal war in the heart of Europe: Serbian aggression.

Two million Croatian Americans firmly believe that continued Serbian aggression is a U.S. foreign policy priority, and that a secure Croatia is important to stability in central Europe. Now that peace between the Croats and Moslems is at hand, the United States must evaluate how peace can be brought to Serbian-occupied territories in the Republics of Croatia and Bosnia-Hercegovina, when Greater Serbia, Slobodan Milosevic and his Serbian warlords refuse to sit at the negotiating table and sign a ceasefire or broader agreement in good faith.

The administration has rightly decided that progress toward peace can be accelerated by encouraging Croatia to take a leadership role in the conflict. Croatia as a leader in the region and a partner to the U.S. will rapidly shift the balance of power and provide substantial leverage against the Serbs. If provided adequate economic and military support, Croatia can serve as a counterbalance to Serbian expansionism in the region. A strong Croatia with sustainable economic growth and military parity obviates the need for United States troops on the ground. And ending the war without sending ground troops to the Balkans is definitely in the United States interest.

The United States can take simple measures to ensure that Croatia is positioned to counter Serbian expansionism. Providing for 260,000 Bosnian Muslim refugees has cost the Croatian government nearly $850 million in the past 2 years. The burden of accommodating 800,000 refugees and displaced persons within its borders has taken a staggering toll on the Croatian economy; the Croatian Government has spent $1.52 billion and in 1992 Croatia's citizens paid 60 percent of their own income, two-thirds going for social programs, to support refugee care. Yet Croatia has managed its wartime economy well: inflation is close to zero, internal reserves are strong and Croatia has not taken on any new foreign debt. As such, Croatia is an excellent candidate to receive loans, grants and aid from international monetary institutions to rebuild damaged infrastructure and other aspects of the economy; in combination with U.S. refugee assistance, financial aid to Croatia will alleviate common suffering, eliminate the need for a massive future economic bailout and as such will prove a wise investment.

In the context of accelerating a peaceful resolution in the Balkans, the United States strongly must advocate the repatriation of all occupied territory in Croatia, continue to support a unified Bosnia-Hercegovina with safeguards for all its citizens, and actively pursue the return of all refugees and displaced persons in both countries. Only when internationally recognized borders are restored and all refugees are allowed to return home will a return to peace be possible.

And if the Serbian party refuses to cooperate—as it has refused to cooperate since it began its ethnic cleansing and land grabbing campaign—military force must finally be brought to bear on the aggressors. Air strikes should be activated and the arms embargo lifted. In the name of humanity and civility, sanctions must be tightened and strictly enforced against Serbia until the shelling is stopped and the guns fall silent.

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## TRIBUTE TO SAM B. HALL, JR.

### HON. JIM CHAPMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. CHAPMAN. Mr. Speaker, with great sadness I rise in tribute to the memory of our former colleague, Judge Sam B. Hall, Jr., from Marshall, TX, who passed away this past Sunday. After fighting valiantly with cancer, his death has saddened all of us who knew him. Judge Hall embodied all that is good about public service. He served most recently as a

U.S. district court judge and honorably served this institution as the U.S. Representative for the First Congressional District from 1977 to 1985. We will not only miss the man, but we will miss his contributions to east Texas and this country.

Sam B. Hall, Jr., was born and raised in Marshall, TX, and gave a lifetime of commitment to the community and its people. He graduated from Marshall High School in 1940 and the College of Marshall in 1942. He attended the University of Texas at Austin, served in the U.S. Army Air Corps, and upon discharge from the Air Corps, enrolled in Baylor University were in 1948 he received an L.L. B. degree from Baylor School of Law.

Upon graduation from Baylor, Judge and Mrs. Hall returned to Marshall where Judge Hall practiced law until his election to Congress in 1976. During his years in private practice, Judge Hall had a distinguished legal career, and devoted his time not only toward the judiciary but towards improving the community. Judge Hall had a deep desire to serve the people of Marshall, TX, and was a member of many civic and community organizations. He served in the Marshall Jaycees, the Greater Marshall Chamber of Commerce, the Rotary Club, the Kiwanis, on the Marshall Memorial Hospital board, and the Marshall school board. He was recognized as the Citizen of the Year by the Marshall Chamber of Commerce among numerous other awards and honors. His example inspired many in public service.

Judge Hall served as my predecessor in representing the First Congressional District of Texas in the U.S. Congress in which time he distinguished himself in many ways. He served on the House Judiciary Committee—serving as the chairman of the Administrative Law and Governmental Affairs Subcommittee and as a member of the Immigration, Refugees and International Law Subcommittee; and the Veterans' Affairs Committee—serving as a member and past chairman of the Subcommittee on Compensation, Pension and Insurance and as a member of the Subcommittee on Oversight and Investigations; and the Select Committee on Narcotics Abuse and Control. His impressive dedication to public service and his career in the Congress was particularly demonstrated through his work on issues such as POW/MIAs, United States involvement in Lebanon, and justice matters. His devoted service, honesty, and caring for people was recognized by his constituents and reflected in each of his reelection campaigns for Congress.

In 1985, Judge Hall resigned his seat in Congress and was sworn in as U.S. district judge for the eastern district of Texas. His dedication to the bench earned him the deep respect and admiration of many of his colleagues. This past February, I introduced H.R. 3840, a bill to name the Marshall courthouse in Judge Hall's name as a tribute to his work and dedication to the judiciary. It was my hope that Judge Hall would be a part of the dedication ceremonies. I am confident that all my colleagues will support this designation which is so richly deserved.

Throughout his life as a dedicated public servant, Judge Sam B. Hall, Jr., never lost sight of the importance of his family. I want to particularly send my condolences to his wife, Madeleine, and his three daughters who he loved very, very deeply. Judge Hall dedicated his life to the people of Marshall, the State of Texas, and the country. He served the public in a superb manner and loved and provided for his family. I know many colleagues who served with Judge Hall join me in bidding our friend farewell and will remember his significant contribution to our institution and to our lives.

## TRIBUTE TO FELIPÉ N. TORRES

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. SERRANO. Mr. Speaker, it is with great sorrow that I rise to report the passing on April 3, 1994, of Felipé Neri Torres, a great Puerto Rican and a great American.

Felipé Torres was born in the town of Salinas on the Spanish territorial island of Puerto Rico in 1897. With the passage of the Jones Act in 1917, he became one of the first Puerto Rican citizens of the United States. He enlisted in the Army and served with pride as a Second Lieutenant in a Black company in Puerto Rico in the closing days of World War I.

After the great war Felipé Torres was among the pioneering Puerto Ricans to settle in New York City, where he washed dishes at the Biltmore and Commodore Hotels to put himself through law school.

Admitted to the bar on July 7, 1927, Felipé Torres established an office in Midtown Manhattan, started a family, and studied nights for his BBS, a degree he earned in 1940. He later moved his office to Harlem, and was elected president of what was then known as the Harlem Lawyers Association, subsequently reconstituted as the Metropolitan Black Bar Association.

Mr. Speaker, Felipé Torres later moved to the South Bronx, the very community in which I have lived since my own family migrated from Puerto Rico in 1950. And when I was just a youngster, Felipé Torres paved the political way for me by serving in the years 1952–61 as the first New York State Assemblyman of Puerto Rican descent from the Bronx.

As an Assemblyman Felipé Torres campaigned for legislation to eliminate English-only literacy tests, which, in the years before the Voting Rights Act of 1965, deprived large numbers of poor and minority citizens of the right to vote. He also advocated for maintenance of New York City's Rent Control law and for raising the minimum wage. Among the other accomplishments of his assembly years are participation in the founding both of the Ponce de Leon Federal Savings Bank, which was established to address the lack of mortgage funding available to the area's growing Hispanic community, and of the Puerto Rican Bar Association.

Felipé Torres retired from the assembly in 1961, and was soon appointed a judge of the New York State Family Court. He sat on that bench until 1967, when he reached the mandatory retirement age of 70.

Though retired, Felipé Torres continued to serve: as a hearing officer for the Board of Education; as a member of the Committee on Character and Fitness of the Appellate Division, First Department; as a judicial hearing officer of the State supreme court; as a director of the Ponce de Leon Federal Savings Bank; and for over 20 years as the head of a busy private practice in the Bronx with his son, Austin.

Mr. Speaker, for many years the Puerto Rican Bar Association has granted an annual Felipé. Torres Leadership Award; in 1982 the City University of New York awarded Felipé Torres an honorary doctor of laws degree; in 1983 he was honored at the 25th annual Puerto Rican Day parade as the patriarch of the "Family of the Year"; and just last year he was honored with the dean's medal of recognition at a ceremony at Fordham Law School.

The legacy of Felipé Torres is evident not only in the record and memory of all of his accomplishments, but in the outstanding service of his many public-spirited children and grandchildren. I ask my colleagues to join me and them in paying tribute to this great man.

## UPCOMING UKRAINIAN ELECTIONS

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. GILMAN. Mr. Speaker, the recent visit to the United States by Ukrainian President Leonid Kravchuk was largely overlooked by our news media. This is unfortunate because the U.S. relationship with Ukraine is of enormous importance to both of our countries.

In a recent article in Foreign Affairs, Zbigniew Brzezinski argues that the future stability and independence of Ukraine is of paramount importance to America's foreign policy interests. Many other analysts, both within and outside the Clinton administration, agree with this assessment. The key question is, What will best insure Ukraine's stability and independence?

Most of us have read alarming reports about the situation in Ukraine over the past 6 months. The economy is in a free fall: Inflation stands at an annual rate of 6,500 percent, and an energy crisis has led to sharp reductions in industrial output, temporary layoffs of hundreds of thousands of workers and the closing of universities for most of the winter. Meanwhile, ethnic conflict threatens to explode in Crimea, where the President of that mostly Russian autonomous region of Ukraine is calling for a referendum on a possible union with Russia.

In the middle of these political conflicts and economic disasters, Ukraine will hold an election Sunday, March 27. Ukrainian citizens will go to the polls to elect a new parliament. The current parliament, or Verhovna Rada, was elected back in 1990, before Ukraine was even an independent state and before it had any real experience in running a free and fair election.

This upcoming election will go a long way toward determining what kind of a future

Ukraine will have. For one thing, it may start the process of breaking the political logjam that has made it impossible for the Ukrainian Government to seriously address the country's desperate economic situation. In addition, if the elections are perceived by the people of Ukraine as being free and fair, they will hopefully begin a process of rebuilding the Ukrainian people's trust in their government and belief in the reform process, which has been badly shattered by the events of the past several years. Without such a relationship between the people and the government they elect to represent them, there is little chance for Ukraine to emerge from its current crisis.

Let us all join in wishing the Ukrainian people well as they go to the polls and exercise their right to a free and fair vote on the future of Ukraine.

## HONORING WOOD COUNTY COURTHOUSE ON THE OCCASION OF ITS 100TH ANNIVERSARY

### HON. PAUL E. GILLMOR

OF OHIO
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. GILLMOR. Mr. Speaker, it gives great pleasure to rise today and pay tribute to the Wood County Courthouse in northwest Ohio, on the occasion of its 100th anniversary of service to the community.

In 1893, Grover Cleveland was in the middle of his second term as President and trains were the fastest form of transportation. In Wood County, OH, petitions were circulated requesting legislation which would authorize the erection of a new courthouse. Who could have known then that the structure being built would last into the 21st century?

The ground breaking for the courthouse was actually in 1893 but because of an inability to get lake sand that winter, work was delayed until March 1894. Many things may have changed since the 1890's, but not Ohio winters.

The courthouse has been a source of civic pride for a century now. The tower clock with its 2,000 pound bell was the second largest in the country at the time it was built. The unique design of the building solidifies its place as a local landmark.

A monument such as this does not survive on structure alone, however. The building is a testament to the dedication of the people of Wood County in preserving links to our heritage.

Mr. Speaker, as the courthouse marks its 100th year of service, we commemorate the past and celebrate the future. A new generation of residents continues the exemplary record of community pride that distinguishes Wood County. I ask my colleagues to join me in honoring this special building.

## TRIBUTE TO DR. CHARLES OVERTON DILLARD

### HON. DAVID MANN

OF OHIO
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. MANN. Mr. Speaker, I would like to share with my colleagues a tribute to an outstanding member of the First District of Ohio, Dr. Charles Overton Dillard, M.D., for his patronage to our country. Dr. Dillard serves in the military and has earned the title of the first Afro-American Medical Corporation General Officer of Ohio and is the first and only Afro-American Medical Commander in the entire military force structure.

Dr. Dillard graduated from Fisk University receiving his bachelor of arts degree in 1957. He proceeded to Meharry Medical College to receive his medical doctor degree in 1961.

Dr. Dillard began his military service in 1962 with the U.S. Air Force as a captain. He received a honorable discharge in 1964. He later joined the Ohio Army National Guard in 1978 and is still an active member.

Dr. Dillard has given his medial services relentlessly to our community by serving the inner city where most of his patients have little or no money to pay for medical care. He has provided medication at no cost to these patients by using samples given to him by several pharmaceutical representatives.

Dr. Dillard has received several outstanding awards throughout his career. The Daniel Drake Humanitarian Award, which is his most prestigious award, was given to him by his peers for his contributions in Ethiopia and Sudan during the drought of 1985–86. For his medical contributions to the military, he received the Order of Military Medical Merit.

Mr. Speaker, it is with great pleasure that I bring to the attention of the House in saluting Dr. Dillard's contributions for the betterment of mankind.

## THE 295TH BIRTHDAY OF THE SIKH NATION; KHALISTAN WILL BE FREE BY 1999

### HON. DAN BURTON

OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. BURTON of Indiana. Mr. Speaker, I rise today to recognize April 13 as the birthday of the Sikh nation. It was on this day, 295 years ago in 1699 that Guru Gobind Singh, the last of the ten Sikh gurus, baptized the people of the Sikh faith, forming the consecrated body of the Khalsa Panth.

The creation of the Khalsa Panth is a great moment in modern human history. Americans can be proud of our Sikh friends whose religion is founded on the principles of individual human rights and civil liberties regardless of race, creed, or sex. The equality of all humankind is an essential tenet of Sikhism, a principle which in our world is sadly ignored.

The Sikhs call the anniversary of their creation as a nation, Vaisakhi day. I would encourage people the world over to heed the wise words of Guru Gobind Singh Ji, often quoted among Sikhs: "Recognize ye all the human race as one." In particular, an emphasis on gender equality has a high place in the Sikh religion.

Unfortunately for the Sikh nation, the government of India does not operate on this principle. For over 10 years, the Indian government has pursued a shameless policy of ethnic cleansing in the Sikh homeland which has left over 115,000 Sikhs dead. According to this year's State Department report on human rights in India, the Indian Government paid police officials over 41,000 cash bounties between 1991–93 for the killing of Sikh militants.

The Indian Government has also disappeared many young Sikhs. This past December Amnesty International reported that "Each year, scores of people disappear in Punjab * * *" and that "State complicity in such practices is evident from a clear pattern of official cover-up." The same report also noted the persecution of human rights activists who attempt to investigate such abuses: "Increasingly, the police are reportedly targeting journalists and lawyers who have tried to expose human rights violations by the security forces in Punjab by making them suffer such violations themselves."

Under Indian Government rule, the Sikh nation has also been subject to draconian laws which allow Indian officials to reverse the presumption of innocence, allow trials to be conducted in secret, detain persons for up to 1 year without formal charge or trial, make arrests without warrant, search homes without warrant, and shoot-to-kill with immunity from prosecution. Ten of thousands of Sikhs are presently in detention under such anti-democratic laws.

Currently, the Justice in India Act, H.R. 1519, which I introduced, calls for all of India's development aid to be cut until it repeals such anti-democratic laws. In honor of the Sikh nation's birthday, and in honor of freedom, justice, and human rights, the Justice in Indian Act should be passed this year by the U.S. Congress.

I give my best wishes to the 21 million Sikhs throughout the world as they celebrate the 295th birthday of the Khalsa Panth. Many Sikhs hope to celebrate its 300th birthday, April 13, 1999, in a free and sovereign Khalistan. if the Indian Government continues its flagrant abuses of the basic rights of Sikhs, the movement for a free Khalistan will continue to grow and gain recognition around the world. Amnesty International for the release of Sikh human rights advocate Kanwar Singh Ohami, his pregnant wife, and his 6-year-old son from police custody. I am also enclosing a statement from Dr. Gurmit Singh Awlakh, president of the Council of Khalistan on the same subject.

[From the Council of Khalistan, Washington, DC.]

STAGED SURRENDER BACKFIRES BEFORE NEWS MEDIA—INDIA THREATENS TO KILL KHALISTAN'S ACTIVIST'S FAMILY, INDIAN STATE TERRORISM EXPOSED

WASHINGTON, DC, Apr. 1, 1994.—Punjab Police Chief K.P.S. Gill and his colleagues were thoroughly embarrassed yesterday, when Kanwar Singh Dhami, a Khalistan activist, refused to "surrender" to the police at a press conference yesterday in Chandigarh, thus refuting the police version of his "surrender."

To Mr. Gill's chagrin, Mr. Dhami, head of the Akal Federation, departed from his scripted "surrender", and stated that he, his pregnant wife, and six year old son were tortured while under unlawful detention for the past ten months. Mr. Dhami condemned state "repression on the Sikhs" and said that he "would prefer to die than surrender."

Mr. Gill's face turned red as Mr. Dhami stated that the police forced him and his wife to watch as the other was tortured by police officials. He also said that the police threatened to eliminate his family if he did not "surrender."

Mr. Dhami also said that on Sunday, Senior Superintendent of Police, Ajit Singh Sandhu threatened him with death if he did not touch the feet of Mr. Gill in the presence of the news media. Senior Superintendent Sandhu also boasted to Mr. Dhami that he had so far killed over 500 persons.

At one point, Mr. Gill grabbed the arm of Mr. Dhami. However, Mr. Dhami, continued with his condemnation of Gill, saying "I pity the DGP (Director General of Police)." He then began raising pro-Khalistan slogans, at which point he was forcibly removed from the news media by police officials.

"India's state-sponsored terrorism has been completely uncovered," said Dr. Gurmit Singh Aulakh, President, Council of Khalistan. "India thinks it can kill whoever it wants, whenever it wants, wherever and cover it up with its propaganda machine. It thinks it can live in a vacuum, but it does not. I ask all world governments to stop the Punjab police from murdering this man, his pregnant wife, and six year old son. Their lives are in grave danger.

"We are moving towards freedom and we will not be deterred," said Dr. Aulakh. Not even the Indian killing machine prevented the brave Kanwar Singh Dhami from speaking his mind. If the press in India is truly free. Then I challenge them to ask publicly—what has become of Kanwar S. Dhami and his family and to demand that they be brought before the public. Only then will the Dhami family not become another forgotten casualty of Indian democracy."

[From Urgent Action Appeal, Nederland, CO]

Amnesty International is concerned for the safety of Kanwar Singh Dhami, Kuldip Kaur and their six year old son following the refusal of Kanwar Singh Dhami to publicly surrender to the police at a press conference organized by K.P.S. Gill, Director General of Police on 29 March 1994 in Chandigarh, Punjab.

Kanwar Singh Dhami is a leader of the Akal Federation and a well-known advocate of "Khalistan" (a separate Sikh homeland). He was brought to the press conference to publicise his official "surrender" to police. However, at the start of the press conference he refused to do this. Instead he stated that he had been held in illegal and unacknowledged detention by the police for ten months with his wife, Kuldip Kaur, who is five months pregnant and their six-year-old son. Both Kanwar Singh Dhami and Kuldip Kaur are reportedly members of the outlawed "Panthic Committee", a Sikh Group.

Kanwar Singh Dhami said that he was taken away by Punjab police in Gujarat and his wife and son in Himachal Pradesh in May 1993. He claimed that he, his wife and his son had been tortured in front of each other by Punjab police during their detention. He also said that he had been threatened that his family would be killed unless he "surrendered" to the police. Journalists noticed he was limping when brought to the press conference.

Kanwar Singh Dhami was taken from the press conference voicing fears that he and his family would be "eliminated". K.P.S. Gill reportedly made assurances that Kanwar Singh Dhami would not be killed saying "Once a man has surrendered he is safe".

Background information: Amnesty International regularly receives reports alleging that men and women in Punjab, believed by the authorities to be members or sympathizers of Sikh opposition groups, or their relatives, are held in unacknowledged detention or have been killed in police custody, often after torture. Their deaths or "disappearances" are wrongfully attributed by officials to an "encounter" between militants and the police, to an "escape" during such an "encounter" or to other improbable causes. Even though legal safeguards against unacknowledged detention exist in India's criminal law and procedural code, they are often not adhered to and prisoners are held in unacknowledged detention for weeks and sometimes months.

Recommended action: Please send telegrams/faxes and airmail letters:

Seeking clarification of the whereabouts of Kanwar Singh Dhami, Kuldip Kaur and their six-year-old son and urging that they be immediately released if they are not charged with a recognizably criminal offence;

seeking assurances that they are humanely treated while in police custody and given immediate access to lawyers and relatives and are brought before a magistrate forthwith;

calling for an impartial and independent inquiry into the allegations that they were held in unacknowledged detention for ten months and into allegations that they were tortured in detention;

Appeals to: Beant Singh, Chief Minister of Punjab, Office of the Chief Minister, Chandigarh, Punjab, India; Telegrams: Chief Minister of Punjab, Chandigarh, Punjab, India; Faxes: 011 91 172 540 647, Attn. Chief Minister.

Mr. K.P.S. Gill, Director General of Police, Police Headquarters, Chandigarh, Punjab, India; Telegrams: Director General Police, Chandigarh, Punjab, India.

Copies of your appeals to: Mr. S.B. Chavan, Minister of Home Affairs, Ministry of Home Affairs, North Block, New Delhi 110 001, India.

Ambassador Siddhartha S. Ray, Embassy of India, 2107 Massachusetts Ave. NW, Washington DC 20008.

Please send appeals immediately. Check with the Colorado office between 9:00 am and 6:00 pm, mountain time, weekdays only, if sending appeals after May 18, 1994.

## TRIBUTE TO HARRIETT SHOCKEY

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and inspired leadership of Harriett Shockey of Redlands, CA. Harriett, who has demonstrated a remarkable dedication to the needs of her community for many years, will be honored by the University of Redlands Alumni Association for her commitment to community and university service on April 16, 1994, as she is presented with the Gordon Atkins Award.

Harriett Shockey graduated from Central High School in Sioux City, IA and attended Iowa State University in Ames, IA. After living in many locations throughout the United States and around the world as an Air Force wife, she pursued her education at Crafton Hills College in Yucaipa and went on to graduate from the University of Redlands in 1980 with a bachelor of arts degree in business management. Until recently being transferred over to March Air Force Base, Harriett served as a contract specialist for the Department of the Air Force at Norton Air Force Base.

Over the years, Harriett has been involved in numerous civic and community based organizations including the American Association of University Women, the Order of Eastern Star, Redlands Town and Gown, and the March AFB Officers Wives Club. In addition, she is a member of the Federal Manager's Association and Who's Who In America.

Mr. Speaker, I ask that you join me, our colleagues, Harriett's husband, Gary, their three children, and their many friends in honoring this special woman for her extensive and dedicated service. Over the years, Harriett has touched the lives of many people in our community and it is only fitting that the House recognize her today.

## RECOGNITION OF THE COLLEGE OF DEMOCRACY AND ITS BOOKS

### HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. TAYLOR of North Carolina. Mr. Speaker, 8 years ago, a group of former Members of Congress established the College of Democracy as part of National Graduate University to provide opportunities for potential candidates for elected offices to obtain advanced education and practical experience prior to running for office.

Today I wish to commend our former colleagues for their foresight in sensing the need for training of future legislators at the local, State, and national levels here and abroad and in taking appropriate action to meet that need. I particularly commend them for producing two excellent books, "The Evolution of a Democracy: This is Our Country, The United States of America" and "How to Establish a Democracy or Improve the One You Now Have: A Practical Guide for Developing Essential Government and Business Structures and Personal Systems of Values."

The author of these books is Dr. Walter E. Boek, who began his career as a behavioral scientist under an appointment by Governor Thomas E. Dewey and continued it under appointments by Governors Averill W. Harriman and Nelson A. Rockefeller. With recognition of his contributions on an international basis, Dr. Boek's efforts have resulted in special training being provided to more than 28,000 administrators in government, business, and higher education in every State. The foreword of "The Evolution of a Democracy" was written by the Hon. Warren E. Burger, Chief Justice (ret.) Supreme Court of the United States. Former Presidents Jimmy Carter and Ronald Reagan, along with Presidents Boris Yeltsin of the Russian Federation, Vaclav Havel, of the Czech Republic, and Lech Walesa of the Republic of Poland, wrote forewords for "How to Establish a Democracy".

In writing about the first book, Chief Justice Burger stated,

> At no time in the history of the world has such a demand existed as it does now for an understanding of how one nation, the United States of America, has been so successful in governing itself for 200 years. * * * This text is a significant learning instrument for Americans as well as for people everywhere, whether they are students in schools, colleges or adult education programs or whether they serve as legislators, jurists, teachers, or diplomats.

The significance of the second book was indicated in these words of President Jimmy Carter in his foreword:

> Unequaled in its comprehensiveness and frank discussion of issues that must be faced in both old and young democracies, it is an important and powerful tool for everyone striving to establish and maintain the best form of government that exists.

These books are already being used by students and faculty of schools and universities in the United States and other countries. The special value of "How To Establish a Democracy or Improve the One You Now Have" is indicated by its being used as a reference in the peace negotiations underway in Angola. It is being translated into Vietnamese and plans are proceeding for translating it into several other languages.

Among the distinguished former United States Senators and Representatives involved in the publishing of these excellent books and guiding the College of Democracy are: The Honorables John B. Anderson, Kenneth E. Be Lieu, David R. Bowen, John H. Buchanan, Jr., Elford A. Cederberg, John Erlenborn, Bill Frenzel, Gilbert Gude, Orval Hansen, Hastings Keith, Martha Keys, John V. Lindsay, Clark MacGregor, Eugene McCarthy, Lucien N. Nedzi, Howard W. Pollock, James M. Quigley, John J. Rhodes, John G. Schmitz, Hugh Scott, Carlton Sickles, Henry P. Smith, III, Mick Staton and the late Walter Judd, William S. Mailliard, Wilbur D. Mills, Gale McGee, and Frank N. Ikard. This Board is chaired by the Honorable John H. Reed, former Governor of Maine, and its executive committee chairman is Maj. General (USA ret.) Ira A. Hunt.

Other outstanding members of the College of Democracy Board are the Honorables V.J. Adduci, Dr. Peter Bourne, Anna C. Chennault, LtGen (USAF ret.) Benjamin O. Davis, Dr. Walter L. Mess, and Ambassador Alejandro Orfila. Additional advisors on the board are the Honorables Dr. Elmer B. Staats and Dr. John R. Steelman, Frank P. Davidson, Esq., Samuel Foggie, David C. Guillermo, William S. Harps, William E.W. Howe, Dr. George Koch, Nonoy Mendoza, Vincent E. Reed, John T. Roberts, Edwin L. Slusarczyk, Dr. Hatten S.Yoder and Adm. (USN ret.) E.R. Zumwalt, Jr. Chairman of the Board of Governors is David S. Gedney, president, Morrison Knudson, Corp. while other Governors are Dr. Robert L. Barre, Lester Poretsky, John W. Yaag, William Loveless, and Albert S. Mazloom.

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## TRIBUTE TO GIRL SCOUT GOLD AWARD RECIPIENTS

## HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. MICHEL. Mr. Speaker, today I would like to salute four outstanding young women who have been honored with the Girl Scouts of the U.S.A. Gold Award by Kickapoo Council of Girl Scouts in Peoria, IL. They are members of Girl Scout Troop 4, and their names are Shelly Anderson, Sarah Knapp, Jodi Reilly, and Anna Betzelberger.

They are being honored on May 1, 1994, for earning the highest achievement award in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Girl Scout Gold Award can be earned by girls aged 14 to 17 or in the grades 9 to 12.

Shelly Anderson began working toward the Girl Scout Gold Award in March 1991. She completed her project in the area of earth awareness. She held an earth awareness fair and worked with the Washington Park District on nature projects. She also wrote and edited a monthly ecology newsletter for Girl Scout troops in her area.

Sarah Knapp began working toward the Girl Scout Gold Award in April 1991. She completed her project by writing a play about camping. She wrote the script and gathered materials for props. This play is intended to spark the interest in camping for the girls of Kickapoo Council and has been performed for many different groups.

Jodi Reilly began working toward the Girl Scout Gold Award in May 1992. She completed her project by helping the music department at her high school. Jodi sorted through all the band music and then proceeded to categorize the music by parts. She found missing pieces of music and then organized the music by title, composer, and publisher onto a disc for the director's computer.

Anna Betzelberger began working toward the Girl Scout Gold Award in January 1991. She completed her project in the area of tutoring. Anna helped a boy from Thailand learn English. She helped him write, edit, and fine tune a story for the Young Author's Program at his high school. Once this was done, they presented his story to Girl Scout troops.

The earning of the Girl Scout Gold Award is a major accomplishment for Shelly, Sarah, Jodi, and Anna, and I believe they should receive public recognition for their significant service to their community and their country.

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## EDUCATOR RETIRES AFTER 40 YEARS

## HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. CLAY. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to a great educator, Mrs. Mildred W. Spruill, who recently retired from the St. Louis Board of Education.

Mrs. Spruill will be recognized by the citizens of St. Louis, MO, on April 16, 1994, for her outstanding contributions to the St. Louis Board of Education and to the youth of the St. Louis community. I ask that my colleagues assembled here today join me in thanking and saluting her for her outstanding record of service and dedication.

In 1994 Mrs. Mildred W. Spruill completed 40 years of service with St. Louis public schools. In the course of her outstanding career her skills and talents have been utilized in a variety of ways to benefit students: she planned and implemented a quality program of instruction in all subject areas for students in grades 1 through 7; in a Room of Twenty Program she provided instructional services to students with special needs; as a remedial reading teacher she diagnosed students' reading problems, prescribed appropriate remediation programs for those students, and implemented those programs.

Recognition of Mrs. Spruill's success with students led to requests for her services as a workshop presenter for teachers and parents; she was always willing to share her time and expertise with anyone interested in helping young people achieve knowledge and skills.

Since 1988 Mrs. Spruill has combined her pedagogical talents with her creative, organizational, and interpersonal skills to fulfill her role of instructional coordinator at the Harrison Elementary School. She consistently demonstrated the ability to motivate students, to inspire teachers, to reassure administrators, and to facilitate the implementation of a quality program of instruction for all of the students at Harrison School.

Mrs. Spruill has retired from her career as an educator, but she will continue to use her considerable arsenal of skills to move on to a leadership role in the International Catering Co. which was founded by her late husband, Jesse Spruill. While she welcomes the challenge of her new activities, she will continue to reserve quality time for her son, Craig, her daughter-in-law, Karen, and her granddaughter, Jasmine.

We are grateful to Mrs. Spruill for the many contributions she had made toward the education of young people in St. Louis public schools. We wish her much success in her new career, peaceful relaxation in her well deserved free time, and great joy with her family.

## ANNA KRIL: AN INSPIRATION TO US ALL

## HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mrs. MALONEY. Mr. Speaker, I rise to bring to your attention the special contributions of Ms. Anna Kril, one of my constituents from Astoria, NY.

Anna was diagnosed with breast cancer last year. She took this setback and turned it into a blessing for many of the women of Astoria. Anna has founded Share-ing and Care-ing, a women's support group for those suffering from breast and ovarian cancer. she is an ardent champion for women's health needs.

In a recent interview Anna stated:

> I want people to understand that a woman who has breast or ovarian cancer needs to be told, "You are a very special, important person. Be good to yourself, value yourself and take care of yourself. You are No. 1. Your are the essence of your family and the world. Without you there will be no future generation.
>
> "You must come out fighting. The way you handle this and the way you take care of yourself will affect the way your husband, children, and friends react to you. If you feel sorry for yourself, you will get pity. If you come out strong, beautiful, and the best that you can be, you will be admired, treated with respect, consideration, and sensitivity. So come out fighting and be the best you have ever been."

Mr. Speaker, I think these inspiring words speak for themselves.

Anna serves on my Health Advisory Committee for the 14th Congressional District as chairperson for the Subcommittee on Women's Health Issues. She is married to Jerry Kril and they have two teenage daughters. I commend her to my colleagues as an inspiration to us all.

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## TRIBUTE TO ALEXANDRA PECCHOLD

## HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. WELDON. Mr. Speaker, I rise today to recognize on outstanding constituent, Alexandra Pecchold, a senior at Unionville High School in Chadds Ford, PA, who was recently selected as a national finalist in the Music Teachers National Association-Yamaha High School Competition.

The Music Teachers National Association is a nonprofit organization of music teachers with the goal of furthering the art of music through programs that encourage and support teaching, performance, composition, and research. Each year, MTNA holds competitions in composition and research at the State, regional, and national levels. The process began last fall with 1,363 elementary through collegiate students competing on the State level.

Alexandra has been studying flute for 8 years and is under the direction of Carol Brown. She has won many awards for her musical ability including the Tri-County Concerto Competition, the Delaware County Symphony Concerto Competition, and the Kennett Square Symphony Competition, where she was awarded a solo during a performance of the symphony. In 1990, Alexandra was the Music Teachers National Association Junior High School Winner. This year Alexandra represented the eastern division at the national competition in Washington, DC and was named second runner-up.

So, I ask my colleagues in the House to join me in recognizing Alexandra Pecchold, a talented young woman who demonstrates the promise that the future holds for our country.

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## CONGRESSMAN E. CLAY SHAW, JR. HONORS OUTSTANDING CITIZEN, LEONARD L. ABESS, ON HIS 90TH BIRTHDAY

## HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. SHAW. Mr. Speaker, Leonard L. Abess, one of south Florida's most respected and philanthropic citizens, celebrated his 90th birthday Monday, March 28.

Mr. Abess and his wife, Bertha, have lived in Miami for more than 60 years. They founded Mount Sinai Medical Center and the Miami Jewish Home and Hospital for the Aged. They are also generous supporters of Temple Israel and the United Way.

The Abesses have been honored by numerous national and local charitable organizations, and have served on several boards of Dade County's civic and business groups. Their most recent honors include: the Pillars of Pride dinner, presented by the Greater Miami Jewish Federation; Man and Woman of Achievement Award, presented by the Anti-Defamation League of B'nai B'rith; chair emeritus of City National Bank, which he founded; director emeritus of Ryder Systems, and life member of the Orange Bowl Committee.

The Anti-Defamation League also bestows the Leonard L. Abess Human Relations Award on people who dedicate their lives to helping those who are less fortunate. The Abesses truly exemplify what it means to give of oneself, unconditionally.

Happy Birthday, Mr. Abess.

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## A BILL TO PROHIBIT THE WITHDRAWAL OF ACKNOWLEDGMENT OR RECOGNITION OF AN INDIAN TRIBE OR ITS LEADERSHIP ABSENT AN ACT OF CONGRESS

## HON. CRAIG THOMAS

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. THOMAS of Wyoming. Mr. Speaker, I rise today on behalf of myself, Congressman RICHARDSON, chairman of the Subcommittee on Native American Affairs; Congressman YOUNG of Alaska, the ranking Republican on the Committee on Natural Resources; and Congressman BOEHLERT, to introduce legislation to prohibit the withdrawal of Federal acknowledgment or recognition of an Indian tribe, or the leadership of a tribe, absent an act of Congress.

Twice this Congress, the Bureau of Indian Affairs [BIA] has capriciously and improperly withdrawn Federal recognition from a native group or leader. In addition, a recent letter from the BIA to Mr. MILLER of California seems to portend a growing number of such decisions.

Mr. Speaker, let me briefly review these incidents. First, the BIA unilaterally withdrew recognition from the chosen leader of the Oneida Nation of New York last year. The Oneida were recently the first tribe in the Iroquois Confederacy to negotiate a gaming compact with the State of New York, and build a small casino on their reservation. The Onondaga tribal leadership, which plays a central role in the Confederacy, strongly opposes gaming. In April 1993, the Onondaga leaders scheduled a meeting of the Grand Council of the Confederacy to discuss, inter alia, the gaming issue with a view toward blocking the Oneida plans. The Grand Council met on April 24–25, and purportedly removed Ray Halbritter, the Oneida Nation representative, from his leadership position.

Two days later, the Onondaga Tadodaho wrote the BIA and informed the Bureau of Halbritter's removal. In May, the Tadodaho wrote the BIA again, reiterating that Halbritter had been removed and another recognized in his place. On August 10, 1993, the present head of the BIA—Ada Deer—wrote the Onondaga accepting the certification of Halbritter's removal and shifting BIA recognition from Halbritter to the other individual.

The BIA decision to switch recognition was horribly flawed for several reasons. First and foremost, this unilateral action was taken without consulting, notifying, or discussing it with the Oneida Nation or its leaders. Not even Representative BOEHLERT, in whose district the tribe resides, was notified. This raised serious, and I think fatal, due process issues.

Second, the decision seemed to me to be based on specious premises. I seriously questioned the validity of Mr. Halbritter's removal as the representative of the Oneida. It is part of the Great Law of the Confederacy that all 50 chiefs who constitute the Great Council must be of "one heart, one mind, one law" before a decision of the council is binding. If the chiefs have not rolled their words into one bundle—come to a unanimous agreement—then the issue must be set aside and the council recessed. I reviewed information at the time, including published news reports, which indicated to me that this was not the case in this matter; that the leaders of at least one of the six tribes of the Confederacy—the Kanyekehaka—stated that the purported decision of the council was not unanimous. Without that unanimity, it appeared to me that any action announced by the Tadodaho was ultra vires and thus invalid. Third, the removal of the principal representative of the Oneida is the prerogative of the clans and clan mothers of the nation, and not of the Great Council, the Onondaga as firekeepers of the council, or the Tadodaho. I saw no information that indicated that the nation had made that decision. In fact, as I have indicated, the BIA failed to consult with the Oneida people at all. The Bureau simply made up its mind unilaterally, and announced its decision to the Oneida.

Faced with a flurry of protests from the Oneida, Assistant Secretary Deer issued a stay of her decision for a 45-day period. Luckily, through the hard work of the Oneidas' Congressman, SHERRY BOEHLERT, the BIA eventually reversed its decision.

Unfortunately, however, the BIA failed to learn anything from this debacle. In October last year, the Bureau unilaterally removed the Central Council of the Tlingit and Haida tribes from its list of recognized tribes. The BIA undertook this action precipitously, and with no more than a cursory post facto notification to the council. This, despite the fact that the council was explicitly recognized as a tribal organization in 1975, and has appeared on the BIA's list of recognized tribes every year since 1982. As with the Oneida, Congress was never consulted, or even notified. This latest action was so egregious that Senators MURKOWSKI and STEVENS introduced S. 1784, which the other body has passed, to return things to the status quo ante. We held a hearing on the topic last month, and it was not until then—four months after the fact—that the BIA deigned to offer even the most minimal explanation of its actions.

Finally, in a recent letter to Chairman MILLER, the BIA has presaged more problems to come. In that letter, and in a hearing before the Subcommittee on Native American Affairs last April, the Bureau indicated that it intends to differentiate between federally recognized tribes as being created or historic. The BIA has taken the position that created tribes do not possess all the powers of a sovereign tribal government: they cannot zone, regulate law and order, or tax.

However, this whole convoluted dichotomy is not mandated by Congress, but rather is the spawn of a questionable opinion of the Solicitor of the BIA. In my opinion, it runs counter to the well-established principal that a tribe retains all inherent authority which has not been explicitly divested by Congress. When Federal recognition was extended to the tribes the BIA now terms "created," we gave absolutely no indication that they were to have anything less than full sovereign authority. Yet now the BIA has unilaterally decided that they are not fully sovereign.

Once again, congressional action has been necessary to correct this blunder. We recently passed H.R. 734, a bill designed to prohibit this distinction from being applied to the Pascua Yaqui people of Arizona. Moreover, I note that Chairman RICHARDSON will soon introduce legislation to forbid its application to any federally recognized tribe.

These episodes are more than just a disturbing trend; they border on the scandalous. They show a bureaucratic arrogance and lack of comprehension of any notion of due process or tribal sovereignty which completely undermines any confidence either the tribes or Congress has in the BIA as an institution. If the BIA can take this sort of fickle and whimsical action, what tribe can feel secure in its present position? Federal recognition is of more than passing interest to the tribes; it is their life's blood. Recognition is a prerequisite to the services and benefits provided by the Federal Government to the tribes.

Mr. Speaker, it is the Congress that is charged by the Constitution with plenary authority over Indian affairs; it is the Congress in which the Founding Fathers thought it best to determine the country's Indian policy. The BIA has shown that it is incapable of handling its responsibilities in this area, much as it has in many others. Consequently, I think it both proper and necessary to ensure that we have the final say on these forms of unilateral termination.

This bill prohibits the BIA from withdrawing recognition from an Indian tribe or Alaska Native group, or from the duly elected leadership of such tribe or group, except by an act of Congress. It makes an exception for changes in tribal leadership that occur as a result of tribal elections. If for some reason the BIA wishes to withdraw such recognition, it must submit a petition to that effect to the two congressional committees of jurisdiction and to each of the Senators and Members of Congress in whose districts the effected tribe may reside. It is then up to us to make the final determination.

If the BIA had some established, rational process by which such decisions were made, such as it has for granting Federal recognition in the first place, then this legislation might not be necessary. But it does not, and we have seen the disastrous result—a hodgepodge of ill-conceived and ill-executed decisions which we have been forced to reverse.

Mr. Speaker, the actions of the BIA have clearly demonstrated that we need this legislation. I look forward to working closely with Chairman RICHARDSON on moving it swiftly through the House.

## MR. WANG LEAVES WASHINGTON TO ASSUME INFLUENTIAL POST IN TAIPEI

### HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. JOHNSON of South Dakota. Mr. Speaker, last month Wang Yu-Yuan—known to his many American friends as Larry Wang—concluded his second tour of duty in this country and assumed a new and influential post in Taipei as Chief of Protocol in the Ministry of Foreign Affairs for the Government of the Republic of China on Taiwan.

Mr. Wang, who had served since February 1991 as Director of the Congressional Liaison Division for the ROC's Coordination Council for North American Affairs in Washington, is well known and highly regarded by many Members of Congress from both political parties as a great friend of the United States and a very effective representative of the Republic of China.

Prior to his promotion to director of the CCNAA Congressional Liaison Division in Washington, Mr. Wang was deputy director of the division from 1990 until 1991 and senior assistant in the division from 1984 until 1990.

Mr. Wang was in Taipei from 1981 to 1984 as a section chief of the Department of North American Affairs in the Ministry of Foreign Affairs.

During his first tour of duty in the United States, from 1976 until 1979, Mr. Wang was Third Secretary in the Washington Embassy of the Republic of China. He had previously begun his service with the ROC Ministry of Foreign Affairs as a specialist in the Department of North American Affairs in Taipei from 1974 to 1976.

Prior to joining the staff of the Ministry of Foreign Affairs, Mr. Wang was deputy chief of the international program section with the Broadcasting Corporation of China in 1973 and 1974, was a reporter with the overseas department of the BCC in 1972 and 1993, and was an editor at the Central Daily News in Taipei in 1971 and 1972.

Mr. Wang, who received both his bachelor's and master's degrees from the highly respected Chinese Culture University in Taipei, also graduated from the Foreign Service Institute of the Ministry of Foreign Affairs.

With his impressive background and credentials, it is understandable why Mr. Wang was selected by his government to be Chief of Protocol for the Republic of China. For his countless friends in the United States, however, he will be missed as a distinguished diplomat who always represented his nation with the highest and most honorable standards of professional dignity. To Larry Wang—and to his gracious wife Linda and their daughters, Emily and Nancy—I join my colleagues in extending our best personal wishes for every future success.

## HON. SAM BLAKELY HALL, JR.

### HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. MONTGOMERY. Mr. Speaker, America has sent many great men and women to serve its best interests in this august chamber. Our friend and colleague Sam Hall must certainly be included among their ranks. On April 10, this esteemed Texan, distinguished statesman, and virtuous public servant succumbed to cancer. At that precise moment, America lost a dear friend.

Sam Hall came to Congress in 1976 and resigned 9 years later to become a Federal judge. In that relatively brief time on Capitol Hill, I came to know a man defined largely by two characteristics: focused determination and high principle. As a member of the House Veterans' Affairs Committee for nearly 26 years, I can truly say that, in recent history, those who have worn the uniform have never had a more loyal ally. He traveled to Southeast Asia to promote progress on the POW/MIA issue and participated in the 40th anniversary commemorative observance of the Allied landing at Normandy. In all likelihood, his interest in matters of the Armed Forces and veterans' affairs was fueled by his own distinguished service and experiences in the Army during World War II.

I and other members of the Veterans' Affairs Committee were front-row witnesses to Sam's intense desire to do right by those who answered the Nation's call to arms. From the time he joined the committee, he was an outspoken advocate of dramatic change in the way veterans' benefits claims appeals are handled. Judicial review as it was called, which was manifested in the establishment of a new Federal court for veterans, has Sam Hall's indelible mark. As the country owes its veterans a great debt, they, in turn, owe a lawyer from Marshall, Texas. He championed their concerns, took their worries upon himself, and used his compassion and skills to make things right.

Judge Sam Hall was a dynamic personality with a brilliant legal mind. His remarkable legacy can be explained very simply: Sam Hall cared and the institution and the citizenry were made better as a result. We are not likely to see another like him in our lifetimes.

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## TRIBUTE TO CARL WILLIAMS

### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. DUNCAN. Mr. Speaker, I would like to take this opportunity to pay tribute to Mr. Carl Williams of WBIR–TV in Knoxville for his long and distinguished career as a television news anchor in east Tennessee.

Mr. Williams began his career in 1940 as a disc jockey for a "wired" radio station in Oak Ridge, where he and his colleagues used telephone lines to transmit their sound because the secret nature of the work being performed in Oak Ridge prevented them from broadcasting openly.

From Oak Ridge, Mr. Williams moved to WHBT radio in Harriman, TN, where he was first charged with keeping listeners abreast of the daily news. His talent in this area was immediately obvious to John Hart, then the general manager of WBIR, who brought Williams aboard for Channel 10's maiden television broadcast on August 12, 1956.

Since then, east Tennesseans have relied on Carl Williams to bring them the news of the day and to keep them informed about issues that he knew they considered important. After more than 37 years of service, Williams has truly become an institution in our area, and his presence on the air will be sorely missed.

I know I speak for everyone in east Tennessee in congratulating Carl on his retirement and thanking him for being a part of our lives for so many years. We certainly wish him the very best in the years to come.

[From the News-Sentinel]

ANCHOR

(By Don Williams)

Other journalists will recognize this as a bad lead . . .

Carl Williams retiring? No way!

But how else can you honestly start this story. Williams is more than an institution. He is part of the soundtrack of our times. His folksy delivery, as if he's sharing a secret as much as reporting the news, stays with you.

Williams will make his last broadcast Friday on the noon edition of Action 10 News. Gene Patterson and Kristin Hoke will take over as morning anchors.

Williams smiling face has been on the regional TV landscape since, well, since he signed WBIR–TV on the air.

He still remembers the words: "With permission of the Federal Communications Commission in Washington, D.C., WBIR–TV in Knoxville signs on the air on Aug. 12, 1956."

That makes more than 37 years that Williams has been on TV, mostly as an anchor of one or more news programs daily. During that time, he has seen WBIR's news division go from a shoe-string operation run by a three-man crew editing unwieldy film footage to a sophisticated video and computer operation employing dozens of highly skilled technicians.

Unlike the machines, however, Williams has felt himself slowing down.

Two operations for cataracts in 1991 and recurrent chest pains are clues enough that it's time to retire, says Knoxville's most durable anchorman.

His most memorable story?

Williams doesn't hesitate.

On Jan. 5, 1970, he got a tip from a friend that Joseph Yablonski, leader of a dissident faction of the United Mine Workers, had been murdered along with his wife and daughter in Erie, Pa. Williams quickly wrote a 10-second story just relating the bare facts and promising an update later.

At 10 minutes and 15 seconds after 6 o'clock, just after Williams reported the murders, several phone calls went out from LaFollette to UMW President Tony Boyle. Using South Central Bell phone records, the FBI was able to arrest several East Tennesseans. The murder conspiracy unraveled, eventually implicating top UMW brass. Those arrested subsequently included Boyle, who died in 1985 while serving a prison sentence. Williams remembers Boyle's trial.

"He came driving up in a limousine that was a block and a half long. When they got him to the courthouse they put him in a wheelchair, then, at the back of the courthouse, he got up and ran inside."

Several months later Williams found himself flying back and forth to Erie, Pa., to testify that he had delivered the newscast that helped flush out the killers. He acknowledges that the FBI used him, if for a good cause.

"I was had," he laughs, "but at least I got the story."

Williams' career has been a true natural product of the broadcast age.

He was born on Jan. 3, 1929, and raised as one of five children in Fairland, Ind. The fledgling Radio Corporation of America was only 10 years old. Williams' parents were out of work for most of the Depression. So when his father Jessie Carl and mother Ofa Williams heard of a TVA project under way near Knoxville in 1940—the building of Watts Bar Dam—they moved.

"I loved it here," Williams recalls. "I was used to flat, level farming country. Here I came to rolling hills. I made up my mind while I was hunting and fishing that I'd stay here all my life."

It was in Oak Ridge that he met Bill Polack, who operated a "wired music" radio program, from Ridge Recreation Hall, using telephone lines to transmit sound. Williams took a job as a disc jockey, earning $15 per week. He supplemented his income selling records at The Music Box, an Oak Ridge record store.

Williams attended Oak Ridge High School, graduating in 1947. That same year his family moved back to Indiana, interrupting his fledgling career.

"I hated it. Everybody was gone that I knew."

When he heard that radio station WHBT was going on the air in Harriman, an older brother bought him train fare back to Tennessee. He worked at Harriman until 1954. That was when Wayne Hudson, a former University of Tennessee student, hired Williams to read the news and spin records for WROL radio and to emcee a dance show for WROL–TV.

"I was the Dick Clark of WROL–TV," says Williams.

John Hart, general manager of WBIR Radio, saw the show and told program director Neil Branch to hire Williams for WBIR, Channel 10, which was about to begin broadcasting on TV.

"I came on two weeks before it went on the air," remembers Williams. "In those days you did everything. Commercials, station breaks. The time came in early 1957 to read a newscast live." Based on that performance he became an anchorman.

In 1958, WBIR moved to its present quarters on Hutchison Avenue, off North Broadway, but the early broadcasts took place in a building atop Sharp's Ridge, near the station's antenna.

"The whole thing was no bigger than our newsroom out there," says Williams, looking out an open door where reporters are busily tidying up loose ends for the noon edition of Action 10 News. "We had three people in the news department."

It is a typical Monday for Carl Williams.

He gets up at 2:45 a.m., walks his mixed-breed border collie-shelty, jumps in the shower, gets dressed, and is on the road by 3:30 a.m. By about 3:45 he makes a stop on Chapman Highway to pick up a morning paper. Ten minutes later he's at work.

By 4 a.m. he signs onto his computer, picks up his phone and starts making calls. He phones between 35 and 40 sources—sheriff's departments, hospitals, highway patrol offices throughout East Tennessee—between 4 and 4:30 a.m. Then he meets with Jeff Gurney, producer of Action 10 News Today, which runs from 6 until 7 a.m.

After that show there is more phoning, more meetings, and a whittling of stories from the noon budget. By 11:30 a.m. Williams is sitting in his office as last minute changes are made.

About 11:50 a.m. he walks into the studio.

Byron Webre, spiffy in a double-breasted suit for his stand-up weather report, comes in. Williams sits behind his desk where recessed screens show what the viewer at home will see, along with a computer screen that carries current Associated Press stories.

"Two minutes Carl," a cameraman says.

"You ready to go pardner?" Williams asks Webre.

"Yes. Ready for your last headline on a Monday," goes Webre.

"Let's make it a good one," Williams says.

Time ticks down, then Williams' voice, abrupt but somber, deep and slightly nasal rolls out, "Good afternoon, a 19-year-old man is dead. . . ."

He changes cadence as he updates the NAFTA debate, reports a boating accident, floods in Mississippi, updates the Joey Buttafucco trial, a freedom flight from Cuba, then turns it over to Webre.

Webre reports that it's going to be rainy the next couple of days as springlike thunderstorms roll through. Then Williams is back. In all, he anchors 11 stories in less than 20 minutes, allowing for weather and "Mr. Food," a cooking show. Then he signs off. Four more noon reports to go.

Back in his office, Williams reflects on his leave taking.

He wants to fish and hunt and play with his grandchildren. Twice married and divorced, he has three grown children.

Williams blames the pressure and the irregular hours for his failed marriages.

"This place is notorious as being a pressure cooker," he says. He mentions others who had trouble dealing with the stress, some who have had heart problems.

"You're fighting that clock up there all the time. The anchor has to pull everything together. You work your tail off trying to make the ratings look good, but all the time you're on top you know there's somebody shooting at you who would love to be where you are."

Williams remembers 1976, the year he slipped in the ratings and management took him off the 11 o'clock news.

"Channel 6 had just brought on Sam Brown to anchor its evening news programs. He was a young handsome dude, I hated him," Williams says laughing. "Not really, we're friends.

"But it's a blow to the ego," Williams says. "It's human nature to want to have our egos inflated. I'm a people person. I like people. We're all in this business because we want to be loved, but we can't force it. They've got to like us."

Williams watched other anchors come and go before Channel 10 settled on Bill Williams as permanent news anchor, later adding Edye Ellis to the team.

It was about 1978 that Williams suggested WBIR begin a noon news program. He took the noon anchor slot and has never trailed in the ratings, he says, despite strong programming from WATE.

The secret to his longevity has been his ability to shrug off the pressure.

"I learned to turn it off when I walked out that door," he says. He gets up, puts on his jacket and walks toward the door.

"I've got this house on the lake. There's a forest behind it where I can hunt—deer, rabbits, squirrels—and water in front where I can fish.

"I'm not leaving because I don't like the work any longer. It's just time to go. I've got to find out whether I can do this retirement thing."

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## AIDS AND EDUCATION

## HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 12, 1994*

Mr. ABERCROMBIE. Mr. Speaker, I rise today to bring to the attention of my colleagues a speech that draws a parallel to the floor debate on the H.R. 6 Hancock amendment.

If, as the amendment proposed, funding were cut to schools that have implemented programs or activities that deal with homosexuality, some of this country's most at-risk candidates for AIDS could be denied essential educational material. AIDS is a real threat and has the potential to destroy and debilitate a large segment of the homosexual and heterosexual population. There are some 200,000 documented cases of AIDS in the United States and probably more than 1 million people infected with the HIV virus in this country.

On March 21, 1994, in his acceptance speech for the best performance by an actor in a leading role Tom Hanks spoke the following words:

Here's what I know. I could not be standing here without that undying love that was just sung about by not Bruce, but Neil Young. And I have that in a lover that is so close to fine we should all be able to experience such heaven right here on earth. I know also that I should not be doing this, I should not be here, but I am because of the union of such film makers as Ed Saxon, Ron Nyswaner, Kristi Zea, Tak Fujimoto, Jonathan Demme, who seems to have these attached to his limbs for every actor that works with him of late. And a cast that includes Antonio Banderas, who second to my lover is the only person I would trade for. And a cast that includes many other people but the actor who really put his film-image at risk and shown because of his integrity, Mr. Denzel Washington, who I really must share this with. I would not be standing here if it weren't for two very important men in my life. Two that I haven't spoken with in a while, but I had the pleasure of just the other evening, Mr. Raleigh Farnsworth, who was my high school drama teacher, who taught me to act well the part, there all the glory lies. And one of my classmates under Mr. Farnsworth, Mr. John Gilkerson. I mention their names because they are two of the finest gay Americans, two wonderful men that I had the good fortune to be associated with, to fall under their inspiration at such a young age. I wish my babies could have the same sort of teachers, the same sort of friends. And there lies my dilemma here tonight. I know that my work in this case is magnified by the fact that the streets of heaven are too crowded with angels. We know their names. They number a thousand for each one of the red ribbons that we wear here tonight. They finally rest in the warm embrace of the gracious creator of us all. A healing embrace that cools their fevers, that clears their skin and allows their eyes to see the simple, self-evident common sense truth that is made manifest by the benevolent creator of us all, and was written down on paper by wise men, tolerant men, in the city of Philadelphia two hundred years ago. God bless you all. God have mercy on us all and God bless America.

# SENATE—*Wednesday, April 13, 1994*

*(Legislative day of Monday, April 11, 1994)*

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silence, let us remember Senator SHELBY, who has had successful surgery and will be recovering; Senator SMITH, who received good news regarding his 19-year-old daughter; and the families of Officer Steven Miles, whose mother passed away during recess, and Official Reporter of Debates Joel Breitner, whose father passed away.

*Blessed is the nation whose God is the Lord* * * *.—Psalm 33:12.

Lord God of Abraham, Isaac, and Israel, of Moses and the prophets, Jesus and the apostles, Lord God of the ages and all peoples of all races, grant that this Nation may fulfill its God-destined role among all nations.

Heighten our gratitude for the blessings so lavishly bestowed upon us. Deepen our humility in recognition of the resources so uncommonly plentiful in our land. Broaden our sense of justice to include the deprived and the forgotten of the world. Lengthen the outreach of our love and goodness to all who suffer, the homeless and the hungry, the persecuted and the oppressed.

Sensitize us to the hurt and pain of all peoples, at home and abroad. Make us advocates of the voiceless, the weak, the poor, the elderly, the neglected. Let compassion be the hallmark of our deliberations.

We pray this in the matchless name of Him who, in love, gave His life for all peoples. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, April 13, 1994.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. REID thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. MITCHELL. Mr. President, there will be a period for morning business until 9:45 a.m. today for Senator LIEBERMAN to be recognized to address the Senate. At 9:45 a.m., Senator BYRD will be recognized to address the Senate with respect to the pending bill, S. 21, the California Desert Protection Act. A vote on that bill will occur at 10 a.m. this morning.

Following that, pursuant to an agreement entered last evening, the Senate will proceed to S. 455, a bill relating to payments in lieu of taxes, under a time agreement which is set forth at page 2 in today's calendar. There will be up to 2 hours of debate on that bill, to be followed by a vote.

Thereafter it is my intention we will take up some of the pending nominations that I discussed just prior to closing last evening. I will have a further announcement with respect to those following further consultation with the Republican leader.

The Senate will not be in session on this Friday, pursuant to a longstanding schedule.

Mr. President, I yield the floor.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business, not to extend beyond the hour of 9:45 a.m., with Senators permitted to speak therein for a period of time not to exceed 5 minutes each.

The Senator from Connecticut is recognized.

## PRIMARY IMMUNE DEFICIENCY AWARENESS WEEK

Mr. LIEBERMAN. Mr. President, last month the Senate passed Senate Joint Resolution 151 declaring the week beginning April 10, 1994, as National Primary Immune Deficiency Awareness Week. I am pleased that so many of my colleagues, including the majority and minority leaders, joined me in supporting the resolution. Primary immune deficiency is a genetic defect to the immune system that presently affects 1 in 500 persons, most of them children, in the United States. This condition often provokes a lifetime of serious illness and sometimes results in death, yet many doctors and families know little about the disease. Primary immune deficiency is frequently misdiagnosed and not properly treated. Therapy and medicines which can significantly improve the health of those suffering from primary immune deficiency, protect their vital organs, and save their lives do exist, but many families and patients suffer alone with little medical or psychological support.

The Modell family from Connecticut has suffered through the tragedy of losing a loved one to primary immune deficiency. Jeffrey Modell struggled bravely with this disease until it took his life at the age of 15. His parents Fred and Vicky Modell experienced the enormous medical, emotional, and financial difficulties of dealing with the primary immune deficiency on their own. After Jeffrey's death, they realized the need for an organization which would provide families who are struggling to overcome primary immune deficiency with a place to turn for help. They founded the Jeffrey Modell Foundation, a national, nonprofit research foundation which operates a 24-hour information and referral hotline and helps fund and coordinate the struggle against primary immune deficiency through work in three areas: Research, physician and patient education; and patient support.

The Modell Foundation has made extraordinary progress in realizing all three goals, but we must expand our efforts to increase public awareness—500,000 Americans are known to be affected by this disease. We need to ensure that parents and health care professionals are aware of the symptoms of primary immune deficiency, that they know where to turn for assistance, and that we are supporting research efforts to increase the medical community's understanding of this condition.

I thank my colleagues for supporting the resolution I introduced last year declaring this week National Primary Immune Deficiency Awareness Week.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD immediately following my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 151

Whereas primary immune deficiency is a congenital defect in the immune system such that the body cannot adequately defend itself from infection;

Whereas primary immune deficiency is most often diagnosed in children and affects more children than leukemia and lymphoma combined;

Whereas primary immune deficiency is believed to effect 500,000 Americans and possibly more because the defect is often undiagnosed and misdiagnosed;

Whereas many forms of primary immune deficiency are inherited;

Whereas there are currently considered to be 70 forms of primary immune deficiency ranging from severe combined immune deficiency (which is fatal if untreated) to chronic recurring infections and allergies that cannot be managed with prophylactic antibiotics;

Whereas the earliest symptoms of primary immune deficiency are easily confused with a number of common illnesses or infections so that physicians often fail to diagnose and treat the underlying problem;

Whereas once suspected, primary immune deficiency can be diagnosed through a series of blood screenings that test immune function;

Whereas early intervention and treatment can save lives and prevent permanent damage to lungs and other organs;

Whereas many forms of treatment are available once a specific diagnosis is made;

Whereas procedures such as bone marrow transplants may result in complete cure, and other treatments like monthly infusions of gamma globulin dramatically reduce a patient's risk of infections and enable the patient to lead a normal life;

Whereas patients may have long periods of normal health then suddenly be struck by severe fevers and infections;

Whereas lack of public awareness can lead to anxiety and leave families isolated and confused; and

Whereas education is essential to make the general public, health care professionals, employers, and insurers more knowledgeable about primary immune deficiency: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the week of April 10 through 16, 1994, is designated as "Primary Immune Deficiency Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Mr. LIEBERMAN. Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## "ZENECA FOR HEALTHIER KIDS" PROJECT

Mr. BIDEN. Mr. President, later this year, the Senate will consider the reauthorization of a number of child nutrition programs. The goal of our legislative efforts will be, as always, to ensure the health and well-being of America's children, especially those who live in or at the edge of poverty.

We are conscious that Government has substantial obligations and real opportunities to help families in need. But we are also painfully aware, Mr. President, that Government cannot do the job alone. If we are to meet the needs of America's children, the private sector—including business, church and community groups, and citizen volunteers—must play a role.

I am proud today to be able to share with my colleagues the story of a new project launched by a private company and its employees, in order to make a difference in the lives of economically disadvantaged children and families in my State. The project is called "Zeneca for Healthier Kids," and represents a partnership of Zeneca, Inc., one of the world's leading bioscience companies, and the Food Bank of Delaware, which has been active for more than 16 years in the fight against hunger and malnutrition.

The people at Zeneca made a deliberate decision to initiate a community project consistent with their corporate mission, which includes a core business in health and agricultural products. Fighting hunger and promoting better nutrition seemed a natural fit, and certainly the need was well documented; in our State of just 700,000 people total, some 12,000 children regularly go hungry and another 12,000 are at constant risk, living as they do at the perilous edge of poverty.

Once the partnership with the Food Bank of Delaware was formed, careful planning went into the design of a 3-year pilot program to provide food to needy families, to increase public education about nutritional needs and available assistance, and to generate a volunteer base among Zeneca employees to sustain the program over the long haul.

To provide food to those in need, Zeneca will fund the purchase of food packages, of high-protein, health meals, to be distributed monthly by company volunteers to the 250 Delaware families enrolled in the WIC Program. In addition, Zeneca volunteers will organize food drives at work sites and offer support services, such as computer programming and accounting, necessary to run the program.

To promote public awareness of nutritional needs and available assistance, like the WIC Program, Zeneca has sponsored the production of an informational video, which will be available at State service centers, schools, and Food Bank member organizations. Zeneca will also fund and make available a pocket guide to nutritional programs and public-service announcements to get the message about better nutrition to the widest possible audience.

Mr. President, we all know that early nutrition has a tremendous effect on children, and that inadequate nutrition impairs a child's development and ability to success or even to try to succeed. We know that no one program will solve the problem of hunger among our youngest and most vulnerable citizens, but we also know that if we all do our parts, we can make a difference.

The people of Zeneca, in partnership with the Food Bank of Delaware, are trying to do their part, and working to make a difference for their less fortunate neighbors. Their efforts represent not only a much needed service but also a very admirable example, and we in Delaware are proud of them.

## PRIMARY IMMUNE DEFICIENCY AWARENESS WEEK

Mr. WOFFORD. Mr. President, I am very pleased to support Senate Joint Resolution 151, a joint resolution designating this week, April 10–16, 1994, as "Primary Immune Deficiency Awareness Week."

Ian Murray of Erie, PA brought the medical problem of primary immune deficiency to my attention some time ago. He and his family have been directly affected, and he has expressed his concern to me that primary immune deficiency, which can express itself in a wide range of disease conditions and levels of severity, is not widely understood in this country. Indeed, many of our young people who may suffer from the deficiency have gone undiagnosed and untreated.

This resolution helps to educate the public and bring the matter to greater national awareness. Vicki and Fred Modell, who established the Jeffrey Modell Foundation in memory of their son who died at age 15 of the disease, have worked hard to bring the disease to the attention of parents, families, primary care physicians, and medical specialists in the field. They initially brought primary immune deficiency to the attention of Members of the U.S. Senate, and Senator LIEBERMAN sponsored the resolution. I am pleased to cosponsor it with him.

I salute Ian Murray, his family, and the Jeffrey Modell Foundation for their advocacy of this very important issue.

## HOLIDAY PAST

Mr. DOLE. Mr. President, just this week an article which appeared in the Philadelphia Inquirer last December came to my attention.

It's an article written by Joseph P. Barrett, a World War II veteran who served with the 47th Anti-Aircraft Battalion. In his article, Mr. Barrett writes about his train ride back to Camp Davis, NC after spending Christmas 1943 with his family.

On the way back to Camp Davis, Mr. Barrett's train stopped for a short while here in Washington. Mr. Barrett remembers fondly his brief visit to the Capital City during the war. I thought it fitting that as we commemorate the 50th anniversary of World War II, that we take a moment to reflect on this short glimpse of life on the homefront in 1943. Mr. President, I ask unanimous consent that the text of the article be inserted into the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Dec. 26, 1993]

### FORMER G.I. REFLECTS ON HOLIDAY PAST

(By Joseph P. Barrett)

The New York-to-Washington passenger train, packed to the doors, rolled slowly into the North Philadelphia Station of the Pennsylvania Railroad. The platform was already crowded with servicemen trying to catch a train back to camp on this late afternoon of Christmas 1943, 50 years ago.

A disappointed sigh rose from the G.I.s and their loved ones when they realized that not all would be able to board the train. Fortunately, the doors of one of the cars stopped right in front of me and I was one of the lucky ones to squeeze in.

There was not a single inch of floor space that did not have a foot on it. The aisles and doorways were belly button to buttocks. Some sat on upturned suitcases, while servicemen climbed up on the luggage rack and immediately went to sleep. The men's and ladies' rooms were likewise packed. A piece of luck was to be able to sit on the sink or commode.

It seemed like ages since I had gotten the pass at Camp Davis, N.C., where my outfit, the 47th Antiaircraft Battalion, was preparing to go fight in the invasion of France the following June.

There was a lot of pushing and shoving around the battery headquarters, where everyone wanted a pass. Every G.I. wanted to go home for Christmas. Suddenly it was discovered that some of our Jewish comrades had put in for the passes.

A near-riot ensued.

"You guys killed Christ," some hollered loudly. "Now you want to celebrate His birthday."

The Jewish guys quietly withdrew their requests and settled for going home on New Year's Day. I felt bad because many of these men were my friends from the time we were sworn in on the day after Christmas 1942. They came from Strawberry Mansion, a Jewish enclave, about 10 blocks west of 22d Street and Lehigh Avenue, where I lived in Swampoodle, an Irish neighborhood in North Philadelphia.

### CHRISTMAS DINNER

On Christmas Day I had gone to Mass with my parents at St. Columba's, then returned home to have breakfast and sit around with the family. Neighbors came by to wish me well. My mother, Mary E. Barrett, served an early turkey dinner to make sure I made the train.

When the train reached Washington, Union Station was jammed. So I walked the streets of the city and ate the two turkey sandwiches prepared by my mother, and an orange and apple given to me by my next door neighbor, Ellen Sweigard.

I found a U.S.O. club. It was like a big hotel. I asked if I could sleep there until 1 a.m. and a dignified lady took me up to the ninth floor, sat me in a Morris chair and pinned a piece of paper on the chair which said simply, "Awaken at 1 a.m."

It seemed that I was just asleep when another lady, more dignified than the first, gently shook me awake. I later learned that these ladies were wives of senators, congressmen and high government officials who spent their Christmas serving servicemen at the U.S.O. This was the kind of total commitment that the war inspired.

Union Station was still jammed when I returned to board the train down to North Carolina. They refused to allow us to go to the train level, but I spotted another G.I. climbing a small wall, so I went over the wall after him. We found ourselves on an empty section of the platform at the end of the train.

### THE 'JIM CROW CAR'

Right in front of us was a "Jim Crow Car." This was reserved for what we then called "colored folk." All the seats were taken, but there was plenty of floor space. So I crawled in between the backs of two seats, spread a newspaper on the floor and went to sleep. It was 4 a.m.

The white passengers sat on soft leather seats but the blacks had only wooden seats covered with a hard, strawlike material. The car needed a paint job and was very dismal.

These passenger cars were relics of the early railroads of the 19th century. The notion of separate but equal, which was the law of the land down South, was a fraud.

I got back to camp in time for chow at 6 p.m., 12 hours late. This was the first food I had since eating the turkey sandwiches over 12 hours ago.

But it was still a great Christmas.

Unforgettable.

## TRIBUTE TO PATRICIA RUANE AND JERRY LYNCH

Mr. LAUTENBERG. Mr. President, I rise today to commend the achievements of two outstanding New Jerseyans, Patricia Ruane of Bloomfield, and Jerry Lynch of Belmar.

As life-long residents of New Jersey, both Mrs. Ruane and Mr. Lynch have demonstrated an outstanding commitment to serving their communities. They have each been chosen as recipients of the Distinguished Service Award presented by the Irish-American Society of the Oranges.

In addition to her career as an administrative assistant to the regional vice president of Menno Travel Services—MTS Travel in Bloomfield, Patricia Ruane has an exemplary list of accomplishments in community service, including cocreating project children, an organization bringing Catholic and Protestant children together. In the past, she was honored by the Ancient Order of Hibernians Division No. 9 Montclair. Mrs. Ruane is also an active member of many Irish-American organizations including the Irish-American Society of the Oranges. Her support and encouragement in the Irish-American community is deeply appreciated.

Mr. Jerry Lynch is also a distinguished New Jersey citizen. Mr. Lynch is the founder and standard bearer of the Jerry Lynch Social and Civic Club, which pioneered Irish-American activities in the New Jersey shore area. In the past, he served as president of the Belmar Board of Education and he is currently president of the Belmar Kiwanis Club. In addition to being a member of many organizations, Mr. Lynch is a member of the Irish-American Society of the Oranges.

I pay tribute to both these upstanding individuals and the many contributions they made on behalf of the citizens of New Jersey.

## RECOGNITION OF SAMMAMISH HIGH SCHOOL

Mr. GORTON. Mr. President, I rise today to recognize Sammamish High School in Bellevue, WA, for innovation and excellence in education.

While at home over the January recess, I organized a meeting of over 200 parents, teachers, administrators, and students. At this conference I listened carefully to the concerns and ideas of those in attendance. While I heard many varied and different suggestions, one theme was constant. Innovative and resourceful programs which educators work hard to plan and execute deserve more recognition. I therefore promised to recognize, on a monthly basis, a school or school program that is outstanding and innovative. The original high school biology curriculum that was created by Mr. Ron Thompson, the biology teacher at Sammamish High School, is worthy of such recognition.

Many national studies have consistently shown that many young students have an active interest in science and biology. However, by the time these students reach high school, this interest has often diminished. These same studies pointed to the fact that most high school science programs were taught simply from a textbook, following a general curriculum and relying on memorization and isolated learning. The standard high school curriculum did not teach key concepts and ideas important to understanding most scientific principles. Ron Thompson responded to this problem and designed an innovative program entitled "Biology: As Scientific Inquiry." This new text and lab manual incorporates many new interactive ideas which draw students into the class and stimulate them to want to learn. It uses a team approach to problem solving which teaches the students to be efficient problem solvers, a skill in high demand by the employers of today. This curriculum has been so widely acclaimed it has been subsequently adopted in 10 States and 22 different school districts and received several national awards. Programs such as this are truly the key to the future of education.

Mr. Ron Thompson and his innovative biology curriculum at Sammamish High School should continue to be promoted throughout Washington State, as well as the entire United States. Recognizing that a problem exists and taking the initiative to develop successful programs is the key to improving our education system.

### MIKIS THEODORAKIS

Mr. LEVIN. Mr. President, Mikis Theodorakis is an internationally renowned artist and one of Greece's preeminent living composers. Throughout his life he has been dedicated to forging a modern Greek identity through his powerful and popular music. He uses his artistic forum to further such admirable causes as the environment and an end to child hunger, which has earned him awards from nations spanning the globe.

In addition to internationally recognized achievements, he has also been extensively involved in the life of his country. As a member of the resistance against the German occupation of Greece in 1943, he proved himself early on as a dedicated and sincere Greek patriot. Since then he has been involved in government and the political life of his country.

Mikis Theodorakis has contributed much to the rich culture of Greece and continues to be a productive contributor to the music of the world.

Mr. President, I join in welcoming Mikis Theodorakis to the United States for his first series of concerts in over 20 years.

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

### CALIFORNIA DESERT PROTECTION ACT OF 1993

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 9:45 a.m. having arrived, the Senate will now proceed to the consideration of S. 21, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 21) to designate certain lands in the California Desert as wilderness, to establish Death Valley, Joshua Tree and Mojave National Parks, and for other purposes.

The Senate resumed consideration of the bill.

The ACTING PRESIDENT pro tempore. Under the previous order, the time between now and 10 a.m. is under the control of the Senator from West Virginia [Mr. BYRD].

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, how much time does the Senator need?

Mr. NICKLES. Two minutes.

Mr. BYRD. I yield 2 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized for 2 minutes.

Mr. NICKLES. Mr. President, I wish to compliment my colleagues for their bill, but I rise in opposition because of the position I have as ranking Republican on the Interior Appropriations Committee.

I am afraid that by transferring a large amount of land from BLM to the Park Service with inholdings of thousands and thousands of acres, people are going to expect the Park Service to buy them, and this is going to greatly exceed the Park Service's funding capabilities.

We do not appropriate enough money to fulfill commitments that were made in past years. We have a backlog of acquisition requests from our colleagues that we have not been able to fund. The additions that are required by the California Desert bill will greatly exceed our capability to fullfill those commitments.

I am concerned that we are taking action which will cause people to expect the Federal Government to purchase these inholdings, and I can just say as a person who works on the subcommittee that appropriates money for the Park Service, I do not believe the money is there, not this year, and I doubt that the money will be there in the next several years. So I am afraid we are building false expectations and putting additional burdens on the Park Service which, frankly, already has more lands than it is able to adequately maintain.

That bothers me. I think we should take care of the parks that we now have, and not add millions more acres.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank my distinguished colleague from Oklahoma, the ranking member of the Appropriations Subcommittee on the Department of the Interior.

Mr. President, the legislation before the Senate today proposes to set aside more than 6.6 million acres of land in California as wilderness or national parks. The objective of the legislation is to protect the desert ecosystem of southern and eastern California. The worthiness of the resources of the California Desert and the need for their protection are not in question. In fact, much of the land involved in this legislation is already in Federal ownership and is already protected and managed pursuant to the California Desert protection plan developed by the Bureau of Land Management.

The two distinguished Senators from California have been very steadfast in their dedication and their commitment to further protection for the California Desert. I commend them for their effort. Senator FEINSTEIN, who is a member of the Appropriations Committee, has worked extensively to accommodate many of the concerns of various parties interested in the future of the California Desert.

However, as chairman of the Appropriations Committee, and more specifically, as chairman of the Interior Appropriations Subcommittee, I must call attention to the potential costs of this legislation. The additional protection needs for the resources of the California Desert must be viewed in the context of the many other needs confronting the 40 different agencies that are funded by the Interior Appropriations Subcommittee. These programs range all the way from resource protection, to scientific research, to health care for Indians, to arts and cultural programs. It is rare—extremely rare—for any of these agencies to testify before the Interior Appropriations Subcommittee that they have enough money to meet current responsibilities.

In fact, overall, the major agencies funded in the Interior bill have identified a backlog of some $6 billion in maintenance and repair needs for their existing physical infrastructure. Moreover, within our existing national park boundaries, there are private lands totaling some 336,000 acres that have long been authorized for acquisition, but which have not been purchased due to funding constraints. The pending legislation would serve to increase these burdens by drawing yet another boundary within which it will be expected that the Federal Government will somehow provide the funding necessary to purchase and maintain these privately held lands.

Operational requirements in the existing parks are already suffering because appropriations are not able to keep pace with the effect of inflation, as well as the increased costs for Federal pay and retirement benefits. On top of this, Mr. President, Governmentwide staffing is expected to decrease by 272,900 full-time equivalent employees, which will affect most immediately those agencies which use temporary and seasonal employees, such as the Park Service. While these positions are often the easiest to cut, they are among the most visible in the system—it is the work of the seasonal and temporary employees that is most noticed by visitors to the parks. These employees are the ones who conduct the tours, lead the nature hikes, staff the visitor centers, maintain the grounds, clean the restrooms, replace damaged signs, and pass out the maps. How can we ask existing parks to cut back on these types of services while at the same time establishing new parks such as those created in this bill?

All of these factors affect our existing Park System. Expanding the System will add further burdens on the Interior Appropriations Subcommittee's ability to fund significant national resources, whether they be natural, cultural, or historic. The time has come for us to get realistic about our parks. We cannot expect everything to be protected and paid for 100 percent by the Federal Government. We have other national needs, as well as a huge deficit to contend with. We have to begin considering alternative means of protecting and maintaining our national treasures. Such options might include spending limits on capital development, prohibitions on land acquisition, local cost-sharing, or making the long-term operations of an area the responsibility of an appropriate non-Federal entity.

The California Desert legislation before the Senate takes none of these steps. Capital development costs are unknown, but current experience with the Park Service tells us it is likely to be expensive. Land acquisition costs vary, depending on who is doing the estimating, but range from $88 to $300 million. Operational and staffing needs, totaling in the millions of dollars, will exist in perpetuity—once an area is designated as part of the National Park System, it is rarely removed. The Interior Department has estimated the near-term management costs to implement this legislation to be an additional $53 million. The Department claims it can cover these costs within its fiscal year 1995 budget request, but does so at the expense of the construction and land acquisition accounts that are intended to help address the existing backlog.

When an area becomes designated as a unit of the National Park System, the American public has come to expect a quality of service of which they can be proud. The visitors to our parks expect the resources for which they were established to be protected, the laws to be enforced, interpretation and education to occur, visitor services to be provided, and safety to be protected. It takes money to fulfill these objectives—personnel in the form of biologists, hydrologists, historians, archaeologists, landscape architects; construction dollars for visitor facilities such as campgrounds, restrooms, kiosks, and interpretive displays; and equipment such as ambulances and 4-wheel-drive vehicles to aid in search and rescue missions. If we are not able to fund these needs adequately in existing park units, which we clearly are not, is it responsible for us to create new expectations by passing the legislation before the Senate, when the resources necessary to fulfill these expectations will be difficult, if not impossible, to provide in the coming years?

I realize that this legislation is going to pass this body. But, I feel that I would be somehow remiss in my duty as chairman of the Senate Appropriations Committee if I did not point out that there are critical competing needs in education, healthcare, transportation, and in fact, in almost every area of the Federal budget. As I have already explained, we cannot adequately maintain the parks that we now have, nor buy the lands which the authorizing committees have told us to buy. Having three new beautiful national parks would be nice. In an age when the United States enjoyed small deficits, creating those new parks would be desirable, but we, in this Chamber, have to come to grips with the realities of the age in which we live. One does not go out and buy a Cadillac when one cannot make the payments on the family Ford. One must learn to prioritize. A commitment this large is simply not appropriate in these times of desperately large deficits and so many, many pressing national needs. It is because of these concerns, and not because of a lack of appreciation about the significance of the California desert, that I must oppose S. 21.

Mr. President,

Thus we may see, how the world wags:
'Tis but an hour ago since it was nine;
And after one hour more 'twill be eleven;
And so, from hour to hour, we ripe and ripe,
And then, from hour to hour, we rot and rot;

And as we proceed to pass this legislation, apparently from day to day and year to year we will spend and spend, "and thereby hangs a tale."

Mr. BURNS. Mr. President, I rise today to voice my opposition to the California Desert bill, S. 21. I am greatly concerned by what this bill will do to already tight fiscal constraints on our National Park System and the question of private property.

S. 21 will cause further fiscal hardships on Yellowstone and Glacier National Parks. These parks are already in need of repair, and we can't tighten our belts much more without jeopardizing the infrastructure and natural beauty of these parks. This bill adds 3 million new acres—or three new Yellowstones—to our National Park System, and I don't know how we are going to pay for the 80 million acres we already have.

I would like to give two examples. This year, I am going to attempt to secure funding for the renovation of two chalets in Glacier National Park. These chalets are historic but are not in compliance with State environmental laws. Yet, the Park Service has not added these to their priority list—it doesn't rate high enough on their already long list. Our Nation's oldest park, Yellowstone National Park is in need of updated facilities to accommodate the growing use of the park in the winter. While millions of visitors come to the park in the summer, Yellowstone is increasingly attractive to visitors in the winter months, as well.

Where are we going to get the funds to pay for these new parks? To me it is simple, Yellowstone and Glacier National Parks are going to suffer by the creation of these new national parks in California.

Also, I am greatly concerned about the taking of private property by this bill. While these actions may be occurring in California, it does effect Montanans. Private property rights are protected by the fifth amendment of the Constitution which states "nor shall private property be taken for public use, without just compensation." Yet, many laws have been encroaching further and further on this right because people in Washington do not respect or understand the importance of maintaining this right.

This bill places 500,000 acres of private holdings inside of Federal conservation units. This means that these private property owners will be greatly restricted on what actions they can engage in on their own land. This bill authorizes the purchase of these lands—but that still doesn't fully protect private property rights.

Last, the cost of this bill is too high. According to the Congressional Budget Office, the acquisition of private property alone which is authorized in this bill, would cost somewhere between $100 to $500 million. The administrative and construction costs over the next 5 years would cost $36 million, and $1 million lost in offsetting receipts for fiscal years from 1995 to 1998.

Mr. President, I cannot support this bill. I would urge my colleagues to vote against S. 21.

I yield the floor.

Mr. NUNN. Mr. President, I am pleased to be cosponsor of S. 21, the California Desert Protection Act. I congratulate Senator FEINSTEIN for addressing and resolving the many issues that have been associated with protecting the California Desert. It has been a pleasure working with the Senator from California on this bill.

This bill designates approximately 4 million acres of wilderness; adds 3 million acres of national park lands; designates 4 million acres of national park wilderness; adds 20,500 acres to an existing California park; and establishes a 2,040-acre Desert Lily Sanctuary.

Several years ago, when this legislation was first introduced, by former Senator Cranston, the Department of Defense and the Armed Services Committee were concerned that the creation of new park and wilderness land might impact future expansion of military training areas, or interfere with existing testing and training activities, particularly those activities involving use of the air space above the desert. Last year Senator Cranston and the members of the Committee on Energy and Natural Resources began a discussion to address these concerns. Senator FEINSTEIN continued this discussion and resolved the concerns of the Defense Department and the military services.

The training and testing lands of the southern California Desert are a crucial component of maintaining readiness. Key military installations in southern California include the Marine Corps Base at Twenty-Nine Palms, the Chocolate Mountain Aerial Gunnery Range, Edwards Air Force Base, China Lake Naval Weapons Center, and Ft. Irwin, the home of the Army's National Training Center.

As the U.S. military draws down its forces and closes bases and training and testing areas overseas, the training and testing lands of the southern California Desert increase in their importance to maintaining capable and ready forces. Senator FEINSTEIN recognized the importance of the southern California Desert to military readiness. S. 21 addresses this national requirement and ensures that the military can continue to train in the southern California Desert area.

The Department of Defense and the military services are committed to training but they are equally committed to protecting and preserving the natural environment. I believe that the military's use of the desert land and the airspace above it is consistent with protecting and preserving the fragile desert ecosystems.

This is a very complex bill Mr. President. It addresses critically important issues of development and environmental protection in the very special and unique lands of the southern California Desert. I want to thank Senator FEINSTEIN for her work on this bill and specifically in addressing the needs of the military in the southern California Desert.

Mr. DOLE. Mr. President, I will vote against final passage of this bill, but do so with some reservation. When considering public lands issues, the Senate has traditionally given great latitude to the two Senators from the State in which the land lies. In this instance, both Senators favor the bill.

However, our former colleague and the current Governor of California, Pete Wilson, has serious objections to the bill. As well, all four Members of the U.S. House of Representatives who represent the area in question are opposed to the bill in its present form. I ask unanimous consent that letters from the House delegation and Governor Wilson appear at this point in the RECORD.

I don't think there is much difference in opinion about whether the California Desert is a treasured national resource that deserves protection. But, as articulated by both the chairman and ranking members of the Appropriations Subcommittee on Interior have pointed out, we simply do not have the resources to pay for the management technique envisioned by this legislation.

We have a responsibility to protect all of our natural treasures, and passing this bill will further exacerbate the lack of funds available to operate other national parks—including Yosemite, Death Valley, and the Golden Gate National Park in San Francisco. Until we find some way to better care for the parks we have already created, it would be a mistake to create additional park lands.

Therefore, Mr. President, I will vote against final passage and hope a better protection plan can be devised.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE CAPITOL,
*Sacramento, CA, April 11, 1994.*

Hon. MALCOLM WALLOP,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR WALLOP: Thank you for your inquiry regarding my views on the version of the California Desert Protection Act being taken up by the Senate today. As you know, on September 28, 1993, I sent a letter to Senator Feinstein and the members of the Energy and Natural Resources Committee outlining the problems with the legislation and requesting nine specific and highly reasonable amendments. With the exception of a provision permitting the continuation of military overflights, none of the amendments requested have been dealt with adequately, and new problems have been created. For these reasons, I cannot support S. 21 in its current form.

As I have pointed out many times, it is ironic that under S. 21 many who now visit and enjoy the desert and wish to see it preserved will be barred from any further enjoyment themselves. For many visitors, motor vehicles are the only reasonable method of accessing the desert. By placing vast areas off-limits to anyone but backpackers and those with horses, many people will find their recreational opportunities dramatically reduced.

The negative economic impacts of S. 21 continue to be troublesome to me as well. As California climbs out of a painful recession, it is extremely important that all steps possible be taken to maximize the state's future economic vitality. Putting new mining off-limits in much of the California Desert is a step in the wrong direction. Provisions can be made in the legislation to promote future mineral development in certain important areas without significantly diminishing the overall preservation objectives of the legislation.

One of the most pressing issues that must be dealt with on the Senate floor is a provision added to the bill in committee that will allow the State Lands Commission to trade its lands in the desert for surplus federal property throughout California. The priority given to the State Lands Commission threatens to seriously hinder our ongoing efforts in the state to revitalize communities that have been afflicted by military base closings. The state has been supportive of transferring surplus property at closed bases to local economic redevelopment authorities free of charge. As S. 21 currently stands, surplus lands will be used to pay for desert protection rather than to benefit local communities that have been hard-hit by base closures.

As you know, the original reason a special provision was included for the State Lands Commission was due to a fear that surplus BLM and other lands that would normally be offered up for exchange would be inadequate to deal with a quantity of land as vast as that in S. 21. The State Lands Commission has a fiduciary duty to maximize the value of its holding to benefit California's retired school teachers. Many former military properties are valuable real estate and would be grabbed up quickly. It would be tragic if local communities or businesses would have to buy the properties back before redevelopment could proceed.

A number of more specific concerns remain to be addressed as well. California's Department of Transportation has requested rapid emergency access to desert wilderness areas to deal with accidents and hazardous materials spills. Language must also be included to allow for the future realignment of State Route 190 through Death Valley National park. Current report language requires that any realignment be accomplished within the existing right-of-way, something that will be difficult, if not impossible, to achieve. The inclusion of a provision allowing for a realignment that is mutually acceptable to Caltrans and the Park Superintendent would suffice.

Additionally, active wildlife management is needed in the desert to assist endangered, threatened, and sensitive species and to mitigate the damage to natural springs caused by wild burros and the invasion of non-native plants. Yet the language included on fish and wildlife management continues to be wholly inadequate. The California Department of Fish and Game has requested that the East Mojave and the Hunter Mountain expansion of Death Valley be left under the jurisdiction of the BLM. Even simply designating these areas as NPS "National Preserves" instead of the proposed park status would permit continued hunting and access for scientific research and wildlife management.

California law enforcement entities, including the California Highway Patrol, have also signaled their objections to restrictions that will be placed on search and rescue efforts, drug enforcement, Border Patrol interdiction, and other related operations. The current provisions in Section 103(g) of the bill place restrictions on law enforcement that are unnecessary and unacceptable. Law enforcement officials, including those representing local agencies, must be given access to wilderness and park areas throughout the southern desert area. Furthermore, the proposed wilderness designation for Jacumba and Fish Creek must be dropped entirely from the bill, given the proximity of these areas to the border and their strategic importance to smugglers.

I fully share the desire of Senator Feinstein to preserve California's precious desert areas for future generations. However, in its current form, S. 21 will do more harm than good. I urge your assistance in amending S. 21 to reconcile the worthy goal of desert protection with the legitimate economic and resource issues that remain as problems.

Sincerely,

PETE WILSON,
*Governor.*

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, April 11, 1994.*

DEAR SENATE COLLEAGUE: Prior to your consideration of the California Desert Protection Act this week, we thought you might be interested to learn our thoughts regarding S.21.

Despite claims to the contrary, there are numerous problems with S.21 as it is presently written. These problems include the hindrance of law enforcement activities along the Mexican border, the overwhelming administrative and financial backlog of an already beleaguered National Park Service, and placing new and questionable financial burdens on the U.S. taxpayer.

Nearly every State contains at least one National Park Service (NPS) venue. We are all aware of the funding backlog which exists for such mundane things as routine operations and maintenance, ranger and staff housing facilities, and interpretive and visitor centers. For example, the Death Valley National Monument is seeking $12 million to construct employee housing for its current employees. The President's FY 1995 budget contains no money for this initiative. If we can not keep up with the demands placed on current units of the NPS, why should we enlarge the system and cause further backlogs?

The woes of the NPS are well documented in the Vice President's National Performance Review (NPR). One recommendation in the NPR is to increase user and visitor fees at existing National Park venues. One effect of S.21 would be to add roughly 2.7 million acres to the NPS, much of which would be a 1.2 million acre Park in the East Mojave Desert. This is an area which is presently being well managed by the Bureau of Land Management in accordance with the Congressionally designated California Desert Conservation Area (CDCA).

We question the logic of expanding the NPS in such dramatic fashion at a time when so many of our existing Parks and Monuments are in obvious and dire need of financial attention. The President's FY 1995 budget contains only minimal transition funding for the enactment of S.21. The subsequent five years after its enactment, S.21 will cost at least $125 million. This $125 million does not include land acquisition or construction. Where will the money come from to pay for the new demands created by S.21? Existing resources will be siphoned off from other NPS facilities around the country.

We are not under any illusions about preventing a vote on final passage of S.21 in the Senate. However, several amendments to S.21 will be offered by Senator Wallop and other members of the Energy and Natural Resources Committee which we believe merit your support. These are not "Killer" amendments, but rather sensible ones. We respectfully ask that you give them your strongest consideration. After all, as a result of thoughtful and deliberate debate, this legislation has failed to pass since its introduction in 1986.

We remain opposed to the bill as a whole because we have yet to be invited to the table to offer our input on this issue that so dramatically impacts our districts and ignores the views of our constituents.

Please don't hesitate to contact any one of us directly if you have any questions or would like further details. Combined, we have represented the vast majority of the California desert in the House for well over 50 years. Thank you for your attention.

Sincerely,

JERRY LEWIS,
DUNCAN HUNTER,
AL MCCANDLESS,
BILL THOMAS,
*Members of Congress.*

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CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, April 12, 1994.*

SUPPORT THE EAST MOJAVE NATIONAL MONUMENT

DEAR SENATE COLLEAGUE: The East Mojave National Scenic Area (EMNSA) is currently being managed by the Bureau of Land Management in accordance with the congressionally mandated Federal Land Policy Management Act of 1976.

Under S. 21, the National Park Service would be charged with the responsibility of managing this 1.5 million acre area. With the proposed personnel reductions at the NPS, an estimated 3,700 park rangers and staff will be eliminated over the next five years. The NPS is unable to meet its existing obligations let alone adequately fund and manage this massive addition. We have already witnessed facility closures, reductions of interpretive and visitor service programs, and basic maintenance projects—all within our existing park system! All this is happening now.

Why should we burden this system with 1.5 million additional acres already being managed in accordance with congressional intent!!

Why should existing parks across the country sacrifice their already scarce resources to pay for a 1.5 million acre addition whose park quality is questioned by career employees at both the NPS and BLM?

Support the Wallop amendment to S.21. Upgrade the East Mojave National Scenic Area to a National Monument to be administered by existing BLM resources. If you want to really protect the East Mojave, provide the BLM adequate resources to do the job.

Sincerely,

JERRY LEWIS,
DUNCAN HUNTER,
AL MCCANDLESS,
BILL THOMAS,
*Members of Congress.*

**Mr. BIDEN.** I am pleased to have been a cosponsor of the California desert protection bill, which the Senate passed this morning. We have finally been able to secure lasting protection for the irreplaceable ecosystems in the desert of southern California.

The California Desert Protection Act was first introduced in 1985. After more than 8 years of effort, the Senate vote today clears the way for establishment of the largest wilderness area ever created in the lower 48 States. The act will protect 6.4 million of the 25 million acres of the southern California desert as wilderness and national park areas.

The desert teems with more than 760 species of wildlife, including bighorn sheep and the endangered desert tortoise. The topography of the desert includes giant dunes, extinct volcanoes, and more than 100,000 archeological sites. The desert is also home to a vast array of plant life, including the oldest Joshua tree forest in the country. Careless exploitation of the desert's resources can destroy what has existed for tens of thousands of years.

The vital task of preserving fragile ecosystems and the biodiversity that exists within them is one of the Federal Government's most important responsibilities. The citizens and scientists, environmentalists and government officials who worked so hard for the California Desert Protection Act over the years can be proud of their perseverance in getting this wilderness area established.

The California Desert Protection Act of 1993 will ensure that the remarkable assets of the California desert will be treasured by our grandchildren. It will also serve as an example of the far-sighted environmentalism that provides hope for us all.

**Mr. DORGAN.** Mr. President, I wish to briefly note my support for this bill, and for the efforts of Senator FEINSTEIN, the sponsor, and Senator JOHNSTON, chairman of the committee of jurisdiction, in bringing this bill to the floor.

Because the California Desert Protection Act will affect the costs of managing Federal lands, we in Congress must retain authority over this legislation to ensure that any commitments for future Federal costs are responsible and necessary. This was a primary concern of the Energy and Natural Resources Committee when we considered this bill.

Beyond the question of Federal costs, however, this is a California plan for public lands in that State, put together mostly by long discussions and debate among Californians. It is a plan on which former Senator Cranston of California worked with his constituents for many years to set aside some parts of that State as permanent wilderness, wildlife preserves, and public parks.

Certainly, I understand that not all residents of California agree with this bill. However, in the main, this is a California plan for Californians, and we ought to allow Senator FEINSTEIN and her constituents some latitude in determining the future of natural and scenic areas of their State.

I would like to say that many of us in North Dakota are now considering ways in which we might set aside certain natural and scenic areas in our western counties, most of which are under the management of the U.S. Forest Service. Many in North Dakota want to preserve a few areas from oil exploration or other development that would disturb or mar those area. I share that desire and I hope we are able to produce a North Dakota plan, put together by a consensus of North Dakotans. I hope that this body one day will support such a plan for North Dakota if it is presented to Congress for approval.

Thank you for this opportunity to express my support for California's wilderness plan.

**Mr. CHAFEE.** Mr. President, I am proud to be listed as a cosponsor of the

California desert bill now before us, and commend Senator FEINSTEIN and the chairman of the Energy Committee, Senator JOHNSTON, for their efforts to bring this measure to the floor.

I have long supported legislation to conserve America's landscapes. Indeed, my keen interest in this area dates back to my time as Governor of Rhode Island during the mid-1960's, when I signed into law legislation to establish an open space program in my State.

But as the Senator from California knows, I did not sign onto this bill until about a month ago. Many had raised concerns with me about the legislation, and before I joined as a cosponsor, I wanted to make sure that I had all the facts.

One of the greatest concerns surrounding S. 21 has been its cost. As has been pointed out by many, the proposed new national parks and wilderness areas do contain some large privately owned parcels, and some have argued that acquiring those lands will be extremely expensive. Indeed, the Congressional Budget Office has estimated that acquiring these lands could cost anywhere between $100 and $300 million over the next 10 years. That is not an insignificant amount of money.

However, after looking at this issue in more detail, I have learned that there are some sizable holes in the CBO estimate. First, it does not take into account the fact that the Bureau of Land Management already has in place conservation plans developed during the Reagan and Bush administrations, under which the BLM has been acquiring, and will continue to acquire land in the California desert. Indeed, according to Secretary Babbitt, the land acquisition envisioned in S. 21 is less than originally planned by the BLM. Thus, as the Secretary points out, the acquisition costs of S. 21 are not new. They have been contemplated by the BLM for some time.

A second point that should be made about these cost estimates is that they assume that the Federal Government will actually have to purchase every single private parcel within the boundaries established by this bill. This is a highly unlikely scenario, as a great many landowners likely will exchange their land for other nondesignated Federal parcels. Many also will be happy to keep their land and abide by the limitations that come with a park or wilderness area designation. Thus, while there is no question that the enactment of S. 21 will require new spending, it seems to me that money of the predictions about its cost have been greatly exaggerated.

Before cosponsoring, I also wanted to know what was being done to address the concerns of those who currently use the desert in ways that would conflict with the national park or wilderness designations. I must say that I have been extremely impressed with the lengths to which Senator FEINSTEIN has gone to accommodate those interests. She has not demagogued on this issue or tried to vilify her opponents as inflexible enemies of the environment. Instead, she has listened to their worries, and wherever possible, has modified her bill to address them. Dozens of amendments have been made to mitigate the impact of this legislation on miners, ranchers, private property owners, and off-road vehicle enthusiasts. I am satisfied that S. 21, as it now stands, is a thoroughly considered, well-balanced piece of legislation.

Now, the opponents of this bill, particularly the Senator from Wyoming, have argued very forcefully that the Park Service is overburdened already, that there simply are no funds available to manage these new areas or to acquire the private inholdings within their boundaries.

There is no question that times are very tight. Clearly, it would be ideal if there were more money to go around. But opportunities to preserve such a spectacular region as the California desert do not occur every day. It has taken 8 years to get to this point, and I believe we must take advantage of this historic opportunity while we have the chance. It may take some time before we can manage these areas in the manner in which we'd like to. But in my view, the important thing now is to take care of the designation—to draw the boundaries around the areas we want to protect for our children and their children.

I can think of no instance where the Government has designated an area as a park and years later people have looked back, regretted the decision, and tried to reverse it. As we continue to develop and extract resources from the remaining open spaces in our Nation, it is important that we ensure that there will always be places where people can get away and renew their spirits, breathe fresh air, and appreciate nature's gifts.

Mr. President, going back to Theodore Roosevelt, the Republican party has a great tradition of conserving our Nation's valuable landscapes. This bill is in keeping with that tradition, and I look forward to its approval by the Senate.

The PRESIDING OFFICER (Mr. MATHEWS). Under the previous order, the hour of 10 o'clock having arrived, the question occurs on passage of S. 21, as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question occurs on passage of S. 21, as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] is necessarily absent.

I also announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

I further announce that, if present and voting, the Senator from Delaware [Mr. BIDEN] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 69, nays 29, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—69

Akaka
Baucus
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Campbell
Chafee
Cohen
Conrad
Danforth
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Specter
Warner
Wellstone
Wofford

NAYS—29

Bennett
Brown
Burns
Byrd
Coats
Cochran
Coverdell
Craig
D'Amato
Dole
Faircloth
Gramm
Hatch
Helms
Hutchison
Kempthorne
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Simpson
Smith
Stevens
Thurmond
Wallop

NOT VOTING—2

Biden
Shelby

So the bill (S. 21), as amended, was passed, as follows:

S. 21

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "California Desert Protection Act of 1994".

**SEC. 2. FINDINGS AND POLICY.**

(a) The Congress finds and declares that—

(1) the federally owned desert lands of southern California constitute a public wildland resource of extraordinary and inestimable value for this and future generations;

(2) these desert wildlands display unique scenic, historical, archeological, environmental, ecological, wildlife, cultural, scientific, educational, and recreational values used and enjoyed by millions of Americans

for hiking and camping, scientific study and scenic appreciation;

(3) the public land resources of the California desert now face and are increasingly threatened by adverse pressures which would impair, dilute, and destroy their public and natural values;

(4) the California desert, embracing wilderness lands, units of the National Park System, other Federal lands, State parks and other State lands, and private lands, constitutes a cohesive unit posing unique and difficult resource protection and management challenges;

(5) through designation of national monuments by Presidential proclamation, through enactment of general public land statutes (including section 601 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 43 U.S.C. 1701 et seq.) and through interim administrative actions, the Federal government has begun the process of appropriately providing for protection of the significant resources of the public lands in the California desert; and

(6) statutory land unit designations are needed to afford the full protection which the resources and public land values of the California desert merit.

(b) In order to secure for the American people of this and future generations an enduring heritage of wilderness, national parks, and public land values in the California desert, it is hereby declared to be the policy of the Congress that—

(1) appropriate public lands in the California desert shall be included within the National Park System and the National Wilderness Preservation System, in order to—

(A) preserve unrivaled scenic, geologic, and wildlife values associated with these unique natural landscapes;

(B) perpetuate in their natural state significant and diverse ecosystems of the California desert;

(C) protect and preserve historical and cultural values of the California desert associated with ancient Indian cultures, patterns of western exploration and settlement, and sites exemplifying the mining, ranching and railroading history of the Old West;

(D) provide opportunities for compatible outdoor public recreation, protect and interpret ecological and geological features and historic, paleontological, and archeological sites, maintain wilderness resource values, and promote public understanding and appreciation of the California desert; and

(E) retain and enhance opportunities for scientific research in undisturbed ecosystems.

## TITLE I—DESIGNATION OF WILDERNESS AREAS TO BE ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT

### SEC. 101. FINDINGS.

The Congress finds and declares that—

(1) wilderness is a distinguishing characteristic of the public lands in the California desert, one which affords an unrivaled opportunity for experiencing vast areas of the Old West essentially unaltered by man's activities, and which merits preservation for the benefit of present and future generations;

(2) the wilderness values of desert lands are increasingly threatened by and especially vulnerable to impairment, alteration, and destruction by activities and intrusions associated with incompatible use and development; and

(3) preservation of desert wilderness necessarily requires the highest forms of protective designation and management.

### SEC. 102. DESIGNATION OF WILDERNESS.

In furtherance of the purpose of the Wilderness Act (78 Stat. 890, 16 U.S.C. 1131 et seq.), and sections 601 and 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1701 et seq.), the following lands in the State of California, as generally depicted on maps referenced herein, are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred and ninety acres, as generally depicted on a map entitled "Argus Range Wilderness—Proposed 1", dated May 1991, and two maps entitled "Argus Range Wilderness—Proposed 2" and "Argus Range Wilderness—Proposed 3" dated January 1989, and which shall be known as the Argus Range Wilderness.

(2) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately ten thousand three hundred and eighty acres, as generally depicted on a map entitled "Bigelow Cholla Garden Wilderness—Proposed", dated July 1993, and which shall be known as the Bigelow Cholla Garden Wilderness.

(3) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, and within the San Bernardino National Forest, which comprise approximately thirty-nine thousand one hundred and eighty-five acres, as generally depicted on a map entitled "Bighorn Mountain Wilderness—Proposed", dated July 1993, and which shall be known as the Bighorn Mountain Wilderness.

(4) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-seven thousand five hundred and seventy acres, as generally depicted on a map entitled "Big Maria Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Big Maria Mountains Wilderness.

(5) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirteen thousand nine hundred and forty acres, as generally depicted on a map entitled "Black Mountain Wilderness—Proposed", dated July 1993, and which shall be known as the Black Mountain Wilderness.

(6) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately nine thousand five hundred and twenty acres, as generally depicted on a map entitled "Bright Star Wilderness—Proposed", dated October 1993, and which shall be known as the Bright Star Wilderness.

(7) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-eight thousand five hundred and fifteen acres, as generally depicted on two maps entitled "Bristol Mountains Wilderness—Proposed 1", and "Bristol Mountains Wilderness—Proposed 2", dated September 1991, and which shall be known as Bristol Mountains Wilderness.

(8) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-nine thousand seven hundred and forty acres, as generally depicted on a map entitled "Cadiz Dunes Wilderness—Proposed", dated July 1993, and which shall be known as the Cadiz Dunes Wilderness.

(9) Certain lands in the California Desert Conservation Area and Eastern San Diego County, of the Bureau of Land Management, which comprise approximately fifteen thousand seven hundred acres, as generally depicted on a map entitled "Carrizo Gorge Wilderness—Proposed", dated February 1986, and which shall be known as the Carrizo Gorge Wilderness.

(10) Certain lands in the California Desert Conservation Area and Yuma District, of the Bureau of Land Management, which comprise approximately sixty-four thousand three hundred and twenty acres, as generally depicted on a map entitled "Chemehuevi Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Chemehuevi Mountains Wilderness.

(11) Certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirteen thousand seven hundred acres, as generally depicted on two maps entitled "Chimney Park Wilderness—Proposed 1" and "Chimney Peak Wilderness—Proposed 2", dated May 1991, and which shall be known as the Chimney Peak Wilderness.

(12) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty thousand seven hundred and seventy acres, as generally depicted on two maps entitled "Chuckwalla Mountains Wilderness—Proposed 1" and "Chuckwalla Mountains Wilderness—Proposed 2", dated July 1992, and which shall be known as the Chuckwalla Mountains Wilderness.

(13) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise thirty-three thousand nine hundred and eighty acres, as generally depicted on a map entitled "Cleghorn Lakes Wilderness—Proposed", dated July 1993, and which shall be known as the Cleghorn Lakes Wilderness. The Secretary may, pursuant to an application filed by the Department of Defense, grant a right-of-way for, and authorize construction of, a road within the area depicted as "nonwilderness road corridor" on such map.

(14) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-six thousand acres, as generally depicted on a map entitled "Clipper Mountain Wilderness—Proposed", dated July 1993, and which shall be known as Clipper Mountain Wilderness.

(15) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty thousand five hundred and twenty acres, as generally depicted on a map entitled "Coso Range Wilderness—Proposed", dated May 1991, and which shall be known as Coso Range Wilderness.

(16) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventeen thousand acres, as generally depicted on a map entitled "Coyote Mountains Wilderness—Proposed", dated July 1993, and which shall be known as Coyote Mountains Wilderness.

(17) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eight thousand six hundred acres, as generally depicted on a map entitled "Darwin Falls Wilderness—Proposed", dated May 1991, and which shall be known as Darwin Falls Wilderness.

(18) Certain lands in the California Desert Conservation Area and the Yuma District, of

the Bureau of Land Management, which comprise approximately forty-eight thousand eight hundred and fifty acres, as generally depicted on a map entitled "Dead Mountains Wilderness—Proposed", dated October 1991, and which shall be known as Dead Mountains Wilderness.

(19) Certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirty-six thousand three hundred acres, as generally depicted on two maps entitled "Domeland Wilderness Additions—Proposed 1" and "Domeland Wilderness Additions—Proposed 2", and which are hereby incorporated in, and which shall be deemed to be a part of, the Domeland Wilderness as designated by Public Laws 93-632 and 98-425.

(20) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-three thousand seven hundred and eighty acres, as generally depicted on a map entitled "El Paso Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the El Paso Mountains Wilderness.

(21) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-five thousand nine hundred and forty acres, as generally depicted on a map entitled "Fish Creek Mountains Wilderness—Proposed", dated July 1993, and which shall be known as Fish Creek Mountains Wilderness.

(22) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-eight thousand one hundred and ten acres, as generally depicted on a map entitled "Funeral Mountains Wilderness—Proposed", dated May 1991, and which shall be known as Funeral Mountains Wilderness.

(23) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-seven thousand seven hundred acres, as generally depicted on a map entitled "Golden Valley Wilderness—Proposed", dated February 1986, and which shall be known as Golden Valley Wilderness.

(24) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-one thousand six hundred and ninety-five acres, as generally depicted on a map entitled "Grass Valley Wilderness—Proposed", dated July 1993, and which shall be known as the Grass Valley Wilderness.

(25) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand two hundred and forty acres, as generally depicted on a map entitled "Hollow Hills Wilderness—Proposed", dated May 1991, and which shall be known as the Hollow Hills Wilderness.

(26) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-six thousand four hundred and sixty acres, as generally depicted on a map entitled "Ibex Wilderness—Proposed", dated May 1991, and which shall be known as the Ibex Wilderness.

(27) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand eight hundred and fifty-five acres, as generally depicted on a map entitled "Indian Pass Wilderness—Proposed", dated July 1993, and which shall be known as the Indian Pass Wilderness.

(28) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, and within the Inyo National Forest, which comprise approximately two hundred and five thousand and twenty acres, as generally depicted on three maps entitled "Inyo Mountains Wilderness—Proposed 1", "Inyo Mountains Wilderness—Proposed 2", "Inyo Mountains Wilderness—Proposed 3", dated May 1991, and which shall be known as the Inyo Mountains Wilderness.

(29) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand six hundred and seventy acres, as generally depicted on a map entitled "Jacumba Wilderness—Proposed", dated July 1993, and which shall be known as the Jacumba Wilderness.

(30) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred and twenty-nine thousand five hundred and eighty acres, as generally depicted on a map entitled "Kelso Dunes Wilderness—Proposed 1", dated October 1991, a map entitled "Kelso Dunes Wilderness—Proposed 2", dated May 1991, and a map entitled "Kelso Dunes Wilderness—Proposed 3", dated September 1991, and which shall be known as the Kelso Dunes Wilderness.

(31) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, and the Sequoia National Forest, which comprise approximately eighty-eight thousand two hundred and ninety acres, as generally depicted on a map entitled "Kiavah Wilderness—Proposed 1", dated February 1986, and a map entitled "Kiavah Wilderness—Proposed 2", dated October 1993, and which shall be known as the Kiavah Wilderness.

(32) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred nine thousand, six hundred and eight acres, as generally depicted on four maps entitled "Kingston Range Wilderness—Proposed 1", "Kingston Range Wilderness—Proposed 2", "Kingston Range Wilderness—Proposed 3", "Kingston Range Wilderness—Proposed 4", dated July 1993, and which shall be known as the Kingston Range Wilderness.

(33) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-nine thousand eight hundred and eighty acres, as generally depicted on a map entitled "Little Chuckwalla Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Little Chuckwalla Mountains Wilderness.

(34) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately thirty-three thousand six hundred acres, as generally depicted on a map entitled "Little Picacho Wilderness—Proposed", dated July 1993, and which shall be known as the Little Picacho Wilderness.

(35) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand three hundred and sixty acres, as generally depicted on a map entitled "Malpais Mesa Wilderness—Proposed", dated September 1991, and which shall be known as the Malpais Mesa Wilderness.

(36) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand one hundred and five acres, as generally depicted on a map entitled "Manly Peak Wilderness—Proposed", dated October 1991, and which shall be known as the Manly Peak Wilderness.

(37) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-four thousand two hundred acres, as generally depicted on a map entitled "Mecca Hills Wilderness—Proposed", dated July 1993, and which shall be known as the Mecca Hills Wilderness.

(38) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-seven thousand three hundred and thirty acres, as generally depicted on a map entitled "Mesquite Wilderness—Proposed", dated May 1991, and which shall be known as the Mesquite Wilderness.

(39) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand nine hundred acres, as generally depicted on a map entitled "Newberry Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Newberry Mountains Wilderness.

(40) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred ten thousand eight hundred and sixty acres, as generally depicted on a map entitled "Nopah Range Wilderness—Proposed", dated July 1993, and which shall be known as the Nopah Range Wilderness.

(41) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand two hundred and forty acres, as generally depicted on a map entitled "North Algodones Dunes Wilderness—Proposed", dated October 1991, and which shall be known as the North Algodones Dunes Wilderness.

(42) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-five thousand five hundred and forty acres, as generally depicted on a map entitled "North Mesquite Mountains Wilderness—Proposed", dated May 1991, and which shall be known as the North Mesquite Mountains Wilderness.

(43) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-six thousand and twenty acres, as generally depicted on a map entitled "Old Woman Mountains Wilderness—Proposed 1", dated July 1993 and a map entitled "Old Woman Mountains Wilderness—Proposed 2", dated July 1993, and which shall be known as the Old Woman Mountains Wilderness.

(44) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand seven hundred and thirty-five acres, as generally depicted on a map entitled "Orocopia Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Orocopia Mountains Wilderness.

(45) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately seventy-four thousand and sixty acres, as generally depicted on a map entitled "Owens Peak Wilderness—Proposed 1", dated February 1986, a map entitled "Owens Peak Wilderness—Proposed 2", dated March 1994, and a map enti-

tled "Owens Peak Wilderness—Proposed 3", dated May 1991, and which shall be known as the Owens Peak Wilderness.

(46) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred acres, as generally depicted on a map entitled "Pahrump Valley Wilderness—Proposed", dated February 1986, and which shall be known as the Pahrump Valley Wilderness.

(47) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred seventy thousand six hundred and twenty-nine acres, as generally depicted on a map entitled "Palen/McCoy Wilderness—Proposed 1", dated July 1993, and a map entitled "Palen/McCoy Wilderness—Proposed 2", dated July 1993, and which shall be known as the Palen/McCoy Wilderness.

(48) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand three hundred and ten acres, as generally depicted on a map entitled "Palo Verde Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Palo Verde Mountains Wilderness.

(49) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand seven hundred acres, as generally depicted on a map entitled "Picacho Peak Wilderness—Proposed", dated May 1991, and which shall be known as the Picacho Peak Wilderness.

(50) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-two thousand five hundred and seventy-five acres, as generally depicted on a map entitled "Piper Mountain Wilderness—Proposed", dated October 1993, and which shall be known as the Piper Mountain Wilderness.

(51) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-six thousand eight hundred and forty acres, as generally depicted on a map entitled "Piute Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Piute Mountains Wilderness.

(52) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-eight thousand eight hundred and sixty-eight acres, as generally depicted on a map entitled "Resting Spring Range Wilderness—Proposed", dated May 1991, and which shall be known as the Resting Spring Range Wilderness.

(53) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand eight hundred and twenty acres, as generally depicted on a map entitled "Rice Valley Wilderness—Proposed", dated May 1991, and which shall be known as the Rice Valley Wilderness.

(54) Certain lands in the California Desert Conservation area and the Yuma District, of the Bureau of Land Management, which comprise approximately twenty-two thousand three hundred eighty acres, as generally depicted on a map entitled "Riverside Mountains Wilderness—Proposed", dated May 1991, and which shall be known as the Riverside Mountains Wilderness.

(55) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-one thousand three hundred acres, as generally depicted on a map entitled "Rodman Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Rodman Mountains Wilderness.

(56) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately fifty-one thousand nine hundred acres, as generally depicted on two maps entitled "Sacatar Trail Wilderness—Proposed 1" and "Sacatar Trail Wilderness—Proposed 2", dated May 1991, and which shall be known as the Sacatar Trail Wilderness.

(57) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one thousand four hundred and forty acres, as generally depicted on a map entitled "Saddle Peak Hills Wilderness—Proposed", dated July 1993, and which shall be known as the Saddle Peak Hills Wilderness.

(58) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-seven thousand nine hundred and eighty acres, as generally depicted on a map entitled "San Gorgonio Wilderness Additions—Proposed", dated July 1993, and which are hereby incorporated in, and which shall be deemed to be a part of, the San Gorgonio Wilderness as designated by Public Laws 88-577 and 98-425.

(59) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-four thousand three hundred and forty acres, as generally depicted on a map entitled "Santa Rosa Wilderness Additions—Proposed", dated March 1994, and which are hereby incorporated in, and which shall be deemed to be part of, the Santa Rosa Wilderness designated by Public Law 98-425.

(60) Certain lands in the California Desert District, of the Bureau of Land Management, which comprise approximately thirty-five thousand and eighty acres, as generally depicted on a map entitled "Sawtooth Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Sawtooth Mountains Wilderness.

(61) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred seventy-four thousand eight hundred acres, as generally depicted on two maps entitled "Sheephole Valley Wilderness—Proposed 1", dated July 1993, and "Sheephole Valley Wilderness—Proposed 2", dated July 1993, and which shall be known as the Sheephole Valley Wilderness.

(62) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand seven hundred and eighty acres, as generally depicted on a map entitled "South Nopah Range Wilderness—Proposed", dated February 1986, and which shall be known as the South Nopah Range Wilderness.

(63) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand and fifty acres, as generally depicted on a map entitled "Stateline Wilderness—Proposed", dated May 1991, and which shall be known as the Stateline Wilderness.

(64) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty-one thousand six hundred acres, as generally depicted on a map entitled "Stepladder Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Stepladder Mountains Wilderness.

(65) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-nine thousand one hundred and eighty acres, as generally depicted on a map entitled "Surprise Canyon Wilderness—Proposed", dated September 1991, and which shall be known as the Surprise Canyon Wilderness.

(66) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventeen thousand eight hundred and twenty acres, as generally depicted on a map entitled "Sylvania Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Sylvania Mountains Wilderness.

(67) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-one thousand one hundred and sixty acres, as generally depicted on a map entitled "Trilobite Wilderness—Proposed", dated July 1993, and which shall be known as the Trilobite Wilderness.

(68) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-four thousand five hundred acres, as generally depicted on a map entitled "Turtle Mountains Wilderness—Proposed 1", dated February 1986 and a map entitled "Turtle Mountains Wilderness—Proposed 2", dated May 1991, and which shall be known as the Turtle Mountains Wilderness.

(69) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately seventy-seven thousand five hundred and twenty acres, as generally depicted on a map entitled "Whipple Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Whipple Mountains Wilderness.

### SEC. 103. ADMINISTRATION OF WILDERNESS AREAS.

(a) MANAGEMENT.—Subject to valid existing rights, each wilderness area designated under section 102 shall be administered by the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") or the Secretary of Agriculture, as appropriate, in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

(b) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of section 102, the Secretary concerned shall file a map and legal description for each wilderness area designated under this title with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Each such map and description shall have the same force and effect as if included in this title, except that the Secretary or the Secretary of Agriculture, as appropriate, may correct clerical and typographical errors in each such legal description and map. Each such map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of

Land Management, Department of the Interior, or the Chief of the Forest Service, Department of Agriculture, as appropriate.

(c) LIVESTOCK.—Within the wilderness areas designated under section 102, the grazing of livestock, where established prior to the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 101(f) of Public Law 101-628.

(d) NO BUFFER ZONES.—The Congress does not intend for the designation of wilderness areas in section 102 of this Act to lead to the creation of protective perimeters or buffer zones around any such wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(e) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act, nothing in this title shall be construed as affecting the jurisdiction of the State of California with respect to wildlife and fish on the public lands located in that State.

(f) WILDLIFE MANAGEMENT.—In furtherance of the purposes of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by this title, where consistent with relevant wilderness management plans, in accordance with appropriate policies and guidelines, as set forth in section 101(h) of Public Law 101-628.

(g) LAW ENFORCEMENT BORDER ACTIVITIES.—Nothing in this Act, including the designation as wilderness of lands within the Coyote, Fish Creek Mountains, and Jacumba wilderness areas designated in section 102 of this Act, the Wilderness Act, or other land management laws generally applicable to such areas, shall restrict or preclude continued law enforcement and border operations within such areas, including the use of motor vehicles and aircraft by the Immigration and Naturalization Service, the Drug Enforcement Administration, the United States Customs Service, or State and local law enforcement agencies in such manner and subject to such restrictions as may be determined by the Attorney General of the United States or Secretary of the Treasury, as appropriate, in consultation with the Secretary.

### SEC. 104. WILDERNESS REVIEW.

(a) IN GENERAL.—Except as provided in subsection (b), the Congress hereby finds and directs that lands in the California Desert Conservation Area, of the Bureau of Land Management, not designated as wilderness or wilderness study areas by this Act have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1701 et seq.), and are no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act of 1976 pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

(b) AREAS NOT RELEASED.—The following areas shall continue to be subject to the requirements of section 603(c) of the Federal Land Policy and Management Act of 1976, pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness—

(1) certain lands which comprise approximately sixty-one thousand three hundred and twenty, as generally depicted on a map entitled "Avawatz Mountains Wilderness—Proposed", dated May 1991;

(2) certain lands which comprise approximately thirty-nine thousand seven hundred and fifty acres, as generally depicted on a map entitled "Kingston Range Wilderness—Proposed 4", dated July 1993;

(3) certain lands which comprise approximately eighty thousand four hundred and thirty acres, as generally depicted on two maps entitled "Soda Mountains Wilderness—Proposed 1", dated May 1991, and "Soda Mountains Wilderness—Proposed 2", dated January 1989;

(4) certain lands which compromise approximately twenty-three thousand two hundred and fifty acres, as generally depicted on a map entitled "South Avawatz Mountains—Proposed", dated May 1991;

(5) certain lands which comprise approximately seventeen thousand two hundred and eighty acres, as generally depicted on a map entitled "Death Valley National Park Boundary and Wilderness 17—Proposed", dated July 1993;

(6) certain lands which comprise approximately eight thousand eight hundred acres, as generally depicted on a map entitled "Great Falls Basin Wilderness—Proposed", dated February 1986; and

(7) certain lands which comprise approximately eighty-four thousand four hundred acres, as generally depicted on a map entitled "Cady Mountains Wilderness—Proposed", dated July 1993.

(c) WITHDRAWAL.—Subject to valid existing rights, the Federal lands referred to in subsection (b) are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

### SEC. 105. DESIGNATION OF WILDERNESS STUDY AREA.

In furtherance of the provisions of the Wilderness Act, certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eleven thousand two hundred acres as generally depicted on a map entitled "White Mountains Wilderness Study Area—Proposed", dated May 1991, are hereby designated as the White Mountains Wilderness Study Area and shall be administered by the Secretary in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

### SEC. 106. SUITABILITY REPORT.

The Secretary is required, ten years after the date of enactment of this Act, to report to Congress on current and planned exploration, development or mining activities on, and suitability for future wilderness designation of, the lands as generally depicted on maps entitled "Surprise Canyon Wilderness—Proposed", "Middle Park Canyon Wilderness—Proposed", and "Death Valley National Park Boundary and Wilderness 15", dated September 1991 and a map entitled "Manly Peak Wilderness—Proposed", dated October 1991.

### SEC. 107. DESERT LILY SANCTUARY.

(a) DESIGNATION.—There is hereby established the Desert Lily Sanctuary within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately two thousand forty acres, as generally depicted on a map entitled "Desert Lily Sanctuary", dated February 1986. The Secretary shall administer the area to provide maximum protection to the desert lily.

(b) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the Desert Lily Sanctuary are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

### SEC. 108. DINOSAUR TRACKWAY AREA OF CRITICAL ENVIRONMENTAL CONCERN.

(a) DESIGNATION.—There is hereby established the Dinosaur Trackway Area of Critical Environmental Concern within the California Desert Conservation Area, of the Bureau of Land Management, comprising approximately five hundred and ninety acres as generally depicted on a map entitled "Dinosaur Trackway Area of Critical Environmental Concern", dated July 1993. The Secretary shall administer the area to preserve the paleontological resources within the area.

(b) WITHDRAWAL.—Subject to valid existing rights, the Federal lands within and adjacent to the Dinosaur Trackway Area of Critical Environmental Concern, as generally depicted on a map entitled "Dinosaur Trackway Mineral Withdrawal Area", dated July 1993, are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

## TITLE II—DESIGNATION OF WILDERNESS AREAS TO BE ADMINISTERED BY THE UNITED STATES FISH AND WILDLIFE SERVICE

### SEC. 201. DESIGNATION AND MANAGEMENT.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act, the following lands are hereby designated as wilderness and therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Havasu National Wildlife Refuge, California, which comprise approximately three thousand one hundred and ninety-five acres, as generally depicted on a map entitled "Havasu Wilderness—Proposed", and dated October 1991, and which shall be known as the Havasu Wilderness.

(2) Certain lands in the Imperial National Wildlife Refuge, California, which comprise approximately five thousand eight hundred and thirty-six acres, as generally depicted on two maps entitled "Imperial Refuge Wilderness—Proposed 1" and "Imperial Refuge Wilderness—Proposed 2", and dated October 1991, and which shall be known as the Imperial Refuge Wilderness.

(b) MANAGEMENT.—Subject to valid existing rights, the wilderness areas designated under this title shall be administered by the Secretary in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of enactment of this Act.

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after enactment of this title, the Secretary shall file a map and a legal description of each wilderness area designated under this section with the Committees on Energy and Natural Resources and Environment and Public Works of the United States Senate and Natural Resources and Merchant Marine and Fisheries of the United States House of Representatives. Such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Director, United States Fish and Wildlife Service, Department of the Interior.

### SEC. 202. NO EFFECT ON COLORADO RIVER DAMS.

Nothing in this title shall be construed to affect the operation of federally owned dams located on the Colorado River in the Lower Basin.

### SEC. 203. NO EFFECT ON UPPER BASIN.

Nothing in this Act shall amend, construe, supersede, or preempt any State law, Federal law, interstate compact, or international treaty pertaining to the Colorado River (including its tributaries) in the Upper Basin, including, but not limited to the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quality of those rivers.

### SEC. 204. COLORADO RIVER.

With respect to the Havasu and Imperial wilderness areas designated by subsection 201(a) of this title, no rights to water of the Colorado River are reserved, either expressly, impliedly, or otherwise.

## TITLE III—DEATH VALLEY NATIONAL PARK

### SEC. 301. FINDINGS.

The Congress hereby finds that—

(1) proclamations by Presidents Herbert Hoover in 1933 and Franklin Roosevelt in 1937 established and expanded the Death Valley National Monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained;

(2) Death Valley National Monument is today recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the monument boundaries established in the 1930's exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, geological, archeological, paleontological, cultural, historical ad wilderness values;

(4) Death Valley National Monument should be substantially enlarged by the addition of all contiguous Federal lands of national park caliber and afforded full recognition and statutory protection as a National Park; and

(5) the wilderness within Death Valley should receive maximum statutory protection by designation pursuant to the Wilderness Act.

### SEC. 302. ESTABLISHMENT OF DEATH VALLEY NATIONAL PARK.

There is hereby established the Death Valley National Park, (hereinafter in this title referred to as the "park") as generally depicted on twenty-three maps entitled "Death Valley National Park Boundary and Wilderness—Proposed", numbered in the title one through twenty-three, and dated July 1993 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior. The Death Valley National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Death Valley National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

### SEC. 303. TRANSFER AND ADMINISTRATION OF LANDS.

Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted in the maps described in section 302 of this title, without consideration, to the administrative jurisdiction of the National Park Service for administration as part of the National Park System, and the boundary of the park shall be adjusted accordingly. The Secretary shall administer the areas added to the park by this title in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4).

### SEC. 304. MAPS AND LEGAL DESCRIPTION.

Within six months after the enactment of this title, the Secretary shall file maps and a legal description of the park designated under this title with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 302. The maps and legal description shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior.

### SEC. 305. WITHDRAWAL.

Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

### SEC. 306. GRAZING.

(a) IN GENERAL.—The privilege of grazing domestic livestock on lands within the park shall continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations.

(b) SALE OF PROPERTY.—If a person holding a grazing permit referred to in subsection (a) informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which such permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the park, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the park and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.

## TITLE IV—JOSHUA TREE NATIONAL PARK

### SEC. 401. FINDINGS.

The Congress hereby finds that—

(1) a proclamation by President Franklin Roosevelt in 1936 established Joshua Tree National Monument to protect various objects of historical and scientific interest;

(2) Joshua Tree National Monument today is recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the monument boundaries as modified in 1950 and 1961 exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, archeological, paleontological, cultural, historical, and wilderness values;

(4) Joshua Tree National Monument should be enlarged by the addition of contiguous Federal lands of national park caliber, and afforded full recognition and statutory protection as a national park; and

(5) the nondesignated wilderness within Joshua Tree should receive statutory protection by designation pursuant to the Wilderness Act.

### SEC. 402. ESTABLISHMENT OF JOSHUA TREE NATIONAL PARK.

There is hereby established the Joshua Tree National Park, (hereinafter in this section referred to as the "park"), as generally depicted on a map entitled "Joshua Tree National Park Boundary—Proposed", dated May 1991, and four maps entitled "Joshua Tree National Park Boundary and Wilderness", numbered in the title one through four, and dated October 1991 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior. The Joshua Tree National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Joshua Tree National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

### SEC. 403. TRANSFER AND ADMINISTRATION OF LANDS.

Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 402 of this title, without consideration, to the administrative jurisdiction of the National Park Service for administration as part of the National Park System. The boundaries of the park shall be adjusted accordingly. The Secretary shall administer the areas added to the park by this title in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4).

### SEC. 404. MAPS AND LEGAL DESCRIPTION.

Within six months after the date of enactment of this title, the Secretary shall file maps and legal description of the park with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and maps. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

### SEC. 405. WITHDRAWAL.

Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

### SEC. 406. UTILITY RIGHTS-OF-WAY.

Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation maintenance, repair, and replacement activities in such right-of-way, issued, granted, or permitted to the Metropolitan Water District pursuant to the Boulder Canyon Project Act (43 U.S.C. 617-619b), which is located on lands included in the Joshua Tree National Park, but outside lands designated as wilderness under section 601(2). Such activities shall be conducted in a manner which will minimize the impact on park resources. Nothing in this title shall have the effect of terminating the fee title to lands or customary operation, maintenance, repair, and replacement activities on or under such lands granted to the Metropolitan Water District pursuant to the Act on June 18, 1932 (47 Stat. 324), which are located on lands included in the Joshua Tree National Park, but outside lands designated as wilderness under section 601(2). Such activities shall be conducted in a manner which will minimize the impact on park resources. The Secretary shall prepare within one hundred and eighty days after the date of enactment of this Act, in consultation with the Metropolitan Water District, plans for emergency access by the Metropolitan Water District to its lands and rights-of-way.

## TITLE V—MOJAVE NATIONAL PARK

### SEC. 501. FINDINGS.

The Congress hereby finds that—

(1) Death Valley and Joshua Tree National Parks, as established by this Act, protect unique and superlative desert resources, but do not embrace the particular ecosystems and transitional desert type found in the Mojave Desert area lying between them on public lands now afforded only impermanent administrative designation as a national scenic area;

(2) the Mojave desert possesses outstanding natural, cultural, historical, and recreational values meriting statutory designation and recognition as a unit of the National Park System;

(3) portions of the Mojave desert should be afforded full recognition and statutory protection as a National Park;

(4) the wilderness within the Mojave desert should receive maximum statutory protection by designation pursuant to the Wilderness Act; and

(5) the Mojave desert area provides an outstanding opportunity to develop services, programs, accommodations and facilities to ensure the use and enjoyment of the area by individuals with disabilities, consistent with section 504 of the Rehabilitation Act of 1973, Public Law 101-336, the Americans With Disabilities Act of 1990 (42 U.S.C. 12101), and other appropriate laws and regulations.

### SEC. 502. ESTABLISHMENT OF MOJAVE NATIONAL PARK.

There is hereby established the Mojave National Park (hereinafter in this title referred to as the "park") comprising approximately one million one hundred eighty-one thousand three hundred and fifty acres, as generally depicted on a map entitled "Mojave National Park Boundary—Proposed", dated March 1994, which shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior.

### SEC. 503. TRANSFER OF LANDS.

Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 502 of this title, without consideration, to the administrative jurisdiction of the National Park Service.

### SEC. 504. MAPS AND LEGAL DESCRIPTION.

Within six months after the date of enactment of this title, the Secretary shall file maps and a legal description of the park with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. Such maps and legal descriptions shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal descriptions and maps. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

### SEC. 505. ABOLISHMENT OF SCENIC AREA.

The East Mojave Scenic Area, designated on January 13, 1981 (46 FR 3994), and modified on August 9, 1983 (48 FR 36210), is hereby abolished.

### SEC. 506. ADMINISTRATION OF PARK.

The Secretary shall administer the park in accordance with this title and with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4).

### SEC. 507. WITHDRAWAL.

Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.

### SEC. 508. REGULATION OF MINING.

Subject to valid existing rights, all mining claims located within the park shall be subject to all applicable laws and regulations applicable to mining within units of the National Park System, including the Mining in the Parks Act (16 U.S.C. 1901 et seq.), and any patent issued after the date of enactment of this title shall convey title only to the minerals together with the right to use the surface of lands for mining purposes, subject to such laws and regulations.

### SEC. 509. GRAZING.

(a) IN GENERAL.—The privilege of grazing domestic livestock on lands within the park shall continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations.

(b) OFFERS TO SELL.—If a person holding a grazing permit referred to in subsection (a) informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which the permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the park, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the park and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.

### SEC. 510. UTILITY RIGHTS OF WAY.

(a)(1) Nothing in this title shall have the effect of terminating any validly issued rights-of-way or customary operation, maintenance, repair, and replacement activities in such rights-of-way, issued, granted, or permitted to Southern California Edison Company, its successors or assigns, which is located on lands included in the Mojave National Park, but outside lands designated as wilderness under section 601(3). Such activities shall be conducted in a manner which will minimize the impact on park resources.

(2) Nothing in this title shall have the effect of prohibiting the upgrading of an existing electrical transmission line for the purpose of increasing the capacity of such transmission line in the Southern California Edison Company validly issued Eldorado-Lugo Transmission Line right-of-way and Mojave-Lugo Transmission Line right-of-way, or in a right-of-way if issued, granted, or permitted by the Secretary adjacent to the existing Mojave-Lugo Transmission Line right-of-way (hereafter in this section referred to as "adjacent right-of-way"), including construction of a replacement transmission line: *Provided*, That—

(A) in the Eldorado-Lugo Transmission Line rights-of-way (hereafter in this section referred to as the "Eldorado-Lugo right-of-way") at no time shall there be more than 3 electrical transmission lines,

(B) in the Mojave-Lugo Transmission Line right-of-way (hereafter in this section referred to as the "Mojave right-of-way") and adjacent right-of-way, removal of the existing electrical transmission line and reclamation of the site shall be completed no later than three years after the date on which construction of the upgraded transmission line begins, after which time there may be only one electrical transmission line in the lands encompassed by Mojave right-of-way and adjacent right-of-way,

(C) if there are no more than two electrical transmission lines in the Eldorado rights-of-way, two electrical transmission lines in the lands encompassed by the Mojave right-of-way and adjacent right-of-way may be allowed,

(D) in the Eldorado rights-of-way and Mojave right-of-way no additional land shall be issued, granted, or permitted for such upgrade unless an addition would reduce the impacts to park resources,

(E) no more than three hundred and fifty feet of additional land shall be issued, granted, or permitted for an adjacent right-of-way to the south of the Mojave right-of-way unless a greater addition would reduce the impacts to park resources, and

(F) such upgrade activities, including helicopter aided construction, shall be conducted in a manner which will minimize the impact on park resources.

(3) The Secretary shall prepare within one hundred and eighty days after the date of enactment of this title, in consultation with the Southern California Edison Company, plans for emergency access by the Southern California Edison Company to its rights-of-way.

(b)(1) Nothing in this title shall have the effect of terminating any validly issued right-of-way, or customary operation, maintenance, repair, and replacement activities in such right-of-way; prohibiting the upgrading of and construction on existing facilities in such right-of-way for the purpose of increasing the capacity of the existing pipeline; or prohibiting the renewal of such right-of-way; issued, granted, or permitted to the Southern California Gas Company, its successors or assigns, which is located on lands included in the Mojave National Park, but outside lands designated as wilderness under section 601(3). Such activities shall be conducted in a manner which will minimize the impact on park resources.

(2) The Secretary shall prepare within one hundred and eighty days after the date of enactment of this title, in consultation with the Southern California Gas Company, plans for emergency access by the Southern California Gas Company to its rights-of-way.

(c) Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities of existing facilities issued, granted, or permitted for communications cables or lines, which are located on lands included in the Mojave National Park, but outside lands designated as wilderness under section 601(3). Such activities shall be conducted in a manner which will minimize the impact on park resources.

(d) Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities of existing facilities issued, granted, or permitted to Molybdenum Corporation of America; Molycorp, Incorporated; or Union Oil Company of California (d/b/a Unocal Corporation); or its successors or assigns, or prohibiting renewal of such right-of-way, which is located on lands included in the Mojave National Park, but outside lands designated as wilderness under section 601(3). Such activities shall be conducted in a manner which will minimize the impact on park resources.

### SEC. 511. GENERAL MANAGEMENT PLAN.

(a) In General.—Within three years of the date of enactment of this title, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives a detailed and comprehensive management plan for the park.

(b) Kelso Depot.—Such plan shall place emphasis on historical and cultural sites and ecological and wilderness values within the boundaries of the park, and shall evaluate the feasibility of using the Kelso Depot and existing railroad corridor to provide public access to and a facility for special interpretive, educational, and scientific programs within the park.

(c) Needs of Individuals With Disabilities.—Such plan shall specifically address the needs of individuals with disabilities in the design of services, programs, accommodations and facilities consistent with section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101), and other appropriate laws and regulations.

### SEC. 512. GRANITE MOUNTAINS NATURAL RESERVE.

(a) Establishment.—There is hereby designated the Granite Mountains Natural Reserve within the park comprising approximately nine thousand acres as generally depicted on a map entitled "Mojave National Park Boundary and Wilderness—Proposed 6", dated May 1991.

(b) Cooperative Management Agreement.—Upon enactment of this title, the Secretary shall enter into a cooperative management agreement with the University of California for the purposes of managing the lands within the Granite Mountains Natural Reserve. Such cooperative agreement shall ensure continuation of arid lands research and educational activities of the University of California, consistent with the provisions of this title and laws generally applicable to units of the National Park System.

### SEC. 513. SODA SPRINGS DESERT STUDY CENTER.

Upon enactment of this title, the Secretary shall enter into a cooperative management agreement with California State University for the purposes of managing facilities at the Soda Springs Desert Study Center. Such cooperative agreement shall ensure continuation of the desert research and educational activities of California State University, consistent with the provisions of this title and laws generally applicable to units of the National Park System.

### SEC. 514. CONSTRUCTION OF VISITOR CENTER.

The Secretary is authorized to construct a visitor center in the park for the purpose of providing information through appropriate displays, printed material, and other interpretive programs, about the resources of the park.

### SEC. 515. ACQUISITION OF LANDS.

In General.—The Secretary is authorized to acquire all lands and interests therein within the boundary of the park by donation, purchase, or exchange, except that—

(1) any lands or interests therein within the boundary of the park which are owned by the State of California, or any political subdivision thereof, may be acquired only by donation or exchange except for lands managed by California State Lands Commission; and

(2) lands or interests therein within the boundary of the park which are not owned by the State of California or any political subdivision thereof may be acquired only with the consent of the owner thereof unless the Secretary determines, after written notice to the owner and after opportunity for comment, that the property is being developed, or proposed to be developed, in a manner which is detrimental to the integrity of the park or which is otherwise incompatible with the purposes of this title: *Provided, however,* That the construction, modification, repair, improvement, or replacement of a single-family residence shall not be determined to be detrimental to the integrity of the park or incompatible with the purposes of this title.

### SEC. 516. SUITABILITY REPORT.

The Secretary is required, twenty years after the date of enactment of this title, to report to Congress on current and planned exploration, development or mining activities on, and suitability for future park designation of, the lands as generally depicted on a map entitled "Mojave National Park Study Area— Proposed", dated July 1992.

### SEC. 517. ADVISORY COMMISSION.

(a) There is hereby established the Mojave National Park Advisory Commission (hereinafter in this section referred to as the "Advisory Commission").

(b) The Advisory Commission shall be composed of fifteen members appointed by the Secretary for terms of three years each.

(c) Any vacancy in the Advisory Commission shall be filled in the same manner in which the original appointment was made.

(d) Members of the Advisory Commission shall serve without compensation as such, but the Secretary may pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this Act.

(e) The Secretary, or his designee, shall from time to time, but at least annually, meet and consult with the Advisory Commission on general policies and specific matters related to planning, administration and development affecting the park.

(f) The Advisory Commission shall act and advise by affirmative vote of the majority of the members thereof.

(g) The Advisory Commission shall cease to exist ten years after the enactment of this Act.

## TITLE VI—NATIONAL PARK WILDERNESS

### SEC. 601. DESIGNATION OF WILDERNESS.

(a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1311 et seq.), the following lands within the units of the National Park System designated by this Act are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) Death Valley National Park Wilderness, comprising approximately three million one hundred fifty-eight thousand thirty-eight acres, as generally depicted on twenty-three maps entitled "Death Valley National Park Boundary and Wilderness", numbered in the title one through twenty-three, and dated October 1993 or prior, and three maps entitled "Death Valley National Park Wilderness", numbered in the title one through three, and dated July 1993 or prior, and which shall be known as the Death Valley Wilderness.

(2) Joshua Tree National Park Wilderness Additions, comprising approximately one hundred thirty-one thousand seven hundred and eighty acres, as generally depicted on four maps entitled "Joshua Tree National Park Boundary and Wilderness—Proposed", numbered in the title one through four, and dated October 1991 or prior, and which are hereby incorporated in, and which shall be deemed to be a part of the Joshua Tree Wilderness as designated by Public Law 94-567.

(3) Mojave Naional Park Wilderness, comprising approximately six hundred ninety-five thousand two hundred acres, as generally depicted on ten maps entitled "Mojave National Park Boundary and Wilderness—Proposed", and numbered in the title one through ten, and dated March 1994 or prior, and seven maps entitled "Mojave National Park Wilderness—Proposed", numbered in the title one through seven, and dated March 1994 or prior, and which shall be known as the Mojave Wilderness.

(b) Potential Wilderness.—Upon cessation of all uses prohibited by the Wilderness Act and publication by the Secretary in the Federal Register of notice of such cessation, potential wilderness, comprising approximately six thousand eight hundred and forty acres, as described in "1988 Death Valley National Monument Draft General Management Plan Draft Environmental Impact Statement" (hereafter in this title referred to as "Draft Plan") and as generally depicted on map in the Draft Plan entitled "Wilderness Plan Death Valley National Monument", dated January 1988, and which shall be deemed to be a part of the Death Valley Wilderness as designated in paragraph (1). Lands identified in the Draft Plan as potential wilderness shall be managed by the Secretary insofar as practicable as wilderness until such time as said lands are designated as wilderness.

### SEC. 602. FILING OF MAPS AND DESCRIPTIONS.

Maps and a legal description of the boundaries of the areas designated in section 601 of this title shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior. As soon as practicable after the date of enactment of this title takes effect, maps and legal descriptions of the wilderness areas shall be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives, and such maps and legal descriptions shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such maps and legal descriptions.

### SEC. 603. ADMINISTRATION OF WILDERNESS AREAS.

The areas designated by section 601 of this title as wilderness shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act governing areas designated by that title as wilderness, except that any reference in such provision to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title, and where appropriate, and reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

## TITLE VII—MISCELLANEOUS PROVISIONS

### SEC. 701. TRANSFER OF LANDS TO RED ROCK CANYON STATE PARK.

Upon enactment of this title, the Secretary shall transfer to the State of California certain lands within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately twenty thousand five hundred acres, as generally depicted on two maps entitled "Red Rock Canyon State Park Additions 1" and "Red Rock Canyon State Park Additions 2", dated May 1991, for inclusion in the State of California Park System. Should the State of California cease to manage these lands as part of the State Park System, ownership of the lands shall revert to the Department of the Interior to be managed as part of California Desert Conservation Area to provide maximum protection for the area's scenic and scientific values.

### SEC. 702. LAND TENURE ADJUSTMENTS.

In preparing land tenure adjustment decisions with the California Desert Conservation Area, of the Bureau of Land Management, the Secretary shall give priority to consolidating Federal ownership within the national park units and wilderness areas designated by this Act.

### SEC. 703. LAND DISPOSAL.

Except as provided in section 406, none of the lands within the boundaries of the wilderness or park areas designated under this Act shall be granted to or otherwise made available for use by the Metropolitan Water District or any other agencies or persons pursuant to the Boulder Canyon Project Act (43 U.S.C. 617–619b) or any similar acts.

### SEC. 704. MANAGEMENT OF NEWLY ACQUIRED LANDS.

Any lands within the boundaries of a wilderness area designated under this Act which are acquired by the Federal Government, shall become part of the wilderness area within which they are located and shall be managed in accordance with all the provisions of this Act and other laws applicable to such wilderness area.

### SEC. 705. NATIVE AMERICAN USES AND INTERESTS.

(a) ACCESS.—In recognition of the past use of the parks and wilderness areas designed under this Act by Indian people for traditional cultural and religious purposes, the Secretary shall ensure access to such parks and wilderness areas by Indian people for such traditional cultural and religious purposes. In implementing this section, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of park or wilderness in order to protect the privacy of traditional cultural and religious activities in such areas by Indian people. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95–341 (42 U.S.C. 1996) commonly referred to as the "American Indian Religious Freedom Act", and with respect to areas designated as wilderness, the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131).

(b) COOK INLET REGIONAL CORPORATION.—Section 12 of the Act of January 2, 1976 (Public Law 94–204; 38 U.S.C. 1611 note), as amended, is further amended—

(1) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively;

(2) by inserting after subsection (b) the following new subsection:

"(c) The Native landowner shall be required to determine the fair value of subsurface interests conveyed to it pursuant to subsection (b) utilizing the appraisal methodology customarily used by the Minerals Management Service for valuing similar interests (such as discounted cash flow based methodology). The fair value of any subsurface interests in land determined by a qualified independent appraiser designated by the Region utilizing the methodology described above shall be binding for all purposes, except for Federal tax matters, and provided that this exception shall create no inference about the appropriate methodology for establishing fair value in such matters."; and

(3) in paragraph (9) of subsection (b), by striking "section 12(h)" and inserting in lieu thereof "section 12(i)".

(c) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Timbisha Shoshone Tribe and relevant Federal agencies, shall conduct a study, subject to the availability of appropriations, to identify lands suitable for a reservation for the Timbisha Shoshone Tribe that are located within the Tribe's aboriginal homeland area within and outside the boundaries of the Death Valley National Monument and the Death Valley National Park, as described in title III of the California Desert Protection Act of 1993.

(2) REPORT.—Not later than 1 year after the date of enactment of the California Desert Protection Act of 1993, the Secretary shall submit a report to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives on the results of the study conducted under paragraph (1).

### SEC. 706. FEDERAL RESERVE WATER RIGHTS.

(a) Except as otherwise provided in section 204, with respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved water rights shall be the date of enactment of this Act.

(b) The Secretary and all other officers of the United States shall take all steps necessary to protect the rights reserved by this section, including the filing by the Secretary of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of California in which the United States is or may be joined in accordance with section 208 of the Act of July 10, 1952 (66 Stat. 560, 44 U.S.C. 666), commonly referred to as the McCarran Amendment.

(c) Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of California on or before the date of enactment of this Act.

(d) The Federal water rights reserved by this Act are specific to the wilderness area located in the State of California designated under this Act. Nothing in this Act related to the reserved Federal water rights shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made thereto.

### SEC. 707. CALIFORNIA STATE SCHOOL LANDS.

(a) NEGOTIATIONS TO EXCHANGE.—Upon request of the California State Lands Commission (hereinafter in this section referred to as the "Commission"), the Secretary shall enter into negotiations for an agreement to exchange Federal lands or interests therein on the list referred to in subsection (b) (2) for California State School lands or interests therein which are located within the boundaries of one or more of the wilderness areas or park units designated by this Act (hereinafter in this section referred to as "State School lands."). The Secretary shall negotiate in good faith to reach a land exchange agreement consistent with the requirements of section 206 of the Federal Land Policy and Management Act of 1976.

(b) PREPARATION OF LIST.—Within six months after the date of enactment of this Act, the Secretary shall send to the Commission and to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives a list of the following:

(1) State School lands or interests therein (including mineral interests) which are located within the boundaries of the wilderness areas or park units designated by this Act.

(2) Lands within the State of California under the jurisdiction of the Secretary that the Secretary determines to be suitable for disposal for exchange, identified in the following priority—

(A) lands with mineral interests, including geothermal, which have the potential for commercial development but which are not currently under mineral lease or producing Federal mineral revenues;

(B) Federal claims in California managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project; and

(C) any public lands in California that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, has determined to be suitable for disposal through exchange.

(3) Any other Federal land, or interest therein, within the State of California, which is or becomes surplus to the needs of the Federal Government. The Secretary may exclude, in his discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.

(4) The Secretary shall maintain such list and shall annually transmit such list to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives until all of the State School lands identified in paragraph (1) have been acquired.

(c) DISPOSAL OF SURPLUS FEDERAL PROPERTY.—(1) Effective upon the date of enactment of this Act and until all State School lands identified in paragraph (b)(1) of this section are acquired, no Federal lands or interests therein within the State of California may be disposed of from Federal ownership unless—

(A) the Secretary is notified of the availability of such lands or interest therein;

(B) the Secretary has notified the Commission of the availability of such lands or interests therein for exchange; and

(C) the Commission has not notified the Secretary within six months that it wishes to consider entering into an exchange for such lands or interests therein.

(2) If the Commission notifies the Secretary that it wishes to consider an exchange for such lands or interests therein, the Secretary shall attempt to conclude such exchange in accordance with the provisions of this section as quickly as possible.

(3) If an agreement is reached and executed with the Commission, then upon notice to the head of the agency having administrative jurisdiction over such lands or interests therein, the Secretary shall be vested with administrative jurisdiction over such lands or interests therein for the purpose of concluding such exchange.

(4) Upon the acquisition of all State School lands or upon notice by the Commission to the Secretary that it no longer has an interest in such lands or interests therein, such lands or interests shall be released to the agency that originally had jurisdiction over such lands or interests for disposal in accordance with the laws otherwise applicable to such lands or interests.

(d) NO EFFECT ON MILITARY BASE CLOSURES.—The provisions of this section shall not apply to the disposal of property under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627; 10 U.S.C. 2687 note) or the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510; 104 Stat. 1808; 10 U.S.C. 2687 note).

### SEC. 708. ACCESS TO PRIVATE PROPERTY.

The Secretary shall provide adequate access to nonfederally owned land or interests in land within the boundaries of the conservation units and wilderness areas designated by this Act which will provide the owner of such land or interest the reasonable use and enjoyment thereof.

### SEC. 709. FEDERAL FACILITIES FEE EQUITY.

(a) POLICY STATEMENT.—It is the intent of Congress that entrance, tourism or recreational use fees for use of Federal lands and facilities not discriminate against any State or any region of the country.

(b) FEE STUDY.—The Secretary of the Interior, in cooperation with other affected agencies, shall prepare and submit a report to the appropriate committees of the House of Representatives and the Senate Committee on Energy and Natural Resources of the United States Senate and any other relevant committees by May 1, 1996, which shall—

(1) identify all Federal lands and facilities that provide recreational or tourism use; and

(2) analyze by State and region any fees charged for entrance, recreational or tourism use, if any, on Federal lands or facilities in a State or region, individually and collectively.

(c) RECOMMENDATIONS.—Following completion of the report in subsection (b), the Secretary of the Interior, in cooperation with other affected agencies, shall prepare and submit a report to the appropriate committees of the House and the Energy and Natural Resource Committee of the United States Senate and any other relevant committees by May 1, 1997, which shall contain recommendations which the Secretary deems appropriate for implementing the congressional intent outlined in subsection (a).

## TITLE VIII—MILITARY LANDS AND OVERFLIGHTS

### SEC. 801. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "California Military Lands Withdrawal and Overflights Act of 1994".

(b) FINDINGS.—The Congress finds that—

(1) military aircraft testing and training activities as well as demilitarization activities in California are an important part of the national defense system of the United States, and are essential in order to secure for the American people of this and future generations an enduring and viable national defense system;

(2) the National Parks and wilderness areas designated by this Act lie within a region critical to providing training, research, and development for the Armed Forces of the United States and its allies;

(3) there is a lack of alternative sites available for these military training, testing, and research activities;

(4) continued use of the lands and airspace in the California desert region is essential for military purposes; and

(5) contination of these military activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.

### SEC. 802. MILITARY OVERFLIGHTS.

(a) OVERFLIGHTS.—Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units) designated by this Act, shall restrict or preclude low-level overflights of military aircraft over such units, including military overflights that can be seen or heard within such units.

(b) SPECIAL AIRSPACE.—Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units) designated by this Act, shall restrict or preclude the designation of new units of special airspace or the use or establishment of military flight training routes over such new park or wilderness units.

(c) NO EFFECT ON OTHER LAWS.—Nothing in this section shall be construed to modify, expand, or diminish any authority under other Federal law.

### SEC. 803. WITHDRAWALS.

(a) CHINA LAKE.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) use as a research, development, test, and evaluation laboratory;

(B) use as a range for air warfare weapons and weapon systems;

(C) use as a high hazard training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support;

(D) geothermal leasing and development and related power production activities; and

(E) subject to the requirements of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands located within the boundaries of the China Lake Naval Weapons Center, comprising approximately one million one hundred thousand acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal—Proposed", dated January 1985.

(b) CHOCOLATE MOUNTAIN.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) testing and training for aerial bombing, missile firing, tactical maneuvering and air support; and

(B) subject to the provisions of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately two hundred twenty-six thousand seven hundred and eleven acres in Imperial County, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Proposed—Withdrawal" dated July 1993.

### SEC. 804. MAPS AND LEGAL DESCRIPTIONS.

(a) PUBLICATION AND FILING REQUIREMENT.—As soon as practicable after the date of enactment of this title, the Secretary shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Natural Resources of the United States House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if they were included in this title except that the Secretary may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the appropriate offices of the Bureau of Land Management; the office of the commander of the Naval Weapons Center, China Lake, California; the office of the commanding officer, Marine Corps Air Station, Yuma, Arizona; and the Office of the Secretary of Defense, Washington, District of Columbia.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary for the cost of implementing this section.

### SEC. 805. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—(1) Except as provided in subsection (g), during the period of the withdrawal the Secretary shall manage the lands withdrawn under section 802 of this title pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this title.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn under section 802 may be managed in a manner permitting—

(A) the continuation of grazing pursuant to applicable law and Executive orders were permitted on the date of enactment of this title;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation (but only on lands withdrawn by section 802(a) (relating to China Lake));

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities; and

(F) geothermal leasing and development and related power production activities on the lands withdrawn under section 802(a) (relating to China Lake).

(3)(A) All nonmilitary use of such lands, including the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this title.

(B) The Secretary may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the Navy.

(b) CLOSURE TO PUBLIC.—(1) If the Secretary of the Navy determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this title, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the Navy determines are required to carry out this subsection.

(3) Before and during any closure under this subsection, the Secretary of the Navy shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) MANAGEMENT PLAN.—The Secretary (after consultation with the Secretary of the Navy) shall develop a plan for the management of each area withdrawn under section 802 of this title during the period of such withdrawal. Each plan shall—

(1) be consistent with applicable law;

(2) be subject to conditions and restrictions specified in subsection (a)(3);

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such area; and

(4) be developed not later than three years after the date of enactment of this title.

(d) BRUSH AND RANGE FIRES.—The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn under section 802 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary and the Secretary of the Navy shall (with respect to each land withdrawal under section 802 of this title) enter into a memorandum of understanding to implement the management plan developed under subsection (c). Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn under section 802 if requested by the Secretary of the Navy.

(2) The duration of any such memorandum shall be the same as the period of the withdrawal of the lands under section 802.

(f) ADDITIONAL MILITARY USES.—Lands withdrawn under section 802 of this title may be used for defense-related uses other than those specified in such section. The Secretary of Defense shall promptly notify the Secretary in the event that the lands withdrawn by this title will be used for defense-related purposes other than those specified in section 802. Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the withdrawn land or portions thereof.

(g) MANAGEMENT OF CHINA LAKE.—(1) The Secretary may assign the management responsibility for the lands withdrawn under section 802(a) to the Secretary of the Navy who shall manage such lands, and issue leases, easements, rights-of-way, and other authorizations, in accordance with this title and cooperative management arrangements between the Secretary and the Secretary of the Navy: *Provided*, That nothing in this subsection shall affect geothermal leases issued by the Secretary prior to the date of enactment of this title, or the responsibility of the Secretary to administer and manage such leases, consistent with the provisions of this section. In the case that the Secretary assigns such management responsibility to the Secretary of the Navy before the development of the management plan under subsection (c), the Secretary of the Navy (after consultation with the Secretary) shall develop such management plan.

(2) The Secretary shall be responsible for the issuance of any lease, easement, right-of-way, and other authorization with respect to any activity which involves both the lands withdrawn under section 802(a) and any other lands. Any such authorization shall be issued only with the consent of the Secretary of the Navy and, to the extent that such activity involves lands withdrawn under section 802(a), shall be subject to such conditions as the Secretary of the Navy may prescribe.

(3) The Secretary of the Navy shall prepare and submit to the Secretary an annual report on the status of the natural and cultural resources and values of the lands withdrawn under section 802(a). The Secretary shall transmit such report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.

(4) The Secretary of the Navy shall be responsible for the management of wild horses and burros located on the lands withdrawn under section 802(a) and may utilize helicopters and motorized vehicles for such purposes. Such management shall be in accordance with laws applicable to such management on public lands and with an appropriate memorandum of understanding between the Secretary and the Secretary of the Navy.

(5) Neither this title nor any other provision of law shall be construed to prohibit the Secretary from issuing and administering any lease for the development and utilization of geothermal steam and associated geothermal resources on the lands withdrawn under section 802(a) pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other applicable law, but no such lease shall be issued without the concurrence of the Secretary of the Navy.

(6) This title shall not affect the geothermal exploration and development authority of the Secretary of the Navy under section 2689 of title 10, United States Code, except that the Secretary of the Navy shall obtain the concurrence of the Secretary before taking action under that section with respect to the lands withdrawn under section 802(a).

(7) Upon the expiration of the withdrawal or relinquishment of China Lake, Navy contracts for the development of geothermal resources at China Lake then in effect (as amended or renewed by the Navy after the date of enactment of this title) shall remain in effect: Provided, That the Secretary, with the consent of the Secretary of the Navy, may offer to substitute a standard geothermal lease for any such contract.

**SEC. 806. DURATION OF WITHDRAWALS.**

(a) DURATION.—The withdrawals and reservations established by this title shall terminate twenty-five years after the date of enactment of this title.

(b) DRAFT ENVIRONMENTAL IMPACT STATEMENT.—No later than twenty-two years after the date of enactment of this title, the Secretary of the Navy shall publish a draft environmental impact statement concerning continued or renewed withdrawal of any portion of the lands withdrawn by this title for which that Secretary intends to seek such continued or renewed withdrawal. Such draft environmental impact statement shall be consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to such a draft environmental impact statement. Prior to the termination date specified in subsection (a), the Secretary of the Navy shall hold a public hearing on any draft environmental impact statement published pursuant to this section. Such hearing shall be held in the State of California in order to receive public comments on the alternatives and other matters included in such draft environmental impact statement.

(c) EXTENSIONS OR RENEWALS.—The withdrawals established by this title may not be extended or renewed except by an Act or joint resolution of Congress.

**SEC. 807. ONGOING DECONTAMINATION.**

(a) PROGRAM.—Throughout the duration of the withdrawals made by this title, the Secretary of the Navy, to the extent funds are made available, shall maintain a program of decontamination of lands withdrawn by this title at least at the level of decontamination activities performed on such lands in fiscal year 1986.

(b) REPORTS.—At the same time as the President transmits to the Congress the President's proposed budget for the first fiscal year beginning after the date of enactment of this title and for each subsequent fiscal year, the Secretary of the Navy shall transmit to the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the United States Senate and to the Committees on Appropriations, Armed Services, and Natural Resources of the United States House of Representatives a description of the decontamination efforts undertaken during the previous fiscal year on such lands and the decontamination activities proposed for such lands during the next fiscal year including—

(1) amounts appropriated and obligated or expended for decontamination of such lands;

(2) the methods used to decontaminate such lands;

(3) amount and types of contaminants removed from such lands;

(4) estimated types and amounts of residual contamination on such lands; and

(5) an estimate of the costs for full contamination of such lands and the estimate of the time to complete such decontamination.

### SEC. 808. REQUIREMENTS FOR RENEWAL.

(a) NOTICE AND FILING.—(1) No later than three years prior to the termination of the withdrawal and reservation established by this title, the Secretary of the Navy shall advise the Secretary as to whether or not the Secretary of the Navy will have a continuing military need for any of the lands withdrawn under section 802 after the termination date of such withdrawal and reservation.

(2) If the Secretary of the Navy concludes that there will be a continuing military need for any of such lands after the termination date, the Secretary of the Navy shall file an application for extension of the withdrawal and reservation of such needed lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals of lands for military uses.

(3) If, during the period of withdrawal and reservation, the Secretary of the Navy decides to relinquish all or any of the lands withdrawn and reserved by this title, the Secretary of the Navy shall file a notice of intention to relinquish with the Secretary.

(b) CONTAMINATION.—(1) Before transmitting a notice of intention to relinquish pursuant to subsection (a), the Secretary of Defense, acting through the Department of the Navy, shall prepare a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of such determination shall be transmitted with the notice of intention to relinquish.

(3) Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

(c) DECONTAMINATION.—If any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is contaminated, and the Secretary, in consultation with the Secretary of the Navy, determines that decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land) and that upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws, the Secretary of the Navy shall decontaminate the land to the extent that funds are appropriated for such purpose.

(d) ALTERNATIVES.—If the Secretary, after consultation with the Secretary of the Navy, concludes that decontamination of any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is not practicable or economically feasible, or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws, or if Congress does not appropriate a sufficient amount of funds for the decontamination of such land, the Secretary shall not be required to accept the land proposed for relinquishment.

(e) STATUS OF CONTAMINATED LANDS.—If, because of their contaminated state, the Secretary declines to accept jurisdiction over lands withdrawn by this title which have been proposed for relinquishment, or if at the expiration of the withdrawal made by this title the Secretary determines that some of the lands withdrawn by this title are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the Navy shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Navy shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the Navy shall report to the Secretary and to the Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(f) REVOCATION AUTHORITY.—Notwithstanding any other provision of law, the Secretary, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), is authorized to revoke the withdrawal and reservation established by this title as it applies to such lands. Should the decision be made to revoke the withdrawal and reservation, the Secretary shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary; and

(3) state the date upon which the lands will be opened to the operation of some or all of the public lands law, including the mining laws.

### SEC. 809. DELEGABILITY.

(a) DEPARTMENT OF DEFENSE.—The functions of the Secretary of Defense or the Secretary of the Navy under this title may be delegated.

(b) DEPARTMENT OF THE INTERIOR.—The functions of the Secretary under this title may be delegated, except that an order described in section 807(f) may be approved and signed only by the Secretary, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

### SEC. 810. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn by this title shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

### SEC. 811. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injury or damage to persons or property suffered in the course of any geothermal leasing or other authorized nonmilitary activity conducted on lands described in section 802 of this title.

### SEC. 812. EL CENTRO RANGES.

The Secretary is authorized to permit the Secretary of the Navy to use until January 1, 1997, the approximately forty-four thousand eight hundred and seventy acres of public lands in Imperial County, California, known as the East Mesa and West Mesa ranges, in accordance with the Memorandum of Understanding dated June 29, 1987, between the Bureau of Land Management, the Bureau of Reclamation, and the Department of the Navy. All military uses of such lands shall cease on January 1, 1997, unless authorized by a subsequent Act of Congress.

## TITLE IX—INITIATIVES PERTAINING TO THE LOWER MISSISSIPPI DELTA REGION

### SEC. 901. FINDINGS.

(a) The Congress finds that—

(1) in 1988, Congress enacted Public Law 100-460, establishing the Lower Mississippi Delta Development Commission, to assess the needs, problems, and opportunities of people living in the Lower Mississippi Delta Region that includes 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee;

(2) the Commission conducted a thorough investigation to assess these needs, problems, and opportunities, and held several public hearings throughout the Delta Region;

(3) on the basis of these investigations, the Commission issued the Delta Initiatives Report, which included recommendations on natural resource protection, historic preservation, and the enhancement of educational and other opportunities for Delta residents;

(4) the Delta Initiatives Report recommended—

(A) designating the Great River Road as a scenic byway, and designating other hiking and motorized trails throughout the Delta Region;

(B) that the Federal Government identify sites and structures of historic and prehistoric importance throughout the Delta Region;

(C) the further study of potential new units of the National Park System within the Delta Region; and

(D) that Federal agencies target more monies in selected areas to institutions of higher education in the Delta Region, especially Historically Black Colleges and Universities.

### SEC. 902. DEFINITIONS.

As used in this title, the term—

(1) "Commission" means the Lower Mississippi Delta Development Commission established pursuant to Public Law 100-460;

(2) "Delta Initiatives Report" means the May 14, 1990 Final Report of the Commission entitled "The Delta Initiatives: Realizing the Dream . . . Fulfilling the Potential";

(3) "Delta Region" means the Lower Mississippi Delta Region including the 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, as defined in the Delta Initiatives Report, except that, for any State for which the Delta Region as defined in such report comprises more than half of the geographic area of such State, the entire State shall be considered part of the Delta Region for purposes of this title;

(4) "Historically Black College or University" means a college or university that would be considered a "part B institution" by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)); and

(5) "minority college or university" means a Historically Black College or University that would be considered a "part B institution" by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or a "minority institution" as that term is defined in section 1046 of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3)).

**SEC. 903. DEFINITIONS.**

As used in this title, the term—

(1) "Department" means the United States Department of the Interior, unless otherwise specifically stated; and

(2) "Secretary" means the Secretary of the Interior, unless otherwise specifically stated.

**SEC. 904. NATURAL RESOURCES AND ENVIRONMENTAL EDUCATIONAL INITIATIVES.**

(a) OFFICE OF EDUCATION.—(1) There shall be established within the Department an Office of Education to encourage, support, and coordinate education programs of the Department at the elementary, secondary, college and university, and graduate levels.

(2) The goals of the Office of Education shall be to—

(A) enhance the quality of education in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects;

(B) establish initiatives at minority colleges or universities;

(C) encourage the consideration of careers in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects;

(D) enhance teacher development and recruitment;

(E) increase research opportunities for teachers and students;

(F) enhance curriculum development; and

(G) improve laboratory instrumentation and equipment through purchase, loan, or other transfer mechanisms.

(b) DUTIES.—The duties of the Secretary, through the Office of Education, shall be to—

(1) coordinate the educational programs within the Department, including implementation of programs established under this title, in order to ensure the goals of the Office of Education are met; and

(2) inventory existing education programs within the Department.

(c) The Secretary shall report to Congress, within one year after the date of the enactment of this Act and annually thereafter, on an inventory of existing education programs of the Department, the status of such programs, and progress toward meeting the goals of the Office of Education as established in this Act.

(d) MINORITY COLLEGE AND UNIVERSITY INITIATIVE.—(1) Within one year after the date of the enactment of this Act, and annually thereafter, the Secretary, through the Office of Education, shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the United States House of Representatives a report identifying opportunities for minority colleges or universities to participate in programs and activities carried out by the Department. The Secretary, through the Office of Education, shall consult with representatives of minority colleges or universities in preparing the report. Such report shall—

(A) describe ongoing education and training programs carried out by the Department with respect to, or in conjunction with, minority colleges or universities in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects;

(B) describe ongoing research, development or demonstration programs involving the Department and minority colleges or universities;

(C) describe funding levels for the programs referred to in subparagraphs (A) and (B);

(D) include specific proposals and recommendations for providing assistance to minority colleges and universities to enter into memoranda of understanding and other appropriate forms of agreement with the Department in order to plan and develop programs to foster greater involvement of these schools in the contract, research, education, training, and recruitment activities of the Department;

(E) address the need for, and potential role of, the Department in providing minority colleges or universities with the following—

(i) increased research opportunities for facility and students;

(ii) assistance in faculty development and recruitment;

(iii) curriculum enhancement and development; and

(iv) improved laboratory instrumentation and equipment, through purchase, loan, or other transfer mechanisms;

(F) address the need for, and potential role of, the Department in providing financial and technical assistance for the development of infrastructure facilities, including buildings and laboratory facilities, at minority colleges or universities; and

(G) include specific proposals and recommendations, together with estimates of necessary funding levels, for initiatives to be carried out by the Department in order to assist minority colleges or universities in providing education and training in the areas of natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects.

(2) The Secretary, through the Office of Education, shall encourage memoranda of understanding and other appropriate forms of agreement between the Department and minority colleges or universities directed at jointly planning and developing programs to foster greater involvement of minority colleges or universities in the research, education, training, and recruitment activities of the Department.

(e) SCHOLARSHIP PROGRAM.—The Secretary, through the Office of Education, shall establish a scholarship program for students pursuing undergraduate or graduate degrees in natural resource and environmental related fields including, but not limited to: biology, wildlife biology, forestry, botany, horticulture, historic preservation, cultural resource management, archeology, anthropology, aquaculture, geology, engineering, the environment, the sciences, and ecology at minority colleges and universities in the Delta Region. The scholarship program shall include tuition assistance. Recipients of such scholarships shall be students deemed by the Secretary to have demonstrated (1) a need for such assistance; and (2) academic potential in the particular area of study.

(f) PRE-COLLEGE EDUCATION.—The Secretary, through the Office of Education, shall undertake activities to encourage pre-college education programs in subjects relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects, for students in the Delta Region. Such activities shall include, but not be limited to, the following—

(1) cooperation with, and assistance to, State departments of education and local school districts in the Delta Region to develop and carry out after school and summer education programs for elementary, middle, and secondary school students;

(2) cooperation with, and assistance to, institutions of higher education in the Delta Region to develop and carry out pre-college education programs for elementary, middle, and secondary school students;

(3) cooperation with, and assistance to, State departments of education and local school districts in the Delta Region in the development and use of curriculum and educational materials; and

(4) the establishment of education programs for elementary, middle, and secondary school teachers in the Delta Region at research facilities of the Department.

(g) VOLUNTEER PROGRAM.—The Secretary, through the Office of Education, shall establish and carry out a program to encourage the involvement on a voluntary basis of qualified employees of the Department in educational enrichment programs relating to natural resources, the environment, the sciences, cultural resource management, historic preservation, archeology, aquaculture, and related subjects, in cooperation with State departments of education and local school districts in the Delta Region.

(h) WOMEN AND MINORITIES IN THE SCIENCES.—The Secretary, through the Office of Education, shall establish a Center for Excellence in the Sciences at Alcorn State in Lorman, Mississippi, in cooperation with Southern University in Baton Rouge, Louisiana, and the University of Arkansas at Pine Bluff, Arkansas, and other minority colleges or universities for purposes of encouraging women and minority students in the Delta Region to study and pursue careers in the sciences. The Center shall enter into cooperative agreements with Southern University in Baton Rouge, Louisiana, and the University of Arkansas at Pine Bluff, Arkansas, and other minority colleges and universities in the Delta Region, to carry out affiliated programs and coordinate program activities at such colleges and universities. The Secretary is authorized to provide grants and other forms of financial assistance to the Center.

(i) CENTER FOR AQUACULTURE STUDIES.—The Secretary, through the Office of Education, shall establish a Center for Aquaculture Studies at the University of Arkansas at Pine Bluff, Arkansas, in cooperation with Southern University in Baton Rouge, Louisiana, and Alcorn State in Lorman, Mississippi, and other minority colleges or universities for purposes of encouraging women and minority students in the Delta Region to study and pursue careers in the field of aquaculture. The Center shall enter into cooperative agreements with Southern University in Baton Rouge, Louisiana, and Alcorn State in Lorman, Mississippi, and other minority colleges or universities in the Delta Region to carry out affiliated programs and coordinate program activities at such colleges or universities.

(j) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary, through the Office of Education, shall ensure that the programs authorized in this section are coordinated with, and complimentary to, educational assistance programs administered by other Federal agencies. These agencies include, but are not limited to, the Department of Energy, the Department of Agriculture, the Department of Education, the Department of Defense, the National Science Foundation, and the National Aeronautics and Space Administration.

**SEC. 905. LOWER MISSISSIPPI DELTA REGION HERITAGE STUDY.**

(a) IN GENERAL.—The Secretary, in consultation with the States of the Delta Region, the Lower Mississippi Delta Development Center, and other appropriate Delta

Region institutions, is directed to prepare and transmit to the Congress within three years after the date of the enactment of this Act, a study of significant natural, recreational, historical or prehistorical, and cultural lands, waters, sites, and structures located within the Delta Region. This study shall take into consideration the research and inventory of resources conducted by the Mississippi River Heritage Corridor Study Commission.

(b) TRANSPORTATION ROUTES.—(1) The study shall include recommendations on appropriate designation and interpretation of historically significant roads, trails, byways, waterways, or other routes within the Delta Region.

(2) In order to provide for public appreciation, education, understanding, interpretation, and enjoyment of the significant sites identified pursuant to subsection (a), which are accessible by public roads, the Secretary shall recommend in the study vehicular tour routes along existing public roads linking such sites within the Delta Region.

(3) Such recommendations shall include an analysis of designating the Great River Road (as depicted on the map entitled "Proposed Delta Transportation Network" on pages 102–103 of the Delta Initiatives Report) and other sections of the Great River Road between Baton Rouge and New Orleans, Louisiana and an analysis of designating that portion of the Old Antonio Road and the Louisiana Natchez Trace which extends generally along Highway 84 from Vidalia, Louisiana, to Clarence, Louisiana, and Louisiana Highway 6 from Clarence, Louisiana, to the Toledo Bend Reservoir, Louisiana, as a National Scenic Byway, or as a component of the National Trails System, or such other designation as the Secretary deems appropriate.

(4) The Secretary shall also recommend in the study an appropriate route along existing public roads to commemorate the importance of timber production and trade to the economic development of the Delta Region in the early twentieth century, and to highlight the continuing importance of timber production and trade to the economic life of the Delta Region. Recommendations shall include an analysis of designating that portion of US 165 which extends from Alexandria, Louisiana, to Monroe, Louisiana, as a National Scenic Byway, or as a component of the National Trails System, or such other designation as the Secretary deems appropriate.

(5) The study shall also include a comprehensive recreation, interpretive, and visitor use plan for the routes described in the above paragraphs, including bicycle and hiking paths, and make specific recommendations for the acquisition and construction or related interpretive and visitor information facilities at selected sites along such routes.

(6) The Secretary is authorized to make grants to States for work necessary to stabilize, maintain, and widen public roads to allow for adequate access to the nationally significant sites and structures identified by the study, to allow for proper use of the vehicular tour route, trails, byways, including the routes defined in paragraphs (3) and (4) or other public roads within the Delta Region and to implement the comprehensive recreation, interpretive, and visitor use plan required in paragraph (5).

(c) LISTING.—On the basis of the study, and in consultation with the National Trust for Historic Preservation, the Secretary shall inventory significant structures and sites in the Delta Region. The Secretary shall further recommend and encourage cooperative preservation and economic development efforts such as the establishment of preservation districts linking groups of contiguous counties or parishes, especially those that lie along the aforementioned designated routes. The Secretary shall prepare a list of the sites and structures for possible inclusion by the National Park Service as National Historic Landmarks or such other designation as the Secretary deems appropriate.

### SEC. 906. DELTA REGION HERITAGE CORRIDORS AND HERITAGE AND CULTURAL CENTERS.

(a) FINDINGS.—The Congress finds that—

(1) in 1990, the Congress authorized the Institute of Museum Services to prepare a report assessing the needs of small, emerging, minority, and rural museums in order to identify the resources such museums needed to meet their educational mission, to identify the areas of museum operation in which the needs were greatest, and to make recommendations on how these needs could best be met;

(2) the Institute of Museum Services undertook a comprehensive eighteen month study of such needs with the assistance of two advisory groups, surveyed 524 museums from throughout the Nation, held discussion groups in which representatives of 25 museum groups participated, and conducted case studies of 12 museum facilities around the Nation;

(3) on the basis of this assessment, the Institute of Museum Services issued a report in September, 1992, entitled, "National Needs Assessment of Small, Emerging, Minority and Rural Museums in the United States" (hereinafter "National Needs Assessment") which found that small, emerging, minority, and rural museums provide valuable educational and cultural resources for their communities and contain a reservoir of the Nation's material, cultural and historical heritage, but due to inadequate resources are unable to meet their full potential or the demands of the surrounding communities;

(4) the needs of these institutions are not being met through existing Federal programs;

(5) fewer than half of the participants in the survey had applied for Federal assistance in the past two years and that many small, emerging, minority and rural museums believe existing Federal programs do not meet their needs;

(6) based on the National Needs Assessment, that funding agencies should increase support available to small, emerging, minority, and rural museums and make specific recommendations for increasing technical assistance in order to identify such institutions and provide assistance to facilitate their participation in Federal programs;

(7) the Delta Initiatives Report made specific recommendations for the creation and development of centers for the preservation of the cultural, historical, and literary heritage of the Delta Region, including recommendations for the establishment of a Delta Region Native American Heritage and Cultural Center and a Delta Region African American Heritage and Cultural Center with additional satellite centers or museums linked throughout the Delta Region;

(8) the Delta Initiatives Report stated that new ways of coordinating, preserving, and promoting the Delta Region's literature, art, and music should be established including the creation of a network to promote the Delta Region's literary, artistic, and musical heritage; and

(9) wholesale destruction and attrition of archeological sites and structures has eliminated a significant portion of Native American heritage as well as the interpretive potential of the Delta Region's parks and museums. Furthermore, site and structure destruction is so severe that an ambitious program of site and structure acquisition in the Delta Region is necessary.

(b) GENERAL.—The Secretary, in consultation with the States of the Delta Region, the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the Director of the Smithsonian Institution, the Lower Mississippi Delta Development Center, Historically Black Colleges and Universities, and appropriate African American, Native American and other relevant institutions or organizations in the Delta Region, is further directed to prepare and transmit to the Congress a plan outlining specific recommendations, including recommendations for necessary funding, for the establishment of a Delta Region Native American Heritage Corridor and Heritage and Cultural Center and a Delta Region African American Heritage Corridor and Heritage and Cultural Center with a network of satellite or cooperative units.

(c) DELTA REGION NATIVE AMERICAN HERITAGE CORRIDOR AND CULTURAL CENTER.—(1) The plan referred to in subsection (b) of this section shall include recommendations for establishing a network of parks, museums, and other centers to interpret Native American culture and heritage in the Delta Region, including a ten year development strategy for such a network.

(2) Such plan shall include specific proposals for the development of a Native American Heritage Corridor and Heritage and Cultural Center in the Delta Region, along with recommendations for the appropriate Federal role in such a center including matching grants, technical and interpretive assistance.

(3) Such plan shall be conducted in consultation with tribal leaders in the Delta Region.

(4) Such plan shall also include specific proposals for educational and training assistance for Delta Region Native Americans to carry out the recommendations provided in the study.

(d) DELTA REGION AFRICAN AMERICAN HERITAGE CORRIDOR AND HERITAGE AND CULTURAL CENTER.—(1) The plan referred to in subsection (b) of this section shall include recommendations for establishing a heritage corridor or trail system, consisting of one or two major north-south routes and several east-west-spur loops to preserve, interpret and commemorate the African American heritage and culture in the Delta Region during all significant historical periods.

(2) Such plan shall make specific recommendations for representing all forms of expensive culture including the musical, folklore, literary, artistic, scientific, historical, educational, and political contributions and accomplishments of African Americans in the Delta Region.

(3) Such plan shall make specific recommendations for implementing the findings of the Delta Initiatives Report with respect to establishing an African American Heritage Corridor and Heritage and Cultural Center and related satellite museums in the Delta Region, together with specific funding levels necessary to carry out these recommendations and shall also include recommendations for improving access of small, emerging, minority or rural museums to technical and financial assistance.

(4) Such plan shall be conducted in consultation with institutions of higher edu-

cation in the Delta Region with expertise in African American studies, Southern studies, archeology, anthropology, history and other relevant fields.

(5) Such plan shall make specific recommendations for improving educational programs offered by existing cultural facilities and museums as well as establishing new outreach programs for elementary, middle and secondary schools, including summer programs for youth in the Delta Region.

(e)(1) In furtherance of the purposes of this section, the Secretary is authorized to make planning grants to State Humanities Councils in the Delta Region to assist small, emerging, minority and rural museums selected on a financial needs basis in the development of a comprehensive long term plan for these institutions. The Secretary is also authorized to make implementation grants to State Humanities Councils in the Delta Region who, in consultations with State Museum Associations, shall make grants to small, emerging, minority or rural museums for the purpose of carrying out an approved plan for training personnel, improving exhibits or other steps necessary to assure the integrity of collections in their facilities, for educational outreach programs, or for other activities the Secretary deems appropriate including the promotion of tourism in the region. Such institutions shall be selected competitively and on the basis of demonstrated financial need. The Secretary is also authorized to make grants to State Humanities Councils to update, simplify and coordinate the respective State Works Progress Administration guides and to develop a single comprehensive guide for the Delta Region.

(2) The Secretary is authorized to provide grants and other appropriate technical assistance to State Humanities Councils, State museum Associations, and State Arts Councils in the Delta Region for the purpose of assessing the needs of such institutions. Such grants may be used by these institutions to undertake such an assessment and to provide other technical, administrative and planning assistance to small, emerging, minority or rural institutions seeking to preserve the Delta Region's literary, artistic, and musical heritage.

(f) MUSIC HERITAGE PROGRAM.—(1) The plan referred to in subsection (b) of this section shall include recommendations for establishing a Music Heritage Program, with specific emphasis on the Mississippi Delta Blues. The plan shall include specific recommendations for developing a network of heritage sites, structures, small museums, and festivals in the Delta Region.

(2) The plan shall include an economic strategy for the promotion of the Delta Region's music, through the participation of musicians, festival developers, museum operators, universities, and other relevant individuals and organizations.

(g) COMPLETION DATE.—The plan authorized in this section shall be completed not later than three years after the date funds are made available for such plan.

### SEC. 907. HISTORIC AND PREHISTORIC STRUCTURES AND SITES SURVEY.

(a) ASSISTANCE.—The Secretary is authorized to provide technical and financial assistance to Historically Black Colleges and Universities to undertake a comprehensive survey of historic and prehistoric structures and sites located on their campuses, including recommendations as to the inclusion of appropriate structures and sites on the National Register of Historic Places, designation as National Historic Landmarks, or other appropriate designation as determined by the Secretary. The Secretary shall also make specific proposals and recommendations, together with estimates of necessary funding levels, for a comprehensive plan to be carried out by the Department to assist Historically Black Colleges and Universities in the preservation and interpretation of such sites and structures.

(b) GRANTS.—In furtherance of the purposes of this section, the Secretary is authorized to provide technical and financial assistance to Historically Black Colleges and Universities for stabilization, preservation and interpretation of such sites and structures.

### SEC. 908. DELTA ANTIQUITIES SURVEY.

(a) GENERAL.—(1) The Secretary is directed to prepare and transmit to the Congress, in cooperation with the States of the Delta Region, State Archaeological Surveys and Regional Archeological Centers, a study of the feasibility of establishing a Delta Antiquities Trail or Delta Antiquities Heritage Corridor in the Delta Region.

(2) Such study shall, to the extent practicable, use nonintrusive methods of identifying, surveying, inventorying, and stabilizing ancient archeological sites and structures.

(3) In undertaking this study, the Secretary is directed to enter into cooperative agreements with the States of the Delta Region, the State Archeological Surveys, and Regional Archeological Centers located in Delta Region institutions of higher education for on-site activities including surveys, inventories, and stabilization and other activities which the Secretary deems appropriate.

(4) In addition to the over 100 known ancient archeological sites located in the Delta Region including Watson's Brake, Frenchman's Bend, Hedgepeth, Monte Sano, Banana Bayou, Hornsby, Parkin, Toltec, Menard-Hodges, Eaker, Blytheville Mound, Nodena, Taylor Mounds, DeSoto Mound and others, such study shall also employ every practical means possible, including assistance from the National Aeronautics and Space Administration, the Forest Service and Soil Conservation Service of the Department of Agriculture, the Army Corps of Engineers of the Department of Defense, and other appropriate Federal agencies, to locate and confirm the existence of a site known as Balbansha in southern Louisiana and a site known as Autiamque in Arkansas. The heads of these Federal agencies shall cooperate with the Secretary as the Secretary requires on a non-reimbursable basis.

(b) In furtherance of the purposes of this section, the Secretary is authorized to provide technical assistance and grants to private landowners for necessary stabilization activities of identified sites and for preparing recommendations for designating such sites as National Landmarks or other appropriate designations as the Secretary, with the concurrence of the landowners, determines to be appropriate.

(c) The Secretary is authorized to enter into cooperative agreements with the States, State Archeological Surveys, and Regional Archeological Centers of the Delta Region to develop a ten-year plan for the stabilization, preservation and interpretation of those sites and structures as may be identified by the Secretary.

### SEC. 909. HISTORIC AND ARCHEOLOGICAL RESOURCES PROGRAM.

(a) PROGRAM.—The Secretary shall conduct a comprehensive program for the research, interpretation, and preservation of significant historic and archeological resources in the Delta Region.

(b) ELEMENTS OF THE PROGRAM.—The program shall include, but not be limited to—

(1) identification of research projects related to historic and archeological resources in the Delta Region and a proposal for the regular publication of related research materials and publications;

(2) the development of a survey program to investigate, inventory and further evaluate known historic and archeological sites and structures and identify those sites and structures that require additional study;

(3) identification of a core system of interpretive sites and structures that would provide a comprehensive overview of historic and archeological resources of the Delta Region;

(4) preparation of educational materials to interpret the historical and archeological resources of the Delta Region;

(5) preparation of surveys and archeological and historical investigations of sites, structures, and artifacts relating to the Delta Region, including the preparation of reports, maps, and other related activities.

(c) GRANTS AND TECHNICAL ASSISTANCE.—(1) The Secretary is authorized to award grants to qualified tribal, governmental and nongovernmental entities and individuals to assist the Secretary in carrying out those elements of the program which the Secretary deems appropriate.

(2) The Secretary is further authorized to award grants and provide other types of technical and financial assistance to such entities and individuals to conserve and protect historic and archeological sites and structures in the Delta Region identified in the program prepared pursuant to this section.

(d) The Secretary shall establish a national demonstration project for the conservation and curation of the archeological records and collections of Federal and State management agencies in the Delta Region.

## TITLE X—AUTHORIZATION OF APPROPRIATIONS

### SEC. 1001. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

## TITLE XI—NEW ORLEANS JAZZ NATIONAL HISTORICAL PARK

### SEC. 1101. SHORT TITLE.

This title may be cited as the "New Orleans Jazz National Historical Park Act of 1994".

### SEC. 1102. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that:

(1) Jazz is the United States' most widely recognized indigenous music and art form. Congress previously recognized jazz in 1987 through Senate Concurrent Resolution 57 as a rare and valuable national treasure of international importance.

(2) The city of New Orleans is widely recognized as the birthplace of jazz. In and around this city, cultural and musical elements blended to form the unique American music that is known as New Orleans jazz, which is an expression of the cultural diversity of the lower Mississippi Delta Region.

(3) Jean Lafitte National Historical Park and Preserve was established to commemorate the cultural diversity of the lower Mississippi Delta Region including a range of cultural expressions like jazz.

(b) PURPOSE.—In furtherance of the need to recognize the value and importance of jazz, it is the purpose of this title to establish a New Orleans Jazz National Historical Park to preserve the origins, early history, development and progression of jazz; provide visitors with opportunities to experience the sights, sounds, and places where jazz evolved; and implement innovative ways of establishing jazz educational partnerships that will help to ensure that jazz continues as a vital element of the culture of New Orleans and our Nation.

### SEC. 1103. ESTABLISHMENT.

(a) In General.—In order to assist in the preservation, education, and interpretation of jazz as it has evolved in New Orleans, and to provide technical assistance to a broad range of organizations involved with jazz music and its history, there is hereby established the New Orleans Jazz National Historical Park (hereinafter referred to as the "historical park"). The historical park shall be administered in conjunction with the Jean Lafitte National Historical Park and Preserve, which was established to preserve and interpret the cultural and natural resources of the lower Mississippi Delta Region.

(b) Area Included.—The historical park shall consist of lands and interests therein as follows:

(1) Lands which the Secretary of the Interior (hereinafter referred to as "the Secretary") may designate for an interpretive visitor center complex.

(2) Sites that are the subject of cooperative agreements with the National Park Service for the purposes of interpretive demonstrations and programs associated with the purposes of this title.

(3)(A) Sites designated by the Secretary as provided in subparagraph (B).

(B)(i) No later than 18 months after the date of enactment of this title, the Secretary is directed to complete a national historic landmark evaluation of sites associated with jazz in and around New Orleans as identified in the document entitled "New Orleans Jazz Special Resource Study", prepared by the National Park Service pursuant to Public Law 101-499. In undertaking the evaluation, the Secretary shall, to the extent practicable, utilize existing information relating to such sites.

(ii) If any of the sites evaluated are found to meet the standards of the National Historic Landmark program and National Park Service tests of suitability and feasibility, and offer outstanding opportunities to further the purposes of this title, the Secretary may designate such sites as part of the historical park, following consultation with the owners of such sites, the city of New Orleans, the Smithsonian Institution, and the New Orleans Jazz Commission, and notification to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.

### SEC. 1104. ADMINISTRATION.

(a)(1) In General.—The Secretary shall administer the historical park in accordance with this title and with provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467). The Secretary shall manage the historical park in such a manner as will preserve and perpetuate knowledge and understanding of the history of jazz and its continued evolution as a true American art form.

(2) To minimize operational costs associated with the management and administration of the historical park and to avoid duplication of effort, the Secretary shall, to the maximum extent practicable, utilize the facilities, administrative staff and other services of the Jean Lafitte National Historical Park and Preserve.

(b) Donations.—The Secretary may accept and retain donations of funds, property, or services from individuals, foundations, corporations, or other public entities for the purposes of providing services, programs, and facilities that further the purposes of this title.

(c) Interpretive Center.—The Secretary is authorized to construct, operate, and maintain an interpretive center in the historical park on lands identified by the Secretary pursuant to section 1103(b)(1). Programs at the center shall include, but need not be limited to, live jazz interpretive and educational programs, and shall provide visitors with information about jazz-related programs, performances, and opportunities.

(d) Jazz Heritage Districts.—The Secretary may provide technical assistance to the city of New Orleans and other appropriate entities for the designation of certain areas in and around New Orleans as jazz heritage districts. Such districts shall include those areas with an exceptional concentration of jazz historical sites and established community traditions of jazz street parades.

(e) Cooperative Agreements, Grants and Technical Assistance.—In furtherance of the purposes of this title—

(1) the Secretary, after consultation with the New Orleans Jazz Commission established pursuant to section 1107, is authorized to enter into cooperative agreements with owners of properties that are designated pursuant to section 1103(b)(3) which provide outstanding educational and interpretive opportunities relating to the evolution of jazz in New Orleans. The Secretary may assist in rehabilitating, restoring, marking, and interpreting and may provide technical assistance for the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions that the National Park Service will have reasonable rights of access for operational and visitor use needs, that rehabilitation and restoration will meet the Secretary's standards for rehabilitation of historic buildings, and that specify the roles and responsibilities of the Secretary for each site or structure;

(2) the Secretary is authorized to enter into cooperative agreements with the city of New Orleans, the State of Louisiana, and other appropriate public and private organizations under which the other parties to the agreement may contribute to the acquisition, construction, operation, and maintenance of the interpretive center and to the operation of educational and interpretive programs to further the purposes of this title; and

(3) the Secretary, in consultation with the New Orleans Jazz Commission, is authorized to provide grants or technical assistance to public and private organizations.

(f) Jazz Educational Programs.—The Secretary shall, in the administration of the historical park, promote a broad range of educational activities relating to jazz and its history. The Secretary shall cooperate with schools, universities, and organizations supporting jazz education to develop educational programs that provide expanded public understanding of jazz and enhanced opportunities for public appreciation. The Secretary may assist appropriate entities in the development of an information base including archival material, audiovisual records, and objects that relate to the history of jazz.

### SEC. 1105. ACQUISITION OF PROPERTY.

(a) General Authority.—The Secretary may acquire lands and interests therein within the sites designated pursuant to section 1103(b)(1) and (3) by donation or purchase with donated or appropriated funds or long term lease: *Provided*, That sites designated pursuant to section 1103(b)(3) shall only be acquired with the consent of the owner thereof.

(b) State and Local Properties.—Lands and interests in lands which are owned by the State of Louisiana, or any political subdivision thereof, may be acquired only by donation.

### SEC. 1106. GENERAL MANAGEMENT PLAN.

Within 3 years after the date funds are made available therefor and concurrent with the national landmark study referenced in section 1103(b)(3), the Secretary, in consultation with the New Orleans Jazz Commission, shall prepare a general management plan for the historical park. The plan shall include, but need not be limited to—

(1) a visitor use plan indicating programs and facilities associated with park programs that will be made available to the public;

(2) preservation and use plans for any structures and sites that are identified through the historic landmark study for inclusion within the historical park;

(3) the location and associated cost of public facilities that are proposed for inclusion within the historical park, including a visitor center;

(4) identification of programs that the Secretary will implement or be associated with through cooperative agreements with other groups and organizations;

(5) a transportation plan that addresses visitor use access needs to sites, facilities, and programs central to the purpose of the historical park;

(6) plans for the implementation of an archival system for materials, objects, and items of importance relating to the history of jazz; and

(7) guidelines for the application of cooperative agreements that will be used to assist in the management of historical park facilities and programs.

### SEC. 1107. ESTABLISHMENT OF THE NEW ORLEANS JAZZ COMMISSION.

(a) Establishment.—To assist in implementing the purposes of this title and the document entitled "New Orleans Jazz Special Resource Study", there is established the New Orleans Jazz Commission (hereinafter referred to as the "Commission").

(b) Membership.—The Commission shall consist of 17 members to be appointed no later than 6 months after the date of enactment of this Act. The Commission shall be appointed by the Secretary as follows:

(1) One member from recommendations submitted by the Mayor of New Orleans.

(2) Two members who have recognized expertise in music education programs that emphasize jazz.

(3) One member, with experience in and knowledge of tourism in the greater New Orleans area, from recommendations submitted by local businesses.

(4) One member from recommendations submitted by the Board of the New Orleans Jazz and Heritage Foundation.

(5) One member, with experience in and knowledge of historic preservation within the New Orleans area.

(6) Two members, one from recommendations submitted by the Secretary of the Smithsonian Institution and one member from recommendations submitted by the Chairman of the National Endowment of the

Arts, who are recognized musicians with knowledge and experience in the development of jazz in New Orleans.

(7) Two members, one from recommendations submitted by the Secretary of the Smithsonian Institution and one member from recommendations submitted by the Director of the Louisiana State Museum with recognized expertise in the interpretation of jazz history or traditions related to jazz in New Orleans.

(8) Two members who represent local neighborhood groups or other local associations; from recommendations submitted by the Mayor of New Orleans.

(9) One member representing local mutual aid and benevolent societies as well as local social and pleasure clubs, from recommendations submitted by the Board of the New Orleans Jazz and Heritage Foundation.

(10) One member from recommendations submitted by the Governor of the State of Louisiana, who shall be a member of the Louisiana State Music Commission.

(11) One member representing the New Orleans Jazz Club from recommendations submitted by the club.

(12) One member who is a recognized local expert on the history, development and progression of jazz in New Orleans and is familiar with existing archival materials from recommendations submitted by the Librarian of Congress.

(13) The Director of the National Park Service, or the Director's designee, ex officio.

(c) DUTIES OF THE COMMISSION.—The Commission shall—

(1) advise the Secretary in the preparation of the general management plan for the historical park; assist in public discussions of planning proposals; and assist the National Park Service in working with individuals, groups, and organizations including economic and business interests in determining programs in which the Secretary should participate through cooperative agreement;

(2) in consultation and cooperation with the Secretary, develop partnerships with educational groups, schools, universities, and other groups to furtherance of the purposes of this title;

(3) in consultation and cooperation with the Secretary, develop partnerships with city-wide organizations, and raise and disperse funds for programs that assist mutual aid and benevolent societies, social and pleasure clubs and other traditional groups in encouraging the continuation of and enhancement of jazz cultural traditions;

(4) acquire or lease property for jazz education, and advise on hiring brass bands and musical groups to participate in education programs and help train young musicians;

(5) in consultation and cooperation with the Secretary, provide recommendations for the location of the visitor center and other interpretive sites;

(6) assist the Secretary in providing funds to support research on the origins and early history of jazz in New Orleans; and

(7) notwithstanding any other provision of law, seek and accept donations of funds, property, or services from individuals, foundations, corporations, or other public or private entities and expend and use the same for the purposes of providing services, programs, and facilities for jazz education, or assisting in the rehabilitation and restoration of structures identified in the national historic landmark study referenced in section 1103(b)(3) as having outstanding significance to the history of jazz in New Orleans.

(d) APPOINTMENT.—Members of the Commission shall be appointed for staggered terms of 3 years, as designated by the Secretary at the time of the initial appointment.

(e) CHAIRMAN.—The Commission shall elect a chairman from among its members. The term of the chairman shall be for 3 years.

(f) TERMS.—Any member of the Commission appointed by the Secretary for a 3-year term may serve after the expiration of his or her term until a successor is appointed. Any vacancy shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor was appointed.

(g) PER DIEM EXPENSES.—Members of the Commission shall serve without compensation. Members shall be entitled to travel expenses under section 5703, title 5, United States Code, when engaged in Commission business, including per diem in lieu of subsistence in the same manner as persons employed intermittently.

(h) ADMINISTRATIVE SUPPORT.—The Secretary shall provide the Commission with assistance in obtaining such personnel, equipment, and facilities as may be needed by the Commission to carry out its duties.

(i) ANNUAL REPORT.—The Commission shall submit an annual report to the Secretary identifying its expenses and income and the entities to which any grants or technical assistance were made during the year for which the report is made.

### SEC. 1108. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this title.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## PAYMENTS IN LIEU OF TAXES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 455, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 455) to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Payments In Lieu of Taxes Act".

### SEC. 2. INCREASE IN PAYMENTS FOR ENTITLEMENT LANDS.

(a) INCREASE BASED ON CONSUMER PRICE INDEX.—Section 6903(b)(1) of title 31, United States Code, is amended—

**[**(1) in subparagraph (A), by striking "75 cents for each acre of entitlement land" and inserting "93 cents during fiscal year 1994, $1.11 during fiscal year 1995, $1.29 during fiscal year 1996, $1.47 during fiscal year 1997, and $1.65 during fiscal year 1998 and thereafter, for each acre of entitlement land"; and

(2) in subparagraph (B), by striking "10 cents for each acre of entitlement land" and inserting "12 cents during fiscal year 1994, 15 cents during fiscal year 1995, 17 cents during fiscal year 1996, 20 cents during fiscal year 1997, and 22 cents during fiscal year 1998 and thereafter, for each acre of entitlement land".**]**

*(1) in subparagraph (A), by striking "75 cents for each acre of entitlement land" and inserting "93 cents during fiscal year 1995, $1.11 during fiscal year 1996, $1.29 during fiscal year 1997, $1.47 during fiscal year 1998, and $1.65 during fiscal year 1999 and thereafter, for each acre of entitlement land"; and*

*(2) in subparagraph (B), by striking "10 cents for each acre of entitlement land" and inserting "12 cents during fiscal year 1995, 15 cents during fiscal year 1996, 17 cents during fiscal year 1997, 20 cents during fiscal year 1998, and 22 cents during fiscal year 1999 and thereafter, for each acre of entitlement land".*

(b) INCREASE IN POPULATION CAP.—Section 6903(c) of title 31, United States Code, is amended—

(1) in paragraph (1), by striking "$50 times the population" and inserting "the highest dollar amount specified in paragraph (2)"; and

(2) in paragraph (2), by amending the table at the end to read as follows:

| **"If population equals—** | **the limitation is equal to the population times—** |
|---|---|
| 5,000 | $110.00 |
| 6,000 | 103.00 |
| 7,000 | 97.00 |
| 8,000 | 90.00 |
| 9,000 | 84.00 |
| 10,000 | 77.00 |
| 11,000 | 75.00 |
| 12,000 | 73.00 |
| 13,000 | 70.00 |
| 14,000 | 68.00 |
| 15,000 | 66.00 |
| 16,000 | 65.00 |
| 17,000 | 64.00 |
| 18,000 | 63.00 |
| 19,000 | 62.00 |
| 20,000 | 61.00 |
| 21,000 | 60.00 |
| 22,000 | 59.00 |
| 23,000 | 59.00 |
| 24,000 | 58.00 |
| 25,000 | 57.00 |
| 26,000 | 56.00 |
| 27,000 | 56.00 |
| 28,000 | 56.00 |
| 29,000 | 55.00 |
| 30,000 | 55.00 |
| 31,000 | 54.00 |
| 32,000 | 54.00 |
| 33,000 | 53.00 |
| 34,000 | 53.00 |
| 35,000 | 52.00 |
| 36,000 | 52.00 |
| 37,000 | 51.00 |
| 38,000 | 51.00 |
| 39,000 | 50.00 |
| 40,000 | 50.00 |
| 41,000 | 49.00 |
| 42,000 | 48.00 |
| 43,000 | 48.00 |
| 44,000 | 47.00 |
| 45,000 | 47.00 |
| 46,000 | 46.00 |
| 47,000 | 46.00 |
| 48,000 | 45.00 |
| 49,000 | 45.00 |

| | |
|---|---|
| 50,000 | 44.00.”. |

### SEC. 3. INDEXING OF PILT PAYMENTS FOR INFLATION; INSTALLMENT PAYMENTS.

Section 6903 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(d) On October 1 of each year after the date of enactment of the Payment in Lieu of Taxes Act, the Secretary of the Interior shall adjust each dollar amount specified in subsections (b) and (c) to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor, for the 12 months ending the preceding June 30.”.

### [SEC. 4. LAND EXCHANGES.

[The second sentence of section 6902(b) of title 31, United States Code, is amended by inserting before the period the following: “and does not apply to payments for lands conveyed to the United States in exchange for Federal lands”.]

### *SEC. 4. LAND EXCHANGES.*

*Section 6902 of title 31, United States Code, is amended to read as follows:*

***§6902. Authority and Eligibility.***

*“(a) The Secretary of the Interior shall make a payment for each fiscal year to each unit of general local government in which entitlement land is located, as set forth in this chapter. A unit of general local government may use the payment for any governmental purpose.*

*“(b) A unit of general local government may not receive a payment for land for which payment under this Act otherwise may be received if the land was owned or administered by a State or unit of general local government and was exempt from real estate taxes when the land was conveyed to the United States except that a unit of general local government may receive a payment for—*

*“(1) land a State or unit of general local government acquires from a private party to donate to the United States within 8 years of acquisition;*

*“(2) land acquired by a State through an exchange with the United States if such land was entitlement land as defined by this chapter; or*

*“(3) land in Utah acquired by the United States for Federal land, royalties, or other assets if, at the time of such acquisition, a unit of general local government was entitled under applicable State law to receive payments in lieu of taxes from the State of Utah for such land: Provided, however, That no payment under this paragraph shall exceed the payment that would have been made under State law if such land had not been acquired.”.*

### SEC. 5. EFFECTIVE DATE; TRANSITION PROVISIONS.

(a) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), this Act and the amendments made by this Act shall become effective on [October 1, 1993] *October 1, 1994.*

(2) LIMITATION.—The amendment made by section 2(b)(2) shall become effective on [October 1, 1998] *October 1, 1999.*

(b) TRANSITION PROVISIONS.—

(1) FISCAL YEAR [1994] *1995.*—During fiscal year [1994] *1995*, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

| **“If population equals—** | **the limitation is equal to the population times—** |
|---|---|
| 5,000 | $62.00. |
| 6,000 | 58.00. |
| 7,000 | 54.50. |
| 8,000 | 51.00. |
| 9,000 | 47.00. |
| 10,000 | 43.50. |
| 11,000 | 42.00. |
| 12,000 | 41.00. |
| 13,000 | 40.00. |
| 14,000 | 38.50. |
| 15,000 | 37.00. |
| 16,000 | 36.50. |
| 17,000 | 36.00. |
| 18,000 | 35.50. |
| 19,000 | 34.50. |
| 20,000 | 34.00. |
| 21,000 | 33.75. |
| 22,000 | 33.50. |
| 23,000 | 33.00. |
| 24,000 | 32.50. |
| 25,000 | 32.25. |
| 26,000 | 32.00. |
| 27,000 | 31.75. |
| 28,000 | 31.50. |
| 29,000 | 31.25. |
| 30,000 | 31.00. |
| 31,000 | 30.75. |
| 32,000 | 30.50. |
| 33,000 | 30.00. |
| 34,000 | 29.75. |
| 35,000 | 29.50. |
| 36,000 | 29.25. |
| 37,000 | 28.75. |
| 38,000 | 28.50. |
| 39,000 | 28.25. |
| 40,000 | 28.00. |
| 41,000 | 27.50. |
| 42,000 | 27.25. |
| 43,000 | 27.00. |
| 44,000 | 26.50. |
| 45,000 | 26.25. |
| 46,000 | 26.00. |
| 47,000 | 25.75. |
| 48,000 | 25.50. |
| 49,000 | 25.00. |
| 50,000 | 24.75.”. |

(2) FISCAL YEAR [1995] *1996.*—During fiscal year [1995] *1996*, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

| **“If population equals—** | **the limitation is equal to the population times—** |
|---|---|
| 5,000 | $74.00. |
| 6,000 | 69.50. |
| 7,000 | 65.00. |
| 8,000 | 61.00. |
| 9,000 | 56.00. |
| 10,000 | 52.00. |
| 11,000 | 50.50. |
| 12,000 | 49.00. |
| 13,000 | 47.50. |
| 14,000 | 46.00. |
| 15,000 | 44.50. |
| 16,000 | 43.50. |
| 17,000 | 43.00. |
| 18,000 | 42.00. |
| 19,000 | 41.50. |
| 20,000 | 41.00. |
| 21,000 | 40.25. |
| 22,000 | 40.00. |
| 23,000 | 39.50. |
| 24,000 | 39.00. |
| 25,000 | 38.50. |
| 26,000 | 38.25. |
| 27,000 | 38.00. |
| 28,000 | 37.50. |
| 29,000 | 37.25. |
| 30,000 | 37.00. |
| 31,000 | 36.75. |
| 32,000 | 36.25. |
| 33,000 | 36.00. |
| 34,000 | 35.50. |
| 35,000 | 35.00. |
| 36,000 | 34.75. |
| 37,000 | 34.50. |
| 38,000 | 34.00. |
| 39,000 | 33.75. |
| 40,000 | 33.25. |
| 41,000 | 33.00. |
| 42,000 | 32.50. |
| 43,000 | 32.25. |
| 44,000 | 32.00. |
| 45,000 | 31.50. |
| 46,000 | 31.00. |
| 47,000 | 30.75. |
| 48,000 | 30.50. |
| 49,000 | 30.00. |
| 50,000 | 29.50.”. |

(3) FISCAL YEAR [1996] *1997.*—During fiscal year [1996] *1997*, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

| **“If population equals—** | **the limitation is equal to the population times—** |
|---|---|
| 5,000 | $86.00. |
| 6,000 | 81.00. |
| 7,000 | 76.00. |
| 8,000 | 71.00. |
| 9,000 | 65.50. |
| 10,000 | 60.00. |
| 11,000 | 58.50. |
| 12,000 | 57.00. |
| 13,000 | 55.00. |
| 14,000 | 53.50. |
| 15,000 | 51.50. |
| 16,000 | 51.00. |
| 17,000 | 50.00. |
| 18,000 | 49.00. |
| 19,000 | 48.00. |
| 20,000 | 47.50. |
| 21,000 | 47.25. |
| 22,000 | 46.25. |
| 23,000 | 46.00. |
| 24,000 | 45.25. |
| 25,000 | 45.00. |
| 26,000 | 44.50. |
| 27,000 | 44.00. |
| 28,000 | 43.75. |
| 29,000 | 43.50. |
| 30,000 | 43.00. |
| 31,000 | 42.50. |
| 32,000 | 42.00. |
| 33,000 | 41.75. |
| 34,000 | 41.25. |
| 35,000 | 41.00. |
| 36,000 | 40.50. |
| 37,000 | 40.00. |
| 38,000 | 39.50. |
| 39,000 | 39.00. |
| 40,000 | 38.75. |
| 41,000 | 38.25. |
| 42,000 | 38.00. |
| 43,000 | 37.50. |
| 44,000 | 37.00. |
| 45,000 | 36.50. |
| 46,000 | 36.00. |
| 47,000 | 35.75. |
| 48,000 | 35.25. |
| 49,000 | 35.00. |
| 50,000 | 34.50.”. |

(4) FISCAL YEAR [1997] *1998.*—During fiscal year [1997] *1998*, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

| **“If population equals—** | **the limitation is equal to the population times—** |
|---|---|
| 5,000 | $98.00. |
| 6,000 | 92.00. |
| 7,000 | 86.00. |
| 8,000 | 80.50. |
| 9,000 | 74.50. |
| 10,000 | 68.50. |
| 11,000 | 66.50. |
| 12,000 | 64.50. |
| 13,000 | 63.00. |
| 14,000 | 61.00. |
| 15,000 | 59.00. |
| 16,000 | 58.00. |

| | |
|---|---|
| 17,000 | 57.00. |
| 18,000 | 56.00. |
| 19,000 | 55.00. |
| 20,000 | 54.00. |
| 21,000 | 53.50. |
| 22,000 | 52.75. |
| 23,000 | 52.00. |
| 24,000 | 51.50. |
| 25,000 | 51.00. |
| 26,000 | 50.50. |
| 27,000 | 50.25. |
| 28,000 | 50.00. |
| 29,000 | 49.50. |
| 30,000 | 49.00. |
| 31,000 | 48.50. |
| 32,000 | 48.00. |
| 33,000 | 47.50. |
| 34,000 | 47.00. |
| 35,000 | 46.50. |
| 36,000 | 46.00. |
| 37,000 | 45.50. |
| 38,000 | 45.00. |
| 39,000 | 44.50. |
| 40,000 | 44.00. |
| 41,000 | 43.50. |
| 42,000 | 43.00. |
| 43,000 | 42.75. |
| 44,000 | 42.25. |
| 45,000 | 41.75. |
| 46,000 | 41.25. |
| 47,000 | 40.75. |
| 48,000 | 40.25. |
| 49,000 | 39.75. |
| 50,000 | 39.25.". |

The PRESIDING OFFICER. Under the previous order, the reported committee amendments are considered agreed to.

So the committee amendments were agreed to.

The PRESIDING OFFICER. The time is controlled.

Who yields time?

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. I thank the Chair.

### PRIVILEGES OF THE FLOOR

Mr. WALLOP. Mr. President, I ask unanimous consent that Senator DOMENICI's staff member, Gary Ziehe, be granted privileges of the floor during the Senate's consideration of S. 455.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, before I begin, may I say to the distinguished chairman of the Appropriations Committee that I very much appreciated the remarks that he made about the bill just passed. I hope that somehow or another we can find a way to come to our senses, because it is not a responsible thing to do to acquire more and more land without the means of caring for it. I know ranchers who do that, and the condition of those properties is what one might expect. The Government need not join them in that irresponsibility. So I thank the Senator.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Wyoming [Mr. WALLOP].

Mr. WALLOP. Mr. President, I support S. 455, the payment in lieu of taxes legislation. I am an advocate of and a cosponsor of this legislation.

The way to get rid of payments in lieu of taxes would be to treat the public lands States in the manner that all those that are not public lands States are treated, and return some of this land to State ownership. But that is another issue.

The bill, if approved, would increase payments in lieu of taxes over a 5-year period and base the payments on the Consumer Price Index. I am not generally an advocate of indexing, but the problem that we in the public land States have is that the Federal Government is our biggest neighbor and landlord. We provide the Federal Government with the police services, the fire services, the maintenance services, the transportation services, highway services, and everything else to manage these lands. Were these lands in private ownership or were these lands in the ownership of the State, they would directly produce the income to the State that we now ask as a fair share of this payment in lieu of taxes. It is to compensate these States for the presence of a Government that other States, who will be opposing this, do not know about and cannot comprehend.

Local governments that have Federal lands within their jurisdiction are compensated for revenues they would ordinarily receive in local property taxes if the lands were not under Federal control and management. Payment in lieu of taxes, or PILT payments, were designed by Congress to supplement, not to replace, other Federal land payments that local governments may be receiving.

May I say, under this administration those local payments are diminishing rapidly because they come from timber sales, they come from other public land uses.

PILT provides Federal funds to local governments which have these tax-exempt lands within their bounds. For the last 14 years the program has received the maximum amount allowed under the 1976 act, which is $105 million. However, the program has nowhere near kept up with inflation and the overall dollar value of the program has declined significantly. The bill seeks to correct that shortfall by phasing in the new payment schedule, increasing the present 75 cents an acre payment to 93 cents in 1994, $1.11 in 1995, $1.29 in 1996, $1.47 in 1997, and $1.65 in 1998. Payments based on other factors such as population are also phased in, with increases according to a schedule proposed in the legislation.

After the 5-year phase-in period, the payments would be adjusted for inflation based upon the Consumer Price Index. The bill also would delete a provision in the existing law that forbids PILT payments for certain lands that States or local governments have transferred, traded, or sold into Federal holdings. In my State of Wyoming, payments in lieu of taxes have become critical to local government. It is part of the budget for the many services as I mentioned before: search rescue, law enforcement, road maintenance, and other services that these local governments provide. The burden on the year-round taxpayer to provide services to seasonal visitors using the public lands is often substantial.

The Congress has recognized its unique intergovernmental relationship with Wyoming counties and others through the PILT program and other natural resource receipt sharing programs. That is because the counties and local governments provide the basic infrastructure and services that have enabled the Federal agencies to protect and manage these vast amounts of public lands.

This is the original unfunded mandate. We are obliged to do this for the health and safety of our citizens and because the Federal Government does not do it. Were they to do it, we would have to establish some sort of national police force, a national firefighting agency, a national search and rescue capability. They are not about to do that.

So, if Wyoming counties and the local governments did not exist, the Federal Government would have to invent something like those to provide community facilities, roads and schools and other services for the thousands of Federal employees and their children who manage the public resources. We have to educate the children of the Federal employees. We would not shirk that duty. But surely there is some level of accountability that the Federal Government ought to shoulder for this privilege and this service. Were they State employees or were they private employees, taxes would be paid.

The partnership between Wyoming counties and local governments and the Federal Government is a partnership that has benefited our local communities and enabled the Federal Government to manage its lands. The time has come, however, for us to address a shortfall that has been allowed to materialize within the PILT program. In the public land States again, I would say, these programs have become essential to Government operations. And the government operations that are local have become essential to the Federal Government. This is an exchange of service for compensation, and the payments not having been adjusted since 1976, but the costs of delivering and providing those services to the Federal Government have increased along with everything else during that period of time.

I urge my colleagues to support this amendment.

I reserve the remainder of our time. I understand the Senator from Oregon [Mr. HATFIELD], would control.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield whatever time necessary to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I thank the distinguished Senator from Oregon for yielding time, as well as the distinguished Senator from Wyoming, for his advocacy of this bill.

I speak today as an original cosponsor of S. 455, the Payments in Lieu of Taxes Act, as introduced by Senator HATFIELD. I want to commend my colleague from Oregon for his hard work in crafting this legislation.

This legislation is responsive to the needs of rural communities across the Nation. In short, it proves to rural communities across the country that Uncle Sam can be a good neighbor. It is also fiscally responsible.

Many counties in the West have a large portion of their land base in Federal ownership. In my State of Montana, nearly 30 percent of the land base is in Federal ownership. In the past, these communities have counted on Federal lands to provide jobs and an adequate tax base.

Mineral development, oil and gas drilling, and logging are activities that have historically occurred on public lands and that provided high paying jobs and a steady flow of tax revenue to rural counties.

This bill amends the Payments in Lieu of Taxes Act of 1976, which was designed to compensate local governments for the presence of tax-exempt Federal lands within their boundaries.

Envision, as a county commissioner, trying to provide services for the people in your county when most of your tax base is exempt and cannot be taxed. Why? Because it is Federal land. You would have a devil of a time providing services to the people who live within your county.

As a Member of the House, I worked hard to pass the law creating PILT. Since that time, Federal compensation has been frozen. Time and inflation have eroded this program to the point where payments worth $1 back in 1976 are worth only 50 cents today.

Back in 1976, a half gallon of milk cost 80 cents; a gallon of gas cost 60 cents, and a box of cornflakes cost 51 cents. Today that half gallon of milk will cost you around $1.40; the gasoline costs $1.10 a gallon; and the cornflakes cost $2.70 for a 12-ounce box.

While most folks have seen their incomes rise to keep pace with the inflationary rise in consumer goods, counties must provide the same services—usually more expensive services—with PILT dollars that have not risen in 17 years.

The fact that PILT payments have been frozen at the same level for 17 years is particularly disheartening when you look at other instances where the Federal Government has kept pace with inflation in providing payments almost identical to the PILT Program.

For example, the Federal Government compensates the District of Columbia for tax revenue lost by the presence of federally owned land and buildings. In 1977, just a year after the PILT Program was enacted, Congress appropriated $272 million to meet that obligation. Every year this payment has increased to more than keep pace with inflation. This last year, we appropriated $636 million for the District of Columbia.

Now, I have traditionally supported this program, that is, the D.C. payments, because I understand the need to compensate the District of Columbia for lost revenue. All I ask is that we also do right by the States, particularly the counties, that are funded under the PILT Program. This bill brings about a long overdue increase in the level of appropriations to the PILT Program under a 5-year phasein. Put simply, the PILT Program would be brought in line with the 1990's and would guard against the value of payments diminishing in the future.

Also, by phasing this increase in over a 5-year period, this bill is specifically tailored to minimize the budgetary impact of a payment increase.

More than 1,700 counties in 49 States benefit from this program. In Montana, all 56 counties depend on the program to some degree. Mostly rural, these counties house our enormous complex of national forests, national parks, wildlife refuges, and lands administered by the Bureau of Land Management. These payments enable rural counties, the tax bases of which are constrained by the presence of nontaxable Federal land, to meet the education and transportation needs of their citizens and meet the demand placed on local services by people recreating on public lands.

Think of all the folks from the East, Mr. President, who come out to western Montana—Glacier Park, Yellowstone Park—to enjoy themselves on vacation. They put immense pressure on these counties, and these counties provide services for folks all around the country who come out and visit us. It is only fair that we enable counties to have adequate revenue so they can provide the services not only to residents of those counties but all the visitors who come out to visit our Federal lands.

These counties relying on PILT payments recognize the need to control Federal spending. At the same time, the need to keep pace with the growing cost of providing basic services is something we cannot overlook or ignore. The bill simply asks that we recognize the importance of the PILT Program and tailor it to more adequately reflect the present.

Mr. President, I strongly urge the Senate to adopt this legislation.

I thank the Senator for yielding me this time.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, as the sponsor of this legislation, I want to merely highlight a few of the points that have already been eloquently stated in arguments supporting this bill by Senator WALLOP and Senator BAUCUS.

There are now some 44, I believe, cosponsors of this legislation, because it does affect 1,700 counties over 49 States in this country.

Back in 1976, we first adopted the payment in lieu of taxes, and very simply stated it is the effort of the Federal Government to compensate as an offset for some of the costs for road maintenance, for highway patrols, for police, for rescue efforts, for all the other things that occur on the Federal public land that is tax-exempt. Those counties provide those services.

Now, to summarize, Mr. President, the Federal Government has been increasing recreational positions of special, unique setasides, of wilderness, of scenic and wild rivers, of heritage centers, and so forth and so on, because we want to preserve unique areas of our country, withdrawing those lands frequently from either private ownership or transferring their interests to increase the recreational value to those land.

We also have, Mr. President, a continuing withdrawal of the administration, especially this administration, of many of those activities on those Federal lands that have produced revenues such as in the forestry of the Pacific Northwest. So there is a double whammy. The Feds are saying we must increase recreational access, recreational activities on Federal land—and I have been a supporter of that—but at the same time the Federal Government is closing down in the process forestry, mining, fisheries, grazing, and others. Rural America is getting the squeeze.

I would like to recite at some appropriate time even the changing of the formulas of educational grants to the States where they are being now skewed to the urban centers at the expense of rural America.

So here we have in these counties that provide these services an eroding base of financial support to provide the services that are mandated, mandated by the Federal Government, by the policies the Federal Government is pursuing.

Some will argue that this is an entitlement. This is not an entitlement. This is set up as payment in lieu of taxes to the local governments charged with administering services to those Federal lands.

It is a bill we owe; it is a contract we have to try to keep up with the changing policies of narrowing the base lands of revenue producing activities and increasing the people flow into those areas. That is what it is, to update that almost 50 cents on the dollar of 20 years ago.

Some will argue, well, this is going to then create a further obligation by the Federal Government that is going to set aside other obligations that are current. Mr. President, this is a continuing obligation, and every year the Interior Subcommittee will have to make the tough decisions that that Interior Subcommittee, chaired by the Senator from West Virginia, has to make today. We cannot cover all those obligations. We have just added 6 million acres of wilderness and other classifications for the California Desert. That does not mean that is going to be funded this year. It is going to have to take its place, and it is going to have to find its way, competing with all the other funding responsibilities of the Interior Subcommittee. And it is going to have to be done on an annual basis.

This is a small effort to try to update the obligation the Federal Government owes the counties, owes the people of this country to provide those services. Now, $105 million this year is what we pay out to those counties. We want to add $25 million this year. We want to go on on an incremental basis to move this in with the greatest possible ease and with the least disturbance to other ongoing programs up to $200 million a year within 5 years.

So I just want to plead with my colleagues to recognize what is happening to rural America —I give myself 2 more minutes—with all the policies that we are facing today that are in the process of change and transition. Are we going to squeeze them out?

I should like to also indicate when the health plan was first discussed, rural America had very little attention. I think those of us who have some concerns about rural America must realize, when we lose 200 and 300 hospitals within a couple of years in rural America, that is the trend of rural America—to be further eroded by policies that we are undertaking even at this time.

So I plead with my colleagues again on behalf of the county associations across this Nation, 49 States involved, 1,700 counties, that we take this reasonable, this logical, and this obligatory action to keep faith with the people in those counties who are providing these services.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. NICKLES. Will the Senator from West Virginia allow me 5 minutes?

Mr. BYRD. Mr. President, I yield 5 minutes to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I hear the comments made by my distinguished colleague, Senator HATFIELD from Oregon, and it is with some regret that I oppose him on this bill because I happen to share many of the views he stated. I agree there are some obligations out there. The Federal Government presently owns over 600 million acres, about one-third of the United States.

We will be making payment in lieu of taxes of about $109 million in 1994. That is a pretty significant amount, but I could imagine that if that was in private hands the payments would be much, much greater than $109 million.

But, Mr. President, I rise in opposition to this bill because I am looking at the end results. The results are that payments in lieu of taxes will skyrocket over the next 5 years and then be indexed. I do not think we can afford it. We are paying $109 million in 1994. If this bill is enacted, that will escalate about $20 million plus for the next several years. It will be $227 million by the year 1998. So in 1994, we are spending $109 million. By 1998, we will be spending $227 million. It will more than double in 5 years and then it will continue to escalate with inflation automatically.

The Senator from Oregon was correct. He said, well, the Appropriations Committee, the Subcommittee on the Interior, is going to have to find the money. The chairman of the subcommittee and I have spent a lot of time on this, and we do not have an extra $100 some million per year to be distributing in this committee in payment in lieu of taxes. I wish we did, but the money is not there. The obligations are there. We have lots of commitments. We have commitments on land. We have commitments on inholdings where people are surrounded by Federal land and have been told that the Federal Government was going to buy their lands and incorporate them as part of the national parks.

We just added maybe more than $1 billion of inholding obligations with the California Desert bill that just passed. My concern is that the PILT bill is going to obligate this subcommittee another $100 million per year. I do not believe we have the money. I do not see the money this year or the next several years.

I know my colleagues said, well, many, many States will benefit. I know in my State our county officials have contacted me and said Oklahoma is receiving $781,000 right now, and that will more than double in the next 4 years. Frankly, everyone's payments will more than double in the next 5 years under this bill. The unfortunate thing is we do not have the money to pay for it.

I have made this statement in the past. I think the Federal Government owns too much land, particularly out West. I sympathize with my colleagues from the West who have the Federal Government owning a majority of the State because it brings about a lot of problems—in many cases restrictions on development; in many cases they are not able to service the land. So they are seeking payment in lieu of taxes. They are seeking other changes. People are trying to make changes in grazing policy and in mining policy. A lot of that probably would not happen if we had those lands in private hands. There is no reason for grazing land in many cases to be in the Federal Government's hands, to be under the BLM. There is no reason. We graze in my State on private lands. Why do we not do that in other States? Maybe we could solve a lot of these problems. We have a lot of obligations in our parks, BLM and the Forest Service. They are Federal lands, and in many cases should be Federal lands. We should be able to fund those and provide decent services to them. We are not doing a good enough job right now. I am talking about anything from the Grand Canyon to the Grand Tetons to other national parks, forests, or monuments to which we are not giving adequate service.

We have constituents that cannot get access. We have constituents that are not receiving services because we are not able to adequately fund resources to those parks. Yet, now another major new spending initiative that will be coming from this committee, and I do not see the money coming to pay for it.

So, yes, I know that every Senator probably has county commissioners, county officials saying, please support this bill, because they are going to get more money. My concern is we do not have the money to give them.

So it is with some reluctance and also with respect that I rise in opposition to my friend and colleague from the State of Oregon. I hope my colleagues will vote in opposition to this bill.

I yield the floor.

Mr. HATFIELD. Mr. President, I yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I thank my ranking member, Mr. President. I thank my good friend from Oklahoma, too, because I think he brings out some very good points. Maybe the money is not there or maybe it is. Maybe it is the lack of priorities we set on how we are going to spend it. Maybe we should take a look at that. Maybe we should take a look and see why our commissioners—and "I are an old one"—maybe they are saying, because of those public lands our roads are broken up; because of those public lands and the activities on those public lands is the reason we have to provide water, sewer, infrastructure; we have to provide a lot of things in this county that normally settles on the taxpayers that pay on private lands.

I will tell you that the PILT payment is nowhere near what the private landowners pay. If this Government wants to own the land, then they must own up to the responsibility of ownership, which is in a community you pay your share of the taxes right along with everybody else.

We pass tax bills here. We say, well, the Federal Government is not taking a big bite out of our paycheck. When you go home and count your county taxes, sales taxes, income taxes, property taxes. All at once you have a big bill.

So what I am saying is, yes, we have money there to pay for this. We have to set our priorities. Are we going to be a good neighbor, or are we not going to be a good neighbor?

I have dealt with these PILT payments. They are very important. It compensates those county governments and local governments for public lands that are not taxed normally in each of the States. I would say it is kind of hard to figure out. If you are from a State that really does not have a lot of public land, it is hard to figure. But nonetheless, every year since I have been a Member of this body, we have tried to increase the PILT payments to stay up with the rest of the property taxpayers in our particular communities every year just like anybody else.

But if the American people want those lands to be owned by the Government, then the American people are going to have to be good neighbors and pay their taxes and pay their fair share of what it takes to run schools, to do roads, health facilities, emergency facilities, public safety, sheriffs, ambulances, all the infrastructure it takes to put together and keep together a community.

Mr. President, I rise today to join my colleague Senator HATFIELD, to urge the Senate to pass S. 455, the PILT bill. This bill will update a Federal program that is very important in Montana and other Western States that have extensive Federal lands. It is a program known as payments in lieu of taxes, or PILT. While there are other Senators here which support PILT, I know first hand what this program means to Montana's counties.

As a former county commissioner, I have dealt with the difficulties local governments face in providing all the necessary services to a community. While the Congress allows our Federal Treasury to go into the red, county government just can't do that.

The PILT program compensates counties for the Federal lands—which cannot be taxed—within their boundaries. Since over one-third of Montana is owned by the Federal Government these funds are essential to the local governments of my State. We are not here asking for more than our fair share, we are here to make sure we are treated fairly.

Current PILT funds have not been increased since 1976. They have not been increased to reflect even inflation. It is simply a matter of fairness that S. 455 be signed into law. The bill which Senator HATFIELD has introduced, and I am a cosponsor of, is an evenhanded plan that provides for a phased in increase of PILT funds over the next few years.

PILT helps build and maintain the roads which support our local economies, in some counties it is the funding that provides our schools, our firefighting and other resources other areas take for granted. But when your county may be as much as 88 percent owned by the Federal Government, this investment in Montana's infrastructure becomes very important. Mr. President, an increase in these payments is long overdue, and it is a fair thing to do.

Mr. President, I want to bring to this body a little bit of common sense. This, in fact, could be an unfunded mandate if we do not start increasing the PILT payments. You are mandating local governments to provide services and infrastructure without sending a check with it. I do not see the Federal Government spending a lot of money on the roads in and around Yellowstone Park, Glacier Park, nor the Forest Service or BLM, and yet those public lands attract people from all over America, and they use that infrastructure.

So I support this bill. Yes; it is an increase. But, remember, this increase has not been tinkered with or advanced or increased since 1976, if I have my information correct, 1976. That is a long time. In fact, we are nearing almost 20 years since any adjustment has been made in payments to the States under this program, which is a program. If you want us to own public lands in the State, then we have to be good neighbors and pay taxes and pay for the services that we receive with ownership of that land.

Mr. President, I thank my ranking member.

I yield the floor.

Mr. HATFIELD. Mr. President, I yield myself 2 minutes.

Mr. President, I ask unanimous consent that Senator LEAHY be added at this time as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 1629

Mr. HATFIELD. Mr. President, on behalf of Senator JOHNSTON, our chairman, I have a technical amendment that has been cleared on both sides. I would like at this time to send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. JOHNSTON, proposes an amendment numbered 1629.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

1. On page 7, line 3, strike "October 1, 1999." and insert in lieu thereof "October 1, 1998."

Mr. HATFIELD. Mr. President, this is a technical amendment. As reported by the committee, the bill provides for a 5-year phase in of increased PILT payments and after that the bill provides for an annual adjustment for PILT payments based on inflation. This amendment makes a technical correction to the effective date of the annual adjustments after the 5-year phase in.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreement to the amendment.

The amendment (No. 1629) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I yield 5 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho [Mr. CRAIG], is recognized.

Mr. CRAIG. Mr. President, I thank my colleague, the distinguished Senator from Oregon, for yielding.

Let me tell the Senate that I am extremely pleased to be a cosponsor, an original cosponsor, of S. 455, attempting to address an issue that many have already spoken to this morning, that the Congress has been, in my opinion, negligent in not readdressing the issue of payment-in-lieu-of-tax legislation, a law that has been on our books for now a good number of years, since 1976.

Mr. President, I rise to express my strongest support of S. 455, the Payments in Lieu of Taxes Act of 1993 [PILT]. It was my pleasure to join with Senator HATFIELD as an original cosponsor of this greatly needed legislation.

The current PILT legislation was enacted in 1976. The payments made under that act have never been adjusted for inflation since the bill was enacted. That is simply unacceptable. Costs to operate the rural counties have continued to rise, and this legislation intends to help those counties. Mr. Chairman, my counties desperately need this help.

In my State of Idaho 63 percent of the land—nearly 34 million acres—is owned by the Federal Government. There are no local property taxes assessed on these lands. Yet public use of the Federal lands has increased dramatically during the same period, and that places a financial burden on local government. Their costs for road maintenance, traffic signing, law enforcement, and many other activities are increased because thousands of visitors are attracted to our national forests, national monuments, and public domain lands.

Traditionally, most counties in Idaho have relied on annual payments from the Federal Government based on receipts from logging, mining, and grazing programs. For many reasons, these receipts have declined. It is only fair that we enact changes so that local governments are provided reasonable payments for the mixed blessing of being neighbors to vast tracts of Federal ownerships which are nontaxable.

The formula for payments to local governments in lieu of taxes is badly in need of updating. It has not been changed in 14 years. Obviously, the value of these payments have declined substantially over these years. This legislation will adjust the current formula so that payments more closely approximate those intended when the bill was passed in 1976, and provides for an annual update based on the Consumer Price Index.

This legislation is welcomed in Idaho, and is important to 48 other States with Federal ownership. It has my support.

Let me give an example of the problem as it is manifested in two Idaho counties.

Idaho County is 86 percent federally-owned and contains 4.6 million acres of Federal land. That's about the size of the State of New Jersey. Approximately $1.6 million—25 percent—of the county's annual budget is used for search and rescue, law enforcement, solid waste handling, court costs, road access, et cetera on Federal lands. The current PILT payment to Idaho County is $434,000 per year.

In Boise County, 84 percent of the land base is federally-owned. There is a little over 1 million acres of Federal land, and the county receives about $89,000 per year in PILT payments. Approximately 44 percent of the county's budget is spent on costs generated on Federal lands. Court costs for two murder cases that occurred on Federal lands have cost Boise County over $300,000 in direct costs and continue to cost $10,000 to $12,000 per month for appeals. This does not include indirect costs which are estimated at over $500,000.

In both cases, costs incurred from activities on Federal lands far outstrip the PILT revenues. Mr. Chairman, these costs are strangling our rural counties. Due to the high percentage of Federal ownership counties do not have a broad based tax base to collect revenues and spread costs. It is for this reason that I support a more equitable funding for PILT and the proposal as outlined in S. 455.

The Senator from Oklahoma said that we do not have the money. The Senator from Montana said, then, "Let us readjust our priorities."

It is not a coincidence, Mr. President, that those who debate for this legislation are from the West, west of the Mississippi; those who oppose it are from east of the Mississippi. The reason is simply that Western States are the holders of large tracts of public land that this Senate oftentimes gets caught up in debate on. We just finished debate on S. 21, a major redesign of Federal properties in the State of California—8 million acres of Federal properties in that State alone, in one piece of legislation. It speaks to the tremendous scope of land that we, as Senators representing our States and governments, are responsible for in the direction of public policy, as to how those Federal lands will be managed.

(Mrs. MURRAY assumed the chair.)

Mr. CRAIG. For well over a decade, the National Association of Counties lobbied this Congress to be more responsive to the needs of those States who had large tracts of public land, and in 1976 the payment-in-lieu-of-tax concept became law. That was simply to say that the Federal Government, beyond other resources that it was utilizing in those counties, in those public-land States, ought to be like other landowners; it ought to participate directly as it relates to paying some form of revenue in the form of a tax on an allocation of a per-acre basis of those lands. That worked well in concert with other forms of revenue that were flowing off from public lands in our States.

For example, in the State of the Presiding Officer, Washington, in the State of Oregon, the State of the cosponsor of this legislation, and in my State of Idaho, many of those public lands were yielding public timber. We here in Congress said that a portion of the stumpage, the price paid for the timber, should flow back to counties, and that money should be used for bridges, schools, roads, and that was all well and good. It did help our counties provide what was primarily their major responsibility: The support of the infrastructure of an existing central government at the county level.

That has changed dramatically, Madam President, as we see diminished timber cuts and, therefore, diminished revenue flows to many counties. That is why the payment-in-lieu-of-tax becomes increasingly more important, because we had changed public policy here in Washington that directly affected the revenue flow of counties as it related to timber. It has also happened regarding grazing. Therefore, it affects the ability of a ranch to sustain itself and to be an income source through property tax to the local unit of government.

What I am saying, Madam President, as we change public policy here on our public lands, we, in a very direct way, affect the ability of a county, based on revenue flow, to operate. That is on the negative side. There is a positive. The positive was that as we changed public policy, as the public became increasingly aware of public lands and wanted to enjoy them, to recreate on them, in the decade of the 1970's and 1980's, and as Americans fled or flowed to their public lands for recreational purposes, this in one way helped counties, because it created greater population flows to live in and stay in the motels, to utilize those facilities.

Well, as that increased the flow, it also increased the demand from these counties as it related to police, law enforcement, and all of that.

Here is something that my colleagues from Eastern States do not understand: Idaho County, ID, is 86 percent federally owned. Of its entire budget, $1.6 million, 25 percent is spent on Federal lands doing the work of the Federal Government. Boise County, ID, is 84 percent owned by the Federal Government; 37 percent of its budget is spent on Federal lands taking care of Federal responsibilities. Yet, a very small portion of their total budget comes from a source of Federal revenue.

By the way, I say to the chairman of the Appropriations Committee, Idaho County, ID, is larger than the State of New Jersey; Boise County, ID, is larger than the State of Connecticut. Yet, less than a fourth of their land base is privately owned and yields revenue for the purpose of infrastructure, maintenance, law enforcement, and community support.

It is an important piece of legislation. I congratulate the Senator from Oregon for getting this to the floor for the purpose of debate.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia [Mr. BYRD], is recognized.

Mr. BYRD. Madam President, we have now come to the time of year "when well-apparel'd April on the heel of limping winter treads." The flowers of April are in bloom, and so is authorizing fever. The trouble is that it is difficult for a limping Federal budget to afford these well-appareled authorization programs, and we tread upon our ability to pay for our existing responsibilities with each pretty new authorizing posy that sprouts.

April may be fine, but the coming budget winter is going to be very, very cold.

Madam President, today the Senate is considering S. 455, the Payment In

Lieu of Taxes Act, which was reported out of the Energy and Natural Resources Committee on February 2, 1994, by a vote of 18 yeas and 2 nays. This legislation is sponsored chiefly by my good friend, Senator HATFIELD, and he is my good friend.

If he were not my good friend, we might be on this bill a little longer. He is also the ranking minority member of the Appropriations Committee. And the bill is cosponsored by 44 other Senators.

I have the highest regard for Senator HATFIELD. I have stated that time and time again on this floor, and I can understand his support of the legislation. I do not question for a minute his good reasons, his sincere dedication to this effort, and I know that he will be prepared to ably defend the legislation. I just wish he were on my side on this question.

While I appreciate Senator HATFIELD's commitment to the legislation, I must voice my concerns about the cost of this bill. This we cannot avoid. This we cannot eschew. There is no way around facing up to the cost of this bill.

The payment in lieu of taxes—PILT—program comes under the jurisdiction of the Interior Appropriations Subcommittee, which I chair and upon which the able Senator from Oklahoma, Senator NICKLES, who has already spoken in opposition to this measure, serves as ranking member of the subcommittee.

Senator HATFIELD is also on the subcommittee, and Senator HATFIELD, of course, is the ranking member of the full committee and the former chairman of the full committee.

Madam President, the PILT Program compensates local governments for tax revenue lost on lands which become exempt from local taxation when the lands are acquired by the Federal Government. The pending legislation will, over a period of 5 years, more than double the current payment level authorized for the PILT Program.

However, nothing in S. 455 indicates which programs are to be reduced in order to fund the increase proposed by this legislation. There is nothing in this bill which tells me, as chairman, and which tells the other members of the Appropriations Subcommittee, what programs are going to have to be reduced in order to pay the increased funding proposed by this bill.

This bill is yet another example of "spend now, worry later" legislation.

The Interior and related agencies appropriations bill currently provides $104 million for the PILT Program. This is a program that has been in existence since 1976.

The Department of the Interior estimates that S. 455 would authorize increases in appropriations for the PILT Program totaling approximately $150 million to be phased in over 5 years. Madam President, this is an increase of nearly 145 percent in the cost of the program over a period of 5 years, not considering the additional costs that would be incurred through the indexation of the program for inflation. Senators had better stop, look, and listen.

Madam President, where are we going to come up with this kind of money? It really does not grow on trees. I know that my friend from Oregon understands the motivation for my concern. As chairman of the committee, I have to address these things.

This is not to say that I am any more dedicated to reducing the budget deficit than is my friend from Oregon. He often joins me and I join him in efforts to reduce the budget deficits.

But in the outyears, after providing for directed payment increases, S. 455 also would automatically adjust PILT annually for inflation, based on changes in the Consumer Price Index—annually.

So if we enact this legislation, these PILT payments, for my State as well as others, will go up automatically after the fifth year to cover inflation.

Madam President, no other discretionary program, that I can think of, in the entire Federal budget is adjusted upward for inflation. In fact, discretionary spending as a whole has not kept up with inflation, and we are operating now under a freeze, which means that it will not keep up with inflation.

Are we now going to set the precedent that what are, in effect, property taxes are to be indexed to inflation? Remember, PILT payments are designed to help local governments replace tax revenues lost because lands are removed from the local tax base due to Federal acquisition. What about the opposite? Should we reduce the PILT payment when States impose property tax limitations? By linking payments for Federal lands to inflation, it is possible that the push for Federal land acquisition funding will increase, particularly as States are faced with difficult budgetary decisions.

Madam President, in addition to the changes discussed thus far, the pending bill would expand lands eligible for PILT payments by allowing local governments to receive payments for lands exchanged between the States and the Federal Government. Such is currently not the case. Furthermore, the costs of this bill increase with each piece of land the Federal Government will purchase in the future.

Let me say that again, and as I say it, I have in mind all of the many requests from Senators that come to the Interior Appropriations Subcommittee for appropriations for additional land acquisition. I say to the distinguished Senator from New Jersey, you ought to see the list. Many of the same Senators who are supporting this legislation write to the committee and ask for more moneys for land acquisition. They want the Federal Government to own more and more land in their State. It is a thirst of which there is no known quenching.

These factors are not taken into account in the cost estimates provided by the Interior Department, but will obviously increase PILT payments in the coming years.

Despite the fact that the level of funding for the PILT Program has remained constant, at about $105 million for the last 15 years, a random sampling conducted by the Bureau of Land Management which compared revenues received by local governments from taxes paid on private property with PILT payments for similar properties shows that PILT payments on Federal lands often exceed the average per-acre property taxes that are paid to local governments for private property in the Western States.

The primary beneficiaries of an increase in the PILT Program would be Western States, as Senator CRAIG stated just a few minutes ago. Ten Western States receive 75 percent of the PILT payments made under the current program, 10. Ten Western States receive 75 percent of the PILT payments made under the current program.

So that means that the remaining 39 States—one State, Rhode Island, does not receive any PILT payments—the remaining 39 States and possessions receive 25 percent of the PILT payments. Some of the Senators from these favored Western States have raised the strongest voices about the need to cut discretionary spending.

I can hear the echoes now rattling the rafters in this Chamber. "We must cut discretionary spending," they say. And yet the same Senators have written a new speech. Now they want to increase PILT payments by 145 percent and index them to the rate of inflation after the first 5 years.

So they are the strongest voices, many of them, about the need to cut discretionary spending. And I would remind them that PILT is discretionary spending.

Madam President, the Office of Management and Budget has not yet issued a formal statement of administration position for S. 455. However, in testimony before the Energy Committee on this legislation last year, the Bureau of Land Management, in testimony cleared by the Interior Department and the OMB, opposed enactment of this legislation.

Madam President, I have noted the number of cosponsors that this legislation has. Many may view this legislation as an easy vote because it benefits each and every State where the Federal Government owns land.

It benefits my own State, West Virginia. I am looking at a table of current expenditures under the PILT Program. For 1993, West Virginia received $789,525. And, of course, over the next 5 years that will increase, and then it will be indexed to inflation.

No wonder my county commissioners, many of them, contact me and say they support this program. "Senator BYRD, please vote for this bill." And I can understand their need for the payments in those counties.

But, Madam President, I do not know where we are going to get the money. I do not know. And when Senators come to me asking that this be funded, I am going to say, "I don't know where we will get the money. What programs do you want to cut? What programs benefiting your State do you want to cut?"

Before voting for this legislation, each Senator should consider what programs should be cut in order to fund this initiative. Should the allocation for the Labor-HSS-Education Subcommittee be reduced? I daresay not. The chairman and ranking member of that subcommittee will not want to see it reduced.

Should we cut defense? I daresay the chairman and ranking member of that subcommittee will not want that subcommittee's allocations cut.

Should agricultural programs be reduced in order to fund this increase? I daresay the chairman and ranking member of that subcommittee will likewise not want to see the allocations cut for their programs if this bill passes and becomes law.

Should water and sewer infrastructure investments be decreased?

If the answer to these questions is no, then the cuts will have to be found where? Within the Interior Subcommittee's jurisdiction, my subcommittee's jurisdiction.

What programs are we going to cut there? Should we start closing parks? Should the level of assistance provided for low-income weatherization be reduced? Should the per student funding levels for Indian education be decreased? Should we terminate funding for Forest Service road construction? Should the Land and Water Conservation Fund State assistance program be eliminated? Should the Smithsonian Institution be closed several days of the week? How will we make up the $250 million cut in the Indian Health Service budget proposed in fiscal year 1995?

And we are getting a double whammy here today with not only this bill, but also the bill which has just passed the Senate a little while ago—the California Desert bill. Both of these bills, the costs thereof, are going to fall upon the Interior Appropriations Subcommittee. That is the subcommittee I chair.

These are the types of choices the Interior Subcommittee will be faced with if this legislation becomes law. These are not pleasant alternatives to have to confront. The way to avoid these types of choices is to not enact this legislation. It is hard to vote against, of course.

I will have to write my county commissioners and say, "I voted against it. I know that you wanted me to vote for it, but I voted against it." I have to write them and tell them that. And when I go to West Virginia—and I am going this weekend—I will undoubtedly meet some of them there and I will have to tell them why I voted against this legislation.

So, if this bill passes, we are, in effect, saying that a transfer of funds from the Federal Government to State and local governments is more important than other programs funded in the Interior appropriations bill. I contend that this should not be the case.

I will suggest, however, that if the State and local governments are so concerned about the effects of Federal land ownership, there is a solution. We can stop—s-t-o-p; the red sign that we find at the intersection—we can stop all land acquisitions funded in the Interior bill. Just stop them. None. Zip. Zero. This would not eliminate the cost of this legislation insofar as existing Federal lands are concerned, but it would minimize, somewhat, the uncosted effects of this legislation. But I know that this is not a policy that many of the cosponsors of the legislation would desire.

Many of the very Senators who are suggesting through their cosponsorship of this legislation that local governments are not being adequately compensated for the lands the Federal Government already owns, are also supporters of additional Federal land acquisitions. For fiscal year 1994, the cosponsors of this bill requested approximately $245 million. Get that, the cosponsors of this bill, for fiscal year 1994, requested approximately $245 million in funding for land acquisition projects in the Interior bill!

I would say, Madam President, that despite stated concerns over underpayment for existing Federal lands, and their so-called drag on the local tax base, many in this body still believe that additional Federal land acquisition is desirable. They just cannot get enough. Their appetite is gargantuan. How are we to fund additional land acquisition if a higher PILT payment is authorized in a time of flat, or declining, budgets?

Madam President, prior to the recess the Senate passed the budget resolution which provides for even less spending authority than was requested in the President's budget. Spending cut fever is alive and well in the Congress. All of the doctors have diagnosed the disease but the agreement on the cure is proving to be more difficult. The Appropriations Committee and the Senate are going to have to cut some of the spending proposed in the budget. And no doubt, there will be those who will contend that some of the program reductions and spending cuts proposed by the President are unacceptable. Will our ability to face these difficult decisions become any easier by increasing authorized spending levels for existing programs?

Madam President, discretionary spending is under very strict budgetary caps for the foreseeable future. Allowances are not available for inflation, and any increases are going to have to come as a result of decreases elsewhere in the budget. Increases here have to be offset by decreases elsewhere in the budget. We cannot continue to delude ourselves that these types of decisions will not be necessary. The bucket is full. The only way to prevent it from overflowing is to turn off the authorizing faucet or to spill some out in the form of specific cuts in programs.

Madam President, on the chart to my left is a diagram on which we will see two faucets. The faucet at the upper left is designated as the "authorizing faucet." It represents authorization bills, like the one pending before us. The authorizing faucet.

The lower faucet is the appropriations faucet through which appropriations bills flow. I have long contended that, if we want to stop the money flood, we ought to shut off the authorizing faucet.

I know it is a great pleasure, I have experienced it a few times, to be called down to the White House and witness the President sign a bill. The President, after he signs, a letter at a time, he turns around and hands a pen to one of the admiring onlookers. And how pleasant it is for me to be able to take one of those pens—that the President has just used in signing a bill that I cosponsored—back to my house where my daughters—who are no longer small, my grandchildren are grown—but there was once upon a time I could take the pen home and give it to one of my grandchildren. Whereupon, I could say, "Here is a pen that I received. Yes, I stood right beside the President. As a matter of fact, I stood by his elbow. And he signed the bill with this pen and gave it to me."

And who is "me?" I am just a country boy from way back there in the hills of West Virginia. Who would ever have thought that I would one day stand at the elbow of the President of the United States and receive a pen from his own hand by which he had just signed a bill that I had cosponsored? What a matter of tremendous pride!

But, my friends, we have to sober ourselves up a bit. Those who criticize the Appropriations Committee so loudly and perennially for spending, should turn off the authorizing faucet. The same Senators go glibly down to the well day after day and cast their votes for this authorizing measure, that authorizing measure, and some other authorizing measure, the enactment of each of which increases the pressures for funding on the Appropriations Committee. Now, you watch the pressures, I have said to Senators, watch the pressures that build on the Appropriations Committee as a result of the legislation that was passed earlier today and as a result of this measure, if it is passed into law.

The way to cut spending is to vote against authorizing bills that authorize new spending rather than continuing to vote for authorizing measures, letting that faucet open which increases the pressure as the flow enters the second faucet, the appropriations faucet. In between, you see, there are all the pressure groups that come in, write in, and call in. They will say, "Now we have this new bill that authorizes additional PILT payments, Senator, we want you to fund that legislation."

Therefore, the only way to really get a handle on spending is to exercise caution when it reaches the authorizing faucet, turn off the authorizing faucet. And to date, the Senate has been unwilling to vote down bills authorizing new spending programs.

I suggest the time is long overdue for us to start that process, and I urge Senators to vote against this legislation.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. How much time does the Senator wish?

Mr. BRADLEY. Perhaps 10 minutes, 15 minutes?

Mr. BYRD. How much time do we have remaining, may I ask?

The PRESIDING OFFICER. The Senator from West Virginia controls 24 minutes.

Mr. BYRD. I have 24 minutes. I thank the Chair.

I have to save 10 minutes for Mr. METZENBAUM, and the Senator wants how many?

Mr. BRADLEY. Ten minutes.

Mr. BYRD. I yield 10 minutes to the distinguished Senator from New Jersey [Mr. BRADLEY].

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Madam President, the basic message on this bill is that we really cannot afford it. We have a mushrooming budget deficit, a growing national debt. We need to cut spending, not increase spending. This program increases spending.

For 200 years there was no payment in lieu of taxes. The first payments were authorized in 1976 and were made in the late 1970's, when the deficit and the Federal debt were a fraction of what they are today. What is the chance, do you think, we would have PILT payments if we had a national debt of $3.5 trillion? Unlikely. This program came into being at a time when there was virtually no national deficit and the national debt was very small.

Proponents of the legislation argue that the PILT payments have been reduced because of inflation. It is true. Over the 17 years, PILT payments have been reduced in real dollars. It is also true that, over the last 18 years, PILT payments have increased in real dollars—because in reality they did not exist 18 years ago. This was a new gift to counties and States with high amounts of public lands.

The proponents want to index these payments to communities to compensate for inflation. The existing program pours money out, $100 million a year or so. Now we want to index them for inflation. Madam President, would the same proponents of this amendment be willing to index payments to the Federal Government for such things as grazing rights? When the money is going out from the Federal Government to States, we are for indexing. When the money is coming back in from private users of public lands, the money is not indexed—a very interesting irony, but one that should be noted. Maybe that is where we can get some more money to reduce that budget deficit. We will index grazing fees, index all payments to the Federal Government from users of Federal property.

Madam President, this program is technically not an entitlement, since funds still have to be appropriated. History tells the story that funds will be appropriated. This program has been funded to the authorized level, just over $100 million per year, since its inception in 1976. The fact is that, if we pass this legislation, the odds are overwhelming that we will be appropriating another $130 million by 1998—that is the BLM estimate—another $130 million, making it a $250 million program at a time when the budget deficits are mushrooming.

I would like to make another point. PILT payments can be used by the local governments for anything. They can be used for anything. The money is completely unencumbered. No wonder the communities are so enthusiastic about it. It is kind of like general revenue sharing: Here it comes back. You use it for anything.

Proponents of the legislation will make the case that this money is really to compensate local communities for the hardship of Federal land. But there is no requirement that this money be used to alleviate the hardship of Federal land. This money could be used for police; it could be used for emergency services; it could also be used for a giant conference table in the office of the local county commissioner. This money could also be used for a modern audiovisual room to show videos to the county commission when the deliberations get boring.

So let us make no mistake here. This is not money to alleviate hardship. This is money in the form of general revenue sharing directly to counties.

Of course, the distinguished ranking member and proponent of this legislation says that this goes to 1,700 counties in America, in 49 States. But 75 percent of the money goes to 10 States; 33 States will get under $1 million a year; 9 States will get over $5 million a year. This is money that goes to States that have high amounts of public lands. North Carolina has 6 percent public lands. It gets about $1.3 million. New York has 1 percent public lands. It gets $35,000. Michigan has 9 percent public lands. It gets about $1.2 million. Nevada, on the other hand, has 90 percent Federal lands and gets $6.7 million. The reality is that this program represents large payments to States with high levels of public lands, not for everybody in the country, but for 10 States. And the argument is to alleviate the hardship of public lands.

A final point: The PILT payment takes no account of local need or circumstances. The program is completely blind. Money is allocated based on a formula. The formula references Federal acreage, local population, and other Federal land payments. A community that is in desperate need gets no special help here. For example, in the Northwest—I see the distinguished Senator in the chair from the State of Washington—timber communities have been hard hit, timber communities with sizable amounts of Federal land. Do those communities get any more money than any other community with the same amount of Federal land? No. They do not get any special consideration here. And, in fact, if that community is losing population because people are being unemployed and they are leaving, that community would end up getting less money—less money.

Madam President, I think there is another way to illustrate how this is a blind payment, not based upon need, not based upon real local circumstances. Let me just give you three counties in the West that one would not normally associate with hardship.

Take Pitkin County, CO. That is the home of Aspen, CO. Under this legislation, that county gets $350,000 per year, forever. That is more than 24 States will get under this legislation, $350,000 for Aspen; more than 24 States.

Take Teton, WY. That is where Jackson Hole is. They get $500,000. That is more than 27 States will get under this legislation.

Take Taos, NM. They get $1 million. That is more than 33 States will get under this legislation.

And why is Aspen getting $350,000, and Jackson Hole $500,000, and Taos $1 million? Well, it is to compensate for the hardship, the hardship of Federal lands." It seems to me, Madam President, that those million dollar properties in Aspen are there precisely because of the "hardship" of Federal land. It seems to me as well that they are able to make it on their own.

Now, if the case was made that there are some counties in the West that have real hardship because of timber, that have real hardship because of Federal lands, and at the same time there is no attempt by the State, by the county to promote tourism to try to bring in more people from the outside to create more hardship——

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired.

Mr. BRADLEY. May I have 2 minutes, rather 1 minute.

Mr. BYRD. I yield 1 additional minute.

Mr. BRADLEY. If those counties were not luring in other people, tourists, to create more hardship, this case would be a stronger case. But the reality is that the money will go to counties that do not deserve the money. It is a blind contribution. It goes to local governments for whatever purpose the local government chooses to use it. It will increase the Federal budget deficit by over $400 million in the next 5 years. And in my view we ought to say, no, let us not increase the Federal budget deficit another $400 million.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Madam President, I ask unanimous consent that the time on the bill be extended until 12:45 p.m. with the additional time equally divided as under the previous agreement and that the Senate vote on final passage of S. 455 at 12:45 p.m., with paragraph 4, rule XII being waived.

This is a request from the majority leader.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. I yield 4 minutes to the Senator from Utah [Mr. BENNETT].

The PRESIDING OFFICER. The Senator from Utah has 4 minutes.

Mr. BENNETT. I thank the Chair.

I am pleased to associate myself with the legislation of the Senator from Oregon as a cosponsor of S. 455. Many of my colleagues feel as I do that action on PILT is long overdue. Counties around the country depend upon this program to provide funding to help them govern their counties and comply with the myriad of unfunded Federal mandates.

The Payments in Lieu of Taxes Act of 1976 was adopted with the purpose of providing compensation to those counties with Federal lands within their boundaries in lieu of their lost private land tax base. These national parks, monuments, wildlife refuges, national forests, Bureau of Land Management, Bureau of Reclamation and Corps of Engineers lands in nearly every instance would be worth thousands of dollars per acre if held in private ownership and part of the local tax rolls. Although payments rates of 10 cents an acre is certainly not equivalent to the revenues these lands would produce if they were on the local tax roll, but at least there is some compensation for these Federal enclaves. At its best, this compensation is pennies on the dollar, but it is something.

It is important to note that PILT payments are not a Federal subsidy to the counties. PILT payments are intended to compensate counties for services provided on Federal lands and which are required by Federal law. The basic service provided on Federal lands are no different than service to be provided on private lands. The distinction is that private land pay for these services and the Federal lands do not.

Inflation has seriously diluted the level of PILT payments. The act was authorized in 1976 but the appropriated level has not changed since that time. The reason for this is that the basic formula for determining PILT payments has not been adjusted in 17 years. Senator HATFIELD's bill corrects this problem by adjusting the formula by raising the PILT authorization over 5 years. It would still be the responsibility of the Interior Appropriations subcommittee to determine whether to fund the program at the new higher levels.

I hope the Appropriations Committee would be willing to follow the lead of this committee. Last year the Appropriations Committee expressed concern with the PILT increase primarily due to its costs and insists that any increase be offset by commensurate spending reductions. I support that approach.

I want to express my concern on the issue of transient tourist populations. This is an important issue for the State of Utah. There are counties whose population changes radically during the course of a year as a result of tourist visiting national parks, monuments, and recreation areas. Daggett County, UT, has a permanent population of 694 people. The county is 97-percent federally owned with much of the land under the control of the Bureau of Reclamation. The Flaming Gorge Reservoir was built during the Kennedy administration as part of the Colorado River storage project. The fishing and recreational opportunities are fabulous. Approximately 2.5 million visitors recreate on the reservoir from May through September. Originally safety on the reservoir was the responsibility of the U.S. Coast Guard. However, since the early 1980's Daggett County has been responsible for providing emergency services including those previously provided by the Coast Guard. Daggett County has provided these services, in addition to the other basic county services, by generating tax revenues from the 3 percent of the land within the county subject to property taxation and from modest PILT receipts.

You may be wondering about the large revenues generated by tourist dollars. The sad truth is that very few tourist dollars are generated in Daggett County. Many visitors bring their food and supplies with them. When the tourist season is over, the county is left with substantial unreimbursed costs as a result of search and rescue, waste disposal, fire protection, and police services provided to tourists by the county. Tourists spend very few of their dollars in Daggett County. As a result, Daggett and other counties are experiencing difficulty in providing even the most basic services their permanent county residents.

Finally, the Federal Government may not make PILT payments on Federal lands that were exchanged for State lands. For example, this committee and the Congress recently approved land exchange legislation on the behalf of the State of Utah. This legislation exchanged State land for Federal land. It also exchanged State lands for federal royalties. Under S. 455 State lands traded for federal royalties would be eligible for PILT payments.

I should like to respond briefly to the comments made by my friend from New Jersey, who has given us some specific counties that he says are not worthy of these kinds of payments by the Federal Government. And he implies that if only the counties would get busy and acquire tourism, they would have enough income to take care of their needs.

Since he cited a specific county, I will respond with a specific county from our home State of Utah. Daggett County in Utah has a permanent population of 694 people; 97 percent of the land in Daggett County is owned by the Federal Government, and the Flaming Gorge Reservoir in that county was built during the Kennedy administration as part of the Colorado River Storage Project. The fishing and recreational opportunities are fabulous, and approximately 2½ million people visit that county every year.

On a tax base of 694 permanent residents, they have to provide all of the safety, all of the fire service, all of the search and rescue for 2½ million people off of the tax base, as I say, of 694. It is the opposite side of the example cited by my friend from New Jersey whose State does not have the blessing we do of being owned in the majority by the Federal Government.

I believe that these PILT payments are necessary. We are talking about $130 million over the next 5 years. The Senator from New Jersey voted for a crime bill that will cost $20 billion, and we are talking about getting a little money for crime control and law enforcement into the hands of the local counties in my State and in the other States that do not have a large property tax base.

Very simply, the Federal Government is the largest landowner in the State of Utah. The Federal Government has not been paying its share of property taxes like any other landowner would. If those from the States that are concerned about this issue say, well, let them tax their local land properly and the Federal Government does not have a role and would agree with us, we will be glad to make a swap and let all of the land become Utah land so that they will not be burdened with the responsibility of the Federal Government running it. Then we will handle our own affairs.

Otherwise, we have to look to the Federal Government for assistance just the way the District of Columbia does because of their shrinking tax base.

Mr. HATFIELD. Madam President, I yield 5 minutes to the Senator from Utah.

Mr. HATCH. Madam President, I really appreciate my colleague doing that.

Madam President, I understand the arguments on both sides.

But I rise to express my enthusiastic support for S. 455, the Payments in Lieu of Taxes [PILT] Program Act, and I strongly encourage my colleagues to adopt this important piece of legislation. Passage of this measure would be a tremendous boost to counties all across our Nation that have large portions of Federal lands within their boundaries and that struggle under the financial burden of providing services to those who visit and recreate on these lands.

My colleague from Utah mentioned Daggett County, located in the far western corner of our State, with less than 700 people. And, yet, 2.5 million people visit that county, and local officials have to provide all services to these visitors. They are in despair. They do not know what to do. The Federal Government does not pay any taxes. They do not pay anything for those lands, and we are stuck out in the West having the Federal Government in control of them.

I am an original cosponsor of S. 455, and I have been a longtime supporter of the PILT Program. This has not been a difficult position to take over the years, since the Federal Government is the majority owner of Utah's total acreage; 70.2 percent of Utah's 52 million acres is owned and managed by various Federal agencies. In most of Utah's rural counties, the Federal Government owns more than 70, 80, and even 90 percent of the entire county. This means that the land base in the large majority of Utah's 29 counties, as far as tax base is concerned, consists of 30, 20, and even 10 percent or less of the county's total acreage. From these dismally low percentages, a county must obtain the necessary funds to provide all county services to all county citizens. As I am sure my colleagues can appreciate, our county officials are forced to tax to death that portion of their land held privately to make up the shortfall caused by the presence of Federal lands.

The PILT Program recognizes the financial burden these lands place upon local governments and forms the backbone for Utah's county budgets and other States as well. PILT funds are used for emergency search and rescue, law enforcement, fire and emergency medical services, solid waste disposal, road maintenance, health and human services, and many more uses to support a local community's welfare.

These funds are not always used, as the distinguished Senator from New Jersey said, for conference tables or to purchase audio-video materials. Counties are dying out there, and worried sick about how they are going to keep up their services.

That is why PILT funds are so essential to local governments. They come relatively unencumbered with Federal mandates and directives, which makes them even more helpful to local governments. They are not misspent or used in some wasteful fashion that taxpayers would disapprove of or resent. The PILT Program is not a handout to Utah's counties or any other county in the Nation. It is a constant reminder to the Federal Government that it owns millions of acres of land throughout the country which cannot be taxed, but which generate financial obligations to local governments.

They are equally important for the millions of citizens who visit our national parks and forests each year. If you are lost hiking in the Uinta National Forest, it will be the Utah County Sheriff's Department that will look for you. If you are caught in a flash flood in the Narrows in Zion National Park, the Washington County emergency team will initiate your rescue operation. Most of the costs of these lifesaving undertakings will be incurred by local entities.

Congress cannot treat this program like other Federal programs; that is, it cannot pass the costs of managing or administering these lands on to local governments whose budgets are already severely constrained. Local governments cannot take it; there is simply little or no tax base to absorb these costs. That is why passage of S. 455 is vitally important to county governments.

As my colleagues know, since 1976, the PILT Program has received approximately $105 million, which is the maximum amount authorized under the original legislation. Unfortunately, this amount, measured in constant dollars, is less than half of the authorized amount. During the past decade, visitation to the national parks and forests has increased by approximately 20 million and 25 million people, respectively. S. 455 recognizes the impact these increases have on local governments and updates the PILT Program over a 5-year period so it reflects the present, not the past. It adjusts the program for inflation to ensure that counties are not faced with this situation again.

What does passage of S. 455 mean to Utah's counties? It would mean a gradual increase from last year's payment of approximately $8.9 million to an amount totaling over $20 million by fiscal year 1998. Frankly, this amount that will be paid is especially appropriate for Utah for our public-land counties which have experienced tremendous increases in visitation during the past decade. In Utah, we brag about our national parks throughout the country because Utah is one of the great national park and national monument States. Just within Utah's 12 national parks, visitation increased 78 percent between 1980 and 1990.

S. 455 also contains an important provision originally drafted last session by our former colleague, Jake Garn, in collaboration with the Utah Association of Counties, that was modified this year by myself and several Senators, including Senator BENNETT. This provision will allow State lands conveyed to the United States in exchange for Federal lands, royalties, or other assets, to be eligible for PILT payments. In the past, Utah has suffered from its own charity by conveying State lands to the Federal Government without those lands becoming eligible under the PILT formula. Through these exchanges, Utah has seen its historic annual PILT payment decrease by approximately $2 million in recent years. This legislation will ensure that States are not penalized when the total percentage of Federal ownership increases within their boundaries, even though counties must provide services to those additional Federal acres.

Even with passage of S. 455, there remains one important item related to the PILT Program that should be addressed by this body in the future.

During the summer, on any given weekend, the local population in several Utah counties, such as Grand County, may increase two-, three-, or fourfold. A temporary explosion of individuals who do not pay local taxes and who do not own land on the local tax rolls, yet require the time and attention of local government, should be recognized by the PILT Program.

This matter was discussed prior to deliberations by the Senate Energy and Natural Resources Committee on S. 455 without reaching a solution. I hope that a resolution can be found in the near future by those of us interested in this issue so that additional and justifiable relief can be provided to these impacted counties through the PILT Program. I intend to continue pursuit of this matter.

In closing, I want to praise Senator HATFIELD for his superb leadership on this issue. This is important, and he has done a great job.

Let me just say one other thing. Give us back our lands. Let us take them back in Utah. We will be glad to take them over, and we will manage them better than the Federal Government ever could. Let us consider Daggett County and other smaller counties with populations of less than 1,000, less than 5,000, which do not have any tax base. They are primarily owned by the Federal Government, which pays no local taxes, and yet these counties are responsible for providing many services to the tourists who come to our State to visit the national parks, the national monuments, the national wildlife refuges, and so forth.

We want these people provided for, but our counties do not have the funds to do it. They are strapped. This bill is the only hope for them to be able to solve these problems. The remedy this legislation provides is long overdue.

I yield the floor.

(Mr. CAMPBELL assumed the chair.)

Mr. HATFIELD. Mr. President, I yield 6 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair. I thank my colleague.

Mr. President, I rise to cosponsor S. 455, and I commend the senior Senator from Oregon for offering the Payments in Lieu of Taxes Act.

Let us be realistic, Mr. President. This is simply an issue of fairness. The States east of the Mississippi, States like New Jersey, West Virginia, object to this because they get a very, very small amount of PILT payment.

Fine. Fine. As has been said by some of my colleagues, then just give the Western States back their land. Give it back to us. We will not ask for any PILT payments. We look at the needs of the east coast relative to rapid transit, mass transit, Amtrak, legitimate issues for the populated Eastern States that do not have the impact of tremendous Federal acreage.

You know, this body just voted for more Federal land in the West, more land, more wilderness, and that vote cost the taxpayers in this country $1 billion because we are going to have to pay those inholders. That is what it cost. Did we appropriate the money? No.

We committed an obligation for a billion dollars—we passed it a few moments ago—a billion dollars for wilderness. Why do we object to $100 billion a year for schools, sewers, and drinking water for small areas of the West?

Mr. President, I am from Alaska, and 70 percent of the land in our State is owned by the Federal Government. We have 248 million acres of Federal land. In fact, Alaska is so vast and contains so much Federal land that 34 percent of all of the Federal land in the United States is in my State.

There are 51 million acres of Park Service land in Alaska. Mr. President, that is 70 percent of all the Park Service acreage; 15 percent of the land in my State of Alaska.

There are 76 million acres of U.S. Fish and Wildlife Service refuges. That is 85 percent of all the Fish and Wildlife Service lands; 21 percent of the land in my State.

There are 90 million acres of BLM lands. That is 34 percent of all BLM lands; 25 percent of the land in the State.

There are 57 million acres of wilderness already designated in Alaska. That is why when we ask, "Well, how much wilderness is enough?" we are a little testy relative to those from other States mandating more wilderness in my State of Alaska. We have 60 percent of all of the wilderness designated in the United States.

So when we look at the justification of PILT payments and we are taken to task on the issue of "can we afford it?" we just committed a billion dollars for inholdings. As you know, Mr. President, this billion-dollar commitment associated with the California Desert Wilderness Act is already behind another $2 billion that has already been authorized in the sense of acquiring the inholdings, but no appropriation.

So as we look at the merits of PILT payments for the Western States, those vast acreages that have sparse populations, they have legitimate needs, and these needs can only be met by legislation such as that introduced by the senior Senator from Oregon, S. 455. That is why I support this issue, which is simply fairness.

When I listen to colleagues say we cannot afford it, I say: Give us back our land, Mr. President, and we will call it even. Give that acreage in the State of Alaska back to the State, and we will manage it. But when you say it is Federal land and you dictate the use of that land and put the burden on us, and we do not get anything for it, that is why we are here today in support of S. 455.

I commend my friend from Oregon and urge my colleagues to support this bill, which could mean an awful lot to the people in the remote villages of Alaska, who have no other alternative than to accept the dictate of the Federal Government on the manner in which the Federal Government chooses to manage its land in my State, with no contribution to those residents that live there, who would like to see some of this land put perhaps to a more productive utilization.

I urge my colleagues to support this bill. It means so much to the remote areas of the West. I say to my friend from Oregon that if we cannot get this, we will be happy to take the land back.

PILT payments are intended to compensate boroughs for Federal lands that do not generate taxes. The program applies to National Park Service, BLM, and Forest Service lands.

PILT payments are vital to Alaska's boroughs. Alaska's boroughs have desperate needs for funding. The very basic services usually funded by local taxes are wanting in many of our villages. We struggle to find funding for clean drinking water systems, for sewer systems, and for education and health care services. These villages are often surrounded by Federal land, but the land provides no tax base.

Mr. President, this is a situation that this Congress can and should correct. It is a simple issue of fairness. This is especially true as the current administration and in fact the trend of the Congress is to put more and more Federal land off limits to resource development and dedicate more and more lands for single purpose preservation use. This means less tax revenues as a result of development and more unfunded demand to provide basic services for tourist visitors. This body has a responsibility to recognize the very real impact of these land use decisions.

Mr. HATFIELD. Mr. President, I thank the Senator from Alaska for his remarks. I yield myself whatever time I may need.

I am sorry that our colleague, our good friend from New Jersey, Senator BRADLEY, had to leave the floor for other pressing business. We are all in that situation, unfortunately, too often here, not to be able to conclude any matter that we start. We have to spread ourselves over many places and meetings.

For the record, I want to make a slight comparison between the State of New Jersey, which he represents so ably, and the State of Oregon. But I do not want to do it State by State—that is, State in comparison to State. I want to compare the State of New Jersey to one county in Oregon, Harney County. Mr. President, Harney County has 6 million acres of land, or 9,375 square miles—in one county. The State of New Jersey has 7,468 square miles. That is the State of New Jersey versus one county in Oregon. That one county in Oregon, which is Harney, has 74 percent, or 5 million acres, of Federal ownership. That equates to 7,812 square miles within the county. So the Federal ownership within one county of Oregon is larger than the whole State of New Jersey.

It sort of reminds me of the Constitutional Convention, the big States and the small States, and the debate of how we were going to represent them in the U.S. Congress. Our forefathers came up with the brilliant idea of recognizing both population and space, or square miles, and recognizing that by appropriating representation to the small States and the large States in the House on the basis of population; and it gave all States equal representation here in the U.S. Senate. That was a brilliant solution.

But I see no accommodation in the remarks made by the Senator from New Jersey, recognizing that there are these unique differences between his State, which has very little public ownership, and my State and the States of others who have been speaking here today, representing their States, having large amounts of public ownership under the Federal title.

Surely, there must be some understanding expressed here as to those unique problems of large public ownerships and those responsibilities imposed upon the counties of those States to perform the basic services of fire protection, rescue, health, roadway, construction, and access.

I wish I had the number of New Jersey licenses that have visited Oregon. I understand why they all want to come to Oregon—to see the beauty—whether it is from New Jersey or any other State; as in the State of Colorado, which because of the large public ownership, the large number of scenic and wild rivers, we have 42 scenic and wild rivers in my State. I have authored every one of them, and I am proud of that record. The next highest number is 10 in the State of California. We have over 2 million acres of wilderness in my State, beautiful wilderness, and I am proud to have authored most of that. We have the Columbia River Gorge, which is one of the most unique pieces of God's creations on Earth. We have set that aside in order for the people from other States to come and enjoy. We have the Seashore Sand Dunes, unique to any part of this country—acres upon acres of land set aside, taken off the tax rolls, to provide recreation for other people besides our own people in Oregon.

I could go on about the John Day Fossil Beds, the Equinta Head, the Cascade Head, the monuments that we have in our State. And other Western States have similar spectacular scenery that we are preserving and taking off the tax rolls. I say to my good friend from West Virginia, as well, that I would be very happy to say each acre of land we withdraw from private ownership for public designation and public preservation and ecology and environmental reasons, we ought to return back to the tax rolls one acre of public ownership.

We have the largest amount of BLM checkerboard in our State. Checkerboard is a poor way to administer public land. That is where you have a section of private, a section of public, a section of private, a section of public. That is why we call it checkerboard.

I know there is a lot of marginal land in that Federal ownership. All right. Let us respond. If we say, well, we are taking more off and withdrawing more land for public purposes, let us make it equal and return to private land ownership.

We have found that land exchange really enhances both parties—it enhances the public land management to be able to block up their land for management, and it also helps us establish new and preserved areas of beauty.

We are working now with the full support of the Federal agencies on some land exchange for the Steam Mountains in our State to preserve them. There are a lot of big ranches there. Those are willing sellers or willing traders for land elsewhere owned by the Federal Government. That does not cost us a penny. There are lots of ways we can adjust to this plan.

I would also say that when I hear my colleague from New Jersey say, "Well, it did not happen for 200 years, so, therefore, why should we do it today?" I can make all sorts of comparisons about what did not happen 200 years ago that we are doing today. I do not think that is much of an argument. I found that to be part of the bane of my existence in political philosophy with some of the colleagues even within my own party. If it had not happened for 200 years, why do it today? And across the aisle, it is the same way. We are hearing it today. I just do not think that argument holds water. We did not fly 200 years ago. We did not do a lot of things that we are doing today. So that to me is a very, very weak argument to say just because we did not do it for 200 years why should we have this kind of compensation now.

I also would like to indicate, in response to my colleague, the chairman of our committee, as we were chatting awhile ago, very seldom do we find ourselves on opposite sides of the controversial issues. We are more together than we are apart. I do not particularly enjoy this role. I would much rather be fighting the battle with him than against him. It is on a matter of principle and he is very friendly. This is a matter that the counties are getting a higher rate of return on the PILT than they are in return from private property tax.

First of all, I ask unanimous consent that a copy of the National Association of Counties study debunking the Interior Department's statements on this issue be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF COUNTIES,
*Washington, DC, March 30, 1992.*

Hon. TIMOTHY E. WIRTH,
*Russell Senate Office Building,*
*Washington, DC.*

DEAR SENATOR WIRTH: The National Association of Counties has become aware of a report prepared by the Bureau of Land Management for the Senate Appropriations Subcommittee on Interior and Related Agencies. It claims to show that federal land payments are higher than local real property tax payments on comparable private lands. The implication is that the current Payments-in-Lieu-of-Taxes (PILT) program is more than adequate compensation for counties.

As we both know, that notion is absurd. The BLM report contains serious flaws, misleading analysis, and leads to erroneous conclusions. We are extremely concerned that the report prepared without our knowledge or input might be misconstrued by Senator Byrd's Appropriations Committee and have an adverse impact on our chances of passing the PILT bill, S. 140, which you have introduced with Senator Domenici.

We have, therefore, prepared our own response to the BLM study which we have enclosed. Please review our analysis and take whatever action you think is appropriate. We will await your advice.

Thanks for your help and continuing support.

Sincerely,

LARRY NAAKE,
*Executive Director.*

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NACO RESPONSE TO BLM STUDY COMPARING PILT PAYMENTS TO REAL PROPERTY TAX COLLECTIONS

As a preface to our response to the Bureau of Land Management (BLM) study, let us remind the Appropriations Subcommittee on Interior and Related Agencies of the central facts: the Payments-in-lieu-of-taxes (PILT) program which was enacted in 1976 has never had an authorized increase; the Consumer Price Index has increased by 120% since 1976; and PILT is not an entitlement program. If the original program had contained some measure of inflation index, some baseline as most other programs contain, we would not, in 1992, be asking Congress for an increase that is critical to 1789 counties across the nation.

The BLM comparison of PILT payments with county real property tax collections contains serious flaws, misleading analysis, and leads to conclusion which are erroneous. Given the complications which even BLM admits to in the study, we strongly feel that the report which was not approved by the BLM Director is not a legitimate document on which the Appropriations Subcommittee can reach valid conclusions.

To set the historical context of the PILT program, the Advisory Commission on Intergovernmental Relations in its report entitled The Adequacy of Federal Compensation to Local Governments for Tax Exempt Federal Lands published in 1978, stated that the real costs and benefits cannot be known, that a relationship analogous to a business partnership is formed. "Both the federal and local governments must incur costs to make the federal land productive: both deserve a share of the rewards. . ."

The ACIR goes on to say that ". . . the per acre payment approach makes no claim that the payment approximates the actual fiscal impact on local governments of federal land ownership. Furthermore, ". . . this approach adopts an administratively simple device—a set payment per acre." In other words, the very essence of the program is its simplicity and a recognition by Congress that it is a partnership arrangement, not an exact value for value approach.

Trying to do a tax equivalency analysis, federal land payments vs. local property tax collections, is fraught with pitfalls. Unfortunately, BLM has fallen in the pit at every turn.

The problem, as pointed out by ACIR, is varying state law made more complex by administrative practice which departs for legal standards. It is compounded by the lack of reliable data concerning local tax practices.

From the beginning, the BLM methodology is questionable. The most reliable and accurate methodology for collecting data would have been to directly contact knowledgeable county officials to request property tax data for comparable private real property. BLM dismissed that approach because of the time and effort that would have to be expended. That was an unfortunate decision, for it undermined the accuracy and authenticity of its report. Talking directly with county officials who could have explained and even helped BLM understand the peculiarities of each states basis for taxing real property might have produced a more accurate picture of the local conditions. The fact that BLM may have had limited time and resources to fulfill the Subcommittee's request showed little sensitivity in its approach to this issue which is critical to county governments.

In its approach, BLM chose to lump together PILT payments and payments made under natural resource receipt sharing statutes, such as the 25% timber receipts shared between counties and the federal government. This presents an unfair and inaccurate picture. PILT payments go into the general funds of counties with no restrictions. Timber receipts can only be used for county school and road budgets while grazing receipts pay only for grazing improvements in the counties where they are generated. In addition, many counties receive only PILT payments and do not receive natural resource payments since there is no commercial uses on the public lands in their county.

In choosing categories of private lands to compare with federal lands, BLM has made some erroneous assumptions. As our Oregon Association of Counties points out (see attachment) in its analysis of the Oregon data, the report totals three types of lands; timberland, grazing land, and grazing and recreational land, as though they were equitable. These cannot be grouped together and only timberland is an accurate classification in Oregon tax law. In addition, timberland is subject to a severance tax when timber is harvested. This adds $58 million of private annual tax revenue and is completely ignored by BLM in its analysis. Therefore, the whole set of data for Oregon is misleading and inaccurate.

In Colorado, only agricultural assessed lands were included as comparable lands. Under the state constitution, the actual value is determined solely by the earning or productive capacity of such lands, capitalized by a rate prescribed by law. The intent of all this is to grant all agricultural lands preferential treatment for tax purposes. The use of agricultural lands as comparable lands by BLM is an attempt to find the lowest property tax liability to illustrate the adequacy of PILT. Again, it is misleading and inaccurate, and the conclusion that federal land payments are more than those generated by tax revenues is not valid.

An example provided by Clear Creek County, Colorado (see attached), provides a more reasonable comparison of private land to federal land. Mining claims are privately owned properties for which the only allowed uses are mining, milling, and closely associated or related uses. A mining claim with this zoning, located on a mountainside with no existing utilities would pay on the average $2.84 per acre in property taxes. We have included examples in the attachments from other counties in Colorado to indicate private property tax rates.

If you closely examine the individual states selected for the study and the individual counties within the states, the comparisons are made on very small samples of private property. For example, in Coos County, Oregon, only 160 acres out of 700,000 acres of private lands, and in Marion County, Oregon, only 320 acres out of 500,000 total acres of private land. In the Oregon analysis, twenty two counties do not have any private land listed in the report. With such a tiny sample it is statistically impossible to draw any accurate conclusions.

It is interesting to note that BLM also collected data from Florida, Michigan, and West Virginia. Data from those states showed that real property tax payments were considerably higher than total federal payments. However, BLM dismissed those findings because it ". . . includes tax revenues from residential and commercial tracts in two counties in each of these states." If they could tell that residential and commercial values rendered those comparisons invalid, surely logic would dictate that BLM should have recognized that comparing subsidized tax rates with federal land payments is just as invalid.

We suggest that the BLM report which was prepared for the Subcommittee on Interior and Related Agencies is seriously flawed and cannot be used to compare the adequacy of federal land payments to the current PILT program. Even BLM noted in its report ". . . comparisons of local tax collections to PILT and Federal land payments should only be used as general indicators of the adequacy of the Federal payments."

As we have indicated earlier, it is also not relevant to the issue. PILT payments are now worth less than half of the value of when the program was enacted. Furthermore in the last fifteen years the costs of providing services to public lands has increased and counties' ability to raise revenues have actually decreased. Congress created a partnership program with local governments and we are looking for the Federal government to live up to its commitment to provide adequate funds to carry out our own responsibilities on public lands.

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LIST OF ATTACHMENTS

Association of Oregon Counties—A.
County of Clear Creek, Colorado—B.
Jackson County, Colorado—C.
Moffat County—D.
Montrose County, Colorado—E.

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ATTACHMENT A

[From the Association of Oregon Counties, Mar. 11, 1992]

To: Peter Kenney & Rick Keister (NACo)
From: Bob Cantine, AOC Executive Director
Subject: Senate Appropriations Committee report on federal payments to counties (objections to PILT bill—S. 140).

At your request, Gil Riddell and I reviewed the BLM/Senate Appropriations Committee report related to S. 140, NACo's PILT adjustment bill. You asked for an immediate response. Here are our observations on the report.

1. The report includes federal forest receipts in the analysis. This is unfair because the two types of programs—PILT and forest receipts—are paid on different bases and are county-specific. Forest receipts are paid to counties that have federal forests based on the amount of commercial activity (i.e., timber harvesting) done that year. Twenty-five percent of this income on national forest land is returned to counties in the forest; 75% goes to the federal treasury. Consequently, if payments to counties increase, payments to the federal government also increase—three times as much! It has been a long-standing, mutually beneficial county/federal government partnership; a program that has stood alone and supported itself. This is not a per acre assessment as is PILT; the legal basis is completely different. Moreover, national forest receipts are dedicated to roads and schools, if they are not available—as are PILT payments—to support other essential relevant services as law enforcement and search & rescue. Road funds are used to build and maintain roads driven by persons who work and play in the federal forest.

Further, the authors ignore that these two types of programs are county-specific, not statewide. Each type of program treats each county differently. For example, nearly 75% of our major PILT county, Malheur, is owned by the federal government and virtual all of that land is managed by BLM. Malheur Co. receives $595,256 to provide essential services to over 4.3 million acres of federal land. These revenues must be used for road maintenance as well, because national forest payments to the county road fund amounted this fiscal year to a "whopping" $6,832.

2. The sample acreages of private land used to compare property tax rates with federal payments are extremely small. For example, Coos Co. timberland—160 acres (over 700,000 total acres of private land); Marion Co. timberland—320 acres (500,000 total acres of private land); etc. Twenty-two counties do not have any private land listed in the report at all. The total private acreage used is 13,353 acres—out of over 45,000 square miles of private land. It seems that the authors picked a parcel here and there that suited their intentions. Property taxes are based on assessed valuation—i.e., market value of the "tax lot"/parcel—not payments per acre. Market values can vary considerably from property to property. It is impossible to judge the accuracy of this report with such a tiny sample.

3. The report purports to sample private "timberland", "grazing land", and "grazing and recreational" land. It then totals the three types together as though they were equitable. Only "timberland" is an accurate classification in Oregon tax law. We assume the other types listed are under farm-use assessment. These are separate classifications that cannot be grouped together. In addition to regular property taxes, private timberland is generally subject to a severance tax when timber is harvested (5.85% of sales price in Western Orgeon; 4.35% in Eastern Oregon). This amounts to $58 million of private annual tax revenue, and is completely ignored by the authors. Also ignored by the authors is the State's per acre assessment on forest land for fire protection; it varies from 39c/acre to 76c/acre depending on the county.

4. In Oregon, the tax rate per acre of private land for the operation of county government only, not for schools or cities or special districts, is $9.30/acre, and not the $1.04/acre stated in the report. Granted the authors have drawn their figure from a tiny sample of about 1/3rd of the counties in Oregon, while the larger figure is for all private land. Nevertheless, county services are delivered to all lands, with an emphasis on areas outside cities, based on the need for those services at the time. Ranchers and timberland owners can expect to receive the same county services when needed as the town dweller. If the authors really want to compare the private and federal tax loads statewide, and insist on including federal forest receipts in the analysis, it is more appropriate to compare the $9.30/acre counties draw from private land to the report's $4.55/acre counties draw from federal land.

ATTACHMENT B

COUNTY OF CLEAR CREEK,
*Georgetown, CO, March 11, 1992.*

Hon. TIMOTHY WIRTH,
*U.S. Senate,*
*Washington, DC.*

Attn: Russ Shay

DEAR SENATOR WIRTH: Thank you for providing the information developed by the Bureau of Land Management (BLM) regarding the relationship between federal land payments and actual property taxes paid on comparable, privately owned lands. It is clear to me that employees of BLM who prepared this data have intentionally skewed their methodology to insure a predetermined result.

In reviewing the data for Colorado, I noticed immediately that only agriculturally assessed lands were included as comparable lands. In fact as I reviewed the data for several other states, the same pattern was clearly apparent. As you know, agricultural land in Colorado is valued exclusively by the capitalization of income approach. Article X, section 3 of the Colorado Constitution provides that the actual value of agricultural lands, as defined by law, shall be determined solely by consideration of the earning or productive capacity of such lands, capitalized at a rate prescribed by law. The income stream to be capitalized is the net income that could be derived from the earning or productive capacity of the land after allowance for typical expense. The intent of this constitutional provision and of the legislature in enacting law to implement it, is to grant all agricultural lands preferential treatment, for taxation purposes, when compared to the valuation of all other lands. The use of agricultural lands as comparable lands by BLM is clearly an attempt to find the lowest possible property tax liability to illustrate the adequacy of PILT payments to offset the cost of local government services.

I would offer three examples of lands within Clear Creek County, as more reasonably comparable to federal lands:

Mining claims which are contained within the "Mining 2" zoning district, under the "Clear Creek County Zoning Regulations", are privately owned properties for which the only allowed uses are mining, milling and closely associated or related uses. A mining claim with this zoning, located on a mountainside with no existing road access, in very steep topography and with no utilities whatsoever, would pay on average $2.84 per acre in property taxes.

Mining claims in the "Mining 1" zoning district are privately owned properties with allowed uses including all mining uses and residential uses. A mining claim with this zoning, four wheel drive access road, sloping to steep topography and no utilities available, would pay on average $38.37 per acre in property taxes.

Large acreage tracts located near the eastern boundary of the Mount Evans Wilderness Area, surrounded by national forest lands, zoned for residential use, with access through a locked gate on a four wheel drive road, sloping to steep topography and no utilities available, pay on average $16.44 per acre in property taxes.

These examples are typical of privately owned, vacant lands within Clear Creek County which have the lowest assessed value because of their remoteness or difficulty of development. As factors such as access, availability of utilities, terrain, etc. improve, the assessed value and taxes paid would increase. I believe these provide much more valid comparisons than those presented by BLM. In addition, I am certain the BLM realty specialists in Colorado are sufficiently familiar with the special treatment afforded agricultural lands to have concluded their data was irrelevant in this context.

We are working with other Colorado counties and counties in other states selected by BLM to develop similar responses. When we have the data together we will forward it to you.

Thanks again for your support on this and many other issues important to Clear Creek County.

Sincerely,

PETER KENNEY,
*Chairman, Clear Creek County*
*Board of Commissioners.*

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ATTACHMENT C

Review of BLM PILT Payment Report—
Jackson County

All data based on year 1990.
Government Payments:
PILT Acres: 519,138.
PILT payments: 519,138.

Federal Land Payments: 173,931 (made up of U.S. Minerals Lease & Federal Forest payments).

Total Federal payments: 225,845.
$/Acre: $0.435.
Private Property Tax Payments:
Private agricultural acres: 338,798.
Ag tax payments: 304,674 (5.89/AC).
Severed mineral tax payments: 7,918.
Total ag + sev min: 312,592.
$/Acre: $0.92.
Oil payments: 43,524.
Total ag + sev min + oil: 356,116.
$/Acre: $1.05.

Jean E. Maxwell, Jackson County Assessor, March 16, 1992.

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ATTACHMENT D

ASSESSED VALUATION 1991 MOFFAT COUNTY AGRICULTURE LANDS

| Grazing land | Appraised value per acre | Assessed value per acre×mill levy=taxes per acre |
|---|---|---|
| Class 1 | $14.23 | $4.10×67.824=$0.278 |
| Class 2 | 12.07 | 3.50×67.824=.237 |
| Class 3 | 10.38 | 3.00×67.824=.203 |
| Class 4 | 8.53 | 2.45×67.824=.166 |
| Class 5 | 6.30 | 1.89×67.824=.122 |

| Dry farm land | Appraised value per acre | Assessed value per acre×mill levy=taxes per acre |
|---|---|---|
| Class 1 | $94.69 | $27.00×67.824=$1.831 |
| Class 2 | 876.76 | 25.50×67.824=1.729 |
| Class 3 | 64.46 | 19.00×67.824=1.288 |
| Class 4 | 41.00 | 12.00×67.824=.813 |
| Class 5 | 29.30 | 8.50×67.824=.576 |

Average payments per acre Moffat County: 0.724

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ATTACHMENT E

BOARD OF MONTROSE
COUNTY COMMISSIONERS,
*Montrose, CO March 12, 1992.*

Mr. PETER KENNEY,
*Clear Creek County Commissioners' Office,*
*Georgetown, CO.*

DEAR PETER: After reviewing the information prepared by BLM estimating the amount of property taxes Montrose County would receive in place of P.I.L.T. funds, I requested our County Assessor to prepare a more accurate calculation (enclosed for your review).

It is really quite unfair to assume the entire 970,497 acres of public land Montrose County has would be classified as grazing and waste land. Instead, our assessor has taken the total amount of acreage we have in the following classifications and applied this ratio to the 970.497 acres of public land we have:

*Vacant land.
*Crop land.
*Dry farm.
*Meadow hay.
*Grazing land.
*Waste land.

Even this conservative approach produces $2.12 per acre for potential property taxes versus the $0.065 to $0.75 per acre currently received.

I hope the enclosed worksheet will help mitigate the BLM report.

Sincerely,

CINDY K. BOWEN,
*District #1 Montrose County Commisssioner.*

Mr. HATFIELD. Mr. President, let me give you an illustration.

We have, as I say, in Harney County 6 million acres, of which 5 million approximately are in public ownership, Federal ownership. The private land in Harney County is being taxed today at $2.90 an acre on the average. The payment in lieu of tax on that same acreage in Harney County is 6 cents an acre, s-i-x cents, pennies an acre.

If this bill should pass, that would increase this PILT Program, and it would then rise to 14 cents an acre as against $2.90 an acre.

We can give many examples. This is not just a unique, bizarre-type of case that I have cited. But I could give examples in every Western State about the ratio of the payment in lieu of tax as against the private tax against the private landowners within those counties.

I think, therefore, that that is challengeable and particularly with this study which I have asked to be made a part of the RECORD.

I would like to respond briefly to the chairman of the committee in saying where are we going to get the money. That is a legitimate question. I struggle with him. In the 6 years that I chaired the committee, I struggled to issue the then 302(b) allocation, how we are going to apportion the discretionary funds across the 13 subcommittees, and the chairman today, along with his chairmen of the subcommittees and the ranking members of those subcommittees, worked out an allotment we call the 602(b) allocation. That has not been done to my knowledge. And, therefore, there is this flexibility, this window of flexibility, in which we will then soon find ourselves with what the figure that we have to work within this Interior Subcommittee. That is not a known figure to me at least at this time.

That is a very difficult position that the chairman is in and that is a very difficult position for each member of the committee, that is, the full Appropriations Committee, because there are so many good programs and there are so many great requests, legitimate requests, passionate requests, we have to deal with.

Let me suggest at this point—and it is not just a suggestion that is taken out of the air—Senator KERREY of Nebraska and I cosponsored a proposal here last year dealing with this problem by suggesting a transfer of some reductions in the Defense Subcommittee. We have 20 B–2's authorized, B–2 bomber airplanes for the Air Force, $818 million each, almost $1 billion for one airplane, which was all done prior to the whole change of the geopolitics of this world. We have a star wars program for 1995 of $3.3 billion request. We have the F–22 advanced tactical fighter, $2½ billion in 1995 request. Some question even the need for this airplane in today's world. A C–17 cargo airplane, six airplanes authorized at $3 billion in 1995, $500 million, a half billion per copy. One of those C–17 cargo airplanes could take care of all of this plus many more requests that the chairman of that committee will have to phase in trying to satisfy all the colleagues in this Senate. Or one B–2 bomber could take care of this.

So I do not come here saying let us add another $25 million this year and incrementally raise it up to double what it is today of $105 million, without any concern about where we are going to get the money.

But as the colleague from Montana, Senator BURNS, said a while ago, it is not a question of the amount of money; it is a matter of the priorities that we place on the expenditure of that money. Everyone would have a different set of priorities. I understand that. I am sure that many of my colleagues would not agree with me that one B–2 bomber or part of the star wars program or the F–22 advanced tactical fighter or the C–17 cargo, even taking one of them away to transfer that money to other purposes, that they would agree with that. We are 100 different persons in this body, and I am sure we have at least 90 different priorities as we would individually want to set the priorities. But that is at least a possibility that should be considered in setting the priorities of how we are going to pay for this increased PILT Program.

I would like to suggest too, that as we get into this business further, we are going to hear a lot about the matter of counties already receiving enough money. Let me just quote from the Public Land Law Review Commission that was established in 1970 a very great document that was sort of a milestone in our public policy.

> If the national interest dictates that land should be retained in Federal ownership, it is the obligation of the United States to make certain that the burden of that policy is spread among all the people—

Including New Jersey; all the people—

> Of the United States and not borne only by those States and governments in whose area the lands are located.

I conclude that report's quote:

> Therefore, the Federal Government should make the payments to compensate State and local governments for the tax immunity of Federal land.

That is why the Sierra Club has endorsed this program. That is why the Nature Conservancy people have endorsed this program. It is not just the recipients, the county associations, as you might imagine, would be for it, logically, legitimately, reasonably. But here we have the Sierra Club, we have the Nature Conservancy Organization that say we want to preserve those lands, we want to preserve the unique parts of the ecology and the environment and we are willing to endorse the proposition that was stated so eloquently in the Public Land Law Review Commission that all of the Nation should help support that setaside, that withdrawal, that preservation.

You know, it is very interesting, we are facing an increasing problem of the Endangered Species Act. The Endangered Species Act is a national law. I am proud to have authored the first one in 1972. I am sometimes a little hesitant to tell my constituents at home, now that we have had this siege of the spotted owl and now we have the salmon problem. And there is a tremendous impact on all the people of our State.

But, it is a national law. Every State now has some listing, and there are thousands, and more plant and wildlife candidates for further listing.

The question now to be considered is: Should the Nation, as a whole, with a national law, bear some of the economic impact or should the people of a given central area or a focused area bear that burden of a national law?

Now that is going to become an increasingly difficult question to answer as the reauthorization of the Endangered Species Act comes along. Let me tell you why.

We have spent $100 million in the Bonneville Power Administration alone, which is based on ratepayers of the region to mitigate salmon loss in our Columbia State River system. We have paid that within the region because of four listings of salmon, because we have treaties that were made by our National Government and the various tribes of the American Indians in that area and committing to those Indian tribes a certain take of that fish because of their culture, because of their religion, because of their economics.

During the Depression of the 1930's, there was no depression on the Indian reservations in my State because the fish were running in those rivers and that was their economy.

So, consequently, we are taking that responsibility, even those treaties were made by the National Government of trying to fund a major part of the mitigation of that fish loss.

And yet, Mr. President, in this administration's budget that is now before us, they have excised the Mitchell Act funds to build the hatcheries and to upgrade the hatcheries. And 25 percent of the salmon that are caught come out of the hatchery mitigation, the fence or the screens that we are trying to place on the dams to protect the downstream fingerlings, excise that; the Columbia smelt, excise that; the National Oceanographic study to the anadromous fish going out from the ocean into our waters, excise that; excising all of these programs for fish mitigation that the Federal Government put on the Endangered Species Act. And they are saying, in effect, to us, "You fund it." And yet, that is a national concern, a national resource.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. Mr. President, do I have some time remaining?

The PRESIDING OFFICER. The Senator has 20 minutes and 26 seconds.

Mr. BYRD. Has the time of the Senator from Oregon been used?

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. BYRD. I would be happy to yield some of my time to the Senator.

Mr. HATFIELD. I thank the Senator.

Mr. BYRD. I yield 10 minutes to the control of Senator HATFIELD.

Mr. HATFIELD. I thank the Senator from West Virginia.

Let me close with one sentence and then I would like to yield 5 minutes to the Senator from New Mexico.

I was concluding that I think we now have the eye and the ear of the administration. They have now committed themselves to trying to find the money for the fish mitigation.

My point was simply this. There is a national interest in these counties because of the national ownership. There is a national obligation because of the utilization by people of these areas and by people all over this Nation. Therefore, I think the least we can do is help offset the increased costs that are created by public ownership in my part of the country.

I yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. I thank the Chair and I certainly thank my friend from Oregon and Senator BYRD for yielding time.

I understand in previous debate Senator BRADLEY alluded to a county in New Mexico, Taos County, with the assertion that that county would get $1 million under this proposal.

Let me just make sure that the Senate understands the size of the public domain in counties like Taos. Taos County has 740,000 acres of public land.

One might even have picked a different county in New Mexico and said, "How about Catron County?" 2.8 million acres of Catron County are owned by the Federal Government. They will get something like, well, I do not have the exact dollar number, but significantly more obviously than Taos, which is a very poor county, not rich, because the Federal Government owns all the land, very poor, very poor services, very little money for the county Government.

So, obviously, I am here as a cosponsor of Senator HATFIELD's legislation.

I was one of the original Senators on the floor when we passed PILT. The distinguished Senator from Wyoming, Senator Hansen, was on the floor when this PILT amendment was passed here and retained in conference and we started down a path of fairness.

The Federal Government owns huge portions of our respective counties' lands in a State like New Mexico, in a State like Oregon, in a State like Colorado, and certainly in a State like Nevada.

Much of the source of revenue for running a county comes because of taxes they impose on land. Here we have in many counties nothing left to impose any local taxes on. Clearly, PILT is a way to treat these county Governments fairly with reference to the ownership of Federal land versus taking care of the basic needs of the people of the respective counties in a State like New Mexico.

Thirty-three percent, overall, of the State of New Mexico is owned by the Federal Government. In several of our counties, 80 percent of the surface of the land is owned by the Federal Government.

Local governments will not be able to function without adequate PILT payments. And it goes without saying that a formula that has not changed the dollar number since 1976—meaning if you are really helping local government by this formula distribution, they are getting exactly the same as in 1976. That is a long time without any increase. And the Hatfield amendment would not try to pick all that up but would say, in the future, you would index the PILT payment.

And I fully understand that the distinguished chairman of the Appropriations Committee, Senator BYRD, while I was not here this morning to hear the entire statement, indicated that appropriations is in a pretty tight squeeze. He mentioned a blossoming April with a bleak winter. I think I heard that much and I thought that was a very fine way to explain the appropriated accounts of this Government. This is an appropriated account. It is not an entitlement. We are going to have to find the money in appropriations.

But I say to the distinguished chairman, when there is so much need to bring this formula current, we understand we will have to take our place among all the various authorized programs of the Nation and try to get our money through the process. We do have some people who are going to work very hard at that, I say to the chairman, and I think we are going to try very hard to succeed.

Mr. President, I rise today to speak in strong support of this bill, which I have cosponsored with my friend, Senator HATFIELD.

This bill is extremely important to the counties in the State of New Mexico. Thirty-three percent of New Mexico lands are owned by the Federal Government. Several counties in New Mexico contain over 80 percent Federal lands.

Local government would not be able to function without adequate PILT payments.

The present formula for PILT was devised in 1976, and has not been revised to meet today's realities.

Currently, the PILT formula provides that lands acquired from the State are exempt from consideration for PILT payments.

This creates a situation that when the State agrees to exchange land with the Federal Government for their mutual benefit, this exchanged land ceases to be eligible for PILT payments.

This legislation corrects this unintended, unfair removal of land from eligibility for payments. It also clears the way for States to enter into exchange agreements with the Federal Government that will ultimately benefit both everyone.

This bill provides for a phasing-in of increased payments over a 5-year period to allow Congress, Federal agencies and local governments to better plan future activities.

Since its inception in 1976, the PILT Program has not seen a single increase in the authorized level of payments.

Undoubtedly, all of us would agree that the cost of government at all levels has increased significantly since 1976.

Mr. President, this legislation is most important to the survival of local government in the provision of public services.

The concept of PILT is as valid today as when it was passed, but the lag of payments behind inflation has produced a hardship on the local communities.

When the Federal Government holds what would ordinarily be private lands, it should act responsibly, and provide its fair share to the local infrastructure.

I urge the Senate to pass this important legislation.

I just say to the U.S. Senate, much has been said in the last year about the U.S. Government versus the West; the U.S. Government versus the States with great public ownership. Some have talked about the war on the West, maybe I have even, when we speak about new grazing rules and regulations.

But, essentially, this is one that is desperately needed to just treat our States fairly when we try to take into consideration the public, U.S. Government, ownership of lands within our respective States.

I hope it passes. As I indicated, it is not an entitlement. Clearly, this is needed. It is needed out of a sense of fairness to these States. I hope the Senate will, before the day is up, vote it in.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia [Mr. BYRD] is recognized.

### THE BIRTHDAY OF SENATOR BEN NIGHTHORSE CAMPBELL

Mr. BYRD. Mr. President, on another matter, I call attention to the fact that today is the birthday of our distinguished Presiding Officer, Senator BEN NIGHTHORSE CAMPBELL, the Senator from the State of Colorado.

The Senator from West Virginia wants to congratulate the Chair. I have experienced a similar situation 76 times, and it has gotten to the point that I do not enjoy it anymore. But let me say to my friend, Senator CAMPBELL, who is in the chair:

Count your garden by the flowers,
Never by the leaves that fall;
Count your days by the sunny hours,
Not remembering clouds at all.
Count your nights by stars, not shadows;
Count your life by smiles, not tears;
And on this beautiful April afternoon,
Count your age by friends, not years.

Mr. President, back on the bill, I ask unanimous consent to have printed in the RECORD a table showing the distribution of PILT payments by the States, and I make that request.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

*Table II.—Summary of payments to eligible units of Government by State, BLM*

| State/Territory: | *1993 Payment* |
|---|---|
| Alabama | $139,175 |
| Alaska | 4,347,805 |
| Arizona | 8,696,248 |
| Arkansas | 1,257,446 |
| California | 10,459,027 |
| Colorado | 6,285,256 |
| Connecticut | 18,850 |
| Delaware | 9,576 |
| District of Columbia | 49,513 |
| Florida | 1,281,825 |
| Georgia | 699,913 |
| Guam | 895 |
| Hawaii | 9,950 |
| Idaho | 7,379,289 |
| Illinois | 313,252 |
| Indiana | 212,652 |
| Iowa | 127,815 |
| Kansas | 337,818 |
| Kentucky | 506,096 |
| Louisiana | 156,088 |
| Maine | 95,200 |
| Maryland | 41,157 |
| Massachusetts | 52,865 |
| Michigan | 1,179,441 |
| Minnesota | 718,539 |
| Mississippi | 327,514 |

| | *1993 Payment* |
|---|---|
| Missouri | 1,015,777 |
| Montana | 8,239,592 |
| Nebraska | 351,861 |
| Nevada | 6,716,988 |
| New Hampshire | 94,332 |
| New Jersey | 40,730 |
| New Mexico | 10,595,126 |
| New York | 35,205 |
| North Carolina | 1,269,779 |
| North Dakota | 549,463 |
| Ohio | 203,047 |
| Oklahoma | 783,600 |
| Oregon | 2,843,000 |
| Pennsylvania | 211,044 |
| Puerto Rico | 22,292 |
| South Carolina | 302,709 |
| South Dakota | 1,228,642 |
| Tennessee | 472,483 |
| Texas | 1,309,563 |
| Utah | 8,885,822 |
| Vermont | 243,975 |
| Virgin Islands | 10,918 |
| Virginia | 1,102,214 |
| Washington | 4,034,049 |
| West Virginia | 739,525 |
| Wisconsin | 411,283 |
| Wyoming | 6,789,331 |
| Total | 103,205,555 |

Mr. BYRD. Mr. President, I have before me a statement of administration policy with respect to S. 455, Payments in Lieu of Taxes Act.

The Administration supports the payment in lieu of taxes (PILT) program to compensate units of local governments of losses to their real property tax base due to Federal lands within their boundaries. The Administration, however, cannot support S. 455, which would authorize substantial increases in PILT payments.

Unlike other public land payments to States and units of local government that are funded principally from revenues arising from public land use, the PILT program is funded through direct annual appropriations. Consequently, given the discretionary limits imposed by the Omnibus Budget Reconciliation Act of 1993, additional PILT payments would come at the expense of other priority programs.

Mr. President, in closing, may I say, we will have to cut various domestic programs, defense and other existing domestic programs, below the President's request. And we will have to cut them, not just below inflation but below a hard freeze in 1995. The question is, should we enact a bill that will more than double these payments to local governments over the next 5 years and then index them to rise automatically with inflation thereafter and at the very time when we are going to have to cut many existing worthwhile programs every year for the foreseeable future?

Mr. President, I speak apologetically with regard to my friend Mr. HATFIELD. I have spoken in opposition to S. 455, realizing that he has 44 fine cosponsors on his legislation. He is entitled to tremendous credit for the efforts that he has put forth. He has talked with me about this bill a number of times and visited me in my office about it, and I think he is going to win a victory today. That would be my guess. I have not counted votes. But if he has all those 44 cosponsors vote for the bill, which I presume they will do, that is a pretty good start.

In any event, I congratulate him on his dedication to the goal of passage of the bill. I do express the hope, however, that Senators who are not cosponsors will think carefully and remember that, as a result of passage of this bill into law, what is added to one part of the budget will have to be taken away from some other part of the budget, from other programs which have been very worthwhile and which continue to need funding. But we only have so much money and we have to make that do. That is what concerns me.

I call attention once more in closing to the fact that we should be more careful at the authorizing level when bills are brought to the floor, bills that are very attractive—many of them create new programs. These are programs that cost money. That is the time and place for Senators to exercise care with respect to Federal spending.

I daresay there is very little interest in the galleries today, very little interest in the press, probably, because this is not very spectacular, this business of passing authorizing measures while someone cries: "Help me, Cassius, or I sink."

It is the charges concerning big spenders that make the headlines. I hope the National Taxpayers Union and other organizations that are pretty constantly criticizing the appropriators as the big spenders will take note that it is the authorizing legislation that opens the dikes, the authorizing legislation that opens the faucets to the big spending further down the road. Once that authorizing faucet is open, then the pressure flows toward the appropriations faucet, and that is when the dollar signs get the attention of the organizations that are perennially criticizing the appropriators.

Does my friend need any additional time? I have 5 minutes.

Mr. HATFIELD. I thank the chairman. I would just like to make a unanimous-consent request.

Mr. BYRD. Mr. President, I yield my remaining time to the Senator from Oregon [Mr. HATFIELD].

The PRESIDING OFFICER. The Senator from Oregon [Mr. HATFIELD] is recognized.

Mr. HATFIELD. I thank the Senator for his consistent and totally generous conduct, and when we disagree, agree to disagree without being personal about it. As I say, I have great respect for the chairman, who represents, to me, the model Senator of this body and again demonstrates that today as two people who work so closely together who happen to be of a different view on this particular bill.

Mr. President, at this time I ask unanimous consent to print in the RECORD a letter from Governor Bill Clinton to Governor Roy Romer in support of this PILT increase. I emphasize the title "Governor"—not the President, Governor; the National Association of Counties; the Association of Oregon Counties; Governor Ann Richards of Texas; and a letter from Governor Roy Romer; along with a Congressional Budget Office cost estimate on S. 455; a copy of the 1992 Hatfield-BYRD floor colloquy; a press release in support of S. 455 issued by the Nature Conservancy; and before I had asked for the National Association of Counties' rebuttal to the question of BLM private property versus PILT comparisons. Those would complete the documents that I ask be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF ARKANSAS,
OFFICE OF THE GOVERNOR,
*Little Rock, AR, July 23, 1991.*

Hon. ROY ROMER,
*Governor of Colorado, State Capitol, Denver, CO.*

DEAR ROY: I am in receipt of your correspondence concerning Payments-In-Lieu-of-Taxes (PILT) to Units of Local Government. With over 3.1 million entitlement acres in the State of Arkansas, it is indeed an important issue here as well. The shrinking availability of resources for all levels of local government in this state as well as the nation is of extreme concern. Achieving an appropriate and inflation adjusted level of funding under the PILT program should be a priority among all the states involved.

You can be assured that the Arkansas congressional delegation is being made aware of the significance of House Resolution 1495 and Senate Bill 140.

I appreciate your correspondence concerning this critical issue.

Sincerely,

BILL CLINTON.

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NATIONAL ASSOCIATION OF COUNTIES,
*Washington, DC, February 23, 1993.*

Hon. MARK O. HATFIELD,
*Hart Senate Office Building, Washington, DC.*

DEAR SENATOR HATFIELD: The National Association of Counties wishes to express its full support for your legislation which would restore the full value to the Payments-in-lieu-of-taxes (PILT) program. At our recent Board of Directors meeting, NACo affirmed that the passage of an increased PILT authorization is one of our top seven national priority issues.

As you are well aware, PILT was authorized in 1976 and is subject to the yearly appropriations process. The authorization, however, has not been increased since the original program was introduced. The value of the program has been severely eroded by simple inflation to the point where in today's dollars, it is worth less than half of when enacted 17 years ago.

For 17 years Congress has recognized its responsibility to provide payments to over 1700 counties in 49 states to compensate them for the taxes lost through federal ownership of open space lands. Full funding under the current authorization has been about $104 to $105 million nationwide. If inflation had been factored into the program, full funding today would be $245 million as estimated by the Bureau of Land Management. That would be just to keep up with the original value of the PILT program.

For counties with large amounts of tax exempt public lands, the funding of PILT is critical. It is a major portion of their budgets and goes to help fund the direct and indirect services counties provide to public lands. PILT funds are spent for emergency search and rescue, law enforcement, fire and emergency medical services, solid waste disposal, road maintenance, and health and human services. All of these services are necessary to support the vast system of national parks, national forests, fish and wildlife refuges, and reclamation areas whose visitation has increased dramatically in the last 17 years.

Counties continue to rely on the property tax to fund the operation of local government. Statewide tax limitation measures have constrained the growth of local property taxes. But even under the strictest limitations, there is room for some increase for inflation. That has not been the case with PILT. While the consumer price index has skyrocketed over 120 percent since 1976, PILT payments have remained flat. Counties are faced with increasing costs for services to public lands and are being squeezed by the shrinking value of the existing program.

Shifting priorities in federal land management decisions have also piled an additional burden on local governments. Economic uses of public lands have been curtailed by Congress, further adding to the financial burden of local communities. Restrictions on mining, logging, and grazing have a direct impact on local economies and threaten the stability of communities that must service public lands areas. As natural resource payments to counties decline, the importance of PILT has increased dramatically.

The legislation you have introduced does not seek to make PILT an entitlement program. Counties have, year after, year gone to the appropriations committees in Congress to make their case for full funding of the program. We are willing to continue to do that in the future. We are, as elected officials, perfectly aware of the constraints of budget deficits. That is why we support your approach of phasing in over a five year period an increase in the authorization for PILT. As the Congress begins to shift savings from defense programs to domestic programs, we think PILT should have a high priority for increased funding.

Your leadership on this issue is important to counties across the nation. You have the unique perspective of representing a state with vast amounts of federally owned lands whose traditional uses are being altered by protection plans for the northern spotted owl. You are aware of how an increase in the PILT authorization could help distressed natural resource dependent communities whose economies are in transition. We appreciate your willingness to tackle this issue which is so important to counties nationwide.

We look forward to working with you on the passage of a new PILT authorization. Thanks for your strong support and leadership.

Sincerely,

JOHN STROGER,
*President.*

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ASSOCIATION OF OREGON COUNTIES,
*Salem, OR, February 8, 1993.*

Hon. MARK O. HATFIELD,
*Hart Office Building, Washington, DC.*

DEAR SENATOR HATFIELD: The Association of Oregon Counties most enthusiastically supports your legislative concept regarding adjustment to the federal payments-in-lieu-of-taxes program.

In coordination with the National Association of Counties, we have been seeking adjustment in payments under the program that would simply recapture value lost to inflation since its adoption in 1976.

Given federal budget realities, a three-year phase-in is certainly reasonable. In addition, the feature of an annual cost-of-living index is key to the program current.

Your concept effectively helps address the need for domestic economic revitalization, particularly in our hard pressed rural counties with predominant federal land ownership, such as Lake (78% federal ownership), Harney (76%), and Malheur (75%).

Your concept also addresses equity in this federal-county partnership. Tax immunity of these national purposes lands places an unfair burden on taxpayers of the county, who provide vital services—such as road maintenance, law enforcement, solid waste, and search and rescue operations—to visitors and agency employees. Both the costs of county services and number of visitors to public lands is increasing significantly every year.

Two quick examples of the need for your concept:

Grant County is 60% federally owned. In 1976, PILT was 22% of the county general fund budget. By 1991, PILT payments had fallen to only 9% of the budget. After full phase-in of your concept, payments to Grant County should return to 21% of its budget.

Harney County, with a population of 7,100, is 76% federally owned and must maintain over 2,000 miles of county roads. PILT pays $308,000, or only 6.4 cents per acre. This payment is less than half of what the county would be authorized under your concept.

We deeply appreciate your leadership and stand ready to help. We will stay in close consultation with your staff.

We also look forward to our visit with you March 2nd, and are pleased that you will be addressing the NACo Legislative Conference.

Best regards,

MICHAEL J. SYKES,
*President.*

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STATE OF TEXAS,
OFFICE OF THE GOVERNOR,
*Austin, TX, August 14, 1991.*

Hon. ROY ROMER,
*Governor of Colorado, State Capitol, Denver, CO.*

DEAR ROY: Thank you for writing about House Resolution 1495, to increase Payments-In-Lieu-of-Taxes (PILT) to Units of Local Government. I also support its passage. To update PILT levels at least to reflect inflation is a must.

I am notifying members of our congressional delegation of my support. If there is anything else that I can do for you, please let me know.

Sincerely,

ANN W. RICHARDS,
*Governor.*

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STATE OF COLORADO
EXECUTIVE CHAMBERS,
*Denver, CO, July 23, 1991.*

Hon. DALE BUMPERS,
*Chairman, Public Lands, National Parks and Forests, Senate Office Building, Washington, DC.*

DEAR CHAIRMAN BUMPERS: I am writing in reference to Senate Bill 140, "To Increase Payments-In-Lieu-of-Taxes (PILT) to Units of Local Government," by Senators Timothy Wirth and Pete Domenici. This is the "companion bill" to House Resolution 1495 by Representative Pat Williams of Montana.

I was invited to testify on SB 140, but regret that I could not, due to a scheduling conflict with the Western Governors' Association. This bill is extremely important to counties in this state with public lands. If the bills are enacted, most of these counties will increase their PILT payments by two to three times. Clearly, this will be an important gain for many counties throughout this state and the West.

The national lands in Colorado and the rest of the country are our children's heritage and must be protected and served. The counties in my state with public lands are becoming inundated with demands for services on these lands, including roads, shelter, fire protection, search and rescue, medical and law enforcement, among others. SB 140 will allow the nation's counties to better respond to these demands. We need to begin the process of returning to the level of resources envisioned in 1976 when PILT was enacted.

Your support of this proposal is requested.

Sincerely,

ROY ROMER,
*Governor.*

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U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, March 4, 1994.*

Hon. J. BENNETT JOHNSTON,
*Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 455, the Payment In Lieu of Taxes Act. This estimate assumes that the bill will be amended to make section 2(b)(2) effective as of October 1, 1998.

Enactment of S. 455 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER.

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CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

1. Bill number: S. 455.

2. Bill title: Payment In Lieu of Taxes Act.

3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources on February 2, 1994.

4. Bill purpose: S. 455 would change the formula used to calculate payments in lieu of taxes (PILT payments) to locate governments and would provide for annual adjustments to these payments based on changes in the Consumer Price Index (CPI). The higher payments would be phased in over a five-year period beginning in 1995. Counties containing certain types of federal land within their borders currently receive PILT payments as compensation for taxes that would be levied on these lands if they were privately owned. The changes in the formula would increase the amount of money authorized for PILT payments, though total payments would still be limited to the amounts provided in appropriation acts. The bill also would delete a provision of current law that prevents the federal government from making PILT payments on certain lands.

5. ESTIMATED COST TO THE FEDERAL GOVERNMENT

[By fiscal year, in millions of dollars]

| | 1995 | 1996 | 1997 | 1998 | 1999 |
|---|---|---|---|---|---|
| Estimated authorization level | 25 | 53 | 78 | 109 | 137 |
| Estimate outlays | 25 | 53 | 78 | 109 | 137 |

This table does not include an estimate of the impact of a provision in S. 455 that deletes a current prohibition against making

PILT payments on certain types of federal lands. While enactment of this provision would further increase the authorization for PILT payments, CBO has no information on the number of acres nationwide that would be affected.

The costs of this bill fall within budget function 800.

### BASIS OF ESTIMATE

In preparing this estimate, CBO assumed that S. 455 would be enacted during fiscal year 1994 and that appropriations would be provided as estimated beginning in fiscal year 1995. We also assumed that the permanent population caps specified in section 2(b)(2) would be made effective beginning in fiscal year 1999.

The Bureau of Land Management provided CBO with estimates of the total PILT payments that each county would receive over the 1995–1999 period as a result of the formula changes specified in the bill. This information indicates that the payments would total about $132 million in fiscal year 1995 and would reach $255 million by 1999. The 1994 appropriations bill for the Department of the Interior and related agencies provides about $105 million for PILT payments. Under current law, we expect such payments to remain at about this level, adjusted only for inflation, over the 1995–1999 period. The estimated cost of S. 445 is the difference between payments under the formula specified in the bill and the amounts included in CBO's baseline projections.

6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. CBO estimates that enactment of S. 455 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

7. Estimated cost to State and local governments: Assuming appropriation of the necessary funds, county governments would receive additional PILT payments beginning in fiscal year 1995 as specified in the table above.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Theresa Gullo (226-2860).

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

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[From the CONGRESSIONAL RECORD, Friday, Oct. 2, 1992, S16299]

Remarks by Hatfield (R-OR) and Byrd, Robert (D-WV) on H.R. 5503 and S. 140 on the Payment-in-Lieu-of-Taxes Program.

### ON THE PAYMENT-IN-LIEU-OF-TAXES PROGRAM

Mr. HATFIELD. I know my good colleague from the great State of West Virginia is aware of an issue that has arisen with county governments over the payment-in-lieu-of-taxes [PILT] program, a program funded through the Senate Appropriations Subcommittee on Interior. To put it simply, the PILT Program enacted in 1976, which compensates counties for the presence of Federal tax exempt lands in their jurisdictions, has not received an increase in the authorization level in 16 years. Today, the value of the program is less than half of when it was originally enacted.

County governments provide vital search and rescue, law enforcement, fire and emergency services, and road maintenance and construction to national parks, national forests and wildlife refuges. Though the costs of providing these services has risen, the PILT payments which assist the counties in providing these services have remained static. We are fond of saying that the Nation's public lands belong to all of us. We should also recognize the responsibility of the Federal Government to financially assist the local units of government expected to provide services to these areas.

Today, PILT payments are distributed to 1,789 counties in 49 States. Contrary to a perception by some, PILT is not simply a western program.

Mr. BYRD. I understand that, Senator Hatfield. PILT payments are critical to the local budgets of counties located within or adjacent to national parks or forests in the east, and throughout the country.

Mr. HATFIELD. That is an excellent point. Other States whose counties receive at least $1 million through the PILT Program are Arkansas, Florida, Michigan, North Carolina, Texas, and Virginia. My own State of Oregon receives about $2.9 million per year under the PILT Program.

In order to adjust these current PILT levels for inflation, however, legislation is necessary. Senate bill 140, currently before the Congress, attempts to make an inflationary adjustment for the PILT Program. The bill received broad bipartisan support in the Senate, as indicated by the cosponsorship of 64 Senators.

Mr. BYRD. I understand the popular support for S. 140, but am concerned about how an increased authorization will impact many of the other critical programs contained in the Department of the Interior appropriations bill. The Federal budget outlook for next year is less than optimistic at this time and thus the increase in the PILT Program called for under S. 140 is simply unworkable in today's fiscally limited climate.

Next year the rules of the budget process will allow us to review domestic versus defense programs and to assess our spending priorities. I will be glad to work with the ranking member at that time to consider a solution that seeks to address the concerns raised by the Nation's counties while also being fiscally responsible and sensitive to the constraints on our Federal budget and the Interior appropriations bill. We are unable at this time to fund many existing authorizations, let alone providing for the significant increases contemplated in S. 140, as well as other legislation.

Mr. HATFIELD. I appreciate the Senator's expression of support for finding an equitable solution in the next Congress, and I look forward to working closely with him on the PILT issue next year.

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[From the Nature Conservancy, Nov. 3, 1993]

### DECADE-OLD FEDERAL PAYMENT SYSTEM PENALIZES RURAL COMMUNITIES

WASHINGTON, DC.—Today hearings were held on Senator Mark Hatfield's Bill S. 455, designed to ensure that rural communities are not penalized for having Federal natural areas in their counties. S. 455 would increase the authorization for The Bureau of Land Management's Payment In Lieu of Taxes (PILT) program. The formula for computing these payments has not been updated since 1976. Over the last seventeen years inflation has greatly devalued the PILT payments, creating hardship for many rural counties.

The PILT program was established in 1976 to provide payments to counties to offset the effect of tax-exempt federal lands within their boundaries. PILT payments are calculated by a formula involving the number of acres of public land within a county, a county's population, and certain revenue-sharing monies received by a county during the previous year.

"We applaud Senator Hatfield's effort to provide a more stable base of economic support for rural counties," said Russell Hoeflich, Director of The Nature Conservancy's Oregon Field Office, who submitted testimony in support of this legislation to the Committee. "As the federal government acquires natural areas of national significance, it needs to keep its commitment to support the continued health and vitality of these local communities. Increased PILT payments are an important first step in doing that," he added.

Increasing PILT payments becomes increasingly important in states such as Oregon, where pressure exists to cut back on natural resource extraction and where additional land acquisition by the Federal Government for conservation and recreational purposes is being considered. In order to avoid having such acquisitions and cutbacks negatively effect local tax revenues, PILT payments must be indexed to reflect the impact of inflation.

The Nature Conservancy is a landowner in many of the rural jurisdictions where PILT payments are an important part of country budgets, which support vital services such as law enforcement, road maintenance, emergency medical service, and fire protection. "We have a strong interest in seeing that jurisdictions don't find themselves penalized for federal land ownership in the area," Hoeflich said.

The passage of S. 455 would increase PILT payments "in a way that seems to us eminently fair," states Hoeflich's testimony. It would set the payments at a level equal to those established in 1976 adjusted to account for the inflation since that date and accommodates future inflation as well so that the problem currently faced would not be repeated.

Mr. HATFIELD. Mr. President, I yield back the remainder of whatever time I have.

The PRESIDING OFFICER. The Senator has 2 minutes and 15 seconds.

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## RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 2 minutes.

There being no objection, the Senate, at 12:42 p.m., recessed until 12:44; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. CAMPBELL).

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## PAYMENTS IN LIEU OF TAXES ACT

The Senate continued with the consideration of the bill.

Mr. CONRAD. Mr. President, I am pleased that the Senate is debating S. 455, the Payment in Lieu of Taxes Act. I am a cosponsor of this legislation and hope that it will soon be enacted into law.

The Payment In Lieu of Taxes, or PILT, is designed to compensate local governments for lost tax revenue due to Federal ownership of land. In a sense, it is the Federal Government's property tax. This is a vital payment to rural communities that are struggling to provide services for their citizens. I am talking about basic services like fire and police protection, emergency response, and road construction and maintenance. The costs for these services are going up, but the Federal Government's payment for its share of them is not.

PILT was enacted in 1976 and the payments have not been increased since that time. Thus, the value of PILT today is less than half of what it originally was. S. 455 will increase PILT back to its original value and then index it to inflation. To reduce the budgetary impact, the increase will be phased in over 5 years.

Mr. President, this is simply a question of fairness. Federal land erodes a county's tax base. At the same time, every county must provide basic services, regardless of who owns the land. The Federal Government owes it to the counties to give them fair compensation. In 1976, the Government began to do this, but the Government has, of late, been neglecting its obligation.

In my State of North Dakota, the Government owns millions of acres of land. It is particularly alarming to counties for the Federal Government to continue acquiring additional land and paying inadequate PILT. The Federal Government owns millions of acres in North Dakota—it is time for the Government to become a better neighbor.

North Dakota currently receives about $550,000 annually under PILT. This legislation will more than double the Government's payments to North Dakota counties by the year 2000. Many North Dakotans have contacted me in support of S. 455, and I urge its speedy adoption.

Mr. DORGAN. Mr. President, as a cosponsor, I wish to briefly express my support for this bill. I strongly supported similar legislation while a Member of the House of Representatives for many years, and I wish to thank Senator HATFIELD'S efforts to bring this legislation to the floor.

We sharply debate many funding issues in the Senate, trying to decide the merit of one against another, and we must delete and reduce more and more items from our spending authorizations and appropriations because of our severe deficit spending problems.

However, the PILT Program should not simply be placed in the arena of merit from which Congress selects the most worthy candidates. PILT is a commitment Congress made 17 years ago to partially reimburse counties for erosion of local tax base resulting from Federal actions. As such, PILT should be viewed here as "paying the rent." PILT is a part of the Federal Government's cost of being in the land business out in the States. It is a consideration we owe to local governments by previous agreement.

I represent a State where PILT payments are not very large. North Dakota is 25th among the States in the total payments its counties receive under this program. About $550,000 is apportioned to 53 North Dakota counties, and that works out to less than $10,000 per county.

However, PILT is important funding to counties that have lost tax base to Federal land ownership. I asked a county commissioner from a western North Dakota County if PILT made much difference in the county's budget, and if the county would actually know the difference if PILT was terminated. Her county gets only $36,000 from PILT, but she said the money was very important to a total county budget of about $3 million. The county has severe budget problems, so it is critical the Federal Government meet its financial commitment to such a county.

This bill is a reasonable and responsible proposal, and I fully support it.

Mr. DURENBERGER. Mr. President, I rise today to offer my strong support for the proposed amendments to the Payments In Lieu of Taxes [PILT] Program.

I would like to start out by thanking my friend and colleague from Oregon, Senator HATFIELD, for all his hard work on this bill. I am an original cosponsor and an active promoter of S. 455, because I believe it will go a long way toward correcting inequities that for many years have existed between counties in my own State of Minnesota and the Federal Government.

Enacted in 1976, the PILT Program provides compensation to county governments that have tax-exempt programs or contain Federal lands—like national parks, forests, and wildlife refuges—and Bureau of Land Management [BLM] lands within their boundaries. More than 1,700 counties throughout 49 States benefit from this program, including many in Minnesota.

PILT funds help county governments meet the real and growing needs of their citizens for education, transportation, health care, law enforcement, waste disposal, and many other essential services. The payments are an extremely important source of revenue for counties which are continually asked to provide increased services despite diminishing budgets.

Unfortunately, though the Consumer Price Index has increased by 120 percent since 1976, the program's authorization level has not. Over the past 17 years, the value of PILT has eroded to less than half its original worth, creating yet another unfunded mandate on local governments.

Senator HATFIELD's bill will phase in, over 5 years, an adjustment increasing the formula from 75 cents for each acre of entitlement land to $1.65 per acre. Under the alternative method of determining PILT payments, the increase will be from 10 cents per acre to 22 cents per acre. Additionally, the population cap will be amended proportionally. Finally, the program will be indexed for inflation starting after the first year and will continue to be subject to the appropriations process.

An important feature of this bill is the 5-year phase-in of the full adjustment. Previous legislation, which I cosponsored, mandated the full adjustment in a 1 fiscal year period. The appropriations process was simply not able to accommodate an additional $115 million, and the legislation was subsequently stalled. I believe that the 5-year phase-in makes the bill more fiscally responsible, and thus more acceptable.

Minnesota counties rely on PILT payments as a significant source of revenue. Minnesota has 2,582,664 entitlement acres of Federal land—most of them located in northern Minnesota. Several counties comprise the majority of this land: Cook County contains 629,000 acres, a full 69 percent of its entire acreage; Lake County contains 727,025; and St. Louis County contains 837,935 acres. In fiscal year 1992, counties in Minnesota received roughly $685,000 from the BLM.

Under S. 455, Minnesota will see a first-year increase to $914,103, and an increase by the fifth year of $2,885,074. These payments are essential to counties in providing important daily services in places such as the Boundary Waters Canoe Area Wilderness [BWCAW].

Moreover, many counties have additional burdens due to the influx of part-year residents and visitors during summer months, increasing demands for services. For example, in my State, Cook and Lake Counties—home to the Superior National Forest and the BWCAW—have seasonal increases in costs for emergency medical care and solid waste collection and disposal. Travelers to the BWCAW drive through St. Louis County, leaving behind high road maintenance costs. Without PILT payments, it is up to the local residents to cover these additional costs for daily services—costs the rest of us often take for granted.

Mr. President, this legislation is a fair and equitable solution to a problem that has hampered Minnesota counties for many years and I urge my colleagues to vote to support S. 455 this afternoon.

Mr. DASCHLE. Mr. President, today we have an opportunity to enact long-overdue legislation that would increase the payments in lieu of taxes to counties. This issue is about equity. It is about the Federal Government living up to its responsibilities and it is about ensuring that counties are not penalized for having Federal lands.

Simply put, PILT payments currently are insufficient to meet the Federal responsibility to counties. In the past, PILT payments have been important to South Dakota. However, their value has substantially diminished as inflation has wiped out much of their original worth.

Without adequate payments to counties, the very presence of Federal land in those counties can be considered an unfunded mandate—a burden imposed by the Federal Government for which there is insufficient compensation.

This body has heard the concerns raised by local governments with respect to unfunded mandates. Many are well justified.

The lack of sufficient compensation for the presence of nontaxable Federal lands justifiably causes outrage. It creates a great disparity among counties as those with large tracts of Federal land are deprived of much of their tax base. They must rely on the largesse of the Federal Government to make up this difference.

Many of the counties with substantial amounts of Federal lands are located in the West. As we all know, management of Federal lands is changing. Timber harvesting is declining. Grazing fees are increasing. Mining royalties will soon be imposed. Some of these reforms are fair. Others may be excessive.

But what is clear is that if the Congress is going to ask the West to accept these changes, then it must in turn treat those lands fairly. The existence of Federal lands benefits all Americans. The national forests provide timber and recreation. The wildlife refuges provide important habitat, while the national parks provide places of beauty and quiet contemplation.

The counties that contain these Federal lands should not be asked to bear the financial burden associated with a reduced tax base without just compensation. If we are going to change the rules of the game, we must keep the players' welfare in mind. That is what this legislation is designed to do.

As you know, PILT payments are intended to help offset the loss of revenue caused by the presence of certain tax-exempt Federal land within local government boundaries. The formula established in 1976, and still used today, is based on acreage and population of affected counties. However, since the program formula is not indexed for inflation the amount of money now received, when measured in constant dollars, is worth less than half of what it was when the program was initiated in 1976.

I am proud to be a cosponsor of the Payments In Lieu of Taxes Act. The bill will raise the caps and index the payments for inflation. It will correct the injustices that have been wrought by the corrosive effects of 14 years of inflation.

This bill is not some extravagant luxury that Congress is bestowing on counties. It merely represents an effort to ensure that the Federal Government will live up to its responsibilities as a landowner and reflect the changes that are occurring in this Nation.

Private property owners must pay taxes to local governments. They must live with their tax assessment, which increases annually with inflation. It is only fair that the Federal Government be held to a similar standard.

I am hopeful that today this bill will be enacted and PILT payments will be raised to a more fair and meaningful level. I urge my colleagues to support this bill. Thank you Mr. President.

Mr. GORTON. Mr. President, I am proud to be a cosponsor of S. 455, a bill which will help local governments throughout my State provide services where currently unfunded Federal obligations require them to absorb the growing cost of providing these services on their own.

Mr. President, this legislation will provide—at minimum—a degree of relief to communities across my State which are missing out on property tax dollars. By increasing PILT payments we are living up to a commitment made to these counties so that they can continue to provide important services to visitors on Federal lands without bankrupting our local counties.

You need only glance at a map of my State to figure out that large tracts of land are owned by the Federal Government, thereby leaving many counties in my State dependent upon PILT payments to help meet increased service demands.

Let me give you a few examples of the importance of this legislation to my State of Washington. On one end of the spectrum is Okanogan County, which includes 1.56 million acres of federally owned land, and in nearby Chelan County the Federal Government owns 1.42 million acres of land. And on the other end of the spectrum is Adams County, where the Federal Government owns one, solitary acre. Mr. President, whether it's a million acres or one acre, the Federal Government must fulfill its obligation to these counties.

Members of the Interior Appropriations Subcommittee have expressed a concern about the cost of this legislation and the impacts it will have upon other spending priorities funded within the bill. As a member of the Senate Subcommittee on Interior Appropriations, which will appropriate funds for the PILT Program each year, I believe that appropriations for this program to be an extremely important funding priority for the subcommittee.

We have made a commitment to communities across the United States and this legislation provides us the important opportunity to meet these obligations. Mr. President, I urge my colleagues to vote in favor of S. 455.

Mr. REID. Mr. President, I rise today in support of S. 455, a bill to increase the amount of funding for the Payments In Lieu of Texas [PILT] Program. As a cosponsor of this important piece of legislation, I realize that we are requesting for an increase over the fiscal year 1995 budget request. This is necessary to recoup the loses to local governments from inflation. The PILT Program has not been seen an increase in authorized funding levels since 1976. This bill will allow for yearly inflation adjustment.

I represent a State which has 87 percent of its land, some 72 million acres, controlled by the Federal Government. All of the 17 counties in the State of Nevada, are mostly Federal land. With all of the mandates placed upon them by this Congress—from sewage treatment to safe drinking water, the PILT Program has assisted these communities in meeting the terms of compliance of these laws.

What we need to understand is that when PILT was enacted in 1976, it was an expansion of a notion of government partnership between the Federal Government and States and local governments that has existed since 1906. The Federal Government has accepted the obligation to share with county governments a percentage of the revenues it derives from commodity uses of public lands. I reiterate that these funds are spent by counties in my State to support services provided to users of the public lands: law enforcement, fire and emergency medical services, solid waste management, road maintenance, as well as other important services.

I urge my colleagues to support this legislation which is so vital to the survival of many of the rural communities in the State of Nevada and across the West.

Mr. JEFFORDS. Madam President, I rise in strong support of S. 455, a bill to increase the Federal Government's payments in lieu of taxes, [PILT] program. These are funds sent to local communities to offset property taxes which would otherwise be paid by private landowners.

I think it is high time we acted to bring the PILT payments closer to economic realities, and that is why I've long been a supporter of this concept as well as a cosponsor of this particular bill.

As one who has consistently supported land acquisitions by the U.S. Forest Service in Vermont, I say to my colleagues that we cannot assume that the general population will continue to support such expenditures if the Federal Government is not willing to pay its fair share for local impacts of Federal ownership. We must raise the PILT to a more meaningful level, and, moreover, tie the PILT to the Consumer Price Index in order to account for annual inflation.

This bill does both.

We could argue for years over the appropriate benchmark for the PILT. Indeed, the fact that the PILT has not been increased since its inception in 1976—in fact, it has been eroded by inflation—is partly due to disagreements over the appropriate payment amount. Perhaps if we had originally indexed the PILT to the inflation rate we could have avoided the controversies of today.

I support the levels set by S. 455. In brief, the payment would rise in increments from the current $.75 per acre to $1.65 per acre by fiscal year 1999, after which payments would be increased in proportion to the Consumer Price Index. Rather than delay passage over protracted debate, I think we should agree to the numbers set by the Energy and Natural Resources Committee and move promptly to passage.

I realize such increases must be offset by reductions in other Federal programs, but I think PILT payments are a priority.

While the PILT payments will remain—in the vast majority of cases—well below property tax levels paid by private owners, I believe there is a growing recognition of the values derived from public ownership. Some of these can be quantified, others cannot.

In general terms, our world is becoming a smaller place, and it is important to reserve from development natural areas for public enjoyment and wildlife habitat. No longer can we take for granted the public benefits that have so long been provided by private landowners.

More and more, we are seeing landowner associations being formed to restrict public access to places long favored by locals. More and more, residences are being developed in areas long utilized by wildlife. More and more, land management practices strip away long-term values for short-term gains.

I am not an alarmist over these realities. Indeed, conversion rates have slowed in some respects. But I do support a continuation of long-term conservation strategies, including Federal land purchases when appropriate. And I feel the PILT program must be adjusted upward in order to maintain public support.

Finally, I want to mention that emerging studies are beginning to quantify the economic benefits associated with public ownership. In Vermont, case studies have focused on the economic impacts of land conservation compared to such impacts from residential or commercial development. What we're finding is that land left in its natural state, since it does not typically require additional public investments in roads, education, and municipal services, is often more cost effective—from the town's perspective—than if such land is developed.

Of course, the best case—again, from the town's perspective—might be private ownership of undeveloped land and carefully planned development. But as I've mentioned, the dynamics of private ownership often cannot provide the long-term benefits of public ownership. Adjustment of the PILT will help cushion the impacts of ownership changes in the short term, and encourage continuation of public and local support for the long term.

And so, Madam President, I encourage Senate approval of S. 455. Let's bring the PILT back in line with its original purposes by restoring inflationary losses. This is an issue that we cannot simply ignore.

Mr. KEMPTHORNE. Madam President, I am pleased today to voice my strong support for S. 455, the Payments In Lieu of Taxes Act. I am a cosponsor of this bill, and I believe that S. 455 is a bill which restores some fundamental fairness to local governments by increasing payments in lieu of taxes by the Federal Government.

Most Idaho counties are directly affected by Federal lands within their boundaries. In the State of Idaho, the Federal Government owns 63.7 percent of all land. The total land ownership of the Federal Government in Idaho is greater than the total combined area of Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, and Vermont. Or in other words, the Federal Government owns a total land mass in Idaho equivalent to the total land mass of the State of Alabama.

In just one county in Idaho, Butte County, of the total 1,431,322 acres in that county the Federal Government owns 85.2 percent of the land. According to the census, Butte County has a per capita income in 1989 dollars of $10,257. This is a county that had 6.9-percent unemployment in 1993; 10 percent of all families live below the poverty level. It has a population of just 3,100 people.

The Federal Government owns 85 percent of the taxable property base of this county, yet payments in lieu of taxes [PILT] to Butte County make up only 7 percent of the county budget. Butte County finances road improvements and other critical services, which aid and benefit the Federal ownership.

PILT allows rural counties, whose tax base is consumed with Federal ownership, to meet the education and transportation needs of their citizens, and the demands placed on local services by the presence of Federal lands.

Many characterize PILT as an entitlement or bailout of rural local governments. This characterization is harsh and ignores the reality of the situation. The Federal Government has a responsibility as a neighbor and steward of the land it owns to contribute as a local community member. Just as we would not expect an absentee landlord to ignore his or her local responsibilities, we cannot allow the Federal Government to ignore its obligation to the communities that are both benefited and burdened by its presence.

Measured in constant dollars PILT payments are worth less than half of what they were when the program was initiated in 1976. It is past time for a readjustment of the responsibility of the Federal Government.

Federal ownership of land within a State was not intended to burden the host State but, having the Federal Government as the single largest absentee landlord in the State puts us at a severe disadvantage. As a U.S. Senator I have pledged to aid local governments and local communities in their fight for a partnership with the Federal Government. It is time for the equity to local government.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the final passage of S. 455, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN] is necessarily absent.

The result was announced—yeas 78, nays 20, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—78

Akaka
Baucus
Bennett
Bingaman
Bond
Boren
Boxer
Breaux
Brown
Bryan
Bumpers
Burns
Campbell
Coats
Cochran
Conrad
Craig
D'Amato
Danforth
Daschle
DeConcini
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Gorton
Graham
Gramm
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Leahy
Levin
Lott
Lugar
Mack
Mathews
McCain
McConnell
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Packwood
Pressler
Pryor
Reid
Robb
Sarbanes
Sasser
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—20

Biden
Bradley
Byrd
Chafee
Coverdell
Dodd
Faircloth
Glenn
Grassley
Harkin
Lautenberg
Lieberman
Metzenbaum
Mikulski
Mitchell
Nickles
Pell
Riegle
Rockefeller
Roth

NOT VOTING—2

Cohen Shelby

So the bill (S. 455), as amended, was passed, as follows:

S. 455

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Payments In Lieu of Taxes Act".

### SEC. 2. INCREASE IN PAYMENTS FOR ENTITLEMENT LANDS.

(a) INCREASE BASED ON CONSUMER PRICE INDEX.—Section 6903(b)(1) of title 31, United States Code, is amended—

(1) in subparagraph (A), by striking "75 cents for each acre of entitlement land" and inserting "93 cents during fiscal year 1995, $1.11 during fiscal year 1996, $1.29 during fiscal year 1997, $1.47 during fiscal year 1998, and $1.65 during fiscal year 1999 and thereafter, for each acre of entitlement land"; and

(2) in subparagraph (B), by striking "10 cents for each acre of entitlement land" and inserting "12 cents during fiscal year 1995, 15 cents during fiscal year 1996, 17 cents during fiscal year 1997, 20 cents during fiscal year 1998, and 22 cents during fiscal year 1999 and thereafter, for each acre of entitlement land".

(b) INCREASE IN POPULATION CAP.—Section 6903(c) of title 31, United States Code, is amended—

(1) in paragraph (1), by striking "$50 times the population" and inserting "the highest dollar amount specified in paragraph (2)"; and

(2) in paragraph (2), by amending the table at the end to read as follows:

| **"If population equals—** | **the limitation is equal to the population times—** |
|---|---|
| 5,000 | $110.00 |
| 6,000 | 103.00 |
| 7,000 | 97.00 |
| 8,000 | 90.00 |
| 9,000 | 84.00 |
| 10,000 | 77.00 |
| 11,000 | 75.00 |
| 12,000 | 73.00 |
| 13,000 | 70.00 |
| 14,000 | 68.00 |
| 15,000 | 66.00 |
| 16,000 | 65.00 |
| 17,000 | 64.00 |
| 18,000 | 63.00 |
| 19,000 | 62.00 |
| 20,000 | 61.00 |
| 21,000 | 60.00 |
| 22,000 | 59.00 |
| 23,000 | 59.00 |
| 24,000 | 58.00 |
| 25,000 | 57.00 |
| 26,000 | 56.00 |
| 27,000 | 56.00 |
| 28,000 | 56.00 |
| 29,000 | 55.00 |
| 30,000 | 55.00 |
| 31,000 | 54.00 |
| 32,000 | 54.00 |
| 33,000 | 53.00 |
| 34,000 | 53.00 |
| 35,000 | 52.00 |
| 36,000 | 52.00 |
| 37,000 | 51.00 |
| 38,000 | 51.00 |
| 39,000 | 50.00 |
| 40,000 | 50.00 |
| 41,000 | 49.00 |
| 42,000 | 48.00 |
| 43,000 | 48.00 |
| 44,000 | 47.00 |
| 45,000 | 47.00 |
| 46,000 | 46.00 |
| 47,000 | 46.00 |
| 48,000 | 45.00 |
| 49,000 | 45.00 |
| 50,000 | 44.00.". |

### SEC. 3. INDEXING OF PILT PAYMENTS FOR INFLATION; INSTALLMENT PAYMENTS.

Section 6903 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(d) On October 1 of each year after the date of enactment of the Payment in Lieu of Taxes Act, the Secretary of the Interior shall adjust each dollar amount specified in subsections (b) and (c) to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor, for the 12 months ending the preceding June 30.".

### SEC. 4. LAND EXCHANGES.

Section 6902 of title 31, United States Code, is amended to read as follows:

**§ 6902. Authority and Eligibility.**

"(a) The Secretary of the Interior shall make a payment for each fiscal year to each unit of general local government in which entitlement land is located, as set forth in this chapter. A unit of general local government may use the payment for any governmental purpose.

"(b) A unit of general local government may not receive a payment for land for which payment under this Act otherwise may be received if the land was owned or administered by a State or unit of general local government and was exempt from real estate taxes when the land was conveyed to the United States except that a unit of general local government may receive a payment for—

"(1) land a State or unit of general local government acquires from a private party to donate to the United States within 8 years of acquisition;

"(2) land acquired by a State through an exchange with the United States if such land was entitlement land as defined by this chapter; or

"(3) land in Utah acquired by the United States for Federal land, royalties, or other assets if, at the time of such acquisition, a unit of general local government was entitled under applicable State law to receive payments in lieu of taxes from the State of Utah for such land: *Provided, however,* That no payment under this paragraph shall exceed the payment that would have been made under State law if such land had not been acquired.".

### SEC. 5. EFFECTIVE DATE; TRANSITION PROVISIONS.

(a) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), this Act and the amendments made by this Act shall become effective on October 1, 1994.

(2) LIMITATION.—The amendment made by section 2(b)(2) shall become effective on October 1, 1998.

(b) TRANSITION PROVISIONS.—

(1) FISCAL YEAR 1995.—During fiscal year 1995, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

| **"If population equals—** | **the limitation is equal to the population times—** |
|---|---|
| 5,000 | $62.00 |
| 6,000 | 58.00 |
| 7,000 | 54.50 |
| 8,000 | 51.00 |
| 9,000 | 47.00 |
| 10,000 | 43.50 |
| 11,000 | 42.00 |
| 12,000 | 41.00 |
| 13,000 | 40.00 |
| 14,000 | 38.50 |
| 15,000 | 37.00 |
| 16,000 | 36.50 |
| 17,000 | 36.00 |
| 18,000 | 35.50 |
| 19,000 | 34.50 |
| 20,000 | 34.00 |
| 21,000 | 33.75 |
| 22,000 | 33.50 |
| 23,000 | 33.00 |
| 24,000 | 32.50 |
| 25,000 | 32.25 |
| 26,000 | 32.00 |
| 27,000 | 31.75 |
| 28,000 | 31.50 |
| 29,000 | 31.25 |
| 30,000 | 31.00 |
| 31,000 | 30.75 |
| 32,000 | 30.50 |
| 33,000 | 30.00 |
| 34,000 | 29.75 |
| 35,000 | 29.50 |
| 36,000 | 29.25 |
| 37,000 | 28.75 |
| 38,000 | 28.50 |
| 39,000 | 28.25 |
| 40,000 | 28.00 |
| 41,000 | 27.50 |
| 42,000 | 27.25 |
| 43,000 | 27.00 |
| 44,000 | 26.50 |
| 45,000 | 26.25 |
| 46,000 | 26.00 |
| 47,000 | 25.75 |
| 48,000 | 25.50 |
| 49,000 | 25.00 |
| 50,000 | 24.75.". |

(2) FISCAL YEAR 1996.—During fiscal year 1996, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

| **"If population equals—** | **the limitation is equal to the population times—** |
|---|---|
| 5,000 | $74.00 |
| 6,000 | 69.50 |
| 7,000 | 65.00 |
| 8,000 | 61.00 |
| 9,000 | 56.00 |
| 10,000 | 52.00 |
| 11,000 | 50.50 |
| 12,000 | 49.00 |
| 13,000 | 47.50 |
| 14,000 | 46.00 |
| 15,000 | 44.50 |
| 16,000 | 43.50 |
| 17,000 | 43.00 |
| 18,000 | 42.00 |
| 19,000 | 41.50 |
| 20,000 | 41.00 |
| 21,000 | 40.25 |
| 22,000 | 40.00 |
| 23,000 | 39.50 |
| 24,000 | 39.00 |
| 25,000 | 38.50 |
| 26,000 | 38.25 |
| 27,000 | 38.00 |
| 28,000 | 37.50 |
| 29,000 | 37.25 |
| 30,000 | 37.00 |
| 31,000 | 36.75 |
| 32,000 | 36.25 |
| 33,000 | 36.00 |
| 34,000 | 35.50 |
| 35,000 | 35.00 |
| 36,000 | 34.75 |

| | |
|---|---|
| 37,000 | 34.50 |
| 38,000 | 34.00 |
| 39,000 | 33.75 |
| 40,000 | 33.25 |
| 41,000 | 33.00 |
| 42,000 | 32.50 |
| 43,000 | 32.25 |
| 44,000 | 32.00 |
| 45,000 | 31.50 |
| 46,000 | 31.00 |
| 47,000 | 30.75 |
| 48,000 | 30.50 |
| 49,000 | 30.00 |
| 50,000 | 29.50.". |

(3) FISCAL YEAR 1997.—During fiscal year 1997, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

| "If population equals— | the limitation is equal to the population times— |
|---|---|
| 5,000 | $86.00 |
| 6,000 | 81.00 |
| 7,000 | 76.00 |
| 8,000 | 71.00 |
| 9,000 | 65.50 |
| 10,000 | 60.00 |
| 11,000 | 58.50 |
| 12,000 | 57.00 |
| 13,000 | 55.00 |
| 14,000 | 53.50 |
| 15,000 | 51.50 |
| 16,000 | 51.00 |
| 17,000 | 50.00 |
| 18,000 | 49.00 |
| 19,000 | 48.00 |
| 20,000 | 47.50 |
| 21,000 | 47.25 |
| 22,000 | 46.25 |
| 23,000 | 46.00 |
| 24,000 | 45.25 |
| 25,000 | 45.00 |
| 26,000 | 44.50 |
| 27,000 | 44.00 |
| 28,000 | 43.75 |
| 29,000 | 43.50 |
| 30,000 | 43.00 |
| 31,000 | 42.50 |
| 32,000 | 42.00 |
| 33,000 | 41.75 |
| 34,000 | 41.25 |
| 35,000 | 41.00 |
| 36,000 | 40.50 |
| 37,000 | 40.00 |
| 38,000 | 39.50 |
| 39,000 | 39.00 |
| 40,000 | 38.75 |
| 41,000 | 38.25 |
| 42,000 | 38.00 |
| 43,000 | 37.50 |
| 44,000 | 37.00 |
| 45,000 | 36.50 |
| 46,000 | 36.00 |
| 47,000 | 35.75 |
| 48,000 | 35.25 |
| 49,000 | 35.00 |
| 50,000 | 34.50.". |

(4) FISCAL YEAR 1998.—During fiscal year 1998, the table at the end of section 6903(c)(2) of title 31, United States Code, is amended to read as follows:

| "If population equals— | the limitation is equal to the population times— |
|---|---|
| 5,000 | $98.00 |
| 6,000 | 92.00 |
| 7,000 | 86.00 |
| 8,000 | 80.50 |
| 9,000 | 74.50 |
| 10,000 | 68.50 |
| 11,000 | 66.50 |
| 12,000 | 64.50 |
| 13,000 | 63.00 |
| 14,000 | 61.00 |
| 15,000 | 59.00 |
| 16,000 | 58.00 |
| 17,000 | 57.00 |
| 18,000 | 56.00 |
| 19,000 | 55.00 |
| 20,000 | 54.00 |
| 21,000 | 53.50 |
| 22,000 | 52.75 |
| 23,000 | 52.00 |
| 24,000 | 51.50 |
| 25,000 | 51.00 |
| 26,000 | 50.50 |
| 27,000 | 50.25 |
| 28,000 | 50.00 |
| 29,000 | 49.50 |
| 30,000 | 49.00 |
| 31,000 | 48.50 |
| 32,000 | 48.00 |
| 33,000 | 47.50 |
| 34,000 | 47.00 |
| 35,000 | 46.50 |
| 36,000 | 46.00 |
| 37,000 | 45.50 |
| 38,000 | 45.00 |
| 39,000 | 44.50 |
| 40,000 | 44.00 |
| 41,000 | 43.50 |
| 42,000 | 43.00 |
| 43,000 | 42.75 |
| 44,000 | 42.25 |
| 45,000 | 41.75 |
| 46,000 | 41.25 |
| 47,000 | 40.75 |
| 48,000 | 40.25 |
| 49,000 | 39.75 |
| 50,000 | 39.25.". |

Mr. JOHNSTON. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Mr. KOHL assumed the Chair.)

## VISIT TO THE SENATE BY PEOPLE'S REPUBLIC OF CHINA'S MINISTER OF FOREIGN TRADE

Mr. JOHNSTON. Mr. President, it is with pleasure that I introduce to the United States Senate Madam Wu Yi, the Minister of Foreign Trade from the People's Republic of China, who is standing in the back of the Chamber. She is a very distinguished Minister who is bringing the People's Republic of China to a market economy. [Applause.]

## UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator BOND be recognized to address the Senate as in morning business for up to 5 minutes, and that following the conclusion of his remarks, Senator DANFORTH be recognized to address the Senate as in morning business for up to 15 minutes; that upon the conclusion of Senator DANFORTH's remarks, there be a period for morning business for an additional 10 minutes, during which Senators be permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri [Mr. BOND], is recognized.

## HEAVY RAINS AND FLOODING IN MISSOURI

Mr. BOND. Mr. President, I have a message that is unfortunately very untimely for the people of my State. I hope that I can call the attention of my colleagues to it.

Yesterday, the administration proudly claimed that it cut through red tape and bureaucracy to get the Santa Monica Freeway open 2½ months ahead of schedule. We congratulate the bureaucracy. We are glad for the people of Santa Monica, and we are delighted to hear that this is a new way of reinventing Government.

Unfortunately, for people that live in the valleys of the State of Missouri along the river bottoms, Government has been reinvented in the wrong way. I have told this body several times that if the administration continues to delay the replacement of levees blown out in the disastrous floods of 1993, rising waters in 1994 are going to bring havoc, disruption, and loss to our State, our families, our businesses, and our communities.

The long-predicted rains have come; they hit heavily over this weekend. Serious flooding has occurred. I ask how long we are going to continue seeing the Corps of Engineers contradict, delay, and dawdle through the responsibility of repairing the levees.

Yesterday I was in central Missouri. I stood on the road and looked at the community of Loutre, Loutre Market. It is flooding. This is an area that is flooding this year because the Corps of Engineers has refused to carry out its responsibility and rebuild the levees that protect it. This is the levee just upstream. Notice the hole. That is where the water came through. The water has not gone over the top of the levee. The water came through where the levee has been left open.

What does this do to the communities? Schools are closed in the area. People cannot get to work. This is Highway 94 and Highway 100 in Missouri. It is between Hermann and Loutre and New Florence, MO. We spent $1.7 million repairing this stretch. Highway equipment is out in the water trying to keep that road from washing out again.

You can see the levee that has not been repaired just above it is letting the water come in, flood and potentially destroy the $1.7 million worth of work there as well as the $1.1 million worth of work on the other State highway.

This is a broader view of what has happened in the Missouri River bottom near Hermann, MO. You can see that the waters have come through. As I went down with the Army National Guard in the helicopter yesterday, I saw many areas where water was pouring through levees that were not repaired.

The levees that the Corps of Engineers has been working on out of the Omaha district are about 83 percent repaired. The levees out of the St. Louis district are about 50 percent repaired. But in the Kansas City area which takes in essentially the Missouri River from Kansas City almost to St. Louis less than 19 percent of the levees have completed initial repair. In other words, with the spring rains and the rising rivers, all of these lands are going to be submerged again. These are agricultural lands. These are airports. These are highways. These are municipal utilities. These are communities and families who are living here and being flooded because the bureaucrats have delayed, dawdled, and procrastinated.

I want to know what the corps' problem is. Why have they decided to forsake their responsibility? They have used every means in the book to find good excuses for not repairing the levees.

I talked to about 60 angry people—men, women and children—yesterday who wanted to know why their communities are being devastated.

Mr. President, I cannot answer them. I cannot give them a good reason why after we appropriated the money to repair the levees they have not been done. Here is a community of Hermann, MO, a historic town. See the flooding through here. What is even worse is that you cannot go north from Hermann because the highways are under water.

The story continues to get worse and worse. We appropriated money for the Soil Conservation Service, and they were prepared to repair the Quindero levee north of Kansas City, the Corps of Engineers EDA said EDA might do it. EDA was going to study to the end of May. That is when the flood will hit between now and summer.

Mr. President, the people of Missouri are suffering. I ask my colleagues to join me to doing something to get the Corps of Engineers to move.

I thank the Chair and I am grateful to my colleague from Missouri.

The PRESIDING OFFICER. The Chair recognizes Senator DANFORTH of Missouri.

## SUPREME COURT NOMINEES

Mr. DANFORTH. Mr. President, I would like to address the Senate as a result of the announcement made by our majority leader yesterday that he will not be willing to be considered at this time for nomination for Associate Justice of the U.S. Supreme Court. And I would like to speak more generally about what that statement says about our process for confirming Supreme Court nominees.

Now, I know that from the standpoint of this Senator because of my own involvement with the Thomas nomination the natural reaction of people would be, well, there he goes again talking about something that was of particular interest in his own past. And maybe that is correct. But I want to talk about it in context of the Mitchell decision because it is clear to me that something has gone terribly wrong with the confirmation process and that the role of the Senate to advise and give consent to Presidential nominations has now reached the point where it is undermining the very thing that it was designed to serve, namely, to try to assure that first-rate nominees are brought forward and first-rate people are put on the Supreme Court.

I am confident that of the Members of the Senate, exclusive of the majority leader himself, there are 99 Members of the U.S. Senate who believe that GEORGE MITCHELL would be an absolutely outstanding Justice of the U.S. Supreme Court in every respect. The quality of his mind, the quality of his person, his temperament, his character, everything that goes into a first-rate Supreme Court Justice is possessed by Senator MITCHELL. Yet the reason that was given by Senator MITCHELL was that he cannot do justice to his job as majority leader and still be a nominee for the Supreme Court. And maybe that is correct, but if it is correct, to me it is a very damning statement about the process that we have erected for confirming Supreme Court nominees.

In the judgment of this Senator there is absolutely no reason why the Senate could not do an adequate job of giving advice and consent on a Mitchell nomination and still allow the majority leader to perform all of the functions of a Senator and of a majority leader.

But I can understand the majority leader's analysis because what we have created now is a system which is so long and drawn out and elaborate that anybody facing it would have to say what am I getting into; how can I possibly get through this; how can I get through it and do anything else with my life?

Currently, the way in which the Senate operates and the way in which nominees function, is that before the committee hearings are held the nominees make office calls certainly on Members of the leadership and members of the Judiciary Committee and often other Members of the Senate as well. That is the nominee's call and that is the White House's call. It is not something that is required by the Senate but it has become part of the system and it has become something that is expected.

I know that in the case of the Thomas nomination then-Judge Thomas went around to more than 50 Senate offices, and it took most of the month of July just to do that, just to make those calls. So anybody who is now facing nomination believes that is the thing to do.

Judge Ginsburg called on me. I am not a member of the Judiciary Committee, but Judge Ginsburg—before she went before the Judiciary Committee—called on me. I do not know how many other calls she made.

But that is a very time-consuming thing—and in my opinion and in the opinion of this Senator—for a Supreme Court nominee to go around individually one-on-one and make office calls is demeaning. I do not think that is an appropriate thing for a Supreme Court nominee to do, and I am pointing the finger at myself because I took Judge Thomas around, but I do not think that is right.

Then after the office calls are made then the process begins of studying for the confirmation hearing. Now, until the mid-1930's it was the general practice that Supreme Court nominees not be called to testify before the Judiciary Committee. I do not know if it was never done but generally it was not done, and between the mid-1930's and the mid-1950's occasionally nominees would be making appearances before the Judiciary Committee. After 1955 it became the universal practice.

However, the nature of those hearings has expanded. In 1962, Justice White testified for a day, Justice Fortas for a day, Chief Justice Burger for a day, Justice Blackmun for a day.

But then, after that, it began to accelerate. Justice Powell 4 days, Judge Bork 5 days, and Justice Thomas 7 days. Of course, he had the famous second hearing that was involved in that. But there were 5 days of his main appearance before the committee.

The process of studying for those hearings is very, very time-consuming, because any member of the committee can ask any question. So what happens is that for a period of a month or so, every day the nominees are studying huge briefing books about Supreme Court decisions. Then they go before the committee and they are asked questions.

It is the opinion of this Senator that the asking of questions about jurisprudence to Supreme Court nominees is not appropriate. And the reason it is not appropriate is not only that it takes a lot of time, but that it jeopardizes the independence of the judiciary.

What a potential Justice is asked is to give the committee an understanding of how the Justice would rule on a case coming before the Court. That is the purpose of asking the question. So it is the opinion of this Senator that that kind of extensive questioning, particularly questioning over a period of days, about specific points of law—how do you interpret the first amendment, how do you interpret the due process clause, and on and on and on—all of these questions, in the opinion of this Senator, are not only extremely time consuming, but really raise the question of the separation of powers and the independence of the judiciary.

And then, of course, there are the investigations into matters of character, the FBI analysis, and the fact that in controversial nominations there are all these various groups fanning out through the country trying to find out whatever rumor or information they can get on a candidate that they do not support. I think this has just gone haywire.

We have seen that the process has become so time-consuming, so convoluted, that the majority leader says, "Well, I can't go through it and still do the job of being the majority leader and getting the President's health care program through Congress."

I have not discussed this with the majority leader. I do not intend to put myself into his head.

Maybe any Senator can come to the floor and say the way we are doing this is just exactly the right way to do it. But, in my judgment it has clearly malfunctioned. It has clearly backfired right now. It has clearly taken out of consideration a person who would be eminently qualified to be on the Supreme Court.

I do not think it is necessary for us to make a judgment on the character of Senator MITCHELL, to have all of these extensive interviews and all of this investigative process. It seems to me the judgment is made about the totality of the character of the human being, and if we cannot judge it in this case, having served with the majority leader for years in the Senate, then we cannot make a judgment about anything that comes before the Senate.

So my point is, first of all, I regret that a good person has been, in effect, taken out of consideration because of a conflict between duties as majority leader and a Senator and what a person would have to go through as a Supreme Court nominee.

But, second, to raise the question as to whether we are doing this in the right way; to raise the question in the context of a Democratic President and a Democratic Senator and a Democratic potential nominee for the Supreme Court—something in which I have zero partisan interest at all. None. I have no partisan interest in this whatever.

But I have seen this process, and I think it is a crazy process. I think we should simplify it. I do not believe Supreme Court nominees should be making office calls. I do not believe they should, in effect, have to study for a bar exam before they go before the Judiciary Committee. I do not believe they should be questioned for days on end on points of law. I do not believe there should be an effort to ask them to prejudge how they are going to decide matters or view matters as a member of the Court. And I do not believe this extreme poring into people's lives serves the real world interest of getting first-rate people on the Supreme Court.

I simply wanted to raise that point to the Senate in the hope that at some point in time we will come to a more reasonable and, I would say, more modest way of giving advice and consent for Supreme Court nominees.

Mr. MATHEWS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes Senator MATHEWS of Tennessee.

Mr. MATHEWS. Mr. President, I would like to take this opportunity to congratulate my colleague from Missouri, who has just made a statement here on the floor. I think he has put his finger on a matter that is of utmost importance, not only to this body but to this country.

I think we are approaching a time when the procedures which we have devised and developed as a body here to carry out our constitutional responsibility to advise and consent are becoming so burdensome as to discourage good people from seeking office.

I think we spend an awful lot of our time today, unfortunately, reacting to what someone might surmise is going on in this country rather than really dealing with the truth of what is there.

I join my colleague and say that the time is coming when we must stand up, when we must do some things here to let good people know that there is a way for them to serve their Government without putting them through all sorts of demeaning exercises and processes that we devise for our own benefit, perhaps. I congratulate the Senator from Missouri on his statement.

## LEAVE OF ABSENCE

Mr. MATHEWS. Mr. President, pursuant to rule VI, paragraph 2, of the Senate rules, I ask unanimous consent that I be permitted to be absent from the Senate from 4:30 p.m. today on through the end of the session today. I have business back in my State that I need to take care of. I will be returning tomorrow in time for the session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHEWS. I thank the Chair and I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota, Mr. DORGAN.

## THE CONSUMER PRICE INDEX REFUTES FED RESERVE ACTIONS

Mr. DORGAN. Mr. President, I wanted to take the floor briefly today to comment on some news that arrived this morning to the American people about the Consumer Price Index.

The Department of Labor announced today that the Consumer Price Index for the most recent month rose to 0.3 percent. Today's report followed yesterday's report about the Producer Price Index which rose just 0.2 percent. The combination of these reports on prices suggests that we have only modest inflation in this country. We do not have a classic inflation problem; and we do not have inflation running out of control. Inflation seems to be well in hand at a very modest level.

I point this out only because we have recently seen action in this country by the Federal Reserve Board that has prompted hardly a whisper or a whimper of objection. This is despite the fact that the Federal Reserve Board—a behemoth organization, which is accountable to no one—takes action that has a significant impact on the economic fortunes of this country.

I would like to use a chart to demonstrate what has happened to inflation. We have had some inflation problems in this country, but this chart demonstrates we have a relatively low rate of inflation today. It has come down each of the last 4 years and, according to this month's and today's announcement by the Department of Labor, remains at a very modest rate. One would not believe that if one were watching the behavior of the Federal Reserve in recent weeks.

We have had twin economic goals in our country for a long, long time: full employment and stable prices. Both are important, and both are goals that almost all of us share. The Federal Reserve Board, however, seems to have its priority with respect to those goals on the side of stable prices. In other words, they are taking actions that have much more impact on the price side than on the employment side.

Let me describe what I mean by that. We have inflation fairly well under control, with inflation decreasing each year of the past 4 years. Recent reports show that inflation is still modest in this country and is not growing. Despite that, the Federal Reserve Board has voted twice to increase interest rates in order to slow down the economy.

Someone for whom I have great respect, Alan Murray, recently wrote a Wall Street Journal column essentially supporting the Federal Reserve Board, saying the Federal Reserve Board should have taken this action, not with respect to inflation rates, but because the economy was moving too fast.

I do not share that view. The fact is, we have just come out of a very long and very troublesome recession. Our economy is not nearly up to cruising speed. We have not nearly fully employed our American work force. Millions of Americans are without work in this country. We are not fully exercising the capacity in our plants and equipment in America. Yet, we have a Federal Reserve Board operating behind closed doors, in secret, making monetary policy decisions to say let us slow down the American economy.

This is not new. The Federal Reserve Board was created earlier in this century, and was promised not to become a central bank that is accountable to no one, but in fact that is exactly what it has always been.

What I want to complain about today is not just the Fed's actions. In my judgment, the Fed has caused economic injury to our country by increasing interest rates on two occasions at a time when we should have continued the move towards more economic expansion. This would not risk more inflation because we have plenty of excess capacity in the workplace. But the Fed did this by themselves with no public debate, no discussion about whether it was a wise or unwise thing. They did it because it represents their constituency.

Let me describe what I mean. The Federal Reserve Board makes decisions, as I said, in a closed room. At least in the Open Market Committee you have people in that room voting on monetary policy that affects every American and affects the economy of this country. Some of those people who vote in that room, in the Open Market Committee, have never been appointed or confirmed by anybody in public office. The Open Market Committee contains, on a rotating basis, a number of regional Federal Reserve bank presidents. These people are largely selected by the big bankers in their region. They are then sent here to cast votes on what they think our monetary policy ought to be.

It should surprise no one that their votes reflect a bias on the side of saying let us control inflation versus worrying about employment, because the big money center banks, as a matter of fact, are much more disadvantaged by a higher rate of inflation than they are by a lower rate of employment.

When this town is obsessed by accountability, and all kinds of public interest groups around here are asking that everybody be accountable for everything, why is it that we have an institution like the Federal Reserve Board which, in the face of this country's economic challenges, takes action to increase interest rates twice at precisely the wrong time. Why is not anybody asking for accountability by the Federal Reserve Board?

Why do people who make up to $200,000 or more a year as regional Federal Reserve bank presidents come to town and vote on public policy that affects every American's life, and yet we have no accountability for those actions? The votes are taken in secret, behind closed doors, cast in some cases by people who have never been appointed by the President or confirmed by Congress.

I raise this question today in the context of suggesting that now is the time for us to move some legislation that I and my colleague, Senator SARBANES, and my colleague on the House side, Congressman HAMILTON, and some others have introduced, S. 219, the Monetary Policy Reform Act. It would remove the regional Fed presidents from the Open Market Committee and make the seven members of the Board of Governors responsible solely for monetary policy.

As a matter of fact, I have suggested more reforms for the Fed. I think what we ought to do for the Federal Reserve Board is not to give monetary policy to politicians, but to open the door and shine some light on the Fed. Nothing, in my judgment, would better serve the country's interests than to blind the Federal Reserve Board with a little sunshine so the American people could see how monetary policy is made and on whose behalf it is made.

In the last century we used to debate monetary policy from bars to barber shops. The question of interest rate policy was of immense concern to the American people, and it used to be part of political debates in this country. It is not any longer because there is this mystery shrouding monetary policy. We do not have much to say about it. It is conducted in secret down at the Federal Reserve Board. We do not quite understand it.

But I know enough about it to understand that monetary policy by the Fed that creates interest rate increases at a time like this, is more designed to serve the economic interests and the financial interests of the money center banks than it is to serve the economic interests of a family that needs a job in this country. That is why we need some reforms at the Federal Reserve Board.

It is a long and tired and, in many ways, a tortured debate we have about the Federal Reserve Board, because the minute we raise the question someone says, "Oh, so you want politicians to take over interest rate policy?"

No, that is not what I want. Nor do I want monetary policy, including interest rate policy in this country, to be the sole province of people who do their business behind closed doors and largely serve the economic interests and the financial interests of America's money center banks. We deserve better than that. We deserve more than that.

There is an opening at the Federal Reserve Board on the Board of Governors. It is safe to say my Uncle Joe is not going to be appointed. Oh, my Uncle Joe, I think, would probably be a pretty good choice. He knows something about business. He has worked all of his life. But the fact is the Fed is populated by a small congregation of people who call themselves bankers, economists, and others who think they know something about the economy of this country. And maybe they do, although I would observe that just prior to going into the last recession in 1990, a survey of the top forty economists in America showed that 35 of 40 of them surveyed predicted the next 12 months would be 12 months of steady economic growth. Of course in the next 12 months we experienced the beginning of the recession. Thirty-five of 40 economists did not predict the recession. One would wonder, then, whether my Uncle Joe might not contribute something to the profession.

I hope the American people, that the U.S. Senate, and others, will start asking significant and serious questions about who is making monetary policy and for whose benefit is it made.

We share the same goal: stable prices and full employment. But why is it, at a time when inflation is very, very low, and still modest—and I see no danger signs in the intermediate term—why is it the Federal Reserve Board behaves like a doctor who would now say to a patient, well, I see nothing wrong with you; I see no evidence of a problem, but I am going to prescribe some antibiotics just in case you run into a problem in the future. That would be irresponsible for a doctor, as were the two interest rate increases by the Fed.

I hope that finally we begin debating as a result of what the Fed is now doing, out of sync with what I think it should be doing at this time in our country, the question of what role should the Fed play in our future. How should the Federal Reserve Board be made accountable to the collection of interests of all of the American people, not just some of the money center banks that it seems all too often to serve.

Am I too harsh with the Federal Reserve Board? Well, maybe; but I think not. The question of monetary policy is too important for the American people not to have a voice. I think that we now need to rethink fundamental policy about how and where we conduct monetary policy and what role the American people can and should play in it.

Mr. President, I yield the floor. I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## EXECUTIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 747, the nomination of Rodney A. Coleman to be an Assistant Secretary of the Air Force.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

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DEPARTMENT OF DEFENSE

The assistant legislative clerk read the nomination of Rodney A. Coleman, of Michigan, to be an Assistant Secretary of the Air Force.

The PRESIDING OFFICER. The Senator from Georgia [Mr. NUNN].

Mr. NUNN. Mr. President, I thank the majority leader for bringing up this nomination. It has been pending now for about a month. It was reported out on March 10.

I am pleased that we are going to be able to bring this to the Senate for action today.

Mr. President, on the 26th of January of this year, President Clinton nominated Mr. Rodney A. Coleman, of Michigan, to serve as the Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations, and Environment. As is the case with all nominations for positions in the Department of Defense, Mr. Coleman's nomination was referred to the Committee on Armed Services.

Within the Committee on Armed Services, Mr. Coleman's fitness to serve in this key position was carefully reviewed. In accordance with normal committee procedures, Mr. Coleman provided written answers to a number of very pertinent policy questions. These questions addressed the duties and responsibilities of the position for which he is nominated, his qualifications to execute those duties and responsibilities, and a number of specific policy issues affecting the U.S. Air Force. Mr. Coleman's answers were carefully reviewed by the committee and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 18, 1994.

Hon. SAM NUNN,
*Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your note of congratulations on my selection by the President to serve as Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations, and Environment.

Enclosed are the answers to your policy issue questions. I appreciate the opportunity to submit my views in advance of my confirmation hearing and look forward to appearing before your committee to further discuss these important issues.

Sincerely,

RODNEY A. COLEMAN.

Enclosures.

ADVANCE QUESTIONS SUBMITTED BY SENATOR NUNN

DEFENSE REFORMS

Q. More than seven years have passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms. I am reminded that Admiral Crowe commented after enactment of the legislation that it would take approximately six years for full implementation.

Do you support full implementation of these reforms?

A. Yes.

Q. What do you consider to be the most positive accomplishments of the legislation?

A. For the military departments, the Goldwater-Nichols act clarified the responsibility to "organize, train, and equip" to adequately support operators in the field. The Air Force has used this focus on organizing, training, and equipping to accomplish comprehensive restructuring of the Air Force. If confirmed, I would have significant inputs on organizing and training issues.

Q. What is your view of the extent to which these defense reforms have been implemented thus far?

A. Coming from the private sector, I have not been involved in executing these reforms. I have read articles in the popular press and also previous testimony that credited part of our success in the Gulf War to changes resulting from Goldwater-Nichols. I noted that in his recent testimony before this Committee, Dr. Perry cited such advancements as clarifying the role of the Joint Staff and ensuring the centralized management and support of the Special Operations Forces. I attribute such improvements as evidence of good-faith on the part of the Services and the Department of Defense.

Q. Do you have any plans for further action to ensure fuller implementation of these defense reforms in your area?

A. While I have no specific plans, as yet, I would look for opportunities within my scope of responsibilities to support the goals of that legislation.

DUTIES

Section 8014 of Title 10, United States Code provides that the Assistant Secretaries of the Air Force shall perform such duties and exercise such powers as the Secretary of the Air Force may prescribe. As Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations and Environment you would be a top leader and manager in the Air Force.

Assuming you are confirmed, what duties do you expect that Secretary Widnall will prescribe for you?

A. If I am confirmed, I understand that Secretary Widnall will assign me general responsibilities of providing guidance, direction and oversight of all matters pertaining to formulation, review and execution of plans, policies, programs, and budgets relative to: (1) Military and civilian personnel; (2) Manpower management programs and techniques; (3) Anti-discrimination programs; (4) Reserve component affairs; (5) Installations and Base Realignment and Closure Issues; (6) Environment, safety, and occupational health; (7) Air Force review and appeal boards; (8) Drug policy oversight; and (9) Mobilization planning.

As the senior member of her team responsible for these functions, I expect to provide counsel to her and represent her in these areas in interactions with other government officials and private organizations in matters of mutual concern.

In carrying out these duties, what would be your relationship to the Under Secretary of Defense for Personnel and Readiness, to the Deputy Undersecretary of Defense for Environmental Security, to the Assistant Secretary of Defense for Reserve Affairs?

A. I understand that the Secretary of Defense may designate these levels of Department of Defense officials to exercise authority, direction, and control over Air Force activities within their realm of responsibility. I would plan to develop open lines of communication with them on policy matters.

What background and experience do you possess that you believe qualifies you to perform these duties?

A. I spent ten years on active duty in the United States Air Force as a civil engineering officer. During this time, I held responsible command positions implementing design and construction programs at Air Force installations in the United States and the Far East. I also was responsible for commanding combat engineering troops in Vietnam. I have had the opportunity to observe high-level decision-making while serving as a White House Fellow assigned as a Special Assistant to the Secretary of Interior. Immediately following my military service, I served in the District of Columbia government as executive assistant to the City Council Chairman which gave me high level liaison with the Congress and the White House on issues of mutual concern. I currently am an executive in General Motors and have worked with municipal governments throughout the United States on tax and environmental issues as well as the closure of twenty nine manufacturing plants affecting over 70,000 employees. I believe that the breadth of this experience qualifies me for the position to which I have been nominated.

Do you believe that there are any steps that you need to take to enhance your expertise to perform these duties?

A. While I believe I have the general background to serve as Assistant Secretary, I will need to familiarize myself with specific issues and to develop working relationships with specialists in the areas I would oversee.

MAJOR CHALLENGES

In your view, what are the major challenges confronting the next Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations and Environment?

A. There is no lack of challenging opportunities facing the next Assistant Secretary. Examples include the challenge of determining the right mix (civilian/ military/contractor) of resources in both active and reserve forces; smoothing the way for the more diverse workforce of the future; continued management of the military drawdown (including associated base closure and environmental issues); and the integration of the military health system with the national health-care reform initiatives. All of these challenges must be handled without losing sight that they are in support of the primary role of providing mission ready forces.

Assuming you are confirmed, what plans do you have for addressing these challenges?

A. These challenges are tough, usually requiring interaction among groups within DoD, within the Executive Branch, and with Congress. If confirmed, I plan to play an active role in those interactions and to ensure that members of my team are fully prepared to contribute positively to the process.

MOST SERIOUS PROBLEMS

Q. What do you consider to be the most serious problems in the management of Air Force manpower? How do you intend to deal with these problems, and what timetables would you establish for each?

A. I believe that maintaining a qualified and motivated workforce is essential. Recent years have seen large reductions of military and civilian personnel. By the end of the FYDP, military end strength will have declined 36% and civilian strength 33% from FY86 levels. Even with the programs that Congress has provided to cushion the impact, this has been and continues to be a stressful time. My own observations from my days as a junior captain during the post-Vietnam drawdown and my experience in industry with downsizing and consolidating facilities suggest to me that the people who work in an organization must have confidence that the senior leadership cares about them. We must keep faith with those who have served and may have had their careers curtailed as a result of the end of the Cold War. But we also must ensure that the Air Force remains an attractive career choice. Daily events reinforce the knowledge that the Air Force is not having a "going out of business sale." Secretary Widnall has a recurring theme in her presentations of "People First." If confirmed, I would hope to demonstrate a sustained pattern of decisions supporting the theme of "People First."

### OFFICER MANAGEMENT ISSUES

Q. In 1991, the methods used in the Air Force to select officers for promotion attracted significant attention within the Department of Defense and in the Senate. In fact, deficiencies in the Air Force officer promotion system prompted a major review by the Department of Defense of all officer promotion systems in the Department. That review resulted in a sweeping revision of the Department of Defense directive (DoDDir 1320.12) governing officer promotion selection boards and the means by which information is provided to officer promotion boards.

Do you believe that the reforms required by the Department of Defense directive have been implemented in the Air Force?

A. I am aware that the Air Force has issued guidelines covering changes in the law regarding the conduct of promotion boards and that senior leadership has directed that promotion policies be open, understandable, and consistent. I understand senior Air Force leadership has placed special emphasis on compliance with pertinent legislation as well as the DoD Directive. For example, the Secretary of the Air Force conducts interviews of board presidents and selected board members after they have conducted promotion boards. In the absence of direct experience with these matters, I believe the reforms have been implemented as required.

Q. To what extent does the officer corps of the Air Force believe that the system used to promote officers to all grades, including general officer grades, is fair and impartial?

A. I can only speculate at this point. I want to believe the great majority of officers have faith in the system and its integrity. If confirmed, I will make every effort to ensure the Air Force vigorously complies with the spirit and letter of all relevant laws, DOD Directives and Air Force regulations regarding officer promotions.

Q. Are you aware of the allegations surrounding recent officer promotion boards at Hanscom Air Force Base? What actions do you intend to take to preclude situations similar to that at Hanscom Air Force Base from recurring elsewhere?

A. I am aware that there are allegations a single individual used inappropriate procedures and considered non-performance related information in his assessment of officers in his organization. However, I am not aware of the details and cannot comment on specific remedial actions. Specific allegations of improper evaluation processes will be investigated. If the rules were broken, the Air Force will ensure "due process" and equitable treatment for affected officers. The Air Force has already initiated an Air Force-wide re-education effort focused towards commanders, senior raters and personnel staffs on the fundamental tenets and principles of the Officer Evaluation System.

### PERSONNEL TRANSITION INITIATIVES

Q. Over the past several years, the Congress has provided to the Secretaries of the Military Departments a number of management authorities to facilitate the drawing down of military personnel. Certainly, these authorities were intended to ensure the continued readiness of the Armed Forces both during and after the draw down.

How is the Air Force measuring the effectiveness and cost effectiveness of its use of the authorities the Congress has provided?

A. Congress has provided voluntary separation and early retirement incentives, and it has authorized and funded a Transition Assistance Program to facilitate the drawdown. These incentive programs have been very useful in helping the Air Force meet their drawdown force-level targets. Even with those incentives, involuntary authorities have had to be invoked in order to achieve military and civilian drawdown goals to date. The Air Staff updates its monitoring system weekly on this and provides a report to the Secretary.

### CIVIL-MILITARY COOPERATIVE ACTION PROGRAM

Q. Section 1081 of the National Defense Authorization Act Fiscal Year 1993 establishes the Civil-Military Cooperative Action Program.

What specific do you have for giving our reserve forces, particularly logistics or engineer units, the opportunity to play a greater role in civil-military cooperation as they go about performing their military missions?

A. The National Guard and Air Force Reserve have opportunities to play a greater role in community improvement cooperation programs as they go about performing their military training and missions. Natural disasters such as the floods in the mid-west, and the recent earthquake in California highlight a need for the use of all our national assets to bring quick response in the way of needed supplies and assistance. Reserve Component personnel are already actively engaged in numerous community cooperative program, I plan to review all of the current projects with the idea of assessing the ability of the Air Reserve Components to play an even greater role in their contribution to the community consistent with the criteria specified in Section 1081, and coordinated with OUSD (Personnel & Peadiness). I note, and agree with, Committee members' comments that worthwhile community service project must not put military readiness at risk.

### MAINTAINING A READY FORCE

Q. The military services were characterized as being hollow during the late 1970s and early 1980s. Many readiness problems during those years were directly related to manpower problems.

What indicators or early warning signals would you establish to protect against potential hollowness and readiness problems in the Air Force?

A. Readiness is the first priority of the Secretary of Defense and the Secretary of the Air Force. Dr. Widnall and General McPeak recently announced that 1994 will be designated the "Year of Readiness" and be an area of special emphasis. If confirmed, I would expect to have a significant role in establishing and implementing readiness goals within my areas of responsibility.

### RESTRUCTURING OF THE AIR FORCES RESERVE COMPONENTS

Q. On December 10, 1993, the Secretary of Defense announced a major restructuring of the Reserve Components of the Army. Although there are as of yet few details available regarding this restructuring, it is clear that this restructuring will dramatically affect the future capabilities of the Army Guard and Reserve.

What effect, if any, do you believe this restructuring will have on the Air Force Reserve and Air National Guard?

A. I do not see any significant effects on the Air National Guard and Air Force Reserve resulting from the restructure of the Army's reserve components.

Q. Do you believe that a restructuring of the Reserve Components of the Air Force is needed?

A. The Air Reserve Components do not need a restructuring such as the Army reserve components are currently undergoing. The Air Force has long integrated its Guard and Reserve components both in war plans and in day-to-day operations. The Air Force does make force mix adjustments that may alter missions of specific units. These force structure changes are part of a continuous review process that ensures the Air Reserve Components continue to provide the right capabilities for the Total Force as mission requirements change.

### DEPARTMENT OF DEFENSE MAINTENANCE DEPOTS

Q. The National Defense Authorization Act established a Department of Defense Task Force to review a whole series of issues in the area of depot maintenance in the military services.

What role do you think that DOD maintenance depots play in the overall logistics and readiness posture of the Air Force?

In your view, what role do the DOD maintenance depots play in our overall industrial base capability? What do you think is the proper balance between DOD depots and the private sector for Air Force depot maintenance workload?

A. I understand the Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations & Environment, does not have primary oversight responsibility for Air Force logistics and maintenance depots. Logistics oversight responsibility falls under the Assistant Secretary for Acquisition. However, I fully support the task force. In my base closure role, I also support the cross Service analysis of defense depots being conducted as part of the Base Closure 95 process.

### RELATIONSHIP TO ECONOMIC SECURITY, ENVIRONMENTAL AND LOGISTICS OFFICIALS

Q. What will be your relationship to the Assistant Secretary of Defense for Economic Security, the Deputy Under Secretary of Defense for Environmental Security, and the Deputy Under Secretary of Defense for Logistics?

A. I expect to have a sound working relationship with the Assistant Secretary and both of the Deputy Under Secretaries in areas of mutual concern. In order to carry out my statutory and assigned responsibilities, it will be necessary for me to deal directly and frequently with these officials. I will cooperate fully with them and their offices to achieve efficient administration of the Department of Defense and to carry out effectively the authority, direction, and control of the Secretary of Defense.

### ENVIRONMENTAL ISSUES

Q. In your view, is the current funding level for the Defense Environmental Restoration Account (DERA) adequate to meet the full range of the Air Force's environmental clean-up requirements?

A. Funding levels are adequate to clean up past problems at installations, but not as quick a pace as the Air Force desires. Current funding has allowed the Air Force to meet legal requirements, but only through renegotiating longer timeliness in some of the agreements.

Q. What priorities will you establish in the expenditure of the Air Force's DERA funds and how would you go about doing this?

A. DERA policy is established by OSC, and currently that policy is to fund only legally mandated requirements; i.e., those sites where the Air Force either has a legal (signed agreement) or statutory requirement, or to correct an imminent threat to human health or the environment.

Q. What steps would you take to ensure that the Air Force meets all of its legal obligations under existing environmental agreements with EPA and the States?

A. I will continue to make environmental matters a top priority in the Air Force. I will sustain the Air Force's policy of funding the legally mandated requirements. I will conduct periodic reviews and, as required, I will interject myself to ensure problems are resolved promptly and the program stays on track.

Q. The bulk of the Air Force's cleanup program is driven by legally enforceable agreements with the EPA and the States. There is some concern that there are contaminated sites not covered by these agreements that present a greater risk to the public health and safety than those covered by the agreements. What sites has the Air Force identified that fit into this category? How do you plan to address these sites? What role will you play in ensuring that the Air Force maintains an aggressive "cradle-to-grave" pollution prevention program?

A. Sites that are not on installations with agreements signed with the regulators but that score fairly high on our risk models fit into this category. The Air Force is working with OSD to change funding priorities from signed agreements to a system that prioritizes based upon risk to health, safety and the environment. All Air Force sites are being reassessed to determine their health safety and environmental risks, and the nature of contaminants, pathways and receptors. The Air Force is working with OSD and the regulators to allow priorities to be based upon reducing high and medium risk sites to low risk.

Q. In most instances, pollution prevention activities are not legally mandated. An aggressive pollution prevention program is necessary to eliminate new cleanup obligations, and, in the long term, to reduce O&M costs. What role would you play in ensuring that the Air Force implements pollution prevention?

A. I will support a very active pollution prevention program to eliminate contamination and reduce future liabilities and costs. It is much more cost effective to prevent a problem by changing a process or material before use than to handle and dispose of it afterwards. Pollution prevention will allow us to meet legal mandates with minimum expense. Although not legally required, the Air Force treats pollution prevention as a must pay bill. The Assistant Secretary's office has oversight to ensure that pollution prevention policies are being effectively implemented, and that adequate funding is available. By emphasizing successes the Air Force has achieved in pollution prevention and continuing to be a strong advocate, I will keep pollution prevention as a top priority. This commitment will allow the Air Force to benefit from reduced compliance and cleanup costs in the future, which will reduce the strain on the O&M budget.

Q. Over the next two years, a number of major environmental laws must be reauthorized, including the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Clean Water Act.

What role will you play in the reauthorization process for these laws? What specific issues of importance to the Air Force should be addressed in this reauthorization process?

A. In line with my environmental responsibilities I expect to play an active role in reviewing and commenting on these legislative items and helping to define the Air Force needs on each piece of legislation. It will be important to me to ensure that the process addresses the need of the Air Force to reconcile the two, often competing, requirements of being a good steward of the environment and maintaining a force trained, resourced, and ready to defend the interests of the United States.

### BASE CLOSURE ISSUES

Q. The National Defense Authorization Act of Fiscal Year 1994 contained a number of provisions designed to assist local communities make the transition associated with base closure. One of the provisions provided the Department of Defense with the authority to transfer property at closing bases at reduced or no cost to local communities pursuant to regulations to be issued by DoD. These regulations would establish criteria when such below-cost or no-cost transfers are appropriate.

What role will the Assistant Secretary of the Air Force (Manpower, Reserve Affairs, Installations, and Environment) play in the development and implementation of these regulations? What do you believe are the important issues that should be addressed in these regulations?

A. Two offices that report to the Assistant Secretary have roles here. The Deputy Assistant Secretary for Installation is part of the Base Closure Implementation Steering Group that is currently developing the implementing guidance for the provisions of the Defense Authorization Act. The Air Force Base Conversion Agency, the organization on the front lines of redevelopment, is also involved in developing this implementing guidance. I fully support the intent of this legislation as well as the President's Five Part Plan to Revitalize Base Closure Communities that was announced in July 1993. Closing Air Force installations is difficult for the local communities and for the Air Force because we have developed close ties with those communities. I fully support the objectives of the President's program: rapid redevelopment and creation of new jobs.

Subsequently, Mr. Coleman met with members of the committee individually and with selected staff. On February 24, the committee held an open hearing to review a number of nominations including Mr. Coleman's. Subsequent to that hearing on March 10, the Committee on Armed Services reported his nomination to the Senate with a recommendation that it be confirmed.

Mr. Coleman has superb credentials and is well suited to meet the challenges of the position for which he has been nominated. Mr. Coleman spent 10 years as an officer in the Air Force, during which he served as an engineering officer. He was appointed by the President in 1970 as a White House Fellow.

After leaving the Air Force, he served as the executive assistant to the chairman of the District of Columbia City Council and as a consultant to the Pennsylvania Avenue Development Corporation.

In 1980, Mr. Coleman joined the General Motors Corp. as the director of government relations for the central foundry division. In 1985, he was promoted to the position of director, municipal government affairs at General Motors headquarters. In 1990, he assumed his current position as executive director, Urban and Municipal Affairs for the General Motors Corp., where he is responsible for providing leadership and counsel to the management of General Motors on municipal government and minority group issues, nationwide. He has played a key role in the process of downsizing the infrastructure of General Motors. He is active nationally and locally in a number of civic and professional organizations.

The position for which he has been nominated, the Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations and Environment, is a key position in the Department of the Air Force hierarchy. If confirmed and appointed, Mr. Coleman will be responsible for providing to the Air Force guidance, direction, and oversight on all matters pertaining to the plans, policies, programs, and budgets concerning active, reserve, and civilian personnel and manpower programs; antidiscrimination programs; installations, base realignment and closure issues; environmental, safety and health concerns; and mobilization planning. Mr. Coleman will play an important role in the BRAC process within the Air Force, and his experience in General Motors in this area will be very valuable to the Air Force.

From this abbreviated list of the responsibilities of the Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations, and Environment, it is clear that this is a position that has an important amount of influence on the personnel readiness, quality of life, and stewardship of resources within the Air Force. As such, it should not remain vacant without compelling justification, especially in this time of force reductions and base closures.

Mr. President, the Committee on Armed Services has examined this nomination and is satisfied that Mr. Coleman is the right person for this position. I urge my colleagues to support this nomination.

I thank the Senator from Michigan for his stalwart assistance in this nomination. He has been a help in all of these nominations, but particularly the Coleman nomination. I thank him for his assistance.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Michigan [Mr. LEVIN], is recognized.

Mr. LEVIN. Mr. President, let me first thank my good friend from Georgia, and the majority leader, for bringing this nomination to the floor. It has been pending over a month. Mr. Coleman is well suited to this position for the reasons Senator NUNN mentioned. His work in the Air Force, his experience in the Air Force, and then his work at General Motors in governmental relations suits him well for this position.

There are many challenges in this position, but one of the most challenging is the closing of bases. We have been through that in Michigan, and we know the problems. Mr. Coleman is particularly well suited by his experience with General Motors and having to close facilities, and the need to deal sensitively with all of the various issues which arise when a facility is closed. You have a community that has been injured, that needs to get back on its feet. You have individuals who also have to be assisted when bases are closed. Mr. Coleman is extremely well qualified for that part of this position, as well as for the other aspects.

Again, I thank the majority leader and the Senator from Georgia, the chairman of the Armed Services Committee for pursuing this nomination to this point. I look forward to Mr. Coleman's confirmation.

Mr. MITCHELL. Mr. President, if there is no further debate on the matter, I ask that the Chair put the question to the Senate.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the nomination.

The nomination was confirmed.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the President will be notified on the nomination.

Mr. MITCHELL. I thank the distinguished chairman of the Armed Services Committee and the distinguished Senator from Michigan.

We have now completed action on one of the three pending nominations on which we could not previously obtain clearance. There are two remaining and, at this moment, we are in a discussion with our Republican colleagues, attempting to gain their clearance to permit us to proceed with respect to the remaining two nominations.

It is my hope and expectation that I will be able to announce very shortly a schedule with respect to those two nominations.

In the meantime, Mr. President, I ask unanimous consent that the Senate return to legislative session and that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan [Mr. RIEGLE], is recognized.

Mr. RIEGLE. Mr. President I want to acknowledge the action that will be set in motion with respect to Rodney Coleman from Michigan. I strongly support his nomination. I think he represents one of most the highly qualified people in the country who have been asked to step forward. I very much look forward to his service in that position.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## REREFERRAL OF A NOMINATION

Mr. MITCHELL. Mr. President, as if in executive session, I ask unanimous consent that Executive Calendar item No. 785 be referred back to the Committee on Foreign Relations and that the cloture motion filed on this nomination be withdrawn.

I am taking this action because it has just been brought to my attention that this particular nomination was reported in a manner contrary to Senate rules. The committee has asked for this action.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, reserving the right to object, and of course I will not object, I thank the distinguished majority leader for taking this action. It saves a lot of "who struck John," and I thank him very much.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I now ask unanimous consent that at 2:30 p.m. today, the Senate proceed to consideration of Calendar Order No. 395, S. 1970, a bill to authorize the Secretary of Agriculture to reorganize the Department of Agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, the Senate will, therefore, pursuant to that agreement, commence action on the Agriculture Department reorganization bill at 2:30.

I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, it is my understanding that we may speak in morning business for 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

The Senator from Iowa [Mr. GRASSLEY] is recognized.

## IN SUPPORT OF THE EXON-GRASSLEY AMENDMENT

Mr. GRASSLEY. Mr. President, the budget conference will soon begin. I want to talk to my colleagues about what has become the No. 1 issue for that conference and that is the Exon-Grassley amendment.

I just want to briefly remind you what that amendment does and the importance of preserving it. It is a $26 billion cut in the President's budget, and that is opposed to the House of Representatives rubber-stamping that budget this year.

The administration just released its March report on economic indicators. The news is somewhat troubling.

Civilian employment fell 221,000 in March; interest rates for 3-month T-bills were 3.06 percent in January 1993, and are now at 3.5 percent; 10 year T-bills were at 6.6 percent in January 1993, and now at 6.72. The administration's budget estimated that it would be at 5.8 percent for the next 5 years. So already there is a lot of additional costs there just from underestimating what interest rates would be.

In addition, CBO reported that the February deficit was $1.6 billion higher than projected.

And we are all familiar with the rollercoaster recently in the stock and bond markets. The continued growth in the economy can only partly offset this news.

A recent Wall Street Journal editorial points to the latest economic indicators and the market and suggested that a major factor in this is that there have been no efforts to cut the deficit—no efforts to cut the deficit. Remember, the other body rubberstamped the President's budget. As an example, the editorial cited opposition to the Exon-Grassley $26 billion cut.

The message is very clear: To help keep our economy stable and growing, we must make greater strides in reducing the deficit to instill some confidence in the people that we are really trying to do something about the deficit.

The irony is we should be talking about increasing the size of spending restraint even beyond what Exon-Grassley did, not cutting Exon-Grassley in half.

Unfortunately, there is a lot of talk from the leadership in both Houses about doing just that—cutting the $26 billion Senate figure in half. As it stands, the Exon-Grassley amendment amounts to only one-third of 1 percent over the next 5 years.

Who in their right mind can look their constituents in the eye and honestly say they support reducing the deficit when they cannot support this minuscule amount of spending cuts?

But we need to watch the big spenders closely. They are already plotting to undermine these cuts through gimmicks and tricks.

The Bureau of National Affairs—that is the BNA report that your office probably gets—quoted one big spender the other day on how to undermine the Exon-Grassley amendment, "put an even smaller amount of the cuts in 1995 and stick the larger cuts in the out years, knowing the cuts won't come about."

Well, the American people are watching and are not going to tolerate these smoke and mirrors.

My colleagues should know that many organizations dedicated to reducing the deficit have come out in support of the Exon-Grassley amendment, with groups such as Citizens for a Sound Economy and Citizens Against Government Waste making support of this amendment a key vote.

Other groups supporting the Exon-Grassley amendment include:

The National Taxpayers Union; the Committee for a Responsible Federal Budget; the National Federation of Independent Businesses; the Financial Executives Institute; the American Business Conference; the Small Business Survival Committee; the Christian Coalition; Concerned Women for America; Family Research Council; Americans for Tax Reform; the Association of Concerned Taxpayers; and the Seniors Coalition.

I ask unanimous consent that their letters be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRASSLEY. Every day more groups are joining in the fight to reduce the deficit and pass the Exon-Grassley amendment.

Let me briefly touch on two criticisms that have been raised against Exon-Grassley.

The first is that the cuts are not specific. Well, we all know that it is the appropriators that decide where the cuts are going to come from and it doesn't matter what the budget resolution says.

If we did specify, the appropriators would claim their jurisdictional role and make the cuts where they want. If we don't specify, we are attacked for not providing details. You're damned if you do, and damned if you don't. So that argument doesn't wash. When you hear people saying this, watch out; it is a big spender trying to hide behind a little rock.

What Senator EXON and I did do is reduce the overall level of discretionary spending. This is the proper role of the budget committee; and shrinking the pie is a legitimate function of the budget resolution.

Second, the big spenders are telling everyone that it will be their program that will be cut.

The big spenders have admitted this is their plan. This morning's Congress Daily has one big spender on the Budget Committee saying:

> We will be galvanizing forces outside the Congress that could be affected by the deeper budget cuts. We're going to try to show what the impact will be on various programs.

The big spenders have even gotten President Clinton to write Congress telling us these cuts will be the end of the world. I ask unanimous consent that the President's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
*Washington, April 11, 1994.*

Hon. JOHN R. KASICH,
*Ranking Member, Committee on the Budget, House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE KASICH: As you and your colleagues consider the Fiscal Year 1995 budget resolution in conference, I urge you to support the level of discretionary spending cuts that is reflected in the House budget resolution and to oppose the additional cuts proposed in the Senate resolution.

The discretionary spending levels contained in the House resolution reflect the hard freeze on outlays that was such an important part of last year's budget, which produced nearly $108 billion in savings over five years, and which is forcing extremely difficult choices upon both the Administration and the Congress. Indeed the budget I proposed would cut some 300 existing programs and terminate 115. With this hard freeze already forcing significant spending cuts; the unallocated additional discretionary cuts contained in the Senate resolution pose a direct threat to two vulnerable areas of the budget which are essential to our country's future: the defense budget and our program of investments in long-term growth.

I am particularly concerned about the impact of these cuts on our military. The additional cuts would almost inevitably result in reductions in defense funds. Any significant reduction in defense spending below the levels I have requested would make it impossible to fund adequately the multi-year investments in the force structure, modernization, and readiness that I approved in the Bottom-Up Review. As I said in my State of the Union Address, we must draw the line against further defense cuts. Our military must be the best equipped, the best trained, and the best prepared in the world. Those on both sides of the aisle who join me in that commitment should support my budget as embodied in the House resolution.

Similarly, the cuts in the Senate resolution pose a significant threat to our investments in education, training, research, technology, and crime-fighting that are critical to long-term economic growth and the well-being of America's families. These investments have already been trimmed significantly to conform to the hard freeze. Significant further reductions would seriously damage our efforts to provide more and higher-paying jobs today and in the future, to train today's workers and educate our children to perform jobs, and to fight the plague of violent crime in our cities and towns.

The 1995 budget I submitted reduces the Federal deficit by 40 percent and provides for three consecutive years of decline in the deficit for the first time in nearly a half-century. I am convinced that the careful path of deficit reduction we agreed upon last year is a critical factor in the stable, non-inflationary economic growth we are now experiencing. The level of additional cuts proposed in the Senate resolution poses a threat to our national security and to needed investments in our economic future. I urge you to support the level of cuts reflected in the House discretionary spending levels.

Sincerely,

BILL CLINTON.

Mr. GRASSLEY. This is the highest form of extortion of the taxpayer, because in my view, it is disingenuous.

From the way people are acting around here, you would think we had actually slashed spending for 1995 below 1994. Unfortunately, that is not the case.

So I warn my colleagues not to be caught up with the chicken littles who are running around saying the sky is falling.

Remember we are only talking about a $26 billion cut out of $2.7 trillion in discretionary spending over the next 5 years.

It is shameful the claims opponents are making against this amendment, and they should be embarrassed by their propaganda.

As a conferee, I will be fighting hard to preserve the full $26 billion in cuts. I remind my fellow conferees that it is the Senate's clear position to support the full $26 billion in cuts.

Three times during floor consideration of the budget the Senate overwhelmingly defeated efforts to waterdown or strike the Exon-Grassley amendment.

The message to the conferees is that the Senate will accept nothing less than the full $26 billion in deficit reduction.

I thank my colleagues on both sides of the aisle for their steadfast support for this bipartisan effort to reduce the deficit.

In particular, I commend Senator EXON for his continued leadership and also Senators SIMON, CONRAD, and LAUTENBERG for their support for the Exon-

Grassley amendment in the Budget Committee.

Having gone against my party and the White House in previous budget debates, I know what a tough decision they all had to make when there was a Democrat in the White House and they are Democrats. So its good to have these deficit hawks with us.

I also want to thank the many deficit hawks on my side of the aisle for their continued support for deficit reduction.

Finally, let me remind my colleagues that this is the last train leaving the station this year for real deficit reduction. We need to give the taxpayers at least one victory in this year's budget.

EXHIBIT 1

NATIONAL TAXPAYERS UNION,
*Washington, DC, April 13, 1994.*

DEAR REPRESENTATIVE: The 250,000-member National Taxpayers Union (NTU) strongly urges you to vote in favor or the Penny-Kasich Motion to accept the $26 billion in cuts approved by the Senate.

A bipartisan effort, led by Senators Exon and Grassley, in the Senate Budget Committee resulted in a resolution which includes an amendment to cut discretionary spending by $26 billion. In the House, a bipartisan team led by Representatives John Kasich, Tim Penny, and Charlie Stenholm is working to keep the Senate cuts intact.

While no plan to cut federal spending is painless, the motion is an important step to avoid the greater economic pain to deficits spiraling out of control.

The American people have sent a clear message to Congress—cut spending and balance the budget. A vote for the Penny-Kasich Motion proves that you hear the people and heed their voices.

Vote YES on the Penny-Kasich Motion to preserve the Senate cuts.

Sincerely,

JILL LANCELOT,
*Director, Congressional Affairs.*

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THE SENIORS COALITION,
*Washington DC, April 12, 1994.*

DEAR MEMBER OF CONGRESS: We at The Senior Coalition, a non-profit, non-partisan organization representing over 2,000,000 members and supporters in all fifty states, support budget cuts in pork-barrel discretionary spending in order to protect the Social Security Trust Funds.

Accordingly, we urge you to help protect Social Security by supporting the Penny-Kasich motion to preserve the Senate's $26.1 billion in spending reductions over five years passed in S. Con. Res. 63.

How do spending cuts and progress toward a balanced budget help Social Security?

Currently, Social Security is operating with a cash reserve of less than 2 years. Some claim that today's high FICA taxes are creating a much larger surplus to "cushion" the system when the "baby boomer" generation retires, but where is the money?

The answer is that it has been "borrowed" by the government through U.S. bonds to finance the federal deficit.

Many in Congress claim that these "I.O.U.s" will be paid back to Social Security to meet the need of tomorrow's retirees, but when a nation has a debt of over 4 trillion, and not a penny has been paid back since the last balanced budget in 1969, can we trust Social Security's future to a government IOU?

The father into debt the nation falls, the less likely we will ever pay off the nation's debt to the Social Security Trust Fund. Future benefits (guaranteed by the then worthless bonds) will have to be paid for with higher taxes or benefit cuts.

Balancing the budget would mean no additional government bonds to finance the deficit, and no more 'borrowing' from the Social Security Trust Fund. This would truly protect the future of our nation's retirees.

The Penny-Kasich motion is an excellent start. If we can't cut $26.1 billion today, what kind of future do we have. What kind of future does Social Security have. Please think of that before you vote. Thank you for your consideration.

Sincerely.

JAKE HANSEN,
*Director of Government Affairs.*

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COMMITTEE FOR A RESPONSIBLE FEDERAL BUDGET,
*Washington, DC, April 11, 1994.*

DEAR FORMER COLLEAGUE: This is just to let you know that someone out there really cares about Senate efforts to reduce federal spending and the deficit. Thank you for your vote on the Exon/Grassley amendment to the budget resolution. We understand that this is just a first step, the Senate still has to reaffirm your commitment actually to cut spending as you consider individual appropriations bills and/or legislation to reduce the discretionary spending caps enacted as part of last year's budget agreement. But you are trying to make good on the promises Congress and the Administration made last year to cut spending more and you are to be congratulated for those efforts.

We believe that now, while the economy is growing, unemployment is declining, interest rates are edging up and inflation fears are surfacing, is the optimum time to do more to reduce federal spending and the deficit. We are pleased that a majority of the Senate seems to share that view. Let us know what we can do to further your efforts.

Best regards,

HENRY BELLMON.

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FINANCIAL EXECUTIVES INSTITUTE,
*Washington DC, April 8, 1994.*

Hon. JOHN R. KASICH,
*House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN KASICH: On behalf of Financial Executives Institute, I am writing to offer FEI's strong support to the bipartisan effort in the House led by you, Rep. Tim Penny, and Rep. Charlie Stenholm to preserve the Senate's $26 billion in spending cuts passed in S. Con. Res. 63.

Financial Executives Institute (FEI), is a professional association of 14,000 senior financial executives from some 8,000 major corporations throughout the United States and Canada.

As senior financial executives, we have long understood the correlation between fiscal responsibility and the efficient operation of our corporations. Indeed, if any corporation operated in the same manner as the Federal Government, the SEC would shut it down.

While attempting to cut an extra $26 billion from the $1.5 trillion budget will not balance the budget, it does send an important message to the American people that Congress is willing to take a small step toward curbing the runaway budget deficit.

We commend you and your colleagues for your tireless dedication to effect real change in the way Congress spends the American people's hard earned dollars. FEI stands ready to assist you in this important effort.

Sincerely,

J. KAITZ.

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CITIZENS AGAINST GOVERNMENT WASTE,
*Washington, DC, April 8, 1994.*

DEAR REPRESENTATIVE: The House soon will consider a motion to instruct the conferees on the FY 1995 Congressional Budget Resolution, to be offered by Representatives John Kasich (R–OH), Tim Penny (D–MN), and Charles Stenholm (D–TX). The goal of the motion to instruct is to preserve $26 billion in budget cuts adopted last month in the Senate version of the Budget Resolution. As you are aware, Senators James Exon (D–NE) and Charles Grassley (R–IA) offered the successful amendment, and we are anxious to see the House of Representatives follow suit.

It is time to make the cuts count. This is not just another motion. This instruction to the conferees would set an example for fiscal responsibility in our nation's budget process. The effort in the Senate to include the cuts totaling $26 billion was completely bipartisan. Three attempts to strip some or all of the spending cuts were defeated.

Inside the Beltway, this may be a tough vote for some members of Congress. But American taxpayers know that adding to the deficit is more painful than a single vote in the U.S. House of Representatives.

The 600,000 members of the Council for Citizens Against Government Waste (CCAGW) urge you to vote to recede to the spending cuts in the Senate Budget Resolution. It is a vote in the best interest of our children and their children. CCAGW will rate this vote in our annual ratings.

Sincerely,

THOMAS A. SCHATZ,
*President.*

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NFIB,
*Washington, DC, April 11, 1994.*

Hon. ———,
*House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE: On behalf of the over 600,000 members of the National Federation of Independent Business (NFIB), I urge you to support the motion to instruct House conferees on the Budget Resolution to accept the $26 billion in spending cuts approved by the Senate. I strongly encourage you to support this motion when it comes to the House floor for a vote.

The vote is likely to take place on Wednesday, April 13. Representatives Penny and Kasich are planning to offer the bipartisan motion to accept the spending cuts approved by the Senate. Senators Grassley and Exon led a bipartisan effort resulting in the Senate Budget Committee reporting out a resolution which included an amendment to cut discretionary spending by $26 billion over the next five years. The full Senate adopted the resolution including the cuts by a vote of 57–40.

The House motion to accept the $26 billion in cuts represents just a fraction of all federal spending; however, it is a necessary step to reduce the deficit and the size of the federal government. NFIB members have consistently and overwhelmingly voted in favor of immediate deficit reduction, 88% in favor most recently.

NFIB members believe that spending must be cut now. Again I urge you to vote for the bipartisan motion to instruct conferees to adopt the $26 billion in spending cuts passed by the Senate.

Sincerely,

JOHN J. MOTLEY III,
*Federal Governmental Relations.*

AMERICAN BUSINESS CONFERENCE,
*Washington, DC.*

ABC RESOLUTION ON FISCAL YEAR 1995 BUDGET

*Resolved*, the American Business Conference (ABC), reaffirming its view that persistent federal budget deficits, combined with a low rate of national saving, are serious impediments to long-term economic growth, calls on the House and Senate budget resolution conferees to adopt the spending cuts approved by the Senate in its budget resolution for fiscal year 1995. These spending cuts represent an additional reduction over five years of $43.2 billion in budget authority and $26 billion in outlays from the Clinton Administration's budget proposal and the budget resolution of the House of Representatives. Believing, with the President, that the defense budget should not be subject to additional cuts beyond those achieved in OBRA 1993, ABC calls on House and Senate conferees to direct that the spending cuts fall on non-defense programs.

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COMMITTEE FOR A RESPONSIBLE
FEDERAL BUDGET,
*Washington, DC, April 11, 1994.*

DEAR FORMER COLLEAGUE: This week, the House is expected to vote on a resolution to be offered by Representatives Penny, Kasich, Stenholm and others. The resolution will instruct House Conferees to agree, in the conference on the budget resolution to the Exon/Grassley amendment, to cut spending and the deficit.

We believe that now, while the economy is growing, unemployment is declining, interest rates are edging up and inflation fears are surfacing, is the optimum time to do more to reduce Federal spending and the deficit. We urge you, therefore, to support the Penny/Kasich/Stenholm resolution and other serious proposals to achieve that goal. Let us know what we can do to support your efforts toward that end.

Best regards,

HENRY BELLMON.

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CHRISTIAN COALITION,
*Capitol Hill Office, April 4, 1994.*

DEAR MEMBER OF CONGRESS: On behalf of the one million members and supporters of the Christian Coalition, we urge you to resist any efforts to weaken the spending cuts now contained in S. Con. Res. 63, the concurrent budget resolution for fiscal year 1995.

A bipartisan effort, led by Senators Exon and Grassley, in the Senate Budget Committee resulted in a resolution which includes an amendment to cut discretionary spending outlays by $26 billion over the next five years. Now the bipartisan team of Representatives Penny, Stenholm and Kasich is leading this effort in the House to keep these cuts. These spending reductions are only a modest step in reducing the deficit, yet it is imperative that they be preserved.

Congress has had several opportunities, but has failed, this year to reduce the deficit and provide tax relief for families. We know this is to the frustration to many of those Members who for years have tried to cut spending and to those Members who were elected in the last cycle on pledges of fiscal reform.

On April 15, millions of American families will be required to pay almost 40 percent of their income on taxes combined for all levels of government. Families have no choice but to spend within their means. It is time for Congress to do the same.

The legacy of debt we are leaving for our children is a disgrace. We urge you to preserve the $26 billion in spending reductions. The fiscally responsible votes will be "YES" on the previous question and "YES" on the original Kasich Amendment.

Sincerely,

MARSHALL WITTMANN,
*Director, Legislative Affairs.*
HEIDI SCANLON,
*Director, Governmental Affairs.*

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CONCERNED WOMEN FOR AMERICA,
*Washington, DC, April 6, 1994.*

HOUSE OF REPRESENTATIVES,
*Washington, DC.*

DEAR REPRESENTATIVE: Concerned Women for America's members throughout the United States are very disturbed by the increased tax burden on families which often compels both parents to enter the work force in order to make financial ends meet. Ironically, two-thirds of a working mother's salary in the average two parent, two-income household, will still go to pay for federal taxes rather than additional income for her family.

Representatives John Kasich (R–OH), Tim Penny (D–MN) and Charlie Stenholm (D–TX) recognize the overwhelming burden placed on American families and are working to secure America's future through deficit reduction and responsible government spending. In continuation of the bipartisan amendment passed in the Senate, Concerned Women for America urges Members to cut discretionary spending outlays by $26 billion over the next five years. These cuts are the first step assuring a sound economic future for America's children. In order to achieve deficit reduction, the government must work the way American families reduce their own personal budget problems—through the reduction of spending.

CWA believes that is a winning issue. Our members strongly urge you to vote "YES" on the previous question and "YES" on the original Kasich Amendment to the FY 95 Budget.

Thank you for your time and attention. We look forward to working with you further on this issue. Concerned Women for America is the largest non-partisan, politically active women's organization in the nation, representing over 600,000 members.

Sincerely,

BEVERLY LAHAYE,
*President.*

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CSE KEY VOTE NOTICE

APRIL 12, 1994.

Issue: Budget Resolution (Motion to Instruct House Conferees).

Vote: For the Previous Question and the Kasich Amendment.

DEAR REPRESENTATIVE: On behalf of the 250,000 members of Citizens for a Sound Economy (CSE), I urge you to vote yes on the previous question and yes on the original Kasich Amendment to instruct House conferees to accept the $26 billion in spending cuts. A vote for both issues signifies your support to preserve the spending cuts passed by the Senate.

CSE will count this as a KEY VOTE to be reported to our members in your district. This KEY VOTE will be used to determine your eligibility for our Jefferson Award, to be presented at the conclusion of this Congress.

Sincerely,

MICHELE ISELE,
*Vice President of Government Relations.*

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FAMILY RESEARCH COUNCIL,
*Washington, DC, April 7, 1994.*

DEAR MEMBER OF CONGRESS: We strongly urge you to support the Kasich/Penny/Stenholm motion to instruct the House conferees on the Budget Resolution to accept the Exon-Grassley amendment as added in the Senate. The Exon-Grassley amendment will require an additional $26 billion in discretionary spending cuts over the next five years.

This step towards greater deficit reduction is important to families because of the special interest that families have in future generations. Parents are concerned that any debt that is passed on to the next generation will serve as a serious hindrance to their children's economic well-being. Reducing the deficit is vital to the long-term strength of the U.S. economy and thus the long-term economic strength of the family.

The cuts in Exon-Grassley are small, calling for only one-third of one percent over the next five years. The benefits, however, of beginning to reduce the deficit are great. Please do not pass up this opportunity for deficit reduction.

Please support the Exon-Grassley amendment by voting for the Kasich/Penny/Stenholm motion to instruct the conferees.

Sincerely,

GARY L. BAUER,
*President.*

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AMERICANS FOR TAX REFORM,
*Washington, DC, April 12, 1994.*

Hon. JOHN KASICH,
*House of Representatives,*
*Washington, DC.*

DEAR MR. KASICH: On behalf of the members of Americans for Tax Reform, I want to thank you for your efforts to achieve real deficit reduction, without raising taxes.

As we approach April 15, the real pain of a growing tax burden is being felt by millions of Americans. All the more important then, is your motion to instruct House conferees to accept the modicum of spending cuts enacted by the Senate in the Budget Bill. I am happy to support this effort, and to commit the members of ATR to the battle. Feel free to make whatever use of this letter you wish.

Sincerely,

GROVER G. NORQUIST.

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ASSOCIATION OF CONCERNED TAXPAYERS,
*Washington, DC, April 12, 1994.*

Hon. JOHN KASICH,
*House of Representatives,*
*Washington, DC.*

DEAR JOHN: Your efforts to achieve a reasonable substitute for the Clinton Budget are of primary importance. It is critical that we continue to move towards fiscal sanity, and clear that your proposal did that.

Unfortunately, the House saw fit to continue its profligate ways. The taxpayer fared somewhat better in the Senate, if the House will accept the Exon-Grassley amendment cutting the budget by $26 billion over five years. While this does not achieve the level of savings in the original Kasich substitute, it is a good step in the right direction, and deserves support.

Please count the members of the Association of Concerned Taxpayers among the supporters of your effort to instruct the House conferees to accept the Senate position.

And thanks again for your efforts.

Sincerely,

GORDON S. JONES.

SMALL BUSINESS SURVIVAL COMMITTEE,
*Washington, DC, April 4, 1994.*

DEAR SMALL BUSINESS OWNER: A coalition of national grassroots organizations are working to cut spending and save taxpayers money, but their efforts may be wasted unless we act now to let our voices be heard!

Recently, the U.S. Senate Budget Committee adopted a resolution to cut $26.1 billion dollars in discretionary spending from the budget. That means $26.1 billions of wasteful spending taxpayers and small business owners won't have to pay for! This measure was approved by the Senate in a 57-40 vote.

The House of Representatives is now considering a motion offered by Rep. John Kasich (R-OH), Tim Penny (D-MN), and Charles Stenholm (D-TX) to preserve $26 billion in spending cuts adopted by the Senate. There is a danger that some congressman may try to substitute an alternative resolution for the Kasich amendment that won't cut spending. In fact, the $26 billion dollars in savings could be spent on new and wasteful programs!

The voice of small business must be heard on this critical issue! The Small Business Survival Committee believes that spending must be cut now, not sometime in the future. All SBSC members are urged to contact their congressional representatives before April 12 and tell them to vote "YES" on the original Kasich amendment.

Your congressional representative can be reached at 202-224-3121 (Capitol switchboard), or through your local district office.

Thank you for your effort. Every day small business owners have to make tough financial decisions—its about time Congress does the same. Your voice counts!

Sincerely,

KAREN KERRIGAN,
*President.*

Mr. GRASSLEY. Mr. President, I yield the floor and, seeing no other Senator wishing to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,565,109,054,876.30 as of the close of business yesterday, Tuesday, April 12. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share amounts to $17,510.23.

Now, Mr. President, I have been making these reports for the better part of 2 years every day the Senate has been in session, and the Federal debt continues to climb, at the very same time Senators are going home and saying, "Oh, we are fighting this big deficit in Washington, DC." The responsibility for this Federal debt lies on the doorstep of the current U.S. Senate and the House of Representatives because no President, be he Democrat, Republican, Independent or otherwise, can spend one penny that is not first authorized and appropriated by the Congress of the United States.

I give these figures updated every day to remind the American people that the spending in Washington, DC does matter, and it is having a startling, adverse effect on the futures of young people.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Carolina suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1994

The PRESIDING OFFICER. The clerk will report S. 1970.

The bill clerk read as follows:

A bill (S. 1970) to authorize the Secretary of Agriculture to reorganize the Department of Agriculture, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am proud to present to the Senate the results of 2 years of work by the Senate Committee on Agriculture, Nutrition, and Forestry: The Department of Agriculture Reorganization Act of 1994.

What it does is mandate the first comprehensive reorganization of the Department of Agriculture since the 1930's. It is a result of 2 years' work.

I am pleased to have been joined in that work by the distinguished senior Senator from Indiana [Mr. LUGAR]. We have, in our capacities as the Republican and Democratic leaders of the Senate Agriculture Committee, realized for some time that the Department of Agriculture needed reorganization. In the past year especially, there have been intense efforts on behalf of all members of the committee to craft a bill to do that. Shortly before the last recess, we were able to come together as a committee and pass out, with only one dissenting vote, the bill S. 1970 that is before the Senate.

Let me tell you what it does. The last comprehensive reorganization of the Department of Agriculture occurred in the 1930's. The world changes. The Department of Agriculture, unfortunately, has not changed with it. And so, what we are going to do here is to make change—real change. This bill saves $2.3 billion. It is a $2-3 billion downpayment on reinventing Government. It is saving $2.3 billion for the American taxpayers. I believe a better Department of Agriculture will be the result.

Every one of us has heard back home that people would like to see us cut the Federal deficit. Certainly my fellow Vermonters feel, as I do, that we ought to be cutting it. Here is a chance for us to prove something, not to talk about whether or not we will cut it, but to actually cut the deficit.

This bill gives the American people more for their money not only because it saves money—obviously it does; it saves $2.3 billion—but also because it allows the Department of Agriculture to better serve those it is supposed to serve.

We have had a proud past in the Department of Agriculture, from the time President Lincoln established it as "the people's department" back in the 19th century. But now we are about to go into the 21st century. We need a USDA that is looking to the future. When we streamline its operation, when we eliminate numerous levels of bureaucracy, you end up with a USDA more focused on the critical challenges facing American agriculture.

Just as we had one vision for a Department of Agriculture in the 19th century, we are going to have a much different vision in the 21st century. In the 21st century, American agriculture has to be ready to take advantage of new opportunities not in just the United States marketplace but a global marketplace; to take the lead in developing new technologies not just for ourselves but for other parts of the world; and to face the challenge of balancing agricultural production with environmental protection—protection we need so that our children and our children's children can reap the benefits of our agricultural expertise.

We ought to protect our consumers. We have to ensure the safety of our food supply. Today we have the safest food supply in the world. But we all know that it could be safer.

We should be trying to preserve the quality of life in rural communities. As a product of rural America, that is very, very near and dear to me.

Lastly, we should have a Department of Agriculture that combats hunger in our country, a country where 1 out of 10 people still need food stamps to feed themselves, a country where millions of children go hungry each day.

The new USDA which will result from this bill is organized around the basic missions I have just described. With this bill we have given Secretary Espy the tools he needs to bring USDA into the 21st century.

If I could take a couple more minutes, I would like to tell you some of the things it does. It provides budget saving by streamlining Federal employment and the Department's administration. That is where the $2.3 billion in savings between now and 1998 will come from.

It also cuts the size of the USDA bureaucracy by reducing the number of Federal employees by 7,500. The Department anticipates that most of these staff reductions will come through employees taking advantage of the buyout legislation that we passed, and which the President signed recently. The rest will be from normal attrition. I believe that it can be done without firings or RIF's.

It also streamlines USDA operations. We now have 43 independent agencies. Maybe at one time it was necessary, but we can shrink that to 28.

This bill does not limit cuts to the States. It requires a higher percentage cut in Department of Agriculture headquarters here in Washington than in the field. And it requires consolidation of the Washington, DC, offices.

But it creates out of this a new Farm Services Agency, which consolidates all farm programs. This makes way for an entirely new field structure based on field service centers, and allows the Secretary to close and consolidate over 1,100 county offices. Mr. President, in your State, in my State, in Senator LUGAR's State, and the other 47 States offices will be closed.

But I daresay in every one of those States we will have better services as a result, because it will also establish a Natural Resources Conservation Service. The bill will give local control over the final decisions of program recipients to county ASCS Committees. At the same time it will consolidate the Department of Agriculture's cost share programs in the new NRCS.

It also means we will have a single food safety agency to oversee all of the food safety inspection programs that the Department now runs. So one agency will have the responsibility.

It will consolidate the planning and policy development for all of USDA's research and education programs, some of which are the best in the world but some of which are overlapping and duplicative. It will consolidate them so we know where they are, and so we can nurture the best and get rid of those that do not work.

So it is good for taxpayers. It is good for farmers. It is good for the Department of Agriculture. It is not often you get a piece of legislation that you can say that about.

I think it will do more than that—it shows that we can cut costs and improve services at the same time. Maybe, Mr. President, with the Department of Agriculture, one of our largest Departments, we may set the standard for the rest of Federal Government.

As I said in my opening statement, I would not be at this point without the help, the cooperation, the expertise, and encouragement of the distinguished Senator from Indiana. So I yield to Senator LUGAR.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana [Mr. LUGAR] is recognized.

Mr. LUGAR. Thank you, Mr. President.

Mr. President, I thank my distinguished chairman for his thoughtful comments, and I thank him for his leadership on this issue and for the many other ways in which we work together in a bipartisan way in the Agriculture Committee.

This is one such instance, and a very important one in my judgment. I am here to speak in favor of these important efforts to reorganize the U.S. Department of Agriculture.

As many Senators will recall, this has been an issue of priority interest to me for the past 2 years. A GAO report and series of articles in the Kansas City Star and other distinguished newspapers throughout our country sparked my interest in the management and the structure of the U.S. Department of Agriculture.

I continued my review in mid-November of 1991 by requesting a comprehensive account of the U.S. Department of Agriculture employees, their offices, and work performed in each office in Washington and throughout our country.

After 3 months, I received a response memo from USDA stating:

> You asked for the number of local USDA offices around the country. We have tried to get a straight answer to this question for as long as I have been here. Our staff still cannot give us an accurate number. It will be some time before we see the fruit of all these efforts. Until more progress is made, we will be unable to answer exactly how many of these offices "overlap or are just unnecessary."

Mr. President, from that rather low point of accountability and management, I must commend the Secretary because the USDA today knows how many employees it has, where they are located, and clearly USDA has a much better handle on the functions of those employees.

Based upon current data, I believe that the USDA can better perform its services to farmers, and to the general public, and save taxpayer resources.

I would note, Mr. President, that mature corporations in America have been undertaking a very difficult task of downsizing and streamlining in the private sector. They must do so or they would go out of business, into bankruptcy. Government agencies such as the USDA must look to the future and continually evaluate their effectiveness if they are to survive as viable servants of the people.

The legislation before us today was approved, as the chairman mentioned, by the Senate Agriculture Committee by a vote of 17 to 1, and the one dissent was really on other issues not pertaining to the size or the structure that Secretary Espy has proposed. This legislation represents a new era of a smaller and more streamlined department.

S. 1970, the bill before us, provides Secretary Espy with broad authority to downsize the U.S. Department of Agriculture, moving from 43 agencies to 28.

This bill differs from the plan initially proposed by the Secretary in several ways that I wish to discuss for a moment, Mr. President.

Under the bill now before us, conservation programs will come under the jurisdiction of the newly created natural resources conservation service, the NRCS. Program rules and regulations for the agriculture conservation program would be set by the NRCS with the concurrence of the new farm service agency, both at the Federal and State levels.

At the local level, the current ASCS county committee, which is retained in the bill before us, would determine whether an individual farmer receives assistance under the ACP.

Secretary Espy's plan would have created agricultural conservation committees for each USDA field service center. Those committees, with equal representation from the ASCS committees and the Soil and Water Conservation districts, would have had the authority to approve NRCS recommendations on individual cost-share applications.

The bill before us addresses the concerns raised by farmers that somehow the newly created conservation agency will be less farmer friendly. The convenience provisions and the involvement of the farmer-elected county committees will ensure that farmers' interests will be protected. And the testimony of farmers has found that the bill is indeed farmer friendly.

This bill also proposes collocation of farm service agency local offices with natural resources conservation service local offices in order to improve service to farmers, to achieve computer compatibility and to share administrative resources.

The farm service agency and the conservation agency will no longer act and operate as independent entities but will instead be fully integrated in offering services to farmers.

(Mrs. FEINSTEIN assumed the chair.)

Mr. LUGAR. I underline this new provision, Madam President, because the fact is that, in the past, the allegation was made by this Senator and others that USDA was seemingly composed of 43 separate empires, loosely held together under a Secretary of Agriculture, who was nominally in control. At the local level, farmers frequently had to go to different locations for various services. In subsequent years, many of the offices were co-located, which means they were in the same building, in a particular county seat or site, but still insulated by, really, a firewall in terms of cooperation—separate computers, receptionists, telephones, and separate forms and procedures. Therefore, the average farmer coming into this situation still had to deal with very separate circumstances at much loss of time and bureaucratic hassle.

The whole quest has been to co-locate and then to try to reduce the walls and bring compatibility of function. A large stride, we hope, is being made at the top, with the superstructure now reduced from 43 to 28 agencies. Still ahead—and I will discuss this in a moment—is what occurs out in the field where producers come into contact with the Department in most cases.

Because of issues raised by land grant colleges around this country, the Cooperative State Research Service and the Extension Service will be merged to form the Cooperative State Research and Education Service. This combination recognizes the unique roles of these two agencies in carrying out partnership programs with the States, and that will help to ensure that local and State research and education needs are addressed appropriately.

I underline that situation because it was one that brought a great deal of attention and a great number of distinguished university leaders to Washington to make certain that the situations were addressed. In my judgment, they have been, and they testified to that effect.

Finally, I mention an amendment that I proposed to reduce the number of congressionally mandated reports that the U.S. Department of Agriculture must prepare. My amendment was included in the bill, and I am grateful for that inclusion.

Last summer, I wrote to Secretary Espy requesting a comprehensive list of the reports and studies conducted by the Department of Agriculture. The Secretary responded last fall and indicated that the Department had identified 284 congressionally mandated reports that would have cost the U.S. Department of Agriculture $40 million to complete, if all the reports were in fact completed.

My amendment, which has been included in the bill, makes clear that USDA will not be required to produce any of the 284 reports. However, I recognize that there may be some reports that are particularly important to the Secretary or useful to Congress and the public. Therefore, my amendment permits the Secretary to complete not more than 30, or about 10 percent of these mandated reports each year, at his discretion.

Mr. President, some may have wondered why the focus of our reform effort has been on the Department of Agriculture. In fact, many farmers, many people in agribusiness, many citizens in general, suggest that USDA was probably worthy of attention, but they have asked why the searchlight of truth has focused on this specific agency as opposed to the U.S. Department of Defense or of Transportation or of Commerce or of many other agencies throughout the Government.

In fact, in Vice President GORE's efforts, a number of Department agencies have been targeted for a great deal of attention. I commend the Vice President on his attention to USDA. His staff came to almost the same conclusions as those contained in this legislation, in order to obtain the savings of $2.3 billion, that Senator LEAHY, chairman of the committee, has cited.

It is my hope—and I am sure that is the case with the chairman—that our efforts in the Agriculture Committee will focus the attention of other committees on the Departments for which they have jurisdiction. The USDA is by no means the best or the worst, but it is—at least for those of us in the Agriculture Committee—our responsibility. For 2 years, we believe we have pressed Secretary Madigan, and now Secretary Espy, to take action that would be important to the American people.

Madam President, Secretary Espy, when he came into office, inherited research done by the previous incumbent, Secretary Ed Madigan. Secretary Madigan had conducted his research after being pressed substantially by this Senator and Senator LEAHY and by others on our committee, who noted likewise a General Accounting Office report and the articles in the papers. The fact that there was, if not inattention, simply a sense of lack of organization throughout the country found in field offices, in addition to the problems in Washington, DC.

Early on in the consideration, I suggested that 50 field offices be closed. I identified those on the basis of the GAO report. I identified the fact that the overhead expenses for these offices were significantly higher than the amount of payments to farmers in their areas. It appeared to me that many of these offices served very few farmers and that they could be consolidated with other offices to the benefit, really, of farmers, the public, and the taxpayers as a whole. My initial call for the closure of the 50 offices did not rate an immediate response from the Department. I did further research and suggested 150 that had expenses, overhead expenses, substantially greater than benefits to farmers in their areas.

In due course, I pressed long enough that Secretary Madigan, who is my friend and for whom I have great regard, decided to set up in May of 1992 a so-called swat team. This was made up of some Members of the Congress and others, who went out as a staff for field hearings to take a look at the field office situation. Unfortunately, our report did not come in until after the election of 1992, and by that time, it was apparent that Secretary Madigan would no longer be serving as Secretary of Agriculture, with a new administration coming in.

Nevertheless, to his credit, he persisted to publish a final report, and over 7,000 field offices were listed in terms of their importance on five standards, which included the number of farmers being served, the amount of payments, the proximity of these offices to each other or to the people they were serving, the conditions that made it difficult to get to the offices, and various other criteria. Secretary Madigan and his group suggested that approximately 1,200 of these offices should be consolidated. He made that recommendation about 5 days before leaving office. Secretary Espy inherited that report at that point.

Secretary Espy met with Senator LEAHY and with me at a breakfast meeting at which he indicated his priorities. His priorities were to tackle the Washington situation first, to take the most significant cuts in the Washington bureaucracy, as opposed to the field. It was a judgment call. My own choice would have been to approach both simultaneously and to do both very quickly upon the Secretary's coming into office and then having an enthusiastic mandate to do this work.

It has taken awhile. Obviously, this is April 1994 as opposed to February 1993. But to the credit of the Secretary, he has followed through, as has his staff, and it took some time for that staff to come into place and now the superstructure situation is being addressed. That is what this bill is about.

I am hopeful that we will pass the bill today and that we will offer at least our advice to the House. They have moved, at least, in subcommittee form, and I am hopeful their committee will do more work. But then we have before us still a task—I hope the Secretary will offer extensive leadership toward that objective very rapidly. That is, to take a look at the field office situation.

I am certain the Secretary is aware of that. He has studied the same report Secretary Madigan has. He has had recommendations now from all of the State directors in the field and, hopefully, is on the threshold, with the knowledge of this legislation, of acting on those recommendations.

In my judgment, Madam President, he can do the job administratively. He may require legislation. I pledged to work with Chairman LEAHY if that is the course the Secretary takes to try to expedite those recommendations, too.

I think the credibility of all of our efforts—the administration and congressional—relies on prompt activity on a subject that has been discussed very substantially now for 2 years with intensive thought by the Agriculture Committee.

I conclude this opening presentation by saying, frequently it is asked at Farm Bureau meetings and other agricultural meetings in my State, what is the constituency for this? Who is in favor of all of this?

Let me just say, first and foremost, farmers in the United States of America are in favor of this. If this is a source of wonderment to some, I would point out that farmers, by and large, understand bureaucratic inefficiency when they see it. They have endured a great deal. They are eager for someone to take cognizance of their predicament. And they applaud constructive efforts, whether it be by the Secretary or by the Congress.

I mention this very candidly, because the thought has been out there for a long time that not a single field office could be closed in America without an enormous political storm; that a field office closed in any of our States or any of our districts would lead people to come to Washington to demand that every bit of those offices be kept open and every employee and every dollar be kept alive, almost in a base closing situation.

Let me just say, Madam President, from my own experience in Indiana in 1992 prior to the change of administration, Don Villwock, who was the State director for ASCS, came to the conclusion that in Ohio County, IN, the office ought to be consolidated with nearby Dearborn County along the Ohio River. And the State office, in fact, issued directions that the office be closed and the records be consolidated.

This created an enormous storm, not from the farmers in Indiana but from bureaucrats in Washington, because they said, how can this be? Do you have to have the three members of the local board and the State board and national office even to close a single local office?

Secretary Madigan, I believe, was in some puzzlement about this. Our staff did some research utilizing the Library of Congress to note that the Secretary alone has the ability to make those consolidations as he had since the 1930's. He can deputize the State director to do this and, in essence, my advice to Secretary Madigan was to let the local level prevail, which, in fact, occurred.

I mention this, Madam President, because in my earlier press conferences I raised the question; is it conceivable that a single office anywhere in America can be closed? And until that point the answer was, no, not a single one. But as of that time, a single one was closed.

Madam President, the second closure occurred in a way that that was even more personal with regard to my situation. My farm is in Marion County in Indiana. Just before Christmas, as a matter of fact, I received a mimeograph notice from the ASCS, the Agriculture Stabilization and Conservation Service office in Marion County, my own home county, that as of early January the Marion County office would be consolidated with nearby Johnson County to the South; that the record of my farm would go to Franklin, IN, about 20 miles away from where we were; that the three-member board simply held a meeting and decided the number of farmers left in very urban Indianapolis, and Marion County did not justify having the office. In a very sensible way, it decided to consolidate.

Once again there was a firestorm back in Washington as to how anyone can do such a thing, actually create a consolidation. But once again my advice to Secretary Espy was to let people in my home county do this if they wished to do so. I did not press the issue. Just simply, as a farmer in Marion County, I received notice that it had occurred. I applauded it, as a matter of fact, on that day and hoped it was occurring throughout America.

It has not yet occurred throughout America, but I hope it will soon, as do I believe most farmers and surely most taxpayers also hope.

Therefore, I commend those who have been pioneering in this quest. I am grateful for the very strong advocacy of Chairman LEAHY and a majority of members of the Agriculture Committee who have clearly been in the vanguard in reform in a bipartisan way now through two administrations. And I see this day as a moment of triumph for good government.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I thank the Senator from Indiana for his statement. I point out that this has been a joint effort, and I think one that can bear fruit.

As I said earlier, offices will be closed or consolidated in Vermont, Indiana, and California. But I think every one of us knows no matter what part of the country we are from, we are going to have a better department as a result.

Madam President, I ask for the yeas and nays on the pending legislation.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Madam President, I know the distinguished senior Senator from New Mexico is on the floor and wishes to speak on another subject. If I might inquire how much time he will need. Obviously he has all the time he wants. This is just for planning purposes.

Mr. DOMENICI. I thank the distinguished chairman. I would probably use 7 to 8 minutes.

Mr. LEAHY. Madam President, may I suggest this, and I am going to soon, in just a moment, yield to the Senator from New Mexico for whatever time he needs: Might I suggest that, if anyone else has anything they want to add to this bill or amendments they want to bring forth, they may want to come over while the Senator from New Mexico is speaking, because there has been a long gestation period on this bill and I think the Senator from Indiana and I, in our role as delivery service, would like to deliver this package for the consideration of the other body. So we would be ready to move very quickly.

With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, let me indicate that I would clearly not want to interrupt and delay a matter such as the Leahy-Lugar bill that is on the floor. But I understand that by my speaking a few moments, I am not delaying it, because they are waiting for Senators with amendments. I clearly will try to accommodate wherever I can.

## CHARACTER

Mr. DOMENICI. Madam President, I come to the floor to tell a little story. I think it is a very important story, and I would like to share it with everyone.

Let me start by saying, as a Senator from the State of New Mexico—and I have now been here over 21 years—I have watched the level of anxiety, apprehension, even fear in the constituents in my State. I have watched people all over the country, and it has reached the point where it seems that almost anything that is not going right will draw the ire of the American people. But I believe the real reason for anxiety bordering on fear is not what our polls tell us. I do not believe it is crime, and I do not believe it is jobs, although I do believe all of these are very important.

But I believe the people in this country and in my State are frightened because something is happening to the character of our country and they see it as it is directly reflected in the character of our people. As adults, we are frightened to death because we see the lack of character among our young people. We are fearful that the boat of values or character is just adrift without a rudder.

So about 7 months ago, I happened to be reading a column in the Washington Post by William Raspberry. It was called "Honor Thy Fogies." I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 11, 1993]

### HONOR THY FOGIES

(By William Raspberry)

Friends of Guilt-Induced Eschewal of Sin—FOGIES for short—are pleased to announce that we have taken in some new members: Barbara Jordan, Tom Selleck and Michael Josephson.

Their unofficial induction (these new FOGIES aren't even aware they've been inducted) took place in Washington last Friday, with the launching of something called the Character Counts Coalition, described in the press release as "an effort to address one of the critical issues of the day—the character and values of our society, especially our young."

That, of course, is precisely what motivates us old FOGIES. We are sick of watching silently while our children go to hell in the handbasket of moral relativism. We want people to start talking again about the eternal verities—about good and bad, right and wrong.

We are the ones whose neck veins throb when we hear yet another proposal for the distribution of condoms in high schools (which are forbidden to distribute the Ten Commandants), who advocate public floggings for those parents whose only childrearing guide is what other parents let their children do, who would require teenage mothers to enroll in free early childhood courses on pain of being pilloried, or at least having their welfare checks docked, who . . . who . . .

Why don't you listen to Barbara Jordan, while I lie down a second. The former Texas representative joined Hollywood's Selleck and Josephson, founding head of the Josephson Institute of Ethics, to announce formation of the Character Counts Coalition—27 culturally and politically diverse groups claiming to represent some 20 million children. Here's Jordan:

If we are successful, we are going to make character the No. 1 call of young people in this country. They are going to think before they act because they know that if they do the wrong thing, that there are consequences, and they may not like these consequences. Kids now must understand that they are responsible for their actions. . . . We are responsible for making sure that young people know what is expected of them.

See how calmly she says it? You suppose it's because she doesn't have any children?

To be utterly serious for a moment, her words are right on target. Our children need to understand their personal responsibility, and we have to make sure they know what we expect of them. We reveal our expectations most forcibly by our behavior—as when we allow our children to cheat on school work, or to wear clothes that the family budget can't account for, or when we leave 16- and 17-years-olds to party on their own and provide buses to fetch them home just on the off chance that some of them might overindulge in the beer we know the law forbids them to drink.

And how are our children behaving? Look at Josephson's stunning statistics showing that within just this past year:

Thirty-nine percent of high school-age boys (and 26 percent of girls) have stolen something from a store.

A fourth of the boys and a fifth of the girls have stolen something from a family member.

Two-thirds of high-schoolers and a third of college students cheated on an exam—30 percent of the 15- to 18-year-olds cheated at least four times.

Half the college males and 38 percent of the females drove while drunk—a quarter of the men and a tenth of the women doing so at least four times.

A third of college-age men, a fifth of college-age women say they would lie to get a job; 21 percent would falsify a report to keep a job.

Worse, they do these things without apparent guilt or remorse. Where did our children get such dreadful morals? There is both indictment and hope in the answer the Josephson Institute turned up: American youth consistently list their parents as their ethical role models—their teachers second.

"This means," said Selleck, "that parents and teachers have the moral authority to persuade, encourage and inspire the best in young people." But it requires that we be "unequivocal about labeling [immoral or unethical behavior] as wrong and unacceptable."

Michael Josephson and the Character Counts Coalition have tried to reduce their effort to six core values: trustworthiness, respect, responsibility, fairness, caring and citizenship.

Not a bad list, that. It avoids two of the major pitfalls of ethics discussions: religion and moral dilemmas.

It's hard to think of a religion that would have difficulty with any of these six principles, with the possible exception of "citizenship" in some of its definitions. As for the dilemmas, it often strikes me that we use them as a way of avoiding ethical teaching.

"There are many areas where it is not always easy to know what is the right thing to do," Selleck acknowledged. "But there are just as many where there is no doubt. Violence, theft, lying, cheating and drunk driving are wrong. And we need to say so as loudly and as often as possible."

We card-carrying FOGIES couldn't have said it better.

Mr. DOMENICI. Madam President, what this article says is that there is a group of Americans who are talking about the idea that character counts in America, and that we ought to take a good look at ourselves and see if we are neglecting our critical role and responsibility as adults by not speaking out on values and character out of fear that if we get involved we will be told, "That's not your business, Whose morals? Whose values?"

The article refers to a group called the Character Counts Coalition. To give you some idea of the broad base of support this group has, and to illustrate the political and ideological range of this group, let me just tell you who the coalition's co-chairs are. Former Congresswoman Barbara Jordan is one of the cochairs, and the other is actor Tom Selleck. Obviously, that is a liberal and a conservative. In fact, I think Tom Selleck frequently says he is one of two actors in Hollywood who supported Ronald Reagan openly.

But here we have two cochairs of obviously diverse political ideologies, who are nonetheless united behind the idea that character counts and are convinced enough of it's importance to lend their names to a coalition. I read that with a degree of interest and I wrote and found out about it.

It has been with me ever since. So I chose, on an occasion when I was being given a rather distinguished award in my State and before what is for my State a very large crowd, maybe 700 people. They wanted to hear a speech, I assume, on policy. I chose to give a speech on character. I never, never got such a response in my political life, which spans 21½ years here and 4 years as a councilman and mayor of my home city. Never such a response.

They actually lined up afterward saying, "What do we do about this? How can we help?"

Well, that stuck with me for a while, until about 2 months ago. And I decided that maybe I would recruit a few Senators from both sides of the aisle to see if we could not put together our own Senate Character Counts Caucus. And it was, I'm proud to say, very easy. I got four Democrats and three Republicans to join me. I believe we represent a very broad philosophical and ideological base—Senator NUNN, Senator MIKULSKI, Senator DODD, and Senator LIEBERMAN; and Senator DOMENICI, Senator DANFORTH, Senator BENNETT, and Senator COCHRAN.

We met and talked about what we might do. We brought in some of the people who belonged to the Character Counts Coalition. Between us, we decided that we were going to try to do something to promote this goal and objective.

I now would like to read the six core elements of character, that we are embracing. These elements were developed not by the eight of us, but by a diverse group of ethics scholars, educators, and representatives of groups who serve our young people and I believe if we all decide that we want to be part of this, and if we want to educate with reference to this, I think this group has found—and a large cross-section of America has concurred—that there will be little or no objection to these six basic principles of character; trustworthiness, respect, responsibility, fairness, caring, and citizenship. We call them the six core elements of character.

Our group got together and we decided that we would put together a resolution. It will be coming to each Senator's office from the eight of us. We will be asking the Congress to establish a week in October as a "National Character Counts Week" and asking the President to ask Americans to embrace these core elements, to spend time discussing them, and work to reinvigorate and reinstill character, especially these six elements of character, into our children, into our workplaces, into our institutions, and into our businesses.

We had a press conference on it, we got information out to the public, and we will ask every Senator to help us with that and cosponsor it. But, Madam President, that is not really why I came to the floor today. Let me finish the story.

I went home during the most recent recess and I decided to tell the people in my State about it. I was very fortunate. The first day I arrived, it happens that the New Mexico Association of School Business Officials, which includes all 89 of our school superintendents, are in one room in a convention. I had a half hour. I talked about it. I said, "Why don't we talk our school boards into establishing this as a matter of policy and see what we can do to try to bring into the very fiber of education in our schools these six care elements of character?"

Madam President, to my amazement, when I was finished, slowly but surely, everyone stood up and applauded, yet another overwhelming reaction. And now a litany of correspondents, who were there or heard second-hand what I had said, started asking, "Tell us more about it." And let me tell you, we are busy responding to each of them and asking the coalition to provide them each with more information.

The next time I had a chance to be in Albuquerque, I had the opportunity to go to a grade school. I want to mention it and commend it and commend a few people, because I want to acknowledge that, before the Senator from New Mexico got interested, an Albuquerque grade school, Bel-Air Elementary School, about 9 months ago became very active in this same issue and with the same group I have just told you about. They decided as a school, with the permission ultimately of the school board and all of the teachers committed, to see what they could do about bringing such responsibility, respect, trustworthiness, fairness, caring, and citizenship, to these young children in an orderly, regular part of their school day.

I went there on a day when they were having an assembly of grade schoolers. Now, if anybody from the Senate thinks that it is easy to be part of that small and young group of our children and talk about these kinds of things, let me tell you that I didn't know at all what to expect to happen there.

They were all sitting on the floor of the largest room they had. This was their normal assembly to promote, discuss, and give awards for the previous month's word. And the previous month's word was "caring." All over the halls of that school were posters exemplifying caring. The young people were giving awards to the student who they thought showed the most caring during their everyday activities. It was astounding.

Before the assembly, I met with maybe 25 of their teachers. They were excited because they were preparing themselves for that assembly and for the month when they were going to move from "caring" to "fairness' and talk about fairness as a character or virtue.

Do you know what I learned, fellow Senators? I learned that the teachers themselves said,

> Pulling ourselves together to try to figure out how to integrate into the daily lives of our young students these kinds of attributes, we have ourselves become better teachers and better people, because we cannot teach responsibility and live with ourselves being irresponsible. It is contagious.

And they also said, believe it or not, that third graders are talking about responsibility and using the word and, what's more, understanding what it means.

Madam President, I ask unanimous consent to have printed in the RECORD an Albuquerque Journal story about this school. And I want to personally say to three people in New Mexico who have something to do with this that I am very proud of them, and maybe we altogether have hit on something that may indeed be contagious and, yes, may fill an enormous void in this Nation's well-being.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### CHARACTER COUNTS FOR BEL-AIR PUPILS—RESPECT, FAIRNESS PART OF LEARNING

(By Tracy Dingmann)

"Remember R.A.K."—random acts of kindness—say the little pink and yellow signs posted all over Bel-Air Elementary.

Dotting the walls are bright blue certificates honoring "local heroes" for their good deeds.

And hand-lettered poems featuring "caring," the word of the month, decorate nearly every inch of the halls.

What's happening here?

It's called character education, and Bel-Air, at 4725 Candelaria NE, is the first Albuquerque Public Schools campus to give it a try.

Six months ago, Bel-Air adopted a national program called Character Counts, which advocates infusing students with six core values trust-worthiness, respect, responsibility, fairness, caring and citizenship.

The program was developed two years ago during a conference in Aspen, Colo., by the Josephson Institute of Ethics, a consortium of religious groups, community leaders, educators, parents and students.

Last week, the Albuquerque Public Schools board unanimously endorsed putting Character Counts in all APS schools.

Bel-Air staffers use various methods to teach students about the values, from choosing films and books that reflect them to setting up playacting situations, discussions and word games.

Lessons on values span all subjects and aren't confused to any class, says assistant principal Dennis Romero.

"There is no set curricula," he said. "The values are an umbrella under which we do other things."

The program has brought good things to Bel-Air, says school counselor Mary Jane Aguilar.

For example, the number of slips issued to students for discipline problems dropped from 64 in September to 17 in December, she said.

And a recent survey shows staffers heartily support the initiative and see an improvement in student behavior both in and outside the classroom.

Perhaps more importantly, kids report feeling the changed atmosphere.

"I feel safer," said fifth-grader Claire Long, who added she had often been picked on by her classmates. "Last year, I would just put my head down on my desk and cry two or three times a week."

Bel-Air principal Charles Lefnofsky said the school decided to pioneer Character Counts for APS after a parent told school workers they "weren't living in the real world."

Schools preach against fighting; but the parent said in "real life," kids have to stick up for themselves and fight back.

"We didn't realize it, but we had one set of rules, and the community had another," said Aguilar.

The problem isn't confined to the Bel-Air neighborhood, Aguilar said. "Violence as a first response really permeates our youth. It's like that all over the city. It doesn't matter where you are."

So the Bel-Air staff tackled the problem by inviting students and their families to learn a different way to react.

The staff began by crafting a definition for each of the six core values that all students could understand.

For example, responsibility was defined as: "You know what is expected. You do what is expected. Others can depend on you to know and do what it expected."

Making the words actually mean something to the children was harder than it sounds, Romero said.

Net, staffers identified certain actions associated with each word, such as "doing things without your mother reminding you" as examples of being trustworthy.

Lastly, they encourage students to "model" the value expressed in the word of the month.

To reward those who do good things, Bel-Air holds assemblies and hands our certificates.

The school gets the whole community involved by discussing the program at PTA meetings, bringing parents in to perform skits during assemblies, and posting inspirational messages on the school's marquee.

Though teaching values has improved the school's atmosphere, staffers at Bel-Air think the program will eventually benefit the students academically, too.

"If kids feel safe, then they're able to focus on academics, and not about who's going to beat them up after school," Romero said. "We're hoping test scores are going to reflect that, but we don't know. It might take a couple of years."

Launching the program district wide recently won support from the board and the Albuquerque Teachers Federation, but staffers at Bel-Air say they have concerns.

The program won't work unless everyone at the school believes in it and wants to do it, said Aguilar. Also, she said putting the program together takes lots of work and time and there's no instruction manual for doing it.

"If they don't make a real commitment, it will all go by the wayside," she said.

Mr. DOMENICI. There are many people I could mention, but I really want to acknowledge the efforts of three in particular: Don Whatley, who is the president of the American Federation of Teachers in New Mexico, has been a stalwart at pursuing this through his organization and through the school board. He will remain a leader, and I think with his leadership New Mexico can become a lead State in producing instructional material that will help our teachers, better inculcate, day by day, these six core character elements in our young people. Mary Jane Aguilar, who is the counselor in charge of the program—dynamic, enthusiastic, learning day by day and taking everything she can get to put together some kind of material so they can follow it up with the young people. And the vice principal, Dennis Romero, who is in charge of it.

Madam President, I once again ask unanimous consent to have the joint resolution that the eight Senators I mentioned have signed on to be printed in the RECORD, so those who have listened today will once again find the resolution and perhaps, as the letter to our colleagues circulates, they will connect this talk today with the resolution. I hope Senators will all join us because I think we must pass it and ask our President to start down this path.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 178

Whereas young people will be the stewards of our communities, Nation, and world in critical times, and the present and future well-being of our society requires an involved, caring citizenry with good character;

Whereas concerns about the character training of children have taken on a new sense of urgency as violence by and against youth threatens the physical and psychological well-being of the Nation;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organization, religious institutions and civic groups;

Whereas the character of a Nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character, and that character counts in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and, therefore, conscientious efforts must be made by youth-influencing institutions and individuals to help young people develop the essential traits and characteristics that comprise good character;

Whereas character development is, first and foremost, an obligation of families, efforts by faith communities, schools, and youth, civic and human service organizations also play a very important role in supporting family efforts by fostering and promoting good character;

Whereas the Congress encourages students, teachers, parents, youth and community leaders to recognize the valuable role our youth play in the present and future of our Nation, and to recognize that character is an important part of that future;

Whereas, in July 1992, the Aspen Declaration was written by an eminent group of educators, youth leaders and ethics scholars for the purposes of articulating a coherent framework for character education appropriate to a diverse and pluralistic society;

Whereas the Aspen Declaration states that "Effective character education is based on core ethical values which form the foundation of democratic society";

Whereas the core ethical values identified by the Aspen Declaration constitute the Six Core Elements of Character;

Whereas these Six Core Elements of Character are—

(1) trustworthiness;
(2) respect;
(3) responsibility;
(4) justice and fairness;
(5) caring; and
(6) civic virtue and citizenship.

Whereas the Six Core Elements of Character transcend cultural, religious, and socioeconomic differences;

Whereas the Aspen Declaration states that "The character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model the core ethical values and every social institution has the responsibility to promote the development of good character.";

Whereas the Congress encourages individuals and organizations, especially those who have an interest in the education and training of our youth, to adopt these Six Core Elements of Character as intrinsic to the well-being of individuals, communities, and society as a whole; and

Whereas the Congress encourages communities, especially schools and youth organizations, to integrate these Six Core Elements of Character into programs serving students and children: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the week of October 16 through October 22, 1994, is designated as "National Character Counts Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to embrace these Six Core Elements of Character and to observe the week with appropriate ceremonies and activities.

Mr. DOMENICI. Madam President, I do not know where we go next, but I do think it is time we unshackle ourselves from the trepidation which has said to us for too long, "Do not get involved." Because it is time that we get involved. We in the Congress can help, but we are not necessarily the ones who will make character building across this land successful or unsuccessful. From this Senator's standpoint, I honestly believe while we must pass laws—and we have already passed a couple of them today—I think it is far more important we involve ourselves in seeing what we can do to encourage the grassroots of America—grade schools, business people, parents and civic groups—to meet this issue head on. The interest and enthusiasm is there. I spoke to a business group while in New Mexico and I chose to wind up the speech with this issue, and more people waited to ask about how they could get involved in this effort, both on a personal and professional level, than on the other subjects—although I will note they all expressed genuine interest in the other subjects as well.

Are people skeptical about it, especially when a politician talks about it? Yes.

I ask unanimous consent to have printed in the RECORD this editorial from the El Paso, Texas Times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the El Paso (TX) Times]

GOING BEYOND THE THREE R'S

SCHOOLS SHOULD TEACH YOUNGSTERS VALUES, TOO

There is a widespread sentiment in the United States that the nation is losing the character and values on which it was founded.

Politicians are distrusted and the business world is popularly regarded as unethical, but that is nothing new.

What really worries many people is the perception that this generation of young people is adrift and surrounded by violence, drugs, crime and sexuality without the benefit of firm values to help them through the storm.

Two years ago, the Joseph & Edna Josephson Institute of Ethics convened a group of eminent educators, youth leaders and ethics scholars to arrive at a set of common values that would transcend religious, political, cultural and socio-economic differences.

What emerged was the "Aspen Declaration" that included a list of six core values that are critical to the sound foundation of a democratic society.

The six—trustworthiness, respect for others, responsibility, fairness, caring and citizenship—are values with which few would disagree.

The Josephson Institute wants to see young people encountering these core values at home, in school and in their outside organized activities.

"We figure if we can teach some at school and if parents give them some at home and they get some more at baseball and soccer practice, maybe it'll take," said Jozelle Smith, director of the Institute's Youth Ethics Program.

That is what it will take to begin to counter all of the messages they are getting about what is acceptable and unacceptable.

U.S. Sen. Pete Domenici, R-N.M., leads a bipartisan group of eight senators pushing for Senate endorsement of the Josephson Institute's initiative and the approval of a national "Character Counts Week" in October.

"It seems we are teaching kids about violence . . . disregard for others and a lack of responsibility," Domenici said last week. "We need to look for a way to teach values that would be meaningful, not dictatorial."

Domenici concedes that the Senate may seem a strange place from which to be urging ethics on the rest of the country, saying, "Maybe we need to develop character, too."

And he is more than a little right when in saying, "A country without . . . character is lost."

The Senate can help, as can other institutions, from Little League Baseball and the United Way to the National Council of La Raza, which happens to be three of 35 national organizations that are charter members of the Character Counts Coalition.

This effort to promote six core values could become just another barrage of political rhetoric from Washington and another chance for stars to act as though they care in Hollywood. Or it could be the start of a serious attempt by many thousands of middle Americans to reorient the country.

The latter is possible if school districts will embrace the idea of making core values an integral part of the educational curriculum, starting in pre-kindergarten and going through the last week of the senior year.

Just last month, the Albuquerque public school system endorsed the Character

Counts concept, due largely to the efforts of one woman, Mary Jane Aguilar, an elementary school counselor who started a yearlong program this year to inoculate students in her school with these core values.

El Paso County's nine school districts should do the same and commit to having programs in place by fall.

Parents and communities would rally behind such efforts without much prodding, for they are as worried as the rest of America about what kind of country this is becoming.

Mr. DOMENICI. Madam President, since El Paso is New Mexico's immediate neighbor, and because a significant portion of their newspaper's circulation is in my State, I chose to go to an editorial board meeting in El Paso to talk about this issue. They have two outside editorial board people and they were there. We talked for an hour.

There was cynicism by one. In fact one said why should we expect people who are Members of Congress to have anything significant to say about this?

My response was, as best I could: Well, if we are really waiting around for leaders—locally, county, State, national—who are without blame for anything that has happened in the country, who have always been absolutely beyond reproach, who maybe have not done all they should about character development in the country, then I think we will have to wait around for the second coming. Because there will be no one around.

My answer must have worked, because a full editorial page was devoted to the subject, "Going Beyond the Three R's." I have made that a part of the RECORD.

Madam President, I want to close by suggesting that I am not here to overstate our case as elected political leaders of the country; nor to understate it. Nor to indicate that the development of something like this, perhaps a sea of change in the country with reference to this—I am not suggesting this Senator or any I know are going to be the cause of making that work. But I think we can join together and say we want to encourage and help local groups that want to be involved, from families to businesses to schools to teacher groups and any kind of institution that is interested in our country's future. I think there is a chance that with the innovation and skills of Americans who know how to teach—I think there is a real probability that if we worked with them, and pushed, prompted, asked, and encouraged, we can come up with some very exciting ways to have the young people of this country thinking about character: Trustworthiness, respect, responsibility, fairness, caring, and citizenship.

I do not think that these six elements are the end-all of all qualities of character. But I submit we ought not debate for 5 years or 10 what we think they are either. I think the sooner the better, that we get on with trying to talk about these particular six, and saying that obviously at the local level or in a school you can talk about others but let us begin by supporting these six.

So beyond the three people in my State and the three things I asked be put in the RECORD, I want to say there are already thousands of people working on this who are legitimately concerned, and there are hundreds of organizations working out there, many of which have joined with this coalition. There are countless others taking their own paths, their own approaches to building character. But I submit that if you can get eight Senators like we did, with varying ideological and philosophical differences, to say, "let us do something about this," and when no one within any group seems to object to these six elements of good character, I submit the time is right for us to move beyond the argument of whose values we mean—let us start with these six—and start to focus on how we might get involved in a meaningful way.

I do not have solutions to how far we should go as a branch of Government, but I can say there is going to be a need for the development of instructional material and helping our teachers learn how to do this in a way they are comfortable with and meets the full expectations of parent groups and the community. I think that is the next thing we will be confronted with.

I hope we will pass our resolution and that the President will help us. But I am also concerned as to where the resources are assembled for the development of the kinds of pedagogic equipment—instructional material and the like—to go forward with this. Also, where the business community will go to find help in pursuing it.

I close today by saying there is no doubt in my mind that a man's character is a man's fate. There is no doubt in my mind that a country without character is lost, and that a country cannot have character if its people have no character.

So it seems to me through a very fortunate series of things the Senator from New Mexico happens to be involved in this, and I am hopeful a lot more people will be. I will continue until we see, collectively, whether it will succeed and where it will go.

## DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. DOMENICI. Madam President, I rise in support of this bill.

I would like to congratulate the distinguished chairman and ranking member for bringing this bill to the floor.

This bill would provide the Secretary of Agriculture with broad authority to transfer and consolidate functions and resources within the Department in order to improve the efficiency and economy of existing programs.

The bill would also require the Secretary to reduce staff levels at USDA by at least 7,500 staff years by September 30, 1999, with proportionally greater reductions in the headquarters staff than in the field.

The bill also consolidates all the farm programs into a single farm service agency, and closing and consolidation over 1,100 county offices and reducing the number of independent agencies from 43 to 28.

Madam President, this bill establishes a single, consolidated natural resource conservation service and gives local control over final decisions on program recipients to county ASCS committees.

This bill is the first step in creating a smaller and more efficient USDA.

This bill would benefit the users of USDA programs by consolidating field offices and agencies. The farmer would only have to make one visit to one office instead of making three different stops at three different agencies.

Madam President, the Congressional Budget Office estimates that enactment of this bill would reduce Federal outlays for the Department's activities by $890 million over the next 5 years, assuming appropriations are reduced.

These savings are due to the reduction of 7,500 staff years over the 5-year period and a reduction in overhead costs.

I would not mislead my colleagues by saying that enactment of this bill would, in reality, reduce outlays. These savings are achieved on the discretionary side of the budget which are constrained by the discretionary caps.

These saving were already assumed by the administration in its budget submission and in the congressional budget resolution that passed the Senate.

Mr. FEINGOLD. Madam President, as a member of the Agriculture Committee, I rise in support of S. 1970, the USDA reorganization bill. I applaud Chairman LEAHY and Senator LUGAR for their leadership in this area and for working so diligently to reach consensus in the committee and in bringing this bill to the floor so quickly. I also commend the Secretary of Agriculture, Mike Espy, for taking the initiative to propose such a massive and comprehensive reorganization.

This reorganization is expected to save $2.3 billion over the next 5 years. That is a significant level of savings that can be achieved simply by making changes that make sense. They make sense for the farmer, the consumer and the taxpayers who foot the bill.

When the Agriculture Committee considered this legislation, there were many contentious issues associated with this reorganization. There was, however, virtually unanimous agreement that we needed to reorganize the Department so that its structure more accurately reflected the mission and functions of USDA. We also needed to consolidate agencies that had been created and expanded since the USDA was created so many years ago.

The structure of agriculture has changed greatly since USDA was created in 1862 with dramatically fewer farmers producing more food on less land. As such, USDA's traditional methods for providing services need revamping and the very large number of field offices must be reduced while services should be provided in a more efficient manner. S. 1970 provides the Secretary with the tools to accomplish the closing and collocation of field offices and the streamlining of services. This aspect of the reorganization was one component of my 82-plus-point plan for deficit reduction.

The scope of the Department has grown far beyond production agriculture but rather encompasses food safety, environment, research, nutrition, hunger prevention, and international trade. This reorganization recognizes that by establishing a new Assistant Secretary for Food Safety, by creating the Natural Resources Conservation Service to handle virtually all conservation programs within the Department, by establishing an Under Secretary for Food and Consumer Services to better manage the nutrition and antihunger functions of the Department and by consolidating many agencies that conduct similar services and perform like functions.

As a Member of the Senate from an agricultural State, it is extremely important to me that we achieve an equitable consolidation and streamlining among all of the functions of the Department and between the headquarters and field offices. I am very pleased that my proposal to achieve greater consolidation in the research functions of the USDA have been included in this bill with the cooperation of my colleagues. By including my proposal to consolidate the Economic Research Service and the National Agricultural Statistics Service into the Agricultural Economics and Statistics Service, I think we have achieved an equitable consolidation.

While putting this bill together in the Senate took considerable effort on the part of the Department and the Senate Agriculture Committee, this was, unfortunately, the easy part. The hard part will be making this reorganization a reality at both the headquarters level and in the field. I look forward to working with the Secretary of Agriculture and farmers and consumers in Wisconsin to implement these very important changes to the benefit of all parties.

This is a groundbreaking piece of legislation that strikes the fat from bureaucracy, eliminates over 7,500 employees from the payroll, and takes a stab at the headquarters level before asking farmers to make substantial changes. It saves taxpayers over $2 billion in the short run, and much more in the long run. This bill makes sense. It should be a model for the reorganization of other departments and I urge my colleagues to support it.

Mr. COCHRAN. Madam President, I support this Department of Agriculture reorganization bill as reported by the Agriculture Committee. With over 112,000 employees and an annual budget in excess of $60 billion it is one of the largest departments in the U.S. Government. It will be a big job to streamline and improve the delivery and efficiency of services to farmers, while not compromising the quality and availability of those services.

During Secretary Espy's confirmation hearing, he said that his reorganization preference for the Department would begin at the Washington level. I am pleased to see that this is the approach the Secretary is authorized to take in this bill.

Since 1980, the number of U.S. farms has declined by over 14 percent, while the average farm size has increased by 10 percent over the same time period. Although the number of farms is declining, the number of farmers participating in the numerous farm programs is increasing. In addition, the Department of Agriculture has experienced more demanding responsibilities, with the new requirements of each successive farm bill. There is much more complexity in all farm programs, as well as increased environmental and conservation compliance requirements.

While we all want to end Government waste and improve efficiency to get the most out of Federal funds, we must also recognize that the Department of Agriculture supports the largest industry in our Nation. Agriculture provides jobs for 21 million people while contributing $18 billion to our Nation's trade surplus. The Department of Agriculture and its programs help our farmers overcome unfair trade practices in foreign markets, promote the export of our agricultural products, ensure the safety of our Nation's food supply, help provide credit to rural landowners, and provide food and nutrition assistance to those who are disadvantaged.

I am glad this bill maintains the county committee structure. Each State Farm Service Agency committee will be responsible for determining if a county committee is to be merged with another county committee in the event that a county loses its field office. This allows State committees to have direct oversight in the consolidation of county committees in consultation with the Secretary.

The bill also contains language which establishes the Natural Resources Conservation Service as a separate agency responsible for all conservation and environmental programs administered by USDA. The establishment of the Natural Resources Conservation Service has been a major issue in the development of this legislation. The controversy surrounding the Natural Resources Conservation Service has been the administration of the Agricultural Conservation Program. Currently, ASCS has total control over the administration of ACP. The compromise in this bill allows the Natural Resources Conservation Service and the Farm Service Agency to jointly set guidelines and priorities for the ACP at the Washington and State levels. All technical assistance at the county level will be provided by the Natural Resources Conservation Service. The Farm Service Agency at the county level will be responsible for compliance oversight and payment to the farmer for cost share assistance. The county committee will continue to make the final decision on which applicants are eligible to receive cost share assistance under the ACP. This compromise allows both the Farm Service Agency and the Natural Resources Conservation Service to have a shared role in administering this conservation cost share program.

I thank the distinguished chairman and ranking member of the Agriculture Committee for their good work on this important legislation. I urge my colleagues to support this bill.

Mr. DOLE. Madam President, during the early eighties, President Reagan organized the President's Private Sector Survey on Cost Control, the so-called Grace Commission, to evaluate ways to streamline Government agencies and programs. While some of those recommendations were adopted, most were left untouched.

Later, under President Bush, Secretary of Agriculture Ed Madigan continued in the spirit of the Grace Commission by developing a plan which significantly reorganized the U.S. Department of Agriculture. After many years of hard work by both Republicans and Democrats, we have before us a bill which streamlines the USDA. I commend Secretary Espy for continuing the legacy left by his Republican predecessors.

This legislation is a compromise between many competing interests. I believe all of us agree that USDA, and for that matter other Federal agencies, should be reorganized. The issue at hand is how to best go about it.

Madam President, Secretary Espy said last year that the consolidation should start at the top. While many of us agreed with his approach, it obviously will not be an easy task. Federal jobs—whether in Washington or at the local level—seem to be viewed by many as permanent unless they are in somebody else's country or State.

My chief concern with reorganization has been that local service to the farmer be maintained. While there were attempts to take away local control, in the end we developed a plan that allows farmers to control their area offices through a farmer-elected county committee structure.

I am hopeful the administration will be willing to go even further and offer some fresh proposals that get at the real problem—the laws passed by Congress and the regulations promulgated by USDA agencies. We simply cannot continue feeding an ever-growing bureaucracy by creating new programs and expanding those that already exist. The farmer is at the other end bearing the brunt of all of this well-intentioned yet costly and time-consuming paperwork.

Last year I wrote Vice President GORE asking that as we move through the debate on reinventing Government, we take a serious look at reducing paperwork to the farmers, ranchers, and small business men and women. I pointed out the Agricultural Program Reporting and Recordkeeping Improvement Act, which was included in the 1990 farm bill. The act instructed USDA to develop a method for decreasing paperwork for farmers and ranchers. I further encouraged the Vice President to consider adopting a goal of reducing these paperwork requirements by 50 percent within 2 years.

I understand USDA is now working toward these goals through such programs as Info Share and I commend Secretary Espy for his efforts in this area. I urge the Department to continue to work toward the end goal that we set in 1990.

I hope the USDA reorganization bill is the first of many agency reorganization bills that come before the Senate. The people have made it clear that they want a smaller, less intrusive, more efficient Government and this bill responds to those demands.

Mr. BURNS. Madam President, I rise today to support the bill before the Senate, Senate bill 1970. While I do have some reservations about this bill, I believe the U.S. Department of Agriculture does need some revamping—the USDA needs to change with the times.

American agriculture does not just feed our own people, it feeds the world. My State of Montana produces much of the food consumed within the United States and throughout the world. Montana exports beef, wheat, and other commodities. Our agricultural communities can provide our entire Nation with its daily bread. And I don't want to see that change.

Streamlining the USDA is important for two important reasons. We need the USDA to be more efficient to be more responsive to farmers and ranchers.

S. 1970 will streamline Federal employment in the USDA at a savings of $1.3 billion through 1998. Streamlining departmental administration will save an additional $1 billion. The headquarters in Washington will be consolidated and that's something everyone agrees should take place.

I do have concerns regarding the closing 1,100 county offices. I think that this bill should have taken a greater look at making cuts in Washington so that some of these field offices would not be affected. I think we are cutting the bureaucracy at the wrong end.

While I do have concerns regarding these cuts, I believe over all this bill is important in moving the USDA forward to better serve American agriculture.

Mr. MITCHELL. If I might have the attention of the distinguished chairman and ranking minority member of the Agriculture Committee for a brief colloquy.

As both the chairman and ranking member know, section 1704 of the 1985 farm bill, Public Law 99-198, requires the Secretary of Agriculture to perform random spot checks of potatoes entering the United States through ports of entry in the northeastern United States and to report annually to the Agriculture Committees of the House and Senate on the results of the spot checks.

Under those provisions, USDA has conducted a program of spot inspections along the Maine-Canadian border for the past several years and has reported annually to the House and Senate committees the results of such inspections.

During consideration of the 1990 farm bill, it was the view of the U.S. Department of Agriculture, in a July 2, 1990 letter from then—USDA general counsel, Alan Charles Raul, that section 1704 was permanent legislation that did not require reauthorization in the 1990 farm bill.

I would ask the floor managers if this history conforms to their understanding of the annual random checks undertaken by USDA under section 1704 of the 1985 farm bill?

Mr. LEAHY. The majority leader has correctly provided the history of the annual spot inspections of Canadian potatoes entering through Maine ports of entry under section 1704.

Mr. COHEN. Section 105 of S. 1970 requires the Secretary to review with the House Agriculture Committee and the Senate Agriculture, Nutrition, and Forestry Committee those reports which the Department is currently required by law to provide but which should be eliminated.

In recent weeks, the Maine Potato Board has contacted Senator MITCHELL and me asking that the annual spot inspections of Canadian potato imports through Maine ports of entry be discontinued. Given the language included in section 105 of this legislation, is it the view of the floor managers that if section 105 is enacted into law that repeal of section 1704 is not necessary to discontinue the inspection requirement on the part of the Secretary of Agriculture. Is it the view of the floor managers that the Secretary could determine this report as unnecessary and simply discontinue conducting the annual inspections and subsequent reports?

Mr. LUGAR. As principal author of section 105 I would tell the Senators from Maine that it is my understanding that if this language is included in the final bill signed by the President that repeal of section 1704, Public Law 99-198 would not be necessary for the Secretary to discontinue these inspections.

Mr. LEAHY. I concur with the sentiments of the ranking member that section 105 of S. 1970 could negate the need for specific repeal of the inspection and reporting authority, if the Secretary so chose. I would be willing to work with the Senators from Maine, the distinguished ranking member and the Secretary to include these reports in the list of those reports the Secretary eliminates.

Mr. MITCHELL. I thank both floor managers. Senator COHEN and I appreciate the attention of the distinguished Senators from Vermont and Indiana to this matter. I look forward to working with them, Senator COHEN and the Secretary in seeing that these unnecessary inspections and annual reports are discontinued.

Mr. COHEN. I also thank the distinguished floor managers for their attention to this matter which is of significant importance to the Maine Potato Board and the potato industry in general.

Mr. DASCHLE. Madam President, I would like to take this opportunity to express my support for S. 1970, the USDA reorganization bill, and to urge all of my colleagues to endorse this ambitious effort.

The plan outlined in S. 1970 represents the most comprehensive effort ever undertaken to reorganize USDA. It cuts bureaucracy and spending without diminishing services, and reflects the essence of the President's call to reinvent Government.

Secretary Espy deserves praise for the time and effort he devoted to the preparation of the administration's reorganization proposal. He embraced the President's directive to streamline Government with enthusiasm, and produced a reorganization plan that should serve as a model for other Federal agencies.

I also wish to commend Chairman LEAHY, Senator LUGAR, and my other colleagues on the Senate Agriculture Committee for their contribution to this effort. They worked tirelessly to shape a proposal that will not only save taxpayers more than $2 billion over the next 5 years, but will also deliver more efficient service to farmers.

The need for reorganization is unquestioned. Today, USDA encompasses a much broader range of missions and programs than it did in the 1930's when the present structure was created. In addition to food and agricultural production, USDA's programs now focus on such vital issues as conservation, food safety, rural development, and expansion of markets for agricultural products.

The Department must continue to change if it is to meet the needs of agriculture in the 21st century and, at the same time, address the serious budget problems that face our Nation. This reorganization plan serves those goals.

The task of restructuring this massive organization to face budgetary realities and at the same time meet the needs of its various missions was not easy. USDA cannot afford to reorganize simply by changing agency names or redrawing boxes on organizational charts.

It has been my view that a substantive reorganization plan must meet three major objectives: First, enhancing the efficiency of service to farmers; second saving taxpayers' money; and third improving the coordination of USDA programs.

Moreover, any effort to meet this challenge must start at USDA headquarters with a review of all department facilities and administrative offices here in Washington. We cannot tolerate a plan that cuts only field staff while condoning "business as usual" in Washington. USDA must focus on streamlining its administrative structure first.

That is exactly what has been done. Currently, USDA conducts administrative operations at 16 scattered locations in and around Washington. S. 1970 requires consolidation of these local headquarters offices, which will both save money and facilitate better program coordination within the Department.

Above all else, service to agricultural producers must take high priority in the new USDA. Any changes we make to the present structure must enhance the quality of service.

The new Farm Services Agency established by S. 1970 will accomplish this goal by providing farmers with easier access to USDA programs through consolidation at the local level. To further improve service in the future, I have asked USDA to launch pilot programs across the country that will allow farmers to conduct their business with the Farm Services Agency right from their farms, using telephones, fax machines, or computers. When implemented, this program could save farmers a great deal of valuable time.

Another provision that we have worked hard with the administration to include in this bill is the consolidation of all USDA food-safety functions into one independent agency within USDA that reports directly to the Secretary of Agriculture. A single, independent food safety agency within the Department will allow for a greater emphasis on food safety and better program coordination, in keeping with the Department's commitment to address food safety from the farm to the table. It will also separate food safety functions from marketing and promotion programs, which, in the present structure, has been a source of considerable criticism. Such a move will facilitate the implementation of Secretary Espy's comprehensive initiatives to improve the safety of all USDA-inspected food products, to the benefit of consumers and producers alike.

I am pleased with the package of reforms included in S. 1970. This reorganization plan holds advantages for everyone, and it is worthy of the Senate's support.

Mr. LEAHY. Madam President, we have one or two housekeeping items to complete and we will go to final passage on this bill, I believe.

In the meantime, I will suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NOS. 1630 AND 1631, EN BLOC

Mr. LEAHY. Madam President, I send two amendments to the desk and ask unanimous consent that they be considered en bloc, and passed, en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Is there debate?

Mr. LUGAR. Madam President, on our side of the aisle, we support the amendments. They have been worked out carefully by the distinguished staffs on both sides of the aisle and are under the authorship of the distinguished Senator from Wyoming [Mr. SIMPSON], and we tried to accommodate his very constructive intent.

Mr. LEAHY. Madam President, the other one of the two amendments was authored by the distinguished Senator from South Dakota [Mr. DASCHLE]. That also has been worked out on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments (Nos. 1630 and 1631) were agreed to.

The amendments were agreed to as follows:

### AMENDMENT NO. 1630

Mr. LEAHY offered an amendment No. 1630 for Mr. DASCHLE.

The amendment is as follows:

At the appropriate place, insert:

**SECTION 1. ELIMINATION OF DUPLICATIVE INSPECTION REQUIREMENTS.**

(a) IN GENERAL.—The Secretary of Agriculture shall—

(1) eliminate inspections of pilots and aircraft by the Department of Agriculture; and

(2) develop with the Administrator of the Federal Aviation Administration inspection specifications and procedures by which aircraft and pilots contracted by the United States Department of Agriculture will be inspected. The Administrator will ensure that the inspection specifications and procedures are met.

(3) permit the utilization by the Department of Agriculture of inspections and certifications of pilots and aircraft conducted by the Federal Aviation Administration.

(b) APPLICABILITY.—An inspection requirement shall be eliminated pursuant to subsection (a)(1) only if the pilots and aircraft are inspected by the Federal Aviation Administration for compliance with the safety regulations of the Federal Aviation Regulations.

### AMENDMENT NO. 1631

Mr. LEAHY offered an amendment No. 1631 for Mr. SIMPSON.

The amendment is as follows:

On page 5, line 21, delete "function or".

On page 70, after line 25, add the following: "The compensation of any person serving as an Administrator shall not be raised by this Act.".

This amendment clarifies certain authorities and prevents compensation increases.

Mr. LUGAR. Madam President, I move to reconsider the vote by which the amendments were agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. Is there further debate on the bill?

Mr. LEAHY. Madam President, we are ready, as I understand it, to now vote on final passage. I see another distinguished member of the committee. Does he wish to speak before or after passage?

Mr. MCCONNELL. Madam President, I understand that the leaders of the committee are anxious to move forward. Let me indicate my approval of this legislation, in particular, the decision not to radically restructure the county committees.

It was the administration's original intent to dramatically change the nature of rural county committees, particularly in that the farmers would no longer control the selection of those committees. That effort was dropped in the committee, for which I want to thank the chairman and ranking member. I think the committees now do continue to reflect the need for farmer input at the local level. I appreciate the support of the chairman and ranking members.

I support a reorganization of USDA which would streamline the 43 separate agencies and better coordinate the 250 individual programs under its authority. I do not believe the Department, as it is presently structured, is adequately prepared to fulfill its future responsibilities. The bureaucratic maze is in desperate need of repair, but I do not want organizational changes to occur at the expense of the quality of services provided to our farmers.

In today's atmosphere, helping solve a farmer's groundwater problem is as important to keeping them in business as is maintaining the level of the support price. Assuring consumers their food is safe and wholesome is just as critical a role for USDA as developing a new variety of seed corn. Services should be delivered more quickly, more reliably, and more cost effectively. If we who consider ourselves advocates for American agriculture do not improve this mess it will be done for us and not necessarily in a friendly way.

Environmental and natural resource issues will remain a cornerstone to the future of farming. It is important that you recognized this in your plan and designated an agency to direct these efforts. The 121 conservation districts in Kentucky have done remarkable work in leading local farmers in a new and better way of farming. I am glad their work will not be lost in this reorganizational shuffle.

In the administration's original proposal, section 303 permitted the Secretary, in consultation with the State committee, to terminate, combine and consolidate county committees. The administration had also proposed combining the existing ASCS County Committee into one FSA Committee.

This meant the county or area committees would consist of five members. Three would be elected by farmers in the area or county and two would be appointed by the Secretary.

I had strong objections to combining the county or area committees. I also objected that two of the five committee members would be appointed by the Secretary.

I had planned to offer an amendment to retain the existing committee system in full committee markup. However, my amendment was adopted in committee staff deliberations before full committee markup.

I am proud of my efforts to retain the existing State and County Agricultural Stabilization and Conservation Service committee structure. The Secretary will be able to designate local administrative areas and no such local administrative area shall include more than one county. The local committees shall elect a three-member committee consisting of farmers in the area served. Committee members are elected for a 3-year term and no member shall serve more than three consecutive terms. The State committee shall be composed of no fewer than, and no more than, five members with the members being appointed by the Secretary. This structure not only works well but provides confidence and continuity.

Most of the complaints I hear from Kentucky farmers is the paperwork is too excessive and the programs are too restrictive. USDA is simply too large, too complex, too divided, and too uncoordinated. S. 1970, the Department of Agriculture Reorganization Act of 1994, as reported from the Committee on Agriculture, Nutrition, and Forestry, provides the direction, flexibility, and improved management to provide the best quality of services to our farmers.

Streamlining USDA is more than changing the organization chart.

I would like to thank Chairman LEAHY and Senator LUGAR for including my proposal on the farm services committee structure. Mr. President, I yield the floor.

Mr. LUGAR. Madam President, I would like to take this occasion to commend the distinguished Senator from Kentucky. He did bring very forcefully to the attention of the committee a desire of farmers throughout this country to name the three members of the county committees. I believe it is my recollection—the chairman may have the same one—that our committee was really unanimous in that finding. It was sound. So I simply want to reassure farmers throughout the country that those three members are theirs, and that remains in the bill.

I thank the Chair.

The PRESIDING OFFICER. Is there further discussion?

If not, the bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. SHELBY] is absent because of illness.

The PRESIDING OFFICER (Mrs. BOXER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—98

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—1

Kerrey

NOT VOTING—1

Shelby

So the bill (S. 1970), as amended, was passed, as follows:

S. 1970

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Department of Agriculture Reorganization Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.

TITLE I—GENERAL AUTHORITIES OF THE SECRETARY

Sec. 101. Delegation of functions to the Secretary.
Sec. 102. Reorganization.
Sec. 103. Personnel reductions.
Sec. 104. Consolidation of headquarters offices.
Sec. 105. Reports by the Secretary.

TITLE II—NATIONAL APPEALS DIVISION

Sec. 201. Definitions.
Sec. 202. National Appeals Division and Director.
Sec. 203. Transfer of functions.
Sec. 204. Personnel of the Division.
Sec. 205. Notice and opportunity for hearing.
Sec. 206. Informal hearings.
Sec. 207. Rights of participants.
Sec. 208. Division hearings and Director review.
Sec. 209. Judicial review.
Sec. 210. Implementation of final determinations of Division.
Sec. 211. Decisions of State and county committees.
Sec. 212. Prohibition on adverse action while appeal is pending.
Sec. 213. Relationship to other laws.
Sec. 214. Evaluation of agency decisionmakers and other employees.
Sec. 215. Conforming amendments.

TITLE III—FARM AND INTERNATIONAL TRADE SERVICES

Sec. 301. Under Secretary for Farm and International Trade Services.
Sec. 302. Farm Service Agency.
Sec. 303. State and county committees.
Sec. 304. International Trade Service.

TITLE IV—RURAL ECONOMIC AND COMMUNITY DEVELOPMENT

Sec. 401. Under Secretary for Rural Economic and Community Development.
Sec. 402. Rural Utilities Service.
Sec. 403. Rural Housing and Community Development Service.
Sec. 404. Rural Business and Cooperative Development Service.

TITLE V—FOOD, NUTRITION, AND CONSUMER SERVICES

Sec. 501. Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.

Sec. 502. Food and Consumer Service.
Sec. 503. Nutrition Research and Education Service.
TITLE VI—NATURAL RESOURCES AND ENVIRONMENT
Sec. 601. Natural Resources Conservation Service.
Sec. 602. Reorganization of Forest Service.
TITLE VII—MARKETING AND INSPECTION SERVICES
Sec. 701. Grain Inspection, Packers and Stockyards Administration.
TITLE VIII—RESEARCH, ECONOMICS, AND EDUCATION
Sec. 801. Federal Research and Information Service.
Sec. 802. Cooperative State Research and Education Service.
Sec. 803. Agricultural Economics and Statistics Service.
Sec. 804. Program Policy and Coordination Staff.
TITLE IX—FOOD SAFETY
Sec. 901. Food Safety Service.
TITLE X—MISCELLANEOUS
Sec. 1001. Assistant Secretaries of Agriculture.
Sec. 1002. Removal of obsolete provisions.
Sec. 1003. Additional conforming amendments.
Sec. 1004. Termination of authority.
Sec. 1005. Elimination of duplicative inspection requirements.

### SEC. 2. PURPOSE.

The purpose of this Act is to provide the Secretary of Agriculture with the necessary authority to streamline and reorganize the Department of Agriculture to achieve greater efficiency, effectiveness, and economies in the organization and management of the programs and activities carried out at the Department.

### SEC. 3. DEFINITIONS.

As used in this Act (unless the context clearly requires otherwise):

(1) ADMINISTRATIVE UNIT.—The term "administrative unit" includes—

(A) any office, administration, agency, institute, unit, or organizational entity, or component thereof, except that the term does not include a corporation; and

(B) any county, State, or area committee, as established by the Secretary.

(2) DEPARTMENT.—The term "Department" means the United States Department of Agriculture.

(3) FUNCTION.—The term "function" means an administrative, financial, or regulatory duty of an administrative unit or employee of the Department, including a transfer of funds made available to carry out a function of an administrative unit.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

## TITLE I—GENERAL AUTHORITIES OF THE SECRETARY

### SEC. 101. DELEGATION OF FUNCTIONS TO THE SECRETARY.

(a) DELEGATION OF FUNCTIONS.—Except as otherwise provided in this Act and notwithstanding any other provision of law, all functions and all activities, officers, employees, and administrative units of the Department, not vested in the Secretary on the date of enactment of this Act, are delegated to the Secretary.

(b) EXCEPTIONS TO THE DELEGATION.—This section shall not apply to the following functions and administrative units of the Department:

(1) The functions vested in administrative law judges by subchapter II of chapter 5 of title 5, United States Code.

(2) The functions vested in the Inspector General by the Inspector General Act of 1978 (5 U.S.C. App. 3).

(3) The functions vested in the Chief Financial Officer by chapter 9 of subtitle I of title 31, United States Code.

(4) Corporations and the boards of directors and officers of the corporations.

(5) The functions vested in the Alternative Agricultural Research and Commercialization Board by the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901 et seq.).

### SEC. 102. REORGANIZATION.

(a) GENERAL AUTHORITY OF THE SECRETARY.—The Secretary may transfer any function or administrative unit of the Department, including any function or administrative unit delegated to the Secretary by this Act, and any officer or employee of the Department, as the Secretary considers appropriate. The authority established in the preceding sentence includes the authority to establish, consolidate, alter, or discontinue any administrative unit of the Department.

(b) AUTHORITY TO TRANSFER RECORDS, PROPERTY, AND FUNDS.—

(1) IN GENERAL.—Subject to section 1531 of title 31, United States Code, the Secretary may transfer any of the records, property, and unexpended balances (available or to be made available for use in connection with any affected function or administrative unit) of appropriations, allocations, and other funds of the Department, as the Secretary considers necessary to carry out this Act, except as otherwise provided in this section.

(2) USE.—Absent prior approval by law, any unexpended balances transferred pursuant to paragraph (1) shall be used only for the purposes for which the funds were originally made available.

(3) ADDITIONAL AUTHORITY.—The Secretary may make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with the functions or administrative units, as the Secretary considers necessary to carry out this Act.

(c) PURPOSE OF THE AUTHORITY.—The Secretary shall carry out subsections (a) and (b) with the goals of simplifying and maximizing the efficiency of the national, State, regional, and local levels of the Department, and of improving the accessibility of farm and other programs at all levels. To the extent practicable, the Secretary shall adapt the administration of the programs to State, regional, and local conditions.

(d) EXHAUSTION OF ADMINISTRATIVE APPEALS.—Notwithstanding any other provision of law, a person shall exhaust all administrative appeal procedures established by the Secretary before the person may bring an action in a court of competent jurisdiction against—

(1) the Secretary;

(2) the Department;

(3) an administrative unit of the Department; or

(4) an employee or agent of an administrative unit of the Department.

(e) CONFORMING AMENDMENTS.—Section 9 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714g) is amended—

(1) in subsection (a), by striking "(a)"; and

(2) by striking subsection (b).

### SEC. 103. PERSONNEL REDUCTIONS.

(a) DEFINITIONS.—As used in this section:

(1) FIELD STRUCTURE.—The term "field structure" means the offices, functions, and employee positions of all administrative units of the Department, other than the headquarters offices. The term includes the physical and geographic locations of the units. The term shall not include State, county, or area committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

(2) HEADQUARTERS OFFICES.—The term "headquarters offices" means the offices, functions, and employee positions of all administrative units of the Department located or performed in Washington, District of Columbia, or elsewhere, as determined by the Secretary.

(b) EMPLOYEE REDUCTIONS.—Subject to subsection (c), the Secretary shall achieve employee reductions of at least 7,500 staff years within the Department by September 30, 1999.

(c) DISTRIBUTION.—The percentage of employee reductions in the headquarters offices under subsection (b) shall be substantially higher than the percentage of employee reductions in the field structure, as determined by the Secretary.

(d) SCHEDULE.—The personnel reductions under subsections (b) and (c) should be accomplished concurrently in a manner determined by the Secretary.

### SEC. 104. CONSOLIDATION OF HEADQUARTERS OFFICES.

The Secretary shall develop and carry out a plan to consolidate offices of administrative units of the Department located in Washington, District of Columbia, subject to the availability of appropriations.

### SEC. 105. REPORTS BY THE SECRETARY.

(a) IN GENERAL.—Subject to subsection (b), notwithstanding any other provision of law, the Secretary may, but shall not be required to, prepare and submit any report to Congress or any committee of Congress.

(b) LIMITATION.—For each fiscal year, the Secretary may not prepare and submit more than 30 reports referred to in subsection (a).

(c) SELECTION OF REPORTS.—In consultation with the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Secretary shall determine which reports shall be prepared and submitted in accordance with subsection (b).

## TITLE II—NATIONAL APPEALS DIVISION

### SEC. 201. DEFINITIONS.

As used in this title:

(1) ADVERSE DECISION.—The term "adverse decision" means an administrative decision made by a decisionmaker that is adverse to a participant, including a denial of equitable relief, except that the term shall not include a decision over which the Board of Contract Appeals has jurisdiction. The term shall include the failure of a decisionmaker to issue a decision or otherwise act on the request or right of the participant to participate in, or receive payments, loans, or other benefits under, any of the programs administered by an agency. Notwithstanding section 701(a)(2) of title 5, United States Code, a discretionary decision of the Secretary or the Division shall be reviewable under section 706(2)(A) of such title unless the decision is generally applicable to all program participants and, as a matter of general applicability, is committed to agency discretion by law within the meaning of section 701(a)(2) of such title.

(2) AGENCY.—The term "agency" means any agency of the Department designated by the Secretary or a successor agency of the Department, except that the term shall include—

(A) ASCS;

(B) CCC, with respect to domestic programs;

(C) FmHA (including rural housing programs);

(D) FCIC;

(E) RDA (including rural housing programs);

(F) SCS; or

(G) a State or county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).

(3) APPELLANT.—The term "appellant" means a participant who appeals an adverse decision in accordance with this title.

(4) ASCS.—The term "ASCS" means the Agricultural Stabilization and Conservation Service or a successor agency.

(5) CASE RECORD.—The term "case record" means all the materials maintained by the Secretary that concern the participant, including any materials related to the adverse decision.

(6) CCC.—The term "CCC" means the Commodity Credit Corporation or a successor agency.

(7) DECISIONMAKER.—The term "decisionmaker" means an officer, employee, or committee of an agency who makes an adverse decision that is appealed by an appellant.

(8) DIRECTOR.—The term "Director" means the Director of the Division.

(9) DIVISION.—The term "Division" means the National Appeals Division established by this title.

(10) EMPLOYEE.—The term "employee" means an individual employed by an agency, including an individual who enters into a contract with an agency to perform services for the agency.

(11) FINAL DETERMINATION.—The term "final determination" means a determination of an appeal by the Division that is administratively final, conclusive, and binding.

(12) FCIC.—The term "FCIC" means the Federal Crop Insurance Corporation or a successor agency.

(13) FMHA.—The term "FmHA" means the Farmers Home Administration or a successor agency.

(14) HEARING OFFICER.—The term "hearing officer" means an individual employed by the Division who hears and determines appeals of adverse decisions by any agency.

(15) HEARING RECORD.—The term "hearing record" means the transcript of a hearing, any audio tape or similar recording of a hearing, any information from the case record that a hearing officer considers relevant or that is raised by the appellant or agency, and all documents and other evidence presented to a hearing officer.

(16) IMPLEMENT; IMPLEMENTATION.—The terms "implement" and "implementation" refer to those actions necessary to effectuate fully and promptly a determination of the Division not later than 30 calendar days after the effective date of the determination.

(17) PARTICIPANT.—The term "participant" means any individual, group of individuals, partnership, corporation, association, cooperative, or other entity whose application for, or right to participate in or receive, payments, loans, or other benefits in accordance with any of the programs administered by an agency, is affected by an adverse decision made by a decisionmaker.

(18) RDA.—The term "RDA" means the Rural Development Administration or a successor agency.

(19) SCS.—The term "SCS" means the Soil Conservation Service or a successor agency.

(20) STATE DIRECTOR.—The term "State director" means the individual who is primarily responsible for carrying out the program of an agency within a State.

### SEC. 202. NATIONAL APPEALS DIVISION AND DIRECTOR.

(a) ESTABLISHMENT OF DIVISION.—

(1) ESTABLISHMENT.—The Secretary shall establish and maintain a National Appeals Division within the Office of the Secretary to carry out this title.

(2) APA APPLICATION.—The provisions of title 5, United States Code, shall apply to all appeals of the Division, including chapters 5 and 7 of such title.

(3) PROCEDURAL REGULATIONS AND POLICIES.—The Secretary shall promulgate procedural regulations and policies to govern the conduct of the business of the Division. The Secretary shall ensure and enhance the independence, integrity, and efficiency of the Division, the Director, hearing officers, and other employees of the Division.

(b) DIRECTOR.—

(1) APPOINTMENT.—The Division shall be headed by a Director.

(2) POSITION CLASSIFICATION.—The position of the Director shall be a Senior Executive Service position that shall be filled by a career appointee (as defined in section 3132(a)(4) of title 5, United States Code), who shall not be subject to removal except for cause in accordance with law.

(3) QUALIFICATIONS.—The Director shall be a person who has substantial experience in practicing administrative law. In considering applicants for the position of Director, the Secretary shall consider persons employed outside the Government as well as Government employees.

(4) CONFORMING AMENDMENT.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

"Director, National Appeals Division, Department of Agriculture.".

(c) DIRECTION, CONTROL, AND SUPPORT.—The Director shall be free from the direction and control of any person other than the Secretary. The Division shall not receive administrative support (except on a reimbursable basis) from any agency other than the Office of the Secretary. The Secretary may not delegate to any other officer or employee of the Department, other than the Director, the authority of the Secretary with respect to the Division.

(d) COMMUNICATION WITH SECRETARY AND AGENCIES.—The Director shall inform the Secretary and the appropriate agency of problems regarding the functions of the agency that are identified as a result of the activities of the Division under this title. The information provided by the Director may include proposals to resolve the problems identified or otherwise to improve the programs of the agency.

(e) APPEALABLE DECISIONS.—Subject to section 204(b)(2), if a decisionmaker determines that a decision is not appealable and a participant appeals the decision to the Director, the Director shall determine whether the decision is adverse or of general applicability, and thus appealable. Except for a legal interpretation that may be reversed or modified by the Secretary, the determination of the Director as to whether a decision is appealable shall be administratively final, conclusive, and binding.

(f) OTHER POWERS OF THE DIRECTOR.—The Director may enter into contracts and make other arrangements for reporting and other services and make such payments as may be necessary to carry out this title.

### SEC. 203. TRANSFER OF FUNCTIONS.

There are transferred to the Division all functions exercised and all administrative appeals pending before the date of enactment of this Act (including all related functions of any officer or employee) of or relating to—

(1) the National Appeals Division established by section 426(c) of the Agricultural Act of 1949 (7 U.S.C. 1433e(c)) (as in effect before the amendment made by section 215(a)(2));

(2) the National Appeals Division established by subsections (d) through (g) of section 333B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b) (as in effect before the amendment made by section 215(b));

(3) appeals of decisions made by FCIC; and

(4) appeals of decisions made by SCS.

### SEC. 204. PERSONNEL OF THE DIVISION.

(a) APPOINTMENT, DIRECTION, AND CONTROL.—The Director shall appoint such hearing officers and other employees as are necessary for the administration of the Division. A hearing officer or other employee of the Division shall have no duties other than those that are necessary to carry out this title. Hearing officers shall be supervised by the Director. All other employees of the Division shall report to the Director.

(b) LEGAL COUNSEL.—

(1) IN GENERAL.—The Director shall employ legal counsel to advise the Director with respect to legal questions affecting the Division. The legal counsel shall not serve as a counsel to any other agency of the Department. This subsection is not intended to affect the role of the Office of General Counsel in representing the Department in civil or criminal actions or as a liaison between the Department and any other Federal agency.

(2) REVIEW BY THE SECRETARY.—If a hearing officer or the Director disagrees with the General Counsel on a matter of legal interpretation with respect to a program or authority of the Department, the Secretary shall have the authority to make a final determination on the interpretation at the request of the General Counsel. The authority of the Secretary under this paragraph may not be delegated.

(c) PERFORMANCE EVALUATIONS.—The Director shall establish policies to provide for the evaluation of the Director, hearing officers, and other employees of the Division who are involved in the appeal process under section 208 or the supervision of other employees. The evaluation process shall be designed to ensure and enhance the independence, integrity, and efficiency of the Director and employees of the Division. The actual evaluations shall include evaluations by individuals outside of the Department and may include peer review.

### SEC. 205. NOTICE AND OPPORTUNITY FOR HEARING.

(a) NOTICE REQUIRED.—Not later than 10 working days after an adverse decision is made that is adverse to the participant, the Secretary shall provide the participant with the written notice described in subsection (b).

(b) CONTENT OF NOTICE.—The notice required under subsection (a) shall contain a description of the following:

(1) The decision, including all of the reasons, facts, and conclusions underlying the decision.

(2) The appeal and implementation process available to the participant, including the rights and responsibilities of the participant provided by this title.

(3) An opportunity to request a determination by the Director pursuant to section

202(e) concerning whether a decision is appealable, if the decisionmaker determines that the decision is not appealable.

(c) MAINTENANCE OF RECORDS.—The Secretary and the Director shall maintain the entire case record and hearing record, respectively, and any additional information from any further appeal proceeding, of the participant at least until the expiration of the period during which the participant may seek administrative or judicial review of the determination.

(d) JOINDER.—

(1) GUARANTEED LOANS.—With regard to a guaranteed loan under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), a borrower or applicant who is directly and adversely affected by a decision of the Secretary may appeal the decision pursuant to this title without the lender joining in the appeal.

(2) RENTAL HOUSING.—A tenant in rental housing of an agency who is individually, directly, and adversely affected by a decision of the Secretary may appeal the decision pursuant to this title without the landlord joining in the appeal.

(3) THIRD PARTIES.—If the Director determines that the receipt of a payment, loan, or other direct benefit by a participant may be directly, substantially, and adversely affected by a determination of the Division, a hearing officer may invite the participant to participate in a hearing if the final determination resulting from the hearing would, as a practical matter, foreclose the participant from receiving the payment, loan, or other direct benefit of the participant. If the participant elects to participate in the hearing, the participant shall have the same procedural rights as the appellant with regard to the hearing and other procedures described in this title.

(e) EFFECT OF REVERSAL OR MODIFICATION OF ADVERSE DECISION.—If an adverse decision is reversed or modified by the Division, a decisionmaker may not base any subsequent adverse decision with regard to that appellant on the information that was available to the previous decisionmaker (or could have been available with reasonable diligence on the part of the previous decisionmaker).

### SEC. 206. INFORMAL HEARINGS.

If a decisionmaker of an agency makes an adverse decision, the decisionmaker shall hold, at the request of the participant, an informal hearing on the decision.

### SEC. 207. RIGHTS OF PARTICIPANTS.

Among other rights, a participant shall have the right, in accordance with this title, to—

(1) appeal any adverse decision;

(2) representation by an attorney or nonattorney throughout the informal hearing and appeals process under this title;

(3) access to, and a reasonable opportunity to inspect and reproduce, the case record at an office of the agency located in the area of the participant; and

(4) an evidentiary hearing.

### SEC. 208. DIVISION HEARINGS AND DIRECTOR REVIEW.

(a) POWERS OF DIRECTOR AND HEARING OFFICERS.—To carry out their responsibilities under this section, the Director and hearing officers—

(1) shall have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available that relate to programs and operations with respect to which an appeal has been taken;

(2) shall have the authorities that are provided under section 202(a)(2);

(3) may request such information or assistance as may be necessary for carrying out the duties and responsibilities established under this title from any Federal, State, or local governmental agency or unit of the agency;

(4) may, or shall at the request of an appellant with good cause shown, require the attendance of witnesses and the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to the proper resolution of appeals;

(5) may require the attendance of witnesses, and the production of evidence, by subpoena; and

(6) may administer oaths or affirmations.

(b) TIME FOR HEARING.—

(1) IN GENERAL.—Except as provided in paragraph (2), an appellant shall have the right to—

(A) request a hearing, not later than 30 days after the date an adverse decision is made; and

(B) have a hearing by the Division on the adverse decision, not later than 45 days after receipt of the request for the hearing.

(2) REDUCTION OR EXTENSION.—The Director may establish an earlier deadline for a hearing (or request for a hearing) on an appeal relating to a time sensitive decision, or delay a hearing (or request for a hearing), at the request of an appellant for good cause shown.

(c) LOCATION AND ELEMENTS OF HEARING.—

(1) LOCATION.—A hearing on an adverse decision shall be held in the State of residence of the appellant or at a location that is otherwise convenient to the appellant and the Division.

(2) EVIDENTIARY HEARING.—The evidentiary hearing before a hearing officer shall be in person, unless the appellant agrees to a hearing by telephone or by a review of the case record and hearing record. The hearing officer shall conduct and resolve the hearing (regardless of the hearing format) in a fair and impartial manner and free of undue influence. The hearing officer shall not be bound by previous findings of fact by the agency in making a determination.

(3) INFORMATION AT HEARING.—The hearing officer shall consider information, including new information, presented at the hearing without regard to whether the evidence was known to the decisionmaker at the time the adverse decision was made. The hearing officer shall leave the record open after the hearing for a reasonable period of time to allow the submission of information by the appellant or the decisionmaker after the hearing to the extent necessary to prevent the appellant or the decisionmaker from being prejudiced by new facts, information, arguments, or evidence presented or raised by the decisionmaker or appellant. At the hearing, the agency may not rely on or assert new grounds for the adverse decision, if the grounds were not described in the agency decision notice.

(4) BURDEN OF PROOF.—The appellant shall bear the burden of proving that the adverse decision of the agency was erroneous.

(5) PRODUCTION OF RECORD.—An official verbatim record shall be provided by the Division for each hearing before a hearing officer. The appellant or agency representative may record an unofficial record of the hearing.

(6) STANDARD OF REVIEW.—In any case pending before a hearing officer, the hearing officer may determine that the adverse decision was in error only if substantial evidence demonstrates that the adverse decision was not correct. For purposes of this paragraph, the evidentiary threshold for substantial evidence is lower than the evidentiary threshold for preponderance of the evidence.

(7) DETERMINATION NOTICE.—The hearing officer shall issue a notice of the determination on the appeal not later than 30 days after a hearing or after receipt of the request of the appellant to waive a hearing, except that the Director may establish an earlier or later deadline pursuant to subsection (b)(2). The hearing officer may include recommendations in the determination notice. If the determination is not appealed to the Director under subsection (d), the notice provided by the hearing officer shall be considered to be a notice of final determination.

(d) REVIEW BY DIRECTOR.—

(1) REFERRAL.—At the request of the appellant or the head of the agency affected by a determination of a hearing officer, the determination of the hearing officer shall be referred to the Director for review.

(2) APPEAL BY HEAD OF AGENCY TO DIRECTOR.—

(A) REVIEW OF DETERMINATION OF HEARING OFFICER AT THE REQUEST OF AN AGENCY HEAD.—In exceptional circumstances, if the head of an agency believes that the determination of a hearing officer is contrary to a statute or regulation, or a finding of fact of a hearing officer is clearly erroneous, only the head of the agency may make a written request, not later than 10 business days after receipt of the determination, that the Director review the determination.

(B) REQUESTS FOR REVIEW.—A request for review shall—

(i) include a full description of—

(I) the exceptional circumstances justifying the request for review; and

(II) the reasons that the head of the relevant agency believes that the determination is contrary to statute or regulation, or the finding of fact of the hearing officer is clearly erroneous; and

(ii) be provided to the appellant and the hearing officer at the same time the request is provided to the Director.

(C) DETERMINATION OF DIRECTOR.—Not later than 10 business days after receipt of the request for review, the Director shall—

(i) conduct a review of the determination based on the case record and hearing record, the request for review under subsection (b), and any additional arguments or information submitted by the appellant or the hearing officer; and

(ii)(I) issue a final determination notice that upholds, reverses, or modifies the determination of the hearing officer; or

(II) if the Director determines that the hearing record is inadequate, remand the determination for further proceedings to complete the hearing record, or, at the option of the Director, to hold a new hearing, and notify the appellant, agency, and hearing officer of the remand.

(D) NEW HEARING.—If the Director remands a determination for a new hearing on the adverse decision under subparagraph (C), the hearing officer shall make a new determination with respect to the adverse decision based on the case record and the hearing record.

(E) FINALITY.—The head of the relevant agency may not request a second review as to the determination of the hearing officer or the Director on the same issue.

(3) APPEAL BY HEAD OF AGENCY OR APPELLANT TO DIRECTOR.—

(A) USE OF RECORD.—If the determination of a hearing officer is appealed under paragraph (1), the hearing officer shall certify the hearing record and provide the record to the Director.

(B) New information.—The Director may consider, under extraordinary circumstances, new information in reviewing a determination under this section. The appellant, decisionmaker, and hearing officer shall receive and have the opportunity to comment on the new information.

(C) Actions.—Not later than 30 days after the referral to the Director, the Director shall—

(i) review the hearing record and the determination;

(ii) uphold the determination, issue a new determination, require that a new hearing be held on 1 or more of the issues considered at the original hearing, or take any combination of the actions described in this clause; and

(iii) issue a notice of—

(I) a new evidentiary hearing;

(II) a final determination; or

(III) a remand on certain issues and a final determination on remaining issues.

(D) Recommendations.—The Director may include recommendations in a final determination notice.

(E) Relief.—The Director shall have the same authority as the Secretary to grant equitable relief. Notwithstanding the administrative finality of a final determination, the Secretary shall have the authority to grant equitable or other types of relief to the appellant after a final determination is issued by the Division.

(e) Basis for Determination.—The determination of the hearing officer and the Director shall be based on information from the hearing record, laws applicable to the matter at issue, and applicable regulations published in the Federal Register and in effect on the date of the adverse decision or the date on which the acts that gave rise to the adverse decision occurred, whichever date is appropriate. The Director shall not reverse the determination of a hearing officer with regard to a finding of fact that is based on oral testimony or inspection of evidence unless the finding of fact is clearly erroneous or the Director is considering new information under subsection (d)(3) with respect to the finding of fact.

(f) Effective Date.—The final determination shall be effective as of the date of filing of an application, the date of the transaction or event in question, or the date of the original adverse decision, whichever is applicable.

### SEC. 209. JUDICIAL REVIEW.

A final determination of the Division under section 208 shall be reviewable and enforceable by any United States district court of competent jurisdiction in accordance with chapter 7 of title 5, United States Code. Notwithstanding section 701(a)(2) of such title, a discretionary decision of the Secretary or the Division shall be reviewable under section 706(2)(A) of such title unless the decision is generally applicable to all program participants and, as a matter of general applicability, is committed to agency discretion by law within the meaning of section 701(a)(2) of such title.

### SEC. 210. IMPLEMENTATION OF FINAL DETERMINATIONS OF DIVISION.

(a) In General.—On the return of a case to an agency pursuant to the final determination of a hearing officer or the Director under section 208, the agency shall implement the final determination of the Division not later than 30 days after the effective date of the notice of the final determination.

(b) Additional and Updated Information.—

(1) In general.—Except as provided in paragraph (2), after notice of a final determination is received by the agency—

(A) the agency may not require that additional and updated information be provided by the appellant or considered by the decisionmaker in implementing the final determination of the hearing officer or the Director; and

(B) additional and updated information from any other source may not be used in implementing the final determination.

(2) Exceptions.—

(A) Introduction by appellant.—If additional information is introduced by the appellant during the appeal process and accepted by the hearing officer or the Director, the agency shall consider the additional information in implementing the final determination.

(B) Determination letter.—If the final determination notice specifically states that additional and updated information will be considered in implementing the final determination, the agency shall consider any additional and updated information in implementing the final determination.

(C) Subsequent adverse decision.—Additional and updated information considered under this paragraph may not be used as a ground for a subsequent adverse decision.

(c) Implementation Responsibilities.—

(1) State director.—Each State director shall be—

(A) required to implement final determinations of a hearing officer or the Director that affect appellants in the State; and

(B) responsible for monitoring and ensuring the implementation of final determinations that reverse and modify adverse decisions.

(2) Agency heads.—Relevant agency heads shall be responsible for—

(A) the performance of State directors under paragraph (1); and

(B) the implementation of all final determinations of the Division that reverse or modify adverse decisions of the agency.

(d) Protection of Appellants' Rights.—

(1) In general.—No officer or employee of the Federal Government shall make or engage in threats or intimidation, or solicit action, to prevent any potential appellant from exercising a right of the appellant under this title or make, solicit, or engage in retaliation or retribution for the exercise of a right of an appellant under this title.

(2) Corrective action.—If an officer or employee of the Federal Government violates paragraph (1), the Secretary shall take corrective action (including the imposition of sanctions, when necessary) in conformance with civil service laws.

(e) Implementation Problems.—

(1) Actions by relevant agency head.—The relevant agency head shall promptly correct any problems that may arise in the implementation of a final determination.

(2) Oversight.—The Secretary shall assign employees within the Office of the Inspector General whom appellants may contact concerning problems with the implementation of final determinations of the Division. The employees shall investigate and, to the extent practicable, resolve the implementation problems.

(3) Identity and activities of oversight agency.—The Secretary shall notify the Director of the business address and telephone number of employees assigned under paragraph (2). The Director shall include this information in the final determination notice of the Division to an appellant.

### SEC. 211. DECISIONS OF STATE AND COUNTY COMMITTEES.

(a) Finality.—Each decision of a State or county committee (or an employee of the committee) that administers functions of CCC, or functions assigned to ASCS on the date of enactment of this Act, made in good faith in the absence of misrepresentation, false statement, fraud, or willful misconduct shall be final not later than 90 days after the date of filing of the application for benefits, unless the decision is—

(1) appealed under this title; or

(2) modified by the Administrator of ASCS or the Executive Vice President of CCC.

(b) Recovery of Amounts.—No action shall be taken by the CCC, ASCS, or a State or county committee to recover amounts found to have been disbursed as a result of a decision in error if the decision of the State or county committee has become final under subsection (a), unless the participant had reason to believe that the decision was erroneous.

### SEC. 212. PROHIBITION ON ADVERSE ACTION WHILE APPEAL IS PENDING.

(a) In General.—The Secretary may not take any adverse action against an appellant relating to an appeal while any proceeding authorized or required under this title is pending, including any action that would prevent the implementation of a decision that is favorable to the appellant.

(b) Withholding.—This section shall not preclude the Secretary from withholding a payment if the eligibility for, or amount of, the payment is an issue on appeal, except that ongoing assistance to then current borrowers and grantees shall not be discontinued pending the outcome of an appeal.

### SEC. 213. RELATIONSHIP TO OTHER LAWS.

(a) Other Rights.—This title is not intended to supersede or deprive a recipient of assistance from an agency of any rights that the recipient may have under any other law, including section 510(g) of the Housing Act of 1949 (42 U.S.C. 1480(g)).

(b) Equitable Relief.—This title is not intended to affect the authority of an agency head to grant equitable relief.

(c) Employee Rights.—This title shall neither supersede nor interfere with rights granted to employees or their exclusive representatives by applicable civil service laws.

### SEC. 214. EVALUATION OF AGENCY DECISIONMAKERS AND OTHER EMPLOYEES.

(a) Evaluation in Annual Review.—The Secretary shall promulgate regulations to require the evaluation described in subsection (b) as part of the annual review of the performance of decisionmakers, State directors, and agency heads.

(b) Performance.—In the review, a decisionmaker, a State director, or an agency head shall be considered to have performed poorly if the decisionmaker, State director, or agency head—

(1) takes action that leads to numerous appeals that result in adverse decisions that are reversed or modified;

(2) fails to properly implement final determinations of the Division;

(3) fails to satisfactorily perform the reviewing and monitoring responsibilities required under subsection (c) or (e)(1) of section 210, whichever applies; or

(4) threatens or intimidates, or engages in retaliation or retribution against, an appellant in violation of section 210(d).

(c) Sanctions.—If a decisionmaker, State director, or relevant agency head has performed poorly (as determined under subsection (b)), the Secretary shall issue sanctions against the decisionmaker, State director, or relevant agency head, as the case may be, which may include a formal reprimand or dismissal consistent with civil service laws.

### SEC. 215. CONFORMING AMENDMENTS.

(a) ASCS.—

(1) Finality of Farmers Payments and Loans.—Section 385 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1385) is amended—

(A) by striking the first sentence and inserting the following new sentence: "As used in this section, the term 'payment' means any payment under the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.), any payment under the wheat, feed grain, upland cotton, extra long staple cotton, and rice programs authorized by the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) and this Act, or any loan or price support operation, or the amount of the payment, loan, or price support."; and

(B) in the second sentence, by striking "any such payment" and inserting "a payment".

(2) Determinations by Secretary; Appeals.—Sections 412 and 426 of the Agricultural Act of 1949 (7 U.S.C. 1429 and 1433e) are repealed.

(b) FmHA.—Section 333B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b) is repealed.

(c) FCIC.—The last sentence of section 508(f) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)) is amended by inserting before the period at the end the following: "or within 1 year after the claimant receives a final determination notice from an administrative appeal made in accordance with title II of the Department of Agriculture Reorganization Act of 1994, whichever is later".

## TITLE III—FARM AND INTERNATIONAL TRADE SERVICES

### SEC. 301. UNDER SECRETARY FOR FARM AND INTERNATIONAL TRADE SERVICES.

(a) Establishment.—There is established in the Department the position of Under Secretary of Agriculture for Farm and International Trade Services (referred to in this section as the "Under Secretary"), to be appointed by the President, by and with the advice and consent of the Senate.

(b) Duties.—The Under Secretary shall exercise such functions and perform such duties related to farm and international trade services, and shall perform such other duties, as may be required by law or prescribed by the Secretary.

(c) Continuity of the Position.—Any official serving as Under Secretary for International Affairs and Commodity Programs on the date of enactment of this Act, who has been appointed by the President and confirmed by the Senate, shall be considered on and after the date of enactment of this Act to be serving in the successor position established by subsection (a), and shall not be required to be reconfirmed by reason of the enactment of this Act.

(d) Conforming Amendments.—

(1) Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of Agriculture for International Affairs and Commodity Programs." and inserting "Under Secretary of Agriculture for Farm and International Trade Services.".

(2) Section 501 of the Agricultural Trade Act of 1978 (7 U.S.C. 5691) is repealed.

### SEC. 302. FARM SERVICE AGENCY.

(a) Establishment.—The Secretary is authorized to establish and maintain a Farm Service Agency (referred to in this section as the "Agency") and assign to the Agency such functions as the Secretary may consider appropriate.

(b) Head.—

(1) Agency.—If the Secretary establishes the Agency, the Agency or any successor administrative unit shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) FCIC.—The Secretary may appoint the Administrator of the Agency, or any other person, to serve as head of the Federal Crop Insurance Corporation.

(c) Functions.—Except as provided in subsection (d), the Secretary is authorized to carry out through the Agency—

(1) price and income support, production adjustment, and other related functions;

(2) functions of the Federal Crop Insurance Corporation;

(3) notwithstanding section 331 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981), agricultural credit functions assigned prior to the date of enactment of this Act to the Farmers Home Administration, including farm ownership, operating, emergency, and disaster loan functions, and other lending programs for producers of agricultural commodities; and

(4) any other function or administrative unit that the Secretary considers appropriate.

(d) Functions Not Assignable to the Agency.—Except as otherwise determined by the Secretary, functions relating to conservation programs authorized to be assigned to the Natural Resources Conservation Service established under section 601 may not be assigned to the Agency.

(e) Use of Employees.—Notwithstanding any other provision of law, in carrying out in any county or area any functions assigned to the Agency or any successor administrative area, the Secretary is authorized to—

(1) use interchangeably, in the implementation of functions, Federal employees, and employees of county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)); and

(2) provide interchangeably for supervision by the employees of the performance of functions assigned to the Agency.

(f) Collocation.—The Secretary, to the maximum extent practicable, shall collocate county offices of the Agency with county offices of the Natural Resources Conservation Service in order to—

(1) maximize savings from shared equipment, office space, and administrative support;

(2) simplify paperwork and regulatory requirements;

(3) provide improved services to producers and landowners affected by programs administered by the Agency and the Service; and

(4) achieve computer compatibility between the Agency and the Service to maximize efficiency and savings.

(g) Continuity of the Position.—Any official serving on the date of enactment of this Act, who has been appointed by the President and confirmed by the Senate, shall not be required to be reconfirmed by reason of the enactment of this Act.

(h) Conforming Amendments.—

(1) The second sentence of section 505(a) of the Federal Crop Insurance Act (7 U.S.C. 1505(a)) is amended by striking "the Under Secretary or Assistant Secretary of Agriculture responsible for the farm credit programs of the Department of Agriculture," and inserting "one additional Under or Assistant Secretary of Agriculture, as designated by the Secretary,".

(2) Section 507(d) of the Federal Crop Insurance Act (7 U.S.C. 1507(d)) is amended by striking "section 516 of this Act," and all that follows through the period at the end of the subsection and inserting "section 516.".

(3) Section 331(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(a)) is amended by striking "assets to the Farmers Home Administration" and all that follows through the period at the end of the subsection and inserting "assets to such officers or administrative units of the Department of Agriculture as the Secretary may consider appropriate.".

### SEC. 303. STATE AND COUNTY COMMITTEES.

Section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) is amended—

(1) by designating the first through eighth undesignated paragraphs as paragraphs (1) through (8), respectively; and

(2) in paragraph (5) (as so designated) by adding at the end the following new sentence: "The Secretary is authorized, after consultation with the State committee of the State in which the affected counties are located, to terminate, combine, and consolidate two or more county committees established under this subsection.".

### SEC. 304. INTERNATIONAL TRADE SERVICE.

(a) Establishment.—The Secretary is authorized to establish and maintain an International Trade Service (referred to in this section as the "Service") and to assign to the Service such functions or administrative units as the Secretary may consider appropriate and consistent with this Act.

(b) Head.—If the Secretary establishes the Service, the Service or any successor administrative unit shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) Functions.—The Secretary is authorized to carry out, through the Service or through such other officers or administrative units as the Secretary may consider appropriate, programs and activities involving—

(1) the acquisition of information pertaining to agricultural trade;

(2) market promotion and development;

(3) promotion of exports of United States agricultural commodities;

(4) administration of international food assistance; and

(5) international development, technical assistance, and training.

(d) Continuity of the Position.—Any official serving on the date of enactment of this Act, who has been appointed by the President and confirmed by the Senate, shall not be required to be reconfirmed by reason of the enactment of this Act.

(e) Conforming Amendments.—Sections 502 and 503 of the Agricultural Trade Act of 1978 (7 U.S.C. 5692 and 5693) are repealed.

## TITLE IV—RURAL ECONOMIC AND COMMUNITY DEVELOPMENT

### SEC. 401. UNDER SECRETARY FOR RURAL ECONOMIC AND COMMUNITY DEVELOPMENT.

(a) Establishment.—Subsection (a) of section 3 of the Rural Development Policy Act of 1980 (7 U.S.C. 2211b) is amended to read as follows:

"(a)(1) There is established in the Department of Agriculture the position of Under Secretary of Agriculture for Rural Economic and Community Development to be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Under Secretary of Agriculture for Rural Economic and Community Development shall exercise such functions and perform such duties related to rural economic and community development, and shall perform such other duties, as may be required by law or prescribed by the Secretary of Agriculture.".

(b) Continuity of Position.—Any official serving as Under Secretary of Agriculture for Small Community and Rural Development on the date of enactment of this Act, after appointment by the President, by and with the advice and consent of the Senate, shall be considered after the date of enactment of this Act to be serving in the successor position established by the amendment made by subsection (a), and shall not be required to be reconfirmed by reason of the enactment of this Act.

(c) Conforming Amendment.—Section 5314 of title 5, United States Code, is amended by striking "Under Secretary of Agriculture for Small Community and Rural Development." and inserting "Under Secretary of Agriculture for Rural Economic and Community Development.".

### SEC. 402. RURAL UTILITIES SERVICE.

(a) Establishment.—Notwithstanding section 364 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006f) and any other provision of law, the Secretary is authorized to establish and maintain within the Department the Rural Utilities Service (referred to in this section as the "Service") and to assign to the Service such functions and administrative units as the Secretary may consider appropriate.

(b) Head.—If the Secretary establishes the Service, the Service or any successor administrative unit shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) Functions.—The Secretary may carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate—

(1) electric and telephone loan programs and water and waste facility activities authorized by law, including—

(A) the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.); and

(B) section 2322 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1926–1); and

(2) water and waste facility programs and activities authorized by law, including—

(A) sections 306, 306A, 306B, and 306C, the provisions of sections 309 and 309A relating to assets, terms, and conditions of water and sewer programs, section 310B(b)(2), and the amendment made by section 342 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926, 1926a, 1926b, 1926c, 1929, 1929a, 1932(b)(2), and 1013a); and

(B) section 2324 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1926 note).

(d) Continuity of the Position.—Any official serving on the date of enactment of this Act, who has been appointed by the President and confirmed by the Senate, shall not be required to be reconfirmed by reason of the enactment of this Act.

(e) Conforming Amendments to the Rural Electrification Act.—

(1) The first section of the Rural Electrification Act of 1936 (7 U.S.C. 901) is amended by striking "there is" and all that follows through "This Act" and inserting "this Act".

(2) Section 2 of such Act (7 U.S.C. 902) is amended by striking "Administrator" and inserting "Secretary of Agriculture".

(3) Section 3(a) of such Act (7 U.S.C 903(a)) is amended—

(A) by striking "Administrator, upon the request and approval of the Secretary of Agriculture," and inserting "Secretary,"; and

(B) by striking "Administrator appointed pursuant to the provisions of this Act or from the Administrator of the Rural Electrification Administration established by Executive Order Numbered 7037" and inserting "Secretary".

(4) Section 8 of such Act (7 U.S.C. 908) is amended—

(A) in the first sentence, by striking "Administrator authorized to be appointed by this Act" and inserting "Secretary"; and

(B) in the second sentence, by striking "Rural Electrification Administration created by this Act" and inserting "Secretary".

(5) Section 11A of such Act (7 U.S.C. 911a) is repealed.

(6) Section 13 of such Act (7 U.S.C. 913) is amended by inserting before the period the following: "; and the term 'Secretary' means the Secretary of Agriculture".

(7) Sections 206(b)(2), 306A(b), 311, and 405(b)(1)(A) of such Act (7 U.S.C. 927(b)(2), 936a(b), 940a, and 945(b)(1)(A)) are amended by striking "Rural Electrification Administration" each place it appears and inserting "Secretary".

(8) Section 403(b) of such Act (7 U.S.C. 943(b)) is amended by striking "Rural Electrification Administration or of any other agency of the Department of Agriculture," and inserting "Secretary".

(9) Section 404 of such Act (7 U.S.C. 944) is amended by striking "the Administrator of the Rural Electrification Administration" and inserting "the Secretary of Agriculture shall designate an official of the Department of Agriculture who".

(10) Sections 406(c) and 410(a)(1) of such Act (7 U.S.C. 946(c) and 950) are amended by striking "Administrator of the Rural Electrification Administration" each place it appears and inserting "Secretary".

(11) Such Act (7 U.S.C. 901 et seq.) is amended by striking "Administrator" each place it appears and inserting "Secretary".

(f) Miscellaneous Conforming Amendments.—

(1) Section 236(a) of the Disaster Relief Act of 1970 (7 U.S.C. 912a) is amended by striking "Rural Electrification Administration" and inserting "Secretary pursuant to the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.)".

(2) The second undesignated paragraph of section 401 of the Rural Electrification Act of 1938 (52 Stat. 818; 7 U.S.C. 903 note) is amended by striking "Administrator of the Rural Electrification Administration" and inserting "Secretary of Agriculture".

(3) Section 15 of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 915) is amended by striking "Rural Electrification Administration" and inserting "Secretary".

(4)(A) Section 2333 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa–2) is amended—

(i) by striking paragraph (1); and

(ii) by redesignating paragraphs (2) through (11) as paragraphs (1) through (10), respectively.

(B) Chapter 1 of subtitle D of title XXIII of such Act (7 U.S.C. 950aaa et seq.) is amended by striking "Administrator" each place it appears and inserting "Secretary".

### SEC. 403. RURAL HOUSING AND COMMUNITY DEVELOPMENT SERVICE.

(a) Establishment.—Notwithstanding section 364 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006f) and any other provision of law, the Secretary is authorized to establish and maintain within the Department the Rural Housing and Community Development Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) Functions.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate—

(1) programs and activities under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.);

(2) programs and activities authorized under section 310B(i) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(i)) and related provisions of law; and

(3) programs and activities that relate to rural community lending programs, including programs authorized by sections 365 through 369 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008 through 2008d).

### SEC. 404. RURAL BUSINESS AND COOPERATIVE DEVELOPMENT SERVICE.

(a) Establishment.—Notwithstanding section 364 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006f) and any other provision of law, the Secretary is authorized to establish and maintain within the Department the Rural Business and Cooperative Development Service (referred to in this section as the "Service"), and to assign to the Service such functions as the Secretary may consider appropriate.

(b) Functions.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities, including—

(1) section 313 and title V of the Rural Electrification Act of 1936 (7 U.S.C. 940c and 950aa et seq.);

(2) subtitle G of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5901 et seq.);

(3) sections 306(a)(1) and 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1) and 1932);

(4) section 1323 of the Food Security Act of 1985 (Public Law 99–198; 7 U.S.C. 1932 note); and

(5) the Act of July 2, 1926 (44 Stat. 802, chapter 725; 7 U.S.C. 451 et seq.).

## TITLE V—FOOD, NUTRITION, AND CONSUMER SERVICES

### SEC. 501. UNDER SECRETARY OF AGRICULTURE FOR FOOD, NUTRITION, AND CONSUMER SERVICES.

(a) Establishment.—There is established in the Department the position of Under Secretary of Agriculture for Food, Nutrition, and Consumer Services to be appointed by the President, by and with the advice and consent of the Senate.

(b) Duties.—The Under Secretary of Agriculture for Food, Nutrition, and Consumer Services shall exercise such functions and perform such duties related to food, nutrition, and consumer services, and shall perform such other duties, as may be required by law or prescribed by the Secretary.

(c) Continuity of the Position.—Any official serving as Assistant Secretary of Agriculture for Food and Consumer Services on the date of enactment of this Act, after appointment by the President, by and with the advice and consent of the Senate, shall be considered to be serving in the successor position established by subsection (a), and shall not be required to be reconfirmed by reason of the enactment of this Act.

(d) Conforming Amendment.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.".

### SEC. 502. FOOD AND CONSUMER SERVICE.

(a) Establishment.—The Secretary is authorized to establish and maintain within the Department the Food and Consumer Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities, including—

(1) the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(2) the National School Lunch Act (42 U.S.C. 1751 et seq.); and

(3) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq).

### SEC. 503. NUTRITION RESEARCH AND EDUCATION SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Nutrition Research and Education Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities relating to human nutrition research and education.

## TITLE VI—NATURAL RESOURCES AND ENVIRONMENT

### SEC. 601. NATURAL RESOURCES CONSERVATION SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Natural Resources Conservation Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit of the Department as the Secretary may consider appropriate, programs and activities, including—.

(1) title X of the Agricultural Act of 1970 (16 U.S.C. 1501 et seq.);

(2) the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.);

(3) the Water Bank Act (16 U.S.C. 1301 et seq.);

(4) section 4 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103);

(5) title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.);

(6) title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.);

(7) section 202(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(c)); and

(8) the Farms for the Future Act of 1990 (7 U.S.C. 4201 note).

(c) USE OF EMPLOYEES.—Notwithstanding any other provision of law, in carrying out in any county or area any functions assigned to the Service or any successor administrative unit, the Secretary is authorized to—

(1) use interchangeably, in the implementation of functions, Federal employees, and employees of county and area committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)); and

(2) provide interchangeably for supervision by the employees of the performance of functions assigned to the Service.

(d) AGRICULTURAL CONSERVATION PROGRAM.—In carrying out the Agricultural Conservation Program, the Secretary shall—

(1) acting on the recommendations of the Service, with the concurrence of the Farm Service Agency, issue regulations to carry out the program; and

(2) use a county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) to make the final decision on which applicants are eligible to receive cost share assistance under the program based on priorities and guidelines established at the national and State levels by the Service.

(e) CONFORMING AMENDMENTS.—

(1) Section 5 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590e) is repealed.

(2)(A) Section 2(2) of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2001(2)) is amended by striking "the Soil Conservation Service of".

(B) Section 3(2) of such Act (16 U.S.C. 2002(2)) is amended by striking "through the Soil Conservation Service".

(C) The first sentence of section 6(a) of such Act (16 U.S.C. 2005(a)) is amended by striking "Soil Conservation Service" and inserting "Secretary".

### SEC. 602. REORGANIZATION OF FOREST SERVICE.

(a) IN GENERAL.—Reorganization proposals that are developed by the Secretary to carry out the designation by the President of the Forest Service as a Reinvention Lab pursuant to the National Performance Review (September 1993) shall include proposals for—

(1) reorganizing the Service in a manner that is consistent with the principles of interdisciplinary planning;

(2) redefining and consolidating the mission and roles of, and research conducted by, employees of the Service in connection with the National Forest System and State and private forestry to facilitate interdisciplinary planning and to eliminate functionalism;

(3) reforming the budget structure of the Service to support interdisciplinary planning, including reducing the number of budget line items;

(4) defining new measures of accountability so that Congress may meet the constitutional obligation of Congress to oversee the Service;

(5) achieving structural and organizational consolidations;

(6) to the extent practicable, sharing office space, equipment, vehicles, and electronic systems with other administrative units of the Department and other Federal field offices, including proposals for using an on-line system by all administrative units of the Department to maximize administrative efficiency; and

(7) reorganizing the Service in a manner that will result in a larger percentage of employees of the Service being retained at organizational levels below regional offices, research stations, and the area office of the Service.

(b) REPORT.—Not later than March 31, 1995, the Secretary shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that describes actions taken to carry out subsection (a) and identifies any disparities in regional funding patterns and the rationale behind the disparities.

## TITLE VII—MARKETING AND INSPECTION SERVICES

### SEC. 701. GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Grain Inspection, Packers and Stockyards Administration (referred to in this section as the "Administration") and to assign to the Administration such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Administration, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities authorized under—

(1) the United States Grain Standards Act (7 U.S.C. 71 et seq.); and

(2) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.).

(c) CONFORMING AMENDMENTS.—

(1)(A) Section 3 of the United States Grain Standards Act (7 U.S.C. 75) is amended—

(i) by striking subsections (z) and (aa); and

(ii) by redesignating subsection (bb) as subsection (z).

(B) Section 3A of such Act (7 U.S.C. 75a) is repealed.

(C) Section 5(b) of such Act (7 U.S.C. 77(b)) is amended by striking "Service employees" and inserting "employees of the Secretary".

(D) The first sentences of each of sections 7(j)(2) and 7A(l)(2) of such Act (7 U.S.C. 79(j)(2) and 79a(*l*)(2), respectively) are amended by striking "supervision by Service personnel of its field office personnel" and inserting "supervision by the Secretary of the field office personnel of the Secretary".

(E) Section 12 of such Act (7 U.S.C. 87a) is amended—

(i) in the first sentence of subsection (c), by striking "or Administrator"; and

(ii) in subsection (d), by striking "or the Administrator".

(F) Such Act (7 U.S.C. 71 et seq.) is amended by striking "Administrator" and "Service" each place either term appears and inserting "Secretary".

(2) Section 407 of the Packers and Stockyards Act, 1921 (7 U.S.C. 228) is amended—

(A) by striking subsection (b);

(B) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively; and

(C) in subsection (e) (as so designated), by striking "subsection (e)" and inserting "subsection (d)".

## TITLE VIII—RESEARCH, ECONOMICS, AND EDUCATION

### SEC. 801. FEDERAL RESEARCH AND INFORMATION SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Federal Research and Information Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities, including—

(1) agricultural research; and

(2) agricultural information and library services.

### SEC. 802. COOPERATIVE STATE RESEARCH AND EDUCATION SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Cooperative State Research and Education Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary is authorized to carry out through the Service programs and activities, including—

(1) cooperative research programs; and

(2) agricultural extension and education programs.

### SEC. 803. AGRICULTURAL ECONOMICS AND STATISTICS SERVICE.

(a) ESTABLISHMENT.—The Secretary may establish and maintain within the Department the Agricultural Economics and Statistics Service (referred to in this section as the "Service") and to assign to the Service such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—The Secretary may carry out through the Service, or through any other officer or administrative unit as the Secretary may consider appropriate, programs and activities, including—

(1) economic analysis and research;

(2) energy-related programs;

(3) crop and livestock estimates; and

(4) agricultural statistics.

(c) STATE AND LOCAL STATISTICAL OFFICES AND PERSONNEL.—The authority provided by subsections (a) and (b) shall not authorize a substantial change in the functions or structures of State and local statistical offices and employees of the offices.

### SEC. 804. PROGRAM POLICY AND COORDINATION STAFF.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department the Program Policy and Coordination Staff (referred to in this section as the "Staff") and to assign to the Staff such functions as the Secretary may consider appropriate.

(b) FUNCTIONS.—If the Staff is established and maintained, the Staff shall provide common program policy development for the Federal Research and Information Service, the Cooperative State Research and Education Service, and the Agricultural Economics and Statistics Service.

(c) COMPOSITION.—Not less than 50 percent of the employees of the Staff shall be former employees of the Cooperative State Research Service and the Extension Service, as in existence on the date of enactment of this Act.

(d) RELATIONSHIP TO FUNCTIONS CURRENTLY PERFORMED BY NASS.—The Staff may not—

(1) interfere with statistic collection and reporting; or

(2) compromise the independence or integrity of statistic collection and reporting functions of the National Agricultural Statistics Service as in effect on the date of enactment of this Act.

## TITLE IX—FOOD SAFETY

### SEC. 901. FOOD SAFETY SERVICE.

(a) MEAT INSPECTION.—The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) is amended by adding at the end the following new title:

## "TITLE V—FOOD SAFETY SERVICE

### "SEC. 501. FOOD SAFETY SERVICE.

"(a) IN GENERAL.—The Secretary shall establish and maintain within the United States Department of Agriculture the Food Safety Service (referred to in this section as the 'Service') and to assign to the Service such functions as the Secretary may consider appropriate.

"(b) ASSISTANT SECRETARY FOR FOOD SAFETY.—

"(1) APPOINTMENT.—There shall be in the Service the position of Assistant Secretary for Food Safety (referred to in this section as the 'Assistant Secretary'), who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) CONTINUITY OF THE POSITION.—Any official serving on the date of enactment of this section, who has been appointed by the President and confirmed by the Senate, shall not be required to be reconfirmed by reason of the enactment of this Act.

"(3) RELATIONSHIP TO THE SECRETARY.—The Assistant Secretary shall report directly to the Secretary.

"(4) GENERAL POWERS.—The Secretary is authorized to carry out, through the Service or through such other officers or administrative units as the Secretary may consider appropriate, programs and activities involving food safety under this Act and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), including—

"(A) providing overall direction to the Service and establishing and implementing general policies concerning the management and operation of programs and inspection activities of the Service;

"(B) coordinating and overseeing the operation of all administrative entities within the Service;

"(C) research and inspection relating to meat, meat food products, poultry, and poultry products in carrying out this Act and the Poultry Products Inspection Act;

"(D) conducting educational and public information programs relating to the responsibilities of the Service; and

"(E) performing such other functions related to food safety as the Secretary may prescribe, except that only programs and activities related to food safety, as determined by the Secretary, shall be administered through the Service.

"(c) TECHNICAL AND SCIENTIFIC REVIEW GROUPS.—The Secretary, acting through the Assistant Secretary, may, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates—

"(1) establish such technical and scientific review groups as are needed to carry out the functions of the Service, including functions under this Act and under the Poultry Products Inspection Act (21 U.S.C. 451 et seq.); and

"(2) appoint and pay the members of the groups, except that officers and employees of the United States shall not receive additional compensation for service as a member of a group.".

(b) POULTRY PRODUCTS INSPECTION.—The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) is amended—

(1) by redesignating section 29 as section 30; and

(2) by inserting after section 28 the following new section:

### "SEC. 29. ADMINISTRATION.

"The Secretary shall administer this Act through the Assistant Secretary for Food Safety of the Food Safety Service established under section 501 of the Federal Meat Inspection Act.".

## TITLE X—MISCELLANEOUS

### SEC. 1001. ASSISTANT SECRETARIES OF AGRICULTURE.

(a) ESTABLISHMENT.—There are established in the Department six positions of Assistant Secretary of Agriculture, each to be appointed by the President, by and with the advice and consent of the Senate.

(b) FUNCTIONS.—Each Assistant Secretary of Agriculture shall exercise such functions and perform such duties as may be required by law or prescribed by the Secretary, and shall receive compensation at the rate prescribed by law for an Assistant Secretary of Agriculture. The compensation of any person serving as an Administrator shall not be raised by this Act.

(c) CONFORMING AMENDMENTS.—

(1) Section 2 of the Act of February 9, 1889 (25 Stat. 659, chapter 122; 7 U.S.C. 2212), is repealed.

(2) Section 604 of the Rural Development Act of 1972 (7 U.S.C. 2212a) is amended by striking subsection (a).

(3) Section 2 of Public Law No. 94-561 (7 U.S.C. 2212b) is repealed.

(4) Section 1413 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3128) is amended by striking subsection (d).

(5) Section 8 of the International Carriage of Perishable Foodstuffs Act (7 U.S.C 2212c) is amended by striking subsection (a).

(d) CONTINUITY OF POSITIONS.—Notwithstanding subsections (a) and (b) and the amendments made by subsection (c), any official serving in any of the positions referred to in this section on the date of enactment of this Act, after appointment by the President, by and with the advice and consent of the Senate, shall be considered after the date of enactment of this Act to be serving in the successor positions established by subsection (a) and shall not be required to be reappointed by reason of the enactment of this Act.

(e) ADDITIONAL CONFORMING AMENDMENTS.—Section 5315 of title 5, United States Code, is amended—

(1) by striking "Assistant Secretaries of Agriculture (7)" and inserting "Assistant Secretaries of Agriculture (six)"; and

(2) by adding at the end the following:

"Administrator, Farm Service Agency, Department of Agriculture.

"Administrator, International Trade Service, Department of Agriculture.

"Administrator, Rural Utilities Service, Department of Agriculture.".

### SEC. 1002. REMOVAL OF OBSOLETE PROVISIONS.

Section 5316 of title 5, United States Code, is amended—

(1) by striking "Administrator, Agricultural Marketing Service, Department of Agriculture.";

(2) by striking "Administrator, Agricultural Research Service, Department of Agriculture.";

(3) by striking "Administrator, Agricultural Stabilization and Conservation Service, Department of Agriculture.";

(4) by striking "Administrator, Farmers Home Administration.";

(5) by striking "Administrator, Foreign Agricultural Service, Department of Agriculture.";

(6) by striking "Administrator, Rural Electrification Administration, Department of Agriculture.";

(7) by striking "Administrator, Soil Conservation Service, Department of Agriculture.";

(8) by striking "Chief Forester of the Forest Service, Department of Agriculture.";

(9) by striking "Director of Science and Education, Department of Agriculture.";

(10) by striking "Administrator, Animal and Plant Health Inspection Service, Department of Agriculture."; and

(11) by striking "Administrator, Federal Grain Inspection Service, Department of Agriculture.".

### SEC. 1003. ADDITIONAL CONFORMING AMENDMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to Congress recommended legislation containing additional technical and conforming amendments to Federal law that are necessary as a result of the enactment of this Act.

### SEC. 1004. TERMINATION OF AUTHORITY.

(a) In General.—Subject to subsection (b), the authority delegated to the Secretary by this Act to reorganize the Department shall terminate on the date that is 2 years after the date of enactment of this Act.

(b) Functions.—Subsection (a) shall not affect—

(1) the authority of the Secretary to continue to carry out a function that the Secretary performs on the date that is 2 years after the date of enactment of this Act; or

(2) the authority delegated to the Secretary under Reorganization Plan No. 2 of 1953 (5 U.S.C. App. 1).

### SEC. 1005. ELIMINATION OF DUPLICATIVE INSPECTION REQUIREMENTS.

(a) In General.—The Secretary of Agriculture shall—

(1) eliminate inspections of pilots and aircraft by the Department of Agriculture;

(2) develop with the Administrator of the Federal Aviation Administration inspection specifications and procedures by which aircraft and pilots contracted by the United States Department of Agriculture will be inspected. The Administrator will ensure that the inspection specifications and procedures are met; and

(3) permit the utilization by the Department of Agriculture of inspections and certifications of pilots and aircraft conducted by the Federal Aviation Administration.

(b) Applicability.—An inspection requirement shall be eliminated pursuant to subsection (a)(1) only if the pilots and aircraft are inspected by the Federal Aviation Administration for compliance with the safety regulations of the Federal Aviation Regulations.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Madam President, I thank the Members for their cooperation on this.

I do want to note, as I did before, that nearly 2 years cf work went into this, and the last few months especially has been very intensive work among all the staff, Republican and Democrat alike, and with the administration. I know I have been at more meetings than I want to even count with Senators on both sides of the aisle.

I think that this is a bill that would not have passed 2 years ago and probably would not have passed 6 months ago, but it has now.

I want to thank Jim Cubie, the chief counsel of our Senate Agriculture Committee, who worked so closely with Chuck Riemenschneider, the chief of staff of the Senate Agriculture Committee; Mike Fernandez, from the professional staff; Mike Knipe, counsel; and Amy Benoit and Cindy Squires of the Agriculture Committee staff; Scott Shearer from the administration; and Secretary Epsy, who came up here from time to time to meet with us. Those are the ones on our side.

I want to mention the unfailing courtesy and the efforts of Senator Lugar and Chuck Conner, his chief of staff, in working with us and all the Senators who cooperated.

And, of course, I especially want to thank the distinguished majority leader who made it possible to schedule this. We discussed this about 10 o'clock, I believe, Monday night.

And, Mr. Leader, if you could organize baseball this well—I am sorry.

Mr. Leader, I must say you made it possible for this to move through and I thank you very, very much.

Mr. LUGAR. Madam President, I would like to at this moment to thank my chairman, Senator Leahy, with whom I have enjoyed such close cooperation, for his kind remarks.

I would like to thank the majority leader for scheduling our bill today. This is of great importance to each of us on this committee.

And I wish to thank our staff members, Chuck Conner, the head of our staff, Dave Johnson, Andy Morton, Terri Nintemann, Stacy Hoffhaus, and my own administration assistant, Marty Morris. I believe it is a step forward for American agriculture.

I thank the Chair.

Mr. MITCHELL. I thank my colleagues for their kind comments and for their usual diligence in moving this legislation promptly. It is a very significant bill. And I think the effects will be beneficial and long lasting.

## ORDER OF PROCEDURE

Mr. MITCHELL. Madam President, we have been discussing with our colleagues the procedure for a possible agreement for handling the last of the three contested nominations which we were to deal with. I am awaiting a response from our colleagues.

So anticipating that I will receive that response momentarily, I will for now suggest the absence of a quorum, although I intend to have an announcement on dealing with that matter, or hope to have that announcement, very shortly.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DEPARTMENT OF AGRICULTURE REORGANIZATION ACT

Mr. COCHRAN. Madam President, I would like to take this opportunity to make a comment or two about the bill that just passed.

I think it may have been overlooked, but the distinguished chairman of the committee and the distinguished ranking member of the committee deserve a great deal of credit for the fact that this legislation has been developed and passed.

It was not an effort that just recently started. I can recall that the two of them began hearings on this subject when President Bush was in office and Secretary Madigan appeared before our committee and talked in great detail about the need for reorganizing, streamlining, and bringing new efficiencies to the Department of Agriculture. As a member of that committee, I participated in some of those hearings and saw first hand the influence that they both brought to bear on this issue.

It is to their credit, in my view, that this bill has passed today and been brought to the floor in the way that it has.

It has, of course, had the support of Secretary Espy. At his confirmation hearing, I can remember the chairman asking about his intentions with respect to reorganization. They talked about it at some length.

So a great deal of credit goes to the chairman and the distinguished Senator from Indiana, both of whom worked very, very hard, and to all those others they mentioned, including members of the staff.

I would like to mention Mark Keenum, a member of my staff, who worked very hard with other committee staff to develop the provision of the legislation to preserve the integrity of the county committee structure of our agriculture programs.

I have already put a more complete statement on the issues in the Record, but I did want to make that comment about the work done by our leaders on the Agriculture Committee.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

## UNANIMOUS-CONSENT AGREEMENT —NOMINATION OF ROSEMARY BARKETT

Mr. MITCHELL. Madam President, we have now reached an agreement on the remaining nomination. I will now propound a unanimous-consent request which has been cleared on both sides.

Madam President, as if in executive session, I ask unanimous consent that on Thursday, April 14, at 9:30 a.m., the Senate proceed to executive session to consider the nomination of Rosemary Barkett to be U.S. Circuit Judge for the Eleventh Circuit; that there be 6 hours of debate, equally divided between the chairman and ranking member of the Committee on the Judiciary or their designees; that when time is used or yielded back, the Senate, without any intervening action, vote on the nomination; and that, if confirmed, the motion to reconsider be tabled, and the President be immediately notified of the Senate's action.

I further ask unanimous consent that the cloture motion on this nomination be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I thank my colleagues for their cooperation in obtaining this agreement.

Under this agreement, a vote will occur no later than 6 hours after the debate begins at 9:30 a.m., which will, of course, be 3:30 p.m.. Although Senators should be aware that it is possible that not all the time will be used; therefore, the vote may occur prior to 3:30 p.m. It will occur no later than 3:30 p.m., possibly prior to that if not all time is used.

## MORNING BUSINESS

Mr. MITCHELL. Madam President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 1:45 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3693. An act to designate the United States courthouse under construction in Denver, Colorado, as the "Byron White United States Courthouse."

H.R. 4066. An act to suspend temporarily the duty on the personal effects of participants in, and certain other individuals associated with, the 1994 World Cup Soccer Games, the 1994 World Rowing Championships, the 1995 Special Olympics World Games, the 1996 Summer Olympics, and the 1996 Paralympics.

## ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 1206. An act to redesignate the Federal building located at 380 Trapelo Road in Waltham, Massachusetts, as the "Frederick C. Murphy Federal Center."

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

## MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3693. An act to designate the United States courthouse under construction in Denver, Colorado, as the "Byron White United States Courthouse."

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2453. A communication from the President of the United States (received and referred on April 12, 1994), transmitting, consistent with the War Powers Act, a report relative to Bosnia-Herzegovina; to the Committee on Foreign Relations.

EC-2454. A communication from the President of the United States (received and referred on April 12, 1994), transmitting, consistent with the War Powers Act, a report relative to Rwanda and Burundi; to the Committee on Foreign Relations.

EC-2455. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act occurring in Los Angeles, CA; to the Committee on Appropriations.

EC-2456. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act occurring in Norfolk, VA; to the Committee on Appropriations.

EC-2457. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act occurring in New York, NY; to the Committee on Appropriations.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-437. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Commerce, Science, and Transportation.

"SENATE JOINT MEMORIAL 8030

"Whereas, harbor seals and sea lion populations have greatly expanded in recent years due to absolute protection afforded them under the Federal Marine Mammal Protection Act; and

"Whereas, seals and sea lions are active predators upon anadromous fish such as salmon and steelhead trout; and

"Whereas, anadromous fish populations are significantly reduced in numbers throughout Washington state and some stocks have been listed as threatened or endangered species; and

"Whereas, many more stocks of anadromous fish have been requested for listing as threatened or endangered species; and

"Whereas, many more anadromous fish stocks are likely to be listed as threatened or endangered; and

"Whereas, in order to allow certain salmon and steelhead populations to recover to, and be sustained at, viable levels it will be necessary to have more flexibility to actively manage seals and sea lions in identifiable areas where they cause unacceptable mortality levels in specific fish runs; and

"Whereas, the lethal removal of seals and sea lions is currently prohibited under the Federal Marine Mammal Protection Act in most all cases; and

"Whereas, it is time that the federal government allow that predacious seals and sea lions be killed in order for salmon and steelhead to be allowed a reasonable chance to survive; Now, therefore,

"Your Memorialists respectfully pray that the Marine Mammal Protection Act be modified to provide for reasonable, balanced and prudent population levels of seals and sea lions in the state of Washington and also provide for the active management of abundant populations at set levels determined with modern wildlife management science by federal and state management agencies, including the use of lethal removal when and where necessary.

"*Be It Resolved*, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-438. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Environment and Public Works.

"LEGISLATIVE RESOLVE NO. 22

"Whereas the Congress enacted the Oil Pollution Act of 1990 in order to prevent shipping accidents and to ensure that there would be adequate money immediately available to respond to oil pollution discharges, especially those discharges occurring in the ocean; and

"Whereas the Act increased from $36,000,000 to $150,000,000 the amount of financial responsibility that must be demonstrated by offshore exploration and production facilities; and

"Whereas the definition of 'offshore' in the Act covers facilities in, on, or under navigable waters of the United States; and

"Whereas the Alaska State Legislature is concerned that this definition may be interpreted to apply to all marinas, port authorities, utility companies, gas stations, trucking companies, railroads, pipelines, farms, and airports in almost every area of Alaska; and

"Whereas the potential effect on the Alaska economy could be severe because it is unlikely that any but the largest companies will be able to demonstrate the $150,000,000 of financial responsibility required under the Act; and

"Whereas the broad coverage of the Act is well beyond the historical purview of the Minerals Management Service, United States Department of the Interior, which enforces the Act; and

"Whereas the Act provides a sliding scale for proof of financial responsibility for vessels but requires $150,000,000 of proof of financial responsibility for all offshore facilities, regardless of risk to the environment from a potential spill; and

"Whereas the Alaska State Legislature agrees with the requirements of the Act to the extent that they relate to large companies conducting offshore activities on the outer continental shelf, but does not agree that the same financial responsibility requirements should apply to small companies that are only indirectly related to offshore activities;

"*Be It Resolved*, That the Alaska State Legislature urges the Congress to amend the Oil Pollution Act of 1990 so that the financial responsibility requirements of persons involved in oil operations more closely reflect the relative risks of those operations; and be it

"*Further Resolved*, That, in particular, facilities on the outer continental shelf should be the only facilities subject to the kind of high financial responsibility requirements now contained in the Act.

"Copies of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Robert C. Byrd, President Pro Tempore of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

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POM-439. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Environment and Public Works.

"LEGISLATIVE RESOLVE NO. 20

"Whereas the Tenth Amendment to the U.S. Constitution, part of the original Bill of Rights, reads as follows: 'The powers not delegated to the United States by the Constitution nor prohibited by it to the states, are reserved to the states respectively, or to the people'; and

"Whereas the limits on congressional authority to regulate state activities prescribed by the Tenth Amendment have gradually been eroded, and federal mandates to the states in these protected areas have become almost commonplace; and

"Whereas the regulation of traffic and motor vehicle safety laws is constitutionally the province of state, not congressional, authority; and

"Whereas a recently passed federal mandate would reduce the apportionment of federal highway funds to states that do not enact statues requiring the use of helmets by motorcyclists; and

"Whereas, while the stated goals of this federal mandate to reduce highway fatalities and injuries through increased use of motorcycle helmets are certainly praiseworthy, it is the opinion of the legislature that the passage of such legislation by the U.S. Congress is at least an inappropriate federal mandate and at most a blatant transgression upon the state's regulatory authority under the Tenth Amendment;

"*Be It Resolved*, That the Congress is urged to refrain from imposing upon the states' constitutional authority to regulate traffic and motor vehicle safety within their respective boundaries, and specifically to repeal any law mandating the passage of state laws requiring the use of motorcycle helmets.

"Copies of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Robert C. Byrd, President Pro Tempore of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

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## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Shirley Mahaley Malcom, of Maryland, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 1998;

Mary Lucille Jordan, of Maryland, to be a Member of the Federal Mine Safety and Health Review Commission for the remainder of the term expiring August 30, 1996;

Robert S. Willard, of Ohio, to be a Member of the National Commission on Libraries and Information Science for the remainder of the term expiring July 19, 1994;

Gary N. Sudduth, of Minnesota, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 1997;

Frank J. Lucchino, of Pennsylvania, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 1998;

Martha B. Gould, of Nevada, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 1997;

Rodney A. McCowan, of Oklahoma, to be Assistant Secretary for Human Resources and Administration, Department of Education;

Larry Brown, Jr., of Maryland, to be a Member of the National Council on Disability for a term expiring September 17, 1995;

Bobby L. Roberts, of Arkansas, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 1998.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. KENNEDY. Mr. President, for the Committee on Labor and Human Resources, I also report favorably three nomination lists in the Public Health Service which were printed in full in the CONGRESSIONAL RECORDS of January 26 and 31, 1994, and ask unanimous consent, to save the cost of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COCHRAN (for himself and Mr. LOTT):

S. 2011. A bill to suspend temporarily the duty on certain textile-manufacturing machinery; to the Committee on Finance.

By Mr. FEINGOLD:

S. 2012. A bill to amend the Civil Rights Act of 1964 and other civil rights laws to prohibit employers from requiring employees to submit claims relating to employment discrimination to mandatory arbitration; to the Committee on Labor and Human Resources.

By Mr. D'AMATO:

S. 2013. A bill to renew patent numbered 3,387,268, relating to a quotation monitoring unit, for a period of 10 years; to the Committee on the Judiciary.

By Mr. HEFLIN:

S. 2014. A bill to amend the coastwise trade laws to clarify their application to certain passenger vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SIMPSON:

S. 2015. A bill to provide for daylight saving time on an expanded basis, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

### By Mr. FEINGOLD:

S. 2012. A bill to amend the Civil Rights Act of 1964 and other civil rights laws to prohibit employers from requiring employees to submit claims relating to employment discrimination to mandatory arbitration; to the Committee on Labor and Human Resources.

### PROTECTION FROM COERCIVE EMPLOYMENT AGREEMENTS ACT

• Mr. FEINGOLD. Mr. President, I introduce a bill that strengthens the guarantees the Constitution provides citizens for due process in a court of law. Essentially, this bill closes a gaping loophole in the enforcement of civil rights laws in our Nation, which if not addressed, could result in erosion of the right of many citizens to secure through the courts, if necessary, their right to equal opportunity in employment. This bill amends the Civil Rights Act of 1964, and several other laws that protect the rights of workers against discrimination in the workplace to prohibit employers from requiring employees to waive their statutory rights and agree to submit claims relating to employment discrimination to mandatory arbitration as a condition of employment or advancement.

The immediate problem that gives rise to the need for this legislation concerns the growing practice of securities firms, and now other employers in information technology, legal services, and insurance fields, of requiring their employees to submit claims of discrimination, including sexual harassment, to mandatory and binding arbitration. According to an article published in the New York Times, "some companies are unilaterally imposing the restriction on their non-union employees, while others are insisting that job applicants forfeit their right to sue as a condition of employment. Still other companies are making such an agreement a condition for promotion, stock options or other benefits."

In a study released in March, "Employment Discrimination: How Registered Representatives Fare in Discrimination Disputes," March 1994, (GAO/HEHS-94-17), the GAO found that in the securities industry, arbitration of disputes is a long standing practice. Until recently, the practice was primarily used when securities firm employees, known as registered representatives, were the subject of complaints by customers involving securities transactions. According to the GAO, securities firms require their registered representatives to file a registration and disclosure document known as the U-4 agreement. Filing the U-4 is a condition of employment, and it requires those who sign it to arbitrate disputes that may arise with their firms.

Unfortunately, some trial courts at the State and Federal level in upholding the legality of the U-4, have interpreted the mandatory arbitration provision as applicable to employment disputes, as well as those arising from securities transactions. In doing so, the courts have endorsed a practice, that when applied in the context of equal employment opportunity law, reeks with patent unfairness. As the GAO study points out, there are weaknesses in recordkeeping regarding employment discrimination claims that have gone to arbitration—the New York Stock Exchange and groups of industry professionals commonly referred to as SRO's don't even require that the arbitration decisions explain the disposition of each issue; the SRO's do not maintain data on the demographic characteristics of arbitrators—but GAO found that nearly 97 percent of them are white males over 60 years old; the SRO's do not have criteria for excluding arbitrators with a history of disciplinary actions taken against them; nor does the SEC in their oversight role require SRO's to report to it on discrimination cases filed and arbitrated—the GAO reports that SEC does not know the nature, types, or outcomes of these cases. And while the SEC response to GAO readily agrees to remedy the deficiencies identified, no such public agency regulates other industries where this problem is growing or may arise.

The court decisions upholding this mandatory arbitration program, and the ongoing practice of securities firms and others clearly disregard one of the basic underpinnings of civil rights law, that access to justice is essential to meaningful enforcement. It is the intent of this legislation to halt the further erosion of workers' civil rights, and to reverse the widening application of mandatory arbitration requirements to resolve employment discrimination cases. I emphasize mandatory arbitration because I want to be clear that this legislation is in no way intended to bar the use of voluntary arbitration, conciliation, medication, or other informal quasi-judicial methods of dispute resolution. In fact, I strongly support the use of voluntary dispute resolution methods as a way of reducing the caseloads of civil and criminal courts where appropriate. But to require workers to waive their constitutional right to settle their disputes before a judge and jury as a condition of employment, or promotion vitiates the several laws amended by this legislation that protect the civil rights of several classes of workers.

The bill amends the Civil Rights Act of 1964, and it makes the prohibition applicable to the U.S. Senate as an employer. It would be inconsistent at best, and simply hypocritical overall if we as a body of Congress sought an exemption for ourselves.

The bill amends the Age Discrimination in Employment Act of 1967. An increasing number of these cases involve claims submitted to mandatory arbitration that arise when older workers are forced to resign, retire, or be fired because an employer wants a younger and cheaper work force.

The bill amends the Americans With Disabilities Act of 1990 [ADA] and the Rehabilitation Act of 1973, which protects the rights of workers with physical and mental disabilities, and other appropriate statutes relating to the enforcement of equal employment opportunity protections.

As a body, the Congress has taken great strides in the advancement of employment law. The Civil Rights Act of 1991, and the ADA are examples. But the intent of those laws are being circumvented by some companies and entire industries bent on conducting commerce without regard to the basic civil rights of American workers to secure final resolution of disputes in a court of law under the rules of fairness and due process. It is simply unfair to require an employee to waive, in advance, his or her statutory right to seek redress in a court of law in exchange for employment or a promotion.

Let's not turn a blind eye toward the rights of workers. Let's enforce civil rights law with appropriate fairness and vigor. Let's restore integrity in the relations between employers and employees. Only in these ways will we advance the American ideals of equal protection, due process, and genuine justice.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD with two articles from the New York Times discussing the problem.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## S. 2012

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Protection From Coercive Employment Agreements Act".

### SEC. 2. CIVIL RIGHTS ACT OF 1964.

(a) IN GENERAL.—Section 704 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-3) is amended by adding at the end the following:

"(c) It shall be an unlawful employment practice for an employer to—

"(1) fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment of the individual, because the individual refuses to submit any claim under this title to mandatory arbitration; or

"(2) make the submission of such claim to mandatory arbitration a condition of the hiring, continued employment, or compensation, or a term, condition, or privilege of employment, of the individual.".

(b) FEDERAL GOVERNMENT EMPLOYMENT.—Section 717(a) of such Act (42 U.S.C. 2000e-16(a)) is amended by striking the period and inserting the following: ", including any unlawful employment practice described in section 704(c).".

### SEC. 3. AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.

(a) IN GENERAL.—Section 4 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623) is amended by inserting after subsection (f) the following:

"(g) It shall be unlawful for an employer to—

"(1) fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment of the individual, because the individual refuses to submit any claim under this Act to mandatory arbitration; or

"(2) make the submission of such claim to mandatory arbitration a condition of the hiring, continued employment, or compensation, or a term, condition, or privilege of employment, of the individual.".

(b) FEDERAL GOVERNMENT EMPLOYMENT.—Section 15(a) of such Act (29 U.S.C. 633a(a)) is amended by striking the period and inserting the following: ", including any unlawful practice described in section 4(g).".

### SEC. 4. AMERICANS WITH DISABILITIES ACT OF 1990.

Section 102 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112) is amended—

(1) in subsection (b)—

(A) at the end of paragraph (6), by striking "and";

(B) in paragraph (7), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(8) conducting an act prohibited by subsection (c).";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

"(c) PROHIBITION ON REQUIRED SUBMISSION TO MANDATORY ARBITRATION.—No covered entity shall discriminate against a qualified individual with a disability—

"(1) in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment, because the individual refuses to submit any claim under this title to mandatory arbitration; or

"(2) by making the submission of such claim to mandatory arbitration a condition of the eligibility to apply for employment, hiring, advancement, continued employment, employee compensation, or job training, or a term, condition, or privilege of employment, of the individual.".

### SEC. 5. REHABILITATION ACT OF 1973.

(a) EMPLOYMENT BY DEPARTMENTS, AGENCIES, AND INSTRUMENTALITIES.—Section 501(b) of the Rehabilitation Act of 1973 (29 U.S.C. 791(b)) is amended by inserting after the first sentence the following: "Such plan shall include provisions prohibiting the department, agency, or instrumentality from conducting any discrimination prohibited under section 102(c) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112(c)) with respect to a claim under this section.".

(b) EMPLOYMENT UNDER FEDERAL CONTRACTS.—Section 503(a) of the Rehabilitation Act of 1973 (29 U.S.C. 793(a)) is amended by inserting after the first sentence the following: "Such contract shall include provisions prohibiting the party from conducting any discrimination prohibited under section 102(c) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112(c)) with respect to a claim under this section.".

### SEC. 6. REVISED STATUTES.

Section 1977 of the Revised Statutes (42 U.S.C. 1981) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

"(b) With respect to contracts relating to employment between such a person and another individual or entity, no such individual or entity shall—

"(1) fail or refuse to hire or to discharge the person, or otherwise to discriminate against the person with respect to the compensation, terms, conditions, or privileges of employment of the person, because the person refuses to submit any claim under this section to mandatory arbitration; or

"(2) make the submission of such claim to mandatory arbitration a condition of the hiring, continued employment, or compensation, or a term, condition, or privilege of employment, of the person.".

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[From the New York Times, Mar. 18, 1994]

## RIGHT TO FILE SUIT FOR BIAS AT WORK—ARBITRATION IS REQUIRED

(By Steven A. Holmes)

WASHINGTON.—Prompted largely by fears that Federal juries will grant large monetary awards in bias cases, more and more companies are requiring their employees to submit claims of discrimination, including sexual harassment, to binding arbitration.

Some companies are unilaterally imposing the restriction on their nonunion employees, while others are insisting that job applicants forfeit their right to sue as a condition of employment. Still other companies are making such an agreement a condition for promotion, stock options or other benefits.

Corporations like I.T.T., Hughes, Rockwell International, N.C.R., Blue Cross/Blue Shield of Michigan, Brown and Root, and Travelers have adopted policies that require arbitration for discrimination claims, often precluding workers from filing lawsuits in Federal courts, according to court records, representatives of some of the companies and lawyers involved in civil rights litigation. Other companies, like T.R.W., General Mills, M.C.I. and Conoco, are considering putting similar policies into effect.

### WATCHING FROM THE SIDELINES

Lawyers involved in civil rights litigation say scores of other companies are waiting on the sidelines to see how Congress and the Supreme Court will deal with the issue. Some members of the House are beginning to study these practices, and the Supreme Court has dealt with them only once, upholding the policy on fairly narrow grounds.

Three years ago, in Gilmer v. Interstate/Johnson Corp., the Court upheld the legality of requiring licenses securities dealers to submit claims to arbitration panels, like the one established by the New York Stock Exchange.

Citing the Gilmer case, a string of lower-court decisions has held that it is legal for companies to require new employees or those accepting promotion to agree to submit future complaints to arbitration. But the courts have not ruled on whether it is legal for companies to tell current employees that as of a certain date they may not bring a complaint of discrimination or harassment to court and must instead submit to arbitration.

### THWARTING CONGRESS?

The issue only involves nonunion workers because the Supreme Court has long held that workers cannot lose their right to sue as a result of a collective-bargaining agreement.

Civil rights lawyers say that companies that require binding arbitration for discrimination complaints are thwarting the will of Congress, which in 1991 voted to allow jury trials and larger damage awards in cases involving bias on the basis of sex, religion or disability. Before the passage of the Civil Rights Act of 1991, cases were heard by Federal judges and awards were limited to back pay and attorney fees.

"What's going on is that Congress has passed significant employment laws like the Civil Rights Act and the Americans with Disabilities Act, and companies are basically opting out of the law," said Cliff Palefsky, a San Francisco lawyer who represents plaintiffs in discrimination cases.

Some lawmakers who are looking at the issue also said that Congress wanted jury trials in discrimination cases because it was felt that the Federal judiciary was dominated by white men who, in awarding damages to plaintiffs, might undervalue the pain and suffering of discrimination or sexual harassment.

"If Anita Hill had been a stock broker and had been sexually harassed by her employer, would she really get a fair hearing from a panel of white males who are managers in the securities industry?" asked Representative Edward J. Markey, Democrat of Massachusetts.

Lawyers and spokesmen for corporations that routinely submit discrimination claims to arbitration say they merely want to provide a quicker and less costly means for all parties of resolving employee disputes and to keep such fights out of an overburdened Federal court system.

"It is a way for individual employees, without having to spend a lot of money, to vindicate their rights," said Bob Carabell, the senior labor counsel for T.R.W., which is considering a form of arbitration.

### KEEPING IT CONFIDENTIAL

Some companies prefer arbitration to trials because testimony and the decision can be kept confidential. And because arbitrators are often selected by both the employee and the company, managers have some control over who will ultimately judge a case.

"If you get an arbitrator or an arbitration decision you don't like, you don't pick him again," said T. Warren Jackson, the corporate counsel for Hughes Aircraft in Los Angeles.

But corporate lawyers acknowledge that the prime reason is concern that juries will grant large cash awards.

"It's the existence of jury trials which is the major impetus towards arbitration agreements," said Paul Grossman, a Los Angeles lawyer who represents corporations and who is a strident advocate of arbitration.

One person who has been prevented from bringing her case in Federal court is Elaine L. Williams, a partner in Katten Muchin & Zavis, a Chicago law firm whose clients include the Chicago Bulls and the Chicago White Sox.

Last August, Ms. Williams, who is black, sued the firm, alleging sexual and racial discrimination. She said she had received less bonus money than other lawyers, despite her having higher monthly billable hours, was subjected to derogatory jokes and made the object of lewd remarks. A spokesman for the law firm denied her accusations.

In November, a Federal judge in Chicago dismissed Ms. Williams suit, citing a clause in an agreement she signed in 1991 when she was made a partner; it said all employee disputes must be submitted to binding arbitration. Ms. Williams' lawyer, James D. Montgomery, said: "We have no options but to proceed with it, and then, based on what happens in arbitration, go back to court and see what else we can do."

While the number of companies that have sought to restrict their employees' ability to sue is relatively small, the trend has caught the attention of some in Congress.

Three weeks ago, Representative William D. Ford of Michigan and Major Owens of Brooklyn, both Democrats, asked the General Accounting Office to study how these policies affect "employees and the enforcement of Federal laws enacted to eradicate employment discrimination."

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[From the New York Times, Apr. 5, 1994]

## SECURITIES ARBITERS MOSTLY WHITE MEN OVER 60

(By Steven A. Holmes)

WASHINGTON.—A Congressional study of the securities industry has found that at a time when more employees are compelled to submit complaints of job discrimination and sexual harassment to arbitration, the people who decide the cases are overwhelmingly white men in their 60's with little experience in labor law.

The study, conducted by the General Accounting Office and made public last week, looked at companies affiliated with the New York Stock Exchange and the National Association of Securities Dealers. And though neither the stock exchange nor the securities dealers keep detailed statistics on the arbitrators who decide such discrimination cases, investigators for the accounting office estimated that 89 percent of the 726 arbitrators used by the exchange at the end of 1992 where white men whose average age was 60. The estimate was drawn from data on 349 arbitrators whom the G.A.O. was able to identify by age, sex and race.

The report was limited to the securities industry, which for years has required people seeking to become licensed brokers for stocks or bonds to agree that any complaint of discrimination—including sexual harassment—be submitted to arbitration panels selected from a pool of approved arbitrators.

### GROWING PRACTICE

Since 1991, when the Supreme Court rules that such arrangements were legal, the practice has grown. Several companies outside the securities field now require that as a condition of employment, promotion or other benefits, workers agree to take discrimination claims to arbitration rather than Federal or state courts.

The stock exchange's and dealers' arbitration panels are made up of retired brokers and executives, lawyers who have worked in the securities field and members of the general public. The panels are not required to give written explanations of the legal theory on which they base their decisions, and, by agreement, their rulings cannot be appealed to Federal or state courts.

A spokeswomen for the stock exchange declined to comment on the study by the accounting office, which is the investigative arm of Congress, until officials of the exchange had studied it.

Advocates of arbitration say it provides a speedier alternative than Federal court for resolving disputes between employers and their workers, while reserving the right of workers to seek redress in cases of discrimination.

Critics say companies are setting up a private judicial system and trying to thwart the will of Congress, which in 1991 expanded the right to sue for discrimination, for the first time giving women and the disabled access to jury trials and higher money damages.

### BARRED FROM COURT

"Everyone is committed to coming up with alternative dispute-resolution methods," said Kerry Scanlon, director of the Washington office of the NAACP Legal Defense and Education Fund Inc. "But the answer is not to get a procedure that insures that everything will be brief but throws everything else out the window."

Among the securities workers who have found that they are unable to press their discrimination cases in Federal court is Robin Harris, 36, who said she had been demoted from her supervisory position of Citibank because of racial prejudice against her.

Ms. Harris signed a registration form with the National Association of Securities Dealers when she was hired in October 1989 by Landmark Brokerage Services Inc. to sell securities directly to the public in office space leased from Citibank. The form contained a clause in which Ms. Harris promised that any dispute between her and her employer would be handled by a panel of arbitrators selected from the pool maintained by the securities dealers association.

"You had to sign it to work there," Ms. Harris said. "It never occurred to me that it was a document that I would have to challenge later on."

### PROMOTION, THEN DEMOTION

Ms. Harris says she compiled a stellar record at Landmark and was promoted in February 1990 to supervising the company's sales force in lower Manhattan. But in July, after Citibank took over the brokerage company, she was demoted, replaced by a white man and saw her salary cut because, she says, Citibank executives did not want a black woman in a position of such responsibility. Citibank denied the accusations.

Ms. Harris filed a $100 million discrimination suit against Landmark and Citibank in the Bronx County Division of New York State Supreme Court. But the companies filed a motion to compel arbitration, and Ms. Harris and her lawyer decided that they had no chance of pressing her case in court and accepted arbitration, which has not yet begun.

In the G.A. study, Congressional investigators found that 34 discrimination cases had been resolved by stock exchange arbitration panels from 1990 through 1992. The Congressional report provided a breakdown of only 18 cases decided between August 1990 and December 1992. Of these, 10 resulted in financial awards to the employees, which eight were decided in favor of the brokerage house.

The securities dealers did not provide the accounting office investigators with several discrimination cases that were submitted to arbitration panels.●

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By Mr. HEFLIN:

S. 2014. A bill to amend the coastwise trade laws to clarify their application to certain passenger vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

### U.S.-FLAG PASSENGER VESSEL ACT OF 1994

Mr. HEFLIN. Mr. President, I am introducing legislation today regarding our domestic maritime industry. This legislation has as its sole purpose the closing of a longstanding loophole in our coastwise trade laws. Under present law, a vessel that transports passengers between two points in the United States must fly the U.S. flag, be built in a U.S. shipyard, be owned by U.S. citizens, and be manned by U.S. crews.

However, under an unusual interpretation by the Customs Service, a vessel transporting passengers for hire which leaves a U.S. port, sails beyond the 3-mile territorial sea and returns to the original port is considered to be on an international voyage and can be foreign-flag, built in a subsidized foreign shipyard, owned by foreign citizens and manned by low-wage foreign personnel. To date, the Customs Service has cracked down only on charter fishing boats which take paying passengers out to sea beyond the 3-mile limit and return to the same port. The Customs Service now asserts that these vessels must comply with coastwise trade laws and must be U.S.-flagged. However, they have not taken this position across the board, with respect to cruises-to-nowhere—dinner, entertainment, and pleasure cruises departing from and returning to the same U.S. port.

This situation whereby certain vessels receive an exemption from applicable coastwise trade law is inherently unfair to the entire American merchant marine industry: shipbuilders, vessel operators, and labor. The legislation introduced today would make these so-called cruises-to-nowhere subject to our domestic shipping laws as are all other vessels that transport passengers between U.S. ports. To be fair to existing foreign-flag operators in this trade, the legislation provides for the phasing-out of existing foreign-flag operations to mitigate the effect on the owners of these ships and on our ports which may have terminal agreements with these operators.

Mr. President, this legislation eliminates an unfortunate loophole in our coastwise law in a fair and equitable manner and restores to our domestic maritime industry the benefit of those laws as originally intended. I urge my colleagues to join with me in supporting and helping to pass this bill.

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By Mr. SIMPSON:

S. 2015. A bill to provide for daylight saving time on an expanded basis, and for other purposes; to the Committee on Commerce, Science, and Transportation.

### DAYLIGHT SAVING TIME EXTENSION ACT OF 1994

Mr. SIMPSON. Madam President, today, I am pleased to introduce the Daylight Saving Time Extension Act of 1994. Under the provisions of this act, daylight saving time would now begin on the third Sunday in March instead of the current date of the first Sunday in April, and the ending date would be on the first Sunday in November rather than the current date of the last Sunday in October.

I became interested in extending daylight saving time to occur after the celebration of Halloween when a fine, talented, and enthusiastic Sheridan, WY, educator, Sharon Rasmussen, contacted me about making one of her third-grade class's favorite holidays a much safer one.

I listened intently and heard her out and then did some research and determined that with the later sunset—these things do sound a bit arcane at times and perhaps inconsequential to some, but nevertheless with a later sunset, excited trick-or-treaters all across America would be able to cross streets and perform their "mission," as they determine that, with greater safety. The safety of drivers and pedestrians on the streets is also another reason for the legislation to also extend daylight saving time by 2 weeks in the spring.

Last spring, the Insurance Institute for Highway Safety released a study which analyzed 1987–91 data from the Federal Government's fatal accident reporting system. They concluded that 900 fatal crashes involving 727 pedestrians could have been avoided during the study period if daylight saving time had been in effect.

When the Senate first voted to extend daylight saving time by 3 weeks in 1986, the main argument against the extension was the fear of placing schoolchildren at risk on their way to school. Not only has this fear been proven false by the institute study, but children's lives will actually be saved by further extending daylight saving time.

A few commonsense explanations as to why there will be decreased accidents are: First, the afternoon rush hour is longer and heavier than the morning rush hour; second, large numbers of children engage in unsupervised play in the afternoon; and, third, there are more alcohol-impaired drivers in the afternoon. Those are simply the facts.

Extended afternoon daylight will also make urban residents feel more secure in the early evening hours. Muggers do not like sunlight and they tend to strike in lighter evening hours rather than at 6 or 7 a.m. Concern about urban crime is a reason the Service Station Dealers of America have endorsed this legislation.

The RP Foundation, the Retinitis Pigmentosa Foundation, fighting blindness and the 100,000 Americans who suffer from night blindness support daylight saving time because their vision effectively ends when the sun sets. More evening sunlight means more freedom for these individuals.

Madam President, finally, I also have a clear parochial interest in extending daylight saving time and my rural State colleagues will be similarly interested. USDA data reveals that beef consumption increases in the spring and summer months. This is true for two reasons: People eat more beef when barbecuing outdoors—more evening hours spent outside while using barbecue means more sales of beef to them and fast food sales increase by as much as $880 per restaurant per week, according to 1984 research done by McDonald's Corp. Surely, not the most important reasons for the bill and yet they are significant, too, and, as I say, provincial.

So support for extended daylight saving time comes from a significant variety of industries including the convenience stores, chain restaurants, sporting goods manufacturers, and, of course, the industry I just described. Yes, extended daylight saving time is good for the economy, but I would not want to simply lend my name to legislation which sought only to improve the economy while in any way risking the lives of children.

Madam President, the Daylight Saving Time Extension Act of 1993 does and will save lives, and I encourage my colleagues to study and support this legislation.

Mr. FORD. Madam President, may I just say that I have gone through the daylight saving time question now for almost 20 years, and these statistics are not new. When you talk to farmers in my part of the country, daylight saving time means that the dew has not often dropped until the sun comes out and dries it. They go by Sun time and not necessarily by clock time. If you are on the western end of a time zone, in that early hour your lights are on for an hour earlier. Your heat is up in the western time zone. Even though a few industries might find that it is profitable, many of the major operations where you have huge assembly lines, and so forth, have to have their lights on; they have to have their heat on because they come in so much earlier in the western part of that time zone.

I thought we had done pretty well when we had 6 months regular time or standard time and 6 months daylight saving time to kind of equalize it so everybody would be reasonably happy.

I find that in my part of the country Halloween is not necessarily on Halloween night; they proclaim a different night locally. And so even though some may have it on the designated night of Halloween, other communities have it different times and have a period of safety and make all these arrangements so that our children will be safe, and they find the parents go with the smaller children.

So we will get into this as time goes on. I do appreciate the interest that my distinguished colleague from Wyoming has, and I know he is sincere in that. I look forward to working with him on this legislation.

Madam President, I do not believe there is any other Senator wishing to be recognized.

Mr. SIMPSON. Madam President, I would just inquire, if I may, of my friend from Kentucky, in Wyoming they celebrate Halloween on Halloween. I see that in Kentucky they celebrate Halloween on other days.

Mr. FORD. The communities have a right to decide, and the communities understand. They try to prepare for the youngsters who come by and trick-or-treat and that sort of thing. We try to cooperate with the parents and not necessarily the calendar.

## ADDITIONAL COSPONSORS

S. 55

At the request of Mr. METZENBAUM, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 55, a bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

S. 455

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 455, supra.

S. 729

At the request of Mr. REID, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 729, a bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes.

S. 1040

At the request of Mr. BINGAMAN, the names of the Senator from Maine [Mr. MITCHELL] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 1040, a bill to support systemic improvement of education and the development of a technologically literate citizenry and internationally competitive work force by establishing a comprehensive system through which appropriate technology-enhanced curriculum, instruction, and administrative support resources and services, that support the National Education Goals and any national education standards that may be developed, are provided to schools throughout the United States.

S. 1359

At the request of Mr. LEAHY, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1359, a bill to amend the Food Stamp Act of 1977 to require the domestic production of food stamp coupons.

S. 1415

At the request of Mr. PRYOR, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 1415, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 1651

At the request of Mr. D'AMATO, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 1651, a bill to authorize the minting of coins to commemorate the 200th anniversary of the founding of the U.S. Military Academy at West Point, NY.

S. 1773

At the request of Mr. SIMON, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 1773, a bill to make improvements in the Black Lung Benefits Act, and for other purposes.

S. 1781

At the request of Mr. SIMON, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 1781, a bill to make improvements in the Black Lung Benefits Act, and for other purposes.

S. 1802

At the request of Mr. HOLLINGS, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S.

1802, a bill for the relief of Johnson Chestnut Whittaker.

### S. 1805

At the request of Mr. WARNER, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

### S. 1819

At the request of Mrs. KASSEBAUM, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1819, a bill to prohibit any Federal department or agency from requiring any State, or political subdivision thereof, to convert highway signs to metric units.

### S. 1837

At the request of Mr. RIEGLE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1837, a bill to suspend temporarily the duty on the personal effects of participants in, and certain other individuals associated with, the 1994 World Cup soccer games.

### S. 1920

At the request of Mr. DOMENICI, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 1920, a bill to amend title XIV of the Public Health Service Act—commonly known as the Safe Drinking Water Act—to ensure the safety of public water systems, and for other purposes.

### S. 1924

At the request of Mr. HATCH, the names of the Senator from Pennsylvania [Mr. WOFFORD] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1924, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

### S. 1954

At the request of Mr. SIMON, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1954, a bill to extend the deadlines applicable to certain hydroelectric projects under the Federal Power Act, and for other purposes.

### SENATE JOINT RESOLUTION 90

At the request of Mr. ROBB, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of Senate Joint Resolution 90, a joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

### SENATE JOINT RESOLUTION 146

At the request of Mr. WOFFORD, the names of the Senator from Maryland [Mr. SARBANES] and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 146, a joint resolution designating May 1, 1994, through May 7, 1994, as "National Walking Week."

### SENATE JOINT RESOLUTION 169

At the request of Mr. WARNER, the names of the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Utah [Mr. HATCH], the Senator from Alabama [Mr. SHELBY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Maine [Mr. MITCHELL], the Senator from Nevada [Mr. REID], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 169, a joint resolution to designate July 27 of each year as "National Korean War Veterans Armistice Day."

### SENATE CONCURRENT RESOLUTION 45

At the request of Mr. D'AMATO, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of Senate Concurrent Resolution 45, a concurrent resolution relating to the Republic of China on Taiwan's participation in the United Nations.

### SENATE CONCURRENT RESOLUTION 60

At the request of Mr. GRAMM, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Michigan [Mr. LEVIN], the Senator from Kansas [Mr. DOLE], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans of the United States of America.

### SENATE RESOLUTION 170

At the request of Mr. CHAFEE, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from Kansas [Mr. DOLE] were added as cosponsors of Senate Resolution 170, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included as primary care providers for women in Federal laws relating to the provision of health care.

### SENATE RESOLUTION 190

At the request of Mr. D'AMATO, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Resolution 190, a resolution expressing the sense of the Senate that the President should work to achieve a clearly defined and enforceable agreement with allies of the United States which establishes a multilateral export control regime to stem the proliferation of products and technologies to rogue regimes that would jeopardize the national security of the United States.

### SENATE RESOLUTION 197

At the request of Mr. BAUCUS, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Resolution 197, a resolution to promote clean air and to prevent the import of "dirty" gasoline into the United States.

## AMENDMENTS SUBMITTED

## PAYMENTS IN LIEU OF TAXES ACT

### JOHNSTON AMENDMENT NO. 1629

Mr. HATFIELD (for Mr. JOHNSTON) proposed an amendment to the bill (S. 455) to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes; as follows:

On page 7, line 3, strike "October 1, 1999." and insert in lieu thereof "October 1, 1988."

## DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1994

### DASCHLE AMENDMENT NO. 1630

Mr. LEAHY (for Mr. DASCHLE) proposed an amendment to the bill (S. 1970) to authorize the Secretary of Agriculture to reorganize the Department of Agriculture, and for other purposes; as follows:

At the appropriate place, insert:

**SECTION 1. ELIMINATION OF DUPLICATIVE INSPECTION REQUIREMENTS.**

(a) IN GENERAL.—The Secretary of Agriculture shall

(1) eliminate inspections of pilots and aircraft by the Department of Agriculture; and

(2) develop with the Administrator of the Federal Aviation Administration inspection specifications and procedures by which aircraft and pilots contracted by the United States Department of Agriculture will be inspected. The Administrator will ensure that the inspection specifications and procedures are met.

(3) permit the utilization by the Department of Agriculture of inspections and certifications of pilots and aircraft conducted by the Federal Aviation Administration.

(b) APPLICABILITY.—An inspection requirement shall be eliminated pursuant to subsection (a)(1) only if the pilots and aircraft are inspected by the Federal Aviation Administration for compliance with the safety regulations of the Federal Aviation Regulations.

### SIMPSON AMENDMENT NO. 1631

Mr. LEAHY (for Mr. SIMPSON) proposed an amendment to the bill S. 1970, supra; as follow:

On page 5, line 21, delete "function or".

On page 70, after line 25, add the following: "The compensation of any person serving as an Administrator shall not be raised by this Act.".

This amendment clarifies certain authorities, and prevents compensation increases.

## NOTICES OF HEARINGS

### SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on Wednesday, April 20, 1994, at 2 p.m., in room 342 of the Dirksen Senate Office Building. The subject of the hearing is reauthorization of the Office of Government Ethics.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, April 13, 1994, at 10 a.m., in SR-332, on the oversight of the disaster assistance programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, April 13, 1994, at 9:30 a.m. in open session to receive testimony on policy and plans for multinational peace operations in review of the Defense authorization request for fiscal year 1995 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, April 13, beginning at 10 a.m. to conduct an oversight hearing on GSE housing goals.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be authorized to meet on April 13, 1994, at 2:30 p.m. on the nomination of Arnold G. Holz to be the Chief Financial Officer of NASA.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 13, 1994, at 2 p.m. to hold a nomination hearing on Charles Twining to be Ambassador to Cambodia.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 13, 1994, at 10 a.m. to hold a hearing on the chemical weapons convention—Treaty Document 103-21.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, April 13, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building to consider for report to the Senate S. 1216, Crow Settlement Act; S. 1256, Fish and Wildlife Resources Management; S. 720, Indian Lands Open Dump Clean-up Act; S. 1066, a bill to provide Federal recognition for the Pokagan Band of Potawatomi Indians; S. 1357, a bill to provide Federal recognition for Little Traverse Bay Band of Odawa Indians and the Little River Band of Ottawa Indians; H.R. 734, an act to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona; and for other purposes, to be followed immediately by an oversight hearing on the President's fiscal year 1995 budget request for the Bureau of Indian Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 13, 1994, at 2 p.m. to hold a hearing on the King Holiday and Service Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet on April 13, 1994 at 9:30 a.m., for an executive session to consider S. 1995, Health Centers Reauthorization Act of 1994; S. 2000, Human Services Reauthorization Act of 1994; H.R. 1036, Employee Retirement Income Security Act Preemption; and the nominations of Martha B. Gould, Frank J. Lucchino, Bobby L. Roberts, Gary N. Sudduth, and Robert Willard to be members of the National Commission on Libraries and Information Science; Larry Brown, Jr. to be a member of the National Council on Disability; Mary Lucille Jordan to be a member of the Federal Mine Safety and Health Review Commission; Fred Garcia to be Deputy Director for Demand Reduction, Office of National Drug Control Policy; Shirley Mahaley Malcom to be a member of the National Science Board; Rodney A. McCowan to be Assistant Secretary for Human Resources and Administration, Department of Education; and Public Health Service Corps nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON SMALL BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, April 13, 1994, at 2 p.m. The committee will hold a full committee hearing on interstate use tax collection.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. FORD. Mr. President, I ask unanimous consent that the Science, Technology, and Space Subcommittee of the Commerce, Science, and Transportation Committee be authorized to meet on April 13, 1994, at 2:30 p.m.—or immediately following the 2:30 p.m. nomination hearing—on the reauthorization of the National Science Foundation [NSF].

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Surface Transportation Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on April 13, 1994, at 10 a.m. on Amtrak Investment Act and local rail assistance.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

### EXPLANATION OF ABSENCE

• Mr. BIDEN. Mr. President, I was unavoidably absent when the Senate voted on the California Desert Protection Act. I was speaking at the Gannet News Service headliner breakfast and although I left in time for the vote, I found myself in a traffic jam which delayed my return to the Senate. If I had been present, I would have voted in support of this important measure.•

### SALUTE TO THE UNIVERSITY OF TEXAS AT ARLINGTON'S MOVIN' MAVS

• Mrs. HUTCHISON. Mr. President, I rise today to congratulate the University of Texas at Arlington's Movin' Mavs and their coach Jim Hayes for capturing their fourth consecutive National Intercollegiate Wheelchair Basketball championship. The final four tournament was held in early March at UTA's Texas Hall, where the Movin' Mavs won a stunning victory over the University of Illinois by a score of 60 to 32.

As newcomers to intercollegiate competition, the UTA Movin' Mavs have an impressive track record. Only one year after joining the National Intercollegiate Wheelchair Basketball League in 1989, the Movin' Mavs earned their first national title, which they have fiercely and successfully defended ever since. Several of the team members have attained All American status, and some alumni have continued on to earn roster positions on Team USA and compete in Gold Cup, Pan American, and Olympic competition. Last year, the Movin' Mavs winning streak was recognized by the White House for the first time, and, like many other national champs, the team was invited to meet the President.

The members of the team are truly a diverse group of young men: They represent a variety of ethnic and socioeconomic groups, they are pursuing a wide range of degrees, and their physical challenges came about in different ways. But they all have one thing in common: They have chosen to study and train at UTA, and to participate in the larger University of Texas system that strives to provide students from all walks of life with an opportunity to develop fully their individual talents and abilities.

Mr. President, the Movin' Mavs have certainly seized that opportunity, and it is with great pleasure that I recognize them today. I commend their outstanding display of teamwork and athletic ability, and I hope their accomplishments will encourage other major colleges and universities to provide similar competitive opportunities for their physically-challenged student-athletes.•

## ONE TEEN'S VIEW

• Mr. SIMON. Mr. President, many young Americans are having their childhoods stolen from them. They are witnesses to brutal acts of random violence, living in fear for their safety, distracted from what should be an innocent, carefree time in their lives.

One young man in Queens, NY has written a compelling piece describing his experience watching a close friend bleed to death after being shot on the street. Miguel Sanchez, 16, makes it clear that we have made an unforgivable mistake. We have tolerated a level of violence in our society that has now reached our children. They experience the loss of their loved ones at an alarming rate. As Miguel's words suggest, we cannot predict the effect such losses will have on young people's lives, on their ability to function in society, and more importantly on their ability to pursue happy lives untainted by the pain of such preventable losses. It is time to take real, thoughtful steps toward protecting our young people from the violence that permeates their daily lives.

Mr. President, I ask to enter "One Teen's View" in the Record at this point.

The article follows:

### ONE TEEN'S VIEW

(Miguel Sanchez, 16, is a sophomore at Aviation High School in Queens, New York, who wants to become a power-plant mechanic. The only son in a family of 16 children, Miguel moved to the United States from the Dominican Republic five years ago)

I know what violence is because I live with it every day. I have seen people get robbed, shot, or even beat up just for being in the wrong place at the wrong time. Some people believe that violence will stop if we can "just get along," to quote Rodney King. But a lot of people don't believe that because they have not seen any action or help from the government or the police.

Last summer I experienced something no one likes to talk about. A friend of mine was shot right in front of me and my friends. Some of them were scared of being shot and ran. The ones that stayed, including me, were afraid of getting shot too, but we wouldn't leave our friend, Leslie, who was bleeding. I ran for the ambulance. I was scared, mad, and lucky, because the man didn't shoot at us. He ran into a building instead.

When I came back with the ambulance, I felt like it was too late. What I remember most were her eyes, because she looked at me as if she wanted to say something but couldn't. I held her hand and I felt her grabbing my hand tighter. She kept looking at me, and all I could say was "I'm sorry," as if I had been the one who shot her.

She died in the hospital a week later. How the incident got started doesn't really matter. There are really no good reasons for shooting people. Just a lot of people with guns and bad tempers.

It doesn't even seem to matter if you take the guns away because kids can always get another one as easy as they got the first one. Kids today believe that having a gun in their bag is something to be proud of. My message to them is, the only thing a gun really gets you is trouble. I usually don't get into fights and don't get close to people, because when I get close to someone either they move or I lose them by violence in the street. I had a friend, he got shot. I saw him in the morgue. But I didn't see him. I only saw his body.

Violence is not something you want to experience, even once, and never on a daily basis. You become afraid of going outside to play because of fear of getting beat up or accidentally shot. When I wake up in the morning, I ask myself, am I going to survive this day? So every day I try to make it seem as if it is my last day on this earth. So far, I've been lucky. I don't know when my luck is going to run out.•

## NO NEW RUSSIAN BASES IN LATVIA

• Mr. DECONCINI. Mr. President, there has been a disturbing development in the progress toward removing Russian troops from Latvia.

On March 15, 1994, Russian and Latvian negotiators tentatively agreed on August 31, 1994, as the date for withdrawal of the estimated 12,000 Russian troops from Latvia. According to the same agreement, the Russian radar station at Skrunda would continue to operate for 4 years with a limited number of military and civilian personnel; after this period, the Russian Government would have a year and a half to dismantle the facility. The amount of rent to be paid by Moscow for the Skrunda station was still under discussion, but basically the withdrawal framework had been set. A bilateral treaty containing the agreement was expect to be approved by heads of State of Russia and Latvia and the respective legislatures in the near future.

However, on April 6 of this year, the Russian press published a directive from President Yeltsin's chancellory agreeing to a Russian Defense Department and Foreign Ministry proposal for creating 30 Russian military bases on other CIS States and Latvia. I would note that Latvia was mentioned not once, but twice, so it cannot be claimed that this was an accidental misprint.

A few hours later, Russian Foreign Minister Kozyreff and Yeltsin spokesperson Kostikov were saying that the Latvia reference was a misunderstanding, and that Russia does not intend to create a base in Latvia. Moreover, this directive did not go over very well in a lot of places. Many other CIS States rejected the basing plans on their territories.

For the record, I do not believe Moscow really was planning to create a new base in Latvia. Just maybe, those bureaucrats in the Defense and Foreign Ministries were thinking of the Skrunda radar station, which may have to be reconfigured in terms of manning requirements, technology support, and so forth. But that is not very likely. The Russian verb in the announcement was clear: to "create." Moreover, in the March 15 agreement with Latvia, Skrunda was specifically identified as a "station" and not a "base."

Perhaps someone was trying to embarrass Foreign Minister Kozyreff, who happened to be meeting in Pskov, near the Russian-Latvian border, with the Foreign Minister of Sweden on the day the news hit the press. Or maybe it was just another attempt by hardline military and political types to fire a shot across the Latvians' bow and see what the reaction would be in the West.

To its credit, the Russian Government has quickly and resolutely disavowed the directive, but to the best of my knowledge, it is technically still in force. The Latvian Government is insisting, and rightly so, that the entire directive be rescinded. I trust our State Department is making the same case to the Russian Government.

In Latvia, there has been an outbreak of protest against the troop withdrawal agreement, and President Ulmanis has postponed his scheduled trip to Moscow to sign the agreement.

Mr. President, the CSCE and the United Nations have called for the removal of foreign troops from the Baltic States. The agreement between Latvia and Russia was not the best, but it was certainly a move toward reduced tensions in the Baltics, and an opportunity for Latvia and Russia to address other pressing issues in their countries.

I urge the Russian Government to officially rescind its directive on bases in the CIS and Latvia, and I hope that the Russian-Latvian troop withdrawal agreement will get back on track very quickly.●

## MAKING A DIFFERENCE

● Mr. SIMON. Mr. President, I would like to commend Child Abuse Prevention Services of Chicago, IL, for its outstanding commitment to the children of the Chicago area.

Since its establishment in 1974, Child Abuse Prevention Services has been dedicated to reducing the incidence of child abuse in the Chicago metropolitan area.

On Tuesday, April 19, Child Abuse Prevention Services is celebrating its 20th anniversary.

CAPS strives to reduce the incidence of child abuse in the Chicago metropolitan area through education for at-risk families. Its programs include support groups for parents and children, a 24-hour hotline, parental training classes and education classes for educators, social workers, medical personnel, parents, adolescents, and children.

In 1974 CAPS was founded by a small group of parents who were concerned about the scarcity of support for distressed parents in the Chicago area. Originally formed as Citizens Committee for Battered Children, at its core is the conviction that child abuse could be prevented by helping parents develop constructive relationships with their children.

In its first year, Child Abuse Prevention Services established a hotline for parents with questions and concerns about parenting and a parent support group. Seventeen volunteers handled thirty calls per month from troubled parents. In 3 short years CAPS grew fivefold. By 1977, 8 staff members and 95 volunteers administered support groups throughout the city of Chicago and suburbs. The hotline received 300 calls per month.

CAPS has continued to grow. Currently an 18-member staff and 125 trained volunteers provide child abuse prevention services, including support groups, parent training classes, and a children's sexual abuse prevention program to approximately 7,000 families per year.

CAPS' significant contributions to the improvement of the welfare of children have not gone unnoticed. In 1983, the Beatrice Foundation presented CAPS with the foundation's first Excellence Award "for outstanding achievement and improvement in nonprofit management." On November 5, 1987, CAPS' representatives traveled to Washington, DC to be presented personally by President Reagan the President's Child Safety Partnership Award "for exemplary, innovative and successful efforts and achievements in combatting child victimization." Other awards conferred on CAPS include the Voluntary Action Award in 1984 "for outstanding achievement in effectively and creatively involving volunteers to meet community needs;" the Helen Cody Baker Award in 1985 and 1986 "in recognition of an outstanding contribution to the understanding of the medical and social welfare services in metropolitan Chicago," and a recipient of the WBBM Wreath of Hope Campaign in 1988.

Corporations and foundations alike realize the importance of the services CAPS provides. More then 85 percent of the funding CAPS receives is contributed by individuals, corporations, and private foundations as well as the United Way.

This year, as the agency celebrates its 20th anniversary, CAPS enjoys the support of Azteca Foods, Coopers & Lybrand, AT&T, Marshall Field's, Tatham Euro RSGC, LaSalle Construction, Sargent & Lundy, Caremark International Inc., Washington, Pittman & McKeever, CNA Financial Corp., and Harris Bank. The Chicago Tribune also has made a significant contribution to child abuse prevention awareness with its year-long series "Killing Our Children," throughout 1993.

I would especially like to recognize Jack Fuller, president and CEO of the Tribune for this exceptional series of articles. As a result of his dedication, readers throughout Illinois learned about the desperate need to protect our children. While the focus of this coverage was the abuse and murder of children in Chicago, this issue is of such national importance, that I frequently inserted articles from this series into the CONGRESSIONAL RECORD, for the benefit of my colleagues.

Mr. Fuller, along with Sam DiPiazza, managing partner of the Chicago Cluster of Coopers & Lybrand, who has successfully led a campaign to increase the level of corporate and civic support for CAPS, garnering patronage by other corporate and civic leaders in the Chicago area, merit special recognition.

CAPS looks toward the future, and continues to expand its resources and programming to meet the swelling needs of child abuse prevention in the Chicago metropolitan area.

Thank you, Child Abuse Prevention Services, for all the children and families whose welfare has been immeasurably improved by your endeavors and for continuing to improve the awareness of child abuse prevention in a noble effort to keep our most precious resource, children, unharmed and unmolested by those who they depend on for care.●

Mr. SIMPSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SIMPSON pertaining to the introduction of S. 2015 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

## STAR PRINT OF S. 1569

Mr. FORD. Madam President, I ask unanimous consent that S. 1569, as reported, be star printed to reflect the changes I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR TOMORROW

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. Thursday, April 14; that following the prayer, the Journal of proceedings be deemed approved to date, and that time for the two leaders be reserved for their use later in the day; that there then be a period of morning business not to extend beyond 9:30, with Senators permitted to speak therein up to 5 minutes each, with Senator HARKIN recognized for up to 15 minutes; that at 9:30 the Senate proceed to executive session to consider the Barkett nomination as provided for under the provisions of a previous unanimous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS UNTIL 9 A.M. THURSDAY, APRIL 14, 1994

Mr. FORD. Madam President, if there is no further business to come before the Senate today, and if no other Senator seeks recognition, I ask unanimous consent the Senate now stand in recess as previously ordered.

There being no objection, the Senate, at 4:50 p.m., recessed until Thursday, April 14, 1994, at 9 a.m.

## NOMINATIONS

Executive nominations received by the Senate April 13, 1994:

### DEPARTMENT OF STATE

ROBERT KRUEGER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BURUNDI.

### SECURITIES AND EXCHANGE COMMISSION

STEVEN MARK HART WALLMAN, OF VIRGINIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMIS-

SION FOR THE TERM EXPIRING JUNE 5, 1997, VICE EDWARD H. FLEISCHMAN, RESIGNED.

## CONFIRMATION

Executive nomination confirmed by the Senate April 13, 1994:

### DEPARTMENT OF DEFENSE

RODNEY A. COLEMAN, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

**The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.**

# HOUSE OF REPRESENTATIVES—*Wednesday, April 13, 1994*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of Psalm 103:

Bless the Lord, O my soul; and all that is within me, bless His holy name!

Bless the Lord, O my soul, and forget not all His benefits,

Who forgives all your iniquity, who heals all your diseases,

Who redeems your life from the Pit, who crowns you with steadfast love and mercy,

Who satisfies you with good as long as you live so that your youth is renewed like the eagle's. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DERRICK. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DERRICK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 261, nays 153, not voting 18, as follows:

[Roll No. 98]

### YEAS—261

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Hyde
Inglis
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thomas (WY)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velázquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

### NAYS—153

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Coble
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Inhofe
Istook
Jacobs
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McDade
McKeon
Meyers
Mica
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

### NOT VOTING—18

Bacchus (FL)
Blackwell
Brown (CA)
Danner
Fish
Flake
Gallo
Glickman
Grandy
McHugh
McMillan
Michel
Neal (NC)
Roukema
Smith (OR)
Washington
Williams
Wilson

☐ 1423

So the Journal was approved.

The result of the vote was announced as above recorded.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. McNULTY). Will the gentleman from Massachusetts [Mr. MEEHAN] come forward and lead the House in the Pledge of Allegiance?

Mr. MEEHAN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1134. An act to provide for the transfer of certain public lands located in Clear Creek

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

County, Colorado, to the United States Forest Service, the State of Colorado, and certain local governments in the State of Colorado, and for other purposes.

H.R. 2947. An act to amend the Commemorative Works Act, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 859. An act to reduce the restrictions on lands conveyed by deed under the Act of June 8, 1926.

S. 1586. An act to establish the New Orleans Jazz National Historical Park in the State of Louisiana; and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 636) "An Act to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes," and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. SIMON, Ms. MIKULSKI, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. COATS, and Mr. HATCH, to be the conferees on the part of the Senate.

## TRIBUTE TO THE HONORABLE IRENE BAILEY BAKER

(Mr. QUILLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUILLEN. Mr. Speaker, it is with a heavy heart and great sorrow that I rise to inform the House that our esteemed former colleague, Irene Bailey Baker, passed away on Saturday, April 2, 1994, at the age of 92. Mrs. Baker succeeded her husband, Howard H. Baker, Sr., as a Member of this body upon his untimely death and served out the remainder of his term from March 10, 1964, to January 3, 1965.

In her public and private life, Mrs. Baker carried on the proud family tradition of representing the people and their best interests. I had the distinct privilege and honor of serving alongside Howard Baker, Sr., until his death, alongside Mrs. Baker, and at the same time as their son Howard Baker, Jr., during his 18 years in the Senate, and as Senator Baker's father-in-law, Senator Everett Dirksen, a giant leader in that body.

Edith Irene Bailey was born on November 17, 1901, in the hills on Sevier County, TN, and was educated there. She began her public service at age 17 as an employee in the local court system where her father was a judge. In 1935 she married Howard Baker, a local attorney general and widower, and stood by his side steadfastly as he made several unsuccessful attempts to run for public office before his ultimate success. They had two wonderful daughters together, and she also took his son, Howard, Jr., to raise as her own. The values and determination that she helped instill in her stepson became evident as he later grew to be one of the most distinguished U.S. Senators in the history of that body, and served as its Republican leader from 1977 to 1985, afterward serving as White House Chief of Staff at a most difficult time under President Reagan.

Although there are only 12 of us remaining in the House who served alongside Mrs. Baker, we cannot forget the effort and tireless devotion she brought to her congressional duties. Her service on the Committee on Government Operations was exemplary. She constantly gave her all to represent the interests and meet the needs of her constituents and her State. Mrs. Baker and I worked closely together in the House during my first term, not only as a friend but as a legislator on the floor of the House as well. She also was a proud standard bearer of the principles of the Republican Party, which she loved and of which she was national committeewoman for Tennessee from 1960 to 1964.

After her departure from the House of Representatives in 1965, Mrs. Baker put her skills and her extraordinary compassion to good use as the director of public welfare for the city of Knoxville from 1965 to 1971, and thus continued her public service in helping the neediest Tennesseans and showing through her example that no obstacle is insurmountable. After her retirement, she lived a long and full life at her east Tennessee home and was devoted to her extensive family and her numerous friends. Her passion for her community was legendary, and she remained active and outgoing up until the day she was taken from us. She was laid to her final rest on April 4 beside her husband at Sherwood Memorial Gardens in Knoxville, TN.

Mr. Speaker, Mrs. Baker is survived by Senator Baker, her two daughters, Mary Baker Stuart and Beverly Baker Patestides, six grandchildren, and numerous great-grandchildren and nieces and nephews. She was a wonderful wife, mother, grandmother, great-grandmother, Member of Congress, and community leader, and a dear friend. I know that all my colleagues and all of the people of Tennessee join me in extending our heartfelt sympathy to the entire family in their time of sorrow, which I am certain we all share.

Mr. Speaker, I yield to the gentleman from the Second Congressional District, the Honorable JOHN DUNCAN, JR.

□ 1430

Mr. DUNCAN. Mr. Speaker, I want to take this opportunity to pay tribute to one of Tennessee's most distinguished and respected citizens, Mrs. Irene Baker, who passed away last weekend at the age of 92.

Although she may have been best known as the wife of the late Congressman Howard Baker, Sr., and the stepmother of former Senate Majority Leader Howard Baker Jr., Irene Baker was a dedicated public servant and community leader in her own right. Throughout her life, she devoted a tremendous amount of time and energy to serving the people of east Tennessee, and her many contributions to the State will not soon be forgotten.

Mrs. Baker got an early start in politics, working in the Sevier County court clerk's office and the Chancery Court office as a teenager in the 1920's. After marrying Howard Baker, Sr., in 1935, she served as Republican National Committeewoman for Tennessee for 4 years, from 1960–64.

Following her husband's death in 1964, Mrs. Baker was elected to serve the remaining 9 months of his term in the House of Representatives, where she upheld his legacy of dedicated service to the citizens of the Second District. At the conclusion of that term, Mrs. Baker became the city of Knoxville's welfare director, a position she held until 1971.

In each of these endeavors, Irene Baker was a credit not only to herself and her family, but to her State and the people that she served. I know I speak for all east Tennesseans in saluting her distinguished service and in offering my sincerest condolences to the entire Baker family.

Mr. Speaker, I will attach to my remarks an article concerning Mrs. Baker and her life that ran in the Knoxville News Sentinel following her death.

### GRAVESIDE SERVICES TODAY AT 2:30 P.M. FOR IRENE BAKER

Graveside services and burial for Irene Baker, widow of Howard Baker Sr., will be held at 2:30 p.m. today at Sherwood Memorial Gardens.

Memorials may be made to the Knoxville Zoological Gardens or the American Heart Association and friends may call 12:30 to 2 p.m. today at Mann's Heritage Chapel, 6200 Kingston Pike.

Baker, 92, had a massive heart attack while dining with friends Saturday at the Dinner Bell Restaurant in Loudon County and was pronounced dead at Fort Sanders Loudon Medical Center.

She was a native of Sevierville who became familiar with politics as a teenager, holding a job in the Sevier County court clerk's office and the Chancery Court office during the 1920s

She was Republican national committeewoman for Tennessee from 1960 to 1964 and married Howard Baker Sr. in 1935.

After her husband's death in 1964, Mrs. Baker won a special election to serve the remaining nine months of his term in Congress. She was noted as a "common-sense Republican" who favored a sound economy and individual freedom.

After leaving Congress, Mrs. Baker was welfare director for the city of Knoxville from 1965 until 1971.

She was the stepmother of Howard Baker Jr., who represented Tennessee in the U.S. Senate and was former President Ronald Reagan's chief of staff.

Survivors include: Howard H. Baker Jr., Huntsville, Tenn.; Mary Baker Stuart, Abingdon, Va.; Beverly Baker Patestides, New York City; six grandchildren, seven great-grandchildren, two nieces and three nephews.

Mr. QUILLEN. Mr. Speaker, I am happy to yield to the gentlewoman from Chattanooga, TN, the Honorable MARILYN LLOYD.

Mrs. LLOYD. Mr. Speaker, the people of Tennessee and the Nation suffered a great loss last week with the passing of Mrs. Irene Bailey Baker on April 2.

Mrs. Baker, a native of Sevier County in east Tennessee, is perhaps best known as the wife of Rep. Howard Baker and the mother of Senator Howard Baker, Jr.

But Mrs. Baker also led a unique career in public service herself. At age 17, she began her career in the Sevier County court system. Mrs. Baker then married and devoted herself to her family, and their call to serve the people of east Tennessee. She later served as a Member of this body after her husband's untimely death. After serving out the remainder of her husband's term, Mrs. Baker returned to her home in east Tennessee to serve as director of public welfare for the city of Knoxville.

Mrs. Baker touched many people through her role as a public servant and as a caring, compassionate person. I know that my colleagues join me in extending their deepest sympathy to the Baker family in their time of sorrow.

Mr. QUILLEN. Mr. Speaker, I yield to the Honorable DON SUNDQUIST from the Seventh Congressional District.

Mr. SUNDQUIST. Mr. Speaker, I am proud to join my colleagues from Tennessee, Mr. QUILLEN and Mr. DUNCAN, in saluting the life and service of the late Irene Bailey Baker.

In her brief service in this House in 1964 and 1965, she represented the people of Tennessee with diligence and dignity, as her husband, Howard Baker Senior, did before her.

Mr. QUILLEN has recounted Mrs. Baker's exemplary public service in Congress, for the city of Knoxville, and for the people of Tennessee.

I came to know her through my long friendship with her stepson, Howard Baker Junior. Howard has often credited her example and encouragement for his own interest in public service, which of course, carried him to the positions of Senate majority leader and White House chief of staff.

Mrs. Baker was a kind and gracious woman, a person of genuine warmth, delightful company, and a true example of a life well and fully lived.

This House is richer for her service, however brief. And the State of Tennessee is richer for her life and example. I offer my condolences to her children and grandchildren, and trust that they will be comforted by the knowledge her legacy lives on in the hearts of those who knew her.

Mr. QUILLEN. Mr. Speaker, I yield to the gentleman from Tennessee, JOHN TANNER.

Mr. TANNER. Mr. Speaker, I rise in tribute to the memory of Mrs. Irene Baker.

## GENERAL LEAVE

Mr. QUILLEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character, and public service of the late honorable gentlewoman from Tennessee, Mrs. Irene Bailey Baker.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would ask the Members and those in the Gallery to rise in a moment of silence in memory of the late honorable Mrs. Irene Bailey Baker.

(A moment of silence was observed in honor of Mrs. Baker.)

## QUESTIONING YASIR ARAFAT'S COMMITMENT TO PEACE

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, the terrorist bombing in Hadera, Israel, which killed six innocent civilians at a bus station, coupled with the suicide bomb attack against innocent Israeli citizens last week in Afula, which killed seven people, showed that extremists are still trying to derail the peace process.

While Yasir Arafat, the Chairman of the PLO, has sent a letter to President Clinton condemning the terrorist attacks in an oblique way, I think much more ought to be forthcoming from Mr. Arafat. There ought to be an unequivocal and unmistakable condemnation of the specific massacres, the way Israeli Prime Minister Rabin condemned the Hebron tragedy.

Mr. Arafat's silence in this regard really questions whether he wants peace or whether he can deliver peace. The PLO covenants remain in place, still calling for the destruction of Israel, even though he promised to remove them.

Mr. Speaker, extremists on both sides must not be allowed to defer or deter the peace process, but we must be reassured that Yasir Arafat is committed to peace. His remarks leave us questioning it.

## DEMOCRATS THROW A SCREWBALL THIS BASEBALL SEASON

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, the 1994 baseball season is hardly a week old and already the best screwball pitch of the year has been thrown in baseball stadiums across the country. The Democrat Party's National Campaign Committee has staged a demonstration of what they believe to be tax equity, arguing that the President's 1993 tax increase only affects 1 percent of the American people. Once again, the Democrat National Campaign Committee has demonstrated that it cannot be trusted with either words or numbers, and now our national pastime of baseball.

□ 1440

Mr. Speaker, they forgot to mention all of us across the board in the country paying higher taxes on gasoline. They forgot to mention the truck driver stuck in Omaha, NE, who cannot deduct his lunch while he is out on the road. They forgot to mention the millions of senior citizens who will pay higher income taxes under their bill.

Mr. Speaker, what they thought they were doing was hitting a home run for increased taxes. And what they did was hit a foul ball into left field. And, Mr. Speaker, even the Democrat cannot steal home on a foul ball.

## NURTURING THE AFRICAN-AMERICAN FAMILY

(Miss COLLINS of Michigan asked and was given permission to address the House for one minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, The African-American family is challenged today on every front:

Nearly 44 percent of all African-American children are poor.

Over two-thirds of all African-American children live with a single mother.

The number of African-Americans in their twenties who had completed college dropped 6 percent in the last decade.

I am introducing five family bills today. My bills would provide job training in high unemployment areas; create mentoring and other community responsibility programs; and support parenting training for foster and at-risk families.

Government cannot create families or hold them together. But we can provide important supports for family life and provide hope and opportunity. These bills are a good first step to restoring the health—and hope—of the African-American family.

## CLINTON TAX UNDERPAYMENT

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, the other night Jay Leno, commenting on the $14,000 underpayment in the Clinton's taxes observed "when the President does it, it's a discovery. When you do it, it's a felony."

In this morning's Washington Post the liberal columnist, Richard Cohen wrote:

> There is a floor staring, stammering and juvenile quality to the way the Clintons reluctantly 'fess up. Whatever Whitewater and related matters might eventually be about—maybe nothing—it is now about candor. The Clintons—not the press and not some right-wing Daddy Warbucks—have made it that. Maybe they think that since the truth and their preferred political image do not conform, its okay to monkey with the former to match the latter.

The least the Clinton's could do is answer questions frankly:

> If they had done that from the beginning, Whitewater would be about an obscure land deal and not about the character of the first family.

### CONGRESSIONAL YOUTH LEADERSHIP COUNCIL

(Mr. FIELDS of Louisiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS of Louisiana. Mr. Speaker, I believe it is safe to say that each and every one of us in the U.S. House of Representatives is supportive of programs that provide our young people with learning opportunities.

Today, Mr. Speaker, I would like to spotlight an organization that has for the last 8 years, provided students an opportunity to study leadership and Government in this Nation's Capital. The Congressional Youth Leadership Council is an educational organization dedicated to fostering and inspiring young people to achieve their full leadership potential. Through the Council's initiatives over the past 3 years, the participation of under-represented minorities at the conferences has increased from 6 percent to over 13 percent.

The scholarship fund which was implemented in January of this year is designed to assist financially and traditionally disadvantaged or physically challenged youth who wish to participate in the NYLC. The Congressional Youth Leadership Council is earmarking nearly $100,000 annually for scholarships based on students' scholastic merit, leadership achievements, financial need, and other factors. Over 30 percent of students currently attending the NYLC have secured part or all of their tuition through local sponsorship.

With the addition of the scholarship program, the Council has truly taken a lead in the education community. Now, more than ever before, students who need the assistance and deserve the opportunity to showcase their potential, will be able to participate in the National Young Leaders Conference—an experience that could redirect their lives toward a more positive future and brighter tomorrow.

### THE CRIME BILL NEEDS TRUTH IN LEGISLATING AS MUCH AS IN SENTENCING

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORN. Mr. Speaker, crime has become the most important issue to Americans today.

The Democratic majority has told us that we will debate a tough anticrime package this afternoon to help ease their concerns.

However, the truth is that anything considered remotely tough has been thrown out.

The American people need to know what the Democratic majority will not allow on the House floor for real debate, much less an honest vote—without a phony king of the hill procedure which chokes off democracy in this House.

An amendment to limit the endless appeal process for prisoners on death row, making it more effective.

Pre-trial detention, to keep two-time felons off the street while they are awaiting trial.

A truth-in-sentencing requirement at the State level to make sure that felons are serving at least 85 percent of their sentences.

A meaningful "three strikes and you're out," with no loopholes to let criminals escape life sentences because of technicalities.

A vote on the exclusionery rule which would provide a good faith exception standard to permit evidence to be introduced in court.

Mr. Speaker, the arrogance of the Democratic majority has cost this legislation the teeth it needed to protect our citizens.

And as crime continues to escalate, it is inevitable that Congress will have to return here, to the scene of the crime, where we failed to do what the American people expected us to do in the first place.

### CHAPMAN TRUTH IN SENTENCING AMENDMENT

(Mr. CHAPMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAPMAN. Mr. Speaker, America needs truth in sentencing. I could not agree more with the previous speaker. And during the debate on the crime bill we will have an opportunity to vote on that.

I have offered an amendment which the Rules Committee has made in order which will give the House of Representatives an opportunity to vote on an amendment that meets the President's definition of being tough and smart in dealing with violent crime in America. My amendment will incentivize the States to pass legislation that will in fact stop the revolving door of the prison for violent criminals and will guarantee that if you do the crime you will do the time.

The Chapman amendment will, with grants, allow the construction of additional prison space that will be needed when we target the 6 percent of the felons that are committing 70 percent of violent crimes, which is what truth in sentencing will do.

I hope Members will examine my amendment and I think it will be a good addition to the House crime bill. And I look forward to the debate, Mr. Speaker, and hope that the Chapman truth in sentencing amendment is a part of the final product.

### BIG GOVERNMENT—MORE TAXES

Mr. SMITH of Michigan. Mr. Speaker, this is the week where most Americans have to finish off their taxes because day after tomorrow is the final deadline to pay Federal income tax.

It is a good time to look at your W-2 form and see how much is being deducted from your hard-earned dollars and decide just how big do you want Government to be. it is a good time to ask the question: How much should we be paying of what we earn to Federal taxes?

Let us just look at a little bit of the history of this country. In 1900 we paid 9 percent of our take-home dollars in tax. In 1930 it went up to 12 percent.

Guess what it is today? Today if you are an average American you are paying 41 cents out of every dollar that you make in taxes to the State, local and Federal Government.

This growth in government spending at all levels has changed the family budget dramatically. To keep taxes down we have to stop asking Government to solve more and more of our problems. The solution is for us to decide we can do without more Government, to decide we are better off spending our own hard-earned income rather than letting Congress decide how they are going to spend it for us.

To keep taxes and spending down, we have to start asking Government for less and assume a greater responsibility for ourselves and our family and our community.

□ 1450

### CRIME BILL ADDRESSES WHAT AMERICANS WANT

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, the American people want a tough crime bill to catch criminals, ensure their prosecution, and guarantee substantial and commensurate sentencing for their crimes. This crime bill delivers what they want.

But Americans do not want simple vengeance. They want tough anticrime measures so that their communities might return to peace and order. They want a crime bill that addresses their entire social climate.

This bill does just that. It bolsters the rights of crime victims. It strengthens penalties for violence against women and children. It provides for programs to track child abusers. It toughens penalties for hate crimes. It cracks down on drunk drivers. And perhaps most importantly, it funds the hiring of 50,000 new officers specifically for community policing programs.

Crimes of all types have eroded the quality of daily life in our Nation. This crime bill aims to reverse that erosion. It is tough, it is smart and it aims to strengthen our communities.

## VOTE DOWN THE RULE ON THE CRIME BILL

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, the previous speaker is a member of the Committee on Rules, and had he been present yesterday, he would know that the rule coming before this body today is a crime in itself because it denies 46 Democrats on that side of the aisle, 45 Republicans on this side of the aisle the right to carry out their constitutional obligation to represent their people back home.

They are being denied the right to offer amendments. Members like myself are being denied the right to offer an amendment that would reinstate in this bill mandatory minimum sentencing for convicted drug felons who cart in tons of cocaine and give it to our children. This bill takes out that minimum sentencing. We are not going to have the right to even debate that and vote on it.

The President of the United States stood on the Capitol steps yesterday and said my amendment is a frivolous amendment? Well, I suppose, coming from him you could understand that.

This rule predetermines how this bill is going to come out before we even vote on it. It is going to wipe out the death penalty.

We ought to vote down this rule. Let us go back upstairs and let every Member of this body participate in the legislative process. You owe it to your constituents.

## SUPPORT THE BEILENSON AMENDMENT TO THE CRIME BILL

(Ms. SCHENK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHENK. Mr. Speaker, the House will consider an amendment to the crime bill by Congressman BEILENSON of Los Angeles, mandating that the Federal Government incarcerate undocumented criminal aliens, or reimburse States and local communities for doing so. This amendment is critical for States such as California, Florida and others and it deserves our support.

The State of California estimates that the cost of incarcerating undocumented criminal aliens next year will be $393 million, money that otherwise could be spent on police, prosecutors, and prison space.

Immigration is a Federal issue and the incarceration of undocumented criminal aliens is a Federal responsibility. California does not set immigration policy. My area, San Diego County, does not supervise the Border Patrol. And yet, States and local communities pay the price when efforts to secure our borders fail.

For far too long, Washington has reneged on its obligation to States such as California and the States suffer the consequences. I urge my colleagues to take responsibility for what truly is a Federal problem and pass the Beilenson amendment.

## DEATH FOR THOSE WHO COMMIT TREASON

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, there is one crime which is so scurrilous in nature, that when it comes to light, the majority of Americans are united in their anger and utter disdain.

The crime to which I refer is treason. Such acts of treachery cannot be equaled with respect to the long-term and damaging effects they have on our country's national security. When such an act results in the death of an agent acting on behalf of the United States, such a betrayal becomes even more heinous.

Because I believe so strongly in bringing those individuals to justice when they commit such acts, I am proud to be a cosponsor and supporter of Congressman BOB DORNAN'S "death penalty for espionage." Sadly, we have recently learned of such a case. I am, of course, referring to Aldrich Ames and his wife.

To borrow a line from Robert Browning's "The Lost Leader":

> "Just for a handful of silver he left us,
> Just for a riband to stick in his coat."

Mr. Speaker, I think those lines really sum it up. We must impose the maximum punishment under law and in certain cases of espionage such as the Ames case, we must impose the death penalty as a proper and just sentence.

## FEDERAL CRIME INITIATIVES

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, the House is scheduled to consider this week H.R. 4092, the Violent Crime Control Act. I would like to express my support for this bill and encourage my colleagues to support this bill as well. In my home State of Texas our prisons are at peak capacity and our local county governments are forced to bear the cost of incarcerating criminals that the State cannot find room for.

H.R. 4092 would not only provide the funds needed to build additional prisons, it will move us in the right direction in crime control. This bill contains the "three strikes and you're out" provision, components of the Violence Against Women Act, as well as grants to State and local governments to develop innovative programs to deal with juvenile offenders. These programs could include boot camps, weekend incarceration, or community service for young offenders.

In Houston, we have reduced our crime rate by increasing the number of police. President Clinton has used this example as a model for his plan to put 50,000 new police on the streets through a Federal grant system for community policing.

We need only pick up a newspaper or turn on the local television news to be reminded of our crime problem. Our citizens are scared to walk the streets and often fear answering the doorbell without carrying a gun. We must do better at controlling this problem and H.R. 4092 is a good start. One of our local television stations in Houston has a special called "City under Siege" which highlights the crime problem. Our Nation is under siege as well and it is time to enact a crime control package that responds to the violence that plagues this Nation.

## MORE TALK THAN LISTENING

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, folks back home seem to feel the President is doing more talking than listening about health care reform. Here is what one southwest Florida senior citizen had to say.

> Without exception all of my friends are vigorously opposed to any new bureaucracy that would make the decisions on doctor-patient relations, on who will get care and who

> will not and the taxes to be imposed to pay for the inevitable foulups, paper, paper, and more paper. They are fed up with * * * Government meddling in their lives and the use of tax money that permits the Clintons, Cabinet members, and the overbearing, bloated White House staff to fly around the country selling Clinton's plan. If it must be sold, it is dangerous.

It's pretty clear, Mr. President. Older Americans are interested in real health care, not costly sales pitches.

## COMMUNITY-BASED POLICING

(Mr. BISHOP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BISHOP. Mr. Speaker, to restore sanity and security to the streets of America, I strongly support a tough and fair anticrime package that offers a balance between punishment and prevention and attacks the root causes of crime.

But today, Mr. Speaker, I rise to sing the praises of Albany, GA, its police department, and the city administrators for their commitment to a community-based policing program that began just a few months ago. The city of Albany was given a grant to begin a community-based policing pilot program. Their work has gone so well the Justice Department invited them all to Washington this week.

On Monday, 14 newly-hired officers and the public officials from Albany met with Attorney General Reno to discuss the positive aspects of community-based policing.

The officers spoke openly and enthusiastically about the merits of their community-based policing effort.

Communities outside the pilot area are now asking when they will be served by community-based policing.

With this crime bill before us today, we can provide the other areas of Albany and the rest of America's crime-plagued communities the reinvigorating initiative of community-based policing that has proven successful in Albany, GA.

Monday afternoon, Albany Police Lt. Earnest Williams said to President Clinton, that they are working with the community because they have dreams of seeing it become a safe, clean, quiet, and drug-free place in which to live again.

He humbly and sincerely implored us to pass an anticrime bill that includes the expansion of community-based policing.

Today, I ask as his messenger, I urge all of my colleagues to pass a fair and tough crime bill that provides community-based policing for any community in America that needs it.

## CONTROVERSY FEARED WITH POTENTIAL NOMINATION OF DREW DAYS AS SUPREME COURT JUSTICE

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, if President Clinton nominates Solicitor General Drew Days for the U.S. Supreme Court, I can guarantee you that he will be in for a rough ride and some very tough scrutiny.

Americans will want to know why Mr. Days—acting on behalf of President Clinton—had intervened on behalf of a convicted pedophile, a man who had been duly arrested, charged, and convicted on Federal charges of possessing child pornography.

Americans will want to know why Mr. Days continues to seek a significant weakening, or gutting, of the Child Protection Act. Pat Trueman, former Chief of the Justice Department's Child Exploitation and Obscenity Section, has noted that "if the Days interpretation had been in effect during the Reagan and Bush administrations, much if not most of the child pornography cases prosecuted by the Justice Department could not have been brought."

Americans want to know why Mr. Days has turned aside the clear, unambiguous intent of Congress—recently reaffirmed in a unanimous vote in the Senate. (The House will shortly vote on this.) And 234 Members from both sides of the aisle have filed an amicus brief against the administration's indefensible position.

The bottom line, Mr. Speaker, is that Americans will want to know why, why, why Mr. Days coddles and protects exploiters and abusers of children, rather than our kids. If nominated for the High Court, Americans are forewarned that Mr. Days' sympathies are with the kiddie porn industry and not with the victims of this pernicious form of child abuse: our young children.

## EARLY CHILDHOOD DEVELOPMENT MUST BE PART OF DEBATES ON CRIME, HEALTH CARE AND WELFARE REFORM

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, as we prepare to debate how to reform the Federal Government's approach to crime, health care, and welfare, I think we should consider the findings of a study on children just completed by the Carnegie Corp. of New York.

What does early childhood development have to do with crime, health care, and welfare? According to the Carnegie study, everything. What happens in the first 3 years of childhood has a decisive impact on intellectual development and social adjustment through adolescence and adulthood.

Children who are abused, children who do not get adequate medical care, children who are simply neglected are children who fail in life. Their growing numbers threaten to undermine our economic competitiveness and destroy our social fabric, while condemning millions to a lifetime of disfunction and underachievement.

Most of the debate over crime, health care, and welfare reform has so far mentioned children only in passing, if at all. But if we are serious about addressing these issues, we are going to have to talk about children. This means Head Start, family leave, and access to affordable health and child care. It also means cutting current consumption so we can afford to invest in the future, our children.

## TOO LITTLE FOR TOO MUCH AND TOO MUCH FOR TOO LITTLE

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, there are two notable events in American politics this week.

First, the House will consider the crime bill. The House version is a thoroughly underwhelming response to the most important problem facing America.

In its present form, it will not do enough to curb violent crime; it will not really put repeat offenders in jail longer, and it will not clear away the obstacles to swift and certain justice.

In short, its a limited response to an unlimited problem.

The second event occurs on Friday, April 15. That is when the American people will be forced to pay for President Clinton's tax increase. If anything, tax day is a cruel reminder of President Clinton's long list of broken promises.

So that is what we've got this week—the crime bill and the Clinton bill. One does too little for too much, the other gets too much for too little.

## SIGN DISCHARGE PETITION NO. 12

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the IRS said that David and Millie Evans of Colorado owed $40,000. Then the IRS said that the Evanses owed $100,000.

Now the Evanses say the IRS never told them what the exact amount of money was they said they owed, and they would not even talk to the Evanses.

And then the IRS went to court, and in less than 45 minutes a jury of their peers said the Evanses were not guilty, not guilty, not guilty.

And the IRS appealed it and said:

> The judge misdirected the jury because the judge told the jury the IRS had the burden of proof, and there should be a new trial because Congress' law says the taxpayers have the burden of proof.

They went back to court, and the Evanses were convicted.

My colleagues, Congress should be ashamed. If a murderer is innocent until proven guilty, I ask, "Why aren't our constituents treated the same way?"

H.R. 3261, Mr. Speaker, says the taxpayer is innocent until proven guilty, and I want my colleagues' help and say, "If you're so inclined, sign discharge petition No. 12."

Think about it.

## TODAY'S CRIME BILL DOES NOTHING TO SOLVE OKLAHOMA'S PROBLEMS

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. INHOFE. Mr. Speaker, we have a serious crime problem in my district. Tulsa, OK, and the surrounding areas have problems with gangs, drugs and a host of other things. Let me give you a few examples.

Nathan Vann, 19, was driving down Frankfort Avenue at about 4:30 in the afternoon when two bullets struck the windshield of his car. One bullet went through the car, striking Vann's hair, causing him to loose control of his automobile and crash into a nearby home.

Beverly Turner, her husband, and her mother-in-law were returning from church when they were approached by someone trying to steal the women's purses. When the thief grabbed at her mother-in-laws purse and ran, Beverly and her husband chased the thief and pinned him to the ground until the police arrived.

A 13-year-old was shot in the leg as he walked down the street in his neighborhood one evening. Witnesses told police that they heard several shots and then say a red sports car left the area. The shooting appeared to be gang-related.

Thankfully, I can say that none of these individuals were fatally wounded. But, who is to say that someone else, on another day, that is in the wrong place at the wrong time, will not loose their life and become another statistic.

Mr. Speaker, what kind of society do we live in where people cannot drive down the street without having bullets fly through their car windows and where children cannot walk down the street of their neighborhoods safely? My district is by no means unique. All across the country my colleagues have crime problems, all ranging from purse snatching thefts to gang and drug related shootings.

Mr. Speaker, we will be considering the crime bill on the floor today. Unfortunately, the crime bill we are considering is a fake crime bill that does not solve the problems in Tulsa, OK. The crime bill we are considering today has several defects, First, $8 billion goes to a variety of society-style programs including one to increase the self-esteem of young criminals and fund midnight basketball leagues; second, one part of the bill reduces the penalty for drug crimes, possibly leading to the release of as many as 16,000 criminals; third, another part of the bill allows convicted killers to file for appeal after appeal after appeal and avoid the death penalty all together; fourth, 88 percent of the money is discretionary—going wherever the President needs to build political support at the time; and fifth, this crime bill is not funded. There is nothing in the language that provides a mechanism to pay for these programs.

So, Mr. Speaker, I hope that my colleagues will join me in taking a closer look at this crime bill we are debating today. Let us not pass the first thing that comes along. Let us pass a bill that is tough on criminals, and will help Tulsa and all Americans.

### CRIME STATISTICS—STATE OF OKLAHOMA AND TULSA[1]

1 murder every 42 hours.
1 rape every 5½ hours.
1 robbery every 2 hours.
1 aggravated assault every 36 minutes.
1 burglary every 12 minutes.
1 auto theft every 31 minutes.

There is a reported violent crime every 26 minutes.

15 is the average age for rape victims in Tulsa.

Over 25,000 women are raped annually in Tulsa—only about 200 are reported—one out of five rapists are captured and punished.

Over 4,000 burglaries in Oklahoma each month.

Robberies are up in last 4 years.

Aggravated assault up in last 2 years. 54 percent of those were committed with a weapon.

Oklahoma is 4 percent higher than the national average in the use of a firearm in violent crimes.

(The above figures are in the 1992 year end figures—the latest available.)

In the first 6 months of 1993, Oklahoma had an increase in murder by 21.8 percent, assault by 9.3 percent and in general violent crimes by 3.7 percent.

There was a 31-percent increase in rape in the last 2 years.

(The above two figures are from the first 6 month outlook report for 1993—by OSBI.)

Since 1983 there has been a 93-percent increase in murder and manslaughter.

(This is a national figure. Not Oklahoma specific.)

## EVERY AMERICAN SHOULD BE GUARANTEED ADEQUATE HEALTH CARE

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Ms. ESHOO. Mr. Speaker, we all welcome a constructive debate on health care reform.

Yet misinformation about the various health plans, particularly the President's, are being generated by opponents of health care reform to confuse and even scare the public.

For example, those who oppose coverage for all Americans tell us that the uninsured are either young, or unemployed, or between jobs.

Yet less than 20 percent of the uninsured are young people. And 28 percent are in poverty. The rest are average working adults.

Mr. Speaker, every American should be guaranteed adequate health care. Period.

And if the morality of this issue does not move one, it should be viewed as a pocketbook issue—we all pay for the uninsured in one way or another, especially in higher insurance premiums.

Mr. Speaker, health care is a serious issue and deserves serious debate. Clouding the issue can only retain the status quo and gridlock.

I urge my colleagues to take the high road. Ignore the misinformation offered by those who want to obstruct the hope of the people, and that is coverage for everyone with a guarantee that no one will take it away from them.

## INTRODUCTION OF THE VIETNAM CODE OF CONDUCT ACT

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, this is the 251st anniversary of the birth of Thomas Jefferson.

Mr. Speaker, in 1943 President Roosevelt dedicated one of the world's most beautiful memorials across the pond from where we are now, and inside the ring below the marble canopy are the stirring words that ring through history: "Eternal vigilance against every form of tyranny over the mind of man."

Mr. Speaker, that tyranny still exists in the Communist nation of Vietnam, and that is why I want to treat Vietnam the way we treated South Africa when the evil of apartheid was in full force, the way this House voted to treat China last year. I rise today to ask my colleagues to join me in a bill that, although lifting the embargo on Vietnam was a bad idea, that battle being behind us, it is time to look ahead with a similar set of principles, like the Sullivan principles that we applied to South Africa.

Under my bill, Mr. Speaker, American nationals involved in business would be asked to, among other things, insist that those who served in the Vietnamese military government, as well as those who worked for, or assisted, the United States Government, are not discriminated against, and there are four other key points I do not have the time to go over, but I ask they be in the RECORD, Mr. Speaker, and I call this the Vietnam Code of Conduct Act for our United States businessmen to follow as they make, sometimes, 30 pieces of silver.

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[1] Source: Oklahoma State Bureau of Investigation.

Mr. Speaker, I rise today to invite my colleagues to join me in efforts to enlist American businesses in the fight for human rights in Vietnam.

Lifting the trade embargo on Vietnam was a bad decision. Yet, that battle is now behind us. It is time to look ahead.

Tomorrow I will be introducing legislation, the Vietnam Code of Conduct Act, that will establish a set of voluntary principles for Americans doing business in Vietnam. This idea had its genesis in the Sullivan principles that were applied by American companies doing business in South Africa during the darkest days of apartheid. And almost identical to a bill on China that passed in this Chamber last year. I am simply applying the same concept to Vietnam.

Under my bill, American nationals involved in business projects will be asked to:

Insist that those who served in the South Vietnamese military or government, as well as those who worked for or assisted the United States Government, are not discriminated against in hiring or any other terms of employment.

Ensure that harassment of any kind or political indoctrination programs will not be tolerated on the premises.

Prohibit any military or Communist cadre presence on the premises.

Promote the free exchange of ideas and information.

Help us, the United States Government, push for a full accounting of all American MIA's from the Vietnam conflict.

To really effect change in Communist Vietnam will require the efforts of both our United States Government and our United States businesses.

So I urge all my colleagues to join me as an original cosponsor of the Vietnam Code of Conduct Act.

## THE PLO HAS YET TO CONDEMN RECENT ATTACKS ON INNOCENT PEOPLE

(Mr. DEUTSCH asked and was given permission to address the House for 1 minute and extend his remarks.)

Mr. DEUTSCH. Mr. Speaker, this morning six people were killed, and dozens injured, including several children, when a bomb planted by an Islamic fundamentalist group, Hamas, exploded in the back of a crowded bus in Hadera, Israel.

Last week a suicide car bomb, also a member of Hamas, bombed a bus in Afula, Israel.

This is part of that bus, from 1,000 feet away. This is part of that bus, from 1,000 feet away. And this was used to clean up some of the remains of those who had blown more than 1,000 feet from where the bus was exploded.

It has been more than 1 week since these incidents, the first incident, occurred. The PLO and Chairman Arafat have yet to condemn these types of attacks on innocents.

There is a letter circulating by Members of Congress to Chairman Arafat demanding, requesting, that, if we have a peace process, killing of innocent lives by any party is unacceptable. That is something that must occur if we are going to see peace in that region of the world.

□ 1510

## THE ENHANCED ACCESS TO SUPPORT ENFORCEMENT ACT OF 1994

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, the failure of the child support enforcement system in this country is nothing short of a national disgrace.

A parent seeking support confronts a dizzying array of legal rules and procedures—which can suddenly change when one parent or the child is moved to another State. As a result of these uncertainties, children who are entitled to receive support are suffering needlessly.

To address this problem, I am introducing the Enhanced Access to Support Enforcement Act of 1994. My bill will require each State to grant full faith and credit to the child support judgments issued by the courts of other States.

While not removing the courts or lawyers from the child support system, this measure will limit drawn-out litigation and relitigation of claims. It will help promote simplicity and fairness in a system which is now anything but simple or fair.

Mr. Speaker, by spending less money on litigation, more can be spent on the children who need and deserve financial support from their parents. I therefore urge my colleagues to cosponsor this important legislation.

## LONG OVERDUE CRIME BILL

(Mr. BARCA of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARCA of Wisconsin. Mr. Speaker, returning from Wisconsin I can tell you that combatting violent crime is on people's minds.

This crime bill is long overdue, and I am pleased that this week we will begin work on crafting a bill that will help local crime-fighting efforts.

A few examples of the many effective provisions in the bill include: 50,000 new police officers to expand successful community policing efforts; invoking the "three strikes and you're out" rule for violent repeat offenders to keep criminals dangerous to society behind bars; and new efforts to work with youthful offenders and to develop alternative punishments and prevention programs designed to ease the crunch on prison space and rehabilitate young people before they become career criminals.

Mr. Speaker, our constituents are telling us to find solutions to the crime problems plaguing our communities. My hope is that this crime bill will be one more giant step in the right direction.

## CALL FOR A TOUGHER CRIME BILL

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, 435 out of 435 Members of Congress seem to agree that Americans need a tough crime bill. But is the pending legislation tough? We know this: It does not allow pretrial detention. It does not have truth in sentencing. It increases the number of appeals for death row inmates; and it has a very watered-down "three strikes and you're out" provision. What is so good about "three strikes and you're out"? Why should a violent criminal get three strikes, and let us quit using the word "strikes" and talk about what is the heart of the matter, and, that is, victims.

Why should a violent criminal get three victims? It is absurd. We need to do what we should do the first time and lock him or her up and not give them an opportunity for a second or third victim.

Remember, also, Mr. Speaker, we are only talking about the people who he is caught hurting.

Mr. Speaker, "three strikes and you're out" is the most overblown discussion in this crime bill and I think we should amend this bill, make it much tougher than it is now, and I support an open rule, not the closed rule we have.

## PLIGHT OF THE HAITIAN REFUGEES

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, yesterday, I went to TransAfrica headquarters where its executive director, Randall Robinson, began a hunger strike until discriminatory and summary interdiction of Haitians fleeing the most repressive regime in the Western Hemisphere is ended.

A thoughtful if committed leader, Randall has pursued this course only after all else has failed. Our Government's timid response to the Governors Island accord has emboldened the neo-Duvalier and former Tonton Macoutes forces. The best evidence that the fleeing Haitians are legitimate refugees is that their boats stopped coming when Aristide was elected and started up again only after he was deposed. The way to end the flight of terrorized refugees is to support the first democratically elected leader in Haiti in 200 years.

Mr. Speaker, 10 years ago, four of us led by Randall Robinson entered the South African Embassy and set in motion protests that helped produce the South African elections scheduled for this month. This time Randall begins his protest alone. We can join him by passing H.R. 4114 to stop the return of Haitians to torture and death and to make the Governors Island accords law.

## A CALL FOR THE PLO TO DEMONSTRATE ITS COMMITMENT

(Mr. KYL asked and was given permission to address the House for 1 minute.)

Mr. KYL. Mr. Speaker, after the tragic killings in Hebron a few weeks ago, the political leadership of Israel, including Prime Minister Rabin, publicly and specifically condemned the tragedy and urged that it not derail the peace process.

Now, on the eve of Israeli Independence Day, we witness the gruesome bombings at Hadera and Afula, attacks that are part of the retaliation promised by Hamas, but we do not hear condemnation by key Arab leaders. Specifically, PLO Chairman Yasser Arafat has not spoken out against these killings.

Mr. Speaker, if the peace process is to succeed, it is critical that the PLO leadership demonstrate its commitment at a minimum by clearly and unequivocally condemning specific acts of violence such as that which occurred at Hadera and Afula.

## LUPUS LEGISLATION

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, once again I am asking my colleagues to join me in the fight against lupus by cosponsoring H.R. 2420. The bill authorizes increased research into the causes and treatment of this widespread but enigmatic disease.

Doctors estimate that there are about 500,000 Americans known to be suffering from lupus. It is estimated that another 500,000 have not been diagnosed. Known cases of lupus outnumber those of leukemia, muscular dystrophy, or multiple sclerosis.

While lupus affects both men and women, 9 out of 10 people struck with lupus are women. The disease has its most significant impact on young women during the childbearing ages of 15 to 45.

All ethnic backgrounds are stricken with lupus, but it attacks African-American, Hispanic, and some Asian and native American women three times more frequently than white women.

Within those ethnic groups hardest hit, rarely is there a person who has not been directly or indirectly affected by a friend, relative, or loved one who is suffering from lupus.

Perhaps the most discouraging aspect of lupus for the sufferer is the fact that there is no cure.

Lupus organizations throughout the country have endorsed H.R. 2402. Many of them, from districts throughout the country, have contacted my colleagues.

Let us not turn away. Let each of us assure the 1 million who now suffer that we will not choose to neglect their cry for help.

Mr. Chairman, I hope it will be the pleasure of each of my colleagues to join me in this fight against lupus by cosponsoring H.R. 2420.

□ 1520

## STUDENT AND BUSINESS PARTNERSHIP FOR CREDIT ACT OF 1994

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, teenagers throughout the United States are dropping out of school. At a crime forum I held in New Mexico, parents expressed their fear that more and more teenagers are joining gangs and are not interested in getting a good education. The time has come, Mr. Speaker, to answer our constituents by giving students a reason to want to stay in school and off the streets. I rise today to introduce the Student and Business Partnership for Credit Act of 1994.

This bill gives community businesses a tax credit if they participate in an educational program. The educational program gives a high school junior or senior the chance to work with a local business in return for academic credit. In turn, the business must closely supervise the student.

Mr. Speaker, students who are tempted to drop out of school may be persuaded to stay in school if they are permitted to receive real work experience. These students will stay in school, work with businesses, and say no to gangs. Businesses will receive a tax credit that they desperately deserve. I urge my colleagues to support our students and to support the Student and Business Partnership for Credit Act of 1994.

## PRESIDENT'S ECONOMIC PROGRAM COSTING JOBS

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, there is a growing concern that the President's economic program, and in particular the tax increases that were incumbent to that economic program, are beginning to undermine the long-term economy in this country. The question is what are the signs of that?

The majority leader, the gentleman from Missouri [Mr. GEPHARDT], gave us a formula for making that determination here some years ago. And I see him on the floor, and maybe he would explain the formula during my time.

What the gentleman pointed out was that if you take another $10.2 billion in trade deficits, that translates into the loss of another 250,000 good jobs for American workers, and signals a growing weakness in our economy. He said that back in 1989.

I would simply point out to the House that last year we had $40 billion in trade deficits. That means that the Clinton economic program lost us over one million jobs, and translated into a growing weakness in the economy. So far this year we have had over $10 billion in trade deficits, and that translates into a loss of another 250,000 good jobs and signals a growing weakness in our economy.

The formula, it seems to me, is one that Americans need to understand, that as we hear all of these rosy predictions out of the White House about what is going on in the economy, the underlying problems in the economy are very apparent, and are very, very well described by the Gephardt formula.

## TRIBUTE TO THE LATE HONORABLE SAM B. HALL, JR.

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, it was my great pleasure to have served in this body with Sam B. Hall, Jr., the former Member from the city of Marshall, TX. Sam, after serving in this body, was elevated to the position of a Federal judge and served in the Eastern District of the Federal court system in Texas, until, unfortunately, Mr. Speaker, his death on this past Saturday.

Sam and I sat side-by-side on the Committee on the Judiciary for a number of years. Sam and Madeline, his wonderful bride and now widow, and Helen and I, have been friends for a long time and shared many a convivial moment and many a nice meal.

So it is with great sadness that I note his passing, and would encourage all of our colleagues who did serve with Sam to express their condolences and grievances to Madeline and to the family.

When Sam was here, he was a very fine Member. On the bench he was an outstanding Federal judge, and he served his country and he served his State with great distinction.

I certainly note with great sadness his passing and express my condolences and my sympathies to Madeline and to the daughters and to the family.

## TRIBUTE TO THE LATE HONORABLE SAM B. HALL, JR.

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I would like to follow up on what the gentleman from Kentucky [Mr. MAZZOLI] just said. There has never been a finer Representative than Sam Hall to serve in this body.

Sam and I and his lovely wife Madeline had an opportunity to take a trip abroad on one of our foreign policy problems a few years back, and I got to know them very, very well. And one of the saddest moments since I have been in Congress was when he decided to leave Congress to become a Federal judge, because he was a real pillar in this body.

So I, along with many of my colleagues, would like to extend my sympathy, along with the gentleman from Kentucky [Mr. MAZZOLI] to his wife Madeline and his family. We are all going to miss Sam a great deal.

## THE TAX BURDEN ON AMERICANS

(Mr. BOEHNER asked and was given permission to address the House for 1 minute to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, April 15 is just 2 days away. It is that time of the year when we are reminded just how big a bite government takes out of our paychecks. I ask my colleagues and the American people to think about how much taxes do you really pay?

It is not just the Federal income tax that you pay. Think about the Social Security taxes, or the Medicare taxes, State taxes, local taxes for schools, local government, local levies, property taxes, real estate taxes, luxury taxes, sales taxes on food, on beverage, gasoline taxes, airline taxes, airport departure fees, dry cleaners, tobacco taxes, utility taxes, telephone taxes, excise taxes, and many, many more. Today 53 percent of the Nation's income goes to pay for taxes and the cost of regulation.

I ask the American people, who are you working for? Yourself and your families, or are you spending more of your time working for government?

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KLEIN). Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, April 12, 1994, in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 3770, by the yeas and nays; H.R. 3498, by the yeas and nays; H.R. 2843, by the yeas and nays; and Senate 2004, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

## EDWARD J. SCHWARTZ COURTHOUSE AND FEDERAL BUILDING

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3770.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT] that the House suspend the rules and pass the bill, H.R. 3770, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 1, not voting 14, as follows:

[Roll No. 99]

YEAS—417

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—1

McInnis

NOT VOTING—14

Bacchus (FL)
Blackwell
Fish
Flake
Gallo
Grandy
Hunter
Johnson, Sam
McCloskey
Peterson (FL)
Roukema
Skelton
Smith (OR)
Washington

☐ 1548

Mr. LEWIS of California and Mr. HOEKSTRA changed their vote from "nay" to "yea."

So, (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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## PERSONAL EXPLANATION

Mr. McINNIS. I intended to vote "yes" on H.R. 3770, but inadvertently voted "no."

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## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motions to suspend the rules and on which the Chair has postponed further proceedings.

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## GREAT FALLS PRESERVATION AND REDEVELOPMENT ACT OF 1994

The SPEAKER pro tempore (Mr. MONTGOMERY). The unfinished business is the question of suspending the rules and passing the bill, H.R. 3498, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 3498, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 288, nays 130, not voting 14, as follows:

[Roll No. 100]

YEAS—288

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Baesler
Baker (LA)
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Calvert
Camp
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Hughes
Hutto
Hyde
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zimmer

NAYS—130

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Ballenger
Barca
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Everett
Ewing
Fawell
Fields (TX)
Fowler
Gallegly
Gekas
Gilchrest
Goodlatte
Goodling
Goss
Grams
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hoekstra
Hoke
Huffington
Hunter
Hutchinson
Inglis
Inhofe
Istook
Jacobs
Kasich
Kim
King
Kingston
Klug
Knollenberg
Levy
Lewis (FL)
Linder
Livingston
Machtley
Manzullo
McCandless
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Moorhead
Nussle
Oxley
Packard
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce (OH)
Ramstad
Ravenel
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Schaefer
Schroeder
Sensenbrenner
Shaw
Shuster
Smith (MI)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Vucanovich
Walker
Young (FL)
Zeliff

NOT VOTING—14

Bacchus (FL)
Blackwell
Fish
Flake
Gallo
Grandy
Johnson, Sam
Kaptur
McCloskey
Peterson (FL)
Roukema
Skelton
Smith (OR)
Washington

☐ 1559

The Clerk announced the following pair:

On this vote:

Ms. Kaptur and Mrs. Roukema for, with Mr. Smith of Oregon against.

Messers. DREIER, PACKARD, KIM, CUNNINGHAM, HUNTER, and TAYLOR of Mississippi changed their vote from "yea" to "nay."

So (two-thirds have voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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☐ 1600

## WHEELING NATIONAL HERITAGE ACT OF 1993

The SPEAKER pro tempore (Mr. MONTGOMERY). The unfinished business is the question of suspending the rules and passing the bill, H.R. 2843, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2843, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were yeas 264, nays 154, not voting 14, as follows:

[Roll No. 101]

YEAS—264

Abercrombie
Ackerman
Andrews (NJ)
Andrews (TX)
Applegate
Baesler

Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Byrne
Callahan
Camp
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hansen
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Houghton
Hoyer
Hughes
Hyde
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDade
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Oberstar
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Roemer
Rogers
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Slaughter
Smith (IA)
Smith (NJ)
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Sundquist
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)

NAYS—154

Allard
Andrews (ME)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Brewster
Burton
Buyer
Calvert
Canady
Castle
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Huffington
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Istook
Jacobs
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kyl
Lambert
Lazio
Levy
Lewis (CA)
Lewis (FL)
Linder
Machtley
Manzullo
McCandless
McCollum
McCrery
McCurdy
McHale
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Morella
Nussle
Oxley
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce (OH)
Ramstad
Ravenel
Ridge
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slattery
Smith (MI)
Smith (TX)
Snowe
Solomon
Stearns
Stenholm
Stump
Swett
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Walker
Weldon
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Bacchus (FL)
Blackwell
Condit
Fish
Gallo
Grandy
Johnson, Sam
Obey
Peterson (FL)
Roukema
Skelton
Smith (OR)
Swift
Washington

□ 1608

The Clerk announced the following pair:

On this vote:

Mr. Skelton and Mr. Bacchus of Florida for, with Mr. Smith of Oregon against.

Mr. ROBERTS changed his vote from "yea" to "nay."

Messrs. DE LA GARZA, EDWARDS of Texas, HANSEN, and ORTON changed their votes from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

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□ 1610

## STUDENT LOAN ELIGIBILITY FOR CERTAIN INSTITUTIONS OF HIGHER EDUCATION

The SPEAKER pro tempore (Mr. MONTGOMERY). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 2004.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. FORD] that the House suspend the rules and pass the Senate bill, S. 2004, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 283, nays 136, not voting 13, as follows:

[Roll No. 102]

YEAS—283

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Camp
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Duncan
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Horn
Houghton
Hoyer
Huffington
Hughes
Inglis
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (GA)
Lightfoot
Linder
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pickett
Pickle
Pomeroy
Price (NC)
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roybal-Allard
Royce
Rush
Sabo
Sanders
Santorum
Sawyer
Schenk
Schiff
Schroeder
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Solomon
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Sundquist
Swift
Synar
Talent
Tanner
Tauzin
Taylor (NC)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton

Velázquez
Vento
Visclosky
Volkmer
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (FL)

NAYS—136

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Costello
Cox
Crane
Crapo
Cunningham
Danner
Deal
DeLay
Dooley
Doolittle
Dornan
Dreier
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Gallegly
Geren
Gilchrest
Goodlatte
Goodling
Goss
Grams
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hoke
Holden
Hunter
Hutchinson
Hutto
Hyde
Inhofe
Istook
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Levy
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Manzullo
McCandless
McCollum
McCrery
McHale
McInnis
McKeon
McMillan
Meyers
Michel
Miller (FL)
Moorhead
Morella
Myers
Nussle
Orton
Oxley
Packard
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Ramstad
Ravenel
Roberts
Rogers
Rohrabacher
Roth
Rowland
Sangmeister
Sarpalius
Saxton
Schaefer
Sensenbrenner
Shaw
Shays
Shuster
Smith (MI)
Smith (TX)
Stearns
Stenholm
Stump
Swett
Taylor (MS)
Thomas (CA)
Thomas (WY)
Torkildsen
Valentine
Vucanovich
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—13

Bacchus (FL)
Blackwell
Fish
Foglietta
Gallo
Grandy
Johnson, Sam
Peterson (FL)
Roukema
Schumer
Skelton
Smith (OR)
Washington

☐ 1619

Mr. WALSH and Mr. POMEROY changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof), the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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## PERSONAL EXPLANATION

Mr. SAM JOHNSON of Texas. Mr. Speaker, today, while I attended a funeral for Millicent Boyd, the wife of my close and dear friend and POW Gen. Chuck Boyd, I unavoidably missed four votes held in 5 minute succession.

Had I been present, I would have voted yea on H.R. 3770, the Edward Schwartz Courthouse; nay on H.R. 3498, the Great Falls Preservation Act; nay on H.R. 2843, the Wheeling National Heritage Act; and nay on S. 2004, the College Loan Default Exemption Extension.

## PERSONAL EXPLANATION

Mr. PETERSON of Florida. Mr. Speaker, in order to attend a funeral, I missed four votes on April 13. Had I been present, I would have voted "aye" on rollcall votes 99, 100, and 102; "no" on 101.

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☐ 1620

## PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4092, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 401 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. RES. 401

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 4092) to control and prevent crime. No further general debate shall be in order. The bill shall be considered for amendment under the five-minute rule and shall be considered as read. Except as provided in section 2 of this resolution, no amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment printed in the report may be offered only in the order printed, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. If more than one of the following amendments printed in part 1 of the report relating to habeas corpus is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House: by Representative Hyde of Illinois; and by Representative Derrick of South Carolina.

SEC. 2. It shall be in order at any time for the chairman of the Committee on the Judiciary or his designee to offer amendments en bloc consisting of amendments printed in part 2 of the report of the Committee on Rules or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. All points of order against such amendments en bloc are waived. The original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

SEC. 3. The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by this resolution. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than 15 minutes.

SEC. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been finally adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

SEC. 5. After passage of H.R. 4092, it shall be in order to take from the Speaker's table the bill H.R. 3355, with a Senate amendment thereto, and to consider the Senate amendment in the House. It shall be in order to move to concur in the Senate amendment with an amendment inserting the text of H.R. 4092 as passed by the House in lieu of the matter proposed to be inserted by the Senate. All points of order against that motion are waived. If the motion is adopted, then it shall be in order to move that the House insist on its amendments to the Senate amendment to H.R. 3355 and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida [Mr. GOSS], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 401 provides for further consideration of H.R. 4092, the Violent Crime Control and Law Enforcement Act. The rule makes in order only those amendments printed in the report to accompany the rule. The amendments shall be considered in the order and manner specified in the report and shall be considered as read. The amendments are not subject to amendment, except as specified in the report, and are not subject to a demand for a division of the question. The rule waives all points of order against the amendments printed in the report.

The rule provides that if more than one of the following amendments relating to the subject of habeas corpus is adopted, only the last adopted will be reported to the House: the amendment by Representative HYDE of Illinois and the amendment by Representative DERRICK of South Carolina.

Under the rule, the chairman of the Judiciary Committee may at any time offer amendments en bloc consisting of the amendments printed in part 2 of the report with germane modifications.

The amendments en bloc are debatable for 10 minutes and are not subject to amendment nor a demand for a division of the question. All points of order are waived against the amendments en bloc. The original proponents of the amendments are permitted to submit statements for the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

The Chairman of the Committee of the Whole is permitted to postpone consideration of a request for a recorded vote and to reduce to 5 minutes the time for voting after the first of a series of votes. The rule provides one motion to recommit.

Finally, if the House passes H.R. 4092, the rule provides for a hook up with a companion, H.R. 3355, with a Senate amendment. The rule makes it in order to take H.R. 3355 with the Senate amendment from the Speaker's table and to consider the Senate amendment in the House. The rule makes in order a motion to concur in the Senate amendment with an amendment inserting, in lieu of the proposed Senate matter, the text of H.R. 4092 as passed by the House. All points of order are waived against the motion. If the motion is adopted, the rule makes in order a motion that the House insist on its amendments to the Senate amendment and request a conference.

Mr. Speaker, today crime is no longer a problem faced only by big cities. Fear of crime is prevalent in communities both large and small throughout our Nation. In my district, crime terrorizes what was once peaceful and safe. The rule before us today will allow the House to further consider H.R. 4092, the Violent Crime Control and Law Enforcement Act.

Mr. Speaker, in the State of the Union Address, the President urged Congress to set aside partisan differences and to pass a strong, smart, tough crime bill. In response to this call, the House has before it today a far-reaching bill that does exactly that.

H.R. 4092 will help our Nation to move toward a future free from crime and violence through a commitment of resources unprecedented in the history of the House of Representatives.

The bill authorizes over $15 billion in funding to address the crime problem on a number of different fronts. The bill provides $3.45 billion in Federal grants that will place 50,000 more cops on the beat and provides $3 billion to assure adequate prison space and help States to build new prisons for the incarceration of violent repeat offenders.

The bill also focuses on crime prevention and authorizes $7 billion for community programs intended to prevent crime and targets $525 million for programs providing employment opportunities for young adults in areas with high-crime and high-unemployment rates. The bill authorizes $100 million to reduce gang activities and the use of illegal drugs by juveniles and authorizes $20 million for programs in which law enforcement and child and family services agencies work together to deal with incidents of violence involving juveniles and children. The bill authorizes $7 million to prevent crime against older Americans.

H.R. 4092 sends a message to criminals through stiffer penalties that crime does not pay. The bill expands the Federal death penalty by more than 60 offenses, including drive-by shooting, the murder of a police officer, drug trafficking, and kidnapping. The bill incorporates the "three strikes and you're out" legislation and mandates life imprisonment for a conviction of a Federal violent felony if the defendant previously was convicted of two serious Federal or State drug offenses or violent offenses with a potential sentence of 10 years. It also provides that juveniles 13 years or older could be tried as adults for certain violent Federal crimes.

The bill overhauls the rules for death row inmates who have exhausted the State appeals process by allowing one Federal appeal within 1 year of the final State decision. This will end the abuse of the appeals system which allows death row inmates to file seemingly endless appeals. The bill also requires States to provide defendants with competent lawyers to help ensure that criminals will not be let out of jail due to a technicality or mistake made by the trial court.

The bill further includes the use of "bootcamps" for youthful first-time offenders. The bill provides $200 million for States to develop new programs to ensure the punishment of youthful offenders, who might otherwise be placed on probation. These grants can be used for alternative punishment such as bootcamps which would teach troubled youngsters the value of hard work and instill discipline.

Finally, H.R. 4092 also addresses the problem of violence against women and provides grants to State and local governments for programs to reduce violence against women and punishes those who commit crimes against women. The bill establishes new Federal crimes of interstate domestic violence, stalking, and establishes a National Task Force on Violence Against Women.

Mr. Speaker, far too many of us no longer feel safe in our own neighborhoods. Violent crime is on the rise across our Nation and the time has come to take back our cities and streets from the criminals and to ensure all Americans the freedom to live and work in safety.

Mr. Speaker, House Resolution 401 is a fair rule that provides for further consideration of this wide-reaching crime bill. I urge my colleagues to support the rule and the bill.

Mr. Speaker, I reserve the balance of my time.

□ 1630

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, as you might expect, I rise in opposition to this rule.

Mr. Speaker, in Singapore they cane you for vandalizing cars. In America, the voters should cane the Committee on Rules for vandalizing the legislative process.

By unfairly imprisoning a number of good perfecting Republican amendments, the Democratic majority has weakened what could have been a very tough crime bill. By using the king-of-the-hill procedure, the Committee on Rules allows weak, liberal amendments to impersonate tough anticrime amendments.

In almost every section of this bill, we see a tough Republican amendment that is destined to be weakened by a following Democratic amendment. From death penalty procedures to truth in sentencing, the Committee on Rules has copped a plea and gotten away with impersonating an anticrime crusade.

Ironically, the other body was allowed to reflect the people's will. They passed a tough crime bill that addresses everyday concerns. Here in the people's House, the people's will may be subverted, unless we defeat this rule.

Mr. Speaker, I have seen accounts in the press indicating that we Republicans are bent on obstructing this process through diversionary tactics and delaying tactics, and all the rest. I will tell you, when you are in the minority and you have to fight for time and an opportunity to open up the process, we have to use all the mechanisms that are at our command.

I would hope, and we have admonished our Members, that as we go through this process, whether it be in consideration of the rule or consideration of the bill, that those on our side who have served with such distinction on the Committee on the Judiciary, who have significant amendments to offer, know the subject well, in and out, in their 5 minutes of time try to clearly and precisely differentiate what we are proposing versus what the other side is proposing. And there is a difference, a meaningful difference, not in the name of obstruction, but simply by way of eventually giving the American people the kind of product they have been demanding.

So I would hope as this debate unfolds that there will be clear attention given to those clean lines of demarcation on what these very complicated amendments mean. It takes the attention of the House, the complete attention of the House, to discern those differences.

Mr. Speaker, I would ask for a no vote on this rule, that we might come up with one that would certainly open up the process and provide the opportunity to express the people's will.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the distinguished gentleman from Texas [Mr. BROOKS], the chairman of the Committee on the Judiciary.

Mr. BROOKS. Mr. Speaker, I rise in strong support of the rule.

Mr. Speaker, it may be instructive to remember a little recent history. When the cry and hue went out for an "instant crime bill" a few months ago, the other body responded by bypassing the relevant subcommittees and full committee and proceeding willy-nilly to the floor. The 960-page product of rushing to legislative judgment without the benefit of careful committee deliberation is now laid out clearly for all to see. Moreover, the procedural pattern for considering that bill was to allow all nature of amendments—however frivolous—into the debate and, not surprisingly, into the final result.

Well, this committee and this body chose a different way to proceed. Our committee spent difficult yet productive time in having numerous hearings, developing draft after draft of provisions to better achieve the goals of punishment and prevention with the least burdensome results on the Federal and State governments involved. This effort culminated in H.R. 4092, a combination of 24 separate bills which either passed the House last fall or were reported by the Judiciary Committee last month.

□ 1640

The committee reports on this body of work constitute a stack about that deep, about 2 inches. These are the committee reports on every single one of the bills included within this 4092, despite what the Members might have heard from misinformed individuals.

There have been some who have decried this deliberative process—who have claimed that we should act without deliberation and now would want to endlessly debate amendments for the next 2 or 3 months. Perhaps—also in their thinking—is the idea that such a process will permit this bill to fall by its own weight.

I reject that approach. And I believe the Rules Committee has been eminently fair and eminently prudent in laying out the procedure and the amendments made in order. Major amendments in every plank of the bill have been made in order—death penalty, death penalty procedures, new prisons, habeas corpus, and "three strikes you're out." The noncontroversial amendments—numbering 31 in all—will be gathered together in the form of an en bloc amendment which I intend to offer today. They were not chosen based on party affiliation or identity of the sponsor but rather were based on the subject matter addressed. The en bloc amendment will be followed by some 30 to 35 other substantive amendments addressing diverse aspects of the bill.

It is time to move forward. The committee has done its job and subcommittee Chairmen EDWARDS, HUGHES, and SCHUMER should be commended, together with subcommittee Ranking Members HYDE, MOORHEAD, and SENSENBRENNER.

For those who had a 20-point agenda, of which only 15 points were achieved by the rule, I am sorry, but we cannot accommodate 20-point agendas from 435 Members, from the left and the right, from Democrats and Republicans. I personally believe the omnibus legislation before Members will set a prototype for how to fashion crime legislation into the next century by breaking through the rigid mold that has characterized crime efforts of the past two decades. It is hardnosed about punishment, yet forward-looking in seeking to prevent a whole new generation of young people from going down the wrong road. We can do no less.

The rule is a good one; vote for it and let us get on with the business of passing the best crime bill to come down the pike in many years.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Americans are fed up with criminals and crime. They want tougher crime laws, better enforcement, and more consistent, meaningful punishment. Most know that the Federal Government cannot solve this problem on its own, State and local enforcement and court actions play a major role. But many issues are Federal; regrettably, not all those issues are covered in the bill before us, despite this timely opportunity to include them.

Crucial proposals to improve this bill and make America safer were shut out by the Rules Committee majority—20 of them on tie votes. We heard from more than 100 members on 180 different amendments in a bipartisan good faith effort to make this bill better. Skeptics and White House spin doctors suggest that those of us seeking broader debate are trying to block passage of a crime bill. Wrong. We want a crime bill—a good crime bill. We are not being obstructionist—we are trying to be deliberative. I agree that we should proceed with dispatch which we are, but I vehemently disagree with the President's irresponsible statement that amendments proposed to this bill—by Democrats and Republicans—are, in his words, "frivolous or political." He seems to harbor some type of a conviction that any proposal differing from his own personal view is "frivolous" and "political." I refer to his personal view—because we still do not have his bill. There is no Clinton crime bill.

But one way or other, we will pass a crime bill within the next few weeks. I hope it will be with broad bipartisan support but the question is, will it be a bill that fulfills the challenge of fighting crime? Or will it be a missed opportunity to do the right thing? This is not about which party scores quick political points. This is not about another White House photo opportunity. This is about making America's streets, schools, communities, and homes safe once again. I am urging a "no" vote on this rule, but I do not ask a party-line vote. Crime is not a partisan matter. I urge a "no" vote because a better rule will give us a better bill to deliver to the President and to the American people. The President has put us on notice that he will sign the crime bill "in less than a minute". That being the case shouldn't we take the extra time here on the Hill to get it right. Unintended negative consequences are so often the legacy of short circuiting the full deliberative legislative process.

Vote "no".

Mr. Speaker, I include for the RECORD information on rollcall votes in the Committee on Rules on amendments to the proposed rule on H.R. 4092:

ROLL CALL VOTES IN RULES COMMITTEE ON AMENDMENTS TO THE PROPOSED RULE ON H.R. 4092 THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

Open Rule: This amendment to the proposed rule provides for a two-hour, open rule for the consideration of H.R. 4092, The Violent Crime Control and Law Enforcement Act of 1994.

Vote (Defeated 4-6): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Frost, Hall, Gordon, Slaughter. Not Voting: Derrick, Bonior, Wheat.

Modified King-of-Hill: Strike existing king-of-hill language where it appears and substitute language providing that, "if more than one amendment is adopted, the amendment adopted receiving the most favorable votes shall be considered as finally adopted and reported back to the House."

Vote (Defeated 4-5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Frost, Gordon, Slaughter. Not Voting: Derrick, Bonior, Hall, Wheat.

6. Sensenbrenner: Strike Subtitle I of Title X—Local Partnership Act.

Vote (Defeated 4-6): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Frost, Hall, Gordon, Slaughter. Not Voting: Derrick, Bonior, Wheat.

170. McCollum: Transfers half the funding for Title X (Crime Prevention and Community Justice) to Title VI, Violent Repeat Offender Incarceration.

Vote (Defeated 4-7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Frost, Hall, Wheat, Gordon, Slaughter. Not Voting: Derrick, Bonior.

171. McCollum: Bars exclusion in Federal proceedings of evidence obtained in circumstances justifying an objectively reasonable belief that a search and seizure was in conformity with the fourth amendment.

Vote (Defeated 3-7): Yeas—Solomon, Quillen, Dreier; Nays—Moakley, Beilenson, Frost, Hall, Wheat, Gordon, Slaughter. Not Voting: Derrick, Bonior, Gross.

172. McCollum: Amends Title III and makes serious violent assault felonies against victims either less than 18 years old or 64 years old or older punishable by a maximum term of imprisonment twice that authorized without regard to this section.

Vote (Defeated 4-7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Frost, Hall, Wheat, Gordon, Slaughter. Not Voting: Derrick, Bonior.

180. McCollum: Amends Title V, Mandatory Life Imprisonment for Persons Convicted of Certain Felonies, to provide mandatory prison terms for use, possession or carrying of a firearm or destructive device during a serious violent felony or serious drug trafficking offense for which the person may be prosecuted in a court of any state.

Vote (Defeated 4-6): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Frost, Hall, Gordon, Slaughter. Not Voting: Derrick, Bonior, Wheat.

160. Smith (TX): Establishes a Criminal Alien Tracking Center to help identify, incarcerate and deport criminal aliens; requires registration of aliens on criminal probation or parole; increases funding for INS investigators; establishes expedited deportation procedures for certain criminal aliens; expands definition of "aggravated" felony to include trafficking in explosives, child pornography, spying and other specified activities; increases penalties for failure to depart or reentering after final order to depart; provides wiretap authority for aline smuggling investigations; and increases criminal penalties for passport and visa document fraud.

Vote (Defeated 4-7): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Frost, Bonior, Hall, Gordon, Slaughter. Not Voting: Derrick, Wheat.

177. Gingrich: Creates violent crime reduction trust fund financed with reductions in federal employees (similar to Senate language); requires that 90% of the funds be used for prison construction grants to states that have enacted truth-in-sentencing laws.

Vote (Defeated 4-5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Frost, Bonior, Hall, Slaughter. Not Voting: Derrick, Beilenson, Wheat, Gordon.

42. Zimmer: Doubles the maximum imprisonment and fine for any offense if the adult offender (over 18 years old) uses a child to commit the crime or to assist in avoiding apprehension. After a previous conviction for this offense, the maximum imprisonment and fine are tripled.

Vote (Defeated 4-5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Frost, Bonior, Hall, Slaughter. Not Voting: Derrick, Beilenson, Wheat, Gordon.

134. Hutchinson: Provides penalties for the following offenses when committed within a federal jurisdiction: the intentional homicide, voluntary manslaughter, involuntary manslaughter, assault or aggravated assault of a child before birth.

Vote (Defeated 4-5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Frost, Bonior, Hall, Slaughter. Not Voting: Derrick, Beilenson, Wheat, Gordon.

24. Burton: Provides the death penalty or life imprisonment without parole, probation or suspension for trafficking in those drugs specified in the amendment by amounts specified in the amendment.

26. Burton: Sense of Congress that criminal background checks should be performed for all prospective employees or volunteers of state-license or tax-funded organizations that interact with children.

Vote (Defeated 4-5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Frost, Bonior, Hall, Slaughter. Not Voting: Derrick, Beilenson, Wheat, Gordon.

25. Burton: Provides death penalty for murders committed during a sexual assault.

Vote (Defeated 4-5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Frost, Bonior, Hall, Slaughter. Not Voting: Derrick, Beilenson, Wheat, Gordon.

82. Canady/Geren: Requires states applying for grants under the Violent Repeat Offender Incarceration Act to include in their application to the AG assurances that they have established a system to prosecute juveniles who are 14 years or older and charged with violent crimes as adults. Requires states to keep records of these crimes for use in future proceedings.

Vote (Defeated 4-6): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Frost, Bonior, Hall, Wheat, Slaughter. Not Voting: Derrick, Beilenson, Gordon.

9. Castle: Restricts the sale and donation of excess firearms owned or held by federal agencies and codifies GSA regulations restricting such transactions.

Vote (Defeated 4-6): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Frost, Bonior, Hall, Wheat, Slaughter. Not Voting: Derrick, Beilenson, Gordon.

15. Clinger: Expands Title III—which increases penalties for assaulting children—to include the elderly.

Vote (Defeated 4-5): Yeas—Solomon, Quillen, Dreier, Goss, Nays—Moakley, Frost Bonior, Hall, Wheat. Not Voting: Derrick, Beilenson, Gordon, Slaughter.

2. Cunningham: Exempts current and former law enforcement officers from state laws that prohibit the carrying of concealed firearms.

Vote (Defeated 4-6): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Frost, Bonior, Hall, Wheat. Not Voting: Derrick, Gordon, Slaughter.

14. Doolittle: Denies federal benefits, including social security and welfare payments, to individuals convicted of crimes of violence.

Vote (Defeated 4-5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Frost, Bonior, Wheat. Not Voting: Derrick, Hall, Gordon, Slaughter.

65. Doolittle: Provides the punishment of life imprisonment after three violent felony convictions. Does not require that the convictions arise from separate episodes.

Vote (Defeated 4-5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Frost, Bonior, Wheat. Not Voting: Derrick, Hall, Gordon, Slaughter.

46. Dornan: Adds the requirement of a "profit-seeking purpose" to the definition of "pattern of racketeering activity" under RICO Act.

Vote (Defeated 4-5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Frost, Bonior, Wheat. Not Voting: Derrick, Hall, Gordon, Slaughter.

136. Dunn/Deal: Encourages states to establish registration and tracking procedures and community notification with respect to released sexually violent predators, including convicted stalkers.

Vote (Defeated 4-4): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Bonior, Wheat. Not Voting: Derrick, Frost, Hall, Gordon, Slaughter.

86. Franks (NJ): Creates new title, "Penalties for Repeat Sex Offenders", to increase penalties for repeat sex offenders. Makes second offenses punishable by not less than five years and not more than three times the maximum sentence otherwise applicable. A third offense would be punishable by mandatory life imprisonment.

Vote (Defeated 4-4): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Bonior, Wheat. Not Voting: Derrick, Frost, Hall, Gordon, Slaughter.

87. Franks (NJ): Requires federal prisoners to obtain General Equivalency Degree (GED) before being eligible for early release from prison.

Vote (Adopted Voice Vote).

140. Gekas: Clarifies loophole in drive-by murder provision by including defendants who immediately exit and remain close to a motor vehicle.

Vote (Defeated 3-4): Yeas—Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Frost, Wheat. Not Voting: Derrick, Bonior, Hall, Gordon, Slaughter, Solomon.

137. Goodling: Increases penalties for individuals possessing a firearm while committing a misdemeanor drug crime (such as simple possession), and makes it unlawful for anyone using a firearm during a misdemeanor drug crime to possess a firearm for 5 years conviction.

83. Goodling: Strikes Title X, subtitle J, the Youth Employment and Skills Crime Prevention Program in its entirety, as it is duplicative of programs for disadvantaged youth under Title II-C of the Job Training Partnership Act, and the Youth Fair Chance Program established under Title IV, Part H of the Job Training Partnership Act.

Vote (Defeated 3-4): Yeas—Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Frost, Wheat. Not Voting: Derrick, Bonior, Hall, Gordon, Slaughter, Solomon.

152. Hefley: Makes grants conditional upon a state or multi-state compact having a policy that calls for and assures that those who have been convicted of a violent felony serve at least 85% of their sentence.

153. Hefley: Amends Title 18, U.S. Code to cap "satisfactory behavior" time credit for prisoners at 36 days. Currently, the cap is 54 days each year.

154. Hefley: Prohibits payment of Social Security or veterans' benefits to those confined by court order in connection with verdicts of "not guilty by reason of insanity" or similar verdicts.

Vote (Defeated 4-4): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Frost, Slaughter. Not Voting: Derrick, Bonior, Hall, Gordon, Wheat.

45. Klug: Prohibits possession of a firearm at or near a day care center or a community center.

Vote (Defeated 4-4): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Frost, Slaughter. Not Voting: Derrick, Bonior, Hall, Gordon, Wheat.

71. Kyl: Provides for pretrial detention in serious sex offense cases; increases penalties for repeat sex offenders, repeat child abusers, and for drug distribution to pregnant women; increases sentencing guidelines for sex offenses; requires HIV testing for defendants in federal sex offense case; authorizes courts to enforce restitution orders by suspending federal benefits for offenders who refuse to comply with restitution obligations; protects the victim's right to impartial jury by equalizing the number of peremptory challenges accorded the defense and the prosecution in felony cases; allows for evidence of similar crimes in sex offense cases; and provides for right of victim to fair treatment in legal proceedings.

Vote (Defeated 3-4): Yeas—Solomon, Quillen, Dreier, Nays—Moakley, Beilenson, Frost, Slaughter. Not Voting: Derrick, Bonior, Hall, Gordon, Wheat, Goss.

38. Levy: Penalizes those who transport firearms across state lines or international

borders with the knowledge they will be used to kill, injure or intimidate; provides life in prison or death penalty if weapon is actually used in a violent crimes.

Vote (Defeated 3-4): Yeas—Solomon, Dreier, Goss; Nays—Moakley, Beilenson, Frost, Slaughter. Not Voting: Derrick, Bonior, Hall, Gordon, Wheat, Quillen.

88. Manzullo: Designates police and fire chaplains as public safety officers thereby making them eligible for federal death and injury benefits.

Vote (Adopted Voice Vote).

169. McCollum: Strikes half the funding authorized for Title X, Crime Prevention and Community Justice.

Vote (Defeated 3-4): Yeas—Solomon, Dreier, Goss; Nays—Moakley, Beilenson, Frost, Slaughter. Not Voting: Derrick, Bonior, Hall, Wheat, Gordon, Quillen.

166. McCollum: Amends Title VI—Violent Repeat Offender Incarceration, increases the funding authorization from $600 million to $1.485 billion for each of the fiscal years 1994–1998.

Vote (Defeated 3-4): Yeas—Solomon, Dreier, Goss; Nays—Moakley, Beilenson, Frost, Slaughter. Not Voting: Derrick, Bonior, Hall, Wheat, Gordon, Quillen.

91. Molinari: Provides for death and disability benefits for retired public safety officers who die or are permanently injured and totally disabled as a result of injuries while responding to a fire, rescue, or police emergency.

Vote (Defeated 3-4): Yeas—Solomon, Dreier, Goss; Nays—Moakley, Beilenson, Frost, Slaughter. Not Voting: Derrick, Bonior, Hall, Wheat, Gordon, Quillen.

92. Molinari: Changes Federal Rules of Evidence by providing for the admissibility of evidence of similar crimes in sexual assault cases and child molestation cases.

Vote (Defeated 3-4): Yeas—Solomon, Dreier, Goss; Nays—Moakley, Beilenson, Frost, Slaughter. Not Voting: Derrick, Bonior, Hall, Wheat, Gordon, Quillen.

5. Oxley: Requires criminals convicted of federal crimes to make restitution to their victims.

Vote (Defeated 4-4): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Frost, Slaughter. Not Voting: Derrick, Bonior, Hall, Wheat, Gordon.

29. Packard: Gives federal law enforcement officials access to legalization immigration files for the purpose of a criminal investigation.

Vote (Defeated 4-4): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Frost, Slaughter. Not Voting: Derrick, Bonior, Hall, Wheat, Gordon.

178. Pryce: Requires Federal Bureau of Prisons to prevent prisoners from strength-training or improving their fighting ability and to remove all equipment designed for those purposes.

Vote (Adopted Voice Vote).

21. Quinn: Requires a federal permit for all purchases of explosives and requires a photograph and a set of fingerprints to accompany the application.

Vote (Defeated Voice Vote).

141. Schiff: Extends U.S. jurisdiction to crimes committed overseas by civilian employees of the military or their dependents if those acts would be federal crimes if committed in the U.S.

Vote (Defeated 4-4): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Beilenson, Frost, Wheat, Slaughter. Not Voting: Moakley, Derrick, Bonior, Hall, Gordon.

142. Schiff: Adds the commission of robbery as qualifying for one of the first two strikes under the three strikes provision.

Vote (Defeated 4-4): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Beilenson, Frost, Wheat, Slaughter. Not Voting: Moakley, Derrick, Bonior, Hall, Gordon.

143. Schiff: Adds "Battery while armed with a deadly weapon or resulting in serious bodily injury" to the list of specified violent felonies under the bill.

Vote (Defeated 4-4): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Beilenson, Frost, Wheat, Slaughter. Not Voting: Moakley, Derrick, Bonior, Hall, Gordon.

144. Schiff: Changes the mandatory life imprisonment for persons convicted of certain felonies from "three strikes" to "two strikes."

Vote (Defeated 4-4): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Beilenson, Frost, Wheat, Slaughter, Not Voting: Moakley, Derrick, Bonior, Hall, Gordon.

146. Schiff: Adds to the three strikes provisions—mandatory life for the conviction of two serial violent felonies.

Vote (Defeated 4-4): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Beilenson, Frost, Wheat, Slaughter. Not Voting: Moakley, Derrick, Bonior, Hall, Gordon.

95. Smith (MI): Alters requirements for federal grants to correctional facilities for diversional programs.

Vote (Defeated 4-4): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Beilenson, Frost, Wheat, Slaughter. Not Voting: Moakley, Derrick, Bonior, Hall, Gordon.

50. Solomon: Expresses the Sense of Congress that no federal department or agency should study or finance research involving the legalization of drugs.

Vote (Defeated 4-4): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Beilenson, Frost, Wheat, Slaughter. Not Voting: Moakley, Derrick, Bonior, Hall, Gordon.

51. Solomon: Strikes title II of the bill, maintaining current sentencing for those involved in serious drug offenses.

Vote (Defeated 4-4): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Beilenson, Bonior, Wheat, Slaughter. Not Voting: Moakley, Derrick, Frost, Hall, Gordon.

75. Stearns: Creates a new title, "Carrying of Concealed Handguns", to allow, notwithstanding any provision of the state law, the carrying of a concealed weapon if the individual is 21 years of age, has no felony convictions or history of mental illness, and has completed successfully a handgun safety course offered by the State.

Vote (Defeated 4-4): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Beilenson, Bonior, Wheat, Slaughter. Not Voting: Moakley, Derrick, Frost, Hall, Gordon.

122 Stearns: Expresses Sense of Congress that the Constitution provides all citizens the right to keep and bear arms.

Vote (Defeated 4-4): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Beilenson, Bonior, Wheat, Slaughter. Not Voting: Moakley, Derrick, Frost, Hall, Gordon.

84. Vucanovich: Allows and grants made under subsection (b) of Section 2001 to be used for programs, projects and other activities to provide for overtime costs, training, the purchase and maintenance of vehicles and equipment, technology and civilian support staff.

Vote (Defeated 4-4): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Beilenson, Bonior, Wheat, Slaughter. Not Voting: Moakley, Derrick, Frost, Hall, Gordon.

113. Weldon: Provides state and local authorities $30 million in matching funds from the Crime Prevention Trust Fund for gun buy-back programs.

Vote (Defeated 4-4): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Beilenson, Bonior, Wheat, Slaughter. Not Voting: Moakley, Derrick, Frost, Hall, Gordon.

128. Wolf: Provides for pilot programs, conducted by the Federal Prison Industries (FPI), to test the feasibility of teaming private U.S. firms with FPI to produce goods currently made offshore to the meet the need for increased employment of federal prisoners.

Vote (Defeated 4-4): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Beilenson, Bonior, Wheat, Slaughter. Not Voting: Moakley, Derrick, Frost, Hall, Gordon.

40. Zimmer: Requires mandatory minimum five-year prison term for unlawful possession of a firearm by a convicted felon, a fugitive from justice, a drug addict or illegal drug user, or one who transfers or receives stolen firearms, without possibility of parole, suspended or concurrent sentence. Doubles penalties for certain violations of firearms law and increases penalties for use or possession of a firearm in the commission of a violent crime or drug trafficking.

Vote (Defeated 4-4): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Beilenson, Bonior, Wheat, Slaughter. Not Voting: Moakley, Derrick, Frost, Hall, Gordon.

41. Zimmer: Limits remedies available in district court for a successful challenge to the constitutionality of conditions of confinement, specifically denying the court jurisdiction to impose population ceilings, adjust release dates, or prohibit use of tents or prefabricated housing structures. Requires consent decrees regarding conditions of confinement also to provide only narrowly tailored relief.

Vote (Defeated 4-5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Bonior, Wheat, Slaughter. Not Voting: Derrick, Frost, Hall, Gordon.

55. DeLauro: Authorizes special grants to states that enact laws to revoke the driver's license of anyone who brings a handgun into an elementary or secondary school zone, that the revocation is immediate and automatic upon receipt of notification from a principal or equivalent official, and that the revocation is for five years on the first offense and ten years for each further offense.

Vote (Defeated 4-5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Bonior, Wheat, Slaughter. Not Voting: Derrick, Frost, Hall, Gordon.

8. Harman: Denies felons convicted of violent drug-related crimes the right to appeal to BATF for the right to own firearms.

Vote. (Defeated 4-5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Frost, Wheat, Slaughter. Not Voting: Derrick, Bonior, Hall, Gordon.

123. Orton: Creates a new category of federal prosecution against "child abuse and endangerment: for inflicting serious physical injury on a minor or permitting another to inflict such injury on a minor under one's care or custody.

Vote (Defeated 4-6): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Bonior, Hall, Wheat, Slaughter. Not Voting: Derrick, Frost, Gordon.

12. Reynolds: Adds a new title that bans 175 specifically named semi-automatic weapons.

Vote (Defeated 4-6): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Bonior, Hall, Wheat, Slaughter. Not Voting: Derrick, Frost, Gordon.

17. Traficant: Requires the Federal Bureau of Prisons to give 30 days prior notice to all interested parties who were instrumental in convicting a federal prisoner that he or she is being released.

18. Traficant: Allows a sentencing judge the flexibility to give non-violent offenders

alternatives to imprisonment. Provides that non-violent offenders must pay to have their photos in local newspapers.

20. Traficant: Provides penalties of not more than $100,000 to anyone who intentionally affixes a fraudulent "Made in America" label to any product that is purchased with funds authorized under H.R. 4092.

Vote (Defeated 4-5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Bonior, Hall, Wheat, Slaughter. Not Voting: Derrick, Beilenson, Frost, Gordon.

78. Waters: Creates new title, "Voting Rights for Former Offenders", to provide that the voting rights of a U.S. citizen, who otherwise is qualified to vote in any election for federal office, shall not be denied or abridged because he or she has comitted a criminal offense.

Vote (Defeated 4-5): Yeas—Solomon, Quillen, Dreier, Goss; Nays—Moakley, Beilenson, Bonior, Hall, Slaughter. Not Voting: Derrick, Frost, Wheat, Gordon.

Adoption of Rule—

Vote (Adopted 6-4): Yeas—Moakley, Beilenson, Bonior, Hall, Wheat, Slaughter; Nays—Solomon Quillen, Dreier, Goss. Not Voting: Derrick, Frost, Gordon.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

| Congress (years) | Total rules granted[1] | Open rules | | Restrictive rules | |
|---|---|---|---|---|---|
| | | Number | Percent[2] | Number | Percent[3] |
| 95th (1977–78) | 211 | 179 | 85 | 32 | 15 |
| 96th (1979–80) | 214 | 161 | 75 | 53 | 25 |
| 97th (1981–82) | 120 | 90 | 75 | 30 | 25 |
| 98th (1983–84) | 155 | 105 | 68 | 50 | 32 |
| 99th (1985–86) | 115 | 65 | 57 | 50 | 43 |
| 100th (1987–88) | 123 | 66 | 54 | 57 | 46 |
| 101st (1989–90) | 104 | 47 | 45 | 57 | 55 |
| 102d (1991–92) | 109 | 37 | 34 | 72 | 66 |

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.—Continued

| Congress (years) | Total rules granted[1] | Open rules | | Restrictive rules | |
|---|---|---|---|---|---|
| | | Number | Percent[2] | Number | Percent[3] |
| 103d (1993–94) | 59 | 12 | 20 | 47 | 80 |

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Apr. 12, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

| Rule number date reported | Rule type | Bill number and subject | Amendments submitted | Amendments allowed | Disposition of rule and date |
|---|---|---|---|---|---|
| H. Res. 58, Feb. 2, 1993 | MC | H.R. 1: Family and medical leave | 30 (D–5; R–25) | 3 (D–0; R–3) | PQ: 246–176. A: 259–164. (Feb. 3, 1993). |
| H. Res. 59, Feb. 3, 1993 | MC | H.R. 2: National Voter Registration Act | 19 (D–1; R–18) | 1 (D–0; R–1) | PQ: 248–171. A: 249–170. (Feb. 4, 1993). |
| H. Res. 103, Feb. 23, 1993 | C | H.R. 920: Unemployment compensation | 7 (D–2; R–5) | 0 (D–0; R–0) | PQ: 243–172. A: 237–178. (Feb. 24, 1993). |
| H. Res. 106, Mar. 2, 1993 | MC | H.R. 20: Hatch Act amendments | 9 (D–1; R–8) | 3 (D–0; R–3) | PQ: 248–166. A: 249–163. (Mar. 3, 1993). |
| H. Res. 119, Mar. 9, 1993 | MC | H.R. 4: NIH Revitalization Act of 1993 | 13 (d–4; R–9) | 8 (D–3; R–5) | PQ: 247–170. A: 248–170. (Mar. 10, 1993). |
| H. Res. 132, Mar. 17, 1993 | MC | H.R. 1335: Emergency supplemental Appropriations | 37 (D–8; R–29) | 1(not submitted) (D–1; R–0) | A: 240–185. (Mar. 18, 1993). |
| H. Res. 133, Mar. 17, 1993 | MC | H. Con. Res. 64: Budget resolution | 14 (D–2; R–12) | 4 (1-D not submitted) (D–2; R–2) | PQ: 250–172. A: 251–172. (Mar. 18, 1993). |
| H. Res. 138, Mar. 23, 1993 | MC | H.R. 670: Family planning amendments | 20 (D–8; R–12) | 9 (D–4; R–5) | PQ: 252–164. A: 247–169. (Mar. 24, 1993). |
| H. Res. 147, Mar. 31, 1993 | C | H.R. 1430: Increase Public debt limit | 6 (D–1; R–5) | 0 (D–0; R–0) | PQ: 244–168. A: 242–170. (Apr. 1, 1993). |
| H. Res. 149 Apr. 1, 1993 | MC | H.R. 1578: Expedited Rescission Act of 1993 | 8 (D–1; R–7) | 3 (D–1; R–2) | A: 212–208. (Apr. 28, 1993). |
| H. Res. 164, May 4, 1993 | O | H.R. 820: Nate Competitiveness Act | NA | NA | A: Voice Vote. (May 5, 1993). |
| H. Res. 171, May 18, 1993 | O | H.R. 873: Gallatin Range Act of 1993 | NA | NA | A: Voice Vote. (May 20, 1993). |
| H. Res. 172, May 18, 1993 | O | H.R. 1159: Passenger Vessel Safety Act | NA | NA | A: 308–0 (May 24, 1993). |
| H. Res. 173 May 18, 1993 | MC | S.J. Res. 45: United States forces in Somalia | 6 (D–1; R–5) | 6 (D–1; R–5) | A: Voice Vote (May 20, 1993) |
| H. Res. 183, May 25, 1993 | O | H.R. 2244: 2d supplemental appropriations | NA | NA | A: 251–174. (May 26, 1993). |
| H. Res. 186, May 27, 1993 | MC | H.R. 2264: Omnibus budget reconciliation | 51 (D–19; R–32) | 8 (D–7; R–1) | PQ: 252–178. A: 236–194 (May 27, 1993). |
| H. Res. 192, June 9, 1993 | MC | H.R. 2348: Legislative branch appropriations | 50 (D–6; R–44) | 6 (D–3; R–3) | PQ: 240–177. A: 226–185. (June 10, 1993). |
| H. Res. 193, June 10, 1993 | O | H.R. 2200: NASA authorization | NA | NA | A: Voice Vote. (June 14, 1993). |
| H. Res. 195, June 14, 1993 | MC | H.R. 5: Striker replacement | 7 (D–4; R–3) | 2 (D–1; R–1) | A: 244–176.. (June 15, 1993). |
| H. Res. 197, June 15, 1993 | MO | H.R. 2333: State Department. H.R. 2404: Foreign aid | 53 (D–20; R–33) | 27 (D–12; R–15) | A: 294–129. (June 16, 1993). |
| H. Res. 199, June 16, 1993 | C | H.R. 1876: Ext. of "Fast Track" | NA | NA | A: Voice Vote. (June 22, 1993). |
| H. Res. 200, June 16, 1993 | MC | H.R. 2295: Foreign operations appropriations | 33 (D–11; R–22) | 5 (D–1; R–4) | A: 263–160. (June 17, 1993). |
| H. Res. 201, June 17, 1993 | O | H.R. 2403: Treasury-postal appropriations | NA | NA | A: Voice Vote. (June 17, 1993). |
| H. Res. 203, June 22, 1993 | MO | H.R. 2445: Energy and Water appropriations | NA | NA | A: Voice Vote. (June 23, 1993). |
| H. Res. 206, June 23, 1993 | O | H.R. 2150: Coast Guard authorization | NA | NA | A: 401–0. (July 30, 1993). |
| H. Res. 217, July 14, 1993 | MO | H.R. 2010: National Service Trust Act | NA | NA | A: 261–164. (July 21, 1993). |
| H. Res. 220, July 21, 1993 | MC | H.R. 2667: Disaster assistance supplemental | 14 (D–8; R–6) | 2 (D–2; R–0) | PQ: 245–178. F: 205–216. (July 22, 1993). |
| H. Res. 226, July 23, 1993 | MC | H.R. 2667: Disaster assistance supplemental | 15 (D–8; R–7) | 2 (D–2; R–0) | A: 224–205. (July 27, 1993). |
| H. Res. 229, July 28, 1993 | MO | H.R. 2330: Intelligence Authority Act, fiscal year 1994 | NA | NA | A: Voice Vote. (Aug. 3, 1993). |
| H. Res. 230, July 28, 1993 | O | H.R. 1964: Maritime Administration authority | NA | NA | A: Voice Vote. (July 29, 1993). |
| H. Res. 246, Aug. 6, 1993 | MO | H.R. 2401: National Defense authority | 149 (D–109; R–40) | | A: 246–172. (Sept. 8, 1993). |
| H. Res. 248, Sept. 9, 1993 | MO | H.R. 2401: National defense authorization | | | PQ: 237–169. A: 234–169. (Sept. 13, 1993). |
| H. Res. 250, Sept. 13, 1993 | MC | H.R. 1340: RTC Completion Act | 12 (D–3; R–9) | 1 (D–1; R–0) | A: 213–191–1. (Sept. 14, 1993). |
| H. Res. 254, Sept. 22, 1993 | MO | H.R. 2401: National Defense authorization | | 91 (D–67; R–24) | A: 241–182. (Sept. 28, 1993). |
| H. Res. 262, Sept. 28, 1993 | O | H.R. 1845: National Biological Survey Act | NA | NA | A: 238–188 (10/06/93). |
| H. Res. 264, Sept. 28, 1993 | MC | H.R. 2351: Arts, humanities, museums | 7 (D–0; R–7) | 3 (D–0; R–3) | PQ: 240–185. A: 225–195. (Oct. 14, 1993). |
| H. Res. 265, Sept. 29, 1993 | MC | H.R. 3167: Unemployment compensation amendments | 3 (D–1; R–2) | 2 (D–1; R–1) | A: 239–150. (Oct. 15, 1993). |
| H. Res. 269, Oct. 6, 1993 | MO | H.R. 2739: Aviation infrastructure investment | N/A | N/A | A: Voice Vote. (Oct. 7, 1993). |
| H. Res. 273, Oct. 12, 1993 | MC | H.R. 3167: Unemployment compensation amendments | 3 (D–1; R–2) | 2 (D–1; R–1) | PQ: 235–187. F: 149–254. (Oct. 14, 1993). |
| H. Res. 274, Oct. 12, 1993 | MC | H.R. 1804: Goals 2000 Educate America Act | 15 (D–7; R–7; I–1) | 10 (D–7; R–3) | A: Voice Vote. (Oct. 13, 1993). |
| H. Res. 282, Oct. 20, 1993 | C | H.J. Res. 281: Continuing appropriations through Oct. 28, 1993 | N/A | N/A | A: Voice Vote. (Oct. 21, 1993). |
| H. Res. 286, Oct. 27, 1993 | O | H.R. 334: Lumbee Recognition Act | N/A | N/A | A: Voice Vote. (Oct. 28, 1993). |
| H. Res. 287, Oct. 27, 1993 | C | H.J. Res. 283: Continuing appropriations resolution | 1 (D–0; R–0) | 0 | A: 252–170. (Oct. 28, 1993). |
| H. Res. 289, Oct. 28, 1993 | O | H.R. 2151: Maritime Security Act of 1993 | N/A | N/A | A: Voice Vote. (Nov. 3, 1993). |
| H. Res. 293, Nov. 4, 1993 | MC | H. Con. Res. 170: Troop withdrawal Somalia | N/A | N/A | A: 390–8. (Nov. 8, 1993). |
| H. Res. 299, Nov. 8, 1993 | MO | H.R. 1036: Employee Retirement Act–1993 | 2 (D–1; R–1) | N/A | A: Voice Vote. (Nov. 9, 1993). |
| H. Res. 302, Nov. 9, 1993 | MC | H.R. 1025: Brady handgun bill | 17 (D–6; R–11) | 4 (D–1; R–3) | A: 238–182. (Nov. 10, 1993). |
| H. Res. 303, Nov. 9, 1993 | O | H.R. 322: Mineral exploration | N/A | N/A | A: Voice Vote. (Nov. 16, 1993). |
| H. Res. 304, Nov. 9, 1993 | C | H.J. Res. 288: Further CR, FY 1994 | N/A | N/A | |
| H. Res. 312, Nov. 17, 1993 | MC | H.R. 3425: EPA Cabinet Status | 27 (D–8; R–19) | 9 (D–1; R–8) | F: 191–227. (Feb. 2, 1994). |
| H. Res. 313, Nov. 17, 1993 | MC | H.R. 796: Freedom Access to Clinics | 15 (D–9; R–6) | 4 (D–1; R–3) | A: 233–192. (Nov. 18, 1993). |
| H. Res. 314, Nov. 17, 1993 | MC | H.R. 3351: Alt Methods Young Offenders | 21 (D–7; R–14) | 6 (D–3; R–3) | A: 238–179. (Nov. 19, 1993). |
| H. Res. 316, Nov. 19, 1993 | C | H.R. 51: D.C. statehood bill | 1 (D–1; R–0) | N/A | A: 252–172. (Nov. 20, 1993). |
| H. Res. 319, Nov. 20, 1993 | MC | H.R. 3: Campaign Finance Reform | 35 (D–6; R–29) | 1 (D–0; R–1) | A: 220–207. (Nov. 21, 1993). |
| H. Res. 320, Nov. 20, 1993 | MC | H.R. 3400: Reinventing Government | 34 (D–15; R–19) | 3 (D–3; R–0) | A: 247–183. (Nov. 22, 1993). |
| H. Res. 336, Feb. 2, 1994 | MC | H.R. 3759: Emergency Supplemental Appropriations | 14 (D–8; R–5; I–1) | 5 (D–3; R–2) | PQ: 244–168. A: 342–65. (Feb. 3, 1994). |
| H. Res. 352, Feb. 8, 1994 | MC | H.R. 811: Independent Counsel Act | 27 (D–8; R–19) | 10 (D–4; R–6) | PQ: 249–174. A: 242–174. (Feb. 9, 1994). |
| H. Res. 357, Feb. 9, 1994 | MC | H.R. 3345: Federal Workforce Restructuring | 3 (D–2; R–1) | 2 (D–2; R–0) | A: VV (Feb. 10, 1994). |
| H. Res. 366, Feb. 23, 1994 | MO | H.R. 6: Improving America's Schools | NA | NA | A: VV (Feb. 24, 1994). |
| H. Res. 384, Mar. 9, 1994 | MC | H. Con. Res. 218: Budget Resolution FY 1995–99 | 14 (D–5; R–9) | 5 (D–3; R–2) | A: 245–171 (Mar. 10, 1994). |
| H. Res. 401, Apr. 12, 1994 | MO | H.R. 4092: Violent Crime Control | 180 (D–98; R–82) | 68 (D–47; R–21) | |

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, for purposes of debate only I yield 3½ minutes to the distinguished gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let me begin with a profound remark: Two plus two equals four. In other words, there is a logical and rational process called cause and effect. In terms of Newtonian physics, that means that every action causes an equal and opposite reaction.

In other words, Mr. Speaker, there are reasons why things happen, as controversial as that statement may be.

A farmer neglects to tend and care for his fields—it is likely that the crop will fail.

A company neglects to invest in research and development—it is likely that the company will not be profitable.

In a similar way, Mr. Speaker, a society which neglects, which oppresses and which disdains a very significant part of its population—which leaves them hungry, impoverished, unemployed, uneducated, and utterly without hope, will, through cause and effect, create a population which is bitter, which is angry, which is violent, and a society which is crime-ridden. This is the case in America, and it is the case in countries throughout the world.

Mr. Speaker, how do we talk about the very serious crime problem in America without mentioning that we have the highest rate of childhood poverty in the industrialized world, by far, with 22 percent of our children in poverty and 5 million who are hungry today? Do the Members think maybe that might have some relationship to crime? How do we talk about crime when this Congress is prepared, this year, to spend 11 times more for the military than for education; when 21 percent of our kids drop out of high school; when a recent study told us that twice as many young workers now earn poverty wages as 10 years ago; when the gap between the rich and the poor is wider, and when the rate of poverty continues to grow? Do the members think that might have some relationship to crime?

Mr. Speaker, it is my firm belief that clearly, there are some people in our society who are horribly violent, who are deeply sick and sociopathic, and clearly these people must be put behind bars in order to protect society from them. But it is also my view that through the neglect of our Government and through a grossly irrational set of priorities, we are dooming tens of millions of young people to a future of bitterness, misery, hopelessness, drugs, crime, and violence.

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And Mr. Speaker, all the jails in the world, and we already imprison more people per capita than any other country, and all of the executions in the world, will not make that situation right. We can either educate or electrocute. We can create meaningful jobs, rebuilding our society, or we can build more jails.

Mr. Speaker, let us create a society of hope and compassion, not one of hate and vengeance.

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York [Mr. SOLOMON], the ranking member of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, let me say to the previous speaker that yes, two plus two equals four.

Fact: Why are liberals for this bill and why are conservatives against it? No question about it, this bill in its present form coddles criminals and makes it tough on law enforcement officials.

Mr. Speaker, the frustration caused by the arrogant Democrat leadership around here would be almost unbearable to me, who has been here for 16 years, were it not for the fact that elections are less than 6 months down the road, and boy, are things going to change.

Mr. Speaker, 104 Members took the time to draft and submit and to testify on some 180 amendments before our Committee on Rules on this crime bill. We took 12 hours of testimony from these 104 Members. In addition, yesterday we put in another 4 hours up in the Rules Committee just marking up this rule.

Now 46 Republicans on this side and 45 Democrats on that side are being denied their constitutional rights, your constitutional rights to represent the 600,000 people back home. That is 25 percent of this body being shut out of the legislative process, 45 Democrats and 46 Republicans who are the victims of this drive-by procedural mugging. That is right, Members are being mugged.

This rule denying your amendments is almost identical to the gag rule the Democrat leadership tried to foist on us just before recess 2 weeks ago when we voiced our strong opposition on this floor and the press was here watching it. The Democrats pulled the bill. Why? And then Majority Leader GEPHARDT convened a meeting the next day with me, and with the gentleman from Georgia [Mr. GINGRICH], our Republican whip, and with the gentleman from Florida [Mr. MCCOLLUM], our leader on this bill. And we sat down and we talked about it. We came away from that meeting with a clear impression that a much fairer and a much more bipartisan rule so that you 45 Democrats could be recognized would come out of that Rules Committee. And we were told that we would be engaged in a meeting during this 2-week process.

I canceled a trip to Korea on a trade mission to try to bring jobs to my district because of a pending meeting that we could sit down and negotiate a fair rule. No meeting ever took place, and this restrictive rule guaranteeing the outcome before a single vote is taken is being jammed down our throats today.

And Mr. Speaker, to add insult to injury, the President of the United States of America had the audacity on Monday to use the Justice Department auditorium steps as a TV studio to make a partisan attack on this crime issue. He said we should not waste our time with frivolous or political amendments.

That is an insult to every Member of this body. I for one deeply resent the President attempting to dictate to this Congress what amendments are and are not appropriate on this floor.

Keep in mind, Mr. Speaker, that this is the same President who has not even bothered to send his own crime bill to this Congress 15 months later. And yet he has the gall to tell us how to write our crime bill. And keep in mind, Mr. Speaker, that he dares to charge us, the Republicans, with delay when we introduced our tough crime bill 8 months ago in August, and it is still languishing someplace. Nobody can find it.

Mr. Speaker, what kind of frivolous and political amendments are the Republicans being denied? The Smith of Texas amendment establishes a criminal alien tracking center. Is that frivolous? Is that nongermane? The Gingrich violent crime trust fund to fund more prisons, is that political? The President of the United States asked for that, and it is not in this bill, and we cannot offer the amendment. Is that political, Mr. President, wherever you are?

Is the McCollum amendment to shift more money from prevention programs to building more prisons, is that frivolous, Mr. President? Of course not.

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair will advise the gentleman that he may not address the President directly, and the Chair would call that to the attention of the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I thank the Chair for calling that to my attention. I seem to have forgotten it.

Is this Solomon-Hayes bipartisan amendment to restore current minimum sentencing, and listen to this, America, for serious drug offenders, sentences which are stricken by the bill, is that frivolous? I guess it is if Members think recent dramatic increases in drug trafficking, drug abuse and drug-related crimes is frivolous. My constituents do not think so.

Neither do the kids over in Baltimore who were just caught in the fifth grade selling cocaine.

Who sold it to them? They ought to go to jail with a minimum sentence, and we are repealing it in this bill. And I cannot offer the amendment to stop it.

Mr. Speaker, the people are mad as hell about the rising crime rate, and they want to get tough on crime. They want to lock up these violent repeat offenders, and they want to throw away the keys. I do not want to let them out as this bill would do.

Mr. Speaker, by denying the Members their right to offer these amendments that would make the crime bill tough on criminals and helpful to law enforcement, the liberal Democrat leadership is guaranteeing that the final bill will be a watered-down cop-out that makes it easier on criminals and harder for law enforcement to apprehend and convict these murderers who take the lives of law-abiding citizens. And they are often your daughters and your wives and mine too. And they let them go free. And that is wrong, and this bill is going to do nothing to stop it.

You ought to be ashamed of yourselves.

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield 1 minute to the distinguished gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule and commend the Rules Committee for this excellent rule, which has been crafted under the most difficult of circumstances.

I would also like to take this opportunity to thank President Clinton for restoring the Byrne Memorial Fund Formula grants, which fund some State and local law enforcement programs.

In northwest Indiana, the Byrne Memorial Formula grants fund the activities of the Lake County Drug Task Force, which on the afternoon of Tuesday, August 17, 1993, raided a home in Dyer, IN, and seized 176 pounds of cocaine with an estimated street value of $15 million.

On February 20, the Drug Task Force working in conjunction with other local and Federal law enforcement agencies seized 3,100 pounds of marijuana in Michigan.

The Clinton administration's action will make it possible for successful programs like the Lake County Drug Task Force to continue to compete for Federal dollars to get drugs off of our streets and put criminals behind bars.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Speaker, I rise in strong opposition to the rule.

Mr. Speaker, several weeks ago, I recommended that this House adopt legislation that would criminalize the interstate transportation of firearms by persons knowing that the firearms would be used unlawfully. As the crime bill approached the House floor, I proposed that my firearms measure be incorporated into it through an amendment that the Rules Committee is now refusing to allow.

I became interested in this subject after a lone gunman shot up a commuter train in my district. When the shooting stopped six Long Islanders were dead, many more were injured. The firearm used in the crime was purchased legally in California by an angry young man who waited 15 days to purchase the weapon as the law of California requires.

The Brady bill was not in effect when this gun was purchased. Had it been, it would have made no difference.

To my many friends who supported the Brady bill, let's admit today that despite its passage, there will be cases—like the Long Island Railroad massacre—in which handguns fall into the wrong hands. And it is our obligation to punish those who use firearms in violent crimes. So why won't we do that?

Mr. Speaker, it is a Federal crime to transport explosives across State lines for the purpose of using them illegally. An alleged criminal in upstate New York faces the death penalty under Federal law because people died when they opened letter bombs that he made using explosives purchased in Kentucky. Why should we treat firearms differently?

In fact, Mr. Speaker, you can spend a year in jail under our law for illegally transporting dentures in interstate commerce.

Think about that. If you and I left here today, bound for New York—one of us with illegally made false teeth in his pocket and the other with a gun—and the one with the gun used it in a homicide in New York—the guy with the false teeth would have committed a Federal crime but the murderer would not.

This is madness. Defeat the rule.

Mr. GOSS. Mr. Speaker, I yield 5 minutes to my distinguished colleague, the gentleman from Florida [Mr. MCCOLLUM], who has been instrumental in this legislation.

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding this time.

Mr. Speaker, the bill that we have before us today, make no mistake about it, is a bill that if it passes in its present form would end the death penalty in the United States. According to the prosecutors with whom I have spoken, and I have spoken with a number, it is their opinion that it is highly improbable that after this bill became law we would ever have another death penalty carried out in the 36 or 37 States where the death penalty is currently available.

This bill has other deficiencies, but none is more glaring than that. I will leave it to others to explain the details of it, but it is fairly straightforward that you find in the habeas corpus provisions where there are statements in this bill, as it is now written, which would reverse the Supreme Court decision that says that once somebody has gone on Death Row, and a new Supreme Court ruling comes down on some technical matter not related to their original trial, but on a criminal law matter, they may not go into Federal court and seek to have their death penalty reviewed. However, if this bill became law, that decision of the Supreme Court would be reversed. We would have the months of delay every time there is a new Supreme Court ruling on a criminal technical procedural matter as each Death Row inmate went back into court and sought to have his matter reviewed.

□ 1700

As a practical matter, the death penalties of this country would come to a grinding halt.

The same thing is true with respect to the death penalty when it comes to the so-called Racial Justice Act, where an inference of discrimination is built in that prosecutors would have a very difficult time overcoming, an inference of discrimination on the basis of statistics where you say in a given jurisdiction a certain number of those in minorities, racial minorities, are getting more death penalties than whites are getting in a district as related to the total population of the minority to the white population in that jurisdiction.

Those kinds of roadblocks, those kinds of back-door problems are very severe in this bill. The bill, therefore, is a bad bill. It is a bill that is going backwards instead of forwards in solving the problems we have with crime in this Nation, if you look at it from that perspective. It is one of the reasons we are so concerned on our side of the aisle when we are not allowed to offer amendments that would do things to improve this bill.

Yes, we will have amendments to address those two particular problems on the floor, and I hope my colleagues take them out of this bill and erase them so we will have a bill at least that is not harmful, although it certainly is a bill that, without the amendments that we are being denied by the Committee on Rules, will not be wholly adequate.

Secondly, there are no teeth in the prison grant program in this bill. The No. 1 problem facing this Nation in crime is the revolving door. Most of the crimes that are a concern to the American people are violent repeat offenders who commit State crimes. Six percent of all criminals commit about 70 to 80 percent of all violent crimes in this country and are serving an average of less than one-third of their sentences.

If we are going to provide money and, yes, we should provide money for prisons, for States to build more prisons to house these violent criminals, then we should provide some eligibility requirements to insure that the States are going to change their laws to guarantee that those who commit violent crimes and are repeat violent offenders serve at least 85 percent of their sentences instead of getting out after serving only a fraction.

We need to put deterrence back into our criminal laws again. Law enforcement officials tell all of us regularly that criminals do talk to each other, and there is a message system out there. Right now they factor in the minimum amount of jail time they expect to serve as the cost or price of doing business.

Until we put the message of deterrence back into our criminal system and put swiftness and certainty of punishment into that system and incarcerate those who commit these violent crimes for a long period of time and throw away the keys, those 6 percent of the criminals, and take them off the streets and more or less permanently, we cannot solve the violent-crime crisis in this country.

What is also wrong with this bill is the fact that the priorities are wrong. There are about $8 billion for prevention of root causes of money being spent in one title of this bill, the fairly diverse shotgun approach that is out there supposedly solving the underlying cause of crime.

The problem we have with this bill, the underlying bill, in this regard is very simple: All of us believe that we ought to be getting at root causes at some point, but we have a problem like somebody who has been run over by a truck, and you have a paramedic come on and he has got big crush injuries, his arm is cut off, he is bleeding to death. The paramedic's first problem is to stop the fellow from bleeding to death and apply a tourniquet.

Our first problem is to take the violent criminals off the streets. Root causes? Yes, we should be addressing them. When you only put $3 billion toward prisons and you put $8 billion toward root causes, we have the cart before the horse, and it is very wrong.

We were not allowed amendments in this bill today for changing the exclusionary rule to overcome the technical problems of allowing evidence in search-and-seizure cases. We do not have an opportunity to offer the amendment that would address the criminal alien problem. Twenty-five percent of the criminals in this country in prisons today are aliens.

We have not been allowed to offer an amendment that would double the sentences of those who commit crimes against children under 18 and those over 64, or to double the time in jail for somebody who commits a crime against a child, and we do not have the money for trust funds.

There are lots of things that are not in the bill. The bill is inadequate, but it is also a bad bill. As I said earlier, if this bill passes, we will never have another death penalty carried out in this country. We need to correct that. We need to defeat this rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise today in strong support of the Omnibus Crime Control Act of 1994. This is a bill that has been a long time in the making. And it is a bill that helps answer the fears and concerns of people all over this country—fears that crime is out of control and that our communities are no longer our own.

In my district, I hear those fears expressed every day and I see the harsh reality behind them. I talk to students—one of whom told her teacher she could not take a test. Why? Because that morning on the way to school she had seen someone shot in the head. Another student in my district was recently shot and wounded and a third was arrested for a shooting that took place at a mall in my hometown. Parents, seniors, children—they have all come to me worried about the safety of those they love and are asking us to take action. And that is what this bill will do.

Compared with the previous crime-related measures that Congress has considered, this crime bill distinguishes itself in several ways: It represents the largest commitment the Federal Government has ever pledged to the crime problem; it addresses the needs of victims; and it strikes an appropriate balance between punishment and prevention.

This bill contains tough new punishments to deter crime and put habitual criminals away. It will put repeat violent offenders away for life upon conviction of a third offense; it will expand the list of Federal offenses for which the death penalty can be imposed; and it will allow for the prosecution of young offenders in Federal court as adults for certain serious, violent offenses.

I am particularly pleased that the bill puts such a strong emphasis on youth crime prevention, authorizing funding to assist at-risk youth with after-school treatment and recreation programs in our most crime-ridden cities. It also addresses one of the most tragic of violent crimes—domestic violence.

In addition, it also recognizes the importance of coordinating the efforts of law enforcement and social service organizations who are dealing with the special problems associated with children and violence, by authorizing the Police Partnership Act.

Mr. Speaker, we cannot wait any longer. We are familiar with the startling national statistics on crime. We know that every 2 minutes someone in the United States is shot. We know that every 17 seconds a violent crime—a murder, rape, robbery, or assault—is reported. And we know—some of us firsthand—that almost a third of all families in America have had someone victimized by crime.

In Connecticut, gun-related deaths among 15- to 19-year-olds now exceed all disease-related deaths combined. Last weekend in my hometown of New Haven, three people were shot and one killed in gun-related incidences—including one drive-by shooting. Elderly people in my district talk about being repeatedly robbed and assaulted in their own homes—the list of victims goes on and on.

We must take action now. We must deliver a meaningful crime bill to the American people to restore their hope and to help bring peace to our communities. I urge my colleagues to support the rule on the Omnibus Crime Control Act and pass this landmark legislation.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. KING].

Mr. KING. Mr. Speaker, I rise in opposition to the rule.

Mr. Speaker, when the Chinese freighter, the *Golden Venture* ran aground off the coast of New York last June, it alerted the Nation to the evil reality of human smuggling and slave trade.

Subsequent hearings by the Congressional Human Rights Caucus detailed the network of Chinese gangs in New York who amass great fortunes by trafficking in human cargo. Just last week, the press reported that these New York gangs are now smuggling Chinese nationals into this country through Virginia.

These gang lords amass great fortunes by charging $30,000 per immigrant—or $6 to $9 million per ship—and then enslaving their human cargoes in lives of narcotics, gambling, and prostitution.

Despite the best efforts of Federal and local law enforcement officials, we are not winning the war against these gangs because, very simply, our laws are incredibly weak. The average sentence for slave trading is 18 months; the maximum fine is $5,000—not a bad cost of doing business when the profit is up to $9 million per cargo.

Last July, I introduced the Alien Smuggling Prosecution Act, cosponsored by Congressman KENNEDY, to extend the RICO statute to human smuggling and give the Government the weapons to break the backs of these slave trade gangs. If RICO applies to the smuggling of tobacco, it should certainly apply to the smuggling of human beings.

Mr. SMITH included my bill in his crime package which was rejected by the Rules Committee. Mr. Speaker, Mr. SMITH's legislation deserves full debate and I urge, therefore, that the rule be defeated.

[From the New York Post, Apr. 6, 1994]

### CHINA "HOSTAGE" SHIP GIVES FEDS THE SLIP—183 SMUGGLED INTO GRIP OF RUTHLESS NEW YORK GANG

(By Larry Celona and Murray Weiss)

A freighter with 183 Chinese nationals hidden in its hull has slipped into U.S. waters and delivered its human cargo into the arms of violent New York gangs, The Post has learned.

Heavily armed members of the Fuk Ching gang reportedly shepherded the smuggled immigrants from the boat into trucks with commando-like precision and drove them to "safehouses" in New York City and Baltimore, law-enforcement sources said.

Investigators believe the Fuk Ching is holding the immigrants hostage and demanding a smuggling fee of $30,000 per person—or $6 million—from their relatives, the sources said.

The sources said the FBI has joined the investigation. The agency has had success in probing the Fuk Ching, which is based in Chinatown and was responsible for the sensational Golden Venture operation last June.

In that case, six immigrants died in choppy Jamaica Bay when a freighter carrying 298 aliens from China's Fujian province ran aground off Queens.

The tragedy brought to light the magnitude of the Chinese smuggling trade here—and how the Fuk Ching gang ruthlessly makes millions of dollars by keeping their "hostages" in cramped safehouses in Brooklyn and Queens.

According to the sources, the freighter in the latest case left mainland China four months ago—originating from the Fujian province—with its human cargo hidden in squalid conditions.

There were conflicting accounts about whether any federal law-enforcement agency had been tracking the latest ship to slip into the country.

After making its 11,000-mile trek, the freighter docked in Virginia 10 to 14 days ago, rather than risk making its way to New York.

Sources said the 183 aliens were met by machine gun-toting Fuk Ching gang members, who herded them into rented trucks.

Several trucks were driven to Baltimore, where there is a large Chinese population.

The FBI believes the rest were brought to Brooklyn and Queens, where they have been frantically telephoning relatives in the United States and China to raise money to buy their freedom.

The Fuk Ching gang is known for keeping its captives chained, freed only to work minimum 14-hour days in restaurants controlled by the gang.

Nineteen Fuk Ching members—including gang leader Ah Kay—were arrested in connection with the Golden Venture tragedy.

Since then, authorities said, the gang has increasingly used ports in Virginia as docking points for its smuggling.

While drug smugglers face terms of life behind bars, those convicted of smuggling people into the country face only five years in prison.

Spokesmen for the FBI and the Immigration and Naturalization Service declined comment.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. HYDE], chairman of the Republican Policy Committee and the senior member of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, and my dear colleagues, it is a delight to appear in combat, with a small "C," with my friend from South Carolina, the father of the October Surprise excursion which only cost us $3.5 million, and I will say to the gentleman and produced zilch, and I will say that the gentleman, when he gets his head in a direction, he proceeds that way wherever it leads, and he has done a similar benefit to the community in introducing a new habeas corpus provision 2 days before we got to the floor for our big half-hour debate on crime this year.

We talked about education for a month, but we got a half-hour on this side to debate crime, out of the largesse of the Democrats' heart, and I appreciate that.

But my friend, the gentleman from South Carolina, who is skilled in many fields, although he does not serve on the Committee on the Judiciary, introduced his own habeas corpus bill, without hearings, without consideration by the attorneys general of the States' attorneys of this country, and it is the "king of the hill" provision that will override my amendment when we do get to that.

Now, the gentleman from South Carolina [Mr. DERRICK], who is, as I say, a very skilled legal mind, talks about his habeas corpus proviso attenuating, shortening the endless hearings that consume habeas corpus appeals. What he does not tell you about is that even under his amendment under this bill that the Democrats bring forward that is tough on crime, when a man is accused of murder and cannot afford a lawyer under this bill, the defense bar, not the court, must appoint not one but two criminal lawyers who are very skilled in criminal law and in the handling of psychiatric testimony.

□ 1710

In other words, they have got to pick an Alan Dershowitz and Lawrence Tribe or, if they are busy at the time, then they get Jerry Spence and Melvin Belli.

Until those appointments are made and are functional, the statute of limitations stops. It could go on for years and years and years. The social spending that is near and dear to the hearts of the Democrats makes up the bulk of this bill, something like $6.9 billion, and for prison space, crumbs.

Mr. DERRICK. Mr. Speaker, I would like to say to the prior speaker that although my amendment was not before the Committee on the Judiciary, a good lawyer is always available.

Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I am going to vote for the rule, but I believe, as we did with the education bill, that every Member's idea should have been brought to the floor and debated and all amendments should have been made in order.

But we are about to expand police in our country, and that is needed. But I think we would be better off by having a few more parents.

We are going to build more jails, but I think we would be better off with more parents.

We have more probation officers; we would be better off with more parents.

We are going to have more courts and more judges, and I think America would be better off with more parents.

Ladies and gentlemen, America is not safe. It is very simple; a crime bill is not enough. We have got to change the tax laws and the trade laws, and we need more parents and more jobs, and we are not getting them.

But I want to talk about this crime bill with some specificity. In China they have a new consumer protection law: If you are a worker and you manufacture a faulty product, you can get a life sentence. That is certainly excessive. They now have a law that deals with fraud; a president of a company in China pulled off an illegal scheme on a bank of $300,000, and he was executed. Certainly, that is excessive.

Now, we talked about the caning in Singapore. Caning is a whipping across the buttocks. It is bloody; it is painful. That was for spray-painting automobiles.

In America, if you spray-paint an automobile, in most cities you would get a lecture and a fine.

Now, I am not saying that we should be caning people, but anyone in Singapore who spray-paints an automobile or commits vandalism gets caned, and here is all I know: There is very little crime in China and there is very little, if any, crime in Singapore.

In America, it is Dodge City.

We have gone overboard coddling murderers, rapists, and the rights of those creeps, while we are seeing tombstones pop up like mushrooms.

I am going to have a tough vote this year, a tough vote on that Hyde amendment, because I think HENRY HYDE's intentions are right. There are going to be some tough votes in this House. But I will say this, that I am glad the Committee on Rules put in the fraudulent-label law. I think it is time for companies who import products and put American labels on them, it is time for them to get hit in the pocketbook. I am concerned about jobs and I am concerned about families.

I think we should change the Tax Code, change the trade laws, keep families together, create jobs, and it will do more about crime in this bill.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER], a distinguished member of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I rise in strong opposition to this rule. The crux of this bill is about $8 billion of social spending, and this rule does not allow a debate, it does not allow an amendment, does not allow anything to touch that $8 billion.

Programs are funded in this bill to increase the self-esteem of the young criminals and to fund midnight basketball recreation programs. There are some of us who think that that money would be better spent on building more prison space for those who are convicted by a jury of their peers.

But, furthermore, the legislation that this rule protects does not allow for funding of these programs. So, instead of the $8 billion being funny money, it is phony money, because it is an unfunded authorization bill and the amendment that the gentleman from Georgia [Mr. GINGRICH] proposed to set up a trust fund to pay for this was not made in order by the Committee on Rules.

Much is said about hiring 50,000 cops on the beat; but looking at the text of the legislation, the cities and municipalities do not even have to use the money to hire more police officers. They can use it for any other municipal function, including welfare and education.

So it is misdirected money.

But finally, even if this bill does provide money and it is used for law enforcement, the money will run out in 3 years. So, communities will be put in an unpleasant catch-22 situation of either having to lay off the cops on the beat 3 years from now or putting the cost of those cops directly on the real estate tax rolls.

That is a fraud. We should not be doing things like this in the name of fighting crime. We should be backing up our rhetoric with money and there is no money in this bill.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2½ minutes to the gentleman from New Jersey [Mr. HUGHES], the chairman of the Subcommittee on Intellectual Property and Judicial Administration of the Committee on the Judiciary.

Mr. HUGHES. You know, Mr. Speaker, here we go again with another crime bill. And we start off once again by an acrimonious debate over the fact that a lot of Members did not have their amendments made in order. I understand that. We have as much consternation on the Democratic side as the Republican side over that. And I regret that that is the case, because there are too many important issues that we need to debate to be sidetracked by that particular debate.

But what really troubles me is not that; what troubles me most is that there are so many Members on this side of the aisle who are friends of mine, who do not want a crime bill, they want the issue. They want the issue in November.

That is sad, that is a sad commentary, because the crime problem is too serious to be a political football. But that is what it has become. This is a good bill. It does not have all the provisions that I would like in it.

To a lot of Members, the 50 death penalties in there are not enough, they would like to have 50 more. And as the chairman of our full committee has indicated, we could not accommodate some Members but I have always believed in capital punishment and I believe we should reserve it for the most egregious of offenses. And I say to my colleague from Illinois that I understand his concern about those provisions dealing with habeas corpus. We have had this debate for a long time. But his support of the Powell Commission, which would set up two standards in this country for attorneys, one for the rich and one for the poor, is something that I could not accept and I suspect that most of this country could not accept.

Under the Powell Commission recommendation, if in fact you will not accept the reforms of habeas corpus—and we do have to reform habeas corpus because it is in shambles and it is disgraceful that we have so many bites of the apple. I mean they keep going up, back and forth, for 15, 16, 17 years, rehashing, in many instances, nothing new. That is an abuse of the system. We do need to reform it. But when we do, it seems to me we need to preserve a system that will in fact reach those situations where we have potentially innocent defendants. And the Derrick amendment would create a 1-year statute of limitations and it would provide competent counsel.

I say to my colleagues that one of the problems we have in the criminal justice system with capital cases is during that 15-year period of time, 50 percent of the capital cases in this country are thrown out because of incompetent counsel. That is not saving taxpayers' money, that is not good criminal justice.

My colleagues on this side of the aisle would create a dual system of justice in this country, exactly what we do not need. It is a good bill. It does not have everything that I would want in it, but I think it is probably one of the best comprehensive bills we have reported out of the Committee on the Judiciary in many a year, and I am proud to support it, and I urge my colleagues to support this rule.

□ 1720

Mr. GOSS. Mr. Speaker, I yield 2 minutes to my colleague, the distinguished gentleman from New Mexico [Mr. SCHIFF], who is a member of the Committee on the Judiciary.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman from Florida [Mr. GOSS] for yielding this time to me.

Mr. Speaker, I rise to urge a "no" vote on this rule. I agree with the gentleman from South Carolina [Mr. DERRICK] that crime is an important issue for the country. It is probably the most important issue for our people right now. I have to say that I do not share his confidence that the Clinton administration has really a top priority of getting tough on crime. I know that has been the rhetoric, but I would point to the budget.

Mr. Speaker, the administration recommended in the Department of Justice budget for the next fiscal year a reduction in the number of employees employed in the criminal division and a reduction of the number of criminal prosecutors out in the U.S. attorneys offices. At the same time, Mr. Speaker, they recommended an increase in the number of antitrust personnel at the Department of Justice. Now I have nothing against the antitrust division, but I would point out that, when President Clinton gave the State of the Union Address, he did not say the American people were afraid of being mugged by a bunch of antitrust violators.

Mr. Speaker, what this rule comes down to right now is what is the importance of a bill that will address, or that hopes to address, the most important issue before the American people, which is crime?

The gentleman from Ohio [Mr. TRAFICANT] very correctly, in my opinion, cited H.R. 6, an education policy bill which we had on the floor of the House of Representatives for a number of weeks in which we had an open rule, which means, of course, that any Member could offer an amendment whenever they wished. I ask, "Isn't the fight against crime at least equal to our education policy?" I would suggest that it is even more important because we cannot educate our children, we cannot be more productive in the workplace if we are not safe to send our children to school in safety, to go to work in safety and to even be in our homes in safety.

So, Mr. Speaker, I urge rejection of this rule and in place of it a rule that will respect the request of dozens of Democrats and dozens of Republicans who seek to offer amendments to this bill to debate it to its fullest extent to produce a truly concrete and effective bill against crime.

I thank the gentleman from Florida [Mr. GOSS] for having yielded this time to me.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Nebraska [Mr. HOAGLAND].

Mr. HOAGLAND. Mr. Speaker, I rise to strongly urge passage of this comprehensive crime bill as soon as possible. Violence is on the rise across this country and the battle against it will take nothing short of a historic response from this Congress.

Imagine, if my colleagues will, a country where more than 23,000 people died violent deaths in 1992. Imagine a country where gunfire is a daily occurrence in many neighborhoods and where it is not safe to walk to the grocery store or run some other simple errand after dark. Imagine a nation where a woman is raped every 47 seconds and where gunfire could soon overtake car accidents as one of the leading causes of death of young people. That country is not Bosnia, or Somalia—that country is the United States of America.

In eastern Nebraska, we have seen an alarming rise in the number of violent crimes. Just last month, a 94-year-old woman was brutally attacked and robbed as she walked home from the neighborhood drug store in an area that one would normally consider safe. What are we coming too?

One of the most troubling things about rising violence is that the character of crime is changing. First, younger and younger kids are committing violent crimes. Over the past decade the number of juveniles arrested for murder increased 142 percent. Second, juvenile criminals commit crimes that are often more impulsive and random. Random violence heightens our sense of vulnerability. Third, the widespread availability of handguns is allowing violent criminals to strike with increasing ferocity.

This crime bill will help give communities like Omaha the tools we need to fight crime and get violent criminals off the streets. Let us pass it quickly.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished chief deputy whip of the minority party, the gentleman from the Commonwealth of Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman from Florida [Mr. GOSS] for having yielded this time to me, and the debate about this rule comes down to a question of why not allow amendments to be debated on the House floor? The answer to that is clear. The reason why we are not having amendments debated on the House floor is because of the internal politics of the Democratic caucus.

Mr. Speaker, the Democrats cannot allow certain amendments to come to the floor or they will lose people within their own caucus for final passage of this bill, and so what they have done is they have gone inside themselves and they have produced a rule that ensures that tough amendments cannot come to the floor. What they want to be able to do is talk tough and act weak.

Yes, Mr. Speaker, what we have on this floor is a lot of tough talk and one of the weakest bills that one could possibly imagine. This is a bill that will make thugs and thieves very happy. Why will it make thugs and thieves very happy? Because it does not just preserve the status quo. That it does is actually weakens present law. It ensures that we will probably never be able to carry out death penalty provisions. It ensures that more technicalities will be in the law for people to get off. Yet it simply ensures that thugs and thieves across this country will find in the Federal law more respite than they have in the past.

What is it that our middle class citizens have been saying? What has the middle class citizenry across the country been saying about crime? I say to my colleagues:

"If you're walking across a parking lot late at night in a shopping center, and you're afraid, most of middle class America is not saying, 'What that thug that I think may come at me needs is a little more welfare,' and yet what the Democrats have on the floor today is a bill that expand welfare to criminals. If you're walking downtown, and you see a glass window being broken, most of middle class America doesn't say, 'What that thief needs is a good midnight basketball league.' Most of middle class America says at that point, 'It's time to get those guys and put them behind bars to stay.' If you're locked behind the door of your apartment or your house afraid to come out at night, and you're a middle class citizen, you're not saying, 'What that thug needs out there in the night, wants and needs, is a new social worker.'"

Mr. Speaker, the fact is that what middle class America wants is thieves behind bars. They want to get career criminals off the streets. They want violent young thugs in our society treated as adult criminals. They want us to begin to do the things that are necessary to clean up crime in the country.

We need to consider a serious crime bill on this floor that has tough language in it. The Democrats in their committees cannot produce that kind of bill. They will not even allow us to try to produce that kind of bill with votes on the House floor because it does not fit their internal political situation.

That is the shame of where we are in the Congress today. Legitimate amendments that allow middle class Americans to get what they want in a crime bill simply will not be allowed to be debated on the floor here this afternoon.

However, Mr. Speaker, I am hopeful that we can defeat this rule and come back with a bill that will allow middle class America to have the tough crime bill it wants.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the distinguished gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, my colleagues, I have been listening to the kinds of conversation that I heard from our distinguished colleagues, the gentleman from Pennsylvania [Mr. WALKER], for 19 omnibus crime bills. "Make 'em tougher and tougher."

Mr. Speaker, here is what the gentleman calls a weak crime bill. It has 66 death penalties; count them.

I rise here merely to support this rule, Mr. Speaker, even though it has got too much punishment in it and not enough prevention, a novel idea to those who are trying to sound tough and get reelected, but I want to quote a letter from the Conference of Mayors sent to me by Mayor Dennis Archer in Detroit from Mayor Wellington E. Webb in Denver and Mayor Sharpe James in New Jersey, and it talks about the Racial Justice Act which may be eviscerated if we are not diligent on this floor in the coming week. Here is what they say:

> We believe that both supporters and opponents of the death penalty will agree that these racial disparities in the imposition of the death penalty deny African-Americans equal protection under the 14th Amendment in the Constitution. The Racial Justice Act specifies a procedure for defendants to offer evidence,

And I hope that that is carefully supported by Members of both sides of the aisle.

The letter in its entirety is as follows:

CITY AND COUNTY OF DENVER,
*Denver, CO, March 31, 1994.*

Hon. KWEISI MFUME,
*Chairman, Congressional Black Caucus, 2419 Rayburn House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: We write in support of H.R. 4092, the Violent Crime Control and Law Enforcement Act of 1994, the Crime Bill that is currently before the House.

We are very concerned about violent crime, and feel that there is an urgent need for a multifaceted strategy to combat it. We are pleased with President Clinton's advocacy of federal funding to put 100,000 more police on our streets, a federal ban on assault weapons, and federal funding for constructive intervention for young offenders. This has alerted the entire nation to the need for bold new partnerships involving all levels of government and citizens to rebuild communities and families.

We wish to support your efforts to blend the need for certain and severe punishment for today's most serious offenders with the need for compassion and community-building to provide potential offenders with alternatives, opportunity, and hope.

Accordingly, there are several provisions in this bill which we believe to be critical to achieving some measure of parity between punishment and prevention by addressing the root causes of crime alongside of the need to sound tough.

First of all, we strongly support the $6.8 billion in crime prevention measures contained in Title X of H.R. 4092. For the first time in the history of omnibus crime bills, there is an opportunity to include a comprehensive legislative package directed at preventing crime in our communities from which our cities will greatly benefit.

Second, we strongly support the inclusion of the Racial Justice Act in H.R. 4092. The Racial Justice Act is a crucial civil rights measure which would help eliminate racial considerations from improperly influencing the decision to impose the death penalty.

Study after study has documented racial bias resulting from abuse of prosecutorial discretion in charging, plea bargaining and sentencing. In Georgia, for instance, a study showed that African Americans who kill white people received the death penalty 16.7 percent of the time while whites who kill whites are sentenced to die only 4.2 percent of the time. Seven of nine people executed in the Middle Judicial District of Georgia were black, and 71 percent of those executed in Alabama were black.

We believe that both supporters and opponents of the death penalty will agree that these racial disparities deny African Americans "equal protection" under the Fourteenth Amendment. The Racial Justice Act specifies a procedure for defendants to offer evidence in court, including statistical evidence, in support of their claim of racial bias in death penalty decisionmaking. Given that the Crime Bill includes 66 new death penalty crimes, it is critical that the Racial Justice Act be included at this time.

We understand that efforts will be made during the debate of the House of Representatives in April to delete, or seriously modify, both the Prevention Package (Title X) and the Racial Justice Act (Title IX). We urge you to oppose these efforts so that H.R. 4092 can be passed quickly, thereby enabling the Senate and House conference to promptly complete Congressional consideration of significant crime legislation.

Sincerely,

WELLINGTON E. WEBB,
*Mayor, Denver, CO,*
*Chair, U.S. Conference of Mayors Task Force on Violence.*

SHARPE JAMES,
*Mayor, Newark, NJ.*

DENNIS ARCHER,
*Mayor, Detroit, MI.*

□ 1730

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. QUINN].

Mr. QUINN. Mr. Speaker, I rise in opposition to the rule.

Mr. Speaker, I rise today in strong opposition to this rule.

This past Christmas, four bombs exploded in western New York killing five people.

The individuals responsible for these heinous acts were able to purchase these explosives because of a loophole in Federal explosives law, a loophole that allows anyone to walk in and purchase explosives with any valid ID. A loophole that could be closed today by an amendment I have to offer. But sadly, that's not going to happen.

Mr. Speaker, my amendment is supported by the Institute of Makers of Explosives, National Rifle Association, and Bureau of Alcohol, Tobacco and Firearms. The amendment is based on legislation I had already introduced which bipartisan support. My amendment would require a Federal permit for certain explosives transactions and require a photograph and fingerprints to be taken when applying for a Federal permit.

I offered my amendment and testified before the Rules Committee. However, my amendment was not made in order.

Mr. Chairman, my amendment is not controversial. What it does is save lives. Why can't we have a vote on my amendment?

My New York colleague, the distinguished gentlelady, Mrs. SLAUGHTER, a member of the Rules Committee, has her own explosives amendment, but it is different from mine. I have no objections to her amendment and I plan to vote for it. However, her amendment does not close the loophole that allowed this terrible tragedy in western New York. There were over 47,000 transactions in 1993 that used this loophole, involving 693 million pounds of explosives.

How many of these transactions are another tragedy waiting to happen—and where will they happen? How many more people must be killed or hurt?

I urge my colleagues to defeat this rule. This was a horrible tragedy in my district—and it could happen in any one of yours. Vote for your constituents today and defeat the rule—or—vote for more business and usual in Washington. The choice is yours.

AMENDMENT TO H.R. 4092 OFFERED BY MR. QUINN OF NEW YORK

At the end insert the following:

TITLE —EXPLOSIVES

**SEC. . CONTROL OF RESTRICTED EXPLOSIVES.**

(a) PROHIBITION AGAINST THE DISTRIBUTION OR RECEIPT OF RESTRICTED EXPLOSIVES WITHOUT A FEDERAL PERMIT.—

(1) IN GENERAL.—Section 842 of title 18, United States Code, is amended—

(A) in subsection (a)(3)—

(i) in subparagraph (A)—

(I) by inserting "that are not restricted explosives" after "explosive materials" the 2nd place such term appears; and

(II) by striking "or" after the semicolon;

(ii) by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following:

"(B) to distribute restricted explosives to any person other than a licensee or permitee; or"; and

(iii) in subparagraph (C) (as so redesignated), by inserting "that are not restricted explosives" after "explosive materials"; and

(B) in subsection (b)(3), by inserting "if the explosive materials are not restricted explosives," before "a resident".

(2) RESTRICTED EXPLOSIVES DEFINED.—Section 841 of such title is amended by adding at the end the following:

"(o) 'Restricted explosive' means high explosives, blasting agents, detonators, and more than 50 pounds of black powder.".

(b) REQUIREMENT THAT APPLICATION FOR FEDERAL EXPLOSIVES LICENSE OR PERMIT INCLUDE A PHOTOGRAPH AND SET OF FINGERPRINTS OF THE APPLICANT.—

(1) IN GENERAL.—Section 843(a) of title 18, United States Code, is amended in the 1st sentence by inserting "shall include the applicant's photograph and set of fingerprints, which shall be taken and transmitted to the Secretary by the chief law enforcement officer of the applicant's place of residence, and" before "shall be".

(2) CHIEF LAW ENFORCEMENT OFFICER DEFINED.—Section 841 of such title, as amended by subsection (a)(2) of this section, is amended by adding at the end the following:

"(p) 'Chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to conduct engaged in after the 180-day period that begins with the date of the enactment of this Act.

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INSTITUTE OF MAKERS OF EXPLOSIVES,
*Washington, DC, March 18, 1994.*

Hon. JACK QUINN,
*House of Representatives, Washington, DC.*

DEAR CONGRESSMAN QUINN: Reference is made to your letter dated March 17, 1994 requesting comments on legislation you propose to introduce that would: (a) prohibit the distribution or receipt of "restricted explosives" without a federal permit, and; (b) require federal permit applications to include photograph and fingerprints.

As discussed during meetings with your staff, IME has recognized the need to strengthening existing federal regulations for many years. The loophole in current regulations that allowed the purchase of the explosives used in a wave of bombings in your district during late December 1993 needs to be eliminated and the permit application process for individuals needs to be strengthened.

Your proposed legislation addresses both issues and the Institute of Makers of Explosives therefore supports the legislation you will introduce next week.

It has been a pleasure working with your office. I have been particularly impressed with the time and effort Earl Whipple and Beth Meyers have devoted to this issue which allowed IME to voice its positions. Be assured IME is prepared to discuss matters involving commercial explosives at any time.

Sincerely,

FREDERICK P. SMITH, Jr.,
*President.*

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NATIONAL RIFLE ASSOCIATION,
OF AMERICA,
*Washington, DC, March 22, 1994.*

Hon. JACK QUINN,
*House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE QUINN: Thank you for your letter of March 18, 1994 requesting my comments on your draft legislation entitled "Restricted Explosives Control Act of 1994".

I appreciated having the opportunity of working with your Legislative Director, Earl Whipple, in addressing the concerns that the National Rifle Association had with the original bill as introduced. I am pleased that the new draft has resolved our concerns.

Again, I appreciate having had the opportunity to work with your staff on an issue of particular importance to you and your congressional district.

Sincerely,

SUSAN LAMSON,
*Director, Federal Affairs.*

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Mr. GOSS. Mr. Speaker, I yield to another very distinguished Member, the gentleman from greater San Dimas, Claremont, CA, [Mr. DREIER] the well-known, hard-charging reformer and a member of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend, the gentleman from Sanibel, FL, for yielding time to me.

Mr. Speaker, it comes as no surprise that I rise in strong opposition to this rule, for more than a few reasons.

As we all know, the desire to bring about a tough crime bill is what everyone says we want. But if we end up getting this rule, and if we end up passing the crime bill that is before us, we will be getting a crime bill that is weaker than the status quo. So the choice is a very simple one. Do we want a tough crime bill that is actually going to demonstrate more concern for the victim than the criminal, or do we want a crime packet that is going to demonstrate more concern for the criminal than the victim? That is really the choice we have here.

Any Member who chooses to vote in support of this rule is voting to deny an opportunity for what President Clinton calls frivolous amendments, but let me tell the Members what a couple of those amendments are. Anyone who votes for this rule is voting to deny the gentleman from Texas [Mr. SMITH], an opportunity to offer his amendment which would specifically track and target criminals who are illegal immigrants. That is a major problem in my State of California, in the State of Florida, and, as the gentleman from New York [Mr. SOLOMON] said, even in the State of New York.

If we vote in support of this rule, we are voting to deny the gentleman from Florida [Mr. MCCOLLUM] his right to offer an amendment to put $4 billion into increasing the number of prisons instead of using that money to float questionable crime prevention programs.

If we vote in favor of this rule, we are voting to deny the gentleman from Arizona [Mr. KYL] an opportunity to offer what the President described as a frivolous amendment, although I think it is something other than that, an amendment to increase penalties for violent sex offenders; and Mr. MCCOLLUM's amendment that would address the issue of those who prey upon children and senior citizens.

If we vote for this rule, we are voting against the opportunity of the gentleman from California [Mr. DOOLITTLE] to offer his amendment which would deny Federal welfare benefits to convicted violent criminals.

If we vote in favor of this rule, we are voting against the opportunity for the gentleman from Pennsylvania [Mr. GEKAS] to offer his amendment which would close a loophole in the law covering drive-by shootings which now allow those to step out of their car, and get in a shooting, and then jump back in and speed away. The gentleman from Pennsylvania [Mr. GEKAS] simply wants to close that loophole, and this rule does not allow that.

Unfortunately, this rule is very unfair. It is going to, in fact, strengthen the criminal's status in this country, and we need to do everything we possibly can to defeat the rule and bring about a tough crime package.

Mr. DERRICK. Mr. Speaker, I reserve the right to close on our side.

Mr. GOSS. Mr. Speaker, I yield the remaining time on our side to the minority whip, the distinguished gentleman from Georgia [Mr. GINGRICH], to close debate.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Georgia [Mr. GINGRICH] is recognized for 2 minutes.

Mr. GINGRICH. Mr. Speaker, I thank my friend, the gentleman from Florida, for yielding time to me.

Let me just say that I was doing some reading recently about a safer America, and I ran across a fascinating story.

In 1933, there was an effort to assassinate President Franklin D. Roosevelt and the assassin missed and he killed Mayor Cermak of Chicago who was standing next to the President. The assassin was arrested; there were eye witnesses. The assassin was tried, and less than 35 days after the assassination, the assassin was given the death penalty and he was executed so that people in America who had seen the horror of Mayor Cermak being killed could remember, 35 days later, why the man was being executed.

Mr. Speaker, in Georgia 2 weeks ago, we had a man executed for a terrible murder, a man executed after a long period of appeals. That murder occurred 16 years ago. Sixteen years. It took 192 times as long, 19,200 percent more time, because of all the appeals the criminal defense lawyers have built into the system over the years. What I find sad about this rule is that the Democratic machine after 40 years is still protecting the criminal defense lawyers. For 40 years the Democrats have run the House, it has gotten harder and harder to have an effective death penalty, for 40 years.

The Democrat machine came in again; they refused to make amendments in order; they refused to give people a fair chance at creating a tough bill; they drafted the bill in the Committee on the Judiciary in favor of criminal defense lawyers. It is the first time I have ever heard where they, the Democrats, are now going to require the States to hire two, two criminal lawyers for every death penalty, two, in order to make sure that everything is done to protect the person convicted of murder.

So let me just say, Mr. Speaker, I urge all of my colleagues to vote against the machine, vote against this rule. Vote "no."

Mr. DERRICK. Mr. Speaker, I yield 1 minute to the distinguished chairman of the subcommittee, the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, we are at a historic moment here today. For the first time, Congress is making crime fighting a top priority. We have a real consensus on both sides of the aisle that a major crime bill is necessary.

Mr. Speaker, the bill is overdue. We have let crime and lawlessness fester to the point where a frustrated public is ready to endorse the brutal caning in Singapore.

This bill is balanced. It has tough measures, like "three strikes and you're out" and money to build prisons to ensure that violent criminals are put behind bars.

Mr. Speaker, it also has the most ambitious and comprehensive crime prevention programs in history. Tough sentences and prison cells are very important, but not enough. We also have to help young people at the crossroads to choose honest and productive lives rather than gangs and crime.

More important, the bill will put 50,000 more police officers on the street doing community policing. Beat cops both punish and prevent.

The long and short, Mr. Speaker, is we are deluged in this Nation anywhere we go with crime and the concomitant fear. We can argue the procedural points. We can debate and debate and debate. The public is saying, "Stop all that and do something." This bill finally does.

Mr. DERRICK. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The time of the gentleman from Florida [Mr. GOSS] has expired.

The gentleman from South Carolina [Mr. DERRICK] is recognized for 2 minutes to close debate.

Mr. DERRICK. Mr. Speaker, ladies and gentlemen, we can talk about this rule as not being fair, but there were 107 amendments that were not made in order. Five of them were bipartisan, 53 of them were Democrats, and 49 of them were Republican amendments. This is a very fair rule and it deals with what the American people want to deal with—the crime issue.

Mr. Speaker, the example that the gentleman from Georgia [Mr. GINGRICH] gave, my amendment will take care of that, because what it says is that you see these people that are on death row for years and years and years and years, and their sentence is never carried out. My amendment says: One year, they have one petition, and it must be done by a capable attorney.

"Three strikes and you're out." Three violent crimes and the criminal is in there for the rest of his life. I cannot understand what is going on in this country. I see these people standing up here talking about crime. Yet they are not willing to do away with assault weapons. They are not willing to do away with those guns that are used to mow down people, those guns that are killing people in this country.

Every day I hear people stand up and talk about crime. They are concerned about crime, but they are not willing to go for a 5-day waiting period to have a handgun. I hear people stand up here and say they are concerned about crime, but they are not willing to fight the lobbies who are for guns in this country and are fueling many of the campaigns in this country. So it really does not make a whole lot of sense.

Mr. Speaker, this is a good bill. It deals with what the American people want to deal with. The rule is fair, and I ask that the Members support the rule.

Mr. KYL. Mr. Speaker, this week the House will finally begin debate on anticrime legislation. President Clinton and House Democrats have been talking tough on crime. However, H.R. 4092, the crime legislation being championed by the House Democrat leadership, is weak on substance and strong on misdirected spending programs.

As currently drafted, H.R. 4092 will do little to strengthen our criminal justice system—crime will not go down and the law-abiding citizens of Arizona and the rest of the Nation will be robbed of the opportunity to reclaim their streets and communities from criminals.

Members should have the opportunity to vote for tough criminal justice reforms, but the Democrat-controlled House Rules Committee has twice refused to allow floor consideration of amendments to strengthen our criminal justice system. In his radio address this weekend, President Clinton called these necessary amendments frivolous. This, from a President who has not drafted a single line of the crime bill we are debating today.

I was the author of one of these supposedly frivolous amendments, rejected by the Rules Committee on a straight party-line vote, 3 to 4. My amendment, which includes most of the provisions of the Sexual Assault Prevention Act introduced last year by Representative SUSAN MOLINARI and I, would significantly expand and toughen sexual violence laws and increase the rights of the victims of these crimes. As drafted, H.R. 4092 will not bring about these needed changes.

My amendment would, among other provisions: Double the maximum penalty for recidivists convicted of sexual assaults; require HIV testing of accused sex offenders (results inadmissible at trial); provide for pretrial detention of the accused; suspend Federal benefits to offenders who refuse to comply with restitution obligations; protect victims from abuse in legal proceedings; and, make admissible at trial evidence of similar crimes of the accused.

Allowing for evidence of similar crimes of the accused at trial is particularly important. It would go a long way toward neutralizing the psychological damage a rape victim often experiences going through the judicial process. It is common in rape and child molestation cases that the victim is too traumatized, intimidated or humiliated to file a complaint and go through the full procedure of a criminal prosecution. However, the victims in such cases are often willing to bear the burden of testifying when they find out that the person who marred their lives has also victimized others.

As the cochair of the Republican Policy Committee Task Force on Women's Issues, I have held a number of hearings dealing with sexual violence, At those hearings, witnesses testified that the most important thing we can do to protect and empower citizens from sexual and domestic violence is by restructuring our criminal justice system, including increasing penalties for offenders.

Paul McNulty, former director of policy at the Department of Justice, said at one of the hearings,

> Given what we know about the recidivist nature of sex offenders, you might think that the criminal justice system does all that it can to keep them in prison. Unfortunately, nothing could be further from the truth. The majority of those who are arrested for rape are not sentenced to prison. Only 33 percent of all such arrestees go to prison. For those who are sent to prison, only a fraction of their sentences are actually served. * * * It is, therefore, quite clear that the most effective way to prevent sexual assault is to punish violent criminals by removing them from the streets. * * * That is why we strongly endorse H.R. 688 * * * (the Kyl bill). * * * As former Attorney General William Barr stated last year when discussing this bill, 'It brings criminals to justice and justice to victims.'

My sexual assault amendment is an extremely important component of our efforts to combat crime, particularly violence against women and children. The Congress should have the opportunity to pass the Sexual Assault Prevention Act in its entirety as part of comprehensive crime legislation. The Democrat-controlled House Rules Committee has made this impossible. For this, and a myriad of other reasons, I urge my colleagues to vote against the rule to H.R. 4092.

Mr. BUYER. Mr. Speaker, I rise in opposition to the rule which we are considering today. I do so because Congress, which should be the greatest forum for debate in the world, is shutting out the voices of millions of Americans.

The House Democratic leadership, with passage of this rule, is not only shutting out the voices of 91 Congressmen who wanted to offer amendments, but the millions of constituents which are represented by them. Almost a quarter of this entire body is being gagged and ignored.

Mr. Speaker, I'm referring to amendments which would increase minimum mandatory sentences for criminals, including those that use or possess firearms in the commission of the crime. I'm referring to transferring half of the $8 million that the crime bill authorizes for social programs, termed crime prevention, to the violent repeat offender title.

Nor does this rule allow for this Congress to resolve the serious problems which have resulted from the fact that 25 percent of our prison population consists of illegal aliens.

Even more pertinent, Mr. Speaker, is the fact that an amendment which would establish the violent crime reduction trust fund, which would ensure that the programs which we enact in this bill are properly financed without raising taxes or cutting other programs, is not considered germane by this rule.

We have all heard the cries from the American public. We, as Congress, are here to serve as their voice. The true fraud being committed today, is not being done by the hundreds of thousands of criminals, but right here by this rule. I urge my fellow Members to oppose this rule.

☐ 1740

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 244, nays 176, not voting 12, as follows:

[Roll No. 103]

YEAS—244

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velázquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—176

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Collins (IL)
Combest
Cooper
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Orton
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen

Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Andrews (NJ)
Bacchus (FL)
Blackwell
Fish
Gallo
Grandy
McCandless
McCurdy
Roukema
Smith (OR)
Tanner
Wilson

□ 1801

The Clerk announced the following pair:

On this vote:

Mr. Bacchus of Florida for, with Mrs. Roukema against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mrs. ROUKEMA. Mr. Speaker, due to urgent family business, I was absent from the House on April 13, and was unable to cast the following votes. Had I been present, I would have voted as follows:

Rollcall 98, approving the Journal: "nay."

Rollcall 99, to suspend the rules and pass H.R. 3770, Edward J. Schwartz Courthouse: "yea."

Rollcall 100, to suspend the rules and pass H.R. 3498, Great Falls Historic District: "yea."

Rollcall 101, to suspend the rules and pass H.R. 2843, Wheeling National Heritage Area: "nay."

Rollcall 102, to suspend the rules and pass S. 2004, Exempting historically black colleges: "nay."

Rollcall 103, to agreeing to House Resolution 401, rule for consideration of H.R. 4092: "nay."

## GENERAL LEAVE

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 401, the resolution just agreed to.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

## HOUR OF MEETING ON TOMORROW

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

## COMMUNICATION FROM THE HONORABLE JAMES H. BILBRAY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JAMES H. BILBRAY, Member of Congress:

Hon. THOMAS S. FOLEY,
*Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L (50) of the Rules of the House, that I was served with a subpoena issued by the United States District Court for the District of South Carolina.

After consultation with the General Counsel, it was determined that compliance was consistent with the privileges and precedents of the House.

Sincerely,

JAMES H. BILBRAY,
*Member of Congress.*

## APPOINTMENT OF CONFEREES ON H.R. 965, CHILD SAFETY PROTECTION ACT

Mrs. COLLINS of Illinois. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 965) to provide for toy safety and for other purposes, with a Senate amendment to the House amendment to the Senate amendment thereto, insist on the House amendment to the Senate amendment and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois? The Chair hears none, and without objection, appoints the following conferees:

From the Committee on Energy and Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. DINGELL, Mrs. COLLINS of Illinois, and Messrs. TOWNS, MOORHEAD, and STEARNS.

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 201-03, 205 and 206 of the Senate amendment, and modifications committed to conference: Messrs. MINETA, OBERSTAR, RAHALL, SHUSTER, and PETRI.

There was no objection.

## APPOINTMENT OF CONFEREES ON H.R. 2659, ORGAN AND BONE MARROW TRANSPLANTATION AMENDMENTS OF 1993

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2659) to amend the Public Health Service Act to revise and extend programs relating to the transplantation of organs and of bone marrow, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan? The Chair hears none and, without objection, appoints the following conferees: Messrs. DINGELL, WAXMAN, WASHINGTON, MOORHEAD, and BLILEY.

There was no objection.

## DEFICIENCIES IN CHILD CARE PROGRAMS

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BEREUTER. Mr. Speaker, a Carnegie Foundation report has just been released which documents the tragic vulnerabilities and problems of the Nation's most vulnerable citizens—its infants and toddlers. That report, subject to intense discussion here in Washington, DC, the last several days, rightly focuses on very serious deficiencies in child care programs. Additionally, however, its condemnation of inadequate parenting by parents who are ill-prepared for parental responsibility must also be highlighted.

We as a nation and this Congress must recognize that the huge number and rate of increase in illegitimate births, especially with so many children and teenagers having children, is the largest contributing factor for the tragedy among America's children. Mr. Speaker, it is time to boldly remind the bleeding heart liberals in this Congress, whose hearts are in the right place, but who apparently lack common sense or resolve, that their unwillingness to move forward on effective and yet humane changes in our welfare system contributes mightily to the problems of our Nation's infants and children. Currently our welfare system encourages illegitimate births with all the attendant problems. These problems are only magnified as these children, suffering from neglect and abuse, themselves become adults on our welfare rolls, populate our prisons, suffer the physical and mental problems from inadequate childhood nutrition, and, all too frequently, perpetuate another generational cycle of child neglect.

Yet the leadership in this Congress and the party that controls this Congress can't manage to give welfare reform a sufficient priority to pass effective legislation this year. That's outrageous, and people in this country know that the excuses being offered for the lack of action on welfare reform ring hollow. Many Republicans and Democrats in this Congress want to act to reform our welfare system, and are willing to vote for the substantial upfront costs for job training and child care benefits if they are coupled with effective, no-nonsense, work-incentive welfare reform.

Mr. Speaker, for the sake of America's youngest children, it is well past time for this Congress to enact meaningful welfare reform—with or without any leadership from the White House—for we are still waiting for that long-promised Clinton welfare reform plan.

Mr. Speaker, this Member invites the attention of his colleagues to the following editorial from the Omaha World-Herald of April 13, 1994:

[From the Omaha World-Herald, Apr. 13, 1994]

IT'S SAD TO TRUST BUREAUCRATS OVER FAMILIES

Another voice has joined the chorus of alarm about America's next generation. The Carnegie Corporation, a philanthropic organization, came out with a report on the problems facing the nation's youth.

Carnegie's list of concerns is similar to many others—illegitimate births, teen-age pregnancies, abuse, divorce and poverty, which is often a consequence of other problems.

More than 25 percent of babies are born to unmarried women, the study noted. About every minute, an American adolescent gives birth. One in three victims of physical abuse is a baby. Almost 25 percent of infants and toddlers live in poverty households. Children in single-parent households are more likely to have behavioral and emotional problems than those in two-parent households.

Millions of youngsters are so deprived of loving supervision, intellectual stimulation and proper health care that their development as healthy and well-adjusted adults is in question, the report said.

Carnegie demonstrated a depressingly familiar point: Defining the problem is relatively easy, while proposing a solution that makes sense at all levels is difficult. Carnegie's answer is programs—everything from government-provided "quality child care" to parent education and a vastly expanded federal system of preschools. Unfortunately, programs have been tried. The problem has grown worse in recent years even as the availability of subsidized child care and Head Start, among many other parent-substitute programs, has increased dramatically.

As the welfare state has become more generous, many people have displayed less responsibility in the decisions they make, the mates they select, the children they create, the expectations they have of what the world owes them. They become more dependent on outside solutions, reaching less into themselves.

Yes, far too many kids are growing up without a blessing their parents and grandparents took for granted: two married parents who built a stable life together for themselves and their children. Too many youngsters are growing up intellectually impaired because their teen-aged parent, barely out of childhood herself, doesn't know how to or simply can't afford to provide a secure, stable home in which a child can get a healthy start.

But surely the best solution isn't to create more dependence on government. Generations of parents, relying on instinct and tradition, have equipped their young for success, often with the help of extended family and of neighborhood, tribal, religious or social institutions. What a sad thing it would be to surrender to the idea that the human species has lost its ability to care for its young. What a sad thing to reach the point where bureaucrats would be trusted to carry out the responsibilities that once belonged to families.

## THE CRIME BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, tomorrow as we begin the very important debate on a very important bill in Congress, there is an amendment that I plan to support and I urge my colleagues to support, and that is the one offered by the gentleman from Florida [Mr. MCCOLLUM]. His amendment actually has different components to it, but I wanted to touch on just a few of them.

One of them is that it gives States Federal funds if they adopt truth-in-sentencing laws, and part of the truth-in-sentencing requirement is that violent criminals serve at least 85 percent of their sentence. What truth-in-sentencing laws are all about is they are trying to get to this revolving door problem we are having in prisons right now. Currently the average criminal only serves 37 percent of the time that he or she is sentenced for, and under the McCollum amendment States that adopt truth-in-sentencing laws would have to require that the criminals serve 85 percent of their time.

If we think in terms of bringing us down to a human element, I have a constituent right now who had a daughter who was raped, very tragic. She was at home. She was watching her infant child at the time, 10 o'clock in the morning, and the rapist broke into her house, threatened to hurt or possibly kill the baby unless the mama cooperated. Well she did cooperate.

Fortunately, I guess, he was caught. Unfortunately, before he was caught he had raped somebody else.

The average rapist, according to some statistics, is sentenced for 8 years and serves only 3. That rapist is then back on the streets and will be back on the streets. How would my colleagues like to be the mother, how would they like to be the father, how would they like to be the grandparents or the child?

□ 1810

This is what we are talking about. We are talking about violent criminals going back on the street. We are also debating this three strikes and you are out. There are no strikes. We are talking victims. What we are saying is three victims and then you go to jail for a long period of time.

Mr. Speaker, what I am saying is if we on the very first offense have truth in sentencing, the likelihood of these criminals being back out on the street to commit violent crimes has greatly been reduced, because we are protected from them, because they are isolated from us, safely behind bars.

Now, another component of the McCollum amendments is to allow the victims or the victims' families to make a statement at the time of sentencing. I think that is important, because what we are talking about, what we are becoming is a nation of victims, and we need to know what it is like to come home and find out your loved one will never be home because he or she was murdered.

Or what does a rape do to a family situation? We had in the neighborhood that I live in several years ago, or, excuse me, a town that I represent, a newlywed couple, and actually they had not gotten married, they were engaged. They were picking out furniture and rearranging their new apartment, and the woman was at home alone, and she thought the moving men were coming in, and it turned out a rapist came in. A rapist came in and raped her right there 2 weeks before her wedding day.

Would it not be fair to give her and her family and people like that in those situations an opportunity to make a statement at the time of sentencing? Can we not bring the element of victim's rights into the formula?

Because we in Congress often, so often, debate compassion, and I heard one speaker today talk about the moral side of an issue. Well, let us go all the way. If we are going to be compassionate, if we are going to worry about the moral side, let us give the victims an opportunity to make a statement.

I think because of that, Mr. Speaker, the McCollum amendments are certainly proper, and they make the crime bill a better bill, which is what we want to do.

I think that it is important that we as a Congress work on crime in a bipartisan fashion. As I sat here and I listened to the debates over the last 8 hours, everybody wants to have a tough crime bill, everybody, 435 Members of both parties, of all philosophies, of all sections of the country.

That being the case, let us give these amendments a full hearing, a good debate tomorrow, and then let us put aside partisan labels and vote for amendments based on the substance and not on the party or the author.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FISH (at the request of Mr. MICHEL) for today and the balance of the week, on account of recuperation due to recent surgery.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PORTMAN) to revise and extend their remarks and include extraneous material:)

Mr. BACHUS of Alabama, for 5 minutes, today.

Mr. DREIER, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PORTMAN) and to include extraneous matter:)

Mr. BILIRAKIS.
Mr. GILMAN.
Mr. BURTON of Indiana.
Mr. EMERSON.
Mr. SHUSTER.
Mr. QUILLEN.
Mr. TAYLOR of North Carolina.
Mr. MOORHEAD.
Mr. CASTLE.
Mr. WALSH.
Mr. SOLOMON.
Mr. DUNCAN.
Mr. BONILLA.
Mr. GOODLATTE.
Mr. DORNAN.

(The following Members (at the request of Mr. FRANK of Massachusetts) and to include extraneous matter:)

Mr. JOHNSON of South Dakota.
Ms. WOOLSEY.
Mr. TORRICELLI.
Mr. FAZIO.
Mr. REED.
Ms. NORTON in two instances.
Mr. STARK.
Mr. DIXON.
Mr. RICHARDSON.
Mr. CONDIT.
Mr. KLECZKA.
Ms. DELAURO.
Mrs. MINK of Hawaii.
Mr. LANTOS.
Mr. HAMILTON in three instances.
Mr. SWETT.
Mrs. MEEK of Florida.
Mr. LANCASTER.
Mr. HALL of Texas.
Mr. BROWN of California.
Mr. PETE GEREN of Texas.
Mr. DELLUMS.
Mr. TORRES.
Mr. VISCLOSKY.
Mr. RUSH.
Mr. HUTTO.
Mr. BONIOR.
Mr. KOPETSKI.
Mr. DICKS.
Mr. BORSKI.
Mr. TEJEDA.
Mr. MORAN.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 859. An act to reduce the restrictions on lands conveyed by deed under the Act of June 8, 1926; to the Committee on Natural Resources.

S. 1586. An act to establish the New Orleans Jazz National Historical Park in the State of Louisiana; and for other purposes; to the Committee on Natural Resources.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1206. An act to redesignate the Federal building located at 380 Trapelo Road in Waltham, Massachusetts, as the "Frederick C. Murphy Federal Center."

## ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 13 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, April 14, 1994, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2928. A letter from the Deputy Assistant Secretary (Communications, Computers and Support Systems), Department of the Air Force, transmitting notice that the Air Force has conducted a cost comparison of grounds maintenance functions at Ellsworth Air Force Base, pursuant to 10 U.S.C. 2304 note; to the Committee on Armed Services.

2929. A letter from the Deputy Assistant Secretary (Communications, Computers and Support Systems), Department of the Air Force, transmitting notice that the Air Force has conducted a cost comparison of the military family housing maintenance functions at Langley Air Force Base, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

2930. A letter from the Director, Test and Evaluation, Department of Defense, transmitting summaries outlining two test projects recommended for fiscal year 1994 funding, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

2931. A letter from the Principal Deputy Under Secretary (Acquisition and Technology), Department of Defense, transmitting the annual report detailing test and evaluation activities of the Foreign Comparative Testing [FCT] Program during fiscal year 1993, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

2932. A letter from the Principal Deputy Assistant Secretary, Department of Defense, transmitting a report entitled "Adequacy of the United States Shipbuilding Industry," pursuant to Public Law 102-484, section 1031(e) (106 Stat. 2489); to the Committee on Armed Services.

2933. A letter from the Comptroller of the Currency, Department of the Treasury, transmitting the annual report on enforcement actions for the period of January 1, 1993, through December 31, 1993, pursuant to 12 U.S.C. 1833; to the Committee on Banking, Finance and Urban Affairs.

2934. A letter from the Acting Director, Office of Thrift Supervision, transmitting the Office of Thrift Supervision's 1993 annual report to Congress on the preservation of minority savings associations, pursuant to Public Law 101-73, section 301 (103 Stat. 279); to the Committee on Banking, Finance and Urban Affairs.

2935. A letter from the Chairperson, Public and Assisted Housing Occupancy Task Force, transmitting the Task Force's report and recommendations, pursuant to Public Law 102-550, section 643(a)(7) (106 Stat. 3822); to the Committee on Banking, Finance and Urban Affairs.

2936. A letter from the Secretary, Department of Labor, transmitting a report covering the administration of the Employee Retirement Income Security Act [ERISA] during calendar year 1992, pursuant to 29 U.S.C. 1143(b); to the Committee on Education and Labor.

2937. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 94-23), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2938. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Israel for defense articles and services (Transmittal No. 94-24), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2939. A communication from the President of the United States; transmitting notification of the use of United States combat-equipped aircraft on April 10-11 to provide protection for United Nation personnel who came under attack in Gorazde, Bosnia and Herzegovina (H. Doc. No. 103-235); to the Committee on Foreign Affairs and ordered to be printed.

2940. A communication from the President of the United States, transmitting notification of the noncombatant evacuation operations of United States citizens and designated third-country nationals in Rwanda (H. Doc. No. 103-237); to the Committee on Foreign Affairs and ordered to be printed.

2941. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting the results of the audit of the financial statements of the Pennsylvania Avenue Development Corporation for the fiscal year 1993, pursuant to Public Law 101-576, section 305 (104 Stat. 2853); to the Committee on Government Operations.

2942. A letter from the Vice President, Human Resources and Planning, Farm Credit Bank of Spokane, transmitting the 12th District Farm Credit Retirement Plan and Thrift Plan for the years ended December 31, 1991, and December 31, 1992, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2943. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2944. A letter from the Executive Director, Marine Mammal Commission, transmitting the annual report on the activities of the inspector general for fiscal year 1993, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2945. A letter from the Executive Director, Marine Mammal Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1993, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2946. A letter from the Secretary of Housing and Urban Development, transmitting a copy of the Government National Mortgage Association [GNMA] management report for the fiscal year ended September 30, 1993, pursuant to Public Law 101-576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

2947. A letter from the Chairman, Federal Election Commission, transmitting proposed regulations governing special fundraising projects and other use of candidate names by unauthorized committees, pursuant to 2 U.S.C. 438(d); to the Committee on House Administration.

2948. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

2949. A letter from the Secretary of the Interior, transmitting a report on the Government's helium program providing operating statistical and financial information for the fiscal year 1993, pursuant to 50 U.S.C. 167n; to the Committee on Natural Resources.

2950. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to designate a segment of the Nolichucky River in the States of North Carolina and Tennessee as a component of the National Wild and Scenic Rivers System; to the Committee on Natural Resources.

2951. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to designate a segment of the Little Bighorn River in the State of Wyoming as a component of the National Wild and Scenic Rivers System; to the Committee on Natural Resources.

2952. A letter from the Attorney General of the United States, transmitting the annual report on the operations of the private counsel debt collection project for fiscal year 1993, pursuant to 31 U.S.C. 3718(c); to the Committee on the Judiciary.

2953. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's 15th annual report to Congress pursuant to section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (Fiscal Year 1992), pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

2954. A communication from the President of the United States, transmitting an update of the situation concerning activities of the People's Republic of China [PRC] and Taiwan in illegal trade of rhinoceros and tiger parts and products, pursuant to 22 U.S.C. 1978(b) (H. Doc. No. 103-236); to the Committee on Merchant Marine and Fisheries and ordered to be printed.

2955. A letter from the Administrator, National Oceanic and Atmospheric Administration, transmitting the biennial report of the Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration for fiscal year 1992 and 1993, pursuant to 16 U.S.C. 1462; to the Committee on Merchant Marine and Fisheries.

2956. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's annual report for the fiscal year 1993, pursuant to 46 U.S.C. app. 1118; to the Committee on Merchant Marine and Fisheries.

2957. A letter from the Inspector General, Services Administration, transmitting a report entitled, "Audit of the Thomas Jefferson Commemoration Commission"; to the Committee on Post Office and Civil Service.

2958. A letter from the Chairman, Merit Systems Protection Board, transmitting a report entitled "Entering Professional Positions in the Federal Government," pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

2959. A letter from the Administrator, General Services Administration, transmitting an informational copy of the construction prospectus for a Federal Building, the U.S. courthouse in Phoenix, AZ, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

2960. A letter from the Director, National Science Foundation, transmitting a statistical report, "Federal Support to Universities, Colleges, and Nonprofit Institutions, Fiscal Year 1991," pursuant to 42 U.S.C. 1862(a)(7); to the Committee on Science, Space, and Technology.

2961. A letter from the Secretary, Department of Veterans Affairs, transmitting a report covering the disposition of cases granted relief from administrative error, overpayment, and forfeiture by the Administrator in 1993, pursuant to 38 U.S.C. 210(c)(3)(B); to the Committee on Veterans' Affairs.

2962. A letter from the Secretary, Department of Energy, transmitting the management plan for the Demonstration and Commercial Application of Renewable Energy and Energy Efficiency Technologies Program, pursuant to 42 U.S.C. 12006; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

2963. A letter from the Secretary of Energy, transmitting notification that the report pursuant to 42 U.S.C. 6276(d) will be delivered by September 30, 1994; jointly, to the Committees on Energy and Commerce and Foreign Affairs.

2964. A letter from the Secretary, Department of Transportation, transmitting a report entitled, "Report to Congress on Low-Level Radioactive Waste Transportation," pursuant to Public Law 101-641, section 8 (104 Stat. 4657); jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

2965. A letter from the Secretary of Health and Human Services, transmitting a report entitled, "Study on Reimbursement Rates to Pharmacists," pursuant to Public Law 101-508, section 4401(d)(4) (104 Stat. 1388-161); jointly, to the Committees on Ways and Means and Energy and Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

**Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:**

Mr. BROWN of California: Committee on Science, Space, and Technology. H.R. 3254. A bill to authorize appropriations for the National Science Foundation, and for other purposes; with an amendment (Rept. 103-475). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

**Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:**

By Mr. CONDIT:

H.R. 4182. A bill to require the transfer of air emission credits attributable to the closure of a military installation to the redevelopment authority established for that installation; jointly, to the Committees on Armed Services and Energy and Commerce.

By Ms. COLLINS of Michigan:

H.R. 4183. A bill to authorize the Secretary of Commerce to make grants to State and local governments for infrastructure projects in distressed areas, and for other purposes; jointly, to the Committees on Public Works and Transportation and Education and Labor.

H.R. 4184. A bill to amend the Job Training Partnership Act to establish a public works and public service job training program, and for other purposes; to the Committee on Education and Labor.

H.R. 4185. A bill to establish a Federal Coordinating Council on Community Safety and Empowerment to make grants for projects to improve the health, education, and safety of the residents of economically distressed communities; to the Committee on Education and Labor.

H.R. 4186. A bill to provide demonstration grants to local governmental agencies and community-based organizations for mentor programs; to the Committee on Education and Labor.

H.R. 4187. A bill to amend part A of title IV of the Social Security Act to strengthen and preserve families, enhance foster care, and develop qualified child welfare personnel to provide parent education; to the Committee on Ways and Means.

By Mr. BILIRAKIS (for himself, Ms. PRYCE of Ohio, Mr. PENNY, Mr. PICKETT, Mr. FROST, Mr. HEFNER, Mr. KING, Mr. SUNDQUIST, Mr. BOEHNER, Mr. PETERSON of Florida, and Mr. REYNOLDS):

H.R. 4188. A bill to amend section 1738A of title 28, United States Code, relating to child custody determinations and child support orders, to modify the requirements for court jurisdiction; to the Committee on the Judiciary.

By Mr. CASTLE (for himself, Mr. ANDREWS of New Jersey, Mr. ORTON, Mr. BLUTE, and Mr. QUINN):

H.R. 4189. A bill to amend the Congressional Budget Act of 1974 to provide for budgeting for emergencies through the establishment of a budget reserve account, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. DE LUGO:

H.R. 4190. A bill to designate the U.S. post office located at 41-42 Norre Gade in Saint Thomas, VI, as the "Alvaro de Lugo United States Post Office"; to the Committee on Post Office and Civil Service.

H.R. 4191. A bill to designate the U.S. post office located at 9630 Estate Thomas in Saint Thomas, VI, as the "Aubrey C. Ottley United States Post Office"; to the Committee on Post Office and Civil Service.

H.R. 4192. A bill to designate the U.S. post office located at 100 Veterans Drive in Saint Thomas, VI, as the "Arturo R. Watlington, Sr. United States Post Office"; to the Committee on Post Office and Civil Service.

H.R. 4193. A bill to designate the U.S. post office located at 100 Vester Gade, in Cruz Bay, Saint John, VI, as the "Ubaldina Simmons United States Post Office"; to the Committee on Post Office and Civil Service.

H.R. 4194. A bill to designate the U.S. Post Office located in the Tutu Park Mall in Saint Thomas, VI, as the "Earle B. Ottley United States Post Office"; to the Committee on Post Office and Civil Service.

By Mr. DIAZ-BALART (for himself, Ms. ROYBAL-ALLARD, Mr. BECERRA, Mr. BONILLA, Mr. DE LA GARZA, Mr.

GUTIERREZ, Mr. DE LUGO, Mr. MENENDEZ, Mr. ORTIZ, Mr. PASTOR, Mr. RICHARDSON, Mr. ROMERO-BARCELÓ, Ms. ROS-LEHTINEN, Mr. SERRANO, Mr. TEJEDA, Mr. TORRES, Mr. UNDERWOOD, and Ms. VELÁZQUEZ):

H.R. 4195. A bill to amend the Internal Revenue Code of 1986 to allow a credit to individuals who maintain a household which includes an elderly low-income relative; to the Committee on Ways and Means.

By Mr. DICKS (for himself, Mrs. UNSOELD, Mr. SWIFT, and Mr. INSLEE):

H.R. 4196. A bill to ensure that all timber-dependent communities qualify for loans and grants from the Rural Development Administration; to the Committee on Agriculture.

By Mr. DOOLITTLE:

H.R. 4197. A bill to deter and punish crime, and to protect the rights of crime victims: jointly, to the Committees on the Judiciary, Ways and Means, Education and Labor, Armed Services, Science, Space, and Technology, and Government Operations.

By Mr. EWING (for himself, Mr. PARKER, Mr. DORNAN, Mr. GILCHREST, Mr. ROHRABACHER, Mr. KNOLLENBERG, Mr. LEWIS of Florida, Mr. HASTERT, Mr. WALKER, Mr. HUTCHINSON, Mr. SOLOMON, Mr. RAMSTAD, Mr. CUNNINGHAM, and Mr. BOEHNER):

H.R. 4198. A bill to amend the Balanced and Emergency Deficit Control Act of 1985 to require that OMB and CBO estimates for paygo purposes score increased revenues caused by economic growth resulting from legislation implementing any trade agreement; to the Committee on Government Operations.

By Mr. FRANKS of New Jersey:

H.R. 4199. A bill to require that Federal prisoners obtain a general equivalency degree before receiving credit toward service of sentence; to the Committee on the Judiciary.

By Mr. GOODLATTE:

H.R. 4200. A bill to amend chapter 84 of title 5, United States Code, to provide that annuities for Members of Congress be computed under the same formula as applies to Federal employees generally, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MARTINEZ:

H.R. 4201. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the creation of jobs and business opportunities by individuals and small businesses through reduction of the social security tax burden on small employers and the self-employed; to the Committee on Ways and Means.

By Mr. MCCRERY (for himself, Mr. TAUZIN, Mr. BAKER of Louisiana, Mr. DELAY, Mr. DOOLITTLE, Mr. HOUGHTON, Mr. INHOFE, Mr. SAM JOHNSON of Texas, Mr. LIVINGSTON, Mr. HAYES, Mr. INGLIS of South Carolina, and Mr. HOKE):

H.R. 4202. A bill to increase access to high quality, affordable health insurance; jointly, to the Committees on Energy and Commerce, Ways and Means, the Judiciary, and Education and Labor.

By Mr. MINETA (for himself (by request) and Mr. OBERSTAR):

H.R. 4203. A bill to provide for the continued improvement and expansion of the Nation's airports and airways, and for other purposes; jointly, to the Committees on Public Works and Transportation and Ways and Means.

By Mr. MOAKLEY:

H.R. 4204. A bill to designate the Federal building located at 711 Washington Street in Boston, MA, as the "Jean Mayer Human Nutrition Research Center on Aging"; to the Committee on Public Works and Transportation.

By Ms. NORTON (for herself, Mr. BLILEY, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. SAXTON, and Mr. STARK):

H.R. 4205. A bill to amend title 11, D.C. Code, to clarify that blind individuals are eligible to serve as jurors in the Superior Court of the District of Columbia; to the Committee on the District of Columbia.

By Mr. REGULA (for himself and Mr. MINETA):

H.R. 4206. A bill to provide for the implementation of the Uruguay round of the General Agreement on Tariffs and Trade concerning specific code section, and for other purposes; jointly, to the Committees on Ways and Means, Rules, the Judiciary, and Foreign Affairs.

By Mr. RICHARDSON:

H.R. 4207. A bill to amend the Internal Revenue Code of 1986 to allow businesses a credit against income tax for providing work experiences for high school juniors and seniors for which the students receive credit toward graduation; to the Committee on Ways and Means.

By Mr. VENTO:

H.R. 4208. A bill to expand and enhance the Federal Government commitment to eliminating crime in public housing and other federally assisted low-income housing projects, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. CALVERT:

H.J. Res. 351. Joint resolution designating May 22 through May 28, 1994, as "In Celebration of America Week"; to the Committee on Post Office and Civil Service.

By Mr. FORD of Michigan:

H.J. Res. 352. Joint resolution designating November 1994 as "National American Lacemaker Month"; to the Committee on Post Office and Civil Service.

By Mr. HOYER:

H. Con. Res. 238. Concurrent resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby; to the Committee on Public Works and Transportation.

By Mr. GLICKMAN (for himself and Mr. HANSEN):

H. Res. 405. Resolution providing for consideration of the bill (S. 1458) to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes; to the Committee on Rules.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

327. By the SPEAKER; Memorial of the House of Representatives of the State of Mississippi, relative to sanitary landfills; to the Committee on Energy and Commerce.

328. Also, memorial of the House of Representatives of the Commonwealth of Kentucky, relative to encouraging the President and the United States Congress to reexamine United States foreign policy towards Ethiopia; to the Committee on Foreign Affairs.

329. Also, memorial of the Legislature of the State of Alaska, relative to supporting increased access near Mount McKinley through establishment of a visitor activity area at Kantishna; to the Committee on Natural Resources.

330. Also, memorial of the Legislature of the State of Nebraska, relative to urging the U.S. Congress to accelerate the process of developing and approving the National Highway System and that the Congress should pass legislation which designates and approves the National Highway System no later than September 30, 1994; to the Committee on Public Works and Transportation.

331. Also, memorial of the House of Representatives of the State of Kansas, relative to certifying legislative opposition to the Federal mandate pertaining to the revocation or suspension of driving privileges of convicted drug offenders, and requesting that the Governor of the State of Kansas join in verifying her opposition to the Federal mandate; to the Committee on Public Works and Transportation.

332. Also, memorial of the House of Representatives of the State of Mississippi, relative to the doppler radar in southwest Mississippi; to the Committee on Science, Space, and Technology.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. VUCANOVICH introduced a bill (H.R. 4209) for the relief of William P. Van Keymeulen; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. NEAL of Massachusetts.

H.R. 39: Ms. VELAZQUEZ.

H.R. 65: Mr. BROWN of California, Mr. RANGEL, and Mr. BLUTE.

H.R. 84: Mr. FLAKE.

H.R. 123: Mr. HUTCHINSON, Mr. INHOFE, Mr. MILLER of Florida, and Mr. SISISKY.

H.R. 303: Mr. BROWN of California.

H.R. 349: Mr. GRANDY.

H.R. 417: Mr. MARTINEZ, Mr. KREIDLER, Mr. BISHOP, Mr. PACKARD, Mr. RIDGE, Mr. GOODLING, and Mr. BOEHNER.

H.R. 441: Mr. SANDERS, Mr. SWETT, and Mr. RAVENEL.

H.R. 518: Ms. FURSE and Mr. WYNN.

H.R. 538: Mr. LEWIS of Georgia.

H.R. 635: Mr. BAKER of California.

H.R. 643: Mr. FRANKS of New Jersey.

H.R. 688: Mr. RUSH.

H.R. 743: Mr. FRANKS of New Jersey.

H.R. 794: Mr. UPTON, Mr. BISHOP, Mr. BROWN of California, Mr. CAMP, and Mr. CRAPO.

H.R. 818: Mr. RUSH.

H.R. 830: Ms. NORTON.

H.R. 999: Mr. HUTCHINSON.

H.R. 1043: Mr. HUTCHINSON.

H.R. 1126: Mr. RAVENEL.

H.R. 1127: Mr. RAVENEL.

H.R. 1128: Mr. RAVENEL.

H.R. 1129: Mr. RAVENEL.

H.R. 1146: Mr. HUTCHINSON and Mr. FRANKS of New Jersey.

H.R. 1181: Mr. RAHALL.

H.R. 1277: Mr. ANDREWS of New Jersey.

H.R. 1330: Mr. QUINN, Mr. FRANKS of Connecticut, Mr. SCHIFF, Mr. GALLO, Mr. MICA, Mr. PENNY, Mr. HOEKSTRA, Mr. DICKEY, Mr. STEARNS, Mr. BACHUS of Alabama, Mr. ARCHER, and Mr. EVERETT.

H.R. 1349: Mr. TAYLOR of Mississippi and Mr. LINDER.

H.R. 1354: Mr. LEWIS of Georgia.

H.R. 1431: Mrs. MORELLA.

H.R. 1439: Mr. REYNOLDS.

H.R. 1617: Mr. MONTGOMERY, Mr. STUMP, Mr. EVERETT, Mr. QUINN, Mr. RIDGE, Mr. HUTCHINSON, Ms. BROWN of Florida, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, Mr. PARKER, Mr. HEFNER, Mr. BILIRAKIS, and Mr. LINDER.

H.R. 1618: Mr. BROWN of California.

H.R. 1708: Mr. MCINNIS.

H.R. 1872: Mr. CALVERT.

H.R. 1897: Mr. PAYNE of New Jersey, Mr. LIVINGSTON, Mr. EVANS, Mr. MARTINEZ, Mr. WYDEN, and Mr. WALSH.

H.R. 1924: Ms. PELOSI.

H.R. 1961: Mr. ROMERO-BARCELO, Mr. JOHNSON of South Dakota, and Mr. REYNOLDS.

H.R. 2012: Mr. HAYES, Mr. FIELDS of Louisiana, Mr. CARDIN, Mr. VENTO, Mr. WILLIAMS, Mr. VALENTINE, Mr. LAROCCO, Mr. KENNEDY, Mr. BONIOR, Mr. DINGELL, and Mr. MFUME.

H.R. 2092: Mr. STUPAK.

H.R. 2110: Mr. RUSH.

H.R. 2145: Mr. HERGER, Mr. NADLER, Mr. SARPALIUS, Mr. GUNDERSON, Mr. SANTORUM, Mr. TOWNS, Mr. UPTON, Mr. HALL of Ohio, Mr. NEAL of Massachusetts, and Mr. STARK.

H.R. 2308: Mr. MILLER of California.

H.R. 2360: Mr. LIPINSKI, Mr. WYNN, Mr. RAVENEL, Ms. MEYERS of Kansas, and Mr. PORTER.

H.R. 2429: Mr. LEACH, Mr. NADLER, Mr. OLVER, Mr. CUNNINGHAM, Ms. MCKINNEY, Mr. STARK, Mr. CLAY, Mr. SCOTT, Mr. MCCANDLESS, Mr. CARDIN, Mr. REYNOLDS, Mr. WAXMAN, Mr. MATSUI, Mr. MINETA, Mr. MARTINEZ, Mr. WILSON, Mr. TORRES, Mr. RUSH, Mr. HUNTER, Mr. LEWIS of Georgia, Mr. CONYERS, Mr. FARR, Mr. WATT, Mr. BILIRAKIS, Mr. WASHINGTON, Mr. MCDERMOTT, Mr. BROWN of California, Mr. PAYNE of New Jersey, Mr. THOMAS of California, Ms. BROWN of Florida, Mr. SCHIFF, Mr. FLAKE, Mr. GUTIERREZ, Mr. LAFALCE, Mr. HUGHES, and Mr. BISHOP.

H.R. 2609: Mr. FINGERHUT.

H.R. 2663: Mr. BROWN of Ohio and Mr. FARR.

H.R. 2721: Mrs. UNSOELD.

H.R. 2729: Mr. SANTORUM.

H.R. 2787: Mr. GUTIERREZ.

H.R. 3017: Mr. TORRES, Mr. ACKERMAN, Mr. CRAMER, Mr. HERGER, Mr. HUTCHINSON, Mr. TRAFICANT, Mr. THOMAS of Wyoming, Mr. KREIDLER, and Mr. SMITH of Texas.

H.R. 3023: Mrs. BENTLEY, Mr. DOOLEY, Mr. MANN, Mr. RICHARDSON, Mr. TAUZIN, Mr. THOMPSON, Mr. SCHIFF, Mr. MENENDEZ, Mr. HEFNER, Mr. INSLEE, Mr. BEVILL, Mr. DIXON, Mr. TRAFICANT, Mr. WILLIAMS, Mr. WELDON, Mr. FINGERHUT, and Mr. WHEAT.

H.R. 3121: Mr. CHAPMAN.

H.R. 3227: Mr. RAVENEL and Mr. TAYLOR of North Carolina.

H.R. 3288: Mr. LEVY and Mr. ANDREWS of New Jersey.

H.R. 3293: Mr. RIDGE and Mrs. MORELLA.

H.R. 3322: Mr. CLAY, Mr. MCCRERY, Mr. CONYERS, Ms. MCKINNEY, Ms. BROWN of Florida, Mrs. MEEK of Florida, Mr. TUCKER, Mr. WATT, Mr. NEAL of Massachusetts, Mr. GILMAN, and Mr. SUNDQUIST.

H.R. 3328: Mr. BILIRAKIS.

H.R. 3365: Mr. VENTO, Mr. EVANS, Mr. FILNER, Ms. VELAZQUEZ, Mr. LEWIS of Georgia, and Mr. GUTIERREZ.

H.R. 3373: Ms. SLAUGHTER.

H.R. 3374: Ms. SLAUGHTER.

H.R. 3392: Ms. KAPTUR, Mr. ROHRABACHER, Mr. HUTCHINSON, Mr. JOHNSON of South Dakota, Mr. TAYLOR of North Carolina, Mr. THOMAS of California, Mr. RAVENEL, Mr. TALENT, Mr. ARCHER, Mr. CRANE, Mr. CRAPO, Mr. MYERS of Indiana, and Mr. GENE GREEN of Texas.

H.R. 3433: Mr. YATES, Mr. MURTHA, Mr. DELLUMS, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BACCHUS of Florida, Mr. BECERRA, Mr. BEILENSON, Mr. BERMAN, Mr. BEVILL, Mr. BILBRAY, Mr. BONIOR, Mr. BOUCHER, Mr. BROOKS, Mr. BROWN of California, Mr. BRYANT, Mrs. BYRNE, Mr. CLAY, Mrs. CLAYTON, Mr. COLEMAN, Mr. CONYERS, Mr. DARDEN, Mr. DE LA GARZA, Ms. DELAURO, Mr. DE LUGO, Mr. DIXON, Mr. DURBIN, Mr. EDWARDS of California, Ms. ENGLISH of Arizona, Ms. ESHOO, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FAZIO, Mr. FILNER, Mr. FINGERHUT, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. FRANK of Massachusetts, Mr. FROST, Ms. FURSE, Mr. GORDON, Mr. HAMBURG, Ms. HARMAN, Mr. HEFNER, Mr. HINCHEY, Mr. HOAGLAND, Mr. JOHNSTON of Florida, Ms. KAPTUR, Mrs. KENNELLY, Mr. LANTOS, Mr. LAROCCO, Mr. LAUGHLIN, Mr. LEHMAN, Mr. LEWIS of Georgia, Mrs. LLOYD, Ms. LOWEY, Mr. MCDERMOTT, Mr. MCCLOSKEY, Mr. MANTON, Mr. MATSUI, Mr. MARKEY, Mr. MARTINEZ, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MINETA, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. PASTOR, Mr. RICHARDSON, Mr. ROMERO-BARCELÓ, Mr. ROSE, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SANDERS, Ms. SCHENK, Mr. SCHUMER, Mr. SERRANO, Mr. STOKES, Mr. STUDDS, Mr. THOMPSON, Mr. THORNTON, Mr. TORRES, Mr. TORRICELLI, Mr. TUCKER, Mr. UNDERWOOD, Mrs. UNSOELD, Ms. VELAZQUEZ, Mr. VISCLOSKY, Mr. WASHINGTON, Ms. WATERS, Mr. WAXMAN, Mr. WHITTEN, Mr. WILSON, Ms. WOOLSEY, and Mr. WYDEN.

H.R. 3472: Mrs. MEEK of Florida, Mr. WASHINGTON, Mr. HUGHES, Mr. CLAY, and Ms. NORTON.

H.R. 3486: Mr. SMITH of Oregon, Mr. RAMSTAD, Mr. INSLEE, Mr. STUMP, Mr. MCDADE, Mr. PAXON, Mr. PORTMAN, Mr. SMITH of New Jersey, Mr. MCHUGH, Mr. BUNNING, Mr. BACHUS of Alabama, Mr. HOBSON, Mr. COBLE, Ms. BYRNE and Mr. ROGERS.

H.R. 3508: Mr. FALEOMAVAEGA.

H.R. 3513: Mr. JOHNSON of South Dakota, Mr. BARRETT of Wisconsin, Mr. CASTLE, Mr. SCHUMER, Mr. KANJORSKI, Ms. WOOLSEY, Ms. ROS-LEHTINEN, Mr. PALLONE, and Mr. OWENS.

H.R. 3519: Mr. HUGHES and Mrs. UNSOELD.

H.R. 3573: Mr. HEFNER.

H.R. 3594: Mr. LIPINSKI, Mr. BEVILL, Mr. JOHNSON of South Dakota, Mrs. THURMAN, Mr. MURTHA, Mr. ROHRABACHER, and Mr. LEVY.

H.R. 3633: Mr. HYDE, Mr. MCINNIS, Mr. GILCHREST, Mr. COLLINS of Georgia, Ms. DUNN, Mr. GILLMOR, Mr. MCCRERY, Mr. THOMAS of Wyoming, Mrs. MEYERS of Kansas, and Mr. ISTOOK.

H.R. 3738: Mr. DINGELL.

H.R. 3745: Mr. SCOTT.

H.R. 3789: Mr. HERGER and Mr. BAKER of Louisiana.

H.R. 3790: Mr. PETERSON of Minnesota.

H.R. 3791: Mr. HANCOCK, Mr. BURTON of Indiana, Mr. JACOBS, Mr. EMERSON, Mr. RAVENEL, and Mr. HUTCHINSON.

H.R. 3795: Mr. JOHNSON of South Dakota.

H.R. 3796: Mr. LINDER, Mr. HANCOCK, and Mr. RAVENEL.

H.R. 3797: Mr. KASICH, Mr. LINDER, Mr. POMBO, Mrs. VUCANOVICH, and Mr. SMITH of Oregon.

H.R. 3838: Mr. SANDERS.

H.R. 3842: Mr. ABERCROMBIE, Mr. LEWIS of Georgia, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3903: Mr. DOOLITTLE, Mr. HAYES, Mr. TAUZIN, Mr. WYNN, Mr. NADLER, and Mr. FALEOMAVAEGA.

H.R. 3906: Mr. ANDREWS of Texas, Ms. DANNER, Mr. CONYERS, and Mr. MURTHA.

H.R. 3907: Mr. DICKS.

H.R. 3951: Mr. MCDADE, Mr. POMEROY, Mr. JEFFERSON, Mr. MONTGOMERY, and Mrs. FOWLER.

H.R. 3955: Mr. PENNY, Mr. PAXON, Mr. HEFNER, and Mr. LIVINGSTON.

H.R. 3967: Mr. DUNCAN, Mr. SKEEN, and Mr. WYNN.

H.R. 3992: Mr. HERGER, Mr. STEARNS, and Mr. LEWIS of Florida.

H.R. 4007: Mr. WYNN and Mr. TOWNS.

H.R. 4024: Mr. BONIOR, Ms. WATERS, Mr. REYNOLDS, and Mr. SERRANO.

H.R. 4040: Mr. BRYANT, Ms. DELAURO, Mr. FAZIO, Mr. FORD of Tennessee, Mr. GEJDENSON, Mr. GEPHARDT, Mr. HINCHEY, Mr. JOHNSTON of Florida, Mr. MATSUI, Mr. MILLER of California, Mr. MURTHA, Mr. SABO, Mr. SAWYER, Mr. MCCURDY, Mr. WHEAT, Mr. KOPETSKI, Mr. LEVIN, Mr. MARTINEZ, Mr. WILLIAMS, Mr. GIBBONS, and Mr. FRANK of Massachusetts.

H.R. 4060: Mr. SOLOMON and Mr. HERGER.

H.R. 4074: Mr. FROST, Mr. PARKER, Mr. ROMERO-BARCELO, Mr. JACOBS, Mr. GENE GREEN of Texas, Mr. SWIFT, Mr. GILMAN, Ms. PELOSI, Mr. DELLUMS, Mr. MARTINEZ, Mrs. THURMAN, Mr. CANADY, and Mr. GALLEGLY.

H.R. 4095: Mr. CALVERT, Mr. INGLIS of South Carolina, and Mr. DORNAN.

H.R. 4124: Mr. KREIDLER.

H.R. 4129: Mr. ROSE, Mr. BALLENGER, Mr. HEFNER, Mr. PRICE of North Carolina, Mr. BAESLER, Mr. THOMPSON, Mr. TOWNS, Mrs. MEEK of Florida, Mr. DICKS, Mr. BARCIA of Michigan, Mr. MURPHY, Ms. BROWN of Florida, Mr. BISHOP, Mr. JOHNSON of Georgia, and Ms. MCKINNEY.

H.R. 4142: Mr. MILLER of California, Mr. FRANKS of New Jersey, and Mr. MCCANDLESS.

H.R. 4143: Mr. RUSH, Ms. VELAZQUEZ, Mr. BONIOR, Mr. MILLER of California, Mr. FROST, and Mr. DELLUMS.

H.J. Res. 229: Mrs. UNSOELD and Mr. BACCHUS of Florida.

H.J. Res. 233: Mr. TORRICELLI, Mr. MANTON, Mr. SWETT, AND Mr. BLILEY.

H.J. Res. 253: Mr. FAWELL, Mr. COSTELLO, Mr. LEWIS of Florida, Mr. FORD of Michigan, Mr. LAFALCE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. PELOSI, Mr. RICHARDSON, Mr. WILSON, and Mr. BARRETT of Wisconsin.

H.J. Res. 311: Mr. ABERCROMBIE, Mr. BARRETT of Wisconsin, Mr. BONIOR, Mr. BOUCHER, Ms. BROWN of Florida, Mr. DE LA GARZA, Mr. ENGEL, Mr. GUTIERREZ, Mr. QUINN, Mr. HUGHES, Mr. JOHNSTON of Florida, Mr. KASICH, Mr. LEHMAN, Mr. MCDERMOTT, Mr. MANTON, Mr. MARTINEZ, Mrs. MEEK of Florida, Mr. MENENDEZ, Mr. MINETA, Mr. MURTHA, Ms. NORTON, Mr. PASTOR, Mr. PAXON, Ms. PELOSI, Mr. PORTER, Mr. PRICE of North Carolina, Mr. REED, Mr. SABO, Mr. SCHIFF, Mr. SCOTT, Mr. STUPAK, Mr. THOMPSON, Mrs. THURMAN, Mr. VENTO, Mr. WATT, Mr. WAXMAN, Mr. WELDON, Mr. WYDEN, and Mr. WYNN.

H.J. Res. 314: Mrs. BYRNE, Mr. MARTINEZ, and Mr. GEKAS.

H.J. Res. 320: Mrs. BYRNE, Mr. PARKER, Mr. FROST, Mrs. THURMAN, Mr. COYNE, Mr. SKEEN, Mr. CAMP, and Ms. NORTON.

H.J. Res. 322: Mr. FLAKE, Mrs. THURMAN, Mr. GREENWOOD, Mr. MARTINEZ, Mr. SERRANO, Mr. PRICE of North Carolina, Mr. MANTON, Mr. SWETT, Mr. NEAL of Massachusetts, and Mr. GEKAS.

H.J. Res. 333: Mr. OBERSTAR, Ms. PELOSI, Mr. GUTIERREZ, Mr. BILBRAY, Mr. PETERSON of Florida, Mr. BLUTE, Mr. DICKEY, Mr. SCOTT, Mr. WOLF, Mr. DELLUMS, Mr. MANTON, Mr. GREENWOOD, Mrs. MORELLA, Mr. DORNAN, Mr. SISISKY, Ms. NORTON, Mr. KLEIN, Mr. SLATTERY, Mr. FARR, Mr. TOWNS, and Mr. ROSE.

H.J. Res. 335: Mr. SWIFT.

H.J. Res. 349: Ms. PELOSI, Mrs. MORELLA, Mr. GENE GREEN of Texas, Mr. DELLUMS, Mr. ENGEL, Mr. WASHINGTON, and Mr. LEVIN.

H.J. Res. 350: Mr. BILIRAKIS, Mr. BONIOR, Mr. WALSH, Mr. BAESLER, and Mr. HOCHBRUECKNER.

H. Con. Res. 3: Mr. ROHRABACHER and Mrs. VUCANOVICH.

H. Con. Res. 35: Mr. KENNEDY, Ms. SHEPHERD, Mr. DIXON, Mrs. BYRNE, Mr. FALEOMAVAEGA, Mr. MORAN, and Mr. WALSH.

H. Con. Res. 52: Mr. TORRICELLI and Mr. TALENT.

H. Con. Res. 122: Mr. SWETT.

H. Con. Res. 141: Mr. VOLKMER.

H. Con. Res. 152: Ms. FURSE.

H. Con. Res. 173: Mr. PRICE of North Carolina, Mr. BLUTE, Mr. CALVERT, Ms. CANTWELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FOGLIETTA, Mr. FROST, Mr. BONIOR, Mr. KASICH, Mr. CONYERS, and Mr. MURTHA.

H. Con. Res. 199: Ms. PELOSI, Mr. MILLER of California, Mr. MARKEY, Mr. NEAL of Massachusetts, Mr. WYNN, Mr. COLEMAN, and Mr. BISHOP.

H. Res. 27: Mr. NEAL of Massachusetts.

H. Res. 255: Mr. WISE, Mrs. THURMAN, Mr. DOOLITTLE, Mr. CALVERT, Mr. GENE GREEN of Texas, and Mr. GRAMS.

H. Res. 337: Mr. ACKERMAN, Mr. MANN, Ms. PELOSI, Mr. KREIDLER, Mr. COLEMAN, Mr. PRICE of North Carolina, Ms. FURSE, Mr. DEFAZIO, and Mr. EVANS.

H. Res. 383: Mr. LEVY, Mr. MCMILLAN, and Mr. KNOLLENBERG.

H. Res. 390: Ms. DANNER.

## PETITIONS, ETC.

**Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:**

**84. By the SPEAKER: Petition of the city of Milwaukee, WI, relative to requesting the Congress to oppose certain provisions of H.R. 3636, the National Communications Competition and Information Infrastructure Act, as amended by the House Energy and Commerce Committee on March 17, 1994; to the Committee on Energy and Commerce.**

**85. Also, petition of the National Conference of State Legislatures, relative to seeking support for floor consideration of unfunded mandate relief legislation during the 103d Congress; to the Committee on Government Operations.**

**86. Also, petition of the city of Santa Monica, CA, relative to supporting the approval of H.R. 3495 and S. 1704, amending the Immigration Reform and Control Act of 1986; to the Committee on the Judiciary.**

# EXTENSIONS OF REMARKS

## HUMANITARIAN MISSION ENDS IN TRAGEDY FOR GUNSHIP CREW

### HON. EARL HUTTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. HUTTO. Mr. Speaker, on March 14, 1994, an AC-130H gunship crashed while participating in humanitarian missions in Somalia; 7 of the 14 crew members lost their lives in this crash.

I was privileged to attend a memorial service at Hurlburt Field, FL, on March 21. The words of the airmen's commanders eloquently stated the grief we all feel. Our thoughts and prayers are with the survivors and families of Jockey 14.

SPEECH DELIVERED BY MAJ. GEN. BRUCE L. FISHER ON MARCH 21, 1994, AT MEMORIAL SERVICE FOR JOCKEY 14

The 16th Special Operations Squadron, Jockey 14, an AC-130H crew, part of our Air Force of first and last resort, part of a joint special operations task force, carrying out the wishes of our nation protecting fellow Americans during the last days of our withdrawal from Mogadishu, Somalia. You see there was no other aircraft or people who could do this mission. It had to be the 16th Special Operations Squadron and Jockey 14. American forces in Somalia counted on them and they were there.

Families, friends, squadron mates, fellow soldiers, sailors, airmen, and Marines, people from all over our nation, our dear friends from our civilian communities; we have suffered a tremendous loss. Those men we lost from the crew of Jockey 14—Capt Anthony Stefanik, Capt David Mehlhop, Capt Mark Quam, MSgt Roy Duncan, TSgt Robert Daniel, SSgt Mick Moser, SSgt Brian Barnes—were the best America has to offer. They have never let us down; they have been an honor to our country. Today we miss them and our hearts cry out for them.

Throughout the course of human events God blesses us with other people in our lives. He gives us friends, coworkers and professional associates; he gives us squadron mates; he gives us husbands and wives and sons and daughters; he gives us fathers and mothers; all whom we love and cherish dearly. He gave us the crew of Jockey 14. Then sometimes during the course of our lives those precious gifts are taken from us—for reasons and under circumstances we may never understand. This causes great pain even though our faith tells us God has a greater purpose. For the Psalmist says, "The Lord will watch over your coming and going both now and forever more." (PS 121:8) and Jesus said, "For God so loved the world that he gave his one and only son, that whoever believes in him shall not perish but have eternal life." (John 3:16) This loss hurts, but I cannot pretend to feel the grief and sorrow you wives, children, mothers and fathers, and sisters and brothers are suffering during this extremely difficult time. We can only reach out to you and pray for you and say I am sorry.

For us, all of us, who must carry on, we will live with the brave legacy of Jockey 14; airmen and special operators of the proudest tradition. We will remember the challenges they overcame and the sacrifice they made. We must comfort our families, support each other, and continue to answer the war tocsin when it sounds. Ladies and gentlemen, combat units perform well under adversity for several reasons, but the most compelling is the bond between unit members; the love and respect they have for each other and their refusal to let one another down. Jockey 14 was such a crew, the 16th Special Operations Squadron is such a unit. We must remember the men of Jockey 14 and those who have gone before them, and we must not let them down. Difficult yes; but with God's amazing grace, "He will my shield and portion be as long as life endures." (Hymn "Amazing Grace") Jockey 14, Spectre will be there; anytime, anyplace.

God bless you all.

COMMENTS BY BRIG. GEN. MAXWELL C. BAILEY, COMMANDER, 16th SPECIAL OPERATIONS WING

This morning we're gathered here to honor the memory of our fellow airmen and friends who have made the ultimate sacrifice in giving their lives in the service of their country.

They were on an important mission—a mission directly supporting and protecting American lives who were on a humanitarian mission in Somalia. When we think of their sacrifice, of course, the sacrifice is not theirs alone, and we think especially today of the sacrifice of their families. The most important thing I will tell you this morning is that the concern and the warmth you felt from your escorts and from the men and the families of the squadron and the wing will not cool after today or after this week. We will continue to be here for you and will keep you a part of the Air Force and Special Operations community for as long as you need us.

We're also here today to reflect on the lives of our friends and those things that give us a common bond—their love of country, their love of our Air Force, their pride in being special operators and their love of flying.

The best tribute we can pay today to their memories is to rededicate ourselves to those same values as we continue our important mission.

Finally, we take comfort that our God has a special place in His Kingdom for those who fly—when we are promised that "He shall cover thee with His feathers and under His wings shalt thou trust."

REMARKS FOR JOCKEY 14 MEMORIAL, MAR. 21, 1994

(By LTC Mike Byers)

As the tragic events of this past week unfolded I wondered what I could possibly say to ease the pain and sorrow we feel for the loss of our comrades on Jockey 14. As I felt and observed the anguish of the families, I realized mere words could not ease the pain.

The men we remember today each had those qualities that made them so capable of accomplishing the mission. These qualities were a sense of duty, patriotism, discipline, and self confidence. These men were tied together by a mission and a spirit of teamwork that only those who have served in this wing can hope to know.

Captain David J. Mehlhop, the navigator. I remember Dave as a quiet man with a streak of mischievousness. He was constantly giving a 100 percent effort to improve his skills as a gunship navigator. I remember the great job Dave did as a mission planner for our crews flying missions over Bosnia-Herzegovina. His thoroughness helped them return safely from their missions.

Captain Anthony R. Stefanik Jr, the fire control officer. Tony was a family man and was a strong individual, both mentally and physically. We often called him "Arnold" due to his physique. He was one of the squadron's best fire control officers. Tony was superb with words and I remember his frequently staying late at work to make sure his squadron mates's performance reports were perfect.

Captain Mark A. Quam, the electronic warfare officer. Mark was one of the most intelligent individuals I've met. Mark's nickname in the squadron was "Q", which he liked because it was the same as a character on one of his favorite TV shows, Star Trek—the next generation. When he wasn't reading, you could usually find Mark playing a board game with his crew. I would fly anywhere with Mark.

Master Sergeant Roy S. Duncan, the loadmaster. Roy boy was a man of loyalty and character. He was absolutely tenacious when defending the loadmaster and illuminator operator section. I remember Roy in the operational readiness inspection and on some missions over Bosnia-Herzegovina where Roy frequently had to fly in the coldest part of the airplane. On one of these missions his socks froze. Despite suffering from the severe cold, he never left the tail of the aircraft undefended by leaving his station. That was just the kind of person Roy was.

Technical Sergeant Robert L. Daniel, sensor operator. I met Bobby over 13 years ago and at that time he was a gunner. He later crosstrained to sensor operator but I think he was still a gunner at heart. Bobby was in the squadron since 1977, over 16 years. Whenever a challenging mission came along I knew Bobby would somehow make sure he was on it.

Staff Sergeant Brian P. Barnes, gunner. Brian was always very thorough in his duties and dedicated to the squadron. He was always quiet when I was around him, but very efficient on the airplane. I don't remember ever having a gun off the line for more than a minute when I flew with him. Brian worked hard in the awards and decorations section of the squadron to make sure others got recognized for their efforts.

Staff Sergeant Mike E. Moser, gunner. Mike was interested in everything and was so easy to get along with. He was an expert roller skater and loved to snorkel and dive. Mike was proud to be a gunner and he was one of the best.

The men of Jockey 14 were flying missions over Somalia they considered routine, but they were't—these men just made it look easy. They were there to answer the calls for help from Americans on the ground—their presence alone ensured the safety of Americans in Mogadishu.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

While Dave, Tony, Mark, Roy, Brian, Bobby, and Mike are no longer with us, our memories of them live on. They will always be a part of the spirit of the 16th. Our memory of them will forever be that of men who stepped to the front—who answered the call of duty.

I would like to close with a message to the families of our fallen comrades from one of the survivors of Jockey 14's mission. It goes:

These last days have gone by seemingly as part of a dream, wishing you could just wake up and it would be over. For reasons only known to God, it is not so. Why God would decide to claim the lives of those, men, all together on such a beautiful sunny afternoon, I will never know. I do know that they have passed to a new life, with Christ. There is no sorrow or grief where they are. I should have been next to go, because I was there with them in death. One cannot stand any closer. I know, for I stood with one foot in death. I was going to die, I had no doubt. In those last seconds God answered a question which we all have considered, our fear of death and how we will react. Having been there, I can answer for my friends. Death does not hold the fear we think it does. In that last second of lucidity, it becomes so clear, like a window. You can see through it and there is no way around it. God lets us stand at that portal long enough to realize its significance, and allows us to consider. That last second stands still, and in it, God reaches out to us with love and forgiveness and if we accept, he takes us by the hand as we step into that new life. In Matthew 20:1–16, Jesus explained to his Disciples that salvation is not about owning a lifetime membership, it is enough to accept in that last second. I know that in that last second, each one of those men stepped through that portal hand in hand with Christ, no regrets and looking forward.

The memories they have left us in children, wives, and families will be their legacy to us. I know they were sad to leave us behind but their courage and confidence in what lay ahead will be passed on to their children. Many people go through an entire lifetime without ever being touched by the lives of men like these. Even in such time of sorrow, there is joy in having shared our lives with such brave and wonderful men.

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## THE TERM LIMIT MOVEMENT AND CONGRESSIONAL CHANGE

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 6, 1994 into the CONGRESSIONAL RECORD:

In recent years public confidence in the performance of government has been undermined because of various scandals and a lack of progress on the budget deficit and other pressing national problems. This public frustration has fueled the movement to limit the terms of legislators at the state and national level. Starting with Colorado in 1990, voters began to approve state initiatives to impose term limits on Members of the U.S. Congress. The movement picked up steam in 1992 when voters in each of the 14 states with congressional term limits on the ballot approved them, often by overwhelming margins.

The Constitutional Debate: The 1992 victories spurred on both proponents and opponents of term limits for Members of Congress. Opponents immediately launched constitutional challenges in court. They argue that the Constitution specifies only three qualifications (age, citizenship, and state residency) for becoming a Member of Congress, thus prohibiting states from imposing other qualifications on candidates. Opponents believe that the only way to impose term limits would be through a constitutional amendment rather than through state law.

Proponents of term limits, on the other hand, believe that states can impose such limits, citing the Constitution's provisions allowing states to regulate the "times, places, and manner" of elections. Many such state regulations, which can have the effect of imposing qualifications on candidates, have been upheld by court rulings.

Thus far, the opponents of term limits have won the major court battles. Term limits in Arkansas and Washington state have been ruled unconstitutional, in separate cases by the Arkansas Supreme Court and a federal court. It is likely that one of the challenges will be appealed to the Supreme Court. Indeed, the constitutional issues are gray, and a Court ruling would be helpful. The worst result would be to have a patchwork of state restrictions, with some states limiting terms and others not. Power in Congress, which is tied to seniority, would then be completely skewed.

Arguments Against Term Limits: In my view, regardless of the constitutional arguments, the risks of term limits outweigh the possible benefits. Mandatory turnover in congressional membership will do little to resolve the real problems the country faces, and may in fact compound them by undermining democratic choice and the representative process.

Dissatisfaction with a Congress that has not always performed satisfactorily does not justify removing all Members of Congress, the good as well as the bad, after a certain number of years. Not does it justify denying the people their choice of representative. This republic has been well served since its birth by the belief that accountability in elected officials should be enforced by voters through the requirement of frequent elections. Many of our most revered and respected politicians served for many years. Why should voters be denied the right to return those who have maintained their public trust? That is why I have also opposed term limits on presidents. Term limits dilute the fundamental responsibility of citizenship to decide who will govern.

Those favoring term limits seem to believe that experience is a virtue in almost any profession except that of legislator. Moving legislation is a tough, exacting task. It requires not only a knowledge of issues but a keen judgment of individuals and the ability to find areas of compromise on widely varying positions. Experience will likely be needed even more in the future, with the dizzying pace and complexity of the world and the nature of governance in a $6 trillion economy. Even voters in states approving term limits seem to acknowledge the value of experience. The voters in the 14 states that imposed term limits also returned nearly 90% of the Members of Congress running for reelection who had served longer than the limits the voters wanted to impose.

One unintended consequence of term limits is that by decreasing the number of experienced legislators they increase the power of legislative staff, lobbyists, and bureaucrats. Power does not simply evaporate; it flows somewhere else. Term limits would also tilt the balance of the constitutional system even more in favor of the executive. It is hard to imagine a greater advantage for a president than to purge Congress of experienced legislators who are specialists in issues, who understand the workings of government, and who remember the problems of the past.

Some argue that Congress with a continuing flow of fresh ideas would result in better government than that provided by representatives with long tenure. The other argument is that experience is an important characteristic for legislators. Each viewpoint probably has some validity, but the best solution is to allow the voters to determine the proper balance between freshness and experience.

Congressional Change: A misperception about congressional turnover underlies much of the term limits debate. Most Americans believe that Congress has a fixed, long-standing membership, when in fact turnover is quite rapid. 75% of House members have been elected since 1980. 400 out of 435 House members have been elected since the Watergate break-in.

The 1992 elections produced 110 new Representatives, one quarter of the membership. The 1994 elections are shaping up to be a near repeat of 1992—retirements are close to the 1992 pace and many members are facing competitive races. The odds are that when the 1994 elections are over, more than half of the House will have been elected in the 1990s.

Conclusion: The frustrations with Congress that motivated the term limits movement are understandable. Certainly Congress must do a better job of solving the problems that foster public anger and distrust, and some progress has been made recently in ending legislative gridlock. In addition, competitive elections are more important than arbitrary limits on service. Giving priority to campaign finance reforms and increased voter registration and turnout would benefit and political process far more than a potentially counterproductive change in our Constitution.

I believe we have to protect the fundamental right of the voters to choose those who govern them. I think that term limits, by weakening the power of the legislative branch, injure the republic. The fight for term limitation distracts attention from the search for answers to serious problems facing the country.

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## FOUR WINDS MONUMENT

### HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. BONILLA. Mr. Speaker, I rise today in recognition of the accomplishments of the Four Winds Monument Committee in Del Rio, TX. The Four Winds Committee is an association of local citizens that unfailingly strives to honor those brave American service men and women who made the ultimate sacrifice for our beloved country: American heroes who gave their lives to defend freedom and the American way of life. The Four Winds Monument is "dedicated to America's brave men and women who answered the call of duty, served across the Seven Seas in the defense of freedom, and especially to those who made the ultimate sacrifice: those whose lives were scattered to the Four Winds."

The Four Winds Monument will be a unique and touching memorial to those who have served their country so honorably. Men and women throughout the history of this great Nation have answered the call to duty and served with tremendous valor and integrity. The goal of this memorial is to honor both those living and those fallen who answered this call.

The monument has been painstakingly designed to symbolize such a distinguished undertaking. It is comprised of four granite pillars which symbolize the four winds of the North, South, East, and West. These pillars also display the four shields of the Army, Navy, Air Force, and Marines. Large waterfalls are shielded by the pillars, yet the sound of rushing water and the mist in the air are reminiscent of the sounds heard by soldiers on the beaches of Tripoli, Normandy, Inchon, and Okinawa. The base of the monument is heptagonal in shape, to symbolically represent the Seven Seas, and is 50 feet in diameter to recognize our 50 States. There are also 13 circular steps surrounding the monument symbolizing the 13 original colonies. Furthermore, the names of those who served honorably in the U.S. military will, by request, be inscribed on the areas surrounding the pool and steps of the monument.

Mr. Speaker, I would request that this Chamber stand in distinguished recognition of the Four Winds Monument, and that the Nation would honor the eminent reminder of freedom this monument so gracefully depicts.

## TRIBUTE TO LOUISE TEUTSCH

### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Louise Teutsch, judicial secretary at the Macomb County Probate Court in Mount Clemens MI. Ms. Teutsch retired on Friday after nearly 21 years of distinguished service.

Taking an active role in our community is a responsibility we all share, but few fulfill. Ms. Teutsch has devoted herself to this task in her profession, at her church, and as a mother for many years.

Before she came to work for the county, Ms. Teutsch worked as a crossing guard at St. Margaret Catholic school. Currently, she is a Sunday school teacher, serves as an elder, and is the longest serving deacon at Lake Shore Presbyterian Church. Her dedication and professionalism have earned her respect and recognition from her colleagues.

Ms. Teutsch is not only a role model, but a model citizen. She was honored by her colleagues at a reception this past Friday evening and her recognition is truly deserved. I am confident she will be missed at the court.

On the occasion of her retirement, I am pleased to pay tribute to Louise Teutsch. I ask that my colleagues join me in wishing Ms. Teutsch and her family, all the best in retirement.

## TRIBUTE TO PULITZER PRIZE WINNING REPORTER EILEEN WELSOME

### HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. RICHARDSON. Mr. Speaker, I urge my colleagues to join me in recognizing the remarkable achievements of a reporter from my home State of New Mexico. As you may know from this morning's papers, Ms. Eileen Welsome of the Albuquerque Tribune was awarded the Pulitzer Prize for National Reporting for her series of articles on radiation experimentation by the Federal Government in the 1940's.

Although Ms. Welsome's five-story series focused on the experimentation on five individuals in the 1940's, its publication broke open a decades-old secret that the U.S. Government had been involved in radiation experimentation on unknowing victims for a period of more than 30 years beginning in the 1940's. This remarkable breakthrough rocked the Nation, and led to a new era of openness on the part of the Federal Government, which was responsible for these bizarre experiments.

Ms. Welsome's excellent research and reporting revealed a legacy of deception and deceit. But more than that, it showcased the importance of our constitutional right to a free press. We may not always agree with the stories reported by the media, but the fine work by Ms. Welsome underscores the importance of one of our most basic democratic freedoms.

The five-part series Ms. Welsome reported was followed by an announcement and acknowledgement from Energy Secretary Hazel O'Leary that these experiments did take place. Subsequently, President Clinton announced the formation of national commission to investigate the extent of the Government experimentation and make recommendations for future action.

I believe it is also important to recognize the fine judgment exhibited by Ms. Welsome's employer, the Albuquerque Tribune and the tenacity with which Ms. Welsome pursued this story. With the assistance of the paper, Ms. Welsome spent 6 years tracking down the individuals behind this story. Her persistence has been justly rewarded by the announcement of this Pulitzer Prize.

It is not every day that one story, or one series of stories, captures the Nation the way Eileen Welsome's did. This story, and the events that followed its publication, have made history. Ms. Welsome and the Albuquerque Tribune are entirely deserving of this honor. The Pulitzer Prize should stand for no less than the journalistic integrity exhibited by the reporting of this story.

## IN RECOGNITION OF THE 295TH BIRTHDAY OF THE SIKH NATION

### HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. CONDIT. Mr. Speaker, I rise today to recognize April 13th as the birthday of the Sikh nation. It was on this day, 295 years ago in 1699 that Guru Gobind Singh, the last of the 10 Sikh gurus, baptized the people of the Sikh faith, forming the consecrated body of the Khalsa Panth.

The creation of the Khalsa Panth is a great moment in modern human history. Americans can be proud of our Sikh friends whose religion is founded on the principles of individual human rights and civil liberties regardless of race, creed, or sex. The equality of all humankind is an essential tenet of Sikhism.

The Sikhs call the anniversary of their creation as a nation, Vaisakhi Day. I would encourage people the world over to heed the wise words of Guru Gobind Singh Ji, often quoted among Sikhs: "Recognize ye all the human race as one." In particular, an emphasis on gender equality has a high place in the Sikh religion.

I give my best wishes to the Sikh nation as it celebrates the 295th birthday of Khalsa Panth. I profoundly respect the Sikh nation and wish it happiness, freedom, and human rights in the coming years. Happy Vaisakhi! Congratulations!

## IN RECOGNITION OF THE RETIREMENT OF THE VERY REVEREND FATHER MILAN MARKOVINA, DEAN OF ST. SAVA SERBIAN ORTHODOX CATHEDRAL

### HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. KLECZKA. Mr. Speaker, I rise today to honor my good friend, the Very Reverend Father Milan Markovina, Dean of Milwaukee's St. Sava Serbian Orthodox Cathedral on the occasion of his retirement.

For more than 40 years, Father Milan Markovina has worked diligently to serve the needs of his church and his community. Father Markovina's integrity, talents, and commitment have touched the lives of countless people not only in Milwaukee, but throughout our Nation.

Under Father Markovina's guidance and direction, St. Sava Serbian Orthodox Cathedral has served as one of the important cornerstones of Milwaukee's vibrant Serbian-American community. I am often move by Father Markovina's willingness to listen to the concerns of his parishioners and to lend a helping hand.

The job of a religious leader has never been an easy one to fill. Over the years, Father Markovina has been called on to serve in a number of roles including those of a spiritual leader, community spokesman, teacher, parent, and husband. His considerable talents, energy, and determination have enabled him to fill these roles effectively and gracefully.

Mr. Speaker, I commend Father Milan Markovina on his 42 years of service to his community. I wish him continued success, health, and happiness in his retirement.

## COMMEMORATION OF NATIONAL MENTAL HEALTH COUNSELING WEEK

### HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. KOPETSKI. Mr. Speaker, I rise today to acknowledge the importance of mental health to individuals' and society's well-being, and to recognize counseling as a vital aid in achieving and maintaining good mental health.

Mental health counseling is provided along a full continuum of care, from developmental and preventive services, to diagnosis and treatment of mental illness, to long-term services. It assists individuals and groups with problem solving, personal and social development, decisionmaking, and self-understanding.

Mental health counseling is provided in community mental health agencies, private practice, psychiatric hospitals, college campuses, and rehabilitation centers. It is provided in collaboration with other mental health professionals, including psychiatrists, psychologists, social workers, psychiatric nurses and marriage and family therapists, to assure the most appropriate counseling for each client. It is provided by professionals with master's or doctoral degrees in counseling or similar disciplines, practicing within the scope of their training and experience, licensed in 40 States and the District of Columbia.

I congratulate the American Mental Health Counselors Association on their designation of May 1–7, 1994 as "National Mental Health Counseling Week," and urge every American to seek the assistance of a qualified mental health counselor or other mental health professional when needed.

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## LEGISLATION TO REFORM CONGRESSIONAL PENSIONS

### HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. GOODLATTE. Mr. Speaker, calls for reduced Government spending have echoed throughout this great Nation of ours. Unfortunately, the voices of the people have often been ignored by this Chamber. When these cries have been heard, the response has been to shift the burden of budget cuts. I believe the time has come for the Members of Congress to lead by example.

Today, I have introduced legislation that demonstrates to the American people the steadfast commitment of this Congress to fight against excessive spending by tackling the largest perk in Government—Congressional pension plans.

Our retirement benefits are ridiculously more lucrative than those of many private sector and all Federal employees. Some Members of Congress make more in retirement than most Americans could hope to make in a lifetime. In fact, the National Taxpayers Union estimates that over 180 Members will collect over $1 million each in lifetime benefits. My legislation will slam shut the doors of this Congressional pension millionaires club.

The bill I have sponsored recalibrates the formula used to calculate Members' pensions. It changes the equation so that our pension plan is the same as that of any other Federal employee. It also increases the age at which a former Member may begin to collect their benefits from age 50 to age 55.

The time has come for us to address the gross disparities between congressional retirement benefits and those of the average American. The era of governmental abuse has come to a close and the buck stops with us. I urge my fellow Members to hear the calls of the American people, and demonstrate your leadership by setting the example and cosponsoring this legislation.

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## CONGRESSIONAL REFORM

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 30, 1994 into the CONGRESSIONAL RECORD:

CONGRESSIONAL REFORM

Hoosiers often speak to me about the need to make Congress work better and cost less. I agree with them and I support comprehensive reform of the internal operations of Congress. From applying laws to Congress to streamlining committees and staff, many private citizens and Members of this institution believe that Congress is inefficient and insulated from the day-to-day concerns of ordinary people.

Reform Committee. As a result, the Joint Committee on the Organization of Congress was created to conduct a comprehensive evaluation of the House and Senate and provide recommendations for reform by the end of 1993. Last year the Joint Committee, which I co-chaired, conducted an exhaustive set of hearings during which testimony was received from over 240 witnesses. This testimony dealt with topics such as: congressional ethics; applying laws to Congress; the budget process; the congressional committee system; House and Senate floor procedure; relations between the branches; and public understanding and involvement in the legislative process.

The Joint Committee reported in November separate packages to reform the House and the Senate, and went out of business at the end of the year. These recommendations were introduced as legislation in January and are now being considered by the committees of jurisdiction. Action on the House and Senate floor is expected later this year.

The process of congressional reform is difficult. Everybody favors reform in general, but when specifics are addressed it becomes extremely difficult to build consensus around a single package. Still, the Joint Committee has made an important contribution to the reform effort. The panel's recommendations are meaningful and would reform both the House and Senate in parallel ways. Every single proposal in the package is bipartisan. And the recommendations in the package are politically realistic; passage by Congress this year should be feasible.

Reform Recommendations. There are dozens of worthwhile proposals in the House and Senate reform packages. The House plan, for example, would make Congress subject to laws applied to the executive branch and private sector, and create a new office to ensure that these laws are effectively enforced. In addition, for the first time private citizens would play a key role in the process through which ethics complaints against House Members are investigated. The reform package also calls for reducing congressional staffing levels by 12%, the same level recommended for the executive branch by the Clinton Administration's reinventing government proposal. The House reform plan would open Congress to greater public scrutiny by publicizing special interest proposals in committee reports, which should help curb wasteful "pork-barrel" spending.

The proposals to reform the ethics process, apply laws to Congress, cut staff, and open up the spending process deal with reform issues that are highly salient to the public. Certain other proposals are less well-known, but still critical for improving congressional efficiency.

For example, Members often complain that an excessive number of committee and subcommittee responsibilities undermines the quality of deliberation, and thus the quality of legislation. As a result, the House reform plan would impose tough limits on committee assignments and reduce the number of subcommittees. If the number of subcommittees cut by the package is added to the cuts made last year, roughly one-third of House subcommittees will have been abolished. Also, if a standing committee falls below 50% of its 103rd Congress membership level, a resolution would be considered to abolish the committee and transfer its jurisdiction. Another, relatively technical, reform proposal would fundamentally alter the federal budget process by placing it on a two-year cycle—a profound change that would simplify the budget process, promote more long-term thinking, and strengthen oversight. The House reform plan would establish targets for entitlement spending and address situations when the targets are exceeded. The House plan also would guarantee that the minority party be able to offer a full policy alternative on all legislation considered by the full House, enhancing the minority's ability to participate fully in the legislative process.

Improvements. My sense is that, if accepted, the recommendations of the Joint Committee would constitute the most sweeping reform of Congress in decades. But these proposals are not the last word on reform. No single reform plan can resolve all the problems that confront Congress, nor can any single plan please everyone. Congressional reform is an ongoing process. The mandate of the Joint Committee was daunting in its breadth, and it was only authorized to exist for one year. Many reform issues merit further attention, and the Joint Committee's recommendations should be viewed as an important base upon which to build comprehensive reform. These proposals should be strengthened, not weakened, as they move through the legislative process.

For example, the reform plans fail to address fully the problem of Senate floor procedure—the major source of delay in Congress. One proposal would end filibusters on the motion to take up a bill. But even if this proposal is accepted—and that now is in doubt—five distinct points would remain where any bill could be filibustered. The House plan also might be strengthened in various ways, such as reducing the opportunity for Members to offer "surprise" amendments without adequate notice.

It is critical that the reform effort continue to proceed in a timely fashion. Members should not walk away from the recommendations of the Joint Committee on the Organization of Congress. Failing to pass a comprehensive reform bill this year would be a major blow to the prestige of Congress.

We must change the way Congress works. Our goal must be to make Congress both less expensive and more efficient. The effort to reform Congress is an important part of the effort to redesign, reinvent, and reinvigorate the entire national government.

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## BRANFORD, CELEBRATES 350 YEARS OF COMMUNITY

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Ms. DELAURO. Mr. Speaker, it is with great pride that I inform Congress that this year, the town of Branford, CT, will be celebrating its 350th anniversary. A town rich with history that rests on the shores of Long Island Sound, Brandford's unique history reminds us of the perseverance and exceptional vision of colonial America.

In 1638, members of the New Haven Colony purchased a tract of land from the Mattabesech Native Americans. This purchase included a piece of land called Totokett, that later became Branford. In 1643, the colony granted Mr. William Swayne of Wethersfield the Totokett plantation. He was joined by settlers of the New Haven and Wethersfield communities, who made Branford their home.

Tradition has it that Yale University was actually founded in Branford in 1701. Seven area ministers came to the Reverend Russell's home in Branford, and donated books that were the foundation of Yale University's library.

Throughout the colonial period, Branford residents contributed to the economic strength of the Connecticut colony. While some residents also took advantage of the town's accessible port, and traveled along the eastern seaboard exporting lumber, livestock, brooms and produce, farming was the chief occupation for Branford families for over 200 years.

That began to change in 1852, when the railroad came to Branford, and brought with it the age of industry. Several companies were critical to Branford's new economic strength, including the Branford Lock Works, founded in 1865 and the Malleable Iron Fittings Co., founded in 1864. The Malleable Iron Fittings Co. grew to become the town's largest employer and taxpayer. The coming of the railroad opened Branford up to not only manufacturing, but to tourism as well. In the late 1800's, 20 summer hotels lined the shoreline of this beautiful summer resort. Visitors could travel via trolley up and down the shore. Branford provided a cool and tranquil refuge to many city residents eager to escape the heat and humidity of the Northeast.

Today, Branford takes pride in its beautiful shoreline and its unique history. The Branford Trolley Museum has captured Branford's past as a summer resort and popularity of the trolley cars. Ferries run from Branford to the Thimble Islands, where summer residents still return year after year. Branford remains a dynamic community with a small-town atmosphere. Mr. Speaker, I am proud to congratulate Branford as it celebrates 350 years of closely knit, community living.

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## TRIBUTE TO OLIN HENRY TIMM

### HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Olin Henry Timm. Olin was recently awarded the McClure Silver Ram Award by the American Sheep Industry Association. His lifetime of commitment to the livestock industry and to his community makes him extremely deserving of the McClure Silver Ram Award. I am pleased to speak on his behalf and enter into the CONGRESSIONAL RECORD a brief and incomplete list of his many accomplishments.

Olin Timm was born and raised in Dixon, CA, son of Henry and Emma Jane Timm. Olin's father was owner of a dairy in Dixon which produced H.R. Timm Certified Milk, particularly noted because of the certification.

Olin graduated from Stanford University in 1935 with a degree in economics and history in 1935. He later earned a masters of science in agricultural economics from Cornell University. While at Cornell, Olin met and later married Arley Pistor, always known as June. Following their marriage in the East, Olin was sent to Texas for a position with the U.S. Department of Agriculture. Olin also worked for the Department in Washington, DC.

Olin returned to Dixon with June and set up housekeeping on what was then known as the hill ranch in the hills south of Winters, which was the winter pasture for the Timm dairy stock. The ranch became the center of the operation for the Timm sheeping ranch. It was there that Olin and June raised their three children, Arley, Peter, and Susan. Olin's wonderful wife June passed away in 1990, but Olin is still active at the magnificent home place that they both made of the hill ranch.

As well as sheep ranching, Olin has always utilized the dairy property in Dixon, growing row crops such as tomatoes and sugar beets and operating a feed lot for cattle and sheep.

The name Olin Timm is synonymous with the town of Dixon. He has been involved with many activities associated with the community—as director, president, and chairman of the board of the First National Bank of Dixon—where his father was a charter member—as vice president of the Solano Irrigation District, as current president of the Dixon Historical Society. In addition, he has been involved with various clubs and organizations including the Dixon Rotary Club, Dixon Masonic Lodge, the Dixon Chamber of Commerce, the local chapter of AFS, and the Boy Scouts of America. In fact, Olin earned the Scout's highest honor, the rank of Eagle Scout.

Olin has been extremely involved with the California Wool Growers Association, serving on the board of directors since 1941, chairing its animal health committee since 1966, and ultimately serving as its chairman. In addition, he served as president of the U.S. Animal Health Association in 1974 and is a past member of the U.S.D.A. Foreign Animal Health Committee.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me today in honoring Olin Timm and I personally extend my sincere appreciation for all he has done for the American sheep industry and the Dixon community.

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## TRIBUTE TO CULVER CITY CITY COUNCILWOMAN JOZELLE SMITH

### HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. DIXON. Mr. Speaker, I rise today to pay tribute to an outstanding public servant who since 1986 has provided distinguished leadership as a member of the Culver City City Council. On April 19, 1994, Culver City City Councilwoman Jozelle Smith will officially retire from the council and the Culver City Redevelopment Agency. It has been a pleasure to work with Councilwoman Smith over these past 8 years, and I am pleased to have this opportunity to highlight just a few of her career achievements and contributions to the citizens of Culver City.

Born in Culver City in 1939, Jozelle graduated from Culver City High School in 1957. The following year, she married Kenneth D. Smith. Jozelle and Kenneth are the proud parents of two adult sons and grandparents of two children. While juggling the responsibilities of parenthood, Jozelle also pursued studies at the University of California at Los Angeles [UCLA], West Los Angeles College, and Santa Monica College.

From 1982 to 1986, Jozelle served as a member and chairperson of the Culver City Human Services and Parks Commission. In April 1986 she was elected to a seat on the Culver City City Council. She was appointed vice mayor of the council in 1986, and served as mayor from 1989 to 1990. She was reelected to a 4-year term in 1990.

Along with her distinguished service on the Culver City City Council, Councilwoman Smith has provided outstanding leadership and vision as a member of the Culver City Redevelopment Agency [CCRA]. She served as chair of the agency from 1988 to 1989 and from 1993 to 1994. Prior to that, she served as the agency's vice chair for 2 years from 1991 to 1993.

In recognition of her outstanding leadership abilities, in 1988 then-Governor George Deukmejian appointed Councilwoman Smith to the California Council on Criminal Justice. She was reappointed to the council by Gov. Pete Wilson in January 1992. As a member of the League of California Cities, she has held several positions including president of the Los Angeles County Division, chair of the Committee on Children and Families, and member of the Human Development Steering Committee and the Transportation Committee. She is a past member of the Los Angeles County Transportation Committee I-405 Advisory Committee, and the LAX Blue Ribbon Task Force.

Her memberships include the California Women's Association for Education and Research [CEWAER], and the League of Women Voters of Los Angeles. Jozelle also serves on the Culver-Palms Family YMCA Board of Managers; Brotman Medical Center Executive Advisory Committee; executive board of the California Drug Abuse Foundation; Culver City Woman's Club; Sister City Committee; Guidance Clinic Guild; and the Culver City High School Booster Club.

Mr. Speaker, it is indeed an honor to have this opportunity to share this brief retrospective highlighting Councilwoman Jozelle Smith's stellar career in public service with my colleagues. I commend her for her unwavering commitment to the citizens of Culver City and ask that you join me in extending to her and the Smith family our sincere appreciation and best wishes for a long, healthy, and prosperous future.

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## HEALTH CARE REFORM AND EMPLOYMENT

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. STARK. Mr. Speaker, a number of business groups are opposing health care reform and employer mandates They claim that employer mandates will drive them out of business and create unemployment.

The evidence shows they are wrong.

Those businesses which do not provide health insurance for their employees are, in reality, subsidized by other businesses who do the right thing and cover the workers, and by the taxpayers who pick up the tab for emergency care and charity care for uninsured workers. A recent UCLA study showed that in California in 1992, taxpayers paid $4 billion for MediCal and emergency room expenses of workers and their dependents who were not insured by their own employers. That's not fair to the businesses and workers who buy health insurance through the workplace.

Most health reform bills would require all businesses to provide roughly 80 percent of the cost of insurance for their workers. For the firms who do not now provide coverage, this would be the equivalent of an increase in the minimum wage; it would be an increase in the hourly cost of employing people.

Would it create massive unemployment and economic disaster? No, past minimum wage increases did not.

The restaurant, apparel, food store, and hotel industries are sectors that are complaining bitterly about the impact of a health insurance mandate. They are also industries associated with a lot of minimum wage and lower paid workers. What happened to the number of establishments and workers in these four industries during 1990 and 1991—the latest year for which data are available?

I pick these years, because on April 15, 1990, the minimum wage was increased 45 cents an hour and again on April 15, 1991, it was increased another 45 cents to the current total of $4.25.

The question is complicated by the fact that there was a major recession starting in July, 1990, and continuing until March, 1991, and it took until March 1992, for the economy to return to its prerecession levels, thus most sectors of the economy showed serious declines during this time period. The Department of Commerce census data shows that between 1990 and 1991 there was a 1.26 percent decline in total private employment, but a 0.4 percent increase in the number of establishments open for business.

In the total retail sector, there was a 1.09 percent decline in employment, which was less than the national total decline, while in the services sector there was a 2.69 percent increase in employment. In the eating and drinking establishment—restaurant—area, there was a job decline of 0.7 percent but an increase in the number of restaurants. In the apparel and accessory stores sector, employment increased 0.09 percent, while the number of stores declined. In food stores, there was a 0.3 percent decline in employment, but the number of stores increased. In the hotel and lodging sector, employment declined 1.34 percent but again the number of establishments increased by about 3.86 percent.

In short, in three of the four sectors, employment declined less than it did overall nationally—in one sector employment actually increased. In three of the sectors, businessmen were busy opening more stores than closed.

COMPARING INDUSTRIES: HOW MINIMUM WAGE INDUSTRIES COMPARED TO OTHER INDUSTRIES AFTER THE MINIMUM WAGE INCREASES OF 1990 AND 1991

[In percent]

| Type of business | Change in employment | Change in number of establishments |
|---|---|---|
| Total economy | −1.26 | +0.40 |
| Total retail sector | −1.09 | +1.15 |
| Total services sector | +2.69 | +4.00 |
| Eating and drinking places | −0.70 | +3.14 |
| Apparel and accessory stores | +0.09 | −1.70 |
| Food stores | −0.30 | +0.92 |
| Hotel and lodging | −1.34 | +3.86 |

The next time a businessman complains about health care mandates in an economy that is growing rapidly, ask them about their experience with the 1990 and 1991 minimum wage increases. Ask them what is different about the cost of a mandate and the cost of a minimum wage increase. Ask them why they can't do the right thing and pay their fair share of America's health care costs instead of being subsidized by their competitors and the taxpayers.

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## CONGRATULATIONS TO PRESIDENTIAL CLASSROOMS ON ITS 25TH ANNIVERSARY

### HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. TORRICELLI. Mr. Speaker, this spring, a Presidential Classroom for Young Americans, Inc., a proud legacy of the vibrant idealism and exuberant optimism found in the Kennedy and Johnson administrations, celebrates a quarter century of academic programs dedicated to creating a deepened understanding of civic rights and responsibilities within America's young people. Throughout the years, over 65,000 high school juniors and seniors have participated in this week-long program observing their Federal Government in action. They see their Representatives and Senators conduct legislative business, visit Government departments, and hear journalists and lobbyists describe and defend their roles in the policy process. They become intrigued by listening to a foreign ambassador outline how they promote their government's interest in the complex mix of bureaucratic, political, and diplomatic Washington.

The entire city becomes the students classroom in which to learn, and provides a perfect setting to discuss and debate the challenging issues facing our country. Washington's inspiring monuments serve to remind the students of our country's proud history while challenging them to continue this tradition of excellence into the future.

The instructors, who facilitate the learning experience, are Government professionals and are often alumni of the Classroom themselves. After seeing their Government up close, virtually all of the young people have benefited from the unique perspective and are left with a lasting impression of democratic Government.

Tomorrow, Presidential Classroom will mark it 25th anniversary with a gala celebration to honor the distinguished men and women who have taken their Washington experiences and used them to not only shape their lives, but improve the lives of others throughout the Nation. While the evening will pay tribute to its successful past, it will also renew its mission with a new beginning. The Presidential Classroom Endowed Scholarship Fund will be unveiled to enable future generations of motivated students, regardless of their economic status, to gain a deepened sense of civic responsibility and to explore their leadership potential.

Presidential Classroom is honoring me as a distinguished public service alumni and it is my pleasure to congratulate my fellow Presidential Classmates for their outstanding efforts and achievements to lead and assist our Nation's communities. I have included below the names of the 1994 Presidential Classroom Distinguished Alumni to share with my colleagues. I am proud to be associated with them:

C. Richard Allen, Washington, DC, Deputy Assistant to the President and Senior Adviser, Corporation for National and Community Service.

C. Scott Crump, Riverton, UT, Educator, Bingham High School.

Steven M. Luxenberg, Washington, DC, Assistant Managing Editor of Special Projects—The Washington Post.

Larry V. Turner, Montgomery, AL, Executive Director, Alabama Council for School Administration and Supervision (ACSAS).

Preston L. Bolt, New York, NY, Vice President, Chemical Bank.

Scott Mall, Atlanta, GA, Director of Communications, Atlanta Committee for the Olympic Games.

Richard W. Soudriette, Washington, DC, Director, International Foundation for Electoral Systems.

Ann Mitchell, Washington, DC, Executive Director, The National Council of Nonprofit Associations.

Linda D. Nix, Casper, WY, Civic Leader.

Randolph B. Lewis, Tallahassee, FL, Director of Communications—Florida Department of Education.

Barbara J. Dettmer, Wheaton, IL, Management Analyst—U.S. Department of Transportation.

Mitchell J. Shore, Philadelphia, PA, Partner—Law Firm of Kolsby, Gordon, Robin, Shore and Rothweiler.

Angela Bassett, Hollywood, CA.

Carol L. Catherman, Lewisburg, PA, Judicial Law Clerk, U.S. District Court, Middle District of Pennsylvania.

William T. Greer, III, M.D., Berlin, MD, Partner, Primary Care Associates.

Andrew N. Richardson, South Charleston, WV, Commissioner, West Virginia Bureau of Employment Programs.

Dr. Mark L. Usry, Harrisonburg, VA, Assistant Professor, James Madison University.

Elizabeth Doyle Moran, Falls Church, VA, Assistant Director for Legal Affairs, National Criminal Justice Association.

Kevin D. Shearer, Baton Rouge, LA, Assistant Superintendent of Schools, Diocese of Baton Rouge.

Elizabeth Carter, Arlington, VA, Senior International Relations Specialist, NASA.

Elbert Murphy, Washington, DC, Management Analyst, U.S. Department of Education.

Manuel R. De Juan, San Juan, PR, Deputy Executive Director, The Tourism Company of Puerto Rico.

Whitman Smith, New York, NY, Educator, Robert Louis Stevenson High School.

Claude A. Taylor, Washington, DC, White House Volunteer Director, Executive Office of the President.

Joe Dobrow, Falls Church, VA, Marketing Manager, Fresh Fields, Inc.

Daphne Kwok, Washington, DC, Executive Director, Organization of Chinese Americans, Inc.

Marc A. Landis, New York, NY, Attorney.

J. Brooke Hern, Trenton, NJ, Chief of Staff, New Jersey Assemblyman Joseph F. Yuhas.

Christopher Padilla, Washington, DC, District Manager Government Affairs, AT&T.

Kent R. Bradley, M.D., Wichita, KS, Resident Physician, University of Kansas School of Medicine.

Lieutenant Marc L. Ruggiano, USN, San Diego, CA, Flight Instructor and Human Programs Manager.

Michael Wascom, Washington, DC, Legislative Director, U.S. Representative Spencer Bachus.

Jerome Hoynes, Winnetka, IL, Social Studies Teacher, Northbrook High School.

Steven H. Davis, D.D.S., Ypsilanti, MI, Doctor of Dental Surgery.

Nectar Ramirez, Chicago, IL, Compensation Analyst, FMC Corporation.

Heather H. Howard, Washington, DC, Legislative Assistant, U.S. Representative Nita Lowey.

Molly Laychak, Alexandria, VA, Chapter and Student Relations Administrator, American Academy of Physician Assistants.

Albert H. Cheng, Boston, MA, Associate Consultant, The Boston Consulting Group.

Elizabeth L. Dougherty, Ashburn, VA, Patent Examiner, U.S. Patent and Trademark Office.

Jonathan Bing, New York, NY, Candidate for Juris Doctorate, New York University School of Law.

Laura G. Garcia, Lake Station, IN, Congressional Hispanic Caucus Institute Fellow.

Darrien Demps, Washington, DC, Program Manager, Executive Leadership Program, National Urban Coalition.

Melanie Hartwig, Hattiesburg, MS, Bachelor of Arts Candidate, Mississippi State University.

Chrisann Newransky, Flat Rock, MI, Bachelor of Arts Candidate, University of Michigan.

Duncan Skogsberg, San Luis Obispo, CA, Bachelor of Arts Candidate, University of Arizona.

Michael J. Elmendorf, II, Loudonville, NY, Bachelor of Arts Candidate, Union College.

Dawn Ulley, Southampton, NJ, Bachelor of Arts Candidate, University of Maryland.

Ari Weinberg, Richmond, VA, Douglas Freeman Senior High School.

#### FEDERAL FORUM ALUMNI

Helen Coalter, Richmond, VA, Teacher, Henderson Middle School.

Robert Handy, Bel Air, MD, Teacher and Social Studies Department Chairman, Bel Air High School.

#### DISTINGUISHED PRESIDENTIAL CLASSROOM ALUMNI

Senator Mark L. Early, Chesapeake, VA, State Senator.

Randall Martin, New Lenox, IL, Lockport City Councilman and New Lenox Chamber of Commerce President.

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## BLIND CITIZENS' RIGHT TO JURY SERVICE

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Ms. NORTON. Mr. Speaker, today I introduce the District of Columbia Right to Jury Service Amendment Act of 1994. The bill would ensure that blind citizens of the District of Columbia will not be automatically excluded from jury service.

By statute, the District of Columbia jury system entitles all litigants who are entitled to a trial by jury to the right to grand and petit juries selected from a fair cross section of the citizens of the District.

Under current law, a citizen of the District of Columbia may not be excluded or disqualified from service as a juror because of race, color, religion, sex, national origin, ancestry, economic status, marital status, age, mental infirmity, or most important for the purpose of this bill, a physical handicap. However, until 1993, it was the practice of the Superior Court of the District of Columbia to automatically disqualify prospective jurors who were blind but otherwise met all other qualifications.

This policy, based on assumptions that blind persons could not fully appreciate the veracity or credibility of evidence or witnesses, or that visual observation is an essential function or attribute of a juror's duties, was rejected by U.S. District Judge Joyce Hens Green in *Galloway* v. *Superior Court of the District of Columbia,* 816 F. Supp. 12, 16 (D.D.C. 1993). Judge Green held that categorically discriminating against blind persons violated three Federal laws; namely, the Rehabilitation Act of 1973,[1] Title II of the Americans with Disabilities Act of 1990,[2] and the Civil Rights Act of 1871.[3] The Superior Court now excuses prospective blind jurors from service only in particular cases in which vision is a necessary qualification for service. However, the City Council, by resolution, has requested a statutory change, to prohibit the automatic exclusion of blind persons from jury service.

Footnotes at end of article.

While the bill would prohibit courts from implementing any policies which would automatically disqualify blind citizens from jury service, the bill would not provide for the automatic inclusion of blind citizens for jury service. The decision of whether a prospective blind juror would be able to serve would be determined on a case-by-case basis by judges, attorneys, and the voir dire process.

Judge David Norman, a legally blind person, presided over numerous trials in the District of Columbia Superior Court for 10 years—from 1973 to 1983. His disability did not interfere with his ability to make factual findings. Blind lawyers who have tried both civil and criminal cases in Superior Court evaluate the credibility of witnesses and the content of physical evidence. It follows that blind jurors can evaluate witnesses and evidence as well. Blind citizens may already serve as jurors in the U.S. District Court for the District of Columbia.

In enacting this legislation, the District of Columbia would join at least 10 other jurisdictions that have enacted similar legislation, including California, Oklahoma, Massachusetts, New York, Oregon, South Carolina, Texas, Virginia, Washington, and Wisconsin.

Service on juries both preserves the democratic process and protects the right of parties. Jury service is an honor and privilege that should be available to all qualified citizens. Blindness should not in and of itself abrogate the privileges and rights accorded to all citizens of the United States.

I urge my colleagues to support this bill.

#### FOOTNOTES

[1] Section 504 of the Rehabilitation Act prohibits programs or activities receiving Federal financial assistance from denying benefits to individuals with handicaps.

[2] Title II prohibits entities from denying an individual with a disability participation in, or the benefits of, services, programs, activities sponsored by that entity.

[3] Section 1983 forbids deprivation of rights, privileges, or immunities secured by the Constitution.

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## TRIBUTE TO EDISON OSIRIS SANTANA

### HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Edison Osiris Santana of Troop One in Providence, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Edison cleared the land and built a garden at the Washington Park United Methodist Church in Providence.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Edison Osiris Santana. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Edison Osiris Santana will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

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## TRIBUTE TO SENATOR MILTON MARKS

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Ms. WOOLSEY. Mr. Speaker, I rise today to honor one of my district's most popular, dedicated, and accomplished elected officials, State Senator Milton Marks. We are celebrating Senator Marks' 35 years of service and his record of achievement on Thursday, April 14, 1994, in San Francisco.

Senator Marks represents the third senatorial district, which encompasses all of Marin County and parts of San Francisco and Sonoma Counties. Milton and his wife, Carolene, live in San Francisco. They have one daughter, Carol, and two sons, Milton III and Edward David Marks. They have two grandchildren, Zoe and Benjamin.

Milton Marks graduated from Stanford University with a B.A. degree and began law school at U.C. Boalt Hall when military service intervened. Following his service in World War II he completed his legal studies at San Francisco Law School and received his L.L.B. degree in 1949.

Milton Marks followed in his father's footsteps, who was an assemblyman, a San Francisco supervisor, and a city attorney.

Senator Marks has served with distinction since he was elected to the State Assembly in 1958. He was appointed by Gov. Pat Brown in 1966 as judge in San Francisco, and later ran in a special election for State Senate in 1967. He continues to serve his city and the State of California well in this capacity.

I wish to recognize Senator Marks for his commitment to the people of San Francisco, Marin and Sonoma Counties, and to thank him on the anniversary of his 35 years of distinguished public service.

Milton has demonstrated great leadership on a wide variety of issues, ranging from environmental protection and government accountability, to civil rights and privacy legislation. He is an active supporter of women's rights and an effective advocate for children, seniors, and people with disabilities.

As San Francisco's senator, Milton created the phenomenally successful environmental license plate fund which has raised over $300 million from the sale of personalized license plates to finance environmental projects. As chair of the senate select committee on maritime he introduced California's first historic shipwrecks law, providing procedures to maintain or salvage historic shipwrecks. His legislation also restricted the use of gill nets in order to protect marine mammals and seabirds, established safety guidelines on shipping vessels, and created the first Port Infrastructure Bank in California.

Senator Marks made invaluable contributions to the Ralph M. Brown Act, establishing open meetings in California. He was the architect of the Milton Marks Commission on State Government Finance, Efficiency, and Economy, which is commonly known as the Little Hoover Commission, which has saved California millions of dollars. In 1990, as a chair of the elections and reapportionment committee, Senator Marks created a balanced reapportionment plan that won bipartisan support in the legislature. His legislative efforts have helped prevent election fraud and voter intimidation at polling places, and safeguarded voters' rights to privacy. He continues to introduce campaign finance reform legislation.

Milton has been a fighter of discrimination and an advocate for civil rights and most notably coauthoring the Rumford bill which became California's first fair housing law. He passed the first State funding in the Nation for AIDS-related programs; he authored and coauthored every major progressive AIDS proposal in California.

Senator Marks was influential in passing laws that allowed women in California to obtain their own credit apart from their husbands, he worked to allow women the right to keep their own name after marriage, and he has been a long-time member of the Commission on the Status of Women.

As a chair of the senate subcommittee on the rights of the disabled, he has authored or coauthored a number of bills covering diverse topics such as increased SSI/SSP payments, provision of rental housing for low-income handicapped persons, emergency loans for the aged, blind, and disabled, and he created the State Council on Developmental Disabilities.

The State of California owes a great deal of gratitude for the tireless efforts of Senator Milton Marks over the years. Time and time again he has extended himself on behalf of so many people and for so many causes.

Mr. Speaker, it is my great pleasure to pay tribute to Senator Milton Marks on this celebration of his illustrious career. I regret that I am not able to join Milton and Carolene and their many friends during the April 14, 1994, celebration at Fort Mason Center, but I extend my hearty congratulations and best wishes to Senator Milton Marks for continued success in the years to come.

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## THE EPA'S WAR ON CIGARETTES

### HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. QUILLEN. Mr. Speaker, the following article from the Wall Street Journal was brought to my attention by Mr. Randolph Currin of Rogersville, TN, who is only one of the thousands of my constituents who feed and clothe their families, educate their children, and pay their taxes with the money they earn from the tobacco industry.

I believe that this article points out the real motives of those who are using secondhand smoke as an excuse to stamp out all smoking as they distort the scientific evidence to fit their agenda. I commend it and its conclusions to my colleagues as this issue makes its way before the House.

[From the Wall Street Journal]

SMOKE AND MIRRORS: EPA WAGES WAR ON CIGARETTES

(By Jacob Sullum)

Smoking is everywhere under attack. This week a House subcommittee considered the Smoke-Free Environment Act, which would ban smoking in almost all indoor locations except residences. New York is poised to join many other cities across the country, including Los Angeles and San Francisco, that have recently enacted sweeping restrictions on smoking. In the past year, Vermont, Maryland and Washington state have also adopted smoking bans, as have major public employers, including the Defense Department.

This flurry of antismoking activity is driven largely by a 1993 report from the Environmental Protection Agency that declared environmental tobacco smoke (ETS) to be "a known human lung carcinogen." Testifying in favor of the Smoke-Free Environment Act last month, EPA Administrator Carol Browner noted that "in the year since publication of the EPA report * * * we have seen a rapid acceleration of measures to protect nonsmokers in a variety of settings."

Most supporters of such measures probably believe that the EPA report presents definitive scientific evidence that exposure to ETS causes lung cancer. But those who have taken a closer look have come to believe that the EPA twisted the evidence to arrive at a predetermined conclusion. The overriding motive was to discourage smoking by making it less acceptable and more inconvenient. Indeed, the main benefit that Ms. Browner claims for the Smoke-Free Environment Act is its expected impact on smokers.

Yet coercing people for their own good still raises a few hackles in this country, so paternalists need to offer some additional justification. That's why they're been pushing the idea that smoking endangers innocent bystanders. The problem is, the evidence for this claim is weak, inconsistent and ambiguous. The EPA's report seems designed to conceal that problem.

The agency's most blatant trick is to use an unconventional definition of statistical significance. Epidemiologists generally call an association between a risk factor and a disease "significant" if the probability that it occurred purely by chance is 5% or less. This is also the standard that the EPA had always used for risk assessment. Yet for the report on ETS, the agency abandoned the usual definition and called a result significant if the probability that it occurred by chance was 10% or less. This change in effect doubles the odds of being wrong.

Even according to the broader definition, only one of the 11 U.S. studies that the report analyzes found a statistically significant link between ETS and lung cancer (according to the usual definition, none of them did). To bolster the evidence, the EPA combined data from these 11 sources into a "meta-analysis," a technique originally intended for randomized clinical trials. UCLA epidemiologist James Enstrom says using meta-analysis with retrospective case-control studies, such as those examined by the EPA, is "fraught with dangers," because the studies are apt to differ in the way they define smokers, the types of lung cancer they include and the confounding variables they consider, and so on.

In any event, the EPA's conclusion—that being married to a smoker raises a woman's chance of getting lung cancer by about 19%—is justified only according to the looser definition of statistical significance chosen especially for these data. By the conventional standard, the meta-analysis does not support the claim that ETS causes lung cancer.

Furthermore, the EPA excluded from its analysis a large U.S. study published in the November 1992 American Journal of Public Health that did not find a statistically significant link between ETS and lung cancer. Had this study been included, the meta-analysis might not have yielded a significant result even by the relaxed standard.

Despite what a July 1992 article in Science described as "fancy statistical foot-work," the EPA was able to claim only a weak association between ETS and lung cancer. With a risk increase as low as 19%, it is very difficult to rule out the possibility that the association is due to other factors. In 1991 Gary Huber, professor of medicine at the University of Texas Health Science Center, and two colleagues examined the 30 ETS studies discussed by the EPA in its report. "At least 20 confounding variables have been identified as important to the development of lung cancer," they wrote in Consumers' Research. "No reported study comes anywhere close to controlling, or even mentioning, half of these."

Furthermore, to come up with its estimate of 3,000 additional cancer deaths a year, more than two-thirds of which are supposedly due to exposure outside the home, the EPA relied on several controversial assumptions. It assumed that cotinine, a nicotine metabolite, is a reliable measure of ETS exposure. Yet nicotine is present in a number of foods, and the report itself concedes that "cotinine is not an ideal biomarker for ETS." The EPA also assumed that lung-cancer risk is directly proportional to ETS levels and that no level of ETS can be considered safe. Yet, dose-response relationships vary from one substance to another, and many scientists believe that a carcinogen has to be present at a certain level before it can do any harm.

Given these and other contrivances employed by the EPA, it is difficult to avoid the conclusion that policy has dictated science in the case of ETS. This approach may be politically effective in the short term, but it is ultimately self-defeating. By compromising the standards and methods of science, the experts also undermine their claim to authority.

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# TRIBUTE TO MARK CHARLES HARDIE

## HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. BURTON of Indiana. Mr. Speaker, I rise today to salute an outstanding young man. He is a bright, intelligent, 22 year-old college senior at the University of California at Riverside. He is also a self-proclaimed conservative Republican. His name is Mark Charles Hardie, and he is African-American.

Being African-American and a conservative Republican makes Mark unique. He has become an outcast among his peers, and labeled a sellout by those in the 4.5 percent African-American student body at UCR, which is 1 hour east of Los Angeles. Mark has endured four death threats because of his conservative beliefs, and his willingness to challenge the status quo. This is a young man who has chosen to believe differently, and is being persecuted, ostracized, and even physically threatened because his beliefs differ from what he is supposed to believe.

Mr. Speaker, I thought that is what America is all about—the opportunity to believe and speak as individuals without reservation. That is what liberals in this body and throughout the country cherish on almost every occasion—unless it differs from their prescribed agenda.

Mr. Speaker, here we have a young man who has done very well in school, who is a Christian, who is opposed to abortion, who believes in family values, and yes, he is African-American. But why does this matter? I'll tell you, it sure doesn't to me. He has said he wants to shed the label of being a black American, and just be an American. This is not in an effort to rid himself of his heritage, but rather an effort to move beyond the process of stereotyping and labeling, and challenge the bigotry and racial intolerance he feels is strangling the African-American culture.

Mr. Speaker, I have spoken with Mark Hardie. His story is both tragic and triumphant. It is unbelievable that at this time in America anyone would have to endure what Mark Hardie is presently enduring. At the same time, it is truly uplifting to see a young man so dedicated that he is willing to stick to his beliefs, whatever the cost. Mr. Speaker, Mark Hardie is an American, and a special one at that.

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# DISTINGUISHED SERVANT: W.R. "DICK" PHILLIPS

## HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. EMERSON. Mr. Speaker, I rise to pay tribute to a distinguished community servant in my southern Missouri district. After 26 years as the mayor and an alderman of New Madrid, MO, W.R. "Dick" Phillips is retiring.

Over these years, Dick has been an influential leader and positive force in this Bootheel community nestled along the Mississippi River. Living and working amongst some of the most fertile soil in this great country of ours, Dick Phillips has been a farmer and agri-business developer for nearly a half-century. Moreover, he has taken his experience and hard-work ethic from down on the farm into community projects and community development on New Madrid's downtown Main Street and throughout the entire county.

As an alderman, Dick helped lead the effort to pass the single largest industrial bond issue for any community of any size up to that time. For a small town, that was, and still is, quite an accomplishment. The eventual end result is the Bootheel region's biggest employer in Noranda Aluminum and Associated Electric. Noranda now puts 1,300 people to work from a half-dozen southeast Missouri counties and 4 other States and is a staple in our economy. Meanwhile, Associated Electric supplies all of the power to Noranda as well as the rest of the community's residents and other businesses. Its statewide power cooperative also distributes electricity throughout Missouri—and this is nothing to say about the 300 jobs created in the process.

As mayor, two other industries also located in New Madrid. Kontek Industries constructs prefabricated buildings utilized by telecommunications firms to house and to protect their high-technology equipment in rural areas. Alloy Research manufactures copper wire and other alloy derivatives used by the Defense Department and the aeronautics industry. And in 1988, the New Madrid Chamber of Commerce recognized Dick Phillips with the community's highest honor—Man of the Year.

On a lighter side, those who really know Dick Phillips and have dealt with him on a regular basis know he enjoys a good laugh—whether he's dishing it out or happens to be on the receiving end. For instance, at a recent council meeting, Dick helped solve a citizen's complaint about an expensive water bill. After the customer was satisfied, Mayor Phillips, who's physically a large man, leaned over to the rest of the council and stated that he never uses that much water. A fellow alderman quickly replied: "Mr. Mayor, when you get in the bathtub, there's not much room left for water." Immediately noticing his gaffe, the alderman tried to smooth things over by saying, "I mean it's a matter of physics—you just displace a lot of water." The entire council chamber erupted in laughter and loudest above them all was the mayor, Dick Phillips.

All told, this Navy veteran, farmer, and agri-businessman certainly will leave his imprint on the city of New Madrid and the Bootheel region for years to come. For all of those who have worked with him to make southeast Missouri and the New Madrid community in particular a better place, we thank Dick Phillips and wish him all the best during the glory years of his retirement.

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# CFC'S STILL A HOT ISSUE

## HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. DORNAN. Mr. Speaker, I would like to bring to your attention an article from the Specialty Equipment Marketing Association [SEMA]. This article was published in the SEMA News October 1993 issue. This article is one voice in a growing chorus of protest against the human devastation that could result from the ban on production of CFC's. I commend this article to Members' attention.

[From SEMA News, Oct. 1993]

### CFCs: STILL A HOT ISSUE

### WHY IS THE AUTO INDUSTRY LETTING THE GOVERNMENT DICTATE . . . AGAIN?

(By Paul V. Sheridan)

If a contest were held to award the most scientifically baseless, politically oppressive, morally bankrupt, economically destructive environmental farce, the hands-down winner would be the banning of chlorofluorocarbons (CFCs). Due to government intervention, the automotive industry is being forced to scrap billions of dollars in unamortized Freon-based equipment and spend billions more on equipment dedicated to new refrigerants (R134a) since the two are not compatible. Meanwhile, automotive A/C customers will see their "repair" bill go from $25 to $800 as retrofits become required.

Whenever a major action is being dictated, especially at the national level, ask yourself "Who benefits?" If your answer includes "arrogant scientists," "trendy politicians" and "faceless corporate bureaucrats," you can safely assume that scandal is not far behind. These do-gooders will proclaim that you are going to benefit because they are doing you a big favor * * * one you don't remember requesting.

### UNANSWERED QUESTIONS

When I began studying the theory that CFCs were affecting the ozone layer, I found less and less, not more, credibility. This trend continues at an accelerating pace. A review should include these questions:

1. The Rowland/Molina theory seeks to convince you that chlorine from CFCs is responsible for "destruction of the ozone layer." If this is true, why did Mother Nature evolve oceans that emit an average of 600 million tons per year, 80,000 times the chlorine theoretically supplied by CFCs? What about volcanoes such as Mount Erebus which emits an average of 1,000 tons of chlorine each day? When Mount Pinatubo recently erupted, 10 million tons of chlorine was ejected. Chlorine from this planet's 6,500 volcanoes has been deposited directly into the stratosphere for billions of years! Why weren't natural sources even mentioned in the theory?

2. Why are the major chemical companies pushing for a ban of CFCs? What is the status of the international patent rights to CFC production? Is it merely a coincidence that the scheduled ban of CFCs coincides with the expiration of the parents? Is it coincidence that the companies that are shoving this ban down your throat are the very same companies that hold the "approved" patents? Is it coincidence that these bureaucrats are also major stockholders of media mouthpieces such as Time? Is there any correlation between the business plans of selected chemical companies, and the subsequent emergence and widespread media promotion of this theory?

3. Gordon Dobson, the father of atmospheric science, discovered seasonal fluctuation of the Antarctic ozone layer in 1956. Why is this natural phenomenon never discussed? What is the implication given that CFCs were not widely used when Dobson made his historic observations? What is the significance of the Scandinavian claim that their research on ozone-layer fluctuations dates back to 1925—when CFCs had not yet been invented!

4. If the ozone layer is being "depleted" why has the ultraviolet radiation reaching the Earth's surface been declining for the last 50 years?

5. Why the Tazieff Resolution? Why would hundreds of respected scientists sign a document that states that the CFC/ozone layer issue is a fraud? Why is this resolution avoided like the plague by the American news media? The EPA? Why is the Tazieff Resolution hidden from the public?

6. Why did Vice President Al Gore fire Dr. William Happer of the Department of Energy, who was pursuing a scientific review of available data? He was also proposing more accurate instrumentation to ensure credible conclusions. What does this incident indicate about the ethical stature of the present administration? Has Gore decided that the scientific method should be replaced by "political correctness?"

7. Why House Resolution 547? This legislation calls for a complete investigation of this fraud and will probably result in criminal proceedings. Why haven't our friends in the news media told you about H.R. 547?

8. The original design criteria for refrigerant chemicals was to be durable, non-flammable, non-corrosive and non-toxic. After 20 years of development and tests, and more than 40 years of use, CFCs have completely proven themselves. By stark contrast, R-134a is flimsy, explosive, corrosive and downright poisonous! Recognizing that they themselves will not be routinely exposed to this unproven chemical, what criteria did the EPA use to pronounce from their ivory towers that R-134a was "acceptable"?

### REQUESTS DENIED

I called the EPA (202/233-9155) and requested its human-toxicity studies on R-134a. Under the Toxic Substance Control Act, the EPA is required to release these findings. It flatly refused my requests. The important issue is the health risk imposed on our technicians who will unknowingly be exposed to a substance that is at least 100 times more carcinogenic than the CFCs it replaces! The EPA does not want you to know the details contained in the toxicity studies.

That this fraud is backed by those who would dissolve organizations such as SEMA is demonstrated by Mr. Gore, who explains in his book that the automobile is a "mortal threat . . . more deadly than that of any military enemy we are ever again likely to confront." Certainly, politics, greed and fascism are not new to humankind. What is new is the context of these implementations: the environment!

The 15th-century Europeans were told of sea monsters at the edge of a flat earth. In truth, the market share of silks and spices enjoyed by the major traders were being threatened by the smaller mariners. Similar to the lies told of the earth's flatness, SEMA is being told, "The ship has sailed . . . it's too late." That money-making ploy did not work for the greedy mariners of the 15th century, and SEMA members need to ensure that it doesn't work today. An excellent start is to write to your congress-person and demand that he or she support H.R. 547.

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## MAKING GOVERNMENT PROGRAMS WORK BETTER

## HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 13, 1994, into the CONGRESSIONAL RECORD:

### MAKING GOVERNMENT PROGRAMS WORK BETTER

Voters have viewed the federal government in recent years with great skepticism, and often hostility. In a sense the institution of government is under siege. It is very difficult after years of growing cynicism about the federal government to convince people that it can competently tackle difficult and complex jobs. Not too many years ago people thought government was able to come up with solutions. Today I find skepticism about government at every turn: at public meetings, radio call-in shows, and frequent comments from Hoosiers. Most people simply feel that the country is not being governed well—not in the sense of any particular president or Congress but as an overall perception about the performance of government.

Many citizens are concerned that government programs simply do not work. Americans historically have had an anti-government bias, and the intense media interest in things that go wrong tends to feed that sentiment. Strong criticism of government is a basic fact of today's political debates; we all join in it. In a government as large and pervasive as ours, everybody can find something to criticize. But I am still amazed at the large number of people who think that government does not do anything right, when the evidence is all around—from highway construction to airport traffic control to national defense to social security—that it does.

Clearly government programs should be viewed with skepticism and care. However, the failings of some programs should not blind us to successes or to the need for a degree of government involvement in many areas. Government's purpose is to act in ways that improve the lives of people and their security in the world. Given the present antigovernment climate, it may be unpopular to point out some good things about government, but it really ought to be done. Recognizing successes helps us get a better sense of what we need to do to make government work better.

Successful Programs: One example of a beneficial federal program is also the biggest: social security. It has had an enormous impact on the lives of older Americans. Without it, their poverty rate would jump from 14% to 50%. And social security's administrative costs are less than 1% of benefit payments. WIC—the supplemental food program for women, infants, and children—has significantly improved child nutrition and health while reducing federal medicaid costs. The Head Start program is widely praised for preparing disadvantaged preschoolers to enter school ready to learn. The federal student loan program has helped make higher education accessible to the middle class.

Another federal program that works is the interstate highway system. Covering 42,000 miles, it has been invaluable to the economic and social well-being of the nation. Agricultural research and extension programs have gotten the results of university research out to the farmers in the field, and have been a major reason why the U.S. is the leading agricultural producer. The federal Clean Water and Safe Drinking Water Acts have helped to reduce water pollution and contaminants in drinking water. The National Institutes of Health is one of the world's foremost biomedical research centers, conducting research in areas such as cancer, AIDS, and heart disease.

Some important federal programs are often taken for granted. The National Weather Service, for example, provides continual forecasting for the nation, and its warnings of severe weather save lives and reduce property damage. The federal air traffic control system helps ensure the safety of air travel for millions of Americans. The Federal Bureau of Investigation is probably the most respected law enforcement organization in the world. A variety of other federal agencies are also well respected—the Federal Reserve Board, the National Security Council, the Office of the Secretary of Treasury.

Some defense programs have been criticized as too expensive or unnecessary, but the overall effectiveness of our national defense—particularly apparent during the Desert Storm conflict—has been demonstrated. Clearly our armed forces are the best equipped and best trained in the world.

Importance of Vigilance: None of these government programs is perfect, and all can be improved. Still, they are examples of federal initiatives that have produced major policy benefits for the American people—and there are many others. But what distinguishes these and other successful programs from those that do not work well is vigilance—the extent to which the President, Members of Congress, and the public pay attention to how a program is actually implemented.

Congress monitors how well programs work through a process known as congressional oversight, and my sense is that more needs to be done. Few things would improve the operations of the federal government more than vigorous oversight of its performance. The Joint Committee on the Organization of Congress—a reform panel that I cochaired—has provided specific recommendations to improve congressional oversight.

First, the Joint Committee has proposed that the federal government switch from an annual to a two-year budget process. Currently, too much time is taken up debating budget-related legislation every year, and not enough time is devoted to examining whether government programs are cost-efficient and working as intended. Under this proposal, key budget and spending decisions would be made during the first year of the federal budget cycle, while the second year would focus on oversight and long-term planning.

The Joint Committee has also proposed new oversight requirements for Congress. At the start of a new Congress, each House committee would be required to prepare an oversight agenda, laying out specific plans to review all significant laws, agencies, and programs under the committee's jurisdiction. To give this requirement teeth, the thoroughness of a committee's oversight agenda would help determine the committee's funding. At the end of a Congress, the committees would report back on the results of their oversight efforts, including recommendations for making particular government programs work better.

Congressional oversight is no panacea for dealing with inefficient government. But a key ingredient to improving the quality of federal programs is sustained vigilance by citizens and their elected representatives. Government programs work best when they are effectively monitored.

## TRIBUTE TO PATRICIA H. CLARK

### HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. WALSH. Mr. Speaker, I rise today to honor a true woman of achievement. Patricia H. Clark is a resident of Cortland, NY, in my home district. She is being honored by the Zonta Club for her contributions of time, energy, and intellect. That list of contributions is long, indeed.

It may be interesting to my colleagues to know that the person who nominated Ms. Clark chose to note that when it comes to belonging to an organization, "Pat is never a member in name only."

She built reality from a dream in the form of the Cortland College Children's Center. She turned her energy to the oldest local college sorority, Nu Sigma Chi, helping it to survive and rescuing the house from becoming low-cost student housing. She led the United Way county-wide, involved herself with the League of Women Voters, the YWCA, the American Association of University Women and the Faculty Wives through her marriage to James Clark, president of State University of New York College at Cortland.

Ms. Clark will be honored in my home district on May 1. I ask my colleagues to join me in wishing her well on that day of honor for her and her family, as well as all the best in a future which bodes well for the entire Cortland community.

I would also recognize the Zonta Club of Cortland, congratulating the officers and the entire membership on their good work as well as this worthwhile annual award.

## INTRODUCTION OF THE ENHANCED ACCESS TO SUPPORT ENFORCEMENT [EASE] ACT OF 1994

### HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. BILIRAKIS. Mr. Speaker, the failure of the child support enforcement system in the United States is nothing short of a national disgrace.

Almost 75 percent of custodial mothers who are entitled to receive child support either lack a support order or fail to receive full payment. Of those mothers who actually have a child support award—not even half actually collect what is owed. Thus, lack of child support is major contributor to the high poverty rate in single-parent families—and children suffer through no fault of their own.

The root of this problem lies in the current patchwork of laws and legal actions which control both the award and payment of child support. A parent seeking support confronts a dizzying array of legal rules and procedures—which can suddenly change when one parent or the child is moved to another State.

Americans' increased mobility has greatly multiplied the number of cases involving the interstate enforcement of support orders. In this situation, confusion often arises regarding which State's laws should be applied and which State has jurisdiction to decide a child support claim. As a result of these uncertainties, children who are entitled to receive support are suffering needlessly.

To address this problem, I am introducing the Enhanced Access to Support Enforcement [EASE] Act of 1994. The EASE Act will require each State to grant full faith and credit to the child support judgments rendered by the courts of other states.

While not removing the courts or lawyers from the child support system, the bill is intended to limit drawn out litigation and relitigation of claims. It is intended to promote simplicity and fairness in a system which is currently anything but simple or fair.

Under my bill, each State will be required to recognize the child support orders of another State, until that State no longer has jurisdiction. By streamlining procedures, the bill will reduce the time and money involved in enforcing an order and allow more children to receive the support to which they are entitled.

Mr. Speaker, by spending less money on litigation, more can be spent on the children who need and deserve financial support from their parents. I therefore urge my colleagues to cosponsor this important legislation.

## HOLOCAUST COMMEMORATION ADDRESS BY VICE PRESIDENT AL GORE AT DAYS OF REMEMBRANCE CEREMONY

### HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. SWETT. Mr. Speaker, last week on April 6 in the rotunda of our Nation's Capitol, just a few steps from where we now stand, the U.S. Holocaust Memorial Council organized the National Civic Commemoration to remember the victims of the Holocaust in connection with the annual Days of Remembrance. This is part of the yearly observance in memory of the 6 million victims of the brutal, inhuman Nazi-German slaughter of innocent women, children, and men.

This year the commemoration was dedicated to the Hungarian-Jewish community decimated in the Holocaust, because March 19 of this year marks the 50th anniversary of the beginning of the Holocaust in Hungary—the time in 1944 when the deportation of Jews began there. Shortly after German troops occupied Hungary, Adolf Eichmann arrived in Budapest personally to supervise the Final Solution in that country. Under his vicious leadership, the number of Jews in Hungary dropped from approximately 750,000 to just 139,000 some 10 months later when Budapest was liberated by the Soviet Army in January 1945.

The tragic events that took place in Hungary half a century ago, events which were solemnly and sadly recalled this year in the great rotunda here in our Nation's Capitol Building, have a special significance for me, Mr. Speaker. As you and my colleagues in the Congress know, my wife is the daughter of our distinguished colleague, TOM LANTOS of California, the only survivor of the Holocaust elected to Congress, and of Annette Lantos, also a survivor of the Holocaust. If my wife and six children had lived in Hungary in 1944, they would have been declared racially unfit to live. They would likely have been among those forced into cattle cars by Nazi soldiers or Hungarian Arrow Cross troops and sent to Auschwitz, as TOM LANTOS' mother was. Or they might have been lined up on the banks of the Danube River, and shot in the back and pushed into the river, as Annette Lantos' father was.

Mr. Speaker, last week the principal speaker at the National Civic Commemoration, representing the U.S. Government, was our distinguished Vice President, AL GORE. His remarks on this solemn occasion were particularly appropriate and meaningful. A number of our colleagues were not able to attend this hallowed occasion because the Congress was in recess last week. For this reason, Mr. Speaker, I ask that the remarks of Vice President GORE be placed in the RECORD, and I urge all of my colleagues to read his thoughtful and deeply moving words.

Eva Heyman kept a diary during those last weeks before the Nazis rounded up the Jews of Nagyvarad, then inside Hungary, near its Romanian border. It was during the days when Jews could still live in their homes but things were awful. In May, 1944, Eva wrote: "Everytime I think, this is the end: things couldn't possibly get worse, and then I find out that it's always possible for everything to get worse."

Sometimes she couldn't sleep. Lying awake in her bed, she would hear the adults talking. "They said that the people aren't only beaten but also get electric shocks," she wrote. "People are brought to the hospital bleeding at the mouth and ears . . . some of them also with teeth missing and the soles of their feet swollen so they can't stand . . . in the ghetto pharmacy there is enough poison and Grandpa gives poison to the older people who ask for it. Grandpa also said it would be better if he took cyanide and also gave some to Grandma."

On this Spring day here in Washington, we think of Eva Heyman, listening in her bed, and wish we could somehow go back in time and rescue her.

But she wrote during the last Spring she would ever know. The gendarmes came for her family three weeks later—and marched her into the gas chamber at Auschwitz on October 17. She was thirteen years old.

To read what happened to the Jews of Hungary is to read of the most unspeakably barbaric acts: of Arrow Cross members, in black boots and green shirts, herding Jewish women, children and old men through the streets of Budapest, prodding them with rifle butts, shooting those who could not keep up the pace.

Or the ritual executions. Arrow Cross guards would line up three Jewish victims, and wire their wrists together. The rifleman would fire into the back of one. The dead person would slump forward and pull others in the Danube where the freezing river and weight of the corpse finished the others. That saved two bullets.

What is the lesson of these acts for us, fifty years later?

Certainly on this week after Passover, a commemoration of freedom from slavery three thousand years old, there is this lesson: tell the story. The purpose of this memorial—of this day—is to tell the story to each generation.

We tell the story, in part, to remember those who died. We also tell it to remember the need for vigilance. And for the Jewish people there is a need for vigilance. Is there any people who have been persecuted for so long and in so many places, driven from nation to nation, whether from Babylon or Rome, England or Spain, or by the programs throughout Eastern Europe?

There are those who argue that Jews were victims, going passively to their death. This is a lie. Jews fought back. They fought back in Warsaw. They fought back throughout eastern Europe.

They even recorded accounts of their fighting back; a merchant and aspiring writer, Zalman Gradowski, who fell in a revolt at Auschwitz he spearheaded, buried four manuscript accounts of life in death, on which he had inscribed these words, "take heed of this document, for it contains valuable material for the historian." Because of what he and others did, we can refute the liars with a wealth of detail that is unassailable.

To a Christian, reading about the Resistance, it is natural to ask: what did others do? The past twelve months have brought America stories of heroism by Gentiles in some powerful new ways. One was the portrayal by Steven Spielberg of a hero of the Nazi occupation, Oscar Schindler.

And of course, those walking through the Holocaust Museum are reminded of another hero, Raul Wallenberg, who saved hundreds of thousands of Hungarian Jews.

Their heroism is beyond dispute.

The images in Spielberg's film of Schindler and Yitzchak Stern, together pecking out on the typewriter the names of those who could be saved . . . the images of Wallenberg in Hungary, mounting trains bound for Auschwitz and ordering guards to release people with "Swedish" passports—give the lie to the myth that everyone was indifferent.

But we must be careful not to exaggerate either their numbers or their impact. The fact is, that in most cases, nothing was done. And we must confront that, as well.

Why was so little done? For a Christian, this is an agonizing question as I confront it. For if we believe, as I do, that religion is a powerful force for good, why did so many believers and church-goers remain silent in the face of such unalloyed evil?

One lesson learned from such massive failure is expressed by the famous words attributed to Pastor Niemoller: "When Hitler attacked the Jews . . . I was not a Jew therefore I was not concerned. And when Hitler attacked the Catholics, I was not a Catholic, and therefore I was not concerned . . . then Hitler attacked me and the Protestant church—and there was nobody left to be concerned."

Powerful words.

But for some there is an implication in that paragraph that makes it seem insufficient. For one way to read it is as a morality play with self interest at its core: we must defend others, so others will defend us.

But we all know self-interest isn't enough. It is essential that those who feel in no danger at all rise in defense of the persecuted. The passion for justice and tolerance must be so ingrained in society that even those feeling most secure will take action to preserve it.

And we must put in place safeguards—of law, of values—that make it impossible for the human race to give vent to its most barbaric impulses during those times when the individual conscience—or even the sum of those consciences—is too weak, or cowed, or terrorized to resist.

Elie Weisel, talking about how Christians should react to the Holocaust, quotes the Hasidic story about a great person who said, "Look, I know how to bring about a change that would benefit the whole world. But the whole world is a huge place, so I'll begin with my country. I don't know my whole country, though; so I'll begin with my town. My town has so many streets; I'll begin on my own street. There are so many houses on my street; I'll begin in mine. There are so many people in my house; I'll begin with myself."

"You begin with yourself," Weisel says.

He is certainly right.

But of course, while we begin with ourselves, we cannot end there. Not in a world where there are those who argue the Holocaust never happened; that cyanide was used for fumigation and that the pictures of gas chambers are fabrications.

There are people who organize themselves as the enemy of truth. We must confront their lies.

We must also confront the temptation to acknowledge intellectually—but only intellectually—that the Holocaust happened, and accept it numbly, without the outrage that can prevent another one.

It is too easy for Americans, shielded for over 130 years from warfare inside our own borders, to say it can't happen here; that the Holocaust happened fifty years ago and in countries without the safeguards that make it impossible to happen in America.

But remember: The Holocaust originated in the country of Goethe and Beethoven, a country that prided itself on its refinement. We can never give in to complacency. No country is exempt from hatred or from demagogues.

And yet, when we look at America, we are certain in our hearts that if a Holocaust happened here it would not be in the America we know. It would not be in the America that has carefully separated and balanced the powers of the state and protected the freedom of its citizens. It would not be in the America whose Declaration of Independence calling for the "inalienable rights of life, liberty and the pursuit of happiness" is venerated not simply within our National Archives, but lives and breathes in our national character.

It would not be the America whose courts have time and again affirmed the separation of Church and state that has been one of our most sacred traditions. It would not be the America whose liberating forces entered the death camps in 1945, to free the survivors, and provide witness that the worst stories we had heard were true.

And it would not be the America that has placed a Holocaust Museum in its National Capitol.

It was a controversial step. There were those who argued this was not an American experience. Who will want to see it? they asked. Who, surrounded by places like the Air & Space Museum, would subject themselves to images of death?

Those questions have been answered. They have been answered by those who crowd in to the Holocaust Museum every weekend. Who stand patiently in line, people of every national origin, every color and every religion to expose their children to exhibits of the most savage things done to children in history.

The Holocaust is not an event to be remembered just by those who survived—or just by Jews or by gypsies. Its memorial should continue to be part of the American experience for everyone.

And there is no better place for it than Washington, to remind those who make the agonizing decisions of foreign policy of the consequences of their decisions.

One remembers, of course, not just to ward off dire consequences. We remember also so we can be inspired. And that is the meaning of Raul Wallenberg.

As opposed to Schindler, who seems to have gradually become aware of his responsibility, Wallenberg knew right from the beginning.

In Kati Marton's book about Wallenberg, she tells of the night he got a terrified call from Tibor Vandor, one his office workers. Agnes Vandor was having a baby. They were afraid to go to the hospital.

Wallenberg brought the pregnant woman into his own bedroom, found a Jewish doctor, then paced the corridor outside all night, standing guard, while she gave birth.

The grateful parents insisted Wallenberg help name the baby, and he did: Yvonne.

Years later, this story appeared in the newspapers, and Yvonne recognized the details, came forward, and identified herself.

But, she said, there was one detail that was wrong. She wasn't Jewish.

She had nothing against Jews—in fact, she had married one herself. But she was sure her parents were Catholic.

It was only then, that she learned how terrified her parents had been—in postwar Hungary—to admit that they were Jewish. They didn't even dare tell her.

The effects of the Holocaust did not end when the killing ended. It scarred those who survived. It caused a generation of Jews to feel they could never again trust the countries in which they lived. Some didn't even dare admit their own heritage to their children.

The value of a Raul Wallenberg is to inspire us so we never again fail those who need our trust. Looking back with the perspective of half a century we remember him and others in order to strengthen us when we need strength.

Because the need for heroes is not dead. You see it in Sarajevo. You see it in Somalia. You see it in the Middle East where the courageous leaders of Israel and its Arab neighbors are taking bold risks for peace.

For much of the world the ideals of America—though not always its practices—have stood as its polar opposite. In the long, upward journey of the human experiment, our ideals—freedom, equality, tolerance, justice for all—represent a destiny.

To reach that destiny we must never forget where human beings have failed. So, on this day, we allow—even force—ourselves to again remember the Holocaust in all its barbaric detail. We should not shrink from it. We remember Eva Heyman and mourn the barbarism inflicted on her because only then will we know the terrible capabilities that can lie coiled in the human soul.

But we also remember the acts of heroism like those of Raul Wallenberg. Because that teaches us what we are capable of doing. And that means when the need occurs we won't flinch from our moral responsibility. We will meet our obligations, in our daily lives or in the business that takes place under the marble dome of this building, and make ourselves in the words of Isaiah, "as hiding places from the winds and shelters from the tempests; as rivers of water in dry places; as shadows of a great rock in a weary land."

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## WHO SHOULD BE IN COMMAND OF AMERICAN TROOPS UNDER THE UNITED NATIONS

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. SOLOMON. Mr. Speaker, two American F–16s hit Bosnian Serb targets Sunday, an episode that bothers me for several reasons.

Leaving the merits of the action aside for a second, what concerns me today is this whole idea of American troops taking orders from anyone but American commanders.

Listen to this chain of command.

The request for air strikes went from British Lt. Gen. Michael Rose, to a French general whose name neither I nor one American out of a hundred could pronounce to a Japanese diplomat who reports to the Egyptian Secretary of the United Nations, Boutros Boutros-Ghali.

I'm sorry, Mr. Speaker, but there are too many Americans who will never like the sight of our sons and daughters wearing the blue berets and helmets of the United Nations, or shedding their blood to preserve the new world order.

Because, Mr. Speaker, isn't that what this is all about?

Is this action Sunday the first step in getting the United States mired in a civil war that has nothing to do with America's vital interests?

Mr. Speaker, it may be time for this House to reassert its role in shaping American foreign policy.

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## TRIBUTE TO REV. A. DOUGLAS THOMAS

### HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. MOORHEAD. Mr. Speaker, it is my honor to pay tribute to Rev. A. Douglas Thomas upon his retirement from more than 28 years of service as pastor of Lincoln Avenue Baptist Church in Pasadena. Reverend Thomas' dedication to future generations and the youth of Los Angeles County, merits our greatest respect and admiration.

An Altadena, CA, resident for 48 years, Reverend Thomas is a product of UCLA and the American Baptist Seminary. He entered Fuller Theological Seminary in 1970 and was a candidate for the master of arts degree.

Reverend Thomas has served as president of the Interdenominational Ministers' Alliance and was the pioneering force behind the first mentoring program at the McKenzie Boys Club in 1958. He purchased property along Lincoln Avenue, in Pasadena, to build a church school for youngsters and on August 12, 1990, dedicated the Lincoln Avenue Educational Center to expand services to the church's 1,100 members.

Reverend Thomas and his wife, Sandy, also shelter abused Los Angeles County children prior to their adoption, in order to ensure their safety and hopes for the future.

Mr. Speaker, A. Douglas Thomas is an outstanding citizen of California's 27th Congressional District and I salute him for his extraordinary contributions and commitment to our Nation's youth. I ask all my colleagues to join me in honoring and congratulating this fine gentleman for a lifetime of service and high achievement.

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## THE BUDGET RESERVE ACCOUNT ACT OF 1994

### HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. CASTLE. Mr. Speaker, today I am introducing legislation to require Congress to set aside funds to pay for natural disasters and other national emergencies. I want to thank my colleagues ROB ANDREWS, BILL ORTON, PETER BLUTE, and JACK QUINN for joining me as original cosponsors of this legislation. Our bill will make planning for emergency spending part of the annual budget process and will require Congress to set aside funds in a budget reserve account to be available only in the event of a natural disaster like the recent Los Angeles earthquake or the floods in the Midwest.

These funds will be on budget. The funds in the reserve account will be included in the annual budget resolution and would be within the discretionary spending limits for the appropriations bills. The funds can only be spent for natural disasters and national security emergencies as designated by an act of Congress. If the funds are not used by the end of the fiscal year in which they are appropriated, they will not be spent for other purposes and will only be used to reduce the deficit.

Everyone of us in Congress realizes we have to be able to provide the funding needed to respond to an earthquake, hurricane, or flood that has devastated a community and upset thousands of lives in an area of our Nation. However, like many of my colleagues, I am outraged that our Government makes no attempt to plan for the actual amount of money which will be needed for these emergencies. Instead, we wait until the disaster is upon us and there are Americans in need of immediate assistance. The funding to meet this real need is declared to be emergency spending and not subject to our budget laws and spending caps. Because we want to help people in real need as soon as possible, Members are forced to vote for billions in emergency spending which directly adds to the deficit. To make matters worse, unrelated nonemergency spending is often added to these emergency spending bills.

The most recent example is the 1994 Emergency Supplemental Appropriations bill which provided funds for the victims of the Los Angeles earthquake. This bill also included funds for the renovation of Penn Station in New York and the new FBI facility in West Virginia. Regardless of the merits of these projects, they have no place in an emergency spending bill which is not subject to the spending limits required by the Budget Enforcement Act. The legislation I am introducing today will end this practice.

The bill will amend the Congressional Budget Act of 1974 to provide for budgeting for emergencies through the creation of a budget reserve account. Beginning in fiscal year 1996, the annual congressional budget resolution would set a total annual amount to fund Federal assistance for natural disasters and national security emergencies. The funds would be part of the section 602 allocations, but would be set aside by the Appropriations Committees in the budget reserve account. They would be available only for emergencies and could not be spent for any other purpose. If the funds are not obligated in the fiscal year they are appropriated they would revert to the U.S. Treasury for deficit reduction.

My legislation would also amend the 1985 Gramm-Rudman-Hollings Deficit Control Act to repeal Congress' authority to appropriate emergency funds not subject to the annual spending limits.

The creation of a budget reserve account would address two critical problems. One, it would require Congress to plan for emergencies which inevitably occur and set aside funds to pay for these disasters. And two, it would require that this spending be part of the annual budget process and subject to the discretionary spending limits. This will help end the practice of adding unnecessary pork barrel projects to emergency spending bills.

As I stated earlier, every Member of this House wants to provide emergency aid to our citizens in need as soon as possible. We can meet this goal in a fiscally responsible manner. The budget reserve account will correct these serious problems and restore fiscal responsibility and plain common sense to the budget and disaster relief process. I ask my colleagues to cosponsor and support this much needed budget reform effort.

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## ADDRESS OF DR. GYORGY SZABAD, SPEAKER OF THE HUNGARIAN PARLIAMENT, AT THE "DAYS OF REMEMBRANCE" COMMEMORATION

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. LANTOS. Mr. Speaker, on April 6 last week, the annual National Civic Commemoration for the Holocaust "Days of Remembrance" was held in the Great Rotunda of our Nation's Capitol Building. This is the yearly observance organized by the U.S. Holocaust Memorial Council in memory of the 6 million women, children, and men who died in the Nazi Holocaust.

This year, Mr. Speaker, the commemoration focused on the Holocaust in Hungary, which began exactly 50 years ago with the Nazi German occupation of Hungary. Prior to the German military occupation of Hungary, which began on March 19, 1944, there were some 750,000 Jews living in Hungary. Ten months later on January 17, 1945, when the Soviet Army completed the liberation of Budapest from German troops, there were only 125,000 remaining. If it had not been for the genuine heroism of Swedish humanitarian and diplomat, Raoul Wallenberg, and others who actively worked to preserve Hungarian Jews from the Nazi "final solution," that number would have been considerably smaller.

Mr. Speaker, among those who were saved directly by Raoul Wallenberg or through the inspiration of his efforts in motivating Swiss, Portuguese, and other diplomats to save the lives of tens of thousands of Hungarians were my wife Annette and me. For us, this was not just a great but abstract humanitarian gesture; this was an act that literally saved our lives. We are eternally grateful to Raoul Wallenberg and others who during this nightmare of horror risked their lives to save people they did not know.

This year's commemoration included a number of particularly meaningful addresses, including an excellent one by Vice President AL GORE. One that I would like to call to the particular attention of my colleagues in the Congress is the speech given last week by His Excellency Dr. Gyorgy Szabad, the Speaker of the Hungarian Parliament. His remarks were particularly meaningful, because Dr. Szabad was also a survivor of the Holocaust in Hungary.

Mr. Speaker, the Congress was not in session last week when the National Civic Commemoration was held here in Washington. I ask that Dr. Szabad's remarks be placed in the RECORD, and I urge my colleagues to carefully consider his thoughtful remarks.

Ladies and gentleman, rememberers and reminders, fifty years ago, as the forces fighting for the freedom of mankind were preparing for the decisive clash against inhuman Nazism. Hitler was still able to slake his thirst for blood with the deaths of hundreds of thousands of Hungarian Jews. He was able to do so because his troops occupied Hungary on 19th March, 1944. He was led to take this step above all because he was dissatisfied with the fact that in Hungary where a struggle was being waged in the government between a group that was also attempting to rescue the Jews and the Nazi supporters who wished to see their destruction, and together with the foreign Jews who had found refuge in Hungary, hundreds of thousands of them could still live in hope of survival. But with the Nazi occupation horrors far worse than the imagined horrors of hell engulfed the Hungarian Jews. All those who survived the Holocaust can tell of the forms they took. Just a few days before his execution Miklós Radnóti expressed this in poetry, perhaps far more eloquently than whole volumes of memoirs.

"I fell beside his body, it turned over and lay
there tight in death as cord.
Shot in the nape. You, too, will end up like
that, I muttered to myself, lie calm, be
still.
Death's flower opens in my patience here.
Der springt noch auf, over me, I hear.
Blood mixed with dirt grows clotted on my
ear."

The lines I have quoted, in a translation by Thomas Land Ország, were found when the poet was exhumed.

This 1944 chapter in the history of the Holocaust brought the destruction of the greater part of the Hungarian Jews—from infants to the aged. The guilt of the dreadful crime lies with Hitlerism, but also with those who helped Eichman and his henchmen in Hungary. In speaking of all this, it is definitely justified to stress that of all the countries occupied by the Nazis it was in Hungary that the greatest number survived the Holocaust. I was one of them. And that was only possible with the praiseworthy help of a considerable part of Hungarian society.

Looking back on the horrors of half a century ago, we all felt and feel that it is our duty to struggle against prejudices, including anti-Semitism, and also to erect a memorial to the memory of the martyrs of the Holocaust that is, in the words of Horace, "more enduring than brass". There are many justifications for this. I believe that two of them are the most important of all. The first is that people should never be placed at the mercy of dictatorship of any kind, anywhere on the earth. Mankind should be able to live everywhere and at all times within the frame of democracy. The second justification is related not least of all to the fact that half a century has now passed since the death of the martyrs of the Holocaust. It is now only the older generation, and soon it will be only the very elderly who remember them. It follows from this that it is increasingly the behavior of today's Jews and people of Jewish origin that is becoming the dominant factor in their judgment. Those who want to keep the memories of the martyrs alive in a fitting way, who want to stress how valuable, moral, noble of spirit, tolerant and innocent they were, almost certainly consciously strive to make themselves the vehicles of the same values so that the coming generations can see from their example what people were destroyed by the wicked of the past and what enormous human value the world lost with them.

I thank you for your attention.

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## TRIBUTE TO EARL CANFIELD

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. MORAN. Mr. Speaker, it has come to my attention that Mr. Earl Canfield, chief of the Education and Public Welfare Division of the Congressional Research Service, retired on April 1, 1994. I rise today to honor Earl Canfield, a widely respected public servant and very special man.

Earl Canfield has given 37 years of outstanding service to the country, as a U.S. Air Force navigator, in a number of increasingly responsible jobs in the Department of Health, Education, and Welfare, and for the past two decades, in the Education and Public Welfare Division [EPW] of CRS. He joined CRS as assistant chief of the EPW Division in January 1974, and because division chief in December 1986.

Mr. Canfield's division is responsible for research and public policy analysis on social programs that account for more than half of the Federal budget. This is a daunting responsibility. As one who worked with Earl Canfield at HEW and CRS, and as a Member who has come to rely on the outstanding work done by the EPW Division, I can attest to his ability to live up to this responsibility and to his insistence on the highest standards of quality.

His first priority has always been the effective daily management of the Education and Public Welfare Division. His strong leadership, clear vision, and concern for his colleagues were instrumental in creating a highly effective staff. Fostered by his persistent attention, the EPW Division developed excellence in its work on important legislative issues. Under his leadership, EPW produced hundreds of reports and issue briefs that help all Members fulfill their representational and legislative duties.

Let me cite just a few examples. The widely respected report Children in Poverty gave Congress a definitive source book on national issues resulting from the problems of poor children. An EPW Division study of the Civil Service Retirement System became the accepted standard during congressional consideration of proposals that led to the new Federal Employees Retirement System.

Analysis in EPW's Social Service Section provided substantial assistance to Members and committees in developing major omnibus immigration legislation in 1990. A study by EPW's Education Section of for-profit proprietory schools and possible abuse of the guaranteed student loan program played a key role in the shaping of the Higher Education Amendments of 1992.

More recently, EPW's work on health care reform issues has placed division analysts at the center of technical support for the Congress as it undertakes the formidable task of overhauling the Nation's $900 billion health care system.

I could mention many other impressive examples of the excellent work that has come from the EPW Division under Earl Canfield's leadership. Throughout his tenure, he has maintained a commitment to preserving and enhancing the best of the division's services and products while fostering and encouraging innovation. In addition, he has been an ardent advocate for making use of appropriate new information technology to encourage the productivity of staff. It is generally recognized throughout CRS that EPW is on the leading edge in the effective use of the latest technology to improve products and services for Congress.

Throughout his career, Earl Canfield has shared credit for successes but never blamed others for problems or difficulties. His philosophy has been, simply, that the EPW Division exists to do high-quality work for Congress. In all of his endeavors, he has applied energy, spirit, sound judgment, keen insight, and dedication to the enhancement of his division and CRS as a research and legislative support organization. In recognition of his outstanding work, he was given the Library of Congress' highest honor, a Distinguished Service Award.

I know that Earl Canfield carries with him, into retirement, the affection and respect of all who know him.

## SIKH NATION'S BIRTHDAY

### HON. PETE GEREN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. PETE GEREN of Texas. Mr. Speaker, I rise to recognize today, April 13, as the birthday of the Sikh nation. It was on this day, 295 years ago in 1699, that Guru Gobind Singh, the last of the 10 Sikh gurus, baptized the people of the Sikh faith, forming the consecrated body of the Khalsa Panth.

The creation of the Khalsa Panth is a great moment in modern human history. Americans can be proud of our Sikh friends whose religion is founded on the principles of individual human rights and civil liberties regardless of race, creed, or sex. The equality of all humankind is an essential tenet of Sikhism.

The Sikhs call the anniversary of their creation as a nation, Vaisakhi Day. I would encourage people the world over to heed the wise words of Guru Gobind Singh Ji, often quoted among Sikhs: "Recognize ye all the human race as one." In particular, an emphasis on gender equality has a high place in the Sikh religion.

Again, I give my best to the 21 million Sikhs throughout the world as they celebrate the 295th birthday of the Khalsa Panth. I regard the brave Sikh nation with profound respect and pride for what they have contributed to the human race. Happy Vaisakhi and congratulations.

## KPFA AND PACIFICA FOUNDATION CELEBRATE 45 YEARS IN LISTENER-SPONSORED RADIO

### HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. DELLUMS. Mr. Speaker, I rise today to pay tribute to KPFA–FM Radio and the Pacifica Foundation which were launched on April 15, 1949, as a visionary response to the need for noncommercial media. Since then, the Pacifica Network has grown to five stations including the flagship in Berkeley, KPFA, and stations in Los Angeles, Houston, Washington, DC, and New York, with affiliates in more than 50 other cities.

KPFA and the Pacifica Network have remained free of commercial interests over these last 45 years because, unlike the vast majority of other public radio stations, they do not accept corporate funding for programs. This policy makes it possible for KPFA and the network to live up to its founding principles which include cultural diversity and pluralistic community expression.

Mr. Speaker, I join northern California in recognizing Friday, April 15, 1994, KPFA's 45th anniversary, as KPFA/Pacifica Network. We honor this birthplace of listener-sponsored radio and look forward to more decades of cultural and musical programming free of commercial interests.

## TRIBUTE IN HONOR OF HARLANDALE INDEPENDENT SCHOOL DISTRICT'S CENTENNIAL CELEBRATION

### HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. TEJEDA. Mr. Speaker, I am personally honored to pay tribute to the Harlandale Independent School District, located in the heart of San Antonio's southside, on the celebration of 100 years of education. This centennial celebration offers us the opportunity to look back at a distinguished history and look ahead to a challenging and productive future.

In many ways, the history of Harlandale reflects the history of San Antonio. With the opening of Mission San Jose in 1720 by Padre Antonio Margil de Jesus, formal education began in what has today become the proud Harlandale Independent School District. A century ago, in 1894, Captain David Morrill Poor donated land leading to the construction of the Morrill Chapel School. Near that site today stands the Morrill Elementary School, a lasting tribute to the generosity and vision of the past. Harlandale is proud of its unique historical background and rich cultural heritage. We should all take stock in that pride and sense of history and purpose.

From that one small school on the corner of what is today Greenwood and East Sayers Avenue, Harlandale Independent School District has grown into some 25 education centers. With more than 2,000 employees, the school district serves 15,000 students. The art of teaching has changed dramatically from the days of the Morrill Chapel School. Today's students and teachers benefit from computer-aided instruction and satellite networking. The school district keeps its goals clearly in sight: to give our school children, tomorrow's leadership, the incentive and tools to excel.

Only a few short days ago, the House of Representatives reaffirmed its commitment to our public education system by passing the Improving America's Schools Act, continuing an American tradition as old as the Nation. Our national leaders long ago recognized the importance of education to freedom and democracy. Inscribed in the Halls of the U.S. Capitol are the words of Thomas Jefferson: "Enlighten the people generally, and tyranny and oppressions of mind and body will vanish like evil spirits at the dawn of day." More recently, President Lyndon Johnson observed that nothing is more important to our national security and well-being than the education of our children. Harlandale, with its many talented teachers and administrators, has and continues to contribute to our Nation by providing the raw tools to allow our children to compete in the technologically complex world of tomorrow. I am fully confident that Harlandale will celebrate its bicentennial, looking forward to another 100 years of progress and achievement.

## NEW ERA OF PRECISION WEATHER FORECASTING

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. BROWN of California. Mr. Speaker, this morning the most advanced weather satellite ever developed has been placed in geosynchronous orbit above the Earth. If it performs as we expect, this satellite, the geostationary operational environmental satellite [GOES–8], heralds a new era of precision weather forecasting. GOES–8's ability to "stop and stare" at storms will enable forecasters to provide the more timely and more precise storm warnings so necessary for preservation of lives during rapidly changing hazardous weather. The critical importance of satellite observations will be highlighted by this landmark launch.

The GOES–NEXT satellite system, operated by the National Oceanic and Atmospheric Administration, is a basic element of U.S. weather monitoring and forecast operations and is a key component of the National Weather Service's operations and modernization program. Spacecraft and ground-based systems work together to accomplish the GOES mission of providing weather imagery and quantitative sounding data that form a continuous and reliable stream of environmental information used for weather forecasting and related services.

The new series of GOES satellites provides significant improvements over the previous GOES system in weather imagery and atmospheric sounding information. This enhanced system will significantly improve weather services, particularly the forecasting of life- and property-threatening severe storms.

The GOES I–M satellite series represents the next generation of meteorological satellites and introduces two new capabilities. The first capability, "flexible scan," provides small-scale area imaging or a "stop and stare" capability that lets meteorologists take pictures of local weather trouble spots. This allows them to improve short-term forecasts over local areas. The second new capability, simultaneous and independent imaging and sounding, is designed to allow weather forecasters to use multiple measurements of weather phenomena to increase the accuracy of their forecasts.

Each satellite in the series carries two major instruments: an imager and a sounder. These instruments acquire high-resolution visible and infrared data, as well as temperature and moisture profiles of the atmosphere. They continuously transmit these data to ground terminals where the data are processed for rebroadcast to primary weather services both in the United States and around the world, including the global research community.

The GOES imager is a multichannel instrument designed to sense radiant and solar-reflected energy from sampled areas of the Earth. The multielement spectral channels simultaneously sweep east-west and west-east along a north-to-south path by means of a two-axis mirror scan system. The instrument can produce full-Earth disc images, sector images that contain the edges of the Earth, and various sizes of area scans completely enclosed within the Earth scene using a new flexible scan system. Scan selection permits rapid continuous viewing of local areas for monitoring of mesoscale—regional—phenomena and accurate wind determination.

The GOES sounder is a 19-channel discrete-filter radiometer covering the spectral range from the visible channel wavelengths to 15 microns. It is designed to provide data from which atmospheric temperature and moisture profiles, surface and cloud-top temperatures, and ozone distribution can be deduced by mathematical analysis. It operates independently of and simultaneously with the imager, using a similarly flexible scan system. The sounder's multielement detector array simultaneously samples four separate fields or atmospheric columns. A rotating filter wheel, which brings spectral filters into the optical path of the detector array, provides the infrared channel definition.

The GOES I–M series of satellites is owned and operated by the National Oceanic and Atmospheric Administration [NOAA]. The National Aeronautics and Space Administration [NASA] manages the design, development, and launch of the spacecraft. Once the satellite is launched and checked out, NOAA assumes responsibility for the command and control, data receipt, and product generation and distribution.

The GOES I–M mission is scheduled to run from the mid-1990's into the first decade of the 21st century. Each element of the mission has been designed to meet all in-orbit performance requirements for at least 5 years.

The GOES I–M system performs the following basic functions:

Acquisition, processing, and dissemination of imaging and sounding data.

Acquisition and dissemination of space environmental monitor [geomagnetic storm] data.

Reception and relay of data from ground-based data collection platform's [DCP's] that are situated in carefully selected urban and remote areas to the NOAA command and data acquisition (CDA) station.

Continuous relay of weather facsimile [WEFAX] and other weather data to users, independent of all other functions.

Relay of distress signals from people, aircraft, or marine vessels to the search and rescue ground stations of the search and rescue satellite aided tracking [SARSAT] system.

Mr. Speaker, this long-awaited and technically challenging satellite program has taught NASA and NOAA a number of expensive lessons about the development of new operational satellites. It is our duty in Congress to make sure that procurement reforms continue to be implemented to prevent a repeat of the types of cost overruns and schedule delays that plagued GOES–8. However, as we begin this new era of precision weather forecasting, I am hopeful that the future savings in lives and property will make it all worth while.

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## HONORING MAYOR ALBERTO NATIVIDAD ON HIS RETIREMENT AS MAYOR OF THE CITY OF PICO RIVERA

## HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. TORRES. Mr. Speaker, I rise today to pay tribute to a special individual and elected official, the Honorable Alberto (Al) Natividad, mayor of the city of Pico Rivera.

I am proud and honored to call Al Natividad my colleague and friend. Over the past 12 years, I have had the privilege of knowing and working with Al. Throughout this time, I have seen Al successfully advocate and provide for the needs of the community of Pico Rivera. He is a man who has, time and again, demonstrated admirable leadership and a true commitment to the well-being of his constituents.

Prior to his election to the Pico Rivera City Council, Al served with distinction for two decades as a law enforcement officer. He is an active member in various organizations dealing with law enforcement, including the State Advisory Group to the Governor on Juvenile Justice and Delinquency Prevention and the Hispanic American Police Command Officers Association.

Despite his hectic schedule as an elected official, Al has readily volunteered his free time to various worthwhile civic organizations. He is currently a member of both the Beverly Hospital Foundation and the Beverly Hospital Board of Directors.

Being a World War II veteran and an active member of the VFW Pico Rivera Post No. 6315 and the Dewey Wise Post No. 102, Al has been a valued member of my congressional service academy nomination review panel. Because of Al's experiences and knowledge, he has been instrumental in helping me to nominate bright young men and women to attend our distinguished service academies.

The residents of Pico Rivera will certainly miss having this dynamic and charismatic leader serve in an official capacity. However, we all know that, despite his official retirement from elective office, Al will continue to be intricately involved in shaping the future of his beloved Pico Rivera. And, knowing Al, I trust he will always remain an adviser I can count on.

Mr. Speaker, I ask my colleagues to join me in recognizing this distinguished gentleman, Alberto Natividad, and in saluting him for his exemplary leadership and outstanding service to the city of Pico Rivera.

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## TRIBUTE TO FATHER THOMAS "KNOBBY" WALSH, O.S.F.S.

## HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to Father Thomas "Knobby" Walsh, a legend in the Philadelphia community and at Northeast Catholic High School for nearly 30 years.

In 1933, Father Walsh arrived at Northeast Catholic High School. Through several generations of students thereafter, he represented a stern set of ideals and a strict sense of discipline. However, it is Father Walsh's dedication that I believe to be his strongest characteristic. Throughout his life, he has shown extraordinary dedication to his faith, his community, and most importantly to his students.

Through four decades, "Knobby" committed himself to helping the boys of Northeast Catholic mature mentally, emotionally, and spiritually. In the largest Catholic boys school in the world, Father Walsh made it a point to become personally involved and make an impression on every young man. Father Walsh's dedication to his students' development can be seen in the fine quality of successful young men that graduated from Northeast Catholic during his tenure.

In addition to his success at Northeast Catholic, Father Walsh is to be commended for his remarkable service in the priesthood. In a few months, Father Walsh will be entering his 54th year as an Oblate.

Mr. Speaker, I join the students, faculty and alumni of Northeast Catholic High School in honoring Father Thomas "Knobby" Walsh and recognizing his many years of commitment and dedication to his community.

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## TRIBUTE TO REV. DR. JETHRO WARD GAYLES

### HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. RUSH. Mr. Speaker, I rise today to honor the life and legacy of Rev. Dr. Jethro Ward Gayles who passed from this life on March 26, 1994.

Dr. Gayles was born November 25, 1922 in Oxford, MS. The 10th child of the late Reverend Samuel and Emma Webb Gayles, he completed his high school education in Charleston, MO and attended the Western Seminary in Kansas City, MO where he graduated with a bachelor of arts degree in business administration. Shortly thereafter, Dr. Gayles moved to Chicago, IL. On November 15, 1947, he married the former Ruth Wilson and to this union they were blessed with two daughters.

In June, 1947, Dr. Gayles delivered his first sermon at the Salem Baptist Church of Chicago. Dr. Gayles was ordained in the ministry in 1949. He was called to pastor the Gospel Temple Baptist Church of Chicago in 1956. He received his bachelor of theology degree from the Chicago Baptist Institute and his doctor of divinity degree from the Kansas Bible Teachers College. Dr. Gayles holds a honorary doctor of divinity degree from DePaul University.

An active local and national religious leader, Dr. Gayles was formerly president of the Baptist Minister's Conference of Chicago and Vicinity, past moderator of the Greater Shiloh Baptist District Association of Chicago, member of the Board of Trustees of the Chicago Baptist Institute and past first vice president of the Illinois Baptist State Convention.

Dr. Gayles had also served as president of the United Baptist State Convention and chairman of the Baptist Minister's Conference of Chicago and Vicinity. In addition to his stewardship at the Gospel Temple Baptist Church, Dr. Gayles was a member of the Lighthouse Baptist Church of Chicago under the leadership of the Rev. Jerry Goodloe.

Mr. Speaker, the Rev. Dr. Jethro Ward Gayles dedicated his life to serving God and others. He was deeply respected and greatly admired. He touched the lives of so many men women who aspired to preach and teach the Gospel. Dr. Gayles offered hope, wisdom, leadership, and direction to all those whose lives crossed his path. I am privileged that in my life our paths crossed. I am proud to have known Dr. Gayles and honored to enter these words into the RECORD.

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## SUPPORTING THE CLINTON ADMINISTRATION'S RESTORATION OF THE EDWARD BYRNE MEMORIAL FUND FORMULA GRANTS

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. VISCLOSKY. Mr. Speaker, I rise in support of the rule and commend the Rules Committee for this excellent rule, which has been crafted under difficult circumstances.

I would like to take this opportunity to credit the Clinton administration for restoring the Byrne Memorial Fund Formula grants, which fund some State and local law enforcement programs.

In northwest Indiana, the Byrne Memorial Formula grants fund the activities of the Lake County Drug Task Force, which has been very successful in Indiana's war on drugs and crime.

On the afternoon of Tuesday, August 17, 1993, the Lake County Drug Task Force raided a home in Dyer, IN, and seized 176 pounds of cocaine with an estimated street value of $15 million. This is the largest cocaine seizure in Indiana history.

Also on February 20, the drug task force working in conjunction with other local and Federal law enforcement agencies seized 3,100 pounds of marijuana in Michigan. Both seizures were the result of lengthy investigations.

Clearly, this is a program that works. These are tax dollars that are well spent and improve the quality of life in northwest Indiana where the largest city, Gary, was recently named "murder capital" of the United States.

The Clinton administration's action will make it possible for successful programs like the Lake County Drug Task Force to continue to compete for Federal dollars to get drugs off of our streets and put criminals behind bars. This is a decision that makes Government really work.

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## THE 173D ANNIVERSARY OF GREEK INDEPENDENCE DAY

### HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. TAYLOR of North Carolina. Mr. Speaker, I rise to speak in honor of Greek Independence Day. It was my original intention to enter this statement into the RECORD on Greek Independence Day, March 25, but I was unable to do so as the House adjourned for the Easter-Passover break on March 24.

The Greek contribution to human culture is immeasurable. The ancient Greeks made great major contributions in art, science, technology, philosophy, and literature. But the Greeks made a unique contribution in their invention of democracy. For the first time in history, in many Greek city-states, the people became the sovereign controllers of their own destinies. Their experience with democracy led perceptive early Greeks to realize that democracy also has its weaknesses. Conscious of the need to restrain rash and impulsive action in democracies, the great philosopher Aristotle articulated an early form of the notion of checks and balances in his idea of the mixed constitution.

If ancient Greece was the homeland of ancient democracy, our Nation is the homeland of modern representative democracy. The founders of our democracy were thoroughly steeped in the traditions of ancient Greece and believed its lessons were very applicable in their day. Throughout the debate surrounding the ratification of our Constitution, the Founders were much aware of the guidance to be gained from ancient Greece. Jefferson stated that "to the ancient Greeks we are all indebted for the light which led ourselves out of Gothic darkness." Madison and Hamilton wrote in Federalist 18:

> Among the confederacies of antiquity the most considerable was that of the Grecian republics * * * From the best accounts transmitted of this celebrated institution it bore a very instructive analogy to the present confederation of the American states."

While Greece was still subject to foreign rule, Greeks already looked to this Nation for insight about representative democracy. In the early days of our independence Benjamin Franklin and Thomas Jefferson had persuaded a noted Greek scholar, John Paradise, to come to the United States to hold discussions on the philosophical underpinnings of democracy.

In 1821, after over 400 years of domination under a foreign power, the people of Greece rose in rebellion against those who held them in bondage. These brave fighters for freedom looked to the United States for models to guide their struggle. English speaking Greeks translated the Declaration of Independence into modern Greek and used it as their own declaration. Americans followed with admiration the Greek struggle for independence. President Monroe said of the Greek freedom fighters, "A strong hope is entertained that these people will recover their independence and resume their equal station among the nations of the world." Along with Lord Byron and other famous Europeans, three notable Americans went to Greece to join the Greek freedom fighters, Lt. Gen. George Jarvis, Col. Jonathan P. Miller, and Dr. Samuel Gridley Howe.

In the 20th century, Greece learned once again what a precious thing freedom is when in 1941, it was overrun by the Nazi army. Greece had to endure almost 4 years of occupation before liberation came. During World War II over 600,000 Greeks, almost 10 percent of the prewar population, died for the Allied cause. Once the war had ended, Greeks then had to ensure for over 3 years the horrors of civil war in an ultimately successful effort to resist a Communist insurgency.

From 1952, when Greece joined NATO, Greece and the United States stood shoulder to shoulder in the struggle against communism. In 1960, Greece stood firm against Soviet threats to blast the Acropolis into rubble and in 1990 and 1991 Greece took an active part in the multinational effort to roll back Saddam Hussein's conquest of Kuwait.

Through the glorious legacy of Greek culture, Greece helped to bring the United States to birth. Through the influence of the Declaration of Independence and the American Revolution, the United States inspired the Greek freedom fighters in their successful struggle to establish the independence of modern Greece. In the 20th century, Greece and the United States have repeatedly stood together to resist tyranny and aggression.

We also honor today the over 700,000 persons who immigrated to this country from Greece, as well as millions of other Greek-Americans, whose many contributions have enriched our national life. Today, the 173d anniversary of the independence of modern Greece, it is particularly fitting that we recognize the achievements of Greece, ancient and modern, as well as the many ways our two nations are intertwined.

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## LAUNCH OF GOES-NEXT WEATHER SATELLITE

### HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. HALL of Texas. Mr. Speaker, this morning we embarked on a new era of weather forecasting. This morning the geostationary operational environmental satellite [GOES–I] was launched on an Atlas-Centaur by the Air Force from Cape Canaveral, FL. After on-orbit checkout by NASA, the spacecraft will be turned over to the National Oceanic and Atmospheric Administration [NOAA] for operations. The GOES I–M series of satellites will significantly enhance our ability to continuously monitor and measure dynamic weather events in real time.

The GOES-NEXT system of five new satellites, GOES I, J, K, L, and M, significantly upgrades and expands NOAA's capability to provide the data needed for more accurate short-term weather forecasts. This is especially true for severe local storms such as tornadoes and hurricanes, two meteorological events that directly affect public safety, the protection of property, and ultimately, economic health and development.

This next-generation GOES satellite is the first 3-axis, body-stabilized, meteorological satellite to be used by NOAA and NASA in geostationary orbit. This stabilization allows the primary mission sensors, the imager and sounder, to stare at the Earth. This provides a steady observational platform for the mission sensors, greatly increasing measurement accuracy over the present system. The capability to more frequently scan the Earth generates 150 percent more images than the current GOES satellite.

The GOES-NEXT system also supports atmospheric sciences research and development into numerical weather prediction models, meteorological phenomena, and environmental sensors. To achieve these goals requires more frequent imaging of clouds, monitoring of the Earth's surface temperature and water vapor fields, and sounding to detect the atmospheric thermal and vapor structures.

A dedicated search and rescue transponder on board GOES satellites immediately detects distress signals from aircraft and ships and relays them to ground terminals to speed help to people in need. Increased communications capability permits transcription of processed weather data and weather facsimile [WEFAX] for small local user terminals in the Western Hemisphere.

The GOES I–M satellites also carry space environment monitor [SEM] instruments to survey the Sun and its effect on the solar-terrestrial electromagnetic environment. Changes in this space weather can significantly affect operational reliability of ionospheric radio, over-the-horizon radar, electric power transmission, and most importantly, the human crews of high altitude aircraft, the space shuttle and the space station.

Mr. Speaker, I commend NASA, the Air Force, and particularly, the National Oceanic and Atmospheric Administration on their perseverance in the development and launch of this new weather satellite system. I ask that the following newspaper article by Warren E. Leary of the New York Times appear in the RECORD for the information of my colleagues.

[From the New York Times, Apr. 12, 1994]

NEW WEATHER SATELLITE TO BOOST AILING FLEET WITH BETTER IMAGERY

(By Warren E. Leary)

WASHINGTON, April 11.—The nation's teetering system of weather satellites, for years held together by luck and borrowed equipment, hopes to receive new vitality on Wednesday with the launching of the most advanced weather sentinel ever placed above Earth.

The satellite, the first of a planned series of five that are to be eyes of weather forecasters into the next century, is an ambitious attempt to create a new generation of instruments for predicting weather and averting natural disasters.

The spacecraft is also a chance for NASA and the country's weather service agencies to prove that the vital program is back on track after an embarrassing period of miscalculations and foul-ups that put it years behind schedule and far over budget. Program managers hope its launching, if successful, together with last year's orbital repair of the Hubble Space Telescope, will restore the agencies' credibility after a series of space failures and assure the public that expensive, high-technology projects can pay off.

"We need this satellite," said Thomas E. McGunigal, program manager for the project with the National Oceanic and Atmospheric Administration, the Commerce Department agency that owns and operates the weather satellite system. "We need to get it up, we need to operate it, we need to show people what it can do."

Arthur F. Obenschain, the project manager for NASA's Goddard Space Flight Center in Greenbelt, Md., which is overseeing construction of the satellites, said engineers have overcome all major technical problems that previously plagued the program. "All of the major components are within specification and we have confidence in them," he said.

The first of the next generation of spacecraft in the GOES series, an acronym for Geostationary Operational Environmental Satellite, is scheduled to be launched on Wednesday from Cape Canaveral, Fla., aboard an Atlas rocket.

The new weather satellites have a radically different design from their predecessors. They combine improved instruments for more detailed images and more precise scientific readings with a new way of stabilizing the spacecraft so that its eyes always stare down at Earth.

GOES satellites orbit Earth 22,340 miles high at positions above the Equator. From this vantage point, the satellites' orbits match the rotation of Earth, allowing them to hover over the same position.

Earlier GOES satellites were spun constantly to keep them stable, requiring special cameras that scanned the planet in small segments while looking out into space 90 percent of the time, Mr. McGunigal said. The new generation maintains a steady position using a system of spinning momentum wheels, gyroscopes and small rockets. This allows uninterrupted observations and, for the first time, the ability to focus on particular storms, tornado systems and other weather spots of interest.

A second major innovation is greatly improved instrumentation for taking pictures of weather patterns and for measuring the heat and humidity of the atmosphere at various heights. The two major instruments aboard the craft, called the imager and the sounder, have been significantly improved overprevious versions, and can be operated simultaneously to provide better, more in-depth information, engineers said. On earlier GOES satellites, the instruments shared certain components that required them to be used one at a time.

The sounder monitors the infrared radiation reaching the satellite from Earth's atmosphere, using this information for making heat and humidity profiles at different altitudes that give meteorologists an intimate picture of what is going on in the air below. Instead of relying on cloud patterns alone to tell them that a storm is brewing or to predict the path of a disturbance, researchers say a sounder can probe clear sky for a harvest of clues on incipient weather conditions.

DISCOVERY IN 1980'S

Scientists discovered in the early 1980's, when the first experimental sounders were tested, that measuring different wavelengths of infrared radiation through a column of air gave them temperature and humidity readings at different levels. Different wavelengths indicate the presence and temperature of water vapor, carbon dioxide and other gases, as well as their altitude.

But scientists also realized that this information signaled different atmospheric densities, which nature always tries to balance by moving air from one place to the next. Armed with these data, they learned to deduce the speed and direction of wind currents in clear air and were able to produce valuable maps of global wind flow.

The sounder on the new spacecraft has been greatly improved over previous versions, examining the atmosphere through 19 infrared wavelengths instead of 12 to retrieve more and better information through different layers of air, Mr. McGunigal said. Since this instrument works best when looking through clear air, it should help forecasters better chart the invisible winds that help determine the paths of hurricanes and tornadoes.

To produce pictures with better sharpness, contrast and brightness, the new imaging camera is more sensitive and simultaneously picks up more visible and infrared wavelengths of light than its predecessors.

GOES–8's camera will form images much faster and get more detail about weather trouble spots. It can be programmed to look at a particular storm system every five minutes, and create an image of the contiguous

48 states every 15 minutes, compared with the hour needed by current satellites. The more frequent data updates should improve forecasters' ability to track changes in the intensity and paths of storms. Specifically, forecasters should be able to narrow the zone within which a hurricane is expected to hit land.

The new GOES satellite is larger and more than four times heavier than the earlier generation craft because of its new stabilization system, improved instruments and greater communications ability with the ground. The main instruments aboard the satellite, which weights 4,640 pounds, are housed in a seven-foot-square cube from which two long booms extend. A single-wing, two-panel solar power array extends 20 feet from one end of the spacecraft while a 10-foot cone-shaped solar sail is mounted on a 58-foot boom protruding from the other side. The sail helps stabilize the craft by balancing the pressure exerted by constant solar radiation.

The United States usually maintains two weather satellites in geostationary orbits, one each over the East and West Coasts, and supplements their images and readings with data from lower-altitude satellites that circle the planet above its poles. The system began breaking down in 1989 when GOES-6 failed shortly after it reached its planned five-year life span, leaving only GOES-7, orbited in 1987, operating. A previously planned replacement satellite blew up in a launching accident in 1986. As a temporary measure, the United States last year borrowed an aging spare European satellite, Meteosat-3.

The program to develop new GOES satellites, an effort begun in 1985 dubbed GOES-NEXT, is at least three years behind schedule. Critics attribute the delay to unexpected problems in developing its instruments, and poor quality control in manufacturing and testing components. Some experts estimate that the cost of building and launching five of the new satellites by the year 2005, as planned, will total almost $2 billion, more than triple original estimates.

Blame fell on Ford Aerospace, then the prime contractor, and the I.T.T. Corporation's aerospace division, a major subcontractor. In addition, NASA was faulted by Congressional critics and others for not tightly managing the program and inadequately testing system components. In 1990, the Loral Corporation bought Ford Aerospace and Loral's Space Systems group took over the troubled program and set about correcting the deficiencies.

#### A COSTLY MISTAKE

Dr. Elbert W. Friday Jr., director of the National Weather Service, said the project got into trouble because weather service agencies were persuaded by scientists not to be too conservative in designing the new system.

"In retrospect, we probably should have been more hesitant at stepping out so far" into new technology, Dr. Friday said. "We had problems in manufacturing specific parts for the satellites and also pushed the state of the art of some of the sensors far past what people thought that state was."

But Dr. Friday said he was now optimistic about the new series of satellites. "We have carried out testing to the extent we never had before," he said. "I am now happy with the performance I see."

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## STATEMENT IN SUPPORT OF LEGISLATION TO AMEND RDA REQUIREMENTS FOR WATER AND WASTE FACILITY GRANTS AND LOANS TO TIMBER-DEPENDENT COMMUNITIES

### HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. DICKS. Mr. Speaker, I am pleased to introduce legislation today that will help ensure that the economic assistance package associated with the President's forest plan has increased flexibility to assist timber-dependent communities in the Pacific Northwest States of Washington and Oregon, and northern California.

Last year, the President announced a forest plan that would significantly reduce timber harvesting on the westside forest lands of the BLM and U.S. Forest Service in Washington, Oregon, and northern California. In fact, the President's plan as introduced, known as "Option 9," reduced timber harvesting on these westside Federal lands by at least 85 percent, creating circumstances whereby timber workers and businesses, and timber-dependent counties and communities would be greatly impacted by the economic implications of the plan. The President and his team recognized that the reductions in the availability of a traditional timber supply source such as Federal lands would have significant impacts, but argued that because of the limitations of biological science and the Endangered Species Act, and most significantly the reality of an ongoing court injunction, there was little room for flexibility.

To help compensate for the impacts of the forest plan, the President developed an economic assistance package for the Northwest, which called for $1.2 billion in Federal assistance over a 5-year period, beginning with fiscal year 1994, relying on various loan and grant programs funded through the Forest Service, Bureau of Land Management, Rural Development Administration, Economic Development Administration, and other agencies.

The intent of the economic assistance package is to help provide relief to those timber-dependent communities, workers, and businesses that have been and continue to be impacted by reduced timber harvesting as a result of efforts to protect listed species such as the spotted owl and marbled murrelet, and promote ecosystems management. The Northwest congressional delegation has worked closely with the administration in support of the economic assistance package, but has come to recognize that the assistance package is subject to certain unanticipated limitations under current statutes.

The bill that I am introducing will make a small change in the Rural Development Administration's water and waste facility loan and grant funding program to ensure that timber-dependent communities currently restricted from being supported by the program will have the opportunity to receive the funding, as intended by the President. The small change provided by this bill simply changes the population threshold from a 10,000 population cap to a 25,000 population cap to qualify for RDA loan and grant funding through the water and waste facility program. The proposed change will allow timber-dependent cities such as Port Angeles, Aberdeen, Longview, and Eugene to qualify for moneys the President's package intends for them to receive.

I have worked with the regional staff of the Rural Development Administration and received their support in developing this bill. This bill will provide a small but significant change in the current RDA program. This bill represents important and necessary legislation. I urge its support and swift passage.

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## H.R. 2420, LUPUS LEGISLATION COSPONSORS

### HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mrs. MEEK of Florida. Mr. Speaker, once again I am asking my colleagues to join me in the fight against lupus by cosponsoring H.R. 2420, a bill to expand and intensify the research of this widespread but enigmatic disease.

Doctors estimate that there are about 500,000 Americans known to be suffering from lupus. It is estimated that another 500,000 have not been diagnosed. Known cases of lupus outnumber those of leukemia, muscular dystrophy, or multiple sclerosis.

While lupus affects both men and women, 9 out of 10 people struck with lupus are women. Although people of all ages contract lupus, the disease has its most significant impact on young women during the childbearing ages of 15 to 45. People of all ethnic backgrounds are stricken with lupus, but it attacks African-American, Hispanic, and some Asian and Native American women three times more frequently than white women. Within those ethnic groups hardest hit, rarely is there a person who has not been directly or indirectly affected by a friend, relative, or loved one who is suffering from lupus. One in every 250 African-American women can expect to be stricken.

Lupus is characterized by an immune system that has gone out of balance; the body produces autoantibodies, anitbodies that attack the patient's own tissues. Symptoms may include aching joints, fever, arthritis—swollen joints—skin rashes, anemia, kidney disorder, pain in the chest from deep breathing, sun or light sensitivity, hair loss, fingers turning blue or white in the cold, seizures, and mouth or nose ulcers.

In its systemic form, lupus attacks many parts of the body, including skin, joints, kidneys, lungs, heart, nervous system, and blood vessels. In severe cases, it attacks the brain, causing concentration problems, strokes, seizures, mood swings, depression, and irritability. Strokes are the third leading cause of death among women and lupus is one of the principle causes of strokes among women under 45 years of age.

The disease of lupus plays a cruel game of hide and seek. The ailment may go into remission for weeks, months, or even years, but a reappearance of the same or completely different symptoms, called flares, can occur without warning and can last an unpredictable amount of time. The simple convenience of planning one's life from day to day becomes impossible under the constant threat of a lupus attack.

With appropriate medication, lupus can be controlled. Today, lupus patients are living longer lives and functioning with some degree of normality. But there is no single drug to be prescribed for the disease and a lupus patient's death may often be connected with years of drug therapy. For example, the steroids that are prescribed to battle the inflammation common to lupus can promote high blood pressure, which can contribute to heart disease and stroke.

If medication is to control lupus, the disease must be diagnosed early. Unfortunately, lupus is extremely difficult to diagnose because it mimics the symptoms of other ailments. On average, it takes between 3 to 8 years to identify. Without early detection and treatment, the disease can be fatal.

Perhaps the most discouraging aspect of lupus for the sufferer is the fact that there is no cure. Although lupus has been known to doctors for 150 years, we have not yet isolated the cause.

Encouraging progress in lupus research has been accomplished by the National Institutes of Arthritis and Musculoskeletal and Skin Diseases [NIAMS]. It is to the Institute that the 1-million people currently afflicted must now look for progress in the detection, treatment, and possible cure of lupus.

And, Congress is where they and their children must now look for hope. Yes, their children. At present, the best indicator of vulnerability to lupus is the family medical history.

NIAMS leads and coordinates the biomedical research effort in lupus and it has recently sought to give the disease a higher priority on its agenda. NIAMS is expanding the knowledge of the basic causes of lupus, as well as developing innovative treatments that are less toxic than current treatments.

H.R. 2420 will enable the Institute to fund the research necessary to ultimately isolate the cause and develop the treatment and, we hope, the cure for lupus. In addition and of equally critical importance, H.R. 2420 will authorize the funding necessary for NIAMS to expand its public education efforts. With an adequate public education program, we can make rapid progress in promoting early diagnoses and treatment of lupus.

It is my sincere hope that my colleagues will join me in the battle against lupus and will cosponsor H.R. 2420. With this first step, we can put the formidable medical research resources of this country to the task of finding some relief for the 1 million Americans who are now suffering the hardships wrought by this affliction.

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## LEGALIZING DRUGS

## HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. DUNCAN. Mr. Speaker, I would like to share with my colleagues and other readers of the RECORD an article written by Mr. Frank Trexler of Maryville, TN that appeared earlier this year in the Maryville Daily Times.

Many of us have friends or relatives who have fallen victim to drug abuse, and anyone who has shared in that pain must surely question the wisdom of a recent suggestion made by our Nation's top health official that we should consider legalizing drugs.

I believe that Mr. Trexler's article raises some important questions about the Surgeon General's proposal, which Drug Czar Lee P. Brown recently called a "formula for self-destruction." I sincerely hope that the advocates of legalization will take Mr. Trexler's arguments to heart.

### FUNERAL FOR A FRIEND JUST SAYS NO TO ELDERS

(By Frank Trexler)

We buried Steve the day before Thanksgiving.

My former college roommate was less than two weeks past his 35th birthday when the battle came to an end—a time span that his mother referred to as 21 years of hell.

For you see, her only son Steve was good looking, humorous, intelligent—a one-time teacher with a master's degree in history from University of Tennessee—most likable, and generous. In fact, as his dad would say after the funeral, "Steve would take in a dog." Visiting his house, you might find a street person sleeping on the living room floor, or "a busload of California hippies" who took Steve up on his offer at a North Carolina Rainbow gathering to drop in any time.

But Steve, who grew up in the Baptist faith and gave his life to Jesus as a pre-teen, fought a demon familiar to many our age: drugs and alcohol.

Looking at our 1974 high school yearbook, it's easy to recall the drug-filled atmosphere that permeated the times; the heavy waft of marijuana smoke and the reek of stale beer were familiar at teen parties. Chances are it was those two substances that introduced the inherently curious Steve to the drug scene.

When I caught up with him in 1978, we rented a house about a mile from the East Tennessee State University campus in Johnson City. Our grades counted us as "respectable," as we used to say tongue in cheek; our lifestyle raucous and incredibly anti-Christian. But that lifestyle has its spiritual and earthly costs.

In 1 Corinthians 13, the apostle Paul writes, "When I was a child I talked like a child, I thought like a child, I reasoned like a child. When I became a man, I put childish ways behind me."

In 1985, I gave my life to Christ and put the "childish ways behind me." The demons fled. Later, Steve would try to escape his own demons, but they seemed to only dig the talons in more deeply. (Maybe my demons were wimpy compared to his.)

In 1990, with the help of his parents and church, Steve entered a rehabilitation unit in North Carolina. Upon release, he came to stay with me and my family in Knoxville, hoping to find a job in his teaching profession. He stayed only a few days before returning home.

My advice as he left was to escape his "friends" and their scene. He said the rehab people told him the same. Apparently he ignored us all.

At the time of his death, Steve was again in rehabilitation—this time under court orders. He had been jailed as a co-conspirator in a drug buy, but the judge saw in Steve what many of us did and tried to help him.

By all accounts, Steve had been straight for "four or five months" until the Thursday before his death. One friend said Steve came to his house that Friday a bit high with two other men and told him twice in less than 10 minutes that he needed to talk. The friend said at the time it didn't seem urgent and failed to pursue it any further.

On Saturday, Steve worked a flea market with his dad, who later said when his only son left he somehow knew it would be their last moments together. "I watched him until he went out of sight."

That afternoon, those who saw him say Steve arrived "sideways" at a house being renovated by some acquaintances. At some point, they say, he passed out in the front yard and was taken inside before being left alone while the others reportedly went to a bar. When they returned, Steve was dead and his war was over. The cause of death has not been determined. But there is little doubt substance abuse played some part.

Some of those who gathered in the upper East Tennessee cemetery that day are likely fighting the same war. Gathering around the grave site, they took on the appearance of wounded returning from battle.

Surgeon General Joycelyn Elders suggested Tuesday that legalizing drugs could help make America's streets safer. Responding to questions at a National Press Club luncheon after a speech decrying violence, Elders said 60 percent of violent crimes are drug- or alcohol-related.

"Many times they're robbing, stealing and all of these things to get money to buy drugs," she said. "I do feel that we would markedly reduce our crime rate if drugs were legalized."

The nation's top doc and those of her ideological ilk who engage in the Bob Marley-esque chant of "legalize it . . . legalize it" appear to have tunnel vision on this issue. Yes, drug gangs and their violence would likely disappear; maybe thefts would even drop in correlation to the reduced cost of drugs. But has the lack of prohibition cut down on alcohol-related deaths? The numbers tell a different story.

While Elders is off the wall, Lee P. Brown, the director of the Office of National Drug Control Policy at the White House, is on target: Legalization, he said, is "a formula for self-destruction" and would inflict "terrifying damage" on communities already torn apart by drugs.

If Elders and others would like to study the issue, they should stroll to the nearest cemetery. Or, better yet, walk a mile in Steve's shoes. He doesn't need them anymore.

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## TESTIMONY OF JOHN D. HOLUM, DIRECTOR OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY AND SECRETARY OF STATE WARREN CHRISTOPHER

## HON. H. MARTIN LANCASTER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. LANCASTER. Mr. Speaker, I submit for insertion into the RECORD the testimony by the Honorable John D. Holum, Director of the U.S. Arms Control and Disarmament Agency and Secretary of State Warren Christopher before the Senate Committee on Foreign Relations.

## TESTIMONY BY JOHN D. HOLUM, DIRECTOR, U.S. ARMS CONTROL AND DISARMAMENT AGENCY ON THE CHEMICAL WEAPONS CONVENTION MARCH 22, 1994

### INTRODUCTION

Mr. Chairman, at the outset, I would like to thank you for scheduling this first ratification hearing on the Chemical Weapons Convention. Today's hearing demonstrates strong United States leadership in global arms control. Your efforts will surely encourage other countries to proceed on the road to ratification, permitting the Convention's entry into force early next year.

Stopping the proliferation of weapons of mass destruction is at the very top of President Clinton's foreign policy agenda. When I became director of ACDA, the President urged me to spare no effort to halt the serious threat that these weapons pose to our country and to world peace. The Chemical Weapons Convention is a critical element of our nonproliferation efforts. I appear before you today in support of the President's pledge to the American people: that his Administration will marshall all the necessary resources and efforts to combat the scourge of chemical and other weapons of mass destruction.

### CWC AS A BREAKTHROUGH: HISTORICAL BACKGROUND

The Chemical Weapons Convention is an extraordinary arms-control achievement. As you know, chemical weapons have long been recognized as a profoundly inhumane and indiscriminate method of warfare. As long ago as 1925, the Geneva Protocol banned the use of chemical weapons in war. However, reservations turned the Protocol into a no-first-use treaty. The right to develop and maintain chemical arsenals remain intact—meaning that states could keep them on hand for ready use if they were so inclined.

Recognizing the obvious limits of the 1925 Protocol, the international community struggled, over a 25-year period, to negotiate a comprehensive chemical weapons convention. These negotiations have taken place in Geneva in the Conference on Disarmament. When the negotiations at last concluded in September 1992, the Conference had fashioned a treaty regime with the most comprehensive ban ever devised against a single type of weapon of mass destruction. The Bush Administration joined 129 other nations in signing the Chemical Weapons Convention on January 13, 1993, making it possible to close the door against not only use of chemical weapons but virtually every other activity associated with an offensive chemical weapons program.

The Arms Control and Disarmament Agency played the lead role in negotiating the Chemical Weapons Convention, championing it in the Conference on Disarmament's Ad Hoc Committee in Geneva and providing leadership in Washington. ACDA has also supplied leadership in the work of the Chemical Weapons Convention's Preparatory Commission in the Hague. Our Agency will continue its active role upon entry into force of the Convention, as the executive office of the U.S. National Authority which will oversee implementation of the CWC.

### THE CHEMICAL WEAPONS THREAT

The members of the Committee are well aware of the dangers posed by chemical weapons. During negotiations on the Convention, we focused on the need to eliminate the Soviet chemical threat to the U.S. and NATO. Now, the Soviet Union is no more and the risk that Russia will use the chemical weapons it inherited from the Soviet Union against the U.S. and NATO has substantially diminished. But the worldwide threat has grown and chemical weapon threats today are far more diverse and geographically diffuse than in the past. We need the Convention to address the Russian stockpile but also, perhaps more importantly, as a critical tool to eliminate other chemical weapons arsenals and prevent further CW proliferation.

Approximately 25 nations are now suspected of either possessing chemical weapons or having the capability to produce them. Among them are Iraq and Libya—countries not know for their restraint. Chemical weapons have been termed the "poor man's nuclear bomb" because they can be manufactured from chemicals that, although they are in many cases controlled, are nevertheless available for purchase. And now, the dangers from chemical weapons are aggravated by the production and potential proliferation of ballistic missiles that can hurl a CW warhead hundreds of miles. Moreover, unlike the nuclear threshold, the chemical weapons threshold has proved all too easy to cross.

In the twentieth century, nuclear weapons have been used but once, when they were employed to end the Pacific War. During this same time, however, nations repeatedly have unleashed chemical weapons to achieve their military or political goals. Our soldiers were gassed in World War I. Chemical weapons were used in Ethiopia in the 1930s, in Manchuria in the 1940s and in Yemen in the 1960s. During the Iran/Iraq war, chemical attacks became commonplace. Saddam Hussein dropped chemical bombs on the Kurds in order to suppress their rebellion in 1989. As recently as the Persian Gulf War, our troops faced a potential chemical weapons threat from Iraq.

It is important that three-quarters of the 25 countries identified as having a chemical weapons potential have signed the CWC. We want them to ratify it as well, and ultimately to attain universal adherence.

### KEY ELEMENTS OF THE CWC

Mr. Chairman, the CWC is both a disarmament and a nonproliferation Treaty. It establishes an unprecedented global norm against chemical weapons that, over time, will help eliminate this serious threat to our country and to world peace:

As President Clinton has emphasized, the CWC bans an entire class of weapons of mass destruction. It prohibits not only any use of these heinous weapons, but also virtually every other chemical-weapon related activity. This includes their acquisition, development, production, stockpiling, retention, and transfer by a party from the day the Convention enters into force.

It requires the total destruction of chemical weapons and production facilities, except facilities the CWC international organization explicitly permits to be converted to peaceful purposes.

It forbids any military preparations to use chemical weapons.

It is the first arms-control treaty with significant implications for the private sector—and for this reason, the chemical industry has been closely consulted and involved at every stage of negotiations.

It is the first arms-control treaty that penalizes countries that do not join.

Let me amplify on some of these elements of the Treaty:

### VERIFICATION

The Convention contains an unprecedented verification regime, coupled with provisions for dealing with parties that do not comply with their obligations. The CWC is the first multilateral treaty to require intrusive, short-notice challenge inspections of declared and undeclared sites.

Through required declarations and routine inspections, information will be obtained about other countries' chemical weapons capabilities and destruction activities. If, as a result of this information or other information obtained by national intelligence means, we suspect another country of illicit chemical weapons activities, we can initiate on-site challenge inspections under the treaty.

While no treaty is one hundred percent verifiable, the CWC will increase the risk of detection and therefore help deter illicit chemical weapons activities. Its declaration and inspection provisions will put us in a better position than we are now to identify and detect clandestine CW efforts. In the largest sense, we are building a web of deterrence, detection and possible sanctions that reduces the incentives for states to build chemical weapons.

The Convention also requires other countries to destroy their chemical weapon stocks in a safe and environmentally-sound manner. We will be able to satisfy ourselves, during the destruction process, that other countries have met their environmental and safety obligations.

### PROTECTION OF SENSITIVE AND CONFIDENTIAL INFORMATION

The CWC's verification regime strikes a reasonable balance between the need to verify compliance, on the one hand, and the need to protect sensitive government information and proprietary information, not related to chemical weapons. In particular, the Convention's provisions for challenge inspections allow parties to protect such information by managing access to sensitive or private facilities.

All inspections to verify compliance with the CWC will be carried out fully in accordance with the U.S. Constitution. The implementing legislation for the Convention will ensure that activities will be conducted without infringing upon constitutional protections.

### TREATY SANCTIONS

If a country does not meet its CWC obligations, it could face serious penalties. Violating the Convention will carry with it a demonstrable political price. In cases of serious violations, the CWC organization can recommend the imposition of collective sanctions on a country engaging in illicit chemical weapons activities. In cases of particular gravity, it must bring the matter to the attention of the U.N. General Assembly and Security Council. Finally, individuals and corporations are also subject to the prohibitions of the Convention and can be prosecuted in national courts.

### CONCERN ABOUT STATES THAT DO NOT JOIN THE CONVENTION

Mr. Chairman, let me anticipate a question: why should we ratify the CWC and give up our chemical weapons when we cannot be sure that states we are most concerned about will also join? The answer to that question has three parts. First, we have already decided to eliminate a large part of our chemical arsenal. Congress has directed the Defense Department to destroy our unitary chemical weapons stockpile and make plans to destroy all other chemical weapons material that is banned by the CWC. As we unilaterally dismantle our own chemical weapons, it makes sense to seek the destruction of other countries' chemical weapons as well. The Convention imposes binding obligations on all parties to do what the United States has already begun to do. So the Convention has great value even if a few radical states do not join at the outset.

Second, we are convinced that the answer to the use of chemical weapons must not be retaliation in kind, but rather a full range of defensive measures—such as filtering systems for tanks and lightweight anti-chemical weapons gear—coupled with a strong deterrent. The Persian Gulf War provided a convincing, real life demonstration that the U.S. military is highly capable of deterring or responding to a chemical weapons threat with superior conventional military force and strategy.

The U.S. Government has long recognized that we do have a need to maintain our defensive chemical weapons programs as well as a need to give assistance to countries that are threatened or attacked with chemical weapons. The CWC explicitly allows both these measures. Many countries view these provisions as a significant incentive to join the Convention. I can assure you that the U.S. has developed and will continue to develop defensive, protective measures that fully protect our military forces against all chemical weapon threats.

The third part of my answer to the question of why we should ratify the CWC, even if certain states do not join, in this: by establishing a global norm against chemical weapons, the Convention will give the U.S. and world community a more effective means of pressuring radical governments to abandon their CW capabilities. The CWC also contains specific provisions for penalizing countries that do not join. States remaining outside the Convention will be denied access to State Party trade in specified chemicals that are important not only to CW production but also to industrial development and growth. These states will soon be viewed as pariahs and subjected to international pressure to abide by the Convention's global norm banning CW. Over time, we would hope that states will realize the high political and economic costs of remaining an outlaw and seek to become members.

### THE U.S. DEMIL PROGRAM

Our own obligations under the Convention can be met safely and on time. The dangers of leakage and contamination from storing highly-toxic chemical weapons outweigh any potential risk from destroying our CW stocks. The National Research Council rendered this judgment last month when it reported on the Army's Baseline program to destroy our chemical weapons in high-temperature incinerators. The NRC said: "The baseline system has been demonstrated as a safe and effective disposal process for the stockpile. . . . Delays in disposal operation can only increase the already cumulative risk of accidental release from storage . . . and they can add to the risks of disposal as agents and munitions continue to deteriorate. . . . The Committee believes that the disposal program should proceed expeditiously."

Clearly, the Baseline program will eliminate a serious risk to the health of our people and the quality of our environment. Investing in near-term destruction of chemical weapons through the Baseline program therefore makes good environmental policy as well as arms control sense.

### BIPARTISAN SUPPORT AND SUPPORT FROM KEY CONSTITUENCIES

I would like to emphasize, Mr. Chairman, that this ratification effort is a strong example of bipartisanship and continuity. It was President Bush's deep personal commitment to the cause of banning chemical weapons that led the United States finally to conclude this treaty, which the U.S. signed seven days before he left office. President Clinton has made the Convention a foreign policy priority of his Administration as well, stressing it in his address to the United Nations last September and in his State of the Union Address in January.

The Convention also enjoys strong support from affected constituencies. The final text of the Convention reflected the views of the U.S. military, the intelligence community, the chemical industry and the Congress—all of which have a compelling interest in the treaty and especially its verification provisions. Prior to signing the CWC, the U.S. Government conducted a thorough interagency review of the entire treaty, and decided that the balances it struck adequately protect U.S. interests. The Chemical Manufacturers Association has fully endorsed the Convention on behalf of its members and other trade associations have expressed their support. During the ratification hearings, you will be hearing from numerous witnesses from the U.S. Government and industry who strongly support the Convention.

### CONCLUSION

I would like to conclude my testimony today where I began—with the threat to our nation's security and to world peace from chemical weapons. Mr. Chairman, by joining other countries to ban chemical weapons, we have directly confronted a major threat of the post-Cold War period. The convention will go a long way to preventing radical states from acquiring and using chemical weapons against innocent people.

The Convention will delegitimize chemical weapons by establishing a global norm prohibiting their development, production, acquisition, stockpiling, retention, transfer and use.

It will help inhibit the spread of chemical weapons by prohibiting parties from assisting others in acquiring them.

It will help stop the future use of chemical weapons by providing for the possibility of sanctions against users and providing for assistance to victims.

It will establish a basis in international law for dealing with CW programs that threaten global and regional security.

Finally, the CWC will deter the many countries that are capable of producing chemical weapons from proceeding down this dangerous path.

I urge the Senate to fully consider the Chemical Weapons Convention and swiftly give its advice and consent to ratification. Other nations now look to the Senate for a firm sign of America's commitment to the Convention and to its earliest entry into force. Prompt Senate action will send an unmistakable message to other countries, friends and even adversaries, that the United States means business. You will demonstrate conclusively that the U.S. stands four-square behind this new global regime that demolishes, once and for all, the claimed legitimacy of chemical weapons and halts their further proliferation. U.S. leadership in this matter will enhance the effectiveness of our other arms-control efforts—including a Comprehensive Test Ban Treaty and indefinite extension of the Nonproliferation Treaty.

In sum, early ratification of the CWC will underscore U.S. leadership, establish a vital arms control precedent, and help secure a safer world for us all. I thank you for your attention and I urge you to meet the President's challenge of early advice and consent so that the Convention can enter into force at the earliest possible date—January 1995.

### STATEMENT BY SECRETARY OF STATE WARREN CHRISTOPHER, MARCH 22, 1994

Mr. Chairman: I am here today to express strong support for the Chemical Weapons Convention and to seek the Senate's expeditious advice and consent to its ratification. As you know, non-proliferation is a strategic priority of our foreign policy and the most urgent arms control issue of the 1990s.

Before I discuss the Chemical Weapons Convention, let me say a few words about a non-proliferation issue that has certainly been on all of our minds these last few weeks: the international effort to halt North Korea's nuclear program. I think it might be quite surprising if I appeared today without referring to this issue.

Over the last year, since North Korea announced its intention to withdraw from the Nuclear Non-Proliferation Treaty (NPT), we have pursued a steady, deliberate policy. Our objective has been to bring North Korea back into full compliance with its NPT obligations and to restart talks with the Republic of Korea aimed at a denuclearized Korean peninsula.

As you know, our diplomatic efforts have reached an impasse. The North Koreans did not permit the International Atomic Energy Agency (IAEA) to conduct essential activities during its recent inspection. As a result, the Agency is unable to certify that the North is not diverting or producing nuclear material for non-peaceful purposes. Yesterday, the Agency's Board of Governors passed a resolution referring this matter to the UN Security Council. The North also has broken off negotiations with the South on exchanging envoys to discuss the nuclear issue.

We will now turn to the Security Council, where deliberations have already begun. We expect that the Council will soon consider a resolution calling on the North to complete the inspections. If there is no change in the North's attitude, sanctions will be an option. The United States will seek the broadest possible international support to persuade North Korea to comply with its international non-proliferation obligations.

Our diplomacy has reached a critical point. We have made it clear to North Korea that it must become a responsible member of the international community or that community will have no choice but to pursue progressively stronger measures.

Our commitment to South Korea's security remains firm. We are prepared to take all steps necessary to ensure that the North does not misread our determination to deter aggression. The United States and South Korea offered to suspend the Team Spirit '94 military exercise on the premise that North Korea would fully implement the IAEA inspection and exchange envoys with the South to discuss the nuclear issue. Because these steps have not taken place, we are consulting with South Korea on rescheduling Team Spirit '94.

The United States and South Korea have agreed to deploy Patriot missiles to South Korea immediately. The deployment is a prudent and defensive response to the threat posed by North Korea's ballistic missiles.

Mr. Chairman, this is a difficult situation. It remains a critical issue in our foreign policy and we will continue on a steady and resolute path to resolve it.

Let me now turn to our discussion of the Chemical Weapons Convention. Ratification of the Convention is a top legislative priority for this Administration.

President Clinton has described the Convention as one of the most ambitious treaties in the history of arms control, one that bans an entire class of weapons of mass destruction. It will significantly enhance our national security and contribute greatly to global security.

In his speech to the U.N. General Assembly last September, the President called on all countries to ratify the Convention quickly so it can enter into force at the earliest possible time, January 13, 1995. To meet this goal, the United States and others must complete their ratification procedures in time to deposit their instruments with the UN Secretary-General by July 17.

This hearing marks a historic and critical step toward bringing the Chemical Weapons Convention into force. For more than 25 years, during Republican and Democratic administrations, the United States has participated in international negotiations on the Chemical Weapons Convention. The Convention would help fulfill a U.S. objective of even longer standing—the global elimination of chemical weapons.

Much has been done in the last two years to achieve this goal. The Bush Administration helped conclude negotiations in Geneva; the UN endorsed the Convention; the Convention was opened for signature in Paris; the Convention was signed by Secretary Eagleburger on behalf of the United States and, to date, by more than 150 other countries; and President Clinton submitted the Convention to the Senate on November 23, 1993.

Other nations are awaiting U.S. action. They are looking to us to exert the leadership that is necessary to bring this treaty into force. Every move we make on the Convention sends an important message around the world. For that reason, Senate action is now vital.

The Chemical Weapons Convention is both a disarmament and a non-proliferation treaty. It addresses the demand for, and the supply of, chemical weapons. It requires parties to destroy their chemical weapons and production facilities and to open their chemical industries to international inspection. It prohibits them from transferring chemical weapons to others or assisting any other nation in any activity prohibited under the Convention. States that are party to the Convention also must ban trade in specified chemicals with countries that decline to join the Convention. Finally, in the event chemical weapons are used or threatened to be used against parties, the Convention contains procedures for assistance to those endangered or threatened.

The Convention promises to eliminate a scourge that has hung over the world for almost 80 years. Unfortunately, the threat chemical weapons pose to innocent civilians is not merely theoretical. Chemical weapons have been used in the First World War, in local conflicts ranging from Ethiopia in 1935 to the Iran-Iraq War in the 1980s, and by Iraq against its citizens.

The United States originally pursued the Convention during the Cold War to eliminate massive Soviet stockpiles. Now, with the support of Congress, we are helping Russia destroy its chemical weapons. The United States already is legally required to eliminate the majority of our stockpile, irrespective of the Convention, and we are doing so. U.S. ratification will encourage Russia to ratify as well, and to destroy the huge stocks it inherited from the former USSR.

The Convention is even more important in addressing the threat posed by chemical weapons in regions such as the Middle East and South Asia. The Convention can play a vital role in stabilizing the post-Cold War world, a world in which dangerous low-intensity conflicts can be made even more lethal by chemical weapons. The Convention's destruction and verification provisions can build confidence among potential rivals that they need not fear a chemical arms race.

The Convention's export-control requirements and its prohibitions on assistance to chemical weapons programs in other countries will support our global strategy of curbing the spread of weapons of mass destruction. They also will complement the Nuclear Non-Proliferation Treaty and the Biological Weapons Convention.

Most important, the Convention will help protect our allies and friends from chemical attack, as well as our troops deployed abroad. American leadership is essential to persuade other countries to ratify the Convention. We cannot lead if we have not ratified the Convention. I urge the Senate to heed the President's call and to provide your expeditious advice and consent to ratification. With your help, we can continue longstanding, bipartisan efforts to achieve a global ban on these terrible weapons.

Mr. Chairman, I would like to now turn the floor over to the Director of ACDA, John Holum, an old friend and colleague. We are working closely together to execute our arms control and non-proliferation policy, and John will continue to spearhead our efforts to achieve the earliest possible entry into force of the Convention.

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## HONORING MONROE ELEMENTARY SCHOOL ON THE OCCASION OF ITS 100TH ANNIVERSARY

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 13, 1994*

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to Monroe Elementary School in Sandusky, Ohio, on the occasion of its 100th anniversary of service to the community.

Mr. Speaker, in 1894, President Cleveland was in the middle of his second term as President. The quickest way to travel was by train and our Nation consisted of 44 States. It was at this time, in Sandusky, Ohio, Monroe Elementary School opened its doors for the first time to the youth of the surrounding community. Who could have known then that the school would still be educating children as we prepare to enter the 21st century?

The school has endured and thrived by enacting a simple but firm mission. They believe all children can learn, and all efforts are directed toward creating an educational atmosphere that will maximize student growth. The entire staff strives to achieve on this mission every day.

The schoolhouse has been a source of civic pride for a century now. The unique design solidifies its place as a local landmark. This monument does not survive on structure alone, however. The building is a testament to the dedication of generations of parents and teachers to providing quality education.

The teachers at Monroe are themselves an example of excellence and dedication. The average length of experience is 14 years, with many teachers approaching their 30th year in education. This anniversary is a tribute to their talent and success.

Mr. Speaker, as the school marks its 100th year of service, we commemorate the past and celebrate the future. A new generation of residents continues the exemplary record of community pride and educational excellence that distinguishes Monroe. I ask my colleagues to join me in honoring this special building.

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## SENATE COMMITTEE MEETINGS

**Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.**

**As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.**

**Meetings scheduled for Thursday, April 14, 1994, may be found in the Daily Digest of today's RECORD.**

### MEETINGS SCHEDULED

APRIL 18

2:00 p.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for Small Community and Rural Development, Science and Education, Agricultural Research Service, Cooperative State Research Service, Extension Service, and Alternative Agricultural Research and Commercialization, all of the Department of Agriculture.

SD-138

Armed Services

Coalition Defense and Reinforcing Forces Subcommittee

Military Readiness and Infrastructure Subcommittee

To hold joint hearings to review the implementation in the Department of Defense of the lessons learned from the Persian Gulf conflict.

SR-232A

APRIL 19

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the recent failure of a natural gas pipeline in New Jersey and current policies regarding pipeline rights of way in congested urban areas.

SD-366

Governmental Affairs
To resume hearings to examine the impact of unfunded Federal mandates on how State and local governments provide programs, services, and activities, and on related measures including S. 563, S. 648, S. 993, and S. 1604.
SD-342

Rules and Administration
To resume hearings on S. 1824, to improve the operations of the legislative branch of the Federal Branch, focusing on Subtitle A, Parts I and II of Title III, relating to Congressional biennial budgeting and additional budget process changes.
SR-301

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on manpower and personnel issues.
SD-192

Armed Services
Regional Defense and Contingency Forces Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and the future years defense program, focusing on C-17 settlement and strategic mobility issues.
SR-222

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings to examine patent issues in Federally funded research, focusing on the implementation of the Government Patent Policy Act (P.L. 96-517).
SD-226

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for foreign assistance programs.
SD-138

Armed Services
Nuclear Deterrence, Arms Control, and Defense Intelligence Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense, and the future years defense program, focusing on the Department of Energy's environmental restoration and waste management programs.
SR-222

Veterans' Affairs
To hold hearings to examine proposals to finance veterans health care reform.
SR-418

APRIL 20

9:30 a.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense, and to review the future years defense program, focusing on the unified commands military strategy and operational requirements.
SR-222

Energy and Natural Resources
To hold hearings to review the Department of the Interior's proposed rule to amend the Department's regulations concerning livestock grazing, and on S. 1326, to establish a forage fee formula on lands under the jurisdiction of the Department of Agriculture and the Department of the Interior, and S. 896, to revise the Federal Land Policy and Management Act of 1976 to promote ecologically healthy and biologically diverse ecosystems on rangelands used for domestic livestock grazing.
SD-366

Indian Affairs
To hold oversight hearings on the regulation of Indian gaming.
SR-485

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on issues relating to the General Agreement on Tariffs and Trade (GATT).
SD-562

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of the Treasury, and the United States Postal Service.
SD-116

Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings on S. 1404, to revise chapter 111 of title 28, United States Code, relating to protective orders, sealing cases, and disclosures of discovery information in civil actions.
SD-226

APRIL 21

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on intelligence programs.
S-407, Capitol

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Housing and Urban Development.
SD-106

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Fish and Wildlife Service, Department of the Interior.
S-128, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Securities and Exchange Commission, and the Federal Communications Commission.
S-146, Capitol

Commerce, Science, and Transportation
To hold hearings on the nominations of Ricardo Martinez, of Louisiana, to be Administrator, National Highway Traffic Safety Administration, Department of Transportation, and Carrye Burley Brown, of the District of Columbia, to be Administrator, United States Fire Administration, Federal Emergency Management Agency.
SR-253

2:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Aviation Administration, Department of Transportation.
SD-138

2:30 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research, Conservation, Forestry and General Legislation Subcommittee
To hold hearings to review new management directives for the U.S. Forest Service.
SD-628

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1509, to transfer a parcel of land to the Taos Pueblo Indians of New Mexico, S. 1987, the Santa Fe National Forest Boundary Adjustment Act, S. 1975 and H.R. 2971, bills to establish a grant program to restore and preserve historic buildings at historically black colleges and universities, S. 1980, the Cane River Creole National Historical Park and National Heritage Area Act, and S. 1919, the Rio Puerco Watershed Act.
SD-366

APRIL 22

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine waste, fraud, and abuse in the health care industry.
SD-192

Armed Services
Defense Technology, Acquisition, and Industrial Base Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense, and the future years defense program, focusing on research, development, test and evaluation infrastructure.
SR-222

APRIL 25

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1945, to authorize funds for fiscal year 1995 for certain maritime programs of the Department of Transportation.
SR-253

2:00 p.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for International Affairs and Commodity Programs, Natural Resources and Environment, Agricultural Stabilization and Conservation Service, Foreign Agriculture Service, Soil Conservation Service, and Federal Crop Insurance Corporation, all of the Department of Agriculture.
SD-138

### APRIL 26

9:30 a.m.

Armed Services

Nuclear Deterrence, Arms Control, and Defense Intelligence Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense, and the future years defense program, focusing on the chemical demilitarization program.

SR-222

10:00 a.m.

Appropriations

Defense Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on National Foreign Intelligence Programs (NFIP) and Tactical Intelligence and Related Activities (TIARA).

S-407, Capitol

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Office of Justice Programs, and the Immigration and Naturalization Service, both of the Department of Justice.

S-146, Capitol

2:30 p.m.

Armed Services

Business meeting, to mark up S. 1587, to revise and streamline the acquisition laws of the Federal Government.

SR-222

### APRIL 27

9:30 a.m.

Commerce, Science, and Transportation

To resume hearings on S. 1350, to provide for an expanded Federal program of hazards mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions.

SR-253

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Federal Transit Administration, Department of Transportation, and the Washington Metro Transit Authority.

SD-138

### APRIL 28

9:30 a.m.

Rules and Administration

To resume hearings on S. 1824, to improve the operations of the legislative branch of the Federal Branch, focusing on Subtitle A, Parts I and II of Title III, relating to Congressional biennial budgeting and additional budget process changes.

SR-301

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Environmental Protection Agency, and the Council on Environmental Quality.

SD-106

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the United States Information Agency.

S-146, Capitol

2:30 p.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Bureau of Indian Affairs, Department of the Interior.

SD-116

### MAY 3

9:30 a.m.

Energy and Natural Resources

To hold hearings on Boron-Neutron Cancer Therapy.

SD-366

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for Food and Consumer Services, Food and Nutrition Service, and Human Nutrition Information Service, all of the Department of Agriculture.

SD-138

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on defense conversion programs.

SD-192

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to review the implementation of the Central Valley Project Improvement Act (Title 34 of P.L. 102-575) and the coordination of the program with other Federal protection and restoration efforts in the San Francisco Bay/Sacramento-San Joaquin Delta.

SD-366

### MAY 5

9:30 a.m.

Rules and Administration

To resume hearings on S. 1824, to improve the operations of the legislative branch of the Federal Branch, focusing on Title III, Subtitle B (Staffing, Administration, and Support Agencies), and Subtitle C (Abolishing the Joint Committees).

SR-301

10:00 a.m.

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Legal Services Corporation.

S-146, Capitol

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the National Transportation Safety Board, and the National Highway Traffic Safety Administration, Department of Transportation.

SD-138

### MAY 10

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Commodity Futures Trading Commission, the Farm Credit Administration, and the Food and Drug Administration, Department of Health and Human Services.

SD-138

### MAY 11

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the National Park Service, Department of the Interior.

S-128, Capitol

### MAY 12

9:30 a.m.

Rules and Administration

To hold hearings on proposed legislation authorizing funds for fiscal year 1995 for the Federal Election Commission.

SR-301

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Corporation for National and Community Service.

SD-106

### MAY 17

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on the Pacific Rim, NATO, and peacekeeping programs.

SD-192

### MAY 19

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense.

SD-192

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Veteran's Affairs, and the Selective Service System.

SD-106

### MAY 20

9:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Departments of Veteran's Affairs and Housing and Urban Development, and independent agencies.

SD-138

MAY 25

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of the Interior.
S–128, Capitol

MAY 26

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the National Aeronautics and Space Administration.
SD–106

JUNE 8

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings proposed budget estimates for fiscal year 1995 for the Department of Energy.
S–128, Capitol

JULY 19

10:00 a.m.
Appropriations
Defense Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1995 for the Department of Defense.
SD–192

## CANCELLATIONS

APRIL 14

9:30 a.m.
Governmental Affairs
To hold hearings to examine Environmental Protection Agency financial and contract management activities.
SD–342

## POSTPONEMENTS

APRIL 14

10:00 a.m.
Foreign Relations
To hold hearings on the nomination of Melvyn Levitsky, of Maryland, to be Ambassador to the Federative Republic of Brazil.
SD–419